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CONGRESSIONAL GLOBE,

CONTAINING

SKETCHES OF THE DEBATES AND PROCEEDINGS

OF THE

TWENTY-SIXTH CONGRESS.

BLAIR AND RIVES, EDITORS.

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IN SENATE,

MONDAY, December 2, 1839.

At 12 o'clock, the Senate was called to order by the Hon. W. R. KING of Ala. president *pro tem.* when the following Senators appeared in their seats:

MAINE.
Mr. WILLIAMS, Mr. RUGGLES.
NEW HAMPSHIRE.
Mr. HUBBARD, Mr. PIERCE.
MASSACHUSETTS.
Mr. DAVIS.
NEW YORK.
Mr. WRIGHT, (One vacancy.)
NEW JERSEY.
Mr. WALL, Mr. SOUTHARD.
PENNSYLVANIA.
Mr. BUCHANAN, (One vacancy.)
DELAWARE.
Mr. CLAYTON, (One vacancy.)
VIRGINAI.
Mr. ROANE, (One vacancy.)
NORTH CAROLINA.
Mr. BROWN. Mr. STRANGE.
SOUTH CAROLINA.
Mr. CALHOUN.
GEORGIA.
Mr. LUMPKIN.
ALABAMA.
Mr. KING, Mr. CLAY.
MISSISSIPPI.
Mr. WALKER.
TENNESSEE.
Mr. WHITE.
KENTUCKY.
Mr. CRITTENDEN, Mr. CLAY.
OHIO.
Mr. ALLEN.
INDIANA.
Mr. SMITH.
ILLINOIS.
Mr. ROBINSON, Mr. YOUNG.
MISSOURI.
Mr. LINN, Mr. BENTON.
MICHIGAN.
Mr. NORVELL, (One vacancy.)
ARKANSAS.
Mr. FULTON.

Mr. ALLEN presented the credentials of the Hon. BENJAMIN TAPPAN, elected by the Legislature of the State of Ohio a Senator from that State, to serve for six years from the 4th of March last.

Mr. SMITH of Indiana presented the credentials of the Hon. ALBERT S. WHITE, elected by the Legislature of the State of Indiana a Senator from that State, to serve for six years, from the 4th of March last.

Mr. CRITTENDEN presented the credentials of the Hon. THADDEUS BETTS, elected by the Legislature of the State of Connecticut, a Senator from that State, to serve for six years from the fourth of March last.

The usual oath was then administered by the CHAIR to Messrs. TAPPAN, WHITE, and BETTS, whose credentials were just read; and to Messrs. BENTON, SOUTHARD, and WILLIAMS, whose credentials were presented at the last session.

On motion of Mr. WALKER,

Ordered, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

On motion of Mr. WRIGHT,

Resolved, That a committee be appointed to join such committee as may be appointed on the part of the House of Representatives to wait on the President of the United States, and inform him that a quorum of the two Houses had assembled, and that Congress is ready to receive any communications he may make; whereupon,

Messrs. WRIGHT and ALLEN were appointed the committee on the part of the Senate.

On motion by Mr. KNIGHT, the usual order for furnishing Senators with newspapers, not to exceed the price of three daily papers, was agreed to.

SMALL NOTES IN THE DISTRICT.

Mr. BENTON gave notice that, at the earliest day in which it would be in order to do so, he would ask leave to bring in a bill providing for the summary collection of the notes of the banks in the District of Columbia, under the denomination of twenty dollars.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Dec. 2, 1839.

This being the day set apart by the Constitution for the assembling of the two Houses of Congress, at 12 o'clock, m. the Clerk (Mr. GARLAND) called the House to order, and said:

According to the usual practice, gentlemen, I am prepared, if it is the pleasure of the House, to proceed to call the names of members of Congress elected to the Twenty-sixth Congress, first session.

The CLERK then called over the names of the following gentlemen, who appeared to be in their seats:

MAINE.
1 District, Nathan Clifford,
2 " Albert Smith,
3 " *Benjamin Randall*,
4 " *George Evans*,
5 " Virgil D. Parris,
6 " Hugh J. Anderson,
7 " Joshua A. Lowell,
8 " Thomas Davee.

NEW HAMPSHIRE.
Chosen by General Ticket.
Tristram Shaw,
Ira A. Eastman,
Charles G. Atherton,
Edmund Burke,
Jared W. Williams.

CONNECTICUT.
1 District, *Joseph Trumbull*,
2 " *William L. Storrs*,
3 " *Thomas W. Williams*,
4 " *Thomas B. Osborne*,
5 " *Truman Smith*,
6 " *John H. Brockway*.

VERMONT.
1 District, *Hiland Hall*,
2 " *William Slade*,
3 " *Horace Everett*,
4 " John Smith,
5 " Isaac Fletcher.

MASSACHUSETTS.
1 District, *Abbot Lawrence*,
2 " *Leverett Saltonstall*,
3 " *Caleb Cushing*,
4 " William Parmenter,
5 " *Levi Lincoln*,
6 " [Vacancy.]
7 " *George N. Briggs*,
8 " *William B. Calhoun*,
9 " *William S. Hastings*,
10 " Henry Williams,
11 " *John Reed*,
12 " *John Quincy Adams*.

RHODE ISLAND.
Chosen by General Ticket.
Joseph L. Tillinghast,
Robert B. Cranston.

NEW YORK.
1 District, Thomas B. Jackson,
2 " James de la Montayne,
3 " *Ogden Hoffman*, *Edward Curtis*, *Moses H. Grinnell*, *James Monroe*,
4 " Governeur Kemble,
5 " *Charles Johnson*,
6 " Nathaniel Jones,
7 " *Rufus Palen*,
8 " Aaron Vanderpoel, John Ely,
9 " *Hiram P. Hunt*,
10 " *Daniel D. Barnard*,
11 " *Anson Brown*,
12 " *David Russell*,
13 " Augustus C. Hand,
14 " John Fine,
15 " *Peter J. Wagoner*,
16 " Andrew W. Doig,
17 " John G. Floyd, David P. Brewster,
18 " *Thomas C. Crittenden*,
19 " John H. Prentiss,
20 " Judson Allen,
21 " *John C. Clark*
22 " S. B. Leonard, Amasa Dana,
23 " Edward Rogers, Nehemiah H. Earl,
24 " *Christophee Morgan*,
25 " Theron R. Strong,
26 " *Francis P. Granger*,
27 " Meredith Mallory,
28 "
29 " *Seth M. Gates*,
30 " *Luther C. Peck*,
31 " *Richard P. Marvin*,
32 " *Mallard Fillmore*,
33 " *Charles F. Mitchell*.

NEW JERSEY.
Joseph F. Randolph,

When the CLERK arrived at this part of the roll, he stated that there was conflicting evidence with regard to the election of five members from this State, and asked if it was the pleasure of the House that he should pass over their names until the call of the balance of the roll was completed.

Mr. MAXWELL wished to know what this evidence was, or whether the usual evidence was produced on both sides.

The CLERK asked if it was the pleasure of the House that he should make a statement as to the usual course of proceeding?

Several members called for the reading of the evidence.

The CLERK then read the commission of Mr. Aycrigg, signed by Governor Pennington, and stated that there were five other commissions in his possession in the same style.

Mr. MERCER then called for the reading of the law of New Jersey on this subject.

Mr. CAVE JOHNSON desired that the evidence on the other side be read by the Clerk before the law was read to the House.

Mr. MERCER stated that his object in having the law read at this stage of the proceeding was to show what could be received as evidence by this body.

Mr. VANDERPOEL contended that all the facts should be laid before the House before the law was read. In the present case, there were conflicting returns and conflicting evidence, and it seemed to him that it would be more in order to read the evidence on both sides before the law was read, than to read the law at the present time.

Mr. TILLINGHAST thought the most proper course would be for the Clerk to read the law now, so that the House might be enabled to decide what could be received as evidence in relation to this matter. When this body heard the law read, then it could decide whether the paper on the other side could be read as evidence.

Mr. JENIFER wished to know of the Clerk, whether there were any other returns in his possession from New Jersey, signed by the Governor of that State, than the six which had been referred to? If there were not, why not proceed to call the roll in the usual manner?

The CLERK here asked if it was the pleasure of the House that he should make a statement in relation to this matter.

Mr. RIVES respectfully suggested the propriety of laying this motion on the table for the present, in order that the roll might be called through, to ascertain whether there was a quorum of members

present. At present nothing could be done. He therefore hoped that the members present would acquiesce in a motion of this kind, in order that the House might immediately proceed with its organization; after which this question could be brought up and acted upon.

Mr. MAXWELL contended that they ought not to adopt this suggestion unless some good reason could be given for passing over the State of New Jersey. There had been sent on to the Clerk certificates in the usual form, which have been read; and it seemed to him that it would be an extraordinary course to pass over the State of New Jersey, after these certificates had been produced.

The CLERK then said that there were three propositions brought to the notice of the body—one to read the law, the other to read the testimony in the possession of the Clerk, and the third to pass over the State of New Jersey until it was ascertained whether there was a quorum in attendance in the House.

Mr. WISE said, that before any motion was put to the body, he wished to know who was to vote on the motion to lay this question on the lable. Had the names of a quorum been called over? If not, who were entitled to vote on this question? If the question was put before the roll was called over, who was entitled to vote? Would the CLERK answer what was the usual course in a case of this kind? Had he (Mr. W.) a right to vote on this question?

The CLERK said it was not for him to decide as to what course the House ought to pursue in relation to this matter.

Mr. WISE. Has any member a right to move to lay this matter on the table?

The CLERK said that would be a matter for the House to decide.

Mr. MERCER thought that the motion of his colleague [Mr. RIVES] would raise the very difficulty which it was the desire of the gentleman to avoid. To avoid difficulty, however, he (Mr. M.) would consent that all the testimony should be read before the law was read; but then he desired to have the law read, in order that gentlemen might see what could be taken as evidence in the present case.

Mr. RIVES did not desire that a vote should be taken upon the question of passing over the State of New Jersey, but hoped that it might be done by the general consent of the members present, in order that the CLERK might go on and ascertain whether there were a quorum of members in attendance. Whan this was done the House could immediately return to this question, and receive evidence on both sides; examine, discuss, and come to correct conclusions upon it. He hoped there would be a general disposition on the part of gentlemen to pursue this course.

Mr. HOFFMAN said the proposition was to call the roll of the House. What roll of the House? Who are the members who are called upon to decide this question? Who but those holding the legal certificates? The Clerk had no right to call his name, unless he produced on his table a legal certificate. The gentlemen from New Jersey, whose names have been called, have produced the legal certificates from the Governor, and are as much entitled to their seats as any member of this House. If there were two sets of certificates from the Governor of New Jersey of equal force and effect, then there might be some reason for passing by that State; but as that was not the case, and as the gentlemen named had laid the only legal evidence of election before the House, it would be incompetent for the body to pass over the State of New Jersey, and proceed in calling the balance of the roll.

Mr. HALSTEAD said he was one of the members from New Jersey, and he demanded, as a Representative of the sovereign State of New Jersey, that his name should be called. The only reason given by the CLERK for not calling his name was, that there was other evidence upon his table, and that there were other persons claiming the seats of the members from New Jersey. He would ask the CLERK, however, whether this other evidence was under the seal of the State of New Jersey, and produced according to the known and established usages of that State, from the formation of its Constitution to the present day. He maintained that he had *prima facie* evidence that he was entitled to a seat on that floor, because he had a commission from the Governor, under the broad seal of the State, and that the CLERK was bound to call his name. He and his colleagues had their commissions from the Governor of New Jersey, the proper officer to give commissions; and he asked what authority had this House, or any House, to say that those certificates should be disregarded, and that the State of New Jersey should be passed by? There was no authority—there was no power under the Constitution to do so. The Constitution of the United States says that the times, places, and manner of holding elections, shall be prescribed by the Legislature of each State. Then, as this matter had been decided upon by the State authority, it is conclusive, until it is reversed by the decision of the House of Representatives, which is alone, under the Constitution, competent to decide on the qualifications of its members. Then his position was, that until this House was properly organized, and decided upon the question, the commission of the Governor must be taken as *prima facie* evidence of his right to a seat on that floor. He argued that he was entitled to his seat until a Speaker was chosen, the oaths were administered, and the question was judicially decided upon by the House; and until that was done, the House had no right to make a judicial decision which might forever destroy the sovereignty of the State of New Jersey. For this reason he could not consent to submit this question to the decision of gentlemen here. He could not tell who were entitled to vote upon it, nor could the CLERK undertake to decide who should vote on the question. Was he to vote upon the question, or was he to withdraw? The question, in his opinion, had already been decided by the only competent tribunal, and that decision must stand until reversed by the decision of the House, after it was properly organized.

Mr. H. then read the law of New Jersey on the subject, quoted the case of the Mississippi election, the case of Spalding and Mead, and of Moore and Letcher, in support of the position which he had taken, and argued that the certificate of the Governor, whether given properly or not, was conclusive evidence of his right to a seat in the first instance, and that he was entitled to hold it until the House was organized and the matter was decided, upon the petition of the contesting members.

Mr. TILLINGHAST said he understood that the gentleman from New Jersey (Mr. HALSTEAD) claimed the privilege of having his name called as a member of the 26th Congress; and he claims it because the name of the gentleman immediately before him had been called upon a certificate precisely similar to the one which he presented. You have called Mr. RANDOLPH upon a certificate being produced precisely similar to the one produced by Mr. HALSTEAD; and when that gentleman demands that his name shall be called upon the same kind of a certificate, why do you refuse to call it? You have called the name of Mr. RANDOLPH, and every gentleman agrees that you were right in doing so; then should not the gentleman who has last spoken [Mr. HALSTEAD] be entitled to the same privilege, when he has produced the evidence that he is entitled to his seat in precisely the same terms of the one produced by his colleague? He then referred to Jefferson's Manual to show that a member was entitled to certain privileges by virtue of his election. A member might be named upon a committee before he was sworn in, and his certificate of election gave him the privilege of being exempt from arrest. He also read an extract to the effect that every man who has an interest in the matter must at his peril take notice who are members of either House. There were two powers, he said, which the House might exercise in relation to this matter. The one was to pass upon the elections of Representatives, and the other was the power to judge of the validity of those elections. Congress had passed no law to regulate elections, but had left that matter to the States to regulate. In the present case, an election had been held under the laws of the State of New Jersey, and the Governor had sent to this House the proper certificates of election, and it was incompetent for this House to decide upon the validity of this election until it was properly organized, and the usual oaths had been administered to the members. He contended that the certificate of the Governor was *prima facie* evidence of the right to a seat in the first place, and that the House could not decide upon the validity of the election, until it was properly organized. The certificate of election conferred upon a gentleman all the privileges of a member of the House in the first instance. As he had shown, it protected a gentleman from arrest; and if it protected him from arrest, certainly no man could refuse him any other of the privileges which it might confer upon him. These gentlemen had the certificate of the officer authorized by law to give a certificate, and it seemed to him that it must be the common sense of every man, that they were entitled to their seats until the House decided upon the matter in the usual and proper manner.

Mr. FILLMORE rose for the purpose of asking gentlemen to consent, before debating this matter farther, at least to let all the facts, and the law regarding the case, be laid before them. He was not at all solicitous whether the credentials of the gentlemen from New Jersey which had not been read, or the law of that State on the subject of elections, should be read first. But gentlemen had gone on assuming that certain facts existed of which they had yet no evidence. He hoped, therefore, that the law and the facts would be presented before proceeding any farther.

Mr. SLADE inquired of the CLERK what was the question before the House.

Mr. GARLAND (the CLERK) replied that three propositions had been made. One was that the credentials of the other five members claiming seats from New Jersey should be read; another that the law of the State of New Jersey on the subject of elections be read; and the last, that he (the CLERK) should, passing over the members from New Jersey, whose names had not been called, proceed to call in their order the names of the members from all the other States, respecting whose right to their seats no difficulty had arisen.

Mr. MERCER stated that he had withdrawn his motion to read the law of New Jersey.

Mr. SLADE observed that it had been proposed by the gentleman from New York that the law should be read. Now he desired to know for what purpose the reading of this law was asked for? Was it for the purpose of having any action on it? It would seem to him that it would be idle for the CLERK to rise and read the laws of New Jersey, unless it be for the purpose of enabling him (Mr. S.) and others to decide this question. Now, an objection had been started that he for one could not get over. There was no body as yet competent to decide any question. The CLERK had proceeded to read the names of the members from only a part of the States, amounting to seventy-seven members. Now, the CLERK had not the evidence before him that all these were legally elected. Indeed, he believed, that, as to four-fifths of the members, present, he had no other than newspaper evidence or the evidence of general report, that they were elected. The CLERK, then, had, according to usage, made out a roll of the members of this Congress from the best evidence in his power, and had taken his seat at the table, and called over their names, according to States, until he came to the State of New Jersey, where he stopped, in consequence of a difficulty that presented itself, which he explained to the House. Now the CLERK, as it was apparent to every one, might have proceeded to call over the names of the members in a different order, and no one would have a right to complain. He might have called them over in alphabetical order, for there was nothing obligatory on him to call them over by States. The present rule was merely an arbitrary one, and did not always exist in that body. Well, sir, (continued Mr. S.) the CLERK has presented the name of one member from New Jersey, and reads it, nobody objecting. He then presented the names of five others, and their credentials having been called for, were read,

Then, continued Mr. S. what condition are we placed in? We are proceeding to decide who are, and who are not, entitled to seats from the State of New Jersey, before all the members are called, before they are sworn in, and before a quorum is formed. Can we now decide this question without deciding as to the qualifications of the members from New Jersey, and was the body then in a state to make such a decision? Now this question was the very essence of the whole concern, and we cannot proceed one step, said Mr. S. without deciding it. Then, sir, said he, how can we decide it? Sir, he continued, we cannot decide it at all in the present stage of the proceedings. Some eighty or ninety members only had been called, respecting whose rights to their seats no objection had been made; but there were others in the same situation who had not been called, and who were equally entitled to decide as the first; and he therefore saw no way of getting out of the difficulty into which they had fallen, but by passing over the names of all those members whose right to seats was doubted, and calling the names of those about whom no doubt existed, and by this means form a quorum competent to do business. We might, said Mr. S. talk here till the thirty-first day of December, and be no farther than we are now. But if we proceed in the way suggested, a quorum, when called, would be entitled to decide not only who have the *prima facie* evidence of membership, but who are finally entitled to hold the contested seats. He was for looking at this matter in a practical manner. Both sets of gentlemen from New Jersey might rise and claim the right to take their seats as members from that State; but, said Mr. S. we cannot now decide between them. He had a great respect for those gentlemen from New Jersey, who claimed their seats under the Governor's certificate, and perhaps they were entitled to their seats; but he did not know that they were. Indeed he did not pretend to know any thing about it, and, therefore, was not qualified to decide at present. He could have wished that the CLERK, the moment the question was raised, instead of submitting the decision of it to the House, had assumed upon himself the responsibility, and proceeded to call over the names of the members from the other States, about whom no difficulty existed, passing over those from the State of New Jersey. There was, in fact, no other way of organizing the House. But suppose the members were all sworn in and a quorum was formed, would they then have the right to decide; and if not, was the question to be settled by agreement among the contesting members? Why, in this way, he would undertake to say it would not be settled in six months. He came then to the conclusion, that the moment a quorum was formed, that quorum had the right of deciding who were entitled to seats, as well as the right of deciding who had the *prima facie* evidence of their right to them. He believed that a quorum possessed this right, and he founded his belief on that clause of the Constitution which bore on the subject.

I say, (continued Mr. S.) that when a quorum is formed, they are, *pro hac vice*, a House of Representatives to decide this question. Look at the Constitution, and you will there find that "the House of Representatives shall choose a Speaker." Then, if they may choose a Speaker, why may they not do any other act necessary for their organization? Under all the circumstances, then, he had come to the conclusion that, inasmuch as the question arose with respect to the contested seats of the New Jersey members, before a sufficient number of members had been called to constitute a quorum, there was no way of deciding it in the present stage of the proceedings; and, as far as his humble advice went, he would counsel the CLERK to take the responsibility on himself, and call over the names of the members from the other States, respecting whose right to their seats there was no doubt. The CLERK could not now put any question to the House; and, therefore, he must go on until he can get a sufficient number of names to form a quorum to decide the question.

Mr. MERCER rose, and addressed the House at some length; but, from the noise in the chamber, and his speaking rather in a lower tone than usual, was nearly inaudible throughout. He was understood, however, as contending that it was the duty of the CLERK to call over the names of the gentlemen from New Jersey who claimed to be members in virtue of the Governor's certificate; and that the CLERK, by declining to decide in their favor, had departed from the hitherto established usage of that body. The gentleman from Vermont had said that, as soon as a quorum was formed, this House was competent to decide the question of the qualifications of all the rest of its members. Now, (said Mr. M.) suppose we have called one hundred and twenty-two members, shall they have the power to decide upon the qualifications of all the rest? This was an absurdity the gentleman himself must be struck with. The question then before them, he presumed to be as clear as any that ever was presented before a legislative body. The gentleman from New Jersey, who had the Governor's certificate of their election, were entitled to take and hold their seats, until it was proved that they were not duly elected. Congress had prescribed no rule by which the evidence as to membership should be produced. Congress had left that matter to the States, and the State of New Jersey had declared that the evidence to be adduced by her Representatives, should be the certificate of the Governor. The law in Virginia was different, and the other States had prescribed a different description of evidence; but here was produced the evidence of the membership of these five gentlemen, conformable to the laws of New Jersey, and it was not competent for the CLERK, or the House either, in the present stage of its proceedings, to refuse it. It had been said that there were five other gentlemen here, claiming their seats as members from New Jersey, and the evidence that they adduced was the certificate of the Secretary of State of that State.

Mr. M. then went on at length, that this evidence was informal, not recognised by the laws of New Jersey, and therefore of no authority in that body. The Governor of the State, he said, was the only organ of communication from the State, and the Secretary of State could not be officially known to them. Mr. M. after quoting several cases which he considered as precedents, resumed his seat.

Mr. JOHNSON of Maryland, observed, that in contemplating the course pursued by the CLERK, it would at once spring up to the consideration of the House, the embarrassment that would ensue when they once departed from the established usage of that body since the foundation of the Government. The House must see the evils that would spring up, if they allowed the CLERK to exercise his discretion, and gratify his own feelings, by saying who shall not be considered members of that body. He called gentlemen's attention to the consequences that would ensue from a departure from long established usage, in order that they might pause, and deliberate whether the present advantages they expected to realise would not be more than counterbalanced by the evils that would be likely hereafter to grow out of them. He had taken this occasion to inquire into what had been the established usage of the body, and he found that it had been the immemorial custom for the CLERK to enrol, and call the names of those members who had the certificates of the Governors of their States of their being duly elected. He himself held the certificate of the Governor of the State of Maryland, authenticated by the broad seal of the State; and he would admit that no higher authority than that could be presented in that House? He felt bound, as one of the Representatives whose right to hold a seat was thus supported, to deny the authority of the CLERK to proceed farther, while he withheld the names of the New Jersey members, and would not recognise him in so doing. He did so because the Constitution declared that each House was to judge of the qualifications of its members, and therefore no Clerk, or any other officer, has any discretion in the matter. If the CLERK be permitted to say who he will name as returned as members, or who he will not, he may, in that way, have a majority of members qualified friendly to him, and, in short, exercise all the powers of the House with regard to the qualifications of members; and yet a portion of those who have as much right to their seats as those he has thought proper to call, may find themselves excluded from their seats, and their States from a representation on that floor. Mr. J. denied the power of the CLERK to act, and, as one, he would not recognise his power. After citing various cases of contested elections, which he considered as precedents, Mr. J. went on to contend that the CLERK was bound, by the established usage, to consider the certificates of the Governor of New Jersey as *prima facie* evidence of the elections, and to enrol and call over the names of the gentlemen certified in them to be returned as members from that State. Mr. J. concluded by expressing the hope that the additional testimony, and the law of the State of New Jersey on the subject of elections, might be read.

Mr. BIDDLE observed that the question was whether this was the appropriate stage for this irregular discussion. Was this the proper time, or, said he, shall we wait for some other time? It is proposed, said Mr. B. that the CLERK shall omit the members from New Jersey, and go on to call the members from the other States; and whenever there is a dispute, or alleged dispute, as to the right of membership, then the CLERK shall pass over the names disputed, and select those who are beyond dispute. It was proposed, in short, that the CLERK should be the judge. Now there appeared to be some degree of plausibility in this proposition. The course thus proposed seemed to be decorous, and free from embarrassment. But, said Mr. B. do you not see that an enormous abuse of power might arise from the precedent thus to be established for the next Congress? If that course be adopted now, it will be adopted forever hereafter, and whenever a Clerk shall undertake to say that the seats of gentlemen are contested. Do you not see that at the opening of every succeeding Congress, the CLERK may thus dispute the seats of his adversaries? And if the result is to be, that the judges will be narrowed down to those whose seats are not disputed, you will not have a case of an undisputed seat. It will then be assumed that the being called by the CLERK is worth something, and it will be worth striking for. With that argument before you, do you not see, continued Mr. B. the monstrous abuses that will grow up if this precedent should now be set? What was the present position of that body? What was the general usage? I take it, said Mr. B. that the CLERK is but the mouthpiece of the body—a body not yet organized, it was true, but a body competent for the despatch of busines—and has no right to act but in accordance with its established usages. Does not your language [addressing the CLERK] admit that much? You look round you, and ask us to instruct you in your duty. You have decided that the credentials of the members of Massachusetts are in due form, and you have invested them with the badge of office. Why did you do this? You exercised some power here, for you declared that those members were entitled to their seats. You examined their credentials, and you examined the law, as it was your duty to do, and you decided that they were entitled to their seats. Let us come to the *modus operandi*. I say that, where a case comes up precisely similar to the one you have acted upon, you are bound to act upon it, and decide it in the same manner. You are bound to conform to the law and the usage as much in the one case as in the other. It is not only your duty, imposed upon you by this body, but having discharged that duty in the case of Massachusetts, you are bound to do it in the case of New Jersey. It seems to be the plain nature of your duty from what you have already done. Do these credentials come up to the Constitution of the United States and the laws of the State of New Jersey? If they do not, and your judgment is at fault, then your plain duty is to refer your doubts to the House. But if they do come up to the Constitution and the law, as it is contended they do, then you have no right to set them aside, but you are bound to call them, as you have done in the case of the State of Massachusetts. If you make an erroneous decision, why then there is an appeal to the House; but if you ask its decision in small matters, you must ask it in

great ones. But, (continued Mr. B.) I say that from the nature of things, you must exercise a sound discretion; the onus is thrown on your shoulders and you are bound to act; but when, from doubt or uncertainty, you are unable to decide, you must ask the decision of the House.

Mr. SLADE said that the gentleman from Virginia [Mr. MERCER] had stated a portion of his argument as an absurdity. Now, said Mr. S. I did not mean to be understood as asserting that as soon as a quorum is formed it is competent to decide upon the qualifications of all who might happen to come after them. This would indeed be an absurdity that he never contemplated. But what he meant was that, in virtue of the power of the Clerk of the House, derived from immemorial usage, he would, when a quorum was formed, have a right to put it to that quorum to decide a question that might be raised as to the *prima facie* evidence of a member to the seat he claimed—a decision which he had no right to make himself. Nobody, however, would pretend to say that a quorum of one hundred and twenty-two members, who happened to be the first called, would have the right to decide on the qualifications of all those coming after them. The CLERK would be bound to go through the whole twenty-six States, stopping only at those where the seats were contested, and where the CLERK was in doubt with respect to the evidence of election. The CLERK would be bound, by the spirit of the usage as well as by his feelings as a man of honor, to go through the whole roll of those whom he had ascertained, by whatever evidence was before him, were without dispute entitled to their seats. After he had gone through the roll of those about whom there was no dispute, and came to those whose rights to seats were disputed, then, if he took it upon himself to decide who was entitled, or left it to the House to decide that question, there would be a competent tribunal either to entertain an appeal from his decision, or to decide the question itself. Now, he he would leave it to the House to say what should the CLERK do. Would gentlemen not see that if they imposed a burden on him of deciding, they imposed a burden on him too heavy for him to bear; and that if they compelled him to make the decision, he might make it in a way that would involve greater evils than they sought to avoid. Something must be done to organize the House, and who was to do it? The CLERK must proceed according to immemorial usage—

Mr. MERCER. How was the first Congress organized?

Mr. SLADE. Some gentleman, I presume, who had the most gray hairs, was called upon by general consent to preside as moderator, and so acted till the body was organized. Mr. S. did not say but that the House could proceed in that manner now, and that it could put the CLERK out of his seat, and call upon the gentleman from Virginia himself to act as moderator. But the CLERK had not abused his trust. He had not been accused of exercising too much power; on the contrary, it was complained of him that he declined exercising any power at all. Mr. S. did not mean to be understood as saying that any man might come here, and, by saying that he contested the seats of members regularly returned, make it the duty of the CLERK to omit calling the name of such member. His idea was, that, in order to justify the CLERK in omitting to call the name of a returned member, and referring the matter to the House, there must be some color of a claim, as the lawyers say, to contest the right to the seat. If a man comes here with the spurious certificate signed by a Governor of a State, and another man already has a certificate from the same Governor, then on that Governor let that responsibility rest. So, if two men bring certificates, one from a Governor and the other from a Secretary of State, then upon the Governor or the Secretary who has certified falsely let the responsibility rest. But suppose, upon the formation of a quorum, some member should get up and say, I move that A B is entitled to a seat here. Would he not do it on his responsibility? Suppose that one hundred and twenty-two members, after forming a quorum should decide that A B is entitled to a seat—would they not do it in their responsibility? There might be abuse of power, but an abuse of power was no authority for its non-existence. The gentleman from New Jersey said that when the CLERK came to a which he was unable to decide, he must leave it to the House; but the question was, who were the House. Suppose the yeas and nays were to be ordered, who were in that event to vote? It was a difficulty that they could not get out of without proceeding in the manner he had proposed. He for one was prepared to do his duty, and leave the consequences to take their course. He could not look forward to consequences. If the result of all this should be, that these five gentlemen from New Jersey should be prevented from taking their seats, and acting here, great injustice might be done them; but if that injustice should be done in the exercise of a correct rule of action, we must leave it to the community to say whether we have acted correctly or not.

Mr. SERGEANT observed, that as he understood the question presented, the doubts and difficulties that had arisen, seemed to him to have been in consequence of the CLERK having departed from the plain usage that had prevailed in that body for many years past. It was understood from the CLERK, that there was a contest respecting the rights of certain gentlemen to their seats, as Representatives from New Jersey, and the worthy gentleman from Vermont on his right, [Mr. SLADE] thought that if there was but a color of a claim, it was sufficient to authorize the CLERK to pass over the State of New Jersey in calling the roll. According to this doctrine, a gentleman might be kept out of his seat, no matter how clear the evidence of his right to it was, no matter how conformable his credentials might be to the Constitution and the laws of the State he belongs to, provided somebody has a color of a claim to contest his right. The gentleman says the CLERK is not competent to decide. To decide upon what? The color of a claim? No matter how slight the evidence might be, yet, if the color of a claim was presented, the CLERK was to suffer a sovereign State to be deprived of her representation on this floor, and the certificate of her Executive, under the broad seal of the State, was to be set at naught. Mr. S. did not so understand the duty of the CLERK. He understood that officer's duty to be confined to the verification of the credentials in point of form and accuracy, and nothing more. Having ascertained that the credentials are accurate, and possessing the requisite formalities, he is bound to enrol the names of the members presenting them, and to call them over in their order. In this case, the CLERK, to avoid having the appearance of making a decision, keeps from their seats five gentlemen, who have the *prima facie* evidence of being entitled to them, (and he did not know for how long they might be kept out,) and who might appear hereafter, upon proper investigation, to be the best entitled, because there appeared the color of a claim to contest them. In taking this course, it appeared to him that the CLERK had mistaken his duty. In order to come at a conclusion with regard to the genuineness and requisite formality of the claims presented, the CLERK was bound to look at the laws of the States from which they were presented; and if they conformed to those laws, the CLERK had no authority to look further. How stood the case before them? Here were five gentlemen, having the certificates of the Governor of New Jersey, under the great seal of the State, that they are duly elected as Representatives from that State. Now, had any body any doubt as to the genuineness of these certificates? Had the CLERK any doubts respecting them? Were they not in conformity with the law of the State of New Jersey on that subject? He knew what was in that law without any reading it at all; and he averred that, word for word, letter for letter, and comma for comma, the certificates of the Governor presented by these gentlemen, conformed to it. Was there any thing else alleged against it. Was there any doubt about the genuineness of these certificates? Did the CLERK himself entertain any doubts? He did not say so. He had said that there was a contest respecting the seats of the members from the State of New Jersey, and that he could not undertake to decide it, when these gentlemen were in the House with these commissions, according to the law of New Jersey; and they were, therefore, in his opinion, entitled to hold their seats, according to the Constitution of the United States, until they are displaced by the House. He thought a due respect to the Executive of one of the sovereign States of this Union required that those who would impeach these certificates, should not come here with a fancied claim, but should show that they were not in accordance with the laws of the State. Mr. S. said he understood from the CLERK, that he had a certificate from the Secretary of State of the State of New Jersey, that five other gentlemen were elected as Representatives from that State; and that this certificate was also accompanied by the great seal of the State. But it was remarkable that, in looking at the law of the State of New Jersey relative to elections, there was not a single word about the Secretary of State in it. The Secretary of State had not even the custody of the papers relative to elections, but they were confided exclusively to the Governor and Council. Mr. S. after contending that the certificate of the Governor was the only authentic evidence that could properly be received from New Jersey, went on to say that this was the first time that the certificate of the Governor of a State had ever been questioned in that body, and quoted several cases which he considered as precedents.

Messrs. RANDOLPH and SLADE made some observations, which were not heard distinctly enough to report.

Mr. BYNUM observed, that certain assumptions and statements had been made for facts which did not exist, and which were not facts; and he, therefore, to prevent any erroneous impressions from arising from such statements, would endeavor to set gentlemen right in a few particulars. He knew that it was the practice with many in that House to assume for fact that which they wished to be so, and the honorable gentleman from Pennsylvania, [Mr. SERGEANT,] of whom this practice was characteristic, had assumed it as a fact that this was the first time that the seats of any members had been contested who were elected according to the Constitution of the United States and the laws of their State. If this was the fact, he presumed that this was the first time that the gentleman presumed to say that he and those who acted with him were alone, of all the members of the House, competent to judge what was the Constitution and the laws on this subject. Why, sir, said Mr. B. if the law and the Constitution is so clear, I presume that no one would object to these gentlemen taking their seats. But, sir, that is the issue. We doubt whether the law and the Constitution is so clearly in their favor. We undertake to say that they are not elected according to the Constitution and the laws of New Jersey. The gentleman from Pennsylvania says that they are; but there are other gentlemen in this body who have the right to exercise their judgment with regard to the Constitution and the laws of New Jersey, as well as the gentleman from Pennsylvania and his friends. The gentleman seemed to think that the passing over the names of those gentlemen who have the certificate of the Governor of New Jersey would be disrespectful to that high functionary. Ay, sir, are there not others whose opinions are to be respected as well as that of the Governor? I say that the sovereign people of New Jersey are entitled to some respect, and that the Representatives that they have sent here are as much entitled to credence as those commissioned by the Governor. We are not the representatives of the Governor, but of the sovereign people of New Jersey. There is a contest here between the Governor on one side, and the people of New Jersey on the other; and the people call on us to do them justice. They contend that the Governor has committed an outrage upon their rights; and shall we not listen to them because it may be considered disrespectful to the Governor if we do so? These are important facts, and must be decided on before we can go into a decision as to which set of gentlemen are entitled to

their seats as Representatives from New Jersey. Gentlemen, said Mr. B. deceive themselves, according to my mind. If their object is to get these names called before organizing the House, what is to prevent us from having the names of the five other gentlemen called? But, say gentlemen, the Governor of New Jersey has given his certificates, and those only who hold them are entitled to their seats. To this we answer, have not the people of New Jersey elected their Representatives, and sent sufficient evidence of it here; and have they not a right to be heard? These are solemn questions, Mr. CLERK, and deserve to be seriously weighed and considered, to arrive at a correct understanding of this subject. Mr. B. said he deemed the whole of the propositions made by the gentlemen on the other side to be utterly impracticable. We cannot, said he, act at all in this matter until we adopt the proposition of my friend from Virginia. I know that before we can decide understandingly upon this matter, we must take into consideration the laws of the State of New Jersey bearing upon it; but we cannot do it now, because it is not the proper time. But here is the sacred chart (holding up the Constitution) by which we are to direct our course, and by that, at a proper time, we shall make our decision. We must then take up the law of New Jersey; but when we do so, we must must not forget to take into consideration the facts on which the election took place; and as, according to the Constitution, each House is to be the judge of the qualification of its members, we must judge of the qualifications of these gentlemen and their competitors with all the facts, as well as the law, before us. If, then, it should be found that the Governor of New Jersey had proceeded without authority of law—if it should be found that he had dared to usurp the authority of this House, there his certificate should be treated with the contempt that it deserved. But Mr. B. doubted whether the debate on the present occasion had not been thrown out as a mere catch to control public opinion. If he was not mistaken, when the proper time arrived, and when the facts should be brought out, he doubted very much whether the Constitution and the laws of New Jersey would bear out the Governor in his high-handed proceedings. But the gentleman from Pennsylvania contended that now was the time to make this investigation. How was it to be done? It appeared to him, Mr. B. said, that they could not proceed one step in the matter, until the House was organized. To proceed farther, was clearly impracticable. The gentleman from Pennsylvania reflected upon the conduct of the CLERK, and it appeared to him with very little justice. Why, sir, (addressing the CLERK) you would be unworthy the place you hold, if you had acted otherwise? What had the CLERK done, he would ask gentleman? Why, upon a question of doubt and difficulty, he declines the responsibility of deciding, and refers the matter to the House. Mr. B. hoped that a Clerk of that House never might be permitted to decide upon questions so vitally affecting the interests of the people of this Union, as this did. Mr. B. had no doubt that if the CLERK should go on calling over the names of gentlemen whose seats were contested in the manner the gentleman from Pennsylvania contended for, that the moment the names of one party were called, a motion would be made to call the names of the other party; and if one of them was permitted to vote, there was no power on earth that could exclude the other. He would ask gentlemen, then, on the other side, what could they gain by pressing this question? What (said he) have we as yet done towards organizing the House? Nothing. He therefore thought that the course pointed out by the gentleman from Vermont, was the best that they could pursue—that is, said he, proceed to organize the House, and decide on the evidence of these gentlemen to their seats afterwards.

Mr. SLADE explained, that he only meant a partial organization of the House, so as to form a quorum competent to decide as to the evidence of membership.

Mr. BYNUM continued his remarks at some length, taking various precedents bearing on the case, particularly that of Moore and Letcher, a case exactly in point, in which neither party was permitted to take a seat, until a final decision was made by the House, after a thorough investigation of the merits of the case.

Mr. GALBRAITH said he could not understand the course of argument of some gentlemen here. They charge the CLERK with usurpation of power in the course he has chosen to take in announcing the conflicting claims to the five seats from New Jersey, and urge upon us the danger of a Clerk undertaking to determine who are entitled to seats; that he has no right, no power, to decide; and yet, with the same breath, they condemn him because he has declined giving any decision, expressing his doubts and inability to determine. It had been said by the CLERK that he could not decide on the conflicting claims. It was therefore to be taken that such was the case. Who was to be the judge of that but the CLERK himself? Can any other gentleman judge better than he can? Suppose the CLERK had undertaken to decide in favor of the other claimants, than those from whom the objection comes; then, indeed, might there have been some ground for the charge of usurpation of power; but in avoiding to decide, and proceeding to call the list of members whose claims were undisputed, until there should be an undoubted quorum competent to decide, he could not see the shadow of foundation for the charge of usurpation.

He said it had been spoken of as an extraordinary course, a disrespect offered to the State of New Jersey, that the members from that State should be passed over until the list was gone through. He would ask what *right*, as a matter of *right*, New Jersey had to be called before Pennsylvania? It was a mere order of calling, based upon the geographical position of the several States; which had, it was true, been generally adopted by the House, as a matter of convenience, not predicated either upon the age, size, or population of the States, but commencing in the East, and going though to the extreme West; and had been sometimes reversed in calling for petitions, resolutions, &c. No *rights* of New Jersey were, therefore, compromitted or injured by the proposed course of calling the list of undisputed members, when there would be a competent number to decide upon something. At present it was useless to discuss—there was no body competent to decide upon any question. Is was the only practicable course that could be pursued. It did not even involve the question of organizing prior to determining the right to seat of the New Jersey claimants. When there should be a sufficient number called, of unquestioned members, to form a quorum competent to decide, as there undoubtedly would be when the list was gone through, then it would be determined whether we should organize first, and decide upon those claims afterwards, or decide upon the *prima facie* right to the seats before organizing, and determine the permanent right after the House should be regularly organized.

While he was up, he felt called upon to say a word or two in relation to himself, as connected with this New Jersey affair. He was not in the habit of replying to newspaper articles, but a paragraph had found its way into the columns of a number of respectable journals in the country, and one in this city, (the National Intelligencer,) taken from a paper published in his district, calculated to make an unfavorable impression upon the minds of his fellow members, many of whom were strangers to him, and he felt it as a duty to himself to remove any such impression which might have been made. He was reported in that paragraph to have declared, at a public meeting, that if the returned members from New Jersey should attempt to take their seats, there would be a mob, etc. It was true there was a public meeting, and it was also true that, by invitation, he had submitted some remarks at that meeting, the purport of which, he presumed, it was not important he should repeat here. It was sufficient for him to say that the article alluded to was a total misrepresentation of his views, and a gross perversion of the language used by him on that occasion.

Mr. EVERETT contended that according to Parliamentary usage, and the established custom of that body, it was the duty of the CLERK to enrol the names of those gentlemen from New Jersey who claimed their seats in virtue of the Governor's certificate, and to call them over in their order. He contended that the CLERK had no right to depart in this instance from the established custom, because there was a contest regarding the seats claimed by these gentleman, and that he was as much bound to call over their names as to call over the name of the gentleman from the same State, whose right to his seat was not not contested.

Mr. CRAIG addressed the House at some length. From the confusion prevailing at the time in the House, the commencement of this gentleman's remarks was not heard. He was understood, however, as sustaining the course pursued by the CLERK in declining to take the responsibility of deciding who were entitled to the seats from New Jersey. He denied that the CLERK was bound by the certificate of the Governor of New Jersey, as contended for by the gentlemen from Pennsylvania, [Messrs. BIDDLE and SERGEANT] and thought the evidence of the popular vote was entitled to as much weight as the certificate. The *prima facie* evidence had been heretofore taken under the rule of convenience, but he would ask if, in a case of palpable fraud, gentlemen would abide by this old rule of *prima facie* evidence, in defiance of truth and justice, and the strongest documentary testimony. After all, all they were aiming at was to ascertain whether this or that five of the New Jersey gentlemen were entitled to the seats; and, therefore, if upon examination it should be found that those who did not come with the Governor's certificate had the majority of votes, would they put in this *prima facie* blind to deprive them of their seats? Mr. C. agreed with the gentleman from Vermont, [Mr. SLADE,] that the only proper course to be taken now, would be to pass by the names of the members, whose seats were contested, and call over all the other members so as to form a quorum. But, said Mr. C. take the contrary course, and you will be driven to the necessity of saying that the Governor's certificate, with the seal of the State of New Jersey, elects Representatives here. It might be true that this certificate was evidence, so far as it went; but suppose it states what is not true—and it is made apparent to us that it contains a false statement—what, then, are we to do? Are we to shut out the truth, because we have the certificate of a Governor, and the seal of a State? He knew of no law or rule of this House requiring them to receive only that particular species of evidence, to the exclusion of all other. It was, therefore, his opinion, that they ought to exclude both sets of members claiming to be Representatives from the State of New Jersey, until the House was organized, when it would be competent for it to settle every doubtful question.

Mr. E. concluded by expressing the opinion that the best way of getting over the difficulty would be to adopt the course proposed by the gentlemen from Virginia and Vermont; and that was, to pass over the State of New Jersey, and call the names of all the other members whose seats were not contested.

Mr. MAXWELL addressed the House at some length in support of his right to take a seat, arguing that the evidence he presented was as strong as that presented by any member, and that he had as much right to take his seat as any of those whose names had been already called. The certificate of the Governor of New Jersey, with the broad seal of the State, was a document that the CLERK, in his opinion, had no right to pass by; and he considered that it was the CLERK's duty to call his name in its order.

Mr. WHITE of Kentucky addressed the House at some length in support of the claims of the gentlemen who presented themselves with the Governor's certificate, taking the same ground as that taken by Messrs. BIDDLE and SERGEANT; after which,

Mr. BYNUM, having obtained the floor, gave way to

Mr. MERCER, on whose motion, and by general consent,

The House adjourned.

TO THE EDITOR OF THE GLOBE.

I observe in the reference you made in your paper of last evening to my remarks yesterday upon the New Jersey case, the following: "He (Mr. SLADE) approved of the course taken by the CLERK in declining to take the responsibility on himself of deciding who were entitled to the seats from New Jersey, and thought that any other course would have been a usurpation of unauthorized authority on the part of that officer."

Your reporter mistook me. I maintained that it was competent for the CLERK to decide that he would not place the names of Mr. AYCRIGG and others, claiming seats, on the roll, if in his opinion there was such conflict between their returns and those of their competitors, as to render it doubtful who had the proper legal returns, or certificates of election. It was his *power* to do as he had done that I vindicated, and not the propriety of its exercise. Upon that question I gave no opinion, because the grounds on which he had decided to exercise the power in this case, were not before the House, and, as I thought, and still think, could not properly be until it should appear that there was a quorum present to form a House of Representatives, competent to hear, and act on them. If the papers presented to the CLERK as credentials, by the gentlemen contesting the right of Messrs. AYCRIGG and others to seats, were such as I have been informed they were, it seems to me the CLERK erred in deciding that they impaired, in any degree, the title of the latter gentlemen to *take* their seats. But this was a question with which, as I viewed the matter, we had, at that stage of the proceedings, nothing to do. The CLERK had exercised his power of deciding, in the first instance, upon the "returns," and his decision was conclusive until overruled by the House; which could not be done until there should appear to be a quorum of the members elect of the Twenty-sixth Congress present, to form a House.

I need hardly add, after the above explanation, that I did not say that "any other course (than that of declining to take the responsibility of deciding who were entitled to seats) would have been a usurpation on the part of the CLERK.

Respectfully yours,
WILLIAM SLADE.

December 3, 1839.

IN SENATE,

TUESDAY, December 3, 1839.

The Hon. WM. D. MERRICK, elected by the Legislature of the State of Maryland, a Senator from that State for six years from the 4th of March last, appeared, was qualified, and took his seat.

On motion by Mr. HUBBARD,

Ordered, That when the Senate adjourn, it adjourn to meet to morrow at 12 o'clock, and daily thereafter at the same hour until otherwise ordered.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, Dec. 3, 1839.

At 12 o'clock, m. Mr. HUGH A. GARLAND (Clerk of the former House) called the House to order, and stated that the gentleman from North Carolina [Mr. BYNUM] had possession of the floor at the time of the adjournment on yesterday, and, with the permission of that gentleman, he would beg leave to make a respectful appeal to the House. No man, said Mr. G. feels more than I do the delicacy and difficulty of his position. From the beginning I have felt a high responsibility resting upon me, and before God and my country, I assure you I have had but one motive, and that was to do my duty justly and impartially, without regard to personal or party considerations. I have been placed in a novel and unprecedented situation. All the cases of contested elections heretofore presented, have been presented to the House of Representatives itself, upon the petitions of the claiming members, and the CLERK had nothing to do with them. The only variation from that rule was in the case of Messrs. Moore and Letcher, of Kentucky. Both those gentlemen presented themselves before the House, and claimed the right to have seats, and the House was compelled to take the matter into consideration; and the House might, perhaps, have remained unorganized for a fortnight, if those two gentlemen had not voluntarily withdrawn their case until after the organization. The present case, however, was one entirely different from the one referred to. The difficulty in the present case was presented to the CLERK himself. Conflicting evidence was brought into his office, and what was he to do? What was I to do in this case? Was I to take upon myself the powers of the House of Representatives—the powers which the Constitution has given to it to decide on the qualifications of its members? I assure gentlemen that I have felt the delicacy of my situation, and I have labored assiduously to be enabled to come to correct conclusions in relation to this question. I, therefore, now respectfully appeal to this body, to permit me to make a statement which I have prepared in justification of my course on the present occasion; and I think the request is not unprecedented, when the conduct of a public officer has been brought in question, as mine has been on the present occasion.

Mr. JENIFER asked if the CLERK designed to review his decision of yesterday, and call the members from New Jersey, so that the House might go on without his interference.

The CLERK stated that he had taken the course on yesterday, which he felt it to be his duty to take, and he could not depart from it until he was satisfied that his course was then wrong. All he now asked, was, to make a respectful appeal to the House, and lay before gentlemen the grounds and motives which induced him to take the course he did.

Mr. JENIFER contended that it was the duty of the CLERK to call the names of the five members from New Jersey returned by the Governor, and that he had no right to interrupt the organization of the House by refusing to call them, when no objection had been made to having their names called.

Mr. SLADE here rose and made a correction of an error in the report of his remarks of yesterday in one of the papers of the city, which was not heard at the Reporter's desk.

Mr. ATHERTON hoped that the CLERK might be permitted to make the statement which he desired to make to the House, without objection being made on the part of any member—

Cries of "Proceed! proceed!"

Mr. TALIAFERRO rose, and inquired of the CLERK if he had in his possession more than one return from the State of New Jersey, such as the law of New Jersey prescribed?

Cries of "Proceed! proceed!" "No, no."

Mr. STANDEFER objected to the CLERK's making any statement. Let some of his friends on the floor make a statement, if a statement was necessary.

Mr. WISE thought it due to the CLERK—in the situation which usage, if not law, and usage in this case he regarded as law, had placed him—to be permitted to make a statement. He was very desirous to hear a statement, and doubtless other gentlemen were desirous to hear a statement, of the reasons why the CLERK had not discharged the duty which law and usage had imposed upon him. He hoped, therefore, that all gentlemen would acquiesce in hearing this statement, and perhaps their action might be influenced by it. It was only persuasive, and not authoritative; and certainly he thought gentlemen ought to agree to hear any evidence on the subject which the CLERK might have to present. Some called for the reading of the law on yesterday, some for the reading of the certificates, and some desired that the names of the five members from New Jersey might be called; and as he made no statement on yesterday why the names were not placed on the roll and called, he thought this statement ought now to be heard by universal consent.

When Mr. W. resumed his seat, there were cries to the CLERK to "Go on."

Mr. WHITE of Kentucky said, for one, he entered his solemn protest against the reading of this prepared document by the CLERK. He asked if the Representatives of the people were to have their business interrupted by their CLERK, and to sit there to hear a prepared statement read from the Clerk's desk, calculated, if not drawn up, for the purpose of making a false impression in the country; and he thought, when his friend from Virginia [Mr. WISE] agreed to hear this statement read, he had not reflected sufficiently on the subject. In his view, it was no matter who rose and objected here—it was no matter what the newspapers of the country had published—it was no matter what affidavits the loafers of New Jersey had sent in to arrest the laws of New Jersey. It was the duty of the CLERK to take the evidence produced, in conformity to the laws of New Jersey, and it was not his duty to rise and make statements here in relation to the matter. Suppose the CLERK did go on and make this statement, would we go on and discuss this matter coolly where we left off? No, sir. The moment that he was done, new points would be raised, and we would be involved in greater difficulties than we are at present. We would have difficulty enough in deciding the matter, if we went on discussing this matter now, without permitting new points to be raised by the CLERK; and he protested against hearing any statement from him.

Mr. WISE was sorry to be thrust into a debate with his own friends; but he thought if the gentleman from Kentucky would listen to what he had to say, he could convince him that it was proper, legal, formal, and orderly, that the CLERK should make this statement. It was true that the CLERK was not technically an officer of the House; but, by the law of usage and necessity, he was always permitted to hold the place which he now held. He was the quondam Clerk of the last Congress, and presented himself here first to render to his successor in office the records of the House; secondly, the CLERK was here by the law of usage, and the ordinance of 1785, imposed the duty upon the CLERK of the last Congress to keep a roll of members of Congress, and to call over that roll at their meeting.

Mr. W. here read the ordinance of 1785; and also a resolution of 1791, to show that the CLERK was sworn to perform this duty. He contended that by this resolution, if the CLERK was sworn to perform this duty, and that, if he did not perform it, he whould be disregarding his duty. He was under a moral obligation to perform it; but the members of the House were not under this moral obligation, inasmuch as no oath had been yet administered to them. The CLERK was bound by an oath to perform his duty, but the members of this House were not under this sacred obligation. The CLERK was bound by his oath to discharge his duty; but the members of the House were presumed to be partisans. They were presumed to come from the heated mass of political fermentation. We come here (said Mr. W.) with all our partisan feeling—the blind and devoted slaves of party—but the CLERK was presumed to be above this political fanaticism. The CLERK was bound by his oath to be free from political influences, and, by the resolution referred to, to be in office until he was superseded by his successor. Mr. W. read the ordinance of 1785, prescribing the duties of the Secretary of Congress; and said if he had been on intimate terms with the CLERK, he would have gone to his room and appealed to him, as an officer by usage, if not law, as a Virginia gentleman, bound by a solemn oath to perform a certain duty, and as a Christian, who needs no oath to bind him to discharge the duty which this resolution and the law of usage imposed upon him. The CLERK had stated to the House on yesterday that he was not a judge, and verily he (Mr. W.) agreed that he was not a judge, and according to his view of the Constitution, no man here was a judge of his *prima facie* right to a seat on that floor. Neither the CLERK, nor any other man now present, could judge of his credentials. Under the Constitution he considered that, at the present stage of proceedings, they were *in transitu* between the House of Representatives and their constituents, and no one had the right to decide upon his credentials.

Mr. W. then read the clause from the Constitution which gave to the States the power at present

to regulate elections, cited the mode by which the Representatives from Virginia obtained their certificates of election, and contended that when that certificate was obtained, as it was there, from the sheriffs of their district, there was no power to prevent them from taking their seats in this House in the first instance. When a gentleman here presented the evidence that he was entitled to his seat, it was not the duty of the CLERK to decide judicially upon it. He was not a judicial officer, but a mere ministerial officer. His duty was merely to receive the evidence presented to him, and enter it. Had the CLERK the evidence in this case? If so, why did he not enter the names of the five New Jersey members upon the roll. The CLERK had said that he is not the person to decide the question who are entitled to seats, and has referred the matter to us; but we have no more right to decide it at present than he has; and the question will necessarily come back to the CLERK at last to be decided; and this was the view which he desired to press upon the CLERK, and make him, as a man situated above party, as a sworn officer, and as a Christian, do that directly which he would be forced to do indirectly. The CLERK has said he was not to take upon himself to decide on this question, but refers it to the House, as if we were a convention of ministers, who had the power to decide on each other's credentials; but when you put the question as to whether the credentials of the five gentlemen from New Jersey shall be received, who shall vote upon it, Mr. AYCRIGG and his political friends, or Mr. DICKERSON and his political friends? In refusing to decide on this question, the CLERK does decide. The failure to enter the names of the five members from New Jersey has all the effect of a judgment—the potential effect of a judgment. It will be impossible for the House to decide upon this question, and it will devolve upon the CLERK or some one out of it to decide. We come back, then, to you, Mr. CLERK, and you may as well exercise that judgment at once, which you will be compelled to do at last. He contended that the evidence in this case was the certificate of the Governor of New Jersey, and that must be conclusive in the first instance, because the moment gentlemen attempted to go behind that, as some gentlemen had suggested on this floor, they converted this massive, unwieldy body into a Committee of Elections, and it would have to go back to the people of New Jersey and be carted about from one district to another, to examine into the frauds which were generally committed on both sides at elections, which would lead them into interminable difficulties. The CLERK has said that he could not decide upon these certificates, but, at the same time, he has decided upon them. He has decided that Mr. RANDOLPH has a certificate in the proper form, and has put his name upon the roll. Well, if his certificate is properly presented to him, and in a proper form, are not the certificates of the other five New Jersey members in proper form? They are precisely in the same form of Mr. RANDOLPH's. If his is good, theirs are good, and if his is bad theirs are bad. If the CLERK has not violated his duty in placing Mr. RANDOLPH's name upon the roll, it cannot be a violation of his duty to place the names of Mr. AYCRIGG and his colleagues on the roll. The certificate of the Governor in their case was *prima facie* evidence of their right to a seat, and neither the CLERK nor the House, at the present time, had the right to deprive them of taking their seats. Suppose (said Mr. W.) objection should be made to my taking my seat, because some one should pretend that he had a right to it; would I permit the CLERK to prevent me from participating in the organization of the House in such case? Has the CLERK any right or power, under the Constitution and the laws, to prevent any body from exercising his right here, when he has the evidence that he has a right to his seat in his possession. No; the CLERK had no right to prevent him from taking his seat when he had his certificate in his pocket; and although he did not desire to preach revolutionary doctrines, he would not be put to the test for all that the world could give him. Neither you, Mr. CLERK, nor any one else here, had the right or the power, to judge on the matter which the seven sheriffs of my district alone have the right to decide.

Mr. W. considered that the most proper mode of organization would be, for the CLERK to call over the States, and then each member could rise and present his credentials; and when they presented their credentials in the proper form, they were entitled to their seats, and there was no power to prevent them from taking their seats, and holding them until the House, after it was properly organized, investigated the case. He considered the duty of the CLERK to be a plain and simple duty, and he again appealed to him, as a sworn officer, to say whether it was not his duty to enter upon the roll the names of the gentlemen who had the certificate of the Governor of New Jersey, under the broad seal of the State, whatever might be his convictions as to what ought to have been done by the Governor; and if the CLERK had to decide this question at last, indirectly, was it not better that he should decide it at once?

In conclusion, he said that he desired to hear what the CLERK had to say, and hoped he would be permitted to make the statement he had prepared, because he wished the CLERK to tell him, as a sworn officer, as a native born gentleman of his own mother State, and as a Christian, ready to answer before God and his country, why he had not discharged his duty in the present case.

Mr. BRIGGS was understood to say that he thought the CLERK ought to be heard by the House, as he might probably give gentlemen some reasons which might satisfy them that he was right. Besides, the members here assembled were discussing, and had been discussing, the propriety of the course which the CLERK had pursued, and it was but proper that he should give the reasons which induced him to pursue this course. After this, the discussion on the floor might go on; and perhaps it would satisfy the CLERK that he was wrong in the course he had pursued, and he might be induced to take a different course. It seemed to him but common justice that this gentleman, who was placed in a delicate and responsible position, and who was acting in a manner new and unprecedented, should have the privilege of being heard by the House.

Mr. WHITE replied to the remarks of the gentleman from Virginia, [Mr. WISE,] and contended that the ordinance of 1785, and the resolution of 1791, in relation to the duties of the Secretary of Congress, were no more binding upon the present body than the rules of the last Congress. Their force was only recognised by courtesy, and they had no binding effect upon this body. The present CLERK had undertaken to do what no Clerk had ever before done, and he hoped his friends would not permit him to pursue the course attempted to be pursued. He thought there was something to be seen in the course which the CLERK was pursuing; and he hoped he would not be permitted to make any statements to this body in relation to the present case. He had no desire to deprive this quasi CLERK of any of his rights; but if he desired to publish the reasons which induced him to pursue the course he had, he was at liberty to do so; but he objected to the CLERK making the statement in this body.

Mr. CUSHING desired to address himself to the gentlemen here present; for although he recognised the CLERK in his place as the individual who was to keep the records of the House, and as the individual who, under the order of the House, could put questions, yet we were here the Representatives of the sovereign States of the Union, recognising each other as such, and he desired to address a word to gentlemen here present, on the issue presented to them. He desired to hear what the CLERK had to say, and he hoped he might be permitted to make a statement, for he thought the circumstance demanded that there should be explanation, so that we might know, and the people might know, why it was that the proceedings of the Representatives of the sovereign States of this Union were here arrested by the gentleman who sits in that chair. What are we? What constitutes this assembly? We are Representatives of the sovereign States of this Union, and we respectively come here armed with the documentary evidence of our right to seats which the laws of the States communicate to us; and we come here, and take our seats of right, and not because our names may or may not be entered upon the roll by the CLERK.

The members from Maine, New Hampshire, Massachusetts, &c. were called by the CLERK, and when he came to the State of New Jersey, he called the name of one gentleman, upon the commission of the Governor of that State. But why did the CLERK not proceed? Had not Messrs. AYCRIGG, HALSTEAD, &c. identically the same evidence of their right to seats? Had they not the same title to seats that Mr. RANDOLPH had? There could be no good reason given, under the Constitution and laws of the land, why the names of these gentlemen should not be placed on the roll, because the moment you go behind the certificate of the Governor, you raise the case of a contested election, and that can only be done after the House is properly organized. It may be that Mr. DICKERSON and his associates are entitled to their seats, but we cannot act on that question now. We are only now to act upon the certificate, which is of record in the CLERK's office. Under this state of facts, he desired to know why it was that the certificates of the five members from the State of New Jersey, under the great seal of the State, and made out in pursuance of the laws of the State, and which was recognised by the CLERK in the case of Mr. RANDOLPH, should be disregarded by the CLERK. He desired to know of the CLERK why it was, when the same evidence was presented to him in the case of these five gentlemen, which was presented in the case of Mr. RANDOLPH, that he refused to put their names upon the roll, and proceed with the organization of the body. He hoped that the House would hear the statement of the CLERK, but when that statement was laid before them, he hoped they should come to some practical point. We have been debating intricate and abstract questions, and he had been surprised to hear gentlemen attempt to nullify and stultify their own powers, by arguing that we could not vote, and decide upon any question. Why can we not decide? We cannot choose a Speaker without deciding. When gentlemen say we cannot vote and decide, they also say it is not in order to choose a Speaker, for that will be the next step in our proceedings. Gentlemen were greatly mistaken when they argued that we could not vote. We can vote, and he supposed we would be voting *viva voce* by and by. The proof was conclusive that we could vote and decide, but he looked a little farther. We were not sworn members of this House. True it is we have our certificates, but we are an unorganized body, yet we are a body of men with souls, as well as bodies, and may we not make an issue, and decide on that issue? He considered that we had the inherent right to vote and decide. In the House of Commons, from whence we derive all our ideas of Parliamentary practice, the Clerk puts questions at their meeting, and it is so entered on their Journal, *by order of the persons present.* He does so because he is their servant, and not their master. The Clerk there puts questions, not as the presiding officer, but as the agent and servant of the House. There is an inherent necessity that we should vote and decide on questions, and it was idle to argue that we could do nothing but by unanimous consent. It was next to impossible to find unanimous consent on any question. He denied any such principle. We may decide upon questions put by the CLERK, or we may appoint a chairman to put those questions, as is done in conventions. These were his views, and for the purpose of bringing them to a practical test, Mr. C. moved the members that the CLERK to the last House of Representatives have permission to read the statement that he has requested leave to read, and that the question on this motion be put by the CLERK.

Mr. VANDERPOEL inquired of the gentleman from Kentucky, [Mr. WHITE,] whether he waived

his objection to the CLERK making a statement explanatory of the course he had pursued?

Mr. WHITE. I protest against the CLERK reading that document which lies on his table. I have no objection to his making a brief statement, confining himself to his reasons for the course taken by him.

Mr. VANDERPOEL said, if there were any thing like concurrence in the views of gentlemen who supported those who came here with the certificate or commission of the Governor of New Jersey, the task of answering them would be much more simple and easy; but gentlemen had so many and such conflicting modes of attaining the same ulterior object, as at least to justify a suspicion that the object itself could not be a very defensible one. One seemed willing to trust the CLERK, and charged him with gross delinquency for not inscribing on his roll the names of Mr. YORKE and his associates. Other gentlemen seemed unwilling to trust him, and thought it best that we should pass over the contested seats until we got a quorum. To whom were the arguments, submitted by gentlemen, mainly addressed? Most of the speeches to which he had listened, had been addressed to the CLERK of the House; some severely arraigning his conduct, and others evidently designed to induce the CLERK to recede from the position he had taken. Now, did not common justice, he had almost said common decency, demand that the CLERK should have the opportunity of explaining? Why did gentlemen deny him this very reasonable privilege? Why were gentlemen here, *in limine*, so anxious to exclude the light? Was this in accordance with the principle that induced them to exclude the evidence that went to show that the certificate of the Governor was in truth and in fact no evidence of the expressed will of the soverign people of New Jersey, but that others actually received the majority? Had it come to this, that the voice of a majority of the people of a sovereign State was not only to be silenced by notes of mere form and technicality, but that a functionary who had taken a course that might, in its consequences, possibly give effect to that voice, was not to be allowed the opportunity of explaining and justifying his course, and that, too, after it had been animadverted upon in no sparing manner? He hoped his friend from Kentucky [Mr. WHITE] would review the determination he had expressed, never to permit the CLERK to read the explanation he had proposed to submit to us. It was due to a functionary whom we held responsible for official action, and whose decision had been so severely criticised.

Mr. V. said he had already remarked, that most of the speeches had been addressed to the CLERK, to induce him to abandon the position he had taken. Suppose he refused to recede—and it was not to be presumed that he had announced his decision without due consideration—what course then remained to us, if he remained consistent, but that proposed by the gentleman from Virginia, [Mr. RIVES.] His motion was, that we pass, for the present, over the contested New Jersey seats, call the residue of the members whose right to seats was not controverted; and then, having a quorum, we would be in a situation to decide, whether, before organization, all the claimants should stand back. No other alternative remained to us. If the CLERK did not inscribe the names of either set of the New Jersey claimants on his roll, we must, from the law of necessity, by general consent, pass the contested seats, and postpone further action upon them until we procured a quorum competent to act. He had heard a great deal about the law of necessity. He acknowledged its full force and obligation upon this occasion. But there was another law to which we were here, in the discharge of our high duties, amenable; he meant that law of courtesy and propriety which should ever govern our deliberations here. He viewed the good tone and temper with which the debate had thus far been conducted, as an ample pledge that nothing unbecoming the places we occupied would be attempted or uttered. To return, then, again to this universally respected law of *necessity*, he would ask whether it did not irresistibly drive us into the course suggested by the gentleman from Virginia, [Mr. RIVES.]

The CLERK had decided, that in the present stage of our proceedings, no question could be taken. And it must be so; for no roll having yet been called, and no quorum ascertained, any body would now have a right to vote. Could not each of the conflicting claimants from New Jersey claim and exercise the right of voting? What could prevent them? Why not vote as well as any other gentleman whose name had not yet been called? Here, then, we would exhibit the *monstrosity* of five more members voting within this bar, than the Constitution or the laws of Congress ever authorized to be elected to the House? We were then driven to the necessity, if our object were not disorganization, of passing over the contesting members, until the list of the undisputed members was completed, and thus secure a tribunal to look into their case.

[Here Mr. WISE asked Mr. V. to yield the floor, in order to ask him a question. Mr. V. said he would yield it for the purpose of explanation, but not to be catechised.]

And here he would ask, whether, after the roll was called, and before the Speaker was chosen, any efficient action could be had upon this subject matter. He had no doubt on the subject. We were a House competent to act upon it the moment the CLERK had finished calling the list of the members whose seats were not disputed. From the very necessity and fitness of things, a power resulted to us to act upon matters of this description in that stage of our existence. We were a "*House*" before the Speaker was chosen. The Constitution had created us such, by means of the expressed will of the sovereign people of our respective districts. Parliaments and Congresses existed long before Speakers. There was a sort of preliminary organization the moment the roll was called by the CLERK. And to sustain him in this position, he had very high authority, in a distinguished gentleman from Vermont, [Mr. EVERETT,] whom he differed from in politics, but whom he always listened to with pleasure. He would bring to the aid of the gentleman from Vermont, who sat before him, [Mr. SLADE,] the powerful aid of his colleague. He would now read an extract from his [Mr. EVERETT'S] speech, which expressed his (Mr. V's) opinions with so much more force and perspicuity than he could express them, that he would adopt them as part of his argument. Mr. V. here read an extract from the speech of Mr. Everett, in the case of Claiborne and Gholson as reported in the National Intelligencer of the 6th September, 1837, as follows:

"Gentlemen were in error, in supposing that the House was under no law. There was a law which bound them, and that was the law of universal practice—the common law of Parliament. It was a mistake to suppose that the House was not organized until a Speaker was appointed. There was a preliminary organization, which enabled it to act as a body. As to the list called by the CLERK, he formed it according to usage, on what he deemed authentic information. He did so on his own responsibility. As soon as the list was completed, and the members had answered to their names, they formed an organized body, and might proceed to elect a Speaker, a Clerk, or a Committee of Elections, just as they thought best, or might at once proceed to decide on the credentials of individuals. In the present case, before the list had been gone through, those whose names had not yet been called had no right whatever to vote, any more than the surrounding spectators."

This doctrine, said Mr. V. so ably put forth by the gentleman from Vermont, must be true. What sad consequences might result if it were otherwise. Suppose the CLERK is convinced, by evidence before him, that the certificate produced by a pretending member is a forgery; and that in consequence of the sudden death of the Governor, or other certifying officer, the opposite party could not procure the genuine document. Is there so much magic in this *prima facie* evidence that the CLERK must passively enter his name upon the rolls, and permit the villain not only to defile these seats, but to participate with us in our incipient, most important acts and deliberations? Are we indeed so impotent a body as all this would imply? Must the poisoned fruit of fraud and villany not only be produced and reaped, but actually eaten, before we can interpose an effectual veto to the production and participation of it? He would resist, and resist in an orderly manner, of course, long and most lustily, to avert such consequences; for they would involve the guarantee, that the potential voice of the majority of the sovereign people of New Jersey was most culpably disobeyed.

How far he would consent to act upon cases of contested elections before the election of Speaker and the organization of the House, in the common acceptation of the term, was another question. But we could, in this case, act far enough to enable us to determine whether one or the other set of gentlemen were elected, or, at all events, whether there was so much doubt on the subject as that it would be expedient that both should stand back until a Speaker was chosen and a Committee of Elections appointed. As to these two sets of credentials, the trial upon which we would first enter was a trial *of the record*, and in order to this, nothing but an inspection of the record was necessary. The law of New Jersey declares "that the persons who have the greatest number of votes from the whole State, are the persons chosen by the people of New Jersey." Mind, sir, the law is emphatic; "*the greatest number of votes from the whole State*," not from part of the State, omitting the good old Democratic towns of Millville and South Amboy. The commission of the Governor, upon which Mr. YORKE and his associates rely, assumes the fact that they received the "greatest number of votes from the whole State." This is at least implied, if not expressed. The Governor then bases his commission upon a return of votes from the whole State—upon a record, purporting to show that the gentlemen whom he commissioned received the greatest number of votes. Their opponents come in and say there is no such record. You, Mr. Governor, based your certificate upon only part of the record. You remembered to forget that there were two such towns, named Milville and South Amboy, in the State; for you did not compute the votes of these towns. They adduce the actual return, or the evidence of the actual return, as filed in the Department of State, from which it appears that the record upon which the Governor has based his certificate, or commission, is partial and defective. *It is not the true and genuine record.* Would this not rebut the *prima facie* evidence of the certificate? *Prima facie*, sir! What was the good sense and nature of *prima facie* evidence? It was, that it stood good, until rebutted by other and higher evidence; but, according to the doctrine of gentlemen, it was not, in its nature, here *prima facie*, but conclusive—conclusive at least so far as to preclude a rebuttal until after the mischief was done; after the *prima facie* members had voted for Speaker, that high and responsible officer, who appoints your committees, the eyes and organs of the House. *Prima facie evidence* was, indeed, thus invested with new and unheard of characteristics.

It was said by some, that we could not open the whole door, and go into the whole case before a Speaker was chosen. Here was the distinction, and in stating it, he would indicate how far he thought we might go in this our embryo state. We were, perhaps, not in a condition to purge the polls, to go beyond the ballot boxes, into the consideration of evidence designed to show that votes were given by disqualified persons; for such an inquiry would involve the examination of voluminous, and, no doubt, conflicting testimony; and this could not well be done without a committee; but we were competent to look at *the record*, to look at the returns, and see whether there was such a record as that upon which the Governor bases his certificate. How feasible was our course after the roll was called, if we went only to the extent that his remarks would commit us; and this would be all that was necessary for the purpose of this case. This was a case *sui generis*. The distinction between this and

the ordinary cases of contested elections, which were not entertained till after our complete organization, was, that here the question arose upon *the return*, not upon the merits, in the more enlarged sense of the word. The question was not, whether a majority was produced by the votes of disqualified voters, but whether the whole and true result of the votes actually given and returned to the Governor had been returned to us; and this being a point of easy ascertainment, no good reason could be assigned why we should not entertain the question, at least so far as to set mere pretenders aside till the House was completely organized.

These (said Mr. V.) were his views and answers to the technical points—the mere questions of form—raised here, to preclude us from looking at the real truth and justice of the case; but he was free to confess that he was impelled to, and fortified in, the course he took, by other and higher considerations than any to which he had yet adverted. It was, that his course favored popular liberty; that the right and truth and justice and conscience of the case were all against the pretenders who claimed seats here merely "BECAUSE OF THEIR BOND." He implored the House not to acknowledge itself so impotent, or so mystified by form, as to be blinded to substance; not to promulgate to the world that the potent voice and will of the people of a sovereign State, constitutionally expressed, could here be practically frustrated and drowned, even for a season, by the pitiful squeaking notes of form and technicality.

Mr. POPE observed that the doctrines advanced by the gentleman who had just resumed his seat, were more extraordinary than any he had ever heard before. What was it? Why, that the gentlemen coming here with the regular certificates of the Governor of a State, as members from that State, shall be driven from their seats, and others coming here on their own assumption, shall be allowed them. He confessed he was mortified at the course taken by several Whig members; he regretted that they should have consented to play into their opponents' hands, by admitting that it would be proper to pass by the names of the members from New Jersey, until a quorum was called. When he came here to take his seat, he found it difficult to get one, eleven seats having been already taken by the two sets of members from New Jersey, while that State was only entitled to six seats. Now, (said Mr. P.) before we proceed farther, we ought to make five of these gentlemen march off. To understand the position in which they were placed, it became necessary to inquire by what authority they were assembled here. They stood here by the authorities vested in them through the delegated authority of their States, whether they might be the Governor, sheriff, or judges of elections. That, said Mr. POPE, is the authority by which we are assembled here. There was a political law which regulated this matter. It was this—that when a sovereign State speaks through her constituted authorities, you are bound to give full faith and credit to them. We have all come here, Mr. P. said, with the authority granted to us by our respective States through their constitutional organs. The Constitution, it was true, for reasons which Mr. P. stated, reserved the power to this House to judge of the abuse of power by these constituted authorities; but until this House does so decide, the certificates given by these constituted authorities, are entitled to full faith and credit.

Mr. P. said that in contending for the authority of the certificates of the Governor of New Jersey, he was only contending for the observance of established usage, and had no such ulterior objects in view as the election of a Speaker, as had been imputed to them. For his part, he would advise the Opposition in this House to let the Administration party have the Speaker at any rate, and take the responsibility of conducting the business of the body. He was for letting them show their hands, in order that they might judge of the game they were to play. But in reference to the question before them, he would beg the gentleman from New York to answer him one question. Was it competent for the State of New Jersey, or New York, or any other State, to designate the manner of holding elections, to appoint judges of elections, and to erect a tribunal to decide who is legally and constitutionally elected at such elections? If so, had not the State of New Jersey appointed such judges, constituted such a tribunal, and had not the authorities delegated by her for that purpose, certified with all the formalities of law, that the five gentlemen who have the commission of the Governor of that State, were legally elected? Mr. P. contended that these certificates must stand as valid, until this House, in the last resort, decided otherwise. He asked how the five gentlemen who claimed their seats in virtue of the certificate of the Secretary of State that they had the majority of the votes given, could present themselves here at this stage of the proceedings? All that, in his opinion, they could do, was to appeal to this House after it should be organized, or to the regularly constituted authorities of their State, to do them justice. Mr. P. said that he had been for a long time a member of the Legislature of Kentucky, and for a short time a member of that House; but in all his legislative experience, he had never known that the persons having the power of attorney—the regular certificate from the constituted authorities that they were elected, had ever been denied the right to their seat until this time. But gentlemen asked who were to vote on this question. He answered, all those members assembled here, who had the certificates from the regular constituted authorities of their State. He would ask by what arbitrary power could it be said that the State of New Jersey should be disfranchised, and her representatives deprived of their share in the organization of the House. Here was a question that must be settled before the House could proceed farther. We are assembled here, said Mr. P. not to play any trick of party with each other, by which we may gain a party advantage, but as honorable men, assembled from twenty-six States of this Union, all willing and anxious to preserve the rights of the others, and, therefore, bound to receive the authentic evidence presented by each individual. No gentleman had a right to call upon the others to recognise him as a brother member, unless he was furnished with the regular certificate from the constituted authorities of his State. Those whose claims were otherwise presented might, at a proper time, after the organization of the House, show that injustice had been done them; but until they did so, those only who had the regular certificates were entitled to the contested seats. It was unfortunate for the Whig party, Mr. P. said, that there seemed to be some disagreement among themselves. Some of them were willing that those members whose seats were not contested, should qualify, and thus make up a quorum competent to decide upon the others. This, to his mind, was wrong. We have (continued Mr. P.) neither the power to say that the five members from New Jersey shall not qualify, nor had they the power to admit eleven from that State. The only possible way of getting out of the difficulty in which they were involved, was to admit those gentlemen only who had the regular certificates of election.

Mr. RHETT confessed that this morning it was his impression, from old opinions that he had entertained on the subject, that the CLERK of the House had no right to put a question, and that they, as members of Congress, were not bound to answer him. But the House (Mr. R. said) had decided that it was competent for the CLERK to put a question. He would now read from the Journal of the House for the first session of the Twenty-fifth Congress, the proceedings in which this decision was made.

Here Mr. R. read as follows:

"Walter S. Franklin, Clerk to the late House of Representatives, commenced the call of the roll of members by States, beginning with the State of Maine; and having called as far as the State of Mississippi, and being about to call the members from that State—

Mr. Mercer, of Virginia, rose and moved the adoption of a resolution in the words following, to wit:

Resolved, That sufficient evidence has not been afforded to this House that John F. H. Claiborne and Samuel J. Gholson are lawfully entitled to seats therein.

The said resolution was read; and, after debate thereon,

A motion was made by Mr. Bynum that it do lie on the table:

And after further debate, the question was put that the resolution do lie on the table,

And passed in the affirmative.

Mr. R. Barnwell Rhett then submitted the following motion, to wit:

That Lewis Williams, of North Carolina, being the oldest member of the House of Representatives, be appointed chairman of this House, to serve until the House be organized by the election of a Speaker.

A motion was made by Mr. Toucey, that the said motion do lie on the table; and, after debate, the question was put,

And passed in the affirmative.

And so the motion made by Mr. R. Barnwell Rhett was ordered to lie on the table."

Now, sir, continued Mr. R. at the opening of the last Congress, as many difficulties and objections as to your power occurred to me, as strongly as they had to-day occurred to any gentleman present. He was at a loss to see the power by which the CLERK was seated in that chair. It was under these objections that he made the motion he did to appoint a Chairman to serve until the House was organized. He made this motion because he could see no parallel between the situation of the CLERK and Clerk of the House of Commons of Great Britain.

Mr. R. here showed the distinction between the powers of the two officers. There was no analogy between their situations, because there was law to govern the one, and no law to govern the other. He could not, therefore, recognise the CLERK as having powers which might be dangerous for him to exercise. These were his impressions at the time, but the House overruled his motion, and decided that it was competent for the CLERK to put a question. This was not the only case in which the House made such a decision. At the first session of the Twenty-fourth Congress, the same rule was observed. Here Mr. R. read from the journal as follows:

"And a quorum, consisting of a majority of the whole number of members of the House, being present,

And the members being about to proceed to the election, by ballot, of a Speaker to preside over its deliberations,

A motion was made by Mr. PATTON that the Speaker be elected *viva voce*.

And after debate,

A motion was made by Mr. EVANS that the motion made by Mr. PATTON, that the election of Speaker be made *viva voce*, do lie on the table.

And on the question that the said motion do lie on the table,

It passed in the affirmative."

Thus it appeared, that however reasonable or unreasonable it might be, this House had already determined that they would proceed to business, with the CLERK in the Chair to put the questions; and the House had done so for two succeeding sessions. Mr. R. thought, therefore, that it would be best for the House to pursue the same course now, and suffer the question to be put, whether the CLERK should be permitted to make a statement explanatory of the course he had pursued.

Mr. WISE observed that the precedents cited by the gentleman from South Carolina, were very good ones in the cases in which they applied; but they did not, in his opinion, apply in this case. In the case of Claiborne and Gholson, there were no persons contesting their right to their seats. In this case no question had arisen as to who should or should not vote in organizing the House. Then in the other case—that where Mr. PATTON moved to vote *viva voce* for the election of Speaker—the question was simply taken by general consent; and there was no question as to who should vote, or any other questions like those now presented to the House. But now the first question was, whether you shall pass over the State of New Jersey? and then the question would arise,

who should vote on it? These questions never could be decided unless by general consent, or by leaving it to the CLERK to count the votes, and then he would decide the very question he had referred to the House for its decision. Considering all these difficulties, he begged the CLERK, before it was too late, to recede from the decision he had made, and to proceed to call over the names of the members from the Sate of New Jersey. The CLERK might, if he pleased, call either of the two sets of members claiming to represent that State. He might call Mr. DICKERSON and his party, instead of Mr. AYCRIGG and his friends. All he wanted was for the CLERK to proceed with the case of the House, and he begged the CLERK to go on. He would make one suggestion to the gentleman from South Carolina, and that was that no question could be decided there by general consent, as it was in the cases he had cited. Mr. W. again drew the distinction between the case of Claiborne and Gholson, and the one now presented; and ended by declaring that their was no way of deciding the questions before them, but by the CLERK receding from the decision he had taken.

Mr. RHETT observed that they must determine one thing at a time; and he thought that the record he had just read was sufficient to show that the motion of the gentleman from Massachusetts could be put by the CLERK, in accordance with the settled rule of that body. The motion of that gentleman was, that the CLERK be permitted to make a statement, explanatory of the course he had taken. Now the House had, on two previous occasions, decided that it was competent for the Clerk to put such a question. The gentleman from Virginia was mistaken in saying that in the cases he had cited, the questions had been taken by general consent; for on both occasions there was a division, and a very strong minority. He thought that it would be better for them to take up one question at a time, and decide that, and then go on to the next one. If, however, the House should not proceed in this way, and the organization should be formed with members who were returned in sonsequence of fraud, and a Speaker should be elected in consequence of votes thus taken by fraud, he should take it upon himself as a member of Congress, if no other gentleman did, to move to have these frauds investigated, and the election of Speaker set aside as utterly null and void.

Mr. AYCRIGG, one of the gentlemen claiming seats from New Jersey, in virtue of the Governor's commission, rose, and addressing himself to the CLERK, said: I wish to know, sir, whether, at the time I called at your office with our credentials, you did not acknowledge that they were perfectly legal, and in the form that the credentials of members from New Jersey had always been presented.

Mr. JOHNSON of Tennessee objected to the CLERK being called upon to give a partial statement, without being permitted to explain the whole case. The CLERK had heard his conduct called in question on all sides, and it was unfair to call on him to make so partial a statement.

Mr. GARLAND, the Clerk, then asked if he might be permitted to make a statement explanatory of his conduct.

Mr. AYCRIGG and several other gentlemen objected.

Mr. JENIFER addressed the House at great length, arguing that the CLERK was bound to consider the certificates of the Governor of New Jersey as the *prima facie* evidence of the election, and to call over the names of the gentlemen presented in them. By pursuing a contrary course, the CLERK had taken upon himself virtually to disfranchise the State of New Jersey, and to deprive her members of their rightful share in the organization of the House. He did not impugn the motives of the CLERK, for the little intercourse he had had with him, had been very much to his credit; but he believed that the CLERK had been influenced by the advice of his political friends, and he was anxious to relieve him from the difficulty in which they had involved him. There was, he knew, an ulterior object in view—the depriving five of the New Jersey members of their seats, was to be followed by ejecting one member from Pennsylvania; and by thus ousting six members, a majority might be obtained for the purpose of accomplishing the iniquitous ends of party. The election of the CLERK was also to come on, and his election was believed by his friends to depend upon the organization of the House. The CLERK himself never would have ventured to take the course he did, had he not been urged to it by his friends. Mr. J. appealed to the CLERK, and urged upon him to recede from his decision.

Mr. WELLER said the question presented to the consideration of that assembly, (for it could not yet be called a House,) it appeared to him, was a very singular one. The motives of the CLERK in omitting to call the Whig claimants from New Jersey had been impugned, and he had asked their permission to state the facts in the case, as shown by the papers filed in his office, and the reasons upon which he had acted. He was utterly astonished to find men on that floor denying this privilege to the CLERK. He would ask the gentlemen of the Opposition why it was that they were unwilling to have all the facts? Were they afraid to let the CLERK state to the House the facts upon which he was led to submit this question of right to the House? Do they fear that a full and fair exposition of the evidence will show that these "certificate gentlemen" are not entitled to their seats? For his own part, he wished to see the evidence in this case laid before this assembly, and before the country. Let the people see how the gentlemen in the Opposition had sought to trample upon their rights—how Governor Pennington and his Privy Council had attempted to place men in this Hall whom they had rejected. He said he understood that there was evidence on the CLERK's table, showing beyond a reasonable doubt that the Democratic claimants received a majority of the people's votes, and that the Governor and his Council had usurped the rights of the people by commissioning others. What was the duty of the CLERK, then, under these circumstances? Should he proceed to enrol, as members of this House, men who, so far from being sent here by the people, had been rejected by them? He apprehended not. He [the CLERK] was bound under the solemnities of his oath to pass them by, for it was impossible to decide who were entitled to the seats. Let both sets stand back until the House is organized, when a full and fair investigation could be had. Mr. W. said he was unwilling to take a seat alongside of those who, so far from coming here endorsed by the people, come here with a *protest* on their backs. He was unwilling that they should be permitted to vote on any question, until their right to seats here was determined.

But it had been said that they could not go behind the "certificate" of Governor Pennington, given under the "*broad seal*" of the State! Gentlemen appeared to attach some peculiar sanctity to *seals!* Were they not aware that there was an official document in the hands of the CLERK, under the "great seal" of the Secretary of State, showing that the Democratic claimants received a majority of the people's votes, as it appears by the records in his office? If they were ignorant of that fact, it was their own fault, for they had refused to hear the papers read. Shall we, he asked, suffer Governor Pennington, with his "great seal," to manufacture members for the people in direct opposition to their expressed wishes? He trusted not. He hoped, for the honor of this nation, that they would not suffer so gross an outrage to be perpetrated on the rights of the people.

Much had been said by gentlemen in the Opposition about "the liberties of the people, constitutional rights," &c. He had as high a regard for the liberties of the people as any man on that floor; and it was to prevent Governor Pennington and his clique from destroying those liberties that he now addressed them.

But, sir, (said Mr. W.) we are told that these certificates afford "*prima facie*" evidence that the claimants are entitled to the seats. This was not denied. It was *prima facie* evidence, but that evidence might be rebutted and destroyed by evidence of a higher character. Here, sir, we find upon the table of our CLERK, proof that those certificates had been given to men who received a *minority* of the popular vote. That evidence was abundant and conclusive. Let any man whose mind is not under the complete dominion of prejudice, examine it, and tell him whether there was yet evidence sufficent to warrant the CLERK of the House in placing these men in this Hall as members. Your "*prima facie*" evidence is rebutted by the most conclusive proof that the certificates are basely false. You may succeed, he said, in suppressing that evidence here, but the people of this country will have it, and they will do justice to this Whig Governor and his Privy Council.

Let the citizens of this Republic once understand all the facts in this case, and, his word for it, they would set the "*great seal*" of condemnation upon this high-handed outrage upon their rights. He said it was emphatically a contest between the Governor of New Jersey and his Privy Council on the one side, and the people on the other. Shall the people elect their Representatives, or shall Governor Pennington do it for them? That was the question submitted to their consideration.

Suppose, said Mr. W. there was proof that the certificates were false; he would ask whether they were now in a condition to pass upon that question? No: for the question, who was entitled to vote, would immediately arise, if a proposition be made to investigate it. They would then be compelled to decide upon the claims of these gentlemen to vote.

Mr. W. said he would ask what were these gentlemen depending upon to give them seats? Not the votes of the people, but the mere technicalities of the law, and the broad seal of the State, fraudulently made use of by Gov. Pennington. This was, as he before said, a contest between that Governor and the people of New Jersey; and are gentlemen willing to sacrifice the dearest rights of the people, and sustain the Governor in his usurpations? The people had as much right to have a vote in electing a Speaker of this House as to vote in the enactment of a law, and it was their solemn duty to decide whether the people or the Governor should be represented in the election of that officer. There was sufficient proof upon the CLERK's table that the Representatives of the people are entitled to vote upon this question, and not those of Gov. Pennington; that his certificates were untrue.

Mr. MAXWELL here rose and denied the assertion.

Mr. W. continued: He said he did not hear the gentleman; that he would be pleased to hear him, notwithstanding he came here without the authority of the people. He again reiterated that he was opposed to their voting for Speaker, and commended the CLERK for the course he had pursued, and contended that it was his duty to set aside the claims of those who came there with fraudulent certificates.

He said the principles advocated by the Federal party on this occasion, were in exact accordance with those which had governed that party from the first organization of the Government. They had always practised upon the principle of the incapacity of the people to govern themselves—that the minority should rule. That, he said, was the corner stone of Federalism. They believed that the great mass of their countrymen were too ignorant to govern themselves; and hence, in this case, they appear to contend that a Governor of a State, with his "*great seal*," was a better judge of who the people want to represent them, than the people themselves.

Mr. W. said he intended, upon all occasions, to cast his vote in favor of the individuals claiming seats, who had a majority of legal votes; and as one of the Representatives of the people, he could not consent to sit in that Hall with men who did not come there as their choice. His object was to do full and ample justice to these men and to the people of New Jersey, and he was not to be tied down by forms, or stand upon technicalities, when he saw a gross fraud practised upon the rights of the people of a sovereign State. Suppose, sir, he again said, that there were facts on the CLERK's table showing that these certificates were basely false? Were we to adhere so closely to technicalities

that we cannot inquire into the matter, and examine the evidence? Are we to be precluded by th "great seal" of Governor Pennington? It did seem to him that common justice required none of these men should be seated until this question was settled. He had, he said, expressed his opinions freely, and perhaps with some warmth, on this subject. He had been accustomed all his life to express his opinions freely. He had exercised that right at home, and no earthly consideration should deter him from exercising it here. And whenever he saw an effort made to disregard the expressed will of the people, and trampled upon their constitutional rights, he would be heard in their defence. Yes, sir, said he, as long as God gives me a voice to speak, that voice shall be heard in vindicating the cause of an outraged and insulted people.

Mr. WADDY THOMPSON thought that the House must pursue the course usual on such occasions, or they never could organize. The usage established, and which had never been departed from, was, that when gentlemen presented themselves, with the certificate of the Governor, under the great seal of the State, they were entitled to participate in the organization of the House. He thought it would be dangerous to depart from the long established usage on the subject, and he conjured gentlemen to weigh well the consequences of such a course. If the State of New Jersey was not called, a sovereign State would not be represented in the important—and, in the present condition of the country, all important—election of Speaker. This matter might be carried further. Suppose he, from a captious or vexatious spirit, should contest the right of a member from the State of New York, or the State of Ohio, or from any other State, the same difficulty as in the present case would recur, and an organization of the House would never be effected. He had not intimated his opinion of the merits of the claimants on either side of this question; he had purposely abstained from doing so; but he pledged himself—if such a pledge would not be considered disrespectful to the House—when it came up regularly before them, to investigate it, and decide upon it, with the strictest impartiality.

Mr. DUNCAN attempted to obtain the floor; but

The CLERK deciding in favor of Mr. RANDOLPH,

Mr. DUNCAN inquired if that gentleman had had not already participated in the debate?

The CLERK said that, in the present condition of the House, he did not consider the parliamentary rule, that no member should speak more than twice on the same dubject, to be in force.

Mr. RANDOLPH then said that the gentleman from Ohio [Mr. WELLER] had asserted that there were certificates for two sets of members from the State of New Jersey. Before he did this, he should have understood something of the laws of that State. His colleagues and himself came there as the Representatives of the State of New Jersey, certified in all the forms of the laws of that State, and no other form of certificate was legal or valid. They came there with the certificate of the Governor of New Jersey, under the broad seal of the State—a seal, the validity of which was never questioned until the present. This time-honored seal was older than the Constitution of the United States. It was adopted when her soil was trodden by a foreign foot, when the blood of Jerseymen was poured out as water, when her villages were given to the flames, and her fields devastated, then had she adopted this seal, and imprinted on it the emblems of the fruitfulness of her soil and the devotion of her sons to the principles of liberty. And never till the present time had the sanctity and validity of that seal been questioned. Another remark of the gentleman from Ohio was, that the CLERK was not permitted to give his reasons for the course he had pursued. He appealed to gentlemen all around if he had not yesterday requested that the CLERK should be heard. In justice to that gentleman, and to his colleagues, he requested that the reasons of the CLERK should be heard. But the gentleman from Ohio had said this was a contest between the Governor and the people of New Jersey. Sir, the Governor of New Jersey is the organ of the people of New Jersey. His conduct has been submitted to their scrutiny, and all the powers of earth have been called into requisition to hurl him from his station; yet he is still their organ. Efforts have been made to blacken his character with infamy, but he was much mistaken if, before this investigation was closed, he would not appear to have acted in strict conformity to legal provisions, and the dictates of conscience.

Mr. DUNCAN obtaining the floor,

Mr. UNDERWOOD moved an adjournment.

The motion appearing to be seconded by a large number of voices, the CLERK was about to announce the adjournment, when

Mr. CUSHING objected to any adjournment, without a vote being taken.

The CLERK was under the impression that he could not put a question to a voie of the House.

Mr. CRAIG understood that the House consented that the CLERK should put the question.

The CLERK still thought, as there was not a quorum, he could not put a question.

Mr. MERCER said if there were but ten members present, motions of adjournment could be made and acted on.

Mr. CUSHING referred to the First Congress, when there was no quorum present for three weeks, and they had adjourned from day to day, until a quorum had assembled.

Mr. WISE hoped they would have a vote on the question of adjournment. If they could take a vote on that question, they could on another, and he would as soon have the matter settled in that way as in any other.

Mr. CRAIG said that in the present unorganized state of the body, all must perceive that every movement must be the result of general consent.

Mr. UNDERWOOD then moved that the House adjourn until to-morrow, at 12 o'clock.

The CLERK then put the question on the adjournment, and it was decided in the affirmative; and then,

The House adjourned.

IN SENATE,

WEDNESDAY, December 4, 1839.

Mr. SMITH of Connecticut appeared in his seat this morning.

Mr. BENTON said, that though, in consequence of the other department of the Legislature not being organized, it would not be proper to transact legislative business, yet he considered there would be no impropriety in taking some initiatory steps towards procuring information as a basis of future legislative action. He would therefore submit some resolutions of inquiry, if the CHAIR decided that it would be in order.

The CHAIR deciding that it would be in order,

Mr. BENTON offered the following resolutions:

Resolved, That the President of the United States be requested to communicate to the Senate copies of the records, and of all the proceedings of the Court of Inquiry, and also of the Court Martial lately held at St. Louis, on Lt. Col. Brant; also the copy of his resignation; and, also, of all the papers connected therewith.

Resolved, That the Secretary of the Treasury be directed to report to the Senate as follows:

1. The articles of foreign import, which being manufactured into a different article in the United States, are allowed a drawback of duty on being exported; with the quantities and values of such imports and exports, and the amounts of duties received and drawback paid on the same, from the year 1833, inclusive, to the end of the fiscal year of 1839.

2. The amount of drawback which would have been payable on such exportations, if the act of March 3, 1839, for the reduction of duties, commonly called the Compromise act, had provided for a reduction of drawback in proportion to the periodical reduction of duty.

3. The probable quantities and values of such imports and exports, and the amounts of duties receivable, and of drawbacks payable thereon, from the year 1840, inclusive of that year, to the consummation of the Compromise act, in 1842, and for one year thereafter; provided the said act remains as it is.

4. The same quantities, values and duties for the same time, with the annual amounts of drawback, which would be payable if the drawback underwent reductions proportionately with the reductions of duty.

5. A table of recapitulation and comparison, showing the annual difference, and the aggregate difference between the amounts of drawback paid and payable under said act, from 1833 inclusive to 1842, and one year thereafter, if the act remains as it is, and the amounts that would have been paid and should become payable hereafter, if the drawbacks had been subject to reduction in proportion to the reduction of duties from the date of the act.

Resolved, That the President of the United States be requested to communicate to the Senate, so far as it may be in the power of the Treasury Department to obtain the information, the names of all the banks in the United States which may have stopped specie payments during the suspension of 1839; also of those which did not stop; noting those which may have recommenced payments; the whole divided into classes by States and Territories, and the District of Columbia.

Also, that he cause to be communicated to the Senate the names of all banks, if any, which have refused to pay the Government demands, Post Office inclusive, in specie when demanded; with all the circumstances of such failure, and the correspondence to which it led.

Also, to inform the Senate whether any of the Departments have information, or have reason to believe, that any of the Government creditors have been paid in depreciated currency since the general resumption of 1838.

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate all the information which may be in his power or possession relative to the imposition of tolls and the annual amounts *collected*, on all sorts of vessels, empty, light, or heavily laden, on the Louisville and Portland canal, from the opening of the same to the present time; and the general expenses attending the canal. Also, the annual amount of *dividends* belonging to the United States. Also, the number of shares held in said canal stock by the United States, and the amount paid upon them. Also, the number of vessels of all kinds which have passed the said canal annually since it was opened. Also, whether the said canal is completely finished and put into a condition to pass vessels through in the shortest time practicable.

Resolved, That the Secretary of the Treasury be directed to address proper queries to the surveyor of the port at Louisville, and also at St. Louis, to be answered by themselves, and also to be communicated to the steamboat captains generally, in relation to the effect of the tolls on the said canal, and the amount thereof on their respective vessels for each time they pass through, and the aggregate amount for the season, or a year; and the comparative amount of the tolls paid to the canal, and the profits cleared by the boat; with an estimate of the amount of tolls which a regular trader of a given tonnage, between St. Louis and Louisville, and between New Orleans and Louisville, would poy in the number of years that such steamer would last, supposing her to continue in the same trade as long as fit for service; also a comparative estimate of such aggregate tolls, with the original cost of the vessel; and a further comparative estimate of such tolls, with the other expenses incident to the running of the steamboat.

Mr. CRITTENDEN gave notice that he would ask leave, at the earliest day it would be proper to do so, to bring in a bill to authorize the purchase of the private stock in the Louisville and Portland Canal by the United States.

Mr. WALKER gave notice that he would ask leave, at the earliest day it would be proper to do so, to introduce the following bills:

1. A bill to provide for a standing and permanent pre-emption system, with sales, also, to actual settlers at reduced prices.

2. A bill to relinquish to the State of Mississippi

the two per cent. fund arising under her compact for admission into the Union.

3. A bill to cede to the State of Mississippi a quantity of public land equal to that heretofore granted to the State of Ohio for the purposes of internal improvement.

4. A bill to authorize the substitution of other lands in place of school sections which are useless or unproductive.

Mr. CLAY of Alabama gave notice that he would ask leave, at the earliest day it would be in order to do so, to introduce the following bills:

1. A bill providing for the reduction and graduation of the price of the public lands.

2. A bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road, or roads, leading to said State.

3. A bill to establish an additional land district in the State of Alabama.

4. A bill for the relief of certain persons therein named.

5. A bill for the relief of John McCartney.

6. A bill for the relief of Captain Snodgrass's company of Alabama volunteers.

7. A bill for the discontinuance of the office of Surveyor General in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and to abolish the office of Solicitor of the General Land Office.

8. A bill for the relief of Richard Robertson.

9. A bill for the relief of the assignees of Louis Baron De Ferriet.

10. A bill for the benefit of the Gainesville and Narkeeta Railroad Company.

11. A bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama.

12. A bill for the relief of the heirs of Colin Bishop.

13. A bill for the benefit of the Alabama, Florida, and Georgia Railroad Company.

14. A bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other lands in lieu thereof.

Mr. NORVELL gave notice that, at the earliest day it would be in order to do so, he would ask leave to introduce the following bills:

1. A bill granting to the State of Michigan a quantity of land, to aid said State in the construction of a canal around the falls of St. Marie.

2. A bill for the relief of certain companies of Michigan militia.

3. A bill making grants of public lands to certain States, for purposes of internal improvement.

4. A joint resolution, authorizing the President of the United States to cause certain surveys to be made.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, December 4, 1839.

At 12 o'clock, Mr. GARLAND (the CLERK) called the House to order, and stated that, at the adjournment yesterday, Mr. DUNCAN of Ohio had the floor.

Mr. WISE then rose and stated, that if the gentleman from Ohio would yield the floor, he would submit a resolution which would, perhaps, settle the difficulty in which the House was now involved.

Mr. DUNCAN yielded the floor, when—

Mr. WISE then stated that he held in his hand a resolution, which had been prepared by one of his colleagues, who was not then in the House, which would perhaps relieve the House from its present difficulty. Mr. W. then submitted the following resolution:

Resolved, That the Representatives of the Congress of the United States now assembled, to relieve themselves from the embarrassment and difficulties which at present obstruct the organization of the House, will proceed, by the Acting Clerk, to call the names of gentlemen whose rights to seats are not disputed or contested; and, after the names of such members are all called, and before they proceed to elect a Speaker or other officer, or to organize in any manner, they shall, provided there be a quorum of such present, hear and decide upon all credentials, certificates, or commissions of persons claiming seats in the House of Representatives under the Constitution of the United States and the laws of the respective States.

Mr. DROMGOOLE hoped it would be the general disposition of the members to adopt the proposition of his colleague, [Mr. WISE.] He was glad that it had been submitted. It appeared to him to cover the very ground maintained by himself and others from the beginning of this discussion, that it is competent for the House to decide the matter in dispute at the threshold. He understood that it had been contemplated to decide this contest forthwith; that as soon as the CLERK had called and enrolled the members whose seats were undisputed, that they would proceed immediately, before the transaction of any other business, to the investigation and decision of the conflicting claims to seats. Such had been his understanding, and for himself, he had been ready to give a pledge that he would unite in effectuating this purpose before he would join in any attempt to elect the Speaker or other officers.

This resolution of his colleague will effect this object. The disputed seats must be decided by those whose claims are uncontroverted. Their right and power to do this, is as complete before as after the election of Speaker. It may be inconvenient and difficult to act without a complete organization; but this inconvenience and difficulty does not destroy or impair the constitutional right of the House to judge of the election, qualification, and returns of members. The power of judging is conferred by the Constitution, and if it does not exist in the first instance, surely the election of Speaker and other officers cannot confer additional powers. The election of these officers is only for the purpose of promoting the convenience and order of our action, and for facilitating the despatch of business. He repeated that he hoped, for the sake of obviating all difficulty, the proposition of his honorable colleague [Mr. WISE] would be received by general consent.

Mr. WISE said that he was willing to trust to the consciences of gentlemen to decide this question of *prima facie* evidence, if the pledge was given that it should be decided before a Speaker or any other officer was elected.

Mr. JOHNSON of Tennessee said, that the resolution introduced by the gentleman from Virginia, with a slight modification, accorded entirely with his views and wishes, and with the views of his friends, so far as he had conversed with them upon the subject. The resolution proposed to progress with the call of the members whose seats were undisputed, until the States were called through, and then, without a further organization of the House, to decide the rights of the several claimants; so that in the election of the officers of the House each State might be fully represented. This, in his opinion, was all right; but how was this trial to be made? We have no officers to preside over the deliberations of the House; we have no rules or regulations by which the debate is to be conducted; we have no means of ending debate, and he apprehended, if the resolution was adopted, that so soon as we entered upon the examination of the cases from New Jersey, an interminable debate of some kind would arise, and weeks would elapse, when we should find ourselves no nearer the object we all desire, than we are at present. He therefore suggested to the member from Virginia the propriety of so amending the resolution, as to make the rules and regulations which have heretofore controlled the action of Congress, the law of this House until it was organized.

Mr. J. said he had but one object in view—to have these disputed questions *fairly decided* by a majority of the members of the House, and he was perfectly willing that it might be done before the election of the officers of this House.

Mr. WISE hoped that the gentleman from Tennessee would take this resolution as it stood, and then he could move to adopt rules afterwards.

Mr. HUNT then submitted the following as a substitute for the resolution submitted by Mr. WISE:

Resolved, That the House will now proceed to elect a temporary Speaker, allowing the members from New Jersey (producing the evidence given according to the law of that State) to vote on the question; that the Speaker thus chosen shall appoint none of the committees of the House; that the Committee of Elections shall be chosen by ballot; and that, after the question on the disputed seats shall have been settled by the House, we will then proceed to choose a Speaker for the 26th Congress.

Mr. TILLINGHAST said the House was just as competent to adopt rules to govern its action after this resolution was adopted, as it was to adopt this resolution. Then let the House adopt this, and that will be one step in the business.

Mr. RIVES was pleased that his colleague had submitted the proposition before the House, and he would go for it, if the latter part of it was somewhat modified. It might turn out that it would be necessary to refer the subject to the Committee of Elections, and it seemed to him that some difficulty might arise in relation to that matter, if the resolution was adopted as proposed. He would be in favor of deciding in the first instance, as to the formality of the returns, but he thought it would not be proper for the House to decide as to who were entitled to seats, until the House was organized, and the matter was sent to a Committee of Elections, and decided upon in the usual way.

Mr. HOFFMAN agreed with the gentleman who last spoke, that the House would find it necessary to send the question to a Committee of Elections; and before that was done, they must proceed to the election of a Speaker, and go through with the organization of the House; but he contended that the five New Jersey members who held the Governor's certificate, were entitled to participate in the organization of the House. If this body refused them this privilege, it nullified the acts of a sovereign State. All usage and precedent, he argued, gave them the right to participate in the organization, and no body of men had the power to deprive them of this right. On yesterday, and the day before, the CLERK had decided that the House could not entertain an ordinary motion, and that no question could be put; yet it was now attempted to pass a resolution which would disfranchise a sovereign State. He looked upon this as a most extraordinary proceeding. It was the most odious nullification ever presented to the contemplation of the people of this country. The New Jersey members were as much entitled to their seats as any men who presented themselves in this body. There could be but one safe rule in this matter; and that was, he who holds he certificate, be it right or be it wrong, is entitled to the the seat until the House is properly organized. After that, justice can be done, if it has not been done in the first instance. He would ask gentlemen whether, in case these gentlemen were not legally entitled to their seats, and their votes elected a Speaker of one party, they might not remove them and elect a new Speaker. They might do this or do any thing else, rather than establish the monstrous precedent that the certificate of a Governor and Council was to be disregarded in the first instance.

Mr. GRAVES then submitted the following, as a substitute for both the resolutions before the body:

Resolved, That the acting Clerk of the House shall proceed with the call of the members from the different States of the Union, in the usual way, calling the names of such members from New Jersey as hold the regular and legal commissions from the Executive of that State.

Mr. GRAVES spoke at considerable length, contending that the members from New Jersey, who held the Governor's certificate, were entitled to their seats, and it was not in the power of this body to prevent them from taking them. He had no idea that they should be excluded because five loafers might see proper to come there and claim their seats. If the doctrine was assented to, which some gentlemen in the House held, the organization of the House might be prevented entirely, by persons from different States coming forward on the first day of the session and contesting the seats of a majority of the mem-

bers of the House. This case might occur as readily as the one which had occurred. He pronounced the doctrine held by the CLERK, a revolutionary doctrine, and declared that the CLERK had been compelled to advance and maintain this doctrine by certain members of the House, in order that his re-election might be secured. Mr. G. replied to the remarks of the gentleman from Ohio, [Mr WELLER,] and proclaimed that it was a base slander, for that gentleman to declare that the party with which he acted had ever held the doctrine that the majority of the people ought not to rule. He contended, also, that it was a direct attack on State sovereignty for the CLERK or the House at present to refuse to admit men to seats, who had certificates under the broad seal of the State of New Jersey, and appealed to South Carolina State Rights men to give their views on this subject, and repudiate the doctrine advanced by the CLERK.

[Mr. WELLER made several ineffectual attempts to gain the floor to reply to the remarks of Mr. GRAVES.]

Mr. CRAIG regretted exceedingly that any thing should have occurred to create such a feeling between gentlemen on the floor, as seemed to be exhibited at present. Although we might differ on political questions, he saw no reason why there should be any personal bad feeling existing between gentlemen. Round assertions and imputations of motives carried no weight with them, and the only effect which could result from such a course of debate, would be to arouse the angry passions of gentlemen on this floor, where the utmost good feeling ought always to prevail. In reply to the argument of the gentleman from Kentucky, he contended that the course pursued by the CLERK was not revolutionary, and that the adoption of the resolution of his colleague would be a proper course for the House to pursue. The gentleman from Kentucky had said, that the moment it was shown that the Whig members from New Jersey had not received a majority of the legal votes of that State, he would vote to exclude them. Then, if the gentleman held those views, he ought to vote for this resolution, because, if it was adopted, we might go behind the returns and ascertain who had received the greatest number of votes. If he believed that the gentlemen who had not the Governor's certificate had received a majority of the legal votes of the people of New Jersey, he was bound in conscience to sustain them; and with a view of obtaining some information on this subject, he would ask of the gentleman from New Jersey before him, if it was not a fact that the votes of the people of the district of South Amboy and Millville had been excluded from the general return?

Mr. RANDOLPH rose and stated that the votes of the people of these two districts were rejected because, in one instance, the judges of election had received a large number of the votes of aliens, and in the other case, they were rejected because they had not complied with the statute of the State.

Mr. CRAIG said it did not matter; the votes had been rejected, and in consequence of their being rejected from the general return, the gentlemen who were the political friends of the gentleman from Kentucky, claimed a seat. If they had not been rejected, the gentlemen on the other side would have had a majority of votes, and we hold that they, having the majority of votes cast, have the *prima facie* evidence of right to seats on this floor. He could not be bound by the great seal of the State of New Jersey, and vote for members to take seats, when his conscience told him that they were not entitled to those seats. All he desired, was, that the gentlemen who had the majority of legal votes of the State of New Jersey should have the seats. With regard to State sovereignty, which had been so much spoken of, he would say that he had the highest regard for it. But when he spoke of the sovereignty of a State, he did not mean that there was no difference between the people who constituted the State in this country, and the Governor and Council. In this country the people constituted the State.

With regard to the proposition of the gentleman from Kentucky, he could not like it, because it called upon him and his friends to cancel the whole ground, and admit men to seats, who, in their opinion, were not entitled to them. His object was to exclude all the members from New Jersey of both parties, and then to act upon the question after the roll had been called through.

Mr. PICKENS said he regretted exceedingly the progress of this discussion, and particularly the excitement growing out of it, and it seemed to him that there was no cause for it? As to the threats alluded to, either out of the House, or on this floor, he knew nothing of them and cared less; born insensible to fear, he was prepared to meet the issue as it might arise, and do his duty to the country. He considered much of the matter thrown into the discussion this morning as irrelevant and unconnected with the subject.

The gentleman from Virginia [Mr. WISE] had presented a distinct and definite proposition, and in writing, and in his (Mr. P's) judgment it was a reasonable proposition. He had said at the very commencement of the debate that this was an unobjectionable proposition. It was in effect the very motion made by a gentleman from Virginia [Mr. RIVES] on a former day; and as to the doubts suggested in regard to the latter part of the resolution, he for one was unwilling to express them. He was willing to meet the gentleman from Virginia [Mr. WISE] in fairness and candor, and he could not believe that that gentleman intended to play a miserable trick upon the House. He knew the gentleman would not do so. In his judgment, the case might be stated in this way. When the CLERK progresses, and calls through the roll of undisputed members, you will then have a quorum competent to decide the preliminary question. The House has the right to decide now, or then, and the preliminary question which will be presented to it, is, as to who has in his possession the legal returns from the State of New Jersey. The one side may say that the certificate of the Governor was the only full, legal, and *prima facie* evidence, and the other side may say that the majority of the freemen of New Jersey who had sent here another set of Representatives, had presented a *prima facie* case in full. Well, was he to say that one set of gentlemen were madmen and fools, because they chose to take one statement as *prima facie* evidence, in preference to another? What is *prima facie* evidence? Absolutely nothing, if it is fairly rebutted by other *prima facie* evidence; and the tribunal constituted to judge, is to decide which is the best testimony. We are constituted under the Constitution the supreme tribunal to judge in the matter. Under the Constitution, it belongs to us to decide on the qualifications, returns, and elections, of members to this House. There is no appellant jurisdiction; and one side may say that the testimony presented by one set of members is to them *prima facie* evidence, and the other side may say that the testimony presented by the other set is *prima facie* evidence for them. We are created by the Constitution *quo ad oc* the judicial tribunal, and there is and can be no other. But the practical question is, can we decide? A gentleman has proposed that we go on and organize the House. You can either decide on that question, or you can go, if you choose, into the merits of the question. The reason why the House has heretofore preferred an organization by the election of a Speaker, and the appointment of committees, is from mere expediency. But it belongs to the House, as a matter of right, to go directly into the merits of the question, and look behind the *prima facie* evidence without the interposition of a usual committee if they choose. If the House choose to decide as to the returns first, they can do so, and if it choose to decide on the merits of the election, it can do so. The only practical question was the one presented by the gentleman from Virginia; and he thought it so reasonable, that he thought gentlemen on all sides should unite upon it. Gentlemen ought to come here prepared to meet each other in confidence and liberality. He saw no reason for witholding confidence unless he was first betrayed; and when once betrayed he never placed confidence again in the men who betrayed him; but he knew that the gentleman who offered this resolution never intended to play a trick on the House. When he spoke of this resolution, it might be supposed by some gentlemen, that he had seen it before it was presented here; but he assured gentlemen that he had never seen it, or heard it read, until it was read from the CLERK's table. It was, however, precisely the motion of the gentleman's colleague, [Mr. RIVES,] excepting some little particularity as to the mode of proceeding at the close of it.

He wished now to say a word in reply to the gentleman from Kentucky, in regard to State sovereignty. When those questions come up to be decided, he would be prepared to decide them, but he would say at present that, according to his own ideas, State sovereignty was not in the keeping of a Governor and Council, or under a great seal. It was in the keeping of the people. It was properly in their keeping, and when they speak through a convention, then they speak the sovereignty of the State, and not till then. The Governor's seal and certificate are evidence of State authority, but are not exclusive evidence of sovereignty. We hold that sovereignty is in the keeping of the people themselves, and they alone have the right to declare their sovereignty when they meet in convention; but, sir, sovereignty does not belong to State Legislatures or Governors of States. Give him the legal evidence that such was the authority of New Jersey or of South Carolina, properly presented, and when the question properly arose, he would vote upon it. But he held that the House, if they chose, had the whole matter under their adjudication, and could not only decide upon the returns, but could go directly into the merits of the question, if they thought it expedient.

He would here say, without expressing an opinion as to the evidence, as he had not examined it, that although he was not prepared to say on all occasions *vox Populi* must be *vox Dei*, yet he was not ready to run counter to the express voice of the people of a State, if it was legally shown to him to be their voice. He called upon gentlemen to beware how they set at defiance the will of the people, when clearly expressed. He did not desire to preach revolutionary doctrine, but he was ready to declare a great truth, that history would bear him out in, which was, that the thunder of Heaven might sometimes be heard to roll in the indignant murmurs of an outraged, but free people.

As to who had the legal returns, he was not prepared to say at present. When that question arose, he thought there would be no difficulty in deciding it; but he would assure gentlemen, that by technicalities they could never smother up the great question as to who were here the representatives of a majority of the legal voters of New Jersey. When the people come to decide upon that question, they will tear off, and trample in the dust, the technicalities of special county court pleading, which are thrown around us here for party purposes, or otherwise.

He trusted that the good sense of the House would induce them to adopt the proposition of the gentleman from Virginia. Then we may adopt rules for our government, or do any other act which may be necessary in the decision of the case. With regard to the idea that the reading of the roll entitled a member to his seat, he would say a word. The CLERK calling the roll did not entitle him to his seat. He had not presented his credentials, and the CLERK had no right to demand that he should do so. They can only be demanded by the House, and he had no right to go forward to lay his certificate on that table until it was demanded of him by the House. He would scorn to present his credentials before any tribunal save the House itself, or at the Speaker's desk, as the organ of the House. He was a member without going before the CLERK or on the roll, and acknowledged nothing but the House as a tribunal to judge or decide. We were members without the oath, and could take it at any period when the House chose. The Constitution made us such, with power to elect a Speaker, and to judge of the returns, quali-

fications, &c. of our members, it then directed an oath, but not the time. As a question of mere right, the whole matter was under our jurisdiction, but as to the expediency of exercising our right and power before full organization, that was a question of expediency merely.

Mr. BARNARD observed that he had listened with the most profound attention to the discussion which had been going on for the last two or three days, without attempting to take any part in it. He had not ventured to express his own views on the subject, nor had he even ventured to make up a final opinion on it before he had heard, and attentively weighed, the opinions of other gentlemen. But, having heard the opinions of others, he was now prepared to make known the conclusions to which his mind had arrived, and he was prepared to act as a member of Congress in accordance with these conclusions. With the permission of the House, he would now proceed to make known his views on the subject before them, and if they should seem as reasonable to others as they appeared to be to him, he indulged the hope that some mode of relieving the House from the difficulty in which it would seem to be involved, would be adopted. He had but one word to say with regard to the CLERK of that House, and the position he was placed in. That functionary was elected by the last House of Representatives, which expired as an organized body on the 3d of March last. From that day, its being as an organized legislative body ceased; it was dissolved; it was resolved into its original elements; and those elements could never be gathered and compacted again, so as to form a body in form and shape as that was. But if the existence of that body ceased with the termination of the period for which it was created, it was not the same case with the existence of the CLERK. No, sir; that functionary had something more of life in him. He was recognised by the Contitution and the law; an officer of the law, on whom the law imposed certain duties to be performed, as well after the existence of the House as an organized body, as while it was in being. That functionary was not only CLERK of the last House of Representatives, but he was still CLERK of this, and would continue so until his successor should be appointed. It was a cardinal principle of the common law, that the public interests shall never be permitted to suffer for want of an incumbent to fill important offices; and in all such cases, by the common law of the country from which we derive most of our institutions, as well the common as the parliamentary law, every functionary holds over—to use a legal phrase—till his successor be appointed. Now it was in analogy to the rule of the common law, that the parliamentary rule was adopted that the CLERK of the House of Commons holds over until his successor is appointed. This was the settled parliamentary rule in England as well as in this country. He regarded, therefore, the CLERK, in assuming his seat and calling the House to order, as having done nothing more than he was fully warranted in doing both by law and usage; and further, he regarded the CLERK, in the position he thus occupies, as having his powers necessarily enlarged in consequence of the want of a Speaker: so enlarged that he is competent to enrol members' names, call over the names of members, and to put any question which the House can lawfully decide; to put questions of adjournment, and questions on the election of Speaker, and in short any other questions which the House, in its partially organized state of existence, can entertain. So much for the powers of the CLERK. Now as to his duties. We have assembled here, a large number of gentlemen claiming the rights and privileges which belong to representatives of the people in Congress. We have assembled here on the day appointed by law for the meeting of the Twenty-sixth Congress; and we have assembled in this hall, which is the place appointed for our meeting. Every man who has taken his seat on this floor claims to have done so with the character, privileges, and rights of a Representative of the Congress of the United States. Now, having thus assembled, the CLERK assumed his appropriate duties. He, at the proper hour, commenced calling over the roll of the House of Representatives according to law and according to usage—not according to usage merely, but also in accordance with parliamentary law. By the rule of convenience merely, he proceeded to call over the roll by States, beginning with the members from the State of Maine, and went on till he came to the State of New Jersey, when his progress was arrested by this means. After the CLERK had called as far as one of the Representatives from New Jersey, he proposed to the House to pass over the names of the remaining members from that State until he had called the rest of the roll over; and for what purpose? Why, sir, as I think was sufficiently explained by the CLERK, to enable us to form a quorum of undisputed members. Now why, I ask, (said Mr. B.) shall we pass by the State of New Jersey with that object in view? And, as he understood the resolution introduced by the gentleman from Virginia, [Mr. WISE,] it was precisely in accordance and in affirmance of the position assumed by the CLERK. He would ask gentlemen to pause and reflect if this did not assume certain important things; if it did not assume that questions might arise in the course of the organization of this House, for which it might be necessary to have a quorum of undisputed members to vote?

Now he (Mr. B.) assumed, and he asked gentlemen to listen to him while he explained the grounds of his assumption, that no question had arisen, which the House was called upon to pass, and that no question could arise which it was competent for it to decide. If this assumption was correct, he would ask why were they arrested in the midst of the organization of the House? The CLERK had told them that he wanted a quorum, and gentlemen on that floor had told them the same thing. Why (asked Mr. B.) do you want a quorum? For what purpose? What question was before the House, which it was called on to pass in review; or what question was likely to come before it which it was competent for it to decide? It had been said, in the first place, that when they came to the State of New Jersey, there were certain returns, or, more properly speaking, commissions, which the House would be called upon to review. If so, then was he mistaken in the judgment he had formed. Did not the CLERK present to the House one of the members from New Jersey, holding a commission precisely similar to those held by the five gentlemen he refused to call? Had any gentleman on that floor doubted the validity or authenticity of these commissions? Was it not conceded on all hands that these commissions were in the proper form? Were they not in conformity with the laws of New Jersey both as to form and substance? And what question, he asked, in regard to these commissions, was to be passed on by the House? Why, sir, (said Mr. B.) an honorable member, at an early stage of the debate, called for the reading of the law of New Jersey on the subject of elections. Why read that law? Certainly not for the information of the honorable gentleman who called for it, for he was well acquainted with the law. Certainly not for the information of any gentleman present, for no man had ventured to state that these commissions were not in strict conformity with the law, letter for letter, word for word, and comma for comma. He begged gentlemen to reflect on these things. Then (said Mr. B.) we want no quorum of ascertained members for the purpose of passing upon the validity of these commissions. They were admitted to be what the law required, and that was sufficient, so far as they were concerned. But they had been informed by the CLERK that he was in possession of certain other papers, showing that certain persons other than the five gentlemen who held the commissions of the Governor of New Jersey, claimed seats in the House of Representatives as Representatives from the State of New Jersey. Now, with regard to these papers, whatever they might be, I put (said Mr. B.) this question solemnly to the House—"Is there any question in relation to these papers to be passed upon by the House?" Had any gentleman stated that these papers were in conformity with the laws of New Jersey? The House could admit but six members from New Jersey, and these had presented themselves with the regular legal commissions from the constituted authorities of the State, which lie on your table. Were there any more? The CLERK had intimated no such thing. No gentleman had stated that he regarded the other set of papers as the regular legal evidence of membership, according to the laws of New Jersey. Then what question was there here to pass on? He admitted that it would be competent for the House to entertain a question between two conflicting returns from the same State, but he maintained that there were no conflicting returns from the State of New Jersey; for the papers presented by the gentlemen contesting the seats of the gentlemen bearing the Governor's commission were not returns, in the proper sense of the term. He would ask either of the honorable gentlemen who appeared here, bringing with them these papers, whether they had ever, for a moment, from the time of their receiving them to this, regarded themselves as existing members of Congress from the State of New Jersey? He would ask them if they had claimed privilege from arrest in virtue of having these papers? If they had done so, then he, Mr. B. had only to say to those gentlemen that they had claimed a character, rights, and privileges which belonged no more to them than to any other citizen of the United States. But could any man doubt for a moment that, with the commissions of the Governor of New Jersey on the CLERK's table, those gentlemen holding them could claim all the rights and privileges which the Constitution gave to members of Congress? Suppose either of these gentlemen had been arrested on his way to the Capitol, did any man doubt that, with the commission of the Governor of New Jersey, attested by the broad seal of the State in his hands, and with the provision of the Constitution requiring that full faith and credit should be given to the public acts, records, and judicial proceedings of every State of this Union, his claims to be considered as a member of Congress would be respected by every court of justice in the Union? Could any question be raised here as to the regularity of these returns, whether they are, or are not, conformable to the laws of New Jersey? Was there a man who had any doubts on this point? The question did not arise on the regularity of either of the conflicting returns; for in the one case the regularity was admitted by universal consent, and in the other case the irregularity was conceded also by universal consent.

He, Mr. B. did not claim to have much experience on matters of Government or matters of law; but it had struck him with much surprise that gentlemen of legislative experience, should contend that this House, previous to its organization, could undertake to decide how the popular vote of New Jersey was given. The House in its present partially organized State, was incompetent to entertain any question of the kind—nor could it act on the subject at all any further than to ascertain who held the regular and legal commissions from the constituted authorities of the State. The House could not appoint its officers, its Clerk, Sergeant-at-Arms, and door-keepers, nor elect its committees, until after its organization by the election of a Speaker. Neither could it do any act in its judicial character. It could not arrest its members for breach of order, nor entertain an impeachment, nor summon witnesses; and least of all, could it decide in a case of contested election—the most tremendous power it could exercise. He could not see how the committees can be appointed until after the organization. The House would possess no authority to send for witnesses, nor, in short, in any way exercise the judicial power. He would further ask how they would proceed in the case of a contested election. Would it be under oath? Might gentlemen perform a part of their duties under the Constitution, before taking the oath, and the rest afterwards? He would undertake to say that no gentleman would sit and act in the important part of deciding on elections, before taking the oath. Mr. B. here read an act of Congress, which requires that the members shall take the oath before proceeding to business. The law, then, requiring that the Speaker shall administer the oath, it therefore followed that they could not legally proceed to business until after

the election of Speaker. It was with the views he had offered that he was opposed to the course taken by the CLERK, and to the resolution offered by the gentleman from Virginia. He was opposed to both, because there was no question before the House that it was competent to act upon. To his mind, they had nothing now to do with the question as to who were legally entitled to the seats, by virtue of a majority of the popular vote. No such question could be properly entertained at this time, in the partially organized condition of the House. Mr. B. then went on to argue that there was no good and sufficient reasons for passing by the State of New Jersey, in calling the roll. The reasons which had been offered did not exist in fact; for it mattered not whether New Jersey was called first or last, her members who came with the Governor's commission could not be excluded from taking their part in the organization. It was the duty of the CLERK to proceed in calling the roll, and there was no difficulty in the way to prevent it. Let the CLERK proceed—the House waited for him—the Constitution waited for him—the law waited for him. The wheels of Government were arrested by his pause. In the name of God and the Constitution, let him move on.

Mr. COOPER said, he appeared as a Representativefrom the State of Georgia; and without intending any disparagement to those who may have omitted to do as much, he presented in his hand, for the inspection of the members of the Twenty-sixth Congress, now assembled from the several States, the evidence of that character, which, until now, had been assumed amongst you. It was a commission to which was affixed the great seal of the State of Georgia.

Sir, said Mr. C. I rise for the purpose of making a few statements, on which may arise several questions pertinent to the position of affairs here existing. From these inferences may be drawn by which we may understand what relation the individuals now present bear to each other, and to the country. I shall be able thereby to show the views I entertain of the powers of this unorganized mass of individuals.

He felt proud to realize, for the first time, the presence around him of the talented, distinguished, and worthy members, of the most august assemblage of legislators known to the world. It is no other than a meeting of the Representatives of the several States, for the purpose of organizing the Twenty-sixth Congress, convened pursuant to a compact of union entered into between the States. That compact was the Constitution.

He said the members of Congress are here. This statement, though doubtless true, was manifest only in part. What now, he asked, is our true condition? The persons present having called to their aid, by authority of precedent and usage, the CLERK of a former Congress, by *common consent*, agreed to pursue the course heretofore adopted for organization. By that course, the CLERK was required to call the States severally, beginning with Maine, passing thence South and West, so far as he might be fortified with reasons to believe members were present. He had called the States thus in order, asking the several members so called to respond to their names. Thereupon he enrolled the names called to represent each State, until he arrived at New Jersey. He then sounded the name of one member, and enrolled it. Here he suspended the call, making known to those present that five other names were returned by New Jersey. These five, said Mr. C. bear respectively a commission under the great seal of the State, in like manner and in due form with the first, certifying them to be members elect of the Twenty-sixth Congress. But that the CLERK has also in his possession papers purporting to be credentials, or certificates of election, in favor of other five persons, showing them to be the elect of New Jersey. These certificates are signed and sealed, but not by he great seal of the State. The CLERK, finding in himself no authority to decide which shall be called, asks the advice of those present. Thus far, he said it seemed to him, he has pursued a prudent course.

Under these circumstances, sir, (said Mr. C.) various propositions are made in successive order, on which has obtained a protracted discussion. During its progress, grave and novel as is the attitude we are in, principles the most grave have been advocated or denied.

It appeared to him that the names already called and enrolled, did not constitute a quorum of a House of Representatives.

The embarrassment was apparent to all, and each one in turn repeats the inquiry, What shall be done? The CLERK could not proceed without advice. Less than a quorum could not advise. None but members elect could advise; and the multitude present, not yet called, he said, were not known as members. The CLERK, he contended, could not pass over New Jersey, without the unanimous consent of the individuals present, forasmuch as by unanimous consent it was agreed she should be called in the order she now stands in. Hence would arise continually the question, What could be done?

Amidst the various propositions submitted, there were two into which all the others ultimately would run. One was, to pass New Jersey, by allowing her no Representative, because of the contest. The other was, to admit the members certified by the seal of the State, he said, for want of power, at this period, to question the right of those who bear it.

Mr. C. said that, impelled by a sense of duty to the country, and of respect to those he addressed, he felt bound to repeat no more of what others had urged than was necessary to the presenting fairly what occurred to him as new. He would also endeavor to bear in mind one other good rule, which was to "quit when he had done."

At this stage of proceeding, he held they could not entertain a question as to the right of the five persons from New Jersey, who came with the great seal of the State, accompanied by a certificate in due form.

Mr. C. said, in the *argument* here, he was almost superseded by the clear and forcible illustrations of the gentleman from Virginia, [Mr. WISE,] followed by those of the gentleman from New York, [Mr. HOFFMAN.] He did not hope to add weight to what they had urged. Hence, having made the *statements* he designed to make, he proceeded to ask, Who and what they were that now debated this matter? They were not the House of Representatives, because, though placed together in this hall, they did not yet know each other as such, having exhibited no credentials, nor answered to their names. Until that should be done, they were no more a House, as contemplated by the Constitution, than before they left home. "The House of Representatives shall be composed of members chosen," &c. says the Constitution. This imports a placing together of *members* recognised by each other in some House.

What, then, said Mr. C. are we, sir? We are the persons "chosen" "by the people of the several States." (This he asserted for his colleagues and himself, and *presumed* of others, for sake of illustration.) They had come together, he said, in that House, and were inquiring of each other's *membership*. Before being satisfied, except as to part, they had come to a pause. Was it true, then, that anterior to being known to each other as members, and even before coming here, they were, in fact, members of this Congress, now being "composed" into a House of Representatives? Such, said he, was the fact; otherwise their coming here, or their meeting together, or this hall, had made them members.

If members of Congress, before they arrived here, when and how became they so? Sir, let the Constitution speak, the compact of union, and by it let every Nullifier abide.

The Constitution says, section 4th: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof." Thus, it appears, the *act of the State* determines the *how* and the *when* a man becomes a member. But how does she make her act known? Here, too, she was left untrammelled, for they dared not inquire into the mode in which she chose to make it known. Whether her letters patent, with her seal affixed, contain the whole fact, or whether by them she make known that it is properly evinced by certificate of a justice of the peace, was immaterial. When she declared she had done an act, and put her seal to the declaration, she had done the most solemn act she could perform. We, said Mr. C. are bound to respect it; so is every earthly power, unless, to some, she had delegated power to call it in question.

Had she delegated such a power; if so, to whom? By the Constitution, section 5, the House of Representatives "shall be the judge of the elections, returns, and qualifications of its own members." This grant of power is to the "House, composed" and formed as before shown, and to none other, and at no other time. Until that tribunal, pointed out by and with her consent and authority, and that of her sister States, was created or "composed," her most solemn declaration was conclusive, touching the election, binding on them for the time, and all the world besides. So true was this, that between sovereign States, a discrediting one State by another is just cause of war. How then should they escape the conclusion? Should they, an unorganized body, not yet characterized before each other, "members," "elect," "chosen," but not "composed" into a House, before the grant of power is delivered, assume to set aside an act of sovereignty —nay, drive from their presence the sovereignty itself, in the persons of their Representatives? Yes, sir, he said, the sovereignty; because, although he might, before the proper tribunal, be taught there was a fallacy in it all, still, for the present, he must act on the presumption that an act, having such authenticity, did truly transpire. And whilst he conceded the position of the gentleman from Carolina, [Mr. PICKENS] that the people in a primary assembly might perform acts paramount to the great seal, the laws, and our Constitution, he still maintained, what he thought a Nullifier ought, that in the absence of any act of a primary assembly to the contrary, the expressed will of a people, evinced by the most solemn act of their superior agent, in form and manner directed by them, was a sovereign act, on the plain principle that what one does by an agent he does by himself.

Here, sir, said Mr. C. permit me to pause for a moment to review the relations of those I have met here, whilst I point to the positions occupied by what I understand to be the two great contending parties that divide the politicians of this country. Not for the purpose of denunciation or acrimony, but hoping to excite none on the part of either, and feeling none, I recur to them to enforce what I say. I appeal to the acts and sayings of both to demonstrate that, in this matter, consonant with what one party now says and does, and that which the other of late said and did. There ought to be found no one objecting to the proposition requiring us to recognise, for the present, without question, the members from New Jersey who bear the great seal of the State.

Before doing this, he asked to be allowed to state that, in coming here a Nullifier, and believing the perpetuity of the Union greatly depended on the preservation of that Republican faith, and being identified with the State Rights party from choice, education, and habit, yet knowing no rule but the faith contained in the creed, he was taught to believe he should find here that party he was used to oppose, more nearly professing and acting out his principles than their opponents. On the point here debated, he found, he said, most, if not all the Opposition, especially the gentleman from Virginia and the one from New York, leading in a way that looks as familiar to his eye, as the road to the mill. If, then, the Democratic Republicans, as they are sometimes called, should be found in the same track, for one time they should all harmonize on a ground, at one period or other maintained by each.

To show, sir, said Mr. C. that my views ought to be sustained, and that, on this point, they and I ought not to differ, I beg to read from an authority they will no doubt recognise.

Mr. C. read from the Globe, of July 17th, 1838, from a document, the caption of which is as follows:

"At a meeting of Republican members of the

Senate and House of Representatives, held at the Capitol, July 6th, 1838, the Hon. John M. Niles of Connecticut, and the Hon. Charles E. Haynes of Georgia, being chairmen, and the Hon. George M. Keim of Pennsylvania, and the Hon. H. L. Turney of Tennessee, acting as secretaries, the address to the people of the United States was received, and further considered; whereupon, on motion of the Hon. Hiram Gray of New York, it was

Resolved, That the address be signed and published by the committee who prepared it, in behalf of the Republican members of Congress."

From that paper I read the following extracts, to wit:

"Hence the different light in which the two parties viewed the character of the system. The Republican party held it to be federative in its character, and formed by the States in their sovereign capacity, and adopted for their mutual security and happiness, while many of their adversaries regarded it as a great National Republic, formed by the American people in the aggregate, to promote the interest of the majority, instead of the several States composing it.

"We adhere to the constitutional doctrines of the Republican party of 1798 '9. We adopt the rule of strict construction they maintained. These are the principles upon which we would have our Government administered; and a reference to our views upon the great and agitating topics of the day will, we trust, show that we are disposed to carry these principles into practice by our public acts."

These are doctrines (said Mr. C.) familiar to us—sound and good. Now, sir, here is a case to apply them. Let us stand to them through evil report as well as good; take hold of them, and looking nor right nor left, let us see what first arises. I now invoke those who have adopted these principles—I affectionately invite them (for I truly feel affection for all who sincerely take hold of such) to arrest this controversy, and by unanimous consent put an end to debate.

This was a union of States, not of the aggregate mass of the whole people of this Union. Therefore New Jersey properly speaks in this case in her organic capacity, and we, at this time, cannot controvert her, or permit it to be done in a way not appointed. We, said Mr. C. hold to the doctrine of "strict construction" of delegated powers. Therefore we, to whom no power is delegated, cannot inquire to to discredit or overrule New Jersey.

But again, sir, continued Mr. C. remembering still that my appeal is to all who hold this doctrine of strict construction, let me here demonstrate what mainly I rose to prove. It is this: that by the power delegated, no judgment can obtain by us *now*, or the House *hereafter*, "of the election, return and qualification," &c. of any one not admitted to be a *member*. There must be something in possession purporting to be an "election" or "return"—some *man*, professing and acting, presumed or taken to be a *member* amongst you. You cannot act on nothing—against no one. How can you judge of "elections" where none appear, or of "returns" where none exist. As well might you attempt to take nothing from nothing.

But, in addition to this reason, from the nature of things, there was a still better reason for a strict constructionist, found in the Constitution.

The power to judge was by the Constitution (sec. 5,) given "of the elections and returns and qualifications of its *own members*." Here, then, the grant by strict construction was given to judge concerning one who is a "member"—not only one who is a member, and so claims to be, but actually is in his seat exercising his rights. Without this, *he* is no member.

Further still: he must likewise be a member in whom the House claims an interest, an *ownership*. He must be the House's "*own member*." Until *then*, and *of* any other, you judge without a delegated power.

Do not say that this is unreasonable; not so: it is just what the compact of union contemplates, to wit, that each State should be represented.

Of representatives, "members chosen by the people of the several States," shall the House be "composed." So you perceive, without a violation of principle, assuming the object to be to admit the *second* five, you can only do it by first recognising the *first* five.

Seeing, therefore, that having consented to adopt a mode now progressing, but interrupted—not to be changed or departed from but by like consent—that your professed principles require you to respect for the time being, what you may think will ultimately be found to be a pretended claim, and that the Opposition are now occupying ground you were wont to assume; then, in the name of the peace, good order and dignity of this assemblage; by the regard you have to the sovereignty of the States; and the interest you feel for the good of the country; withdraw for the time being all opposition to the Jersey members, who, without your admission or denial, are members, and were so before they, you, or I, assembled here, and who can only be ousted by the action of the constituted authority sitting in judgment on these; "its *own* members."

Unless, said Mr. C. you shall so consent, there is but one mode to get out of the difficulty orderly. That will be to give to the CLERK, by the respective State delegations, that advice which, as a mass, cannot be asked of us; then, according to that advice, let the CLERK withhold one or other set of credentials.

Mr. STANLY, in a few words, was understood to appeal to appeal to his friend from Virginia [Mr. WISE] to withdraw his resolution.

Mr. WISE said he would comply with the request of his friend from North Carolina. Considerable opposition had been made to the resolution, and if it could only pass by general consent, it must share the fate of all the other propositions that had been made, and be lost. Mr. W. said he still adhered to the position he assumed yesterday, that neither was the CLERK the judge of the Representatives from New Jersey, nor was the House. The tribunal was in New Jersey alone. He agreed with the gentleman from Georgia, whose remarks struck him with much force, that they must either agree to let the gentlemen from New Jersey take their seats, or agree on some mode of ejecting them. Yesterday, said Mr. W. addressing the CLERK, I appealed to you, sir, to recede from your decision, but you have satisfied me that you could not have taken any other course; and that had you not, when in calling the roll you came to New Jersey, referred the case to the House, some member would have objected to your proceeding with the call of that State, and thus we should have been in the same position we now are. I intended to appeal to you yesterday, and ask you if you would establish a precedent which would result in an appeal to physical force, a resort to which all of us would revolt from. But for referring this matter to the House as you have done, you have satisfied me that it was impossible for you to avoid it.

In reference to the resolution he had submitted, Mr. W. said that if he could consent to call witnesses in relation to his conduct on that floor, there were witnesses enough present who well knew how the resolution originated, and that it was far from him to intend to accomplish any party trick, but that his purpose was to carry it out in good faith. He was now willing to compromise the matter, and would take the pledge of any gentleman of the other party—the rest of that party, by their silence, acquiescing in it—that no advantage should be taken of him and his friends, by organizing the House before settling the question as to who should have the seats for New Jersey, and would then agree that the CLERK should go on calling the roll of undisputed members, till a quorum was formed. His resolution, however, was between Scylla and Charybdis. His honorable colleague [Mr. CRAIG] was for going into the merits of the election. Now he protested against going behind the certificates of the Governor of New Jersey, and gave various reasons why it could not be done before the election of a Speaker. Gentlemen on the other side said that they would not be bound by mere technicalities. It was a common habit of some minds to deride technicalities; but truth could not be arrived at without them. What was law, but technicality? Admit that you can go behind the certificates. I ask, said Mr. W. if it must not be done by legal evidence? And if you have the evidence, that is legal. It was absurd to say that the people of New Jersey have determined against the five gentlemen who have the commission of the Governor, unless you can bring legal evidence to prove it. It was absurd to say that the people had determined in one way or the other, unless you take their will, as expressed by their constituted authorities.

If he was not considered by many present to be a blind partisan, he would appeal to gentlemen on the other side earnestly and affectionately, as the gentleman from Georgia did, to pause and reflect on the position in which they were placed. He would beg of them, by every consideration of patriotism, of good feeling, of magnanimity, and even of convenience, that they would suffer the call of the roll to go on, without excluding the gentlemen from New Jersey who had the usual and regular commissions, and complete the organization of the House, so as to proceed to the despatch of the public business.

Some gentlemen had told him that if his resolution should be adopted, they must go into the merits of the elections from New Jersey; and it also had been suggested that the resolution might be repealed, and not carried out in good faith. His friends appealed to him to withdraw it, and thus pressed on both sides, he felt it necessary to withdraw it.

Before he sat down, he must read, for the information of the House, a precedent which he found in a newspaper, bearing directly on the case before them, and in which the present President of the United States supported the position occupied by him and his friends. Mr. W. here read a case of a contested election decided in the Legislature of New York in the year 1814.

Mr. HUNT made a few observations in relation to the resolution made by him. The discussion on this subject, he said, had been exhausted, and yet, judging from the past, they were as far from settling the difficulty as ever. Without entering into any argument, he would put it to gentlemen, whether it was not their duty to devise some mode by which the organization of the House could be effected—some means by which no one party should have an advantage over the other; and he would seriously submit it to gentlemen whether every consideration of patriotism, of good feeling, and of expediency, did not require them to pursue this course.

We are all, said he, desirous of getting out of this difficulty, and he knew no means of accomplishing this object, more effectual than the resolution he had submitted. If any gentleman would offer a proposition more agreeable to the House, and better calculated to effect the object in view, he would give it his cordial support. But, as he thought his proposition was the fairest for all parties that could be offered, he hoped the House would accede to it. Mr. H. then proceeded to give his resolution in detail, and concluded by expressing his belief that it would relieve the CLERK of the House from all embarrassment, and enable them to organize, and proceede to the despatch of the public business, without giving either party the advantage over the other.

Mr. UNDERWOOD rose, and made a few suggestions, which he hoped would enable the House to get out of the difficulty in which it was involved. He would advert to a clause in the Constitution, which bore directly on that matter. In the first place, it was there provided, that a majority of members shall constitute a quorum for the transaction of business; and, secondly, that a less number than a quorum should have the power to adjourn from day to day, and to compel the attendance of absent members. The first thing, then, they had to do, was to ascertain if a quorum was present; this was usually done by the CLERK calling over the names of members; and when he called the name of a member, and no one objected, there was a tacit acknowledgment by the House that he was a member. The CLERK thus going on with his call, and no one objecting, as in ordinary cases, a quorum was formed, competent for the transaction of business. Now, how did their present condition vary from this state of

CONGRESSIONAL GLOBE---*Extra.*

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BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

We can furnish complete setts of the Congressional Globe for the present Session, to all whose subscriptions shall be received by us before the 11th January, 1840.

(*Continued from No. 1.*)

the case? The CLERK went on calling the roll until he got to the State of New Jersey, and then the stumbling-block was put in the way by himself. Why did he stop when he came to the State of New Jersey? why did he refer this matter to the House? The CLERK here was clearly wrong; he had no right to take the course he did. In the case of Moore and Letcher, the Clerk called the name of Moore, and the objection was raised by a member of the House; an objection which any member had a right to make, but which the Clerk had not. In the cases of Gholson and Claiborne, and of Allen of Kentucky, the objections were also raised by a member of the House, and not by the Clerk. The CLERK, therefore, had departed as well from the usage of the House as from the precedents established in several similar cases. One means of getting out of the difficulty in which they were involved, had been recommended by the gentleman from Virginia; and that was, going on with calling the names of members whose right to seats was undisputed, until a quorum was formed. This course he at present approved of, though he admitted some other proposition might be made that would meet with more general favor. In the hope that some such proposition would be made, he would suggest an adjournment, in order that gentlemen might think over the matter, and be prepared by the morning to adopt some course that would enable them to go on with the organization of the House.

On motion of Mr. UNDERWOOD,

The House adjourned.

IN SENATE,

THURSDAY, December 5, 1839.

The resolutions submitted to the Senate yesterday, coming up for consideration,

Mr. HUBBARD suggested whether there might not be some impropriety in adopting resolutions of inquiry, to which responses might be made before the Message of the President would be received by the Senate. He therefore suggested to his friend from Missouri whether it would not be proper to postpone acting on them until the reception of the Message.

Mr. BENTON expressing his willingness to acquiesce in whatever course the Senate thought proper to take,

On motion of Mr. HUBBARD, they were ordered to lie on the table.

Mr. NORVELL gave notice that, at the earliest day it would be proper to do so, he would ask leave to introduce a bill making appropriations for the completion of certain roads commenced by the United States in the State of Michigan.

Mr. FULTON gave notice that, at the earliest day in which it would be in order to do so, he would ask leave to introduce the following bills:

1. A bill to provide for the defence of the western borders of the States of Louisiana, Missouri, and Arkansas.

2. A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and Choctaw Indians.

3. A bill making appropriations to complete certain military roads in the State of Arkansas.

4. A bill to settle the title to certain tracts of land in the State of Arkansas.

5. A bill to authorize the inhabitants of townships eight north, range thirty-two west, in the State of Arkansas, to enter a section of land in lieu of the sixteenth section in said township, upon condition that the same is surrendered to the United States for military purposes.

6. A bill to revive an act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, and for other purposes.

7. A bill for the relief of Richard T. Banks, of the State of Arkansas.

Mr. CLAY of Ala. gave notice that, at the earliest day in which it would be in order to do so, he would ask leave to introduce the following bills:

1. A bill supplemental to the act, entitled "An act to grant pre-emption rights to settlers on the public lands," approved June 22, 1838.

2. A bill for the benefit of the Selma and Tennessee Railroad Company.

3. A bill to grant to the States and incorporated companies engaged in the construction of roads or canals the right of way through the public lands of the United States.

Mr. BENTON gave notice that, at the earliest day in which it would be in order to do so, he would ask leave of the Senate to introduce the following bill, viz:

A bill to repeal the act entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," approved July 29, 1813, and to repeal all acts in continuation or amendment of the same.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 5, 1839.

At 12 o'clock, the CLERK called the House to order, and stated that at the adjournment on yesterday the gentleman from Kentucky [Mr. UNDERWOOD] was entitled to the floor.

Mr. UNDERWOOD rose to address the House, but gave way to

Mr. HUNT, who made an explanation in relation to the resolution he had submitted on yesterday. Some gentlemen, he said, entertained the idea that, if it was adopted, no action of the House could be had on any other subject than the case of the New Jersey election. He contemplated no such thing by the resolution, as his object was that the House should organize speedily, and go on with the business which had brought them together.

Mr. UNDERWOOD then rose, and commenced by saying that when the House adjourned on yesterday, he was attempting to arrive at the principles upon which they might proceed and organize the House, and examining the peculiar situation in which the House had been placed. Some gentlemen contended that if the CLERK had called the names of the five members from New Jersey, it would have settled the case, and relieved the House from the difficulty in which it had been placed. Such, however, was not the fact in his view of the case. Suppose the CLERK had called one of the five members from New Jersey, and any member on the floor had rose and objected to his taking his seat, we would then be in precisely the same position in which we are now. He held that he had the right to object to any one of the members from that State taking their seats, and his objection must be heard, and decided by the House. In the case of Claiborne and Gholson, a gentleman from Virginia [Mr. MERCER] objected to their taking their seats, and called for further testimony in the case, and the House laid the gentleman's motion on the table.

Mr. U. then submitted the following proposition:

The Clerk of the late House of Representatives, in calling the roll of members of the Twenty-sixth Congress, began at the State of Maine and proceeded regularly, according to usage, until he came to the State of New Jersey. He called JOSEPH F. RANDOLPH, as a member from that State, and then stated in substance, that there were ten persons besides Mr. RANDOLPH claiming to be Representatives from the State of New Jersey, and insisting on their right to take seats as members, when by law the State was entitled to six Representatives only; and that he declined calling any of the claimants, believing it to be his duty not to decide who were entitled. A debate thereupon arose, and the members elected have been unable in the usual manner to recognise each other, to ascertain whether there was a quorum in attendance, and to organize the House. For the purpose, therefore, of obviating all further difficulty,

Resolved, That the CLERK of the late House ought, and he is hereby directed, to proceed in calling the roll, and each person called who answers to his name, and against whom no objection is urged to his taking a seat, shall be counted as a member in ascertaining whether there be a quorum present, and each person so called, against whom objection may be made, shall not be counted; but, upon objection being made, the CLERK shall pass by the person objected to and call another. After the roll shall have been called through, if there be a quorum present of persons against whom no objection s have been raised, such quorum shall proceed to decide upon the claims of those who have not been called by the CLERK, or who, if called, have been pretermitted in consequence of objections raised against them, and shall determine which of the claimants shall participate in the organization of the House; *Provided, however*, That nothing herein contained, and no decision which may be made, admitting any one to participate in the organization of the House, shall be construed to bar or preclude the House, after it shall have been duly organized, from investigating, judging, and deciding upon the election returns and qualifications of each of those whose right to a seat is questioned, before the House is organized, and who may be admitted to participate in the organization of the House by a decision in pursuance of this resolution.

Mr. U. contended that this was the only plan by which this matter ever could be brought to a conclusion. It had been suggested to him who should vote on this question. In reply to that, he would say that he thought every one who came there claiming to be a member of the House, might vote upon it. The presumption was, when a set of gentlemen assembled at the seat of Government at the time of the meeting of Congress, as the Representatives of the people, that they were entitled to vote on all preliminary questions of organization; and if they could not do so, it was manifest to him that this question never could be settled. There must be some mode by which this question could be settled, and he knew of none other than the one he had pointed out. Gentlemen had inquired whether we had not the power to go behind the commissions of the Governor of New Jersey, previous to the organization of the House. He contended you could not, and that it would be an outrage on all precedent, law, and usage, to do so. Gentlemen had asked, will you not allow fraud to be exposed—will you not allow us to exhibit a majority of the votes of the people in favor of political liberty, and the great rights of the people? These arguments, however, appeared to him to be more specious than sound. He admitted that you could go behind the returns, but it must be done by organizing a proper tribunal to try the question; and in order that this tribunal might be raised, it was essentially necessary that the House should first be organized, and the oaths be administered to members according to the Constitution and laws. Then the case could be brought up, and evidence might be adduced on both sides. This was his view of the case, but it seemed to be the opinion of some gentlemen, by their arguments and by the course they pursued, that you can decide the case without giving the par-

ties a hearing at all. According to the arguments of some gentlemen, it was only necessary for a gentleman to claim the seat of a member of this House and the CLERK was bound to pass over his name when he arrived at it on the roll. He might put the case of BARTON and LUCAS He understood from the newspapers that there was a gentleman by the name of BARTON who claimed the seat of Mr. LUCAS, and would gentlemen pretend that he was not entitled to his seat merely because this other gentleman claimed it? He contended that the course pointed out by his resolution was the only correct course, and referred to the argument in the case of Moore and Letcher, and to other cases, as evidence in support of his view of the question.

Mr. RANDOLPH next rose to address the House, when

Mr. VANDERPOEL inquired if the gentleman could take the floor, having spoken twice already.

The CLERK said, as there were no rules adopted for the government of the House, he did not feel authorized to prevent the gentleman from speaking.

Mr. RANDOLPH then addressed the House at considerable length. He contended that the laws of the State of New Jersey had been fully complied with, and that his colleagues, as well as himself, had sufficient evidence to entitle them to their seats in the first instance, and that it was not in the power of the CLERK, or the House, to deprive them of that right. The law of the State of New Jersey was paramount to the CLERK, and he was bound to call the names of his colleagues if he performed his duty. It was their right to take their seats in the first instance, and it was not in the power of the House to go into a full investigation of the case until it was properly organized; and then it must be done upon petition. For a long time, in the history of this Government, this House, even after it was organized, would not go behind the certificate and commission of the member. For several Congresses this was the law. In two cases Congress decided that it would not go behind the certificate of a Governor when it was made out in accordance with the laws of the State. In the case of Spalding and Meade, from Georgia, there were three counties which did not reach the Governor until after the time expired by law, in consequence of a storm which interrupted these returns, and when this case was brought before the House upon petition, after its organizaion, the sitting member claimed his seat, because he held the returns which had been made out according to the laws of Georgia, and that the House had no right to go behind the return. Mr. R. in support of his position, referred to the case of Moore and Letcher, and the arguments of Messrs. Lane, Beardsley, and Hubbard upon that question. He also referred to the case of Claiborne and Gholson, and various cases which had occurred in the New Jersey Legislature, all of which he maintained supported the position that his colleagues were entitled to their seats in the first instance. Mr. R. next replied to the remarks of Mr. VANDERPOEL, and held that his colleagues did not claim their seats upon any technicality of the law, but because they believed they were entitled to them. They would scorn to claim them upon a mere technicality.

Mr. R. next replied to the remarks of the gentleman from South Carolina, who he said had attempted to draw a distinction between the people and the Government of New Jersey. He would ask that gentleman how the people would express their sovereignty, if they did not do it through their constituted authorities? There was a time when a foreign Prince attempted to draw the same distinction which the gentleman had drawn, and take an appeal from the Government of this country to the people. He would ask that gentleman what his course would be, in case he came here with a commission from the Governor of South Carolina, under the great seal of the State, and another person came here to prevent him from participating in the organization of the House?

Mr. PICKENS rose to explain. He did not pretend to give an opinion with regard to the great seal. When that question arose, he would be prepared to decide it upon its merits. He meant to assert that this House was made the supreme tribunal by the Constitution of the United States, and that it might take its own course. He did not pretend to justify this course, or that course. He asserted the power of the House to take what course it thought proper. It might pass by the great seal of the State of New Jersey, if it pleased, as insufficient evidence, and it was accountable to nobody but its constituents. He did not choose to be represented by any gentleman as having assumed a position which he did not take, and thererore he rose to make this explanation.

Mr. RANDOLH resumed, and said if that distinction had not been taken by the gentleman from South Carolina, it had been taken by some other gentleman. Mr. R. said he placed this matter on constitutional grounds, and warned gentlemen to beware how they disregarded their injunctions. Some gentlemen, in the course of their remarks, had spoken of him as being entitled to rights and privileges which his colleagues were not entitled to. But he begged leave to say to gentlemen, that he did not consider himself entitled to any greater privilege than his colleagues. He had always considered himself on an equality with them; and when they had offered a proposition to their opponents to resign, and try the matter again before the people, he had claimed the honor of doing so likewise, and they were only prevented from doing so by the advice of friends. He contended that the certificate of the Secretary of State was wholly void, and of no effect; that that officer had no power whatever to grant a certificate in this case, and that the CLERK had no right to pass over the names of those who had the Governor's certificate.

Mr. ADAMS rose, and addressing himself to the House said:

Fellow-citizens and members elect of the Twenty-sixth Congress: I address myself to you, and not to the CLERK in that chair, under a painful sense of my own duty. The CLERK, in the performance of official duties assigned to him by the laws of the United States, commenced reading the roll of the members here assembled for the purpose of constituting a House of Representatives of the United States in the Twenty-sixth Congress. After calling the roll, commencing with the State of Maine, as far as the State of New Jersey, and the members whose names he called having answered—ascerta ning their presence here—he paused after calling the name of one of the members from New Jersey, and stated to the House that the seats of the five other members from New Jersey were contested; that he, deeming himself not authorized to decide which of the two parties of five members were entitled to seats, must refer that decision to the House; and then immediately, or shortly afterwards, a question arose, and the proposition being presented to the House, he again, in the discharge of a solemn duty, declared that he could not put a question to the House till it was organized. Now, fellow-citizens, I am reduced to the necessity of appealing to you. Your CLERK has decided that he could not proceed; he refers the decision to you, and then he refuses to put the question in order that you may make the decision; and has persisted in the refusal to put a question of any kind until he discovered yesterday that he might put the question of adjournment. Now, fellow-citizens, in what predicament are we placed? We are fixed here as firm and as immoveable as those columns; we can neither go forward nor backward; and the CLERK tells us that he will persist in both these decisions. What, then, can we do? I have waited here four days with a firm determination not to enter into this controversy. It was with a firm determination not to say one word on the subject, that I remained in my seat until now. At the last session of Congress, foreseeing what might happen, I offered a resolution to this House for the purpose of preventing the difficulty in which we are involved; but that resolution was not adopted, and the difficulty that I then foresaw has overtaken us. For many reasons I had determined not to say one word on the subject before us, and I should still persist in that determination if I did not find it impossible for the House to proceed one step until relieved from its present embarrasment. We might stay here until doomsday, and not be one step nearer to our organization than we now are, unless we adopt some mode of relieving ourselves from the difficulty in which the decision of the CLERK has placed us. Now, all this is very extraordinary. Here is a body of men assembled from the twenty-six States of the Union—a more complete representation than ever was assembled here before—and here we are under the solemn convictions of duty, and yet without form or order, and unable to progress one step towards the discharge of the public business. The CLERK has told us that he acted under the solemn convictions of duty, and I concede that he has. I do not even question whether that sense of duty was correctly applied, but I do say that he has placed us in a position in which we also have solemn duties to perform. Now, what are we to do? This complete representation of the people of the United States has assembled here, and the Constitution has enjoined upon it a solemn duty. What is it? To organize itself. If there is any difficulties in effecting this organization, let us do what Mr. Jefferson has told us the General Assembly of the State of Virginia did, when Lord Dunmore dissolved them. They adjourned to a tavern, and there constituted themselves a convention. This might be deemed irregular; but I do think that, on the fourth day of the session, in a state of disorganization, it is rather late to make any objection on the ground of irregularity. I address myself to you, fellow-citizens, and call upon you in the name of the people of the United States, to discharge your duty. Organize yourselves, and when that is done, you can take up and decide questions as you heretofore have done. I call upon the whole House. I call upon the majority which composes it to proceed to its organization. We have recently been told, in the official organ of the present Administration, that there is a majority—setting aside the members from New Jersey, or counting them—that there is a majority of friends of the Administration elected to the present Congress. And not only has the organ stated that fact, but he mentions the precise number—one hundred and twenty-one members, and every one of them is here present. Now I call upon that one hundred and twenty-one to organize the House. I call upon them in the name of their country—I will not say in the name of the Administration, for I have not a right to invoke it; but I call upon them in the name of the people of the United States to organize the House; and I offer, for that purpose, to this assemblage, the following resolution which lies upon the table of your CLERK, and which, like all other resolutions that have been placed there, lies in the limbo valley, the paradise of fools. We may go on *ad infinitum*, to the end of time, laying resolutions on the CLERK's table, and he will not put the question on one of them. We cannot control the CLERK. He is, in the position which he has assumed, an absolute despot; and unless you set aside all his decisions, and act for yourselves, you will not be able to advance one step. This resolution which I now offer, was offered yesterday by a gentleman from Kentucky, [Mr. GRAVES,] (and a number of resolutions have been offered since,) but it is in the same condition in which all the rest of them are.

Mr. A. here read the resolution in the following words:

Resolved, That the Acting Clerk of this House shall proceed with the call of the members from the different States of the Union in the usual way, calling the names of such members from New Jersey as hold the regular and legal commissions from the Executive of that State.

Mr. GRAVES here suggested to the gentleman from Massachusetts that the resolution would need some modification. Having understood from a friend that the CLERK was willing to proceed with the call of the roll if it was the will of the majority of the House that he should do so, he addressed a letter to him on the subject, which he would now read, with the CLERK's answer:

"HOUSE OF REPRESENTATIVES,
"Dec. 5, 1839.

"HUGH A. GARLAND, Esq.: If a majority of the members whose seats are uncontroverted signify

in writing their desire that you proceed regularly with the call of the New Jersey members holding commissions from the Executive of that State, will you conform to that expression of their will?

"Respectfully,

"W. J. GRAVES."

To this note Mr. GARLAND returned the following reply:

"For Mr. GRAVES: If a majority of the members whose seats are uncontroverted signify in writing their desire that I shall proceed with the call of the roll made in the conscientious regard to my duty, and that I shall then present to the House the testimony in contested cases, I will then proceed. I hope Mr. GRAVES will see the necessity of my proceeding in this way, and that he will appreciate my motives in adhering to that course. I honestly believe that to be the only course I can take; I most solemnly aver to him that I believe no party advantage can be taken in that course; and that none such is intended on my part.

"Respectfully,

"H. A. GARLAND."

So that his friend from Massachusetts, Mr. GRAVES continued, would see that if he, or any member of the House, should ask the CLERK to proceed with the call of the roll, and it should be so desired by a majority of the undisputed members present, he will not consent to it, but will proceed only with the roll "which he has made out in the conscientious discharge of his duty."

Mr. ADAMS continued. I am under the necessity of appealing to you, fellow-citizens, to set aside the decisions of the CLERK and act for yourselves. In making this proposition, I have no reference to the CLERK. I propose that the House shall act in whatever form it pleases; it may choose a temporary Clerk, or not, as it thinks proper. I put this question to the majority of the House. It is their duty to organize it; and therefore they ought, as a preliminary step, to put themselves in such a situation that no decision of the CLERK can force upon the House an organization in the manner he dictates. The House may set aside the CLERK, but it is not forced to obey his despotical dictates. I make no objection to the CLERK himself. I speak only of his acts and the position in which he has placed us, which makes it impossible for us to come to any decision upon any proposition that may be made. I offer this resolution in its present form, because it was laid on your table, and your CLERK will not put the question on it. I appeal to the House, from the decision of the CLERK, to act for itself. If any gentleman present does not like the resolution, let him propose an amendment to it; and let the House decide both on it and the amendment. I wish to see what is the will of the majority. The CLERK, by his decision, makes it impossible for us to ascertain that will, through his agency, and I therefore wish to ascertain it directly from the House. I call upon this House in the first place to save us from the evils entailed upon us by the decision of the CLERK. We may be here a whole week, nay, a whole month, in our present situation, unless we devise some mode by which we can be relieved from it. I ask, if it is creditable to this House, that we shall consume further time in perfectly idle, useless debate, because the CLERK has placed us in a situation in which no question can be put. Now, I am willing that the CLERK shall be held responsible to the people of the United States for the four days of the time of this House that have been wasted in idle, unprofitable debate, upon questions that he will not put. I say that he is responsible for the waste of time that he has already occasioned; but now this House itself will be responsible for any further waste of time. I will go further, and say that the one hundred and twenty-one members which have been set down as friends of the Administration, are responsible to the people of the country, if the organization of the body for the despatch of the public business is not forthwith completed. I say that if there is a majority of this House determined to set aside the five members from New Jersey who have produced their credentials precisely in the same form with those produced by the member from that State, whose name the CLERK has called—if the majority of this House will say that those members shall not be permitted to sit, why let it say so, and that majority will be responsible to the country and the world for such decision. Now, I believe, that they cannot say so; and in my private opinion, I believe that it is the rights of the people of New Jersey that are involved. I say nothing about the Governor of the State, nor any portion of the State, but the people. These five men came here with the authority of the Constitution and the laws declaring them to be the representatives of the State of New Jersey; and the laws and Constitution of the United States, and the laws of the State of New Jersey, declare that no other evidence of membership than that produced by them shall be received here. Now I say that these men came here presenting that evidence; that one of them has been received as a member, and if you refuse to receive the others, then it is not those members that you turn out of the House, but the sovereign people of New Jersey. Whoever may finally, and after proper investigation, be determined to be the true and lawful Representatives from New Jersey, these five are the present Representatives, and you cannot deprive them of their seats without outraging the people of their State. If you say that they shall not be received, it is the people they come to represent whom you reject, and whom you deprive of five-sixths of their representation. Now I have heard about an attack on the rights of the people of New Jersey; and have heard it stated that there is a contest between the people of New Jersey on the one hand, and the Governor and Council on the other. Why, that Governor and Council represent the people of New Jersey; and it must be borne in mind that long after these contested elections took place, and long after the Governor and Council decided who were the persons duly elected, they have been called upon to pronounce sentence upon the correctness of this decision, and they have done so by re-electing this very Governor and Council by whom it was given. My honorable friend over the way, [Mr. VANDERPOEL,] who intends to offer an amendment to the resolution I have submitted, in his ardent appeals to this House in favor of the sacred rights of the people of New Jersey, proposes, in the very act of flattering them, to take away their rights; for if the members from New Jersey are not called, the people of that State will be deprived of their rights, and five-sixths of their voice will be suppressed in the important proceeding of organizing this body. The appeals of the gentleman in favor of the rights of the people, and his manner of showing his regard for them, put me in mind of a story I have read in the Bible, where a man goes up to another and affectionately asks, "Art thou in health, my brother," and then stabs him under the fifth rib. Now the manifestations of love and respect are very various. I profess to have as much love and respect for the rights of the people as my friend from New York, who I understand is to be one of the leaders of this House, and therefore I speak of him with great respect and deference; but his mode of showing love and respect for the rights of the people, is to take away their rights, while mine is to use my best endeavors to prevent their being deprived of them; and as I cannot give them a double representation on this floor, which the Constitution does not allow, I will give them that representation which the evidence of their constituted authorities shows to be the true one. Mr. A. then submitted the resolution which he had previously read.

Mr. MERCER suggested to his friend from Massachusetts, that the same difficulty would again occur of putting the question on this resolution.

Mr. ADAMS said he was willing to wait awhile to see what amendments gentlemen might propose to the resolution. He then proposed to put the questions to the House himself. He protested against the CLERK's putting any question.

Mr. RHETT asked of the CLERK if he had determined that he could not put questions to the House?

The CLERK proceeded to state that the Clerk of the House of Representatives, in accordance with past usage, was compelled to make out a roll of the members of the 25th Congress, to the best of his knowledge and ability, and under his own responsible sense of duty. Under that conviction, he had made out a roll on certain principles, which appeared to him to be true. Those principles he had not been permitted to state. He had not been allowed to explain the grounds upon which he had acted in performing, according to his sense of duty, the delicate charge which had been forced upon him. This first part of his duty being performed, he had, at the appointed hour of 12, proceeded, also according to usage, to call the roll. His duty was, when the roll was called, and a quorum was present, to put to the House all questions arising up to the time of the election of Speaker. All this the Clerk came prepared to do. In the call of the roll he was arrested——

[Very loud cries of "no! no! you were not arrested."]

The CLERK proceeded: A quorum had not been ascertained. The CLERK then, of course, could not proceed further until the House had determined in their own mode what was a quorum, and who were entitled to vote or not to vote. Unquestionably a quorum was present; there might be many more—there might be gentlemen who were not entitled to sit here. The CLERK, then, did that which he was bound to do—he took the roll as his guide.

If he had put a question, and a division by tellers had been called for, what would have been the result? Those in the affirmative would have passed through the tellers, and the number would have been taken down; then those who voted in the negative would have passed through the tellers, and the number taken down. Upon the enunciation of the vote, it might have appeared that there were two hundred and forty-seven votes; more votes than members of this House. The vote would be entirely lost, which ever way it went, or the CLERK would be compelled to take upon himself a responsiblity which does not belong to him; and which he had before endeavored to avoid, to decide between conflicting claims to the same seats.

[The CLERK was again interrupted by Mr. STANLY, who rose to put to the CLERK the following interrogatory: "Who arrested you?]

The CLERK. Whether the CLERK was arrested or not, is matter of no consideration; he was not allowed to go through his roll, or to determine what was a quorum of the House. He was prevented from performing that duty. The gentlemen present might act one way or the other—they might organize themselves, as was done in the first Congress. He could not now put questions as CLERK of the House, but, if it was the pleasure of the House, he could put questions as chairman of the meeting.

Mr. RHETT then offered a resolution that LEWIS WILLIAMS, the oldest member of the House, be appointed Chairman of this meeting until the House should be organized.

Mr. WILLIAMS objected to the introduction of the resolution. He thought they could have questions put if the CLERK would only do his duty as all other Clerks of the House had done. Besides, if it was competent to put the question on this resolution, it was also competent to put the question on the resolution of the gentleman from Massachusetts, which preceded it.

Mr. UNDERWOOD asked of the CLERK if he would be willing to put a question if a majority of members present desired it?

Mr. GARLAND stated that he was willing to put questions if it was the will of the House that he should do so.

Mr. UNDERWOOD then asked the CLERK to put the question on the resolution submitted by him.

Several voices were heard crying "No! no!" and much confusion prevailed at the time.

Mr. THOMPSON of South Carolina submitted to the House, that sooner or later they must adopt the resolution just offered by his colleague, [Mr. RHETT] as it would be impossible for them ever to organize without some proceeding of the kind. The objection of the gentleman from North Carolina, that there was a resolution that had precedence, could only apply in regularly organized bodies, where Parliamentary rules could be observed,

and did not apply to this meeting, which was yet in a state of disorganization.

Mr. RHETT then varied his motion, so as to call Mr. ADAMS to the Chair, instead of Mr. WILLIAMS, and putting the question himself to the meeting it was carried, and Mr. ADAMS took the Chair.

Much confusion and noise being heard in the galleries, and some hissing,

Mr. THOMPSON of South Carolina said, that he announced to the galleries that if there was the slightest interruption to the business of the meeting, he would call on the President for a military force to preserve order.

On motion of Mr. MERCER,

Ordered, That the Rules of the last House of Representatives be adopted for the government of the proceedings of this meeting.

Mr. WISE then moved that the acting CLERK be directed to call the members of the House, including, in such call, the members from New Jersey, who have the certificates of the Governor of that State that they are elected as Representatives of the Twenty-sixth Congress.

Mr. JOHNSON of Tennessee moved an adjournment.

Mr. JENIFER called for the yeas and nays, but withdrew the call afterwards.

Mr. PETRIKEN renewed the call for the yeas and nays, and was sustained by several voices.

Mr. BRIGGS said that, as the rules of the last House of Representatives had been adopted, the yeas and nays must be called at the desire of one-fifth of the members present; but there was one difficulty in the way, the roll of the CLERK was not completed, and, therefore, the yeas and nays could not be called.

Several gentlemen calling for the appointment of tellers, to count the ayes and noes on the question of adjournment, Messrs. JOHNSON of Tennessee and DAVIES were appointed by the CHAIR, and the members severally passing between them, they reported that there were for the adjournment 103, and against it 90—so

The CHAIR announced that the House was Adjourned.

IN SENATE,

FRIDAY, December 6, 1839.

Mr. SPENCE appeared in his seat this morning.

Mr. WRIGHT presented the credentials of the Hon. SAMUEL S. PHELPS, elected by the Legislature of the State of Vermont, a Senator from that State for six years from the 4th of March last, which were read.

The usual oath was then administered to Mr. PHELPS, and he took his seat in the Senate.

Mr. BENTON gave notice that, at the earliest day in which it would be in order to do so, he would ask leave to introduce the following bills:

1. A bill to provide for the armed occupation and settlement of that part of Florida which is now overrun and invested by marauding bands of hostile Indians.

2. A bill to define and establish the southern boundary line of the Territory of Iowa.

Mr. DAVIS gave notice that, at the earliest day in which it would be in order to do so, he would ask leave to introduce the following bill:

Bill to remit such duties, and to cancel such bonds, as have been required of persons engaged in the whale fishery, to restrain all future exactions of duties of such vessels and their cargoes.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, December 6, 1839.

At twelve o'clock, Mr. ADAMS, appointed yesterday the Chairman *pro tempore* of the meeting, called the House to order; when

Mr. DROMGOOLE rose, and asked if the journals were to be read before proceeding to business.

The CHAIR replied that the rules of the House required that, not only the journal of the preceding day should be read, but the journal of each day's proceedings since the commencement of the session.

The CLERK then read the journals; after which,

Mr. WISE rose, and proposed to correct the journal, so that it might appear that the CLERK had refused to put questions to the House, and that it was in consequence of this refusal that the House had been compelled to appoint a Chairman *pro tem.* Mr. W. then submitted an amendment to the journal of last Monday, to show that the CLERK had refused to put any question to the House.

Mr. DUNCAN desired, if the journal was amended, that the whole truth might be told. The CLERK had distictly stated that, if it was the pleasure of the House, he would put questions. Let this be put upon the journal also.

Mr. BRIGGS then proposed to amend Mr. W's. motion—"the CLERK stated that he did not feel himself authorized to put any question to the members present, and a motion being made to adjourn, the CLERK decided he could not put that motion to the House."

Mr. WISE accepted this as a modification.

Mr. DROMGOOLE submitted, whether, in fairness to the CLERK, this motion ought not to be varied. The CLERK had stated that, in his opinion, he could not put questions until a quorum of members were ascertained to be present. This was the ground taken by the CLERK, and he thought, in perfect fairness, that this ought to be stated in the proposed amendment to the journal.

After a few remarks by Mr. CUSHING,

Mr. DROMGOOLE proposed the following as a substitute for Mr. WISE's amendment:

"The CLERK having declared that under the present imperfect stage of the organization of the House, no quorum having answered to their names, and there being no rules for the government of the body, he did not feel, under these circumstances, authorized to put any question to the members, except by general consent.

"A motion was thereupon made to adjourn. The CLERK decided that he could not submit that motion to the House."

Mr. WISE accepted this as a modification of his motion; which was agreed to by the House.

Mr. WISE then moved the following amendment to the journal of Tuesday, which was considered and agreed to:

"A motion being made to adjourn, the CLERK decided that he could not put that question to the House: Mr. CUSHING, of Massachusetts, objected to the CLERK declaring the House adjourned without a vote of the House."

Mr. WISE then moved the following amendment to the journal of Wednesday, which was considered and adopted:

"A motion made to adjourn, the CLERK stated that he was now of opinion that he could submit a motion to adjourn, but could submit no other motion."

Mr. W. C. JOHNSON then moved the following amendment to the journal of Thursday, which was considered and adopted:

"Mr. RHETT asked the CLERK if he would put questions to the House? To which the CLERK replied, he would put no question except to adjourn, but said, with the consent of the House, he would put questions as chairman of a meeting of gentlemen present, but not as Clerk of the House of the Representatives, if instructed to do so by the members present;' when

"Mr. W. C. JOHNSON objected to his acting as chairman."

The CHAIR then stated that the questing pending was on the resolution of Mr. WISE, that the Acting Clerk be directed to call the members of the House, including, in such call, the members from New Jersey who have the certificates of Gov. Pennington.

Mr. RHETT then rose and stated that, before he sat down, he intended to make a motion to lay the resolution of the gentleman from Virginia on the table, for the purpose of offering the following resolution:

Resolved, That the House will proceed to call the names of gentlemen whose rights to seats are not disputed or contested, and after the names of such members are called, and before a Speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the elections, returns, and qualifications of all claimants to the seats contested on this floor.

This resolution was substantially the resolution offered by the Chairman [Mr. ADAMS] at the last session of Congress; it was substantially the resolution proposed the other day by the gentleman from Virginia [Mr. WISE]; it was substantially the resolution proposed yesterday by the gentleman from Kentucky [Mr. UNDERWOOD]; and it was also substantially the first motion made upon the subject before the House by the other gentleman from Virginia, [Mr. RIVES.] It would thus appear, that the course which this resolution proposes we should pursue, was no invention of his, but the result of able minds from different parts of the House in their search for truth and justice. The resolution proposes partiality to none, and injury to the claims of none. It put both sets of claimants upon precisely the same footing; while giving the members whose qualifications were unquestioned their seats, a tribunal was established, by which the claims of the contestants could be determined. The case, the whole case, so far as the papers on your table contain it, (as in the case of Moore and Letcher,) will then be read, and laid before the House; and which ever way we determined, it could not be said that we acted unfairly, by excluding the testimony and the grounds by which either party claim their seats. The resolution of the gentleman from Virginia, [Mr. WISE,] if adopted, would give the gentlemen from New Jersey who claim under the Governor's commission their seats, without the House having heard a single word of the testimouy and credentials by which their constituents affirm that they are entitled to them. Is this fair? Will the country deem it fair? Right or wrong, is it decent, or even politic, to force them away without granting them a hearing? It did appear to him, situated as we are, that the only equitable or honorable course was such as the resolution he offered proposes. Gentlemen must know that there is no precdent precisely in point to guide us, and they ought to meet this question in a spirit of compromise and accommodation. All that is asked is, to consider the whole matter as presented by the contesting parties. Do not consider a part. What can be gained? Might not a great deal be lost by such a course, so revolting to the most obvious dictates of equity? It is not to be presumed that gentlemen would claim seats upon this floor without a perfect conviction of the validity of their claims; and it was that they should be satisfied, and the country be satisfied, that we had carefully examined, and, to the best of our ability, determined, who, in this preliminary state, should take the seats belonging to New Jersey, and assist in the permanent organization of the House, that he proposed his resolution. He moved that the resolution of the gentleman from Virginia should lie on the table.

Mr. R. concluded by moving that the resolution of the gentleman from Virginia be laid on the table.

Mr. MERCER appealed to Mr. RHETT to withdraw the motion, but Mr. R. declined doing so.

Tellers being called for,

The CHAIR appointed Messrs. DROMGOOLE and BRIGGS tellers.

Mr. DROMGOOLE rose, and stated that he had been called upon by the Chairman to discharge a duty, and he wished to know how that duty was to be discharged. He was informed that there were eleven gentlemen on this floor, all claiming to represent the State of New Jersey, when that State was only entitled to six members; and who of these members was he to count when the House was divided. He would not take upon himself to say which of them should not vote, and if he had to act in the capacity of a teller, he would count them all.

The CHAIRMAN (Mr. ADAMS) here stated to the House what he conceived to be the rule. He conceived the rule to be, that the persons who presented the evidence required by the Constitution of the United States, and the laws of the State of New Jersey, were entitled to sit and vote in the House until deprived from doing so by the act of the House. This was his opinion, and he expressed it with more confidence, because he had de-

clared it before he was placed by a vote of the House in the chair he now occupied.

Mr. VANDEPOEL appealed from this decision of the CHAIR, and said the question would then arise whether the gentlemen from New Jersey would vote in their own case. Mr. V. would like to know whether the Chairman had been appointed for the purpose of usurping to himself the power of deciding the very question which had been agitating this body for the last three or four days. Was this Chairman appointed for any such purpose as this? He apprehended not. He would respectfully appeal from the decision of the CHAIR, and then we would see whether these gentlemen would claim to vote, or be permitted to vote in their own case. If so, he would say that it would be not only an unprecedented, but a shocking spectacle.

Mr. WISE inquired if this appeal was debatable?

The CHAIR decided that it was.

Mr. RHETT then called the attention of the CHAIR and the House to the thirty-fourth rule of the House, which had been adopted for the government of the body, in the following words: "*No member shall vote on any question in the event of which he is immediately or particularly interested.*"

Mr. R. made it a point to the CHAIR whether, under this rule, the members from New Jersey could vote.

The CHAIR considered that this rule did not apply to the present case, because it was not the members from New Jersey, but their constituents who were interested.

Mr. THOMPSON of South Carolina held that the members from New Jersey, who had the Governor's certificate, were entitled to vote in their own case, and that it was not in the power of the House to deprive them of that right.

Mr. STANLY replied to the remarks made by Mr. VANDERPOEL. He had no idea that the members from New Jersey should be deprived from voting on what was called here their own case. He would leave it to their own good sense to say whether they would vote upon it or not, but he hoped they would not decline voting on account of any false delicacy. If they declined voting on this case, he held that they would not exhibit the same spirit which animated the Jerseymen of the Revolution. If they did not maintain their rights here, which were guarantied to them by the Constitution of the United States, and the laws of New Jersey, they would be unworthy of the confidence of the people of New Jersey.

Mr. BRIGGS contended that it was not a usurpation on the part of the CHAIR in deciding who were entitled to vote from the State of New Jersey. The CHAIR had answered the question of the gentleman from Virginia as he was bound to do, and he had answered it in strict accordance with the Constitution and the laws The CHAIRMAN had not usurped the powers of the House, because he had merely decided that which he was bound to decide, and which he could not escape from deciding, namely, that the five members from New Jersey who had he evidence of their right to seats under the Constitution and the laws, were entitled to vote on the present question.

Mr. GRANGER replied to the remarks of Mr. VANDERPOEL, contending that those who had the certificates of the Governor of New Jersey were entitled to all the rights and privileges of members of the House until their case was examined by a Committee of Elections, and decided upon by the House. Mr. G. then referred to the case of Allen and Fellows in the New York Legislature, contending that it was precisely similar to the present case, and stating that, at that time, the attorney general of the State of New York held the same opinion that the gentleman who held the certificate was entitled to his seat, and he took his seat and participated in the business of the House until the Committee of Elections decided against him, although by his vote alone the party in power held the preponderance.

Mr. CRAIG thought they were becoming more involved in difficulties every step. Let us turn as we pleased, there was a stumbling block in our way. He thought the proper mode of proceeding would be to settle the question of right. Let us have all the evidence presented to us, and then we can decide upon it according to the laws and the facts. We might as well hear all the evidence in the case, and then decide it, for to that we would have to come at last.

Mr. WISE thought if his colleague was ready to decide this question now, he was one of the most powerful and extraordinary judges who had ever decided on any question in this country.

Mr. CRAIG stated that he had not said that he was ready to decide on the question now. The course of proceeding he had suggested was to examine the evidence first, and then decide; and the sooner that course was adopted, the better it would be.

Mr. WISE contended that they had no right to examine into any thing further than the *prima facie* evidence under the Constitution and the laws, and that it was not competent for the body at the present time to enter into such an examination of the question as was suggested by his colleague. The House must first be organized, and the members sworn, before they can enter upon the discharge of so important a judicial investigation as the one proposed by his colleague. The members from New Jersey had exhibited to the House *prima facie* evidence of right, and could not be deprived of the privilege of voting upon every question which might arise.

Mr. W. said they had now got back into the position to which he had predicted on Monday last they must come; that was, that the presiding officer must decide the question. He had told the CLERK at that time that he would be bound to decide the question as to who was entitled to rights on that floor from New Jersey, and the CLERK had only escaped from making this decision by declaring that he could make no decision. The present Chairman, however, had decided the question, and this had fulfilled his prediction that it must be decided by the presiding officer of the body. The CLERK had decided that he could put no question to the House, and the House, from the law of necessity, was compelled to put some person in the CHAIR who would put questions, and when the gentleman from Massachusetts declared that he would put the question to the body, hope rose within him, and he saw that the House was about to be relieved from its embarrassments. Mr. W. proceeded to comment upon the course of proceeding, at some length, and concluded by eulogizing the conduct of the Chairman for his efforts to bring about an organization of the House.

Mr. FRANCIS THOMAS observed, that he was very reluctant to take any part in this debate, for he was sensible that very little new could be said by any body on the subject; but yet he could not sit tamely by and see it decided that the claimants to seats from New Jersey should dispose of a question in which they are personally interested. Before he proceeded to treat of this question of order, he hoped he might be permitted, as latitude had been allowed to others, to say a few words looking to the merits of this controversy. It has been said from one side, that this House has no evidence in its possession by which the truth of the certificates of the Governor of New Jersey, to the five members who claim seats under it, can be controverted. Now, said Mr. T. is that the fact? Is it true that this House is not advised of matters justifying a resistance, *in limine*, to the rights claimed under these certificates. Have we not that before us which should make an upright and impartial judge refuse to decide the question in favor of those who claim under the Governor's certificate, until he has examined further? Is there a member here who does not know that there are facts, not on the face of the certificates, which are material to the truth of this issue? Is it not notorious that a majority of the popular vote of New Jersey was given to the five gentlemen who came here as Representatives from that State who have not the certificates of the Governor? Had not the Governor of New Jersey himself admitted this in his several messages?

Mr. GRAVES rose to a question of order. The gentlemen was debating the merits of the question as to the elections in New Jersey, which was not before the House.

Mr. T. said that, if the gentleman would permit him to go on, he would show that in the nature of the main question was to be found proof that the gentlemen are interested in the decision of the question now before us, and are, therefore, under the rule, precluded from voting. I put it to this House, Mr. T. said, if we have not before us facts which should make us all pause if we would do justice. I would give the seats to neither party for the present. But have we not the evidence of the Governor himself, that the five gentlemen to whom he gave his certificates did not, and that the other five gentlemen did, receive a majority of the popular vote? Did not the Governor, in the labored argument he made on the occasion, express his regret that the technicalities of the New Jersey laws prohibited him from doing justice to the gentlemen who had a majority of the popular vote, and console himself with the belief that the Congress of the United States, who would be bound by no such restrictions, would, on hearing the evidence, award to them their seats? Besides this evidence of the Governor of New Jersey himself, what other testimony is before us entitled to consideration? We have the certificate of the Secretary of State of New Jersey, verified by the broad seal of the State, that he has in his office a file of the original poll books of the elections, by which it appears that these same gentlemen, whom this House is called on to exclude, received a majority of the popular vote.

Mr. T. said he knew that it had been averred that illegal votes were given in the two election districts, the returns of which were suppressed, which, if deducted from the whole number of votes given, would leave a majority of votes in favor of those to whom the Governor awarded the certificates. But, said Mr. T. the Governor himself, in the statement he has given, never said one word about illegal votes, and that is not now the question before the House. We are not now about to decide upon the elections; we are about to decide on the returns. Before the final question as to illegal voting is determined, we must elect our officers, that we may conveniently collect testimony.

How do I, asked Mr. T. connect these remarks with the question of order? The gentleman from Virginia [Mr. WISE] has offered a resolution that five of the claimants from New Jersey shall be treated as members. This resolution the gentleman from South Carolina [Mr. RHETT] moved to be laid on the table. The motion for laying the resolution on the table is, in effect, as much a motion to reject it as it would be if we had the proposition itself directly before the House on its adoption. All these rights, arising from an occupancy of seats on this floor, are, therefore, involved in this question. What are those rights? A member of Congress has certain personal privileges, and when he has taken his seat he has those personal rights to protect, as well as his political rights, which he shares with his constituents. He need not dwell to enumerate those personal rights. They would occur readily to every intelligent person. They were, privilege from arrest for debts, title, pay, and others of like character, all of which were valuable and protected by law. And yet gentlemen not only contend that these rights and privileges shall be secured to the parties by their own votes in the first instance, but they tell us, that when once sworn in, these Jersey candidates are to assume such a position as to maintain their seats, by their own votes throughout the session. No one gentleman is to vote in his own case. But four of the New Jersey members might vote upon the case of one of them as it arises, and thus they are to elect a Speaker and other officers, and afterwards reject or pass all the measures we are to have before us. A more monstrous doctrine he never before heard advanced. Mr. T. here alluded to the declarations made by the gentleman from South Carolina, [Mr. THOMPSON.] and said it gave him pleasure to hear that gentleman declare, that delicacy, as well as the feelings of a man of honor, would prevent him from voting under these

circumstances, although he believed that the rule, strictly construed, did not forbid it.

Mr. T. asked if any members could take the Speaker's chair with that generous exultation which ought to be felt by any one called to preside over such a body, if elected to it by such means. I must protest, Mr. T. said, that the Chairman, (for whom I must always manifest personal respect,) has usurped power in this instance that does not belong to his office. He has undertaken to draw his question within the vortex of order, and to decide that which the House itself only can decide; he has undertaken to throw the weight of his character in the scale against us, and to determine who shall be allowed to vote as members of this House. In conclusion, Mr. T. invited the members to read the rule, and have the facts in view. The facts are, that five gentlemen from New Jersey claim seats on this floor, under the same evidence, and the CHAIR decides that they can not only vote for each other, but that each can vote for himself. The rule is, that "no member shall vote on any question, in the event of which he is immediately and particularly interested. Now, if these gentlemen have not an immediate, a particular, and personal interest in obtaining seats on this floor, then he could not conceive of a case to which the rule would apply. He was in favor of requiring all the claimants from New Jersey to stand aside, as in such cases has always been done in the House of Commons in England, till the questions are decided in which they are particularly concerned.

Mr. HOFFMAN said he had not risen to make a speech, but simply for the purpose of recalling the attention of the House to the question presented, and which, if he understood it, was in the following shape:

A gentleman was asked by one of the tellers appointed by the CHAIRMAN to take the vote, who were authorized to be counted? The CHAIRMAN decided that the members holding the legal certificates were entitled to vote; and, from this decision, an appeal was taken. The question was not, therefore, whether these gentlemen would or would not exercise that right. The only question was, is the decision of the CHAIR correct? Had the CHAIRMAN a right to decide who were entitled to vote? How, then, was this question presented? Upon the one side (continued Mr. H.) you are to determine that the sovereign State of New Jersey shall be disfranchised, and no one shall vote; or, on the other, if she was entitled to a vote of six Representatives, who shall give that vote—those holding the certificates drawn up with all the regular forms according to the law of that State and the Constitution of the United States, or those who presented a certificate signed by an officer without power and authority to give it, and which, as yet, is unbacked by testimony? That was the question presented to you. Could you, or any other man, have decided between these two questions otherwise than as you did decide? And the question now is, was that decision correct?

The gentleman from Virginia has said that this question should be postponed until we had heard the testimony—that it is enough that the seat is contested, to deprive the State of New Jersey of her Representatives. I answer, that if the mere fact of a seat being contested is to deprive New Jersey of five of her Representatives, then that contest has, before it is decided, all the power and omnipotence of a judgment, and you do as much wrong to the Representatives of a free State, or to the free State itself, by depriving them of their seat for one instant, as if you deprive them of it for a whole year. Yet, says the gentleman, wait till we have the testimony, and then we can judge; and the gentleman from Maryland, [Mr. F. THOMAS,] in the very next breath, says you cannot determine that question until affidavits were taken, and the poll-books and the witnesses examined. Before whom? Before this House? Are we in a situation to read, digest, and properly to note the discordant testimony which may be given? Are we in a situation to examine witnesses at this bar? If that is true, then forever banish your Committee of Elections, for such a committee must for all future time be unnecessary. The House, at the commencement of every session, must sit here month after month, or at least until every disputed question of election can be settled, before it can be organized. It is fair and honest, says the gentleman from Maryland, that this should be done. I feel myself unable to compete with that gentleman in force of argument or power of language, but he will permit me to reply in language so much stronger and better than I could use, that it must carry conviction to my mind, at least, and probably to the minds of all the members of this House. I read, therefore, as part of my remarks, the following words, inserting only the words "New Jersey" instead of "Mississippi:"

"One of the members elect from Mississippi has already told you he will repair to the table to be sworn. And in this he is right. Who shall infringe the principles for which he contends? He is one of the chosen Representatives of the people of Mississippi. *He has with him a certificate of election signed by the Governor of that State. He appears here, with his colleague, with the same power to take his seat that we each have. And they have as much authority to question our right to be sworn as we have to dispute theirs.*"

Is not this conclusive? (continued Mr. H.) If the language itself is not so, I will give the name of the gentleman who uttered it. It is the language of the honorable member from Maryland, [Mr. F. THOMAS,] who has just addressed the House. He it is who thus put his foot down, and stood upon the certificate issued by the Governor, and fearlessly and triumphantly demanded who dared infringe that right. I take the extract of the report of a speech made by that gentleman in the case of Claiborne and Gholson, as published in the Globe, and I take it therefore to be correct.

Mr. THOMAS asked leave to explain. And Mr HOFFMAN having yielded the floor for that purpose,

Mr. T. said that the gentleman from New York [Mr. HOFFMAN] certainly did injustice to himself in adopting his speech as an argument. He was sure Mr. H. could make a much abler argument than any he could find in his (Mr. T.'s) speeches.

The character of the remarks referred to was that of enumeration; he was enumerating the causes why those gentlemen were entitled to their seats, and the most paramount of them all was, that they were *the chosen Representatives of the people* of Mississippi. They came here with commissions from the Governor of that State, and then there were no claimants. Such was not the fact here. The remarks which had been read had been delivered at the special session.

[Some conversation followed, not heard by the reporter.]

Mr. HOFFMAN continued. I have alluded to this speech in no spirit of unkindness. I did so because I was well aware that any language which that gentleman used would have weight with one portion of the House, at least, for its orthodoxy, and that it would have weight with another portion of the House for the apparent candor and sincerity which mark all he says. But even with the explanation which he has given, I understand that the one reason he assigned was, (and here, he says, lies the difference between that case and the present,) that these men for whom he contended were the chosen Representatives of the people. That was the foundation of his speech. But what evidence had he that they were so? Did it not come back to the very evidence offered by him that the gentlemen claiming to be sworn "had the certificate of election signed by the Governor of the State?" They were chosen Representatives—they had the certificate, which was evidence that they were chosen; and, having proved by that certificate that they were so, he asks, "Who are you who dare dispute this right? How dare you question my certificate, given under authority as great and solemn as your own?" Does the gentleman remember that the very foundation of his argument proved to have been laid in the sand? for that very House determined that they were *not* the chosen Representatives of the people, and sent them home to pass again through all the forms of election.

[It was here suggested to Mr. HOFFMAN that this took place at the second election for members for Mississippi.]

Mr. THOMAS said there were two elections held—one preceding the extra session, and one succeeding it. At the extra session the seats were given to these two gentlemen.

Mr. HOFFMAN said, probably the gentleman was right.

Several expressions fell from members in different parts of the Hall, which the Reporter could not hear distinctly.

When Mr. H. proceeded.

The argument is strong enough without stating any thing that is incorrect. My recollection is, that Messrs. Claiborne and Gholson presented themselves at the bar by virtue of a special election—that, after that, a new election was held, and that, at the second election, treating the first one as void, Messrs. Prentiss and Word were elected. When the latter gentlemen presented themselves here to claim their seats, Messrs. Claiborne and Gholson contended that their election for the extra term was good for the whole term. The question came before the House. The House determined that Messrs. Claiborne and Gholson were not elected, and finally sent them home for re-election. I believe that to be the fact. The House determined that they were not the chosen Representatives of the people, and sent them home. But, be that as it may, does not the whole argument of the gentleman from Maryland [Mr. F. THOMAS] go upon the ground that the certificate of the Governor showed that they were the chosen Representatives of the people of Mississippi, and that they had a right to ask the boldest of their opponents—what right have you, holding a certificate no greater than mine, to dispute my seat? Are you a member? So am I. Have you a certificate? So have I. Is yours a sovereign and an independent State? So is mine. Has your State spoken through the channels which she herself has pointed out? So has mine. And what right have you to send me home, who come here under the authority of a State of equal sovereignty—a State as independent, as proud, and as gallant as your own? This, sir, is the argument of the gentleman from Maryland; and whatever may have been the subsequent termination of the matter, it cannot take away one iota from the power and the conclusiveness with which it was then urged. But does not the gentleman from Virginia see that this question is to be never ending: that witnesses are to be examined: that months and months may be consumed, if we depart from established precedents for a moment, and refuse to stand by the certificate? That must be our rule of conduct, and by that alone we must abide.

This case I liken to the case of the judment of a State court, as conclusive and binding until that judgment be reversed or repealed by a court having appellate jurisdiction. Every act under that judgment, until it is reversed, is binding. Execution issued to a sheriff must be served—and execution at his peril. Is there an appellate court here? There is. That appellate court is the Congress of the United States; and when we are organized—when the chief justice has taken his seat—when the case is called, and the testimony and arguments shall have been heard, the judgment of the State court may be affirmed or reversed; but until then it is binding and conclusive.

Without going further into this matter, let me allude to an expression which fell from my colleague, [Mr VANDERPOEL.] I allude to it more in sorrow than in anger; and I could not but regret, sir, when you had taken that seat by the unanimous voice, almost, of this House—when you had been called, in the midst of our confusion, from the weight of your character, and the sanctity of your years, to produce order out of riot—I say I could not but regret that the decision of such a man should have been pronounced, by one so much younger, so much less entitled to respect from all that influence which the fruits of experience can give, a monstrous assumption, a monstrous usurpation. Let me say to the gentleman, sir, that your character is one of a purity and integrity so spotless, that it has passed even through the fiery ordeal of party conflict and party bitterness without

a stain. The offices you have held have added no lustre to your character, which your character has not reflected back upon them; and when I find my colleague assailing a man to whom history at least will do justice—a man whose character and virtues have illumined some of its brightest pages—when I find such a man, living before my colleague was a boy, and mixing up with the great affairs of a young and infant nation before he drew breath, thus assailed, I cannot but regret that such expressions should fall from a friend and colleague of mine; and I will only say, that when the sender strikes a ball against such a man and such a character, he ought to be sure that there will not be a rebound that will strike the sender.

Mr. VANDERPOEL said, he had tried to get the floor immediately after his colleague [Mr. GRANGER] had closed, but other gentlemen of more agility than he possessed, anticipated him. He did not know why his two colleagues [Messrs. GRANGER and HOFFMAN] had made *him* so prominent a subject in the discourses with which they had just edified us. He had, to be sure, had the temerity to appeal from the decision, and as he conceived it, the most extraordinary decision of the CHAIR, and he also had the further temerity to say, that it was founded in usurpation; and this had furnished his colleague [Mr. HOFFMAN] an occasion for treating us with one of those sweet, pretty, and touching eulogisms upon the CHAIRMAN, for which his friend and colleague was so eminently qualified. He (Mr. V.) would, upon the present occasion, neither assent to, or dissent from, this most encomiastic picture, drawn in the presence and hearing of the CHAIRMAN himself, nor would he here stop to inquire whether the gentleman had or had not violated the laws of good taste in lavishing such high-wrought praise in the presence and hearing of the subject of it; but he would at once reiterate what he had before said, that the CHAIRMAN, under pretence of deciding a question of order, had decided a most momentous question of *right;* and he would not be deterred by any false or mistaken delicacy—any affected reverence for gray hairs—from characterizing the act as he thought it deserved. He had not impeached—he did not intend to impeach—the *motives* of the CHAIRMAN; but he would again pronounce the decision, in effect, a most decided usurpation. It was so, because he had assumed jurisdiction that did not belong to him, and which the mover of the resolution that had given the CHAIRMAN that place, never supposed to belong to him when he moved that he should preside over our deliberations. It was so, because the simple *ipse dixit* of the CHAIR, if not reversed, would give five members a seat upon this floor whose right to seats had formed the subject of conflict here for the last five days. We were not dealing with trifles. When the rights of the people of a sovereign State were involved, and attempted to be trodden under foot, he would speak of it boldly and freely as he thought it deserved. If the CHAIR had transcended his jurisdiction, and thus prostrated the expressed will of a majority of the people of a sovereign State, he would not ransack his lexicon for very mild terms in order to give a mitigated aspect to an act pregnant with such serious and mischievous consequences.

He would now pay his passing respects to that colleague [Mr. GRANGER] who had done him the honor of making him the subject of so great a portion of his remarks. For all the purposes of the question immediately under discussion, his colleague might as well have read a chapter from Don Quixote; for that would have been quite as relevant to the point under debate as were most of his remarks. His colleague was disposed to make merry with what he evidently deemed his (Mr. V's) pretended love for the people; with his professed respect for the sovereignty and majesty of the people. Mr. V. said, humble as he was, he and his doings had been most conspicuously, if not unkindly, forced into this debate, and he could therefore, averse as he generally was to such a course, speak of himself without exposing himself to the imputation of egotism. He would, therefore, by way of repelling the inference that his advocacy of popular rights was insincere, tell the House that the kindness he had so repeatedly received at the hands of the people, gave him abundant cause to love them. Five times had they chosen him to honorable and responsible stations, and never yet had they rejected him. He could, however, imagine a case, where frequent disappointment, frequent frustration of fond hopes and bright visions, might possibly inspire any thing but affection for popular rights. If a gentleman of high ambition, and with aspirations at least as lofty as his legitimate pretensions, should happen to be twice presented to the people of his State for the highest trust and honor in their gift, and they should reject him, as they would the unclean thing; if he should hazard another struggle for the second office in this great Confederacy of free States, and a similar fate should attend his third ambitious effort, he would not wonder if, with such a one, affection for the people and regard for popular rights should become subjects of derision and merriment. This would accord with the dictates of poor, frail, unforgiving human nature. The poet understood this sentiment, and expresses it most pithily when he asks,

> "What rogue e'er felt the halter draw
> With good opinion of the law!"

He surely did not consider the two first words of the couplet as at all applicable to his colleague. Those who knew their friendly personal relations, would never draw such an inference. But his colleague had also referred us to the case from New York, which occurred some twenty-six years ago, (he meant the case of Peter Allen,) and had undertaken to give us not only a minute account of that case, but volunteered to us the information, that the year next succeeding the ejection of Mr. Allen from the New York Legislature, he was elected by a decided majority of the county of Ontario, and that my colleague, then acting with the Democratic party, had aided in producing this result. Mr. V. said he knew nothing of that case, except as matter of history, for when it occurred, he had scarcely entered his teens, and he therefore spoke with much deference to the recollection of his *venerable* colleague, who had told us that he was one of the adult and efficient actors of the scenes of that early day. He was sorry, situated as his colleague was, that he had furnished him with an occasion to denominate him so *"venerable"* in the presence, and hearing of that gallery, (pointing to the ladies' gallery,) for whose special edification most of the observations of the gentleman were so evidently designed. He would tell the gentleman and the House, that in that case, there was no question arising upon the returns. Mr. Fellows came in there by petition, and the House decided that they would not entertain the petition till the Speaker was chosen, and the House was organized. Besides, sir, in New York the members are sworn by the Chancellor, or Secretary of State, before the Speaker is chosen. Mr. Allen had the certificate—he was sworn as a member before the House could act upon the case, and, as such, voted for the council of appointment before he was ejected. But does the gentleman recollect how loudly and how unsparingly that act of the House of Assembly was denounced by the party with which he is now associated? Sir, look at the leading New York Federal journals of that day, and you will see that they were actually, in token of their abhorrence of this deed, dated from the reign of Peter Allen. Thus, for example: "THE THIRD, FOURTH, OR FIFTH MONTH OF THE REIGN OF PETER ALLEN." It had been stated by the gentleman from Virginia, [Mr. WISE] that Mr. Van Buren was then Attorney General of New York, and had given an official opinion in favor of this procedure.

[Mr. WISE here explained, and said that Mr. V. had misunderstood him; that he had said that Mr. Van Buren had approved of it; but he did not say that he had done so in his *official* capacity.]

If that case was sanctioned by one party, it was condemned by the other party, with which his colleague now acted. The argument resulting from this case was, therefore, neutralized; and he would therefore dismiss it, with the old maxim, that "two wrongs could not make one right."

He had said that the CHAIRMAN had exceeded his power in deciding that the five gentlemen from New Jersey who had the Governor's certificate had the right to vote upon the present occasion. This House had organized in this unprecedented manner, as he understood, for the very purpose of determining this point, and now the CHAIR very kindly interfered, and relieved it of its appropriate functions. It was that the House might be placed in a position to act and decide this very question, that we departed from the usage that has always obtained in organizing this body; and now, forsooth, we are told that the House cannot act upon this matter, but that it legitimately belongs to the CHAIR to decide who are, and who are not, members of this House. The gentleman from Virginia [Mr. WISE] had urged that there could be no usurpation whenever the law of necessity called for the exercise of a power. He denied that the CHAIR could derive any justification from the law of necessity. It was not now necessary that the CHAIR should arrogate to itself this high power. Our situation had changed. Our paralysis was now cured, and the *House* was competent to act. The CLERK decided, when we were under his auspices, that there being no quorum called, he could not put a question; but now we were relieved from that difficulty. Questions could now be put, and there was now a court convened with competent power to try the question that had been so long agitated. It was not necessary, nay, it was monstrous, that the mere judge of order, which this body had created, should draw within the vortex of order such high and momentous questions *of right.* He repeated that the CHAIR, in the name of order, had decided a great question of right—the right to a seat upon this floor; one of the higest objects of laudable ambition. He had decided it too, as Mr. V. considered, in the very teeth of one of the standing rules of this House, which we had adopted to govern our deliberations. He meant the rule which had already been referred to, and which provided that "no member shall vote upon any question, in the event of which he is immediately and particularly interested. The CHAIR decided that the Governor's members from New Jersey were not interested in the question within the contemplation of the rule; that the interest was that of the constituent, and not of the Representative. He denied the proposition, that the gentlemen whom the CHAIR had adjudged competent to vote, had no interest in the question upon which the vote was to be taken. Their interest was immediate and most palpable. What was the motion upon which they were to vote? It was to lay upon the table a resolution that they should be called and recognised as members of this House; upon this question it was, that the CHAIR had decided that these gentlemen could vote. The moment they voted in pursuance of the decision, what were they? They were to all intents and purposes members of the House. And what benefits did they derive from that character? They were clearly entitled to their mileage and per diem, amounting to some two or three hundred dollars each. They had a right to go to the Speaker, the moment he was chosen, and ask his warrant for their pay, and he would not and could not refuse to grant it to them. This they could not do, if ordered to stand back, as others proposed they should be. Here there was a direct pecuniary interest in the question; and was there a mind here, unclouded by prejudice, that did not see it? But this was not all. They would derive from the decision of the CHAIR other great privileges and immunities. That clause of the Constitution which provides "that Representatives in Congress shall, during their attendance at the session of their respective Houses, and in going to or returning from the same, be privileged from arrest," surely conferred a high privilege upon the members of this House. If the Governor's members (he used this designation in contradistinction to those chosen by the people) should be permitted to vote, and thus be recognised *as members*, was it not most clear that it would be competent for them to avail themselves of this clause of the Constitution? So long as they were not recognised by this House, but kept in suspense, their creditors, who might see fit to arrest them, could reply

that they were not members of this House, and thus defeat the enjoyment of this high privilege. But this was not all. Not only did the character of member of this House confer high privileges, but it also created disabilities. Another clause of the Constitution provided that "no Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time." The decision of the CHAIR would determine whether this disability was, or was not, created; and here was another feature of interest. View it in whatever aspect you please, and you perceive, in the breast of the *Governor's members*, a direct interest in the event of this question—an interest coming not only within the spirit, but the letter of the rule. He could have hoped that delicacy would have been a motive strong enough to have prevented these gentlemen from voting. The force of this sentiment, however, depended so much upon the anxieties, the temperament, the passions, and prejudices of men, that it was not always safe to calculate upon its restraining efficacy. He had not the most satisfactory pledge that it would be a very potent sentiment in this case.

Mr. BIDDLE said that an effort had been made, day after day, to fix upon the Opposition the odium of the delay which had attended the organization of the House. Doubtless there would be a heavy responsibility before the people on those to whom the delay could be fairly attributed. Here had been a mass of men, called to a high trust, struggling to take a form appropriate to legislative action, without a presiding officer authorized to enforce order, and, indeed, without any established rules of order to be enforced. We had been preserved from disreputable scenes only by the general sense of what was due to the character of the country, and by the spirit of forbearance and courtesy which he was happy to see had been brought here from all quarters. The events of yesterday, Mr. B. thought, would sufficiently relieve his political friends from the reproaches which had been so perseveringly cast upon them. The difficulty into which we had been thrown by the CLERK, or his advisers, by his unprecedented course, and the dogged adherence to that course, was, at length, overcome, Mr. CHAIRMAN, by your appointment. This step was taken and justified by the instinct of self-preservation. We were about to die of an abstraction. We have been rescued from this danger. The first manly movement proved that the fetters of steel supposed to be around us were mere cobwebs.

Standing, then, at the very point which we occupied on Monday, at noon, Mr. B. said he was anxious that the eye of the country should be kept steadily fixed on every step of our progress.

At the first moment after we asserted the power of action, by placing you in the Chair, a motion was submitted which required the acting CLERK to call the names of all whose credentials conformed to the laws of their respective States. This motion brought up distinctly the question, whether we should adhere to established and unbroken usage. It proposed to do what the CLERK should have done originally, and what he had always done heretofore. It assumed the principle that the credentials referred to constituted *per se* a right on the part of a Representative of the people to take a place amongst those who could themselves pretend to no higher badge of authenticity; and that, at this stage of organization, we must, of necessity, look with deference, and not in a spirit of sharp criticism, to that ostensible right which all brought here alike.

The gentleman from South Carolina [Mr. RHETT] has moved to lay this resolution on the table with a view to introduce again some one of the various schemes that have led us a chase for four entire days. If Mr. B. understood him aright, he intended to move that the "disputed members" should be passed over and a quorum be formed without them.

This project was substantially the same as that offered on the first day of the session by a gentleman from Virginia, [Mr. RIVES.] It had fixed his (Mr. B.'s) attention at the time as one of engrossing interest, and preliminary in its character; and he had endeavored to claim for it the attention and decision of the House. But, amidst the medley of topics which were thrown into the debate, in the absence of all rules of order, it had been lost sight of, or only reappeared occasionally when pure weariness of a desultory and seemingly endless debate led to an impatience for something like method, and an eager desire to escape by any avenue from the labyrinth in which we were involved.

The project was one which had a show of plausibility about it, and addressed itself favorably to those who were anxious to get rid of this unpleasant matter as speedily as possible.

But, Mr. CHAIRMAN, in our eagerness to escape, we must not leave behind us a precedent fraught with mischiefs far greater than any temporary embarrassment. The present posture of affairs is one which *must* recur at the commencement of *every* future Congress. It is not a matter which passes off and terminates in itself. We cannot escape responsibility to those who come after us and to the country. What we do is for good or evil hereafter. The great outline of proceeding now adopted will be looked to by our successors, when the spirit of compromise and the pledges of forbearance that accompanied it shall have been forgotten.

In considering the merits of this scheme, I must assume that, in practice, the task of deciding upon and announcing the disputed and undisputed members will be exercised by the CLERK, as has been done at the present session. We are now to take up and adopt his proscribed list. We have nothing else before us to indicate a dispute; and the late movement did not, as I understand it, proceed on the ground of disapprobation of this part of his conduct. What, then, is substantially the lesson to be drawn from our proceedings? The CLERK, having announced the name of *one* Representative from New Jersey, withholds the names of the other *five*, on the ground that their seats are contested. Of the nature of the contest we officially know nothing. It is proposed now that we acquiesce in this proceeding of the CLERK without further question; that he shall proceed with the list, and, whenever he chooses to say that a dispute exists, he is to drop the whole or a part of any given delegation. Those who may remain, after this arbitrary and uncontrolled process of expurgation by the CLERK, are to sit in judgment on the rest, taking up the cases *seriatim*, and excluding from the judicial function all those who have been ordered by the CLERK to stand aside as disputed.

Sir, is not the bare statement of the proposition enough to show that it cannot be a safe and practicable one? A Clerk, whose own re-election depends on the composition of the House, at a given moment is made absolute and uncontrolled master over that composition! He has only to assert that the seats of his opponents, or some of them, are disputed, in order to insure a majority of those who, he knows, will vote for him, and for a Speaker of the same party. It is optional with these men, when once seated as a quorum, to act as they please. They have the power; and who can say that it will not be exercised? I am far from supposing that any gentleman would be wilfully perfidious to the pledge of moderation and forbearance that seems to be loosely passing round. But the very necessity for these pledges shows that the rule cannot work well in practice. It is our own off-spring, and we may be willing to conceal its deformities; but the next Congress will find this on record as the process ready prepared to their hands, and *they* will be disengaged from pledges. The unlimited control must, of necessity, be given to the party having an influence over the CLERK, and that control may be perpetrated *in infinitum*, because we know that contests may be started up at an hour's notice. Besides, sir, who has a right to give pledges on the subject? Who has a right to place the exercise of his legislative functions at the chance of this lottery? And what is the nature of the pledge? That we will not elect a Speaker or transact business until these disputed cases are settled? Is this the pledge? And where is it to lead us? We have already heard it announced by gentlemen on this floor, in swelling terms, that *they* are not going to yield to forms and technicalities—to the broad seals of States, or the certificates of Governors—that they will not be satisfied without probing this matter to the bottom, and ascertaining whether Governor Pennington has practised a fraud on the people of New Jersey. Indeed! And so, sir, we are pledged to abandon the duties of legislation, to remain here in our respective parts of judges and suitors, as the CLERK shall arrange us, until materials shall be collected to pass on the alleged misdeeds of Governor Pennington.

But suppose, Mr. CHAIRMAN, there should not be a quorum of undisputed seats? Nobody knows, at present, how many seats are disputed. That knowledge rests exclusively with the CLERK. He is to say whether I, for example, am to act as a judge over others, or am myself to be put upon trial. Every one waits in breathless anxiety to know his fate. And if any advantage can be drawn from a dispute, will not one be trumped as a matter of course? The question will be, in each district, not why a dispute should be raised, but why a dispute should *not* be raised; it will serve to justify a *wrangle*, and in high party times any shallow pretext may be laid hold of; it will, at least, provide a set-off to some dispute on the other side equally frivolous. No man ever failed at a popular election, without believing himself very ill used, and he is in a mood to listen with eagerness to representations which tend, at least, to break the first chagrin of disappointment, and soothe the smarting wounds of vanity. If, then, a majority of cases be disputed, we are absolutely at the end of this contrivance—this wretched makeshift. You have renounced and brought into discredit the only safe and practicable rule. It will, at least, labor under the disadvantage of having been, during one Congress, decried and overruled. Can you expect to lift it from disgrace, and restore it to favor, in the face, not only of eager passions and importunate interests, but of your own fatal example?

What was the new code of evidence which gentlemen sought to introduce here? The *prima facie positive*, under the great seal of a State, in all the forms of authentication, was sneered it—it was to go for nothing; but the *prima facie negative* of a CLERK's breath was potent enough to disfranchise a great Commonwealth! The laws of New Jersey on this subject formed a part of the Constitution of the United States. That instrument referred to and adopted the State laws, which thus acquired as high a sanction as if they had been incorporated into it in 1787. The oath to support the Constitution reached to, and comprehended, those laws.

It seems to be conceded that the course proposed was in defiance of all usage in our own country, but an intimation had been thrown out in various quarters that the practice of the House of Commons lent a sanction to it.

[Mr. B. here appealed to Mr. THOMAS, Mr. VANDERPOEL, and Mr. RHETT to know distinctly if they so contended. These gentlemen were understood to disclaim any special familiarity with the subject, but to have stated their general impressions.]

Mr. B. said he had put the question in all courtesy and respect, with a view to know how far his own recollection was at variance with that of others. He had no doubt that the usage there was precisely the same as here. There could be no other rule that would enable such a body as the House of Commons to get to the despatch of business. During the discussion, he had sent to the library for one of the popular Digests, supposing that a reference to the point might be found. The work he held in his hand was of no great authority, but, perhaps, best suited the purpose, as likely to contain only what was familiar and well settled. He then read from Jacob's Law Dictionary, (title Parliament:)

"When the right of election is doubtful, and consequently it is uncertain that candidates are duly elected, the returning officer may, and for his own safety ought to, make a *double return*. But this must be done upon the returning officer's own judgment, not upon the agreement of the parties. If two or more sets of electors make each a return

of a different member, (which is called a *double election*,) that return *only* which the returning officer to whom the sheriff's precept was directed has signed and sealed, *is good*. And the members *by him* returned shall sit *until displaced on petition* — *Sim.* 134. By the Irish act, 35 Geo. 3, c. 29, the returning officer (even though not otherwise qualified to vote) must, in case of an equality of votes at the poll, give his casting vote and make a return."

Here, then, was the rule, (and no other could ever be carried out,) that the right to sit of the individual coming within the requisitions of the law must, in the first instance, be deemed conclusive. Such had been the doctrine triumphantly carried out by the present Chief Magistrate in the case which arose in New York—a case to which his friends in this House had not attempted to make a reply. Mr. B. said he did not refer to the principles on which, in England, the ultimate right was settled on a petition to the House. They turned on the Grenville act and other subsequent statutes, all of which were incorporated into one in 1828. Those principles were substantially the same as in our own country.

But the question might be asked, If the majority refuse to act on the old usage, what is to be done? Must there not be a compromise? Must we not yield to some scheme by which one portion of the House shall, at hap-hazard, be constituted judges over the other portion? Each one must answer these questions for himself. Mr. B was not tenacious about small matters; but here, in his opinion, was a course proposed that struck at a principle on the sacred observance of which, in sincerity and good faith, must depend the future organization of this House in times of deep party excitement. He could not compromise, however he might be overruled. Doubtless a majority might insist on any proposition, however absurd, and whatever impediment it placed in the way of the rightful action of the Government. It might refuse to receive a message from the Senate until the credentials of that body were explored and the allegations of opposing claimants fully considered and passed upon. It might refuse to receive the President's message on some similar allegation. Would the Senate or President proffer terms of compromise? Mr. B. said he could not suffer himself to be jaded into an abandonment of what he deemed a matter of vital interest.

Mr. B. referred to the charge of *usurpation*, which had been urged against the CHAIRMAN for making a decision when called upon. What was he to do? Refuse to act? Take a leaf out of the CLERK's book? The result would be that the House must have driven him out of the Chair in order to place there somebody who *would* go through this very act of "usurpation," and thus put the question in a train for settlement.

Mr. WHITE, of Kentucky, rose and asked the CLERK of the House to state what was the decision of the CHAIR from which an appeal had been taken.

[The CLERK here read the resolution of Mr. WISE, of Virginia, as follows:

Resolved, That the Acting Clerk of this House shall proceed with the call of the members from the different States of the Union in the usual way, calling the names of such members from New Jersey as hold the regular and legal commissions from the Executive of that State.

And then the following resolution, which Mr. RHETT, of South Carolina, offered as a substitute:

Resolved, That the House will proceed to call the names of gentlemen whose rights to seats are not disputed or contested; and after the names of such members are called, and before a Speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the elections, returns, and qualifications of all claimants to seats contested on this floor.

The CLERK then stated that Mr. RHETT moved to lay the resolution of Mr. WISE upon the table with a view to offer his resolution as a substitute; and upon the question of laying Mr. WISE's resolution upon the table, *tellers* were called. Mr. DROMGOOLE, of Virginia, being one of the *tellers* appointed by the CHAIR, the question being about to be put upon the adoption of the resolution of Mr. RHETT, rose and observed to the CHAIR, that he had been appointed by the CHAIR to act as one of the *tellers*, and was ready to discharge the duty assigned him, but desired to be instructed by the CHAIR how he was to perform it. *The* CHAIR *replied that he conceived the rule to be that such persons as possessed commissions in conformity with the Constitution of the United States and the laws of New Jersey were entitled to vote as members of the House, and that no others were entitled;* and from this decision of the CHAIR, Mr. VANDERPOEL, of New York, appealed to the House.]

Mr. WHITE then said: Mr. CHAIRMAN, forgiving this decision, you have been charged with being guilty of an act of *usurpation*. Sir, the appetite for denunciation did not stop here. The honorable member from New York [Mr. VANDERPOEL] denounced your decision as a *gross usurpation*. And another honorable member from Maryland [Mr. F. THOMAS] followed suit, and characterized your decision as an act of *monstrous usurpation*. Mr. WHITE (addressing himself to the CHAIR) said, if it be true you have been guilty of the high offence with which you stand charged, neither the courtesy of debate, the sanctity of the exalted station you now fill as presiding officer of this House—no, sir, nor even your *gray hairs*, should screen you from the odium due to the *usurper and the despot*. But, sir, if it shall turn out, upon a fair investigation of the question, that the decision of the CHAIR is in *strict* conformity to the Constitution, to law, to all past parliamentary usage in this country, as well as in all other civilized countries, what should be the sentence pronounced upon your accusers? Sir, the *undivided execrations* of mankind should be *thundered* in their ears.

Mr. W. contended that the CHAIR was perfectly justifiable in declaring the opinion from which the appeal was taken—he had no alternative left him but to decide, or shrink from a discharge of his duty. The question remains, did he decide right? Mr. W. remarked that, before he went into the argument upon the correctness of the opinion of the CHAIR upon principle, and upon usage and precedent, he would call the attention of the House, and particularly the attention of the member from New York, [Mr. VANDERPOEL,] and the member from Maryland, [Mr. F. THOMAS,] to an authority in support of the decision of the CHAIR, that he knew would not be controverted by either of the honorable gentlemen; and out of your own mouths, said Mr. W. I will convict you.

Mr. W. then proceeded to read from the speech of Mr. VANDERPOEL, of New York, delivered in the case of the contested election of Moore and Letcher in the year 1834. Mr W. asserted that the gentleman from New York [Mr. VANDERPOEL] in that debate, ably and eloquently maintained the precise doctrine contained in the decision of the CHAIR, and the very opposite doctrine now so vehemently contended for by the gentleman. In that debate the gentleman held the following language:

"No, sir, I go for the laws and the Constitution —whether they define the qualifications of the voter, or prescribe the manner in which this right shall be exercised. I cannot here be persuaded either to jump over the Constitution or crawl under the law, by the captivating doctrine that the right of suffrage is paramount to the law and the Constitution. Sir, I know not whence we derive equitable powers so transcendent as those which I have here, to my very great surpise, heard claimed for us—powers which enable us to set the laws and the Constitution at defiance, and authorize us here, in a judicial capacity, to exercise the *despot's prerogative*—to dispense justice according to our abstract notions of right and wrong. Sir, will not this lead to a perfect *mobocracy*? Sir, I had always supposed that all legal ends in civilized communities, and under free and constitutional Governments, were to be obtained by lawful and constitutional means; and that it is better, far better, that the end should sometimes be lost, than adopt the more than Vandal heresy, that the 'end justifies the means.'"

This, Mr. W. charged, was the language of the eloquent gentleman upon that occasion, containing doctrines as sound as Holy Writ—the very doctrines of the decision of the CHAIR—doctrines that will stand the scrutiny of "*talents* and of *time*." In that debate the gentleman acknowledged himself the power of the Constitution; according to his political creed *then*, the law and the Constitution was *supreme*, and that right of suffrage itself was to be sacrificed if it came in conflict with *the law* of the State. But now, sir, Democracy and popular rights are paramount to law and the Constitution. Now, this same gentleman denounces this very doctrine as a "*small, miserable, squeaking, technicality*;" and those members who claim their seats from New Jersey, under the commission of the Governor, executed in strict conformity to the laws of that State, as "*pretenders* coming here under the cloak of a *sheer bond*." *O! consistency, thou art a virtue!* Mr. W. appealed to the gentleman now to justify his present course. He appealed to the good sense of every member in the House to decide whether the opinion given by the CHAIR was not fully and amply supported by the very extracts quoted from the speech of the gentleman in 1831. Mr. W. asked, what had brought so radical a change in the gentleman's political creed? Had his recent tour to Europe furnished him fresh light upon *Democracy*?

Mr. W. said, Mr. Chairman, I will now address myself for a short time to the honorable member from Maryland, [Mr. F. THOMAS.] He asked the undivided attention of the gentleman from Maryland (who occupied a seat immediately in front of Mr. W.) whilst he read from an authority which he well knew that gentleman would recognise as sound doctrine, however much others might be disposed to controvert it. Mr. W. then proceeded to read from the speech of Mr. F. THOMAS, of Maryland, delivered at the late session of Congress, in the contested election of Claiborne and Gholson, the following extracts:

"When the Clerk had reached the names of the members elected from the State of Mississippi, one of them has already told you he would repair to the table to be sworn; and in this he is right. Who shall infringe the rights for which he contends? He is one of the chosen Representatives of the people of Mississippi. He has with him a *certificate of election*, signed by the *Governor* of that State. He appears here with his colleague with the same proof to take his seat that we each have. And they have the same authority to question our right as we have theirs. They have the *unbroken custom* for their guide; and no injustice can be done to any portion of the American people by *a strict adherence to this wholesome and convenient usage*."

Mr. W. remarked that, in that case, and upon that occasion, the Governor's certificate was conclusive to the gentleman's mind; so sacred, that no man should dare question the right of the member to qualify. Upon that occasion, the gentleman held *usage* and *precedent* in high estimation. Yes, sir, upon that occasion a "strict adherence to usage" was the orthodox doctrine. Now, sir, the honorable member (with what courtesy, what consistency, I leave to himself to determine) charges you with being guilty of an act of "monstrous *usurpation*," for deciding that the members holding the certificate of election, in conformity to the Constitution of the United States, and the laws of the respective States, are entitled to be recognised as members. Is this not strange, passing strange? No, sir; the case being altered, it alters the case. The sitting members, Messrs. Claiborne and Gholson, were good Democrats; that being the case, usage and precedent were safe and wholesome guides.

Mr. W. said he would not consume the time of the House in commenting upon the flagrant absurdities and inconsistencies of the gentleman. He would simply say, *O! shame, where is thy blush?*

Mr. W. said he did not base the correctness of the decision of the CHAIR alone upon the high authorities from which he had read. He found higher authority—he looked to the Constitution of the United States, the Constitution of the State of New Jersey, and the laws of that Commonwealth. From these resources, Mr. W. contended, we obtained the rules by which we should be governed in deciding who were members upon this floor, either temporary or permanent. By the first, we are empowered to judge of the election, returns, and qualifications of our

members. By the second and third, the time, place and manner of holding the election are prescribed. The Constitution of the United States is the paramount law of the land, and no valid election can be held until the State Legislature has prescribed the rules by which it is to be governed. True, Congress has the power to alter these rules; but it must be done by law. This House cannot do it—no such inherent, omnipotent power belongs to us, as some gentlemen suppose, and have contended for. Until a law is passed by Congress, the law of the State must prevail.

Mr. W. contended it were worse than vain for gentlemen to talk here about "abstract rights" and "liberal principles" upon a question of *Constitution*, of *law*, and *immemorial usage*. It was ridiculous to hear honorable members denounce an adherence to well established precedent a "*miserable technicality*." Such doctrines lead to the overthrow of all order, the subversion of all government. Instead of a Government of laws, which should be the pride and boast of every patriot, we would sink into a wild and lawless anarchy. Let the principles contended for in this debate prevail, and the valued and established institutions of our country will be transformed into a "mobocracy."

Mr. W. maintained that the true issue before the House had been passed over and disregarded in this debate. It was not a question now, he contended, who was entitled to be *permanent members* of this House during this Congress from the State of New Jersey. That was a question that could not *now* arise, in the disorganized state of this body, there being nobody competent to decide that question until the House was duly organized and a Speaker chosen. The single isolated question to be decided at present was, who are to take their seats as *temporary* members to aid in the organization of the House? You, Mr. Chairman, have answered, and answered correctly—those individuals, and those only, who hold the certificates in due conformity to the Constitution of the United States and the laws of the respective States. In deciding this, you do not undertake to settle who ultimately, upon an investigation of facts, will be entitled to permanent seats during the present Congress; nor does your decision affect that issue in the remotest degree when it shall arise. Mr. W. contended that the question of *temporary* right was one thing, and the *permanent right* a very different thing. Mr. W. remarked that it mattered not to him who obtained the *temporary* seat to aid in the organization of the House. When the question came to be tried upon its merits, he should vote to award the permanent seat to the individual who had the greatest number of qualified voters of his district or State, guided by such rules of testimony as the Legislature of New Jersey have enacted to determine upon the returns of her elections.

But, Mr. Chairman, it has been contended that your decision is in conflict with the usage of the English Parliament. This Mr. W. denied. In England, as in this country, he challenged the production of a single precedent, in the organization of a deliberative body, where the member holding the *legal returns* has been disqualified from acting in the organization of the House. Mr. W. said he would not weary the House by reading cases (which he could do almost without number) where the member holding the regular certificate had taken his seat in the organization of the House, although, in a great majority of the cases, upon an investigation of the merits, the returned member was ejected, and proved not to be the rightful member. Mr. W. then read from Blackstone's Commentaries, 1st volume, page 181: "The members of Parliament returned by the sheriffs are the *sitting members* until the House of Commons, upon petition, shall adjudge the return false and illegal." But, Mr. Chairman, it is contended that your decision is in conflict with that rule of the House which provides that "no member shall vote on any question in the event of which he is immediately and particularly interested." Mr. W. contended this rule did not apply in the present case. True, the members claiming to vote had a partial interest in the question; but their constituents—the people of New Jersey—held the paramount interest in the case. It was not the case of the individuals; it was *emphatically* the case of the people of the State of New Jersey. Yes, sir, it is the right of the people of the State of New Jersey to representation upon this floor, that is at stake here. This is the great interest involved in the discussion of this question, and not the small rights of personal privilege and pecuniary compensation that may or may not attach to the individual members. Exclude these members, and you deprive the sovereign State of New Jersey of five-sixths of her representation upon this floor; and this is denominated *true* and *genuine Democracy*, and you are charged with being a "*despot and usurper*" for deciding otherwise.

Sir, the moment we abandon the law we are afloat upon the broad ocean of uncertainty. The States have the power to regulate the time, place, and manner of holding the elections; this power is expressly granted in the Federal Constitution, as already observed. The State of New Jersey, as well as all other States in this Union, has exercised this right, and defined the rules of making returns of her members to Congress. To disregard the law of the State, and confirm or reject *credentials* upon our own ideas of right and justice, would be the very thing the honorable members from New York and Maryland [Messrs. VANDERPOEL and F. THOMAS] have charged upon you—a *most flagrant act of usurpation*. Sir, said Mr. W. we may talk of "*State Rights*," of "*Popular Rights*," of "*Special Pleading*," of "*Squeaking Technicalities;*" but if we disregard the laws of the States, enacted upon a subject expressly reserved for their legislation, and substitute our own will for their solemn statutes, he boldly asserted we will have established a principle that will sap the very foundation of State sovereignty, the last vestige of liberty reserved to the members of this Confederacy. Such a principle carried out must lead to the concentration of all power in the General Government. It would override all the barriers erected in the Constitution between the Central Government and the rights of the several States, and would ultimately end in absolute despotism.

Mr. DUNCAN observed that he understood yesterday, that after the appointment of a chairman, the rules of the last House of Representatives were adopted for the government of this House for the time being. One of these rules required that the yeas and nays should be called alphabetically. Now he wished to know of the CHAIR if the yeas and nays would be called if demanded, and how?

The CHAIR stated that the rule did not apply, because the organization of the House was not completed. The yeas and nays, therefore, could not be called.

Mr. DROMGOOLE then rose and gave notice that, in case such a decision should be made in the very teeth of the Constitution, which requires that the yeas and nays shall be called when desired by one-fifth of the members present, he should take an appeal from it.

Mr. DUNCAN then asked if there was not a rule of the last House of Representatives which prohibited a member from voting "on any question in which he is immediately and personally interested," and if this rule, in the opinion of the CHAIR, did not apply to the persons claiming seats as Representatives from New Jersey.

The CHAIR decided that the five members from New Jersey, who were commissioned by the Governor, were not prohibited from voting under that rule. They themselves were not immediately and personally interested; it was their constituents only who were interested.

Mr. DUNCAN then observed, that if these certificates with the broad seal of New Jersey, entitled those holding them to vote, he would ask gentlemen, and the CHAIR particularly, what was to be done with the certificates and broad seal of the State of Pennsylvania, which certainly ought to be as broad as the great seal of New Jersey. In the case of the State of Pennsylvania, (said Mr. D.) we have the certificates of two Governors, both with the broad seal of the State, certifying that two different persons [Mr. INGERSOLL and Mr. NAYLOR] are elected to represent the same district. What are you to do, said Mr. D. in that case? Will any gentleman tell me? If you admit the claimants from New Jersey, because they have the Governor's certificate with the broad seal, must you not admit both of the two gentlemen from Pennsylvania, each of whom have similar documents, and thus give Pennsylvania one Representative more than she is entitled to?

In order that the House might have time to reflect on the subject, and in order that the CHAIRMAN also might have time to reflect on it, he would move that, when the House adjourn, it adjourn to meet on Monday next.

Mr. MERCER moved to amend the motion by adjourning to meet on to-morrow at ten o'clock.

Before any question was put on this motion,

Mr. DUNCAN moved that the House do now adjourn; which motion was carried without a division; and

The House adjourned.

IN SENATE,

SATURDAY, December 7, 1839.

Mr. SEVIER and Mr. PRENTISS appeared in their seats.

On motion, The Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, Dec. 7, 1839.

At 12 o'clock, the CHAIRMAN (Mr. ADAMS) called the House to order, when the journal of yesterday was read; after which,

Mr. DROMGOOLE suggested an amendment to the journal, with regard to the declaration which he had made on yesterday. He had said that he would count all the members from New Jersey who presented themselves, unless otherwise directed *by the House*. The words by the House were omitted in the statement in the journal, and he moved that they be inserted.

Which motion was put to the House, and agreed to.

Mr. LINCOLN then suggested another amendment. He wished to have stated on the journal, immediately after the amendment which had just been made, the precise decision which the CHAIR had made, namely, that those gentlemen from New Jersey who held the certificate under the Constitution of the United States and laws of New Jersey, were the members entitled to vote.

The CHAIR remarked, that he had stated on yesterday, in reply to the gentleman from Virginia, [Mr. DROMGOOLE,] that those members were entitled to vote who held certificates according to the Constitution and laws of the United States, and the laws of New Jersey, and that those persons who held certificates precisely similar to the member from New Jersey whose name had been called, and who had answered, were the persons who should be counted.

Mr. LINCOLN then moved that the decision be entered upon the journal in the words of the CHAIRMAN, now delivered.

Mr. DUNCAN had no objection to having the journal amended, if there was any error in it; but he objected to making a journal now, which would decide the very question of difficulty which we have been contending about for days. The matter proposed to be entered on the journal was the very matter which we had been contending about, and he objected to any such introduction upon the journal.

Mr. TILLINGHAST thought that the gentleman from Ohio was mistaken with regard to the motion. The gentleman from Massachusetts only wished to have entered upon the journal the decision which the CHAIR had made, in the words in which it was made at the time.

Mr. DUNCAN said, if he was not mistaken, the CLERK had written out the decision of the CHAIR on yesterday, immediately on its being made; and presented it the CHAIRMAN, and asked if it was correct; and the CHAIR had agreed, at that time, that it was correct.

Mr. SALTONSTALL appealed to the members present to say if the statement by the CHAIR, a few moments ago, was not a precise repetition of the decision of the CHAIR on yesterday? If so, he thought it but right that it should be placed on the journal in that way.

Mr. SMITH of Maine had distinctly understood the CHAIR, in reply to the question of the honorable gentleman from Virginia, [Mr. DROMGOOLE,] to decide that "those gentlemen from New Jersey who had been returned to the House in accordance with the Constitution of the United States and the laws of New Jersey," were entitled to vote upon the motion of the honorable member from South Carolina, to lay upon the table the resolution of the gentleman from Virginia, [Mr. WISE;] and he should have felt bound to have voted to sustain that decision of the CHAIR, upon the appeal therefrom made by the gentleman from New York. He contended that the gentlemen who had been, by a majority of the people of New Jersey, elected to represent them in Congress, were alone legally elected, both by the laws of New Jersey and the Constitution of the United States, and could alone be legally returned to this House; and in accordance with the decision of the CHAIR, he presumed that the gentlemen they elected would vote. But when the decision of the CHAIR was read by the CLERK, as put by him upon the records of the House, "that those gentlemen only who have the certificates of the Governor of New Jersey, under the broad seal of the State," were entitled to seats in the House, which decision, as thus recorded, he had observed the CLERK to submit to the revision of the CHAIR before it was read, and to which he had understood the CHAIR to assent, he had felt bound to vote against such decision—a decision setting aside and prostrating the most inestimable privilege of the free institutions of this country. He was satisfied that the record did not conform to the decision of the CHAIR as first promulgated, but was in strict conformity with that which had been subsequently read from the CLERK's desk, by authority of the CHAIR.

Mr. WISE had understood the decision of the CHAIR on yesterday to be as the CHAIR had repeated it this morning; and he presumed that the CHAIR had considered the statement made by the CLERK on the journal at that time, as an abbreviation of that decision; and knowing that that was not the time to correct the journal, and that when it was read this morning, would be the time to correct it, no exception was taken to the entry made by the CLERK. This was not the time to make a journal, to be sure, but this was the time correct it, and to place the facts upon it as they did occur. He therefore demanded that the journal might be so corrected as to state the facts.

Mr. CUSHING said he understood the decision of the CHAIR to be as repeated this morning, and the reporter of the Globe bore him out in this opinion. Mr. C. here read the decision as reported in the Globe.

Mr. ATHERTON understood the CHAIR to have decided, on yesterday, that the persons entitled to vote, were those who produced commissions according to the Constitution of the United States, and the laws of New Jersey; but he had no doubt that it was the intention of the CHAIR to identify the individuals who did produce those commissions, because, otherwise, he would have been deciding nothing. He understood the CHAIR, at that time, to refer to the commission of Mr. RANDOLPH, and to those who had produced similar commissions to his, as the persons who were entitled to vote.

Mr. TILLINGHAST said it seemed to him that every gentleman must agree that the decision of yesterday was precisely the statement of it made by the CHAIR this morning; and it seemed to him that the journal ought to state the precise words of that decision. It seemed to him that this was the very object of the journal, and it seemed to him that there ought to be no difficulty about the matter.

Mr. SMITH of Maine said, there only seemed to be a difference of opinion with regard to the phraseology which should be spread on the record. We all agree, and the CHAIR confirms it to-day, that he did intend to decide, and actually does now decide, that Messrs. AYCRIGG, YORKE, &c. were entitled to vote; and gentlemen wish to spread on the record the reasoning of the CHAIR, which caused that decision. The CHAIR, and those who sustain him, wish to put on the record the reasoning which induced him to make the decision which he did. Now, he did not know whether it was customary for the SPEAKER of the House to spread on the record the reasons for his decisions. If so, he had no objection to the present amendment; and if this was not the practice of the SPEAKER of the House, he saw no reason for departing from the general course.

Mr. LINCOLN then submitted his amendment, in writing, in the following form:

"The Chairman decided that those persons were entitled to vote who had produced commissions from the Governor of New Jersey, in conformity with the Constitution of the United States and the laws of the State of New Jersey."

Mr. BRIGGS did not agree with the gentleman from Maine [Mr. SMITH] that these were the reasons of the CHAIR for his decision. This was the decision of the CHAIR, in his opinion, and not his reasons.

Mr. BYNUM said he would state his recollection of the decision of the CHAIR. He heard the CHAIR distinctly announce that those persons were entitled to vote who held commissions under the Constitution and laws of New Jersey, but he had not heard a word mentioned from the CHAIR about the Constitution of the United States. He looked upon the whole of the decision as a usurpation of the rights of the members of the House and of the people of the country, and he was not now for permitting the correcting to be altered, for the purpose of suiting the ulterior designs of any set of individuals. He wanted the CLERK to state positively what did take place, and nothing else. We have arrived at a most novel and extraordinary stage of our proceedings, and he called upon the Democracy of the House, not to permit themselves to be gulled by the technicalities which gentlemen introduce here. He hoped that the facts, as they occurred, would be stated on the journal, but he had no idea of having the record encumbered by the additional amendment of the gentleman from Massachusetts, to render a better excuse for the decision of the CHAIR.

The CHAIR stated that he had referred to the Constitution of the United States in his decision, before referring to the laws of the State of New Jersey.

Mr. MERCER also contended that the decision of the CHAIR of yesterday was precisely as it had been stated by the CHAIR to-day, and he held that this decision was not a usurpation of the rights of he House.

Mr. WHITE then called the attention of the gentleman from Virginia [Mr. DROMGOOLE] to the decision of the CHAIR, as reported in one of the papers of this city, and inquired if he was not in error in regard to his recollection of it, and of the inquiry which he had propounded to the CHAIR.

Mr. DROMGOOLE said he distinctly recollected that the CHAIR had said that those gentlemen were entitled to vote, who held commissions in pursuance of the Constitution of the United States, and the laws of New Jersey. If, however, the gentleman from Kentucky would read a few paragraphs farther in that report, he would find that the CHAIR had declared that those who hold commissions similar to that held by Mr. RANDOLPH, were the persons who were entitled to vote.

The CHAIR said he had stated that those five persons who held certificates similar to the member from New Jersey, who had been called and answered to his name, were the persons who would, in the opinion of the CHAIR be entitled to vote.

Mr. DROMGOOLE. Certainly that was the decision of the CHAIR.

The CHAIR then propounded the question to the House upon the amendment of the journal, when, tellers were called for, and the CHAIR appointed Mr. GIDDINGS, of Ohio, and Mr. CRABB, of Alabama, to act as tellers—both opposed to the Administration.

Mr. BRIGGS suggested to the CHAIR, that the usual course was to appoint a teller from each of the two parties.

The CHAIR then named Mr. BYNUM and Mr. GIDDINGS to act as tellers.

Mr. BYNUM said he should like to know whether he was to count those persons whose seats were contested on this floor or not.

Mr. RICE GARLAND objected to that question being put.

The CHAIR said that that question had been decided on yesterday.

Mr. BYNUM. Then I will not act as a teller of this meeting.

The CHAIR said the gentlemen who acted as tellers would please count all who passed between them; and if any member passed through whose title to a seat they considered contested, they should report that fact to the meeting, and the meeting would decide on the question.

Mr. BYNUM wished to understand his duty as a teller, if he was to act as such. He did not think that the members whose rights were contested in the House should vote under any circumstances, and he did not think that the CHAIR had the power to decide that they had the right to vote. Mr. B. then refused to act as a teller.

The CHAIR then named Mr. SMITH, of Maine, to act as a teller.

Mr. SMITH stated that he was unacquainted, personally, with the members of the House, and did not know the members from New Jersey on either side, so that it would be impossible for him to report to the House whether any persons had voted whose rights were contested.

Mr. RANDOLPH. I will stand by the side of the gentleman, and tell him the names of the members from New Jersey on both sides as they pass him.

The House then divided upon the amendment of the journal, and the tellers reported 106 in favor of the amendment, and 107 against it, neither of the New Jersey members voting upon the question. So the amendment was not agreed to.

Mr. SLADE then moved to strike from the decision of the CHAIR of yesterday, as entered upon the journal, the words, "the CHAIR made this decision with the greater confidence, because he had declared it before he had been placed by a vote of the House in the place he now occupied.

Mr. PETRIKIN wished to know if it was in order now to amend the paragraph which they had just decided the would not amend.

Mr. SLADE then withdrew his amendment.

Mr. GRAVES then moved to amend the journal, by striking out from the declaration made by Mr. DROMGOOLE yesterday, the words "unless otherwise directed by the House." Mr. G. felt perfectly convinced that that language had not been used by the gentleman from Virginia at the time he put the interrogatory to the CHAIR, therefore he desired that it might be struck from the journal.

Mr. WISE hoped his friend from Kentucky would not press this amendment, for he recollected distinctly that his colleague had used the words "unless instructed otherwise by the House."

Mr. GRAVES contended that if those words had been used by the gentleman from Virginia, they were used after the CHAIR had made his decision, and not at the time that he propounded the inquiry to the CHAIR, and consequently they ought to be struck from the journal at the place where they were inserted. He was the more convinced that the gentleman had not used these words at the time referred to because he had the testimony of the fact from the reports of every reporter and letter writer in the House.

Mr. DROMGOOLE hoped it was not the intention of the gentleman from Kentucky to impute to him the charge of having made a wilful misstatement on the floor. He was strangely mistaken in his recollection, if he did not use the words, "unless otherwise directed by the House." He did not know what the reporters had said in relation to this matter; and as to what the letter writers had said, he was also uninformed, for he read but few of their letters. But he thought he had stated on yesterday that he did not rise to debate the question, but being called to discharge a duty as a teller, and being unwilling to decline discharging that duty, he had made an inquiry as to the manner in which that duty was to be discharged. He had then stated that there were present ten gentlemen from New Jersey, who had placed their names on desks on this floor, and who claimed seats as mem-

bers, and he had asked how he could decide as to which of these persons were entitled to vote. He had then stated to the CHAIR, that if he was called upon to discharge this duty, he would count the whole ten members, unless otherwise directed by the House. The CHAIR, as he understood him, had made a general decision, as to who should be counted, when he replied that he did not know the members from New Jersey, but he was quite certain that before the CHAIR made his final decision, he (Mr. D.) stated that he would count all the members from New Jersey, unless otherwise directed by the House.

The CHAIRMAN (Mr. ADAMS) said he certainly understood the gentleman from Virginia to say that he would count all the persons claiming seats from New Jersey unless otherwise directed by the House; and it was because the gentleman had said that he would count persons whom the CHAIR supposed could not constitutionally vote, that the CHAIR had made the decision which had been referred to. There were, as it appeared, eleven members on the floor claiming seats as the Representatives of the State of New Jersey, when that State was entitled to but six members; and when one of the tellers declared that unless otherwise directed, he would count the whole of these eleven persons, the CHAIR found himself compelled to say that he could only count those legally and constitutionally entitled to seats. This was the reason why the CHAIR made the decision as as he had made it. Otherwise he would have decided as he had done done to-day. If it had not been for that declaration of the teller, the CHAIR would have said to the tellers, that whenever a person attempted to vote whom they considered as not entitled to vote, they should report that fact to the meeting, and the meeting would decide on the question. It was this declaration of the gentleman from Virginia, that he would count all who presented themselves, which induced the CHAIR to decide that those persons only were entitled to vote who had presented the evidence required by the Constitution of the United States and the laws of New Jersey; and in making this decision, the CHAIR had no disposition to usurp the powers of the House; because he was perfectly aware that what did take place would take place—that an appeal would be taken from the decision of the CHAIR to the meeting itself, and that the meeting would have to decide it. His decision was merely provisional, and it was for the meeting to correct that decision, if they conceived it to be in error. The CHAIR conceived this to be no usurpation of the powers of the body; and in regard to the observations which had been made on the floor, charging him with having committed a monstrous usurpation, he would only say, in reply to the gentleman who made these observations, if they were made for the purpose of intimidating the CHAIR from performing his duties as he understood them, they were mistaken in regard to the effect which they would have. The CHAIR would, however, here observe that, in his belief, there was in this meeting at the present time, more of heat than of diversity of opinion upon the subject. The CHAIR made this decision, aware not only that it was subject to appeal to the majority of the meeting itself, but he decided nothing as to the power of the members from New Jersey to vote on the main question which was in issue—that is to say, upon the election of Speaker of this House. The CHAIR considered himself in the place he now occupied for the sole purpose of organizing the House, and the moment it was organized, the CHAIRMAN would call upon them, according to the requisitions of the Constitution to elect a Speaker, and under the rules of the House, that election was to be *viva voce*. When that took place, all the powers of the present CHAIRMAN closed. But upon that election of Speaker, if any individual presented himself, whom any other member of the House believed not authorized to vote, objection could be taken to the counting of his vote, and then the House would finally decide on that question. As to all these questions which had been agitated upon the motions to amend the journal, the CHAIR would only say, as he had said before, that there was more heat in them than diversity of opinion; and the CHAIR, above all things, was desirous to allay that heat, and bring the meeting to a cool and calm decision on the question before them; and as to the ultimate result—the question whether the New Jersey members should vote upon the election of a Speaker, or not—he thought it time to settle that question when it should arise. At the present moment, when the question was made as to who should be counted, the CHAIR was not compelled to forbid the tellers from doing that which they said they would do—that is to say, count persons not entitled to vote; and in order to prevent that, the CHAIR proposed that the tellers should report whoever passed between them, and if any person passed through, whose right to vote was contested, to report that fact to the meeting. Well, what was the fact? No objection was made on either side, to any person who passed through; and who can tell that the case will not be precisely the same in the election of a Speaker. Who can tell whether this question will arise at all. If it does arise, then the House, being organized, will be prepared to decide it in the regular form. The CHAIRMAN considers that his duties will be at an end the moment the House is organized; for he will then call upon the House to elect a Speaker, and whenever objections is made to any member voting on that election, it will be for the House to decide that question. The CHAIRMAN can decide nothing in regard to that, as he was appointed to the CHAIR for no other purpose than to complete the call of the roll of the House, and have put down upon it the name of every person claiming to be a member. The CHAIR has decided no question whatever which will effect the practical point of controversy, and when the House arrived at that, it can decide it freely and fully. Where, then, was the usurpation spoken of in the decisions of the CHAIR? The CHAIR has said that his sole and greatest object here was, if possible, to allay the heat exhibited, and bring every member to decide coolly on the question before him. There was an expedient whic hhad occurred to the CHAIR of avoiding all these questions of difficulty, and that was a case which occurred in the last Presidential election. In that case, it will be within the recollection of most of the members of this House, there was a qnestion whether the vote of the State of Michigan should be admitted and counted. It will be recollected that, at that time, the State had not been admitted into the Union, but had formed itself into a State Government, and appointed electors to vote for President and Vice President. When the votes of the different States were sent in, Michigan among the rest, a question arose, the same in principle with the present question, as to whether the vote of the State of Michigan should be counted, and the course taken at that time was this: A resolution was presented to the Senate and passed, as follows:

Resolved, That in relation to the votes of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: "Were the votes of Michigan to be counted, the result would be for A. B. for President of the United States ——— votes. If not counted, for A. B. for President of the United States ——— votes. But in either case A. B. is elected President of the United States" And in the same manner for Vice President.

This resolution was coincided in by the House of Representatives, and accordingly when the votes were counted up on this floor, the votes of Michigan were included, and it was announced—for Martin Van Buren, if the votes of Michigan be counted, 170; if the votes of Michigan be not counted, 167; but in either event, Martin Van Buren of New York is elected President of the United States.

It seemed to him that this precedent furnished a principle by which this whole difficulty might be settled. Let the members from New Jersey be counted as voting, as he held that to be the due of the people of New Jersey, for he begged the meeting to understand, in the course he had taken, that it was the right of the people of New Jersey which he attempted to sustain. If those persons were prevented from voting who come here commissioned by the Governor of New Jersey, the people of New Jersey were deprived of their representation in Congress, and it was his wish, above all things, if possible, to avoid the suppression of the voice of the people of New Jersey. As to the question whether the State of New Jersey should be represented by one set of men or another set of men, he believed there was not much diversity of opinion in the House. At least, for himself, he would appeal to the resolution which he had offered at the last session. He would appeal to that resolution as an evidence that then, as now, his opinion was that a Speaker could not be elected until this question was first decided. That was his opinion then; it was his opinion now; and he had offered this resolution to avoid the very difficulty in which we were now involved. He was of opinion then, as now, that the election of Speaker could not take place, considering the state of parties in this House, until the question with regard to the New Jersey members was first settled, and he had offered that resolution to provide for the case. The House chose not to consider that resolution, and the case was unprovided for, and it is now for the House to decide. The House, when it is properly constituted, will be competent to decide it, and it may, before the election of a Speaker, appoint a committee to examine this question between the different returns from New Jersey, and report that to the House, and the House may decide upon it. With respect to the difficulty of persons attempting to vote whose rights are disputed, it appeared by the question just settled, that no such case had arisen, and it was premature to look forward to such a case. When the question came practically up as to whether those members should be counted or not, it appeared to him that the case of the vote of the State of Michigan, in the last Presidential election, would provide a solution of that difficulty. And with respect to the right of voting of these members, there was a precedent under the old form of Government, which might serve to throw some light on the subject. If gentlemen would consult the journals of the old Congress, fourth volume, page 406, they would find that a gentleman claiming a seat from the State of Rhode Island, by the name of Howell, rose to speak upon a motion, when he was called to order by Mr. Mercer, and a question was made whether he had a right to speak or participate in the proceedings of Congress, because the State of Rhode Island only elected members for one year, and that year had expired. This question was put to the House in ten or fifteen different forms, as to whether the members froms Rhode Island should be permitted to vote, and on every one of those questions, the members from Rhode Island did vote until the question was finally given up. Now with these two precedents in view, he would ask gentlemen to examine the matter before us, and see if they could not come to the solution of the question perfectly satisfactory on all sides.

Mr. GRAVES made some further remarks in support of his motion.

Mr. WISE said he would state the facts again, and as he was very confident in the truth of his recollections, he would ask it of his friend from Kentucky as a personal favor that he would withdraw his motion. He would state again that his colleague did make the declaration he asserted he did; and he was confirmed in his recollections from the fact when the CHAIR reported to the House what had been said by his colleague, the latter rose, and corrected him by stating that he said that he would count all who presented themselves, unless otherwise directed by the House. In the correctness of this statement, Mr. W. said he was sustained by the recollections of all the gentlemen round him, both of the Opposition and Administration parties.

Mr. GRAVES said it appeared to him that there was only a misunderstanding between himself and the gentleman from Virginia. The gentleman's colleague did, it was true, add the words stated, but it was after the decision of the CHAIR was given. If the appeal was made on the ground that the gentleman from Virginia would, unless otherwise directed by the House, &c. and it should so appear on the journal, he would vote against sustaing the decision of the CHAIR. But if it was,

as his honorable friend friend from Virginia [Mr. WISE] had said, that his colleague [Mr. DROMGOOLE] did not ask the opinion of the CHAIR, how could he [Mr. WISE] have risen in his seat, and repelled with such warmth and indignation the charge made by the honorable member from New York, [Mr. VANDERPOEL] that the CHAIRMAN had been guilty of an act of usurpation. Sir, it would have been usurpation—gross usurpation—and the gentleman from New York was correct in characterizing it as such. Mr. G. after some further remarks, withdrew his motion.

Mr. RHETT rose, and asked the consent of the House to make another correction of the journal. It was as to the power of the CHAIR in the place he occupied. This correction had now become important, to know what were the powers of the CHAIR.

Mr. R. here read his motion as follows, and hoped he would get the unanimous consent of the House to its adoption:

"Mr. RHETT moved a resolution that Mr. LEWIS WILLIAMS, being the oldest member of the House of Representatives, be appointed a Chairman of this House, to serve until the election of a Speaker.

"Mr. WILLIAMS objecting to serve,

"Mr. RHETT moved the following resolution:

"*Resolved*, That the Hon. JOHN QUINCY ADAMS be appointed Chairman of this House until the the House be organized by the election of a Speaker.

"Mr. RHETT then put the question to the members on the adoption of the resolution, and the same being carried, Mr. ADAMS was conducted to the Chair."

The motion being read, the question was put, and it was carried without a division.

Mr. CAVE JOHNSON, from Tennessee, rose and said, that if the gentleman from Ohio, [Mr. DUNCAN,] who was entitled to the floor, would allow him to do so, he wished to submit a suggestion to the House, that might, and he hoped would, terminate the difficulties by which the House had been embarrassed the past week—that he did not propose to submit a proposition to take the place of the resolution now under consideration, and thereby deprive his friend from Ohio of the privilege of addressing the House upon that question, but to make a bare suggestion, that would meet the approbation of both sides of the House.

Mr. DUNCAN having yielded the floor,

Mr. JOHNSON proceeded to say that he had witnessed, with great regret, the course of proceedings since Monday last—that we had become so much involved in technicalities, and so much embarrassed by the rules and questions of order that had been made, that he did not see any probable end to the difficulty, unless by some kind of compromise—that he was himself sincerely desirous of settling fairly and justly the rights of the several claimants to seats on this floor; and he was sure that the other members present had similar feelings and wishes. The American people expected this at our hands, and he did not know that either party had acquired any credit in the conflict which had been kept up since Monday morning. He said, whilst the CHAIRMAN was addressing the House, and making some suggestions as to the mode in which it might be done, and the manner in which the House disposed of the vote of Michigan, which was contested in the last Presidential election, it occurred to him there could be no difficulty, upon some similar principles, of adjusting the present controversy to the satisfaction of the House and the country. He therefore arose to suggest that if the House would appoint a committee of the prudent, discreet, cautious men, some six or ten men, an equal number from each side of the House, and adjourn over until Monday, he felt confident that in the mean time the subject might be fully examined, and some means suggested by which all our difficulties might be avoided. Let each party in the House select from among themselves three or five men having the confidence of their political friends, distinguished, as he hoped they would be, for their wisdom and moderation, and he had no question that some mode of action would be agreed on, by which the objects we all aim at may be accomplished, and justice done to the parties claiming seats here, and to the people. Unless something of this sort should be agreed to on all sides, he did not see when this House would be organized, and ready to transact the business for which they were sent here by the people. Mr. J. said he was not authorized to submit such a proposition to the House, unless by the general consent of the House.

Mr. PROFFIT called for the previous question on the appeal.

Mr. PETRIKIN called the gentleman from Indiana to order.

The CHAIR stated that, as the gentleman from Ohio [Mr. DUNCAN] was entitled to the floor, the call for the previous question was not in order.

Mr. PROFFIT said, then I bow to the decision of the CHAIR. But I ask if I may be allowed to answer the speech of the gentleman from Tennessee. (Cries of order.) He had no idea that a gentleman, who was one of the principal causes of the difficulty in which the House was involved, and whose course, with that of his friends, had kept them the whole week consuming time in debate, instead of organizing for the despatch of the public business, should he be permitted to come forward with propositions to compromise—

[Several voices were heard calling the gentleman from Indiana to order.]

Mr. DUNCAN. We have not kept the House from organizing, nor have we occasioned the debates that have occupied the time of the House for the past week. All the difficulty in which the House was involved, and all the debate that had ensued, had been caused by those who wished to force on the House as members, persons who, it was notorious, had not been elected by the people.

Mr. PROFFIT [taking his seat] said: I shall yet have an opportunity of taking hold of the gentleman and a few others.

Mr. CHINN said that he was perfectly aware that he was out of order in now rising, and therefore asked the indulgence of the House while he made a proposition that he thought would meet the views of a majority of the gentlemen present. Mr. C. then read the following:

Resolved, That the CLERK be instructed to proceed in the call of the members of this House, not omitting the five members from New Jersey who hold the Governor's certificate, and proceed thus until all the members are called, after which the House thus called shall proceed to the election of a Speaker, and if it should appear that any member has voted whose seat is contested, that then the House, still acting under the government of its CHAIRMAN, shall proceed to determine the question as to who shall have the right to the seats thus contested. It being expressly understood that such decision shall not be final, but only determine who are entitled to take their seats to assist in the organization of the House.

Mr. CHINN, on being called to order by several gentlemen, resumed his seat.

Mr. DICKERSON from New Jersey rose, and appealed to his friend from Ohio to yield the floor to him to enable him to make an explanation.

Mr. JOHNSON of Maryland insisted on the rules of the House being preserved; and that if the gentleman from Ohio yielded his place again, he should not be permitted himself to decide who was to speak. These propositions, which were sprung on them on a sudden, gave rise to debate that might be endless.

Mr. DUNCAN observed that he held himself under no obligations to yield the floor to any gentleman, and certainly he was under no disposition to do it for the purpose that the gentleman from Maryland supposed—that propositions might be sprung upon them of a sudden. But, sir, (said Mr. D.) it has always been the custom in the House for gentlemen to yield the floor when it was asked for the purpose of making an explanation. He had never known that when a member yielded the floor for such a purpose that it occasioned the loss of it. He was always at liberty to go on; he lost nothing by this customary act of courtesy and good feeling, for it never had been the rule of the House to deprive him of the privilege of going on with his speech. Now, he was not in a hurry about making a speech; he had no desire of hearing himself talk, and he would agree never to address the House again on that subject if a proposition for a compromise could be accepted. He would agree never to speak again on this subject, rather than that any gentleman who wished to make an important explanation, necessary to elucidate the subject, should be prevented from so doing. He therefore felt bound to yield the floor to the gentleman from New Jersey, [Mr. DICKERSON.]

Mr. JOHNSON of Maryland rose to a point of order. The gentleman, he said, had not a right to yield the floor for the purpose of adjudging it to any other gentleman. If he gave it up, the CHAIR must designate who was to occupy it.

Mr. DICKERSON attempted to address the CHAIR, but was prevented from being heard by loud cries of order! order! from gentlemen of the Opposition party. Much confusion prevailed, and the noise was kept up so as to prevent Mr. D from proceeding.

Mr. GRAVES protested against the right of the gentleman from Ohio to yield the floor, and at the same designate the person who was to occupy it.

Several voices were heard, saying "the gentleman from Ohio is on the floor;" and cries of order continued.

Mr. WISE hoped the CHAIR would bring the gentleman to order. I hope, said he, the CHAIR will make us all take our seats, and not let us all talk at a time.

Mr. VANDERPOEL made a few observations, which were not heard, from the noise and confusion prevailing at the time.

Mr. CRAIG submitted to the CHAIR whether, when the gentleman from Ohio yielded the floor to the gentleman from New Jersey, he was not entitled to it; and he submitted to the gentlemen present, whether they would not, at least as a matter of courtesy, suffer the gentleman from New Jersey to go on.

Mr. JOHNSON of Md. again denied the power of the gentleman from Ohio to yield the floor to any person he pleased. When the gentleman yields the floor, he repeated, it is for the CHAIR alone to decide who is to occupy it.

Mr. DICKERSON again attempted to address the CHAIR, but was again interrupted by loud cries of "Order! order!" from the gentlemen of the Opposition, and prevented from proceeding.

Mr. JENIFER then rose and moved "that the gentleman from New Jersey [Mr. DICKERSON] have permission to address the House, not as a question of right, but of courtesy."

Mr. VANDERPOEL said he would like to know the ground on which objection was made to the gentleman's addressing the House?

Mr. GRANGER said he would answer his colleague. He objected to the gentleman's speaking, because he came here to contest the seats of gentlemen who had the certificates of the Governor of the State of New Jersey that they were duly elected the Representatives from that State.

Mr. GRAVES made some remarks, which were not heard.

Mr. JENIFER renewed his motion.

Mr. VANDERPOEL objected to the motion. He could not permit it to be said that the gentleman from New Jersey addressed the House as a matter of courtesy. The gentleman asked no favors, but demanded it as a right; and in fact he had as much right to address the House as any gentleman present.

Mr. DUNCAN also repelled the idea of the gentleman's addressing the House as a matter of courtesy. The gentleman, he said, must address the House as a matter of right, and not of courtesy, or not at all.

Mr. WISE observed that this, then, was the best form in which they could try the question involved. If, said he, Mr. DICKERSON attempts to address the House, I call for his credentials. As to Mr. DICKERSON, I will extend to him as a friend every courtesy; but I only know him here through the law. I ask him, therefore, to produce his credentials; and this will be as good a mode of deciding this question as any other.

Mr. JOHNSON rose to a question of order. The gentleman from Ohio, he said, must either take his seat, or progress in his remarks. He in-

sisted that the CHAIR should order the gentleman either to take his seat or go on.

Mr. DUNCAN still continuing on the floor,

Mr. PROFFIT rose and said a few words that were not heard.

Several gentlemen called Mr. PROFFIT to order; when

The CHAIR asked if the gentleman from Ohio yielded the floor.

Mr. DUNCAN replied in the negative; and several gentlemen requesting Mr. D. to proceed in his remarks, he commenced with a few remarks which were not heard. He knew, he said, the principles he was acting on, and knew that they were in accordance with those entertained by the people of the United States. He knew he was maintaining the principles here which depended for their preservation on the purity of the elective franchise, and he cared not whether this was assaulted by management or stratagem; he was equally bound to defend it. This question must, he said, be discussed, and it mattered not whether it was discussed now or hereafter; its merits must be gone into, and all the efforts of the Opposition to prevent it would be fruitless and unavailing. What was the history of this matter? It was well known to every gentleman here, and the knowledge of the fact was so general that it was almost useless to repeat it; but, as other gentlemen had done it, he would do it from the same motive; and that was, for home consumption.

Mr. D. then went on to detail the proceedings of the CLERK in calling the House to order, and calling over the roll until he was arrested by coming to the members from New Jersey, which he said was in conformity with usage, with law, and with the obligations imposed on him by the sanctity of an oath. He himself, Mr. D. said, had interrupted the CLERK when, in calling the roll, he came to the State of New Jersey, but perhaps in too low a voice to be heard; and he had determined beforehand not to let the gentlemen who came here without having a majority of the popular vote, be called. Whether the CLERK was solely interrupted by his objections, or from any other cause, he did not know; but this he did know, that the CLERK did not pursue the course because required of him by the Democratic party. Did the CLERK do right, or did he do wrong? If he was right, then all the censures for waste of the public time and the public money, must rest upon those who opposed his proceeding with the call of the roll, because he submitted the decision in the case of the New Jersey members to the House itself. If he was wrong, then let all these censures rest on those who have supported him in the course he has taken. Mr. D said the CLERK was right. He was bound by the very nature of his duty, and by the oath he had taken, to act as he had done. What was his duty? He was bound by his duty to enrol the names of the members of the Twenty-sixth Congress. He had evidence, conclusive to his mind, that JOHN B. AYCRIGG, JOHN P. B. MAXWELL, WILLIAM HALSTED, CHARLES C. STRATTON, and THOMAS J. YORKE, were not elected members of the Twenty-sixth Congress. He had evidence of that fact in his possession, and what would be his situation, Mr. D. asked, had he enrolled their names, and called them as members of this Congress? Sir, (said Mr. D.) he would be looked upon by the moral intelligence of the country, as having violated the obligations of duty, and the sanctity of an oath. He had evidence that they were not members of the Twenty-sixth Congress, and he submitted the question involved to the House, suggesting a postponement of the case of the New Jersey members until the rest of the roll should be called over and a quorum ascertained. It had been contended strenuously that these five gentlemen possessed, as evidence of their election, the certificate of the Governor of New Jersey, with the "*broad seal*" of the State, and that this was the only evidence he was entitled to receive. The whole argument, from that time to this, puts him in mind of a little book he had read on logic, and from which he would cite a few examples: "Gentlemen wear boots; A B wears boots; therefore A B is a gentleman." "Ladies wear corsets; Miss A wears corsets; therefore Miss A is a lady." The fact, according to this logic, that A B wears boots, is *prima facie* evidence that he is a gentleman; and the fact that Miss A wears corsets, is *prima facie* evidence that she is a lady. And yet, said Mr. D. I have known many men to wear boots who are not gentlemen, and many women and girls to wear corsets who are not ladies. (Much laughter.) The wearing of boots and corsets is so general, that it no longer furnishes evidence of the wearers being gentlemen and ladies. So also with members of Congress. The certificate and "*broad seal*" is so common to members of Congress, that it is no longer *prima facie* evidence of membership. He knew pretended members of Congress who bear the *certificates and broad seals*, who are not members; and it was getting so common, that the fact of their having such was not *prima facie* evidence of their membership. We have heard much (said Mr. D.) about this "*broad seal*," and he did not know that it was worth while to say much about it; he had heard it mentioned at least one thousand times in the course of this debate. It seemed that it was a very broad seal indeed. One gentleman held that it was not the track of a calf's foot, but of an ox's foot. As he remarked last evening, it must be as broad as the foot of Milton's devil when he was cast out of Paradise, which covered ten acres. At least it was broad enough to cover two townships in New Jersey and neutralize the Democratic votes of a whole State. Now he wanted to know what there was in reality about this seal to give it so much importance. He supposed it derived its solemnity and consideration from its antiquity. If so, it must be remembered that it had its origin in the days of ignorance, when men could neither read nor write. In England, it had been the fate of the broad seal, to which gentlemen attached so much importance, to be cast into the Thames, where it now lies. King James II threw it into the river, thinking that by the loss of the "*great seal*," he could get rid of some obligations imposed on him. According to the doctrines of gentlemen, therefore, if they want to hunt for the great seal of England, they must go to the bottom of the Thames for it.

Now he had stated that the CLERK had the most conclusive evidence in his possession, that the names he had read were not members of the Twenty-sixth Congress, and therefore, he was solemnly bound by his duty, not to enrol them as members of the Twenty-sixth Congress. He asked, therefore, the reading of that evidence.

The CLERK then read the following documents, which had been filed in his office:

The following is the certificate of the Secretary of State of New Jersey, showing the returns of election on record in his office:

STATE OF NEW JERSEY, ss.

I, James D. Westcott, Secretary of State of New Jersey, do hereby certify that, upon a careful examination of all the returns made by the several clerks of the respective counties in said State, and filed in my office, and also of returns of votes given in the townships of South Amboy, in the county of Middlesex, and of Millville, in the county of Cumberland, verified by the affidavits of the several township officers of election in said townships respectively, which township returns were not included in the returns of the clerks of said counties of Middlesex and Cumberland, and which were directed to be filed by the Governor, and now remain on file in my office, of the election for members to represent this State in the House of Representatives of the Twenty-sixth Congress of the United States, held on the 9th and 10th days of October, 1838, it appears that

Philemon Dickerson had	-	28,453 votes.
Manning Force -	-	28,314 "
Peter D. Vroom	-	28,492 "
Daniel B. Ryall	-	28,441 "
William R Cooper	-	28,455 "
Joseph Kille -	-	28,426 "
John B. Aycrigg	-	28,294 "
John P. B. Maxwell	-	28,393 "
Wm. Halsted -	-	28,337 "
Joseph F. Randolph	-	28,427 "
Thomas Jones Yorke	-	28,321 "
Charles C. Stratton	-	28,396 "

And by which it appears that, at said election, Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, Joseph Kille, and Joseph F. Randolph, received a majority of the whole number of votes given in the State of New Jersey for Representatives of said State in the House of Representatives of the Twenty-sixth Congress of the United States.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Trenton, in said State, this 25th day of October, in the year of our Lord, 1839, and of the Independence of the United States the sixty-fourth.

L. S.

JAMES D. WESTCOTT.

[Various other statements, and much testimony legally taken, was read from the CLERK'S table, going to show, beyond controversy, that the members who hold the certificates of the Governor were not elected, but that the Democratic claimants received a legal majority of the votes of the people of New Jersey.]

The following are copies of the results of the polls of the districts of Millville and South Amboy, legally certified to by the judges and inspectors of election; and also certified by the clerks of Cumberland and Middlesex counties as being on record in their respective offices, and which, by the usurpation of power and violation of law by said clerks, were suppressed or withheld, and which the Governor and Privy Council of New Jersey failed to count in the result upon which they granted certificates to the Federal members:

We, the judges and inspectors of the election of the township of South Amboy, in the county of Middlesex, do hereby certify that having proceeded to receive the votes of the voters of the said township, the following is a true list of all the candidates voted for, of the offices proposed for them, and of the number of votes for each:

For members of the Twenty-sixth Congress of the United States.

Philemon Dickerson had	-	296 votes.
Manning Force	-	296 "
Peter D. Vroom	-	296 "
Daniel B. Ryall	-	296 "
William R. Cooper	-	295 "
Joseph Kille	-	296 "
John B. Aycrigg	-	44 "
John P. B. Maxwell	-	44 "
William Halsted	-	45 "
Joseph F. Randolph	-	44 "
Charles C. Stratton	-	44 "
Thomas J. Yorke	-	44 "

For Councils for the State of New Jersey.

James T. Dunn	-	292 "
George T. McDowell	-	44 "

For Assembly.

Francis W. Brindly	-	294 "
James Dunham	-	295 "
Merrit Mundy	-	294 "
Clarkson Brown	-	305 "
Daniel B. Applegate	-	41 "
George P. Malleson	-	42 "
Lewis Galding	-	43 "
Adam Lee -	-	42 "

For Sheriff.

Ab'm W. Brown	-	340 "

For Coroners.

Daniel S. Garrigues	-	295 "
George B. Stelle	-	296 "
Robert Carson	-	296 "
John S. Hongland	-	44 "
Edmund Denham	-	44 "
William Hutchison	-	44 "

The whole number of votes taken, three hundred and for y.

In testimony whereof, we have hereunto set our hands and affixed our seals, the tenth day of October, A. D. 1838.

NATHANIEL HILLYER, [L. S.]
JAMES M. WARN, [L. S.]
STEPHEN BEULEAD, [L. S.]
Judges of Election and Inspectors.

STATE OF NEW JERSEY,
MIDDLESEX COUNTY, S. S:

J. Nicholas Booraem, Clerk of the county of

Middlesex aforesaid, do hereby certify that the foregoing is a true copy from an original paper, on file in my office, and that the said original paper has the following endorsement, to wit: "South Amboy return of votes, October, 1838, not pursuant to law, received October 12, 1838.

N. BOORAEM, Clerk.



In witness whereof, I have hereunto set my hand and affixed the seal of said county, at New Brunswick, this fifteenth day of April, A. D. 1839.

N. BOORAEM, Clerk.

—

We, the judge and inspectors of election in the township of Millville, in the county of Cumberland, do hereby certify, that having proceeded to receive the votes of the voters of the said township, the following is a list of all the candidates voted for, of the offices proposed for them, and the number of votes for each:

For Congress.

Joseph Kille, Salem	206	votes.
William R. Cooper, Gloucester	206	"
Daniel B. Ryall, Monmouth	206	"
Peter D. Vroom, Somerset	206	"
Manning Force, Morris	205	"
Philemon Dickerson, Passaic	206	"
Thomas Jones Yorke, Salem	100	"
Charles C. Stratton, Gloucester	100	"
Joseph F. Randolph, Monmouth	100	"
William Halstead, Mercer	100	"
John P. B. Maxwell, Warren	100	"
John B. Aycrigg, Bergen	100	"

For Members of the Legislative Council.

Israel Stratton	196	votes.
Nathaniel Foster	110	"

For Members of General Assembly.

Samuel Bowen	206	votes.
David Whitecar	207	"
David Jones	206	"
Isaac H. Hampton	97	"
Belford M. Bonham	100	"
John Elmer	100	"

For Sheriff.

David Campbell	306	"

For Coroners.

Jonathan Brooks	206	"
Thomas M. Barracliff	206	"
Charles Shute	206	"
David W. Carnes	99	"
Lemuel Dare	100	"
Robert Fithian, Stock Creek	100	"

Whole number of votes, 306.*

In witness whereof, we have hereunto set our hands and seals this tenth day of October, A. D. one thousand eight hundred and thirty-eight.

PRESTON STRATTON, Judge. [L. s]
WM. CHARLESWORTH, Insp [L s]
ISAAC BUZBY, Inspt. [L. s.]

LEWIS MEDFORD, Jr. Clerk.

*The words, "whole number of votes three hundred and six," were interlined before signing.

We, the subscribers, residents and freeholders in the township of Millville, do hereby certify that William Charlesworth was duly and legally elected one of the Inspectors of an election for members of Congress, members of Council, Assembly, Sheriff, and Coroners, held in the township of Millville, in the county of Cumberland, on the ninth and tenth day of October, eighteen hundred and thirty-eight, in the room and place of Nathaniel Foster, who, being a candidate, could not serve.

WM. STRATTON, [L. s]
JAMES M. BROOKFIELD, [L. s]
JOHN OTTERSON, [L s.]

State of New Jersey, Cumberland county, ss.

I, Josiah Fithian, Clerk of the Court of Common Pleas in and for said county, do certify that the foregoing are true copies of the original certificates received by me at my house, by the hands of William Stratton, on Saturday, the thirteenth day of October, A. D. 1838, between the hours of ten and eleven o'clock in the afternoon of said day.



In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, this eighteenth day of October, anno Domini one thousand eight hundred and thirty-eight.

JOSIAH FITHIAN, Clk.

While the CLERK was progressing with this testimony, he was interrupted by

Mr. HALSTED, who rose to a question of order, and inquired whether it was competent for the gentleman from Ohio to have read as part of his speech, evidence which was taken contrary to the laws* of New Jersey. We have, said he, abundance of testimony taken in accordance with the law, which they also could produce.

Mr. DUNCAN. The gentleman can have his testimony read, if he pleases, at a proper time.

The CHAIR said that when the reading of papers was called for, and not objected to at the time, the reading must be suffered to go on.

Mr. WHITE rose to a question of order. He asked if these depositions were taken under legal notice, and in conformity with the laws of the State of New Jersey.

The CHAIR said that the documents were read as a part of the gentleman's speech.

Mr. WHITE said he objected to the reading of depositions taken without notice and in due form of law. He protested against the reading of such depositions when the rights of gentlemen were thereby infringed.

Mr. CRAIG observed that these depositions were not to bind any one, and gentlemen could form such opinions with regard to them as they thought proper. He understood, however, that the documents now being read formed part of the evidence that was before the Executive Council of New Jersey, and the legality was not then contested. He submitted to gentlemen whether it could be considered fair to suppress any of the testimony necessary for a correct understanding of the question.

Mr. WHITE renewed his appeal to the CHAIR on the point of order, and was proceeding to discuss it; when

Mr. TURNEY called him to order.

The CHAIR said, that when an objection was made to the reading of a document, the rule required that the question as to reading it must be determined by a vote of the House.

Mr. DUNCAN observed that the reason why he wanted the reading of the documents was, that he had stated that the five gentlemen whose names he mentioned had not the evidence of membership required by the laws of New Jersey. This he had repeatedly stated, both in public and in private, and he therefore desired the reading of these documents to support the truth of what he said. He had a right to have them read for his own security, for they would prove conclusively to every unprejudiced mind that the certificates and "broad seal" produced by these gentlemen were not in conformity with the laws of the State of New Jersey.

Mr. GARLAND of Louisiania inquired if the papers were private papers belonging to the gentleman from Ohio, or papers in the possession of the House.

The CHAIR said that they were papers lying on the CLERK's table.

Mr. GARLAND. Then it seemed that they were papers belonging to the CLERK's office, and if the gentleman from Ohio had a right to have them read, any gentleman here might call for the reading of all the documents in the CLERK's office. Now, what I understand from the rule is this: that papers may be read if they are private property, and not if they are public records.

Mr. TILLINGHAST gave it as his opinion that the papers could not be read without the assent of the House, and referred gentlemen to Jefferson's Manual in support of his opinion.

Mr. VANDERPOEL was informed that these papers were returned to the Governor of New Jersey, and laid before the Privy Council, and were part of the evidence on which they acted: papers which Mr. DICKERSON, and those who claim with him, had no agency in procuring. I should be glad, said Mr. V. to have these papers before the House in some form. I say give us light.

Mr. RANDOLPH. I must correct the gentleman. These papers never were before the Privy Council.

Mr. VANDERPOEL. I am authorized to say by Mr. DICKERSON and Mr. VROOM that they were.

Mr. RANDOLPH. The gentlemen are mistaken: they were not before the Privy Council.

Mr. VANDERPOEL. These papers are copies, but does the gentleman mean to deny that the original papers, of which these are copies, were before the Governor and Council of New Jersey?

Mr. RANDOLPH. No, sir.

Mr. VANDERPOEL. Then I will submit it to the House, whether the denial of the honorable gentleman was not a quibble.

Mr. RANDOLPH. I do not deny that they were laid before the Council, and placed on file, but the question of their reception was argued, and ably argued, and one of the points decided was, that they should not be received.

Mr. WHITE referred to the Manual, to show that no member could read papers without the leave of the House.

Mr. BYNUM. I hope that if this House means to preserve even the appearance of justice, that these documents may be permitted to be read I hope, for the credit of the House, that this investigation may be conducted in a fair and impartial manner, and that no testimony may be suppressed which is necessary to a correct understanding of the question. Why, we have had gentlemen acting almost like attorneys here—feed attorneys, for aught I know—occupying almost the whole time of the House, with arguments and testimony on one side, while not one word of testimony has been permitted to be given on the other. Weak must be the argument, weak must be the cause, which requires such a support.

Mr WHITE. If the gentleman will state that this testimony was taken in conformity with the laws of New Jersey, I will withdraw my objections to it.

Mr. BYNUM. I have nothing to do with the laws of New Jersey. I am for the people of New Jersey, and their right to say who shall be their Representatives here. Statement after statement, and certificate after certificate, has been read on one side, while not one particle of evidence has been suffered to come out on the part of the other. Now if gentlemen can succeed in preventing the people of New Jersey from being heard on this floor, we understand the game they are playing; but we want also to understand the game that the people of New Jersey are playing, and we want also to hear what evidence they adduce to justify the Representatives they have chosen in taking their seats here. If gentlemen have that candor and that fairness which all ought to possess, they would say at once to us: Bring forward your evidence, let it be read, and we will then bring forward evidence to counteract it. Mr. B. protested against the never ending quibbling manner in which gentlemen sought to suppress the evidence which operated against them. He hoped, if this kind of objections were persisted in, that the gentleman from Ohio [Mr. DUNCAN] would read that statement from the CHAIR. This he had a right to do, if gentlemen, in courtesy to him, would not permit it to be done by the CLERK. Gentlemen of the Opposition would therefore gain but little by preventing the CLERK from reading the testimony. It was the truth, they were attempting to stifle, which, sooner or later, must come before the world, when their object in endeavoring to suppress it, would be clearly understood.

Mr. DUNCAN, at the solicitation of Mr. CRAIG, gave way for a motion of adjournment.

And the House adjourned.

*We learn, from the very best authority, that the law alluded to by Mr. HALSTED has been enacted subsequently to the taking of these depositions, and was passed for the purpose of attempting to invalidate them.

IN SENATE,

MONDAY, December 9, 1839.

Mr. STRANGE appeared in his seat this morning.

Mr. ALLEN offered the following resolution:

Resolved, That a committee be appointed to wait on the President of the United States, and to inform him that a quorum of the Senate has assembled, and that the Senate is ready to receive any communication of an Executive character which he may make.

No objection being made, the resolution was considered and agreed to, and Messrs. ALLEN and WRIGHT were appointed the committee.

Mr. TAPPAN offered the following resolution, which lays over:

Resolved, That the Secretary of War be directed to report to the Senate:

1. What would be the effect upon the military service of the country, of a regulation by which all officers of the army, on arriving at sixty years of age, should be permitted to retire from service upon half pay.

2. What would be the probable annual charge upon the Treasury of such a regulation.

This being the day designated for the election of the officers of the Senate, the Senate proceeded to ballot for a Secretary, and on counting the ballots the following was declared to be the result:

Whole number of ballots - -	37
For Asbury Dickens - -	37

Mr. DICKENS, accordingly, was declared to be unanimously re-elected.

The oath of office was then administered to Mr. Dickens by the CHAIR.

The Senate then proceeded to ballot for a Sergeant-at-Arms and Doorkeeper, and the following was declared to be the result:

Whole number of ballots - -	37
For Stephen Haight - -	36
Mr. Bassett - - -	1

Mr. HAIGHT was accordingly declared to be re elected, and took the oath of office.

The Senate then proceeded to ballot for an Assistant Doorkeeper, and the following was declared to be the result:

	First ballot.	Second ballot.	Third ballot.
For Mr. Beal,	15	17	20
Bassett,	6	8	6
Dyer,	2	6	7
Robinson,	3	2	3
Hanna,	2	2	1
Hanson,	1		
Randolph,	4	1	
Owner,	1		
Hawe,	1		
Scott,	1	1	
Spencer,	1		

Mr. BEAL having, on the third ballot, received a majority of the whole number of votes, was declared to be elected, and took the oath of office.

Mr. HUBBARD gave notice that he would, at the earliest day it would be in order to do so, ask leave to bring in a bill to establish a board of commissioners to hear and determine claims against the United States.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, December 9, 1839.

At 12 o'clock the CHAIRMAN (Mr. ADAMS) called the House to order, when the journal of Saturday was read.

The question was then stated by the CHAIR to be on the objections of Mr. WHITE of Kentucky to the reading of certain documents by the CLERK, the reading of which had been called for by Mr. DUNCAN, in the course of his speech.

Mr. GRANGER addressed the House at some length upon this point. He took it for granted, from the course of the majority in the House, and the language of the official organ of the Administration, that the majority—the one hundred and twenty-one members—were determined to settle this question with regard to the New Jersey members, before the House proceeded to organize, by the election of a Speaker, and other officers. If this was the course intended to be pursued, and if it was determined in the House that the testimony on the part of one set of persons from New Jersey should be presented to the House, he thought it important that an opportunity should be given the members on the other side to present testimony also to the House. If testimony on one side was to be read here, the other side should also have the opportunity to take testimony to rebut it. He took it that no man was prepared to vote for hearing testimony on one side, who would not be willing to hold the case open until the whole testimony could be presented on both sides. For himself, he would prefer another course of proceeding; but as the Administration party preferred this course, and seemed to be willing to take the responsibility of it upon themselves, he would vote for the reading of these papers. The only difficulty with him, was, that the question had not been presented fairly to the House. When it was presented fairly, there would rest upon the House such a responsibility as had never before rested upon it. It would then be for the majority to say, whether, in cases like these, the regular certificates of the properly constituted authorities shall be passed by, in order that the House may try the rights of members to seats upon the volunteer certificates of persons unknown here, and only under the obligations of an oath before a justice of the peace. Mr. G. contended that the passing over regular certificates was a dangerous precedent, and cited cases to show what a tendency it might have. He contended, if this doctrine was once established, the votes of whole States might be thrown away in cases where the election of a President devolved upon the House of Representatives. Delaware, Michigan, and Arkansas were each represented on this floor by a single Representative; and in case of a warmly contested Presidential election, where the decision of the question would eventually devolve upon the House of Representatives, perjury might procure sufficient affidavits to prevent the members from those States from voting upon the election of a President, if this new doctrine was once established.

Mr. VANDERPOEL said the question was, whether the papers on the Clerk's table should be read by the gentleman from Ohio, [Mr. DUNCAN.] They were papers that went to show, that, according to the ballot boxes, a majority of the popular vote was given for Mr. DICKERSON and his associates. If this point were well established here, either by evidence such as would satisfy the conscience of any reasonable man, or by the admission of the parties interested, or their friend, the only uncontested member from New Jersey, [Mr. RANDOLPH,] he thought the House would immediately be prepared to act, not only upon this question of order, but upon the point, which set of gentlemen should be regarded as the legal and genuine members of this House. The position which he (Mr. V.) took when he submitted his first remarks on Tuesday last, was, that if the House could be convinced that Mr. DICKERSON and his associates had actually received the majority of the popular vote *as canvassed* by the board of canvassers, who presided over the boxes, and whose duty it was to receive and canvass the votes, and pass upon the qualifications of the voters, it would be its duty, at once, to do what the Governor had done; give them, as the lawyers would say, their certificate, *nunc pro tunc*, and let them take their seats. In order to ascertain these questions *of facts* clearly and distinctly, he would propound to the gentlsman from New Jersey, before him, [Mr. RANDOLPH] a few questions. The first question he would ask that honorable gentleman was, whether, according to the ballot boxes, and the canvass made by the canvassing officers who received the votes, Mr. DICKERSON and his associates did not receive a majority of the popular votes?

Mr. RANDOLPH answered yes; that, including the voters who were disqualified, and had no right to vote, they did.

The next question he would ask the gentleman, was, whether if the towns of Millville and South Amboy were included, Messrs. DICKERSON and his associates would have a majority of the popular vote?

Mr. RANDOLPH responded that they would; that he would not deny that the towns of Millville and South Amboy were excluded by the Governor and Privy Council in casting up the votes.

Mr. VANDERPOEL said he would ask another question for information from the gentleman. After the board of canvassers, the primary tribunal, had canvassed the votes and returned their certificate of the votes to the county clerks, could the county clerks, or the Governor and Privy Council, according to the laws of New Jersey, go into the ballot boxes and reject votes, on the ground that the votes of aliens or other disqualified persons had entered the boxes.

Mr. RANDOLPH was about to rise, and

Mr. WISE here arose and objected to this course of catechism as being out of order; and while he was proceeding to show that it was not in order,

Mr. VANDERPOEL said he would waive the question and answer it himself.

Mr. V. said that he had heard much about "leaping over the law," but he was induced to ask this question in order to show that these gentlemen, who were now such sticklers for the laws of New Jersey, were themselves sanctioning a most palpable violation of law; but as gentlemen objected to the question, it was needless to press it, and more especially, as he, in common with every other gentleman on this floor who could read the English language, could answer it. He had merely questioned the gentleman, in order to have the irresistible conclusion of that gentleman's mind, superadded to the clear interpretation of a statute of his own State. Let gentlemen read the law of New Jersey, and they will look in vain there for any authority on the part of the mere returning officers, the clerks of counties, or the Governor and Privy Council, to enter the ballot boxes, and reject votes, on the ground that voters were disqualified. They were mere returning officers, and, could not arrest votes on their way to this House, the only appellate court, after the primary court, the board of canvassers, the keepers of the ballot boxes, had passed upon their qualifications. No one had pretended, no gentleman could pretend, that the county clerks and Governor and Privy Council, could act in a judicial capacity, and purge the polls. These, then, were most important admissions, made by the only undisputed member from New Jersey, and the ardent friend and supporter of the claims of the Governor's members. We now could have no further dispute, either about the facts of the case, or the law of New Jersey. They were not only incontestably proved by the papers on the CLERK's table, but were unequivocally admitted by the sole Representative of the State in question. What course, then, should we pursue in relation to reading papers?

Here Mr. V. said he would state how far he thought we ought to tolerate the reading of papers in this our state of preliminary organization. He had no doubt we were competent to try the whole case after the roll was called and before a Speaker was chosen; but the argument of *inconvenience* might, and as he thought should, deter us from going into the question of disqualified voters before the House was fully organized, because we had no Committee of Elections, and that question generally depended upon voluminous and conflicting testimony, upon the consideration of which it might be very inconvenient to enter before a complete organization. But this objection did not apply to the reading of papers designed to show the simple proposition that one or the other set of gentlemen, *according to the ballot boxes*, received a majority of the votes. This *generally* was, and in this case was most emphatically a question capable of proof by a mere isolated document, return, or other paper, and in this case was proved not only by such document, but by the admission of the member from New Jersey himself, [Mr. RANDOLPH.] Was there, he put it to the consciences of gentlemen, any dispute about the all important question *of fact*, that the Governor's members did not, according to the votes *as canvassed*, receive a majority of the votes given in the State? What was, then, the safe course, the course, he had almost said, to which imperious duty impelled the House in this case? Was it proper to discuss this point upon this mere question of order? Other gentlemen had pointed their remarks to the main question, and while he was up, he would tell the House what he thought we were imperiously called upon to do, as matter of warning and example to county clerks, Governors, and other mere

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, DECEMBER 17, 1839. VOLUME 8.....No. 3.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No. 2*]

returning officers; yes, called upon to do as a caution to some future Governor Pennington, or some clerk Fithian, that they, mere returning officers, could not suppress the voice of the ballot boxes, and for a moment give seats to mere pretenders on the ground that the ballot boxes contained votes that ought never to have been given. Let it once go forth that partisan clerks and partisan Governors can for an instant defeat the voice of the people, and no gentleman, a candidate for the honor of a seat here, could have a complete guarantee that he would be permitted to take it at the opening of Congress, though elected by a majority never so large. We should do then what the Governor and Privy Council should have done—give the gentlemen the certificate or seats who, according to the returns and record and truth before them, ought to have had it; and then, if the minority candidates want to purge the polls, let them approach us by petition; or, at least, tell all the candidates to stand back until the House, by a complete organization, shall acquire facilities to look into the whole case. The course proposed by those who supported the pretensions of the Governor's members, would hold out most dangerous temptations to these mere ministerial officers to commit frauds. They could, under most frivolous pretexts, give to minority candidates certificates, enable them to aid us in the organization of the House, and, peradventure, to sit with us here, and exclude the true members for months; for those gentlemen who had had any experience of cases of contested elections, knew how slowly they generally progressed here. He would then place, at this stage of our proceedings, all the papers that went to show *what was the popular voice, as expressed through the ballot boxes*, and would not now consent to hear any affidavits that went beyond them. He had learned that the Governor's members, either to cover their retreat, or to supply themselves with the semblance of a pretext for claiming their seats, had recently taken some testimony under a law lately passed by the Legislature of New Jersey; that they had sat very quietly for nearly a year, and then conceived this after thought. He would not, before organization, give them the benefit of this after thought, but would, for the safety of all future candidates, first purge the case of the fraud of the mere ministerial and returning officers. Duty and example required this.

Much had been said about the character of the testimony on the CLERK'S table, whether it was legal testimony. He had heard much here, not only of the common law, but of evidence taken according to the common law. The common law was first drawn into the service by his friend and colleague, [Mr. BARNARD,] who delivered so terse and so clear an argument last week—as good an argument as could well be made on the wrong side. Mr. V. asked pardon for this digression. It was dictated by his heart. His colleague and he had been classmates in their boyhood, they had journeyed together through the delightful classic tale of Æneas and Anchises, and it gave him pride and pleasure to witness efforts from him, here or elsewhere, that were creditable. Why was the evidence to prove the actual majority insufficient? Was it because it did not come up to the mark of strict sense, common law evidence? Was it not enough to satisfy our consciences? Did we ever exact more than this in the discharge of our legislative duties? Ask your Committees of Claims what evidence they act upon, what testimony it is, upon which millions of dollars have been voted away to satisfy claims on the Government? They will tell you that all that they require is to be convinced, and that this conviction is generally induced by affidavits taken *ex parte*, before magistrates, in an extra judicial form; and for the making of which, no indictment can be had for perjury. Do you still doubt where he truth and justice of the case, in reference to the votes *actually given*, lies? Do you doubt the evidence on the CLERK'S table? Do you doubt the answer of the member from New Jersey, [Mr. RANDOPH?]

Mr. EVERETT had no objection to the gentleman from Ohio [Mr. DUNCAN] having the documents read, which he had called upon the CLERK to read, if they were to be published as a part of his speech, but he contended that they could not be received as evidence before the House in the case now at issue. Let the matter be argued as it would, the question would come back in the end to the certificate of the Governor of New Jersey, and if that was in the form required by the laws, the House would be compelled to admit the members from New Jersey holding those certificates. With regard to the argument of the gentleman from New York, [Mr. VANDERPOEL,] he looked upon it as an argument to the people, and contended that the admissions of the gentleman from New Jersey [Mr. RANDOLPH] could have no weight upon the House in coming to a decision. The positions of the gentleman from New York with regard to the members claiming seats, having a majority of the votes of the people, were groundless.

Mr. VANDERPOEL stated that his position was that the county clerk and Governor were mere returned officers who had no right to go behind the certificates.

Mr. EVERETT held that the returning officer to this House, under the laws of New Jersey, was the Governor of the State, and his certificate was only to be set aside by the House after it was organized, and if gentlemen attempted to pursue the course indicated on this floor, they would overleap the barriers of the laws, and introduce a precedent which would lead to consequences which ought to be dreaded by all the friends of liberty throughout the country. Mr. E. pursued his argument at some length, but in so low a tone of voice that it was impossible for the Reporter to follow him.

Mr. W. C. JOHNSON of Maryland next obtained the floor, when

Mr. BLACK of Georgia rose, and stated that his colleague had been anxious to obtain the floor, and he thought it but right that he should now be heard in preference to gentlemen who had spoken three or four times.

Loud cries of "Order, order, order!" were heard in various parts of the hall.

Mr. W. C. JOHNSON stated that he had not spoken on the question before the CHAIR at present; and if the CHAIR decided that he was entitled to the floor, he certainly would not yield it.

The CHAIR decided that the gentleman from Maryland was entitled to the floor.

Mr. W. C. JOHNSON said he had predicted on the first day of the session, that the first step which would be taken contrary to the regular course of proceedings, would lead us into endless difficulties and confusion; and when we should be extricated from those difficulties, must be answered by those who had placed the House in this awkward position. He contended that the majority of the House had taken this course for sinister and party purposes, and they should be held responsible to the country for it. The CLERK of the House had been made a supple tool of party, and by his course he had arrested the whole business of the House, and with it the whole operations of the Government; and the people would hold the CLERK and his friends responsible for this course of conduct. He contended that it was a useless waste of the time of the House to have the CLERK reading certificates, which the House itself could not act upon; for he held that they had no authority and no power to act upon the case until the House was regularly organized, and the oath of office had been administered to the members of the House. With regard to the argument that the New Jersey members might vote on preliminary questions, and not upon the election of a Speaker, he considered it entirely groundless. They were either members or not members, because we could have no *quasi* members in the House. If they have the proper credentials, and he contended they had, they were entitled to the same rights and privileges of any other members. He would stand by the uniform usages in cases of this kind; and, so far as he was concerned, he would never depart from them. He would never consent to any compromise of the question, because he believed the members from New Jersey to be entitled to their seats, upon the evidence which they had produced, and we had no right to go behind that evidence at the present time.

Mr. COLQUITT thought gentlemen had spent time enough there in debate to effect party purposes, and suggested that the better course for those gentlemen who yet desired to speak, would be to spread before the world their views through other channels. With regard to the settlement of the main question at issue, he thought the House entirely unfitted to settle it until after its organization, and contended that it would just be as competent for a judge who had been elected by the people to take evidence and decide upon a case before he had taken the oath of office, as it would be for this House to decide upon the New Jersey case before it had organized, and before the members had taken the oath of office. The House might go on, and hear evidence, and debate upon it, for a week or a month; but it all amounted to nothing, because it was not competent to decide upon the question at the present time. We might hear testimony, and make up our opinions with regard to it, but we had no more power to decide upon it than the judge would have to decide in the case which he had just referred to. We have no judicial power to decide questions, and can have none until we are regularly installed into office; and was useless for gentlemen to be presenting testimony to the House at the present time. He wished to pursue that course pointed out by the Constitution and the laws, and called upon gentlemen not to set precedents which might break down all the barriers of the Constitution. The Constitution and the laws were the protection of the minority, and he begged of gentlemen in the majority, when they attempted to overstep their bounds, to reflect that they themselves may one day be in the minority, and they will then look to them as their only protection. He looked upon those persons who held the certificates under the laws of New Jersey, as entitled to all the rights and privileges of members of this House, until their case was decided upon in a legal and constitutional manner. With regard to the testimony which had been read from the Clerk's table, it seemed to be altogether *ex parte;* and if this House permitted a member to be deprived of any of his rights upon *ex parte* testimony, it will be in the power of persons who may desire to do so, to defeat the organization of the House at any of its sessions. It was an easy matter at any time to get up *ex parte* statements, and it seemed to him to be a most extraordinary proposition to attempt to deprive members of their rights upon such testimony as this. It had been contended by some gentlemen that the power to examine into this question at the present time was a power incident to organization; but he held that we had no power, previous to organization, to examine testimony and decide upon a case of this kind. That could only be done after the House was organized, and after the members had taken the official oath; then they would be competent to decide judicially, and not till then.

Mr. NISBET of Georgia addressed the House at some length, in opposition to the reading of the documents. Mr. N. defined his position as a State Rights man, and declared that as such he must go for those gentlemen taking their seats who hold certificates, in conformity with the laws of New Jersey, which he considered paramount here on the question involved. He considered that the House, in its present incomplete state of organization, had the power of comparing the evidence ad-

duced by the contending claimants, and of deciding which possessed the *prima facie* evidence; but the House could not, in his opinion, until after its organization, go behind the returns and purge the polls, to ascertain who had a majority of the popular vote. Congress had now only the parliamentary powers necessary for its organization. Mr. N. gave it as his opinion that the New Jersey members had not the power of voting, till their right to the seats they claimed was decided in their favor. In this opinion, he considered himself sustained by parliamentary law, and parliamentary usage, and in support of it, he referred to the resolution introduced last winter by the CHAIR. While he believed that it was the duty of the House to enforce the laws and Constitution of New Jersey, he, at the same time, believed that the New Jersey members should not vote until these laws were enforced.

Mr. BLACK of Georgia begged leave to occupy the attention of the House for a short time. Before he proceeded, he owed, he said, an apology to the House, and particularly to the gentleman from Maryland, [Mr. JOHNSON,] for the manner in which he, for the first time, presented himself to its notice. He meant no disrespect to any body here. He only claimed the right of himself and his colleagues to be heard, when other gentlemen were wandering from the incidental question before them, speaking on the merits of the main question. He only meant to go so far as to say that any gentleman who spoke on the question might be mistaken; and he would leave it to the House, if all the gentlemen who spoke last, had not gone into the merits of the main question—and he would ask, further, if he was wrong in desiring that the State of Georgia should be heard.

He desired, at this time, to exhibit the position in which, as a member from the State of Georgia, he stood on that floor. It was true that his credentials had not been read; it was true that there was no man here from Georgia contesting his right to his seat; but he did not know how soon it might be contested, if the precedent gentlemen sought to introduce should be established.

He understood the question then before the House to be whether the gentleman from Ohio should be, permitted to go on with his evidence. If that was the question he was prepared to meet it. Laying all other matters aside, and stripping it of all disguise, he was prepared to answer distinctly to this body in the negative. Shall we (said Mr. B.) hear evidence on the one side or the other before we are constitutionally capable of acting on it? Will you hear the merits of the case, before you are in a condition to decide upon it? This was a question of high concern to the country—a question which involved the constitutional rights of the States, and citizens of States; and it was propounded, to whom? To an assemblage of citizens merely—to men who, though they may hereafter be Representattves in the Congress of the United States, have not only not been sworn in as such, but have not even presented the *prima facie* evidence of their right to be here. Admitting, said Mr. B. that there were Representatives, who knows the fact, but those gentlemen themselves who have their credentials in their pockets? Admit that we have no other contest but that in regard to the seats of the members from New Jersey. I put it to your wisdom, sir, whether we are organized, in accordance with the Constitution and the law, and whether we can take cognisance of any matter, either in our legislative or judicial capicity, until we are so? If we are to arrive at that point of our legislative existence, at which our powers as members of the General Government begin, we must take the only practical course, and that is the usual and ordinary one heretofore pursued by this House. The only way is for the CLERK to call the roll of the members of the House, beginning if he pleases with the State of Maine, and going on in geographical order, until the whole roll is completed; then the members must be sworn. There is no other power that can settle this question but the House of Representatives; and the Constitution gives it to that House alone. What is a House of Representatives, in the meaning of the Constiution? Members chosen every two years by the citizens of the States? No—you must go farther; you must have a majority, and the members must take the oath to support the Constitution, and then proceed to organize the body before it can be called a House of Representatives.

We have been here seven days, wasting the time and money of the nation, and have not arrived at the only material point—that of organization. All the debate that has hitherto occurred, was idle and unprofitable. He himself was now speaking by the mere courtesy of the House, and until, said he, we arrive at the point of organization, all our talk will be mere talk. In order that we may arrive at that point, permit me to address myself to the majority. It is said that one of the political parties of the day has a majority on this floor; if that be the truth, the whole responsibility for the waste of time and waste of money of the nation will rest upon them. Go on, therefore, I beseech you, gentlemen of the majority, to organize this body—to put it in such a state of constitutional existence as will enable it to decide upon the questions thus prematurely put before it. I call upon that majority to reflect what may be the opinion entertained of them if they exclude these five New Jersey members from the fear that if they are admitted they may not be able to elect a Speaker of their party. Go on then gentlemen to organize—admit these men to their seats; and if an Opposition Speaker is elected by their votes, the election may be undone to-morrow. Mr. B. said he had as yet only spoken on the preliminary question, and what might be his opinions, and what his votes, in regard to the ultimate right of the claimants to the seats from New Jersey, he was prepared when that question should come properly before them to do what law and justice required. After the House should be organized, he was willing to open that case—he would be willing to hear the evidence, and to decide who are the rightful Representatives from the State of New Jersey. He would be willing to examine the facts as to who had the majority of the popular vote, and to accord the seats to hose who should be found to have it.

Mr. UNDERWOOD believed that the question before the House was, whether the papers the gentleman from Ohio proposed to have read as a part of his speech, should be read or not. He was against the reading of them, as well as against the reading of the papers which his worthy colleague wished to have read as counteracting testimony, and his objections were founded on the simple reason that there was no tribunal as yet constituted to decide on them. It seemed to him that this discussion had been carried too far. The gentleman with whom he acted had acted throughout from principle. We have shown, said he, that if you refuse to give the contested seats to those who hold the regular commissions, you are out at sea without chart of compass. The House could not, until organized, go behind the regular commissions of the State of New Jersey. At present, however, the whole and sole question should be, How shall we proceed to an organization of the body? On this subject he wished to make a few remarks before he moved the previous question, (which he should presently do,) and he wished to suggest some mode of action after he did call for it. He trusted that he held in his hand a resolution which would relieve the House from every difficulty, and which he also trusted would meet the approbation of a majority of those present. He did not pretend to say that his plan was the best that could be offered; but he would cheerfully surrender it to any better. We have already, said he, expended twenty thousand dollars of the people's money to no purpose, while we have been consuming time in useless debate; and what is worse, we have stood in the way of the interests of the public, by preventing the annual message of the President, on the condition of the country, from going before them. Let us, then, said he, no longer waste time in discussion, but proceed at once to the organization of the House, for the despatch of the public business. My plan, then, said Mr. U. is to move the previous question on all questions before the House, and then to submit the resolution I hold in my hand to the following effect: The Clerk shall again commence calling the roll of members, beginning with the State of Maine, and going on geographically through each State, until he comes to a name that shall be objected to; and when that is the case he shall pass over that name, and proceed to call all the rest, passing over such as are objected to. He did not care whether the CLERK, when he came to New Jersey, called the names of Mr. AYCRIGG and his associates, or Mr. DICKERSON and his associates. The effect would be the same, as he was to pass over all the names to which objection should be made. The CLERK, then, would go on calling the roll until he called the names of all the members whose seats were not contested, and when a quorum was thus formed, it should then decide upon the credentials of all those whose seats were contested. After that, said Mr. U. we shall then go on to elect a Speaker, when some member present, having administered the oath to him, he will administer it to all the rest, and we shall then be an organized body, competent to the transaction of the public business. Mr. U. concluded by moving the previous question on the reading of the documentary testimony called for by Mr. DUNCAN.

The demand for the previous question was seconded by the House, and the main question was ordered to be put.

The main question was then taken by tellers Messrs. FRANCIS THOMAS and TILLINGHAST acting as such.

Which main question was, whether the gentleman from Ohio should be permitted to read the documentary testimony.

Which question was decided in the affirmative, ayes 106, nays 101.

The CLERK then proceeded to read the testimony, and having commenced the reading of the proceedings of the Privy Council on the Millville and South Amboy polls,

Mr. PROFFIT objected to the further reading, and asked if the paper now being read was not brought and placed on file in the Clerk's office on Saturday last. He saw it himself handed to the CLERK on Saturday last by one of the gentlemen from New Jersey. He objected to its reading and moved that it be thrown under the table.

Mr. DUNCAN hoped the CHAIRMAN would order the reading to go on without interruption.

The CHAIR said the decision of the House, just made, allowed the gentleman to read all the documents on file.

The CLERK then went on with the reading of the documents until he finished; when—

Mr. DUNCAN observed that he felt as anxious a desire to organize the House, and place themselves in a condition to transact the public business as any member on that floor. He heard the suggestions of the gentleman from Kentucky, and was pleased with them; and if assured that these resolutions could be adopted without giving rise to a long debate, he would yield his right to the floor to allow them to be offered Without some such understanding, however, he would not yield the floor.

Mr. MERCER observed that the gentleman had no right to make such compromise with the House. He, for his part, could not agree to it; and further, he did not intend to vote for the resolutions of the gentleman from Kentucky.

Mr. DUNCAN. Then I withdraw my offer.

After which, Mr. D. gave way for a motion for adjournment, which was moved and carried;

The House then adjourned till to-morrow, at 12 o'clock.

IN SENATE,

TUESDAY, December 10, 1839.

Mr. ALLEN, from the committee appointed to wait upon the President, reported that they had performed that duty; and the President informed them that he had communications of an Executive character to make.

Mr. LINN gave notice that, at the earliest day in which it would be in order to do so, he would ask leave to bring in a bill for the occupation of the Oregon Territory.

A message was received from the President of the United States.

The Senate went into Executive business,

And then adjourned.

HOUSE OF REPRESENTATIVES,
TUESDAY, December 10, 1839.

At 12 o'clock, by the House clock, the CHAIR called the House to order, and stated that the question pending was upon the appeal taken by Mr. VANDERPOEL from the decision of the CHAIR, which decision was, that Messrs. AYCRIGG, HALSTED, &c. of New Jersey, were entitled to vote.

The CHAIR announced that Mr. DUNCAN of Ohio was entitled to the floor upon this question—not having concluded his remarks on a former day.

Mr. DUNCAN not appearing in his seat,

Mr. WISE rose and said, if the gentleman from Ohio [Mr. DUNCAN] was in the House he would not do what he was about to do; but if the gentleman was not in the House he would now move the previous question.

Mr. DROMGOOLE stated that there was a difference in the time between the House clock and gentlemen's timepieces, and he hoped his colleagues would wait a few minutes to see if the gentleman from Ohio would not come in.

Mr. WISE thought perhaps that the absence of the gentleman from Ohio was intentional, with a view of permitting the question to be taken; but if any gentleman would inform him that the gentleman from Ohio wished to address the House, he would wait with pleasure. In order that the gentleman might have an opportunity to come in, he hoped the CHAIR would leave the question to lie over a few minutes, or, if gentlemen requested it, he would withdraw the motion for the present, and move it afterwards.

Mr. JENIFER inquired of the gentleman from Virginia if it was his intention to move the previous question immediately after the gentleman from Ohio had finished his speech, so that there might be no opportunity to reply to him; first to permit the gentleman to make a speech, and then move it to prevent its being answered?

Mr. WISE. I tell the honorable gentleman that I intend to move the previous question every time that I get the chance.

Mr. JENIFER. Then I now demand the previous question, for, if the gentleman is allowed to make a speech, the opportunity ought to be given to reply to it.

Mr. WISE hoped the CHAIR would pause a few moments until gentlemen's watches come up to the House time.

Mr. DROMGOOLE. Is it in order to move a call of the House?

Mr. WISE. There is no House to call.

Mr. DROMGOOLE. If there is no House, gentlemen ought to be solemnly called upon to be here to form a House.

Mr. MERCER said his own impression was that no injustice would be done to the gentleman from Ohio by moving the previous question, as there would be a dozen other questions to come up upon which the gentleman could finish his speech.

The CHAIR stated the course of proceeding on a call of the House, namely: The roll was called over and the absentees noted; and in the present case, if the roll was to be called, the original question of difficulty would arise as to who should be called.

Mr. DROMGOOLE. Then this will bring the House to the question, which the House itself must eventually decide, as to who are its members.

Mr. CHINN then rose, and, walking towards the CLERK's table, said there had been a great deal of difficulty in determining who were really members of this House, which had determined him as to the course which ought to be pursued. Sir, (said Mr. C.) I hold in my hand the authority by which I come here to represent the people of my State. That authority I now present to the CHAIR, and demand to be enrolled as a member from the State of Louisiana; and I further propose, in the discharge of my duty as a Representative, to give in my vote for Speaker of the House. If the vote is to be by ballot, there is my ballot, [handing up the ticket;] if *viva voce*, I vote for JOHN BELL of Tennessee.

Mr. DROMGOOLE. Has not the gentleman's name been enrolled before?

Mr. CHINN. No: it has neither been enrolled nor called by the CLERK.

Mr. WISE. It is now past twelve o'clock by the Administration time, and that must be right. I therefore now move the previous question.

A call of the house was demanded by several gentlemen.

The CHAIR stated that the roll of members had not been completed; therefore, a call of the House could not be made.

Tellers were then called for, and Messrs. CARTER of Tennessee, and GRIFFIN, were appointed tellers by the CHAIR.

The House then divided, and the previous question was seconded—ayes 110, noes 72.

The question then recurred on the question, "Shall the main question be now put?"

Messrs. WORTHINGTON and TALIAFERRO were appointed tellers, and the main question was ordered to be put—ayes 110, noes 48.

Mr. WORTHINGTON stated that three of the New Jersey members had voted on this question.

[Mr. DUNCAN now appeared in the House.]

Mr. SMITH of Maine rose and stated, that the gentleman from Ohio [Mr. DUNCAN] was now in his seat, and he asked whether he should not now be permitted to proceed.

[Loud cries of "order!" "order!" "order!"]

Mr. DUNCAN. I put a question of order to the CHAIR.

[Loud and repeated cries of "order!" "order!" "order!"]

The question then recurred on the main question

The CHAIR then stated the main question in substance as follows: Upon a motion to lay the resolution of the gentleman from Virginia on the table, the vote was about being taken by tellers. One of the tellers inquired who were entitled to vote from New Jersey, and the CHAIR had decided that those members holding the Governor's certificate were entitled to vote. From this decision an appeal to the House had been taken by the gentleman from New York. The question now was, "Shall the decision of the CHAIR stand as the judgment of the House?"

The House then divided; Messrs. WORTHINGTON and TALIAFERRO acting as tellers; and the vote was—ayes 108, noes 114.

So the decision of the CHAIR was reversed.

Mr. WORTHINGTON stated that there were four members voting who hold the Governor's certificate.

A number of persons called out, "How many were voting who hold the certificates of the Secretary of State?" and Mr. CURTIS answered "four."

Mr. SMITH of Maine. It is no matter. It don't change the result.

The CHAIR then stated that it would be for the meeting to decide who should be called as members from the State of New Jersey.

Mr. RHETT inquired of the CHAIR if the question did not now recur on the motion made by him to lay the resolution of the gentleman from Virginia on the table?

The CHAIR stated that that would be the question if there was no other question in the way; but the question now was, who should be counted from the State of New Jersey, the decision of the CHAIR having been reversed.

Mr. RHETT asked if the question was not precisely this: A motion had been made by himself to lay the resolution of the gentlemen from Virginia on the table. Upon a division on that question, the CHAIR had decided that the members from New Jersey having the Governor's certificate were to be counted. From that decision an appeal had been taken to the House; and the House had reversed the decision of the CHAIR. Then he asked if the House would not come back to the original motion to lay on the table?

Mr. WISE asked if, when the House had excluded one set of gentlemen from New Jersey from voting, it had not excluded all from that State from voting. It had excluded those gentlemen holding the Governor's certificate from voting. Now was it the intention of gentlemen to permit those persons holding the certificate of the Secretary of State to vote?

"No," "no," "no," from several Administration members.

Mr. DROMGOOLE said all difficulty might now be avoided, by going on as the CLERK had proposed in the first instance, without counting any of the disputed gentlemen from New Jersey.

Mr. WISE. This was the decision of the CLERK, but was it the decision of the House? Let us attempt to progress as we may, this ghost of disorganization will rise up before us, and we will then have to decide who shall vote.

The CHAIR would here remark to the gentleman from South Carolina, [Mr. RHETT,] that it would be impossible for him to put the question upon laying the resolution of the gentleman from Virginia on the table, until it was determined by the House who should vote. It would be for the House to decide for themselves who should be called; but, said he, *the State of New Jersey cannot be deprived of a representation on this floor, and it shall not be, so long as I stand in this chair.*

[Here there was some little applause from the galleries.]

Mr. WISE. I move the previous question on the decision of the CHAIR.

Mr. THOMAS of Maryland suggested a mode of proceeding without difficulty. We ought to endeavor to get along without difficulty, until it could be no longer avoided, and then it would be time enough to decide upon this question. Let the vote be taken on the motion to lay on the table, by tellers; and if the fact of any portion of the members from New Jersey voting should not change the result, let the decision of the question be announced without raising this question; but if, by their votes, the result is changed, then it will be time enough to bring up this question as to who shall vote. He threw this out as a suggestion to the House.

Mr. WISE called for the regular order of proceedings. The CHAIR had made his decision, and he (Mr. W.) had moved the previous question upon it. Then he demanded that the regular order of proceedings might be observed.

Mr. BRIGGS. On what question does the gentleman move the previous question?

The CHAIR said the gentleman had moved the previous question on the motion to lay on the table.

Mr. WISE. No, sir. I understood the CHAIR to make a decision as to who should vote, and upon that decision I moved the previous question.

The CHAIR then again stated the question as he had stated it before, and concluded by saying that the House had reversed his decision; but it had not determined who should be counted from New Jersey, and he could not put the question to lay on the table until the question as to who should vote from New Jersey should first be decided.

Messrs. BRIGGS, TILLINGHAST, and WISE, all rose and addressed the CHAIR. Half the members of the House were standing up.

Mr. SERGEANT rose and said there were so many members on the floor, and so much noise in the hall, that it was impossible for gentlemen to tell what was doing. He hoped members would take their seats.

Mr. BRIGGS then rose and stated his impressions as to the question before the House. A motion had been made to lay the resolution of the gentleman from Virginia on the table. On that question tellers were appointed; and when the House was about dividing, one of the tellers inquired who he should count from the State of New Jersey. The CHAIR decided that the tellers should count the members from that State who had the Governor's certificates. From this decision an appeal had been taken, and the House had reversed the decision of the CHAIR. Then, he apprehended, they stood precisely where they did when this appeal was taken; and the question now would be upon the motion to lay on the table; and he thought the proper course now would be for the tellers to count all who passed through, and if any of the disputed members should vote, let them report that fact to the House. He hoped that the CHAIR would direct the tellers to count all who passed through.

Mr. SALTONSTALL hoped that no such direction would be given.

The CHAIR said he had made his decision—

that decision had been reversed; and it would now be for the House to decide who should represent the State of New Jersey.

Mr. TILLINGHAST thought the CHAIR ought not to put the question on the motion to lay on the table until the House had decided who should vote from the State of New Jersey. The appeal from the decision had been sustained, and it had been sustained, if we looked at the argument upon it, upon two grounds. One was that the matter was a proper subject for the House to determine, and the other was that the decision was incorrect, whether by the CHAIR or the House.

Mr. TURNEY rose to a point of order. The question, as he understood it, was to lay the resolution of the gentleman from Virginia on the table; and the question to lay on the table, according to the rules, was not debatable.

The CHAIR said that the question as to who were to represent the State of New Jersey must first be decided, before the question to lay on the table come up.

Mr. SMITH of Maine said that the CHAIR had directed that the gentlemen from New Jersey were entitled to vote. An appeal had been taken from that decision, and it had been reversed, and the gentleman from Rhode Island [Mr. TILLINGHAST] had attempted to give the reasons for this vote of the House; but he would tell the gentleman that the strongest reason which operated upon him, was the 34th rule of the House. He thought the House had a right to decide under that rule, when gentlemen were directly, personally, and immediately interested, that they should not vote. He believed that many other gentlemen besides himself had voted against the decision of the CHAIR in consequence of this rule.

Mr. McKAY moved that none of the disputed members from New Jersey be permitted to vote until the question was decided.

Mr. GRAVES rose to a question of order. His point was this: there was a question before the House, and the previous question had been moved upon it; therefore, no gentleman had the right to bring up a separate and independent proposition until that question was disposed of.

The CHAIR said the previous question could not be put until this question as to who should represent the State of New Jersey should first be decided.

Mr. McKAY then moved that neither set of members from New Jersey shall vote until the question *who shall vote from the State of New Jersey?* shall be first decided by the House. He contended that this was the proper course to be pursued, and read an extract from Hatzell in support of his position. It was the uniform practice in the British Parliament, when seats were contested, that both parties should withdraw until their case was decided by those who were not personally interested in the matter. This was the only correct and proper course to be pursued, and he hoped his proposition would be agreed to by the House. He also referred to the case of Howell and Everett of Rhode Island, in the continental Congress, which had been cited by the CHAIRMAN, and showed that the Rhode Island members did not vote on their own case in the first instance. Subsequently, however, they did vote upon such questions as were presented.

Mr. PROFFIT rose to appeal from the decision of the CHAIR. ["What decision?" from different parts of the House.]

Mr. W. C. JOHNSON rose and stated that he held in his hand a series of resolutions to offer, which would bring the House directly to a vote on the question at issue. [Cries of "order, order, order!"]

Mr. PETRIKIN rose to a point of order. He wished to know whether it was competent for the CHAIR to entertain three or four propositions at one time.

Mr. JOHNSON. Let the gentleman reduce his point of order to writing.

The CHAIR requested that the gentleman from Pennsylvania should reduce his point of order to writing.

Mr. W. C. JOHNSON would say what he had to say upon his resolution, while the gentleman was preparing his point of order. Mr. J. held that the House had not the right to vote out the Representatives of an entire State. The House must conform to the Constitution and the laws, and they expressly inhibited the House from taking such a course, unless the members were sworn in. He contended that they could not adopt the proposition of the gentleman from North Carolina, because, by the law of apportioning Representatives, New Jersey was entitled to six Representatives, and it was not in the power of this House to deprive her of that representation.

Mr. PETRIKIN then presented his point of order in writing; but

The CHAIR decided against it, because the question to lay on the table could not be pending while the preliminary question was undecided.

Mr. PETRIKIN raised an additional point of order, as to whether any other motion could be made, which would set aside that motion. If such was the decision of the CHAIR, he would appeal from that decision.

The CHAIR said that whatever question might arise, the moment the House came to vote upon it, the question would arise as to who should vote upon it; and the question as to who should vote, must be settled before the question to lay on the table can be put.

Mr. RHETT thought the proper course would be to decide one question at a time. Mr. R. went over, and summed up the various questions presented to the CHAIR, and concluded by moving the previous question on the appeal taken by Mr. PETRIKIN.

Mr. BRIGGS contended that as the question pending was on the motion of Mr. McKAY, an appeal could not be taken on any other question.

The CHAIR then decided that Mr. PETRIKIN'S motion could not be entertained.

Mr. PETRIKIN. Then I appeal from that decision.

[Loud cries of "order!" "order!" "order!"]

Mr. JOHNSON then asked for the reading of his resolution.

Mr. BYNUM objected to this course of piling motion upon motion. If we did not go on and decide questions according to some rule of order, it would be utterly impossible to do any thing.

Mr. JOHNSON said he offered his resolution as a substitute for the motion of the gentleman from North Carolina. Mr. J's resolution was then read as follows:

Resolved, That a certificate of election as a member of the House of Representatives of the United States, duly made, in conformity with the laws of the State which the parties profess to represent, and signed by the proper officers under the great seal of the State, is sufficient *per se* to entitle the person to whom it is given to be sworn in as a member of the House, provided that no State shall have more Representatives than is allowed to it by the Constitution and laws of the United States.

Resolved, That, under the fifth section of the second article of the Constitution, the House of Representatives of the United States can only look beyond such certificate, and judge of the election, returns, and qualifications, of its own members, after it shall have been organized and sworn.

Mr. JOHNSON said he offered this proposition as an amendment to the motion of the gentleman from North Carolina, because he felt that he could not vote on the motion of that gentleman. We have not yet been sworn; we have not taken the oath of office prescribed by the Constitution of the United States, and he could not consent to see the House proceed to the solemn farce or mockery of voting the Representatives of a whole State out of this House, when the members of the House were not under the moral and religious obligations required by the Constitution.

The CHAIR said he did not feel authorized to entertain a resolution, the effect of which would be to deprive the State of New Jersey of her representation on this floor. It was not competent for this meeting to pass such a resolution. The resolution of the gentleman from North Carolina declared, in effect, that the people of the State of New Jersey should not be represented on this floor, and the CHAIR could not put the question, upon such a resolution, to the House.

Mr. JOHNSON. Then I will offer my resolution as a separate and distinct proposition. In reply to a proposition which had been made by some gentlemen on the floor, that all the members from New Jersey might vote, provided the result was not changed, he wished to say a few words. New Jersey was entitled to but six Representatives under the laws apportioning Representatives, and he held that it would be a monstrous innovation for the House to permit eleven members from that State to vote. That State was entitled to six Representatives, and she was entitled to no more: and the question here was, who those six Representatives should be? This question was settled by the Constitution of the United States and the laws of New Jersey, and it was incompetent for this House to take any question upon that until it was first organized, and gentlemen had taken the oath of office.

Mr. FRANCIS THOMAS rose to ask the gentleman from North Carolina [Mr. McKAY] to withdraw his proposition, in order that another effort might be made to settle this question. Mr. T. said he had moved no preliminary proposition, he had offered no amendments to propositions which had been before the House; not because he had not felt deeply interested in the questions—not because he did not feel a deep anxiety to see the House organized in an orderly manner, and at an early day, but because he believed that all the preliminary questions had a tendency to postpone the organization of the body. He believed that a large majority of the members of the House had made up their minds as to how they would vote on this question, in any shape which it might assume. Then let it be the effort of every gentleman to bring the House to action. What was the course best calculated to do so? Was it best for us to be chasing shadows and discussing questions which may never arise? We would have difficulties enough, by pursuing a straight forward course, without stepping aside to raise difficulties which were not in our way. He knew that there were members here who held the opinion that four of these New Jersey members could vote upon the right of the fifth to take his seat. This was not his opinion; but he proposed to avoid, if possible, that and other such questions, because if we went on to discuss them, as we had done, we might be discussing here till doomsday without arriving at any practical result. The course, then, which he intended to pursue was, not to moot preliminary questions unnecessarily. Let the vote be taken. It was possible, when it was taken, that the case would stand as it stood to-day. It may be that the votes of the five disputed members from New Jersey would not change the result, whether counted or not. When the vote was taken this morning, it appeared that four of the disputed New Jersey members had voted, but their votes could not change the result, therefore no objection had been made from any quarter to their voting. By this course, the House may avoid deciding on these vexed preliminary questions, and he thought every gentleman ought to endeavor to avoid them if possible; the public interest required this; but if they were to be decided on, let them be decided on when the necessity for it arises. It will be time enough, then, to decide on them.

With regard to the proposition of the gentleman from North Carolina, it, in his opinion, decided nothing. That proposition, as stated verbally, is, in effect, that the members from New Jersey shall not vote until the House decides that they shall vote. Well, suppose this proposition should be adopted by the House, it would be a mere abstraction. The House must then go a step further, and say whether they shall vote or not. It will be competent, then, for gentlemen to say that he (Mr. T.) should not vote until the House decided that he should vote. The same objection might be raised to any other gentleman's right to vote, and day after day would be spent in these preliminary questions, and no good would result from it. Then let us meet the question to-day, and come up to the question which is best calculated to avoid all difficulty. Let us take the vote to lay the resolution of the gentleman from Virginia on the table, or to reject it; and if the vote of the disputed members from

New Jersey does not change the result, let the decision of the House be pronounced without raising these preliminary questions of abstract right which serve but little practical purpose. This course had been suggested by the CHAIR some days ago as the proper course to be pursued, and he hoped the House would take up this suggestion and act upon it now. In urging this course upon the House, he would state that his sole object was to bring the House to action and avoid those difficulties in which the House had been long involved, to the injury of the public service, and at the risk of its own dignity and capacity for future usefulness.

Mr. WISE would suggest a course by which the House might arrive at a speedy termination of this question. Let the gentleman from Maryland withdraw his proposition. Let the gentleman from North Carolina withdraw his resolution, and let the gentleman from South Carolina withdraw the motion to lay the resolution, submitted by him, [Mr. WISE] on the table. Then let the CLERK go on and call the roll, calling the members from New Jersey, who had presented the legal formal certificates, according to the Constitution and the laws of New Jersey. Then we will be prepared to vote; and when we come to vote upon any question, if the votes of the New Jersey members will not change the result, nothing need be said about their voting; but if it does, then the tellers can report the fact to the House, and the House can then act upon the question. He thought this would be the most satisfactory mode of getting over all difficulty in relation to this question, and hoped gentlemen would cease pursuing shadows, and unite upon some practical proposition of this kind.

Mr. McKAY, after a few remarks, which, in consequence of the noise and disorder prevailing, with repeated calls to order, were not heard, said that he had before expressed the opinion, which he repeated, that neither party should be permitted to vote. The question has been submitted to the CHAIR, but the CHAIR refused to put it, until it should be decided by the House who should vote as members from the State of New Jersey. The House had already decided that the five New Jersey gentlemen who held the certificates of the Governor should not vote, and the CHAIR refuses now to put any question to the House, for the reason that it must first decide who are to vote as members from New Jersey, while there is no proposition to decide that point, either in an affirmative or negative before the House. This he considered to be a monstrous assumption of authority by the CHAIR. The House has decided that five of the claimants shall not vote, and a member then submits a motion that the other five also shall be prevented from voting until the controversy is decided. The CHAIRMAN then declares that, while he occupies that chair, he never would permit a sovereign State to be disfranchised, by prohibiting her Representatives from voting on any question before that House; and therefore he declares that he would not put the question. Did not the CHAIRMAN himself, at the last session, submit a resolution to the House, that no member whose seat was contested should be entitled to vote upon any question before the House, until his right to a seat should be first investigated and decided upon? Now if it was constitutional for the CHAIRMAN himself to present that resolution as a member of the House of Representatives, was it not constitutional for him, as a member of the House of Representatives, to offer a similar proposition? If, however, the House was willing to proceed at once to a vote, he would be willing to withdraw his proposition.

Mr. CRAIG asked if the House was now about to decide the right to seats of the members from New Jersey? He asked, in the language of the eloquent gentleman from Georgia, who addressed them the other day, how was the House to enforce its edicts? Under the difficulty they were involved in the other day, the CLERK deciding that he could not put a question, a Chairman was appointed, who would have the power to put questions. Now, what did the CHAIR tell this House just now? "As long as I occupy this chair, I will not suffer a sovereign State to be disfranchised by excluding the votes of her members on any question before the House." Sir, said Mr. C. we can never get along unless we attack difficulties one at a time. The first difficulty was that produced by the CHAIR itself in declaring that he would not put a question; his refusal to register the edicts of the House. The House had determined that the members who presented the certificates of the Governor of New Jersey shall not be permitted to vote. Let us, then, (said Mr. C.) dismiss all quibbles; let us feel and act as men, and consider this tantamount to a decision that neither party shall vote until the controversy is settled. [So much noise and confusion prevailed while Mr. CRAIG was speaking, that the Reporter heard him very imperfectly; and, in the concluding part of his remarks, his voice was completely drowned by the cries of "order, order!" "go on, go on!" &c.]

Mr. RHETT, in reply to some words from Mr. WISE, not heard, declined to withdraw his motion to lay that gentleman's resolution on the table. The question, he said, to decide the fate of that resolution, could as well be taken on the motion to lay it on the table as in any other way.

Mr. JOHNSON of Maryland then said he refused to withdraw his motion; whereupon,

Mr. WISE moved the previous question on it.

Mr. RHETT then asked if that resolution of Mr. JOHNSON was before the House.

The CHAIR answered, that no question could be before the House, until it should decide who should vote as members from the State of New Jersey.

Mr. RHETT stated the question as he understood it. It first arose on his (Mr. R's) motion to lay the resolution of the gentleman from Virginia [Mr. WISE] on the table; next on the resolution of the gentleman from Maryland, as a substitute; and then came the decision of the CHAIR, that no question could be put until the House decides who shall vote as members from New Jersey. Now he moved to lay the question raised by the CHAIR on the table.

Mr. WISE informed the gentleman from South Carolina [Mr. RHETT] that no motion could be put on that question until the preliminary one of who was entitled to vote should be first decided.

Mr. SLADE desired to know the question that was before the House.

The CHAIR said that the main question was for the meeting to determine who was entitled to vote from the State of New Jersey. The House having determined, by reversing the decision of the CHAIR, that the members, holding the certificates of the Governor of New Jersey, should not vote, it was now necessary that the meeting should say who was entitled to vote, inasmuch as they would not deprive a sovereign State of its representation on this floor.

Mr. SLADE understood the gentleman from Maryland [Mr. JOHNSON] had offered a proposition here, which he was disposed to keep before the House, unless the gentleman from South Carolina would withdraw his motion to lay the resolution of the gentleman from Virginia [Mr. WISE] on the table.

Mr. JOHNSON of Maryland said he would modify his resolution by withdrawing the second clause of it. The first clause contained a distinct proposition, and the House, by taking the question on it, would come to a direct vote on the principle involved.

Mr. SLADE then rose and made some remarks, which will be reported in full hereafter.

Mr. GRAHAM of North Carolina rose to a question of order, several members trying to obtain the floor, and speaking at the same time.

The CHAIR again stated the question. The House must first decide who shall vote as members of New Jersey, and then the question on the motion of the gentleman from South Carolina could be put. The CHAIR would, however, suggest a substitute for his decision, which he would adopt, if it met with the concurrence of the House. This was, the course of procedure he suggested on Saturday last, and which had been already adopted on taking two or three questions; that is, the CHAIR would put the question, and the tellers would, on counting the votes, report the result to the House; and whether any of the members whose seats were contested voted on the same, and should it be found any such voting would change the result, it would be for the House to determine whether such votes should be counted.

Mr. BLACK asked the CLERK to read the resolution, and it was read as follows:

Resolved, That the acting CLERK be directed to call the members of the House, including, in such call, the members from New Jersey, who have the certificates of the Governor of that State that they are elected as Representatives of the Twenty-sixth Congress.

Mr. SLADE rose and contended for his right to go on with his remarks.

The CHAIR said that the question was, who should vote from the State of New Jersey.

Mr. WISE. The question is on the motion of the gentleman from South Carolina to lay my proposition on the table; and therefore, the gentleman from Vermont was speaking out of order. We are come now, said Mr. W. to the direct question, and he beged gentlemen to let it be taken.

The CHAIR did not consider the gentleman from Vermont to be out of order. The reasons assigned by the CHAIR, for his decision, were not heard by the Reporter.

Mr. SLADE said, as so many gentlemen were anxious for him to yield the floor, he would do so to accommodate them.

Mr. RIVES rose, and attempted to address the CHAIR, to make some suggestions as to the mode of proceeding, when—

Mr. WISE, and several other gentlemen, called him to order. Great noise and confusion prevailed at the time, and repeated cries of go on, go on, were also heard.

Mr. RIVES again attempted to obtain the floor, when—

Mr. WISE again interrupted him with calls to order. Whether the question was on the motion submitted by the gentleman from South Carolina to lay his resolution, or the resolution of the gentleman from Maryland, on the table, still the motion was not debatable, and he hoped the CHAIR would order the gentleman to take his seat.

The CHAIR was unwilling to arrest any gentleman on a point of order, who thought he had any new proposition to present to the meeting.

Mr. RIVES said it was not his intention to throw any obstacles in the way. He desired to come to some conclusion, and therefore he proposed to gentlemen to permit the gentleman from South Carolina [Mr. RHETT] to offer his resolution as an amendment to the resolution of his colleague, [Mr. WISE,] and let the House come to a decisive vote.

Mr. BRIGGS made a few remarks, showing the necessity of enforcing the point of order, and preserving decorum in the House.

Mr. PROFFIT endeavored to obtain the floor, and at the same time giving his opinion that the motion was debatable, and he wanted to have his share of it.

Mr. P. was called to order by several gentlemen, and he took his seat.

The CHAIR then put the question on Mr. RHETT's motion and directed the tellers to report the the names of those members voting whose seats were contested; and also to report how the vote would be without the votes of those gentlemen whose seats were contested, and how it would be with the votes of those gentlemen.

Mr. HOLLEMAN denied that such was the question before the House. He also denied that the question was ever presented for the House to decide, as stated by the CHAIR, as to who should vote as members from New Jersey, though the CHAIR wished to make it so. To constitute a question before the House there must be an affirmative and a negative, or how could the House decide it. How could it decide the question as to who should vote as members from New Jersey, when, having already decided that one set of the claimants should not vote, the CHAIR refuses to put the question as to the right of the others to vote! He denied that the CHAIR had a right to make any such decision. This was putting the House in a position in which it could

neither advance nor recede. Some days ago, when the House was in a similar condition, in consequence of the CLERK deeming himself incompetent to put questions to the House, the gentleman occupying the Chair forcibly appealed to his fellow-members present to relieve themselves from the embarrassment in which the decision of the CLERK had placed them, by removing the CLERK and putting some one in his place. This appeal had been followed up by the motion of the gentleman from South Carolina, which placed the gentleman himself in the Chair. It was then supposed that the House was relieved from the difficulties in which the decision of the CLERK placed them. But really, from the decision of the CHAIR just made, it appeared to him that it would become necessary for the House to remove him from the CHAIR, and put some one in his place who was willing to put a question. Mr. H. after a few remarks, made during much noise and confusion, appealed from the decision of the CHAIR, and asked for the previous question on the appeal.

Mr. BRIGGS said if the gentleman from Virginia would withdraw his objections, he would submit the proposition of the CHAIR to the House for its decision in the form of a motion. Mr. B. then submitted the following, which he read:

Resolved, That on the motion of Mr. RHETT to lay Mr. WISE's motion on the table, or on Mr. WISE's resolution itself, the tellers shall count all the persons who may pass between them; and if any pass whose right to vote is disputed, the tellers shall report their names to the CHAIR, after the number of votes on both sides are reported, for the decision of the House.

Mr. HOLLEMAN declined withdrawing his proposition, and insisted on taking an appeal from the decision of the CHAIR.

The CHAIR asked what decision the gentleman from Virginia demanded an appeal from.

Mr. HOLLEMAN said that his appeal was from the decision of the CHAIR, that no question could be put until the House decided who should vote as members from New Jersey.

The CHAIR said, I withdraw that decision. [Much laughter.]

The question was then taken on Mr. BRIGGS'S motion, and it was carried without a division.

The CHAIR then stated the question on Mr. RHETT's motion, and instructed the tellers, in counting, to report if any members, whose seats are contested, voted; using the language of the resolution just adopted on the motion of Mr. BRIGGS.

The House having seconded the call for the previous question,

The question was then taken, Shall the main question be now put? and was decided in the affirmative without a division.

The main question to lay Mr. WISE's resolution on the table was then put, Messrs. DROMGOOLE and DAVIES having been appointed tellers.

On counting the result, the tellers reported that there were 115 votes in the affirmative, and 114 in the negative; Mr. NAYLOR from Pennsylvania, whose seat was contested, voting with the nays.

The CHAIR announced this decision of the House to be 115 in the affirmative and 115 in the negative, (the CHAIR voting with the nays,) so that there being a tie, the motion was lost.

Mr. SMITH of Maine denied that the motion was lost, and appealed from the decision of the CHAIR. He understood the tellers as having reported that Mr. NAYLOR, whose seat was contested, voted with the nays. He denied the right of Mr. NAYLOR to vote, and objected to its being counted.

Mr. NAYLOR observed that the gentleman from Maine [Mr. SMITH] had challenged his right to vote. Now, he challenged the right of the gentleman himself to vote. Here are my credentials, said Mr. N. holding them in his hand.

Mr. SMITH of Maine. I turn the gentleman over to Mr. INGERSOLL, who has the certificate of the judges of election, and the certificate of the Governor, under the broad seal of the State of Pennsylvania.

Mr. WISE moved that the vote of the gentleman from Pennsylvania be counted, and on that motion, he called for the previous question.

Mr. REYNOLDS, amidst much noise and disorder, moved an adjournment—a number of gentlemen on the floor.

Mr. WISE and others opposed the adjournment, Mr. WISE proposing to sit by candle light.

The CHAIR was proceeding to put the question on Mr. WISE's resolution, which he said was the next in order; when

Mr. REYNOLDS insisted on his motion for adjournment, and demanded that the question be taken on it.

The CHAIR said that the motion to adjourn was not in order, while a question was pending.

Mr. SMITH and several members here contended that the question of Mr. RHETT's motion was not decided, and that it yet depended on the decision of Mr. NAYLOR's right to vote.

Mr. WELLER again moved the adjournment.

Mr. WISE restated his motion that Mr. NAYLOR's vote be counted, and also his motion for the previous question on it.

Mr. BRIGGS briefly explained the state of the question before the House. The question, he said, was put by the CHAIR, on the motion of the gentleman from South Carolina, [Mr. RHETT,] to lay the resolution of the gentleman from Virginia [Mr. WISE] on the table, and the tellers reported that the vote in the affirmative was 115, and in the negative, 114; but in conformity with the resolution adopted on his motion, they also reported that Mr. NAYLOR, one of the gentlemen whose seat was contested, voted with the nays. The CHAIR voting in the negative, there would have been a tie, and the resolution consequently lost, had there not been a vote cast by a gentleman whose seat was contested; but as there was such a vote given, the House must decide whether that vote should be counted, before the question could be considered as finally settled, whether the resolution of the gentleman from Virginia should be laid on the table or not. This, he believed, was a correct state of the case.

The CHAIR said he understood the decision of the House, in the motion of the gentleman from Massachusetts, [Mr. BRIGGS,] to refer only to the contested seats from New Jersey, and that the gentleman from Pennsylvania [Mr. NAYLOR] did not come within the decision of the House.

The question, therefore, the CHAIR considered to be on the resolution of the gentleman from Virginia.

Mr. BRIGGS said that his motion was general in its application, and applied to all the gentlemen whose seats were contested. At Mr. B's request the resolution was read by the CLERK, amidst much noise and confusion.

The CHAIR said that he had announced the decision of the House, that the resolution was lost, and did not hear the report of the tellers that a member whose seat was contested had voted.

Mr. DROMGOOLE rose and stated that, as one of the tellers, he distinctly stated to the CHAIR, when he announced the vote, that Mr. NAYLOR, one of the gentlemen whose seat was contested, had voted. In this statement, Mr. D. was sustained by Mr. DAVIES, the other teller, by Mr. SMITH of Maine, and several other gentlemen.

The CHAIR said that the question before the House was the previous question on the resolution of the gentleman from Virginia.

Mr. TURNEY appealed from the decision of the CHAIR, as he considered that the first question to be decided was, whether Mr. NAYLOR's vote should be counted.

Mr. WELLER moved an adjournment, and the question was taken; Messrs. GRAVES and TURNEY were appointed tellers, and on counting the votes, they reported that there were—for the adjournment 116, against it 113; Messrs. KILLE, COOPER, and RYALL, members from New Jersey, whose seats are contested, voting in the affirmative, and Messrs. HALSTED, AYCRIGG, and YORKE, similarly situated, voting in the negative.

The CHAIR then stated that the votes of the members whose seats were disputed not varying the result, it was decided in the affirmative, and that

The House adjourned.

IN SENATE,

WEDNESDAY, December 11, 1839.

Mr. NICHOLAS and Mr. MOUTON appeared in their seats this morning.

Mr. BENTON offered the following resolution, which lays over:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate all the information which the War Office contains, or can conveniently procure, of the massacres of individuals, of families, of small parties, and of shipwrecked crews or passengers, which have taken place in Florida during the present hostilities, and including those which took place before the war became open on the part of the Indians; noting, as far as it can be conveniently done, how far families have been broken up, and driven from their homes, their houses burnt, and their fields and property destroyed.

Mr. BENTON also offered the following resolution, which lays over:

Resolved, That the Secretary of the Treasury be directed to report to the Senate as follows:

1. A table of the import and export of gold bullion, with the excess of each, annually, from the commencement of the Federal Government, or as far back as the returns in the Treasury Department will enable the table to be made up.
2. A like table of gold coin.
3. A like table of silver bullion.
4. A like table of silver coin.
5. A table of recapitulation showing the total annual imports and exports of coin and bullion in one column, and the excesses in two other columns, for the same length of time.
6. A detailed statement of the weekly exportations of coin and bullion for the year 1839, showing the names and residences of the exporters, and their consignees in foreign countries.
7. A detailed table of exports and imports of coin and bullion of the United States for the year 1839.
8. A table of the annual coinage of gold and silver at the Mint of the United States and the Branch Mints, from the time they were respectively established.
9. A table of the annual product of the gold mines of the United States from the time of their discovery.

The whole of said tables made up to the end of the year 1839.

A message was received from the President of the United States; which was laid on the table.

The Senate then went into Executive session; and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, December 11, 1839.

As soon as the journal of yesterday was read,

Mr. WISE rose and moved an amendment to the journal, to insert after the paragraph which declared that Mr. SMITH of Maine contested Mr. NAYLOR's right to vote, "and Mr. NAYLOR also contested Mr. SMITH's right to vote."

Mr. SMITH said he had no objection to this amendment in the journal.

The question was then put, and the amendment of the journal agreed to.

The CHAIR then stated the question to be on the appeal of the gentleman from Tennessee [Mr. TURNEY] from the decision of the CHAIR. The CHAIR had decided that the motion of the gentleman from South Carolina, [Mr. RHETT,] to lay Mr. WISE's resolution on the table, was lost—the vote standing 115 in the affirmative and 115 in the negative, counting the votes of the CHAIR and Mr. NAYLOR in the negative. From this decision the gentleman from Tennessee had taken an appeal to the House.

Mr. WISE then called the previous question on this appeal, which was seconded, and the main question was ordered to be put.

The main question then, was, whether the decision of the CHAIR, as stated above, should stand as the judgment of the House.

Messrs. JOHNSON and CARTER, both of Tennessee, were appointed tellers; and when the yeas were counted, the tellers announced that there

were 112 voting in the affirmative, counting the votes of Mr. NAYLOR, and the five New Jersey members, who claimed seats under the Governor's certificate.

The other side was then counted, and the tellers announced that there were 118 voting in the negative, counting the vote of Mr. INGERSOLL, and three of the New Jersey members claiming seats as having been elected by the people.

The CHAIR then stated, *without announcing the result*, that there were six members voting in the affirmative whose right to vote was contested, and four voting in the negative whose rights were also contested; and as the names of these persons had been given in to the CLERK, it would be for the House to decide upon their right to vote, name by name, as they had been presented to the CLERK.

Mr. SMITH. It don't change the result, therefore let the CHAIR announce the decision of the House.

Mr. W. C. JOHNSON. There are more members from New Jersey and Pennsylvania voting than those States are entitled to have on this floor by the Constitution and laws of the United States. Therefore the question must be decided as to who have a right to vote.

The CHAIR again stated that there were more members voting from New Jersey and Pennsylvania than could be permitted to vote under the Constitution and laws, and it would now be for the House to determine who of them should vote.

Mr. SMITH of Maine inquired how many votes were given on the question in the affirmative and negative, including all who voted.

The CHAIR stated that there were 112 voting to sustain the decision of the CHAIR, and 118 against that decision.

Mr. SMITH of Maine. There are 112 in the affirmative, including 6 whose rights were disputed, and 118 in the negative, inculding 4 whose rights were disputed. Then the decision of the CHAIR is reversed, whether you do or do not count the disputed votes; and what good can result from raising this question as to the right of these disputed members to vote now. Besides, he had understood it to be the express understanding that no such question should be raised, when the votes of the disputed members did not change the result.

Mr. WISE said that the rule prescribed by the resolution of the gentleman from Massachusetts [Mr. BRIGGS] was the rule of action for the meeting, and that resolution did not confine us to the point suggested by the gentleman from Maine. But it declares expressly that, where disputed members have voted, that part shall be reported to the House, and the House will then have to decide upon their right to vote, whether their votes change the result or not.

The CHAIR then decided that the meeting must now proceed to determine upon the rights of the disputed members to vote, name by name, as they had been given in to the CLERK.

Mr. WISE. Then I call for the reading of the name of the first contested member who voted in the affirmative, and on the question as to his right to vote. I move the previous question.

[Half a dozen of members now rose to address the CHAIR amidst loud cries of "order," "order," "order."]

Mr. TURNEY rose, amidst loud cries of "order! order! order!" and said that a vote had been taken in the House, which should be announced by the CHAIR, before any other question was raised. Sir, said Mr. T. I ask if you were placed in that chair to announce only such decisions as would suit your party? [Much noise and confusion, with cries of "order! order!" "go on! go on!" "hear him! hear him!"] Sir, you must dispose of the question before the House, and announce the decision it has made, before you attempt to raise another question. I want to know if you were placed in that chair to suppress the decisions of this House, and play the tyrant? [Much noise and confusion.]

[Mr. STANLEY here ran across the area in front of the CLERK's table, and up one of the passages, slapping his hands, and crying out in a loud voice, "Let the gentleman come to me; I will settle that question with him."]

Mr. TURNEY. Sir, your decisions have been again and again reversed by the House, because you have had no regard to law, to justice, and to the rules and usages of the House; and although the House has so reversed them, its decisions cannot be enforced, because you are determined to make good your declaration, that so long as you occupy that Chair, the members from New Jersey whose cause you favor, shall never be deprived of their votes. The House has reversed your decision but a short time ago, on my appeal, by a clear majority of undisputed members. There were voting against your decision 118, only four disputed members voting on that side, while there were only 112 voting to sustain that decision, six of whom were disputed members. So that by striking out the four disputed votes against your decision, there would be a majority against you, even though you count the disputed votes in favor of your decision. Yet, notwithstanding this clear majority, you refuse to announce the result, and decide that another question must first be determined. Sir, your decision is tyrannical and monstrous. You have usurped the powers of the House, and attempted to reverse its solemn decisions, and I shall appeal again and again, so long as you pursue this most extraordinary course. I demand that you shall announce the result on the vote taken this morning, and if you decide that you will not, I appeal from your decision.

[Great disorder was now prevailing in the House.]

Mr. INGERSOLL rose to say a single word—

["No," "no," "no," "hear him," "hear him."]

Mr. VANDERPOEL appealed to the courtesy of the gentleman, to allow the gentleman from Pennsylvania to say a word.

["No," "no," "no," "He shall not speak," emanated from various parts of the House.]

Mr. SMITH of Maine, would appeal to the gentleman from Massachusetts [Mr. BRIGGS] to say if it was not his intention, by his resolution, that no notice should be taken of the disputed votes where they did not change the result.

Mr. THOMPSON then rose, and asked the gentleman from Virginia to withdraw the motion for the previous question.

Mr. WISE said he could not do so for the dearest friend he had. The sooner we settle this question, the better for us and the country.

The CHAIR then stated the decision which he had made this morning, that the House must determine who of the disputed members had a right to vote on the appeal taken by the gentleman from Tennessee, and stated also, that the gentleman from Tennessee had taken an appeal from this decision.

Mr. WISE. Then I move the previous question on this appeal.

Mr. TURNEY said, in order to disembarrass the House, he would withdraw the appeal he had taken a few minutes ago.

Mr. WISE. Then I move the previous question on the question as to the right of the first disputed member to vote.

The CHAIR put this question to the House, and declared that the previous question was seconded.

Mr. McKAY rose to a question of order. The gentleman from Massachusetts [Mr. BRIGGS] had offered the following resolution:

Resolved, That on the motion of Mr. RHETT to lay Mr. WISE's motion on the table, or on Mr. WISE's resolution itself, the tellers shall count all the persons who may pass between them; and if any pass whose right to vote is disputed, the tellers shall report their names to the CHAIR, after the number of votes on both sides are reported, for the decision of the House.

Now this resolution provided for but two cases, in which the tellers were to report to the House.

Mr. WISE. I call the gentleman to order.

Mr. McKAY. The gentleman from Massachusetts offered this resolution.

Mr. WISE. I call the gentleman to order. The previous question has been moved and seconded by the House, and no gentleman can now discuss the merits of the question.

Mr. McKAY. I can certainly raise a question of order.

The CHAIR stated that the main question must now be presented to the House, and, that being put, the main question was ordered.

Mr. WISE called for the reading of the first name in the affirmative.

[Here there was a difference between the CHAIR and the CLERK as to whose name should be called first. The CLERK pointing to the name of Mr. NAYLOR as being first on the list, and the CHAIR pointing to the names of the Whig members from New Jersey.]

Mr. WISE. The name, the name. Let us have the name.

The CLERK then read the name of Mr. NAYLOR as being first on his list.

Mr. CRABB here asked for the reading of the credentials in his case. He would not vote in the dark upon any question, to carry out the wishes of any party.

Mr. McKAY now rose, and stated his point of order. By the resolution which he had read a few minutes ago, the House had confined itself to two cases in which the tellers were to report the names of the contested members voting—first upon Mr. RHETT's motion to lay Mr. WISE's resolution on the table, and secondly on Mr. WISE's resolution itself. He would appeal to the gentleman who offered the resolution to say if this was not the case.

Mr. WISE. I call the gentleman to ordsr.

Mr. McKAY. I appeal to the gentleman from Massachusetts,

Mr. WISE. I call the gentleman to order.

Mr. VANDERPOEL rose amidst considerable noise and confusion, and stated that this question which the CHAIR was about to propound to the House, had already been decided. The CHAIR had decided that the members claiming seats from New Jersey, under the Governor's certificate, were entitled to vote, and the House had reversed that decision. Therefore the House had decided that they should not vote, and why was it attempted again and again to force this question upon the House, which had already been decided.

Mr. GRANGER. I call my orderly friend and colleague to order. By the 45th rule of the House, no debate can arise upon a question of order, after the previous question has been sustained.

The question was now stated to be on the right of Mr. NAYLOR to vote.

Mr. CRABB again stated that before that question was put, he desired to have the credentials of both Mr. NAYLOR and Mr. INGERSOLL read, in order that he might vote understandingly on the question.

The CLERK then read the proclamation of Governor Ritner, dated the 30th of October, 1838, which declared that Messrs. PAYNTER, SERGEANT, TOLAND, NAYLOR, etc. were elected members of the Twenty-sixth Congress.

Mr. CURTIS. How many members of Congress does this proclamation include?

Mr. WISE. All from the State of Pennsylvania—twenty-eight members.

Mr. KEIM inquired whether the great seal of the Commonwealth of Pennsylvania had been affixed to this proclamation in the first instance.

The CLERK held up the proclamation, but the reporter could not see whether the great seal was upon it or not.

Mr. KEIM. Is there not some memorandum in the possession of the CLERK, which will show that the great seal was not upon it in the first instance?

The CLERK then read a read a memorandum, as the Reporter understood it, that Mr. JOHN SERGEANT had called at the CLERK's office and obtained the proclamation, for the purpose of having the seal of the Commonwealth placed upon it, which had been omitted in the first instance.

Mr. NAYLOR then rose, and said, I hold in my hand a proclamation of Governor Porter, dated nine days before the issuing of the proclamation declaring Mr. INGERSOLL elected, which declares that I am elected.

[Many voices. Let us hear it read.]

The CLERK then read the paper which Mr. NAYLOR handed up. It was a copy of the procla-

mation of Governor Ritner, before read, which had been obtained from the office of the Secretary of State, at Harrisburg, and certified by Francis R. Shunk, Secretary of State, as being a correct copy, and also containing a certificate of Governor Porter, that Francis R. Shunk was his Secretary of State.

Mr. RAMSEY. This is a mere copy of the proclamation of Governor Ritner, which was read a short time ago.

Mr. SMITH of Maine. Did I not understand the gentleman from Pennsylvania [Mr. NAYLOR] to say, when he presented this paper, that he held in his hand a proclamation of Gov. Porter, dated a few days before the issuing of the proclamation declaring Mr. INGERSOLL elected, which declared that he (Mr. NAYLOR) was elected?

[Loud cries of "order!" "order!" "order!"]

Mr. NAYLOR. Leave the gentleman to me. I will answer him.

Mr. SMITH proceeded. Did the gentleman not make the declaration that he held in his hand a proclamation of Governor Porter, declaring him elected? I should be the last man to charge the gentleman with intentional quibbling, but if that was his declaration, and the paper read was the one referred to, I put it to the House to say whether he has not been quibbling? Will the gentleman answer me?

Mr. NAYLOR rose.

The CHAIR called to order.

Mr. NAYLOR. I appeal to the House and to the CHAIR to do me an act of justice.

The CHAIR decided that no debate could be permitted now.

Mr. WISE then called for the reading of the law of Pennsylvania in regard to the elections of members of Congress from that State.

Mr. RIVES. I understood that the gentleman from Alabama [Mr. CRABB] had called for the reading of the credentials of the contested member from Pennsylvania. I now inquire, has every thing connected with the returns of members from that State, whose seats are contested, been read?

Mr. COOPER. As a Representative of the State of Georgia, I protest against that course.

Mr. RAMSEY. As a Representative of the State of Pennsylvania, I insist upon it.

Mr. CRABB said he had called for the credentials in this case—all of them—but he wished to hear nothing in regard to any other question than the question as to who had the returns according to the laws of Pennsylvania.

The CLERK then read the law of Pennsylvania of 1832 in relation to the election of members of Congress After which,

The CHAIR said it would now be for the House to decide whether Mr. NAYLOR's vote should be counted.

Mr. DUNCAN then called for the reading of the thirty-fourth rule of the House; which was read as follows:

"No member shall vote on any question in the event of which he is immediately or particularly interested."

Mr. F. THOMAS and Mr. FILLMORE were then appointed tellers, and the vote was announced—119 to 112, the disputed members from New Jersey voting, but their votes could not change the result. So the House decided that Mr. NAYLOR's vote should be counted.

Mr. WISE. Now read the next man in the affirmative.

The CLERK then read the name of Mr. AYCRIGG.

Mr. WISE. I move the previous question in his case, and call for the reading of his credentials.

Mr. TURNEY. Is it the intention to read the credentials on one side only?

Mr. WISE. No; read all—we will hear all.

The CLERK then read the credentials in the case of Mr. AYCRIGG?

The credentials of Mr. AYCRIGG being read,

The certificate of Mr. Westcott, Secretary of State of the State of New Jersey, certifying that Messrs. RYALL, COOPER, DICKERSON, VROOM, and KILLE, received a majority of the votes, was also read; after which,

Mr. WISE called for the reading of the laws of New Jersey regulating the elections in that State, and

Mr. BYNUM called for the reading of the second and fifth sections of the Constitution, providing "that each House shall be the judge of the election, returns, and qualification of its own members;" all of which were read.

The CHAIR being about to put the question,

Mr. BYNUM raised a question of order. He wanted to know if the House had not already solemnly decided that the votes of the members whose seats were contested should not be counted. He thought, therefore, that this question could not be taken a second time.

Tellers were then called for, and Messrs. COOPER of Georgia and PARMENTER were appointed.

Mr. AYCRIGG announced to the House that he would not vote in his own case.

The question was then taken whether the vote of Mr. AYCRIGG should be counted, on which the tellers reported—ayes 117—Messrs. MAXWELL, YORKE, HALSTED, and STRATTON, whose seats were contested, voting with the ayes; and the noes to be 122—three members from New Jersey, Messrs. KILLE, COOPER, and RYALL, whose seats were contested, voting in the negative.

The CHAIR then announced the decision of the House to be 117 ayes, which, with the vote of the CHAIR, made 118 in the affirmative, and 122 votes in the negative.

The CHAIR considered this decision of the House to be utterly unconstitutional.

[Roars of laughter, and much noise and confusion.

Mr. DROMGOOLE considered the declaration made by the CHAIR, that the decision just given was unconstitutional, to be a direct reflection on the House.

The CHAIR proceeded. Four of those who voted in the affirmative are members from the State of New Jersey, whose seats were contested, and three of those who voted in the negative were gentlemen who contested their seats. The decision of the House deprived a sovereign State of its right to say through its constituted authorities who should be its Representative on that floor; and it was, therefore, in the opinion of the CHAIR, unconstitutional; but, inasmuch as the meeting, in its present imperfect state, had thought proper to make the decision, the CHAIR would acquiesce in it, and announce the result; which was, that the vote of Mr. AYCRIGG should not be counted. [Much laughter and continued confusion.]

Mr. SMITH of Maine then asked who was next?

The CHAIR replied, Mr. MAXWELL.

Mr. WISE moved the previous question, and that it be taken orally.

[Cries of "No, no! tellers!"]

The House having seconded the previous question, Messrs. PARMENTER and COOPER of Georgia were appointed tellers, and the question was taken whether the vote of Mr. MAXWELL should be counted, on which the tellers reported 116 ayes, Messrs. HALSTED, YORKE, and STRATTON, voting in the affirmative; and 122 noes, no gentlemen whose seats are disputed voting in the negative.

The CHAIR then announced the decision of the House that the vote of Mr. MAXWELL should not be counted.

Mr. WISE proposed, with the general consent of the House, to take the question as to counting the votes of the other three gentlemen, Messrs. HALSTED, YORKE and STRATTON, together.

This having been agreed to, the question was taken, and the same tellers as on the last vote reported that there were 110 in the affirmative and 117 in the negative, no contested members voting on either side.

The CHAIR then announced the decision of the House that the votes of Messrs. HALSTED, YORKE and STRATTON should not be counted.

Mr. WISE next called for the question whether the vote of Mr. INGERSOLL should be counted, and this question was decided in the negative—ayes none, nays 133.

The next question taken was whether the votes of Messrs. DICKERSON, VROOM, RYALL, COOPER, and KILLE should be counted, and this was decided in the negative—113 nays, ayes none; when

The CHAIR announced that the votes of these gentlemen should not be counted, and went on to say that the appeal from the decision of the CHAIR, that the vote of Mr. NAYLOR should be counted, made by the gentleman from Tennessee, had been decided against the CHAIR; but, in the process of that decision, the House had decided that that very vote should be counted, and thus, in effect, affirmed the decision of the CHAIR.

Mr. WISE then said that the decision just made by the House brought back the question to his resolution, for it had decided that the vote of Mr. NAYLOR should be counted, and this vote made a tie on the motion to lay his resolution on the table. He therefore called for the previous question on it.

The CHAIR then stated that the question before the House was the previous question on the resolution of the gentleman from Virginia.

Mr. PICKENS said if that was the question before the House, he held in his hand an amendment to the resolution of the gentleman from Virginia, and therefore he would vote against the previous question.

The question was then taken by tellers, Messrs. CAVE JOHNSON and PECK, to ascertain if there was a second to the previous question; and they reporting 113 ayes, and 113 noes, the CHAIR voted in the affirmative, and, therefore, announced that the call for the previous question was seconded.

The question was then stated by the CHAIR to be, "whether the main question shall now be put."

Mr. VANDERPOEL called for tellers; and amid loud cries of "no, no—no tellers,"

Mr. VANDERPOEL said he would withdraw the call for tellers if the House would permit the amendment of the gentleman from South Crrolina to be read.

Cries of "no, no! tellers, tellers!"

The same tellers were then appointed—Messrs. CAVE JOHSON and PECK; who, after counting, reported 117 ayes, and 97 noes; so it was decided that the main question should be put.

The main question was then stated by the CHAIR to be on Mr. WISE's resolution, as follows:

Resolved, That the Acting Clerk of this House shall proceed with the call of the members from the different States of the Union in the usual way, calling the names of such members from New Jersey as hold the regular and legal commissions from the Executive of that State.

The ayes and noes having been called for on different sides of the House,

Mr. WISE said, let us have the ayes and noes. We have purged the House, and there is now no objection.

The CHAIR said that by the general consent of the House, the ayes and noes might be called.

Which being agreed to, the question was taken in that way, and was decided in the negative—yeas 115, nays 118, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Simeon W. Anderson, Andrews, Barnard, Bell, Biddle, Black, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, J. Campbell, W. B. Campbell, Carter, Chinn, Chittenden, Clark, Colquitt, J. Cooper, M. A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, E. Davies, G. Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, J. Garland, R. Garland, Gates, Gentry, Giddings, Goggins, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, W. S. Hastings, Henry, Hill of Virginia, Hoffman, Hunt, Hunter, James, Jenifer, C. Johnston, W. C. Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, C. Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade, Truman Smith, Stanley, Storrs, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, E. D. White, J. White, T. W. Williams, L. Williams, J. L. Williams, C. H. Williams, S. Williams and Wise—115.

NAYS—Messrs. Judson Allen, H. J. Anderson, Athertor, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, De la Montanya, Doane, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Enos Hook, Tilghman A. Howard, Hubbard, T. B. Jackson, Jameson, J. Johnson, C. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Rey-

nolds, Rhett, Rives, Robinson, E. Rogers, J. Rogers, Samuels, Shaw, A. Smith, J. Smith, Thos. Smith, Starkweather, Steinrod, Strong, Sumpter, Swearingen, Sweeny, Taylor, F. Thomas, P. F. Thomas, J. Thompson, Turney, Vanderpoel, D. D. Wagener, Watterson, Weller, Wick, J. W. Williams, H. Williams, and Worthington 118.

Mr. RHETT then submitted the following resolution, and moved the previous question on it:

Resolved, That the House will proceed to call the names of gentlemen whose rights to seats are not disputed or contested; and after the names of such members are called, and before a Speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the election returns and qualifications of all claimants (Mr. INGERSOLL and Mr. NAYLOR excepted) to the seats contested on this floor.

The resolution having been read, the second to the previous question was decided in the affirmative without a division.

The next question, Shall the main question be now put? was taken, and also decided in the affirmative without a division.

Mr. COOPER of Georgia then moved a division of the resolution into two branches, and to take the question on each separately; the first branch to end with the word contested.

This having been agreed to,

Mr. UNDERWOOD asked if the effect of it was to preclude an investigation, by the House, into the returns and qualifications of its own members.

Mr. PICKENS. By no means, sir.

Mr. UNDERWOOD. With that understanding, sir, I shall vote for it.

The CHAIR then stated the question to be on the first branch of Mr. RHETT's resolution, as follows:

Resolved, That the House will proceed to call the names of gentlemen whose rights to seats are not disputed or contested.

On taking this question it was decided in the affirmative without a division.

The question next came up on the second branch of Mr. RHETT's resolution, in the following words:

"And after the names of such members are called, and before a Speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the election, returns and qualifications of all claimants (Messrs. INGERSOLL and NAYLOR excepted) to the seats contested on this floor."

Mr. MERCER called for the yeas and nays on this question; which were ordered, and it was decided in the affirmative—yeas 138, nays 92, as follows:

YEAS—Messrs. Adams, Alford, Judson Allen, John W. Allen, H. J. Anderson, S. H. Anderson, Atherton, Banks, Beatty, Beirne, Bell, Boyd, Brewster, Briggs, Brockway, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, J. Campbell, W. B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Chinn, Chittenden, Clifford, Coles, Connor, Crabb, Craig, Crary, Cross, Dana, Davee, J. Davis, J. W. Davis, Deberry, De la Montonya, Doane, Doig, Dromgoole, Duncan, Earl. Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, J. Garland, Gentry, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, J. Hill of N. C. Hillen, Holleman, Hook, Hopkins, Tilghman A. Howard, Robert M. T. Hunter, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Lee, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Nisbet, Osborne, Parmenter, Parris, Payne, Pope, Prentiss, Ramsay, Reynolds, Rhett, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steinrod, Storrs, Strong, Sumter, Swearingen, Sweeny, Stuart, Taylor, Philip F. Thomas, Jacob Thompson, Triplett, Trumbull, Turney, Underwood, Vanderpoel, D. D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—138.

NAYS—Messrs. Andrews, Barnard, Biddle, Black, Bond, Botts, A. Brown, Calhoun, Clark, J. Cooper, M. A. Cooper, Corwin, Cranston, Crockett, Curtis, Cushing, Davies, G. Davis, Dawson, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, R. Garland, Gates, Giddings, Goggins, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, W. S. Hastings, Henry, J. T. Hill of Va. Hoffman, Holmes, Hubbard, Hunt, James, Jenifer, Chas. Johnston, Wm. Cost Johnson, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, C. Morris, Ogle, Palen, Parish, Peck, Petrikin, Pickens, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanley, Taliaferro, Francis Thomas, Waddy Thompson, Tillinghast, Toland, P. J. Wagner, Warren, E. D. White, John White, T. W. Williams, L. Williams, J. L. Williams, C. H. Williams, S. Williams, and Wise—92.

Mr. CAMPBELL of South Carolina, who voted with the majority, then moved a reconsideration of the vote just taken, and observed that his purpose was, if his motion prevailed, to submit the following resolution, which he read to the House:

Resolved, That the Acting Clerk of this House shall proceed with the call of the members from the different States of this Union, calling the names of such members only as present the legal evidence of their being members elect of the Twenty-sixth Congress; and that this House will proceed to its organization in the usual form, with the understanding, that as soon as the rights to the contested seats are determined, its first organization shall be dissolved, and a new election for officers be held forthwith.

Several members asked if the motion for a reconsideration was in order.

The CHAIR decided that it was.

Mr. PICKENS. Then if the reconsideration is ordered, I shall move this resolution [holding up one in his hand.]

Mr. CAMPBELL of South Carolina rose, and begged the attention of the House while he explained the object he had in view. It had been a matter of surprise to him, that the resolution submitted some days ago by an honorable member from New York [Mr. HUNT] had not met with a more favorable consideration by the House. That proposition was, that the names of all the members who held certificates of their election from the constituted authorities of their respective States, should be called by the CLERK, and that then if a quorum should be presented, they should proceed to the organization of the House, by electing the Speaker and other officers, with the understanding that if, after an investigation by the House into the returns and qualifications of the members whose seats were contested, it should be found that such organization of the House had been effected by a minority, in consequence of the votes of members not entitled to seats, that then the House should set aside these elections, and proceed to a new organization. This proposition he had endeavored to follow up, in the resolution he now wished to offer. Notwithstanding, (said Mr. C) the difficult and helpless position we are now placed in, we have now an opportunity of setting a precedent, which may be the foundation of parliamentary law in future times. He did not regret the difficulties and embarrassments which the House had to encounter. He rejoiced that this question had been raised in this early period of our history, a period of peace and tranquillity, rather than in one in which, if the people were less intelligent, more corrupt, and less attached to our institutions, a military leader might march his myrmidons into that hall, and settle it according to his own pleasure. We are still in that helpless condition. The wheels of the Government are stopped, while the House is unable to advance a step towards the desirable object of organization. But what are we to do? Unless we subject ourselves to the delay of going into the merits of the elections, as contemplated by the resolution of his colleague just adopted, during all which time the more important legislative business of the House must be neglected, we have only one possible course to adopt, and that is to call the names only of such members as have the legal and regular credentials from the constituted authorities of their respectives States, and with them, having formed a quorum, proceed to the organization of the House, by the election of its officers, with the understanding that he had before adverted to. No possible harm could result from this course; for after the House shall have decided on the returns and qualifications of the gentlemen whose seats are contested, the organization may be dissolved and a new election of officers gone into, if it should be found that such elections were made in consequence of members voting who had not been duly elected. Notwithstanding all we have seen in the newspapers of the day; notwithstanding all the documents that had been read at the CLERK's table, we have heard nothing (Mr. C. said) to warrant us in deciding that the rights of the people of New Jersey have been outraged, and that the five gentlemen who come here with the certificates of the Governor of that State have obtained these certificates through fraud. Until it shall be proved that her constituted authorities have been recreant to the obligations of honor and of duty, and have abused the high trusts confided to them, we cannot, (said Mr. C.) without better evidence, dispute the validity of their certificates. I am satisfied (said Mr. C.) that gentlemen of all parties in the House are governed by the most liberal as well as patriotic considerations; and that they would not allow any party feelings to influence them in a decision involving the rights of five-sixths of the representation of a sovereign State. But I, said he, who have never been behind the scenes, who am bound to neither party, venture to say that, if the two parties were not so equally balanced that the election of a Speaker depended, in a great measure, on the decision as to which set of the claimants to seats from New Jersey should be admitted as members from that State, the difficult and embarrassing questions now before us never would have been raised.

And now, with the same spirit, but not with the same eloquence, with which the proposition of the gentleman from New York was made, I invite gentlemen, of all parties, to join in this compromise. We cannot shut our eyes to the injustice of excluding five-sixths of the representation of a sovereign State; and, further, we cannot shut our eyes to the injustice of allowing a minority to elect the officers of this House, in consequence of the votes of those who hold false certificates. There is only one equal ground on which both parties could meet on this question; and that is, by temporary organization, to last only until the election returns and qualifications of disputed members are decided on. The House could then go into a new organization, if it should be necessary. In our present situation, (said Mr. C.) it is the best and only course we could adopt. If we adhere to the resolution just decided, it may be months before we can settle the controversy in regard to the election cases; our legislative proceedings may be impeded for months, and the interest of our constituents be sacrificed. It must be conceded that this was a moment of peculiar interest to the commercial community. Standing, as we do, on the brink of a great commercial crisis, our fellow citizens are looking with great anxiety for the message of the President, which they expect will convey to them important and useful information. In addition to this, our fellow-citizens of Florida are looking with great anxiety for the assistance of the National Government. Since we have been sitting here, intelligence has reached us that four of our fellow-citizens have been murdered within a few miles of St. Augustine, and their bodies were carried into the town, presenting a horrid spectacle of savage barbarity. The circumstances should not only stimulate us to our duty, but appeal to our humanity. Such are the events now occurring on our Southern border, and at the adjournment of the last Congress, dark and portentous clouds were gathering on our Northeastern frontier. Those clouds, it is true, for the present, were happily dissipated. But let us be organized. Let us ascertain our position. The clouds again may gather, and the good ship upon which we are embarked should be put in trim, that if the storm should burst, we may be prepared to meet it manfully.

One remark he would make in reference to himself, before he sat down. He stood here unpledged to any party; but when he added that when he went for a strict construction, it was not necessary for him to say that he would favor a Democratic orgainzation on the part of this House. He never would, however, neither for party, or any other purposes, adopt a course which he thought in opposition to the State Rights principles he professed. It was with these considerations that he submitted his motion for a reconsideration, which he hoped would meet with the favorable consideration of the House.

Mr. GRAVES thought that the proposition of the gentleman from South Carolina was, in substance the same as that of the gentleman from Virginia, [Mr. WISE,] for it was stated by several gentleman that they did not question the right of the majority to alter the organization of the House, after deciding on the contested election cases. The majority, Mr. G. said, could alter the organiza-

tion of the House as well after adopting the resolution of the gentleman from Virginia, as after adopting that just submitted by the gentleman from South Carolina. Mr. G. saw that there would be no end to discussion, without adopting the course we have pursued all the morning; and, therefore, he would call for the previous question on the resolution of the gentleman from South Carolina.

Mr. PETRIKIN moved that the House do now adjourn; which motion was lost without a division.

Mr. WADDY THOMPSON observed that he would vote for the reconsideration, without pledging himself to vote for or against the resolution of his colleague.

The CHAIR having stated the question,

Mr. TURNEY called for a division of the question on the reconsideration, so as to take the votes in the same order that they were taken on adopting Mr. RHETT's resolution.

Mr. CAMPBELL observed, that his motion was worded to suit the whole resolution, and could not, without destroying its effects, be divided.

The CHAIR said that the motion of the gentleman from South Carolina was not susceptible of a division.

Mr. FRANCIS THOMAS took the liberty of suggesting to the CHAIR that the motion of the gentleman from South Carolina [Mr. RHETT] was divided into two parts, and the question taken on each separately. It was not, therefore, in order to take the question on reconsidering these two propositions in one vote.

Mr. WISE said the motion of the gentleman from South Carolina was indivisible. The gentleman from South Carolina intended it to be so, and he certainly ought to know how the question ought to be taken.

Mr. BRIGGS insisted that the motion was divisible. The resolution, he said, was divided into two distinct propositions; the question was taken on each separately, and therefore, the question on the reconsideration must be taken in the same way.

Mr. TURNEY appealed from the decision of the CHAIR.

Mr. HUNT moved that the House adjourn; and

Mr. WISE called for the yeas and nays on the adjournment.

Several members objecting,

Mr. LEWIS suggested that, in the present condition of the House, the yeas and nays could not be called without the consent of all present.

The CHAIR decided that they could not.

Tellers being called for on the adjournment, Messrs. HABERSHAM and GALBRAITH were appointed, who, on counting, reported 90 for it, and 104 against it.

So the House refused to adjourn.

Mr. TURNEY reiterated his appeal from the decision of the CHAIR, that the motion could not be divided.

The CHAIR said he was of opinion, at first, that the motion was not susceptible of a division, but upon a reconsideration the CHAIR conceived that a division would become necessary. The resolution, he added, having been passed in two parts, the question on reconsideration must also be taken in two parts, and taken in the same order in which the questions on the resolution itself were taken. The CHAIR then stated the question to be on reconsidering the first branch of Mr. RHETT's resolution.

The question was then taken, (Messrs. GRAVES and LEWIS having been appointed tellers,) and decided in the negative—ayes 102, noes 116.

So the House refused to reconsider the first branch of Mr. RHETT's resolution.

Mr. PETRIKIN here moved that the House adjourn.

The CHAIR decided that the motion for adjournment was out of order, because a question was pending.

Mr. ATHERTON. If the CHAIR decides that motion to be out of order, I appeal from his decision.

Mr. VANDERPOEL also appealed from the decision of the CHAIR.

Mr. DROMGOODE. With the permission of the CHAIR, I will only make one observation. If the CHAIR adheres to his decision, he may keep us here all night without adjourning. Two propositions have been made, and the House has decided one of them. The CHAIR then declares we cannot go away without deciding the other.

Mr. VANDERPOEL called for the previous question on the appeal.

The CHAIR. I withdraw my decision, and will, if the House please, take the question on the adjournment.

Tellers being called for on the question of adjournment, Messrs. HABERSHAM and GALBRAITH were appointed as such, and upon a count, it was ascertained that there were—ayes 107, noes 54.

The House then adjourned till to-morrow, at 12 o'clock, M.

IN SENATE,

THURSDAY, Dec. 12, 1839.

A message from the President of the United States was received, which being of an Executive character,

The Senate went into an Executive session, and, afterwards,

Adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 12, 1839.

The question pending was on the motion of Mr. CAMPBELL of S. C. to reconsider the vote on the second branch of Mr. RHETT's resolution.

Mr. CAMPBELL rose and stated that as the House had on yesterday refused to reconsider the first branch of Mr. RHETT's resolution, he would now withdraw the motion to reconsider the second branch of the resolution.

The CHAIR announced that the gentleman from South Carolina had withdrawn his motion to reconsider.

Mr. WISE. Then I presume the resolution which the House has passed will be put in operation, and that the CLERK will proceed under it to call the roll of the House.

The CLERK then commenced at Pennsylvania, where he had left off on the first day of the session, and called the balance of the roll entirely through, as follows:

PENNSYLVANIA.

1 District, Lemuel Paynter,
2 " *John Sergeant*, *Geo. W. Toland*,
3 " Charles J. Ingersoll,
4 " *Edward Davies*, *Francis James*, *John Edwards*,
5 " Joseph Fornance,
6 " John Davis,
7 " David D. Wagener,
8 " Peter Newhard,
9 " George M. Keim,
10 " *William Simonton*,
11 " James Gerry,
12 " *James Cooper*,
13 " Wm. S. Ramsey,
14 " George McCulloh,
15 " David Petriken,
16 " Robert H. Hammond,
17 " Samuel W. Morris,
18 " *Charles Ogle*,
19 " Albert G. Marchand,
20 " Enos Hook,
21 " Isaac Leet,
22 " *Richard Biddle*,
23 " William Beatty,
24 " *Thomas Henry*,
25 " John Galbraith.

DELAWARE.

Thomas Robinson.

MARYLAND.

1 District, *John Dennis*,
2 " Philip F Thomas,
3 " J. T. H. Worthington,
4 " James Carroll, Solomon Hillen, jr.
5 " *William Cost Johnson*,
6 " Francis Thomas,
7 " *Daniel Jenifer*.

VIRGINIA.

1 District, *Henry A. Wise*,
2 " Joel Holleman,
3 " Francis E. Rives,
4 " *John M. Botts*,
5 " R. M. T. Hunter, (c)
6 " *John Taliaferro*,
7 " *Charles F. Mercer*,
8 " Linn Banks,
9 " George C. Dromgoole,
10 " John W. Jones,
11 " *John T. Hill*,
12 " Walter Coles,
13 " *James Garland*,
14 " *William L. Goggins*,
15 " William Lucas,
16 " G. B. Samuel,
17 " Robert Craig,
18 " *G. W. Hopkins*,
19 " Andrew Beirne,
20 " Joseph Johnson,
21 " Lewis Steinrod.

NORTH CAROLINA.

1 District, *Kenneth Rayner*,
2 " Jesse A. Bynum,
3 " *Edward Stanly*,
4 " Charles Shepard,
5 " James McKay,
6 " Micajah T. Hawkins,
7 " *Edmund Deberry*,
8 " Wm. Montgomery,
9 " John Hill,
10 " Charles Fisher,
11 " Henry W. Connor,
12 " *James Graham*,
13 " *Lewis Williams*.

SOUTH CAROLINA.

1 District, Isaac E. Holmes,
2 " *Waddy Thompson*,
3 " F. W. Pickens,
4 " John Campbell,
5 " James Rogers,
6 " Sampson H. Butler,
7 " Thomas D. Sumpter,
8 " R. Barnwell Rhett,
9 " John K. Griffin.

GEORGIA.

Chosen by General Ticket.
J. C. Alford,
Edward J. Black,
W. T. Colquitt,
Mark A. Cooper,
W. C. Dawson,
R. W. Habersham,
T. B. King,
E. A. Nisbet,
Lott Warren.

ALABAMA.

1 District, R. H. Chapman,
2 " David Hubbard,
3 " *George W. Crabb*.
4 " Dixon H. Lewis.
5 " *James Dillett*.

LOUISIANA.

1 District, *Edward D. White*.
2 " *Edward Chinn*.
3 " *Rice Garland*.

MISSISSIPPI.

Chosen by General Ticket.
A. G. Brown.
J. Thompson.

MISSOURI.

Chosen by General Ticket.
John Miller,
John Jameson.

ARKANSAS.

Edward Cross.

TENNESSEE.

1 District, *Wm. B. Carter*,
2 " Abraham McClellan,
3 " *Joseph L. Williams*,
4 " Julius W. Blackwell,
5 " Hopkins L. Turney,
6 " *William B. Campbell*,
7 " *John Bell*,
8 " *Meredith P. Gentry*,
9 " Harvey M. Waterson,
10 " Aaron V. Brown,
11 " Cave Johnson,
12 " *John W. Crockett*,
13 " *Christopher H. Williams*.

KENTUCKY.

1 District, Linn Boyd,
2 " *Philip Triplett,*
3 " *Joseph Underwood,*
4 " *Sherrod Williams,*
5 " *Simeon W. Anderson,*
6 " *Willis Green,*
7 " *John Pope,*
8 " *William J. Graves,*
9 " *John White,*
10 " *Richard Hawes,*
11 " *L. W. Andrews,*
12 " *Garret Davis,*
13 " William O. Butler.

OHIO.

1 District, Alexander Duncan,
2 " John B. Weller,
3 " *Patrick G. Goode,*
4 " *Thomas Corwin,*
5 " William Doane,
6 " *Calvary Morris,*
7 " *William K. Bond,*
8 " *Joseph Ridgeway,*
9 " William Medill,
10 " *Samson Mason,*
11 " Isaac Parish,
12 " Jonathan Taylor,
13 " D. P. Leadbetter,
14 " George Sweeny,
15 " *John W. Allen,*
16 " *Joshua R. Giddings,*
17 " John Hastings,
18 " D. A. Starkweather,
19 " Henry Swearingen.

MICHIGAN.

Isaac E. Crary.

INDIANA.

1 District, *Geo. H. Proffit,*
2 " John Davis,
3 " John Carr,
4 " Thomas Smith,
5 " *James Rariden,*
6 " Wm. W. Wick,
7 " T. A. Howard.

ILLINOIS.

1 District, John Reynolds,
2 " Zadok Casey,
3 " *John T. Stuart,*

Immediately after the roll was called—

Mr. RANDOLPH of New Jersey rose and said: the list of members having been called, I hold in my hand a paper, which I ask to be read by the CLERK.

Mr. VANDERPOEL. I should like to know what that paper is. I object to the reading of papers until we know what they are.

Mr. RANDOLPH. When it is read the gentleman will see what it is.

Mr. BYNUM. I object to its being read, because I do not believe the rules of the House will sanction it.

Mr. WISE. It will be read merely for information.

The CHAIR said that the paper would be read.

Mr. DROMGOOLE here endeavored to obtain the floor.

Mr. PICKENS hoped the gentleman from New Jersey would make a brief statement of the contents of the paper, so that the House may know what it is.

Mr. RANDOLPH. If the CLERK will hand me back the paper I will read it myself. That will be the best way to give gentlemen the information they desire.

Mr. SMITH of Maine rose to a question of order. Objection had been made to the reading of the paper, and it would now be for the House to determine whether it should be read or not.

The CHAIR said the gentleman refused to make a brief statement.

Mr. RANDOLPH rose to proceed with the reading of the paper.

Mr. SMITH said he did not know what the paper was which the gentleman held in his hand; but if it was prepared with a view of showing that himself or other gentlemen were entitled to seats here, he hoped the CLERK would also be permitted to read the paper which he had prepared on the same subject.

Mr. WISE. Certainly gentlemen do not forget that the gentleman from Ohio [Mr. DUNCAN] was permitted to read, and have read, papers, as a part of his speech, and why do they object to the reading of this paper, merely as a matter of information?

[Many voices—"Go on," "go on."]

Mr. RANDOLPH then read a lengthy paper, signed by Messrs. AYCRIGG, HALSTED, MAXWELL, STRATTON, and YORKE, protesting against the action of the House, by which they were excluded from voting on questions previous to an examination of their case, and concluded by moving that the protest be entered on the journal of the House.

Mr. BYNUM said he protested against the entering of this protest on the journal of the House; and he though the House owed it to its own dignity to pass a vote of censure upon the gentleman from New Jersey, for offering this direct insult to the members of this body. It was contrary to all the rules and usages of the House for persons to come here and offer objectionable and insulting language to the House, who have no connection with it. They do not belong to this House, and have no more right to enter a protest on the journal of this House, than inhabitants of Great Britain. What, sir, is the character of that paper? It is nothing but the ebullitions of disappointed ambition, coming from men who have been excluded from this House, and prevented from practising an imposition on the free people of the State of New Jersey. A protest, indeed! Why, sir, members of this House alone have the right to have a protest entered upon your journal; and the signers of this protest, as they call it, are not members of the body. Then, instead of receiving or countenancing this paper, which has been read by the gentleman, he deserves the censure of the House, if not expulsion from the floor. [Laughter.] The gentleman cannot be looked upon as a member of the House; and if the House was properly organized, he would deserve the censure of the body for the course he has pursued. The gentleman was conscious, when he first presented this paper, that it contained objectionable matter, and hence it was that he endeavored to shrink from responsibility, by declining to make a brief statement of its contents, and sending it up to the CLERK's table to be read. He hoped that the paper would be returned to the member from New Jersey, as the attempt to have it entered on the journal was entirely out of order. The member had no right to make the motion, and the CHAIR had no right to entertain it. If he understood the course of proceeding last night, the CHAIR had decided that no motion was in order but a motion to adjourn. Now, however, it was perfectly in order for a member to get up and present a petition, called a protest, of men, aliens as it were in this House, who had no right on this floor, and who had been voted again and again out of this House. He hoped that this protest, as it was called, would receive no countenance from this House. Contrast the conduct of these men, who have attempted to present this paper, with the conduct of the Democratic members, who have been excluded. The Democratic members who have been excluded, act the part of gentlemen, and men of honor, disposed to yield to the solemn decisions of the House, when they are once made. Their conduct is a commentary upon the conduct of their opponents, and ought to be so considered, and will be so considered, by the freemen of the State of New Jersey. There has been no disposition, on the part of the Democratic members who have been excluded, to thrust themselves into the House. They have exhibited a disposition to yield to the decisions of the majority of the House, as they know they were sent here by a majority of the people. The members on the other side who have been excluded, are endeavoring to thrust themselves into the House, notwithstanding they have been voted out again and again. [Laughter.] Gentlemen may laugh, but they cannot laugh truth into falsehood.

Mr. DROMGOOLE here attempted to obtain the floor.

Mr. MERCER. I rise to move the previous question, and on that motion I call the yeas and nays.

Mr. DROMGOOLE. I rise to a question of order.

The CHAIR. The gentleman will state his point of order.

Mr. DROOMGOOLE. My point of order is this: that the gentleman from New Jersey, had no right to spread this protest on the journal, and that the CHAIRMAN had no right to receive it, after its reception had been objected to, and spread it before the House, until the House had first decided, by a vote of the House that it should be received.

The CHAIR considered that the paper had been received when first presented.

Mr. DROOMGOOLE said he did not desire to do any thing unfair. When the House should, at the proper time, proceed to the decision of the New Jersey case, no man would be more ready to afford to both parties a full and fair hearing.

Mr. WISE would ask his colleague, whether, after the withdrawal of the motion of the gentleman from South Carolina, any gentleman had not a right to make any motion pertaining to a settlement of thisquestion.

The CHAIR said a point of order was made, as to whether the CHAIRMAN had a right to propound to the House the motion of the gentleman from New Jersey, before the House had received the paper presented by the gentleman. The CHAIR considered that the paper was received and read by consent of the House; and after it was read, the gentleman moved that it be entered on the journal.

Mr. VANDERPOEL. It will be recollected that I stated expressly that I objected to its being received and read.

Mr. WISE would say a word with regard to the reception of this paper. The gentleman might have arisen and said, "I move to present a paper, and have it recorded"—that is a presentation, and having presented it in this way, he had a right to have it read. The CHAIR, therefore, could not prevent its being read, and he was bound, by the law of order, to receive it.

The previous question was then seconded—ayes 107, noes 87, and the main question ordered to be put.

Mr. WISE called for the yeas and nays on th main question, which were ordered.

Mr. VANDERPOEL rose to a question of order. [Loud cries of "order! order!"] My question of order is this: Whether, by calling the yeas and nays, we do not, from necessity, spread this paper on the journal?

Mr. WISE. Certainly, sir.

The question was then taken on the mo ion to enter the protest on the journal, and decided in the negative—yeas 114, nays 117, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Barnard, Bell, Biddle, Bond, Botts, Briggs, Brockway, Anson Brown, Sampson H. Butler, Calhoun, W. B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Doberty, Dennis, Dillet, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Henry, Hill of Virginia, Hoffman, Holmes, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pickens, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Rhett, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanley, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Sherrod Williams, and Wise—114.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, A. G. Brown, Burke, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, De la Montanya, Doane, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Helleman, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steinrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—117.

So the House determined that the protest should not be entered upon the journal.

The CHAIR then stated that the first part of the resolution of the gentleman from South Carolina, which had been adopted by the House, had been carried into effect. It would now be for the House to carry into effect the second part of the resolution, which was in the following words: "and after the names of such members are called, and before a Speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the election, returns, and qualifications of all claimants (Mr. INGERSOLL and Mr. NAYLOR excepted) to the seats contested on this floor.

Mr. DROMGOOLE rose, and submitted the following proposition, with a view of carrying into effect the latter part of the resolution of the gentleman from South Carolina:

Resolved, That a select committee, to consist of nine, be appointed *viva voce*, by the members of this House, to whom shall be referred all the papers in the possession of the CLERK relating to contests for seats on this floor from the State of New Jersey, and that they report thereon.

Mr. DROMGOOLE said it seemed to him that the House must feel itself bound in good faith to carry into effect the latter part of the resolution of the gentleman from South Carolina, and it had occurred to him that the most practicable way to do so would be to appoint a committee to examine into the matter. The question will then arise before the commiitee as to whether it is bound to take the returns sent in by the Governor of New Jersey as *prima facie* evidence, or whether it will examine into the facts of the case, and ascertain whether those facts would justify the making out of such a return as the Governor of New Jersey had sent in here. Mr. D. desired to make no argument on the question, and therefore concluded by moving the previous question.

Mr. WISE rose to a question of order. He wished to know whether it was competent for his colleague, after the resolution of the gentleman from South Carolina had been adopted - which declared that the House should hear and adjudge upon all claims, &c.—to take from this body the adjudication of the question.

Mr. DROMGOOLE rose to a point of order.

Mr. WISE. I am speaking to a point of order; and I contend that when the House has decided that it will hear and adjudge upon all claims to seats, that it is not in order to pass another resolution, taking the adjudication of the question from the House, and giving it to a committee.

Mr. DROMGOOLE stated that when the matter was examined by the committee, it would come back to the House; and besides, the House had control of all its committees.

The CHAIR stated that he was of opinion that it was perfectly competent for the House to proceed in the manner indicated by the resolution of the gentleman from Virginia. He therefore decided that the resolution was in order.

Mr. PROFFIT rose to ask an explanation. [Loud cries of "order!"] If gentlemen think I will yield, they are mistaken. [Great confusion, and cries of "order! order!"] I am about to raise a point of order, and I will speak as long as other gentlemen have spoken. [Continued cries of "order!"] I have rights to maintain—I am personally responsible, here or elsewhere—["order!" order!"] and if the CHAIR decides that the resolution of the gentleman from Virginia is in order, I appeal from that decision.

The CHAIR decided that the gentleman was not in order.

Mr. PROFFIT. Then I appeal from that decision, and I shall speak upon it. [Many voices—the appeal is not debatable.]

Mr. PROFFIT. It is very well for some of you that it is not, [universal laughter]

Mr. WISE asked the gentleman to withdraw his appeal.

Mr. PROFFIT then withdrew his appeal.

Mr. BELL rose, and called for the reading of the latter part of Mr. RHETT'S resolution, which being read by the CLERK, Mr. B. submitted to the CHAIR, whether the resolution of the gentleman from Virginia was in conformity with the resolution which had just been read. He asked if there was to be any limitation as to the proofs to be submitted to this committee; and if there was, it was a resolution of the existing order of the body, and consequently was not in order.

Mr. CRAIG. That will be a matter for the House to decide.

Mr. BELL made no objection to the resolution, provided it conformed to the existing order of the House; but if it did not do so, he took it that it was not in order.

Mr. THOMAS rose to make a single remark.

Mr. PROFFIT. I call the gentleman to order.

Mr. THOMAS wished to say but a word on the point of order.

Mr. PROFFIT called the gentleman to order.

The CHAIR did not consider the resolution of the gentleman from Virginia as limiting the order of the House of yesterday. The proposition of the gentleman from Virginia was to raise a committee, to whom all the papers in the case should be referred; but it will be perfectly competent for the House, after the committee is raised, to refer other papers to it, because the House always has it in its power to control its committees.

Mr. WISE. Do I understand my colleague as admitting this construction. I wisk him to speak, for I know *my colleague of old.*

Mr. DROMGOOLE hoped his colleague would not make him appear so very old here, [looking towards the ladies' gallery.] With regard to the inquiry, he would simply remark that the view taken of his resolution, by the CHAIR, coincided with his views when he presented the resolution. He never dreamed but that the House had the power to send to the committee any testimony it saw proper to refer to it.

Mr. SLADE would ask the gentleman to modify his resolution, so as to make it conform to the resolution of yesterday.

The previous question was then seconded, and the main question was then ordered.

The yeas and nays were called upon the main question, and were—yeas 122, nays 84.

YEAS—Messrs. Adams, Alford, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, John Campbell, Carr, Carroll, Casey, Chapman, Clark, Clifford, Coles, Conner, Crabb, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, De la Montanya, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Jas. Garland, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of N. Carolina, Hillen, Holleman, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Jos. Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steinrod' Strong, Sumter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Toland, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—122.

NAYS—Messrs. John W. Allen, Simeon W Anderson, Andrews, Bell, Biddle. Black, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, William B. Campbell, Carter, Chinn, Chittenden, James Cooper, Corwin, Cranston, Crockett, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, Rice Garland, Gates, Gentry, Goggin, Goode. Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, Hastings, Henry, Hill of Virginia, Hoffman, Holmes, Hunt, Hunter, James, Jenifer, Charles Johnston, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pickens, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Rhett, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanley, Storrs, Stuart, Taliaferro, Tillinghast, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Sherrod Williams, and Wise—84.

So the resolution was adopted.

[When the name of Mr. BERNARD was called, he rose and said that he declined answering to his name, because he considered that the House had no constitutional power to adopt such a proceeding.]

[Mr. COOPER of Georgia declined voting on the same grounds.]

Mr. WISE. I presume that the question now before the House is, whether we shall proceed to ballot for a committee. I give notice, therefore, that I will not ballot, and I recommend to my friends to refuse to do so.

[Cries of agreed, agreed.]

Mr. SMITH of Maine. I give notice to the House that I will ballot.

Mr. THOMPSON of South Carolina, rose and said that he held in his hand a resolution, which he intended to present, and on which he should not move the previous question, to prevent any absurdity that it might contain from being exposed, as other gentlemen had done in the case of the resolutions presented by them. The House had resolved that it would consider these elections when he was persuaded that they had no power to move one step in the matter. The members from New Jersey who held the Governor's certificates, have presented the *prima facie* evidence of their right to the seats they claimed. The members who contest their seats present evidence to show that they have received a majority of the votes given; and it is contended that theirs is the best *prima facie* evidence, unless it can be shown that that majority was made up of the votes of aliens, as contended for on the other side. Mr. T. then went on to show that it would be impossible to do justice to either party, without hearing all the evidence that might be deemed necessary by both parties; and that the House had no power, in its present state, to summon and compel the attendance of witnesses. He knew not how the House was to act, but he had seen enough to know that the strongest principle in the nature of man was party feeling; and under the influence of that feeling, he had seen the sacred principles of the Constitution trampled down. He deemed it highly necessary that the committee should act under the responsibilities of an oath; but as no oath could be administered, but in an informal manner, he had drawn up a resolution for that purpose, which he now submitted to the House. Mr. T. here read his resolution, as follows:

Resolved, That the committee raised on the New Jersey election, have power to send for persons and papers, and to swear witnesses; and that the members of said committee be themselves sworn before entering upon their duties.

Mr. PICKENS having obtained the floor, said, I move this resolution as an amendment to that offered by my colleague. I desire, before proceeding into a discussion of the question, to state very briefly the position which I occupy upon it. If the House chooses, in its wisdom, to raise a select committee in this case, I desire that the action of that committee shall be confined to some distinct question, and to the distinct question raised by this House. I desire their action to be confined to the simple question, "who are returned as members from the State of New Jersey?" I agree in the justice of many of the remarks of my colleague in relation to the position now occupied by the House. I understood this from the first, and therefore I voted against the resolution of the gentleman from Virginia, [Mr. WISE,] and yesterday voted against the resolution of my colleague, for I foresaw the very difficulties in which we are now involved; and I take the occasion to say, that I voted against the resolution of the gentleman from Virginia for another reason, and that was, I desired a different mode of proceeding than the one contemplated by it. If I had been called upon to vote upon the resolution of the gentleman from Virginia on the first day of our meeting, I would have voted in the affirmative. I thought that those members from New Jersey who held the certificates of the Governor of their State were entitled to take their seats, and to hold them until it should be shown that the contesting claimants had a better title. I desired that course of proceeding in order to give efficiency to our organization; but the House thought proper to take a different course. I thought it due to the country, to our own dignity, and to a sovereign State of this Union, that the certificates of her constituted authorities should be received as *prima facie* evidence; and I regret that a triumphant party, flushed with its recent victories in different sections of the Union, should have taken a different course. They have thought proper to take a course different from the one I approved of, and we are now involved in difficulties very little creditable to an American Congress. It is true that the House has already

thought proper to bring forward, in an informal manner, certain testimony connected with the case; but it is a question, whether that is not competent testimony under the Constitution; and I contend that this House has a right to decide the question on the first day of the session, if they thought proper. I will read that clause of the Constitution, under which this House has the power to act on this subject.

"Each House shall be the judge of the elections, returns, and qualifications of its own members."

It will be perceived that the Constitution, in this clause, makes three distinct subjects on which this House is entitled to decide. I contend that they are, in their very nature, distinct questions. It may decide that a member is returned, and that he is, under the Constitution, totally disqualified. Suppose you judge of the returns of a member who is under twenty-five years of age, or an alien: he may have a majority, and not be entitled, under the Constitution, to take his seat. So we may decide that a member is entitled to the returns, because he has a majority of the polls, and yet not be legally elected, because that majority was made up of persons who had no right to vote. In the progress of this case, we have seen one notorious fact is admitted. It is admitted by the papers, and admitted by the gentlemen from New Jersey themselves, that a majority of the votes of the people of New Jersey were given to other members than those claiming their seats under the certificates of the Governor. That fact was admitted by them, with one qualification; and that was, that that majority was made up of illegal votes. This admission, therefore, is giving up the whole question. Who decided that they were not legal votes? Was it the Governor? the clerk? Sir, I lay down this broad proposition, and challenge a reply: that there is no officer or State authority whatever, who can decide upon the legality of votes, after they are once deposited in the ballot boxes. You may challenge votes at the polls, as is done in the State of Virginia; but the proposition I contend for is this—

Mr. WISE here asked permission to make an explanation.

Mr. PICKENS, in continuation. I will yield the floor for an explanation, but I protest against the practice of many gentlemen, for the last two years, of taking the advantage of being allowed to make an explanation, and then making an argument instead of it.

Mr. WISE said there was a law of the State of Virginia appointing a commission to purge the polls—not at the time and place of the elections, but within a given number of days thereafter.

Mr. PICKENS continued. I admit the proposition of the gentleman from Virginia. I admit that the State of Virginia has taken upon herself to purge the votes after they have been received into the ballot boxes. I ask if that is the naked proposition? and if so, I am prepared to demonstrate the unconstitutionality of it.

Mr. WISE made a brief explanation, which, from the noise prevailing, the Reporter did not hear. It related principally to the manner of voting in Virginia, which is *viva voce*.

Mr. PICKENS resumed. The proposition I maintain is, that, under that clause of the Constitution I have just quoted, we are created, in the very terms of the Constitution, the sole and exclusive judges of the returns; and if any State authority interferes to purge the polls, after the votes have been deposited in the ballot boxes, or after they have been given, *viva voce*, if you please, as in the State of Virginia, (unless he does it for the purpose of ascertaining whether the votes have the qualifications requisite for the most numerous branch of the State Legislature,)—unlesshe does it to carry out that provision of the Constitution, it it is a monstrous violation of the rights of this House. Here let me observe, in reflecting upon this clause, that it strikingly displays the wisdom of those who framed this instrument. Suppose a contrary result, and that the Constitution gave to the State authorities the power of judging of the returns of the Representatives? This House would be at the mercy of this or that conflicting party in every State. It was essential to the preservation of its purity and independence, that it should possess the power given to it by the Constitution, of judging of the elections, returns, and qualifications of its own members. You cannot get over the plain and palpable provisions of the Constitution. I do not understand that the question has been raised by any gentleman here, that the State authorities of New Jersey have the right to purge the polls after the elections are over. It being admitted that they have not that right, I contend that we have the right to judge of the returns of the members from New Jersey; that we can do it now; and that, in doing so, we are not bound to go into other particulars touching the elections until we are better prepared to do so. I do not mean to cast any censures on the Governor for having given his certificates to persons who did not receive a majority at the polls. He may have supposed that he was doing his duty, and may have looked upon himself as a mere ministerial register of the votes returned by the clerks of the counties. Sir, he may give his certificates to one set of gentlemen, and other gentlemen may be entitled to the returns; and the proposition I mean to demonstrate on this floor is, that there is no authority in New Jersey competent to enter into and decide upon the legality of votes after they have been deposited in the ballot boxes. This House, and this House only, can decide upon the elections, returns, and qualifications of its members. Without that provision in the Constitution, where is our independence? But some gentlemen suppose that we are not constitutionally organized, and that, therefore, we can do nothing. Allow me, sir, to say that there is some confusion on this subject. The Constitution says that "the Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day." What is Congress? Analyze it. The members are elected from the different States, and assemble here every year as the Constitution directs. Gentlemen suppose that we must take the oath before we can decide upon the matter now before us; but is this the fact? I will refer to that point of the Constitution which which prescribes the oath to be taken. It is in these words: "The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution." Does the Constitution prescribe the time when we shall take this oath? Does it say that we shall take it on the first day or the last day of the session? The law of '89 directs that after a Speaker is elected, a member of the House shall administer the oath to him, and that he shall then administer it to the rest of the members. But, sir, I contend that when we assemble on the first day of December, we are a body, competent to decide on the elections, returns, and qualifications of our own members, and that we can do so before taking the oath. Sir, I think it would be inexpedient, though we have the right to do so, to enter at this time into he elections and qualifications of these New Jersey members; but on the other question—that of the returns—we are not only competent to enter into it, but it is highly expedient that we should do so. Suppose it be declared that Mr. A and Mr. B should be the judges, and exclusive judges, of the returns of these New Jersey members. Would there be any difficulty in it? The whole difficulty arises from there being 242 judges, instead of one judge.

In offering this proposition, I have acted solely in consequence of the dictates of my own judgment, and with a view to obviate the difficulties in which the House is involved. I believe that the gentlemen who have produced certificates are not entitled to the returns, and I am prepared to meet that question. I thought we were competent to decide it on the first day of the session, and think it would have been better if we had decided it on that day, fearlessly, boldly, and frankly, instead of being delayed and mystified by special pleading. I have acted under the dictates of my own judgment, and have not been influenced by party drill or the dictates of a caucus.

[Mr. P. after portraying in forcible language the evils flowing from party spirit, said, that for many years past there had been too strong an Executive action in this Government, and that it was time for the Representatives of the people to spurn at Executive dictation, and assert their own independence. It was time, he said, that they should redeem the House from a base subserviency to that monster god, party, and to look with a single eye to the welfare of the country.]

I have introduced the resolution, Mr. P. continued, to meet the case before the House. I maintain that we are, by the Constitution, the exclusive judges of the returns of our own members, and that there is no concurrent jurisdiction in any State, Governor, or Legislature; and, in maintaining these principles, I maintain the principles that are essential to the preservation of American liberty. The propositions I lay down are, 1. That this House is the sole and exclusive judge of the elections, returns, and qualifications of its own members; 2. That no State officers have the right to take into consideration the legality of the votes after they have been deposited in the ballot boxes; and, 3. That those who have the majority of the votes have a right to the returns. Upon these principles I voted against Mr. INGERSOLL's right to vote. The majority of the votes were given to his opponent, Mr. NAYLOR; and, though it was contended that this majority was the result of fraud, I voted against Mr. INGERSOLL because I believed that the judges had no right to throw out the votes, because they deemed them fraudulent—that in so doing, they were usurping the powers of this House. When the question, however, comes up to be finally decided between the two gentlemen, I will meet it, and decide according to the evidence before me; but I protest against the right of the officers of the State of Pennsylvania to judge of the legality of votes, after they have been deposited in the ballot boxes. I know, said Mr. P. the delicacy of the position I occupy. I know that the course I have adopted may be misunderstood, and perhaps censured; but I would not wear the proudest jewel on a monarch's brow, if I could not wear it unshackled. There is no sentiment I ever proclaimed in the closet, that I would not proclaim to the world. I am prepared to meet this question frankly, boldly, fearlessly; and I am willing to go into it now.

Mr. P. here read the following resolution:

Resolved, That the committee to be raised on the New Jersey elections, be confined to the question who is entitled to the "returns" of elections for the Twenty-sixth Congress.

Mr. CRAIG rose to a point of order. The House had decided that it would proceed to the election of a committee, and he would submit to the CHAIR whether it was in order for gentlemen to offer other propositions. Let us (said Mr. C.) go into the election of the committee, and afterwards let the gentlemen from South Carolina make their propositions. I subscribe (said Mr. C.) heartily to all the gentleman's doctrines, and go for the whole of them.

Mr. HOLMES of S. C. then addressed the House in a very able and lucid argument in support of Mr. PICKENS's resolution; and

Mr. RHETT followed in a powerful address in opposition to it.

[From the lateness of the hour we are unable to give sketches of these gentlemen's remarks, but they will be given in full shortly.]

After Mr. RHETT concluded his remarks,

Mr. LEWIS gave notice that he would move a reconsideration of the vote on Mr. RHETT's resolution, provided Mr. PICKENS's resolution should be lost.

Mr. CRABB then gave notice that he would move a reconsideration of the vote ordering the appointment of a committee, in case a reconsideration should be ordered of Mr. RHETT's resolution.

On motion of Mr. WISE,

The House adjourned.

IN SENATE,

FRIDAY, December 12, 1839.

Mr. CLAY of Kentucky presented the credentials of the Hon. JOHN HENDERSON, elected by the Legislature of the State of Mississippi a Senator from that State, to serve for six years from the 4th of March last.

The usual oath was administered to Mr. HENDERSON, and he took his seat.

The following resolution, offered yesterday by Mr. LINN, lays over:

Resolved, That the President of the United States be requested to send to the Senate all the information in his possession relating to the southern boundary line of the Territory of Iowa.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, Dec. 13, 1839.

The journal of yesterday having been read,

Mr. WISE rose to propose an amendment to the journal. The journal stated that the gentleman from New Jersey moved that a paper, purporting to be a protest of gentlemen claiming seats from New Jersey, be entered upon the journal. He contended, that as the yeas and nays were taken on the motion to enter the protest on the journal, the protest must of consequence go on the journal. The gentleman from New Jersey had moved that the following paper (the protest) be entered on the journal, and when the question was taken on that by yeas and nays, it was a settled rule of the House that the paper referred to must go on the journal.

Mr. VANDERPOEL said that the House had rejected the motion of the gentleman from New Jersey on yesterday, to enter the protest on the journal; and, consequently, it was not put on the journal of yesterday. If no objection had been made to spreading the protest on the journal in the first instance, he took it for granted that the calling of the yeas and nays would have placed it on the journal; but objection having been made, and the House having adjudicated on the matter, the CLERK was not authorized to disregard the solemn decision of the House, when the House itself had said that the paper should not go on the journal. Suppose this protest had been disrespectful and insulting to the House, would gentlemen say that we were compelled to enter it on the journal, because a single member of the House had moved that it should be placed upon the journal?

Mr. CHINN desired to know of some of the old members whether it was customary, in such cases as this, to enter papers on the journal.

Mr. DROUMGOOLE would show some precedent on this subject. Previously to doing so, however, he would premise that the journal of the House had been made out, and in accordance with the rule of the House, submitted to the presiding officer of the body for his inspection and revision, before it was read this morning. He therefore presumed that it had passed the ordeal of the inspection of the CHAIRMAN, and had been approved by him. Then, in support of that opinion of the CHAIR, for the CHAIR had certainly approved of the journal, he begged leave to read a few precedents. Mr. D. then referred to the journals of the House, where Mr. Garnet had proposed to enter a proposition on the journal in relation to the South American Republics, and a question was taken upon it, yet the proposition had not been entered upon the journal. He also referred to a case where Gen. Glascock and two other gentlemen moved to spread their views on the journal, with regard to Mr. Pinckney's resolutions on the subject of Abolition petitions, and a question was taken, yet their views were not spread on the journal.

Great stress had been put by his colleague on the call of the yeas and nays, he having contended that that call compelled the House to enter the protest on the journal; but he would ask gentlemen whether the call of the yeas and nays either added to or diminished the power of the House. The protest was no part of the proceedings of the House, and he would ask whether the mere call of the yeas and nays would compel the House to spread it upon the journal.

Mr. WISE. If my colleague will give way, I will state my object.

Mr. DROMGOOLE. I believe I know the object of my colleague. I will not, however, say of him, as he said of me yesterday, that I know him *of old*—for we are both young men—[laughter]—but I believe his object to be to get on the journal of to-day, indirectly, what the gentleman from New Jersey could not get on the journal of yesterday directly. I think I see the drift of my colleague; but I shall endeavor to show that it would involve the House in absurdity to adopt the course contended for by my colleague. I will not read the proceedings in the case which I am about to refer to, because they are familiar to every gentleman here. It will be recollected by gentlemen that the President of the United States, a few years ago, sent to the Senate a protest against certain action of the Senate, and asked that it be entered on their journal. He was not a member of the Senate; neither were the persons who presented this paper here members of this House. So far there was a similarity in the two cases. Well, after the protest of the President was read in the Senate of the United States, that body refused to receive it, and refused to enter it upon their journal, and no legislative device of the friends of the President could get it on the journal. After that protest was read in the Senate, various motions were made, with a view of getting it on the journal, and the yeas and nays called; yet the Senate never would permit it to go on the journal on their motion, because they did not wish to involve themselves in the absurdity of putting on the journal that which they decided should not go upon it. The House decided on yesterday that this protest should not go on the journal; and will they permit now, to go upon it in the shape of an amendment of the journal, that which they decided should not go upon it yesterday. If the House intended to act consistently, there was no other means of placing this protest upon the journal, but by moving to reconsider the vote of yesterday.

Mr. WISE then submitted a resolution that the following paper be entered on the journal of yesterday, to wit:

We, the undersigned, Representatives of the State of New Jersey, duly commissioned as such in conformity with the laws of the said State, having been in part excluded from our privileges in this meeting of the members of the House of Representatives, deem it our duty to place before this body and the country our views with respect to the rights of our State and of ourselves, and the powers and duties of this meeting. We therefore affirm, in the presence of the members of the House of Representatives here assembled and of the whole American people, the truth of the following propositions:

1. That, by the Constitution of the United States each State has the power to prescribe by law the time, place, and manner of holding elections for its own Representatives in Congress; which power includes the right of prescribing the time, place, and manner of ascertaining and making known the result to Congress and the world.

2. That the determination of the State authorities, authenticated in the manner prescribed by the State laws, is the only evidence of the election of members of the House of Representatives which can be received prior to the organization of the House; and is final and conclusive until reversed by the House itself, duly organized.

3. That no one who cannot produce the evidence of his election, prescribed by the laws of his State, is entitled to take a seat in the House of Representatives; and no one who does produce such evidence can be excluded before an investigation by the House, without a gross violation of the Constitution of the United States and the rights of the States themselves.

4. That the House of Representatives cannot be constitutionally organized nor a quorum formed until all the States of the Union have had an opportunity to appear by all their Representatives; and that a constitutional quorum is not merely a majority of the Representatives elect after the arbitrary exclusion of other members, on any pretext whatever, but a majority of all the members from all the States, after each State has had an opportunity to appear by her Representatives, and to constitute a part of that quorum.

5. That the body here assembled, having no judicial powers, possessing no means of sending for persons and papers, not legally authorized to examine witnesses under oath, and expressly forbidden by law to go into the consideration of any business before the House is organized, and the oath to support the Constitution administered to its members, cannot exercise the higest judicial function belonging to the House of Representatives—that of receiving and reversing the decisions of the State authorities in relation to their own elections; and that its only power is to require the paradoc appearing here as members to produce the credentials prescribed by the laws of their respective States.

6. That the State of New Jersey having by law prescribed the time, place, and manner of holding elections, and also the time, place, and manner of making known the result, and having for this purpose selected the highest kind of evidence known to the Constitution, to the common law, to the Parliamentary law, and to the laws of nations—a commission under her great seal and signed by the Executive—has thus made known to Congress and to the world that we are her Representatives in the 26th Congress:

This body having, in defogation of the principles above affirmed, refused in part to recognise our credentials, and that upon the authority of a paper which, emanating from an officer not recognised by the laws of New Jersey regulating elections, and therefore not under the sanction of an official oath, stating merely inferences from other papers, themselves not evidence, being *ex parte* affidavits, taken without authority of law, and without notice to us, and proved by the law itself to be false upon its face, could not be received as proof of the facts it asserts in any court of record in the Union; and an intention being manifested to carry further this result to our State, and to consummate the outrage upon her rights, by excluding us, her Representatives, from taking part in the organization of the House, we, in the name of our State, and of ourselves, and in behalf of our common country, and of all the other States whose rights are outraged in the violation of ours, do most solemnly protest against any such usurpation of power by this body, and do utterly disclaim its right to do an act which will be a bolder and more flagrant violation of the Constitution of the United States, and of the laws and rights of the States themselves, than has ever yet been attempted in this country.

WASHINGTON, Dec. 12, A. D. 1839.

JNO. B AYCRIGG,
CHARLES C. STRATTON,
J. P. B MAXWELL,
J. HALSTED,
T. JONES YORKE.

Mr. DROMGOOLE rose to a point of order.

Mr. WISE thought his colleague's point would turn out to be a "point no point."

Mr. DROMGOOLE submitted a point of order. Under the rule, the judgment of the House is to stand until it is reversed, and can only be reversed by a motion to reconsider; therefore, could his course reverse the decision of the House, without reconsidering the vote of yesterday?

Mr. WISE then referred to decisions under the late Speaker of the House, to show that papers had been entered upon the journal in cases where the yeas and nays had been called, and where the House decided that they should not go on the journal. Mr. W. stated that this rule of proceeding had been admitted by the gentleman from New York on yesterday, and he contended that it was the only protection of minorities to adhere strictly to rules. Mr. W. referred to a variety of precedents in the course of his remarks, and concluded by moving the previous question on his resolution.

Mr. DAVIS moved to lay the motion of the gentleman from Virginia on the table.

Mr. BRIGGS inquired of the CHAIR if the resolution of the gentleman from Virginia would not go on the journal of to-day, whether his motion prevailed or not?

The CHAIR stated that the journal of yesterday had been made up as usual in such cases, omitting

the protest; but as a motion had been made to-day embracing that paper, according to the decisions of the two last Speakers of the House, that paper would go on the journals of to-day.

Mr. DROMGOOLE appealed from this decision, so that it might be seen whether the House would sustain this course of proceeding.

Mr. TILLINGHAST then referred to a rule of the House, which had been adopted since the cases referred to by the gentleman from Virginia, [Mr. DROMGOOLE,] by which, he contended, a paper must be entered on the journal, when submitted in the shape of a motion by a member of the House, and the yeas and nays were ordered upon it.

Mr. TURNEY would inquire whether the House was now about to adopt a rule by which a member might spread upon the journals any paper coming from individuals out of the House. If you adopt this rule of action, you put it in the power of any one member of the House to incorporate in a motion every Abolition petition which may come to this House, and you will be compelled to enter them at large upon your journals, notwithstanding you may have adopted a resolution declaring that they shall not be read and received by the House. He hoped gentlemen would reflect on this matter before they adopted such a precedent as this.

Mr. HOFFMAN contended that every proposition should be entered upon the journals, upon which members were called to vote by yeas and nays, in order that their constituents might be correctly informed in relation to their votes.

Mr. PETRIKIN rose, and moved the previous question on the appeal.

Mr. HOFFMAN here raised a question as to whether the appeal was in order. The gentleman had only made an inquiry of the CHAIR, and, upon the answer to that inquiry being given, he had appealed without the CHAIR having made any formal decision.

Mr. DROMGOOLE said that the motion of his colleague was not a motion to amend the journal of yesterday, but it was simply a motion to do that indirectly to-day which the House refused to do directly yesterday.

Mr. WISE. I stated that I made a motion to amend the journal in this way—by incorporating the protest in my resolution. Get that off the journal if you can.

Mr. DAVIS of Ia. inquired whether his motion to lay on the table would not lay the whole question on the table. If so, he moved to lay the whole matter on the table.

Mr. MERCER wished to know if a motion to lay the journal on the table would not prevent us from keeping a journal.

The CHAIR said certainly not; for when this question is disposed of, any other motion may be made with regard to the journal.

Mr. BYNUM. Can a member of the House do that indirectly which another member has been prohibited from doing directly?

The CHAIR. The gentleman must answer that question himself. [Laughter]

Mr. SERGEANT rose to a question of order, and was stating it at considerable length, and referring to the proceedings of the House, when

Mr. BYNUM called him to order, because he was going on to debate the question in the very face of the rule.

Mr. SERGEANT then asked if the motion to lay on the table was in order.

The CHAIR. The gentleman has withdrawn that motion.

Mr. DAVIS. No, sir, I have repeated it two or three times.

Mr. PETRIKIN asked whether, if the motion to lay on the table prevailed, the journal of yesterday would be laid on the table.

The CHAIR replied that it would not, but that all the questions which had been raised this morning would.

Mr. TURNEY inquired if the motion to lay on the table took precedence of the appeal taken by the gentleman from Virginia.

The CHAIR said the motion to lay on the table took precedence.

Mr. WISE said the gentleman's motion embraced all the appeal—the amendment of the journal and all.

Mr. MERCER here raised a question of order as follows: "A motion being made to amend the journal of the House, while the journal was passing before the House for correction, the CHAIRMAN decided that should the motion to amend be laid on the table, the journal does not accompany."

Mr. M. appealed from this decision, and called for the yeas and nays; but the House refused to order them, and the decision of the CHAIR was sustained almost unanimously.

The yeas and nays were then called on Mr. DAVIS's motion to lay on the table, and were—yeas 103, nays 119.

So the House refused to lay the question on the table.

Mr. DROMGOOLE. I presume now my question on the appeal comes up.

Mr. WISE asked if, by the votes already taken, his resolution was not placed on the journal.

Mr. PETRIKIN renewed the motion to lay the appeal on the table.

Mr. DROMGOOLE then submitted a point of order, that the journal could not be altered under pretence of amendment.

Mr. WISE objected to his colleague's point of order, that it stated what was not true. He objected to any one putting words into his mouth by color, by paint, or by whitewash.

Mr. SMITH of Maine thought it was very singular if they could not keep off their journal any figures, characters, or words, they had expressed a determination should not be placed on it.

Mr. PETRIKIN asked the CHAIRMAN whether he would put the question on a motion offered by him or not. He had called for the previous question three or four times, and the CHAIRMAN, with an obstinacy peculiar to himself, refused to put the question to the House. He wished to know, on behalf of himself and his constituents, how long this course was to be persisted in.

Mr. DROMGOOLE then said that, if his proposition was not similar to the one heretofore adopted, he would withdraw the former, and now offer it in the following words:

"Mr. WISE of Virginia moved to amend the journal, by inserting thereon a paper presented on yesterday by Mr. RANDOLPH, which the House refused to enter on the journal. Mr. DROMGOOLE made a point of order, that it is not in order, under color of amending the journal, to propose to insert said paper, the decision for yesterday being still in force."

Mr. PETRIKIN. And on that I call the previous question. The CHAIRMAN will now understand me, I hope.

The CHAIRMAN decided that Mr. DROMGOOLE's proposition was not in order.

Mr. DROMGOOLE. From that decision I appeal.

Mr. PETRIKIN. And on that appeal I demand the previous question; which was seconded.

Mr. DROMGOOLE demanded the ayes and noes, which were ordered.

Mr. UNDERWOOD moved to lay the whole subject on the table, which was carried in the affirmative.

So the whole subject of amending the journals, and incidental questions, were laid on the table.

The CHAIR stated that there were two privileged questions. The first was the motion of the member from Alabama [Mr. LEWIS] to reconsider the resolution of the member from South Carolina [Mr. RHETT]

Mr. LEWIS said that it was not his intention to press his motion at this time, but gave notice that if the resolution of the gentleman from South Carolina [Mr. PICKENS] was defeated, he would call it up.

The CHAIRMAN stated that the next proposition was that of the gentleman from Alabama [Mr. CRABB] to reconsider the resolution of the gentleman from Virginia [Mr. DROMGOOLE]

Mr. CRABB said, he did not call up his motion to reconsider the resolution of the honorable member from Virginia who sits behind him, [Mr. DROMGOOLE,] because he considered that, under one of the rules of this House, it comes up of course after the disposition just made of the prior motion of his honorable colleague, [Mr. LEWIS.] He desired that such should be the course, for he was anxious that his motion should now be considered and acted on by the House.

Mr. C. considered it due to himself, before the question was taken, to submit a few remarks in explanation of his course. He was not in the habit of troubling the House in this way, preferring, as he did, to content himself with the explanation which his votes would give upon all questions of interest. But such had been the fact, that, prior to the call of the roll, many votes had been taken by tellers merely, which course left no traces of his opinions as expressed by the votes he thus gave. Without an explanation, therefore, his later votes, which appeared upon the journal, would misrepresent his true sentiments, and, so far as his first votes were known to members, present an inconsistency.

He therefore embraced this occasion to say that his mind had undergone no change on the question. He came here with the opinion which he still entertained, that the claimants from New Jersey, having credentials in conformity with the laws of that State, just as he came with the commission of the Governor of Alabama, pursuant to the law of that State, were, equally with himself, entitled, temporarily, to take their seats on this floor, and participate in the organization of the House. This was his opinion when he entered this hall, and this opinion remained unchanged.

But the House rejected the proposition of the gentleman from Virginia, [Mr. WISE,] declaring his (Mr. C's) opinions on this plain proposition, thereby showing, as he then conceived, a majority of the body adverse to his own well founded view of the correct course to be pursued. What, then, was to be done, and yet to avoid that course upon this floor, which might well be denominated factious? Why, surely, to adopt the next best proposition. He discovered, he thought, that proposition in the one offered by the honorable gentleman from South Carolina, [Mr. RHETT,] which pledged the House, before it would go into an election of Speaker, to inquire into and determine who are entitled to seats on this floor as Representatives from New Jersey. This, under the circumstances, was the next best course that could be pursued, and therefore he supported it. He supported the proposition of the honorable gentleman from Virginia, [Mr. DROMGOOLE,] merely as a convenient and expedient mode of carrying out the resolution offered by the gentleman from South Carolina, [Mr. RHETT,] and adopted by the House

But what have we now heard, said Mr. C. on this floor? Instead of an adherence to the principles which he considered as settled by a majority of the House in rejecting the resolution offered by the gentleman from Virginia, [Mr. WISE,] the honorable gentleman from South Carolina [Mr. RHETT] yesterday submitted views which he (Mr. C.) could not consider otherwise than inconsistent with the previous course of that honorable gentleman. He said this in a proper spirit, and not with a view of censuring in the least the course of the gentleman, but merely the better to account for and explain his (Mr. C's) own course. He yielded with great pleasure to that gentleman, and every other, the same privilege he claimed for himself, of pursuing his own course, in his own way, uninfluenced by the dictation of any other person or body of persons. But that gentleman formed one of the small majority which had, on a former day of the session, rejected by his vote the correctness of his (Mr. C's) views, and now expressed opinions, which, if followed out, could but lead to a different course. What then became his (Mr. C's) duty? Certainly to retrace his steps, taken *correctly under the circumstances* as they appeared at the time, but which he now had reason to hope, and believed, with the aid of the honorable gentleman from South Carolina, [Mr. RHETT,] the House would be induced to retrace, and thereby place us once more upon the true ground, where the House could do at once, and while it was yet in time, what had been his original opinion, and which had undergone no change from the arguments he had heard: that is to say, proceed to organize the House, permitting

the people of New Jersey to be represented, for the time, by those who come here under the authority of her laws, and through the instrumentality of her Governor, who, in the language of the honorable gentleman from South Carolina, [Mr. RHETT,] is the only organ of communication upon this subject, between that State and this House. He deemed, with that gentleman, the Governor of that State to be the only legal organ; the only voice hat the House could properly recognise in this stage of the proceeding; but if a majority of the House should persist, as he had understood them heretofore to decide, he should on this, as on all similar occasions, bow with respect to the will of the majority.

Mr. C. said he had a word to say in relation to the resolution which his honorable friend from South Carolina [Mr. PICKENS] proposed to offer. He agreed with him that the direct and proper question for decision by the House at this time, was the question of return, and not the question of election. The Constitution separates these questions, and they must be decided as they arise before the House. That gentleman admits that the question now before the House, is the question of return; but, says he, not who are returned, but who ought to have been returned. He considered that his friend, by his resolution, varied the direct question as contained in the Constitution itself. That instrument gives this House the power to judge of the elections, returns, and qualifications of gentleman presenting themselves here as claimants to seats on this floor. The first question that necessarily arises at the commencement of each Congress, is, who are returned? After this, if any contest is instituted, the question arises as to the *election* or *qualification*, as the case may be, of the member returned. Now the resolution of the honorable gentleman from South Carolina [Mr. PICKENS] proposes that this House shall inquire into *who ought to have been returned from New Jersey*; not who is returned. If this be the proper question on the subject of returns, push the reasoning another step, to the election; and the question, by parity of logic, would be, not *who is elected*, but *who ought to have been elected*. Do not gentlemen see the effect of such reasoning, and that it will lead them into an absurd construction of the powers of this House on this subject? And do they not perceive that the question of *who ought to have been returned*, is precisely coextensive and identical with the question of who is elected? He would say, also, that his views on this question did not commit him in the least on the merits of the question of election. Whenever that question came legitimately before the House, after it shall be organized, the members sworn, &c. he should go into that question without prejudice, and prepared, he hoped, to decide it on correct and constitutional principles.

He had said this much under an imperious sense of duty to himself, and that his friends here and elsewhere might understand the impulses under which he had acted. He generally preferred silence to a mingling in the general debates of the House, because he was averse to the unnecessary consumption of precious time by the almost interminable debates which are witnessed on this floor. He had troubled the House on this occassion for another purpose: to declare, what he conceived to be the duty of every true Republican, his disposition to submit, with profound respect, to the clearly expressed will of a majority, on all occasions where the Constitution does not guaranty rights to a minority. Any other course he deemed factious and highly improper; in which respect he was not, and never would, he hoped, become a party man. Party, as regards principles, was right and proper in itself. There was not a more sublime spectacle than high sacrificing devotion to principle; but *party* ties, and *party* devotion, for self-aggrandizement, and mere *party* purposes, call it what you will, was but mere faction at last, and greatly disreputable to any body of individuals

He hoped his motion to reconsider would prevail; that his honorable colleague's [Mr. LEWIS] would also prevail, and that the House would retrace its steps to what he conceived, with due deference for all who differ from him, to be the constitutional and only correct view of the subject.

Mr. WISE obtained the floor, and said that if he could be assured by gentlemen on both sides that they would reconsider the vote for the appointment of a committee, and come directly to the vote on the returns, upon the evidence now before the House, he would yield the floor. If gentlemen on all sides would say now, that they would reconsider the vote appointing this committee, and at once take up a resolution to determine the question whether either one set or the other of the New Jersey members should take their seats, he would be silent, and beg gentlemen also on all sides to be silent. [Cries of agreed, agreed, on all sides.]

Mr. W. then recapitulated the terms of his proposition, and there was a general assent to it on all sides, with the exception of

Mr. TURNEY, who said, I for one will not agree to this proposition.

Mr. WISE resumed. Gentlemen have now had a fair proposition made them, and they have rejected it. Let us now hear no more about the responsibility of keeping this House from organization, and from proceeding to the public business. A gentleman from Tennessee, [Mr. TURNEY,] one of the accredited leaders of the Administration party, objects to the fair proposition I have made, and it falls to the ground. [Much noise and confusion, and loud cries of "Mr. TURNEY withdraws his objections," while others were heard crying "go on, go on."]

Mr. TURNEY here rose and said that he withdrew his objection at the solicitation of his friends.

Mr. WISE. There is so much confusion that I am in doubt what to do; several gentlemen around me call upon me to go on with the debate, while others tell me that they will accede to my proposition. The gentleman from Tennessee objecting—

[Here Mr. WISE was interrupted by several gentlemen, and told that Mr. TURNEY had withdrawn his objection]

Mr. WISE. Will gentlemen, then, agree that we shall enter at once upon the credentials, and that these resolutions shall be considered as rescinded? Will gentlemen consent to take the direct vote?

[Cries of "yes, yes," on all sides]

The CHAIR then put the question on rescinding the resolution of Mr. DROMGOOLE, and it was carried in the affirmative unanimously.

Mr. WISE. Then I offer the following resolution, and call for the previous question on it:

Resolved, That J. BANKER AYCRIGG, J. P. B. MAXWELL, WILLIAM HALSTED, CHARLES C. STRATTON, and THOMAS JONES YORKE, are entitled to their seats.

Mr. PICKENS said he asked it as a personal favor that the gentleman from Virginia would insert the constitutional word "returns," in his resolution.

Mr. WISE. No sir; no sir.

Mr. CRAIG then moved a call of the House, which was seconded on all sides, and carried. The names of the members having been then called over by the CLERK, it was ascertained that there were four or five absentees, among whom was Mr. HAWES of Kentucky.

Mr. WHITE informed the House that Mr. HAWES was absent from sickness, and moved that he be excused.

Mr. CRAIG moved that the absentees be sent for; which was carried.

Mr. WISE said if gentlemen would permit it at this time, when they were doing nothing, he would modify his resolution. Some gentlemen around him seemed to think that his resolution settled the final question as to the seats of the members from New Jersey, and he would therefore withdraw his resolution and offer the following, for which he found a precedent in the proceedings of the House.

Resolved, That the credentials of the following members, J. BANKER AYCRIGG, J. P. B. MAXWELL, WM. HALSTED, CHARLES C. STRATTON, and THOMAS JONES YORKE, are sufficient to entitle them to take seats in the House, leaving the question of contested election to be afterwards decided by the House.

Mr. PICKENS objected to the change in the form of the resolution, because it changed the issue. There was but a shadow of difference between the original and substitute; but in these times, Mr. P. said, shadows count.

Mr. WISE replied, that he only bound himself to offer a direct proposition; and the resolution he now offered was as much so as the original.

Mr. UNDERWOOD hoped the previous question might not be carried. He should vote against the last proposition, as well as against the original, and hoped the House would not second the call for the previous question.

After some few remarks from Mr. WISE,

Mr. UNDERWOOD asked if the call for the previous question had been seconded by the House, and demanded that the question on seconding the call be put now.

Mr. PICKENS observed that he had not the slightest objections himself to voting on the resolution as modified. He understood the gentleman to read the resolution to the House as part of his proposition, and he [Mr. P.] then objected to the language of it, and requested the gentleman to insert the constitutional word "returns," which he refused to do. The very slight change made by the gentleman in the resolution, might affect the votes of one or two gentlemen; and it was for this reason he opposed it. He might be mistaken; but his understanding was, that the original resolution, as offered by the gentleman from Virginia, was a part of the proposition that was acceded to on all sides.

Mr. WISE. I will ease the fears of the gentleman. I understand he had a resolution ready to offer yesterday, providing that Mr. DICKERSON and his associates should take their seats as members from New Jersey. Now I will make a fair proposition to the gentleman. I will withdraw my resolution, and let him offer his in its stead.

Mr. PICKENS. I prefer the gentleman's resolution, because it is an affirmative proposition.

On taking the vote, the call for the previous question was seconded by the House.

The question, "Shall the main question be now put?" was then taken, and it was decided in the affirmative.

The main question was then taken by yeas and nays, and it was decided in the negative—yeas 117, nays 117, as follows:

YEAS.—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Barnard, Bell, Biddle, Black, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, John Campbell, William B. Campbell, Carter, Chinn, Chittenden, Clark, Colquitt, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dillett, Edwards Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Henry, Hill of Virginia, Hoffman, Hopkins, Hunt, Hunter, James, Jenifer, Charles Johnston, Wm. C. Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, C. Morris, Naylor, Nisbet, Ogle, Osborn, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Rhett, Ridgway, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade, Truman Smith, Stanly, Storrs Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Sherrod Williams, and Wise—117.

NAYS.—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, De la Montanya, Doan, Doig, Droomgoole, Duncan, Earle, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of N. C. Hillen, Holleman, Holmes, Hook, Tilgham A. Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Kenn, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Saml W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steinrod, Strong, Sumpter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jarad W. Williams, Henry Williams, and Worthington—117

So it was decided by the House that Messrs. AYCRIGG, MAXWELL, STRATTON, YORKE, and HALSTED, shall not take their seats as Representatives from the State of New Jersey.

Mr. SMITH of Maine then offered a resolution that the House would now proceed to the election of a Speaker.

Mr. WISE. I ask if this is carrying out in fairness my proposition [Cries of "yes, yes—your resolution has been offered and decided against."]

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, DECEMBER 24, 1839. VOLUME 8.....No. 4.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

(*Continued from No. 3.*)

The House has decided, said Mr. W. that Messrs. AYCRIGG, YORKE, STRATTON, MAXWELL, and HALSTED, shall not be admitted as members, but it has not decided who shall take their seats as members from New Jersey.

Mr. SMITH of Maine. The House has decided not less than six times that those gentleman from New Jersey who claim under the Governor's commission shall not be permitted to take their seats.

Mr. MERCER here moved that the House adjourn; and Messrs. GRIFFIN and DAVIS being appointed tellers, the question was taken, and decided in the negative—ayes 113, nays 117.

Mr. SMITH of Maine called for the reading of his resolution, and moved the previous question on it.

The CHAIR was proceeding to read the resolution, (Mr. SMITH still retaining the floor,) when

Mr. PROFFIT rose amid loud cries of "order, order," and said that he rose to a point of order. He wanted to know whether a gentleman could move a resolution, and, before it was debated, move the previous question on it?

Mr. SMITH was understood to say that he was only following the example set by the gentleman from Virginia before him [Mr. WISE.]

Mr. PROFFIT. I ask whether it is in order for a gentleman, because he has a sufficiency of lungs to enable him to drown the voices of all the rest, to propose a resolution, and then move the previous question? I say that it is not in order.

[Here Mr. PROFFIT was loudly called to order from various parts of the hall, and took his seat.]

Mr JOHNSON of Maryland. I make a further point of order, and ask if the gentleman from Maine is entitled to the floor?

Here something like order was restored, and the CLERK proceeded to read the resolution, when

Mr. SMITH moved the previous question on it.

Mr. WISE rose to a point of order. By the resolution of the gentleman from South Carolina, [Mr. RHETT,] he said this House had determined that it would decide the question as to who should be received as the Representatives from the State of New Jersey before going into the election of a Speaker. He called for the reading of that resolution, and appealed to the consciences of gentlemen whether they would not carry out a resolution adopted by their own votes.

Mr. SMITH. My conscience is perfectly at rest as far as the gentleman from Virginia is concerned. That resolution was voted against by the gentleman, and was, by the general consent of the whole House, considered as reconsidered.

[Here Mr. SMITH was interrupted by loud and repeated calls to order, from the Opposition members. A violent uproar ensued—Mr. SMITH defending his right to the floor, and attempting to proceed with his remarks, while the cries of "Order, order," were continued, so as to prevent him from being heard.]

Mr. WADDY THOMPSON, at this stage of the proceedings, addressed the CHAIR, and said a few words, the only part of which heard by the reporter was, "I'll make him sit down if you'll order me."

Mr. SMITH still retaining his place on the floor, and endeavoring to make himself heard,

The CHAIR was understood to direct him to take his seat, and Mr. S. sat down. The noise and confusion was so great, however, that the reporter could not hear what the CHAIR said.

Mr. WISE called for the reading of Mr. RHETT's resolution, when the clamor instantly ceased, and the resolution was read.

Mr. WISE said: I submit the point of order, whether that resolution of Mr. RHETT is not imperative? Gentlemen cannot waive that resolution. They have, under the dispensation of Providence, by which we have been deprived of the vote of a member, who is confined to his sick bed, [Mr. HAWES,] been able to bring us to a tie, and thus defeat the resolution I offered for Mr. AYCRIGG and his associates to take their seats as Representatives from New Jersey. I put it to gentlemen whether it is in good faith to pass over the resolution they have adopted? I put it to their consciences, and ask them if they dare waive the claims of Messrs. DICKERSON and VROOM, and their associates? If they do, will it not be considered that those claims were a pretence from the beginning? Do you now say, gentlemen, that you have played out the play, and that these claims were but a sham from the beginning?

Mr. SMITH observed that the question was upon his resolution, and that he had never taken his seat since he presented it. [Here Mr. S. was again interrupted with such loud and repeated cries of "order, order!" that it was impossible to hear what he said.]

Mr. VANDERPOEL observed that he commended the motives and conduct of the gentleman from Virginia, when he introduced his resolution, which he hoped would calm the tempest which had been raging round them for twelve days. Let me explain the position in which this House was, said Mr. V. when that resolution was offered. The whole morning was consumed in useless debate on a question of amending the journal. A resolution had been submitted by the gentleman from Virginia, for carrying into effect the very proposition which he now says the House is bound to carry out, though he opposed that proposition at the outset, and had taken the floor this morning in support of the motion to reconsider it. While the gentleman was on the floor, he reproached us with wasting time on preliminary matters. He called out to us to march boldly up to the main question. We took him at his word—we have taken the vote, and his resolution has been rejected. There is thus, said Mr. V. an end of the whole matter.

Mr. WISE here explained that the object of his intended speech was to dispense with the resolution for the appointment of a committee, in order to bring the House to decide, under the resolution of the gentlemen from South Carolina, [Mr. RHETT,] who should be considered members from the State of New Jersey. By that resolution, the House had imperatively decided that, before going into the election of a Speaker, it would decide this question.

Mr. VANDERPOEL said it amounted to the same thing. The resolution of the gentleman from Virginia [Mr. DROMGOOLE] was only carrying out the resolution of the gentleman from South Carolina, and appointing agencies for that purpose. When the gentleman from Virginia [Mr. WISE] was contending for a repeal of the resolution, he proposed that we should march to the direct question boldly, and every gentleman believed that it was a waiver of all preliminary matters.

Mr. GALBRAITH rose to a point of order, and asked if a question of order was debatable?

Mr. WISE. I appeal to my honorable colleague from the Norfolk district, if he did not ask me whether the decision, as to the right of the members holding the certificates of the Governor, would preclude the right of deciding as to the claims of the others?

The CHAIR here said that the resolution that had been adopted by the House, was not reconsidered, and was still in force. The question that was taken, was taken by universal consent, and did not set aside the resolution. The motion of the gentleman from Maine [Mr. SMITH] was, however, considered by the CHAIR to be in order, although there are resolutions in the journal which have not been disposed of.

Mr. SMITH again moved the previous question on his resolution.

Mr. WHITE appealed from the decision of the CHAIR.

Mr. GRAVES moved an adjournment; and on that question he called for the yeas and nays.

The yeas and nays having been ordered, the question was taken on Mr. GRAVES's motion, which was decided in the negative—yeas 109, nays 119.

Mr. DUNCAN asked if the previous question had been called on the resolution.

The CHAIR answered that it had, but the question now was on the appeal of the gentleman from Kentucky.

Mr. WHITE rose and proceeded to make some remarks, when

Mr. BRIGGS appealed to the CHAIR whether the question on an appeal was debatable.

Mr CAVE JOHNSON requested the CLERK to read the rule which declares that questions of order, of appeal, &c. are not debatable; which was done.

Mr. WHITE continued his remarks, and was repeatedly called to order; and

Mr. SMITH of Maine appealed to the CHAIR to decide whether the gentleman was in order.

Mr. GIDDINGS moved to lay the appeal on the table; but subsequently withdrew the motion.

Mr. C. H. WILLIAMS moved an adjournment; but afterwards withdrew the motion.

Mr. WISE renewed the motion to adjourn, and called for the yeas and nays.

The question having been taken, the House refused to adjourn—yeas 107, nays 116.

Mr. WHITE moved that his appeal, and the resolution of Mr. SMITH, be laid on the table.

Messrs. GRAVES and WHITE asked for a call of the House; and

On motion of Mr. JOHNSON, the yeas and nays were ordered on taking that question, and they resulted in—yeas 84, nays 125.

Mr. THOMAS then moved a division of Mr. WHITE's motion, when

Mr. WHITE withdrew his motion, and moved to lay Mr. SMITH's resolution on the table; and

Mr. DUNCAN called for the previous question on that motion.

The question was then taken on Mr. WHITE's motion, and it was decided in the negative—yeas 105, nays 113.

Mr EVERETT appealed to his friends to withdraw further opposition. We are fairly beaten, said he, and let us submit like men. If the gentleman from Maine would agree to modify his resolution, so as to go into the election of Speaker to-morrow at twelve o'clock, instead of now, he would no longer oppose it.

Mr. SMITH. Agreed, agreed!

Mr. WISE. I give gentlemen of this House fair warning, that I wash my hands of all agreements. I stand upon my rights, and will not acknowledge myself beaten until I know I am so.

Mr. SMITH rose and made some remarks, which it was impossible to hear from the uproar that immediately ensued. During loud cries of "order, order," Mr. S. was heard to say, "I rise to a point of order."

Mr. WISE replied, you are in the midst of disorder.

Mr. SMITH. I know it, sir.

The question was then taken on the motion to adjourn, and it was decided in the negative—yeas 108, nays 117.

Mr. SMITH of Maine. The question is now on my resolution to proceed to the election of a Speaker, and I beg the CHAIR to understand that I did not accept of any modification, unless gentlemen would agree to proceed to an election to-morrow. Gentlemen before me refused to do so; therefore my resolution stands as originally offered.

Mr. BYNUM then moved the previous question on the resolution.

Mr. PROFFIT moved to lay the resolution on the table until to-morrow at two o'clock. [Many voices, "not in order."]

Mr. WISE. I hope the gentleman from Indiana will withdraw that motion, and let the gentleman do the deed.

The previous question was then seconded, and the main question ordered.

Mr. GRAVES moved a call of the House, so that there might be a full vote on this resolution.

Mr. ATHERTON called the attention of the CHAIR to the rule which declared that a call of the House was not in order, after the main question had been ordered.

The CHAIR voted that the motion for a call of the House was out of order.

Mr. STANLY moved that the House now adjourn.

Mr. DAVIS of Indiana called for the yeas and nays.

Mr. STANLY then withdrew the motion for an adjournment.

The question was then taken on Mr. SMITH's resolution, and decided in the affirmative—yeas 118, nays 110.

Mr. PROFFITT moved that the House do now adjourn.

The yeas and nays were called for, which were ordered, and were—yeas 98, nays 121. So the House refused to adjourn.

Mr. PROFFIT rose, and moved to reconsider the vote on the resolution to proceed to the election of a Speaker, and stated that he did so with a view of submitting a series of resolutions, which he read. He then addressed the House for about fifteen minutes in support of his proposition.

Mr. JENIFER next obtained the floor, and spoke about ten minutes, contending that the House had acted inconsistently in the course it had pursued; when he gave way to

Mr. GRAVES, who stated that, as the hour was late, and the gentleman had lengthy notes, he moved that the House adjourn, and called the yeas and nays on the motion, which were ordered, and were—yeas 98, nays 119.

So the House refused to adjourn.

Mr. SMITH of Maine then moved the previous question.

Mr. JENIFER rose and stated that he had not yielded the floor.

The CHAIR stated that the previous question was moved.

Mr. JENIFER would appeal to any honorable gentleman to say whether he was not entitled to the floor. He would appeal to the gentleman from Virginia, [Mr. DROMGOOLE,] to say whether he was not entitled to the floor.

Mr. DROMGOOLE said that question had been made to the CHAIR, and it would be indelicate for him to interfere in it.

Mr. GRAVES appealed from the decision of the CHAIR, and stated that he intended to speak on the subject.

Mr. TURNEY called for the reading of the 45th rule, which declares that no debate shall take place on incidental questions after the previous question had been moved.

Mr. DUNCAN said he thought the gentleman from Maryland was entitled to the floor by the usages of the House.

The CHAIR said that it was true that such had been the usage of the House; but as there was no rule on the subject, and as he had heard the gentleman from Maine first, he considered it his duty to entertain the motion.

Mr. SMITH said he had understood that the gentleman intended merely to speak against time, and, therefore, he had moved the motion for the previous question; but, if the gentleman was desirous of going on, he would withdraw the motion.

Mr. JENIFER occupied the time of the House for about an hour, in denunciation of the Administration party in the House, for the course it had pursued in reference to the resolution of Mr. RHETT, which he contended should have been carried out by investigating the claims of Messrs. DICKERSON and his four colleagues claiming seats, previous to the election of Speaker. He accused the party with acting in bad faith throughout the whole proceeding. He censured the course which the CLERK had pursued in refusing in the first instance to call the members from Jersey, and for refusing to put motions to a vote of the House, when he was the only presiding officer; and that he had acted in accordance with the promptings of the Globe. He disapprobated the course of the Administration party, in endeavoring to organize the House by the election of Speaker at this time; and after some general remarks, without yielding the floor, Mr. J. made a motion to adjourn; upon which motion,

Mr. DUNCAN called for the yeas and nays; which were ordered, and were—yeas 101, nays 117.

So the House again refused to adjourn.

Mr. JENIFER continued his remarks for some time. He again reiterated that New Jersey should be represented in the election of Speaker; that it was the duty of those whom the Administration party claimed as being entitled to seats, to come forward and have their pretensions canvassed. He believed the whole to be a miserable humbug; and that the course adopted by the House, was a violation of State sovereignty, and in conflict with the doctrines of State Rights, professed by many of the new members—referring at the same time to the members from the State of Georgia.

Mr. SALTONSTALL addressed the House at considerable length, deprecating the practice of introducing party names in the course of debate here, and contending that the members from New Jersey who held the Governor's certificates were entitled to seats on the floor of the House, and asserting that if he was placed in the same situation of those gentlemen, he would demand his right to a seat; and when a Speaker was elected, he would claim to be qualified as a member of the House. He argued that those gentlemen were entitled to seats, according to all law and usage, and deprecated the practice of departing from well settled principles of the laws.

Mr. STEINROD then obtained the floor, and said that as three gentlemen who were opposed to the previous question had addressed the House, he would now, as a friend to that question, demand the previous question.

Mr. R. GARLAND moved a call of the House, and upon that motion called for the yeas and nays, which were ordered, and were—yeas 106, nays 114. So the House refused to order the call.

The previous question was seconded, and the main question, which was on the motion to reconsider the resolution to proceed to the election of a Speaker, was then put.

The yeas and nays were demanded on this question, and it was decided in the negative—yeas 108, nays 120.

Mr. PICKENS inquired what would be the first business in order, in case the House now adjourned?

The CHAIR stated that the first business in order would be the election of a Speaker.

Mr. PICKENS then moved an adjournment.

Mr. DROMGOOLE stated that that would not be the first motion in order, and asked the gentleman to withdraw it.

Mr. PICKENS then withdrew the motion.

Mr. GRAVES renewed it, and the yeas and nays were called; which were ordered, and were—yeas 113, nays 116.

So the House refused to adjourn.

Mr. WISE rose to submit a question of order. He wished to know if it was in order to move a resolution resolving that Messrs. AYCRIGG, STRATTON, MAXWELL, HALSTED, and YORKE, be allowed to vote in the election of Speaker.

The CHAIR decided that it was in order.

Mr. WISE then read his resolution.

Mr. DROMGOOLE. I appeal from that decision of the CHAIR.

Mr WISE said he did not yield the floor, and gentlemen could not appeal until he yielded the floor. He would prefer that the House would adjourn until to-morrow, but if gentlemen would not agree to adjourn, he would proceed with his remarks to-night. Mr. W. was proceeding—

Mr. VANDERPOEL rose to a point of order.

Mr. WISE said he would not yield the floor; gentlemen might make their point of order after he had concluded his remarks. Mr. W. was again proceeding—

Mr. FRANCIS THOMAS rose to a point of order, and pointed the CHAIR to the rule which requires a member to take his seat when he was called to order. He wished to know if it was in order for a gentleman to discuss the merits of his resolution upon an appeal.

Mr. WISE. No appeal has been taken, because I did not yield the floor.

Mr. FRANCIS THOMAS then made a point of order, whether a gentleman could submit a proposition to reverse the decision of the House, and go on and discuss that proposition directly contrary to the opinion of the majority of the House.

The CHAIR again stated that he considered the motion in order.

Mr. FRANCIS THOMAS. Then I appeal from that decision.

Mr. WISE. I do not yield the floor to the gentleman.

Mr. FRANCIS THOMAS. Has not the CHAIR made a decision? If so, I have appealed from it.

The CHAIR said he had no decision to make.

Mr. FRANCIS THOMAS. Can there be a plainer proposition than the one I have submitted to the CHAIR? A member has a right to appeal from any decision.

Mr. WISE said he would not yield the floor. He then proceeded with his remarks for some time; when he gave way to

Mr. TRIPLETT, who moved that the House adjourn.

Upon this motion the yeas and nays were called, and the question was decided in the negative—yeas 111, nays 117.

The CHAIR was then understood to say that the reason why he decided that the motion of the gentleman from Virginia [Mr. WISE] was in order, was because of a solemn vote by this House that it would not proceed to the election of a Speaker until it was decided who were entitled to seats as Representatives from New Jersey; and he did not consider that the decision of the House of to-day, which deprived the gentlemen from New Jersey of their seats was binding, because it would be tantamount to an expulsion, which would require a vote of two-thirds to decide

Mr. WISE then said that he believed, from conversations with his colleagues, that he was somewhat out of order in not yielding the floor for an appeal, and he would now yield it to his colleague to take an appeal, with the understanding that he would have the privilege of addressing the House after that question was decided.

Mr. DROMGOOLE then appealed from the decision of the CHAIR, and moved the previous question on the appeal.

Mr. WISE then said that, in order to relieve the CHAIR and the House from difficulty, he would withdraw his resolution, if gentlemen would agree to adjourn until to-morrow. [Many voices, "agreed!"]

Mr. WISE then withdrew his resolution, when

Mr. SMITH of Maine moved an adjournment.

Upon this question the yeas and nays were ordered, and were—yeas 117, nays 109.

The House then adjourned at 12 o'clock.

IN SENATE,

SATURDAY, December 14, 1839.

A message was received from the President of the United States.

Mr. WHITE said that it occurred to him there was some business that might be done by the Senate. He thought it a tiresome proceeding in daily coming to the Capitol, and returning home again. He would therefore suggest that the presiding officer of the Senate should be empowered to appoint the standing committees, with the exception of the Committee on Commerce.

The PRESIDENT. The proposition is, with the assent of the Senate, to suspend the 34th rule, and that the presiding officer shall proceed to the appointment of the standing committees of the Senate, with the exception of the Committee on Commerce.

Mr. NORVELL considered that the appointment of the Committee on Commerce was as necessary as the appointment of any other committee. We have nominations daily coming in, if he might be allowed to allude to them, which should be referred to that committee; and he therefore hoped that it would not be omitted.

Mr. ALLEN did not see any imaginable reason

why all the committees should not be appointed; but, on the contrary, there were many reasons why they should be. Senators wished to ascertain on what committees they were to be placed, so that they might qualify themselves to examine the peculiar subjects submitted to them, and employ what leisure they had in acquiring such information as would enable them to discharge their duties with promptness and fidelity.

Mr. WHITE then submitted his resolution, which provided that the presiding officer of the Senate should appoint the standing committees, with the exception of the Chairman of the Committee on Commerce, who should, previously to the appointment of such committees, be balloted for by the Senate.

Mr. WRIGHT said, that the course proposed, was precisely similar to that adopted at the last session, as might be ascertained by a reference to the journal. It was then provided that the presiding office should appoint the standing committees, with the exception—for reasons then, as now, well understood—of the Chairman of the Committee on Commerce. He saw no objection to the adoption of the resolution at the present time.

The resolution was unanimously agreed to.

The Senate then proceeded to elect, by ballot, a Chairman of the Committee on Commerce; and the ballots being counted, the result was announced to be,

Whole number of votes - - -	28
For WILLIAM R. KING - - -	26
JOHN DAVIS - - - -	2

Mr. KING was therefore elected,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, December 14, 1839.

The journal having been read,

Mr. WISE inquired of the CHAIR whether the vote on the motion to reconsider Mr. RHETT's resolution was recorded on the journal.

The CHAIR replied that it was not.

Mr. WISE said he was satisfied.

The CHAIR then stated that the subject before the House, according to the vote of the House yesterday, was on proceeding to the election of a Speaker.

Mr. PETRIKIN moved a call of the House, which was ordered; and the roll having been called over, it appeared that members had answered to their names.

Mr. VANDERPOEL moved that the absentees be sent for; which motion was agreed to.

All the members then answered to their names, except Messrs. HAWES and KEMPSHALL.

Mr. PETRIKIN then moved that the further proceedings under the call be dispensed with.

Mr. WILLIAMS of North Carolina called for the yeas and nays, which were ordered, and were—yeas 141, nays 87.

So all further proceedings under the call were dispensed with.

Mr. WHITE of Kentucky then moved the following resolution:

Resolved, That J. B. AYCRIGG, WM HALSTED, JNO P. B. MAXWELL, CHARLES C. STRATTON, and THOMAS JONES YORKE, are entitled to vote in the organization of the House until excluded by a majority of uncontested votes.

Mr. VANDERPOEL objected to the reception of this resolution. The House had decided, but yesterday, that those persons were not entitled to hold seats, and it could not possibly be in order.

Mr. WHITE denied that the House had ever decided that the members from New Jersey were not entitled to their seats. A majority of the uncontested members had never decided that question; therefore those gentlemen were entitled to their seats as the Representatives of the State of New Jersey.

Mr. VANDERPOEL rose to a question of order. Was the question of reception debatable?

The CHAIR. That question is debatable.

Mr. VANDERPOEL. Then I appeal from that decision, and move the previous question upon the appeal.

Mr. WHITE said he hoped the gentleman would not attempt to force such a rule as this upon the House. The previous question, he had no doubt, would come soon enough, but gentlemen could not move it yet.

Mr. VANDERPOEL. I call the gentleman to order, and demand that the CHAIR shall enforce the rules.

Mr. WHITE still proceeding, denied that the question as to the right of the New Jersey members to take their seats, had been decided by a majority of the uncontested members. The majority of the House had never settled that question, and he held that, by the resolution of the gentleman from South Carolina, which had been adopted as the standing order of the House, the House was bound, before it proceeded to the election of a Speaker, to decide as to who were entitled to seats from the State of New Jersey.

Mr. VANDERPOEL again called the gentleman to order, and insisted that the rules of the House should be enforced.

The CHAIR said the question before the House was on the question of reception.

Mr. VANDERPOEL. That is not the question. The CHAIR had decided that the question of reception was debatable, and from that decision he (Mr. V.) had appealed, and had moved the previous question on the appeal.

The CHAIR. Then the question is on the appeal, and on that question the previous question is moved

Mr. WISE would merely ask if the question of reception had not always been decided to be debatable.

Mr. LEWIS then read the 5th rule in relation to the reception of motions.

The CHAIR said the gentleman had read no rule which prevented debate.

After a few words on the point by Messrs. POPE and WISE,

Mr. DROMGOOLE moved to lay the question of reception on the table.

On this question the yeas and nays were demanded, and were—yeas 119, nays 115.

So the question was laid on the table.

Mr. PICKENS inquired what was the order of business before the House, and whether the resolution adopted last evening, to proceed forthwith to the election of a Speaker, should not come up first. If so, he hoped that the House would proceed at once to the execution of that resolution.

Mr. PROFFIT here rose, and said he had a resolution to submit; but

The CHAIR said that it would not be in order.

Mr. PROFFIT said he rose to a point of order. The resolution adopted last evening was, that the House should go into the election of a Speaker. The resolution that he proposed to offer, was to regulate the manner of going into that election. Mr. P. here read a resolution to give the Whig candidates a right to vote in the election of Speaker.

Mr. VANDERPOEL objected to the reception of the resolution, as being out of order; and

The CHAIR decided that it was not in order for Mr. P. to submit his resolution.

Mr. BARNARD rose, and said that he had drawn up a resolution which he proposed to submit at this time, and which he believed to be perfectly in order. The purport of it was to suspend the execution of the order for going at this time into the election of a Speaker. It was true that the House had resolved to go into such election this morning, but that resolve was not binding on the House, which had the power to suspend it at any time, in accordance with the settled rules of parliamentary practice. Mr. B. here read his resolution as follows:

Resolved, That the execution of the order of this House, adopted yesterday, that the House do proceed to the election of Speaker, be suspended, to give opportunity to any member who may be so disposed, to move the House that the members proceed, in the first place, to hear and adjudge, pursuant to a resolution of this House, heretofore adopted, upon the elections, returns, and qualifications of persons who appear to be contesting seats on this floor from New Jersey, or to move that the names of JNO. B. AYCRIGG, JNO. P. B. MAXWELL, WILLIAM HALSTED, CHARLES C. STRATTON, and THOS. JONES YORKE, the regular return members from the State of New Jersey, be not called, or their votes counted, in the election of Speaker, or to move that PHILEMON DICKERSON, PETER D. VROOM, DANIEL B. RYALL, WILLIAM R. COOPER, and JOSEPH KILLE, be called, and their votes counted in the election of Speaker.

Mr. B. said that he now proposed to discuss the subject of that resolution.

Mr. CRAIG objected to the reception of the resolution, which he considered to be out of order, while there was a resolution before the House that had precedence of it.

Mr. BEATTY rose to a point of order, and referred to the rules of the House, from which he proceeded to show that the resolution could not with propriety be received.

Mr. BARNARD observed that if the point of order was persisted in, he asked that the member who raised it should be required to reduce it to writing.

Mr. BEATTY was proceeding to discuss the point of order, when he was required by the CHAIR to put it in writing, which he did as follows:

The point of order suggested is, that under the 52d rule of the House, no motion or any other business shall be received, without special leave of the House, until the unfinished business in which the House was engaged at the last preceding adjournment, shall have been disposed of.

Mr. PETRIKIN observed that the rules also provided that, when a member is called to order, he shall take his seat. He asked, therefore, that the member from New York be required to take his seat.

Mr. LEADBETTER took the ground that no business could be originated to take precedence of this resolution, to go into the election of Speaker, which the CHAIR pronounced to be the first thing in order this morning; and insisted that the rules of the House be preserved in that particular.

The CHAIR said that he referred the decision of the question of order to the House itself.

Mr. BEATTY demanded either the decision of the CHAIR, or that he would put the question, to enable the House to decide it.

Mr. BARNARD claimed the floor, and was determined not to yield it until it should be decided against him either by the CHAIR or the House. If the member on the opposite side had a point of order, let him reduce it to writing.

Mr. BEATTY. I have made my point of order, and reduced it to writing, and demand the decision of the CHAIR or the House upon it.

Mr. BARNARD. It is the point of order I am proceeding to debate—

[Here several members were heard crying out that a point of order was not debatable.]

Mr. DUNCAN. Do I understand the CHAIRMAN that he refuses to decide the question of order?

The CHAIR replied that he had referred the decision of it to the House itself.

Mr. BYNUM. Then why not let the House decide it?

Mr. DUNCAN said that it seemed to him very extraordinary that the CHAIR would neither decide the question himself, nor, by putting it to the House, enable the House to decide it.

Mr. BARNARD contended that he had a right to the floor, and, unless decided by the CHAIR or the House to be out of order, had a right to go on with his remarks.

Mr. BEATTY, [addressing Mr. BARNARD] You have not the floor, sir, unless you usurp it. There is a resolution which has precedence of all other business, and you have no right to push it as decided by originating new business.

Mr. BARNARD. I intend to debate the point of order as soon as I can have the ear of the House.

Mr. BEATTY. You are not in order, and I demand that you take your seat till the point is decided.

Mr. RIVES. If the CHAIR will not decide the point of order, will he do the House the favor to put the question and let the House decide it.

The CLERK here, at the instance of a member, read the twenty-fifth rule, requiring a member to take his seat, when called to order, until the question of order is decided; and also providing that

all questions of order and appeals shall be decided without debate.

Mr. FRANCIS THOMAS made a few observations, which were not heard.

The CHAIR here decided that Mr. BARNARD had a right to proceed with his remarks: but the grounds on which the CHAIR made the decision were not heard by the reporter.

Mr. STANLY observed that the resolution adopted last evening that the House would proceed to the election of a Speaker, was dead; that it applied to last evening only, and was not now before the House. In confirmation of this opinion, Mr. S. said that the gentleman from Virginia [Mr. DROMGOOLE] was overheard last evening urging his friends to proceed with the election, and giving it as his opinion that, if they adjourned without carrying the resolution into effect, the resolution would die with the proceedings of the day, and they would have to proceed *de novo* in the morning.

Mr. DROMGOOLE said he would not make any remark with regard to the propriety of repeating what a gentleman might say to his friends. He would admit that he did express the fear to his friends that the resolution would be considered as expiring with that evening's proceedings; but he expressed no decided opinion on it. He was, however, overruled by his friends, who, on all sides, declared that the resolution would be imperative this morning. He would ask if it was not the understanding with all the gentleman's friends last evening, that the resolution would be in force this morning. At least, he understood that the gentleman from North Carolina, and all his friends, entertained that opinion. He would ask if it was not the understanding on all sides of the House that the resolution would be the first thing in order this morning?

After some remarks from Mr. STANLY,

Mr. WISE denied that there was such a general understanding; for he entertained the opinion that the resolution of last night, that they would then go into the election of Speaker, was dead as soon as the House adjourned. One remark he would make before he sat down. For the last six years he had been witnessing the triumphs of the great Republican party, and, thank God, they had now brought down that party to so lean a majority, that they now have to jockey in order to win the race.

Mr. JAMESON referred to the decision made by the CHAIR, that the resolution for going into the election of Speaker, passed last evening, was the first business in order this morning. And quoting the one hundred and twenty-sixth rule of the House he argued the point of order, contending that the House could entertain no other proposition until that was disposed of.

Mr. TURNEY moved that the resolution of the gentleman from New York, [Mr. BARNARD,] and the question of order arising on it, be laid on the table.

Mr. BARNARD here raised a point of order, with regard to Mr. TURNEY's motion, which he reduced to writing, as follows:

A point of order having been made, that a resolution offered by Mr. BARNARD was not in order, at this time pending the discussion on that point of order, Mr. TURNEY rises and moves to lay the subject of the point of order on the table; and also, at the same time, to lay the resolution of Mr. BARNARD on the table. On this motion of Mr. TURNEY, Mr. BARNARD makes this point of order: "That it is not now in order to move to lay the resolution of Mr. BARNARD on the table.

The CHAIR decided that the motion of Mr. TURNEY was in order; when,

Mr. FILLMORE rose and said, that, considering this question to be one of vital importance, not only at the present moment, but as a precedent for the future action of the House, he would appeal from the decision of the CHAIR. According to the decision of the CHAIR, a member who had a resolution to offer could be compelled to sit down on a point of order before he had time to explain it; and then his resoution was taken from him, while his mouth was shut by a motion to lay the whole subject on the table. This decision (said Mr. F.) may affect all of us hereafter; and, I therefore, appeal from the decision of the CHAIR.

Mr. TURNEY called for the previous question on the appeal; and

Mr. FILLMORE called for the yeas and nays.

Mr. PETRIKIN moved to lay the appeal, and every matter relating to it, on the table.

Mr. MERCER observed that the laying the appeal on the table would have the effect of affirming the decision of the CHAIR.

Mr. LEWIS observed that there was great confusion prevailing in the Hall, so that it was difficult to understand the true question before the House. He thought the House would be relieved from its present difficulty by the point of order which he now wished to make. He would ask of the CHAIR, if it was not announced by him this morning, that the resolution on the election of Speaker, passed last evening, was the first business in order? He asked the CHAIR to determine that point of order.

The CHAIR made no reply.

Mr. LEWIS repeated his inquiry of the CHAIR.

[Great confusion prevailing, and frequent calls for the question, mingled with cries of "Order," "order."]

Mr. GRANGER said a few words, which, in the noise that prevailed, were not heard.

The question on seconding the call for the previous question was then taken, Messrs. BANKS and CARTER being tellers, and carried—ayes 116, noes not counted.

The vote was then taken on ordering the main question to be put, and carried without a division.

Mr. CRAIG called for the yeas and nays on the main question, and they were accordingly ordered.

Mr. ALFORD asked the gentleman from New York [Mr. BARNARD] to withdraw his resolution, and let the House go into the election of Speaker. The Administration party had disfranchised New Jersey, and the Opposition had not the power to prevent it. The issue was with the people. He was tired of fighting on the outpost, and was ready to meet the question.

Mr. CRABB agreed with his friend from Georgia, [Mr. ALFORD,] that it would be better to go into the election of Speaker at once; and he would give notice to his political friends that he would not go with them in delaying that decision, by making appeals and points of order. He thought it was now high time to go into the election.

Mr. BARNARD said he acceded to the proposition of the gentleman from Georgia, [Mr. ALFORD.] But he wished it to be expressly and distinctly understood that he did it because he saw that the majority of the House was determined on the course it would pursue with regard to his proposition, and the remarks he intended to offer in support of it. Upon that belief he yielded to the proposition of the gentleman from Georgia; and he did so because, in his conscience, he desired to save the House from the evils that would ensue, if it now solemnly decided against the point of order he had raised.

Mr. CRAIG moved a call of the House, which was ordered; and the roll having been called over, and the absentees having been sent for; after some time,

The House then proceeded to the election of a Speaker.

The first vote having been taken, and before the result was announced,

Mr. YORKE, one of the gentlemen commissioned by the Governor of New Jersey, rose and asked if the roll had been called through. No answer being returned to him, he said he perceived that in calling the roll his name was omitted. He held a commission, he said, from the Governor of New Jersey as a Representative from that State, and therefore demanded that his vote be received. He voted for JOHN BELL. After which,

Messrs. STRATTON, AYCRIGG, MAXWELL and HALSTED successively demanded that their votes be read as Representatives from the State of New Jersey, and said that they voted for JOHN BELL.

The tellers then reported to the CHAIR the result of the vote to be—235 votes given, and 118 necessary to a choice—of these

FIRST BALLOT.

FOR JOHN W. JONES.—Messrs. J. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Craig, Crary, Cross, Doane, Davee, John Davis, J. W. Davis, De la Montanya, Doan, Doig, Dromgoole, Duncan, Earle, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, J. Hastings, Hawkins, John Hill of North Carolina, Hilleo, Holleman, Hook, Howard, Hubbard, T. B. Jackson, Jameson, J. Johnson, C. Johnson, N. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, E. Rogers, Samuels, Shaw, Shepard, A. Smith, J. Smith, T. Smith, Starkweather, Steinrod, Strong, Swearingen, Sweeny, J. Taylor, F. Thomas, P. F. Thomas, Jacob Thompson, Turney, Vanderpoel, D D. Wagener, Watterson, Weller, Wick, J. W. Williams, H. Williams, and Worthington—113.

FOR JOHN BELL.—Messrs. Adams, J. W. Allen, S. H. Anderson, Andrews, Barnard, Biddle, Bond, Botts, Briggs, Brockway, Anson Brown, W. B. Calhoun, W. B. Campbell, W. B. Carter, Chinn, Chittenden, Clark, J. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, E. Davies, G. Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, R. Garland, Gates, Gentry, Giddings, Gogging, Goode, Graham, Granger, Green, Graves, Grinnell, Hall, W. S. Hastings, Hawes, Henry, John Hill of Virginia, Hoffman, Hunt, James, Jenifer, C. Johnson, W. C. Johnson, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, C. Morris, Naylor, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, E. D. White, John White, T. W. Williams, L. Williams, J. L. Williams, C. H. Williams, S. Williams, and Wise—102.

FOR W. C. DAWSON.—Messrs. Alford, Bell, Colquitt, M. A. Cooper, Habersham, Hopkins, T. B. King, Nisbet, W. Thompson, jr. Warren, and Black—11

FOR D. H. LEWIS.—Messrs John Campbell, Griffin, and J. W. Jones—3.

FOR F. W. PICKENS.—Messrs. C. Fisher, Holmes, Hunter, J. Rogers, and Sumpter—5

FOR G. W. HOPKINS.—Mr. J. Garland—1.

Mr. WISE inquired if the report of the tellers included the votes of the five gentlemen who held commissions from the Governor of New Jersey? He understood that they were not, and he therefore required of the CHAIR to put the question whether the votes of these gentlemen shall be counted.

Mr. DROMGOOLE. I rise to ask of the tellers whether they have counted all the votes? and, if they have, I demand that the vote be announced by the CHAIR.

Mr. MERCER rose to move for a reconsideration of the resolution of yesterday for going into the election of SPEAKER.

The CHAIR said the motion was not in order.

Mr. WISE. I make no motion, but I wish to state the fact that there are five gentlemen from New Jersey here who claim to vote, and therefore ask the CHAIR to state that fact to the House, and take its decision upon it.

The CHAIR then announced the result of the vote to the House, stating the number of votes given to each person voted for. The CHAIR then informed the House that five gentlemen from the State of New Jersey, who held the commissions of the Governor of that State, demanded to have their votes taken before the result was announced.

After some remarks from Mr. WISE,

The CHAIR said that there appearing not to be a majority of votes given to any one person, the House would proceed to vote again.

The CLERK commenced calling the roll for a second vote; when

Mr. MERCER rose and interrupted him, and demanded of the CHAIR to receive his motion.

[Loud cries of "order, order," and "go on, go on," and much confusion throughout the hall.]

The CHAIR said that the House was voting for a Speaker, and the gentleman's motion was not in order while that was going on.

Mr. MERCER said he rose to a point of order, and demanded a decision on it. I appeal, said he, from the decision of the CHAIR.

Mr. WISE. Certainly my colleague has a right to appeal from the decision of the CHAIR.

The CHAIR said he could not put the question on this appeal while the vote was being taken.

[Universal laughter.]

The CLERK was proceeding with the call, when

Mr. GRAVES interrupted him again, and observed that he understood the gentleman from Virginia as appealing from the decision of the CHAIR. Now he would not yield the floor till the House decided that appeal.

[Loud cries of "order, order."]

The CHAIR called the gentleman to order, and said that he had decided that the appeal could not be made while the CLERK was calling the roll.

Mr. GRAVES said he could not consent that, when an appeal was taken from the decion of the CHAIR, the CLERK should continue calling the roll.

Mr. MERCER rose, and made a few remarks, which, from the noise and confusion, and repeated calls to order, it was impossible to hear.

Mr. WISE said, in order to illustrate the position of my colleague, I will state that the CHAIR decides that he cannot put the question on his appeal while the election is going on. Now, from that very decision, my colleague has a right to appeal.

The CHAIR said the motion of the gentleman could be offered when a Speaker was chosen; but he could not take an appeal while the House was in the act of electing a Speaker.

Mr. WISE. Then here is a decision that an appeal cannot be taken. Is it not competent for my colleague to take an appeal from the decision?

The CHAIR. Certainly not, sir. [Loud laughter.]

The CLERK was then suffered to proceed with the call of the roll; after which, the tellers reported the result of the second vote to be—

SECOND BALLOT.

FOR JOHN W. JONES—Messrs. Judson Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Craig, Crary, Cross, Dana, Davee, J. Davis, J. W. Davis, De la Montanya, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, J. Hastings, Hawkins, J. Hill of N. C. Hillen, Holleman, Hook, Howard, Hubbard, T. B. Jackson, Jameson, J. Johnson, Cave Johnson, N. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Parish, Parmenter, Paris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, E. Rogers, Samuels, Shaw, Shepard, A. Smith, J. Smith, Thomas Smith, Starkweather, Steinrod, Strong, Swearingin, Sweeny, Taylor, F. Thomas, P. F. Thomas, J. Thompson, Vandepoel, D. D. Wagener, Watterson, Weller, Wick, J. W. Williams, H. Williams, Worthington, and Turney—113.

FOR JOHN BELL—Messrs Adams, J. W. Allen, S. H. Anderson, Andrews, Barnard, Biddle, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, W. B Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, E. Davies, G. Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, R. Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Hall, W. S. Hastings, Hawes, Henry, John Hill of Va. Hoffman, James, Jenifer, Charles Johnson, Lawrence, Lincoln, Marvin, S. Mason, Mercer, Mitchell, Monroe, Morgan, C. Morris, Naylor, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Tripplett, Trumbull, Underwood, P. J. Wagner, E. D. White, John White, T. W. Williams, L. Williams, J. L. Williams, C. H. Williams, S. Williams, and Wise—99.

FOR W. C. DAWSON—Messrs. Alford, Bell, Black, Habersham, Hopkins, Hunt, W. C. Johnson, King, Nisbet, W. Thompson, Jr. and Warten—11.

FOR D. H. LEWIS—Messrs. John Campbell, Mark A. Cooper, Griffin, J. W. Jones, and Colquitt—5.

FOR F. W. PICKENS—Messrs. Fisher, Holmes, Hunter, J. Rogers, and Sumter—5.

FOR G. W. HOPKINS—Mr. J. Garland—1.

FOR R. M. T. HUNTER—Mr. Ogle—1.

Mr. MERCER then rose to a question of order.

The CHAIR said he would now entertain the question of order, it not having been in order to receive it when it was first made, during the call of the roll.

Mr. MERCER stated that his object in doing so was that he might move a reconsideration of the resolution of his colleague, [Mr. WISE,] which had been negatived on yesterday by a tie vote. He read the rule on the subject, and stated that a motion to reconsider was made by the rules, because of some error in the decision, and in this case he thought presumption of error might be considered as manifest, from the fact that the vote was equally divided. Mr. M. concluded by moving to reconsider the vote by which Mr. WISE's resolution, providing for the call of the New Jersey members, had been rejected.

The CHAIR said he considered the gentleman's motion not to be in order, because, the vote having been a tie vote, there was no majority in the case, and the rule in the case the CHAIR did not understand as applying to this case. It was undoubtedly in the power of the House, if they thought proper to put that construction upon the rule, to reconsider. The rule is, whenever there was a vote taken, a member who voted in the *majority* might move to reconsider; but in the present case there was no majority—there was a tie—an equal vote on both sides, and the question was declared to be lost, only in consequence of the technical rule of the House. There being no majority, the CHAIRMAN did not feel himself at liberty to consider as in order a motion made for reconsideration on either side of the question.

Mr. MERCER appealed from this decision.

Mr. VANDERPOEL moved the previous question on the appeal, which was seconded unanimously—the main question ordered, and the decision of the CHAIR sustained—yeas 147, nays 84.

Mr. C. H. WILLIAMS moved that the House adjourn; but subsequently withdrew the motion.

Mr. UNDERWOOD renewed the motion, but the House refused to adjourn.

The House then proceeded to a third ballot for a Speaker, and the result being announced, it appeared to be as follow:

THIRD BALLOT.

FOR JOHN W. JONES.—Messrs. Jud. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, W. O. Butler, S. H. Butler, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Craig, Crary, Cross, Dana, Davee, J. Davis, J. W. Davis, De la Montanya, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, J. Hastings, Hawkins, Hill of N. C. Hillen, Holleman, Hook, Howard, T. B. Jackson, Jameson, Jos. Johnson, Cave Johnson, N. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Parish, Parmenter, Paris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, E. Rogers, Samuels, Shaw, Shepard, A. Smith, J. Smith, Thos. Smith, Starkweather, Steinrod, Strong, Swearingen, Sweeny, Taylor, F. Thomas, P. F. Thomas, J. Thompson, Turney, Vanderpoel, D. D. Wagener, Watterson, Weller, Wick, J. W. Williams, Henry Williams, and Worthington—110.

FOR W. C. DAWSON—Messrs. Adams, Alford, J. W. Allen, S. H. Anderson, L. W. Andrews, Barnard, Bell, Biddle, Black, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, William B. Campbell, Carter, Chinn, Chittenden, Clark, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Garret Davis, Edward Davies, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, R. Garland, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, W. S. Hastings, Hill of Virginia, Hoffman, Hopkins, Hunt, James, Jenifer, Charles Johnston, W. Cost Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, C. Morris, Nisbet, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Tripplett, Trumbull, Underwood, P. J. Wagner, Warren, E. D. White, John White, T. W. Williams, L. Williams, J. L. Williams, C. H. Williams, S Williams, and Wise—103.

FOR DIXON H. LEWIS.—Messrs. Bynum, M. A. Cooper, Hubbard, J. W. Jones, Pickens, and Colquitt—6.

FOR FRANCIS W. PICKENS.—Messrs. J. Campbell, Fisher, Griffin, Holmes, Hunter, J. Rogers, and Sumter—7.

FOR ROBERT M. T. HUNTER.—Messrs. J. Cooper, Henry, Naylor, Ogle, and Simonton—5.

FOR JOHN BELL.—Mr. Dawson—1.

FOR JOHN QUINCY ADAMS.—Mr. Gates—1.

FOR JOHN C. CLARK.—Mr. James Garland—1.

The House then proceeded to a fourth ballot, and the result being announced, appeared as follows:

FOURTH BALLOT.

FOR JOHN W. JONES.—Messrs. J. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, A. V. Brown, Burke, W. O. Butler, Carr, Carroll, Casey, Clifford, Coles, Connor, Craig, Dana, Davee, J. W. Davis, De la Montanya, Doan, Doig, Dr mgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Galbraith, Gerry, Hammond, Hand, J. Hastings, Hawkins, Hill of N. C. Hillen, Holleman, Hook, Howard, T. B. Jackson, Jameson, Jos. Johnson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller Montgomery, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Reynolds, Rhett, Rives, Robinson, E. Rogers, Samuels, Shaw, Shepard, A. Smith, J. Smith, T. Smith, Starkweather, Steinrod, Strong, Swearingen, Sweeny, Taylor, F. Thomas, P. F. Thomas, Turney, Vanderpoel, D. D. Wagener, Watterson, Weller, Wick, J. W. Williams, H. Williams, and Worthington—101.

FOR WM. C. DAWSON.—Messrs. Adams, Alford, Barnard, Bell, Biddle, Black, Bond, Botts, Briggs, Brockway, A. Brown, Calhoun, Carter, Chinn, Chittenden, Colquitt, Crabb, Cranston, Cushing, G. Davis, Deberry, Dennis, Dillett, J. Edwards, Evans, Everett, R. Garland, Goode, Graham, Granger, Green, Grinnell, Habersham, Hall, Hastings, Hoffman, Hunt, Jenifer, Charles Johnston, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Monroe, Morgan, C. Morris, Naylor, Nisbet, Osborne, Palen, Peck, Pope, Randall, Randolph, Rayner, Reed, Russell, Saltonstall, Sergeant, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, W. Thomson, jun. Tillinghast, Toland, Tripplett, Trumbull, P. J. Wagner, Warren, White, T. W. Williams, and L. Williams—77.

FOR R. M. T. HUNTER.—Messrs. J. W. Allen, S. H. Anderson, L. W. Andrews, W. B. Campbell, Clark, J. Cooper, Corwin, Crockett, Curtis, E. Davies, Gentry, Giddings, Goggin, Graves, Henry, Hill of Virginia, Hopkins, James, Mitchell, Ogle, Pickens, Proffit, Rariden, Ridgway, Simonton, Underwood, J. White, J. L. Williams, and Wise—29.

FOR D. H. LEWIS—Messrs. A. G. Brown, Bynum, Chapman, M. A. Cooper, Crary, Cross, Fornance, Griffin, Hubbard, J. W. Jones, S. W. Morris, Ramsey, J. Thompson, and S. Williams—14.

For F. W. Pickens.—Messrs. S. H. Butler, J. Campbell, Fisher, Holmes, Hunter, W. C. Johnson, J. Roger, and Sumter—8.

For John Bell.—Messrs. Dawson and Fillmore—2.

For J. Q. Adams.—Mr. Gates—1.

For H. A. Wise.—Mr. C. H. Williams—1.

For Waddy Thompson.—Mr. J. Garland—1.

Mr. UNDERWOOD moved that the House adjourn: lost without a division.

Mr. WADDY THOMPSON then stated that it was Mr. Dawson's wish that he should not again be voted for.

The House then proceeded to a fifth ballot; and the vote being announced, it appeared as follows:

FIFTH BALLOT.

For John W. Jones.—Messrs. J. Allen, H. J. Anderson, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, A. V. Brown, Carr, Carroll, Casey, Clifford, Coles, Connor, Davee, J. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Ely, Fine, J. Fletcher, Floyd, Gerry, Hammond, Hand, J. Hastings, Hawkins, Hill of N. C., Hillen, Holleman, T. B. Jackson, Jameson, J. Johnson, C. Johnson, Nathaniel Jones, Kemble, Leadbetter, Lowell, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Miller, Newhard, Parish, Parmenter, Prentiss, Reynolds, Samuels, Shepard, A. Smith, Starkweather, Steinrod, Strong, Swearingen, Sweeny, Taylor, F. Thomas, P. F. Thomas, Turney, Vanderpoel, D. D. Wagener, Watterson, Weller, and H. Williams—71.

For R. M. T. Hunter.—Messrs. Adams, J. W. Allen, S. H. Anderson, L. W. Andrews, Biddle, Bond, Botts, A. Brown, W. B. Campbell, Carter, Clark, J. Cooper, Corwin, Cranston, Crockett, Curtis, Cushing, E. Davies, G. Davis, Deberry, Dennis, Edwards, R. Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Henry, Hill of Va., Hopkins, James, Jenifer, W. C. Johnson, Mason, Mercer, Mitchell, Monroe, C. Morris, Naylor, Ogle, Pickens, Pope, Proffit, Randolph, Rariden, Rayner, Reed, Ridgway, Sultonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Taliaferro, W. Thompson, Tillinghast, Toland, Trumbull, Underwood, J. White, T. W. Williams, J. L. Williams, and Wise—68.

For Dixon H. Lewis—Messrs Atherton, Black, A. G. Brown, Burke, S. H. Butler, Wm. O. Butler, Bynum, Chapman, Colquitt, M. A. Cooper, Craig, Crary, Cross, Dana, J. W. Davis, De la Montanya, Eastman, Fornance, Galbraith, Griffin, Hook, Howard, Hubbard, J. W. Jones, Keim, King, Leet, Leonard, McCulloh, Montgomery, S. W. Morris, Nisbet, Parris, Paynter, Petrikin, Ramsay, Rhett, Rives, Robinson, E. Rogers, Shaw, J. Smith, Thomas Smith, Sumpter, J. Thompson, Wick, J. W. Williams, S. Williams, and Worthington—49.

For John Bell—Messrs. Barnard, Briggs, Brockway, Chinn, Dawson, Fillmore, Granger, Grinnell, Habersham, Hall, Holleman, Hunt, Chas. Johnston, Lawrence, Lincoln, Morgan, Peck, Russell, P. J. Wagner, Warren, E. D. White, and L. Williams—22.

For W. C. Dawson—Messrs. Alford, Bell, Crabb, and Dillett—4.

For L. Lincoln—Messrs. Calhoun, Evans, Everett, and W. S. Hastings—4.

For F. W. Pickens—Messrs. J. Campbell, Fisher, Holmes, Hunter, Lewis and J. Rogers—6.

For F. Granger—Messrs. Chittenden and Marvin—2.

For G. W. Hopkins—Mr. J. Garland—1.

For J. Q. Adams—Mr. S. M. Gates—1.

For George Evans—Messrs. Osborn and Randall—2.

For J. C. Clark—Mr. Palen—1.

For Z. Casey—Mr. Stuart—1.

For T. Corwin—Messrs. Tripplett and C. H. Williams—2

SIXTH BALLOT.

For John W. Jones.—Messrs. Banks, Blackwell, Casey, Coles, Connor, J. Davis, Dromgoole, Duncan, Fine, J. Hastings, Hawkins, Hillen, Holleman, T. B. Jackson, J. Johnson, Cave Johnson, N. Jones, Kemble, Leadbetter, Lowell, Lucas, McClellan, McKay, Medill, Miller, Parish, Prentiss, Proffit, Samuels, Starkweather, Steinrod, Swearingen, Sweeny, Taylor, F. Thomas, P. F. Thomas, Turney, Watterson, and H. Williams—39.

For D. H. Lewis.—Messrs. J. Allen, H. J. Anderson, Atherton, Beatty, Beirne, Black, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, J. Campbell, Carroll, Chapman, Clifford, Colquitt, M. A. Cooper, Craig, Crary, Cross, Dana, Davee, J. W. Davis, De la Montanya, Doan, Doig, Earl, Eastman, Ely, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, Hook, Howard, Hubbard, Jameson, J. W. Jones, Keim, King, Leonard, Leet, McCulloh, Mallory, Marchand, Montgomery, S. W. Morris, Newhard, Nisbet, Parmenter, Parris, Paynter, Ramsey, Rhett, Rives, Robinson, E. Rogers, J. Rogers, Shaw, Shepard, A. Smith, J. Smith, Thomas Smith, Strong, Sumter, J. Thompson, Vanderpoel, D. D. Wagener, Weller, Wick, J. W. Williams, Sherrod Williams, and Worthington—79.

For R. M. T. Hunter.—Messrs. Adams, Alford, J. W. Allen, S. H. Anderson, Andrews, Biddle, Bond, Botts, A. Brown, W. B. Campbell, Carter, Chinn, Clark, J. Cooper, Corwin, Cranston, Crockett, Curtis, Cushing, E. Davies, Deberry, Dennis, J. Edwards, R. Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Habersham, Henry, Hill of Virginia, James, Jenifer, W. C. Johnson, Mason, Mercer, Mitchell, Monroe, Naylor, Ogle, Pope, Rariden, Rayner, Ridgway, Sergeant, Simonton, Truman Smith, Storrs, Taliaferro, Tillinghast, W. Thompson, Toland, Triplett, Trumbull, Underwood, Warren, E. D. White, J. White, T. W. Williams, J. L. Williams, and Wise—63.

For Levi Lincoln.—Messrs. Barnard, Evans, Everett, Gates, Granger, Hall, W. S. Hastings, Lawrence, Randall, Saltonstall, and Slade—11.

For William C. Dawson.—Mr. Bell—1.

For John Bell.—Messrs. Briggs, Brockway, Calhoun, G. Davis, Dawson, Fillmore, Green, Grinnell, Hoffman, Hunt, Charles Johnston, Lincoln, Marvin, Morgan, Osborne, Palen, Peck, Russell, Stanly, P. J. Wagner, and L. Williams—21.

For Zadok Casey.—Messrs. Carr, Reynolds, and Stuart—3.

For Francis Granger.—Mr. Chittenden—1.

For Francis W. Pickens.—Messrs. Fisher, Hill of North Carolina, Holmes, and Lewis—4.

For G. W. Hopkins.—Mr. James Garland—1.

For Linn Banks.—Mr. Hopkins—1.

For Thomas Corwin.—Mr. C. Morris—1.

For David Petrikin.—Mr. C. H. Williams—1.

For G. C. Dromgoole.—Mr. Petrikin—1.

For R. B. Rhett.—Mr. Randolph—1.

Mr. C. H WILLIAMS moved that the House adjourn. Lost—yeas 87, nays 113.

Recapitulation of ballotings for Speaker of the House of Representatives of the Twenty-sixth Congress:

	1st.	2d.	3d.	4th.	5th.	6th.
John W. Jones,	113	113	110	101	71	39
John Bell,	102	99	1	2	22	21
Wm. C. Dawson,	11	11	103	77	4	1
F. W. Pickens,	5	5	7	8	6	4
Dixon H. Lewis,	3	5	6	14	49	79
R. M. T. Hunter,			5	29	68	63
Levi Lincoln,					4	11
Scattering,	1	1	2	3	10	10

Mr. LEWIS WILLIAMS moved that further balloting be postponed until Monday next, which was agreed to—ayes 87, noes 85.

The House then adjourned at nine o'clock.

IN SENATE,

Monday, December 16, 1839.

A message was received from the President of the United States.

The CHAIR, in compliance with the duty devolved upon him by a resolution of the Senate on Saturday, announced the following standing committees of the Senate:

FOREIGN RELATIONS.
Mr. Buchanan, Chairman.
Mr. Clay of Ky. Mr. Roane,
Brown, Allen.

FINANCE.
Mr. Wright, Chairman,
Mr. Webster, Mr. Benton,
Nicholas, Hubbard.

COMMERCE.
Mr. King, Chairman.
Mr. Davis, Mr. Ruggles,
Norvell, Mouton.

MANUFACTURES.
Mr. Lumpkin, Chairman.
Mr. Preston, Mr. Buchanan,
Mr. Knight, Allen.

AGRICULTURE.
Mr. Mouton, Chairman.
Mr. Spence, Mr. Brown,
Linn, Smith of Conn.

MILITARY AFFAIRS.
Mr. Benton, Chairman.
Mr. Preston, Mr. Pierce,
Wall, Nicholas.

THE MILITIA.
Mr. Clay of Alabama, Chairman.
Mr. Smith of Indiana, Mr. Fulton,
Phelps, Tappan.

NAVAL AFFAIRS.
Mr. Williams, Chairman.
Mr. Southard, Mr. Strange,
Cuthbert, Tappan.

PUBLIC LANDS.
Mr. Walker, Chairman.
Mr. Fulton, Mr. Prentiss,
Clay of Alabama, Norvell.

PRIVATE LAND CLAIMS.
Mr. Linn, Chairman.
Mr. Sevier, Mr. Mouton,
Clayton, Betts.

INDIAN AFFAIRS.
Mr. White of Tennessee, Chairman.
Mr. Sevier, Mr. Linn,
White of Indiana, Phelps.

CLAIMS.
Mr. Hubbard, Chairman.
Mr. Young, Mr. Williams,
Merrick, Betts.

REVOLUTIONARY CLAIMS.
Mr. Smith of Connecticut, Chairman.
Mr. White of Tenn. Mr. Crittenden,
Knight, Robinson.

THE JUDICIARY.
Mr. Wall, Chairman.
Mr. Clayton, Mr. Crittenden,
Strange, Smith of Indiana.

THE POST OFFICE AND POST ROADS.
Mr. Robinson, Chairman.
Mr. Lumpkin, Mr. Fulton,
Knight, Henderson.

ROADS AND CANALS.
Mr. Young, Chairman.
Mr. Phelps, Mr. Spence,
Henderson, Smith of Indiana.

PENSIONS.
Mr. Pierce, Chairman.
Mr. Prentiss, Mr. Roane,
White, Betts.

THE DISTRICT OF COLUMBIA.
Mr. Merrick, Chairman.
Mr. Crittenden, Mr. Southard,
Lumpkin, Clayton.

PATENTS AND THE PATENT OFFICE.
Mr. Strange, Chairman.
Mr. Davis, Mr. Robinson,
Ppentiss, Spence.

THE CONTINGENT EXPENSES OF THE SENATE.
Mr. Knight, Mr. Fulton,
Mr. Lumpkin.

ENGROSSED BILLS.
Mr. Smith of Indiana, Mr. Henderson,
Mr. Phelps.

The Senate then went into Executive business, and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES.

Monday, December 16, 1839.

The CHAIR announced that the first business in order was on proceeding to a seventh ballot for Speaker.

Mr. DROMGOOLE said, before the House proceeded to a vote, he desired to make an announce-

ment to the body. He was requested by his friend and colleague [Mr. JONES] to state to the House that he desired that his name might be withdrawn from the canvass.

The House then proceeded to vote for Speaker, and the results were as follows:

SEVENTH BALLOT.

FOR JOHN BELL.—Messrs. Adams, S. H. Anderson, L. W. Andrews, Biddle, Bond, Botts, Briggs, Brockway, H. Brown, Calhoun, W. B. Campbell, Carter, Chinn, Cranston, Crockett, E. Davies, G Davis, Dawson, Deberry, Dennis, Dillet, Edwards, Evans, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Hall, W. S. Hastings, Hill of Virginia, Hoffman, James, Chas. Johnston, Lincoln, Marvin, Mason, Mitchell, Monroe, C. Morris, Osborne, Palen, Randall, Randolph, Rariden, Ridgway, Saltonstall, Sergeant, Slade, Truman Smith, Storrs, Stuart, Tillinghast, Toland, Triplett, Trumbull, E. D. White, L. Williams, C. H. Williams, and S. Williams—64.

FOR W. C. DAWSON.—Messrs. Alford, Bell, Crabb, Habersham, and Warren—5.

FOR D. H. LEWIS.—Messrs. J. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, Carroll, Chapman, Clifford, Coles, Colquitt, M. A. Cooper, Craig, Crary, Cross, Dana, Davee, J. Davis, J. W. Davis, De la Montanya, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, King, Leadbetter, Leet, Leonard, Lowell, Lucas, McClelland, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Nisbet, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Rhett, Rives, Robinson, E Rogers, Samuels, Shaw, Shepard, A. Smith, J. Smith, Thomas Smith, Starkweather, Steinrod, Strong, Sumter, Swearingen, Sweeny, Taylor, J. Thompson, Vanderpoel, D. D. Wagener, Watterson, Weller, Wick, J. W. Williams, and H. Williams—110.

FOR R. M. T. HUNTER.—Messrs. J. W. Allen, S. Cooper, Corwin, Curtis, Cushing, R. Garland, Henry, Hopkins, Naylor, Ogle, Rayner, Reed, Simonton, Stanly, Taliaferro, W. Thompson, Underwood, J. White, T. W. Williams, J. L. Williams, Wise, and Mercer—22.

FOR F. GRANGER.—Messrs. Barnard, Chittenden, Clark, Everett, Fillmore, Gates, Hunt, Lawrence, Morgan, Peck, Russell, and P. J. Wagner—12.

FOR J. W. JONES.—Messrs. Blackwell and Casey—2.

FOR F. THOMAS.—Messrs. Carr, Connor, Cave Johnson, and Turney—4.

FOR Z. CASEY.—Messrs. Dromgoole, Proffit, and Reynolds—3.

FOR G. W. HOPKINS.—Mr. J. Garland—1.

FOR JOHN SERGEANT.—Mr. Jenifer—1.

FOR G. EVANS.—Mr. W. C. Johnson—1.

FOR J. R. UNDERWOOD.—Mr. Pope—1.

FOR G. C. DROMGOOLE.—F. Thomas—1.

FOR CAVE JOHNSON.—P. F. Thomas—1.

FOR H. W. CONNOR.—Mr. Worthington—1.

EIGHTH BALLOT.

FOR JOHN BELL.—Messrs. Adams, J. W. Allen, S. H. Anderson, Andrews, Barnard, Biddle, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, W. B. Campbell, Carter, Chinn, Chittenden, Clarke, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, G. Davis, Dawson, Deberry, Dennis, Dillet, Everett, Fillmore, Gentry, Goggin, Goode, Granger, Greene, Grinnell, Hall, W. S. Hastings, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Ch. Johnston, W. C. Johnson, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, Cal. Morris, Osborne, Palen, Peck, Pope, Randall, Randolph, Reed, Russell, Saltonstall, Sergeant, Slade, Truman Smith, Storrs, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J Wagner, E. D. White, Jno. White, Tho. W. Williams, Lew. Williams, C. H. Williams, and Sher. Williams—80.

FOR D. H. LEWIS.—Messrs. Jud. Allen, H. J. Anderson, Atherton, Beatty, Beirne, Black, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O Butler, Bynum, Carroll, Chapman, Clifford, Coles, Colquitt, M. A. Cooper, Craig, Crary, Cross, Dana, Th. Davee, Jno. Davis, J. W. Davis, De la Montanya, Doan, Doig, Duncan, Earle, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, Jno. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, Jos. Johnson, Nath. Jones, J. W. Jones, Keim, Kemble, King, Leadbetter, Leet, Leonard, Lowell, Lucas, McClelland, McCulloch, McKay, Mallory, Merchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Nisbet, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Rhett, Rives, Robinson, E. Rogers, Samuels, Shaw, Shepard, Alb. Smith, Jno. Smith, Tho. Smith, Starkweather, Steinrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Jac. Thompson, Vanderpoel, D. D. Wagner, Watterston, Weller, Wick, J. W. Williams, Hen. Williams, Worthington, Banks, and Jas. Rogers—113.

FOR W. C. DAWSON.—Messrs. Alford, Bell, Evans, Habersham, and Warren—5.

FOR CAVE JOHNSON.—Mr. Blackwell—1.

FOR F. THOMAS.—Messrs. Carr, Casey, Connor, Cave Johnson, Reynolds, P. F. Thomas, and Turney—7.

FOR R. M. T. HUNTER.—Messrs. Jas. Cooper, E. Davies, Edwards, Rice Garland, Graves, Naylor, Ogle, Rayner, Ridgway, Simonton, Stanly, Taliaferro, W. Thompson, Jos. L. Williams, Wise, and Giddings—16.

FOR ZADOK CASEY.—Messrs. Dromgoole, Hopkins, Proffit, Rariden, and Stuart—5.

FOR G. W. HOPKINS.—Mr. Jas. Garland—1.

FOR J. Q. ADAMS.—Mr. Gates—1.

FOR LEWIS WILLIAMS.—Mr. Graham—1.

FOR MR. DROMGOOLE.—Mr. F. Thomas—1.

FOR FR. W. PICKENS.—Mr. Lewis—1.

NINTH BALLOT.

FOR R. M. T. HUNTER.—Messrs. Adams, J. W. Allen, S. H. Anderson, Biddle, Bond, Botts, Brockway, A. Brown, W. B. Campbell, Carter, Clarke, J. Cooper, Corwin, Cranston, Curtis, E. Davies, G. Davis, Dennis, Edwards, R. Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Henry, Hill of Virginia, Hopkins, Jenifer, Mason, Mercer, Mitchell, Monroe, C. Morris, Naylor, Ogle, Pope, Randolph, Rayner, Reed, Ridgway, Saltonstall, Sergeant, Simonton, Truman Smith, Stanly, Storrs, Taliaferro, Waddy Thompson, Trumbull, E. D. White, J. White, T. W. Williams, L. Williams, J. L. Williams, Wise, and Cushing—59.

FOR WM. C. DAWSON.—Messrs. Alford, Bell, Evans, Habersham, Warren, and Crabb—6.

FOR DIXON H. LEWIS.—Messrs. J. Allen, H. J. Anderson, Atherton, Beatty, Beirne, Black, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. Butler, Bynum, Carroll, Chapman, Clifford, Coles, Colquitt, M. A. Cooper, Craig, Crary, Cross, Dana, Davee, J. Davis, J. W. Davis, De la Montanya, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, King, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Nisbet, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Rhett, E. Rogers, J. Rogers, Samuels, Shaw, Shepard, A. Smith, J. Smith, Thos. Smith, Starkweather, Strong, Sumter, Swearingen, Sweeney, Taylor, J. Thompson, Vanderpoel, D. D. Wagener, Watterson, Weller, Wick, J. W. Williams, H. Williams, S. Williams, Worthington, and Hammond—110.

FOR JOHN CAMPBELL.—Messrs. Andrews and Underwood—2.

FOR FRANCIS THOMAS.—Messrs. Banks, Blackwell, Casey, Chinn, Connor, Dromgoole, Cave Johnson, Robinson, Steinrod, Philip F. Thomas, and Turney—11.

FOR JOHN BELL.—Messrs. Barnard, Briggs, Calhoun, Chittenden, Dawson, Deberry, Dillet, Everett, Fillmore, Granger, Grinnell, Hall, Wm. Hastings, Hoffman, Hunt, James, Chas. Johnston, Lawrence, Lincoln, Marvin, Morgan, Osborne, Palen, Peck, Randall, Russell, Slade, Stuart, Tillinghast, Toland, Triplett, P. J. Wagner, and C. H. Williams—33.

FOR Z. CASEY.—Messrs. Carr, Crockett, Proffit, Rariden, and Reynolds—5.

FOR GEORGE W. HOPKINS.—Mr. J. Garland—1.

FOR JOHN QUINCY ADAMS.—Mr. Gates—1.

FOR FRANCIS W. PICKENS.—Mr. Hunter—1.

FOR EDWARD CURTIS.—Mr. W. C. Johnson—1.

FOR G. C. DROMGOOLE.—Mr. F. Thomas—1.

TENTH BALLOT.

FOR R. M. T. HUNTER.—Messrs. Adams, Alford, J. W. Allen, S. W. Anderson, Andrews, Bell, Biddle, Bond, Botts, Brockway, Anson Brown, W. B. Campbell, Carter, Chinn, Clark, Colquett, James Cooper, Corwin, Cranston, Crockett, Curtis, Cushing, E. Davies, G Davis, Dawson, Deberry, Dennis, Dillet, Edwards, Rice Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Greene, Grinnell, Habersham, Henry, Hill of Va. Hopkins, James, Jenifer, W. C. Johnson, Mason, Mercer, Mitchell, Monroe, Morgan, Cal. Morris, Naylor, Ogle, Osborne, Pickens, Pope, Randall, Randolph, Rayner, Reed, Ridgway, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, E. D. White, John White, Thomas W. Williams, Lewis Williams, J. L. Williams, C. H. Williams, Sherrod Willams, and Wise—85.

FOR J. W. JONES.—Messrs. J. Allen, Beirne, Craig, Cross, De la Montanya, Holleman, Kemble, McClellan, Miller, Prentiss, Swearingen, P. F. Thomas, Vanderpoel, and Worthington—14.

FOR D. H. LEWIS.—Messrs. H. J. Anderson, Atherton, Black, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, Carroll, Chapman, Clifford, Coles, M. A. Cooper, Crary, Dana, T. Davee, John Davis, Doan, Doig, Duncan, Earle, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Galbraith, Griffin, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holmes, Hook, Jackson, Jameson, N. Jones, J. W. Jones, Keim, King, Leadbetter, Lowell, Lucas, McKay, Mallory, Marchand, Medill, S. W. Morris, Newhard, Nisbet, Parmenter, Parris, Paynter, Petrikin, Rhett, E. Rogers, James Rogers, Samuels, Shaw, Shepard, A. Smith, John Smith, Strong, Sumpter, Taylor, J. Thomson, J. W. Williams, and H. Williams—73.

FOR F. THOMAS.—Messrs. Banks, Blackwell, Casey, Connor, Dromgoole, J. Johnson, Cave Johnson, Rives, Steinrod, and Turney—10.

FOR JOHN BELL.—Messrs. Barnard, Briggs, Hall, W. S. Hastings, Hoffman, Hunt, Ch. Johnston, Marvin, Peck, Russell, Fillmore, and Calhoun—12.

FOR G. M. KEIM.—Messrs. Beatty, Fornance, Gerry, Hammond, Hubbard, Leet, Lewis, McCulloch, Montgomery, Ramsey, Robinson, and D. D. Wagener—12.

FOR Z. CASEY.—Messrs. Carr, J. W. Davis, Howard, Proffit, Rariden, T. Smith, Wick and Reynolds—8.

FOR F. GRANGER.—Messrs. Chittenden and Lincoln—2.

FOR W. C. DAWSON.—Messrs. Crabb, Everett, and Storrs—3.

FOR LEVI LINCOLN.—Messrs. Evans, and Granger—2

FOR G. W. HOPKINS.—Mr. James Garland—1.

FOR J. Q. ADAMS.—Mr. Gates—1.

FOR F. W. PICKENS.—Messrs. Hunter, Leonard, Parish, Starkweather, and Watterston—5.

FOR THOMAS CORWIN.—Mr. Lawrence—1.

FOR WM. MEDILL.—Messrs. Geo. Sweeny, and Weller—2.

FOR G. C. DROMGOOLE.—Mr. F. Thomas—1.

Mr. HUBBARD, after the announcement of the tenth vote for Speaker, stated that Mr. Lewis desired that his name should be withdrawn.

ELEVENTH BALLOT.

FOR R. M. T. HUNTER—Messrs. Adams, Alford, J. W. Allen, L. W. Andrews, Bell, Biddle, Black, Bond, Botts, Brockway, A. Brown, S. H. Butler, Calhoun, J. Campbell, W. B. Campbell, Carter, Chinn, Clark, Colquitt, J. Cooper, M. A. Cooper, Corwin, Cranston, Crockett, Curtis, Cushing, E. Davies, G. Davis, Dawson, Deberry, Dennis, Dillet, Edwards, Fillmore, Fisher, R. Garland, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Griffin, Grinnell, Habersham, Hall, W. S. Hastings, Henry, Hill of Va. Hoffman, Holmes, Hopkins, Hunt, James, Chas. Johnston, W. C. Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, C. Morris, Naylor, Nisbet, Ogle, Osborne, Peck, Pickens, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Tr. Smith, Stanly, Storrs, Sumpter, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, E. D. White, J. White, T. W. Williams, L. Williams, J. L. Williams, C. H. Williams, S. Williams, Wise, Jenifer, Everett, Chittenden, Evans, Gates, Barnard, Briggs, Palen, Crabb, and S. H. Anderson—119.

FOR J. W. JONES—Messrs. J. Allen, Atherton, Beirne, Blackwell, A. V. Brown, W. O. Butler, Carroll, Clifford, Connor, Doan, Dromgoole, Earl, Ely, Fine, Hand, J. Hastings, Hawkins, Hill of N. C. Hilen, Holleman, Howard, J. Johnson, N. Jones, Kem, Kemball, Leonard, Lowell, Lucas, McClellan, McKay, Miller, Parish, Parmenter, Petrikin, Prentiss, Rives, J. Rogers, Shaw, Shepard, J. Smith, Thos. Smith, Steinrod, Strong, Swearingen, Sweeny, Taylor, F. Thomas, P. F. Thomas, Turney, Vanderpoel, Weller, J. W. Williams, H. Williams, Worthington, and Banks—55.

FOR MR. DAVEE—Messrs. H. J. Anderson, Fletcher, and Parris—3.

FOR F. THOMAS—Messrs. Casey, J. W. Jones, and Mallory—3.

FOR MR. KEIM—Messrs. Beatty, Bynum, J. Davis, Duncan, Fornance, Galbraith, Gerry, Hammond, Hook, Hubbard, Leadbetter, Leet, Lewis, McCulloch, Marchand, Montgomery, S. W. Morris, Newhadr, Paynter, Ramsey, Robinson, E. Rogers, Samuels, and D. D. Wagener—24.

FOR MR. CASEY—Messrs. Boyd, Brewster, Carr, Craig, Dana, De la Montanya, Doig, Cave Johnson, Reynolds, and Wick—10.

FOR MR. PICKENS—A. G. Brown, Chapman, Coles, Cross, Medill, Rhett, Starkweather, J. Thompson, and Watterson—9.

FOR MR. ATHERTON—Messrs. Burke, Eastman, Floyd, and Jackson—4.

FOR MR. STARKWEATHER—Mr. Crary—1.

FOR MR. CLIFFORD—Mr Davee—1.

FOR MR. HOWARD—J. W. Davis—1.

FOR MR. LEWIS—A. Smith—1.

FOR MR. BOYD—Mr. Jameson—1.

Recapitulation of votes given for Speaker of the House of Representatives, 26th Congress, first session.

	7th.	8th.	9th.	10th.	11th.
Whole number	229	232	231	232	232
Necessary to a choice	115	117	116	117	117
DIXON H. LEWIS	110	113	110	73	1
R. M. T. HUNTER	22	16	59	85	119
JOHN BELL	64	80	33	12	
FRANCIS GRANGER	12			2	
ZADOK CASEY	3	5	5	8	10
FRANCIS THOMAS	4	7	11	10	3
WILLIAM C. DAWSON	5	5	6	3	
JOHN W. JONES	2			14	55
GEORGE M. KEIM				12	24
FRANCIS W. PICKENS		1	1	5	9
Scattering	7	5	6	7	11

Mr. R. M. T. HUNTER, having received a majority of the whole number of votes on the eleventh vote, was declared duly elected.

Mr. BANKS and Mr. LAWRENCE conducted the SPEAKER to the chair, when,

On motion of Mr. WISE,

The House adjourned.

IN SENATE,

TUESDAY, December 17, 1839.

The CHAIR desired that the Committee on Public Buildings, which he had omitted yesterday, should be placed on the journal, to consist of Mr. FULTON, Chairman, Mr. MERRICK, and Mr. SMITH of Connecticut.

Mr. WRIGHT gave notice that as soon as the Senate was ready to proceed to legislative business, he would ask leave to introduce the following bills:

A bill more effectually to secure the public money in the hands of officers and agents of the Government, and to punish public defaulters.

A bill for the relief of W. N. Robertson.

A bill for the relief of Samuel H. Garrow and S. W. Simonton.

A bill for the relief of W. A. Whitehead, late collector of the port of Key West, in Florida.

Mr. LINN gave notice that he would, on the earliest opportunity, ask leave to introduce the following bills:

A bill authorizing a patent to be issued to Joseph Campan, for a certain tract of land in the State of Michigan.

A bill for the relief of the heirs of Madam de Lusser.

A bill for the relief of Pierce Balin.

A bill for the relief of the heirs and legal representatives of William Conway.

A bill for the relief of Daniel Marsaque.

A bill for the relief of the legal representatives of Elihu H. Bay.

A bill for the relief of Juan Belgar.

A bill for the relief of Francis Laventure, Ebenezer Childs, and Linas Thompson.

A bill for the relief of Joseph Bogy.

A bill for the relief of Joseph Cochran.

A bill for the relief of the legal representatives of Phil. Barbour, deceased.

A bill for the relief of Charles Morgan of Louisiana.

A bill for the relief of Charles Morgan.

A bill for the relief of Jean Baptiste Grainger.

A bill for the relief of Sebastian Butcher and heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom.

A bill for the relief of Obed P. Lacey.

A bill to continue in force the act for the final adjustment of private land claims in Missouri.

A bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land.

A bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Ricard, deceased.

A bill confirming certain land claims in Missouri.

A bill to confirm certain land claims in the Ouachita land district in the State of Louisiana.

A bill to confirm land claims in the district between the Rio Hondo and Saline rivers.

A bill to settle the title to certain tracts of land in the State of Arkansas.

A bill to amend an act confirming certain land claims in the State of Michigan.

A bill supplementary to an act entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830, with the Choctaw Indians."

A bill for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land district in said State.

A bill to confirm the title to a certain tract of land in the county of Mobile.

A bill to confirm certain land claims in the Greensburg land district, State of Louisiana.

Mr. WALKER gave notice that he would ask leave to introduce a bill for the relief of Alvarez Fisk and the legal representatives of Thomas P. Eskridge.

Mr. PRENTISS gave notice that he would ask leave to introduce the following bills:

A bill for the relief of Lemuel White.

A bill for the relief of Daniel Wallas.

A bill for the relief of Margaret Barnes.

A bill to authorize the payment of invalid pensions in certain cases.

Mr. NORVELL gave notice that he would ask leave to introduce the following bills:

A bill granting to the county of Kalamazoo, in the State of Michigan, the right of pre-emption to a quarter section of land, and for other purposes.

A bill to amend an act confirming certain land claims in the State of Michigan.

A bill granting to certain persons therein named the right of pre-emption to a fraction of a section of land in Ottoway, in the State of Michigan.

Mr. SEVIER gave notice that he would ask leave to introduce a bill for the relief of William Murphy.

Mr. CLAY of Alabama gave notice that he would ask leave to introduce a bill for the relief of William Jones.

On motion of Mr. BENTON,

The Senate proceeded to the consideration of Executive business, and, soon after,

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, December 17, 1839.

At 12 o'clock, Mr. R. M. T. HUNTER, Speaker of the House, called the House to order, and addressed them as follows:

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

The high and undeserved honor which you have conferred upon me, has been so unexpected, that even now I can scarcely find terms in which to express my grateful sense of you kindness. I trust, however, to be able to offer a better evidence of that sentiment in the earnest efforts which I shall make to discharge my duties justly and impartially. Called as I have been to this high station, not so much from any merits of my own as from the independence of my position, I shall feel it as especially due from me to you to preside as the Speaker, not of a party, but of the House. Whilst I shall deem it my duty, upon all proper occasions, to sustain the principles upon which I stand pledged before the country, I shall hold myself bound, at the same time, to afford every facility within my power to the full and fair expression of the wishes and sentiments of every section of this great Confederacy. You will doubtless deem it your duty, gentlemen, as the grand inquest of the nation, to investigate all matters of which the people ought to be informed; to retrench expenditures which are unnecessary or unconstitutional; to maintain the just relations between all of the great interests of the country, and to preserve inviolate the Constitution, which you will be sworn to support, whilst it will be mine to aid you in such labors with all of the means within my power. And although deeply impressed with a painful sense of my inexperience, and of the difficulties of a new and untried station, I am yet cheered by the hope that you will sustain me in my efforts to preserve the order of business and the decorum of debate. I am aware that party fervor is occasionally impatient of the restraint which it is the duty of the Chair to impose upon the asperities of debate, but at the same time I know that the just of all parties will sustain a Speaker who is honestly endeavoring to preserve the dignity of the House, and the harmony of its members.

Permit me, in conclusion, gentlemen, to tender you the homage of my heartfelt thanks for the honor which you have conferred upon me, and to express the hope that your counsels may be so guided by wisdom as to redound to your own reputation, and the welfare of our common country.

The journal of yesterday was then read, when

Mr. DROMGOOLE submitted the following resolution:

Resolved; That the standing rules and orders of the last House of Representatives be adopted as the rules and order of proceedings of this House.

Mr. WILLIAMS of North Carolina moved to lay this resolution on the table until the members were first sworn.

Mr. W. COST JOHNSON referred to the law of 1789, to show that this resolution was inadmissible at the present time, that law declaring that the members shall take the oath of office before they proceed to business. He therefore made a point of order, as to whether this resolution could be entertained at the present time.

Mr. DROMGOOLE stated that he had moved this resolution with a view of avoiding all difficulty in case any question should arise in the course of

administering the oath to the members. With regard to the law of 1789, he would ask where was its obligation when we were two weeks acting as members of the House of Representatives, and adopting rules for our government without having the oath first administered? He thought it was due to the House, and due to the Speaker, that rules of order should be adopted at the earliest possible period, in order that the business of the House might be conducted according to rules of order, usual in all deliberative bodies.

Mr. W. C. JOHNSON would yie'd to the request of the gent'eman from Virginia, if he could conscientiously; but he held that the law in this case was imperative.

The SPEAKER suggested that the better way of deciding upon this question would be on the motion to lay on the tab'e.

Mr. W. C. JOHNSON then withdrew his question of order.

Mr. VANDERPOEL moved a call of the House. Lost.

Mr. GRAVES then called for the yeas and nays on the motion to lay on the table, which were ordered, and were—yeas 116, nays 116, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Ba nard, Bell, Biddle, Black, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, John Campbell, William B. Campbell, Carter, Chapman, Chinn, Chittenden, Clark, Colquitt, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hopkins, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Sherrod Williams, and Wise—116.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Clifford, Coles, Conner, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, De la Montanya, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Lee, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsay, Reynolds, Rhett, Rives, Robinson, Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steinrod, Strong, Sumter, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterston, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—116.

The SPEAKER voting in the affirmative, the resolution was laid on the table.

Mr. CRAIG then submitted the following resolution:

Resolved, That every member of the House of Representatives of the United States ought, upon taking his seat therein, to produce at the CLERK's table, or to deposite in the CLERK's office, the credentials by virtue of which he claims his seat; and in all cases of contested elections, no member ought to be permitted to vote until the House, upon a report from the standing Committee of Elections, or by a vote of the majority of the members present, having a quorum of the House, shall have decided which of the claimants is entitled to the contested seat.

Mr. WISE said that there was the same objection to this resoluti n as to the other, and moved that it be laid on the table; which motion was agreed to.

The oath was then administered to the members from the several States, except New Jersey, Mr. RANDOLPH not presenting himself when New Jersey was called.

After the members from all the States except New Jersey were sworn,

Mr. RANDOLPH, together with the five members claiming seats under the Governor's certificate, presented themselves at the Clerk's table, and demanded to be sworn, but the SPEAKER refused to swear any of them except Mr. RANDOLPH.

The SPEAKER then stated that J. B. AYCRIGG, C. C. STRATTON, J. P. B. MAXWELL, W. HALSTED, and T. J. YORKE, had appeared while he was administering the oath of office to the members, and demanded to be sworn. Had this question occurred this morning *de novo*, and no proceeding of the House having been had upon it, he should not have hesitated in administering the oath to these gentlemen; but inasmuch as proceedings had been had heretofore in the House, and a decision made, or rather a negative proposition adopted, he felt it to be his duty to refuse to administer the oath to them, and to refer the matter to the House, to say whether they should be sworn.

Mr. WISE would inquire whether any member had objected to the swearing of these gentlemen.

Mr. DROMGOOLE said he understood the CHAIR to state the difficulty, and then submit the metter to the House to decide whether the oath should be administered to these gentlemen.

Mr. WISE again asked whether any member objected to the swearing of these gentlemen, and if no objection was made, he presumed there would be no question but for the SPEAKER to swear them at once.

The SPEAKER then stated to the gentleman from Virginia [Mr. WISE] that he did not feel himself authorized to do this, from the fact that a resolution submitted by the gentleman himself had been negatived, and the vote upon it stood recorded on the journals of the House. By that resolution the House decided that these gentlemen were not entitled to take seats, and in consequence of that resolution, he thought it became him to submit this grave question to the decision of the House.

Mr. WISE expressed his approbation of the course of the CHAIR; but he submitted whether a resolution adopted by the Repre entatives of the people, or a part of them, while in an unorganized state, could have any binding effect upon this body at the present time. He therefore would move, in order to test this question, that these gentlemen *be not sworn*, if it was in order to make that motion. A sovereign State had been deprived of its representation simply by the form of putting the question, and he made the motion in this form in order that gentlemen might not deprive a State of her rights by the trickery of forms.

The SPEAKER requested that the gentleman should submit his proposition in writing.

Mr. DROMGOOLE said if he understood the question, the SPEAKER had submitted a question to the House for its decision, to wit: "Shall these five gentlemen be permitted to qualify?" This was an affirmative proposition, and must come up in that form, whatever effort his colleague might make to the contrary. The course taken by the CHAIR was not without precedent. Cases had occurred in the Senate of the United States, as well as in this House, where the presiding officer had referred matters to the House. In the present case, the SPEAKER had referred the matter to the House, and the House was in possession of the motion; and he demanded a decision upon that proposition.

Mr. MERCER contended that the present was a proper time to decide this question, and hoped the gentleman from Virginia would submit his proposition to the House.

Mr. WISE then submitted his resolution in writing, in substance as before stated. Mr. W. said his colleague would not forget, so soon after we had escaped from our chrysalis state and put on our wings, the charges of usurpation which had been made against the gentleman who occupied the Chair for temporary organization, because he presumed to put propositions to the House in his own form. The CHAIR, as he had understood him, had not put the question directly to the House, but had suggested that it would be a question for the decision of the House.

The CHAIR observed that he had, in the first instance, stated that the question, Shall the gentlemen from New Jersey be sworn, was a proper question for the House to decide upon; but gentlemen must not understand him as submitting that question to the House, but merely indicating the course which the House must pursue, unless some member submitted a proposition; and as the gentleman from Virginia had submitted such a proposition, the CHAIR would entertain the motion.

Mr. WISE said he had, then, not misunderstood the CHAIR, and in order to relieve the CHAIR from submitting this question to the House, he had submitted his resolution; and unless gentlemen desired to speak on the subject, he would move the previous question. He, however, withdrew it at the request of some gentlemen around him.

Mr FRANCIS THOMAS suggested the propriety of postponing the further consideration of this question, until the House should adopt rules of order. A resolution to adopt the rules of the last House for the government of this body, had been laid on the table by the casting vote of the SPEAKER; but the House was not then full, and it seemed to him, that as this question had been brought up, the House ought to have some rules for its guidance. He would put it to gentlemen to say, whether this question should not be postponed until rules were adopted for the government of the body.

Mr. WISE would have no objection to pursue the course indicated by the gentleman from Maryland, if it was not that difficulties might arise by the adoption of those rules before the members of the House were all sworn. The question may arise as to whether we shall vote *viva voce* or by ballot, or other questions might arise, all of which should be left untouched until all the members of the House were sworn. And with regard to rules for our government, he submitted whether the rules of common sense were not all sufficient, until the question with regard to the New Jersey members was decided.

Mr. TILLINGHAST contended that there were natural rules of order and natural precedents which it was impossible for the House to overlook; and these natural rules of order, he maintained, were all sufficient for the government of the body until this question was decided. He also referred to the case of Claiborne and Gholson at the extra session of 1837, to exhibit a precedent in that case applicable to the present case. Mr. T. then gave way to

Mr. WISE, who asked that the credentials presented by Messrs. AYCRIGG, MAXWELL, &c. be read; and the CLERK read them to the House.

Mr. TURNEY called for the reading of the credentials on the other side.

The SPEAKER said that the gentleman had only called for the reading of the documents on one side.

Mr. TILLINGHAST continued his remarks, and contended that the resolution of Mr. WISE should be the first thing acted on.

Mr. SERGEANT heartily approved of the course adopted by the CHAIR, in referring the subject to the House for its consideration; but as to the mode in which it is to be presented, he did not understand the CHAIR to decide, but that he left it entirely to the House. The gentleman from Virginia [Mr. WISE] was right, under these circumstances, in offering a resolution which he considered to be in strict conformity to the spirit and provisions of the Constitution of the United States. The very first question which presents itself here is no less than this: If gentlemen present themselves here with regular credentials, offering to be sworn, are they to be excluded by less than a majority of the House? Did it not, in other words, require a majority to bring them in, or did it not require a majority to exclude them? Those who maintain that it requires a majority to bring them in, maintain what appeared to him to be unconstitutional doctrine, because it seemed that, to entitle a gentleman to be sworn, he must have something more than regular credentials of his State; that is, he must have the aid of a majority of this House. He considered the decision that was made by this House some days ago, to be of a very doubtful character, to say the least of it; nay, he could not say that decision was conformable to the Constitution, either in its terms or its spirit. Now, sir, (said Mr. S.) is this the law of the land? If there be a choice in the two modes of putting the question, is it not plainly within the spirit of the Constitution to give it that form and that direction which shall give to the voice of a sovereign State the greatest power? Or shall we

(said he) regard that voice as nothing, and insist upon it that those gentlemen cannot be introduced unless a majority of this House declared them entitled to come in. Let us see, said Mr. S. what we are called upon to decide, and what we are to decide. This was not yet a House of Representatives of the United States, he meant in its perfect and organized form; and for that reason he held the House of Representatives, in all its stages of existence, to mean a representation from all the States of the Union, in proportion to that allowed by the laws. The first provision of the Constitution relating to this subject is, that in every stage of the existence of the House, every State shall be represented—that no State shall stand unrepresented. If a State has not a sufficient population to entitle her to one Representative, according to the apportionment laws, yet she must, according to the Constitution, have one.

Mr. S. here referred to the third clause of the second section of the first article of the Constitution in support of his argument, as follows: "The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hamsphire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three."

Now, (said Mr. S.) what do you purpose to do? Why, to constitute a Congress without a representation from the State of New Jersey, by members from the other States of this Union voting against them. The Constitution says that every State shall have a Representative here, and yet you have deprived a sovereign State of five-sixths of her representation. Under the Constitution and laws, as they now are, the State is not otherwise known than as an organic body, and we have no right, in the present stage of our proceedings, to look at the State of New Jersey but as an organic body—as an independent power coming here, demanding to take her share in the legislation of Congress. Has New Jersey failed to do her duty under the Constitution? It is admitted that she has done it; that she is here by her Representatives, who have been here from the beginning, claiming to be admitted. She has five-sixths of her Representatives here, who have been excluded. Can you constitute a Congress without them? The State having elected her Representatives, when they have been sent here, and offered to participate in the business of the nation, your excluding them affects all the States of the Union, New Jersey as well as the rest. Where is your authority for this? Mr. S. here went on to comment on the commissions presented by the five New Jersey claimants, and contended that they were regular, and such as bore on their face nothing to raise a doubt. No such question, he said, was ever raised in regard to Mr. Moore's credentials, and the Mississippi members. From the commissions themselves, no gentleman could find in them a single particular in which they were not in precise conformity with the laws of New Jersey. You could not have more conclusive evidence presented from New Jersey, or from any State, to show that these gentlemen were elected.

Mr. S. here went into a long argument of the constitutional question involved, and in answer to the doctrine of Mr. PICKENS, urging in contradiction to him, that the House of Representatives known to the Constitution, was a House in which all the States were fully represented; and contended that a representative holding the certificate was a member of Congress before he arrived here, and before he was qualified, as well as after he was qualified. Mr. S. continued his argument at great length in support of the gentlemen holding the certificates to take their seats, without examining the testimony or going to any extent behind the certificates.

Mr. DROMGOOLE replied at length to the argument of Mr. SERGEANT, presenting, in forcible and eloquent language, a conclusive and able refutation of the positions presented by that gentleman, a brief outline of which our limits will only permit us now to give. He had never, at any preliminary stage of the proceedings, he said, gone into the merits of this controversy, because he believed the discussion would be premature, and would have no other effect than to prejudge and forestall the opinions of the House and of the public, before the evidence was before them. His opinion had been, from the first, that they ought to go into an examination of this question by a committee, who should report the facts and evidence to the House, and that then both parties should be permitted to come in, and present their own case, "*ore tenus*," at the bar. But gentlemen on the other side wanted to jump over all inquiry, reject all evidence, and, restricting themselves to the commissions of the Governor of New Jersey, decide that those who held them should take their seats. They were called upon to decide that these commissions were conclusive as to the right of the gentlemen to take their seats, and could not by any evidence be controverted. Gentlemen had also urged the imperfect state of the organization of the House, as a reason why it could not go into an examination of all the evidence bearing on the case; but gentlemen could not now avail themselves of that difficulty. We are, said Mr. D. organized; we have a Speaker, we have taken the oath of office, and there is nothing to prevent us from entering into an examination of all the evidence, and of deciding it upon its merits. Though fully convinced that this power existed, yet he believed that it would be premature to exercise it until after a full examination into all the facts and evidence by a committee and a report upon it. Some of the propositions of the gentleman from Pennsylvania [Mr. SERGEANT] were so abhorrent to the principles of the Constitution, that he felt constrained to meet them at the threshold, though he would not now go into an examination of the merits of the main question. He understood the gentleman to say that he could only look at the State of New Jersey acting in its corporate, or organic capacity. Now he utterly denied that in this instance the doctrines of the gentleman were in accordance with the Constitution; and he would call upon him to look at that instrument itself, and see what authority it gave him for his assumptions. Before going into an examination of this part of the gentleman's argument, he would premise a few remarks, in order that they might arrive at a better understanding of the subject. It was known to the Speaker, who, from his infancy, had been taught in the political school of the State Rights party, that the term "State" is used in three different senses; and he would refer gentlemen to Mr Madison's celebrated report on the resolutions of John Taylor of Caroline in the Virginia Legislature, as authority for this understanding of the term. The term "State" sometimes meant the territory comprehended within its limits—as, said Mr. D. we may speak of going into Maryland or into Virginia. It sometimes meant the machinery by which the State Government was carried on; and again, it sometimes meant the whole people of the State, and then the term State was applied to it as a sovereign State alone. The term State, therefore, was sometimes applied to the territory; sometimes to the Government, and sometimes to the people, in their highest attribute of sovereignty. The State Governments, as such, Mr. D. said, are not parties to the Federal compact. The States of New Jersey, Virginia, and the rest, in their highest sovereign capacity, that is, the people of these States alone, are the parties. Do not tell me, then, said Mr. D. that we are opposed to State rights, when we contend that the machinery of a State shall not misrepresent the will of the sovereign people of the State. With this distinction, he would call the attention of the gentleman from Pennsylvania to the language of the Constitution on this subject. "The House of Representatives shall be composed of members chosen every second year"—By whom, sir? By the States? No, sir: but "by the *people* of the several States." Then as to the Senate. The Constitution says that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislatures thereof," &c. And here, said Mr. D. is the distinction shown between the two bodies, and this is, what I have always contended it is, the popular body—this is the part of the Federal Government which obtains a popular feature. He saw his venerable colleague [alluding to Mr. MERCER] smile, for he fully concurred in these great doctrines of the State Rights party.

In looking at the returns of the New Jersey elections, even if we should go behind the great seal, we shall be guilty neither of a violation of the Constitution, nor of the rights of the State of New Jersey; but, on the contrary, in contending for the rights of the people to elect their Representatives, we are carrying out the Federal compact in the fullest extent. We inquire who the people of New Jersey have elected as their Representatives, and, in so doing, we regard that State in her highest sovereign capacity. He should like to know from his learned friend from Pennsylvania, or from any member of that body, learned or unlearned, where it is he finds any authority for the assumption that the House of Representatives could not go behind the commissions of the Governor of New Jersey, with the great seal of the State, in deciding upon the elections, returns and qualifications of its members. He denied that there was any authority for it, either in the Constitution or laws, or in precedents found in parliamentary practice. He contended that the word "returns," carried with it every question connected with the returns; and that they had as much right to inquire into the returns of the votes of Millville and South Amboy, which were suppressed by the clerks, as into the commissions of the Governor of New Jersey. If gentlemen doubted this, he would cite for them abundant authority. Mr. D. here referred to the case of Spalding and Mead, a contested case of election returns decided some years ago in the House of Representatives. In this case, under the laws of the State of Georgia, the votes were required to be returned within a limited time; but the votes of three counties not having been returned within that time, the Governor felt himself constrained not to count them, and to give the commission to Mead. The seat was contested, and it was decided here that the House was not restricted by the proclamation of the Governor, as is now contended, but that the "*returns*" comprehended all the votes given in that Congressional district, whether counted by the Governor or not. There were two points decided in that case, the primary returns and the ultimate returns; and therefore, the laws of New Jersey requiring the returns to be made by the county clerks to the Governor, who is to sum them all up, and to give the commissions in conformity with them, the House must inquire into all the facts of these elections, going back to the primary returns, to act in conformity with this precedent. The House decided against Mr. Spalding, and that the votes which were kept back, whether they were the result of fraud or otherwise, were still to be counted. Mr. D. would not here enter into any examination of the conduct of Governor Pennington. He would not pretend to say that Governor Pennington had done wrong. He would be willing to admit, and he would ground his argument on the position that the Governor could not have acted otherwise than he did—that he was obliged to give his commissions, without counting the Millville and South Amboy votes; but he would ask, could this House refuse to count them? There were at least forty cases in which it was decided that all the returns should be looked into, and upon the ground that this House was not violating the laws of the States, but carrying them out. It was perfectly competent for the House, looking into the returns, to examine them all—to compare them together, and decide whether these certificates of the Governor, with the broad seal, might not be impeached either for want of form or want of verity; and, if they were not in accordance with the laws of New Jersey, and not in accordance with the facts as regards summing up all the votes taken at the election, they were void, and might be set aside. He would be glad to know where gentlemen found the authority for the assumption that these commissions of the Governor of New Jersey

were conclusive as to the right of those persons bringing them to take their seats without further question. Where was the precedent for it? All the decisions were directly at variance with it; and in the case of Spalding and Mead, it was decided that the returns were only *prima facie* evidence. But gentlemen contended that a *prima facie* evidence of a right gave a man a conclusive right. It was not worth while to go into a refutation of this absurdity. It must be admitted that the right to take a seat in that House rested on the elections and qualifications of the members, and that the *prima facie* evidence of these two circumstances was only good evidence in the absence of any thing to contradict it. The very learned gentleman from Pennsylvania attempted to prove that the five New Jersey gentlemen were now members of the House, and had been so for a long time. Now, he did not understand that there was any thing in the Constitution or the laws to justify him in this position. Did he understand the argument of the gentleman to be that, because these five New Jersey gentlemen, on their way here, might be discharged from arrest under color of their right as members of the House, this gave them a right? Where did the gentleman find that the decision of a judge, or even of the chief justice himself and all his associates, was authority to bind the House of Representatives, acting under the power given them by the Constitution? To a certain extent, these gentlemen, with the commissions of the Governor of New Jersey in their pockets, had the rights and privileges of members, while on their way to the seat of Government; but that gave them no right which they did not possess. Here Mr. D. quoted the case of Hammond, a member from Ohio, decided by the House of Representatives, in which the question was raised with regard to the time when membership commenced; and referred to the very able report made by Mr. John W. Taylor, of New York, in that case. There it was decided that membership, so far as this House was concerned, did not commence until the gentleman had actually taken his seat in it.

Mr. D. next entered into a refutation of Mr. SERGEANT'S position, that there never was any interregnum of the House of Representatives, but that it was a perpetual body. This he denied. One of the first distinctions he had ever learned between the two Houses, was, that the Senate was a perpetual body, but that the House ceased to exist with the expiration of the term for which its members were elected; and that at every Congress there was a new House of Representatives. He no more believed in the unbroken succession of the House of Representatives, than he did in the unbroken succession of the line of the Popes from St. Peter down to this time.

Mr. D. said he had shown before, that they were not to look to the body of the representatives of a State as the representation of the State itself, but to look at it, under the Constitution, as the representation of the people of that State. Gentlemen seemed to have great fears about going into conflict with the laws of a State; but, said Mr. D. there are decisions of this House, which, finding State laws standing in the way of the Constitution, have set them aside; and this is not going into conflict with the laws of that States, but merely passing them by, because they did not conform to the Constitution. Mr. D. quoted the case of Mr. Barney of Maryland, whose seat was contested, to show that the House set aside a law of the State of Maryland, requiring a qualification as to residence, which was not required by the Constitution; that instrument requiring only the member to be, when elected, an inhabitant of the State from which he is chosen. But gentlemen would perceive the absurdity to which they would be driven, by contending that the enactments of a State are binding on the House of Representatives, as to the elections and returns of its members. If, as gentlemen say, these certificates and seals are conclusive as to the right of those presenting them how could the House judge of such elections and returns, as it is solely empowered to do by the Constitution? If this doctrine of the gentleman from Pennsylvania is in accordance with what he conceives to be the States Rights doctrines, it was a species of nullification, he apprehended, that his States Rights friends would not go for. The Nullification party, as he understood, (at the same time appealing to Mr. PICKENS,) interposed the State's sovereignty to arrest an unconstitutional law; but this nullifying the Constitution of the United States by a State enactment, as the gentleman from Pennsylvania would now have it, was going further than any Nullifier he ever heard of was disposed to go. Thus much as to the rights of the States. He flattered himself that all the State Rights gentlemen were now with him.

But gentlemen asserted that some persons must take their seats as members from the State of New Jersey before the House can decide the matter. "I should like" (said Mr. D.) "for gentlemen to show me their authority for this. I should like to know when it was decided that a member must take his seat before it can be decided whether he is entitled to it." Mr. D. here referred to the decision in the case of Mr. Edwards of Maryland, to show the error of this position; and also, for the same purpose, referred to the case of Mr. John Richards, a member from the State of Pennsylvania, in which case the Governor of that State acted with much more delicacy and moderation than the Governor of New Jersey; for he gave the commission to neither of the contending parties, but left the controversy to be decided by the House. Now in this New Jersey case the refusal of the Governor to give his certificates would not, in the least, have prejudiced the claims of those gentlemen to whom he did give them; for they would still have had the same rights which they now possessed, and on which only the House was competent to decide. This book, [holding up the volume of contested election cases,] said Mr. D. is full of cases in which the House has counted the votes, either where the authorities of the States refused to count them, or where they were returned too late to be counted under the State laws. He would not undertake here to define what was meant by the phrase "*prima facie* evidence;" but he was grossly deceived if it meant any thing more than first blush evidence, and became good only in the absence of testimony to controvert it. You cannot, then, said Mr. D. where there is clear, strong and impartial testimony staring you in the face, impeaching this *prima facie* evidence, conclude that you will not give it a hearing, without violating every principle of justice, as well as of the Constitution of the United States.

After having shown the power of the House to examine into all the returns of its members, both primary and ultimate, Mr. D. would merely say that if the certificates of the Secretary of State are not evidence in this case, it was twice decided in the House, in the case of Spalding and Mead that they were; and further, that this was the first time that the certificate and seal of an office of record was not considered good evidence with regard to the records in that office. He had briefly touched on the points involved in this case, for the purpose of showing that the House ought not to resolve with this inconsiderate, he would not say indecent, haste, that they would not look into the important testimony impeaching those certificates, but ought to make up its decision after a full knowledge of all the evidence belonging to this case. He, Mr. D. was for going regularly into an examination of this case, and for going into it in a tangible form. He was for permitting both parties to be heard on their trial. Believing this to be the course required as well by expediency as by justice, he would not, even if he thought these five New Jersey gentlemen had the right to the returns, vote for the proposition of his colleague; for it would not be right nor just to prejudge the case before ascertaining all the facts connected with it. He hoped, therefore, that it would be the pleasure of the House to have the whole case fairly brought before them, and then, after hearing both parties, discuss it calmly and deliberately, and decide upon it with a full understanding of its merits. Mr. D. said that he was for going into an examination of this question through the medium of a committee, both for the sake of convenience, and for the sake of bringing all the evidence more clearly within the view of the members of that body. This would be in conformity with the precedent established in the case of Moore and Letcher, where it was solemnly decided that, pending the controversy, neither party should be permitted to qualify. He believed there was not a single exception in cases decided in either branch of Congress, where gentlemen presenting themselves, and whose credentials were objected to, in which the matter was not referred to a committee, who reported before there was any further action upon it. The book was full of such cases, and gentlemen, with all their ingenuity, could not find a single case in which a contrary course was taken. He found cases where the Governors of States had commissioned members, and where they were not permitted to qualify, but were sent with their credentials to a committee. Where no question with regard to the credentials was raised, the member presenting them was always permitted to qualify, of course; but whenever the question was raised to the validity of their commission, they were not suffered to qualify until it was decided that they were entitled to their seats. Mr. D. in this part of his argument, read the case of Mr. Landon, in the Senate of the United States in March, 1825, by which it appeared that Mr. L's credentials having been objected to, he was not permitted to qualify, but the matter was referred to a committee.

Mr. WISE. What were the objections to Mr. Landon's credentials?

Mr. DROMGOOLE. Not that they were informal—not that they were not signed by the Governor, accompanied by the broad seal of a sovereign State, but that the Governor had no right to give them. In the case of Mr. Landon, there was a proposition that he should be permitted to take the oath, and it was rejected, and his credentials were referred to a committee. There was, also, a long list of precedents to the same purport, which he would not take up the time of the House by reading, though he would cite one of the cases to show that, where the objection was raised as to the credentials, the House went into an examination of them through the agency of a committee. [Mr. D. here read a case of a member from the State of Ohio, in which this course was taken by the House.] In all cases where no objections were raised to the credentials, the member was permitted to qualify; but in every case in which objections had been made to them, they were not permitted to take their seats till the validity of their credentials was decided on.

If the doctrines for which gentlemen contend, that these certificates, no matter how obtained, will give a seat in this House, should prevail, you will strike a fatal blow at the freedom of elections and the purity of a representative Government? It is this elective franchise, Mr. D. said, and the belief of the people that they may, through it, of right, carry out the Democratic principle, and do what they cannot do but in their primary assemblies, that is the surest safeguard of our liberties. But, said Mr. D. if you establish the principle that the credentials given by the State authorities, no matter how fraudulent—no matter how much at variance with the will of the people of the State, as expressed in the elections, shall outweigh the popular voice, you strike a stab at the existence of the elective franchise, and destroy every principle that makes Democracy both lovely and practicable.

Mr. D. in conclusion, denied that excluding the New Jersey members till their credentials were inquired into, would be disfranchising that State. If her members presented themselves with credentials, which there was good reason to doubt the validity of, it was her misfortune, and the fault of her authorities; but the House was nevertheless bound to exercise the power vested in it by the Constitution, and to examine into all the evidence connected with them. If you decide, said Mr. D. that we must, *ex necessitate rei*, permit these gentlemen to take their seats here, and, through their agency, laws may be passed detrimental to the rest of the Union, and then afterwards, upon an investigation, decide that they are not entitled to their seats, I ask, said

he, how you are to repair the injury thus inflicted. He asked if it would not be the part of wisdom, as well as of safety, to let these gentlemen wait until, after a fair, calm, and impartial examination, the House could decide upon their claims. He indulged the hope that, if the House was disposed to do justice to New Jersey, as well as to the rest of the Union, they would not decide upon this matter with such inconsiderate haste as to overlook the important testimony before them.

Mr. CHAPMAN rose to make a privileged motion. He desired to move to reconsider the vote by which the resolution for the adoption of rules of order was laid on the table this morning.

The CHAIR said the motion could not be made unless a motion was made to postpone the question before the House.

Mr. RHETT inquired of the CHAIR whether he considered the House bound by any general parliamentary principles, it having refused to adopt the rules of the last House of Representatives this morning.

The SPEAKER said his impression was, that the House was bound by general parliamentary principles.

Mr. RHETT then said, that if the general parliamentary law was obligatory on the House, this proposition of the gentleman from Virginia, in regard to the New Jersey members, was clearly out of order; for according to all parliamentary law, you cannot introduce a proposition which has been once rejected. The rule laid down in Jefferson's Manual was, when a proposition is once rejected, no question of a similar character can be brought before the House. Now this question, with regard to the right of the New Jersey members to take their seats, had been decided by the House, not only once, but more than once, for he maintained that this body was as much a House when it decided this question, as it was at the present time, or as it ever could be. By the Constitution of the United States, as well as by the parliamentary rule, the House was as much a House before the election of a Speaker as after it, and he presumed no gentleman would contend that the election of a Speaker would make a House. He referred to a case in the British Parliament, where it was fourteen days without a Speaker, yet no one pretended that it was incompetent to pass upon questions which might be presented to it during that time. If gentlemen would refer to the proceedings of the Parliament of Great Britain, they would see where that body had decided questions again and again without a Speaker. A Speaker might be necessary in conducting the business of the House, but the want of a Speaker took nothing from the power of the House. Sir, what have we done already? Did not the House, at the instance of a gentleman from Virginia, adopt rules for the government of its proceedings? Well, were we a House then, or were we not? Did we not perform other duties? And were we a House, or were we not, when we performed those duties? Will men pretend to say that we had not the power to perform these duties until you were placed in that chair? The Constitution of the United States says that each House shall keep a journal of its proceedings. Well, sir, is the journal of the last two weeks, which is lying upon your table, the journal of the House of Representatives, or is it not? Unquestionably, gentlemen will not deny that it is the journal of the House. Again the Constitution says that the House shall judge of the qualifications, election, and returns of its members. Well, has not the House decided on the qualifications and returns of the New Jersey members? for unquestionably it was a House when it made this decision. The Constitution further says that *the House* shall elect a Speaker. Were we a House when you were elected, or were we not. He contended that the House had the right to decide on the qualification and returns of its members before the election of a Speaker; and further, that the House did right in deciding upon the New Jersey case before a Speaker was called to the chair. The House had decided the question, and it had decided against the right of the New Jersey members taking their seats, and although he had no instrumentality in making that decision, he held that the House, having once made such a decision, it was not competent for it to open up the question again, and he would sustain that course of proceeding which would put an end to the question at the earliest possible period. It seemed to him that it was due to the country that we should proceed now with the public business, which had already been too long delayed. There was business of greater importance to be performed than discussing this question day after day. The President of the United States was waiting to send in his Message; gentlemen of all parties were looking for it; and the whole people of the country are desirous that we should proceed at once to the discharge of the duties which devolve upon us, their Representatives.

Mr. BRIGGS referred to the resolution which had been submitted by Mr. RHETT in the first instance, and to the discussion which was had upon it. While it was under debate, the gentleman from South Carolina had been asked, whether he intended by it to preclude all examination of the New Jersey case, after the election of a Speaker; and the gentleman had then said it was not his intention to preclude examination of the question, after the organization, yet he now says that the question has been finally and absolutely settled.

Mr. RHETT rose to explain. What he said now was, that you could not introduce the same proposition now which had been decided before, because the resolution now before the House was identically the same proposition which had been decided before.

Mr. BRIGGS contended that the House had the right to decide upon the question as it was now brought up, and that the former decision of the body, in its unorganized state, would not conflict with this resolution. He replied to the argument of Mr. DROMGOOLE, and asserted that there was not to be found, within the last fifty years, a single case, either in the Congress of the United States or in the State Legislatures, where a member, regularly returned according to law, had been refused his seat in the first instance.

Mr. DAVIS of Pennsylvania rose and stated, that at the last session of the Pennsylvania Legislature, two gentlemen from the eighth Senatorial district of Pennsylvania, had presented their credentials to the Senate of that State, made out in pursuance of the laws of the State, yet they were not permitted to take their seats, and their opponents, who had no credentials at all, had the seats given to them.

Mr. RIVES of Va. also referred to cases in the Virginia Legislature, where the persons holding the certificates were not permitted to take their seats.

Mr. BRIGGS resumed his remarks, referring to the book of contested elections, and declaring that there was no precedent in the sixty-six cases there laid down, where a member having the legal certificate was prevented from taking his seat.

Mr. DROMGOOLE admitted that members were permitted to take their seats upon the evidence they produce, if no question is raised as to their right to their seats; but he maintained that where the question of right was raised, the House must decide it before qualification. In support of this position, he referred to the cases of Edwards, Richards, and Moore and Letcher.

Mr. BARNARD obtained the floor, and moved an adjournment.

The House then adjourned.

IN SENATE,

WEDNESDAY, December 18, 1839.

A message was received from the President of the United States.

Mr. DAVIS submitted the following resolution:

Resolved, That the Secretary of the Treasury be instructed to inform the Senate—

1. Whether duties have been exacted of any vessels of the United States employed in the whale fishery, for tonnage, or the produce of such fisheries, and if so, under what authority.

2. What papers were furnished to such vessels before they cleared, and were they such as have at all times been granted to vessels thus employed.

3. What amount of duties and charges have been paid, what amount bonded, and are the bonds now in force, and unpaid.

4. Are duties now exacted of all such vessels as they arrive, and what amount of fees, if any, have accrued to officers of the customs from this source, and at what places.

Mr. LINN submitted the following resolutions:

Resolved, That it is the opinion of the Senate that the title of the United States to the Territory of Oregon is indisputable, and never will be abandoned.

Resolved, That the President of the United States be requested to give notice to the British Government that the conventions of 1818, and 1827, which give the right to use and occupy the Oregon Territory, its bays, rivers, harbors, &c. to both parties indiscriminately, shall cease in twelve months after such notification.

Resolved, That it is both expedient and proper to extend such portions of the laws of the United States over the Territory of Oregon, as may be necessary to secure the lives, liberty, and property of our citizens who may reside in said Territory.

Resolved, That it is expedient to raise an additional regiment of infantry, (rifles,) for the purpose of overawing and keeping in check various Indian tribes, or any foreign forces, who may be in said Territory, or on its borders; and at the same time to give ample protection to our citizens engaged in legitimate occupations.

Resolved, That six hundred and forty acres of land should be granted to every white male inhabitant of said Territory of the age of eighteen years, who shall cultivate and use the same five consecutive years, and to his heirs at law in the event of his death.

Mr. PRENTISS gave notice that, at as early a day as it would be in order to do so, he would ask leave to introduce a bill to provide for the appointment of a board of commissioners to hear and determine claims against the United States.

Mr. HUBBARD gave notice that, as soon as it would be in order to do so, he would ask leave to introduce the following bills:

A bill for the relief of Walter Loomis and Abel Gay.

A bill for the relief of Samuel White.

A bill for the relief of John Burke.

After the consideration of Executive business,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, December 18, 1839.

Mr. JOHNSON of Tennessee submitted the following resolution:

Resolved, That a message be sent to the Senate to inform that body that a quorum of this House is assembled, that R. M. T. HUNTER, one of the Representatives from the State of Virginia, has been elected Speaker thereof; and that it is now ready to proceed to business, and that the acting Clerk do go with said message.

Mr. WISE and Mr. WILLIAMS of North Carolina objected to its reception, because the gentleman from New York was entitled to the floor on another subject.

Mr. JOHNSON said his only object was that the House might be enabled to proceed to business at the earliest possible period.

The objections were not withdrawn, and the CHAIR decided that the gentleman from New York was entitled to the floor on the resolution of the gentleman from Virginia.

The question pending was the resolution submitted yesterday by Mr. WISE, that Messrs. AYCRIGG, HALSTED, MAXWELL, STRATTON, and YORKE, are not entitled to be sworn as members of the House.

Mr. BARNARD, who was entitled to the floor, addressed the House at great length on the subject of the resolution. The simple question was, whether the members from New Jersey, who were here in their seats, should be sworn, and it was thus he understood the proposition as a simple question; and simple as it was, it involved many and serious and important considerations, affecting not merely the triumph of party, but affecting the integrity of the Constitution itself, and the laws, and in its consequences the very Government under which we live. When, a few days ago, he had the honor to make some remarks on the que-

tion then presented, growing out of the contest, he offered to the consideration of the gentlemen around him two distinct grounds as to what was then properly before them. The first was, that, in the condition of the House as then constituted, no question whatever was presented for its consideration upon the elections of the members from New Jersey. The returns were perfect as returns; they were not impeached; they were unquestioned by any member upon this floor. The other was that in regard to matter of right. The question of election, as to which were ultimately entitled, could not come up then, because they had no right or power to decide upon it; it belonged to the Committee of Elections, after they were qualified as members, and the House constitutionally and properly organized.

The only point which the House could now undertake to decide, was upon the returns of these members as returns, and as to the matter of ultimate rights, and as to the election in New Jersey, that was a matter to be decided by evidence, and that could only be done by the House, when organized to decide as a judicial body. The word return was a word of legal and parliamentary import; and he contended when a return was made in the legal and constitutional manner, the person having the return was entitled to his seat, and could not properly be prevented from taking it. The return was a member's title to office, and he was as much entitled to his seat under it, as any person was entitled to office under his commission.

Mr. B. went into an examination of the law of Parliament, and the practice under it in Great Britain, and in this country, to show that these members were legally entitled to their seats, and contended that this House could not prevent them from taking their seats, until it decided that their opponents was entitled to seats. If the one set of members were rejected, most certainly the other set must be admitted, because the State of New Jersey could not be deprived of her representation. He trusted that the House would not now set the precedent of excluding members who had the regular returns; for if this precedent was once set, it might lead to consequences the most fearful. If the House once decided that a member having the legal return might be deprived of his seat, because there were others claiming, a reckless party might at any time deprive a large majority of the members of the House from taking their seats, by getting persons to come on here, and contest their rights to seats; and he asked what would be the state of affairs, if both parties should resort to this kind of proceeding at the same time. There could not be a doubt as to the right of the members having the regular return to take their seats, and no power had the right to deprive them of this.

Mr. RAYNER followed Mr. B. and after a brief exordium, entered into a history of the question involved, from the commencement of the session until the present time, attributing all the difficulties which were in the way of an organization of the House, to party excitement, and party discipline. He contended that the gentlemen who came here claiming seats as members from New Jersey, in opposition to those who were regularly, as he contended, commissioned by the Governor of New Jersey, had no more right here than had the fishwomen of Paris, who intruded themselves into the National Assembly in the time of the French Revolution. He contended that the party with which he acted were the only supporters of the Constitution and laws, as far as this question was concerned, and that they had been striving from the first to organize the House, and proceed to the despatch of the public business, while all the delay and disorder that had been witnessed, were the consequences of the opposition of the other party to the admission of the members who were regularly commissioned by the Governor of New Jersey. In arguing on the rights of these five New Jersey gentlemen to take their seats, he contended that the House had by no means the right to go behind their returns; and that these, emanating from the authorities of a sovereign State, were conclusive and binding on the House, and could not be controverted. Mr. R. paid a high compliment to the common law of England, which he considered the sacred fountain from which all our free institutions flowed; and, arguing that the principles of the common law sanctioned the claims of those gentlemen, he contended that, in the absence of any usage in this country to the contrary, these gentlemen ought to be permitted to take their seats without further question. Mr. R. entered into a long argument to show the necessity of adhering to the forms and technicalities of law, and replied at length to those gentlemen who attempted to cast ridicule on those technical forms which he deemed so essential. Such arguments, he thought, might be very useful when it was intended to delude the ignorant and honest people at the hustings, but were unworthy of this enlightened body, to which they had been addressed. The confusion and inconvenience of refusing to allow those members to take their seats who came here with the regular commissions of the Governor of their State, had been forcibly depicted in the beginning by the gentleman from Pennsylvania, [Mr. SERGEANT,] and he considered the course taken by the majority of this House, to be an attempt to establish a precedent, which, if followed up, would, in after times, place a majority of this House in the power of a lean minority. Suppose, hereafter, he said, that parties should be so equally balanced in this House, that it required but a small addition to one side to overpower the other. In that case, one of the parties, following up the precedent now attempted to be established, might contest seats enough to give them the majority. There were men, however, in this country, who would never submit to such a daring usurpation of their rights, but would expend their life's blood in maintaining them. Establish this precedent, Mr. R. said, and the time will come when a member coming to take his seat here, must march up to the table with his credentials in one hand, and his dagger in the other. He spoke not this in a spirit of bravado, but was merely supposing the necessity to which a man might be driven, who knows his rights and dares maintain them. Gentlemen said that the fraud involved in these returns was so manifest, that it was absolutely necessary to go behind them. But, he said, if there was fraud you cannot remedy it, for you are not a tribunal competent to try it. The jury was not empannelled; the evidence was not before it, and the case was not ready for trial. Mr. R. further contended that if there was a fraud practised on the people of New Jersey, it was a fraud which the House was not now empowered to try. But he would ask gentlemen how they arrived at the conclusion that there was a fraud practised? Did they arrive at that conclusion from the evidence of scurrilous newspapers? He thought that those gentlemen who had thus prejudged the case should be estopped from hereafter sitting on the trial of it; and that justice, as well as delicacy, should prevent them from trying a cause which they had already decided.

Mr. VANDERPOEL observed that the debate, for the last day or two, had been so much on one side, that no opportunity had been allowed of saying any thing on the other side. If he thought that its protraction would make a single convert, he would be willing to sit here for a week; but every gentleman had made up his mind on one side or the other, and he did not believe that any one would change his opinions, were they to sit here till doomsday. He would, therefore, move to lay the whole subject on the table.

Mr. WISE inquired whether the motion was in order.

The SPEAKER said that it was.

Mr. SHEPARD of North Carolina asked the gentleman from New York to withdraw his motion, in order to allow him an opportunity of making a brief explanation.

Mr. GRAVES and Mr. WISE protested against the right of a gentleman who had the floor to make any such contracts. If the gentleman from New York yielded the floor to another member, he should have no right to claim it again when that member was done with his remarks.

Mr. VANDERPOEL inquired of the CHAIR if it had not been the general usage and rule of the House for a member who had the floor to yield it to another who had asked leave to make an explanation, and to take it again when that explanation had been made?

The SPEAKER answered that such had been the practice of the House; but he did not understand that there was any parliamentary law on the subject.

Mr. JOHNSON of Maryland said that where an objection was made to a member retaining the floor, after having yielded it for the purpose of an explanation, it had been decided against him, and cited a decision of Mr. Speaker Polk on that point.

Mr. VANDERPOEL then said that he did not yield the floor.

Mr. WISE here rose to a point of order, and Mr. VANDERPOEL sat down. The law of 1789, he said, required that, before proceeding to business, all the members of the House must be sworn. The CHAIR had said that he would submit the question to the House for its decision, whether the members claiming to take seats as members from New Jersey should be permitted to qualify; and he had offered a resolution, in the negative form, that they should not be permitted to qualify. Now, he would ask of the CHAIR what would be the question if this resolution of his should be laid on the table? Would the question again arise, Shall these gentlemen be sworn?

The SPEAKER replied that the resolution now before the House being of a negative character, the question would naturally arise, "Shall these gentlemen be sworn?" if that resolution should be laid on the table.

Mr. McKAY referred to a case decided by Mr. Speaker Barbour, in which the question was raised whether a certain gentleman was entitled to his seat, and that question having been laid on the table, the decision was, that the rejection of a resolution in a negative form was equivalent to a decision in the affirmative. An appeal was taken, and the House reversed the decision.

Mr. ADAMS asked if a motion to lay on the table was debatable. There were no rules now binding on the House, and he did not understand that the parliamentary law prohibited debate on such motions.

The SPEAKER gave it as his opinion that the motion was not debatable.

Mr. BELL was of the same opinion with the gentleman from Massachusetts. By the common parliamentary law, motions to lay on the table were as much debatable as any other motion; and the rule that prohibited debate on them was an arbitrary one, which did not now prevail. He hoped the CHAIR would review his decision, as several gentlemen wished to speak on the question, who had not hitherto participated in the debate.

Mr. WISE asked if he had the right to withdraw his resolution at any time?

The SPEAKER replying in the affirmative,

Mr. WISE said he would give notice to gentlemen that if this motion was persisted in, he would withdraw his resolution and renew it in some other form. Gentlemen would perceive, therefore, that they could not get rid of this question, for he could present it in some new form as often as he pleased.

Mr. VANDERPOEL asked if he understood the CHAIR correctly, in saying that the rejection of this resolution in a negative form, would be regarded by the CHAIR as a mandate to swear these gentlemen.

The SPEAKER made a few remarks in reply, which were very imperfectly heard by the Reporter; but he was understood to say that he would regard the rejection of the resolution as equivalent to an affirmative decision, that these gentlemen should be sworn.

Mr. VANDERPOEL then said, that after such an intimation by the CHAIR, he would withdraw his motion.

Mr. WISE, who had the floor, said that he did not wish to proceed this evening with his remarks, and he would therefore, with the permission of the House, yield the floor to the gentleman from North Carolina, [Mr. SHEPARD,] to enable him to make an explanation, with the understanding that he had the right to it the first thing in the morning.

Mr. SHEPARD of North Carolina observed, that this debate had been extended for two weeks,

and though he did not believe that he could throw any light on a subject on which the best talents had been employed in the course of the debate, yet as the course which he had thought it his duty to take had been somewhat different from that expected by most gentlemen, he deemed it but justice to himself to make a brief explanation of it. When we assembled here, said Mr. S. some weeks ago, certain gentlemen from the State of New Jersey appeared with certificates that they had been elected as Representatives from that State, similar to the one which I possess; and on referring to the laws of New Jersey, I found that the Governor of that State was authorized to receive from the judges of the elections the returns of all the votes given, to count them up, and to give commissions to those persons who received a majority of the votes. Sir, said Mr. S. these gentlemen who claim to be admitted to their seats here, have the certificates of the Governor, stating that they were duly elected; and it seemed to him they were entitled to take their seats, and to participate in the organization of the House by the election of a Speaker. It seemed to him, then, said Mr. S. that he had no more right to refuse to associate with them as members of this House, and to impeach the validity of their credentials, than they had to refuse to associate with him, and to impeach the validity of his. The Governor of New Jersey is the officer charged with making of the returns of election, and though not appointed by the Federal Government, his statements of the returns are as binding as if he acted under our authority. The commissions which he gave were in conformity with the usage which had always prevailed in this country, and in the country from which our institutions were derived; and in both countries the act of the returning officer was always considered valid and binding until proved by good and sufficient testimony to be wrong or fraudulent. This was the view which he took at the first, and which he took now. He would not go into an argument to show the truth of this position, for it had been already so ably argued that he had too much respect for the House to consume their time with repeating arguments that had been so often used. But some gentlemen contended that fraud had been committed in giving these returns. Admit that this were the fact; yet it seemed to him that they had no right, according to parliamentary law and usage, to inquire into it at that time. The gentlemen whose seats were contested had as much right, as he believed, to inquire whether fraud had been committed with regard to his credentials, as he had to inquire with regard to theirs. Indeed fraud might be committed on all hands. The certificates of the Secretary of State of the State of New Jersey, contesting the verity of these returns, might themselves be the result of fraud; and, therefore, in the preliminary stage of their proceedings, he thought they could not go into an examination of them. These reasons, and many others, which he would not trouble the House with reciting, induced him to give his votes in favor of the right of these gentlemen to take their seats. He thought they were entitled to have their names on the roll, and he therefore voted for the first proposition of the gentleman from Virginia, [Mr. WISE] which was lost. Another resolution was offered by the same gentleman, affirming that they were entitled to take their seats, and leaving the question of ultimate right to be decided by the House, after it was organized. For this resolution he also voted. On Saturday last, the gentleman from Virginia introduced his third resolution on the subject; and on the motion to lay it on the table, he voted in the affirmative; and he had now risen more for the purpose of explaining his vote on that occasion, than to enter into an argument on the present question. When the motion to which he had referred was made, it seemed to him that they had already consumed too much time on the various questions connected with the subject, and that no good could result from keeping it any longer before the House. He thought it was time to lay aside this vexed question, and proceed at once to the organization of the House, and to the despatch of the public business. There was, therefore, no inconsistency in the two votes he had thus given. He voted according to the dictates of his best judgment, and subsequent reflection had convinced him that he had acted correctly. It seemed to him that the question had been settled by the preliminary meeting, that these gentlemen should not take their seats, and participate in the organization of the House, and that it would therefore be better to leave the controversy to be decided in the ordinary way by the House, upon its merits, after the action of the Committee of Elections, He must take this occasion to say that he had voted for the two resolutions of the gentleman from Virginia, with the greatest reluctance. In what he was about to say, he begged to be understood as not wishing or intending to impeach the motives of the gentlemen from New Jersey, who came here with the Governor's certificates; nor did he wish to impeach the conduct of the Governor himself. But he must say, that when he heard the evidence read at the Clerk's table, impeaching the validity of these returns, in which it was conclusively shown that the gentlemen who contested the seats had received a majority of the votes given at the elections—when he heard the evidence read that the clerks of two counties, Millville and South Amboy, had suppressed the vote given at these counties, and when he heard the evidence that the Governor himself admitted both these important facts, and, regretting that the technicalities of law prevented him from giving the returns to those who had received a majority of the votes, consoled himself with the belief that the House would do justice to all parties—when he had seen a proposal made last summer in the public papers, by the gentleman commissioned by the Governor, to throw up their commissions, and go again into a new election, thus admitting a doubt of their own rights, he could not avoid entertaining the suspicion that gross fraud had been practised. It seemed to him, Mr. S. said, that throughout the whole contest here, one party had made use of the forms and technicalities of law to cover up a mean and despicable fraud, while the other party had attempted to break down all the forms of law, in order to attain abstract justice; and being a law-loving and law-abiding man, he had voted to preserve the laws, though injustice might be the consequence. These things, Mr. S. said, were not uncommon in private life. A man often held possession of a tract of land to which he was not justly entitled, and which the law would take from him upon a legal investigation and trial of his title; but the forms of law must be preserved, and the tenant in possession must retain the land until the courts decide that another has a better title to it. He would pass over other matters, (Mr. S. said,) and come down to the proceedings of yesterday; and he confessed he never was more surprised in his life than he was when, shortly after the Speaker had taken the chair, and after his administering the oath to the members of the House, he saw these five New Jersey gentlemen walk up to the table and ask to be sworn. He did not, as he said before, mean to impeach their motives; they had a right to take their own course; but he thought that motives of delicacy, as well as of expediency, should have induced them to wait for the regular action of the House. Now, did not every man see that the contest has, all along, been for the purpose of electing a Speaker, and that these gentlemen and their friends were contending for their right to participate in that election? But (said Mr. S.) the right has been violated by decisions of the House again and again, and it is too late to rectify it. The House has been organized, and the Speaker has been elected, without the participation of these gentlemen, and they can, therefore, have no good reason for insisting on taking their seats without an investigation into their right to hold them. You, sir, [addressing the SPEAKER] have been elected as an impartial man; you and I voted to give these gentlemen their seats in the first instance, and you will doubtless deal justly and impartially in your appointment of a Committee of Elections. Then why not let this question of right be referred to that committee to be investigated on its merits, in order that the House, with a full knowledge of all the evidence connected with it, may decide on it camly, justly, and impartially. No injury or inconvenience would result to these gentlemen or their party by the delay. No great question would probably come before the House, in which their votes might be necessary before the decision of the House on their case. He, for one, would agree that all the great questions which were expected to come before them, should be postponed until that decision was made; yes, sir, said Mr. S. the great financial question, on which I shall go with the Executive, and the fate of which will probably depend on the decision of these contested election cases, may be laid over until the House shall decide who shall take their seats as Representatives from the State of New Jersey. He had merely risen, Mr. S. said, to explain the course he had taken. If any harm has been done by preventing these gentlemen from participating in the election of a Speaker, it is too late now to apply the remedy. The act has been done, and done forever, and let the country and posterity judge of its correctness. A great deal had been said about the States Rights doctrines that were involved in this question. Sir, said Mr. S. the question has as much to do with States Rights as it has with the Egyptian hieroglyphics. No man wishes to disfranchise the State of New Jersey. The only question is, who shall take their seats as members from that State? There was no intention of depriving any one of his rights; on the contrary, the sending this matter to a committeee, and bringing it to a thorough investigation upon its merits, was the surest way of doing justice to all. The argument had been used in the preliminary stage of the proceedings, that the House, in an imperfect state, and without a Speaker, could not enter into an examination of the evidence connected with the subject, nor try it on its merits. That difficulty was now removed. The House was now organized—a Speaker was elected, and the members were sworn. He hoped, therefore, there being no longer any obstacle in the way, that the House would take this course.

Mr. THOMPSON of South Carolina here took the floor, and replied at length to Mr. DROMGOOLE, citing various precedents to show that the gentlemen who presented themselves with the certificates of the Governor of New Jersey, were entitled to take their seats without further question; and that the House had no right to go behind these returns, or, at this stage of its proceedings, to go into an examination of the testimony contesting their validity.

Mr. WISE obtained the floor and moved an adjournment.

Mr. SHEPARD asked that the gentleman would withdraw the motion, so that he might have an opportunity of saying a few words in reply to the gentleman from South Carolina.

Mr. WISE could not withdraw the motion unless it was understood that he should have the floor afterwards.

Mr. ADAMS hoped the House would permit the gentleman from North Carolina to make an explanation.

Mr. WISE then withdrew the motion to adjourn.

Mr. SHEPARD then said that he had been a humble member of the House of Representatives for the last two years, and in his course on that floor he had endeavored to be actuated by what he believed to be his duty to himself and the people he represented. He knew that, on various occastons, he had taken a course unpalatable to some gentlemen, and they had shown their disapprobation of that course by various circumstances and means. He would, however, now say to them, that he was not responsible to them, or to any body else, except the people who sent him there, and the country at large; and he hoped that, in the discharge of his duty in that House, he was as far from fear as any other member on the floor. He would neither yield to flattery on the one side, nor to bullying on the other. When he rose a few moments ago, he did not rise to make an apology for his vote—he owed no apology to any body; but he rose to put himself right before his constituents and the country at large, because he knew

that the party organs, which were spread throughout the country, were always disposed to hold up a public man to odium. The people do not understand the rules of order in this House; and when gentlemen act differently from the views of partisans, it is easy for them to be misrepresented. And notwithstanding the remarks of the gentleman from South Carolina, he felt satisfied with the propriety of his course, and he believed that every person, untrammelled by party prejudice, would justify his conduct. He would now briefly state what he had said. He had said that when we first met in this House, he believed that those members from New Jersey who had the Governor's certificates were entitled to take their seats and participate in the election of a Speaker; but he stated further, that he had strong suspicion that those men had come here through a fraud. The gentleman from South Carolina himself had strong suspicion that they came here through a fraud, if he had not misunderstood him on another occasion. He thought in the first place that they had the right to participate in the election of a Speaker. They however were deprived of that right by the House, and they did not vote for a Speaker. Then, so far as the principle was concerned, it was violated by prohibiting them from voting in the election of a Speaker; and if they had at any time a right to participate in the organization of the House, that right had been trampled upon, and it was gone forever. Then, after all this was done, was it not the proper course, as a Speaker had been elected who would immediately appoint committees, to let the whole matter be brought up before a committee, and be examined, and properly decided? Last week, the argument was, that we must give faith and effect to the certificate, because the House was not organized, because there was no Speaker, no committee to examine, and collate facts. Now, sir, the case is different. You have been elected by the gentleman and his friends, because of your justice and impartiality. You can immediately appoint a committee, that will investigate the whole matter—that will bring to light the dark parts of this transaction, and do equal and full justice to all. Let the House take up the subject, and decide upon the whole question of right, now that these men have been deprived of taking seats in the first instance. Was there any inconsistency in his wishing to pursue this course? Would the gentleman from South Carolina desire to give men seats here who, upon examination, in a few days, it might be found, were not entitled to them? This was his position, and these were his views, expressed with all due respect to the great legal talents of the gentleman from South Carolina.

Sir, said Mr. S. the gentleman from South Carolina, in the conclusion of his remarks, had said that his relations with me were not such as would permit him to speak of me as he would of his honorable colleague. Although, sir, I do not fear that gentleman's lance, in any contest, I know that he is possessed of talents far superior to mine The gentleman seemed to know that he is much my superior in age, in learning, and in eloquence, but why did he not think of this before he commenced his attack? Why did he not attack his friend from South Carolina, who had voted with me on all these questions? That would have been more consistent with the gentleman's vaunted chivalry, which he is eternally talking about. [Laughter.] But the gentleman further says, that I had held that these men had a constitutional right to participate in the organization of the House, and contends that because they once had a constitutional right, I act inconsistently in not supporting their admission to seats at the present moment. In this matter, the gentleman himself is in no enviable position. The gentleman came into this House a Nullifier, opposed to a National Bank and a high tariff; still we find him always acting with that very party which goes for a National Bank, for a high tariff, and for all those measures which he has declared to be most odious to him. If it is inconsistent in me to pursue the course I have, is it not doubly inconsistent in the gentleman to pursue the course which he pursues? If I am inconsistent, he is still more so; and how can he justify himself to his constituents? How is it that he is struggling to get that party in power which would adopt all those Federal measures which he himself pretends to be absolutely opposed to?

In pursuing the course which I desire to pursue, I do not see that any harm can be done to any party, for I will be willing to postpone all the great questions which this House has to act upon, until the matter of this New Jersey election is finally decided upon, which can be done in a short time, as the House can proceed to it at once, and act upon it in a legal and constitutional manner.

Mr. THOMPSON said a few words in reply to Mr. SHEPARD, when

Mr TURNEY obtained the floor, and moved to refer this resolution, together with the credentials, and all other evidence in regard to the New Jersey elections, to the Committee of Elections, and on that motion moved the previous question.

On motion of Mr. WISE,

The House then adjourned.

IN SENATE,

THURSDAY, December 19, 1839.

Mr. PRESTON appeared in his seat this morning.

Mr. NORVELL gave notice that, at the appropriate time, he would ask leave of the Senate to introduce the following bills:

A bill supplementary to "An act to provide for the adjustment of titles to land in the town of Detroit, and Territory of Michigan, and for other purposes."

A bill for the relief of J. and W. Beeson, and others.

Mr. SMITH of Indiana gave notice that, as soon as it would be in order to do so, he would ask leave to introduce the following bills:

A bill to authorize the New Albany and Mount Carmel Railroad Company to enter, on a credit, a quantity of land, to aid the company in the construction of a railroad from New Albany to Mount Carmel, Illinois.

A bill for the relief of the legal representatives of Col. Francis Vigo.

Mr. ROANE gave notice that, as soon as it would be proper to do so, he would ask leave to introduce a bill giving the assent of Congress to an act of the General Assembly of the State of Virginia incorporating the Falmouth and Alexandria Railroad Company.

Mr. LINN gave notice that, as soon as it would be in order to do so, he would ask leave to introduce the following bills:

A bill for the relief of Pierre Menard and others.

A bill to authorize payment to be made to certain Missouri volunteers, for services in the years 1829 and 1830.

Mr. BENTON offered the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate such information as has been received at the Treasury Department from consuls and secretaries of legation respecting the fiscal regulations in force in foreign countries, and not contained in his communication to the Senate of the date of January 21, 1839.

Mr. LINN offered the following resolution:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate any information in the Department of State, or any other Department, relative to the disputed boundary between the State of Missouri and the Territory of Iowa, and which has not been heretofore communicated to the House of Representatives; and also to communicate copies of any proclamations of the Governor of Missouri and the Governor of the Territory of Iowa in relation to said disputed boundary, and the orders, if any, for calling out, or holding the militia in readiness to act in relation to the same; and also any further information on the subject which it may be in the power of the Departments to give.

Mr. WILLIAMS offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the number of copies of the laws of Congress printed for the several States and Territories under the act of 20th April, 1818.

The Senate then went into the consideration of Executive business, and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 19, 1839.

The CHAIR stated the question to be on Mr. C. JOHNSON's motion to refer the resolution of Mr. WISE, together with the credentials of the New Jersey members to the Committee of Elections, when appointed.

Mr. WISE rose, and stated that the gentleman from Tennessee had agreed to withdraw the motion, to allow him to address the House on his resolution, on condition that he would renew it again, which he would do with great pleasure.

Mr. WM. COST JOHNSON then rose to make a point. He considered the resolution of the gentleman from Virginia [Mr. WISE] as inadmissible in this House, and that, by the Constitution and laws of the United States, the Speaker was bound to swear in the members from New Jersey having the Governor's certificates. This was the point of order which he was about to make, and he made it with a view of bringing this matter to a speedy and conclusive issue. He maintained that the Speaker had no discretionary power in this matter, but that he was bound to administer the oath to these gentlemen at once.

The CHAIR said the gentleman could not proceed now, without the leave of the House on his proposition.

Mr. JOHNSON appealed to the courtesy of the House to grant him leave, and declared he would not occupy the time of the House more than five minutes He was about proceeding, when

Mr. TURNEY rose and objected to the gentleman's proceeding, inasmuch as the CHAIR had decided that it was out of order for him to proceed.

The CHAIR said he had decided that the gentleman was out of order, but as the gentleman had appealed to the House, and no objection had been made at the time, he had permitted him to proceed.

Mr. TURNEY. The gentleman did not appeal from the decision of the CHAIR to the House, therefore he could not proceed without leave of the House.

Mr. W. C. JOHNSON then asked leave of the House to proceed.

Mr. TURNEY called for the yeas and nays on this motion, which were ordered.

Mr. JAMESON wished to know if it was competent, at this late stage of the proceedings, to raise a point of order of this kind? The CHAIR had, on yesterday morning, made this decision, and after it had been debated for a whole day, the gentleman comes forward and raises a question of order this morning. Why did he not do so on yesterday morning, when the decision was made? And as the gentleman had not made it at that time, he contended it was not in order for him to make it now. If this course of proceeding was to be adopted, the House might be thrown into inextricable difficulties. Questions might be brought up and discussed for weeks, and just when the House was about coming to a decision, a question of order might be raised, which would open the whole question up anew.

Mr. W. COST JOHNSON then read his proposition to the House, and stated that it was based upon the Constitution, and hoped it would always be in order to defend the Constitution.

Mr. ATHERTON wished to know, as the CHAIR had decided the gentleman to be out of order, whether, if the House granted him permission to go on, he would not be permitted to go on out of order.

Mr. W. C. JOHNSON then withdrew his point of order, and appealed from the decision of the CHAIR of yesterday. He was sorry his proposition should create any uneasiness in the minds of any gentlemen He would assure gentlemen that he had not made this question with a view of creating any delay, but with a view of bringing it to a speedy conclusion.

Mr. JAMESON wished to know of the SPEAKER whether it was in order for a gentleman now, after a question had been acted upon by the House, and debated for two days, to take an appeal, under the general parliamentary law. He wished to know whether the gentleman ought not to have made that motion when the question was first brought before the House. He contended that it was not in order for the gentleman to take an appeal at the present time.

Mr. W. C. JOHNSON then withdrew his appeal, but gave notice that he should introduce his proposition at the earliest possible period.

Mr. WISE then obtained the floor, and was about proceeding with his remarks, when

Mr. BEATTY raised a point of order, whether the gentleman from Virginia, under the thirty-fifth rule, which declares that no member shall speak more than twice until all the other members who choose to do so have spoken, was entitled to speak?

Mr. WISE denied that he had spoken at all on this question.

Mr. BEATTY would appeal to gentlemen around him to say whether the gentleman from Virginia had not spoken twenty times on this same subject since the second of December.

The CHAIR said the thirty-fifth rule was not adopted by the House, and would not apply to the present case.

Mr. WISE then took the floor, and addressed the House at great length on the subject of his resolution.

He thought that they had been fighting under an equal contest, but within the past two days, two gentlemen, who had professed to be in favor of the New Jersey gentlemen with certificates taking their seats, and who had previously voted upon that principle, had deserted, and thought proper now to take a different view of it. He did not, however, wish to shoot them as deserters, though he deeply regretted the loss of their votes. Mr. W. said the Administration party had defeated them by the tie vote, and had tied up the Constitution and laws But he regretted exceedingly to have to complain of the friends of the New Jersey Representatives who held the certificates. Well might the gentleman from North Carolina [Mr. RAYNER] on yesterday exclaim, speaking of the friends of State Rights doctrine: "Save me from my friends" The gentleman from South Carolina, [Mr. RHETT] who professed to be with us, made an appeal to the House to proceed with the business. He asked that gentleman what was the business of the House; what was the first thing proper for them to do? The first thing was to organize, and to acknowledge all rightful representation, and then adopt it here. He must say, that for the delay of its organization, that gentleman was more responsible than any other member; yes, more than any ten members on that floor. It was not with a view of impeaching that gentleman's motives, that he made him responsible to make his position good. But for that gentleman's course, the House would have been organized, and the members from New Jersey would have been admitted days ago. That gentleman's course, however reconcileable to himself, was irreconcileable to him; and had been inconsistent throughout every state of the proceedings of the House; and he had found that his votes were too soon, and his speeches too late. Mr. W. then went into an examination of Mr. R's votes, his subsequent proposition, and the three propositions of himself, and the decisions on them, for the purpose of showing that Mr. R's course was not reconcileable with the reasons he gave a few days ago for a change of it. He hoped the gentleman would pardon him for being thus particular in scanning his course. He was one of the few on whom he relied—his vote, heavy or light, kicked the beam; and the gentleman would therefore excuse him in having thus questioned his votes as he had. What reason the gentleman could have had for voting for his (Mr. W's) direct proposition, substantially the same as that he subsequently voted against, he could not conceive. Certainly he would not ascribe it to personal vanity. So it was, he has given us notice, that after having voted for the proposition once, and voted against it, he would now vote against us; and on what grounds—on the grounds of *res judicata*. It was known to us all, he said, that on the discussion of the Mississippi question, we were all disgusted even to nausea with this *res judicata*. Mr. W. then referred to the case of Messrs. Claiborne and Gholson, and which was, upon an *ex parte* report, decided that they should be qualified, and which decision he considered erroneous. Mr. W. then commented on the manner in which Mr. R. applied the *res judicata*.

He then denied that the principle had been adjudged, and that it was *res judicata*. He then went on and contended that the House was in an imperfect state of organization, when the decision was made; that the members were not sworn; there was no Speaker; and that they were not then competent to decide, having taken no oath as the Constitution required. The matter was *non coram judice*; and, therefore, there could be no legal decision. He then went on to explain what constituted a House of Representatives, and considered three things essential to it; 1st, representation; 2d, organization; and 3d, legislative power; and any thing short of that was not a House. He said, in the first place, when the decision of the House was made, that body was merely an assemblage of members elect, and had not the power even to send for the President's message, or communicate with the Senate—it had no Sergeant-at-Arms, and could not even protect itself from a mob. In calling the gentleman from Massachusetts [Mr. ADAMS] to the Chair, and in adopting rules of proceeding, it merely instituted parliamentary proceedings for the purpose of organization. He continued at some length to show that, before they were organized and sworn, they were not a House of Representatives.

The question, he said, had arisen in this case, whether we can go behind the Governor's certificate? We are, under the Constitution of the United States, the judges of election, qualification, and returns of members. Now, sir, what does the word "returns" mean? The gentleman from South Carolina, [Mr. RHETT,] the other day, in one of the ablest efforts I ever heard him make, committed but one mistake, and that was, the distinction between the return and the commission. The only one meant in the Constitution, was the return from the State to the Speaker; the commission of the Governor was the return contemplated by the Constitution, and so was the certificate of a sheriff in Virginia. There was no distinction between them; and Mr. W. went on to argue this point, contending that the return, contemplated as a return to the House, was the ultimate return, and not the subordinate returns from the judges of elections to the Governor. The return behind it belonged to the State itself, and to her archives, over which the House had no control. The State authorities may make the ultimate returns what they please, and we have no authority to prevent it. But gentlemen insist that there are other returns—that there are returns from the county court clerks to the Governor and Council; that you may go behind these ultimate returns, and go to the subordinate returns, which belong to the State. Gentlemen assume that there were subordinate returns of the clerks, which were suppressed. He denied that there was any evidence that they were suppressed—not deeming newspaper evidence, or the certificates of the Secretary of State, such evidence, not being authorized by the laws of New Jersey. Again, the admissions of the gentleman from New Jersey, Mr. RANDOLPH, were relied on as evidence. Were we constituted a court of justice, to take evidence *ore tenus*, and was he cross-examined? Was the House trying the cause? Again, if you take part of the evidence, you must take all.

He then went into a history of the Millville and South Amboy returns, and argued that, according to the laws of New Jersey, these returns were not excluded by the Governor. He denied that the Secretary of State was the keeper of the returns of the judges of elections; and, consequently, he had no right to certify respecting them. Mr. W. then went on to answer that part of Mr. PICKENS's argument, in regard to the power of the States to purge the polls, after they were counted; which argument he considered a novel and extraordinary doctrine, and referred to a law of Virginia, now repealed, which constituted a commission to examine the polls which may have been taken by the sheriffs, and with power to strike out the names of all who were not entitled to vote. He said the gentleman from South Carolina, [Mr. PICKENS,] a State Rights man, had pronounced that law unconstitutional.

Mr. RIVES said his colleague had quoted a law, which, in consequence of its bad effects, had been repealed.

Mr. WISE inquired of his colleague whether he said that this law was repealed because it was unconstitutional.

Mr. RIVES answered Mr. W. that the law was repealed for two reasons. One party, who opposed it, believed that it was unconstitutional; and the other party opposed it, because they believed that such a power ought not to be trusted to persons who might abuse it. For these reasons the law was repealed by a very large majority.

Mr. WISE thought his colleague was mistaken. He had another colleague, he said, by his side, who was in the Legislature at the time, and who said that no objection was made to the law on constitutional grounds.

Mr. RIVES asked when that law was repealed; and Mr. WISE replying that it was in 1834, Mr. R. rejoined that he was in the Senate of Virginia at the time.

Mr. WISE still thought that his colleague was mistaken, and that the law was opposed by no one on constitutional grounds; and then went on in a lengthy argument to show the unconstitutionality of the assumption that a State had no right to pass laws to purge the polls, after they had been taken. He then went into a refutation of the arguments of Mr. DROMGOOLE, the other day, and, in the first place, in opposition to the assumptions of that gentleman, contended that it was the States that were parties to the federal compact in the combined senses of territory, Government, and peopls, and not "the people of the States," as Mr. D. said, who were parties to that compact. This was the first State Rights doctrine that he had learned. It was in the aggregate capacity of people, territory, and Government combined, that these States were parties to the Federal compact. This was the doctrine he had always entertained, and it was the doctrine of Mr. Madison. He then proceeded to answer Mr. D's arguments throughout, and commented on the precedents cited by that gentleman, which he contended did not sustain the positions assumed by him.

Mr. W. concluded by withdrawing his own proposition, and, in compliance with a pledge made to Mr. TURNEY, who had yielded to him the floor, renewed the proposition of that gentleman, and called for the previous question upon the same.

[Mr. TURNEY's proposition was, in substance, to refer the subject of the contested seats to the Committee of Elections, when appointed, and that neither party of the claimants should be entitled to seats until the committee shall have investigated and reported upon the same.]

Mr. W. C. JOHNSON then raised the point of order, which he had waved this morning, and hoped it would not be considered out of order to support the Constitution of the United States. He contended that the previous question could not be moved while five gentlemen were at the bar of the House demanding to be sworn.

Mr. BEATTY called the gentleman to order, and required that he should reduce his point of order to writing.

Mr. CHAPMAN asked if it would be in order now to take up his motion to reconsider the vote by which the resolution for the adoption of rules was laid on the table.

The CHAIR said that it would not be in order, because the gentleman from Maryland had the floor upon another question.

Mr. W. C. JOHNSON then submitted his point of order in this form: "The motion to take the previous question is not in order until the rules of the House are adopted, and when there are members present who desire to be sworn in." Mr. J. was proceeding to debate this question, and was referring to the law of 1789 in regard to the admi-

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, DECEMBER 31, 1839. VOLUME 8.....No. 5.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 4]

nistering of oaths, and to the 6 h article of the Constitution of the United States, when

Mr. TURNEY rose to a point of order, and inquired if it was in order to debate this question?

The CHAIR decided that it was debatable, but the gentleman must confine himself to the question of order.

Mr. TURNEY. Then there is no end to this question.

Mr. W. C. JOHNSON then proceeded with his remarks, referring to several authorities to show that the SPEAKER was bound to administer the oath to the New Jersey members holding the Governor's certificate.

The CHAIR again interrupted the gentleman, and desired that he would confine himself to the point of order which he had raised.

Mr. JOHNSON again proceeded with his remarks, and contended that the previous question could not be put, when

Mr. JAMESON called him to order, and inquired the state of the question.

The CHAIR said he understood the gentleman to raise a question of order, as to the right of the gentleman from Virginia to move the previous question. Under the general parliamentary law, the CHAIR felt constrained to say that the previous question was a question which must govern the House. But the previous question, under that general law, was a different thing from the previous question under the rules of the last House. In regard to the duty of the CHAIR in swearing the New Jersey members, which had been referred to by the gentleman, he would say that he was merely the organ of the House, and whether it was a House *de jure*, or a House *de facto*, was not a question for him to decide; but being its organ, he was bound to carry out the decisions which it had made, and which were staring him in the face. This was the opinion of the CHAIR; and if the gentleman desired to sustain contrary views, he must appeal from this decision.

Mr. JOHNSON then appealed from the latter part of the decision of the CHAIR, and was proceeding again to refer to the authorities before him, when

Mr RIVES called him to order, because he was pursuing the same course of argument which the CHAIR had decided to be out of order.

The CHAIR said the gentleman must confine himself to the point of order.

Mr. JOHNSON proceeded, and was reading a clause from the law of New Jersey on the subject of the elections, when

Mr. JAMESON rose to a point of order. He contended that if gentlemen were permitted to take an appeal from but a single point of the decision of the CHAIR, they might appeal on fifty different points in decision, and there would be no end to the question. He thought the gentleman was begging the question by the course which he was pursuing.

Mr. JOHNSON then withdrew his appeal, and submitted a point of order in writing, that the gentleman from Virginia could not make his motion when there were five members at the bar demanding to be sworn.

The CHAIR. If the gentleman withdraws his appeal, the question is upon the previous question.

Mr. JOHNSON. Then I withdraw my point of order, and renew the appeal. Mr. J. was again proceeding to read the law of New Jersey, when,

The CHAIR called him to order.

Mr. CAMPBELL of Tennessee moved that the gentleman from Maryland have leave to proceed with his remarks, which was agreed to.

Mr. JOHNSON then addressed the House at length upon his appeal, contending that the CHAIR was bound to swear in the members from New Jersey having the Governor's certificates, and referring to a great many authorities under the articles of Confederation, the Constitution of the United States and the State Constitution.

Mr. ADAMS next obtained the floor, expressed his intention of addressing the House, and moved an adjournment.

Mr. FRANCIS THOMAS called for the yeas and nays on the adjournment; which were ordered, and were—yeas 117, nays 107.

The house then adjourned.

IN SENATE,

FRIDAY, December 20, 1839.

A message was received from the President of the United States, and being of an Executive character,

The Senate went in into an Executive session, and afterwards,

Adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, December 20, 1839.

The question pending was on an appeal taken by the gentleman from Maryland [Mr. JOHNSON] that a proposition could be submitted while there were members of the House waiting to be sworn.

Mr. CHAPMAN said that he had made a motion the other day to reconsider the vote by which the resolution for the adoption of rules had been laid on the table, which motion had been entered, and on yesterday he had moved that this motion be taken up, but it had been decided by the CHAIR that it could not be taken up while the motion then pending, which was the resolution of Mr. WISE, was before the House; that resolution, however, had been withdrawn and another moved, and he held that his motion to reconsider had precedence of this latter motion.

The CHAIR stated that the motion had been entered on the journal, he presumed, to enable the gentleman to bring it up at a future time. The CHAIR, however, was of opinion, on an examination of the subject, that the right to make that motion was given under the rules of the House, which had not yet been adopted, it being a motion not known to the parliamentary law. He would, however, suggest to the gentleman that he could obtain his object by moving that the rules of the last House be adopted for the government of this body, which motion would be in order at any time when there was no motion pending. At present, however, there was a question pending on an appeal from the decision of the CHAIR, taken by the gentleman from Maryland.

Mr. JAMESON. Do I understand the CHAIR to say that the motion to reconsider is not known to the parliamentary law?

The CHAIR. That is the impression of the Chair.

Mr. JAMESON said, if gentlemen would refer to the book, they would see that that was one of first established principles of parliamentary law. It was of far older dates than the rules of the House. If, therefore, the CHAIR still held to the opinion expressed, he would feel bound to take an appeal.

Mr. BRIGGS contended that the question before the House was a question of privilege, therefore a motion to reconsider could not be made until it was disposed of.

Mr. POPE said the first business under the Constitution which could come before the House, was the election of a Speaker, and the next was the swearing in of the members. Now, as the members had not all been sworn in, no other business could come up, until that was disposed of.

Mr. VANDERPOEL inquired whether the question of priority of business was not under the control of a majority of the House, and whether, if the majority desired to adopt the rules of the House, they could not do so now, or at any time.

The CHAIR thought it was in the power of the majority of the House to adopt rules.

Mr. VANDERPOEL then moved that the rules of the last House be adopted for the Government of this House, and on that motion moved the previous question.

Mr. WISE raised a point of order, whether any motion could be made until the question before the House was disposed of.

The CHAIR decided that the motion of the gentleman from New York could not be made while there was another question before the House.

Mr. CHAPMAN appealed from the decision of the CHAIR.

Mr. ADAMS, who was entitled to the floor on Mr. JOHNSON's appeal made yesterday, claimed the floor, and proceeded to address the House.

Mr. CHAPMAN called the gentleman from Massachusetts to order.

Mr. HOFFMAN then rose, and said, if gentlemen were desirous of adopting rules to prevent disorder in the House, and relieve the CHAIR from embarrassment, without having any other object in view, he would submit a proposition, which would effect the desired object. Mr. H. then presented a resolution, which was read, that the rules and orders of the last Congress be adopted for the government of this House, except the last rule, [the *viva voce* rule]

Mr. VANDERPOEL. The *viva voce* rule is one of great importance, and there can be no good reason for laying it aside at this time. If the motion which he had made a few minutes ago was in order, he desired that it might be put to the House.

Mr. ADAMS objected to the introduction of any resolution for the adoption of rules until the House had organized according to the Constitution and laws of the United States. By the act of 22d May, 1832, "the House of Representatives shall be composed of members elected"—

Mr. VANDERPOEL called the gentleman to order. He had made a motion, which had been entertained by the CHAIR, and the gentleman could not speak on another question.

Mr. ADAMS said he was speaking to a point of order, which had precedence of the other.

The CHAIR said the gentleman from Massachusetts must take his seat. There was a point of order now before the CHAIR on an appeal taken by the gentleman from Alabama.

Mr. ADAMS. Does the CHAIR decide that while I am speaking on a point of order, that another point of order can be made which will override the one I am speaking on?

The CHAIR said he had decided against a certain motion. The gentleman from Alabama had appealed from that decision, and the CHAIR was bound to entertain that appeal.

Mr. ADAMS. Then I may make another point of order, and if the CHAIR decides against me, I may appeal from that decision, and it will take precedence. Another gentleman may then raise another point and appeal, and so we may go on in an eternal wheel, without there being any end to the matter.

Mr. CHAPMAN said that the point he had made was with regard to the priority of business, and if the CHAIR entertained his motion, it was impossible for gentlemen to overleap it and supersede it with something else.

Mr. ADAMS contended that the very point he was desirous of discussing, was with regard to the priority of business. It was that the House could do no other business, until all its members were sworn.

Mr. CHAPMAN then rose, and stated that as the gentleman from Massachusetts was anxious to occupy the floor, and as he had been requested by several gentlemen to withdraw his motion, he would do so, giving notice, however, that he would bring it it forward again at the earliest period possible, and he hoped no objection would then be made to it.

Mr ADAMS, who was entitled to the floor on the point of order raised by Mr. JOHNSON of Maryland, contended that it was not competent for the House to entertain the previous question, or any other motion, while the question of the right of

the New Jersey members to be sworn was pending. Mr. A. then examined the constitutional question [in reply to Mr. PICKENS] as to the powers of the House over the returns, elections, and qualifications, of the members. He argued at some length against the principles advanced by that gentleman as to the distinction between the returns and the elections. He said that a majority of the House, at that stage of the proceedings, was not sufficient to decide the question of right, inasmuch as the effect of the decision was tantamount to an expulsion, which required, by the Constitution, a vote of two-thirds. That decision, he said, was illegal, unconstitutional, null and void, on the ground, also, that the House, in its then unorganized state, had no power, under the Constitution, to decide any question; and that, even under its present partial organization, had not the power to declare that the gentlemen from New Jersey with the Governor's certificates should not participate in the further organization of the House, because, upon the principles of the Constitution and the laws, these gentlemen stood upon the same footing as the other Representatives, and could be expelled with the same propriety, by an objection being raised by those the House had excluded. He then replied to some of the arguments which had been advanced as to the respect which should be paid to the broad seal of a State, and said that it was not the mere seal which claimed the respect of the House, but the principle which lies under it. The power which formed the seal could break it and substitute some other form if it pleased, but it was the form adopted by that State to make its power known here, and as such should be acknowledged by us. The seal was the proof of record, and was the only evidence of record which would claim the attention of any court of justice—it was with courts the highest authority—it was the proof of record which was acknowledged, and belonged to all civilized nations. The question now, he said, was whether the House was willing to destroy this highest kind of evidence, and whether the power of that State should be acknowledged by the best evidence it could produce of its sovereignty; that these members bearing this seal could not be rejected, without rejecting the evidence and the seal. The seal, he said, bore upon its face no fraud, but gentlemen had suspicions that there was fraud behind it, but were unwilling to extend their suspicions to the ballot box, where there was fraud by illegal votes. He did not know which of the suspicions was founded in truth, whether in illegal votes, or in making the returns; and it was a question which was to be decided by the House as judges hereafter; and, in the mean time, the gentlemen with certificates should have their seats. He said, to support him in this position, he had higher authority than the law of the British Parliament, which had been so frequently cited. He had the authority of Blackstone, which goes so far as to say that if even a sheriff or returning officer should be bribed to return a person other than the one elected, that the person thus returned should be permitted to take and occupy his seat until the return should be proved illegal. This, too, was a part of the law of Parliament. Mr. A. after arguing on this principle for some time, hoped that this question would be settled, not by arbitrary will or power, but by adjudication. He congratulated the House on the selection it had made of Speaker; that he had been taken from neither of the great contending parties. He considered it a Providential interference that this election had terminated in the same way as if the five New Jersey gentlemen had been permitted to take their seats; it was an act of retribution on the party that excluded them.

Mr. ADAMS had continued for some time with his remarks, and had been discussing the merits of the principal question, reviewing the course of the House in regard to the New Jersey election cases; when

Mr. FRANCIS THOMAS rose to a point of order, which he reduced to writing, as follows:

Because the question before the House is on an appeal from the decision of the CHAIR, that "the motion to take the previous question is not in order until the rules of the House are adopted, and when there are members present who desire to be sworn;" and the gentleman is discussing the merits of the New Jersey election, and reviewing the proceedings of the House on the New Jersey election.

The SPEAKER gave it as his opinion that it was not competent for a member, while addressing the House on the question of the appeal, then before it, to enter into the merits of the main question. He had allowed (the SPEAKER said) the gentleman from Massachusetts to indulge in a greater latitude of debate than was consistent with parliamentary law, because, on the same question of order as was now raised, the House yesterday permitted the gentleman from Maryland, [Mr. JOHNSON,] by almost a unanimous vote, to take a very wide range in the course of his remarks. As to the point of order, however, was now raised by the gentleman from Maryland, [Mr. F. THOMAS,] the CHAIR must reiterate his decision of yesterday, and say that the gentleman from Massachusetts was not in order.

Mr. FRANCIS THOMAS then moved that the gentleman from Massachusetts be permitted to go on with his remarks, *in order*, and proceeded to give his reasons for the motion.

After some remarks from Messrs. POPE, JAMESON, and MERCER, and a repetition of his decision by the CHAIR,

Mr. JAMESON stated the question as he understood it. The gentleman from Maryland [Mr. JOHNSON] yesterday took an appeal from the decision of the CHAIR, that he could entertain the motion for the previous question while the point of order raised by him in relation to the swearing in of the New Jersey members was before him. This being the simple question before the House, he would object to the gentleman from Massachusetts travelling out of the line of debate prescribed by the Speaker. The gentleman from Massachusetts ought not to be permitted to speak on the merits of the main question, and spin out his argument on matters which they had heard repeated one thousand times.

Mr. MERCER said he knew not what right a member had to move that another member should be permitted to proceed with his remarks, when he had not been pronounced by the CHAIR to be out of order. The motion of the gentleman from Maryland [Mr. THOMAS] was out of order, and was not sanctioned by any of the rules of the House.

The SPEAKER informed the gentleman from Virginia, [Mr MERCER,] that he had pronounced the member from Massachusetts to be out of order; but, at the same time, stated that he had permitted him to indulge in a wide range in the course of his remarks, because the House yesterday permitted the gentleman from Maryland to take the same course. The member from Maryland having now raised the point of order with regard to the course of the remarks of the gentleman from Massachusetts, the CHAIR was obliged to pronounce the latter out of order.

After a few remarks from Mr. MERCER,

The SPEAKER said he conceived the gentleman from Maryland to have appealed from that decision of the CHAIR which permitted the previous question to be called in the present condition of of the House—that is, as stated in the point of order raised by the gentleman from Maryland, when there were members here from the State of New Jersey, waiting to be sworn. Now, the view which the CHAIR gave of that question yesterday, and which he still entertained, was, that the very question which they were trying, was the question of the right of these gentlemen to be sworn, and to arrive at the decision of that question, they must proceed according to the rules of parliamentary law. One of these parliamentary rules was the previous question; and the CHAIR, by deciding that the previous question could be entertained, gave a decision which would facilitate that of the main question.

Mr. BYNUM rose to ask the gentleman from Maryland [Mr. THOMAS] to withdraw his question of order, and to permit the gentleman from Massachusetts to proceed with his remarks. He was tired, he said, of this continued game of "hide and seek." We have, said he, been going on for weeks in a useless and interminable debate, and are no nearer to the end than when we started. There appeared to be a disposition on the part of many members to meet this question; and he, for one, was willing and ready to meet it. The argument hitherto, had been only on one side; and he thought it was time for something to be said on the other. The gentleman from Massachusetts was proceeding today precisely as the gentleman from Maryland was permitted to do yesterday, by an almost unanimous vote of the House; and he would ask, then, where was the propriety of calling a gentleman to order for taking too wide a range in his remarks, and then, by a solemn vote of the House, permitting him to go on with them, and take as wide a range as he pleased? This, he thought, was too much like trifling with the serious questions before the body. If the gentleman from Massachusetts was permitted to go on, by a vote of the House, would it not be unjust to the rest of the members to refuse them permission to answer him. He hoped, therefore, the gentleman from Maryland would withdraw his point of order, and that the gentleman from Massachusetts, by the general consent of the House, might be permitted to go on with the utmost latitude; and that those who wished to answer him might be allowed the same privilege. If the gentleman could not be answered, he would be willing to vote with him; but the gentleman could be answered, and he, for one was ready to answer him.

Mr. FRANCIS THOMAS observed that the gentleman last up [Mr. BYNUM] had expressed a wish to participate in this debate; and there were other gentlemen, also, who wished to engage in it. He was well aware of this, and for this reason, he had interposed his point of order to arrest the wide range the debate was taking, and to confine gentlemen to the single question before the House. It was with the greatest reluctance he had interposed to arrest the course the gentleman from Massachusetts was taking, and he did it with greater reluctance than he would so act towards any member of that House. But he did it because, if the debate was suffered to take this latitude, there would be no knowing where it would end, and the great interests of the nation would be neglected. He voted yesterday for his colleague to proceed *in order*, and would vote to-day that the gentleman from Massachusetts might be permitted to proceed in like manner. His object was, however, that every gentleman who took part in the discussion should be restricted to the limits prescribed by the Speaker; that is, confine himself to a discussion of the question immediately before the House. The CHAIR had prescribed what the limits were to which the debate should be confined. The sole topic of discussion would be, whether, in the discretion of the CHAIR, the parliamentary laws are binding on this body; and if so, was the previous question within the parliamentary law. This was a limited question, and he hoped the debate would be confined to it.

Mr. BELL hoped the House would get through this difficulty without discussing points unnecessarily. If the proposition of the gentleman from North Carolina should be acceded to, the debate could go on; if not, he should then insist upon this proposition. Even after the second by the House of the previous question, the subject would be open to discussion, and the gentleman from Massachusetts would have the privilege of moving an amendment of the proposition before them, and on that amendment he could discuss the merits of the question with as much latitude as he pleased. Mr. BELL here explained the difference between the previous question, as known to the parliamentary law, and the previous question contained in the rules of the House of the last session, and quoted from the 2d volume of Hatsel's Precedents to show the correctness of his position.

Mr. FRANCIS THOMAS said to the gentleman from Tennessee [Mr. BELL] that the House was now about to decide upon the validity of the decision given by the CHAIR, that the previous question could be entertained by the House. The CHAIR had decided that, by the parliamentary law, the question could be entertained, and from that decision

his colleague had appealed, because he alleged that the House could entertain no question while the members from New Jersey were waiting to be sworn in. The gentleman from Tennessee would see that he would make confusion worse confounded, if he succeeded in showing that the greatest latitude should be allowed to the debate now, because such latitude must be allowed after the decision of the House that the previous question shall be put. He was for confining the House to the single proposition then before it, which was the appeal of his colleague. When that question was decided, he would be willing to meet the gentleman from Tennessee with his authorities. The gentleman from Massachusetts was entitled to the floor to discuss the subject of the appeal taken by his colleague; but he was not authorized to indulge in the latitude of debate which he had thought proper to take.

Mr. BELL said he understood all that had been said by the gentleman from Maryland, and agreed with him; and he was proceeding to show that the play was not worth the candle, while the proposition of the member from North Carolina was the most rational one; for the moment the question of appeal was decided, and the previous question seconded, the gentleman from Massachusetts could have the greatest latitude of debate allowed him. For his own part he had no objection to deciding the question of appeal at once, and to affirm the decision of the CHAIR. He would also go for the decision of the CHAIR that the question before the House involved the very question as to the admission of the New Jersey members.

After some remarks from Mr. MERCER on the point of order involved,

Mr. ADAMS, by general consent, resumed and concluded his remarks, when

Mr. RHETT addressed the House at some length, in reply to the remarks of Mr. WISE, charging him with having acted inconsistently in regard to the New Jersey members, and in reply to the remarks of Mr. ADAMS; but his remarks were indistinctly heard by the reporter. He commenced by saying that, in his observations the other day, he had expressed the opinion that when we had then passed a resolution, refusing to the New Jersey members seats, we were a House of Representatives, and he had stated farther, that being a House, and having adjudicated on the case, it was contrary to parliamentary usage to take up the same case again for adjudication. No gentleman who had addressed the House since, had controverted this position. The case of Claiborne and Gholson, referred to by the gentlemen from Massachusetts, had no application at all to the present case. In that case, seats had been given to those gentleman at one session, and the next session this decision had been reversed, and certainly one Congress had the right to reverse the decision of a former session. What he contended for was this: When the House had once made a decision, and determined upon a question, it was not competent for any gentleman, according to parliamentary law, to bring up that proposition again: and that proposition had not been controverted. But the gentleman from Massachusetts held that it was contrary to morality, and contrary to what was right, for him (Mr. R.) to hold to this opinion. Then, said Mr. R. according to this doctrine, if the House has done wrong, in my view, in making a decision, I must not act according to parliamentary usage, but must go directly against it, for the purpose of accomplishing what I believe to be right. Is this the principle which gentlemen desire that I should act upon? He would not question the conduct of any gentleman on this floor—he would condemn no man here; but while he did not do this, he would certainly exercise his own views as to what became him as a member on this floor, disregarding the opinions or the sophistry of any man. He had said further, when he addressed the House the other day, that as the people were looking to this body to do something speedily, and as the great interests of the country required us to act, he was prepared to support that proposition which would bring this debate to a speedy termination. With a view of getting at the business which was of such vital interest to the country at large, he felt bound to support that proposition, whatever it might be, which would preclude debate.

With regard to this New Jersey case, he did not estimate it as some gentlemen seemed to do. He considered that the House, having the power to determine, did determine it; not disfranchising the people of New Jersey, but as he understood, even by the resolution of the gentleman from Virginia [Mr. WISE] himself, it was to be made a matter of contested election, to be decided by the House hereafter, in the proper and constitutional manner. Then it can be no disfranchisement.

He had never contended that the title, which gentlemen laid so much stress upon, should be violated. On the contrary, he had contended that we were to be the judges of the title, and that that was the matter which we were bound to decide upon. The House consented to this course in the case of Messrs. Naylor and Ingersoll. The titles which both these gentlemen held, were read, and he had voted for Mr. NAYLOR. This was the course proposed in regard to the New Jersey members; and, in this case, he had held that you could not invalidate the title, but were bound to look into it. Well, sir, when you came to look into the papers on the Clerk's table, what was the state of things presented? In the first place, there was a certificate of title from the Governor of New Jersey; secondly, an impugnment of that title; and thirdly, a certificate that that impugnment was correct. The House took up this matter, and upon this evidence, decided that the five members, having the certificate of Governor, should not take their seats. Then the position which he maintained was, that the matter had been adjudicated upon by a competent body; and could gentlemen doubt the correctness of this position? Was this the House of Representatives, were we members of Congress, when we made this decision? If we were not members of Congress, as had been contended by the gentleman from Virginia, [Mr. WISE,] then he agreed that our determination of the question was null and void. But if this was a House of Representatives at the time it made the decision, it was perfectly competent for it to adjudicate the matter; and, having done so, that adjudication must be final until the question was brought up as a matter of contested election. The gentleman from Virginia, and other gentlemen, had charged him with inconsistency; but when gentlemen make those charges, they should recollect that they who live in glass houses ought not to throw stones. When gentlemen made charges of inconsistency against others, they should be certain that their own course was consistent. It will be recollected that the gentleman from Virginia has declared over and over again, in debate on this floor, that the House has made no decision upon this question, and that there was no House to make a decision; yet that gentleman had introduced resolutions in that body which he declared was no House, calling it a House, and calling us the Representatives in the Congress of the United States. The gentleman's first resolution, introduced before the gentleman from Massachusetts was called to the Chair, read as follows:

Resolved, That the Representatives of the Congress of the United States now assembled, to relieve themselves from the embarrassment and difficulties which at present obstruct the organization of the House, will proceed, by the Acting Clerk, to call the names of gentlemen whose rights to seats are not disputed or contested; and, after the names of such members are all called, and before they proceed to elect a Speaker or other officer, or to organize in any manner, they shall, provided there be a quorum of such present, *hear and decide* upon all credentials, certificates, or commissions of persons claiming seats *in the House of Representatives* under the Constitution of the United States and the laws of the respective States.

Here the gentleman confesses that we were at that time the "Representatives of the Congress of the United States;" and in the latter part of the resolution he speaks of the disputed members as "claiming seats in the House of Representatives;" and he grants that House the power, by his resolution, to "hear and decide" upon all credentials, certificates, and commissions, of persons claiming seats. Here, then, the gentleman granted that the House could exercise judicial power at the time he submitted his resolution, because he made it, or attempted to make it, the duty of the House, by his resolution, to "hear and decide" upon the credentials, certificates, or commissions, of the five members from New Jersey. This was the ground taken by the gentleman from Virginia in the first instance; and he (Mr. R.) with this resolution before him, and with other propositions which had been made to the House before him, had submitted a proposition to the House at a later period in the following words:

Resolved, That the House will proceed to call the names of gentlemen whose rights to seats are not disputed or contested; and after the names of such members are called, and before a Speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the elections, returns, and qualifications of all claimants to the seats contested on this floor.

This resolution, as he had stated at the time of introducing it, was substantially the same as that presented by the gentleman from Virginia; substantially the same as the one presented by a gentleman from Kentucky; and substantially the same as the one presented at the last session of Congress by the gentleman from Massachusetts; and he did expect that it would meet with the support of those gentlemen. He had expected that every one of those gentlemen would rally upon this resolution, and he never had expected that those gentlemen would stand up and oppose, much less had he expected that they would rise up here and deny the doctrines set forth in their own resolutions; and deny that it was either right, proper, constitutional, or parliamentary for the House to make a decision on the question at that time.

Mr. WISE rose to explain. By the resolution of the gentleman from South Carolina, which had just been read, the House was to decide on the "elections, returns, and qualifications" of claimants, and he denied the power of the House, at that stage, to go into the elections.

Mr. RHETT. The ground the gentleman took in his argument was, that we had no right to adjudicate on this matter, but by his resolution he yielded the power to the House to hear and decide upon the commissions of all claimants.

Mr. WISE rose again to explain. He contended now, as he had contended before, that the Clerk was the ministerial officer to compare the credentials which the gentlemen from New Jersey brought here under the laws of New Jersey; and when we deposed the Clerk, we became the ministerial officers. We then became the ministerial officers to hear the credentials, and decide upon them—that is, to decide whether they corresponded with the laws of New Jersey; and his position was that we could decide nothing else; therefore it was, that he had used the terms credentials, certificates and commissions.

Mr. RHETT resumed. When this resolution of the gentleman from Virginia was presented, he (Mr. R.) was asked by a member of the House whether it covered all the papers on the Clerk's table, the certificates of the Governor, the certificates of the Secretary of State and all other papers on the subject; and when the gentleman from Virginia found that it did cover all these papers, he withdrew his resolution. Now, when he (Mr. R.) proposed his resolution, he made use of the terms "elections, returns, and qualifications," because he thought they were the appropriate terms. He contended that the House had again and again exercised judicial power. When the question in regard to the Pennsylvania election came up, the Clerk, by the consent of the House, read the credentials on both sides. He did not adjudge whether Mr. INGERSOLL or Mr. NAYLOR was entitled to the seat, but the House decided that Mr. NAYLOR was entitled to his seat. The gentleman from Virginia had said on yesterday that the gentleman from Pennsylvania (Mr. NAYLOR) could not be turned out except by a vote of two-thirds; but, sir, how did he get into his seat

so firmly, but by the adjudication of this House, and that, too, at a time when the gentleman from Virginia had contended that the House could not adjudicate upon any matter, before a Speaker was elected, before the roll had been called over, and before the oath had been administered to the members of the House. Mr. R. then read two or three other resolutions, which had been submitted by the gentleman from Virginia at different stages of their proceedings before a Speaker was elected, in all of which that gentleman had used the terms "the House," or "the House of Representatives," and upon all of these resolutions the action of the adjudication of the House had been asked. Was it possible that gentlemen should bring forward proposition after proposition, and ask us to decide upon them, if we were not a House, and had not the power to adjudicate upon any question? Was it possible that gentlemen would be guilty of the absurdity of bringing forward proposition after proposition, which they believed the House had no power to decide; for it will be recollected that nearly all these propositions were brought forward by those gentlemen who held that this body had no judicial power to determine the matter presented to it.

He had no desire to condemn the course of certain gentlemen, with regard to their course on this question; but if he might be permitted to express an opinion, he would say, without hesitation, that they had exhibited but very little parliamentary skill. The had this matter in their own hands—they had a clear majority in the first instance in favor of the members from New Jersey, holding the Governor's certificates. Then how was it, that when they came to a vote, there was a tie upon the question? He would tell gentlemen how it happened. When the members of this House first assembled here, they only looked to the abstract constitutional principle; and by so doing, there was a majority in favor of the New Jersey members taking their seats upon the returns of the Governor; but when gentlemen threw so much embarrassment in the way, and went on from one step to another without coming to any decision, the minds of many gentlemen here began to turn away from the abstraction, and look into the right and equity of the matter. There was no doubt if gentlemen had marched up to the question at once, they would have had a majority in their favor, but by sheer bad management and want of parliamentary skill, they had lost from ten to fifteen votes. And even at the last moment, when victory was still within their grasp, the gentleman from Virginia [Mr. WISE] and his friends were defeated by his unskilfulness in submitting the question, having offered an affirmative proposition, instead of a negative, and losing it by a tie vote.

Again: a proposition had been brought before the House by the gentleman from Virginia, "That the credentials of Messrs. AYCRIGG, MAXWELL, HALSTED, STRATTON, and YORKE, are sufficient to entitle them to seats now, leaving the question of contested elections to be afterwards decided by the House." Well, he (Mr. R.) had voted for this resolution, although it was rejected by the House; and when he voted for it, he intended to stand by it. But what was the course of gentlemen on the other side? Did they leave the question of contested elections to be afterwards decided by the House? No, sir. They did not. The gentleman from Virginia made a question of membership, by asking the Speaker to swear in the New Jersey members. In doing this, he did not pretend to say that the gentleman did any thing wrong; but when he had voted for a proposition to leave the question of contested elections to be afterwards decided by the House, he would ask if it was consistent in the gentleman to refuse to leave that question to be afterwards decided, and to make a question of membership, by asking the SPEAKER to swear in those persons. The gentleman from Virginia had not stood by his own resolution; and with what face could that gentleman charge him with inconsistency. Was he (Mr. R.) to be charged with inconsistency, because he stood by his resolution; and could not change as some others had changed? He trusted not. Mr. R. held that the House had the power to adjudicate upon the question with regard to the New Jersey members; and having done it, it was not competent for the House to bring up the same proposition again.

Mr. CHAPMAN obtained the floor, and moved that the House take up the motion to reconsider the vote by which the resolution for the adoption of rules was laid on the table.

The CHAIR decided that this motion was not now in order.

Mr. CHAPMAN appealed from this decision, and moved the previous question on the appeal.

Mr. JAMESON moved to lay the appeal, and the questions connected with it, on the table; but was understood to withdraw his motion.

Mr. TURNEY inquired of the CHAIR, whether it was in his power to withdraw the resolution which the gentleman from Virginia, according to a previous understanding, moved for him, and what would be the effect of withdrawing it. He wished to know whether it would not leave before the House the motion of the gentleman from Alabama [Mr. CHAPMAN] to reconsider the vote laying on the table the resolution for adopting the rules.

Mr. WISE thought the resolution having been received by the House, could not be withdrawn, without its consent.

A desultory discussion on the point of order here ensued, in which Messrs. CHAPMAN, BELL, TURNEY, WISE, and others, took part; when,

Mr. TURNEY asked permission of the House to withdraw his resolution.

Mr. WILLIAMS of North Carolina called Mr. TURNEY to order.

Mr. DROMGOOLE observed that there was no question of order. The House was without rules, and therefore, no question of order could be raised. He now submitted to the CHAIR this proposition; whether a motion to adopt rules for the government of the proceedings of the House, did not override all questions of order? I now, (said Mr. D.) propose that we adopt the rules of the last House of Representatives.

The SPEAKER said the question before the House was, whether the gentleman from Tennessee should have leave to withdraw his resolution; and

The question was then taken on granting to Mr. TURNEY leave to withdraw his resolution, and it was decided in the affirmative.

Mr. CHAPMAN then rose and asked what was the question before the House?

Mr. EVANS of Maine having risen at the same time, the SPEAKER said the gentleman from Maine was entitled to the floor. Mr. EVANS then proceeded to address the House at some length, contending that there could be no question before the House, until the gentleman claiming seats from New Jersey were sworn, and that the SPEAKER was wrong in receiving any motion whatever, excepting this motion respecting the qualification of the New Jersey members. Mr. EVANS having proceeded at some length,

Mr. CHAPMAN called him to order, and said that he had no right to address the House on the question of swearing the New Jersey members, when the only question that could be in order, was his motion for a reconsideration.

Mr. EVANS, by the decision of the CHAIR in his favor, continued his remarks for some time, when he was again interrupted on the point of order.

Mr. CHAPMAN appealed from the decision of the CHAIR, and reduced his point of order and appeal to writing, as follows:

I call the gentleman from Maine to order for this—he is out of order in attempting to speak at all on the question, which is this: "The member from Alabama makes a motion to reconsider a vote which the CHAIR decides out of order, from which the member from Alabama takes an appeal, and calls the previous question."

Mr. HUBBARD called for the previous question; and

After some remarks from Messrs. CHAPMAN and EVANS,

Mr. CHAPMAN asked leave to withdraw his resolution and appeal; which, on taking the question, was agreed to.

Messrs. EVANS and CHAPMAN then both rising at the same time, and claiming the floor,

The SPEAKER said that the gentleman from Maine rose in his seat, and the gentleman from Alabama rose in the aisle; the gentleman from Maine, therefore, was entitled to the floor.

Mr. EVANS then continued his remarks for a few moments, when

Mr. RIVES rose to a point of order. He wished to know what question was before the House.

The SPEAKER replied that no question was before the House.

Mr. RIVES said he would then submit to the CHAIR whether the gentleman from Maine could make a speech when there was no question before the House?

The SPEAKER said the gentleman from Maine had the floor and might submit a resolution.

MR. EVANS said there was a question before the House, and that was, Shall the New Jersey members be sworn?

Mr. VANDERPOEL asked the CHAIR if this was the question before the House, and whether the SPEAKER had put any such question.

The SPEAKER said that, feeling some doubts as to the propriety of swearing in those gentlemen, he had stated the difficulty to the House, and said that it would be a question for the House to decide; but he had propounded no question.

Mr. TURNEY then wished to know how the gentleman from Maine could go on with his speech, when there was no question before the House.

Mr. EVANS said that as he was about to submit a resolution, he would do it now, and that would go to the very quest on he contended was before the House.

Mr. E. then submitted his resolution, as follows, after which he continued his remarks at some length:

Resolved, That the Speaker now proceed to swear in the members from New Jersey, who produce the legal certificate or commission according to the laws of New Jersey.

Mr. SHERROD WILLIAMS then rose and observed, that it was not his purpose at this time to enter into a discussion of a subject already exhausted. But he would submit to gentlemen whether the debate had not been protracted long enough, and whether it would not be better, by general consent, to take the vote on the proposition of the gentleman from Maine. This subject, Mr. W. said, had been discussed over and over again; every gentleman who wished to speak on it, had had an opportunity of doing so, and some had spoken several times. He hoped, therefore, that, by general consent, the debate would now cease, and the question be taken. It was high time, in his opinion, that they should organize the House, and proceed to the transaction of the public business. Mr. W. then moved the previous question on Mr. EVANS's resolution.

Mr. CAVE JOHNSON moved to lay the previous question on the table.

The SPEAKER said that the gentleman from Kentucky [Mr. WILLIAMS] had called for the previous question on the resolution of the gentleman from Maine, and the gentleman from Tennessee [Mr. C. JOHNSON] had moved to lay the motion for that question on the table. The CHAIR was of opinion that these questions could not be filed on each other, and therefore, the motion of the gentleman from Kentucky was first in order.

Mr. TURNEY then moved for a call of the House, and the yeas and nays having been called for, and ordered on that motion, the question was taken by them, and decided in the affirmative—yeas 148, nays 58.

The call of the House was then proceeded with; after which, the number of absentees reported were ordered to be sent for by a vote of the House.

The absentees appearing, with the exception of those members who were excused in consequence of indisposition,

On motion of Mr. JAMESON, the further proceedings under the call were dispensed with.

Mr. EVANS then modified his resolution, so as to read that the members present of the Twenty-sixth

Congress, request the SPEAKER to swear in the New Jersey members.

Mr. TURNEY renewed the call for the previous question on Mr. EVANS's resolution, and the call having been seconded by the House, the main question was put, "shall the resolution pass?" and it was decided in the negative—yeas 112, nays 116, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Barnard, Bell, Biddle, Black, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, John Campbell, William B. Campbell, Carter, Chinn, Chittenden, Clark, Colquitt, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Davies, G. Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, Wm S. Hastings, Henry, John Hill of Virginia, Ogden Hoffman, George W. Hopkins, Hiram P. Hunt, James, Charles Johnston, William Cost Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, C H. Williams, S. Williams, and Wise—112.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, W. O. Butler, S H. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, De la Montanya, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely. Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, John Hill of N. C. Hillen, Holleman, Holmes, Hook, Howard, Hubbard, Thomas B. Jackson, Jamesor, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsay, Reynolds, Rhett, Rives, Robinson, Edward Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—116.

So the House refused to permit the gentlemen who were commissioned by the Governor of New Jersey to be sworn.

Mr. HOFFMAN said he had prepared a resolution, which he was about to submit to the House, which embodied the wishes of a large majority of its members, as recently expressed to him by many of them. He remembered how anxious the gentleman from Maryland [Mr. THOMAS] was to have rules adopted, for the purpose of guiding the House in its proceedings, and the SPEAKER in his decisions. Several others of the gentlemen of the Administration party were equally anxious, and their object was only to have them adopted, for the purpose of preserving the decorum of debate, and for relieving the new SPEAKER from the responsibility and embarrassment the want of them occasioned. There was no covert purpose concealed behind these avowed objects. They had nothing in view but to establish a set of rules for the purposes they had mentioned, and he had no doubt, therefore, but the resolution he was about to offer, would meet their support.

Mr. H. would observe, however, that there were many of these rules that were warring with the wishes of a majority of the members; and if they were, in a body, once adopted, gentlemen would see how impossible it would be to get any of them changed, because a change could only be effected by a vote of two-thirds. He had therefore proposed a resolution to adopt the rules of the last House temporarily, until a report could be made on them by a committee, with the exception of the 11th rule, which he proposed to strike out. Mr. H. then offered the following resolution, and moved the previous question on it.

Resolved, That the standing rules and orders of the last House of Representatives, except the 11th rule, be adopted as the rules and order of proceeding of this House for the ensuing ten days; that the rules and orders be referred to a committee, with instructions to report such amendments of the said rules and orders as they may deem expedient.

Mr. VANDERPOEL inquired of the gentleman from New York what the 11th rule was that he proposed to have stricken out?

Mr. HOFFMAN replied that it was the rule prescribing the *viva voce* manner of voting in electing officers of the House.

Mr. CRAIG asked if an amendment to the resolution would be in order after the previous question was moved?

The SPEAKER said that, under the parliamentary law, by which only the House was now governed, a motion for the previous question did not cut off amendments. A motion to amend the resolution would, therefore, be in order.

Mr. CRAIG then moved to amend the resolution by striking out the words "with the exception of the 11th rule."

Mr. BELL offered an amendment to strike out the 40th and 41st rules in relation to the previous question, which, as it now stood, was liable to great objections. He did not wish to do away with this principle altogether, but wished it referred to a committee to undergo certain modifications.

Mr. FILLMORE also offered an amendment, the effect of which the reporter did not understand; but it was subsequently withdrawn by Mr. F.

Mr. FRANCIS THOMAS said that he was one of the number of those who entertained the opinion that it was not necessary, at this time, to go into a discussion of the propriety of modifying the rules under which they had acted for the last two sessions, with regard to the manner of putting the previous question. He would now content himself with saying that, after experiencing much inconvenience from the want of them, the House found it necessary to adopt the rules which the gentlemen from Tennessee proposed to dispense with. Mr. T. thought that now was not the time to go into a consideration of these rules, and that the House would find it much more to its convenience to take them as they existed at the last session of Congress. To get at a decision of the question—to get the majority with him—he would move to lay on the table the resolution of the gentleman from New York, together with the amendments that had been offered to it, for the purpose of submitting, as a substitute for it, a resolution providing for the adoption of the rules as they stood at the last session. If the CHAIR would look at the parliamentary law, he would find that a motion to lay on the table had precedence of a motion for the previous question.

Mr. BELL observed that if it should be so decided by the CHAIR that the motion to lay on the table had the precedence, and that motion should prevail, he should then object to the gentleman from Maryland offering his substitute; because, by the parliamentary law, you cannot adopt the substance of the same proposition that was laid on the table.

Mr. JAMESON observed that, according to the doctrine laid down by the gentleman from Tennessee, the resolution of the gentleman from New York could not be adopted, for the substance of it had been laid on the table, and the gentleman and his party had pertinaciously refused this morning to take it up. Nay, there was an appeal of the gentleman from Alabama from the decision of the CHAIR, that the motion to reconsider the vote on laying this very resolution on the table could not be taken up. But all this (Mr. J. said) was foreign to the subject. It was absurd to suppose that they could not adopt rules for their government because points of order might be interposed. He was of the opinion that they had the right to adopt rules for their government at any time, from the very necessity of the case.

Mr. MERCER made a few observations, giving his opinions on the subject of order.

Mr. DAVIS of Indiana offered as a substitute to Mr. HOFFMAN'S resolution, a resolution providing for the adoption of the rules of the last House of Representatives, until otherwise ordered by a majority of the House.

The SPEAKER said that the motion of the gentleman from Indiana was not in order, as the question was on the amendment of the gentleman from Virginia, [Mr. CRAIG.]

Mr. BELL here withdrew his motion for amendment, and

Mr. CRAIG called for the yeas and nays on the question.

Mr. BELL then addressed the House at length in opposition to Mr CRAIG'S amendment, appealing to the gentlemen of the State Rights party to assist him in destroying the *viva voce* privilege of voting, which he looked upon as a species of Executive whip to be applied to the members on this floor. One of these gentlemen the other day stated that there had been for several years past too much Executive action felt in this Government, and he would appeal to that gentleman, and those who thought with him, to seize this first opportunity of striking a blow at Executive influence. He looked upon this *viva voce* principle as one of the most powerful engines of Executive influence, and it was essentially important that it should be destroyed. Every man who had been in this House for the last five or six years, must have seen the alarming increase of Executive influence, and Executive patronage, and the alarming control which party discipline and party drill had over the members of this House. He called upon gentlemen of the State Rights party to join him in destroying this dangerous agent of Executive influence.

Mr. PETRIKIN observed that he, as one of the Democratic members of the House who had been alluded to by the gentleman from Tennessee as being acted upon by Executive influence, felt himself called upon indignantly to repel the insinuation. Though he did not pretend to contend with the gentleman from Tennessee in eloquence and argument, he neither admitted him nor any other member to be his superior in firmness of purpose or devotion to the best interests of the country. He had listened to the gentleman while he was charging the party with which he had acted with being operated on by Executive influence, with surprise and indignation, and as far as he himself was concerned, he pronounced the charge to be untrue in point of fact. Mr. P. said he boldly declared it to be his belief that the *viva voce* principle of voting was the true Republican principle, and that the man who feared openly to express to his constituents all his votes, was not fit to be a Representative in Congress; he should be thrust out of the hall. Mr. P. said that the first motion he ever made, when he first came here, fresh from his native State of Pennsylvania, was to establish this *viva voce* principle of voting. He was not listened to, and perhaps it was because he was not in the habit of occupying the time of the House in brawling speeches; but he had made the motion because the principle he sought to establish prevailed in the Legislature of Pennsylvania. The representatives of the people there are too proud (Mr. P. said) to skulk behind the ballot boxes. No; they never fear to let their constituents know in what way they give their votes. What! (said Mr. P.) am I, and the party with which I act, under Executive influence? Are we under any other influence than that of our constituents. No, sir; I retort the charge, and ask if it is not disappointed ambition—the mortification of a defeated party, which powerfully influences those who now seek to destroy the *viva voce* principle? I ask if it is not the coward fear of walking up to the chalk, and openly proclaiming their votes to their constituents, that operates on them? I do not say (continued Mr. P.) that they are operated on by such influences; but I do say, that it is as fair for us to make such charges against them, as for them to charge us with being under Executive influence. Sir, (said Mr. P.) the charge made by the gentleman from Tennessee, is equivalent to a charge of perjury and fraud—of treason to our constituents—and I therefore indignantly repel it.

Mr. PICKENS observed that, as he had been particularly appealed to by the gentleman from Tennessee, [Mr. BELL,] he desired to make a very few remarks on the topics to which he had alluded. He [Mr. BELL] appealed to those gentlemen who announced the sentiment on this floor that there had been, heretofore, too much Executive action in this Government, and besought them to aid him in destroying one of the most powerful engines of Executive influence; and asked where that rule containing the *viva voce* principle of voting had its origin? Mr. P. took pride in answering the gentleman's question. The first time he (Mr. P.) recollected that the rule was introduced, was in the session of 1834 and 1835, when it was considered by the most intelligent and patriotic men in the country, that there was too much Executive action on the Government. It was when the gen-

tleman himself was in the SPEAKER'S chair, that the party of the Executive, with which he acted, and of which he was the acknowledged head, had that tremendous majority here, which seemed destined then to sweep over all the dearest rights of the country. The gentleman from Tennessee [Mr. BELL] then acted in concert with that great party whose strong organization trampled, without remorse, over a vanquished minority. He recollected those times well, and felt the power of the organization which the gentleman from Tennessee was then supposed to support. He is the last man that ought to ask when this *viva voce* question was introduced. I voted at that time, said Mr. P. against this *viva voce* principle of voting, preferring the old fashioned Republican principle of voting by ballot, and when I am called upon to vote on this subject, I shall vote for that principle again—but I shall not do it for the reasons the gentleman has offered. Does he suppose that I am to be overawed by Executive influence? Does he suppose that I am governed by any other principle than the interests of my constituents? Was there not an influence now much more to be dreaded than that of the Executive on the members of this House? We have had, said he, a convention lately, organized under a combination of three powerful and dangerous influences, one of which was that of the banks' interests, that boded much more danger to the people of this country than any the gentleman had alluded to. Sir, that party organization, produced by such a convention, he looked upon as more terrible in its sway, at this juncture, than any other. Mr. P. said that he would always vote for the ballot system, because he believed it to be the most republican; but he thought it a direct insult to this House to suppose that there would be members here who would be mean enough to give their votes one way under one system of voting, and another way under another. He remembered the scenes of the last night of the session of '34–'35, when the three million appropriation was under consideration, and the conduct of the gentleman from Tennessee, then the head of the great Jackson party in this House, on that occasion, and he thought that the gentleman was the last man who ought ever to talk of Executive influence. He trembled when he thought what might arise from extraneous influences brought to bear upon the independence of this House. As far as the iron sway of Executive control is concerned, thank God! we have the prospect of a change. We have principles avowed, embracing the great doctrines of the Constitution. We have a prospect of reform and regeneration. It is folly and madness to attempt to reform this Government by men. You must have great measures. If you wish to strike at the accumulation of power in this Government, or in the Executive, strike at the fiscal action of the Government: reform that, and you reform men. The most we now have to dread is from those moneyed combinations throughout the country, connected with conventions for political purposes, calculated to bring down the independence of individuals and of this House at their mercy, and to absorb all society in one consolidated interest for the benefit of the few, and at the expense of the many.

Mr. VANDERPOEL said he, too, had the honor of being a member of this House five years ago, when this proposition, that all elections of officers by the House should be made *viva voce*, was introduced; and he had the further honor of participating in the debates on that subject. So important did he deem this rule, which his colleague [Mr. HOFFMAN] proposed to exclude from the code, that he would vote against the adoption of the entire code unless this *viva voce* provision were retained. Nor would he consent to adopt the very liberal and magnanimous suggestion of his colleague, when he told us that we might now adopt all but the eleventh rule, and then introduce the *viva voce* provision as an independent proposition. He knew well what the consequence would be if this course were adopted. Days, weeks, and, peradventure, months, would be wasted here in the discussion of this proposition, and no decision would be made till after the elections should have been had, which gave the rule a practical character. He meant the election of Clerk, Printer, and all the other officers of the House. It was, indeed, a great favor on the part of his colleague, to give us the privilege of adopting a rule after the mischief against which it was designed to provide was perpetrated.

Sir, said Mr. V. are we wiser than our fathers? Did they not deem it important, with a view to our accountability, to provide by a sacred constitutional provision, that "the yeas and nays of the members of either House, on any question, should, at the desire of one-fifth of those present, be entered on the journal?" Upon every question, then, that comes before us in our legislative capacity, no matter how insignificant, one-fifth of this House can hold up the other four-fifths to the gaze of their constituents. Was it, then, in accordance with the spirit of the Constitution to skulk under the ballot, when we entered upon the great and responsible work of electing officers for this House, even to the office of Speaker? It had been said that the people of this country, our constituents, voted by ballot, and that they regarded this, not only as their privilege, but their right, and that the Commoners of England were now contending for this great principle. All this was very true; but did not gentlemen see, in reference to this question, a manifest difference between voting in an *individual*, and in a *representative* capacity. When the people undertook to exercise the great and invaluable right of suffrage, they entered upon a work of their own; they were then doing their own business, and no one had a right to inquire how they executed that business. But every vote we gave here, we gave in a representative capacity. We were the creatures of our creators, and who but our constituents were our creators? We were agents, and who but the people were our principals? Responsibility from the agent to the principal was dictated by every consideration of regard for integrity and justice; and he would enter his protest against an innovation which lost sight of the great principle, that it was right and important that our doings here should be open, daylight doings, such as our constituents could see, either for praise or condemnation. He never could, under these views, consent to expunge the 11th rule.

Mr. WELLER did not intend to detain the House long with the few remarks he was about to make. He considered the question to be so simple, that but little needed to be said to illustrate it; and therefore, what he was about to say, would refer principally to his own course on this occasion. He intended, as long as he remained a Representative of the people, that they should see the manner in which he sustained himself in his representative capacity, for he was not afraid to let his constituents be the judges of his conduct here. Nay, he was anxious that they should know the manner in which he discharged his duty to them, as he would disdain to act as their agent, unless his conduct should meet with their fullest approbation. He who acts as an agent, (said Mr. W.) should be accountable to his principal; and, therefore, the records of this House should show how the agents of the people discharged the trusts confided to them. He stood here neither under Executive influence, nor under the influence of banks. He thanked God he had no influences to operate on him but the influences of those who sent him here; and with them he would always be ready to make a prompt settlement of their mutual accounts. Why should it be said that those who prefer the *viva voce* system of voting were under Executive influence? He did not fear the Executive, or that he would attempt an improper influence over the members of this House. If there was such a man on this floor, let him avow it. He did not believe that this Executive or his predecessor was a tyrant or usurper. He knew that it had been so charged in the columns of a corrupt press, but the people of the country had pronounced the charge to be false and unfounded. He was under no such influence himself—he stood here as a Representative of the people, fearing no influence whatever, and he was not to be deterred from the course his judgment approved, by violent poundings on the desks or a flourish of arms. There might be men here who possessed more physical power than himself, and, by pounding of desks and violent gesticulation, might attract more notice; but these appliances would never deter him from the course his judgment approved. He repeated, that he was under no influence either of the Executive or of the banks, and therefore wished every vote he gave to be openly proclaimed to the whole world.

Mr. BRIGGS said a few words in reply to Mr. VANDERPOEL, and referred to the cases in the Constitution where the ballot system of voting was prescribed, arguing, from thence, that that system was more in accordance with Republican principles and was sanctioned by the framers of the Constitution.

Mr. CRAIG said, he did not comprehend the applicability of the remark of the gentleman from Tennessee, [Mr. BELL,]—the remark that the Executive held up a whip over this House. By what part of the Executive was it held up? Was it by the President, or some of his subordinates—the heads of Departments, or by what other branch of the Executive? For his own part, (said Mr. C.) he was unconscious of any such influence as that indicated by the figure of "the whip," except that which came from his constituents. To them, and to them alone, he acknowledged himself to be responsible. The constituent body, and they alone, had a right to inflict lashes upon the members of this House. The members of this House were the mere agents of the people who had elected them, and sent them here as their Representatives. By consequence, it was the right of the people to know all their actings and doings in this hall. How could the people approve or condemn, of our deeds were concealed from them?

Mr. C. further said, there was but one class of the community in whose political honesty he had much confidence—that was that great class made up of the agriculturists, mechanics, manufacturers; in a word, that great class who lie at the foundation of society, and whose labors supply the fruits upon which we all live, and are made comfortable. Every day's experience and observation seemed but to confirm him in the opinion that there was no way of preserving our Republican institutions but by keeping the conduct of the members of this House fully open to the inspection of the people. They, in the mass, are honest—they are virtuous—they have no interest in error, and they will not knowingly permit their liberties to be bartered away under Executive influence, or in any other way. What other motive can suggest the secret mode of voting by ballot, instead of the open mode, "*viva voce*," but a wish to conceal our acts from our constituents? It is not the dread of responsibility to the Executive, but of responsibility to the constituent body, that induces a preference of the secret mode.

Let, said Mr. C. the idea generally obtain that the House of Representatives may conceal themselves from the view of their constituents, and, in his best judgment, the way will have been paved to the downfall of popular liberty.

At the polls each individual voter stands as one of the independent elements of Government—irresponsible to any person or authority whatsoever. The mode of voting in the primary elections may therefore be supported by many strong arguments, but not one of these arguments is applicable to the Representative. He is an agent, and responsible to his employers. The voter at the polls is independent, and ought, it might be said, to have the means, if he wished to do so, of concealing for whom he had voted.

Formerly, the mode of electing officers in the Legislature of Virginia was by ballot; but recently, in a change of the constitution of that State, that mode had been repudiated. At this time, all elections, whether in the Legislature or among the people, are conducted on the *viva voce* mode. This is the favorite mode of that State, and it cannot, it seemed to him, occasion any surprise that her Representatives should be in favor of its adoption here.

After some remarks from Mr. WISE, in opposition to the amendment,

Mr. BYNUM expressed his regret at hearing gentlemen descant in the old way about Executive influence and Executive patronage. He hoped had that the events of the last five or six years would

have taught the gentlemen a lesson. What Executive influence did the gentleman from Tennessee allude to? He was the last man on earth who ought to talk on such a subject. That gentleman himself stood on this floor side by side with the dominant party, sustaining Executive influence and Executive power, during the highest excitements of party. These charges have been made time after time, for political effect, for the last five or six years; and never had there been a single charge verified. Sir (said Mr. B.) the idea that we should not vote *viva voce*, through fear of Executive influence, is ridiculous. The gentleman from Tennessee had mistaken the influence. If there was any lash more than another that a Representative should fear, it was the lash of his constituents, as was stated by the gentleman from Virginia, [Mr. CRAIG.] That was the fear; and it was the fear of his constituents, who were not here to watch his course, that made the *viva voce* principle objectionable to those who wished to misrepresent them. He would confidently ask every member present if he ever knew of any Representative who deserted the interests of his constituents in consequence of Executive influence. What had been the events of the last ten years, and what were the changes in the principles of members that they had witnessed? Had these changes been in favor of the Executive? On the contrary, had not all of them been in Opposition to the Administration. When he first came into Congress there was a majority of thirty or forty in this House in favor of the Administration, but there were influences more potent than that of the Executive at work, by which that majority, before the close of the session, was dwindled down to twenty or thirty. When we arrived here a few years hence, there was an Administration majority of twenty-five or thirty. What changes were there the in favor of the Executive? None, sir. Exactly the reverse. Those who changed, and there were many of them, went against the Executive. At the last election of Speaker, that officer was elected by a majority of thirteen votes; but before the close of that session the Administration party was in the minority. Let me tell gentlemen, said Mr. B. a fact worthy of their notice. Go where you will, there is complaint—loud complaint among the people, that their Representatives have misrepresented their will. Now there was one strong reason why the *viva voce* principle of voting should be retained; and that is, in this widely extended country the constituents of some of the members, living at a great distance from them, (in some instances two thousand miles,) would find it impossible otherwise to know how they had discharged the trusts confided to them. What is the gentleman about to do? said Mr. B. Is he attempting to do that which will give the people an opportunity of knowing what their Representatives are doing? No, sir; he is for permitting them to vote on the secret principle, in order that they may conceal their votes from those whose agents they are; and some of whom, living at a distance of two thousand miles, may never hear how their votes have been given. Mr. B. said he had heard the charges of Executive corruption and Executive patronage until it had sickened and disgusted every honest man. The people understood the matter; and, notwithstanding the gentlemen who made these charges had been asked again and again to put their finger on a single case of corruption, without being able to do so, the stale charge was still reiterated. Every facility had been offered to gentlemen to bring the truth of their charges to light, if truth existed in them; and yet they were unable to verify a single charge. He had some respect for the gentleman from Tennessee, and therefore he would not apply to him the language which his unfounded charges and insinuations deserved; but he would put it to that gentleman whether it was consistent with his high standing to repeat such charges as Executive corruption and Executive influence, without having at least some foundation for them. The people (said Mr B.) want information, not only of the doings of their own immediate Representatives, but of this whole body. They are the great Conservatives of the nation, though not the false, treacherous Conservatives, who have deserted from the Democratic party. He could say, and he was proud of saying, that never, in the course of his legislative experience, often as he had heard the charges of Executive influence and Executive corruption reiterated here and elsewhere, never had he seen or heard the slightest proof offered to verify the charge. What proof was there of it? Gentlemen had made these charges here, and had repeated them after they had gone home, but the proof was still as far off as ever. The argument of the gentleman from Virginia, [Mr. WISE,] with regard to the superior honesty of the people, applied with great force in favor of the *viva voce* principle of voting. The people are admitted, (said Mr. B.) on all hands, to be more honest than their Representatives, and, therefore, there is the stronger reason why they should have an opportunity of knowing the course they pursue. It was all important that the people should know the votes given by their agents. It was important that they should know not only their principles, but the manner they carried them out by their votes; because in voting, the principles of men are shown. In the State he represented, the people voted by ballot, and it was right and proper that they should do so in their primary assemblies, because they there acted as principals; but in the case of a mere agent, as was a Representative, the principle was different; his vote should be given openly, in order that those whose agent he was might see that his duty was correctly performed. There was another reason in favor of the *viva voce* method of voting; and that was, the people are much easier deceived than the Executive. He is here at the seat of Government, and can see what the Representatives are doing; but the people at a distance can only know of the votes of their agents through the publications of the day. Gentlemen (Mr. B. said) had quoted English examples in favor of abolishing the *viva voce* method of voting. Now he was tired of hearing English examples quoted in an American Congress. Were the members of the Congress of the United States a set of subjects? To whom do we owe allegiance, but to the institutions of our country? And why should we fear having our votes proclaimed to the world? The man who was capable of such fear, was a disgrace to the seat he occupied. If gentlemen would look round them, they would see that nine-tenths of those who had changed their positions, had been deserters from the cause of the people, and had not changed their course in consequence of Executive influence. This, said Mr. B. is my opinion, and I am therefore clearly in favor of adopting such a system of voting as will give the people an opportunity of looking into the conduct of their Representatives.

Mr. REYNOLDS having obtained the floor, said he felt a deep interest in this subject. He had bestowed upon it much reflection, and was clearly satisfied it was the proper and correct mode of voting to be observed by all Representatives and agents that were responsible. Each gentleman in this House, he said, knows that he does not act for himself in his official and representative character, but he is *here* to do the will of those who sent him. He is responsible to his constituents, and to no other power on earth; and, as he is responsible, his official acts ought to be open to the inspection of his constituents in all elections.

To prove, said Mr. R. that this system of voting was the proper and correct mode, he might refer gentlemen to all the new States, and many of those that had formed new constitutions. Experience and enlightened policy have convinced the people of the correctness of this doctrine, and, therefore, the *viva voce* system has been incorporated into most of the constitutions that have been recently formed or amended. If he was not mistaken, this principle was found in the constitutions of Michigan, Arkansas, Tennessee, North Carolina, Virginia, and other States in this Union. It was also made the rule in our sister Republic, the Government of Texas.

If, said Mr. R. there could exist a doubt in the mind of any one on the policy of this measure, the experience and enlightened views of all these Governments ought to dispel those doubts, and convince every one of the correctness of the doctrine. If this system be not correct, the people at this day, when the science of self-government is better known and more appreciated than at any former period, would soon abandon it, and recur to the old and secret manner of balloting.

In the State of Illinois, this system had been adopted for many years past, and it was found on experience to be not only just and right, but also extremely popular. He believed no Representative of the people of Illinois would attempt a change of this rule in our General Assembly. It was due to the people they or we represent, to spread on the journals our votes in all elections. He hoped the intelligence and good sense of this House would not hesitate one moment in the adoption of this rule of voting, if other great and important subjects were not attached to it. It is saddled with a very "deep water" subject of politics. Some gentlemen had stated that it would assist the Executive influence in this House, which was already too great; others contend that bank influence is as great and even greater than Executive power in the House.

These subjects ought not to weigh on this proposition, and prevent its passage. If this system of voting be correct, the maxim of the ancients ought to apply, "Let justice be done if the heavens should fall."

He could not see in what manner this system could aid either the Executive or the bank influence. Neither influence would operate on him, and he presumed other gentlemen were as independent as he was. It was only the influence of the people that he would regard and bow to; and it was the same with all other Representatives, he supposed.

He disagreed with the gentleman from Virginia, [Mr. WISE,] and others, that the *viva voce* system was the best system for the people, and ballot for their Representatives. He thought the reverse was best; that is, ballot for the people, and *viva voce* for their official agents.

The people, he said, are responsible to no earthly power for their sovereign act of voting. The sovereign power is rightfully lodged with them, and they are, by the forms of our Republican Governments, enabled to exercise that power without any responsibility, except to their own consciences and to the Supreme Being. This being the fact, the people have the undoubted right to vote in any manner that best pleased them. In the ballot system, the voter could exercise his free will and choice better than by *viva voce*. If he pleased, he need not let any one know his political preferences or choice. It might happen that a voter was in a situation to incur the displeasure of some one, if he should vote *viva voce*, which by the ballot system he could avoid, and vote his real sentiments without any restraint whatever.

Notwithstanding this view of the subject, many entertained a different opinion. In the State of Illinois the people, as well as their representatives, voted *viva voce*, and no inconvenience was experienced by the public. No injury would ever be experienced by the people of Illinois, if they remained as free, equal, and independent, as they now were.

The situation, he said, of the Representative was quite different from his elector. He was the creature of the people. He was the offspring and miniature of his constituents. He was always presumed, in theory and practice, to speak their voice and sentiments; and if he did not, he was considered guilty of a breach of political faith, and violated not only the form, but the substance, of our representative system of Government. These statements being admitted by all to be self-evidently true, was it not also just and proper to preserve the evidence and truth of the official acts of the Representative?

It would be idle and nugatory to make the Representative accountable to his constituents, if there were no evidence or proof preserved of his official conduct. The people have a right to have the best evidence of the official acts of their agents, and that was the records and journals of their proceedings. The *viva voce* system of voting, he considered, was

but carrying out the plain, common sense meaning of the Constitution. That instrument compels the vote of each member to be recorded on the journal of the House, when requested by one-fifth of the members present. This was considered one of the most wise provisions of the Constitution; and on practice and experience for more than half a century, it was highly approved by the people. Did not every one observe with what great anxiety the people looked to the journal for the votes of members on all important measures? This, he thought, was a practical and common sense proof of the propriety of the provision in the Constitution.

The same principle and policy, he said, was contained in that instrument, when it prescribes that the proceedings of Congress shall be open and public, with some few exceptions. It was a principle based on these political truths; that the people are sovereign, and their representatives responsible to them; and to record the votes of members in elections by the House, was nothing more nor less than carrying out the above principle of a representative form of Government. An election was often much more important than any other measure, and the people have a right to know what vote their representative had given in one case as well as in the other.

The Constitution, he said, also required a journal of the proceedings of Congress to be kept and published. This journal was a record of the facts, read and corrected every morning. This provision in the Constitution was a strong argument in favor of preserving the votes of members in elections, and publishing them to the world. As he before observed, he felt an interest in the adoption of this system of voting, and he had no particular object to answer in its passage except the common good of the country, and the preservation of a fundamental principle of our Government.

He had the honor to present a similar resolution to the House on the day before Christmas, 1834; and did then, as he now did, support it for the correctness and justice of the principle itself. There was then strong insinuation made, that he introduced it for the advancement of the interests of the printers, Messrs. Blair and Rives, when the fact was, that he scarcely knew either of the gentlemen; and neither then, nor now, had either of them the least influence on him in that transaction. He acted from a conviction that the interests of his constituents required it, and to carry out, in his opinion, their sentiments and wishes on that subject.

The course of no gentleman present surprised him so much as that of the gentleman from Virginia, [Mr. WISE.] Judging from his actions and speeches in the House, he would be well pleased to let his constituents know all his official conduct. He does not seem to be willing to be silent on any important political occasion. He would have supposed he would be the first on the list of friends of the *viva voce* system. He was, however, mistaken, and was sorry for it.

Mr. R. said the gentleman [Mr. WISE] was also, in his opinion, mistaken in supposing the people were the only honest folks in the world. He thought the great body of the people were honest, and he thought their Representatives in Congress were also honest. He did not pretend that the Congressmen here before him were like the angels from heaven; but he believed they were like other human beings, just and honest. If they were dishonest, the ordeal of elections would prove it, and they would be permitted to remain at home. He pretended not to say that every man who was defeated in an election was dishonest. That might be one cause of defeat.

In 1834, the House were not doing much, and he thought a Christmas frolic was nothing amiss; they had one, that lasted for several days. He put the resolution in the hopper like a miller would his corn, but it was not ground out. Although a majority was in its favor, yet it did not pass, as his recollection served him, on account of some of the rule of the House requiring two-thirds of the members to vote for it. He hoped this motion would not meet the same fate—to be lost; but that it would succeed, and this rule be made the standing order of the House forever.

Mr. PROFFIT commenced with a quotation from Shakspeare, which the reporter did not hear. He was surprised, he said, that on a question as to the manner of voting, that the three million appropriation should have been brought up by the gentleman from South Carolina, [Mr. PICKENS] which he thought had very little to do with the question. He did not know how he should vote on this question; he was in favor of the *vivavoce* principle of voting, and so were the people of his State; but if he saw that it would benefit his party here in any way, he would assuredly give his vote for the ballot system. He had, however, no concealments to make. He was ready to say now, that whether the vote was taken *viva voce* or by ballot, he would neither vote for Mr. Garland or for Mr. Blair. He would not vote for Blair any how. His friend from South Carolina [Mr. PICKENS] had referred to the Harrisburg convention, and said that there was a combination of interests there, one of which was the banking interest. There was one other interest to which the gentleman alluded, without naming it, and he should be obliged to him if he would say what it was. If the gentleman meant the Abolition interest, and a dark insinuation had been thrown out in other quarters that General Harrison was an Abolitionist, he would take this occasion to say that it was a base slander. If the gentleman meant that the Harrisburg convention was under Bank influence, he would further say that that convention was composed of as pure and upright men as ever trod the earth—as pure as any to be found in that hall. But he would ask if there were none of the members of the Administration party who were under bank influence. How many of the present leaders of the Administration party voted for the Bank of the United States? He would name a few of them. Here Mr. P. gave a list of the gentlemen who, he said, voted for the late Bank of the United States, and said he could go on with the list and find more Bank of the United States men among the members of the Administration party than in the Opposition. Then, on the subject of State banks, have we not (said Mr. P.) the messages of '34, '35, and '36, recommending State banks as the best fiscal agents that the Government could employ. The speech of the gentleman from South Carolina, with his innuendoes about combinations of interests, reminded him of the fag end of a Democratic stump speech, delivered to a dozen men in a barn. But the gentleman did not understand his trade; he had left out the very best part of a stump speech, and that was "the silk stockings," "Nick Biddle," "moneyed aristocracy," and "the monster." Why he could make, Mr. P. said, a better stump speech himself. The gentleman might well have fears of the Harrisburg Convention, for he could say that that convention would sweep all before it. Like a fire in a western prairie, it would advance and extend over the whole Union. Mr. P. then gave a list of the States, which he said the Harrisburg convention would bring over to General Harrison; and after speaking of the glories of Tippecanoe, the Thames, and the River Raisin, said there was one combination that he was glad the Whig party had got rid of, and that was the Calhoun combination—the Nullifiers. He was glad, he said, that his party had shaken them off, and that they had no men in their ranks who would desert their posts, because the victory would not enure to their party. Mr. P. after saying that there were a number of the rules, which, in his opinion, required an amendment, moved that the House do now adjourn.

The yeas and nays having been called,

Mr. PROFFIT said that, as the yeas and nays had been called, he would withdraw his motion.

Mr. GRIFFIN then renewed the motion for adjournment; and tellers being called for, Messrs. J. GARLAND and LEWIS were appointed; who, on taking the question, reported—ayes 103, noes 79; so—

The House adjourned.

IN SENATE,

SATURDAY, December 21, 1839.

Mr. ROBINSON gave notice that, as soon as it would be in order to do so, he would ask leave to introduce a bill for the relief of A. G. S. White.

Mr. PRESTON gave notice that, at the earliest day it would be in order to do so, he would ask leave to introduce a bill for the relief of General Croghan and General Wool.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, Dec. 21, 1839.

Immediately of the reading of the journal,

Mr. JACKSON of New York rose and said: I observed, in looking over one of the newspapers this morning, that my name was not reported among the *yeas* and *nays* on the passage of the resolution introduced by the gentleman from Maine, requesting the SPEAKER to administer the oath to the certificate claimants from the State of New Jersey. I was present, and voted in the negative. I wish to know whether my name is so recorded on the *journal*.

The CLERK stated that the gentleman's name was recorded in the negative.

Mr. CAVE JOHNSON asked leave to submit the resolution moved by him the other day to appoint a Committee to wait upon the Senate and the President, with a view of obtaining the President's message.

Mr. MITCHELL objected, and the resolution could not be received.

VIVA VOCE VOTING.

On yesterday Mr. HOFFMAN submitted the following resolution, which was the first business in order:

Resolved, That the standing rules and orders of the last House of Representatives, except the 11th rule, be adopted as the rules and order of proceeding of this House for the ensuing ten days; that the rules and orders be referred to a committee, with instructions to report such amendments of the said rules and orders as they may deem expedient.

Mr. CRAIG had moved to strike out of the above resolution the words "*except the 11th rule*," that being the rule by which members were required to vote for all officers *viva voce*, and this latter motion was the question pending.

Mr. HUNT referred to the question which had prevented the organization of the House for three weeks, and expressed the opinion that, notwithstanding the delay which that question had occasioned in proceeding to the discharge of the public business, the discussion upon it would have a good effect throughout the country. He urged upon the House the propriety of immediately adopting rules for its government, but opposed the adoption of the rule in relation to *viva voce* voting. That system of voting, he said, had its origin in another country. He contended that it was introduced into this House for the purpose of enabling the party in the majority to put upon gentlemen the party screws. It had been argued by some gentlemen on this floor that we should adopt this mode of voting to enable our constituents to judge upon all our votes. He agreed with gentlemen that they ought to vote publicly on all the great measures of legislation, but he denied that they aught to do so in the election of officers of this House, who were the mere servants of the House. It might be proper enough to vote publicly on the election of a Speaker, because he occupied a high and exalted station, but he would ask what interest could the people take in the matter, as to who should be the Clerk, Sergeant-at-Arms, Doorkeeper, or Printer of the House. The people took no interest in this matter, and he could see no reason why the old and long established system of voting by ballot, should be departed from on the present occasion.

Mr. TILLINGHAST would suggest to gentlemen, as it was very desirable that the House should have rules for its government, and as the gentleman from New York had moved to adopt the whole of the rules of the last Congress, except one—one hundred and thirty-eight out of one hundred and thirty-nine; and as there was no objection to these one hundred and thirty-eight rules, that the House should immediately adopt the motion of the gentleman from New York, and then if it was necessary to have such a rule as the 11th, the *viva voce* rule,

any gentleman could move to adopt it, and then they would have rules to govern them in their deliberations upon it, and would have the previous question, too, to cut off debate, if it should become tedious. This, in his view of the matter would be the most proper course to pursue, and he hoped gentlemen would make no objection to this mode of proceeding.

Mr. SALTONSTALL was as anxious as any gentleman in the House, that the body should be organized at the earliest period possible. With regard to the delay in the organization, it was occasioned by the argument of a great constitutional question, and he was willing as one of the minority to take his share of the responsibility of it; for although the question was decided contrary to his feelings and opinions, he believed the argument upon the question would be productive of much good. With regard to the question before the House, he objected to *viva voce* voting, because it was an innovation on the long established practice of the House. It was also, in his opinion, contrary to the practice of the Constitution, although some gentlemen had held a different opinion here. It was well known that in the Constitution, the word ballot is used in regard to the elction of a Chief Magistrate. When the election of a Chief Magistrate devolves upon this House, the Constitution says it shall be by ballot. Thus it will be seen that in the highest and most important election which this House can make the Constitution says, it shall be by ballot. This being the case, he could not see how gentlemen should hold the opinion that *viva voce* voting was in consonance with the principles of the Constitution. He admitted that it was proper that the votes of members of this House should be recorded on all public measures, and the Constitution provided for this by declaring that it should be in the power of one-fifth of the members present to call for the yeas and nays. Thus far the Constitution had made provision for public voting, but no farther. With regard to officers of the House, it was a mere incidental matter. When we meet together here we meet as a body of the people, and have the right to make choice of such servants as we please, without being held responsible to the people in regard to this matter. The people care nothing about it, and would never make any inquiry in relation to it. His constituents would never call upon him to know who he voted for as Clerk, Sergeant-at-Arms, Doorkeeper, or Printer. There was not a man among his constituents who would catechise him thus; and if there should be one who would do do so, he would freely tell him who he voted for; whether his vote was given by ballot or *viva voce*. He held that *viva voce* voting in the House was objectionable, because it had the tendency to effect a party organization; and he contended that there should never be such an organization in the House. The officers of this House should never be the tools of a party. In addition to this, it placed high minded and honorable men in a delicate situation, and subjected them to be held up in the public press as traitors to party. Besides, gentlemen received a great many courtesies from the officers of the House, and it might seem unkind to be voting publicly against those officers, although they might think others more worthy or more capable.

Mr. BELL addressed the House at some length in reply to gentlemen who had spoken on this subject yesterday, and in vindication of his own conduct on several occasions. He contended that the secret ballot in the House was necessary to protect gentlemen on this floor from the influence of the Executive, and prevent them from being made the subservient tools of Executive will and power. But it was still more necessary to protect them from the great central headsman at Washington, whose ire was even more to be dreaded than that of the Executive himself. He had known men on this floor who had the physical courage to march up to the cannon's mouth, yet they had not the courage to brave the denunciations of the party press; they never could be brought up to that sticking point. These men, too, he held, were some of the best men in the country, and he contended that it was necessary to adopt the ballot as a protection to such men as these.

Mr. CUSHING rose to make a few remarks with regard to the adoption or rather the continuation of the rule under discussion; and he did so because, upon referring to the course of gentlemen on this question, he found that those who opposed the adoption of the rule in relation to *viva voce* voting were his political associates, and those who supported it were the friends of the present Administration and his political opponents, and on this question he differed with his political friends. This question was partly a question of principle, and partly a question of party expediency. If it was merely a question of party expediency, he should doubt with regard to the course to be pursued; he would vote with his party associates; but he regarded it as a question of principle, and as a question of principle it must override party expediency. In the first place, with regard to the question of principle, he conceived the members of the Congress of the United States to be public agents, and as public agents, bound to let their acts be known to their principals. We are the agents of the people. The members of the Senate of the United States are the agents of the States. The members of the House of Representatives are the agents of the people of the States. That he held to be the fundamental principle of our Government recognised by the Constitution. Sir, what are Representatives? They are men who represent others—men who speak on behalf of those whom they represent. We are here to represent our constituency. Well, who are the constituency? Those who appoint and constitute. Our constituency are the people who appoint and constitute us their agents and representatives in this House and our votes here are not our own votes, but they are simply the votes of those who sent us here. But his colleague had asked if our constituents had not sent us here free agents. Undoubtedly they did, but they sent us from a previous conviction of the harmony of our sentiments with their sentiments; and, in our votes here, we must represent their sentiments, otherwise we are not their representatives. He repeated that we were the representatives of our constituents merely, speaking their voice; and that voice should be a public voice, not a secret, not a clandestine voice, as it were, but a public voice, in the face of the world, and in the face of heaven. Such was the general principle; but he held it to be the constitutional principle also. The Constitution of the United States, in the fifth section of the first article, provides that "the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal." This was the general principle of the Constitution applicable to all cases prescribed by the Constitution, excepting one single case, which is in the election of a President of the United States, which, in another clause, the Constitution says shall be by ballot. That insertion of an express exception, was an implication of an exclusion in all other cases. The Constitution makes a single exception as to the vote by ballot, in the case of a President of the United States; and this he held to be an exclusion of that mode in regard to all other votes. Perhaps he would be told by some gentlemen that there was no express provision in the Constitution as to the mode in which the officers of this House were to be elected. But, sir, is not the choice of officers of this House a vote? Do we not vote for a Clerk? Certainly we do; and as a general principle in the Constitution, that vote should be a public vote. In fact it had been a public vote on more occasions than one in this House. It had been assumed by the gentleman from New York, and by his colleague, that the introduction of the *viva voce* voting into this House was an innovation on existing usages, which was to be apprehended. He, however, did not fear innovations. He had heard it said that monarchs dreaded change; the people never did. He believed in change, in innovation, in reform, in improvement. This was the spirit of a Democracy, the spirit of a Republic, and it was not to be dreaded. We must change, we must improve, we must innovate, and he was not to be frightened with this cry of innovation. Time is changing, men are changing, the world is changing, and we must change with the changes of the times; we must advance with the changes of the age, or the tide of public improvement will leave us behind high and dry, and instead of innovating to do right, we will be innovating to do wrong, by refusing to keep up with these improvements. Then whether this was an innovation or not, he was not to be alarmed by it; but he denied that it was so much of an innovation as some gentlemen apprehended; for he could show gentlemen case after case in which a Clerk had been appointed by resolution on which the yeas and nays might have been called. There were a multitude of cases where officers of this House had been appointed by resolution, and it would be competent, at any time, to move a resolution to appoint a certain officer, if there was no rule to the contrary, and one-fifth of the members might call the yeas and nays upon it, which would make it as much of a public vote as by any other means. But even if this mode of voting *viva voce* was an innovation, he was prepared to justify that innovation. What is the objection to it? We are told by gentlemen that the vote by ballot is necessary to secure members against external influences, and from Executive influence. But it would seem, from the remarks of gentlemen, that this external influence was not merely Executive influence; for his colleague, and the gentleman from Tennessee, had very justly told the House that Executive influence was in many cases exerted through party organization, which organization constituted one of the greatest tyrannies under which men in this country labored. But in regard to all these objections, if it was necessary that we should have a ballot in order that men might give a secret vote for officers of this House to free them from Executive oppression, he put it to gentlemen to say if the same argument would not be good to exclude from the Constitution the right of having votes taken on all measures by yeas and nays. If it was important that we should have a secret vote for a Clerk or any other officer, to protect men, was it not ten times more important to protect them in regard to public measures? He contended, therefore, that the principle of Democracy, and the principle of the Constitution of the United States, was public voting—voting in the face of the House, in the face of the world, in the face of our constituents, who are to judge of our votes, and see whether they are in conformity with the declarations which we made at the polls. All our votes here, not only in regard to measures, but in regard to men, ought to be public and open, so that every man might see and judge of them. But it had been said by his colleague that this election of officers was a mere incidental matter; that the people cared nothing about the matter as to who the servants of this House were to be; and his colleague had said that his constituents would never make any inquiries of him in regard to this matter. He agreed with his colleague, that his constituents might perhaps never inquire of him whom he voted for as officers of the House; but, with regard to this being an unimportant question, he would ask his colleague if there were not hundreds and thousands of questions quite as unimportant, on which one-fifth of the members of the House called for the yeas and nays, and their names were recorded upon those questions and perpetuated upon your journals. The gentleman from N. York [Mr. HUNT] says that the officers of this House are mere servants, and it was, therefore, of little moment how they were elected; but, sir, the Constitution associates these officers of the House in terms of expression, which, perhaps, were not present to the gentleman's mind when he spoke of them. The Constitution says "the House of Representatives shall choose a Speaker and *other officers*." Mr. C. asked the House, which had been struggling for three weeks to effect an organization—he asked the country which had been looking to us with anxious eyes, if the choice of a Speaker was not an important question? Yet the Speaker is one of about *other officers* in regard to

the manner of whose election the Constitution makes no express provision. He held that the election of Clerk, Sergeant-at-Arms, and other officers, being associated in the same clause in the Constitution with the Speaker was no trivial question, but was a question of the first magnitude—one of the highest personal questions which come before the House, except when the House was exercising judicial power in impeachments.

The gentleman from New York who had introduced this question, had referred to the practice in other nations, and to the fact that the introduction of the system of voting by ballot in Great Britain had been hailed by the friends of popular rights; and the inference he presumed to be drawn from this was, that as that system had been hailed by the friends of popular rights in England, it must have a tendency to advance popular rights in this country. In regard to this, however, he would take issue with the gentleman. He denied that the ballot in this country had a tendency to advance popular rights. We were too apt in this country to look to England for precedents. We are too prone to inquire what is the practice in the mother country, forgetting that that country is a monarchy, and her Parliament frequently overruled by an aristocracy. When he went to that country for precedents, he must be sure of the ground on which he stood in regard to those precedents. He would beg leave to call the attention of gentlemen to the ballot system of England, which had been hailed by the friends of popular rights. That system was the ballot system at the polls. No one proposed that the members of the House of Commons should vote secretly. The members of that body vote publicly as we do. But the ballot system which has advanced popular rights in England, is the ballot system at the polls. The population of England is made up, principally, of two classes, namely, of tradespeople, and tenants who reside on the lands of the aristocracy, and the system of ballot was introduced to protect them; to protect a tradesman from losing the custom of persons whom he might offend in voting publicly, and to protect the tenant from having a written ejectment served on him the morning after an election, if he voted against the wishes of his aristocratic landlord.

But there is another country, the customs of which show us that one mode of voting may be most condusive to public liberty in a monarchy, while another mode may be most conducive to public liberty in a Republic or a Democratic Government That country was France. In France, not only the votes at the popular elections are given by ballot; but the votes in the Chamber of Deputies are by ballot, and not recorded by yeas and nays, as they are in this House. Well, sir, what is the reason of this difference in practice between this country and France? It must be familiar to every gentleman. Whilst, by the Constitution of the United States, all Executive officers are excluded from this House, it is known that in the House of Commons in England, and the Chamber of Deputies in France, Executive officers are admitted, and hold seats there—officers of the army, of the navy, and ministers of State, occupy seats there. These men, therefore, who are liable to be disgraced, and have their offices taken from them by the mere word of the king, need the ballot system as a protection; and in such a body thus organized, the ballot may be most conducive to popular liberty. But did such a state of things exist in this country? No member of this House could be deprived of his commission, or of any of his privileges, at the mere will of the Executive. He was not responsible to the Executive, but to his constituents. This was the difference between a republic and a monarchy.

He would repeat, that if this question was a mere question of party expediency, he might desire to vote with his political friends. In fact, such were the influences of party, that he might perhaps be induced to go for this motion to restore the ballot system if he could make sure that any thing was to be gained by it; and he might come afterwards into the House, and say that he had voted against his convictions of what he believed to be the true principles, but was induced to give them up in the expectation of obtaining a great public good. But he would now say that he did not see what good was to be accomplished by it. Last year, when he did sacrifice his convictions at the instance of his party friends—when he did vote upon this question as a matter of expediency, he found that the *viva voce* vote was carried by a large majority, and he could not anticipate that there would be any change at the present time. But suppose there is a change, what object is to be gained by this change? Although it was not distinctly stated, he supposed it might be inferred that there were some gentlemen who wished to vote with one party secretly, while they acted with another party publicly. Is that the object which gentlemen desire to effect? Is it their object, that while some gentlemen appear to the world to belong to one party, they are in fact secretly voting with another party. If that was the object, he could not yield to such considerations. It seemed to him that gentlemen misstated the operation of this thing. It may be viewed in respect to persons attached to the Administration, or it may be to persons elected by the Opposition. Now, sir, to whom is the individual attached to the Administration to look, if he departs from the Administration? He is to look to his constituents. Individuals about leaving the Administration, which has the power of conferring upon them honors and distinctions, must look to their constituents, and endeavor to retain their confidence and favor. Then the matter was between the representative and his constituents, and his vote should be a public vote. The constituents should be able to see the votes of their Representatives and compare them with their professions before they come here. He held, therefore, that the system of *viva voce* voting in this House was most congenial with our institutions, and with the Constitution of the country. He remembered a remark of a Senator in olden times, which was applicable to this case. The person alluded to had erected a magnificent dwelling house in a very public situation, and this was denominated by some of his acquaintances an ostentatious act. Not so, replied he; I only placed my house under the eye of my constituents, so that they might see me in my daily walks, and judge of my whole life. That was a true answer. We are the Representatives of the people, and should give our votes in the face of the people. The people have a right to be satisfied with regard to all the votes of their Representatives. This was his doctrine, and in addition to this, he deprecated, as a party man, and as a Whig, the association of their party with an unpopular side of the question. Then, as a question of party expediency, he contended that the Whigs ought to go for the *viva voce* system, because that was the popular principle.

Mr. FILLMORE said he had not supposed that a constitutional lawyer would have contended that the *viva voce* mode of voting was the constitutional mode. He thought, if any inferences could be drawn from the Constitution, they were decidedly in favor of the ballot. It was well known that the liberal party in England had long contended for the vote by ballot; and why? Because the influence exercised by the aristocracy and the rich landholders renders voting there a mere form, a mockery. And though these influences were not felt here, there was an unseen influence pervading this hall—the influence of party drill and party organization—that Moloch upon whose altar we are offering our first born daily, and whose grasp was quite as strong and as merciless as the despotism of the old world. If in England men were deterred from voting in accordance with their sentiments, by the fear of their landlords, he would ask if, in this House, there were not men who were deterred from voting as their consciences dictated, by the fear of the denunciations of the party press? The writ of ejectment would be issued as promptly in one case of disobedience, as in the other. If the ballot was necessary in England and France to protect the voter from the vengeance of the aristocracy or the sovereign, it was just as necessary here; we had only to put the President in place of the Crown, and the necessity was the same. He thought the ballot was a good system; and it was the old and long-tried system, having been the only one in practice until within the last year.

Mr. ALFORD then addressed the House, with a view, as he said, to get them to stop talking and proceed to business. His impulses were periodical. Last Saturday afternoon he had appealed to them to put a stop to discussion, and the appeal was followed by the election of a Speaker. It was Saturday evening again, and he would now appeal to them to proceed to complete the organization of the House. For his own part, he had been ever taught to believe that the *viva voce* mode of voting was the most Republican in principle, and he was sorry to see his friends opposing it. He thought that the arguments they used against it were more those of policy than principle, and that the onlyy looked on one side of the question. Perhaps one or two individuals; who had not the courage to avow their sentiments openly, might, under the shelter of the ballot box, go against the Administration candidates; but might not ten or a dozen professing Whigs, under the same shelter, go over to the enemy, while they would take good care the Executive should be informed how they voted? For his own part, he thought that the Executive possessed as many charms as terrors, and preferred the open manly mode of voting *viva voce*. Mr. A. concluded by moving the previous question.

Mr. STANLY rose amid loud cries of "order, order." He said he was not to be put down in this manner, and he would speak, notwithstanding their cries of order. He then went on to say that bargains were making in this Hall for the division of the spoils: that one of the candidates for the votes of the Administration party as printer had offered the other ten or fifteen thousand dollars to withdraw his pretensions. He then adverted to Mr. PICKENS's allusion last evening to the Harrisburg nomination, and began reading an extract from the "Emancipator," in elucidation of his remarks, when he was called to order by Mr. COOPER of Georgia, who objected to reading any extracts from that paper. Mr. STANLY then said he would have the passage inserted in his speech when it was printed. He said that the Harrisburg nomination, in the beautiful language of his friend [Mr. PROFFIT] from Indiana, would be like wildfire in the prairies—it would advance and extend until it embraced the great portion of the Union in its influence. He closed, by saying to the friends of the Administration: "Mourn, sinners, mourn; your time is at hand, and if you do not retrench and reform, an abused and insulted people will soon call you to account.

The previous question on Mr. CRAIG's amendment being seconded, the main question was ordered, and the yeas and nays having been called for, the vote was—yeas 142, nays 87.

YEAS—Messrs. Alford, Judson Allen, Hugh J. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Botts, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, William B. Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Mark A. Cooper, Crabb, Craig, Crary, Cross, Cushing, Dana, Davee, John Davis, John W. Davis, Dawson, Deberry, De la Montanya, Dillett, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, James Garland, Gerry, Goggin, Graham, Griffin, Habersham, Hammond, Hand, John Hastings, Hawkins, John Hill of Virginia, Hillen, Holleman, Holmes, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parish, Parmenter, Parris, Paynter, Petrikin, Pope, Prentiss, Proffit, Ramsey, Rariden, Rayner, Reynolds, Rhett, Rives, Robinson, Rogers, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Stuart, Taliaferro, Taylor, Francis Thomas, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Underwood, Vanperpoel, Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Sherrod Williams—142.

NAYS—Messrs. Adams, John W. Allen, Simeon H. Anderson, Barnard, Bell, Biddle, Bond, Briggs, Brockway, Anson Brown, Calhoun, Carter, Chinn, Chittenden, Clark, James Cooper, Corwin, Cranston, Crockett, Curtis, Davies, Garret Davis, Dennis, Edwards, Evans, Everett, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goode, Granger, Graves, Green, Grinnell, Hall, William S. Hastings, Henry, John Hill of North Carolina, Hoffman, Hook, Hunt, James, Charles Johnston, William Cost Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Ogle, Osborne, Palen, Peck, Pickens, Randall, Randolph, Reed, Ridgway, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade, Truman Smith, Stanly, Storrs,

Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—87.

The question then recurring on Mr. HOFFMAN'S resolution, as amended, it was carried without a division.

Mr. BYNUM offered the following resolution:

Resolved, That the House will now proceed forth with to the election of Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, and Public Printer, for the present Congress.

The resolution having been read,

Mr. TURNEY called for the previous question, which was seconded by the House.

Mr. STANLY asked for the reading of a law in relation to the election of Public Printer.

Mr. COOPER of Georgia objected to the reading, it being out of order.

The previous question was then seconded by the House—ayes 115, noes not counted.

Mr. EVERETT asked of the CHAIR if a call of the House would be in order.

The SPEAKER decided it not in order.

The main question was then ordered, and the resolution was adopted.

Mr. EVERETT, it now being in order, moved a call of the House; and upon this motion the yeas and nays were ordered, and were—yeas 137, nays 76.

On motion of Mr. GRAVES, the House, by unanimous consent, proceeded to call the absentees, and dispensed with other preliminary proceedings.

The absentees having been called over, Mr. ROGERS of South Carolina, and Mr. HAWES of Kentucky, who were absent from indisposition, were excused by the House.

On motion of Mr. BRIGGS, all further proceedings in the call were dispensed with; and the House then proceeded, *viva voce*, to the election of Clerk.

Mr. DROMGOOLE nominated HUGH A. GARLAND.

Mr. CORWIN nominated MATTHEW ST. CLAIR CLARKE.

Mr. HOPKINS nominated RICHARD C. MASON.

The CHAIR having appointed Messrs. CORWIN, DROMGOOLE, HOPKINS, and BRIGGS, as tellers, to ascertain the result, reported that

The whole number of votes was -	231
Necessary to a choice - - -	116
HUGH A. GARLAND received -	118
MATTHEW ST. CLAIR CLARKE -	105
RICHARD C. MASON - - -	8

The following is a statement of the vote:

FOR HUGH A. GARLAND—Messrs. J. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, J. Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Craig, Crary, Cross, Dana, Davee, J. Davis, J.W. Davis, Del a Montanya, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of N. C. Hillen, Holleman, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, J. Johnson, Cave Johnson, N. Jones, J. W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, E. Rogers, Samuels, Shaw, Shepard, A. Smith, J. Smith, T. Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweeney, Taylor, F. Thomas, P. F. Thomas, J. Thompson, Turney, Vanderpoel, D. D. Wagener, Watterson, Weller, Wick, J, W. Williams, and H. Williams—118.

FOR M. ST. C. CLARKE—Messrs. Adams, Alford, J. W. Allen, S. H. Anderson, Andrews, Barnard, Bell, Biddle, Black, Bond, Botts, Briggs, Brockway, A. Brown, Calhoun, Carter, Chinn, Chittenden, Clark, J. Cooper, M. A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, E. Davies, G. Davis, Dawson, Deberry, Dennis, Dillet, Edwards, Evans, Everett, Fillmore, R. Garland, Gates, Giddings, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, W. S. Hastings, Henry, Hill of Va. Hoffman, Hunt, James, Chs. Johnston, W. C. Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mitchell, Monroe, Morgan, C. Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Tr. Smith, Stanly, Storrs, Steuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, E. D. White, J. White, T. W. Williams, J. L. Williams, C. H. Williams, S. Williams, Wise, and the Speaker—105.

FOR RICHARD C. MASON—Messrs. W. B Campbell, Colquitt, J. Garland, Gentry, G ggin, Hopkins, Mercer, and W. Thompson—8.

Mr. GARLAND having been elected Clerk, was qualified as such by the SPEAKER, by taking the oath of office.

The House then proceeded to the election, *viva voce*, for Sergeant-at-Arms, the same gentlemen acting as tellers.

Mr. CRAIG nominated Mr RODERICK DORSEY.

Mr. GRIFFIN nominated Dr. WM. JONES.

The tellers reported the following result:

Whole number of votes - -	217
Necessary to a choice - -	109
RODERICK DORSEY received - -	141
Dr. WM. JONES - - -	76

The following is a statement of the vote:

FOR RODERIC DORSEY.—Messrs. Adams, Alford, J. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Biddle, Black, Blackwell, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, W. O. Butler, Bynum, J. Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, M. A. Cooper, Crabb, Craig, Crary, Crockett, Cross, Dana, Davee, J. Davis, J. W. Davis, Dawson, Deberry, De la Montanya, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Goggin, Habersham, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, J. Johnson, Cave Johnson, N. Jones, J. W. Jones, Keim, Kemble, King, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Mason, Medill, Mercer, Miller, Montgomery, S. W. Morris, C. Morris, Newhard, Nisbet, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, E. Rogers, Samuels, Shaw, A. Smith, J. Smith, Thos. Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taliaferro, Taylor, F. Thomas, P. F. Thomas, W. Thompson, J. Thompson, Turney, Underwood, Vanderpoel, D. D. Wagener, Warren, Watterson, Weller, Wick, J. W. Williams, H. Williams, J. L. Williams, C. H. Williams, S. Williams, and Mr. Speaker—141.

FOR WILLIAM JONES.—Messrs. J. W. Allen, S. H. Anderson, Andrews, Barnard, Bell, Bond, Botts, Briggs, Brockway, A. Brown, S. H. Butler, Calhoun, W. B. Campbell, Carter, Chinn, Chittenden, Clarke, J. Cooper, Corwin, Cranston, Curtis, E. Davies, G. Davis, Dillet, Edwards, Everett, Fillmore, J. Garland, R. Garland, Gentry, Giddings, Goode, Graham, Granger, Graves, Green, Griffin, Grinnell, W. S. Hastings, Henry, Hill of Virginia, Hoffman, James, Ch. Johnston, Lawrence, Lincoln, Marvin, Mitchell, Morgan, Naylor, Ogle, Palen, Peck, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Tr. Smith, Stanly, Storrs, Tillinghast, Toland, Triplett, Trumbull, P. J. Wagner, J. White, T. W. Williams, L. Williams, Wise, and Cushing—76.

Mr. DORSEY having been elected, came forward to the Chair and was sworn by the SPEAKER.

Mr. EVERETT said, as the House was now organized by the election of a Speaker and Clerk, he would suggest the propriety of postponing all further action under the resolution for the election of officers, and pass the usual resolution informing the Senate that we were organized; and concluded by making the motion for postponement.

Mr. RHETT said nothing could be gained by the postponement, as the Senate was not now in session.

Mr. C. JOHNSON hoped the motion would prevail, as the House had been in session long enough.

The question was taken on said proposition by tellers—Messrs. LEWIS and S. WILLIAMS acting as such—ayes 107, nays 86.

Mr. EVERETT then proposed the following order, which was read and adopted:

Ordered, That a message be sent to the Senate, to inform that body that a quorum of the House has assembled—that R. M. T. HUNTER, one of the Representatives from the State of Virginia, has been elected Speaker thereof, and that it is now ready to proceed to business, and that the Clerk do go with the said message.

On motion, the House then adjourned till Monday next, at 12 o'clock.

IN SENATE,

MONDAY, December 23, 1839.

A message was received from the House of Representatives by Mr. GARLAND, their Clerk, informing them that a quorum had assembled, and that ROBERT M. T. HUNTER, a Representative from the State of Virginia, was elected Speaker; and that they were ready to proceed to business.

Also, that the House had concurred in the joint resolution of the Senate, that a joint committee of the two Houses be appointed to wait on the President, and inform him that a quorum of the two Houses had assembled, and were ready to receive any communications he might make; and that Messrs. EVERETT and RAMSEY were appointed said committee on the part of the House.

On motion of Mr. WHITE,

Ordered, That the petition and papers of James Sevier, on file in the Clerk's office, be referred to the Committee on Revolutionary Claims.

Mr. YOUNG gave notice that he would, as soon as the Senate could proceed to Legislative business, ask leave to introduce bills of the following titles:

1. A bill granting to the State of Illinois the right of way through the public lands of the United States, and for other purposes.

2. A bill authorizing the President to cause the reserved lead mines belonging to the United States, in the several States and Territories, to be sold as other public lands.

3. A bill for the relief of the widow and minor heirs at law of Samuel Hill, deceased.

4 A bill for the relief of Epraim Sprague.

5. A bill for the relief of James Dutton.

6 A bill for the relief of Jane Waller.

7. A bill for the relief of Thomas H. Owen, John W. Skidmore and others.

Mr. CALHOUN presented a memorial of Thomas S. Hinds and Jacob Leshe, praying that commissioners be appointed by Congress to examine and report on the sites at the Grand Rapids of the Great Wabash as suitable for a national armory; which was referred to the Committee on Military Affairs.

Mr. SEVIER presented the petition of Capt. Aaron Fitzgerald for an increase of pension; which was referred to the Committee on Pensions.

Mr. MERRICK presented the petition of Samuel Crapier, praying to be allowed a pension for a disability incurred during the last war; which was referred to the Committee on Pensions

Mr. PIERCE presented the petition of Mary French, widow of Benjamin French, who was a Revolutionary soldier, for a pension; which was referred to the Committee on Pensions.

Mr. LUMPKIN presented the petition of George W. Paschal; which was referred to the Committee on Claims.

Mr. TAPPAN presented to the Senate the proceedings of a meeting of citizens of Cincinnati, recommending the passage of a law by Congress granting to Madame America Vespucci the right to enter, at the minimum price, ten sections of land; which was referred to the Committee on Public Lands.

Mr. WALL presented a memorial from citizens of New Jersey, praying for the establishment of a port of entry at Indian Key, Florida; which was referred to the Committee on Commerce.

Mr. MERRICK presented the petition of the administrator of William Sanford, praying to be

allowed the commutation due said deceased as a captain in the army of the Revolution; which was referred to the Committee on Revolutionary Claims.

Also, the memorial of the Board of Health of the city of Washington, praying for the establishment of a National Hospital and Lunatic Asylum at that place; which was referred to the Committee on the District of Columbia.

Also, the petition of the heirs of William Bailey, a major in the army of the Revolution, praying to be allowed bounty land and commutation; which was referred to the Committee on Revolutionary Claims.

Mr. SEVIER presented the petition of William D. Ferguson, praying for a confirmation of certain land claims; which was referred to the Committee on Private Land Claims.

On motion of Mr. SEVIER,

Ordered, That the petition and papers of Gen. Mathew Arbuckle, now on file, be referred to the Committee on Private Land Claims.

On motion of Mr. WALKER,

Ordered, That the several memorials of the Legislature of Mississippi, presented at the last session of Congress, for the establishment of certain designated post routes, be referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT, from the committee appointed to wait on the President, and inform him of the organization of the two Houses, reported that they had attended to the duty confided to them, and that the President informed them that he would send a message in writing to-morrow at 12 o'clock.

Mr. BENTON presented a memorial of the officers of the Fourth regiment of Artillery, praying for equalization of pay; which was referred to the Committee on Military Affairs.

Mr. B. also presented the petition of William Tumey for a pension; which was referred to the Committee on Pensions.

Also, the petition of a number of citizens of the county of Lincoln, State of Missouri, praying for an amendment of the pre-emption laws; which was referred to the Committee on Public Lands.

Mr. WALL presented the petition of John H. Mackintosh; which, with the papers now on file, was referred to the Committee on Claims.

Mr. CLAY of Alabama presented the petition of John S. Wilson, praying permission to enter a quarter section of land; which was referred to the Committee on the Public Lands.

Mr. C. also offered the following resolution:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making compensation to Abel Pennington, of Captain A. Byram's company of North Alabama volunteers, serving in Florida, for a horse, shot by order of the commanding officer in January, 1838.

Mr. LUMPKIN offered the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail stage route from Clarksville, Habersham county, Ga. to Asheville, N. C. via the town of Clayton, in Rabun county, Ga. and the town of Franklin, in Macon county, N. C. And also a weekly mail route, to be carried on horseback, from the town of Lafayette, in Walker county, to the town of Salem, Dade county, in the State of Georgia.

Mr. L. in connection with the above, presented resolutions of the Legislature of Georgia, recommending the establishment of said roads.

On motion by Mr. PRENTISS,

Ordered, That the petition and papers of Ira H. Day be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. SMITH of Indiana,

Ordered, That the petition and papers of John A. Piatt be referred to the Committee on Claims.

Mr. WALL gave notice that, to-morrow, he should ask leave to introduce the following bills:

1. A bill to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes."

2. A bill to prevent the counterfeiting of any foreign copper, gold, silver, or other coin; and to prevent the bringing into the United States or uttering any counterfeit foreign copper, gold, silver, or other coin.

Mr. CLAYTON gave notice that, to-morrow, he would ask leave to introduce a bill for the relief of Irvine Shubrick.

Mr. BENTON offered the following joint resolution, which was considered, and, by unanimous consent, agreed to:

Resolved, That two chaplains, of different denominations, be elected to serve during the present Congress, one by each House, to interchange weekly.

The Senate then went into an Executive session, and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, December 23, 1839.

Mr. HOOK inquired how his name was recorded on the journal on the amendment to insert the *viva voce* rule.

The CLERK replied that it was recorded in the negative.

Mr. HOOK stated that he had voted in favor of that rule.

The Secretary of the Senate being introduced, informed the House that the Senate had appointed Messrs. WRIGHT and ALLEN a committee to join such committee as might be appointed by the House, to wait on the President and inform him that both Houses of Congress were duly organized, and ready to receive any communication he might be pleased to make.

Mr. RAMSEY moved a resolution to appoint a committee from the House to join the committee of the Senate, to wait on the President and inform him that both Houses of Congress were organized, and ready to receive any communication he might be pleased to make; which was considered and adopted, and Messrs. EVERETT and RAMSEY were appointed a committee on the part of the House.

The CHAIR then announced that the first business in order, under the resolution of the gentleman from North Carolina, [Mr. BYNUM,] would be the election of a Doorkeeper.

Mr. DAVIS of Indiana then nominated Mr. JESSE E Dow for the office of Doorkeeper.

Mr. BRIGGS nominated Mr. FOLLANSBEE.

Mr. LEWIS nominated Mr. JOHN HOUSTON.

The SPEAKER then appointed Messrs. J. W. DAVIS, BRIGGS, CASEY, and GRIFFIN, tellers, when the vote was taken and declared as follows:

For Mr. Jos. FOLLANSBEE	- -	130
" " JESSE E. DOW	- -	73
" " JOHN HOUSTON	- -	15

So Mr. FOLLINSBEE was declared duly elected.

Mr. CRAIG moved a resolution that JOHN W. HUNTER be appointed Assistant Doorkeeper, and WM J. MCCORMICK be appointed Postmaster of the House; which was considered and adopted.

The CHAIR announced the next business in order to be the election of a Printer for the House.

Mr. CAVE JOHNSON then moved a call of the House, which was ordered, and the roll was twice called.

Excuses were then offered for the following gentlemen; Messrs. BEIRNE, GRINNELL, JENIFER, MERCER, and WORTHINGTON.

Mr. STANLY then sent to the CHAIR the following resolution, which was read for information

Resolved, That the printing and binding of the House of Representatives shall be furnished by contract; notice of which shall be given in the public prints of Washington city for ——— days, it being made a condition that the work shall be done in the City of Washington; and the contract shall, in each case, be given to the lowest bidder, whose bid shall be accompanied with proper testimonials of the ability of the bidder to fulfil his contracts.

The CHAIR said the resolution was not in order, the House being now engaged in the execution of the order of the House of Saturday, it being about to proceed to the election of a Printer.

Mr. STANLY then moved to suspend the order for the purpose of offering this resolution. He had understood that the House might probably save $100,000 by giving out the printing by contract.

Mr. WILLIAMS of North Carolina thought it was perfectly competent for the House to give any direction they pleased to this resolution, and that it would be perfectly in order for the House to suspend the order, lay it on the table, or postpone it indefinitely.

The CHAIR said the resolution could only be introduced by a motion to suspend the order.

Mr. ANDERSON of Kentucky then moved the following as a substitute for Mr. STANLY's resolution:

Resolved, That the execution of the order made on the 21st instant, in relation to the election of a public Printer, be postponed for the present; and that the whole subject of the public printing be referred to a select committee of five members, with instructions to inquire into the expediency of letting out the printing to the lowest bidder, who shall furnish satisfactory evidence of his fidelity and ability to execute it.

Resolved, further, That said committee inquire into the expediency of separating the public printing from the newspaper presses of the country; and that, if expedient, they report the most practicable plan of having the printing executed.

Resolved, also, That said committee report to this House, what amount of money can be saved to the Government by the adoption of either of the plans above suggested, and until said committee shall make report, all further proceedings in relation to a public Printer be suspended.

Mr. STANLY accepted this as a modification of his motion.

Mr. ANDERSON only desired to say a word in explanation of the motive which had induced him to offer this proposition. He was not now in possession of the facts which would enable him to speak with accuracy as to the public printing; but it had been suggested to him, by gentlemen of experience, that the public printing of Congress amounted to about $300,000, and that the profits arising from it were about thirty-three and a third per cent. He found, by an examination of the laws, that the prices of printing had been fixed many years ago, and it was now a material consideration for the House to examine and see if the prices of material and labor had not been considerably reduced. He would not vote to embarrass the legitimate operations of the Government, and he would always vote for a proper, economical expenditure of money.

Mr. VANDERPOEL here rose to a point of order.

Mr. SHERROD WILLIAMS. The gentleman must reduce his point of order to writing.

Mr. VANDERPOEL then submitted the following point of order: "The previous question having been ordered, and the order of the House partly executed, the main question not being debatable, a motion to postpone the further order of the House cannot be debatable."

The CHAIR decided that the gentleman from Kentucky was in order.

Mr. ANDERSON said he had been informed by a gentleman from Massachusetts that the price of printing in that State had been reduced nearly one-half within a few years past, and he thought it but right that this matter should at least be examined into by a committee. It was the duty of a Republican Government to retrench expenditures as much as possible; and he trusted measures would be taken, at the present session, to retrench all the expenditures of Government.

Mr. EVERETT, from the committee appointed, in conjunction with a committee of the Senate, to wait on the President, and inform him that both Houses of Congress were duly organized and ready to receive any communication he might be pleased to make, made report that they had performed that duty, and that the President had informed them that he would send a Message, in writing, to the two Houses, on to-morrow at twelve o'clock.

Mr. THOMPSON of South Carolina said that he had been denouncing, for the last two years, the Administration party, for looking one way and rowing another; for continually talking of economy, while they never practised it; and he wanted now to see them come up to the scratch, and show that

they, the Jeffersonian Democratic party, were sincere in their professions. He thought now that the boldest of them would not dare to vote against the proposition of the gentleman from Kentucky. Two alternatives were now presented to gentlemen. On one side, they had the opportunity of having the public printing executed for the lowest prices, and on the other side it was intended to reward a partisan press, by giving it a large donation out of the public purse. He wanted to bring the hard money gentlemen down to their own system. They have reduced my income, said Mr. T. and that of every man in the country, and it is therefore incumbent on them to bring the incomes of all their salaried officers down to the standard at which they have depreciated the money of the country. And if no other person did so, he himself would, before the close of the session, introduce a bill to reduce the salaries of the officers of Government, so that they may bear the same comparison with the value of money that they did when they were fixed.

Mr. GRAVES said he did hope they should be able to bring the House to a direct vote on the proposition before it, without its being cut off by points of order or motions to lay it on the table. He appealed to the States Right gentlemen of the South, and said to them, that, as they professed to be the advocates of economy, they had now an opportunity of practising what they professed, by voting for the resolution. They had the balance of power in their hands, and on them would rest the responsibility of defeating the measure. The gentlemen who stood in opposition to the Administration were disposed to bring this matter to a test, and to try, by a direct vote, whether economy should be practised in this branch of the public expenditures. Mr. G. said he had been informed by a gentleman from Massachusetts, that the printing for the Legislature of his State was done at one half the price that was paid for the printing of Congress, and that both the work and the paper was of a much better quality. He believed with his friend from North Carolina, that a saving of $100,000 a year could be effected by letting out the public printing on contract.

Mr. VANDORPOEL observed that it seemed that they were all economists again; but he wished he could be satisfied on one point. The gentlemen from South Carolina and Kentucky were too late in their professions of economy. Sir, said Mr. V. we had a squabble of this kind two years ago last September, when these various topics of economy were discussed, and he hoped that circumstances did not alter principles as well as cases. At that time the Printer was elected, and under an agreement understood at that time, the work was executed at another office. Two years have since elapsed, during which time legislation could have been had on this subject; but the gentlemen from Kentucky and South Carolina [Messrs. THOMPSON and GRAVES] were then as silent as the grave. Where then were all their protestations of economy? Why did they not then bring forward their resolution, or originate an act to remedy the evil now complained of? And he would ask if they were not chargeable with having encouraged extravagance, when they sat silent for two years, and permitted the public printing to be done in the old mode. He did not know all the reasons which influenced gentlemen to entertain these new found notions of economy, but he did know that, within the last five or six months, the sober second thought of the people had expressed very loudly the belief that this Administration carried out those professions of economy and retrenchment which brought them into office.

Mr. V. after enumerating the several States in which the elections had gone in favor of the Administration since the last Congress, remarked that the decisive echoes of this "sober second thought" had not, however, reverberated through the ears of the present sticklers for economy before the termination of the last Congress; and therefore, perhaps, circumstances did not require them to look so closely then to the emoluments of the public printer. Where were they, he asked, at the last session of Congress, and why did they not then rise and press this subject? Sir, (said Mr. V.) it is now proposed to postpone the resolution, and we had the same thing enacted in September, 1837; but he had looked at the debates and the votes given at that period, and he would now see whether they would adhere to their votes then. Gentlemen wanted to postpone the resolution, and send it to a committee. How were they going to get along with the public printing while the committee was seeking information to make up its report? How will you get the printing of the message, and other documents, while the committee was making up its report? No gentleman has made any suggestion to that effect. He believed that every gentleman had made up his mind how he would act on this same proposition, if made under different circumstances. Believing that it would be impracticable to carry the resolution into effect, so as to provide for pressing emergencies, he would move to lay it on the table.

Mr. PICKENS [Mr. VANDERPOEL, at his request, having withdrawn his motion] observed that, as he was somewhat interested in this question, he desired to make a few remarks in regard to it. At the extra session of 1837, he made a motion that the public printing should be given out on contract to the lowest bidder, and that the Clerk should superintend it. But from the difficulty of execution it was, in a few days, repealed, and another motion substituted for it. We had had occasion to examine the law of 1819, which fixed the prices to be given for the public printing, and, therefore, without a repeal of that law, the printing could not be let out on contract. He agreed entirely with the gentleman from Kentucky, that the price of the public printing should be reduced if it is found to be too high, and he would go for a law fixing the subject indefinitely. He hoped this Congress would not rise without passing a law to purchase a public press and employ a superintendent of the public printing; and he hoped, further, that this superintendent should not be connected with the public press. The great question now, however, was how the public printing should be executed. It was necessary now that they should adopt some means of having the public printing executed according to the law of 1819, and he would suggest to gentlemen whether they could repeal that law without the consent of the other House. As to his colleague's suggestions with regard to the reduction of prices, they could be reduced as well after the Printer was elected as before. This House was not bound to give the public Printer the prices fixed by the law of 1819. Let it reduce the prices if, on examination by a committee, they should be found too high, and he himself would go for that reduction, if convinced that it was necessary. But the question was, how were they to get along with the public printing, if the resolution of last Saturday should be postponed, and the subject referred to a committee? Mr P. said he only rose to explain his position on this question, and to say that he would, at any time, go for a reduction of the prices of the public printing. Mr. P. then renewed Mr. VANDERPOEL's motion to lay Mr. ANDERSON's resolution on the table.

Mr. VANDERPOEL then called for the yeas and nays on Mr. PICKENS's motion.

Mr. WILLIAMS of North Carolina moved that the first part of the report of the Select Committee raised during the last Congress upon the memorial of F. P. Blair, recommending a change in the manner of executing the public printing, be read by the Clerk, for the information of the House. Also, the resolutions of the said committee, appended to the said report.

Mr. TURNEY moved to lay that motion on the table; and the yeas and nays having been taken on this motion, it was decided in the negative—yeas 107, nays 116.

Mr. SMITH of Maine moved to amend the motion so that all the report should be read.

Mr. GALBRAITH here submitted a point of order, as follows:

The point of order is, that a motion having been made to lay the resolution of the gentleman from Kentucky on the table, and the yeas and nays ordered on that motion, the motion of the gentleman from North Carolina for the reading of a certain document, the same having been objected to, is not in order.

The SPEAKER having decided against the point of order raised by Mr. GALBRAITH,

Mr. SMITH of Maine said the reason which induced him to offer his amendment, was this: The resolution of the gentleman from North Carolina did not go far enough. It only proposed the reading of the recommendation of the committee, that a change should be made in the mode of executing the public printing. Now he wanted the whole report read, in order that the House might have the reasons why the committee recommended this change. When this report should be read, gentlemen would find developments made in it that would not be very palatable to them.

Mr. FRANCIS THOMAS did not hear the decision of the CHAIR on the point or order raised by the gentlemen on his right [Mr. GALBRAITH.] He wanted to know if the CHAIR had decided that it was in order to propound a question to read papers, after a motion to lay the subject to which they related on the table.

The SPEAKER said that it was in order.

Mr. FRANCIS THOMAS asked if an appeal from that decision was in order.

The SPEAKER replied that it was too late now to make an appeal.

After some conversation, in which Messrs. SMITH of Maine, VANDERPOEL, HUBBARD and BANKS participated,

The report of the Select Committee was read.

Some further conversation took place in relation to the resolution recommended by the Select Committee, in which Messrs. BOND, PETRIKIN, McKAY, WISE, VANDERPOEL, and HILLEN participated; after which, the resolution was also read.

Mr. BYNUM said he rose to submit a resolution, which he would offer in case that of the gentleman from Kentucky should be laid on the table, and which would test the sincerity of gentlemen who made professions about economy.

The question was then taken on laying Mr. ANDERSON'S resolution on the table, and decided in the affirmative—yeas 114, nays 111.

Mr. BYNUM then submitted the following resolution:

Resolved, That this House will forthwith proceed to the election of a public Printer, who shall discharge the duties of a Printer until otherwise ordered.

Resolved, That a select committee of five members be appointed to report to this House what means can be adopted to have the public printing executed in the best manner, and at the least possible cost; and that said committee report by bill or otherwise.

The CHAIR decided the resolution to be out of order.

Mr. BYNUM then withdrew it.

Mr. R. GARLAND moved to suspend the rules and order, with a view of permitting the gentleman from North Carolina to offer the resolution.

Mr. CRAIG hoped that this resolution would be received by general consent.

Mr. WISE would agree with his colleague, if gentlemen would extend this inquiry, not only to the reduction of the expense of printing, but to an entire divorce—yes, divorce was the word of the Government—from the political press. If the inquiry would extend this far, he would vote for it with all his heart.

Mr. PETRIKEN and several other gentlemen objected to the reception of the resolution.

The motion to suspend the rules was then decided in the negative—yeas 134, nays 87—it requiring two-thirds to suspend the rules.

Mr. CLARK attempted to present a resolution to authorize the present Printer of the House to do the printing until a Printer was elected; but the CHAIR ruled it out of order.

The CHAIR said he would now receive nominations for Printer to the House.

Mr. SMITH of Maine then nominated BLAIR & RIVES.

Mr SHERROD WILLIAMS then asked if it would be in order to move to reconsider the resolution in relation to the election of officers.

The CHAIR said it would not be, the order having been partly acted upon.

Mr. WILLIAMS. Will it be in order to lay it on the table?

The CHAIR replied that it would not, as a nomination for Printer had been received.

Mr. SBADE inquired if a motion to rescind or postpone would be in order.

The CHAIR said a motion to postpone would be in order.

Mr. SLADE then moved to postpone the execution of the order indefinitely.

Mr. CAVE JOHNSON appealed from the decision of the CHAIR, that the motion to postpone was in order.

After a discussion of some length on this point of order, between Messrs. BELL, PETRIKIN, JAMESON, SLADE, BRIGGS, LEWIS, HUBBARD, TILLINGHAST and HOLLEMAN, the last named gentleman moved to lay the whole subject on the table.

Mr. CRABB then moved that the House adjourn; which motion was decided in the negative—yeas 105, nays 106.

Mr. SLADE said, as the vote just announced showed that there was a disposition on the part of the House to proceed to the election of a Printer, he would withdraw his motion to postpone.

Mr. SHERROD WILLIAMS said it had been generally understood, that if they had postponed the election of a Speaker until after the President's Message was received, the Opposition could have elected their Speaker; and as there might be a chance of defeating Blair and Rives, by delaying the election of a Printer until after the message was received, he now moved that the House adjourn, which motion was decided in the affirmative—yeas 110, nays 106, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Barnard, Bell, Biddle, Black, Bond, Botts, Briggs, Brockway, A. G. Brown, Anson Brown, Calhoun, Wm. B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Curtis, Cushing, Edward Davies, G. Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, Fisher, Jas. Garland, R. Garland, Gates, Gentry, Gidding, Goggins, Goode, Graham, Granger, Graves, Green, Habersham, Hall, William S. Hastings, Henry, Hill of Virginia, Hoffman, Hunt, James, Charles Johnston, William Cost Johnson, King, Lawrence, Lincoln, Marvin. Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Rariden, Rayner, Reed, Ridgway, Robinson, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, E. D. White, J. White, T. W. Williams, L. Williams, J. L. Williams, C. H. Williams, S. Williams and Wise—110.

NAYS—Messrs. H. J. Anderson, Atherton, Banks, Beatty, Blackwell, Boyd, Brewster, Aaron V. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Craig, Crary, Dana, Davee, John Davis, John W. Davis, De la Montanya, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jameson, J. Johnson, C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, Samuels, Shaw, Albert Smith, John Smith, Thos. Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, J. Thompson, Turney, Watterson, Weller, Wick, J. W. Williams, and H. Williams—106.

The House adjourned.

HOUSE OF REPRESENTATIVES,
Dec. 23, 1839.

GENTLEMEN: In your paper of Saturday last, I am reported as having voted in the negative upon a proposition, the effect of which was, to retain the *viva voce* mode of voting in the elections of the House.

My name is recorded in the affirmative, and I so voted.

Respectfully yours, &c.

JNO. HILL of N. C.

Messrs. BLAIR and RIVES.

[Mr. HOOK of Pennsylvania voted in favor of the *viva voce*, and his name was recorded on the journal as voting *against* it.—EDITOR GLOBE]

IN SENATE,
TUESDAY, Dec. 24, 1839.

A message was received from the President of the United States, by A. VAN BUREN, esq. his private secretary.

PRESIDENT'S MESSAGE.

The annual message of the President to the two Houses of Congress was then read by the Secretary of the Senate. [See Appendix]

When the message was read, Mr. ALLEN rose and said:

Mr. PRESIDENT: Courtesy has, I am aware, made it the custom for a Senator representing the State from which the President comes, and agreeing with him in political sentiments, to move the printing of his annual message; yet the Senator from New York will, I believe, excuse the deep feeling which prompts me thus to rise, and in the exultation of renewed hope, excited by this paper, for the future security of our institutions and welfare of the people, submit that motion myself.

If, standing in this place, the friend of all, the enemy of none, I may be allowed to address a single request to the whole body of my countrymen, it is, that each man of them will deliberately consider this message, and that part of it, especially, which relates to corporations, banks, and the currency.

To guaranty forever the rights, the happiness of individual man—to protect the feeble against the rapacity of the strong—the whole against the combinations of the parts, by an equal distribution of burdens and of blessings among all—was the cardinal object of our civil institutions. But, notwithstanding this, these rights have been violated—this happiness perilled—this rapacity allowed—these combinations formed—and this equality destroyed. These things have been done, and that, too, under the authority of law. Corporations innumerable freckle the face of the land. Corporations which, not content with absolute power over the currency—over the property—over the labor of the entire people, now seek to render themselves immortal, and their dominion complete, by political associations. Hence has arisen the paper system, with all its complexity of fraud and oppression; hence the pending strife between man and monopoly; and hence it is that the world now beholds this nation struggling, like the fabled Laocoon, to disengage its own body, and the bodies of its sons, from the fatal coil of a serpent, whose convulsive energies have compressed those bodies well nigh unto death.

When, in 1837, after the universal crash of the banking system, the President recommended its severance from the Government, and the Government's restoration to its ancient policy, the people, unprepared alike for the ruin around them, or the remedy proposed, remained, for a moment, equally confounded by both. State after State reeled from its perpendicular and slid from his support; politician after politician fled for safety or for succor to the arms of his foes; yet he, almost alone, amidst the general consternation, amidst the desertions of the venal and the shrieks of the timid, stood unappalled—confiding, as he ever has, does, and ever will, in that "sober second thought" of his countrymen, which is "never wrong, and always efficient." And now, sir, sustained by the matured judgment of a grateful people—grateful to him, because he was faithful to them—faithful, even at a time when that very fidelity was at the hazard of their displeasure—the President presents again to his fellow-citizens a chart of principles, by which, if with skill we steer this our political ark, freighted as it is with our hopes and our destinies, it will bear us onward in safety and in peace, however violent the storm of exasperated passions.

Mr. A. concluded by moving that fifteen hundred copies of the message and documents, and five thousand additional copies of the message, be printed for the use of the Senate.

The resolution was unanimously agreed to.

The CHAIR laid before the Senate a message from the President of the United States, transmitting a letter from the Governor of Iowa to the Secretary of State, in relation to the disputed boundary line between that Territory and the State of Missouri; which, with the accompanying documents, was ordered to be laid on the table and printed.

Also, a report from the Secretary of the Treasury, in answer to a resolution of the Senate of March 2, 1839, in relation to the changes necessary in the present system of marine hospitals; which was referred to the Committee on Commerce, and ordered to be printed.

Also, a report from the Secretary of War, transmitting a report of the Acting Commissioner of Pensions, in conformity with a resolution of the Senate of May 29, 1830, showing the rejected applications for pensions for 1839; which was referred to the Committee on Pensions, and ordered to be printed.

Also, a report from the Secretary of State, showing the number of American seamen registered in each port of entry of the United States, during the year 1839; which was referred to the Committee on Commerce, and ordered to be printed.

Also, a report from the Secretary of the Treasury, in compliance with a resolution of the Senate of December 19, 1838, containing a general statement in relation to the salt duties; which was referred to the Committee on Finance.

Also, a report from the Secretary of State, accounting for the expenditure of the contingent fund; which was ordered to lie on the table, and be printed.

Also, a report from the Secretary of the Treasury, being his Annual Report on the state of the Finances; which was ordered to lie on the table, and fifteen hundred additional copies to be printed for the use of the Senate.

Also, a report from the Secretary of the Treasury, in compliance with an act for the relief of certain insolvent debtors of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BENTON said that, since the order had been given for the printing of the President's message, he had conversed with several of the Senators, and they all concurred in the propriety of having an additional number printed. He would, therefore, move that five thousand copies, in addition to those already ordered, be printed.

The resolution was unanimously agreed to.

Mr. NICHOLAS presented the petition of the heirs and representatives of Anderson Lane; which was referred to the Committee on Private Land Claims.

Mr. N. also presented the memorial of the Mayor, Alderman, and inhabitants of the city of New Orleans; which was referred to the Committee on Private Land Claims.

On motion of Mr. NICHOLAS,

Ordered, That the petition and papers of Andrew C. Armstrong now on file, be referred to the Committee of Naval Affairs.

On motion by Mr. NICHOLAS,

Ordered, That the petition and papers in relation to the claim of George M. Passeau be referred to the Committee on Private Land Claims.

Mr. RUGGLES presented a memorial from sundry inhabiants of Belfast, Maine, praying for a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented the petition of a number of citizens of New York, praying the establishment of a port of entry at Milwaukie; which was referred to the Committee on Commerce.

Also, the petition of William Redin, praying that certain duties may be refunded; which was referred to the Committee on Commerce.

Mr. BUCHANAN said he entirely and heartily concurred in the sentiments expressed of the President's message, and the propriety of printing the extra number of copies; but there was another document which more imperatively required the printing of an additional number. This was the Secretary's Annual Report on the state of the Finances. The message will be printed in every newspaper of the country, and will thus have a universal circulation; but the size of the Secretary's report would prevent its publication in any but a few of the papers in our larger cities. The fifteen hundred copies ordered would give us only about twenty copies each, and he would himself have at least fifty applications for them. He would, therefore, move that three thousand five hundred addi-

tional copies be printed, making five thousand in all, which would enable each Senator to circulate seventy copies of this important and interesting document.

The motion was unanimously agreed to.

Mr. WRIGHT, agreeably to previous notice, asked and obtained leave to bring in a bill for the relief of William H. Robertson, Samuel H. Garrow, and J. W. Simonton; which was read twice, and, with additional papers, referred to the Committee on Commerce.

Also, a bill for the relief of William A. Whitehead, late a collector of customs at the port of Key West; which was read twice, and, with additional papers, referred to the Committee on Finance.

Also, a bill more effectually to secure the public money in the hands of officers and agents of the Government, and to punish public defaulters; which was read twice, and referred to the Committee on Finance, and ordered to be printed.

Mr. WALKER, agreeably to notice given, asked and obtained leave to bring in the following bills:

1. A bill to provide for a standing and permanent pre emption system, with sales, also, to actual settlers at reduced prices.

2. A bill to relinquish to the State of Mississippi the two per cent. fund arising under her compact for admission into the Union.

3. A bill to cede to the State of Mississippi a quantity of public land equal to that heretofore granted to the State of Ohio for the purposes of internal improvement.

4. A bill to authorize the substitution of other lands in place of school sections which are useless or unproductive.

5. A bill in relation to certain railways and rivers in the State of Mississippi.

Which were severally read twice, and referred to the Committee on Public Lands.

Mr. WALL, agreeably to notice given, asked and obtained leave to bring in the following bills:

1. A bill to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes."

2. A bill to prevent the counterfeiting of any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States or uttering any counterfeit foreign copper, gold, silver, or other coin.

Which were severally read twice, and referred to the Committee on the Judiciary.

Mr. CLAY of Alabama, agreeably to previous notice, asked and obtained leave to bring in the following bills:

1. A bill providing for the reduction and graduation of the price of the public lands.

2. A bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road, or roads, leading to said State.

3. A bill to establish an additional land district in the State of Alabama.

4. A bill supplemental to the act, entitled "An act to grant pre-emption rights to settlers on the public lands," approved June 22, 1838.

Which were severally read twice, and referred to the Committee on Public Lands.

Mr. PRENTISS, agreeably to previous notice, asked and obtained leave to bring in a bill to provide for the establishment of a Board of Commissioners to hear and determine claims against the United States; which was read twice and referred to the Committee on Claims.

Also, a bill granting a pension to Lemuel White; and

A bill for the relief of Margaret Barnes, widow of Elijah Barnes;

Which were severally read twice, and referred to the Committee on Pensions.

Mr. PRESTON, agreeably to previous notice, asked and obtained leave to bring in a bill for the relief of General Croghan and General Wool; which was read twice, and referred to the Committee on Military Affairs.

Mr. PIERCE moved the reference of the petition of David Green, on the files of the Senate, with the accompanying papers, to the Committee on Finance.

Mr. P. also gave notice that he would, on to-morrow, ask leave to introduce the following bills:

A bill for the relief of Joseph Bassett.

A bill for the relief of Samuel Collins.

A bill for the relief of John S. Billings.

A bill for the relief of Hannah Leighton.

Mr. P. also offered the following resolution:

Resolved, That the Committee on Military Affairs be instructed to report, as soon as may be convenient, a bill for the equalization of the pay of the officers of the line and the staff of the army.

Mr. DAVIS, in pursuance of previous notice, asked and obtained notice to bring in a bill to remit such duties, and to cancel such bonds, as have been required of persons engaged in the whale fishery, to restrain all future exactions of duties of such vessels and their cargoes; which was read twice and referred to the Committee on Commerce.

Mr. HUBBARD, in pursuance of previous notice, asked and obtained leave to introduce the following bills:

A bill for the relief of Walter Loomis and Abel Gay; which was read twice, and referred to the Committee on Claims.

A bill for the relief of Samuel White; which was read twice, and referred to the Committee on Pensions.

Mr. H. also presented the memorial of Isaac Bronson; which was read twice and referred to the Committee on Revolutionary Claims.

Mr. CRITTENDEN, in pursuance of notice, asked and obtained leave to bring in a bill to authorize the purchase of the private stock in the Louisville and Portland Canal by the United States; which was read twice and referred to the Committee on Roads and Canals.

Mr. SMITH of Indiana, in pursuance of previous notice, asked and obtained leave to introduce the following bills:

A bill for the relief of the legal representatives of Col. Francis Vigo; which was read twice, and, with accompanying documents, was referred to the Committee on Revolutionary Claims.

A bill to authorize the New Albany and Mount Carmel Railroad Company to enter, on a credit, a quantity of land, to aid the company in the construction of a railroad from New Albany to Mount Carmel, Illinois; which was read twice, and referred to the Committee on Roads and Canals

Mr. SMITH also offered the following resolution:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation to continue the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois, the ensuing year; and that said committee also inquire in the expediency of appropriating a sum of money sufficient to complete said road to Jefferson city, Missouri, to be paid over to the several States, within whose limits the road is to be constructed, in annual instalments, as the same may be required to ensure an economical, energetic, and speedy completion of the work: *Provided*, The States will agree to accept the appropriation, and apply it to the object intended, and discharge the General Government from any further appropriations; *And provided, also*, That the States have authority to lay and collect toll on said road, sufficient to keep it in repair after its construction; and shall allow the arms and munitions of war of the General Government to pass on the same toll free.

Mr. SEVIER, in pursuance to notice given, asked and obtained leave to introduce the following bills:

A bill for the relief of Benjamin Murphy; and

A bill for the relief of Richard T. Banks;

Which were severally read twice, and referred to the Committee on Indian Affairs.

On motion, the Senate then adjourned until Friday next.

HOUSE OF REPRESENTATIVES,
TUESDAY, December 24, 1839.

PRESIDENT'S MESSAGE.

A message was received from the President of the United States, by the hands of ABRAHAM VAN BUREN, his private secretary. [See Appendix.]

ceedings.]

After the reading of the message,

Mr. PETRIKIN moved that the message be laid on the table and 10,000 copies printed.

Mr. VANDERPOEL hoped the gentleman would not make the motion to print until a Printer was elected.

Mr. PETRIKIN then withdrew his motion.

Mr. WILLIAMS of North Carolina renewed the motion to lay on the table and print.

Mr. VANDERPOEL objected to this motion being made until a Printer was elected.

Mr. WISE desired to have the message printed, and cared not by whom it was done.

Mr. VANDERPOEL had no doubt, if a motion was entertained to print the message, a discussion would spring up on it which would interfere with the election of Printer.

Mr. WISE then moved to lay the message on the table and print 5,000 copies, with accompanying documents, and 15,000 copies without documents.

Mr. VANDERPOEL called for a division of the question, so as to take the question on the motion to lay on the table first.

Mr. BRIGGS moved to amend, "and that the message, without the documents, be printed within four days from this time."

Mr. WISE accepted this as a modification.

Mr. SMITH of Maine moved to amend by adding, "and that the Message be printed under the direction of the Clerk."

Mr. STANLY moved to strike out 20,000 and insert 6,000. A great deal had been said by gentlemen about economy in the expenditures, and the President had specially recommended it in his message. Then let the gentlemen begin a system of economy at the threshold.

The motion to lay the message on the table was then agreed to.

Mr. TURNEY then moved to lay the motion to print on the table, with a view of proceeding to execute the order of the House; which motion was agreed to.

The SPEAKER then laid before the House the Report of the Secretary of the Treasury on the finances, which was laid on the table. He also stated that he had upon his table various other reports and communications from the Departments.

Mr. PETRIKIN proposed a resolution for the appointment of the standing committees; but the SPEAKER decided that it was not then in order.

The CHAIR then announced the order of business to be the election of a Printer.

Mr. GIDDINGS then moved to suspend the order of business for the purpose of offering the following resolution:

Resolved, That it is expressly understood that the election of Printer shall give to the persons elected no *right* to do the public printing for a longer *time* than the House shall hereafter deem compatible with the public interest.

The CHAIR said the motion to postpone would be in order, but the resolution of the gentleman would not be in order, because it was contrary to the act of 1819, which specified the duties of the Printer and the time he was to serve.

Mr. FILLMORE inquired if the election of Printer was to take place by ballot, under the law of 1819, or *viva voce*, under the rule adopted by the House.

Mr. DROMGOOLE said it would be time enough to decide that question when it arose.

Mr. FILLMORE said they were now about to execute the order, and it was time it was known how it was to be executed.

The CHAIR said he had had some difficulty on this subject, but his opinion was that the mode prescribed by the law of 1819—namely, the election by ballot—was the mode to be pursued by the House.

Mr. McKAY said he would state, for the information of the CHAIR and the House, what had taken place in the Senate on this subject. The resolution of 1819 not only said that the Printer should be elected by ballot, but it went on to declare that the person having the greatest number of

votes should be declared duly elected. This elected a Printer by a plurality of votes; yet, in 1827, a resolution was introduced in the Senate by one of the most distinguished lawyers in the country, [Mr. CLAYTON of Delaware,] and passed, declaring that no person should be elected, except by a majority of the votes of the members present. This, then, was an alteration of the resolution of 1819 by one body. Again: the resolution of 1819 provided that the election of Printer should take place near the close of a Congress, thus giving one Congress the power of electing officers for the next.

In his opinion, this resolution of 1819 was, in some respects, unconstitutional; for if the Printer was an officer of the Government, as some gentlemen contended, the Executive must have the appointment of that officer under the Constitution. But if the Printer was an officer of the two Houses," then each House had it in their power to elect or appoint them in such manner as they thought proper.

Mr. FILLMORE replied to the remarks of Mr. McKAY, and went into an examination of the various modes adopted for appointing public Printer, and went into an argument at some length to show that the Printer of Congress was not an officer of that body.

Mr. DAWSON next followed, and urged a postponement of the election of Printer for the present, for the purpose of a certaining what plan could be adopted of reducing the expenditure for that branch of the public service. He spoke of the high prices paid for the public printing, and said that the sums paid the last year were so enormous, that Mr. Allen, the Printer of the House, sold the work to Gales and Seaton, the former Printers of the House, and made a fortune by it. Mr. D. referred to the information he had received from a member from Massachusetts relative to the printing done for the Lesislature of that State, which he said was done forty-five per cent. cheaper, and much better work. He urged upon the House the propriety of abolishing the old plan of executing the public printing, and of substituting a more economical one.

Mr. VANDERPOEL, to whom Mr. DAWSON alluded in his speech, explained the language he used yesterday. Mr. V. yesterday asked why, and he now included the gentleman from Georgia too—why did they sit with arms folded for two years, after the last Printer was elected, and not propose some measure to reduce the price of the public printing.

Mr. DAWSON, on concluding his remarks, presented the following resolution, which was read:

Resolved, That the order of this House, in relation to the election of a Printer, be postponed until the 1st day of February next.

Resolved, further, That the Clerk of this House be authorized to employ some suitable person or persons to execute the necessary printing of this House, in the manner prescribed by the joint resolution of 1819, until further ordered by this House.

Resolved, further, That a select committee be appointed to inquire whether the public printing of this House cannot be better and cheaper done by contract than by the existing mode.

The SPEAKER said his opinion was that the motion was not now in order, but if the gentleman would modify his motion, so as to make the postponement to a day certain, it would be in order.

Mr. DAWSON modified his resolution, so as to make the postponement until the first of February.

Mr. VANDERPOEL said the point he made yesterday, and from which the gentleman from Georgia could not escape, was, that this fit of patriotism, which had all at once seized upon certain members of this House, came rather late; and now, by way of eluding the force of that position, the gentleman from Georgia said that the Administration party, almost to a man, voted against Mr. PICKENS's proposition. But gentlemen knew that this and various other propositions, were made for the purpose of staving off the election of Printer, when it was approaching, and that the Administration party voted as they did now, against what they conceived to be mere obstacles thrown in the way, at the same stage of its proceedings. But by the aid of the Conservatives, the Opposition succeeded in electing their Printer, after which they were silent for two years, and made no propositions for a reduction of this branch of the public expenditure. He would ask gentlemen if their short lived notions of economy were not at a time when they supposed the Administration had a majority, which was the fact, as elected by the people; and when, by the aid of a little squad of Conservatives, they had elected an Opposition Printer, if their propositions for economy did not cease? They supposed the game was in their own hands, and acted accordingly. Why did they sit silent for two years, and not move in this matter? The Opposition had their printers (Gales and Seaton) in the name of Allen. The game was in their own hands, and therefore, they made no propositions for two years for economy in the public printing.

Mr. MASON of Ohio addressed the House, urging the necessity of carrying out the system of economical expenditure recommended in the message of the President just received, and he called upon the friends of the Administration to join with the Opposition in commencing this economy with the public printing. Mr. M. charged the party of the Administration with making hypocritical professions of attachment to retrenchment and reform, which they never reduced to practice, and congratulated the party with which he acted upon the prospect of soon having an Executive in power who would be sincere in his professions. He saw, in the recommendations of economy found in the President's message, evidence that his power was about to be taken from him, and it was therefore that he recurred to the principles which brought him into office. Mr. M. after speaking of the expenses incurred by the House for printing during Mr. Adams's administration, which, he said, were less than the expenses during Mr. Van Buren's, went on to refer to the necessary expenditures of the Government since the Democratic party came into power. He went into an argument to show that the most economical plan of executing the public printing would be to let it out on contract to the lowest bidder.

Mr. DAVIS contended that there was nothing in the resolution of 1819 which made it incumbent on the House to proceed to the election of a public Printer at this time. He thought the resolution of 1819, referred only to the election of a public Printer "*for the ensuing Congress*" following the session when that resolution was adopted; and that the election ought now to be postponed to take into consideration the expenditure that might be saved by graduating the prices in proportion to the cheapness of materials, the facilities afforded by improved machinery, and the reduced prices of labor. Replying to Mr. VANDERPOEL, he charged the Administration with extravagance and with making professions of economy which they were unwilling to practice.

Mr BOND replied at length to the remarks of Mr. VANDERPOEL, commenting on the proceedings of the House at the session of 1837, when the public Printer was elected.

Mr. BYNUM addressed the House at some length, in reply to the remarks of Messrs. DAWSON and BOND, showing that they had acted inconsistently in regard to this question. [A report of his remarks will be published as soon as they can be prepared by the reporter.]

Mr. CAMPBELL moved that when the House adjourn, it adjourn to meet on Friday next.

Mr. TURNEY called for the yeas and nays, and this question being put, it was decided in the affirmative—yeas 88, nays 86.

Mr. CAVE JOHNSON then rose to a point of order. He submitted to the CHAIR, whether the motion for the House to adjourn over until Friday was in order, while another subject was pending, and not decided on. It required a vote of two-thirds, he said, by the rules of the House, to put this question.

The CHAIR said it was too late to raise that question now.

Mr. GIDDINGS then moved that the House do now adjourn; and the yeas and nays being called for by Mr. BYNUM and several others, the question was taken in this way, and decided in the affirmative—yeas 86, nays 79.

CORRECTION: Our reporter misunderstood the remarks of Mr. SHERROD WILLIAMS on moving an adjournment last evening. Instead of saying, "it had been generally understood, that if they had postponed the election of a Speaker until after the President's message was received, the Opposition could have elected their Speaker," as reported in the Globe, Mr. WILLIAMS said it was generally understood at the commencement of the 25th Congress, that if the President's message had been sent in before the election of Speaker, the Opposition could have defeated Speaker Polk.

IN SENATE,

FRIDAY, December 27, 1839.

The Hon. R. M. JOHNSON, Vice President of the United States, took the Chair as President of the Senate this morning.

A message was received from the President of the United States, by M. VAN BUREN, esq. his Private Secretary.

The CHAIR laid before the Senate the following documents:

A message from the President of the United States, concerning the description of papers deemed necessary to be provided by law for the use and protection of American vessels engaged in the whale fisheries; which was referred to the Committee on Commerce, and ordered to be printed.

A message from the President of the United States, in relation to the law providing for the taking of the sixth census; which was referred to the Committee on the Judiciary, and ordered to be printed.

A message from the President of the United States, in relation to the transfers of appropriations in the War Department; which was referred to the Committee on Finance, and ordered to be printed.

A message from the President of the United States, in relation to the transfers of appropriations in the Navy Department; which was referred to the Committee on Finance, and ordered to be printed.

A report from the Secretary of the Treasury, in compliance with a resolution of the Senate in relation to the execution of the 13th and 14th sections of the act to regulate the deposites of the public money, approved June 23, 1836; which was referred to the Committee on Finance, and ordered to be printed.

A report from the Secretary of the Treasury, transmitting the report of F. R. Hassler, as superintendent of the survey of the coast and of the construction of standards of weights and measures; which was referred to the Committee on Commerce, and 500 additional copies ordered to be printed.

A report from the Secretary of State in relation to the expenditure of the contingent fund of that Department; which was referred to the Committee on Finance.

A report from the Secretary of the Navy, in relation to the expenditure of the contingent fund of that Department; which was referred to the Committee on Finance.

A letter from the Commissioner of the Public Buildings, reporting the manner in which all appropriations for the public buildings and grounds have been applied; which was referred to the Committee on Public Buildings.

A letter from the Librarian of Congress, in obedience with the resolution of the Senate of February 15, 1839, directing him to make out and report to the Senate, at the commencement of the first session of the next Congress, a catalogue of all the laws, and of all the legislative and executive journals and documents of the several States and Territories, now in the Library; which was laid on the table, and ordered to be printed.

On motion by Mr. HUBBARD, the papers on file in relation to the case of Isaac Brown were referred to the Committee on Revolutionary Claims.

Mr. HUBBARD presented the petition of John Burke; which was referred to the Committee on Claims.

Mr. H. also presented the petition of David Stone; which was referred to the Committee on Claims.

Mr. TAPPAN presented the petition of Jona-

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. | TUESDAY, JANUARY 7, 1840. | VOLUME 8.....No. 6.

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(*Continued from No. 5.*)

than H. Wallace; which was referred to the Committee on Private Land Claims.

On motion of Mr. CLAY of Alabama, the petition of James McCrary of Alabama was taken from the files of the Senate, and referred to the Committee on Revolutionary Claims.

Also, on his motion, the petition and documents of William Barclay, of Marshall county, Alabama, praying a grant of land, was taken from the files, and referred to the Committee on Private Land Claims.

Mr. CLAY of Alabama also presented the memorial of a large number of the citizens of the country lately ceded by the Cherokees in Alabama, praying the extension of the benefits of the late preemption law to those who occupied and cultivated sixteenth sections appropriated for schools; which was referred to the Committee on the Public Lands.

Mr. C. also presented the petition of Thomas L. Bone, of Jackson county, Alabama, praying to be paid three hundred dollars for that amount in Treasury notes, which were consumed and lost by the burning of his dwelling house: referred to the Committee on Claims.

Mr. ROBINSON presented a memorial from inhabitants of the town of Albion, Illinois, praying for an appropriation in aid of the New Albany and Mount Carmel Railroad Company; which was referred to the Committee on Roads and Canals.

Mr. R. also presented the petition of Hezekiah Cunningham, asking compensation for transportation of the mail; which was referred to the Committee on the Post Office and Post Roads.

On motion of Mr. SMITH of Connecticut, the papers on file in relation to the claim of Daniel Root, the claim of John S. Billings, and the claim of Nathan Kingsley, were severally ordered to be referred to the Committee on Claims.

Mr. SMITH then asked that Jabez L. White have leave to withdraw certain papers in relation to a mail contract, in order that they might be presented in the House; which, after some remarks from Messrs. LINN, WALL, DAVIS, HUBBARD, and SMITH of Connecticut, was unanimously agreed to.

Mr. SMITH also presented the petition of Margaret Leech; which was referred to the Committee on Pensions.

Mr. BUCHANAN presented the petition of Daniel Palmer, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. B. also presented the memorial of the members of the bar of the city of Pittsburg, asking that the compensation of the Judge of the Western District of Pennsylvania may be increased; which was referred to the Committee on the Judiciary.

Mr. B. also presented a memorial from citizens of Lancaster county, Pennsylvania, asking for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. B. also presented the petition of Abraham Coote, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. DAVIS presented the petition of Maj. Thomas Halstead, asking for an increase of pension; which was referred to the Committee on Pensions.

Mr. D. also presented the memorial of Paul J. Cliffo.d, asking for a grant of land for services rendered; which was laid on the table and ordered to be printed.

Mr. ROANE presented the petition of William R. Johnson, executor of George Evans;

The memorial of William Teas;

The memorial of Richard Taliaferro;

The memorial of Capt. William Megginson;

The memorial of George Gilmer;

The memorial of John Spiers hom, and

The memorial of the executors of Thomas Griffin;

Which were severally referred to the Committee on Revolutionary Claims.

Mr. R. also presented the petition of Archibald S. Campbell; which was referred to the Committee on Naval Affairs.

Mr. R. also presented the petition of Elizabeth Monroe; which was referred to the Committee on Pensions.

Mr. WILLIAMS presented the petition of Andrew Forrest; which was referred to the Committee on the Judiciary.

On motion by Mr. WILLIAMS, the petition and papers of Henry Fry were taken from the files and referred to the Committee on Naval Affairs.

On motion by Mr. WALL, the papers on file in relation to the claim of Moses Elmer, were referred to the Committee on Revolutionary Claims.

On motion by Mr. RUGGLES, the papers on file in relation to the case of John H. Hall, were referred to the Committee on Military Affairs.

Mr. MERRICK presented the memorial of officers of the line of the army, asking for an equalization of pay with the staff; which was referred to the Committee on Military Affairs.

Also, the memorial of Dr. Samuel Correy; which, after some explanatory remarks from Mr. M. was referred to a select committee of three, and the memorial was ordered to be printed.

Mr. MERRICK then moved that when the Senate adjourn, it adjourn to meet on Monday next; which was agreed to.

On motion by Mr. CALHOUN, the papers on file in relation to the claim of Edward Wade, were referred to the Committee on Revolutionary Claims.

Mr. HUBBARD gave notice that to-morrow he would ask leave to introduce the following bills:

A bill for the relief of Philip Wiedman.

A bill for the relief of John J. Bulow, jr.

A bill for the relief of Malachi Hagan.

A bill for the relief of Joseph Hernandez.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the bill to provide for the establishment of a Board of Commissioners to hear and determine claims against the United States, reported the same without amendment, and recommended its passage.

Mr. H. also, from the same committee, to which had been referred the bill for the relief of Walter Loomis and Abel Gay, reported in favor of its passage, and moved that the report be printed; which was agreed to.

Mr. NORVELL, in pursuance of notice, asked and obtained leave to introduce

A joint resolution, authorizing certain surveys to be made; which was read twice, and referred to the Committee on Commerce.

Also, a bill making grants of land to certain States for the purposes of internal improvements; which was read twice, and referred to the Committee on Public Lands.

Also, a bill for the relief of certain companies of Michigan militia; which was read twice and referred to the Committe on Military Affairs.

Also, a bill making appropriations to complete certain roads commenced by the United States in the State of Michigan; which was read twice, and referred to the Committee on Roads and Canals.

Mr. BUCHANAN gave notice that, on to-morrow, he would ask leave to introduce a bill for the relief of Samuel R. Slaymaker.

Mr. CLAY of Alabama, in pursuance of notice, asked and obtained leave to introduce the following bills:

A bill for the relief of John McCarty: read twice, and referred to the Committee on Indian Affairs.

A bill for the relief of William Jones: read twice, and referred to the Committee on Public Lands.

A bill for the relief of Captain Snodgrass's company of mounted volunteers: read twice, and referred to the Committee on Military Affairs.

A bill for the relief of Richard Robertson: read twice, and referred to the Committee on Claims.

On motion of Mr. C. the papers connected with the above bills were respectively referred to the same committees.

Mr. PRENTISS, agreeably to notice, asked and obtained leave to introduce a bill authorizing the payment of invalid pensions in certain cases; which was read twice, and referred to the Committee on Pensions.

Also, a bill granting a pension to David Waller: referred to the Committee on Pensions.

Mr. KNIGHT, agreeably to notice, asked and obtained leave to introduce a bill for the relief of Samuel Warner: read twice, and referred to the Committee on Naval Affairs.

Mr. WALL, from the Committee on the Judiciary, to which had been referred

A bill to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes; and

A bill to prevent the counterfeiting of any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States, or uttering any counterfeit foreign copper, gold, silver, or other coin;"

Reported the same without amendment, and recommended their passage.

Mr. LINN, in pursuance of previous notice, asked and obtained leave to introduce the following bills:

A bill for the relief of John E. Metcalfe and others.

A bill to confirm the title to a certain tract of land in the county of Mobile.

A bill to confirm certain land claims in the Greensburg land district, State of Louisiana.

A bill authorizing a patent to be issued to Joseph Campan, for a certain tract of land in the State of Michigan.

A bill for the relief of the heirs of Madam de Lusser.

A bill for the relief of Pierre Balin.

A bill for the relief of the heirs and legal representatives of William Conway.

A bill for the relief of Daniel Marsaque.

A bill for the relief of Alvarez Fisk.

A bill for the relief of Juan Belgar.

A bill for the relief of Francis Laventure, Ebenezer Childs, and Linas Thompson.

A bill for the relief of Joseph Begy.

A bill for the relief of Joseph Cochran.

A bill for the relief of the legal representatives of Phil. Barbour, deceased.

A bill for the relief of Charles Morgan of Louisiana.

A bill for the relief of Charles Morgan.

A bill for the relief of Jean Baptiste Granger.

A bill for the relief of Sebastian Butcher and heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom.

A bill for the relief of Obed P. Lacey.

A bill to continue in force the act for the final adjustment of private land claims in Missouri.

A bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land.

A bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivard, deceased.

A bill confirming certain land claims in Missouri.

A bill to confirm certain land claims in the Ouachita land district, in the State of Louisiana.

A bill to confirm land claims in the district between the Rio Hondo and Sabine rivers.

A bill to settle the title to certain tracts of land in the State of Arkansas.

A bill to amend an act confirming certain land claims in the State of Michigan.

A bill supplementary to an act entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830, with the Choctaw Indians."

Which were severally read twice, and referred to the Committee on Private Land Claims.

On motion by Mr. LINN, all the papers on file in relation to the above bills, were referred to the same committee.

Mr. L. also, on leave, introduced a bill for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land district in said State; which was read twice, and referred to the Committee on the Public Lands.

Mr. L. on leave, and in pursuance of previous notice, introduced a bill to authorize payment to be made to certain Missouri volunteers, for services in the years 1829 and 1830; which was read twice, and referred to the Committee on Military Affairs.

Also, a bill for the relief of Pierre Menard and others; which was read twice, and referred to the Committee on the Judiciary.

Mr. FULTON, in pursuance of notice, asked and obtained leave to introduce the following bills:

A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and Choctaw Indians.

A bill to settle the title to certain tracts of land in the State of Arkansas.

A bill to authorize the inhabitants of township eight north, range thirty-two west, in the State of Arkansas, to enter a section of land in lieu of the sixteenth section in said township, upon condition that the same is surrendered to the United States for military purposes.

A bill to revive an act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate other in lieu thereof, and for other purposes;

Which were severally read twice, and referred to the Committee on the Public Lands.

Also, a bill making appropriations to complete certain military roads in the State of Arkansas; which was read twice, and referred to the Committee on Roads and Canals.

Mr. ROBINSON, in pursuance of notice, asked and obtained leave to bring in a bill for the relief of A. G. S. White; which was read twice and referred to the Committee on the Post Office and Post Roads.

Mr. TAPPAN gave notice that he would to-morrow ask leave to introduce a joint resolution to amend the Constitution of the United States so as to limit the term of service of judges in the Federal courts.

Mr. SEVIER gave notice that he would to-morrow ask leave to introduce a bill making an appropriation for the removal of the raft in Red river.

Mr. YOUNG, in pursuance of previous notice, asked and obtained leave to introduce the following bills:

A bill authorizing the President to cause the reserved lead mines belonging to the United States, in the several States and Territories, to be sold as other public lands.

A bill for the relief of the widow and minor heirs at law of Samuel Hill, deceased.

A bill for the relief of Epraim Sprague.

A bill for the relief of James Dutton.

A bill for the relief of Jane Waller.

Which were severally read twice, and referred to the Committee on the Public Lands.

Mr. Y. also, on leave, introduced a bill granting to the State of Illinois the right of way through the public lands of the United States, and for other purposes; which was read twice, and referred to the Committee on Roads and Canals.

Also, a bill for the relief of Thomas H. Owen, John W. Skidmore, and others; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. BENTON, agreeably to previous notice, asked and obtained leave to introduce a bill providing for the summary collection of small bank notes in the District of Columbia; which was read twice, and referred to the Committee on Finance.

Mr. BENTON also, agreeably to previous notice, asked and obtained leave to bring in a bill to repeal the act entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," approved July 29, 1813, and to repeal all acts in continuation or amendment of the same; which was read twice, and referred to the Committee on Finance.

Mr. ROANE, agreeably to previous notice, asked and obtained leave to bring in a bill giving the assent of Congress to an act of the General Assembly of the State of Virginia incorporating the Falmouth and Alexandria Railroad Company; which was read twice, and referred to the Committee on the District of Columbia.

Mr. BENTON offered the following resolution, which lays over:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate all the information which it is in the power of the Department to obtain as to the value of the different State bonds in the London market. Also, the value of the different railroad and canal stocks of the respective States in the home market.

Mr. B. also offered the following resolution, which lays over:

Resolved, That the President of the United States be requested to obtain from the constituted authorities in Florida, a statement of all the Territorial bonds issued, and authorized to be issued, in that Territory, with copies from the journals of the Council, showing any thing that was done in authorizing the issue of such bonds, with the names of the members of the Council at that time, their votes in each case, the names of the Governors who may have approved laws for the issuing of Territorial bonds, or who may have signed or endorsed the said bonds; also, the purposes for which said bonds were issued, and when issued in favor of corporations, the names of the corporations, and the corporators and their officers, and the use made of said bonds, and the present value of said bonds in the American and European markets, with the condition of the corporations which have had the use of said bonds, and how far they are fulfilling the purposes for which they were created. Also, a statement of all the acts of incorporation which have been passed by the said Legislative Council of Florida, since the 3d of March, 1823, and the acts in amendment thereof, and when, and how said acts were reported to the President of the United States, to be laid before Congress.

Mr. B. also offered the following resolution, which lays over:

Resolved, That the President of the United States be requested to cause the proper inquiries to be made of all disbursing officers and agents, and all contractors, (the Post Office Department inclusive,) to ascertain from them whether they have sold or exchanged Government drafts or other Government funds, or their own drafts on the Government, during the years 1838 and 1839, for paper money of the following descriptions:

1. Bank notes of the State banks of the United States, and especially notes of a less denomination than twenty dollars.

2. Bank notes of the present Bank of the United States, and especially notes of a less denomination than twenty dollars.

3. Post notes of the present Bank of the United States, and especially any of such notes of a less denomination than one hundred dollars; also, of a less denomination than twenty dollars, and which had been made payable at more than sixty days after date, or which were not due, or which had been altered by the pen; and if so, that they report the times and places of such sales or exchanges, and with whom made, and the amounts so sold or exchanged.

Also, that the President communicate to the Senate the name of any disbursing officer, agent, or contractor, who shall fail to answer the foregoing inquiries in a reasonable time. Also, that he communicate a list of such Treasury or Post Office drafts in favor of disbursing officers, agents, and contractors, for the years 1838 and 1839, as shall appear to have been sold, with the names of the endorsers, and to whom paid; that the Secretary of the Treasury cause inquiries to be made of the deposite banks, since the general resumption of specie payments in 1838, whether the Government drafts which have been sold by disbursing officers, agents, and contractors, have been usually paid in specie; and if so, all the particulars as to the several sums and total amounts paid, and to whom paid, and where, as nearly as can be stated.

Mr. BENTON also offered the following resolution:

Resolved, That there is nothing in the Constitution of the United States which can authorize the Legislative power of the Union to assume the debts of the States which have been contracted for local objects and State purposes.

2. That the assumption of such debts, either openly, by a direct promise to pay them, or disguisedly, by going security for their payment, or by creating surplus revenue, or applying the national funds to pay them, would be a gross and flagrant violation of the Constitution, wholly unwarranted by the letter or spirit of that instrument, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

3. That besides its flagrant unconstitutionality, such assumption would be unjust, unwise, impolitic and dangerous, compelling the non-indebted States to incur burdens for others which they have refused to incur for themselves—diverting the national funds from national objects to State objects—and thereby creating a necessity for loans or taxes, or issues of Federal paper money, to supply the place of the funds so diverted—prostrating the barriers of economy, moderation, and safety, in the creation of State debts, by separating the function of contractor from that of payer of the debt—extinguishing the sense of responsibility in the contractor, and making the Federal Government the ultimate payer of all the obligations contracted by the States for their own purposes—establishing a dangerous precedent, which must soon be followed up by new debts on the part of the States, and new assumptions on the part of the Federal Government—invading the rights and mortgaging the property of posterity, and loading unborn generations with debts not their own—creating a new national debt of large amount at the start, and of a nature to perpetuate its own existence—begetting a spirit in Congress, which must constantly cater for distributions, by preventing necessary appropriations, and keeping up unnecessary taxes—laying the foundation for a new and excessive tariff of duties on foreign imports, to fall unequally on different parts of the Union, and most heavily on the planting, grain growing, and provision raising States, to their manifest injury, and probable great discontent—involving disastrous consequences, either to the Union itself, or to its members, as tending to the consolidation of the States, and their ultimate abject dependence on the Federal head as the fountain of their supplies or tending to the annihilation of the Federal head itself, by stripping it of all its means of natural defence and self support, and reducing it to the helpless imbecility of the old Confederation—giving a new impulse to the delusive career of the paper system, already in a state of dangerous overaction—insuring the establishment of another National Bank—and, finally, begetting a passion for periodical distributions of lands and money, and extensions of Federal credit, which could find no limit to its demands until the national domain was exhausted, the Federal Treasury emptied, and the credit of the Union reduced to contempt.

4 That the debts of the States, being now chiefly held by foreigners, and constituting a stock in foreign markets, now greatly depreciated, any legislative attempt to obtain the assumption or securityship of the United States for their payment, or to provide for their payment out of the national funds, must have the effect of enhancing the value of that stock to the amount of a great many millions of dollars, to the enormous and undue advantage of foreign capitalists, and of jobbers and gamblers in stocks; thereby holding out inducements to foreigners to interfere in our affairs, and to bring all the influences of a moneyed power to operate upon public opinion, upon our elections, and upon State and Federal legislation, to produce a consummation so tempting to their cupidity, and so profitable to their interest.

5. That foreign interference and foreign influence, in all ages, has been the bane and curse of free Governments, and that such interference and influence is far more dangerous in the insidious intervention of the moneyed power, than in the forcible invasions of fleets and armies.

6. That to close the door at once against all applications for such assumption, and to arrest at their source the vast tide of evils which would flow from it, it is necessary that the constituted authorities, without delay, shall RESOLVE and DECLARE their utter opposition to the proposal contained in the late London Bankers' Circular in relation to State debts, contracted for local and State purposes, and recommending to the Congress of the United States to assume, or guaranty, or provide for, the ultimate payment of said debts.

The resolution, on motion of Mr. B. was laid on the table, and ordered to be printed.

Mr. TAPPAN offered the following resolution, which lays over:

Resolved, That a committee of three members be appointed, who, together with a like number to be appointed by the House of Representatives, shall direct the expenditures of all moneys appropriated to purchase books for the Library of Congress.

Mr. FULTON offered the following resolution, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry on the western border of the State of Arkansas, to be located on Red river and Arkansas river; and also of entitling all foreign merchandise exported over land from those ports into Mexico, to drawback.

Mr. HUBBARD offered the following resolution, which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of amending the acts of Congress granting pensions for disabilities incurred during the last war, so as to have the pensions of such invalids commence at the time this disability was received.

Mr. YOUNG offered the following resolution, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of of establishing a port of entry and delivery at the city of Cairo, in the State of Illinois.

The following resolution, submitted some time since, by Mr. TAPPAN, was considered and agreed to:

Resolved, That the Secretary of War be directed to report to the Senate:

1. What would be the effect upon the military service of the country, of a regulation by which all officers of the army, on arriving at sixty years of age, should be permitted to retire from service upon half pay.

2. What would be the probable annual charge upon the Treasury of such a regulation.

The following resolution, submitted some time since by Mr. DAVIS, was considered and agreed to:

Resolved, That the Secretary of the Treasury be instructed to inform the Senate—

1. Whether duties have been exacted of any vessels of the United States employed in the whale fishery, for tonnage, or the produce of such fisheries, and if so, under what authority.

2. What papers were furnished to such vessels before they cleared, and were they such as have at all times been granted to vessels thus employed.

3. What amount of duties and charges have been paid, what amount bonded, and are the bonds now in force, and unpaid.

4. Are duties now exacted of all such vessels as they arrive, and what amount of fees, if any, have accrued to officers of the customs from this source, and at what places.

On motion by Mr. BUCHANAN, so much of the President's message as relates to our foreign relations was referred to the Committee on Foreign Relations.

On motion by Mr. WRIGHT, so much of the President's message as relates to the fiscal affairs of the country was referred to the Committee on Finance.

On motion by Mr. BENTON, so much of the the President's message as relates to military affairs was referred to the Committee on Military Affairs.

On motion by Mr. WALL, so much of the President's message as relates to the judiciary was referred to the Committee on the Judiciary.

On motion by Mr. CLAY of Alabama, so much of the President's message as relates to the militia and the report of the Secretary of War was referred to the Committee on the Militia.

On motion by Mr. NORVELL, so much of the President's message as relates to commerce was referred to the Committee on Commerce.

On motion by Mr. ROBINSON, so much of the President's message as relates to the post offices and post roads was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. WILLIAMS, so much of the President's message as relates to naval affairs was referred to the Committee on Naval Affairs.

On motion by Mr. FULTON, so much of the President's message as relates to the public lands was referred to the Committee on the Public Lands.

On motion,

The Senate adjourned till Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, December 27, 1839.

The SPEAKER laid before the House a letter from Hon. CHARLES FENTON MERCER, stating that he had resigned his seat in the House; which was laid on the table.

The SPEAKER then laid before the House the following message from the President of the United State; which was laid on the table:

To the House of Representatives of the United States:

I herewith communicate to Congress copies of a letter from the Governor of Iowa to the Secretary of State, and of the documents transmitted with it, on the subject of a dispute respecting the boundary line of Missouri. The disagreement as to the extent of their respective jurisdictions has produced a state of such great excitement, that I think it necessary to invite your early attention to the report of the commissioner appointed to run the line in question under the act of the 18th June, which was sent to both Houses of Congress by the Secretary of State on the 30th of January last.

M. VAN BUREN.

WASHINGTON, Dec. 23, 1839.

The resolution from the Senate providing for the election of two Chaplains of different denominations for the two Houses, was taken up and concurred in.

Mr. HOFFMAN then submitted a resolution to continue the rules and orders of the House in force until the 10th of January; which was considered and adopted.

Mr. WISE submitted a resolution that the standing committees of the House be now appointed by the SPEAKER. Mr. W. explained that he used the word now, in the resolution, but it was understood that the committees would not be announced until Monday. He wished further to say, through the SPEAKER, to his constituents, and he spoke to them especially, that he did not desire, during this session of Congress, to be placed on any of the standing committees of the House; and he requested that the SPEAKER might not place him on any of those committees. He hoped the SPEAKER and the House would indulge him in this request for private reasons, which it was not necessary for him to divulge to the House. Mr. W's resolution was then considered and adopted.

Mr. BRIGGS then moved that when the House adjourn, it adjourn to meet again on Monday; which motion was considered and adopted.

ELECTION OF PRINTER.

The CHAIR announced the next business in order to be to dispose of the resolution with regard to the election of Printer.

The question pending was on three resolutions submitted by Mr. DAWSON: the first to postpone the election of Printer to the 1st of February; the second to authorize the Clerk to employ a printer in the mean time; and the third to appoint a committee to inquire whether the printing could not be done in a better and cheaper manner than at present,

Mr. GIDDINGS was entitled to the floor upon this question.

Mr. THOMAS said as there appeared to be a number of members absent at the present time, there had been some interchange of opinions on this subject, and there appeared to be a general disposition to adjourn this subject over until the second of January, when there would probably be a full attendance of members.

Mr. DAWSON gave notice to the House that he would, when the subject comes up for consideration, offer a resolution as a substitute for the last resolution, which, in substance, proposes to separate the public printing from political journals.

After some little conversation between Messrs. DAWSON, STANLY, BRIGGS, THOMAS, and GIDDINGS,

Mr. DAWSON modified his first two resolutions, as follows; and, thus modified, they were adopted by the House:

Resolved, That the order of the House in relation to the election of a Printer, be postponed until the 10th day of January next.

Resolved, further, That the Clerk of this House be authorized, in the mean time, to supply some suitable person or persons to execute the necessary printing of this House, in the manner prescribed by the joint resolution of 1819, until said 10th day of January next.

The third resolution, which was in the following words, was then postponed until the 10th of January:

Resolved, further, That a select committee be appointed, to inquire whether the public printing of this House cannot be better and cheaper done by contract than by the existing mode.

Mr. CRABB then, at the request of the gentleman from Georgia, [Mr. COOPER,] moved to reconsider the vote by which the resolution of the Senate relative to the appointment of Chaplains, was concurred in.

Mr. COOPER of Georgia said he should not have troubled the House on this subject if it had not been for the hasty manner in which this question had been gotten up and disposed of. He had long determined that, on a proper occasion, he would present his views to the House on this subject which had just carried, and hence it was that he had asked a friend to move a reconsideration, and he would now briefly state a few points of objection, to which he would ask the serious consideration of the House. He believed the prospective interests of the country demanded that this subject should be thrown beyond the reach of this House. He believed the House had proceeded in this matter without just and proper authority. He believed that all the objects held in contemplation by the resolution for the appointment of a chaplain, from time to time, had failed in practice. He believed the effect of the employment to be evil; he believed that this was not the season to enter upon such a duty, and that this was not the place for it. What was the proposition which had been adopted? It was for the appointment of a chaplain for this House. Who is he? Is he an officer of this House? By what authority do you appoint him? If there was an authority, he wished to be pointed to it. By looking to the history of our legislation, he found that in 1789, and again in 1816, a resolution had been passed fixing the compensation of officers Here is the only authority. Now he contended that the objects of this appointment had entirely failed. What is the object? To spread abroad through the members of this House a wholesome moral influence. He appealed to gentlemen whether it did have this effect The object was doubtless to spread this beneficial influence over this great country. But, according to his observation, the reflection of the religious and moral part of the community where he resided were against the wholesome, moral effect of this appointment. Then, as he had said before, the object of this appointment failed. What are the effects of it? They seemed to be evil. The moral and political effects of this appointment, he contended, must be continually evil. The resolution, to be sure, proposed to elect two chaplains of different denominations, but notwithstanding this, he objected to it, because this matter of religious de-

nominations should not be agitated in this House. It might be true that no difficulty would arise now in relation to this matter, but a time might come when there would be a difficulty. Ten years ago there would have been no difficulty in settling the question which has been distracting us here for nearly a month. Now was the time, therefore, for taking some action on this subject, if we wish to avoid all difficulty hereafter. This matter of sectarianism might create no difficulty for some time, but a time might come when it would. It was not two hundred years since a king of England was required to make a formal declaration of religious tolerance; it was not one hundred years since a man in this land of liberty dare not think religiously as he pleased; and it was scarce fifty years ago since, by the adoption of our Constitution, it was found necessary to declare that no religious tests should be required.

All history tells us that this matter was one which never failed to force itself on every Government, and to connect itself with the organic Government for the purpose of carrying out its objects. But he said this was not the season for such duties. In the morning or at evening, if he were asked whether we should attend to our closet or private devotions, he would say it was becoming and appropriate. In this hall, at the hour of twelve, habitually, we meet to do the daily work of the country, as servants of the people. Would the husbandman, after attending to his daily morning devotions, assemble his laborers again in the field to do and repeat the like service? If this was a convention for some great and special occasion, such services would be appropriate. This, he said, is not the place. Is the man of your choice, said he, a devout man, full of the spirit of the gospel? He will lead us to the temples of the Most High, where in solemn voice he will declare to us the being of a God, and the truths of his religion—where he can hear chanted the songs of Zion. Does he come to show us the "river of water of life, clear as crystal?" He will take us to the tabernacle of the congregations, there to spread the heavenly chart, in which is shown the course of that blessed stream. Does he appear to point us to the "lamb of God, that taketh away the sins of the world?" He will invite us to the house of God, in which is spread the table of the Lord, bearing the reminiscences of his love.

But does he come to make merchandise of his calling? Here, then, (if he was not misinformed,) is the place where men in high places meet to drive bargains. Here, too, he may have his contract signed, sealed, and delivered, whereby, for and on consideration of a certain number of prayers, suitably short, a given number of sermons, not too long, ringing excepted, by him, the said chaplain, uttered and delivered, we, the members of this House, do agree to be and appear in our seats on such occasions, devoutly and in order to listen, and after a certain time to pay him $500.

In the execution of this contract, it is remarkable, that, by usage, this House is not expected to perform only that part of their engagement, which requires the payment of the money, being at liberty to set, or stand, or walk in, or remain out, and even employ themselves in writing letters during morning service.

It is, sir, said Mr. COOPER, to avert this deleterious example, and prevent the insinuation of religious denominations, by sects, into this House, that I urge a reconsideration, that we may not exercise powers not granted, and may prevent a union of Church and State.

Mr. R. GARLAND was glad this motion had been made, as it would give him an opportunity to record his vote against the resolution for the appointment of a chaplain. He was disposed to respect ministers of the Gospel when they conducted themselves properly, as any other gentleman, although he did not profess or practise religion himself; yet he had seen enough in this hall to prevent him from ever supporting a resolution for the appointment of a chaplain for this House. He had seen the claims of ministers urged upon this House upon the ground of the political predilections, and one had been elected upon the sole ground that he was a friend of the President of the United States. Men coming before the House on such pretensions, threw disgrace upon the country and upon the gospel, and he hoped the House would no longer sanction it. There was a regular system of electioneering for the office of chaplain, and the general inquiry was, does he make short prayers—the person making the shortest prayers being the greatest favorite. Besides while the chaplain was making his morning prayers, a large portion of the members were reading newspapers, or walking about the Hall. In fact, the service was nothing more than a solemn farce, and he trusted the House would dispense with the chaplain.

Mr. WISE said this was the first time since he had been in public life that the propriety of appointing a man of God, to remind us of our daily duty to God, had been questioned. Sir, (said Mr. W.) I can with truth say that I am among the vilest of sinners in this body; I can with truth say that I have more personal reasons, if personal reasons were to govern me, for opposing the election of a chaplain, than any other gentleman on this floor; but, sir, there is no consideration that would make me, a representative of the people on this floor, a member of a House of Commons in a representative Republic, divorce a Republic from the God of nations. Let me tell those who are now desirous of divorcing the State from the Church, that they cannot divorce a nation from the God of heaven. He has more power than you have to dispense with nations as with individuals; and who will pretend to say that no good may be done by making our acknowledgments here, as it were, with the uplifted hands of a nation, that there is a good Providence which presides over the destinies of the nation. If there be any one thing more opposed to the existence of a Republic, it is infidelity. Infidelity was the handmaid of anarchy in France, and he trusted that we would not encourage it by departing from the example of our forefathers. Gentlemen had spoken of the unconstitutionality of this appointment, but he would not examine into the constitutionality of a question of this kind. The situation of chaplain might have been, and he believed it had been, filled with hypocrites, but there had been illustrious examples to the reverse. He referred, as an example, to that pious and holy gentleman of the Protestant Methodist persuasion, Mr. Stockton, and he was also referred, by a gentleman near, to the Rev. Mr. Reese. These men had been elected without electioneering, and he believed they had done much good. He himself had felt the benefits of this service. He had come into the hall at the hour of meeting, his bosom rankling with party passions; but after hearing the supplications of the man of God, he became composed and tranquil. He would, therefore, vote for the appointment of a chaplain now and forever.

Mr. NISBET opposed the motion to reconsider. He thought it would be a stain upon the journals if the members of this House, the Representatives of the greatest nation upon earth, should, at this period of our history, rescind the resolution for the appointment of an individual to perform religious service in this hall. He considered the arguments against the appointment of a chaplain more specious than sound; and assured gentlemen that the people of this country not only looked up to us to set a good example in this respect, but required of us to do this much, for the sake of Christianity. His colleague and the gentleman from Louisiana, had urged upon us a divorce of Church and State, but he thought if gentlemen would go to New England, and ask of the descendants of the pilgrim fathers what civil liberty in this country owed to the church, they would receive for answer that it owed every thing to it. The pilgrims fled from another country, because they were persecuted on account of their religious opinions, and in this country they brought religion to aid in the establishment of our liberties.

That grave and venerable body which framed our present form of Government, had the benefit of the prayers of the ministers of that day, and Congress had adopted the practice of electing persons to perform religious service, and he hoped we would not now take upon ourselves to dispense with the services of the clergy. If there had been improper conduct on the part of some of the clergy, he considered that to be an insufficient argument to warrant us in dispensing with their services entirely. He believed that the religious feeling of the people of this country expected this much of us, and he would never consent to dispense with the services of the minister of God in this hall.

Mr. SLADE said his constituents felt a very deep interest in this subject, and he trusted the House would not dispense with the services of a chaplain. He desired most heartily to thank the gentleman from Virginia, [Mr. WISE,] in his own name, and in the name of his constituents, for the speech which he had made on this occasion. It was the more gratifying to him, because, from what he knew of the gentleman, he knew that that speech had been forced from him by the convictions which his religious education had implanted in his bosom, and which he felt assured pervaded the great mass of the gentleman's constituents. We receive our first impressions on religious subjects, to a considerable extent, from ministers of the gospel, and why should there be the slightest objection raised to having one perform services in this hall; and he held that there was not the slightest danger to be apprehended of a union of Church and State from this course.

Mr. CRABB said he could not have anticipated, when he made his motion, that it would give rise to so much discussion; but had he foreseen its effects, it would have been an additional motive with him for submitting his motion. The resolution had passed as a mere form; and there was no expression of opinion with regard to it by any of the members present. If there was a majority in the House opposed to the resolution, he wished them to have an opportunity of recording their names against it; if, on the contrary, there was a majority in its favor, he wished that majority to be clearly shown. His motion, therefore, had had the effect of calling the attention of the House to the subject, as well as of bringing out the opinions of the members in regard to it. He was one of those opposed to the appointments of chaplains for that body. He thought that they had no right to appropriate the public money to any object; and that if they had religious services performed in that House, it ought to be performed by men who did not claim a reward for it. He would venture to assert that there were men in this city who would be willing to act as chaplains for the House without money and without price; and, by accepting the services of such persons, they would have clergymen officiating there from a pure spirit of Christianity, and not for the sake of the salary, and who would seek the employment without being influenced by party.

Mr. C. said that, as the subject had been sufficiently discussed, he would withdraw his motion, unless some other gentleman wished to address the House on it.

Mr. COOPER requested the gentleman from Alabama to suspend the withdrawal of his motion for a moment. He had but one word more to say in explanation of his views, as he perceived that many gentlemen, on different sides of the House, did not appreciate the motives by which he was governed. It was very far from him to attempt, by any act of his, either in his individual capacity, or as a Representative from the State of Georgia, to divorce this House from the God of Nature, or the God of Revelation. That same God whom you and I adore—that God whom I would have presented in all his living attributes, and whom I would have implored for the preservation of our liberties and the durability of our institutions—that God whom our forefathers worshipped, is He, the object of our reverence. But my colleague would have it that I would drive the ministers of the Gospel from this hall, and strike a blow a our holy religion; at that religion which I would have announced on this floor, and in this House, on all suitable occasions. But, Mr. Speaker, I believe that there are difficulties in our way which I trust in God I may overrate, but which we ought not to overlook. I do not propose to divorce this House from the spirit of religion, nor yet from its forms; but my object is, that forms may not be

set up instead of the substance. It was the neglect of te substance of religion, and an abuse of its forms, which caused that infidelity, of which gentlemen had spoken, to spread over all France in the time of the Revolution; and it will become gentlemen to remember this lesson, and to beware lest they injure the cause of religion by adhering to its forms only. In addition to the allusion of his friend from Georgia, Mr. COOPER said he would ask gentlemen to put their hands on the authority by which they would take the money of their constituents and pay it over to a chaplain, when many, here represented, believed that it was not right to pay a man for dispensing the word of God. Tell me (said Mr. C.) where is your is your authority for appproppriating the money of the people in this way; and when you do, (said Mr. C.) I will take my seat until the people of this country shall think better of it, and take the power away. Believing as he did that such power would be dangerous, he would be the first man to persuade the people to take it away, and thus sever all connection between Church and State. The very fact that gentlemen, in favor of the resolution, had alluded to, that the first Congress of the United States employed chaplains, taken in connection with the fact that they inserted a provision in the Constitution, by which no money can be taken from the Treasury, without authority of law, spoke volumes against this resolution.

Mr. CRAIG observed that the gentleman from Georgia [Mr. COOPER] had taken the ground that they had no authority, under the Constitution, to take the people's money and pay it to a chaplain. I admit, said Mr. C. that we have no express authority in the Constitution to pay a chaplain, as such; but if the gentlemen will tell me by what authority we can take the people's money, and pay it to our Clerk, Sergeant-at-arms, and Doorkeepers, I will show him as good authority for paying a chaplain. The Constitution gives to this House the power to appoint its Speaker and other officers. Now, in the authority here given, the Speaker is the only officer named, leaving to the House to say what other officers are necessary; and therefore the House can as well create the office of chaplain, as that of Clerk or Sergeant-at-Arms. If gentlemen would look back to the proceedings of the old Congress, they would find that the chaplain was then considered an officer of the body. So, also, our forefathers appointed chaplains as officers in their army and navy; thus showing that in their legislative, as well as military proceedings, they did nothing without asking a blessing from Him alone who can dispense blessings worth asking for. Mr. C. replied to the arguments of Mr. GARLAND, that, during Divine service in the morning, members were inattentive, engaged in reading newspapers and in writing letters, and that but few of them attended to the service. But (said he) do not gentlemen see that these arguments would go to close the doors of every church? If there was disorderly conduct, want of attention, and a disinclination for religious exercises on the part of members, their pious chaplain would tell them that this was the strongest reason why he should continue his exhortations. Mr. C. in conclusion, said he knew not whether any clergyman had ever sought and obtained the chaplaincy of the House from interested motives; but he could safely say that such was not the case with Mr. Reese, the late chaplain. After highly eulogizing Mr. Reese as a pious and sound divine, Mr. C. said that, so far from his having been contaminated by the office conferred on him, they found him at the close of the session the same mild, humble, and zealous Christian that he was at the commencement.

Mr. RICE GARLAND said that it was very easy, upon a question like this, to preach a sermon to rouse the feelings of the country; but he would remark, that upon the question of the usefulness of religion, or the divinity of the Christian religion, he would not yield to the gentleman from Georgia, or the gentleman from Virginia, [Messrs. COOPER and WISE.] This last question, however, did not enter into their consideration at all. If it did, much might be said of that religion, which attempted to establish an office thus provided for in the resolution. The condition of revolutionary France, and the infidelity that overspread it, had been alluded to, but he would ask if there was not good reason to believe that that infidelity took its rise from the abuses under the forms of religion that prevailed long prior to that period. He, however, was not opposing religion, or even its forms, in opposing the adoption of the resolution. He did not object to commencing their daily proceedings with religious exercises, but he did object to a man coming there, seeking the office of chaplain on political grounds, and pleading to the religious sympathies of the country to sustain him. We have had (said Mr. G.) good men standing in that desk, and no doubt some bad ones; but he doubted if their services had ever resulted in producing any good effect. If we are a light, set on a hill, as the gentleman from Vermont says, to set an example to the country, we set a very bad example. Gentlemen stand here under the pretence of hearing prayers, and read newspapers, or take their seats and write letters while prayer is going on; and indeed it is seldom that more than thirty or forty members are observed in their seats. Was that the kind of example that is to be set, and that is to go forth to the country? In deciding upon the proposition before them, it was not for them to say, whether the Christian religion was useful or not, but whether the office of chaplain was necessary; and if he could show that hypocrisy had been made use of to put money in the pockets of political partisans, under the pretence of religion, he would show good cause for dispensing with the office. Mr. G. concluded by expressing the hope that the gentleman from Alabama would not withdraw his motion, but would give him an opportunity of recording his vote against the resolution.

Mr. HOPKINS here called for the previous question; and the House having seconded the call, the main question on reconsidering the vote adopting the joint resolution of the Senate, was put and decided in the negative—yeas 12, nays 168.

Mr. CAVE JOHNSON moved that fifteen thousand copies of the President's Message, and five thousand copies of the accompanying documents, be printed for the use of the House.

Mr. STANLY then moved that the House do now adjourn; which motion was lost—ayes 63, noes 79.

Mr. C. JOHNSON then renewed his motion.

The SPEAKER suggested that there was a resolution to print the message and documents that had been laid on the table on Tuesday, and that a motion would be necessary to take up that resolution.

Mr. CAVE JOHNSON then moved to take it up, and called for the previous question; when

Mr. SHERROD WILLIAMS moved an adjournment; but the yeas and nays being called for on the motion,

Mr. WILLIAMS withdrew it.

The question on seconding the previous question was then put and carried, Messrs. CRABB and BYNUM tellers—ayes 101, noes not counted.

The question was then taken "Shall the main question be now put?" and carried—yeas 109, nays 73.

The main question was then taken on printing 20,000 copies of the message and 5,000 of the accompanying documents, and carried—yeas 120, nays 54.

Mr. JAMESON here rose and submitted a resolution.

Mr. WADDY THOMPSON, who voted with the majority, moved a reconsideration of the vote just taken on printing the message of the President, and accompanied the motion with some remarks.

Mr. JAMESON rose to point of order. He had risen before the gentleman from South Carolina, and was announced by the CHAIR as being entitled to the floor. He had also sent his resolution to the Clerk's table; but before it could be read, he was interrupted by the gentleman from South Carolina. He contended, therefore, that his motion had precedence over that of the gentleman from South Carolina.

Mr. THOMPSON called the gentleman from Missouri to order.

The SPEAKER said that the gentleman from Missouri was first entitled to the floor, and had submitted his resolution, and that no gentleman had a right to interrupt him in it; but the motion of the gentleman from South Carolina being a privileged motion, it had precedence over that of the gentleman from Missouri.

Mr. JAMESON referred to a decision given the other day by the SPEAKER, in the case of a privileged motion made by a gentleman from Alabama, [Mr. CHAPMAN,] with which the decision just made conflicted. He asked that he might have the benefit of the decision given the other day.

Mr. WADDY THOMPSON then moved an adjournment; and Messrs. MONTGOMERY and JAMES GARLAND being appointed tellers, the question was taken and decided in the affirmative—ayes 91, noes not counted; so

The House adjourned until Monday next.

IN SENATE,

MONDAY, December 29, 1839.

The CHAIR laid before the Senate a communication from the Secretary of the Senate in relation to the expenditure of the contingent fund; which was laid on the table and ordered to be printed.

Also, a report from the Secretary of State in compliance with a resolution of the Senate of December 19, 1838, directing him to report the nature and extent of the restrictions imposed upon the commerce of the United States by foreign nations; which was referred to the Committee on Finance.

Also, a report from the Secretary of the Treasury, transmitting a report of the Commissioner of the General Land Office, of the operations of that bureau for the year 1839; which was referred to the Committee on the Public Lands, and one thousand extra copies ordered to be printed.

Also, a report from the Secretary of War in relation to the expenditure of the contingent fund of that Department, and the bureaus thereto attached; which was referred to the Committee on Military Affairs, and ordered to be printed.

Also, a report from the Secretary of the Navy, in relation to the expenditure of the contingent fund in that Department; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WALKER presented a petition of a number of citizens of Mississippi, praying the establishment of a mail route from Greensborough, Alabama, to Jackson, Mississippi; which was referred to the Committee on the Post Office and Post Roads.

Mr. KNIGHT presented the petition of Betsy Vial, widow of John Vial, praying for a pension; which was referred to the Committee on Pensions.

Mr. LINN presented a memorial of the Legislature of Missouri, asking for an extension of the pre-emption laws.

Also, a memorial from the same body, requesting an appropriation of a grant of land to aid in the erection of an asylum for the deaf and dumb.

Also, a memorial from the same body, requesting the sale of certain unsold lands.

Also, a memorial of the same body, on the subject of patents; which were referred to the Committee on Public Lands.

Mr. LINN also presented a series of resolutions of the Legislature of Missouri, in favor of completing the national road to Jefferson city, Missouri; which was referred to the Committee on Roads and Canals.

Mr. L. also presented the petition of Wilson P. Hunt; which was referred to the Committee on Private Land Claims.

On motion of Mr. CALHOUN, the papers on file in the case of Mrs. Frances More were referred to the Committee on Pensions.

Mr. HUBBARD presented the petition of Francis Martin; which was referred to the Committee on Naval Affairs.

Also, the petition of Charles G. Livermore; which was referred to the Committee on Manufactures.

Mr. DAVIS presented the petition of Josias Sturgis and officers and seamen of the revenue service, asking for the extension of the pension system to that branch of the service; which was referred to the Committee on Commerce.

Also, the memorial of Aaron Vail; which was referred to the Committee on Commerce.

Mr. CRITTENDEN presented the memorial of a number of the citizens of Paducah, McCracken county, Ky. praying that Francis A. Harrison may be secured from loss occasioned by the destruction of the post office by fire; which was referred to the Committee on the Post Office and Post Roads.

Mr. SOUTHARD presented the petition of Jacob Carver; which was referred to the Committee on Private Land Claims.

Also, the memorial of Reynell Coats; which was referred to the Committee on Naval Affairs.

Also, the petition of G. F. L. Weed, widow of Major Weed of the Marine Corps; which was referred to the Committee on Naval Affairs.

Mr. BUCHANAN presented the memorial of a number of citizens of Pennsylvania, praying for a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. MOUTON presented the memorial of the heirs of Thomas Powers; which was referred to the Committee on Private Land Claims.

Mr. ROANE presented the petition of Richard Harris; which was referred to the Committee on Claims.

Also, the memorial of the Franklin Fire Company of Alexandria; which was referred to the Committee on the District of Columbia.

Also, the memorial of George Taylor; which was referred to the Committee on Commerce.

On motion by Mr. R. the papers on file in relation to the claim of John Ramsey, were referred to the Committee on Revolutionary Claims.

Mr. PIERCE presented the petition of Thomas D. Morrison; which was referred to the Committee on Pensions.

Mr. ALLEN presented the petition of John Paul; which was referred to the Committee on Pensions.

On motion by Mr. KING, the papers relating to the claim of Samuel H. Thompson, was referred to the Committee on Naval Affairs.

Mr. K. gave notice that to-morrow he would ask leave to bring in a bill for the relief of John K. Jacocks.

Mr. SOUTHARD gave notice that on to-morrow he would ask leave to bring in a bill regulating the pay of masters in the navy.

On motion by Mr. ALLEN, the papers in relation to the claim of David Taylor, were referred to the Committee on Claims.

On motion by Mr. KING, the papers in relation to the claim of A. G. King and Henry Lucas were withdrawn from the files of the Senate.

Mr. MERRICK gave notice that on to-morrow he would ask leave to introduce a bill for the relief of James J. Mackall.

Mr. CLAY of Alabama, agreeable to notice, asked and obtained leave to introduce the following bills:

A bill for the benefit of the Selma and Tennessee Railroad Company;

A bill for the benefit of the Gainesville and Narkeeta Railroad Company; and

A bill for the relief of the Alabama, Florida, and Georgia Railroad Company;

Which were severally read twice, and referred to the Committee on Roads and Canals.

Also, a bill for the discontinuance of the office of Surveyor General in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and to abolish the office of Solicitor of the General Land Office; and

A bill to relinquish a certain reversionary interest of the United States to a tract of land in the State of Alabama;

Which were severally read twice, and referred to the Committee on Public Lands.

Also, a bill granting the right of way through the public lands to the States or incorporated companies engaged in the construction of roads and canals; which was read twice, and referred to the Committee on Roads and Canals.

Also, a bill for the relief of the assignees of Louis Baron de Ferrier; which was read twice, and referred to the Committee on the Judiciary.

Mr. LINN, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of Gen. Mathew Arbuckle; which was read twice and referred to the Committee on Private Land Claims.

Mr. PRENTISS, in pursuance of notice, asked and obtained leave to introduce the following bills:

A bill to revive and continue in force an act granting relief to those disabled by known wounds in the Revolutionary war; and

A bill for the relief of John McCloud;

Which were severally read twice, and referred to the Committee on Pensions.

Mr. SEVIER, in pursuance of notice, asked and obtained leave to introduce a bill making appropriations for the removal of the raft in Red river; which was read twice, and referred to the Committee on Commerce.

Mr. BUCHANAN, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of Samuel R. Slaymaker; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. WILLIAMS, in pursuance of notice, asked and obtained leave to introduce a bill to repeal certain acts in relation to navy pensions, and making further provision in relation thereto;

Also, a bill to regulate the pay of masters in the navy;

Which were read twice, and referred to the Committee on Naval Affairs.

Mr. NORVELL, in pursuance of notice, asked and obtained leave to introduce the following bill:

A bill for the relief of J. and W. Beeson and others; which was read twice, and referred to the Committee on Military Affairs.

Mr. N. also, on leave, introduced the following bills:

A bill granting to the county of Kalamazoo, in the State of Michigan, the right of pre-emption to a quarter section of land, and for other purposes;

A bill to amend an act confirming certain land claims in the State of Michigan; and

A bill granting to certain persons therein named the right of pre emption to a fraction of a section of land in Ottoway, in the State of Michigan.

Which were severally read twice, and referred to the Committee on Public Lands.

Mr. STRANGE, agreeably to notice, asked and obtained leave to introduce a bill for the relief of William McKeever; which was read twice, and referred to the Committee on Pensions.

Mr. SPENCE, on leave, and in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Irvine Shubrick; which was read twice, and referred to the Committee on Naval Affairs.

Mr. HUBBARD, in pursuance of previous notice, asked and obtained leave to introduce the following bills:

A bill for the relief of Philip Wiedman;

A bill for the relief the legal representatives of of John J. Bulow, jr.;

A bill for the relief of Malachi Hagan;

A bill for the relief of Joseph Hernandez; and

A bill for the relief of individuals who have sustained damage by Indian wars since 1830;

Which were severally read twice, and referred to the Committee on Claims.

Mr. TAPPAN, agreeably to notice, introduced the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring therein,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States; which, when ratified by the Legislatures of three-fourths of the said States, shall be valid as a part of the said Constitution, to wit:

The judges of the Supreme and inferior courts shall hold their offices for the term of seven years, if so long they shall behave themselves well. And the commissions of all judges of said courts who may be in office at the time of the adoption of this amendment shall expire as follows: those who shall have been in office twenty years shall expire in one year; those who have been in office ten years shall expire in three years; and the commissions of all who have not been in office ten years shall expire in seven years.

The resolution was read twice, and ordered to be printed.

Mr. DAVIS, from the Committe on Commerce, to which was referred the bill to remit such duties, and to cancel such bonds, as have been required of persons engaged in the whale fishery, to restrain all future exactions of duties of such vessels and their cargoes, reported the same without amendment.

Mr. NORVELL, from the Committee on Commerce, to which had been referred a joint resolution authorizing the President to cause certain surveys to be made, reported the same without amendment, and recommended its passage.

Mr. WRIGHT, from the Committee on Finance, to which had been referred a bill for the relief of William H. Robertson, Samuel H. Garrow, and J. W. Simonton; and

A bill for the relief of William A. Whitehead, late collector of the customs at the port of Key West;

Reported the same without amendment, and recommended their passage.

Mr. MERRICK submitted the following resolution, which was considered and agreed to:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate a statement, showing, in a condensed form, the amount drawn from the Treasury in each year of the five years immediately preceding the commencement of the present session of Congress, in consequence of special legislation by Congress upon private claims.

The following resolution, submitted same days since by Mr. BENTON, was considered and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate copies of the records, and of all the proceedings of the Court of Inquiry, and also of the Court Martial lately held at St. Louis, on Lieutenant Colonel Brant; also, the copy of his resignation; and, also, of all the papers connected therewith.

The following resolution, submitted some days since, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate as follows:

1. The articles of foreign import, which, being manufactured into a different article in the United States, are allowed a drawback of duty on being exported; with the quantities and values of such imports and exports, and the amounts of duties received, and drawback paid on the same, from the year 1833, inclusive, to the end of the fiscal year of 1839.

2. The amount of drawback which would have been payable on such exportations, if the act of March 3, 1839, for the reduction of duties, commonly called the Compromise act, had provided for a reduction of drawback in proportion to the periodical reduction of duty.

3. The probable quantities and values of such imports and exports, and the amounts of duties receivable, and of drawbacks payable thereon, from the year 1840, inclusive of that year, to the consummation of the Compromise act, in 1842, and for one year thereafter; provided the said act remains as it is.

4. The same quantities, values, and duties for the same time, with the annual amounts of drawback, which would be payable if the drawback underwent reductions proportionately with the reductions of duty.

5. A table of recapitulation and comparison, showing the annual difference, and the aggregate difference between the amounts of drawback paid and payable under said act, from 1833 inclusive to 1842, and one year thereafter, if the act remains as it is, and the amounts that would have been paid and should become payable hereafter, if the drawbacks had been subject to reduction in proportion to the reduction of duties from the date of the act.

The following resolution, submitted some days since by Mr. BENTON, was considered and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, so far as it may be in the power of the Treasury Depart-

ment to obtain the information, the names of all the banks in the United States which may have stopped specie payments during the suspension of 1839; also of those which did not stop; noting those which may have recommenced payments; the whole divided into classes by States and Territories, and the District of Columbia.

Also, that he cause to be communicated to the Senate the names of all banks, if any, which have refused to pay the Government demands, Post Office inclusive, in specie, when demanded; with all the circumstances of such failure, and the correspondence to which it led.

Also, to inform the Senate whether any of the Departments have information, or have reason to believe, that any of the Government creditors have been paid in depreciated currency, since the general resumption of 1838.

The following resolution, submitted by Mr. BENTON some days since, was taken up for consideration:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate all the information which may be in his power or possession relative to the imposition of tolls and the annual amounts *collected*, on all sorts of vessels, empty, light, or heavily laden, on the Louisville and Portland canal, from the opening of the same to the present time; and the general expenses attending the Canal. Also, the annual amount of *dividends* belonging to the United States. Also, the number of shares held in said canal stock by the United States, and the amount paid upon them. Also, the number of vessels of all kinds which have passed the said canal annually since it was opened. Also, whether the said canal is completely finished and put into a condition to pass vessels through in the shortest time practicable.

Resolved, That the Secretary of the Treasury be directed to address proper queries to the surveyor of the port at Louisville, and also at St. Louis, to be answered by themselves, and also to be communicated to the steamboat captains generally, in relation to the effect of the tolls on the said canal, and the amount thereof on their respective vessels for each time they pass through, and the aggregate amount for the season, or a year; and the comparative amount of the tolls paid to the canal, and the profits cleared by the boat; with an estimate of the amount of tolls which a regular trader of a given tonnage, between St. Louis and Louisville, and between New Orleans and Louisville, would pay in the number of years that such steamer would last, supposing her to continue in the same trade as long as fit for service; also, a comparative estimate of such aggregate tolls, with the original cost of the vessel; and a further comparative estimate of such tolls, with the other expenses incident to the running of the steamboat.

Mr. SMITH of Indiana proposed the following amendment:

"And also the capacity of said canal at this time to admit, without delay, the commerce of the river that must necessarily pass through the same; and whether *one* canal at that point, of any given capacity, containing the necessary locks to overcome the falls, would be sufficient to pass without delay the commerce ascending and descending the river, for future years; and also whether, in order to afford full and entire facilities in overcoming the falls of the Ohio, so as to pass the commerce of the river, a canal on the *Indiana side* of the falls, of sufficient capacity to pass boats of the largest class, in addition to the canal on the Kentucky side, is not, or will not in a few years become, indispensably necessary, taking into consideration the probable increase of the commerce; and that the Secretary of the Treasury be directed to report to the Senate the result of his inquiries, at the earliest day practicable."

Which being accepted by Mr. BENTON, after some remarks from Messrs. CRITTENDEN, SMITH, and BENTON, the resolution, as amended, was adopted.

The following resolution, submitted some days since by Mr. BENTON, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate as follows:

1. A table of the import and export of gold bullion, with the excess of each, annually, from the commencement of the Federal Government, or as far back as the returns in the Treasury Department will enable the table to be made up.
2. A like table of gold coin.
3. A like table of silver bullion.
4. A like table of silver coin.
5. A table of recapitulation, showing the total annual imports and exports of coin and bullion in one column, and the excesses in two other columns, for the same length of time.
6. A detailed statement of the weekly exportations of coin and bullion for the year 1839, showing the names and residences of the exporters, and their consignees in foreign countries
7. A detailed table of exports and imports of coin and bullion of the United States for the year 1839.
8. A table of the annual coinage of gold and silver at the Mint of the United States and the Branch Mints, from the time they were respectively established.
9. A table of the annual product of the gold mines of the United States from the time of their discovery.

The whole of said tables made up to the end of the year 1839.

The following resolution, submitted some days since by Mr. BENTON, was considered and agreed to:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate all the information which the War Office contains, or can conveniently procure, of the massacres of individuals, of families, of small parties, and of shipwrecked crews or passengers, which have taken place in Florida during the present hostilities, and including those which took place before the war became open on the part of the Indians; noting, so far as it can be conveniently done, how far families have been broken up, and driven from their homes, their houses burat, and their fields and property destroyed.

The following resolution, submitted some days since by Mr. BENTON, was considered and agreed to:

Resolved, That the President of the United States be requested to send to the Senate all the information in his possession relating to the southern boundary line of the Territory of Iowa.

The following resolution, submitted some days since by Mr. BENTON, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate such information as has been received at the Treasury Department from consuls and secretaries of legation respecting the fiscal regulations in force in foreign countries, and not contained in his communication to the Senate of the date of January 21, 1839.

The following resolution submitted some days since by Mr. LINN, was considered and agreed to:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate any information in the Department of State, or any other Department, relative to the disputed boundary between the State of Missouri and the Territory of Iowa, and which has not been heretofore communicated to the House of Representatives; and also to communicate copies of any proclamations of the Governor of Missouri and the Governor of the Territory of Iowa in relation to said disputed boundary, and the orders, if any, for calling out, or holding the militia in readiness to act in relation to the same; and also any further information on the subject which it may be in the power of the Departments to give.

The following resolution, submitted some days since by Mr. LINN, was taken up for consideration:

Resolved, That it is the opinion of the Senate that the title of the United States to the Territory of Oregon is indisputable, and never will be abandoned.

Resolved, That the President of the United States be requested to give notice to the British Government that the conventions of 1818, and 1827, which give the right to use and occupy the Oregon Territory, its bays, rivers, harbors, &c to both parties indiscriminately, shall cease in twelve months after such notification.

Resolved, That it is both expedient and proper to extend such portions of the laws of the United States over the Territory of Oregon, as may be necessary to secure the lives, liberty, and property of our citizens who may reside in said Territory.

Resolved, That it is expedient to raise an additional regiment of infantry, (rifles,) for the purpose of overawing and keeping in check various Indian tribes, or any foreign forces, who may be in said Territory, or on its borders; and at the same time to give ample protection to our citizens engaged in legitimate occupations.

Resolved, That six hundred and forty acres of land should be granted to every white male inhabitant of said Territory of the age of eighteen years, who shall cultivate and use the same five consecutive years, and to his heirs at law in the event of his death.

On motion of Mr. LINN, the resolutions were referred to a select committee of five, and ordered to be printed.

The following resolution, submitted some days since by Mr. WILLIAMS, was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the number of copies of the laws of Congress printed for the several States and Territories under the act of 20th April, 1818.

The following resolution, submitted some days since by Mr. LUMPKIN, was considered and agreed to.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail stage route from Clarksville, Habersham county, Ga. to Asheville, N. C. via the town of Clayton, in Rabun county, Ga. and the town of Franklin, in Macon county, N. C. And also a weekly mail route, to be carried on horseback, from the town of Lafayette, in Walker county, to the town of Salem, Dade county, in the State of Georgia.

The following resolution, submitted some days since by Mr. CLAY of Alabama, was considered and agreed to:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making compensation to Abel Pennington, of Captain A. Byram's company of North Alabama volunteers, serving in Florida, for a horse, shot by order of the commanding officer in January, 1838.

The following resolution, submitted some days since by Mr. PIERCE, was taken up for consideration:

Resolved, That the Committee on Military Affairs be instructed to report, as soon as may be convenient, a bill for the equalization of the pay of the officers of the line and the staff of the army.

Mr. P. said he was in expectation of shortly receiving some information from the Department in relation to this subject, and asked that it be passed over for the present; which was agreed to.

The following resolution, submitted some days since by Mr. SMITH of Indiana, was taken up for consideration and agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation to continue the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois, the ensuing year; and that said committee also inquire into the expediency of appropriating a sum of money sufficient to complete said road to Jefferson city, Missouri, to be paid over to the several States, within whose limits the road is to be constructed, in annual instalments, as the same may be required to insure an economical, energetic, and speedy completion of the work: *Provided*, The States will agree to accept the appropriation, and apply it to the object intended, and discharge the General Government from any further appropriations: *And provided, also*, That the States have authority to lay and collect toll on said road, sufficient to keep it in repair after its construction; and shall allow the arms and munitions of war of the General Government to pass on the same toll free.

The following resolution, offered by Mr. BENTON on Friday last, was considered and agreed to:

Resolved, That the President of the United States be requested to cause the proper inquiries to be made of all disbursing officers and agents, and all contractors, (the Post Office Department inclusive,) to ascertain from them whether they have sold or exchanged Government drafts or other Government funds, or their own drafts on the Government funds, during the years 1838 and 1839, for paper money of the following descriptions:

1. Bank notes of the late Bank of the United States, and especially notes of a less denomination than twenty dollars.

2. Bank notes of the present Bank of the United States, and especially notes of a less denomination than twenty dollars.

3. Post notes of the present Bank of the United States, and especially any of such notes of a less denomination than one hundred dollars; also, of a less denomination than twenty dollars, and which had been made payable at more than sixty days after date, or which were not due, or which had been altered by the pen; and if so, that they report the times and places of such sales or exchanges, and with whom made, and the amounts so sold or exchanged.

Also, that the President communicate to the Senate the name of any disbursing officer, agent, or contractor, who shall fail to answer the foregoing inquiries in a reasonable time. Also, that he communicate a list of such Treasury or Post Office drafts in favor of disbursing officers, agents, and contractors, for the years 1838 and 1839, as shall appear to have been *sold*, with the names of the endorsers, and to whom paid; that the Secretary of the Treasury cause inquiries to be made of the deposite banks, since the general resumption of specie payments in 1838, whether the Government drafts which have been sold by disbursing officers, agents, and contractors, have been usually paid in specie; and if so, all the particulars as to the several sums and total amounts paid, and to whom paid, and where, as nearly as can be stated.

On submitting the above resolution, Mr. BENTON said that it implied so much, and such grave censure, that he felt himself bound to show that he was not proceeding gratuitously, and without information, but that he was in possession of facts which justified the movement. He said that he had received information of every kind which the resolutions supposed to exist, and even that immense sums had been drawn in specie from the deposite banks by the Bank of the United States, since she stopped payment. He mentioned one instance of this kind, in which the Bank of Missouri paid ninety thousand dollars in specie to a Bank of the United States agent for a Treasury draft, which issued the day before the Bank of the United States stopped payment, and was sold to her agent for her notes, which notes were disbursed on account of the United States, while the specie drawn from the Missouri Bank was shipped to Philadelphia, and probably thence to Europe. Mr. B. then read the following letter, as a specimen of the information he possessed:

Memorandum of matters relating to the circulation of United States Bank notes, which came under my own observation, while acting as disbursing agent of the Government in the Cherokee country.

Sometime in the spring of the year 1838, two gentlemen arrived at the Cherokee Agency, (one of whose names, I think, was Roberts, the other's not remembered,) to whom I was introduced. They were said to be agents of the United States Bank, whose business appeared to be to exchange the notes of that Bank for Treasury drafts, or drafts from the paymasters and disbursing agents on the Government. They did make exchanges to a considerable extent, but to what amount I cannot say. They had, I understood, in their possession, a large amount of the notes of the Bank, and that they, after leaving the agency, went to Little Rock, Arkansas, on business of a similar character. One of the contractors (now in Washington) for furnishing subsistence to the emigrant Indians west, yesterday told me that an agent of the United States Bank had been at Little Rock, and that he, together with his partners, negotiated a loan with him for $150,000, payable in six months, which, he added, would soon be due.*

In the *summer* of the same year, I was called upon by Maj. Chs. J. Nourse, of this city, to know if I had any Treasury drafts that I wished cashed, stating that he had *old notes* of the Bank of the United States that he would give me in exchange. I replied, that I had some drafts on New York and other places, which, if he would give me notes of the *United States Bank of Pennsylvania*, I would enter into the arrangement, but that otherwise I would not, as I conceived the issue of these notes wrong, and contrary to law, and would not make myself an accessory to the wrong by circulating them. He observed that the other agents had made no objection to receiving them, and strongly urged my taking them likewise. Finding that I was not to be persuaded, we finally made an exchange, he giving me the notes of the Pennsylvania Bank. The *old notes* were generally of small denominations—tens, twenties; the new notes were mostly of like sums, with some fifties and hundreds. The twenties and hundreds of the new issue appeared to have been struck off for post notes, made payable to order, with the word *"order" erased*, and *"John Ross or bearer" inserted.* To all appearances, Mr. Nourse had a large amount with him; I think he said, of both kinds, something like *a half a million of dollars.* He also said he thought he should go to Arkansas, to endeavor to make exchanges there.

Washington, Aug. 20, 1839.

The following resolution, submitted some days since by Mr. BENTON, was considered and agreed to:

Resolved, That the President of the United States be requested to obtain from the constituted authorities in Florida, a statement of all the Territorial bonds issued, and authorized to be issed, in that Territory, with copies from the journals of the Council, showing any thing that was done in authorizing the issue of esuh bonds, with the names of the members of the Council at that time, their votes in each case, the names of the Governors who may have approved laws for the issuing of Territorial bonds, or who may have signed or endorsed the said bonds; also, the purposes for which said bonds were issued, and when issued in favor of corporations, the names of the corporations, and the corporators and their officers, and the use made of said bonds, and the present value of said bonds in the American and European markets, with the condition of the corporations which have had the use of said bonds, and how far they are fulfilling the purposes for which they were created. Also, a statement of all the acts of incorporation which have been passed by the said Legislative Council of Florida, since the 3d of March, 1823, and the acts in amendment thereof, and when and how said acts were reported to the President of the United States, to be laid before Congress.

The following resolution, submitted some days since by Mr. BENTON, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate all the information which it is in the power of the Department to obtain as to the value of the different State bonds in the London market. Also, the value of the different railroad and canal stocks of the respectives States in the home market.

The following resolution, submitted some days since by Mr. TAPPAN, was considered and agreed to:

Resolved, That a committee of three members be appointed, who, together with a like number to be appointed by the House of Representatives, shall direct the expenditures of all moneys appropriated to purchase books for the Library of Congress.

The Senate then went into the consideration of Executive business; and afterwards

Adjourned.

* These contractors were Glasgow and Harris, of Missouri.

HOUSE OF REPRESENTATIVES,
MONDAY, December 30, 1839.

After the journal was read,

The CHAIR announced the following standing committees:

Committee on Commerce.—Messrs. Curtis, Hillen, White of Louisiana, Burke, Toland, Habersham, Parris, Botts, and Weller.

Committee on the Public Lands.—Messrs. Corwin, Reynolds, Lincoln, Crary, White of Kentucky, Fisher, Garland of Virginia, Hubbard, and Thompson of Mississippi.

Committee of Claims.—Messrs. Dawson, Russell, Banks, Giddings, Williams of New Hampshire, Gentry, Hill of North Carolina, Galbraith, and Mallory.

Post Office and Post Roads.—Messrs. McKay, Hopkins, Chapman, of Ala., Marvin, Leadbetter, J. L. Williams of Tennessee, Anderson of Kentucky, Butler of South Carolina, and Brown of Mississippi.

District of Columbia.—Messrs. Johnson of Maryland, C. H. Williams of Tennessee, Beirne, Clarke, Davee, Graham, Cranston, Black, and Hawkins.

Judiciary.—Messrs. Sergeant, Crary, Hoffman, Turney, Mason of Ohio, Samuels, Colquitt, Storrs, and Barnard.

Revolutionary Claims.—Messrs. Craig, Randolph, Hall, Taliaferro, Parmenter, Montgomery, Rogers of South Carolina, Ely, and Swearingen.

Territories.—Messrs. Pope, Jenifer, Ramsey, Campbell of Tennessee, Stewart, Brewster, Davis of Kentucky, Montanya, and Fine.

Revolutionary Pensions.—Messrs. Taliaferro, Carr, Andrews, Steenrod, Rayner, E. Davis of Pennsylvania, Brockway, Taylor, and Hand.

Invalid Pensions.—Messrs. S. Williams, Morris of Ohio, Chittenden, Doar, Strong, Randall, Morris of Pa. Palen, and Edwards.

Roads and Canals.—Messrs. Ogle, Graves, Carroll, Hill of Va. Smith of Ia. Starkweather, Rayner, Colquitt, and Blackwell.

Patents.—Messrs. Fletcher of Vt. Beatty, Prentiss, Newhard, and Paynter.

Public Buildings and Grounds.—Messrs. Lincoln, Petrikin, Leonard, Keim, and Hastings of Ohio.

Revisal and Unfinished Business.—Messrs. Peck, Parish, Jackson, James, and Dana.

Accounts.—Messrs. Johnson of Va. Lawrence, Johnston of N. Y. Marchand, and Floyd.

Manufactures.—Messrs. John Q. Adams, Nisbet, Slade, Tillinghast, Worthington, Dromgoole, Mitchell, Eastman, and John Davis of Pennsylvania.

Agriculture.—Messrs. Deberry, Dennis, McClellan of Tennessee, Smith of Vermont, Hammond, Shaw, Sweeny, Doig, and Hook.

Indian Affairs.—Messrs. Bell, L. Williams of North Carolina, Alford, Cross, Chinn, Shepard, Lucas, Hunt, and John W. Davis of Indiana.

Mileage.—Messrs. Williams of Connecticut, Williams of Massachusetts, Morgan, Leet, and Allen of New York.

Expenditures in the Department of State.—Messrs. Underwood, Bynum, Crabb, Lowell, and Trumbull.

Expenditures in the Department of the Treasury.—Messrs. Evans, Atherton, Osborne, Warren, and Jones of New York.

Expenditures in the Department of War.—Messrs. R. Garland of Louisiana, Howard, Wagener, Holmes, and Cooper of Pennsylvania.

Expenditures in the Department of the Navy.—Messrs. Saltonstall, Vanderpoel, Simonton, Greene, and Gerry.

Expenditures in the Department of the Post Office.—Messrs. Marvin, Boyd, Lowell, Davis of Kentucky, and Brown of New York.

Expenditures on the Public Buildings.—Messrs. Stanly, Fornance, Gates, Henry, and Earle.

Foreign Affairs.—Messrs. Pickens, Cushing, Droomgoole, Granger, Bynum, Hawes, Howard, Everett, and Clifford.

Naval Affairs.—Messrs. F. Thomas, Holmes, Reed, King, Grinnell, Anderson of Me. Robinson, Holleman, and Proffit.

Private Land Claims.—Messrs. Casey, Garland of Louisiana, Calhoun, Dillett, Wick, Butler of Ky. Hastings of Mass., Jameson, and White of La.

Military Affairs.—Messrs. Cave Johnson, Thomp

son, of S. C. Miller, Coles, Kemble, Allen, Monroe, Sumter, and Goggin.

Militia.—Messrs. Keim, Carter, Griffin, Wagner, P. F. Thomas, Goode, Rogers of S. C. Triplett, and Ridgway.

Elections.—Messrs. Campbell of South Carolina, Rives, Fillmore, Medill, Crabb, Brown, of Te., Fisher, Smith of Connecticut, and Botts.

Public Expenditures.—Messrs. Briggs, Smith of Maine, Bond, Rariden, Duncan, Crockett, Hall, Watterson, and McCulloch.

Ways and Means.—Messrs. Jones of Virginia, Biddle, Atherton, Lawrence, Rhett, Vanderpoel, Evans, Conner, and Cooper of Geo.

Mr. KEMPSHALL, a member from the State of New York, appeared, qualified, and took his seat.

Mr. WISE then rose, and said that, with a view of preventing the strife which had heretofore agitated this House and the country, he now took the earliest opportunity to move a suspension of the rules of the House for the purpose of submitting the following resolution:

Resolved, That upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid upon the table, without further debate or further action thereon.

Mr. WISE said if there was any objection to this motion he would call for the yeas and nays upon it.

Mr. FILLMORE said if it was necessary to make objection, he objected.

Mr. WISE then called for the yeas and nays, which were ordered.

Mr. BELL inquired if the resolution could be amended if the rules were suspended?

The CHAIR was of opinion that it could.

Mr. ADAMS moved a call of the House, but the House refused to order the call.

The question was then taken on suspending the rules, and decided in the negative—yeas 109, nays 77, not being two-thirds, as follows:

YEAS—Messrs. Alford, Judson Allen, Simeon H. Anderson, Andrews, Atherton, Banks, Bell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, William B. Campbell, Carr, Carter, Casey, Chapman, Clifford, Coles, Colquitt, Crabb, Crary, Crockett, Dana, John Davis, John W. Davis, Garret Davis, Dawson, Dillett, Duncan, Earl, Eastman, Fisher, Fornance, James Garland, Rice Garland, Gentry, Goggin, Graham, Griffin, Habersham, Hill of Virginia, Hill of North Carolina, Hillen, Hook, Hopkins, Howard, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Keim, Kemble, King, Leet, Leonard, Lewis, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Paynter, Pickens, Pope, Prentiss, Ramsey, Rayner, Reynolds, Samuels, Shaw, Shepard, Albert Smith, Thomas Smith, Stanly, Steenrod, Strong, Stuart, Sumter, Sweeny, Taliaferro, Taylor, Waddy Thompson, Jacob Thompson, Triplett, Turney, Underwood, David D. Wagener, Warren, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, Lewis Williams, Christopher H. Williams, and Sherrod Williams—109.

NAYS—Messrs. Adams, John W. Allen, Hugh J. Anderson, Barnard, Beatty, Biddle, Briggs, Brockway, Anson Brown, Calhoun, Chinn, Chittenden, Clark, Corwin, Cranston, Curtis, Cushing, Davee, Edward Davies, Doan, Doig, Ely, Evans, Everett, Fillmore, Fletcher, Floyd, Galbraith, Gates, Giddings, Goode, Granger, Hall, W. S. Hastings, J. Hastings, Henry, Hoffman, Hunt, Jackson, James, C. Johnston, Nathaniel Jones, Kempshall, Leadbetter, Lincoln, Lowell, Marvin, Mason, Morgan, Calvary Morris, Ogle, Osborne, Palen, Parish, Parmenter, Parris, Peck, Randall, Randolph, Rariden, Reed, Ridgway, Edward Rogers, Russell, Slade, John Smith, Truman Smith, Starkweather, Storrs, Swearingen, Tillinghast, Toland, Trumbull, Peter J. Wagner, Thomas W. Williams, Henry Williams, and Joseph L. Williams—77.

[Mr. BLACK of Georgia not being within the bar at the moment that his name was called, asked leave to record his vote; but it was objected to.]

Mr. BELL inquired whether it would be in order to move to suspend the rules for the purpose of introducing the resolution of the gentleman from Virginia, with this amendment, that all these petitions be referred to the Committee for the District of Columbia, without debate. It seemed to him that this would be the most proper disposition to make of them.

Mr. WISE. The gentleman's amendment would be wholly inconsistent with my resolution.

Mr. BELL. Then I will introduce a new resolution to this effect.

Mr. WISE said he would object to this. He would vote against this House taking any action whatever upon these petitions. As a Southern man, he would not admit that the House had any right to act upon these matters.

Mr. BELL should be very sorry to do any thing to interrupt the harmony of this body, and would not present the resolution, if the general sense of the House was against it; but if it would be acceptable to the members of the House generally, he would prepare such a resolution.

Mr. ADAMS inquired if he understood the gentleman from Tennessee as moving to suspend the rules for the purpose of offering the resolution alluded to, that all Abolition petitions should be referred to the Committee for the District of Columbia, without debate. He would suggest to the gentleman from Tennessee, that there was but one class of these petitions which could properly go to that committee, and those were petitions for the abolition of slavery in the District of Columbia. He had no sort of objection to those petitions taking that course. But there were petitions for the abolition of slavery in the Territories; for the abolition of the slave trade between the States, and against the admission of new States, whose constitutions tolerated slavery; and certainly these petitions should not be sent to the Committee for the District of Columbia. He had no sort of objection to having petitions in relation to slavery in the District sent to the Committee for the District, and he had no sort of doubt that that committee would make a report perfectly satisfactory at least to the Southern portion of the country.

Mr. PICKENS rose to inquire if this question was debatable.

Mr. ADAMS did not desire to debate the question at present, and was only making a suggestion to the gentleman from Tennessee, that petitions relating to slavery should go to different committees. For his own part he would be perfectly willing that the committees on this subject should be appointed by the SPEAKER, according to his own views on this subject; only that these petitions should be received by the House, treated with respect, and referred to appropriate committees, and those committees might be as strong on one side as any gentleman here might desire them to be.

Mr. BELL said it had always been his opinion that the best mode of disposing of these petitions would be to refer them to a committee, and hence it was that he had proposed to introduce a resolution of the kind before alluded to; but as objection had been raised to that resolution, he would now wait until the question was brought up by the presentation of petitions on this subject.

Mr. WISE inquired if it would be in order for him to move a suspension of the rules again, for the purpose of introducing his resolution.

The CHAIR replied that it would not be in order, the House having just refused to suspend.

Mr. WISE. Then I will give notice that, on the presentation of all Abolition petitions, I will object to their reception, and move to lay the question of reception on the table; and I will say to Northern gentlemen and Southern gentlemen, that I do not admit the power of this House to legislate upon that subject.

Mr. RICE GARLAND then moved a suspension of the rules, for the purpose of submitting the following resolutions; and on that question he called for the yeas and nays:

1. *Resolved*, That the freedom of speech, of the press, and of the people, peaceably to assemble, and to petition the Government for a redress of grievances, are rights secured to every citizen by the Constitution of the United States; but in the exercise of these rights and privileges, no citizen or body of people in one State of this Union, has the right so to use them, or any of them, as to deprive the citizens or people in another State of their rights and privileges, or of the property secured to them by the Constitution and laws.

2. *Resolved*, That the power given by the Constitution to Congress, to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, gives no right or authority to take the probate property of any citizen in such district for public use, without just compensation, and much less does it confer the power to take such property for no use at all, without the consent of the immediately interested, and without making any compensation for it.

3. *Resolved*, That the interference, by the citizens of any of the States, with the view to the abolition of slavery in the District of Columbia, is endangering the rights and security of the people of the District; and that any act or measure of Congress designed to abolish slavery in this District would be a violation of the faith implied in the cessions made by the States of Virginia and Maryland of said territory, a just cause of alarm to the people of the slaveholding States, and have a direct and inevitable tendency to distract and endanger this Union.

4. *Resolved*, That the House will not consider any proposition, petition, remonstrance, memorial, resolution, motion, or paper, asking or requiring, or in any manner relating to the abolition of slavery in the District of Columbia, or the Territories; nor will this House consider any proposition, petition, remonstrance, memorial, resolution, motion, or paper, asking or requiring, or in any manner relating to, the abolition of the slave trade in the District of Columbia, or among the several States of this Union.

Mr. ADAMS wished to know of the gentleman from Louisiana, before voting upon this motion to suspend, whether it was understood that these resolutions which he had submitted were to be debated, or whether the previous question was to be called upon them as soon as they were presented.

Mr. R. GARLAND said that these were no caucus resolutions, and but two gentlemen besides himself had read them, previous to their being presented this morning, and it would be for the House to dispose of them in such manner as may meet its pleasure.

Mr. ADAMS could not trust the House against the previous question, and would therefore vote against a suspension of the rules; although he would be happy to have these resolutions presented to the House, and fairly and fully debated. That, said he, is what the country wants.

The yeas and nays were then ordered.

Mr. GATES would inquire whether this motion to suspend the rules was in order. When the gentleman from Virginia asked to suspend the rules, it was not in order, because the House had refused to suspend the rules, and this was precisely the same proposition, except that there was prefixed to it certain abstractions of no consequence.

The CHAIR considered the proposition somewhat different, and therefore decided the motion to suspend to be in order.

Mr. WISE asked if it would be in order for him to move to suspend the rules on to-morrow morning, for the purpose of offering his resolution.

The CHAIR would decide that question when it would arise. He expressed the opinion, however, that such a motion would be in order.

Mr. ADAMS hoped that the gentleman from Virginia would not offer his resolution again to-morrow, as he should be satisfied with what had occurred to-day upon that subject. The gentleman cannot suppose that we will submit to another encroachment upon the rights of the people of this Union. We have heretofore had enough of that in the House refusing to act upon these petitions in any manner.

The CHAIR said the question was not debatable.

Mr. ADAMS said if the gentleman from Virginia was not permitted to debate it, he would not debate it; but as the gentleman from Virginia had been debating it, he took the liberty to do the same.

Mr. ALFORD wished to inquire of the gentleman from Louisiana if it was his intention, by this resolution, that Abolition petitions should be received by the House. If that was the gentleman's intention, he must vote against it.

The question was then taken on suspending the rules, and decided in the negative—yeas 107, nays 82, as follows, there not being two-thirds in favor of a suspension:

YEAS—Messrs. Alford, Hugh J. Anderson, Simeon H. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, Wm. B. Campbell, Carr, Carter, Casey, Chapman, Chinn, Colquitt, Crabb, Crary, Crockett, Cross, Dana, John Davis, John W. Davis, Garret Davis, Dawson, Dillett, Doig, Earl, Eastman, Fisher, Fornance, Galbraith, James Garland, Rice Garland, Gentry, Goggin, Graham, Green, Griffin, Hill of Virginia, Hill of North Carolina, Hillen, Hook, Hopkins, Howard, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Kelm, Kemble, King, Leet, Leonard, Lewis, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Pope, Ramsey, Rayner, Reynolds, Ridgway, James Rogers, Samuels, Shaw, Shepard, Thomas Smith, Stanly, Steenrod, Strong, Stuart, Sumter, Sweeny, Taliaferro, Taylor, Waddy Thompson, Jacob Thompson, Triplett, Turney, Underwood, David D. Wagener, Warren, Watterson, Edward D. White, John White, Jared W. Williams, Lewis Williams, Christopher H. Williams, and Sherrod Williams—107.

NAYS—Messrs. Adams, John W. Allen, Barnard, Biddle, Black, Briggs, Brockway, Anson Brown, Calhoun, Chittenden, Clark, Clifford, Coles, Corwin, Cranston, Curtis, Cushing, Davee, Edward Davies, Doan, Duncan, Ely, Evans, Everett, Fillmore, Fletcher, Floyd, Gates, Giddings, Goode, Granger, Habersham, Hall, Hand, William S. Hastings, John Hastings, Henry, Hoffman, Hunt, Jackson, James, Charles Johnston, Nathaniel Jones, Kempshall, Leadbetter, Lincoln, Lowell, Marvin, Mason, Morgan, Calvary Morris, Nisbet, Ogle, Osborne, Palen, Parish, Parmenter, Parris, Paynter, Peck, Pickens, Prentiss, Randall, Randolph, Rariden, Reed, Edward Rogers, Russell, Slade, Albert Smith, John Smith, Truman Smith, Starkweather, Storrs, Swearingen, Tillinghast, Toland, Trumbull, Peter J. Wagner, Weller, Thomas W. Williams, Henry Williams, and Joseph L. Williams—82.

Mr. CAVE JOHNSON asked if the motion of the motion of the gentleman from South Carolina, [Mr. THOMPSON,] made on Friday last, to reconsider the vote on ordering the message to be printed, had been entered on the journal.

Mr. W. THOMPSON presumed that it had, and he was now entitled to the floor upon that motion. If it had not, he would now make the motion.

Mr. JAMESON then rose and made a point of order, in these words:

"He rose from his seat, [on Friday last,] addressed the SPEAKER, was announced by the SPEAKER as being entitled to the floor; and while in the possession of the same, sent a resolution to the Clerk's table. Before the resolution was read, and the question arising from it was stated from the CHAIR, and while he (the said JAMESON) was still in possession of the floor, the gentleman from South Carolina [Mr. THOMPSON] rose from his seat and made a motion to reconsider the vote given in relation to the printing of the President's message.

"The points of order arising on the statement above are these:

"1. The SPEAKER should not entertain a motion to reconsider, before another motion, that had been previously made in writing, and sent to the Clerk's table, had been read, and stated by the SPEAKER, (rule 37;) for it might itself be a motion to reconsider, for any thing the SPEAKER might know, before it was read.

"2. The motion to reconsider cannot take such precedence over other motions as to require a gentleman, who is in possession of the floor, to yield it—for that cannot be done even upon a motion to adjourn, which is considered always in order, except when a member has the floor."

The CHAIR said he had announced the gentleman from Missouri, on Friday last, as entitled to the floor; and the motion of the gentleman from South Carolina to reconsider, was not entered on the journal. But as the gentleman from South Carolina had risen this morning, and made the motion, it was the first business now in order.

Mr. JAMESON contended, that as he was entitled to the floor on his resolution, the gentleman from South Carolina could not make the motion to reconsider.

The CHAIR decided that the gentleman from South Carolina was entitled to the floor then. The gentleman from Missouri, he said, would be entitled to the floor, when resolutions were in order.

Mr. THOMPSON of South Carolina addressed the House at considerable length, going into a review of the various topics touched upon in the Message of the President of the United States. He considered that that document was written with unquestioned ability and dexterity, if he might use such a term without disrespect to the President; but he contended that the President was not true to many of the doctrines put forth in the message. With regard to the State Rights doctrines of the message, they were his doctrines in every particular, but when he read them, he was reminded of the admirable doctrines contained in the message of President Jackson in 1836, and of his bad faith in issuing that odious document to the South, the proclamation, but nine days afterwards He feared Mr. Van Buren would be as unfaithful to these doctrines as Gen. Jackson was. He commented with some severity upon the part of the message in relation to the Florida war, and upon the proposition of the Secretary of War to bring that contest to a close. He pronounced the course of the Administration in relation to that war imbecile, and calculated to bring disgrace upon the military service of the United States, and declared that he would never vote appropriations for carrying on that struggle, unless the Government pursued a course better calculated to bring it to a termination than it had been. He next went into an examination of that part of the message in relation to the finances of the country, contending that the Government had been most extravagant in its expenditures, and declaring that Congress would be compelled to borrow ten millions of dollars in addition to the usual revenues of the year to carry on the operations of the Government for the coming year. With regard to the Sub-Treasury system, he contended that it could not be carried into operation, without operating most oppressively upon the people of the country. The effect of it would be, and the object of the President doubtless was, to establish a metallic currency, and to destroy the banks of the country; and this would produce such a depression in the prices of property, &c. as would never be submitted to by the people of this country.

Mr. THOMPSON having concluded,

Mr. DUNCAN moved the previous question on the motion made by that gentleman. Some of the documents, Mr. D. said, which the gentleman animadverted on, would answer him.

Mr. THOMPSON of South Carolina said, that as his sole object was to promote discussion on the subject of the message, and as that object had been defeated by the call for the previous question, he would withdraw his motion.

Mr. UNDERWOOD presented various amendments to the rules; which were read, referred to the Select Committee on the rules, and ordered to be printed.

Mr. SERGEANT submitted a resolution in relation to excess of postage paid by members of Congress; which was adopted.

The resolution laid on the table on Friday, for the printing of 10,000 copies of the Report of the Secretary of the Treasury on the Finances, was taken up and adopted.

Mr. ADAMS, in pursuance of notice given, asked and obtained leave, and introduced a bill to provide for the disposal and management of the fund bequeathed by James Smithson, deceased, to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men. Read twice, and referred to a select committee to consist of nine members.

Mr. DUNCAN submitted the following resolution:

Resolved, That the Speaker is hereby advised and directed to swear into office Messrs. PHILEMON DICKERSON, PETER D. VROOM, DANIEL B. RYALL, WILLIAM R. COOPER, and JOSEPH KILLE, members elect from the State of New Jersey, and said members thereon be directed to take their seats until the contest is regularly determined by the House.

Mr. RANDOLPH suggested that the resolution was not in order, it requiring a vote of two-thirds to allow of its reception.

Mr. DUNCAN contended that it was a privileged motion that he had submitted, and therefore it could be offered at any time.

Mr. WISE objected to the reception of the resolution at that time. He would suggest to the gentleman from Ohio that many members were absent who wished to vote on this question, and that he had better not press its consideration at present.

Mr. DUNCAN observed that this was a question of privilege, and had never before been acted on. It related to the rights of the State of New Jersey, and her Representatives here. He would say to the gentleman from Virginia [Mr. WISE] that he had no wish to push the consideration of the resolution at this time; but he wished to address the House on that subject, and as several members had expressed a wish for an adjournment, he would move that the House now adjourn.

Mr. PICKENS suggested that there were several public documents on the Speaker's table requiring the action of the House, and he hoped the gentleman from Ohio would withdraw his motion until they could be disposed of.

Mr. DUNCAN withdrew his motion, saying that he did not, in so doing, yield his right to the floor.

Mr. ADAMS inquired if the paper submitted by the member from Ohio [Mr. DUNCAN] was before the House.

The SPEAKER replied that it was not; and that it required a suspension of the rules before that paper could be received.

Mr. DUNCAN appealed from the decision of the CHAIR, on the ground that his resolution was a privileged motion, relating to the rights of the Representatives of one of the States of the Union; but, on taking the question, the House sustained the decision of the SPEAKER without a division.

The SPEAKER laid before the House the following messages from the President of the United States:

To the House of Representatives:

I transmit herewith a report made to me by the Secretary of the Treasury, with accompanying documents, in regard to some difficulties which have occurred concerning the kind of papers deemed necessary to be provided by law for the use and protection of American vessels engaged in the whale fisheries, and would respectfully invite the consideration of Congress to some new legislation on a subject of so much interest and difficulty.

M. VAN BUREN.

WASHINGTON, Dec. 17, 1839.

To the House of Representatives:

I transmit herewith to Congress a report from the Secretary of State, on the subject of the law providing for taking the sixth census of the United States, to which I invite your early attention.

M. VAN BUREN.

WASHINGTON, Dec. 17, 1839.

The SPEAKER communicated the following documents, viz:

A report from the Secretary of the Treasury, exhibiting certain transfers of appropriations of the War Department. Also,

A report from the same, exhibiting certain transfers of appropriations made in that Department; both of which were referred to the Committee on Public Expenditures, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, in pursuance of the act of 2d March, 1799, an abstract of the returns made by collectors, showing the number of registered American seamen. Laid on the table, and ordered to be printed.

A report of the Secretary of the Treasury, on the accounts of Charles J. Ingersoll, which was referred to the Committee of Claims, and ordered to be printed.

A report from the Secretary of the Treasury, in compliance with a resolution of the Senate in relation to the execution of the 13th and 14th sections of the act to regulate the deposites of the public money, approved June 23, 1836; which was referred to the Committee on Finance, and ordered to be printed.

A report from the Secretary of the Treasury, transmitting the report of F. R. Hassler, as superintendent of the survey of the coast and of the construction of standards of weights and measures; which was referred to the Committee on Commerce, and 500 additional copies ordered to be printed.

A report from the Secretary of State in relation to the expenditure of the contingent fund of that Department; which was referred to the Committee on Finance.

A report from the Secretary of the Navy, in relation to the expenditure of the contingent fund of that Department; which was referred to the Committee on Finance.

A letter from the Commissioner of the Public Buildings, reporting the manner which all appropriations for the public buildings and grounds have been applied; which was referred to the Committee on Public Buildings.

A communication from the Department of State, transmitting, in compliance with the second section of the act making appropriations for the civil and diplomatic expenditures of the Government, a statement showing the expenditures of that Department for the past year: laid on the table, and ordered to be printed.

The annual report of the Commissioner of the General Land Office: referred to the Committee on the Public Lands, and ordered to be printed.

A report from the Secretary of the Treasury on the petition of sundry citizens of Wisconsin in relation to the lead mines of that Territory: referred to the Committee on the Public Lands, and ordered to be printed.

A report from the Secretary of the Treasury in relation to the British colonial trade: referred to the Committee on Foreign Affairs, and ordered to be printed.

A report from the Secretary of the Treasury in relation to the Chickasaw fund: referred to the Committee on Indian Affairs, and ordered to be printed.

A report of the Secretary of the Treasury, transmitting the result of an examination and survey of Block Island: referred to the Committee on Commerce, and ordered to be printed.

A report from the Secretary of the Treasury, being a supplement to the statements transmitted 4th January, 1836, exhibiting the sums paid yearly under each material head of expenditure from 1834 to 1839: referred to the Committee on Public Expenditures, and ordered to be printed.

A report of the Secretary of the Treasury on the subject of duties on railroad iron: referred to the Committee on Manufactures, and ordered to be printed.

A report from the Secretary of the Treasury, showing the names of the applicants for relief, under the act for the relief of certain insolvent debtors of the United States: laid on the table, and ordered to be printed.

A report from the Secretary of the Treasury, showing the amount received yearly for five years past, by each collector of the customs, on account of fines and forfeitures: referred to the Committee on Commerce, and ordered to be printed.

A report from the Secretary of War, with a report from the Commissioner of Pensions, in obedience to the resolution of 29th May, 1839, in relation to pensioners who have made application for increase of pension: laid on the table, and ordered to be printed.

A report from the Secretary of War, showing the expenditures of the contingent fund of the War Department for the past year: referred to the Committee on the Expenditures of the War Department, and ordered to be printed.

Two reports from the Secretary of the Navy, in relation to the expenditures of the Navy Department for the past year: referred to the Committee on the Expenditures of the Navy Department, and ordered to be printed.

A report from the Secretary of the Treasury, relative to certain transfers of appropriations of the Navy Department: referred to the same committee, and ordered to be printed.

Two reports from the Secretary of the Treasury, transmitting statements from the Second and Fourth Auditors, showing the balances standing on their books: laid on the table, and ordered to be printed.

A report from the Secretary of the Treasury on the commerce and navigation of the United States for the year 1839: laid on the table, and ordered to be printed.

Two reports from the Commissioner of the Public Buildings, showing the progress made in the public works, and the expenditures for the same during the last year: referred to the Committee on the Public Buildings, and ordered to be printed.

The Annual Report of the Clerk of the House: referred to the Committee of Accounts, and ordered to be printed; after which,

The SPEAKER communicated certain documents in relation to the New Jersey elections.

Mr. RANDOLPH moved to refer them to the Committee of Elections.

Mr. TURNEY moved to amend the motion, by referring to the same committee the certificates of the Governor of New Jersey, and all the papers in relation to the New Jersey elections in possession of the House.

Mr. WILLIAMS of North Carolina inquired what was the nature of the document communicated by the SPEAKER, and how it came in possession of the House.

The SPEAKER said the document was composed of certain depositions taken in New Jersey, in relation to the late elections there for members of this House, and which had been transmitted to him by mail, and that the House was not in possession of any other documents on the subject.

Mr. HUBBARD was opposed to any reference whatever. There was, he said, no case of contested elections to go to the committee. All the questions that had been agitated in the House, had been in reference to the returns only. The only question that had been before them was, who were returned as members from New Jersey. When the question of contest was raised, then it would be time to refer the matter to the Committee on Elections.

Mr. BELL entirely concurred with the gentleman from Alabama. There was no petition contesting the seats of sitting members, for the House had decided that five of the New Jersey members should not take their seats. This question should be brought fairly before the House, and if no other member did, he would bring it forward as a privileged motion. He understood that there were four or five gentlemen claiming seats as Representatives from New Jersey, who had been waiting here since the commencement of the session, and their claims had not as yet been decided on. He hoped the House would proceed with caution in this matter, and recollect that they were about setting a precedent that would be followed in time to come, and not loosely refer these matters to a committee before any petition or question of contested rights was before them. If the House would receive a resolution that would relieve it from the difficulty in which it was involved, he was prepared now to make it. He thought that the motion submitted by the gentleman from Ohio [Mr. DUNCAN] was the only one made in order this morning, for it was a privileged motion, inasmuch as it related to the question as to who shall occupy the vacant seats of the representation from New Jersey.

Mr. WISE contended that the reference proposed was exactly the way in which the question could be brought fairly before the House. The committee would, after examining the returns, and the testimony in possession of the House, make up their report, showing who have the legal credentials, and who ought to take their seats as the sitting members, while they are engaged in collecting testimony to enable the House to decide who are ultimately entitled to membership. This seemed to him to be the regular mode of proceeding, and he hoped the House would adopt it.

Mr. DUNCAN inquired of the CHAIR whether the returns of the polls at South Amboy and Millville, which were suppressed, were to be considered as included in the motion of reference, and would be sent with the other documents to the Committee of Elections?

The CHAIR supposed that the papers referred to by the gentleman from Ohio would not be included in the reference, and that no other papers would be referred than the depositions just laid before the House.

Mr. DUNCAN observed that he had so supposed; and as to those depositions, if they were lopsided, as he suspected, he should object to their reception.

Mr. RANDOLPH observed that the depositions had been taken in accordance with the laws of New Jersey, and transmitted to the SPEAKER as directed by law.

Mr. BRIGGS inquired how these depositions came before the House.

The SPEAKER said that he had received them by mail, directed to him as Speaker of the House of Representatives.

Mr. BRIGGS then observed that they were not properly before the House at this time. The rule was, when the Speaker received papers by mail, to retain them until calling over the States for the presentation of petitions, and then such paper was presented when the name of the State it came from was called.

Mr. BELL apprehended that the only question in order, and that could be in order, was, who were returned as members from New Jersey. The House ought to decide this question in some form or other; but he hoped the gentleman from Ohio, after what had been said by the gentleman from Virginia, as to the absence of members, would not press this question for the present.

Mr. ADAMS was in favor of a reference of all the papers relating to the subject, and of giving the committee power to send for persons and papers; and the committee, he said, should be instructed to inquire and report to the House who are members from the State of New Jersey; and that they have leave to report by bill or otherwise.

Mr. DUNCAN said he rose to inquire whether certain papers were or were not in possession of the House, and whether they would be referred to the committee. He had been informed by the Speaker that there were no other papers in possession of the House, or that would be referred, except these one-sided depositions taken to support the claims of the certificate members. He should, therefore, oppose the motion. Mr. D. here yielded the floor to

Mr. TURNEY, on whose motion

The House adjourned.

IN SENATE,

TUESDAY, December 31, 1839.

Mr. HUBBARD presented certain resolutions of the Legislature of New Hampshire, instructing their Senators, and requesting their Representatives in Congress, to the following effect:

Resolved by the Senate and House of Representatives in General Court convened, That, in the opinion of this Legislature, all connection between banking corporations and the Government of the United States, should be dissolved.

And be it further Resolved, That, in the opinion of this Legislature, no medium, or currency, should be received in payment of the revenues of the General Government, except gold and silver.

And be it further Resolved, That, in the opinion of this Legislature, the Independent Treasury is the only system for receiving, keeping, and disbursing the public revenues, recognised by the Constitution of the United States.

And be it further Resolved, That the Senators from this State in the Congress of the United States be instructed, and the Representatives requested, to use all proper exertions to effect the adoption of the Independent Treasury.

The resolutions were ordered to lie on the table and be printed.

Mr. WRIGHT presented the memorial of the Chevalier De Gerstner, praying Congress to grant him the copyright, for five years, of certain statistical works; which was referred to the Committee on Patents, and ordered to be printed.

Mr. W. also presented the petition of Hannah Gouge, a widow of a Revolutionary soldier, who had resided in New York 104 years, asking for a pension; which was referred to the Committee on Pensions.

Mr. W. also presented the petition of James Thompson, agent of the British and Foreign Bible Society, requesting permission to enter Bibles at the city of New York free of duty, for transmission to the Candas, while the navigation of the St. Lawrence is obstructed by ice; which was referred to the Committee on the Judiciary.

Mr. PIERCE presented certain resolutions of the Legislature of New Hampshire, instructing their Senators and requesting their Representatives in Congress, to the following effect:

Whereas certain propositions have been before the Congress of the United States, having for their object the distribution of the proceeds of the sales

of the public lands; and whereas such a measure, in the opinion of this Legislature, is not only unconstitutional, but is calculated to diminish the public revenue and increase indirect taxation, by affording a pretext for the continuance of a high tariff—therefore,

Resolved by the Senate and House of Representatives in General Court convened, That our Senators in Congress be instructed, and the Representatives from this State be requested, to oppose every attempt which shall be made to divide the proceeds of the sales of the public lands among the several States, or to make any other disposition thereof except for the constitutional purpose of providing for the common welfare and general defence of the United States.

The resolutions were ordered to lie on the table, and be printed.

Mr. ROANE presented certain resolutions of the Legislature of Virginia, requesting Congress to make an additional grant of land to satisfy outstanding military land warrants; which were referred to the Committee on the Public Lands, and ordered to be printed.

Mr. WALL, from the Committee on the Judiciary, to which had been referred the bill for the relief of Pierre Menard, asked to be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

Mr. SOUTHARD presented the petition of the Trustees of the Presbyterian Church, at Connecticut Farms, for relief; which was referred to the Committee on Revolutionary Claims.

Mr. CLAY of Alabama gave notice that to-morrow he would ask leave to bring in a bill for the relief of D. A. Saltmarsh and Co.

Mr. BENTON presented the petition of Nathan Ranney, collector of the port of St. Louis; which was referred to the Committee on Commerce.

Mr. B. said, while he was up, he would make some suggestions respecting the number of documents ordered to be printed for the Senate. They had adopted the present number when the Senate was much smaller than at present; and by the increase in the number of Senators, the number of documents received by each for distribution, was greatly reduced. He thought that 2,500 would bear about the same proportion to the number of Senators at present, as 1,500 did when it was adopted.

Several Senators requesting Mr. B. to make a motion to that effect, he moved that 1000 additional copies of the President's message and accompanying documents be printed for the use of the Senate; which was unanimously agreed to.

On motion by Mr. ALLEN, the petition and papers on file in relation to the case of John Grigsby, were referred to the Committee on Pensions.

Mr. DAVIS presented the petition of Samuel B. Smith, praying that certain duties may be refunded; which was referred to the Committee on Finance.

Mr. D. also presented the petition of J. W. Nye, assignee of Peter Bargy, jr.; which was referred to the Committee on Claims.

Mr. WHITE of Ia. presented the petition of citizens of Upper Wabash, in the State of Indiana, and the petition of citizens of Clinton and Carr counties, praying for certain designated mail routes; which were referred to the Committee on the Post Office and Post Roads.

Mr. MERRICK presented the petition of John Carter, praying for permission to bring a servant into the District; which was referred to the Committee on the District of Columbia.

Mr. BETTS presented the petition of certain manufacturers of pins, praying for a reduction of the duty on brass wire; which was referred to the Committee on Manufactures.

Mr. LINN presented a memorial from certain captains and engineers of steamboats on the Mississippi, in relation to the adoption of a system for the prevention of the explosions of boilers, which was referred to the Committee on Commerce.

Mr. LINN presented a series of resolutions of the Legislature of Missouri, relating to the public lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. L. also presented resolutions of the same body on the subject of the 16th sections.

Also, requesting a grant of land for public schools; which were referred to the Committee on the Public Lands.

Also, requesting a grant of land to aid in constructing a railroad to Jefferson city; which was referred to the Committee on Roads and Canals.

Also, requesting an appropriation for the improvement of the navigation of the Des Moines river; which was referred to the Committee on Commerce.

On motion of Mr. FULTON, certain resolutions of the Legislature of Arkansas, in favor of ceding the public lands to the States in which they lie, and in relation to the settlers on school lands, which were on the files of the Senate, were referred to the Committee on the Public Lands.

On motion by Mr. F. the memorial of John K. L. Norman, praying a grant of land in aid of a collegiate institution in the Territory of Florida, now on file, and additional papers, were referred to the Committee on the Public Lands.

On motion by Mr. CLAY of Alabama, the memorial of the Legislature of Alabama, asking the Federal Government to surrender the canal connected with Muscle shoals to that State, now on file, was referred to the Committe on Roads and Canals.

Mr. NORVELL submitted the following resolution, which was considered and agreed to:

Resolved, That the memorial of a number of the naturalized citizens of Michigan, presented at the last session, praying for the adoption of measures more effectually to secure the recognition and maintenance of the rights of that class of the citizens of the United States, be taken from the files of the Senate and referred to the Committee on Foreign Relations.

Mr. N. in pursuance of notice, asked and obtained leave to bring in a bill granting to the State of Michigan a quantity of land to aid in constructing a canal around the Falls of Ste. Marie; which was read twice, and referred to the Committee on the Public Lands.

Mr. N. also gave notice that to-morrow he would ask leave to bring in a bill fixing the salaries of several district judges of the United States.

On motion by Mr. WHITE, certain papers on file were referred to the Committee on Claims,

On motion by Mr. ROANE, papers in relation to several claims, now on file, were referred to the Committee on Revolutionary Claims.

Mr. PIERCE presented the petition of Mrs. Catharine Howard; which was referred to the Committee on Pensions.

Mr. CALHOUN gave notice that, on Friday next, he would ask leave to bring in a bill to cede the public lands to the States in which they lie, on certain conditions.

Mr. ROANE presented the petition of John Spottiswood; which was referred to the Committee on Revolutionary Claims.

Also, the petition of Capt. Robert White; which was referred to the Committee on Pensions.

On motion by Mr. CRITTENDEN, the papers on file in relation to the claim of Joseph Claxton, were referred to the Committee on Claims.

Mr. MOUTON presented certain resolutions of the Legislature of the State of Louisiana, in relation to the construction of a levee on the south bank of Red river; the opening of the Bayou L'Eau Blanc; the validity of titles to land under French and Spanish grants; and in relation to the 16th sections in that State.

Mr. BETTS presented resolutions of the Legislature of Connecticut on the subject of a national foundry, and recommending the Housatonic valley as a suitable site for that purpose; which were laid on the table, and ordered to be printed.

The VICE PRESIDENT presented the remonstrance of certain warriors, sachems and headmen of the Seneca Indians against the ratification of the treaty lately concluded with that nation; which was referred to the Committee on the Judiciary, and ordered to be printed.

On motion by Mr. SMITH of Indiana,

Ordered, That the memorial of the Legislature of Indiana of the last session, relative to a canal at the falls of Ohio, on the Indiana side, and all petitions on the same subject, on the files of the Senate, be referred to the Committee on Roads and Canals.

Mr. WHITE of Tennessee, from the Committee on Indian Affairs, to which had been referred

A bill for the relief of John McCarty; and

A bill for the relief of Benjamin Murphy;

Reported the same without amendment.

Mr. LINN, from the Committee on Private Land Claims, to which the following bills had been referred, reported the same without amendment, viz:

A bill for the relief of Gen. Mathew Arbuckle.

A bill for the relief of John E. Metcalf and others.

A bill to confirm the title to a certain tract of land in the county of Mobile.

A bill to confirm certain land claims in the Greensburgh land district, State of Louisiana.

A bill authorizing a patent to be issued to Joseph Campan, for a certain tract of land in the State of Michigan.

A bill for the relief of the heirs of Madam de Lusser.

A bill for the relief of Pierre Balin.

A bill for the relief of the heirs and legal representatives of William Conway.

A bill for the relief of Daniel Marsaque.

A bill for the relief of Alvarez Fisk and Thomas P. Eskridge.

A bill for the relief of Alvarez Fisk.

A bill for the relief of Juan Belgar.

A bill for the relief of Francis Laventure, Ebenezer Childs, and Linas Thompson.

A bill for the relief of Joseph Bogy.

A bill for the relief of Joseph Cochran.

A bill for the relief of Charles Morgan of Louisiana.

A bill for the relief of Charles Morgan.

A bill for the relief of Jean Baptiste Granger.

A bill for the relief of Sebastian Butcher and heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom.

A bill for the relief of Obed P. Lacey.

A bill to continue in force the act for the final adjustment of private land claims in Missouri.

A bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land.

A bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivard, deceased.

A bill confirming certain land claims in Missouri.

A bill to confirm certain land claims in the Ouachita land district, in the State of Louisiana.

A bill to confirm land claims in the district between the Rio Hondo and Sabine rivers.

A bill to settle the title to certain tracts of land in the State of Arkansas.

A bill to amend an act confirming certain land claims in the State of Michigan.

Mr. L. also, in pursuance of notice, asked and obtained leave to introduce

A bill for the relief of the legal representatives of Phil. Barbour, deceased; which was read twice, and referred to the Committee on private Land Claims.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which had been referred a bill for the relief of A. G. S. White, reported the same with an amendment.

Mr. R. also, from the same committee, to which had been referred

A bill for the relief of Thomas H. Owen and John W. Skidmore; and

A bill for the relief of Samuel R. Slaymaker,

Reported the same without amendment.

Mr. CLAY of Alabama, from the Committee on Public Lands, to which had been referred a bill to relinquish to the State of Alabama, for purposes therein named, the Two per cent. fund, reported the same without amendment.

Mr. KNIGHT, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of Samuel Griffith; which was read twice, and referred to the Committee on Pensions.

Mr. BROWN, in pursuance of notice, asked and obtained leave to bring in a bill supplementary

to the act to establish branches of the Mint of the United States; which was read twice, and referred to the Committee on Finance.

Mr. PIERCE, in pursuance of notice, asked and obtained leave to bring in the following bills:

A bill for the relief of Joseph Basset;

A bill for the relief of Samuel Collins;

A bill for the relief of John S. Billings; and

A bill for the relief of Hannah Laighton;

Which were severally read twice, and referred to the Committee on Pensions.

Mr. DAVIS gave notice that to-morrow he would ask leave to introduce a bill for the relief of Henry J. Pickering.

Mr. SOUTHARD, in pursuance of notice, asked and obtained leave to introduce a bill regulating the pay of masters of the navy; which was read twice, and referred to the Committee on Naval Affairs.

On motion by Mr. HUBBARD, the Senate, in accordance with a resolution adopted some days since, proceeded to the election of a chaplain for the present session.

The following was the result of the ballotings:

	First Ballot.	Second Ballot.
Mr. Cookman,	14	20
Mr. Bates,	6	9
Mr. McIvor,	7	6
Mr. Stewart,	5	0
Mr. Braxton,	3	1
Mr. Wilmer,	1	1

Mr. COOKMAN having a majority on the second ballot, was declared to be duly elected.

Mr. BENTON submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the estimated amounts which will be receivable from the salt duty during the years 1840, 1841, 1842, and 1843; also, the estimated amounts which will be payable on account of fishing bounties, and allowances to fishing vessels, during the same years; the said estimates to be all made on the basis of a non-alteration in the present laws regulating the said duties, bounties and allowances.

Also, that the Secretary be directed to communicate to the Senate any information in the Treasury Department going to show that fishing bounties, and allowances to fishing vessels, have been unduly or illegally drawn since the passage of the act in 1813 for renewing the duty on salt, and reviving the fishing bounties and allowances consequent thereon.

Mr. NORVELL submitted the following resolution:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation sufficient to effect, by peaceable and pecuniary means and inducements, the immediate removal west of the Mississippi of all the Indians now in the Territory of Florida.

Mr. WALL submitted the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the removal of certain obstructions in the navigation of the river Passaic and of Newark bay, in the State o New Jersey.

Mr. LINN submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to improve the harbor of the city of St. Louis, Missouri.

The bill to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," was considered as in Committee of the Whole; and, after some remarks from Mr. WALL, was ordered to be engrossed for a third reading.

The bill establishing a Board of Commissioners to hear and determine claims against the United States, was taken up; and, after some remarks from Mr. TAPPAN and Mr. HUBBARD, on motion of the latter its further consideration was postponed until Monday, the 13th January.

The CHAIR announced the following as the committee, on the part of the Senate, to direct the expenditures of all moneys appropriated to purchase books for the Library of Congress, to wit: Messrs. TAPPAN, PRESTON, and WALL.

On motion by Mr. KING,

The Senate went into an Executive session, and afterwards

Adjourned until Friday next.

HOUSE OF REPRESENTATIVES,

TUESDAY, Dec. 31, 1839.

Mr. BRIGGS moved to amend the journal by striking from it the resolution submitted on yesterday by Mr. DUNCAN, viz:

Resolved, that the Speaker is hereby advised and directed to swear into office Messrs. PHILEMON DICKERSON, PETER D. VROOM, DANIEL B. RYALL, WILLIAM R. COOPER, and JOSEPH KILLE, members elect from the State of New Jersey, and said members thereon be directed to take their seats until the contest is regularly determined by the House.

Mr. DUNCAN said he had introduced this resolution not only because he considered it due to the individuals named in it, but because he believed it to be a privileged question.

The CHAIR said the gentleman could not proceed to discuss the merits of the resolution on a motion to amend the journal.

Mr. DUNCAN believed the resolution to be a privileged question, and he was sustained in this belief by a precedent on yesterday morning.

The CHAIR again intimated that the gentleman could not discuss the merits of the resolution.

Mr. BRIGGS contended that the resoluton ought not to appear on the journal, because the CHAIR had decided it on yesterday to be out of order, and the House had sustained that decision.

Mr. SMITH of Maine thought this resolution ought to go on the journal. It would be recollected, that, on a former occasion, a gentleman from New Jersey moved to have a certain protest entered on the journal, and, although the House decided by a solemn vote that it should not go on the journal, gentlemen had contended that it should go on; and they attained their object by moving it afterwards in the shape of a resolution, and calling the yeas and nays upon it, although the House again decided it should not go on the journal.

After a few remarks by Messrs. CUSHING, TILLINGHAST, and BROWN of Tennessee,

Mr. DUNCAN called for the yeas and nays upon the motion; when it appeared there were—yeas 72, nays 83. So the House refused to amend the journal.

Mr. JAMESON then moved to amend the journal of last Friday, so as to make it conform to the state of facts as they occurred in regard to a motion made by him on that day. [The substance of the amendment will be found in Mr. J.'s point of order in yesterday's proceedings.

The CHAIR thought it was too late now to amend the journal of last Friday.

Mr. JAMESON contended that the journal might be corrected at any time; and read an extract from the Manual in support of this position.

The CHAIR then entertained the motion.

Mr. DUNCAN called for the yeas and nays, which were ordered; and were—yeas 79, nays 77. So the question was decided in the affirmative.

Mr. COLES moved to suspend the rules for the purpose of offering the following resolution:

Resolved, That every petition, memorial, resolution, proposition, or papers, touching or relating in any way, or to any extent whatever, to the abolition of slavery in the States of this Union, or either of them, or in the District of Columbia, or in the Territories of the United States, or either of them, or the removal of slaves from one State to another, shall, on the presentation thereof, without any further action thereon, be laid upon the table without being debated, printed or referred.

Mr. STANLY inquired if this resolution did not contemplate the reception of Abolition petitions.

Mr COLES said that depended upon the construction of the effect of laying petitions on the table.

Mr. DUNCAN inquired if the resolution could not be amended by the House, if the rules were suspended.

The CHAIR said it could.

Mr. CRABB said he should vote against the motion to suspend the rules, because—

The CHAIR. The question is not debatable.

Mr. CRABB continued. He should vote against suspension, because the resolution contemplated the reception by the House of these petitions.

Mr. GRANGER called for the yeas and nays, which were ordered, and were—yeas 87, nays 84, as follows:

YEAS—Messrs. Alford, S. H. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bell, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, W. O. Butler, Bynum, Carter, Clifford, Coles, Crockett, Cross, J. W. Davis, Garret Davis, Dawson, Dillett, Doig, Earl, Eastman, Fisher, Fornance, Galbraith, J. Garland, R. Garland, Goggin, Graham, Graves, Griffin, Hill of Virginia, Hill of North Carolina, Hillen, Hook, Hopkins, Howard, Jameson, Joseph Johnson, Cave Johnson, Keim, Kemble, King, Leet, Lewis, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Newhard, Parris, Pickens, Pope, Ramsey, J. Rogers, Samuels, Shaw, Shepard, Albert Smith, Thomas Smith, Steenrod, Strong, Sumter, Sweeny, Taliaferro, Taylor, Jacob Thompson, Triplett, Turney, Underwood, D. D. Wagener, Warren, Watterson, E. D. White, John White, Wick, Jared W. Williams, Lewis Williams, and C. H. Williams—87.

NAYS—Messrs. Adams, Judson Allen, John W. Allen, Barnard, Biddle, Black, Briggs, Brockway, Anson Brown, Calhoun, Carr, Casey, Chinn, Clark, Colquitt, Corwin, Crabb, Cranston, Curtis, Cushing, Davee, E. Davies, Doan, Duncan, Ely, Evans, Everett, Fillmore, Fletcher, Gates, Giddings, Goode, Granger, Green, Habersham, Hall, Hand, William S. Hastings, J. Hastings, Henry, Hoffman, Hunt, Jackson, James, Chas. Johnston, Nathaniel Jones, Kempshall, Leadbetter, Lincoln, Lowell, Mallory, Marvin, Morgan, C. Morris, Nisbet, Ogle, Osborne, Parish, Parmenter, Peck, Randall, Randolph, Rariden, Rayner, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Sergeant, Slade, John Smith, Truman Smith, Starkweather, Storrs, Stuart, Swearingen, Tillinghast, Toland, Trumbull, P. J. Wagner, Weller, T. W. Williams, and H. Williams—84.

So the House refused to suspend the rules, it requiring two-thirds to suspend.

[When the name of Mr. NISBET was called, he rose and stated that he voted against the suspension, because the resolution recognised the right of the House to act on this question.]

Mr. WISE then moved a suspension of the rules, for the purpose of offering the resolution submitted by him on yesterday, which was a different resolution from the one which had just been presented to the House. His resolution denied the reception of Abolition petitions; the one which the House had just refused to admit, contemplated their reception. His was a Southern resolution, the other was a Northern resolution. His resolution was in the following words:

Resolved, That upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid upon the table, without further debate or further action thereon.

Mr. GRANGER inquired if it was in order to move again to suspend the rules to admit this resolution, the House having once refused to suspend the rules for the admission of this same resolution. He wished to know whether the right of petition was thus to be stifled in advance.

The CHAIR said it was in order to move to suspend the rules.

Mr. WISE said he moved to suspend the rules to admit this resolution, and he would continue to make this motion, until he got a distinct vote upon it, if it consumed hours every day.

Mr. ADAMS wished to know if the CHAIR decided that a motion for a specific object, which had been rejected by the House, could be moved every day. Could a gentleman move every day to suspend the rules to admit a resolution which the House had refused to receive?

The CHAIR was of opinion that the gentleman could move to suspend the rules to-day, as there might be a reason which induced the House not to suspend yesterday, which did not exist to-day.

Mr. ADAMS believed that there was a rule of the House, which declared that when a proposition was once rejected by the House, it was not in order again to introduce it. If the CHAIR made a decision that this motion could be made every morning, and the gentleman carried out his threat that he would move it every day, the whole session may be consumed by motions of this kind, calling the yeas and nays upon them, and debating them.

Mr. WISE. Does the gentleman appeal from the decision of the CHAIR?

Mr. ADAMS was unwilling to appeal from the decision of the CHAIR; but if this decision was adhered to, and the gentleman from Virginia attempted to carry out his threat, the House would find it necessary to reverse the decision.

Mr. C. H. WILLIAMS hoped the gentleman from Virginia would withdraw his motion, so that the gentleman from Louisiana [Mr. CHINN] might be enabled to submit one which he had prepared, which was entirely different from that of the gentleman from Virginia.

Mr. WISE could not withdraw this proposition, which he had prepared after due deliberation.

Mr. PICKENS desired to make an observation in reply to the remarks of the gentleman from Virginia, [Mr. WISE.]

The CHAIR called to order.

Mr. PICKENS continued. He was in favor of the resolution of the gentleman from Virginia, [Mr. WISE,] but he thought it was very similar to the one introduced by the gentleman's colleague, [Mr. COLES;] both, according to strict parliamentary rule, held the question of reception in abeyance.

Mr. DOIG called for the yeas and nays on the motion to suspend the rules, which were ordered, and were—yeas 87, nays 85, not two-thirds, as follows:

YEAS—Messrs. Simeon H. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Black, Boyd, Brewster, Aaron V. Brown, A. G. Brown, Burke, W. O. Butler, Bynum, Carter, Chapman, Clifford, Coles, Crabb, Crockett, John W. Davis, Garret Davis, Dawson, Dillett, Doig, Eastman, Fisher, James Garland, Rice Garland, Gentry, Goggin, Graham, Graves, Griffin, Habersham, Hill of Virginia, Hill of N. Carolina, Hillen, Hook, Hopkins, Howard, Hubbard, Jameson, Jos. Johnson, Wm. Cost Johnson, Cave Johnson, Keim, Kemble, King, Leonard, Lucas, McClellan, McKay, Marchand, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Paynter, Pickens, Pope, Ramsey, Rayner, Samuels, Shaw, Shepard, Thomas Smith, Stanly, Steenrod, Strong, Sumter, Taliaferro, Taylor, Waddy Thompson, Jacob Thompson, Triplett, Turney, Underwood, David D. Wagner, Warren, Watterson, Weller, John White, Jared W. Williams, and Lewis Williams—87.

NAYS—Messrs. Adams, John W. Allen, Hugh J. Anderson, Barnard, Briggs, Brockway, Anson Brown, Calhoun, Carr, Casey, Chinn, Chittenden, Clark, Cranston, Curtis, Cushing, Davee, Davies, Doan, Duncan, Ely, Evans, Everett, Fillmore, Fletcher, Floyd, Fornance, Galbraith, Gates, Giddings, Goode, Granger, Green, Hall, Hand, Wm. S. Hastings, J. Hastings, Henry, Hoffman, Hunt, Jackson, James, Charles Johnston, Kemphall, Leadbetter, Lincoln, Lowell, Mallory, Marvin, Medill, Morgan, Calvary Morris, Ogle, Osborne, Palen, Parish, Parmenter, Parris, Peck, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Sergeant, Slade, Albert Smith, John Smith, Truman Smith, Starkweather, Storrs, Stuart, Swearingen, Sweeny, Tillinghast, Toland, Trumbull, Peter J. Wagner, Thomas W. Williams, Henry Williams, Joseph L. Williams, and Christopher H. Williams—85.

So the House refused to suspend the rules.

Mr. CHINN then moved to supend the rules for the purpose of submitting the following resolution:

Resolved, That all petitions, memorials, resolutions, and addresses of every description, touching the abolition of slavery in the District of Columbia, or in the States or Territories, or in any manner relating to the existence of slavery or the slave trade in the United States, be referred, without debate, to a select committee.

Mr. CAVE JOHNSON called for the yeas and nays on the motion to suspend the rules, which were ordered, and were—yeas 112, nays 66, not two-thirds, as follows:

YEAS.—Messrs. Adams, Judson Allen, John W. Allen, Hugh J. Anderson, Simeon Anderson, Andrews, Barnard, Beatty, Bell, Brewster, Briggs, Brockway, Calhoun, Carr, Carter, Casey, Chinn, Chittenden, Clark, Clifford, Corwin, Cranston, Crockett, Curtis, Cushing, Dana, Davee, Edward Davies, John W. Davis, Garret Davis, Doan, Doig, Duncan, Earle, Ely, Evans, Everett, Fillmore, Fletcher, Floyd, Galbraith, Gentry, Giddings, Goode, Graves, Green, Hall, Hand, William S. Hastings, Hoffman, Jackson, James, Charles Johnston, Nathaniel Jones, Keim, Kemble, Kempshall, Leadbetter, Leonard, Lincoln, McCulloh, Mallory, Marchand, Marvin, Montanya, Morgan, Sam'l W. Morris, C. Morris, Newhard, Ogle, Osborn, Palen, Parmenter, Parris, Paynter, Peck, Prentiss, Ramsey, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Sergeant, Slade, Albert Smith, John Smith, Truman Smith, Thomas Smith, Starkweather, Storrs, Strong, Taylor, Tillinghast, Toland, Triplett, Trumbull, David D. Wagener, Peter J. Wagner, Weller, Edward D White, John White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Joseph L. Williams, Christopher H. Williams, and Sherrod Williams—112.

NAYS.—Messrs. Alford, Atherton, Banks, Beirne, Black, Boyd, Aaron V. Brown, Anson Brown, Burke, William O. Butler, Bynum, John Campbell, Chapman, Coles, Colquitt, Crabb, Cross, Dawson, Dillett, Eastman, Fisher, James Garland, Rice Garland, Gates, Goggin, Graham, Granger, Griffin, Habersham, J. Hastings, Hill of Virginia, Hill of N. C. Hillen, Hillen, Hopkins, Hubbard, Jameson, Joseph Johnson, Wm. C. Johnson, Cave Johnson, King, Lewis, Lucas, McClellan, McKay, Miller, Montgomery, Nisbet, Parish, Pickens, Pope, Rayner, James Rogers, Samuels, Shaw, Shepard, Stanly, Steenrod, Stuart, Sumter, Swearingen, Sweeny, Taliaferro, Jacob Thompson, Turney, Underwood, Watterson, and Lewis, Williams—66.

So the House refused to suspend the rules for this purpose.

Mr. SERGEANT moved to suspend the rules for the purpose of offering the following resolution:

Resolved, That the 20th rule of the House be so altered, that the daily presentation of petitions be allowed for twenty days from this day.

On taking the question, tellers were called for, and Messrs. GRIFFIN and MONTGOMERY were appointed, who, on counting, reported 130 ayes, and 36 noes.

The rules, therefore, having been suspended, the question arose on the adoption of the resolution:

Mr. BYNUM expressed his hopes that the House would not pass that resolution at that time; and he called upon every gentleman from the slaveholding States to rise in defence of that interest which had been assaulted there that morning, and against which the power of that House was to be brought to bear. He did not intend to enter into a discussion of the subject of slavery; but as a Southern man, the subject having been left open, and they having been distinctly informed by two or three gentlemen, that petitions on that subject were to be introduced and discussed, he hoped that every Southern man, as well as every Northern man, friendly to the peace and safety of the South, would settle the question with regard to the introduction of such petitions before adopting the resolution before them. He had heard a proposition this morning which surprised and alarmed him. It was made by a Southern gentleman, to compromise that subject which admitted of no compromise. He hoped that no door would be left open for the introduction of Abolition petitions, which would be the case if the House passed the resolution. He hoped the yeas and nays would be taken on the question, and moved that it be taken that way.

Mr. CRABB rose to a question of order. It appeared to him as clear as the noonday sun, that this resolution was not in order for discussion. All that had been done by the House was the suspension of the rules, to enable the gentleman from Pennsylvania to offer his resolution. But there was another resolution of the House which he did not consider suspended, that required the resolution to lay over one day for consideration.

Mr. CRABB here read the rule he referred to.

The SPEAKER said that the motion of the gentleman from Pennsylvania was for a suspension of all the rules that prevented the reception of his resolution. It did not specify any particular rule, but included the one referred to by the gentleman from Alabama, as well as the others.

Mr. JENIFER said he had declined voting on both the questions presented this morning, in consequence of having paired off with an absent colleague; and it was, therefore, he wished to offer a few remarks, in order to prevent any misconstructions being put on his not voting. He understood the proposition now before the House, to be a provision for the reception of petitions daily for twenty days to come, inasmuch as the thirty days from the commencement of each session, within which the rules allowed petitions to be presented, had expired, after having been taken up with other business. Now, he further understood that this resolution was objected to on the ground that Abolition petitions might be forced upon the House if it should be adopted. He did not mean to argue the question as to the expediency of receiving Abolition petitions; but he must contend that there were others in the country who had a right to petition this House as well as the Abolitionists, and that it would be highly unjust to cut them off from a chance of being heard, because Abolitionists might also come in. He was not afraid of being called an Abolitionist, and did not consider those gentlemen the most strenuous opposers of Abolition who got up and made the most fuss about it. He was one of those who, admitting the right of the people to petition for a redress of grievances, yet believed that the House had a right to refuse any petition it thought proper. Mr. J. continued his remarks in support of the resolution, contending that it was right and proper to allow time for the reception of petitions, and that if they rejected the resolution it would have the effect of precluding a large portion of the people of the United States from presenting their petitions to the National Legislature.

Mr. LEWIS made a few observations in favor of the resolution. If they did not adopt it, he said, gentlemen would not get enough time during the whole of the ensuing session, to offer the petitions with which they were charged. If only one day in the week was allowed for petitions, as would be the case under the rules, without passing this resolution, that day would be taken up for the remainder of the session with the subject of Abolition. Petitions were first called by the CHAIR, from Maine; next was Massachusetts, and when they came to that State, an Abolition petition was invariably presented, which occupied the whole day. In consequence of the obstructions occasioned by Abolition petitions from Massachusetts, he had been kept for months without having a single opportunity of offering those which he had in his desk, waiting for it. He was very willing to refuse the reception of Abolition petitions altogether; but he could not agree to stop the way against all petitions of every other nature, because those on the subject of Abolition might be forced upon the House.

Mr. STANLY said that when a gentleman threw down a gauntlet to him in defence of Southern rights, he would go as far as he who went farthest. He would not, however, give his support to miserable, jaundiced resolutions, concocted in a caucus, like that of the last session.

The SPEAKER informed Mr. STANLY that it was not in order to discuss a resolution passed at the last session.

Mr. STANLY said he would vote for the resolution, because it was due to the whole country that petitions should be admitted, and he would not, for fear of having Abolition petitions presented, shut the door against all others. When the call had been made on him, as a Southern man, to go for Southern interests, he felt bound to say that he was as ready as any to go for the true interests of the South; and he, in his turn, called upon gentlemen to come up to the mark, and not content themselves with the adoption of a miserable resolution, made to protect hypocrites, that would be capable of one construction at the North, and another at the South.

Mr. HOFFMAN observed, that, by the rules of the House, the first thirty days of every session were allowed for the reception of petitions; but this period of the present session having been used up by the New Jersey question, the object of the gentleman from Pennsylvania in offering his resolution, was nothing more than to allow the usual time for the presentation and reference of petitions. This being the simple question before the House, he was astonished to find that the gentleman from North Carolina called upon the members from the slaveholding States to be cautious how they admitted this proposition, lest petitions hostile to their interests might be brought in under it. It seemed strange to him, that every gentleman who had discussed this proposition, had considered it only on the ground whether it was favorable or unfavorable to the South. The gentleman from North Carolina [Mr. BYNUM] had warned his Southern friends of its danger to Southern interests. The gentleman from Alabama, [Mr. LEWIS,] and the gentleman from North Carolina, [Mr. STANLY,] on the other hand, did not deem it so objectionable; though none of them seemed to consider that the North had any thing to do with the question. He would, therefore, inform gentlemen of all parts of the House, that he and his Northern friends had some interest in this matter.

Mr. STANLY explained that he had supported the resolution on the ground that the whole country was interested in the admission of petitions.

Mr. HOFFMAN replied that he was exceedingly sorry to have misrepresented his friend from North Carolina, for whose opinions he had the

highest respect; and he was satisfied that whenever he differed with him, he himself was generally in the wrong. [Laughter.] He agreed with his friend from North Carolina that the whole country, the North and the South, was alike interested in the adoption of this resolution. Mr. H. referred to the number of petitions from the various sections of the Union, that would be cut off by an adherence to the rules, and particularly to those from Revolutionary soldiers; and he trusted that a resolution of this kind would not be bounded by sectional feelings of Southern or Northern men. All the States have, said he, Revolutionary soldiers; and he trusted that the door would be opened for the reception of their petitions for thirty days longer.

Mr. JOHNSON of Maryland rose for the purpose of saying that he should vote with great pleasure for the proposition of the gentleman from Pennsylvania. He thought it was due to the convenience of the members, as well as the interests of the country. He could say with the gentleman from Alabama, that he had had petitions in his desk for months—that he had been prevented from offering them on the only day in the week allowed for petitions, by an Abolition debate; and such would be the case for this session, if the resolution was not adopted.

Whilst up, he would say one word to his Southern friends. He wished every Southern man on that floor to speak for himself individually, and not for the South. He hoped all Southern gentlemen would adopt that vocabulary, and not raise their loud voices here as champions of the South. I allow no man, said Mr. J. to speak for me. I follow no file leader; and as a Southern man, and a Southern Representative, I speak for myself and my constituents alone. I am sick to death, continued Mr. J. of hearing men speak of the South—the South; and men, too, in whose trust the South would never repose their interests, and if they did, they would be sacrificed. He had been here for six years, and never raised his voice in favor of Southern rights; but whenever the time came when it would be necessary to defend them, he would be found in the front of the battle; though this he admitted would not be saying a great deal for his fortitude at least. Mr. J. spoke of the great inconvenience attending the presentation of petitions at the latter end of the session; in consequence of which the committees would be unable to report on them in time for the action of the House. In order that the committees might report on petitions early enough in the session for the House to act on them, and that they might protect, as well as separate, private interests from questions involving the great interests of the nation, it was essential that the resolution should be adopted, giving the twenty days in lieu of the thirty that had been consumed in the agitation of the New Jersey election questions.

Mr. GARLAND of Louisiana thought they were getting up something like a tempest in a teapot, and therefore called for the previous question.

Mr. BYNUM appealed to Mr. GARLAND to withdraw the motion for the previous question, as he had been attacked by three gentlemen on the opposite side, and had been grossly misrepresented, and he only wished to say a few words in reply to those gentleman, [Messrs. JOHNSON of Maryland, JENIFER, and STANLY.] He should think it hard if he were not granted this privilege.

Mr. GARLAND said he would not withdraw his motion for the previous question, which cut off further remarks on the subject.

Mr. BYNUM then said that it was the usual practice of that party, after having two or three bullies to attack a gentleman and do him injustice, to refuse to let him reply to such attacks.

Mr. BLACK inquired if it was in order to amend the resolution after the call of the previous question.

The CHAIR said that it was not; but that the gentleman could move to lay the call for the previous question on the table. If, however, he succeeded in his motion, it would not then be in order for him to offer an amendment.

Mr. BLACK then submitted an amendment, which was read for the information of the House, the purport of which was to allow of the reception of all petitions for twenty days, with the exception of those relating to the subject of Abolition.

The CHAIR having decided the amendment to be out of order,

Mr. BLACK observed that unless it was received, he would vote against the resolution.

The question was then taken on seconding the call for the previous question, and carried—ayes 114, noes not counted.

The question, "Shall the main question be now put?" was taken and carried; after which,

The main question on the adoption of the resolution was then put and carried without a division.

Mr. EVANS moved that when the House adjourns, it adjourn to meet on Friday next.

Mr. DOIG moved to amend the motion by substituting Thursday instead of Friday.

Mr. ALFORD moved further to amend, by substituting to-morrow instead of Friday.

The SPEAKER, according to the rules, put the question first in the farthest day off; and tellers having been called for, Messrs. GARLAND of Louisiana, and WILLIAMS of Kentucky, were appointed, who, on counting, reported 95 ayes, 52 noes.

Mr. CAVE JOHNSON moved that 5,000 copies of the map of the seat of war in Florida accompanying the report of the Secretary of War, be printed for the use of the House; which motion was adopted.

The SPEAKER laid before the House a communication from the President of the United States, enclosing certain documents from the Treasury Department, in relation to a decision made by the Circuit Court of the United States for the first circuit, as to the papers generally used by vessels engaged in the whale fisheries, which,

On motion of Mr. CAVE JOHNSON, was referred to the Committee on Commerce, and ordered to be printed.

The SPEAKER laid before the House, also, the following communication from the President of the United States:

To the House of Representatives:

I transmit to Congress copies of a communication from Governor Lucas, and of additional documents in relation to the disputed boundary line between the Territory of Iowa and the State of Missouri. M. VAN BUREN.

WASHINGTON, Dec. 30, 1839.

On motion of Mr. W. W. CHAPMAN, said communication and documents were referred to the Committee on the Territories, and ordered to be printed.

Also, the following communication from the President of the United States:

To the House of Representatives:

I communicate to Congress a report from the Secretary of State in relation to applications on the part of France for the extension to vessels coming from the colonies of French Guiana and Senegal, of the benefits granted by the act of 9th May, 1828, to vessels of the same nation, coming from the islands of Guadaloupe and Martinique, and for the repayment of duties levied in the district of Newport upon the French ship "Alexandre" and part of her cargo. The circumstances under which these duties were demanded, being, as stated by the Secretary of the Treasury, of a character to entitle the parties to relief, I recommend the adoption of the necessary legislative provisions to authorize their employment. I likewise invite your attention to the evidence contained in the accompanying documents as to the treatment of our vessels in the port of Cayenne, which will doubtless be found by Congress such as to authorize the application, to French vessels coming from that colony, of the liberal principles which have hitherto governed the action of the Legislature in analogous cases. M. VAN BUREN.

WASHINGTON, Dec 31, 1839.

On motion of Mr. CUSHING, ordered to be referred to the Committee on Foreign Affairs, and printed.

A communication from the Executive enclosing a report from the Secretary of State on the subject of the law for taking the sixth census of the United States, which was, on motion of Mr. R. GARLAND, referred to the Committee on the Judiciary.

Also, a communication from the Secretary of the Navy, in compliance with a resolution of the House of Representatives of 19th February, 1839, reporting a plan for the reorganization of the Navy Department, so as to dispense with the Board of Navy Commissioners.

On motion of Mr. RICE GARLAND, it was referred to the Committee on Naval Affairs, and ordered to be printed.

On motion of Mr. BRIGGS,

The House then adjourned till Friday next.

IN SENATE,

FRIDAY, January 3, 1840.

The Hon. NATHAN F. DIXON, elected by the Legislature of Rhode Island, a Senator from that State, for six years from the 4th March last; and

The Hon. FELIX GRUNDY, elected by the Legislature of Tennessee, a Senator from that State for six years from the 4th March last;

Appeared, were qualified, and took their seats in the Senate this morning

The CHAIR submitted to the Senate the following documents:

A message from the President of the United States, communicating additional information in relation to the disputed boundary line between the State of Michigan and Territory of Iowa; which was referred to the Committee on the Judiciary, and ordered to be printed.

A message from the President of the United States, respecting the extension of the same privileges to French vessels coming from Guiana and Senegal, as those from Guadaloupe and Martinique; and also in relation to the duties exacted on the cargo of the French ship Alexandre, at Newport; which was referred to the Committee on Commerce, and ordered to be printed.

A report from the Secretary of the Treasury, in compliance with a resolution of the Senate, in relation to the fiscal regulations of foreign countries; which was referred to the Committee on Finance.

A report from the Posmaster General, showing the names and salaries of the clerks employed in that Department during the year 1839; which was ordered to lie on the table, and be printed.

Mr. CLAY of Alabama presented the petition of citizens of township 2, range 2, east, of Huntsville land district, praying for the privilege of relinquishing the sixteenth section; which was referred to the Committee on the Public Lands.

Also, the petition of the corporate authorities of the city of Mobile; which was referred to the Committee on Military Affairs.

Also, the petition of the heirs of Miguel Eslava; which was referred to the Committee on Private Land Claims.

On motion by Mr. SOUTHARD, the petition and papers of Eliza Laurie, on file, were referred to the Committee on Naval Affairs.

Mr. KING presented the petition of J. B. Hancock, who was entitled to a reservation of land by the treaty of Dancing Rabbit creek, but had not received the same, praying Congress to grant relief; which was referred to the Committee on Indian Affairs.

Mr. SEVIER presented a petition from certain officers of the army, praying for an equalization of pay, and that the officers of the staff may be separated from the line of the army; which was referred to the Committee on Military Affairs.

Also, the petition of John Foy, for a confirmation of title; which was referred to the Committee on Private Land Claims.

On motion by Mr. SMITH of Connecticut, the papers on file in the case of Ezra Chapman were referred to the Committee on Revolutionary Claims.

Mr. PIERCE presented the petition of Hannah Allen and David Green; which were severally referred to the Committee on Pensions.

Mr. WRIGHT presented the petitions of William Ferguson, Elisha Bentley, and Frederick Sammons; which were severally referred to the Committee on Pensions.

Mr. LUMPKIN, from the Committee on Manufactures, to which was referred the petition of certain manufacturers of wool, praying for a revision

of the revenue laws, asked that that committee should be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. CLAY of Alabama, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Avery, Saltmarsh, and Co.; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. CALHOUN, in pursuance of previous notice, asked and obtained leave to introduce a bill to cede the public lands within the limits of the new States, upon certain conditions therein mentioned; which was read twice, and referred to the Committee on the Public Lands, and ordered to be printed.

Mr. NORVELL, in pursuance of previous notice, asked and obtained leave to introduce a bill fixing the salaries of several district judges of the United States; which was read twice, and referred to the Committee on the Judiciary.

Mr. STRANGE, in pursuance of notice, asked and obtained leave to introduce a bill to amend "an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, approved the 2d day of March, 1807."

Mr. BENTON, from the Committee on Military Affairs, to which was referred that part of the President's message relating to military affairs, reported a bill for the armed occupation and settlement of that part of the Territory of Florida overrun by bands of marauding Indians; which was made the special order of the day for Monday next.

Mr. SMITH submitted the following resolution, which, by unanimous consent, was considered and agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire what legislation, if any, be necessary to confirm to the State of Indiana the land claimed and selected by her under the provisions of the act of Congress of March 2, 1827, entitled "An act to grant a certain quantity of land to the State of Indiana for the purpose of aiding the State in opening a canal to connect the waters of the Wabash with those of Lake Erie," for that portion of the canal between the mouth of the Tippecanoe river and Terre Haute, and that document No. 32, in vol. 3, of the House of Representatives Executive Documents of the Twenty-fifth Congress, be referred to said committee.

Mr. CLAY of Kentucky gave notice, that tomorrow he would ask leave to introduce a bill in relation to copy rights.

Mr. C. stated that he regretted that he was detained by indisposition this morning, and prevented from being present when the bill was introduced by the Senator from South Carolina [Mr. CALHOUN] for ceding the public lands to certain States within which they are situated. He had wished to suggest some other reference of it than to the Committee on the Public Lands; but, unless some Senator would move a reconsideration of the order of reference to that committee, he could not offer the suggestion which he wished to make.

Mr. SOUTHARD then moved the reconsideration.

Mr. CALHOUN remarked that he hoped the Senate would not agree to the motion, unless some good reason should be assigned why the bill should not be referred to the Committee on the Public Lands. It was the appropriate committee, and the bill referred itself to it as a matter of course, unless there should be some specific and sufficient objection.

Mr. CLAY said he was indifferent as to the disposition of the matter, but, as the committee was constituted, four of its five members were from the new States. He meant to offer no disrespect to them; but he must say that this was a measure which, disguised as it may be, and colorable as its provisions were, was, in effect, a donation of upwards of one hundred millions of acres of the common property of all the States of this Union to particular States. He did not think it right that such a measure should be committed to the hands of Senators exclusively representing the donees. He thought that a committee ought to be constituted in which the old States should have a fuller and fairer representation. We should at least preserve the decorum of legislation, and not violate the decencies of justice.

Whilst up, Mr. CLAY would be glad to learn whether the Administration is in favor of or against this measure, or stands neutral and uncommitted. this inquiry he should not make, if the recent relations, between the Senator who introduced this bill and the head of that Administration, continued to exist; but rumors, of which the city, the circles, and the press are full, assert that those relations are entirely changed, and have, within a few days, been substituted by others of an intimate, friendly, and confidential nature. And shortly after the time when this new state of things is alleged to have taken place, the Senator gave notice of his intention to move to introduce this bill. Whether this motion has or has not any connection with that adjustment of former differences, the public would, he had no doubt, be glad to know. At all events, it is important to know in what relation of support, opposition, or neutrality, the Administration actually stands to this momentous measure; and he (Mr. C.) supposed that the Senator from South Carolina, or some other Senator, could communicate the desired information.

Mr. CALHOUN replied, that this was not the proper occasion to discuss the merits of the bill; but if it were, the task would be an easy one, to show that the Senator had most erroneously characterized it. The question at issue is on the reference, and he must express his surprise at the reason assigned by the Senator why it should not be referred to the committee to which it had been. His reason is, that the committee was, for the most part, composed of members from the new States, and who would, therefore, be too favorable to the bill. No one knew better than the Senator that all bills should be referred to committees favorable to them. There is no principle better established in the parliamentary code. It follows, that the very reason he has assigned for not making the reference, is the strongest to prove that it should be made.

But the Senator did not limit himself to objections to the reference. He introduced other and extraneous personal matter; and asked whether the bill had the sanction of the Executive, assigning as a reason for his inquiry, that, if rumor was to be credited, a change of personal relation had taken place between the President and myself within the last few days. He (Mr. C.) would appeal to the Senate whether it was decorous or proper that his personal relations should be drawn in question here. Whether he should establish or suspend personal relations with the President or any other person, is a private and personal concern, which belongs to himself individually to determine on the propriety, without consulting any one, much less the Senator. It was none of his concern, and he has no right to question me in relation to it.

But the Senator assumes that a change in my personal relations involves a change of political position; and it is on that he founds his right to make the inquiry. He judges, doubtless, by his own experience; but I would have him to understand, said Mr. C. that what may be true in his own case on a memorable occasion, is not true in mine. His political course may be governed by personal considerations, but mine, I trust, is governed strictly by my principles, and is not at all under the control of my attachments or enmities. Whether the President is personally my friend or enemy, has no influence over me in the discharge of my duties, as, I trust, my course has abundantly proved. Mr. C. concluded by saying, that he felt that these were improper topics to introduce here, and that he had passed over them as briefly as possible.

Mr. CLAY wished it to be understood, that his objections were not because the committee was composed of a majority who were friends of the measure, but that a majority were from the New States, who were deeply interested, and that this majority were to judge of the terms on which they would receive this magnificent donation. He contended that his question, as to whether this was an Administration measure or not, was a proper one, as it was important for the public information. He again referred to the rumors of Mr. CALHOUN's new relations with the President, and supposed from the declarations of the Senator, that these rumors were true; and that his support, if not pledged, was at least promised conditionally to the Administration. Was it of no importance to the public to learn that these pledges and compromises had been entered into?—that the distinguished Senator had made his bow in court, kissed the hand of the monarch, was taken into favor, and agreed henceforth to support his edicts?

Mr. CALHOUN said the Senator had spoken much of pledges, understandings, and political compromises, and sudden change of personal relations. He (said Mr. C.) is much more experienced in such things than I am. If my memory serves me, and if rumors are to be trusted, the Senator had a great deal to do with such things, in connection with a distinguished citizen, now of the other House; and it is not at all surprising, from his experience then, in his own case, that he should not be indisposed to believe similar rumors of another now. But whether his sudden change of personal relations then, from bitter enmity to the most confidential friendship with that citizen, was preceded by pledges, understandings, and political compromises on the part of one or both, it is not for me to say. The country has long since passed on that.

But, said Mr. C. I will assure the Senator, if there were pledges in his case, there were none in mine. I have terminated my long suspended personal intercourse with the President, without the slightest pledge, understanding, or compromise, on either side. I would be the last to receive or exact such. The transition from their former to their present personal relation was easy and natural, requiring nothing of the kind. It gives me pleasure to say, thus openly, that I have approved of all the leading measures of the President, since he took the Executive chair, simply because they accord with the principles and policy on which I have long acted, and often openly avowed. The change, then, in our personal relations, had simply followed that of our political. Nor was it made suddenly, as the Senator charges. So far from it, more than two years have elapsed since I gave a decided support to the leading measure of the Executive, and on which almost all others since have turned. This long interval was permitted to pass, in order that his acts might give assurance whether there was a coincidence between our political views as to the principles on which the Government should be administered, before our personal relations should be changed. I deemed it due to both thus long to delay the change, among other reasons to discountenance such idle rumors as the Senator alludes to. That his political course might be judged (said Mr. CALHOUN) by the object he had in view, and not the suspicion and jealousy of his political opponents, he would repeat what he had said, at the last session, was his object. It is, said he, to obliterate all those measures which had originated in the national consolidation school of politics, and especially the Senator's famous American system, which he believed to be hostile to the Constitution and the genius of our political system, and the real source of all the disorders and dangers to which the country was, or had been, subject. This done, he was for giving the Government a fresh departure, in the direction in which Jefferson and his associates would give, were they now alive and at the helm. He stood where he had always stood, on the old State Rights ground. His change of personal relation, which gave so much concern to the Senator, so far from involving any change in his principles or doctrines, grew out of them.

Mr. CLAY said he had understood the Senator as felicitating himself on the opportunity which had been now afforded him by Mr. C. of defining once more his political position; and Mr. C. must say that he had now defined it very clearly, and had apparently given it a new definition. The Senator now declared that all the leading measures of the present Administration had met his approbation, and should receive his support. It turned

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JANUARY 14, 1840. VOLUME 8.....No. 7.

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[*Continued from No. 6*]

out, then, that the rumor to which Mr. C. had alluded was true, and that the Senator from South Carolina might be hereafter regarded as a supporter of this Administration, since he had declared that all its leading measures were approved by him, and should have his support.

As to the allusion which the Senator from South Carolina had made in regard to Mr. C's support of the head of another Administration, (Mr. ADAMS,) it occasioned Mr. C. no pain whatever. It was an old story, which had long been sunk in oblivion, except when the Senator and a few others thought proper to bring it up. But what were the facts of that case? Mr. C. was then a member of the House of Representatives, to whom three persons had been returned, from whom it was the duty of the House to make a selection for the Presidency. As to one of those three candidates, he was known to be in an unfortunate condition, in which no one sympathized with him more than did Mr. C. Certainly the Senator from South Carolina did not. That gentleman was therefore out of the question as a candidate for the Chief Magistracy; and Mr. C. had consequently the only alternative of the illustrious individual at the Hermitage, or of the man who was now distinguished in the House of Representatives, and who had held so many public places with honor to himself, and benefit to the country. And if there was any truth in history, the choice which Mr. C. then made was precisely the choice which the Senator from South Carolina had urged upon his friends. The Senator himself had declared his preference of Adams to Jackson. Mr. C. made the same choice; and his constituents had approved it from that day to this, and would to eternity. History would ratify and approve it. Let the Senator from South Carolina make anything out of that part of Mr. C's public career if he could. Mr. C. defied him.

The Senator had alluded to Mr. C. as the advocate of compromise. Certainly he was. This Government itself, to a great extent, was founded and rested on compromise; and to the particular compromise to which allusion had been made, Mr. C. thought no man ought to be more grateful for it than the Senator from South Carolina. But for that compromise, Mr. C. was not at all confident that he would have now had the honor to meet that Senator face to face in this national Capitol.

The Senator had said that his own position was that of State Rights. But what was the character of this bill? It was a bill to strip seventeen of the States of their rightful inheritance; to sell it all for a mess of pottage; to surrender it for a trifle—a mere nominal sum. The bill was, in effect, an attempt to strip and rob seventeen States of this Union of their property, and assign it over to some eight or nine of the States. If this was what the Senator called vindicating the rights of the States, Mr. C. prayed God to deliver us from all such rights and all such advocates.

Mr. CALHOUN said, that he would not be forced, at this stage, into a discussion on the merits of the bill; but when the proper time arrived, he would show that the Senator was entirely mistaken as to its character, in supposing it made a gift of the public lands to the States in which they lay. So far otherwise, it secured one-half of the whole of the gross proceeds of the States to the Government, throwing the whole burden and expense of administration on the new States. He would not be surprised, if, on a fair statement of the account, the Government would receive as much, under the bill, as under the present system. It was, besides, not only consistent with State Rights, but grew out of them; while, at the same time, he verily believed the measure was essential to the peace and harmony of the Union.

The Senator has said, Mr. President, that I, of all men, ought to be grateful to him for the compromise act.

[Mr. CLAY. I did not say "to me."]

The Senator claims to be the author of that measure, and, of course, if there be any gratitude due, it must be to him. I, said Mr. CALHOUN, made no allusion to that act, but as the Senator has thought proper to refer to it, and claim my gratitude, I, in turn, now tell him I feel not the least gratitude towards him for it. The measure was necessary to save the Senator politically; and as he has alluded to the subject, both on this and on a former occasion, I feel bound to explain what might otherwise have been left in oblivion. The Senator was then compelled to compromise to save himself. Events had placed him flat on his back, and he had no way to recover himself but by the compromise. This is no after thought. I wrote more than half a dozen of letters home at the time to that effect. I shall now explain.

When a minority forces a dominant majority, (which has converted power into an instrument of oppression,) by State interposition, or nullification, if you please, to take that by force which they had taken under color of law, those who receive the least share of the spoils, will not be disposed to resort to the hazard of force. Such was the case of the Senator's constituents. They received, under his American system, a miserable pittance, or rather no pittance at all; and he would have found it a difficult task to bring them to sustain his system by force, as he must have clearly seen.

But this was not the only, or even the principal difficulty with him. The proclamation and message of Gen. Jackson necessarily rallied around him all the steadfast friends of the Senator's system. They withdrew their allegiance at once from him, and transferred it to Gen. Jackson. The Senator was thus left in the most hopeless condition, with no more weight with his former partisans than this sheet of paper, (raising a sheet from his desk.) This is not all. The position which Gen. Jackson had assumed, necessarily attracted towards him a distinguished Senator from Massachusetts, not now here, [Mr. WEBSTER,] who, it is clear, would have reaped all the political honors and advantages of the system, had the contest come to blows. These causes made the political condition of the Senator truly forlorn at the time. On him rested all the responsibility, as the author of the system; while all the power and influence it gave, had passed into the hands of others. Compromise was the only means of extrication. He was thus forced by the action of the State which I in part represent against his system, by my counsel to compromise, in order to save himself. I had the mastery over him on the occasion. I have never taken any credit for my agency in the compromise act. I claim a higher—that of compelling the compromise; and I would have dictated my terms, which was to allow to the year 1840 for the reduction, taking off one-seventh annually of all duties above fifteen per cent. had not circumstances, not proper to explain here, prevented it. My colleague knows, I believe, to what I allude, though I am not certain. I never contemplated a sudden reduction of duties; I knew it would be ruinous. I never desired to destroy the manufactures, and at no time contemplated a full reduction under six or seven years.

But although I feel none of that gratitude the Senator claims, yet I am willing to acknowledge that he is not without merit for his course on the occasion. It was something to serve the country, though it was necessary to save himself from political ruin. I accordingly conceded to him cheerfully the sagacity of seeing what was necessary to himself, and the skill and judgment with which he united it with a measure highly beneficial to the country. But his course on this and another memorable occasion has cancelled what claims he may have had on me, and, I might add, on the State I represent, and the whole South.

Mr. CLAY was sorry to be obliged to prolong this discussion; but the remarks of the Senator from South Carolina rendered it necessary to add a few remarks in vindication of himself. He made no allusion, he said, to the compromise bill, till it was done by the Senator from South Carolina himself; he made no reference to the events of 1825 until the Senator himself had set him the example; and he had not in the slightest and the most distant manner alluded to Nullification until after the Senator himself had called it up. The Senator ought not to have introduced that subject, especially when he had gone over to the authors of the force bill and the proclamation. The Senator from South Carolina said that he (Mr. C.) was flat on his back, and that he was my master. Sir, I would not own him as my slave. He my master! and I compelled by him! And, as if it were impossible to go far enough in one paragraph, he refers to certain letters of his own to prove that I was flat on my back! and, that I was not only on my back, but another Senator and the President had robbed me! I was flat on my back, and unable to do any thing but what the Senator from South Carolina permitted me to do!

Why, sir, (said Mr. C.) I gloried in my strength, and was compelled to introduce the compromise bill; and compelled, too, by the Senator, not in consequence of the weakness, but of the strength, of my position. If it was possible for the Senator from South Carolina to introduce one paragraph without showing the egotism of his character, he would not now acknowledge that he wrote letters home to show that he (Mr. C.) was flat on his back, while he was indebted to him for that measure which relieved him from the difficulties in which he was involved. Now, what was the history of the case? Flat as he was on his back, Mr. C. said he was able to produce that compromise, and to carry it through the Senate, in opposition to the most strenuous exertions of the gentleman who, the Senator from South Carolina said, had supplanted him, and in spite of his determined and unceasing opposition. There was (said Mr. C.) a sort of necessity operating on me to compel me to introduce that measure. No necessity of a personal character influenced him; but considerations involving the interests, the peace and harmony of the whole country, as well as of the State of South Carolina, directed him in the course he pursued. He saw the condition of the Senator from South Carolina and that of his friends; he saw the condition to which he had reduced the gallant little State of South Carolina by his unwise and dangerous measures; he saw, too, than we were on the eve of a civil war; and he wished to save the effusion of blood—the blood of our own fellow-citizens. That was one reason why he introduced the compromise bill. There was another reason that powerfully operated on him. The very interest that the tariff laws were enacted to protect—so great was the power of the then Chief Magistrate, and so rapidly was that power increasing—was in danger of being sacrificed. He saw that the protective system was in danger of being swept away entirely, and probably at the next session of Congress, by the tremendous power of the individual who then filled the Executive chair, and he felt that the greatest service that he could render it, would be to obtain for it "a lease for a term of years," to use an expression that had been heretofore applied to the compromise bill. He saw the necessity that existed to save the protective system from the danger which threatened it. He saw the necessity to advance the great interests of the nation, to avert civil war, and to restore peace and harmony to a distracted and divided country; and it was the love that he had brought forward this measure. The Senator from South Carolina, to betray still further and more strikingly the characteristics which belonged to him, said, that in consequence of his (Mr. C's) remarks this very day, all obligations towards him on the part of himself, [Mr. CALHOUN,] of the State of South Carolina, and the whole South, were cancelled. And what right had the Senator to get up and assume to speak of the whole South, or even of South Caro-

ina hereself. If he was not mis'aken in his judgment of the political signs of the times, and if the information which came to him was to be relied on, a day would come, and that not very distant neither, when the Senator would not dare to rise in his place and presume to speak as he had this day done, as the organ of the gallant peop'e of the State he represented. As to cancelment of obligations, he was not one of those looking out to see what would enure to him in consequence of them; but he contented himself with having performed his duty to the best of his ability, and that was the highest reward that his ambition ever aimed at. His race was nearly run—run by the course of nature—run, if you please, by the course of political events; and he had nothing to ask for from South Carolina, the South at large, or the whole country—nothing. But he should go, when he chose to do so, into retirement, with a consciousness that, during the period of a long and eventful life, he had served his country faithfully, zealously, without being influenced by hope of reward, or any other motives than a sincere desire to promote its best interests; and whatever the Senator from South Carolina might say as to the cancellment of obligations, he could not deprive him of that delightful consciousness.

Mr. CALHOUN. The Senator brings against me the vague charge of egotism. He would appeal to the Senate, in order to repel it, whether there is any member of the body more exempt from speaking of himself than he was, unless when attacked. How stands the fact? The Senator has made it his practice of late to give all his discussions with him a personal turn. What was he to do? If he repelled his attacks, he was forced to speak of himself, and to expose himself to the charge of egotism from the Senator; or, if he remained silent, to stand convicted of his charges. Is that fair? He has another practice, not less unfair, to make an attack on him, and to turn round and accuse him of making the attack, when he simply repelled it, as in the present instance.

He accuses me of reverting to the part he took in the transactions of 1825. He mistakes my object entirely in referring to those old transactions. It was not to make a charge against him, but to make him feel that he was the last man who ought to make the accusation he has on the present occasion. The course of the Senator, and that of myself, is directly the opposite. He has a land bill of his own. He brings it in; he refers it to what committee he chooses, without any interference on my part, or any personal attack on him; but I cannot make a move without his interference and attack. But enough of this.

I rose simply to supply some remarks which I intended to make when last up. The Senator said, as I understood him, that it was matter of history, that I preferred the candidate on whom he cast his vote for the Presidency in 1825. I know not if there be a page of history to that effect. I have never seen it, and if there be, it is false. The truth of the case is, that I was opposed to Mr. Crawford, for reasons which I need not now state, as were Mr. Adams and Gen. Jackson. When my name was withdrawn from the list of candidates for the Presidency, it was placed on the ticket of both those candidates for the Vice Presidency; and between them I took no part, as in decorum, I ought not. When I was elected Vice President, the same, and even higher considerations, prevented me from using any influence as between them, when the election went to the House.

Mr. CLAY wished to add one word more. He made the inquiry of the Senator from South Carolina, to know whether this great measure which contemplated the cession to the new States of such a vast domain, was connected with, or had received the sanction of the Administration or not. He merely made the inquiry, and if the "galled jade winced," it was not his fault. He made no allusion, for the purpose of wounding the feelings of the Senator from South Carolina. He said that new relations had arisen between that gentleman and the Administration, and therefore, he made the inquiry of him. Was it wrong in him to ask if this great measure had the support of his new friends? The Senator, instead of answering this plain inquiry, flew into a passion, and cancelled all obligations he was under towards him; but if he had only said, "I know nothing of the views of the Administration; I introduce my own measure on my own responsibility," there would have been no controversy between them. The Senator, therefore brought this controversy on himself.

Mr. WALKER observed that it was only necessary to look back to the stage of the business when the bill of the gentleman from South Carolina was introduced, to show how the controversy between him and the Senator from Kentucky commenced. The latter, in his opening speech, commenced with an inquiry from the former, as to whether his bill was or was not an Executive measure. Now, he apprehended, if the Senator from Kentucky had directed his attention to the time and circumstances under which this bill was originally introduced, his question would have been answered. The bill now introduced was not a new measure. It was first proposed during the session of 1836–'7, more than two years ago, when none of the rumors in regard to a change of position by the Senator from South Carolina were in agitation. It was when that gentleman was regarded by many as an opponent instead of a friend of the Administration; and he (Mr. W.) thought that this circumstance of itself was sufficient to furnish an answer to the inquiry propounded by the Senator from Kentucky. But the Senator from Kentucky objected to the reference of this bill to the Committee on the Public Lands. Was not that, he would ask, the appropriate committee to consider a bill of that nature? Was not that the committee to which it naturally belonged? And must there not be, on any committee to which it might be referred, a majority of members either from the old or the new States, the committee being five in number? But let me say to the Senator from Kentucky, Mr. W. continued, that the period has passed when he can consider the State of Mississippi, in reference to this measure, as deeply interested. The returns from the General Land Office show that that State at least has but little connection with the sales of the public lands. A reference to the sales of the public lands in Mississippi for the past year, will show that that State had been swept of nearly all its lands that were of any value, and that the quota of that State will amount to less than 30,000 dollars. And are we to be told that Mississippi, whose gross proceeds will amount to but 30,000 dollars, will be tempted to plunder the old States? But the bill did not deserve the character which the Senator from Kentucky had given to it. If it did, it ought to be told to the country. It did not propose an unconditional surrender as the Senator from Kentucky intimated; but it was a surrender on certain conditions expressed in the bill. These were, that the Government of the United States was to receive one-half, not of the nett proceeds, but of the gross proceeds of the sales of the public lands, while all the expense of conducting the sales was to be borne by the new States. The effect of this bill would be to sweep off at one blow, a considerable item of public expenditure, and one branch of Executive patronage. It would diminish, to the amount of nearly one million of dollars, the expenditures of the United States; and the Secretary of the Treasury told us that the probable gross proceeds of the sales would in future amount to $3,500,000, one half of which would go to the Government of the United States. Let me tell the Senator from Kentucky, said Mr. W. that if it can be shown that this measure is, as he contends, a robbery of the old States, I would misrepresent my own State if I would consent that it should become a law. Let it be shown that it is unjust to either the old or the new States, and it never shall receive my vote.

Mr. GRUNDY said that he should vote against the motion for reconsideration, as he considered the reference an appropriate one; but he did not wish his vote to be considered as an intimation that he was in favor of the bill. He had formerly opposed this measure, and thought it probable he would oppose it again when it came before the Senate.

Mr. ALLEN said he was about rising when he was anticipated by the Senator from Tennessee, [Mr. GRUNDY,] and with the same view. He thought the Committee on the Public Lands the appropriate one to which this matter should be referred. He would therefore vote against the motion for reconsideration, but he did not intend thereby to express any opinion in favor of or against the measure itself.

Mr. PRESTON said this bill would have a paramount effect on the finances of the country. It was a question whether it would not increase taxation. In this view it was important, and Mr. P. therefore preferred that it should go to the Committee on Finance. He should therefore vote for the reconsideration.

Mr. CALHOUN said the bill, as he had drawn it, would lead to no reduction of the revenue. It was not to go into operation till June, 1842, thus leaving time to adjust the tariff. He saw no reason why it should be taken from the Committee on the Public Lands.

Mr. WHITE said he was entirely ignorant of the contents of this bill; but if the reference should be reconsidered, the bill could then be read, and he would be better able to decide to which committee it was most appropriate. He thought the committee to which it was referred should be friendly to its object, so as to give it all the strength they could by bringing its merits prominently forward, and he thought it probable that the Committee on the Public Lands was the appropriate one. He voted, by a silent acquiescence, for its commitment, but not being aware of its contents at the time, he would now vote for its reconsideration.

Mr. CALHOUN called for the reading of the bill, which was read accordingly.

The question of reconsidering the reference of the bill to the Committee on the Public Lands was then put, and decided by yeas and nays in the negative, as follows:

YEAS—Messrs. Betts, Clay of Kentucky, Clayton, Crittenden, Davis, Dickson, Knight, Merrick, Phelps, Prentiss, Preston, Ruggles, Southard, Wall, and White of Tennessee—15.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Tappan, Walker, White of Indiana, Williams, Wright, and Young—28.

Mr. KING, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of John H. Jacocks.

M. K. stated that the person who was intended to be benefitted by this bill was in very straitened circumstances, and the amount appropriated was but four hundred and thirty dollars. It had passed unanimously last session, without commitment, on account of the necessities of the case; and he hoped that, by unanimous consent, the bill would be considered as in Committee of the Whole, and ordered to be engrossed.

In accordance with this suggestion, the bill was accordingly considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which they had been referred, reported the following bills without amendment:

A bill for the discontinuance of the office of Surveyor General in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and to abolish the officer of Solicitor of the General Land Office; and

A bill to relinquish a certain reversionary interest of the United States to a tract of land in the State of Alabama.

Mr. MERRICK, in pursuance of notice, asked and obtained leave to introduce a bill concerning the estates of infants and lunatics in the District of Columbia; which was read twice, and referred to the Committee on the District of Columbia.

Mr. LINN, from the Committee on Private Land Claims, to which had had been referred the

bill for the relief of the heirs of Philip Barbour, reported the same without amendment.

Mr. NORVELL, from the Committee on the Public Lands, to which had been referred the following bills, reported the same without amendment:

A bill granting to the State of Michigan a quantity of land to aid in constructing a canal around the falls of Ste. Marie.

A bill granting to the county of Kalamazoo, in the State of Michigan, the right of pre-emption to a quarter section of land, and for other purposes.

A bill granting to certain persons therein named, the right of pre-emption to a fraction of a section of land in Ottoway, in the State of Michigan.

Mr. WALKER, from the Committee on the Public Lands, to which had been referred the bill to relinquish to the State of Mississippi the Two per cent. fund arising under her compact for admission into the Union, reported the same without amendment.

Mr. W. made some remarks as to the necessity of an early passage of the bill, and at his suggestion, and by unanimous consent, it was then taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. W. from the same committee, also reported the following bills without amendment:

A bill for the relief of James Dutton; and

A bill to authorize the substitution of other lands in place of school sections which are useless or unproductive.

Mr. WHITE of Indiana presented the remonstrance of the settlers upon certain lots of land adjoining the town of Milwaukie, against the confirmation of the title of Francis Laventure and others, who claim a pre-emption right, and a petition for an act granting a special pre-emption to the occupants of those lots: referred to the Committee on Private Land Claims.

Also, a memorial of the merchants of Albion, Mount Carmel, and Princeton, praying for aid to construct the Mount Carmel and New Albany Railroad; which was referred to the Committee on Roads and Canals.

Mr. SMITH of Indiana offered the following resolution, which, by unanimous consent, was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of regulating and establishing the salaries of the district judges of the United States.

Mr. NICHOLAS gave notice that, to-morrow, he would ask leave to introduce a bill to revive the act entitled an act to enable claimants to land, within the limits of Missouri and the Territory of Arkansas, to institute proceedings to try the validity of their claims, approved May 26, 1834, and an act amending the same, and to extend the provisions of said acts to claimants to lands within the State of Louisiana.

Mr. YOUNG gave notice that, to-morrow, he would ask leave to introduce several bills for the relief of individuals, and one in relation to the Galena Railroad.

Mr. LINN submitted the following resolution:

Resolved, That the Secretary of the Senate be directed respectfully to request annually of the Governors of the different States and Territories of the United States to furnish, for the use of the Congressional Library, all reports and documents in their possession in relation to the geology and mineralogy of their respective States and Territories.

The resolutions submitted on Tuesday by Mr. BENTON and Mr. WALL, were severally considered and agreed to.

ORDERS OF THE DAY.

The bill to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes, was taken up on its third reading, and passed.

The bill to prevent the counterfeiting of any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States, or uttering any counterfeit foreign copper, gold, silver, or other coin, was considered as in Committee of the Whole, and ordered to be engrossed foa third reading.

The Senate then went into Executive business, and afterwards

Adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 3, 1840.

After the journal was read,

Mr. JENIFER rose and asked the indulgence of the House whilst he called their attention, for a few moments, in relation to a matter personally concerning himself.

I do not rise to ask a correction of the journal, but for the purpose of pointing the attention of gentlemen to a report of the proceedings which took place on Tuesday last.

In the Globe of Tuesday evening, which purports to give a sketch of the debate upon the resolution of the gentleman from Pennsylvania [Mr. SERGEANT] "to alter the 20th rule of the House, to allow further time for the daily presentation of petitions," I find the following remarks:

"Mr. BYNUM appealed to Mr. GARLAND to withdraw the motion for the previous question, as he had been attacked by three gentlemen on the opposite side, and had been grossly misrepresented, and he only wished to say a few words in reply to those gentlemen, [Messrs. JOHNSON of Maryland, JENIFER, and STANLY.] He should think it hard if he were not granted this privilege.

"Mr. GARLAND said he would not withdraw his motion for the previous question, which cut off further remarks on the subject.

"Mr. BYNUM then said that it was the usual practice of that party, after having two or three bullies to attack a gentleman and do him injustice, to refuse to let him reply to such attacks."

The distance of my seat from the member from North Carolina, and the usual want of order in the hall, prevented me from distinctly hearing what was said upon that occasion. Three days having elapsed since these remarks appeared in the Globe, and, as far as I have seen, without correction, I am left to infer that they were either expressed on the floor, or authorized to be reported. Had I heard them, I do not know that I should have noticed them, well knowing that they would be properly appreciated by gentlemen here. But as they have been published in the columns of the Globe and sent throughout the country, it may be expected that some response should be given.

I wish it to be distinctly understood that I do not rise to complain; that I do not feel aggrieved; that I take no offence at whatever may have been said, or reported to have been said, coming from that quarter.

Still, a regard for the kind opinion of friends, and a respect for myself, which I hope ever to retain, requires that I should define my position in relation to the member from North Carolina.

Since the 7th day of June, 1836, (a day which that member no doubt well remembered,) I have purposely avoided noticing any thing he might say, or in any manner coming in contact with him, well knowing that no laurels are to be gained, where even victory would be a disgrace. Under these circumstances, my friends need feel no apprehension on my account. But to prevent misunderstanding, and do justice to myself, I desire it to be also understood, that if, upon any occasion, I have, or hereafter may, wound the feelings of any gentleman, I shall always hold myself bound to make an honorable atonement, or meet him in an honorable way; but he must be a gentleman worthy the notice of an honorable man.

Mr. BYNUM said he rose to reply to the remarks of the gentleman from Maryland, [Mr. JENIFER,] although he was sorry that he could not hear distinctly what that gentleman had said. He understood him, however, to complain of something that had been published in the Globe, in relation to what he (Mr. B.) had said some days since. He had not been able to understand what censure that gentleman had passed on him, if any. He would state, though, for his satisfaction, and all others, that the Globe contained what he had uttered on the floor, at the time alluded to by that gentleman, to the best of his recollection. The language was his, and for it he held himself responsible, in that House or out of it. The only explanation that he felt a disposition to make to the House was this:

On the occasion alluded to, he had been attacked by three or four gentlemen—by the gentleman himself [Mr. JENIFER] and his colleague, [Mr. JOHNSON,] a gentleman from New York, [Mr. HOFFMAN,] and a member from North Carolina. He, however, was not disposed to notice what, as he then thought, was the most illiberal manner, in which, by the want of courtesy, he was prevented from a reply, in vindication of himself and the remarks he had used on that occasion, to the attacks of those gentlemen, in which he thought he had been grossly misrepresented; and which he should have attempted to show, if he could have been allowed the privilege of replying at the time. At the time he made the remarks, he did not know whether that gentleman [Mr. JENIFER] was in his seat or not. The gentleman thought fit, however, to open the attack upon him, and was then followed up by his colleague and others; although the gentleman had said he had lain down a particular *rule* for himself to pursue, since the memorable 7th of June, 1836, and that course was to have nothing to do with me; and, to avoid me in debate. Sir, such was the identical course that I had laid down for myself to pursue towards that gentleman, and several others with whom my relations were of a peculiar nature. I take it for granted that it is dishonorable, after two gentlemen have had a difference, that has been confessedly settled honorably to both parties, and stand upon peculiar terms, to embrace any public occasion to renew their difficulties, by bandying personal epithets. Sir, that has not been my course here or elsewhere, as I do not conceive that that belongs to an honorable man and a gentleman. The word *bully*, that I used, if it be that the gentleman complains of, I used to denote one that would play the political champion of this House, such as we have frequently witnessed in it for several years past. I thought every man understood it, when I used it, in that sense, and I regret that any man should have brought it before this House. I do not know what the gentleman has said about the affair of the 7th of June; but if he says or insinuates that that affair was not honorably settled by both parties then, he says or insinuates what he did not say nor insinuate on the ground; and he contradicts what was said and done then; but I say I did not hear the gentleman, and do not know exactly what he did say. If the gentleman will harrow up that old affair, which all understood was honorably settled at the time, then let him proceed. Or if he should undertake to pounce on me, to become my lecturer here, or elsewhere, I say to him, that this House is not large enough to hold us both. No, sir, this House cannot hold us both, nor the world retain us alive. I regret that these private matters should ever have been brought before this House; they do not belong it.

Mr. STANLY here rose, and put an interrogatory to Mr. BYNUM, to which he wished a reply; but was not distinctly heard by the Reporter.

Mr. BYNUM said that the member had asked for a civil answer to a question which he said he had put in a civil way. If the member was in earnest, and could be relied on, he had no objection to answering any civil question put to him in a proper spirit.

Mr. STANLY was understood to ask of the gentleman from North Carolina [Mr. BYNUM] if the word "bully," or "political champion," was intended by him in an offensive sense? whether he intended it to have a literal or political construction?

Mr. BYNUM said he did not know that he could make any other explanation to the question than he had given. He had said that he had used the word "*bully*" in the sense he had explained before; which was one who was in the habit of thrusting himself on every occasion in debate, and endeavoring to *browbeat* and bully others out of their opinions; and if that was not satisfactory, the member might act as he chose in relation to it, as he had no further explanation to make.

Mr. STANLY was then understood to proceed as though unsatisfied.

The SPEAKER here interposed to put a stop to the discussion, which he said was of such a nature

as could not be permitted to go on; and that the gentleman from Maryland [Mr. JENIFER] had merely risen, as he understood him, to make some correction of a matter which personally interrested him.

Mr. STANLY was again understood to say that reference had been made to him by his colleague, [Mr. BYNUM,] in his reply to the gentleman from Maryland, which he conceived needed some notice. He said it was usual with him to cultivate with gentlemen the most friendly relations—and particularly so with persons from the State which he in part represented—that he felt his heart warmed to meet any such; but on his arrival here he had cautioned his friends and colleagues not to introduce him to his colleague, [Mr. BYNUM,] for if they did he would hold them personally responsible. He made some further remarks not heard sufficiently distinct to be understood.

Mr. BYNUM said that this place was not the proper one to settle these private matters. If the member would but go to the Rotunda, he would satisfy him. To which Mr. S. made no reply, but said something, as he sat down, about Mr. B. begging his life, which was not understood. Mr. B. then rose and said, "When and where, puppy, puppy, puppy?" and the matter here closed.

Mr. KEIM rose and said:

Mr. SPEAKER: I have made an effort this morning to present to this House the usual resolutions of tribute to the memory of a deceased friend and colleague—a duty which required an earlier attention, but from the delay in our organization, it was always unpleasant to my feelings to offer them, until the restoration of order, and the House itself had once again returned to its proper and characteristic decorum. It appears to me that now is the proper moment, as it may allay, in some degree, the smothered passions which unfortunately seem to be gathering around some of the gentlemen upon this floor; for I am sure the hand of death has been too busy during the past year, to need any additional provocation from them in aid of his relentless power. Indeed, from that ruthless spoiler who can escape? The old, the young, the humble, and the great, are alike stricken with his unerring shaft, and we perchance are left to mourn a desolation which sooner or later also awaits us.

To some, however, death presents no terror, but like a welcome harbinger of rest, he is hailed with cordial greeting, and dying friends are looked upon as

> "—Pioneers to smooth
> Our rugged way, to break
> Those bars of terror and abhorrence nature throws
> Cross our obstructed path, and thus to make
> Welcome as safe our port from every storm."

Few, however, have left this earthly tenement, more to be lamented than my friend and colleague, WILLIAM W. POTTER; for none possessed more amiable qualities, or enjoyed a more virtuous heart.

His assiduous attention to his duties here promoted a disease that baffled all human skill, and marked him as a premature victim to its ravages. With a consciousness of his approaching end, he was fully prepared to "return the dust to the earth as it was, and the spirit to God who gave it." Thus, in the meridian of his days, was taken from us a mind replete with all the acquirements that a patriot cherished, or a statesman prized.

Indefatigable in his services to his constituents, their tears have designated how well they loved him who never betrayed their confidence, or faltered in devotion to their best interests.

As a husband, he was exemplary for his affection and kindness; and none can soothe the anguish of the partner of his bosom, save "He who spake as never yet man spake."

Happily, indeed, for human suffering, there is an antidote for every affliction, in the benign precepts of our holy religion. They teach us that—

> "Heaven gives us friends to bless the present scene;
> Resumes them, to prepare us for the next."

To that only solace has the bereaved widow looked for strength and consolation, in the promised hope that "they who dwell in righteousness shall shine as the stars for ever and ever."

I offer the following resolutions:

Resolved, That this House has received with deep sensibility the communication of the death of WILLIAM W. POTTER, a Representative of the State of Pennsylvania.

Resolved, That the members of this House will testify their respect for the memory of the deceased by wearing crape on the left arm for thirty days.

Resolved, That, as a further testimonial of respect for the memory of the deceased, this House will adjourn until to-morrow at 12 o'clock.

The question was then put, and the resolutions were unanimously adopted; after which,

Mr. KEIM moved that the House now adjourn.

Mr. WADDY THOMPSON requested Mr. KEIM to waive his motion for the adjournment, to enable him to make a motion for reconsidering a vote, which, unless it be done at that time, and entered on the journal, it would not be in his power to move at any other time.

Mr. KEIM acceded to said request.

Mr. THOMPSON moved that the vote ordering the printing of the map of the seat of war in Florida, accompanying the report of the Secretary of War, be reconsidered.

The question on adjournment was then put, and carried in the affirmative; and

The House adjourned till to-morrow, 12 o'clock.

HOUSE OF REPRESENTATIVES,
SATURDAY, January 4, 1840.

Mr. EVANS asked leave of the House to introduce a bill, which he said was very important, and which would not take more than three minutes of the time of the House to consider. It was a bill which was usually reported by the Committee of Ways and Means; but, inasmuch as the organization of the House had been so long delayed, the committee had not yet had a meeting, and it was probable would not for several days. The money which had been appropriated for the contingent expenses of both Houses, and for the payment of the members, had been expended; and he learned from the officers of both Houses, that great inconvenience resulted from it. He wished to introduce the bill, if no objection was made, and would ask the House to go into a Committee of the Whole on the State of the Union to consider it.

No objection being made,

Mr. E. then introduced a bill making appropriations, in part, for the support of Government for the year 1840; which was twice read; when

Mr. E. then moved that the same be referred to the Committee of the Whole on the State of the Union, which was agreed to; and

The House then went into committee, Mr. BANKS in the Chair, and the bill having been considered, was reported to the House; when it was read the third time by its title and passed.

On motion of Mr. TILLINGHAST, the House took up and considered the resolution of the Senate proposing the appointment of a Committee on the Library, and concurred in the same.

Mr. RAMSEY said he had had in his possession for several days a petition from the citizens of the Third Congressional District of Pennsylvania, complaining that their rights had been trampled on in permitting the gentleman here [Mr. NAYLOR] to take his seat as their representative, and asking that the frauds by which their rights have been violated be investigated; which he asked might be read for the information of the House.

The SPEAKER said it would not be in order at that time.

Mr. RAMSEY then moved a suspension of the rules to enable him to present the petition; and upon that motion demanded the yeas and nays, which were ordered, and were—yeas 118, nays 67.

YEAS—Messrs. Adams, Judson Allen, Atherton, Banks, Beatty, Beirne, Biddle, Black, Blackwell, Brewster, Briggs, Aaron V. Brown, Albert G. Brown, Burke, W. O. Butler, S. H. Butler, Bynum, John Campbell, Carr, Carroll, Carter, Chapman, Clifford, Coles, Mark A. Cooper, Crabb, Cross, Cushing, Dana, Davee, John W. Davis, Doan, Doig, Duncan, Earl, Eastman, Ely, Everett, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, James Garland, Goggin, Griffin, Hall, Hammond, Hand, John Hastings, John Hill of N. C. Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Jenifer, Joseph Johnson, Cave Johnson, Nathaniel Jones, Keim, Kempshall, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Miller, Montanya, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Pickens, Pope, Prentiss, Ramsey, Reynolds, Edward Rogers, James Rogers, Samuels, Sergeant, Shaw, Shepard, Slade, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, Jacob Thompson, Tillinghast, Toland, Turney, Underwood, Vanderpoel, David D. Wagener, Warren, Watterson, Weller, John White, Wick, and Jared W. Williams—118.

NAYS—Messrs. Alford, John W. Allen, Simeon H. Anderson, Andrews, Barnard, Bell, Brockway, Anson Brown, Calhoun, William B. Campbell, Casey, Chinn, Chittenden, Clark, Cooper, Cranston, Crockett, Curtis, Davies, G. Davis, Dawson, Dillett, Evans, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goode, Graham, Granger, Graves, Green, Habersham, W. S. Hastings, Henry, Hoffman, Hunt, James, Charles Johnston, Lincoln, Marvin, Morgan, C. Morris, Nisbet, Osborne, Palen, Peck, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Trumbull, Peter J. Wagner, Thomas W. Williams, Lewis Williams, C. H. Williams, and Sherrod Williams—67.

So the rules were not suspended, it requiring a vote of two-thirds.

Mr. S. WILLIAMS asked leave to offer a resolution, which was read, as follows:

Resolved, That the memorials and petitions presented to the House of Representatives at the last Congress, and upon which favorable reports were made, and on which the House did not finally act, and such memorials and petitions as were presented at the last Congress and referred, upon which the committees did not make reports, be again referred to the committees to which the said memorials and petitions were heretofore severally referred.

No objection being made, the resolution was received and agreed to.

The motion of Mr. THOMPSON of South Carolina to reconsider the vote on ordering the printing of the map of the seat of war in Florida, accompanying the report of the Secretary of War, came up for consideration; when

Mr. THOMPSON of South Carolina observed that the matter which he had moved to reconsider might be said to be a small matter; but inasmuch as abuses in small matters are the more dangerous as they are likely to escape attention, he had for this reason seized the earliest opportunity of bringing it before the House. The vote that he had moved the reconsideration of, was on the proposition to print 5,000 extra copies of the map of the seat of war in Florida, which the gentleman who moved the printing said would not cost more than 800 or 1000 dollars. This, to be sure, might be considered as a small matter in comparison with the ordinary expenses of the like nature. The House, in its expenditures for printing, was something like the law—*de minimis non curat;* but it was in regard to these small matters that economy was, as he had before observed, as necessary as in large ones; and as to this particular document, for all the use that it would be to the members of that body, it might as well be burnt. Any body was welcome to the share of them that would fall to him, for he could make no earthly use of them whatever. To his constituents they would not be worth a single baubee, and he could see no reason at all for printing, unless it was for the purpose of rewarding certain favorites of the Administration, hanging about Washington, with a portion of the public money. He did not know any one of the ten thousand instances of gross extravagance and waste of public money more to be denounced than that of members of Congress having printed for themselves, at the public expense, documents worth no more than mere waste paper, for the purpose of putting money in the pockets of a political partisan. He would mention one fact which would surprise many of the young members who were not yet aware of the extent to which the practice he adverted to had prevailed. While at home last summer, he received from one to two hundred maps of the United States—excellent maps, which would readily sell in a stationer's shop—that had been printed under the order of the House for the use of its members. These things were done under the plea of furnishing useful information to the members, to enable them the better to carry on the business of legislation; but they already had a valuable and extensive library; and if more information was necessary for the members, he thought it would be better to furnish them with good historical works, than to expend the public money in printing a parcel of maps, that would be worth to them, as far as useful information was concerned, no more than mere waste paper. He also received last summer a number of maps of Florida, which were, to him and his constituents, perfectly worthless. As he had been placed on the military committee, on the mo-

tion of whose chairman this printing had been ordered, he thought it his duty to move the reconsideration, being determined, while a member of that committee, to resist, to the utmost of his ability, every unnecessary expenditure, whether proposed in it or in the House.

In justice, however, to the gentleman who was at the head of that committee for the last Congress, he must say that that gentleman was uniformily in favor of preserving the strictest economy, and cordially co-operated with him in resisting every extravagance of expenditure.

Mr. T. concluded, by moving a reconsideration of the vote referred to in the commencement of his remarks.

Mr. CAVE JOHNSON said, that as he had submitted the motion for printing the map of Florida accompanying the report of the Secretary of War, it was due to himself and the House that he should explain the reasons which operated upon him in making that motion. The map of Florida accompanied the report of the Secretary of War, and the only question was, whether, in publishing the documents accompanying the President's message, the map should be included. There was a former order of this House, made some years ago upon his application, that a general order for printing should not include maps and charts, without the special order of the House. In consequence of this order, he brought the subject before the House, that the House might decide for itself, whether the map of Florida should constitute a part of each of the documents accompanying the message, and that he thought the gentleman from South Carolina had used an improper expression, when he spoke of them as *extra copies*.

Mr. J. said that he had seen the map of Florida, already published by the Senate, accompanying the report of the Secretary of War, and that he supposed the number of maps necessary to accompany the documents might now be procured at a moderate price, as the engraving had already been done under the orders of the Senate; and that he had inquired of one of the printers, then in the House, as to the probable cost for each, if now ordered. He was informed that each one would not exceed six or eight cents for the paper and printing, the engraving having been already done. For these reasons he had, in the first place, made the application to the House. Since that time, he had been informed that the Clerk of the House, some time before, had made a contract for the performance of such work by some lithographer in the city, whose name he did not recollect, by which the House was to pay about the same price that the Senate paid the engraver. He had inquired what the price of the work would be, but had not been able to learn. If he had supposed that a new engraving would have to be made, he should never have made the application.

Mr. J. said that he was gratified to learn from the honorable member from South Carolina, that he was so zealous an advocate for economy and reform—that the honorable member knew, having served many years in this House with him, that he, (Mr. J.) had been at all times the decided and warm advocate of ecomomy as well as the curtailment of all unnecessary expenditures, and he could assure the honorable member that he would not find him altered in that respect.

The honorable member had been pleased to say, that he had unlimited confidence in the chairman of the Committee on Military Affairs in the last Congress, [Gen. McKAY,] but that he was apprehensive he would not have the same reason for a continuance of that confidence to the chairman of that committee in the present Congress; that this movement was a bad beginning.

Mr. J. expressed a hope that the honorable member from South Carolina would find no cause for dissatisfaction with the present chairman of that committee on the score of economy, and that he thought the motion submitted by him the other day for printing the map accompanying the report of the Secretary ought not to create any suspicion in his mind prejudicial to the present chairman of that committee. He begged to remind the honorable gentleman, that during the last Congress the Report of the Secretary of War was accompanied by a map of Florida, which was ordered by the House to be printed, upon the motion of the chairman of the Military Committee of that Congress, in whom the gentleman had so much confidence. He had not examined the journal, but had been so informed this morning by the chairman of that committee.

Mr. THOMPSON rose to state one fact. The contract for printing these maps, he said, was to be given to a person in this city, who was to be subjected to the same process of taxation that was proved to have been practised in New York, and other cities. That is (said Mr. T.) the person who does the work is to submit to an assessment on the price of the printing, which he is to contribute to the support of a publication, very important to the party in power—the Democratic Review.

Mr. BANKS observed that he should have pursued his usual course in silence, in reference to the motion of the gentleman from South Carolina, but for one fact. It had been the course pursued by that gentleman, with many of the party who acted with him, to endeavor to produce an impression on the public mind, that there was a party in that House disposed to print public documents, merely to reward their political favorites. He knew not of such favorites; and knew of no such design in the part of those with whom he acted, and denied that he and his friends had ever been governed by any such motives. He readily believed, however, that the House did print too much, and he had never voted for the printing of a document, unless he deemed it necessary for the public service. With regard to the motion now under consideration, he should vote for it, believing that the printing of the document was unnecessary. But, said Mr. B. while the gentleman says so much about useless and unnecessary printing, let me call his attention, and that of the gentleman who vote with him, to the extravagant waste of public money last session in printing 20,000 extra copies of the Report of the Secretary of the Treasury, in relation to defalcations of public officers. The printing of these extra copies of old documents cost some $15,000 of the public money, and it was carried through the House by the votes of the gentleman and his friends.

Mr. THOMPSON of South Carolina. The gentleman speaks at random, and states what is not true. I did not vote for the printing of these documents.

Mr. BANKS resumed. The document he referred to, was document 297, being the Report of the Secretary of the Treasury, in relation to the defalcations of public officers. I assert, said he, that there was a proposition to print 20,000 extra copies of these old documents, that it was carried through by the votes of the gentleman from South Carolina and his party, and that the journals will show it.

Mr. THOMPSON again interrupted Mr. BANKS, and said that the gentleman had stated at random what was not true.

Mr. BANKS continued. If the gentleman did not vote for that particular proposition, it certainly was carried through by the votes of the party with which he acts; and when the gentleman is endeavoring to create a false impression abroad that the friends of the Administration were seeking to expend the public money in useless printing, for the purpose of rewarding political favorites, it was but fair to bring up, as an offset to it, this extravagance of the last session, carried through by his party, as well as to deny the charge. With respect to the particular document under consideration, he felt it due to himself to say, that he should vote against the printing of it, not believing it to be necessary for the public information. As to the vote of the gentleman himself on printing the documents, he could not say with certainty how he voted, without a reference to the journal; though his impression had been that the gentleman had voted for it, until he denied it; but he did say that the printing was carried through by the votes of the gentleman's party.

Mr. WISE was sorry that his colleague had thought proper to make an attack on the motion made by him last session for the printing of the report relative to defalcation. I (said Mr. W.) made the motion to print the extra copies of document 297, which would show to the thousands of voters of this country, that the late message of the President was not true. The message stated that independently of the defalcation of Swartwout, only $60,000 were lost to the Government in consequence of the defalcations of public officers. That document, No. 297, would show that, by the land officers and collectors of the present Administration, nearly one million of dollars were lost, while the message stated the loss at only $60,000. This document disproved the truth of the President's message, and showed either that he was disposed to cover the defalcations of his officers, or that he was deceived by his Secretary of the Treasury. He would frankly say of Martin Van Buren, believing him to be a gentleman, that if he had read the document No. 297, he would not have made the statements he did in his message, in opposition to facts shown by the records within his reach. Permit me to say to my colleague, continued Mr. W. that the printing of that document was better calculated to promote public economy than any other; and that he would, at any time, be willing to pay ten dollars from out of the public Treasury, to show to the people how one dollar had been taken from it, either by fraud or in consequence of ignorance or mismanagement. Did the gentleman mean to say that there was not another motive besides economy that induced him and his party to vote against the publication of these documents? Sir, (said Mr. W.) if I could get the vote of the House to day, I would print the report of the Secretary of the Treasury in opposition to the message; and if I could get my colleague to circulate it in his district, his constituents would hold him accountable for voting as he did against publishing a document to circulate the truth. After some additional remarks from Mr. W.

Mr. BANKS said he hoped his colleague had not understood him as objecting to the original printing of document No. 297. It was important that it should be printed for the use of the members of the House, and he voted for it. But, said Mr. B. I objected, after it was printed, and in possession of every member of the House, to the printing of 20,000 extra copies, by which an expense of $15,000 was incurred. He did not deem it proper, at this time, to go into an examiurtion of the President's message, and he therefore would not reply to the remarks of his colleague on that subject; but he knew that an intelligent people had had full benefit of the document his colleague referred to—that it was widely circulated and discussed at public meetings, and that its statements were met and proved to be false in many particulars; for it was shown that many persons stated in it to be defaulters, had since paid up the balances against them, and that many were of necessity reported as such, from the mere fact that their accounts were unsettled. He had never voted against circulating useful or necessary information. He was as ready to give light to the people as any man; and whether by the *viva voce* principle, and against the secret system of voting, or by useful and necessary publications, he wished all his acts to be known to the people. He would have nothing concealed or misrepresented, but all his acts to be aboveboard. As to the question under consideration, it was perhaps a small matter, and nothing would have induced him to say one word in regard to it had it not been for the unceasing endeavors of some gentlemen on that floor to produce an impression on the public mind that the party with which he acted were disposed to expend money in useless printing for the purpose of rewarding political favorites. He had shown how the extravagance, charged by the gentleman from South Carolina, had been practised to a greater extent by the party with which he acted. How the change had come over gentlemen this session, which made them such great sticklers for economy, he would not pretend to say, but would only observe, in reference to himself, that he should vote against the printing of the document under consideration, as he did not believe it was wanted for the public service.

Mr. GRAVES rose to call the attention of the

House to the probable cost of printing this document. When the chairman of the committee [Mr. C. JOHNSON] first moved the printing of this document, he stated that the main expense having already been incurred in the cost of engraving the plate, the printing would not amount to more than six or eight cents a copy. But (said Mr. G.) we are now told by the chairman that the old plates cannot be had, and therefore the engraving must be paid for anew. He would now ask the gentleman whether he did not believe the cost would be some four or five thousand dollars. He had risen to make these remarks in order to induce gentlemen to vote for the reconsideration moved by the gentleman from South Carolina.

Mr. SMITH of Maine said he understood the gentleman from Virginia [Mr. BANKS] to charge on the gentleman from South Carolina [Mr. WADDY THOMPSON] and his friends, the passage of the resolution ordering the printing of 20,0000 extra copies of document No. 297. He understood that, in reply to that charge, the gentleman from South Carolina [Mr. THOMPSON] said that the gentleman from Virginia had "at random stated that which was not true." Now (said Mr. S.) I hold in my hand the resolution authorizing the printing of 20,000 extra copies of document No. 297; I hold in my hand the yeas and nays (holding up the journal) on the adoption of that resolution; and among the yeas I find recorded the name of "WADDY THOMPSON, jun." I have nothing more (continued Mr. S.) to say on that subject.

Mr. THOMPSON. I understood the gentleman from Virginia to charge me with voting generally for extensive printing, and not to refer to this particular document.

Mr. BANKS. I stated expressly that it was document No. 297, being the report of the Secretary of the Treasury on defalcations of public officers. I referred particularly to the document, and stated so distinctly what it was, as to leave no room for misunderstanding.

Mr. THOMPSON said that he had not understood the gentleman from Virginia [Mr. BANKS] as alluding to any particular document, but as making the general charge that he, Mr. T. had voted for extra printing ordered by the last Congress. This was what Mr. T. had pronounced untrue. Mr. T. certainly did not wish to be understood that he had not voted for printing an extra number of this particular document, for he did not hear the gentleman speak of any one in particular. He had voted in many instances for extra copies—in this, as in other cases, where the document was useful. But his general course had been to vote against such propositions. When he learned by the remarks of Mr. WISE that the gentleman [Mr. BANKS] had alluded to this particular document, he endeavored to get the floor before the remarks of the gentleman from Maine, and thus to set himself right.

While up, he would ask of the CLERK if the printing of this map was not given to the editor of a public print, who was not a lithographer?

The SPEAKER informed the gentleman that the CLERK's answer was, that the printing was given to Mr. Langtree.

Mr. THOMPSON. Well, sir, Mr. Langtree is the editor of the Democratic Review, and is not a lithographer; and one of the first acts of the CLERK was to give this printing to Mr. Langtree, who, as he was not a lithographer, must get the work done by somebody who is, and share the profits with him.

Mr. CALVARY MORRIS asked who published the same map at the last session, and whether it was not published on the same plate this year that was used last session?

The SPEAKER said the CLERK did not know.

Mr. MORRIS wished merely to state the fact, that the impression had gone abroad that the Senate last year ordered a plate of this map to be engraved; and that subsequently, the House having ordered the printing of it, it was printed on the same plate; that this year the Senate had again ordered copies of it, which had been printed for that body; and that, therefore, if the printing now ordered by the House should be executed, there would be four different impressions from the same plate. Now, he would ask gentlemen better acquainted with such matters than he was, if this would not be paying four times for the same engraving.

Mr. COLES observed that it was true these maps had been printed several times; but the first maps printed were mere outlines, while the present was one very much improved and enlarged. He was opposed to the printing of an extra number of copies, as unnecessary, and therefore should vote for the reconsideration.

Mr. PECK called for the reading of the contract with Mr. Langtree, and it was read accordingly.

Mr. GRAVES inquired of the honorable gentleman from Tennessee, if Mr. Langtree was a lithographer.

Mr. JOHNSON was understood to reply in the negative.

Mr. JOHNSON repeated, that he had no desire for the publication of the map, and should not have submitted the motion under any circumstances other than those named, and was glad that the question was now before the House, so that the members might decide whether the documents should be accompanied by the map or not.

Mr. CRARY wished to ascertain what was the practice of the House in ordering the printing of documents of a like nature. He understood, that at the last session these maps were ordered to be engraved by the Senate, and when the House ordered the same printing, they had to wait some two months, as it was said, for them to be re-engraved. As he understood the matter, when the Senate ordered maps to be engraved and printed, the expense was paid out of the contingent fund of the Senate; and when the House ordered the printing of the same maps they were again engraved, or supposed to be so, and paid for out of the fund of the House. Now, unless some plan was adopted by which the House kept its own plates, after paying for them, without suffering them to be used again and again at the same cost as if new engravings were made, he should in future vote against the printing of any maps whatever.

The question was then taken on the motion to reconsider; which was carried without a division.

The question then recurred on the adoption of the resolution; when,

On motion of Mr. BANKS, it was laid on the table.

Mr. BROWN of Tennessee asked permission of the House to introduce the following as an amendment to the Constitution of the United States, which, he said, he wished to be printed for the information of the members, and to lie on the lable till he had an opportunity of calling it up:

Joint Resolution to amend the Constitution of the United States, in relation to the election of President:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the Constitution, to wit:

"No person who shall hereafter be elected, and shall serve the period of four years as President of the United States, shall be again eligible to that office."

The SPEAKER said that it was not then in order to introduce the resolution without the consent of the House.

Mr. JAMESON said: Mr. Speaker, I rise to do what I intended on yesterday to have done, but failed in obtaining the floor before the House adjourned; that is, to announce to this House the death of the Hon. ALBERT GALLATIN HARRISON, one of the members elect from the State of Missouri, to the Twenty-sixth Congress. He died at his residence, near Fulton, Missouri, of bilious fever, in the month of September last. In his death, not only the bereaved widow and his children sustain a deep and abiding loss—the loss of an amiable, kind, and affectionate husband and parent—but Missouri lost one of her favorite and ablest sons. Always true to his trust, and faithful to the interests of Missouri, my lamented predecessor had obtained for himself a deep seat in the affections of her people. I have known the deceased since I have known myself, and many on this floor were also well acquainted with him; and they will bear me witness to the fact, that he posses ed all those noble qualities and virtues which of themselves constitute the high road to honor and distinction.

He had filled with credit to himself, and to the entire satisfaction of the people, more difficult offices of honor and profit, in the same length of time, than any man who has ever resided in Missouri. He was called by Him in whose hands life and death are held, from the theatre of action, in the meridian of life; and but few have passed from time, more to be lamented than ALBERT GALLATIN HARRISON; few, if any, can fill his place as the agent or Representative of Missouri; and a void is left in that domestic circle in which he moved, and in the heart of his amiable and intelligent bereaved widow, that no power on earth, no human being can fill: a void that can only be filled by the constant presence, aid, and protection of the Spirit of the Eternal God.

Mr. HARRISON was a native of Kentucky, from whose land so many able and chivalric men have emanated: the birth place of a great many members now on this floor from other States.

Mr. J. then offered the following resolutions:

Resolved, unanimously, That this House has received with deep sensibility the announciation of the death of the Hon. ALBERT G. HARRISON, one of the late Representatives elect from the State of Missouri for the Twenty-sixth Congress of the United States.

Resolved, unanimously, That the members of this House tender the widow and relatives of the deceased their sympathy on this mournful event, and will testify their respect for his memory, by wearing crape on the left arm for thirty days.

Resolved, That, as a further evidence of their respect for the memory of the deceased, the House adjourn until Monday next, at 12 o'clock, m.

The House adjourned.

IN SENATE,

MONDAY, January 6, 1840.

The CHAIR submitted a communication from the Legislature of Wisconsin, requesting an appropriation for the improvement of the navigation of the Des Moines river; which was referred to the Committee on Commerce.

Also, the petition of the daughter and only child of Lieut. Nathaniel Fanning; which was referred to the Committee on Naval Affairs.

Mr. HUBBARD presented the petition of Samuel Steinrod; which was referred to the Committee on Claims.

Mr. NORVELL presented the petition of Joseph Compo; which was referred to the Committee on Private Land Claims.

Mr. ROBINSON presented the petition of Chalon Guard and others, praying permission to purchase a quantity of the public land on a credit; which was referred to the Committee on the Public Lands.

Also, the memorial of the members of the bar of Laporte, Il. which was referred to the Committee on the Judiciary.

Mr. BUCHANAN presented a memorial from certain officers of the line of the army, praying for an equalization of pay with the staff; which was referred to the Committee on Military Affairs.

Also, the memorial of William Strickland, E. F. Gill, and A. K. Campbell, stating that they were about publishing in Great Britain a description of the public works of the United States: and that the citizens of this country may be furnished on the same terms, they pray that they be permitted to import the same free of duty; which was referred to the Committee on Finance.

On motion by Mr. B. the petition and papers of John R. Midwinter, and those, in the case of Elizabeth Truxton, now on file, were respectively referred to the Committee on Pensions.

On motion by Mr. SMITH of Connecticut, the papers on file in the case of David Allen, were referred to the Committee on Revolutionary Claims.

Mr. CLAY of Kentucky presented a petition of a number of citizens, praying for a grant of land in the Oregon Territory; which was referred to the Select Committee on the Oregon Territory, and ordered to be printed.

The Select Committee is composed of the following Senators: Messrs. LINN, PRESTON, WALL, PIERCE, and WALKER.

On motion by Mr. DAVIS, the petition of Major Honison, presented by him some days since, was referred to the same committee.

Mr. D. also presented the petition of Isaac R. Howe, for a Congress of Nations; which was referred to the Committee on Foreign Relations.

Mr. SEVIER presented the petition of William Cox; which was referred to the Committee on Claims.

Also, the petition of Major W. G. Belknap and others, of the line of the army, praying for an equalization of pay with the officers of the staff; which was referred to the Committee on Military Affairs.

On motion by Mr. MERRICK, the petition and papers of John Ireland, on file, were referred to the Committee on Claims; and

The papers of William Jones were referred to the Committee on Revolutionary Claims.

Mr. WHITE of Indiana presented the memorial of John G. Fleischmann, praying for a patent for an improved mode of manufacturing beet sugar; which was referred to the Committee on Patents and the Patent Office.

Mr. PRENTISS presented the petition of James Glentworth; which was referred to the Committee on Pensions.

Mr. HENDERSON presented the petition of the officers of the Agricultural Bank of Mississippi; which was referred to the Committee on Finance.

Mr. KING presented the petition of A. G. King and Henry Lucas; which was referred to the Committee on Military Affairs.

Mr. BENTON presented the petition of Wilson P. Hunt; which was referred to the Committee on Private Land Claims.

On motion by Mr. HUBBARD, the papers on file in the case of the owners of the ship Alleghany, were referred to the Committee on Foreign Relations.

Mr. FULTON presented the memorial of James Smith of Arkansas; which was referred to the Committee on the Public Lands.

Mr. KING, from the Committee on Commerce, to which was referred the memorial of George Sayler, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. K. also, from the same committee, asked to be discharged from the further consideration of the memorial of Josias Sturgis and others, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. K. also, from the same committee, to which was referred the bill making appropriations for the removal of the raft in Red river, reported the same without amendment.

A message was received from the House of Representatives, announcing that the House had agreed to the joint resolution appointing a joint committee to superintend the appropriations for the library, and that they had, on their part, appointed Messrs. LEWIS, NAYLOR, and TILLINGHAST on that committee.

Also, that the House had passed a bill making partial appropriation for the expenditures of Government for the year 1840.

Mr. PRENTISS, from the Committee on Pensions, to which was referred the following bills, reported the same without amendment:

A bill to revive and continue in force an act entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war.

A bill for the relief of John McCloud.

A bill for the relief David Waller.

A bill for the relief of Margaret Barnes, widow of Elijah Barnes.

A bill for the relief of Lemuel White.

A bill to authorize the payment of invalid pensions in certain cases.

Mr. WRIGHT, from the Committee on Finance, to which had been referred that part of the President's message relating to the finances of the country, and the annual report of the Secretary of the Treasury on the finances, reported a bill to provide for the collection, safekeeping, transfer and disbursement of the public revenue.

Mr W. also, from the same committee, to which was referred the bill more effectually to secure the public money in the hands of officers and agents of the Government, and to punish public defaulters, reported the same with amendments; which was ordered to be printed.

Mr. W. said that he was directed by the committee to give notice that they would, on Monday next, ask for the consideration of these bills, in the order in which they were reported, and that they would feel it their duty to press their consideration after that date.

Mr. W. asked the unanimous consent of the Senate to take up the bill just received from the House, making partial appropriations for the support of the Government for the year 1840; which was agreed to.

The bill was then taken up, read twice, and referred to the Committee on Finance.

Mr MERRICK presented the memorial of the Farmers' and Mechanics' Bank of Georgetown, praying for an extension of their charter; which was referred to the Committee on the District of Columbia.

Mr. M. in pursuance of notice, asked and obtained leave to bring in a bill for the heirs of Francis Newman; which was read twice, and referred to the Committee on the Judiciary.

Mr. CLAY of Kentucky, in pursuance of notice, asked and obtained leave to introduce a bill in relation to copy rights; which was referred to the Committee on the Judiciary.

Mr. PIERCE, from the Committee on Pensions, to which was referred the following bills, reported the same without amendment:

A bill for the relief of John S. Billings.

A bill for the relief of Joseph Bassett.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the petition of William Easby, reported adversely to the same.

Mr. W. also, from the same committee, to which had been referred the report from the Secretary of the Navy, respecting the contingent fund of that Department, asked that the same might be printed; which was agreed to.

Mr. GRUNDY gave notice that he would, on tomorrow, ask leave to introduce a bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.

Mr. BENTON, from the Committee on Finance, to which had been referred the bill providing for the summary collection of the notes of the banks in the District of Columbia, under the denomination of twenty dollars, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. DAVIS, in pursuance of notice, asked and obtained leave to introduce the following bills:

A bill for the relief of the Steamboat Company of Nantucket; which was read twice, and referred to the Committee on the Post Office and Post Roads.

A bill for the relief of Thomas L. Winthrop and others; which was read twice, and referred to the Committee on the Judiciary.

A bill for the relief of Josephine Nourse; which was read twice, and referred to the Committee on Military Affairs.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill making partial appropriations for the support of the Government for the year 1840, reported the same with amendments, which were read and concurred in; and the bill was read a third time, and passed.

The resolutions submitted by Mr. BENTON some days since, relative to the assumption, by the General Government, of the debts of the States, were then taken up, and after some remarks from Mr. BENTON, a portion of which will be found in this evening's paper,

The question being on the adoption of the resolution,

Mr. GRUNDY thought that the question should be taken on each proposition separately, and asked for the yeas and nays, which were ordered.

Mr. LUMPKIN expressed his concurrence in the object of the resolutions in some remarks which we will publish to-morrow, but would prefer that the resolutions might be permitted to lay on the table for the present; which was agreed to.

Mr. NORVELL offered the the following resolution, which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to Louis Mitchell Rivard, of Wayne county, State of Michigan, in consequence of infirmities and disabilities contracted in the military service of his country.

Mr. NORVELL offered the following resolution:

Resolved, That the Committee on Commerce inquire into the expediency of directing the Secretary of the Treasury to cause a steam cutter to be constructed for the revenue service on the Atlantic, another for that service in the Gulf of Mexico, and a third for the same service on Lake Erie and the Upper Lakes.

Mr. CLAY of Alabama submitted the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of enacting a law explanatory of the act of 8th May 1792, "to regulate the pay of non-commissioned officers, musicians, and privates of the militia of the United States," so as to provide that field officers, commanding volunteer regiments or battalions, shall be allowed the same compensation for the use and risk of horses furnished by themselves as is paid to company and staff officers in such command; and that such additional sum shall be paid to field officers who have served in Florida during the late troubles with the Seminole Indians.

A message was received from the President of the United States, transmitting a report from the Secretary of the Treasury in relation to the employment of steam vessels in the revenue cutter service; and recommending the subject to the special and favorable consideration of Congress.

The CHAIR submitted a report from the Secretary of the Treasury, transmitting returns of the condition of the several banks in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ORDERS OF THE DAY.

The following bills were taken up on their third reading, read a third time, and passed:

A bill for the relief of John H. Jacocks.

A bill to relinquish to the State of Mississippi the Two per cent. fund arising under her compact for admission into the Union.

A bill to prevent the counterfeiting of any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States, or uttering any counterfeit foreign copper, gold, silver, or other coin.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, January 6, 1840.

After the reading of the journal,

Mr. W. B. CALHOUN of Massachusetts rose and submitted the following resolutions:

Resolved, That the House has heard with deep sensibility of the death of the Hon. C. ALVORD, a member elect of this House from the State of Massachusetts.

Resolved, That the members and officers of this House will testify their respect for the memory of the deceased by wearing crape on the left arm for thirty days.

The resolutions having been read,

Mr. CALHOUN said: I do not rise, Mr. Speaker, to give utterance to a labored eulogium upon the character of Mr. ALVORD. I rise simply to say that he was regularly elected a member of this Congress, and that he died several months anterior to the commencement of the present session. He

was very young; and, had he been permitted to take his place amongst us, would undoubtedly have been the youngest member upon this floor. But, young as he was, he had acquired very prominent and enviable rank in the community where he resided Heaven had given him a high order of intellec; his mind was richly cultivated; his judgment was mature; and his general attainments extraordinary. In the study and pursuit of the law—the profession to which he had devoted himself—he was eminently distinguished; as he was, also, in both of the halls of legislation in his native State. Had he lived to take part in the proceedings of this body, he would, I am sure, have added largely to his fame and renown. He died, sir, in the midst of the warmest affections, and the fondest hopes of his friends, his associates, and of the community where his lot was cast.

Such, in brief, was JAMES C. ALVORD; and never, I am confident, has the House of Representatives been called upon to pay a tribute to the memory of one more worthy.

The question was taken on the resolutions, and they were unanimously adopted.

Mr. DUNCAN moved a suspension of the rules to enable him to offer a resolution, proposing to refer all the papers and testimony relating to the New Jersey disputed election to the Committee of Elections; and, on that motion, demanded the yeas and nays.

Mr. CALHOUN asked the gentleman to give way to enable him to make a motion, which was of immemorial usage, for the adjournment of the House as a testimonial of respect to the memory of the deceased.

Mr. DUNCAN immediately acceded to said request; when

Mr. CALHOUN moved that the House adjourn till to-morrow, which was agreed to; and

The House then adjourned.

IN SENATE,

TUESDAY, January 7, 1840.

Mr. LUMPKIN presented two letters from General Wool, sustaining the claim of George W. Paschall; which were referred to the Committee on Claims.

Mr. CLAYTON presented the petition of Joseph Sawyer; which was referred to the Committee on Commerce.

On motion by Mr. SMITH of Connecticut, the petition and papers of William Eaton, now on the files of the Senate, were referred to the Committee on Claims.

On motion by Mr. RUGGLES, the several memorials on the subject of the regulation of steamboats, now on file, were referred to the Committee on Commerce.

Mr. LINN presented a memorial of the Legislature of Missouri, praying the establishment of a port of entry and a custom-house at some point on the Missouri river, and that a drawback be allowed to traders engaged in the commerce with Santa Fe; which, after some very interesting remarks of Mr. L. on the character and great importance of the trade to the country, its annual diminution, and the danger of its comple annihilation, if some measures were not speedily taken by Congress, was referred to the Committee on Commerce.

Mr. DAVIS presented the memorial of the heirs of Christopher Tompkins; which was referred to the Committee on Revolutionary Claims.

Also, the memorial of Enoch Baldwin; which was referred to the Committee on Commerce.

On motion by Mr. DAVIS, the papers on file in the case of Isaac Collier, were referred to the Committee on Commerce; and the papers of John Lang were referred to the Committee on Naval Affairs.

On motion by Mr. PHELPS, ordered that the petition of E. W. and H. Smith, on the files of the Senate, be referred to the Committee on Claims; and that the petition of Betsey Booth, on the files of the Senate, be referred to the Committee on Pensions.

Mr. NICHOLAS presented the petition of a number of citizens of St. Mary's parish, La. praying a repeal of the present naturalization laws; which was referred to the Committee on the Judiciary.

Mr. WHITE presented a communication from the Secretary of War, in relation to the removal of the Stockbridge and Munsee Indians; which was referred to the Committee on Finance, and ordered to be printed.

Mr. KING presented the memorial of Charles A. Stewart; which was referred to the Committee on Private Land Claims.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which had been referred

A bill for the graduation and reduction of the price of the public lands, reported the same with amendments; which was ordered to be printed.

Mr. C. also, from the same committee, to which was referred the bill for the relief of William Jones, reported the same without amendment.

Mr. C. also, from the same committee, to which had been referred the petition of John S. Wilson, reported a bill for his relief.

Mr. PRENTISS, from the Committee on the Public Lands, to which had been referred the memorial of a number of settlers on the mineral lands in Illinois, praying to be allowed the right of preemption to said lands, asked to be discharged from its further consideration; which, after some remarks by Messrs. LINN, WALKER and PRENTISS, was agreed to.

Mr. P. also, from the same committee, asked to be discharged from the further consideration of the memorial of the General Assembly of Missouri, praying a grant of land for the establishment of a system of common schools; which was agreed to.

Mr. WALKER, from the Committee on the Public Lands, to which had been referred the following bills, reported the same without amendment:

A bill for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said State.

A bill authorizing the President of the United States to cause the reserved lead mines belonging to the United States in the several States and Territories, to be sold as other public lands.

A bill for the relief of Isabella Hill, widow, and the children, of Samuel Hill, deceased.

A bill for the relief of Jane Waller.

Mr. NORVELL said he had been deputed by the Committee on the Public Lands to make the ungracious, and what might perhaps be considered the ungallant request, to be discharged from the further consideration of the memorial of Amerigo Vespucci, which had been referred to it; which was agreed to.

Mr. FULTON, from the Committee on the Public Lands, to which had been referred the following bills, reported the same without amendment:

A bill to settle the title to certain tracts of land in the State of Arkansas.

A bill to authorize the inhabitants of township eight north, range thirty-two west, in the State of Arkansas, to enter a section of land in lieu of the the sixteenth section in said township, upon condition that the same is surrendered to the United States for military purposes.

A bill to revive an act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, and for other purposes.

A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and Choctaw Indians.

Mr. YOUNG, from the Committee on Claims, to which had been referred the bill for the relief of Joseph Paxton, reported the same without amendment.

Mr. GRUNDY, in pursuance of previous notice, asked and obtained leave to bring in a bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same; which was read twice, and referred to the Committee on the Public Lands.

Mr. ROBINSON, in pursuance of previous notice, asked and obtained leave to bring in a bill for the relief of J. M. Strader; which was read twice, and referred to the Committee on the Post office and Post Roads.

Mr. LINN, in pursuance of notice, asked and obtained leave to introduce a bill to allow drawback of duties on merchandise exported, via Missouri, to the provinces of Mexico, for the Indian trade, and for other purposes; which was read twice, and referred to the Committee on Commerce.

Mr. FULTON, in pursuance of notice, asked and obtained leave to introduce a bill to provide for the defence of the western borders of the States of Louisiana, Missouri, and Arkansas; which was read twice, and referred to the Committee on the Public Lands.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the bill for the payment of damages to individuals who had suffered losses by Indian depredations, reported the same with sundry amendments.

Mr. NICHOLAS, in pursuance of previous notice, asked and obtained leave to bring a bill to revive the act entitled an act to enable claimants to land within the limits of Missouri and the Territory of Arkansas, to institute proceedings to try the validity of their claims, approved May 26, 1834, and an act amending the same, and to extend the provisions of said acts to claimants to lands within the State of Louisiana; which was read twice, and referred to the Committee on Private Land Claims.

The resolution submitted some days since by Mr. LINN, as follows:

Resolved, That the Secretary of the Senate be directed respectfully to request annually of the Governors of the different States and Territories of the United States to furnish, for the use of the Congressional Library, all reports and documents in their possession in relation to the geology and mineralogy of their respective States and Territories;

And the resolutions submitted yesterday by Messrs. NORVELL, CLAY of Alabama, and PIERCE, were severally considered and agreed to.

Mr. PIERCE submitted the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to procure maps of the post offices and post roads, for the use of the Post Office Department.

Mr. YOUNG offered the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making an additional appropriation of land, or of authorizing the issuing of land scrip, for the satisfaction of the outstanding military bounty land warrants, issued or to be issued under the authority of the United States to the soldiers of the late war with Great Britain or their legal representatives.

Mr. WALKER submitted the following resolution, which was, by unanimous consent, considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the amount accrued of the two per cent. of the nett proceeds of the sales of the public lands within the limits of the State of Mississippi, reserved under the compact by Congress with said State upon her admission into the Union, for making a road or roads leading to said State; also, what amount, if any, of said Two per cent. fund, has been appropriated by Congress for said purpose, and whether said compact as to said fund still remains unfulfilled, and what grants of land, if any, have been made by Congress to the State of Mississippi for the purposes of internal improvement.

On motion by Mr. GRUNDY, the resolution submitted some days since by Mr. BENTON, relative to the assumption of State debts, was taken up.

Mr. G. then moved that it be referred to a select committee of seven, to be appointed by the CHAIR.

Mr. PRESTON, while he coincided with the sentiments of the resolution, and of the remarks of the Senator who introduced it, was averse to legislating prospectively and hypothetically; and after some further remarks, moved that the resolution be laid on the table.

Mr. CLAY of Alabama asked for the yeas and nays, which were ordered.

The question was then taken on laying the resolution of Mr. BENTON on the table, and decided in the negative—ayes 15, noes 25, as follows:

YEAS—Messrs. Bells, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Merrick, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, White of Indiana, and White of Tennessee—15.

NAYS—Messrs. Allen, Benton, Brown, Buchanann, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Nicholas, Norvell, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Tappan, Walker, Wall, Williams, Wright, and Young—25.

Mr. BENTON said that he wished the usual practice of the body, which was to appoint the mover of resolutions a member of any committee raised to consider them, to be dispensed with on this occasion. He had offered these resolutions, and submitted his views on them to the Senate and to the country, and he now wished them to pass into other hands.

The question was then taken on Mr. GRUNDY's motion, which was agreed to, and the resolution was referred to a select committee, consisting of Messrs. GRUNDY, LUMPKIN, SMITH of Indiana, YOUNG, HUBBARD, ALLEN, and MERRICK.

Mr. LUMPKIN said that he had expressed yesterday, and reflection had confirmed it, a cordial concurrence in the doctrines contained in the resolution and the remarks of the Senator from Missouri; but as it was on his motion that it was laid on the table, he thought proper to say that it was from no idle motive that he had made the motion. He thought it would be desirable to present them in a more condensed form, and that that condensation would meet the views of the honorable mover of the resolution. He had therefore embodied in a single resolution, the substance of the first three propositions, which he asked might be read; which was done, as follows:

Resolved, That the assumption by the General Government of the debts of the States contracted for local purposes—whether it shall be a direct assumption, which would make the General Government responsible for said debts, or indirect, by a distribution of public money among the States, to enable them to pay their debts, or a pledge of public lands for the said purpose, or otherwise—would be impolitic and dangerous; unjust and unequal among the members of the Union, and wholly unauthorized by the letter or spirit of the Constitution.

He hoped this would be referred to the select committee, and be printed; which was agreed to.

The CHAIR submitted a communication from the Secretary of State, in relation to the repeal of certain sanitary regulations by the French Government; which was referred to the Committee on Commerce.

Also, a communication from the Secretary of War, in relation to the purchase of an island at the confluence of the Mississippi and St. Peters rivers; which was referred to the Committee on Military Affairs.

ORDERS OF THE DAY.

The bill for the armed occupation and settlement of that part of Florida now overrun by hostile bands of Indians, being the special order of the day, was taken up, and

Messrs. BENTON, TAPPAN, and PRESTON addressed the Senate on the provisions of the bill, when it was informally passed over.

The bill making appropropriations for the removal of the raft in Red river, was, on motion of Mr. KING, taken up, and after some remarks by him, was ordered to be engrossed for a third reading.

The Senate then went into Executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 7, 1840.

Mr. CAMPBELL of South Carolina rose and said: This House, Mr. SPEAKER, has a high constitutional duty to perform. One of the States of this Union, the State of New Jersey, which is entitled to six Representatives on this floor, has but one, the other five seats being, *de facto*, at this time vacant. Under these circumstances, it is our most solemn duty to determine who are entitled to these five seats. It is usual for gentlemen contesting seats here to bring their claims before the House by petition or memorial, showing the grounds on which such claims rest. But (said Mr. C.) we have waited from day to day, since the last decision of the House on this subject, without hearing from either of the parties who came here claiming to be Representatives from New Jersey; and it being the solemn duty of the House to come to some decision on the subject, he, as chairman of the Committee of Elections, had felt bound to bring the matter before them. Mr. C. therefore moved a suspension of the rules to enable him to offer the following resolution:

Resolved, That all papers or other testimony in possession of, or within the control of this House, in relation to the late election in New Jersey for Representatives in the Twenty-sixth Congress of the United States, be referred to the Committee of Elections, with instructions to inquire and report who are entitled to occupy, as members of this House, the five contested seats from that State, and that the committee have power to send for persons and papers.

Resolved, That a copy of this resolution be served on JOHN B. AYCRIGG, JOHN P. B. MAXWELL, WILLIAM HALSTED, CHARLES C. STRATTON, THOMAS JONES YORKE, PETER D. VROOM, PHILEMON DICKERSON, WILLIAM R. COOPER, DANIEL B. RYALL, and JOSEPH KILLE, all citizens of New Jersey, claiming to be Representatives from that State in this Congress, and that the service be made upon each gentleman personally, or by leaving a copy at his usual residence.

Mr. BELL said he had prepared some resolutions, which he wished to be read for the information of the House, that would probably supersede those proposed by the gentleman from South Carolina. He understood that there were five gentlemen still in attendance here, who had been here from the commencement of the session, who claimed the right to sit and vote as members from the State of New Jersey. He was also informed that these gentlemen exercised the franking privilege, received their daily supply of stationery, and had marked seats in the hall with their names, as members of the House. Now, such gross irregularity as this was unparalleled in the practice of the House. These gentlemen had the right to be qualified and admitted, or to be informed that they could not be so; and it was the duty of the House to decide at once either that they were or were not members. Mr. B. said that the resolution which he was about to offer was a question of privilege, and he hoped the CHAIR would so decide it.

Mr. B. then sent the following resolutions to the CHAIR, which were read:

Resolved, That PHILEMON DICKERSON, PETER D. VROOM, WILLIAM R. COOPER, DAVID B. RYALL, and JOSEPH KILLE, who are in attendance, claiming to be admitted to sit and vote in this House, as Representatives from the State of New Jersey, are not and cannot be legally and constitutionally members of this body, until the regular returns, or certificates of election, granted to five other duly qualified persons by the Governor and Council of said State, in the exercise of the authority vested in them by the laws of said State, passed in conformity with the Constitution of the United States, shall have been set aside or adjudged void, upon due investigation had in the form and manner prescribed by the laws and usages of the House.

Resolved, That the House having decided that JOHN B. AYCRIGG, WILLIAM HALSTED, JOHN P. B. MAXWELL, CHARLES C. STRATTON, and THOMAS JONES YORKE, the persons having the regular and legal certificates of election, shall not be admitted to sit in this House and vote as other members, until it shall have established, by sufficient proof, that there was no fraud, mistake of the law, or other error, made or committed by the Governor and Council of New Jersey, in the returns or certificates of election granted as aforesaid; and said decision being contrary to the usual practice of the House in such cases, the SPEAKER be directed to notify the Governor and Council of New Jersey of the proceedings of the House in the premises, to the end that the people of the said State may be duly informed of the causes which have, for the present, deprived them of the services of five of the Representatives to which they are entitled by the laws and Constitution.

Resolved, That the returns, and all other papers or testimony in possession of the House relating to the five vacant seats in the New Jersey delegation, be referred to the Committee of Elections; and that the said committee proceed to examine the returns, and all other testimony which may be submitted to them, according to the rules and orders of the House; and that said committee first decide and report to the House who are entitled to sit and vote as members by the returns.

Mr. DUNCAN inquired whether these resolutions were in order. He offered one the other day, which was decided not to be in order, precisely similar in its terms to the first resolution of the gentleman from Tennessee.

The SPEAKER said the resolutions of the gentleman were only read for the information of the House.

Mr. VANDERPOEL asked if he understood the gentleman from Tennessee correctly, as saying that Messrs. DICKERSON, VROOM, KILLE, COOPER, and RYALL claimed their seats without a reference to the Committee of Elections.

Mr. BELL understood that these gentlemen had marked their seats on the floor, were exercising the franking privilege, and received stationery from the Clerk, all of which privileges belonged only to members of the House. Mr. B. wanted to know whether they still claimed their rights as members, or whether they abandoned them. If they had abandoned their rights, they were liable to serious penalties for exercising the privileges they did.

Mr. RAMSEY said he should like to know whether this was a privileged motion or not; because the other day when he offered a petition from the citizens of the Third Congressional District of Pennsylvania, claiming their right to be represented here by the person they had elected, and asking an investigation into the frauds by which a person who was not lawfully a Representative [Mr. NAYLOR] had taken his seat here, it was decided that this petition could not be received without a suspension of the rules; and when the question was put on the motion to suspend them, the gentleman from Tennessee, who now raises this question of privilege, voted against the suspension.

The SPEAKER said that the motion of the gentleman from Tennessee was not, in his opinion, one of privilege. The only question of privilege arising out of this case, which would supersede the motion of the gentleman from South Carolina, would be the coming forward of the five gentlemen named, and their claiming to be sworn. Were they to come forward and claim to be sworn, the SPEAKER would consider it a question of organization, and would feel it to be his duty to decide it previous to entertaining any other question. He could not, as the gentleman from Tennessee intimated, consider this as a privileged question on the information of a gentleman rising in his place; but the members claiming their seats must of themselves come forward and ask to be sworn, and then he would consider it a question overriding all others, and would decide upon it at once. The motion of the gentleman from Tennessee, in his opinion, could not supersede that of the gentleman from South Carolina.

Mr. RICE GARLAND appealed from the decision of the CHAIR. Assuming the position of the CHAIR to be correct, he would ask by what authority did the gentleman from South Carolina offer his resolution. If Mr. DICKERSON and his associates did not come forward and claim to be sworn, what right had the gentleman from South Carolina to move to send their case to the Committee of Elections. He understood the gentleman from N. York, [Mr. VANDERPOEL,] to state that these gentlemen did not now claim the right to take their seats.

Mr. VANDERPOEL asked leave to explain what he did say. The members from New Jersey, Messrs. DICKERSON and others, were disposed to submit to the expressed will of the House, in the decision made in the case of their opponents. They

regarded that decision as indicative of the determination of the House to permit neither set of the contesting claimants to take their seats until an investigation by the Committee of Elections.

Mr. CAMPBELL said the gentleman from Louisiana asks by what authority I introduce this resolution. It is known to all that the State of New Jersey is entitled to six Representatives, and that she now has but one. The House has decided that one set of the claimants to the five vacant seats shall not be admitted; and since that decision they had waited from day to day without receiving any petition or memorial on the subject from either of the contending parties. He thought, therefore, it was the duty of the House to ascertain and decide who are entitled to take the vacant seats as members from New Jersey, and he also thought that the duty devolved on him, as chairman of the Committee of Elections, to submit the resolution.

Mr. GARLAND contended that the House had nothing to do with the matter until these five gentlemen come forward and demand to be sworn in as members. The House had decided that the other five should not be permitted to take their seats, and it had now nothing further to do but to inform the Executive of New Jersey that the five seats are vacant.

Mr. POPE agreed with the gentleman from South Carolina, and thought that his motion was a privileged one. He had prepared a set of resolutions himself, which he should have submitted this morning if he could have got an opportunity of doing so; and, in submitting it, he should have contended that it was a privileged motion. Indeed, he viewed it as a question of the highest privilege, and he hoped the SPEAKER would decide it to be so, and by this means bring the matter directly before the House. Mr. P. then submitted the resolution, which was read at his request for the information of the House.

Mr. FLETCHER of Vt. said that the gentleman had predicated a privileged question upon mere rumor, and that no question of fact was before the House upon which to base such a motion; that the question could not arise, unless the claimants presented themselves to be qualified, which had not been done.

Mr. BRIGGS supposed that the question before the House was the resolution of the gentleman from South Carolina, and he desired that it might be read. [The resolution was read accordingly.] If the CHAIR did not decide the resolution to be a privileged motion, as he conceived it to be one of the highest order, he hoped it would be received with the unanimous consent of the House.

The SPEAKER said if no objection was made, the rule would be considered as suspended by general consent, and the resolution as before the House.

No objection being made,

Mr. ADAMS said he had no objection to the adoption of the resolution; but he would suggest to the SPEAKER and the House that there appeared to him to be a preliminary resolution which should first occupy the time of the House. That it should be made the duty of the SPEAKER to inform the Governor of New Jersey that his commission had been rejected by this House. It appeared to him that it was the first step that should be taken. Party principles and party interest, he said, had deprived a State of its representation; and it was due that the Executive Government of that sovereign State should be informed what had been done by this House, and why it had created a vacancy and had excluded five of its Representatives.

[Mr. HOFFMAN here was, by general consent, permitted to make a report from the Committee on the Rules, which was ordered to be printed, and made the order of the day for Thursday next.

Mr. BANKS presented some documents on the same subject, which were also ordered to be printed]

Mr. FILLMORE desired to know of the chairman of the committee what evidence there was in possession of the House upon which the resolution was to operate. He had no recollection that any had been offered; and he did not understand that there was any mode by which evidence could be before the House but by its being presented to it. He wished, also, to know of the chairman whether he proposed to refer to the Committee of Elections the whole case, or the simple question as to who were entitled to be received in the first instance as sitting members. He wished to know if the gentleman proposed to keep the seats from New Jersey vacant until a decision should be made as to who were duly elected, or until the committee should report who were entitled to take the seats as sitting members under the returns.

Mr. CAMPBELL replied that the credentials of the Governor had already been presented to the House, and the House had decided that the gentleman presenting them should not take their seats. His expectations, therefore, were that the Committee of Elections would not only consider who were duly elected, but who were entitled to the returns.

Mr. FILLMORE said if that was the case, he would venture to assert that the five vacant seats of the members from New Jersey would remain vacant until the 1st of June next. He did not know whether the House had gone too far to recede; but he did hope that it was not yet beyond its power to correct the error into which it had fallen, and to decide that some persons must take seats as Representatives from New Jersey. He would prefer that this resolution should be so worded as to authorize the committee to inquire who had the documentary evidence of membership; and afterwards they should inquire if there was any evidence impeaching it. It seemed to him that this was but justice to New Jersey, who had too long been deprived of her full representation there, and that the House had not advanced too far to deprive itself of the power to do this act of justice.

Mr. JOHNSON of Tennessee said if gentlemen felt as he did with regard to the State of New Jersey being deprived of her representation, they would be satisfied that this matter ought long ago to have been referred to the Committee of Elections. He thought it was time the question was settled, and therefore he moved the previous question.

The CHAIR being about to put the question,

A discussion ensued involving the question whether the rules had been suspended by general consent, as suggested by Mr. BRIGGS, the CHAIR being under the impression that no objection was made when he stated that the rules would be considered as suspended unless objection were made, while Mr. GARLAND of Lou. Mr. ADAMS, and Mr. COST JOHNSON denied that they had consented—Mr. GARLAND stating that he had expressly objected; after which,

The SPEAKER said that, although he had been under the impression that no objection was made to the suspension of the rules, and had so stated the fact to the House, yet, upon the evidence of the gentleman from Louisiana, [Mr. GARLAND,] that he had objected, he would now put the question, "Shall the rules be suspended?"

Mr. BOTTS rose to ask the chairman of the committee to accept a modification of his resolution; the substance of which was, that the committee should first consider and decide on the returns of the Governor of Pennsylvania.

Mr. CAMPBELL replied, that he would with pleasure accept the modification suggested by the gentleman from Virginia, but for the reason that the House had already decided that question.

Mr. GRIFFIN having called for the yeas and nays,

The question was here taken, on the suspension of the rules, and carred—yeas 182, nays 23, as follows:

YEAS—Messrs. Adams, Alford, Judson Allen, John W. Allen, Hugh J. Anderson, Simeon H. Anderson, Andrews, Atherton, Banks, Beirne, Biddle, Black, Blackwell, Bond, Botts, Boyd, Brewster, Briggs, Brockway, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Calhoun, John Campbell, William B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Clark, Clifford, Coles, James Cooper, Corwin, Crabb, Craig, Cranston, Crary, Crockett, Cross, Curtis, Cushing, Dana, Davee, Davies, Garret Davis, Dawson, Dillett, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Evans, Everett, Fillmore, Fine, Fisher, Fletcher, Floyd, Fornance, James Garland, Gentry, Goggin, Goode, Graham, Granger, Graves, Griffin, Habersham, Hall, Hammond, Hand, William S. Hastings, John Hastings, Henry, John Hill of Virginia, John Hill of North Carolina, Hillen, Hoffman, Holmes, Hook, Hopkins, Howard, Hubbard, Hunt, Jackson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kempshall, Lawrence, Leadbetter, Leet, Leonard, Lewis, Lincoln, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Marvin, Medill, Montanya, Montgomery, Morgan, Samuel W. Morris, Calvary Morris, Naylor, Newhard, Nisbet, Ogle, Osborne, Parish, Parmenter, Parris, Paynter, Peck, Pickens, Pope, Prentiss, Ramsey, Randolph, Rariden, Reed, Reynolds, Ridgway, Rives, Edward Rogers, James Rogers, Samuels, Sergeant, Shaw, Shepard, Slade, Albert Smith, John Smith, Truman Smith, Thomas Smith, Starkweather, Steenrod, Srong, Stuart, Sumter, Swearingen, Sweeny, Taliaferro, Taylor, Francis Thomas, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Tillinghast, Toland, Triplett, Trumbull, Turney, Vanperpoel, David D. Wagener, Peter J. Wagner, Warren, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Worthington—182.

NAYS—Messrs. Barnard, Bell, Anson Brown, Chinn, Chittenden, Mark A. Cooper, John W. Davis, Rice Garland, Gates, Giddings, Green, James, Charles Johnston, William Cost Johnson, Palen, Proffit, Rayner, Russell, Stanly, Storrs, Underwood, Thomas W. Williams, and Lewis Williams—23.

The question then coming up on the resolution of Mr. CAMPBELL,

Mr BELL moved to amend it by striking out all after the word "resolved," and inserting his resolutions as a substitute.

Mr. RIVES rose for the purpose of objecting to any amendments to the resolution. He voted for the suspension of the rules, for the purpose of voting on the resolution of the gentleman from South Carolina, and not for the purpose of voting on amendments.

Mr. RANDOLPH here offered the following amendment to the amendment of Mr. BELL, to come in after the words "the Governor and Council of New Jersey;" and Mr. BELL accepted it as a modification of his motion:

"That the commissions issued by him, according to the laws of said State, to JOHN B. AYCRIGG, JOHN P. B. MAXWELL, WILLIAM HALSTED, CHARLES C. STRATTON, and THOMAS JONES YORKE, have not been deemed sufficient by the House to authorize them holding the same to be sworn in as members of this House."

Mr. BELL then addressed the House at length in support of his resolutions, going into the general merits of the whole question with regard to the New Jersey election.

Mr. DUNCAN followed in reply, in the course of which he brought out much valuable testimony in elucidation of the subject; but, before concluding, Mr. D. yielded the floor to

Mr. VANDERPOEL, who moved that the House adjourn; but withdrew his motion at the request of

Mr. JONES of Va. who moved to refer the report of the Secretary of the Treasury on the finances, which was lying on the table, to the Committee of Ways and Means.

Mr. WISE said, with the understanding that this reference was not to interfere with the reference of the President's message, he had no objection.

The SPEAKER said, that the reference could only be done by the general consent of the House.

Mr. W. C. JOHNSON objected.

Mr. JONES then moved a suspension of the rules to enable him to make the reference; and upon that question the yeas and nays having been called for,

Mr. JOHNSON withdrew his objection, and the question of reference was put and carried.

Mr. JONES moved an adjournment; which motion was lost.

Mr. WISE moved to take up the bill making appropriations in part for the support of Government, which had been returned from the Senate with several amendments; which motion was agreed

Mr. EVANS said that the amendments of the Senate to the bill made it necessary to go into Committee of the Whole on the state of the Union to consider said amendments, and accordingly made that motion; which was agreed to.

The House then went into committee on said bill, Mr. BANKS in the chair.

Mr. EVANS explained that the amendment of the Senate did not involve any additional appropriation—it only specified that $50,000 of the sum appropriated was for lithography and printing executed for the last Congress.

Mr. WISE asked if the amendment of the Senate appropriating $50,000 was for arrearages or for money already expended; because if it were prospective, he should vote against it.

Mr. EVANS said it was for money expended in

lithography and printing ordered at the last session of Congress, which the contingent fund was insufficient to meet.

The amendments having been agreed to, the committee then rose and reported the bill to the House; and

The House then concurred in the amendments of the Senate.

Mr. EVANS said before this bill could be finally passed into a law it was necessary to appoint the usual joint Committee on Enrolled Bills, and with that view he moved to take up the joint resolution of the Senate for the appointment of said committee; which motion was agreed to, and the resolution was concurred in.

Mr. CROCKETT gave notice that on to-morrow he would ask leave to introduce a bill to amend the act entitled "an act to authorize the State of Tennessee to issue grants and to perfect titles to lands therein described, and to settle the claims to vacant and unappropriated lands within the same."

On motion of Mr. DUNCAN,

The House then adjourned.

IN SENATE,

WEDNESDAY, January 8, 1840.

The CHAIR submitted a communication from the Secretary of War, transmitting a statement showing the contingent expenses of the military establishment during the year 1839; which was laid on the table and ordered to be printed.

Also, a communication from the Secretary of War, in reply to the resolution of the Senate of the 27th December, in relation to permitting certain officers of the army to retire upon half pay; which was laid on the table, and ordered to be printed.

Also, a communication from the Postmaster General, showing the contingent expenses of that Department for the year 1839; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

The CHAIR presented a memorial from Samuel Norris, praying that his right to certain lands may not be invalidated by the treaty with the Caddo Indians; which, on motion by Mr. MOUTON, was referred to the Committee on Private Land Claims.

The CHAIR presented the memorial of the Legislative Council of the Territory of Iowa, praying a donation of land for the purposes of education; which was referred to the Committee on the Public Lands, and ordered to be printed.

Also, a memorial from the same body, praying the establishment of certain post routes; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a memorial of the same body, praying a settlement of the contested boundary line between said Territory and the State of Missouri; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. NORVELL presented a petition of Joshua Howard, of the county of Wayne, State of Michigan, praying for the passage of an act confirming to him his claim to a tract of land south of the river Rouge, in that State; which was referred to the Committee on Private Land Claims.

Mr. WRIGHT presented the memorial of a number of citizens of Milwaukie, Wisconsin, praying an appropriation for the construction of a harbor at that place; which was referred to the Committee on Commerce.

On motion by Mr. WRIGHT, it was ordered that the petition of William Dickinson, on the files of the Senate, be referred to the Committee on Indian Affairs.

On motion by Mr. WALKER, it was ordered that the memorial of Joseph Roby, on the files of the Senate, be referred to the Committee on the Public Lands; and that the memorial of Joseph Radcliff, on the files of the Senate, be referred to the Committee on Claims.

Mr. SMITH of Indiana presented the petition of Zadock Smith, praying remuneration for extra work done by him on the Cumberland Road; which was referred to the Committee on Roads and Canals.

Mr. WHITE of Indiana, presented the memorial of the inhabitants of the county of Milwaukie, Territory of Wisconsin, praying the confirmation of the titles of Francis Laventure and others to certain lands in said Territory; which was referred to the Committee on Private Land Claims.

On motion by Mr. DAVIS, it was ordered that the petition of Noah Miller, on file, be referred to the Committee on Commerce.

On motion by Mr. RUGGLES, it was ordered that the memorials of William A. Whitehead; the petition of Thomas Jefferson Smith; the petition of a number of citizens of New York; and other papers in relation to the establishment of a port of entry at Indian Key, be referred to the Committee on Commerce.

Mr. ALLEN presented the petition of W. W. Moulton and two hundred and seventy-three other citizens of Ohio, praying for a reduction of the postage on letters, so that none should exceed ten cents; which was referred to the Committee on the Post Office and Post Roads.

Mr. LINN submitted additional documents in the case of Albin Mitchell in behalf of the heirs of Madam De Lusser; which were referred to the Committee on Private Land Claims, and ordered to be printed.

On motion by Mr. LINN, the petition of the heirs of James Simpson, praying confirmation of title to a tract of land, was ordered to be printed.

Mr. WALL, from the Committee on the Judiciary, to which had been referred a petition of the owners of the ship Alleghany, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. W. from the same committee, to which had been referred the petition of the heirs of Francis Newman, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, to which had been referred

A bill respecting the heirs of Agnes Dundas;

A bill for the relief of the assignees of Louis Baron De Ferrier; and

A bill to amend the act entitled, "An act to amend the several acts respecting copyright;

Reported the same without amendment.

Mr. SMITH of Indiana, from the Committee on the Public Lands, to which had been referred a bill to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie Canal, which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes, reported the same without amendment.

Mr. STRANGE, from the Committee on the Judiciary, to which had been referred a bill to amend "an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, approved the second day of March, 1807," reported the same without amendment.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which had been referred

A bill for the relief of the Steamboat Company of Nantucket; and

A bill for the relief of J. M. Strader;

Reported the same without amendment.

Mr. LUMPKIN, from the Committee on the Post Office and Post Roads, to which had been referred a bill for the relief of Avery, Saltmarsh and Company, reported the same without amendment.

Mr. YOUNG, in pursuance of notice, asked and obtained leave to introduce the following bills:

A bill for the relief of Samuel Ferguson;

A bill for the relief of John Richey;

A bill for the relief of Jacob Hanks;

A bill for the relief of David McNair;

A bill for the relief of James H. Ralston;

A bill for the relief of Alfred Westfal;

A bill for the relief of Dennis Quinlivan;

A bill for the relief of Charles A. Dodd;

A bill for the relief of John L. Scott; and

A bill for the relief of William Bennett;

which were severally read twice, and referred to the Committee on Claims.

The resolutions submitted yesterday by Messrs. YOUNG and NORVELL were severally considered and agreed to:

Mr. WALKER submitted the following resolution; which, by unanimous consent, was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Mississisippi city, in the State of Mississippi.

Mr. YOUNG submitted the following motions for consideration:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing and requiring the Registers and Receivers of the United States land offices, in their offices, and within their districts, respectively to administer oaths in all cases where, by law, or the rules of the Treasury or Land Office Department, affidavits or oaths are required to be made previous to the purchase or entry of any tract of land, without any fee or extra compensation for such service.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry and delivery, or ports of delivery, at the cities of Chicago, Alton, and Cairo, in the State of Illinois.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a hospital for the accommodation of sick and disabled boatmen and indigent passengers, navigating the Ohio and Mississippi rivers, at the city of Cairo, in the State of Illinois.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making specific appropriations for the improvement of the Rock river and Des Moines rapids of the Mississippi river, so as to make said river navigable for steamboats at all seasons of the year when the navigation is not obstructed by ice.

Mr. SMITH of Indiana submitted the following motion for consideration:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a marine hospital for the accommodation of sick and disabled boatmen and passengers on the Ohio river, at Evansville, in the State of Indiana; and that the papers and documents relating to the same, submitted to the Senate at the last session, together with all other papers relative to the establishment of marine hospitals on the Western waters, be referred to said committee.

ORDERS OF THE DAY.

The bill making appropriations for the removal of the raft in Red river, came up on its third reading; and, after some remarks from Messrs. CRITTENDEN, SEVIER, PIERCE, MOUTON, KING, and DAVIS, was read a third time, and passed.

The bill for the armed occupation and settlement of that part of Florida overrun by hostile bands of Indians was taken up, and

Mr. CLAY of Alabama addressed the Senate at length in reply to the remarks of Mr. PRESTON, and in favor of the bill.

The bill was then ordered to be engrossed for a third reading.

The bill for the relief of Walter Loomis and Abel Gay, after some remarks by Mr. HUBBARD;

The bill for the relief of W. N. Robertson, Samuel H. Garrow, and S. W. Simonton; and

The bill for the relief of W. A. Whitehead, late collector of the port of Key West, in Florida, after some remarks in their favor by Mr. WRIGHT;

The bill for the relief of Benjamin Murphy; and

The bill for the relief of Richard T. Banks, after some remarks in their favor by Mr. WHITE of Tennessee; and

The joint resolution authorizing the President to cause certain surveys to be made;

were severally ordered to be engrossed for a third reading.

The bill to remit such duties, and to cancel such bonds, as have been required of persons engaged in the whale fishery, and to restrain all future exactions of duties of such vessels and their cargoes, was taken up, and, after some remarks from Messrs. DAVIS and WRIGHT, was informally passed over.

The Senate then went into Executive business; after which it

Adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 8, 1840.

Mr. BRIGGS said it was stated on the journal of yesterday, that after the suspension of the rules, on the motion of the gentleman from South Carolina to introduce his resolutions referring the testimony relative to the New Jersey contest to the Committee of Elections, he subsequently moved to modify the same, to which the gentleman from Virginia [Mr. RIVES] is made to object. It is a mistake of the CLERK in making up the journal. Certainly every gentleman has the right to modify his own resolution. Mr. B. moved to strike out that part of the journal.

Mr. RIVES said he found he was misunderstood in making the objection, and hoped he would be excused by the House in making an explanation. He was of the opinion that the gentleman from South Carolina had not the right to amend his resolution in any one respect whatever. He is reported as having objected to the amendment of the gentleman from Tennessee. It was not the fact. He objected to the modification of the gentleman from South Carolina, because the rules had been suspended for a particular resolution. Mr. R. moved to amend the amendment of the gentleman from Massachusetts, as follows:

"After the suspension of the rule, Mr. CAMPBELL proposed to modify his resolution so as to enlarge the powers of the committee. To this motion Mr. RIVES objected as being out of order, the rules having been suspended for a particular object, embraced in the words of the resolution. Action had taken place relative to the resolution as soon as the SPEAKER declared the rules suspended for its reception; and that it could not then be altered, except by general consent, or by vote of the House; for the mover of the resolution had no more control over it, at that particular stage of the proceeding, than any other member who had voted with a view to its adoption."

The CHAIR stated that the question on the amendment to the amendment would be first taken.

Mr. BRIGGS said he had made the suggestion to amend the journal because he thought it did not state the facts; and that the motion to spread on the journal the declaration of members was irregular and unusual. He was understood to be opposed to the amendment.

The CHAIR again stated the question.

Mr. RIVES said he had refrained from taking up any of the time of the House, and did not wish to do so now; he merely wanted to place himself right on that subject, and had presented the amendment for that purpose. To save time and discussion, however, he would withdraw his amendment, and consent to that of the gentleman from Massachusetts.

The question was then taken on Mr. BRIGGS's amendment, and carried.

Mr. COOPER of Pennsylvania submitted a resolution, which was read as follows, for the information of the House:

Resolved, That the Postmaster General be directed to communicate to this House the late arrangement made for the transportation of the mail between Philadelphia and Washington city; over what route the same is carried; whether the distance by said route is greater or less than under the former arrangement; whether the time required for its transportation, between the said places, has been increased or diminished by the change; whether the communication between New York and Boston, and the South and Southwest, has been facilitated or retarded thereby, and whether the price paid for the transportation of the same has been increased or diminished, and what is the amount of the difference.

And whereas it is alleged, to the great discredit of the Government, that the Eastern mail has been clandestinely and fraudulently transmitted by the agents of the Post Office Department, from Philadelphia to Baltimore, by the cars of the Philadelphia, Wilmington and Baltimore Railroad Company, notwithstanding the Postmaster General has discontinued his contract with the said company for carrying the said mail: Therefore,

Resolved, That the Postmaster General be required to communicate to this House whether it is true, as alleged, that such fraud has been committed upon the said company by any officer or agent, person or persons, connected with, or in the employment of, the Post Office Department; and if so, whether such officer or agent, person or persons, have been removed or discharged; and that a full statement of the facts relating to the transaction be communicated to this House.

Objection being made to the reception of the resolution at this time,

Mr. C. moved to suspend the rules to enable him to offer it; but before the question was put,

Mr. DUNCAN asked if the resolution was in order, or could be moved, when another member was entitled to the floor, upon another subject.

The CHAIR understood the gentleman to have yielded the floor for the purpose; to which

Mr. DUNCAN, however, dissented and claimed the floor.

The resolutions of Mr. CAMPBELL of South Carolina, to refer all the testimony in relation to the New Jersey disputants to the Committee of Elections, and Mr. BELL's substitute for said resolutions, declaring that the Democratic claimants have not the right to be sworn, &c. being the question before the House,

Mr. DUNCAN, who was entitled to the floor upon said question, concluded his very able speech in review of the whole subject. He adduced many facts, including statements of the polls, and the message of the Governor of New Jersey, in proof of the fraud which had been committed to deprive the people of that State of their legitimate representation, and in justification of the course the House of Representatives had pursued in setting aside the claimants who hold the certificates. [His remarks will be published at length hereafter.]

Mr. BOTTS having obtained the floor, at the solicitation of several members, moved that the House adjourn; but withdrew it at the request of

Mr. JOHNSON of Tennessee, to enable him to make a motion to refer so much of the report of the Secretary of War as relates to Military Affairs to the committee on that subject; and subsequently to Mr. SERGEANT, to make a motion to refer certain Senate bills, on the SPEAKER's table, to appropriate committees; but both motions having elicited debate, and objection having been made to said references, before the same was disposed of,

Mr. BOTTS renewed his motion for adjournment; which was put, and carried, and

The House adjourned till to-morrow, 12 o'clock.

IN SENATE,

THURSDAY, January 9, 1840.

The CHAIR submitted a message from the President of the United States, communicating additional information in relation to the disputed boundary line between the State of Missouri and Territory of Iowa; which, on motion by Mr. LINN, with all the other papers on the subject, was referred to the Committee on the Judiciary.

Also, a message from the President of the United States, showing the operations of the Topographical Bureau, during the year 1839; which was laid on the table, and ordered to be printed.

Also, a message from the President of the United States, in compliance with a resolution of the Senate of the 30th ult. calling for information in relation to the recent suspension of the banks; which was referred to the Committee on Finance.

Mr. PRENTISS presented the petition of Samuel J. Smith for a pension; which was referred to the Committee on Pensions.

On motion by Mr. HUBBARD, the petition of John P. Converse and Henry J. Rees was taken from the files of the Senate, and referred to the Committee on Claims.

Mr. PHELPS presented the petition of Samuel Dean; which was referred to the Committee on Pensions.

Mr. LINN presented a memorial of Samuel Raub, jr. in relation to his safety valve for steamboat boilers; which, with a former petition on the same subject, and the certificates of a number of captains of steamboats, was referred to the Committee on Commerce.

Mr. CLAY of Kentucky presented two petitions—one from a number of the citizens of the city and county of Philadelphia, and the other from citizens of Bridgeport, Connecticut, all of whom are engaged in the coach-lace making business. They say that the duty on worsted coach lace is sufficient to enable them to manufacture it cheaper than it can be imported; but that silk lace, by a recent judicial decision, is permitted to be imported duty free, contrary, as they say, to the spirit of the law. They therefore pray a modification of the law. The petitions were referred to the Committee on Manufactures.

Mr. CALHOUN presented a petition from the vestry of St. Philip's Church of the city of Charleston, praying a remission of duty on an organ, imported for the use of said church; which was referred to the Committee on Finance.

Mr. BUCHANAN presented a memorial of a number of American citizens residing in Malaga, in the Kingdom of Spain, representing that American citizens are not permitted the rite of sepulture in the places for burial there, but are compelled to be carried to the shore of the Mediterranean, where they are suffered to remain. They pray that Congress may make an appropriation which will enable them to procure a place of burial for their dead. The memorial was referred to the Committee on Commerce.

Mr. WRIGHT presented a memorial from John S. Roulett; which was referred to the Committee on the Judiciary.

Mr. MERRICK presented a memorial from the president and directors of the Patriotic Bank of Washington, praying for a renewal of their charter; which was referred to the Committee on the District.

Mr. M. also presented the petition of Mary Prettyman, widow of Thomas G. Prettyman; which was referred to the same committee.

Also, the petition of William Hebb, the keeper of the naval magazine in the city of Washington, asking an increase of compensation; which was referred to the Committee on Naval Affairs.

On motion by Mr. WALL, the several memorials now on the files of the Senate, praying for the establishment of a light-house at the mouth of Little Egg harbor, were referred to the Committee on Commerce.

On motion by Mr. RUGGLES, the petition and papers on file in the case of Joseph Veazey, were referred to the Committee on Pensions.

Mr. WHITE of Indiana presented a memorial of citizens of Kosciusko county, Illinois, praying for the establishment of a mail route therein designated; which was referred to the Committee on the Post Office and Post Roads.

Mr. BENTON presented the memorial of the superior of the religious order of the Ladies of the Sacred Heart, a charitable institution for the education of indigent children in St. Louis, praying for the remission of duties on certain presents imported from France; which was referred to the Committee on Finance.

Mr. WRIGHT, from the Committee on Finance, to which was referred the memorial of James Thompson, agent of the British and Foreign Bible Society, and

The memorial of William Strickland and others, asked to be discharged from their further consideration, and that they be laid on the table; which was agreed to.

Mr. W. also, from the same committee, to which had been referred the message of the President relative to the transfer of appropriations in the War Department, asked to be discharged from its further consideration, and that it be printed; which was agreed to.

Mr. W. also, from the same committee, to which had been referred the bill supplementary to the act entitled, "An act to establish branches of the Mint of the United States, approved March 3, 1835," reported the same without amendment.

Mr. HUBBARD, from the Committee on Finance, to which was referred the memorial of certain manufacturers of wool, asked to be discharged

from its further consideration, and that it lie on the table; which was agreed to.

Mr. H. also from the same committee, to which had been referred the message of the President in relation to the transfer of appropriations in the Treasury, asked to be discharged from its further consideration, and that it be printed; which was agreed to.

Mr. WHITE of Indiana, in pursuance of notice, asked and obtained leave to bring in a bill for the relief of Peter Warner; which was read twice, and referred to the Committee on the Public Lands.

Mr. DAVIS, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of the legal representatives of Henry J. Pickering; which was read twice, and referred to the Committee on Finance.

Mr. STRANGE, from the Committee on Naval Affairs, to which had been referred the petition of Samuel H. Thompson, asked to be discharged from the further consideration thereof, and that it be laid on the table; which was agreed to.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which had been referred the memorial of Andrew Armstrong, made an adverse report thereon; which was ordered to be printed.

Mr. WALL submitted the following resolutions:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing imprisonment in all cases under and by virtue of mesne process issuing out of the courts of the United States.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the removal of the obstructions in the navigation of the Sound, or Kill, Van Kull, and in the Raritan or Prince's Bay, between the port of Perth Amboy, in the State of New Jersey, and port of New York, in the State of New York, mentioned in the report of Captains Lawrence Kearney, John D. Sloat, and M. C. Perry, to the Secretary of the Navy, dated December 9, 1837.

Mr. YOUNG submitted the following resolution:

Resolved, That the Secretary of War be instructed to report to the Senate whether Rock Island, in the county of Rock Island and State of Illinois, has been abandoned as a military post by the troops of the United States, and whether the further reservation of the same is necessary for the defence of the Western frontier.

The various resolutions submitted yesterday by Messrs. YOUNG and SMITH of Indiana, were severally considered and agreed to.

The resolution submitted by the Committee on Naval Affairs, to whom was referred the petition of William Easby, adverse to that petition, was considered and agreed to.

ORDERS OF THE DAY.

The following bills were taken up on their third reading, read a third time, and finally passed, viz:

The bill for the relief of Walter Loomis and Abel Gay.

The bill for the relief of W. N. Robertson, Samuel H. Garrow, and S. W. Simonton.

The bill for the relief of W. A. Whitehead, late collector of the port of Key West, in Florida.

The bill for the relief of Benjamin Murphy.

The bill for the relief of Richard T. Banks.

The joint resolution authorizing the President to cause certain surveys to be made.

The bill for the armed occupation and settlement of that part of Florida now overrun by hostile bands of marauding Indians, was taken up on its third reading, and Messrs. CRITTENDEN, PIERCE, and PRESTON addressed the Senate at length on the subject.

Mr. STRANGE intimating his intention to speak on the bill, on motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 9, 1840.

The bill from the Senate for the relief of John H. Jacobs was twice read; and, on the motion of Mr. CURTIS, referred to the Committee of Commerce.

Also, Senate bill making appropriation to complete the removal of raft of Red River, and for other purposes, was twice read.

Mr. CURTIS moved that it be referred to the Committee on Roads and Canals.

Mr. R. GARLAND moved to refer it to the Committee on Commerce.

Mr McKAY moved to refer it to the Committee of WAYS and Means; and

After some discussion as to the appropriate committee to which the same should be referred, in which Messrs. CURTIS, VANDERPOOL, McKAY, CROSS, BIDDLE, GARLAND of Louisiana, POPE, EVERETT, and MITCHELL partook,

Mr. PECK moved that the bill do lie on the table; upon which motion

Mr. R. GARLAND demanded the yeas and nays, which were not ordered.

The question was then taken on the motion, by count, that the same do lie on the table, and decided in the negative—ayes 54, nays 77.

After some further remarks by Messrs. EVANS, SERGEANT, and R. GARLAND,

Mr. SERGEANT moved to postpone the subject until to-morrow; which was agreed to.

Mr. LAWRENCE obtained the general consent of the House to present the memorial of R. B. Forbes and others, American citizens, and merchants in Canton, China, for a naval force to protect their persons and the property of themselves and their countrymen; and also to send an agent, who shall be authorized to make a commercial treaty with that empire; which memorial, on motion of Mr. L. was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. HOFFMAN having called for the special order of the day, which was the amendment to the rules reported by the committee on that subject,

Mr. CAVE JOHNSON moved that said special order be postponed until Tuesday next, and that the rules of the last Congress be further adopted for the government of the House until Thursday next; which motion was agreed to.

The CHAIR announced that the subject matter before the House was the resolution of Mr. CAMPBELL of South Carolina, proposing to refer all the documents and testimony in relation to the New Jersey disputed election to the committee on that subject; and Mr. BELL's substitute therefor, declaring that the gentlemen without certificates should not be qualified.

Mr. BOTTS, who was entitled to the floor, said if he were to consult his inclination instead of what he believed to be his duty, he would continue, as heretofore he had been, a silent member; but believing, in the sincerity of his heart, that the decision made here was fraught with more momentous and important consequences than any one presented to an American Congress since the adoption of the Constitution, he should feel faithless to the high trust imposed in him if he permitted the present occasion to pass without expressing his unqualified and unmitigated disapprobation of the course pursued by the majority of the House. He did not belong to that class of politicians denominated the State Rights party, according to the modern definition of that term; for he believed that the general understanding of the definition by the world was, that they profess every thing and practise nothing; nor was he one of those who attached much importance to a name. It would afford him very little satisfaction, when he and his children were deprived of their liberties, to be told that they were taken from them by the friends of the human race. For three weeks of this session, he had sat in the House a silent member, but confessed that he was a pained and mortified spectator of the scenes around him—scenes that he had been but little accustomed to elsewhere. It was but a few years ago that the first act of expunging took place in any legislative body of this country; it was an act, the only object of which was to render homage to a lawless and vindictive tyrant—the only effect of which was to produce heartfelt and sincere disgust in the bosom of every honest patriot. It was his misfortune to have been the spectator of the second scene of expunging. The first was all a farce, but the second might be called a tragedy—and might well be called the last days of the Republic. He had seen the State of New Jersey expunged, not by the miserable and farcical process of drawing black lines, but had seen her representatives driven from this floor; and for what purpose—for the purpose of affecting party triumph. He said it had pleased the people of the United States to elect representatives to this House in opposition to the party in power; but that party, in order to effect their objects in the election of Speaker, found it necessary to expunge five of the representatives of New Jersey from that floor, and he questioned very much, if it had not been for the existing state of parties which divided the body, whether these gentlemen would have been deprived of their seats.

Mr. B. then entered at large into the whole merits of the case, contending that the certificates of the Governor of New Jersey, as *prima facie* evidence of the election, entitled those holding them to take their seats. He denied that a particle of testimony had been offered to impeach those certificates; for he would not admit the certificate of the Secretary of State to be evidence, or that that officer had a right to affix the seal of the State to it. Mr. B. referred to various precedents to show that the person having the returns in all legislative bodies, always takes the seat in the first instance; and in the course of his remarks, referred to a speech of Mr. SMITH of Maine, in the Legislature of that State, which he said was in opposition to the course now pursued by that gentleman. At the opening of the session of the Legislature of Maine, to which Mr. B. referred, a motion, he said was made by Mr. ALBERT SMITH, now a member of this House, to admit Mr. Andrew Roberts to his seat, on the ground that he held the certificate of the returning officer, though Mr. Roberts did not not receive a majority of the votes.

Mr. SMITH asked leave to explain. Mr. Roberts, he said, did receive a majority of the votes of the people of the town of Kennebunk. There never was any question raised to the contrary. The only question was, whether the voters of the town of Kennebunk had, under the laws of the State, a right to adjourn the polls from day to day. It was admitted on all hands that Mr. Roberts had an undisputed majority. The gentleman, Mr. S. said, don't catch me going against majorities.

Mr. BOTTS continued, and read various extracts from the speech of Mr. SMITH referred to. Mr. B. then referred to the precedents of this House, which, he said, all bore him out in the ground he had taken; and in the Legislatures of the different States, he said, it was invariably the practice to give the seats to the persons holding the certificates of the returning officer. In elucidation of this part of his argument, Mr. B. referred to a case of contested election in the Virginia Legislature, in which Messrs. Berkley and Davis both claimed to be elected to represent the county of Hanover. This case, Mr. B. said, was misunderstood, and erroneously stated the other day by his colleague, [Mr. DROMGOOLE,] and he then proceeded to state the case according to his understanding of it, which was, that the seat was awarded to the gentleman who held the certificate of the sheriff. Mr. B. appealed to his colleague, [Mr. BANKS,] who had presided with so much ability for twenty years in the Virginia Legislature, if, in cases of contested election, there ever was an instance in which the seat was not given, in the first instance, to the person who had the *prima facie* evidence.

Mr. BANKS said, that as he had been appealed to, he would state what had usually been the practice in the House of Delegates of the State of Virginia. He knew that the usual practice had been that the certificate of the sheriff should be received as *prima facie* evidence of election; and the party holding it qualified, when there was no illegality in conducting the polls, in which case it was sent back. He thought, however, his colleague was mistaken in his statement of the case from the county of Hanover. He held in his hand a statement of the facts in this case, made by the Clerk of the House of Delegates, from which it appeared that Mr. Berkley came into the House of Delegates, and claimed and took his seat as a delegate from the county of Hanover. Mr. Davis, his opponent, also came into the House and took

his seat, both members having qualified before the Executive, as the members of the Virginia Legislature are qualified by that officer, and not, as here, by the Speaker. In this state of the case, and without any petition or memorial whatever from any quarter on the subject, a resolution was introduced by Mr. Winston to refer the whole matter to the Committee of Privileges and Elections. Mr. B. here read the following extract from the statement in his hand: "On the second day of the session, a motion was made by Mr. Winston to adopt the following resolution: *Resolved*, That the Committee of Privileges and Elections be instructed to report upon the contested election from the county of Hanover as soon as possible; and in the mean time, that the two members thus contesting their elections from said county, be not entitled to their seats in this House.

"It is here proper to state [the Clerk adds] that no petition had been presented by any person previously to raise the question."

Mr. B. said it was after the committee had reported that Mr. Berkley was admitted to his seat, and that he held it for the remainder of the session.

Mr. BOTTS asked which of the two had the returns.

Mr. BANKS replied that one held the certificate of the sheriff, the other that of the deputy sheriff.

Mr. BOTTS said it was because the polls were held by both those officers; in the first part of the day by the sheriff, and in the latter part by the deputy, that the difficulty occurred in the House of Delegates, and caused them to take the course they did. He would ask his colleague, however, if he himself had not, in private conversation, expressed to him the opinion that the certificates of the Governor of New Jersey were sufficient to enable the gentlemen holding them to take their seats. He was surprised, he said, after hearing these admissions from his colleague, to see him, time after time, passing through the tellers and voting to exclude these gentlemen.

Mr. BANKS here asked leave to explain, which being granted,

Mr. B. said as he did not mean to discuss this question, believing the whole discussion to be premature, his object had been, and was still, to refer the whole matter to the Committee of Elections, who would embody all the evidence and facts in a report, and the House could then, and not before, decide who were the legal and constitutional representatives from the State of New Jersey. Mr. B. admitted that he had said here and elsewhere that the certificate of return was *prima facie* evidence, but not conclusive of right; but in this case, which stands without an exact parallel, ten gentlemen claim seats, when only five are entitled. The House was then forced to take some action on the subject, and they adopted the safest course in securing the rights of the citizens of New Jersey, in referring the whole matter to a committee, where all the facts may be elicited, and the House be enabled to give a correct judgment upon the rights of the parties respectively.

Mr. POTTS continued his remarks for some time, replying to the remarks of Mr. DUNCAN, and other gentleman, who had previously occupied the floor in opposition to the claims of the members commissioned by the Governor. After he had concluded,

Mr. RANDOLPH obtained the floor, and discussed at some length the merits of the New Jersey question. He went over the same ground which had been previously occupied by himself and other members on the same side of the controversy. He presented many documents in the course of his remarks, to prove that frauds had been committed at the ballot box—sufficient, he contended, to establish the right of those holding the certificates of the Governor to be accredited by the House as the legitimate representatives of the people of New Jersey. Mr. R. without having finished his remarks, yielded the floor to

Mr. CORWIN, who moved that the House do adjourn; upon which motion,

Mr. SMITH of Maine demanded the yeas and nays; and the same having been ordered,

Mr. CORWIN withdrew his motion for adjournment; whereupon,

Mr. STANLY renewed it.

Mr. RAMSEY demanded the yeas and nays; which having been ordered, were—yeas 64, nays 104.

So the House refused to adjourn.

Mr. RANDOLPH having proceeded in his remarks a short time, again yielded the floor to

Mr. LEWIS WILLIAMS, who moved that the House do adjourn.

Mr. RAMSEY demanded the yeas and nays on said motion; which having been ordered,

Mr. L. WILLIAMS withdrew his motion.

Mr. RANDOLPH renewed the motion for the adjournment, upon which

Mr. WELLER demanded the yeas and nays; which were ordered, and were—yeas 58, nays 78.

So the House again refused to adjourn.

Mr. RANDOLPH then sent to the Chair a mass of depositions, touching the illegality of votes taken in the districts rejected by the county clerks; and the Clerk having proceeded for some time in the reading of the same,

Mr. C. WILLIAMS moved that the House do adjourn; upon which motion,

Mr McCLELLAN demanded the yeas and nays; which being ordered by the House, were—yeas 67, nays 58.

The House accordingly adjourned till to-morrow at 12 o'clock.

IN SENATE,

FRIDAY, January 10, 1840.

The CHAIR laid before the Senate a report of the Secretary of State, exhibiting the number, names, and compensations of the clerks in that Department during the year 1840; which was read, and ordered to be printed.

Also, a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, exhibiting the prices of certain State stocks in the London and home markets, which was ordered to be printed, and that fifteen hundred additional copies be printed.

Also, a report of the Secretary of War, in compliance with a resolution of the Senate of the 30th ult. calling for information in relation to the proceedings in the case of Lieut. Col. Brant; which was ordered to lie on the table, and be printed.

The CHAIR also presented the memorial of Chauncey Hall, praying that provision may be made by Congress for testing the merits of a steam engine, of which he is the inventor; which was referred to the Committee on Patents and the Patent Office.

On motion by Mr. PIERCE, it was ordered that Duncan L. Clinch have leave to withdraw his petition and papers, presented at the last session.

Mr. PIERCE presented the petition of John Bauer, a soldier in the Ordnance Department, praying a pension, in consideration of a disability incurred by the premature discharge of a cannon, whilst assisting at the firing of a national salute; which was referred to the Committee on Pensions.

Mr. P. also presented the petition of Wilfred Knott, a soldier during the late war with Great Britain, praying a pension for wounds received whilst in the discharge of his duty; which was referred to the Committee on Pensions.

On motion by Mr. ROANE, ordered that the petition of Stephen McCormick, now on file, be referred to the Committee on Patents and the Patent Office.

Mr. CALHOUN presented the memorial of Samuel Lord, praying to be released from liability as surety on a custom-house bond; which was referred to the Committee on Finance.

On motion by Mr. WILLIAMS, it was ordered that the petition of James H. Clark, now on file, be referred to the Committee on Naval Affairs.

Mr. TAPPAN presented the memorial of Joseph K. Boyd and others, surviving captors and legal representatives of deceased captors, who volunteered in recapturing and destroying the frigate Philadelphia, in the harbor of Tripoli, in the year 1804, praying remuneration for the services performed in that action; which was referred to the Committee on Naval Affairs.

Mr. CLAY of Alabama presented a letter of W. W. CHAPMAN, Delegate in Congress from the Territory of Iowa, in reference to a report in a morning paper of some remarks made by Mr. L. in the Senate yesterday, on the disputed boundary between Iowa and Missouri, and which were as follows:

MISSOURI AND IOWA TERRITORY.

The VICE PRESIDENT presented a memorial from the Legislative Council of Iowa, praying a settlement of the contested boundary line between said Territory and the State of Missouri.

Mr. LINN said that, in consequence of the delay on the part of the Congress of the United States definitely to settle, in conjunction with the authorities of Missouri, the northern boundary of the State, a serious conflict seemed at one time to be threatened between us and our brethren of the Territory of Iowa. Fortunately, the storm had for the present passed without bloodshed, but we are admonished of the necessity of settling permanently this disturbing matter.

He thought the State of Missouri had not been well treated by the General Government. She had presented to the Senate, nearly ten years since, a memorial on the necessity of defining our limits on the north; and it was predicted in that paper that grave evils would occur if delayed until the country north of us should become settled by the whites, or given to emigrating tribes of Indians. Congress neglected these admonitions, and for several years a bill, introduced by himself, having for its object the settlement of the question, was, for want of time, not passed by the House of Representatives. The State of Missouri passed an act appointing commissioners to run her Northern boundary, and invited the General Government to unite commissioners with hers, to aid in settling this important question. This invitation was not accepted. Missouri proceeded to run her line according, as is believed, to the act of Congress of March, 1820, and the Constitution of the State.

Subsequently to this, Congress passed an act appointing Commissioners to run the southern boundary of Iowa, who made a report, which was laid before Congress during the last session. One object Mr. LINN had in view in rising, was to convince the Senate that the claim of Missouri to an extension of her jurisdiction was not a claim of yesterday, but that she informed Congress of the difficulties which surrounded the subject, nearly ten years since. Mr. LINN then read as follows from the memorial:

"Your memorialists further represent that the northern boundary of this State, as indicated by the act of Congress of the 6th of March, 1820, and adopted by our Constitution, is the parallel of latitude which passes through the rapids of the river Des Moines, extending on that line from the northwest corner of the State 'to the middle of the channel of the main fork of the said river Des Moines; thence, down along the middle of the main channel of the said river Des Moines to the mouth of the same where it empties into the Mississippi river.' This line is vague and indefinite. The country on the Des Moines is still unsettled, and comparatively unknown, although the flood of migration now pouring into this State is rapidly tending to that border. We are not informed of the exact local position of the 'rapids of the river Des Moines,' nor whether those rapids are occasioned by a single obstruction of the stream, so as to indicate the precise position of the line, or are produced by a succession of shoals, extending like the rapids of the Mississippi, for many miles. And if, on examination, it should be found that the course of the Des Moines, like that of the Mississippi, is disturbed by different rapids, with long intervals of a smooth current between them, it may well be doubted which of the rapids shall indicate our northern boundary. And we consider it highly important that the line in question should be definitely settled and distinctly known before the white settlements, now rapidly spreading, shall reach the borders, and before the possibility of a conflict with the Indian tribes, which we have reason to apprehend may be removed to that frontier. And to

that end we respectfully request that Congress will take such measures as to their own wisdom and justice shall seem most proper."

Congress failed to appoint commissioners to meet those of Missouri; but the commissioners subsequently appointed by Congress made a report, which leaves the subject where they found it. They decided nothing. Questions of boundary have in all ages and countries been prolific sources of contention and bloodshed between individuals and nations. Every thing that can be done should be done to avoid such sad alternatives among the different communities of this happy Confederacy. Congress cannot now fix the boundaries of Missouri. They were defined by the law of March 6, 1820, authorizing us to form a Constitution, adopted in the Constitution of the State, and ratified by the General Government. The southern boundary of Iowa Territory can by Congress be made to conform to the claims of Missouri; but we must have our legal and constitutional rights; and, as a last resort, the courts of our common country may yet have to decide what those rights are.

Mr. LINN moved that the memorial from which he had just read an extract, together with the report of the United States Commissioners made during the last session, be referred to the Committee on the Judiciary.

The letter of Mr. CHAPMAN was then read, as follows:

To the Honorable the Senate of the United States:

The undersigned, the Delegate from the Territory of Iowa, begs leave of your honorable body to say, that from one of the city papers of this morning he perceives that one of the honorable Senators from Missouri has made a speech upon the subject of the disputed boundary between the State of Missouri and the Territory.

Inasmuch as the Territory of Iowa is necessarily without representation in your honorable body, (except so far as Senators generally have been pleased to treat her claims with great kindness,) and as the subject of the boundary for some days has been before a committee of the House, where the undersigned has been able to give it his personal attention, and where, some time since, the Representatives from Missouri were, by the committee, invited to attend, with the undersigned; he, therefore, had good reason, as he supposes, to hope that, until an investigation could be had by a committee, Missouri would refrain from charging the General Government with ill treatment.

If the undersigned might be permitted to refer to the liberality of Congress towards that State, he is sure that the recent addition of an immense district of country would not be the only instance of the liberality of the General Government towards the State of Missouri.

Your petitioner has no fears of the final result of this question. He only hopes that if nothing but the constitutional boundary will be accepted by that State, your honorable body will not consider it your duty, though possessed of the power, to extend her constitutional limits. Should the legal boundary be found to run through the heart of our flourishing Territory, our people have too much pride to stand out against the deliberate opinion of Congress, and seek redress elsewhere.

On the contrary, if it shall appear that Missouri already occupies more than her constitutional limits will allow, he hopes for an award of the balance found in our favor.

At this time, the undersigned forbears referring to any of the numerous documents in his possession, going far, in his opinion, to sustain the claims of the Territory, fearing that doing so previous to the subject coming before a committee, might be considered premature on his part.

With great respect, I have the honor to be, your obedient servant W. W. CHAPMAN.

WASHINGTON, Jan. 10, 1840.

Mr. LINN said he regretted exceedingly that his young friend, the Delegate from Iowa, had written and sent this letter here, as it was based upon misapprehension of his remarks, as uttered on this floor, and printed in the Intelligencer. He said he was determined the Delegate should have no pretext for saying that one of the Senators from Missouri had given him just cause for writing this letter, the object of which seemed intended for home consumption, and to show his constituents of the great care he was taking of the interests of Iowa. In his remarks, he had carefully abstained from entering into the merits of the question in dispute, and he could not refrain from expressing his surprise that the Delegate had so construed and characterized them. He was certain that, by no rule of construction, could they be so viewed On moving the reference of a message from the President, which contained information touching the controversy existing in relation. to the boundary line between Iowa and Missouri, he had taken occasion to call the attention of the Senate to the existence of a memorial from the Legislature of Missouri, presented to Congress nine or ten years since, which stated, in calm and respectful terms, the importance of not leaving that boundary line vague and unsettled until the question might become complicated, in consequence of the tide of white population flowing into that quarter, or the country be given to some emigrating tribe of Indians from some of the interior States. He had felt it his duty to call the attention of the Senate and the country to this memorial, to prove that the claim of Missouri to an extension of jurisdiction was not an after thought, or claim of but yesterday, and to show that her admonitions had been overlooked or disregarded; that the evils predicted from delay were now taking place. The memorial does not enter into the merits of the question; on the contrary, it states that the line was vague and indefinite, perhaps from the phraseology of the act of Congress of March 6, 1820, which authorized us to form a Constitution. Nor, Mr. President, has he argued the matter, for or against Missouri, nor endeavored in any manner to prejudice the opinion of this body against Iowa.

Mr. L. said that he knew the contest in this case was between the United Sates and the State of Missouri, involving, it was true, the interests of Iowa. If Congress possessed any undisputed power, she certainly had sole and entire control over the public lands, and over the Territories. This case was much stronger than existed in the contest between Ohio and Michigan, inasmuch as Michigan claimed to be a sovereign and independent State, and claimed certain rights under the ordinance of 1787. Notwithstanding this, Congress exercised her (in his opinion) undoubted power to prescribe limits to Michigan. In coming to this decision, which involved the boundaries of three States, it was possible that the decision was somewhat influenced by their votes in Congress, and by their political power. Missouri, in her constitutional sphere of action, is as free and independent as the United States. She has the same right to construe the act of March 6, 1820, as this Government. She has solemnly given her construction to it, and it remained for Congress to give hers.

Mr. NORVELL said that he should not have risen, but for the allusion of his honorable friend behind him from Missouri [Mr. LINN] to the case of the Michigan boundary. He had no doubt that the right cord had been touched, when the decision of that question had been ascribed to the number of electoral votes which were controlled by Ohio, Indiana, and Illinois, on that occasion. He had risen, however, to second the resolution of the Senator from Alabama [Mr. CLAY] to print and refer the letter of the Delegate from Iowa. He understood that it was couched in respectful language. It had relation to a boundary line, which that Territory claimed, of great importance to her. He protested against the idea that the Territory had no interest in this question. It seemed, from the whole action of this Government, to be considered that the people of the Territories possessed neither rights nor interests of any kind. He trusted that such a doctrine would no longer be entertained. He confessed that his sympathies were with Iowa in the present controversy, but certainly not so deeply enlisted as to induce him to do injustice to Missouri.

Mr. LINN said perhaps he had committed an error in his language; but he merely meant to say that, as a party to this question, Iowa had no interest in it. As a question to be settled, it lay wholly between the United States and Missouri. And would any body now say that the decision of Congress on this question would be binding on Missouri? Would any one say that Missouri could be forced into acquiescence to it? The ultimate appeal was beyond the reach of Congress, and if Congress did not settle it, the courts were open. Mr. L. preferred that Congress should settle it; but if they determined that Missouri had no right whatever to the Territory, and sent an armed power to enforce their edicts, he hoped they would be met by a spirit of resistance on the part of Missouri.

Mr. ALLEN said, the controversy between Michigan and Ohio was happily terminated; but he was not aware that the subject of Presidential electors had any thing to do with it. In the House of Representatives, when that subject was under discussion there, in 1834, in a speech which he made, he had taken the same ground as he would at present, viz: that the people of the Territory of Michigan had only a resulting contingent interest, but, as a party, no interest at all; because Michigan was not a party to the controversy, which was wholly between Ohio and the Federal Government.

But Mr. A had now risen chiefly to express his dissent from the doctrine of the Senator from Missouri, as to a final appeal on this question. The United States Supreme Court had no jurisdiction over this question by the Constitution, and into that jurisdiction it could not be drawn. It was a question between sovereign powers, with which that court, being the creature and representative of one of those sovereign powers, has no right to interfere, either directly or indirectly.

Mr. A. would remark, further, that he had never looked at this question as to the right of Missouri or the United States to this territory. But he hoped Congress would act on this subject purely in reference to such right as should be found to exist in the formation of the Constitution of Missouri, and without any reference whatever to the Presidential election, or any other question. If Missouri had a right to the territory, let her have it, without setting up as a scarecrow the Presidential election. Let her have exact and equal justice.

Mr. BUCHANAN said that this was in its nature a question purely judicial, and therefore one on which the Senate ought to act with perfect calmness and deliberation. They ought to hear both sides patiently; and their decision, whatever it might be, ought to carry with it that moral power which always resulted from strict impartiality and thorough, as well as calm investigation. But what did we then witness? The question had been discussed whether, in case Congress should decide against Missouri, that State would afterwards have the power of appealing to the Federal Judiciary. But could it be of any possible benefit to Missouri to discuss this question in advance? It was possible the question might never arise; and if it did, in consequence of a decision by Congress against Missouri, she might then pursue the course which she thought most compatible with her interest and her honor. The question as to the jurisdiction of the Supreme Court of the United States over the subject could never properly arise in this body.

Again: an attempt had been made to renew the war between Ohio and Michigan in the discussion of this question. They had had enough of this war in the Senate in former years to satisfy any reasonable man; and he trusted that question would not then be conjured up to disturb our repose. It was now over and gone.

Mr. B. hoped the Senate would proceed and settle the real question in controversy, so far as it was competent for them to decide it, without entering upon an exciting discussion of one question which might never arise, and of another which had been already determined. He trusted that the letter would be referred to the Judiciary Committee without further debate.

Mr. CLAY of Alabama said it was very far from his intention or expectation, when he presented this letter, to provoke the discussion which has followed it. The Senator from Missouri disclaims any intention of going into the facts involved in this question; but, said Mr. C. if, with-

out doing so, that gentleman could succeed in establishing certain principles, which he advocated, to control the determination of facts, he thought they would result pretty much as he wished. This, said Mr. C. is a question of boundary—of course a question of fact, as well as law. Now, if the Senator shall succeed in laying down his own rules and principles, for the ascertainment of the facts, excluding such evidence as may not accord with his views, and admitting only such as may tend to sustain them, it is not difficult to conjecture how matters will eventuate.

The Senator from Missouri, however, said Mr. C. maintains that Iowa has no interest in this question—that it is a question which concerns Missouri alone, except so far as the United States may be a party. To any such position as this, Mr. C. said, he could not withhold the expression of his unqualified dissent. He asked, how happened it that the people of Iowa had no interest in a question which involved the curtailment or enlargement of their territorial limits? Had they not the same inducements to deprecate the one, or desire the other, that the people of Missouri had? It seemed to him, Mr. C. said, that the people of Iowa, shortly to become a State of the Union themselves, might be pardoned for any apparent unwillingness to have their limits contracted, and indulged in the solicitude, common to every other people, rather to have their Territory enlarged, their resources augmented, and their population increased.

Sir, said Mr. C. the ordinance establishing the Territory of Iowa, not only guarantied to the inhabitants certain fundamental rights—such as the security of life, liberty, and property—but also defined its boundaries. That ordinance constitutes a compact between the General Government and the citizens of the Territory, which he was not disposed to see violated, or lightly considered. Whilst he would be the last, Mr. C. said, to trench upon the territory or jurisdiction of Missouri, or any other State of the Union, he could not consent to aggrandize or build up one at the sacrifice of another. As he was not a member of the Committee on the Judiciary, he had thought it proper to throw out these hints for the consideration of its members, before they came to any determination. He sincerely trusted they would give the subject, in all its aspects, the deliberation merited by its importance.

For himself, Mr. C. said, he had not investigated the subject; he felt, however, that it would be his duty to do so. He was entirely unprejudiced, would give it his attention, and felt determined, as far as he was capable, to do justice in the premises.

As to the question raised by the Senator from Ohio, [Mr. ALLEN,] in regard to the jurisdiction of the Supreme Court, he should not now express an opinion, as he thought it would be premature. It will be time enough to discuss that question after the Committee on the Judiciary had presented their report. Indeed, Mr. C. thought the whole debate was out of order at this time, and hoped it would now cease, and the memorial be suffered to go to the proper committee.

Mr. SMITH of Indiana submitted whether the whole of this discussion was not premature. In justice to the Senator from Missouri, [Mr. LINN,] he would say that, in his remarks yesterday, he did not consider him as trenching on the rights of Iowa. He hoped the paper would be referred to the appropriate committee, without further debate.

The question was then taken on referring the paper to the Committee on the Judiciary, and decided in the affirmative.

Mr. PRESTON presented the petition of Lucy P. Green, praying to be allowed the commutation pay to which her late father was entitled as an officer of the Revolutionary army; which was referred to the Committee on Revolutionary Claims.

Mr. P. also presented a memorial of Alexander Cummings and others, officers of the line, praying that they may be placed upon the same footing as to pay and promotion, as officers of the staff; which was referred to the Committee on Military Affairs.

Mr. MERRICK presented the petition of Mary Blakesle, widow of a deceased Revolutionary soldier, praying a pension; which was referred to the Committee on Pensions.

On motion by Mr. M. ordered that the petition of Eunice Starr, on the files of the Senate, be referred to the Committee on Pensions.

Mr. M. also presented the petition of James P. Delacour, in behalf of Eliza Delacour, widow of a soldier in the last war, praying a pension; which was referred to the Committee on Pensions.

On motion by Mr. ROANE, ordered that the petition of Jeremiah Fugitt, now on file, be referred to the Committee on Pensions.

On motion of Mr. KING, ordered that the Committee on Commerce be discharged from the further consideration of the report from the Secretary of State in relation to the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and that it be referred to the Committee on Finance.

Mr. WALKER presented the petition of Thomas Barnard, praying authority to locate a quantity of land on any of the unappropriated public lands in Mississippi; which was referred to the Committee on the Public Lands.

Mr. W. also presented the petition of John W. Monette, praying confirmation to title to certain tracts of land; which was referred to the Committee on the Public Lands.

Mr. W. also submitted a paper in relation to the petition of Joseph Radcliff; which was referred to the Committee on Claims.

Mr. MERRICK presented the memorial of Joseph L. Smith and others, praying that the Committee on Agriculture may be instructed to report annually on the condition of the agricultural interests of the United States; which was referred to the Committee on Agriculture, and ordered to be printed.

Mr. BENTON presented the petition of Zadoc Martin, praying the right of pre-emption to a tract of land; which was referred to the Committee on the Public Lands.

Mr. B. also presented the memorial of a number of citizens of Washington county, Missouri, praying the establishment of an an additional land office; which was referred to the Committee on Public Lands.

DIVISION OF FLORIDA.

Mr. WALKER, at the request of the Delegate from the Territory of Florida, presented the proceedings of a public meeting at St. Augustine, in East Florida, together with a memorial subscribed by many hundred citizens of the Territory, praying a division of the Territory, and that the Suwannee river be the dividing line; which he moved should be referred to a select committee of five, and be printed.

Mr. W. said he was decidedly in favor of the views of the memorialists, and the ultimate creation of two States out of Florida, one east and the other west of the Suwannee river. As there was no Committee on the Territories in the Senate, and as no judicial controversy was involved in this matter, but as it was simply a question of expediency, he had thought it proper to move the reference to a select committee.

Florida, as we received it from Spain, (said Mr. W.) was divided into two portions, designated as East and West Florida, and this was a natural division. West Florida borders entirely on the Gulf of Mexico. Into that gulf flow all its rivers, and into that gulf must its commerce be forever poured. It was different with East Florida; it was Atlantic in its position, and nearly all its trade must be carried to that great ocean. The entire Territory is believed to be larger in extent than any State in the Union; and the smallest division, as proposed, viz: West Florida, is much larger than either of the States of Maryland, Delaware, New Jersey, Rhode Island, Connecticut, Vermont, New Hampshire, or Massachusetts. Florida, west of the Suwannee, was not only much larger than either of these eight States, but larger, as was believed, than any two of these States combined. East Florida alone is about equal in superficial extent to the great State of Pennsylvania. So far as the extent is concerned, there can be then no objection to creaing ultimately two States, as proposed by the memorialists; whilst to create one State alone, would be not only to create a State of vast superficial extent, but of most inconvenient shape, stretching in an elbow from Cape Sable to the Perdido, a distance of nearly one thousand miles, and with nearly two thousand miles of seacoast. Mr. W. believed that the census would show that the population in Florida, west of the Suwannee, was already about equal to that of Arkansas when admitted into the Union, and therefore could be immediately admitted as a State; while East Florida could remain as a Territory until her population was ascertained to be sufficient for State purposes. He thought whilst two new States would soon be admitted from the Northwest, it was due to the South that two States should be created out of Florida, especially as there were so many very small States already situated in the North and East

Mr. CALHOUN said the matters embraced in the memorial presented by the Senator from Mississippi, in behalf of the people of East Florida, were of the greatest importance. There were many grave reasons in favor of the division of Florida into two States, and perhaps some against it. But as the subject would shortly come up, he presumed, on an application on the part of Florida to become a State, he thought it best to let the memorial lay on the table for a few days, when the whole subject could be referred together to the same select committee.

Mr. WALKER said he had no objection to the course suggested by the Senator from South Carolina, if he would call up the matter shortly; more especially as he (Mr. W.) was in favor of the immediate admission of West Florida as a State, and a simultaneous prospective provision for the speedy admission of East Florida.

Mr. CALHOUN said he would call up the matter at a very early day; and, with Mr. W's consent, the motion for the select committee was, for the present, laid on the table.

Mr. TAPPAN, from the Committee on Naval Affairs, to which had been referred the petition of Henry Fry, made an adverse report thereon; which was ordered to be printed.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the memorial of Julia L. Weed, reported unfavorably thereon: the report was ordered to be printed.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which had been referred a bill supplemental to the act entitled "An act to grant pre-emption rights to settlers on the public lands," reported the same with amendments, which were ordered to be printed.

Mr. FULTON, from the Committee on the Public Lands, to which had been referred the memorial of John A. L. Norman, asking Congress to make a grant of land for the establishment of the Dade Institute of Florida, made a report thereon, accompanied by a bill; which was read, and ordered to a second reading, and the report ordered to be printed.

Mr. WALL, from the Committee on the Judiciary, reported a bill to amend the act "to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved March 3, 1839; which was read, and order to a second reading.

Mr. YOUNG, in pursuance of notice, asked and obtained leave to introduce the following bills:

A bill granting to the Chicago and Galena Union Railroad Company the right of way over the public lands of the United States, and for other purposes; and

A bill for the relief of Benjamin Parsons;

which were severally read twice, and referred to the Committee on Public Lands.

Mr. STRANGE gave notice that on to-morrow he would ask leave to bring in a bill for the relief of Hazard Knowles.

Mr. WILLIAMS gave notive that to-morrow he would ask leave to bring in a bill to regulate the pay and emolument of the pursers of the navy.

Mr. RUGGLES gave notice that to-morrow he would ask leave to introduce a bill for the relief of Henry Stone and Charles J. Keller.

Mr. WALKER offered the following resolution,

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JANUARY 21, 1840. VOLUME 8.....No. 8.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

(*Continued from No.* 7.)

which, by unanimous consent, was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry at Grand Gulf and Rodney, in the State of Mississippi.

The resolutions submitted yesterday by Messrs. WALL and YOUNG, were severally considered and agreed to.

ORDER OF THE DAY.

The bill for the armed occupation and settlement of that part of the Territory of Florida now overrun by hostile bands of marauding Indians, being taken up,

Mr. STRANGE addressed the Senate at length in opposition to the bill.

Mr. TAPPAN submitted some amendments, which he proposed to offer to the bill, which were ordered to be printed.

The Senate then went into an Executive session, after which, it

Adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 10, 1840.

The CHAIR announced that the subject matter before the House was the resolution of Mr. CAMPBELL of South Carolina, proposing to refer all the documents and testimony in relation to the New Jersey disputed election to the committee on that subject; and Mr. BELL's substitute therefor, declaring that the gentlemen without certificates should not be qualified.

Mr. RANDOLPH, who was entitled to the floor, was about proceeding, but was interrupted by

Mr. GIDDINGS, who inquired of the CHAIR, whether he was not entitled to the floor, on the question of public printing.

The CHAIR decided that the gentleman from New Jersey [Mr. RANDOLPH] was entitled to it, on the question announced.

Mr. DAVIS submitted a motion to proceed to the election of Chaplain to the House; but

The SPEAKER ruled it out of order, without a suspension of the rules.

Mr. STANLY inquired if this was not the day to proceed to the election of public Printer.

Mr. WISE. That will come up at 1 o'clock.

Mr. RANDOLPH intimated that he was willing to yield his right to the floor, if the gentlemen of all parties were disposed to take the question.

Mr. CLIFFORD expressed his wish to address the House at large upon the question before it, and, for one, could not consent.

Mr. RANDOLPH then proceeded to argue the question at some length. He justified the clerks of courts in stepping over the laws of New Jersey when they had conceived, or it had come to their knowledge, that a fraud had been committed on the ballot box. They did not pretend to investigate the votes, but refused to receive an illegal return of votes; it was on that ground that the returns from the town of Millville were excluded; they were not received in the time prescribed by the laws of New Jersey. The law is express as to the time. The returns were not in conformity to the laws, inasmuch as they were not received for six or seven hours after the time prescribed therein, and until after the fact had been ascertained by the clerk that a large number of alien and illegal votes had been taken. They were not excluded from the return because the clerk had any right, under the law, to investigate the polls, but because of the knowledge he had received of the nature of the returns to him, by the return judges, of which, under the discretion given him by the law, he had the right to determine, as to the legality or illegality. He said the lists of the county clerks had been received by the Executive of New Jersey, and the question was started whether the Governor was not bound to send for the returns of Millville and South Amboy. He read the law, which made it the duty of the Governor to send by express for all absent returns; but he denied that the law contemplated any other returns than those of the county clerks, and maintained that he had no right to send for the returns of the polls. The clerks had exercised their discretion in excluding those polls, and the higher authorities of the State had no right to go behind the lists of votes returned by them. He was confident that was the right construction of the law; and cited cases where the returning officers, the county clerks, had exercised the same discretion, and had thrown out several townships, at different periods in the history of New Jersey. He was understood to admit, that, if the Governor had the power to go behind the county clerk's returns, he was bound by his oath to send an express for the polls; but the question had been raised by the Governor himself, before the Privy Council, whether it was not his duty, under the law, to send for the absent rejected returns. The president of the Council had examined into the question, and a different construction, and, he believed, a correct one, was put upon the law. And another question, he said, had been raised in the Council, whether those papers which had been read in the House as conclusive testimony, could be received by them. The Council decided properly that they could not; and he was correct heretofore in saying that the returns of Millville and South Amboy were not before them. Mr. R. then denounced the course the House had pursued towards the State of which he was now the sole Representative; and concluded by expressing to the House his consciousness of the great responsibility which had devolved on him in consequence.

Mr. SMITH of Maine regretted that he had been unsuccessful in his attempt to get the floor, immediately after the gentleman from Virginia [Mr. BOTTS] had taken his seat, merely to reply to that part of the gentleman's speech which related to himself. It was not his wish or intention to enter into the merits of the question of the right of the claimants to seats in the House as members from the State of New Jersey, believing, as he did, that the House had become heartily disgusted with the discussion of that question, and the reiteration of arguments, which had been so often repealed, that they were as familiar as household words. Nor did he consider the merits of that case as now legimately before the House, and open to discussion, under the proposition of the gentleman from Tennessee to amend the resolution of the chairman of the Committee on Privileges and Election, [Mr. CAMPBELL.] The question upon that amendment did not, in the opinion of Mr. S. open the main question of right to seats, nor could it be the proper subject of debate, until the facts and evidence had been fully examined and reported by the committee to which they would be referred.

Mr. S. said, he only rose to explain and reply to a portion of the speech of the gentleman from Virginia, which had been introduced with special reference to the course which he (Mr. S.) had taken in the House. The gentleman had read from newspapers published in Maine, by the new friend and ally of the Whig party, the late representative from Cumberland district, an extract of a speech said to have been delivered by Mr. S. in the Legislature of Maine, in the year 1830; and had attempted to show a manifest discrepancy by a comparison of the principles and opinions avowed in that speech, with the course of Mr. S. in this House. Mr. S. was unable to say whether his remarks in the Legislature of Maine had been correctly reported in the paper from which the gentleman had read. It was utterly impossible for him to recollect, with any degree of distinctness or precision, what the tenor of his remarks had been upon the occasion alluded to. But he well remembered the case of Andrew Roberts in the Maine Legislature—the decision upon it, and the glorious results produced by it. That the case might be better understood by the House, he would briefly state it.

The House of Representatives of Maine, in 1830, was nearly equally divided. Neither party could count with much certainty upon a majority. In the Senate there were eight Democrats, and the same number of Federalists, and five vacancies, which, by the Constitution of that State, after the constitutional candidates had been designated by the Senators elect, were to be filled by such Senators and the House of Representatives in convention. Andrew Robertson appeared as the Representative of the town of Waterborough, in the county of York—with his certificate of election, and, notoriously, a large majority of the votes of the people in his favor. No other person claimed a seat from that town, and *there was no evidence before the House tending to impeach, or in any manner* control that certificate. But the Federal party had heard that Mr. R. had not been elected on the *second Monday of September*, the day designated by Constitution of Maine for holding town meetings for the choice of town officers, but that the meeting in Waterborough, having completed but a part of the business for which it was celled on *that day*, had adjourned to the day following, to complete the elections; and that, on *that* day, Mr. R. was elected. There was a mass of evidence in the case—sealed up—and which could not be examined, being directed to the Speaker; and the Federal party undertook to expel Mr. Roberts from his seat, and, to their disgrace, succeeded in the execution of that nefarious purpose. They then proceeded to elect their Speaker, which was done by a majority of *one vote!* they filled the vacancies in the Senate with their own men—and counted the votes for Governor in such a manner as barely to elect their candidate.

The proceedings of that Legislature would long be remembered by the people of Maine. They formed a most important epoch in the history of that State. What, sir, did they do? Suspend a member who had obtained a certificate, or commission, as some gentlemen pleased to call it, against a clear, decided, and *acknowledged* majority of votes thrown by the people—a majority not only proved by undoubted evidence, but confessed upon the floor by the member himself? Not so. But they rudely expelled a member from his seat who had his regular credentials, and the majority of the votes, and the law and Constitution, and right, and justice, all in his favor; and by this outrage elected their Speaker by a majority of *one vote!* What was the consequence of this outrage in that State? The people—the Democracy—had, at the next election, arisen in their majesty, and hurled the principal actors in these scenes from their places—redeemed the State from Federal thraldom, and, with the exception of a single year, had held the Government ever since.

The same result had followed the course of Governor Pennington in New Jersey. After the Congressional election in 1838, at which Messrs. Dickerson and his associates had been legally elected, the Governor undertook, for reasons expressed by him at the time, to give certificates of election to other gentlemen, who had received but a minority of the votes. The State election followed in 1839; and what was the verdict of the people upon his conduct? Instead of the hundred Democratic majority given in 1838 for Messrs. Dickerson and others, they threw nearly TWO THOUSAND Democratic majority. A more triumphant and emphatic expression of the voice of the people could hardly have been given. Could it be believed that, after the people had thus set their seal of disapprobation upon the Executive of the State, gentlemen would have the unblushing hardihood to appear here and claim seats under the "*broad seal*" of that Executive?

Mr. S. had, in the Maine Legislature, opposed the going into the investigation of the right to a seat—not contested by another—which had been gained by a majority of the people's votes, and which, by any evidence before the House, was not doubted or disputed. He would do so now. He

would have been the last man to have refused the members from New Jersey holding the Governor's certificate, a seat in the House, had it not been proved by the clearest evidence, and by the acknowledgment of the members themselves, that such certificate was not in accordance with the majority of votes given for members of Congress at the election named in that certificate. That the commission given to those was an outrage upon the right of suffrage—a right forming the corner stone of the mighty fabric of freedom which had been erected by the patriots of the Revolution—a right, the violation of which by town officers, or county officers, or State officers, would inflict a deadly wound upon the liberties of the people. The principles and opinions expressed by him in the Legislature of Maine, Mr. S. still entertained; and when a similar case was presented, here or elsewhere, he should not fail to avow and reiterate them.

The gentleman from Virginia had remarked at the commencement of his speech, that if he had consulted his inclination, he should have remained, as he had done the first three weeks of the session, a silent but pained spectator of the proceedings of the House. But the high duty he owed to his constituents impelled him to come forward and manifest his deep and unmitigated hostility to the course which had been pursued by the friends of the Administration upon this and other questions.

Mr. S. had listened to the gentleman with great pleasure, and should have received additional gratification had he confined himself to the question under debate, and not travelled out of the record to attack, gratuitously and without cause, the course of gentlemen who differed from him in opinion, and to impute to them the vilest and most unprincipled motives for their conduct on this floor. The gentleman had stated, most broadly, that the majority of the House, in excluding the minority claimants from New Jersey, had been governed wholly by party feelings; disregarded right, trampled upon the Constitution, and violated the principles of common honesty. Such wholesale denunciations had been of common and every day occurrence during the whole debate upon this question, by many other gentlemen upon the same side with the gentleman from Virginia. As one of that majority, Mr. S. repelled the charge as false and unfounded, and he should feel it his duty, wherever, whenever, and by whosmoever it might be made, to hurl it back as a vile and base slander. The gentleman from Virginia had repudiated the doctrine of State Rights. Mr. S. acknowledged that he was right in that position. His whole course, his votes and speech, were utterly at variance with State Rights, with the immunities and sacred privileges of the people, for which State Rights men were the distinguished champions.

The gentlemen had accused the friends of the Administration of disfranchising the State of New Jersey. Mr. S. said it was not so. That it was the Governor and his Privy Council who had attempted to accomplish that object—that they had attempted to set at naught the will and to stifle the voice of the majority; and for it the speedy retribution of an abused and indignant people awaited them.

The gentleman seemed to be much annoyed at the speech of the gentleman from Ohio [Mr. DUNCAN.] It was not the first time, said Mr. S. that his friend from Ohio had been a thorn in the side of the Federal party. His speeches were not ornamented with rhetorical flourishes and high sounding words: they were made up of *facts* and *figures*, spread out in a plain and unvarnished manner, and expressed in clear and intelligible language, which carried conviction wherever they were read. The people—the bone and muscle of the country—sought them, and read them, and were convinced by them. But the gentleman from Virginia had declined to follow the gentleman from Ohio, or to attempt to answer his arguments, but contented himself, at one fell swoop, to pronounce the speech as containing more falsehoods and misrepresentations than any production he had ever seen. Mr. S. said this was a very easy and convenient way of disposing of an argument, which could not be successfully answered. It was the common method adopted by weak men when they were cornered by their competitors. It was like Governor Pennington's broad seal, which covered the Constitution and laws, the will, and the rights of the people; and which, like that seal, would fail to have effect with men of honest minds. But the gentleman pretended to be much disgusted with what he pleased to term the wanton attacks of the gentleman from Ohio. That gentleman, [Mr BOTTS,] said Mr. S. should be the last man in this House to complain of the wanton attacks of others. No man has used them more freely and more unreservedly than himself.

Had the gentleman from Ohio gone out of his way to attack individuals, who, after a long and eminent course of public duties, in the cabinet and the field, had retired from the public, service, crowned with honor, and were now upon the borders of the grave? Had the speech of the gentleman from Ohio been disgraced by an outrage like that? No, sir. It was left to the gentleman from Virginia to do that deed—to denounce, in his place here, Andrew Jackson, as one of the greatest tyrants which this or any other country had known! And, (said Mr. S.) he now repeats it, and shall have all the honor of the charge and its petition. But, (said Mr. S.) history in all time to come with brand, bone deep, the falsehood of that charge upon the head of him who makes it. Andrew Jackson a tyrant! The man who left the Senate of the United States, and the domestic comforts of his fireside, to volunteer in defence of his country—who rescued our bleeding frontier from the torch and the tomahawk—who expelled the merciless savage from our borders! Andrew Jackson a tyrant! who bared his bosom to the British bayonet, as well as the Indian tomahawk, and drove the trained bands of England from our shores, and saved "the beauty and booty" of one of the fairest cities in our land from pollution and desolation! Andrew Jackson a tyrant! who, after having restored peace to his bleeding country, resigned the "sword for the plough, and the spear for the pruning hook," seeking rest and retirement in the shades of his own Hermitage. Let the gentleman have the glory of making that charge—the veriest slave in the land will not envy him.

The question before the House, said Mr. S. is upon the proposition of the gentleman from Tennessee, [Mr. BELL,] to amend the resolution of the chairman of the Committee of Elections, by inserting two other resolutions. Mr. S. was opposed to such amendment. The resolutions contained statements which were untrue. They assigned a reason for the stand taken by the friends of the Administration, which was not the true one. The gentleman from Tennessee had, very gratuitously, in his second resolution, stated the cause of the suspension of Mr. AYCRIGG and his associates from their seats, to be to enable them to prove that there was no fraud in the Governor's certificate. Such was not the reason which had induced the votes which Mr. S. had given upon that question. He had voted to exclude those gentlemen from seats until they could show that the MAJORITY, which it had been proved was given against them by the people, and which they themselves confessed here, was a fraudulent majority. If that could not be shown, they surely were not entitled to their seats; and, until it was shown, they were and ought to be excluded.

The hour of 1 having arrived,

Mr. GIDDINGS inquired whether he was not entitled to the floor upon the subject of public printing, which had been postponed until this day, and whether that subject was not the special order of the day.

Some conversation here took place as to the propriety of disposing of the subject now under discussion, before going into the election for Printer.

Mr. BELL here withdrew his substitute for the resolutions of Mr. CAMPBELL, which he presumed would prevent any further discussion upon that subject, and would thereby enable the House to proceed to the election of Printer.

Mr. STARKWEATHER having obtained the floor, said it was not material as to the particular proposition on which he addressed the House, and he would, therefore, make his remarks on the resolution of the gentleman from South Carolina, [Mr. CAMPBELL.] Mr. S. then proceeded with his remarks for a short time; when he was interrupted by

Mr. GIDDINGS, who again claimed the right to address the House on the question of public printing.

The CHAIR stated that the election of Printer was postponed to a day certain, and was not a special order, as the gentleman had supposed, and the resolution of Mr. CAMPBELL of South Carolina consequently had precedence. He would also inform the House that the day had expired under which the order for the Clerk to employ a temporary printer could be executed, and that no printing could be done under it after to-day.

Mr. WISE thought the House had better go into the election of Printer, in view of the expiration of the previous order of the House, empowering the CLERK to have the printing executed.

Mr. FILLMORE concurred with the gentleman from Virginia, [Mr. WISE,] and did not consider that there was any other business of more importance before them than the election of public Printer.

Mr. DROMGOOLE thought they had better take the question on the resolution now properly before the House, and postpone the election of Printer until to-morrow.

The CHAIR reiterated his decision that the subject before the House was the resolution of Mr. CAMPBELL.

Mr. GIDDINGS appealed from said decision; upon which question

Mr. GRAVES demanded the yeas and nays.

Mr. BELL here asked the gentleman from Ohio [Mr. GIDDINGS] to withdraw his appeal. It is admitted that this order is not a special order, and the business properly before the House is the resolution of Mr. CAMPBELL. If the question on the appeal be pressed, we shall be compelled to sustain the decision of the CHAIR, or violate all parliamentary rules. The House could, by general consent, proceed to the election of Printer; but if it was a special order, any gentleman on the floor could interrupt the gentleman from Ohio [Mr. STARKWEATHER] and demand that they proceed to the election; when the House would determine whether the business before it should go on or be laid aside for the special order. The question, however, as to the election of Printer, was only a postponement till a day certain; and therefore could only be taken up by the general consent of the House.

Considerable discussion here ensued, in which Messrs. GIDDINGS, CLIFFORD, STARKWEATHER, POPE, and GRAVES took part; the latter gentleman being of opinion that the election of Printer having been postponed until one o'clock to-day, had precedence at that hour, over the resolution then before them.

Mr. CLIFFORD said, the error of the gentleman from Kentucky [Mr. GRAVES] lies in this. He does not discriminate between a special order and a postponement to a day certain. The former must be taken up at the the hour designated, in preference to all other business, while the latter goes on the general orders, and comes up with them in its turn.

After some remarks from Mr. TILLINGHAST,

Mr. WISE called for the previous question on the appeal, which was seconded by the House.

Then on the question, Shall the main question be put?

Mr. ADAMS observed that, so far as he understood this question, the decision of the SPEAKER was contrary to the established practice of the House. Mr. A. was proceeding to discuss the point involved, when he was called to order, and told that an appeal was not debatable.

Mr. GIDDINGS said that, having been appealed to by several gentlemen around him, he would withdraw his appeal, and permit the discussion on the resolution to go on.

Mr. STARKWEATHER then obtained the floor, and addressed the House at some length on the general question of the New Jersey election, replying conclusively to the arguments of the gentlemen who have supported the claims of the certificate claimants. He took the constitutional

ground that the people alone have the right to say who shall represent them in the Congress of the United States, and that neither the Governor, the Privy Council, nor clerks, of New Jersey, have a right to appoint their Representatives. He further showed that, as the Governor and Privy Council of New Jersey have not the right to appoint Representatives for the people, neither have they the right to make evidence which shall exclusively be received to determine the fact of membership by the House of Representatives; for if they possessed the latter, they would necessarily possess the former. He repudiated the assumption that the House could not go behind the returns of a Governor of a State; for if this doctrine prevailed, the Government would, as a necessary consequence, be dissolved, because the Governor of a State, having the power to commission Representatives, with the power also to make the evidence of membership which the House could not go behind, might send Representatives here in opposition to the will of the people, and thus the Federal Government would be virtually overturned. [The speech of Mr. S. will be given to the readers of the Globe very shortly.]

Mr. CLIFFORD said, it was true that this subject had occupied most of the time of Congress since the opening of the session; and it was also true that that time had been chiefly spent in listening to speeches from the gentlemen who sustain the claims of the members commissioned by the Governor of New Jersey; for little of the time of the House had been occupied by those who oppose the claims of these pretenders, and who undertake to sustain the rights of the Representatives elected by the people. The first three weeks of the session he believed were entirely devoted to the subject; and he had supposed that, after the decision upon the final proposition of the gentleman from Virginia, [Mr. WISE,] and after that gentleman himself had proclaimed that the victory was with the party in the majority—that the battle has been fought, and that he and his friends had lost it—that they would have suffered the matter, without further controversy, to go to the Committee of Elections. But when the honorable chairman of that committee [Mr. CAMPBELL] proposed a resolution having this object in view, every obstacle is thrown in the way—amendment after amendment is piled on it; and he had a right to complain when gentlemen undertake to pass by the question immediately before the House, and go into a discussion not only of the merits of the controversy, but into a discussion of the past decisions of the House, animadverting, with great severity, on the course of the majority, while he and others on his side of the question had not yet had an opportunity of saying a word on the subject. The gentleman from Virginia, [Mr. BOTTS,] and others who preceded him, had taken this course, and the gentleman from New Jersey [Mr. RANDOLPH] had been permitted again and again to occupy the time of the House, in reiterating the same arguments, and in reviewing the whole matter connected with the New Jersey elections. Up to this time, (Mr. C. said,) he had contented himself with giving a silent vote on the various questions that had been presented in relation to this subject, taking care that the effect of every vote should be to sustain the rights of the people; and he would still have continued to pursue that course had it not been for some remarks of the gentleman from Virginia, [Mr. BOTTS,] who made it the ground of complaint that those opposed to him on this question had not entered sufficiently into the discussion, and insinuated that their silence was caused not by a desire to avoid a useless consumption of time, but because of a want of confidence in the justice of their cause. Under these circumstances, and as the course of the House had been called in question, while the majority, of which he was one, had been so severely censured, he would ask the indulgence of the House while he explained the reasons and motives which had governed him and his friends in the course they had taken, promising that he would not unnecessarily consume the time of the House, and that he would be as brief in the remarks he was about to offer as the nature of the subject would permit.

As the official conduct of the Clerk of the House [Mr. GARLAND] had been frequently censured in the course of the discussions growing out of the case of the New Jersey contested election—as the Clerk had applied to the House to permit him to make a written statement explanatory of his conduct, which courtesy had been denied him, and as the gentleman from Virginia [Mr. BOTTS] had complained that those who composed the majority of the House did not choose to discuss the question, after having refused permission to the Clerk to read his statement, he [Mr. C.] would make that paper a part of his speech, and read it as such; and he trusted that no gentleman would object to it.

Mr. PECK said he objected to a gentleman's reading, as a part of his speech, an argument concocted by another person, and addressed to the House, which he considered as out of order. Mr. P. observed at the time that he was willing to listen to a speech of any length that Mr. CLIFFORD himself might make.

Mr. CLIFFORD trusted that no gentleman on that floor would object to his reading, as part of his speech, a paper which the Clerk had offered to the House in explanation of his conduct, which had been so often called in question. In the little legislative experience he had had, he never knew this courtesy to be objected to, but in two instances; one of which was, in this House, where the objection was overruled, and the other was in the Legislature of his State, where the reading of a paper by a member was refused, because he was manifestly endeavoring to consume time unnecessarily. The House (Mr. C. said) had yesterday permitted the gentleman from New Jersey [Mr. RANDOLPH] to have read from the Clerk's table a mass of *ex parte* depositions, and he therefore hoped a like courtesy would not be refused to him.

Mr. PECK still objecting—

Mr. CLIFFORD asked leave of the House to have the paper read; when

Mr. CLIFFORD called for the yeas and nays, which were ordered; and on taking the question, it was decided in the affirmative—yeas 110, nays 68, as follows:

YEAS—Messrs. Adams, Alford, Judson Allen, H. J. Anderson, Atherton, Banks, Beatty, Biddle, Black, Blackwell, Botts Boyd, Briggs, Aaron V. Brown, S. H. Butler, John Campbell, William B. Campbell, Carr, Carter, Casey, Chapman, Clifford, Coles, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fillmore, Fine, Fisher, Floyd, Fornance, Gentry, Gerry, Goggin, Griffin, Hammond, Hand, John Hastings, Hillen, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, J. Johnson, C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leonard, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Montanya, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Ridgway, Rives, Edward Rogers, James Rogers, Samuels, Shaw, John Smith, Thos. Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Underwood, Vanderpoel, David D. Wagener, Watterson, Weller, Jared W. Williams, J. L. Williams, Wise, and Worthington—110.

NAYS—Messrs. John W. Allen, Simeon H. Anderson, Andrews, Bell, Bond, Calhoun, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Edward Davies, G. Davis, Dawson, Deberry, Dillett, Edwards, Jas. Garland, R. Garland, Gates, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hill of Virginia, Hoffman, James, Charles Johnston, William Cost Johnson, Kempshall, Lawrence, Lincoln, Marvin, Monroe, Morgan, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Reed, Russell, Saltonstall, Sergeant, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, W. Thompson, Toland, Triplett, Trumbull, P. J. Wagner, E. D. White, J. White, Thos. W. Williams, Lewis Williams, and S. Williams—63.

The House having thus decided that the statement might be read, it was read accordingly from the Clerk's table; after which,

Mr. CLIFFORD yielded the floor to

Mr. REYNOLDS, who moved an adjournment; and

Mr. STANLY having called for the yeas and nays, which call was not sustained, only 17 members rising in favor of it,

The question was taken by tellers, and decided in the affirmative—yeas 92, nays 49; so

The House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, January 11, 1840.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, enclosing a printed copy of the receipts and expenditures of the year 1839; which was referred to the Committee on Public Expenditures.

The SPEAKER announced the order of the day; which was the resolution of the chairman of the Committee on Elections, [Mr. CAMPBELL of South Carolina,] proposing to refer to that committee all the papers and testimony relating to the New Jersey disputed election.

Mr. CLIFFORD, who was entitled to the floor, was about resuming his remarks; when he was interrupted by

Mr. BOTTS, who prevailed upon Mr. C. to yield the floor, to enable him to propound an interrogatory to Mr. SMITH of Maine, in reference to his remarks of yesterday.

Mr. B. regretted that it was not in his power on yesterday to get the floor to reply to that gentleman. His position before that House and the country now, in consequence of those remarks, required that he should notice them, however much he regretted to be compelled to occupy the time of the House to reply to language of a personal and offensive character. In the first place, he would be pleased to learn from the gentleman from Maine whether he wished or intended them to apply in a personally offensive character or not? Mr. B. said he wished him to state distinctly to the House whether in the language, "a vile and base slander," used in reply to his remarks characterizing and denouncing the course of the Democratic party in the New Jersey disputed election—and his language, "that history, in all time to come, will brand, bone deep, the falsehood of that charge upon the head of him who makes it," in reply to my remarks denouncing General Jackson as a tyrant, was intended by him to have a personal application to me? He required a distinct answer.

Mr. SMITH said before he should consent to comply with the demand thus preremptorily made upon him by the gentleman from Virginia, he must first have the decision of the Chair, that he should be permitted to reply to any remarks in which that gentleman might be permitted to indulge after Mr. S should have made the explanation requested.

The SPEAKER was understood to say that the gentleman from Virginia would not be permitted to make any remarks not in order; and that it would depend entirely upon the courtesy of the other gentleman from Maine, [Mr. CLIFFORD,] who was entitled to the floor, whether Mr. S. be afforded an opportunity to reply.

Mr. SMITH then appealed to the gentleman from Maine, who had yielded the floor to the gentleman from Virginia, whether he would extend the same courtesy to him to reply to that gentleman. To which

Mr. CLIFFORD replied, "certainly."

Mr. SMITH said he had supposed that the opinions advanced by him yesterday, in reply to the gentleman from Virginia, had been expressed in language sufficiently explicit not to be misunderstood. He had endeavored to avoid all ambiguity, and to use the plainest terms of speech; and if he had failed to be apprehended by that, or any other gentleman, it was because he had not the ability to express himself with greater clearness. The sentiments he had uttered, were his honest and sincere convictions, and he should not hesitate, at all times, on proper occasions, to avoid and repeat them. Entertaining, as he did, the most exalted opinion of the late President of the United States, and holding his character and public services in the highest veneration and respect, he should never, here or elsewhere, permit them to be wantonly assailed without repelling, to the best of his ability, any attack which might be made upon them. The charge made by the gentleman, in his speech, wholly unprovoked as it was, in the opinion of Mr. SMITH, merited rebuke. But it was a principle well understood, that the character of public men is matter of opinion, about which individuals had a right to differ. Whether Andrew Jackson were, as Mr. S. believed him to be, a patriot, or, as the gentleman from Virginia had professed to believe, a tyrant was a matter of opinion. The gentleman had, in the strongest terms, denounced him as a tyrant of the blackest dye. Mr. S. had felt it his duty to say, in reply, what he was willing to repeat—that history, in all coming time, would pronounce that opinion erroneous and false. He had

not, and he believed he could not have been so understood by any member of the House, charged any gentleman with uttering a wilful and deliberate falsehood. He had too much respect for the high station he occupied upon that floor to be guilty of so gross a violation of propriety. He had too much regard for himself, and those who sent him here, thus to insult the House of Representatives of the United States.

Mr. BOTTS said he understood the remarks of the gentleman as a disclaimer of any intention to attribute to him any improper motive, and that his language of yesterday was a mere matter of opinion; that history would speak in tones of reprobation of the language he had used towards General Jackson. He understood the gentleman as having disclaimed any intention of having used the remarks in the slightest degree as personally offensive to him: if not, he wished him distinctly so to state to the House.

Mr. SMITH was here proceeding to reply, by reiterating what he had before said, but was interrupted by

The CHAIR, who was of the opinion that no imputation had been cast by the gentleman from Maine in his speech of yesterday, on the gentleman from Virginia, or any other gentleman. The CHAIR paid the most careful attention to the remarks of the gentleman, and understood his remarks to have a general application

Mr. SMITH of Maine said, that such, he would venture to assert, was the understanding of every gentleman on the floor.

Mr. DUNCAN asked permission of the gentleman entitled to the floor [Mr. CLIFFORD] to name a paper he intended to have introduced as part of his speech yesterday, as he contemplated inserting it in the printed report of that speech. It was nothing more than part of the first instalment of his speech delivered some days ago, and which some gentleman in the gallery had turned into rhyme, and sent to the Globe Office.

Mr. CLIFFORD was then about to resume his argument, when

Mr. PECK observed that, before the gentleman went on with his remarks, he wished to know if the CLERK had finished the reading of his speech. The CLERK had skipped the title page and part of the anecdotes, and as the House had required the whole document to be read, he wanted to hear the rest of it.

Mr. CLIFFORD said he did not acquiesce in the principle laid down by the gentleman. The House had granted him permission to have a certain document read, and he might avail himself of the privilege of using the whole, or a part of it, as he pleased. He had not, however, the slightest objection to the CLERK's reading the whole of the statement.

Mr. GASLAND, the Clerk, then read the notes and references appended to his statement—the statement itself having been read yesterday.

Mr. CLIFFORD then took the floor and completed his able argument, commenced yesterday; replying conclusively to the arguments of the several gentlemen who sustained the claimants commissioned by the Governor of New Jersey, and referring to various authorities and precedents which bore him out in the positions assumed.

Mr. COOPER of Pennsylvania desired to say a few words on the subject then under discussion, and he should be as brief as possible in the remarks he was about to make, pledging himself beforehand to the House that he should not eke out his speech by calling for the reading of insolent lectures from a presumptuous subordinate, or any matter not strictly pertinent to the subject. He should proceed at once to the discussion of the question before the House, and, with its permission, would change his position. [Mr. C. then took a place on the floor nearer to the Chair than the one he occupied.] If he was not mistaken, Mr. C. said, the amendment of the gentleman from Tennessee to the resolutions of the gentleman from South Carolina, required that the Committee of Elections should report upon the returns and other papers, now in the possession of the House, before proceeding to a full and final investigation of the New Jersey elections, by purging the polls; and this amendment contemplated the rendering of more speedy justice to the State of New Jersey than would be done by the resolution of the gentleman from South Carolina. He should, for that reason, vote for it. If wrong had been done to the State of New Jersey, the more speedily that wrong was redressed the better; and as the resolution of the gentleman from Tennessee, offered as an amendment to the resolution of the Chairman of the Committee of Elections, contemplated the most speedy remedy, he should give it the preference. Let us enquire, said he, if wrong has been done to the State of New Jersey by the course of this House. As the question of the propriety or impropriety of the resolutions of the gentleman from Tennessee depended upon the question whether wrong had been done or not, let us, said Mr. C. examine whether the State of New Jersey has been injured by the course of this House or not. Mr. C. here, it being near four o'clock, yielded the floor to

Mr. CRANSTON, on whose motion

The House adjourned.

IN SENATE,

MONDAY, January 13, 1840.

The CHAIR submitted a report from the Secretary of the Treasury, showing, in compliance with a resolution of the Senate, the condition of the two per cent. fund reserved for making a road or roads leading to the State of Mississippi; which was laid on the table, and ordered to be printed.

Also, a message from the President of the United States, transmitting, in compliance with a resolution of the Senate, a statement showing the amounts paid for private claims under special acts of Congress during the last five years; which was laid on the table, and ordered to be printed.

Also, a message from the President, in compliance with the resolution of the Senate of the 30th ult. which was laid on the table, and ordered to be printed.

Also, a report from the Secretary of the Treasury, in compliance with a resolution of the Senate, in relation to the exaction of duties from, and the description of papers furnished to, vessels employed in the whale fishery; which was laid on the table, and ordered to be printed.

Also, a report of the Secretary of War, accompanied by a communication from the Commissioner of Indian Affairs, with estimates of the appropriations necessary for the service of the Indian department for the year 1840; which was read, and ordered to be printed.

Mr. TAPPAN presented the memorial of a number of citizens of Racine, in the Territory of Wisconsin, praying an appropriation for the construction of a harbor at that place; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PRENTISS presented a memorial on the same subject, which was referred to the same committee.

On motion by Mr. LINN, it was ordered that the petition of the heirs of Joseph Rodedoux, on the files of the Senate, be referred to the Committee on Private Land Claims.

Mr. LINN presented the petition of Adam D. Stewart; which was referred to the Committee on Claims.

Mr. WALKER presented the petition of John Briggs, a Revolutionary soldier; which was referred to the Committee on Pensions.

Mr. PRESTON presented the petition of the heirs of James Mayson, deceased; which was referred to the Committee on Revolutionary Claims.

Mr. MERRICK presented the petition of John Scrivener, praying remuneration for property destroyed during the last war with Great Britain; which was referred to the Committee on Claims.

Mr. M. also presented the petition of William Hodson, praying remuneration for property destroyed by the enemy during the last war with Great Britain; which was referred to the Committee on Claims.

Mr. M. also presented the petition of James Tongue, for the same object; which was referred to the same committee.

Mr. CRITTENDEN gave notice that, to-morrow, he would ask leave to introduce a bill to prevent the interference of certain Federal officers in elections.

On motion by Mr. BETTS, ordered that the petition of Lewis Newrisha, now on file, be referred to the Committee on Pensions.

On motion by Mr. TAPPAN, ordered that the petition and papers now on file in the case of Nahum Ward be referred to the Committee on Revolutionary Claims.

On motion by Mr. KING, it was ordered that the Committee on Commerce be discharged from the further consideration of the petition of the vestry and churchwardens of the Protestant Episcopal Church of Charleston, S. C. and that it be referred to the Committee on Finance.

Mr. WHITE, of Tennessee, presented a preamble and resolutions of the Legislature of the State of Tennessee, which he asked might be read, laid on the table, and ordered to be printed.

The resolutions were then read, and were as follows:

WHEREAS, the General Assembly of the State of Tennessee have, on various occasions, when in their opinion the great public interests of the country demanded it, expressed, in the most solemn form, their views in regard to questions of a national character involving the welfare of the people of the United States, and have at all times, when deemed necessary to give practical effect to the sentiments which they entertained, availed themselves of the power which legitimately, and in conformity with long established Republican usage, throughout the Union, belonged to them, of instructing their Senators, and requesting their Representatives in Congress to carry out, as to specific measures, their declared wishes; and whereas, the extraordinary circumstances which have existed for the last few years in the financial and commercial interests of the United States remain unabated, and under causes of increased excitement and difficulty, originating, as we believe, in the same vast source of public mischief; and whereas, we do solemnly believe that to that source, the late Bank of the United States, is in a great degree to be attributed the oppressive calamities under which we have suffered and through which we are now actually passing; and whereas, during the history of the last few years we have seen this mammoth moneyed power struggling almost with success against the Government, and wielding a power in the production of panic and disaster, that, in the language of its boldest advocates, we were pronounced to be in the midst of a revolution; and the terrible evils which we have not only been taught it may inflict, and the *present admonitions*, which proceed from the last throes and agonies of that expiring power, justify us, and demand at the hands of the General Assembly, who should truly be the guardians of the happiness and prosperity of the people, any effort which can in any wise strengthen the councils of the nation against the recurrence of similar causes and results, and which may encourage the Administration of the country to adhere to its existing wise and prudent policy in regard to this great and absorbing subject: and

Whereas, the Constitution of the United States contemplates a Treasury to be held by the Government, wholly free from any necessary connection with banks, and the present crisis, as well as times past, have demonstrated the wisdom of such a measure; this General Assembly do most fully approve the policy heretofore recommended by the President of the United States in relation to what has been denominated an Independent Treasury, and believe that the passage of the measure brought forward in the last Congress, or some similar system upon this subject, would be not only prudent, but is absolutely demanded by the peculiar and remarkable vicissitudes which have acted powerfully upon the currency and commerce of our country; and, further, that such a measure would contribute to the more permanent stability of our institutions, the independence of the Government for all purposes of peace and war, to check the wild and extravagant spirit of the age that has come upon us with a reckless fury, and would ultimately tend to bring us back to sober reflection, steady pursuits, and the confirmed possession of an ample prosperity: and

Whereas, this General Assembly do believe, that the public domain of the United States should not be treated by the General Government as a mere source for the acquisition of money to the public Treasury, but by reducing the price to reasonable and moderate rates should rather be regarded as the great and extensive means of encouragement to the augmentation of our population, and the reward of the laborer and the husbandman, (by the grant of pre-emption rights) who in times of peril will be a powerful bulwark to the frontier, and the right arm of safety and defence against the hostile invasion of a foreign foe: and

Whereas, the liberty of speech and the freedom of the press are considered as invaded directly, or by implication, in the provisions of a bill which was brought before the Senate of the United States at the last session of Congress, entitled "a bill to prevent the interference of certain Federal officers in elections:" and

Whereas, the people of the United States have long paid a tribute of millions to the monopolists of salt, under the tax which has been imposed upon the foreign importations of that necessary article, whereby the quantity which would otherwise have been introduced into the United States has been diminished, and the price to the consumer increased: and

Whereas, reviewing the history of our Government for the last ten years, a period which will be remarkable through all future time, and looking around upon the events now being daily developed, this General Assemby have reason to congratulate the country that its destinies were cast at the approach of the great and thrilling events which have, within that period, rapidly succeeded each other, in the hands of our venerable and patriotic fellow-citizen Andrew Jackson: and, whereas, his policy began the restoration of that system which was hailed in 1800, as the establishment of sound principles, and was steadily pursued by him and transmitted with the impress of his character to the hands of his distinguished successor: and, whereas, the firm and patient wisdom of the present Chief Magistrate, pursuing

the same policy, has successfully conducted our domestic and foreign relations in the midst of peculiar and very extraordinary difficulties: Therefore, be it

1. *Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed, and our Representatives requested, to vote against the chartering by Congress of a National Bank.

2. *Resolved further*, That our Senators in Congress be instructed, and our Representatives requested, to vote for, and to use all fair and proper exertions to procure the passage of a measure brought forward in the Congress of the United States commonly called the Sub-Treasury bill, or Independent Treasury bill, the object of which was to separate the collection, keeping, and disbursement of the public money from all banks, so as to make the Treasury of the United States independent of all banks, as recommended by the President of the United States in his several messages communicated to the last Congress of the United States.

3. *Resolved further*, That this General Assembly doth unqualifiedly condemn the provisions of a bill heretofore before the Senate of the United States at its last session, entitled "a bill to prevent the interference of certain Federal officers in elections," which bill this General Assembly doth declare to be a violation of the Constitution of the United States, which provides that "Congress shall pass no law abridging the freedom of speech and of the press," and they do as unqualifiedly condemn the vote given in favor of said bill by the Senators in Congress from this State, and our said Senators in Congress are hereby instructed, and our Representatives requested, to vote against, and to use all fair and proper exertions to prevent the passage of the same or any similar bill.

4. *Resolved further*, That our Senators in Congress be instructed, and our Representatives requested, to vote against the measure heretofore brought before Congress, which had for its object the distribution among the States, the proceeds of the sales of the public lands, and that they be further instructed to vote for, and use all fair and proper exertions to procure the passage of, a law for the graduation and reduction of the price of the public lands, and for granting pre-em, tion rights to the occupant settlers thereon.

5. *Resolved further*, That our Senators in Congress be instructed, and our Representatives requested, to vote for, and use all fair and proper exertions to procure the passage of, a a law repealing the duties on imported salt.

6. *Resolved further*, That this General Assembly doth heartily approve the leading measures and policy of the Administrations of Andrew Jackson and Martin Van Buren, and our Senators in Congress are hereby instructed, and our Representatives requested, to support, in good faith, the leading measures and policy as brought forward and advocated by the present President of the United States, and to use all fair and proper exertions to carry out, sustain, and accomplish the same.

7. *And resolved further*, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing preamble and resolutions.

JONAS E. THOMAS,
Speaker of the House of Representatives.
THOS. LOVE,
Speaker of the Senate.

Adopted 14th November, 1839.

Mr. W. said, that for the purpose of avoiding any misapprehension, or misrepresentation of his remarks in reply to the Legislature of his State, he would, with the consent of the Senate, read from a paper he held in his hand, that reply.

Leave being unanimously accorded, M. W. read, at great length, his reasons for non-compliance with the instructions, and concluded by resigning his seat as a Senator of the United States.

Mr. W. said, that is the answer which, if God spares me, I intend to send, without delay, to the Legislature of Tennessee. I am no longer a member of this body; of its honors I shall receive no share; from its labors I shall be excused, and from the high responsibility which rests upon it for this and for future generations, I am now absolved. I now part from this honorable body in the same spirit by which I have ever been actuated, while associated with them; wishing them, individually and collectively, every blessing which the world can bestow; and allow me to express the hope that their conduct will ever be such that at the last moment every individual can withdraw from the world with a quiet conscience.

Mr. GRUNDY was understood to say that, as to the instructions generally, he considered them as coinciding with his own opinions, and he thought he was prepared to follow them. He had no recollection of any instructions here that differed from his own views and practice, with a simple exception, which was that of the Independent Treasury. He had voted against that just before he left this body; but he had done so in obedience to instructions, and against his own judgment. He would now, therefore, vote in favor of it, agreeably to later instructions, and in accordance with his own judgment.

On motion by Mr. LINN, it was ordered that the memorial of Samuel Norris be printed.

Mr. HUBBARD presented the memorial of Benjamin Carleton; which was referred to the Committee on Naval Affairs.

Mr. H. also presented the memorial of Nathaniel Gunnison; which was referred to the Committee on Commerce.

Mr. H. also presented the memorial of Abigail Carleton and others; which was referred to the Committee on Naval Affairs.

Mr. H. also presented the memorial of Edward Ward and others, praying that provision may be made for granting pensions to the widows and children of the non-commissioned officers and soldiers of the army, who may die or be killed in the service of the United States; which was referred to the Committee on Pensions.

Mr. LINN presented the memorial of the Western Academy of Natural Sciences, at St. Louis, Missouri, praying the aid of the General Government in the purchase of a library and instruments, the erection of a suitable building, and the purchase of ground for a botanic garden for that institution; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, to which had been referred a message from the President of the United States, transmitting information in compliance with a resolution of the Senate, in relation to the banks which have recently suspended specie payments, &c. asked that they be discharged from the further consideration thereof, and that it be laid on the table and ordered to be printed, and that two thousand additional copies be printed; which was agreed to.

Mr. W. also from the same committee, to which was referred a report from the Secretary of State in compliance with a resolution of the Senate, showing the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations, asked to be discharged from its further consideration, and that 2,500 additional copies be printed for the use of the Senate; which was agreed to.

Mr. SMITH, of Indiana, from the Committee on Roads and Canals, to which had been referred a bill to authorize the New Albany and Mount Carmel Railroad company to enter, on a credit, a quantity of land to aid the company in the construction of a railroad from New Albany, Indiana, to Mount Carmel, Illinois, and for other purposes, reported the same with some amendments, accompanied by a report in favor of the objects of the bill.

Mr. Y. also, from the same committee, reported a bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois; which was read, and ordered to a second reading.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the petition of Enoch Baldwin, made a report thereon, (which was ordered to be printed,) accompanied by a bill for the relief of the owners of the British brig De patch; which was read, and ordered to a second reading.

Mr. DAVIS also, in pursuance of notice, asked and obtained leave to introduce a bill to refund to Noah Miller and others a part of the proceeds of the sale of the British sloop Mary and cargo, which were captured by them, and libelled and sold for the benefit of the United States; which was read, and ordered to be printed.

Mr. TAPPAN, from the Committee on Naval Affairs, to which was referred the petition of Archibald S. Campbell, made an adverse report thereon; which was ordered to be printed.

Mr. PHELPS, from the Committee on Roads and Canals, to which was referred a bill for the benefit of the Selma and Tennessee Railroad Company, reported the same without amendment.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the memorial of Josiah Sturges and others, made an adverse report thereon; which was ordered to be printed.

Mr. HENDERSON, from the Committee on Public Lands, to which had been referred a memorial of the president and directors of the Gainesville and Narkeeta Railroad company, praying a grant of land to aid in the construction of said road, reported a bill for the benefit of the Gainesville and Narkeeta Railroad Company; which was read, and ordered to a second reading.

On motion by Mr. CALHOUN,

Resolved, That the President of the United States be requested to communicate to the Senate whether the Government of Great Britain has yet made compensation to our citizens in the case of the brigs Enterprise, Encomium, and Comet: the first of which was forced, by stress of weather, into Port Hamilton, in Bermuda, and the other two wrecked on the keys of the Bahama, and the slaves on board forcibly seized and detained; with the copy of any correspondence relating thereto which may have taken place since the answer of the call at the last session on the same subject.

Mr. PRESTON submitted the following resolution:

Resolved, That the Committee on Finance inquire into the propriety of modifying the duties on the importation of works in marble, so as to authorize the discrimination of the works of citizens of the United States residing abroad free of duty, and of other productions of fine arts at a reduced duty.

Mr. NORVELL introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a general bankrupt law.

Mr. SMITH of Indiana submitted the following:

Resolved, That the Secretary of War be directed to send to the Senate a copy of the report of Nathaniel West, commissioner to investigate claims against the Miami Indians, for the year 1839.

ORDERS OF THE DAY.

Mr. WRIGHT said, that to-day was set apart for the consideration of two bills reported from the Committee on Finance; but in consequence of the great importance of the unfinished business, he would not deem it his duty to press their consideration at this time: he, however, considered it extremely desirable that they should be taken up to-morrow.

SETTLEMENT OF FLORIDA.

The bill for the armed occupation and settlement of that part of the Territory of Florida now overrun by marauding bands of hostile Indians was then taken up.

Mr. TAPPAN said he would ask the leave of the Senate to modify his resolution to recommit the bill with instructions. He wished that the committee might be able to take the amendments offered by himself, and the suggestions thrown out by other Senators who have spoken on the subject, into consideration, without any restrictions. He therefore modified his motion by striking out the words "with instructions."

Mr. BENTON said he desired, if no other Senator wished to make any remarks on the bill, to say a few words in conclusion. No other Senator manifesting a disposition to speak,

Mr. B. proceeded at length to address the Senate in reply to the objections raised against the bill;

And after some remarks in reply by Mr. PRESTON,

The question was taken on recommitting the bill with the amendments, which was agreed to.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, January 13, 1840.

Mr. PICKENS asked the kind indulgence of the House, while he called its attention to a matter somewhat personal to himself. He alluded to an article which appeared in one of the city papers on Saturday last. It had been his habit, for several years past, when any thing scurrilous with regard to him appeared in any of the vile and slanderous papers of the day, to pass it by with the deep contempt which its infamy merited. But his apology for noticing the publication he alluded to, arose from the fact that some others besides himself were implicated. A paragraph, Mr. P. said, had appeared in the Madisonian of Saturday last, in the following words:

"A gentleman long well known in this city, whose name and character we believe to be a sufficient guaarantee of his truth and sincerity, called upon us on Thursday last and divulged to us a secret of which he was possessed, and of which he had before heard some intimations, which will place the coalition in a point of view more shocking than any that has yet struck the public eye. The secret alluded to relates to the terms of a bargain consummated, as is said, between Blair and Rives, the candidates of the Van Burenites, and General

Duff Green, the candidate of the Calhoun Nullifiers, in respect to the printing of the House of Representatives.

"The substance of the matter communicated to us, is this: that General Duff Green has said in this city in the presence of a witness, that if Gales and Seaton would give him 8 per cent. on the bills for the printing of the House, he could secure them the contract—that he had been offered $10,000, a gross sum to be paid in cash, by another firm, (meaning Blair & Rives,) and that unless Gales and Seaton, whom he preferred, closed with him speedily, his friends having the balance of power in the House of Representatives, he should give it to Blair and Rives, or words to that effect.

"Messrs. Gales and Seaton, says our informant, would not 'hear to the proposal,' and he infers from the previous asseveration of Gen. Green, and from the fact, as he says, of a certain note of a large amount having been unexpectedly paid at the bank, and certain bail released, that the bargain with Blair and Rives was immediately closed, and the money, or a larger part thereof, paid over in cash.

"For ourself, we affirm nothing, except the substance of the communication made to us. Of the truth of that communication, we are authorized to state that, if it be denied, a witness is ready to substantiate it before a tribunal of justice."

Mr. P. said he would not detain the House by reading the balance of this paragraph, for upon the matters there suggested, he did not pretend to be informed. He did not know what General Green had said to any member of this House; but the charge to which he called the public attention was, that General Green was the candidate of the Calhoun Nullifiers. I appeal, said Mr. P. to those gentlemen with whom I act—and they are but few—and I, in their name—if it be intended by this artful slanderer to assert, that he has ever received counsel or assistance, directly or indirectly, from me or from them—I say it is an infamous falsehood. I do not mean to say that I have any knowledge of what General Green did or did not say to any person whatever, when I repudiate the idea that he ever was, in the slightest degree, our candidate. On the first day that I came here, I received a note stating that he would be a candidate, and could be elected—but, Mr. Speaker, you know how I treated that note. I never gave him the slightest countenance. I have risen merely to reply to the vile charge to which I have called the attention of the House, and I throw it back upon the author with the scorn and contempt it deserves. I have nothing more to say on this subject. The moment the Harrisburg Convention made its nomination, my mind was made up for whom I should vote. I think, said Mr. P. that this circumstance furnishes an additional reason why we should settle these low contentions growing out of the election of Printer, by going into that election at once, and then passing the resolutions of the gentleman from Kentucky [Mr. ANDERSON] in relation to the final settlement of the matter, and separating the public printing from the political press hereafter. Mr. P. returned his thanks to the House for their kind indulgence, and took his seat.

Mr. HOWARD, of Indiana, asked permission of the honorable gentleman who was entitled to the floor, and of the House, while he moved a suspension of the rules in order to move the reference to the Committee on the Judiciary of Document No. —, on the subject of the Wabash and Erie Canal land claims, together with the resolutions of the Legislature of Indiana on the same subject, and the printing of the latter.

The motion requiring the general consent of the House, and Mr. PECK and several other objecting, it was not received.

ORDERS OF THE DAY.

The CHAIR announced that the question before the House was the resolution of Mr. CAMPBELL, of South Carolina, proposing to refer all the papers and testimony relating to the New Jersey disputed election to the Committee of Elections.

Mr. COOPER, of Pennsylvania, who was entitled to the floor, briefly examined the Constitution and laws with reference to this case. New Jersey, he said, had complied with the Constitution by electing men to take care of her interests on that floor, and that she had been grossly wronged when she was denied seats for her Representatives, who were legally returned under the seal of that State, which was in itself high and conclusive evidence of election, and could not be impeached by any collateral evidence in any court in the United States. But he did not claim that Mr. ACRIGG and his associates were entitled to seats on the commission alone, but that they were entitled, also, because they had received a majority of the legal votes of the people of New Jersey. All the precedents which had been quoted by gentlemen on the other side, without a single exception, (he said,) goes to sustain the claims of Mr. ACRIGG and his associates, the persons holding the legal credentials, and that they were entitled to hold seats in the first instance, until the matter should be properly investigated. He did not deny the power of the committee to go behind the certificate and investigate the election, and see if frauds had been committed by the county clerks, and even at the polls, but contended that New Jersey should be represented on the floor in the mean time, and the committee should first investigate the returns and decide who were entitled to hold seats until the other matters behind the certificates could be investigated. He dwelt on the injustice that would accrue to New Jersey should the House persist in depriving her of five-sixths of her representation. Important laws, he said, might be enacted—even war itself might be declared—and yet she would be deprived of a voice on that floor, and at the same time would have to share in the responsibility, and would be compelled to sustain those measures by her treasure and her blood. Mr. C. then referred to the various precedents, particularly those of Pennsylvania, which had been referred to in justification of the course of the House in this matter. He instanced the contest in the State of Pennsylvania between Bell and Brooks. Bell was permitted to take his seat in the Legislature, in the first place, and participate fully all the deliberations of that body, notwithstanding it was known that Brooks had a majority of the votes, and was prepared to exhibit proof of the fact. It was to the casting vote of Bell that rebellion in the State of Pennsylvania was made successful. Some gentlemen, as a justification of their course in the New Jersey contest, pretend that it was respect for the voice of the people which induced them to exclude her representatives from seats. This, he said, was to his mind a strange kind of respect for the people, to disregard the authority which the people themselves had constituted to make known their wishes—that the Governor and Council, under the organic law, was the only channel through which the people could make their voice be heard upon that floor or elsewhere. He contended that the Governor and Council were right in rejecting the votes of Millville and South Amboy, on account of informality—and that the Committee of Elections could not count them, because they had not been taken in conformity with the laws of New Jersey—that, in one instance, one of the inspectors had been excluded from a seat in direct violation of law, which, he was understood to say, was the cause for the rejection of the poll in the district in which he should have presided; if the principles of law, common sense, or precedents were at all to be consulted, that the Governor was perfectly justifiable in excluding those polls. He contended that Messrs. ACRIGG and associates, the gentlemen holding the certificates, had discovered two hundred and forty-one illegal votes—eighty-three alien, one hundred and forty-five non-residents, and others voting twice, and so forth—and that they were consequently elected by the legal votes given; and that this evidence had been properly taken, and was the right kind of evidence to produce to this House, and for the action of the committee. This, he said, was no contest in law; that the Democratic claimants had not approached that House in a legal and constitutional way; had not presented their petition to make it a regular contested case; and there was no evidence upon which to exclude Messrs. ACRIGG and company from seats. He contended that the statement of the Secretary of State was not legal evidence upon which that House could act; that it would not be received in any court, and therefore should not be accredited nor received by the Committee of Elections for their action.

Mr. C. then went into an examination of the speech of Mr. DUNCAN, which, in some facetious remarks, he compared with the landlord's supper in Don Quixote. The landlord, he said, had promised the traveller every dainty which the season could afford, but when he was pressed for his bill of fare, all that he could serve up for a supper was a mess of "cow's heels." So it was, he said, with the gentleman from Ohio; he had promised to prove, by indisputable testimony, that the gentlemen holding the certificates were not entitled to seats; yet, after all his great flourishes, and promises of facts, by which it was expected he would annihilate the claims of these gentlemen, he had, like the landlord, failed; he had served his mess of "cow's heels" by producing *ex parte* affidavits, taken by, God knows whom, and documents which had again and again been brought before the country. He concluded his remarks by occupying the same grounds which had been previously taken by other gentlemen on the same side of the question, and denounced the Administration party—contending that they had acted in this matter solely with a view to party interests, to secure the elections of Speaker, Clerk, and Printer.

Mr. LEET thought if ever there was a subject exhausted on earth, it was that relating to the New Jersey elections. We are now (said he) in the seventh week of the session, and, so far as this subject is concerned, we are just (said he) where we were at first—we have not advanced one step. He felt himself, therefore, under these circumstances, compelled to say that he would not inflict a speech on the House at this time, nor would he attempt to occupy its attention until it had received a report from the Committee of Elections. He had his opinions, and had avowed them sufficiently in the votes he had given, while he was prepared to vindicate them now; but he sincerely believed that further discussion in the present stage of the business, would be a useless consumption of the time of the House. Were he an old member, and had he a more extensive acquaintance with the members, he would venture an appeal to their good sense, and ask them if it was not time to do something on this question. I have listened with much pleasure to the arguments of my colleague, for whom I have great respect, and think that it may be answered conclusively; but would prefer taking the question without prolonging the discussion. Mr. L. said he rose on Saturday, and tried to obtain the floor, with a view to put an end to this interminable debate. The matter must ultimately be sent to a committee, and let it go there at once. Gentlemen could make their speeches when the report of the committee was before the House. The question now was on the motion made by the gentleman from South Carolina, the chairman of the Committee of Elections, from whom it most appropriately came, and to have that motion decided upon without further useless delay, he would move the previous question.

Mr. RAMSAY appealed to the gentleman to withdraw his motion for a moment, to enable him to make a few remarks.

Mr. LEET withdrew the motion to allow an explanation from Mr. R. on condition that Mr. R. would renew it when he concluded.

Mr. RAMSEY thought that the House would concede to him that he was not one of those who delayed the business of the country by making long speeches on this floor; but, at the same time, he was unwilling to permit gentlemen to run away with the question entirely. He had the same right to be heard that was conceded to others, and would now proceed to answer some of the remarks of his colleague, [Mr. COOPER,] who had most wantonly dragged Pennsylvania into the arena for the purpose of covering her with disgrace.

[Mr. LEET here interrupted Mr. R. and said that he did not yield him the floor for the purpose of making a speech, but merely for the purpose of making an explanation. If a speech was to be made, Mr. L. said he was entitled to the floor, and was prepared to make it; but he thought further debate would be highly inexpedient, and that it was time that this apparently interminable question was put an end to.

The CHAIR said that Mr. RAMSEY was entitled to the floor.]

Mr. RAMSEY replied, that he regretted exceedingly the interruption of his colleague on such an occasion; and said that, as he had the floor, he would keep it until he had concluded his remarks. These, said he, as promised, shall be brief and to the purpose.

He had listened with much attention to the various arguments offered on this question since the commencement of the session, and he acknowledged that a great deal of legal lore had been elicited on one side, sustained by broad seals and quibbling technicalities; whilst on the other, the simple facts seemed to be mainly relied upon. He would not permit himself to go into an examination of the subject under the circumstances in which he stood, and would vote most cheerfully for its immediate reference to the Committee of Elections, in conformity with the resolution of the gentleman from South Carolina, [Mr. CAMPBELL.] To that committee it ought to have gone a month since. But, (Mr. R. said,) he rose chiefly for the purpose of repelling the charges brought against the people of Pennsylvania, the honest yeomanry of that State, by his colleague [Mr. COOPER] and others. He never would consent to set still in his place and quietly listen, for days and weeks, to the continued strain of invective there had been kept up here against his native State and her institutions, and would expose at once the presumption of the assailants, and the utter recklessness of their assertions. I say (continued Mr. R.) that my colleague has utterly perverted the conclusion naturally to be deduced from the Pennsylvania cases of contested elections, as cited and applied to the question now before the House. In truth, both questions are identically the same in the main particular—and that is in the high handed and daring attempt of the Governor and Council of New Jersey to appoint members of Congress in opposition to the expressed will of the people, and the infamous proceedings on the part of Governor Ritner, in issuing letters patent to men of straw to fill seats in the State Legislature, denied them at the polls. Both, sir, are revolutionary movements on the part of the Governors of New Jersey and Pennsylvania, and they, with their retainers, Privy Council, Bank agents, Halifax rioters, and pensioned menials, strewed along the public works thick as the locusts of Egypt, are the worthies who should properly be branded as the authors of conspiracy and rebellion; they are the only persons who have attempted to trample the Constitution and laws under foot. The people of Pennsylvania stood by the Constitution and the laws, they upheld the drooping banner of freedom, and although denounced as *canaille* and dog-fighters on this floor, their boldness and energy outfaced the treasonable machinations of a band of conspirators worthy of Catiline and the degenerate days of Rome. Dog-fighters, indeed! (exclaimed Mr. R.) The honest yeomanry of Pennsylvania who assembled at Harrisburg, composed of the most wealthy and influential citizens of the State, a mob too! These declarations sound mighty well here, but those who know and understand the proceedings of the citizens concerned therein, will laugh to scorn this fishwoman slander. Why, sir, I maintain that if the people of Pennsylvania had permitted Governor Ritner and his Secretary to thrust into the legislative halls their menials and dependants, in opposition to legal certificates, a majority of votes, and the laws and Constitution of the land, as was the case in the county of Philadelphia, and the one presented at the opening of the Legislature, then they would truly have deserved all the very gentlemanly epithets that have been heaped upon them. But, sir, they proved themselves lineally descended from the same dog-fighters and mobites who rose in rebellion against a King and a Parliament; who owned the soil, who tilled it, who fought and bled, and finally achieved our glorious Revolution. Sir, I exult in the resistance of my fellow-citizens to the first attempt made to place collars upon their necks, and to convert them, not into dog-fighters, but into dogs themselves. It augurs well for the Republic, and the stability of our institutions.

I am sick to death of hearing about this everlasting mob at Harrisburg; and I would ask my chivalrous colleague why he and his valiant friends did not stand up like men, and cut off the heads and ears of this monster, instead of making tracks from the Capitol, North, East, South, and West, and even jumping out of the back windows. I happened to be present, with hundreds of the honest farmers of my neighborhood, and the scampering was truly laughable; the cow's heels that the gentleman talked about in his speech the other day, in reply to my friend from Ohio, [Mr. DUNCAN,] would not have answered the purpose there. Well, Sir, I was one of that mob; and so help me Heaven, if there is ever such another—if I ever witness an attempt on the part of a Governor and his humble Secretary to trample the Constitution under foot, for the purpose of carrying out the principle of "*treating elections as if they had not happened*," I will be amongst them once more, and if remonstrance will not do (making a significant gesture) he would go a step further. But, sir, I promised not to make a speech, and I think, under the circumstances, my colleague ought to have declined occupying the time of the House. Now, particularly, as it is extremely doubtful, to say the least of it, whether he is himself entitled to sit in this Hall. If I could call up the ghosts of the departed dog fighters and lazzaroni of the Millerstown district, I could a tale unfold; but without their supernatural aid, I pledge myself to prove here, that in this precinct, where there are but three hundred resident citizens, the gentleman himself, who talks so magnanimously about frauds, received 1,500 majority. "So much for Buckingham." I now move the previous question.

Mr. LEET asked if the motion for the previous question would not cut off the amendments, in case it prevailed.

The CHAIR replied in the affirmative.

The question was then taken on seconding the call for the previous question, and it was carried in the affirmative.

The preliminary question, shall the main question be now put? was also taken, and carried; when,

The yeas and nays having been called for by several members, they were accordingly ordered, and the main question being taken on agreeing to Mr. CAMPBELL'S resolution, as follows:

Resolved, That all papers or other testimony in possession of or within the control of this House, in relation to the late election in New Jersey for Representatives in the 26th Congress of the United States, be referred to the Committee of Elections, with instructions to inquire and report who are entitled to occupy, as members of this House, the five contested seats from that State.

Resolved, That a copy of this resolution be served on JOHN B. AYCRIGG, JOHN P. B. MAXWELL, WILLIAM HALSTED, CHAS. C. STRATTON, THOMAS JONES YORKE, PETER D. VROOM, PHILSMON DICKERSON, WILLIAM R. COOPER, DANIEL B. RYALL, and JOSEPH KILLE, all citizens of New Jersey, claiming to be Representatives from that State in this Congress, and that the service be made upon each gentleman personally, or by leaving a copy at his usual residence; and that said committee be authorized to send for persons and papers:

It was decided by yeas and nays, as follows—yeas 176, nays 16, as follows:

YEAS—Messrs. Adams, Alford, Judson Allen, John W. Allen, Hugh J. Anderson, Simeon H. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Biddle, Black, Bond, Boyd, Brewster, Briggs, Brockway, Aaron V. Brown, Albert G. Brown, Anson Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Calhoun, John Campbell, Wm. B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Chinn, Chittenden, Clark, Clifford, Coles, James Cooper, Corwin, Crabb, Craig, Cranston, Crary, Crockett, Cross, Cushing, Dana, Davee, Edward Davies, John Davis, John W. Davis, Garret Davis, Deberry, Dillett, Doig, Dromgoole, Earl, Eastman, Edwards, Ely, Fillmore, Fine, Fisher, Fletcher, Floyd, Fornance, James Garland, Gentry, Gerry, Goggin, Goode, Graham, Granger, Graves, Griffin, Grinnell, Habersham, Hammond, Hand, Wm. S. Hastings, John Hastings, Henry, Hill of Virginia, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Hunt, Jackson, Jameson, Charles Johnston, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kempshall, Lawrence, Leadbetter, Leet, Leonard, Lewis, Lincoln, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Marvin, Medill, Monroe, Montanya, Montgomery, Morgan, Calvary Morris, Naylor, Newhard, Nisbet, Ogle, Osborne, Palen, Parish, Parmenter, Parris, Paynter, Peck, Petrikin, Pickens, Pope, Prentiss, Ramsey, Randolph, Rariden, Reed, Reynolds, Ridgway, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Simonton, Slade, Albert Smith, John Smith, Truman Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, Jacob Thompson, Tillinghast, Toland, Triplett, Trumbull, Vanderpoel, David D. Wagener, Peter J. Wagner, Watterson, Weller, John White, Wick, Jared W. Williams, Thomas W. Williams, Joseph L. Williams, Sherrod Williams, and Worthington —176.

NAYS—Messrs. Barnard, Mark A. Cooper, Curtis, Everett, Rice Garland, William Cost Johnson, Proffit, Rayner, Russell, Saltonstall, Stanly, Storrs, Underwood, Edward D. White, Lewis Williams, and Christopher H. Williams—16.

So the resolution was adopted, and the whole subject of the New Jersey election, with all the papers relating thereto, referred to the Committee of Elections.

Mr. DAVIS moved that the House now, in pursuance of the joint resolution of the Senate, proceed to the election of a Chaplain; and

Mr. CUSHING rose to a point of order, and contended that petitions had precedence over this motion. No opportunity had been offered since the commencement of the session for presenting petitions, of which he had several in his drawer.

By Mr. JARED W. WILLIAMS: The petition of H. Stevens and others, for the revisal of the law for protecting the revenue against frauds. Referred to the Committee on Manufactures.

Also, the petition of Sally Stanley, for a pension. Referred to the Committee on Revolutionary Pensions.

On motion of Mr. HENRY, of Pennsylvania: The petitions from Beaver county, Pennsylvania, praying for the establishment of a national armory at the falls of Bever river, in said county, and also a resolution of the Legislature of Pennsylvania on the same subject, were referred to the Committee on Military Affairs, under a rule of the House.

By Mr. PETRIKIN: The petition and documents of Benjamin F. Wertly and Jacob Borton, were referred to the appropriate committee, under resolution of the 4th January.

Mr. DAVIS, of Indiana, presented during the last week the claim of the heirs of Col. Francis Vigo, and the claim of James B. McCutcheon, both of Indiana, which were severally referred the appropriate committees, under the general resolution upon the subject offered by Mr. WILLIAMS, of Kentucky.

Mr. RAMSEY rose and asked leave to present a petition from sundry citizens of Pennsylvania, affirming that their rights have been violated by an individual's taking his seat in this House as their Representative, who was not elected by them; and asking an investigation of the frauds committed.

Mr. R. contended that the petition was a privileged question, relating to the organization of the House, and therefore had precedence over all other business.

Mr. PETRIKIN asked leave to present a similar petition, contending that it not only had precedence over all other business, but over all other petitions.

A desultory conversation then ensued in relation to the point of order involved, in which Messrs. RAMSEY, DAVIS, of Indiana, PETRIKIN, TOLAND, JAMESON, took part; when

Mr. RAMSEY insisting that his was a privileged motion, and asking the CHAIR to state his decision on it,

The CHAIR required Mr. R. to state the substance of the petition, in order that he might decide whether it was a privileged motion or not.

Mr. RAMSEY said the petition was from the voters of the Third Congressional District of Pennsylvania, complaining that an individual [CHARLES NAYLOR] had taken his seat in this House as their Representative who was not entitled to it; and the petitioners asked the House to investigate the frauds that had been committed, by which this individual obtained his seat. Mr. R. said he claimed the right to present this petition, as relating to the organization of the House, which ought to be first business before it.

The CHAIR decided that the petition was not of that character entitle it to precedence over other petitions.

Mr. RAMSEY appealed from the decision of the CHAIR; but subsequently withdrew his appeal at the request of several of his friends, and moved a suspension of the rules for the purpose of referring the petition to the Committee of Elections. After the settlement and reference of the New Jersey case this morning, he hoped no gentleman would object to his motion.

Mr. DROMGOOLE suggested to the House that there should be no objection to receiving and referring this petition, and he hoped it would be done by general consent.

Mr. VANDERPOEL asked if the gentleman from Pennsylvania meant that all petitions were to have preference, or did he mean that this particular petition was a privileged question?

Mr. RAMSEY said he referred to the petition only that he now proposed to present; and if any gentleman objected he would call for the yeas and nays.

Mr. GIDDINGS said there were objections; when

The yeas and nays were then ordered, and the question taken and decided in the negative, yeas 118, nays 77, as follows.

YEAS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Biddle, Blackwell, Botts, Boyd, Brewster, Brigge, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, John Campbell, Carr, Carroll, Chapman, Clifford, Mark A. Cooper, Corwin, Crabb, Craig, Crockett, Cross, Cushing, Dana, Davee, John Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fisher, Fletcher, Floyd, Fornance, James Garland, Gerry, Goggin, Goode, Graham, Habersham, Hammond, Hand, John Hastings, John Hill, of Va. John Hill, N. C. Holleman, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leonard, Lewis, Lincoln, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Montanya, Naylor, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pope, Prentiss, Ramsey, Reynolds, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taliaferro, Taylor, Philip F. Thomas, Jacob Thompson, Toland, Turney, Underwood, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, and Worthington—118.

NAYS—Messrs. Alford, John W. Allen, Simeon H. Anderson, Andrews, Barnard, Bond, Brockway, Anson Brown Calhoun, William B. Campbell, Carter, Chinn, Chittenden, Clark, Coles, James Cooper, Cranston, Curtis, Davies, John W. Davis, Garret Davis, Deberry, Dillett, Edwards, Evans, Fillmore, Rice Garland, Gates, Gentry, Giddings, Granger, Graves, Green, Grinnell, William S. Hastings, Henry, Hoffman, Hunt, James, Charles Johnston, Kempshall, Lawrence, Mallery, Marvin, Mitchell, Morgan, Calvary Morris, Ogle, Osborne Palen, Peck, Proffit, Randall, Randolph Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Tillinghast, Triplett, Trumbull, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, and Christopher H. Williams—77.

So the motion to suspend was lost, there not being two-thirds in the affirmative.

Petitions and memorials were called for in the order of the States and Territories, and were presented by Messrs. EVANS, RANDALL, ANDERSON, DAVEE, LOWELL, CLIFFORD, and SMITH, of Maine.

[Mr. SMITH offered a petition from citizens of Pennsylvania, in relation to the right of Mr. NAYLOR to his seat. Mr. LEWIS WILLIAMS submitted that it was not in order for a member from one State to present petitions put into his hands by a member from another State, with a view to secure precedence. Some desultory conversation followed; and the SPEAKER having finally decided that the rule laid down by Mr. WILLIAMS was correct, the petition was not presented.]

Petitions and memorials were further presented by Messrs. JARED W. WILLIAMS, ATHERTON, and EASTMAN, of New Hampshire.

By Mr. LAWRENCE, of Massachusetts.

Mr. L. presented a petition in relation to certain frauds on the revenue, and moved its reference to the Committee on Manufactures.

Mr. ADAMS moved its reference to the Committee of Ways and Means.

Some debate followed, when Mr. BOYD raised the question of order, that the petition, giving rise to debate, must, under the rule, lie over one day.

The SPEAKER decided accordingly, and the petition was ordered to lie over.

Mr. LINCOLN also presented sundry petitions praying for the abolition of slavery and the slave trade in the District of Columbia, and in the Territories of the United States.

Mr DROMGOOLE rose and demanded that the parliamentary law be complied with, and that the question should be taken on the reception of the petition.

[Mr. LINCOLN'S voice was lost here amidst much confusion.]

Mr. D. read from the parliamentary law the following passage:

"Regularly a motion for receiving it [a petition] must be made and seconded, and the question put whether it shall be received. But a cry from the House of 'received,' or even its silence, dispenses with the formality of this question. It is then to be read at the table, and disposed of."

Mr. CAVE JOHNSON moved to lay the question of reception on the table.

Mr. LINCOLN said he wished it to be distinctly understood that he made no motion for the reception of the petitions. He took the ground that, under the Constitution of the United States, the people had a right to send their petitions to the House, and that the House was bound to receive and hear them.

Mr. ADAMS submitted to the Chair that his colleague [Mr. LINCOLN] had made no motion for the reception. The gentleman from Virginia [Mr. DROMGOOLE] had objected to the reception, and then the motion was made to lay on the table—what? The question of reception? No; the objection.

The SPEAKER said that, under the Parliamentary law, the question of reception must be raised, whenever the reception of a petition was objected to; and it was the question of reception which the gentleman from Tennessee had moved to lay on the table.

Mr. ADAMS. I deny that there has been any motion to receive the petition.

The SPEAKER read the parliamentary law quoted by Mr. DROMGOOLE, and said that the question before the House was on the motion of the gentleman from Tennessee.

Mr. ADAMS repeated his denial that any motion had been made to receive the petition.

The SPEAKER replied, that in that case, the petition was not before the House, but remained in the gentleman's possession. The fact that a gentleman presented a petition, was of itself, a motion that the House receive it.

Some conversation followed, and Mr. PETRIKIN called for the yeas and nays on the motion to lay the question of reception on the table; which were ordered.

Mr. LINCOLN rose and said he wished the House distinctly to understand that he had made no motion for reception. He had offered the petitions to the House, and the House must dispose of them as it thought fit. If the petitions were not in the possession of the House, let the House, if it saw fit, decide not to receive them.

The SPEAKER said, if the gentleman withdrew the petitions, the motion to receive was not before the Houes. But if the gentleman presented the petitions, the question of reception, from that very fact, was raised.

Some further general conversation ensued, when

Mr. BARNARD inquired of the CHAIR who had made the motion for reception?

The SPEAKER said the motion was made by the very fact of offering the petitions.

Mr. BARNARD appealed from the decision of the CHAIR, and seeconded the motion in a few brief remarks.

A desultory debate ensued, in which Messrs. STANLY, ALFORD, HABERSHAM, LINCOLN, DROMGOOLE, TRIPLETT, COOPER, of Ga. VANDERPOEL, took part; after which,

Mr. VANDERPOEL called for the previous question; and the call having been seconded by the House,

Mr. TURNEY called for the yeas and nays; which were ordered.

In reply to a request of Mr. ADAMS, that the precise question on which the appeal was taken might be entered on the journal,

The SPEAKER stated the question as follows:

"The CHAIR decided that the presentation of the petition by the gentleman from Massachusetts, [Mr. LINCOLN,] *ipse facto*, raised the question 'Shall it be received?' although the gentleman from Massachusetts stated in his place that he did not make such a motion."

And the question on Mr. BARNARD'S appeal from the above decision was then taken and decided in the affirmative—yeas 145, nays 60, as follows:

YEAS—Messrs. Alford, J. Allen, J. W. Allen, H. J. Andersen, Simeon H. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bell, Biddle, Black, Blackwell, Botts, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, William B. Campbell, Carr, Carrol, Carter, Casey, Chapman, Chinn, Clark, Clifford, Coles, Colquitt, Crabb, Craig, Crockett, Dana, John Davis, John W. Davis, Dawson, Deberry, Dillett, Doan, Doig, Dromgooel, Earl, Eastman, Fisher, Floyd, Fornance, James Garland, Rice Garland, Gentry, Gerry, Giddings, Goggin, Graham, Graves, Green, Griffin, Habersham, Hammond, Hand, John Hastings, Hill of Virginia, Hill of North Carolina, Hillen, Holleman, Hook, Howard, Jackson, Jameson, Joseph Johnson, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McKay, Marchand, Medill, Montanya, Newhard, Nisbet, Palen, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Pope, Proffit, Ramsey, Rayner, Reynolds, Ridgway, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Simonton, Slade, Albert Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweeny, Taliaferro, Taylor, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Triplett, Turney, Underwood, Vanderpoel, David D. Wagener, Warren, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Sherrod Williams, and Worthington—145.

NAYS—Messrs. Adams, Barnard, Briggs, Brockway, Anson Brown, Calhoun, Chittenden, James Cooper, Mark A. Cooper, Corwin, Cranston, Curtis, Cushing, Davee, Edward Davies, Edwards, Ely, Evans, Everett, Fillmore, Fletcher, Gates, Granger, Grinnell, Wm. S. Hastings, Henry, Hoffman, Hunt, James, C. Johnston, Kempshall, Lawrence, Lincoln, Marvin, Mitchell, Morgan, Ogle, Osborne, Randall, Randolph, Rariden, Reed, Russell, Saltonstall, Truman Smith, Storrs, Tillinghast, Toland, Trumbull, Peter J. Wagner, and Thomas W. Williams—50.

So the decision of the SPEAKER was sustained by the House.

When the name of Mr. COOPER, of Georgia, was called, he rose, and asked the CHAIR what would be the effect if his decision be sustained with reference to the disposition of the Abolition petitions. According to his understanding of it now, he would be compelled to vote against sustaining the SPEAKER, and hoped he would be enlightened before he gave his vote. Objection was, however, made to any remarks whilst the vote was being taken.

The question was then taken on Mr. CAVE JOHNSON'S motion to lay the question of reception on the table, and decided in the affirmative—yeas 131, nays 68, as follows:

YEAS.—Messrs. Alford, Judson Allen, Hugh J. Anderson, Simeon H. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Botts, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, Carroll, Carter, Casey, Chapman, Clifford, Coles, Colquitt, Mark A. Cooper, Crabb, Craig, Crary, Crockett, Dana, John Davis, Garret Davis, Dawson, Deberry, Dillett, Doig, Dromgoole, Earl, Eastman, Fisher, Floyd, Fornance, James Garland, Rice Garland, Gentry, Gerry, Goggin, Graham, Graves, Green, Griffin, Habersham, Hammond, Hand, John Hastings, Hill of Virginia, Hill of N. C. Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Montanya, Montgomery, Newhard, Nisbet, Parish, Parris, Paynter, Petrikin, Pickens, Pope, Prentiss, Proffit, Ramsey, Rayner, Reynolds, Rives, James Rogers, Samuels, Shaw, Shepard, Albert Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweeny, Taliaferro, Taylor, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Triplett, Turney, Vanderpoel, Wagener, Warren, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, Lewis Williams, Christopher H. Williams, Sherrod Williams, and Worthington—131.

NAYS.—Messrs. Adams, John W. Allen, Barnard, Biddle, Briggs, Brockway, Anson Brown, Calhoun, Chittenden,

Clark, James Cooper, Corwin, Cranston, Curtis, Cushing, Davee, Edward Davies, Edwards, Ely, Evans, Everett, Fillmore, Fletcher, Gates, Giddings, Goode, Granger, Grennell, Hall, William S. Hastings, Henry, Holman, Hunt, James, Charles Johnston, Kempshall, Lawrence, Lincoln, Lowell, Marvin, Mitchell, Morgan, Naylor, Ogle, Osborn, Palen, Parmenter, Peck, Randall, Randolph, Rariden, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Simonton, Slade, John Smith, Truman Smith, Storrs, Tillinghast, Toland, Trumbull, Underwood, Wagner, Thomas W. Williams, and Joseph L. Williams—68.

The House then adjourned.

IN SENATE,

TUESDAY, January 14, 1840.

The CHAIR submitted a communication from the Secretary of War, in reply to the resolution inquiring whether Rock Island was still occupied by the Government as a military post; which was laid on the table, and ordered to be printed.

Also, a memorial from certain citizens, praying a reduction in the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. ALLEN, the petition of William Tracey, praying an allowance of bounty lands, now on file, which has been heretofore committed to the Committee on Pensions, and a bill reported for his relief, was again referred to the Committee on Pensions.

Mr. ALLEN presented the memorial of the president and directors of the Portsmouth and Columbus Turnpike Company, and citizens of Portsmouth, praying for an appropriation of public lands lying in the counties of Scioto, Pike, and Ross; which was referred to the Committee on Public Lands.

Mr. GRUNDY presented the petition of citizens of Milwaukie, praying confirmation of title; which was referred to the Committee on Private Land Claims.

Mr. ROANE presented a petition of citizens of Prince William county, Va. praying a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented additional documents in relation to the claim of the Michigan militia; which were referred to the Committee on Military Affairs.

Mr. HUBBARD presented the petition of James Williams, for indemnification for property destroyed in the Florida war; which was referred to the Committee on Claims.

Also, the petition of John H. Mackey; which was referred to the Committee on Claims.

On motion by Mr. WILLIAMS, it was ordered that the petition of Jacob Bennet be referred to the Committee on Commerce.

On motion by Mr. CLAY, of Alabama, it was ordered that the petition of John M. Moore, now on file, be referred to the Committee on the Public Lands.

Mr. LINN presented a petition from citizens of Oregon Territory, praying Congress to take possession of, and extend their jurisdiction over, that remote quarter of our Republic. Mr. L. said, as it was the first petition which had been presented from the distant Oregon Territory, and as it was exceedingly well written, and presented a lively picture of the commercial and other advantages of the Territory, he would, with the permission of the Senate, read a portion of it. After the reading, it was, on motion of Mr. L. referred to the Select Committee on the Oregon Territory.

Mr. L. also presented the memorial of fifty-four citizens of the State of Missouri, on the same subject as the foregoing; which was referred to the same committee.

On motion by Mr. BUCHANAN, it was ordered that the representatives of John Brooks have leave to withdraw their petition and papers.

ABOLITION OF IMPRISONMENT FOR DEBT.

Mr. NORVELL, in pursuance of notice, asked and obtained leave to introduce a bill supplementary to the act to abolish imprisonment for debt in certain cases.

Mr. N. remarked that, at the last session of Congress, a bill had been passed into a law, providing "that no person shall be imprisoned for debt in any State, on process issuing out of a court of the United States, where, by the laws of such State, imprisonment for debt *has been abolished.*" The object of this act was to make the Federal laws conform to the laws of the several States in relation to this important subject. He had understood that the act had received a construction in one of the courts of Michigan, by which it was decided to be inapplicable to such of the States as had, after the passage of our law, abolished imprisonment for debt. No matter what State might have subsequently abolished it, the Federal law would not, agreeably to the decision in Michigan, conform to the changed law of such State.

He was not disposed to question the correctness of the decision to which he had referred. It was, however, known to every Senator here at the time, that the act of Congress was intended to embrace all the States in which imprisonment for debt had, at the time of its passage, ceased to exist; and also, all the other States which might, after that date, pass laws to abolish it. One State had since done so; and as it was now certain that a difference of opinion existed as to the proper construction of our act, it was the purpose of the supplement which he had submitted, to provide for the application of that act to all the States which have abolished, and which may hereafter abolish, imprisonment for debt. He called the special attention of the Judiciary Committee to the subject, with a hope that they would bestow a favorable consideration upon it, and report the bill at an early day.

The bill was twice read, and referred to the Committee on the Judiciary.

Mr. RUGGLES, on leave, and in pursuance of notice, asked and obtained leave to introduce a bill for the relief of Charles M. Keller and Henry Stone; which was read twice, and referred to the Committee on Patents and the Patent Office.

Mr. ROANE, in pursuance of notice, asked and obtained leave to bring in a bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under three several treaties between the United States and certain foreign powers, which awards have been retained in the Treasury in payment of debts due to the United States; which was read twice and referred to the Committee on Finance.

Mr. WALKER, from the Committee on the Public Lands, to which had been referred

The bill for the benefit of the Galena and Chicago Union Railroad Company;

The bill for the relief of Peter Warner; and

The bill for the relief of Benjamin Parsons;

Reported the same without amendment.

Mr. W. also from the same committee, to which had been referred the petition on the subject, reported a bill for the relief of the legal representatives of Joseph Bernard; which was read, and ordered to a second reading.

Mr. W. also, in pursuance of notice, asked and obtained leave to introduce a bill to provide for the appointment of a district judge for the district of the State of Mississippi, and for other purposes; which was read twice, and referred to the Committee on the Judiciary.

Mr. DAVIS, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of the Plumb Island Bridge and Turnpike company; which was read twice, and referred to the Committee on Commerce.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of the heirs of John H. Piatt, made an adverse report thereon. Mr. H. said that this claim had been regularly presented in one House or the other for the last twenty years, though unfavorable reports on it had been frequently made. He moved that the present report be printed; which was agreed to.

Mr. H. from the same committee, to which had been referred the petition of E. H. and W. Smith, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. H. also from the same committee, to which had been referred the petition of John Converse and Henry Reese, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. H. said that the Committee on Claims had already reported a general bill for indemnification for property destroyed in Florida; but in case that bill did not pass, on account of its containing principles which the Senate could not sanction, he was directed to report the following bills, which had been referred to that committee, without amendment, viz:

The bill for the relief of the legal representative of John J. Bulow;

The bill for the relief of Malachi Hagan; and

The bill for the relief of Philip Weedman.

And also, on a petition referred to that committee, a bill for the relief of Gad Humphreys; which was read, and ordered to a second reading.

Mr. NORVELL, from the Committee on the Public Lands, reported, without amendment, the bill making grants of public lands to certain States for purposes of internal improvement.

[The precise object of this bill, is to grant donations of lands to the other new States, equal in quantity to those which have heretofore been granted to the State of Ohio, for purposes of internal improvement within their respective limits.]

Mr. FULTON, from the Committee on the Public Lands, to which was referred

The bill to authorize the Legislature of the State of Arkansas to sell the lands heretofore appropriated for the use of schools in that State; and

A bill to provide for the defence of the western borders of Louisiana, Missouri, and Arkansas; reported the same without amendment.

Mr. KNIGHT, from the Committee on the Post Office and Post Roads, to which had been referred the petition of Ira Day, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. ROBINSON, from the Committee on Revolutionary Claims, to which was referred the bill for the relief of the legal representatives of Colonel Francis Vigo, reported the same without amendment.

Mr. R also, from the Committee on the Judiciary, to which had been referred the bill for the relief of Pierre Menard, Antoine Peltier, and Joseph Placy, reported the same without amendment.

Mr. WILLIAMS, from the Committee on Claims, to which had been referred the petition of William Cox, made an adverse report thereon; which was ordered to be printed.

Mr. PRENTISS, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of Joseph Edson; which was read twice, and referred to the Committee on the Judiciary.

Mr. P. also, from the Committee on the Public Lands, to which was referred the memorial of the Legislature of Missouri on the subject, reported a bill granting to each of the United States a township of land for the education and instruction of deaf and dumb persons; which was read, and ordered to a second reading.

Mr. KING said he would call the attention of the Senate to the fact, that in consequence of the resignation of the Senator from Tennessee, [Mr. WHITE,] there was a vacancy in the Committee on Indian Affairs. That gentleman was its chairman. The usual course of the Senate in such circumstances was to appoint the next named in order as chairman. He therefore moved that Mr. SEVIER be appointed chairman of the Committee on Indian Affairs, and that the CHAIR appoint a member to fill the vacancy on that committee; which was agreed to.

Mr. FULTON submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be instructed to communicate to the Senate what steps, if any, have been taken in regard to the selection of a site and the establishment of a marine hospital at the mouth of the Arkansas river.

Mr. FULTON submitted the following motion, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a marine hospital at Little Rock.

Mr. WHITE, of Indiana, submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to communicate to the Senate copies of the reports of Capt. T. G. Cram, of the Board of Topographical Engineers, upon the internal improvements in Wisconsin, including the construction of roads and the surveys of harbors and rivers, together with a map of Wisconsin, with the routes and rivers to be improved delineated thereon.

Mr. YOUNG submitted the following motions, which, by unanimous consent, were considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of changing the tri-weekly mail stage route which is established from Jacksonville, by way of Naples and Griggsville, to Clayton, in Adams county, so that said route may pass from Jacksonville, by Lynnville, Clear Lake, Pittsfield, Worcester and Payson, to Quincy, in Adams county.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill granting an extension of credit to the State of Illinois on duty bonds already given, or hereafter to be executed, on the importation of railroad iron into that State.

The resolutions submitted yesterday, by Messrs. CALHOUN, NORVELL, PRESTON, and SMITH, of Indiana, were severally considered, and agreed to.

INDEPENDENT TREASURY BILL.

The bill to provide for the collection, safe-keeping, transfer, and disbursement of the public money was taken up, when Mr. CLAY, of Kentucky, moved its postponement until Monday, the 27th instant.

Upon this motion a debate ensued, in which Mr. CLAY, Mr. WRIGHT, and Mr. WALKER participated; and which will be given in to-morrow's paper.

The question was then taken on postponing the further consideration of the bill until Monday, the 27th inst. and was decided in the negative—yeas 16, nays 27, as follows:

YEAS—Messrs. Betts, Clay, of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Merrick, Phelps, Prentiss, Preston, Robinson, Ruggles, Smith, of Indiana, Southard, and White.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Sevier, Smith, of Connecticut, Strange, Tappan, Walker, Wall, Williams, Wright, and Young.

The bill was then taken up, and after being read through,

Mr. WRIGHT made some remarks in explanation of the variations between this and the bill of the last Congress.

Mr. BENTON then moved an amendment to the 25th section, which provided a salary to the receiver at New York of $3,000, and to the other receivers of $2,500. He moved to amend it, by making the salary of the receiver at New York $4 000, and those at the other ports $3,000.

Mr. TAPPAN asked for a division of the motion; which being ordered, the question was taken on increasing the salary of the receiver at New York, after some remarks from Mr. WRIGHT, in favor, and Mr. DAVIS against it, and decided in the affirmative—ayes 23, noes 19, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Fulton, Grundy, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Preston, Roane, Sevier, Smith of Connecticut, Strange, Tappan, Walker, Wall, and Wright—23.

NAYS—Messrs. Betts, Clay, of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Lumpkin, Merrick, Phelps, Pierce, Prentiss, Robbinson, Ruggles, Smith, of Indiana, Southard, White, Williams, and Young—19.

The question was then taken on increasing the salaries of the receivers at the other ports, from $2 500 to $3,000, and decided in the negative—ayes 21, noes 22, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Fulton, Grundy, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Preston, Roane, Sevier, Strange, Walker, Wall and Wright—20.

NAYS—Messrs Allen, Betts, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Lumpkin, Merrick, Phelps, Pierce, Prentiss, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Tappan, White, Williams, and Young—22.

Mr. BUCHANAN then moved that the salaries of the Treasurer of the Mint in Philadelphia, and the Treasurer of the Branch Mint at New Orleans, who, by the provisions of this bill, were made receivers, in addition to their former duties, should be made equal in amount with the other receivers, $2,500 per annum.

Upon this motion a debate ensued, in which Messrs. BUCHANAN, MOUTON, NORVELL, SEVIER, and CALHOUN supported it, and Messrs. TAPPAN, HENDERSON, SMITH of Connecticut, and SMITH of Indiana opposed it; when, without taking the question,

On motion by Mr. ALLEN,

The Senate went into Executive session,

And afterwards adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, JANUARY 14, 1840.

Mr. BAKER, of Massachusetts, appeared, was qualified, and took his seat.

Mr. LINCOLN moved to correct the journal of yesterday's proceedings, so that it might appear on it that when he presented the abolition petition on which Mr. DROMGOOLE raised the question of reception, and on which the CHAIR decided that the fact of presentation was in effect a motion for reception, he expressly disclaimed having made any motion to receive the petition, and distinctly stated that he would not make such motion.

At the request of the CHAIR Mr. L. reduced his motion to writing, as follows, and moved that it be inserted in the journal; "Thereupon Mr. LINCOLN expressly disclaimed any intention to move the reception of the petition, declaring that he neither had or would make such motion."

Mr. PETRIKIN objected to any entry on the journal of remarks make by gentlemen of what they would or would not do. The journal, he said, should contain nothing but the proceedings of the House, and not the desultory conversations of gentlemen with regard to motions that were not made. If this correction was permitted, the next thing would be, that gentlemen would ask to have their speeches spread upon the journal.

Mr. LINCOLN said he made no motion to receive the petition, and distinctly stated to the House, that he had not, and would not make any such motion, because he believed the House was bound to receive the petition, whether a motion to receive it was made or not. He stated this immediately on the question's being raised by the gentleman from Virginia, [Mr. DROMGOOLE.]

Mr. COOPER, of Georgia, said that, as a matter of fact, he believed what was stated by the gentleman from Massachusetts was true; and he would here advert to the importance of taking cognizance of matters of fact as they arose. He hoped he should be indulged in making an apology to the House for what might have appeared as a tendency to disorder on his part, when he rose yesterday and asked information of the CHAIR while the vote on this subject was being taken. His sole object then was, not to make a speech, but to obtain information on which to base his vote, and which, if he had obtained, would have induced him to give a different vote from the one he did. It seemed now that the gentleman from Virginia,

[Mr. DROMGOOLE,] moved the question of reception on the petition, and he was on his feet for the purpose of making the same motion, but owing to the previous question having been moved by the gentleman from New York, and the clamor that prevailed in the House at the time, precluded him from understanding the question.

Mr. JAMESON inquired if the journal contained the grounds on which the SPEAKER made his decision, and whether it was stated that it was in conformity with parliamentary law that the question of reception arose the moment a petition was presented. He wished to hear this part of the journal read.

The CLERK read it accordingly.

Mr. BROWN, of Tennessee, said it was time that the gentleman from Massachusetts did disclaim having made any motion to receive the petition, and that he further declared that he would not make such a motion. He was willing, therefore, that these facts should be inserted on the journal. But he wanted also another fact to appear, and that was that the gentleman, notwithstanding his disclaimer, did not take back his petition, but insisted upon its being received, and acted on by the House.

Mr. LINCOLN had no objection to the correction the gentleman proposed, but the gentleman, by looking at his motion, which he had reduced to writing, would find the substance of his proposition to be there stated.

Mr. CRABB stated his recollections with regard to the facts belonging to the case. The gentleman did not state that he neither had nor would make a motion to receive the petition, until after the CHAIR decided that the presentation of a petition was, in effect, a motion for its reception.

Mr. CAMPBELL, of South Carolina, said, it appeared to him that the journal was simply a record of the proceedings of the House; and that the mere fact of a gentleman's having stated that he would, or would not, make a particular motion, ought not to appear on it. It certainly would be, in his opinion, exceedingly irregular to make the correction proposed.

Mr. THOMPSON, of South Carolina, observed that he had intended to vote for the motion of the gentleman from Massachusetts; but the remarks of his colleague were conclusive to his mind that it was irregular.

After some remarks from Mr. BRIGGS in favor of the motion,

Mr. CAVE JOHNSON observed, that this was a matter of too little importance to occupy so much of the time of the House; and he would, therefore, move to lay the whole subject on the table; which motion was carried—ayes 84, noes —.

On motion by Mr. JONES, of Virginia, the Committee of Ways and Means was authorized to employ a clerk.

Mr. JOHNSON of Maryland moved that the Committee for the District of Columbia be authorized to employ a clerk.

This motion requiring a suspension of the rules, and being objected to, was not submitted to the House.

Mr. THOMPSON, of South Carolina, handed to the CHAIR the following resolution, which was read for the information of the House, and moved a suspension of the rules to enable him to offer it:

Resolved, That upon the presentation of any memorial or petition, praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid upon the table, without debate, or further action thereon.

Mr. EVERETT asked for the yeas and nays on the question.

Mr. ADAMS moved the indefinite postponement of the motion to suspend the rules.

The CHAIR was of opinion that the motion of the gentleman from Massachusetts was not in order, because, if it prevailed, the effect would be that no motion to suspend the rules would be in order for the remainder of the session.

Mr. BLACK asked if the motion of the gentleman from South Carolina, [Mr. THOMPSON] to suspend the rules, should prevail, if it would be in order for him to offer an amendment to the resolution of that gentleman.

The CHAIR replied in the affirmative.

Mr. BLACK said, that in that case he would offer an amendment.

The question was then taken on the motion to suspend the rules, and it was lost, there not being two-thirds voting in the affirmative—yeas 128, nays 77, as follows:

YEAS—Messrs. Alford, Judson Allen, S. H. Anderson-Andrews, Atherton, Banks, Beatty, Beirne, Bell, Black, Blackwell, Botts, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, J. Campbell, W. B. Campbell, Carroll, Carter, Chapman, Chinn, Coles, Colquitt, M. Cooper, Crabb, Craig, Crary, Crockett, Cross, Dana, J. Davis, J. W. Davis, Garret Davis, Dawson, Deberry, Dillett, Doig, Dromgoole, Earl, Eastman, Fisher, Floyd, J. Garland, R. Garland, Gentry, Gerry, Goggin, Graham, Graves, Green, Griffin, Habersham, Hammond, J. Hastings, Hill of Virginia, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jameson, J. Johnson, W. C. Johnson, Cave Johnson, N. Jones, J. W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, S. W. Morris, Newhard, Nisbet, Petrikin, Pickens, Pope, Rayner, Rives, J. Rogers, Samuels, Shaw, Shepard, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Stuart, Sumter, Sweeny, Taliaferro, F. Thomas, P. F. Thomas, W. Thompson, Jacob Thompson, Turney, Vanderpoel, D. D. Wagener, Warren, Watterson, Weller, E. D. White, John White, Wick, Jared W. Williams, Lewis Williams, C. H. Williams, S. Williams, and Worthington—128.

NAYS—Messrs. Adams, John W. Allen, Baker, Barnard, Biddle, Bond, Briggs, Brockway, Anson Brown, Calhoun, Casey, Chittenden, Clark, Clifford, J. Cooper, Cranston, Curtis, Cushing, Davee, E. Davies, Doan, Edwards, Ely, Evans, Everett, Fillmore, Gates, Giddings, Goode, Granger, Grinnell, Hand, William S. Hastings, Henry, Hoffman, Hunt, James, Chas. Johnston, Kempshall, Lawrence, Lincoln, Lowell, Mallory, Marvin, Mitchell, Morgan, C. Morris, Naylor, Ogle, Osborne, Palen, Parish, Parmenter, Peck, Prentiss, Proffit, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Russell, Saltonstall, Simonton, Slade, Albert Smith, John Smith, Truman Smith, Storrs, Swearingen, Tillinghast, Toland, Trumbull, P. J. Wagner, T. W. Williams, and J. L. Williams—77.

Mr. CAMPBELL, of South Carolina, from the Committee of Elections, asked leave to submit a resolution authorizing that committee to employ a clerk.

The motion not being in order but by general consent, and Mr. STANLY objecting, the resolution was not received.

Mr. HOFFMAN called for the special order, which was, the report of the Committee on the Rules of the House.

Mr. ADAMS appealed to the CHAIR whether the unfinished business of yesterday, which was the presentation of petitions, had not precedence over the special order. Mr. A. referred to a former decision of the SPEAKER, which he said was a case in point, and bore him out in the question he had raised.

The SPEAKER said that his decision was, that a special order, to have precedence over a class of business which, by the rules of the House, has priority over it, must have been made special by a vote of two-thirds; but that a special order, made such by a majority only, would take precedence over other business of the same class, not made special. There was a decision of his predecessor, he said, that the unfinished business had priority over a special order.

Mr. ADAMS wished the SPEAKER to make his decision on the question now raised, so that it might be spread upon the journal, and understood as the future rule of the House.

The SPEAKER replied that, if it was the desire of the gentleman from Massachusetts, he would put the question to the House for its decision thereon.

Mr. ADAMS said, that he had rather have the decision of the SPEAKER than of the House.

The SPEAKER was of opinion that the special order, unless passed by a vote of two-thirds, had not priority over the unfinished business of the day before. If the gentleman from Massachusetts insisted on the point of order raised by him, the CHAIR was constrained to decide that petitions had priority.

Mr. ADAMS. I thank the CHAIR.

Mr. GARLAND, of Virginia, appealed from the decision of the CHAIR, and addressed the House at some length on the appeal.

Mr. TILLINGHAST took the floor, and was proceeding to discuss the question, when

Mr. FILLMORE called him to order, and read the following from the rules: "All questions relating to priority of business shall be decided without debate."

The CHAIR stated the question to be on the appeal of the gentleman from Virginia; when

Mr. ADAMS called for the yeas and nays, and read the rule of the House with regard to the presentation of petitions.

Mr. HOFFMAN then stated that the report on the rules was made the special order for to-day, by a vote of more than two-thirds.

The SPEAKER said he was just informed by the CLERK that the special order was fixed for to-day by a unanimous vote—therefore it would be necessary to reverse his decision, and call up the special order.

The report of the committee on the rules was then taken up, and read by the CLERK.

The amendment to the 9th rule, making the vote of the SPEAKER conformable to the *viva voce* principle which had been adopted by the House, in the place of the ballot system, was concurred in.

The amendment of the committee to the 31st rule, proposing to restrict debate so as not to allow a member to speak more than once, without leave of the House, on a subject, "unless he be the mover, proposer, or introducer, of the matter pending, in which case he shall be permitted to reply, but not until every member choosing to speak shall have spoken," being under consideration,

Mr. DROMGOOLE said he could not give his consent to this amendment. He thought it smacked too much of the profession; and any one, from observing the effect of it, would suppose that a majority of the committee was composed of practising lawyers. It placed the rule on this ground: that great political questions here were to be argued in the same manner as cases before a court of law, where the plaintiff's council had the privilege of speaking the first as well as the last time. He had another objection to the proposed amendment. It destroyed that equality of privileges which ought to exist between all the members of the House; one member being allowed by it to speak twice, while all the rest were prohibited from speaking more than once. The advantage it attempted give to the mover of a proposition, would be something like the effect of the old law maxim, "*Id certum est quod certum reddi potest.*" It would have another effect. By giving to the mover of a proposition the privilege of speaking twice on their own motions, the House would be offering a premium to induce gentlemen to make them, that they might have an opportunity of making speeches on them, to which no one could reply.

Mr. D. thought it would be better to let the old rule stand as it was, giving to every member equal privileges.

Mr. HOFFMAN replied to Mr. D. in defence of the amendment.

Mr. CLARK moved to amend the amendment of the committee, so that the duration of any speech should not exceed an hour. He advocated the amendment he proposed on the ground of economy of the time of the House, which was wasted frequently to the injury of the public business by long speeches, and contended that if the members would talk less and work more, great benefits would result therefrom.

Mr. DAWSON moved to amend the amendment of the gentleman, by adding, "and that each member shall have the liberty of transferring his hour to another, if he pleased." He was, however, opposed to a limitation in speech. He thought the more they spoke and the less they acted, the better it would be for the country—that the people would remain in ignorance as to the corruptions of Government, if debate should be confined to the limits which some gentlemen wished. The time had arrived when those who had talent should talk to the country. Though he believed that many dishonest speeches had been made upon that floor—speeches for party purposes, which did not contain one honest sentiment—yet he was unwilling, on that account, to put a restriction on debate, as he believed that the people could always discern what was right, and that which was wrong. Every member was entitled to speak; and he hoped they would be permitted to speak, and leave the country to decide who is who on that floor. He believed debate was a great conservative principle of our Government.

Mr. THOMPSON, of South Carolina, said he was in favor of the amendment of the gentleman from Georgia, [Mr. DAWSON,] if the amendment of the gentleman from New York should be adopted; and as it seemed to be the disposition of some to make us appear in the most ridiculous light possible, he thought they had better adopt another amendment to appoint timers, as they do on the race courses, to decide when the hour had expired. He was understood to be opposed to the limitation of time.

Mr. CLARK replied that this subject was not with him a matter of levity. He was in favor of restricting the interminable debates which take place in that House within proper bounds, and prevent, as it has done heretofore, the exclusion of petitioners from their doors. He did not agree with the gentleman from Georgia, that the less business they did, and the more speeches they made, the better it would be for the country. He was ready to subscribe to the reverse of that opinion.

Mr. BIDDLE said the House was always disposed to get upon stilts on all occasions; but he hoped they would consider this rule with great good sense, and come to a proper decision upon it. His honorable colleague, [Mr. SERGEANT,] he understood, had introduced this amendment in committee, and was sorry that he was not there to give his peculiar views upon the subject. He thought that no rule could be more equitable than that which allowed the mover of a proposition the right to reply when his motives might be assailed, and even the principle of the proposition itself misstated. He thought it nothing more than even handed justice that he be allowed the privilege to place himself right, and, as it might be, save his proposition. He disagreed with the gentleman from Virginia [Mr. DROMGOOLE] that this proposition smacked too much of the profession, and thought the practice in courts of justice which admitted right of reply was a most just rule of proceeding. He thought the proposition had been sufficiently debated, and, it in order would move the previous question.

The CHAIR stated that the effect of the previous question would be to cut off all amendments, and bring the House to a direct vote on the amendment proposed by the committee.

The previous question having been seconded by the House, and the main question ordered,

Mr. LEWIS WILLIAMS demanded the yeas and nays on the adoption of the amendment of the committee, which were ordered, and were, yeas 125, nays 73.

The amendments of the committee to the 42d rule, making "a motion to adjourn, and a motion to fix the day to which the House shall adjourn, always in order and to be decided without debate," was next taken up in order.

Mr. PETRIKIN objected to this amendment, and to so much patching up of the rules; he thought it would be much better the House would enforce what rules they now have. He was in favor of condensing the rules into a small space, instead of multiplying them into a large volume. This rule would inevitably cause much confusion to the business of the House, and consume more time than it would save.

Mr. BRIGGS moved a verbal amendment to the report of the committee, which the chairman [Mr. HOPKINS] accepted.

Mr. PETRIKIN was here proceeding to show that the adoption of this amendment, making more privileged questions, would have a tendency to retard the transaction of the business of the House; when he was interrupted by

Mr. STANLY, and called to order.

Mr. PETRIKIN. I am in order. He hoped the gentleman would always ascertain whether he was himself in order, before he interrupted other gentlemen; and thought the House ought to adopt a rule to prevent insolent interruptions on every occasion, by persons who did not even understand the question before the House, or what the gentleman he interrupted was speaking about.

Mr. STANLY. I never do, except when the gentleman speaking does not understand what he is speaking about himself.

Mr. PETRIKIN. The interruptions of some gentlemen were so frequent and so insolent, that they were scarcely worth noticing. Mr. P. having concluded his remarks on the amendment,

Mr. C. JOHNSON thought the gentlemen who were in favor of having the private business transacted, should look to this amendment. He believed the effect of it would be to force questions to adjourn over from Friday till Monday, at the sacrifice of that class of business which is usually passed upon on Saturdays. He, for one, would certainly vote against it.

The question on this amendment was about being taken by count, when

Mr. PETRIKIN demanded the yeas and nays; which were ordered.

Mr. BOND did not think that the effect of the adoption of this rule would be to sacrifice the private business, as had been contended by the gentleman from Tennessee. He believed it would operate as favorably upon that class of business as the rule did as it now stood. He was, however, in favor of a majority of the House having the power to adjourn the House to any time it thought proper.

The yeas and nays having been previously ordered, were, in the affirmative 98, negative 74.

So the amendment was adopted.

The amendment to the 44th rule, so as to make the rule as amended read as follows:

"The previous question shall he in this form, 'Shall the question be now put?' It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to debate, and bring the House to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question."

Mr. S. WILLIAMS offered an amendment to the amendment, the effect of which was not understood; and

After some remarks by Messrs. HOFFMAN, TILLINGHAST, EVERETT, and BANKS,

Mr. TILLINGHAST moved to amend the amendment by striking out "amendments reported by a committee," so as to have the question taken first upon all pending amendments in their order.

After some remarks from Messrs. REED and BRIGGS in favor of Mr. TILLINGHAST'S amendment, and Mr. BIDDLE in opposition,

Mr. WELLER obtained the floor, and moved the previous question, which was seconded, and the House was brought to a direct vote on the amendment reported by the committee.

Mr. CAVE JOHNSON demanded the yeas and nays, which were ordered, and were—yeas 101, nays 95.

So the amendment of the committee was adopted.

On motion of Mr. HUNT,

The House adjourned.

IN SENATE,

WEDNESDAY, January 15, 1840.

Mr. LINN presented a memorial of Van Dorm, Pease and Company, [Iron Mountain Company of Missouri,] asking a right of way, through the public lands, for a railroad from the Iron mountains, in Missouri, to the Mississippi river; also the

right to enter 500,000 acres of the public land at the minimum price, to aid the company to construct said road when it shall be located; which was referred to the Committee on Roads and Canals.

Mr. CLAY, of Alabama, presented a joint memorial and resolutions from the Legislature of that State, requesting the establishment of a new land district, to embrace the territory lately acquired from the Cherokee tribe of Indians, within the State of Alabama; and also to reduce the minimum price of the public lands; which was referred to the Committee on the Public Lands.

Mr. LINN presented the memorial of a number of the members of the bar, in the State of Missouri, praying an extension of the jurisdiction of the district court of the United States holden at the city of St. Louis; and an increase of the salary of the district judge of the United States for the district of Missouri; which was referred to the Committee on the Judiciary.

Mr. L. also presented a memorial of a number of citizens of Missouri, praying a donation of land to settlers in the Oregon Territory; which was referred to the Select Committee on the Oregon Territory.

On motion by Mr. HUBBARD,

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of allowing Tyler Shepherd of Vermont a pension, under the act of June 7, 1832.

On motion by Mr. PIERCE,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making compensation to General Duncan L. Clinch, for losses sustained by him in Florida by Indian depredations.

Mr. NICHOLAS offered the following resolution; which, by unanimous consent, was considered, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate a copy of the survey recently made of the mouths of the Mississippi and adjacent coast.

Mr. WILLIAMS rose and said:

Mr. PRESIDENT: A portion of the State which I have the honor in part to represent, a part of these United States, has been invaded, and at this moment is occupied by British troops. By the late message of the Governor to the Legislature of the State of Maine, now in session, we learn not only the fact of invasion, but also that the Governor of that State has communicated it to the President, and officially called for that action on the part of the General Government which the case requires, and the Constitution and laws of the land enjoin. What that action will be is unknown to me, but I trust that it will be such as the honor of the nation demands.

I desire to know, and that the Senate and the country may know, all that relates to these portentous movements; and in order that we may have the information in an official form, I offer the following resolutions, and hope that they may be considered and adopted at this time:

Resolved, That the President be requested to communicate to the Senate all the correspondence which has been had between this and the British Government upon the subject of the Northeastern boundary, and of the jurisdiction of the disputed territory, which has not been communicated heretofore; or so much of it as, in his opinion, may be communicated without prejudice to the pending negotiation.

Resolved, That the President be further requested to communicate to the Senate all the correspondence which has been had, since the last session of Congress, with the Government of the State of Maine, and with the Minister of Her Britannic Majesty at Washington, relative to the invasion of the State of Maine, and to the exercise of jurisdiction within the disputed territory by either party.

Mr. BUCHANAN said he had no objection whatever to the passage of the resolution; but, as it related to a matter of great importance, he hoped the Senator from Maine would permit it to lay over until to-morrow.

Mr. WILLIAMS acceding, the resolution was laid over until to-morrow.

The resolutions submitted yesterday by Messrs. FULTON and WHITE, were severally considered and agreed to.

Mr. FULTON, from the Committee on the Post Office and Post Roads, to which had been referred the bill for the relief of the heirs of Colin Bishop, reported the same without amendment.

Mr. YOUNG, from the Committee on Roads and Canals, to which had been referred the bill making appropriations for the completion of certain roads commenced by the United States in the State of Michigan, reported the same without amendment.

On motion of Mr. DAVIS, the bill to refund the money paid, and to cancel the bonds given to secure duties upon vessels and their cargoes employed in the whale fishery was taken up, and after some remarks by Mr. D. it was ordered to be engrossed for a third reading.

A bill for the relief of John McCarty; and

A bill for the relief of A. G. S. Wight, were severally considered, and ordered to be engrossed.

The bill for the relief of certain persons therein named, was was taken up, but pending the consideration thereof, the Senate passed to

THE SPECIAL ORDER.

The bill to provide for the collection, safe keeping, transfer, and disbursment of the public money.

The question was on the amendment submitted yesterday by Mr. BUCHANAN, that the salaries of the Treasurer of the Mint in Philadelphia, and the Treasurer of the Branch Mint at New Orleans, who, by the provisions of this bill, were made receivers, in addition to their former duties, should be made equal in amount with the other receivers, $2,500 per annum.

Mr. GRUNDY then offered as a substitute for the above, a proposition to increase the salary of the Treasurer of the Mint at Philadelphia five hundred dollars in addition to his present salary, and the Treasurer of the Branch Mint at New Orleans dollars in addition to his present salary, as a compensation for the additional duties enjoined by this bill.

Mr. BUCHANAN accepted the modification.

Mr. SEVIER moved that the blank in the amendment be filled with $2 000; which was not agreed to—ayes 12, noes 27.

Mr. ALLEN then moved to fill the blank with $1,000, (making his compensation $3,000;) which was agreed to—ayes 25, noes 13.

The amendment as amended was then agreed to.

Mr. SEVIER then moved a reconsideration of the vote giving the receiver at New York a compensation of $4,000.

The question was taken on reconsideration, and decided in the negative—ayes 20, noes 21.

On motion of Mr. ALLEN, the Senate then informally passed the bill, and proceeded to the consideration of Executive business; after which it

Adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January, 15, 1840.

Mr. CAMPBELL, of S. C. chairman of the Committee of Elections, by unanimous consent, moved a resolution that the said committee be empowered to employ a clerk.

Mr. STANLY inquired if it had been usual to grant to this committee a clerk.

Mr. CAMPBELL did not wish to detain the House by any remarks; but it was obvious that the labors of that committee had been much increased, and—[cries of "agreed, agreed."]

CHAIR. By general consent, the resolution is received.

Mr. LEADBETTER wished to know, before voting for the resolution, what would be the compensation. It appeared by some of the printed documents, that the clerk to the Committee of Ways and Means had heretofore received more compensation per diem than the members themselves, which he thought exorbitant and improper.

Mr. CAMPBELL understood that it had been usual for clerks to committees to receive four dollars per day, and he would so amend the resolution that the compensation should not exceed that sum per day.

Mr. L. WILLIAMS moved an amendment; "and that the clerk receive pay during the time he be employed;" which was understood to be accepted by the mover.

Mr. REYNOLDS called for the yeas and nays, as he believed there was no necessity for these clerks to committees.

Mr. CAMPBELL would not detain the House by a statement at that time; but if the committee were not allowed to employ a clerk, its labors would be very great indeed.

Mr. SMITH, of Maine, thought that it was extremely desirable that the House should be put in possession of information relating to the different cases before that committee at as early a day as practicable. We know that cases referred to that committee embraced numerous depositions, which would make its labors arduous in an extreme degree, to put in such form as would be proper to report for the information of the House; and it seemed to him that the public required, and that the people of New Jersey required, as early a report as possible on the disputed seats of the Representatives from the State of New Jersey. He thought, unless gentlemen wanted that report delayed until the end of the session, they should vote for this resolution. He sincerely hoped it would pass.

Mr. DOIG, to put a stop to unnecessary debate, moved the previous question; which was seconded, and the main question was ordered, which was on the adoption of the resolution.

Mr. REYNOLDS renewed his motion for the yeas and nays; which were not ordered.

The question was then taken on the resolution, and it was adopted.

Mr. RARIDEN, on his motion, was excused from serving on the committee on expenditures in the Department of War.

Mr. HOFFMAN called for the order of the day; when

The SPEAKER announced that the first business in order was the unfinished report of the Committee on the Rules.

Mr. HOFFMAN said, before proceeding to the consideration of the last resolution, he wished to submit an amendment to the rules, to admit within the hall the United States District Attorney for the District of Columbia.

The SPEAKER was of opinion that no amendment could be offered until the amendments reported by the committee should be first disposed of, and that the motion of the gentleman from New York could not now be received.

Mr. ADAMS wished to know if that amendment was within the province of the committee.

The SPEAKER said he had already decided that the amendment could not be received—the question before the House being on the resolution reported by the committee to remove the seats from before the desks of the members, after the present session.

Mr. HOFFMAN said the committee on this resolution was unanimous. It had been proposed by one member, and agreed to by all the rest. Perhaps it might not be within the competency of the committee to report it, but it seemed to him to be within the objects for which it was constituted. They supposed it was within the province of the committee to bring in such rules and orders as would facilitate the transaction of public business, and prevent disorder, which too often occurred there. He considered that one of the best means to effect that object, would be to take away the desks before the seats of members. The committee thought that the members were too comfortable there to do the business of their constituents. We cannot confine the gentlemen who wished to speak to one hour, as was proposed by the gentleman from New York, [Mr. CLARK.] on yesterday, and they had set up no hour glass, nor had they the water glass of more ancient times, by which to measure the speeches of the members. He thought it better to make the seats of members as uncomfortable as possible, and they would the sooner rid themselves of the tediousness of debate, by vacating them. As it was now, the speaker might look round to see if members were not tired of so long debate, and he found almost as many members in their places at the conclusion, as he did at the commencement. Remove the desks, and adopt benches, and the countenances of members would soon indicate to the speaker that it was time for him to stop.

Mr. H. referred to the mode in the House of Commons, where they have benches, as a precedent to govern the House of Representatives. In that body, he said, where there were six or seven hundred members, they did not occupy near as much time as they did in that House, which he attributed solely to the uncomfortable manner in the arrangement of seats. He thought it much better to compel members to write all their letters and resolutions at home, and come there with their propositions and business cut and dried ready for the action of the House. On a score of economy, he thought it best to remove the desks; that it would expedite the public business more than any other rule which could be adopted.

Mr. BANKS did not rise to make a speech on the question before the House. He happened not to be present at the session of the committee when this particular proposition was agreed to; but had he been present, he should have opposed it there as he would here. He concurred with the gentleman from Massachusetts, that this proposition was not within the province of the committee. It did not go to amend the rules, nor did it make a new one. But what was the intended effect of the proposition? The gentleman from New York said that it would force members to be less prolix in their speeches, by removing the conveniences which enabled the listeners to prevent ennui and weariness during the delivery of a long speech.

But what are gentlemen to do when they want to write amendments to bills pending before the House, or how are they to keep themselves informed of the detail of public business when they have no means of keeping and referring to the documents printed for their use? Would the gentleman have the members of this House rushing to the Clerk's table every time they wanted to write an amendment or refer to a document? Did he not see the confusion and disorder that would thereby ensue? But the gentleman introduced the practice in the British Parliament, which he highly extolled and recommended for our adoption. I am, sir, American in all my feelings, and do not want to go to the British Parliament for an example. Our practice in this respect has been tried for a number of years, and has been highly beneficial. It was a remarkable fact, that the plan now proposed by the gentleman, was tried for a long time in the Virginia Legislature; but finding the inconvenience and disorder resulting from the members having no place to write their amendments, that body caused their Hall to be furnished with desks. Mr. B. hoped the resolution would not be adopted, and moved the previous question on it.

Mr. LEWIS WILLIAMS said, if it was in order he would move to lay the resolution on the table.

Mr. HOLMES said, the CHAIR had decided that it was not in order to introduce it into the rules, as it did not come under the rules of the House, or within the province of the Committee on the Rules. If such was his decision, a motion to lie on the table was not necessary.

The CHAIR said that was not the motion he decided to be out of order.

Mr. ADAMS said he made the objection, because it was not in order for the committee to introduce the resolution, and understood the SPEAKER to decide that it was not in order.

The SPEAKER said he did not decide upon that point; but he decided that the motion of the gentleman from New York [Mr. HOFFMAN] to admit the district attorney into the Hall was not in order at the time he made it. As the gentleman, however, made the objection, the CHAIR decided that the resolution was in order.

Mr. BANKS had no doubt that the decision was correct; for the CHAIR decided on questions of order and not consistency.

Mr. LEWIS WILLIAMS said as the CHAIR decides that the resolution was in order, he would inquire whether it is in order to move to lay it on the table.

The CHAIR was of opinion that, as the resolution was a separate proposition, it was in order to move to lay it on the table.

Mr. L. WILLIAMS then moved to lay on the table that particular resolution.

The question was then taken on laying it on the table, and decided in the affirmative—ayes 119, nays 52.

Mr. COLES said he believed it was now in order for him to move an amendment to the 54th and 55th rules; and he would therefore submit the following, which he hoped would receive the favorable consideration of the House.

"All petitions, memorials, and papers touching the abolition of slavery, or the buying, selling, or transferring of slaves in any State, District, or Territory of the United States, shall, upon their presentation, be laid on the table, without being debated, printed, read, or referred, and no further action whatever shall be had thereon.

Mr. ADAMS said he had a substitute which he would offer for the motion of the gentleman from Virginia.

The SPEAKER would inform the gentlemen that it was not in order to submit their motions, because there were other amendments to the rules proposed by a member of the committee, [Mr. BANKS,] with its approbation.

Mr. BANKS observed that he would waive the consideration of his amendments for the present. He was not anxious about them, though he would like to have some of them considered at a more favorable opportunity.

The SPEAKER said, that being the case, the gentleman from Virginia [Mr. COLES] had the floor, and it would be in order then for him to offer his amendment.

Mr. COLES's resolution was then read; after which,

Mr. COLES proceeded to address the House in its support. He observed that a resolution, substantially the same, had received the favor of the House at each of the four last sessions of Congress, and he should think, from the service it had performed, it ought to be entitled to a kind reception. That resolution, he said, was almost a literal copy of the one passed at the second session of the Twenty-fourth Congress, and familiarly known as Mr. Patton's resolution. There was no material difference between the two. He would not detain the House by saying any thing more on the subject, but as he had some weeks ago proposed to the House a measure of a similar character, which was not then received, a brief explanation would be necessary. It was known to the House that the subject of Abolition petitions had created much disturbance here, as well as throughout the country. It was believed that there had not been a dozen members here who would have voted to grant the prayers of these petitions. But day after day, week after week, and month after month, the subject involved in them had been debated on that floor, not only obstructing the business of the House, and denying justice to other petitioners, but creating excitement, jealousies, and heart-burnings throughout the country. Surely, sir, we can prevent the mischiefs that these petitions are calculated to produce.

If we cannot prevent them from coming into the House, we can at least get over the difficulties in which the conflicting views of members with regard to them have occasioned. Some gentlemen think that they should be received, while others think they should not; some think that they should be received and rejected; some think that they should be received and laid on the table; and some think that they should be referred to a committee, with instructions to consider and report on them. Then there were other gentlemen who were of opinion that the petitions should be heard at the bar of the House. Amongst these conflicting opinions, gentlemen had been able to unite, at the session of Congress he before referred to, on a measure somewhat similar to the one he now presented; and he, therefore, having been admonished by the experience of several sessions, had thought that, by bringing it forward, it would serve to put an end to the agitating questions which would otherwise be likely to occupy a considerable portion of the time of the body. It was manifest that such measure was necessary to the peace of the House. Mr. C. was not disposed

to sacrifice the rights of the South, and no man, residing in his district, could ever be made to believe that he was capable of patterning with this subject for any personal or party purpose; and he should, therefore, say no more on that point. His constituents wished no aggression on the rights of others. They only asked to be let alone. He offered no proposition calculated to abridge the rights of the people peaceably to assemble and petition for a redress of grievances. But when the people had exercised that right, and had petitioned, he denied that they had any right to say that their petition shall be granted, or to prescribe to Congress its course of action on their petition. If he had his choice, he would be disposed to throw all Abolition petitions into the fire, or out of the doors or windows; but if a majority of the House would not consent to the mode of disposing of them that he preferred, but were willing to adopt the course of the last session, and lay them on the table without reading, debate, or any action whatever, he would unite with them. He was aware that another proposition was about to be offered, which was a similar one to that submitted by his colleague [Mr. WISE] the other day. Mr. C. preferred his own resolution because it was a tried measure, and had united the votes of the House at four different sessions of Congress; the effects of the two were identically the same; for, if the one received the petition, the other did also. If gentlemen would inquire what had been the practice of the House and of the Senate for several years past, they would find the effects of both modes of disposing of a petition practically the same; for laying the question of reception on the table, carried with it the petition also, and it went accordingly into the clerk's office, and was placed on the files. He was not, however, so partial to this resolution as to object to any amendment that would effect the objects he had in view. If the House chose to adopt the phraseology of the resolution adopted at the first session of the Twenty-fourth Congress, or the phraseology adopted at the second session of the same Congress, or, if it chose to adopt the phraseology of the resolution of the last session, he would be perfectly content. The same principle pervaded the whole of them. Having seldom troubled this House, he thought it was due to himself to make this brief explanation, and as he had said nothing which rendered it obligatory on any gentleman to reply to him, he would move the previous question.

Mr. GRANGER rose to address himself to the justice of the gentleman from Virginia, and to request him to withdraw his motion for the previous question.

The SPEAKER informed the gentleman from New York that no debate could be allowed on the previous question.

Mr. GRANGER said no debate was intended. He asked for the extension of that invariable courtesy which had never been refused on that floor, and to be permitted to ask the gentleman from Virginia, as he had made remarks utterly at variance with the recollections of gentlemen on that floor, that he would withdraw his appeal.

Cries of order, and Mr. GRANGER being called to order by the CHAIR, took his seat.

Mr. THOMPSON, of South Carolina, moved to lay the amendment on the table, with a view of offering a substitute.

Mr. CROSS called for the yeas and nays.

Mr. PECK moved for a call of the House. There were some Northern slaves there, he said, whom he wanted to be emancipated. Mr. P. then called for the yeas and nays on his motion; which were ordered, and the question being taken, it was decided in the negative—yeas 85, nays 113.

The question recurring on the motion of Mr. THOMPSON, of South Carolina, to lay the resolution on the table,

Mr. SLADE raised the point of order, that, inasmuch as the rules of the House are for conducting its business from day to day, this resolution proposed a rule of action for the whole session.

The SPEAKER ruled the resolution to be in order, it having been received and acted on by the House: it was too late now for the gentleman from Vermont to raise the question of order.

Mr. BOTTS asked to be excused from voting on the question, and was proceeding to discuss the question; when

The SPEAKER informed him that it was not in order to discuss the merits of the proposition on a motion to be excused.

Mr. TRIPLETT moved that the gentleman from Virginia have leave to proceed.

Mr. CHAPMAN called for the yeas and nays, which were ordered; and

Mr. PECK moved a call of the House, but subsequently withdrew his motion. We have, said he, some refugee slaves from the North that I wish brought in.

Mr. BOTTS hoped that the gentleman who had so kindly moved for liberty for him to proceed with his remarks would withdraw his motion.

Mr. STANLY. If the gentleman does withdraw the motion, I shall renew it.

Mr. SMITH, of Maine, asked if the gentleman was allowed to make a speech, if it would not be in order to answer him.

The yeas and nays were then called on allowing Mr. BOTTS to go on, and resulted—yeas 93, nays 104.

Mr. BOTTS then withdrew his motion to be excused from voting, saying that he would excuse himself by walking out of the House.

Mr. MONROE moved to be excused from voting; which motion was rejected—ayes 23, noes not counted.

The question was then taken on Mr THOMPSON'S motion to lay the amendment of Mr. COLES on the table, and resulted—yeas 102, nays 98, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Baker, Barnard, Bell, Black, Bond, Briggs, Brockway, Anson Brown, Sampson H. Butler, Calhoun, Casey, Chinn, Chittenden, Clark, Colquitt, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Davee, Edward Davies, Garret Davis, Dawson, Dillett, Edwards, Ely, Evans, Everett, Fillmore, Fisher, Fletcher, Rice Garland, Gates, Gentry, Gerry, Giddings, Goode, Granger, Graves, Griffin, Grinnell, Habersham, Hall, W. S. Hastings, Henry, Hillen, Hoffman, James, Charles Johnston, Wm. C. Johnson, Kempshall, Lawrence, Lincoln, Lowell, Marvin, Mitchell, Morgan, C. Morris, Naylor, Nisbet, Ogle, Osborne, Pallen, Parmenter, Peck, Pickens, Pope, Proffit, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Russell, Saltonstall, Simonton, Slade, Truman Smith, Stanly, Sterrs, Stuart, Sumter, Waddy Thompson, Jacob Thompson, Tillinghast, Toland, Trumbull, Peter J. Wagner, Warren, John White, Thomas W. Williams, and Joseph L. Williams—102.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Blackwell, Boyd, Brewster, Aaron V. Brown, A. G. Brown, Burke, J. Campbell, W. B. Campbell, Carr, Carroll, Carter, Chapman, Clifford, Coles, Conner, Craig, Crary, Cross, Dana, John Davis, John W. Davis, Deberry, Doan, Doig, Dromgoole, Earl, Eastman, Floyd, Fornance, James Garland, Gorgas, Graham, Hammond, Hand, John Hastings, Hawkins, Hill of Va., Hill of N. C., Holleman, Hook, Hopkins, Howard, Hubbard, Jackson, Joseph Johnson, Nath'l Jones, John W. Jones, Keim, Kemble, Leadbetter, Lee, Leonard, Lewis, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parris, Paynter, Petrikin, Ramsay, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sweeny, Taliaferro, Philip F. Thomas, Triplett, Turney, Vanderpoel, David D. Wagner, Watterson, Weller, Wick, Jared W. Williams, Lewis Williams, Christopher H. Williams, and Sherrod Williams—98.

Mr. THOMPSON then offered his substitute, which was read as follows:

Resolved, That, upon the presentation of any memorial or petition, praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate, or further action thereon.

Mr. ADAMS submitted to the CHAIR whether his substitute had not priority. He offered it (he said) as soon as the gentleman from Virginia had offered his.

The SPEAKER replied, that he had informed the gentleman that it was not in order for him to offer his resolution when the gentleman from Virginia had the floor. The gentleman did not offer it at any other time.

Mr. ADAMS. Very well, sir; I shall yet find a time.

Mr. EVERETT raised the question on the reception of Mr. THOMPSON'S resolution; and, after a discussion on the point of order involved, in which Messrs. EVERETT, LEWIS WILLIAMS, BRIGGS, and SHERROD WILLIAMS, took part, Mr. EVERETT withdrew his objections.

Mr. TILLINGHAST rose to a point of order, which he reduced to writing, as follows:

"That it is not in order to adopt or move a proposition, as a standing rule of one House of Congress, which, if adopted and made a standing rule, interferes with a constitutional obligation of the House, as one branch of Congress; impairs the right of petition, as secured by common law and by the Constitution; and precludes appropriate, constitutional, and discriminating action by the House upon petitions of its constituents, respectfully addressed to Congress, whenever the same are, or may be presented; and that the proposition moved by the gentleman from South Carolina as and for a standing rule, is not in order on that account."

The CHAIR decided that this could not be entertained as a point of order, it being matter of objection to the adoption of the proposition on its merits.

Mr. THOMPSON, of South Carolina, then addressed the House at length in support of his motion, and concluded by moving the previous question.

Messrs. GRANGER and MONROE asked the gentleman from South Carolina to withdraw his appeal, to enable them to make some remarks.

Mr. THOMPSON declining,

Mr. GRANGER said he much admired the chivalry of the gentleman from South Carolina, who made a speech, and, by moving the previous question, cut off a reply to it.

Mr. MONROE again appealing to Mr. THOMPSON, he, amidst much noise and confusion, withdrew his motion; when

Mr. MONROE addressed the House at some length in explanation of his views on the subject, and concluded by moving the following, which the CHAIR permitted to be read for the information of the House.

Resolved, That all petitions, memorials, resolutions, and addresses of every description, touching the abolition of slavery in the District of Columbia, or in the States or Territories, or in any manner relating to the existence of slavery or the slave trade in the United States, be referred, without debate, to a select committee, with instructions to consider and report thereon.

Mr. GRANGER then followed, and, in a speech of some length, contended for the right of petition, which he said would be outraged by the adoption of the resolution. We have arrived at a point at which it is proposed to engraft on the rules of the Representative Assembly of the freest Government on earth, a standing order by which no paper shall be received which presumes to speak on a question of personal liberty. Here was an opinion practically consistent with Jeffersonian principles, practically consistent with modern Democracy! He asked if, in a Government like ours, we had arrived at a point at which the only question that could not be discussed in that House was a question involving liberty or slavery. Mr. G. after denying that he was an Abolitionist, said, if gentlemen would continue to press this question in this form, they would find enlisted under the banner of Abolitionism a number of gallant spirits at the North who would never quail; and that it would then be discovered that the South was not the only part of this nation possessing moral force, and which, knowing its rights, dares maintain them. Mr. G. expressed the hope that a resolution would be offered referring these petitions to a committee to consider and report on them, though he could not approve of making any standing order of the House on the subject.

Mr. CRABB felt it due to himself to make a few observations in explanation of the vote he gave. He voted against the resolution of the gentleman from New Hampshire, not because he believed it was a gag, but because it was not, in his opinion, gag enough; and for this vote, he was announced, in the Abolition paper of New York, as being one of those opposed to the gag. He had intended to make a publication in answer, defining his reasons for the vote he gave, but when he came to consider the source from whence the charge was made, he thought it best to treat it with silent contempt.

The charge, however, was transferred from that paper to an Administration paper in his district, and used in the elections against him. In reference to the right of petition, on which gentlemen laid so much stress, he thought Northern gentlemen were mistaken on this subject. The Constitution provided that no law should be passed prohibiting the people from assembling to petition for a redress of grievances. Now he was not disposed to interfere with this provision. Was it a violation of this right for Congress to refuse to receive petitions on a matter with regard to which it had no jurisdiction? Gentlemen on all sides, with a very few exceptions, admitted that Congress had no jurisdiction on the subject; and, besides, had these abolitionists grievances to redress, or had they a right to intermeddle and petition for a redress of grievances which they might suppose to exist in another part of the Union? The right of petition was consummated, when the petitioners had assembled and made their petition, and they had no right to require Congress to grant their prayer, or to prescribe its action on it. Mr. C. after a few remarks, expressed his regrets that the gentleman from South Carolina [Mr. THOMPSON] had withdrawn his motion for the previous question; and as he believed that further discussion would be injurious, he renewed the motion, and reluctantly gave notice that he could not withdraw it.

Mr. GENTRY, and several others, asked the gentleman to withdraw his motion for the previous question, and it would be considered a great obligation conferred.

Mr. CRABB said he was as desirous as any gentleman to speak on that subject; but inasmuch as he regretted that the gentleman from South Carolina [Mr. THOMPSON] had withdrawn his motion for the previous question, he thought the debate would take a wide range, and be injurious; and he could not consent to withdraw it.

The House was then about being divided, to ascertain whether there was a second to the motion for the previous question, and tellers having been called for, Messrs. GRIFFIN, of South Carolina, and ANDREWS of Kentucky, were appointed as such; who reported that there were—ayes 72, noes 87.

So the previous question was not seconded.

Mr. GENTRY said, without regard to what effect it would have upon him personally, he felt impelled by a proper sense of duty to state what his convictions were as to the best course for the House to pursue upon the exciting question before it. As a Southern man, he repudiated the idea that this was a question which was confined to or interested the South alone. He considered that the whole Union was interested, inasmuch as any thing which went to overthrow or affect the peculiar institutions of one section, by an infraction of the compact, would affect the whole Union, and the common cause of freedom itself. It therefore should be looked to with a single eye as to the most wise course to be pursued to allay the excitement, and prevent the dangers that might accrue from the agitation of the subject. He concurred with the views of the gentleman from New York, [Mr. MONROE,] that the battle was at present to be fought in the North, and he thought it extremely improper for Southern gentleman to place their friends from the North on that floor in a position which was untenable at home, and which, he believed, favored the schemes of the Abolitionists; that, it was their great object to prevent. The Abolitionists, whose great principle of action is agitation, could not be better pleased than by the passage of the resolution of the gentleman from South Carolina [Mr. THOMPSON.] It would strengthen their ground by blending their cause with the great Constitutional right of petition. It was by this species of argument that they had been enabled to maintain their stand in the North thus far, and the House should legislate, so as to deprive them of that argument to advance their cause. He thought the representatives from the South should look at this question practically, without passion and resentment—to meet it, and discuss it—to receive the petitions—refer them to a committee to be reported upon—such report to show why it was that the prayers of the petition could not be granted. He believed that such a report would have as beneficial effect in causing this agitation to subside, as the great Sunday mail report had in allaying the excitement it was intended to operate upon. It was from these considerations that he was in favor of the resolution offered a few days ago by a gentleman from Louisiana. [Mr. CHINN] who, he was informed, was as much interested in having this question settled as any man upon that floor. He believed that if they met the question frankly, by taking the course suggested by him, their friends in the North would successfully do battle there, and put down those agitators. He trusted that the patriotism of the North and the South would meet, and, through the channel of a committee, make such a report as would settle the matter definitely. He believed the best interests of the South required the course indicated by him, and for that reason he would vote against the resolution of the gentleman from South Carolina. [Mr. THOMPSON,] in the hope that it would thereby enable him to vote for the resolution of the gentleman from Louisiana. [Mr. CHINN.] Mr. G. having concluded,

Mr. COOPER, of Georgia, obtained the floor, and on his motion

The House adjourned.

IN SENATE,

THURSDAY, January 16, 1840.

The CHAIR presented the credentials of DANIEL STURGEON, elected a Senator of the United States by the Legislature of the State of Pennsylvania, for the term of six years, from and after the 4th day of March, 1839; which were read.

The CHAIR submitted a memorial of the Legislative Assembly of the Territory of Iowa, praying an appropriation for the completion of the road from Dubuque to the northern boundary of the State of Missouri.

Also, a memorial of the Legislative Assembly of the Territory of Iowa, praying a donation of land for the improvement of the navigation of the Iowa and Cedar rivers; and

A memorial of the Legislative Assembly of the Territory of Iowa, praying the survey of Skunk river; which were severally referred to the Committee on Roads and Canals.

Also, resolutions of the Legislative Assembly of the Territory of Iowa, in favor of the survey of the lands in that Territory, to which the Indian title has been recently extinguished; which was referred to the Committee on Public Lands.

Mr. CLAY of Alabama presented the memorial of George Whitman, praying compensation for the aid and responsibility afforded by him to Government agents in 1836, in raising money for the prosecution of the operations against the hostile Creek Indians; which was referred to the Committee on Claims.

Mr. RUGGLES presented the petition of John H. Sheppard, administrator of Abiel Wood, deceased, praying to be released from a judgment recovered by the United States; which was referred to the Committee on the Judiciary.

Mr. CLAY of Kentucky presented a memorial of a number of manufacturers of cigars in the city of Baltimore, praying an increase of duty on imported cigars; which was referred to the Committee on Manufactures.

Mr. PHELPS presented the petition of a number of citizens of Rutland county, Vermont, praying a reduction of the postage on letters; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAY of Kentucky presented the memorial of a committee of the American Silk Society, praying the aid and patronage of the Government in the printing and distributing the journal of said society.

In presenting this memorial, Mr. CLAY said, while I am up I will remark that, in my opinion, there is hardly a production in which this country is engaged which is more important to be duly attended to at this time than that of silk. As an agricultural product, it is appropriate to all parts of the country. And among the causes which have occasioned the unexampled state of distress from which no portion of this wide country is exempt, which has increased, is increasing, and I wish to God I could see any hope of its end—at least among the foreign causes of this remarkable state of distress, is unquestionably that of purchasing so much abroad. Sir, we must make more at home, and bring less from abroad, if we would remove the causes of distress; and this remark is applicable to our own productions in every form, of agriculture as well as of fabrication. And in regard to silk itself, look at the facts. For seven years past, the annual amount of it brought into this country has been $12,500,000, and one year it rose to $20,000,000; and this $12,500,000 is for an article which, if any thing, is for the adornment and luxury of man. Silk is that article.

Sir, no country can long withstand, for which the annual imports exceed the exports by some $40,000,000 or $50,000,000. And, if I was not absolutely powerless, if my friends and myself had any power in the direction of this Government, I would to-morrow impose a duty equal to the maximum which the compromise act admits, that is, 20 per cent. on this import of $12,500,000 in silk. I would lay this duty on silk; and with a view, in part, to prevent a dangerous excess of revenue, I would distribute the annual proceeds of the sales of the public lands to the States as their own property, to which they are already entitled; and let this fund assist them to liquidate their debts, and to foster those great interests which are justly dear to them, so far as there is now freedom from debt. I would impose this duty on silk and on other luxuries, and if the lands are not necessary to the support of this Government, I would distribute the proceeds of the lands among the States who are entitled to them. But we, or at least I am not in the condition to do what I have suggested, and therefore I cannot do otherwise than to ask that this memorial be referred to the Committee on Manufactures, and printed.

Mr. CALHOUN said: I rise to make no opposition to the motion, but to make a few remarks connected with those topics which are now of chief importance; and I hope that not much more of this season will pass, before we shall go deeply into that subject. The country is now at a point at which it has become of far more interest than ever.

Sir, I differ *in toto* from the Senator from Kentucky as to the causes of distress; and, if I am not mistaken, they are the very opposite of what have been assigned. To revive the old, the tried, and condemned American system, would be ruinous in every branch of industry, and especially to the manufacturing, agricultural, and commercial interests. The distress which he ascribes to the importation of silk comes from other causes. He looked upon any measure that would, at this time, increase the credit of the States so as to enable them to sell more bonds in foreign markets, as positively injurious. We ship our credit, and bring in goods. I hold the very reverse of what the Senator has indicated as the true policy, and I hope for an early opportunity of pointing out that policy, and that at an early day we shall look deep into the subject.

Mr. CLAY. This is a little unusual, to engage in a discussion on this subject thus before the time. Sir, have I proposed or suggested a revival of the tariff further than the compromise allows? Not in the slightest degree. I merely proposed a duty on silk, as an article of luxury, entirely consistent with the compromise. Sir, what was it that I proposed? It was simply that the maximum duty of the compromise—that is, twenty per cent.—should be imposed on silk, which is in no way incompatible with the compromise.

And how can this injure the manufactures of cotton, shipbuilding, or any thing else, which are now nearly prostrated? The woollen manufacturer at the North is almost entirely stopped, and that of iron itself is among the most languishing. How can the duty on this luxury affect either the manufactures or agriculture of the country? It will benefit them; for it will directly aid the manufacture of silk, and, if raw silk is produced with success, it becomes a fit object for importation, and it may aid greatly in removing that ruinous excess in the balance of trade, which will crush us all, unless the people can rise to their own relief.

And the State debts? Sir, I should like to know by what right the subject of State debts is so frequently dragged into this Senate and the States are here chided and censured as if under our supervision. Who gives us jurisdiction over them? By what authority have we the right to say to Pennsylvania, or Illinois, or any other State, you are extravagant; you have got into debt; and we will leave you to get out as you can. Whence is this right? Who made it the duty of the Federal Government to give lectures to the States on getting into this debt? But those debts have been contracted, and, as the Senator from South Carolina says, one effect of it has been to enlarge our imports, because the means arising from the State bonds has been thrown into the channel of commerce. But it will be no longer so, for that very means will now become an obstruction to commerce. But those debts exist, and, as men of honor and honesty, those who owe them must pay them; and I trust no man here will be so destitute of honor and probity as to say they ought not to be paid. They have been contracted, and our States have received the benefit; and I trust and believe that not a State of this Union will be so lost to honor and good faith as not to pay such debts. The debts exist, and in the worst forms, because the foreigner is against us, not as a whole, but as divided into parts, as separate members of the Confederacy, on whom there is foreign debt, and consequently foreign influence.

And what is to be done? The States have here proposed nothing, in either branch of Congress. But we know the existence of these debts, and the distress which prevails in these different communities; and we know that taxation will be necessary. Some of the States, right or wrong, have contracted debts to an extent which the people cannot bear; and if we are not destitute of all those feelings which ought to belong to a parent Government, and which, as such, we should cherish, we ought deeply to sympathize with all these sufferings.

Well, and what suggestion did I make? Was it to assume these debts? No, sir; no, sir. But we are in possession of an important fund, which, of right, belongs to the States. The States have no power of imposing duties on imports for the purpose of relieving themselves. And what was my suggestion? The debts exist, and must be paid, principal and interest; and my suggestion was, that we should give up what belongs to the States, or, at least, do what we can for them, by imposing duties on articles purely of luxury, and give the States their own property, the proceeds of the public land, which would of itself be sufficient to pay the interest on a debt of $100,000,000, and I believe the whole amount of the State debts is not much more than $100,000,000. But I have been drawn into an exhibition of these views on an occasion when I had not intended it. I merely meant to make some suggestions appropriate on presenting a memorial. The Senator from South Carolina thought fit to express, what is not at all extraordinary, that there is a total difference of opinion between us on this subject. But he misstated me in regard to the tariff, and I therefore thought it my duty to say what I have done on that point, and I trust this will serve with the Senate as my apology.

Mr. CALHOUN. I will not enter into the argument, but merely say, by way of comment on the Senator's remarks, that his scheme in regard to the public lands, is one of the modifications for assuming the State debts; and, in my opinion, it is the most unconstitutional and ruinous that can be imagined. But I trust the Senator from Tennessee [Mr. GRUNDY] will give us an opportunity soon to enter fully into that subject—(alluding to the expected report on Mr. BENTON's resolutions adverse to the assumption of debts by the States.) It is time to act; and, in my opinion, we are at the point where we were when the American System was adopted—the revival of which would be followed by incalculable injury. I am ready to meet that point, and to show that the whole system is the reverse of our true policy.

Mr. CLAY. The gentleman chooses to call this (the distribution of the land proceeds) an assumption of the State debts. Why, sir, the proposition was made long before any State was in debt, or, if any, only for a trifling sum; and the gentleman says this is an assumption of the State debts! But how? On what grounds did I make my proposition? We are in possession of a fund belonging to the States, held in trust solely for their benefit; and I said we ought now to distribute its proceeds among the States. And the gentleman says this is an assumption of the State debts! Sir, how is it so? And whose is this property? It will go to the States that owe no debt; and if those States receive it, they get only what they are entitled to.

In respect to the American System, I am ready to engage in the discussion on that subject; but when I do so, I hope the honorable Senator from South Carolina will remember the part he took in 1816 as the originator of that system; and that I was then his humble follower on that subject and for years afterwards; and I believe the country is now fifty years ahead of what it would have been but for that system; and if it had not been for that system, we should be now in the state we were before the Revolution, when there was no paper and no currency, except as tobacco and other articles of trade were used as a medium. I shall then be ready to show that domestic causes produce the greater portion of the distress in which the country is involved; but of foreign causes, the main one has been that we produce too little at home, and send for too much abroad; and I believe the imports are enlarged not merely by the want of duty on luxuries, but the list of free articles is more than a moiety of the whole imports of the country.

Mr. GRUNDY said, without intending to declare any opinion on the merits of the debate in which the gentlemen who preceded him had engaged, he expressed the hope that the subject of the assumption of State debts by the General Government would not be worn out before it came properly before the Senate. The Select Committee to which that matter had been referred, would in a few days make a report, in which all the questions connected with the subject would be presented, fully and fairly, for the action of the Senate, and every Senator would have an opportunity of presenting his sentiments on them.

The memorial was then referred to the Committee on Manufactures.

Mr. NORVELL presented the petition of Bickford P Hutchinson and others, praying the confirmation of their title to a tract of land or that they be allowed to locate other lands of equal value in lieu thereof; which was referred to the Committee on Private Land Claims.

Mr. YOUNG presented the memorial of the Cairo city and canal company, praying that the city of Cairo may be selected as the site of a national armory; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. Y also, presented a preamble and resolutions of the General Assembly of the State of Illinois, instructing their Senators and requesting their Representatives in Congress to use their exertions to procure the adoption of measures for the speedy and permanent adjustment of the title of the United States to the Oregon Territory; which were referred to the Select Committee on the Oregon Territory, and ordered to be printed.

Mr. Y. also, presented the memorial of a number of the citizens of the State of Illinois and Territories of Wisconsin and Iowa, praying an appropriation for improvement of the navigation of the Mississippi river; which was referred to the Committee on Commerce.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petitions of John Quincey, Daniel Root, and John Paul, made an adverse report in each case, and asked to be discharged from their further consideration; which was agreed to.

Mr. P. from the same committee, to which was referred the petitions on the subject, reported

A bill for the relief of Samuel Collins, and

A bill for the relief of Hannah Laighton;

Which were severally read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the petitions of Ann Eliza Laurie and Irvine Shubrick, made an adverse report thereon, and asked to be discharged from their further consideration; which was agreed to.

Mr. W. also from the same committee, to which was referred the bill to repeal certain acts respecting navy pensions, and making further provisions in relation to navy pensions, reported the same with an amendment.

Mr. W. said, as this was a public bill of much interest, he would ask the Senate to make it the special order for Tuesday next; which was agreed to.

Mr. WHITE, from the Committee on Pensions, to which was referred the petition of Nathaniel Jacobs, asked to be discharged from its further consideration; which was agreed to.

Mr. HUBBARD said that, at the last session of Congress, the petition of John Kurtz for remuneration for the loss of the cargo of the ship Allegany, was referred to the Committee on Claims. That committee had this petition under their consideration, and reported a bill for the relief of the petitioner. That bill was much debated in the Senate, and a vote was finally taken in the Senate equivalent (as regarded by the Committee of Claims) to a rejection of the bill. The committee, therefore, did not purpose again to consider this subject. The petition was referred to the Committee on the Judiciary, and that committee reported that they be discharged from its consideration, and that it be referred to the Committee of Claims. If he had been present at the time when this report was made from the Committee on the Judiciary, he should have objected to the reference of the subject to the Committee of Claims. That committee had done what it deemed to be its duty, and the Senate had overruled, after public debate, the decision of that committee; and, while he was at the head of the committee, he could not consent to lend his aid in bringing the same bill again before the Senate for its action. He, therefore, was instructed by the committee to return the papers again to the Senate, and he moved that they lie on the table.

The papers were ordered to lie on the table.

Mr. KING, from the Committee on Commerce, to which had been referred

A bill to refund to Noah Miller and others, a part of the proceeds of the sale of the British sloop Mary and cargo; and

A bill for the relief of the Plumb Island Bridge and Turnpike Company; reported the same without amendment.

Mr. K. also, from the same committee, asked to be discharged from the further consideration of the resolution instructing them to inquire into the expediency of an extension of credit to the State of Illinois on certain duty bonds, and that it be referred to the Committee on Finance; which was agreed to.

Mr. NORVELL submitted the following resolution:

Resolved, That the Committee on Pensions inquire into the expediency of allowing a pension to James T. Clelladon, from 1815 to 1830, when his present pension commenced.

The resolution submitted yesterday in relation to the North-eastern boundary coming up for consideration,

Mr. RUGGLES offered an amendment.

Mr. BUCHANAN said he was not opposed to the amendment, but as it related to a delicate subject, he would suggest that the whole subject lay over till to-morrow; which was agreed to.

The following bills were read the third time and passed:

A bill to refund the money paid, and to cancel the bonds given, to secure duties upon vessels and their cargoes employed in the whale fishery;

A bill for the relief of John McCarty; and

A bill for the relief of A. G. S. Wight.

The Senate then proceeded to the consideration of the bill to provide for the collection, safe keeping, transfer and disbursement of the public money.

Mr. BENTON proposed to amend the bill by striking out from the 19th and 20th sections the words, "or in such notes, bills, or paper issued under the authority of the United States, as may be directed to be received by law in payment of the public dues."

Mr. B. proceeded at length to explain and enforce the propriety of the amendment, and was followed by Messrs. WRIGHT, CALHOUN, NORVELL, WALKER, CLAY, of Kentucky, HENDERSON, and ALLEN; when the question was taken on the amendment, and it was adopted—ayes 33, noes 6.

Mr. WALKER then submitted an amendment, striking out that part of section 13 empowering the agents of the Government to contract for the use of the vaults of banks; which, after some remarks from Mr. W. and Mr. CLAY, of Kentucky, was agreed to without a division.

The bill was then informally passed over, and the Senate proceeded to the consideration of Executive business; after which,

It adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, JANUARY 16, 1840.

Mr. COOPER, of Georgia, being entitled to the floor,

Mr. MITCHELL, with the permission of the gentleman from Georgia, begged leave of the House to make a brief explanation, in answer to an article that appeared in one of the papers of this city. In consequence of the course pursued by the honorable gentleman from South Carolina [Mr. PICKENS] the other day in alluding to an article that appeared in the Madisonian, having a personal bearing on himself, he Mr. M., was constrained to ask the same indulgence in reference to himself. The article he alluded to appeared in the Globe of of this city, of Tuesday last. Mr. M. then read from the Globe as follows:

"It is true that General Duff Green was offered ten thousand dollars if, by the use of his name, a few of the State Rights party could be induced to join the Federal party and secure his election as public Printer, provided he would surrender the employment so obtained to Gales and Seaton. This proposition was made to General Green directly, by Mr. MITCHELL, a member from New York, in a letter. This letter was sent by General Green to a member of the House from North Carolina, with a view that it might be shown to some one of the State Rights party of South Carolina. It was shown by him, as it ought to have been, first to the SPEAKER, and with his advice, to another gentleman of distinction. All considered it a gross overture of *bribery*. The member who made this proposition, although he used in his letter the term "*ice*" in making it, and gave assurance that, if "adroitly managed," the whole Federal vote could be concentrated on General Green for the purpose named, yet disclaimed speaking for his party. If we misstate, in the slightest particular, the purport of the letter, Mr. MITCHELL can put all right by producing it.

"The public have, in this simple statement, the history of the $10,000 proposition to purchase the public printing, which has been so falsely imputed to us by the confederate of Messrs. Gales and Seaton, in the corrupt transaction of the extra session of 1837."

Mr. M. said it was proper that he should remark, that, previous to the publication of this article, he received intimations of the character named in it; and, for the purpose of putting himself right before the House, he wrote to General Green for a copy of the letter which he had written to him, and which was written in too much haste to retain a copy of it. He wrote to General Green for a copy of this letter for the purpose of laying it before the House; but, having waited for four days without hearing from General Green, he was constrained to make this

explanation to the House without it. This article in the Globe, so far as it conveyed the idea that he made the proposition contained in his letter for the purpose of bribery, was entirely false. He merely wrote this letter to Gen. Green, sugges ing to him to come here and be the candidate for the office of Printer of the House, without making him the offer of any specific sum for the use of his name. He told him that he was most anxious to defeat the election of Blair and Rives; and believing it impossible to elect Gales and Seaton, he advised h m to come on and be a candidate, as it was probable he could be elected. He ad led, that if he was unable, from the want of means, to execute the printing of the House, he could make an arrangement with Gales and Seaton to do it. Mr. MITCHELL said he thought this proposition to Green was no more a matter of bribery than was the election, by the Whigs, of a Sub-Treasury candidate for the office of Speaker. He made this proposition on his own responsibility, and it was due to Messrs. Gales and Seaton to say that he did so without any consultation whatever with them. What construction others might make on the part he had acted, he did not know, but he was sure that no one who was not capable of committing bribery himself, would consider that letter as a proffer of bribery. He had not yet obtained a copy of his letter to General Green, but when he did so, he would lay it before the House. The article in the Globe said that his letter was shown first to the SPEAKER, as it ought to have been, and he would call the SPEAKER'S attention to the idea here attempted to be conveyed. Was it meant that it ought first to have been shown to the SPEAKER, for the purpose of his laying it before the House? The article further said, that by all it was considered as an offer bribery. He did not know if the SPEAKER so considered it; but——

The SPEAKER said he knew nothing of the article in the Globe, to which the gentleman referred, till he saw it in print. He never expressed the opinion that the letter shown to him was an offer of bribery—but he said at once that the proposition was inadmissible.

Mr. FISHER, of North Carolina, presumed that it was understood by every gentleman present that he was the member from North Carolina to whom allusion was made in the article in the Globe. This rendered it necessary that some explanation should come from him, in relation to the part he had in the matter, though he regretted that his name should have been connected with it in any way. He had no ambition to figure in matters of this kind, and it was for this reason that he had not spoken of it. The simplest way to explain a subject of this nature was to tell the whole story; and he would do so with as much brevity as possible.

About the time that Congress met, he received a letter from General Green, informing him that he was a candidate for the office of printer to the House, and could be elected. Taking this to be a circular letter, common on such occasions, he laid the letter aside, and took no further notice of it; and a few days after he saw General Green, who said nothing on the subject. But a day or so after the SPEAKER was elected, he, Mr. F. received another letter from General Green, enclosing this letter of the gentleman from New York, [Mr. MITCHELL.] The statement in the Globe, just read, was made from an explanation of his, [Mr. FISHER'S,] and on his authority; and after it was written out, had been shown to him. The Editors of the Globe had been accused of having committed the same act that was proposed in the letter of the gentleman from New York, and having heard of this matter, they called on him for the purpose of obtaining information respecting it, which he, [Mr. F.] felt that it was but sheer justice that he should give them.

Now, sir, said Mr F. for the contents of the letter. He would endeavor to give them according to the best of his recollection. The letter begins by saying "that it is pretty well ascertained that Gales and Seaton could not be elected, and that the writer's aversion to Blair was so great, that he wished Gen. Green to come on and be a candidate, believing that if he could get a few of his friends to vote for him, he could be elected; that the printing would be worth about $30.000, and as Gen. Green probably had not the means of executing it, he could make an arrangement with Gales and Seaton to do it for him—he retaining $10,000, without any risk or responsibility whatever, and Gales and Seaton receiving the remaining $20.000 for doing the work and incurring the trouble and responsibility." This letter Gen. Green enclosed to him, (Mr. F.) desiring him to confer with certain gentlemen on the subject, without naming them, but by the allusions made, he could not but understand who General Green meant. He at once, Mr. F. said, saw the impropriety of the proposition, and *you*, sir, [addressing the SPEAKER] being the first gentleman I met of those for whom I thought the letter might be intended, may remember that I said to you that I had received a letter of a very strange character; and, showing it to you, asked if I should show it to the gentlemen referred to. You remarked, sir, that the proposition could not be entertained for a moment, but you said nothing, as you have just very correctly observed, about bribery. You thought that I ought to exhibit the letter to some of the gentlemen referred to in Gen. Green's letter.

After I had left you, I met with another gentleman—a distinguished member of the other House—to whom I offered to show the letter, explaining its contents. He declined reading it, and denounced the proposition in the strongest terms as an overture of bribery. Here was the mistake made in the article in the Globe. It was the last named gentleman who denounced the letter as an overture of bribery, and not another person, as is there inferred, though you and myself before had expressed our disapprobation. I then determined to return the letter to General Green, and get rid of the subject altogether. But for my own safety, I showed it to a gentleman from South Carolina, who was my fellow-lodger. Shortly afterwards, Gen. Green came in, when I was rejoiced at having an opportunity of getting rid of the subject. General Green referred to the subje t briefly, and, after a very few words of explanation, he asked for the letters, and I placed them in his hands. There was another error in the Globe, which Mr. F. said he would take occasion to correct. It was probable that it might be supposed, from the Globe, that this statement was made with the knowledge of the SPEAKER. This was a mistake. The SPEAKER had no knowledge whatever of the statement being made. Whether the gentleman from New York is right in considering the proposition no more a matter of bribery than the election of the Speaker by Whig votes, he would not pretend to say. The subject was before the House, and every man might draw his own conclusions.

Mr. HOLMES observed that it was due to the gentleman who had just made a statement, [Mr. FISHER,] that he should corroborate every word he had stated. The gentleman had submitted the letter referred to, to him. He read it; and his recollections assured him that there was not one word that the gentleman had stated to be in it but what was correct. When it was shown to him, he (Mr. H.) had expressed no indignation or surprise, because he had heard that this was one of the most corrupt bodies on earth, and therefore, hearing a letter read coming from a member of such a body, said he was prepared to expect some corruption; but was not yet fully innoculated in the manner of conducting such affairs. The very boldness of such a proposition drove the mind "from its propriety." [This Mr. HOLMES uttered in a satirical vein.]

Mr. MITCHELL said he would undertake to say that, although all that the gentleman from North Carolina had said was in the letter might be true, he had not stated one quarter of what was in it. Also, it seemed to him that the gentleman had confounded his (Mr. M's) letter to Gen. Green with the G neral's letter to him, [Mr. F.] If Gen. Green offered to bribe Gales and Seaton, he (Mr. M.) did not offer to bribe either of them. There was no proffer of bribery in the case. He had merely suggested to General Green the basis of an agreement he might make with Gales and Seaton. If any one looked upon it as a proffer of bribery, he had a very poor idea of what bribery was. He, however, expected to get a copy of the letter from Gen. Green; and, when he did so, he would lay it before the House, when every gentleman could judge of its purport for himself.

Mr. FISHER said, a single word more. It will be recollected that I made no charge that the proposition was a case of bribery; but I do say, if there was any thing like bribery in it, it was not to be found in General Green, but in the letter of the gentleman from New York, [Mr. MITCHELL.] It was possible that he (Mr. FISHER) had not stated all that was in the letter, but I have stated distinctly what I recollected of it and what, I believe, was the most material parts.

Mr. MITCHELL asked, did he not say, in the letter, that I did not wish General Green to come on here, and make any arrangement that public opinion would not bear him out in?

Mr. FISHER said, it was very possible it might be in the letter; he did not distinctly recollect it; but as the gentleman had said so, he presumed it was.

ORDER OF THE DAY.

The House resumed the consideration of the unfinished business, being the report of the committee on the rules, and the proposition of Mr. THOMPSON, of South Carolina to amend the rules by the addition of the following:

"That upon the presentation of any memorial or petition, praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate, or further action thereon."

Mr. COOPER of Georgia, who was entitled to the floor, addressed the House at great length, and with much force and ability, in explanation of the views he took of the subject, and of the votes he should feel it his duty to give. His speech he said was not intended for his constituents, whom he preferred addressing face to face, but to that House, and to the constituents of the gentlemen who presented Abolition petitions. It was to them he addressed himself, calling on them to relieve this House and the country from excitement and agitation, which the presentation and discussion of these petitions lead to. It was his wish to disembarrass this question of all party considerations. He desired to know what course the Congress of the United States would take with regard to a matter of such deep and vital interest, and he was content to sit with folded arms, resolving to make no motion whatever, until he saw what that course would be. He regretted exceedingly that any proposition for the disposition of this subject had come from a member from the South, and particularly regretted the proposition of his friend from South Carolina, [Mr. THOMPSON.] He wished the question settled under a proposition from another quarter. If his advice could be taken, he would say to that gentleman, take back your resolution, and let those who bring forward abolition petitions make such motions with regard to them as they think the House would sustain. He wished the gentlemen here, who must see the danger to the Union, as well as the injury to the slave-holding States that these petitions were causing, would address themselves at home to their constituents—go to them in their towns, their fields, and their villages, and tell them that they are tampering with the peace and happiness of the South; that they are endangering the Union, and that Congress has no right under the Constitution to meddle with this subject, and prevail on them to pause in their thoughtless career. Mr. C. said that unless these petitions were put an end to in this or some other way by the House, the State of Georgia must act for herself, and resort to means within her power, to put an end to them. The argument of Mr. C. is too long for even a synopsis in this evening's paper, but will be given to our readers as soon as prepared.

Mr. BIDDLE, after proceeding at some length in reply to Mr. COOPER, of Georgia, said, all that the Representatives from the North wished was, that the South would take out of the mouth of the Abolitionists the answer which they were afforded by the action of the House on their petitions - take that away, and they of the North would put down Abolition. Take away the false issue made there, the difficulty which disarms them—remove that difficulty, and all danger would be at an end. In his remarks he had no anxiety to operate on the constituency either in the North or the South, but with perfect simplicity of purpose, give his views as to the best course for the House to pursue. He was thankful the House had pursued a course which permitted gentlemen to explain themselves and define their position, which the mere yeas and nays did not show. He felt that his position, fortunately, was one which enabled him to approach this subject with perfect freedom. He took the ground at home, in reply to Abolitionists, that it was inexpedient to grant the prayer of the petitions, and unwarrantable for them to interfere in the questions at all. For his part, though he had been represented as an Abolitionist, he would no sooner abolish slavery at the South, than he would vote to re-establish slavery in Philadelphia; he was not even disposed to take it up as a question of power, vested in that body. At home, during the canvass, he had challenged his competitor to express his opinions on this subject; but he observed perfect silence on the great question involving the peace of the country; he could not be drawn forth. It was anticipated that he could be defeated by that gentleman, because of his silence on that subject, and the bold stand that he (Mr. BIDDLE) had taken in defense of the rights of the States under the Constitution.

Mr. B. said he had come there with great dislike to the course of the petitioners; and although impressed with such feelings, he had, from the course of that House, and the denunciations which gentlemen heaped upon them, almost at times wished himself a rank Abolitionist, that he might reply to such denunciations in the spirit of one. The whole object of these petitioners, he said, was confined to the abolition of slavery in the District of Columbia; and the question was whether their petitions made a reasonable request. Mr. Van Buren, he said, had taken the ground himself that Congress had the right to legislate as much on this subject as any other for the District, and to the same extent that the States of Maryland and Virginia had previous to the cession. The South, too, had elected him in the face of these opinions, and consequently ratified them.

Mr. VANDERPOEL here interrupted Mr. BIDDLE, by asking him if Mr. Van Buren did not also say that, notwithstanding this power existed, he considered the exercise of it so dangerous to the stability of the Union—so inexpedient—that he would veto any bill that should be passed by Congress for such purpose.

Mr. BIDDLE replied, did not every gentleman on that floor who presented Abolition petitions say the same thing; but the question was as to the sincerity of the profession.

If it was a question of expediency merely, with whom did the power rest to decide it? Certainly with Congress—the subject was at the mercy of Congress, and consequently at the mercy of public opinion—not of one State, but of the whole United States; and hence it was of the utmost importance that they should not disregard it. If the object of the petitioners was a matter within the scope of legislative action, why could they pretend to treat those petitioners differently from other citizens who petition on any other subject. If we treat them differently merely because we entertain a theory of expediency, what was there to prevent them from treating petitions on any other subject in the same way? The pre-emption law might become transiently obnoxious—petitions might be sent in upon that subject, and they could, with equal propriety, spurn them from the halls of Congress, as petitions upon the subject of slavery.

This was a matter which public opinion at last must decide, and he thought the course of that House was the maddest that could be adopted to allay the excitement upon this question, and to gain a correct public opinion. By the course pursued by Congress, the Abolitionists have been sent forth to the country as apostles of a great principle; but on the other hand, if you receive these petitions, you would place in the hands of the Representatives from the North a banner most precious to a free people under which to do battle. If gentlemen would go into the harvest field at the North they would not find these petitioners a dishonest, ignorant people. If they be told, as they have been told, that the prayers of the petitioners cannot be granted without endangering the Union, and was inexpedient, they would reply, why has not Congress told us so—why has it not pointed out to us the unreasonableness of our requests. It was an honest feeling with these petitioners; but they look upon the course of Congress as an act of despotism; there is something wrong, they think, in dodging the question. Mr. B. said, you give currency and triumph to these petitioners when you treat them as if there was something which could not be exposed to the light of open day. If this be a subject which it is believed inexpedient to legislate upon, he thought it proper for Congress to make such a report to them as would enlighten them, and thus put an end to the agitation of the question forever.

Mr. WATTERSON was opposed to the reception of Abolition petitions in any form whatever. He would neither receive them, read them, nor refer them to a committee. He did not consider the right of petition at all invaded by refusing to receive them, because the Abolitionists petitioned about a matter which did concern them—they having no grievances to redress—and a matter about which Congress had no power to legislate. He hoped the Representatives from the slave holding States would stand firm, and not yield an inch, for they must be well aware that the rankest of the Abolitionists only expected to accomplish their objects by degrees. Let them first establish the right to have their petitions received and read, and the next thing they would do, would be to prescribe the mode of action on them. Mr. W. replied to the remarks of Mr. MONROE and Mr. GRANGER the other day with regard to the right of petition, and noticed the remark that the battle of Abolitionism must be fought at the North. Mr. W. showed the connection at this time existing between the Abolitionists and the Whig parties, and asked if it was fighting the battles of the South that the Whigs had elected a thorough going Abolitionist as Governor of New York. He asked if it was fighting the battles of the South when the Whigs at the Harrisburg Convention nominated for the Presidency a gentleman (Gen. Harrison) who was in favor of appropriating the surplus revenue to the purposes of emancipation. Mr. W. referred to the resolutions of Mr. ATHERTON of last session, which were introduced for the purpose of preventing the evils growing out of the presentation of Abolition petitions, and said that of the 52 votes that were given against it 48 of them were Whigs. Mr. W's remarks will be given hereafter.

Mr. STANLY replied at great length to the remarks of Mr. WATTERSON, of Tennessee. He reviewed the course of the two great contending parties at previous sessions of Congress upon the subject of Abolition petitions, and explained his previous votes upon the propositions introduced, with reference to the disposition of them, and disclaimed any connection with Abolition. He thought the question itself, and the votes of members on that floor on the question, had been used to effect party purposes. He then read the written opinions of some of the friends of the Administration on that floor expressed at home, and published in the newspapers of the day, for the purpose of identifying them with the cause of Abolition, which drew from them disclaimers. He particularly referred to a publication of Mr. PARMENTER, of Massachusetts, which he thought committed him to that cause.

Mr. PARMENTER did not know if he understood precisely what the gentleman from North Carolina meant by an Abolitionist. I should like to hear him refer to any remark or writing of mine on that subject, or to any vote I have given, other than for the reference to a committee.

Mr. STANLY said he should like to know what the gentleman himself considered an Abolitionist, and read a letter written by Mr. PARMENTER, in which he gave his opinions on the subject of abolition.

Mr. PARMENTER said that, in the State of Massachusetts, it was essential to the quality of an Abolitionist that he should wish Congress immediately to adopt measures to abolish slavery in the District of Columbia and the Territories, without any regard to the consequences. It was true that he, in common with a very large portion of the people of Massachusetts, believed slavery to be a very great evil; and would be glad if it could be abolished without disturbing the peace and harmony of the Union, or violating the rights of others. Mr. P. added that the letter read by the gentleman from North Carolina, was not considered to be in accordance with the views of the Abolitionists, and accordingly they all voted in a body against him.

Mr. STANLY went on with his remarks, and spoke of a number of distinguished members of the Democratic party whom he stigmatized as Abolitionists. Mr. S. read some extracts from an address of Mr. Morton, whose recent election as Governor of Massachusetts, the Democratic party hailed as a triumph, to show that he also was an Abolitionist.

Mr. PARMENTER wished to make one remark in relation to Mr. Morton, the Governor elect of Massachusetts. The gentleman had read some extracts where Gov. Morton spoke his sentiments very strongly against slavery. But the gentleman did not draw the distinction between anti-slavery and Abolitionism. The one was a mere matter of belief, while the other was an intention to carry its objects into effect without any regard to the consequences. He would make another remark. The Abolition paper printed at Boston opposed the election of Governor Morton, and recommended it to the Abolitionists to support another candidate. Mr. P. wished the gentleman would define his ideas of Abolition more distinctly.

Mr. STANLY said he wished the gentleman would define his.

Mr. PARMENTER said he would define what he considered to be the views of an Abolitionist. It was a desire that Congress should abolish slavery in this District, and in the Territories, without regard to the rights of others, the peace and tranquillity of a large portion of the country, and the safety of the Union.

After some further remarks from Mr. STANLY, in which he was two or three times corrected by Mr. WELLER,

Mr. BOTTS obtained the floor, and explained his vote a few days ago on questions connected with this subject. He was understood to be opposed to the course the House had heretofore pursued on this subject, and the plan proposed to be pursued by the gentleman from South Carolina, [Mr. THOMPSON.] He thought the petitions ought to be treated with some respect—that they ought to be received. He believed that the excitement on this question had been kept alive for political purposes; and that the course of gentlemen on that floor had connected the subject of Abolition with the right of petition; and thereby advanced the prospects of the Abolitionists. It was a subject upon which, as a Southern man, he did not intend to become excited. He would look upon it with composure, until his constitutional rights of property should be attempted to be violated, and then he would defend it to the utmost of his abilities. At the present aspect of the question, he thought Southern gentlemen should pursue a more liberal course than formerly; and he should not feel at liberty to break off from them if they wished to pursue such a course. He thought it only wanted a proper vote of that House to crush Abolitionism forever. As much as had been said by gentlemen of the infection of that body with its principles, he did not believe that there were twenty in both parties, but thought there were as many on one side as the other. If there were more, he desired to know it, both for himself and his constituents; and it was for that reason he wanted such a vote by the House as would indicate it.

At the suggestion of Mr. HOFFMAN, previously made,

Mr. BOTTS moved that the rules, as amended, be adopted for one week from that day; which motion was agreed to; when

On motion of Mr. COLQUITT,

The House then adjourned.

IN SENATE,

FRIDAY, January 17, 1840.

Mr. CUTHBERT appeared in his seat to-day.

Mr. WRIGHT presented three petitions, signed by a number of citizens of the State of New York, severally praying the establishment of a port of entry and collection district at Coldspring, on Long Island, in said State; which were referred to the Committee on Commerce.

Mr. PIERCE presented the petition of Luke Woodbury and others, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. CLAY, of Alabama, ordered, that the Committee on the Public Lands be discharged from the further consideration of the resolution passed by the Legislative Assembly of the Territory of Iowa, in favor of the survey of the lands in that Territory, to which the Indian title has been extinguished, and that they be referred to the Committee on Finance.

Mr. KING submitted additional documents in relation to the petition of Jubal B. Hancock; which were referred to the Committee on Indian Affairs.

Mr. SEVIER gave notice that to-morrow he would ask leave to introduce a bill for the protection of emigrant and other Indians west of Arkansas.

Mr. STRANGE, from the Committee on Patents, to which had been referred the petitions and memorials of Stephen McCormic, F. A. Chevalier De Geerston, and Chauncey Hall, severally asked to be discharged from the further consideration thereof; which was agreed to.

Mr. S. also, from the same committee, to which had been referred,

A bill for the relief of Charles M. Keller and Henry Stone, and

A bill for the relief of Hazard Knowles; reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the petition of James Williams, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. CLAY, of Alabama, from the Committee on the Public Lands, to which the subject was referred, reported a bill to authorize registers and receivers to administer oaths required to be taken by purchasers of public land; which was read, and ordered to a second reading.

Mr. C. also, in pursuance of notice, asked and obtained leave to introduce the following bills:

A bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the pre-emption act of 19th June, 1834; and

A bill for the relief of Sutton Stephens;

Which were severally read twice, and referred to the Committee on the Public Lands.

THE MAINE BOUNDARY.

On motion of Mr. BUCHANAN, in accordance with his promise on yesterday, the Senate took up the resolutions offered by Mr. WILLIAMS, calling on the President of the United States for the correspondence, not already communicated, with the British Government, on the subject of the Maine Boundary, and with the British Minister and the Governor of Maine relative to the invasion of the State of Maine, and the exercise of jurisdiction in the disputed territory.

The question being on the following additional resolution, offered by Mr. RUGGLES:

Resolved further, That the President be requested to communicate to the Senate, so far as may not be incompatible with the public interest, whether any, and, if any, what measures have been taken, under the act of Congress of March, 1839, or otherwise, to cause the removal or expulsion of the British troops which have taken possession of a portion of the territory of Maine claimed by Great Britain; and especially whether, since the last session of Congress, any military posts have been established in Maine, or any other military measures adopted, preparatory to a just vindication of the honor and rights of the nation and of Maine, as connected with the persevering claim made by Great Britain to a portion of the territory of that State.

Mr. BUCHANAN said he scarcely knew what to say on the subject of this resolution. It would seem to contain an implied censure upon the President, which, in his humble opinion, was wholly unfounded. In regard to the course pursued by that distinguished officer in this very important and delicate matter, there was but one sentiment in this country, and all political parties had evinced their approbation of it. But the resolution of the Senator [Mr. RUGGLES] called upon him to communicate to the Senate whether any and what measures have been taken under the act of March, 1839, or otherwise, to expel the British troops from the disputed territory; and whether, since the last session, any military posts have been established in Maine preparatory to a just vindication of the nation's honor. Now, (said Mr. B.) every Senator knows perfectly well the only answer which the President can give to these interrogatories. Indeed, this answer has been substantially given in advance. In his annual message, dated on the second December last, he has informed us that he had not touched a dollar of the $10,000,000 confided to him by the act of March, 1839; and he then surrendered up the trust which had been confided to him by Congress. And why did he pursue this course? Simply because the contingency had not happened upon which he could have applied this money. There had been no invasion of our territory, or any imminent danger of such an invasion. There had been no attempt on the part of Great Britain to enforce by arms her claim to exclusive jurisdiction over the disputed territory. So far from it, that a solemn agreement had been entered into with the British authorities for the express purpose of preventing any such attempt from being made by either nation. It was not until about the first of January that the President could possibly have heard that two companies of British troops had been stationed at the Temiscouata lake, because the letter of Governor Fairfield, communicating this information, was not dated until the 23d of December. And yet the Senate are gravely called upon to adopt a resolution, asking the President whether he has taken any measures, under the act of March, 1839, to expel these troops—in the very face of his message of the 2d December last, declaring that he had not found it necessary to use any of the powers conferred upon him by this act. Nay, more. If the President had established military posts in the disputed territory, his conduct would have been justly censurable, and would have afforded to the British Government the same cause of offence as they have afforded to us, unless it should be satisfactorily explained, in recently stationing troops at the Temiscouata lake. The President's answer to these inquiries, we all know, must be in the negative; and it would, therefore, seem that the object was to cast an implied though a very unjust censure upon him for having done nothing.

Mr. B. said he did not know what course the President had pursued since the receipt of Governor Fairfield's letter. He presumed, however, that, as a matter of course, he had protested against this military occupation of the disputed territory by the British authorities as a violation of the subsisting agreement and of the rights of Maine, and had asked an explanation from the British Minister. Before he attempted to expel these troops by force, he must call upon Congress to furnish him the means. Indeed, we as yet know nothing of the particular circumstances attending this military occupation, except what is contained in the letter of Governor Fairfield; he should, therefore, be glad if the Senator from Maine would withdraw his resolution; but, if he did not, Mr. B. would not object to its passage. All the information which it was in the President's power to communicate would be elicited, if it could at this time be properly communicated by the two resolutions of the Senator's colleague, [Mr. WILLIAMS.]

Mr. B. said that, on the question of the Northeastern boundary, the conduct of the President had hitherto been so fortunate as to satisfy even his political opponents. It had combined prudence with firmness, and had received the approbation of almost every reflecting man in the country. The negotiation on this important question was, if he might be permitted to use the expression, now at its very crisis; and the President had deemed it inexpedient to communicate to Congress any of the correspondence which had taken place between the two Governments since the close of the last session, doubtless because he deemed that it might have an injurious effect upon the negotiation. Judging by the past, (said Mr. B.) surely we ought to have sufficient confidence in the President to wait for a short period, and not be calling upon him for communications which may be injurious to the public interest, and which, if so, ought to be withheld. The final result of the negotiation will probably soon be known; and will then, as a matter of course, be submitted to Congress, with all the correspondence.

Allow me, said Mr. B. to make one general remark before I take my seat. I am very apprehensive that we may have serious difficulties with the British authorities before the close of this controversy. My earnest desire is, therefore, that our proceedings may be marked with such justice, moderation, and firmness as to justify us in the eyes of all mankind. A contest must be avoided, if this be possible consistently with national honor; and then, if it should be forced upon us, we shall be a united people.

He made these remarks without any knowledge upon the subject other than that in the possession of every Senator.

Mr. RUGGLES said he concurred fully in the resolutions of his colleague, asking for copies of correspondence. But Mr. R's amendment went further, and asked information as to what had been done—not merely what had been said, but what had been done by the President; and Mr. R. would be glad to know what had been done under the act of 1839, or by any other authority. He had not been aware that his amendment could be construed into any disrespect or censure of the President: certainly it was not intended. It was a simple inquiry; and if the President had not done what he ought, Mr. R. would leave that matter to be decided by the State which he represented. Mr. R. also believed that the President might have done something since the second of December, under some authority, which he had not yet made known, and which it was worth while to know. He at least might have taken some precautionary measures, such, at least, as making surveys, for it was to be presumed that the President had his eye on what was known to the public, especially as he could not but have apprehended the risk of difficulty as well as the Senator from Pennsylvania and Mr. R. himself.

They had learned from the President himself, that commissioners had been appointed to make a survey of the country, and report, not to this, but to the British Government. And what had that commission done? They had gone up the St. John's river, crossing the line on their way to the west, to the head waters of the St. John's, which were contiguous to those of the Aroostook; and they had then gone down the Aroostook, and had entirely avoided that section of country which was designated by the treaty of 1783, and where the highlands were to be found as pointed out by the treaty. And now Mr. R. would ask the Senator from Pennsylvania if he believed for a moment that all this was for the purpose of ascertaining the facts in regard to the treaty? It had, on the contrary, been apprehended that thus, under cover of the treaty, it was for the purpose of seeking out military posts, and not of finding those marks and monuments which the treaty designated. This suspicion might be unfounded; but the apprehension itself which the Senator from Pennsylvania had expressed, seemed to warrant this inference of the people of Maine in reference to this survey. They had surveyed the rivers, and not the highlands; and this went to warrant the inference that the object of the survey was to get information for the Government of Britain that might be useful to them in case of the event which the Senator apprehended. And if such was their object, was it not proper to ask the President whether he had taken any precautionary measures, at least so far as to make a similar examination, especially as there was not a question in Congress or the country as to the right of Maine to the territory in dispute.

Mr. R. said further, that there had been a palpable and admitted violation of the arrangement entered into by the mediation of General Scott, of which the President could not but have been aware; and, in respect to caution, there had been abundance of that. The British Government had been cautious enough never to have a minister here with power to adjust the controversy; here, and here only, where the adjustment ought to have been made. They had now been cautious enough to send on this singularly conducted commission one of the ablest engineers of England, as if for the very purpose of a military survey. Mr. R. hoped, therefore, the amendment would be adopted.

Mr. ALLEN admitted the delicacy of this matter; but, delicate as it was, Congress, the Executive, and the whole American people were united as one man on the merits of this great question, and in according the right over the disputed territory to the State of Maine. Mr. A. ardently desired that this unanimity might be disturbed by nothing even doubtful or ambiguous; and if this resolution were doubtful in its character, he thought it ought to be so modified as to remove all ambiguity.

Mr. BUCHANAN said he would cautiously avoid, on this occasion, any debate on the general subject. His opinions were sufficiently well known to render this unnecessary. There were three resolutions before the Senate for consideration; two of them, which he thought entirely proper, called on the President for all the correspondence between the British Minister and the Governor of Maine, the British Government and our own Government, on the subject of the Northeastern boundary, which have not heretofore been communicated, provided its publication may not be deemed incompatible with the public interest. We have just heard, almost this instant, that British troops have occupied a portion of the disputed territory. The Senator from Maine, [Mr. WILLIAMS,] ever true to his trust, offers a resolution, calling upon the President for all the information in his possession, the publication of which he might not deem improper. All this was very proper; but what did the resolution of the other Senator [Mr. RUGGLES] propose? Why, that [reads the resolution.]

Now, sir, what is the character of this resolution? And, mark me, sir, I do not oppose its passage, but I will make a single remark. Suppose the President had established military posts in the disputed territory, as this resolution intimates he ought to have done, would it not have been a direct violation of the agreement concluded between General Scott and Sir John Harvey? Had the President acted in this manner, he would have violated the spirit, as the British, if our late information should prove to be correct, had done both the letter and spirit of this agreement. The agreement had procured us peace on the border, and, in my opinion, should not have been lightly disturbed. The President is asked what he has done under the act of March, 1839, when the President has expressly informed us that he has done nothing, because the contingency contemplated in that act had not occurred at the date of his message. The negotiation was then proceeding amicably, as the President had informed us, and he hoped it might progress in the same spirit until it reached a peaceful termination.

Mr. CLAY, of Kentucky, said it always gave him great pleasure to concur, when he could, in the views of the chairman of the Committee on Foreign Relations. But he must now differ from him so far as to think that there was not the slightest imputation on the President in this resolution; and the Senator himself seemed to admit as much when he said he should make no objection to its adoption. And further, the mover of the resolution had himself declared that he had no purpose whatever of censure. That Senator was deeply interested in this matter, and was even laudably desirous to know all that could be known about it consistent with the public interest. And to what had we come, if the President was to be asked no question in regard to his official duties? And was there nothing to be allowed to a State whose rights had been so long withheld? Sir, (said Mr. C.) while we guard the President, let us not be insensible to the feelings and just rights of a member of this Confederacy. On this subject he saw no occasion to censure

the President, but God knows he is sufficiently amenable to censure without going out of the way to find it. Sir, I think there is no imputation in the resolution, and I hope it will be allowed to be passed.

Mr. BUCHANAN said that he felt so much confidence in the Senate's ability to construe the meaning of language correctly, and was so much pleased with the approbation he had expressed of the President's conduct in regard to the Maine boundary controversy, that he was willing to forego his own opinion of the character of this resolution. It was true that this approbation had been accompanied by a protestation that the President was sufficiently censurable on other questions. As to the Senator's "God knows," &c. when he brings forward his bill of particulars, Mr. B. trusted that the friends of the President would be able to defend him triumphantly. At present Mr. B. was content with the admission in favor of the President's conduct respecting the Maine controversy, and he would now vote with more cheerfulness for the resolution.

Mr. DAVIS said he had listened yesterday and to day to the idea that this resolution implied censure on the President; but it had never entered his mind at all; and as to adopting the resolution, or an equivalent, there could be no doubt. The sentiment throughout Congress and the country was unanimous in favor of the right of Maine; and what the President in his late message had said was, we all felt deeply to be true, that the controversy had continued too long. It was full time for it to be brought to a close. And who knew what might be the present state of facts! At the last session, such was the excitement in the public mind, that when the British were about to take possession of this territory, there was great indignation manifested here and generally. Maine thought it her duty to repel that invasion. And how was the difficulty adjusted? By the mediation of General Scott, sent by this Government, between Maine and New Brunswick. There was now intelligence, very nearly official, that the territory was in the occupation of British troops, to remain there through the winter; and there was even an admission by the Governer of New Brunswick that the agreement then entered into had been violated. And what was the explanation of the Governor? That it had been done, not by his authority, but by one still higher, viz: that of the Governor General of Canada. Mr. D. thought there was every reason to be on the alert on this subject, and though he would violate no delicacy, he would not, on the other hand, forbear, till forbearance might well and justly be construed into tame submission. Very near, if not quite, to this point we had already gone, and he thought there was danger that the British Government might so construe it, and act accordingly. Mr. D. therefore insisted that this resolution, or something like it, ought to pass.

Mr. WILLIAMS said when he offered his resolution, he supposed it would bring all the correspondence, which the amendment proposed calling for, and he saw no obection to the resolution, and hoped it would be adopted.

Mr. ALLEN said he was entirely satisfied with the disclaimers of the mover, and other gentlemen of the Opposition, of any intended censure. With these disclaimers, he had no objection to the passage of the resolution.

The resolutions were then adopted.

ARMED OCCUPATION OF FLORIDA.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the bill for the armed occupation and settlement of that part of Florida overrun and infested by marauding bands of hostile Indians, reported the same with an amendment, the purport of which was to render the settlers under the provisions of the bill amenable to the laws of the Territory. The amendment was agreed to, and the bill was ordered to be engrossed for a third reading.

On motion by Mr. MERRICK, the memorial and papers of John Kurtz, owner of the ship Allegany, were referred to a select committee.

THE INDEPENDENT TREASURY BILL

Was then taken up and, after being discussed by Messrs. HENDERSON, WRIGHT, DAVIS, BUCHANAN, WALKER, and YOUNG, and the adoption of some unimportant amendments, was ordered to be engrossed for a third reading by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Norvell, Pierce, Roane, Sevier, Smith of Connecticut, Strange, Tappan, Walker, Williams, and Wright—24.

NAYS—Messrs. Betts, Clay of Kentucky, Crittenden, Davis, Dixon, Henderson, Knight, Merrick, Nicholas, Phelps, Prentiss, Preston, Robinson, Ruggles, Smith of Indiana, White, and Young—18.

The Senate then adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 17, 1840.

Mr. MITCHELL asked the permission of the House to lay before it the letter to General Green, which had been referred to on yesterday. He had, since his remarks at that time, received a copy, which he read to the House, as follows:

WASHINGTON, December 18, 1839.

DEAR GENERAL: As we shall, in a few days, elect a Printer to the House for the Twenty-sixth Congress, it has occurred to me and other of my political friends, that such an arrangement could be made with you as would justify the entire Whig party in supporting you for that office. We neither expect or ask you to sacrifice a single principle which you profess, nor to do any act not justifiable to your conscience and to the world.

I am satisfied that Gales and Seaton cannot be elected; and that, if the contest has to come to a strife between them and Blair, the latter, in my opinion, will succeed.

Now, what had passed through my mind, was simply this: that you should, in the event of your election, offer Gales and Seaton to share equally with them, respectively, the profits of the office, after allowing them a fair compensation *out*, for their personal services; they to do all the work at their office, and you to be elected to the station.

The profits cannot be less for the whole Congress than $30,000; this would give you $10,000, you having no trouble or responsibility whatever. Now I suggest this on my own responsibility, but nevertheless, I hazard nothing in the conjecture, that if you are here and put in, the thing can be managed adroitly enough to ensure success. I have a strong desire to defeat Blair, and would be glad to do so in a way to oblige you personally. Write me by the receipt of this, and if you can, be in this city at the earliest possible moment. I direct this to Baltimore, and also, in duplicate, to Cumberland.

Truly, in haste,
Your obedient servant and friend,
CHAS. F. MITCHELL.

Gen. GREEN, Baltimore.

Now, Mr. Speaker, the House can judge whether there is any thing in this letter to justify the charge of an attempt at bribery by me. It is simply a proposition for Gen. Green to become a candidate for public printer, and he to receive a proportion of the profits arising therefrom. He made no proposition to any party—to Green's personal friends, or to any one else. The suggestions were made by me merely as an inducement for him to become a candidate.

The gentleman from North Carolina [Mr. FISHER,] in stating the contents of the letter, to the best of his recollection, commenced by saying "that it is pretty well ascertained that Gales and Seaton could not be elected, and that the writer's aversion to Blair was so great, that he wished General Green to come on and be a candidate, believing that if he could get a few of his friends to vote for him, he could be elected; that the printing would be worth about $30,000, and as General Green probably had not the means of executing it, he could make an arrangement with Gales and Seaton to do it for him—he retaining $10,000, without any risk or responsibility whatever, and Gales and Seaton receiving the remaining $20 000 for doing the work and incurring the trouble and responsibility." Now, it was rather remarkable that that gentleman should remember what the letter did not contain, when he was stating that which it did contain. He did not state that I "did not wish General Green to do any thing not justifiable to his conscience and to the world." He thought the gentleman had a very peculiar memory, but he would, however, leave that to be settled by his own conscience.

The gentleman from South Carolina [Mr. HOLMES] shrunk from it, and was so astounded, that he could not sufficiently express his holy horror of the letter. That gentleman spoke of the propositions made to him. He had made no proposition to him. He had but written the single letter to General Green and none others. If there were other letters he thought they should be produced.

Mr. M. here made some remarks in defence of General Green, who, he said, had not acted in any way dishonorable in the transaction, and then read the following letter from that gentleman:

"DEAR SIR: I hand you a copy of your letter. I cannot withhold my surprise at the use that was made of it; but I cannot believe that Mr. FISHER or Mr. HUNTER have authorized the language in the Globe. I will give that attention to this matter which it requires at my hands. Your friend,

DUFF GREEN."

The SPEAKER, he said, had already disclaimed having authorized the language which characterized this letter as a case of bribery, in the statement published in the Globe. The gentleman from North Carolina also, in acknowledging that he gave permission to the editor of the Globe to publish the statement, disclaimed having stated to that editor, that either he or the SPEAKER had so characterized it as a case of "bribery," but that it was a third person, a gentleman not of this House. He cared not from what quarter that charge came, he pronounced it a falsehood, and he demanded that the author should be produced.

Mr. FISHER, who was absent at the time Mr. MITCHELL made his explanation, came in at a subsequent part of the proceedings, and, by permission, made the following remarks:

Mr. F. observed that since reaching his seat this morning, he had been informed that the gentleman from New York [Mr. MITCHELL] had, in his absence, made some additional remarks on the subject of his letter to General Green, and had introduced a copy of that letter. He had only to remark, that this was all proper enough, though it would have been as well if the original itself had been introduced. In the course of the gentleman's remarks, he understood that he had indulged himself in some reflections on his (Mr. F's) course, which he could not, at this time, take any notice of, for the reason that he had not heard them. He was absent in discharging the duties of the committee to which he belonged—the Committee of Elections. His object, Mr. F. said, in now asking the attention of the House, was, that the fact of his absence might be known, and go forth with the remarks of the gentleman; and to say that to-morrow, when the gentleman's remarks would be published, he would then be able to judge whether they were of a character to require his notice. If they should prove to be such, he would notice them; but if not, he would let them pass for what they might be worth. While up he would make another remark. The gentleman had alluded to the remarks of his friend from South Carolina, [Mr. HOLMES,] and he would therefore take the occasion to say that that gentleman was also absent.

Mr. J. W. JONES, chairman of the Committee of Ways and Means, by general consent, reported from that committee the following bills:

A bill making appropriations for the support of Revolutionary and other pensioners for the year 1840;

Also, a bill making appropriations for the current and contingent expenses of the Indian Department, and for the fulfilment of the various treaty stipulations with the Indian tribes for the year 1840;

Which bills were twice read, and, on the motion of Mr. JONES, referred to the Committee of the Whole on the state of the Union.

Mr JONES also laid before the House a document from the Indian Department, giving a detailed statement of the estimates made by the Indian Department, to accompany the bill above reported; which was ordered to be printed.

The SPEAKER then announced the order of the day to be on the motion to reconsider the vote laying on the table the following resolution of Mr. COLES as an amendment to the rules.

"All petitions, memorials, and papers touching the abolition of slavery, or the buying, selling, or transferring of slaves in any State, District, or Territory of the United States, shall, upon their presentation, be laid on the table, without being debated, printed, read, or referred, and no further action whatever shall be had thereon."

Mr. GRAVES then moved a call of the House, which was agreed to, and the roll having been called over, 199 members answered to their names; and after the absentees had been called, some of whom coming in answered to their names,

Mr. HOPKINS moved that further proceedings under the call be dispensed with.

Mr. COLQUITT then submitted to the Chair that he having, out of courtesy, yesterday yielded the floor to the gentleman from Kentucky, to enable him to make his motion, ought not to be debarred the privilege of expressing his views on the subject before the House; and

The SPEAKER having decided that the motion for reconsideration had precedence,

Mr. COLQUITT appealed from that decision.

Mr. BLACK asked if it would be in order for him to move to lay the motion for reconsideration on the table.

The SPEAKER replied that it would be in order for the gentleman to make such a motion, provided he could get the floor.

Mr. GRAVES said it was not his purpose to prevent gentlemen from expressing their views on this subject, and he would therefore move to postpone the further consideration of the subject until three o'clock, and make it the special order for that hour.

Mr COLQUITT having withdrawn his appeal to make way for Mr. GRAVES's motion,

After some further remarks from Messrs. GRAVES, EVANS, and WILLIAMS of Kentucky, the last named gentleman renewed the appeal.

A debate on the appeal then ensued, in which Messrs. WILLIAMS of Kentucky, EVERETT, CUSHING, WADDY THOMPSON, GRAVES, and LINCOLN, took part.

Mr. CRAIG called for the previous question, which, being seconded by the House, the main question was put, and the decision of the CHAIR was sustained—yeas 123, nays 72.

Mr. TILLINGHAST moved to lay the question of reconsideration on the table; but withdrew the motion, when

Mr. GRAVES moved to postpone it, and make it the order of the day for to-morrow, at twelve o'clock; and after some further remarks from Messrs. BELL, GRAVES, TILLINGHAST, and WILLIAMS, of North Carolina,

Mr. TILLINGHAST renewed his motion.

Mr. DROMGOOLE called for the yeas and nays, which were ordered; when

Mr. GRAVES said, to relieve the House from embarrassment, and permit the discussion to go on, he would withdraw his motion for reconsideration.

Mr. CAMPBELL, of South Carolina, and Mr. VANDERPOEL submitted to the CHAIR whether, the House having divided on the question, it was competent for the gentleman from Kentucky to withdraw his motion.

The SPEAKER was of opinion that the gentleman had a right to withdraw his motion.

Mr. COLQUITT, who was entitled to the floor, then addressed the House in an exceedingly eloquent speech of great length, in opposition to the reception of Abolition petitions, which will be laid before our readers as soon as written out.

Mr. SLADE then obtained the floor, and commenced an explanation of his views on the subject, and of the course he should take with regard to it, but after speaking a short time, yielded the floor to

Mr. VANDERPOEL, who moved that the House adjourn till Monday next; and, upon that,

Mr. ANDREWS demanded the yeas and nays, which were ordered.

Mr. VANDERPOEL, after the call had proceeded, said that, as it seemed to be the disposition of the House not to adjourn over, and as he wished to save time, he would, by permission, withdraw his motion; but, objection being made, the call was proceeded in, when it appeared that there were yeas 36, nays 142.

So the House refused to adjourn over.

Mr. J. W. JONES, chairman of the Committee of Ways and Means, asked the unanimous consent of the House for the purpose of moving a resolution. He said the order giving the CLERK the power to have the printing of the House executed had expired several days ago; and moved a resolution that the said order be extended for one week from Monday.

Mr. R. GARLAND objected to the introduction of the resolution.

Mr JONES said, two bills had been this day reported from the Committee of Ways and Means, accompanied by some estimates, all of which it was important, for the action of the committee, and indispensable to facilitate the public business, should be printed.

Mr. GARLAND persisted in his objection; whereupon

Mr. JONES moved to suspend the rules, for the purpose of introducing the resolution; but, before taking the question,

Mr. SLADE said he would be willing to yield the floor to the gentleman to make his motion, if, by universal consent, it could be carried; but, as objection was made, and proceedings might take place upon the proposition which would deprive him of the floor, he could not consent to yield it.

Mr. SLADE, however, gave way to a motion to adjourn; which, having failed, he was about resuming his remarks, when

Mr. GENTRY, by his permission, gave notice that he would, when in order, introduce a bill providing for the assumption of certain debts of the States, and appropriate the proceeds of the public lands for that purpose.

Mr. SLADE here made a motion that the House adjourn; and the yeas and nays having been ordered upon said motion, were—yeas 72, nays 65.

So the House refused to adjourn.

Mr. SLADE then made a motion to postpone the subject before the House until Monday 12 o'clock, and made the special order at that time.

Mr. R. GARLAND gave Mr. SLADE fair warning that if he could deprive that gentleman of the floor on that proposition on Monday, he would do so.

The question was then taken by tellers on the postponement, (Messrs. DROMGOOLE and DAVIES, of Pennsylvania, acting as such,) when it appeared that there were—ayes 106, noes 21.

Mr. J. W. JONES again renewed his proposition to extend the power of the CLERK to provide a suitable person to execute the necessary printing until Monday week next. He said it was indispensably necessary to have the printing executed by some person.

Objection being again made to the introduction of the resolution,

Mr. JONES moved to suspend the rules for that purpose; but before taking the question,

Mr. STANLY moved an adjournment, and the yeas and nays having been ordered upon the same, he withdrew his motion.

The question then recurred on the motion to suspend the rules, and on that

Mr. R. GARLAND demanded the yeas and nays, which were ordered, and were—yeas 102, nays 67, as follows:

YEAS—Messrs. Alford, J. Allen, Hugh J. Anderson, Atherton, Beatty, Black, Botts, Boyd, Briggs, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O Butler, Calhoun, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Mark A. Cooper, Craig, Crockett, Cushing, Dana, Davee, John Davis, John W. Davis, Doberry, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Edwards, Ely, Floyd, Fornance, James Garland, Gerry, Graham, Hammond, Hand, John Hastings, Hawkins, Henry, John Hill of North Carolina, Hillen, Holleman, Hopkins, Howard, Hubbard, Jackson, Jas. Johnson, Cave Johnson, John W. Jones, Keim, Kemble, Leadbetter, Lee, Leonard, Lucas, McCeilan, McCulloh, McKay, Marchand, Medill, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Petrikin, Ramsey, Rayner, Reynolds, Edward Rogers, Samuels, Shaw, Slade, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Underwood, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—102.

NAYS—Messrs. Adams, Simeon H. Anderson, Andrews, Barnard, Bell, Brockway, Carter, Chinn, Chittenden, James Cooper, Corwin, Crabb, Cranston, Curtis, Davies, Garret Davis, Dennis, Evans, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goggin, Granger, Graves, Green, Habersham, Wm. S. Hastings, John Hill of Virginia, Hoffman, Holmes, James, Charles Johnston, William Cost Johnson, Keim, Kempshall, Lawrence, Marvin Mitchell, Monroe, Morgan, Naylor, Palen, Peck, Pope, Proffit, Randall, Rariden, Reed, Ridgway, Russell, Saltonstall, Simonton, Stanly, Storrs, Stuart, Taliferro, Toland, Triplett Trumbull, Wagner, John White, T. W. Williams, Lewis Williams, and Sherrod Williams—67.

So the rules were not suspended, a vote of two-thirds being necessary for that purpose.

Mr. CURTIS here gave notice that he would, on the first opportunity afforded, ask leave to introduce a bill for the relief of certain insolvent debtors of the United States, and to repeal certain acts re ating to such debtors.

On motion,

The House then adjourned till to morrow morning 12 o'clock.

HOUSE OF REPRESENTATIVES,

SATURDAY, January 18, 1840.

The SPEAKER announced to the House that the subject before it was the special order, being the proposition of Mr. THOMPSON, of South Carolina, to amend the rules by the addition of the following:

Resolved, That, upon the presentation of any memorial or petition, praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate, or further action thereon.

Mr. SLADE, who was entitled to the floor upon this subject, was proceeding, but was interrupted by

Mr. LEET, who asked him to give way for the purpose of enabling him to make a motion that the House proceed to the election of public printer. He said that it was indispensably necessary that provision should be made to have the printing executed—that the public business was suffering. The chairman of the Committee of Ways and Means made a motion, on yesterday, to provide temporarily for printing, it being, he said, on the ground that it was absolutely necessary to facilitate the public business. Mr. L. was progressing in some further remarks, when he was interrupted by

Mr. SLADE, who claimed to proceed with his remarks; but was again interrupted by

Mr. BIDDLE, who wished, he said, to present to the House a petition with which he had been charged for several days, on the subject of safety guards to prevent explosions of steamboats.

Mr. SLADE said that if any way could be devised for him to permit the motions, and yet retain the floor upon the question before the House, he would willingly yield; on which suggestion he yielded, when

Mr. BIDDLE made a motion that the petition would be received by universal consent, and referred to a select committee; but objection having been made to its reception,

Mr. FISHER rose and said: The House will recollect that, on yesterday, I made known to it that I was absent from the hall when the gentleman from New York submitted a copy of his letter to General Green, and his remarks upon it; and that I could not then take notice of them, for the reason that I did not hear them. I stated, however, that when these remarks should appear in the papers, if I esteemed them of such a character as to require a notice from me, I should notice them this morning. I have read the report of the gentleman's remarks in the National Intelligencer of this morning, and I take it for granted that the report is correct, though I have been informed by some gentlemen of this House that some things are reported to have been said by the gentleman, which were not delivered by him to the House. Such as they were, they require some slight no ice from me.

I need scarcely allude to the circumstance that the gentleman chose to deliver those remarks in my absence. Whether this was done inadvertently, or with a view of "*managing the thing adroitly*," I leave it to this House to conclude; but I will say for myself, that I never will rise on this floor and direct my remarks to a gentleman behind his back, or in his absence. I look upon this procedure as not in accordance with what a gentleman should do. But the letter of the gentleman is before the public; my statement is before the public; the statement of the gentleman is before the public, and I will leave it to them to say whether the letter does not bear out every thing I said. What did I say? I will read an extract from the gentleman's letter, to show how fully it agrees with my statement. Mr. F. here read the following extract:

"It has occurred to me and other of my political friends, that such an arrangement could be made with you as would justify the *entire Whig party* in supporting you for that office."

Now, what was the *arrangement* that would justify the *entire Whig party* in supporting Gen. Green for that office? The letter tells. It is this:

"Now, what had passed through my mind, was simply this: that you should, in the event of your election, offer Gales and Seaton to *share equally* with them, respectively, the profits of the office, after allowing them a fair compensation *out*, for their personal services; they to do all the work at their office, and you to be elected to the station.

"The profits cannot be less for the whole Congress than $30,000; this would give you $10,000, you having no trouble or responsibility whatever."

That is the consideration, Mr. F. said. It is very true the gentleman says he "suggests this on his own responsibility;" but he goes on to say, "but, nevertheless, I hazard nothing in the conjecture, that if you are here and put in, the thing can be managed *adroitly enough* to insure success." I know not, said Mr. F. what the gentleman's ideas of ethics may be; he may think there is nothing like bribery in his proposition; but I leave it to the House and to the world to say whether its object was not to move is a certain direction, and offering $10,000 to produce a certain result. If it were proper to refer to General Green's letter, it would show that he looked upon the thing as pointing directly to certain gentlemen in this House. The gentleman says he spoke of no *votes*, and alluded to no particular individual; but was it to be supposed that he would come out in a matter of this kind, and name individuals occupying a particular position on this floor? The gentleman knows how to "*manage such things too adroitly*" to become so very specific as to name individuals, or even to name their party name or designation. My object, however, said Mr. F. in rising, is to say that my statement is before the world, with the letter of the gentleman and his statement, and let the world judge how they agree together. The main leading object of the gentleman's letter, was the offer of $10,000 to produce a certain result. I stated that in so many words, and the letter will bear me out in it.

Mr. MITCHELL said the House would bear him out in the assertion that he had acted throughout in this matter in self-defence. In reference to this business he was not accountable. He rose yesterday to redeem his promise to the House which he made when first he addressed them on the subject, and was not aware that the gentleman from North Carolina was not in the Hall till he looked around and found his seat vacant. He had given notice that as soon as he received a copy of his letter to General Green, he would lay it before the House, and at the earliest moment after receiving it, he redeemed his promise. He would now call the attention of the gentleman from North Carolina to something in his statement which he, (Mr. M.) wished him to explain—for it seemed strange that the gentleman should recollect so distinctly the particular words which appear in the letter when they are not in it at all. The gentleman in this statement says:

"The gentleman from New York commences the letter by saying that it had been distinctly ascertained that Messrs. Gales and Seaton could not be elected public Printers, and that his aversion to Mr. Blair was so great that he was disposed to go all lengths to defeat his election, and that he believed that, by the acquisition of a few votes, Gen. Green could be elected."

Now, said Mr. M. there is not a single word of this character in my letter. I did not allude to the acquisition of a few votes, nor did I say that my aversion to Mr. Blair was so great that I would go all lengths to defeat his election. And I said that I did not wish Gen. Green to do any act that was not justifiable to his conscience and to the world. It was to that particular part of the gentleman's statement that I wish to call his attention.

Mr. FISHER replied: In giving my statements, I did not pretend to give the exact words in the gentleman's letter, nor did I pretend to give all that was in it. I forgot the most material parts of it—I forgot all about "*adroit management.*" As to what I said about Mr. Blair, I ask if the letter does not justify me in what I said. I will quote the gentleman's own words: "I have a strong desire to defeat Blair, and would be glad to do so in a way to oblige you personally." But, sir, I have done with the subject.

Mr. GRAVES here rose and called the attention of the House to an article which appeared in the Globe of yesterday evening, in which he said it was intimated that he had been guilty of a finesse by which a fraud was practised on the House. Mr G. then read the following:

"In the House, the Abolition discussion is continued. Mr. COLES's resolution, which would, if passed, have closed the debate, was laid on the table. Mr GRAVES, some days ago, moved a reconsideration; and this prevented Mr. THOMPSON of Mississippi from moving it. Mr. GRAVES, to-day, having carried the reconsideration, withdrew the motion, and so Mr. COLES's proposition, was lost, it being held that it was too late for any other to move the reconsideration. This looks like finesse."

If, said Mr. G. I made this motion, and had afterwards withdrawn it with the view of preventing the gentleman from Mississippi, or any other gentleman, from making it, I should have committed a fraud on him, and on the House; but my object is now to show that I did no such thing. I mentioned my intention of moving the reconsideration to some gentlemen of the House, and to avoid interfering with the discussion going on, I postponed it until the latest hour at which the motion could be made.

When I thought the House was about to adjourn, I rose and remarked to the SPEAKER that I offered my motion now, because it could not be made after that day. I did not observe who had the floor, until the gentleman from Georgia observed that he yielded it to me. I then submitted the motion without having heard from the gentleman from Mississippi, or without having the least idea that he contemplated making such a motion; nor did I believe that he or any other gentleman intended to make it. I should feel myself unworthy of the seat I occupy here, if I were capable of deceiving any gentleman, or by any sort of finesse preventing him from offering a motion to this House. Neither the gentleman from Mississippi, nor any other gentleman, could say that he desired to make such a motion. When I perceived that it was the determination of the House that if this reconsideration prevailed, the question on the resolution of the gentleman from South Carolina should be taken at once, and thus cut off the debate—the remarks of the gentleman from Georgia, [Mr. COLQUITT,] who yielded him the floor, among others, I proposed to postpone the consideration until three o'clock, and that proposition not appearing satisfactory, I proposed to postpone it until twelve o'clock to-day. Both these propositions appearing to be unacceptable, and finding that, by persisting in my motion the debate would be cut off, I stated to the House that I could accomplish my object in an independent way, and would therefore withdraw my motion. So, sir, the charge that I was guilty of finesse, by which the gentleman from Mississippi was prevented from making his motion, is without any foundation.

Before I take my seat, Mr. G. said, I wish to make a remark or two in relation to another charge against me, which originated in the Government organ. In a report of the proceedings of this House, made by the Globe in relation to the New Jersey contested election case, he was represented as saying that "the members from New Jersey, who held the Governor's certificate, were entitled to their seats; and it was not in the power of this body to prevent them from taking them. He had no idea that they should be excluded, because five loafers might see proper to come there and claim their seats."

Now, at the time he made these remarks, he expressly disclaimed applying the term loafers to either of the sets of claimants from New Jersey, and the Intelligencer of the day reported him correctly as making the disclaimer. But by the report in the Globe, it appeared that he had denounced the gentlemen who came on in opposition to the returned members as five loafers This report was made the foundation, in several of the newspapers of the North, and particularly in one of them, [Mr. G. alluded to the New Era of New York,] for the most violent attacks on him, representing him as a blackguard in using language on that floor unbecoming a member of the body. Under these circumstances, he appealed to one of the New Jersey gentlemen, [Mr. DICKERSON,] with whom he was acquainted, to know whether he understood him as using that offensive language, and that gentleman assured him that he had not. He then applied to one of his colleagues, who belonged to the Administration party, to go to Mr. Blair and point out the injustice his report had done him, and to ask him to correct it. His colleague did go to Mr. Blair, and ask him to make the necessary correction of his report; but he was answered that he must receive a note, pointing out the error, which he would insert in his paper. Now, as he did not choose to enter into a correspondence with the editor of the Globe, the matter rested. It seems to me, said Mr. G. that when we admit persons here as reporters of debates, if they report remarks of persons to whom they are politically opposed, they should do it fairly, and not by reporting one sentence, and suppressing the qualification, convey a different idea of the speaker's meaning. For my own part, I would not care whether they reported me at all—but if they do report my remarks, I wish them to report all that I say. If I had known the Reporter of the Globe, who made the report to which I have adverted, I would have moved to expel him from the Hall. I will vote, Mr. G. said, to expel any Reporter from this Hall who dares to misrepresent a political adversary by reporting a part of his speech that may do him injustice, and not reporting the other part necessary to make him understood. After some further remarks from Mr. GRAVES.

Mr. BOYD, of Kentucky, observed that he was present, and listened to the speech of his colleague on the New Jersey election case, to which he referred; and he could, therefore, say, that it was true that he did qualify his remarks in relation to loafers coming to claim seats here, so as to show that he did not mean to apply them to either side of the New Jersey claimants. With regard to the part he took, or the statement he made to the Editor of the Globe, he would briefly say, that he met Mr. Blair, and stated to him, that in an editorial remark of his, he had misstated Mr. GRAVES, and that that gentleman requested him to make a correction. Mr. Blair denied that he had done so in any editorial remark, and said that if there was a misstatement of the gentleman, it must be in the report of the proceedings of the House; and, if so, he would with very great pleasure make any corrections that Mr. G. might deem necessary. He had no doubt but what the report his friend referred to was a misstatement, and so he informed the Editor; but he was under an impression at the time that it was in an editorial remark. The Editors of the Globe had made no editorial remarks in relation to the subject, but said that if there was a misstatement, it must be in the report, and that he would, with a great deal of pleasure, insert any correction that the gentleman might deem necessary. I thought it due to my colleague and to Mr. Blair to make this statement.

Mr. GRAVES. I submit to my colleague whether I did not request him to wait on Mr. Blair, and say to him that I had been misrepresented in a report in the Globe; and whether he had not seen in the columns of the New York New Era an article in which I was grossly abused, in consequence of the remarks I was represented in the Globe to have made. And I submit to him, Mr. G. said, whether I did not apply to him to go to Mr. Blair and get him to correct the erroneous report, without subjecting me to a correspondence.

Mr. BOYD. It is true that I saw a very abusive article in the New York Era, in relation to the remarks attributed to my colleague on the New Jersey election case; but I have not to this day read the report in the Globe on which my colleague says it was founded. It is true my colleague came to me, and requested that I would make the suggestion to the Editor of the Globe, to correct the report without subjecting him to a correspondence. But I went to Mr Blair, and he replied promptly that his columns were open, and that he would insert any correction the gentleman might deem necessary. It is true that my colleague applied to me to go again to Mr. Blair; but it is also true that I did not do it. I felt that I had done my duty in the part I had already taken.

Mr. STANLY observed that they would have nothing else to do, if they endeavored to correct the errors and falsehoods that appeared in that paper.

The SPEAKER called Mr. STANLY to order, and he took his seat.

Mr. THOMPSON of Mississippi said, as he had taken a part in this transaction, it was due to the gentleman from Kentucky that he should make a short statement. It was true he had voted with the majority to lay the proposition of the gentleman from Virginia [Mr. COLES] on the table. It was true that he had had no conference with the gentleman from Kentucky in relation to the motion for reconsideration. It was also true that he, Mr. T. did not intend to make that motion on the day it was made. He was satisfied with his vote, and would now be far from changing it on the proposition, as it then read. But after the motion for reconsideration was made, he, Mr. T. held a private interview with the gentleman from Virginia, [Mr. COLES,] and told him that he would vote a reconsideration on condition that he [Mr. C.] would so change his proposition as to accord with the resolution passed at the last session on this subject, which had given general satisfaction to the country. He, Mr. T. assured the gentleman from Virginia that he never could consent to have this House recede from the position then taken in reference to these petitions. He was willing to rise higher, but *never to give ground*. The gentleman from Virginia agreed to make the amendment. Thereupon he, Mr. T. became desirous for a reconsideration, and was very reluctant for the gentleman from Kentucky to withdraw his motion. He expressed

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JANUARY 28, 1840. VOLUME 8.....No. 9.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 8]

that reluctance to the gentleman himself, and endeavored to renew the motion; but the SPEAKER decided it to be out of his power.

Mr. SLADE then proceeded in his remarks, with a purpose, he said, to avoid any thing which might savor of harshness towards those who represent the peculiar interests of the South. In presenting petitions here, it had always been solely his purpose to discharge his duty to his constituents; the petitions from many of whom, he was understood to say, he had the honor of presenting he thought were rather too exciting. He believed many of these petitioners were over excited in their general movement for the abolition of slavery in the District of Columbia; and he believed, after they shall have accomplished that object, that they will have attained nothing then, comparatively speaking. Mr. S. said the proposition of the gentleman from South Carolina, [Mr. THOMPSON] involved in itself an absurdity. The Constitution gives the House power to make rules of proceedings for the government of its own action; but this was not such a rule as was authorized by the Constitution; that this was not a rule to govern the future action of the House on a particular proposition, but in anticipation disposed of it without this action. He did not think there was any power in the Constitution thus to dispose of any matter in advance of its presentation. Each House is required by the Constitution to keep a journal of its proceedings, but this rule proposes that there shall be no proceeding at all. One-fifth of the members have also the right to demand the yeas and nays on every subject brought before Congress, yet this proposition goes to deprive the one-fifth of their privilege, on a certain subject, by legislating in advance upon it, and in opposition to the plain meaning of the Constitution. He contended that they had just as well make an order that all bills should be laid on the table without being read. The proposition, he said, amounted to an enactment that petitions on this subject shall not be received—that it was deceptive in its character—that it seemed upon its face in one aspect to give the House the right to act hereafter, but on another deprives it of that right. He argued to show that the laying the question of reception on the table, did not lay the petition on the table, but in point of fact, put it back into the pocket of the member who presented it—that it amounted to a decision that they should not be received. It was in effect the abridgment of the right of petition.

Mr. S. admitted that the House might refuse to receive petitions for a certain cause—that it might refuse to receive such as asked them to violate the Constitution, or presented, on their face, that which was highly obnoxious. He did not fully subscribe to the doctrine that a petitioner might demand the presentation and reception of a petition; for he thought the Representative had the right to refuse to present, and the House to receive, such petitions as were absurd, monstrous, and abusive in their character. Abolition petitions, he said, were not of this character: and he asked gentlemen whether, if they threw them out, it would not be an infringement of the Constitution—it would be depriving a class of citizens of the right of petition on a subject which they considered a grievance, and which Congress had the power to redress. He considered the proposition looked far beyond the question of slavery; and cautioned gentlemen to take care that, in their zeal to suppress petitions on this subject, they did not go too far, and establish odious principles. Mr. S. shewed how this principle, if once adopted, might operate to exclude petitions on any other subject. A law might be enacted, making a duty of 30 per cent. on importations; and their Southern brethren might load their tables with petitons, complaining that it was onerous, that they were on the road to ruin in consequence. They might petition against harbors, pre-emptions, post routes, or any other subject within our legislative powers. Yet the principles of the proposed rule would as well apply to this class of petitions as those on the subject of Abolition.

He asked gentlemen to look deliberately to what they were doing, to see whether they were not preparing halters for their own necks. Petitions might be presented praying the exposure of the corruptions of Government. Excitement was the only cause, it seemed, for the rejection of those on the subject of Abolition; but the fear of exposure might operate with equal propriety for those in power to resort to this rule to reject petitions on the subject of corruptions; it would be a convenient one to shut the mouths of the Representatives against those abuses. There would be no end to the direful effects of this rule; the question of right to petition was that upon which all hinges. Mr. S. then went into an argument to show that this was a fair subject for the legislative action of Congress. He contended that that article in the Constitution which gave Congress the power to "exercise exclusive legislation over the District," gave them power over this subject; and admitted if it was not so, there could be no grievance upon which to base those petitions. The language "exclusive legislation, carried upon its face its own verity—it was a self evident proposition, and could be made no plainer—the mere declaration carried home to every mind the conviction that the power exists. He said the Legislatures of Maryland and Virginia had no more right to legislate for the District of Columbia, than they had to legislate for the State of Maine—that the District had no government, and no power to legislate for itself; and the power must, of consequence, exist in Congress alone. Mr. S. then cited authority of Mr. Madison, Patrick Henry, and various others, in proof of the fact that the power of Congress over the District was complete, and that the abolition of slavery therein was subject to the exclusive legislation of Congress. He then examined the nature of the grant by the States of Maryland and Virginia, in proof of his position, and read various reports of committees of Congress, touching the subject of slavery in the District of Columbia, and bills proposing legislative action, and for the amelioration of the condition of the slaves. Whilst he admitted the right to reject petitions which proposed to Congress to violate the Constitution, yet he thought all petitions of doubtful character should be received. He looked upon the representative body as the embodyment of their constituency, and that they should receive the impression of their sentiments, and not treat with impunity their prayers. What (he said) was the right of petition worth if it did not have the ear of power? It could not be said that the right existed at all, if the petition was not received or listened to, and it was a gross violation of the right of petition to keep the petitioners without the hearing of that body. If this principle should obtain, the next thing would be to say that petitions should not be presented. As the ball rolls on, it would at last be made a penal offence to present Abolition or other petitions. The States that never come here as petitioners would, under this rule, be treated as if they were. He had in his possession a resolution of the Legislature of Vermont, protesting against the resolutions of the last Congress on this subject as a gag; but this would be drawn into the same common vortex with individual petitions. They had no right to presume in anticipation that a sovereign State would ask them to do an unconstitutional act. It was monstrous, making this sweeping rule, which even disregarded the sovereign power of a State. Mr. S. cited instances when slave States, and Alexandria had petitioned Congress upon this subject as a grievance; and argued that the citizens of Vermont had as much right to petition as they. He then advocated the principles of the Abolitionists, and showed that they did not wish to deprive the master of his slave by physical force, but thought slavery a grievance, and a fit subject for legislative action. Mr. S. continued at much length, and before concluding his remarks, yielded the floor to

Mr. PARRIS, who moved that the House adjourn.

Mr. CRABB demanded the yeas and nays, which were ordered; but the question was taken by count, and decided in the affirmative—yeas 84, nays 57.

The House then adjourned till Monday next.

IN SENATE,

MONDAY, January 20, 1840.

The CHAIR presented a memorial of the Legislature of the Territory of Iowa, asking for an appropriation to aid in completing the penitentiary in that Territory; which was referred to the Committee on the Judiciary.

Also, the petition of the administrators of John McHatton; which was referred to the Committee on Revolutionary Claims.

Mr. MERRICK presented the memorial of Charles Blight, in behalf of himself and the heirs of Robert Fulton; which was referred to the Committee on Claims.

Mr. M. also presented the memorial of the corporate authorities of the City of Washington, praying for the improvement of certain streets and avenues;

And the memorial of the Board of Health, praying for the construction of a lunatic asylum;

which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DAVIS presented the petition of Silence Elliot; which was referred to the Committee on Revolutionary Claims.

Mr. D. also presented the petition of Thomas B. Parsons; which was referred to the Committee on Naval Affairs.

Mr. CLAY of Kentucky presented the petition of Mary Brush; which was referred to the Committee on the District of Columbia.

Mr. WILLIAMS presented the petition of Polly Clough; which was referred to the Committee on Naval Affairs.

Mr. W. also presented the petition of a number of citizens of the State of Maine, praying the adoption of measures for effecting a Congress of nations for the purpose of adjusting international difficulties without a recourse to arms; which was laid on the table.

Mr. ALLEN presented the memorial of the president and directors of the Portsmouth and Columbus Turnpike company, praying for a grant of public lands; which was referred to the Committee on Public Lands.

Mr. TAPPAN presented the petition of Lewis Feuchwanger, praying permission to issue as coin, of the value and denomination of one cent, a quantity of German silver, of which he is the inventor; which was referred to the Committee on Finance.

Mr. GRUNDY presented the memorial of Edmund Fanning, praying for assistance of Government for an expedition to the South Seas; which was referred to the Committee on Commerce.

On motion by Mr. LUMPKIN, the petition and papers of Alfred Stewart, now on file, were referred to the Committee on Indian Affairs.

The motion of Mr. MERRICK, to refer the papers in relation to the claim of the owners of the ship Allegany, to a select committee of three, was taken up, and, after some remarks from Messrs. MERRICK, WRIGHT, SMITH of Indiana, HUBBARD and KING, was agreed to.

Mr. WRIGHT presented a memorial from the agents of steam jackets between the city of New York and various European ports, praying for a modification of the law allowing a drawback on imports, so as to allow a drawback on coal imported by them and used on their return voyages to Europe; which was referred to the Committee on Commerce.

Mr. W. also presented the memorial of Esther Lefferts; which was referred to the Committee on Revolutionary Claims.

Mr WILLIAMS, from the Committee on Naval Affairs, to which had been referred

The memorial of a number of the surviving captors and representatives of deceased captors of the frigate Philadelphia, praying remuneration for their services; and

The petition of sundry widows of persons lost in the privateers of the United States, for renewal of pensions:

Severally asked to be discharged from the further consideration thereof; which was agreed to.

Mr. STRANGE, from the Committee on Naval Affairs, to which was referred the petition of Samuel Warner, made an adverse report thereon which was ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the memorial of the Legislature of Wisconsin, praying for the confirmation of the claim of Francis Laventure and others, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. WRIGHT, from the Committee on Finance, to which was referred the letter of the Secretary of War, asking an appropriation for the removal of the Stockbridge and Munsee Indians, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. W. also from the same committee, to which had been referred the memorial of a religious community of St. Louis, denominated the "Ladies of the Sacred Heart," asked to be discharged from its further consideration, and that it be laid on the table; which was agreed to.

Mr. W. also from the same committee, to which had been referred a resolution of the Senate in relation to the repeal of duty on marble busts and statuary, asked to be discharged from its further consideration, and that it be referred to the Committee on the Library; which was agreed to.

Mr. PIERCE, from the Committee on Pensions, reported a bill providing for the continuance of the office of Commissioner of Pensions, and to transfer business heretofore transacted at the Navy Department to that office; which was read, and ordered to a second reading.

Mr. WILLIAMS, in pursuance of notice, asked and obtained leave to introduce a bill to explain the fifth section of the act for the better organization of the United States Marine Corps; which was read twice and referred to the Committee on Naval Affairs.

Also, a bill to regulate the pay and emoluments of pursers in the navy; which was read twice, and referred to the Committee on Naval Affairs.

Mr. SEVIER, in pursuance of notice, asked and obtained leave to introduce a bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas; which was read twice, and referred to the Committee on Indian Affairs.

Mr. STRANGE submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the several laws upon that subject as to allow all the newspapers in the respective States to publish the laws passed at each session of Congress as is now done by the three newspapers selected in each State, and in consideration thereof, and as the

only compensation to be received by any newspaper therefor, be allowed to circulate within their respective States free of postage.

Mr. PRENTISS submitted the following resolution, which was adopted:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to Ebenezer Swan, on account of a disability incurred by him in the military service of the United States.

ARMED OCCUPATION OF FLORIDA.

The bill for the armed occupation and settlement of that part of the Territory of Florida infested by marauding bands of hostile Indians, was taken up on its third reading.

After some remarks from Mr. PRESTON in opposition to the bill, the question was taken on the passage of the bill, and resulted yeas 24, nays 15, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Walker, Williams, Wright, and Young—24.

NAYS—Messrs. Betts, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Knight, Merrick, Phelps, Prentiss, Preston, Smith of Indiana, Strange, and White—15.

So the bill was passed.

THE INDEPENDENT TREASURY BILL

Was then taken up on its third reading. Mr. CLAY of Kentucky addressed the Senate at great length in opposition to the bill.

Mr. WALKER rose to reply to some of the remarks of Mr. CLAY; but at the suggestion of many Senators, gave way to a motion for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, January 20, 1840.

The SPEAKER announced to the House that the subject before it was the special order of Saturday, being the proposition of Mr. THOMPSON, of South Carolina, to amend the rules by the addition of the following:

Resolved, That, upon the presentation of any memorial or petition, praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate or further action thereon.

Mr. SLADE, who was entitled to the floor upon this subject, was proceeding, but was interrupted by Mr. KEIM, who begged permission to make a correction of his vote, on Friday last on the proposition of Mr. JONES, of Virginia, to suspend the rules to enable that gentleman to move a resolution that the Clerk be empowered to employ a competent person to execute the public printing until that officer was elected. Mr K. said that, in the list of yeas and nays upon that subject, as published in the Globe, his name appears among those who voted in the negative. Such was not the fact. He voted in the affirmative on that proposition.

Mr. SLADE resumed, and occupied the floor the whole day, in addition to Saturday, in defining the principles of the Abolition party, and vindicating it from the many reproaches which had (he said) been heaped upon it, and argued strongly that the question of expediency should not operate to defeat the ends of justice. He contended that Congress had the power to emancipate the slaves in the District of Columbia; that there was no implied faith given to Virginia and Maryland that the subject of slavery in said District should not be touched. He then took a review of the rise and progress of Abolition principles in England and in this country, at which he was much gratified, and concluded by defining his political position, and particularly in reference to the question of Abolition, and how far that question will influence him in giving support to the nomination of the Harrisburg Convention. He had last year determined to support that nomination, without regard to the peculiar notions of the nominee on the subject of slavery; and that, in giving his support to Mr. Harrison, he did not do so on account of his Abolition principles, but because the happy change which the principles he professed would work upon the future action of the Government, should he be elected.

Some effort was made by Mr. R. GARLAND to introduce a substitute to change the nature of the proposition before the House; to which, however, objection was made.

Mr. GARLAND, of Virginia, obtained the floor; but gave way to

Mr. BLACK, who moved that the House do adjourn.

Mr. PETRIKIN demanded the yeas and nays; which were ordered, and were—yeas 55, nays 52.

So the House adjourned.

IN SENATE,

TUESDAY, January 21, 1840.

The CHAIR submitted a message from the President of the United States, furnishing information called for by a resolution of the Senate of the 30th ult. in relation to the amount of money paid from the Treasury to satisfy private claims for the five years preceding January, 1840; which was laid on the table, and ordered to be printed.

Also, a letter from the Secretary of State, explaining the cause of delay in publishing the Biennial Register; which was laid on the table, and ordered to be printed.

Also, a letter from the Secretary of the Navy in relation to the number of clerks employed in that Department during the past year, and their amounts of compensation; which was laid on the table.

Also, a letter from the Secretary of the Treasury in answer to a resolution of the Senate of the 15th inst. in relation to the establishment of marine hospitals at the mouth of the Arkansas river; which was laid on the table, and ordered to be printed.

Also, a report from the Secretary of War, showing the amounts appropriated and expended, and the balances remaining in hand, for the service of that Department during the year 1839; which was laid on the table, and ordered to be printed.

Mr. PHELPS presented the memorial of a number of citizens of the State of Vermont, praying such further legislation of Congress as will effectually abolish the foreign slave trade; which was referred to the Committee on the Judiciary.

Mr. P. also presented the memorial of a number of citizens of Vermont, praying the passage of a law to prohibit the local authorities in the District of Columbia from imprisoning free persons of color, and selling them in satisfaction of jail fees, on the presumption of their being slaves.

The reception being objected to, the motion to receive was,

On motion by Mr. SEVIER, ordered to lie on the table.

Mr. SEVIER presented documents in relation to the claim of John C. Reynolds; which were referred to the Committee on Indian Affairs.

Mr. NICHOLAS presented the petition of T. F. Peterson, praying permission to purchase from the Government a certain island, situated near the mouths of the Mississippi river; which was referred to the Committee on the Public Lands.

Mr. DAVIS presented the memorial of John Diele, a citizen of the United States, praying that a work published by him in the Sandwich Islands may be admitted into the United States free of duty; which was referred to the Committee on Finance.

Mr. TAPPAN presented the petition of John Johnston, praying to be released from a judgment obtained against him; which was referred to the Committeee on the Judiciary.

Mr. PIERCE presented the petition of John Crawford, praying arrears of pension; which was referred to the Committee on Pensions.

Mr. KING presented the petition of Charles D. Connor, praying to be allowed the right of preemption to a tract of land; which was referred to the Committee on the Public Lands.

Mr. HUBBARD presented the petition of Jacob Dunham, praying remuneration for property destroyed during the late war, which was referred to the Committee on Claims.

Mr. CLAY, of Alabama, from the Committee on the Public Lands, to which was referred

A bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th of June, 1834; and

A bill for the relief of Sutton Stephens;

Reported the same without amendment.

Mr. C. also from the same committee, asked to be discharged from the further consideration of the the memorial of the President and Directors of the Portsmouth and Columbus Turnpike company; which was agreed to.

Mr. PHELPS, from the Committee on Roads and Canals, to which was referred a bill to grant to the States and incorporated companies engaged the construction of roads and canals, the right of way through the public lands of the United States, reported the same without amendment.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred a bill to provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas, reported the same without amendment.

Mr. S. from the same committee, made an unfavorable report on the petition of Jubal B. Hancock; which was ordered to be printed.

Mr. BETTS, from the Committee on Claims, to which was referred the petition of John Burke, made an adverse report thereon; which was ordered to be printed.

Mr. FULTON, from the Committee on the Public Lands, to which was referred the memorial of the Western Academy of St. Louis, asked to be discharged from its further consideration; which was agreed to.

Mr. PRENTISS, from the Committee on the Public Lands, to which was referred the petition of Chalon Guard, asked to be discharged from its further consideration; which was agreed to.

The resolution submitted yesterday by Mr. STRANGE was agreed to.

Mr. HENDERSON submitted the following resolution:

Resolved, That the Secretary of the Treasury inform the Senate if there be not a considerable number (and what number) of donation claims, or settlement rights, under the acts of Congress of 1812 and 1819, for lands situate in the State of Mississippi, south of the 31st degree of north latitude, which have been proven under these laws, and surveyed, plotted and returned to the surveyor's office of the district by the deputy surveyor of the United States appointed thereto, but the titles to which are thereupon suspended on imputation of irregularity in the surveys in regard to form and location. 2. Also, whether or not the surveys excepted to, exceed or diminish the quantity of land to which claimants are entitled. 3. How long since these surveys have been executed, and what proportion of them have been perfected in title. 4. What is the description and quality of land generally in which these surveys are made. 5. And whether, in the opinion of the commissioner, if such surveys be irregular, it would not be better economy for the Government to confirm them as made than incur the expense of resurvey.

THE INDEPENDENT TREASURY BILL

Was then taken up, and, after a speech of much ability from Mr. WALKER, was, on motion of Mr. BUCHANAN, informally passed over.

The bill for the relief of certain persons therein named, was taken up, and, after some remarks from Messrs. TAPPAN, GRUNDY, CLAY, of Alabama, and ROBINSON, was ordered to be engrossed.

The Senate then went into Executive business, and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 21, 1840.

The question before the House was the proposition of Mr. THOMPSON, of South Carolina, to amend the rules by the addition of the following:

Resolved, That, upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of

any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate or further action thereon.

Mr. GARLAND, of Virginia, being entitled to the floor,

Mr. JOHNSON asked the gentleman to give way, to enable him to offer a resolution which proposed to give to the suffering poor of the District all the surplus wood at the Capitol belonging to the Government, which he believed to be about forty cords.

Mr. FISHER objected to the introduction of the resolution at that time.

Mr. JOHNSON asked for a suspension of the rules for that purpose.

Mr. GARLAND, of Virginia, interfered, and said he would be pleased to accommodate the gentleman by yielding it, if no objection be made to the proposition; but he anticipated there would be.

Mr. POPE here rose, and wished to prevail on Mr. GARLAND to yield, to enable him to make a report from a committee on the subject of the Iowa and Missouri boundary question.

Mr. JOHNSON again interposed to press the propriety and necessity of granting the relief contemplated in his resolution.

Mr. GARLAND said he was willing to yield the floor, if it was the understanding by the CHAIR that he would be entitled to it afterwards.

The CHAIR said there could be no such understanding.

Mr. PROFFIT asked Mr. GARLAND of Virginia, (who was entitled to the floor,) to yield it to him for one moment, for the purpose of introducing a resolution which he (Mr. P.) deemed of great importance, as calling for information which the country—the whole country—demanded. Mr. P. said, that if the introduction of the resolution gave rise to one word of debate—if a single objection was made—he would consider it his duty, in return for the courtesy of the gentleman from Virginia, to withdraw the resolution; giving notice, however, that upon the first opportunity the subject should be brought before the House.

Mr. GARLAND having yielded the floor,

Mr. PROFFIT read the following resolution:

Resolved, That the Secretary at War be directed to inform this House, at his earliest convenience, whether he has or has not ordered or authorized the use of bloodhounds in the war with the Indians in Florida. Also, if such order or authority has been given, whether any importation of bloodhounds has been ordered, and from what country. Also, the name of the agent employed to purchase and select said bloodhounds. Also, the number of bloodhounds ordered. Also, whether any bloodhounds have actually arrived; and also, if the use of the bloodhounds is determined on, the Secretary of War is further directed to state the *name* of the *officer* in the American army under whose immediate charge and command the bloodhounds are to be used.

After the resolution was read, objection being made by some members, Mr. P. withdrew it.

Mr. GARLAND of Virginia said, upon the question of human rights, as being involved in the subject before the House, he had nothing to say. He never would consent to discuss the moral question of human rights there, because he believed it was one with which that House had no right to interfere—had no jurisdiction; that it was a question which belonged exclusively to the States. With him there was but one argument—that so long as the slave States thought proper to maintain the existence of slavery among them, he would, as they would, defend it to the utmost extremity. He considered that the question involved a higher one than the mere right and expediency of abolishing slavery and the slave trade in the District of Columbia; it involved the question whether the people have created an entire despotism over this District—whether the people here were mere serfs, and have no rights. Mr. G. replied to that part of the remarks of Mr. BIDDLE, a few days ago, in which that gentleman had blended the great right of petition with the question of reception. He denied that such was a correct position, and thought that it did not interfere with any rights guaranteed to them under the Constitution, to refuse to receive their petitions; and called upon gentleman to point out wherein it was inconsistent with that right. The gentleman from Vermont, Mr. SLADE, had, he said, conceded the whole ground that that right was at all infringed by the rejection of petitions praying unconstitutional legislation; and he believed that, although the people have a right to assemble and petition Congress for a redress of grievances, yet Congress had the right to refuse to receive such as called upon them to do an unconstitutional act. Here the great constitutional principle was clear and conclusive.

Mr. G. then read from the first article of the amendments of the Constitution the words, "that Congress should make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble and petition the Government for a redress of grievances." He said there were three distinct principles in this clause. He asked gentlemen if a petition came there praying Congress to establish a particular religion, whether they would be bound to receive it, with the above clause staring them in the face.

The freedom of the press—yes, its licentiousness, was protected under this clause; and he would ask if a petition be presented praying that that powerful engine be trammelled and broken down, whether they would receive it. He believed not; because they had, under the Constitution, no power to interfere with the subject, and ought not to consider such a petition. Mr. G. then referred to the circumstances of the times, which induced the placing of that guard in the Constitution against the invasion of the rights of the people peaceably to assemble and petition for a redress of grievances. The reason why it was thus engrafted in that instrument, was because the framers of it had seen that the British Parliament had gone into the body of the people, and restricted and limited their right to assemble.

Mr. G. then read from page 141 of the Manual, where, according to parliamentary law, it is made necessary that petitions must be subscribed by the petitioners; or if not, must be certified by the member presenting it, that it is their handwriting, or some person without the doors that they know the hand-writing of the petitioners; that the member presenting it, also, must state its contents briefly; a regular motion must be also made, and he question put whether it shall be received.

Mr. G. asked, if Congress had no discretion over the subject, why was all this caution in the rules necessary? The rule which required its contents to be stated would be an unmeaning one. Its object was first to ascertain whether the subject was within the legitimate jurisdiction of those they petition. Why make the responsibility rest on a member, of certifying to its contents and the identity of the handwriting, if there was no discretion? If there was no discretion they could not reject it. Then why put the question, if the House have not that power? The power, he believed, should be exercised with great discretion; but that they had the power to reject was incontrovertible.

Mr. G. then argued at some length as to the rights of the people of the District, which he said would be annihilated if the principles advanced on that floor should obtain—that they had no voice in this matter; it would make them as defenceless as the serfs of Russia. He contended that the people are entitled to all the benefits of the provisions of the Constitution which recognise slaves as property, to the same extent that they enjoyed those rights before the cession of the District by Maryland and Virginia. He argued that the people of the District were entitled to the same protection to this species of property as any other kind, under the fourth article of the amendments to the Constitution, which says, "that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated." He further contended that Congress could not deprive the people of the District of any of the rights which they enjoy in general as a part of the United States. Slaves, he said, are recognised by the Constitution as property, and Congress had no right to take it even for public purposes without just compensation. He would excite the people of the District to rebellion against the despotism of the principle advanced, that they had no right to resist any action of Congress which went to deprive them of their property.

Mr. G. then examined that clause of the Constitution which gave Congress the right to exercise exclusive legislation over the District of Columbia, which he defined to mean that it should exercise only such powers as were not prohibited in that instrument, and which were exclusive of the powers of the States. He then examined the question with reference to the slave trade in this District, contending that the people thereof had the power to dispose of this species of property to the citizens of any other State; and that Congress had no more power to interfere with or interdict this trade in the District than they had to prevent it between the citizens of Md. and Va.; and said it would be a more dangerous innovation of individual rights than that of which the Abolitionists complained. He then examined that prohibition in the Constitution against the African slave trade after a certain period, which, he said, was placed there at the instance of the Southern States. The States now complaining of the evils of slavery, were then in favor of that trade, and would not consent to that prohibition, unless the period at which it was to cease was fixed twenty years in the future; and that the Eastern people had two seamen engaged in that trade to one Southern seamen. Mr. G. then argued this question in all its constitutional bearings, and conclusively proved that that Congress had no power at all over the subject; and that it rested entirely with the States and the people of the District of Columbia to make the first movement towards emancipation. After adverting at some length to the dangers to be apprehended from the movements of the Abolitionists, he believed that the excitement would not be allayed by the reception of petitions, and cited the many instances of reports having already been made upon the subject of these petitions. Mr. Pinckney's able report, he said, had not prevented discussion, and he did not believe that a reference of the petitions would now have any better effect than it did at the time that report was made, or when the first report was made, which was in the year 1783. Mr. G. concluded by saying that he would take whatever stand his friends from the South would take, and appealed to the friends of the Constitution in the North to take the old stand they had heretofore occupied on that question. He said he did not want discussion on this subject, and had voted from the beginning in favor of every proposition to that end, not because he feared to meet it, but because the North had no right whatever to interfere with it, nor that House to legislate upon it, as proposed in the petitions.

Mr. BUTLER, of South Carolina, observed that it had not been the habit of gentlemen of the South to discuss the constitutionality, expediency, or immorality of slavery, and he, believing such discussions to be useless, as well as injurious, would therefore be the last man to engage in them. He wished he could say, with the gentleman from Virginia, [Mr. GARLAND] that he felt no excitement on this subject; but, as excitable as he felt, and he acknowledged without hesitation that he did so, he would endeavor to discuss it calmly, as became a citizen of this great Republic, as became one who felt a vital interest in its safety, and who had endeavored to lay aside all sectional prejudices. It had always been his course, in the part of the country from which he came, to throw what influence he had in the scale against sectional feelings. If such feelings entered at all in this question, it was not the fault of the South. Upon this, as upon all other questions, the South asked no protection; it only asked to be let alone, and be permitted to judge of its own affairs.

Opinions and sentiments had been proclaimed on that floor which required an answer. One gentleman from New York [Mr. GRANGER] seemed to

intimate in the opening of his address, that the gentlemen from the South, so far as this question was involved, were the slaves of sectional and local opinions. We, sir, might ask, continued Mr. B. who is more a slave to local opinions than the gentleman himself, in adopting the course he had. The gentleman from New York referred them to Congressional history to show that these petitions had been offered and received for the last thirty years, without creating any excitement until the year 1836. That might have been the fact, but who did not know that the vital importance of the subject had grown up from the fact, that the Abolitionists of the North were no longer weak, ignorant, and powerless, as they were thirty years ago, but that they now were, as the gentleman himself proclaimed, men of talents, of property, and of influence, while their numbers were daily increasing. The gentleman from Pennsylvania was entirely mistaken when he supposed that the discussions on this exciting subject would be put an end to by a reference of it to a committee. It had been well shown by the gentleman from Georgia [Mr. COLQUITT] that the reference made in 1836, under the resolutions of Mr. Pinckney, as well as the reference that was made in 1780, so far from putting a stop to the presentation of these petitions, was followed by an increased number of them. And such, he would venture to assert, would always be the inevitable result of treating Abolition petitions in that manner.

The issue made up was not on the right of petition, as some gentlemen contended. He would say, to one and all of them, that they should make the truth known to their constituents; that they should go home and tell those who charged them with the presentation of such petitions, that the true issue now presented on that floor was one of union or disunion. It was not to be disguised that that was the issue now before the House and the country. He did not, like some gentlemen, say that he never would calculate its value when an evil of this magnitude was presented. He did calculate its value. He valued it and loved it as the surest safeguard of our liberties. It could not be expected that any man here should forget in half a century the common toils and dangers of our ancestors, or the objects for which they encountered them. He claimed for himself as much veneration and love for this Union as any man in the nation; but he was compelled to say, that the moment Congress attempted to legislate on this subject, the Union was practically dissolved—the moment Congress abolished slavery in the District of Columbia, the States interested would look upon it as a direct attack upon them, and act accordingly. We of the South, said Mr. B., are not afraid to discuss the subject of slavery. We believe the institution to be defensible from the scripture itself; we believe that it has always existed; and we believe, with Governor McDuffie, that to us it has proved a political blessing. I will ask the gentleman from Vermont, [Mr. SLADE,] whose tears of sympathy for the slave, he says, have been so often shed, if he has no sympathy for the whites of the South; if he does not feel for his white fellow citizens of the South, as well as for his black brethren. If the object of his abolition petitions, an object he has so much at heart, could be accomplished, the white people of the South would cease to live. No man who knows the South but must know this truth; that things must exist at the South as they do now or no free white man or woman can live there. The South, as he said before, claimed no particular protection from this Government. When money was to be expended for coast and harbor defence, it was for the North. When money was to be expended for the improvement of rivers and harbors, it was for the North; and so in most cases when the benefits of this Government were to be dispensed, it was for the North. The South, however, asked for no special favors. All that it did ask, was to be permitted to direct their own institutions without molestation.

It had been pointedly asked on that floor how it was that persons occupying the position which he and his State Rights friends did, could attach themselves to, and act with the Administration party in that House. This question was easily answered. We are not, said Mr. B. partisans of the Administration, nor do we intend to become so. We support the leading measures of the Administration because we believe them to be calculated to promote the best interests of the country. Mr. B. made a few observations which were not heard, owing to his face being turned from the Reporter; when

The SPEAKER informed him that it was not in order to discuss a subject not before the House.

Mr. B continued. He was not going to define his position as some gentlemen were in the habit of doing. He should let his position take care of itself, and define itself, by the votes he should give; but he was going to state why it was that he and his State Rights friends were so often found acting with the Administration. We do so, said he, because we know that whatever might have been the former opinions of the Chief Magistrate, he supports the best interests of the whole Union. We do so because, upon the paramount importance attached to this Abolition question, he says that he not only believes that it would be a violation of the Constitution for Congress to legislate on the subject of slavery in the States, but as regards the District of Columbia, that to abolish slavery in it would be highly inexpedient, a violation of the implied faith of the Government to the States of Virginia and Maryland, and that, therefore, he should veto any bill passed for that purpose. Was it because blows had formerly been struck between the distinguished individual who was now Chief Magistrate and the State Rights party, that the latter should not now support him when he was pursuing a line of policy which their judgment approved? Whatever his course might have been on the Missouri and other questions, his course now, on all these questions which deeply interested the South, was perfectly sound; and he regretted to say, that he could not regard the principles of the gentleman put in opposition to him for the Presidency [Gen. Harrison] as equally sound; for he should desire to see every man put in nomination for that high station, entertaining correct views on these important questions. But was this the case with the nominee of the Harrisburg Convention? Sir, said Mr. B. it is known that this distinguished individual, in a letter written by him so late as 1833, said that he would desire to see all the surplus revenues of the country appropriated for the purposes of emancipation and colonization. With this declaration staring him in the face, how could any Southern man support this gentleman for the highest office in the Republic? Again: on one occasion in 1836, this gentleman was called on to avow his opinions on the subject of Abolition, but he declined giving any answer. The Democratic party, however, have no such reluctance to avow their opinions. A Democratic convention was lately held at Columbus, in the State of Ohio, and, among others, passed the following resolutions:

[Mr. B. here read the resolutions on the subject of Abolition and Abolition societies, adopted by the Columbus Convention; for which see another part of to day's paper.]

There was another resolution, (Mr. B. said,) providing that, should there be any members of the Convention who did not subscribe to the principles contained in the resolutions relating to the subject of Abolition, they were requested to leave their names with the publishing committee, to be published with the proceedings. And he was authorized to say (Mr. B. continued) that no man has left his name with that committee. So that the position (Mr. B. said) we occupy is this: we act with the Administration without being its partisans so long as it supports the principles to which we are committed. Mr. B. after some further remarks, said he regarded the vote taken on the nomination at the Harrisburg Convention as indicative of the position of the Whig party. The ground he took, and that he believed to be true, was that the Abolitionists support, and are attached to the Whig party. If he was wrong, he desired to be corrected. He had a slip from a newspaper, which stated that General Harrison belonged to the Abolitionist party; and though he did not undertake to say that this was true, he knew that he had been written to to avow his opinions on the subject of slavery, by some of those who wished to vote for him, and that he had to this day declined an answer. Mr. B. in conclusion, said he had no idea, when he rose, of occupying the time of the House for more than a few minutes. All he desired was to discuss the question as it should be discussed, and to tell gentlemen from all parts of the Union that they should go home to their constituents, and tell them that the South was deeply excited on this subject; that they demanded to be permitted to attend to their own interests, unmolested by other sections of the Union; and that a continued agitation of this subject would endanger the Union. If gentlemen loved the Union as they professed to do—if they wished that this fair fabric should descend unimpaired to their posterity, they would present this question in its true aspects to their constituents.

Mr. DROMGOOLE rose and submitted an amendment, which he said he should move the previous question on; and, after some remarks on a point of order from Messrs. DROMGOOLE, ADAMS, UNDERWOOD, MASON, THOMPSON, of South Carolina, and GARLAND, of Louisiana, the amendment was then read as follows:

Srike out all after the word resolved, and insert, that all petitions, memorials, remonstrances, addresses, resolutions, propositions, or papers of any description, touching the abolition of slavery or the slave trade in the District of Columbia, in the Territories of the United States, or in any State of this Union, or to the transportation of slaves from any State, District or Territory of the United States, to any other State, District or Territory, or relating in whole or in part, in any way, or to any extent whatever, to these subjects, shall be laid on the table, without a question and without action or debate, and the same shall not be printed.

Mr. WARREN, of Georgia, submitted whether it was in order; the amendment being, as he contended, the same thing in substance as the resolution of Mr. COLES, which was laid on the table.

After some remarks from Messrs. WARREN, BRIGGS, and DROMGOOLE,

Mr. BLACK appealed to the courtesy of the gentleman from Virginia and the liberality of the House, and proposed that every member who had an amendment to submit, should be permitted to offer it, and have it read for the information of the House. In this way, Mr. B. said, every gentleman could place himself in the position he desired to occupy, and the question could be taken on each resolution separately in their order, without debate.

Mr. DROMGOOLE would only remark that no consent of his would change the rules of the House. It was for the SPEAKER, and not for him to say whether the gentleman's proposition was in order.

Mr. BLACK said he only meant to say that he was indebted to the courtesy of the gentleman from Virginia, who was entitled to the floor, for allowing him an opportunity of making the proposition he did to the House. He hoped his resolution might be read, and he hoped that every gentleman who desired to do so, might be permitted to offer his amendment, for the purpose of showing his views on this question.

Mr. BLACK's resolution was then read as follows, for the information of the House; but several voices opposing its reception, it was not received:

Resolved, That, upon the presentation of any petition or other paper, praying for or touching the abolition of slavery in the District of Columbia, in the States of this Confederacy, or in the Territories thereof, *the same shall be not received.*

After a debate on the point of order raised by Mr. WARREN, in which Messrs. DROMGOOLE, POPE, BRIGGS, THOMPSON, SMITH, of Indiana, BANKS, WARREN, TURNEY, and EVERETT took part,

The SPEAKER decided that Mr. DROMGOOLE's amendment being in substance the same thing with the resolution of Mr. COLES, which was laid on the table, it could not be received.

Mr. DROMGOOLE took an appeal from the decision of the CHAIR; but on taking the question on

the appeal, the CHAIR was sustained—yeas 120, nays 64.

Mr. DROMGOOLE then, after some remarks, in which he stated he conceived it to be his duty to put a stop to this useless and unnecessary debate, moved the previous question on Mr. THOMPSON's resolutions; when

Mr. HOFFMAN moved for a call of the House, which was ordered; and the roll having been called over, 201 members answered to their names.

After calling the absentees, further proceedings under the call were dispensed with; and

The question was taken, "Will the House second the call for the previous qustion?" and decided in the negative, (Messrs. RAMSEY, of Pennsylvania, and JOHNSON, of Maryland being tellers)—ayes 98, noes 99.

Mr. ADAMS then submitted his amendment as follows:

Resolved, That the following be added to the standing rules of this House, to be numbered the 21st.

"Every petition presented by the SPEAKER, or by any member, with a brief verbal statement of its contents, shall be received, unless objection be made to its reception for special reason; and whenever objection shall be made to the reception of a petition, the name of the member objecting, and the reason of the objection, shall be entered upon the journal. The question in every such case shall be, "shall the petition be rejected?" and no petition shall be rejected but by a majority of the members present."

On motion by Mr. ADAMS,

The House adjourned.

IN SENATE,

WEDNESDAY, Jan. 22, 1840.

Mr. WHITE submitted documents in relation to the memorial of a number of citizens of Milwaukie, remonstrating against the confirmation of the claims of Francis Laventure and others to certain tracts of land; which were referred to the Committee on Public Lands.

Mr. FULTON presented the petition of Ira H. Sabin, praying the right of pre-emption to a tract of land; which was referred to the Committee on Public Lands.

Mr. BETTS presented the memorial of George G. Bishop and J. D. Loomsbury, engaged in the manufacture of wool, praying a revision of the revenue laws; which was referred to the Committee on Manufactures.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the bill for the relief of certain companies of Missouri volunteers, reported the same without amendment.

The following resolution submitted by Mr. CLAY of Alabama yesterday, was taken up and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for a stereotype edition of the laws of the United States, to embrace all laws of a general nature.

The resolution submitted yesterday by Mr. HENDERSON was considered and adopted.

The bill for the relief of certain persons therein named, was taken up on its third reading, and after the title was amended, was read a third time, and passed.

ORDERS OF THE DAY.

The bill for the relief of Thomas H. Owen and John W. Skidmore and others, was taken up as in Committee of the Whole; and after some remarks by Messrs. ROBINSON, YOUNG, and TAPPAN, was ordered to be laid on the table.

THE INDEPENDENT TREASURY BILL

Was then taken up, and Mr. BUCHANAN spoke at great length, and with much ability, in defence of the bill, and in reply to Mr. CLAY, who rejoined; and after some further remarks from Messrs. BUCHANAN, CLAY of Kentucky, and WALKER,

On motion of Mr. HENDERSON,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 22, 1840.

The question before the House was the proposition of Mr. THOMPSON of South Carolina to amend the rules, by the addition of the following:

Resolved, That, upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate or further action thereon.

And the proposition of Mr. ADAMS, as a substitute for the above, in the following words:

Resolved, That the following be added to the standing rules of this House, to be numbered the 21st:

"Every petition presented by the Speaker, or by any member, with a brief verbal statement of its contents, shall be received, unless objection be made to its reception for special reason; and whenever objection shall be made to the reception of a petition, the name of the member objecting, and the reason of the objection, shall be entered upon the journal. The question in every such case shall be, *shall the petition be rejected?* and no petition shall be rejected but by a majority of the members present."

Mr. J. W. JONES, by the permission of Mr. ADAMS, reported, from the Committee of Ways and Means, a bill making appropriations for the support of the army for the year 1840; which was read twice, and referred to the Committee of the Whole House on the state of the Union.

Mr. J. W. JONES also, by leave, introduced detailed statements accompanying the bill; which were ordered to be printed.

Mr. R. GARLAND inquired the use of ordering any printing, or how it would be done.

Mr. J. W. JONES said the object in having it ordered now was, that so soon as the order was taken for having the printing done, or a printer elected, it would be ready to hand over for immediate execution.

Mr. J. said that the public service indispensably required that the appropriation bills should be considered before the end of March; and it was impossible that the members could even inform themselves of estimates and other matters which they should know, if the printing of these bills and estimates be not provided for; and thought it high time that the House should go into the consideration of some bills, and, as a necessary preparatory step to facilitate action on them, he would offer a resolution providing for the printing thereof.

Mr. J. then introduced his resolution proposing to empower the Clerk to have the necessary printing executed under the same conditions as those of the resolution of 1819.

Mr. R. GARLAND said he would not object to the resolution of the gentleman if he would so modify it as to authorize the Clerk to have it done upon the most moderate terms, and to apply only to the bills and documents now necessary to be printed.

Mr. JONES said he was willing to modify his resolution to make it apply only to the bills reported, and statements accompanying.

Mr. R. GARLAND objected, without he would consent to all the conditions.

Mr. JONES said it was impossible, he believed, to adopt any modification of his proposition to meet all the objections of gentlemen; if he acceded to this, there were members ready to urge others. He had modified it so as to cover the case of present necessity, to meet the views of the gentleman from Louisiana. He thought it better now to move a suspension of the rules.

Mr. BRIGGS suggested to Mr. JONES to effect his object, to have the necessary printing executed, that it would be better to move a reconsideration of the vote ordering the printing of the bills, and then so amend that motion as to authorize the Clerk to have said bills and statements printed. It would require a majority only to effect that object, but would require a vote of two-thirds to suspend the rules to effect the same purpose. Mr. B. concluded by making the motion to reconsider.

Mr. R. GARLAND objected to any indirect manner of appointing Printer. The resolution goes to give the Clerk the power to appoint that officer, when it was the duty of the House to do so. He was opposed to giving this power to the Clerk, unless the modification suggested by him should be adopted of giving it to those who would do it on the best terms.

Mr. BRIGGS pressed his motion for reconsideration, but at the suggestion of

Mr. J. W. JONES that such motion would not be in order,

Mr. BRIGGS withdrew it.

Mr. ADAMS was about proceeding in his remarks, but was appealed to by

Mr. SARGEANT, who wished to get the consent of the House to report from the Committee on the Judiciary a bill in amendment of the act for taking the next census.

Mr. PETRIKIN objected. He had much of the business of his constituents unattended to, and would not consent to give any right to introduce business from other sources, unless all were put on the same footing.

Mr. ADAMS claimed the floor, and proceeded in his remarks, not with the view of discussing the subject of the petitions, or slavery, or slave trade in any form, because it would occupy two much time; but to show his objection to the proposition of the gentleman from South Carolina, [Mr. THOMPSON,] by which he said it would be impossible to know what petitions to receive or what to reject. It was impossible, he said, to keep this subject of slavery from before the House, no matter what precaution gentlemen adopted for that purpose. It would necessarily come upon other propositions than abolition petitions. The subject of entering into commercial relations with Hayti, would bring the whole matter up for discussion. He charged the Southern gentlemen, who introduced the resolutions to suppress these petitions with all the delay of the public business, and for the discussion now going on before the House. It was not by his instance that this delay was caused, as had been frequently been attributed to him at previous sessions. He did not believe that if there was a proposition before them immediately to abolish slavery in the District of Columbia, there would be found ten to vote for it. He for one was not prepared to go for it, as he had at the previous session stated, nor did he believe that his friend from Vermont, [Mr. SLADE,] who had so ably advocated the cause of human rights, was prepared to vote for it; he took it for granted that he was not from his remarks. He thought if gentlemen wanted to allay the agitation, they ought to introduce such a proposition, and see what vote it would get. Mr. A. then examined the character of the different propositions before the House, some of which were of such a nature, he said, as to suspend the question of reception of these petitions between the earth and heaven, or the earth and another place.

He then compared the nature of the proposition now before them with that of the last session. The proposition of last year authorized the reception of Abolition petitions, (at least the SPEAKER then so decided,) but this goes much farther. It proposes to make it a permanent rule of the House to operate for two sessions, in effect that they shall not be received. It was this proposition to which was chargeable all the discussion, and he hoped it would not again be laid at the doors of the Abolitionists; he hoped the day would come when he would be enabled to give his views at length on the great question involved, which he said would not be on a petition for the abolition of slavery in this District, but on a more important subject. He adverted at the same time to the controversy going on between four of the States of the Confederacy, which, he said, were now almost on the verge of a civil war on this very question, of which the President had not noticed, but which he thought he should have brought before them. He charged gentlemen not to quiet their fears, if they have any, by the adoption of such a resolution as proposed, for if they did, they would be waked from that slumber by voices more potent than from the dead. They cannot keep the question out of the House; they had already heard the merits of slavery defended

in the debates; all that could be said, had been said by its friends; but when the question should come properly before the House, the laws of nature, of God, the Declaration of Independence of the thirteen original States, would be the ground the friends of freedom would take in that House to defend.

Mr. COOPER, of Georgia, said, as one or those who hod spoken on the subject, he would correct the gentleman in one particular. The gentleman asserted that all that could be said had been said in defence of slavery. He, for one, had not entered at all into the discussion of the subject of slavery, but the constitutional right of property alone.

Mr. ADAMS again proceeded, by saying that the proposition before the House was a small way of getting rid of the question, by making a motion to receive the petition, and then laying that motion on the table. It was unbecoming the general character of the movers, and resembled more the character of the wooden nutmeg of the Yankee trader. He knew the proposition must have sprung from some other quarter, as those gentlemen who offered them, he was confident, were in favor of the rejection of the petitions. This was one which would leave the question unsettled. He hoped this proposition of hanging up did not come from the Yankee land. It was impossible to know by this process whether that which the petitioners complained of was a grievance or not, though it was just and reasonable that this inquiry should be first made before disposing of petitions. It was essential to the existence of the Government.

Mr. A. said the right of petition would have existed as much without that article of the Constitution, which secures to the people the right to assemble and petition Congress as if it had not been placed there. It was inserted there at the instance of Virginia, to prevent its abridgement by Congress; it was a prohibition against its abridgment; it was inextricably interwoven with Congress. The greatest despot on the earth was bound to receive petitions from the meanest of his subjects; it was a right which was founded on the important nature of man, and he was exceedingly sorry to see any thing that would abridge it. This resolution, and all those moved by Southern gentlemen, whether intended or not, had that effect. Congress could not specify one class of petitions, and say it would not receive them, without its effect extending to all classes; and hence the great danger of adopting the rules proposed.

Parliamentary precedents had been referred to as a justification by this House for the rejection of Abolition petitions. He knew of only two precedents of the British Parliament; and these were, that that body had undertaken to reject petitions against high taxes. The petition against the stamp act had been rejected by the application of the very principles contended for on that floor. These are the precedents which can be adduced to prove that Congress has a right to reject petitions. He thought Parliament had much stronger authority for rejecting those petitions than that House had for these proposed.

Mr. A. then examined the constitutional right to assemble and petition Congress for redress of grievances, which, he said, (notwithstanding they had the right to refuse to receive those which were offensive in their character and insulting to that body,) left no discretion to reject; if it did, its reception would ultimately depend upon whether the petitioners belonged to the party of the majority or minority in that House.

Mr. A. said he would not thank any gentleman to vote for the reception of a petition, without agreeing to consider it, for with him the right of petition consisted in its reception and consideration. To receive, and hear, and consider, when presented decently, and containing no matter offensive to the House, was what that right consisted in.

He then read an article in support of the above opinion, showing that this constituted the right in the British House of Commons.

He thought the House of Representatives of a great nation ought to deal more candidly and openly with this matter—that to act in the manner proposed was unworthy of this mighty nation.

Mr. A. here adverted to the controversy going on between the Governors of Virginia and New York, and Georgia and Maine, in which this very question was involved. They discuss it with ability, but the Governor of Virginia has already threatened to resort to first principles if the point he is contending for be not yielded to him. He thought this controversy would ultimately bring the whole question before the House, and that it would be better to meet it now. If the course proposed now be persisted in, it would lead this country to a civil war; to avoid which, he was for having all said that could be said on both sides, and then come to such a compromise as would be mutually acquiesced in. The discussion had been fully entered into in the convention, before the adoption of the Constitution; and the parties there came together, and have been kept together for upwards of fifty years. They could not bring the people of the North to terms, or convert them by the course proposed to be pursued. When they should come to a question of war, the friends of the North would stand up to their rights as well as the South. When their institutions are threatened with violence, he hoped they would defend them in the best way possible; but as it was not the case now, he would invite the South to reason with the North upon this question. Mr. A. said he was more opposed to this proposition than that of last year, because it is proposed to make it a permanent law of the House. Some of the petitions are addressed to the Senate and House of Representatives, but by the operation of the proposed rule, it would neither receive the petition, or allow the petitioner the right to withdraw, and present it to the other body.

Mr. A. then made some remarks in favor of his own proposition, which makes it the duty to receive all petitions, except by objection for special reasons, which shall be decided by the vote of a majority. It does not specify in what manner they shall be disposed of. All he wanted was, that the great right of petition should be acknowledged. He was unwilling to admit the right of the House to reject, without the reasons should be given for it and entered on the journal. Such a course would prevent any objections to these petitions in future, and entirely allay all excitement upon the subject.

Mr. ALFORD then obtained the floor, and discussed at length the great constitutional principles involved in this question, defended the rights of the South, and defined his political position with reference to the approaching Presidential contest. The lateness of the hour prevents the Reporters from giving a brief synopsis of his views. His speech will be published at length hereafter.

Mr. HUNT having obtained the floor, said that it was his intention to make a few brief remarks, but as he was then laboring under a slight indisposition, he would ask the House, as a personal favor, to consent to a motion of adjournment.

The motion being made,

Mr. TURNEY demanded the yeas and nays, which, being ordered, were—yeas 85, nays 94. So the House refused to adjourn.

Mr. HAND said he had voted against the adjournment, with a view of asking the House to entertain a proposition he wished to present, the object of which was to consider all other petitions having no connection with the present subject.

After some debate of a conversational character, several members here stated that they did not know that Mr. HUNT was laboring under indisposition, or they would not have voted against the adjournment, and remarked that they would consent to an adjournment.

Mr. MONROE renewed the motion to adjourn, which was carried.

IN SENATE,

THURSDAY, January 23, 1840.

The CHAIR submitted a message from the President of the United States, in compliance with the resolution of the Senate of the 17th inst. a portion of which was read, as follows:

DEPARTMENT OF STATE,
Washington, November 6, 1839.

SIR: The British Minister, in a note addressed on the 2d instant, to this Department, states that information, which had reached his Government in England, and more recent intelligence received by himself from the authorities of the Province of New Brunswick, had made it his duty to call the attention of the Government of the United States, to the alleged facts that—1stly. The armed posse stationed by the State of Maine, for the protection of the public property in the disputed territory, had extended its operation, and its armed occupation of the country along the whole way from the valley of the Restook to the mouth of Fish river, into the valley of St. John, and thus into a portion of the Madawaska settlements. 2dly. That the establishments formed by persons composing the armed parties, on the banks both of the Restook and the Fish river, had assumed an aspect and character decidedly military, and more representing a permanent national possession of the country, than could be required in the civil posse of a land agent, temporarily occupying it for the sole purpose of preventing trespasses. That those establishments were fortified with entrenchments and cannon, and garrisoned by a number of armed men, far greater than the occasion would warrant. 3dly. That a permanent State road is being constructed, leading into the valley of the Restook, and from thence on the south side of the St. Johns, to the Fish river; the object of which is to connect those portions of the disputed territory, with the towns of Augusta and Bangor, and other acknowledged parts of the the State of Maine. 4thly. That, moreover, land surveyors, acting under the authority of the State, are employed in marking out lots and townships within the same portion of the disputed territory; and that sales of lands are being made, with deeds regularly drawn under the authority of Maine.

The British minister protesting in the name of his Government, against acts of encroachment on the part of the people of Maine, as being at variance with the agreements entered into in the month of February last, first between him and the Secretary of State at Washington, and subsequently, by your Excellency, the Governor of New Brunswick, and Major General Scott, for the purpose of averting the danger of local collision on the frontier, pending the final settlement of the boundary question between the two Governments, thinks that the establishment, in the meantime, of the new interests, and the growing up, as it were, of new proprietary claims upon the lands yet in dispute, which are likely to be the result of the acts referred to, may end by embarrassing the action of both Governments.

In support of this opinion, Mr. Fox states that a similar reasoning was held on the part of the United States, when, in the year 1837, this Government remonstrated against an alleged act, or design rather, of encroachment of a less objectionable character than the operations to which he refers, namely, the survey of a projected line of railroad from Quebec to St. Andrews, passing through a part of the disputed territory, and he adds that, for the preservation of peace between the people on both sides, and of good will between the two nations, such acts as those complained of, ought to be desisted from, and the existing arrangements observed in good faith.

The President, to whom Mr. Fox's note has been communicated, has directed me to express to you his anxious desire, that no occasion should be permitted to call in question, the faithful observance by the Governments of the United States and Maine, of the arrangements referred to, a sentiment in which he is confident your Excellency will freely concur, and to request that you will transmit to this Department, such information as may be in possession of the Government of Maine, in relation to the acts referred to, in order that an appropriate answer may soon be returned to Mr. Fox's communication. I have the honor to be, &c. &c.

A. VAIL, Acting Secretary.

His Excellency JOHN FAIRFIELD,
Governor of the State of Maine.

The Governor of Maine to the Acting Secretary of State.

EXECUTIVE DEPARTMENT,
Saco, November 21, 1839.

SIR: I have the honor to acknowledge the re-

ceipt of your communication of the 6th instant, reciting certain complaints that have been made by the British Government, through its Minister Mr. Fox, of the authorities of this State for certain alleged proceedings on the part of the latter, in relation to "the disputed territory;" and I lose no time in complying with the request "to transmit such information as may be in the possession of the Government of Maine in relation to the acts referred to, in order that an appropriate answer may soon be returned to Mr. Fox's communication."

The first complaint is, "that the armed posse stationed by the State of Maine for the protection of the public property in the disputed territory, advancing beyond the stipulated limits, has extended its occupation of the country along the whole way from the valley of the Restook to the mouth of Fish river into the valley of the St. Johns, and thus into a portion of the Madawaska settlements."

This complaint is probably founded upon the following facts: Early last spring, the land agent of the State sent a small force, consisting of some twenty-five men, to Fish river, to disperse a band of trespassers understood to be operating at that place. The enterprise was successful. Their camps were broken up, some of the trespassers driven off, and a few, with their teams, were brought out to the settlement on the Aroostook, though subsequently released. The land agent, deeming his work but half accomplished, again sent a small force, of about the same number of men as composed the first party, to the mouth of Fish river, to extend a boom across it to prevent the timber, which had been cut by the trespassers, being driven out into the St. Johns, and to prevent further depredations by cutting. That force has remained there until the present time, and has, I believe, been signally successful in accomplishing the objects of the expedition.

This proceeding violates no stipulation ever entered into by the authorities of this State. In no proper sense can the Madawaska settlements be said to include the territory as far west as Fish river, upon either side of the St. Johns, it being a distance of some twenty-five miles above it, and the two not being connected by continuous occupations or settlements. But, supposing the Fish river territory to be a part of the Madawaska settlements, even then, I maintain, there has been no infringement of the stipulations on the part of this State, referred to by Mr. Fox. In that arrangement, negotiated through the agency of General Scott, the right was not relinquished, on the part of this State, of going *any where* upon the *disputed territory* with an armed posse for the purpose of protecting the timber then recently cut, and to prevent further depredations; but such right was expressly reserved, or rather the intention of exercising it was distinctly avowed.

So far as I am informed, the armed posse have confined their operations to the objects before stated, and have given no just cause of complaint, unless the prohibiting Colonel McLaughlin, the provincial land agent, from driving timber down the St. Johns into the province of New Brunswick, constitutes such cause. And, in regard to this, I must be permitted to say that the authorities of Maine can see no reason for making a distinction between persons attempting to drive our timber from the State into a foreign jurisdiction, whatever may be the pretence set up.

Secondly, it is alleged "that the establishments formed by persons composing the armed parties on the banks, both of the Restook and the Fish river, had assumed an aspect and character more decidedly military and more resembling a permanent national possession of the country than could be required in the civil posse of a land agent temporarily occupying it for the sole purpose of preventing trespasses. That these establishments were fortified with entrenchments and cannon, and garrisoned by a number of armed men far greater than the occasion would warrant."

The party at Fish river, as before stated, is composed of about twenty-five men—not militia or soldiers, but hired laborers. A boom has by them been thrown across the river to stop the timber in its passage down. They have erected a blockhouse near the boom, and are armed with muskets. If this assumes "an aspect and character," in the eyes of our provincial neighbors "decidedly military," we hope it is not formidable enough to create any alarm. But whether it is a force more than sufficient to protect the public property of the State from numerous bands of lawless men, grown desperate by being deprived of their accustomed plunder, and over whom their own Government seems heretofore to have had but little control, is a question which this State must be permitted to decide for itself. In such a case it would be degrading to consent that limits should be prescribed by any power whatever. If the right to protect our territory from invasion, and the public property from plunder, be clear and undeniable, no less so is the choice of means for carrying that right into effect.

Upon the Aroostook a large number of men have been employed. A boom has been extended across the river—a fortification of hewn timber erected near it—and a blockhouse and a few other more temporary buildings put up. The men stationed at what is called the Fort, say twenty-five or thirty in number, are armed with muskets, and I believe they have also two small pieces of artillery. The remainder, say one hundred to one hundred and twenty-five, have been engaged for the most part in opening roads for summer as well as winter communication, and preparing facilities for supplying the posse. How far these proceedings furnish ground for the complaints of the British Government, you will judge. That any preparations short of them would have been insufficient to protect the public property, to me seems to be clear. At all events, the complaint at the extent of this force, was hardly to have been expected from the British Government just at this moment, when a few days only have elapsed since some fifty of its own subjects, bearing the Queen's arms, and otherwise suitably equipped, headed by a veteran militia captain, made an assault in the dead of night upon that very force which is now described as "greater than the occasion would warrant."

No better justification is needed for the course which has been pursued by Maine, especially in regard to the force employed, than a reference to this case. Nor is the force of the circumstance diminished by the fact, that this attack was repulsed by the firing of but one gun; for a disposition is manifested which may not always exhibit itself in so harmless a manner. Again, the complaint at our "establishments upon the disputed territory fortified with entrenchments and cannon," would seem to come with but little show of consistency from the British Government, when it has just completed most extensive and permanent barracks upon the same territory, north of the St. Johns and is in the habit of transporting troops and munitions of war over it at their pleasure.

The third allegation is, "that a permanent State road is being constructed, leading into the valley of the Aroostook, and from thence, on the south side of the St. Johns to the Fish river, the object of which is to connect those portions of the disputed territorry with the towns of Augusta and Bangor, and other acknowledged parts of the State of Maine."

That a road commencing near Mattawamkeag point, in the county of Penobscot, extending to the Aroostook river, and thence on to the mouth of Fish river, upon the St. Johns, is in process of construction, and is even now passable the whole way with some vehicles, is certainly true. But it is not perceived why, at this particular time, it should be regarded as a cause of complaint. This is no new thing. An appropriation for this road was made by the Legislature of this State, as early as 1826; from which time it has steadily progressed, and in another year, probably, will be nearly, if not quite, completed. To say nothing of other advantages anticipated from it, it is manifest that it will afford great facilities for preventing trespasses upon the public lands; and indeed, I may say that trespassing upon the streams emptying high up upon the St. Johns, cannot be prevented without such a road. This, therefore, is no new project, got up in violation of any stipulation or understanding, to which this State has in any way been a party, or for the purpose of gaining an additional extent of possession; but is the exercise of a lawful right over that portion of the territory to which we have not only the legal title, but over which we have ever had possession and jurisdiction.

But again, may I not inquire with what propriety and consistency this complaint is made on the part of Great Britain, when she has herself constructed a permanent railroad over a large part of the territory north of the St. Johns, which, it is understood, was very thoroughly repaired the present season, and over which her subjects are constantly passing.

The last allegation is, "that land surveyors, acting under the authority of the State, are employed in marking out lots and townships within the same portion of the disputed territory, and that sales of land are being made with deeds regularly drawn under the authority of Maine."

That Maine is now managing, in the particulars mentioned, these lands upon the Aroostook, and those south of the St. Johns, in the same manner that she has been accustomed to since her separation from Massachusetts, and as that State managed them prior to that period, is true. For the last thirty years we have been occasionally surveying and lotting these lands, granting them for literary, charitable, and religious purposes, and selling in small lots to actual settlers. And has this boundary question so far advanced, it may be asked, that we cannot now do, without a remonstrance on the part of the British Government, what we have been so long in the habit of doing? Has the almost interminable negotiations—all the efforts that have been put forth—all the events that have occurred—especially the exciting events of the last year—but served to weaken our title, diminish our rights, and curtail our privileges? Sure I am that Maine will not readily adopt such a view, or quietly yield to its consequences. She has been indulging the hope that *some* progress made towards an acknowledgment of her rights, and the acquisition of her property had been made, and I am well persuaded she has no disposition, at the present time, to make any retrograde movement.

In compliance with your request, I have now communicated the facts upon which the complaints of the British Government are supposed to be founded. In doing it, and in the accompanying remarks, I have had no intention or desire of producing irritation, or adding, in any degree, to the excitement already existing. This subject is far too momentous, and too nearly involves the peace of the countries interested, to justify any remarks founded in passion or feeling. But it is due to the State, whose organ, upon this occasion, I am, as well as to the whole country, to speak plainly, and without disguise. And, under this solemn impression, I must say, that Maine, in my opinion, has done nothing which she was not fully justified in doing, and nothing which she will not be ready to defend with her best powers. And further, that though she has not yet taken military possession of the disputed territory, a continued disposition, on the part of the British Government, to delay a settlement of the boundary question, will not fail, in my opinion, to induce such a step, whatever may be the consequences, should she not be relieved from that responsibility by the action of the General Government.

With the most earnest desire for a just, peaceful, and speedy settlement of the question, I have the honor to subscribe myself, with high respect, your most obedient servant,

JOHN FAIRFIELD,
Governor of Maine.

A. VAIL, Esq. Acting Secretary of State.

The Governor of Maine to the President of the United States.

STATE OF MAINE, EXECUTIVE DEPARTMENT,
Augusta, December 23, 1839.

SIR. It having been reported to me that a large number of British troops had been stationed at Temiscouata lake, in the disputed territory, and seeing extracts from the provincial papers confirmatory of these reports, I deemed it proper to ap-

ply directly to the Lieutenant Governor of the Province of New Brunswick, which I did by letter of the 12th instant, to ascertain whether these reports were well founded or not. His answer, under date of December 19th, I received yesterday, while on my way to this place. My letter and the reply are both herewith enclosed. It will be perceived that two companies of British troops have actually been marched into the disputed territory, and stationed at the Temiscouata lake, where it is well known extensive barracks had been previously erected. This is clearly a violation of the spirit of the agreement entered into between the Lieutenant Governor of New Brunswick and myself in March last, though the orders have been issued by the Governor of Lower Canada. I submit, also, whether the contingency contemplated by the act of Congress of March 3, 1839, has not occurred; whether the facts do not clearly show an invasion of the State of Maine, which the Executive Government of the United States, under the directions of the act aforesaid, as well as under the obligations of the Constitution, is bound to repel.

I may add, that I am well informed that the British Government is also erecting barracks upon both sides of the St. Johns, near the mouth of the Madawaska river, and that troops are concentrating at Grand Falls. Under all these circumstances, I deem it to be my duty to call upon the Government of the United States for that protection of this State from invasion, guarantied to her in the Constitution.

With the highest respect, I am, sir, your most obedient servant, JOHN FAIRFIELD,
Governor of Maine.

His Excellency MARTIN VAN BUREN,
President of the United States.

EXECUTIVE DEPARTMENT,
Saco, December 12, 1839.

SIR: Having seen in the public prints extracts from some of the provincial papers, stating that two regiments of British troops had been stationed at Temiscouata lake in the disputed territory, I have been induced to inquire of your Excellency whether there be any foundation for these reports. A movement so clearly in violation of the arrangement entered into through the mediation of General Scott, I shall not permit myself to believe your Excellency would make, without stronger evidence than a newspaper paragraph.

The extreme sensitiveness of the public mind upon this subject, I trust your Excellency will perceive, affords additional reasons for an early explanation.

I have the honor to be, with high respect, your Excellency's obedient servant,
JOHN FAIRFIELD,
Governor of Maine.

His Exc'y Maj. Gen. Sir JOHN HARVEY,
Lieut. Governor, Province of New Brunswick.

GOVERNMENT HOUSE,
Frederickton, N. B. Dec 19, 1839.

SIR: I have the honor to acknowledge the receipt, this day, of your Excellency's letter of the 12th instant.

Whatever movements of troops may have taken place on the side of Lower Canada, have been made by authority superior to mine, but I apprehend they have consisted, not of *two regiments*, but of one or two *companies*, (as small a detachment as can well be made to so great a distance, consistently with the maintenance of a due degree of discipline,) for the protection of certain buildings which have been constructed for the better accommodation of her Majesty's troops on their march between the upper and lower provinces, and of the provisions, stores, and other public property therein deposited.

A copy of your Excellency's letter shall be transmitted by me to the authorities in Canada, who. I can assure your Excellency, are as anxious as I am that the spirit as well as the letter of the agreement entered into between your Excellency and myself, under the mediation of Gen. Scott in March last, should be scrupulously observed on our part.

I have the honor to be, with high respect, your Excellency's most obedient humble servant,
J. HARVEY,
Maj. Gen. Lt. Gov. New Brunswick.

His Excellency Gov. FAIRFIELD,
Saco, State of Maine.

Secretary of State to the Governor of Maine.

DEPARTMENT OF STATE,
Washington, January 2, 1840.

SIR: Your letter of the 23d ultimo, to the President, has, with its enclosures, been received and referred to this Department. The information herein contained, respecting the alleged occupation by British troops of a portion of the disputed territory, had before reached him from another quarter, and, by his direction, had immediately been made the subject of representations from this Department to the British Minister, accompanied by a request that he would communicate such information in relation to the subject as he might have in his possession, or could obtain from the British colonial authorities. Presuming that the desired information is to be procured from the last mentioned source, sufficient time has not yet been afforded for that purpose; but I am instructed by the President to state, that so soon as an answer is received from the British Minister, its purport shall be communicated to your Excellency.

I have the honor to be, respectfully, your Excellency's obedient servant,
JOHN FORSYTH.

His Excellency JOHN FAIRFIELD,
Governor of Maine.

Mr. Fox to Mr. Forsyth.

WASHINGTON, November 2, 1839.

Information which has been reported to her Britannic Majesty's Government in England, and more recent intelligence which has been conveyed to the undersigned by the British authorities in the Province of New Brunswick, make it the duty of the undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, to call the immediate and serious attention of the Government of the United States to the extensive and unscrupulous (although it is to be hoped and believed the unauthorized) acts of encroachment which continue to be carried on by the people of the State of Maine, within the line of the disputed territory.

It is unnecessary here to recapitulate the terms of the several agreements which were entered into in the months of February and March last, first between the Secretary of State of the United States and the undersigned, at Washington, and afterward between the Lieutenant Governor of New Brunswick, the Governor of Maine, and Major General Scott, of the United States army, for the purpose of averting the danger of local collision upon the frontier, pending the final settlement of the boundary question between the Government of Great Britain and the United States. The terms of those agreements, and their true intent and meaning, are sufficiently well known. Her Majesty's authorities have, on their part, not only scrupulously adhered to the letter and spirit of the engagements referred to, but they have been desirous upon every occasion of interpreting in the most frank and liberal manner any point upon which a doubt or cavil could arise.

The undersigned, however, regrets to say that the same correct and scrupulous observance has not marked the conduct of the people of Maine, or that of the subordinate officers employed by the Government of the State.

The armed posse from the State of Maine, which it was agreed upon should be allowed to remain in the disputed territory, within certain limits, for the purpose of guarding the timber upon the disputed lands from waste and spoliation, has already advanced, it appears, far beyond those limits, extending its operations, and its armed occupation of the country, along the whole way from the valley of the Restook to the mouth of the Fish river, into the valley of the upper St. Johns, and thus into a portion of the Madawaska settlements. All this is clearly at variance with the terms and spirit of the engagements signed by the Governor of Maine, under the sanction and guarantee of Gen. Scott.

The establishments, also, which have been formed by the persons composing the armed parties, on the banks both of the Restook and of the Fish river have assumed an aspect and charactor more decidedly military, and more resembling a permanent national possession of the country, than can be either required or justified in the civil posse of a land agent, holding, for the sole purpose of preventing trespasses, the temporary occupation of a district which is claimed by two parties, and the title to which is not yet settled between them. These establishments or stations are fortified with entrenchments and with cannon; and the number of armed men composing their garrisons is far greater than the occasion can warrant. A permanent State road is also being constructed from the frontier of Maine into the valley of the Restook, and from thence on the south side of the St. Johns to the Fish river, the object of which road is to connect those portions of the disputed territory with the towns of Augusta and Bangor, and other acknowledged parts of the State of Maine.

It moreover appears that land surveyors, acting under the authority of the State of Maine, are employed in marking out lots and townships within the aforesaid portion of the disputed territory; and that sales of lands are being made, with deeds regularly drawn under the authority of the State, as if those lands, lying within a region which her Majesty's Government confidently claims to be a rightful possession of the British crown, formed, on the contrary, a recognised part of the public domain of the State of Maine.

It is true that the present course of encroachment, and the wrongful occupation of the land by the citizens of Maine, whether acting as unauthorised individuals, or with the sanction of the authorities of the State, cannot in any way place in jeopardy the eventual rights of Great Britain, for whatever shall be the line of boundary between her Majesty's possessions and the Republic of the United States, definitely recognised and decided upon by the two Governments, either through the attainment of the true line of the treaty of 1783, or through the adoption of a conventional line, her Majesty's Government will have to rely upon the Federal Government of the United States, in conjunction with the Government of her Majesty, to assert and carry out the decision, whatever may be the views and pretensions of the inhabitants of the State of Maine notwithstanding.

But it is evident that the establishment, in the mean time, of new interests, and the growing up, as it were, of new proprietary claims upon the lands which are yet in dispute, may end by embarrassing the action of both Governments; of the Government to whom the district shall be finally allotted, and of the Government which will be called upon definitely to relinquish it.

The same argument has been held, and the same principle has been contended for, by the Government of the United States no less than by the Government of Great Britain. It will be in the immediate recollection of the Government of the United States, that when, in the year 1837, an alleged act, or design rather, of encroachment, of a far less direct or objectionable character than the operations referred to in the present note, namely, the survey of a projected line of railroad from Quebec to St. Andrews, passing through a part of the disputed territory, was complained of and remonstrated against by the President, her Majesty's Government immediately consented to order that survey to be relinquished. The undersigned cannot doubt but that the Government of the United States will now, on their part, be guided by a similar and reciprocal disposition.

The undersigned, therefore, while protesting, in the first place, formally, in the name of his Government, against the acts of encroachment by the people of Maine, above enumerated and complained of, urgently, also, and for the ends of peace and good will, appeals to the Government of the United States to cause those acts of encroachment to be desisted from, in order that whenever a practical adjustment of the line of boundary shall be obtained, no minor or incidental occasions of dispute

may remain to obstruct that final and friendly settlement of the controversy, which the undersigned feels persuaded it is the equally earnest desire of both Governments to accomplish.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration. H. S. FOX.

Hon. JOHN FORSYTH, &c &c. &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, December 24, 1839.

The undersigned, Secretary of State of the United States, having, in pursuance of directions from the President, requested the Governor of Maine to communicate to him such information as might be in his possession in relation to a complaint preferred by Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain, in a note dated the 2d ultimo, of alleged encroachments on the part of the State of Maine upon the territory in dispute on the Northeastern frontier of the United States, is enabled, by a recent communication from the Governor of the State, to lay before Mr. Fox, for the information of his Government, the following statements and observations:

With reference to the first ground of complaint, the undersigned is informed that, early last spring, the land agent of Maine despatched a small force, consisting of about twenty-five men, to Fish river, for the purpose of dispersing a band of trespassers understood to have been operating at that place, in consequence of which the trespassers' camps were broken up, some of them driven off, and a few, with their teams, brought to the settlement on the Aroostook, but subsequently released: that the land agent, in further pursuance of what he deemed his duty, again sent a party of about the same number of men to the mouth of Fish river, to extend a boom across it, in order to prevent the timber, which had been cut by the trespassers, from being driven out into the St. Johns, and to hinder further depredations by cutting. The object of the expedition had been accomplished, and the party remained on the ground, at the date of the Governor's communication.

So far the undersigned is unable to perceive that any thing has been done by the people of Maine, in any way contravening the spirit of the agreement entered into with Mr. Fox, or that of the arrangement proposed by General Scott, and subscribed to by the authorities of Maine and New Brunswick. In the first place, the territory contiguous to the mouth of the Fish river, on either side of the St. Johns, can, in no proper sense, be considered as included in the Madawaska settlement. It is distant some twenty-five miles above it, and the two points are not connected by any continuous occupations or settlements of the country. But even if the point referred to formed part of the Madawaska settlement, the agreement of the 27th of February stipulated that, in the event of necessity for dispersing notorious trespassers, or protecting public property from depredation, by armed force, the operation would be conducted jointly or separately, according to agreements between the Governments of Maine and New Brunswick. Under such an agreement, negotiated through the agency of General Scott, the Governor of Maine was to maintain within the disputed territory, under a land agent, a small civil posse, armed or unarmed, to protect the timber recently cut, and to prevent further depredations, without any limitation as to the sphere of its operation within the bounds of the disputed territory. To the attainment of those ends, the action of the parties detached by the Maine land agent appears, so far as the undersigned is informed, to have been strictly confined.

As to the military aspect and character alleged by Mr. Fox to have been assumed by the parties on the Restook and Fish rivers, it appears that those despatched to the last mentioned points, composed, as stated, each of about twenty-five men, neither militia nor soldiers, but hired laborers, were, it is true, armed with muskets, and had extended a boom across the river, and erected a blockhouse for its protection and their own against the numerous bands of lawless men, grown desperate by being deprived of their accustomed plunder, and over whom her Majesty's authorities appear to have exercised but little control. Such measures of precaution cannot but be regarded as dictated by prudential motives, if not by the necessity of the case, and the fitness and extent of the preparation, appear to the undersigned questions which could not understandingly be discussed away from the scene of action, and which, of necessity, can only be properly decided by those persons whose safety was to be secured.

Upon the Aroostook, which has been the pivot of the operations of the land agent's posse, a larger number of men has been employed. They have also extended a boom across the river, and erected near it a fortification of hewn timber, and a few other more temporary buildings. The twenty-five or thirty men stationed there, are likewise armed with muskets, and, it is believed, have also two small pieces of artillery. The remainder, about one hundred and twenty-five, have, for the most part, been engaged in opening roads for summer, as well as for winter, communications, and in preparing facilities for supplying the posse. Any preparations short of these, would, it is stated, have been insufficient to protect the public property: and the authorities of Maine cannot repress a sentiment of surprise, that these should now be made a subject of complaint, when, but a short time since, the establishment was assaulted by a party of some fifty men, suitably equipped, commanded by a captain of militia, and bearing the Queen's arms, in the repulsion of which the occupants displayed a spirit of forbearance and moderation sufficiently in harmony with the avowed and sole object of their occupation of the territory; and that surprise is in no way diminished by the fact that the agents of the British Government have just completed extensive and permanent barracks on the same territory, north of the St. Johns, and are in the habit of transporting troops and munitions of war over it at their convenience.

The construction of the road leading into the valley of the Aroostook, would not, it is apprehended, have been deemed, at this time, a just cause of complaint, had Mr. Fox adverted to the fact that the work was commenced as long ago as 1826, under an appropriation by the Legislature of the State of Maine, and that from that time it has steadly advanced, so that another year will probably see it completed, from near Mattawamkeag Point, in the county of Penobscot, to the Aroostook river, and thence to the mouth of Fish river, on the St. Johns. It is, therefore, no new project, conflicting with any existing arrangement, nor with any understanding to which the State of Maine has become a party, but the exercise of a lawful right over a portion of the territory in dispute, of and over which it ever has had possession and jurisdiction. To say nothing of other advantages anticipated from the completion of the road, it will afford great facilities for preventing trespasses upon the public lands; and, indeed, it is considered that trespassing upon the streams emptying high up upon the St. Johns, cannot be prevented without such a road.

The Governor of Maine considers, that, in carrying on the work referred to, the State has done no more that is inconsistent with the respective rights of the parties, than have the authorities of her Majesty's province, in constructing, and, recently, as it is understood, in thoroughly repairing a permanent mail road over a large portion of the territory north of the St. Johns.

The last allegation in Mr. Fox's note, forming a cause of complaint against the State of Maine relates to her management of the lands upon the Aroostook. In this particular, the undersigned is enabled to observe that the proceedings complained of differ, in no way, from those which Maine, since her separation from Massachusetts, and the last named State previously to it, have ever pursued in regard to the public lands. For the last thirty years the State has been occasionally surveying and lotting those lands, granting them for literary, charitable, and religious purposes, and selling them in small lots to actual settlers. Of this right, so long exercised, Maine alleges that she has done nothing to divest herself, and that the discussions and negotiations upon the Maine question of boundary could not have had the effect of weakening her title to rights she had so long been in the habit of enjoying.

It is with no little surprise that, in the face of the complaints, which form the subject of Mr. Fox's note, the President has received intelligence of her Majesty's colonial authorities having recently stationed a regiment of regular troops, part at the north, and part at the south end of Lake Temiscouata and of her Majesty's forces having commenced building barracks on both sides of the St. Johns, at its confluence with the Madawaska. Such proceedings on the part of the agents of the British Government would, if true, constitute such a flagrant contravention to the existing understanding between the parties, that the President cannot but hope that the report which has reached him of the occupation referred to, is founded upon incorrect information.

The undersigned requests that Mr. Fox will communicate to him such information, if any, as he may have in his possession in relation to the subject, and that he will, by such representations as the circumstances, if founded in fact, will obviously suggest, impress her Majesty's colonial authorities with a sense of the inexpediency and imprudence of such proceedings, and of the unhappy consequences likely to attend their persistence therein.

The undersigned avails himself of this occasion to renew to Mr. Fox the assurance of his distinguished consideration. JOHN FORSYTH.

HENRY S. FOX, esq. &c. &c. &c.

Mr Fox to Mr. Forsyth.

WASHINGTON, Jan. 12, 1840.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to acknowledge the receipt of the official note addressed to him by the Secretary of State of the United States, on the 24th of December, in reply to a previous note, which, by direction of his Government, the undersigned had addressed to the Secretary of State on the 2d of November, in relation to various and continued acts of encroachment committed by the authorities and inhabitants of the State of Maine, within that tract of territory on the Northeastern frontier of the United States, the true title to the possession of which, according to the terms of the treaty of 1783, is at present in dispute between the British and American Governments.

The undersigned has lost no time in transmitting to her Majesty's Government the official note of the Secretary of State. He has, in the meantime, to express his extreme regret that the explanations furnished by the authorities of the State of Maine, and communicated to the undersigned by the Secretary of State, in relation to the encroachments complained of, both as regards the construction of roads and public works, and the sale and alienation of lands, are of a character which must render them altogether unsatisfactory to the Government of Great Britain. It would appear, in fact, as if a reference by the General Government to the authorities of Maine, of the complaints preferred by Great Britain, had produced no other reply or explanation from the authorities of Maine, than a reiteration of their intention to persist in the commission of the acts complained of, whether in accordance with the obligations of international justice or not.

The undersigned does not permit himself to relinquish the hope that, through the wisdom and integrity of the General Government of the United States, in unison with the sincere endeavors of her Majesty's Government, it will still be found possible to bring the pending controversy of the disputed boundary to a satisfactory and amicable conclusion; but it is certain that the public acts, and public declarations of the authorities of Maine, are continually calculated, as far as in them lies, to render such amicable conclusion more difficult and more distant.

With reference to the concluding part of the official note of the Secretary of State, wherein observations are made upon certain reported movements of British troops in the neighborhood of Lake Temiscouata, and at other points within that por-

tion of the territory where, according to the provisional agreements entered into at the beginning of last year, no interference was to be attempted, with the exercise of British authority, pending the negotiation of the boundary question, the undersigned can distinctly assure the Secretary of State that there exists no intention on the part of her Majesty's authorities to cancel or infringe the terms of those provisional engagements, so long as the same are observed with fidelity by the other party.

The particular motives, and the amount of the present movement of troops, have been explained in a frank and satisfactory manner to the Governor of Maine by the Lieutenant Governor of New Brunswick, in a correspondence which has been made public, and which, it appears, has been officially communicated by the Governor of Maine to the President of the United States.

With regard, however, generally to the reinforcement of military posts, and other defensive and precautionary measures, whether along the confines of the disputed territory, or within that portion of it where, according to the provisional agreements before cited, the authority of Great Britain was not to be interfered with, the undersigned has to observe that the adoption of such measures by her Majesty's authorities cannot be, with reason, objected to or complained of by the Government of the United States, when regard is had to the reports which have for some time past been circulated, (and of the prevalence and consistency of those reports the United States Government are themselves fully aware,) respecting the probable intention of the Legislature of the State of Maine to revoke, during its present session, the provisional agreements now in force, and to authorise some new and extensive act of aggression over the stipulated territory. And the undersigned has regretted to observe that the language of the Governor of Maine, in his recent message to the Legislature, at the opening of the session, is calculated to encourage rather than to restrain such rash and obnoxious designs.

The undersigned avails himself of this occasion to repeat to the Secretary of State of the United States the assurance of his distinguished consideration. H. S. FOX.

The Hon. JOHN FORSYTH, &c. &c. &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, Jan. 16, 1840.

In a note which Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain, addressed on the 12th instant to the undersigned, Secretary of State of the United States, Mr. Fox, alluding to a complaint made by the undersigned of certain reported movements of British troops in portions of the territory in dispute between the two countries, disclaims all intention on the part of the British authorities to cancel or infringe the terms of the provisional agreement entered into at the beginning of last year; and this disclaimer is connected with an assumption of the right of Great Britain to streng hen posts, and take measures of (mi itary) precaution, not along the line only, but within portions of the disputed territory, as, by the terms of the agreements referred to, no interference was to be attempted pending the negotiation of the boundary question, with the exercise of British authority in the neighborhood of Lake Temiscouata, "and at o her points" within a portion of the territory supposed to be embraced in the terms of the arrangements. Mr. Fox having stated that he has referred to his Government the representations of the United States against the military movements alluded to, the undersigned, under a confident expectation that the matter will present itself to the minds of her Majesty's ministers in a light different from that which it is understood by Mr. Fox, would have refrained from any further remarks on the subject, but in order to obviate the risk of any misapprehension as to the views of the President concerning it, and inasmuch as the ground assumed by Mr. Fox with respect to the import of the existing arrangements would, if admitted by the United States, give to those arrangements a scope not authorised by the language in which they are expressed, nor by what is believed to be the intention of the parties, it is proper that the undersigned should call Mr. Fox's immediate attention to the express provisions of the agreement signed by him and the undersigned, and of that which was subscribed to, under the agency of General Scott, by the Governor of Maine and the Lieutenant Governor of New Brunswick.

The main object of those agreements obviously was the restoration and future maintenance of tranquillity in the disputed territory; and as the means of most surely attaining that object, the entire exclusion from its limits of all military force, to whichever side belonging, and the delegation to the civil authority exclusively, of the exercise of all power and jurisdiction. With that view, under the first mentioned of those agreements, it was only in case of necessity for dispersing notorious trespassers, or protecting public property from depredation, that armed force was to be employed on either side, and then the operation was to be conducted by concert, jointly or separately, according to agreement between the Governments of Maine and New Brunswick. The other was the result of the contemplated "concert" between the Governments of Maine and New Brunswick; was intended to carry out the object of the first, confiding to the State of Maine the duty of protecting the timber recently cut, and of preventing further depredations, and prescribed that these objects were to be accomplished through the agency of a civil posse. Accordingly, the Governor of Maine engaged to withdraw, without unnecessary delay, the military force of the State. Without regard, therefore, to the limits within which either party had before exercised jurisdiction, resort to military force, for any purpose whatever, was interdicted to both parties. With reference to the extent of territory within which each party was to continue to exercise jurisdiction, the first agreement left the question of right where it had before stood, and only expressed the conflicting understanding of that question by the Governments of the United States and Great Britain, respectively. The agreement between Governor Fairfield and Sir John Harvey provided, likewise, that the question of possession and jurisdiction should remain as it then stood; but stated where it stood, by providing that Great Britain was to continue holding, in fact, possession of a part of the territory, meaning that part embraced in the Madawaska settlements, in the occupancy of which, as well as in the enjoyment of the usual communications between New Brunswick and her Majesty's upper provinces, the Governor of Maine disclaimed all intentions of disturbing the British authorities. Beyond the Madawaska settlements, therefore, circumscribed by the limits within which they stood at the date of the agreement, the United States cannot, under the terms of that agreement, recognise in the British authorities the right of extending jurisdiction, much less that of forming any military establishments beyond or within them; and those, consequently, which formed the subject of the representations in the note of the undersigned of the 12th of December, pushed, as they are alleged to have been, into tracts of country far beyond any acknowledged limits of those settlements, and wholly unconnected with them, cannot be viewed in any other light than a bold infraction of existing arrangements. That such is a just view of the agreements, cannot be disputed by Great Britain, as her Majesty's Government has adopted and acted upon it. In the note of Mr. Fox complaining of the encroachments on the part of Maine, and of an armed occupation of part of the disputed territory by that State, both are treated as inconsistent with the existing arrangements; and it is presumed her Majesty's Government will not attempt to apply one rule of construction to defend the military movements of its colonial authorities, and another to sustain complaints against the State Government, for acts which are not founded upon any apprehended necessity of the use of a regular military force for offensive or defensive purposes. Nor can it be imagined that it will be contended that those arrangements ar not perfectly reciprocal, or that there is any difference in the character and the extent of the jurisdiction to be exercised by Great Britain in one portion, and that by the State of Maine or the United States in the other portion, of the disputed territory, comprehended within the temporary arrangements made to preserve tranquillity in both, and guard against any hostile collision between the State and colonial governments.

The undersigned having laid Mr. Fox's note before the President, is instructed to state to him, that no reason is perceived for doubting the disposition of the Governor of Maine scrupulously to adhere to the spirit of the existing arrangements, and to avoid all acts tending to render more difficult and distant the final adjustment of the main question of boundary between the two countries; but, in repeating assurances of the readiness of the United States Government to contribute, by all means in its power, to an amicable termination of the difference, the undersigned is bound to declare that a persistence in, or a repetition of, such acts, on the part of her Majesty's agents, as those now complained of, would, if avowed by Great Britain, be considered as but little in accordance with those assurances.

The undersigned avails himself of this occasion to renew to Mr. Fox the expression of his distinguished consideration. JOHN FORSYTH.

HENRY S. FOX, esq. &c. &c.

WAR DEPARTMENT,
January 22, 1840.

SIR: In reply to that portion of the resolution of the Senate, referred by your direction to this Department by the Secretary of State, which requests you "to communicate to the Senate, so far as may not be incompatible with the public interest, whether any, and if any, what measures have been taken under the act of Congress of March, 1839, or otherwise, to cause the removal or expulsion of the British troops, which have taken possession of a portion of the territory of Maine, claimed by Great Britain, and especially whether, since the last session of Congress, any military posts have been established in Maine, or any other military measures adopted, preparatory to a just vindication of the honor and rights of the nation and of Maine, as connected with the persevering claim made by Great Britain to a portion of the territory of that State;" I have the honor to state, that the circumstance of a portion of the territory of Maine claimed by Great Britain having been occupied by British troops, was recently communicated to the Government, and having been made the subject of remonstrance, and become a matter of discussion between the two Governments, no measures of a character referred to by the resolution have been taken, either under the act of Congress of March, 1839, or otherwise.

A careful military reconnoisance of the undisputed boundary of the State of Maine, was made in 1838, and the result submitted to the Senate during the last session of Congress; but as no appropriation was made for the erection of fortifications on the sites selected for that purpose, none were commenced; and as is fully set forth in your last annual message to Congress, it did not appear, that the contingency contemplated by the act alluded to, had occurred, no military measures whatever were deemed necessary, or were adopted.

Very respectfully, your most obedient servant,
J. R. POINSETT.

To the PRESIDENT of the United States.

On motion by Mr. WILLIAMS, five thousands additional copies were ordered to be printed.

Also, a report from the Secretary of War, in compliance with a resolution of the Senate, relative to the operations for increasing the depth of water at the mouth of the Mississippi river; which was referred to the Committee on Commerce.

Mr. CALHOUN presented the memorial of the heirs at law of John De Treville, a captain in the Revolutionary army, for commutation; which was referred to the Committee on Revolutionary Claims.

Mr. LUMPKIN, from the Committee on Manufactures, to which was referred the memorial of certain manufacturers of wool, asked to be discharged from its further consideration; which was agreed to, and it was laid on the table.

Mr. GRUNDY presented the petition of Thos.

Elliott; which was referred to the Committee on Claims.

Mr. NORVELL presented the petition of John Nantz; which was referred to the Committee on Naval Affairs.

Mr. NICHOLAS presented the memorial of E. L. A. Ripley; which was referred to the Committee on Claims.

Mr. BUCHANAN presented a memorial from citizens of the city and county of Philadelphia, praying an appropriation for a steam revenue cutter for the Delaware bay; which was referred to the Committee on Commerce.

On motion by Mr. PHELPS, the petition and papers of John Caldwell, now on file, were referred to the Committee on Revolutionary Claims.

Mr. SEVIER, at the instance of the Delegate from Wisconsin, presented the petition of Robert Grignon; which was referred to the Committee on Indian Affairs.

Mr. CRITTENDEN presented the fifteenth annual report on the Louisville and Portland Canal; which was referred to the Committee on Roads and Canals.

Mr. STRANGE presented the petition of Lewis Gordon; which was referred to the Committee on Naval Affairs.

Mr. HUBBARD presented a memorial of the Legislative Assembly of Wisconsin, asking for aid to erect a penitentiary; which was referred to the Committee on Finance, and ordered to be printed.

Mr. NORVELL, in pursuance of notice, asked and obtained leave to introduce a bill creating an additional land office in the State of Michigan, and for other purposes; which was read twice, and referred to the Committee on the Public Lands.

Mr. TAPPAN, from the Committee on Naval Affairs, to which was referred the memorial of John Whitehead and others, made an adverse report thereon; which was ordered to be printed.

Mr. RUGGLES, from the Committee on Commerce, to which was referred the petition of Nathaniel Gunnison, made an adverse report thereon.

Mr. TAPPAN said he wished to make an inquiry of the chairman of the Committee on the District of Columbia, on a subject in which the citizens of the District were greatly interested. He would inquire whether that committee intended at an early day to introduce a bill for the renewal of the charters of the banks in the District.

Mr. MERRICK said that the committee had not yet taken the subject under their consideration, and, of course, he could not say what would be their course, when they considered the subject. Some of the banks had not yet applied for a renewal of their charters, and there were no memorials from the citizens of the District on the subject. It was, therefore, not probable that the committee would report a bill at an early day.

Mr. TAPPAN said that, under these circumstances, he would give notice, that at an early day, he would ask leave to introduce a bill to regulate the issue and circulation of bank paper in the District of Columbia.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill for the relief of Henry J. Pickering, reported the same without amendment, and said that he was instructed by the Committee, when it came up under consideration, to move its indefinite postponement.

Mr. MERRICK submitted the following resolution:

Resolved, That the rules of the Senate be so modified as to admit on the floor of the Senate the District Attorney of the United States for the District of Columbia, and the Reporter for the Supreme Court.

THE INDEPENDENT TREASURY BILL.

The following bill was taken up for consideration, the question being on its passage:

A BILL to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, there shall be prepared and provided, within the new Treasury building now erecting at the seat of Government, suitable and convenient rooms for the use of the Treasurer of the United States, his assistants and clerks; and sufficient and secure fireproof vaults and safes, for the keeping of the public moneys in the possession and under the immediate control of the said Treasurer; which said rooms, vaults, and safes, are hereby constituted and declared to be, the Treasury of the United States. And the said Treasurer of the United States shall keep all the public moneys which shall come to his hands in the Treasury of the United States, as hereby constituted, until the same are drawn therefrom according to law.

SEC. 2. *And be it further enacted*, That the Mint of the United States, in the city of Philadelphia, in the State of Pennsylvania, and the Branch Mint, in the city of New Orleans, in the State of Louisiana, and the vaults and safes thereof, respectively, shall be places of deposite and safe keeping of the public moneys at those points respectively; and the Treasurer of the said Mint and Branch Mint respectively, for the time being, shall have the custody and care of all public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe keeping, transfer and disbursements of all such moneys, according to the provisions hereinafter contained.

SEC. 3. *And be it further enacted*, That there shall be prepared and provided, within the custom-houses now erecting in the city of New York, in the State of New York, and in the city of Boston, in the State of Massachusetts, suitable and convenient rooms for the use of the receivers-general of public moneys, hereinafter directed to be appointed, at those places, respectively; and sufficient and secure fireproof vaults and safes for the keeping of the public moneys collected and deposited with them, respectively; and receivers-general of public money, from time to time, appointed at those points, shall have the custody and care of the said rooms, vaults, and safes, respectively, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them, in reference to the receipt, safe keeping, transfer, and disbursement of all such moneys, according to the provisions of this act.

SEC. 4. *And be it further enacted*, That there shall be erected, prepared, and provided, at the expense of the United States, at the city of Charleston, in the State of South Carolina, and at the city of St. Louis, in the State of Missouri, offices, with suitable and convenient rooms for the use of the receivers-general of public money hereinafter directed to be appointed at the places above named; and sufficient and secure fireproof vaults and safes for the keeping of the public money collected and deposited at those points respectively; and the said receivers-general, from time to time appointed at those places, shall have the custody and care of the said offices, vaults, and safes, so to be erected, prepared, and provided, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them, in reference to the recept, safe keeping, transfer, and disbursement of all such moneys, according to the provisions hereinafter contained.

SEC. 5. *And be it further enacted*, That the President shall nominate, and, by and with the advice and consent of the Senate, appoint four officers, to be denominated 'receivers-general of public money," which said officers shall hold their respective offices for the term of four years, unless sooner removed therefrom; one of which shall be located at the city of New York, in the State of New York; one other of which shall be located at the city of Boston, in the State of Massachusetts; one other of which shall be located at the city of Charleston, in the State of South Carolina; and the remaining one of which shall be located at the city of St. Louis, in the State of Missouri; and all of which said officers shall give bonds to the United States, with sureties, according to the provisions hereinafter contained, for the faithful discharge of the duties of their respective offices.

SEC. 6. *And be it further enacted*, That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurers and those acting as such, of the various Branch Mints, all collectors of the customs, all surveyors of the customs acting also as collectors, all receivers-general of public moneys, all receivers of public moneys at the several land offices, and all postmasters, except as is hereinafter particularly provided, be, and they are hereby, required to keep safely, without loaning or using, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper Department or officer of the Government to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government, which may be imposed by this or any other acts of Congress, or by any regulation of the Treasury Department, made in conformity to law; and also to do and perform all acts and duties required by law, or by direction of any of the Executive Departments of the Government, as agents for paying pensions, or for making any other disbursements which either of the heads of those Departments may be required by law to make, and which are of a character to be made by the depositaries hereby constituted, consistently with the other official duties imposed upon them.

SEC. 7. *And be it further enacted*, That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurer of the Branch Mint at New Orleans, and the receivers-general of public money hereinbefore directed to be appointed, shall, respectively, give bonds to the United States, in such form, and for such amounts, as shall be directed by the Secretary of the Treasury, by and with the advice and consent of the President, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time, renew, strengthen, and increase their official bonds, as the Secretary of the Treasury, with the consent of the President, may direct; any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, at as early a day as possible after the passage of this act, to require from the several depositaries hereby constituted, and whose official bonds are not hereinbefore provided for, to execute bonds new and suitable in their terms to meet the new and increased duties imposed upon them respectively by this act, and with sureties, and in sums such as shall seem reasonable and safe to the Solicitor of the Treasury, and from time to time to require such bonds to be renewed and increased in amount and strengthened by new sureties, to meet any increasing responsibility which may grow out of accumulations of money in the hands of the depositary, or out of any other duty or responsibility arising under this or any other law of Congress.

SEC. 9. *And be it further enacted*, That all collectors and receivers of public money, of every character and description, within the District of Columbia, shall, as frequently as they may be directed by the Secretary of the Treasury, or the Postmaster General, so to do, pay over to the Treasurer of the United States at the Treasury thereof, all public moneys collected by them, or in their hands; that all such collectors and receivers of public moneys within the cities of Philadelphia and New Orleans, shall, upon the same direction, pay over to the Treasurers of the Mints in their respective cities, at the said Mints, all public moneys collected by them, or in their hands; and that all such collectors and receivers of public moneys within the cities of New York, Boston, Charleston, and St. Louis, shall, upon the same direction, pay over to the receivers-general of public money in their respective cities, at their offices respectively, all the public moneys collected by them, or in their hands, to be safely kept by the said respective depositaries, until otherwise disposed of according to law; and it shall be the duty of the said Secretary and Postmaster General to direct such payments, by the said collectors and receivers, at all the said places, at least as often as once in each week, and as much more frequently, in all cases, as they, in their discretion, may think proper.

SEC. 10. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to

transfer the moneys in the hands of any depositary hereby constituted, to the Treasury of the United States; to the Mint at Philadelphia; to the Branch Mint at New Orleans; or to the offices of either of the receivers-general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary constituted by this act to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service shall seem to him to require; which authority to transfer the moneys belonging to the Post Office Department is also hereby conferred upon the Postmaster General so far as its exercise by him may be consistent with the provisions of existing laws; and every depositary constituted by this act shall keep his account of the money paid to or deposited with him, belonging to the Post Office Department separate and distinct from the account kept by him of other public moneys so paid or deposited. And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both.

SEC. 11. *And be it further enacted*, That the moneys in the hands, care, and custody, of any of the depositaries constituted by this act, shall be considered and held as deposited to the credit of the Treasurer of the United States, and shall be, at all times, subject to his draft, whether made for transfer or disbursement, in the same manner as though the said moneys were actually in the Treasury of the United States; and each depositary shall make returns to the Treasury and Post Office Department of all moneys received and paid by him, at such times, and in such form, as shall be directed by the Secretary of the Treasury, or the Postmaster General.

SEC. 12. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositaries constituted by this act; and for that purpose to appoint special agents, as occasion may require, with such compensation as he may think reasonable, to be fixed and declared at the time of each appointment. The agents selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys, may be secured thereby.

SEC. 13. *And be it further enacted*, That in addition to the examinations provided for in the last preceding section, and as a further guard over the public moneys, it shall be the duty of each naval officer and surveyor, as a check upon the receiver-general of public moneys, or collector of the customs, of their respective districts; of each register of a land office, as a check upon the receiver of his land office; and of the director and superintendent of each Mint and Branch Mint when seperate offices, as a check upon the Treasurers, respectively, of the said Mints, or the persons acting as such, at the close of each quarter of the year, and as much more frequently as they shall be directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of the receivers-general of public money, collectors, receivers of land offices, treasurers, and persons acting as such, and to make a full, accurate, and faithful return to the Treasury Department of their condition.

SEC. 14. *And be it further enacted*, That the said officers respectively whose duty it is made by this act to receive, keep and disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for clerks, fireproof chests, or vaults, or other necessary expenses of safe keeping, transferring, and disbursing said moneys; all such expenses of every character to be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, are to be strictly followed by all the said officers: *Provided*, That the whole number of clerks to be appointed by virtue of this section of this act, shall not exceed ten, and that the aggregate compensations of the whole number shall not exceed eight thousand dollars, nor shall the compensation of any one clerk, so appointed, exceed eight hundred dollars per annum.

SEC. 15. *And be it further enacted*, That the Secretary of the Treasury shall, with as much promptitude as the convenience of the public business, and the safety of the public funds will permit, withdraw the balances remaining with the present depositaries of the public moneys, and confine the safe keeping, transfer, and disbursement of those moneys to the depositaries established by this act.

SEC. 16. *And be it further enacted*. That all marshals, district attorneys, and others, having public money to pay to the United States, and all patentees, wishing to make payment for patents to be issued, may pay all such moneys to the Treasurer of the United States, at the Treasury, to the Treasurer of either of the Mints, in Philadelphia or New Orleans, to either of the receivers general of public money, or to each other depositary constituted by this act as shall be designated by the Secretary of the Treasury, in other parts of the United States, to receive such payments, and give receipts or certificates of deposite therefor.

SEC. 17. *And be it further enacted*, That all officers charged by this act with the safe keeping, transfer and disbursement of the public moneys, others than those connected with the Post Office Department, are hereby required to keep an accurate entry of each sum received, and of the kind of money in which it is received, and of each payment or transfer, and of the kind of currency in which it is made; and that if any one of the said officers or of those connected with the Post Office Department, shall convert to his own use; in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys, intrusted to him for safe keeping, disbursement, transfer or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony, and any officer or agent of the United States, and all persons adivsing or participating in such act, being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than six months nor more than five years, and to a fine equal to the amount of the money embezzled.

SEC. 18. *And be it further enacted*, That until the rooms, offices, vaults, and safes, directed by the first four sections of this act to be constructed and prepared for the use of the Treasurer of the United States, the Treasurers of the Mints at Philadelphia and New Orleans, and the receivers-general of public money at New York, Boston, Charleston, and St. Louis, can be constructed and prepared for use, it shall be the duty of the Secretary of the Treasury to procure suitable rooms for offices for those officers at their respective locations, and to contract for such use of vaults and safes as may be required for the safe keeping of the public moneys in the charge and custody of those officers respectively, the expense to be paid by the United States.

SEC. 19. *And be it further enacted*, That from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty, the resolution of Congress of the thirtieth day of April, in the year one thousand eight hundred and sixteen, so far as it authorizes the receipt in payment of duties, taxes, sales of public lands, debts and sums of money, accruing or becoming payable to the United States, to be collected and paid in the notes of specie paying banks, shall be so modified as that one-fourth part of all such duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, shall be collected in the legal currency of the United States; and from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-one, one other fourth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-two, one other fourth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-three, the remaining fourth part of the said duties, taxes, sales of public lands, debts and sums of money, shall be also collected in the legal currency of the United States; and from and after the last mentioned day, all sums accruing, or becoming payable to the United States, for duties, taxes, sales of public lands, or other debts, and also all sums due for postages, or otherwise, to the General Post Office Department, shall be paid in gold and silver only.

SEC. 20. *And be it further enacted*, That, from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-three, every officer or agent engaged in making disbursements on account of the United States, or of the General Post Office, shall make all payments in gold and silver coin only; and any receiving or disbursing officer, or agent, who shall neglect, evade, or violate the provisions of this and the last preceding section of this act, shall, by the Secretary of the Treasury, be immediately reported to the President of the United States, with the facts of such neglect, evasion, or violation, and also to Congress, if in session, and, if not in session, at the commencemeat of its session next after the violation takes place.

SEC. 21. *And be it further enacted*, That no exchange of funds shall be made by any disbursing officers, or agents, of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold and silver; and every such disbursing officer, when the means for his disbursements are furnished to him in currency legally receivable under the provisions of this act, shall make his payments in the currency so furnished, or when those means are furnished to him in drafts, shall cause those drafts to be presented at their place of payment and properly paid according to the law, and shall make his payments in the currency so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par, and so as to facilitate his payments, or otherwise accommodate the public service and promote the circulation of a metallic currency: And it shall be, and is hereby made, the duty of the head of the proper Department immediately to suspend from duty any disbursing officer who shall violate the provisions of this section, and forthwith to report the name of the officer, or agent, to the President, with the fact of the violation and all the circumstances accompanying the same and within the knowledge of the said Secretary, to the end that such officer, or agent, may be promptly removed from office, or restored to his trust and the performance of his duties, as to the President may seem just and proper.

SEC. 22. *And be it further enacted*, That it shall not be lawful for the Secretary of the Treasury to make or continue in force, any general order, which shall create any difference between the different branches of revenue, as to the funds or medium of payment in which debts or dues accruing to the United States may be paid.

SEC. 23. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper.

But in all those regulations and directions it shall be the duty of the Secretary of the Treasury to guard, as far as may be, against those drafts being used, or thrown into circulation, as a paper currency or medium of exchange.

SEC 24. *And be it further enacted*, That the receivers-general of public moneys directed by this act to be appointed, shall receive, respectively, the following salaries, per annum, to be paid quarter yearly, at the Treasury of the United States, to wit: the receiver general of public money at New York shall be paid a salary of four thousand dollars per annum; the receiver-general of public money at Boston shall be paid a salary of two thousand five hundred dollars per annum; the receiver-general of public money at Charleston shall be paid a salary of two thousand five hundred dollars per annum; and the receiver-general of public money at St. Louis, shall be paid a salary of two thousand five hundred dollars per annum; the Treasurer of the Mint at Philadelphia shall, in addition to his present salary, receive five hundred dollars annually for the performance of the duties imposed by this act; the Treasurer of the Branch Mint at New Orleans shall also receive one thousand dollars annually for the additional duties created by this act; and these salaries, respectively, shall be in full for the services of the respective officers, nor shall either of them be permitted to charge, or receive, any commission, pay, or perquisite, for any official service, of any character or description whatsoever; and the making of any such charge, or the receipt of any such compensation, is hereby declared to be a misdemeanor, for which the officer convicted thereof, before any court of the United States of competent jurisdiction, shall be subject to punishment by fine, or imprisonment, or both, at the discretion of the court before which the offence shall be tried.

SEC. 25. *And be it further enacted*, That the Treasurer of the United States be, and he is hereby, authorized to receive at the Treasury, and at such other points as he may designate, payments in advance for public lands, the payments so made, in all cases, to be evidenced by the receipt of the said Treasurer of the United States; which receipts so given shall be receivable for public lands, at any public or private sale of lands, in the same manner as the currency authorized by law to be received in payment for the public lands: *Provided, however*, That the receipts given by the Treasurer of the United States, pursuant to the authority conferred in this section, shall not be negotiable or transferable, by delivery, or assignment, or in any other manner whatsoever, but shall, in all cases, be presented in payment for lands by or for the person to whom the receipt was given, as shown upon its face.

SEC. 26. *And be it further enacted*, That for the purchase of sites, and for the construction of the offices of the receivers-general of public money, by this act directed to be erected at Charleston, South Carolina, and at St. Louis, Missouri, there shall be, and hereby is, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the sum of ten thousand dollars, to be expended under the direction of the Secretary of the Treasury, who is hereby required to adopt plans for the said offices, and the vaults and safes connected therewith, and to cause the same to be constructed and prepared for use with as little delay as shall be consistent with the public interests, and the convenient location and security of the buildings to be erected: *Provided, however*, That if the Secretary of the Treasury shall find, upon inquiry and examination, that suitable rooms for the use of the receiver-general at Charleston can be obtained in the custom-house now owned by the United States at that place, and that secure vaults and safes can be constructed in that building for the safe keeping of the public money, then he shall cause such rooms to be prepared and fitted up, and such vaults and safes to be constructed in the custom-house at Charleston, and no independent office shall be there erected.

SEC. 27. *And be it further enacted*, That, for the payment of the expenses authorized by this act, other than those herein before provided for, a sufficient sum of money be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 28. *And be it further enacted*, That all acts or parts of acts which come in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. HENDERSON opposed the bill at great length.

Mr. TAPPAN said that he was desirous of expressing his opinions on the bill, but if it was the wish of the Senate to take the question on its passage now, he would not interpose. If it was intended, however, to continue the debate, he would yield the floor to any gentleman who wished to address the Senate.

Mr. SMITH, of Indiana, then rose and submitted his reasons for voting against the bill.

Mr. MERRICK said he intended to address the Senate on this measure, but as it was now late, being a quarter past three o'clock, he moved that the Senate do now adjourn.

The yeas and nays being demanded, the question was decided in the negative—yeas 19, nays 21.

Mr. MERRICK then proceeded to address the Senate in opposition to the bill.

Mr. SMITH of Indiana, for the purpose of testing the sense of the Senate as to whether the question should be taken on the passage of the bill this evening, moved that the Senate adjourn.

The ayes and noes being demanded, the question was decided in the negative—ayes 18, noes 23.

Mr. MERRICK then concluded his remarks, and was followed by Mr. DAVIS, also in opposition to the bill.

The question was then taken on the passage of the bill, and decided in the affirmative—ayes 24, noes 18, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Norvell, Pierce, Roane, Sevier, Smith of Connecticut, Strange, Tappan, Walker, Williams, and Wright—24.

NAYS—Messrs. Betts, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Knight, Merrick, Nicholas, Phelps, Prentiss, Preston, Robinson, Ruggles, Smith of Indiana, White, and Young—18.

So the bill was passed.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 23, 1840.

The question before the House was the proposition of Mr. THOMPSON of South Carolina to amend the rules, by the addition of the following:

Resolved, That, upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate or further action thereon.

And the proposition of Mr. ADAMS, as a substitute for the above, in the following words:

Resolved, That the following be added to the standing rules of this House, to be numbered the 21st:

"Every petition presented by the Speaker, or by any member, with a brief verbal statement of its contents, shall be received, unless objection be made to its reception for special reason; and whenever objection shall be made to the reception of a petition, the name of the membr objecting, and the reason of the objection, shall be entered upon the journal. The question in every such case shall be, *shall the petition be rejected?* and no petition shall be rejected but by a majority of the members present."

Mr. HUNT, who was entitled to the floor, was about proceeding, but was interrupted by

Mr. COOPER, of Pennsylvania, who offered a resolution, which he hoped the House would, by general consent, agree to receive, as it would, under the rule, lie on the table for one day. The resolution to which he had reference was that already published, calling on the Postmaster General for information in relation to the mail arrangement between Baltimore and New York.

Objection was made to its reception.

Mr. HUNT said he was not prepared to yield the floor for any proposition which would cause debate, and deprive him of it.

Mr. SERGEANT asked the consent of the House to make a report on a bill from the Judiciary Committee. It was a bill to correct some errors in the census law, and of the utmost importance.

Objection was made to its reception; when

Mr. SERGEANT moved to suspend the rules.

Mr. HUNT said he could not consent to any proposition which would deprive him of the floor, after so much difficulty in obtaining it.

Mr. HUNT, after thanking the House for the courtesy it extended to him by the adjournment on yesterday, on account of his indisposition, said that the best return he could make for it was his promise to be very brief. He then proceeded to discuss the proposition before the House. The principles involved in the question were of the utmost importance. It was a more important question than any which had occupied the attention of that House since the Declaration of Independence and the adoption of the Constitution. He was utterly opposed to the proposition of the gentleman from South Carolina, [Mr. THOMPSON,] and also to Mr. ADAMS's substitute therefor, in the present aspect of the case. The reasons were, that it was proposed to make it a permanent rule of the House; and because he was in favor of the proposition of the gentleman from Louisiana, [Mr. CHINN,] which was almost identical with that offered by himself four years ago. He hoped the time would arrive to move that again—if not at this session, at least at the next. He was in favor of Mr. C's proposition, because it did not go to make a permanent rule of the House, to operate unjustly on one class of petitions. He feared the other propositions would operate to degrade the moral question involved in the subject before the House, to subserve or satisfy party ends. His objection to the propositions in their present form was founded on the very rules of the House, because they came in conflict with the rule which makes it the duty of the Speaker, after reading of the journals, to call the States for petitions, beginning with the State of Maine, until all the States had been called. The rules had already, he believed, fully provided for the disposition of all classes of petitions. Mr. H. said he would not on these propositions, and at that time, enter into the discussion of, or argue the question of the constitutional right of petition. He considered that subject as far beyond the powers of that House to restrict or abridge as did Southern gentlemen question the power of that House to discuss the question of the sublime merits of slavery. The right of petition, in its most unlimited form, did not depend on the Constitution for its existence, but was an inherent right, above that instrument, and could not be restricted there—it was a right not secured by parchments and seals; but was one which was derived from the Author of all good, which was permitted to be exercised from infancy to old age. It was one given by God to man, which rides over all constitutions. He would ask, what Virginia, the mother of States, would say to the restriction of this right now, when, at her instance, this admirable clause had been inserted in the Constitution to protect that right: "That Congress shall make no law respecting the establishment of religion, or prevent the free exercise thereof, or abolish the freedom of the press, or of speech, and the right of the people peaceably to assemble and petition for a redress of grievances." Mr. H. referred to the history of the times that carried the adoption of this amendment, which was founded upon the proceedings of George the Third, in breaking up legislative bodies, because of the exercise of this right of petition, and other examples of arbitrary rule by Great Britain. He adverted to the jealousy of Virginia's sons—caused by the proceedings of those times—to Patrick Henry, Jefferson, Madison, and other prominent men, who were the advocates of this right in its broadest sense

He congratulated the country now that Virginia had insisted upon the introduction of that clause into the Constitution; not because he believed there was an iota of force added to it. Mr. H did not deny that that House had the inherent right to reject such petitions as were offensive to the body, but he believed that it was not authorized to reject even those which were indecorous or insulting in their character, without assigning reasons on its journal therefor. Mr. H. did not think he could add any strength to what had already been said as to this right, but he would say to the North and to the South, permit the debate to go on—let every man on that floor express his individual sentiments—give the question a fair and full discussion, and the country would lose nothing by it ultimately. An attempt had been already made to stifle debate, but was prevented by one vote only, for which result he was thankful, because he believed the question was paramount in interest to all others.

The House had done, in spite of itself, an act of justice by refusing the previous question; it had afforded the gentleman from Massachusetts, and others, an opportunity to put themselves right before the country. If nothing else had been gained, it was worth the time and expense which it had incurred to do justice to that gentleman, [Mr. ADAMS.]

Upon this question (he said) the North might be reasoned with, but could not be driven. It possessed too much of the Anglo-Saxon blood. The North, when but a child in its swaddling clothes, had so told old Mother England when she disregarded the sacred right of petition, and endeavored to spurn their prayers for a redress of grievances. The question had been discussed in many of the leading journals as a party question. He denied that it was—or that it could be—it was of too grave and important a nature to be dandled with by party. He then went into a history of how far the attempt had been made to make it a party question, and contended that there were men of both parties belonging to the Abolitionists.

Mr. H. then referred to the opinions of prominent men from Virginia upon the subject, to show that Congress had some power over the question; and particularly to John Randolph, who, he said, had introduced a resolution denouncing the traffic in slaves in this District as most inhuman, and proposed the appointment of a committee to inquire into the subject, which was passed *sub silentio*.

Mr. H. referred to the influence which the literature of the present day was exercising over this subject. It was a tremendous influence—such that the House could not longer delay to notice. The American nation is denounced in the slavery publications throughout the civilized world, for permitting the existence of the institution of slavery among us; and he thought it, therefore, no time to blink the question. It was better to meet it now, than refer it to their posterity.

Mr. H. believed, but for the interference of bar-room politicians in exciting prejudices against the abolition societies, Delaware, Maryland, and Virginia, would, before many years, have ceased to be slave States; but this has thrown them back.

Mr. H. thought the best remedy to get rid of the growing and pressing evil of this question on the Government, would be to have free discussion, leave truth free to combat error, to let every gentleman come up and testify fully. He, for one, would be willing to refer the whole subject untrammelled to the gentleman from Massachusetts, [Mr. ADAMS,] and, his head for it, he would, in less than two weeks, put the subject to rest. Give to his constituents reasons why the subject of slavery should not be touched—treat them fairly—not tinker with the question for party purposes—meet it like men, was all that was wanted. He believed sincerely that the pen of that gentleman, by way of report, would settle the question of Abolition forever.

It had been said that the subject had already been referred and reported upon, without having any effect in allaying the excitement upon this question. The report of Mr. Pinckney in 1836, had been referred to as evidence. He knew something of the history of that report. That committee was gagged with instructions which went to whitewash the question, and hoodwink the American people. It was, in fact, a fraud upon the right of petition. Mr. H. could not himself vote for the resolutions of that committee, and was prevented from so amending them as to enable him to do so, but was gagged by the previous question. Because he would not vote for those resolutions, under the circumstances, he had been denounced as an Abolitionist by the official organ. Mr. H. did not believe the North had any right to interfere with the question of domestic slavery; and he did not blame Maryland and Virginia—the States that ceded this District—because they had told the North they had no right to interfere. They had done as he would have done. He was opposed to any interference until these ceding States make the first movement for the abolition of slavery. He believed sincerely that the ceding States had been driven back fifty years on the question of emancipation, in consequence of the imprudence of a portion of the North; and as a representative, in part, of the Empire State, and of the North, he would never vote for the abolition of slavery in the District of Columbia without the consent of those States. Mr. H. concluded at 3 o'clock.

Mr. BYNUM rose and claimed the floor, which, having been awarded to him by the SPEAKER,

Mr. HABERSHAM, who rose nearly at the same time, claimed that he had priority. He thought (he said) it was the rule of the House that when two members rose together, the one who rose from his seat had the preference to the floor over him who rose in the aisle. Now, he was under the impression that the gentleman from North Carolina rose from the aisle; and as he (Mr. H.) had been two months here without having been able to get the floor once, he hoped it would now be awarded to him.

The SPEAKER said the gentleman from Georgia was mistaken. The gentleman from North Carolina [Mr. BYNUM] rose from his seat, and his voice was first heard by the CHAIR. He was, therefore, entitled to the floor.

Mr. BYNUM addressed the House at some length, in a very eloquent speech, in which he laid open the designs of the Abolitionists, and those who supported them in that House. He had been opposed, he said, to the character of this debate from the commencement, and in its incipient steps he made an effort to prevent what had since taken place; but that effort was discountenanced and censured from a quarter that he least expected. It appeared that there was a party in the House determined to enter into this discussion and to carry it on, notwithstanding the consequent delay of the public business and the injury it would occasion; and, so far as his humble opinion went, it had been carried on much to the prejudice of one section of the country, and entirely to the prejudice of the party by whom it was encouraged. No man who was not blind to the scenes that were passing around him but must believe that this was the most momentous question that ever agitated the country. He believed sincerely that this was the very question—the very rock on which our glorious vessel of State was in danger of perishing. No gentleman who was possessed of the most ordinary comprehension with respect to what was passing here, and what was going on abroad, but had seen that consequences must result from the continued agitation of this subject, which would shake the very foundations of our Government. Mr. B. continued, drawing a vivid picture of the dangers to be apprehended from the designs of the Abolitionists, and showing how these Northern gentlemen who claimed to be so friendly to the South, and who professed to oppose any interference with its internal concerns, gave their support and countenance on that floor. Under color of supporting the sacred right of petition, they encouraged the introduction into the House of incendiary papers, calculated to operate with peculiar mischief in a certain quarter; even their very speeches, professedly intended only to advocate that implied privilege, were calculated to produce the same results.

Mr. B. after showing that this right of petition, within the meaning of the Constitution, had no relation to Abolition petitions; and that no one on that floor had ever attempted to interfere with its exercise, observed that there was something abhorrent in the whole proceedings in relation to this subject. If, said he, these gentlemen were not Abolitionists, they were drumming up recruits for them—if they did not mean to fight their battles, they were enlisting soldiers for them. If you look at the right of petition, said he, as guarantied in the Constitution, it refers exclusively to a redress of grievances, and what grievances had these Abolitionists to redress? Was slavery in the Southern States a grievance of theirs? But it was said their tender consciences were aggrieved, and they felt themselves, under a solemn sense of religious duty, bound to interfere. If it was a religious obligation, as well might their tender consciences be aggrieved because in the State he came from the sect of Methodists was more numerous than that of the Presbyterians. These gentlemen talked much about liberty and universal emancipation. He would ask them if they had ever yet considered what was the species of liberty enjoyed by this country. Was it not a constitutional liberty? There was no other liberty, he said, in the country. But these gentlemen said that those who represented the States most interested, were unnecessarily alarmed; that they suffered themselves to be too much excited on the subject. Why not, say they, let these petitions be referred and reported on; why not come up cooly and discuss this question? This was the language held out by Northern gentlemen of a certain party in that House. These gentlemen could, no doubt, speak such language with great freedom. What had they at stake in this momentous question? Were their wives, or their children, or their firesides in danger? Had they at stake every thing that was dear to man? And yet they would tell Southern gentlemen, who had not only all these, but their personal security at stake, "You ought not to feel excitement on this subject; we will take care of you." But, said the gentleman from Pennsylvania, we do not mean to do you any injury. You gentlemen of the South do not understand your own interests as well as we do. Just let us take them and manage them for you. You are an ignorant set of men, and do not know what is for your own good. We do not intend to abolish slavery in the District of Columbia, at least until we are prepared to do so; but all we want is for you to receive our petitions, and acknowledge that we have the right to regulate your affairs. This was not the exact language of the gentleman, it was true, but it was very much like what it amounted to. While endeavoring to coax up Southern men in this way, they put forth language which was sufficient to rouse every slave in the nation to murder and assassination. Gentlemen professed the utmost horror of being suspected of any such designs; but when they put the argument in the mouth of the ignorant slave, to justify murder and assassination, who was most to blame, the assassin or the instigator? Mr. B. after continuing for some time, gave way to

Mr. TURNEY, who moved an adjournment.

Mr. BLACK asked the courtesy of the gentleman to allow him to offer a resolution to authorise the Clerk to employ a printer. The public business (Mr. B. said) was suffering for the want of printing that ought to be done; and in offering this resolution, he would observe that it was precisely the same as that introduced by his colleague, [Mr DAWSON.]

Mr. LEWIS WILLIAMS and others objected.

Mr. BLACK said he had the permission of the gentleman, who was entitled to the floor, to offer this resolution, and he would submit it to the CHAIR whether it was in order for him to do so. As certain of the delegation from Georgia had been denounced in advance, in a paper in that State, for a supposed intention to vote for Blair and Rives as Printers, he had endeavored to bring himself up to the position occupied by his friend and colleague, [Mr. DAWSON,] who, as he was a very cautious man, and always in the line of safe precedents, must in this instance at least be supposed to be good authority. The resolution, Mr. B said, was precisely in the words of that offered in the early part of the session by his colleague.

Mr. HOFFMAN asked to be permitted to offer a resolution to continue in existence for ten days

longer the rules of the House—the time for which they had been adopted, having expired to-day.

Mr. BLACK said, if any resolution was in order, his must have priority, and as it was necessary for the despatch of the public business, he hoped the House would receive it.

Mr. B's resolution was then read for the information of the House, as follows:

Resolved, That the Clerk be instructed and authorised to employ some suitable person or persons to execute the necessary printing of this House, in the manner prescribed by the joint resolution of 1819, until the further order of this House.

Mr. TURNEY then renewed his motion for adjournment, Mr. BYNUM retaining the floor for to-morrow, when

Mr. WILLIAMS of Kentucky called for the yeas and nays, which, having been ordered, the question was taken, and resulted—yeas 98, nays 52; so

The House adjourned.

IN SENATE,

FRIDAY, January 24, 1840.

The Hon. DANIEL STURGEON, elected by the Legislature of the State of Pennsylvania a Senator from that State, for six years, from the 4th of March, 1839, appeared, was qualified, and took his seat in the Senate.

The CHAIR submitted a report from the Commissioner of Patents, showing the operations of his office during the year 1839; which was referred to the Committe on Patents and the Patent Office, and ordered to be printed.

Mr. BUCHANAN presented a memorial from a number of citizens of the State of Pennsylvania, asking Congress to impose a moderate duty upon the importation of silk.

In presenting this memorial, Mr. B. said that he would take the liberty of making a few brief remarks. The morus multicaulis speculation had passed away; but, unlike other speculations, it had produced consequences which were destined, at no distant day, to promote essentially the prosperity of the country. The culture and manufacture of silk were now naturalized amongst us, and must, ere long, in a considerable degree, serve to reduce the amount of those extravagant importations which were so injurious to the best interests of the country. In the year 1836, silks had been imported to the value of nearly $23,000,000, and in 1837 the amount was more than $14,000,000. In the general reduction of imports in 1838, their value had sunk to $10,000,000; but the expansion of 1839 had doubtless considerably increased the amount, although he had no information in his possession which enabled him to state precisely to what degree. It was an astonishing fact, that during the three years of 1836, 1837, and 1838, we had imported considerably more than three times a greater amount in value of silks than we had exported in flour.

Mr. B. said he had not the least doubt, that before the close of the present session, we should be compelled to raise additional revenue to meet the necessary expenditures of the Government. And, he asked, was there a single article imported into the country, upon which a duty could be imposed with greater propriety than upon silks? Silk goods were articles not of necessity, but of luxury; and by far the larger proportion of the tax would be paid by the wealthy. Whilst it would be imposed for the purpose of revenue alone, it would afford incidental encouragement to the domestic production of this article; and there was no anti-tariff Senator within his knowledge, who would object to such a consequential benefit to so important a domestic interest. A duty upon the importation of silks would not violate, but was in accordance both with the letter and spirit of the compromise act of March, 1833. This act expressly provided, that in the contingency of a deficiency of revenue, duties might be imposed, not exceeding twenty per cent. upon such articles as either paid no duty, or a less amount of duty than twenty per cent. It was known to the Senate that, under our existing laws, silks were admitted free of duty. In his opinion, it would be much wiser to raise a revenue upon the importation of silks, than to create a debt against the country, either by the issue of Treasury notes, or by borrowing money.

Mr. B. said that we had no treaty with any foreign nation which would prevent Congress from imposing any duty they might think proper on the importion of silks. He had heard it stated in conversation, that our treaty with France might stand in the way; but he had examined this treaty, and found it had no application whatever to the subject.

He knew that, under the Constitution of the United States, all bills for raising revenue must originate in the House of Representatives; but the Senate might propose such amendments to these bills as they thought proper. Notwithstanding this prohibition, he hoped that the Committee on Finance of the Senate might have an opportunity of constitutionally expressing their opinion on this subject before the close of the session; and to their hands he committed it with the most perfect confidence.

The memorial was then referred to the Committee on Finance.

On motion by Mr. LINN, it was ordered that John Perry have leave to withdraw his petition and papers.

On motion by Mr. PIERCE, it was ordered that the petition of Richard Elliott, on the files of the Senate, be referred to the Committee on Pensions.

Mr. KING presented the memorial of the Legislative Assembly of the Territory of Wisconsin, praying appropriation for harbors and a light-house on Lake Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. YOUNG presented a petition from citizens of Illinois, in relation to the lands granted to the Polish exiles; which was referred to the Committee on the Public Lands.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of George Whitman, made an adverse report thereon; which was ordered to be printed.

Mr. H. from the same committee, to which the subjects were referred, reported

A bill for the relief of David Stone; and

A bill for the relief of John J. Mackintosh; which were severally read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which had been referred the petitions of Edward Fanning and of Isaac Colyer, made adverse reports thereon.

Mr. NORVELL, from the Committee on the Public Lands, to which was referred a bill to create an additional land office in the State of Michigan, reported the same without amendment.

Mr. CLAY, of Alabama, to which was referred the memorial of the General Assembly of Alabama, praying the creation of a new land district in that State, asked that it might be printed, to accompany Senate bill No. 13, already reported on that subject; which was agreed to.

Mr. LINN, from the Committee on Private Land Claims, to which was referred a bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims, &c." reported the same with an amendment.

Mr. WILLIAMS, from the Committee on Claims, to which was referred a bill for the relief of Richard Robertson, reported it without amendment, and recommended its indefinite postponement.

The bill for the relief of Samuel R. Slaymaker;

The bill to confirm the title to a certain tract of land in the county of Mobile; were severally considered, as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill to establish a Board of Commissioners, to hear and examine claims against the United States, was taken up, and, after having been debated by Messrs. HUBBARD, CALHOUN, TAPPAN, SMITH, of Connecticut, MERRICK, GRUNDY, SEVIER PRENTISS, STRANGE, DAVIS, and HENDERSON, was postponed, and made the order of the day for Monday next.

The Senate then went into the consideration of Executive business; after which it

Adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 24, 1840.

The question before the House was the proposition of Mr. THOMPSON of South Carolina to amend the rules, by the addition of the following:

Resolved, That, upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate or further action thereon.

And the proposition of Mr. ADAMS, as a substitute for the above, in the following words:

Resolved, That the following be added to the standing rules of this House, to be numbered the 21st:

"Every petition presented by the Speaker, or by any member, with a brief verbal statement of its contents, shall be received, unless objection be made to its reception for special reason; and whenever objection shall be made to the reception of a petition, the name of the member objecting, and the reason of the objection, shall be entered upon the journal. The question in every such case shall be, *shall the petition be rejected?* and no petition shall be rejected but by a majority of the members present."

Mr. BYNUM was entitled to the floor on the above question.

Mr. HOFFMAN rose for the purpose of making a motion that the rules, as amended, be adopted until otherwise ordered.

The CHAIR said the motion would not be in order until the gentleman from North Carolina gave way for that purpose.

Mr. BYNUM said he would not, certainly, refuse permission to any gentleman to submit a motion which would operate for the convenience of the House, if it be the general understanding that he should take the floor afterwards.

Mr. HOFFMAN then submitted his motion to adopt the amended rules until otherwise ordered.

Mr. HAND offered an amendment, proposing the adoption of the rules, with the exception of those authorizing the previous question.

Mr. HOFFMAN said he had not yielded the floor, and moved the previous question on his proposition.

Mr. HAND. We have no rules, and therefore no previous question can be moved. My object is to cut off that question, which so often embarrasses the business of the House.

The CHAIR said the previous question was known to the parliamentary law; and

After some further conversation, the motion for the previous question was entertained and seconded, and the main question ordered to be put.

The question on the adoption of the rules, as amended, was then put, and decided in the affirmative.

Mr. BOTTS said, by the courtesy of the gentleman from North Carolina, he rose to make a brief explanation, without comment, in regard to a newspaper report.

Cries of "No! No!"

Mr. B. was permitted to proceed. He said it was a custom in that House, one which he should not then undertake to discuss the propriety of, for gentlemen to notice the numerous statements which appear in the various public prints, which misrepresent them; and he would now call the attention of the Speaker and the House to a letter which was placed in his hand, and which appeared to have been written by the letter-writer of the Charleston Mercury. He did not know who this letter-writer was, but he would read the letter, which was as follows:

"In the House, Mr. BOTTS attempted to get up another pistol affair, in consequence of remarks made yesterday by Mr. SMITH of Maine. Mr. B. in his speech of Thursday, was very liberal of his

abuse on Andrew Jackson—called him a tyrant, impostor, and of course every thing else vile and villainous. Mr. SMITH, in his reply ye terday, stated that history would give the lie to the opprobrium which had been heaped upon the Hero of New Orleans, and that his memory would live when his abusers and their abuse should be forgotten, &c. To the remark about history, Mr. BOTTS took exception, and expressed a great deal of uneasiness to know whether it was used in a *personal* sense, and intimated that if it was so intended, daggers, pistols, and bowie knives would be the consequence. To this threat Mr. SMITH, (who, by the way, is a jolly good humored wag, and the the largest man in the House, save Mr. LEWIS,) replied that he meant as usual all that he said, and that if the gentleman lacked a *quantum sufficit* of that scarce commodity, common sense, to understand words, he really could not at this time waste the money of the people, by giving the chivalrous member from Virginia an opportunity of exterminating him, or *vice versa*. With this explanation, Mr. BOTTS seemed satisfied, and said a few words about 'whatsoever' insult was intended, not being applicable to him, &c. and took his seat, much mortified at the laughter at which the conclusion of this tragic farce was received by the audience."

Mr. B. said he had no motion to submit on the subject; but he submitted to the Chair, and to every gentleman on that floor, if they did not recognise this letter as a base fabrication from beginning to end; and he submitted it to the House, if it did not become their dignity, if privileged seats be given by them, that they should, at least, not be given to blackguard letter-writers, to misrepresent what takes place there. He understood that they were admitted as reporters of facts and proceedings, and not as letter-writers, to misrepresent what actually occurs.

Mr. PETRIKIN gave notice that he would ask leave, on Tuesday next, or the first day that it would be in order to do so, to report a bill to repeal an act to relieve from duty, iron prepared for, and actually laid on, railways or inclined planes, approved 14th July, 1832, and to graduate the duty to be paid on such iron hereafter imported from foreign countries.

Mr. KEIM rose for the purpose of offering a petition of high privilege, as it goes to the very organization of the House. It is a petition from CHARLES J. INGERSOLL, claiming a seat upon this floor as the Representative of the people of the Third Congressional district of Pennsylvania. He trusted that the importance of this subject would be acknowledged, and hoped he might be permitted to send it to the Clerk's desk, and have it read.

Objection was made by Mr. R. GARLAND.

Mr. RAMSAY said the gentleman the other day had objected to the reception of the petition which he presented from the citizens of the Third Congressional district on this subject, on the ground that they had nothing to do with the question; and at the same time said if it were a petition from Mr. INGERSOLL, he would not have objected. Mr. R. said this petition was from that gentleman himself; whereupon,

Mr. R. GARLAND withdrew his objection, and

On motion of Mr. CAMPBELL, of South Carolina, was, without being read, referred to the Committee of Elections.

Mr. CAMPBELL, of South Carolina, said, before proceeding to the regular business, he would move that the Committee of Elections be permitted to sit during the sittings of the House; which motion was agreed to.

Mr. J. W. JONES, chairman of the Committee of Ways and Means, by permission, reported from said committee a bill making appropriations for the naval service for the year 1840; which was twice read, and, on his motion, referred to the Committee of the Whole on the State of the Union, and ordered to be printed.

Mr. BELL presented sundry depositions in relation to the New Jersey contested election; which were, on his motion, referred to the Committee of Elections.

Mr. RAMSAY made another effort to present the petition from the citizens of the Third Congressional district of Pennsylvania, in relation to the contested seat of Mr. NAILOR; but was objected to.

Mr. SARGEANT made an effort to report a bill from the Judiciary Committee, proposing to correct certain errors in the census law of last year; but it was also objected to.

Mr. DAVIS, of Kentucky, asked permission to make a report from the Committee on Territories, in relation to the difficulties existing between the State of Missouri and the Territory of Iowa. The difficulties had been temporarily settled there, but it was believed they would come to hostilities yet, in consequence of the Governor of Missouri having refused to abide by the agreement entered into by the citizens of the two counties disputing. He thought that report would allay all excitement.

Mr. HUBBARD said he objected to its reception, because there was a war going on in that House between the Abolitionists and the people of the South, and until that was settled, he would not consent to any motion of the kind.

Mr. BYNUM proceeded in his remarks. He referred to the extraordinary remarks of the gentleman from Massachusetts, [Mr. ADAMS,] a few days ago, and those of Mr. HUNT on yesterday, disclaiming that they were Abolitionists; and endeavoring to rid themselves and the Whig party of the odium of being identified with the Abolition party. The latter gentleman, particularly, had asserted that some of the leading men of the Democratic party were also identified with the cause of Abolition. That gentleman had alluded to the case of Gerrit Smith, of New York, who (he said) was nominated by some of the Democratic party at Albany for the United States Senate. Mr. B. was proceeding to make an explanation to show that this nomination was not a nomination by the Democratic party, but was an individual movement, more in burlesque than in seriousness, when

Mr. FILLMORE said he did not understand his colleague [Mr. HUNT] as saying that Mr. Smith had been put in nomination by the Democratic party. He understood him as saying that he had been put in nomination by a member from the county of Otsego, (who had been run as Speaker by that party,) and that that gentlemen had moved that the name of Gerrit Smith be inserted in the bill as a proper person to be supported for United States Senator.

Mr. PRENTISS, by the permission of Mr. B. made the following explanation of the case referred to above. Mr. P. said Mr. HUNT, of New York, in his remarks of yesterday, referred to the fact that Mr. Levi S. Chatfield, who represents the county of Otsego, in the Assembly of that State, had moved to insert the name of Gerrit Smith, a leading Abolitionist, in a bill appointing a United States Senator, and spoke of it as an evidence that the Democrats of the North favored that interest, Mr. Chatfield being, he said, a prominent member of that party, and its candidate for Speaker of the body of which he is a member.

Mr. P. asked leave to say a word in reply to the imputation upon Mr. Chatfield of being an Abolitionist. He said that Mr. C. was one of his constituents, and that the gentleman from New York, [Mr. HUNT] had spoken truly when he pronounced him to be a man of talents and influence. Mr. P. knew him well, and could assure the House that he was a Democrat; and one, too, who had been a uniform opponent of Abolitionism, not only in the county of Otsego, but in the Legislative Hall of his State, where the Democrats had sent him for the last two years to look after their interests. In the preliminiary action of the Assembly on the question of appointing a Senator, Mr. Chatfield having been called on to nominate a candidate, named Eben. B. Morehouse, who is a resident of the same town where my home is, and who has, on every suitable occasion, repudiated abolition doctrines and sentiments; but in the further progress of the question, a bill was introduced for consummating the appointment, and Mr. C. finding that the Whigs were determined that no other name but that of Nathaniel P. Tallmadge should be inserted in it, and after the names of Albert H. Troy and Addison Gardner, two distinguished gentlemen of opposite politics had been rejected, moved that of *Gerrit Smith*, as a sort of burlesque upon the whole proceeding, which was carried on in such "hot haste" as to break over all the rules of legislation, the majority even refusing to print the bill which solemnized the marriage banns between Whigery and Conservatism.

Mr. BYNUM then examined the arguments in support of the right of petition by the gentlemen who had preceded him, to which he dissented. He then went over the whole field of constitutional rights involved in this question, and presented many new views; and then adverted to that portion of the speech of the gentleman from Massachusetts, [Mr. ADAMS,] in which he had spoken of the tremendous influence the English literature was exerting over the question of slavery throughout the civilized world; and adverted to the remarks of Mr. HUNT, as to the denunciations which were being heaped upon America by foreign periodicals for permitting the institution of slavery to exist. He denounced, in the warmest terms, the course of argument thus pursued, and the reference to the opinions of British serfs, by those gentlemen, for the purpose of operating on our own liberal institutions.

Mr. B. then referred to the report of Mr. Pinckney in 1836, and the effort made by the Whig party and Abolitionists to stifle that report. By reference to the yeas and nays, he proved that they identified themselves with the Abolitionists, and voted with them against the resolutions accompanying that report. These resolutions declared that Congress possessed no constitutional authority to interfere with slavery in the States or District of Columbia, and proposed to receive and lay all petitions on that subject on the table, without being read or debated. These resolutions had even been denounced in the South as Northern resolutions, because they admitted the reception of Abolition petitions, while they were universally denounced by the Abolition presses of the North as interfering with the sacred right of petition.

The powerful arguments of that report, he said, had not produced the effect to allay the excitement; it had not given quiet to the Abolitionists, but, on the contrary, had only increased their strength. Mr. B. then alluded to the report of Mr. CALHOUN on incendiary publications; and the bill which had accompanied that repert for their suppression, which he said passed that body by the casting vote of Mr. VAN BUREN, then Vice President. No one, he said, could doubt the talent of Mr. CALHOUN, the author of that report. Yet the powerful arguments contained in it did not satisfy the Abolitionists. They of the North want argument, said the gentleman from Massachusetts, [Mr. ADAMS] They want to reason, to talk with us, &c. Mr. B. would inquire of them if the speech of Mr. CLAY, in the Senate of the United States, was not one fraught with the most powerful arguments against the prayers of the Abolitionists? That speech, powerful as it was, did not satisfy or quiet them; but, on the contrary, only excited them to renewed exertions. He believed the very able arguments of that speech sealed the fate of Mr. CLAY with the Abolitionists, and deprived him of the nomination for which he had been so long aspiring.

Mr. B. then read from the Emancipator the exultation of the Abolitionists at the nomination of Gen. Harrison for the Presidency and at the defeat of Mr. Clay, in justification of the above opinion.

Mr. B. believed when gentlemen from the North asserted on that floor that all the Abolitionists wanted to satisfy them was argument, that they knew it was without foundation. They do not want argument—they want their prayers granted—they know the feelings of that House towards them; yet they flood us with their petitions, and it is all stuff to attempt to satisfy them. If the House should determine to receive and discuss these petitions every year, it would be impossible eventually to do any of the public business of the country.

Mr. B. then examined into the history of the proceedings of the House at previous sessions, on propositions connected with this subject, for the purpose of proving that all those who aided and

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, FEBRUARY 4, 1840. VOLUME 8.....No. 10.

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Continued from No. 9.

abetted the Abolitionists on that floor, with very few exceptions, were Whigs. He went into a history of the proceedings of this year to the same end, proving that all the speeches made, in any manner aiding the cause of the Abolitionists, were by Northern Whigs. He then adverted to the yeas and nays in further proof. Those on the decision of the Speaker that the presentation of petitions, according to parliamentary law, comprehended the motion of reception. A Whig [Mr. BARNARD, of New York] took an appeal from that decision. He believed the whole South and Democratic party voted to sustain the appeal; and fifty voted against it, of which forty-eight were Whigs and Abolitionists. The gentlemen, he said, were attempting to clear their skirts of the shame of supporting the Abolitionists; but, from their votes on this proposition, they might tell him till doomsday they were not Abolitionists, he would not believe them, because their votes show that they have indirectly aided their cause.

On the motion to lay the question of reception of the Abolition petition presented by Mr. LINCOLN on the table, 68 Whigs and Abolitionists voted against it, and only 6 Democrats. The Whigs came up to the rescue of the Abolitionists like men, yet this, they say, means nothing.

The resolution of Mr. COLES, of Virginia, proposing to receive those petitions, and lay them on the table without debate or further action, was before the House, and the gentleman from South Carolina [Mr. THOMPSON] moved to lay it on the table. 102 voted for that motion, and 98 against it. There were only 8 Democrats who were in favor of laying it on the table.

The resolution of Mr. COLES was identical with that offered by Mr. Patton a few years ago, and which was the effect of a meeting of the Southern gentlemen, and which met their entire approbation.

These facts were, he knew, unpleasant to gentlemen; but they must remember that they made certain charges, and they ought at the time to have known that these facts would appear in judgment against them. Yes; there was not a single Northern Whig who voted against laying Mr. COLES's resolution on the table, while every Northern Democrat voted for it. I know that some of my Southern brethren have strong prejudices, and are unwilling to vote in favor of any resolution coming from the Democratic party. They may believe the measure is right of itself, but oppose it, in consequence of the party it comes from.

Mr. BYNUM having given way at the request of Mr. HABERSHAM of Georgia,

Mr. HABERSHAM said that he and his colleagues had all voted against the adoption of Mr. COLES's resolution. That it would appear from the remarks of the gentleman from North Carolina, that they may have been actuated, in giving that vote, by the consideration that the resolution had come from one of the Democratic party. Mr. H. said that he and his colleagues were actuated by no such motive—that they had voted without reference to such considerations—that even if they had been inclined to vote for it, which they were not, and had voted for it, that not one of them, in his opinion, could have hoped to come back here, because they and their constituents were opposed to the reception of these petitions altogether. Whereas COLES's resolution proposed to receive them and lay them on the table without further action.

Mr. B. said the gentleman from Georgia had misunderstood him if he supposed he had attributed any improper motive to him. There were no gentlemen, of either party, for whom he had more respect than the gentlemen from the State of Georgia. He then referred to other votes much stronger than the above, and particularly to the resolution of Southern gentlemen, where all the Northern Whigs voted with the Abolitionists against the propositions from the South, while the Democrats sustained them, which, he said, was sufficient to open the eyes of the Southern Whigs to the position they occupied with that party.

Mr. B. then referred the Southern men to the source from whence those Abolition petitions came; nine-tenths of which, by reference to the Clerk's files, had been presented to that House by Whigs of the North.

Mr. B. said, if there was any doubts in the minds of the Southern people as to who were and who were not Abolitionists in that House, they need only refer to the speeches and the votes of its members. If they wanted further evidence, I would refer them to the remarks of a certain member of this House who characterised the Northern Democrats, who usually vote for preserving the constitutional obligations imposed on them, and who are opposed to an interference with the rights of the South, as "Southern slaves." He would refer them to the remark made by a certain Abolitionist of the House, [Mr. PECK,] when the vote was about being taken on laying Mr. COLES's resolution on the table, "now come up you Southern slaves, and show yourselves." Yes, sir, this was the language applied to these patriotic, high-minded men, who regard their constitutional obligations to the South, who are for giving quiet to the North on this exciting subject, and for preventing a servile and desolating war.

Mr. PECK here interrupted Mr. B and desired to know if the gentleman alluded to him.

Mr. BYNUM. I allude to a gentleman of the name of PECK.

Mr. PECK. I can only say that if the gentleman alludes to me, and speaks of my language as coming from an Abolitionist, he says what is not true.

Mr. BYNUM. If the gentleman is not an Abolitionist, there is not one in existence; all his votes and all his speeches on that question are given in support of the Abolition party. I believe he is one, and will venture to say that there are not ten members of the House who are not of the same opinion.

Mr. PECK again interrupted Mr. B., and said it was not true that he was an Abolitionist.

Mr. BYNUM. Does the gentleman mean to say that I knowingly assert what is false?

Mr. PECK. I mean to say that the gentleman asserts what is not true.

Mr. BYNUM. Then I say that the gentleman is a blackguard and a scoundrel. Mr. SPEAKER, it is now seen what course certain gentlemen take when their conduct is exposed—when their votes are brought to light in opposition to their assertions they resort to bullying and browbeating for an answer. The House will bear me witness that I never willingly insult any one.

Mr. PECK. For the reason that he is incapable of doing so.

Mr. BYNUM here, amid loud cries of "order, order," and, while great confusion and disorder was prevailing, made some remarks, which were not distinctly heard by the Reporter. He was understood, however, as calling upon the SPEAKER to order "that blackguard and scoundrel" to take his seat and not to interrupt him further.

Mr. THOMPSON of South Carolina, with great reluctance, rose to a question of order. He could not remain silent in a body, whenever conduct like this was permitted; and he trusted that it would be the sentiment of the House, that no excitement, however great, justified language such as they had just heard. I move, said he, that, before the gentleman from North Carolina is allowed to proceed, the House take some order on the subject.

Mr. JAMESON move that the House do adjourn.

Mr. PECK called for the yeas and nays on the motion, which were ordered; and the question was taken, resulting in—yeas 32, nays 141.

So the House refused to adjourn.

Mr. THOMPSON of South Carolina, then rose and said: I waited for some time after the objectionable language had been used by the member from North Carolina, in hopes that the general disapprobation heard from all sides of the House would have induced him to withdraw it.

Mr. BYNUM said, if the gentleman would give way one moment, he would make an explanation, which he thought would be satisfactory to him and to the House. I admit, said Mr. B. that my language was harsh; that it was unparliamentary and unsuited to this body; but I was driven to it by the outrageous and wanton insult that was offered me. I therefore most respectfully apologise to the House, and hope this explanation will be satisfactory to it.

Mr. JOHNSON, of Maryland, hoped this would satisfy the gentleman from South Carolina. The gentleman from North Carolina had made every explanation that the House ought to require, and he hoped he might be permitted to proceed with his remarks.

Mr. THOMPSON, of South Carolina, after some remarks, submitted to the House that the apology of the gentleman from North Carolina, [Mr. BYNUM,] was not sufficient. He trusted the House would consider it necessary for the gentleman to withdraw the language he applied to the gentleman from New York.

Mr. BYNUM. "Never, never!" Several voices at the same time were heard saying "never, never."

Mr. JOHNSON, of Maryland, said the gentleman from North Carolina had admitted that he used language that was too strong, and had apologised to the House for it. This was all he thought the House ought to ask. He thought the gentleman from North Carolina had done what was due to himself, and his position as a member on that floor, and he hoped he might be permitted to proceed with his remarks.

Mr. PETRIKIN rose, and amid loud cries of, "order, order," said he rose to a question of order. There was a certain set of men in that Hall who think they can do as they please, and are in the habit of jumping up and interrupting gentlemen addressing the Chair, whenever any thing is said that is unpalatable to them.

Mr. JOHNSON of Maryland calling Mr. P. to order,

The SPEAKER desired him to make his point of order.

Mr. PETRIKIN. I will sir. The gentleman from North Carolina having apologised to the House for his remarks, I move that the gentleman from New York [Mr. PECK] be required by the House to withdraw the insulting language which called it forth. Sir, said Mr. P. we have had nothing but disorder here from the beginning of the session. Have we not heard to-day two gentlemen from New York continually interrupting the member from North Carolina, who had the floor; and did not one of them get up, while he was speaking, and make the most insulting observations to him?

Mr. JOHNSON here interrupted Mr. PETRIKIN, and, with several others, called him to order.

Mr. PETRIKIN. Is this to be tolerated, Mr. SPEAKER? Is such bear-garden conduct to be allowed in this Hall?

Loud cries of "order, order," during which

Mr. THOMPSON, of South Carolina, said the resolution he offered was that the gentleman should withdraw his language.

Mr. PETRIKIN. I want that resolution read.

The SPEAKER said, that no resolution of the gentleman from South Carolina had been received by the CHAIR.

Mr. PETRIKIN then renewed his motion.

Mr. THOMPSON said his motion had precedence, and asked that the question be put on it.

The SPEAKER was of the opinion that the resolution of the gentleman of from South Carolina was not offered.

Mr. PETRIKIN's resolution having been reduced by him to writing, was here read by the CLERK.

Mr. BRIGGS said the rules required the gentle-

man from Pennsylvania to put the words used by the gentleman from New York, and to which he objected, into writing.

Mr. PETRIKIN declined doing so, when

The SPEAKER said the resolution, then, was out of order.

Mr. PECK hoped the House would indulge him in saying one word. He had risen, not for the purdose of saying any thing in relation to the motion of the gentleman from Pennsylvania, [Mr. PETRIKIN,] further than to express his desire that, if any member believed he had used language disrespectful to the House, or indecorous or unparliamentary, he would send to the Chair a resolution to that effect. If the House should determine that the language he used was offensive, he would leave his place here, he would leave the world, before he would retract it. He was charged with being an Abolitionist. He denied the charge; and before he would retract that denial, he would cease to live.

Mr. DUNCAN then moved that the gentleman from North Carolina be permitted to proceed; which motion was agreed to without a division.

On motion of Mr. HAND,

The House then adjourned.

HOUSE OF REPRESENTATIVES,
January 25, 1840.

To the Editor of the Globe:

SIR: Your Reporter misapprehended my object yesterday. It was, as the resolution I offered will show, *not* to dispense with the "previous question," but, on the contrary, to restore it to its old position during last Congress, and rid it of the crippling effect of the amendment recently adopted by this House. I wished to restore to it its power to cut the Gordian knot of artful and dilatory amendments, by which I feared important bills might be greatly retarded, if not defeated.

A. C. HAND.

HOUSE OF REPRESENTATIVES,

SATURDAY, December 26, 1839.

Mr. PETRIKIN (with the permission of Mr. BYNUM, who was entitled to the floor) rose and moved a correction of the journal with regard to the time at which he had given notice that he would ask leave to introduce a bill relative to the repeal of the duties on railroad iron; which motion was agreed to.

Mr. PECK rose and asked permission to make a correction with regard to the report of yesterday's proceedings in one of the city papers.

The SPEAKER asked if the gentleman from North Carolina [Mr. BYNUM] gave way.

Mr. BYNUM. Certainly, for an explanation.

Mr. PECK observed that he wished to correct, by a verbal statement, an erroneous report of some part of yesterday's proceedings in one of the papers of this city, at which he felt somewhat aggrieved. In the Globe of yesterday he saw the following report in continuation of the sketch given of the remarks of the gentleman from North Carolina, [Mr. BYNUM:]

"Mr. B. said, if there was any doubts in the minds of the Southern people as to who were and who were not Abolitionists in that House, they need only refer to the speeches and the votes of its members. If they wanted further evidence, I would refer them to the remarks of a certain member of this House who characterised the Northern Democrats, who usually vote for preserving the constitutional obligations imposed on them, and who are opposed to an interference with the rights of the South, as 'Southern slaves.' He would refer them to the remark made by a certain Abolitionist of the House, [Mr. PECK,] when the vote was about being taken on laying Mr. COLES's resolution on the table, 'now come up you Southern slaves, and show yourselves.' Yes, sir, this was the language applied to these patriotic, high-minded men, who regard their constitutional obligations to the South, who are for giving quiet to the North on this exciting subject, and for preventing a servile and desolating war.

"Mr. PECK here interrupted Mr. B. and desired to know if the gentleman alluded to him.

"Mr. BYNUM. I allude to a gentleman of the name of PECK."

Mr. PECK continued. Now, sir, I do not read the remaining portion of the report of what followed, not because it is not grossly and entirely incorrect in more than one instance, but because my only desire is to make a correction of that part of it where I was personally alluded to. If I had not regarded myself as personally alluded to—if no more had been said by the member from North Carolina than appears in that report, I should not have felt myself called on to notice it, because there was no such language used by me as that in the report. It would require a great obliquity of understanding to suppose that I used the term "Southern slaves" in reference to any members of this House, and therefore I could hardly have supposed that I was personally alluded to by the member from North Carolina in that part of his remarks. So much of the paragraph he had quoted down to the words "Southern slaves," was correct. But the report omitted to give the language which called forth his notice. According to his recollection it was substantially this: The member from North Carolina, turning himself towards him, said, "*the voice came from that quarter*"—"*it was from a rank Abolitionist;*" and by the gentleman's turning himself round towards him at the time he supposed the remark was intended for him, and noticed it accordingly. Those who knew him, knew that he was not an Abolitionist, and he could not permit any one to apply that epithet to him on this floor without a contradiction. The language attributed to him by the gentleman from North Carolina, and reported in the Globe, was such as he never had used; and he therefore could not have supposed that it was applied to him. But he regarded himself as personally alluded to, when the gentleman turned round towards him and used the language he had quoted.*

Mr. SMITH asked permission of the gentleman from North Carolina, and of the House, to introdnce a resolution which he said was intended to facilitate the transaction of the public business. [Cries of "No, no!" and "let us hear what it is," from others.]

Mr. S. said it was a resolution to appropriate one hour every morning to the reception of petitions, not on the subject of Abolition.

Objections being made by several, the resolution was not received.

Mr. BYNUM, who was entitled to the floor, rose, and said, he regretted exceeding a continuaon of the most unpleasant controversy that occurred yesterday evening—but in justification of the observations he then made, he would read an extract from a report in one of the journals of the day, showing the evidence on which his remarks were predicated. In the report of the proceedings on Mr. COLES's resolution, he found the following:

"Mr. PECK moved for a call of the House. There were some Northern slaves there, he said, whom he wanted to be emancipated. Mr. P. then called for the yeas and nays on his motion; which were ordered, and the question being taken, it was decided in the negative—yeas 86, nays 113."

In another part of the same report he found a motion made by the same gentleman, as follows:

"Mr. PECK moved a call of the House, but subsequently withdrew his motion. We have, said he, some refugee slaves from the North that I wish brought in."

This (said B.) was the report of the proceedings on the day Mr. COLES's resolution was acted on; and as it has remained uncontradicted to this day, I am warranted in presuming that it was correct. It was true (he said) he made a mistake in using the term "Southern slaves," instead of "*Northern slaves;*" but even with that mistake, the gentleman alluded to could not avoid knowing for whom the allusion was intended; nor could any one doubt at the time that the term "Northern slaves" was applied to those members of this House who are for preserving the Constitution, and sustaining the peace and tranquillity of the country, with the perpetuity of our institutions. It was the first time, Mr. B. said, on the floor of Congress, that to call a man an Abolitionist was deemed so offensive, as to call forth a gross and wanton insult in reply.

The SPEAKER informed Mr. B. that no personal allusion would be permitted.

Mr. BYNUM said he made no personal allusions. He never deemed it an offence to call a man an Abolitionist. He never denied that there were some few Democrats in the Abolition ranks. Their votes showed that there were from five to ten of them in this House. But what he wanted the country, and the South particularly, to know, was, that there were from sixty-five to seventy-five deeply died Abolitionists in the Whig ranks in that House.

Mr. B. proceeded to examine the course of the Whigs and Abolitionists in Congress, and in the States, and among other cases, to show that they uniformly acted together, he referred to the vote on the admission of Arkansas into the Union. The whole Democratic party of the North voted for the bill, and of the fifty who voted against it, forty-five were Whigs and Abolitionists. The vote in the Senate, in favor of the bill was thirty-one, and against it six. Every Abolition State there voted in the negative. He then referred to the course of the Whig party in New York, Pennsylvania, and other States, in which he conclusively proved by the facts read to the House, that the Whigs had invariably acted with, and in defence of the Abolitionists.

Mr. B. replied to that portion of the remarks of Mr. STANLY in which he asserted that Mr. Morton, the Democratic candidate for Governor of Massachusetts, was an Abolitionist. He said he held in his hand, and read to the House, an address from Garrison, the great champion of the Abolition party, in which he called on the Abolitionists of that State to vote for Mr. Everett, the Whig candidate, on the ground that that gentleman was in favor of the immediate abolition of slavery; and, at the same time, denounced the Democratic candidate (Morton) for not being one. Mr. B. hoped this call would be received as good evidence of the identity of Whiggery and Abolition there, and would have the effect to open the eyes of the South that the charge that the Democrats were in favor of Abolition, and which was intended to blind and delude some of them, was unfounded. Mr. B. then referred to the effect which the abolition movements would have upon the commerce and manufactures of that State. He asked who gave support to those two great interests? Who consumed those manufactures, and gave employment to the shipping of that State? It was the effect of the labor of the South; the substance of the rich valley of the Mississippi and fertile soil of the South. It was the South that gave employment to thousands of her citizens. He warned them to avoid the effect the progress of the Abolition cause would produce on her interests. But he congratulated the country that the trammels of Federalism and Abolitionism were about being broken in that State, and hoped that practical men would be permitted to participate in her legislation, and bring about a

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*The Reporter begs leave to make a brief reply to Mr. PECK's notice of his labors in yesterday's paper. The report was intended merely as an outline of the proceedings, and it is believed was a correct one. The Reporter heard no such remark as that attributed to Mr. BYNUM by Mr. PECK, and still thinks that Mr. P. is mistaken. The Reporter was aware that Mr. BYNUM used the phrase "*Southern* slaves" incorrectly, but did not feel at liberty to make the correction. He supposed that Mr. PECK recognised its application to himself from the fact of his having, on a former occasion, used "*Northern* slaves" in the same connection. The Reporter is perfectly willing that any gentleman who thinks that he is not reported correctly, may set *himself* right before the public, and will be happy to assist him to do so; but he will not recognise the right of any member to put language not in his report, in the mouth of another. This is a license which will be accorded to no human being. As to Mr. PECK's assertion that the "report is grossly and entirely incorrect," the Reporter throws himself on the recollection of every gentleman present. Mr. BYNUM authorises him to say that his remarks were given correctly.

different state of things. He believed the question would resolve itself into a question of peace or war, if these factions were thus permitted to further their designs.

Mr. B. then alluded to the course of Whig Representatives from the city and State of New York, in voting with Abolitionists here, and the effect it would have in destroying the commerce of that State. This great interest in that State was supported by the South and Southwest. That noble city, the now seat of power, would be sacrificed by Abolition movements. Already the South had begun to manufacture for herself, and was taking measures to carry on a commerce of her own.

Mr. B. adverted to the reasons why the Abolitionists were throwing their support for Harrison for the Presidency; and read from the Emancipator portions of his opinions, which, he presumed, had satisfied them; which opinion was, that he was willing to appropriate the surplus revenue to the emancipation of the slaves. Mr. B. asked what was the surplus revenue? It came from the great farming and producing classes of the country; the very men who own these slaves. The operation of this scheme would be to entail upon those classes a tax, to create a surplus for the purpose of paying back to them for their slaves; and thus, in fact, paying them nothing at all for their property.

Mr. B. said, another question has been introduced in the debate on this subject, in relation to the politics of two individuals, candidates for the Presidency, and letters had been read there to prove that the nominee of the Harrisburg Convention, was not an Abolitionist, and that that party would not take him up, and support him for that office. He wished to disabuse his constituents on this subject; and, for that purpose, read a statement showing that a large portion of that convention were Abolitionists of the first order. The vice president thereof, from the State of Massachusetts, was an avowed Abolitionist, and the gentleman on his left, from Massachusetts, admitted it. He did not know much of the opinions of General Harrison, but whether he was an Abolitionist or not, he would have to depend on them for his election; and efforts have been made to conciliate that party; and he had no doubt that every one in the country would support him for that office; and he would put it to gentlemen, if he would not, from the necessity of the case, if elected by Abolition votes, have to favor their schemes. And in proof that he would obtain the Abolition support, he then read from the Emancipator the exultation at the nomination of Harrison, and the acknowledgment of the Editor that "all the slave States went for Clay, and that if it had not been for the Abolitionists, he would undoubtedly have received that nomination." He called upon his Kentucky friends in that House, for whom, as far as he was acquainted, he had great respect, if they did not believe that the above acknowledgment was correct to the letter. He begged them to place their hands upon their hearts and ask themselves if they did not believe, had it not been for that movement, the result would have been different. The Abolition organs before the nomination at the Harrisburg convention, predicted that "no slaveholder would ever be President of the United States," and he believed if the Whigs and Abolitionists be permitted to carry out their designs, that prediction would be verified; it would be the inevitable result from the course of things going on. Yes, Mr. Harrison, to quote his own language from the Emancipator, said, "If my vote would effect it, every surplus dollar should be appropriated to that object." He called upon Southern Whigs to ponder well this language. The course of that personage has been more latitudinous than any man in this country. His votes in the United States Senate show him to be the wildest latitudinarian. He was in favor of internal improvements by the General Government on the most unlimitated scale; and upon every question connected with the tariff, he voted for the highest, even so far as applied to the necessaries of life. He is also a Federalist. John Randolph had called him so, and himself and others for him have not dared to deny it. For the benefit of the State Rights supporters of Harrison, if there be any, there is evidence on record that he declared in favor of General Jackson's proclamation, and eulogised it as a most able document, on account of its principles, and that he gave him far more credit for that one act, than any other of his life. This document received the warmest approval of Daniel Webster, the most ultra Federalist, on account of its strong ground against the State Rights principles. What claims has he, then, upon the States, or Representatives of the States who profess those principles?

Mr. B. concluded his remarks by apologizing to the House for the time he had occupied, and the personal feeling evidenced yesterday. When he commenced, it was his intention to refrain from all personalities; and he did not depart from that course till he was impelled, from a sense of duty, to resent a gross and personal insult. His great object had been, from the commencement, to give them facts, and to give the South and the whole country facts; to disabuse their minds of the attempt made there to identify the Democratic party with Abolitionists by Southern Whigs, and on the other hand to show that it was by an amalgamation of the Whigs and Abolitionists that the institutions and interests of the South are threatened and endangered.

Mr. JOHNSON, of Maryland, obtained the floor, and said it was due to himself, before entering on the discussion of the subject before the House, to make a few remarks in relation to the unpleasant altercation which took place on yesterday. He had understood that the gentleman from North Carolina, [Mr. BYNUM,] before he made the motion for him to proceed in his remarks, had retracted the offensive words applied to the gentleman from New York, [Mr. PECK.] But he had since learned that the gentleman had not done so. If he had so understood him yesterday, that he did not withdraw that language, he would not have made the motion or remarks he did. He was the last man to palliate unparliamentary language, and he believed it was calculated to do more injury to the individual using it, than to those it was intended to apply.

Mr. J. then proceeded in his remarks. He had always been opposed to the discussion of Abolition before that House, in any shape or form, because he did not consider it a debateable question. It may have been supposed, from his anxiety to obtain the floor, that he wanted to make a speech; but such was not his intention. His anxiety had been to get the floor to call the previous question on the proposition of the gentleman from South Carolina, (Mr. THOMPSON.) But subsequently, from the vast range which had been taken, not upon the merits of the question, but, he believed, to make political capital out of it, he now felt himself called upon to depart from that course. He felt himself bound to speak his sentiments, that they might be known to his constituents and the State he in part represented. An effort had been made by various gentlemen who had spoken, to show that the Whig party of the United States are anxious to conciliate favor with the Abolitionists, and since the nomination of Harrison had endeavored to throw odium on his character. This had made it manifestly proper for him to throw himself on the indulgence of the House, that his State, which is more interested in this question than most any other, might know his views. He characterised the resolutions which had been presented on this subject, as too vague to meet his approbation; and therefore wished, before concluding, to offer a resolution in a more tangible form, which would leave no ambiguity; so when a gentleman voted, he could not deceive his constituents, and would clearly define his position. He had voted to lay the resolution of the gentleman from Virginia on the table, because it admitted the reception of these petitions, and was in fact an invitation to the Abolitioniss, to send their petitions there; and which would bring on discussion, without effecting any salutary purpose. The resolutions of Mr. PATTON, of Va. and the one subsequently offered by Mr. ATHERTON did not deny the power of Congress to abolish slavery in this District; consequently, he could not give support to such resolutions. If the right be once conceded to Congress that it had the power, it would lay open the door that would dissolve the whole South in an hour. He had always thought these resolutions a *finesse*, and therefore opposed them.

In alluding to the period when the whole Southern delegation left this Hall, Mr. J. said he thought he saw on that occasion a manifest attempt to create political capital out of the excitement. He thought he saw an effort to form thereby a nucleus, around which they hoped to gather the whole South for the furtherance and promotion of their selfish views. In this opinion he was firm, and believed as much as if it had been communicated by the voice of inspiration; and it was with that view that he had attended that meeting, to defeat, if possible, such design.

He dwelt at large on the constitutional rights of the South, and contended that every member there had sworn to protect those rights when he took the oath of office, and it became them to act accordingly. He argued the question at some length, and, before concluding, yielded the floor to

Mr. UNDERWOOD, who moved that the House adjourn; but, before taking the question,

The SPEAKER, by permission, laid before the House a communication from the Postmaster General, enclosing estimates for the service of that Department; which was, on the motion of Mr. J. W. JONES, referred to the Committee of Ways and Means, and ordered to be printed.

Also certain testimony in relation to the New Jersey contested election; which was referred to the Committee of Elections.

Mr. LEWIS called for the yeas and nays on the motion to adjourn, but they were not ordered; whereupon,

The House adjourned.

IN SENATE,

MONDAY, January 27, 1840.

Mr. SPENCE appeared in his seat this morning.

Mr. WEBSTER, elected by the Legislature of Massachusetts, a Senator from that State for six years from the 4th of March last, appeared, was qualified, and took his seat in the Senate.

Mr. WRIGHT presented the credentials of the Hon. N. P. TALLMADGE, elected by the Legislature of New York a Senator from that State for six years from the 4th of March last; which were read.

Mr. TALLMADGE was then qualified, and took his seat in the Senate.

The CHAIR submitted a message from the President of the United States transmitting a report from the Acting Secretary of State, in reply to a resolution of the Senate concerning the slaves in the brigs Comet, Encomium, and Enterprise. [The report states that 23,500 pounds sterling have been appropriated by the British Parliament as a compensation to the owners of the slaves.] Laid on the table, and ordered to be printed.

Also, a report from the Secretary of War, in answer to a resolution of the Senate of the 30th ult. as to the amount of appropriations necessary to the completion of the Cumberland Road; which was laid on the table and ordered to be printed.

Also, a report from the Secretary of the Navy, in reply to a resolution of the Senate respecting the defences of the United States; which was laid on the table.

Also, a report from the Secretary of the Navy, in relation to the appropriations of 1839; which were laid on the table, and ordered to be printed.

Also, a memorial from the Legislative Council of the Territory of Iowa, praying an appropriation for a penitentiary; which was referred to the Committee on Finance.

Also, a petition of Mrs. Sally Ross, widow of a Revolutionary soldier; which was referred to the Committee on Pensions.

Also, a petition from Capt. Edward McKabe; which was referred to the Committee on Pensions.

Mr. WRIGHT presented a memorial from a number of citizens of Albany county, praying the establishment of a certain designated post road; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEVIER presented the memorial of James

Harrison, praying the establishment of a port of entry at Van Buren, in the State of Arkansas, for the purpose of facilitating the internal trade with Mexico; which was referred to the Committee on Finance.

Mr. STURGEON presented the petition of a number of citizens of Franklin county, Pennsylvania, praying for a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. MERRICK presented the petition of James Williams; which was referred to the Committee on the Judiciary.

Mr. LINN, in pursuance of notice, asked and obtained leave to bring in a bill for the relief of the heirs of Miguel Esclava; which was read twice, and referred to the Committee on Private Land Claims.

Mr. CLAY of Kentucky presented a memoria of citizens connected with the raising of silk; which was referred to the Committee on Agriculture.

Mr. WALKER presented the memorial of Flemming Wood; which was referred to the Committee on Claims.

Mr PRENTISS presented the petition of the widow of Samuel Allen, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WHITE presented the remonstrance of sundry citizens of Wisconsin, against the confirmation of claims to lands preferred by Laventure, Childs, and Thompson; which was referred to the Committee on Public Lands.

Mr. DAVIS, from the Committee on Commerce, to which was referred the memorial of agents of certain steam packet companies, plying between the port of New York and various ports of Great Britain, praying such a modification of the laws on drawback as to allow them a debenture on the coal which is consumed by them on their return passage, made a report thereon. The committee were of opinion that a proper construction of the present law would afford the desired relief, and prayed to be discharged from the further consideration thereof. The adoption of the report was advocated by Messrs. WRIGHT and DAVIS, and opposed by Messrs. CLAY, of Kentucky, and KNIGHT, on whose motion it was laid on the table and ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, to which was referred the memorial of the vestry and churchwardens of St. Philips, at Charleston, S. C. praying that they may be allowed to import an organ free of duty, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. W. from the same committee, to which was referred the report of the Secretary of the Treasury on the fiscal regulations of foreign countries, asked that they be discharged from its further consideration—that it be laid on the table, and printed, and that ten thousand additional copies be printed; which was agreed to.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the petition of Lewis Gordon, asked to be discharged from its further consideration; which was agreed to.

Mr. WEBSTER submitted the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire whether the law respecting vessels propelled by steam does not require revision and amendment.

ORDER OF THE DAY.

The bill to establish a Board of Commissioners to hear and adjudge claims against the United States was taken up, and after being debated by Messrs. LINN, PRENTISS, SEVIER, HUBBARD, and PRESTON, was postponed until to-morrow.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Jan. 27, 1840.

Mr. WADDY THOMPSON's proposition to amend the rules, and Mr. ADAMS's amendment thereto, being the order of the day,

Mr. JOHNSON, of Maryland, who was entitled to the floor, yielded it to

Mr. J. W. JONES, who reported from the Committee of Ways and Means a bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840; which was read twice, and, on his motion, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. J. W. JONES, by direction of the same committee, reported some estimates to accompany the bill for the payment of Revolutionary and other pensioners; which document was ordered to be printed.

Mr. J. W. JONES asked leave of the House to submit a resolution to have the necessary printing executed. He did not wish to extend it beyond the bills and estimates reported from the Ways and Means committee, and only made the motion from a solemn conviction of the absolute necessity of the case. The appropriation bills are all reported, and not one yet printed.

Mr. R. GARLAND objected.

Mr. JONES said one of the bills provided for the payment of the Revolutionary soldiers, and unless it be printed immediately, it will be impossible to pass it before the 4th of March, at which time the payments are due to the pensioners. And if it be not passed by that time, the Secretary of the Treasury will have no funds to pay the old Revolutionary soldier at the various points at which payment is to be made. Two months of the session had been already wasted, and the appropriation bills remain untouched. It is important to do something to secure the passage of the bills, to enable the Government promptly to meet its obligations.

Mr. R. GARLAND said he would persist in his objection, unless the gentleman consented to amend his proposition to have the printing done on the best terms. He had been informed by a gentleman in the city, that it could be done twenty-five per cent. cheaper than the prices paid by Congress.

Mr. JONES then moved a suspension of the rules, to enable him to offer the resolution; which was read as follows:

Resolved, That the Clerk of the House be authorized to employ some suitable person or persons to execute the printing of the bills, which have been reported, together with the accompanying estimates and documents, in the manner prescribed by the joint resolution of 1819.

Mr. R. GARLAND said he would waive his objection for the present; whereupon,

Mr. J. W. JONES withdrew his motion for the suspension of the rules; there being no further objection,

Mr. GIDDINGS moved the following as a substitute, which was read:

Resolved, That until the further order of the House, the Clerk be directed to procure the printing of the House to be done by such person as will do it with the least possible expense to the Government.

Mr. GIDDINGS called the previous question on his amendment; which was seconded, and the main question ordered to be put.

Mr. LEWIS WILLIAMS demanded the yeas and nays on the main question, being on the adoption of the substitute; which were ordered.

Mr. SMITH of Indiana rose to a question of order; whether the previous question would not cut off the substitute, and was proceeding to debate it, but he was ruled out of order by

The SPEAKER, who stated that, under the new rules, it would not, the previous question operating only to bring the House to a vote on the last proposition submitted.

The call for the yeas and nays having been partly completed,

Mr. BOTTS asked leave of the House to permit him and others on the Committee of Elections to record their votes. They were absent, attending to their duties on said committee when their names were called.

Mr. BRIGGS said it had been unusual to permit those belonging to committees that had leave to hold sessions during the sittings of the House, to vote at any time. He had done so himself, under similar circumstances.

Mr. CLIFFORD demanded the yeas and nays, which were ordered.

Mr. PETRIKIN rose to a point of order. He said, under the 34th rule of the House, no member could vote on a question in which he was personally interested.

The CHAIR said this was a matter of public interest, and the member could not be considered personally interested.

The yeas and nays were then taken, and were—yeas 88, nays 101.

So the gentlemen were not permitted to vote.

The call for the yeas and nays on the substitute of Mr. GIDDINGS was then completed—yeas 109, nays 65.

So the amendment was adopted.

Mr. DUNCAN, who voted for said amendment, moved to reconsider the vote on the same; and also moved a call of the House before taking the question.

The SPEAKER was of opinion that the call was not in order—on the motion for reconsideration, the same having been taken under the operation of the previous question. He considered it one of the incidental questions necessarily connected with the proposition on which the previous question operated.

Mr. CLIFFORD appealed from that decision, and demanded the yeas and nays on that motion; which were ordered, and were—yeas 95, nays 100.

So the decision of the SPEAKER was not sustained.

Mr. DUNCAN moved a call of the House; and, upon that motion, demanded the yeas and nays; which were ordered, and were—yeas 141, nays 44.

The call of the House was then proceeded in until 216 had answered to their names.

Mr. JOHNSON, of Maryland, moved that all further proceedings in the call be suspended.

Mr. VANDERPOEL called for the yeas and nays on that motion; which were ordered. Thereupon,

Mr. JOHNSON withdrew his motion.

The call was then proceeded in until the absentees were called over, several of whom were excused on account of indisposition.

Mr. DAVIS, of Indiana, moved to suspend all further proceedings in the call.

Mr. VANDERPOEL demanded the yeas and nays, but they were not ordered.

The question was taken, and decided in the affirmative.

The question then came up on Mr. DUNCAN's motion to reconsider, when

Mr. DUNCAN observed that the amendment virtually destroyed the principle of the resolution of 1819, which was yet in force, and that it was moreover calculated to defeat the very object it contemplated. He would however have no objection to adopt the resolution of the gentleman from Vermont with that amendment they were about to reconsider, (for he was favorable to the principles contained in it, and it was with that feeling that he gave it his vote,) but the object being temporary, for it limited until they could elect a printer, it could not be carried into effect without great inconvenience as well as conflicting with the existing law. He did not know, in the first place, what would be the extent of the duty it imposed on the Clerk, both as to the time and manner of carrying it into execution. He did not know how much time would be required for the Clerk to get this printing done on the most reasonable terms. Was he to do it to-day or to-morrow? this week or the next? The time it would require to do it in would depend in a great measure on the extent of his efforts to carry out the terms of the resolution. In order to get the printing done on the most reasonable terms, must he confine his efforts to Washington city? The Clerk, Mr. D. thought, would require the time necessary to send to Baltimore, Philadelphia, New York, Boston, and Cincinnati, and receive proposals from those cities, or he could not carry out the provisions of the amendment. Would it not be necessary, he asked, for him to advertise for proposals in all these cities? If so, the object of the resolution would be defeated; and in voting for the reconsideration, he would do so from the absolute necessity of having the printing done immediately. We have not much, Mr. D. said, to fear of the danger of being over charged for the execution of this

work. We have the law of 1819, which fixes the prices those who do the work shall receive, and that law was passed by a Congress as competent to understand the subject, and who had the good of the country as much at heart as this. But suppose, in carrying out the intentions of this resolution, the CLERK confines his efforts to the city of Washington. In that case, what is to prevent a combination from being formed among the printers here to raise the prices higher than those allowed by the law of 1819? The resolution, as amended, did not provide for the manner in which the work should be done. It only provided that the CLERK should get the work done on the cheapest terms, without regard to time and without regard to the quality of the work. This was another reason operating with him for moving the reconsideration. No man, Mr. D. said, should go ahead of him in any measure of economy, where economy was practicable; but he did not conceive it to be so in this case. Another objection to the adoption of the resolution arose from the fact that they must soon go into the election of Printer. The interests of the country demanded it, and their duty demanded that these interests should no longer be neglected. Why, then, should we at this time introduce into this resolution, which can only be a temporary measure, provisions which, so far from performing its objects, are only calculated to defeat them? He was not (Mr. D. said) favorable to previous questions. He had assigned, so very briefly, his reasons for moving the reconsideration, as not to render a reply necessary, and he would, therefore, for the second time in his life, move the previous question.

Mr. PETRIKIN moved to lay the whole subject on the table.

The SPEAKER was of opinion that that motion was not in order; but that the gentleman could move to lay the motion for reconsideration on the table, and that motion would, if it prevailed, carry the whole subject with it.

Mr. PETRIKIN then moved to lay the motion for reconsideration on the table.

Mr. LEWIS WILLIAMS called for the yeas and nays; which were ordered, and were—yeas 106, nays 111.

So the House refused to lay it on the table.

The question then recurring on the motion to reconsider it was decided in the negative—yeas 108, nays 100.

The question recurred on the adoption of the resolution as amended; on which

Mr. EVERETT demanded the yeas and nays; which were ordered, and were—yeas 115, nays 97, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Simeon H Anderson, Andrews, Baker, Barnard, Bell, Bond, Botts, Boyd, Briggs, Brockway, Anson Brown, Sampson H. Butler, Calhoun, William B. Campbell, Carter, Casey, Chittenden, Clark, Connor, J. Cooper, M. A. Cooper, Corwin, Crabb, Cranston, Curtis, Cushing, Edward Davies, John W. Davis, Garret Davis, Dawson, Doherry, Dillett, Edwards, Evans, Everett, Fillmore, Fisher, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Griffin, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hook, Hopkins, Hunt, James, Jenifer, C. Johnston, William Cost Johnson, Kempshall, Lawrence, Lincoln, McCarty, Marvin, Mitchell, Monroe, Montgomery, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pickens, Pope, Proffit, Randall, Randolph, Rariden, Ridgway, Reed, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, John White, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Sherrod Williams—115.

NAYS—Messrs. J. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Brewster, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Bynum, Carr, Carroll, Chapman, Clifford, Coles, Craig, Crary, Dana, Davee, John Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Gerry, Hammond, Hand, J. Hastings, Hawkins, Holleman, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Newhard, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—97.

So the resolution was adopted.

Mr. JOHNSON, of Maryland, then proceeded in his remarks on the proposition to amend the rules. He made a strong constitutional argument against the movements of the Abolitionists, a synopsis of which there is not room in this day's paper, but the speech will be given hereafter at length. Mr. J. before concluding, yielded the floor to Mr. PETRIKIN, on whose motion,

The House adjourned.

IN SENATE,

TUESDAY, January 28, 1840.

The CHAIR presented a message from the President of the United States, communicating a supplement to the annual report of the Chief Engineer; which was referred to the Committee on Military Affairs, and ordered to be printed.

Also, a communication from the Secretary of War, transmitting a report from the Commissioner of Indian Affairs of the persons employed by that bureau, with their compensation, during the last year; which was laid on the table, and ordered to be printed.

Also, a memorial of the Legislative Assembly of the Territory of Iowa, that settlers on the sixteenth sections be allowed a pre-emption right to the same, and that other lands be set apart as school lands; and

A memorial from the same body, praying that settlers on the mineral lands may be allowed the right of pre-emption; and

A memorial from the same body, praying that the commissioners of Lee county be authorized to enter a quantity of school lands in the Sac and Fox reservation; which were severally referred to the Committee on the Public Lands.

Also, a memorial of the same body, praying that Congress provide for that Territory three six-pounder cannon and other munitions of war; which was referred to the Committee on Military Affairs.

Mr. MERRICK presented a memorial of Jacob Greaves for a pension; which was referred to the Committee on Naval Affairs.

Also, a memorial of the Howard Institution of the city of Washington, praying for assistance; which was referred to the Committee on the District of Columbia.

Also, the memorial of the president and directors of the Bank of the Metropolis, in the city of Washington, praying for a renewal of their charter; which was referred to the Committee on the District of Columbia.

Mr. STURGEON presented the memorial of the administrator of George Simpson, deceased; which was referred to the Committee on Finance.

Mr. CALHOUN presented the petition of Mathew Irvine Keith; which was referred to the Committee on Claims.

Mr. CLAYTON presented a petition of citizens of the State of Delaware, praying for the construction of a steam revenue cutter for Delaware bay; which was referred to the Committee on Commerce.

Mr. PRESTON presented the memorial of the heirs of Dr. Thomas Cooper, praying the repayment of a fine exacted under the Alien and Sedition laws; which was referred to the Committee on the Judiciary.

Mr. WRIGHT presented the petition of a number of inhabitants of Westchester county, New York, for a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. TALLMADGE presented the memorial of the executors of Henry Eckford; which was referred to the Committee on Naval Affairs.

Mr. RUGGLES presented the memorial of Samuel E. Smith and others, of Wiscasset, praying for a reduction of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. YOUNG presented the memorial of Joseph Smith, jr. Sidney Rigdon, and Elias Higbee, in behalf of "The Latter Day Saints," commonly called Mormons, praying for a redress of grievances, inflicted on them by the people of the State of Missouri.

Mr. Y. moved that it be printed, and referred to the Committee on the Judiciary.

After some remarks from Mr. LINN,

Mr. NORVELL moved to lay the whole subject on the table.

Mr. YOUNG called for the reading of the memorial, and it was accordingly read.

After some further remarks from Messrs. BENTON, PRESTON, and CLAY, of Kentucky, the motion to lay on the table was agreed to, with the understanding that it would be called up at an early day.

Mr. STRANGE presented the petition of Susannah R. Pickett; which was referred to the Committee on Pensions.

Also, the petition of William Hawkins; which was referred to the Committee on Claims.

Mr. HUBBARD, from the Committee on Claims, reported

A bill for the relief of Joseph M. Hernandez; and

A bill for the relief of George W. Paschall; which were severally read and ordered to a second reading.

Mr. SEVIER, from the Committee on Indian Affairs, reported a bill for the relief of John C. Reynolds, late disbursing agent of the Indian Department; which was read, and ordered to a second reading.

Mr. MERRICK, from the Committee on the District of Columbia, to which was referred

A bill concerning the estates of idiots or lunatics and infants in the District of Columbia; and

A bill giving the assent of Congress to the acts of the General Assembly of Virginia, incorporating the Falmouth and Alexandria Railroad Company, and for other purposes;

Reported the same without amendment.

Mr. M. also, from the same committee, reported a bill authorising the granting of letters testamentary, and of administration to aliens in the District of Columbia; which was read, and ordered to a second reading.

Mr. WALKER, from the Committee on Public Lands, reported an act for the relief of William Osteen; which was read, and ordered to a second reading.

The resolution submitted by Mr. MERRICK, to admit the District Attorney and the Reporter of the Supreme Court on the floor of the Senate, was taken up and disagreed to.

Mr. PRESTON submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate the cause of the removal of General Call from the government of the Territory of Florida, and the correspondence connected therewith; and also the correspondence between the Department of War and Governor Call, concerning the war in Florida.

The bill for the relief of certain persons therein named; and

The bill for the relief of Samuel R. Slaymaker, were severally read a third time, and passed.

BOARD OF COMMISSIONERS.

The bill to establish a Board of Commissioners to hear and examine claims against the United States, was taken up as in Committee of the Whole.

Mr. SEVIER offered an amendment excluding private land claims from the jurisdiction of the bill; which was not agreed to—ayes 10, noes 31.

Mr. PRENTISS offered an amendment excluding such cases as were within the jurisdiction of the judicial tribunals and the officers of the General Government; which was agreed to.

Mr. WALKER moved a new section, making the action of the board, when adverse to the claimants final, but not so when against the United States, and that nothing in the bill should compel claimants to present their claims before this board; which was disagreed to—ayes 12, noes 31.

After some further unimportant amendments, which, with those preceding, were debated by Messrs. HUBBARD, SEVIER, TAPPAN, WALKER, CLAY, of Alabama, PRENTISS, GRUNDY, and HENDERSON, the bill was ordered to be engrossed—ayes 25, noes 16, as follows:

YEAS—Messrs. Clayton, Crittenden, Cuthbert, Davis, Dixon, Grundy, Hubbard, King, Knight, Linn, Merrick, Nicholas, Pierce, Prentiss, Preston, Roane, Robinson, Smith, of Connecticut, South-

ard, Spence, Sturgeon, Walker, Wall, Williams, and Young—25.

NAYS—Messrs. Allen, Benton, Betts, Brown, Calhoun, Clay, of Alabama, Clay, of Kentucky, Fulton, Henderson, Lumpkin, Merion, Norvell, Ruggles, Sevier, Strange, and Tappan—16.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 28, 1840.

The first business in order was the proposition of Mr. THOMPSON of South Carolina to amend the rules, by the addition of the following:

Resolved, That, upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution, or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid on the table, without debate or further action thereon.

And the proposition of Mr. ADAMS, as a substitute for the above, in the following words:

Resolved, That the following be added to the standing rules of this House, to be numbered the 21st:

"Every petition presented by the Speaker, or by any member, with a brief verbal statement of its contents, shall be received, unless objection be made to its reception for special reason; and whenever objection shall be made to the reception of a petition, the name of the member objecting, and the reason of the objection, shall be entered upon the journal. The question in every such case shall be, *shall the petition be rejected?* and no petition shall be rejected but by a majority of the members present."

Mr. JOHNSON, of Maryland, who spoke a part of the day on Saturday and yesterday, on the above propositions, renewed his remarks. He argued the impropriety and unconstitutionality of the people of the North attempting to deprive the people of the South of their slave property, which was valued at twelve hundred millions of dollars. This was the capital, the most available, in fact, upon which the South done all its business; and he considered that it would be equally constitutional and proper for this section of country to make movements in that Hall and elsewhere, to deprive the North of all her manufacturing and other capital, the great sources of its wealth, as for the North to conspire, for the purpose of depriving the South of her slave property. It would be equally a violation of the Constitution, and justice, and right, in one case as in the other.

Mr. J. argued that it had been a blessing to the colored race to keep them in slavery, and drew a comparison of their condition in Africa and this country. In the former, they were little more intelligent than the ourang outang species; but now they had become a civilized and Christianized people, and would, under the dispensations of Providence, contribute to the spread of Christianity throughout the benighted regions of their native country. He then referred to the efforts of the State which he in part represented, to colonize the African race; and thought the movements of the Abolitionists had a tendency to retard these humane efforts. He then referred to the opinions of the people of his own district, and particulary to the society of Friends, who, he said, were as religious and as humane as the people of any other district, and were opposed to all the movements of the Abolitionists. He commented on the course of some gentlemen from the North, who, whilst they were contending for the constitutional right of petition, blinked their eyes at other provisions of the Constitution, which also secured the rights of the people of the South in this species of property inviolate—and which provisions of the Constitution these petitioners ask them to violate, and thereby violate their oaths. He thought the Representatives of the North had better tell their women petitioners to attend to knitting their own hose and darning their stockings, rather than come there and unsex themselves, be laid on the table, and sent to a committee to be reported on. He considered the question of Abolition was but one degree in the rear of amalgamation. He intimated that the people of Maryland, when the proper time came, would defend their property to the last extremity, and that they would not submit to have it severed from them except by the sword. Mr. J. dwelt at some length upon the relative demerits of the propositions before the House, to all of which he was opposed, because they presented no direct issue upon which to vote; to attain which purpose he would offer, before taking his seat, another proposition, and called upon those opposed to the Abolitionists to vote for it, and kill the hydra, Abolition, in an instant, in such manner that it could not germinate its species again; and referred to a precedent on record in the journals, involving the same principle, that had met the support of Messrs. ADAMS, GRANGER, and others, whose support he expected to have on his proposition.

Mr. J. said, so far as this question had been connected with the subject of the next Presidency, he regretted it. He thought it was too important and vital a question to the interests of the country, to be made, in any degree, a party question. He believed, though he was not formerly in favor of Harrison, that the nomination of the Harrisburg convention would meet the unanimous support of the Whig party, and that they would rally, and rout the Administration candidate, "horse, foot, and dragoons." Mr. Clay, he said, was his first choice, and General Scott his second; but he would now, with pride and pleasure, support General Harrison for the Presidency.

Mr. J. after having eulogized Gen. Harrison at some length, gave some reasons why he thought the South should not oppose him.

Mr. J. on concluding, offered the following amendment to the amendment of Mr. ADAMS, striking out all after the word "resolved," and inserting it as a substitute:

"That no petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

Mr. VANDERPOEL rose, and several gentlemen rising nearly at the same time and claiming the floor, the CHAIR awarded it to Mr. V. when

Mr. GIDDINGS rose to a point of order. He understood that when a gentleman addressed the CHAIR, he must rise in his place. Now the gentleman from New York did not rise in his place.

The CHAIR said that, according to the usual practice of the House, the gentleman was entitled to the floor, though he rose from a seat that was not his own. This practice had never before been objected to.

Mr. BELL said there was a stronger point of order than that. The question before the House had not been propounded by the Chair when the gentleman arose.

The CHAIR then stated the question before the House to be on the amendment of the gentleman from Maryland [Mr. JOHNSON] to the amendment of the gentleman from Massachusetts [Mr. ADAMS]

Mr. VANDERPOEL then immediately rose and claimed the floor.

After some remarks from Mr. W. THOMPSON,

Mr. GIDDINGS took an appeal, but subsequently withdrew it, it having been suggested to him by several of his friends, that it was consistent with the usual practice of the House for a gentleman to rise and address the Chair out of his seat.

Mr. DAVIS, of Kentucky, rose to a point of order. The question he said had not been propounded by the Chair, when the member from New York obtained the floor.

The CHAIR said it was true, that when the gentleman first arose, the question had not been propounded; but that the CHAIR did, after that, state the question to the House, when the member from New York, first rising obtained the floor.

Mr. VANDERPOEL said he would put it to the consciences of gentlemen, whether it was not high time that this interminable and unprofitable debate should close. We had been here nearly eight weeks, and had, as yet, done nothing but to elect a Speaker, and appropriate between three and five hundred thousand dollars to pay ourselves. [Mr. ADAMS here rose and made a point of order. His point of order was, whether, as Mr. V. had avowed his intention to move the previous question, he could be permitted to make a speech.] Mr. V. said he would relieve the gentleman from Massachusetts. He had only said that he would "*probably*" move the previous question, but had not positively committed himself upon that point. It was his right to speak, and he should do so, if he felt that the occasion required it. Had he not spoken before—were not his speeches scattered through the pages of the debates of this House—he would, if any gentleman could be, justifiable in protracting the debate; for he had been named, goaded, pointed at; yes, every possible effort had been made to provoke him into this debate, and still he had forborne, from the consideration that what he had thought and said on this subject, and what he would again say, if called upon, was on record, so that all who wished to know could know what were his sentiments upon this agitating question. It was "not his talent to conceal his thoughts," and his bold and early expression of them here and at home, had, at a very early period, brought him into market disfavor with the Abolitionists. He had never wooed them; he had never won them, as many Northern politicians had done. To show the estimation in which they held him, he need only say, that though he had always had Abolitionists in his district, they had never sent to him one of their petitions; had never entrusted him with the presentation of them here. It had fallen to the lot of other gentlemen, his colleagues, who were in greater favor with them, to present their petitions. He well recollected that his "Whig" colleague [Mr GRANGER] who some days since eulogised the Abolitionists, by telling us that so many of them had poured out their blood at Lundy's Lane and Chippewa, had here, some three or four years ago, presented an Abolition petition from his (Mr. V's.) district. He (Mr V.) had always been well understood by them. He had always believed, and always so expressed himself, that all their movements were mischievous, incendiary, insulting to our Southern brethren, and against the letter and spirit of the solemn compact into which we had entered with them. He had here always voted to receive their petitions; but the moment they were presented, he had voted, and would again vote, for the strongest possible measure to reject their prayer, nail them to the table, mingle them with the rubbish of your garret, and in the strongest mode mark our disapprobation of their object. He would not vote for the proposition that the petitions should not be received, because he believed that it would be creating a new issue, if we adopted such a proposition—an issue which would have the effect of re-enforcing the Abolitionists. He had always risen, he trusted he would ever rise, above the miserable attempts that had here been made to connect this great and vital question with the pitiful, ephemeral party conflicts of the day. He had also risen, and would ever rise above the idea of opposing the mad schemes of Northern Abolitionists from the narrow consideration of sustaining "*Southern interests* and *Southern institutions*." He had taken this stand against them, for higher and holier purposes. It was to maintain the interests of the Union, to fulfil our part of the compact, which formed this confederacy of States. No, it was not as a Northern man, or as a Southern man, that he had so long, here and at home, struggled to defeat the mad efforts of Northern Abolitionists. It was as an American citizen, determined, at all hazards, to discharge a great and paramount duty. As I once before remarked on this floor, I tell you, my Southern brethren, the great mass of the North will fulfil the compact to the letter and spirit. We recognised your property in slaves when we entered into solemn covenant and union with you. We solemnly agreed that they should form part of the basis of representa-

tion on this floor; AND UNTIL WE BECOME WRETCHES, AND WHOLLY INSENSIBLE TO THE OBLIGATIONS OF COVENANT AND DUTY, WE WILL FAITHFULLY FULFIL THE COMPACT. Mr. V. said he would now move the previous question.

Mr. RHETT asked permission to say a few words on the subject; but this was denied him.

Mr. RICE GARLAND then moved a call of the House, which was not carried.

The question was then taken on seconding the previous question, and it was carried.

The preliminary question "Shall the main question be now put?" was taken by yeas and nays, and decided in the affirmative—yeas 147, nays 61, as follows:

YEAS—Messrs. Alford, Judson Allen, John W. Allen, Hugh J. Anderson, Simeon H. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Bond, Botts, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, W. B. Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Crabb, Craig, Cranston, Crary, Cross, Curtis, Cushing, Dana, Davee, John Davis, John W. Davis, Dawson, Deberry, Doan, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Rice Garland, Gentry, Gerry, Goggin, Goode, Graham, Green, Griffin, Habersham, Hammond, Hand, John Hastings, Hawkins, Henry, Hill of Virginia, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McCarty, McClellan, McCulloh, McKay, Mallory, Marchand, Marvin, Medill, Mitchell, Montanya, Montgomery, Samuel W. Morris, Calvary Morris, Newhard, Nisbet Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Proffit, Ramsey, Randolph, Rariden, Reynolds, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Simonton, John Smith, Truman Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpool, David D. Wagener, Warren, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Sherrod Williams, and Worthington—147.

NAYS—Messrs. Adams, Barnard, Bell, Biddle, Briggs, Brockway, Calhoun, Chittenden, Clark, James Cooper, Davies, Garret Davis, Dillett, Edwards, Evans, Fillmore, Gates, Granger, Grinnell, Hall, William S. Hastings, Hoffman, Hunt, James, Jenifer, Charles Johnston, Wm. Cost Johnson, Kempshall, Lawrence, Lincoln, Monroe, Morgan, Naylor, Ogle, Palen, Peck, Pope, Rayner, Reed, Rhett, Ridgway, Russell, Saltonstall, Sergeant, Slade, Stanly, Storrs, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—61.

Mr. THOMPSON rose to modify his resolution so as to include the amendment of Mr. JOHNSON; but this proposition was ruled to be out of order.

The question was then taken on the amendment of Mr. JOHNSON, and it was carried—yeas 115, nays 105.

The question then coming up on the amendment of Mr. ADAMS as amended,

Mr. SMITH, of Maine, moved the previous question.

Mr. ADAMS moved a postponement of the question "till the House was constituted;" that is—till the State of New Jersey is represented.

The CHAIR said this motion was not in order.

The question was then taken on the resolution as amended, and decided in the affirmative—yeas 114, nays 108, as follows:

YEAS—Messrs. Alford, Andrews, Atherton, Banks, Beirne, Black, Blackwell, Botts, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, William B. Campbell, Carroll, Chapman, Coles, Colquitt, Conner, Mark A. Cooper, Crabb, Craig, Crockett, Cross, John Davis, John W. Davis, Garret Davis, Dawson, Deberry, Dennis, Dillett, Dromgoole, Earl, Eastman, Fine, Fornance, James Garland, Rice Garland, Gerry, Goggin, Graham, Graves, Green, Griffin, Habersham, Hawkins, Hill of Virginia, Hill of N. C. Holleman, Holmes, Hopkins, Hubbard, Jameson, Jenifer, Joseph Johnson, William Cost Johnson, Nathaniel Jones, John W. Jones, Kemble, Leadbetter, Lewis, Lucas, McCarty, McClellan, McCulloh, McKay, Medill, Miller, Montanya, Montgomery, Nisbet, Parish, Parris, Patrikin, Pickens, Pope, Prentiss, Proffit, Ramsey, Rayner, Reynolds, Rhett, Rives, James Rogers, Samuels, Shaw, Albert Smith, Stanly, Steenrod, Strong, Sumter, Sweeny, Taliaferro, Taylor, Francis Thomas, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Triplett, Turney, Warren, Watterson, Weller, John White, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Sherrod Williams, Wise, and Worthington—114.

NAYS—Messrs. Adams, Judson Allen, John W. Allen, Hugh J. Anderson, Simeon H. Anderson, Baker, Barnard, Beatty, Bell, Biddle, Bond, Brewster, Briggs, Brockway, Anson Brown, Calhoun, Carr, Casey, Chittenden, Clark, Clifford, James Cooper, Cranston, Crary, Curtis, Cushing, Dana, Davee, Edward Davies, Doan, Doig, Duncan, Edwards, Ely, Evans, Everett, Fillmore, Fletcher, Floyd, Gates, Gentry, Giddings, Goode, Granger, Grinnell, Hall, Hand, William S. Hastings, J. Hastings, Henry, Hoffman, Hook, Howard, Hunt, Jackson, James, C. Johnston, Keim, Kempshall, Lawrence, Leet, Leonard, Lincoln, Lowell, Mallory, Marchand, Marvin, Mason, Mitchell, Monroe, Morgan, Samuel W. Morris, Calvary Morris, Naylor, Newhard, Ogle, Osborn, Palen, Parmenter, Paynter, Peck, Randall, Randolph, Rariden, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Simonton, Slade, John Smith, Truman Smith, Starkweather, Storrs, Stuart, Tillinghast, Toland, Trumbull, Underwood, Vanderpool, David D. Wagener, Peter J. Wagner, Wick, Thomas W. Williams, and Henry Williams—108.

So the resolution, as amended, was adopted.

Mr. DAVIS, of Indiana, moved a reconsideration of the vote taken yesterday, authorizing the Clerk to have the printing of the House executed on the cheapest terms, &c. It was evident to the House, he said, after mature reflection, that it would be impossible for the Clerk to comply with the terms of the resolution, and conform strictly to his duty. He was anxious that it should be more particularly defined in its expressions, because the Clerk is not limited either as to time, place, or extent. His object in moving a reconsideration was to make it more definite. He agreed most cordially with the substance of that resolution—that is, that the printing of the House shall be done at the lowest expense to the Government. He should always go for retrenchment and reform; but he was unwilling to yield to the Clerk the prerogative of the House to make its own contracts. Much as he admired the late manly and candid course taken by that officer he was unwilling to give to him the unlimited discretion, or to impose on him the responsibility contemplated by the resolution. If the House would permit him, he would read a resolution which he proposed to offer if the reconsideration prevailed; and it would then be seen whether those gentlemen who were so anxious for economy, and for separating the printing of the House from the political press, were willing to carry out their professions. Mr. D. then read his amendment as follows:

Resolved, That this House will now proceed to the election of a Public Printer, who shall proceed to execute the printing of this House agreeably to the requirements and compensation of existing laws, until such laws are modified by the legislation of Congress; and in the mean time, a committee of seven members shall be appointed by the Chair, who shall, within twenty-one legislative days from the date of their appointment, report to this House what amendments, if any, are necessary to the more prompt, perfect, and economical execution of the printing of Congress; whether the same should be let out to contract, or whether it would be more expedient to execute the same by a Congressional Printing House, press and type belonging to Congress, and subject to its superintendence.

Mr. DAVIS then moved the previous question on the reconsideration, and the motion being seconded by the House,

Mr. RICE GARLAND called for the yeas and nays on the main question, which being ordered, the roll was called over, and it was found that there were—yeas 110, nays 106.

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Chapman, Clifford, Coles, Conner, Mark A. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, John Hill, of N. C. Holleman, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, J. Rogers, Samuels, Shaw, A. Smith, J. Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Sweeny, Taylor, F. Thomas, P. F. Thomas, Jacob Thompson, Turney, Vanderpool, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—110.

NAYS—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Baker, Barnard, Bell, Biddle, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, William B. Campbell, Casey, Chittenden, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dillett, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Henry, John Hill, of Va. Hoffman, Hook, Hopkins, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, Lawrence, Lincoln, McCarty, Marvin, Mason, Mitchell, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne Palen, Peck, Pope, Proffit, Randall, Randolph Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Sherrod Williams, and Henry A. Wise—106.

The question then recurring upon the adoption of the resolution,

Mr. GRAVES asked of the SPEAKER, if he was in possession of a communication from Messrs. Gales and Seaton, on the subject of the public printing.

The SPEAKER replying in the affirmative,

Mr. GRAVES submitted the following resolution:

Resolved, That the whole subject of public printing, together with the communication lately received from Gales and Seaton on that subject, be referred to a select committee, to inquire into the best plan of executing the same, and to report by bill or otherwise; and that the printing which has been, or may hereafter be ordered, be executed in all things, except prices, in the manner prescribed by the joint resolution of Congress relating to that matter, approved March 3, 1819; and the Clerk of this House, under the supervision and control of the Committee of Accounts, is hereby authorized to make a contract or contracts, with some suitable person or persons, to execute said work, upon the best terms it can be done in the District of Columbia, provided the prices shall not exceed those fixed by the aforesaid joint resolution of 1819.

Mr. DROMGOOLE asked if it was in order for the gentleman from Kentucky to move the reference of a paper not in the possession of the House.

The SPEAKER said it was not in order; when

Mr. GRAVES modified his amendment, by striking out all that part relating to the communication of Gales and Seaton.

Mr. JAMESON rose to a point of order. The gentleman from Indiana, [Mr. DAVIS,] he said, moved a reconsideration of the vote taken yesterday, which reconsideration was ordered by the House. But the gentleman, on making the motion, stated that his object was, if the reconsideration prevailed, to offer an amendment, the purport of which he stated to the House. The vote, therefore, for reconsideration, was given with the understanding that this proposition of the gentleman from Indiana was to be received and acted on, and it was not competent for the CHAIR to entertain another and distinct proposition as had been offered by the gentleman from Kentucky.

The SPEAKER required the gentleman from Missouri to reduce his point of order to writing; but at this stage of the business,

Mr. JAMESON yielded the floor to a motion for adjournment, and

The House adjourned.

IN SENATE,

WEDNESDAY, January 29, 1840.

The CHAIR submitted a communication from the War Department, in answer to a resolution of the Senate of the 30th ult. in relation to the massacres and devastations committed by the Indians in the Territory of Florida; which was laid on the table, and ordered to be printed.

NORTHEASTERN BOUNDARY.

The CHAIR also submitted a message from the President of the United States, supplementary to a message received a few days since, in answer to a resolution of the Senate, on the subject of the Northeastern boundary. The message was read, and was as follows:

To the Senate of the United States:

I herewith transmit to the Senate, with reference to their resolutions of the 17th instant, copies of two official notes which have passed, subsequently to the date of my message of the 22d, between the Secretary of State and the British Minister at Washington, containing additional information in answer to the resolutions referred to.

M. VAN BUREN.

WASHINGTON, 29th January, 1840.

Mr. Fox to Mr. Forsyth.

WASHINGTON, January 26, 1840.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to acquaint Mr. Forsyth, Secretary of State of the United States, that since the date of his last official note of the 12th instant, he has been furnished by her Majesty's authorities in North America with more correct information than he then possessed, respecting certain reported move-

ments of British troops within the disputed territory, which formed the subject of a part of that official note, as well as of the two official notes addressed by the Secretary of State to the undersigned on the 24th of December, and on the 16th of the present month. The same reported movements of troops were referred to in a recent message from the Governor of Maine to the Legislature of the State, and also in a published official letter addressed by the Governor of Maine to the President of the United States, on the 23d of December.

It appears from accurate information now in the possession of the undersigned, that the Governor of Maine, and, through him, the President, and General Government of the United States, have been misinformed as to the facts. In the first place, no reinforcement has been marched to the British post at the Lake Temiscouata, the only change occurring there has been the relief of a detachment of her Majesty's 24th regiment, by a detachment of equal force of the 11th regiment; this force of one company being now stationed at the Temiscouata post, as it always has been, for the necessary purpose of protecting the stores and accommodations provided for the use of her Majesty's troops, who may be required, as heretofore, to march by that route to and from the Provinces of Canada and New Brunswick. In the second place, it is not true that the British authorities either have built, or are building, barracks on both sides of the St. Johns river, or at the mouth of the Madawaska river; no new barracks have in fact been built any where. In the third place, her Majesty's authorities are not concentrating a military force at the Grand Falls. The same trifling force of sixteen men is now stationed at the post of the Grand Falls, which has been stationed there for the last twelvemonth. It was perhaps, however, needless for the undersigned to advert to this last matter at all, as the post of the Grand Falls is beyond the bounds of the disputed territory, and within the acknowledged limits of New Brunswick.

The undersigned, while conveying the above information, upon a matter of fact, to the Secretary of State of the United States, takes occasion to repeat distinctly his former declaration, that there exists no intention on the part of Her Majesty's authorities to infringe the terms of those provisional agreements which were entered into at the beginning of last year, so long as there is reason to trust that the same will be faithfully adhered to by the the opposite party. But it is the duty of the undersigned, at the same time, clearly to state, that her Majesty's authorities in North America, taking into view the attitude assumed by the State of Maine, with reference to the boundary question, will, as at present advised, be governed entirely by circumstances in adopting such measures of defence and protection, (whether along the confines of the disputed territory, or within that portion of it where it has been before explained, the authority of Great Britain according to the existing agreements, was not to be interfered with,) as may seem to them necessary for guarding against, or for promptly repelling, the further acts of hostile aggression over the whole of the disputed territory, which it appears to be the avowed design of the State of Maine sooner or later to attempt.

For the undersigned has to observe, that not only is the extensive system of encroachment, which was denounced and remonstrated against by the undersigned in his official note of the 2d of last November, still carried on and persisted in by armed bands, employed by the authorities of Maine in the districts above the Aroostook and Fish rivers; but that acts, as above stated, of a character yet more violent and obnoxious to the rights of Great Britain, and more dangerous to the preservation of the general peace, are with certainty meditated by the inhabitants of that State. The existence of such designs has for months past been a matter of notoriety by public report; those designs were plainly indicated in the recent message of the Governor of Maine to the Legislature of the State; and they are avowed in more explicit terms in the letter addressed to the President of the United States by the Governor of Maine on the 21st of November, which letter has, within the last few days, been communicated to Congress, and published.

The undersigned, it is true, has been assured by the Secretary of State, in his note of the 16th inst. that the General Government see no reason to doubt the disposition of the Governor of Maine to adhere to the existing arrangements, and to avoid all acts tending to render more difficult and distant the final adjustment of the boundary question. But in face of the above clear indications of the intentions of Maine, as given out by the parties themselves, the Secretary of State has not given to the undersigned any adequate assurance that Maine will be constrained to desist from carrying those intentions into effect, if, contrary to the expectation of the General Government, the Legislature or the Executive of the State should think fit to make the attempt.

The undersigned not only preserves the hope, but he entertains the firm belief, that if the duty of negotiating the boundary question be left in the hands of the two National Governments, to whom alone of right it belongs, the difficulty of conducting the negotiation to an amicable issue will not be found so great as has been by many persons apprehended. But the case will become wholly altered, if the people of the State of Maine, who, though interested in the result, are not charged with the negotiation, shall attempt to interrupt it by violence.

Her Majesty's authorities in North America have, on their part, no desire or intention to interfere with the course of the pending negotiation, by an exertion of military force; but they will, as at present advised, consult their own discretion in adopting the measures of defence that may be rendered necessary by the threats of a violent interruption to the negotiation which have been used by all parties in Maine, and which the undersigned regrets to find confirmed by the language (as above referred to) employed by the highest official authority in that State.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

(Signed) H. S. FOX.

The Hon. JOHN FORSYTH, &c. &c. &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, 28th Jan. 1840.

The undersigned, Secretary of State of the United States, has the honor to reply, by direction of the President, to the note addressed to him on the 26th instant, by Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain.

The President derives great satisfaction from the information conveyed by Mr. Fox's note, that with reference to the reported movements of British troops within the territory in dispute, no actual change has taken place in the attitude of her Majesty's authorities in the territory since the arrangements entered into by the two Governments at the commencement of last year for the preservation of tranquillity within its limits; and from his assurances that there exists no intention on the part of her Majesty's authorities to infringe the terms of those arrangements, so long as they are faithfully observed on the side of the United States. The President, however, cannot repress a feeling of regret that the British colonial authorities, without graver motives than the possibility of a departure from the arrangements referred to by the State of Maine, should take upon themselves the discretion, and, along with it, the fearful responsibility of probable consequences, of being guided by circumstances, liable as these are to be misapprehended and misjudged, in the adoption within the disputed territory of measures of defence and precaution, in manifest violation of the understanding between the two countries, whenever they may imagine that acts of hostile aggression over the disputed territory are meditated or threatened on the part of the State of Maine. The President cannot but hope that, when her Majesty's Government at home shall be apprised of the position assumed in this regard by its colonial agents, proper steps will taken to place the performance of express and solemn agreements upon a more secure basis than colonial discretion, to be exercised on apprehended disregard of such agreements on the part of the State of Maine.

It is gratifying to the President to perceive that Mr. Fox entertains the firm belief that the difficulty of conducting to an amicable issue the pending negotiation for the adjustment of the question of boundary is not so great as has, by many persons, been apprehended. As, under a corresponding conviction, the United States have, with a view to the final settlement of that exciting question, submitted a proposition for the consideration of her Majesty's Government, the President hopes that the sentiments expressed by Mr. Fox have their foundation in an expectation of his having it in his power at an early day to communicate to this Government a result of the deliberations had by that of her Britannic Majesty upon the proposition alluded to, which will present the prospect of a prompt and satisfactory settlement, and which, when known by the State of Maine, will put an end to all grounds of apprehensions of intentions or disposition on her part to adopt any measures calculated to embarrass the negotiation, or to involve a departure from the provisional arrangements. In the existence of those arrangements, the United States behold an earnest of the mutual desire of the two Governments to divest a question, abounding in causes of deep and growing excitement, of as much as possible of the asperity and hostile feeling it is calculated to engender; but unless attended with the most scrupulous observance of the spirit and letter of their provisions, it would prove but one more cause, added to the many already prevailing, of enmity and discord. Mr. Fox has already been made the channel of conveyance to his Government of the desire and determination of the President that the obligations of the country shall be faithfully discharged: that desire is prompted by a sense of expediency as well as of justice, and by an anxious wish to preserve the amicable relations now, so manifestly for the advantage of both, subsisting between the United States and Great Britain.

The undersigned avails himself of the occasion to renew to Mr. Fox assurances of his distinguished consideration.

(Signed) JOHN FORSYTH.

HENRY S. FOX, esq. &c. &c. &c.

Mr. WILLIAMS said that as an extra number of the document, to which this was a supplement, had been printed, he would move that five thousand extra copies be printed; which was agreed to.

Mr. ROBINSON presented the petition of Seymour Treat, assignee of John Vanetten, a Canadian volunteer during the late war, praying to be allowed the pay and bounty land to which said Vanetten was entitled; which was referred to the Committee on Claims.

Mr. ROANE presented the petition of William Ramsay, praying arrears of pay due him, and an allowance for certain expenses granted by the Department, and afterwards revoked; which was referred to the Committee on Naval Affairs.

Mr. WRIGHT presented the petition of the widow of Jonas Snow, a soldier of the Revolution, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WALL presented the petition of a number of citizens of New Jersey, praying an appropriation for placing buoys in the south channel of Little Egg Harbor; which was referred to the Committee on Commerce.

Mr. YOUNG, from the Committee on Roads and Canals, to which the subject was referred, reported a bill to authorize the "Iron Mountain Company" to enter on a credit a quantity of land to aid the company in the construction of a railroad from the Iron mountain, in the State of Missouri, to the Mississippi river, and for other purposes; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judiciary, to which was referred a bill for the relief of the administrator of Joseph Edson, reported the same without amendment, and with a recommendation that it do not pass.

Mr. W. also, from the same committee, to which was referred a bill for the more easy collec-

tion of small bank notes within the District of Columbia, reported the same without amendment.

Mr. W. also, from the same committee, reported as a substitute for the last mentioned bill, a bill for the collection of bank notes of and under twenty dollars, issued by banks within the District of Columbia; which was read, and ordered to a second reading.

Mr. STRANGE, from the Committee on the Judiciary, to which the subject was referred, reported a bill for the relief of Thomas L. Winthrop and others, directors of the association called the New England Mississippi Land Company; which was read and ordered to a second reading.

Mr. BENTON, from the Committee on Military Affairs, reported a bill for the relief of the corporate authorities of the city of Mobile; which was read and ordered to a second reading.

The following resolution, submitted some days since by Mr. WEBSTER, was taken up:

Resolved, That the Committee on Commerce be instructed to inquire whether the law respecting vessels propelled by steam, does not require revision and amendment.

Mr. W. explained his reasons for submitting the motion, and suggested several points for the consideration of the committee.

Mr. GRUNDY said he was much gratified that the Senator from Massachusetts had moved in this matter. He thought this was a subject that required the exercise of the whole power we possessed over it; and he, for one, was for exercising that power. He would suggest, however, to the honorable Senator, the propriety of reducing the several points touched upon in his remarks as proper for the consideration of the committee, to writing, so that we might have an answer to each separate proposition; and the committee could report by bill or otherwise.

Mr. WEBSTER said he would most cheerfully acquiesce in the Senator's suggestion; and the resolution was accordingly laid on the table until to-morrow.

BOARD OF COMMISSIONERS.

The bill to establish a board of commissioners to hear and examine claims against the United States was taken up on its third reading, read a third time, and passed.

THE CUMBERLAND ROAD.

Mr. YOUNG said he was instructed by the Committee on Roads and Canals, to ask that the orders of the day might be postponed, for the purpose of taking up the bill for the continuation of the Cumberland road, in the States of Ohio, Indiana, and Illinois, (appropriating $150,000 in each of these States for that purpose,) with the object of making it a special order; which, after some remarks from Messrs. YOUNG, SMITH, of Indiana, TAPPAN and GRUNDY, in favor, and Messrs. CLAY, of Alabama, and HUBBARD, in opposition, was agreed to—ayes 25, noes 12.

The bill was then, on motion of Mr. YOUNG, made the special order of the day for Wednesday, the 12th of February.

NAVY PENSIONS.

On motion by Mr. WILLIAMS, the bill to repeal certain acts respecting navy pensions, and making further provisions in relation to navy pensions was taken up.

Mr. WILLIAMS explained and advocated the provisions of the bill; when, on motion of Mr. SOUTHARD, it was postponed and made the order of the day for Monday next.

Mr. PRESTON submitted the following resolution; which, by unanimous consent, was considered and agreed to:

Resolved, That the Secretary of the Navy furnish the Senate with the names of all officers of the navy who were admitted to the roll of pensions between the 30th day of June, 1800, the day that the act of the 23d April, 1800, for the better government of the navy, went into operation, and the first day of January, 1837, designating those who were admitted for disabilities, occasioned by wounds received in battle, from those who were disabled from other causes; also, designating the nature and degree of disability in each case, and the battle in which such officer was wounded, or the occasion, or accident by which he was otherwise disabled; also, the rank of the officers aforesaid at the time disability occurred, and the nature of the service or particular station occupied by each individual at the time he may have been wounded, or otherwise injured in the line of his duty, together with the per month pension granted in each case.

The bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land;

The bill to authorise the issuing of a patent to the heirs or legal representatives of Francis Rivard, deceased;

The bill confirming certain land claims in Louisiana; and

The bill for the relief of Obed P. Lacey, were severally considered, as in Committee of the Whole, and ordered to be engrossed for a third reading.

The Senate then went into the consideration of Executive business,

And then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 29, 1840.

The question pending when the House adjourned on yesterday, was the point of order raised by Mr. JAMESON as to the right of Mr. GRAVES to offer the resolution below, the rules having been suspended for a specific purpose. The following is the resolution of Mr. GRAVES:

Resolved, That the whole subject of public printing, together with the communication lately received from Gales and Seaton on that subject, be referred to a select committe, to inquire into the best plan of executing the same, and to report by bill or otherwise; and that the printing which has been, or may hereafter be ordered, be executed in all things, except prices, in the manner prescribed by the joint resolution of Congress relating to that matter, approved March 3, 1819, and the Clerk of this House, under the supervision and control of the Committee of Accounts, is hereby authorized to make a contract or contracts, with some suitable person or persons, to execute said work, upon the best terms it can be done in the District of Columbia, provided the prices shall not exceed those fixed by the aforesaid joint resolution of 1819.

Mr. PARMENTER, by the permission of the gentleman entitled to the floor, asked leave to present to the House a petition from the Third Congressional district of Massachusetts, contesting the right of Mr. BAKER to hold a seat on this floor, and praying an investigation into the matter.

Objection being made to its reception,

Mr. PARMENTER said he would not, at that time, press a suspension of the rules to enable him to offer it.

Mr. CURTIS also made an attempt to present a petition, but it was also objected to.

Mr. JAMESON then reduced his point of order to writing, and was as follows:

"The gentleman from Indiana [Mr. DAVIS] moved the reconsideration of a vote given on yesterday upon a resolution requiring the Clerk to contract for the printing of the House upon the cheapest terms, for the purpose of introducing another proposition on that subject, which was read to the House; the motion to reconsider was carried; that being announced by the CHAIR, the gentleman from Indiana, [Mr. DAVIS,] and the gentleman from Kentucky, [Mr. GRAVES,] rose at the same time, and addressed the SPEAKER. The SPEAKER announced the gentleman from Kentucky as being entitled to the floor, and entertained a proposition from that gentleman, different to the one read by the gentleman from Indiana; upon which statement of facts the following point of order is raised, to wit: That the gentleman from Indiana is entitled to the floor for the purpose of introducing the proposition, which he announced to the honorable House he would introduce, if the motion to reconsider was adopted."

Mr. JAMESON said, in looking over the journal, he found that it had been the invariable practice of the House, when the rules had been suspended on the motion of a gentleman, for a specific object, the floor was always given by the Speaker to the gentleman who made the motion. Common courtesy, independent of justice and right, would entitle that gentleman to the floor. Should the opposite of the practice obtain, those who voted for a suspension of the rules for a specific proposition would be entrapped. He did not believe that that practice had ever been departed from, until yesterday; and if it should be carried out, it would, in his opinion, lead to very bad results; members would always be voting in the dark. The gentleman who made the proposition yesterday, [Mr. DAVIS of Indiana,] read to the House the proposition he intended to offer, and moved the reconsideration of a vote to enable him to submit it; but a combination had been formed to deprive that gentleman of the floor, after the vote had been reconsidered. Such combinations might be formed on every other question, and defeat the purpose of the suspension or reconsideration as it might be. On this occasion, the gentleman from Indiana, [Mr. DAVIS,] the gentleman from Kentucky, [Mr. GRAVES,] and the gentleman from Virginia, [Mr. WISE,] all rose at the same time, but the gentleman from Kentucky got immediately in front of the gentleman from Indiana, and the SPEAKER awarded the floor to him, and his proposition being ruled out of order, Mr. WISE handed over his proposition to him. Thus it will be seen that adroit members, under the SPEAKER's decision, will have the best chance; and that if sustained, the SPEAKER can give the floor to those whose propositions he favors, and thus direct the legislation of Congress. These gentlemen, he said, had been the most fortunate this session in catching the SPEAKER's eye, and hence they have directed the legislation to a great extent. He called upon the young members whose rights might be abridged by those who were possessed of so much adroitness and tact in obtaining the floor to beware how they sustained this decision.

Mr. DUNCAN moved the previous question on the appeal, which was seconded, and the main question ordered.

Mr. R. GARLAND demanded the yeas and nays, which were ordered, and were—yeas 104, nays 92.

So the decision of the SPEAKER was sustained.

Mr. GRAVES then addressed the House on his proposition, and in the course of his remarks he gave way to

Mr. GARLAND, of Louisiana, to offer the following amendment:

"And into the expediency of entirely separating the patronage from the newspaper or public press of the country."

Mr. PARMENTER, in answer to some of Mr. GRAVES's remarks in reference to the price of the printing done for the Massachusetts Legislature, said that he had no doubt but the gentleman was correct as to the prices, but that it ought to be recollected that the amount of it was comparatively so small, that there were many large establishments in Boston who could perform it as incidental to their general business. Public printing could be done much lower in Boston than here, as well for the reason he had mentioned as from the circumstance that the composition was principally performed by females who worked for considerably less than what was paid here. He would add, that, in his experience in the Massachusetts Legislature, he had often known that body to be subject to much embarrassment and delay of business in consequence of their printing not being done in time.

Mr. DAVIS said that before he proceeded, he desired to know whether it was in order for him to offer an amendment to the proposition of the gentleman from Kentucky, [Mr. GRAVES.]

The SPEAKER replied that it was not. The question was on the amendment submitted by the gentleman from Louisiana, [Mr. GARLAND.]

Mr. DAVIS desired to know whether it was competent for the gentleman from Kentucky, the gentleman from Louisiana, and the SPEAKER, to decide what proposition is before the House, without its knowledge and consent.

Mr. GARLAND, of Louisiana, called Mr. D. to order; when

Mr. DAVIS disclaimed any intention of impugn-

ing the motives of the CHAIR. He asked for information, whether a gentleman who had the floor on a proposition he had submitted, could allow another to offer an amendment to it without its being stated to the House, and thus cut off all other amendments.

Mr. CRAIG made a few observations which were not distinctly heard—but he was understood to contend that the amendment of the gentleman from Louisiana was not and could not be before the House—it having been offered while a gentleman was addressing the House, by his yielding the floor, and it not having been propounded by the CHAIR. He said that it was competent for the gentleman from Kentucky to receive the proposition of the gentleman from Louisiana as a modification, and make it part of his proposition. It would then, being part of the original proposition, be subject to an amendment.

Mr. DAVIS of Indiana contended that the gentleman from Kentucky had no right to yield the floor to the gentleman from Louisiana to offer an amendment, and then immediately go on with his remarks. The gentleman could not in this way offer an amendment, without the consent of the House, and the amendment was not propounded to the House by the Chair. If this decision was sustained, the House would perceive that any two gentlemen could combine together, and, in this way, cut off all amendments. It was known, Mr. D. said, that he was about to offer an amendment from the fact of his having moved the reconsideration; and this amendment of the gentleman from Louisiana, if it was sustained by the Chair, precluded him from doing it.

Mr. BRIGGS suggested that the proposition of the gentleman from Kentucky was, of itself, an amendment to an amendment; and therefore, it was not competent either for the gentleman from Louisiana or the gentleman from Indiana to move to amend it.

Mr. DAVIS apprehended that the gentleman from Massachusetts, with all his acknowledged knowledge of parliamentary law, was in an error. The House had adopted a certain rule, and no matter whether it had been amended or not, before its adoption, it stood on the record as a rule of the House. He had moved a reconsideration, and that motion prevailing, the whole rule and not the amendment came up for reconsideration.

Mr. WISE understood the facts to be these: There was a substantive proposition adopted in relation to the public printing. The gentleman from Indiana [Mr. DAVIS] voted in the affirmative, and yesterday moved a reconsideration of the vote adopting it, which reconsideration prevailed. What, then, was the substantive proposition before the House? Why it was the proposition of the gentleman from Ohio that was adopted as an amendment. When, therefore, the gentleman from Kentucky introduced his proposition, he introduced it as an amendment to an amendment, and, therefore, neither the gentleman from Louisiana, nor the gentleman from Indiana could move to amend it.

Mr. VANDERPOEL said the matter struck him differently. It was a resolution of the gentleman from Virginia, in which was incorporated an amendment that was offered by the gentleman from Ohio, [Mr. GIDDINGS,] that was adopted; and the motion of the gentleman from Indiana was a proposition to reconsider that resolution as a whole, and not a part of it. It was clear that this was the understanding of both the gentlemen from Kentucky and Louisiana.

Mr. DAVIS. In order to set that matter right, I ask if it be in order to amend the proposition of the gentleman from Kentucky.

The SPEAKER said it was not. The amendment offered by the gentleman from Louisiana, [Mr. GARLAND,] had precedence.

Mr. VANDERPOEL appealed from the decision of the CHAIR.

Mr. WADDY THOMPSON said he objected to the gentleman's making a point of order without reducing it to writing.

Mr. VANDERPOEL. It is not a point of order, but an appeal from the decision of the CHAIR; and I ask the gentleman from South Carolina if he can find any authority in parliamentary law, or the rules of the House, for requiring a member to reduce an appeal to writing. Mr. V. then stated the grounds on which he took the appeal.

[Here several voices were heard saying it is too late now to appeal.]

Mr. VANDERPOEL said the objection was made the very first opportunity that occurred. He did not wish to interrupt the gentleman from Kentucky while he was speaking, though he knew it was out of order for him to yield the floor merely for the purpose of having an amendment offered, but he made the objection as soon as that gentleman had concluded. He contended that the objection was made in time, and that it was not in the power of one gentleman to bargain away the rights of others to his favorites. The abuses to which this practice would lead were obvious. One gentleman, in the midst of his speech, yields the floor to another, who requests him to do so; that member offers his amendment, makes a long speech, and, in his turn, yields the floor to the friend who had so kindly accommodated him. Thus, (said Mr. V.) by the bland courtesy of two gentlemen towards each other, they might control the business of the House. Now, he would put it to the common sense of the House whether this practice was to be tolerated? What were the rules of the House founded on, if not on reason and common sense? and he would ask if this dangerous practice was consistent with either? He denied the right of the gentleman from Kentucky to yield the floor to another, for the purpose of letting in an amendment. If the gentleman had yielded the floor, and accepted the proposition of the gentleman from Louisiana as a modification, and he begged the House to mark the distinction, it would have been in order, and consistent with the usual custom of the House; for a proposition accepted as a modification, becomes part of the primitive proposition, and is susceptible of amendment; but an amendment let in in this irregular way, without the consent of the House, cut off all amendments that others might wish to offer.

Mr. R. GARLAND contended that it was perfectly in order for him to move the amendment by the permission of the gentleman from Kentucky who was entitled to the floor. He denied that the gentleman from Indiana had a right to complain as if he had not offered the amendment, any other gentleman might have risen and obtained the floor before him, and thus cut off his amendment. If gentlemen did not like his amendment, all they had to do was to vote it down.

Mr. THOMPSON, of South Carolina, was not surprised that a young member like the member from Indiana, [Mr. DAVIS,] should have objected to the decision of the CHAIR, but he confessed that he was much astonished that an old member, of the intelligence of the gentleman from New York, and who was one of the leaders of his party, should risk his high reputation by such an absurdity as taking an appeal from it. What was the gentleman's proposition? Not that the amendment was not in order, but that it was moved by a sort of concert between the gentleman from Kentucky and the gentleman from Louisiana. The gentleman complained of the arrangement. Why, did not the gentleman know that no such an arrangement was binding on the House, and that when a gentleman yielded the floor, for the purpose of offering an amendment, any gentleman who could get up before him had the right to claim it.

Mr. SMITH, of Maine, observed that the gentleman from South Carolina [Mr. THOMPSON] expressed himself as perfectly astounded that an old member of the intelligence and standing of the gentleman from New York, should be willing to risk his reputation by committing such an absurdity as appealing from the decision of the Chair, which was under consideration.

Mr. THOMPSON, of South Carolina, rose to explain. He was surprised that a gentleman of the intelligence of the gentleman from New York, should have taken the appeal, but he would not have been surprised if the gentleman from Maine had done it.

Mr. SMITH, of Maine, continued. The gentleman from South Carolina, he said, had not added to the point of his remarks, and his attempt at wit was perfectly lost on him, (Mr. S.) The gentleman would not have been surprised had the appeal been made by a young member like the gentleman from Indiana, but was surprised and astounded that it should have been made by a gentleman of the experience and intelligence of the gentleman from New York. Now (said Mr. S.) this young member from Indiana is an older member, on this floor, than the chivalrous gentleman from South Carolina.

Mr. THOMPSON here called the gentleman from Maine to order.

Mr. SMITH, of Maine. The gentleman will put his point of order in writing.

Mr THOMPSON then reduced his point of order to writing, as follows:

"The member from South Carolina calls the member from Maine to order, because no member has a right to allude to another by name, or to speak of him otherwise than as the honorable gentleman. The member from South Carolina objects to the term *'chivalrous'* being applied to him, and especially by the gentleman from Maine."

The SPEAKER said that the point raised by the gentleman from South Carolina was no point of order, and that the gentleman from Maine, therefore, was not out of order.

Mr. SMITH, of Maine, asked that the point of order made by the gentleman might be read; and it was then read accordingly.

Mr. S. continued. He did not expect, he said, so high a compliment from the gentleman as that he should have objected to his calling him the chivalrous gentleman. Now would not the gentleman have objected to his applying to him the term "unchivalrous?" If he had done so, he did not know what might have been the consequence. The gentleman would perhaps have started up, armed with pistols, bowie knives, and other mortal weapons. If the gentleman objected to his alluding to him in so complimentary a manner, he hardly knew how he could please him; but if he would only tell him how to designate him in future, he would do so with pleasure.

If the gentleman was surprised, astounded, and astonished that the gentleman from New York should make this appeal, he confessed that he was surprised that the gentleman, whose knowledge of the rules of order was not inferior to that of any one in the House, should be so perfectly obtuse in his understanding, as not to see that this decision of the CHAIR was made in violation of the established laws of parliamentary bodies, and would establish a dangerous and inconvenient precedent. Did he not see that, if sustained, it would be in the power of any two gentlemen to submit a proposition, and to shape, and mould it, so as to suit their purposes, in opposition to the will of the House? If the gentleman from South Carolina was so astonished at the appeal taken by the gentleman from New York, he would be equally so when the votes of two members reversed the decision. Were all those who opposed this decision, so very stupid as to be entitled to the contempt of the gentleman? No, sir: it appears to me that this decision is a violation of all the rules, as well of common sense as of parliamentary bodies. To permit a practice of this kind, would be to permit any two gentlemen to manage the legislation of the House as they pleased. He did not believe it was right for one gentleman to transfer his right to the floor to another, as was too often done. Mr. S. said he had a word to say on the main question, which he hoped he would have an opportunity of submitting to the House.

Mr. WISE rose to put an end to this debate, and to appeal to honorable gentlemen on all sides in behalf of the SPEAKER. He had witnessed (he said) more vexatious points of order and appeals in this session, than he had ever known in the course of the seven years he had been in that House. He did think, when they elected a Speaker at the beginning of the session, after much difficulty, and in a manner in which both parties had united, that the members would have sustained

him in preserving the order and business of the House. He hoped, therefore, gentlemen on all sides would sustain the SPEAKER, and show their disapprobation of these continual appeals and points of order. Mr. W. concluded by moving the previous question.

Mr. BANKS asked his colleague [Mr. WISE] to withdraw his motion, in order to enable him to explain his reasons for voting to sustain the decision of the CHAIR.

Mr. WISE declined. He had already been applied to by other gentlemen, and had been compelled, from a sense of duty, to refuse.

The previous question having been seconded by the House, and the preliminary question having been carried,

The main question was taken, and resulted in sustaining the decision of the CHAIR—yeas 126, nays 71.

The House then adjourned.

IN SENATE,

THURSDAY, January 30, 1840.

Mr. PHELPS presented resolutions of the Legislature of Vermont, in favor of a distribution of the proceeds of the sales of the public lands; which were referred to the Committee on the Public Lands, and ordered to be printed.

Mr. WEBSTER presented a memorial from citizens of Boston, praying for the allowance of drawback on foreign coal consumed in steampackets: which was laid on the table.

Mr. DAVIS presented a petition of citizens of St. Josephs, Florida, praying for a division of the collection district; which was referred to the Committee on Commerce.

Also, a petition of citizens of Apalachicola, praying for the erection of a light-house at Cape San Blas; which was referred to the Committee on Commerce.

Mr. CLAY, of Alabama, presented a petition of citizens of that State for a change of mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr C. also presented the memorial of William Morrow, praying remuneration for the violation of a contract; which was referred to the Committee on Claims.

Mr. WILLIAMS presented the petition of citizens of Maine, praying for a reduction in the rates of postage; which was referred to the Committee on the Post Office and Post Roads

Mr. MERRICK presented the petition of the legal representatives of John G. Mackall; which was referred to the Committee on Claims.

Mr. FULTON presented the petition of citizens of Arkansas, praying for the improvement of the navigation of Bayou Barth lomew; which was referred to the Committee on Commerce.

Mr. STURGEON presented the petition of John Child, Daniel L. Miller, and other citizens of Philadelphia.

The motion to receive was,

On motion of Mr. KING, laid on the table.

Mr. S. also presented the petition of citizens of Pennsylvania, on the subject of the transfer of American vessels to foreigners, and praying for the adoption of measures to suppress the slave trade; which was referred to the Committee on Commerce.

Mr. STRANGE presented the petition of the sureties of Archibald H. Sneed; which was referred to the Committee on the Judiciary.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the petion of Robert Grignon, made an adverse report thereon.

Mr. PIERCE, from the Committee on Pensions, to which was referred

The petition of Louis M. Rivard;

The petition of Mary Blakesle and Unis Starr;

The petition of Eliza Delacour; and

The petition of Betsey Booth;

made adverse reports thereon; which were ordered to be printed.

Mr. P. also, from the same committee, asked to be discharged from the further consideration of the petition of William Tracy, and that it be referred to the Committee on Public Lands; which was agreed to.

ASSUMPTION OF STATE DEBTS.

Mr. GRUNDY, from the Select Committee, to which was referred the resolution submitted some time since by Mr. BENTON, in opposition to the assumption of the debts of the States by the General Government, said he was directed to make a report thereon. It would be proper for him to say the committee were divided on the adoption of the report, five being in favor of it, and two—the Senator from Maryland [Mr. MERRICK] and the Senator from Indiana [Mr. SMITH]—being opposed to it.

The report was then read. It argued at length, and with great ability, the unconstitutionality and inexpediency of the assumption of State debts by the General Government, and concluded with resolutions of the same tenor.

After a debate in which Messrs. GRUNDY, BENTON, and BROWN advocated and sustained the doctrines of the report, and Messrs. CRITTENDEN, WEBSTER, SOUTHARD, and PRESTON, opposed them,

On motion of Mr. KING,

It was recommitted to the select committee,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 30, 1840.

The SPEAKER announced the first business in order to be the amendment of the gentleman from Louisiana [Mr. GARLAND] to the amendment of the gentleman from Kentucky, [Mr. GRAVES,] on the subject of the public printing.

Mr. DAVIS of Indiana rose, and said it was well known to the House, that all his acts, since he had the honor of a seat here, had been of that character that would conduce most to the expediting of the public business; and therefore, though he had intended to have replied, and, in justice to himself, should have replied to the remarks of the gentleman from Kentucky, yet he would forego this sense of duty, and make another effort to bring about a vote of the House on the proposition he submitted the day before yesterday, and for which he moved the reconsideration. He should, on this occasion, make an effort to lay the proposition now before the House on the table, with a view to present the resolution which he proposed one or two days before; and, in order that he might understand his own position, he would ask of the CHAIR if it would be in order for him to move to lay the amendment of the gentleman from Louisiana [Mr. GARLAND] on the table, without taking with it the proposition of the gentleman from Kentucky, [Mr. GRAVES.]

The SPEAKER replied that a vote to lay the amendment of the gentleman from Louisiana on the table, would necessarily carry with it the other amendment and the resolution itself.

Mr. DAVIS. Well, sir, in order that we may get as soon as possible to the transaction of the business of the country, which, I am admonished on all hands, that we ought to do, I will forego the duty which seems to devolve on me of justifying myself by a few remarks in reply to the gentleman from Kentucky, and submit a proposition which will enable us to proceed to that business in a constitutional form, acting under the existing laws which prescribed the manner in which the public printing shall be done, and acting also under the resolution that was adopted some days since, that we should go into the election of a public printer. Mr. D. then said he would move to lay the amendments on the table, for the purpose of taking up the proposition which he would now submit.

The SPEAKER said the gentleman could not move to lay one proposition on the table, and designate the one that was to be taken up.

Mr. DAVIS. Well, sir, I will take another course. I will move to lay the propositions now before the House on the table, with a view of offering the proposition that I now send to the CHAIR as a substitute, and I hope gentlemen will all vote with a full understanding of the proposition that is to be offered.

Mr. BLACK, with the permission of the gentleman who was entitled to the floor, said he would send to the CHAIR a proposition which he intended to offer in case the motion of the gentleman to lay the amendments on the table should prevail. Mr. B. then sent his proposition to the CHAIR, and desired that it might be read for the information of the House.

Mr. DAVIS of Indiana requested that his proposition might be read, and the CLERK read it as follows:

Resolved, That this House will now proceed to the election of a public Printer, who shall proceed to execute the printing of this House agreeably to the requirements and compensation of existing laws, until such laws are modified by the legislation of Congress; and in the mean time, a committee of seven members shall be appointed by the CHAIR, who shall, within twenty-one legislative days from the date of their appointment, report to this House what amendments, if any, are necessary to the more prompt, perfect, and economical execution of the printing of Congress; whether the same should be let out to contract, or whether it would be more expedient to execute the same by a Congressional Printing House, press and type belonging to Congress, and subject to its superintendence.

Mr. BLACK'S resolution was then read as follows:

Resolved, That the House proceed instanter to the election of a Printer, and that as soon as the election shall have taken place, a committee of five members be elected *viva voce* by the House, to consider and investigate the subject of the public printing, and report to this House within ten days after their election, what price ought to be paid as a just and reasonable compensation to the Printer elect, for services by him to be performed, having due regard in their estimate to the quantity, quality, and due execution of the work.

Resolved, further, That the Printer shall be elected with the express understanding that he is to well and truly do and execute all the printing ordered from and after his election upon the terms, in the manner, and at the rates and prices which shall be prescribed by this House, upon the reception of the report of the said Committee of Investigation; and that said committee be instructed to inquire and report upon the propriety and expediency of entirely separating the patronage of the Government from the newspaper or public press of the country; and that said report, when made, shall be the special order of the day, and have precedence over all other business until the subject shall be finally disposed of.

Mr. BLACK then said, I give notice that I shall, at a proper time, move the adoption of the resolution which has been just read.

Mr. moved a call of the House; which motion was carried by yeas 170, nays 14.

The roll was then called over, when it appeared that 218 members answered to their names; and after calling the absentees and excusing some of the members who were absent from indisposition, several others attended.

Mr. BLACK moved that all further proceedings under the call be dispensed with.

Mr. GRAVES called for the yeas and nays on that motion; which having been ordered, the question resulted in yeas 120, nays 87.

Mr. BLACK then inquired if the motion to lay the amendments on the table prevailed, whether it would be in order to submit any other proposition in relation to the matter?

The SPEAKER said that another proposition would not be in order, if there should be any business having priority over it.

Mr. RAMSEY inquired whether, if the amendments were laid on the table, it would require a vote of two-thirds to go into the election of Printer.

Mr. WISE protested against the CHAIR'S answering these preliminary questions.

The SPEAKER said it certainly would not require a vote of two-thirds to proceed to the election of Printer.

The question was then taken on the motion of Mr. DAVIS, of Indiana, which was decided in the affirmative—yeas 115, nays 108, as follows:

YEAS—Messrs. J. Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler

Wagner, Warren, John White, T. W. Williams, Lewis Williams, Joseph L. Williams, Sherrod Williams, and Wise—108.

Mr. DAVIS, of Indiana, then submitted his resolution.

Mr. BLACK asked the gentleman to give way, in order that he might offer his resolution as a substitute.

Mr. DAVIS asked the gentleman to read his resolution, in order that he might judge whether he would accept it or not; but he was interrupted by

Mr. GARLAND, of Louisiana, who contended that the motion of the gentleman from Indiana was not in order, and that no gentleman could, at that period of the day, offer any resolution or proposition of any nature, to take precedence of the general orders.

Mr. RAMSEY called on the gentleman to reduce this point of order to writing, and the SPEAKER requiring it

Mr. GARLAND of Louisiana reduced his point of order to writing, and it was read.

The SPEAKER then decided that the resolution of the gentleman from Indiana [Mr. DAVIS] was not then in order, because there was business on the calendar having precedence over it, and that that business was the unexecuted order that the House would proceed to the election of a Printer.

Mr. DAVIS of Indiana said he now moved that the House proceed to the election of a public Printer; and that on that motion he moved the previous question.

Great confusion and disorder prevailed, and amid repeated calls to order,

Mr. BRIGGS rose, and said he understood the SPEAKER to declare that the first business in order was the election of Printer. Now, to reach that order, was it not necessary that a motion should be made to proceed to the election? Mr. B. made some other remarks, which the Reporter was unable to hear; but concluded with asking the SPEAKER, in order that he might fully understand his decision, what was the business first in order before the House.

The SPEAKER said it was the unexecuted order for the election of Printer.

Mr. BRIGGS inquired if the resolution of the gentleman from Georgia, for postponing the election, and referring the whole matter to a committee, together with the other resolutions that had been submitted on the subject, did not come up with it?

The SPEAKER replied in the negative.

Mr. DAVIS, of Indiana. I understand that the SPEAKER has decided that the first business in order is the election of Printer.

The SPEAKER. That is the understanding of the CHAIR.

Mr. DAVIS. Then I move that the House proceed to the election of Printer, and on that motion I call for the previous question. Mr. D. also said that he nominated BLAIR and RIVES for the office.

Mr. HOLLEMAN also nominated BLAIR and RIVES.

Mr. SMITH. I have already nominated BLAIR and RIVES some days ago, and that nomination stands.

Mr. GARLAND of La. appealed from the decision of the CHAIR, and addressed the House at some length in support of the appeal.

Mr. BANKS observed that he did not rise for the purpose of raising questions of order, or in any way retarding the business of the House. He had concurred with the SPEAKER in the decisions which he had given within the two last days, and from which appeals had been taken, and notwithstanding the array of parliamentary rules which the gentleman from Louisiana, [Mr. GARLAND] had brought forward, he entirely concurred with him now. He thought he should be able to show that the decision of the SPEAKER was in strict conformity with parliamentary law, and that the rules quoted by the gentleman had no application in this case. This was not a resolution, such as are ordinarily offered for the consideration of the House, and within the contemplation of the rules the gentleman referred to; but it was a resolution for the purpose of carrying into effect a law of the land. It was a resolution, in fact, to complete the organization of the House, and absolutely necessary for a correct discharge of the public business.

Bynum, Carr, Carroll, Chapman, Clifford, Coles, Colquitt Conner, Mark A. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Gerry, Griffin, Habersham, Hammond, Hand, John Hastings, Hawkins, John Hill of North Carolina, Holleman, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, Joseph Johnson Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parish, Parmenter, Parris, Paynter, Petrikin, Pickins, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Sweeny, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams and Worthington—115.

NAYS—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Baker, Barnard, Bell, Biddle, Bond, Botts, Briggs, Brockway, Anson Brown, Calhoun, William B. Campbell, Carter, Casey, Chittenden, James Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dillett, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Hall, Wm. S. Hastings, Hawes, Henry, John Hill of Virginia, Hoffman, Hopkins, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, Lawrence, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliferro, Waddy Thompson, Tillinghast, Toland, Triplett Trumbull, Underwood, Peter J.

It was, therefore, of the same importance on the calendar as a bill. Can you then (said Mr. B.) to set aside this resolution, violate the laws of the land? What stood the first in order in the calendar? It was a resolution adopted by the House that it would forthwith proceed to the election of a public Printer—and that order, instead of having been executed, was arrested by a postponement till the 10th of the present month. The order, therefore, was now before the House, the day to which it was postponed having expired. Suppose the House had postponed a bill until the 10th day of the month, and that day had passed by, would it not then come up in its regular order on the calendar, and take precedence in its turn? And was not this order for the election of a Printer on the calendar, in the same standing as if it were a bill? Surely I was, and the decision of the SPEAKER was in strict conformity with parliamentary law, and this election ought to have been gone into long ago. When that was done, it would be competent for the House to raise a committee for the purpose of examining into the prices paid for public printing, and to reduce them if found to be too high. In that matter he would go as far as him who went farthest; but the business now was that which was first on the calendar, and it could not be set aside by any point of order. We are bound, said Mr. B. to act on that order, to execute or rescind it as the House may determine, but it cannot be set aside. The gentleman from Louisiana, [Mr. GARLAND,] had addressed the House twice on the subject of his appeal, and as he was not disposed to occupy the time of the House, he would call for the previous question on the appeal.

Mr. LOWELL called for the yeas and nays, which were ordered.

The two preliminary questions were then put, and carried, after which

The main question was put, and decided in the affirmative—yeas 135, nays 64.

So the House sustained the decision of the CHAIR.

Mr. DAVIS, of Indiana, here withdrew his motion for the previous question, at the request of

Mr. BLACK, who asked if it was in order to amend the the resolution under which the House was now acting. He was unwilling he said to go into the election of Printer, without showing to the world the grounds on which he acted.

The CHAIR was of opinion that the resolution could not be amended, but that the gentleman could move to postpone it.

Mr. BLACK said he did not wish to interfere with the order of doing business in the House, but he would submit to gentlemen on all sides of the House whether it would not be better, before they went into the election of Printer, to adopt the resolution he had submitted. He hoped they would agree, by universal consent, to accept his proposition, in order that they might throw around the person or persons they should elect those restrictions, which were necessary for the protection of the public interests. If gentlemen on either side of the House wished to carry out their professions of economy and watchful regard of the public interests, now was the time for them to come forward.

Mr. WISE wished to state to the gentleman from Georgia one objection he had to his resolution, which, if removed, he would give his consent to its introduction. He had made a resolution never, as long as he lived, to vote for any man as Printer of the House, who was editor of a political paper. To separate the public printing from the political press, was a reform which the country loudly called for; and as no party could expect long to retain the ascendency, it would be for the interest of both parties to seize this favorable opportunity for making the separation. The resolution, if adopted, might justify the gentleman in voting for BLAIR and RIVES, or it might promote the election of GALES and SEATON. For his part, he would vote for neither; and he hoped the House would direct the CLERK to put out its printing to the lowest bidder, until they could get a report of a committee, and until they could adopt this great reform that he had suggested.

Mr. BLACK said he understood the gentleman from Virginia as objecting to the reception of his resolution; and if it could not be received by general consent, he should not consider it necessary for him to press it at this time, and he would therefore withdraw it.

Mr. STANLY then moved to postpone the further execution of the order until the 10th day of February next, for the purpose of offering another proposition, and addressed the House for a short time in support of his motion; when

Mr. CRARY rose to the following point of order, which, at the request of the CHAIR, he reduced to writing:

"That the question before the House not being debatable, a nomination for the election of Printer having been made, the motion to postpone, of the member from North Carolina, is not in order."

After a few remarks from Mr. TILLINGHAST,

The CHAIR decided that the motion for postponement was in order.

Mr. CRAIG said he would appeal from that decision; and in support of that appeal, argued that the House, having determined forthwith to proceed to the election of Printer, no other motion could be entertained. Without looking to parliamentary law as to the propriety of admitting the motion for postponement, common sense itself, he thought, would dictate the inadmissibility of it. The House having determined forthwith to do a certain thing, a motion to postpone would present in itself a perfect absurdity. There was but one single individual who objected to the execution of the order, and he put it to the House whether it would give it into the power of that individual to defeat its legislation. Mr. C. after a few more remarks, moved the previous question on the appeal.

The call for the previous question having been seconded by the House, and the preliminary question, "Shall the main question be now put?" having been put and carried,

Mr. DUNCAN inquired if, when the resolution for the election of Printer was up, it was not so far executed that a nomination was made.

The SPEAKER said that there was a nomination.

Mr. HOLLEMAN would inquire of the CHAIR if the House had not proceeded so far in the execution of the order for the election of Printer, that there was a nomination made, and whether it was not arrested by the motion of the gentleman from North Carolina, while in the progress of execution.

The SPEAKER replied that he had already answered that there was a nomination.

The question was then taken on the appeal, and it resulted in sustaining the decision of the CHAIR—yeas 126, nays 89.

Mr. STANLY then resumed the floor, and, in continuation of his argument, read an article from the Democratic Review, highly complimentary of Mr. GARLAND, the Clerk of the House, which he endeavored, by ironical comments, to turn into ridi-

cule. While in the progress of reading the article, however,

Mr. PETRIKIN and several others called the gentleman to order, for reading a matter foreign to the business before the House.

Mr. SMITH, of Maine, hoped the gentleman might be permitted to proceed with the reading. Compliments, said he, so well deserved are very acceptable to us.

Mr. STANLY said that he should blush to receive a compliment from the gentleman from Maine.

Mr. CRARY called the gentleman to order, and, being called upon to reduce his point of order to writing, presented it as follows:

"Mr. C. called Mr. STANLY to order for using the words 'he should blush to receive a compliment from the gentleman from Maine,' (addressing himself to Mr. SMITH.")

Mr. STANLY took his seat, observing that the gentleman need not have made his point of order, as he had concluded his remarks.

The point of order having been read,

Mr. SMITH, of Maine, said: I did not at the time hear the remark of the gentleman from North Carolina, but I beg the House to understand that nothing that that gentleman can say would make me blush.

The SPEAKER decided that Mr. STANLY's words were not in order, and that he could not proceed without leave of the House.

Mr. BANKS then obtained the floor, and after a few observations, moved the previous question on Mr. STANLY's motion to postpone the election.

Messrs. GARLAND of La. and UNDERWOOD, both rose and moved an adjournment.

Mr. WELLER called for the yeas and nays, which were ordered, and the question having been taken, the motion to adjourn was decided in the negative—yeas 90, nays 112.

Mr. JENIFER then rose to a point of order, which he reduced to writing, as follows:

"Mr. STANLY was called to order by Mr. CRARY, for saying to Mr. SMITH, of Maine, 'I blush to receive a compliment from that gentleman.' Before Mr. CRARY reduced these words to writing, Mr. STANLY said he 'cheerfully retracted them, as he had misunderstood the gentleman from Maine.' The SPEAKER had decided these words to be out of order, and that Mr. STANLY must take his seat. Mr. STANLY did explain according to the 28th rule, before he was told by the SPEAKER to take his seat."

Mr. STANLY said that he had retracted the words he used in reference to Mr. SMITH, of Maine, while the gentleman from Michigan was writing his point of order, and before it was read from the CHAIR; and made every explanation that was necessary.

Mr. CRARY. I had the floor after calling the gentleman to order, until I could write out my point, and hand it to the CHAIR, and the gentleman was bound by the rules of the House to keep his seat in the mean time. It was not, therefore, in the power of the gentleman to make any explanation until the point was decided on by the CHAIR.

The SPEAKER said he understood the gentleman from North Carolina to say that he would not ask the leave of the House to proceed, when he was called to order by the gentleman from Michigan, for he had concluded his remarks. On the point raised by the gentleman from Maryland, the CHAIR quoted the rule of the House applicable to the case, the substance of which is: that when a member is called to order, he must take his seat until the point of order is reduced to writing—when, if the CHAIR decides that he is out of order, he cannot proceed with his remarks, if one member objects, without leave of the House. In this case, the member from North Carolina was decided by the CHAIR to have been out of order, and no leave was given by the House or asked of it for him to proceed.

Mr. SMITH, of Maine, said that so far as he was concerned, he hoped the member from North Carolina might be permitted to proceed.

Mr. LEWIS WILLIAMS moved a call of the House.

Mr. WISE made some remarks to show that the member from North Carolina ought to be permitted to proceed, and concluded by a motion to that effect.

The SPEAKER said it was not now in order, a call of the House having been ordered.

The question was then taken on Mr. WILLIAMS's motion for a call of the House, and it was decided in the negative without a division.

Mr. JOHNSON, of Maryland, then moved an adjournment.

Mr. PETRIKIN called for the yeas and nays, which having been ordered, the question was taken and rejected—yeas 89, nays 109.

The previous question on Mr. STANLY's motion to postpone, coming up, the call was seconded by the House, and the question being put, it was decided in the affirmative, yeas 91, nays 107, as follows:

YEAS—Messrs. Adams, Alford, S. H. Anderson, Andrews, Baker, Barnard, Bell, Bond, Botts, Briggs, Brockway, Calhoun, W. B. Campbell, Carter, Chittenden, J. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dillett, Edwards, Evans, Everett, J. Garland, R. Garland, Gentry, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Chas. Johnston, W. C. Johnson, Kempshall, Lawrence, Lincoln, Mason, Mitchell, Monroe, Morgan, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Sergeant, Simonton, Slade, Stanly, Storrs, Stuart, Tallaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, John White, T. W. Williams, Lewis Williams, Joseph L. Williams, and Wise—91.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Mark A. Cooper, Craig, Crary, Cross, Davee, J. Davis, J. W. Davis, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Gates, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Holleman, Holmes, Hook, Hopkins, Howard, Thomas B. Jackson, Jameson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, Mallory, Medill, Miller, Montanya, Montgomery, S. W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Ramsey, Reynolds, Rhett, Rives, Robinson, Edward Rogers, Samuels, Shaw, Albert Smith, Thomas Smith, Steenrod, Strong, Sumter, Sweeny, Taylor, P. F. Thomas, Jacob Thompson, Turney, Vanderpoel, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Sherrod Williams, and Worthington—107.

Mr. BLACK here moved a suspension of the rules to enable him to offer his resolution; and after a few remarks, moved the previous question;

And the resolution having been again read,

After some remarks from Messrs. GARLAND, THOMPSON of Mississippi, CHAPMAN, WISE and BLACK,

The question was taken and decided in the affirmative—yeas 158, nays 30.

So there being a vote of two-thirds, the rules were suspended, and

Mr. BLACK, after some remarks, again submitted his resolution, and moved the previous question on it; after which it was read.

Mr. WISE called for a division of the question, which was ordered; and the questions having been taken on the first and second branches successively, they were both carried.

Mr. CURTIS then moved an adjournment; but

Mr. SMITH of Maine calling for the yeas and nays,

Mr. CURTIS withdrew his motion.

The SPEAKER then said: The House will now proceed to the election of Printer.

Mr. WISE inquired if it would be in order for him to vote for the United States of America to be their own Printers; if not, he said he would go home and go to bed.

Mr. VANDERPOEL nominated BLAIR and RIVES.

Mr. FILLMORE asked if the election was to be by ballot or *viva voce;* and made some remarks to show that it ought to be by ballot.

The SPEAKER was of opinion that the election must be by ballot.

Mr. VANDERPOEL was really very much surprised at the point raised now. The rules of the House he considered imperative with regard to elections of its officers, and that they must be made *viva voce.* If the SPEAKER adhered to his decision, he should be obliged to appeal. He was here in 1836, when the same question was agitated, and when the matter was definitively settled by the House.

The SPEAKER was of opinion that the joint resolution, which prescribed the ballot system of election, could not be set aside by the rules of the House.

Mr. VANDERPOEL begged the SPEAKER and the House to consider the dilemma into which this decision, if adhered to, would place them. If the CHAIR was right, the resolution of the gentleman from Georgia, [Mr. BLACK,] which they had just adopted was void, and all they had done under it was perfectly nugatory. If the CHAIR would take the pains to refer to the resolution of 1819, he would find, that so far as relates to the manner of electing, it was void. He would, however, take another course, and without taking an appeal, ask if it would be in order for him to move that the election should be *viva voce.*

The SPEAKER replied that that motion would be in order.

Mr. VANDERPOEL then moved that the House proceed to the election *viva voce*, and called for the previous question on his motion.

This motion having been carried,

The SPEAKER appointed Messrs. VANDERPOEL, BLACK, SMITH, of Maine, and DAVIS, of Pennsylvania tellers; when

Mr. RAYNER said that, for the purpose of giving those who would vote for BLAIR and RIVES an opportunity to sleep and meditate upon the enormity of their intentions, he would move that the House do now adjourn.

The yeas and nays having been called for,

Mr. RAYNER withdrew his motion.

Mr. CURTIS renewed the motion, but also withdrew it.

The House then proceeded to the election *viva voce*, and the roll having been called through, Mr. VANDERPOEL, on the part of the tellers, reported that there were 207 votes given, of which 104 were necessary to a choice; and that

BLAIR and RIVES received - - -	110
GALES and SEATON - - - -	92
TH. W. WHITE - - - -	2
JACOB GIDEON - - - -	1
S. STAMBAUGH - - - -	1
DUFF GREEN - - - -	1
	207

Vote as taken, was as follows:

FOR BLAIR AND RIVES.—Messrs. J. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, M. A. Cooper, Craig, Crary, Cross, Th. Davee, John Davis, J. W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Holleman, Holmes, Hook, Howard, Jackson, Jameson, Jos. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, Marchand, Medill, Miller, Montanya, Montgomery, S. W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, E. Rogers, Samuels, Shaw, A. Smith, Tho. Smith, Steenrod, Strong, Sumpter, Sweeny, Taylor, F. Thomas, P. F. Thomas, Jac. Thompson, Turney, Vanderpoel, D. D. Wagener, Watterson, Weller, Wick, J. W. Williams, Hen. Williams, Worthington, and Mallory—110.

FOR GALES AND SEATON.—Messrs. Adams, Alford, S. H. Anderson, Andrews, Baker, Barnard, Bell, Bond, Botts, Briggs, Brockway, Calhoun, W. B. Campbell, Carter, Chittenden, Jas. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, E. Davies, Gar. Davis, Dawson, Deberry, Dillet, Edwards, Evans, Fillmore, R. Garland, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, W. S. Hastings, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Chs. Johnson, W. C. Johnson, Kempshall, Lawrence, Lincoln, Marvin, Monroe, Morgan, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, John White, Th. W. Williams, Lewis

Williams, Jos. L. Williams, and Sherrod Williams—92.

For Th. W. White.—Messrs. Wise, and Huner, Speaker.

For Jacob Gideon.—Mr. Jas. Garland—1.

For S. Stambaugh.—Mr. Hopkins—1.

For Duff Green.—Mr. Mitchel'—1.

The SPEAKER then announced that Blair and Rives were duly elected Printers of the House.

On motion by Mr. SMITH, of Maine,

The House adjourned.

IN SENATE,

Friday, Jan. 31, 1840.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made in obedience to a resolution of the Senate of the 15th inst. in relation to internal improvements in the Territory of Wisconsin; which was read, and ordered to be printed.

Also, a representation from Jehiel Brooke, late Indian agent; which was referred to the Committee on Private Land Claims.

Mr. CLAY, of Alabama, presented the petition of Williamson Smith, praying remuneration for expenses incurred and services performed by him, under a contract with a Government agent, for the removal of the Cherokee Indians; which was referred to the Committee on the Judiciary.

Mr. CLAY, of Kentucky, presented the petition of a number of citizens of Philadelphia, Pa. and of citizens of the State of Maine, for a Congress of Nations; which was referred to the Committee on Foreign Relations.

Mr. LINN presented the petition of the heirs of Joseph Thompson, deceased, praying the confirmation of their title to a tract of land; which was referred to the Committee on Private Land Claims.

ASSUMPTION OF STATE DEBTS.

Mr. GRUNDY, from the Select Committee, to which was recommitted the report submitted yesterday on the resolution offered some time since by Mr. Benton, in opposition to the assumption of the debts of the States by the General Government, reported it, with some modifications; which were read,

A discussion ensued, in which Messrs. GRUNDY, HUBBARD, and WRIGHT, sustained and advocated the report, and Messrs. PRESTON, SOUTHARD, and MERRICK opposed it; when it was informally passed over.

The Senate went into Executive business; and then

Adjourned until Monday.

HOUSE OF REPRESENTATIVES,

Friday, January 31, 1840.

The first thing in order was the execution of the resolution of Mr. Black, to elect a committee of five, *viva voce*, to inquire into the propriety of reducing the present tariff of prices for executing the public printing, or of having the same done in a national office, to be established for that purpose.

The SPEAKER suggested that if the House would proceed to the election of the committee, and vote for one member at a time, it would soon ascertain the practicability of the plan. He thought it would take but a short time, should that mode be adopted.

Mr. GRAVES inquired, why not vote for all at the same time. He thought the resolution required it. Mr. G. then moved that there be a call of the House.

The CHAIR said the resolution required that the whole five should be voted for at the same time; and as objection had been made to the mode suggested, the House would proceed in accordance with the resolution.

Mr. HOFFMAN demanded the yeas and nays on the call; which were ordered, and were—yeas 140, nays 44.

So a call of the House was ordered, and was proceeded in until 208 members answered to their names; when

Mr. ADAMS said it was customary, when committees had leave to sit during the sittings of the House, to permit the members thereof to vote at any time; and on a call of the House, were always excused if absent. Mr. A. then moved that the members of committees who were absent, he notified that there was a call of the House; which motion was agreed to.

The names of the absentees having been called over,

Mr. DROMGOOLE moved that all further proceedings in the call be suspended; which was agreed to.

Mr. TURNEY moved that the House now proceed to elect the committee, by voting for one member at a time.

Mr. R. GARLAND demanded the yeas and nays on that motion; which were ordered, and were—yeas 54, nays 132.

The SPEAKER then said that each gentleman, when his name was called, would vote for the five members to compose the committee. He then appointed Messrs. Briggs, Burke, Floyd, and James Garland, as tellers.

Mr. HOPKINS asked to be excused from voting, and gave his reasons therefor; but the House refused said request.

The House then proceeded to the vote, *viva voce*, and the roll was gone through with; but before the result was announced,

Mr. POPE moved that when the House adjourn, it would adjourn till Monday next.

Mr. BANKS said it was clearly out of order to submit such a motion in the then condition of the House, it being divided upon a vote.

The CHAIR (Mr. Lincoln) decided that it was in order.

Mr. PETRIKIN. Was there ever such a thing heard of? Was ever the like known—that the Chair had entertained such a motion when the House was divided upon a vote? I appeal from that decision.

The CHAIR said it had been done at the last session, under similar circumstances, when the House was in the act of electing a committee.

Mr. GRIFFIN called for the previous question on the appeal; which was seconded, and the main questioned was ordered—which main question was, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. PETRIKIN demanded the yeas and nays; but they were not ordered.

The question was then taken, and the decision of the Chair was sustained.

The question then recurred on the motion to adjourn till Monday next; and the yeas and nays having been ordered upon the same,

Mr. POPE withdrew his motion.

Mr. DAVEE renewed the motion; but the yeas and nays having been ordered upon it, he also withdrew it.

Mr. EVANS again renewed the motion.

Mr. LEWIS demanded the yeas and nays; which were not ordered.

The question was then taken on said motion, by count, and carried in the affirmative—ayes 89, nays 44.

The House having determined that when it adjourns, it would adjourn till Monday next,

Mr. S. WILLIAMS moved that it now adjourn.

Mr. PETRIKIN demanded the yeas and nays; but they were not ordered.

The question was then taken, and decided in the affirmative; and

The House adjourned till Monday next.

IN SENATE,

Monday, February 3, 1840.

The CHAIR submitted a report from the Secretary of the Treasury, transmitting statements showing the contracts made in that Department during the year 1839, and the expenditures from the Marine Hospital Fund during the year 1838; which was laid on the table, and ordered to be printed.

Also, a message from the President of the United States, communicating a report from the Director of the Mint, showing the operations of that institution during the year 1839; which was laid on the table, and ordered to be printed.

Mr. SMITH of Indiana presented several petitions of male and female citizens of Jefferson county, Indiana, against slavery in different forms.

On motion by Mr. SEVIER, the question of reception was laid on the table.

Mr. BUCHANAN presented a memorial of citizens of Adams county, and a memorial of citizens of York county, Pennsylvania, praying for the imposition of a moderate duty on imported silks; which was referred to the Committee on Finance.

Mr. B. also presented a memorial which he was informed was signed by every firm connected with the silk business in Philadelphia, praying for the same object as the above; which was referred to the same committee.

Mr. B also presented a memorial of coach lace weavers of Newark, N. J. which stated that by the construction given to the law by the revenue officer, German silk lace was imported free of duty, and sold at prices cheaper than the domestic manufacturer could sell the common worsted lace, and praying for relief; which was referred to the Committee on Finance, and ordered to be printed.

Mr. B. also presented the memorial of Britton Evans, praying remuneration for property lost in the service of the United States; which was referred to the Committee on Claims.

Mr. B. also presented the memorial of inhabitants of the city and county of Philadelphia, praying for the construction of a steam revenue cutter in Delaware bay; which was referred to the Committee on Commerce.

Mr. B. also presented a memorial of Thomas Cooper and twenty-four other citizens of Philadelphia;

And a memorial of William H. Ashford and seventy-six other citizens of Germantown, Philadelphia county, severally praying for an alteration in the laws which relate to the sale and transfer of American vessels while abroad; and for the abolition of the slave trade throughout the world; which were referred to the Committee on Commerce.

Mr. B. also presented the petition of Thomas B. Longstreth and 74 other inhabitants of the county of Philadelphia; and

The petition of Jacob M. Ellis and 21 other citizens of Philadelphia county, praying for an alteration of the Constitution, so as to abolish slavery in the United States;

Also, the petition of David Paul Brown and 24 other legal voters of the city and county of Philadelphia;

The petition of Sarah T. Naylor and 27 other women of Philadelphia county; and

The petition of Elizabeth Drake and 63 other women of Bucks county;

severally praying for the abolition of slavery and the slave trade in the District of Columbia.

The motion to receive the above was,

On motion of Mr. KING, laid on the table.

Mr. CRITTENDEN presented the petition of Abraham Williamson; which was referred to the Committee on Claims.

Mr. MOUTON presented the memorial of John Compton; which was referred to the Committee on Private Land Claims.

Mr. CLAY of Kentucky presented a memorial from the Chamber of Commerce of Louisville, complaining of the great burthen imposed by the tolls of the Louisville and Portland Canal on the commerce of the West, and praying that the Government would purchase the individual stock thereof.

In connection with this subject, he said he had received a letter from a very experienced pilot, who stated his impression that for the trifling sum of $150,000 the obstruction of the navigation now existing at the falls, might be removed, and the natural channel of the river made navigable, rendering unnecessary the purchase of the canal stock. He thought it would be a proper subject for the committee to inquire into the propriety of authorizing an appropriation for a survey of the falls, and the probable expense of clearing out the obstructions in the natural channel of the river. He asked that the memorial might be referred to the Committee on Roads and Canals.

Mr. SMITH of Indiana said, that in the absence of the chairman of the Committee on Roads and Canals, he would say that the committee had this subject under consideration. His individual opi-

nion was that the improvement of the natural channel of the river was the most expedient and economical.

Mr. KING said he had no objection to the reference of this memorial proposed by the honorable Senator who presented it; but the practice heretofore had uniformly been, when memorials called for surveys, for the purpose of improving the navigation of rivers, to refer it to the Committee on Commerce.

Mr. WHITE said that a suggestion had been thrown out, to which it might be necessary to call the attention of the Senate: that the Government, by becoming a joint stockholder with this company, has given an implied pledge that she will do nothing that will depreciate the value of their stock.

Mr. LINN said that he had in his possession a letter from a skilful and experienced pilot, who had been connected with the business for twenty-nine years, that these falls can be improved at a small expense. He thought that when an incorporated company sets up such a pretension as that alluded to by the Senator from Indiana, it was time that the monopoly was removed. He had been informed that, acting on the suggestions of persons connected with the navigation of the Ohio, a company was formed, who subscribed $2,000 to make experiments in blowing up the obstructions in the bed of the river; and from their success they were decidedly convinced of its practicability at a very moderate expense.

Mr. CLAY of Kentucky expressed his most decided dissent to the position that, because the Government had became a stockholder in this company, they are thereby precluded from improving the natural channel of the river. He thought it a most monstrous pretension, without the slightest foundation in law or equity.

Mr. BENTON said the petition of the Louisville Chamber of Commerce referred itself to a question which was depending before the Senate, and which question presented itself under three different aspects; either to extinguish the rights of the private corporators in the Louisville canal, or to improve the falls of the Ohio, or to make a canal on the Indiana side. Some weeks ago, and on his motion, the Senate had adopted a resolution of inquiry in relation to all these points; and among those who had answered it, was the Chamber of Commerce of Louisville, which had done him (Mr. B.) the honor to send him a copy of their answer, which he had carefully read, and to which he was indebted for valuable information and suggestions. He (Mr. B.) wished to collect all information belonging to the subject, and then to act for the best. Of course care would be taken, in remedying one evil, not to inflict another; that is to say, not to injure the port of Louisville, and the navigation of the river above. The tolls were enormous, and deserved the character he had given of them some years ago; namely, fines or penalties inflicted upon the boats for passing through the canal. Besides the Chamber of Commerce of Louisville, he was also indebted to Mr. Hulme, the collector of the tolls, and to several pilots of the falls, and steamboat captains, for valuable information on the same points. Mr. Hulme sent him a full report of the operations of the canal for the last year, with a recapitulation of the number of boats which passed, and the amount of the tolls collected, since the opening of the canal in 1831. In that year, the amount collected was $12,750; in the last year, the amount was $180,496; and the aggregate for the nine years was $776,496. This was enormous; but the enormity was still more striking in looking at it in detail—at the toll paid by a few individual boats. This is shown in the report made by Mr. Hulme. Thus, a Cincinnati boat, of two hundred and fifty-two tons, in the New Orleans trade, paid last year $2,275 50. A small boat in the St. Louis trade, of only 86 tons, paid, in the same year, $1,238 40. This was a sample, and it showed the burthen on Western commerce to be intolerable. He (Mr. B.) did not know what measure he should ultimately support to relieve the commerce of the West from these burthens; it might be to extinguish the rights of the private corporators, and make the canal free, except for the small levy necessary to keep it in order and to attend it; or, it might be to improve the falls; or, it might be to open another canal on the right bank of the river; or it might be a combination of these different plans. He could not decide until he got a full view of the facts which may be given, and the opinions furnished, under the Senate's call, by informed and practical men. But he was determined to exert himself for the remedy of the great evil complained of, and that without doing wrong or injury to others. The rights of the private corporators must be duly considered; the port at Louisville, and the navigation of the river above, must all be duly considered. In the mean time, he would suggest that the amount held by the United States in the canal, say above $300,000; and the share of tolls which she has received, and is receiving, may constitute a fund to disembarrass the Western commerce of the burthens of this canal, without drawing a cent from the public Treasury. Whatever plan may be adopted, he looked to this source to supply the means.

Mr. KING said he recollected in years gone by, when Congress was earnestly importuned by gentlemen of the West, to interest the Government in this Louisville and Portland canal. It was then considered as a subject which would be of vast service to the commerce of the West. The charter of this company was then before us, and the high rate of tolls which, by that instrument, they were allowed to exact, was pointed out; but they were not then considered as "exorbitant," or as "fines and penalties" on the commerce of the West. But now we are appealed to, to buy up the individual stock at an enormous price to relieve the commerce of that, which at a former period, we were told would be of such geat service to it. And this was the general course of these connections. When such a proposition is made, if we do not assist with our means, the Government is denounced as illiberal, and opposed to the interests of the West; and when we consent, we are afterwards appealed to, to relieve them from the consequences of our compliance. He was not opposed to the reference, but gave notice, if this question was brought before the Senate, he was not prepared to exhaust the Treasury by purchasing the stock of this company.

Mr. SMITH of Connecticut viewed this subject as a matter of great moment, not because of the expense involved, but the precedent established by the adoption of it: the step contemplated and those which follow it. My opinion, and which, at the proper time, I am prepared to defend, is that we have no more power by the Constitution to purchase the stock of the Louisville and Portland canal, than we have to purchase the stock of the Erie canal, or any other work which is a great thoroughfare of commerce. He was in favor, however, of the improvement of the natural bed of the river by the removal of the obstructions at the Falls, if it could be accomplished at a reasonable expense, and he thought that the vast and growing commerce of the West demanded it at our hands.

Mr. CRITTENDEN thought that his friend from Alabama [Mr. KING] would, on further reflection, be convinced that the proposed measure was such as should receive his support. The commerce of the West, which is subjected to the tolls levied by the canal company, was estimated at forty millions of dollars annually. This was equal to half of all the cotton exported; and suppose that great staple were subjected to a similar burden, what a clamor would be raised by gentlemen for its removal. As to the connection of the Government with this company, we had no cause to regret it, as it was one of the very few copartnerships in which she had made money; having received during last year, on an investment of $333,000, near $63,000 in the shape of dividends, and having been reimbursed her whole outlay of capital.

Mr. TAPPAN said this was a matter of great importance to the country above, as well as below, Louisville; but he thought the present discussion premature. We had passed a resolution, calling on the Secretary of the Treasury for information in relation to this subject, and in the prosecution of the inquiry, a letter is sent to the Secretary with a portion of the information. A similar letter is sent to some of the Senators, which is presented here, and has given rise to this debate. It struck him that we ought to wait for the report of the Secretary, before we proceeded to act. Whenever we are prepared to act, I shall go to divest the Government of all her interest in this canal, and sell her present stock, instead of buying more from individuals; and this for the purpose of separating the Government from all connection with this, as I would from all other corporations. He thought that a deepening of the channel of the river would have a very important effect on the interests of Louisville; and though it might not utterly destroy all her commercial facilities, it would form a considerable body of dry land in front of the city, where is now a commodious harbor. The obstructions in the Ohio at that place are not in the nature of falls, though they are thus denominated; but a limestone dyke, running across the channel, which acts as a dam, and backs the water several miles up the river. It is obvious that the cutting down of the dyke would have a material effect, not only on Louisville, but would entirely destroy the canal, leaving its bottom eight feet above the bed of the river. He thought that the canal company would be more difficult to contend with than the falls; as our experience had demonstrated that corporate power was always a more formidable obstruction to the operations of Government than any natural ones. As to the expense of this improvement, it was unimportant when compared with the results to be attained.

The memorial was then referred to the Committee on Roads and Canals.

On motion by Mr. ROANE, the petition of Captain Thomas Wells, now on the files, was referred to the Committee on Revolutionary Claims.

Mr. BENTON presented the petition of inhabitants of the town of Weston, praying for the right of pre emption; which was referred to the Committee on Public Lands.

Mr. B. also presented eight memorials of officers of the line of the army, praying equalization of pay with the staff; which were referred to the Committee on Military Affairs.

Mr. CLAY of Alabama presented the petition of 1,415 citizens of Alabama, praying remuneration for military services performed in Florida; which was referred to the Committee on Military Affairs.

Mr. KING presented the petition of the widow of George W. Owen; which was referred to the Committee on Finance.

Mr. CLAY of Kentucky presented a memorial of Joseph L. Smith and others, praying for the establishment of a new department in the Government, to be devoted to the interests of Agriculture and Education; which was referred to the Committee on Agriculture, and ordered to be printed.

On motion by Mr. WALL, the memorial of Richard S. Coxe, assignee of David Beard, now on file, was referred to the Committee on the Judiciary.

Mr. YOUNG presented the petition of Aaron Payne, a soldier of the Black Hawk war, praying arrears of pensions; which was referred to the Committee on Pensions.

Mr. TAPPAN submitted the following motion for consideration:

Resolved, That the following be added to the joint rules of the two House:

Whenever there shall be two decisions against a resolution, petition, or memorial, for a private claim, whether by one or either House, it shall be out of order to act on it again, unless accompanied by affidavit that new testimony has been discovered, believed to be material, and which could not be obtained before.

Mr. KNIGHT, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Hezekiah Cunningham; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, reported a bill for the relief of Duncan L. Clinch;

Also, a bill for the relief of James Tongue, and the administrator of William Hodson, deceased; which were read, and ordered to a second reading.

Mr. FULTON, from the Committee on the Public Lands, reported a bill for the relief of James

Smith, of Arkansas; which was read, and ordered to a second reading.

Mr. SMITH of Connecticut submitted the following motion:

Resolved, That the Secretary of War be directed to furnish the Senate with such evidence or information as he may possess, showing the cost and expense of cast iron cannon; also the cost and expense of brass cannon; also the cost and expense of wrought iron cannon; also the superiority of one over the other, taking into consideration the first cost, wear, and general utility.

Mr. CLAY of Alabama submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the appointment of a district attorney and marshal for the middle district of Alabama.

ASSUMPTION OF STATE DEBTS.

The report of the Select Committee on the assumption by the Government of the debts of the States was taken up, and Mr. CLAY of Alabama made an able argument in favor of the principles of the report, and in reply to the remarks of Mr. CRITTENDEN and others.

Mr. CRITTENDEN replied to the remarks of Mr. CLAY, and

On motion of Mr. PHELPS,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 3, 1840.

The tellers who were appointed to count the vote on Friday last, under the resolution of Mr. BLACK, for the appointment of a committee to inquire into the propriety of reducing the present price of the public printing, or of establishing a National office, by Cong ess, to execute the same, reported the following as the result:

Whole number of votes - - -	216
Necessary to a choice - -	109
Mr. BLACK received - - -	187
J. W. DAVIS, of Indiana -	130
PRENTISS - - -	129
R GARLAND - - -	102
CLIFFORD - - -	98
EVANS - - - -	94
LINCOLN - - -	80
HOWARD - - -	71
PARMENTER - - -	47
BRIGGS - - - -	23
CUSHING - - - -	12

And fifty other gentlemen were voted for, who received from one to four votes each.

Messrs. BLACK, J. W. DAVIS, of Indiana, and PRENTISS, were declared to be elected.

The SPEAKER said it would be neccessary to go into another vote to elect two others, to make the number required by the resolution.

Mr. GRAVES moved a call of the House, before proceeding to vote for the remaining two; and called for the yeas and nays on that motion; which were not ordered.

The question was then taken by count, whether there should be a call—ayes 16, nays 80; no quorum voting.

The House was again divided to ascertain whether there should be a call—ayes 48, noes 66; still no quorum voting.

Mr. R. GARLAND moved there be a call, and demanded the yeas and nays on that motion; which

So the House determined that there should be a call; which was proceeded in till the roll was gone through with, and 186 members answered to their names.

Mr. W. C. JOHNSON moved that all further proceedings in the call be dispensed with. Upon a count, it appeared that there were—ayes 77, noes 26.

No quorum having voted,

The SPEAKER decided that the call should proceed. The roll was again called over, and 194 members answered to their names. Excuses were being received for the absentees, when,

On motion of Mr. CHAPMAN, all further proceeding in the call was dispensed with.

Mr. W. C. JOHNSON made an ineffectual effort to introduce a resolution to appropriate a portion of the wood at the Capitol to the suffering poor of Washington City.

Mr. LINCOLN did not wish to be voted for again as a candidate to serve on the Committee on Printing. He already belonged to two committees were ordered, and were—yeas 87, nays 77.

The House again proceeded to vote *viva voce* for two members, the number requisite to constitute the committee—the same gentlemen acting as tellers. The following is the result:

Whole number of votes - -	183
Necessary to a choice - -	94
Mr. EVANS received - - -	113
R. GARLAND - - -	108
CLIFFORD - - -	94
LINCOLN - - -	46
LAWRENCE - - -	7
S. WILLIAMS - - -	4
CUSHING - - -	6
W. C. JOHNSON - -	5
And scattering - - -	15

Messrs. R. GARLAND and EVANS were declared to be elected.

On motion of Mr. BRIGGS, the joint resolution from the Senate, proposing the election of Chaplain, was taken up, and concurred in.

The House then proceeded to vote *viva voce* for Chaplain.

Nominations were then made as follows:

Mr. BARNARD nominated the Rev. Mr. DANFORTH, Presbyterian.

Mr. DAVIES, of Pa. nominated the Rev. Mr. BABBITT, of the Dutch Reformed Church.

Mr. PETRIKIN nominated the Rev. Mr. WILMER, Episcopalian.

Mr. JOHNSON of Maryland, nominated the Rev. Mr. BALCH, Presbyterian.

Mr. SALTONSTALL nominated the Rev. Mr. BATES, Congregationalist.

Mr. SMITH of Maine, nominated the Rev. Mr. BOYD, Protestant Episcopal Church.

Mr. CROCKETT nominated the Rev. Mr. REESE, Protestant Methodist.

Mr. TALIAFERRO nominated the Rev. Mr. BRAXTON:

Mr. PARRIS nominated the Rev. Mr. DONELLAN, Catholic.

The SPEAKER appointed Messrs. BARNARD, TALIAFERRO, DAVIES of Pennsylvania, and SALTONSTALL, as tellers, to ascertain the vote; who reported the following result, viz:

Rev. Mr. Danforth	received	29 votes.
" Babbitt - - -		19
" Wilmer - - -		19
" Balch - - -		31
" Bates - - -		29
" Boyd - - -		20
" Reese - - -		9
" Braxton - - -		24
" Donellan - - -		4

No person having received a majority of votes,

The SPEAKER said the House would again proceed to vote; but before doing so,

On motion,

The House adjourned.

IN SENATE,

TUESDAY, February 4, 1840.

The CHAIR submitted a communication from the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, in compliance with a resolution of the Senate of 22d January, 1840; which was laid on the table, and ordered to be printed.

Also, a report from the Secretary of War, containing an enumeration of the militia of the United States; which was laid on the table, and ordered to be printed.

ABOLITION PETITIONS.

Mr. TAPPAN addressed the Senate as follows:

Mr. PRESIDENT: I hold in my hand a number of petitions, purporting to be signed by inhabitants of Harrison county, in the State of Ohio, praying Congress to abolish slavery and the slave trade in the District of Columbia. These petitions are signed by both males and females, in the proportion of about two-thirds of the former, and one-third of the latter. It is the constitutional right of every American citizen to petition Congress for a redress of grievances; and I may say here, that whenever any citizen of Ohio shall complain of any grievance, under which he may be suffering, within the constitutional competency of this Government to remove, it will give me great pleasure to present the case to this body, and to be instrumental in removing the grievance complained of.

These petitioners do not, however, set forth what particular grievance the existence of slavery and the slave trade in the District of Columbia is to them, how they are injuriously affected by it, nor why and wherefore it should be abolished. I am left to suppose, therefore, that the interest the petitioners feel in this matter is not a particular interest, arising from any connection with the subject matter prayed for, not a grievance to them specially, but that they suppose the existence of slavery and the slave trade here is a grievance of a general and national kind, which they, with all other American citizens, have a right to petition Congress to remove. I am very far from questioning the right of any citizen of this Union to petition Congress, or their right to instruct their Representatives here as to such legislation for this District, as will, in their opinion, best promote the general interest of the whole Confederacy; but I mark the fact, that the petitioners were not agreed upon the nature, extent, and bearing of the supposed grievances they pray to have redressed, and were not prepared to assign *any* reason for their removal, as evidence that *they* had no particular cause of complaint in the existence of slavery here. Living at the distance of some hundred miles from the District, in a remote State of the Union, and having little or no intercourse with it, it is not to be presumed that they should be as competent to judge what legislation would best promote the prosperity and happiness of the people here, as the citizens of the District themselves, who are to be more immediately affected by such legislation. The petitioners have, indeed, no right to interpose their wishes, or will, as to such interests as are peculiar to the population of the District, and have no bearing on the general interests of the Union. This, it may be presumed, is well known to and understood by them, and therefore the conclusion I have come to, that the petitioners have no particular interest in this matter, and have no claims to a hearing on that account, is sufficiently evident.

I have no doubt but that the Constitution, by giving to Congress the power "to exercise exclusive legislation in all cases whatsoever" over this District, has given Congress the power to abolish slavery and the slave trade here whenever the people of the District ask, or the safety of the whole Union requires it. Congress, as the constitutional Legislature of this District, have, in my judgment, a twofold duty to perform—*first*, as the Representatives of the District, not elected and chosen by the people of the District, but made by the Constitution the only law-making power for it, and thereby its constitutional Representatives: *second*, as the Representatives of the whole nation. In the former capacity, the power of Congress extending "to all cases whatsoever," seems limited only by those great principles of equality and justice which lay at the foundation of all our legislation; in the latter they can exercise no powers but such as are expressly delegated to them, or such as are clearly necessary to carry into effect the powers so expressly granted. The principles adverted to, require of American legislators that they should make the happiness of the people the end and aim of all their enactments. In their first capacity, therefore, as the Legislature of the District, they are bound to consult the will and wishes of the District, in all matters which concern its inhabitants only. I conceive that the will of the people here should be the governing rule for the action of Congress, in all matters of strictly local concern; unless that will demanded something which would be injurious to the general welfare. The reason why the framers of the Constitution gave to Congress, and not to a local Legislature, the power of legislation over the District, was probably to prevent the possibility of any law being passed here, which might militate against the general interest of the Confederacy; and not to free Congress from the high moral obligation, incumbent on it as the Legislature of the District, to

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[*Continued from No.* 10]

consult the wishes of the people of the District, and form its laws, so as best to promote their welfare and happiness.

But the people of the District are silent on this subject; *they* ask for no change in their domestic policy; they have heretofore remonstrated against any action by Congress on their right to hold slaves, and would probably again remonstrate, if they apprehended any danger of such action. They hold that they have a clearly legal and rightful property in and to their slaves; that the Constitution of the United States protects them in the enjoyment of such right. Now, whatever may be the opinion of the petitioners as to the right, abstractedly considered, of men to hold human beings as property, this question was settled before the Constitution was formed—before this ten miles square was ceded to the Union; and Congress, as legislators of the Union, have no power over it.

Next to the people of this District, those more immediately interested are the States who ceded this Territory to the United States. The cession was made by Maryland and Virginia, when, as now, both those States held slaves; and their right to this species of property was no where questioned. It may fairly be supposed, that when the cession was made, it was not imagined by any one that slavery would, or could be abolished here, until it should be abolished in those States. Had such an event been thought probable, the able men who guided the counsels of those States would have guarded against an event so very threatening to their security and repose. But these States are not alone in regarding the measures prayed for by the petitioners as hostile to their interests; all the States in which slavery is held lawful, consider the agitation of this question as full of danger, and the attempt to abolish slavery here, but as a first step in an unjust and unconstitutional interference with their rights. If, then, Congress has the power to legislate for this District on this subject, as I hold they clearly have such power, they have no right to exercise this power against the will of the inhabitants of the District; against the will of those who ceded the District to the Union; and against the will of the other slaveholding States; unless, indeed, the safety of the whole Union imperiously demands such legislation of us.

When this confederacy of States was formed, and even when the Consitution of the United States was adopted, most of the States held slaves. The laws of all (except, perhaps, Massachusetts) recognised the lawfulness of domestic slavery. Since that time, many of the States have entirely, and some others partially, abolished it; and it seems to me that it is, and has long been, in a gradual course of extinction. It is, however, an institution of the State Governments, a matter of mere State regulation, with which, as it exists in, or may be regulated by, the States, the Government of the United States, having nothing to do directly, should abstain from interfering indirectly.

Such, Mr. President, is my view of the subject, as it respects the power and duties of Congress; but there is another view which it is my duty to state. I am here as one of the representatives of a sovereign State, meeting with the representatives of twenty-five other equally sovereign and independent States, to exercise with my friend and colleague those strictly limited powers which have been conferred on the General Government, and bound by every principle of duty, of honor, and of inclination, to obey the will of the State whose servant I am.

The State I in part represent, is one of the first in this Union in all the elements of political power; it is not second to any in its entire devotion to those principles of equality and justice, which are the professed foundation of our social institutions; to none in her firm attachment to the union of the States. She would not permit any interference on the part of other States or societies with her institutions, unless addressed directly to her friendly consideration by those who might consider themselves aggrieved by them; nor would she interfere with the laws and regulations of other States, or justify her citizens in doing so, under any other circumstances. Slavery is an institution not only interdicted by the fundamental laws of Ohio, but it is entirely contrary to the genius and habits of her people. If petitions were to be presented here, praying some action of Congress which would, though but indirectly and remotely, tend to establish slavery in Ohio, or which her citizens believed would have that tendency, such a measure could not but be regarded as one of hostility to Ohio by her representatives here; and hostility, too, not from an individual Senator, but from a co-State; for Senators, being representatives of sovereign States, cannot be presumed to act from themselves merely, but only by authority of the State whose agents they are. Ohio might, and probably would, treat all such demonstrations with scorn and contempt; but if persisted in, and followed up from year to year, evincing a settled determination to compel a change, she could not but regard the States whose representatives here promoted such attacks upon her, as unfriendly towards her.

Ohio will do unto others as she claims that they should do to her: as she will not permit any interference with her own institutions, so she will not permit her servants to interfere with the institutions of other States. I know her will upon this matter; it is clear and unequivocal. Resolutions of her Assembly have repeatedly declared her sentiments upon the subject-matter of these petitions, and her decided opinion that the attempt making by these petitioners, "is hostile to the spirit of the Constitution, and destructive of the harmony of the Union;" and a recent more numerous assemblage of Democratic delegates in a State convention, than has ever before met in that State, with but three dissenting voices, adopted the following resolutions:

"*Resolved*, That in the opinion of this convention, Congress ought not, without the consent of the people of the District, and of the States of Virginia and Maryland, to abolish slavery in the District of Columbia; and that the efforts now making for that purpose by organized societies in the free States, are hostile to the spirit of the Constitution, and destructive to the harmony of the Union.

"*Resolved*, That slavery being a domestic institution recognised by the Constitution of the United States, we, as citizens of a free State, have no right to interfere with it, and that the organizing of societies and associations in free States, in opposition to the institutions of sister States, while productive of no good, may be the cause of much mischief; and while such associations, for political purposes, ought to be discountenanced by every lover of peace and concord, no sound Democrat will have part or lot with them.

"*Resolved*, That political Abolitionism is but ancient Federalism, under a new guise, and that the political action of anti-slavery societies, is only a device for the overthrow of Democracy."

I know, sir, that these resolutions express the deliberate judgment of the Democracy of Ohio; as to the sentiments of the opponents of the Democratic party, the Harrisonians,* I know less. Their conduct is open to observation. By that it is well known that they hold in their fraternal embrace the entire Abolition part of the population of Ohio.

As to the female signers of these petitions, I have a word to say. Nature seems to have given to the male sex the exclusive powers of government, by giving to that sex the physical strength and energy which the exercise of those powers calls into constant and active exertion. To the female a more delicate physical organization is given; and she need not repine that she has not the iron nerve of her protector, man; he has the storms of life to encounter; she the calm and sunshine of domestic peace and quiet to enjoy. Hers is the domestic altar; there she ministers and commands, in all the plenitude of undisputed sway, the fountain of love and blessedness to all around her; let her not seek madly to descend from this eminence to mix with the strife of ambition or the cares of Government; the field of politics is not her appropriate arena; the powers of Government are not within her cognizance, as they could not be within her knowledge, unless she neglected higher and holier duties to acquire it. Bound by her associations, by her education and habits, as the American woman is, to the institutions and laws and manners of her country, let her evidence the soundness of her principles, by guiding the young minds committed to her maternal charge, to that same love of liberty and devotion to their country she feels, and she need not fear but that her sons will correct all the errors of Government, as experience shall point them out. For myself, I cannot recognise the right of my fair countrywomen to interference with public affairs. Whether slavery shall be abolished in the District of Columbia or not, belongs not to them to say; much less does it belong to the women of Ohio to agitate questions of public policy, which their own State Government has often declared it wrong in her citizens to meddle with.

For these reasons, I decline presenting these petitions to the Senate.

Mr. PRESTON said there was nothing before the Senate to excuse his remarks, but he could not repress the feelings of pleasure and satisfaction with which he had listened to the eloquence and patriotic remarks of the Senator from Ohio. Should the same sentiments be expressed from other sections of the country, the incendiary spirit of Abolitionism would soon be trampled down and extinct. Standing in the political relations he did to the Senator, he could express his feelings more freely; and for himself, and in behalf of the section of the Union more particularly interested in this matter, he tendered to the Senate his sincere and heartfelt thanks.

Mr. FULTON presented the petition of Henry Wilson, praying to be allowed to locate on any of the unappropriated public lands a tract of land in lieu of a like quantity erroneously entered by him at the land office at Helena; which was referred to the Committee on the Public Lands.

On motion by Mr. WALL, the petition and papers of Francis Cazeau, now on the files, were referred to the Committee on the Judiciary.

Mr. YOUNG presented the memorial of the Galena Chamber of Commerce, praying an appropriation for the removal of obstructions to the navigation of the Upper and Lower Rapids of the Mississippi river; which was referred to the Committee on Commerce, and ordered to be printed.

On motion by Mr. TALLMADGE, it was ordered that the petition of the widow of George Hood, now on file, be referred to the Committee on Pensions.

Mr. MERRICK presented the memorial of the president and directors of the Bank of Alexandria, in the District of Columbia, praying an extension of their charter, for the purpose of enabling them to wind up the affairs of that institution; which was referred to the Committee on the District of Columbia.

Mr. LINN presented the memorial of W. A. Duer and others, praying that surveys may be an-

*HARRISONIANS.—A large meeting of the Whig party at Chillicothe, in Ohio, lately adopted the following resolution:

Resolved, By this meeting, that the cause in which we are engaged is the cause of civil liberty, and the perpetuity of our happy, but at present deranged institutions. And knowing as we do, that political names alone keep many from our ranks whose hearts are with us, now be it known and resolved, from this day forward, that all political names, such as Loco Foco, Democrat, Republican, Whig, etc. be now merged in the general and heart-stirring appellation of Harrisonians.

thorized by the United States, with a view to the ascertaining the practicability of constructing a ship canal across the Isthmus of Panama, and when ascertained, that the co-operation of other Governments be invited in the accomplishment of that object; which was referred to the Committee on Commerce.

Mr. MERRICK submitted a communication from Noah Fairbank, containing suggestions in relation to the means of securing steamboats against fire; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WHITE submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to inform the Senate what measures have been taken to ascertain and satisfy the debts of the Winnebago nation of Indians, for the payment of which the residuary sum of $150,000 was appropriated by the fourth article of the treaty of 1st November, 1837, made with that nation.

Also, what causes have interposed to prevent the removal of those Indians to the "neutral ground" west of the Mississippi, in pursuance of the third article of said treaty.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Jacob Dunham, made an adverse report thereon; which was ordered to be printed.

Mr. BENTON, from the Committee on Military Affairs, to will was referred the bill for the relief of certain companies of Michigan Militia, reported it without amendment.

Mr. WILLIAMS, from the Committee on Claims, to which had been referred the bill for the relief of John L. Scott, reported it without amendment.

Mr. W. also, from the Committee on Claims, to which the following bills were referred:

A bill for the relief of William Berret;
A bill for the relief of Charles A. Dodge;
A bill for the relief of Dennis Quinlivan;
A bill for the relief of Alfred Westfall;
A bill for the relief of James H. Ralston;
A bill for the relief of David McNair;
A bill for the relief of Jacob Hanks; and
A bill for the relief of Samuel Ferguson;

reported the same severally without amendment, and recommended that they do not pass.

Mr. MERRICK, from the Committee on the District of Columbia, to which was referred a memorial of the Board of Health of the city of Washington, reported a bill to authorize the erection of a hospital in the city of Washington, and for other purposes; which was read, and ordered to a second reading.

Mr. WALKER, from the Committee on the Public Lands, to which was referred the petition of Zadoc Martin, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. W. from the same committee, asked to be discharged from the further consideration of the memorial of Samuel Massey and Thomas James; which was agreed to.

Agreeably to notice, Mr. NICHOLAS asked and obtained leave to bring in a bill to authorize the Legislature of the State of Louisiana to sell the lands heretofore appropriated for the use of schools within that State; which was read the first and second times by unanimous consent, and referred to the Committee on the Public Lands.

Agreeably to notice, Mr. FULTON asked and obtained leave to bring in a bill to perfect the titles to lands south of the Arkansas river, held under New Madrid locations and pre-emption rights under the act of 1814; which was read twice, and referred to the Committee on the Public Lands.

Agreeably to notice, Mr. LINN asked and obtained leave to bring in a bill to quiet the titles of certain land claimants in the State of Missouri and Arkansas, and for other purposes; which was read twice, and referred to the Committee on Private Land Claims.

Mr. YOUNG submitted the following motion, which, by unanimous consent, was considered and agreed to:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of settling the accounts of Francis Gehon, late Marshal of Wisconsin, and now Marshal of Iowa Territory, on just and equitable principles.

Mr. WHITE presented three petitions from citizens of the Territory of Wisconsin, praying that certain lands in the Milwaukie land district may be exposed to public sale, and that pre-emption rights may be granted to the settlers thereon; which were severally referred to the Committee on the Public Lands.

Mr. WHITE submitted the following motion, which, by unanimous consent, was considered, and agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of causing a survey to be made of the Ohio river at the falls, with a view to ascertain the practicability of improving the navigation thereof.

The Senate proceeded to consider the motion submitted by Mr. WEBSTER, on the 27th ult. in relation to vessels propelled by steam; which was, on his motion, amended and agreed to, as follows:

Resolved, That the Committee on Commerce be instructed to inquire whether the laws respecting vessels propelled by steam do not require amendment, and whether it be not expedient, among other provisions, to make the following, viz:

1st. That the owners or masters of all steamboats or vessels propelled in whole or in part by steam, employed in the transportation of passengers, or of goods, wares, or merchandise, or of both, for hire, shall be deemed to all intents and purposes common carriers thereof, and shall be liable to all the duties and responsibilities imposed on such carriers by the common law. And every restriction, limitation, or qualification, of any such duties and responsibilities, by any special notice or contract, or other proceeding on the part of such carriers, shall be deemed utterly void and of no validity, or force, or effect whatever.

2d. That whenever any loss, damage, or injury, shall occur to any passenner, or to any goods, wares, or merchandise on board of any such steamboat or other vessel propelled in whole or in part by steam, from fire or steam, or collision with any other vessel, the same shall be deemed full *prima facie* evidence of negligence, sufficient to charge the proprietors of such steamboat or other vessel propelled by steam, and those in their employment, with the full amount of such loss, or damage, or injury, until they shall show, beyond any reasonable doubt, that no negligence whatever had occurred on their part.

3d. That if any inspector or inspectors, appointed under the law to which this is a supplement, shall carelessly or negligently perform the duties required of them by law, or shall make or sign any certificate required by the same act, knowing the same to contain any false statement, he and they shall be deemed guilty of high misdemeanor, and shall, on conviction thereof before any court of the United States having competent jurisdiction, be punished by fine not exceeding $500, and by imprisonment not exceeding ninety days, according to the aggravation of the offence, and shall also be liable in civil action to all damages which shall be occasioned thereby to any person or persons whatever; and that the committee be instructed further to inquire and report to the Senate what judicial decisions have been made under the existing law, and especially whether it has been the effect of any such decision to render the existing law inoperative in any part of the country.

The resolution submitted some days since by Mr. PRESTON, calling for the reasons of Gov. Call's dismissal, and the correspondence of that officer with the Secretary of War, was taken up, and being modified, on motion by Mr. CLAY of Alabama, by striking out that part calling for the reasons of dismissal, were passed.

The bill to repeal certain acts respecting navy pensions, and making further provisions in relation to navy pensions, was considered as in Committee of the Whole, and ordered to be engrossed for a hird reading.

BILLS PASSED.

The bill confirming certain land claims in the Ouachita land district, in the State of Louisiana;

The bill to authorise the issuing of a patent to the heirs or legal representatives of Francis Rivard, deceased;

The bill confirming certain land claims in Louisiana; and

The bill for the relief of Obed P. Lacy; were severally read a third time, and passed.

The bill to transfer to the citizens of the parish of Concordia, in the State of Louisiana, the interest of the United States to a certain tract of land, was taken up on its third reading, but

Mr. WALKER intimating an intention to oppose the bill, it was passed over.

ASSUMPTION OF STATE DEBTS.

The report of the select committee on the assumption by the Government of the debts of the States, was then taken up, and Mr. PHELPS addressed the Senate at length in opposition to it.

On motion by Mr. CALHOUN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 4, 1840.

Mr. BLACK, by permission of the House, reported from the select Committee of Printing, the following resolution, the passage of which he said was necessary to enable the committee to procced in the investigation:

Resolved, That the select committee on Printing, appointed by a resolution of this House on the 30th ultimo, be authorized and permitted to employ a clerk to facilitate and record the proceedings of said committee.

Resolved, That said committee be authorized to summon and examine witnesses on oath before them, relative to the subject submitted to their consideration.

Mr. ADAMS said the latter part of the resolution was unnecessary, and provision was already made by law, empowering select committees to examine witnesses on oath. He hoped the gentleman would modify his resolution.

Mr. BLACK said he was not at liberty to modify the resolution. It was discussed in committee in the present form, and adopted, and he was instructed to report it to the House.

Mr. ADAMS moved to strike out the last resolution, and amend the first by the insertion of the following words: "And shall have power to send for persons and papers.

Mr. L. WILLIAMS called for the yeas and nays on the adoption of the amendment: not ordered.

The question was then taken, and the amendment was carried in the affirmative, and the resolution as amended was adopted.

The House again proceeded to the election by *viva voce* for Chaplain—Messrs. TALIAFERRO, SALTONSTALL, DAVIES of Pa. and SMITH of Maine, acting as tellers. The tellers reported the following as the result of the second vote:

Whole number of votes	-	-	182
Necessary to a choice	-	-	92
And that the Rev. Mr. Danforth received			31 votes.
" " Bates	"		36
" " Babbitt	"		6
" " Balch	"		34
" " Boyd	"		28
" " Braxton	"		34
" " Wilmer	"		13

The names of the Rev. Messrs. Reese and Donnellan were withdrawn after the first vote of yesterday.

No person having received a majority of votes, there was no election.

The House again proceeded to vote, the same gentlemen acting as tellers. The tellers reported the following as the result of the

THIRD VOTE.

Whole number received	-	-	176
Necessary to a choice	-	-	89
Rev. Mr. Danforth	received	-	22 votes.
" Bates	-	-	55
" Babbit	-	-	1
" Balch	-	-	35
" Boyd	-	-	16
" Braxton	-	-	42
" Wilmer	-	-	5

Still no choice.

Mr. SMITH withdrew the name the Rev. Mr. Boyd.

Mr. BARNARD withdrew the name of the Rev Mr. Danforth; and

Mr. JENIFER withdrew the name of the Rev. Mr. Wilmer.

FOURTH VOTE.

Whole number received - -	182
Necessary to a choice - -	92
Rev. Mr. Bates received - -	85 votes.
" Balch - - -	19
" Braxton - - -	77
" Wilmer - - -	1

Still no choice.

Mr. JOHNSON of Maryland withdrew the name of the Rev. Mr. Balch.

Mr. POPE moved that, by universal consent, the House would take the next vote by ballot; but

Mr. HOFFMAN and others objected; and the House proceeded, in the usual way, to the

FIFTH VOTE.

Whole number of votes - -	175
Necessary to a choice - - -	88
The Rev. Mr. Bates received -	92
Mr. Braxton -	83

The Rev. Mr. BATES was therefore elected.

The SPEAKER laid before the House the following message from the President of the United States:

To the Honorable the House of Representatives:

I lay before you a report from the Secretary of the Treasury, with several documents annexed, by which it will be seen that judicial constructions have been given to the existing laws for the collection of imposts affecting extensively and injuriously the accruing revenue.

They embrace, with many others, the important articles of linens, woollens, and cottons: the two last of which are often treated as silks, because that material constitutes a component part of them, and thus exempted them from duty altogether. Assessments of duties, which have prevailed for years, and, in some cases, since the passage of the laws themselves, are in this manner altered, and uncertainty and litigation introduced in regard to the future.

The effects which these proceedings have already produced in diminishing the amount of the revenue, and which are likely to increase hereafter, deserve your early consideration.

I have, therefore, deemed it necessary to bring the matter to your notice, with a view to such legislative action as the exigencies of the case may in your judgment require. It is not believed that any law, which can now be passed upon the subject, can affect the revenue favorably for several months to come, and could not, therefore, be safely regarded as a substitute for the early provision of certain and adequate means to enable the Treasury to guard the public credit, and meet promptly and faithfully any deficiencies that may occur in the revenue, from whatever cause they may arise.

The reasons in favor of the propriety of adopting, at an early period, proper measures for that purpose, were explained by the Secretary of the Treasury in his annual report, and recommended to your attention by myself. The experience of the last two months, and especially the recent decisions of the courts, with the continued suspension of specie payments by the banks over large sections of the United States, operating unfavorably upon the revenue, have greatly strengthened the views then taken of the subject.

M. VAN BUREN.

WASHINGTON, Feb. 4, 1840.

TREASURY DEPARTMENT,
January 31, 1840.

SIR: I have the honor to enclose some correspondence between myself and the Comptroller, in relation to the great changes of construction, made chiefly by the judicial tribunals, in the present laws imposing duties on foreign merchandise. Several of the cases have already been laid before the appropriate committees of Congress, without producing any new legislation; but all the material decisions are now collected and submitted together for consideration. Most of these changes possess importance in various points of view, though the one connected with the revenue seems to require special notice from this Department. The articles as to which the principal difficulties have occurred, whether by judicial decisions or otherwise, are linens, silks, woollens, and cottons. For instance, imported linens, though dyed or stained by artificial process, and thus supposed by the Department to be liable to a duty, have been pronounced "bleached and unbleached linens," so as to render them free. Again, silks, when coming from beyond the Cape of Good Hope, are subject to a duty; but those from Europe, with some exceptions, are not. Hence the former, by being landed, and colored or stamped in Europe, before reaching here, are believed to be often introduced free, contrary to my own opinion of the original design of Congress.

Several articles, also, are now imported from Europe, which have been adjudged by the courts to be free, because *manufactures of silk;* though under their appropriate names, as "hose," "gloves," "shawls," "millinery," and other descriptions of goods, they were for several years regarded as liable to duty, and taxed accordingly.

Manufactures of woollen and cotton are subject to a large duty; but of late, by mixing wool and cotton in fabrics with silk, they are often imported at a lower rate of duty, or entirely free, under judicial decisions, reversing the former usages in force.

Other material changes have occurred through these decisions; such as that "sewing silk," which still pays a duty, does not embrace some merchandise, though made of silk, and used for sewing. Several alterations have likewise been adopted, exempting from the duties on woollen and cotton, various new articles mixed with "worsted," or unexpectedly considered by the courts and juries as "worsted," and hence pronounced to be free. Other goods have been relieved from the high duty on "ready made clothing," and subjected to only a lower rate of impost, under other names, though made up as articles of clothing, and ready to be worn. Uniform rules of construction on these subjects, which have prevailed since the laws passed, have thus, in some cases, been suddenly altered, and much money already in the Treasury has been refunded, and other duties secured or paid, are liable to be remitted hereafter.

Several articles also, must hereafter be entered free, which, it has been before supposed, were subject to duty, and others must be admitted at a lower rate than the previous usage. In a few cases only can attempts be made to reverse the decisions by appeals or writs of error, as the amount in controversy in each case, is frequently too small, or the difficulty exists, at times, in the finding of the jury, when the general directions of the judge may have been unexceptionable.

From these circumstances the revenue has already suffered extensively within a few months, and the annual loss to the customs by all the decisions before referred to, is computed to equal at least two millions of dollars.

All the details, deemed useful on these points, are embodied in the report of the Comptroller, replying to my letter, and in other documents, copies of which are annexed. Whichever construction in these cases be in the view of Congress correct, whether that adopted by the courts, or the Department, it is highly important to have a declaratory law passed, settling the rule clearly for the future in all doubtful cases. It seems, also, equally important to have such new provisions in respect to the tariff introduced, as shall protect more effectually the collection of those duties, which Congress designed should be imposed for carrying on successfully the operations of the Government, and preserving inviolate the public faith.

The opportunity afforded on this occasion for supplying the amount of revenue already lost, and also any amount likely to be needed, to meet the public engagements hereafter, by requiring a duty on some articles now free, might be improved beneficially, without a departure from the compromise act, and without agitating the question of protection.

Besides the wide field open for this purpose in one-half of the usual importations now entirely free, the Department, under a special act of Congress, still in force, has been obliged to remit the large amount of three and a half millions of duties, secured on the single article of railroad iron, and must continue to remit similar duties, until it si deemed proper to revise the legislation on this subject.

Another inroad on the accruing duties, to the extent of two or three hundred thousand dollars already remitted, and in a course of being so, is, by another especial act, on account of the fire and fire bonds in New York, in 1835 and '36. Other applications for remission of duties on account of similar losses, at a very recent period, will probably follow to the extent of from 50 to 100,000 dollars, and may be found just. But it is proper to add, that any kind of legislation on the subject matter of this communication, during the present session of Congress, would not be likely to increase the resources of the Treasury in season for aid to meet existing appropriations, in any exigency such as, in my last annual report, it was explained that the Treasury would be exposed to in the ensuing month. The very large sums then required to pay pensions under laws already in force, and to redeem many of the Treasury notes outstanding and falling due in March, demand an earlier and prompter remedy. Yet in the event that Congress shall soon make some precautionary provision of means, to be used only when needed, and which are so justly due to a wise regard for preserving the public faith, under the fluctuations, necessities, and contingencies to which our fiscal operations are dangerously liable, increased security for the plighted faith of the United States, may be derived from the proposed legislation on the present subject.

Respectfully,
LEVI WOODBURY,
Secretary of the Treasury.

To the President of the United States.

On motion of Mr. J. W. JONES, the message and documents accompanying were referred to the Committee of Ways and Means, and ordered to be printed.

On motion of Mr. BANKS, it was

Resolved, That the 20th rule of the House, which authorizes the reception of petitions daily for thirty days only, after the organization of the House, be extended to the 15th of February.

Mr. W. THOMPSON, from the Committee on Military Affairs, reported a bill to raise 1600 men to serve against the Florida Indians; which was read twice, and on Mr. T's motion, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. PETRIKIN, in accordance with notice previously given, reported a bill to repeal an act to relieve from duty iron prepared and actually laid on railways or inclined planes, approved 14th July, 1832, and to graduate the duty to be paid on such iron hereafter imported from foreign countries.

On motion of Mr. P. referred to the Committee on Manufactures, and ordered to be printed.

Mr. GARRETT DAVIS, from the Committee on the Territories, made a report in relation to the difficulties between the State of Missouri and the Territory of Iowa, accompanied by a bill, entitled "An act to establish and define the Northern boundary line of the State of Missouri;" which bill was twice read, and on motion of Mr. D. referred to a Committee of the Whole House on the state of the Union, and ordered to be printed.

On motion of Mr. CURTIS to take up the Senate bills on the SPEAKER's table, for the purpose of reference to appropriate committees,

The bill making appropriations to complete the removal of the raft of the Red river, and for other purposes, was twice read; when

Mr. BIDDLE moved that the same be referred, with the following instructions:

1. Whether the advance of money by the Bank of Arkansas, which it is one of the objects of this bill to reimburse, was not made with full knowledge that the agent of the United States who effected the loan was acting in defiance of positive instructions from his superiors, as well as in the face of a known refusal by Congress to appropriate money to the work.

2. Whether the estimate on which the bill is founded was not made by the said agent prio to the closing up of the raft in August last; and

whether any satisfactory data exist for computing the probable cost of removing the present impediments to navigation.

3. Whether the sum appropriated by this bill is called for in the estimates accompanying the President's message.

4. Whether the bill is not of such a character that it ought to have originated in this House.

Mr. BIDDLE having indicated a wish to address the House on this bill, yielded the floor to

Mr. WISE, on whose motion,

The House adjourned.

IN SENATE,

WEDNESDAY, February 5, 1840.

On motion by Mr. WHITE, the petition of Abner E. Van Ness, on the files, was referred to the Committee on the Public Lands.

On motion by Mr. WRIGHT, the widow of Joseph Yorke had leave to withdraw her petition and papers.

Mr. CLAY of Kentucky presented the petition of a number of citizens of Fayette county, Pa. for a reduction of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. MERRICK presented the memorial of Casper W. Weaver; which was referred to the Committee on the District of Columbia.

Mr. TALLMADGE presented the petition of Leonard Bleeker; which was referred to the Committee on Revolutionary Claims.

Mr. T. also presented the memorial of Silas M. Stillwell, and N. T. Eldridge, of New York, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented the petition of a number of citizens of the State of Maine, praying that measures may be taken to avoid wars between nations, &c.; which was referred to the Committee on Foreign Relations.

Mr. ROANE presented the petition of James McCally; which was referred to the Committee on the Judiciary.

Mr. PRESTON submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether, in his annual report, made at the commencement of the present session of Congress, and in the estimates therein contained of expenditures proposed for the current year, he has included any sum, or proposed any appropriation, for the construction and continuation of the Cumberland road, and, if not, whether the omission was unintentional or designed.

Mr. CLAY of Alabama submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a higher *minimum* price for the lands contained in the Miami reserve, situated in the State of Indiana.

Mr. HUBBARD, in pursuance of notice, asked and obtained leave to introduce a bill for the settlement of the claims of New Hampshire against the United States; which was read twice, and referred to the Committee on Military Affairs.

Mr. CLAY of Alabama asked and obtained leave to introduce a joint resolution relative to taking the ensuing census of the United States; which was read twice, and referred to the Committee on the Judiciary.

Mr. BENTON, from the Committee on Military Affairs, reported a bill providing for the enlistment of 1,500 men, for the defence of Florida; which was read, and ordered to a second reading.

Mr. STRANGE, from the Committee on the Judiciary, reported a bill for the relief of the legal representatives of Francis Careau; which was read, and ordered to a second reading.

The resolutions submitted yesterday by Messrs. SMITH of Connecticut and WHITE, were considered and agreed to.

The bill to repeal certain acts respecting navy pensions, and making further provisions in relation to navy pensions, was considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

ASSUMPTION OF STATE DEBTS.

The report of the Select Committee on the assumption by the Government of the debts of the States was taken up, and Mr. CALHOUN addressed the Senate at length in defence of the doctrines of the report.

Mr. PRESTON, after a few remarks, moved to lay the report on the table, which was negatived—yeas 16, nays 29, as follows:

YEAS—Messrs. Betts, Clay of Kentuky, Clayton, Crittenden, Dixon, Henderson, Merrick, Phelps, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, Spence, Tallmadge, and White—16.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Williams, Wright, and Young—29.

The question then coming up on printing the usual number of the report,

Mr. SMITH of Indiana stated that, though he was opposed to the doctrines of the report, and had been one of the minority on the committee which made it, he yet thought it was due to the committee, and to the members of the Senate agreeing with them in opinion, that the usual number of the report should be printed. For these reasons he should vote in favor of the motion.

Mr. HENDERSON expressed similar sentiments.

The motion was agreed to—ayes 36, noes 8, as follows:

YEAS—Messrs. Allen, Benton, Betts, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Dixon, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Prentiss, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Sturgeon, Tallmadge, Tappan, Walker, Wall, White, Williams, Wright, and Young—36.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Merrick, Phelps, Ruggles, Southard, and Spence—8.

Mr. GRUNDY then moved to postpone its further consideration, and make it the special order of the day for Monday next; which was agreed to.

Mr. BENTON said, in pursuance of the notice he had given, he now moved that thirty thousand additional copies of the report be printed.

Mr. LUMPKIN said that, though a member of the Select Committee which submitted this report, had this question been submitted when the report was brought in, he would not have voted for the extra number. But now, when it has been attacked with unprecedented violence, and comments on it circulated far and wide, before one half of the members of the Senate have had an opportunity of examining it, he was for giving it as wide a circulation as the comments made upon it. He would, therefore, vote for the extra number.

The question was then taken and agreed to—ayes 27, noes 18.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 5, 1840.

The presentation of petitions being the first thing in order, the SPEAKER commenced the call of the States for that purpose, beginning with the State of Massachusetts.

Petitions and memorials were then presented by Messrs. PARMENTER, LINCOLN, H. WILLIAMS, BRIGGS, CUSHING, W. S. HASTINGS, REED; and

Mr. LAWRENCE presented a petition praying the recognition of the independence of the Government of Hayti; which was read, when Mr. L. moved its reference to the Committee on Foreign Affairs.

Mr. BANKS moved that it be laid on the table; upon which motion the yeas and nays were ordered.

Mr. JAMESON, who was absent at the time his name was called, desired to vote, but it was ruled out of order; when Mr. J. moved that his vote be recorded in the affirmative.

The CHAIR said it would not then be in order.

Mr. JAMESON, for the purpose of having his motion placed on the journal, would take an appeal from that decision, and demanded the yeas and nays.

Mr. JENIFER inquired if it would at that time be in order to entertain an appeal.

The CHAIR said the decision would be arbitrary if it was not entertained at that time. If it was not then in order it would not be at any other time.

Mr. DAWSON thought it would do the greatest injustice to the SPEAKER to take an appeal from a just decision, merely to get such a motion entered on the journal contrary to the rules.

Mr. JAMESON did not wish to do injustice to the SPEAKER. He had made a request of the House, to give him permission to record his vote; but objection had been made, very improperly, and he thought it perfectly in order to make the motion he had.

Mr. DAWSON hoped the gentleman would see the impropriety of the course, and withdraw his appeal.

Mr. JAMESON withdrew his appeal.

The question on laying on the table was decided in the affirmative—yeas 110, nays 63.

Petitions were further presented from Massachusetts, by Messrs. WM. B. CALHOUN, BAKER, SALTONSTALL, and ADAMS.

[Mr. SALTONSTALL presented the memorial of sundry citizens of Boston, merchants, praying indemnification for property sequestrated by the Governor of Hayti, many years ago.]

[Mr. ADAMS presented a memorial from the American Philosophical Society, praying an appropriation by Congress to carry on a series of magnetical experiments, and meteorological observations which was referred to a select committee of nine, to be appointed for that purpose, and ordered to be printed. Also, from W. McNally, and twelve hundred other signers, American seamen, praying Congress to take into consideration their unprotected condition, and grant some appropriate relief: referred to the Committee on Foreign Affairs, and ordered to be printed. Mr. A. hoped that committee would take the matter into serious consideration, for he believed there was no class of the free people of the United States who so much needed a revision of the laws for their protection.]

[Mr. PARMENTER presented the memorial of Lemuel Wheelock and others, contesting the right of OSMYN BAKER to a seat in the House, as a Representative from the Sixth Congressional District of Massachusetts, setting forth that he was not chosen by a majority of the votes of said district as required by the laws of Massachusetts and the Constitution of the United States, to which committee, on motion of Mr. LINCOLN, the certificate of election, given to Mr. BAKER by the Governor of Massachusetts, was also referred. Also, the petition of Elizabeth Stockwell for a Revolutionary pension; of Mary Reed for the same; of Lucy Tugalls for the same; of William Kilham and others, of Saxonville, Massachusetts, for security against frauds in duties on woollens; of Seth Bemis and others, of Waltham, Massachusetts, for the same purpose; of Benjamin B. Adams and others, for a mail route from Framingham to Chelseyford, Massachusetts; of Joel Knight and seventy-five others, praying that the exportation of opium to China in American vessels may be prohibited; of Benjamin Hawkes for the regulation of pay; of Ellery Brown for Revolutionary pension; which were appropriately referred.]

[Mr. HASTINGS of Massachusetts presented the petition of David Davenport and twenty-two other citizens of Mendon, Mass.; praying that the rates of letter postage may be so reduced as not to exceed ten cents on a single letter: referred to the Committee on the Post Office and Post Roads. Also, the petition of Mary Kilbourn of Northfield, Mass. for a pension: referred to the Committee on Revolutionary Pensions. Also, the petition of Adolphus Batchellor and sixty-one other citizens of Northbridge, Mass. praying for a Congress of Nations to establish a code of international law, and a High Court of Nations to decide on all cases of international difficulty: referred to the Committee on Foreign Affairs. Also, the memorial of Joseph France and one hun-

dred and twenty-five others, of Mendon, Mass.; of Edward Seagraves and twenty-eight others, of Oxbridge, Mass.; John Corey and others, of Foxb rough, Mass.; of Frederick W. Lincoln and fifty others, of Canton, Mass; of Mosses Buffum and others, of Mendon, Mass.; of James Adams and twenty-two others, of Canton, Mass.; of Anson Barton and twenty-three others, of Wrentham, Mass.; all representing the existence of frauds upon the revenue, and praying for an investigation of the same, and for a revision of the laws in relation to the collection of duties on manufactures of wool: referred to the Committee on Manufac ures.]

By Messrs. TILLINGHAST and CRANSTON, of Rhode Island.

By Messrs. BROCKWAY, TRUMBULL, STORRS, J. B. WILLIAMS, OSBORNE, and SMITH, of Connecticut.

By Messrs. HALL, SLADE, and FLETCHER, of Vermont.

By Messrs. MITCHELL, A. BROWN, WAGENER, STRONG, HAND, DOIG, MORGAN, HOFFMAN, FILLMORE, PECK, GRINNELL, CURTIS, GRANGER, CHAS. JOHNSON, GATES, FINE, BARNARD, KEMBLE, JONES, MARVIN, HUNT, CRITTENDEN, RUSSELL, MONROE, PRENTISS, DANA, VANDERPOEL, LEONARD, EARL, FLOYD, MALLORY, ROGERS, KEMPSHALL, JACKSON, EDWARDS, BREWSTER, and MONTANYA, of New York.

[Mr. MARVIN presented, and had properly referred, the following petitions: The petition of Joseph Hall for a pension as an invalid. The petition of General Putnam Farrington, of Chautauque county, New York, praying for a pension. The petition of Eunice Abell for a pension. The petition of A. Hitchcock, and others, for an increase of pension. Also, two petitions from sundry citizens of Chautauque county, New York, praying legislation in relation to the use of ardent spirits in the army and navy, &c. &c. Also, a letter in relation to the claim of Charles Wood, of Cattaraugus county, New York, for a pension, with a resolution that the Committee on Revolutionary Pensions inquire into the expediency of granting said Wood a pension. Mr. M. also presented the following petitions, which he said had been placed in his hands by the Hon. Mr. GALBRAITH, of Pennsylvania, not now in his seat, with a request to present them: Three petitions praying for an appropriation to improve the navigation of the Alleghany river from Pittsburgh to Olean. Petition of James Gee for a pension as an invalid. The petition of Casper M. Rause for remuneration, &c. for losses sustained by his father in the Revolutionary War. A petition praying for the construction of a harbor on Lake Erie, at the mouth of Sixteen Mile Creek, in Pennsylvania. The petition of citizens of Warren and Erie counties, Pennsylvania, praying for a post route from Waterford to Warren. The petition of D. Raymond, respecting the currency of the United States. The memorial of a convention of delegates from a number of counties in the western part of Pennsylvania, for an appropriation to improve the navigation of the Alleghany river.]

[Mr. PRENTISS presented the petition of Geo. H. Noble, and ninety-nine others, of Oswego county, New York, for a reduction in the rate of letter postage. Also, the petition of Joseph Peck, and one hundred and twenty-two others, of New Lisbon, Otsego county, New York, for the same object.]

[Mr. HAND presented the petition of Henry Watriss for relief on account of damages sustained by a sudden termination of a contract with the United States, to make, prepare, and fit the iron work for building a battery at Island Point, near the boundary line on Lake Champlain: referred to the Committee on Claims. Also, the petition of Chas. M. Hillyard, for pay for necessaries furnished the troops during the border troubles in 1838: referred to the Committee of Claims. Also, the petition of Daniel T. Taylor, for aid in establishing a national university in Missouri, Illinois, or one of the Western States: referred to the Committee on the Judiciary. Also, the petition of Archibald McCollum, for compensation for a house accidentally destroyed by fire when in the occupancy of the United States troops: referred to the Committee on Claims. Also, the petition of Lebbeus Hascall, stating that he is the inventor of certain hollow cannon shot, asking for trial by experiments, and, if found an improvement, then for compensation: referred to the Committee on Military Affairs. Also moved that the Committee on Revolutionary Pensions be discharged from the consideration of the petition J. Cammack, and that it be referred to the Committee on Invalid Pensions: ordered. Also, that same committee be discharged from the consideration of the petition of Elizabeth Allen, and that the same be referred to the Committee on Revolutionary Claims: ordered.]

[Mr. LEONARD presented the petition of Samuel Hutchinson, a soldier of the Revolution, praying to be inscribed upon the pension roll. Also, a petition of inhabitants of the county of Tioga, in the State of New York, for the establishment of a mail route from Flemingville, in said county, to Speedsville, in the county of Tompkins. Also, the petition of the heirs of Capt. Thomas Park, deceased, praying compensation for private property sold for the use of the Government during the Revolutionary war.]

[Mr. STRONG of New York presented sundry petitions of inhabitants of the counties of Wayne and Ontario, in the State of New York, praying for an appropriation to aid in improving the harbor at Pulteneyville, on Lake Ontario: referred to the Committee on Commerce. Also, a petition of inhabitants of the county of Wayne, State of New York, praying that the franking privilege may be abolished, and that the rate of postage on each letter, not exceeding one-fourth of an ounce in weight, may be made uniform, without regard to distance, and be two cents: referred to the Committee on the Post Office and Post Roads. Also, a petition of William Willcox and Joseph Willcox, of Palmyra, in the county of Wayne, State of New York, praying for relief: referred to the Committee on the Judiciary. Also, a petition of sundry inhabitants of the State of New York, praying for the establishment of a port of entry at Indian Key: referred to the Committee on Commerce.]

[Mr. HUNT presented the petition, with accompanying papers, of Polly Hall, widow and executrix of Lot Hall, deceased, as also of the heirs of the deceased, praying remuneration for services rendered by the said Lot Hall, and prize money due him, in the war of the Revolution: ordered to be printed, and referred, with the papers, to the Committee on Revolutionary Claims. Also, the petition and accompanying papers of Thomas Thody, of Rensselaer county, New York, praying relief and remuneration for his unjust imprisonment in the State prison at Auburn, for the robbery of the United States mail, committed in May, 1835, by one John C. Riley: referred to the Committee on the Judiciary.]

[Mr. PECK presented the following petitions, viz: George Williams and others, of Portage, Allegany county, New York, for the establishment of a mail route; William Parker, a Seneca Indian, for an increase of pension; Samuel Gilman, of Genesee county, New York, for relief, by pension or otherwise, on account of Revolutionary services.]

[On motion of Mr. JONES,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of an act to establish a post route from Newburg, by way of Brook's Mills and Lagrange, to South Middletown, in Orange county, N. Y.

On motion of Mr. JONES, the resolution in reference to "Jones's Digest and Tariff," and the report thereon, February 13, 1839, were referred to the Committee on Commerce.]

[Mr. MONTANYA presented the petition of James Stephens, Leah Tenure, Rachel Polhamus, John Sidman, and Jonathan Youman, praying to be placed on the roll of Revolutionary pensions. Also, the petition of John Blight and others, master workmen at naval stations, for increase of pay. Also, two separate petitions from inhabitants of Brooklyn and New York, for the construction of a national dry-dock at Brooklyn. Also, a petition of two hundred and three mechanics of the Brooklyn naval station, for an early appropriation for the completion of works already commenced; which was ordered to be printed, and referred to the Committee of the Whole on the State of the Union.]

When New Jersey was called,

Mr RANDOLPH inquired of the SPEAKER whether he had received a communication from the Governor and Council of New Jersey on the subject of the contested elections from that State.

The SPEAKER replied that he had received such a communication, but that it was addressed to him in his individual capacity as a Representative from the State of Virginia, and not in his official character as SPEAKER of the House, and therefore he had declined presenting it.

Mr. PICKENS said he should like to hear the SPEAKER's answer to the communication read.

Mr. WISE said the answer was a personal affair, solely belonging the SPEAKER, because the communication of the Governor and Council was addressed to him in his private character, and therefore it was not necessary for him to ask the advice of the House in answering it. But inasmuch as it was a correspondence between the authorities of a sovereign State and a high officer of that House, he hoped it would be laid before them.

Mr. RANDOLPH said he felt bound, at the first opportunity, to present these resolutions himself, and he would therefore do so now, and move that they be spread upon the journal, and printed.

Mr. JAMESON asked of the CHAIR, if these resolutions had not first been addressed to him as an individual member of the House.

The SPEAKER replied that he had received certain resolutions from the Governor and Council of New Jersey, but as they were not addressed to him in his official character as SPEAKER of the House he had declined presenting them.

Mr. HAND doubted whether it was in order to present these resolutions at this time. The extension of the 20th rule authorized the presentation of petitions; but he did not think resolutions of a State could come in under that rule.

Mr. JAMESON wished to know of the CHAIR if the report and resolutions of the minority of the Legislature of New Jersey on the same subject, had been received by him; and if so, whether he would lay them before the House.

The SPEAKER replied that he had received a report from the minority of the New Jersey Legislature, which was addressed to him in his official character, as Speaker of the House of Representatives; and he would, therefore, at a proper time, present them.

Mr. PICKENS apprehended that the gentleman from New York was mistaken in his construction of the rule. It would apply, he said, to resolutions offered by the members from themselves, but not to resolutions coming from one of the States. Such had always been received when petitions were in order.

Mr. HAND then withdrew his objections.

Mr. R. GARLAND asked if he understood the SPEAKER as saying that he would present the report coming from the minority of the New Jersey Legislature, while he declined presenting a communication from the Governor and Council of that State.

Mr. WISE said that if gentlemen would permit the correspondence to be read, they would not only understand the motives of the SPEAKER, but would approve of his conduct. The one set of resolutions was addressed to him as a member from the State of Virginia, and denied the organization of the House, and that he was the Speaker of it. He could not, therefore, consistently with the respect he owed the House, or in justice to himself, have presented these resolutions. The other set, which came from the minority of the Legislature, was addressed to him in his official character, and therefore, it was right and proper that he should present them.

Mr. DROMGOOLE contended that the correspondence ought to be laid before the House, in order to set the conduct of the SPEAKER in its proper light. This, he thought, was due, as well to the SPEAKER as to the House.

Mr. HOLMES expressed the same views; and after some further remarks from Messrs. DROM-

GOOLE, LINCOLN, PETRIKIN, WISE, BRIGGS, F. THOMAS, and LEADBETTER,

Mr. WISE moved a suspension of the rules, in order to enable the SPEAKER to lay the communication and his answer before the House. But before taking any question,

The House adjourned.

IN SENATE,

THURSDAY, February 6, 1840.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in compliance with resolutions of the Senate of the 30th December last, in relation to tolls collected on vessels passing through the Louisville and Portland canal; which was read, and referred to the Committee on Roads and Canals.

Also, a letter from the Secretary of War, transmitting fifty-two copies of the Army Register for the year 1840, which was read.

Mr. ROANE presented the memorial of Nancy Hickman; which was referred to the Committee on Claims.

Mr. PIERCE presented the memorial of Colonel Many, and other officers of the 3d regiment of infantry, praying that the officers of the line of the army may be placed upon the same footing, in point of pay, with the officers of the several staff corps.

Mr. P. said he desired to remark here, in reply to many inquiries that had been propounded to him upon this subject, that the Committee on Military Affairs would soon report a bill for the equalization of the pay of the officers of the army, agreeably to the instructions of a resolution which he had the honor to submit at an early day of the session, and which was adopted by the Senate, without a dissenting voice.

Mr. NICHOLAS presented the memorial of a number of masters of steamboats, and others, of New Orleans, praying the establishment of lights, for rendering more easy the navigation between the cities of New Orleans and Mobile; which was referred to the Committee on Commerce.

Mr. PHELPS presented the petition of John S. Morton and John Larrabee; which was referred to the Committee on Claims.

Mr. YOUNG submitted documents in relation to the claim of Robert K. McLaughlin; which were referred to the Committee on Private Land Claims.

Mr. BENTON submitted a document containing the annual payments on account of the public debt, and the revenue from customs and sales of public lands in each year, from 1789 to 1839; which was laid on the table, and ordered to be printed.

Mr. HUBBARD presented the memorial of Ramsay McHenry; which was referred to the Committee on the Public Lands.

On motion by Mr. PIERCE, the Committee on Pensions was discharged from the consideration of the memorial of Benjamin L. Carleton, and it was referred to the Committee on Naval Affairs.

Mr. PIERCE, from the Committee on Pensions, to which was referred the bill for the relief of Samuel Crapin, reported the same without amendment.

Mr. P. also, from the same committee, to which was referred

The petition of Abraham White;

The memorial of Wareham Kingsley; and

A document relating to the claim of James T. Chittenden;

made, severally, adverse reports on the same.

On motion by Mr. BETTS, the Committee on Pensions was discharged from the further consideration of the petition of Hannah Gouge, and from the further consideration of the memorial of Thomas Harrison.

Mr. BETTS, from the Committee on Pensions, to which was referred the petition of Jeremiah Fugitt, made an adverse report thereon.

Mr. WRIGHT, from the Committee on Finance, to which was referred a report of the Secretary of the Treasury, in relation to the execution of the thirteenth and fourteenth sections of the act to regulate the deposites of the public money;

The memorial of the Legislative Assembly of the Territory of Wisconsin, praying for an appropriation for the erection of a penitentiary, and

The memorial of John Reed;

asked to be discharged from their further consideration, and that they be laid upon the table; which was agreed to.

Mr. LINN submitted the following motion for consideration:

Resolved, That the Secretary of War be requested to send to the Senate his opinion of the expediency of establishing a line of military posts at suitable places and distances from the Missouri river, near the mouth of the Platte, into the pass or passes of the Rocky mountains most usually traversed to descend into the valley of the Oregon or Columbia river; the effects of such a measure in giving encouragement and protection to the American fur trader; facilitating intercourse between the valley of the Mississippi and the great western ocean; aiding and protecting trading caravans; overawing and holding in check various Indian tribes, in front and rear of such posts; the number and kind of force necessary for such service; the probable cost of keeping up said posts; and whether it would be necessary to increase the military force of the United States to accomplish these objects.

Mr. LINN submitted the following motion, which was considered and adopted:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of so amending the pension laws, as to authorize the Commissioners of Pensions to pay to the administrator or administrators on the estate of a pensioner, where the widow is dead, the amount coming to the children of the deceased, but, at the same time, not to make this fund liable for the debts of the deceased.

Mr. HUBBARD submitted documents in the claim of Gershom Morse; which, with a resolution, was referred to the Committee on the Public Lands.

The resolution submitted some days since by Mr. TAPPAN, to amend the joint rules in relation to petitions, was taken up, and ordered to be printed.

The resolution submitted yesterday by Mr. CLAY of Alabama, after being amended on motion of Mr. SMITH of Indiana, was considered and agreed to—ayes 30, noes 5.

The bill for the relief of Charles Morgan, after being amended, and changing its title to "A bill for the relief of Susannah Honeyman, her heirs or assigns;"

The bill to amend the "act to provide for taking the sixth census or enumeration of the inhabitants of the United States, approved March 3, 1839;"

The bill to authorize John E. Metcalf, and others, to locate certain pre-emption claims to land in Indiana;

were severally considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. PRESTON moved that the orders of the day be suspended, and the resolution submitted by him some days since be taken up for consideration.

On this motion a debate sprung up, in which Messrs. PRESTON, KING, BROWN, ROBINSON, CRITTENDEN, SMITH of Indiana, NORVELL, WHITE, WRIGHT, and CLAY of Alabama participated.

When, on motion of Mr. CLAY of Alabama, it was laid on the table—ayes 25, noes 15.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 6, 1840.

The SPEAKER begged leave to make a short explanation this morning, in relation to the subject which was under discussion yesterday evening. It had been suggested yesterday by several gentlemen, that it was probably due to himself, and to the relations he bore to the House, that he should explain the reasons which induced him to decline presenting the communication he received from the Governor and Council of New Jersey. If it should be the pleasure, therefore, of the House, he would desire to lay the correspondence referred to before it. This course would, perhaps, tend to put an end to unnecessary debate, and do away with the necessity of suspending the rules, as moved by the gentleman from Virginia, [Mr. WISE.]

The correspondence was then read, as follows:

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
Trenton, Jan. 24, 1840.

SIR: I herewith transmit a copy of a preamble and resolutions passed by the Legislature of the State of New Jersey at their present session, and request that you will lay the same before the Representatives of the Twenty-sixth Congress from the several States, now assembled at Washington.

I have the honor to be, with great respect, your obedient servant,

WILLIAM PENNINGTON,
Governor of New Jersey.

HOUSE OF REPRESENTATIVE OF THE U. S.
Washington, January 30, 1840.

To his Excellency Gov. PENNINGTON:

SIR: I have received, through you, the resolutions of the Council and General Assembly of New Jersey, a copy of which was ordered to be transmitted to "the Hon. R. M. T. HUNTER, a Representative from the State of Virginia, with the request that he will lay the same before the other Representatives from the several States now assembled at Washington." As an individual, or as a member from the State of Virginia, I should always esteem it a distinguished honor to be selected as the organ through whom the sovereign State of New Jersey might be pleased to express its wishes and opinions. But, as I have no right to suppose that the Council and General Assembly of New Jersey have designed thus to distinguish me individually, and to the exclusion of the honorable member from that State, who, with others, constitute the present House of Representatives, I feel bound to conclude, upon this consideration and from the general tenor of the resolutions themselves, that they were sent to me on account of the station which I at present occupy. Under these circumstances, I beg leave most respectfully to decline to lay these resolutions before the House over which I have the honor to preside, as, virtually, they seem to deny my title to the office of Speaker, and the right of those who have invested me with that trust.

The House of Representatives of the United States of America having elected a Speaker, has a right to expect that all communications made to it through its organ, should be addressed to him in his official capacity. Under this view of the case, it would seem that I cannot comply with the request of the Council and General Assembly of New Jersey, with a due regard to the dignity of the House, or without admitting by reference that it had conferred upon me authority which it had no right to give, and that I myself am discharging the functions of an office to which I have no title. These are admissions which I am not prepared to make.

In thus stating my views in reference to the request made of me, I raise no question as to the propriety of the resolutions themselves, or as to the right of the Council and General Assembly of New Jersey to adopt them. I only refer to them as they relate to my official station, to show that I am influenced by no want of respect for the constituted authorities of the State of New Jersey, but governed entirely by a sense of duty to the House of which I am the organ, and which may expect that I shall not lay before them communications which refuse to accredit me as such. I am not disposed to cavil about mere matters of form, nor do I imagine that a personal disrespect was inended to be offered to me by those, whose station and dignity alike forbid such a supposition. But when an omission of form seems designed as a mode of denying the rights and privileges of the House of Representatives, of which I am the organ, it becomes my duty to do nothing which may recognise the propriety of such an omission.

I have retained the copy of the resolutions transmitted to me, until I shall be further advised by your Excellency of any other disposition which it may be proposed to make of them.

In conclusion, I beg leave to express my request that I should be unable to comply with any regret

made of me by the Council and General Assembly of New Jersey.

I have the honor to be, with great respect, your obedient servant, R. M. T. HUNTER.

Mr. RANDOLPH observed that he did not hear the objections made yesterday by the gentleman from Pennsylvania. If he had heard the gentleman, he would have replied to them. The fifty-fourth rule, Mr. R. said, was applicable to petitions and memorials only, and not to resolutions coming from a sovereign State. He did not think, therefore, that they should be laid over, by the operations of this rule.

The SPEAKER suggested to the gentleman from Virginia, [Mr. WISE,] that he had better withdraw his motion to suspend the rules, the object having been accomplished by laying the correspondence before the House.

Mr. WISE said his only object, on yesterday, in pressing the motion that the SPEAKER be permitted to give his reasons, was to enable that gentleman to place himself right before the country. His object was attained by the reading of the correspondence, which would be placed on the journal. That correspondence gave satisfactory reasons for the course the SPEAKER had pursued; and he deemed his motion now unnecessary, and withdrew it.

The SPEAKER then informed the gentleman from New Jersey, that the resolutions were before the House on the motion to print them.

Mr. LEADBETTER rose to a question affecting the journal, and stated that, after what had transpired on yesterday in relation to the presentation of the joint resolutions of the Legislature of the State of New Jersey, he should move to strike out the entry made in that case, and to insert the following as an amendment:

"Mr. RANDOLPH inquired of the SPEAKER if he had received certain joint resolutions from the Governor and Council of the State of New Jersey; and if so, did the SPEAKER intend to present them? And if the SPEAKER did not intend to present them, did the CHAIR wish to state his reasons for refusing to present them?

"The SPEAKER replied that he had received certain resolutions from the Governor and Council, addressed to him as a member of the House, and not as SPEAKER; that he should not present them, and had so informed the Governor and Council.

"Mr. RANDOLPH. Then I will present them, and move to have them spread upon the journal.

"Mr. LEADBETTER objected, as being out of order.

"The CHAIR stated, that by the practice of the House, the resolutions were in order.

"Mr. HAND rose to the same question of order; and, during a desultory debate, when Mr. RANDOLPH was called upon to either state the contents of the resolution, or to have them read.

"Mr. RANDOLPH replied, let them be read.

"Mr. DROMGOOLE rose, and objected to the reception, and should continue to do so, until the SPEAKER should state his reasons for not presenting those resolutions."

Mr. L. stated that this amendment had been hastily drawn up, and would of course be subject to corrections wherein it might differ from the facts. But, said Mr. L. permit me here to state, that if those resolutions had found their way upon the journals of this House, in accordance with its rules, an amendment of the journal would not have been called for by me; but justice to myself, to the House, and to the country, seem to require that the journal should be its own expositor of the way and manner in which those resolutions found their way upon them. Let those resolutions be couched in language ever so respectful—let them have emanated from a sovereign State or elsewhere, I insist that, inasmuch as they came not in under the prescribed rules of the House, "but climbed up some other way," it is but just, right, and proper, that the journals should present the facts of the case. I will here inquire how those resolutions came there, and if I am wrong, I hope that some gentleman will correct me.

After the honorable member from New Jersey, [Mr. RANDOLPH,] had *imparled* with the SPEAKER, he presented the joint resolutions of the Legislature of his State, and moved that they be spread upon the journal; to which I objected, being informed by the SPEAKER that resolutions and memorials from the Legislatures of the States had, by the former practice of the House, been always considered as in order upon petition days. The honorable member from New Jersey was then called upon, either to state the contents of the resolutions, or to have them read; to which he replied, "Let them be read." During this call, an honorable member from New York, [Mr. HAND,] rose to the same point of order, received and the same information from the CHAIR that I had. During a desultory debate, whether the SPEAKER should assign to the House his reason for refusing to present the resolutions, an honorable member from Virginia, over the way, [Mr. DROMGOOLE,] obtained the floor, and objected to their reception, and said he would continue to do so until the SPEAKER should be permitted to state his reasons for the refusal, if he desired so to do.

This motion to reject was not withdrawn; yet I understand that the CHAIR decided that the resolutions were received, in which, with all due respect for the CHAIR, I then thought, and still think, that the CHAIR erred; but this decision being made, I felt myself constrained to put myself and the matter right before the country; and before a petition, memorial, or resolution, can be received by this House, it must either be read for the information of the House, or its contents briefly stated. Now, sir, I ask was this done? Who heard them either read or their contents stated? Who among us even now knows what those resolutions contained? How do we know but what they are in direct violation of the rule adopted by this House, a few days ago, in relation to the subject of Abolition? How do we know, sir, but they contain direct propositions for the immediate abolishment of slavery in the District of Columbia? Did you hear them read? Did you hear a brief statement of their contents? No, sir. No. Then, sir, before the power of the rule requiring that they should be either read, or a statement of their contents briefly made, had exhausted itself, the objection to the reception was made by the gentleman from Virginia, and not withdrawn. Then, sir, how stand the facts of the case? Simply thus: that we have spread upon our journals preambles, resolutions, &c. &c. of which we know nothing, except from dame rumor, and that at a time when the House were resting, insecurely, under the apprehension that the quesiton of reception was still before us.

Although these resolutions are upon the journal, (the reading of that part of which is dispensed with,) yet, sir, suppose that it shall appear hereafter that those resolutions are intended as a direct insult to this body, and we shall be compelled to hear the record of our own disgrace heralded forth to the world, how much more does the justice and propriety of this amendment to the journal present itself to our consideration? Nor this alone—let the same journal, which bears the record of our disgrace, also transmit to posterity the way and manner in which this disgrace came upon the record.

Mr. REED hoped that part of the gentleman's motion would not be adopted. The gentleman was for putting on the journal a desultory debate, verifying the old adage, that there might be "too much of a good thing." This reminded him of an anecdote he had heard relating to a circumstance that took place in the old Plymouth colony. A man there was punished by whipping for some trifling crime; and, when putting on his jacket to go away, was told by the judge to come back and pay a shilling for recording. The culprit answered, that he did not care whether they recorded it or not. Mr. R. concluded by moving to lay the motion of Mr. LEADBETTER on the table.

Mr. JONES of New York demanded the yeas and nays.

Mr. TILLINGHAST inquired of the CHAIR whether it had not been the invariable practice, in making up the journal, to insert thereon the joint resolutions passed by State Legislatures.

The SPEAKER said the journal, as it now stood, was in the usual form.

Mr. BEATTY inquired if it had been usual to insert on the journal resolutions of the States couched in improper language, and denying the organization of the House. Mr. B. denied that such was the practice, and was proceeding to debate that point, but was called to order by

The SPEAKER, who said the motion to lay on the table was not debatable.

Mr. BEATTY. I am sorry that the gag had been applied in this case. He wished it could be debated.

The yeas and nays were then ordered on the motion to lay on the table; and were—yeas 87, nays 86.

So it was laid on the table.

The question then recurring on the motion to print,

Mr. STEENROD demanded the yeas and nays, which were ordered, and were—yeas 94, nays 92.

Petitions and memorials were then further presented,

By Mr. RANDOLPH, of New Jersey.

The SPEAKER presented the report of the minority of the Joint Committee of the Legislature of New Jersey, approving of the course of the House of Representatives in excluding from seats the spurious members returned from that State.

Mr. RANDOLPH moved that it be laid on the table and be printed.

Mr. BEATY called for the reading of the report; which was proceeded in for a short time, when

Mr. DANA moved that the reading be dispensed with.

Mr. BEATTY persisted in having it read. It was a courtesy due to the House that, after the majority report had been read, the minority also should be read.

Mr. DAVIES of Pennsylvania objected to the reading; when

Mr. BEATTY demanded the yeas and nays on the motion to suspend the reading, but subsequently withdrew it.

The question was then taken on the motion to suspend, and decided in the affirmative, without a count.

Mr. CRARY said the CHAIR had decided that it had been usual to place on the journal resolutions of State Legislatures; but he believed that rule had been departed from in some instances; therefore, for fear that the resolutions might or might not be placed there, he moved to amend the motion to lay on the table, and print, by adding, and that the same be spread on the journal.

Mr. R. GARLAND inquired if it was in order to amend a motion to lay on the table.

Mr. PETRIKIN inquired of the CHAIR whether, if the yeas and nays be ordered on the motion to lay on the table and print, the resolutions would not be also inserted on the journal.

The SPEAKER. According to the usual practice, they would.

Mr. CRARY withdrew his motion to amend, as the object he had in view to get it spread on the journal could be accomplished in another way.

Mr. TURNEY then demanded the yeas and nays, which were ordered, and were—yeas 155, nays 1.

So the motion to print and lie on the table prevailed.

Petitions and memorials were then presented by Messrs. DAVIES, PETRIKIN, RAMSEY, BEATTY, HENRY, NAYLOR, JAMES, SARGEANT, S. W. MORRIS, KEIM, LEET, McCULLOH, SIMONTON, EDWARDS, NEWHARD, BIDDLE, PAYNTER, OGLE, and COOPER, of Pennsylvania, and also by the SPEAKER, from citizens of that State.

[Mr. HENRY presented the following petitions: The petition of Thomas Stratton, of Beaver county, Pennsylvania, a soldier of the Revolution, praying for remuneration for services in the Revolutionary war: on motion, referred to the Committee on Revolutionary Pensions. Of John Spear, of Mercer county, Pennsylvania, praying to be placed on the pension list on account of services in the Indian war, under General Wayne, by which his health was impaired, and is now old and poor, and unable to support himself by labor: on motion, referred to the Committee on Invalid Pensions. Of the heirs of Capt. Robert Vance, deceased, who served as a captain in the war of the Revolution, in the Virginia line, from 1776 to the end of the war, praying for commutation pay and interest to which their father was entitled: referred to the Committee on Revolutionary Pensions. Of Simon Carley, of Beaver county, Pennsylvania, a Revolutionary soldier, praying for a pension on account of his service: referred to the Committee on Revolutionary Pensions. Of William Scott, of Beaver county, Pennsylvania, praying for a pension on account of extraordinary exposure and loss of health in the service of the United States in the

late war: referred to the Committee on Invalid Pensions. Of James Scott, of Mercer county, Pennsylvania, praying to be placed on the invalid pension list, on account of disability occasioned by exposure in the service of the United States in the late war: referred to the Committee on Invalid Pensions. Of John Butts, of Dauphin county, Pennsylvania, on behalf of himself and other heirs of Captain Hawkins Boon, an officer of the Revolution, praying for commutation pay under the resolution of Congress of 1780: referred to the Committee on Revolutionary Claims. Of Robert Dock, praying for remuneration for losses sustained in the Revolutionary war: referred to the Committee of Claims. Of Josiah Westlake, of Mercer county, Pennsylvania, praying for an additional pension, which has been withheld from him from March 4, 1824, to September 4, 1831: referred to the Committee on Invalid Pensions. Of Thomas Hall, of Beaver county, Pennsylvania, a soldier of the Revolutionary war, praying to be placed on the pension list on account of Revolutionary services: referred to the Committee on Revolutionary Pensions. Of John Killinger, of Mercer county, Pennsylvania, a soldier in the late war, praying to be placed on the pension roll in consequence of loss of health, occasioned by exposure in the service of his country: referred to the Committee on Invalid Pensions. Two petitions of a number of citizens of Mercer county, and one from Beaver county, Pennsylvania, praying for the recognition, by the Government of the United States, of the independence of Hayti, and for the establishment of diplomatic and commercial relations with that Republic: laid on the table. The memorial of the American Silk Society, praying that the Journal of the American Silk Society and Rural Economist may be patronized, and circulated among the American people free of expense: referred to the Committee on Manufactures. The memorial of one hundred and forty-eight citizens of Beaver county, Pennsylvania, engaged in the manufacture of woollen goods, praying Congress to pass a law to prevent frauds being committed against the revenue laws, and to protect manufactures: referred to the Committee on Manufactures. Two remonstances of a number of citizens of Mercer county, Pennsylvania, against the annexation of Texas to this Union: laid on the table.

On motion of Mr. HENRY,

Resolved, That the Committee on the Public Lands be, and they are hereby, instructed to inquire into the expediency of making provision for issuing land scrip to satisfy military bounty land warrants, or make such other immediate provision for all cases of outstanding military or Revolutionary land warrants, for the satisfaction of which there remain no lands appropriated, as said committee may deem expedient.]

[Mr. KEIM presented the following: petition from the electors of the third District, asking an investigation into the right of CHARLES NAYLOR, holding a seat in Congress: referred to the Committee of Elections. Of Horatio N. Crabb, late a first Lieutenant of Marines, asking a restoration of pay and allowances, withheld from him under a decision of the accounting officers of the Treasury: referred to the Committee on Naval Affairs. Of citizens of city and county of Philadelphia, praying that a steam revenue cutter may be constructed for the public service in Delaware bay: referred to the Committee on Naval Affairs. From one hundred citizens of Berks county, Pennsylvania, praying Congress to establish a post route from Douglassville to Hamburg, in county and State aforesaid: referred to the Committee on the Post Office and Post Roads.]

[Mr. RAMSEY presented the following petitions: Of the citizens of Adams county, Pennsylvania, for the establishment of a post route from Gettysburg to Hanover, via McSherrystown. Of Capt. Jno. Smith, claiming for Revolutionary services. Of Lieutenant Scott Ketchum of the United States army, for relief. Of the heirs of Mathew Armon, deceased, for relief.]

[Mr. S. W. MORRIS presented the petition of sundry inhabitants of Tioga county, Pennsylvania, asking for the establishment of a post road from Lawrenceville to Southport. Of Edward Lilly, a soldier in the last war, praying for a pension.]

[Mr. PETRIKIN presented the following petitions: Of Jonathan Bulkley of Luzerne county, Pa. praying Congress to grant him a pension for injuries received while in the serivce of the United States Navy: referred to the Committee on Naval Affairs. Of John Atherton for a pension for services rendered in the Revolutionary war: referred to the Committee on Revolutionary Pensions. Of Abbott Green and George Schnalle, praying that money deposited by them in the Treasury of the United States to purchase lands be refunded to them: referred to the Committee on the Public Lands. Of Daniel P. Rake for a law to authorize a location of military land warrant: referred to the Committee on the Public Lands. Of S. Raub, jr. relative to his invention to prevent accidents by the bursting of steam boilers on board of ships and boats: referred to a Select Committee of Seven. Of Charles Hickman and eighty-two other citizens and electors resident in the Third Congressional District of Pennsylvania, contesting the right of CHARLES NAYLOR to a seat in the House of Representatives: referred to the Committee on Elections.]

[Mr. LEET said he had in his hand a memorial signed by Joseph Henderson of the county of Washington, in the State of Pennsylvania, who is one of the heirs and attorney in fact for the other heirs of Richard Dallinor, late of the State of Delaware, deceased. The petition sets forth that R. Dallinor, in the capacity of captain, in the militia in the State of Delaware, served during the whole of the Revolutionary war, and requests that the petitioners may be allowed five years' *pay* and the usual quantity of land granted to captains in the continental army: referred to the Committee on Revolutionary Pensions.]

[Mr. OGLE presented the following petitions: From Edwin F. Shoenberger, and others, of Bedford county, Pa. to revise the laws for the collection of duties, and make them more effectual in preventing frauds. From Daniel Young and others, of same county, and State, of similar import. From Robert Graham of Westmoreland county, Penn. to confirm his right to certain lands in Illinois. From Abram Beam and others, of Somerset county, Pa. praying that the postage on letters may be so reduced, that no single letter shall be charged more than ten cents. From William Kellar of Bedford county, Pa. a soldier in the late war, for pension. From Pliny Hayes of Cambria county, Pa. a soldier of the Revolution, for increase of pension. From the heirs of Lieut. Col. James Piper (of the army of the Revolution) for compensation for services rendered by their ancestor. From citizens of Erie county, Pa. for the improvement of the harbor at the mouth of Elbi Creek on Lake Erie. From citizens of Louisville, praying that the tolls on the Louisville and Portland canal may be reduced. From Abraham Morrison, esq. of Cambria county, Pa. one of the sureties of the late Capt. Webster, postmaster at Somerset, Pa. to refund money unjustly collected.]

By Messrs. JENIFER, FRANCIS THOMAS, WORTHINGTON, PHILIP F. THOMAS, WM. C. JOHNSON, CARROLL, and HILLEN, of Maryland.

Mr. JENIFER, by consent, submitted the following resolution; which was adopted:

Resolved, That a committee of nine be appointed to inquire into, and report what measures had been adopted by the Government of the United States, under the resolution of the 28th February, 1837, in relation the high duties and restrictions on tobacco imported into foreign countries from the United States; and with such other information in relation to the tobacco trade as said committee may deem proper.

Petitions were then presented by Messrs. BANKS, HOPKINS, CRAIG, J. W. JONES, GOGGIN, J. T. HILL, STEENROD, HOLLEMAN, JOHNSON, M'CARTY, LUCAS, SAMUELS, TALIAFERRO, COLES, BOTTS, J. GARLAND, and J. JOHNSON, of Virginia.

[Mr. CRAIG presented the following petitions: Of Richard Rains for a pension for Revolutionary services. Of Margaret and Mary Daring for the same. Of the citizens of Rockbridge and Bath county for the establishment of a post route. Of the president and visiters of the Virginia institution for the education of the deaf and dumb and of the blind. Of the heirs of Dr. Thomas Carter praying to be allowed interest on a half pay claim heretofore paid under an act of Congress. Of James Brownlee, of Botetourt county, Va. for arrearages of pay due his father for sevices in the Revolution. Of Thomas G. Smith praying that a warrant may be granted him to locate 2,666⅔ acres of land, for reasons therein set forth.]

[Mr. GOGGIN presented the petition of Samuel Quarles, of Bedford county, Va. for an allowance for carrying the mail from Pittsylvania C. H. Va. to Patrick C. H. Va. referred to the Committee on the Post Office and Post Roads. Petition of the same for carrying the mail from Boydton, Va. to Blacks and Whites, Va. referred to the Committee on the Post Office and Post Roads. Petition of Clayton and Mitchell, of the county of Franklin, Va. asking to be paid arrears of pension of Wm. Kemplin, deceased, a Revolutionary soldier: referred to the Committee on Revolutionary Pensions. Petition of John Murcheson, of Campbell county, Va. praying compensation for Revolutionary services: referred to the Committee on Revolutionary Pensions.]

[On motion of Mr. GARLAND of Virginia,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Pedlar Mills, in the county of Amherst, to Fairfield, in the county of Rockbridge, in the State of Virginia.]

[Mr. J. JOHNSON presented a petition praying for the establishment of the following post routes in the State of Virginia: From Beverly, in the county of Randolph, to Evansville, in the county of Preston; from Huttonsville, in the county of Randolph, to Cocklytown, in the county of Pocahontas; from Jacksonville, in the county of Wood, to Arnoldsburg, in the county of Lewis. Of John Thompson, Neil Shannon, Peter Ambler, and Joseph Cubberly, asking to be placed on the list of invalid pensions. Of Adam Flesher, an old soldier, praying to be released from a judgment obtained against him in the United States court for the western district of Virginia.]

Mr. BANKS, on Thursday last, presented the resolutions of the Legislature of Virginia below, and moved the following order on the same:

Ordered, That the said resolutions be referred to the Committee on the Public Lands, with instructions to inquire into the expediency of making an additional appropriation of land to satisfy the outstanding military bounty land warrants issued, under the authority of the Commonwealth of Virginia, to the officers and soldiers of the Revolution, or their legal representatives.

Resolved by the General Assembly, That our Senators in Congress be instructed, and our Representatives be requested, to use their best exertions to procure from Congress an additional appropriation of land to satisfy the outstanding military bounty land warrants issued, under the authority of this Commonwealth, to the officers and soldiers of the Revolution, or their legal representatives.

Resolved, That the Governor of the Commonwealth be requested to transmit a copy of the above resolution to each of our Senators and Representatives in the Congress of the United States.

By Messrs. STANLY and GRAHAM, of North Carolina.

By Messrs. S. H. BUTLER, W. THOMPSON, and HOLMES, of South Carolina.

By Messrs. MARK A. COOPER, HABERSHAM, WARREN, and DAWSON, of Georgia.

[Mr. DAWSON presented two petitions, one of which had been presented to the last Congress, from James S. Calhoun of the city of Columbus, Georgia, asking remuneration for losses and damages sustained by the acts of the military officers and authorized agents of the General Government, by impressing his property for the public use, and violating, for the public interest, certain contracts solemnly entered into between the said James S. Calhoun and the Government: referred to the Committee of Claims, with the accompanying documents. One from Gen. Duncan L. Clinch

of St. Mary's, Georgia, asking pay for supplies furnished, taken, and used by the officers and soldiers of the General Government belonging to Gen. Clinch during the Florida campaign: referred, with the accompanying evidence, to the Committee of Claims. One from John M. Kennie of the city of Augusta, Georgia, praying compensation for securing a certain debt due the United States: referred to the Committee of Claims. One from certain citizens of the county of Gilmer and other counties in Georgia, asking the establishment of a line of stages between Ashville, in North Carolina, and Cassville, in Georgia: referred to the Committee on the Post Office and Post Roads. One from certain citizens in Washington county, asking Congress to establish a post office at Buffalo, in said county, and a mail route from that place to Milledgeville, Georgia: referred to the Committee on the Post Office and Post Roads. A letter from James Edmondson, postmaster at Cohuttah Springs, in Murray county, Georgia, in relation to a mail route between Spring Place, in said county, and Cleveland, in East Tennessee: referred to the Committee on the Post Office and Post Roads. A letter from P. Le Chartier, chairman of the Board of the Commissioners of Pilotage, asking that the city of Darien, in the State of Georgia, be made a port of entry, &c. referred to the Committee on Commerce. A resolution of the General Assembly of the State of Georgia, asking that a stage route be established from Clarkesville, Habersham county, Georgia, to Ashville, Buncombe county, North Carolina, by the way of Clayton and Franklin; also, that a weekly mail be carried upon horseback from Lafayette, in the county of Walker, to Salem, in the county of Dade, in the State of Georgia: referred to the Committee on the Post Office and Post Roads. A petition from John Dennis, a superannuated officer of the custom-house, in the city of Savannah, asking additional pay for his services: referred to the Committee on Commerce. One from Wm. Mosely and others, in Henry county, Georgia, asking the establishment of a post route, &c. referred to the Committee on the Post Office and Post Roads.]

By Messrs. GRAVES, ANDERSON, TRIPLETT, UNDERWOOD, GREEN, ANDREWS, BOYD, BUTLER, and DAVIS, of Kentucky.

By Messrs. CAVE JOHNSON, JAS. L. WILLIAMS, CARTER, BELL, C. H. WILLIAMS, CAMPBELL, TURNEY, and McCLELLAN, of Tennessee.

[Mr. McCLELLAN presented the petition of Mrs. Ankey Godsey, of Sullivan county, Tennessee, widow of Wm. Godsey, deceased, a Revolutionary soldier, praying to be allowed a pension; upon his motion was referred to the Committe on Revolutionary Pensions. Of Mrs. Sally Pratt, widow of Thos. Pratt, deceased, a Revolutionary soldier of Hawkins county, Tennessee, praying to be allowed a pension: referred to the Committee on Revolutionary Pensions. Of James Wright, jr. of Sullivan county, Tennessee, praying to be allowed an invalid pension: referred to the Committee on Invalid Pensions. Of David Childress, a Revolutionary soldier of Sullivan county, Tennessee, praying for arrearages of pay and bounty land: referred to the Committee on Revolutionary Pensions.]

[Mr. CAVE JOHNSON presented the petitions of George Mayfield of Williamson county, Tennessee, asking to be placed on the roll of invalid pensioners, on account of wounds received in the service of the United States: referred to the Committee on Invalid Pensions. Of George Mayfield of Williamson county, Tennessee, asking the confirmation of a title to a tract of land allowed and conveyed to him by the Creek Indians at Fort Jackson: referred to the committee on Private Land Claims. Of John Hagie, a soldier of the Revolution, who came to the United States with Lafayette, asking to be placed on the pension roll: referred to the Committee on Revolutionary Pensions. Of George W. Farmer, asking compensation for services rendered in opening the road from Reynoldsburg, Tennessee, to the Chickasaw Old Towns in 1816: referred to the Committee of Claims. Of Wm. D. Willey, asking compensation for a horse lost in the Florida war: referred to the Committee of Claims. Of the citizens resident on the Salt Lick Reservation, in Tennessee, asking the right of pre-emption to be extended to those who settled prior to 1838. Ten petitions, signed by various officers of the infantry and artillery, complaining of the inequality produced by the act of the 5th of July, 1838, between the officers of the line and the staff officers, and praying that this inequality be removed: referred to the Committee on Military Affairs. Of the Rev. A. A. Muller, claiming commutation and bounty land, as the sole heir and representative of Major Muller, the aid-de-camp of General Marion: which was referred to a select committee of seven members.]

By Messrs. STARKWEATHER, RIDGWAY, MASON, BOND, WELLER, DOANE, TAYLOR, HASTINGS, PARISH, DUNCAN, SWEENY, GIDDINGS, and GOODE, of Ohio.

By Messrs. CHINN, R. GARLAND, and WHITE, of Louisiana.

By Messrs. DAVIS, RARIDEN, WICK, T. SMITH, CARR, HOWARD, and PROFFIT, of Indiana.

[Mr. DAVIS of Indiana presented the petition of the Bishop of Vincennes, asking a repeal of duty on a church bell. Of sundry citizens of Indiana, asking a pension for Ambrose Manes, accompanied by testimony. For a mail route from Washington to Petersburg, Indiana. Also, the memorial of the National Road Convention, held at Terre Haute, Indiana, in July, 1839.]

Mr. DAVIS moved that it be referred to the Committee of Ways and Means.

Mr. CASEY moved to amend the motion to refer, by adding the following: "And that said committee be instructed to report a bill, making an appropriation of one hundred and fifty thousand dollars for each of the States of Ohio, Indiana, and Illinois, to be expended on the national road in said States, in the year 1840, under the direction of the War Department; said appropriation to be subject to all the restrictions and conditions of former appropriations on said road.

This motion having been objected to as out of order at that time,

Mr. CASEY maintained that it was in order, and that it was perfectly competent at any time to move instructions to a committee on any subject committed to its charge.

This motion having elicited debate, under the rule, lies over one day. The petition, however, was ordered to be printed.

[Mr. CARR presented the petition of Wm. H. Swan, and 129 others, who represent that, in the surveying and laying off Congressional township two, north of range nine east, of the Jeffersonville Indiana land district, into sections and quarter sections, two parallel lines east and west seem to have been run, and all the entries have been made by the south line, the numbers being on that line, but by the field notes the corners are some on the north and some on the south parallel lines; accompanying which petition is the plot or map of said township, made by the county surveyor of Jefferson county—petitioners ask Congress, if it be proper, to declare and provide that the south of the two parallel lines be deemed and taken as the true and correct division line. A remonstrance, signed by A. H. Harris, and 14 others, objecting to all interference on the part of Congress in regard to the survey lines and field notes of Congressional township two north, of range nine east; accompanying said remonstrance is a certificate of the county surveyor of Clark county, coinciding with the views set forth in the remonstrance: all of which, the petition, remonstrance, and accompanying papers, were referred to the Committee on the Judiciary. The petition of Davis Shockly, praying for a pension: which was, upon his motion, referred to the Committee on Revolutionary Pensions. Of James Smallwood, of Indiana, praying to be placed on the invalid pension roll: which, on his motion, was referred to the Committee on Invalid Pensions. The papers of Zalmon Burrett, asking a pension: which, on his motion, was referred to the Committee on Revolutionary Pensions. On motion of Mr. C. the petition of Indian Robin, or Robin Loyd, praying a pension, was referred to the Committee on Revolutionary pensions. Mr. C. also presented the memorial and joint resolution of the General Assembly of the State of Indiana, on the subject of constructing a canal around the falls of the Ohio river, on the Indiana side, sufficient for the passage of the largest class of steamboats: which was referred to the Committee on Roads and Canals. He also presented the petition of Almon Baldwin, and 350 others, on the same subject: which was referred to the same committee.]

By Messrs. BROWN and THOMPSON, of Mississppi.

By Messrs. CASEY, REYNOLDS, and STEWART, of Illinois.

[Mr. REYNOLDS presented the following petitions and memorials, to wit: A petition for a mail route from the city of Cairo, Unity, Jonesboro, Brownsville, Pinckneyville, Nashville, and Belleville, in Illinois, to St. Louis, Missouri. The claim of Lesieur to land in Missouri. The claim of the heirs of Wm. Arundel, for horses taken by the Indians. Of Jacob Waggoner to correct a mistake in the entry of land. The inhabitants of St. Clair county, Illinois, for a section of land for the township of Cahokia, for school purposes. The claim of the citizens of Cahokia, Illinois, for land heretofore granted to the church of Cahokia. The claim of Messrs. Steel and Mitchell, for property lost in the war of 1812. The claim of Mr. Wilcox, for damages done by the United States army in 1832. Tha claim of Mr. Underhill, for a pre-emption in the State of Missouri. The claim of Vanruff, for damages done by the United States army in 1812. The claim of Mr. Pulhain to land. The petition of John Jordon to locate land warrant for military services in 1812. Also, the claims of the heirs of Larkin Rutherford, Shadrack Bond, James Head, George Lundford, Joseph Curry, Joseph Godare, Mr. Geadro, Mr. Danie, Capt. Francis Charleville, Mr. Levea, Mr. Cosart, Mr. Cheney, and John Doyle, deceased, to the Committee on Revolutionary Claims, for services done in the Revolution. The ancestors of these claimants were in the military service in the "Illinois regiment," under the command of Col. George Rogers Clark, and performed said service in the year 1779, in capturing the British posts of Kaskaskia, Cahokia, and St. Vincennes, in the Illinois country. Capt. Charleville raised a company of volunteers in Kaskaskia, and marched with them, with Col. Clark, to capture the post at St. Vincennes, in February, 1779. This regiment was in the Virginia line, and the above members have not received any remuneration for their services.]

By Messrs. DILLETT, LEWIS, CHAPMAN, and CRABB of Alabama.

[Mr. CHAPMAN presented the following petitions: The petition of citizens in favor of a pre-emption to John H. Heckman, Marshall county, Alabama. Of John P. Naylor and others, in favor of a quarter section of land for a seat of justice for DeKalb co. Alabama. Papers relating to the unsettled claims of McNairy Harris, Jackson county, as quartermaster in Florida. Papers relating to the claim of Capt. Thomas Snodgrass's company, Jackson co. for services in Cherokee emigration. Memorial of certain field officers, Jackson county, Alabama, who commanded volunteers in Florida, asking an explanatory law as respects the allowance for use and risk of horses. Claim of R. J. Stockton, Jackson county, for horse lost in Florida. Petition of citizens of Marshall and DeKalb counties, for a mail route from Huntsville to Lebanon. Of citizens of DeKalb, Cherokee, and Jackson cos. for a grant of land to Samuel Findley of DeKalb county. Of citizens of Benton county, asking that the Cherokee country may be annexed to the Coosa land district, and that the Coosa land office may be removed to Ladiga. Of Spartan Allen, Benton county, for payment of a horse lost in the Cherokee emigrating service. Of Rufus King Love, for a horse lost in same service. Of John Parnell of Benton county, praying a pension on account of diseases incurred in the United States service. Of G. C. Woodward, for mail route from Blountsville to Aurora. Memorial of the General Assembly of Alabama, asking the establishment of a new land district in the country acquired from the Cherokees, and to reduce the price of the public lands. Petition of John A. Baird, that claims for lost

horses in the United States service, purchased by him, be paid. Of citizens of St. Clair county, Alabama, for a mail route from Elyton to Ashville, Alabama. Of John H. Robinson and others, for pre-emption. Of Nathaniel Coates, late quartermaster of Alabama volunteers in Florida, for payment of certain items in his account, not settled by accounting officers. Mr. C. also presented the following memorials and petitions that have been heretofore presented: Memorial of the General Assembly of Alabamn for a cession of the Muscle Shoals Canal to that State, and the reports of the Muscle Shoals Canal. Petition of certain citizens of Benton county, Ala. asking a right of pre-emption in lieu of those of which they were deprived under the act of 1834, by the improper location of Creek Indian reservations. Memorial of the Selma and Tennessee Railroad Company, asking the right of way and a grant of land to aid in the work. Petition of citizens of the Cherokee country, praying an extension of the pre-emption act of 1838; and a memorial of the Legislature of Alabama on the same subject. Memorial of many citizens of Benton and Cherokee counties, Ala. praying that the Cherokee territory may be annexed to the Coosa land district, and the land office removed to Jacksonville. Petition of citizens of Benton county asking the same. Petition of citizens the of Cherokee country praying the establishment of a new land district in that territory, and the location of the land office in Cherokee county. Memorial of the Legislature of Alabama asking a new land office to be established in the Cherokee country. Petition of citizens of Jackson county, and many citizens of the Cherokee country, asking the establishment of a new land district, and the location of the office at Bellefonte, in Jackson county, Ala. Petition of Isaac Morson, asking a pre-emption right to a quarter section of land in lieu of that of which he was deprived under the act of 1830. Petition of Elisha Morland and others, now on the files of this House, praying a grant of pre-emptions in lieu of those of which they were improperly deprived under the act of 1830.]

By Messrs. MILLER and JAMESON, of Missouri.

[Mr. JAMESON presented the following preamble and resolutions in relation to slavery: not received under the rule of the House. A memorial of the Legislature of Missouri requesting a grant of land for a railroad from Jefferson city by Massies's iron works and the iron mountains to the Missippi river: referred to the Committee on Roads and Canals. A memorial of the same, asking an appropriation for the improvement of the Demoines river near its mouth: referred to the same committee. A memorial of the same in relation to common schools, asking that all the lands within the State that have been in market twenty years and not sold, be ceded to the State for that purpose: referred to the Committee on the Public Lands. A memorial of the same on the subject of the Santafe trade: referred to the Committee on Commerce. A series of resolutions of the same on the subject of the extension of the Cumberland road to the seat of Government of Missouri: referred to the Committee on Roads and Canals. A series of resolutions of the same in relation to the public lands: referred to the Committee on the Public Lands. A memorial of the same in relation to a deaf and dumb asylum: referred to the Committee on Public Expenditures. A petition of sundry citizens of Missouri, in relation to the Oregon Territory: referred to the Committee of Foreign Affairs. A petition of John Gibson, asking a donation of certain lands: referred to the Committee on the Public Lands. A petition of Joseph Aud, asking permission to change an entry erroneously made: referred to the Committee on the Public Lands. A petition of James Dickerson and others, praying that a mail route be established from Bolivar, in Polk county, by William Snadens, in Barry county, to Sarcoxie, in Newton county, and that a post office be established at said Snaden's: referred to the Committee on the Post Office and Post Roads. The claim of Jacob Ford to a pension: referred to the Committee on Revolutionary Pensions. A memorial for the establishment of a harbor at Racine, Wisconsin Territory: referred to the Committee on Commerce. A petition for a mail route from Jefferson city to Springfield, Missouri: referred to the Committee on the Post Office and Post Roads. A petition of a respectable portion of the bar of Missouri, praying that the district judge of that State shall have the same jurisdiction over causes at the October term (with the exception of appeals, &c.) as the circuit court has, and also that the salary of the district judge be increased: referred to the Committee on the Judiciary. A petition for a mail route from Florida, by Mexico and Fulton, to Jefferson city: referred to the Committee on the Post Office and Post Roads. A petition of Presley Scott, showing a claim against the Government for piles furnished for the harbor at St. Louis, under a contract made with R. E. Lee, the engineer: referred to the Committee of Claims. And the claim of Shropshire and Ross, against the Government, for provisions furnished during the Black Hawk war, with the accompanying evidence to support the same: referred to the Committee of Claims.]

[Mr. MILLER presented the following joint memorials and resolutions of the Legislature of Missouri, viz: A memorial on the subject of pre-emptions, asking that right to be extended to all persons who shall settle on the public lands, and cultivate the same for two years after such settlement. A memorial on the subject of patents, asking that an endorsement be made, by the Commissioner of the General Land Office, on all patents hereafter issued, of the plot of the section in which such lands may lie. A memorial on the subject of 16th sections, asking authority to select other lands, in lieu thereof, where they are unfit for cultivation, or where they have been diminished or lost by the filling in of the lands situate on the banks of rivers. A memorial requesting that certain unsold lands in the State of Missouri may be brought into market. Also, the following petitions, viz. Of John B. Fisher, and others, asking the establishment of a post road from Jefferson city, Missouri, by the way of California, Round Hill Post Office, to Georgetown, in said State: referred to the Committee on the Post Office and Post Roads. Of Daniel Droper of Missouri, asking the passage of a special act, granting to him the right of pre-emption to a certain tract of land therein mentioned and described: referred to the Committee on the Public Lands. Of James Maguire of Missouri, asking additional compensation for services performed by him as a clerk, in the Quartermaster General's Office, at Washington City: referred to the Committee of Claims. Of Uriel Sebuce, receiver of public moneys at Fayette, asking the passage of an act authorizing the proper accounting officer of the Treasury Department to place to his credit the sum of $200, for reasons set forth in said petition: referred to the Committee of Claims. Of J. A. Hadwin, John Ward, and W. D. Parsons, of Rocheport, Missouri, asking the passage of a law authorizing them to import, duty free, the iron necessary to enable them to construct two iron steamboats, to be run or used on the Missouri river: referred to the Committee on Commerce. The petition and papers of Chauncey Durkee of Missouri, asking the passage of a law granting him the right of pre-emption to a certain tract of land therein described: referred to the Committee on the Public Lands. Of William Harden of Missouri, asking that the sum of $706 be refunded to him by the Government of United States, of which sum he was robbed by the Sac and Fox Indians, in the year 1813: referred to the Committee of Claims. Of Wm. and C. Ewing, asking compensation for two horses lost by them while in the service of the United States, in the year 1813: referred to the Committee of Claims. Of William Steel of Missouri, asking a pension for his services as a soldier during the Revolutionary war: referred to the Committee on Revolutionary Pensions.]

By Mr. CROSS of Arkansas.

By Mr. CRARY of Michigan.

By Mr. DOWNING of Florida.

[Mr. DOWNING presented the memorial of a convention of the citizens of Florida, demanding admission into the Union as one of the sovereign States thereof, together with a Constitution adopted by said convention, submitted to the people and approved by them. He then presented the following memorials, petitions, &c.: From the citizens of East Florida for a land office at Newnansville. From a committee of St. Joseph asking an appropriation for a court-house. From the citizens of East Florida for a division of that Territory. Of the citizens of Duval county for a division of Florida. Of sundry citizens of East Florida for a division of that Territory. Presentment of the grand jury of Franklin county. Presentment of the grand jury of Duval and Nassau counties. Of F. Pellicer, and others, praying relief from an award of the Secretary of the Treasury, under the law of 1834, for the losses sustained by the operations of the United States troops in Florida. Of John P. Baldwin, of Key West, praying compensation for property lost by order of commanding officer, to prevent said property, being mostly lead, from falling into the hands of the Indians. Of Capt. J.Y. Smith, praying compensation for loss of steamboat Hyperion. Claim of Dr. Weeden, for property taken by militia in the service of the United States. Of Dr. Weeden, for medicine furnished by Hewlitt, as assistant surgeon, and for medical services of the United States? Of Mr. McDonald, for a horse. Of J. Elzuardi, asking remuneration for a slave taken by the United States as Indian interpreter, and sent to Arkansas. Of Dr. Turner, for a horse. Of Wm. McNaught, for corn sold to the United States troops. Of William G. Saunders, for property destroyed by the United States army. Petition of J. Croskey, and others. Claim of the heirs of Manuel Domingues to a tract of land. Memorial from the citizens of Escambia county for an appropriation to build a court-house and jail. From the citizens of Jefferson county for money to repair a road from Monticello to the navigable parts of the river St. Marks. Petition of sundry inhabitants of East Florida for a road from Jacksonville to Fort White, on the Santafee. From the citizens of Nassau and Duval counties for money to repair a road from Jacksonville to Camp Pinckney, on St. Mary's river. From the citizens of Florida for money to cut a canal from Six Mile creek to the St. Sebastian. Of the Lake Wimico and St. Joseph Canal and Railroad Company. Of the citizens of Nassau county, praying an appropriation for a road. Of the citizens of East Florida for a road from Pablo to Jacksonville. Of the Alachua Grantees, praying an appropriation for a road. Of the citizens of St. Joseph, Iola, and Chattahoochie, praying an appropriation of $5,000 to repair a road from Marianna to Iola, and an appropriation of $5,000 to repair a road from Iola to Chatahoochie. From citizens of Columbia and Alachua counties, praying an appropriation for a road from the Lower Suwanee springs to Newnansville. Claim of Capt. T. C. Ruldolph. Of Capt. Clarke, and accompanying papers. Of Capt. Peters, and accompanying papers. Petition of Capt J. Houseman, for pay for military services and expenditures. Claim of Dr. Clark and Dr. Forry, vs. United States, for medical services. Of Dr. Worrell vs. United States, for medical services.]

By Mr. DOTY of Wisconsin.

[Mr. DOTY presented the following petitions: Three petitions of citizens of Wisconsin, for an appropriation for the improvement of the harbor at the mouth of Root river, Racine. Three petitions of citizens of Wisconsin, for an appropriation for a harbor at Milwaukie. Petition of citizens of Wisconsin, that Milwaukie be declared a port of entry. Four petitions of citizens of Wisconsin, for a confirmation of the titles of Francois Laventure, Ebenezer Childs, and Linus Thompson, to land at Milwaukie. Petition of citizens of Racine county, Wisconsin, for an appropriation for opening the harbor at the south mouth of Pike creek, at Southport. Petition of citizens of Southport, for an appropriation for the above purpose. Four petitions of citizens of Wisconsin, praying a separation of the offices of Governor and Superintendent of Indian Affairs; that the citizens of the Territory have leave to elect the Governor, and that the Superintendent be stationed in the Indian country. Petition of citizens of Racine county, for an appropriation for a road from Southport to Beloit. Of citizens of Milwaukie county, praying for an appro-

priation for a railroad from Lake Michigan to the Mississippi, in Wisconsin. Of citizens of Oak creek, for the same object. Of citizens of Sinipee, for the same object. Of citizens of Mineral Point, for the same object. Of citizens of Mishawaka, Indiana, for the same object. Of citizens of Wisconsin, for the same object. For a post route from Madison, by Sugar river, Diggings, Monroe, Vanvobrah's settlement, to intersect the route from Chicago to Galena. For a post route from Springfield, Milwaukie co. to Madison, the seat of Government of Wisconsin. Two petitions of masters, owners, and consignees of steamboats and vessels on Lake Michigan, and for an appropriation to improve the harbor of Racine. Of citizens of Wisconsin, for an appropriation for a road from Milwaukie to Beloit. Of the Stockbridge nation of Indians, in Wisconsin, for remuneration for the expenses of their removal from New York, and that the title to their lands be guarantied to them by the United States. For the sale of the mineral lands in Wisconsin, and for an act declaring void all entries heretofore made in consequence of false swearing, etc. Of Enos Soper, praying remuneration for services rendered the United States during the war of 1812.

[On motion of Mr. DOTY, it was

Resolved,, That the Secretary of the Treasury be directed to furnish to this House a statement of all sums paid for the support of the Government of Wisconsin, including all of the expenses of the Legislative Assembly, during the years 1837, 1838, and 1839, exhibiting the items for which, and by, and to whom, payments have been made, and the authority therefor, and whether the loans which have been made on the faith of the Territory, have been sanctioned and paid by him.]

By Mr. CHAPMAN of Iowa.

[Mr. CHAPMAN presented the memorial of the Assembly of Iowa, praying Congress to confirm an entry of land made by the county of Henry: referred to the Committee on the Public Lands. A memorial from the Assembly of Iowa, praying Congress to amend the organic law: referred to the Committee on the Territories. A memorial upon the subject of post roads: referred to the Committee on the Post Office and Post Roads. A memorial praying school land for half breed tract: rereferred to the Committee on the Public Lands. A memorial for arms, &c. referred to the Committee on Military Affairs. A memorial in favor of settlers on sixteenth sections: referred to the Committee on the Public Lands. A joint resolution relating to reports: referred to the Committee on the Territories. A memorial for pre-emption to miners: referred to the Committee on the Public Lands. A memorial for the survey of lands. A memorial for the improvement of Iowa and Cedar rivers: referred to the Committee on Commerce. Memorial for the survey of Skunk river: referred to the Committee on Commerce. A memorial for additional appropriation for completion of penitentiary: referred to the Committee on the Territories. Memorial for completion of Dubuque and Missouri roads: referred to the Committee on Roads and Canals. Memorial for survey and improvement of Dubuque harbor: referred to the Committee on Commerce. Petition of inhabitants of Warren county, Illinois, for improvement of Desmoines Rapids: referred to the Committee on Commerce. Of inhabitants of Fort Madison for donation of land for seminary of learning: referred to the Committee on the Public Lands. Of James Anderson and others for the sale of 16th section: referred to the Committee on the Public Lands. Act of Iowa Assembly: referred to the Committee on the Judiciary. Memorial for land for literary purposes: referred to the Committee on the Public Lands. Memorial in favor of Jeremiah Smith: referred to the Committee on the Territories. Preamble and joint resolution for improvement of Desmoines river: referred to the Committee on the Public Lands. Petition for post route from Iowa city to Burtonsport: referred to the Committee on the Post Office and Post Roads. Of John Morgan for a pension: referred to the Committee on Pensions. Of Alfred Carter and others, praying Congress to be permitted to purchase 16th section: referred to the Committee on the Public Lands. Of A. Johnson for pension: referred to the Committee on Revolutionary Pensions. Of F. Dinon for grant of lands for services to the country: referred to the Committee on the Public Lands. Of Jacob Wiley for pension: referred to the Committee on Revolutionary Pensions. Of the inhabitants of Iowa for road from mouth of Iowa to Iowa city: referred to the Committee on Roads and Canals. Of the inhabitants of Keosauqua for mail route from Burlington to that place: referred to the Committee on the Post Office and Post Roads. Of the inhabitants of Iowa for a mail route from Peru, in Illinois, to Iowa city: referred to the Committee on the Post Office and Post Roads. Of the inhabitants of Mount Pleasant for land for seminary of learning: referred to the Committee on the Public Lands. Of Martin Godard for mail route from Davenport to the county seat of Linn: referred to the Committee on the Post Office and Post Roads. Of inhabitants of Scott county for mail route from Davenport to Linn, the county seat: referred to the Committee on the Post Office and Post Roads.]

By Mr. PARRIS of Maine.

By Mr. T. W. WILLIAMS of Connecticut.

[Mr. THOS. W. WILLIAMS presented the petition of the children and other heirs of Lieut. Daniel Starr, asking for pay for their father's services as a lieutenant on board of the United States ship Trumbull. Of Griswold Avery, asking for a pension for Revolutionary services. Of Mrs. Esther Culver, late the widow of Moses Jones, for a pension. Of the heirs of Lieut. Nathaniel Fanning, deceased, asking that a medal be given for his act of bravery on board the "Good Man Richard," under Com. John Paul Jones, and for prize money arising from said services. Of Jas. Williams, for compensation for services and expenses in arresting a deserter from the United States army in 1834. Of Nathan Smith and others for allowance of bounty on a fishing voyage to the Straits of Belle Isle. Of Oliver J. Day and others, of Lyme, Connecticut, manufacturers of wool, asking Congress to revise the laws for the collection of duties, in order to prevent frauds to the prejudice of the manufacturer.]

A motion was made to adjourn, at half-past 5 o'clock; the yeas and nays were demanded; when, the roll being called, there were—yeas 21, nays 27.

So the House refused to adjourn.

Mr. DROMGOOLE moved a call of the House.

When, on motion of Mr. HOFFMAN,

The House adjourned.

IN SENATE,

FRIDAY, February 7, 1840.

Mr. NORVELL presented the credentials of the Hon. AUGUSTUS S. PORTER, elected by the Legislature of Michigan a Senator from that State for six years from the 4th of March last.

The usual oath was then administered to Mr. PORTER, and he took his seat.

The CHAIR submitted a message from the President of the United States transmitting the eleventh annual report of the Board of Inspectors of the Penitentiary of the District of Columbia; which was laid on the table.

Mr. PRESTON presented the memorial of Sarah Ralston; which was referred to the Committee on Claims.

On motion of Mr. GRUNDY, the petition of Joseph Whipple, now on file, was referred to the Committee on Naval Affairs.

Mr. WRIGHT presented the petition of M. M. Quackenboss, B. Birdsall, and Charles L. Livingston, praying the passage of an act to authorize the Secretary of the Treasury to compromise and compound the claims of the Government against them as sureties of Samuel Swartwout, late collector of the port of New York; which was referred to the Committee on the Judiciary.

Mr. CLAY of Alabama submitted documents in relation to the claims of Adam Hall for remuneration for horses lost while in the public service; which was referred to the Committee on Claims.

Mr. BUCHANAN presented the memorial of a number of the citizens of the State of Pennsylvania, praying an increase of duties on foreign silks; which was referred to the Committee on Finance.

Mr. HUBBARD, from the Committee on Claims, made an unfavorable report on the petition of William Hawkins.

Mr. FULTON, from the Committee on the Public Lands, to which the subject was referred, reported a bill concerning a seminary of learning in the Territory of Iowa; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judiciary, reported a bill for the relief of John H. Sheppard, administrator of Abiel Wood; which was read, and ordered to a second reading.

Mr. W. in pursuance of notice, asked and obtained leave to introduce a bill for the relief of John E. Bispham; which was read twice, and referred to the Committee on Claims.

Mr. TAPPAN, in pursuance of notice, asked and obtained leave to bring in the following bill, which was ordered to be printed:

A BILL

To regulate the issuing and circulating of bank paper in the district of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, if any person or persons shall establish or continue any bank in the District of Columbia, such person or persons shall first deposite in the office of the Recorder of Deeds for the county in which such bank may be established, a schedule, in writing, containing the names and places of residence of each and every stockholder in such bank, with the number and value of the shares by him or her held, and shall cause the same to be recorded with the record of deeds in the office, and shall also publish said schedule in two of the newspapers having the most general circulation in the District, three calendar months; and every sale or transfer of stock in such bank, within ten days after such transfer shall have been made, shall be placed upon record and published in like manner, by such person or persons so establishing or continuing such bank.

SEC. 2. *And be it further enacted*, That it shall be unlawful for any individual banker or banking company, or for any other person or company, to issue any bank notes of a less denomination than twenty dollars, or by any art, shift, or device, to issue and put in circulation any paper, certificate, check, order, or note whatsoever, to circulate as currency, of a less denomination than twenty dollars; and any person or persons offending herein, shall forfeit and pay not less than five hundred dollars, nor more than one thousand dollars, for each and every note, order, check, or certificate, so issued and put in circulation as aforesaid; one half of the same to be for the use of the person prosecuting therefor, and the residue for the use of the county where the banking house of such individual banker or banking company shall be located, to be recovered by action of debt in any court having jurisdiction thereof.

SEC. 3. *And be it further enacted*, That if at any time, in usual banking hours, the paper of such individual or company shall be presented to such individual or company, or any officer by him or them employed, at their banking house or office, and payment demanded of the same, and payment thereof in gold or silver shall be refused, or unreasonably delayed, the holder of such note may make affidavit of such demand and refusal or delay, before any justice of the peace of the proper county, whereupon, the said justice shall issue his summons against such individual, or any officer or partner in such company, to be and appear before him, or some other justice of the peace, at a time to be stated in said summons, which time shall be within twenty-four hours from and after the same shall have been issued, then and there to show cause why judgment should not be entered against such individual, officer, or partner, for the amount of said note; and unless the party defendant in said writ shall appear, and plead that the note upon which suit is brought is not the note of such individual or company, or that legal and proper demand of payment has not been made, and verify such plea by the oath of the said defendant, or his agent or attorney, it shall be the duty of the justice to enter up a judgment against such defendant for the amount of such note, with costs of suit, and to issue his execution, as in other cases therefor.

SEC. 4. *And be it further enacted*, That if any person shall, after the taking effect of this act, pass, or offer to pass, any bank note of a less denomination than twenty dollars, otherwise than in payment to a bank or banking company, such person shall forfeit and pay double the amount of such note, for the use of the person sueing for the same, to be recovered by action of debt before any magistrate having jurisdiction thereof.

The resolution submitted some days since by Mr. PRESTON, in relation to the Cumberland road, was taken up, and after a long debate, in which it was supported by Messrs. PRESTON, WEBSTER, SMITH of Indiana, and MERRICK, and opposed by Messrs. BENTON, ALLEN, TAPPAN, KING, HUBBARD, and CLAY of Alabama, and after being modified, on the question of its adoption, the vote was—ayes 4, noes 39. So it was not adopted. Adjourned until Monday.

HOUSE OF REPREESNTATIVES,

FRIDAY, January 7, 1840.

Mr. J. W. JONES, chairman of the Committee of Ways and Means, asked that the House would resolve itself Committee of the Whole to consider the bill making appropriations for Revolutionary and other pensioners. The pensions are payable half-yearly, on 4th of March and September, and unless the House would take some immediate action on this bill, it would be impossible for the Secretary of the Treasury to place the funds in the hands of disbursing agents at the various sections of the country where payment is made to the pensioners. The House would see the troubles and difficulties in which these old pensioners would be placed if the necessary funds were not in the hands of the agents to pay them, after they had made long journeys, with the expectation of receiving payment at the time specified by law. He hoped there would be no objection.

Mr. PICKENS suggested to the chairman of the Committee of Ways and Means the propriety of receiving reports till the hour of one o'clock; and, at that time, go into committee on this bill. There were very many important reports to be made from committees, which he hoped would be received.

Mr. EVANS objected to any departure from the rules. Such departures, experience ttaught him, had always embarrassed rather than facilitated the business of the House. He would, for that reason vote against all motions to suspend the rules. He hoped they would be adhered to, and that the States would be called for petitions.

Mr. PICKENS said petitions had been called from the States for two days past; and if they go on to receive them again to-day, he feared discussion might arise which would prevent the committees from having any opportunity to make reports. He hoped the House would agree to receive reports; and that the chairman of the Committee of Ways and Means would yield to this suggestion, to go into committee at 1 o'clock.

Mr. JONES said the bill required the speedy action of the House; but he was willing to yield to the suggestion of the gentleman from South Carolina, [Mr. PICKENS.] Mr. J. was proceeding in his remarks, when

Mr. R. GARLAND called him to order.

Mr. JONES modified his motion, so that the House at 1 o'clock proceed to the consideration of the bill in committee.

Mr. DAWSON inquired of the chairman of the Committee of Ways and Means whether the funds to meet these pensioners were not appropriated one year in advance, and whether there was not a sufficient sum of the old appropriations in the hands of disbursing agents, to meet the payments necessary to be made in March.

Mr. PETRIKIN objected to his answering the question, or any debate, as it was entirely out of order.

Mr. JONES said he would answer the gentleman's question; when he was again called to order. He then moved a suspension of the rules, and demanded the yeas and nays on that motion.

Mr. BELL hoped the gentleman from Virginia [Mr. JONES] would be permitted to answer the interrogatory put to him by the gentleman from Georgia [Mr. DAWSON.] It had been the invariable practice of the House for such questions to be put and answered; and in fact the public business could not be transacted without it.

The SPEAKER said such had been the usual practice of the House, and was no doubt a convenient one; strictly speaking, however, debate was not in order.

Mr. PETRIKIN said his only objection arose from the fact of debates being permitted in one case, and not in another. If one gentleman was permitted to speak out of order, the same liberty might be claimed by all, and thus entirely obstruct the regular business of the House.

Mr. JONES, in answer to the question of the gentleman from Georgia, said he believed that it was the usual practice of the Department to forward these funds in advance, but how far, as to time, he was not advised. From looking, however, at the amount of unexpended balances, as shown by the report of the Secretary of the Treasury, he inferred that it was not possible that funds to provide for all the accruing pensions could be at the points where they are to be paid; for, if every dollar of these unexpended balances were there, there would still not be more than half what was necessary. There were unexpended balances at some of the points, but to meet the payments at all of them in time, it was necessary that this appropriation should be speedily passed.

The yeas and nays having been ordered on the question of suspension, were—yeas 119, nays 40.

Mr. JONES then moved that the House go into the Committee of the Whole at one o'clock, for the purpose of taking up the bill making appropriations for the payment of the Revolutionary and other pensioners of the United States.

Mr. GARLAND of Louisiana called for the reading of the statement made by the Commissioner of Pensions, in order to show the amount of the unexpended balances

Mr. JONES said he stated to the House that there was a large amount of unexpended balances under one head of appropriations, but that the amount would not pay much more than one-half of the pensions acording.

Mr. GARLAND said, if the gentleman would look at the documents, he would find that the pension agents were most generally banking institutions and favorites of the Government; and that they had in their hands about one million four hundred thousand dollars to apply to the payment of these pensions.

Mr. TURNEY called for the previous question, but the call was not seconded.

Mr. GARLAND of Louisiana then read a report of the Commissioner of Pensions, and said that from this report, it appeared that there was now one million four hundred thousand dollars in the hands of the agents, while one million only was wanted for each quarter's payment. Now the effort was made to set aside the regular business of the House, for the purpose of placing money in the hands of these agents in advance. It was notorious that these agents were banks and political favorites who had the use of the public money for months before it was wanted.

Mr. JONES of Virginia rose to correct the errors into which the gentleman from Louisiana had fallen. The gentleman supposed that these pensions were payable quarterly, which was not the fact. They were payable half yearly, one payment becoming due in March, and the other in September. Further, the amount of one million four hundred thousand dollars, now in the hands of the pension agent, was not enough to pay the pensions becoming due in March, while there was the payment coming due in September, that was necessary now to be provided for. Mr. J. then went into an estimate of the different heads under which pensions are to be paid, and the sums that will be required for them. But the gentleman's principal objection was, that this money would go into the hands of the banks and political favorites of the Government. This was the first time he had ever heard that the banks were the peculiar favorites of this Government, and an assertion like this, coming from a gentleman standing in the political relation the gentleman from Louisiana did to the Administration, was a little extraordinary. He did not know how the gentleman made out that the individuals who acted as pension agents were the favorites of the Administration, but if the gentleman would look at the list of agencies, he would find that the banks were a large proportion of them, and therefore it was the favorites of the gentleman and his party, and not of the Administration, that derived any benefits from these agencies.

Mr. SMITH of Maine wished to make one single statement in reply to the gentleman from Louisiana. The gentleman said that those who disbursed these pensions were either banks or the especial favorites of the Administration. Now he begged leave to inform him that the pension agent in the State of Maine was a thoroughgoing Hartford Convention Federalist.

Mr. PETRIKIN here called for the previous question; and the call being seconded by the House, the main question was put, and carried without a division.

Mr. PICKENS, from the Committee on Foreign Affairs, reported the following resolutions, which were agreed to:

Resolved, That the President of the United States be requested, if in his opinion it be not incompatible with the public interests so to do, to communicate to this House any information in his possession respecting the condition of the citizens of the United States doing business during the past year in China, the state of the American trade in that country, and the interests of the people and commerce of the United States, as affected by the recent measures of the Chinese Government for the suppression of the contraband or forcible introduction of opium into China. Also, whether the British Government has given notice to that of the United States of a purpose to blockade the ports of China, or of other hostile intentions towards that Government, and any other information possessed by the Executive in relation to the above matters.

Resolved, That the Secretary of the Treasury be directed to transmit to this House a statement of the commerce and navigation between the United States and China, from 1821 to 1839 inclusive, exhibiting for each year the amount of specie, the value and description of manufactured articles, the value and description of other merchandise, and the total amount exported; the quantity and value of teas, the value of silk goods, the value of other merchandise, and the total amount imported; the number of ships, the amount of tonnage, and the number of seamen employed.

On motion of Mr. CURTIS, Senate bill, entitled "An act to cancel the bonds given to secure duties upon vessels and their cargoes employed in the whale fisheries, and to make registers lawful papers for such vessels," was referred to the Committee on Commerce.

The hour of one o'clock having arrived, the House then resolved itself into Committee of the Whole, (Mr. LINCOLN in the chair,) and took up for consideration the bill making appropriation for the payment of Revolutionary and other pensions for the year 1840.

Mr. R. GARLAND then went on to reply to some remarks made by Mr. SMITH of Maine, in which that gentleman had contradicted the assertion he made, that the pension agents were presidents of banks, or friends and partisans of the present Administration. In proof that his assertions were correct, he referred to the names of many agents, among the rest, that of Mr. Van Ness, president of the Bank of the Metropolis, and of Dr. Brockenbrough, president of the Bank of Virginia, and Philemon Dickerson, one of the claimants for a seat from the State of New Jersey.

Mr. RANDOLPH said the gentleman from Louisiana was mistaken. The pension agent was a different individual, and not the gentleman claiming a seat from that State.

Mr. GARLAND, after referring to the names of other agents, inquired of the chairman of the Committee of Ways and Means whether it was proposed to place the whole amount in the bill into the hands of the agents immediately.

Mr. J. W. JONES said he had supposed that the explanations he had already made would have satisfied all gentlemen. He was not very conver-

sant as to the usage of the Department in that respect, nor did he know to what amount the agents were entitled for disbursing these funds. He had information to enable him to state positively at what time this money was transmitted to the agents; but he presumed when appropriations were made by Congress, it was sent to them in time to meet the obligations of the Government. It might be six months or less. The amount of balances on hand, according to the gentleman's own showing, was not sufficient by several hundred thousand dollars, even if the appropriations under the different heads should be aggregated, to pay the amount becoming due on the 4th of March. These balances are from appropriations under the several pension laws, to be specifically applied to the different classes, and he did not see, by existing laws, how the appropriations under one head could be applied to other objects. The estimates had been furnished and laid before the House, showing what was necessary to be done to meet the obligations of the Government. Mr. J. then went on to examine those estimates, and show that the balances on hand were not sufficient for that purpose.

Mr. BANKS rose to trouble the committe with a very few remarks. He understood that when a bill was referred to the Committee of the Whole House, the object was to render it open for such amendments as might be necessary. He did not suppose, however, that any amendments would be offered, but that the committee would at once rise, and report the bill to the House. But before this was done, he wished to reply to an allusion that had been made by the gentleman from Louisiana, [Mr. GARLAND,] to a distinguished citizen of his State, who is the president of one of its banks. The gentleman said that Dr. Brockenbrough was the agent for paying pensions in Virginia, and derived certain advantages from the agency. Now the fact was, Dr. B. as an individual, had no more to do with it than the gentleman himself. The money was deposited in the bank of which he is president, and as president of the bank only has he any agency. When the agent for the purpose examined the claim of aRevolu'i nary pensioner, the agent, if the claim was passed, gave a check to the claimant or his constituted attorney for the amount due him, which check being presented, was paid at the counter of the bank, of which Dr. Brockenbrough was the president."

The debate was further continued by Messrs. MARVIN, HOLLEMAN, REED, and PETRIKIN, when

Mr. GARLAND of Louisiana submitted the following amendment:

"*Be it further enacted*, That no money appropriated by this act shall be placed in the hands of pension agents more than one month before the day for the semi-annual payment of pensions."

After a further debate, in which Messrs. CRAIG, BEATTY, and SERGEANT, took part,

Mr. UNDERWOOD, after some remarks, submitted the following amendment to the amendment of Mr. GARLAND: to strike out and insert:

Each pension agent shall be allowed as compensation for his services —— per cent. on the amount of money disbursed by him: *Provided*, That no pension agent shall receive as compensation more than 1,500 dollars per annum.

Be it further enacted, That it shall be unlawful for any pension agent to use or apply to his own purposes, or to lend to any person or persons, or to suffer any person or persons to use, any part of the public moneys placed in his hands or subject to his control; and, if any pension agent shall violate the foregoing provisions of this section, he shall, upon conviction thereof before any court of competent jurisdiction, undergo and suffer imprisonment for a period of time not less than one nor more than five years, at the discretion of the jury convicting the offender.

After a further debate, in which Messrs. LEET, THOMPSON of South Carolina, JONES of Virginia, BEATTY, RAMSEY, SERGEANT, BELL, CURTIS, and WHITE, took part,

The committee, without having taken any question, rose and reported progress; when,

The House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 8, 1840.

Several petitions, heretofore laid over under the rule, because of debate arising thereon, were disposed of.

The CHAIR announced that the first thing in order was the memorial presented by the gentleman from Indiana [Mr. DAVIS] of the National Road Convention, held at Terre Haute, Indiana, in July, 1839, the question being on his motion to refer the same to the Committee on Ways and Means; and the amendment thereto by Mr. CASEY, with the following instructions:

"And that said committee be instructed to report a bill, making an appropriation of one hundred and fifty thousand dollars for each of the States of Ohio, Indiana, and Illinois, to be expended on the national road in said States, in the year 1840, under the direction of the War Department; said appropriation to be subject to all the restrictions and conditions of former appropriations on said road."

Mr. LINCOLN suggested that this being one of the days allotted for the reception of petitions, this particular petition could not come up. The rule provided that when petitions were laid over on account of debate arising on them, they must be taken up on some day that petitions were not in order.

The SPEAKER replied that the practice of the House had not been to apply this rule during the thirty days allowed for petitions in the beginning of the session; but only applied to such petitions as were laid over on account of debate, after the thirty days had expired.

Mr. RARIDEN said it was not his object to occupy the time of the House in any explanation in regard to the merits of these instructions, so often a matter of discussion. His object was to save the time of the House. In looking over the estimates before the Ways and Means Committee, he found that the Cumberland Road had been entirely omitted. It has not been recognised by the Secretary of the Treasury as one of the objects which should claim the attention of Congress. These instructions, he thought, placed this matter in a very unfavorable position, though he was in favor of any thing which would reach the subject. It was important to the people of the West to know the cause why it was omitted from the estimates. Whether it was a temporary abandonment, or was only because of the embarrassments of the Treasury at this time. It would be remembered by the House that no appropriation was made last year to carry on this road, and the consequence is, that the materials already purchased are being wasted and going to decay; and even parts of the road, which were partially completed, are in a condition to incur a total waste of the moneys expended, if something be not done to arrest the decay. It was important to know whether it was to progress; and it was for that reason that the friends of the measure took this course to bring the matter before the Committee of Ways and Means, inasmuch as there was no recommendatory expressions to Congress by the Executive, to show the importance of taking some action on the subject. He did not consider it proper, then, to go into the merits of the question, or discuss the subject, unless something more tangible should be presented.

Mr. PICKENS said, if he understood the resolutions now brought up, they proposed instructions to the Committee of Ways and Means with regard to the Cumberland road. The object of the gentleman from Illinois, [Mr. CASEY,] in moving these instructions, was, in a manner, to obtain the expression of an opinion on the part of this House in favor of an appropriation for that road. Now he would submit to the House if it was fit and proper, at this early period of the session, to bring up a discussion on this subject. A vote in favor of these resolutions would be equivalent to a passage of the Cumberland road bill; and was the House prepared to march up to this question at this early period of the session? The gentleman from Indiana, [Mr. RARIDEN,] was too skilful a parliamentarian not to know the effect of the passage of this resolution at this period of the session. He would submit to the House whether it would not be proper to wait for the coming up of this Cumberland road bill in the regular way, instead of bringing it up in this manner for discussion in advance; and he would also submit whether it was not fit and proper to let the Committee of Ways and Means pursue the regular routine of the high and responsible duties committed to them, without being embarrassed by instructions like these. That committee was the peculiar guardian of the public treasure: it was not constituted for this or that particular measure, but for the general interests of the whole country. If this resolution should be adopted, gentlemen would get up resolutions to bring forward another favorite measure, and thus the committee, as well as the House, would be embarrassed by the consideration of measures in advance. He protested against embarrassing the committee with these collateral questions. Let us wait until we know what are the resources of the country, before we commit ourselves to an appropriation for this or that particular measure. Was this Cumberland road of more importance than the civil and diplomatic appropriations, or the appropriations for the army and navy? Why, then, should this matter be discussed in advance? It was unwise, impolitic, and unjust, thus to override the important business of the country. He looked upon the resolution as inexpedient and unnecessary, and plunging the House into embarrassment and difficulty, and as nothing less than prematurely voting on the passage of the Cumberland road bill. Mr. P. concluded by moving to lay the resolution on the table.

Mr. CASEY moved a call of the House. He wished to have a decisive expression of the opinions of the House on a question of this importance.

The motion having been agreed to,

The roll was called, when it appeared that 170 members answered to their names; and after calling the absentees, and excusing those who were absent in consequence of sickness,

Mr. BANKS moved that all further proceedings under the call be dispensed with; which motion was agreed to.

Mr. WICK rose for the purpose of asking Mr. PICKENS to withdraw his motion to lay the resolution on the table, to enable him to make an explanation personally interesting himself. He appealed to the gentleman, he said, to withdraw his motion even on the hard terms of his (Mr. W's) pledging himself to renew it on concluding what he wished to say.

Mr. PICKENS then withdrew his motion, saying that he only did so because the gentleman from Indiana wished to make a personal explanation, and on the condition that he would renew it.

Mr. BIDDLE rose to a point of order, whether the gentleman from South Carolina [Mr. PICKENS] could withdraw his motion, on condition that the gentleman from Indiana would receive it. He wished to put the question distinctly to the House, whether it would tolerate such compacts.

The SPEAKER was of opinion that the gentleman from South Carolina could withdraw his motion, but the CHAIR could have nothing to do with the gentleman's motives for so doing.

Mr. BIDDLE. Can he withdraw it on a pledge?

The SPEAKER replied that he could not undertake to say whether there was a pledge or not. That was a matter with which the CHAIR had nothing to do. He could only consider the fact whether the motion was withdrawn or not.

Mr. BIDDLE appealed from the decision of the CHAIR.

Mr. PICKENS then said that the gentleman from Indiana would see the difficulty occasioned by his request for him to withdraw his motion; and he hoped the gentleman would, therefore, excuse him for retracing his promise, and saying, as he now reluctantly did, that he could not withdraw his motion.

The CHAIR was about putting the question on Mr. BIDDLE's appeal, when that gentleman, having understood from Mr. WICK that the explanation he wished to make was a personal matter, withdrew the appeal.

Mr. WICK then said, that the reasons why he had asked for and obtained the withdrawal of the

motion, with so much difficulty—indeed, with more difficulty than he had ever seen on other occasions—was that he might make an explanation, which gentlemen would soon understand, if they would give him their attention, was entirely personal to himself. As he did not place this subject on the same grounds which his colleague [Mr. RARIDEN] had placed it, and was not inclined to suffer the opinions of that gentleman to go abroad as his opinions, and the opinions of other Western gentlemen who acted with him, a brief explanation on his part would be necessary.

Mr. WHITE here rose to a point of order. He understood that the gentleman from South Carolina [Mr. PICKENS] had not withdrawn his motion to lay the resolutions on the table, and therefore the gentleman from Indiana was out of order to enter into a debate.

The SPEAKER said he understood the gentleman from South Carolina as having withdrawn his motion.

Mr. PICKENS. I did withdraw it; but seeing the difficulty it occasioned, I afterwards said that I could not withdraw it; at the same time expressing my regret at being compelled to deny the request of the gentleman from Indiana.

The SPEAKER understood the gentleman from South Carolina distinctly as having withdrawn his motion. Having done so, the gentleman could not renew it, and the gentleman from Indiana was entitled to the floor.

Mr. WICK rising and attempting to proceed with his remarks,

Mr. GRAVES called him to order, and renewed in writing the point made by his colleague, [Mr. WHITE] with the point raised by Mr. BIDDLE.

The SPEAKER said the gentleman from South Carolida withdrew his motion to lay the resolution on the table, and could not again renew it, while the gentleman from Indiana had the floor. As to any compact made by the gentleman from Indiana with the gentleman from South Carolina, the CHAIR could not notice it. He had nothing to do with a gentleman's reasons for withdrawing a motion.

Mr. GRAVES appealed from the decision of the CHAIR, and addressed the House in favor of the appeal; but, in the course of his remarks, on hearing from Mr. WICK that he considered what he wished to say as having a personal bearing on himself, withdrew the appeal.

Mr. WICK said: I am glad, Mr. SPEAKER, that at length I am no longer impeded by questions of order—raised upon me, I trust, in no invidious feeling, though more than sufficiently embarrassing to one who never before filled a place upon the floor of any legislative body—and that I am permitted to avail myself of the courtesy of the honorable member from South Carolina, [Mr. PICKENS.] Sir, I have said that that which I wish to say is personal to myself. It is so, and perhaps equally so to some of my colleagues, or others. If it be personal to them, it is not a reason why it is not personal to me. It is important to me personally to define my position. My honorable colleague [Mr. RARIDEN] has intimated that the object of proposing those instructions is to ascertain if indeed the Executive branch of the Government has determined to abandon the Cumberland road, and that the same can only be done by taking a vote of this House, for the purpose of ascertaining whether the friends of the Administration will sustain appropriations upon the road or not. If I were to be silent, sir, it might be inferred that the view of the subject taken by my colleague is also mine. I am not willing it should be so understood. I therefore have sought permission to explain, lest it may be inferred that the design to connect this question with general politics, is common to all the members from Indiana.

Sir, my colleague has said that the Executive branch of this Government has not transmitted any estimate for the Cumberland road. I doubt not my colleague thinks so. But, sir, I find in the estimate coming here from the Topographical bureau, that a large sum for the Cumberland road is included. Will my colleague say that the Topographical bureau is no part of the Executive branch of this Government? Again: this estimate of the Topographical bureau is sent to this House, sanctioned by the Secretary at War, and accompanying a communication from the Department over which he presides, and to which the Topographical bureau is an appendange. Will my colleague say that the Secretry at War is no part of the Executive branch of this Government?

But, sir, if it were true that the Executive had given appropriations for the Cumberland road the go by, it is no reason why, on this occasion, and *here*, there should be an effort to make political capital out of the fact. The original and peculiar duty of the Executive, under the Constitution, in reference to *expenditures*, is to place before Congress estimates for the class of expenditures prescribed by the Constitution. The Cumberland road has not been brought before the nation by the Constitution. It is of legislative growth. While the Legislative branch of the Government (Congress) sustained it, the Executive also sustained it At the last session of the last Congress, the appropriation for this road *was vetoed*, not by the Executive, but by Congress. If it were even true, then, that the Executive has purposely passed over this road in the estimates presented to this House, it is scarcely fair to hold the Administration exclusively responsible. The Executive could find a reason for passing the road by, in the refusal of Congress to make appropriations for it. He might have inferred, from the action of Congress, that public opinion would no longer sustain appropriations upon the Cumberland road. But I infer very differently from my colleague upon this subject. I repeat that I see nothing from which to infer that the Executive intended to defeat appropriations upon the Cumberland road.

I have said, sir, that I regret to see any effort made to give a political cast to this question. I am always sorry to see any question embarrassed by political considerations. It is fatal to all fair and useful legislation to bring general politics to bear upon particular questions. Particular questions ought to depend upon their particular merits. This question has merits. In stating them I will be brief; and it is as necessary to my personal explanation to state the grounds upon which the subject, in my opinion, stands, as it is to disclaim sympathy with those who incline to give a political aspect to the action of the House upon the matter.

Sir, for years the nation held in its coffers, and used, without interest, immense sums of the two per cent. fund accruing to the Western States under a national compact. At length its expenditure was commenced, according to the compact, and, it is said, that it is all expended. Suppose this to be true, is it inequitable for the Western States to expect a small advance in return, out of a fund which will soon indemnify the Treasury?

Again, the people of the Western States have been taught, by more than thirty years' legislation, to expect appropriations for, and the final completion of, the Cumberland road. They have seen engineers passing along through Ohio, Indiana, Illinois, and at least a part of Missouri. They have seen large sums expended year after year, and, finally, they have seen, during the past year, an estimate of the probable cost of the road, taken by engineers appointed by the Government, and acting under its authority. Think you, sir, they will now see the work abandoned, and not hold responsible those who contribute to the defeat of this their great measure.

Sir, a monarch, a despot, would not first instruct, by a course of action kept up for thirty years, a portion of subjects, to expect a particular object to meet his favor, and then all at once abandon it. And will the Representatives of a free people, who are conscious of their rights, refuse that justice, that kindness, to *such* a people, which a despot dare not refuse to his serfs? The Legislative and Executive branches of this Government, acting together, have produced the expectations which I have stated. Is it wise to disappoint them? Will not a jealous people, think you, mark those who defeat this measure? It is their all absorbing interest. Even general politics (I mean party politics) are absorbed by it. They will not deem that man, or that party, orthodox, who or which may contribute to disappoint hopes raised by your predecessors, the great and the good of past years, (they think they were wise, too,) who have covenanted, by implied contracts, stronger than mere party considerations—ay, strong as national faith—to continue appropriations, reasonably apportioned to the condition of the state of the Treasury, upon the Cumberland road, or make some equitable, friendly, and final disposition of the subject, far different from ceasing to appropriate, without reason given.

In accordance with my pledge to the honorable member from South Carolina, [Mr. PICKENS,] I renew the motion to lay the matter under consideration upon the table. But I do so in the fond hope that the motion may not prevail.

Mr. BIDDLE appealed to Mr. WICK to withdraw his motion.

Mr. WICK replied that he would do so if authorized by the gentleman from South Carolina. He was under a pledge to that gentleman to renew his motion; and, having done so, he was not authorized to withdraw it, unless with his sanction.

The question was then taken on laying the resolutions on the table, and decided in the negative—yeas 86, nays 111, as follows:

YEAS—Messrs. Alford, H. J. Anderson, Atherton, Banks, Beirne, Bell, Black, Blackwell, Botts, Boyd, Aaron V. Brown, Burke, S. H. Butler, William O. Butler, John Campbell, William B. Campbell, Carroll, Carter, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, Crabb, Craig, John Davis, Dawson, Deberry, Dillett, Doig, Earl, Eastman, Fine, Fisher, Fletcher, Floyd, Fornance, Jas. Garland, Goggin, Graham, Griffin, Hand, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Holleman, Holmes, Hopkins, Hubbard, Jackson, J. Johnson, C. Johnson, John W. Jones, Kemble, King, Lewis, Lowell, Lucas, McClellan, Montgomery, Nisbet, Parmenter, Petrikin, Pickens, Prentiss, Ramsey, Rhett, Rives, Edward Rogers, James Rogers, Shaw, Shepard, Strong, Sumter, Taliaferro, Philip F. Thomas, Jacob Thompson, Turney, Warren, Watterson, Jared W. Williams, Henry Williams, L. Williams, and Worthington—86.

NAYS—Messrs. Adams, Judson Allen, John W. Allen, Simeon H. Anderson, Andrews, Baker, Barnard, Beatty, Biddle, Bond, Brewster, Briggs, Brockway, Anson Brown, Calhoun, Carr, Casey, Chittenden, James Cooper, Corwin, Cranson, Crary, Crockett, Curtis, Cushing, Dana, Davee, Edward Davies, John W. Davis, G. Davis, Dennis, Doan, Duncan, Edwards, Ely, R. Garland, Gates, Gentry, Giddings, Goode, Granger, Green, William Hastings, John Hastings, Henry Hoffman, Hook, Howard, Hunt, James, Jameson, Nathaniel Jones, Keim, Kempshall, Lawrence, Leadbetter, Leet, Leonard, Lincoln, McCarty, McCulloh, Marvin, Mason, Medill, Miller, Mitchell, Monroe, Montanya, Morgan, Calvary Morris, Naylor, Ogle, Osborne, Palen, Parish, Farris, Proffit, Randall, Randolph, Rariden, Reynolds, Ridgway, Robinson, Russell, Saltonstall, Sergeant, Simonton, Slade, Albert Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Storrs, Stuart, Sweeny, Taylor, Francis Thomas, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vanderpoel, P. J. Wagner, Weller, J. White, Wick, Thos. W. Williams, Joseph W. Williams, and Christopher H. Williams—111.

Mr. BIDDLE disclaimed any intention of discourtesy in his previous remarks, towards the gentleman from Indiana, [Mr. WICK,] when he interposed a point of order to arrest the explanation. He had done so because of his aversion to the practice which had obtained there, of one member making a motion which went to dispose of a subject without debate, and then withdrawing it, and yielding the floor to another, upon the condition that, after he had made the remarks intended, he would renew it. It was a practice which led to the greatest abuses at the last session. It was usurping the powers of the House for one member to obtain the floor, and to deal it out to whomsoever he pleased. He was opposed to all compacts of the kind between members; and the practice should be reprobated by all. That gentleman [Mr. WICK] had stated to the House that he wished to make an explanation personal to himself; but had converted it into a vindication of the policy of the Government in relation to the subject-matter before the House.

He thought a similar spirit of courtesy was due from that gentlemen to others, to whom the matter was equally personal to permit them to make an explanation. And what was the object of the honorable gentleman from Indiana in the personal explanation made. Why, to prove that the President, in the mode in which he has presented the subject, has acted fairly. He took issue with that gentleman. The President, he thought, had presented it in such a way as would best promote electioneering purposes. He had done it in such a way as would place the legislative branch of the Government in a wrong position before the country—as to throw the odium of extravagance on

Congress—of going beyond the estimates. Mr. B. then referred to the message of the President, and particularly that part relating to the estimates for the year 1840, in support of his position. But he wished to speak from the book, because he believed the people turned with disgust from generalities—from wholesale denunciations, and therefore quoted the following paragraph, to show that it was intended for electioneering purposes:

Independent of the redemption of the public debt and trusts, the gross expenditures of seventeen and eighteen millions in 1834 and 1835 had, by these causes, swelled to twenty-nine millions in 1836; and the appropriations for 1837, made previously to the 4th of March, caused the expenditure to rise to the very large amount of thirty-three millions. We were enabled during the year 1838, notwithstanding the continuance of our Indian embarrassments, somewhat to reduce this amount; and that for the present year, 1839, will not, in all probability, exceed twenty-six millions, or six millions less than it was last year. With a determination so far as depends on me to continue this reduction, I have directed the estimates for 1840 to be subjected to severest scrutiny, and to be limited to the absolute requirements of the public service. They will be found less than the expenditures of 1839 by over five millions of dollars."

This, he said, was prepared with the consummate skill of a veteran politician—it was something compendious, which would do to carry to the mill or the market, for electioneering purposes. The partisans of the President had already seized upon this brief statement of professions of economy to glorify him and to advance his cause for another term. Would any man say that any credit was due to him for this profession of a desire for an economical administration of the Government? Does he not wish to convey the idea to the people that he had been doing every thing in his power to retrench the expenses of Government, and that he had been successful in breaking them down: and if he be elected for another term, that he would entirely do away with them. He believed that was the impression intended to be made. He called upon the gentleman from Indiana [Mr. WICK] to show where a single abuse had been corrected by the President, or where a single retrenchment had been made in the expenses of Government. Not a clerk, whose services were unnecessary, had been dispensed with. He knew this message would go far in advance of the estimates, and do its work in deceiving the people. He then adverted to the waste of the public money in Florida by the mismanagement of the operations there—denounced the Executive because he had presented no estimates to carry on future operations there, where the military forces were as much needed now as heretofore—and attributed the change in that policy to a desire to prepare for the coming election, by presenting a seeming reduction of the expenditures. But he believed that all which would be saved from that source would in the end be wasted on something else which should claim less of the attention of the Government.

The President, he said, did not ask for a single soldier to carry on that war; nor was there any estimate for the light-houses, and other objects of expenditure, which had claimed the action of Congress heretofore. This he attributed to a design on the part of the Executive to render the popular branch of the Government odious in the eyes of the people—to throw the responsibility on them of voting more money than the estimates called for. He has called for but eighteen millions in the estimates, when, in fact, the appropriation by Congress will not be less than twenty-five millions. This will be the issue presented to the people—that Congress would be chargeable with all the extravagance—and that it would be used as an argument to prove that if the Executive had sole control of the purse, seven millions would have been saved of the people's money. He charged the President and heads of Departments with shrinking from the introduction of certain items into the estimates; and after these estimates had gone abroad, they would be found sneaking before the committee to prevail upon them to insert those items in the bills to be reported. He charged the President with lending his countenance to extravagance, and with skulking from the responsibility of recommending the measures which lead to it. He contended that if the regular estimates for the continuance of the Cumberland road were omitted on account of the embarrassed condition of the Treasury, that the Executive should have told the House and the country so.

Mr. REYNOLDS observed that this was a subject exceedingly interesting to his constituents; and for this reason, and not for any political considerations, he had risen to say a few words with regard to it. If he remained silent, when a question so deeply affecting their interests was discussed here, he should fail in the duty he owed to those whom he represented, and would be justly accountable to them for it. It was extremely unfortunate for him that every time he rose to address this House—and it was but seldom that he did so—politics should unnecessarily have been mixed up with the matter he felt bound to express his views on. This was the case, the SPEAKER would recollect, when the question of adopting the *viva voce* principle of voting was before the House; and he had again to regret that it should be unnecessarily dragged up now, when a subject so interesting to the Western country was under discussion. Now he was not opposed to political discussions in their proper place; he was not opposed to stump speeches, made boldly and openly, in the Western fashion; but he did not approve of the Eastern fashion, of holding a caucus at midnight and bringing out a candidate who could not say a word for himself.

But on a subject of the importance to the West that this was, he appealed to Western gentlemen to discard politics and discuss it with reference to its merits alone. No political capital could be gained by either party from this question, and he would put it to his Western friends whether a measure they had so much at heart would not be injuriously affected by dragging it unnecessarily into the political arena. Indeed, it would be good policy on his part to avoid a political discussion, for he was well aware that his desultory remarks would appear slight in comparison with the spirited, stirring speech they had just heard from the gentlemen from Pennsylvania, [Mr. BIDDLE.]

Mr. BIDDLE explained. He would assure the gentleman from Illinois that he would not have said a word on this subject if it had not been for the remarks made by the gentleman from Indiana, who obtained the floor for the purpose of making a personal explanation, and then went into a defence of the Administration.

Mr. REYNOLDS continued. He had not intended to say a word in complaint of the remarks made by the gentleman from Pennsylvania, for whom he entertained the highest respect. What he intended to say was for the purpose of showing to his Western friends the importance of keeping this question free from the political conflicts of the day. He would say, however, in reference to the President, that he was not averse to asking him for information on this or any subject touching the public interests, and would, with pleasure, vote for a resolution to that effect. He would not oppose a resolution reaching the Departments in a proper way, for he was not for stifling investigation when the public interests required it. But, said Mr. R. let us turn our attention to the subject before us. Suppose the President has neglected to recommend the Cumberland road to the favorable consideration of Congress. Suppose an appropriation for that road is not to be found in the estimates of the Secretary of the Treasury. Were these reasons why the friends of the measure should not press it upon Congress? I entreat, then, my Western friends to join me in my endeavors to get the action of this House in favor of this measure, and, laying politics aside, assist in obtaining an appropriation for it. This road was, strictly speaking, a national measure. It was commenced in 1806, and had been uniformly carried on, year by year, down to the present time. It had been a favorite measure with the Democracy of the country, and had been sanctioned by Jefferson, Madison, and Monroe. He was aware that some gentlemen on that floor were of opinion that internal improvements by the General Government were contrary to the provisions of the Constitution. This was no doubt correct, as a general rule. But were there not exceptions to every rule? And was not this Cumberland road one of these exceptions? The Federal Government ought not to make internal improvements in the old States, because they had the power of taxation over the soil within their limits, and had resources to make these improvements themselves. That, however, was not the case with the new States. The vast public domain within their limits was exempted from taxation, and that resource for internal improvements was cut off. Give to the new States the power of taxing the public lands, and we will ask you for no more appropriations for the Cumberland road. Did not this circumstance make an exception to the general rule?

There was another reason which made this road an exception to the rule. There was a just, legal, and equitable compact made with the new States, by which two per cent. of the proceeds of the sales of the public lands was to be applied to roads leading to them. It was said that this two per cent. fund had been already expended, but this, he believed, was not true. He was informed by his friend from Ohio, that he had data to prove that a large amount of this fund was yet unexpended. If this was true, and he had no doubt that it was so, he hoped that his friend from Ohio would be the next to catch the Speaker's eye, and be enabled to demonstrate the facts to the House. Mr. R. went on to advert to the deep interest taken by the people of the West in this measure, and to the impolicy and injustice of disappointing their reasonable expectations with regard to it. He noticed the liberal appropriations made for other objects, and particularly for the defence of Florida, for which he had voted, and hoped that gentleman would extend the like liberality towards a measure so interesting to his constituents. He would remind gentlemen, he said, of the large sums collected every year from the new States for the sale of the public lands, and would ask them if it did not seem unjust to draw all this money from that section of country without expending some of it there in return. This very fact, he thought, was sufficient to make this subject an exception to the general rule. After some further remarks from Mr. R.

Mr. MASON said the gentleman who preceded him had spoken of the propriety and impropriety of subjecting this measure to the hazard of the whirlpool of party politics. He, for one, disclaimed all intention, all purpose, of subjecting this measure to such unhallowed test. The two great political parties of the country had not divided on this question, though gentlemen from each had taken different sides as to the expediency of progressing with the Cumberland road. Gentlemen of both parties had stood in opposition to this measure. He believed if the gentlemen from the West—the section of country so much interested in the measure—should fall out among themselves as to expediency, the enemies to this road would look on and say, let them fight it out; because they know that that would be the most effedtual way to defeat it. Therefore, the gentlemen from the West, of both parties, should act with some concert. For one, he disclaimed any intention or desire to make political capital out of the question, as had been attributed to some by the gentleman from Indiana. That gentleman had said it was not a party measure in the Western country.

Mr. WICK replied, that what he said was, that it was in the West an all absorbing question, more so than any question of general politics.

Mr. MASON was about resuming his remarks, when he was prevailed upon to yield the floor to

Mr. JAMESON, on whose motion

The House adjourned till Monday next.

IN SENATE,

MONDAY, February 10, 1840.

The CHAIR submitted a report from the Secretary of the Treasury, showing the payments made on account of miscellaneous claims during the year 1839;

Also, a report from the Secretary of War, show-

ing the names and salaries of the clerks employed in the several bureaus of that Department during the year 1839;

Also, a report from the Secretary of War, showing the contracts made by that Department during the year 1839;

Also, a report from the Secretary of War, transmitting a report of Nathaniel West, commissioner to investigate claims against the Miami Indians, for the year 1839;

which were severally laid on the table, and ordered to be printed.

Also, a report from the Secretary of the Treasury, in compliance with the resolution of the Senate of the 3d ult. relative to the estimated amount which will be received from the salt duty during the years 1840, 1841, 1842, and 1843, &c.; which was referred to the Committee on Finance.

Mr. ROBINSON presented the petition of Joseph G. Bowman and others, for a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. GRUNDY presented the petition of William Purdy; which was referred to the Committee on Claims.

Mr. NICHOLAS presented the memorial of Alexander Jones, on the subject of removing the bars and deepening the channels in the Ohio and mouth of the Mississippi rivers, and applicable to the improvement of the Western waters generally; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WALKER presented a document in relation to the survey of the coast and harbors of the State of Mississippi; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WALL presented a memorial of a number of citizens of the United States, praying the imposition of a moderate duty on imported silks; which was referred to the Committee on Finance.

Mr. TALLMADGE presented a petition from citizens of Philadelphia county, praying the abolition of slavery and the slave trade in the District of Columbia.

The motion of reception was, on motion by Mr. CLAY of Alabama, laid upon the table.

Mr. TALLMADGE also presented a memorial of the representatives of the Society of Friends in the State of New York, praying for the abolition of the foreign and domestic slave trade.

On motion by Mr. KING, the motion for reception was laid on the table.

Mr. T. also presented a memorial from citizens of Philadelphia, praying for a duty on foreign silks; which was referred to the Committee on Finance.

Mr. T. also presented the memorial of citizens of Racine, in Wisconsin Territory, for the improvement of that harbor; which was referred to the Committee on Commerce.

Mr. SEVIER presented the memorial of the Legislative Assembly of Iowa, praying Congress to extinguish the Indian title in that Territory; which was referred to the Committee on Indian Affairs.

Mr. YOUNG presented the petition of a number of citizens of the State of Illinois, praying for the establishment of a post road from Vandalia, Illinois, to Watertown; which was referred to the Committee on the Post Office and Poast roads.

Mr. Y. also presented the petition of a number of citizens of Aurora, Illinois, praying for increase of mail facilities between Chicago and Dixon's Ferry in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. STURGEON presented the memorial of members of the bar of Williamsport, Lycoming county, Pennsylvania, praying for an increase of salary to the judge of the United States for the western district of Pennsylvania; which was referred to the Committee on the Judiciary.

Mr. S. also presented three memorials from citizens of Philadelphia, praying for the imposition of a moderate duty on imported silks; which were referred to the Committee on Finance.

Mr. S. also presented a petition of certain citizens of Bleekley, Philadelphia county, praying against the admission of any State, which tolerates slavery, into the Union.

On motion by Mr. PRESTON, the motion of reception was laid on the table.

Mr. LINN presented the memorial of H. Hough and others, citizens of the State of Kentucky, praying the adoption of measures by this Government for the establishment and protection of a colony in the Oregon Territory; which was referred to the Select Committee on the Oregon Territory, and ordered to be printed.

Mr. MOUTON presented the memorial of John B. Theale and others, praying the establishment of a port of entry at Perry's Bridge, on Vermilion bar, in the State of Louisiana; which was referred to the Committee on Commerce.

On motion by Mr. MOUTON, the petition of James B. Sullivan, now on file, was referred to the Committee on Private Land Claims.

Mr. KING presented the petition of a number of citizens of Macon county, Alabama, praying to be allowed to enter other lands in lieu of the 16th section, in township 17, in said county, for the use of schools, and improperly located to certain Indians; which was referred to the Committee on the Public Lands.

Mr. K. also presented the memorial of a number of citizens of Mobile, praying an appropriation for the erection of light-houses and beacons, for rendering more secure the navigation between Mobile and New Orleans; which was referred to the Committee on Commerce.

Mr. K. also presented the petition of John Scott, praying remuneration for the destruction of his property by a party of emigrating Creek Indians; which was referred to the Committee on Indian Affairs.

Mr. BUCHANAN presented the petition of a number of half-breeds of the Sioux tribe of Indians, praying Congress to carry certain treaty stipulations into effect; which was referred to the Committee on Indian Affairs.

Mr. B. also presented six memorials of citizens of the United States, praying an imposition of a moderate duty on foreign silks; which were referred to the Committee on Finance.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of Wilson P. Hunt, reported a bill for the relief of Gregoire P. Sarpy, or his legal representatives; which was read, and ordered to a second reading.

Mr. L. also, from the same committee, to which was referred the bill to quiet the titles of certain land claimants in the States of Missouri and Arkansas, and for other purposes, reported it without amendment.

CUMBERLAND ROAD.

Mr. SMITH of Indiana, from the Committee on Roads and Canals, to which the subject had been referred by a resolution of the Senate, reported a bill making an appropriation, payable by instalments, of a sum sufficient to complete the Cumberland road in the States of Ohio, Indiana, Illinois, and Missouri, and transferring the road to those States under certain restrictions.

The bill was accompanied by a long report, in which it is maintained that the Cumberland road was conceived and commenced in the wise and statesmanlike policy of the times, with an eye to the payment of the Revolutionary debt, by making the Western lands tributary to that object; that the Cumberland road is a great national work, to the final completion of which the national faith is pledged; that the contract between the General Government and the States of Ohio, Indiana, Illinois, and Missouri, under what is termed the compacts, was for the construction of the road; and that the two per cent. was not *granted* to the States to make the road, but *reserved* by the General Government to make one, and that she is bound to construct it under the compacts at all events; that if the General Government could be viewed in the light of a trustee to the States, still she was bound for a judicious and economical application of the whole fund committed to her charge to the object intended, and she could not discharge herself by saying that the fund was reduced by grants, donations, the payment of military bounties, reductions of price, and pre emptions, authorized by herself; nor could she escape from her responsibility by saying that she had laid out her work on a scale too expensive for the fund reserved by her to complete; that a transfer to the States of the funds, annually, with the future charge of the road, would insure a continuous and energetic prosecution of the work, upon the most economical principles. Each position, and others, are examined at length.

The bill was read a first and second time; and the report, on motion of Mr. SMITH, with one thousand extra copies, was ordered to be printed.

REGULATION OF FOREIGN COMMERCE.

Mr. BENTON rose to move the Senate to reprint certain resolutions for the regulation of foreign commerce, on principles of reciprocity and mutual benefit, which he had brought into the Senate near ten years ago, but which had not then ripened into any legislative action. The resolutions were then brought forward, in view of the approaching extinction of the public debt, and the consequent ability of the Government to make a great reduction of duties on foreign imports; for which reductions he then believed, as he now believes, that both the Constitution of the United States, and the interest of the country, required equivalent advantages to be demanded from foreign countries, in return for the great advantages they would receive from such a large abolition of duties on their exports brought to our country. If the resolutions had then ripened into legislative measures, the country would not now have to regret the annual importation of fifty millions of free goods from countries, several of which oppress with enormous duties, and fetter with injurious restrictions, the products of the United States which go to their ports.

Having failed in his attempt to procure this regulation of foreign commerce at the epoch of the extinction of the public debt, he had since looked forward to the next event in the history of the country, which would enable him to renew the attempt. This would be found in the approaching expiration of what is called the compromise act, and which would expire on the 30th of June, 1842. That act conducted the duties to a point at which they could not remain—to a point which would produce a reaction—and would involve a general readjustment of the duties on imports. It was to prepare for this event, and to be in a condition to anticipate action by previous deliberation, founded on information, that he had moved at the last session for the call on the Secretary of State for a report on the burdens and restrictions on the commerce of the United States in foreign ports; which call the Secretary (Mr. Forsyth,) had ably and elaborately answered, and of which answer the Senate had directed a large edition to be printed. This call for the report was his first step towards the revival of the plan contained in his commercial resolutions of 1831: the second step was, to reprint those resolutions, as containing his exposition of the meaning of the Constitution, and his opinion of the duty of Congress under it, and the advantage which would redound to the country from the discharge of that duty. When the report of the Secretary should be printed, he should move practically upon the subject; and should endeavor to ripen his plan into a legislative act.

Mr. B. said it would not be expected of him at this time, and on this motion to reprint former resolutions, that he should go into any general exposition or support of the plan of commercial reciprocity which he proposed; but it would be proper in him to say that what he proposed was nothing more nor less than the revival of the plan contained in Mr. Jefferson's report, and Mr. Madison's resolutions, on the regulation of foreign commerce, as far back as the year 1793, and which report and resolutions presented the true interpretation of the Constitution of the United States, and contemplated the acquisition of advantages to their country proportionate to the advantages which other nations received from us in the free or in the cheap admission of their products into our ports.

The Constitution grants two distinct powers to Congress in relation to foreign commerce; the first power is, to raise revenue from imports for the necessities of the General Government; the other, to regulate commerce with foreign nations. These are distinct powers, granted for different objects and not convertible or transmutable into each

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, FEBRUARY 18, 1840. VOLUME 8.....No. 12.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

[*Continued from No.* 11.]

other. One of them—the first one—has been exercised from the day it was granted, and has been greatly abused, and perverted to objects for which it was not granted; the other has never been exercised at all; and has remained so long dormant that its purpose seems to have been forgotten, though the clause is often invoked to cover all sorts of absurd and unconstitutional propositions. Mr. Jefferson, by his report, and Mr. Madison, by his resolutions, attempted to execute this power—to give it a practical application to foreign commerce, according to the meaning of the Constitution; and their plan was to establish a discriminating duty of ten per cent. against the products and manufactures of the countries which refused to enter into treaties of *reciprocity* with us; that is, who refused to take some of our staples on favorable terms, in consideration of the favor we extended to theirs. The cheapness of our Government, and the largeness and value of our exports, it was seen, from the beginning, must put it into our power to demand, and to command, equivalents from other nations for the free or cheap admission of their products into our country; and this is what Mr. Madison's resolutions proposed to do. He was defeated, and barely defeated, by the Federalists and the British merchants, headed by Gen. Hamilton; and immediately after the rejection of his resolutions, the wars of the French Revolution came on, followed by the decrees of the Emperor Napoleon, and orders in council of the British; which, in a measure, broke up foreign commerce; and, at all events, put it out of our power to regulate even our own by law. These wars, and these ruinous attacks upon commerce, have long since ceased; and since ten years, he (Mr. B) had meditated the revival of the great work commenced by Mr. Jefferson and Mr. Madison, in 1793, and defeated by the Federal votes and British influence of that day.

Without going further into the subject at present, Mr. B. said, that the consequence of defeating Mr. Madison's resolutions were—*first*, that an important and express power in the Constitution had remained unexecuted for fifty years; *secondly*, that the regulating of foreign commerce (so far as it had been attempted) was done by the President and Senate alone, in virtue of the treaty-making power; and to the exclusion of the House of Representatives, which, as a part of Congress, had a right, and was bound by the Constitution, to act with the other component parts of the legislative power, in regulating commerce with foreign nations; *thirdly*, that fifty millions of foreign products were now received free of duty from nations which oppressed our exports with enormous, and, in some instances, prohibitory duties; *fourthly*, for want of acting on this plain command of the Constitution, and applying the clause to its proper object, it was made the source of latitudinarian and absurd constructions, and wild claims of power for a multitude of objects never thought of in the Constitution; and, *fifthly*, it was made a part of the pretexts and justification for the late enormous tariff, that we might punish other nations by retaliating upon their productions the high duties which they imposed upon ours.

Mr. B. said he hoped he should be more successful now than he was ten years ago, in his attempt to engage the attention of the Senate and of the country to the earnest consideration of this great subject. The time was approaching when they would be forced to readjust the whole tariff of duties; and it was the part of common prudence to foresee events, and to provide for them beforehand, instead of waiting until the crisis arrived, and when action, without deliberation and without choice of alternatives, became the law of necessity. The compromise act, as it is called, was only an adjournment of the question of the tariff—an adjournment of the question from the time when the country was prepared for action on it, to a time when it will not be thinking of it. This act expires in 1842, and every prudent man must foresee the struggle which is then to come on, and for which one party is now preparing, by endeavoring to create a necessity for the renewed imposition of high duties. Every attempt to divert the land revenue from the Federal Treasury, is a step taken in preparing one party for the struggle of 1842. It is my wish to prepare for that struggle also; and to prepare for it by anticipating the event—by exercising a granted power, thus far lying dormant in the Constitution—and exercising it according to its true intent and meaning, and to the manifest benefit of the whole Union. The regulation of foreign commerce upon the principle of reciprocity—treating the products of others as they treat ours—measuring back to every nation the same degree of favor, or disfavor, which it measures out to us; this is the intent of our Constitution, the interest of our country, and the duty of our Government. In the language of Mr. Jefferson, "FREE COMMERCE AND NAVIGATION ARE NOT TO BE GIVEN IN EXCHANGE FOR VEXATIONS AND RESTRICTIONS; nor are we to play the unprofitable and barbarian game of injuring ourselves to injure others. A reciprocity of benefits, instead of a reciprocity of injuries, should be our policy; and this policy should be presented, and imposingly presented, to all the nations with which we trade. It may not be that every one may find itself in a situation to relieve our exports to the same degree that we relieve theirs; but every one can do something: every one can relax, in some degree, its severe restrictions, and lighten, to some extent, its heavy impositions, on some essential tarticle of our exports. Each one that pleases can do this much; and those that do not please, we can force. Our position, and our circumstances, enable us to control and influence the commercial system of the civilized world. The large amount of our exports, their importance to other nations, our freedom from debt, the cheapness of our Government, the value of our custom, and our geographical position, enable us to command the commercial system of the world. We can command it: and we shall be blind to events, and unfaithful to our Constitution, to our interest, and to our duty, if we do not so far control and influence this system as to secure equivalent advantages for our exports, in return for the advantages which they receive from us in the admission of their products free of duty, or on the payment of a low and moderate duty. A discrimination of ten per centum to the prejudice of nations which refused to reciprocate advantages with us, would throw her commerce into the back ground, and make it secondary and inferior to the commerce of those in the same article which paid ten per centum less. Thus, and to exemplify the argument: a discriminating duty of ten per centum on either silks, wines, cottons, linens, woollens, or worsteds, &c. &c. against any nation which refused to enter into reciprocal arrangements for the more favorable admission of our tobacco, would immediately compel France and England to soften their rigorous systems in relation to that article, in order to avoid an enormous loss in losing a principal market for some one, or more, of their great staples. This would be its effect on the tobacco trade; and so it would be in relation to flour, rice, beef, pork, and every staple article of our exports.

Mr. B. said, that having given this glimpse of the plan which he proposed to revive, and having explained the reasons for the motion he intended to make, he would say no more at present; and would conclude with moving to reprint the resolutions to which he referred.

The resolutions were then read as follows:

IN SENATE OF THE UNITED STATES,
February 26, 1831.

Mr. BENTON submitted the following resolutions, which were read, and ordered to be printed, and laid on the table:

Resolved, That the powers conferred on Congress by the States to lay and collect duties, and to regulate commerce, are distinct and inconvertible powers, aiming at different objects, and requiring different forms of legislative action, the levying power being confined to imports, and intended to raise revenue, the regulating power being directed to exports, and solely intended to procure favorable terms in foreign ports for the admission of the ships and products of the States.

2. That the power to lay and collect duties on imports was solicited by the founders of the present Federal Government, and granted by the States for the express purpose of raising revenue, and paying the public debt, and with the solemn and reiterated assurance that the duties levied for paying the debt should cease the moment the debt was paid; which assurance was given in answer to objections from the States, and to quiet the apprehension expressed by some of them, that the grant of power to Congress to raise revenue from the commerce of the States, without limitation of time or quantity, and without accountability to them for its expenditure, might render Congress independent of the States, and endanger their liberties and prosperity.

3. That the public debt will (probably) be paid off in the year 1834, and the amount of about twelve millions of dollars of revenue will then be subject to abolition, and ought to be abolished, according to the agreement of the parties at the establishment of the present Federal Government, and in conformity to the present actual condition and interest of the States.

4. That an abolition of twelve millions of duties will be a relief to the people from about sixteen millions of taxes, (estimating the retail merchant's advance upon the duties at one-third;) and that the said abolition may be made without diminishing the incidental protection due to any essential branch or pursuit of domestic industry, and with manifest advantage to most of them.

5. That, for the purpose of enabling Congress to determine with entire safety to every interest, and with full satisfaction to the public mind, what branches and pursuits of domestic industry may be entitled to protection, and ought to be guarded from the injurious effects of foreign competition, a joint committee of the Senate and House of Representatives ought to be appointed, to take the examinations of practical men (producers, consumers, and importers,) in all doubtful cases, and to report their evidence to the two House of Congress.

6. That the said committee ought to be appointed at the commencement of the next stated session.

7. That the power to regulate foreign commerce was granted to Congress by the States for the express and sole purpose of enabling Congress to obtain and secure favorable markets abroad for the exports of the States, and favorable terms for the admission of their ships, and to effect these objects by establishing an equitable system of commercial reciprocity, discrimination, and retaliation, which should measure back to every foreign nation the same degree of favor or disfavor which itself measured out to the commerce and navigation of the United States.

8. That the power to regulate foreign commerce, although one of the first of the enumerated powers in the Constitution, and the inducing cause to its adoption, has never yet been exercised by Congress.

9. That the approaching extinction of the public debt, and consequent obligation to abolish, and advantage in abolishing, about twelve millions of annual revenue, will enable the United States to receive a large portion of her foreign commerce, say the one half thereof, free of duty; and that the fair principles of a just reciprocity, the dictates of obvious policy, justice to the States, and the constitutional duty of the Federal Government, already too long deferred, will require this Government to demand equivalents from all nations which may wish to be admitted to a participation in the enjoyment of this great amount of free and unrestricted trade.

10. That the free importation of the following articles (among others) may be admitted into the United States without compromising the prosperity of any branch or pursuit of domestic industry, and with manifest advantage to most of them; namely, linens, silks, wines, coffee, cocoa, worsted stuff goods, several descriptions of woollens, several qualities of fine cottons, several kinds of spirits, &c &c.

11. That the free importation of the said articles ought to be offered to all nations which shall grant equivalent advantages to the commerce and navigation of the United States, and will receive the products of their industry; namely, fish, furs, lumber, naval stores, beef, bacon, pork, grain, flour, rice, cotton, tobacco, live stock, manufactures of cotton, leather, wood, and silk, butter and cheese, soap and candles, hats, glass, and gunpowder, lead, shot, and sugar, spirits made of grain and molasses, &c. &c. or some adequate proportion thereof, either free of duty, or upon payment of moderate and reasonable duties, to be agreed upon in treatie, and to continue for a term of years, and to no other nations whatever.

12. That there is nothing in existing treaty stipulations with foreign powers to prevent the regulation of our commerce upon the foregoing principles.

13. That all commercial nations will find it to their advantage to regulate their commerce with the United States, on these principles, as, in doing so, they will substitute a fair and liberal trade for a trade of vexations, oppressions, restrictions, and smuggling; will obtain provisions for subsistence, and materials for manufactures, on cheaper terms and more abundantly; will promote their own exports; will increase their revenue, by increasing consumption and diminishing smuggling; and, in refusing to do so, will draw great injury upon themselves in the loss which will ensue of several great branches of their trade with the United States.

14. That the agriculture, manufactures, commerce, and navigation of the United States, would be greatly benefitted by regulating foreign trade on the foregoing principles: first, by getting rid of oppressive duties upon the staple productions of the United States in foreign markets; secondly, by lowering at home the price of many articles of comfort or necessity, imported from abroad.

15. That the safest and most satisfactory mode of regulating foreign commerce on these principles would be by combining the action of the legislative and treaty making powers, Congress fixing, by law or joint reiolution, the articles on which duties may be abolished, and the Executive negotiating with foreign nations for the grant of equivalents.

16. That to be in readiness to carry this system of regulating foreign commerce into effect at the extinction of the public debt, it will be necessary for Congress to designate the articles for abolition of duty at the next stated session.

On motion of Mr. LINN, a memoir, communicated to the Select Committee on the Oregon territory, in relation to the claims of the United States to the Northwestern Territory, was ordered to be printed with the accompanying map, and that 2,500 additional copies be printed.

Mr. WALKER submitted the following motion for consideration; which was adopted:

Resolved, That the Commerce on Commerce be instructed to inquire into the expediency of causing a complete survey to be made of the coast of the State of Mississippi, and of the islands in the vicinage of said coast, and of all its bays and harbors.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of causing light-houses to be established at Mississippi city and at Ship Island.

Resolved, That the Committee on Commerce be instructed to inquire into the expedieney of removing the obstructions in the Bayou Manchac, and reopening the same for navigation.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of requiring forts to be erected on the western extremity of Ship Island, and on the bar or middle ground, between Cat and Ship Island, in the State of Mississippi.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy yard at the west end of Ship Island, in the State of Mississippi.

BILLS PASSED.

The following bills were taken up on their third reading, read a third time, and passed:

The bill to authorize John E. Metcalf, and others, to locate certain pre emption claims to land in Indiana.

The bill for the relief of Susannah Honeyman, and her legal representatives.

The bill to amend the "Act to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved March 3, 1839.

ASSUMPTION OF STATE DEBTS.

The report of the Select Committee, to which was referred the resolution of Mr. BENTON, and the resolution of Mr. LUMPKIN, on the subject of the assumption of the State debts by the General Government, being the special order of the day, was taken up.

Mr. GRUNDY said he did not rise to discuss this question, but merely to ask that, when the question on the resolutions came up, it might be taken on each separately, and by yeas and nays.

The first resolutions were then read, as follows:

1. *Resolved*, That the assumption, directly or indirectly, by the General Government, of the debts which have been, or may be, contracted by the States for local objects or State purposes, would be unjust, both to the States and to the people.

2. *Resolved*, That such assumption would be highly inexpedient, and dangerous to the Union of the States.

3. *Resolved*, That such assumption would be wholly unauthorized by, and in violation of, the Constitution of the United States, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

4. *Resolved*, That to set apart the public lands, or the revenues arising therefrom, for the before mentioned purposes, would be equally unjust, inexpedient, and unconstitutional.

Mr. PRENTISS moved to strike out the words "directly or indirectly" from the first resolution.

After some remarks by Mr. GRUNDY and PRENTISS, the latter withdrew his amendment at the suggestion of

Mr. CRITTENDEN, who moved to strike out all after the word resolved in the first resolution, and, as a substitute for the whole series, insert the following:

Resolved, That the debts of the several States, so far as they are known to the Senate, have been contracted in the exercise of the undoubted right and constitutional power of said States respectively, and that there is no ground to warrant any doubt of the ability or disposition of those States to fulfil their contracts.

Resolved, That it would be just and proper to distribute the proceeds of the sales of the public lands among the several States, in fair and rateable proportions, and that the condition of such of the States as have contracted debts is such at the present moment of pressure and difficulty as to render such distribution especially expedient and important.

Mr. CRITTENDEN submitted his reasons for proposing the substitute, when

Mr. ALLEN intimating an intention of addressing the Senate on the subject, on his motion it was informally passed over, and the substitute ordered to be printed.

The Senate then went into Executive business, And afterwards adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, Feb. 10, 1840.

The SPEAKER announced the first business in order to be the reception of resolutions; and, thereupon, the States were called in their order. [See below.]

Mr. HAND of New York gave notice of his intention to ask leave to bring in a bill to establish an uniform rule of naturalization, and to repeal all acts heretofore passed on that subject.

Mr. OGLE offered a resolution providing for the appointment of a select committee on the subject of coinage, and directing the said committee to inquire into the expediency of discontinuing the operations at the several Branch Mints of the United States, with leave to report by bill or otherwise.

And Mr. O. moved a suspension of the rule for the purpose of considering the resolution at this time, and asked the yeas and nays on that motion, which were ordered; and, being taken, were—yeas 61, nays 104.

So the rules were not suspended.

Mr. SMITH of Vermont gave notice that he would, on to-morrow, ask leave to introduce a bill to repeal so much of the second section of an act entitled "An act to alter and amend the several acts imposing duties on imports," approved July 14, 1832, as levies a duty on the importation of salt.

Mr. WISE offered the following resolution:

Resolved, That the Secretary of War be requested to furnish this House with all the information in his possession, or on file in his Department, respecting the importation and employment of bloodhounds and their keepers (if foreign keepers have been employed) by the War Department, or by the authorities of the Territory, in the Florida war with the Seminole Indians.

Mr. W. said he was already in possession of the information which this resolution called for; and he desired to take this opportunity to state, in answer to inquiries from several portions of the country, that the War Department had admitted the fact, officially to him, that this Government had authorized the employment of bloodhounds.

The resolution was ordered to lie over one day.

In pursuance of notice heretofore given, Mr. ANDREWS, of Kentucky, introduced a bill allowing the trustees of Centre College to dispose of lands heretofore granted to the trustees of the Deaf and Dumb Asylum of the State of Kentucky; which was read twice, and referred to the Committee on the Public Lands, and ordered to be printed.

In pursuance of notice heretofore given by him, Mr. GRAVES (the State of Kentucky having been called) introduced a bill to authorize the purchase of the stock held by individuals in the Louisville and Portland canal, and to make the navigation thereof free.

The bill having been read twice—

Mr. GRAVES moved that the bill be referred to the Committee of the Whole on the state of the Union, and that it be made the special order for the 3d of March.

After some conversation on a point of order, a division of the question was moved and ordered.

Mr. DUNCAN inquired if a motion to refer the bill to a committee for the purpose of investigating the subject was in order?

The SPEAKER said that a motion to refer to the Committee of the Whole on the state of the Union would take precedence of a motion to refer to a standing committee.

And the question being taken, the bill was referred to the Committee of the Whole on the state of the Union.

Mr. GRAVES then waived his motion for the special order; and, on his motion, the bill, together with a report made at the last session of Congress on the subject, was ordered to be printed.

Mr. CROCKETT, in pursuance of notice given, asked and obtained leave to introduce a bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants," &c. Read twice, and referred to the Committee on the Public Lands.

Mr. BELL, in pursuance of notice heretofore given, asked leave to introduce a bill to secure the freedom of elections, and to provide more effectually for the administration of Executive patronage.

Objection being made,

Mr. BELL moved that leave be granted.

Mr. TURNEY asked the yeas and nays; which were ordered.

Mr. PROFFIT called for the reading of the bill; which having been read,

Mr. BELL said he did not feel disposed to submit any remarks in support of his motion for leave. He would waive his right, because the bill was nearly a copy of one which had been twice or thrice introduced here without objection. It was seldom that any objection was made to the introduction of a bill. After its introduction, the House might take what course it thought proper—it might pass or reject it at its discretion. He did not desire, however, now to occupy any portion of a day set apart for the reception of resolutions with a discussion on the provisions of this bill; and he would not do so, provided any thing like a liberal disposition was shown by the House in allowing the bill to be introduced. He thought proper to state that this bill was not liable to some of the objections taken to that which had been introduced in another part of the Capitol.

Mr. B. then proceeded to point out the difference in the provisions of the two bills—when a question of order was raised as to the right of the gentleman to discuss the matter at this time.

The decision of the SPEAKER was that, under the practice of the House heretofore, (although it was against his own impression,) the gentleman from Tennessee [Mr. BELL] was in order to proceed in his remarks—if the motion for leave was made.

Mr. D. H. LEWIS appealed from this decision.

The appeal was debated by Messrs. LEWIS, CRARY, and BELL.

When Mr. HUBBARD moved the previous question on the appeal.

Mr. BELL said he would not put the gentleman to that necessity; but protesting against the construction given to the rule by gentlemen on the other side, and by which a gentleman not in favor, might be forever prevented from introducing a bill, he would waive further debate.

And, thereupon, the appeal was withdrawn.

The question then recurred, and was taken on the motion for leave to introduce the bill, and was decided in the affirmative—yeas 91, nays 74.

So leave was granted.

Mr. CAVE JOHNSON said he felt it to be his duty to oppose the bill at every step. From what he knew of it, he thought it ought not to be received.

Mr. BELL called the gentleman to order. Let him make his motion.

Mr. JOHNSON said he was going to make it, and, thereupon, moved the question of consideration, and asked the yeas and nays.

Mr. BELL insisted that the bill must be read a first time.

Some conversation on the point of order ensued.

The bill was at length read a first time—

And Mr. JOHNSON moved the question of consideration.

Mr. BELL gave notice of his intention to debate, and the bill lies over.

On leave given, Mr. BELL introduced another bill, entitled A bill to repeal the first and second sections of an act entitled, An act to limit the term of certain offices therein named, and for other purposes, approved May 15, 1820.

The bill having been read twice,

Mr. BELL said he wished that the bill should take its place with the bills on the table, on second reading.

Mr. PETRIKIN moved the reference of the bill to the Committee on the Judiciary.

Mr. BELL objected.

The bill (as the Reporter understood) was referred accordingly.

Mr. CURTIS, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of certain debtors to the United States, and to repeal certain acts in relation to such debtors.

The bill having been read twice, it was, on motion of Mr. C. referred to the Committee on the Judiciary.

The call of the States and Territories having been gone through with,

On motion of Mr. STANLY, the House adjourned.

RESOLUTIONS.

Mr. LOWELL said the subject of the resolution he was about to offer, was one of great importance to the country, and particularly to his immediate constituents. Under the rule, the resolution would lie over one day; and he had no objection to its taking that course, as it was his wish to submit a few remarks when it came up for consideration. The resolution was then read, as follows:

Resolved, That the President of the United States be requested to communicate to the House all the information in his possession, or in the possession of either of the Departments, relating to the seizure and condemnation by the British authorities, during the year now last past, of certain American vessels engaged in the fisheries.

Mr. CUSHING submitted the following resolution:

Resolved, That the President of the United States be requested, if, in his opinion, compatible with the public interest, to communicate to this House any information in possession of the Government, respecting the assemblage of Indians on the Northwestern frontier; and especially as to the interference of the officers or agents of any foreign power with the Indians of the United States, in the vicinity of the great Lakes.

Mr. C. expressing an intention to debate this resolution, it lies over for that purpose, under the rules of the House.

Mr. ADAMS submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, copies of any demand made by the Minister or other diplomatic representative of Spain in this country, of the surrender to him of the Africans taken in, or belonging to, the vessel called L'Amistad, and of all correspondence between this Government and the said Minister or diplomatic representative relating thereto; also copies of all instructions from the Department of State to the district attorney of the United States in the judicial district of Connecticut, and all reports of the said district attorney to the said Department, relating to that subject.

Mr. ADAMS also submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to this House a statement of all the public moneys of the United States invested in the stocks of the several States, specifying the amount invested: with the stocks of each State; the authority by which such investment was made; the terms and rate of interest of each contract; the security received for payment of interest and principal of each debt; the rate per centum given in the purchase of the bond; and the market value of the said bonds at the times of the respective investments, and at the present time.

Mr. HOOK offered the following resolution, which being objected to, lies over, under the rule:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the provisions of the act of 7th July, 1838, to the widows of such Revolutionary soldiers who have died since the passage of said act, or that may die hereafter.

On motion of Mr. HAND,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of so amending the acts of July 4th, 1836, and of June 7th, 1838, as to provide for those widows whose husbands have died since their passage, and those who shall hereafter become widows.

Mr. HAND also offered the following resolution, which being objected to, lies over, by the rule:

Resolved, That the Committee on Military Affairs be instructed to inquire into the necessity and expediency of constructing a national military road from some point on Lake Champlain, to some point on Lake Ontario, on the river St. Lawrence.

On motion of Mr. MARVIN,

Resolved, That the Committee on the Judiciary be instructed to inquire into the power of Congress to provide by law for the punishment of crimes committed on board vessels and steamboats navigating the Northern and Northwestern waters, and into the expediency of providing by law for the punishment of crimes so committed.

Mr. GOGGIN presented the following resolution, and in doing so, observed that he offered the resolution at the request of some of those whom he had the honor to represent, as well as from a conviction of what he himself believed to be due to the country:

Resolved, That a committee of five members be appointed, whose duty it shall be to inquire into and report to this House what has been the entire expense of the Florida war up to the commencement of the present year, with the number of troops of every description which have been, or are now, employed in the said war in the pay of the United States; and the probable number of hostile Indian warriors now in the Territory of Florida. Also, what causes have tended to delay the termination of the said war; and what is likely to be the probable amount of money necessary to complete the same.

This resolution, under the rule, lies over for consideration.

On motion of Mr. JOSEPH L. WILLIAMS,

Resolved, That the Committee on Commerce inquire into the expediency of making Eastern Tennessee a collection district, and Knoxville the port of entry for the same.

Resolved, That the Committee on Indian Affairs inquire into the propriety of reporting a bill to carry into effect the 14th article of the the late treaty between the United States and the Cherokee Indians.

Mr. MILLER presented the following resolution, which was ruled to be out of order, not being petition day:

Resolved, That the petitions and papers of the following named persons, heretofore presented to Congress, and referred to appropriate committees, and now on the files of this House, be taken therefrom and referred to the several committees hereinafter named, viz: That the several petitions and accompanying papers of William Monroe, Joseph Wolfskill, Reuben E. Gentry, Francis Cooper, Joseph Boggs, David M'Gill, Abraham Groom, Elisha Todd, Lewis Laplant, Francis Denoves, John B. Grazel, Gabriel Marlow, Charles Cardinal, Elizabeth Vincennes, John O'Bonnan, James Turner, Benjamin Costin, John Berry, James Barnes, John Barnes, James Alcorn, Frederick Barnes, Jesse Watkins, Lewis Burshold, Thomas Wason, John and Robert Heath, Francis Woods, Joshua Truman, Joseph Austin, John B. Roy, William Heal, Joseph Roy, and Sarshal Cooper, all citizens of Missouri, praying compensation for depredations committed on their property, in the year 1814, by certain Sac and Fox Indians, who professed, at the time, to be amity with the United States, be referred to the Committee of Claims; and I further beg leave to move that the report of the Committee on Indian Affairs, and the bill which accompanied the same, made December 28, 1837, favorable to and for the relief of the aforesaid petitioners, and herewith communicated and presented, be referred to the same committee. That the petition and papers of Francis Roy, Austin Foy, and John B. Denoyer, claiming compensation for depredations committed on their property, by certain Indians therein specified, be taken from the files of the House and referred to the Committee of Claims. That the petition and papers of Lewis Bissell of Missouri, claiming compensation for depredations committed on his property, by an officer in the employ of the United States, heretofore presented to Congress, be taken from the files of the House, and referred to the Committee of Claims. That the petition and papers of the heirs of Appollus Cooper, heretofore presented to Congress, claiming seven years half pay for his services as a lieutenant while in the army, during the Revolutionary war, be taken from the files of the House, and referred to the Committee on Revolutionary Claims; and that the copy of a report made by said committee on the 8th January, 1838, favorable to the claim of said heirs, accompanied by a bill for their relief, and herewith communicated and presented, be referred to the same committee. That the petition and papers of William Nicholas of Missouri, praying compensation for two horses lost by him, in the year 1815, while in the service of the United States, and heretofore presented to Congress, be taken from the files of the House and referred to the Committee of Claims; I also beg leave to refer, therewith, to the said committee, the affidavit of Gen. John Ruland, being additional testimony in support of the claim of the said Nicholas. That the petition and papers of John Turner of Missouri, praying compensation for depredations committed on his property by the Sac and Fox Indians, heretofore presented to Congress, be taken from the files of the House and referred to the Committee of Claims.

Mr. MILLER submitted the following resolution, which, under the rule, lies over:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting an adequate appropriation for continuing the improvement of the harbor at St. Louis, Missouri; and for the improvement of the navigation of the Mississippi river above the mouth of the Ohio; and the Missouri, from its mouth as high up said river as the northwestern corner of the State of Missouri, or to a point where the northern boundary line of said State intersects or connects with said river.

Mr. RAMSEY offered the following resolution, which, under the rule, lies over:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of extending the pension laws of the United States, so as to embrace the officers and soldiers who served in the armies of Generals Harman and St. Clair, subsequent to the Revolutionary war.

Mr. WICK of Indiana submitted the following resolution, which, causing debate, was, under the rule, laid over:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the compensation of the judge of the district of Indiana.

Mr. CARR of Indiana submitted the following resolutions, which lies one day, under the rule:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reducing the price of the refuse public lands, as follows, to wit: That all the public lands which have been in the market for the term of five years, and remain unsold, be offered at private sale at the rate of one dollar per acre; that all the refuse public lands which have been in market for the term of ten years, and remain unsold, be offered at private sale at the rate of seventy-five cents per acre; and that all the refuse public lands which have been in market for fifteen years, and remain unsold, be offered at fifty cents per acre; provided that in thus reducing the price of the refuse lands, no one person shall be authorized to purchase more than 640 acres at such reduced prices or rates.

Resolved, That the Secretary of War report to this House the estimates and plan of Henry W. Shreeves, esq. to improve the navigation through the falls of the Ohio river. Also, report to this House the estimate and plan of the same individual, for the construction of a canal around the falls on the Indiana side of the Ohio river, if any such estimates and plans be in his possession.

On motion of Mr. CAVE JOHNSON of Tennessee,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing Delila Morris, the widow of Holloway Morris, deceased, a Revolutionary soldier, on the pension roll.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of repealing or modifying the fifth section of the act of 16th March, 1802, and other laws in relation to double rations to the officers of the army.

Mr. J. also submitted the following resolution; which, under the rule, lies over:

Resolved, That the following be added to the standing rules of the House: That all resolutions and orders requiring an expenditure of the public money, shall be referred to some one of the standing committees of the House, and reported upon by a committee before the same shall be acted on in the House.

Mr. COOPER of Georgia submitted the following resolutions; which, under the rule, lie over:

Resolved, That a committee of three be appointed to inquire into the expediency of repealing the laws in force, fixing the salaries for the Chaplains of this House and the Senate, with instructions to report by bill or otherwise.

Resolved, That the Secretary of War lay before the House all the papers and correspondence in his Department relating to the slaves captured by the Creek warriors, in Florida, under an agreement or contract made between them and General Jesup—the delivery and disposition of the same, together with a statement showing the action of his Department in relation to their delivery and sale; also, the opinion of the said Secretary on the claim of Gen. John C. Watson, arising on the purchase of said slaves; also, his opinion on the propriety of an appropriation to pay for said slaves, instead of causing them to be elivered up to the proper owner under the said contract.

On motion of Mr. SHAW,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of reporting a bill, providing that the benefits of the act of July 7, 1838, shall not be withheld from any widow, in consequence of her having married after the decease of the husband for whose services she may claim to be allowed a pension or annuity under said act; provided she was a widow at the time it was passed.

On motion of Mr. LINCOLN,

Resolved, That the Committee on the Public Buildings and Grounds be instructed to consider the expediency of causing a chandelier, of sufficient capacity to light the Hall of Representatives in the evening, to be provided for that purpose, in aid of, or as a substitute for, the present mode of lighting the same.

On motion of Mr. H. WILLIAMS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of revising the laws relating to the papering of vessels employed in the whale fisheries; and also of making further provision for the protection and return of seamen engaged in that business.

On motion of Mr LINCOLN,

Resolved, That the Commissioner of the General Land Office be directed to communicate to the House, as soon as may be, such information as may be within the control of his Department, touching the situation, quantity, quality, and probable value of the public lands of the United States, lying within the geograpical limits of the State of Tennessee; whether such lands, or any parts of them, have been surveyed, and into what division—what proportion is susceptible of occupancy and profitable improvement, and what parts may be utterly waste or refuse; and in general, that he include in his statement all such facts and information in respect to said lands as may lead to a correct judgment of their value to the United States, and the proper disposition to be made thereof.

On motion of Mr. LAWRENCE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reducing the rates of postage.

On motion of Mr. W. B. CALHOUN,

Resolved, That the resolution on the files of the last Congress, proposing a further provision for the surviving soldiers of the old fourth regiment of the United States infantry, with the accompanying papers, be referred to a Select Committee.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making appropriations by law for removing obstructions to navigation, and cleaning the channel in the Providence river, at or near the ports of Providence and Pawtucket; and for a survey, with a view to constructing a harbor on Block Island.

On motion of Mr. J. W. DAVIS of Indiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Greencastle, in Putnam county, by Russellville, to Rockville, in Parke county, Indiana; also to inquire into the expediency of establishing a post route from Carlisle, Sullivan county, by Newberry, Scotland, and Hatfield, to Springville, in Lawrence county, Indiana.

Mr. J. W. DAVIS of Indiana also presented the following resolution, which, causing debate, lies over one day:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill repealing all laws imposing duties on salt, iron and lead.

Mr. J. W. DAVIS of Indiana submitted the following, which under the rule, lies over one day:

Resolved, That the Secretary of War furnish to this House, at the earliest practicable period, all such estimates, reports, and statements, in writting, as may be necessary to the proper drafting of a bill, providing for the continuation of the Cumberland road in Indiana, Ohio, and Illinois; and that he further submit an opinion as to the propriety and expediency of changing the manner of disbursing any appropriation that may be made for the State of Indiana.

On motion of Mr. HOWARD,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Madison Collins, Warren county, Indiana, and that the evidence presented in favor of said application be referred to the said committee.

Resolved, That the claim of Francis Malone, for compensation for services rendered in the Revolution, with the accompanying document in support thereof, be referred to the Committee of Claims.

Resolved, That the claims of Richard Mack, for compensation for Revolutionary services, be referred, with the accompanying papers, to the Committee of Claims.

Resolved, That the letter of Jacob Olinger, a Revolutionary soldier, of Carroll county, Indiana, praying the passage of a law allowing pensions to all Revolutionary soldiers who served

three months in the Revolutionary army, be referred to the Committee on Revolutionary Pensions.

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing additional compensation to Capt. John Nelson of Indiana, and others, who were made prisoners during the late war with Great Britain, and that the letter of said Nelson, in favor of said claim, be referred to said committee.

Mr. RHETT submitted the following resolution, which causing debate was, under the rule, laid over:

Resolved, That the Committee of Foreign Affairs do inquire into the circumstances under which the American vessel Enterprise was driven by stress of weather, in the year of 1837, into the port of Hamilton, in the Island of Bermuda, and the slaves therein were liberated by the authorities of that island, and do report thereon to this House.

Mr. GRIFFIN submitted the following, which, under the rule, lies over:

Resolved, That the finished lobbies on each side of the hall be reserved for the use of the members, and those with whom they may be called from the hall for the transaction of business.

On motion of Mr. GREEN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety and expediency of establishing a post route for a daily mail, to be carried in four horse post coaches from Louisville, Ky. by way of West Point, Brandenburg, Hardinsburg, Owensborough, thence to Smithland, mouth of Cumberland, the most direct and practicable route, and that said committee report by way of bill or otherwise.

On motion of Mr. NAYLOR,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the propriety of allowing Mark Hawkesworth the pay of a yeoman during the time he did the duties of that office on board the United States schooner Dolphin, to wit, from from the 4th of November, 1833, to the 20th of November, 1835.

Mr. NAYLOR also offered the following resolutions, which lie over one day under the rule:

Resolved, That the Secretary of the Navy be requested to transmit to this House copies of all the proceedings of the Court of Inquiry held at Philadelphia, in the year 1839, to inquire into the conduct of Captain Jesse D. Elliott, of the United States navy, together with copies of the statements and opinions of said Court, and of all the testimony, diagrams, and papers taken and introduced in the course of the said inquiry.

Resolved, That the Secretary of the Treasury be requested to inform this House whether his Department admits free of duty umbrellas and parasols covered with silk, imported into the United States; and, if so, how long they have been so admitted free, and the number or amount of them, together with his reasons for so admitting them.

Mr. C. MORRIS offered the following resolution, which lies over under the rule:

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of establishing a fund for the support of common schools within said District, by an application of a portion of the public domain for that purpose.

On motion of Mr. CRANSTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of amending the law in relation to ship letters, so as to make it the duty of the captain, or other person having returned ship letters, to return them to the postmaster at the port where he shall arrive.

On motion of Mr. DENNIS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Princess Ann to Cullen's store, in the county of Somerset, Maryland.

On motion of Mr. C. H. WILLIAMS,

Resolved, That a committee, consisting of one member from each State, be appointed to inquire into the expediency and propriety of creating a National Bank, with leave to report by bill or otherwise.

On motion of Mr. CRABB,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency—

First, of granting to the several internal improvement companies in the State of Alabama a right of pre-emption on a reasonable credit, to a quantity of public land, proportioned to their respective capitals, lying nearest to the line of the projected improvements, to be selected so as not to interfere with individual claims or other rights of pre-emption.

Secondly, of relinquishing to the State of Alabama the remaining two-fifths of the five per cent. of the nett proceeds of the public lands sold within said State since the 1st day of September, 1819, for the express purpose of connecting, by railroads, canals, or otherwise, under the direction of the Legislature of that State, the navigable waters of Mobile Bay with the Tennessee river.

Resolved, That the Committee on the Militia be instructed to inquire into the justice and expediency of increasing the compensation of the militia and volunteer troops when called into the service of the United States.

On motion of Mr. CHAPMAN, of Alabama,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the State of Alabama, for the further execution of the improvement of the Tennessee river, at the Muscle and Colbert's Shoals, all the public lands remaining unsold within the Huntsville land district.

On motion of Mr. LEWIS,

Resolved, That the Committee on the Public Lands inquire into the expediency of providing, by law, more adequate compensation to such townships in Alabama as have been deprived of their 16th sections by reason of reservations under Indian treaties; and that they also inquire into the expediency of confirming the titles to reservations under the treaty of Fort Jackson, which have been *bona fide* disposed of by the original reservees.

Mr. LEWIS moved the following, which lies over:

Resolved, That the Committee on the Public Lands inquire into the expediency of suffering persons who have by mistake entered a subdivision of public land not intended to be entered, to relinquish the same, and enter other lands in its place, or receive back the money paid for such land, under such regulations as may be prescribed by the Commissioner of Public Lands, and upon proof satisfactory to him that the party applying had not in fact entered the land he intended to enter.

On motion of Mr. JAMESON,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of re-reporting the bill reported by that committee December 28, 1837, for the relief of Reuben E. Gentry, William Monroe, and others.

On motion of Mr. CROSS,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of conferring on the District Court of the United States for the district of Arkansas the jurisdiction of a Circuit Court, and of requiring two terms thereof to be held annually.

Mr. CRARY moved the following, which lies over:

Resolved, That the Secretary of the Navy report to this House the number of hydrographic surveys that have been made by his Department; the cost of the same; by whom and when made; under what authority, and for what purpose; and whether the publication of charts of said surveys would be conducive to the interests of commerce.

Mr. MONTANYA moved the following, which lies over:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a beacon-light at the extremity of the pier recently constructed by the New York and Erie Railroad company into the Hudson river.

On motion of Mr. WILLIAMS of Connecticut,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of paying to Ingoldsby V. Crawford and Samuel Phillips, collectors of Newburyport, all that may be found justly due to them for their services and expenditures in superintending the light-houses, beacons, and buoys, in their districts, from the year 1831 to 1837, inclusive, and in purchasing a lot and superintending the erection of a custom house and public store in their districts; *Provided*, That the sum to be paid shall not exceed one thousand dollars to each.

Mr. MORGAN offered the following, which lies one day:

Resolved, That the Secretary of the Treasury be directed to inform the House of Representatives whether in his annual report, made at the commencement of the present session of Congress, and in the estimates therein contained of expenditures proposed for the current year, he has included any sum or proposed any appropriation for the construction and continuation of the Cumberland road; and, if not, whether the omission was intentional or designed.

Mr. RUSSELL offered the following, which lies one day:

Resolved, That the Postmaster General be directed to inform this House—

1st. Whether Munson Smith, late postmaster at Schaghticoke Point, in the State of New York, was removed from said office upon charges exhibited against him to the Postmaster General; and if so, when—what were the charges—by whom were there preferred—and what evidence of the truth of such charged was exhibited to the Department.

2d. Whether Mr. Smith had notice from the Department of the existence of the charges, and the testimony exhibited against him, or any opportunity of exculpating himself by counteracting testimony, before the Department proceeded to act thereon.

3d. Whether the Postmaster General, on application therefor, refused to furnish copies of the charges, or give to Mr. Smith any reasons for his removal.

4th. Whether the Postmaster General, upon an application for that purpose, by a member of the House of Representatives of the United States, in behalf of Judge Smith, has not refused to permit said papers, charges, and evidence, to be inspected or examined, alleging that it was contrary to the rules of the Department to allow an examination of any papers, or charges, deposited in the office, and upon which the action of the Department had been invoked, or removals had taken place; and that the Postmaster General be directed to furnish this House with copies of all papers and charges in his office implicating Judge Smith, and which had for their object his removal from office; and also copies of the correspondence previous to his removal, between the Department and any person or persons relating to the removal of Mr. Smith.

Mr. CHITTENDEN offered the following resolution, which lies over:

Resolved, That the Postmaster General be requested, without delay, to communicate to this House upon what terms and under what contracts the mails have been transported between the city of Washington and New York since the 31st day of December last, the name, and by whom the mails upon that route have been carried; whether by railroad or otherwise; whether, at some times, a portion of the mail only has been carried, and, if so, the reason therefor; whether there has, within that time, been any failure in the transportation of the mails, and, if so, the number and causes thereof; and whether, if so, what means have been taken by the Post Office Department to prevent any failures hereafter upon said route.

Mr. MONROE offered the following resolution, which lies over:

Resolved, That the Postmaster General be directed to report to this House whether he deems any action by Congress necessary to enable him to make such contracts for the transportation of the mail from this city to New York, and also to enforce the punctual performance of the same by such persons as may come under contract.

On moton of Mr. E. ROGERS,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing the claim of Benjamin Simmons for services during the Revolutionary war, and that the petition and papers now on file be referred to said committee.

Mr. HENRY offered the following resolutions, which lie over:

Resolved, That a general dissemination of knowledge, and in a more especial manner that which relates to the affairs of this great nation, to all classes of our fellow-citizens, is the only sure basis upon which all our Republican institutions stand, and on which depends the permanency of this great Republic.

Resolved, That there is no medium through which that knowledge can, with such ease and facility, be disseminated to all classes of our fellow-citizens, high or low, rich or poor, as that of a public newspaper.

Resolved, therefore, (that this great end may be better attained, and that the poorer class of our citizens may have such knowledge spread abroad among them on the cheapest and most moderate terms,) that the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so altering the rates of postage that all newspapers shall be carried by mail in the respective counties where they are printed and published, without any charge of postage.

Mr. PETRIKIN offered the following resolution, which lies over:

Resolved, That the President be requested to inform this House what is the amount of the salary paid to the Commissioner of the Public Buildings, and also what amount of salary paid to the Architect, and whether any perquisites are attached to said offices by which the salaries are increased.

On motion of Mr. FLOYD,

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Westernville to Boonville, in the county of Oneida, New York.

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Cassville, in the township of Paris, to Babcock Hill, in the township of Bridgewater, in the county of Oneida, New York.

Mr. RANDOLPH offered the following resolution, which lies over:

Resolved, That the Secretary of War be requested to communicate to this House a copy of a letter addressed to him by the Hon. Ebenezer Tucker, of Tuckerton, New Jersey, on or about the 13th of May last, in relation to the protection and improvement of Little Egg Harbor.

Mr. LEET offered the following resolution, which lies over:

Resolved, That the Committee of Ways and Means be directed to inquire into the expediency of making an appropriation of $20,000, to be expended under the direction of the Secretary of War, in making guard fences along the dangerous passes of so much of the National road as lies within the States of Maryland, Pennsylvania, and Virginia.

On motion of Mr. J. DAVIS, of Pennsylvania,

Resolved, That the Clerk cause to be furnished to the members of this House during the present session, such newspapers as they may direct, the expense thereof not to exceed the price of three daily papers to each member, from the commencement of the session.

Mr. WORTHINGTON offered the following resolution which lies over:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of providing an appropriation by law for the removal of obstructions in the Susquehanna river, at or near Havre de Grace, and for the improvement of the harbor of Havre de Grace.

Mr. W. C. JOHNSON offered the following resolutions which lie over:

Resolved, That the Committee for the District of Columbia be allowed to employ a clerk.

Resolved, That the proceeds of the sales of —— acres of the public lands be given to the State of Maryland, for the purpose of free schools and academies, which amount of acres is to correspond in a just proportion to that already granted by Congress to many of the States in the Union for the like purpose.

Resolved, That —— committee report a bill in accordance with the principles of the foregoing resolution.

Mr. WISE offered the following resolution, which lies over:

Resolved, That a select committee be appointed to inquire into the justice and expediency of reducing all the salaries of civil officers of the United States which may be reduced by law upon a scale proportioned to the present embarrassments of the public Treasury, and of the people, and in accordance with the specie standard of a "hard money Government."

Mr. L. WILLIAMS offered the following resolution, which lies over:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of extending the post road, from Walnut Grove, in Virginia, to Bowen's Store, in Ashe county, North Carolina.

On motion of Mr. BEIRNE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the White Sulphur Springs, in Greenbrier county, Virginia, by Anthony's Creek, to Huntersville, in said State.

Mr. STEENROD offered the following resolution, which lies over:

Resolved, That the Postmaster General be required to inform this House, at as early a day as practicable, of the causes and the extent of the detention of the mail, and of the irregularity of its conveyance between Wheeling, in Virginia, and Bridgeport, in Ohio; and, also, his opinion as to the best means of remedying the evil.

On motion of Mr. TALIAFERRO,

Resolved, That the Committee on the Judiciary be instructed to inquire into the existing laws of the United States, and report whether any and what provision is necessary to direct the manner in which evidence shall be admitted and taken by the naval courts martial in the Navy of the United States.

On motion of Mr. J. JOHNSON,

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund any excess of postage charged upon packages directed to members of Congress upon public business.

Mr. HOLLEMAN offered the following resolution, which lies over:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the judge of the District Court of the United States in the Eastern District of Virginia.

On motion of Mr. MONTGOMERY,

Resolved, That the Clerk of this House cause an addition to be made of the whole amount contained in each appropriation bill as soon as they shall be reported to this House, and also after they shall have passed on their second and third readings and keep a statement on his desk, showing the amount of appropriation contained in each, and the aggregate of the whole amount of appropriations that have been passed, ready for the inspection of the members of this House.

On motion of Mr. KING,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a custom-house and marine hospital in the city of Savannah, and report by bill or otherwise.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of employing armed steamers in the revenue service, instead of the vessels now in use,

and of making that service a branch of the navy in all respects, except so far as may be necessary to leave the general direction of it with the Treasury Department, and report by bill or otherwise.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of constructing steam batteries for harbor defence, and report by bill or otherwise.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing one or more navy yards on the south Atlantic coast, and report by bill or otherwise.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of creating the rank of Admiral in the naval service, and report by bill or otherwise.

On motion of Mr. WARREN,

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the propriety of establishing, by law, the following mail routes, viz: From Louisville, Georgia, by Hawkinsville, Americus, Lumpkin, and Florence, Georgia, to intersect the route from Columbus, Georgia, to Montgomery, Alabama.

From Macon, Georgia, by Americus, Lumpkin, and Irvinton, to intersect the Mobile route at Blakely, Alabama. The mail to be carried twice a week in four-horse coaches on each route.

From Starkesville, Georgia, by Pindertown, to Thomasville, Georgia.

On motion of Mr. HABERSHAM,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the compensation of the attorney of the United States for the district of Georgia, and report upon the same by bill or otherwise.

On motion of Mr. ANDREWS,

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing, by law, a mail route from Greenup Court House, Kentucky, to Lawrence Court House, by Carter Court House, in Kentucky.

On motion of Mr. POPE,

Resolved, That one thousand extra numbers of the report upon the Missouri and Iowa boundary be printed.

On motion of Mr. BUTLER of Kentucky,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of granting pensions to the following persons, viz:

Mrs. Elizabeth Christer, widow of Daniel Christer.
Mrs. Mary Millbank, widow of John Millbank.
Mrs Elizabeth Adkins, widow of James Adkins.
Mrs. Sally Sanders, widow of Nathaniel Sanders.
Mrs. Mary Biggs, widow of Randolph Biggs.
Mrs. Martha Conly, widow of Ensign Arthur Conly.
Mrs. Mary Harrison, widow of Ensign Joseph Harrison.
Mrs. Eliza Hampton, widow of Preston Hampton.
William Bowler.
Mrs Frances Chandler, widow of Lieut. Daniel Chandler.
Mrs. Margaret Hamilton, widow of Lieut. Charles Hamilton.
Mrs. Susan Catlett.
Mrs. Margaret Penn, widow of Major Shadrach Penn.
Mrs. Elizabeth Nutter, widow of David Nutter.
John Casey.
Solomon Jarvis.
Jeremiah Adams.
Mrs. Lydia Rogers, widow of Kinsley Rogers.
Mrs. Martha Lemon, widow of Ensign John Lemon.
Mrs. Janet McClure, widow of Thomas McClure.
Mrs. Jane Johnson, widow of Samuel Cooper.
Mrs. Margaret McCaw, widow of Michael Downes.
Mrs. Franky Quinn, widow of Benjamin Quinn.
Mrs. Margaret Smith, widow of Jared Smith.
Mrs. Rhody Polk, widow of Ephraim Polk, whose declaration and papers are now on file in the office of the Commissioner of Pensions.

On motion of Mr. CROCKETT,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the propriety and expediency of allowing Nicholas Darnal, an invalid pensioner, of Carroll county, Tennessee, a pension from the commencement of his disability.

On motion of Mr. WILLIAM B. CAMPBELL, of Tennessee,

Resolved, That the Committee on Military Affairs be required to inquire into the expediency of making provision for the payment of certain companies of volunteer militia in the State of Tennessee, who were organized and equipped, in accordance with the call of the Secretary of War and the proclamation of the Governor of said State, made in the year 1836, for the war with the Creek and Seminole Indians, and who assembled at Fayetteville and Athens, in said State, under said call and proclamation, but who were not received and mustered into the service of the United States.

Mr. TURNEY offered the following resolution, which was laid over:

Resolved, That the Committee on Elections be instructed to report as soon as practicable to the House which of the five candidates for Congress in the State of New Jersey received a majority of the votes polled at their late election for Representatives to the Twenty-Sixth Congress.

Mr. COLES offered the following resolution, which was laid over:

Resolved, That the Committee on Commerce inquire into the expediency of an appropriation for a survey of the Tennessee river and its navigable tributaries.

Mr. CARTER moved the following preamble and resolution, which were laid over:

Whereas purity in the administration of a free Government can only be maintained by the observance of strict economy in the public expenditures: and

Whereas extravagance and prodigality in the management and disbursements of the public revenue are the sure indications of an unjust and corrupt Government: and

Whereas a free Government cannot exist where public officers and agents are multiplied beyond the demands of the public service, merely to gratify the increasing desire for public employment; and when the public administration relies for its support more upon the interest and attachment of dependants and the amount of patronage under its control, than upon the impartial discernment of an enlightened community: and

Whereas public officers and employment have increased of late, in a degree unprecedented at any former period of the Government: and

Whereas the public expenditures have increased, within the last nine years, from thirteen millions of dollars—that being near the average of the annual expenditures in time of peace, up to the year 1829—to upwards of forty millions since that time; and

Whereas these facts clearly indicate a great degree of laxity and weakness in the public Administration, or a wilful abuse of the powers of Government, and a determination to rule by the use of patronage; therefore,

Resolved, That a select committee be appointed to inquire into and report to this House the causes which have led to the late extraordinary increase of public officers and agents, and the alarming increase of public expenditure, within the last nine years; and that they have power to send for persons and papers.

On motion of Mr. BOND,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of repealing all laws authorizing the President of the United States to sign land patents by his secretary or agent, and by which the sum of fifteen hundred dollars is annually appropriated for the payment of that service.

Mr. GORWIN moved the following, which lies over:

Resolved, That the Secretary of the Treasury be requested to furnish this House a statement, showing the quantity of public lands in each State and Territory of the United States that have been sold in each year since the year 1830, which had been offered for sale for periods of ten, fifteen, twenty, twenty-five, and thirty years prior to their sale; also, what amount of public lands in each State and Territory in the United States remain unsold, that have been in market for periods of ten, fifteen, twenty, twenty-five, and thirty years.

Mr. SWEENY moved the following, which lies over:

Resolved, That the Secretary of the Treasury be directed to furnish this House with a statement of the amount of public lands remaing unsold in each of the land districts of the State of Ohio, accompanied with a statement of his views on the propriety of discontinuing or consolidating certain land offices in said State.

On motion of Mr. GIDDINGS,

Resolved, That the Select Committee on Printing be instructed to inquire and to report to this House the propriety of so amending the existing law as to have the acts of Congress published in a suitable manner, and with the least expense to Government.

On motion of Mr. R. GARLAND,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a a port of entry on the Vermilion river, in the State of Louisiana, and authorizing the appointment of a collector or inspector of the revenue for said port.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Monroe, in the parish of Ouachita, to Farmersville, in the parish of Union, in the State of Louisiana.

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of and best mode of finally adjusting all the claims to land in favor of individuals in the State of Louisiana, derived from the English, French, or Spanish Government, whilst any one of them exercised, in fact or of right, sovereign powers or jurisdiction over the territory now included in the said State, and making compensation to the claimants of any said lands, whenever they may have been sold or disposed of by the United States; and all documents and papers on the files of the House in relation to said claims be referred to said committee.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire if any irregularities or delays have occurred during the past or present year in the transportation of the mail between the cities of New Orleans and Philadelphia, along the principal or main post route between those cities; how many such irregularities, delays, or failures, have occurred; what caused them; what remedies have been applied for the correction of such failures and irregularities; and to inquire generally into the best mode of transporting the mail between those cities by the way of Charleston, in South Carolina.

Mr. RARIDEN offered the following, which lie over:

Resolved, That the Secretary of War be directed to report to this House the names and rank of the officers of the army of the United States who have been employed since July, 1834, in paying Indian annuities or in making payment under treaty stipulations, showing the tribes or nation to whom paid, and the amount paid to each tribe, with the amount paid to such officers as salaries, per centage, per diem pay, mileage, transportation, or subsistence; and, also, the names and residence of each individual employed since 1834 in the transportation of moneys, goods, or other property paid to the Indians, the amount of and what property transported, the amount paid to each person so employed, distinguishing what was paid as wages, what for transportation, what for mileage, subsistence, or per centage, and how long each person was so employed in each case, and for what tribe or nation; and, also, the name and residence of each person employed in removing the Indians west of the Mississippi since 1834, exclusive of the army, together with the compensation paid to each, how long each was employed, and in what capacity, noting what was paid to each as salary, what as per diem pay, expenses incurred, or subsistences during the time so employed; and, also, to report the names and residence of all persons employed as commissioners, or by any other name, since 1830, to investigate claims against the Indians, and the names and residence of the persons employed to assist and aid such commissioners, whether as clerks, secretaries, or attorneys, together with the location of the Indians when the service was rendered, the amount of claims investigated, the time employed, and the amount of compensation allowed each; whether as salary, per diem allowance, expenses, transportation, subsistence, per centage, or incidental expenses, and to specify under what laws the various persons before named have been appointed to the several employments, and paid.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of ceding that part of the Cumberland road passing through the State of Indiana, to the said State of Indiana, and of appropriating an amount sufficient for its construction, and placing the same at the disposal of the Secretary of War, to be applied to the construction of said road within said State, under the superintendence of the authorities of the State of Indiana.

Mr. SMITH of Indiana moved the following resolution, and, debate arising, it was laid on the table, under the rule:

Resolved, That the Committee on the Post Office and Post Roads be requested to inquire into the expediency of authorizing the Postmaster General, by law, to make such additional compensation to the postmaster at Napoleon, Indiana, as may appear reasonable for the services performed by that officer.

Mr PROFFIT moved the following resolution, which was read, and laid on the table one day, under the rule, viz:

Resolved, That the Secretary of War be directed to furnish this House a detailed statement of all expenses incurred in the prosecution of the Florida war by the Government of the United States, stating the name of the person or persons to whom any sum of money has been paid; the amount paid, and for what services paid; and, also, the amount of claims for services, losses, damages, and incidental expenses growing out of said war, which have been presented to the War Department, or any bureau thereof, and yet remain unsettled and unpaid.

Resolved, That the Secretary of War be directed to report to this House what amount of goods have been purchased by the Government of the United States from the 1st of January, 1836, to the 1st of January, 1840, for the Indians; also, in what manner said goods were purchased, of whom purchased; also, copies of all invoices of goods furnished; also, all the correspondence between the agents of the Government and the Commissioner of Indian Affairs on the subject of furnishing said goods to the Indians; also, copies of the correspondence between the Secretary of War and the said Commissioner, Carey A. Harris, for one month previous to the resignation of said Harris; also, any correspondence between the Secretary of War and the President of the United States on the subject of said correspondence of said Harris.

On motion of Mr. BROWN of Mississippi,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post roads in the State of Mississippi, to wit: From Columbus, by way of Aberdeen, to Houston; from Pontotoc, by way of Houston, to Granada; also, from Gainesville, Alabama, by way of Wahalak, to Louisville, Mississippi; and from Mobile, Alabama, by way of Winchester, Paulding, and Philadelphia, Mississippi, to Louisville, in the same State; and from Mississippi city, by way of Pearlington, Columbia, and Monticello, to Gallatin, Mississippi; the last mentioned two to have the mail carried over them three times a week, in four-horse post coaches.

Mr. ALBERT G. BROWN offered the following resolutions which lie over:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of appointing a Judge for the Southern Judicial District of the State of Mississippi, and of increasing the compensation of the United States District Attorney for said District.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of increasing the compensation of the postmaster at the city of Jackson, Mississippi.

Mr. BROWN also gave notice that he would, to-morrow, ask leave to introduce a bill for the relief of Alvarez Fisk and the legal representatives of Thos. P. Eskridge, deceased.

Mr. REYNOLDS offered the following, which lie over:

Resolved, That a select committee of five be appointed to inquire into the expediency of amending the laws establishing the Military Academy at West Point; so that the cadets graduated at said institution shall have no preference over other citizens in the appointments to the United States army.

Resolved, That the Committee on the Public Lands be instructed to inquire into the propriety of graduating the price of the public lands to actual settlers, and of such lands as have been in the market for some time; or to surrender said lands, on some equitable terms, to the States in which they are situated.

Resolved, That the Committee on the Judiciary inquire into the expediency of increasing the salary of the Judge of the District Court of the United States for the district of Illinois.

Mr. STUART gave notice that he would take occasion to move for leave to introduce a bill granting pre-emptions to actual settlers on the public lands.

Also, a bill for the benefit of the Asylum for the Deaf and Dumb, in Illinois.

Mr. CASEY offered the following, which lies over:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reporting a bill granting a bounty in land to the organized militiamen, mounted militiamen, volunteers, and rangers, who defended the country during the late war with Great Britain.

Mr. HUBBARD offered the following, which lie over:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a daily line of post coaches for carrying the mail from the termination of the Georgia railroad westwardly, through the Tennessee valley, to Memphis, so as to form a speedy line of communication between, Charleston and Savannah, on the Atlantic, and Memphis, on the Mississippi.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a uniform system of bankruptcy in the United States.

On motion of Mr HUBBARD,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of placing the name of Thomas Fulton, a resident of Lawrence county, Alabama, on the pension roll of Revolutionary pensioners, his papers being on file in the Pension Agent's office.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reducing the corps of Topographical Engineers.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Pikesville, Alabama, by way of Millville, in Marion county, to Nall's Tanyard, Monroe county, Mississippi.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Russellville, Alabama, to Fulton, Mississippi.

Mr. DOWNING moved the following, which lie over:

Resolved, That the Secretary of War be required to communicate to this House copies of the following correspondence and documents:

1. Of Gen. Taylor with Gov. Call.
2. Of Gen. Taylor and officers under his command with the War Department.
3. Of Governor Call and any other of the local authorities

of Florida with the War Department, on the subject of said war, and the defenceless state of the inhabitants of Florida.

4. The instructions to Gen. Macomb, commissioned to adjust the differences with the Seminole Indians by negotiation, together with the report of said Macomb, and all correspondence relating to that subject.

5. Also, all correspondence on the subject of removing the resident citizens at Tampa Bay and Garey's Ferry beyond the limits of the military lines of said posts, together with the instructions to the Marshal of East Florida, and his report thereon.

Resolved, That the Secretary of War be requested to communicate to this House copies of the correspondence between Gen. Hernandez, of the Florida militia, and Capt. Giles Porter, of the United States Army, communicated to said War Department, on the subject of the defence of the country south of St. Augustine, together with all the proceedings of inquiry thereon, and the correspondence with Colonel Crane and others on that subject.

On motion of Mr. DOWNING,

Resolved, That the presentments of the grand juries for the county of Calhoun for the spring and fall terms of 1839, be referred to the Committee on the Territories.

Resolved, That the papers of James Hudson, claiming a preemption, be referred to the Committee on the Public Lands.

Resolved, That the claim of the heirs of James Ormond, with the vouchers and papers, be referred to the Committee of Claims.

Resolved, That the claim of A. Watson be referred to the Committee of Claims.

On motion of Mr. DOTY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing, by law, for the transportation of the mail in stages from Green Bay to Fort Winnebago.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of declaring Milwaukie and Astor, in Wisconsin, ports of entry.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a Surveyor General's office at Madison, the seat of Government of Wisconsin.

Mr. DOTY moved the following, which lies over:

Resolved, That the Secretary of War be directed to furnish to this House a statement of all investments made by the United States for the benefit of Indians or Indian nations, specifying the time when each investment was made; the amount set apart by the Indians in each instance for that purpose, and the amount actually invested; the description of stock purchased; the interest annually due thereon, and when and where payable, and when the stock is redeemable; the name of the person by whom the stock was purchased; and whether the amount due, and received by the United States, has been paid when the same accrued and was payable to each tribe, and in what manner the payment was made, stating the authority therefor, whether the same was made otherwise than in gold and silver.

Mr. CHAPMAN of Iowa, moved the following resolutions, which lie over:

1. *Resolved*, That the Committee on the Public Lands inquire into the expediency of granting land for a deaf and dumb asylum in the Territory of Iowa.

2. *Resolved*, That the Committee on the Public Lands inquire into the expediency of authorizing Joseph Williams and Charles A. Warfield to enter certain lands opposite the town of Bloomington, in Iowa, for the purpose of making a road through swamps.

3. *Resolved*, That the Secretary of War communicate to Congress such information as he is possessed of relative to the causes requiring troops to guard the payments of annuities to Indians on the Des Moines river, as recommended by him; whether such necessity, if it does exist, has not arisen from the fraudulent influence exercised by the traders over the agent; whether the project of furnishing troops did not originate at the agency.

4. *Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of ascertaining the northern boundary of the half-breed tract of Sac and Fox Indians.

5. *Resolved*, That the Secretary of War be requested to communicate to this House whether the militia of Iowa have been called out under the authority of the United States to defend said Territory; and, if so, whether an appropriation is necessary to defray the expenses thereof.

6. *Resolved*, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the Territory of Iowa to reclaim inundated lands in said Territory for school purposes.

7. *Resolved*, That the Secretary of War communicate to this House what is the probable annual amount of the extra freight on goods, &c. transported up and down the Mississippi river, and which extra freight is occasioned by the obstructions which the said river offers to boats navigating the same.

2. What was the highest price paid by the Government during the last summer and fall seasons, for a trip of a steamboat from St. Louis to Fort Snelling, and back.

3. What amount of money is usually paid in the recommencement of the work upon the rapids.

4. What will be the probable loss to the Government should the improvement of the rapids not be progressed in during the next season.

8. *Resolved*, That the Committee on Roads and Canals be directed to inquire into the expediency of separating the appropriation for the improvement of the rapids in the Mississippi river from the appropriation to improve St. Louis harbor.

9. *Resolved*, That the Committee on the Public Lands be directed to inquire into the expediency of relinquishing to the Territory of Iowa the reserved sections at the seat of Government, in lieu of the land usually given new States for the erection of State buildings.

10. *Resolved*, That the Committee on the Public Lands be directed to inquire into the expediency of so altering the mode of selling the public lands as to obviate the necessity of passing retrospective pre-emption laws.

Mr. KEMBLE offered the following resolution, which lies over:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of so modifying the laws for the collection of the revenue, as to permit the entrance, for the benefit of drawback, of goods, wares, and merchandise intended to be transported through the territories of the United States into adjoining territories of foreign powers in amity with the United States, and that they report to this House.

On motion of Mr. DUNCAN,

Resolved, That the Committee of Accounts be required to report the amount proper to be paid for horse-hire per day for the use of the House of Representatives.

Mr. HOFFMAN offered the following, which lies over.

Resolved, That the Secretary of the Navy be required to communicate to this House copies of the reports on file in his office between Captain Kearney, Captain Sloat, and Captain Perry, of the United States Navy, and the Board of Naval Commissioners, in relation to the erection of a light-house on Flynn's Knoll and Robbin's Reef, and a beacon on Rome's Shoal, and in relation to Gedney's channel, all in the bay of New York; also, copy of a report from the collector of New York in relation to the same; and such other correspondence in reference to the said report as may be on file in his office.

Mr. MORRIS, of Ohio, offered the following, which lies over:

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of establishing a fund for the support of common schools within said District, by an application of a portion of the public domain for that purpose.

Mr. CURTIS offered the following, and, pending the same, the House adjourned:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation to purchase a lot of land on the eastern side of the New York custom-house for the purpose of light and ventilation.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of extending the privilege of drawback, and abolishing distinctions in ports of entry; also to inquire whether it be expedient to establish, by law, a system of warehousing upon merchandise.

On motion of Mr. J. GARLAND,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of so amending the act of the 5th of July, 1832, entitled "An act to provide for liquidating and paying certain claims of the State of Virginia," as to embrace officers entitled to five years' full pay in lieu of half pay for life; and that said committee be further instructed to inquire into the expediency of providing for the payment of such judgments as have been or may hereafter be recovered against the State of Virginia for half pay or commutation pay under the act of the General Assembly of Virginia of May, 1779.

Mr. GRAHAM offered the following, which lies over:

Resolved, That the President of the United States be requested (if not detrimental to the public interest) to communicate to the House any treaty or other solemn engagements which may have recently been executed or proposed to be negotiated by the authority of the Executive with the Seminole Indians in relation to that tribe remaining in Florida, together with the names of the Indians who signed such engagements; and if any lands were proposed to be surrendered to the Indians within the limits of that Territory, that the dividing boundary lines may be described and designated.

Resolved, That the Committee of Elections be instructed to inquire into the expediency of reporting a bill constituting the Committee of Elections hereafter in the following manner: That the names of all the members of the House of Representatives, whose seats are uncontested, shall be put into a box on separate pieces of paper, and drawn singly therefrom by a child under ten years old, until the names of nine members be drawn out of the box, no two of whom shall represent any one State. That the nine members so drawn shall constitute the committee, and be sworn to investigate all the facts and laws in relation to each contested election, and report the same truly and fairly to the House of Representatives.

Mr. STANLY offered the following resolution, which lies over:

Resolved, That the Committee on the Judiciary be instructed to report a bill repealing so much of the distribution bill, passed in June, 1836, as gives to the Secretary of the Treasury the power of recalling the money deposited with the States, and releasing the States from all obligation to repay said money to the General Government.

On motion of Mr. TRIPLETT,

Resolved, That the Committee on the Judiciary be instructed to report a bill providing for the punishment of public defaulters, unconnected with any other subject.

Also, *Resolved*, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of establishing a pension agency in the city of Louisville, in Kentucky.

On motion of Mr. ANDERSON, of Kentucky,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting pensions to those officers and soldiers who were engaged in the wars in the West against the Indians, subsequent to the close of the Revolutionary war, and down to the treaty of Greenville.

On motion of Mr. DAWSON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing by law a post road, over which shall be carried, in four-horse post coaches, the mail three times a week, or every other day, between Greenboro', in Georgia, and Gainesville, in South Carolina, by the way of Lexington, Elberton, Petersburg, on the Savannah river, and Anderson Court Hourse, in South Carolina.

On motion of Mr. WHITE, of Kentucky,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Perry Court-house, Kentucky, to Harlan Court-house, Kentucky, passing by Breshear's Salt Works, in Perry county, and Captain John Lewis's house, upon the Poor fork of Cumberland river, in Harlan county, a horse mail weekly.

Also, a post route from Richmond, Kentucky, to Nicholasville, Kentucky, crossing the Kentucky river, at the mouth of Silver creek, a horse mail weekly.

Also, to inquire into the expediency of discontinuing the existing mail route from Perry Court-house, Kentucky, to Scott Court-house, Virginia.

Mr. DAVIS of Kentucky moved the following resolution; which lies over:

Resolved, That the President of the United States be requested to urge upon the Government of her Britannic Majesty to have it settled by treaty stipulation between the Governments of the two countries that the local authorities of her Majesty's possessions in North America shall, upon the application of any citizen of the United States, being the owner of any fugitive slave which may be within any of said possessions, or the agent of such owner, upon proof of the ownership of such slave being made, deliver such slave to the owner; and in the event of her Majesty's Government refusing to settle by treaty the principle of delivering up the fugitive slave, then the President ought to insist upon a treaty stipulation between the two Governments, by which that of her Britannic Majesty shall be bound to pay to the owner of any fugitive slave, whose ownership may be established, the reasonable value of such slave in the State or Territory from which such slave may have eloped.

Mr. EVANS offered the following resolution, which lies over:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing and immediately constructing the arsenals, forts, fortifications, and works of military defence on the frontiers of Maine, recommended in the reports of Brig. Gen. Wool and Major J. D. Graham, communicated to the Senate by the Secretary of War, December 31, 1838.

Mr. EVANS offered the following, which lie over:

Resolved, That the President be requested to communicate to this House copies of the arrangement entered into between the Governor of Maine and Sir John Harvey, Lieutenant Governor of New Brunswick, through the mediation of Major General Scott, in the month of March last, together with copies of the instructions given to General Scott, and all correspondence with him relating to the subject of controversy between the State of Maine and the Province of New Brunswick.

Resolved, That the President be requested to communicate to this House whether any, and if any, what measures have been taken, since the rejection of the recommendation of the King of Holland of a new line of boundary between the United States and New Brunswick, to obtain information in respect to the topography of the territory in dispute, by survey or exploration of the same on the part of the United States alone; also, whether any measures have been adopted whereby the accuracy of the survey lately made under the authority of the British Government, when communicated, may be tested or examined.

Mr. HOPKINS offered the following resolution, which was adopted:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, viz:

From Hansonville, in Russell county, via Jonathan Wood's, to Quillinsville, in the county of Scott.

From Holston, or Chaney's Boat Yard, in the county of Washington, to Estillville, in the county of Scott.

From Christiansburg, in the county of Montgomery, to Hillsville, in the county of Grayson.

From Bickley's Mills, in the county of Russell, via Pound, to Turkey Cove, in the county of Lee.

From the Cove, in the county of Tazewell, to Bradford, in the county of Smyth.

Mr. OGLE offered the following resolution, which lies over:

Whereas it appears by a report of the Director of the Mint of the United States at Philadelphia, that the capacity of said Mint is sufficient for the annual coinage of $12,000,000, viz. half in gold and half in silver, with an average of two and a half pieces to every dollar in value, equal to 90,000,000 pieces, and that the force in officers, laborers, servants, machinery, fuel, &c. *actually maintained* at said Mint is competent to the yearly coinage of $6,000,000, allowing an abundant proportion of small coins:

And whereas it further appears that, in the coinage of $12,000,000 at said Mint, the average nett expense would not exceed 88 cents in every $100 made into coin, whilst the average nett expense in the coinage of but $2,000,000 rises to the sum of $2 40 for every $100 coined, the cost of coinage per centum being always in proportion to the actual amount coined:

And whereas the greatest amount *in value* coined in any one year (1835) at said mint was $7,764,900, and the average annual sum coined since the establishment of the same does not exceed $1,699,613 52. The coinage for the year 1838 at said Mint amounted in value to $3,979,217, composed of 15,336 518 pieces, at an average nett expense of $72,000, being a fraction over 1¼ per centum, viz.

Salaries of officers and clerks	$20,400
Wages of workmen	23,000
Wastage on gold and silver	13,000
Incidental expenses	26,500
	$82,900
Gain on copper coinage	10,000
Actual expenses	$72,900

The coinage for 1839 at said Mint amounted to $3,021,170 11, composed of 9,260,345 pieces, at an average nett expense of $65,700, or a fraction over two per centum.

And whereas the coinage of the three Branch Mints of the United States, for the year 1838, amounted to $227,323, composed of 443 793 pieces, at an average nett expense of $90,800, or within a fraction of forty per centum, viz:

Branch at New Orleans.

Salaries of officers	$12,900
Laborers	22,000
Wastage and contingent expenses	27,100
	$62,000

Branch at Charlotte.

Salaries of officers	$6,000
Wages of laborers	3,600
Wastage and contingent expenses	5,400
	$15,000

Branch at Dahlonega.

Salaries of officers	$6,000
Wages of laborers	3 800
Wastage and contingent expenses	4,000
	$13,800

The coinage of said three Branch Mints for the year 1839, amounted to $513,807 50, composed of 2,475,853 pieces, at an average nett expense of $80,600, or within a fraction of fifteen per centum, viz.

Compensation to officers and clerks,	$21,900
Pay of laborers	29,400
Wastage and contingent expenses,	26,300
	$80 600

Therefore, be it resolved, That a select committee, to consist of ——— members, be raised on the subject of coinage, and that said committee be instructed to inquire into the expediency of discontinuing operations at the several Branch Mints of the United States, with leave to report by bill or otherwise.

Mr. OGLE also offered the following resolutions, which lie over:

Resolved, That the Secretary of the Treasury be directed to communicate to this House copies of all correspondence on file in that Department, relative to the management and operations of the Branch Mint at New Orleans; and, also, to report to this House the alleged abuses at the said Branch Mint, which gave rise to the late investigation by the United States District Attorney at New Orleans; and that the said Secretary be directed to communicate copies of all the testimony taken in the progress of said investigation, and the report made thereon by said District Attorney, with the action of the Government in relation thereto.

Resolved, That the Committee on the Judiciary be directed to inquire whether it would be constitutional and expedient to subject the banking institutions chartered by the respective States to the provisions of a general bankrupt law, agreeably to a suggestion of President Van Buren in his message to the 25th Congress, in the session of 1837; and, further, to inquire whether the commerce, trade, and business of the people of the United States can be conveniently transacted and carried on with a currency exclusively metallic; and, if not, whether it would be constitutional and beneficial to the public interests to provide one currency for the officers and contractors under the General Government, and another currency for the officers and people of the several States.

Mr. W. C. JOHNSON offered the following, which were laid over, under the rule:

Resolved, That each of the United States being a party to the national compact, possesses an interest in the public domain in proportion to the Federal population of each, or in the terms of the compact, according to the usual respective proportion of the general charge and expenditure.

Resolved, That those States in whose favor Congress has not made appropriations of the public domain for the purposes of education, are entitled to such appropriations as will correspond in a just proportion with those heretofore made in behalf of other States.

Resolved, That the entire proceeds of sales of the public lands of the United States should constitute a fund to be distributed, upon some fair and equitable principle, to all the States of the Union, to be applied by the States severally to promote general education, to be applied to purposes of internal improvement, or to be expended as the wisdom of each State may think best calculated to promote its welfare.

Resolved, That the policy indicated in the foregoing resolutions would have the tendency of checking the wasteful and profligate expenditures by the Federal Government, and would, at the same time, leave abundant means in the Treasury to carry on liberally and efficiently all the necessary operations of Government, according to the genius and spirit of the Constitution, and the letter and intention of the various acts of cession.

Resolved, That ——— Committee report one or more bills in accordance with the provisions of the foregoing resolutions.

The following petitions, presented on the 6th February by Mr. P. J. WAGNER, were omitted in that day's proceedings:

The petition of Desire Jolly, widow of William Jolly, a soldier of the Revolution, praying for an increase of pension. Of Martha McMasters, widow of Hugh McMasters, a soldier of the Revolution, praying for arrears of pension. Of Effe Van Ness, widow of Garret Van Ness, an officer of the Revolution, praying for a pension. Of George Newton, of Fulton county, New York, a soldier in the late war with Great Britain, praying to be restored to the invalid pension roll. Of Mary and Elizabeth Odell, only surviving children of A. W. Odell, who was a captain and major in the late war, and died of wounds received in said war, praying for five years' full pay for the services of their father. Of Charles Nukerk, stating that he held a commission in the United States army in 1814, and that at the battle of Oswego, New York, in said year, the enemy took from him all his effects, consisting of money, clothing, &c. for which he prays relief. Of Noah Yale and others, citizens of Montgomery county, New York, praying for reduction of postage, and the abolition of the franking privilege. Of the heirs at law of Jellis Fonda, praying compensation for property belonging to said Fonda, which was destroyed in the Mohawk Valley, New York, by the common enemy, in the Revolutionary war. Of Esther Lefferts, late widow of William S. Thom, deceased, a lieutenant in the Revolutionary army, praying payment of the commutation of half pay, to which her said former husband was entitled. Of Joshua Webster and others, citizens of New York, praying that Simon D. Kittle, of Montgomery county, New York, be released from a judgment of $20,000, obtained against him by the United States, as surety for Alphonso Wetmore, late paymaster in the United States army. Also, the petitions, for relief, of Brigadier General Peter C. Fox, and of Mrs. Elizabeth Davidson; the former for services, &c. in the late war with Great Britain, and the latter for a pension for services of her deceased husband, G. Davidson, in the Revolutionary war.

Among the petitions presented by Mr. LOWELL of Maine, on the 13th of January, are the following, namely: Jacob Stevens, any other inhabitants of Crawford, Maine, for the establishment of a mail route from Machias, or East Machias, to Crawford: referred to the Committee on the Post Office and Post Roads. Captain Henry B. Nones, and other officers of the United States revenue cutter Albert, that the laws giving pensions to the widows of deceased officers and seamen, in the naval service, may be extended to the widows of deceased officers and seamen in the revenue service: referred to the Committee on Naval Affairs. Zebediah Rich, and ninety-eight others, for an appropriation to erect a light-house on Bass Harbor Head, in the State of Maine: referred to the Committee on Commerce. J. B. Knight, owner of the scooner Martha, of Eastport, Maine, for an allowance of fishing bounty on said vessel, for the time she was employed in the fishing service: referred to the Committee on Commerce. Polly Hamilton, widow of Richard Hamilton, deceased, that the pension of her late husband may be continued to her: referred to the Committee on Revolutionary Pensions. Robert C. Stickney, Postmaster at Milltown, in Calais, Maine, praying an allowance for carrying the mail from the Calais Post Office, to the Milltown Office, from the first day of July, 1837, to the 30th of March, 1839: referred to the Committee on the Post Office and Post Roads.

The following is the Select Committee on the Tobacco Trade, appointed in pursuance of resolution:

Mr. JENIFER, of Maryland.
COLES, of Virginia.
SERGEANT, of Pennsylvania.
DAWSON, of Georgia.
CARROLL, of Maryland.
GRINNELL, of New York.
TRIPLETT, of Kentucky.
PARISH, of Ohio.
MILLER, of Missouri.

IN SENATE,

TUESDAY, February 11, 1840.

The CHAIR submitted a report from the Secretary of War, showing the expenditures at the national armories, and the arms manufactured for the year 1839; which was laid on the table, and ordered to be printed.

Mr. LUMPKIN presented the petition of a number of citizens of Paulding county, Georgia, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr TAPPAN presented the memorial of James M. Morgan, praying compensation for his services as bearer of despatches from the Governor of the Territory of Iowa to the Secretary of State; which was referred to the Committee on Claims.

On motion by Mr. CLAY of Alabama, the memorial of Simeon Giron, on the files of the Senate, was referred to the Committee on Private Land Claims.

On motion by Mr. SEVIER, the documents in relation to the claims of Samuel Mackey, were referred to the Committee on Indian Affairs.

Mr. DAVIS presented the petition of John P. Dunklee; which was referred to the Committee on the Post Office and Post Roads.

Mr. D. also presented the memorial of a number of merchants of Boston, in the State of Massachusetts, praying that steam packets may be allowed to transport a greater number of passengers to the ton than is now allowed by law; which was referred to the Committee on Commerce.

BLOODHOUNDS IN FLORIDA.

Mr. BUCHANAN presented a memorial from the representatives of the religious Society of Friends in Pennsylvania, New Jersey, and Delaware, and also fourteen memorials from citizens of the city and county of Philadelphia, remonstrating against the employment of bloodhounds in the war against the Seminole Indians; and moved their reference to the Committee on Military Affairs.

Mr. BENTON said he wished to say a few words in relation to these memorials. He supposed they were like some other memorials, a large proportion of whose signers were women and children. He would say that the Government contemplated no such thing as that prayed against by these memorialists; and they were, therefore, misdirected when they sent them here. If some individuals of the Territory of Florida have imported such animals as those mentioned in the memorials, it has been done without the consent or knowledge of the Government. He was, therefore, opposed to a reference to a committee, requiring them to act on a subject which had no existence in point of fact.

Mr. BUCHANAN said he had presented these memorials, expecting that they would be referred to the Committee on Military Affairs, without a single remark, knowing that they could and would, in a report of a dozen lines, exonerate the Government from this heavy charge. He could himself have assured the memorialists that these bloodhounds had been imported without the knowledge of the War Department; but he preferred it to come in a more official shape—as the report of a committee. If his friend from Missouri would examine these memorials, he would ascertain that they were signed by many of the most respectable and best informed citizens of Philadelphia, without distinction of religious sect or political party. There were no women and children, as he had supposed, among the memorialists.

Mr. BENTON said he would admit the signers of these memorials were among the best of men, but he felt disposed to question their title to wisdom. They were not well informed; in fact they were worse off than if they possessed no information at all; for what they possessed was false. The Government, so far from doing what was insinuated in these memorials, had no knowledge whatever of it. So far from ordering these bloodhounds, they did not even know that it was done, until they heard of it, as the rest of us have done, through the newspapers. Having made these remarks, he was content that the Senate should take whatever course they thought the proper one. They might be sent to the Military Committee, or to the War Department, where they would probably be sent, if referred to that committee.

Mr. PRESTON said he had heard with surprise and satisfaction the declarations of the honorable Senators, on this subject, whose authority is undoubted, possessed as they are of such authentic sources of information. He, in common with many others, was impressed with the belief that these animals were imported, if not by the direction, at least with the sanction, of the Government, and he was glad to hear this explicit disavowal. He would wish, however, that declarations equally explicit were made as to the intentions of the Department in relation to these animals, now that they were in the country; whether the Government intended to employ them or not.

Mr. BENTON read the memorial of the Society of Friends, in which they prayed that Congress would put an end to the war in Florida, by extending to the Seminoles the hand of friendship. Mr. B. said he knew that there were no better people in the world than the Quakers. He was raised among them, and knew them well. But how wretchedly were they misinformed of the character of these Indians, when they supposed that by holding out the hand of friendship we could terminate this war! Mr. B. then referred to the treachery of the Indians during the last year, when an attempt was made to end the war amicably. They had invited Col. Harney to establish a trading house, which being done, they had surprised the post in the hour of darkness, and massacred every individual they could lay hands on.

Mr. LUMPKIN said the longer he lived, the more he was opposed to wars and fighting, and he would rejoice at the approach of the day when no resort would be necessary to such sanguinary measures. But, from the course which had been pursued in the Senate and elsewhere, he felt bound to say that his views were different from those of many others on the subject under discussion. As a member of Congress, or if he was connected with the Executive, he would not recommend a recourse to the measure which has been so much denounced; but if he was an inhabitant of that Territory, whose fields were devastated, and whose women and children were butchered by the ferocious and wily savage, he would think it no more a crime, if he had a trusty dog, to trace the lurking Indian to his lair, than he would to shoot him down when he found him. He confessed that he could see no objection to use these animals, which would not equally lie against the use of what are considered legitimate means of warfare. Holding these opinions, he felt bound in candor to express them. If the inhabitants of Florida have resorted to this means of terminating a protracted and destructive war, it was not the first time that bloodhounds had been employed on this continent in the contests with Indians. He would pledge himself, if necessary, to produce statute books of some of our States, in which a premium was offered for raising bloodhounds for the express purpose of hunting down Indians.

Mr. BUCHANAN said he had purposely refrained from entering into a discussion of this subject, but would only say that the people of the country had

a right to be informed concerning it, and the committee to which he proposed to refer these memorials, was the best source to which we could apply for that information.

The memorials were then referred to the Committee on Military Affairs.

Mr. WRIGHT presented the memorial of a number of citizens of Wisconsin, praying the construction of a harbor at Mulwaukie; which was referred to the Committee on Commerce.

Mr. BUCHANAN presented four memorials of inhabitants of Lancaster county, Pennsylvania, praying the imposition of a moderate duty on imported silks; which was referred to the Committee on Finance.

Mr. TALLMADGE presented the petition of a number of the citizens of the State of New York, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. YOUNG presented the petition of James Pierce, praying an allowance of bounty land; which was referred to the Committee on Pensions.

Mr. HUBBARD, from the Committee on Claims, to which was referred—

The petition of John Morton and John F. Larrable;

The memorial of Joseph Radcliff;

The petition of David Taylor;

The petition of Thomas Elliott; and

The petition of Britton Evans;

made, severally, adverse reports upon the same; which were ordered to be printed.

Mr. WALKER, from the Committee on the Public Lands, reported a bill for the relief of Joseph Roby; which was read, and ordered to a second reading

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which was referred a bill to authorize the Legislature of the State of Louisiana to sell the lands heretofore appropriated for the use of schools within that State, reported the same without amendment.

Mr. KING, from the Committee on Commerce, to which was referred the President's message on the subject, reported a bill to authorize the Secretary of the Treasury to refund the duties collected on the French ship Alexandre; which was read, and ordered to a second reading.

Mr. PRESTON, from the Joint Committee on the Library, to which was referred the subject, reported a bill to regulate duties upon the importation productions of the fine arts; which was read, and ordered to a second reading.

Mr. FULTON, from the Committee on the Public Lands, to which was referred a bill to perfect titles to lands south of the Arkansas river, held under New Madrid locations and pre-emption rights, under the act of 1814, reported it without amendment.

Mr. WILLIAMS, from the Committee on Claims, asked to be discharged from the further consideration of the petition of Seymour Treat; which was agreed to.

Mr. YOUNG, agreeably to notice, asked and obtained leave to introduce a bill to amend the act entitled "an act to amend an act entitled 'an act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Du Buque, and Peru, in the county of Du Buque, Territory of Wisconsin, and for other purposes, approved March 3, 1837;'" which was twice read, and referred to the Committee on the Public Lands.

The bill to regulate the issuing and circulating of bank paper in the District of Columbia was read the second time, and, on motion of Mr. TAPPAN, it was ordered to lie on the table.

The resolutions submitted some days since by Mr. LINN, were taken up, considered, and agreed to.

ASSUMPTION OF STATE DEBTS.

The report of the Select Committee, to which was referred the resolution of Mr. BENTON and the resolution of LUMPKIN, on the subject of the assumption of the State debts by the General Government, being the special order of the day, was taken up.

Mr. ALLEN addressed the Senate at great length and with much ability, on the principles of the report; when The Senate adjourned.

HOUSE OF REPRESENTATIVES,
TUESDAY, February 11, 1840.

After the reading of the journal,

Mr. ADAMS inquired of the CHAIR the reason why his decision was not recorded on the journal in relation to the resolution of Mr. RHETT, touching the slaves liberated by the authorities of the island of Cuba, taken from the American vessel Enterprise; and the resolution of Mr. DAVIS of Kentucky, proposing a negotiation with the British Government for the surrender of fugitive slaves in possession of her local authorities on this continent.

The CHAIR stated that it was not usual to insert in the journal the opinions of the SPEAKER as to whether certain resolutions came within the rules, unless an appeal was taken from his decision.

After some irregular conversation in relation to the point of fact at issue,

Mr. ADAMS argued at some length to show the propriety of recording all decisions of the SPEAKER growing out of the rule disposing of matters relating to the question of slavery. That rule was liable to different constructions, and he would be under the necessity of calling on the SPEAKER to decide upon all propositions which in his mind seemed to come within its vortex; and he was desirous that in every instance of construction under it, the decision should be placed on the journal. He would require that it should be placed there, not only for the purpose of showing to what extent the great right of petition was infringed by that rule, but because the Constitution, which directs a journal of proceedings to be kept by the House, demanded it. Important facts of the presentation of resolutions of a sovereign State, when rejected by the mere *fiat* of the SPEAKER, under the rule, should be entered on the journal. Mr. A. then cited an instance of the presentation of resolutions of the State of Missouri, by a representative from that State, and some proceedings had as to its reception; and not a vestige of such fact was to be seen on the journal, or even in the papers of the city. If he had known, on yesterday, that the decisions of the SPEAKER, on the inquiries made by him, would not have been entered on the journal, he would have taken an appeal, and the motion and decision would, of necessity, have been entered. Such would be his course hereafter. The amendment he now proposed was a matter of fact.

Mr. A. then presented his amendment, in substance as follows:

"Mr. ADAMS requested the decision of the SPEAKER whether the resolution [each resolution] did not come within the rule lately adopted in relation to Abolition petitions.

"The SPEAKER decided [in each case] that it did not.

"Mr A. then requested that the decision of the SPEAKER should be entered on the journal."

The SPEAKER requested the gentlemen in the aisles to take their seats while he made a short explanation. The CHAIR had not told the gentleman from Massachusetts that he would not make the entry in the journal that he desired. He told him that the resolution would be entered, if received; but that an entry of the opinions of the CHAIR with regard to its character would not, under the invariable practice of the House, appear on the journal, unless an appeal was taken.

Mr. ADAMS said he did not hear the SPEAKER make any such decision yesterday. On the contrary, he, by his silence, gave him to understand that the entry would be made. If he had not understood the SPEAKER so, he would have appealed.

Mr. W. C. JOHNSON of Maryland rose to explain the reasons which would induce him to change his vote. The remarks of the gentleman from Massachusetts, which pointed out the course he intended to pursue, compelled him reluctantly to say that he should vote against the correction of the journal. This circumstance, together with what the SPEAKER had informed them with regard to the uniform practice of the House, not to make such entries on the journal, unless in case of an appeal, would induce him to vote against the gentleman's motion.

Mr. ADAMS observed, that to say, and straight unsay, was one of the characteristics of the gentleman from Maryland, [Mr JOHNSON.] I now, said Mr. A. in consequence of his change of the gentleman's vote, because I have been compelled to speak of his political capital resolution as it deserves, ask for the yeas and nays on the question.

Mr. TURNEY then moved to lay the amendment on the table.

Mr. ADAMS called for the yeas and nays, which being ordered, the question was taken and resulted—yeas 115, nays 52!

So the amendment was laid on the table.

Mr. ADAMS then inquired whether, under the resolution passed by the House some days ago, petitions would not be order until the 15th of this month.

The SPEAKER said they were in order, and the gentleman from Ohio [Mr. MASON] had the floor on the question of referring the petition presented by the gentleman from Indiana [Mr. DAVIS] to the Committee of Ways and Means, with instructions.

The motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill appropriating $150,000 to each of the States of Ohio, Indiana, and Illinois, to be expended on the Cumberland road, was taken up; when

Mr. MASON addressed the House at great length in favor of the resolutions of instruction to the Committee of Ways and Means. The continuation of the Cumberland road was a subject the most interesting to the people of the new States that could be brought before Congress. It was a measure which had received the favor of every Administration, from that of Mr. Jefferson down to the present time. Distinguished gentlemen of both political parties had often recorded their names in the yeas and nays in favor of it. Mr. M. alluded to the votes of Mr. CAMBRELENG, the chairman of the Committee of Ways and Means of the former House of Representatives, and other distinguished supporters of the Administration. He alluded to these circumstances to show his sincere desire to disembarrass this subject of party considerations, and adverted to the criminations and recrimations which would result from mixing up party politics with this question. In his opinion, gentlemen of neither political party could lose any political standing by supporting this measure. He denied that this question had been suddenly and unnecessarily sprung on the House, as alleged by the gentleman from South Carolina; for the omission by the Secretary of the Treasury to insert an appropriation for this object in his estimates, was an ample justification of the motion made by the gentleman from Illinois. Added to this, were the strong memorials on this subject, which had already been presented to the House. It had been objected, also, by the gentleman from South Carolina, that these instructions were mandatory on the committee, without regard to the resources of the Treasury. Mr. M. went on to show that this was not the case, and hoped that no gentleman would vote against these instructions, under such a misapprehension. Mr. M. next proceeded at length to explain the grounds on which the friends of this measure asked for an appropriation from Congress, beginning with the compacts with the new States, the terms of which he undertook to explain, and referring to the recognition of the constitutionality and expediency of the road, by the solema acts of the Maryland, Virginia, and Pennsylvania Legislatures. After an argument to show that it was the duty of the Federal Government to carry out the terms of the compact, he contended that the Cumberland road was no part of the internal improvement and tariff system which was such a bugbear to Southern politicians, and the death knell of which they congratulated themselves with having sounded. He invited Southern gentlemen to enter into an argument with him on this point, telling them that neither they nor their constituents understood the true merits of this question. Mr. M. referred to the opinions of General Jackson in his veto of the Maysville road bill, to show that there was no necessary connection between the

Cumberland road and the tariff and internal improvement system; and in connection with this part of his argument, quoted also the opinions of Mr. CALHOUN. After deprecating the prejudices existing against this great measure, and the lamentable want of information on the subject, he earnestly appealed to members to examine deeply into it, assuring himself that on being possessed of the requisite information, they would not fail to give to it their hearty support.

Mr. PARRIS of Maine observed that, if he was to judge from the remarks of the gentleman who had just taken his seat, he would infer that all his batteries were directed towards the members from the South for interposing their objections to the constitutionality of appropriations for the Cumberland road. Now he, (Mr. P.) as a Representative from the North, would interpose his objections on constitutional grounds, as against the injustice and inexpediency of making further expenditures for this measure. The gentleman from Ohio had made a very able and eloquent speech to prove, what no one denied, that the new States were entitled, under the compact made with them at the time they were admitted into the Union, to 5 per cent. of the nett proceeds of the sales of the public lands within their limits, to be applied to the making of roads leading to them. No one denied that these were the terms of the compact made with these States when they were admitted into the Union. But another question arose: Had the General Government performed its part of the compact? From the public documents now on file, he should now endeavor to show that this Government had long since performed all that was required of it by the compact. Mr. P. first read from a report made by a committee of the Senate in December, 1815, defining the terms of the compact and the obligations of the Government under it—after which, he referred to the act of the 3d of March, 1803, by which Congress appropriated 3 per cent. of the 5 per cent. fund for laying out and making roads leading to the State of Ohio. He would now (Mr. P. said) refer gentlemen to the document from the Secretary of the Treasury, laid before the House during the last Congress, which gives, as the result, the whole amount of the proceeds of the sales of the public lands, and the amount appropriated for making this road. The gentleman from Ohio expected an appropriation founded on the contract. Now this document would show that the contract had been more than complied with. The two per cent. fund was to make a road leading to the State of Ohio; and the three per cent. was to make roads through it. This he understood to be the compact with the State of Ohio at the time she was admitted into the Union. Now he would call the attention of the House to the amount of this fund, and the amount she had received out of it. The two per cent. fund amounted to less than one million of dollars, and the State had received from the Treasury of the United States six millions five hundred thousand dollars, being five and a half millions more than she was entitled to under the compact. This did not include the three per cent. fund which never had been expended on the road, but remained at the disposal of the States. This three per cent. fund would amount to one million five hundred thousand dollars; and this amount the State of Ohio had drawn from the public Treasury. Including the two per cent. under the compact, the three States who now asked an appropriation, would be entitled to two and a half millions of dollars only, when they had received over five and a half millions. These three States, Ohio, Indiana, and Illinois, owed the General Government, upon every principle of equity, five and a half millions of dollars. But it seemed that they were not satisfied with this large sum, but still asked for more; and, according to the statements laid on the tables of members, it would require about eight millions to complete this road, in addition to what had already been expended. If he understood the matter correctly, the public lands were not given to the Federal Government to be appropriated in this way. They were ceded by Virginia, and other States, not for the purpose of making roads, but for the purpose of liquidating the debts of the Revolution; and it could be shown by public documents, that the lands had not answered the purposes of their destination. The debts of the Revolution had been liquidated with the moneys received from the customs, and not out of the proceeds of the sales of the public lands, as the States who ceded them intended. In the old States, said Mr. P. we have made our own roads without calling on the General Government to assist us; and if gentlemen will show me a constitutional power for repaying to the State of Maine what she has expended for making of roads, I will then be able to find a constitutional power for making the appropriations that are now asked for. The fact being admitted that the public lands had not answered the purposes of their destination—that they had not paid the expense of their acquisition, and the charges on them, while the debt of the Revolution was paid out of the customs—it would be worth while to inquire from whom these customs were collected. Mr. P. here quoted documentary evidence to show the proportion of the customs paid in his State, as well as in the States of Ohio, Indiana, and Illinois. The result, he said, was, that Maine had paid three hundred dollars into the Treasury, where these three States had paid one. But it had been said that the amount abstracted from the State of Maine, in the shape of customs, had been made up to her in the building of light-houses, forts, navy yards, &c. This, however, was not the fact. These public works were constructed for the general good of the whole, and not for the peculiar benefit of the State of Maine. But, supposing this were the case, how would it contrast with great amounts expended for the exclusive benefits of the new States. The public documents showed that the three Western States he had mentioned had received four hundred dollars out of the public Treasury for every dollar they had paid into it. Since gentlemen could not but be satified that they had received more for this road than was due them under the compact, he would ask them under what clause of the Constitution they expected more. He would ask what clause of the Constitution gave Congress the power to make appropriations exclusively local and sectional in their operation. Was it to be found in that part of the Constitution which gave Congress the power to provide for the common defence and general welfare? Was it under the clause which gave Congress the power to establish post offices and post roads? Or was it under the power to regulate commerce? He was aware that the power to appropriate money for this road had been claimed under all these clauses of the Constitution, but he now understood that the advocates of this measure relied solely on the compact. The terms of the compact having been completely fulfilled, I contend, said Mr. C. that we have no constitutional power to make further appropriations for this object, unless the road is under the exclusive jurisdiction of the General Government. Now, he would ask what power they had to assume exclusive jurisdiction over this road? There was no part of the Constitution which gave Congress exclusive jurisdiction over the Cumberland road, or any other road. In 1825, an appropriation for this road was before Congress, and he was happy to find that there was one act of Mr. Monroe's administration that was worthy of commendation, and that was his veto of the bill. Mr. P. here read some extracts from Mr. Monroe's veto message. This was the language, he said, of Mr. Monroe in 1825, and he presumed that no gentleman friendly to the road now justified appropriations for it on the grounds of their constitutionality, but claimed them under the compact. It was sufficiently shown that these compacts had been fulfilled, and more than fulfilled, by the Federal Government, and that the three States now asking for further appropriations had received five millions and a half of dollars more than they were entitled to. At one time we are told, said Mr. P. that we are bound to make this road by the terms of the compact; and at another time, that it will bind the Union more firmly together. Was this Union, he would ask, only kept together by the money expended on different sections of it? Was that the only tie which bound the Western country to the Union? He could not believe it. He held that this Union was bound together by stronger ties than dollars and cents.

When this road was originally contemplated by Mr. Jefferson, whose authority the gentleman from Ohio quoted in support of his argument, it was never intended that it should be a magnificent structure, costing fifteen or twenty thousand dollars a mile, as it has cost. It was never contemplated that such a splendid system of internal improvements should grow out of it. If they had confined themselves to the true understanding of the compact, they would have had a very convenient road completed by this time, not costing more than the amount due them. To show, however, how far this had been exceeded, Mr. P. referred to the documents, which stated the amount necessary to complete this road at seven millions eight hundred and ninety-six thousand dollars and some odd cents.

Mr. P. also referred to the same documents to show the cost of this road per mile; by which it appeared that on one section of the road in the State of Indiana, the cost of one mile of it amounted to the enormous sum of $460,000, and the next mile was estimated to cost $211,000. Would it, then, be contended by any gentleman in that House that the Federal Government was bound under the compact to enter into such a costly and splendid system of internal improvement as this? He had, however, Mr. P. continued, said more on this subject than he intended when he rose, and he would therefore detain the House no longer.

Mr. HOFFMAN then intimated an intention of addressing the House on the subject; and, on his motion, The House adjourned.

IN SENATE,

WEDNESDAY, February 12, 1840.

Mr. YOUNG presented additional documents in the case of the Mormons, which, with those heretofore presented, were referred to the Committee on the Judiciary.

Mr. TAPPAN presented an additional document in relation to the claim of James G. Morgan; which was referred to the Committee on Claims.

Mr. T. also presented the petition of Eliza A. Melton; which was referred to the Committee on Pensions.

Mr. SMITH of Indiana presented the petition of James E. Davis, which was referred to the Committee on Claims.

Mr. WHITE presented the petition of J. B. Zander, which was referred to the Committee on the Public Lands.

Mr. NORVELL presented a document in relation to the claim of Francis Laventure; which was referred to the Committee on the Public Lands.

FLORIDA TERRITORY.

Mr. WALKER presented a memorial from inhabitants of the Territory of Florida, praying for the admission of that Territory into the Union as a sovereign State.

Mr. W. said it would be recollected that, some time since, he had presented to the Senate a memorial from citizens of East Florida, praying for a division of the Territory. He at that time moved to lay it on the table, in the anticipation of presenting, in a short time, a petition for the admission of the Territory into the Union, with the view that both papers might be referred to a select committee, who would then have the whole subject before them. In accordance with the understanding at that time, he would now move that the memorial formerly presented, and the one just submitted, should be referred to a select committee of five members.

Mr. DAVIS said he saw no reason why this should not take the usual course of similar memorials, which had always been referred to the Committee on the Judiciary.

Mr. WALKER said that the precedents were as often one way as the other, and therefore could have no weight.

Mr. DAVIS said it was a matter of no consequence to him to what committee this subject was referred; but, until he heard some reasons for departing from that course, he must insist that the

reference to a standing committee of this body was the proper course.

Mr. CLAY of Alabama said that it must be apparent to the Senate that this question was not so exclusively within the jurisdiction of the Committee on the Judiciary as pretended by the Senator from Massachusetts, [Mr. DAVIS.] The question whether the Territory should be now admitted into the Union, which was one branch of the inquiry, or not, was of little consequence compared to the question of the division of the Territory, which was deeply connected with their future prosperity and happiness. This question of division was one of the subjects proposed to be referred, and he thought it was evident this was not an appropriate subject for reference to the Judiciary Committee.

Mr. SEVIER said he had but little to say on this subject of reference; but he would tell Senators, openly and above board, when the question of admission came up, he would not vote for the admission of any free State, without admitting, at the same time, a slave State. When Iowa came in, East Florida must come in; and when Wisconsin came in, another slave State must come in, if they expected to get his vote for the admission. This was the course pursued in the case of Michigan and Arkansas, and this was the course that would be pursued in future. It was the only course which would preserve the balance of power, and protect the interest of the slave States on this floor, which was their last refuge. He had no concealments on this subject, and disdained to be beating about the bush.

Mr. DAVIS said he liked to see the candor of the gentleman from Arkansas—[Mr. SEVIER And I should like to see it met by a similar spirit.] He wanted this subject referred to a committee who would consider it impartially; and from the gi vings out, it was evident this would not be the case if referred to a select committee. He asked for the yeas and nays on the question of referring to the Committee on the Judiciary; which were ordered.

Mr. TAPPAN said he should coincide with the Senator from Massachusetts [Mr. DAVIS] in the propriety of referring this subject to a standing committee of the body, if we had a Committee on the Territories; but he could not see that the Committee on the Judiciary had any thing more to do with it than many other of the standing committees —certainly not as much as the Committee on the Public Lands. Nor did he see so much force in his argument that this subject would not be treated impartially by a select committee. There were two propositions to be referred, which were adverse to each other; now they could not be partial to both; so they were just as sure of the subject being considered impartially as if sent to a standing committee. He thought a reference to a select committee would be the proper course.

Mr. MERRICK coincided in the views expressed by the Senator from Arkansas, and in so doing, he should vote for the reference to a select committee.

The question was then taken on the reference to the Committee on the Judiciary, and decided in the negative—ayes 13, noes 22, as follows:

AYES—Messrs. Clayton, Davis, Knight, Phelps, Prentiss, Robinson, Ruggles, Smith of Indiana, Tallmadge, Wall, Webster, White, and Williams—13.

NAYS—Messrs. Allen, Benton, Brown, Clay of Alabama, Calhoun, Crittenden, Cuthbert, Fulton, Grundy, Henderson, Hubbard, Linn, Merrick, Mouton, Nicholas, Norvell, Sevier, Strange, Tappan, Walker, Wright, and Young—22.

The question was then taken on referring the memorials to a select committee, and decided in the affirmative.

The committee consists of

Mr. WALKER.
Mr. NORVELL.
Mr. DAVIS.
Mr. BROWN.
Mr. SEVIER.

Mr. WEBSTER presented three memorials from citizens of Philadelphia, praying for the imposition of a moderate duty on silks; which were referred to the Committee on Finance.

Mr. WALL presented a memorial of similar character; which took the same reference.

Mr. KNIGHT presented the petition of Mary Tewgood; which was referred to the Committee on Pensions.

SALT TAX AND FISHING BOUNTIES AND ALLOWANCES.

Mr. BENTON rose to communicate to the Senate several bundles of papers which he held in his hands, in relation to the salt duties, and the fishing bounties and allowances founded upon those duties; and to move their reference to the Finance Committee, which had the subject under consideration, to which they related.

Mr. B. said it would be recollected by the Senators who had been long members of this body, that he had commenced his labors on the salt tax, and its appurtenant burden, the fishing bounties and allowances, about ten or twelve years ago; and that he had made but very little progress in his labor since that time, though often doing his best. Not to despair of a good cause, and not to give up for a few defeats, was one of his maxims—perhaps a part of his nature; for he never felt himself to be vanquished while he felt himself to be right. This was the case on this salt subject. Though defeated for ten years, he did not despair; on the contrary, he felt stronger in the faith than ever, and more fresh and vigorous for action now than he did when the contest first began. His relaxation from the contest on this floor, had been employed in preparations for renewing the contests upon this floor; and these preparations had resulted in the accumulation of a mass of information, part of which had been received from the Treasury Department, and part of which had been collected from other sources. That which had come from the Treasury, had already been referred to the Finance Committee by the order of the Senate; that which he had collected from other sources, he now asked leave to communicate to the Senate, and to have it referred to the same committee.

Mr. B. then sent to the table four several packages of papers, labelled as follows:

1. Thirty queries on the salt trade, and salt manufature in the West, addressed to his constituents by Mr. BENTON of Missouri, with their answers thereto, showing the monopoly, adulteration, deficient bushel, districted allowance, stinted quantity, and extortionate price, of salt in Missouri, and the necessity of the free admission of foreign salt.

2. A communication from the Democratic State Convention in Missouri; from the Hon. Mr. Miller of Missouri; from the Hon. Mr. Chapman of Iowa; from Judge King of Missouri, showing the monopoly, adulteration, extortionate price, and other abuses in the salt trade; and the connection of several banks with said monopoly and abuses.

3. A general statement of all the salt manufactories in the United States and their products, and cost of their salt at their works; with a particular account of the salt works in New England, in New York, at the Kenhawa, and on the Holston, in Virginia, and of the import of foreign salt at New Orleans.

4. Statistics of salt, showing its localities, diffusion, abundance, and universality; its various forms, both liquid and solid; its different qualities; its manufacture; its cheapness of first cost; its uses in the animal economy, in agriculture, in different branches of rural economy, and in the useful arts; its vast consumption; the tendency of monarchical governments to tax it oppressively, both in ancient and in modern times; the repugnance of the people to the tax in all ages; its final abolition in many countries; compiled from English, French, and American Encyclopedias, and other authentic sources.

These several packages, Mr. B. said, in addition to the two reports from Mr. Woodbury, Secretary of the Treasury, in obedience to calls from the Senate; one in relation to the importation of salt from foreign countries, showing the quantities imported from each country, and the orginal cost; the other in relation to the fishing bounties and allowances, and the amount they draw from the Treasury, and the frauds which have grown out of them: these four packages, and these two reports, contained the mass of information which would enable him to recommence his labor at this session; and with better hopes of success than heretofore. All that he had to ask now was, that these packages should be referred to the Finance Committee; to which he should submit the question of their importance, and their title to be printed in extra numbers, for distribution among our constituents. When the papers were printed, and the time arrived for action upon them, he (Mr. B.) would undertake to establish, upon the evidence which they contained, two propositions: *First*, that of the $320,000 annually, to which the fishing bounties and allowances now amounted, pretty nearly $300,000 of that sum was illegally and unduly drawn from the Treasury; *Secondly*, that the salt tax, and its abuses, was an annual injury to the amount of several millions of dollars on the agriculture and rural economy of the West. These two propositions he expected to establish; and, if he did so, he should expect, as a consequence, that his bill should pass—the bill which he had renewed at the commencement of this session—for the suppression of the salt tax, and the abolition of the fishing bounties and allowances founded upon that tax.

Mr. B. then moved the reference of the papers to the Finance Committee; and they were accordingly referred.

Mr. WALL, from the Committee on the Judiciary, to which was referred the petition of a number of citizens of New Orleans, praying the repeal of the naturalization laws, reported that the prayer of the petitioners ought not to be granted.

Mr. PRENTISS, from the Committee on the Public Lands, reported a bill to fix the minimum price of the public lands acquired by the Miami treaty of Nov. 6, 1838; which was read, and ordered to a second reading.

Mr. MERRICK, from the Committee on the District of Columbia, reported a bill for the benefit of the Howard Institution of the city of Washington; which was read, and ordered to a second reading.

Mr. NORVELL, agreeably to notice, asked and obtained leave to introduce a bill authorizing the States to tax any lands within their limits sold by the United States; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the various documents in relation to the claim of Francis Laventure, asked to be discharged from the further consideration thereof, and that they be referred to the Committee on the Public Lands; which was agreed to.

ASSUMPTION OF STATE DEBTS.

The report of the Select Committee, to which was referred the resolution of Mr. BENTON and the resolution of Mr. LUMPKIN, on the subject of the assumption of the State debts by the General Government, being the special order of the day, was taken up.

Mr. PHELPS was entitled to the floor; but being indisposed, yielded it to

Mr. SMITH of Indiana, who addressed the Senate at length in opposition to the resolutions of the select committee.

The subject was then informally passed over, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 12, 1840.

The SPEAKER announced that the first business in order was the motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill appropriating $150,000 to each of the States of Ohio, Indiana, and Illinois, to be expended on the Cumberland road.

Mr. HOFFMAN, who was entitled to the floor, addressed the House at some length in opposition to the resolution. He was in favor of appropriations for this road; but was opposed to the manner in which the measure was now brought before the House. He also objected to any action on the subject until the House obtained some information with regard to the views of the Executive.

Mr. HUBBARD then followed in opposition to the motion for instructions, as well as opposing any appropriations for this road on constitutional grounds.

Mr. HOWARD of Indiana next addressed the House at great length, and with much force and ability, in favor of continuing the appropriations for this great work. His argument was to the constitutionality as well as the justice and expediency of the measure.

After the presentation by the SPEAKER of a number of Executive documents which had accumulated on his table, and their reference to appropriate committees,

Mr. PICKENS obtained the floor, and presented a substitute for the motion of Mr. CASEY, and so to modify said motion as to instruct the Committee of Ways and Means to inquire into the propriiye and expediency of making an appropriation for the continuation of the Cumberland road. Mr. P. without proceeding in his remarks, made a motion, which, he said, he had not before made—that the House adjourn; which was agreed to; and

The House adjourned till to-morrow morning.

IN SENATE.

THURSDAY, February 13, 1840.

Mr. BUCHANAN presented sixteen memorials from citizens of Pennsylvania, praying an increase of the duties on silks; which were referred to the Committee on Finance.

Mr. B. also presented the petition of the widow of Samuel Jamison; which was referred to the Committee on Pensions.

Mr. ROANE presented a petition of Thomas R. Saunders; which was referred to the Committee on Pensions.

Mr. SMITH of Connecticut presented the memorial of the heirs of the Baron De Kalb; which was referred to the Committee on Revolutionary Claims.

Mr. STURGEON presented eight memorials from citizens of Pennsylvania, praying an increase of the duties on silks; which were referred to the Committee on Finance.

Mr. WRIGHT presented two memorials of a number of citizens of New York, praying the passage of a uniform law on the subject of bankruptcy; which were referred to the Committee on the Judiciary.

Mr. WHITE presented a joint resolution of the General Assembly of the State of Indiana for the relief of Peter Houston; which was referred to the Committee on the Public Lands.

Mr. TALLMADGE presented three petitions of citizens of New York, praying for the passage of a general bankrupt law; which were referred to the Committee on the Judiciary.

Mr. STURGEON presented a memorial of a number of women, inhabitants of Alleghany county, praying for the abolition of slavery; the motion to receive which was laid on the table.

Mr. CLAY of Kentucky presented the petition of the Kentucky State Agricultural Society, praying the endowment of an agricultural school or college out of the funds of the Smithsonian legacy; which was referred to the Committee on Agriculture.

Mr. CLAY presented the petition of Michael H. Barton, praying for the abolition of slavery. He said that he presented this paper in deference to the right of petition, which he admitted in its full force. He thought the crisis of this unfortunate agitation was passed; it was certainly passed when Congress convened in December last. Whether the political uses which have since been made of it may not revive it, and revive it in a more imposing form, he was not prepared to say.

Mr. C. took occasion to express the gratification which he had derived, during the last summer, from the perusal of some valuable works from Northern pens on the subject of Abolition, and he considered them the ablest defences of Southern institutions which he had seen. He designated "The Review of Dr. Channing Reviewed," by a distinguished citizen of Boston; "Abolition a Sedition;" and "Some Thoughts on Domestic Slavery;" which were sold at Mr. Franck Taylor's book store on the avenue, this side of Gadsby's. In the last named work, which contained many profound philosophical truths, the proposition was presented with uncommon force, that two communities of distinct races cannot live together without the one becoming more or less in subjection to the other. Mr. CLAY had called the writer's attention to the illustration given to his argument by Lord Durham, in his report on the condition of Canada, submitted to the British Government. He expressed the firmest conviction that whoever would read that report would come to the same conlusion which was arrived at by the author of "Thoughts on Domestic Slavery." Lord Durham states, as his decided opinion, after much observation of the French and British residents in Canada, that they cannot live together harmoniously, and that it is utterly impossible to hope for peace and tranquillity in these provinces, except by making one portion of the inhabitants subordinate to the other.

Mr. CALHOUN said he rose to express the pleasure he felt at the evidence which the remarks of the Senator from Kentucky furnished of the progress of truth on the subject of Abolition. He had spoken, with strong approbation, of the principle laid down in a recent pamphlet, that two races, of different character and origin, could not co-exist in the same country, without the subordination of the one to the other. He was gratified to hear the Senator give assent to so important a principle, in application to the condition of the South. He had himself, several years since, stated the same, in more specific terms; that it was impossible for two races, so dissimilar in every respect as the European and African, that inhabit the Southern portion of this Union, to exist together in nearly equal numbers, in any other relation than that which existed there. He also added, that experience had shown that they could so exist in peace and happiness there, certainly to the great benefit of the inferior race; and that to destroy it, was to doom the latter to destruction. But he uttered these important truths then in vain, as far as the side to which the Senator belongs is concerned.

He trusted the progress of truth would not, however, stop at the point to which it has arrived with the Senator, and that it will make some progress in regard to what is called the right of petition. Never was a right so much mystified and magnified. To listen to the discussion, here and elsewhere, you would suppose it to be the most essential and important right: so far from it, he undertook to aver that, under our free and popular system, it was among the least important of all our political rights. It had been superseded, in a great degree, by the far higher right of general suffrage, and by the practice, now so common, of instruction. There could be no local grievance but what could be reached by these, except it might be the grievance, affecting a minority, which could be no more redressed by petition, than by them. The truth is, that the right of petition could scarcely be said to be the right *of a freeman*. It belongs to despotic Governments more properly, and might be said to be the last right of of slaves. Who ever heard of petition in the free States of antiquity? We had borrowed our notions in regard to it from our British ancestors, with whom it had a value, from their imperfect representation, far greater than it has with us; and it is owing to that it has a place at all in our Constitution. The truth is, that the right has been so far superseded, in a political point of view, that it has ceased to be what the Constitution contemplated it to be—a shield to protect against wrongs—and has been perverted into a sword to attack the rights of others—to cause a grievance, instead of the means of redressing grievances, as in the case of Abolition petitions. The Senator from Ohio [Mr. TAPPAN] has viewed this subject in its proper light, and has taken a truly patriotic and constitutional stand in refusing to present these fire-brands, for which I heartily thank him, in the name of my State. Had the Senator from Kentucky followed the example, he would have rendered inestimable service to the country.

Mr. CLAY said it was very true that the Senator from South Carolina might be the original inventor of the idea respecting the two races, but, like some other inventors, he had not derived much profit from the discovery. However, he had not so much commended the idea as the manner in which it, has been illustrated and enforced, by the author of whom he had spoken. As to the right of petition, he did not consider it a matter of such small importance, or why was it guarded with such sedulous care by the framers of our Constitution? He was for respecting it; and he believed that if these Abolition petitions were received and reported on, and not so much harshness of language used in regard to them, there would have been much less excitement than had been on this subject. But his remarks were not in reference to the vote in the House, but to the politicians and political newspapers. With regard to the compliment paid to the Senator from Ohio, [Mr. TAPPAN,] it was well merited, and the merit was somewhat enhanced by the understanding that that gentleman had heretofore entertained opposite sentiments.

Mr. TALLMADGE said that his views of the right of petition had been submitted heretofore, but he could not permit the remarks of the Senator from South Carolina to pass without remark. The Senator had said that we had derived this right of petition from England anterior to our struggle with that country, and that it had been superseded, and rendered of trivial importance, by the right of suffrage. It had been always considered a matter of the highest importance, both before the Revolution and since that event—from the first struggle of liberty in this country down to the present time. In proof of this, he referred to the sentiments on the subject which pervaded all the public meetings immediately previous to and during the Revolution, and which were expressed in their resolutions and reports. With the same object, also, he referred to that amendment to the Constitution which guards the right, and prohibits Congress from doing any thing to abridge it. This was one of the amendments, the adoption of which was made by New York an express condition antecedent to her ratification of the Constitution; which event was principally to be ascribed to the talents and eloquence of Alexander Hamilton, who was described on this floor the other day as being a man of only second rate abilities, and an imitator. The right of petition went behind the Constitution. The citizen has a right to petition even for that which Congress is prohibited by the Constitution from granting. They may petition for an alteration of the Constitution, so that you may be enabled to grant it to them. His views on Abolition were not changed; but he said, and said four years ago, if they had not resisted the right of petition there would have been infinitely less of Abolition than had been.

Mr. CALHOUN. The Senator who has just taken his seat, has assigned a very sensible reason why our ancestors, who framed the Constitution, placed so high a value on the right of petition. It performed a prominent part in the contest leading to the Revolution. Then we were subject colonies, and, as far as the Government of Great Britain was concerned, had no other mode of being heard but by petition. We had no representation in Parliament. But the case is different now. Our Government, in every Department, is under popular control. The people have a right to speak directly to their public functionaries; and it is absurd to say, under this changed condition, that the right is as important as it was then, when it was our only weapon, and that the right is so sacred as to be without limitation. I ask the Senator whether he is ready to carry out his theory of the right. I put three questions to him: Would he present a petition that vilified this body, or any of the individuals of which it is composed? Or would he present a petition to to legalize murder? I wish an answer to these questions.

Mr. TALLMADGE. The Senator asks, would I present a petition that would vilify this body. I tell him I would not. Self-defence would prevent me. As to a petition to abolish the Christian religion, I do not think there would be much harm in the presentation, if he could have it presented to a committee of which the Senator would be chairman.

Mr. CALHOUN. Will the Senator go home and tell his constituents that he is ready to present a petition to abolish Christianity? If so, and I do not mistake their character, they would soon abolish him and his right of petition. But he has acknowledged that the right has limitation. He would not present one vilifying this body or its members, because self-defence would not permit it. But why not receive it, and put it down by a report, as he proposes in the case of Christianity? Again, is the principle of self-defence limited to this body? Is not the defence of religion, morals, the Constitution, and the character and rights of your constituents and the State you represent, as important as that of the defence of ourselves? And why not meet the one at least as promptly and indignantly as the other? Why not close the door, on the principle of self-defence equally against all? It is useless to attempt concealment. The presentation of these incendiary petitions is itself an infraction of the Constitution. All acknowledge—the Senator himself—that the property, which they are presented here to destroy, is guarantied by the Constitution. Now, I ask, if we have the right under the Constitution to hold the property, (which is one question,) have we not also the right to hold it under the same sacred instrument *in peace and quiet*? Is it not a direct infraction, then, of the Constitution, to present petitions here, in the common council of the Union, and to us, the agents appointed to carry its provisions into effect, and to guard the rights it secures, the professed aim of which is to destroy the property guarantied by the instrument? There can be but one answer to these questions on the part of those who present such petitions; that the right of petition is higher and more sacred than the Constitution and our oaths to preserve and defend it. To such monstrous result does the doctrine lead.

Sir, I understand this whole question. The great mass of both parties to the North are opposed to Abolition: the Democrats almost exclusively; the Whigs less so. Very few are to be found in the ranks of the former; but many in that of the latter. The only importance that the Abolitionists have, is to be found in the fact, that their weight may be felt in elections; and this is no small advantage. The one party is unwilling to lose their weight, but, at the same time, unwilling to be blended with them on the main question; and hence is made this false, absurd, unconstitutional, and dangerous collateral issue on the right of petition. Here is the whole secret. They are willing to play the political game at our hazard and that of the Constitution and the Union, for the sake of victory at the elections. But, to show still more clearly how little foundation there is in the character of our Government for the extravagant importance attached to this right, I ask the Senator what is the true relation between the Government and the people, according to our American conception? Which is principal and which agent? which the master and which the servant? which the sovereign and which the subject? There can be but one answer. We are but the agents—the servants. We are not the sovereign. That resides in the people of the States. How little applicable, then, is this boasted right of petition, under our system, to political questions? Who ever heard of the principal petitioning his agent—of the master his servant—or of the sovereign his subject? *The very essence of a petition implies a request from an inferior to a superior.* It is not, in fact, a natural growth of our system. It was copied from the British bill of rights, and grew up among a people whose representation was very imperfect, and where the sovereignty of the people was not recognised at all. And yet, even there, this right so much insisted on here, as being boundless as space, was restricted from the beginning, by the very men who adopted it in the British system, in the very manner which has been done in the other branch, this session; and to an extent far beyond. The two Houses of Parliament have again and again passed resolutions against receiving petitions even to repeal taxes; and this, those who formed our Constitution well knew, and yet adopted the provision almost identically contained in the British bill of rights, without guarding against the practice under it. Is not the conclusion irresistible, that they did not deem it inconsistent with the right of "the citizens peaceably to assemble and petition for a redress of grievance," as secured in the Constitution? The thing is clear. It is time that the truth should be known, and this cant about petition, not to redress the grievances of the petitioners, but to create a grievance elsewhere, be put down.

Mr. BROWN said he had not had the remotest idea of entering into a discussion on this subject; but, as a Senator representing a Southern State, he could not in silence hear the decisions of another branch of this Legislature denounced for an act which he deemed eminently judicious and patriotic. It is time that this persevering effort to interfere with Southern institutions should be put an end to. When Congress become satisfied that, under the forms of the Constitution, and to attain objects clearly unconstitutional, efforts are making to destroy the peace and happiness of a portion of the States of this Confederacy, they have a right, nay, it is their duty, to arrest a course so fraught with pernicious consequences. But gentlemen say that this question has been used for political purposes. By whom has it been used for political purposes? The first knowledge he had of the mingling of this question with politics, was in the councils of the Hartford Convention. A portion of the Northern Federalists then endeavored to produce the same prejudice against the Southern States, for political effect, which at this day was attempted in the same quarter, for the same purpose. The Democracy of the North were then, and still continue, true to the Union and the principles upon which it was founded. I agree with gentlemen that it has been used by politicians in more modern times. And by whom? Why, true to their vocation, by the Federal party, though he admitted there were many honorable exceptions. What have the Democratic party to gain by a connection with these fanatics? Nothing! And is this annoyance never to cease? Gentlemen say, receive and refer these petitions, and have a report on them, and then they will cease. Sir, this spirit will never cease while ambition exists, and is ready to seize upon any subject as the means of success.

Mr. B. should not have alluded to this branch, if it had not been alluded to in connection with the political affairs of the country; and he would have been recreant to duty, if he had not attempted to defend his Democratic brethren of the North, who had acted so nobly on this question, from the assault which, elsewhere more especially, had been made upon them on this question of Abolition.

There was no State north of the Potomac, in which the Federal party had obtained an ascendancy in the Legislature, in which resolutions insulting to the South had not been passed; while in every instance where the friends of the Administration had the ascendency, resolutions of a precisely opposite character had been adopted. But from whom do these petitions come? It is generally known, from persons hostile to the Democratic party? When the question for the admission of Arkansas into the Union was decided in this body, every Democratic Senator from the North voted in favor of her admission, while some of the other party voted against it. In the other House, in voting on the same question, parties stood in the same attitude towards each other, as far as regarded the Northern representation.

I know that, notwithstanding all these facts staring them in the face, the care gentlemen from the South who still doubt, or *affect* to doubt, who are their friends on this question. The time for doubt is passed: the facts which decide the case are numerous and conclusive; and I now make this declaration, that if, with my knowledge of circumstances, I should assist in attempting to delude the people of the South, on a question so vitally important to their interests and safety, I should consider myself guilty of treason to the best interests of that people. If, as a Southern man, with the knowledge I possess in relation to the parties in the North, I should attempt to delude the people of the South as to who were their true friends, I should consider myself, I repeat it again, guilty of treason to their best interests.

Mr. TALLMADGE said he regretted the introduction of this question here as much as the Senator from North Carolina, but it had not been introduced through his instrumentality; but when the Senator talks of any political party in the North being an Abolition party, he talks of what he does not comprehend. There was no such political party there; there was no leading public man there, of any party, who was not willing to maintain the constitutional rights of the South. For himself, he considered the rights of the South on this subject as sacred as his right to his private property. But the gentleman says he considers the presentation of these petitions as an insult. I hope he does not consider it an insult in the person who presents them. Why were not these petitions treated now as they were in the days of the First Congress? Then, a petition was presented from the Anti-Slavery Society of Pennsylvania, of which Benjamin Franklin was the president, and it was referred to a committee, of which James Madison was chairman, who reported that Congress had no power over the subject. If these petitions were treated in the same way, there would be no more danger of these petitioners destroying the property of the people of the South than there would be of taking his property; and if they took the latter they would probably not get much in these Loco Foco times? He regretted that the Senator from South Carolina had characterized the right of petition as he had. He said the people were sovereigns, and, therefore, had no necessity to petition their slaves! Why these metaphysics? The Senator seemed to have in his head the idea of his presenting a petition to one of his own slaves. Was that the analogy? Mr. T. said he rejected it. The people of the United States *are* sovereigns, and their representatives are called public servants. When they petition, it is the petition, not of masters to slaves, but of freemen to their public servants, and which those servants are bound to hear. The gentleman asked if the right of petition was ever heard of in the representative Governments of ancient Greece and Rome? From what little knowledge he possessed of the histories of those countries, there was but a very short period in which they possessed representative Governments. He would say again, as he had said before, that he did not differ in sentiment with the Senators from North and South Carolina, [Mr. BROWN and Mr. CALHOUN] as to their constitutional right to hold this species of property, but deemed them as sacred as his own rights to private property. As to the remarks of the Senator from North Carolina about the Democratic party, he would tell him that the Democratic party was now in the ascendency in the Empire State. They have the three branches of the Government in that State. We have put down the old Federal party of 1798, and we intend to keep them down; and we will not permit the rights of the States to be interfered with.

Mr. BUCHANAN said he did not rise to make a speech, but to submit a motion. Before he did this, however, he would take leave to make a very brief explanation. Although he had ever carefully avoided to speak of his own part conduct in the Senate in terms which might appear like self commendation, yet, upon the present occasion, he deemed it necessary to refer to his former course upon the subject of Abolition.

In the session of 1835-'6, said Mr. B. when an alarming excitement prevailed on this subject throughout a large portion of the country, I took a decided stand against the Abolitionists. I then presented a memorial from the Caln Quarterly Meeting of the highly respectable religious society of Friends in Pennsylvania, asking Congress to abolish slavery in the District of Columbia; and at the time of its presentation, I declared that, upon its reception, I should immediately move that the prayer of the memorialists be rejected. This memorial was received by a vote of 36 to 10; and my motion to reject the prayer of it prevailed, with but six dissenting voices. Since this decision, the Senate had adopted a practice which I think has proved eminently beneficial, because it has afforded us peace and quiet upon this subject. The memorial is presented, objection is made to its reception, and a motion to lay the question of reception upon

the table is then immediately made and adopted. This precludes all debate and all agitation.

Now, said Mr. B. in consequence of my conduct here throughout that session, I have borne the brunt of the Abolitionists at home. I agree with the Senator from Kentucky that the danger has passed away, at least in Pennsylvania. The crisis is now over; and the fanaticism which threatened to invade the constitutional rights of the South, and to dissolve the Union, has been nearly extinguished.

The battle has been fought, where it must ever be fought, not in the South, but in the North. It is we of the North who must ever sustain the shock in such a contest. Under these circumstances, I appeal most solemnly to Senators from the slaveholding States, whether they ought not to be governed, in a great degree, by our advice as to the mode in which these Abolition petitions shall be treated. It is impossible, after all which has passed, that they can doubt our devotion to the constitutional rights of the South. Let me assure them, then, that our greatest danger is from agitation here. Excitement is the element in which Abolition lives, and moves, and has its being. A flame kindled in the Capitol would soon pervade the Union. Let a question now be raised upon the abstract right of petition—let the enemies of Abolition in this body divide upon this question, as they probly would, and they will jeopard the great cause, to the maintenance of which they are all devoted, in this most unprofitable strife. The discussion of the Abolition question here can do no possible good, and may do much positive harm. When did fanaticism ever yield to the voice of reason? Let it alone, and it will soon burn out for want of the fuel on which it feeds.

Deeply and solemnly impressed with a conviction of the truth of these sentiments, and for the purpose of arresting this debate, I make the accustomed motion, which cannot be debated, that the question on the reception of this memorial be laid upon the table.

Mr. BROWN here interposed, in the most earnest manner, and urged Mr. BUCHANAN to withdraw his motion, to afford him an opportunity of answering remarks which he considered personal to himself. After much solicitation from him,

Mr. BUCHANAN reluctantly consented to withdraw his motion, at the same time declaring that he would renew it on the very first opportunity after the Senator had made his remarks.

Mr. WEBSTER said he could not permit the opinions expressed by the Senator from South Carolina on the right of petition, to pass without a remark. He says that our institutions have, in a great degree, superseded the right of petition. It is strange, if it were so, that those who formed those institutions should have been so careful in introducing it. He thought it surprising that the Constitution should be so construed as to supersede that portion of the instrument which was most cautiously guarded. With the same propriety might be explained away the correlative rights of freedom of the press and liberty of conscience. The right of petition is only worth using in representative Governments; in despotisms, the subject is permitted to crawl to the foot of the throne; but this could not be called a right of petition. But the Senator says the right of suffrage and the right of instruction render this right of petition unnecessary. Now, the Constitution expressly secures the right of petition, but says not a word about the right of instruction. He was content to hold on to the Constitution, and let gentlemen indulge their peculiar notions about the right of instruction? But it is asked, does a master petition a servant? No individual is a master of Congress. He petitions a power which has the capacity to redress his grievance. He would say one word as to the remarks of the Senator from South Carolina, [Mr. CALHOUN,] and his friend from Kentucky, [Mr. CLAY,] that two distinct races of men cannot live in the same community without one being subject to the other. He had not a word to say about distinction of color, as in that case the proposition might be true. But the general proposition that two races cannot live in the same community, was a sentiment that he revolted at. He instanced the case of Louisiana, in which the French Creoles and the Anglo Saxon races had commingled; and said that good Government was all that was necessary to produce this result. He spoke not of colors—that was a distinct question. He thought the arguments of Lord Durham on this subject, which had been alluded to, were founded neither in reason nor philosophy.

Mr. BROWN returned his thanks to the Senator from Pennsylvania for withdrawing his motion, and enabling him to say a few words in reply to the Senator from New York [Mr. TALLMADGE] The Senator from New York denies that there is any party in this country associated with Abolition. Notwithstanding that denial, he still believed that Abolition was made use of in the elections in that State. Last year, the popular branch of the Legislature of that State, which was of that party not long since assuming the name of *Whig*, but which I suppose he would now call *Democratic* and to which others give a different name, passed a series of resolutions, which, if carried out, would have shaken this Union to its centre. But when they were sent to the other branch of the Legislature, which contained a majority of the friends of this Administration, they were rejected, or at any rate deprived of their obnoxious character by amendments.

Here, sir, was the Democratic, Conservative, Federal Whig branch, introducing and passing these resolutions; and on the other hand, what he called the Democratic members of the other branch, placing their veto on them. This needs no commentary.

And what is the course of parties in Congress? One presenting these petitions, debating them, and agitating the question: the other endeavoring to arrest agitation, and to allay excitement. There is one very distinguished gentleman of the Opposition party—he would not say in what branch of Congress—who presents hundreds of these petitions, and makes the most inflammatory speeches; and yet, forsooth, he says he is not an Abolitionist. If you take their own declarations, none of them are Abolitionists! But the gentleman [Mr. TALLMADGE] has alluded to a party—the Loco Foco party, as he calls them—existing in New York, which, he says, are in favor of a division of property; and says, such is his regard for the right of petition, if they sent petitions here for that purpose, he would deem it his duty to present them. The Federal party is the party who support the principles spoken of by the Senator, by asserting the supremacy of corporations, and justifying their abuses. This is the party who are destroying the rights of property, while the Democratic party wish to preserve them, by establishing a proper standard of value. The party who uphold the paper system, in all its abuses—they are the real agrarians, who trample the rights of property under foot. But we have heard much of the right of petition, and the example of Great Britain is referred to. He would not quote British examples on this floor for imitation, unless they came recommended by principle and reason. Abolition originated in England, and he was not disposed to look to that country for examples, so often quoted by a certain party here. He considered the British Government, while favorable to the nobility and gentry, as the most rapacious and despotic on earth in its operations on the great mass of the people—in plundering the many for the benefit of the few, and as the most perfect invention in any age, by means of which the earnings of labor were appropriated to privileged classes.

But we have heard much of abstractions. Sir, the abstractions come from the other side. We go for a great practical good, while those in opposition themselves deal in abstractions. For years the Federal party to the North have attempted to delude the people of this country by exclaiming that the right of petition was endangered. They know that they cannot exist a day without a panic, either in regard to banks, Abolition, or something else; and now that all other subjects have been worn out, they strive to get one upon the abstract right of petition, in order to enlist partisans under their banner.

The Senator [Mr. TALLMADGE] says that the *Democratic* party is now in the ascendency in New York. He will find all the surviving members of the Hartford Convention in what he now calls the *Democratic* party, but which, in former times, was called the Federal party. Nay, the Secretary of the Hartford Convention was the Editor of an organ of that party, in the city of New York, not long since; and one of the latest productions, he was informed, of that distinguished personage, was a life of Thomas Jefferson, but which, in reality, is an infamous libel on the character of that eminent patriot.

Mr. TALLMADGE said there were Loco Focos among his constituents who believed in the propriety of a division of property; and if they would send a petition here, he would present it, and if he could get the Senator from North Carolina to move its reference to a select committee, it would be quickly disposed of. He repeated that there was no Abolition connected with the political party of which he was a member. His most bitter opponent was the Editor of the Friend of Man. This editor, in conjunction with the Loco Focos, had done all he could to prevent his election; and when they came to nominate candidates, the leader of the Loco Focos nominated Gerrit Smith, one of the principal Abolitionists, as his antagonist. Mr. T. said that when the leaders of the Democratic party had turned off from the old track, he had kept straight ahead. Even before he left it, there was so much blue light Federal sm in it, that he frequently thought he smelt brimstone. Indeed, it has been thought that the object of the President in visiting the Sulphur Springs some time since, was to replenish his stock.

Mr. BROWN said, in having introduced the subject of party politics in connection with this question, he had but followed the examples of the Senators from Kentucky and New York, [Messrs. CLAY and TALLMADGE.] But the Senator from New York [Mr. TALLMADGE] says the Abolitionists belong to the political party of which I am a member. Sir, now-a-days, nothing need surprise us that comes from a politician; and after what he has just said, and with the facts before us, nothing that can come from that honorable gentleman on this subject, or any other, hereafter, will surprise me. He says the Legislature which elected him was Democratic, and that the party opposed to him was the Abolition party, &c. If he says so, any declarations which he may make hereafter will not satisfy me of their correctness.

But when the party that he has gone over to had attempted to throw firebands into the Senate, who were they that voted them down? Were they not the friends of the Administration?

Mr. B. said that it was a maxim among lawyers, that the record never lies. On the question of the admission of Arkansas into the Union, the journals of the Senate show that every Democratic Senator from the North voted for it, while the votes in opposition to it were entirely from the enemies of the Administration. In the House of Representatives, almost the entire Democratic vote of the North was given in favor of the same measure, while the opposition vote from the same quarter was found recorded pretty generally against it! Here was a great practical test question, on the admission of a slave State into the Union, which exhibited parties to the North on the Abolition question in their true positions, and about which there could be no mistake, unless it was among those who chose either to be deceived themselves, or to deceive others!

The gentleman, he thought, must rely largely on his powers of persuasion, if he supposed that he could succeed in making the impression which his remarks were intended to make. Is there a single Legislature, with a majority of the party to which the gentleman has gone over, and been received with open arms, which has passed resolutions calculated to quiet this irritating subject? On the contrary, was there a single Democratic Legislature to the North that had not sustained the rights of the South on this question?

But the gentleman says that the Abolitionists are not his friends. Then they are not so complimentary to him, as he was to them. But did not the party which elected him, elect Mr. Bradish, an open and avowed Abolitionist, as Lieutenant Governor of the State of New York? I am aware of Federal ingenuity and trickery. It is by the Abo-

litionists, with them, as it is by the Federalists. If one Federalist, out of a hundred, comes over to the Democratic ranks, it is immediately pointed out by Federal papers and Federal orators as an evidence that the old Federalists are all members of our party! And so, if one out of a hundred of the Abolitionists, acts with the Administration party, why, according to Federal logic, it is conclusive to show that the Abolitionists are acting with the Democrats.

He believed there was not an intelligent Federalist in the Union, whatever opinions they may advance to the contrary, for political effect, that *did not know* the Abolitionists, as a body, were generally political auxiliaries of their own party, and enemies of the Democratic party. But we are taunted with bowing down to the Executive yoke. Sir, the greatest act of subserviency to Executive will, charged by the organs of the party of which the gentleman is now a member, but which he thought a noble vindication of the principles of liberty against bank usurpation, was the expunging resolution. And was not the gentlemen shoulder to shoulder with us in that transaction? An act which he no doubt would fain expunge from his history, as his Federal friends have shown such readiness to forgive what, to them, at one time, was viewed as an unpardonable transgression. But by whom are we taunted with bowing down to Executive usurpation? By the slaves of banking corporations—by those who have shown themselves ready, in effect, to acknowledge the supremacy of bank rule in this country. It ill became them to taunt those with being the slaves of the Executive will, who had been, and were now, endeavoring to preserve to the people of this country their own sovereignty, and the right to rule themselves, instead of being ruled by a combination of political and moneyed interests.

Mr. SMITH of Conn. said he should not have asked the indulgence of the Senate to express his views upon this subject, had he not supposed that a wrong construction might be given to his motives for the vote which he felt bound to give upon the motion before the Senate. The honorable Senator from New York [Mr. TALLMADGE] would seem to indicate, by the warmth of his answer, on my attempting to obtain the floor, that I was attempting to trench upon the time he had marked out for his own consumption. The gentleman need not fear any such disposition or attempt on my part. I was aware of the importance he had attached to the political character which he is attempting to sustain, by showing that he is a Democrat; and hence his great anxiety to give the impression at this time. I am sure, for one, I should feel disposed to give him all the time and opportunity he desired for that purpose; for, as it regards myself, I need no time, here or elsewhere, to impress that fact upon the public mind. All who know me, know I am a Democrat; let it be to my credit or discredit, no one will question it, friend or foe; and no exposure or argument of mine would make it more satisfactory. I should, therefore, have no motive for taking up the time he deemed so precious, to give himself a political character, for which he seemed to fear he had not full credit. Sir, I am disposed to approve of the rule adopted in the other end of the Capitol, in relation to Abolition petitions. When this exciting question was before the Senate, and discussed during the last Congress, I was disposed to receive the petitions and lay them on the table, and do no more with them. When the motion was made to lay the motion for reception on the table, I voted against that motion, hoping if the petition was received, and laid on the table, and nothing further done with it then, the petitioner would consider it as a determination of the Senate not to investigate the subject, and, thereafter, desist petitioning Congress for relief of supposed grievances, when Congress had, on mature deliberation, decided that if the petitioners considered slavery a moral evil, then it was not such a grievance as Congress could take cognizance of. But, sir, I am satisfied, and am constrained to say, that, in my belief, regardless of consequences, which I fear would be a dissolution of the Union, with the countless evils and misery which would follow in its train, that the Abolitionists are determined to agitate this question, however indulgent, and however much Congress may be disposed to gratify the petitioners, short of setting itself about abolishing slavery in the States, which are entirely sovereign and independent of the General Government in regard to that subject; and over which the Government has no more control than it has over the free States, to coerce them to institute and maintain slavery against their will. I am, therefore, for shutting the door wholly against, and excluding, the incendiary petitions; and though many of the petitioners may be, and probably are, honest, many, I have reason to fear, are not so. However the Northern people may deprecate the existence of slavery in the States, and however unjust they may consider it in the abstract, I cannot believe that intelligent and honest men can think they are doing justice to the people of this happy Republic, when they so obstinately and perseveringly persist in presenting their inflammatory petitions upon this subject, after Congress has so many times, and so decidedly, expressed its disapprobation of them, and its unwillingness to aid in a scheme fraught with such danger; and upon grounds both of unconstitutionality and inexpediency. I do not intend, Mr. President, to deny the right of any citizen of the United States to petition his Government for a redress of any real or supposed grievances. I intend to award to him the right in its fullest extent. I have no doubt, sir, but this is an inherent right in any citizen of a Republican Government like this, and which is not strengthened in the least, in my opinion, by a grant of the right in the Constitution. The political power which moves the Government of the people in all its operations is placed, and resides in the people; every citizen of the Republic holds a portion of it in his own hands; and those who administer the Government, are but the agents or servants of the people, authorized only to wield this power temporarily during the time the people have confided it to their hands, but not make a final disposition of it; and they have, at any time, an undoubted right to approach their agents, the public functionaries, with any complaints or grievances they may have to lay before them. But if the Government think their grievances are not real, and of which, among other things, they are selected and authorized by the people to judge, they have a right to make such a disposition of them as, in their opinion, is right and just: but still, if the people feel themselves aggrieved by the decision of their agents, they have a remedy at the ballot box, and which they will take care to exercise. Sir, it is claimed by the Senator from New York [Mr. TALLMADGE] that the Abolitionists are not known as a political party. Political parties are natural consequences of a Republican and Representative Government; their regular formation shows the political body to be in healthy action; they act as sentinels over the institutions and rights of the people; it is by these political conflicts and strifes that the official conduct of the people's servants, their functionaries, is investigated, and exposed to the view of the people, and which enables them more correctly to judge who are worthy of confidence and faithful to their trust, and who are not; and by their agency, the alarm is given to the people when their rights are invaded. No man ought to desire that we should be free from political parties; no free Government can exist without them. At the same time I am free to admit that political parties carry along with them their evils as well as their benefits, but the latter vastly preponderate.

There cannot be, in the nature of parties arising under and growing out of a free Government, but two; each having for its object, professedly, the good of the people, but disagreeing in the mode in which the good shall be produced; all others partake, in their sentiments and in their tendencies, of one or the other, and are auxiliaries to them, and finally melt into and become united to that party to which their principles naturally incline them. Every man has a right to choose for himself which party he will unite himself with, and no one has a right to say, Why do ye so? Every man who means to make himself useful, will unite himself with one or the other of the parties; and, if he is a patriot and philanthropist, will endeavor to promote that form of government which he believes will be productive of the greatest good, and dispense to man the greatest degree of social happiness. The political parties which exist here are coeval with the Government; they have been of long standing; their principles were early formed, and have undergone no change; they are now well understood by the people, and their relative merits easily estimated. The principles of the Federal party were fully developed under the elder Adams, and rejected by the people. Since then, that party, knowing that their principles were not acceptable to the people, have laid aside their principles, and kept them concealed behind a closely drawn curtain, and have acted altogether upon expedients; while the Democratic party have kept on in the even tenor of their way, and endeavoring, by all wholesome means, at all times, to fully develope, and bring to the full view of the people, their principles. It is the object of one party to conceal their principles; and of the other, to give as great publicity to theirs as possible. The party which acts upon principle, has nothing to do but first to ascertain what the principles are, and then follow them; and hence the party is never segregated, or broken up, by a difference in opinion as to expedients most proper to be adopted for its guidance or direction; while the tendency of the other party, which acts by expedients, is ever to separate; and though none of the sub-parties ever lose sight of their principles, which they intend to act upon, if they gain the ascendency, they many times proceed without much union or harmony in their actions. It is for this reason that none of the sub-parties are ever auxiliaries to the Democratic party, or ever, in the end, unite with them; they have no natural affinity for that party. It is a well known fact, that whenever a Democrat can be induced to adopt the Abolition faith, which is now and then the case, but very seldom, he straightway goes to the Federal party, and unites his vote, politically, with theirs, and is as much of a stranger to Democracy thereafter, as if he had never known it. The honorable Senator [Mr. TALLMADGE] said, if I understood him right, that the Abolitionists formed no distinct political party, and that they did not act with the party that he did. He seems to be very anxious, apparently, to keep them at arm's length, and push them off; and why is this? If their combination and objects are laudable and commendable, why repudiate them? Why not receive them with open arms, and embrace them, not only as political, but patriotic and philanthropic brethren, and firmly wed and unite them to their party? The reason is perfectly obvious, why they dare not openly receive them, while they privately have their aid. They are aware that their cause is viewed by the great body of the people as an unjustifiable and unholy one, fraught with danger to this Government: and no political party dare openly to embrace them, more than they would the bohon upas; it will be equally deadly in its poison, to whom or whatever it comes in contact with. That political party which shall receive it will feel its blight, and wither under its influence. The honorable Senator says the party to which he belongs has never had the benefit of the Abolition votes; that they have never been united with theirs. I would ask the Senator, why in selecting candidates for the two first offices in the State of New York, one was taken from the Abolitionists, and one from the anti-Abolitionists? I would ask him further, whether either of these officers could have been elected, but for the votes of the Abolitionists? I would ask him again, whether the ticket was not so arranged, for the express purpose of obtaining the Abolition vote? I would ask him further, whether General Harrison could have been nominated for the Presidency, had it not been for Abolitionists, and whether he could have been nominated without the activity and aid of Mr. Weed, their State printer at Albany, in bringing all the Abolitionists to his aid? These are facts that will speak for themselves; and there is little use in denying them. The Democrats understand they have not had their votes, and the Federalists understand they have had them. The honorable Senator here said that Ben. Franklin was an Abolitionist; this is but the echo of all the Abolition papers; this

has been blazoned forth in all their papers in capital letters. Do they believe that if Doctor Franklin was now alive, from what they knew of his character as a patriot, statesman, and philosopher, that he would join them in their mad career, in a crusade against the peaceful inhabitants of the slave States; and unite with them in despoiling them of their property, which was guarantied to them in the political compact under which so many millions of people are enjoying the most perfect civil and religious liberty? Doctor Franklin was understood to be such an Abolitionist as nearly all the Northern people are, and perhaps a great share of the Southern people. They believe slavery to be a political evil; and, without taking into consideration the moral character of it, they are willing, so far as they can constitutionally, to aid in removing it from our land, at least, as a civil inconvenience or evil. But they understand the right to hold this species of property in the States existed at the time our Constitution was formed; and that that right was never surrendered by the States, or taken away from them; and however it may be viewed in a political or moral point of view, it is, beyond their reach; and therefore they consider all officious intermeddling with it as tending to destroy the Union, and to involve the whole nation in ruin. As much as I deprecate the existence of the evil, I believe, as it is here among us, it is much better for the slaves, and much better for the whole community, that negroes should remain slaves. So far as I am acquainted with them, either in the free or slave States, the slaves appear the most moral, most cheerful, and most useful. There are probably nearly three millions of slaves in the United States, uneducated, and unused to taking care of themselves, and probably altogether incompetent to do it. If they were all emancipated at once, they would form about as large a population as the whole Union had at the close of the Revolutionary war; their tendency would be to the North, where they are taught to believe their peculiar friends are. They would be nearly twice as numerous as the whole population of the New England States. What could be reasonably expected to result from their diffusion over the States, other than vices and crimes of the most pernicious and destructive character. It is, I believe, ascertained that a great proportion of the convicts in the various prisons of the States are ignorant and unlettered men, and that most of the crimes committed are ascribed to that circumstance. They would be commingled with the now peaceful and wholesome inhabitants of the North, and their vices communicated wherever the people were susceptible of it, filling our land with a moral malaria; and instead of congratulating ourselves with being at least as moral as any part of the Union, or of the world, we should be a perfect sample of immorality.

The honorable Senator from New York says there is a class of Loco Focos in the city of New York who are agrarians, and are endeavoring to bring about such a state of society as will enable them to divide the property of the wealthy people, and take a portion of it to themselves. This has been so long used by the Federal party, as a bugbear to frighten the timid, that there is now no man so ignorant but he will laugh at the man who is silly enough to declare it. But the Senator says, if such people were to send him a petition for that purpose, to be presented to Congress, he would do it. This case, I suppose, is presented for the purpose of illustration; and I think it very judiciously selected. There would be as much reason in presenting this to Congress, and asking its aid, as the Abolition petitions, and I think would not be more absurd. I think it a very fair illustration. I think it makes perfectly clear that which to but few appeared doubtful before—and that is, these Abolitionists are entitled to no relief here, in the manner asked for. But the honorable Senator over the way, [Mr. WEBSTER,] in the discussion of this question, has asked whether Englishmen, Frenchmen, and others speaking different languages, could not live together in these States peaceably, harmoniously and prosperously, each retaining his original language, and national habits. He does not make the direct application, and seems rather to deny that he has any disposition to have the whites and blacks amalgamate; but he, at heart, must intend to inculcate the idea that the black race can live here with the white, and mingle with them in all the social enjoyments of life, except to amalgamate; and this case represents, I presume, an illustration of their position. But I will take the case which the honorable Senator has supposed; and what would have been our condition as a nation at this time, had all the foreigners who have emigrated to this country retained their original language, and national prejudices and habits, and taught and impressed them upon their children? Can any one doubt but we would have presented a second Babel? Sir, place in juxtaposition the whites and blacks, and make them all equally eligible to high social stations—you have only to look to Mexico for the consequences, where you will have a perfect illustration of it. A people occupying the fairest portion of the globe, with all the natural advantages necessary to make one of the most powerful nations on earth, so mixed up, divided into castes, and degraded, that they are incapable of binding themselves together, and forming such a Government as to give any security to party or person.

Mr. CLAY of Kentucky said he thought the day had been very unprofitably spent, and he did not intend to prolong the discussion, but he wished to make a remark in reply to the Senator from Massachusetts, as to the mingling of the French and Anglo-Saxon races in Louisiana. He said there had been considerable difficulty in preserving peaceful relations among them, and nothing but the greatest forbearance on the part of the Americans, and on the part of some of the French, had prevented collisions. He said that both the great parties had occasionally profited by Abolition, and instanced the recent election of a Democratic Governor in Massachusetts by their aid. He believed that, if put to the vote, there was not a single Senator who would not vote to maintain the rights of the South. Their institutions, whether right or wrong, were, from their nature, incurable. But he did not wish to mix it up with collateral questions. He alluded to the resolutions passed by the House; and said when he first heard of its passage, he had feared, and he yet entertained fears, about its operation, and thought its tendency would be to increase, instead of allaying, excitement. Heretofore, Congress had acted as a safety valve in passing off this excitement. He never had believed there was any danger, if we conducted ourselves here as wise and prudent statesmen; but why should we identify Abolition with rights guarantied by the Constitution. If we desire safety, let us stand upon the broad platform of the Constitution, and this would be the best guarantee of protection for the rights of the South.

Mr. CALHOUN. I rise to say that I have heard the remarks of the Senator who has just concluded, [Mr. CLAY,] with deep regret. I make no impeachment of motive, but am compelled to say that what he has said, and the course he so strongly recommends in regard to these petitions, are calculated, especially at this moment, to do much harm. If we should have the folly to adopt it, to receive these slanderous and incendiary petitions, to take jurisdiction over the subject, and to argue the case with their authors, as the Senator advises, it would, in the end, prove fatal to us. I know this question to the bottom. I have viewed it under every possible aspect. There is no safety but in prompt, determined, and uncompromising defence of our rights—to meet the danger on the frontier. There all rights are strongest, and more especially this. The moral is like the physical world. Nature has encrusted the exterior of all organic life, for its safety. Let that be broke through, and it is all weakness within. So in the moral and political world. It is on the extreme limits of right that all wrong and encroachments are the most sensibly felt and easily resisted. I have acted on this principle throughout, in this great contest. I took my lessons from the patriots of the Revolution. They met wrong promptly, and defended right against the first encroachment. To set here, and hear ourselves and constituents, and their rights and institutions, (essential to their safety,) assailed from day to day—denounced by every epithet calculated to degrade and render us odious; and to meet all this in silence, or, still worse, to reason with the foul slanderers, would eventually destroy every feeling of pride and dignity, and sink us, in feelings, to the condition of the slaves they would emancipate. And this the Senator advises us to do. Adopt it, and the two Houses would be converted into halls to debate our rights to our property, and whether, in holding it, we were not thieves, robbers, and kidnappers; and we are to submit to this in order to quiet the North! I tell the Senator that our Union, and our high moral tone of feeling on this subject at the South, are infinitely more important to us than any possible effect that his course could have at the North; and that, if we could have the weakness to adopt his advice, it would even fail to effect the object intended.

It is proper to speak out. If this question is left to itself, unresisted by us, it cannot but terminate fatally to us. Our safety and honor are in the opposite direction—to take the highest ground, and maintain it resolutely. The North will always take position below us, be ours high or low. They will yield all that we will, and something more. If we go for rejection, they will at first insist on receiving, on the ground of respect for petition. If we yield that point, and receive petitions, they will go for reference, on the ground that it is absurd to receive and not to act, as it truly is. If we go for that, they will next insist on reporting and discussing; and, if that, the next step will be to make concession—to yield the point of abolition in this District; and so on, till the whole process is consummated, each succeeding proving more easy than its predecessor. The reason is obvious. The Abolitionists understand their game. They throw their votes to the party most disposed to favor them. Now, sir, in the hot contest of party in the Northern section, on which the ascendency in their several States and the General Government, may depend, all the passions are roused to the greatest height in the violent struggle, and aid sought in every quarter. They would forget us in the heat of battle; yes, the success of the election, for the time, would be more important than our safety, unless we, by our determined stand on our rights, cause our weight to be felt, and satisfy both parties that they have nothing to gain by courting those who aim at our destruction. *As far as this Government is concerned, that is our only remedy.* If we yield that, if we lower our stand to permit partisans to woo the aid of those who are striking at our interests, we shall commence a descent, in which there is no stopping place short of total abolition, and with it our destruction.

A word in answer to the Senator from Massachusetts, [Mr. WEBSTER.] He attempted to show that the right of petition was peculiar to free Government. So far is the assertion from being true, that it is more appropriately the right of despotic Governments; and the more so, the more absolute and austere. So far from being peculiar, or congenial, to free popular States, it degenerates under them, necessarily, into an instrument, not of redress for the grievances of the petitioners, but, as has been remarked, of assault on the rights of others, as in his case. That I am right in making the assertion, I put it to the Senator—have we not a right, under the Constitution, to our property in our slaves? Would it not be a violation of the Constitution to divest us of that right? Have we not a right to enjoy, *under the Constitution, peaceably and quietly, our acknowledged rights guarantied by it*, without annoyance? The Senator assents. He does but justice to his candor and intelligence. Now, I ask him, how can he assent to receive petitions, whose object is to annoy and disturb our right, and, of course, in direct infraction of the Constitution?

The Senator from Ohio [Mr. TAPPAN] in refusing to present these incendiary and unconstitutional petitions, has adopted a course truly constitutional and patriotic, and, in my opinion, the only one that is so. I deeply regret that it has not been followed by the Senator from Kentucky in the present instance. Nothing short of it can put a stop to the mischief, and do justice to one-half of the States of the Union. If adopted by others, we shall

soon hear no more of Abolition. The responsibility of keeping alive this agitation, must rest on those who may refuse to follow so noble an example.

Mr. WRIGHT said he had never before, he believed, attempted to address the Senate when an Abolition petition was under consideration. If he justly appreciated his duty, it was quite likely he should remain silent now, though he had not risen to discuss Abolitionism, or to protract this very desultory debate. Still, some remarks had fallen from his colleague, and from the Senator from Kentucky, [Mr. CLAY,] which his duty to absent friends seemed to him to require him to notice.

The honorable Senator [Mr. CLAY] has taken the liberty to refer to a vote lately given in the other branch of Congress in reference to the disposition of these petitions; to allude to the fact that some of the members of the New York delegation, the political friends of Mr. W. had voted for the rule adopted in the House; and then had stated that all parties in the Legislature of the State were now expressing their decided reprehension of that vote. He should not feel at liberty to make the action of either of these legislative bodies the subject of remark upon this occasion, had he not been forced to do so by the course pursued by the honorable Senator; and he wished it to be distinctly understood, that, in making the short reply he intended, he was not acting as the authorized apologist or defender of the friends who had given the vote complained of. If the vote required apology, they would be found ready to make it for themselves. If it required defence, they were much better able, from character and talent and influence, to defend themselves, than he was to defend them. They were responsible for their acts to the constituents who had sent them here, not to himself, or to this body.

Still, as the honorable Senator had referred to the vote and to the action of the State Legislature, not this year simply, but the last also, it was proper in itself, and due to those who were censured, that he should state the facts, as he understood them to exist. The Senator had spoken of the expression of the Legislature of New York last year, upon this subject oft he disposition of Abolition petitions in Congress, as having followed a political revolution in the State, and of the form of that expression. He must remind the gentleman that the expression to which he alluded as having been made last year, was made in but one branch of the New York Legislature. The political revolution of which he spoke had not then reached the State Senate, and that body did not unite in the expression in favor of these petitioners. The House of Assembly, the popular branch of the Legislature, was then in the hands of the political friends of the Senator; and it did make a strong expression, supposed to favor the Abolitionists. It did declare the ATHERTON resolutions, so called, a denial of the right of petition. He did not now recollect the exact form of the resolutions, or the substance of the expression beyond this point, but as to this he was sure he could not be mistaken. The ATHERTON resolutions were denounced, because it was said they were a denial of the right of petition. What disposition did the ATHERTON resolutions make of Abolition petitions? They were to be received and immediately laid upon the table, without reading or printing, and without debate. This was the denial of the right of petition last year, according to the expressed sense of the Whig branch of the New York Legislature.

Now, certain of the Democratic members of the House of Representatives from that State, had voted to establish a rule of that House, pressed upon them upon the motions of prominent Whigs, by which these petitions were not to be received. In other words, they had voted for a rule which was, in fact and in terms, just what their opponents in the Legislature of their State, one year ago, declared to be the true and practical effect of the ATHERTON resolutions. This was what these members had done, and his object was accomplished in giving the facts. He knew not what either party in the Legislature of the present year were doing upon this subject, except that he had noticed in the public papers that some resolutions had been introduced into the popular branch of that Legislature, by a prominent Federal member, censuring those who had voted for the rule lately adopted in the House of Representatives. If there had been action upon them, the account of it had not met his notice.

His honorable colleague had discussed at some length the politics of their State, and of the various parties in it; the questions, which were Democratic, and which Federal; which were, and which were not Abolition; and the like, and had pronounced his conclusions with some positiveness. In doing this, he had, as Mr. W. thought, done injustice to a political friend of his, or he would not have entered into the discussion. He understood his honorable colleague to say that the member of the popular branch of the present Legislature of their State, who was, at its organization, the candidate for Speaker of the Administration party in the House, had, upon the late election of a United States Senator, and when his colleague was elected, voted for a prominent Abolitionist, a gentleman by the name of Gerrit Smith. If he correctly understood the remarks of his colleague, this vote was said to have been given by the gentleman alluded to upon the open *viva voce* vote for Senator in the House of which the gentleman was a member. Did his colleague so state?

[Mr. TALLMADGE replied, yes, that was the way I understood it.]

Mr. W. said he had not made this inquiry thus minutely, for the purpose of contradicting it upon his own responsibility, as he had no personal knowledge how the fact was; but he had done so for the purpose of expressing his belief that the statement was erroneous, and giving the grounds of that belief.

He well remembered that, pending the proceedings in the Legislature of the State, touching the election of a Senator, a report sprung up in this city, and in one wing of this Capitol, that all the friends of the Administration in the popular branch of that Legislature had voted for this ardent Abolitionist, this Gerrit Smith, as their candidate for the Senate of the United States. The rumor produced deep feeling here. He was called upon by a great number of members of Congress, from all quarters of the Union, for information as to the fact. He had none to communicate. He had received no intimation of any such action on the part of his political friends; but the mails from the North were deranged by the stormy and severe weather of the period, and he was unable to say what action had been had, or what information others might have received. He entertained the most confident belief that the report was false, and so stated to his friends, but he could not give it authorized contradiction. This report, however, necessarily led him to examine that vote with deep interest and great care, when it did reach him. The Albany Argus, a public journal to which his colleague had alluded as a leading Federal paper, was his authority, and was it Federal, Democratic, or Democratic Republican, which last his colleague seemed to suppose the real name of his party, it was authority upon which he relied with a quiet confidence. The vote given, upon the election of a Senator, in both branches of the Legislature, he found in the columns of that paper in detail; the name of every member voting, and the name of the candidate voted for by each, being distinctly stated. He examined the account with care, and could not say he felt much surprise when he perceived that not one single individual of any party had given his vote for the supposed formidable Abolition candidate, Gerrit Smith.

He could not, however, in justice to his own feelings, leave this matter here, and permit the inference that the mistake of his colleague was wholly without foundation. He would, therefore, relate what he had understood had taken place at some stage of the proceedings preliminary to the election of a Senator. He supposed the account had appeared in the public papers, but he had not seen it there, and related it from mere report. It was this: a law or resolution was before the Legislature, designed to prescribe the time and manner of electing a Senator. To members of the minority of the House, other candidates, taken from the ranks of their political opponents, were more acceptable than his colleague. Some of these members proposed to make the election directly, by inserting the name of the Senator in the bill or resolution, and thus declaring the election, instead of prescribing the time and manner for future action. Pursuing this feeling, the names of a variety of candidates were proposed, and among them Gerrit Smith, his Abolitionism out of the question, a most bitter opponent of this Administration. That name might have come from the gentleman alluded to by his colleague, but it was under such circumstances, and for such objects, as he verily believed, if it came from him at all, which fact he could not assert. It was a choice among his enemies, not his voluntary preference as a politician, or a citizen, as his *viva voce* vote upon the election should have been. This explanation of the error of his colleague he had given, as he had before stated, rather from rumor than from any referable authority; but he did not doubt it was the real explanation, and the only one of which his statement was susceptible.

He was now brought to the apparent object of the remarks of his colleague, and that was the point of most materiality and most delicacy, the interests of others having been disposed of. Why was the statement of his colleague made, but to show that his friends, and the friends of the Administration in the North, are the Abolitionists there? He could see no other object, and other portions of the remarks of his colleague seemed to him to have a similar object and tendency.

In reference to all such remarks, calculated to produce personal irritation, he would take this occasion to say to his colleague, that it was now something more than six years since they had taken their seats together in this body; that their public acts had been known to the Senate, if not to their constituents and the country; that it was, therefore, folly for them to discuss the question here which was a Democrat, which was a Federalist, or which was a Democratic Republican in politics. Their acts, not their words, must determine that point, and the Senate itself would judge, independently of their impressions, what the proper classification of each was. So also with the question of Abolitionism. His action upon that disturbing subject was known to this body and the country. If it made him an Abolitionist, it was in vain for him to reason against the conclusion. If it did not, any remonstrances and declarations from him against the charge, come from what quarter it might, was unnecessary here. So with the President of the United States. His declarations and acts and votes as to these petitions, and this whole subject, were perfectly known to every individual they addressed; and was it necessary for him, as the avowed personal and political friend of that officer, as he had been since he had had the honor of a seat here, and still continued to be, was it necessary for him to defend the President against the charge of Abolitionism? Not here! not here!

Why, then, Mr. W. asked, were these points debated here, upon such an occasion, and these charges directly made, or impliedly made, by his colleague? During the whole of their public service together hitherto, however wide might have been their political differences of opinion, it gave him sincere pleasure to state that there had not been one particle of personal unkindness between his colleague and himself. This condition of their personal relations he earnestly hoped might continue; and to that end he would now, as he had upon all former occasions, carefully abstain from all remarks calculated to excite unkind feeling. He hoped his colleague would imitate him in this, and relieve them from the necessity of disturbing the Senate by their personal or local differences. They had both had experience enough in the body to know that all such collisions were unpleasant to the members of the Senate. Should they, then, thus afflict them? For himself, nothing but a sense of self-respect could induce him to do it. When they came there together, they were political friends. Those members from other States, whom he had found there as political friends, and who yet remained there, with very few exceptions, were yet personal and political friends. Those whom he had found as political opponents, with exceptions

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still less numerous, were at this moment his respected opponents in the body. Still he had experienced personal kindness from all, as he knew his colleague had also; and should they now strive to make all unhappy by their personal or local collisions? He would not lead in such a course, and, if compelled to follow, it would be with reluctance and regret.

He had never charged Federalism upon his colleague, nor had he charged Abolitionism upon his party, notwithstanding their course in the last Legislature. He was not in the habit of characterizing men or parties by names, as epithets. He chose to state facts, and let conclusions follow. His colleague had referred, with some triumph, to a political revolution in the State. As a fact, he could state that that revolution brought into office and place a Lieutenant Governor, who was an Abolitionist, as far as his responses to the Abolition committee could make him one. Yet he was not disposed, even upon that fact, to pronounce the whole party Abolitionists, nor would he do so. He preferred to let acts and principles and associations determine these points, as he did, who were Democrats and who were Federalists. The truth and the facts were his material reliance for himself and his friends.

Mr. TALLMADGE said he would take the explanation of his colleague, as he thought the variation was of no material importance. He coincided in the sentiment that this was not the proper place for political explanations between himself and colleague. His colleague, some years since, in his usual complacent way, told him that as to their political differences, their common constituents would settle that question. They have settled it, and settled it three times over. They have pronounced their opinion of this destructive Administration, and of the Sub-Treasury bill, which, in his haste to get it through this body, the patriotic zeal of the chairman of the Committee on Finance had impelled him to override the common courtesies of legislation. The personal relations of himself and his colleague had always been of a friendly nature, and on his part they should continue so; but he was not to be read lectures to by his colleague, and it was not necessary to remind him of their personal relations.

Mr. WRIGHT said he was aware of his trespass upon the feelings of the Senate in again throwing himself before it. He rose to reply to a single remark of his colleague, and but one; and he did that because he was convinced, without an explanation, that remark would be misunderstood and misconstrued to the prejudice, as well of his colleague as himself.

The remark to which he alluded was, that he had been wanting in courtesy in his action in relation to the Independent Treasury bill. If his colleague referred to courtesy to the Senate, as towards those who were members of the body when that bill was acted upon, he had to say to him that those were points he could not discuss with him; that the Senate, as it was at the time, and those who were Senators at the time, were his judges as to the propriety or impropriety of his course upon the passage of the bill in question. If any of those gentlemen, who were his co-actors and his witnesses, had charges to make against him for the manner in which his duties were discharged in relation to that measure, it would be his duty, as it would his pleasure, to listen to them, and to admit their justice or show their injustice, as the facts might warrant; but by others he could not be called to account for his courtesy, or want of it, to them.

If his colleague intended to charge want of courtesy towards himself, as he, Mr. W. was informed, that charge had been made by friends of his colleague at the seat of Government of their State, it was proper that the Senate, and their common constituents, should understand upon what foundation such a charge must rest, and upon what facts it must be sustained, if sustained at all. To make that explanation was his present object.

The bill in question finally passed the Senate on Thursday of the week, he believed the 23d day of January last. The order for engrossment was made on the Friday previous. By the mail which arrived from the North, on the evening of Saturday, the 25th of January, he received from his colleague a letter, dated at the Astor House, in the city of New York, on the 23d day of the month, the very day on which the bill finally passed the Senate. This letter gave him the first information of the ill health of his colleague, and of his having been detained by sickness, when on his way to take his seat here. The letter contained a request from his colleague to himself to have the final question upon this bill postponed, until he could be in his place. In a few moments after the letter reached his hands, he learned that the same conveyance which brought the letter to him, brought also his colleague to the city.

These are the facts. He had spoken of dates from memory, but believed he was not mistaken. And under this state of facts he was well informed that a friend of his colleague had reported at Albany that this request had been made from his colleague to him, and that he had refused the delay asked for. He would not suspect his colleague of having been instrumental in giving existence or circulation to the falsehood, but, without this explanation, those who had heard the statement, and should see the remark of his colleague to which he was now replying, would be likely to connect the present charge of want of courtesy, with this story of the letter; and to all, such his silence under the charge would be considered as an admission of its truth, and of its applicability to the report referred to. To prevent that consequence to his colleague or himself, was his present object, and having accomplished that, he had nothing more to say.

Mr. TALLMADGE said he intended no allusion to his letter in the remarks he had made, nor was any statement of the kind, mentioned by his colleague, made on his (Mr. T's) authority. He acknowledged that the letter reached Washington the same evening as he did himself.

Mr. HUBBARD remarked, that he wished to say a few words upon this subject, and the Senate might rest assured that they should be but few at this hour of the day—(4 o'clock, p. m.) He deeply regretted that this debate had so unnecessarily arisen. He was of opinion that it was better to let well enough alone, than further to agitate this exciting question. But a debate had arisen, and had arisen in consequence of the presentation of a memorial to the Senate by the honorable Senator from Kentucky, [Mr. CLAY,] upon the subject of domestic slavery and the slave trade; and instead of disposing of that memorial according to the well established practice of the Senate, an extraordinary discussion had grown out of its presentment, which, *for one*, he deeply regretted. But so it was; and he could not *now* permit this debate to end, and the question to be put to rest, at this time, without replying to some observations which had been made by Senators, touching the course which some of his particular friends, and a portion of the delegation from his own State in the other House, had recently taken upon the resolution presented by an honorable member from the State of Maryland upon this disturbing subject. He was satisfied with the course which the Senate had adopted for its guidance in relation to this description of memorials; and he was well assured that the people perfectly well understood the necessity, propriety, and effect, of the rule of practice which had been adopted for the action of this body upon Abolition petitions. That rule had, in his judgment, produced the most happy and quieting results; and, for one, he would not feel disposed, unnecessarily, to interfere therewith. What have been the results? If Senators will only consult the journals of this body, they cannot entertain one solitary doubt that the most beneficial results have already been produced. Is it not a fact that the very memorial offered this morning is among the *very* few which have found their way to this chamber during the present session? How was it formerly? How was it before the adoption of the rule? Not a morning, scarcely, passed, but memorials following memorials, asking for the abolition of slavery, were pressed upon the consideration of the Senate.

Such, then, had been the effect most distinctly experienced under the rule of practice already adopted. What is the practical operation of the rule? Are the petitions read? Are they printed? Are they referred? *No.* In truth, whether they ever find their way to the Secretary's table, is doubted by some. The question to receive is not directly put, but a sideway movement is made at once to lay upon the table the motion to receive, so as to prevent all debate, and thus ends the matter; and it may be asked, what earthly benefit do these memorialists now realize from sending these Abolion memorials to the Senate? None. The Senate, by their action, most emphatically say they will not act upon them; that these memorialists ask for a redress of grievances, which are imaginary, not real, in no way affecting them, and with which they, in truth, have no concern. The Senate say that these memorialists ask for that which it would be dangerous to the peace, harmony, and perpetuity of the Union, to consider. They therefore, unhesitatingly, so dispose of them as in effect to prevent all consideration and action upon them. This is now the course of the Senate upon Abolition memorials; and, as he had before observed, the effect had been most salutary. It had prevented all agitation here upon this subject; and agitation was what was desired, was what was even declared to be a desirable object; and, as debate and discussion could not now arise under the rule of practice of the Senate, as now understood, Abolition memorialists had almost entirely ceased to press their complaints here in this branch of Congress. He perfectly agreed with the Senator from Kentucky, [Mr. CLAY,] that there was no diversity of opinion among the States of New England as to the constitutional right of the slaveholding States to maintain their domestic institutions undisturbed. The sentiment was general, if not universal, in his section of the Union, that it would be a flagrant usurpation of power, and a gross violation of the Constitution, to interfere directly or indirectly with this right of property in the slaveholding States. Slavery there exists; and it is not the feeling of New England, as far as he was advised, to take any course which should disturb the relation subsisting between master and slave. New England has no system of involuntary bondage sanctioned by her laws; and the Senator of Kentucky is right when he says that there is no general disposition in the North to interfere with the rights of property, as they exist in the South. But he differed altogether with the Senator as to the course which these petitions ought to take. He differed with him entirely as to the effect produced upon the public mind by the discussion, or by the agitation, in any form, of this question here. Nothing, in his judgment, tended more to alarm the fears, and to disturb the tranquillity of the slaveholder, than debate upon these Abolition petitions in either branch of Congress.

Nothing, in his judgment, tended more to give encouragement, and to inspire confidence among the leading Northern Abolitionists themselves, than a discussion upon their memorials. And he, *anxious for peace within our borders*, lamented the debate which had recently taken place in the House of Representatives upon Abolition petitions.

The debate, in his judgment, was uncalled for, and ill-advised. It could do no good; it might produce great evil in the North, if not in the South. The resolutions offered at the last session in the House of Representatives, by his friend Mr,

ATHERTON, had been offered to quiet the public mind upon this distracting subject, to prevent excitement, and to show to the South that the Northern feeling was generally opposed to any action by Congress upon Abolition petitions. These resolutions, thus presented, and for such an object, designating merely the mode of disposing of this class of memorials, had met with the most determined opposition from every quarter. That opposition was not confined to the non-slaveholding States. They met with a most extraordinary opposition from another quarter. The author, in the North, had been vilified as the destroyer of the right of petition. He was charged at home, within the limits of his native State, with having, by a shameful dereliction of public duty, prostrated and rendered of no effect one of the dearest rights of the people. That charge he had met, fearlessly met, before his people; and that people had recently passed a commentary upon his course, most gratifying to his feelings. They had returned upon the issue a verdict with which he has every reason to be satisfied. Gentlemen from slaveholding States had denounced Mr. ATHERTON's resolutions as wholly inefficient, and destructive of Southern rights. The resolutions were presented for the purpose he had stated, and contemplated the adoption of a rule of practice in relation to this class of memorials, precisely similar in effect to that what has been in use in the Senate, and from which much benefit, in his judgment, had already resulted. Experience has shown that, so violent was the opposition to the resolutions, by some from the slaveholding States themselves, it was rendered altogether impracticable to re-enact them at the present session for the guidance of the House of Representatives. A month of angry and useless debate in that branch of Congress, gave distinct evidence that some thing must be done, and done without delay, to give tranquillity to the public mind. And what was to be done? Would it have answered further to delay, and put off action upon the all important public business before that branch of Congress—would it have answered longer to have consumed the public time, and to have exhausted the public Treasury, in offering and disposing of those memorials, asking for the abolition of slavery, as they might occasionally be presented? Was a course like this to be tolerated? Sure he was, that the response of his own State would most emphatically be, No! And for what object was opposition made to the adoption of any rule of practice which would, in effect, dispose of Abolition memorials, when offered without any debate or definite action. To save, it was said, the right of petition—to protect this high privilege of the citizen. He utterly denied that the general right of petition was impaired under the rule of practice, as adopted by both the House and the Senate at the last, or as established by the House at its present, session, in relation to the mode of disposing of Abolition memorials. That general right remains undisturbed, untouched, by this recent act of the House of Representatives. The ATHERTON resolutions and the recent rule have the same general object in view—to prevent debate—to save all action upon this particular class of petitions. It was not believed, or even supposed by any one, that under either rule the House would bestow the least consideration upon these petitions—they were to meet the same fate there, that they experienced here—they were in no sense to be received for any purpose of legislative action—they were, without reading, without printing, without referring, to receive their *quietus;* and, mystify this matter as you may, this was the sum and substance of the action of both Houses of Congress in relation to Abolition petitions. But in no way is the general right of petition thereby impaired, nor, in truth, is the particular right of petition upon the self same subjects, thereby infringed. Both the Senate and the House have distinctly indicated that they will not consider—that they will not act upon—these memorials; and this is all they say. They take away no right of petition—they do not thereby prevent the people from assembling and asking, at any time, for a redress of grievances. They distinctly say that, as far as it respects petitions asking for the abolition of slavery in the District of Columbia, coming from persons without the District, they will not take them for legislative action. This is all; and had he, at the time, been a member of the House of Representatives, under existing circumstances, he should have voted as the majority of the delegation from his State voted upon the resolution offered to the House by the honorable member from Maryland, [Mr. JOHNSON.] He would have done this as the only course left him, in order to put to rest this agitating question; and, in doing thus, he could not have supposed for a single moment that he was thereby abridging the general right of petition. In his opinion, it was due to the interests of the public to put this question to rest—to stop debate, and to avoid action upon this subject. He, therefore, was free to say that he entirely approved the course which his friends in the other House had seen fit to take; and he entertained no doubt that their course would be approved by their constituency. His own course, since he had been a member of Congress, upon the subject of Abolition petitions, was well known at home, and well understood here. He had been in favor of that proposition which contemplated the least possible disturbance of this agitating subject. His language had been, "Hands off." Let this whole matter alone. No possible good could result: if, by entertaining the petitions of the Abolition memorialists—even if Congress should carry into effect the prayer of these memorialists, and slavery should be even abolished in the District of Columbia, *there would not be one slave the less.* His opinion had been, and still was, agitate not this question. Let this subject alone, had been his appeal at home, his doctrine here. It concerns not those who send up to the Senate, periodically, their petitions. If grievances exist, arising from the institutions of domestic slavery, they cannot effect those States in which no such institutions are established. If slavery be a great moral evil, let that evil be confined to the region where it is tolerated. If rights exist, growing out of the relation, he would not interfere therewith. In no sense, in his judgment, can the Abolitionists of the North be justified in their unhallowed efforts—*efforts* tending to destroy the rights of property, and tending to rend asunder this Confederacy. He would now say to the non-slaveholding communities—as he had repeatedly before said—let this whole matter alone.

And is he obnoxious, or are his particular friends in the House, who voted for Mr. JOHNSON's resolution, obnoxious to the charge of abridging the general right of petition by the course pursued? How has he, or how have they, impaired that right? No man is more in favor of the rights of the people than himself; and this right of petition, he believes, is one of their dearest rights. But how has he impaired that right? Does it follow because that he, in the exercise of a sound discretion, sees fit to withhold a petition sent him from his constituent, that he thereby abridges the right of that constituent? *No*: not in the least. The constituent has a clear, undisputed right to send his memorial here; but does it follow that the Representative is bound, at all hazards, to present it; or does it follow that the body to which it is addressed is bound, at all events, to receive it? Not so. The Representative and the body must act upon his and their responsibility. Would it be said that he was bound to present a petition, coming from his constituents, asking for the abolition of slavery in the State of Virginia?—a request undermining the foundations of this Government? Can it be contended that the Senate would be bound to receive such a petition? No. The Abolitionist himself would hardly contend for this. There is, then, of necessity, some limitation to this right of petition.

He would not deny to his constituent the existence of this right in its broadest sense; but the Representative has not only a duty to perform to his immediate constituents, but to the country. The petitioner may ask for that which it would be most dangerous to the peace and security of the Union to grant. Should a petition of this character be received and considered? The Representative, and the body to whom the memorial shall be addressed, must exercise their own discretion and judgment. If the doctrine be correct, as contended for by Senators upon the other side, the Senate is bound to receive every memorial, coming from whom it may, and asking for what it may; otherwise the right of petition is impaired. If the right of petition implies an absolute and unqualified obligation to receive, does it not follow, with equal force, that the right imposes a corresponding obligation to consider and to act?

If this general right of petition is thus abridged, then it follows that, at all events, and under any circumstances, Abolition petitions coming up here, and all others, must not only be received, but considered and acted upon by the body to which they may be addressed. The Legislature of his own State had, on frequent occasions, given such an expression of their own opinion as relieves him and his friends from all difficulty and embarrassmenton this question.

His own State had so repeatedly, through her Legislature, declared the palpable injustice of any action by Congress upon the subject of slavery, as it exists in this District, unrequested by its inhabitants, that he could not, nor could his friends in the other House, for a moment believe, that by his and their course upon the subject of Abolition petitions, he and they were depriving them of one of their dearest rights. How is this doctrine attempted to be supported? It is said that this sacred right of petition is expressly guarantied by the first article of amendments to the Constitution of the United States. In his judgment, that article has no particular bearing whatever upon the question. This right, as it now exists, so it has existed long before the Constitution itself was formed. What is the article to which reference has been made?

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Now, he utterly denied, that by the course he had pursued here, or by the course his friends had pursued elsewhere, that he or they were lending their aid in the passage of any law abridging the freedom of speech or of the press, or to prevent the people peaceably assembling together to ask the Government for a redress of grievances. He would go as far as he who would go farthest against the passage of all such laws. He was utterly and absolutely opposed to any such legislation. How, then, has he, or how have his friends in the other House, by his and their course of conduct upon these memorials, exposed themselves to the charge of impairing the general right of petition?—a right well understood by his people, and a right which he would not disturb or abridge—a right which, he rejoiced to add, was so universally enjoyed, and which could be so properly exercised by the freemen of this country.

Mr. PRESIDENT: I rise to participate in this debate, so far only as the question is supposed to involve the right of petition, and the policy of our action here, in reference to that view of the subject.

The honorable Senators, from Massachusetts, [Mr. WEBSTER,] and from New York, [Mr. TALLMADGE,] seem to regard a refusal by Congress to the presentment of petitions for the abolition of slavery, as an infraction of that right, whilst the honorable Senator from Kentucky [Mr. CLAY] has, with his accustomed eloquence, and much plausibility, expressed his apprehension that the people of the South, in claiming even their rights here with too fastidious exaction, may diminish their friends in the North, by permitting the Abolitionists the advantage of involving, with their primary question, the more popular one of the right of petition, and that many will probably make common cause on the right of petition, and persist in asserting that principle here, who would not concur in the particular proposition on which this right is so frequently debated.

I propose a brief discussion of these two questions; and first, as to the right of petition.

The following is the amendatory article of the Constitution of the United States, in which the right is said to be secured:

"ART. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free

exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

In respect to the right of petition, what does this article propose? It does not attempt to *specify* the measure, or the extent of the right, or to what subjects it shall appertain. It does not attempt to specify what are the *duties and obligations* of Congress in the reception of petitions, or the *measure of redress* which Congress may, can, or shall afford. The right secured by this article is simply an *immunity* on the part of the people from any *law* emanating from Congress abridging the popular rights *"peaceably to assemble and petition Government for redress of grievances."* Whilst Congress abstains from making any such prohibitory law, are not all the obligations which *this article* imposes upon Congress duly respected? It must be observed that this article contains no *grant of power* to *Congress*; it does not *enlarge* the sphere of its *duties*—it brings nothing within the jurisdiction of Congress not otherwise conferred by the Constitution; it does not multiply the subjects on whtch it is permitted to give audience, indulge debate, or grant relief. No such thing. It is prohibitory and restrictive on Congress, so far as power and jurisdiction are concerned. It observes entire silence as to the several subjects on which the people may rightfully and appropriately petition the *"Government"* of the United States for relief. These unquestionably must remain precisely as if this prohibitory article on the powers of Congress had never been inserted in the Constitution. What criterion, then, is furnished to the people for the appropriate exercise of their right of petition? Is not the answer obviously found in the inquiry as to what Government has the *power* to grant redress?

Suppose the grievance complained of be the statute of Massachusetts recently known as the *"fifteen gallon law."* Will any constitutional lawyer contend, or does the most ignorant citizen believe, that the article of the United States Constitution above quoted has *conferred a right* on the citizen to come *here by petition* to have that law abolished? The answer to such a proposition would seem to me so manifest as to leave no room for doubt on the subject. If such petition were presented, what should be not only the *right* of Congress, but its respectful *duty* toward a *sovereign State?* Should we permit ourselves to receive, refer, report, and debate the propriety of our assuming to correct the legislation of Massachusetts on this subject? May some half dozen citizens of Massachusetts come here and claim, as of *right*, to hold the sovereignty of that State in abeyance before Congress for weeks, and months, and years together, on such a subject, which every citizen feels and knows we have no jurisdiction of? But if the proposition appears unreasonable in this aspect, how much greater its enormity, when the measure, instead of being proposed by citizens of Massachusetts, protesting against the grievances of their own State laws, it should turn out that this mal-administration of affairs there was sought to be corrected in Congress, on the petition of some score of bacchanalians from the shore of the Mississippi?

As I would act, and as I believe the Senate would act in such a case, so, in my judgment, they ought to act in this.

This, Mr. President, is emphatically a question of jurisdiction, and the rejection of such petition as now presented does not assail or invade the right of petition. The whole scope and extent of the political RIGHT of petition, is the right to ask redress from that Government or tribunal having the power to grant relief.

Common sense, as well as legal and constitutional rules, prescribe this as an essential principle, and necessary limitation to the right of petition. If a citizen of the United States was desirous to obtain a patent right of protection to a mechanic invention, to be used in the kingdom of Great Britain, would he, as a matter of common sense and propriety, petition that Government or this for the protection? If a citizen of the United States, of the Catholic faith, desired some spiritual indulgence from the church, would he petition the papal power of Rome, or this Federal Government? If it were desired by the citizens of New York to have some new regulation in respect to their public markets—or on the subject of lamp-lighting the streets of that city—is there any among them who, through ignorance, or in pretending to assert the right of petition, would come here for redress of such grievances? Do any citizens of our country, seeking to recover debts owing to them by other citizens, ever assert their right of petition so unadvisedly as to ask the judgment of Congress to award that redress? All must accord a negative response to these propositons, and the reason must as obviously occur to all: namely, in seeking either favor or redress, the petitioner perceives and acts upon the *necessity* to present his solicitations where the power is vested to grant what is asked for.

I readily admit, that in a complex system of Government, there may be evils, for the redress of which intelligent citizens might mistake the tribunal or authority to which they should apply. Nay, further, that the departments or tribunals themselves might honestly mistake their own power, and wrongfully grant or withhold relief. But the difficulty of distinguishing the appropriate tribunal, having power to grant relief, does not change the principles of the question. And this rule is particularly true of the Government of the United States, which is of *limited* jurisdiction. It is not for the Goverment to palter with *pretensions* to jurisdiction, when it is ascertained *not* to be within its granted powers. There should be no affected courtesy to those who would besiege this Senate into the assertion of unauthorized power, at the expense of prostrating the sovereignties who send us here—and particularly on a question, the right to legislate on which has been so often disclaimed on all sides, and in which opinion all here concur.

But further, to illustrate this question of jurisdiction in contradistinction to the right of petition, it may be observed that all our citizens practically understand the duplicate form of their Government, and readily distinguish the general and exclusive powers that appertain to their State Government from those which belong to the United States Government. Every citizen knows that the great body of the laws that prescribe his rights and duties as a member of society, and the rules and regulations that control his right and title to property, emanate from his own State Legislature; and it seldom occurs (and perhaps has never occurred) that a petition is presented here which so mistakes its proper direction as to ask relief of this Government in matters respecting which the petitioner's State Government *alone* possessed the power to grant relief. And it is perhaps still more remarkable that neither ignorance or impertinence has ever perpetrated a petition by citizens of a State to their own State Legislature, asking the abolition of any law or institution in *another State*. Every citizen of the slaveholding States, if inquired of why slavery does not exist in Massachusetts, will answer, because it is proscribed or abolished by the Government and laws of that State. And every citizen of the non-slaveholding States, if inquired of why slavery does exist in Mississippi, will as readily answer, the institution is established and permitted by the Government of Mississippi. Up to this point, and to this extent, all must understand the matter alike. Now, suppose the citizens of the South should commence, by petitions, to importune Congress to establish slavery throughout the States of New England. Has New England a Senator here whose constituents could be induced to believe Congress had the power to grant such petitions? And has New England a Senator here, or citizen at home, who would not feel himself insulted, and the rights and sovereignty of his State wantonly outraged, by incessant importunities here of this character? Would they defend the monstrous presumption of such importunities, and demand your respectful deference to their claims, on the ground that such was the right of petition? If such be the right, let us note its bearings in a case which might aptly arise on the same article of the Constitution, from which, it is said, this *extent* of the right of petition is deduced.

"Congress shall make no law respecting an establishment of religion," &c. A petition is presented by the Baptist association of North Carolina, praying Congress to establish their creed and faith as the national religion, and abolish all others. A Senator having such petition in charge, states its import, and proposes its presentment. Its *reception* is objected to, because it seeks of Congress that which the Constitution forbids Congress to grant or to legislate upon. But the advocates of this extended right of petition, rise and answer: "We admit Congress has no power to grant the prayer of the petition, or to *make any law respecting it.* But the same article of the Constitution prescribes also that Congress shall make no law * * * abridging the * * right of the people peaceably to assemble, and to petition the Government for a redress of grievances;' and we consider, first, the petitioners have a *right* to regard the provisions of the Constitution, interdicting Congress the *power* to establish national religion, as a *'grievance;'* secondly, we are bound to *listen* to it, as a grievance rightfully complained of, though we are sworn to maintain it, as not a grievance; thirdly, we are bound to proceed with the preliminary formr of legislation, *as if to grant redress*, though we all know and acknowledge our oaths to support the Constitution *as no 'grievance'* in this behalf, compels us to deny redress. We therefore cannot *constitutionally* reject this petition, till all this solemn mockery is gone through with, in order to preserve the right of petition. The *right* to have these ceremonial preliminaries of legislation dispensed to the petitioners is secured to them as the vital principle of the *right of petition.* The petitioners knew, before coming here, the Constitution denied us the *power* to grant the *'redress'* sought. It is presumed, therefore, they petitioned with no expectation of redress. And we are bound to conclude, that knowing their rights, and our power in this respect, they are merely asserting the *right* of petition, by way of a healthful political exercise. Thus we regard this sacred right. A right in this case, secured by the Constitution, to seek its destruction. A right which binds us as priests to minister at the sacrificial alter, though pre-obliged to save the victim. Finally, a *right* in this, and like cases without *remedy*, but yet a profound and sacred right."

Now, I ask of those who reason thus here, if they have heard the like logic at home from any of their constituents? I apprehend not. If their constituents fully understand this point in difference, if they will comprehend this *essential nothing* so far as *their object* is concerned in the particular case, and the right of petition is vindicated for them by their representatives here, will they importune us longer to gain this certain *negative*, this *affirmative* nothing? I state the question, and I state it for the common sense of the people to decide, and believe those that are honest will decide with us. It is this:

A petition is presented here to abolish slavery in the Southern States. Such petition, all parties, or a great majority, in Congress, agree, would seek that which Congress has *no power* to grant. It is no question of expediency or propriety; but it is a question of *power*—of *jurisdiction*—and the majority so believe and regard it. The question is then made, "Shall the petition be received?" Now if Congress be already *agreed* that they have *no constitutional power* to grant the petition, in what respect are the petitioners benefited in having it received? Suppose it be received and referred to a committee, who report thereon, "that Congress have no power over the subject-matter of the petition," and which report is adopted by the Senate, can the most sanguine petitioner imagine that he has asserted his rights with any more success than if his petition had been rejected without such reference and report? Has he obtained any more of what he sought in this latter result than the substantial rejection of his petition? Those who advocate the extended right of petition, say this mode of rejection is what the petitioners are entitled to. It is what they mainly desire—what they deem all important to the preservation of their liberties. As one, Mr. President, I do not believe the Abolitionists who understand the question as thus presented, are contending for any such phantom. Nor can they believe the essential *right* of petition consists

in having their petition peremptorily denied by Congress for *want of jurisdiction after report by a committee*, rather than denied on presentment for the same reason. I have debated a case, Mr. President, in which all concur that Congress *has no power* to grant the petitioner's prayer, because the advocates of this extended interpretation of the right of petition assume that such peculiarity of the case makes no difference in *their* view of the question.

But in my judgment the whole class of petitions on this subject, whether to abolish slavery in this District, the Territories, or the States, are equally objectionable on constitutional grounds, though, perhaps, for somewhat different reasons.

Property, with the rights and incidents pertaining to it, originates in the arbitrary institutions of society. Land is generally a subject of property; water is seldom made so, and air never. Domestic animals are property; wild beasts and birds are not so regarded. Governments are instituted for the protection and regulation of *life*, *liberty*, and *property*. How far *life* or *liberty* shall be protected, is a stipulation in the compact of Government, indicated by consideration of the benefits and necessities of the social system. No society ever established a Government protecting *life* or *liberty* in their utmost possible extent. Nor was a Government ever established extending equality of rights, social or *political*, to all its members. The whole system of the domestic relations, of bond service by indenture or other means; the political disfranchisement of women, generally better, and often more capacitated, than the master *man*, who control them, are abiding illustrations of this latter position.

In the *regulation of property*, all Governments resting in compact have some limits prescribed to them. There is not, and probably there never was, a Government beneath the sun, possessed of the *right*, as a conceded and acknowledged prerogative, to take or abolish the property of the citizen or subject at pleasure, and without recompense. Such a compact would be a political absurdity, inasmuch as it implies a principle destructive of a primary end and object for which Government is instituted.

In our General Government, and in many of our State Governments, of written and fundamental constitutions of political power, such an idea is expressly repudiated. I do not, of course, gainsay the operation of the *penal* and *taxing* powers of the Government, by which rights to property are seized up, lost, or forfeited, though these also are restrained. But I speak of the assertion, by Government, of a distinct, independent power, which, from considerations of general or particular benefit to the social system, it should assume to take from the citizen, without recompense, that which his form of Government had entitled him to possess as property; or to *abolish*, by *legislation*, any species of property held by the citizen, and so to cancel all right and title of the proprietor. I believe there is not a single State Government in the Union invested with the power to pass such a law. The people, in organizing their form of Government, may undoubtedly invest their Legislature with such a power. But I repeat my belief, there is no evidence extant that they ever have yet committed so gross a folly. If, by mere legislation, any of our Governments, from motives of municipal policy, can *destroy* and *abolish* the *property* of the citizen, then can they also legislate away the *lives* or *liberties* of the citizen. *Life*, *liberty*, and *property*, as regarded in our Government, constitute the political trinity in the faith of the American citizen. In their conservative destiny, they are one and indivisible.

To *regulate the use of property*, great and ample powers are conferred upon the Legislature. For such conservative purposes it is but little restricted. A man's house may be demolished to save a city from conflagration. His private property may be destroyed to prevent its giving succor to a hostile army. He may be forbidden to wear concealed weapons, or to permit his ox or dog to roam at large on the public highway. But suppose the Legislature pass a law that all the cattle and horses owned by the citizens shall cease to be property, the right of ownership therein abolished, and the animals turned out to the enjoyment of brute freedom; would such a law be valid? I answer, without hesitation, it would not.

Now the rule in regard to the *power* of the *Legislature* will be the same, whether it attempts to abolish the citizen's *right of property* in lands, houses, furniture, or *slaves*. There is no power in the *Legislature* to abolish either. Were such a law enacted, the people, by common consent, might defer to its provisions, and forbear to contest its validity. But I advance the opinion, with much confidence, that if such a law be ever passed, under existing powers of Government, and its validity shall be contested by the citizen, the Judiciary will pronounce it void.

Then, how stands the case with this District? The Constitution has invested Congress with the power of "*exclusive legislation in all cases whatsoever over such District.*"

Now what may Congress do? They may "*legislate in all cases*," but can they do what they please in all cases, without restraint? Can Congress, for the capricious reasons of social propriety, take away by *law* the lands or goods of the citizen, or abolish his *right* of *property* in either? Can Congress, from considerations of promoting public or retributive justice, require by law that the owners of slaves shall exchange their relative condition, and the servant, in turn, become the master? I conclude all will admit Congress possesses no such powers as the questions contemplate.

It is readily perceived, then, that the power given to Congress, to "*legislate in all cases whatsoever over such District*," will not authorize it to *do all things* by its legislation. There are, perhaps, few Abolitionists so perfectly frantic on this subject, as to contend that the exclusive legislative powers of Congress here would authorize the passage of a law to sell the District out at auction. All will perceive the genius and spirit of our Government impose some limitation to its powers. We then arrive at the important question, can Congress abolish slavery in this District, and deprive the citizen of his right and property therein, without compensation.

To solve this question, I consider the Constitution itself a sufficient and affirmative exposition.

Article five of the amendments prescribes that "no person shall be * * * deprived of *life*, *liberty*, or *property*, without due process of law; nor shall private property be taken for public use, without just compensation."

By the first part of this article *life*, *liberty*, and *property*, are secured to the citizen on the same terms; and, by the same means appointed to deprive him of either, he may be deprived of all. The second part is equally explicit and easy of comprehension; and both remarkable for the prompt morality they inculcate.

The Government, as representing the public in its authority of eminent domain, may take private property for *public use*, by rendering *just compensation*. But the Congress of the United States, in all its omnipotence of power, cannot, by the enactment of a direct law for that purpose, and without pretence of its being for the public use, as authorized by the Constitution, deprive the citizen of either State or District of his property, or right of property, to the value of a shilling; and I will add, also, it would be the highest prerogative of despotism, were it otherwise.

As to the powers of the General Government *to regulate the use of property* in this District, I readily acknowledge it is possessed in the most ample extent. But its exercise would be an irresponsible and odious tyranny, if instigated and prescribed by foreign influence, and enforced by mere power on the people of the District, against their will.

With these views, I maintain that the want of jurisdiction, the absence of adequate power to grant a petition to abolish slavery in this District, exhibits our rights and duties to be no more or less than pertains to us on petitions to abolish slavery in the States.

I have no object or intention to derogate from the right of petition, and would not, here or elsewhere, abridge that right in a single hair's breadth, in its legitimate exercise. It furnishes a convenient means to the minority, essentially useful and proper, by which to urge their complaints, and ask redress of such grievances as the measures of the majority may inflict upon them. But I contend the right of petition can never confer upon us any dominion whatever over subjects not delegated in the Constitution. It cannot require of us, whose powers and duties are circumscribed and appointed by the Constitution, that we shall be invoked, or rather goaded to action, and required to attempt, and partially progress, to do that which we are forbidden to do, in order to vindicate an exaggerated extension of a right, perverted into wrong, insult, and aggression.

It is not to be questioned but the right of petition is convenient in its appropriate functions, and valuable in its degree; and, in my apprehension, it is no depreciation of that right to say, that so far as indicated in the Constitution of the United States, it does not challenge the extravagant eulogies bestowed upon it here. The right, as there incorporated, breathes a distrust which might not be improperly entertained against a despotism, but certainly does not evince the highest pretensions of a free people, who claim the right to make and unmake their form of government at pleasure.

Few, I presume, would distinguish it as the most favorite feature in the Constitution of a free, wise, and just Government of the people's choice. It might be regarded as a trophy of some pride and boast where an oppressed people had wrested it from the strong grasp of the tyrant. It was well spoken by the honorable Senator from South Carolina, [Mr. CALHOUN,] that the ballot box, which, in our Democratic system of Government, commands the will of the majority to be executed in all our legislation, (within the rules prescribed by the organic law,) is a main substitute for the right of petition in arbitrary Governments; and I will add, of much higher and prouder pretensions. In our system the right of petition is the most limited of popular and political rights.

The specification of such a right, in our power of Government, implies in one view an apprehension of wrong to the citizen, superinducing a necessity to sue for as a favor, that which the people in this Government may demand as a right. In the other aspect it implies the still humbler privilege of soliciting that which it may be generous to bestow, and yet not unjust to withhold.

If our Government was that of the *few*, which oppressed the *many*, and when the people assembled to petition for redress of grievances, the minions of power, backed by the military, read the riot act, or the tyrant's proclamation, and then dispersed the multitude, under such circumstances it might be highly prized as a great and gracious privilege to approach the throne of a master through the obsequious medium of petition. But I trust it shall prove a vain effort of the Abolitionists to magnify the right of petition *here*, into such consecrated importance as to profit them much in aid of their seditious cause. They cannot dignify this right by claiming for it such profound consideration, but at the correspondent expense of debasing the American people to a more servile condition than every principle of their Government entitles them to occupy. To hold it up here as a test of the people's freedom, the conservative principle of their liberties, the deep foundation on which their Government rests, *and that all is at stake in the rejection of their petitions*, is truly working up an ocean tempest

* * * "to drown a fly."

The condition of the American people is happily more elevated, their means of political preservation more enlarged, than this portentous clamor would report them. It is a false alarm, and will not take, that the liberties of the people are held by so frail a tenure as the right of petition.

But I am not tenacious that such petitions as now presented should be refused admission, rather than nailed to your table, so soon as received upon it. As a question of *right*, I would certainly prefer that such petitions should not be received into this chamber at all. I would prefer it, also, from a sense of due and becoming respect to those States whose sovereignties and reserved rights these petitions most wrongfully and rudely assail.

With respect to the propriety and policy of referring these petitions, and reporting on their merits, with the view of conciliating the petitioners, I shall say but little more than to declare my uncompromising aversion to such a course. Not that I should apprehend, from the present organization of the Senate, a report tending, in any material degree, to excite apprehensions, or endanger our rights in the South. I am well assured no such report would at this time be made. But it is sufficient for me to repeat, that as I verily believe Congress has no rightful jurisdiction of the subject, I should regard any report that could be made as a triumph yielded to the officious importunities of the petitioners, and hence a criminal usurpation of power against the sovereignty of the States interested. Nor do I believe that any report which would be made here, would allay that obtrusive spirit of the petitioners. It is the Moloch spirit of religious and political fanaticism; and when has sober reason and simple justice ever met such adversaries with success?

To the honest and misguided of our Northern brethren who may have conceived their right of petition at hazard in this contest, we will say to them, in hope and confidence, that their full and impartial investigation of this question must result in our justification. The question of jurisdiction, in every tribunal on earth, is a previous question, rightfully made at the threshold; and no court, that maintains a decent respect for its own character and the rights of suitors, will betray itself by a judgment on the merits of the controversy, when not possessed of competent jurisdiction over the subject and the parties. Now the right of legal redress for injuries to person and property, and the pledge of power that the courts shall be kept open for the administration of such redress to all, are familiar pledges in most of the Constitutions of the State Governments. Suppose the citizen mistakes his forum, and seeks redress in one court, that can only be awarded to him in another: the court object to adjudge the merits of his case, because impotent to grant redress. But the suitor persists that his right of suit is guarantied to him by the Constitution, and that this right is arbitrarily nullified and rendered valueless, unless he can obtain a hearing and judgment on the merits of his cause. The answer which the court must necessarily give to such importunity is: "Your right of *suit*, as abstract from our *duties* to adjudge, we do not contest; but such right on your part does not confer on us a jurisdiction to decide your case. We take no cognizance of the matter, not from disrespect to the suitor, but for want of proper authority to retain and adjudge the suit. Go hence, to that tribunal *which has the power* to grant what you petition for."

So would reason, necessity, and the philosophy of its principles, dispose of such a question.

Those who seek only in sincerity to vindicate the right of petition in this controversy, I permit myself to indulge the belief, will concur in these common sense views of the subject. But to those who have determined to busy themselves with that which concerns them not, and who discard the dictates of common sense, the evidence of truth, and the lights of reason, to grasp at conclusions in a sheer spirit of wilfulness; those who reject facts to theorize in abstractions, who substitute the bigot's morality for municipal law; who trample, without show of decency or remorse, upon all the plighted faith and sacred compacts of our Union, and shout in justification the hypocritical pretext of the right of petition, to such we know our *rights* and *reasoning* are urged alike in vain. No conciliation can be hoped for with them, but on terms of concession that can never be submitted to, till that despotic usurpation which has unfurled its banner here in these petitions, shall extort them at Philippi.

On motion of Mr. BUCHANAN, the motion to receive the petition was laid on the table.

Mr. C. also presented a memorial of Kirk Brown, and others, praying for the imposition of a duty on silks; which was referred to the Committee on Finance.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 13, 1840.

On motion of Mr. SERGEANT, a communication from Samuel Hazard, enclosing a copy of th Commercial and Statistical Register of the United States, was referred to the Committee on the Library.

The SPEAKER announced that the first business in order was the motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill appropriating $150,000 to each of the States of Ohio, Indiana, and Illinois, to be expended on the Cumberland road.

Mr. RUSSELL remarked that it was known to the House that the committees had not been afforded an opportunity, at the present session, to make reports. He hoped the House would therefore agree to a suspension of the rules, for the purpose indicated; and, with the consent of the gentleman from South Carolina, [Mr. PICKENS,] he made the motion that the rules be suspended to enable him to introduce a proposition to receive reports from the committees, on to-morrow, till the hour of one o'clock.

Mr. PICKENS had no objection to yield the floor for the purpose.

Mr. RUSSELL'S motions—to suspend the rules, and to set apart one hour on to-morrow for the reception of reports—were then agreed to.

Mr. CAVE JOHNSON suggested to the House the propriety of referring the many bills on the SPEAKER'S table to the various committees; but, objection was made.

Mr. DROMGOOLE begged the gentleman from South Carolina [Mr. PICKENS] to yield the floor to him to make a motion to refer the President's annual message to the Committe of the Whole. It struck him that there was great impropriety in referring particular documents, accompanying the message, to the committees, and not to refer the message itself. He thought it was due to the character of the members, and due to the country, that it should be taken from the table and referred, that the House might, when it thought proper, go into committee on it.

Mr. PICKENS was willing to yield the floor; but objection was made to the motion, and it was not pressed.

Mr. THOMPSON of Mississippi, by permission, gave notice that he would on to-morrow ask leave to introduce bills of the following titles:

A bill to regulate the fees of the clerks and marshals in the District Court of the Southern District of Mississippi; and

A bill further to provide for the adjustment of the claims to reservations of land under the fourteenth article of the Choctaw treaty, made at Dancing Rabbit Creek, in the year 1830.

Mr. PICKENS then proceeded to discuss the question before the House. He made a strong argument against the expediency and constitutionality of appropriating moneys from the National Treasury to objects of internal improvements in the States. He replied to the arguments of Mr. MASON of Ohio, and Mr. HOWARD of Indiana, that the National Government was bound by contract to complete the Cumberland road, and contended that the compact had been complied with to its fullest extent, and showed to the House that several millions more had been appropriated to that object than the means which formed the basis of the contract justified.

Mr. P. after concluding his remarks on the proposition before the House, which he opposed as being unprecedented and unparliamentary, and because it was improper to bind the committee to do a certain thing without allowing them the privilege of examining into its expediency and propriety, moved the following amendment as a substitute for it:

"And that the memorial be committed to the Committee of Ways and Means, with instructions to consider the expediency of reporting a bill in favor of the measure."

Mr. PROFFIT then obtained the floor, not with a view, he said, of discussing the merits of the Cumberland road, but to hold up the present Administration to the censure of the people. He was in favor of the amendment of the gentleman from Illinois, [Mr. CASEY,] and opposed to the substitute of Mr. PICKENS, because, he said, it evaded the question; and if referred to the committee in that form, it would never be reported upon. He had understood already that the Committee of Ways and Means would not report a bill without having before it estimates. He justified the committee in that course on the ground that they were bound to consult the report of the proper Department. He censured the Department of the Treasury for omitting the Cumberland road in the estimates, and contended that it was done intentionally. Mr. P. then denounced all the land schemes, or propositions to graduate and reduce the prices of land, as humbugs to deceive the people in the West; and commented on the message of the President recommending a reduction as a part of the same system of deception; and said he had heard, at every cross road in Indiana, the same arguments preached nine hundred and ninety-nine times over a barrel of hard cider. Mr. P. then censured and denounced the Administration for the manner in which the Florida war had been conducted, and made some humorous remarks in characterizing the officers which had returned from that war, as dandies. He then entered at large into a discussion of the State politics of Indiana, in the course of which he alluded to his colleague, [Mr. WICK,] and charged him with having denounced the Whigs as Federalists, a party to which that gentleman, he said, had but recently belonged; having been one of the electors for President in favor of Mr. CLAY, and having always acted with the Whigs.

Mr. WICK denied that he had ever been a Whig since the Federal party had assumed that cognomen. He was understood to say that he had never acted with this new-born Whig party, which was now made up with the fag ends of all parties and all principles. He was born and reared a Democrat, and had always followed in the footsteps of those who had acted upon the great principles upon which that party are united. It was true he had been an elector in favor of Mr. CLAY; but since that time that gentleman had repudiated his old Democratic principles, and a melancholy change had been effected in his opinions. He was, however, conscious (even if he was in the wrong) that he was now right, and that he should remain so.

Mr. PROFFIT then resumed his remarks, and continued in the same strain of denunciation. He then examined into the claims of General Harrison for the Presidency; and having eulogized his military exploits at Tippecanoe, the Thames, Fort Meigs, and the river Raisin, he concluded by saying that his advancement to the Presidential chair could not add one laurel to his brow, but might do him an act of justice.

Mr. MARVIN rose, not for the purpose of making a speech, but to offer a substitute for that of Mr. PICKENS, and as an amendment for the original proposition. His amendment contemplated that the Committee of Ways and Means should discharge a duty which it had done at every previous session of Congress. Until the last session, it had been in the habit of reporting bills for the Cumberland road, and for constructing harbors and building light-houses; but it had refused at that time to take the responsibility; and if it be left to them at this time, as a mere question of expediency or propriety, the House would never hear of the matter again. The committee was so constructed, that it would control the subject, and entirely keep it from before the House. He was not to be alarmed by the assertion that it was not in accordance with parliamentary practice to bind a committee of the House to carry out its views. If the House was in favor of any particular measure, it was right and proper to instruct or compel its committees to report such a bill as would best promote its wishes. But he contended that the committee had just as much jurisdiction over this subject now as it had at any past time—that it had the estimates of the Topographical bureau, which had been referred to it, and ought to be compelled, by instruction, to act upon those estimates. He

believed it more than idle to pass upon any proposition simply to ask the committee to inquire into the propriety of reporting an appropriation for this road. Mr. M. after arguing for some time in reply to Mr PICKENS, contended that it was perfectly constitutional for the General Government to carry on works of internal improvement and to construct harbors on the lakes, and concluded by offering his proposition as follows, as an amendment to the original proposition:

"And that the Committee of Ways and Means be instructed to report bills in accordance with the estimates contained in the reports from the Chief Engineer and the Chief of the Topographical Engineers, to the Secretary of War, and communicated to Congress by the President, making appropriations for the year 1840, for the continuation of the construction or improvements of harbors and roads, and the navigation of rivers, for which appropriations have been heretofore made."

Mr. BARNARD then obtained the floor, and proposed the following, which he prevailed on the gentleman from New York [Mr. MARVIN] to accept as a modification of his amendment, to follow at the end of the same, viz:

"Unless, in any particular case, the committee should be of opinion that the particular work ought to be entirely discontinued; and in such case, if any, the committee shall submit to this House the reason which lead to such conclusions.

Mr. B. was anxious to speak on the subject, and moved the House would adjourn; but withdrew it at the suggestion of

Mr. BLACK, from the Select Committee on Printing, who reported a resolution to extend the time to that committee to investigate the subject, and to prepare its report.

Mr. L. WILLIAMS inquired why the committee did not fix a day on which to report.

Mr. BLACK said the time had now expired on which the committee was to have made a report; and it was impossible to fix a day, as it had much business yet to attend to.

Mr. L. WILLIAMS then proposed to amend the resolution by inserting the 1st of March; and, after some conversation between Messrs. BELL, BLACK, and R. GARLAND, as to how far the extension of time would affect the conditional contract with the Printer, the amendment was adopted, and the resolution, as amended, was agreed to.

Mr. HAND then presented several petitions, which were referred; after which,

On Motion of Mr. BARNARD,

The House adjourned.

IN SENATE,

FRIDAY, February 14, 1840.

Mr. PIERCE presented the memorial of Samuel E. Cones, and one hundred and fifty-nine other citizens of Portsmouth, New Hampshire, upon the subject of a Congress of Nations. Mr. P. said that most of the signers were known to him, either personally or by reputation. They were engaged in the various pursuits of life, and it was but just to say of them, that they were gentlemen of great intelligence, respectability, and high moral worth. They introduce the subject (which is treated with clearness and ability) by the declaration that "it is a growing sentiment among men, of all classes and professions, that international war is as needless as it is confessed to be ruinous to the resources and morals of a people;" and as "the most fruitful causes of war (in their estimation) flow from the unsettled state of international law," they present the project of a Congress of Nations, with a view to the double object of the amicable adjustment of national disputes, and the more definite one of the establishment of a code of international law. Although Mr. P. did not concur in all the views expressed by the memorialists, he entertained for their opinions a high respect, and moved the printing of the memorial, and its reference to the Committee on Foreign Relations.

Mr. BUCHANAN presented fourteen memorials from citizens of the United States, severally remonstrating against the use of bloodhounds in prosecuting the war against the Seminole Indians; which were referred to the Committee on Military Affairs.

Mr. WALKER presented the petition of Edward C. Hyde, praying to be allowed to enter a quantity of land at the minimum price, in lieu of a like quantity purchased and paid for by him, and afterwards sold by the United States; which was referred to the Committee on the Public Lands.

Mr. WRIGHT presented three memorials from citizens of the State of New York, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BUCHANAN presented a petition of a number of citizens of Philadelphia county, praying a repeal of all laws that conflict with the Constitution of the United States; the motion to receive which was,

On motion of Mr. FULTON, ordered to lie on the table.

Mr. B. also presented the petition of a number of citizens of Pennsylvania, relative to the abolition of the foreign slave trade; which was referred to the Committee on Commerce.

Mr. BUCHANAN said that he rose to present a petition signed by six hundred and twenty-seven citizens of the city and county of Philadelphia, "manufacturers of, and employed in the manufacture of, umbrellas and parasols."

These petitioners state that, under the twenty-first clause of the second section of the tariff act of July, 1832, a duty of twenty-five per centum ad valorem was imposed on the importation of "umbrellas and parasols, of whatever materials made." That this duty continued to be collected from the time that act went into operation, until the month of March last; when, under a new construction of the compromise act of March, 1833, silk umbrellas and parasols have been admitted free from any duty whatever.

The memorialists, therefore, ask Congress to pass an explanatory act imposing the same duties on silk umbrellas and parasols which were paid, under the acts of July, 1832, and March, 1833, until the month of March, 1839. They conclude by declaring that upon the action of Congress "depends the support of the many thousands who are engaged in the hitherto growing branch of domestic industry, which has amounted to millions of dollars per annum, but if admitted free from duty, umbrellas and parasols must cease to be of American manufacture."

Mr. B. said that if the Senate were a proper forum in which to debate or decide judicial questions arising under our own laws, he thought he could convince the body that the first construction of the compromise act, which had prevailed for six years, was correct, and that the late construction was not warranted by the spirit of that law.

In what condition had this recent construction placed our umbrella manufacturers? All the articles entering into the manufacture of umbrellas, such as whalebone, brass, and iron, now paid a considerable duty. To the extent of this duty, the foreign manufacturer enjoyed a premium over the domestic manufacturer; because the umbrellas of the former were imported altogether free of duty. He did not believe that any Senator who voted for the compromise bill, would say that he intended this act should receive any such construction, or produce any such effect.

Mr. B. trusted that the Committee on Finance would determine that a revenue duty of twenty per cent. should be imposed on the importation of foreign silks, and this would relieve the petitioners. Or, if this should not be the case, that they would report an explanatory bill, placing the umbrella manufacturers in the same position they had occupied for the six years previous to March, 1839.

The memorials were then referred to the Committee on Finance, and ordered to be printed, with the accompanying document from Samuel Wright and William A. Drown, the Committee of Umbrella Manufacturers.

Mr. YOUNG presented a report, addressed to the Right Hon. Charles Poulett Thompson, President of the Board of Trade in Great Britain, on the subject of an inquiry into the number of accidents on board of vessels propelled by steam, the causes leading to such accidents, and the best mode of prevention; containing much valuable information, drawn from the experience of that country, as well as the countries of France, Belgium, and Holland; which was referred to the Committee on Commerce.

Mr. SOUTHARD presented the memorial of John Hancock and others, praying the increase of a duty on foreign silks; which was referred to the Committee on Finance.

Mr. S. also presented the memorial of a number of citizens of New Jersey, remonstrating against the use of bloodhounds in the Florida war; which was referred to the Committee on Military Affairs.

Mr. FULTON presented the memorial of a committee of the Polish exiles, praying the passage of an act to authorize the immediate occupation and settlement, on their part, of the lands heretofore appropriated by Congress for their use; which was referred to the Committee on the Public Lands.

Mr. NICHOLAS presented the petition of J. B. Plauche, praying to be allowed to locate on any unappropriated public land in the State of Louisiana, the amount of a Spanish concession made to his father in the year 1789, but rejected by the commissioner of the land office west of Pearl river; which was referred to the Committee on Private Land Claims.

Mr. BENTON, from the Committee on Finance, to which was referred certain documents connected with the salt duty, reported them back to the Senate, with a motion that they be printed.

On this motion a debate ensued, which took a wide and discursive range, in which Messrs. BENTON, TAPPAN, DAVIS, CLAY of Kentucky, PRESTON, ALLEN, WEBSTER, WRIGHT, and CALHOUN, participated; when, without taking a question,

On motion of Mr. WALKER, the Senate adjourned till Monday next.

HOUSE OF REPREESNTATIVES,

FRIDAY, February 14, 1840.

The SPEAKER announced that the first thing in order was the presentation of reports from the committees.

Mr. RIVES asked the consent of the House to permit him to offer a resolution to have all the papers and testimony now before the Committee of Elections in relation to the New Jersey disputed election, printed for the information of the House.

Mr. STANLY and others objected.

Mr. RIVES moved to suspend the rules for that purpose.

Mr. WISE begged his colleague [Mr. RIVES] not to press his motion at this time. His colleague [Mr. BOTTS,] who was on that committee, and who was now absent, (anticipating that such a motion could be made,) had requested him, if it were made, to endeavor to prevail upon the mover not to insist. He would oppose it if he were present.

Mr. RIVES was understood to say it would afford him pleasure to do so, but he could not consent, consistently with a sense of duty. The papers were voluminous, and if they were ordered to be printed now, it would afford members an opportunity to form correct views of the merits of the question, and enable them to vote understandingly when they were required to vote.

Mr. RANDOLPH inquired of the gentleman from Virginia, [Mr. RIVES,] if such a resolution had not been before the committee, and rejected by a majority of it.

Mr. RIVES said he believed such was the fact; and it was for that reason that he had brought the subject before the House.

Mr. RANDOLPH moved a call of the House; which was refused.

Mr. CAMPBELL (chairman of the Committee of Elections) said he was perfectly aware that there could be no debate on this question; but, from what he could see of the temper of the House, he presumed the rules would not be suspended, and therefore he would be much gratified if he could be permitted to make a few remarks. He knew that he could not do so without permission of the House.

Several members objecting to Mr. CAMPBELL'S proceeding, the question was taken, and resulted —yeas 85, nays 73, equivalent to a decision in the

negative—it requiring a vote of two thirds to suspend the rules. The vote was as follows:

YEAS—Messrs. J. Allen, Atherton, Banks, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Burke, Sampson H. Butler, William O. Butler, John Campbell, Carr, Carroll, Chapman, Clifford, Coles, Craig, Cross, Dana, John W. Davis, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, James Garland, Gerry, Hand, John Hastings, Hawkins, Hill of North Carolina, Hook, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, McClellan, Mallory, Medill, Miller, Montanya, Montgomery, Parish, Parmenter, Parris, Paynter, Reynolds, Rives, Edward Rogers, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sweeny, Taylor, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Vanderpoel, Watterson, Weller, Wick, and Henry Williams—85.

NAYS—Messrs. Adams, John W. Allen, Andrews, Barnard, Bond, Briggs, Brockway, Casey, Chinn, Chittenden, James Cooper, Mark A. Cooper, Corwin, Crabb, Curtis, Edward Davies, Garret Davis, Dawson, Deberry, Dillett, Edwards, Giddings, Goggin, Goode, Graham, Granger, Graves, Habersham, Hall, Henry, Hill of Virginia, Hunt, James, Jenifer, Charles Johnston, Lawrence, Lincoln, Marvin, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Palen, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Rhett, Ridgway, Russell, Sergeant, Simonton, Truman Smith, Stanly, Storrs, Stuart, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, John White, T. W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—73.

The SPEAKER then called for reports from committees; when

Mr. CAMPBELL, from the Committee of Elections, (that committee being the first on the list,) reported a resolution empowering the committee to have all printing done which it deemed necessary to facilitate the business before it.

Mr. CAVE JOHNSON moved to amend the resolution, by authorizing the committee to print all the evidence they have collected. Mr. J. in submitting this motion, observed that he did not propose discussing the question involved, and for that reason, and to save the time of the House, he would call for the previous question.

Mr. CRABB hoped the gentleman from Tennessee would not do so much injustice to the committee as to persist in his motion. I demand, said he, that the committee be heard.

Mr. CAMPBELL appealed to the gentleman from Tennessee to withdraw his motion for the previous question.

Mr. C. JOHNSON declined withdrawing his motion. He had purposely avoided discussion himself, believing it would be a useless consumption of time.

Mr. BRIGGS moved a call of the House; which was ordered—ayes 85, noes 58; and

The roll was called, resulting in 187 members answering to their names. After calling the absentees, and excusing such of them as were absent from unavoidable causes,

On motion, all further proceedings under the call were dispensed with, and the doors were opened.

On motion of Mr. SERGEANT, Senate bill to amend the act to provide for taking the sixth census or enumeration of the inhabitants of the United States, approved 3d March, 1839, was taken from the SPEAKER's table, and referred to the Committee on the Judiciary.

ORDERS OF THE DAY.

The SPEAKER announced that the order of the day was the motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill appropriating $150,000 to each of the States of Ohio, Indiana, and Illinois, to be expended on the Cumberland road.

The substitute of Mr. PICKENS for said instructions, as follows:

"And that the memorial be committed to the Committee of Ways and Means, with instructions to consider the expediency of reporting a bill in favor of the measure."

And Mr. MARVIN's amendment to the original proposition, and substitute for Mr. PICKENS's amendment, as follows:

"And that the Committee of Ways and Means be instructed to report bills in accordance with the estimates contained in the reports from the Chief Engineer, and the Chief of the Topographical Engineers, to the Secretary of War, and communicated to Congress by the President, making appropriations for the year 1840, for the continuation of the construction or improvements of harbors and roads and the navigation of rivers, for which appropriations have been heretofore made.

Mr. REYNOLDS, by permission, wished to correct some of the remarks he made a few days ago on the question now before the House.

Mr. R. said: I am satisfied I misunderstood the statement of Mr. HUBBARD of Alabama, about granting to the State of Illinois the public lands to complete the Cumberland road. He stated he was willing, so far as he was concerned, that the States might tax the public lands in Illinois, Ohio, and Indiana, to make the road, provided they did not tax them higher than they would tax their own citizens for that purpose.

Mr. BARNARD said the proposition before the House was general, and embraced the whole system of internal improvements, which have been under the fostering care of the Government for many years. He was pleased that it had been made general. He had no disposition to connect this subject with party, but did not believe it was possible for him, more than others, to divorce it entirely from party. He hoped, however, whatever aspect it should assume with reference to party, it should be of a national and patriotic cast, and be not merged into local and personal party contest. The question was one of a great national party policy—it was whether it be not the duty of Government to provide, by all the means in its power, and that it commanded, for the construction and repair of roads, of national and military importance; for construction and improvement of harbors, and removal of obstructions from navigable rivers for the good of commerce. This was the great question involved; a question which had been identified with the politics of the country, necessarily, for many years. He believed it was of the utmost importance that the National Government should prosecute all works of the above character, commenced or partially completed. The system of internal improvements to which he had referred was one commenced long ago, and was prosecuted by the power and agency of the Government for a long series of years, and there was nothing new or unusual in it—it was one which had commanded the favor of every President of the United States, every Administration of Government, every party in power, and every party of any considerable standing which expected to get into power, since the system was first introduced. It had met, certainly, with personal and partial opposition; but he believed if there was any one system of policy which might be considered as established by the Government, it was this one. It was now, for the first time since it was introduced, suspended, now for the first time placed in jeopardy. That machinery of Government which had been employed for a series of years, has been now thrown out of gear. The system, so far as the President and cabinet were concerned, had been entirely abandoned. He then argued at some length, to show the correctness of the positions assumed above, and to show that the President had taken distinct grounds against it, but did not complain because he had exercised his constitutional prerogative in abandoning it. They were now told, said Mr. B. that the public lands and duties on imposts yields just so much revenue, and that there were certain indispensable objects, (as enumerated in the estimates,) which would consume the whole, and would leave nothing for objects of internal improvemen'; and, from the reading of the message, the idea of increasing the tariff is so entirely of the question, that it is not to be regarded for a moment as the ultimate source from which the great system could derive means for its support, and commented at some length on that part of the message which enjoins on Congress the propriety of keeping within the bounds of the estimates, to which he was understood to be opposed, and went on to show that, from his reading of the Constitution, Congress had the power to lay duties for the common defence and general welfare, without any other restriction, and claimed that the subject of discussion came within that provision, and should receive the fostering care of the Government.

Mr. B. then went into a lengthy examination of the compromise act, to show how far its provisions could be complied with, without abandoning the system of internal improvements by the General Government, and to what extent the duties could be increased under it to carry on that system. The President and Secretary had referred to that act as if it was impossible to revive the tariff, except in case of war; that he had adopted it as a basis for his estimates not only for the present, but for the future; and the consequence would be, if it was not to be touched, that the most invaluable policy and interests of the country would be sacrificed. It seemed to be looked upon by the father and framer of that law; as well as the Executive, as a sort of new Constitution; as a law superior to all other laws; yes, as one overriding even the Constitution. It was to be regarded by the Executive as limiting the Constitution, and even restricting the powers of that House; and what effect it would have upon the great manufacturing interests of the country remains to be settled. The National road, harbors, all the great objects of the past care of the Government, were to be sacrificed to the genius of the compromise act. Thus, sir, we have a new rule set up, by which the action of the Government should be measured. The question hereafter would be no longer what the interests ot the Government required, but whether the 20 per cent. *ad valorem* would admit of carrying out any measure that might be for its interest. A political alliance had been formed between the head of the present Administration and a distinguished individual, the great champion of this compromise act. The first effect of that alliance was the total abandonment of the system of internal improvements. He begged leave, for one, to enter his solemn dissent, and upon his official responsibility, to the whole doctrine which belonged to the assumption, on the part of the President of the United States, that this compromise could not be touched. He did not believe that it was superior to the Constitution, and could not be disturbed, though he was not, at present, willing that it should be disturbed.

But he protested that it should not be considered of any higher legal value than other laws, or that the action of the Government should be restricted to its provisions. He did not believe that the 20 per cent. *ad valorem* was to be a standard now, and for the future. He did not agree that the manufacturing interests and system of internal improvements should be sacrificed, because of the existence of this law; and there was no good reason why they should not resort to temporary loans to carry out the great intents of the Government if it was found necessary. Mr. B. contended that if the system shou'd be suspended, the greater part of the money already expended would be as completely lost as if it had been sunk in the ocean. A great enterprise was to be broken off, half executed; and the part of the road completed would be of no sort of value. Harbors half executed—wharves and dikes half built, were to fall a sacrifice in consequence of the new political alliance. For one, he objected. Mr. B. then spoke at some length, to show how injuriously the abandonment of the system would operate on the improvements on the Hudson river now partly completed; and said if the House would agree to appropriate to complete that work with the understanding that all other objects of internal improvement would be abandoned by the Government, he would, on behalf of his constituents, reject the proffer. He went for the whole system, which was a glorious one, and would never consent to abandon it to benefit a particular part of it. If it was to be abandoned on the score of economy, it was not such economy as was worthy of a statesman. He again contended that the twenty per cent. tariff rule was no rule for the proper action of the Government, and if any one branch of the public service was likely to suffer by it, it was the duty of the Government to raise means to prevent it.

Mr. B. then went on to argue that the proceeds of the public lands should be applied expressly to purposes of internal improvement. He regarded the public lands as being held by the Government in trust for the people of all the States, and did not

recognise the right of the Government to apply its proceeds to the ordinary purposes of Government; but contended that the Government should pay such expenses by duties on imports; and if such expenses required that the duties should be increased, it ought to be done so in time of peace as well as in time of war. The moneys expended on objects of internal improvement, he thought, would be reimbursed to the Government, eventually, through the means of the general benefits which it would confer on the country in developing its resources. He then went on to examine the estimates, comparing those of the past year with those of the present, to prove that the great reduction contemplated in the expenses of Government by the President, was owing to the abandonment of objects of internal improvement and the diminished number of pensioners, and not by a retrenchment of unnecessary expenses, and thought the President did not deserve much credit for it.

Mr. B. argued in support of the proposition to instruct—he held it absolutely necessary in the present state of the case to instruct. The cabinet was a unit, and was opposed to the objects contemplated in the instruction; and the House knew how the Committee of Ways and Means was constructed with reference to it. They knew, from the symptoms which came from that committee last year, that it was opposed to it—and it was a premonitory symptom of what might be expected from it this year. Unless that committee was positively instructed, he did not believe it would report one single bill for objects of internal improvement. Under ordinary circumstances, he would not instruct that committee.

Mr. CRARY was aware that it had become a common custom to consider all the questions which come before the House with reference to constitutional considerations; but as far as the amendment to the amendment was concerned, he could hardly suppose that the strictest constructionist in the House doubted the power of Congress to act on it. It was not in the power of the States to impose taxes for the improvement of their harbors; and that power being exclusively confined to Congress, it became necessary for them to come here for appropriations, when such improvements were wanted. As Congress had taken the jurisdiction, it must therefore take the consequences resulting from it. He was aware that great abuses had existed under the system, but the existence of these abuses was no argument against the exercise of this power, when it became necessary. He was willing at any time to go into a correction of these abuses—to lop off extravagant and unnecessary expenditures; but at the same time he would vote the appropriations which the rich and increasing commerce of the Northwestern lakes demanded. The expenses for these harbors, Mr. C. said, had grown up under peculiar circumstances, well worthy the attention of the House. That section of country had, within a few years, undergone an almost entire revolution with regard to the prices of the products of industry. Hence it was estimated that, in 1830, a work that would cost one hundred thousand dollars, would cost double that amount in 1836. Added to this, the commerce of the lakes had increased to an unexampled degree. In 1834 there was but little commerce on them, but, as the gentleman from New York [Mr. MARVIN] told them yesterday, it now employed a tonnage equal to that of the Atlantic coast, exposed to greater dangers and consequently requiring a more efficient protection. The vessels fitted out from the Atlantic cities are not exposed to the dangers of the coast, as is the case with those navigating the lakes, but numbers of them make voyages in which they are absent from two to three years from home. On the contrary, the vessels on the lakes are continually exposed to danger, daily and hourly passing within its reach. It would be remembered that it was by the improvements of the harbors on the lakes, that the whole of the Northwestern domain had been brought into market, and a populous State raised up from a wilderness. When this system commenced, the State which he represented was almost entirely unknown—a country of sands and marshes; and he had no doubt that there were many gentlemen here who believed that all this country was a wild, barren and bleak waste, and unfit for cultivation and the support of man. Yet when they came to look into the history of the operations of this Government, it would be seen that a large portion of our revenues was derived from this very country. The State he represented had, in the last four years, brought into the Treasury something like eight millions of dollars. Now, Mr. C. argued that if these improvements had resulted so much to the benefit of the Government, it ought not to question the expediency of carrying them on. After having induced these people to go on and settle this wilderness, would the Government say to them that they shall have no avenue by which to send the products of their industry to market; that they shall be isolated and cut off from all the benefits of the Government, while compelled to bear a large portion of its burdens? Mr. C. then referred to a part of the argument of the gentleman from South Carolina, [Mr. PICKENS,] and expressed his pleasure at the expansive views of that gentleman with regard to the extension of this great empire by the addition of new States; and he hoped soon to have an opportunity of testing his professions. But the gentleman was mistaken in supposing that, if we had a war with Great Britain, the battles would be fought on the ocean, or that the Atlantic cities would be the only points attacked by the enemy. On the contrary, he said the battle would be fought on the lakes. There would be no invasion on the Atlantic border; but the enemy would pour his squadrons into Canada, and, from Canada, strike us in our weakest point. Mr. C. then took a view of the number of troops that the British Government had been concentrating for the last three or four years in Canada, and the pains that were taken by her experienced officers in drilling their militia. He spoke also of the fortifications which had been constructed by that Government, and the number of armed vessels they employed on the lakes, in contravention of their agreement with us, and said that all these circumstances showed that they were preparing themselves for a war with this country.

Mr. C. after an argument at some length to show the importance of an appropriation for these harbors, said he would make a brief reply to that part of the speech of the gentleman from Indiana, [Mr. PROFFIT,] which was foreign to the subject under consideration, and therefore out of order. As the gentleman, however, had been permitted to take this latitude in debate, it was, in his opinion, perfectly in order to answer him. The gentleman had thought proper to bring into this discussion the military exploits of one of the candidates for the Presidency, [General Harrison,] whom he eulogized as the captain of all captains, while he gave him credit for military skill which did not, in his opinion, belong to him. He would not, Mr. C. said, trouble the House with one word on the subject, had it not been for the remarks of the gentleman from Indiana. When a gentleman came to make a speech calculated to convey an impression throughout the country which history did not warrant, he was justified in making a reply. The gentleman had based the fame of his great captain of all captains on three of his exploits—the battle of Tippecanoe, the victory of the Thames, and his being the author of the plan for the armament of the lakes. Now with regard to the battle of Tippecanoe, which laid the foundation of this great captain's fame in the estimation of the gentleman from Indiana, he had a few words to say. It would be impossible for the gentleman to point to any act of generalship in that battle. The order of battle was unskilful in the extreme. The army was encamped in the most vulnerable and exposed situation that could be selected, and at night was completely surprised by the savages, though every circumstance warned the General of his danger, and called on him for the utmost vigilance and circumspection. Though the number of the savages was but a little over four hundred, while the force of General Harrison amounted to 1,500 men; yet his army was only saved from total destruction by the gallantry of the Kentuckians, led by the gallant and ill-fated Daviess, and part of the brave Fourth regiment, which was composed of citizens of Massachusetts.

Mr. C. then took up the report of this battle, made by General Harrison to the War Department, commenting on its details in support of the position he had assumed, when

Mr. LINCOLN and several others called him to order, and Mr. L. appealed to the CHAIR whether it was in order for the gentleman to discuss matters not before the House. He insisted that the gentleman should take his seat, and not be permitted to proceed without the leave of the House.

Mr. OGLE hoped the gentleman might be permitted to proceed. He, as a friend of Gen. Harrison, was willing to hear all he had to say. Several other gentleman expressing the wish that the gentleman might be suffered to go on,

Mr. LINCOLN withdrew his objections.

Mr. CRARY, on resuming, observed that he had been well aware that he would not be permitted to reply to this part of the remarks of the gentleman from Indiana without interruption. But why was it, he asked, that that gentleman had been suffered to go on yesterday out of order, and to go so extensively into the history of a particular individual, while he was taken up almost in the beginning of a reply to him. If it was in order for a gentleman to depart from the question before the House, and discuss one part of the character of an individual, surely it ought to be in order to discuss another point of that individual's character in reply to it. But Mr. C. believed that all such discussions were wrong, and an unprofitable waste of the time of the House. He would not, on his part, have replied to this part of the remarks of the gentleman from Indiana, had it not been necessary to correct erroneous impressions, which would be conveyed from this Hall. Mr. C. then continued his review of the report of the battle of Tippecanoe, and afterwards proceeded to notice the victory of the Thames, the whole credit of which, he showed, belonged to the present Vice President of the United States, at whose instance the plan of the battle first devised by General Harrison had been changed, and who led the Kentuckians, who fought the battle and gained the victory? Mr. C. then went on to show, from documentary history, that the plan for the armament of the lakes was not first suggested to the War Department by Gen. Harrison, but that the plan had been recommended a year previous, in a letter from Mr. Armstrong, afterwards Secretary of War, to the then Secretary of War, Governor Eustis; and also in a letter about the same time from Captain Woolsey of the Navy, to Commodore Chauncey. After some further remarks from Mr. C.

Mr. GOODE of Ohio, obtained the floor, and on his motion,

The House adjourned.

Mr. THOMPSON of Mississippi gave notice on yesterday that he would ask leave to introduce, among other bills, a bill to regulate the fees of the clerks and marshals of the Federal court in the northern and southern districts of Mississippi. This title was incorrectly published on yesterday.

In the report of the proceedings of the House of Representatives yesterday, our Reporter omitted to notice that Mr. CHINN of Louisiana presented a petition signed by a large number of the citizens of the parish of Caddo, in the State of Louisiana, praying for a repeal of the laws of naturalization.

Mr. CHINN observed that as the House had, on a previous occasion, referred all such petitions to the Committee on the Judiciary, he moved a like reference of said petition; which was ordered by the House.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 15, 1840.

The SPEAKER announced that the order of the day was the motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill appropriating $150,000 to each of the States of Ohio

Indiana, and Illinois, to be expended on the Cumberland road.

The substitute of Mr. PICKENS for said instructions, as follows:

"And that the memorial be committed to the Committee of Ways and Means, with instructions to consider the expediency of reporting a bill in favor of the measure."

And Mr. MARVIN's amendment to the original proposition and substitute for Mr. PICKENS's amendment, as follows:

"And that the Committee of Ways and Means be instructed to report bills in accordance with the estimates contained in the reports from the Chief Engineer, and the Chief of the Topographical Engineers, to the Secretary of War, and communicated to Congress by the President, making appropriations for the year 1840, for the continuation of the construction or improvements of harbors and roads and the navigation of rivers, for which appropriations have been heretofore made.

Mr. SERGEANT, from the Committee on the Judiciary, to which had been referred the bill amendatory to the act for the taking of the sixth census or enumeration of the inhabitants of the United States, asked the permission of Mr. GOODE of Ohio, who was entitled to the floor on the question announced as the order of the day, to give way, to enable him to report said bill. Mr. S. said it would not take ten minutes to pass the bill, as he presumed there would not be any debate on it. The marshals were all waiting for copies of some act similar to this, before they could proceed in their duties. He hoped the House would see the importance of acting upon it immediately.

Mr. CUSHING intimated that he had some amendments which he intended to offer, and which he had no doubt would cause debate.

Mr. SERGEANT was proceeding to show that the bill did not want any amendment, but was interrupted by

Mr. GOODE, who could not yield the floor, as he believed the bill would lead to debate. He went on to reply to that part of the remarks of Mr. CRARY, of Michigan, in which that gentleman had gone into an examination of the conduct of Gen. Harrison, in his various military campaigns, and disapproved of his management of some of them, and particularly the battle of Tippacanoe, which had been previously eulogized by Mr. PROFFIT, of Indiana.

Mr. G. was sorry the subject had been introduced into the discussion on this bill; and, notwithstanding he seldom spoke, he could not refrain from doing so, in consequence of the course the debate had taken. He denied that the Indians had chosen the ground for General Harrison on which that battle was fought, and contended that he was not surprised by the Indians at that time, but was in the act of putting on his boots before the attack was made, and was on his horse in a few minutes after the first gun was fired. That battle was fought with much fury and great dexterity, and notwitstanding, as had been charged, the best blood of Kentucky had been freely shed on that occasion, it was not attributable to the want of military skill by General Harrison, or to his bad management. He then endeavored to show, from documents in hand, that the force of the Indians in that battle was not so much less than the forces of the General, as had been stated by the gentleman from Michigan, [Mr. CRARY.] He went into an examination at great length of various documents, to show that General Harrison was entitled to great praise for his military exploits. Mr. G. then went into a history of the Cumberland road, and said it was identified with the policy of the Government, and estimates had been regularly made for its prosecution, and had received the sanction of the Government under every Administration, from and including that of Jefferson, until this year. He then argued that the faith of the Government was pledged to the completion of the work, and that if an appropriation be not now made, great loss will accrue to the Government in waste of materials already purchased, and dilapidation of bridges half finished.

The committee was not authorized to bring in a bill, because no estimates were before it; and the friends of the work were compelled to take some step to get the subject under the jurisdiction of the committee. He thought there could be no fairer way to do so than to instruct it to report a bill. If the emptiness of the Treasury was the reason why it had not been included in the estimates by the Departments, he thought it due to the House and the country that the President should have informed them of that fact. He went on to show that the Cumberland road had received the fostering care of the Government when the Treasury was in a more exhausted condition than it now is, and when a heavy debt was hanging over the nation. He believed the President had evaded the question intentionally, and that any effort to cut the Government loose from this road, would be tantamount to the separation of the Government from the interests of the people.

After Mr. GOODE had concluded,

Mr. CORWIN rose and obtained the floor, but gave way, at the request of Mr. JONES of Virginia, chairman of the Committee of Ways and Means; when

The following message from the President of the United States was read:

To the House of Representatives of the United States:

I lay before you a communication from the Secretary of War, accompanied by a report of the Commissioner of Pensions, showing the great importance of early action upon the bill from the Senate, providing for the continuance of the office of Commissioner of Pensions. The present law will expire by its own limitation on the fourth day of the next month, and sensible of the suffering which would be experienced by the pensioners by its suspension, I have deemed it my duty to bring the subject to your notice, and invite your early attention to it. M. VAN BUREN.

WASHINGTON, Feb. 14, 1840.

Mr. JONES of Virginia then observed that there was a bill lying on the Clerk's table to continue the office of Commissioner of Pensions till the year 1842; and he moved that this bill be taken up, in order to make it the order of the day for Tuesday next; which motion being carried,

The bill to continue the office of Commissioner of Pensions, and to transfer to that office, from the Navy Department, the business of navy pensions, was taken up and read the first and second times; when

Mr. JONES moved to refer it to the Committee of the Whole House, and make it the order of the day for Tuesday next. This motion being objected to as out of order, Mr. JONES gave notice that he would move to call up this bill on Tuesday next.

Mr. CORWIN having replied at some length to Mr. CRARY, and in vindication of the military skill of General Harrison, before concluding, yielded the floor to

Mr. BELL, on whose motion, the House adjourned.

IN SENATE,

MONDAY, February 17, 1840.

The CHAIR presented a message from the President of the United States in regard to the necessity of an early provision by law for the protection of the Treasury against the fluctuations and contingencies to which its receipts are exposed; which was referred to the Committee on Finance, and ordered to be printed.

Mr. BETTS presented the petition of Stephen Dunham, praying an increase of pension: referred to the Committee on Pensions.

Mr. TALLMADGE presented a memorial of a number of citizens of New York, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Also, a petition of citizens of New York, praying Congress to abolish imprisonment for debt throughout the United States, so far as they have the constitutional power; which was referred to the Committee on the Judiciary.

Also, the petition of the widow of John Nestor, for a pension; which was referred to the Committee on Pensions.

Also, the petition of citizens of Oneida county, New York, praying that the use of spiritous liquors may be prohibited in the army and navy of the United States; which was laid on the table.

Also, two petitions for the abolition of slavery the motion to receive which, was,

On motion of Mr. BROWN, laid on the table.

Mr. WEBSTER presented the memorial of the heirs of Thomas Delano; which was referred to the Committee on Foreign Relations.

Mr. CLAY of Kentucky presented the petition of a number of citizens of Maine, for a Congress of Nations; which was referred to the Committee on Foreign Relations.

Also, a memorial of Joseph Pernell for an additional duty on imported silks; which was referred to the Committee on Finance.

Also, documents relating to the claim of William Coley for a pension; which was referred to the Committee on Pensions.

Mr. YOUNG presented the memorial of the Mayor and Common Council of the city of Chicago, praying for an appropriation of land for the construction of a barrier to protect the city from inundation; which was referred to the Committee on Commerce.

Mr. YOUNG also presented a preamble and resolution passed by the General Assembly of Illinois, instructing the Senators and requesting the Representatives of the said State in Congress to use their exertions to procure the passage of an act granting to that State, for public improvements, each alternate section on the different railroad routes in Illinois, or the whole of the unsold public lands lying within her limits, on condition that one-third the proceeds of the sales thereof should be paid to the General Government; which was laid on the table, and ordered to be printed.

Mr. WEBSTER presented the memorial of Alexandre Vattemare, proposing a plan for the interchange of duplicates of books and specimens of natural history and the fine arts, between the Governments and other institutions of the civilized world, and recommending its adoption to the consideration of Congress; which was referred to the Joint Committee on the Library.

The VICE PRESIDENT presented to the Senate the first volume of Hazard's United States Commercial and Statistical Register, published at Philadelphia, together with a letter from the Editor, "suggesting whether it may not be a proper object for the patronage of Congress, and be a convenient work of reference and information to be attached to the offices of our foreign Ministers and Consuls."

Mr. BUCHANAN said, that from the slight examination he had made of his work, he believed it contained much valuable commercial and statistical information, which we ought all to possess; but which none of us would be willing to incur the labor of collecting for ourselves. He commended it, therefore, to the consideration of the Committee on the Library.

The Register and the letter of Mr. Hazard were then referred to the Committee on the Library.

Mr. BUCHANAN presented two memorials of citizens of the United States, praying for the imposition of a duty on foreign silks; which were referred to the Committee on Finance.

Mr. B. also presented twenty memorials, remonstrating against the use of bloodhounds in the Florida war; which were referred to the Committee on Military Affairs.

Mr. B. also presented two memorials for the Abolition of slavery; the motions to receive which, were,

On motion of Mr. FULTON, laid on the table.

Mr. DAVIS presented a memorial from citizens of Boston, recommending to the favorable consideration of Congress the memorial of Hall J. Kelly, on the subject of a colony in the Oregon Territory; which was referred to the Select Committee on the Oregon Territory.

Mr. CRITTENDEN presented the petition of the heirs of Richard K. Meade; which was referred to the Committee on Revolutionary Claims.

Mr. WRIGHT presented the petition of citizens of New York, praying the passage of a bankrupt law; which was referred to the Committee on the Judiciary.

Mr. W. also presented the memorial of natura-

lized citizens of the city of New York, praying that Congress may take such measures as will secure the recognition of their rights as citizens of the United States; which was referred to the Committee on Foreign Affairs.

DISPOSITION OF THE PUBLIC LANDS.

Mr. DIXON said he held in his hand a set of resolutions, which had recently come to his honorable colleague and himself, passed by the Legislature of the State of Rhode Island, in favor of distributing the proceeds of the sales of the public lands among the respective States.

The deep interest which the people of that State have long felt in that subject, has more than once induced them to express, through their Legislature, their views and claims in relation to it. History, sir, bears testimony that that State mingled its early exertions with the first and last efforts perilled by our country in that struggle on the result of which depended the acquisition of that domain.

Those in that State who took a bold part in the Revolution, and there were many—those who fought in the battles of that occasion—supposed they had paid the price, the dear price, which purchased their common interest in those lands; and their sons, sir, have hitherto believed themselves entitled to the same, as a part of their fair inheritance.

Those resolutions seem to have been drawn up with a view to a bill pending before Congress for the purpose of ceding those lands to the new States. But, sir, as the same subject will be before the Senate to-day, or very soon, on the resolutions introduced by the honorable Senator from Kentucky, [Mr. CRITTENDEN,] in amendment, or by way of substitute, for the resolutions reported by the Select Committee, he would take occasion to introduce them at this time, and moved that the resolutions be read, printed, and laid on the table.

The resolutions were then read.

Mr. CALHOUN said that he had great respect for Rhode Island, as one of the States of the Union, and her Legislature; but he was compelled to think, from the very erroneous description which the resolutions gave of the bill* he had introduced, that the members had never seen it, and that they had taken their conceptions of it from the letter writers, many of whom dealt with truth as with fiction. The resolutions affirm that the cession proposed was without equivalent. Every member of the Senate knows that the assertion is without foundation. So far from a gratuitous cession, the bill provides that the States shall pay over one-half of the gross proceeds, leaving the other half to cover the expense, trouble, and responsibility of management. So far from a gift, he believed that the bill, if it should become a law, would bring as much into the Treasury, or nearly so, as the present system, besides the great political advantages, which he contemplated from the measure. Among these, a prominent one was, that it would reduce the patronage of the Government greatly, probably one-third, which he had supposed that gentlemen who professed to be so anxious to limit the power of the Executive, would not entirely overlook. Another was to arrest the growing conflict between the new and old States about the public lands, which ought, as he would have supposed, to have some value in the eyes of those who professed to be friends to the union and harmony of the States. And yet the Legislature of a respectable State, in the face of all this, has ventured to affirm, officially, in grave and solemn resolutions, that the cession was without equivalent! How is this to be accounted for, but on the supposition he had made, that the members have never seen or read the bill which they had undertaken to denounce?

Mr. DIXON replied to the Senator from South Carolina, [Mr. CALHOUN,] that he would not take upon himself to say that the Legislature of the State of Rhode Island were well advised of the details of the bill which the Senator had alluded to in his remarks. When they passed the resolutions now under consideration, whether they acted upon the authority of newspaper publications, as the honorable Senator had suggested, whether they had listened to the tongue of common fame, or availed themselves of any other source of information, or had acted from the suggestions of their own imagination, was not material, inasmuch as they were correct in point of fact. For, it is a truth, sir, there is a bill now pending in this Senate, for the purpose of transferring those public lands located within the geographical limits of certain new States, to those new States. Whether that cession, sir, is for a fair equivalent or not, did not enter into the consideration of the Legislature which passed those resolutions. They meant no comment upon its details; and however perfect that bill might seem, in the opinion of the honorable Senator, for the object intended thereby, yet the bill would be no less exceptionable to those who were opposed to the principle of the bill, and in favor of the distribution of the proceeds of the sales to the respective States.

Mr. CALHOUN. He did not object to any expression of opinion that the Legislature of Rhode Island might choose to make; but he had supposed that a Legislature owed it to itself, and a regard to truth, to make itself acquainted with the facts before it undertook to pronounce solemnly on the character of a measure. The Legislature of Rhode Island not having thought proper to do so on the present occasion, he felt called on, as the author of the measure, to notice the fact, lest his silence might be construed into an acquiescence in the truth of the resolutions, and thereby tend to strengthen the erroneous impression which is so industriously attempted to be made in reference to the bill.

Mr. CLAY was of opinion that the Legislature had pretty correctly described it. What said the bill? Did it not propose to give one-half for the management of the other? So the resolutions of the Legislature of Rhode Island could not be *wholly* incorrect; they were *half right*, at least, according to the provisions of the bill. We had extinguished the Indian titles in nine new States, and the whole cost of surveys and sales would not be more than five per centum; yet here, in one sweeping clause, it was contemplated to cede one-half, the result of which would ultimately be a cession of the whole. And why? The bill constitutes each new State a collector of this revenue, and their necessities might tempt them to use it, and year after year we should have applications to give time on these collections. Besides, the States might think proper to use paper circulating medium, while the hard money Administration would receive nothing but specie! Would you say to the State, you shall not sell you land for the money which you are content to use among yourselves? These, with other causes, would in a few years become so perplexing and so embarrassing, that we should be glad to relinquish the whole. Mr. C. alluded to the remark in relation to the diminution of the patronage of the General Government. That, he admitted, was very desirable; but then it might be effected as too great a sacrifice. Suppose we were asked to get rid of the Army or Navy to diminish the patronage of the Government, should we do it? And yet here was a plan to get rid of a thousand millions of acres to diminish patronage. Such a plan, he thought, could not command the serious approbation even of the Senator from South Carolina.

Mr. CALHOUN. The Senator himself admits the false statement of the resolutions, while he undertakes to show that they are not so to the degree he had stated. Instead of no equivalent, as they assert, he admits that one half, at least, is to be paid over to the Union; but in this he does not do justice to the measure. The fifty per cent. of the gross proceeds to be paid over was on his part but a conjectural estimate, liable to be raised or diminished by the committee before whom the bill now is, as the result of a careful examination of all the facts of the case might require to do justice to the Government and the States. His object was to allow such a compensation to the States as would not only cover all the expense and trouble of administration, but would make it their interest to manage the lands with prudence and economy.

As to the consequences which the Senator had undertaken to trace, he would not attempt to follow him and point out his errors, as he was determined not to be forced, on an occasion so unsuitable, into a discussion on the general merits of the measure. He, however, would say, that he had no confidence in the Senator's results, as he presumed he had none in his. But when the proper time arrives, he would be prepared to meet the Senator or any other opponent, and to show that the bill, in every view in which it could be regarded, political, moral, and fiscal, was perfectly defensible.

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*For the purpose of elucidation, the bill which was the occasion of the discussion is annexed:

A BILL to cede the public lands within the limits of the new States, on certain conditions therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exceptions of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings shall, after the thirtieth day of June, eighteen hundred and forty-two, be ceded to the States within the limits of which they are respectively situated, they having previously complied with the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will annually pay to the United States fifty per cent. on the gross amount of the sales of such lands, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June, aforesaid; but after that period the price may be reduced by the States respectively, according to the following scale all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upwards, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upwards, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upwards, preceding the said thirtieth day of June, eighteen hundred and forty-two, shall be ceded immediately to the States in which said lands are situate: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of graduation and cession aforesaid at the respective periods of ten, fifteen, twenty, twenty-five, and thirty years after said sale, commencing from the expiration of ten years after the same had been offered at public sale.

Thirdly. That the lands shall be subject to the same legal subdivisions in the sale and survey as is now provided by law, reserving for each township the sixteenth section, or the substitute, as heretofore provided by law; and the land not yet offered for sale, shall be first offered by the State at public auction and be sold for cash only, in the manner now provided by law. And any land now or hereafter remaining unsold after the same shall have been offered for sale at public auction, shall be subject to entry for cash only, according to the graduation which may be fixed by the States respectively, under the provisions of this act; and that the acts of Congress which may be in force at the time of assenting to this act, shall remain unchanged, except as modified by this act, unless with the assent of Congress.

Fourth. This cession, together with the portion of the sales to be retained by the States respectively, under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof, not already accrued to any State; and the said States shall be exclusively liable for all charges that may hereafter arise from the surveys, sales, and management of the public lands and extinguishment of Indian title within the limits of said States respectively.

Fifth. That, on a failure to comply with any of the above conditions, or a violation of the same on the part of any of the said States, the cession herein made to the State failing to comply with, or violating said conditions, shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same ceded by this act, shall be, and are hereby declared to be, null and void, and of no effect whatever.

SEC. 2. *And be it further enacted*, That whenever the President of the United States shall be officially notified that any of the States aforesaid has passed an act in compliance with the above conditions, it shall be his duty, after the thirtieth day of June aforesaid, or forthwith after the passage of said act if passed subsequent to that period, to adopt such measures as he shall think proper to close the land offices, including the surveying department, within the limits of said State; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but which day shall not be beyond six months after the thirtieth day of June aforesaid, of if subsequent thereto, from the day he received the official notification of the the passage of said act.

SEC. 3. *And be it further enacted*, That on such notification being made, the said State shall be relieved from all compacts, acts, or ordinance, imposing restrictions on the right of said State to tax any lands by her authority subsequent to the sale thereof, ceded by this act; and all maps, titles, records, books, documents, and papers, in the General Land Office at Washington, relative to said lands, shall be subject to the order and disposition of the Executive of said State.

SEC. 4. *And be it further enacted*, That all lands of the United States within the limits of the State of Tennessee, with the exceptions enumerated in the first section of this act, shall be, and the same are hereby, ceded to said State.

Mr. CLAY. The Senator from South Carolina has been pleased to say that he has no confidence in me. Sir, I reciprocate it with all my heart, and go a step further, and say I have no confidence in the Senator, whether in the past, present, or future. [Mr. CALHOUN. I said in your results.] Well, I apply it to the views of the Senator. Instead of asserting what he will do, and in a bold and rapid manner drawing his own results from his own facts, and saying, "I defy the Senator to show," &c. let us discuss the subject before an impartial tribunal, the people. That was the true way to proceed to trial. The Senator's description of his own arguments was quite equal to his opinion of his own powers; but (said Mr. C.) let us meet at Philippi, or any where else, on this subject, and I will pledge myself to show it is one of the most wanton, wasteful, and extravagant measures that ever emanated from any public man.

Mr. CALHOUN. It would seem to be the object of the Senator to get up an excitement on every subject with which he was connected. He had risen to correct the erroneous statement of the resolutions, in reference to a measure with which he was connected. This he had done in the least offensive language he could command, that did any thing like justice to himself. The Senator thought proper to interfere, and, as usual, to give a personal turn to the discussion. He had no taste for such things. We came here to do the public business, and not to amuse the galleries, or indulge in personal altercations. He was no way responsible for such disreputable scenes, for the truth of which he appealed to the Senate. He had throughout limited himself to the defensive.

Mr. CLAY said the Senator made appeals to the Senate whether "he had ever made assaults on the Senator from Kentucky." If he were so disposed, he, too, might appeal to the Senate and to truth—who began this matter. When he (Mr. C.) rose to make a remark or two on the bill, not to argue its merits, the Senator said he had no confidence in my results. Was that language proper or parliamentary, or was it the language of courtesy? He understood very well the wily course of the Senator—it was to give a *thrust*, and place himself in the amiable attitude of self-defence. Mr. C. then stated, as he now stated, that the bill was a clear grant of one moiety to the new States, which, in its inevitable consequence, would end in the absolute relinquishment of the whole; and the Senator chooses to construe that into an assault. And speaking in his own person—his favorite person—*first person singular*—"I will show—I will defy—I have no confidence in the results of the Senator." I repeat that I am as unwilling as any Senator to indulge in personalities, and as little in the habit of doing so. In that business I have been more sinned against than sinning. I have been far more an object of attack than the Senator from South Carolina—as well in the Senate as by the public press, and in private circles. I have sometimes treated it with contempt, sometimes with indignation, but have never been so peculiarly sensitive as the Senator. Mr. C. said the Senator and himself stood in "*antagonistical*" positions—their feelings all differed, moral, political, and social, and he had no idea that the Senator should cover himself with the cloak of sympathy, and give a thrust without being met. I stand (said Mr. C.) like the Senator from South Carolina, *on my reserved rights!* And especially in relation to this land bill I feel, and mean to assert that right.

Mr. CALHOUN. The excitement of the Senator has no effect upon me. I am perfectly cool, and am determined to keep so. He attributes to me offensive language, because I said I had no confidence in his results; but forgot to add that I coup'ed it with the declaration that I presumed he had none in mine. I had supposed that my meaning could not be misunderstood. The Senator undertook to show that my bill, though not in fact what the resolution asserted it to be, would be so in its results. To reply to him, would necessarily have opened the discussion on its general merits. I did not think it the proper occasion; nor did I feel that I would be justified in consuming the hour allotted to the morning's business in the discussion of a measure in the hands of a committee, and not before the Senate. To avoid the discussion, without seeming to acquiesce in the deductions of the Senator, I declared my want of confidence in his results, and, to remove the possibility of offence, I coupled it with the declaration I did. Nor is the charge of egotism better founded. In affirming that I was prepared to meet him, or any other opponent of the measure, and to make good its defence, I made no boast of superiority, as he supposes. My reliance was on the goodness of the measure, and not on any assumed superiority. The Senate will remember that I placed my remarks expressly on the ground of my entire confidence in the measure, viewed in all possible lights, political, moral, and fiscal. The Senator, in his excitability, instead of regarding what I said in its connection, fixes on an isolated word, or member of a sentence, and breaks forth into personalities; and then, when repelled, turns round and charges that he has been attacked. These things are far from being pleasant; I regard them as unbecoming the body, and the age and standing of the Senator and myself, and I engage in them with reluctance, and only when forced to it in self defence.

Mr. KNIGHT rose, and said it seemed to him, on reading the resolutions of the Legislature of Rhode Island, that the Senator from South Carolina misconceived the intention of the Legislature, in supposing that the Legislature intended to censure that gentleman; they were opposed to his bill, and had expressed an opinion against it—not only against that bill, but against all other propositions to cede the public lands to any of the States without a proper equivalent. The Legislature did not believe that his bill provided such an equivalent, and passed resolutions against the general principles of it.

The Legislature (said Mr. K.) is in favor of the proposition of the Senator from Kentucky, dividing the proceeds of the public lands among all the States, and has expressed an opinion in favor of that measure, but with no intention of casting censure on the Senator from South Carolina. A cursory reading of the resolutions clearly satisfies my mind that there is no censure of the Senator contained in them; and I am confident, from the knowledge I possess of the gentlemen who compose that Legislature, that no such intention was entertained by them: but that they are decidedly opposed to the bill introduced by that Senator is certain, and as strongly in favor of the proposition of the Senator from Kentucky.

The question was then taken, and the resolutions were ordered to be printed and laid on the table.

Mr. PRESTON presented the memorial of Charles Brenan; which was referred to the Committee on Claims.

Mr. SOUTHARD presented the memorial of George W. Osborne and others against the employment of bloodhounds in the Florida war; which was referred to the Committee on Military Affairs.

Mr. BUCHANAN presented the petition of Hugh Stewart; which was referred to the Committee on Claims.

Mr. MERRICK presented memorials from the presidents and directors of the Bank of Washington, the Bank of Potomac, and the Farmers' Bank of Alexandria, severally praying for a renewal of their charters; which were referred to the Committee on the District of Columbia.

Mr. WALKER presented a preamble and resolutions passed by the Legislature of Mississippi, instructing their Senators, and requesting their Representatives, to use their exertions to procure the establishment of a mail route from Jackson, Miss. to Tuscaloosa, Ala.; which were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. NORVELL, from the Committee on the Public Lands, to which was referred the bill authorizing the States to tax any lands within their limits, sold by the United States, reported the same without amendment.

Mr. WALKER, from the Committee on the Public Lands, to which was referred a bill to amend the act entitled "an act to amend an act entitled 'an act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Du Buque, and Peru, in the county of Du Buque, Territory of Wisconsin, and for other purposes, approved March 3, 1837,'" reported the same without amendment.

Mr. SMITH of Conn. from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Maj. Daniel Piatt; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of the heirs of Anderson Lane, made an unfavorable report thereon; which was ordered to be printed.

Mr. L. from the same committee, to which was referred a bill for the relief of the heirs of Miguel Eslava, reported it back without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred the memorial of Sarah Ralston, made an adverse report thereon; which was ordered to be printed.

Mr. H. also, from the same committee, to which was referred the memorial of John Purdy, made an unfavorable report thereon; which was ordered to be printed.

Mr. PIERCE, from the Committee on Pensions, to which were referred

The petition of Aaron Camp;
The petition of Ebenezer Swan; and
The petition of Susannah Pickett;

made unfavorable reports thereon.

Mr. YOUNG, from the Committee on Roads and Canals, to which was referred a bill making certain military roads in the State of Arkansas, reported the same with amendments.

On motion by Mr. WALL, the bill for the relief of John H. Sheppard, administrator of Abiel Wood, was taken up and considered as in Committee of the Whole; and, after consideration, was ordered to be engrossed.

Mr. BENTON, from the Committee on Military Affairs, to which were referred the memorials on the subject of employing bloodhounds in the Florida war, presented the following communication from the Secretary of War, and the committee was discharged for the further consideration of the subject.

WAR DEPARTMENT,
February 17, 1840.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, transmitting from the Committee on Military Affairs a number of memorials against the employment of bloodhounds in the present war with the Indians in Florida, for such answer thereto as the occasion may require from the Executive branch of the Government. As I have had occasion to answer similar inquiries made by a member of the House of Representatives, I beg leave to transmit to the committee a copy of that communication, which, in part, furnishes the information required.

There can be no doubt, from the respectable character of the memorialists, that they are animated by humane motives in remonstrating against the use of these dogs; but it is equally certain that they are deceived when they suppose that their employment will degrade the character of the country, or render its officers obnoxious to the charge of cruelty. It was doubtless the intention of the authorities of Florida, when they imported the bloodhounds, to use them as guides to discover the lurking places of the Indians, not, as has been erroneously believed, to worry or destroy them; and this Department has given positive instructions to that effect, if they should be employed by any officers in the service of the Government, as will be seen by the accompanying copy of a letter to the Commanding General in Florida. The Government was not consulted on the subject of the importation of these dogs by the Governor and Council of Florida, and was ignorant of the transaction until after their arrival in the Territory; but this Department did not feel itself justified in forbidding their use. The inhabitants of Florida have been cruelly harassed, and all their efforts, and those of our troops, have hitherto proved unavailing to protect their families from the murderous assaults of the savages. If they believe that this cannot be effected but by the superior sagacity of these dogs, it would be inhuman to prevent them from making use of what they regard as the

only means of saving their wives and children from the tomahawk and scalping knife.

I beg leave to transmit herewith a copy of a letter from A. L. Magennis, esq. of St. Louis, which contains his impressions respecting the object for which these dogs were procured, and the manner in which they are to be used, derived during a short stay which he was obliged to make in Tallahassee about the time the dogs arrived in Florida.

The memorials are herewith returned.

Very respectfully,
Your obedient servant,
J. R. POINSETT.

Hon. THOMAS H. BENTON,
Chairman Committee on Military Affairs.

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WASHINGTON CITY, Feb. 8, 1840.

DEAR SIR: In compliance with your request that I would communicate in writing what I had previously mentioned in conversation, as having heard while passing through Florida, on my way here, respecting the bloodhounds recently brought there from Cuba, and the purpose for which they were procured, I beg leave to state that, on the 6th ult. during a sojourn of two or three days at Tallahassee, while paying a visit at the residence of the present Governor, a gentleman entered the parlor, who was introduced as Col. Fitzpatrick, and who informed Governor Reid that he had just arrived from Cuba with a number of bloodhounds, to obtain which he had been despatched, as I understood him, under authority from ex-Governor Call, and the Legislature of Florida. Col. Fitzpatrick spoke of the difficulties which he had had in getting those dogs, thirty-three in number; the high price paid for them, and the great trouble arising from boisterous weather and scarcity of provisions, owing to the voyage being of unusual length, in bringing them over; he expressed a desire that Governor Reid should give immediate instructions to have them taken from on board the vessel, then lying at Port Leon, or St. Marks, as they were very much reduced and feeble from want of proper food, and put in some fit place, under the charge of five Spaniards, whom he had hired in Cuba as their keepers, and who were the only persons capable of properly managing them. A good deal was said as to the manner in which they were to be used in operating a gainst the Indians; and, I believe, as well as I can recollect, and my recollection is pretty distinct, Col. Fitzpatrick, who appeared most conversant with the mode of keeping and using them, observed that they were always muzzled, unless when being fed; that when employed, in order to discover a hiding or retreating enemy, a keeper was appointed to each dog, to hold him in leash, and endeavor to put him on the scent, which, once found, he rarely lost; the pursuers following close up to the keeper, and were thus conducted to the object of their search.

The dogs were described by Col. Fitzpatrick as possessing fine wind, great strength, bottom, and courage, and as differing from the common hound in one particular, which made them of infinite service in chase of a lurking enemy: they rarely or never gave tounge to warn him of the approach of his pursuers. I was not led to believe, from any thing which I heard on the occasion alluded to, or, indeed, at any other time during my journey through Florida, that those dogs were to be unmuzzled and let slip to assail the hostile marauding Indian warriors, and destroy their women and children. I am persuaded that the people of Florida, dreadfully as they have suffered from the ferocity of the Indians, would not countenance such a species of warfare.

Col. Fitzpatrick, who, I have since learned, is an officer of the Florida militia, struck me as being a gentleman of great intelligence and decided character.

I have the honor to be, &c.
ARTHUR L. MAGENIS.

To the Hon. Mr. POINSETT,
Secretary of War.

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WAR DEPARTMENT,
December 30, 1839.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th inst., inquiring into the truth of the assertion made by the public papers, that the Government had determined to use *bloodhounds* in the war against the Florida Indians, and beg to assure you that it will afford me great pleasure to give you all the information on this subject in possession of the Department.

From the time I first entered upon the duties of the War Department, I continued to receive letters from officers commanding in Florida, as well as from the most enlightened citizens of that Territory, urging the employment of *bloodhounds* as the most efficient means of terminating the atrocities daily perpetrated by the Indians on the settlers in that Territory. To these proposals no answer was given, until, in the month of August, 1839, while at the Virginia Springs, there was referred to me from the Department a letter addressed to the Adjutant General, by the officer commanding the forces in Florida, General Taylor, to the following effect:

HEADQUARTERS, ARMY OF THE SOUTH,
Fort Brooke, July 28, 1838.

SIR: I have the honor to enclose you a communication, this moment received, on the subject of procuring bloodhounds from the island of Cuba to aid the army in its operations against the hostiles in Florida.

I am decidedly in favor of the measure, and beg leave again to urge it as the only means of ridding the country of the Indians, who are now broken up into small parties that take shelter in swamps and hammocks as the army approaches, making it impossible for us to follow or overtake them without the aid of such auxiliaries.

Should this measure meet the approbation of the Department, and the necessary authority be granted, I will open a correspondence on the subject with Mr. Evertson, through Major Hunt, Assistant Quartermaster at Savannah, and will authorize him, if it can be done on reasonable terms, to employ a few dogs, with persons who understand their management.

I wish it distinctly understood that my object in employing dogs, is only to ascertain where the Indians can be found, not to worry them.

I have the honor to be, sir, your obedient serv't,
Z. TAYLOR,
Bt. Br. Gen. U. S. A. Commanding.

To Gen. R JONES, Washington, D. C.

On this letter I endorsed the following decision, which was communicated to General Taylor: "I have always been of opinion that dogs ought to be employed in this warfare to protect the army from surprises and ambuscades, and to track the Indian to his lurking place; but supposed, if the General believed them to be necessary, he would not hesitate to take measures to procure them. The cold-blooded and inhuman murders lately perpetrated upon helpless women and children by these ruthless savages, render it expedient that every possible means should be resorted to in order to protect the people of Florida, and to enable the United States forces to follow and capture, or destroy, the savage and unrelenting foe. General Taylor is therefore authorized to procure such number of dogs as he may judge necessary, it being expressly understood that they are to be employed to track and discover the Indians, not to worry or destroy them."

This is the only action or correspondence on the part of the Department that has ever taken place in relation to the matter. The General took no measures to carry into effect his own recommendation, and this Department has never since renewed the subject. I continue, however, to entertain the opinion expressed in the above decision. I do not believe that description of dog, called the bloodhound, necessary to prevent surprise or track the Indian murderer; but I still think that every cabin, every military post, and every detachment, should be attended by dogs. That precaution might have saved Dade's command from massacre, and by giving timely warning, have prevented many of the cruel murders which have been committed by the Indians in Middle Florida. The only successful pursuit of Indian murderers that I know of, was on a late occasion, when the pursuers were aided by the sagacity of their dogs. These savages had approached a cabin of peaceful and industrious settlers so stealthily, that the first notice of their presence was given by a volley from their rifles thrust between the logs of the house; and the work of death was finished by tomahawking the women, after tearing from them their infant children, and dashing their brains out against the door-posts. Are these ruthless savages to escape and repeat such scenes of blood because they can elude our fellow-citizens in Florida, and our regular soldiers, and baffle their unaided efforts to overtake or discover them? On a late occasion, three estimable citizens were killed in the immediate neighborhood of St. Augustine, and one officer of distinguished merit mortally wounded. It is in evidence that these murders were committed by two Indians, who, after shooting down the father and beating out the son's brains with the butts of their rifles, upon hearing the approach of the volunteers, retired a few yards into the woods, and secreted themselves until the troops returned to town with the dead bodies of those who had been thus inhumanly and wantonly butchered. It is to be regretted that this corps had not been accompanied with one or two hunters, who, with their dogs, might have tracked the blood stained footsteps of these Indians; have restored to liberty the captive they were dragging away with them, and have prevented them from ever again repeating such atrocities. Nor could the severest casuist object to our fellow-citizens in Florida resorting to such measures in order to protect the lives of their women and children.

Very respectfully,
Your most ob't serv't,
J. R. POINSETT.

Hon. HENRY A. WISE, House of Representatives.

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WAR DEPARTMENT,
January 26, 1840.

SIR: It is understood by the Department, although not officially informed of the fact, that the authorities of the Territory of Florida have imported a pack of bloodhounds from the Island of Cuba; and I think it proper to direct, in the event of those dogs being employed by any officer of officers under your command, that their use be confined, altogether, to tracking the Indians; and in order to ensure this, and to prevent the possibility of their injuring any person whatsoever, that they be muzzled when in the field, and held with a leash while following the track of the enemy.

Very respectfully, your most ob't serv't,
J. R. POINSETT.

Brig. Gen. Z. TAYLOR,
Commanding Army of the South, Florida.

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THE UNFINISHED BUSINESS.

The CHAIR announced that the unfinished business of Friday could now be taken up; which was the motion of Mr. BENTON, from the Committee on Finance, that certain documents on the salt business should be printed.

Mr. LUMPKIN suggested whether, before they proceeded in any further argument on this subject, it would not be better to have a copy of the work on each Senator's desk, and then they might vote understandingly on the question of printing an extra number.

The CHAIR stated that the question before the Senate was only for printing the usual number for the use of the Senate.

Mr. CLAY of Kentucky and Mr. DAVIS stated that they had no objection to printing the usual number; and the printing was ordered.

Mr. DAVIS submitted the following resolution, which was considered and adopted:

Resolved, That the President of the United States be requested to transmit to the Senate such information as he may possess, showing the necessity of further legislation in regard to the papers of vessels bound on foreign voyages.

SPECIAL ORDER.

The resolutions connected with the report of the Select Committee on the assumption of the State debts were taken up, as follows:

1. *Resolved*, That the assumption, directly or indirectly, by the General Government, of the debts which have been, or may be, contracted by the States for local objects or State purposes, would be unjust, both to the States and to the people.

2. *Resolved*, That such assumption would be highly inexpedient, and dangerous to the Union of the States.

3. *Resolved*, That such assumption would be wholly unauthorized by, and in violation of, the Constitution of the United States, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

4. *Resolved*, That to set apart the public lands, or the revenues arising therefrom, for the beforementioned purposes, would be equally unjust, inexpedient, and unconstitutional.

The question was on the substitute offered by Mr. CRITTENDEN, as follows:

Resolved, That the debts of the several States, so far as they are known to the Senate, have been contracted in the exercise of the undoubted right and constitutional power of said States respectively, and that there is no ground to warrant any doubt of the ability or disposition of those States to fulfil their contracts.

Resolved, That it would be just and proper to distribute the proceeds of the sales of the public lands among the several States, in fair and rateable proportions, and that the condition of such of the States as have contracted debts is such at the present moment of pressure and difficulty as to render such distribution especially expedient and important.

Mr. BUCHANAN asked the CHAIR if it would be in order to amend the resolutions offered by the Select Committee, and being answered in the affirmative, said that for the purpose of placing himself in a correct position, and to avoid voting against what he deemed the truth, he would move that the original resolutions should be amended by adding thereto, as a distinct and separate resolution, the first resolution of the substitute. Whilst he should most freely vote that it was unconstitutional, inexpedient, and unjust, for Congress to assume the payment of the existing debts of the States, he was anxious, at the same time, to express his entire confidence both in the ability and will of these States to pay their debts honestly and in good faith. In the expression of this opinion, he would go as far as the Senator from Kentucky, and was, therefore, willing to adopt his resolution on this particular branch of the subject.

Mr. PHELPS, who was entitled to the floor, not being present, the further consideration of the subject was postponed until to morrow.

The Senate then went into the consideration of Executive business,

After which, it adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, February 17, 1840.

Mr. J. W. JONES, chairman of the Committee of Ways and Means, would, by the permission of the gentleman from Ohio, [Mr. CORWIN,] move that the House would, on to-morrow, at the hour of one o'clock, resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the bill for the payment of Revolutionary and other pensioners, and that it be made the special order for that and the succeeding day, in preference to all other business, until disposed of.

Mr. LAWRENCE, before the question was taken, and in order that the House might understand the position of this bill, would, by its permission, make a few remarks. The amount of the pension fund, now applicable to the payment of the pensions becoming due on the 4th of March, was $1,294,000, which was in the hands of forty-one agents appointed the Government. There was no law for the transfer of these funds from one agency to another. There were, to be sure, general laws for the transfer of appropriations, which gentlemen supposed to apply to the pension fund, but they did not; and there was no law by which these moneys could be transferred from one point to another. In consequence of this, if this bill is not passed by this House in the next forty-eight hours, the pensioners will not receive what is their due. These pensioners are scattered all over the United States, and there were now left but fifteen days in which to make the transfers. Under these circumstances, Mr. L. appealed to gentlemen on both sides of the House not to discuss this bill. It must pass; and if gentlemen wished to arraign the Administration, he hoped they would do it on some other question than this. I make these remarks, said Mr. L. because it is due to ourselves and to the country that this bill should pass to-day or to-morrow, and to let these pensioners have the money on which they subsist. He would move to take up this bill now, as it could be passed in a few minutes, but as the chairman of the committee [Mr. JONES, of Virginia] had suggested to-morrow, he was willing to wait until that time.

The SPEAKER said that the motion of the gentleman from Virginia could only be received by general consent.

Mr. WADDY THOMPSON said he objected to the motion, and would continue to object to taking up any bill while the bill for the protection of Florida, where the Indians were scalping our women and children, was lying on the table.

Mr. JONES of Virginia then moved a suspension of the rules, to enable him to offer his motion, and called for the yeas and nays.

Mr. RUSSELL suggested to the gentleman from Virginia the expediency of modifying his motion so as to make the bill the order of the day for two o'clock, instead of one to-morrow. It was well known that the standing committees had not had an opportunity of reporting from the commencement of the session until now. Mr. R. then moved to amend the motion of the gentleman from Virginia, so as to make the bill the order of the day for two-o'clock to-morrow.

The CHAIR said the motion of the gentleman from New York was not in order, the rules not having yet been suspended, and the motion of the gentleman from Virginia not before the House.

The question was then put and carried—yeas 166, nays 1; so the rules having been suspended,

Mr. JONES of Virginia submitted the following resolution, and moved the previous question on it:

Resolved, That this House will, on to-morrow, at one o'clock, resolve itself into a Committee of the Whole on the state of the Union to consider House bill No. 3, and that it be the special order at that time, and at the same hour every succeeding day, until the bill be disposed of, and that it take precedence of all other business.

The resolution having been read, the call for the previous question was seconded by the House, when the main question was put, and the resolution was adopted without a division.

Mr. SERGEANT, from the Committee on the Judiciary, reported without amendment the bill from the Senate to amend the act providing for taking the sixth census, and moved to refer the same to the Committee of the Whole House on the State of the Union; which motion was adopted.

After some conversation between Messrs. CORWIN, LINCOLN, and the SPEAKER, whether the subject under discussion, on Saturday last, was the first thing in order to-day,

Mr. CORWIN, to avoid any discussion on a point of order, moved that the subject then before the House be now taken up for consideration, which was agreed to; when

The SPEAKER announced that the question before the House was the motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill appropriating $150,000 to each of the States of Ohio, Indiana, and Illinois, to be expended on the Cumberland road.

The substitute of Mr. PICKENS for said instructions, as follows:

"And that the memorial be committed to the Committee of Ways and Means, with instructions to consider the expediency of reporting a bill in favor of the measure."

And Mr. MARVIN'S amendment to the original proposition and substitute for Mr. PICKEN'S amendment, as follows:

"And that the Committee of Ways and Means be instructed to report bills in accordance with the estimates contained in the reports from the Chief Engineer, and the Chief of the Topographical Engineers, to the Secretary of War, and communicated to Congress by the President, making appropriations for the year 1840, for the continuation of the construction or improvements of harbors and roads the navigating of rivers, for which appropriations have been heretofore made.

Mr. CORWIN, who was entitled to the floor, in continuation of his remarks on Saturday, replied at great length to the constitutional objections of Mr. PICKENS to the passage of any bill making appropriations for this road. That gentleman, he said, had congratulated himself and the country, that the Constitution, which had been administered in such a way that it was entirely different from what it was intended by its framers, was about to be restored to its purity. If that gentleman's position was correct, he conceived it very unfortunate and most extraordinary that the framers of that instrument had committed such gross errors in expounding and administering it for so many years; for he believed that Washington and his cabinet, and Madison, Jefferson, and Monroe, as would be seen from their recorded opinions, were in favor of this road, and conceived it perfectly constitutional. Mr. C. then argued at great length, to show the existence of a contract between the Government and the new States for the completion of this road, and that the contract had not been complied with on the part of the Government. No one could deny, or dared deny, that the agreement did exist, which was all the friends of the measure wanted—and unless the opponents of it could show that the contracting parties had no right, under the Constitution, to make the agreement, it was obligatory on the part of the General Government to fulfil its provisions to the letter, by constructing this road to and through the State of Ohio. Those States through which the road runs, as a party to the contract, gave up the right to tax 122,000,000 of acres of land, subject to taxation by them. It was an object of the most earnest anxiety by the Federal Government to get the States to relinquish this right—a right which Mr. Gallatin said they possessed, not only to tax land sold by the Government, but also that remaining unsold. Four sovereign States gave up this right, for five years, to tax this quantity of land, which, at $2 per 100 acres, amounted, in round numbers, to 12,200,000 dollars. The amount expended in the States, under the contract, he was understood to say, was little over three millions; and thus the Government had cleared about 8 000,000 by the operation. He wished the State Rights party to remember this when they compared these States to mendicants at the National Treasury, because they demanded a fulfilment of the obligations of the agreement. Mr. C. maintained that the Cumberland road was a great national and military road and commercial highway; and that the same reasons existed for the continuation of it now, as there did when it was commenced, as a means of defence of the Western frontier; and instanced the large body of Indians, 60,000 strong, now concentrated on the frontier, to which it was intended this road should be carried. He did not claim the appropriation as a matter of favor, but on the ground of justice and right. As it seemed that the greatest objection to making it at this time, was on account of the low state of the Treasury, he examined the estimates, and showed that sufficient curtailment could be made on unnecessary objects, to progress with this road, and yet keep the expenditures of this year within the gross amount of the estimates. He also showed the loss which the Government would sustain if an appropriation was not speedily made.

The SPEAKER said that there was an important communication from the Executive, on his table, which he would beg leave, at that time, to lay before the House; which was read, as follows:

To the House of Representatives:

I submit to Congress a communication from the Secretary of the Treasury, repeating suggestions contained in his annual report, in regard to the necessity of an early provision by law for the protection of the Treasury against the fluctuations and contingencies to which its receipts are exposed, with additional facts and reasons in favor of the propriety of the legislation then desired.

The application assumes that although the means of the Treasury for the whole year may be equal

to the expenditures of the year, the Department may, notwithstanding, be rendered unable to meet the claims upon it at the times when they fall due. This apprehension arises partly from the circumstance that the largest proportion of the charges upon the Treasury, including the payment of pensions, and the redemption of Treasury notes, fall due in the early part of this year, viz: in the months of March and May, while the resources, on which it might otherwise rely, to discharge them, cannot be made available until the last half of the year, and partly from the fact that a portion of the means of the Treasury consists of debts due from banks, for some of which delay has already been asked, and which may not be punctually paid.

Considering the injurious consequences to the character, credit, and business of the country, which would result from a failure by the Government for even so short a period, to meet its engagements—that the happening of such a contingency can only be effectually guarded against by the exercise of legislative authority—that the period, when such disability must arise, if at all, and which, at the commencement of the session, was comparatively remote, has now approached so near as a few days, and that the provision asked for is only intended to enable the Executive to fulfil existing obligations, and chiefly by anticipating funds not yet due, without making any additions to the public burdens, I have deemed the subject of sufficient urgency and importance again to ask for it your early attention.

M. VAN BUREN.

WASHINGTON, 17th February, 1840.

TREASURY DEPARTMENT,
Feb. 15, 1840.

SIR: The duty entrusted to this Department of supervising the execution of such laws as are connected with the fiscal operations of the Government, induces me to make to you the following communication.

In the annual report on the finances, submitted to Congress near the commencement of its present session, I had the honor to state, in substance, that if the new appropriations should not exceed in amount the estimates then offered, and if the indebted banks should meet their obligations with punctuality, the receipts for the whole year would probably equal the expenditures.

After the lapse of nearly three months, those views remain unchanged, except so far as subsequent events, heretofore communicated to you and to Congress, may in some degree affect them. But whether those events, viz: new constructions of the tariff laws by the courts, and increased embarrassments of business in consequence of the suspension of specie payments by the banks continuing over a large part of the United States, will reduce the revenue so much as to render new means on those accounts indispensable, cannot yet be decided with certainty. But it may be ascertained before Congress adjourns, and can then, if necessary, be suitably provided for.

It was also stated in the annual report, that the uncertainty of receiving prompt payment from the banks, and the convenience of having a larger balance on hand in the Treasury than was likely to exist, as well as the fact that the greatest debts due from the banks were not payable till the last half of the year, while the largest expenditures were charged on the first half of it, and particularly on the month of March, required some adequate provision of means to meet those contingencies and inequalities, and rendered "the earliest attention to new legislation on this subject" "highly prudent, if not indispensable, for the effectual security of the public credit."

The prompt adoption of such precautionary measure was further urged, on general grounds of expediency, considering the existing embarrassments of the country, the suspension of specie payments by many of the banks, and the fluctuations and uncertainties to which our receipts and expenditures were, from various causes then enumerated, constantly exposed. The experience and occurrences during nearly one-fourth of a year, which has since elapsed, have strengthened the impression then entertained on this point; and in official communications since made to the appropriate committees of Congress and yourself, I took the liberty to repeat my conviction of the continued urgency and importance of the measure previously recommended in relation to it.

But no action having yet taken place concerning this subject, though the period is near at hand, when the due maintenance of the public credit seems most imperatively to require it, I shall proceed to state, with more minuteness than heretofore, some of the circumstances which make such a provision so essential at the present moment. Early as the 5th and 7th of March, a very large amount of pensions and Treasury notes become due, in addition to other and ordinary demands. They will exceed, in the aggregate, two and one-quarter millions of dollars, and for the payment of which funds are yet to be advanced by the Treasury to the amount of about - $1,450,000

On the 13th of March, more Treasury notes fall due, not yet redeemed, computed at - - - -	250,000
Others fall due and are redeemable in the rest of March, April, and May, estimated at - - -	1,150,000
	$2,850,000

These constitute an aggregate of burdens but little short of three millions, beside other payments for ordinary objects.

The estimates of all the receipts and all the expenditures, for these and other objects, during that period, with the available balance of money now on hand in the Treasury, are detailed in the statement annexed, marked A.

From those particulars it will be seen that, in order to be able to discharge all anticipated claims punctually, and retain on hand the appropriate balance of about two millions for common purposes, a provision of means is expedient to the extent of four and three-fourths millions of dollars, subject to be used in whole or in part, as may be found necessary to meet the public exigencies, under all the uncertainties to which our financial operations are liable.

At this late day, a power to issue Treasury notes, instead of those heretofore or hereafter redeemed, or to make a temporary loan to that extent, subject to be redeemed after sixty or ninety days' notice, seems the best, and, in fact, the only effectual method of providing such means, until the receipts, in the last half of the year, or subsequently, may enable the Department to extinguish any debt incurred.

An increase of the tariff, or a recall of deposites from the States, would be too slow in their operations for obtaining adequate funds seasonably, as some of them will be needed within two or three weeks.

To confer an efficient power, to procure necessary means, would make no addition to the public burdens, but merely aid the Executive branch of the Government to execute the laws with fidelity, by discharging appropriations already imposed by Congress; and to the prompt payment of which the public faith has been solemnly pledged. The propriety of doing it, therefore, seems too obvious to require further comment.

Having submitted these views, in addition to those heretofore presented on the same subject, this Department, except under new authority from Congress, can accomplish nothing more than to continue to meet the public engagements to such an extent as may be practicable, however imperfectly, under the existing laws and the means already at its disposal. Respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

To the PRESIDENT of the United States.

(A.)

Money in the Treasury 10th of February, 1840, available for general purposes, computed to be about $1,700,000, but at the end of the month it will probably be reduced to -	$1,300,000
Not over two-thirds of this will be situated on the seaboard, and convenient for use to pay pensions, and redeem Treasury notes.	
Receipts, in March, April and May, from customs and lands, estimated at - - - - -	3,600,000
Receipts from banks in those months, indebted in 1837 as depositories, estimated at - - -	200,000
Now and before the 1st June, computed aggregate means - -	$5,100,000
Expenditures for pensions required by 5th March, as estimated by the War Department at $1,760,000, of which will then be needed, besides what has been recently advanced, about - - - -	$900,000
Treasury notes falling due by March 7th, not yet redeemed - -	550,000
Treasury notes falling due by March 13th, not yet redeemed - -	250,000
Treasury notes falling due in the rest of March, April and May, and others then redeemable - -	1,150,000
Ordinary expenditures in March, April and May, out of appropriations already made, and new ones which are expected to pass, and are required to carry into effect existing laws for ordinary objects, before 1st of June, estimated at - -	4,500,000
	$7,350,000
Least balance usually proper to have on hand at various points, near as well as remote - - -	$2,000,000
Add for the 1st of June, to meet what is immediately due under the many new appropriations passed near the close of the session - -	500,000
	$9,850,000
Deduct the computed means - -	5,100,000
Amount of additional means appearing expedient now and before the 1st of June - - -	$4,750,000

On motion of Mr. JONES of Virginia,

Ordered, That it be referred to the Committee of Ways and Means, and be printed.

Mr. BELL rose and said that he felt a little embarrassed as to an application which had been made by friends around him. Some gentlemen were under the impression that this discussion would be continued from day to day, until the subject was disposed of; but he apprehended that, if not terminated this evening, it would go over to this day two weeks, unless a special order should be made in relation to it. Other gentlemen had expressed an anxiety to have an opportunity, during the remnant of the evening, of presenting petitions, which could only be done by an order to that effect, or by unanimous consent. And, again, other gentlemen had expressed their anxiety to have the question taken at some early day, and their fear that, if this evening was passed in discussion, no opportunity would be given to take the question. He was ready, in courtesy and in justice to the business of the House, to yield to any reasonable proposition which might be made. If it was the sense of the House that the question should be taken immediately, he would not occupy its time in any remarks, however desirous it might be to him to submit a few observations. Or, if it was the sense of the House to postpone the further consideration of the subject to a particular day, he would acquiesce. Whatever course the House might think proper to adopt, he should feel himself constrained, in courtesy, to accede to.

Mr. CASEY would make a suggestion. The original proposition as to the instructions was offered by himself. So far as he was concerned, he was willing to forego the desire he felt to address the House; and he believed that he might say for a number of the friends of the measure, that they were willing and anxious to take the question this

evening. Other subjects would come up, on which gentlemen might have an opportunity to express their views on all the various matters which had been brought into this discussion; and, in order that the subject before the House might be referred to the committee, (if it was the pleasure of the House so to do,) and that the committee might act upon it, he hoped the question might be taken this evening.

Mr. BELL said he understood, then, that no gentleman wisked to speak.

Mr. RHETT begged to remind gentlemen of what they themselves had said, that it was their desire that the question should be discussed in all its bearings fully, and that after it had been discussed the question should be taken. He believed that *three* gentlemen had spoken against the appropriation, and that nine had spoken in favor of it.

Mr. BELL, after paying a high compliment to the peech of the eloquent gentleman [Mr. CORWIN] said that he should oppose this appropriation, as he always had opposed it, on the grounds of its inexpediency, and not on constitutional grounds, which, in his opinion, were untenable. He believed that appropriations for the Cumberland road were as much in accordance with the Constitution as those for harbors, light-houses, &c. on the sea coast, and therefore the most successful mode of attacking this measure would be on the grounds of its inexpediency, and not of its unconstitutionality. He thought that no sensible people would withhold their appropriations from the seaboard for the purpose of making these expenditures overflow on their borders—and he always thought that the people of the interior would never submit to such a construction of the Constitution as this. If it was true, as alleged by the gentleman from South Carolina, [Mr. PICKENS,] that such a crisis had arrived in our national affairs, that it was possible to bring back the Government to its original purity, he was willing to go along with him in cutting off these enormous appropriations not sanctioned by the spirit of the Constitution, and particularly with regard to those isolated appropriations for the benefit of particular sections of the country. He was willing to go along with the gentleman, and do all in his power to stay the tide of extravagance and profusion of expenditure that had, for some years past, been running so strongly. But was the gentleman sure that such a crisis had arrived? Was he not mistaken in his judgment? The gentleman did not dwell upon the evidence which was so satisfactory to his mind, that this happy state of things had arrived. He did not go into the details of that evidence to show that the Republican party of the South now occupied the vantage ground, which would enable them to control the action of this Government with regard to a more economical administration of its affairs. Allusion had been made, in the course of this debate, to the state of the Treasury, but this was an argument that had been used every year the Cumberland road was before the House, and was both idle and unprofitable. This Government had been frequently obliged to borrow money, and last year issued Treasury notes. It was not the state of the Treasury, then, that the gentleman from South Carolina relied on to defeat these appropriations. Was it in any change in the opinions of the Executive? and was the gentleman from New York right in supposing that the President had abandoned all his old opinions with regard to the importance of internal improvements, and had set his face against all such appropriations? There was no evidence of this nature before them. He was not aware that it had ever been customary for the President of the United States to notice these great works in his annual message to Congress; and therefore, there was nothing to warrant them in supposing that he was opposed to the Cumberland road, because it was not mentioned in his last message. It was supposed, however, by some, that the President had changed his views with regard to these great questions, because the Secretary of the Treasury had omitted to make an estimate for the Cumberland road, in his last annual report.

We are now, said Mr. B. on the eve of a Presidential election, and that is the cause why there is a more animated struggle upon the question of continuing these improvements. Mr. B. here referred to the Journal of the House for 1834, and quoted the proceedings on taking up the bill for the Cumberland road, in illustration of his argument; and then went on to allude to the effects to be produced on the South, if it could be satisfied that these appropriations would cease. After replying at some length to Mr. PICKENS, Mr. B. went into his objections to this resolution, and particularly objected to the various other appropriations that were tacked to it, in the way of amendments, thus compelling the House to express an opinion in relation to all of them together. He expressed his wish that some settled system of internal improvements should be adopted, by which a known and fixed amount should be appropriated every year, and by this means break up that system of combinations and alliances which had too often carried through the most objectionable appropriations. He blamed the members from the South for their unalterable and unqualified opposition to internal improvements in every shape, and believed that such opposition had caused the combinations of members from the Northeastern and Western States, which had enabled them to carry all their sectional objects through the House. He had no doubt but that millions might be saved to the South by their relaxing their system, and admitting of fixed and permanent appropriations for objects worthy of the national bounty. After continuing his remarks for some time, Mr. B. was interrupted by

Mr. HUBBARD, who suggested to him, on account of the lateness of the hour, to give way for an adjournment.

Mr. BELL expressed his willingness to acquiesce in the decision of the House, reserving his right to the floor when the subject should be again resumed; after which, at the request of several gentlemen near him, he submitted a resolution, extending the time for the daily reception of petitions until the first of March next. This resolution requiring the general consent of the House,

Mr. TURNEY objected.

Mr. JONES of Virginia also objected on the ground of the motion interfering with the important public business which demanded the earliest consideration of the House.

Mr. BELL then moved a suspension of the rules to enable him to submit the resolution; and, in taking the question by tellers, there were 78 in the affirmative and 25 in the negative.

No quorum voting,

On motion of Mr. RHETT,

The House adjourned.

IN SENATE,

TUESDAY, February 18, 1840.

The CHAIR submitted a resolution of the Legislative Assembly of the Territory of Iowa, praying the passage of a law to authorize the election of the Governor of that Territory by the people, after the term of the present incumbent shall have expired; which was referred to the Committe on the Judiciary, and ordered to be printed.

Mr. LINN presented the memorial of the Legislative Assembly of Wisconsin, praying the confirmation of the claims of Francis Laventure; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. L. also presented the copy of a correspondence in relation to the confirmation by the British Government of a grant of land to Jonathan Carver, by the Nodoweisa Indians, in the year 1767; which was ordered to be printed.

Mr. LUMPKIN presented the petition of a number of citizens of Paulding county, in the State of Georgia, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. YOUNG submitted an additional document in relation to the memorial of the Mayor and Common Council of the city of Chicago; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BUCHANAN presented the memorial of a number of citizens of the State of Pennsylvania, praying an increase of the duty on foreign silks; which was referred to the Committee on Finance.

Mr. STURGEON presented three petitions from citizens of Washington county, Pennsylvania, praying the abolition of the slave trade; the motion to receive which, was,

On motion by Mr. CLAY of Alabama, ordered to lie on the table.

Mr. STURGEON presented eleven memorials against the use of bloodhounds in the Florida war; which were laid on the table.

Mr. S. also presented the remonstrance of a number of citizens of Washington county, Pennsylvania, against the admission of Texas into the Union; which,

On motion by Mr. CLAY of Alabama, was laid on the table.

On motion by Mr. ALLEN; the petition of William Walker, now on file, was referred to the Committee on Claims.

Mr. HUBBARD, from the Committee on Claims, to which were referred

The petition of the legal representatives of John G. Mackall;

The petition of Abraham Williamson; and

The memorial of Fleming Wood;

made adverse reports thereon; which were ordered to be printed.

Mr. H. from the same committee, reported a bill for the relief of James B. Morgan; which was read, and ordered to a second reading.

Mr. WALKER, from the Committee on the Public Lands, to which was referred the bill for the relief of Daniel B. Bush, reported the same without amendment.

Mr. W. also, from the same committee, reported a bill for the relief of John W. Monette; which was read, and ordered to a second reading.

Mr. CLAY of Ala. from the Committee on the Public Lands, reported a bill to grant other lands to the inhabitants of townships deprived of the sixteenth sections by Indian reservations; which was read, and ordered to a second reading.

Mr. STURGEON, from the Committee on Revolutionary Claims, to which was referred the petition of the heirs of James Caldwell, made an unfavorable report thereon; which was ordered to be printed.

Mr. MERRICK, from the Committee on Claims, to which were referred

The petition of Gilbert Walker and N. B. Hill

The petition of Thomas L. Bone; and

The memorial of Wright Groom;

made adverse reports, and asked to be discharged from the further consideration thereof; which was agreed to.

Mr. M. from the same committee, reported a bill for the relief of Adam D. Stewart; which was read, and ordered to a second reading.

On motion by Mr. NORVELL, the documents in relation to the claim of Charles McKenzie for a half-quarter section of land, were referred to the Committee on Private Land Claims.

Mr. PIERCE, from the Committee on Military Affairs, reported the following bill; which was ordered to a second reading:

AN ACT to equalize the pay and allowances of the officers of the line and staff of the army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of the month next ensuing after the passing of this act, the colonels, lieutenant colonels, and majors, of the Corps of Engineers, the Corps of Topographical Engineers, the Corps of Ordnance, the Quarmaster's Department, and the Subsistence Department, be entitled to receive forage, or money in lieu thereof, when forage is not furnished in kind, for the same number of horses only now allowed to officers of corresponding grades of the artillery and infantry of the army.

SEC. 2. *And be it further enacted*, That from and after the first day of the month next ensuing the passage of this act, the captains in the staff, corps, and departments mentioned in the preceding section, be allowed forage, or money in lieu thereof, when forage is not furnished in kind, for two horses, and that the first and second lieutenants of the aforesaid corps and departments, after the same day, be no longer entitled to forage or money in lieu thereof: *Provided, nevertheless*, That whenever the duties of said lieutenants shall re-

quire them to be mounted, they shall be furnished with two horses each, at the expense of the United States, and forage for the same.

SEC. 3. *And be it further enacted*. That from and after the first day of the month next ensuing after the passing of this act, the colonels, lieutenant colonels, majors, and captains of the artillery and infantry of the army, be entitled to receive the same monthly pay as is now allowed by law to cavalry officers of similar and corresponding grades; and that the first and second lieutenants of the several corps and departments enumerated in the first section of this act, and also the first and second lieutenants of the artillery and infantry of the army, be entitled to receive, each, the monthly pay of thirty-two dollars and twenty-six dollars respectively.

SEC. 4. *And be it further enacted*, That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. P. said that it would not be proper for him, in the present stage of the bill, to enter upon a particular explanation of its details; but he would take leave to remark generally, that it would make but a very trifling increase of the annual expense of our whole military establishment. It contemplates, on the one hand, a reduction of the forage ration, and, on the other, an increase of the monthly pay—and this was the main principle upon which the equalization proposed to affected was based. He believed there was no provision in the bill which the committee would not be prepared to vindicate, upon the ground of justice to those immediately interested, and from considerations of public policy. If he was not greatly mistaken with regard to the feeling which at present exists among the officers of the line of the army stationed in Florida, along the frontier, every where, sufficiently indicated, by the mass of memorials which had been presented at this and the two preceding sessions, and if he did not greatly mistake public sentiment upon this subject, the legislation proposed should be regarded as not less desirable to the staff than to the line. He hoped the bill would attract the attention of every Senator, and finally receive the approbation of all—because he anticipated from its passage the happiest results to every branch of the service.

The adverse reports from the various committees on the Secretary's table were taken up, considered, and agreed to. [Among these reports, was one from the Judiciary Committee, on the prayer of a number of citizens of New Orleans, praying an alteration of the naturalization laws, which was, that the prayer of the petitioners ought not to be granted.]

The bill for the relief of John H. Shepard, administrator of Abiel Wood, was taken up on its third reading, read a third time, and passed.

SPECIAL ORDER.

The resolutions of the Select Committee on the assumption of the State debts, and the substitute submitted by Mr. CRITTENDEN, and the amendment offered by Mr. BUCHANAN, were taken up.

Mr. NORVELL offered the following as a substitute for Mr. BUCHANAN's amendment:

Resolved, That while the Senate of the United States is fully impressed with the importance and correctness of the principles contained in the foregoing resolutions, it is not intended thereby to create any doubt of the constitutional right of the States to contract debts, nor of their resources, disposition, or ability to fulfil the engagements which they have contracted, for purposes of internal improvement, as well as for other objects within the range of their reserved powers.

Mr. PHELPS, who was entitled to the floor on this subject, not being present, Mr. HUBBARD said that, though he would have greatly preferred to have followed Mr. P. he did not wish the subject to be farther delayed; and would, therefore, with the leave of the Senate, proceed to submit the few remarks he intended to offer on this subject.

Mr. HUBBARD then proceeded at great length in favor of the resolutions reported by the Select Committee, and at the conclusion of his remarks,

On motion by Mr. CLAY of Kentucky,

The Senate adjourned.

MR. EDITOR: The report in the Globe of the 13th instant, of my remarks, made in response to a question of Mr. PROFFIT, put to him in the course of his speech, is inaccurate in two points:

1st. In my description of the modern Whig party.

2d. In my remarks connected with the name of Mr. CLAY.

I said: "I did not belong to the Whig party; that the same was not to my taste; that as I understood the matter, it was composed of the ancient Federal party, the fragments of obsolete and evanescent parties, the vanguards of nascent parties, struggling for existence, and a few Democrats, who, from personal predilections, suffer themselves to act with them to whom they do not belong."

I am reported in the Globe as having said, that from the time when I was on the CLAY electoral ticket in Indiana, he [Mr. CLAY] had "*repudiated his old Democratic principles.*"

I did not say this. I am not here to discuss, or criticise, the political character or course of Mr. CLAY or any other gentleman, not now before the country. What I did say was this, viz: "*That at the time when I was on the Clay electoral ticket in Indiana, Mr. Clay's orthodoxy as a Democratic politician had never been doubted.*"

Very respectfully,
W. W. WICK.

HOUSE OF REPRESENTATIVES, Feb. 17, 1840.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 18, 1840.

Mr. DAVIS of Indiana asked permission of the House to offer a resolution to extend the time for the reception of petitions. He had no design that it should interfere with the special order of the House: His object was to bring the House to some decision on the question which had been under discussion for several days past, growing out of the petition presented by him in relation to the Cumberland road. It was important to that interest that the time should be extended, to enable the discussion to proceed, and bring the House to a proper decision thereon.

Mr. JONES of Virginia was understood to say that the Committee of Ways and Means had before it a subject of the greatest importance, upon which they would report a bill on to-morrow; and it would then be indispensable that it should be acted on without delay. It was in fact necessary to do so to furnish means to carry on the operations of Government. He was apprehensive, if the resolution proposed should be adopted, that it would interfere with the action on that bill, as well as others of equal importance now on the SPEAKER's table.

Mr. DAVIS then offered his resolution, which was read for the information of the House, as follows:

Resolved, That the time for the presentation of petitions be extended and continued until the 1st day of March.

Objection was made to its reception; when

Mr. DAVIS moved a suspension of the rules.

Mr. TURNEY demanded the yeas and nays on that motion; which were ordered.

Mr. PETRIKIN moved a call of the House: not ordered.

The question was then taken on a suspension of the rules, and determined in the negative—yeas 91, nays 56.

The SPEAKER announced that the first business in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, chairman, asking the House to grant that committee the privilege to have all printing done which it deemed necessary to facilitate the investigation of the New Jersey disputed election.

The question pending when the resolution was last under consideration, was the motion of Mr. CAVE JOHNSON to amend the proposition from the committee, by authorizing that committee to have printed all the evidence they had collected in relation to this election.

Mr. CAMPBELL said he had been instructed by the committee to accept the proposition of the gentleman from Tennessee, [Mr. W. JOHNSON.]

Mr. CAVE JOHNSON then offered the following resolution as a substitute for his former proposition:

Resolved, That all the proceedings and papers before the Committee of Elections in relation to the New Jersey election, be reported to the House by the committee, with a statement of the names of the individuals who received a majority of all the votes given at the election for members of the 26th Congress in that State, and that the same be printed for the use of the House, and the committee have leave to have such other papers and documents in relation to other contested elections, pending before them, printed by the public Printer of Congress.

Mr. CAMPBELL of South Carolina, chairman of the Committee of Elections, then addressed the House until the expiration of the morning hour, in explanation of the course which had been taken by the committee in reference to this question; which will be published at length hereafter.

Mr. JONES of Virginia called for the special order of the day; and in execution of which, on his motion,

The House then resolved itself into Committee of the Whole on the state of the Union, Mr. LINCOLN in the Chair, and took up the bill making appropriations for the payment of Revolutionary and other pensioners of the United States for the year 1840.

The questions immediately pending in committee, when it last rose, were, the amendment to the bill submitted by Mr. GARLAND of Louisiana, as follows:

"*Be it further enacted*, That no money appropriated by this act shall be placed in the hands of pension agents more than one month before the day for the semi-annual payment of pensions;"

And the amendment of Mr. UNDERWOOD to the same, as follows:

"Each pension agent shall be allowed as compensation for his services —— per cent. on the amount of money disbursed by him: *Provided*, That no pension agent shall receive as compensation more than 1,500 dollars per annum.

"*Be it further enacted*, That it shall be unlawful for any pension agent to use or apply to his own purposes, or to lend to any person or persons, or to suffer any person or persons to use, any part of the public moneys placed in his hands or subject to his control; and, if any pension agent shall violate the foregoing provisions of this section, he shall, upon conviction thereof before any court of competent jurisdiction, undergo and suffer imprisonment for a period of time not less than one nor more than five years, at the discretion of the jury convicting the offender."

A long debate here arose, as to the propriety of making the appropriation contained in the bill at that time, and as to the expediency of changing the mode of compensating the pension agents, in which Messrs. WHITE of Kentucky, JONES of Virginia, chairman of the Committee of Ways and Means, TILLINGHAST, R. GARLAND, TRIPLETT, WISE, and EVANS, participated, (which will be given hereafter,) when

The question was taken on Mr. UNDERWOOD's amendment to the amendment, and it was rejected.

The question recurring on the amendment of Mr. GARLAND of Louisiana, another debate arose as to the propriety of its adoption, and whether it would not be better to pass a bill at that time, making a transfer of the unexpended balances from one head of appropriation, to be applied to others on which it was needed, to meet the pensions becoming due in March, and to pass a subsequent bill appropriating a sufficient sum to meet those falling due in September. Messrs. CURTIS, EVANS, JONES of Virginia, BELL, WHITE, and POPE, took part, when

Mr. WHITE moved to strike out all after the enacting clause of the bill, for the purpose of inserting the following:

"That the Secretary of War, with the approbation of the President of the United States, be, and he is hereby authorized, to transfer the unexpended balances of appropriations heretofore made to the different classes of the general pension fund, to any of those classes to which the specific appropriation may be deficient, for the purpose of meeting the

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[*Continued from No.* 13]

various claims upon any of the classes of the said general pension fund."

Mr. BANKS said it would be in order to move the above as an amendment to the amendment, but was clearly out of order to move it as a substitute for the bill, while the amendment previously offered was pending.

The CHAIR, accordingly, ruled the amendment out of order; when

The question was taken on the amendment offered by Mr. GARLAND of La. and decided in the negative.

Mr. WHITE renewed his amendment, as above.

The question on which was taken by tellers, (Messrs. DAVIES of Pa. and GRAVES acting as such,) and the amendment was rejected—ayes 52, noes 75.

On motion of Mr. JONES of Va. the committee then rose and reported the bill to the House, without amendment.

Mr. CURTIS moved that the House adjourn; and the yeas and nays having been ordered upon the said motion, he withdrew it.

Mr. TURNEY demanded the previous question.

Mr. LEWIS WILLIAMS moved that the House adjourn; upon which

Mr. PETRIKIN demanded the yeas and nays, which were ordered, and were—yeas 22, nays 116.

So the House refused to adjourn.

The previous question was then seconded, and the main question ordered; which main question was, Shall the bill be engrossed for a third reading?

Mr. CAVE JOHNSON demanded the yeas and nays on the above question; which were ordered, and were—yeas 135, nays none.

The bill was then read a third time, when

On the motion of Mr. TURNEY, the previous question was moved and seconded, and the main question was ordered; which main question was, Shall the bill pass?

The bill was then passed; after which,

On motion of Mr. DROMGOOLE,

The House adjourned.

IN SENATE,

WEDNESDAY, February 19, 1840.

Mr. ALLEN presented the petition of E Shaler; which was referred to the Committee on Claims.

Mr. RUGGLES presented the petition of citizens of Maine, for a Congress of Nations, to settle internat onal disputes; which was referred to the Committee on Foreign Relations.

On motion by Mr. YOUNG, the petition of a numer of citizens of Illinois, praying that an annual term of the Circuit and District Court of Illinois may be held at Chicago, now on file, was referred to the Committee on the Judiciary.

SALT DUTY AND SALT MONOPOLY IN THE WEST.

Mr. BENTON asked to add certain papers to those already ordered to be printed on the subject of the salt duty, and the monopoly of salt in the West. The papers which had been ordered to be printed were principally from the West—chiefly from the State of Missouri: those which he now presented, came from a very different quarter; they came from the East—and from the far East—from that Asia which groaned under the iron sceptre of the English East India Company. This company, which was a corporation, had exemplified in Asia every variety of abuse, tyranny, and oppression, which the passions of man could suggest; and among other abuses, had established a salt momonopoly throughout the vast regions over which it ruled. The parallel between the conduct of these monopol zers of salt in Asia and in America was complete in every particular; in selling by the pound, instead of the measured bushel; in extorting an enormous and unconscionable price; in appointing agents to distribute the salt to the people in districts; in adulterating the salt; and in suppressing its manufacture, or production. In all these particulars, the conduct of the monopolizers in Asia and America was precisely the same; and there was but one point at which the Engl sh company beat the American; and that was in the reduction of the qsantity, or suppression of the manufacture of salt. The American companies effected their object by renting salt wells and furnaces, and letting them lie idle, and by hiring owners of salt water not to dig wells; and also by limiting the manufacturers to make but a certain quantity. This is the way the American monopolizers effected their object; the English company in India, on account of their military force, had a more compendious, cheaper, and effectual way to accomplish the same object: it was, simply, to drive the native Hindoos down to the sea shore, where the power of the sun covered the beach with pure strong salt, from the evaporation of sea water, and make them throw it all back into the sea; and then come to the Company's agents and purchase their adulterated stuff, (from one-third to one-half being the amount of adulteration,) at the rate of about fifty cents for fifteen pounds. With this single exception, in which the English monopolizers in Asia had the advantage over the Americans in the *mode* of lessening the quantity of salt, their conduct was precisely the same, and led to the same complaints and applications for redress. The Hindoos, in 1832, sent a deputation to London to complain to the Parliament of this salt monopoly, and its heartless abuses. The House of Commons raised a select committee to inquire into the conduct of the East India Company generally, and into this abuse in particular; which committee took the testimony, both of natives and Englishmen, and reported the whole to Parliament; and here it is, said Mr. B. (holding up a large folio volume;) here it is; and I now have to ask the Senate to print, as a part of the salt papers already ordered to be printed, the testimory of two of these witnesses examined before the select committee of the British House of Commons; one of the witnesses being a native Hindoo, and the other an Englishman.

Mr. B. said he proposed to himself three advantages in printing the testimony of these two witnesses; first, to show the identity of abuse from the salt monop ly in Asia and in our America; secondly, to show that the people of the West now suffer from the salt monopolizers in the West, every oppress on which the English East India Company lately inflicted on the Hindoos; *thirdly*, to claim for the people of the West the same attention from Congress to their complaints against the salt monopoly, which the Hindoos obtained from the British Parliament.

Mr. B's motion was agreed to.

Mr. B. said that this examination into the salt monopoly in India, had been brought to his attention by a friend, in consequence of the five hours' debate in the Senate, on Friday last, against printing the testimony of Western citizens on the subject of the salt monopoly in the West.

Mr. WALL, from the Committee on the Judiciary, to which was referred the petition of the heirs of Silence Elliott, made an unfavorable report thereon; which was ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of Lieut. John E Bispham, reported the same without amendment.

Mr. DAVIS, from the Committee on Commerce, reported a bill to authorize the Secretary of the Treasury to use chemical or any other oil in the lighthouses, and to make the necessary alterations for that purpose; which was read, and ordered to a second reading.

Mr. YOUNG, from the Committee on Roads and Canals, reported a bill to authorize the Mine a Lamotte and Mississippi Railroad Company to enter, on a credit, a quantity of land, to aid the company in the construction of a railroad from Mine a Lamotte, in the State of Missouri, to the Mississippi river, and for other purposes; which was read, and ordered to a second reading.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the petition of the assignee of David Beard, made an unfavorable report thereon; which was ordered to be printed.

The bill from the House of Representatives making appropriations for the payment of Revolutionary and other pensioners of the United States for the year 1840, was read a first and second time, the referred to the Committee on Finance.

ORDERS OF THE DAY.

The bill for the relief of Charles Morgan of Louisiana;

The bill for the relief of Joseph Cochran;

The bill for the relief of Alvarez Fisk and the legal representatives of Thomas P. Eskridge;

The bill for the relief of the heirs and legal representatives of William Conway;

The bill for the relief of Pierre Babin;

The bill for the relief of the heirs of Madame De Lusser;

The bill for the relief of Joseph Campan;

The bill to confirm certain land claims in the Greensburg land district, State of Louisiana;

were severally taken up, as in Committee of the Whole, considered, and ordered to be engrossed for a third reading.

SPECIAL ORDER.

The resolution from the Select Committee on the assumption of the debts of the States was then taken up, and Mr. CLAY of Kentucky addressed the Senate at length on the subject.

Mr. SEVIER intimated an intention of addressing the Senate on the subject, and, on his motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 19, 1840.

The SPEAKER laid before the House a communication from the Post Office Department, enclosing a report of the expenditures of that Department for the year ending 30th June, 1839, which was,

On motion of Mr. LINCOLN, referred to the Committee on the Expenditures in the Post Office Department.

The SPEAKER announced that the first business in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, chairman, asking the House to grant that committee the privilege to have all printing done which is deemed necessary to facilitate the investigation of the New Jersey disputed election.

The question pending when the resolution was last under consideration, was the motion of Mr. CAVE JOHNSON to amend the proposition with the following, as a substitute:

Resolved, That all the proceedings and papers before the Committee of Elections in relation to the New Jersey election, be reported to the House by the committee, with a statement of the names of the individuals who received a majority of all the votes given at the election for members of the 26th Congress in that State, and that the same be printed for the use of the House, and the committee have leave to have such other papers and documents in relation to other contested elections, pending before them, printed by the public Printer of Congress.

Mr. FILLMORE, who was entitled to the floor on this proposition, was proceeding to discuss the proceedings of the committee, when he was interrupted by

Mr. PETRIKIN, who made the following point of order. It was not in order for the chairman of a committee, or any other member of a committee, or of the House, to allude upon that floor to any thing which has taken place in committee, or in any way relate, in debate, what was done by said committee, or by the individual members of the committee, except it is done by a counter report made to the House by authority of a majority of the committee.

The CHAIR decided that it was not in order for the gentleman from New York to allude to the proceedings of the committee.

Mr. FILLMORE. Is it not in order to answer the arguments already made on the actions of the committee, and to notice, in reply, the insinuations against the committee?

The CHAIR was understood to say that it would not be out of order to refer to the situation of the business before the committee, but it would be entirely out of order to discuss or refer to particular votes of any member in the committee.

Mr. FILLMORE said he had no desire to refer to the votes of the members of the committee. The journal of the committee would show that when it was published. In reference to the question, he would say that he was not surprised at any proposition that might be made to that House, and he might say surprised at any action of that House, if it would not be out of order to do so. In justification of the committee, he would say, that not one member of it anticipated that such a motion as this would have been made. He could not, however, believe that if the honorable gentleman who made the proposition knew the condition of the business of the committee, he could have been induced to make such a motion. He thought his ignorance of its situation was the only apology that gentleman could make for the singular course he had thought proper to take. Mr. F. then referred to the history of the New Jersey question when it was before the House, and before it was referred to the committee; and from a relation of that history, he inquired whether it was the intention of the House for that committee to make a preliminary report. He inferred from the action of the House, that it had already sanctioned the proceeding that there should be no report as to which of the parties had the legal returns, and read the resolution referring the subject, in proof of that fact. That resolution directed the committee to inquire and report, not as to the return, but who were entitled to the seats. The committee met, and had been in session almost every day since, from seven to ten hours per day, doing every thing in its power to enable it to place the subject in proper order before the House. The question had come up in the committee, whether they should make a prelimanary report first, as to who was entitled on the return to a seat on that floor, before the committee proceeded to investigate, to ascertain who was elected, or legally entitled to seats. After some discussion, the committee could not agree to any preliminary report, but agreed to go into a full investigation of the election itself.

The CHAIR here interfered, and said that it was not in order to discuss the proceedings of the committee.

Mr. F. then went on to show what the powers of the House were over the subject, under the Constitution, and how much of that power had been transferred to the committee. He was understood to say that the powers over the question were entirely of a judicial, and not of a legislative character; and consequently the committee for the House were not allowed to exercise any discretion, but were bound to go into the investigation after the manner of investigations before courts, and to be governed by the laws and the Constitution, to the same extent as the courts. The powers of the House to judge of the qualifications, elections, and returns of its members, were entirely distinct and independent of each other, and could not be confounded, unless the Constitution was entirely blotted out. The House had itself raised no question as to the qualification of the contestants; from that he argued that the questions of election and returns alone were referred to the committee. Mr. F. referred to the British practice, and to historical facts, to show what it was that constituted a return. It had a definite meaning; and, according to British practice, was the official result of the election, certified by the sheriffs, and held under a writ issued from the court of chancery to said sheriff, and this return of the sheriff was the *prima facie* evidence of election. It had been left by the Constitution of the United States for the States to prescribe the mode of return for members of Congress; and it was not the mere giving of votes, or certifying to the votes, that constituted a return, but the legal forms which the States had adopted as evidence of return. He contended that there was no intermediate point between the election and the return, and that they must be judged of distinctly and separately; and inasmuch as the House had set aside the return, it would be doing great injustice to the committee, to pass this resolution to compel it to make a report upon the return. He thought the rejection of the return by the House was sufficient authority for the committee to act upon it or to thrust it again before the House. He denounced the course the House had pursued in relation to the return of the State of New Jersey; which, he said, had been trampled under foot, because evidence had been presented to it which went to question the return, and which caused its rejection, and yet was deemed sufficient to give the opposite party a title to the seats. The evidence was merely sufficient to create a vacuum. After a discussion in committee for several days, (in view of the rejection of the returns by the House, and its having raised no question as to qualification,) it determined to go into an investigation of the election, the only question before it; that is, to ascertain who were elected, or had the majority of legal votes. The committee had taken up the evidence before it to ascertain its competence—and it had decided that some portion of the testimony was incompetent, because sufficient time had not been given to the opposite party to be present when it was taken. In consequence of this, further time was asked by the parties to take testimony.

Objection was here interposed to prevent the gentleman from arraigning the proceedings of the committee before the House.

Mr. SMITH of Maine hoped the gentleman would be permitted to proceed. He was willing, and the Democrats were willing, that he should go on. He was bound to believe that that the question was safe in the hands of the Democratic portion of that committee.

Mr. FILLMORE resumed, and was proceeding to show, from the condition of the subject before the committee, that it could not report; and was in the act of reading a resolution adopted by the committee, in which it had determined, with a view of giving time to the contestants to take testimony, that it would not make a report before the second Monday of April next; when

Mr. PETRIKIN again interposed a point of order, whether it was proper for the gentleman to read to the House a resolution, adopted in the committee, which had not been reported.

The CHAIR said it was not in order to do so; but if the House thought proper to permit it, he could have no objection.

Mr. RIVES hoped the gentleman would be allowed to proceed until a full investigation was gone through with, and that the House would do no other business until it was settled as to who were entitled to seats from New Jersey.

Mr. THOMPSON of South Carolina was surprised that any gentleman who wished to see New Jersey fully represented in the House, should be in favor of this mode of discussion. If permitted to go on in this way, it would consume the whole session to no purpose.

Mr. HAND of New York moved that his colleague be allowed to proceed.

The SPEAKER stated the question to the House, when

Mr. PETRIKIN asked if a majority could give permission to the gentleman to go on out of order?

The SPEAKER said he could only put the question to the House on the motion of the gentleman from New York, [Mr. HAND.] If the House permitted the gentleman to proceed, it would then be for it to determine whether he proceeded in order or not.

Mr. PETRIKIN said it required a vote of two-thirds to authorize a gentleman to discuss a subject not in order. A majority could not dispense with the standing orders of the House, and had no right to allow a member to go on out of order. When a gentleman was called to order for discussing a matter not before the House, and the CHAIR decided that he was out of order, he might get the leave of the House to go on with his remarks in order, but not out of order. Where would the evil stop if a bare majority could permit a gentleman to consume the time of the House by discussion out of order? The business of the country could never be got through with if this practice was permitted. He made these objections (Mr. P. said) not on account of any personal or party considerations, but solely for the purpose of bringing back the House to that regularity and order of proceeding so essential to all legislative bodies, and from which there had been a lamentable departure for almost the whole of this session. Who would be a member of a committee (Mr. P. asked) if all its proceedings were to be commented on in that House before it had made any report?

Mr. FILLMORE said he had nearly finished reading the resolution when he was interrupted. He wished to read it for the purpose of showing to the House how impossible it was for the committee to make a report as required by the amendment of the gentleman from Tennessee. If the CHAIR decided that it was not in order for him to read that paper, he must acquiesce in the decision; but, on his part, he thought that he was in order.

The SPEAKER asked the gentleman if he wished to appeal from the decision of the CHAIR; and suggested to him that he had better take that course, or accomplish his object in another way, by moving for permission of the House to read the paper.

Mr. FILLMORE then moved that he be permitted to read such portions of the proceedings of the committee as the amendment proposed to have printed.

Mr. PETRIKIN called for tellers on the motion, which were not ordered, and the question was taken by count, resulting—ayes 95, noes not counted.

Mr. DUNCAN then rose and demanded the yeas and nays, which were ordered; when

Mr. BRIGGS asked if it was not in order for the gentleman to read a paper on which there was a question before the House, whether it should be printed.

The SPEAKER replied that the gentleman from New York had no right to read papers containing the proceedings of the committee, (not reported by it,) although the amendment under discussion proposed to print those proceedings.

Mr. ADAMS. If the SPEAKER decides that papers, which a motion is made to print, shall not be read, I appeal from that decision.

Mr. WILLIAMS of North Carolina asked if it was not out of order to print papers which had not been reported to the House by the committee.

The SPEAKER said that was a question for the House to decide.

Mr. STANLY called for the reading of all the papers which the amendment contemplated printing.

The SPEAKER said the papers were not in possession of the House.

Mr. STANLY. Then you are going to print papers which are not in possession of the House.

Mr. RIVES explained that the amendment proposed by the gentleman from Tennessee was, that the committee be required to report to the House, and that then the papers, after they came into the possession of the House, should be printed. He would second the motion of the gentleman from North Carolina to have the papers brought before the House, and then have them printed forthwith.

Mr. SMITH of Connecticut argued that it would be a censure on the committee to pass this resolution, and do great injustice to it, if the members were not permitted to place themselves right before the House and the country. The committee was not prepared to report, notwithstanding it had been very industrious in investigating the subjects before it. If the House passed this resolution, it would be an invasion of the rights of the committee, and would be assailing it, and unjustly arraign it before the nation. He considered the proceeding a most novel one. But if the House was determined to take action upon it, he thought it due that the members of the committee should be permitted to show the condition of the business a

a reason why it would be impossible to make a report for a month. The committee was now trying the contested election from Pennsylvania, which alone would occupy a month.

Mr. S. spoke at some length in vindication of the rights of the committee, and to show the great impropriety of adopting the resolution.

The discussion of the subject was here arrested, the morning hour having expired, by

Mr. PETRIKIN, who called for the orders of the day.

Mr. JOHNSON of Tennessee asked if it would not be in order to move to proceed with the business now before them.

The CHAIR said it would not, without a suspension of the rules.

Mr. RIVES said, for the purpose of making the motion in relation to that matter, and to enable the House to decide a great question involving the rights of members to seats, and for the purpose of having speedy action thereon, he moved a suspension of the rules; and on that question demanded the yeas and nays.

The CHAIR said the motion of the gentleman from Pennsylvania, [Mr. PETRIKIN,] had precedence. It would be for a majority of the House to decide whether it would go on with the orders or not. If the majority preferred continuing the consideration of the New Jersey case, it could show that preference by voting down the motion of the gentleman from Pennsylvania.

Mr. RIVES. For the purpose of ascertaining the decision of the House in reference to a continuation of the New Jersey case, I move that the question on the motion of the gentleman from Pennsylvania be taken by yeas and nays. Then all who desire to see the State of New Jersey fully represented on this floor would vote against the motion to proceed to the orders of the day.

Mr. RANDOLPH. I tell the gentleman that the true members of New Jersey have gone home.

The yeas and nays having been ordered on a suspension of the rules, were—yeas 97, nays 92.

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Barnard, Bell, Biddle, Black, Bond, Briggs, Brockway, Anson Brown, Calhoun, Carter, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Corwin, Crockett, Cross, Curtis, Cushing, Davies, John W. Davis, Garret Davis, Dawson, Deberry, Dennis, Evans, James Garland, Rice Garland, Gates, Giddings, Goggin, Goode, Granger, Graves, Green, Griffin, Grinnell, Habersham, Hall, William S. Hastings, Henry, John Hill, of Va. Hoffman, Hopkins, James, Charles Johnston, John W. Jones, Kempshall, King, Lawrence, Lewis, Lincoln, Marvin, Mitchell, Monroe, Morgan, Calvary Morris, Nisbet, Osborne Palen, Petrikin, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Simonton, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Wick, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—97.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Banks, Beatty, Beirne, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Crabb, Craig, Crary, Davee, John Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fillmore, Fine, Fisher, Fletcher, Floyd, Gentry, Gerry, Hand, John Hastings, Hawkins, John Hill, of N. C. Holleman, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Leonard, Lowell, Lucas, McClellan, McKay, Mallery, Medill, Miller, Montanya, Montgomery, Newhard, Parish, Parmenter, Patris, Paynter, Prentiss, Ramsey, Reynolds, Rives, Edward Rogers, Samuels, Shaw, Shepard, A. Smith, John Smith, Thomas Smith, Starkweather, Strong, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Jared W. Williams, and Henry Williams—92.

There not being two-thirds, the rules were not suspended, and the House proceeded to the orders of the day.

Mr. J. W. JONES, chairman of the Ways and Means Committee, by permission, reported the following bill:

A BILL additional to the act on the subject of Treasury notes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the regulations and provisions contained in the act passed the twelfth day of October, in the year one thousand eight hundred and thirty-seven, entitled "An act to authorize the issuing of Treasury notes," and in the subsequent acts in addition thereto, be, and the same are hereby, renewed, and made in full force, excepting the limitations concerning the times within which such notes may be issued, and restricting the amount thereof as hereafter provided.

SEC. 2. *And be it further enacted*, That under the regulations and provisions contained in said act, Treasury notes may be issued in lieu of others hereafter or heretofore redeemed, but not to exceed in the amount of notes outstanding at any one time, the aggregate of five millions of dollars, and to be redeemed sooner than one year, if the means of the Treasury will permit by giving notice sixty days, of those notes which the Department is ready to redeem: no interest to be allowed thereon after the expiration of said sixty days.

SEC. 3. *And be it further enacted*, That this act shall continue in force one year, and no longer.

The bill having been twice read, was,

On motion of Mr. JONES, referred to the Committee of the whole on the state of the Union, and ordered to be printed.

Mr. J. W. JONES said he had been directed by the Committee of Ways and Means to ask that the bill be made the special order of the day for to-morrow week, and that it be proceeded with until disposed of. [Cries of "No," "No," from several.] Mr. J. said, after the communication from the President of the United States, presented to the House on yesterday, it could not be necessary for him to state any thing in reference to the importance of immediate action on that bill. The propriety of the motion he was about to submit would be apparent to every one.

Mr. R. GARLAND objected to the motion, and called Mr. J. to order.

Mr. JONES then moved to suspend the rules, for the purpose of introducing his motion.

Mr. TURNEY demanded the yeas and nays on the motion to suspend the rules; which were ordered.

Mr. BIDDLE appealed to the candor of the gentleman from Virginia, whether it would be fair in him to deprive him of the floor, by pressing the motion, after he had, through courtesy, yielded it.

Mr. JONES would readily answer that he was certainly indebted to the courtesy of the gentleman for an opportunity to offer his resolution; and if he had supposed for a moment that he interfered, in the slightest degree, with the course the gentleman had marked out for himself, he would not press his motion. As it was, if the gentleman considered the resolution in that light he would withdraw it.

Mr. BIDDLE thought it would be an invasion of his right to the floor. The gentleman could have some other opportunity of submitting his motion.

Mr. JONES then withdrew his motion.

The SPEAKER then announced that the business before the House was the bill making appropriation to complete the removal of the raft of the Red river, and for other purposes, on which was pending the motion of the gentleman from Pennsylvana [Mr. BIDDLE] to refer the same to the Committee of Ways and Means, with instructions to inquire and report to the House as follows:

1. Whether the advance of money by the Bank of Arkansas, which it is one of the objects of this bill to reimburse, was not made with full knowledge that the agent of the United States who effected the loan was acting in defiance of positive instructions from his superiors, as well as in the face of a known refusal by Congress to appropriate money to the work.

2. Whether the estimate on which the bill is founded was not made by the said agent prior to the closing up of the raft in August last; and whether any satisfactory data exist for computing the probable cost of removing the present impediments to navigation.

3. Whether the sum appropriated by this bill is called for in the estimates accompanying the President's message.

4. Whether the bill is not of such a character that it ought to have originated in this House.

Mr. BIDDLE, who was entitled to the floor, commenced by saying that his honorable friend from Virginia [Mr. JONES] would readily understand why he was so reluctant to grant him the indulgence he asked. The gentleman was aware that his (Mr. B's) motion had arrested the bill that was now before the House, when it first came from the Senate; that many gentlemen around him, and particularly his friend from Louisiana [Mr. R. GARLAND] took the deepest interest in its passage, and therefore it was somewhat incumbent in him to press its consideration at this time. When this bill was before the House on a former occasion, he was one of those who protested against any action on it, or a reference of it to a committee, who, it seemed, were expected to report on it without examination or critisism. It did not then occur to him that this bill had a connection with a passage found in the documents accompanying the President's message, which struck his attention at the time he read them. He should ask the attention of the House to the bill in connection with those documents, and if any gentleman had that mass of documents before him, he would be gratified if he would turn to them, and accompany him by references to them in the course of his remarks he should now make. Mr. B. then referred to a communication from the Superintendent to the War Department, dated at St. Louis, 12th June, 1839, in which he stated the circumstances under which he had opened a communication with the planters on the Red river, which resulted in obtaining a loan for carrying on the work.

Mr. B. also referred to several other documents having a relation to the subject, and then proceeded to comment with much severity on the proceedings of the superintendent, and the sanction which he alleged was given to them by the War Department. In making an estimate for an appropriation to cover the amount which the superintendent had expended in this way, Mr. B. contended that the Department held out a temptation to extravagance and abuse of trust on the part of its subordinates. This estimate, he said, was drawn up in compliance with the pledge made by the superintendent to the Bank of Arkansas. There was no other estimate. The bill adopted it, and took it up in presence of this pledge to that bank. Now the very first item in that estimate was for the reimbursement of the money which was thus obtained and expended by the superintendent, with the full knowledge that it was done in violation of his orders. Mr. B. then went on to contend that they had no information with regard to the present condition of the work, or what was necessary to be done on it, and that the superintendent had not visited it at the time he made his last communication to the Department.

Mr. CROSS of Arkansas followed in reply to Mr. BIDDLE, and described the situation of the Red River, and the condition of the county, and how far it would destroy private interests there, as well as the interests of the Government, to discontinue the appropriations for removing the obstructions to this river. A large portion of the lands redeemed belong to the Government; and a great quantity had already been sold, and had brought into the public Treasury about one and a half millions of dollars. It would be most unjust to the purchasers to discontinue the improvements in that river, when the land was purchased under the impression that the Government would complete what it had already begun; in fact, it would result in a total loss to the most of them. Without removing the obstructions, it would be impossible to protect the inhabitants of that county against the Indians, if they should undertake to wage war against them. It was also most important for the prosecution of trade, to remove the obstructions.

The raft itself was composed of accumulations of floating timber, choking up the channel of the river, and could not be passed nor repassed. This, at one period of time, extended up and down the river for a distance of 150 miles; but the superintendent, under whose charge the work has been carried on for several years past, had removed the whole of these obstructions, though not effectually. The channel was yet too narrow, and, at the bends of the river, the floating timber coming down had lodged, and thus commenced the forming of new rafts that formed last year, extending something like one mile; but, at the present time, to about four or five miles. This was continually increasing, and unless the work was speedily commenced, would grow to such an extent as to make the cost of removal very considerable. If the Government designed to prosecute this work, and keep pace with the extensive settlements on the river above

the raft, the appropriation ought to be speedily made. If not, they had better abandon the work at once, and let those interested in it know what they had to expect. He was very sure that neither the superintendent, nor the War Department, nor any one connected with it, were entitled to the censures cast on them by the gentleman from Pennsylvania. The gentleman was mistaken in one point. The advance was made by the planters interested in the navigation of the river, and not by the Bank of Arkansas; and the superintendent said expressly to them, that he was unwilling to incur any liability, and that he could not pledge them the faith of Congress for the redemption of this money; that if they advanced it, they must do so; they must look to Congress for reimbursement. The citizens of Arkansas, therefore, made the advance on their own responsibility, and they did it upon a conviction that the Government would not abandon a work of so much importance to them as well as to the United States. Mr. C. said that the superintendent having a perfect knowledge of the character of the work on which he had been engaged for so many years, and having been there last year, it did not occur to him that it was necessary for him to visit it at the time he made his last communication to the Department. This objection, therefore, of the gentleman from Pennsylvania, was satisfactorily, he hoped, answered. Mr. C. said he disclaimed the idea of resting the success of this appropriation on Executive favor. He rested it on the importance of the work as well to the interests of the citizens of Arkansas as to those of the Government. If the appropriation was not justly due to the people of that section of country—if Congress did not consult the interests of the Government in making it, let the work be abandoned. But he took the ground that the implied faith of the Government was pledged to those citizens, who had paid millions into the Treasury for the purchase of lands on that river, under an expectation that the work would go on—and, further, that the Government would derive more advantage from the appropriation than the settlers themselves. In addition to this, it must be remarked, that the free navigation of that river was essential to the defence of the people of Arkansas from the Indians, placed by the Government on their borders. He should suppose that there was no question of the power of the Senate to make this appropriation, as assumed by the gentleman from Pennsylvania. It was not a new appropriation, but a continuation of a work that had been carried on for years; and though it was conceded that the Senate had no right to originate appropriation bills, yet he apprehended that that objection could not be made to their originating a bill to continue a work already commenced, and in progress. Mr. C. said he was not now inclined to enter into the merits of the bill; he would prefer doing so when it came up regularly before the House. He had shown in a desultory and unconnected manner the evils that would ensue from putting a stop to this work; and he would further add, that the improvements made in the river had not only increased the sales of the public lands in its vicinity to an unexampled degree, but had saved the Government upwards of $40,000 in the transportation of its stores and munitions of war to the forts in the Indian country.

Mr. R. GARLAND said he regretted that the honorable gentleman from Pennsylvania [Mr. BIDDLE] had thought proper to make some of the remarks which he did, and he hoped that he would permit the reference to be made without the instructions. The information which he wished to elicit by them was to be found in the documents; and whatever of it that could not be found there would, he believed, be deemed not of much importance. Mr. G. then quoted the resolution of Mr. BIDDLE, and went on to show that the agent himself had stated all the information on facts there required. Under the well-grounded impressions that the Department had the right to entertain the opinion that Congress would continue the appropriations for works on which it had already appropriated some hundred thousands of dollars; and, considering the great distance from the seat of Government, and that they had not time to make known the failure of the appropriation of last year, he thought the superintendent had acted very properly in continuing the work by the means he had resorted to. Considering the great importance of this improvement to the people of that section of country, and that by means of a formation of the raft they would be cut off from market, they were justified in making this advance, with the hope that Congress would continue the appropriation. But when they were informed that Congress had failed to do so, the agent had overrun the amount in his hands, $4,000; and he informed the people distinctly that he would not pledge the faith of Congress, but if they thought proper to make advances, he would use his influence to procure an appropriation to indemnify them. There was no allegation that this money had been misplaced or not used advantageously; on the contrary, it must be admitted that the conduct of the agent was judicious and praiseworthy. It seemed a curious way to punish one of the officers of the Government to put a stop to a work which had been going on for years. It would be better to reach that officer in some other way. When the gentleman looked further into this matter, he would find that the superintendent had adhered to the strict letter of his instructions, and had done nothing censurable. All the information that the committee could possibly give the gentleman from Pennsylvania was already in the documents, and it was just as easy for him to read it there as when it was sent back from the committee. Mr. G. went on to show the advantages which the Government derived from this improvement. The money expended there had been returned fivefold from the sales of the lands reclaimed. He also referred to the immense saving to the Government in transportation of supplies to the forts above, which, as the documents would show, was upwards of $40,000.

On motion of Mr. BEATTY,

The House adjourned.

IN SENATE,

THURSDAY, February 20, 1840.

Mr. YOUNG presented the petition of a number of citizens of McDonough county, Illinois, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented the memorial of a number of the citizens of the State of New York, praying the enactment of uniform laws on the subject of bankruptcies; which was referred to the Committee on the Judiciary.

Mr. WHITE presented a resolution passed by the Legislature of the State of Indiana, instructing their Senators and requesting their Representatives to use their exertions to procure the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. W. also presented a resolution of the same body, instructing their Senators and requesting their Representatives to use their exertions to procure a grant of land for the construction and support of an asylum for the educat on and support of the deaf, dumb, and blind; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. NORVELL presented the memorial of a number of officers of the line of the army, praying for equalization of emolument with the staff; which was laid on the table.

Mr. WALKER submitted certain documents in relation to the claim of Willis McDonald; which were referred to the Committee on Pensions.

Mr. LINN presented the petition of Enoch Evans, praying the confirmation of his title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. PORTER presented the proceedings of a meeting held at Pontiac, in the State of Michigan, praying for the abolition of slavery, &c. the motion to receive which was,

On motion of Mr. KING, laid upon the table.

Mr. PORTER presented a memorial of the Farmers and Mechanics Bank of Michigan, praying an extension of time for the payment of a debt owing to the United States; which was referred to the Committee on Finance.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill making appropriations for the payment of Revolutionary pensioners for the year 1840, reported the same with an amendment, which was considered and agreed to.

The bill was then taken up by general consent, read a third time, and passed.

The bill for the relief of James M. Morgan was taken up as in Committee of the Whole, considered, and ordered to be engrossed for a third reading.

Mr. NORVELL said there was a bill on the calendar, of very great importance to the new States, which he would ask the unanimous consent of the Senate now to take up for the purpose of making it a special order.

The Senate having unanimously concurred, the bill making grants of public lands to certain States, for purposes of internal improvement, was taken up, and made the special order of the day for Thursday, the 5th March.

Mr. NICHOLAS asked the unanimous consent of the Senate to take up the bill to revive the act entitled "An act to enable claimants to lands within the limits of Missouri and the Territory of Arkansas, to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act amending the same, and extending the provisions of said acts to claimants to lands within the States of Louisiana and Mississippi; which was agreed to.

The bill was then taken up, and made the order of the day for Monday, the 9th of March.

Mr. YOUNG, in pursuance of previous notice, asked and obtained leave to bring in a bill for the establishment of an additional pension agency at Springfield, Illinois, which was read twice, and referred to the Committee on Pensions.

Mr. KING, from the Committee on Commerce, to which was referred the message of the President on the subject, reported a bill for regulating commercial intercourse with the colony of Cayenne, in French Guiana, and to remit certain duties; which was read, and ordered to a second reading.

Mr. BETTS, from the Committee on Pensions, to which was referred the petition of Lucy Eaton and the petition of Aaron Payne, made unfavorable reports thereon, and asked to be discharged from their consideration; which was agreed to.

Mr. PIERCE submitted the following resolution, which, by unanimous consent, was considered and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of affording Samuel Colt such aid as may enable him to make further experiments in his late discoveries and improvements in munitions of war.

BILLS PASSED.

The following engrossed bills, viz:

The bill for the relief of Charles Morgan of Louisiana;

The bill for the relief of Joseph Cochran;

The bill for the relief of Alvarez Fisk and the legal representatives of Thomas P. Eskridge;

The bill for the relief of the heirs and legal representatives of William Conway;

The bill for the relief of Pierre Babin;

The bill for the relief of Joseph Campan;

The bill to confirm certain land claims in the Greensburg land district, State of Louisiana;

The bill for the relief of James M. Morgan;

were taken up on their third reading, read a third time, and passed.

SPECIAL ORDER.

The report of the Select Committee on the assumption of State debts by the General Government was taken up, and Mr. SEVIER addressed the Senate at length on the subject.

The question was then taken on the motion of Mr. CLAY of Kentucky to postpone the whole subject indefinitely, and was decided in the negative—ayes 15, noes 27, as follows:

AYES—Messrs. Betts, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Merrick, Porter, Prentiss, Ruggles, Smith of Indiana, Spence, Tallmadge, and White—15.

NOES—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Pierce, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Walker, Wall, Williams, Wright, and Young—27.

Mr. GRUNDY said that though he was very anxious to have the question taken on the report of the committee, he was not disposed to press the consideration of it more hastily than would comport with the convenience of the Senate. If, therefore, any Senator was desirous of addressing the Senate on the subject, he was willing that it should now be informally passed over.

On motion of Mr. CRITTENDEN, the question was postponed until Monday next, with the understanding that it would be then taken up, and discussed until disposed of.

A message was received from the House, stating that the amendment of the Senate to the pension bill had been concurred in.

UNFINISHED BUSINESS.

The report of the Committee on Indian Affairs, unfavorable to the claim of Jubal B. Hancock, was then taken up, and after being discussed by Messrs. KING, SEVIER, LUMPKIN, CLAY of Alabama, WHITE, and HUBBARD,

Mr. KING moved that the report be referred back to the Committee, with instructions to bring in a bill for his relief.

The qustion was taken on this motion, and decided in the negative—ayes 9, noes 18.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 20, 1840.

After the reading of the journal,

Mr. FILLMORE raised a question as to the correctness of the journal, in that part which related to the cause for which he was arrested in his remarks on yesterday; and

After a few remarks from Messrs. PETRIKIN, FILLMORE, and HOLLEMAN, as to the matter of fact at issue,

Mr. FILLMORE moved to amend the journal by substituting for the record, as a reason why he was called to order, in substance, the following: "That while he was reading a resolution adopted by the Committee of Elections, in relation to the New Jersey contest, the reading was objected to, and he was called to order;" and

After some further discussion between Messrs. PETRIKIN, HAND, FILLMORE, and ADAMS, the amendment was agreed to.

The SPEAKER announced that the first business in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, chairman, asking the House to grant that committee the privilege to have all printing done which is deemed necessary to facilitate the investigation of the New Jersey disputed election.

The question pending when the resolution was last under consideration, was the motion of Mr. CAVE JOHNSON to amend the proposition with the following, as a substitute:

Resolved, That all the proceedings and papers before the Committee of Elections, in relation to the New Jersey election, be reported to the House by the committee, with a statement of the names of the individuals who received a majority of all the votes given at the election for members of the Twenty-sixth Congress in that State, and that the same be printed for the use of the House, and the committee have leave to have such other papers and documents in relation to other contested elections, pending before them, printed by the public Printer of Congress.

The question immediately before the House was the appeal of the gentleman from Massachusetts, [Mr. ADAMS,] from the decision of the SPEAKER, that it was not in order for the gentleman from New York [Mr. FILLMORE] to read to the House the resolution or proceedings of the Committee of Elections, not then in possession of the House, and which it was proposed to print.

Mr. RUSSELL here rose and said it was known that the committees had not been afforded an opportunity to report this session; and asked the general consent of the House to move the following resolution:

Resolved, That the several committees of the House which have not been regularly called for reports of the present session of Congress, be called to-morrow, immediately after the reading of the journal, which shall have preference to all other business until the respective committees shall have been called.

Mr. PROFFIT objected.

Mr. RUSSELL moved to suspend the rules to enable him to offer the resolution.

The SPEAKER said the motion could not be admitted except by general consent, the gentleman from New York [Mr. FILLMORE] being entitled to the floor on another subject.

The appeal was debated at great length by

Mr. ADAMS, who had taken the appeal, he said, from absolute necessity, and contended that the gentleman from New York had the right to read the papers; and, furthermore, any member of the House had the right to call for the reading of all the papers which it was proposed to print; and read the rule in support of this position. He said if the decision of the CHAIR should be sustained, the freedom of speech would be denied that gentleman, and it would be difficult for him to assign a reason why it would be impossible for that committee to report. He thought he was entitled to the right to read; and was opposed to vote to give him permission to do that which he was entitled to do under the rule. Mr. A. believed, if the principles involved in the decision should obtain, the rights of a member, in this particular, would entirely depend hereafter upon the will of a majority. His experience on that floor taught him that privileges would be granted to a member with regard to whether he belonged to a majority or a minority party. The rules were a most detestable means in the hands of a majority. Every rule was, and could be, made the instrument in the hands of an arbitrary majority to restrict the rights of members, and he hoped there would be such a revolution, in this respect, as would restore the rules to their legitimate purposes. It was for the reason above that he wished to settle the principle that any member had the right to read, in illustration of, or to enforce his argument, any matter which he thought pertinent, and not leave it subject to the arbitrary will of a majority to say what his rights were. He maintained that the letter of the rules gives the right to call for the reading of any paper to elucidate an argument. The rights of members were already sufficiently pinched by means of the previous question, motions to lay on the table, and punctilious and captious questions of order.

Mr. PETRIKIN maintained that a committee was a distinct body of individuals, and that it was entirely out of order to read papers, and to arraign its proceedings, before the House, whilst they were exclusively under the control of the committee. The privileges of the committee could not be violated by a single member of it making use of matter which was alone under its control. He contended the latter clause of the original proposition to print was itself out of order, and the proposition to read was doubly so.

Mr. POPE agreed with the gentleman from Pennsylvania, [Mr. PETRIKIN,] that they could not discuss any papers and proceedings of a committee until they were reported to the House, or the committee was discharged. The proposition was what he considered an indirect way to discharge it; and he thought it would be more manly to move a formal order for a discharge. It was an attempt to decide the New Jersey contest without that thorough investigation which was contemplated when the matter was referred to the committee. The committee have sent for persons and papers to carry out the views of the House; and it would be improper to arrest the committee in the execution of its order. For one, he was not willing to vote blindfolded. If the question to report and to print could be entertained, the members should have the privilege of knowing what it was that was proposed to be printed. He suggested to the gentleman from Tennessee, [Mr. JOHNSON,] that it would be better to discharge the committee than to press the question in its present form. If the appeal was withdrawn, he would raise the question whether it was competent to entertain the proposition to print.

Mr. BANKS rose to inquire of the CHAIR what was the actual question before the House. Was it whether the gentleman from New York should be permitted to proceed with his remarks, or to read the papers which had been acted on by the committee of which he was a member?

The CLERK, by direction of the SPEAKER, read from the journal the point of order in which Mr. ADAMS took an appeal.

Mr. BANKS would take the occasion to say that it was highly important, in settling precedents in reference to the proceedings of this House, that they should be uniform; that they should apply in all times to come to similar cases; and that they should not be adverse to the decisions of this House and all other legislative bodies. Now, he was perfectly willing that the gentleman from New York should read any papers that were applicable to the particular question before the House; and he concurred heartily with the gentleman from Massachusetts in the sentiment that the rights of the minority should be preserved; but in sustaining the decision of the CHAIR in this instance, he did not infringe the rights of the minority, nor stand in opposition to the well established principles of parliamentary law. Let him ask the gentleman from Massachusetts if it was in order to allude in debate to the votes taken in a committee room; to the particular proceedings adopted there; or, in short, to make any other than general allusions? How are you to know any thing of the proceedings of a committee without a report from it; and would it not be impolitic and unjust, as well as destructive of the very objects for which committees are constituted, to bring up and discuss detached parts of their proceedings before they had agreed on a report? Was it not known to the gentleman that to go into a discussion of what was done in a committee room, was always out of order? I know, said Mr. B. that we can allude to it in general terms, but it must be obvious to every one that we cannot go further than this without doing injustice. But the gentleman said you cannot require a member to vote on a question till it is read to him. In that assumption he agreed with him entirely. But what were they required to vote on. Was the paper the gentleman wished to read, the question before the House? Certainly not.

What, then, was the question? It was the amendment proposed by the gentleman from Tennessee to the resolution submitted by the chairman of the Committee of Elections. That was the question on which the gentleman was called upon to vote, and it had been read to the House again and again. He was willing, Mr. B. said, for the gentleman to read any papers having a bearing on the question before the House, and he should not himself have objected to the reading of this particular paper, had no other objection been made. But objection having been made, and the question having been brought directly before the House, in the shape of an appeal, he felt himself bound to sustain the decision of the CHAIR, and, in doing so, to conform to those established principles so essential to the regularity and order of parliamentary proceedings. But the gentleman from Massachusetts said yesterday, that the chairman of the committee had been allowed to detail at large, not only the proceedings of the committee, but to give the particular votes of the members; that is, stating that there were so many for and so many against particular motions. Very true, he listened to the gentleman with pleasure, and was also willing to listen to the gentleman from New York, though exceeding, in his opinion, the bounds of order. But what was he now called on to do? It was to set a precedent that would lead to the most mischievous results. If you can go into committees and drag forth their records to be commented on in this House; if you can say who voted for or against the particular propositions before them; or if you can read and discuss any special resolves they may have passed, you will embarrass their proceedings, destroy their usefulness, and engender jealousies and heart burnings in place of the harmony and good feeling that ought to prevail in them. If he had any influence with the gentleman from Massachusetts, he would ask him to withdraw his appeal; but, if the gentleman would not do so, he hoped the decision of the CHAIR would be sustained by the House. Mr. B. said he looked to the consequences that would result from reversing the settled practice of the House, rather than to the particular case before them; and for the purpose of

progressing with the business of the day, if the gentleman would not consent to withdraw the appeal, he would move to lay it on the table.

Mr. ADAMS declined withdrawing the appeal.

Mr. GRANGER rose to make an inquiry of the CHAIR. The gentleman from Virginia [Mr. BANKS] had made a motion, as Mr. G. understood, to lay the appeal on the table. If that motion prevailed, would it not carry the resolution with it?

[Cries of "Certainly, certainly."]

The SPEAKER had not responded to this inquiry, when

Mr. BANKS withdrew the motion.

And the question recurring on the appeal,

Mr. BRIGGS addressed the House at some length in opposition to the decision of the CHAIR, urging that, in order to know whether a paper should be printed or not, a member was entitled first to know its contents, or that he must otherwise vote in the dark. Not only had the House the right to discuss in general terms the proceedings of a committee on the motion to print, but every member had the right to be present, and witness the proceedings of the committee. He agreed with Mr. BANKS that they could not discuss the propriety of individual votes of the members of the committee.

Mr. B. had not concluded when, the morning hour having elapsed, the House, on motion of Mr. JONES of Virginia, called for the orders of the day.

Mr. GRAVES asked leave at this time to have referred certain documents, which were read for information, and which are as follows:

Whereas on the 20th of last month a member of this House addressed to the Postmaster General the following letter:

WASHINGTON CITY, Jan. 30, 1840.

SIR: In the course of some remarks I made in the House of Representatives on yesterday, I stated that I had been informed by a highly respectable gentleman of this city that he had learned from a source in which he placed the most implicit confidence, that a clerk in the General Post Office, at an annual salary of from twelve to fifteen hundred dollars, had gone to Kentucky with a view of establishing an Administration newspaper at the seat of Government in that State, and that he had not resigned his situation, but had hired a substitute at $40 per month to perform his duties, whilst he is drawing his salary of from one hundred to one hundred and twenty-five dollors per month from the Government.

I propose to write out and publish my remarks; but before I do so, I have thought it but just to you to afford you an opportunity to answer whether all or any portion of my information be correct, so that, if injustice has been done you, I may set the matter right in my written remarks.

The individual to whom I had reference as having gone to Kentucky to establish a paper is E. W. Robinson, formerly postmaster at Winchester, Virginia, and the name of the substitute he has hired is Hollis.

If my information be correct, it is proper the public should be informed of it through the more authentic source; if incorrect, it is due to you than an early opportunity be afforded you to contradict it. Therefore I submit to your consideration, and respectfully ask you to respond, with as little delay as your engagements will allow, to the following interrogatories:

1. Was E. B. Robinson recently a clerk in the General Post Office? and if so, at what salary?

2. Does he still hold the same clerkship? and if not, when did he resign it, and when did his pay cease? And if it has ceased, have you officially informed him of it? And if so, was it done in writing, or verbally? And whether before or after he left this city for Kentucky?

3. If he still hold the clerkship, who is, and has been, discharging his duties since he left this city? and what compensation does his substitute receive?

Respectfully, W. J. GRAVES.

Hon. AMOS KENDALL, Postmaster General.

To this letter the Postmaster General, on the following day, responded as follows:

WASHINGTON, January 31, 1840.

Hon. W. J. GRAVES, H. R. Present:

SIR: I received this morning your letter of yesterday, alluding to certain remarks affecting my official conduct, made by you in the House on the preceding day.

In that letter you say: "I propose to write out and publish my remarks; but, before I do so, I have thought it but just to you to afford you an opportunity to answer whether all or any portion of my information be correct, so that if injustice has been done you, I may set the matter right in my written remarks."

You then inform me that you had reference to the case of E. W. Robinson, esq. supposed to be a clerk in the Post Office Department, who, it is said, is about to commence the publication of a newspaper at Frankfort, Kentucky, and you put to me several specific interrogatories touching those matters, to which you request my reply with as little delay as my engagements will allow.

Now, sir, although I do not question the right of a member of Congress to become the retailer, on the floor of the House, of the false and malignant gossip which taints the atmosphere of this city, I do deny his right to call on the party so slandered to aid him in escaping the responsibility of reducing such slanders to libels in a written speech. I very much regret that this idea of doing justice to me did not occur to you before you made your attack in the House. You admit it to be "just" that I shall have an opportunity to make the truth known before your speech be written. Was it less "just" that such an opportunity should be afforded me before it was spoken? If, before holding me up as a delinquent in duty by remarks publicly uttered, to be noted by reporters, and scattered by letter writers over the whole Union, on no better authority than the second hand "information of a very respectable gentleman," you had done me the justice to inquire into their truth, I could have had no objection to putting you in possession of all the facts of the case within my knowledge. As it is, I deem that justice to myself will be best promoted by declining to aid you in making up for the public a speech different from that you uttered on the floor of the House.

Respectfully, AMOS KENDALL.

And whereas, on the 28th of last December, said Robinson did, by letter, published in the Globe, resign the office of President of "*The Democratic Association of the District of Columbia*," which letter of resignation and the reply thereto are as follows:

"At a meeting of the Democratic Association of the District of Columbia, held on the 30th of December, 1839, the following resignation was received:

WASHINGTON, Dec. 28, 1839.

To the members of the Democratic Association of the District of Columbia.

GENTLEMEN: Being about to take up my abode in a distant quarter of our country, the necessity devolves upon me of resigning the situation of President of your Association—a situation conferred upon me more through kindness than from any merit of my own. I cannot make this communication, and perform this act, gentlemen, without availing myself of the privilege which it affords me of expressing to you the grateful character of the feelings which your confidence in me has inspired—feelings of gratitude which will induce me to remember the members of this Association, collectively and individually, so long as I shall know how to appreciate the cheering liberality of friends, or retain the remembrance of any kindly act.

But, gentlemen, although about to separate myself from you, I beg you to be assured that I shall still number myself as a soldier in the same good cause in which you are engaged; that I shall still be found doing battle in defence of our common principles—in defence of those principles upon which we feel depend our country's glory and the preservation of the liberty of the people of this great nation.

The nature of the service, gentlemen, will not be changed by my removal; the field only in which it is to be performed will. Of one thing I beg you to be assured, and it is, that, wherever I go, I shall not cease to use my utmost exertions to advance the principles of Democracy—the principles which you and I have been taught to believe are identified with all that is desirable in our happy form of government.

For the success of *our* Association, (for so I have the right to call it until this letter is read,) I have felt, and shall continue to feel, the most lively interest; and for the welfare and happiness of its members, one and all, no one can entertain a greater anxiety than he who now addresses you.

In giving you the parting hand, gentlemen, allow me to assure you that I am, sincerely, your friend and servant,

E. W. ROBINSON.

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After a letter was read, a committee of three was appointed to prepare a response, which was composed of James H. Smoot, Colonel Richard Coxe, and Benjamin Evans, who submitted the following, which was unanimously adopted, and ordered to be signed by the officers of the Association and transmitted:

WASHINGTON, Dec. 30, 1839.

SIR: In retiring from the Presidency of the Democratic Association of the District of Columbia, you bear with you the best wishes of its members for your health, and happiness, and usefulness.

Although they regret your absence from the Chair, in which you have manifested so much suavity of manners, accompanied by all the intelligence desirable in fulfilling its duties—duties especially onerous, from the fact that the Association, being in its infancy, required a presiding officer acquainted with parliamentary usage, and in which you have been peculiarly happy; yet the circumstances attending your departure are of a character which forbid, on the part of the Association, any selfish repinings; aware that in the more extended domain of usefulness laid open to your exertion, you will find a more abundant demand for your energy, and a wider field for the extension of Democratic principles.

We take pleasure in recognising in you, sir, a constant and unwavering friend of the Republican cause. The polls, the press, the legislative councils, endorse your orthodoxy; and we speed your onward march of usefulness in a field where the vantage ground is now the enemy's, satisfied that no Democrat could take the command of the Kentucky Argus, since a Kendall directed its course, with a prospect of a more sanguinary battle, in which the skill of a veteran will be required; and that veteran we speed onward, in the name of our hallowed principles, even in you, sir, the first president of our infant Association, to his duty—a sacred duty—which we cherish an abiding faith will be fulfilled.

LUND WASHINGTON, Jr. First V. President.
THOMAS SPILLMAN, Second Vice President.
WILLIAM H. DIETZ, Secretary.
JOSEPH M. MUNDING, Treasurer.
JESSE E. DOW, Corresponding Secretary.

To E. W. ROBINSON, Esq.

And whereas the said E. W. Robinson, on the said 28th of last December, but one or two days before his departure from this city to enter upon the duties of editor of his newly established paper called "The Kentucky Yeoman," at Frankfort, (Ky.) in order to anticipate and realize the money before he left for a portion of his salary as clerk in the General Post Office Department for the year 1840, did draw, in favor of Charles J. Nourse, of this city, an order, of which the following is a copy:

"The agent for paying salaries in the Post Office Department, will please pay to Charles J. Nourse one hundred dollars on the first day of February, 1839, in full of my salary for the month of January, and this shall be his receipt in full for the same.

December 28, 1839. E. W. ROBINSON."

And as it appears from the foregoing facts that there is good reason to believe that, previously to the departure of said Robinson from this city, the Postmaster General agreed with him that he (Robinson) should be continued as a clerk in his (the Postmaster General's) office in this city, at a salary of $1,200 per year, whilst he was to be permitted to reside and edit a party paper at the seat of Government of the State of Kentucky, and to employ a substitute, at about a third of his salary, to perform his duties here:

And whereas, if the Postmaster General is in the corrupt practice of paying out of the public money two or three times as much for the clerical duties performed in his office as the persons performing them actually receive; whether the overplus be all paid to the Postmaster General himself, or be equally divided between him and his nominal clerk, or be all paid over to a political friend and nominal clerk editing a paper in a distant State; it is expedient that the subject should be examined into, and reported on to this House, in order that the compensation paid to clerks in the Post Office Department may be reduced to a proper amount, and in order that the Postmaster General may be arraigned for malfeasance in office: therefore,

Resolved, That this whole subject be referred to the Committee on the Expenditures in the Post Office Department, with instructions to examine into and report upon it to this House, and that they have power to send for persons and papers.

The SPEAKER said the motion could only be entertained by unanimous consent.

Mr. LEADBETTER wished to know if these resolutions would be open to amendment. If so, he wished them to lie over.

Mr. ALBERT SMITH rising and objecting,

Mr. GRAVES moved a suspension of the rules, and asked the yeas and nays, which were ordered; and, being taken, were—Yeas 118, nays 82.

So the rule was not suspended, (two-thirds not voting therefor.)

The House then took up the bill making appropriations for the payment of the Revolutionary and other pensioners of the United States for the year 1840, which had been returned from the Senate with an amendment authorizing the several pension agents to administer the oaths required to be taken, and to charge the same fee as is allowed to State officers for administering similar oaths.

On motion of Mr. JONES of Virginia, the amendment was concurred in.

The business next in order was the bill on the SPEAKER'S table making appropriations for the removal of the Red river raft.

Mr. BEATTY, of Pennsylvania, was entitled to the floor; but, on the understanding that his title thereto would not be affected if the subject was laid over, he yielded to

Mr. SERGEANT, who moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the

CENSUS BILL.

Mr. SERGEANT moved that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of considering the bill from the Senate to amend the act of the last session for taking the sixth census.

Mr. JONES of Virginia observed, that it had been his intention to ask the House to go into Committee of the Whole, for the purpose of considering the bill to continue the office of Commissioner of Pensions.

Mr. SERGEANT observed that there would be ample time to consider both bills. The census bill he did not suppose would occupy much time, and the other bill could be considered immediately after it, before the committee rose.

The SPEAKER having put the question on Mr. SERGEANT'S motion,

Mr. JONES of Virginia said he begged leave to mention, before the question was taken, that there was a bill from the Senate lying on the SPEAKER'S table, to continue the office of Commissioner of Pensions, and that the law by which this office was created, expires on the first of March next. He hoped, therefore, that this bill would be the first taken up.

The SPEAKER having stated that the motion of the gentlemen from Pennsylvania had precedence, the question was taken and decided in the affirmative, and the House accordingly resolved itself into a Committee of the Whole, Mr. BANKS in the Chair, and took up the bill from the Senate to amend the act to provide for taking the sixth census, &c.

Mr. CUSHING observed that it was his intention, the other day, when the gentleman from Pennsylvania [Mr. SERGEAN] moved to go into Committee of the Whole, for the purpose of considering this bill, to submit an amendment, introducing certain additional items of statistical information to be obtained by it. He had ascertained, however, on inquiry at the State Department, that most of the blanks had been printed and circulated, and that great practical inconvenience would result from introducing the additional items that he

had contemplated. He would, therefore, refrain from offering any amendment, and hoped that the bill would pass without the introduction of any additional items.

Mr. HUBBARD moved to amend the bill by adding the following:

"And that it shall be the duty of the said marshals and deputies, respectively, to take an enumeration of each and every insane lunatic or idiotic pauper within their districts, whether in asylums, prisons, or running at large; every person in the several State and county prisons, confined therein for crime; every pauper supported at public or private charge; together with the age, sex, and color of each; stating whether bond or free."

Mr. SERGEANT hoped the amendment would not be pressed. He explained the necessity for the passage of the bill, which was intended to remedy the defects and supply the deficiencies of the bill of last session. The Government being straitened for time in complying with the constitutional requirements to take the decennial census, had, in anticipation, prepared and sent abroad the printed forms which would be required, in conformity with the bill in its present form, and the marshals were only waiting its passage to proceed in their duties: if amendments were moved and agreed to, these forms might become useless, and great delay and inconvenience be experienced: it was barely possible before the 1st of June to get ready to take the census.

Mr. HUBBARD observed that he had not, heretofore, had an opportunity of seeing the bill, but it appeared to him that between this and June, when it was to go into operation, there was ample time to remedy any little inconveniencies that would grow out of the amendment. It would take very little time for the Department to communicate to the various marshals in the United States the additional items of information that were to be obtained. We ought to know, said he, the number of lunatics and idiots in the country, and the number of persons imprisoned; and was it possible that the Congress of the United States, in two sessions, had not time to obtain this important information, which was in the possession of every civilized Government in the world? Surely the instructions to obtain this information could be prepared and forwarded before June. The information he wished to obtain was highly important, and he hoped the House would adopt the amendment.

Mr. PETRIKIN thought the adoption of the amendment would be carrying legislation too far. It would, in his opinion, be interfering with the legislation of the States. Every State Government had this information, and that was all that was necessary. The subject, said he, does not belong to us, and I hope the House will not adopt it.

Mr. GARLAND of Louisiana thought the amendment unnecessary, inasmuch as ample power was given to the President, by the bill of the last session, to obtain all the statistical information that was required. As allusion had been made to the defects of the bill of the last session, he thought it due to himself, by whom it was reported, to explain how they originated. The bill, as it passed the House, was unobjectionable, but amendments had been made to it in the Senate which created all the difficulties that had been spoken of. It passed the House on the third day preceding the adjournment, and was made as perfect as the limited time allowed would permit; but on being sent to the Senate, some of the gentlemen there, who were so scrupulous about State rights, discovered that the marshals could not commence taking the census till the entire expiration of the ten years after the last. The alteration in the bill was then made, and the effect of it was to create all the difficulties which had since arisen.

The question was then taken on Mr. HUBBARD's amendment, and it was rejected without a division.

Mr. PETRIKIN then moved to amend the bill by reducing the salary of the principal clerk employed on the business of the census, in the State Department, from $2000 per annum to $1200.

Mr. ADAMS opposed the amendment on the ground that the compensation of this officer was fixed by the Secretary of State, with a full knowledge of the duties to be performed, and the responsibilities incurred.

Mr. PETRIKIN said he had no objection to paying men a fair compensation for the services they performed; but he had no idea of sanctioning such inequalities as this bill proposed. Here this superintendent was to receive $2000, while the recording clerk and packer, employed on the same business, were to receive, the one but $800 and the other but $600. He wanted the men who did the work to get compensations bearing a more just proportion to that of the gentleman who was to superintend their labors than the bill allowed, and for this purpose he would move to increase them from $800 and $600 to $1000 and $800.

Mr. SERGEANT referred his colleague to the report of the Secretary of State, in which that officer spoke of the importance of having a gentleman qualified to superintend this business, and that he had employed such a one at a salary of $2000 per annum. The superintendent would not, as his colleague supposed, be idle; he would have other and arduous duties to perform besides overlooking the labors of his subordinates. He was to take charge of all the details of the business, under the direction of the Department, until it was completed.

Mr. PETRIKIN made some additional observations in support of his amendment. He thought a salary of $1200 ample for the superintendent. He knew many worthy and well qualified individuals, who would be glad to take the employment at that compensation. As to the responsibility and arduous duties the superintendent, it was all imaginary. He did not believe that his duties would require a much greater degree of talent, or involve heavier responsibilities, than those of the recording clerk; at all events, not to such an extent as to authorize so great a disproportion in the salaries as $2,000 and $800. His colleague spoke of the Department having employed a gentleman competent to discharge these important duties. Now what constituted a gentleman? Was it a ruffled shirt, fine coat, and white hands? For his part he judged of men by their qualifications and their moral worth, and not by the clothes they wore.

Mr. WICK said if the gentleman from Pennsylvania would agree to fix the salary of this officer at $1 500, he would go for it; and Mr. W. moved accordingly to insert $1,500 instead of $2,000, as in the bill.

The question was then taken on Mr. WICK's motion, (it being the largest sum,) and it was carried in the affirmative.

Mr. PETRIKIN then moved to increase the salary of the recording clerk to $1,000, and the packer to $800; which motion was rejected.

Mr. DAWSON next moved to amend the bill by adding 33⅓ per cent. to the compensation of the assistant marshals, for the additional labor imposed on them by the bill, of procuring the statistical information it required. The duties required of these assistants were (Mr. D. said) very important, and required men of activity and intelligence. In addition to taking the mere enumeration of the inhabitants of their district, they had to obtain a great deal of valuable important information; and to show the inadequacy of the compensation allowed them, he would call the attention of the House to one fact. An assistant marshal, for taking the census of five thousand inhabitants, and collecting the various items of statistical information required, was to receive but $100. The time it would take him to discharge these duties would exceed six months, provided he did it fairly and honestly for the benefit of the country. It was out of the question to suppose that the marshals could obtain the services of competent assistants for this small sum. Mr. D. said he had received a number of letters calling his attention to this subject, and stating that the business could not be performed without a more adequate compensation.

Mr. SMITH of Maine thought the gentleman from Georgia was mistaken. There was a provision in the law of last session allowing $2 50 for every fifty persons where the district was sparsely settled, if, in the opinion of the district judge, such additional compensation was necessary.

Mr. DAWSON said that this provision would not apply in many parts of his State, where the marshal could not get the services performed for the compensation allowed. The labor was far greater than that required in taking the last census, and greater intelligence in the assistants was also necessary. If Congress did not allow such a compensation as would secure the services of competent persons, the statistics of the States would be grossly misrepresented, and confusion and disorder would be introduced in consequence of one after another of the assistants resigning as soon as they came to know the extent of the duties imposed on them. One gentleman had informed him that he had received a letter from the marshal of his State, (Vermont,) saying that it would be impossible for him to procure the services of assistants for the compensation allowed by the bill.

Mr. SERGEANT observed that the object of this bill was not to review the bill of the last session, but only to supply some omissions in it. That bill had been so far carried into effect as to employ some of the assistants. When the bill of last session was passed, it did not enter into the head of any man that the compensation provided for the assistants was too small. Mr. S. thought the compensation sufficient, and hoped the amendment would not prevail.

After some additional remarks from Mr. DAWSON,

Mr. CARTER of Tennessee observed that from his knowledge of the numerous applications for employment under this law, he was satisfied that an abundance of competent persons could be employed for the compensation it allowed. He knew, further, that the offer of these employments had been made an engine in his State for political purposes; and that hopes of employment had been held out not only to one individual, but to many others, to induce them to support the party of the Administration. The marshal, in his part of the country, not only endeavored to effect important results in the last elections, by holding out inducements to prominent and influential individuals, but to attain the object he had in view, kept back the appointments till after the election was over. He further understood that it was the custom with this marshal to inquire as to the political opponents of those who applied to him for employment, and to invariably refuse them if they happened to be Whigs saying, that if they belonged to the Administration party they would stand a better chance. He had heard of one case in which a Whig, who was promised an appointment if he would turn Democrat, changed his politics, and became a supporter of the Administration.

Mr. SMITH of Vermont observed, that as allusion had been made to information obtained from him by the gentleman from Georgia, he would take this occasion to state that he had received a letter form the marshal of Vermont, stating that competent assistants could not be engaged for the compensation allowed by the act of last session. The marshal had made a calculation showing the time that would be occupied in putting the interrrogatories required, which amounted to eighty; and allowing one and a half minutes for each question, it would take two hours for each family of six persons. Then taking ten hours as the amount of a day's labor, the assistant would be able to take only thirty families per day, which would give him a compensation of seventy-two cents; and allowing him $1 25 per day for his expenses, he would be fifty-three cents out of pocket.

Mr. BOND said that, when the last census was taken, the marshal of Ohio paid his assistants less than the law allowed them, taking their receipt for the whole sum, and putting the difference into his own pocket. Afterwards, the assistants sued him for the money, and recovered it in the courts of Ohio.

Mr. CARTER said he understood that the same thing had been done by the marshal of East Tennessee.

Mr. WATTERSON understood his colleague [Mr. CARTER] to state to the House that the marshal of East Tennessee was in the habit of holding out inducements to individuals for the purpose of influencing the politics of the State; giving them to understand that, if they would fight the battles of the Administration, he would give them employment. He wished to know of his colleague if he understood him correctly in making this statement. If his

colleague did not correct him, he would take it for granted that he had quoted the substance of his remarks correctly. Now, he asked of his colleague upon what authority he made this statement. Mr. W. said he knew the character of the marshal, and that he was a highly honorable man—respected in the community in which he lived, and enjoyed their confidence and esteem in the highest degree, as was evidenced by their electing him to the high and responsible office of sheriff for ten or fifteen successive years. There was not a man in East Tennessee who enjoyed a higher character. Upon what grounds did his colleague, then, speak as he did of such a man? Upon mere rumor? He hoped the gentleman would not make such charges against a citizen of his own State, upon no other foundation than rumor. Men's characters were too sacred to be sported with, without some better authority than his colleague had given. When I speak of a man's character, said Mr. W. I shall speak only of my own knowledge, or upon good responsible testimony. But it seemed that the marshal of East Tennessee was denounced by his colleague for making inquiries as to the politics of those who applied to him for employment. Now he did not know if this was so very criminal, or worthy of being made the foundation of so grave a charge against the marshal; but his colleague, who censured him so much for making those inquiries, knew, or at least ought to know, that one-half, if not more, of the office holders in East Tennessee, and he might add throughout the State, belonged to the Whig party. For his part, were he in the marshal's place, he would not hesitate to make these inquiries; and if he found a political friend who was as well qualified, he would bestow on him the appointment, in preference to giving it to a political opponent. But it seemed that one Whig was promised an appointment if he would turn Democrat; and, for the trifling salary allowed an assistant marshal, he had changed his politics. Now if this were so, the Whig was easily bought up, and, in his opinion, the marshal made a bad bargain of it; for he wanted no man in the Democratic ranks who would change his political creed for so pitiful a consideration. We want no offices, nor the salaries attached to them, (said Mr W.) to carry our elections in Tennessee next fall. We want nothing more than the principles of our party and the confidence of the people in the President that he will carry them out, to ensure us success.

Mr. JAMESON said he held in his hand a letter from the marshal of Missouri, stating that he could not get competent assistants in the several counties of the State to perform the duties required by the act of last session, for the compensation allowed; and that the census could not be taken in several of the counties, unless a higher compensation was given. If the calculation given to the House by the gentleman from Vermont was correct, as he had no doubt but it was, many of the assistants, so far from getting enough to defray their expenses, would be losers by the employment. The marshal of his State informed him that, in some of his counties, there would be no difficulty in getting assistants; but that in others it would be impossible to take the census at all without giving a higher compensation, and that he had been obliged to give assurances to several that he engaged, that endeavors would be made to obtain from Congress a more equitable remuneration for their labor, in order to induce them to accept the employment. He did not know of any question that could come up before that House without hearing the cry raised about Executive patronage and the interference of office holders with the elections. Now, he would say to the gentleman from Tennessee [Mr. CARTER] that, in the State of Missouri, he had never heard of the question being asked of an applicant for employment, whether he was a Whig or a Democrat, though he well knew that a great many of the assistants there were Whigs. He heard, for the first time, too, that the assistant marshals were in the habit of going among the people to electioneer in favor of the Administration party. Now he did not believe that a few dollars more or less would induce a man to take an active part in political contests, unless his turn of mind influenced him to it. The gentleman said that the marshal of East Tennessee put questions to the applicants to him for employment, to ascertain whether they were Whigs or Democrats. He should like to know if the gentleman was by the side the marshal when he put these questions, and if not, how he got his information with regard to the facts he stated.

Mr. CARTER did not wish the gentleman to misrepresent what he said. He did not speak of facts within his own knowledge, but spoke of what was an established and well grounded report, coming from the information of the most respectable persons in the State.

Mr. JAMESON. Then it is report only from which the gentleman speaks, and that report is to be reverberated from this hall, and echoed in all the Whig presses of the country. Were the characters of men to be held up to public odium upon mere idle rumors, without one solitary fact that could be proved against them? With regard to the amendment before the House, he was surprised that there should be any objection to it. The information to be obtained by these assistant marshals was acknowledged by all to be highly important and useful, and it had been conclusively shown that competent persons would not perform the duties, in many parts of the country, for the trifling compensation allowed. Sir, said Mr. J. you can pay every officer of this Government liberal wages but those who perform the most laborious duties. There were many counties in Missouri of from 50 to 100 miles square, with a sparse population; and in making up the statistical tables for Missouri, which was a fine field for obtaining such information, he did not believe that the assistants could make one cent. They would have to go round to every farmer's house and set down how many barrels of corn and how many bushels of wheat he made, how many children he sent to school, and, in short, to write down every thing pertaining to his business or his family. I do hope, said Mr. J. that while you are paying yourselves liberally, and every officer of the House liberally, that you will pay something like a fair compensation to those who perform these arduous duties.

Mr. CARTER of Tennessee said he was very much surprised at the attack made on him by his colleague, in defence of the marshal of East Tennessee; for it must be supposed that he had a better knowledge of the character and conduct of that individual, from living in his immediate neighborhood, than his colleague could have, who lived in another and distant part of the State. His colleague said that this marshal was a man of character and standing in society. Now he should like his colleague to tell this House by what standard he estimated character and conduct. If his colleague had an intimate acquaintance with this individual, as he would infer from his remarks, and knew his character well, and esteemed and reputed him to be a gentleman, he was only astonished that he occupied a seat on this floor. Indeed it was conclusive to him that either his colleague must be totally ignorant of the conduct and character of this person, or that his constituents did not know him. Now if his colleague wanted to know any thing of this marshal of East Tennessee, let him go to the other end of the Capitol, and inquire of the Senator from his State, what were the charges brought against him, previous to his appointment by the President, and his confirmation by the Senate.

The CHAIR here interrupted Mr. C. and told him that his remarks were not in order.

Mr. WATTERSON moved that his colleague be permitted to speak in his own way; and the question being put to the House, it was decided in the affirmative.

Mr. CARTER continued. With regard to this marshal of East Tennessee, he would observe that if any gentleman wanted to be informed as to his character, he might be so by going to the only Senator from Tennessee, in the other end of the Capitol. As far as his information extended, that individual did not sustain a character for strict integrity, before his appointment to the office he holds. There were very serious charges made against him, and that, too, by the most respectable men in Tennessee. He did not stand here as the accuser of that individual; but when he conceived it necessary for the public interests, he was at all times ready to speak out. But the attacks made on him by his colleague, reminded him of a story he had heard relating to a horse race, got up between a white man and an Indian. When the horses were on the ground, and about starting, the Indian, after examining his antagonist's horse, proposed mounting behind its rider, and then, said he, we can whip him on two sides at the same time. This was the case with the gentleman from Missouri and his colleague; they both wanted to mount him at the same time. To return to the subject of this marshal; Mr. C. said it was well known in his section of the country that there was not a single appointment conferred upon any individual who was not a member of the Administration party, except one, and that one was a Whig who agreed to change his politics, and go over to the support of the party in power. This fact, he thought, ought to be sufficient evidence to the gentleman from Missouri that the pay of these deputy marshals was too high. One other fact he would mention. One marshal in a German settlement, after eulogizing the head of the Administration, did come out and say to one of the farmers, that if he would agree to support that Administration, he would be compensated. The German indignantly rejected the proposal, and said that he never was so insulted before in his life. Now, sir, said Mr. C. as to this marshal of East Tennessee, I have no confidence in him; and he so expressed himself to the Senator from his State when he applied to him for information concerning him; and he expressed himself in this way before his appointment was confirmed by the Senate. He had, on that occasion, informed the Senator that the man did not sustain a fair character; and he was then asked in what particular, and how he obtained his information. He had satisfied the Senator on the first point; and further told him that he got his information from general rumor in that section of the country. He had said that he knew nothing of this marshal of his own knowledge, but that he derived his information, with regard to him, from as reputable men as any in the country. Yet, in opposition to the information he had thus given, the Senate had confirmed the appointment.

Mr. JAMESON said he wished to correct an error into which some gentlemen had fallen. In the counties of Missouri, which were considered a densely populated, under the construction given to the act of the last session, the marshal will have no right to expend this five dollars for every additional one hundred persons. In such counties the assistants would only get two dollars, and the marshal stated that he could not get competent persons for that sum. In the sparsely populated counties, however, they would get the five dollars, and there the marshal would have no difficulty in employing assistants.

Mr. WATTERSON observed that his colleague [Mr. CARTER] was very much mistaken in supposing that he had made an attack on him. He had endeavored to defend a citizen of his State from an unjust and unnecessary attack made on his character by his colleague, and this his colleague construed into an attack on him. It was no such thing. He had simply replied to the charges made against an absent and deserving individual. It was far from him, Mr. W. said, to attack his colleague personally; he had no such intention; but when he heard such severe censures cast upon the marshal of East Tennessee, another colleague of his, [Mr. BLACKWELL,] who personally knew the individual thus implicated, assured him that his character stood as fair as that of his colleague himself, or of any individual in Tennessee, not even excepting the gentleman's "Cato at Knoxville. He did not profess to be acquainted with this gentleman himself, but from the information of his colleague, [Mr. BLACKWELL,] he was satisfied that he was a worthy and respectable man. In further support of this

gentleman's character, he would also refer to his friend from Indiana, now the Democratic candidate for Governor of that State, who had lived in Tennessee for many years, and knew him well enough to endorse his character. But it seemed, according to the statements of his colleague, that some charges were made against this individual previous to the confirmation of his appointment by the Senate; but he was acquitted with honor, for he received the appointment. It was easy enough to make charges against men's characters. He could make charges against his colleague; but it was one thing to make charges, and another thing to support them. Sir, (said Mr. W.) if mere charges could prostrate men, the whole Democratic party would go down; for they have been denounced again and again as corruptionists, the spoils party, with other vituperative epithets applied to them. He regretted that his colleague should have made those charges against an individual after he had been honorably acquitted by one of the highest tribunals of the country. I do not know (said Mr. W.) whether these deputy marshals are paid too much or not enough; and, therefore, have not made up my mind how I shall vote on this question. His colleague had treated the House to a story about a horse race, which he was not fortunate enough to hear the whole of. The application, however, reached him, and that was, that he and the gentleman from Missouri both jumped upon his colleague at the same time. Now, he would suggest that the metaphor of his colleague was not a very inappropriate one, as he was known in his district as "*the big black horse!!*"

Mr. McCLELLAN did not rise to take part in the discussion of the immediate question before the House, but having heard insinuations made on this floor against the Marshal of East Tennessee, whom he knew to be a highly respectable and worthy man, he felt it his duty to rise and defend him. His colleague, [Mr. CARTER] had not only made charges against the Marshal, but had said that his appointments generally were men of bad character, such as no confidence could be placed in. Mr. M. said, so far as his knowledge extended, they were men of good character. As respects these men who were appointed in his district, he averred that they were men of unimpeachable character. And further, he could not remain silent in his seat when he heard it asserted that any of his fellow-citizens, even if they were Whigs, were willing to sell their consciences for the pitiful consideration of the office of deputy marshal in a mountainous district, and where the labors were so great that they would hardly be able to make their daily expenses. Indeed, when they came to see the number of interrogatories they were called on to propound, and the extent of the duties required of them, many would throw up their employments. His colleague, [Mr. CARTER] charged that the marshal of East Tennessee had used his office for party purposes; and had promised employment to various individuals, on condition that they would change their politics, and come out in support of the Administration. I will not take up the time of the House, said Mr. M. by entering into a labored defence of the individual thus assailed; I know him to be an honorable and respectable man, and that he held for a number of years the sheriffalty of one of the most populous counties in my colleague's district, to which office he was elected by the suffrages of his fellow-citizens. In the discharge of the duties of that office he was universally known as a correct, amiable, and business man. But he sustains a bad character in the eyes of my colleague, for he is an active and influential man in his district, and went against my colleague with all the zeal and energy he possessed, and that was enough to ensure his condemnation. But the charges, however, against this individual, which were now so gravely spoken of, first originated in a little newspaper, and from thence found their way to the Senate of the United States. Now he did not hear of these charges when they were before the Senate; nor did he believe there were any charges made before the Senate at the time that his appointment was confirmed by that body; but inquiries having been made of him respecting the marshal's character, by one of the Senators of his State, he gave him all the information in his power, and then wrote home for further information, and the answers he received were from some of the best men in Green county, fully endorsing the character of the individual in every particular. But his colleague said that some of the applicants for office in his State had changed their politics, and had been bought over by the pitiful consideration of a paltry office. Now, he would mention one fact he knew in relation to this subject. There were two applicants for the employment of deputy marshal in his district, one of whom was a Whig, and the other a Democrat. The marshal wrote to him, inquiring which of these two was best qualified for the employment, and he not having sufficient information on the subject, referred the matter to the people of the neighborhood, by whom he was informed that the Whig was the best qualified; and on his stating this to the marshal, the Whig received the appointment. With regard to the compensation of these assistants, he would observe that their labors had been increased one hundred per cent. more than what they were in 1830. They must take down from every farmer the number of bushels of corn and wheat he makes, with the number of yards of cloth made by his wife. He was for economy in its fullest extent; but he did not think that true economy consisted in withholding from the laborer his hire. His wished to give to every man a fair compensation for the labor he performed. He must again express his regrets that the marshal of East Tennessee had been dragged before the House in this way. From his knowledge of him, as well as from information derived from the most respectable sources, he was satisfied that he was a very clever business man, and of the highest respectability. The very circumstance of his being elected to a lucrative and responsible office by the suffrages of his fellow-citizens, and that he held that office for many years, was of itself a high recommendation in his favor. He was, moreover, advantageously known as a prominent member of one of our most respectable religious societies.

Mr. CARTER here interrupted Mr. M. and said he wished to give him one evidence of the disinterestedness of this gentleman.

Mr. McCLELLAN could not give way to his colleague. He knew the circumstance to which his colleague wished to allude. It was the refusal of the marshal to let the Whig party use the church of which he was a member, for a Whig meeting, and for making Whig speeches in. Now he knew (Mr. M. said) that the marshal was a strong party man, and went zealously for his party and his principles; but did that make him a rascal in the estimation of his colleague? His colleague was a strong party man, and was he a rascal for that reason? [Much laughter.] Mr. M. said he was not gifted with fluency of language—he was not a lawyer or professional man, but a farmer, accustomed to plainness of language as well as to plain dealing. He had sat silent here for years listening with patience to the remarks of other gentlemen, even when tedious and out of place; and he would not have said a word at this time, had it not been for the uncalled-for attack upon one of his constituents.

The question was then taken on Mr. DAWSON's amendment, and it was rejected.

Mr. PETRIKIN then offered the following, to be prefixed as a preamble to the bill:

Whereas the members of the last session of the Twenty-fifth Congress deferred doing much of the important business of the country until the last day of the session, and on that day were compelled to act without deliberation for want of time; and whereas, among other acts thus passed, the act authorizing the taking of the census within the United States has been found so imperfect that it cannot be executed—therefore, to remedy those imperfections produced by said defective legislation and neglect of duty of said members of Congress, *Be it enacted*, &c.

Mr. DAWSON expressed his regret that the gentleman from Pennsylvania should have submitted a motion so disrespectful to the body of which he was a member. He considered such proceeding as one unworthy of the House, and that it ought to meet the decided disapprobation of every member of it. If we act (said he) as a body, every member of Congress is proportionably responsible for the proceedings in which he participates, and therefore each one must feel that some share of the censure implied in this preamble applies to himself. He had looked (Mr. D. said) to the course of the House frequently with much disapprobation; but, though he could not approve of all its acts, yet he could not sit silent and permit one member to attack his associates in this way. We represent the American character, and therefore should all unite in preventing reproach from being cast upon it. For one, he (Mr. D.) considered the motion as a great indignity offered to this House by one of its older members, and one who had participated in the proceedings which he so unsparingly censures. Sir, said Mr. D. I appeal to you and to those who have been longer on this floor than I have, whether there are not a few individuals here who have been mainly instrumental in causing the confusion and disorder that have sometimes prevailed in the House. There are a few here, as there always are in large bodies, whose irregularities have done much to injure the character of this body. But should censure, therefore, attach to the whole; was that any reason why such insinuations should be spread upon the records of the country, and that, too, by an actor in the proceedings he condemns? Mr. D. concluded by saying that he had never witnessed a stronger indignity offered to a legislative body than this resolution, which was not even expected by the mover to be adopted, and he hoped the gentleman would withdraw it, with a becoming apology to the House.

Mr. PETRIKIN observed that the gentleman from Georgia was mistaken when he said that he participated in the scenes which took place at the close of the session. This was not true. He, at that time, told the House that he highly condemned such course of proceeding, and opposed them step by step in their progress. As to the preamble now offered, there was not only nothing in it disrespectful to the House, but it was a plain and correct statement of facts. If there was any thing disrespectful in it, let the gentleman from Georgia point out what it was. He knew, Mr. P. said, that many things were done here at the close of the last session, which were disgraceful to members as individuals, to the House, and to the country. Does the gentleman expect them to be kept secret and concealed from the country, or that members were bound to secresy by oaths similar to freemasons? If he did, Mr. P. said he did not agree to his doctrine. He did nothing here that was not fit for the public eye. Did not the gentleman recollect the fact that an item of $16,000 was struck out of the general appropriation bill by a vote of the House, and that it was afterwards, surreptitiously, or by mistake, inserted in the CLERK's room, and then passed by the House *sub silentio*, without any body knowing any thing about it? Did he not know that thousands of dollars were voted away at the close of every session, when many members were not in a situation to know what was done or doing in matters of the utmost importance to the people in various quarters of the Union? Were these things to be concealed from the American people, and was he to be denounced as having offered an indignity to the body for calling its attention to them? He would tell the gentleman that such denunciations fell harmless to the ground, and that he cared as little for his blast of wind as the gentleman did for his charges. I never, said Mr. P. participated in the scenes that disgraced the close of the last session. The previous session I left the House in disgust on the occurrence of similar scenes. In offering his preamble he had no intention of offering an indignity to the House. He drew it up in such plain and intelligible language as he was capable of, and did not go to Tom, Dick, and Harry, to consult with them as to what phraseology he should use. He was not an adept in using language to mystify falsehoods, and make them appear like truths. He stood here as the Representative of independent and intelligent freemen, and as such, did not feel it necessary to consult any man here as to the course he should pursue. He considered it his right and duty to oppose such hasty and improper legislation, in which they not only voted away thousands of dollars, but disgraced themselves; and knew that he should be sustained by his constituents for so doing. Mr. P. said before he resumed his seat he would give no-

tice that hereafter he should suffer no bill making any appropriation, or containing any important provisions, to be read by its title, as long as he was able to keep his seat in this hall.

Mr. DAWSON said if he had applied any epithets to the gentleman from Pennsylvania, he was not aware of it, and was sorry for it. He never used language injurious to any body; and if such language was used towards him, he was perfectly satisfied that it would be correctly appreciated by those who heard it; and hence he never hurled it back. With regard to the scenes which took place at the close of the last session, some of the actors in them were not here, and the Congress was defunct. It could not, therefore, be consistent with propriety for this Congress to cast any censure on the past.

Mr. WISE supported the views of Mr. DAWSON, and commented on the effect of the degradation of the character of Congress, in augmenting the power of the Executive. As we fall, said he, the Executive rises; and whilst the President in his anechamber conducted himself as a perfect gentleman, knowing what was due to his high station, I know not what character we may acquire of the galleries, if they were to be judged of by such proceedings as had occurred there.

Did the gentleman from Pennsylvania forget that, in introducing such caricature propositions as the one before them, he was driving the business of the House into the last night of the session, and courting a renewal of scenes of which he, Mr. W. was once obliged, in referring to them, to say that the members were "tired, sleepy, and drunk." Mr. W. considered the motion to be highly disrespectful to the House, and he now put it to the CHAIR whether it was in order for the gentleman to submit it?

The CHAIRMAN [Mr. BANKS] said that that was not a question for the CHAIR to decide. The question was on adopting a preamble to the bill, and that only could be decided on by the House.

Mr. DROMGOOLE appealed to the gentleman from Pennsylvania to withdraw his proposition, and made some observations to show that it could not, with propriety, be adopted.

Mr. PETRIKIN consented to withdraw the proposed preamble.

Mr. SERGEANT moved that the committee rise and report the bill.

Mr. UNDERWOOD moved to amend by adding an additional section to the bill, changing the ratio of representation so as to allow one Representative to every 75,000 persons.

Mr. R. GARLAND moved to amend the amendment by striking out 75 and inserting 60.

Both the amendments were rejected without a count, and the bill was laid aside to be reported.

The committee then, on motion, took up the Senate bill to continue the office of Commissioner of Pensions until the 4th of March, 1842, and to transfer duties from the Navy Department the office of the Commissioner, and also to transfer one clerk.

After a brief conversation on the allowance of the Commissioner,

The committee rose and reported both bills to the House.

In the House the latter bill was taken up; when

Mr. PROFFIT moved to reduce the salary of the commissioner from $3,000 to $2,500, and demanded the yeas and nays.

When, at near 6 o'clock, the House adjourned.

IN SENATE,

FRIDAY, February 21, 1840.

The CHAIR submitted various memorials of the Legislative Assembly of the Territory of Iowa; which were referred to the appropriate committees.

Mr. WRIGHT presented a petition of citizens of New York, praying the passage of a uniform bankrupt law; which was referred to the Committee on the Judiciary.

Mr. LUMPKIN presented a memorial of Zachariah Williams, and Robert W. Williams, praying for reimbursement of losses sustained by the appropriation of their property to the uses of the army in the late Creek war; which was referred to the Committee on Claims.

Mr. WALL, from the Committee on the Judiciary, to which was referred

The petition of Jacob Kerr;

The petition of John Johnston; and

The memorial of James McCally,

made special reports adverse to the several claims, which were ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was referred

The memorial of William Morrow;

The petition of Adam Hale; and

The petition of the heirs of John Ireland;

made adverse reports thereon; which were severally ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the bill supplementary to an act, entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830, with the Choctaw Indians," reported the same without amendment.

Mr. YOUNG, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of the administrator of Lamech Blanden, deceased; which was read twice, and referred to the Committee on Pensions.

On motion by Mr. CLAY of Alabama, the report of the Committee on Indian Affairs, in the case of Jubel B. Hancock, was referred back to the committee, with additional documents.

The unfavorable reports on the Secretary's table were taken up and agreed to.

The resolution submitted some days since by Mr. TAPPAN, so to amend the joint rules that no claim which had been twice reported on in either House, adversely, should again be presented, was taken up and discussed by Messrs. TAPPAN, PRENTISS, CALHOUN, DAVIS, LINN, ALLEN, HUBBARD, STRANGE, BUCHANAN, and WALL; when, on motion of the latter, and with the assent of Mr. TAPPAN, it was laid on the table for the present.

The Senate then adjourned till Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, February 21, 1840.

The CHAIR announced that the question immediately pending (in the case of the New Jersey contested election) was on the appeal taken by Mr. ADAMS from the decision of the CHAIR, that it was not in order for the gentleman from New York [Mr. FILLMORE] to read to the House, on a motion to print, a resolution adopted in the committee, and which had not been reported to the House; and that the gentleman from Massachusetts [Mr. BRIGGS] was entitled to the floor on the appeal.

Mr. CASEY prevailed on Mr. BRIGGS to give way to him to introduce a resolution, in effect, that the rule which declares that within a given number of days after the commencement of the session, petitions shall be in order every day, be extended for ten days further.

Mr. FILLMORE (who had the floor on the proposition heretofore introduced by Mr. CAMPBELL, of South Carolina, from the Committee of Elections, to have such printing done as might be deemed necessary to facilitate the investigation of the New Jersey contested election, and to which proposition an amendment, offered by Mr. CAVE JOHNSON, was pending) and from which the above appeal originated, claimed his right to the floor, and objected to the introduction of the resolution.

Mr. CASEY moved to suspend the rules.

Mr. FILLMORE persisted in his right to the floor.

The SPEAKER said the gentleman from Illinoise [Mr. CASEY] had the right to make the motion to suspend the rules, the gentleman from Massachusetts [Mr. BRIGGS] having yielded him the floor that purpose.

Mr. FILLMORE contended that the gentleman who yielded the floor was not himself entitled to it, inasmuch as the appeal under the 28th rule was not debatable; and on that ground he claimed it.

The SPEAKER said, from the reading of the rule, the gentleman from New York [Mr. F.] was right, and the question would be on the appeal.

Mr. FILLMORE said he would be disposed to yield the floor to any proposition which would not give rise to debate.

Mr. CASEY said his motion could not cause debate, inasmuch as it was one to suspend the rules; which is not debatable.

Mr. VANDERPOEL demanded the yeas and nays on the appeal.

Mr. L. WILLIAMS moved a call of the House; on which

Mr. GRANGER demanded the yeas and nays; which were ordered, and were—yeas 72, nays 96.

So the House refused the motion for a call.

The question was then taken on the appeal, viz. "Shall the decision of the CHAIR stand as the judgment of the House?" and decided, by yeas and nays, in the affirmative—yeas 99, nays 83.

So the decision of the CHAIR was sustained, viz. that Mr. FILLMORE could not read the resolution passed in committee without leave of the House first had.

Mr. RUSSELL appealed to Mr. FILLMORE to allow him to move a resolution for the postponement of the present subject, and for the reception of reports from committees during the residue of the morning hour.

Mr. FILLMORE declined yielding the floor.

Mr. CAVE JOHNSON expressed a wish to modify his amendment in reference to the printing of papers before the Committee of Elections.

Mr. FILLMORE would not give way for either of the propositions; when

Mr. JOHNSON said Mr. F. had been called to order, and had taken his seat; an appeal from the decision of the CHAIR that he was out of order had not been sustained, and therefore he could not, by the rules, proceed, if any member objected.

Mr. PETRIKIN objected to Mr. FILLMORE's proceeding.

Mr. FILLMORE contended that the rule referred to applied only to cases where a member had been called to order for words spoken; he had been guilty of no violation of order; he had begun to read a paper which he supposed he had a right to read; it had been decided that he could not read the paper without leave; he had abandoned the reading of the paper; and now was he to be told that he had lost his right to address the House? He trusted they had not *yet* reached quite such a state of despotism as that.

Mr. PETRIKIN again interposed objection to his proceeding without permission of the House.

The CHAIR said the gentleman could not proceed, and ordered the 28th rule to be read to sustain his opinion, as follows:

"If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and, if the case require it, he shall be liable to the censure of the House."

Mr. FILLMORE asked permission to explain the situation of the question upon which he was called to order. He was called to order on the ground that he was reading a resolution adopted in committee; the SPEAKER decided that he was out of order in doing so, and the House had sustained the SPEAKER in that decision. No objection was raised to his discussing the proceedings of the committee as a body, and therefore he had the right to proceed in his remarks, notwithstanding the House had decided that he should not read the particular resolution. He was understood further to say, that the gentleman who had preceded him, [Mr. CAMPBELL, chairman of the Committee of Elections,] had referred to the votes of the committee, and he was a member of the same committee, and wanted the same privilege of alluding to the proceedings of the committee in general terms.

Mr. CAMPBELL of South Carolina understood that the gentleman had stated that he had al-

luded to individual votes in the committee. He had not done so, but merely to his own course.

Mr. FILLMORE. Then if the gentleman could allude to his own course, he had also the right to refer to the course of others. He, as a member of the committee, only claimed the same right to discuss the subject in general terms.

Mr. RIVES hoped the gentleman from Pennsylvania [Mr. PETRIKIN] would withdraw his objection, and that the gentleman might be permitted to proceed in his remarks.

Mr. FILLMORE inquired of the CHAIR whether he could proceed.

The CHAIR said he could not, from his construction of the 28th rule, except by permission of the House.

Mr. BELL objected to the construction the SPEAKER had given the rule, and said that it was not properly applied to this case, and contended that the gentleman from New York had not violated the rule, and that, by the decision of the House, which had refused him the right to read the resolution, it had prevented him from violating it. He considered it a most arbitrary application of the rule; and, if the decision of the CHAIR were sustained, it would destroy the freedom of debate, and prevent gentlemen from presenting their views to the House at all, except by the will of a majority. The 28th rule had no manner of application, and appealed from the decision of the CHAIR.

Mr. FILLMORE demanded the yeas and nays on the appeal; which were ordered.

Mr. BRIGGS made some remarks, which were not heard.

Mr. HAND contended that the motion which he made, that his colleague have leave to proceed, was the proper motion before the House.

Mr. FILLMORE replied he would never submit his right to be heard on that floor, and the rights of his constituents, to the vote of a majority. He spoke by right and not by permission.

The morning hour having expired, Mr. RUSSELL moved that the House proceed to the orders of the day.

On this motion the yeas and nays were demanded by Mr. CAVE JOHNSON, and were ordered.

Mr. EVANS said, by the rules, the House must go to the orders of the day, which was the private business on the SPEAKER's table, and any motion was unnecessary.

The question being taken, the yeas were 91, the nays 102: so the House refused to pass to the orders of the day.

Mr. TILLINGHAST had risen, and was about to address the House, as the Reporter understood, on the resolution to print, when

Mr. RICE GARLAND rose to order, and insisted that as Friday and Saturday were set apart for the consideration of private bills, and private business exclusively, to go on with the debate on a resolution involved a change of the order of business, and could not be done but by a vote of two-thirds.

The CHAIR so deciding,

Mr. HOLLEMAN took an appeal.

The question was debated for a long time by Messrs. GARLAND, CUSHING, CAVE JOHNSON, MARVIN, CLIFFORD, BRIGGS, DROMGOOLE, EVANS, TURNEY, HOLLEMAN, and TILLINGHAST, when

Mr. TURNEY moved the previous question, which being seconded, put, and carried, and the main question being "Shall the decision of the CHAIR stand as the judgment of the House?" it was decided by yeas and nays, as follows: yeas 113, nays 64.

So the decision of the CHAIR was sustained.

A number of private bills on the Speaker's table were then taken up on their first and second reading, and referred to the appropriate committees.

On motion of Mr. CHAPMAN of Iowa, the bill for the relief of James M. Morgan, together with a memorial for the pay of the militia of Iowa, called out to repel invasion by the State of Missouri, was referred to the Committee on Military Affairs.

On motion of Mr. EVANS, it was resolved that when this House adjourns, it adjourn to meet on Monday next.

Some struggle then ensued (there being no private business yet on the calendar) to proceed to the consideration of various kinds of business.

After which, on motion of Mr. SERGEANT, the rules were suspended for the purpose of taking up the act amending the act in relation to the census, which had been reported yesterday from the Committee of the Whole on the state of the Union, with certain amendments, which were concurred in; and the bill having been ordered to a third reading at this time, was read a third time, and passed.

The House then took up the bill providing for the reappointment of the Commissioner of Pensions, and which said bill had been reported from the Committee of the Whole on the state of the Union, with an amendment (offered by Mr. PROFFIT) reducing the salary of the said Commissioner from $3,000 to $2,500 per annum.

After some further remarks from Mr. PROFFIT, the amendment was debated by Messrs. GRAVES, GIDDINGS, and W. THOMPSON, at much length, and in favor thereof.

Mr. SMITH of Maine replied at some length to Mr. GRAVES—which will be published hereafter. When Mr. S. was about concluding, several gentleman (some twenty or thirty) rose and claimed the floor, as having first addressed the Speaker.

The SPEAKER said that a number of gentleman had addressed the Chair at once, and before the gentleman from Maine [Mr. SMITH] had actually concluded his remarks; and that, if gentlemen would be seated, and take a fair start, he would decide who had the floor.

The SPEAKER then gave the floor to Mr. DAVIS of Kentucky, who spoke in favor of the amendment, and had not concluded, when he gave way to a motion for adjournment, which prevailed.

And the House adjourned until 12 o'clock on Monday next.

IN SENATE,

MONDAY, February 24, 1840.

Mr. WRIGHT presented the petition of three hundred and twenty-three inhabitants of the city of New York, being persons engaged in the manufacture of umbrellas, parasols, and the like. This petition states that, up to the year 1839, an ad valorem duty of 25 per cent. had been imposed upon umbrellas and parasols, and in conformity, as the petitioners believe, with the true construction, as well as with the spirit and intent, of the compromise act; that a judicial construction was given to this act in the year 1839, which admits the importation of these articles free of duty, as manufactures of silk, or of which silk is a component material of chief value; and that, in consequence of this construction of the law, the business of the petitioners is threatened with entire ruin, as they are compelled by the law to pay a duty upon all the articles which enter into the manufacture, except the silk, while the foreign umbrella, or parasol, entire, is imported free of duty. They pray relief by the reimposition of the duty of 25 per cent. upon imported umbrellas and parasols, thus repealed by the construction of the courts.

Mr. W. said that he believed, according to the usual classification of business in the Senate, this petition should go to the Committee on Manufactures; but as a great number of petitions of a kindred character had been, during the present session, referred to the Committee on Finance, he would move the reference of this to that committee, unless some Senator should prefer the other direction. It was proper, however, whether the reference should be to the one committee or the other, that the petitioners should know that, inasmuch as any bill for their relief must necessarily be a bill to raise revenue, it cannot originate in this body, and that nothing can be done here with this petition, or the many which have been presented, praying the imposition of a duty, and an increase of duty, upon importations of silk, other than to follow the action of the House of Representatives.

The petition was then referred to the Committee on Finance.

Mr. WRIGHT presented, also, a petition signed by Charles Mills and 220 other citizens of the city of New York, and a similar petition signed by E. W. and F. Tryan and 230 others, also citizens of New York, praying Congress to exercise its constitutional power in the passage of uniform laws, for cases of bankruptcy, throughout the United States. Mr. W. said he would make the same motion in relation to these petitions, which he had made in reference to the great number of a similar character, which it had been his duty and his pleasure to present from his immediate constituents, during the present session, viz: That the reading be dispensed with, and they be referred to the Committee on the Judiciary; and he would avail himself of the occasion, most respectfully to express the hope that that important committee would at their earliest convenience, give to the wishes of these numerous and respectable petitioners, their careful and favorable consideration.

Mr. WEBSTER presented a memorial similar to the foregoing, and went somewhat at length into an argument in favor of the passage of a general bankrupt law: and submitted the following as an outline of the proposed law:

1. That the circumstances of the country require that Congress should exercise its constitutional power of establishing a uniform system of bankruptcy throughout the United States.

2. That it should be made applicable to all persons whatever, owing debts not less in amount than ——— dollars, who shall avow their insolvency, and, by petition to the proper tribunal, pray for the benefit of the act. These shall be deemed voluntary bankrupts.

3. That it should apply compulsorily to merchants and traders whose debts to one or more creditors shall amount to a sum not less than ——— dollars, and who have or shall fail in business, or be apparently insolvent, or unable to pay their debts. Such persons to be deemed involuntary bankrupts, and to be subject to the provisions of the act upon the petition of any creditor or creditors whose debts together exceed the sum of ——— dollars.

4. No voluntary or involuntary bankrupt to be entitled to a discharge, who shall, in contemplation of bankruptcy, and intending to take the benefit of the act, knowingly give any preference, by any payments or transfer of property, to any one or more of his creditors, to the exclusion of his creditors generally.

5. Every bankrupt surrendering all his property and rights of property, for the benefit of his creditors, and conforming to all other requisitions of the act, shall be entitled to a full discharge from all his debts, and shall receive a certificate of discharge from the proper tribunal. But if he is guilty of any fraud or concealment in respect to his property, he shall not be entitled to any certificate; or if granted, it shall be avoided on proof of such fraud.

6. All creditors coming in and proving their debts under the bankruptcy to be *bona fide* debts, to share in the bankrupt's property and effects, *pro rata*, without any preference or priority except debts to the United States, which are first to be paid.

7. The district and circuit courts to have concurrent jurisdiction in all matters of bankruptcy, to be exercised summarily; and for this purpose the said courts to be deemed always opened.

8. One commissioner only to be appointed in any one case, to act in bankruptcy, on the proof of debts, &c. and one assignee only, to collect and administer the bankrupt's effects. The commissioner and assignee to be appointed in each case, by the court, and subject at all times to its orders, in all things touching their duties, and the sale and distribution of the effects.

9. The proceedings in each case to be finally closed within two years from the time of the bankruptcy, except as to matters which may be then pending, in law and equity; but the pendency of any such suits in law or equity is not to suspend the general proceedings in the case, nor postpone distribution and settlement so far as they can be made.

10. All suits by, against, or concerning, bankrupts, to be brought within two years after the bankruptcy, and not afterwards; except on causes of ac-

tion which shall not then have arisen. But all debts, not payable till a future day, may be proved in the bankruptcy, and paid *pro rata*, with proper abatement for interest or discount.

11. Any person proceeded against as an involuntary bankrupt, to be entitled, at his election, to trial by jury, to ascertain the fact of such bankruptcy.

12. No person to be entitled to a discharge, who shall be proved to have lost, within —— years before his bankruptcy, by any gaming, wasing, or betting of any kind, whether at one or more times, the sum of —— dollars.

13. The circuit court in each district to establish a rate of fees for the officers of the circuit court and district court, in all cases in bankruptcy; and those rates to be published.

14. The act to continue in force five years, and until the then next session of Congress.

Mr. BUCHANAN said he rose to make a suggestion to the Senator from Massachusetts and to the members of the Judiciary Committee on this important subject, which he hoped they would take into serious consideration in framing a bankrupt bill. In the session of 1821, '2—the session in which he first entered the House of Representatives—there was a bankrupt bill before that body, which was extensively discussed. At the first, his impressions were favorable to its passage; but they had undergone a change before question was finally taken, and he had made a speech, and voted against the adoption of that measure. This change was produced by the arguments of a distinguished member from South Carolina, (Mr. Lowndes,) now no more, who, in his estimation, possessed more political information and better matured practical wisdom, than any other statesman he had ever known. Mr. Lowndes was then in a state of such feeble health that he had not physical strength sufficient to enable him to present his views at large to the House, though, according to his best recollection, he had made the attempt, and was obliged to desist. He had, however, conversed with him freely upon the subject.

His chief objection to the bill then before the House, according to Mr. B's best recollection, was that the bankrupt law of England was not at all applicable to this country. That from the extent of the United States, and the few Federal courts which existed, it must in practice prove an intolerable burden to the people. That all the judicial business involved in the settlement of a bankrupt estate, must necessarily be drawn into these courts, and they were at such a distance from a large proportion of the people, that the attendance of parties, jurors, and witnesses, upon them, would be exceedingly oppressive. And that the difficulties thus imposed to the attainment of justice, would prevent justice from being done in the settlement of bankrupts' estates. These points Mr. B. had attempted to enforce in the remarks which he had made in opposition to the bill.

Mr. Lowndes strongly entertained the opinion that a bankrupt law, founded upon the principles of the civil law, would be made more applicable to this country than the English bankrupt system. He was in favor of a *cessio bonorum*—a voluntary assignment by the bankrupt of his effects, in trust for the benefit of all his creditors; and then if a large majority of these creditors in number and value, believed that he had acted honestly, and were willing to release him, this should be binding upon the minority. Such a law would in a great degree execute itself, and would relieve the community from the cumbrous and distant machinery of the Federal courts.

He merely threw out these suggestions from memory, which, after so long a lapse of time, might be imperfect.

The remarks of the Senator from Massachusetts were entitled to grave attention. He should give the subject all the impartial consideration which its importance demanded; and he would say in advance, that if his opinions should undergo a change, and it was very possible they might, he would not be deterred from changing his vote for the sake of preserving his character from the imputation of inconsistency. He trusted that the bill which might now be presented, would be much more simple in its form, and direct in its provisions, than the bill against which he had formerly voted.

Mr. TALLMADGE also presented a memorial on the subject of a bankrupt law; which, after some remarks in favor of the object of the petitioners, was referred to the Committee on the Judiciary.

Mr. WALL said he would make a remark or two in reply to the suggestions of the gentleman who had spoken on this subject. He was deeply impressed with its importance, and thought that the time had arrived when Congress should perform their constitutional obligations in regard to it. The committee had not been unmindful of their duty, but would in a short time give Senators an opportunity of making known their views on the subject.

Mr. FULTON presented the memorial of certain citizens of Arkansas, praying to be allowed to locate a quantity of land, to be applied to the purposes of education; which was referred to the Committee on the Public Lands.

Mr. YOUNG presented the memorial of the Galena Chamber of Commerce of the State of Illinois, praying that Galena may be made a port of entry and delivery; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAY of Alabama presented the petition of the heirs of John Scraggs and James Scraggs; which was referred to the Committee on Revolutionary Claims.

Mr. BETTS presented the petition of James Rhinehart; which was referred to the Committee on Claims.

Mr. CLAYTON presented a memorial remonstrating against the use of bloodhounds in the Florida war; which was laid on the table.

Mr. DAVIS presented the memorial of Thomas Rhodes and others, praying for the establishment of a Congress of Nations; which was referred to the Committee on Foreign Relations.

Mr. WILLIAMS presented the memorial of a number of citizens of Cumberland county, Maine, praying for a similar object as the foregoing; which was referred to the same committee.

Mr. MERRICK presented the memorial of the Mayor, Recorder, and Common Council of Georgetown, in the District of Columbia, praying an extension of their charter on the subject of taxation; a renewal of the charter of the Farmer's and Mechanic's Bank of Georgetown; the erection of a permanent stone bridge across Rock Creek at the western extremity of Pennsylvania avenue; remonstrating against any further obstructions to their commerce on the Potomac river; and the establishment of a fund for the purposes of education in the District of Columbia; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. M. also presented the petition of the widow of Samuel Walker, deceased, praying a pension; which was referred to the Committee on Pensions.

Mr. STURGEON presented three memorials of citizens of Philadelphia, severally praying an appropriation for the erection of a new custom-house at that place; which were referred to the Committee on Commerce.

Mr. STURGEON presented five petitions of citizens of Alleghany county, Pa. praying for the abolition of the slave trade. The motion to receive was,

On motion by Mr. FULTON, ordered to lie on the table.

Mr. PRENTISS presented the memorial of A. Partridge and others, in behalf of the Military Convention assembled at Norwich, Vt.; which was referred to the Committee on Military Affairs, and ordered to be printed.

The VICE PRESIDENT presented the memorial of Chauncey Hall, representing certain defects in the law authorizing the issuing of patents, and praying that a patent may issue in his favor for the discovery of a process by which cast iron may be tempered; which was referred to the Committee on Patents and the Patent Office.

On motion by Mr. LUMPKIN, five memorials, which were heretofore referred to the Committee on Manufactures, were referred to the Committee on Finance.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which was referred the petition of William Walker, made an adverse report thereon.

Mr. BUCHANAN offered the following resolution for the consideration of the Senate:

Resolved, That a select committee be appointed for the purpose of inquiring into the expediency of proposing to the States such an amendment to the Federal Constitution as will secure a large specie basis for the circulation of the country, by prohibiting the issue and circulation of bank notes, and other paper currency, of denominations so low as to prevent the circulation of gold and silver in the ordinary transactions of business, and in payment of the wages of labor.

A message was received from the House of Representatives, by Mr. GARLAND, their Clerk, announcing that the House had passed the bill to amend the act to provide for taking the sixth census, with an amendment. [The amendment was to reduce the salary of the principal clerk from two thousand to fifteen hundred dollars.]

On motion by Mr. WALL, the bill was referred to the Committee on the Judiciary.

SPECIAL ORDER.

The resolution from the Select Committee on the assumption of the debts of the States was then taken up, and Mr. PHELPS addressed the Senate at length on the subject.

On motion by Mr. CRITTENDEN, the subject was then passed over informally.

ORDERS OF THE DAY.

The bill for the relief of the heirs of Madame De Lusser and their legal representatives, was read a third time, and passed.

The bill for the relief of Juan Belgar;

The bill for the relief of Daniel Marsaque;

The bill for the relief of Joseph Bogy;

The bill for the relief of Sebastian Butcher, and the heirs or legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom; and

The bill to settle the title to certain tracts of land in the State of Arkansas;

were severally taken up as in Committee of the Whole, considered, and ordered to be engrossed.

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill from the House of Representatives to amend the act to provide for taking the sixth census or enumeration of the inhabitants of the United States, approved March 3, 1839, reported the same to the Senate, with a recommendation that the amendment of the House be not concurred in.

After some remarks from Messrs. DAVIS and PRESTON in opposition to the motion of Mr. WALL,

Mr. CLAY of Alabama said he thought that fifteen hundred dollars was an ample compensation for the services required under the provisions of this act. He was glad to hear the remarks in favor of retrenchment and economy coming from the quarter they did, and he could assure the gentlemen they should have his support, and he would go hand in hand with them in all their measures for this object. He hoped that the amendment of the House would be concurred in.

Mr. TAPPAN said that as the office was but a temporary one, we should take that fact into consideration when determining what would be a proper amount of compensation. He thought that if they could get a competent person to perform these services for fifteen hundred dollars, they would not be justified in giving a greater sum.

Mr. WALL said that his ideas of economy were probably different from those of other gentlemen. He was willing to pay talent and industry, when engaged in our service, a fair compensation. When he began to economize, he would not do it by subtracting a small amount from the pittance paid to our clerks for the labor they perform. We would, to be sure, put the few cents saved in this manner into the Treasury, and it might form a subject of boasting to some Senators for their great exertions in favor of economy; but, for himself, he could take neither pride nor satisfaction in the reflection of having participated in it.

After some further remarks from Messrs. KING and WHITE, the question was taken on concurring

with the amendment of the House, and it was decided in the affirmative, ayes 27, noes 6, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Davis, Dixon, Henderson, Hubbard, King, Knight, Lumpkin, Mouton, Nicholas, Norvell, Phelps, Prentiss, Preston, Roane, Robinson, Sevier, Spence, Sturgeon, Tallmadge, White, and Williams—27.

NAYS—Messrs. Fulton, Grundy, Linn, Strange, Wall, and Wright—6.

So the amendment of the House was consented in;

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, February 24, 1840.

The SPEAKER laid before the House the following communications, viz:

A communication from the Treasury Department, enclosing a communication from the Commissioner of the General Land Office, covering a report from the Register and Receiver of the Land Office at St. Augustine, under the law of the 26th May, 1830, in relation to certain Spanish claims. On motion of Mr. CASEY, referred to the Committee on the Public Lands, and ordered to be printed.

Also, a report in answer to a resolution of the House calling for information in relation to certain expenses of the Wisconsin Territory for the years 1837, '38, and '39. On motion of Mr. J. W. JONES, referred to the Committee of Ways and Means, and ordered to be printed.

A communication for the Commissioner of the General Land Office, in compliance with a resolution of the House, adopted on the 10th instnnt, showing the probable quantity and value of the public lands of the United States, lying within the geographical limits of the State of Tennessee, accompanied by a communication from the Secretary of State of the State of Teunessee. On motion of Mr. LINCOLN, referred to the Committee on the Public Lands, and ordered to be printed.

Report from the First Comptroller, in compliance with the act of 3d March, 1809, presenting a statement of the accounts which have remained more than three years unsettled, and on which balances are due. On motion of Mr. J. W. JONES, laid on the table, and ordered to be printed.

Mr. JOHN CAMPBELL wished, before the States were called for resolutions, to have the privilege to report one from the Committee of Elections; which was read for information, as follows:

Resolved, That the Committee of Elections be authorized to send for persons and papers in reference to the contested elections from the Third Congressional District of Pennsylvania, and the Sixth Congressional District of Massachusetts.

Mr. DAVIS of Pennsylvania objected to its reception.

Mr. RIVES said it was impossible for the committee to proceed with the investigation of these cases, without the power is given to it. The committee is now doing nothing, for the want of this power.

Mr. J. CAMPBELL moved a suspension of the rules to enable him to offer the resolution.

Mr. KEIM inquired of the chairman of the Committee of Elections, Mr. CAMPBELL, if he supposed this resolution gave the committee power to appoint commissioners to take testimony.

Mr. CAMPBELL said the committee had had that subject under consideration, and had come to the conclusion it would be better to submit the question to the House.

The question was then taken on the motion to suspend the rules, and it was carried without a division.

The question then arose on the adoption of the resolution, when

Mr. BIDDLE said that he understood that objection was made to the appointment of commissioners by the committee. Now the resolution, he supposed, merely authorized the examination of testimony by the committee itself. He wished to hear the resolution read, that he might be certain on this point.

Mr. WILLIAMS of North Carolina said that the usual course had been for the contesting parties to be at the trouble and expense of taking testimony under the laws of the States where the contested elections had been held. He objected to the giving this power to the committee, on account of the great expense that might be incurred in consequence of it. The committee, he said, might, under this power, send for every voter in the contested districts, and bring them here to testify.

Mr. VANDERPOEL asked if the committee could not delegate the power to some persons in the States of Pennsylvania and Massachusetts, to take depositions for them. The expense would be very considerable if all the witnesses were to be brought here.

Mr. CAMPBELL had no sort of objection to modifying his resolution so as to put in the words "and to examine witnesses by commission;" and the resolution being thus modified, was read.

Mr. R. GARLAND thought the modification unnecessary. He was on the Committee of Elections of 1837, and they were told by the Speaker that the power to send for persons and papers gave them the whole power of taking testimony by commission.

Mr. FILLMORE said it did seem to him that a little consideration ought to be given to a grave subject like this. It would be recollected that the House was, in these cases, exercising judicial powers, and he believed it was not the habit of any of our courts to delegate their powers. It struck him that this power should be exercised by the House only, and not by a committee. He had no objection to giving the power in this particular instance, but it was the establishment of the precedent that he objected to.

Mr. BIDDLE believed that the usual course in cases of contested elections, was for the parties themselves to name the commissioners. How was the committee to get their information, so as to make a proper designation of the commissioners? Would they not get their information from one of the candidates; and if so, was it not likely that the power thus exercised would be prejudicial to the other? Knowing the passions and prejudices that would be brought to bear, he was unwilling to give the committee this power.

Mr. BROWN of Tennessee observed that the committee having entered into an examination of the Massachusetts and Pennsylvania cases, found that their powers were inadequate to the attainment of the requisite testimony, and their investigations being thus suspended, they came before the House and asked for the necessary and ordinary power to send for persons and papers. We have, said Mr. B., heard enough of these cases to know that we cannot progress with them without having the facility of taking depositions, in the respective neighborhoods where the elections have been held. It seemed that one of the principal objections to the giving of this power to the committee, of issuing commissions, was that it might be abused. Now, he would suggest to the House, that this difficulty might be removed by giving the appointment of the commissioners to the Speaker; for it would seem to him, that it would make very little difference whether they were appointed by the Speaker or the House. He hoped the resolution offered by the chairman would be adopted, and that the House would not take any alarm at giving a power to the committee, which had often been given before, and which never had been abused

Mr. PARMENTER remarked, that one of these cases [the Massachusetts one,] was somewhat different from the ordinary cases which came before the House. The grounds taken by the gentleman from Pennsylvania, [Mr. BIDDLE,] were, that it was the duty of the competitors in cases of contested elections, to designate the commissioners and to collect the testimony. He would remark that in the Massachusetts case there was no competitor contesting the seat of the sitting member. The law of that State required that the Representative elected to Congress should have a majority of all the votes given, and it was the people of the ninth election district in that State, who set forth in their petition that the gentleman claiming to represent them did not receive a majority of their votes according to law. Now it followed, that if the doctrine of the gentleman from Pennsylvania was sustained by the House, there would be no one in that district to designate the commissioner, or collect the testimony. It could not be expected that the trouble and expense involved would be borne by any particular individual.

Mr. PETRIKIN here moved the previous question, which was refused—ayes 77, noes 83.

Mr. TOLAND then moved to postpone the resolution till to-morrow.

Mr. CAMPBELL of South Carolina said it appeared from the testimony of gentlemen who had been long members of the House, that the power to send for persons and papers carried with it the power to appoint commissioners for taking testimony. Such was also the opinion of the committee; but to obviate objections that had been made, he had modified his resolution, so as to get the sanction of the House to the power of appointing commissioners. The first proposition was merely for the usual power of sending for persons and papers; and without this power the committee could not move one step. For the purpose of getting a direct vote of the House on the proposition as first offered, he would withdraw the modification, and then the question would simply be on giving the committee power to send for persons and papers.

Mr BOND desired to know of the chairman of the committee in what event they contemplated the necessity of sending for persons and papers. He understood that it had not been usual in the case of contested elections to bring witnesses to the Capitol for the purpose of taking their testimony. He knew that, in the case of Letcher and Moore, the parties were sent home, and that months elapsed before they returned with their testimony. We know also (said he) that, in the New Jersey case, the committee have sent home the parties to take testimony. Now he wanted to know what it was in the Pennsylvania and Massachusetts cases that made it necessary for the committee to have this power.

Mr. CAMPBELL stated that, when there were not a great number of witnesses to examine, so as not to occupy much time and involve a heavy expense, it was deemed the most satisfactory course to have the witnesses examined by the committee; but when, from their distance from the seat of Government, and the number to be examined, a more than ordinary consumption of time and money would be involved, it would be better to have their depositions taken by a commissioner appointed for that purpose.

Mr. BOND said, that, in the estimation of some gentlemen, that would be considered a great number, which, in the estimation of others, would be considered a small one. He thought there was no necessity for the adoption of the resolution, and that it would be opening the door for a heavy expense to the Government. It would also be a departure from the established usage of the House.

Mr. GRAHAM, after calling for the reading of the resolution, observed that he saw no necessity for its passage. It would be, in his opinion, the setting a bad precedent, for he never was aware of such a power having been granted to a Committee of Elections. With regard to the remarks of the honorable gentleman from Massachusetts, [Mr. PARMENTER,] he saw no force in them; for, if the people of the district would not take the trouble to collect the evidence necessary to support their petition, it would be considered that they did not take much interest in it. He thought that all the committee could or ought to do, was to prescribe the regulations for taking testimony, and leave the contesting parties to do it. If there were laws in the States where the depositions were to be taken, providing regulations for taking them, they could be taken under those laws: but if there were not, the committee had the power of prescribing all the necessary regulations.

Mr. RIVES observed that it seemed that no matter in what shape the subject was presented here, the committee would have difficulties to encounter. If, said he, we ask for power to have depositions taken, it is objected to as giving the committee too much power. If, on the other hand, said he, we ask for authority to send for persons and papers, for the purpose of taking testimony here, this is also objected to for the same reasons. The gentleman from North Carolina [Mr. GRAHAM] says this is unprecedented. The gentleman spoke without a sufficient examination. In nine cases out of ten of contested elections, Mr. R. said, this power had been given. Why were these objections made? Did gentlemen desire a thorough examination into these contested cases? If they did, why object to giving the committee this power? The gentleman from North Carolina says that it is the duty of the people of the contested district in Massachusetts to furnish testimony to the House. Did they know what sort of testimony the House required? Did they know that certified copies of the poll books were wanted to ascertain whether their Representative had received a majority of the votes according to law? But it was objected that the power to send for persons and papers would involve a very heavy expense, and bring a vast number of persons to Washington. Now there might be persons here in this city by whom material facts might be established in relation to these cases, and why not let the committee have these persons before them? But suppose they are not in the city, why not let the committee send to the States for them? Were gentlemen so afraid of expense that they are willing to prevent justice from being done? If they were in favor of a fair investigation into these cases, they ought to give the committee power to collect testimony. They ought not to object to the committee having such evidence before them as would lead to a fair and impartial examination. The object of the committee was not to do any thing that they had not the right to do. They would not send for persons and papers unless the House gave them that power; and unless the House did give it to them they could not proceed one step in their investigations, for they were now doing nothing for the want of it. The power had been conferred on them in the New Jersey case, but not in the Massachusetts and Pennsylvania cases. It was a power usually given to the Committee of Elections. It had not heretofore been refused, and if it was refused now, it would be equivalent to saying that the House did not want a thorough investigation into these cases. Mr. R. concluded by moving the previous question.

Mr. BIDDLE asked if the main question would not be on the motion to postpone the resolution till to-morrow.

Mr. BANKS said the main question would be on the resolution, the previous question cutting off the motion to postpone.

Mr. BRIGGS said the previous question cuts off amendments; but this was not an amendment, but a motion to postpone.

The SPEAKER said the rule applied to a motion to postpone as well as to amend; and the question, therefore, would be on the resolution.

Mr. JOHNSON of Tennessee desired, before the question was taken, to read the law on which the practice of the House, in relation to this question, was founded; but was ruled to be out of order.

Mr. RIVES having called for tellers, Messrs. RAMSEY of Pennsylvania and BRIGGS of Massachusetts were appointed, and the question on seconding the call for the previous question, was taken, when the tellers reported, ayes 94, noes 62.

Mr. WILLIAMS of North Carolina called for the yeas and nays on the preliminary question "shall the main question be now taken, which were ordered; and on calling the roll resulted—yeas 124, nays 74, as follows:

YEAS—Messrs. Alford, J. Allen, H. J. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Briggs, Aaron V. Brown, Albert G. Brown, Burke, S. H. Butler, Bynum, John Campbell, W. B. Campbell, Carroll, Carter, Casey, Chapman, Chinn, Clifford, Coles, Connor, M. A. Cooper, Craig, Crockett, Cross, Dana, Davee, John Davis, John W. Davis, Dawson, Doherry, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Galbraith, James Garland, Gerry, Green, Griffin, Habersham, Hammond, Hand, J. Hastings, Hill of North Carolina, Hillen, Holleman, Hook, Howard, Hubbard, Jameson, Joseph Johnson, C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Medill, Miller, Montanya, Montgomery, Newhard, Nisbet, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Rariden, Reynolds, Rives, Robinson, Edward Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Truman Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Underwood, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Christopher H. Williams, Sherrad Williams, and Worthington—124.

NAYS—Messrs. Adams, John W. Allen, Barnard, Bell, Biddle, Bond, Brockway, Calhoun, Chittenden, Clark, J. Cooper, Crabb, Curtis, Cushing, Davies, Garret Davis, Dennis, Dillett, Evans, Fillmore, Rice Garland, Gates, Giddings, Goggin, Goode, Graham, Granger, Graves, Grinnell, Hall, W. S. Hastings, Hawes, Henry, Hoffman, Hopkins, Hunt, James, Charles Johnston, William Cost Johnson, Kempshall, Lawrence, Lincoln, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Ogle, Osborne, Palen, Pope, Randall, Randolph, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Stanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, Lewis Williams, and Joseph L. Williams—74.

Mr. REED called for a division of the main question, so as

to take it first on that part relating to the Pennsylvania case, and afterwards on that part relating to the Massachusetts, case.

Mr. CAMPBELL of South Carolina, and RICE GARLAND, expressed their doubts whether the question was divisible; but

The SPEAKER deciding that it was,

The question was first taken on given the Committee power to send to Pennsylvania for persons and papers, and resulted—yeas 136, nays 50, as follows:

YEAS—Messrs. Adams, Judson, Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Bell, Blackwell, Boyd, Brewster, Briggs, Aaron V. Brown, Burke, Sampson H. Butler, Bynum, Calhoun, J. Campbell, W. B. Campbell, Carroll, Casey, Chapman, Clifford, Conner, Corwin, Craig, Crary, Crockett, Cross, Cushing, Dana, Davee, Edward Davies, John Davis, John W. Davis, Garret Davis, Deberry, Doan, Doig, Duncan, Earl, Eastman, Ely, Fillmore, Fine, Fisher, Floyd, Galbraith, James Garland, Gentry, Gerry, Goggin, Granger, Griffin, Hammond, Hand, William S. Hastings, John Hastings, Hawes, Hill of N. C. Hillen, Holleman, Hook, Howard, Hubbard, Hunt, James, Jameson, C. Johnston, Nathaniel Jones, John W. Jones, Keim, Kemble, King, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Monroe, Montanya, Montgomery, Calvary Morris, Newhard, Osborne, Palen, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Pope, Ramsey, Rariden, Reynolds, Rives, Robinson, Edward Rogers, Saltonstall, Samuels, Shaw, Shepard, Simonton, Albert Smith, John Smith, Truman Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, Jacob Thompson, Trumbull, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Christopher H. Williams, and Worthington—136.

NAYS—Messrs. Alford, John W. Allen, Andrews, Bond, Brockway, Carter, Chittenden, Clark, Coles, James Cooper, Mark A. Cooper, Crabb, Curtis, Dawson, Dennis, Dillett, Dromgoole, Rice Garland, Gates, Giddings, Goode, Graham, Green, Grinnell, Hopkins, William Cost Johnson, Kempshall, Lawrence, Lincoln, Mason, Mitchell, Morgan, Rayner, Ridgway, Sergeant, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Underwood, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, Lewis Williams, and Sherrod Williams—50.

The question was then taken on the second branch of the resolution, allowing the committee to send for persons and papers in the Massachusetts case, and resulted—yeas 106, nays 56, as follows:

YEAS—Messrs. Adams, Judson Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Briggs, Burke, William O. Butler, Calhoun, John Campbell, William B. Campbell, Carroll, Casey, Chapman, Clifford, Connor, Mark A. Cooper, Corwin, Craig, Crockett, Dana, Davee, Davies, John Davis, John W. Davis, Dawson, Doan, Doig, Duncan, Earl, Eastman, Ely, Fillmore, Fine, Floyd, Galbraith, Gerry, Goggin, Granger, Griffin, Hammond, Hand, William S. Hastings, John Hastings, Hill of North Carolina, Hillen Holmes, Howard, Hubbard, Hunt, James, Jameson, J. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, King, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Monroe, Montanya, Montgomery, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Vanderpoel, David D. Wagener, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—106.

NAYS—Messrs. Alford, John W. Allen, Andrews, Bell, Bond, Brockway, Carter, Chinn, Chittenden, Clark, Coles, James Cooper, Crabb, G. Davis, Deberry, Dennis, Dillett, Dromgoole, R. Garland, Gates, Gentry, Goode, Graham, Green, Grinnell, Hopkins, C. Johnson, Kempshall, Lawrence, Lincoln, Mitchell, Morgan, Calvary Morris, Osborne, Randall, Rayner, Reed, Ridgway, Saltonstall, Simonton, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Underwood, P. J. Wagner, Edward D. White, John White, Thos. W. Williams, L. Williams, Joseph L. Williams, Christopher H. Williams, and Sherrod Williams—56.

Mr. JONES of Virginia said he had been instructed by the Committee of Ways and Means to report the following resolution:

Resolved, That this House will, on Thursday, at 1 o'clock, resolve itself into a Committee of the Whole on the state of the Union, to consider House bill number 18, providing for the issuing of Treasury notes—that it be made the special order at that hour, and at the same hour on each succeeding day, until the bill be finally disposed of, to take precedence of all other business.

The SPEAKER said that the first business in order was the call of the States for resolutions, and that the gentleman from Virginia could only offer his resolution by general consent.

Objection being made—

Mr. JONES moved a suspension of the rules, to enable him to offer the resolution; and upon that motion,

Mr. L. WILLIAMS demanded the yeas and nays; which were ordered, and were—yeas 103, nays 80, as follows:

YEAS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Biddle, Blackwell, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Bynum, John Campbell, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Craig, Crary, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, James Garland, Gerry, Griffin, Hammond, Hand, John Hastings, John Hill of N. C. Hillen, Hoffman, Hook, Hopkins, Howard, Jameson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Lawrence, Leet, Leonard, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Marvin, Medill, Miller, Monroe, Montanya, Montgomery, Newhard, Parish, Parmenter, Parris, Paynter, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taliaferro, Taylor, Philip F. Thomas, Turney, Vanderpoel, David D. Wagener, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—103.

NAYS—Messrs. Alford, John W. Allen, Andrews, Barnard, Bell, Bond, Briggs, Brockway, W. B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Corwin, Crabb, Cross, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Wm. S. Hastings, Hawes, Hunt, James, Charles Johnston, Wm. Cost Johnson, Kempshall, King, Lincoln, Mason, Morgan, Calvary Morris, Naylor, Ogle, Osborne, Palen, Pope, Randall, Randolph, Rariden, Rayner, Reed, Russell, Saltonstall, Sergeant, Simonton, Truman Smith, Stanly, Storrs, Stuart, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Sherrod Williams 80.

So (there not being two-thirds in favor thereof) the rules were not suspended.

The SPEAKER then called for resolutions, commencing in the reverse order of the States and Territories.

In the process of this business,

Mr. FILLMORE raised the point of order, that, under the rule, no member could offer more than one resolution, or one series of resolutions, all relating to the same subject, at one time, except on leave given.

The SPEAKER was of opinion, he said, that that rule applied only to the morning hour.

Mr. EVANS suggested that the practice at the last Congress had been the other way.

The SPEAKER said he would, then, conform to that practice.

Mr. CASEY, on the State of Illinois being called, offered a resolution providing that the time for the presentation of petitions and memorials be extended and continued for four days from and after the 25th inst.

Mr. JONES of Virginia said he felt constrained to object.

And, as the resolution, giving rise to debate, must, under the rule, have been laid over,

Mr. CASEY moved a suspension of the rule.

On which motion, Mr. JONES of Virginia demanded the yeas and nays; which were ordered.

Mr. LINCOLN rose to inquire of the CHAIR whether, if the resolution was agreed to, the effect would be to continue the discussion on the Cumberland road? (This subject, it will be recollected, came up originally in the form of a memorial.)

The SPEAKER said he was of opinion it would.

And the question was then taken, and decided in the negative—yeas 104, nays 62.

So, there not being two-thirds, the rule was not suspended.

In pursuance of notice heretofore given, Mr. STUART of Illinois asked and obtained leave to introduce a bill granting preemption rights to actual settlers on the public lands; which was read twice by its title, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. RARIDEN (leave having been denied) moved a suspension of the rule for the purpose of taking up and considering the resolution, heretofore offered by him, calling upon the Secretary of War for information in relation to the disbursements of Indian annuities, and the amount of salaries paid the agents for that purpose, &c.

Mr. PROFFIT asked for the yeas and nays, which were ordered.

And, after some conversation on a point of order, the question was taken, and decided in the negative—yeas 79, nays 86.

So the rule was not suspended.

On the State of Kentucky being called,

Mr. GRAVES (leave having been denied) moved a suspension of the rule for the purpose of taking up and considering the resolution offered by him the other day, proposing an investigation, by the Committee on Expenditures in the Post Office Department, in the case of Mr. Robinson, formerly a clerk in that Department.

But the House refused to suspend the rule.

It being now after 4 o'clock, Mr. REYNOLDS moved an adjournment; which motion prevailed.

And the House adjourned.

RESOLUTIONS.

On motion of Mr. MILLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing, by law, a line of four-horse post coaches, for carrying the mail twice a week on the following post roads in the State of Missouri, viz.—From Hannibal, on the Mississippi river, in Marion county, through Palmyra, the seat of justice of said county; through Paris, the seat of justice of Monroe county; Huntsville, the seat of justice of Randolph county; and Fayette, the seat of justice of Howard county; to Boonville, on the Missouri river, the seat of justice of Cooper county: and for carrying the mail in two-horse coaches twice a week from Boonville, in Cooper county, through Georgetown, the seat of justice of Pettis county; Warsaw, the seat of justice of Benton county; Bolivar, the seat of justice of Polk county; Springfield, the seat of justice of Green county; and through the seats of justice of Berry and Newton counties, in Missouri; to Fayetteville, the seat of justice of Washington county, in the State of Arkansas.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a line of two-horse coaches, for carrying the mail twice a week on the post roads from Jefferson city, Missouri, through Versailles, the seat of justice of Morgan county, to Warsaw, the seat of justice of Benton county, in said State.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting an adequate appropriation for continuing the improvement of the Harbor at St. Louis, Missouri.

On motion of Mr. JOSEPH L. WILLIAMS,

Resolved, That the Committee on the Judiciary inquire into the expediency of giving circuit court jurisdiction to the District Court of the United States for the District of Eastern Tennessee.

On motion of Mr. CROSS,

Resolved, That the Secretary of War be directed to communicate to this House the plan adopted, or proposed to be adopted, by him for the defence of the Western frontier, commencing on the Gulf of Mexico and extending to the southwest corner of Missouri; what forts have been erected, their location along or near said frontier, the number of troops at each, and what roads connecting with or leading to those on the frontier of Arkansas have been constructed, are in progress, or would be useful, from the interior of said State, or the Mississippi river, on its eastern boundary. Also, what tribes of Indians, and the number of warriors belonging to each, own or inhabit the country immediately west of the said States of Missouri and Arkansas, distinguishing between those removed there by the Government of the United States, and such as occupied the country prior to such removal; whether there be any navigable and what rivers leading to, and, in his judgment, immediately connected with the defence of said frontier; and what would be the probable cost of the construction and completion of the roads, the repair and erection of forts, and the improvement of the navigation of rivers, respectively, deemed material to carry into effect the said plan of defence.

On motion of Mr. CHAPMAN of Iowa,

Resolved, That the Secretary of War communicate to this House such information as he may be possessed of relative to the causes requiring troops to guard the payments of annuities to Indians on the Des Moines river; whether such necessity, if it does exist, has not arisen from the fraudulent influence exercised by traders over the Indian agents; and whether the furnishing troops was not requested by the agent.

Resolved, That the Committee on the Public Lands inquire into the expediency of granting land for a deaf and dumb asylum, in the Territory of Iowa.

Resolved, That the Secretary of War communicate to the House, whether the Iowa militia has been called out under the authority of the United States; and whether an appropriation is necessary to enable him to defray the expense, and if so what probable amount.

Resolved, That the Committee on the Public Lands inquire into the expediency of authorizing the Territory of Iowa to reclaim inundated lands for school purposes.

On motion of Mr. DOWNING,

Resolved, That the preamble and resolutions of sundry citizens of the Territory of Florida assembled in town meetings at Tallahassee and Monticello, be referred to the Committee on Territories; and that they be instructed to inquire into the expediency of so modifying the organic laws of the several Territories of the United States, as to authorize the people of each Territory to elect its own Governor; and, also, to inquire and report the best mode of regulating by law the manner in which all the officers of said Territories (Executive and Judicial) shall be chosen.

On motion of Mr. CROSS, of Arkansas.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation to continue the military road heretofore commenced from White river, in Izard county, Arkansas, to Fort Wayne, near the western boundary of said State.

On motion of Mr. CROCKETT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Brownsville, in the State of Tennessee, to Somerville, in said State.

On motion of Mr. W. B. CAMPBELL,

Resolved, That the Committee on Military Affairs inquire into the expediency of providing for the payment of the staff of the Governor of the State of Tennessee, while engaged in organizing and mustering the volunteers of said State, called into the service of the United States in the year 1838, for the Cherokee service.

On motion of Mr. A. V. BROWN,

Whereas the state of our Indian relations renders it highly probable that, for several years to come, the United States may have to rely much on the services of its volunteer militia, therefore

Resolved, That the Committee on Military Affairs be directed to inquire into the propriety of increasing the pay of all volunteers, both privates and officers, who may hereafter be called into the service of the United States, and that said committee have leave to report by bill or otherwise.

On motion of Mr DUNCAN,

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of allowing compensation to William D. Jones, esq. for extra services while Consul for the United States at Mexico, and during the absence of our accredited Minister at that Court; and that his letter to Mr Duncan, one of the members of this House, be referred to said committee.

On motion of Mr. GRAVES,

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of so adjusting the circuits of the different judges of the Supreme Court, as to equalize, as far as practicable, the labors performed by each.

On motion of Mr. TURNEY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from McMinnville, Tennessee, to Smith's, in said State.

On motion of Mr. HUBBARD,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying the claims of John W. Read, esq. for certain services rendered the United States.

On motion of Mr. CHAPMAN of Alabama,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Hickory Level, in Talladega county, to Adair's Ferry, on Tallapoosa Abacooch-y Gold Mines, in Randolph county, thence to the gold mines in Carroll county, Georgia, and thence to Campbelltown, in said State.

On motion of Mr. GRAVES,

Resolved, That the Committee on Commerce be instructed to inquire into the propriety of making appropriations to improve the harbor at Louisville, Kentucky, and to relieve the commerce of the Ohio river from the onerous burdens that are imposed upon them by the Louisville and Portland canal, either by deepening the main channel over the falls, or by such other means as to them shall seem expedient.

On motion of Mr. MEDILL,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the city of Chillicothe, through the towns of Hallsville, Adelphia, and Perry, to Logan, in Hocking county, Ohio; and also of so changing the present route from Jackson, in Jackson county, to Nelsonville, in Athens county, as to pass by McArthurstown, Judge Johnson's corner, Star post office, and Logan, in the said county of Hocking.

On motion of Mr. BOND,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of equalizing the salary of the district judge of the United States, in the State of Ohio, with the salaries of the district judges in the several other States.

On motion of Mr. TAYLOR,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of dispensing with the present land offices at Marietta, Steubenville, and Wooster, in the State of Ohio, and attaching those districts to the Louisville land district, in said State.

On motion of Mr. McCLELLAN,

Resolved, That the Committee on Accounts be instructed to inquire into the expediency of dispensing with making of pens for the House of Representatives; and that they also inquire into the expediency of retrenching the contingent expenses of the House generally.

On motion of Mr. CHINN,

Resolved, That the Secretary of the Treasury be required to inform this House as soon as practicable, why no patents have been issued to the claimants to, or purchasers of, lands in the St. Helena or Greensburg district, in the State of Louisiana, together with copies of all the correspondence between the Commissioner of the General Land office and the Surveyor General of the United States for the State of Louisiana in relation to the final completion of the surveys and adjustments of land claims in said district; and that he also communicate copies of all instructions, or letters, to the register and receiver of said district, in relation to the suspension of sales of land in said district by *private entry*, with the reasons for such suspension, if any. Also, to communicate whether any appropriations have been made by Congress in the years 1836, 1837, 1838, or 1839, for the purpose of prosecuting or completing the surveys in Louisiana, and particularly in the aforesaid district, specifying the amount of each appropriation, and whether any portion of the same has been expended in making the surveys in said district; and, if so, how much. Also, whether the Department have included, in the estimates for the present year submitted to Congress, any appropriation for making surveys in said district; if so, if it is the intention of the Department to expend the appropriation, if it shall be made, in resurveying claims or lands heretofore surveyed.

On motion of Mr. CRABB,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the accommodation of the District Court of the United States, while in session at the city of Tuscaloosa.

On motion of Mr. THOMPSON of Mississippi,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route, with a daily line of post coaches, from Athens, Georgia, through the valley of the Tennessee river, and the northern counties of Mississippi, to the Mississippi river.

On motion of Mr. J. W. DAVIS,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing the claim of J. Wilson, of Indiana, for a horse lost in the service of the United States in the year 1813.

On motion of Mr. C. JOHNSON,

Resolved, That the Committee on Revolutionary Pensions inquire into the propriety of paying the heirs of Harriet Barnes the amount due him as a Revolutionary pensioner, up to the time of his death.

Mr. C. H. WILLIAMS submitted the following, which lies over:

Resolved, That a select committee of —— members be appointed to inquire into the propriety and expediency of abolishing the Military Academy at West Point, and establishing a military school of application and practice for the improvement of the officers of the army of the United States in the application and practice, for military purposes, of the several branches of elementary and theoretic sciences involved in the art of war, with leave to report by bill or otherwise.

On motion of Mr. J. W. DAVIS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Terre Haute to Bloomfield, Indiana, upon the South Louisville road.

On motion of Mr. JAMESON,

Resolved, That the application of Elizabeth Young for the allowance of a claim of her deceased husband against the Government, for services rendered under the order of the Government in taking the number of the Cherokees in Arkansas, be referred to the Committee on Indian Affairs; of A. Hudspath, for a special pre emption to a certain tract of land therein mentioned, to the Committee on on the Public Lands; of Tarlton Ellege and James White, for a grant of a certain quantity of land, to the Committee on the Public Lands; of James Evans, Jacob Groom, and James Alcorn, for an application for depredations committed by the peace party of the Sac and Fox Indians on their property in Missouri, during the late war, to the Committee on Indian Affairs; of H. S. Chalmer, in relation to claim on the Government, as heir of his father, for property burned in Washington city during the late war, to the Committee of Claims; of Samuel Glachiez, for a special pre-emption, to the Committee on the Public Lands; and of Henry Underhill, for a special pre-emption, to the Committee on the Public Lands, together with the papers referring to each.

On motion of Mr THOMAS SMITH,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a cross mail route from Lawrenceburg, Indiana, a point on the great mail route from the city of Cincinnati to Indianapolis, to Vernon, a point on the mail route from the city of Madison, Indiana, to Indianapolis, and at present the termination of the Madison and Indianapolis railroad, including the following intermediate places, viz.—Aurora, Wilmington, the county seat of Dearborne county; and Monshell, Versailles, the county seat of Ripley county; and New Marion: the mail to be conveyed on said route three times a week, in four-horse coaches, if, in the opinion of the Postmaster General, the resources of the Department and the business of the country will justify it; if not, then in a two-horse stage coach daily.

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a mail route from New Trenton, in Franklin county, Indiana, via Sunman's, to Napoleon, in Ripley county; the mail to be carried in such manner as the Postmaster General shall direct.

On motion of Mr. PROFFIT,

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a four-horse stage route from Evansville, via Boonville, Petersburg, Washington, to Indianapolis, in Indiana; also, from Evansville, via Prince, to Petersburg, Washington, to Bloomington, in Indiana; also, from Rockport, in Spencer county, via Gentryville, to Washington, in Davies county, Indiana; also, from Troy, in Perry county, via Jasper, in Dubois county, to Washington, in Davies county.

On motion of Mr. WHITE,

Resolved, That the Committee on the Public Lands inquire into the expediency of reviving the law authorizing the proprietors of front lands, in Louisiana, to enter the back lands of the same.

Mr. A. V. BROWN submitted the following, which lies over:

Joint resolution to amend the Constitution of the United States in relation to the election of President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes, as part of the Constitution, to wit:

No person who shall hereafter be elected, and shall serve the period of four years, or any part thereof, as President of the United States, shall be again elegible to that office.

Mr. REYNOLDS submitted the following, which lies over:

Resolved, That the committee on the Public Lands be authorized to inquire into the expediency of granting to the State of Illinois for the use of the public improvements in said State, each alternate section of the public land on which the several railroads are located, or the whole of the public lands yet unsold, on condition the State pay over to the General Government one-third of the amount that would arise from the sale of the same.

Mr. CARTER offered the following, which lies over:

Whereas the title to a portion of the public domain or lands owned by the United States was derived from several of the States, by deeds of cession providing that such lands should be held as a common fund for the use and benefit of all the States of this Union, according to their usual respective proportions in the general charge and expenditure, and should be faithfully and *bona fide* disbursed for that purpose, and for no other use or purpose whatsoever; and whenever the title to the residue of said domain was acquired by treaty or purchase of foreign States, to meet which and to extinguish Indian title large sums of money have been paid out of the public Treasury, which moneys were a part of the proceeds of the lands ceded by the said States for specific purposes, and in part were collected of the tax-paying citizens of the whole country: and whereas the national debt which we were compelled to contract on account of the Revolutionary war, (and for the extinguishment of which the States ceded their lands, reserving to themselves and the other States the residue,) and also on account of the late war, both of which were waged to assert our liberties, and to vindicate our honor and our right, has been fully paid and extinguished: and whereas it is believed that, by rigid economy in all branches of the public service, the customs and other sources of revenue, exclusive of the avails of the public lands, will be abundantly adequate to meet all the necessary wants of the General Government: and whereas experience proves that whatever may be the revenue of a nation, the expenditures will be made to cover, if, they do not exceed, that revenue, and the only way to enforce a just and necessary economy is to prevent an accumulation of money in the Treasury beyond a bare sufficiency to meet the real and necessary wants of that Government: and whereas the authorities of this Union held the said lands in trust for the sole use and benefit of the people of the States of this Confederacy, and it is the imperative duty of Congress to execute the said trust in good faith, and in accordance with said written agreements and contracts, and to cause the proceeds of said lands to be applied for the use aforesaid, by dividing the same among all the States of the Union upon equitable and fair principles: and whereas the performance of that duty at the present time will enable the States to foster their systems of common schools, to undertake, sustain, and prosecute works of internal improvement, lessen the taxes upon the people, and in a variety of ways will promote the prosperity and happiness of the people of this Union: Therefore,

Resolved, That a select committee of one member from each State shall be raised, whose duty it shall be to inquire into the expediency and propriety of distributing the proceeds of the sales of the public lands which shall hereafter accrue among the several States of this Union; and whether said States should be required, upon making such division, to apply the avails, or any part thereof, to any one or more objects; and whether, in the event that the revenue from the receipts of the customs and other sources shall be estimated to fall below —— millions of dollars, it may be proper to supply such deficiency, by special appropriation, out of the fund arising from the sale of the public lands, to meet the necessary expenditures of the Government: *Provided*, in the event of a war between the United States and any foreign power, said distribution shall cease and be suspended during the continuance of such war.

Mr. R. GARLAND moved the following, which lies over one day:

Resolved, That the Secretary of War be directed to communicate to this House the amount agreed to be paid to the Caddo Indians by the treaty made with them on July 1, 1835, at what times and dates the said sums were paid, to whom paid, by whom paid, and whether the Indians have received said sums; if so, whether in money or merchandise; and if the latter, what was its real value. Also, that he communicate all the correspondence in the Department relating to the payment of said sums, together with all the information in his possession connected with the subject. And the said Secretary of War is also directed to communicate, in a separate report, all the documents on file in relation to the negotiation of said treaty with the Caddo Indians, and the reservation therein made, the instructions to the commissioners who negotiated the same, and all correspondence with him or other persons in relation to said treaty, or the reservations therein; the rights of the Indians to the land which was occupied by them; what right or claim the persons in whose favor the reservations are made, have or had to the same; and generally all documents or information in the possession of the Department relating to the rights or claims of the said Indians; the negotiation and execution of the treaty, the rights of individuals who have been affected by it; the objects of the Government in making said treaty, and any other matter he may think proper connected with these objects.

IN SENATE.

TUESDAY, February 25, 1840.

Mr. BUCHANAN presented the memorial of a number of commission merchants and importers of foreign goods, citizens of the United States, praying a revision of the revenue laws in relation to the importation of woollen goods; which was referred to the Committee on Finance, and ordered to be printed.

Mr. B. also presented the petition of a number of citizens of Philadelphia, Pennsylvania, praying a revision of the laws relating to the sale and transfer of American vessels when abroad, and the adoption of measures in conjunction with other nations for the the suppression of the slave trade throughout the world; which was referred to the Committee on Commerce.

Mr. B. also presented twelve memorials from citizens of the United States, remonstrating against the employment of bloodhounds, in prosecuting the war against the Seminole Indians; which were laid on the table.

On motion by Mr. PIERCE, the petition of William Rand, now on file, was referred to the Committee on Pensions.

On motion by KING, various petitions of Joshua Kennedy were referred to the Committee on Private Land Claims.

Mr. WALL presented the petition of William P. Rathbone; which was referred to the Committee on Pensions.

The CHAIR submitted documents in relation to the claims of Martin Burke, a soldier of the Revolutionary war, to a pension; which was referred to the Committee on Pensions.

On motion by Mr. STRANGE, it was ordered that the petition of the heirs of Edward Buncombe, now on file, be referred to the Committee on Revolutionary Claims.

On motion, it was ordered that Mr. KNIGHT be excused from serving on the Committee on Revolutionary Claims, and that the CHAIR make the appointment to supply the vacancy.

Mr. DIXON was accordingly appointed.

Mr. TALLMADGE presented resolutions of the Legislature of the State of New York, which, were read.

Mr. T. then addressed the Senate at considerable length on the resolutions; and after a discussion, in which Messrs. WRIGHT, TAPPAN, and TALLMADGE, participated,

On motion by Mr. WRIGHT, the resolutions were laid on the table, and ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the petition of William Barclay, and the petition of the heirs of Joseph Wallace, made adverse reports thereon; which were severally ordered to be printed.

Mr. L. also, from the same committee, asked to be discharged from the further consideration of the petition of William D. Ferguson; which was agreed to.

Mr. L. also, from the same committee, reported a bill for the relief of George De Passan of Louisiana; which was read, and ordered to a second reading.

Mr. NORVELL, from the Committee on the Public Lands, to which was referred the bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson, reported the same without amendment, with a special report thereon, which was ordered to be printed.

Mr. STRANGE, from the Committee on Naval Affairs, reported

A bill for the relief of the heirs of Henry Eckford, deceased; and

A bill for the relief of Reynell Coates and Walter R. Johnson; which were severally read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Francis Gehon, reported a bill for his relief; which was read, and ordered to a second reading.

BILLS PASSED.

The bill for the relief of Juan Belgar;

The bill for the relief of Daniel Marsaque;

The bill for the relief of Joseph Bogy;

The bill for the relief of Sebastian Butcher, and the heirs or legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom; and

The bill to settle the title to certain tracts of land in the State of Arkansas;

were severally taken up on their third reading, read a third time, and passed.

The Senate then went into the consideration of Executive business,

And then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 25, 1840.

The SPEAKER laid before the House a message from the President of the United States, transmitting, in compliance with the resolution of the 7th instant, a report from the Secretary of State, on the subject of the blockade of the ports of China by the British: referred to the Committee on Foreign Affairs.

The SPEAKER also laid before the House a communication from the Treasury Department, made in compliance with the resolution of the 10th instant, transmitting a report from the Commissioner of the General Land Office, showing the quantity of public lands sold in each year since 1830, which have been ten, fifteen, twenty, twenty-five, and thirty years in the market; and the quantity of public lands that remain unsold that have been offered for sale for the same periods; and

On motion of Mr. DAVIS of Indiana, it was referred to the Committee on the Public Lands, and ordered to be printed.

The SPEAKER announced that the immediate question before the House, was the appeal from the decision of the CHAIR, taken by the gentleman from Tennessee, [Mr. BELL,] that under the 28th rule of the House, the gentleman from New York, [Mr. FILLMORE,] who had been declared to be out of order, for alluding to the proceedings of, and reading resolutions adopted by, the Committee of Elections, in relation to the New Jersey contested election, could not proceed in his remarks, unless he be permitted to do so by the House, objection having been raised to his proceeding. The appeal from this decision was the question before the House, and upon which the gentleman from Rhode Island, [Mr. TILLINGHAST,] was entitled to the floor.

Mr. GRAHAM asked the gentleman from Rhode Island to yield the floor to permit him to offer a resolution; which was read for information, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of three thousand dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Commissioner of Public Buildings, to construct two inclined planes to the Potomac Bridge, so as to facilitate the running a ferry between the broken parts of said bridge; and, also, to hire the use of a boat, and the necessary hands to work the same, and transport all persons, produce, and stock, without charge, over that part of the Potomac river from which a portion of the

bridge was recently removed and carried off by the ice and freshet.

Objection was made to its introduction; whereupon

Mr. GRAHAM moved a suspension of the rules.

Mr. TURNEY called for the yeas and nays on that motion, which were ordered; and were—yeas 67, nays 91.

So the House refused to suspend the rules.

Mr. RUSSELL said the character of the House was suffering in the opinion of the community, in consequence of the tardiness with which the business of the nation was transacted. At least one hundred claims have been matured by the committees, and an opportunity has not been afforded them to report. Too much time was taken up in debate; and it was highly proper that the House should now proceed to business. Mr. R. then moved a resolution, setting apart a portion of the day for the reception of the reports of committees.

Objection was, however, made to its reception.

The SPEAKER suggested to the House that the business of the nation could be got along with more facility if the rules and order of business were strictly adhered to. A great deal of time was consumed in motions to suspend the rules, all to no purpose.

Mr. RUSSELL said he was compelled, from the necessity of the case, to move a suspension of the rules; but the motion was not admissible.

Mr. TILLINGHAST having claimed his right to the floor on the appeal, he addressed the House at some length in opposition to the decision of the CHAIR.

Mr. VANDERPOEL said if his colleague [Mr. FILLMORE] had been permitted to proceed, he would have been delivered of his speech long before this, and with much less injury to the public business. He appealed to the gentleman from Pennsylvania [Mr. PETRIKIN] to withdraw his objection and permit his colleague to proceed, and thereby save the time of the House.

Mr. PETRIKIN declining to withdraw his objection,

Mr. VANDERPOEL moved the previous question on the appeal, which was seconded, and the main question ordered; which main question was, "Shall the decision of the CHAIR stand as the judgment of the House."

The yeas and nays having been previously ordered on this question, they were taken, and were—yeas 96, nays 91.

So the decision of the CHAIR was affirmed, and the gentleman from New York was not permitted to proceed in his remarks.

Mr. STUART moved that the House proceed to the orders of the day.

Mr. VANDERPOEL demanded the yeas and nays on that motion.

Mr. CAVE JOHNSON inquired of the CHAIR what would be the business before the House, in case they refused to go to the orders of the day; and whether the subject of the morning hour would not go on.

The CHAIR replied in the affirmative; and said that the question would be the motion of the gentleman from New York, [Mr. HAND,] that his colleague [Mr. FILLMORE] have leave to proceed.

Mr. GARLAND of Louisiana hoped the SPEAKER would not give his opinion to gentlemen in advance; for when the question should come up he would appeal from that decision.

Mr. STEWART then withdrew his motion to proceed to the orders of the day.

Mr. R. GARLAND renewed it.

The question was then taken by yeas and nays, and resulted as follows—yeas 91, nays 110.

So the House refused to proceed to the orders of the day.

The SPEAKER said the question now before the House was the motion of the gentleman from New York, [Mr. HAND,] that his colleague [Mr. FILLMORE] have leave to proceed in his remarks on the subject before the House.

Mr. R. GARLAND. Do I understand the SPEAKER to decide that the refusal of the House to proceed to the orders of the day, thereby continues the question before the House when the call for the orders of the day was made?

The SPEAKER. That is the decision of the CHAIR.

Mr. R. GARLAND. Then I appeal from that decision on the following grounds, viz: that the House having, by a majority only, refused to proceed to dispose of the business on the SPEAKER'S table, and to the orders of the day, the rules setting apart one hour for the consideration of reports from committees and resolutions previous to proceeding to said business and orders, and giving said reports and resolutions precedence during that time, are not thereby suspended; that can only be done by a vote of two-thirds, that number being necessary to give the resolution, reported by the Committee of Elections, priority over all other business, as it produces a change in the order of business as established by the rules.

Mr. PETRIKIN moved the previous question on the appeal; which was seconded, and the main question ordered.

The main question was, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. R. GARLAND demanded the yeas and nays on that question; which were ordered, and were—yeas 152, nays 13.

So the decision of the CHAIR was sustained.

Mr. HAND then modified his motion, so as to leave it simply that his colleague be permitted to proceed—his former motion having been, "to proceed in order."

The question on granting leave was taken and agreed to.

Mr. CAVE JOHNSON moved the following as a modification of his substitute for the original proposition of the committee:

Resolved, That the Committee of Elections be authorized to report to this House such papers, and such of their proceedings as they may desire to have printed by order of the House; and that they be instructed also to report forthwith which five of the ten individuals claiming seats from the State of New Jersey, received the greatest number of votes from the whole State for Representatives in the Congress of the United States at the election of 1838 in said State, with all the evidence of that fact in their possession: *Provided*, That nothing herein contained shall be so construed as to prevent or delay the action of said committee in taking testimony, and deciding the said case upon the merits of the election.

Mr. FILLMORE then said he returned his thanks to the House; but he would not avail himself of the *permission* to speak, inasmuch as he could never submit that important right to the will of a majority. He would seek some other opportunity to give his views, when he could exercise the right to do so in virtue of the Constitution, and not by the permission of a majority. He would, however, so far avail himself of the opportunity afforded him to speak, as to amend the resolution of Mr. JOHNSON of Tennessee, by inserting the word "legal" before the word "votes," and to strike out the word "forthwith."

Mr. FISHER spoke at some length on the merits of the question before the House, and, in the course of his remarks, alluded to the course the committee had pursued, in delaying the report. It had frequently undone at night all which it had done during the day. He adverted, also, to the course of the Opposition, in staving off the question as to who were entitled to seats, and the great unwillingness they evinced to give light upon the subject which was now covered up in the committee. Mr. F. adverted to the fact that the gentlemen claiming seats in virtue of the Governor's certificates had never pretended that they had a majority of the votes of the people of New Jersey, but placed it on the ground that they held the certificate. He argued at some length to show that the vote of the people was better evidence to entitle to a seat on that floor than the certificate of the Governor of a State, which might be fraudulently obtained. He viewed the subject in all its constitutional bearings, in reply to the arguments heretofore advanced to sustain the rights of the certificate members. The certificate of the Governor had been given in this case on a one-sided view of the poll, as was fully established by the testimony which had been referred by the House to the Committee of Elections. Mr. F. also wished to disabuse the public mind of another thing whilst he was up. The certificate members, after the decision of the House against the certificates, raised the question that they were also entitled to seats, because those which the Governor refused to accredit had received two hundred and forty-three illegal votes, a list of which they handed in to the House, and had referred to the committee, accompanied by a mass of testimony in the form of depositions taken by them to establish the fact.

Now, said Mr. F. there was not a shadow of proof in the testimony to sustain the charge above; but, on the contrary, it was proved that there were only twelve illegal votes, and that these had been given to the gentlemen who claimed seats on the certificates. Another allegation had been made by the same gentlemen, that the judges of election at Saddle river had robbed the ballot boxes of eight votes. This, too, has been proved to be without a shadow of foundation. This would be an offence involving a high penalty in that State; and the party accused have challenged their accusers to present them to the grand jury, to be tried for this penal offence. But, said Mr. F. I believe the accusers never will present the judges of election, as was threatened, because the charge was equally unfounded as the other as to the illegal votes.

He presented many other strong points, which went to show that the House should act on this subject without delay; a full report of which will be published hereafter.

Mr. SMITH of Connecticut regretted that the gentleman who had preceded him had been interrupted; and that a wider scope had not been allowed, to enable the members of the committee to state all the facts. He commented at large on the manner in which the subject had been brought before the House. It had been usual to ask of the chairmen of committees whether they were ready to report, or at what time it was thought the committees could report: but, in this case, without any consultation with the chairman of the Committee of Elections, the gentleman from Tennessee had thought proper to introduce a proposition of an extraordinary character, to compel the committee to report without regard to the condition of the business before it.

Mr. SMITH yielded to the suggestions of several members, and moved an adjournment.

Mr. TURNEY demanded the yeas and nays on that motion; which were ordered, and were—yeas 91, nays 94, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Barnard, Bell, Bond, Briggs, Brockway, William O. Butler, Carter, Casey, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dillett, Evans, Fillmore, Fisher, Rice Garland, Gates, Gentry, Giddings, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Henry, Hoffman, Holmes, Hunt, James, Charles Johnston, Kempshall, King, Lawrence, Leet, Lincoln, Marvin, Mason, Mitchell, Monroe, Morgan, Naylor, Ogle, Osborne, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, James Rogers, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Sweeny, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, Lewis Williams, and Christopher H. Williams—91.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, A. G. Brown, Burke, Sampson H. Butler, W. B. Campbell, Carroll, Chapman, Clifford, Coles, Conner, Crabb, Craig, Crary, Cross, Dana, Davee, John Davis, Doan, Dromgoole, Earl, Eastman, Ely, Fine, Floyd, Galbraith, Gerry, Goggin, Griffin, Hammond, Hand, John Hastings, Hill of N. C. Holleman, Hopkins, Howard, Hubbard, Jameson, Cave Johnson, Nath'l Jones, John W Jones, Keim, Kemble, Leadbetter, Leonard, Lewis, Lowell, Lucas, McCarty, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Newhard, Parish, Parmenter, Paynter, Petrikin, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Swearingen, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, David D. Wagener, Watterson, Wick, Jared W. Williams, Henry Williams, and Worthington—94.

So the House refused to adjourn.

Mr. SMITH resumed his remarks; and after characterizing the proceeding in relation to this subject as of a most novel character, he thought it would have been more courteous to the committee to have consulted it whether it was prepared to make a report, before abruptly thrusting forward a resolution directing it to report forthwith. He denounced it as unprecedented in legislation, and involved an attack on the committee. The resolution in effect said that the committee was incompetent to form an opinion on the testimony before it, and therefore, it must be reported to the House, to enable it to do so. It was an implied censure—it was as much as to say that the House had no confidence in the committee. He disapproved the decision of the House that the members of the committee should not refer to the condition of the business before it to show not only that it was impossible to make a report, but that it would do great injustice to the parties litigating, to do so at this time. Mr. S. before concluding, yielded the floor to

Mr. HOFFMAN, who moved that the House adjourn.

Mr. CAVE JOHNSON demanded the yeas and nays on that motion; which were ordered, and were—yeas 91, nays 80.

The House then adjourned.

IN SENATE,

WEDNESDAY, February 26, 1840.

Mr. GRUNDY presented the credentials of the Honorable ALEXANDER ANDERSON, elected by the Legislature of Tennessee a Senator from that State in the place of the Hon H. L. WHITE; which were read.

The usual oaths were administered to Mr. ANDERSON, and he took his seat in the Senate.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made in compliance with a resolution of the Senate in relation to the line of military posts from the Missouri river, into the pass or passes of the Rocky Mountains most usually traversed to descend into the valley of the Oregon or Columbia river; which was referred to the Select Committee on the Oregon Territory, and ordered to be printed.

Mr. CLAY of Alabama presented a joint preamble and resolutions of the Legislature of Alabama, in favor of a cession to that State, on reasonable terms, of all the public lands remaining unsold within her limits, and a graduation and reduction of prices. Also, a memorial of the same Legislature, recommending various amendments of the late pre-emption law, so as to extend its benefits to those not embraced by its provisions at the time of its passage; and also to extend like privileges to those who have since made settlements; both of which were referred to the Committee on the Public Lands.

Mr. TALLMADGE presented the memorial of a number of tobacco manufacturers in the city of New York, praying that an increase of duty may be imposed upon imported cigars; which was referred to the Committee on Manufactures.

Mr. MOUTON presented the petition of Marcelin Tassin, praying the right of pre-emption to a tract of land; which was referred to the Committee on the Public Lands.

Mr. M. also presented the memorial of Anson C. Surlls, of the State of Louisiana; which was referred to the Committee on Private Land Claims.

On motion by Mr. MOUTON, the petition of Jean B. Courean, now on file, was referred to the Committee on Private Land Claims.

Mr. NORVELL presented the memorial of the commissioners of Kent county, Michigan, praying the right of pre-emption to a quarter section of land in said county, to be applied to the erection of a court-house; which was referred to the Committee on the Public Lands.

Mr. KING presented a preamble and resolutions of the Legislature of the State of Alabama, on the subject of the claim of that State against the United States, for advances for the pay and subsistence of certain companies of militia and volunteers called into service of the United States during the Creek and Seminole hostilities in 1836 and 1837; which was referred to the Committee on Military Affairs.

Mr. K. also presented a preamble and resolutions passed by the Legislature of the State of Alabama, instructing the Senators, and requesting the Representatives of said State to use their exertions to procure the establishment of certain mail routes within that State; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. YOUNG, the Committee on Roads and Canals were discharged from the further consideration of the report of the Secretary of War, of the 27th January, in relation to the cost of the extension and completion of the Cumberland road to Jefferson city; of resolutions of the Legislature of Missouri in favor of the continuation of the national road; and of the memorial of the Legislative Assembly of the Territory of Iowa, in favor of an appropriation for the completion of the road from Du Buque to the northern boundary of the State of Missouri; and that these papers be filed with the bills to which they relate.

Mr. YOUNG, from the Committee on Roads and Canals, to which was referred certain memorials of the Legislative Assembly of the Territory of Iowa, severally asking for

The improvement of certain Territorial roads;

The construction of certain roads in said Territory; and

The construction of a road from Burlington to Fairfield;

made adverse reports thereon.

Mr. MOUTON, agreeably to notice, asked and obtained leave to introduce a bill for the relief of Don Carlos Dehault Delassus, late Spanish Lieutenant Governor of Baton Rouge; which was read twice, and referred to the Committee on Claims.

Mr. YOUNG, agreeably to notice, asked and obtained leave to introduce a bill granting to the Mississippi and Rock river Canal Company a portion of the public lands for the purposes therein mentioned; which was read twice, and referred to the Committee on Roads and Canals.

The following resolution, submitted yesterday by Mr. BUCHANAN, was taken up for consideration:

Resolved, That a select committee be appointed for the purpose of inquiring into the expediency of proposing to the States such an amendment to the Federal Constitution as will secure a large specie basis for the circulation of the country, by prohibiting the issue and circulation of bank notes, and other paper currency, of denominations so low as to prevent the circulation of gold and silver in the ordinary transactions of business, and in payment of the wages of labor.

Mr. WEBSTER was of opinion that Congress, under the Constitution, already possessed full and plenary powers over the currency, and it only needed a disposition to exercise them. Even if we voted in favor of a proposition based upon this resolution, there was no probability that a sufficient number of States would accede to it; and by asking them for this power, we admit that we do not possess it at present, which would place us in a worse position than formerly. He, for one, was not disposed to assist in placing Congress in such a situation. Its only effect would be to countenance the idea that the currency must remain in its present deplorable condition until we can improve it by this roundabout process of an application to the States for an amendment of the Constitution. If this was really so, our situation was more deplorable than he had yet imagined it to be.

Mr. BUCHANAN said that, on this preliminary question, he should detain the Senate with but a very brief exposition of his views in presenting the resolution. Indeed he had not anticipated any debate upon the subject, supposing that Senators would have waited until the report of the committee should be made.

In the first place, (said Mr. B.) no gentleman will deny the truth of the proposition, that it is desirable to infuse into the general circulation of the country a much larger proportion of

CONGRESSIONAL GLOBE.

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BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 14.

gold and silver than exists at present. Every thing which we see and hear, and feel, around us, must convince us all that this is an object of the first importance. On this point, therefore, I shall offer no argument upon the present occasion.

What, then, is the only possible mode of accomplishing this purpose? It is a law of currency almost as universal in its operation as any law of nature, that paper and specie of the same denominations cannot circulate together. We all recollect the celebrated message sent by Mr. Burke to Mr. Pitt, in the year 1797 or 1798, that if he consented to the issue of one pound notes, he would never see a guinea again. The subsequent experience of England had proved the sagacity of the statesman; and guineas and sovereigns were almost as completely banished from general circulation in that kingdom, as if they did not exist. After a persevering struggle of many years, led by their most distinguished statesmen of both the great political parties, the five pound note policy, originally advocated by the celebrated Adam Smith, finally prevailed. One pound notes were excluded from circulation, and in the course of a very few years, it was estimated that one-half of the currency of that country consisted of the precious metals. Their lowest bank note is now of the denomination of about twenty-four dollars. They have now about half and half of paper and specie.

What is the condition of our own country in this respect? Can our half eagles circulate together with five dollar notes? That they do not must be admitted by all. Will eagles ever circulate generally in a country where there are ten dollar notes issued in abundance to take their place? In those States where one dollar notes are in general circulation, it is almost as rare a thing to see a silver dollar as it is in other States, where five dollar notes circulate, to find a half eagle.

If there ever was a question upon which there had appeared to be an unanimous, or an almost unanimous, opinion among our public men of all parties, it was in regard to the necessity of excluding from circulation all bank notes and other paper currency of a less denomination then twenty dollars. This, all admit, ought to be effected gradually, and in such a manner as to give no shock to the business of the country; but all agree in the ultimate object. It was a favorite principle with General Jackson, and had found equal favor with the President of the United States. My friend from Missouri [Mr. BENTON] had presented this question to the Senate some years ago, and on his motion we had adopted an amendment, with unexampled unanimity, prohibiting the officers of the Government from receiving or disbursing bank notes of a less denomination than twenty dollars. The same principle had been adopted in the celebrated currency bill, and, under its provisions, after a certain period, the notes of no bank which issued notes of a less denomination than twenty dollars were to be received in the payment of the dues to the Government. The Senator from Virginia [Mr. RIVES] had made the ablest speech he had ever heard him deliver on this floor, in favor of the principle of excluding from circulation notes under twenty dollars.

Now, sir, can human ingenuity devise any mode of accomplishing this object so much desired by all, but by an amendment of the Constitution? If it can, I should adopt that course. I hold the Constitution in such reverence that I would not offer to amend it without absolute necessity. I would apply the rule of Epic poetry to its provisions—I forget the Latin quotation—and say that the power of a Divinity ought never to be invoked without absolute necessity. To use the phrase of the Senator from South Carolina, [Mr. CALHOUN,] I can see no mode under God's heavens of accomplishing the object but by amending the Constitution. If one State undertakes to make this reform, what is the consequence? Other States will not adopt it; and their five and ten dollar notes fill up the vacuum. Hence, in self-defence, those States which desire a reform, are obliged to submit to the evils of the small note currency. There is no mode of reaching it but by proposing to all the States an amendment to the Constitution, which will be alike binding on all.

If I concurred in opinion with the Senator from Massachusetts, [Mr. WEBSTER,] that Congress already possess the power of regulating the currency of the States, I certainly should not propose such an amendment. His sentiments are peculiar upon the subject, and I should be glad that he would point out the particular manner in which this can be accomplished. It is certainly not by the agency of a Bank of the United States; because, if such an institution should ever be re-established, and I trust it never may, you could only provide by its charter that it should not issue notes under twenty dollars. No man will contend that this would prevent the issue and circulation, under the authority of the States, of notes of similar denominations.

Who doubts the utility of such a regulation to the banks themselves? At present, where there is a demand for gold and silver for exportation, and their vaults become exhausted, they have no mode of replenishing them. The specie necessary for this purpose is not in circulation in the country. Adopt this amendment, and the difficulty will at once vanish. As the specie is withdrawn from them, the void will be supplied by those drawing upon the circulation of the country for the necessary amount. Let there be a general circulation of half specie and half paper, and the danger of suspensions of specie payments will be comparatively at an end.

But I promised that I should not detain the Senate long, and I shall not be drawn into a general discussion of the merits of the proposition at this stage, unless compelled to do so by the course of other gentlemen.

After some further remarks from Messrs. STRANGE, WEBSTER, and BUCHANAN, (which will be given hereafter,) and without coming to a decision on the question, the Senate proceeded to the consideration of

THE SPECIAL ORDER.

The resolution from the Select Committee on the assumption of the debts of the States was then taken up, and Mr. CRITTENDEN addressed the Senate at length on the subject.

Mr. STRANGE, after making some remarks in reply, gave way to a motion for adjournment, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 26, 1840.

The CHAIR announced that the subject before the House was the resolution reported from the Committee of Elections, to grant to that committee the right to have printed such papers as it might deem necessary to facilitate the business before it, and the substitute of Mr. CAVE JOHNSON therefor, in the following words:

Resolved, That the Committee of Elections be authorized to report to this House such papers, and such of their proceedings as they may desire to have printed by order of the House; and that they be instructed also to report forthwith which five of the ten individuals claiming seats from the State of New Jersey, received the greatest number of votes from the whole State for Representatives in the Congress of the United States at the election of 1838 in said State, with all the evidence of that fact in their possession: *Provided*, That nothing herein contained shall be so construed as to prevent or delay the action of said committee in taking testimony, and deciding the said case upon the merits of the election.

Mr. FILLMORE proposed to amend the substitute, by inserting the word "legal" before the word "votes," and to strike out the word "forthwith."

Mr. CHARLES JOHNSON asked the gentleman from Connecticut, [Mr. SMITH,] who was entitled to the floor, to give way, to permit him to offer a resolution; which was read, for the information of the House, as follows:

Whereas it is alleged that the CLERK of this House, without the authority of law, or sanction of the House of Representatives, did, on the 25th day of March, and 23d day of December last, make two several contracts in writing with one S. D. Langtree, and by which contracts said Langtree agreed to furnish all the stationery, and execute all the lithographing and copperplate engraving which should be required for the Twenty-sixth Congress, as may more fully appear by referring to said contracts respectively: and whereas it is alleged that, in pursuance of said contract or contracts, said Langtree (who is neither a stationer, lithographer, or engraver) has furnished and delivered to said CLERK, for the use of this House, a large quantity of stationery, and has presented his bill for the same, amounting to $19,521 64, and that said stationery, particularly the paper, is of an inferior quality, and is charged at prices equal to twenty per cent. above the usual prices of stationery of the best quality, and by which difference of price and quality this Government (if said bill is allowed) would sustain a loss of more than $4,000 for the stationery already delivered; and that if said contracts should be sanctioned by this House, and continued in force during the Twenty-sixth Congress, the Government would be subjected to a sacrifice of more than $15,000, arising from the employment of another person to perform the duties which the CLERK himself is required to perform, by the resolution of this House, passed March 3, 1827, and under which it has been the uniform practice of the Clerks of this House to furnish the stationery, until the making of the contracts above referred to: therefore,

Resolved, That the Clerk of this House has no power or authority to make any prospective contract which will require an appropriation of moneys out or the contingent fund of this House, or an appropriation by Congress to satisfy the same, without the express authority of this House, and that the contracts referred to in the foregoing preamble are wholly inoperative and void.

Resolved, nevertheless, That if the said Langtree shall (in writing) elect to give up and cancel the said two contracts, then, and in that event, the Committee on Accounts are hereby authorized to audit and allow to him his bill for stationery already delivered, and services performed under said contracts, subject to such deductions as ought to be made therefrom, on account of the quality and the prices charged therefor; and that said committee have power to send for persons and papers.

Mr. SMITH said he could not yield the floor, unless it was the understanding of the House, that he would not forfeit it by so doing. If it was the universal wish of the members of the House, that the resolution should be considered, he had no objection to accommodate the gentleman from New York [Mr JOHNSON.]

Mr. JAMES GARLAND hoped the House would consent to the consideration of the resolution, and that the investigation should be had. He asked it as a friend of one of the contracting parties, [the CLERK,] as an act of justice to him, to the House, and the country, that the resolution should be passed.

Objection was made to its reception; when

Mr. SMITH said he did not believe he could yield the floor, without forfeiting his right to it.

Mr. S. then occupied the floor for upwards of three hours in continuation of his remarks on yesterday, and in opposition to the proposition before the House, and in commenting on and censuring the course which had been pursued by the House in reference to the New Jersey contest.

Mr. FILLMORE modified his amendment to the resolution by substituting the word "lawful" for the word "legal."

Mr. RIVES followed in reply to Mr. SMITH. He showed the great importance of the House acting speedily on the question of who were entitled to seats from New Jersey; and to enable it to do so, he contended that all the facts in possession of the committee should be reported forthwith. He inferred, from the course of the Opposition, that it was their object to shut out the light of truth from the people, for the purpose of misrepresenting the facts, and manufacturing political capital out of the same.

After some remarks from Mr. WELLER, which will be hereafter given,

Mr. CRABB obtained the floor, and spoke in opposition to the proposition of Mr. JOHNSON. He considered it unprecedented, and very unjust to the Committee of Elections—it was an implied censure on the committee. Mr. C. after speaking a short time, moved that the House adjourn.

Mr. TAYLOR demanded the yeas and nays, which were ordered; and were—yeas 79, nays 88.

So the House having refused to adjourn,

Mr. CRABB resumed his remarks for a short time, and gave way to

Mr. FILLIMORE, who moved that the House adjourn; upon which

Mr. TURNEY demanded the yeas and nays; which were ordered, and were—yeas 79, nays 75.

The House then adjourned

IN SENATE,

THURSDAY, February 27, 1840.

Mr. BUCHANAN presented nineteen memorials from citizens of Pennsylvania, praying for the imposition of a moderate duty on imported silks; which were referred to the Committee on Finance.

Mr. TAPPAN presented the petition of two hundred and thirty-eight citizens of Ohio, praying Congress to aid them in making a settlement in the Territory of Oregon, on Lewis river, and setting forth the advantages that would result from such settlement; which was referred to the Select Committee on the Oregon Territory.

Mr. WILLIAMS presented a memorial from William Blake, praying to be allowed to import from Canada, free of duty, a quantity of shot, or sprue iron; which was referred to the Committee on Finance.

Mr. SPENCE presented the petition of Thomas Fraley; which was referred to the Committee on Claims.

Mr. WALL presented the petition of William Conner; which was referred to the Committee on Revolutionary Claims.

Mr. STRANGE, from the Committee on Patents, reported a bill for the relief of Charles L. Fleischmann; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, made an adverse report on the petition of the heirs of Madam De Lusser; which was ordered to be printed.

Mr. WALL, from the Committee on the Judiciary, reported a bill to authorize the Secretary of the Treasury to make an arrangement, or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York; which was read, and ordered to a second reading.

Mr. HENDERSON, in pursuance of previous notice, asked and obtained leave to introduce a bill to confirm the survey and location of claims for lands in the State of Mississippi, east of the Pearl river, and south of the 31st degree of north latitude; which was read twice, and referred to the Committee on the Public Lands.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Jacob Bauer, asked to be discharged from its further consideration; which was agreed to.

Mr. P. also from the same committee, made an unfavorable report in the case of William Lefebvre.

The resolution submitted by Mr. BUCHANAN, which was under consideration yesterday, was then taken up, after some remarks from Messrs. CALHOUN, PRESTON, GRUNDY, DAVIS, HENDERSON, Clay of Alabama, ALLEN, STRANGE, and BUCHANAN, which will be given hereafter. was adopted, and the CHAIR appointed the following Senators as said committee:

Mr. BUCHANAN,
Mr. GRUNDY,
Mr. CRITTENDEN,
Mr. WRIGHT,
Mr. DAVIS,
Mr. CLAY of Alabama, and
Mr. HENDERSON.

THE SPECIAL ORDER.

The resolution from the Select Committee on the assumption of the debts of the States, was then taken up, and Mr. STRANGE addressed the Senate, at length, in reply to Messrs. CLAY of Kentucky and CRITTENDEN, and in favor of the report.

Mr. HENDERSON followed, at length, in opposition to the report.

On motion of Mr. TALLMADGE, the subject was informally passed over,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 27, 1840.

The CHAIR announced that the subject before the House was the resolution reported from the Committee of Elections, to grant to that committee the right to have printed such papers as it might deem necessary to facilitate the business before it, and the substitute of Mr. CAVE JOHNSON therefor, in the following words:

Resolved, That the Committee of Elections be authorized to report to this House such papers, and such of their proceedings as they may desire to have printed by order of the House; and that they be instructed also to report forthwith which five of the ten individuals claiming seats from the State of New Jersey, received the greatest number of votes from the whole State for Representatives in the Congress of the United States at the election of 1838 in said State, with all the evidence of that fact in their possession: *Provided*, That nothing herein contained shall be so construed as to prevent or delay the action of said committee in taking testimony, and deciding the said case upon the merits of the election. And the proposition of

Mr. FILLMORE to amend the substitute, by inserting the the word "lawful" before the word "votes," and to strike out the word "forthwith."

Mr. ADAMS asked Mr. CRABB (who was entitled to the floor on the above proposition) to give way to allow him to present a report from the Select Committee on the Smithsonian Bequest. It was a subject which had excited a good deal of public interest; and he merely wished to make the report, and have it printed, which would occupy but a few moments of the time of the House.

Mr. CRABB said if it was the universal consent of the House to receive the report at that time, he had no objection to give way for the purpose. But objection was made.

Mr. J. W. JONES also endeavored to prevail on the gentleman from Alabama to permit him to introduce a resolution, proposing to make the Treasury note bill the special order for a particular day. The subject was one of so much importance as to have called from the President of the United States a spe-

cial message, accompanied by a statement from the Secretary of the Treasury, showing the absolute necessity of immediate action on the subject.

Mr. J. was here interrupted in his remarks by several members, who objected to the introduction of the resolution; and

Mr. CRABB reiterated that he had no objection to give way for the introduction of any proposition which would meet the general approbation of the House; but objection was still persisted in.

Mr. C. then, in continuation of his remarks of yesterday, contended that the proposition before the House was not only unprecedented in the legislation of Congress, but was discourteous to the committee of which he was a member, and a reflection upon it, highly censurable. At the expiration of the morning hour Mr. C. was interrupted in his remarks by

Mr. BRIGGS, who called for the orders of the day.

Mr. CAVE JOHNSON, who was in favor of the House finishing the business before it, demanded the yeas and nays, which were ordered.

Mr. MORGAN moved a call of the House.

Mr. HOFFMAN demanded the yeas and nays on the motion whether there should be a call; which were ordered, and were—yeas 89, nays 97.

So the House refused to have a call.

Mr. CRABB resumed his remarks, and occupied the remainder of the day in an examination of various precedents of contested elections, to show that the course of the Committee of Elections, in granting time to the contestants to take testimony, was perfectly justified by those precedents. He also made a justification of the course which the Governor and Privy Council of New Jersey had pursued in granting certificates upon the incomplete result of the polls presented to them. He had no doubt they were governed by pure and patriotic motives, without regard to the future, or to what the ultimate effect that decision would have upon the organization of the House.

Mr. C. concluded at four o'clock, when he offered the following amendment to the resolution, in the words of the Constitution, to be inserted after the word "votes," "given by electors having the qualification requisite for the elector of the most numerous branch of the Legislature of said State"

Mr. FILLMORE accepted the above as a modification of his amendment; when

Mr. MEDILL obtained the floor, and was about proceeding in his remarks, but, by the solicitation of several members, gave way to

Mr. STARKWEATHER, who moved that the House adjourn.

Mr. TURNEY demanded the yeas and nays on that motion, which were ordered, and were—yeas 105, nays 84; accordingly,

The House then adjourned,

IN SENATE,

FRIDAY, February 28, 1840.

The CHAIR submitted a report from the Secretary of the Treasury, in compliance with a resolution of the Senate, in relation to the payment of Government drafts by the deposite banks since the general resumption of specie payments in 1838; which was laid on the table, and ordered to be printed.

Mr. WEBSTER presented several Abolition petitions: the motions to receive which were laid on the table.

Mr. W. also presented a remonstrance against the use of bloodhounds in the Florida war; which was laid on the table.

Also, a petition for a Congress of Nations to adjust international difficulties; which was referred to the Committee of Foreign Relations.

Also, seven petitions from citizens of Philadelphia county, praying the restoration and continuation of the protective system; which were referred to the Committee on Manufactures.

Also, a petition from Henry Wilson for a pension; which was referred to the Committee on Pensions.

Also, the petition of a number of umbrella makers, praying the imposition of a duty on imported silk umbrellas and parasols; which was referred to the Committee on Finance.

Mr. BUCHANAN presented eight memorials from citizens of Philadelphia county, praying the restoration and continuation of the protective system. Mr. B took that occasion to say, that when this important subject was taken up for consideration, it could not originate in the Senate, as, by an express constitutional provision, all revenue bills must originate in the House of Representatives. The memorials were referred to the Committee on Manufactures.

Mr. ALLEN presented three memorials from citizens of Washington city, praying the renewal and modification of the charter of said city; which were referred to the Committee on the District of Columbia, and ordered to be printed

Mr. BUCHANAN presented a memorial of a number of citizens of Pennsylvania, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. B. also presented two memorials remonstrating against the use of bloodhounds in the Florida war; which were laid on the table.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred certain resolutions of the General Assembly of Connecticut in favor of the establishment of a national foundry within that State, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. MOUTON presented a memorial of citizens of New Orleans, praying a repeal of the naturalization laws; which was laid on the table.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the memorial of Simon Giron, made an adverse report thereon; which was ordered to be printed.

Mr. NICHOLAS, from the Committee on Military Affairs, reported a bill for the organization of a company of sappers, miners, and pontoneers; which was read, and ordered to a second reading.

Mr. WHITE submitted the following resolution; which was considered, and agreed to:

Resolved, That the Secretary of War be required to furnish copies of the reports, estimates, and plans of the following surveys ordered by Congress, and made under the direction of the Bureau of Topographical Engineers: namely, of the survey for improving the navigation of the Neenah and Wisconsin rivers, the survey of the Rock river, the survey of the Haven of Rock river, and the survey of the pier at the northern extremity of Winnebago lake.

The resolution reported some time since from the Committee on Commerce, on the subject of allowing drawback on foreign coal consumed in steam vessels, was taken up, and, after some remarks from Messrs. WRIGHT, TAPPAN, BETTS, HENDERSON, WILLIAMS, NORVELL, DAVIS, and BUCHANAN, was, on motion of the latter, postponed until Monday next.

THE SPECIAL ORDER.

The resolution from the Select Committee on the assumption of the debts of the States was then taken up, and Mr. TALLMADGE addressed the Senate at length on the subject.

The Senate then adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 28, 1840.

The CHAIR announced that the subject before the House was the resolution reported from the Committee of Elections, to grant to that committee the right to have printed such papers as it might deem necessary to facilitate the business before it, and the substitute of Mr. CAVE JOHNSON therefor, as inserted below, and the proposition of

Mr. FILLMORE to amend the substitute, by inserting the word "lawful" before the word "votes," and insert the following after the word votes, viz: "given by electors having the qualification requisite for the electors of the most numerous branch of the Legislature of said State."

Mr. JONES of Virginia asked the gentleman from Ohio, [Mr. MEDILL,] who was entitled to the floor on the above proposition, to yield the floor to enable him to offer a resolution, which was read for the information of the House, as follows:

Resolved, That the House will, on to-morrow, at one o'clock, resolve itself into a Committee of the Whole on the state of the Union, to consider House bill No. 18, making provision for the issuing of Treasury notes; that it be made the special order at that hour, and at the same hour on each succeeding day, till the bill shall be disposed of—to take precedence of all other business.

Mr. MEDILL said, from the importance of the subject, and the necessity of immediate action upon it, he could not refuse to yield the floor, if, by any possibility he could have it again. Mr. M. gave way, when

Objection was made to the reception of the resolution by Messrs. GRANGER, STANLY, and others.

Mr. JONES moved a suspension of the rules, for the purpose of introducing the resolution, and demanded the yeas and nays; which were subsequently ordered.

Mr. STANLY moved a call of the House, and on that motion demanded the yeas and nays; which were ordered, and were—yeas 62, nays 95.

So the House refused to order a call.

Mr. CASEY suggested to the gentleman from Virginia [Mr. JONES] to modify the resolution so as to except Monday next, that being petition day.

Mr. JONES accepted the modification.

The question on suspending the rules was then taken and decided in the negative, (not being two-thirds)—yeas 102, nays 86.

YEAS—Messrs. Adams, Alford, Judson Allen, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Burke, S H. Butler, W. O. Butler, Carroll, Casey, Clifford, Conner, Craig, Crockett, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, James Garland, Griffin, Hammond, Hand, John Hastings, Hill of North Carolina, Hillen, Holleman, Hook, Hopkins, Howard, Hubbard, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Lawrence, Leadbetter, Leet, Lewis, Lowell, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Miller, Newhard, Nisbet, Parish, Parmenter, Paynter, Petrikin, Pickens, Pope, Prentiss, Ramsey, Reynolds, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Vanderpoel, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—102.

NAYS—Messrs. Andrews, Bell, Bond, Brockway, Calhoun, William B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Corwin, Crabb, Cross, Cushing, Davies, Garrit Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, W. S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Charles Johnston, Kempshall, King, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Montgomery, Morgan, C. Morris, Ogle, Osborne, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Stanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, C. H. Williams, and Sherrod Williams—86.

So the rules were not suspended.

Mr. MEDILL then proceeded to address the House. He did not see in the resolution any thing censurable; and, although it had not been moved by a member of the Committee of Elections, or at the instance of a member of that Committe, he was not aware that any member of it was, or should have been, taken by surprise, as had been intimated by some of the gentlemen who had preceded him. He thought there was sufficient reason for the introduction of the resolution, and for the great anxiety of the House to know what the committee had been about. Considering the circumstances under which the subject was committed, there should have been a report on the returns first. Those who had expressed so much surprise at the introduction of the resolution ought not to have been astonished if the proposition had come from a member of that committee; even because he believed some intimations had been given by members that such a course would have to be resorted to, under the peculiar circumstances of the case.

He referred to the great anxiety expressed by the Opposition for an early settlement of the question previous to its reference to the committee. The gentleman from Massachusetts [Mr. ADAMS] particularly contended that nothing should be done until the State of New Jersey was fully represented on that floor. He was now rather astonished that they were doing every thing in their power to prevent that State from having a full representation. If he could refer to the proceedings of the committee he would show conclusively that the gentlemen themselves were not surprised, because they must have anticipated that some movement would be made, in consequence of the course of the committee. He ventured to assert that there could not be found, in the history of contested elections, or in the legislation of Congress, a precedent for the case now before the House. There was none which had excited so much interest—no case where the Governor assumed powers derogatory to his oath, the Constitution, and the laws; and had attempted to thurst upon Congress as Representatives, gentlemen who had been rejected by the people. He then went into an examination of the precedents, which had been cited by the gentlemen in the Opposition to justify the delay of the committee, and proved conclusively that those precedents bore no analogy to the New Jersey contest. He thought if the precedents did justify a postponement, it was not a good reason that this committee should have taken on itself to delay a report to so remote a period. The resolution did not treat the committee with discourtesy. It was created by the House to investigate, and was always subject to such instructions as the House thought proper to send to it. They are compelled to regard the dictates of their creators, and have no right to consider it discourteous. As a member of a committee, he would as soon refuse to listen to the instruction of his constituents as to disregard those of the House. He deemed it essentially necessary, in view of the circumstances, that the House should express an opinion to the committee—and there was nothing improper or insulting in it. There were those on the committee who would have taken the responsibility of introducing the resolution, if the gentleman from Tennessee had not done so, because it was regarded as essentially necessary that the House should pass upon and give proper direction to that committee—the public voice demanded it.

Mr. M. then examined the question in all its constitutional bearings, and contended that there was abundant proof to destroy the force of the certificate as primary evidence of title to seats. The very data upon which the certificate was granted showed that it was erroneous. He contended that the Governor, in certifying who was elected, should have exhibited in the certificate the grounds upon which he came to that conclusion; he should have given, in accordance with the laws of New Jersey, the number of votes, showing who had the majority. Mr. M. exhibited to the House the proceedings of the Privy Council, and proved thereby, conclusively, that the question of illegal votes was never raised before that body, as the ground for the rejection of the polls of Millville and South Amboy; but that these districts were rejected solely on the ground that the Governor had no right to go behind the returns made to him.

Mr. M. also proved by various precedents that it had been the immemorial usage of the Governor and Council to go behind the returns, and to count votes which, by some informality, had been withheld by the returning officers. The question of illegal votes was not hinted at in that Council, but had been subsequently raised, and was a mere pretext in justification of the act of the Governor, and to cover a retreat from the position assumed. Mr. M. asked the gentlemen of the Opposition, if they believed the testimony before the committee was not sufficient to prove the charges against the Governor, why it was they they were afraid to let it be exhibited to the House and the country? If it was not proof against the Governor, they ought to demand its publication as an act of justice to the Governor. Mr. M. was here interrupted by

The SPEAKER, who said the morning hour had expired, and announced the order of the day.

The Senate bills on the SPEAKER's table were then twice read, and referred to appropriate committees.

The SPEAKER said the hour allotted for reports from committees and resolutions having expired, and all private bills before the House being disposed of, he submitted to the House whether it is not now competent for a majority to determine what business the House will proceed to consider. He wished a decision of the House to settle its future practice under similar circumstances, if it should again occur.

After a debate as to whether it was not the duty of the House to return to the consideration of the business of the morning hour, which was suspended by the announcement of the orders of the day, or whether it should not proceed to the consideration of the public bills, in which Messrs. CAVE JOHNSON, EVANS, HOLLEMAN, PETRIKIN, LINCOLN, and RUSSELL, participated,

Mr. DROMGOOLE obtained the floor, and said, inasmuch as all the private business had been disposed of, and the rule setting apart this day for that kind of business had been fulfilled and exhausted, and as he understood the SPEAKER had submitted a proposition upon which the House could vote yea or nay, and for the purpose of facilitating the business of the country, he moved the previous question.

Mr. R. GARLAND here rose to a point of order, whether it was not the duty of the SPEAKER to put his own construction on the rules, and decide, and leave it for the members to take an appeal; but he was ruled out of order.

The SPEAKER said if the previous question was sustained, the main question would be "Whether it was competent for a majority of the House to determine what business the House will proceed to consider."

The previous question was then seconded, and the main question ordered.

Mr. RUSSELL demanded the yeas and nays on the main question; which were ordered, and were—yeas 107, nays 66.

So the House decided that it was competent for a majority to determine, under the circumstances, what business they would consider.

Mr. CRAIG then submitted a motion that the House proceed to consider the resolution from the Committee of Elections, before the House, during the morning hour.

Mr. BRIGGS moved so to amend the proposition of Mr. CRAIG, as to substitute the bill to provide for the continuation of the office of the Commissioner of Pensions.

Mr. DROMGOOLE moved the previous question on Mr. BRIGG's proposition; which was seconded, and the main question ordered.

Mr. HOLLEMAN here rose to a point of order, whether it was competent to amend the proposition with one of a different nature entirely; but, at the suggestion of several members, did not press it.

The question being on the amendment of Mr. BRIGGS, he demanded the yeas and nays; which were ordered, and were—yeas 82, nays 102.

So it was rejected.

The question then recurring on the motion of Mr. CRAIG, it was put, and the proposition was agreed to.

The House then resumed the consideration of the resolution

and pending amendments in relation to the New Jersey election.

Mr. MEDILL then resumed his remarks, and showed conclusively, by all the precedents growing out of the action of the Privy Council of New Jersey, that the Governor should have counted the votes of Millville and South Amboy. [This able speech of Mr. M. will be published in a few days at length.]

Mr. BROWN of Tennessee had been extremely anxious to participate in this debate; but, when he listened to the various and impatient calls for the question around him, and when he remembered the length of time that had been consumed in this discussion, not upon the merits of the New Jersey case, but upon a simple proposition to print that had been submitted by the chairman of the committee, and afterwards enlarged upon by the motion of the gentleman from Tennessee—when he remembered, he said, how much time had been consumed in this preliminary discussion—and when he remembered, also, that four of the members of the committee had argued this case fully, two on each side, he could not but admit that the anxiety expressed by gentlemen for taking this question was natural and proper.

It was true that the gentleman from New York, [Mr. FILLMORE,] had not concluded his argument on this question; but he remembered that that gentleman was once in the arena, and that he touched by some private feeling, had withdrawn from it. He would therefore say to the gentleman, that he had better rest his claims for the attention of the House, until the main question should come up, and he would then be happy to meet him in the list. But for the present, said Mr. B. to meet the earnest calls for the question that I hear around me; to meet necessities of this House; nay, more, that we may progress with the public business; I move the previous question—action and not debate was what the public interests now loudly called for.

Mr. CRABB moved a call of the House.

Mr. RICE GARLAND asked the yeas and nays; which were ordered, and, being taken, were—yeas 72, nays 93.

So the call was refused.

Mr. MONROE moved an adjournment, but withdrew the motion; when

Mr. BELL moved to lay the resolution and amendments on the table, and asked the yeas and nays on that motion; which were ordered, and, being taken, were—yeas 87, nays 101, as follows:

YEAS—Messrs. Adams, Andrews, Barnard, Bell, Biddle, Briggs, Brockway, Calhoun, William B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Corwin, Crabb, Crockett, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Henry, Hill of Va. Hoffman, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, King, Lawrence, Lincoln, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Ogle, Osborne, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Tillinghast, Toland, Trumbull, Underwood, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Sherrod Williams—87.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Wm. O. Butler, Carroll, Casey, Chapman, Clifford, Coles, Conner, Crary, Cross, Dana, Davee, John Davis, John W Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, J. Garland, Hammond, Hand, John Hastings, John Hill of North Carolina, Hillen, Holleman, Hook, Howard, Hubbard, Jameson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Lest, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Newhard, Parish, Parmenter, Paynter, Pickens, Prentiss, Ramsey, Reynolds, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, Thos. Smith, John Smith, Stankweather, Steenrod, Sumpter, Swearingen, Sweeny, Taylor, F. Thomas, P. F. Thomas, J. Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, and Worthington—101.

So the motion to lay on the table was rejected.

And the question recurring on the demand for the previous question, there was a second.

And the main question was ordered to be now taken.

Mr. TURNEY called for the yeas and nays, which were ordered.

And the question being first on the amendment of Mr. FILLMORE to the amendment of Mr. CAVE JOHNSON, which was in the following words:

"Strike out the word 'forthwith,' and insert after the words 'greatest number of,' and before the word 'votes,' the word lawful;' so as to read 'and that they be instructed also to report which five of the ten individuals claiming seats from the State of New Jersey received the greatest number of lawful votes.'"

Mr. FILLMORE inquired of the CHAIR whether his amendment was divisible; if so, he moved that the question be first taken on inserting in the resolution the word "lawful" before the word "votes."

Mr. BANKS said it was not in order to move two amendments to the amendment; and therefore the question was indivisible, or the last amendment to insert the word "lawful" was clearly out of order.

The SPEAKER decided that the amendment was indivisible.

Mr. FILLMORE then modified the same so as simply to insert the word "lawful" before the word "votes."

And the question being then taken, the vote stood—yeas 96, nays 96—(a tie.)

And the SPEAKER voting in the affirmative, the vote stood—yeas 97, nays 96.

So the amendment to the amendment was agreed to.

A motion was here made to adjourn.

The yeas and nays were ordered, and, being taken, were—yeas 8, nays 167.

So the House refused to adjourn.

And the question then recurring on the amendment of Mr. CAVE JOHNSON, as amended, and which is as follows:

Resolved, That the Committee of Elections be authorized to report to this House such papers, and such of their proceedings, as they may desire to have printed by order of the House; and that they be instructed also to report forthwith which five of the ten individuals claiming seats from the State of New Jersey, received the greatest number of lawful votes from the whole State for Representatives in the Congress of the United States at the election of 1838 in said State, with all the evidence of that fact in their possession: *Provided*, That nothing herein contained shall be so construed as to prevent or delay the action of said committee in taking testimony, and deciding the said case upon the merits of the election.

Mr RICE GARLAND inquired of the CHAIR whether, if the amendment was rejected, the question would not then be on the original resolution, as reported from the Committee of Elections?

The SPEAKER replied affirmatively.

And the question was then taken on the amendment, as amended, and decided in the affirmative, as follows—yeas 103, nays 90.

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, A. G. Brown, Burke, S. H. Butler, W. O. Butler, Bynum, Carroll, Casey, Chapman, Clifford, Coles, Conner, Crary, Cross, Dana, Davee, J. Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, J. Garland, Hammond, Hand, John Hastings, Hill of North Carolina, Hillen, Holleman, Hook, Howard, Hubbard, Jameson, J. Johnson, Cave Johnson, N. Jones, John W. Jones, Keim, Kemble, Leadbetter, Lest, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Newhard, Parish, Parmenter, Paynter, Pickens, Prentiss, Ramsey, Reynolds, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, John Smith, Tho. Smith, Starkweather, Steenrod, Sumter, Swearingen, Sweeny, Taylor, Francis Thomas, P. F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, Sherrod Williams, and Worthington—103.

NAYS—Messrs. Adams, Alford, Andrews, Barnard, Bell, Biddle, Briggs, Brockway, Calhoun, John Campbell, William B. Campbell, Carter, Chinn, Chittenden, Clark, Jas. Cooper, Corwin, Crabb, Crockett, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Everett, Fillmore, Rice Garland, Gates, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Chas. Johnston, Wm C. Johnson, Kempshall, King, Lawrence, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Nisbet, Ogle, Osborne, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Tillinghast, Toland, Trumbull, Underwood, P. J. Wagner, Edward D. White, John White, T. W. Williams, and Lewis Williams—90.

So the amendment, as amended, was agreed to.

And the question recurring on the resolution as amended, the yeas and nays were, by general consent, dispensed with.

And the resolution, as amended, was agreed to.

Mr. BRIGGS moved that, when the House adjourn, it adjourn to meet on Monday next.

Mr. CAVE JOHNSON demanded the yeas and nays on the motion, which were ordered, and were—yeas 62, nays 93. So the House refused to adjourn till Monday next.

On motion of Mr. MORGAN,

The House then adjourned.

Mr. CROSS of Arkansas presented the following petitions to the House on the 5th instant:

Of the citizens of Hot Spring county, for a new mail route.

Of Captain Belknap and other officers of the United States Army, for equalizing the pay of officers of the line with that of staff officers.

Of the citizens of Clark county, praying for an appropriation to improve the navigation of the Washita river.

Of James Shinault, for the passage of a bill authorizing him to enter a quarter section of land.

HOUSE OF REPREESNTATIVES,

SATURDAY, February 29, 1840.

Reports from committees being first in order,

On motion of Mr. J. W. JONES, the Committee of Ways and Means was discharged from the further consideration of the petitions of James Thompson, Walter Bradley, and Henry J. Pickering; which were ordered to lie on the table.

On motion of Mr. EVANS, the claim of Walter Bradley was recommitted to the Committee of Ways and Means.

Mr. BIDDLE, from the same committee, reported a bill for the relief of Bates and Lacon; which was twice read, and committed.

Mr. ATHERTON, from the same committee, reported a bill for the relief of James W. Osborne, of Baltimore; which was read twice, and committed.

Mr. LAWRENCE, from the same committee, reported,

A bill for the relief of Andrew Low, assignee of Low, Taylor, and Co. of Georgia;

A bill for the relief of Benjamin Allen and Co. and others;

A bill for the relief of Samuel D. Walker;

A bill for the relief of Zachariah Jellison;

which bills were severally read twice, and committed.

Mr. VANDERPOEL, from the same committee, reported a bill to provide for the support of the Military Academy for the year 1840; which was twice read, and on motion of Mr. V. the bill and the estimates accompanying, were ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

Also, reported a bill for the relief of Chastillain and Ponvert; which was read twice, and committed.

On motion of Mr. VANDERPOEL, the same committee was discharged from the further consideration of the petition of Samuel S. Anderson, and it was committed to the Committee of Claims.

Mr. RUSSELL, from the Committee of Claims, reported

A bill for the relief of Ebenezer A. Lester;

A bill for the relief of Nicholas Hedges;

A bill for the relief of Richard Booker;

A bill for the relief of John Howe;

A bill for the relief of John Wilkinson's legal representatives;

A bill for the relief of Thomas W. Taylor;

A bill for the relief of James Coxe;

A bill to amend an act entitled an act for the relief of Chauncey Calhoun;

A bill for the relief of Gamaliel E. Smith;

A bill for the relief of Garrett Vliet;

A bill for the relief of Nathaniel Goddard and others;

which bills were severally twice read, committed, and ordered to be printed.

Also, reported a bill, from the same committee, for the relief of Ebenezer Lobdell; which was read twice; when

Mr. R. moved that it be committed to the Committee of the Whole, and be made the order of the day for this day.

Objection was made to this reference, as unusual; when,

On motion of Mr. DUNCAN, the question on this reference was taken by tellers; and it was decided in the negative—ayes 81, noes 86.

On motion of Mr. RUSSELL, the bill was then made the order of the day for to-morrow, and bill and report ordered to be printed.

Mr. R. from the same committee, made unfavorable reports on the petitions of William Breyden, William Nicholas, the assignees of David Beard, Peter Mills, Lyman King, Stephen Arnan, Raymond A. Henderson, George Gale, Joel Byington, John Kelly, Lewis Bissell, Thomas Simpson; James Reynolds, Simon Green, and R. Hathaway and McHubbell, executor of W. A. J. Fleury; which were severally ordered to lie on the table and be printed.

On motion of Mr. RUSSELL, the committee was discharged from the further consideration of the petitions of Thomas Blanchard and William A. Whitehead; which were ordered to lie on the table, and be printed.

Mr. R. from the same committee, to which had been referred the petition of Israel H. Baker, reported the following resolution:

Resolved, That the Committee of Claims be discharged from the further consideration of the claim of Joseph H. Baker, arising from the failure of a title to a lot of land purchased by him from the United States at the Zanesville land district in the State of Ohio, in July, 1831, and that the same be referred to the Secretary of the Treasury, to the end that the purchase money may be returned according to the provisions of the act of 12th January, 1835; which was read, and agreed to.

Mr. R. also reported the following resolution, viz:

Resolved, That the Committee of Claims be discharged from the further consideration of the petition of Charles Werner, claiming the sum of thirty dollars, deposited for him, by Henry Goldsmith, in the Treasury of the United States, on the 16th day of September, but which, by mistake, was credited to the said Goldsmith, and that the same be referred to the Commissioner of Patents, under the provisions of an act, entitled "An act to protect the progress of useful arts, and to repeal all acts and parts of acts hereafter made for the purpose," passed July, 1836; which was read, and agreed to.

Mr. R. also reported a resolution authorizing the Committee of Claims to appoint a clerk at the rate of four dollars per day, to facilitate the business of said committee; which was read, and agreed to.

Mr. BANKS, from the same committee, reported a bill for the relief of Cornelius Tiers; which was twice read, and committed.

Also, an unfavorable report on the petition of

Dr. Thomas Gift; which was ordered to lie on the table.

Mr. DAWSON, from the same committee, reported

A bill for the relief of Josiah Thompson, late superintendent of the Cumberland road between Brownsville and Wheeling;

A bill for the relief of John Underwood; which were severally read and committed.

Also, an unfavorable report on the petition of Horace H. Dibble; which was ordered to lie on the table, and be printed.

Mr. HILL of North Carolina, from the same committee, reported a bill for the relief of William Bailey, survivor of Bailey and Delord; which was twice read, and committed.

Mr. H. also, made an unfavorable report on the petition of Thomas Crown; which was laid on the table, and ordered to be printed.

Mr. GIDDINGS, from the same Committee, reported

A bill for the relief of Thomas Fillebrown, jr.

A bill for the relief of Sylvester Phelps, the heirs and legal representatives of Charles Landon;

A bill for the relief of John T. Adams;

A bill for the relief of Capt. John Downs; and

A bill for the relief of Benj. C. Roberts;

which bills were severally read twice, and committed.

Mr. G. also from the same committee, made unfavorable reports on the petitions of Archibald McMullen, Wheeler Randall, Francis Pellecier's administrators, Isaac Reeland, John McIntire and others, Thomas Harrison, James McCutchen, Preston Frazier, John R. Allen, Richard J. Jones, and William R. Hunter; which were ordered to lie on the table, and be printed.

Mr. G. also reported a resolution discharging the committee from the further consideration of the petition of J. N. Hamlen, and referring it to the proper Department for adjusment; which was agreed to.

Mr. GALBRAITH, from the same committee, made an unfavorable report on the petitions of S. Fillimore; which was ordered to lie on the table.

Mr. WILLIAMS of New Hampshire made an unfavorable report on the petition of Elisha Butler; which was laid on the table.

Mr. CURTIS, from the Committee on Commerce, reported, with an amendment, Senate bill entitled "An act to cancel bonds given to secure duties upon vessels and their cargoes, employed in the whale fishery, and to make registers lawful papers for such vessels."

Also, reported Senate bill, without amendment, entitled "An act for the relief of John H. Jacobs." which were read and committed.

Also, reported a bill for the relief of Meigs D. Benjamin and Co.;

A bill for the relief of William Wickam;

A bill for the relief of Boggs and Thompson, and Robert and Thomas Hutchinson, and others;

A bill for the relief of John M. Jacqueline;

which were severally read twice, and committed.

On motion of Mr. C. the Committee on Commerce was discharged from the further consideration of the petition of John Dennis; which was ordered to lie on the table.

Mr. CURTIS gave notice that he would ask leave to introduce a bill to establish a system of uniform bankruptcy throughout the United States.

Mr. HABERSHAM, from the same committee, reported a bill to amend an act entitled "an act to remit duties on certain goods destroyed by fire in the late conflagration in the city of New York, in Dec. 1835," passed July 7, 1838.

Also, a bill for the relief of George Willis;

A bill for the relief of Elliott Smith and Nathan Farnsworth;

which bills were severally read twice, and committed.

Mr. HABERSHAM, from the same committee, reported the following resolution:

Resolved, That the map of the southern coast from Tyler island to Hunting island, including a chart of the mouth of Savannah river, which was made from the surveys of Charles Wilkes, of the United States Navy, be printed under the direction of the Committee on Commerce, and that 5000 copies be published; one hundred of which shall be deposited in the Navy Department.

Mr. CLIFFORD moved to amend the resolution so as to have the map executed under the direction of the Printer of the House.

A debate here arose, in which Messrs. CURTIS, CLIFFORD, EVANS, and HABERSHAM, participated; when

Mr. SMITH of Maine obtained the floor and said, he was opposed to the amendment and to the printing also, because he believed it would incur a useless waste of money for a thing which he considered unnecessary. He then moved the previous question.

Mr. CAVE JOHNSON moved to lay the whole subject on the table; and on which

Mr. BRIGGS demanded the yeas and nays; which were ordered, and were—yeas 69, nays 96.

So the House refused to lay the resolution on the table.

The question then recurring on the motion for the previous question, Messrs. Briggs and Montgomery were appointed tellers to ascertain if there was a second: result—ayes 67, noes 70.

So the previous question was not seconded.

Mr. HABERSHAM here rose to address the House on the resolution, but was interrupted by

Mr. JONES of Virginia, who said, the time for the reception of reports having expired, he appealed to the House to take up the bill providing for the continuation of the office of the Commissioner of Pensions; which, he said, would expire on Wednesday next.

Mr. EVANS moved that the House continue to receive reports from committees, and moved a suspension of the rules for that purpose.

The question was taken by tellers, (Messrs. Hoffman and Ramsey acting as such,) who reported as the result, that there were—ayes 83, noes 59.

So the rules were not suspended.

Mr. CHARLES JOHNSTON of New York asked the consent of the House to introduce his resolution, published in Tuesdays paper, in relation to the contract between Mr. Langtree and the Clerk of the House of Representatives for furnishing stationery, &c.

Objection was made to its reception; when

Mr. J. moved to suspend the rules for the purpose.

Mr. L. WILLIAMS demanded the yeas and nays on that motion; which were ordered, and were—yeas 88, nays 79.

So the House refused to suspend the rules for the reception of the resolution.

Mr. J. W. JONES again asked the House to take up the bill for the continuance of the office of Commissioner of Pensions.

Mr. TRIPLETT objected; when

Mr. JONES moved to suspend the rules for that purpose.

Mr. VANDERPOEL demanded the yeas and nays; which were ordered, and were—yeas 131, nays 31.

So the rules were suspended.

The House then took up the Senate bill to continue the office of Commissioner of Pensions until the 4th of March, 1842.

The question before the House was the amendment of Mr. Proffit, to reduce the salary of the Commissioner from $3,000 to $2,500; and he demanded the yeas and nays.

Mr. DAVIS of Kentucky, who was entitled to the floor on the above, offered an amendment to the amendment of Mr. Proffit, so as to make a reduction of salaries of officers of the General Government, *pro rata*, of five, ten, twelve, fifteen, twenty, and twenty-five per cent. according as salaries rise from $800 to $3,000.

Mr. PROFFIT accepted the amendment; but

The CHAIR said it was a distinct proposition, and could not be entertained.

Mr. DAVIS appealed from the decision of the Chair; but the appeal was not sustained by the House.

Mr. D. said that he asserted, when this subject was last up, that in supporting the principle of reduction, he was for striking a blow at the Executive power; for that branch of the Government had the employment of a large number of officers, and there were half a million of men looking to the Executive for the means of supporting themselves and families. Mr. D. proposed to reduce the salary of the Commissioner of Pensions from $3,000 to $2,500, and asked if it was not sufficient for that officer. He said, in one-half of our twenty-nine States and Territories the judicial and other officers received but $2,000, and some of them less than that sum; and inquired if it was expecting too much from the heads of bureaus to perform their duties for less than they now receive.

Mr. D. then spoke of the Independent Treasury, as proposed by the Administration; read extracts from the Hon. J. Buchanan's speech upon the subject, and commented thereon. Mr. D. yielded the floor to

Mr. GRAVES, who moved that the House adjourn.

Mr. BANKS asked for the yeas and nays; which were ordered, and were—yeas 71, nays 68.

So the House adjourned till Monday next.

IN SENATE

Monday, March 2, 1840.

Mr. TAPPAN presented a memorial from citizens of Ohio, praying Congress to take measures for the construction of a road from the valley of the Ohio to the valley of the Columbia river; which was referred to the Committee on Roads and Canals.

Mr. WEBSTER presented a memorial of citizens of New York, praying for the enactment of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CALHOUN presented a similar memorial, and

Mr. WRIGHT presented two similar memorials; which were severally referred to the same committee.

Mr. W. also presented a memorial of the Board of Underwriters of the city of New York, remonstrating against any alteration in the law respecting pilots; which was referred to the Committee on Commerce.

Mr. STURGEON presented four memorials remonstrating against the use of bloodhounds in the Florida war; which were laid on the table.

Mr. ALLEN presented a memorial of 247 citizens of Ohio, praying for the enactment of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. A. also presented a memorial of 133 citizens of the Eighth Congressional District of Ohio, praying that the laws of the Union may be extended over the Oregon Territory; which was referred to the Select Committee on the Oregon Territory.

Mr. BUCHANAN presented a memorial of the United States Insurance Company, and of the Insurance Company of the State of Pennsylvania, praying to be indemnified for property seized and sequestrated by the Government of Hayti in 1811; which was referred to the Committee on Foreign Relations.

Mr. B. also presented four memorials, remonstrating against the use of bloodhounds in the Florida war; which were laid on the table.

Mr. YOUNG presented a petition of citizens of Illinois, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. Y. also presented a petition of citizens of township 34 north, range 15 east of the third principal meridian, praying a donation of land for school purposes; which was referred to the Committee on the Public Lands.

Mr. HENDERSON presented a memorial of the Legislature of Mississippi, praying for the adjustment of claims under the Choctaw treaty, and that pre-emptioners may be protected; which was referred to the Committee on the Public Lands.

Mr. H. also presented a memorial of the Legislature of Mississippi, praying for the establishment of a nation hospital at Vicksburg; which was referred to the Committee on Commerce.

Mr. H. also presented a resolution of the Legislature of Mississippi, in favor of the erection of a light-house between Pass Christian and Pass Mary Ann; which was referred to the Committee on Commerce.

Mr. HUBBARD presented the petition of Mrs. Hester Hill; which was referred to the Committee on Pensions.

Mr. SOUTHARD presented a memorial praying Congress to enact a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CLAY of Alabama presented a petition of citizens of the twelve miles square reserved for schools under the treaty of 1819 with the Cherokees, praying for indemnity for the loss of their improvements; which was referred to the Committee on the Public Lands.

Mr. C. also presented the petition of Sarah Bishop, widow of Colin Bishop, which was ordered to be filed with bill 91.

Mr. WILLIAMS, from the Committee on Naval Affairs, made an unfavorable report on the petition of John Nantz and others; which was ordered to be printed.

Mr. W. also, from the same committee, to which was referred a bill to explain and amend the fifth section of an act passed the 30th day of June, 1840, for the better organization of the Marine Corps, reported the same without amendment, and that he was instructed to move its indefinite postponement, when it was taken up for consideration.

Mr. RUGGLES, from the Committee on Commerce, reported a bill to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, accompanied by a report. The bill was ordered to a second reading, and one thousand additional copies of the report were ordered to be printed.

On motion of Mr. BENTON, the bill for the more easy collection of small bank notes within the District of Columbia;

The bill for the collection of bank notes of and under the denomination of twenty dollars, issued by banks within the District of Columbia; and

The bill to regulate the issuing and circulating of bank paper in the District of Columbia;

were made the order of the day for Monday next.

Mr. LINN submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of placing on the pension roll the name of John McClanahan of Missouri, who served in the regular army of the United States, and was wounded in the battle when Gen. St. Clair was defeated by the Indians in the Northwest.

ADJOURNMENT OF CONGRESS.

Mr. LUMPKIN submitted the following resolution for the consideration of the Senate:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses, *sine die*, on Monday the ——— day of May next.

Mr. L. said he had been induced to call the attention of the Senate to this subject, from a sense of duty to his country and his constituents, arising from his own reflection, and without consultation with any one whatever. He indulged the hope that the subject would receive that early and respectful consideration from the Senate which its magnitude and importance demand.

He would see to it, that it should not be considered a trivial or unimportant subject. It was known to every one, that the sessions of Congress are becoming more and more protracted; and in direct proportion to their increase and duration, we find the legitimate business of legislation overlooked and neglected.

Sir, said Mr. L. we have now been three months in session; and what have we done, and what are we doing? Why, instead of doing the business of the people and the country, we are engaged in doing many things which ought not to be done, and things which delicacy forbids my naming here.

The attention of the people is diverted from the palpable remissness of their representatives in Congress, by being daily supplied, during our long sessions, with innumerable book speeches, manufactured for the current market of the public ear—speeches that contain every thing, except pertinent remarks on the subject upon which they are made.

Sir, (said Mr. L.) I am fully impressed with a sense of the delicacy of the subject of dwelling upon the evils of long Congressional speeches. But, sir, this is the true cause of the extension of our Congressional sessions, and, in my opinion, without any adequate benefit to the country. Sir, if we would, from this day forward, take Washington, Franklin, and Jefferson, for our models in speech making, and turn our attentions earnestly and deliberately to our duties of legislation in the true spirit of the founders of our glorious institutions, we should find plenty of time, between this and June, as contemplated by the proposed resolution, to do all the necessary business of the country, and return to our respective abodes, leaving the country and the public mind in quiet and peace from our ceaseless strifes, originated in the halls of legislation.

If John Randolph of Roanoake could speak from the dead, would he not tell you that you had been feeding long enough out of the public crib—that it was time for you to be at home, feeding out of your own cribs? Look out at your windows, sir. Do you not see the green grass? Do you not see the buds shooting forth? Do you not hear the birds sing? All nature seems to unite in admonishing us to duty and industry. The public service is already suffering for the want of a prompt and efficient discharge of our representative duties. After time for due reflection, sir, I shall again call up this subject for the action of the Senate, and I shall not abandon the ground which I have taken.

The resolution then being read by the Secretary of the Senate,

Mr. WEBSTER said he coincided with the Senator from Georgia, that the protracted sessions of Congress was a great and growing evil; and he would assure that gentleman of his hearty support of any measure that would have a tendency to remedy it.

Mr LUMPKIN returned his thanks to the Senator from Massachusetts, and assured him that upon this subject he was not influenced by party considerations, but was ready to unite with Senators from both sides of the Senate, in forming a party that would do the business of the country, and go home at the earliest practicable day.

DRAWBACK ON FOREIGN COAL.

The resolution reported some days since by the Committee on Commerce, in favor of allowing a drawback on foreign coal consumed in steam packets, was taken up for consideration, and was advocated by Messrs. WRIGHT and DAVIS, and opposed by Messrs. BUCHANAN, CLAYTON, and PHELPS; when,

On motion of Mr. CLAY of Alabama, it was laid on the table—ayes 26, noes 16.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 2d, 1840.

Mr. DAVIS of Indiana, from the Select Committee on Printing, said he had been instructed to ask further time to report. The chairman [Mr. BLACK] had been called home on account of the indisposition of his family. The committee had finished taking testimony, but it was desirous that the charman should be present, and that a report should be postponed until his return, which would be on, or about, the 16th of the month. The motion for further time had met the unanimous consent of the committee.

Mr. R. GARLAND said the committee had gone on to take a great deal of testimony, upon which a difference of opinion would arise, and it was desirable that the chairman should be present before the report could be made.

After some further conversation as to the expediency of the extension of time, in which Messrs. LEWIS WILLIAMS, R. GARLAND, DAVIS of Indiana, W. C. JOHNSON, COOPER of Georgia, EVANS, and ADAMS, participated,

Mr. DAVIS of Indiana moved that the time for the committee to report be extended until the sixteenth of March.

Mr. L. WILLIAMS moved the 10th of March.

The question was then taken on the longest period first, and it was agreed to.

The CHAIR announced that the question first in order was the motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill appropriating $150,000 to each of the States of Ohio, Indiana, and Illinois, to be expended on the Cumberland road.

The substitute of Mr. PICKENS for said instructions, as follows:

"And that the memorial be committed to the Committee of Ways and Means, with instructions to consider the expediency of reporting a bill in favor of the measure."

And Mr. MARVIN'S amendment to the original proposition, and substitute for Mr. PICKENS'S amendment, as follows:

"And that the Committee of Ways and Means be instructed to report bills in accordance with the estimates contained in the reports from the Chief Engineer, and the Chief of the Topographical Engineers, to the Secretary of War, and communicated to Congress by the President, making appropriations for the year 1840, for the continuation of the construction or improvements of harbors and roads, and the navigation of rivers, for which appropriations have been heretofore made."

Mr. LINCOLN objected that this being a day assigned by the rules of the House for the presentation of petitions, it was not in order to give precedence to the continuance of the debate on a petition formerly presented, over a call of the States for the presentation of petitions.

The SPEAKER decided that the petition having been taken up on a motion, on a preceding petition day, had precedence.

Mr. LINCOLN contended that the SPEAKER had placed a wrong construction upon the rule. The fifty-fourth rule was imperative on this subject: it says that petitions presented shall not be debated on the day of their being presented, nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session. There was but one day in a fortnight set apart for the reception of petitions, and if the construction given by the SPEAKER should obtain, it would be impossible to present any petitions. It would abolish the right of petition at the door—they would be entirely excluded. The language of the rule was clear and explicit; and the uniform construction given to it by the predecessor of the present SPEAKER, was, that petitions laid over under debate, could not be taken up on the day set apart by the rule for the reception of petitions. If he had anticipated such construction, he could have armed himself with precedents in justification of his opinion, and in opposition to the present construction. He therefore most respectfully appealed from the decision of the CHAIR.

Mr. ADAMS concurred with the opinion expressed by Mr. LINCOLN. In view of the difficulties thrown in the way of the presentation of petitions at former sessions, by a similar construction of the rule, he had subsequently, when these rules were under revision, introduced the present one to avoid these difficulties. If the construction of the SPEAKER be sustained, it would be impossible to get in petitions at all. He had some fifty or sixty which would not cause debate, on various subjects, which he would like to present, and have referred to appropriate committees.

The SPEAKER said the gentleman seemed to misapprehend his opinion. He did not say that petitions presented after the expiration of the first thirty days, which were laid over under debate, would come up as a matter of course on the next petition day. It would not come up unless the House expressly ordered it. The House took up the petition on the last petition day, and debated it; and it was in consequence of this decision of the House that this subject comes up as the unfinished business of the last petition day.

Mr. DAVIS of Indiana moved the previous question on the appeal; which was seconded, and

the main question ordered; which main question was, "Shall the decision of the CHAIR stand as the judgment of the House?"

Mr. LINCOLN demanded the yeas and nays on the main question; which were ordered.

Mr. BRIGGS inquired of the CHAIR whether, if the subject was laid over to-day, it could be taken up again, except by a vote of two-thirds.

The SPEAKER was of opinion that it would require a vote of two-thirds to take it up again.

The question was then taken, and the decision of the CHAIR was sustained—yeas 120, nays 61.

Mr. BELL, who was entitled to the floor, resumed his remarks, and spoke at some length on the subject before the House. Mr. B said that the President of the United States had expressed himself to the effect that he would not consider it expedient to veto any bill for this purpose, and referred to a letter in the Globe from three members of the House in relation to the Cumberland road. He understood it to be called forth, with a view to ascertain whether the Administration was opposed to the road; and if so, to have some evidence on which its hostility was predicated. He said, as the Secretary of the Treasury had placed the omission of an appropriation for this road upon the ground of the depletion of the Treasury, that they should retrench their own expenditures—that the starting point was the House of Representatives.

Mr. B. referred to several speeches which had been made by members of the Administration on the subject of the road, and said that in some portions of the country the Democracy opposed the measure; and in others, sustained it. Mr. B. said it might be asked of him, if he was friendly to internal improvements, why he opposed them? It was on the ground of inexpediency, as he had stated ten years ago—because there was no system in relation to them. People in the State of Tennessee denounced him as a Federalist—as an aristocrat—not because he voted for them, but because he associated with gentlemen here who did.

Mr. B. referred to General Jackson's veto of the Maysville road bill, and said the ex-President had only postponed the system of internal improvements until the national debt should be paid off; and that Mr. Van Buren had never, directly or indirectly, denied the power to appropriate money for that purpose. Jefferson, Madison, Washington, Monroe, the elder Adams, and Jackson, and the present President, all admitted the constitutionality of the power. Mr. B. concluded his remarks by a reference to the Florida and Creek wars, &c. when

Mr. CASEY rose, and offered the following modification of his resolution:

"That the petition be referred to the Committee on Ways and Means, with instructions to report a bill making a reasonable appropriation for the continuation of the National road in the States of Ohio, Indiana, and Illinois, for the year 1840, to be expended under the direction of the War Department, said appropriation to be subject to all the restrictions and conditions of former appropriations on said road."

Mr. CASEY observed that the object of the modification was, that the committee should act at their own discretion with regard to the amount of the appropriation they should report. He probably owed to the committee an apology for having proposed to instruct them at all. But he was led to adopt that course, because he was certain that without instructions, no report in relation to this subject would ever come from the committee. This was all that he wanted to say. Now, as the way for the reception of petitions was blocked up by this discussion, and as a great many gentlemen were anxious to present petitions, himself among the number, and as this discussion, which ought not to have occupied a week, had taken a very wide and unnecessary range, he would conclude by moving the previous question.

Mr. CRABB moved a call of the House; which was ordered, when

Mr. COLES moved an adjournment; which was decided (the count having been by tellers, Messrs. BRIGGS of Massachusetts, and JOHNSON of Tennessee) in the affirmative—ayes 86, noes 57; and

The House adjourned.

Upon the several questions growing out of the resolution of the Committee of Elections and the amendments thereto, on Friday, Mr. SMITH of Maine, and Mr. ALLEN of Ohio, who would have voted on opposite sides, were absent by arrangement.

IN SENATE,

TUESDAY, March 3, 1840.

Mr. NORVELL presented the memorial of the Legislature of the State of Michigan, praying an appropriation for the erection of a light-house, and the improvement of the harbor at Belvidere, on Lake St. Clair; which was referred to the Committee on Commerce.

Mr. N. also presented the memorial of the Legislative Assembly of Wisconsin, for an appropriation for a road from Platville to the Mississippi river, and a grant of the alternate sections of public land on said road; which was referred to the Committee on Roads and Canals.

Mr. N. also presented the memorial of the Legislative Assembly of Wisconsin, for an appropriation for the survey of a railroad from Lake Michigan to the Mississippi river; which was referred to the Committee on Roads and Canals.

Mr. PORTER presented the petition of John Hadley; which was referred to the Committee on Private Land Claims.

Mr. CLAY of Alabama presented the petition of the heirs and legal representatives of John Forbes, which was referred to the Committee on Private Land Claims.

Mr. LINN submitted documents in relation to the claim of John McClenahan, a soldier of the Revolution; which was referred to the Committee on Pensions.

Mr. CLAY of Alabama presented the petition of John Thomas, praying a pension; which was referred to the Committee on Pensions.

Mr. HENDRSON, from the Committee on Roads and Canals, reported a bill for the relief of the Eagle Railroad and Lumber Company; which was read, and ordered to a second reading.

Mr. CLAY of Alabama, in pursuance of notice, asked and obtained leave to introduce a bill to confirm the title to an island in the river Apalachicola, to the heirs and legal representatives of John Forbes, deceased; which was read twice, and referred to the Committee on Private Land Claims.

ADJOURNMENT OF THE SENATE.

The resolution submitted yesterday by Mr. LUMPKIN, in relation to the adjournment of the Senate, coming up in its order,

Mr. LUMPKIN said he did not wish that the subject should be taken up for consideration now, and therefore moved that it be laid on the table for the present, though he should take care it should not lie there long.

Mr. GRUNDY had but a word to say on this subject at present, and that was, that when the Senator intends to call up the resolution, he would give a day or two notice, so that the Senators might be in their places.

Mr. LUMPKIN then gave notice that he would call it up on Monday next.

ORDERS OF THE DAY.

The bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State, was taken up, and, after being debated by Messrs. WHITE, CLAY of Alabama, NORVELL, KING, SMITH of Indiana, HUBBARD, LUMPKIN, and GRUNDY, was, on motion of Mr. G. postponed until to-morrow.

THE SPECIAL ORDER.

The resolutions of the Select Committee on the assumption by the Federal Government of the debts of the States was taken up, and Mr. FULTON addressed the Senate at length in favor of the principles of the report.

Mr. WEBSTER made some remarks on the speech of Mr. CALHOUN, in relation to the effect of a protective tariff on the exports and manufactures of the country; which were replied to by Mr. CALHOUN.

Mr. BUCHANAN then submitted some remarks in relation to certain alleged misrepresentations of his speech on the Independent Treasury bill, as to its effect on the wages of labor, which appeared in the published speech of Mr. DAVIS.

COMMISSIONER OF PENSIONS.

A message was received from the House of Representatives by their CLERK, announcing that they had passed the bill to revive and continue in force the office of Commissioner of Pensions, with an amendment. [The amendment was the reduction of the salary of the Commissioner, from $3,000 to $2,500 per annum.]

Mr. HUBBARD said, that as it would require but a few moments to dispose of the bill, he hoped that by general consent it would be now considered.

No objection being made,

Mr. HUBBARD said as it was very important that the bill should be passed this evening, he hoped that the amendment of the House would be concurred in.

Mr. SOUTHARD said he hoped the Senate would not concur. The bill, by its provisions, had greatly increased the duties of the office, while it reduced his compensation one-sixth. It was impossible for Mr. Edwards, or any other man, to perform the duties of the office as prescribed by the 4th section of the bill.

Mr. HUBBARD would only say that if this bill was not passed to-night, the Pension Office would be closed to-morrow. The office of the Commissioner expired by limitation this evening, and the Secretary of War would be constrained to issue his order, commanding its close, to morrow.

Mr. CRITTENDEN objected to the further consideration of the bill at this time, if there was to be any debate on it, and it was laid on the table.

Mr. DAVIS then replied to Mr. BUCHANAN, and after some further remarks between these gentlemen,

On motion by Mr. GRUNDY, the report of the Select Committee was informally passed over.

Mr. WRIGHT then moved that the Senate take up the bill to continue the Pension Office, and hoped that the bill might be permitted to pass without debate.

Mr. SOUTHARD said the bill must excite debate.

Mr. WRIGHT. As the Senator says the bill must excite debate, I withdraw my motion.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, March 3, 1840.

The first business in order was the following resolution offered on Saturday last by Mr. HABERSHAM, from the Committee on Commerce:

Resolved, That the map of the southern coast from Tybee island to Hunting island, including a chart of the mouth of Savannah river, which was made from the surveys of Charles Wilkes of the United States navy, be printed under the direction of the Committee on Commerce, and that 5,000 copies be published, one hundred of which shall be deposited in the Navy Department.

Mr. CLIFFORD moved to amend the resolution, by striking out all after the word resolved, and inserting,

That a map of the southern coast from Tybee island the Hunting island, including a chart of the mouth of the Savannah river, which was made upon the survey of Charles Wilkes, of the United States navy, be lithographed by order of this House, under the superintendence of the Topographical Bureau, and that 4,000 copies be published, 200 of which shall be deposited in the Navy Department for the use of the navy, and 200 in the Library of Congress for safe keeping.

Mr. HABERSHAM said that he had no power to accept of the amendment offered by the gentleman from Maine, because the resolution had been reported from the Committee on Commerce, and of course he had no control over it. It was, however, of no importance to him in what manner, or under whose direction, the chart was published, so that it was done in the cheapest form. When the subject came before the committee, it was deemed, in these economical times, impossible to let it pass without some attempt to have the work done in the cheapest possible way. And on inquiry, the committee discovered that a great saving might be effected, if the House would agree to the plan suggested. As, however, the publication of the chart required great accuracy, he was, on reflection, in favor of having it superintended by the Topographical Bureau. Mr. H. then adverted to the objections made on Saturday by the gentleman from

Maine, [Mr. SMITH,] and gave a long statement of the exports and imports of Maine and Georgia, with a view of showing the advantage that would arise from the publication of the map, in preventing the wreck of vessels, &c.

Mr. SMITH of Maine rising to reply,

Mr. CURTIS, after adverting to what appeared to him an unnecessary waste of time in this debate, proposed that if Mr. SMITH would withdraw his amendment, he would give him permission to modify the original resolution, so as to have the map published under the direction of the CLERK of the House.

Mr. CLIFFORD accordingly withdrew his amendment, and the original resolution was modified as suggested.

Mr. CURTIS then moved the previous question, but subsequently withdrew it at the request of

Mr. SMITH, who wished to say a few words on the subject before the question was taken. Mr. S. then observed, that when he came into the House this morning, he found the gentleman from Georgia [Mr. HABERSHAM] in full blast. He was not aware what course his argument had taken in the early part of the speech, but the latter part seemed wholly directed against him, (Mr. S.) and was intended to hold him up to the country as acting in opposition to the interests of his constituents, by opposing the publication of this map. He could not say by what code of ethics, or principles of policy, the gentleman from Georgia was governed in his conduct here. He did not know whether, when the interests of Georgia were concerned, the gentleman always went for those interests, regardless of the interest of the General Government and the whole country; but if he did so, he was governed by very different motives from those which guided him, (Mr. S.) He was willing to admit that the publication of the map might be of the smallest amount of importance to his constituents; but he was governed by higher motives than the mere local interests of his State. He had a public duty to perform to the country at large, and when he took his seat here, he did it with a firm determination to go for retrenchment. He was determined to stop every little stream which was issuing from the Treasury unnecessarily, and he would assure gentlemen that he was not to be deterred from that course, whenever, in his opinion, an appropriation required was not absolutely necessary.

Besides, he would ask, was this map a matter of pressing importance? Must the appropriation be made forthwith, now it was alledged the Treasury was bankrupt? And must we go and *borrow* money for the publication of this map? In his opinion, it was not a subject of pressing importance, and the publication would do as well a year hence as now, notwithstanding all the gentleman from Georgia had said. He could not believe that a single vessel would be lost, either from Maine or New England, for want of the map. He did not believe that the gentleman had ever found at the mouth of the Savannah river the wreck of a single vessel from Maine; neither did he believe that the mouth of that river would be blockaded up by the failure of publishing the map. Mr. S. concluded by observing that he would ever act on the great principle of opposing every appropriation not strictly required by the wants of the community; and he called upon those gentlemen who had preached so loudly about retrenchment, to come up and vote against this resolution. Mr. S. then renewed the motion for the previous question, which was seconded.

The main question was then ordered, being on the adoption of the resolution as amended; and the yeas and nays being ordered, the resolution was rejected—yeas 84, nays 95—as follows:

YEAS—Messrs. Adams, Alford, Judson Allen, John W. Allen, Hugh J. Anderson, Banks, Barnard, Bell, Brewster, Briggs, Brockway, Calhoun, Carroll, Casey, Chinn, Chittenden, Clark, Clifford, Corwin, Crockett, Curtis, Davee, Edward Davies, Garret Davis, Dawson, Dennis, Edwards, Evans, Fletcher, Rice Garland, Gates, Giddings, Granger, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Henry, Hillen, Hoffman, Holmes, Howard, James, Jenifer, Kemble, Kempshall, King, Lawrence, Lincoln, Lowell, Marvin, Mitchell, Monroe, Morgan, Calvary Morris, Ogle, Osborne, Parmenter, Pope, Ramsey, Randall, Randolph, Rariden, Rayner, Ridgway, E. Rogers, Russell, Saltonstall, Sergeant, Shepard, Storrs, Stuart, Sumpter, Waddy Thompson, Toland, Triplett, Trumbull, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, Henry Williams, Joseph L. Williams, and Christopher H. Williams—84.

NAYS—Messrs. Andrews, Atherton, Beatty, Beirne, Blackwell, Bond, Boyd, A. G. Brown, Burke, Bynum, Carr, Carter, Chapman, Coles, Conner, Mark A. Cooper, Craig, Cross, Dana, John Davis, John W. Davis, Deberry, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Floyd, Garland, Gerry, Goggin, Graham, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of N. C. Holleman, Hook, Hopkins, Hubbard, Chs. Johnston, Jos. Johnson, Cave Johnson, Nath'l Jones, J. W. Jones, Keim, Leadbetter, Leonard, Lucas, McCarty, McClellan, McCulloh, McKay, Mallory, Marchand, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parris, Paynter, Petrikin, Prentiss, Reynolds, Samuels, Shaw, Simonton, John Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Swearingen, Sweeny, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Watterson, Weller, Wick, Jared W. Williams, Lewis Williams, Sherrod Williams, and Worthington—95.

The hour having expired, the SPEAKER announced the orders of the day, being the Senate bill providing for the removal of the raft in Red river, with the amendment of Mr. BIDDLE.

Mr. JONES appealed to the courtesy of the gentleman from Pennsylvania, to allow him to call up the bill for continuing the office of Commissioner of Pensions. He reminded the House that, after to-morrow, the office would be no longer in existence, and should there be any objection to the passage of the bill, it would be productive of serious inconvenience. Mr. J. then had read at the CLERK's table a communication from the Secretary of War on that subject, showing the urgent necessity for the immediate passage of the bill.

Mr. RICE GARLAND objected to this bill having precedence of that for the removal of the raft in Red river. He would inform the House that he also had received a communication from the Secretary of War, showing that if the bill were not passed immediately, Government must lose a great amount of money.

Mr. JONES moved a suspension of the rules for the purpose of taking up the bill continuing the office of Commissioner of Pensions. This motion was agreed to, and the bill taken up, the question being on the amendment of Mr. PROFFIT, reducing the salary of the Commissioner from $3,000 to $2,500.

Mr. DAVIS of Kentucky, being entitled to the floor, said that; owing to the necessity of immediate action on the bill, he would waive all further remarks, and move the previous question.

The second to the previous question and the call having been carried, the main question was put, and decided in the affirmative, yeas 89, nays 85, as follows:

YEAS.—Messrs. John W. Allen, Hugh J. Anderson, Andrews, Beaty, Bell, Blackwell, Bond, Boyd, Brewster, Brockway, Albert G. Brown, Bynum, Carr, Carter, Casey, Chapman, Clark, Clifford, Coles, Conner, Corwin, Craig, Crary, Davee, John W. Davis, Garret Davis, Deberry, Dillett, Doan, Edwards, Floyd, Fornance, Rice Garland, Gerry, Goggin, Graham, Graves, Green, Griffin, William S. Hastings, Hawes, Hawkins, Henry, Hopkins, Hubbard, Jameson, Charles Johnston, Joseph Johnson, Cave Johnson, Kempshall, Leadbetter, Lincoln, McClellan, Montgomery, Morgan, Calvary Morris, Ogle, Parish, Parris, Proffit, Ramsey, Rariden, Reynolds, Samuels, Shepard, Simonton, Albert Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Storrs, Stuart, Sumter, Swearingen, Sweeny, Waddy Thompson, Jacob Thompson, Tillinghast, Triplett, Trumbull, Turney, Underwood, David D. Wagener, Watterson, Weller, John White, Wick, Henry Williams, Lewis Williams, and Sherrod Williams—89.

YEAS—Messrs. Adams, Judson Allen, Atherton, Banks, Barnard, Biddle, Briggs, Burke, Sampson H. Butler, William O. Butler, Calhoun, Carroll, Chinn, Chittenden, Mark A. Cooper, Crockett, Cross, Curtis, Cushing, Dana, Edward Davies, John Davis, Dawson, Dennis, Doig, Dromgoole, Earl, Eastman, Ely, Evans, Fine, Grinnell, Habersham, Hall, Hammond, Hand, John Hastings, Hill of Virginia, Hillen, Hoffman, Holleman, Howard, Hunt, James, Jenifer, Nathaniel Jones, John W. Jones, Keim, Kemble, King, Lawrence, Leonard, Lewis, Lowell, Lucas, MuCulloch, Mallory, Marchand, Miller, Monroe, Samuel W. Morris, Newhard, Nisbet, Parmenter, Paynter, Petrikin, Pickens, Pope, Prentiss, Rayner, Ridgway, Edward Rogers, James Rogers, Saltonstall, Shaw, Strong, Philip F. Thomas, Toland, Vanderpoel, Edward D. White, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—86.

The amendment having then been ordered to be engrossed, and the bill to be read a third time,

Mr. PROFFIT asked some gentlemen better acquainted with the matter than himself, to give him some information as to what was the object of transferring the duties which formerly devolved on the Secretary of the Navy, to the Commissioner of Pensions, as was done by this bill.

Mr. STARKWEATHER rose to move a reconsideration of the vote just taken on the amendment.

The SPEAKER said the gentleman would then have to move two reconsiderations: first, of the vote by which the bill had been ordered to a third reading; and, secondly, of the vote by which the amendment had been adopted.

Mr. STARKWEATHER moved to reconsider the vote by which the bill had been ordered to a third reading.

Some conversation here ensued between Messrs. ADAMS, STARKWEATHER, and the SPEAKER as to the mode in which the question was again to be got at—of which, however, the Reporter could scarcely hear a word. It resulted in the withdrawal, by Mr. STARKWEATHER, of the motion he had submitted.

And the question recurring on the final passage of the bill,

Mr. HOFFMAN said that, if in order, he would now move to recommit the bill for the purpose of striking out the 4th section. That section provided that the Naval Pension Fund, which had always been under the direction of the Secretary of the Navy, should now be transferred to the charge of the agent—Mr. Edwards. In the first place, that pension fund did not come out of the ordinary resources of the Government. It had been created by the gallantry of the navy in the war of 1812, '13, and '14; and they had always looked to the Secretary of the Navy as their trustee to fulfil the objects for which the fund had been created. If the 4th section should now be stuck out, there was another bill coming from the Senate which had especial reference to the naval pension fund of the United States; and when this bill came up, there would be time to discuss its provisions, and to make such arrangements as to the manner in which the fund should hereafter be managed, as might be thought advisable. This was the only motive which he now had in moving to recommit the bill for the purpose of striking out the 4th section. It might give much dissatisfaction to the officers of the navy that the guardian to whom they had a right to look should be released from all responsibility—that the fund should be mingled up with the other funds of the Government, and to be accounted for, not to the Secretary of the Navy, but to the Secretary of War.

Mr. JONES, of Virginia, would give a brief explanation in regard to this proposition. He was desirous to have done so before, and would have done so had it not been for the necessity which existed that the bill should be acted upon without delay. It was true that a portion of this fund had been created under the enactment of Congress, and consisted of prize money taken in the war of 1812, '13, and 14, and which was set apart for this purpose. Another portion, called the Naval Hospital Fund, consisted of a portion of the wages of officers and seamen belonging to the navy. This fund, heretofore, had been under the direction of the Secretary of the Navy, but, owing to a communication from that officer himself, (Mr. J. supposed,) the matter was taken up in another branch of the Legislature, and this section of the bill was incorporated into it. [Mr. J. here read an extract from the report of the Department, to show that the section had been introduced at the instance of the Secretary of the Navy himself.] The labor imposed upon the Secretary of the Navy was so great that he could not discharge the duties, and the consequence was that they must, of necessity, be devolved upon a subordinate clerk. In the present case, the proposition was to put the fund in charge of the Commissioner of Pensions, where there would be a sufficient responsibility; and, although it would not be direct to the Secretary of the Navy, yet it would be direct to an officer of equal grade with the Secretary of the Navy. The fund would be in the charge of a naval officer who had performed faithful public service, and there would be more responsibility, and a prospect of a better discharge of the duty than under existing arrangements, coupled to the additional prospect of a uniformity of decision through the whole system of pension laws.

Mr. J. then moved the previous question, but withdrew it at the request of Mr. HOFFMAN, and on the pledge of that gentleman to renew it.

Mr. HOFFMAN said that the very difficulty which he had apprehended from want of time had now presented itself. It was important that this bill should be passed to-day; and neither the pa-

ience nor the time of the House would admit of a satisfactory investigation now. It was for this reason that he had submitted his motion in such general terms. If the House should heafter think that this 4th section was right, they could, after having come to a deliberate judgment, incorporate it into the naval pension fund bill, when it should come up, in the course of two or three weeks. If, however, the House should now pass the section without understanding its effect, or listening to the arguments which might be urged against it, it would be too late, when the naval pension fund bill should come up, to make the desirable alteration. He did not, therefore, mean to offer any substitute at present; he merely wished the House to strike out the section, so as to give time for consideration.

This proposition contemplated a very important change, so far as it regarded the interests of the navy; and yet the change might be right or might be wrong. It was a most important change—pregnant with good as with evil to that body. The amendment had never passed through the Committee on Naval Affairs, which was the appropriate committee to have passed judgment upon it, and to have presented it to the House. Now, if the House would agree to strike out the section, they would be in the same position as though it had never been introduced. It might be adopted precisely as it stood, or it might be rejected hereafter, when the naval pension fund bill should be under consideration. But it it seemed unfair and unkind that a measure of so much importance to the navy should be disposed of in this summary way, without even time for inquiry, or without having passed through that channel to which they had a right to look for the guardianship of their interests.

Mr. H. being then about to renew the demand for the previous question, in redemption of his pledge to Mr. JONES,

Mr. MONROE urgently appealed to Mr. H. to withhold the demand—which Mr. H. said he could not do, being pledged to renew it.

And the previous question being then again demanded—

The SPEAKER said the main question would be on the passage of the bill.

Mr. HOFFMAN moved to strike out the fourth section.

The SPEAKER said it could only now be done by unanimous consent.

Mr. HOFFMAN said if universal consent could not be obtained, he must move to recommit the bill.

Mr. McKAY rose and objected.

Mr. LAWRENCE hoped the objection would be withdrawn. It was very important that this bill should be passed to-day; because the commission of the Commissioner of Pensions would expire. The House had not had any opportunity of examining the fourth section. That section seemed to him to carry with it very important powers, and he confessed he was not, at this time, ready to vote upon it. It might be wright or wrong—he did not say. But, at the same time, he desired that it might be stricken out now, and introduced into some other bill if it be right. At all events, time should be allowed for inquiry.

Mr. McKAY declining to withdraw his objection—

Mr. HOFFMAN moved a recommitment.

Mr. TURNEY inquired if, after the previous question had been called, a motion to recommit was in order?

The SPEAKER answered in the negative.

Some conversation followed between Messrs. JONES, CLIFFORD, BRIGGS, and BANKS, on the point of order,

When, the question being put, the demand for the previous question was seconded.

And the main question was ordered to be now taken.

And the main question being on the passage of the bill, was decided by yeas and nays—yeas 157, nays 8, as follows:

YEAS—Messrs. Adams, J. Allen, John W. Allen, H. J. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bell, Biddle, Blackwell, Bond, Boyd, Briggs, Brockway, Aaron V. Brown, Albert G. Brown, Burke, S. M. Butler, William O. Butler, Calhoun, Carroll, Carter, Casey, Chapman, Chinn, Chittenden, Clark, Clifford, Coles, Connor, M. A. Cooper, Crary, Crockett, Cross, Curtis, Cushing, Dana, Davee, Davies, John Davis, John W. Davis, Garret Davis, Dawson, Dennis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Edwards, Ely, Evans, Fine, Fletcher, Floyd, Fornance, James Garland, Gates, Gentry, Gerry, Goggin, Green, Griffin, Habersham, Hand, W. S. Hastings, J. Hastings, Henry, Hill of North Carolina, Hillen, Holleman, Hopkins, Howard, Hubbard, Hunt, Jameson, Charles Johnston, Joseph Johnson, C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kempshall, Lawrence, Leadbetter, Lewis, Lincoln, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Mason, Miller, Mitchell, Montgomery, Samuel W. Morris, Calvary Morris, Newhard, Nisbet, Ogle, Parish, Parmenter, Paynter, Petrikin, Pope, Prentiss, Ramsey, Randall, Randolph, Rariden, Rayner, Ridgway, Robinson, Edward Rogers, Russell, Saltonstall, Samuels, Sergeant, Shaw, Shepard, Simonton, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Storrs, Strong, Stuart, Sumter, Sweeny, Taylor, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Tillinghast, Toland, Triplett, Trumbull, Turney, Underwood, Vanderpoel, David D. Wagener, Peter J. Wagner, Watterson, Weller, Edward D. White, John White, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Worthington—157.

NAYS—Messrs. Rice Garland, Jenifer, King, Monroe, Morgan, Proffit, Rhett, and Christopher H. Williams—8.

So the bill was passed.

Mr. W. THOMPSON then, after a few remarks, moved a reconsideration of the vote just taken, for the purpose of amending it, by striking out the fourth section.

After some remarks from Mr. MONROE, in favor of the motion,

Mr. HUBBARD called for the previous question; which being ordered,

The question of reconsideration was decided in the negative—yeas 67, nays 83.

The bill from the Senate, making an appropriation for the removal of the Red River raft, was then taken up, the question being on the motion of Mr. BIDDLE to refer the bill to the Committee on Roads and Canals, with instructions to inquire into and report upon the circumstances connected with the advance made by the Bank of Arkansas to the Superintendent of the work, and its expenditure by him.

Mr. BEATTY of Pennsylvania, who was entitled to the floor, having moved an adjournment when this subject was last before the House, rose and said, that although he had moved the adjournment, it had not been with any intention of detaining the House by a long speech, as he believed every honest man in the House was tired listening to speeches made for home consumption, or against time. What he had to say he should comprise in a very few words. The removal of the raft on Red river, said Mr. B. and the opening of the navigation of that important stream, must, in its consequences, extend to the waters of the Ohio, since they both empty into the Mississippi river, which is a connecting link between them. Large appropriations have heretofore been made for improving the navigation of the Ohio, and many of the streams connected with it; and I now ask the attention of the House to the importance of improving the navigation of one of its head waters. I mean the Alleghany river. The extension of that navigation from Pittsburg, in Pennsylvania, to Olean Point, in the State of New York, will, I am persuaded, be a measure of very great importance, not only to the country immediately adjacent, but ultimately to a great part of the Union. There are at this time thirteen States interested in this improvement. It has long been the intention of the Government that an appropriation should be made for this object, and a bill was reported for that purpose, but during the last session of Congress it could not be reached; and from the course that business now takes in this House, or rather from a course pursued by some gentlemen which prevents business from being done, I am led to embrace the present as the only favorable opportunity likely for some time to occur, of bringing this subject before the notice of the House. Should the contemplated improvement be carried into effect, the effect will be—as any gentleman by an inspection of the map can immediately perceive—that a continued line of navigation will be extended up the Allegany to the Genessee Valley canal—a work which the enterprise and perseverance of the people of the State of New York are now pushing rapidly to its completion. When this middle link of the chain shall have been supplied, there will be a water communication, extending, without interruption, for twelve thousand miles through the interior of the United States. An object like this well deserves the name of a national enterprise, for all parts of the country are more or less interested in its completion. When this vast internal navigation is complete, not only agricultural produce, but troops, artillery, and munitions of war, can rapidly be conveyed from remote points on the Atlantic coast all the way to New Orleans, without being exposed to the dangers of the sea. Who does not perceive what an invaluable advantage this will be, should the nation be involved in war. I invite to this subject, particularly, the attention of a class of gentlemen who have heretofore been opposed to works of this description: I mean the gentlemen of the South. They cannot fail to perceive that, by completing a line of internal navigation of this extent, they open a path for their raw material to the Northern manufacturers, whence it can go abroad in an improved form, and with enhanced value, without being exposed to the enemy by sea, in time of war. I trust that these intelligent gentlemen will give to the subject that serious attention which its importance demands, and that they will consider this as a fit time in which to avow their conviction of its utility.

Mr. Speaker, it was not my intention to make a speech, but merely to call the attention of the House to this subject. I am fully aware there are many gentlemen present who understand it, and can explain it much better than I; and I cannot but hope that it will not be overlooked. And now, as I know that it is not the pleasure of gentlemen to listen to long speeches on a subject like this, I will conclude what I have to say by moving the previous question.

Mr. BIDDLE, who spoke with earnestness in opposition to the bill, as setting an evil precedent calculated to lead subordinate officers to violate their instructions, and those interested in their doing so, to presume upon the lenity of the Government. He dwelt also on the constitutional objection to a bill appropriating money originating in the Senate.

Mr. POPE admitted that there was weight in the last objection, but wished that subject reserved, to be embodied in a declaratory bill. He then advocated the appropriation, and dwelt on the great utility of the work, and the loss which must ensue should the work be suspended. Mr. P. closed by moving a reference of the bill to the Committee of Ways and Means; on which question he demanded the previous question. He withdrew this demand, however, under the pledge that it should be renewed by

Mr. PETRIKIN, who said he was opposed to all these appropriations. He considered them nothing more nor less than a continued drain on the whole nation, for the benefit of a set of speculators, who had advanced money to go on with the improvement of the raft, that they might sell their fine cotton land above it, which they had purchased for a dollar and a quarter, for fifteen and twenty dollars an acre. We have been told, said Mr. P. that this raft has been removed; yet we are asked for an appropriation to remove it. Millions have been expended by an unfaithful officer, and this House sanctions it. If any one doubts it, I pledge myself to produce the proof. I am not going to make a speech about General Harrison or Alexander Hamilton, and move the previous question.

[Cries of "no, no!"]

Mr. P. I always keep my word, sir.

Mr. CROSS of Arkansas wished much an opportunity to explain; but the rule was enforced, which forbids all debate after the previous question has been moved.

Mr. GARLAND suggested to Mr. BIDDLE to modify his instructions; but Mr. B. declined.

Mr. GARLAND then asked a division of the question, so that it might be taken first on the commitment, and then on the instructions.

Mr. CAVE JOHNSON now moved to lay the whole subject on the table; but the House, by yeas and nays, rejected the motion—yeas 63, nays 92.

But, before any question was taken on the commitment of the bill,

The House adjourned.

HOUSE OF REPRESENTATIVES,
March 3d, 1840.

GENTLEMEN: Be pleased to insert in the Globe, that upon the several questions arising out of the resolutions of the Committee of Elections, and the amendments thereto, on Friday last, Mr. FLETCHER, of Vermont, and Mr. REED, of Massachusetts, who, if present, would have voted on opposite sides, were absent by mutual agreement, having left the House, not expecting the question would have been taken that evening.

Respectfully,
ISAAC FLETCHER.

Messrs. BLAIR AND RIVES.

IN SENATE,

WEDNESDAY, March 4, 1840.

Mr. LINN presented a memorial of citizens of the State of Indiana, praying that the laws of the Union may be extended over the Oregon Territory; which was referred to the Select Committee on the Oregon Territory.

Mr. WRIGHT presented a memorial of citizens of New York, praying for the enactment of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CALHOUN presented a petition from citizens of Philadelphia, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. TALLMADGE presented eight memorials of citizens of New York, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. T. presented a memorial remonstrating against the use of bloodhounds in the Florida war; which was laid on the table.

Mr. T. also presented a memorial from citizens of New York, praying for a reduction of postage on letters; which was referred to the Committee on the Post Office and Post Roads.

Mr. T. also presented a memorial from citizens of New York, praying to prohibit the use of ardent spirits in the army, navy, &c.; which was laid on the table.

Mr. MERRICK presented a memorial of William McMahon; which was referred to the Committee on Claims.

Mr. WILLIAMS presented the petition of the Administrator of John Judge; which was referred to the Committee on Naval Affairs.

Mr. ALLEN presented the memorial of the Democratic Association of Washington city, praying a renewal of the charter of the city of Washington, with certain modifications; which was referred to the Committee on the District of Columbia.

Mr. CLAY of Alabama presented two memorials of citizens of the city of Washington, praying for a renewal of the charter of said city, with certain modifications; which were referred to the Committee on the District of Columbia.

Mr. MERRICK asked that the above memorials might be printed.

Mr. ALLEN said that one of the memorials had been already ordered to be printed, and as they were all a similar tenor, he saw no propriety in reprinting the same matter.

Mr. MERRICK said it was the printing of the names of the signers of the memorials he wished. There was considerable diversity of sentiment among the citizens on the subject of this memorial, and it had been intimated that many of the signatures were fictitious, and had no representatives in existence. He hoped, therefore, the memorials, with the signatures, would be printed.

Mr. NORVELL hoped that the motion to print the names of the memorialists, as well as one of the copies of the memorial, would be adopted. One prominent object of the memorialists was an extension of the right of suffrage within this District. They desired Congress to give to them a right to vote for the public officers, for the municipal authorities by whom they were ruled. The object was laudable, and there could be no objection to the printing of the names of those who seek it.

Mr. CLAY of Alabama said he had no objection to the printing, but he would suggest that the names on the memorials formerly presented, should also be printed; which was accordingly ordered.

Mr. WALL, from the Committee on the Judiciary, to which was referred the memorial of the Latter Day Saints, commonly called Mormons, submitted a report, accompanied by the following resolution:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the memorial in this case, and that the memorialists have leave to withdraw the papers which accompany their memorials.

Mr. W. gave notice that he would call up the report on Monday next.

Mr. W. from the same committee, to which was referred the petition of William P. Rathbone, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. W. from the same committee, reported a bill to extend for a longer time the several acts now in force for the relief of insolvent debtors of the United States; which was read, and passed to a second reading, and, by unanimous consent, read a second time, and ordered to be engrossed.

Mr. W. also, from the same committee, reported the bill supplementary to an act to abolish imprisonment for debt in certain cases, without amendment.

Mr. W. also, from the same committee, reported a bill for the relief of the executor of Thomas Cooper, deceased; which was read, and ordered to a second reading.

Mr. STRANGE, from the Committee on the Judiciary, reported a bill for the relief of the securities of Archibald Sneed, deceased.

The bill to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York, was taken up as in Committee of the Whole, and after being discussed by Messrs. WALL, WEBSTER, PRENTISS, WRIGHT, and BETTS, was ordered to be engrossed.

Mr. TAPPAN submitted the following resolution for consideration:

Resolved, That the 47th rule be amended so as in the last paragraph thereof to read:

"Two reporters for each of the daily papers, and one reporter for each tri-weekly paper, printed and published in the city of Washington, whose names shall be communicated in writing, by the editors of those papers to the Secretary of the Senate, and who shall confine themselves to the seats now provided for them.

Mr. CALHOUN submitted the following:

Resolved, That a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the State to which her flag belongs, as much so as if constituting a part of its own domain.

Resolved, That if such ship or vessel should be forced, by stress of weather or other unavoidable cause, into the port of a friendly power, she would, under the same laws, lose none of the rights appertaining to her on the high seas, but, on the contrary, she and her cargo and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be under the protection which the laws of nations extend to the unfortunate under such circumstances.

Resolved, That the brig Enterprise, which was forced unavoidably by stress of weather into Port Hamilton, Bermuda Island, while on a lawful voyage on the high seas from one part of the Union to another, comes within the principles embraced in the foregoing resolutions; and that the seizure and detention of the negroes on board by the local authorities of the Island was an act in violation of the laws of nations, and highly unjust to our citizens to whom they belong.

COMMISSIONER OF PENSIONS.

Mr. PIERCE, chairman of the Committee on Pensions, move to take up the bill, as amended by the other House, to continue the office of Commissioner of Pensions.

Mr. PIERCE said: With all due reference to the opinion of the House of Representatives upon questions of this character, I shall feel it to be my duty to vote against concurring in the amendment; but at this moment of strong professions of principles of economy and retrenchment, I have little hope of being sustained in my opposition, and shall attempt no labored argument to lead the minds of other gentlemen to the conclusion at which my own has already arrived. But there are some *facts* which I feel it to be my duty to state in justification of the committee under whose direction I reported the bill, and which, in ordinary times, I should expect would not be without weight here. Of the ability, fidelity, and untiring industry with which the officer alone to be affected by this reduction has discharged the duties devolved upon him, I have nothing to say; they are known and acknowledged by all persons who have had any intercourse with the Pension Office. You find him there early and late, and, what is much more material, you almost always find him right. I say this, because the committee of which I am a member have never, to my recollection, found occasion to reverse his decision under the *regulations* which the interests of the Government and the ends of justice have rendered it indispensable for him to adopt. We have, it is true, granted pensions where he has refused to grant them, but we have done it by setting aside, in individual cases of strong equity, regulations from which he could, with no safety, depart. Twenty-two years have now elapsed since he has been at the head of the Pension Bureau, either as chief clerk or Commissioner, which office was created in 1833. During that period, more than sixty-eight thousand cases have been examined and admitted, or rejected, exclusive of invalid applications. The labor and research which has been required for the faithful and just discharge of this duty, can hardly be appreciated by any man who has not been in the habit of examining pension claims, with the voluminous testimony which accompanies almost every case. In disposing of the vast number of claims to which I had before adverted, it was impossible that the Commissioner should avoid provoking the displeasure of many claimants, their agents, attorneys, and friends. He has done it, I know, from letters of complaint from my own constituents, who will, perhaps, blame me for what I am about to say. In my judgment, from a careful examination of a large number of cases, he has done it in a faithful and fearless discharge of duties which he owed to the Government, as well as to individuals.

Sir, I have been astonished at the amount of labor which this officer has been able to accomplish, and yet more at the facility and promptness with which he can turn to the grounds of decision of all cases that have been adjudicated. It may not be improper for me to state, at this moment of patriotic ardor and feverish excitement upon the subject of retrenchment, that, during the session preceding the last, and near its close, a large number, I think more than a hundred and fifty bills, came up to this chamber for concurrence. I then, as now, was a member of the Committee on Pensions, and I bestowed upon those cases, at that period of the session, all the time and strength I could command. In many cases there were printed reports setting forth reasons that were decisive upon the premises assumed. But I doubted the justness of these premises, and sent many of the cases to Mr. Edwards for the grounds on which they were rejected there, and I received prompt answers, showing such discrepancy between the evidence furnished there, and the original application, and the evidence presented to Congress, or such record evidence as proved most of the claims, beyond a question, to be groundless. The Senate will, perhaps, remember the result. Some fifteen or twenty of those claims, based upon grounds of equity, received the favorable report of the committee, and were passed by the Senate. It is but just to say, that chiefly to the care and intelligence of this officer, and the facility with which he was able to furnish the grounds of his decisions, is to be attributed the fact that this mass of unjust claims were rejected; a number which would have probably demanded twenty thousand dollars for the present, and, perhaps, not less than two hundred thousand dollars prospectively. And now, sir, what do you propose to do? You propose to

reduce the salary of this officer the sum of five hundred dollars, while you leave the salaries of other officers, of not more laborious or responsible stations, where they are. Let me say it is not merely intelligence and industry that is required there. Integrity in that officer might have been bartered within the last three years during the monstrous influx of large claims for tens and fifty thousands of dollars. Sad experience in this Government has proved that integrity may be successfully assailed, even in positions of the highest trust. Lucre is, at the present day, the god of general idolatry; and when we have a man in a station of this importance, upon whose decisions millions depend, my judgment teaches me that, as sensible and practical men, we had better not, for the paltry consideration of five hundred dollars annually, risk the great interests lodged in that bureau. But if the present incumbent will consent to continue in the office at twenty-five hundred dollars a year, can we, in the exercise of a spirit of just liberality and a judicious appreciation of faithful labors, reduce his salary? I consider this reduction most inauspicious, both as to the time and the person. By the fourth section of the bill, you propose to transfer the business which has been hitherto done in the Navy Department to this office—a change demanded by a variety of considerations—looking to the protection of the public revenue, and prompt action upon the applications of indigent and meritorious claimants. Although the number of pensioners for Revolutionary service is daily decreasing, except under the act of granting pensions to widows, yet the amount of labor will not be lessened for the next twelve months, at least; and there are a large number of claims under the act of 1832—probably twelve or fifteen hundred—which ought to be taken up for re-examination, with the light of additional rolls and record evidence, which the Department has obtained since their suspension. I have no doubt that many of those cases were just, and that a re-examination will show that the claimants, if living, and, if not, their widows or heirs, are entitled to the benefit of that act. But this the Commissioner cannot do, and proceed with the current business of the office, for at least a year to come. The bill proposes to continue the office for three years only, and those three years must be, it is perfectly obvious, as the last three have been, devoted to constant labor. Although you transfer the clerk from the Navy Department to the Pension Office, you still add greatly to the responsibility of the Commissioner. To this point I will read the testimony of the Secretary of the Navy. In his last annual report the Secretary says:

"The multiplication of these laws, and the various constructions placed upon them at different times, seem to indicate the propriety of adopting a less complicated system. I would also take the occasion to state that, whatever disposition may be made of the subject, it has become necessary to relieve the head of the Department from the labor and responsility of this portion of his duites.

"Almost every application for a pension involves the necessity of a close and critical examination of testimony, together with a reference to various laws, and the time required to do this as it ought to be done, materially interferes with other and indispensable avocations."

Four weeks since, the Senate, upon my motion, took this bill up out of its order, and passed it; but the hopes that were then indulged have not been realized. The act of 1837 expired yesterday, the business of the office is suspended, its doors are closed, and I am not unmindful of the strong objections to sending the bill back, still I should do injustice to my own convictions to yield to those objections. Let us do what is manifestly right, and leave the responsibility of the wrong where it belongs. If this proposition were embraced in a general scheme of reduction which would be relatively just, I should, perhaps, have nothing to object; though I think very erroneous impresions are entertained with regard to the amount of labor performed in the various offices here, the ability and diligence which the subordinate officers bring to the performance of that labor, and the amount of salary that is indispensable for the support of their families. I cannot omit this opportunity to remark that my acquaintance with those officers has led me to form a high estimate of their characters. They are no idlers; they earn their bread. Go into any of the various offices, and you will find no deficiency of those qualities which constitute the efficient officer and good citizen.

Upon this favorite theme of retrenchment, I have only to say, that, when gentlemen will move upon this subject with enlarged views and just objects, they shall not want my humble aid. Fortunately for myself, I have the honor to represent here, in part, a constituency who judge men by their acts, and not by their words. To them I commit the record of my votes in both wings of this Capitol; they will be somewhat more enduring and satisfactory than any professions which may pass away with the breath that utters them.

Is not the inequality, not to say injustice, of this measure obvious and glaring? What are the facts in relation to your other officers of similar grade? In 1831, a gentleman had charge of the Indian bureau at a salary of $1,600; in 1832, the office of Commissioner of Indian Affairs was established at a salary of $3,000; in 1834, the gentleman at the head of the Patent Office received $1,500; in 1836, the office of Commissioner of Patents was established, and the salary fixed at $3,000. The same salaries are paid to your Register, your Comptrollers, and your Auditors. Now, sir, I hazard nothing in saying that there is nothing which, upon grounds of relative ability, relative labor, and relative fidelity, can warrant the proposed distinction against this veteran officer. If salaries are to be reduced, let them be reduced together, and upon a fair and just scale, and do not direct all the force of your spirit of retrenchment against this individual, who, in his youth, performed good service, both in your army and navy, and who may be found in his office at all seasons—in autumn, winter, spring, and sultry summer—from eight o'clock in the morning until late in the afternoon, devoting his energies, his great experience, and his thorough knowledge of this important branch of public business, to your service.

Mr. HUBBARD remarked that on yesterday, when this bill came from the House of Representatives, he moved that the Senate concur in the proposed amendment. He was at the time aware that his honorable colleague, who had this bill in charge, was necessarily absent from his seat; and, without knowing his views at all upon the subject, he moved a concurrence. He did this from a full conviction that a regard to the public interests demanded an immediate action upon this bill. The office of Commissioner of Pensions, it was known, would expire with the expiration of the day. He then stated, what is now history, that if this bill was not passed before the adjournment of the Senate, the office would be closed before the reassembling of the Senate; that it was, therefere, of the utmost importance that the bill should be passed, and be passed without delay.

This, however, was not done. He had now heard his colleague, and he fully appreciated the feelings and sentiments which governed him. He was perfectly aware that the committee of which he is chairman, had reported the bill precisely as it had passed the Senate; and, as far as it respects the salary of the Commissioner, the bill reported was in perfect accordance with the existing law. He was perfectly aware, also, that his colleague was not the advocate of hizh salaries. His votes since the commencement of the present session offered sufficient evidence of that fact; and he differed not at all from him in the estimation he had given of the faithful and valuable services of the Commissioner of Pensions. Notwithstanding all this, he was now, as he was yesterday, in favor of concurring with the amendment proposed by the House of Representatives; and he would state the considerations which must control his vote. This bill passed the Senate about four weeks ago. It came from the House just as the office of Commissioner of Pensons, was expiring. He knew not what had occasioned this delay. The only amendment proposed by that branch was to reduce the salary of the Commissioner from three thousand to twenty-five hundred dollars. He knew not, nor did he wish to know, the particular reasons which had induced the House to agree to that amendment. It had been done; and, for one, he was not disposed, at this hour, to return the bill again to the House. He could not tell whether they would insist upon their amendment, or whether they would recede from it, or whether they would not take up the bill until another four weeks had expired. He would not, therefore, return the bill to the House of Representatives, under existing circumstances, but he would concur, and concur at once; and if injustice should be meted out to the Commissioner by the adoption of the amendment, it will be in the power of Congress to correct the error in some future legislation. And why would he not now concur in the amendment of the House? Why would he not send the bill back to the House? For this reason: the office is now closed—the doors are now barred—and the old men and women who have claims under your existing laws, cannot gain admittance to present them at the appropriate department. The whole pension system is now suspended; and he would not, therefore, *if he could prevent it*, delay the passage of this bill a single moment. It should have been done before the adjournment on yesterday. The suspension of any one branch of the public service should not have been permitted for a single hour.

In conclusion, he would again say, that he fully appreciated the views of his colleague; but as he deprecated further delay—as he regarded it as most injurious to the public service, and most prejudicial to the particular interests of those seeking to obtain pensions—he should feel constrained to give his vote in favor of concurring in the amendment.

Mr. CLAY of Alabama was willing to accord all that was said by his friend [Mr. PIERCE] from New Hampshire in favor of the ability and faithfulness of the Commissioner. According to the statement made, he had originally received $2,500 for his duties, and he did not presume he was more faithful now than then, or had more labor to perform. That he was competent and experienced Mr. C. was willing to admit; but, at the same time, he was not prepared to admit that he was the only man that was so. Able and efficient men might be had to do the duties for the sum offered by the House. The Judges of his own State got less, and the Secretary of State five hundred dollars less; and why was it that a clerk should be better compensated than the highest judicial authorities of the States? The time for retrenchment with him was whenever the question was presented for his action, and he should now call on the other side of the House—to those who had been loud in their professions on the scorce of economy; who had descanted so eloquently on the subjects of reform and retrenchment—to rally to his side, and aid him in carrying out the measure, and he could assure them they should have his aid and support in all similar measures.

Mr. GRUNDY spoke of the official worth of the Commissioner, from his own knowledge, while acting as attorney Genral; his attention to his duties was such as to commend him to the consideration of the country. He did not think $3,000 too high for the services, especially in a city where living was so high as in this; but he could not consent to postpone the bill. As far as his vote was concerned, he should feel compelled to give it in favor of a concurrence with the amendment of the House.

Mr. WRIGHT thought that to make the reduction in an insulated case was wrong, but he hoped the Senate would concur in the amendment made by the House, as the doors of the office were now closed, and the pensioners could not be attended to in consequence of it.

Mr. PIERCE said the bill had passed the Senate four weeks since, and has been returned now with but this amendment. He was for sending it back again, and for letting the responsibility of closing the office rest where it belongs. If the House chooses, let them keep it four weeks longer, and justify themselves to their constituents if they can.

Mr. WALL wished to say a word in explanation of his vote. He came there this morning with an intention to vote against concurrence in the amendment; but the fact of the office being closed had changed that determination. He never could consent to increase labor, and at the same time diminish the salary. He protested against the principle that salaries should be proportioned to the facility of getting the situations filled; that because persons could be found to take office for less than others received, therefore salaries were to be reduced. We might get plenty to do our duties (said Mr. W.) for six, five, or four dollars per day—ay, for nothing at all: but was that an argument in favor of reduction? The per diem which he received he thought only a fair compensation for the duties, and he was free to acknowledge that he would not take the station for less; but no doubt there were many that would. If the whole of the United States was searched, there could not be found a man more thoroughly acquainted with the duties of his office than the one selected to commence the experiment of economy on, and he could not think of recording his vote for concurring in the amendment of the House without bearing testimony to the merit of that individual. But the citizens of the State he had the honor in part to represent, was largely interested in pensions, received for meritorious services in the Revolution, and would suffer much inconvenience by an interruption of its operations, and he was compelled, by these circumstances, to vote in favor of concurring in the amendment.

Mr. PRENTISS expressed his determination to concur in the amendment. He made no objections to individuals; but would concur in any amendment where salaries were to be reduced, until they were graduated by the scale of State officers.

Mr. WHITE said, if the question were as to an original office, he would not hesitate in concurring with the House; but he thought there were principles involved, which should not be sacrificed to any question of mere convenience. It would be a dangerous precedent for future legislation if we were to commit an official impropriety on a mere question of convenience. From his knowledge of the rules of the other House, he had confidence enough to send it back, and then if that body would not recede, why then it would be time to yield to the convenience of the measure. Mr. W. said he was in favor of equal salaries with the States; but, in a city like this, it would be offering a premium on celibacy, as a man of family could not live on less than $3,000. He was for non-concurring, and letting the responsibility rest on those upon whom it ought to fall.

Mr. PRESTON hoped the Senate would not concur in the amendment. He thought the advantage to be gained by such a step would more than counterbalance all the inconvenience. It was not to be supposed that more than 48 hours, at farthest, would intervene between that time and perfecting the bill. There was another matter that he desired should be reached, and which he believed it was also the wish of some members of the other body should be changed. By this bill the Navy Pension Fund was transferred to this office—most improperly, as he thought; and sending it back would give an opportunity of amending it in that particular.

Mr. CLAY of Alabama said the Senator from South Carolina had tired too soon in his race of retrenchment and reform. In a little discussion, the other day, upon the reduction of a salary, he had understood the Senator to pledge himself to go as far as he (Mr. C.) would in that praiseworthy object. But it appeared that, in the very next step, the Senator was disposed to desert him. He wanted to see something like consistency preserved.

Mr. PRESTON said there was a pruriency in the imagination of the gentleman in fixing upon him the charge of inconsistency. What were the facts of the case? When he had advocated a concurrence with the amendment of the House the other day, there was not a reduction, but the creation of a new office—a mere mechanical office, not requiring intellectual research. This was a very different matter. He was for giving a fair compensation for mechanical labor, and a liberal compensation for intellectual labor. This would be the best economy. He was willing that there should be a general retrenchment of the expenditures of the Government; but not in striking at the salaries of meritorious men. He was not disposed to go into a field, thrashing on this side and on that, striking at the peace and comfort of families. If the Senator desired really to retrench the expenses, he could find sufficient in the numerous light-houses and harbors; and in that case he would cheerfully go with him. He made these remarks with a view to correct any impressions that might have been made by his observations of the other day. He did not go for putting the offices up to the lowest bidders. He was for giving such salaries as would comport with liberal justice, and the dignity of the Government.

Mr. CLAY of Alabama said the Senator from South Carolina had certainly beaten a retreat from the ground occupied by him the other day. It was within the recollection of Senators that, when a similar question was before them the other day, that gentleman had taken very broad ground in his ideas of retrenchment. He had even suggested a reduction of the per diem of Senators. Now, when we were making new appointments, and fixing new compensations, he did expect the Senator from South Carolina would have gone with him in the contemplated reform. He found it very easy for some gentlemen to talk of retrenchment and reform, but it was very difficult to get a case which they considered a proper one to act on. And even those who boasted most loudly of their economy, were apt to falter when brought to a vote.

Mr. PRESTON said, if, by economy, the gentleman means to take $500 out of the pocket of a meritorious officer, he would not do it; or to take $100,000 out of the Treasury to make a road in Alabama, he would not go with him in either case. When he found a valuable public servant, he could not find it in his nature to cut him down the meagre pittance of $500. His wish was to pay all the public officers well; he thought the system of reduced salaries the worst species of extravagance.

Mr. CRITTENDEN did not know the officer alluded to personally; but he believed, from all he could understand, that his official capacity justified all that had been said. The business was one certainly of no ordinary trust. Mr. C. wished, when the matter of retrenchment was gone into, that it should be general, not partial, in its bearing. He should vote against the amendment of the House.

Mr. PIERCE said he reported the bill containing the clause which had been objected to by the Senator from South Carolina, (the transfer of the Navy Pension Fund to the office of the Commissioner,) but it had been done after consultation with the Commissioner of Pensions, the Secretary of the Navy, the Secretary of War, and the chairman of the Committee on Naval Affairs, and had received their full concurrence.

The question was then taken on concurring with the amendment of the House, and carried—yeas 30, nays 13, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Alabama, Clayton, Davis, Dixon, Fulton, Grundy, Henderson, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Phelps, Prentiss, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Wall, Williams, Wright, and Young—30.

NAYS—Messrs. Bates, Calhoun, Crittenden, Knight, Lumpkin, Merrick, Pierce, Porter, Preston, Spence, Tallmadge, Webster, and White—13.

So the amendment was concurred in, and the bill finally passed.

THE SPECIAL ORDER.

The report of the Select Committee on the assumption of State debts was then taken up, and Mr. GRUNDY addressed the Senate at length, and with great ability, in reply to the various objections against the report. Without concluding, Mr. G. gave way for a motion to go into Executive session.

After which, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, March 4, 1840.

As soon as the journal had been read,

Mr. PETRIKIN asked leave to offer the following resolution, which was read for information:

Resolved, That the Committee of Accounts be instructed to report to this House all the facts in relation to the furnishing this House with stationery by the CLERK, including the difference of price paid for the stationery furnished to the Senate and that furnished this House; and, further, that they report all the facts relative to contracts made by the CLERK with S. D. Langtree for lithographing certain maps authorized by the last Congress to be published, and the price paid for the copperplate engraving of the same maps published by order of the Senate; and that said committee have power to send for persons and papers in order to enable them to comply with the foregoing instructions.

Objection being made, Mr. PETRIKIN moved a suspension of the rules, to enable him to offer it. And his motion prevailing, the resolution was received.

Mr. CHARLES JOHNSTON moved to amend by striking out all after the word *resolved* and inserting the resolutions offered by him last week, as follows:

Whereas it is alleged that the Clerk of this House, without the authority of law, or sanction of the House of Representatives, did, on the 25th day of March, and 23d day of December last, make two several contract, in writing, with one S. D. Langtree, and by which contracts said Langtree agreed to furnish all the stationery, and execute all the lithographing and copper-plate engraving which should be required for the Twenty-sixth Congress, as may more fully appear by referring to said contracts respectively:

And whereas it is alleged that, in pursuance of said contract or contracts, said Langtree (who is neither stationer, lithographer, nor engraver) has furnished and delivered to said CLERK, for the use of this House, a large quantity of stationery, and has presented his bill for the same, amounting to $19,521 64; and that said stationery (particularly the paper) is of an inferior quality, and is charged at price equal to 20 per cent. above the usual prices of stationery of the best quality, and by which difference of price and quality this Government (if said bill is allowed) would sustain a loss of more than $4,000 for the stationery already delivered; and, that, if said contracts should be sanctioned by this House, and continued in force during the Twenty-sixth Congress, the Government would be subjected to the sacrifice of more than $15,000, arising from the employment of another person to perform the duties which the CLERK himself is required to perform by the resolution of the House passed March 3, 1827, and under which it has been the uniform practice of the Clerks of this House to furnish the stationery, until the making of the contracts above referred to: Therefore,

Resolved, That the Clerk of this House has no power or authority to make any prospective contract which will require an application of moneys out of the contingent fund of this House, or an appropriation by Congress to satisfy the same, without the express authority of this House, and that the contracts referred to in the foregoing preamble are wholly inoperative and void.

Resolved, nevertheless, That if the said Langtree shall (in writing) elect to give up and cancel the said two contracts, then, and in that event, the Committee on Accounts are hereby authorized to audit and allow to him his bill for stationery already delivered, and services performed, under said contracts, subject to such deductions as ought to be made therefrom on occount of the quality and the prices charged therefor. And that said committee have power to send for persons and papers.

Mr. J. then made some remarks on the principal points of his amendment, but more especially on the power of the Clerk to make contracts. The two contracts made with Mr. Langtree in March and December last were read at the Clerk's table, after which Mr. J. desired to know on what day of December it was on which the Clerk was re-elected.

The SPEAKER said it was the 21st day of that month.

Mr. JOHNSTON then contended that the contracts referred to were made by Mr. GARLAND, the Clerk, without any official authority, and for which the House was not bound. He disclaimed imputing to the Clerk any moral turpitude in his conduct, but considered the contracts as entirely unauthorized, as they were made after his official existence had expired. Mr. J. then went on to suppose a number of cases in which the House might be imposed upon by permitting the Clerk to employ a sub-agent for the procuring of stationery, instead of going directly to the paper makers himself. Among other matters, he referred to the single article of sealing wax. He supposed that a sub agent employed by the CLERK, might furnish to the House the best Victoria wax, done up in splendid paper boxes, which cost two cents each, at $2 50 per box, not containing quite a pound, when the very same kind of wax, in similar boxes, could be purchased for $1 25 per pound. He also supposed a case where the sub-agent might go to Mr. Hudson, the celebrated paper maker, and purchase letter paper at $5 25 per ream, paying for it by a draft on the United States Bank, whose notes were ten per cent. below par. Also, that the same paper was afterwards brought to this city, and sold to Government at $6 70 per ream. He further supposed that a sub-agent might go to New York city and purchase paper of an inferior quality, for which he might charge the House $6 per ream, when the Secretary of the Senate was buying the same kind of paper for $3 50 per ream, with a reduction of 5 per cent. for cash.

Mr. J. then adverted to the fact of the CLERK contracting with Mr. Langtree for lithography. He asked why the CLERK went to Mr. L. who was not a lithographer, but who must necessarily go to an artist to get the work done. He thought Mr. Langtree exhibited more skill in making a contract, than in the arts, and demanded why the House should be burdened with the commission necessarily charged indirectly by a sub-agent, for performing a duty belonging to the CLERK?

Mr. DROMGOOLE respectfully asked the chairman of the Committee of Elections whether he was not ready to report on the New Jersey case.

Mr. CAMPBELL, the chairman, replied in the affirmative. After some debate on a point of order, arising from a misapprehension on the part of Mr. CHARLES JOHNSTON,

Mr. DROMGOOLE said that, from the answer just given by the chairman of the Committee of Elections, he should make but a few brief remarks on the question before the House. He then referred to the 96th rule, which makes it the duty of the Committee on Accounts to investigate all matters of expenditure. He would not submit the question as to whether that committee had the subject already under consideration, because the rule in question made it their imperative duty so to do. But he would ask what was the course pursued by the gentleman from New York, [Mr. JOHNSTON,] a member of the committee. He was actually shrinking from an investigation by the Committee. Was it not discourteous to the committee for the gentleman to come here without authority from the committee. [Mr. D. here explained that he used the term "discourteous" in a parliamentary sense.] He appealed to the House whether it was sufficiently acquainted with the law and the fact, so as to determine at once, without investigation, that the whole contract made by the CLERK was contrary to law. He was surprised at the course of the gentleman from New York, in proposing that the House should declare the whole contract void and fraudulent, without proper investigation. It reminded him of the conduct of one of the infernal judges, whose practice it was to decide first, and hear testimony afterwards. Mr. D. asked what would be thought of a judge of our courts who should, at the request of an advocate decide, without investigation, a case which properly belonged to the jury. He had no disposition to screen either the CLERK or Mr. Langtree, as his vote should show; but he wished the subject to have a fair investigation before the proper committee, and did not wish to vote blindfolded.

Mr. D. concluded by moving the previous question.

Mr. LAWRENCE and Mr. JOHNSON of Va. both appealed to him to withdraw his motion, but he refused to do so.

Mr. PETRIKIN modified his resolution (so as to make it read as given above.)

The question on the second to the previous question was then taken by tellers—Messrs. RIVES and DAVIES of Pennsylvania acting as tellers—and decided in the affirmative—ayes 97, noes 73.

The question "Shall the main question be now put?" coming up,

Mr. JOHNSTON of New York called for the yeas and nays; which having been ordered, the question was taken and decided in the affirmative—yeas 110, nays 79.

The main question was then taken, and decided unanimously in the affirmative—yeas 180, nays none.

Mr. JONES of Virginia submitted a resolution that the House resolve itself in a Committee of the Whole for the purpose of considering the bill authorizing the issuing of Treasury notes, and that the said bill shall have precedence over all other business until disposed of.

Objection being made by several gentlemen to the reception of the resolution,

Mr. JONES moved a suspension of the rules to enable him to offer it.

Mr. CAMPBELL expressed a wish that the resolution might be laid on the table in order that he might have an opportunity of submitting a report from the Committee of Elections, on the New Jersey case.

Mr. BELL inquired whether the chairman of the Committee of Ways and Means wished to go into Committee of the Whole for the purpose of considering the Sub-Treasury bill. If so, he would vote for the motion.

Mr. JONES of Virginia replied that he was as anxious as any gentleman to get up that bill; and the only reason why it had not been taken up was, that it had not been reached in the regular course of business.

The question was then taken on the motion to suspend the rules, and lost (there not being a vote of two-thirds)—yeas 116, nays 69, as follows:

YEAS.—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Barnard, Beatty, Beirne, Biddle, Blackwell, Boyd, Briggs, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Carroll, Casey, Chapman, Chinn, Clifford, Coles, Conner, Mark A. Cooper, Dana, Davee, John Davis, John W. Davis, Dawson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, James Garland, Gerry, Griffin, Habersham, Hall, Hand, John Hastings, Hawkins, Hill of N. C. Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Lawrence, Leet, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parmenter, Parris, Paynter, Petrikin, Prentiss, Proffit, Ramsey, Randall, Rhett, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Sumter, Swearingen, Sweeny, Taliaferro, Taylor, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—116.

NAYS—Messrs. Alford, John W. Allen, Andrews, Bell, Bond, Brockway, Calhoun, W. B. Campbell, Carter, Chittenden, Clark, Crabb, Crockett, Cross, Cushing, Edward Davies, Garret Davis, Dennis, Dillett, Edwards, Fillmore, Rice Garland, Gates, Gentry, Goggin, Graves, Green, Grinnell, William S. Hastings, Hawes, Hoffman, Hunt, James, Chas. Johnston, William Cost Johnson, Kempshall, King, Lincoln, McCarty, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Nisbet, Osborne, Pope, Randolph, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Truman Smith, Stanly, Storrs, Stuart, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Sherrod Williams—69.

Mr. CAMPBELL asked leave to make a report from the Committee of Elections.

The SPEAKER said that reports were not in order.

Mr. CAMPBELL. Then, sir, I offer the report as a question of privilege, under the directions of the House, which were that the committee should report *forthwith*.

The SPEAKER was of opinion that it was not a question of privilege. The introduction of the word *forthwith* into the order of the House could not make the report a special order, without a vote of two-thirds.

Mr. CAMPBELL then moved a suspension of the rules to enable him to present the report.

Mr. CROSS desired, before he voted on the question, respectfully to ask of the chairman of the committee if he was prepared to report every thing that the committee directed him to report. Mr. C. was called to order by several; when

The SPEAKER said that debate was not in order on a motion to suspend the rules.

The question was then taken on suspending the rules, and decided in the negative, yeas 104, nays 78, as follows:

YEAS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Biddle, Blackwell, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, W. O. Butler, J. Campbell, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Cross, Dana, Davee, John Davis, John W. Davis, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, James Garland, Gerry, Goggin, Griffin, Hammond, Hand, John Hastings, Hillen, Holleman, Holmes, Hook, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Rhett, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, J. Thompson, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—104.

NAYS—Messrs. Alford, John W. Allen, Andrews, Barnard, Bell, Bond, Briggs, Brockway, William B. Campbell, Carter, Chinn, Chittenden, Clark, Crabb, Curtis, Cushing, Garret Davis, Dawson, Dennis, Dillett, Edwards, Evans, Fillmore, Rice Garland, Gates, Gentry, Graves, Green, Habersham, Hall, Wm. S. Hastings, Hawes, Hill of Virginia, Hoffman, Hunt, James, Charles Johnston, Wm. Cost Johnson, Kempshall, Lawrence, Lincoln, McCarty, Mason, Mitchell, Monroe, Morgan, C. Morris, Nisbet, Ogle, Osborne, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Sherrod Williams—78.

Mr. VANDERPOEL asked leave of the House to introduce a series of resolutions referring the various subjects in the President's message to the appropriate committees.

Objections being made by several members,

Mr. VANDERPOEL moved a suspension of the rules.

Mr. EVANS of Maine said that the motion of the gentleman was irregular. The usual course was to refer the whole message to the Committee of the Whole on the state of the Union, where it was discussed before referring the several parts of it to the appropriate committees. If the gentleman would modify his motion so as to refer the message to the Committee of the Whole House he would vote for it.

Mr. VANDERPOEL. If the message gets into Committee of the Whole we should never get it out again.

The resolutions were then read for the information of the House.

Mr. ADAMS desired to know if it was the gentleman's object, after the expiration of two months of the session, to send all the different subjects to the committees without previously discussing them in Committee of the Whole. If so, the gentleman intended to effect an entire revolution in the practice of the House.

Mr. VANDERPOEL would respond to the inquiry of the gentleman from Massachusetts. The friends of the Administration were not justly chargeable with a delay in the reference of the message.

[Here Mr. V. was interrupted with repeated calls to order.]

The CHAIR stated that the debate was not in order.

Mr. VANDERPOEL then said he would make a direct answer to the gentleman's inquiry. It was not his intention that the message should go to the Committee of the Whole.

The question was then taken, and decided in the negative—there not being a vote of two-thirds—yeas 104, nays 85.

Mr. LAWRENCE moved to refer the message of the President to the Committee of the Whole on the state of the Union.

Mr. CLIFFORD moved to amend the motion by excepting from it the subject of the Northeastern boundary, and referring it to the Committee on Foreign Affairs.

Mr. LAWRENCE said that could be done by general consent. There would be no objection, he presumed, to referring the Northeastern boundary question to the Committee on Foreign Affairs as soon as the message got into Committee of the Whole.

Mr. CLIFFORD then observed that, with that understanding, he had no objection to the motion of the gentleman from Massachusetts.

The question was then taken on Mr. LAWRENCE'S motion, and it was carried without a division.

Mr. DROMGOOLE inquired if it was then in order to move that the House resolve itself into a Committee of the Whole, for the purpose of considering the President's message.

The SPEAKER said the motion would not then be in order.

Mr. DROMGOOLE. Then, sir, I give notice that I shall move every day, at one o'clock, to go into Committee of the Whole, until the motion shall prevail.

It being now a quarter past 5 o'clock,

The SPEAKER proceeded to call the committees for reports, (pursuant to the rule which sets apart one hour for the same,) commencing with the Committee on Public Lands, where the call had last been suspended.

Mr. HUBBARD, from the Committee on Public Lands, reported

A bill to annex a certain tract of land to the Coosa land district, in the State of Alabama, and for other purposes;

A bill for the relief of Suttler Stephens; and

A bill establishing an additional land district in the State of Alabama;

which were severally referred to the Commitee of the Whole on the state of the Union, and ordered to be printed.

Mr. THOMPSON of Mississippi, from the same committee, reported

A bill for the removal of the land office from Chocchuma, Mississippi, to Granada, in said State; and

A bill for the relief of Jas. L. Cockson;

which were referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. T. also made an unfavorable report on the petition of Harrison R. Blanch, and asked that the committee be discharged from the further consideration thereof; which was agreed to.

Mr. WHITE of Kentucky, from the same committee, reported unfavorably on the petition of John Cole; which report was laid on the table, and ordered to be printed; also,

A bill for the relief of the heirs of William Williams, deceased; and

A bill to allow further time to the trustee of Centre College to dispose of the lands heretofore granted for the Deaf and Dumb Asylum in the State of Kentucky;

which were read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. JAMES GARLAND, from the same committee, reported

A bill for the relief of the representatives of John Gumbale;

A bill for the relief of Mary Tucker;

which were read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. GRAHAM, from the Committee for the District of Columbia, reported a resolution to appropriate $3000 for a temporary ferry between the broken parts of the Potomac bridge; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. BEIRNE, from the same committee, reported a bill to incorporate the Washington City Benevolent Society.

Mr. JOHNSON of Maryland, from the same committee, reported a resolution, that the Committee for the District of Columbia be authorized to employ a Clerk, and allow him $4 per day; which resolution was rejected—yeas 62, nays 86.

Mr. SERGEANT, from the Committee on the Judiciary, asked to be discharged from the further consideration of the bill for changing the time of holding the term of the District Court of Alabama; which was agreed to.

Mr. S. also reported

A bill for the relief of the heirs and representatives of Thomas Atkinson, deceased;

A bill to enable the United States to discharge liens and incumbrances upon certain real estates;

A bill confirming to the State of Indiana certain lands in that State; and

A bill for the relief of John H. Sheppard;

which were severally referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HOFFMAN, from the same committee, reported

A bill for the relief of certain debtors of the United States, and to repeal certain acts relating to such debtors; which was referred to the Committee of the Whole, and ordered to be printed.

The call for reports had proceeded only so far as the Committee on the Judiciary, when the hour having elapsed,

Mr. R. GARLAND called for the orders of the day.

Pending which motion, the House adjourned.

IN SENATE,

THURSDAY, March 5, 1840.

BANKRUPT LAW.

Mr. BENTON presented a petition from the city of New York, signed by Wm. S. Parrott and one hundred and fifty others, praying for the establishment of a uniform bankrupt law in the United States.

Mr. BENTON said that the petitioners in sending their petition to him, a Senator from another State, while their own State was represented on this floor, clearly expected from him something more than its mere presentation; they evidently expected him to say something on the subject-matter of the petition, and probably of his own sentiments in relation to it. In this he had no objection to gratify them. He had been long enough in the Senate, and attentive enough to questions of public interest, to have formed an opinion in relation to the bankrupt question; and, having formed it, he had no objection to express it on any proper occasion.

Assuming the present to be a proper occasion, he would go on to say that, twice since he had been a member of the Senate, the subject of a general bankrupt law had been pressed upon Congress—once in the House of Representatives near twenty years ago, and again in the Senate about a dozen years ago. With the first of these movements he had nothing to do, the bill which originated in the House of Representatives having been rejected in that body, without coming to the Senate; in the second movement he acted a decided part, and was one of twelve who then voted to include banks in the general law against bankrupts. In the final question he voted against the bill; and should so vote again in relation to a general bankrupt law which should not be applicable to corporations as well as to persons.

Mr. B went on to say that there was a general movement going on at this time, in the principal cities, in favor of a national bankrupt law; and petitions were daily arriving in the Senate in favor of the object. All this was very natural after the wrecks which had been made in the commercial world by the expansions, contractions, and explosions of the paper system within the last seven years. It was all very natural; but to give a chance of success to the movement, it must emerge from the narrow boundaries of a class, and spread out upon a broad basis, and assume a general and national form. A bankrupt bill for merchants and traders only, cannot be expected to pass: it has been tried often and has failed. To fail again would be the inevitable fate of such a movement, and that by a larger vote than heretofore; for all the reasons for including other classes have now become stronger than ever. Persons who are not merchants or traders, have been carried away by the spirit of the times, and have been involved in debts from which they see no means of extrication. These have a right to the relief of a bankrupt law, as well as those regularly engaged in trade; at the same time they should not be subject to the compulsory application of the law. With them the application of the law should be voluntary and optional: it should only be applied to them on their own petition; while with those regularly engaged in trade, and particularly bound to know the laws of trade, and to obey these laws, the application of the law should be compulsory, and should take effect upon the petition of a given proportion of the creditors. This extension of the principle of the act would make it universal in its application to persons; its extension to corporations would be all that would be wanting to make it entirely national, and fitly applicable to every case in which the relation of debtor and creditor existed. Now the question is, why should not these corporations be subject to the same law for bankrupts to which natural persons are subject? and the answer is, that they ought to be so subject—that their number—their wealth—their privileges—their duties—their conduct—their artificial structure—their relation to the community, and the relation of the community to them; their power over the States in forcing a violation of contracts, and the tender of paper money, and the duty of Congress to prevent the States from impairing contracts, or making any thing but gold and silver a tender in payment of debts; all these circumstances and considerations point out corporations, not merely as the fit and proper, but as the pre-eminently fit and proper subjects for the application of a bankrupt law.

Their number is excessive, and the number of persons belonging to each corporation is great. Take a single branch of these corporations—the banks—and see the number of persons interested in them, and see what a gap in a national law their exemption from the bankrupt act would make. Their number is computed at near one thousand; at an average of forty or fifty stockholders to each, a mass of forty or fifty thousand men would be given; all to be exempt from the operation of a national law. Yet this is only the beginning—it is the commencement only of the exempted classes. The banks, numerous as they are, are nothing but a unit in the vast sum of the corporations. The whole Union is filled with these artificial beings—bodies of men associated for trade or business—protected by acts of incorporation, and engaged in every conceivable pursuit of which the head or hand of man is capable. To say that there are ten thousand of these corporations in the Union, would be to make a guess in a case where certainty is unattainable, and where the guess would be as apt to be under as to be over the mark. At the small estimate of twenty or thirty members to each of these corporations, there would result a body of two or three hundred thousand men to be exempted from a law called uniform and national.

The wealth of these corporations is great; the property which they hold is enormous, and they constitute themselves debtors to the whole community. Associated wealth is now the order of the day; chartered incorporations possess an immense proportion of the wealth of the country. In subjecting the property, debts, and effects of an ordinary merchant or trader, to distribution under a bankrupt law, I have no idea of exempting from the same process the immense and almost boundless wealth held by chartered and associated companies.

The privileges of corporations are also great. They possess great and extraordinary privileges; and I have no idea of adding to the number of these privileges by exempting them from the operation of a law directed against other debtors. They have the benefit of all the laws against debtors; if a bankrupt bill is passed, they will have the benefit of that also against those who are in debt to them. They will be included in the list of creditors for a *pro rata* distribution of the debtor's effects. Then why exempt them from the effects of a law against themselves, the benefit of which they have against others? These corporations have privileges enough already, and far too many! It is not extension, but diminution of privileges, which they ought to look for. Many of them pay no taxes; the property of the stockholders is not liable for the debts of the institution; they sue their debtors, sell their property, and put their bodies in jail. They have the privilege of stamping bits of paper with figures and pictures, and forcing it upon the community for money; they have the privilege of usury; for they may lend, and that by law, three or more paper dollars for each silver one they possess. In addition to all this, they take the privilege of becoming bankrupt when they please. They practise bankruptcy when and how they please: they have given examples enough of that within these three years past: and is it to be tolerated, that these corporations, in addition to all their other vast privileges and exemptions from law, are also to have the privilege of being bankrupt, and afflicting the country with the evils of bankruptcy, without being themselves subject to the laws of bankruptcy?

The duties of these corporations make them peculiarly fit for the remedies of a bankrupt law. Their duties are to pay money, and to pay it punctually. They deal in money: they live by dealing in it: they get rich by dealing in it: and they get possession of the actual money of the country, by promising to pay it back again when wanted. They receive deposites, than which nothing can be more sacred, nor impose a higher obligation to return with fidelity. They exact a credit from the whole community, by their promise to pay on demand the amount of the notes they issue. It is their duty to pay these deposites and these notes, and to pay with fidelity and punctuality. It is their sacred duty to do so: and if they fail in that duty, they are far more fit and proper subjects for the operation of a bankrupt law than the ordinary merchant and trader.

The conduct of these corporations is another reason for subjecting them to the bankrupt law, and that conduct consists in refusing to pay when they can pay! Disability is one thing—disinclination is another. Not to be able to pay, may be unfortunate; not to be willing to pay, must be criminal; and this is the case with the greater part of the non-paying banks of the Union. They affirm their ability to pay: most of them deny that they were under any necessity to stop payment; and affirm that they only did so because others had set the example: some of them in fact are shipping millions of specie to Europe, while denying a shilling to their depositors and note holders at home: and many of them resist resumption by others as well as by themselves. This is the conduct of the non-paying banks; and it is evil conduct—bad conduct—misconduct—and eminently entitles them to the most rigorous treatment against bankrupts.

The artificial structure, and the trustee character of these corporations, is another argument in favor of subjecting them to the bankrupt process. They are artificial, not natural beings: they are trustees, not owners, of the property of the corporation. If the natural man, made by the hand of the Almighty, impressed with his image, and endowed with inherent and inalienable rights by his Creator—one of which is the right of acquiring property; if this natural man may have the property taken out of his hands which is his own, which he has gained by his industry, or received by inheritance from his ancestors, or accepted as a portion with his wife; if this natural man may thus be stripped of his *own*, and see it placed in the hands of assignees for distribution among his creditors, with what face can the artificial being, called a corporation, which has neither parent, wife, nor child, and whose managers are nothing but trustees, managing property which is is not their own—with what face can this artificial being, and its trustees, claim an exemption from a process to which the natural man, and his self-owned estate, is to be subject? In one case, the *owner* of the property is substituted by *trustees;* in the other case, it is only a new set of trustees substituting an old set. The assignees of a bankrupt's estate become the trustees of the property for the benefit of the creditors; and if the legal owner may be superseded and substituted by these legal trustees, why may not a bank directory (who are nothing but chartered trustees,) give place to other trustees appointed by the law? The result of their management, supposing the bank over which they preside to commit an act of bankruptcy; the result of their management is a proof that they are either unfortunate, or incapable, or unfaithful trustees; and in either event, it is consonant to justice to change them for others; and this is all that a bankrupt law would propose to do. It would turn over their trust to a new set of trustees, to make a settlement of the concern, and to pay off, as far as possible, the persons to whom they had become indebted, and to whom they were either unwilling or unable to make payment, or among whom they might exercise favoritism; paying some, and refusing others.

The relation of these corporations to the community, and the relation of the community to them, is another strong and peculiar reason for subjecting them to the strong arm, and to the equitable provisions, of a bankrupt law. Of all the objects

upon the earth able to contract debts—of all the classes of debtors, natural or artificial—banks of circulation are the most fit and proper subjects for bankrupt laws. Every part of their structure, and the whole course of their action, mark them out for the application of the remedy which the bankrupt laws apply. They are too strong for individuals to contend with; and therefore should be placed in contention with a strong power. They are too strong for State power; and therefore should be placed in contention with the power of the United States; and happily, that power is vested in the United States by the Federal Constitution. As BANKS, Congress cannot exercise any direct legislation over these institutions; as BANKRUPTS, they fall under its jurisdiction. All that Congress has to do then is to exercise its constitutional power over *bankrupts*; and it will present an authority strong enough to contend with *banks*, and to keep them in subordination to the laws of the country. Their course of action, still more than their great power, renders them peculiarly fit for the bankrupt process. They act in secret, and they exact a general credit from the community. Nobody knows their means, yet every body must trust them. They send "*their promises to pay*" far and wide: they push them into every body's hands: they make them small that they may get into the hands of small dealers—into the hands of the laborer, the widow, the child, the ignorant, and the helpless. Suddenly the bank stops payment: it refuses to pay, while professing ability to pay: and all these holders of its "*promises*" are repulsed from its door, and without remedy. A few on the spot get a little; the strong, and the favored, may get their due; the mass become the victims. If it is a *suspension*, they sell at a discount; if a *failure*, they lose all. For each holder of a small note to sue upon it, is a troublesome and losing business. The only adequate remedy—the only remedy that promises justice to the community—is the bankrupt remedy of assignees to distribute the effects. This makes the real effects available. When a bank stops, it has little or no specie; but it has, or ought to have, a good mass of solvent debts. At present all these debts are unavailable to the community: they go to a few large and favored creditors; and those who are most in need—the holders of the small notes—get nothing. But a stronger view remains to be taken of these debts. The mass of them are generally due from the stockholders and directors of the bank; and these gentlemen do not make themselves pay. They do not sue themselves, and sell their own property, and put their own bodies in jail. They serve others so. They sue, sell out, and imprison others; but as to themselves, who are the main debtors, it is quite another affair. They take their time, and usually wait till the notes of the bank are heavily depreciated, and then square off with a *few cents* in the dollar. They pay their notes in bank with their notes out of bank, bought at a discount. Here, then, is a crying case for the bankrupt remedy. A commission of bankruptcy is the remedy for this evil. A change of the trustees—a substitution of assignees in the place of the directory—is the way to make this class of debtors pay up. A *pro rata* distribution is the way to do justice to all. Under the bankrupt remedy, every holder of a note, no matter how small in amount the note may be—no matter how far distant from the bank the holder may reside—on forwarding the note to the assignees, he will receive his rateable proportion of the bank's effects; and that without trouble, without expense, and without personal attention from himself.

Besides these great reasons for applying a bankrupt law to corporations, there are other great purposes to be accomplished, and some most sacred duties to be fulfilled, by the same means. Our Constitution contains three most vital prohibitions upon the States, of which the Federal Government is the guardian and the guarantee, and which are now publicly trodden under foot. *No State shall emit bills of credit: no State shall make any thing but gold and silver a tender in payment of debts: no State shall pass any law impairing the obligation of contracts.* So says the Constitution! So says that sacred fundamental law which it is the duty of every citizen to protect, preserve, and defend. But a new power has sprung up among us, and has annulled all these prohibitions. That new power is the oligarchy of banks! This oligarchy has done what the States dare not do. It has filled the whole land with bills of credit; for all admit that a bank note not convertible at the will of the holder into specie, is a bill of credit. It has set aside the constitutional currency, and made paper money, and even depreciated paper, a forced tender in payment of every debt. It has violated its own contracts, and compelled all individuals, and the Federal Government, and the State Governments, to violate theirs; and has obtained from sovereign States an express sanction, or a silent acquiescence, in this double violation of sacred duties, and in this triple annulment of constitutional obligations. This is what the oligarchy of banks has done; this is what many of the banks are now doing; and the way to prevent these evils—the way to preserve, protect, and defend our Constitution in these vital particulars, and to do it without a collision with the States—is to exercise our constitutional power of applying a bankrupt law to bankrupt banks.

Mr. B. said there was nothing new in applying a bankrupt law to banks. It was done in England, where NINETY-TWO banks were subjected to this process in the years 1814, '15, and '16; and many others before and since. The remedy was originally directed against bankers, and bankers alone. We got the idea of this law from the English; they got it from the Italians of the middle ages; and these Italians obtained it from the civil law of the Romans. In all these countries—in ancient Rome, in modern Italy, in England—the bankrupt law applied to corporations, and especially to banks and bankers; and it is only in the United States that these institutions have become too powerful to be subject to the laws which apply to them in other countries. In England alone, there is a limitation of the application; the Bank of England, the East India Company, and some others, being exempt.

In presenting the petition sent to him from the city of New York, Mr. B. thought it proper to say thus much of his opinions in relation to the subject of the petition. It might be of some service to those engaged in calling the attention of Congress to the passage of a general law, to know that, by including banks, they may gain some accession—his accession at least—to their cause; and it might be some consolation to the bank-ridden people of this country to know, that they can regulate these institutions, and make them subordinate to the laws of the country, whenever they choose to apply a bankrupt law to them.

Mr. B. concluded with hailing, as one of the auspicious signs of the times—as showing the progress of the age towards correct principles—the enthusiasm with which was received, a few days ago, in a great city, and in a large meeting of mixed politicians, the sentiment of including corporations in the provisions of a general bankrupt law. He alluded to the great meeting lately held in the city of New York, presided over by the Mayor, (Mr. Varian,) and attended by the business community, without distinction of parties. In that meeting, Mr. Butler, the late Attorney General of the United States, being called on for his opinion, gave it in favor of including corporations in the same act which should apply to persons; and the sentiment was received with enthusiasm—with vehement applause.

Mr. B. said this was cheering—it was encouragement to go on. Twelve years ago, when himself and a few Senators voted in favor of including banks in the bill then depending, their vote found little or no response in the public bosom. Three years ago when he made a speech to the same point, he received nothing but solitary responses, coming from individuals, in different parts of the Union. Now the sentiment finds its response in the bosom of the largest meeting of business men in the first city of the New World; and from this great centre it must go forth to find responses from every quarter of the Union.

Mr. B. then presented the petition, which received the usual reference to the Judiciary Committee.

The CHAIR presented a message from the President of the United States, in reply to a resolution of the Senate of the 17th of February, in relation to the necessity of further legislation in regard to the papers of vessels bound on foreign voyages; which was referred to the Committee on Commerce.

Also, a resolution of the House of Representatives of the Territory of Florida, to procure the passage of a law to authorize the sale of certain lots in the town of St. Marks, in that Territory; which was referred to the Committee on the Public Lands.

Mr. HENDERSON presented resolutions of the Legislature of the State of Mississippi, in favor of the passage of the Independent Treasury bill, and of the bill to graduate the price of the public lands to actual settlers, and approving the policy of the past and present Administrations; which were read, and ordered to be printed.

Mr. WRIGHT presented a petition from citizens of New York, praying for the enactment of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. W. also presented a memorial from citizens of Essex county, New York, praying a reduction of the rates of postage.

Mr. TAPPAN presented a letter from William D. Jones, asking compensation for extra services performed while consul at Mexico; which, with a resolution of inquiry on the subject, was referred to the Committee on Foreign Affairs.

Mr. LINN, from the Committee on Private Land Claims, reported a bill for the relief of John Compton; which was read, and ordered to a second reading.

Mr. WALL, from the Joint Committee on the Library, made a report on the subject of the Madison Papers, by which it appears that they have been printed, and are ready for delivery: the report was ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of William McMahon, made an adverse report thereon; which was ordered to be printed.

Mr. CLAYTON, from the Committee of the Judiciary, to which was referred the memorial of Samuel Lord, made a report thereon, accompanied by a bill for his relief; which was read, and ordered to a second reading.

Mr. YOUNG, from the Committee on Roads and Canals, to which was referred the memorial of citizens of Ohio, for a road from the valley of the Ohio to the valley of the Columbia river, made an adverse report thereon.

On motion of Mr. TALLMADGE,

Resolved, That the Secretary of the Senate be, and hereby is, authorized to pay out of the contingent fund of the Senate, any excess of postage charged upon packages directed to members of the Senate upon public business.

On motion of Mr. NICHOLAS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire if any and what further legislation may be necessary to insure the prompt and punctual transportation of the mail between Mobile and New Orleans.

On motion of Mr. WHITE,

Resolved, That the Secretary of the Treasury be directed to report to the Senate what amount of money has accrued, being the 5 per cent of the nett proceeds of the lands lying within the State of Alabama, reserved for the purposes specified in 6th section of the act of Congress, 2d March, 1819, entitled an act to enable the people of Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and what portion of the 3 per cent. (parcel of said 5 per cent. fund) authorized by the said act to be expended under the direction of the Legislature of Alabama, has been paid to the State of Alabama.

BILLS PASSED.

The bill to extend for a longer time the several acts now in force for the relief of insolvent debtors of the United States; and

The bill to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York;

were severally read a third time, and passed.

THE SPECIAL ORDER.

The report of the Select Committee on the assumption of State debts, was then taken up, and Mr. GRUNDY concluded his remarks on the subject.

After some further remarks from Mr. GRUNDY and Mr. TALLMADGE,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, March 5, 1840.

Mr. CHINN asked leave to offer a resolution, calling upon the Postmaster General for information relating to the irregularities of the mail between New York and New Orleans.

Objection having been made by Mr. CRAIG,

Mr. CHINN said the question was one of importance to the whole country; and he moved a suspension of the rule.

Which motion having been put, the House refused to suspend the rule.

Mr JONES of Virginia asked permission to offer a resolution that the House shall, on to-morrow, go into Committee of the Whole on the state of the Union, until one o'clock, for the purpose of considering the bill authorizing the issue of five millions of Treasury notes, and that the bill be considered every morning at the same hour, until finally disposed of.

Mr. GRAVES objected. He thought the better way would be to go on with the regular business on the SPEAKER'S table, by which course the Sub-Treasury bill might probably be reached to-day, and referred.

Mr. JONES assured the gentleman from Kentucky that the Sub-Treasury bill would be taken up and referred at the earliest practicable moment. He, himself, would shortly ask its reference to the Committee of Ways and Means, after which, although he would give no pledge as to the time when it would be reported, yet the gentleman might depend that it would be acted upon with the least possible delay. He repeated that on his part no effort should be wanting to bring it before the House at the earliest practicable moment.

Mr. J. then moved a suspension of the rules to enable him to offer the resolution; which motion was negatived, yeas 103, nays 73, as follows, [not two-thirds]

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Biddle, Boyd, Brewster, A. V. Brown, Albert G. Brown, Burke, William O. Butler, Carr, Carroll, Casey, Clifford, Connor, Mark A. Cooper, Craig, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, James Garland, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jameson, Joseph Johnson, Cave Johnson, J. W. Jones, Keim, Kemble, Leet, Leonard, Lowell, Lucas, McClellan, McCulloh, McKay, Maliory, Marchand, Miller, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parish, Parmenter, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, and Worthington—103.

NAYS—Messrs. Adams, John W. Allen, Andrews, Bell, Bond, Briggs, Brockway, Calhoun, Carter, Chittenden, Clark, Cushing, Edward Davies, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Rice Garland, Gates, Gentry, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Hall, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Charles Johnston, Kempshall, Lincoln, Mason, Mitchell, Morgan, Calvary Morris, Ogle, Osborne, Pope, Ran-

dall, Randolph, Rariden, Rayner, Ridgway, Russell, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Sherrod Williams—73.

The standing committees were then called on for reports.

Mr. BRIGGS moved that the House do now proceed to the orders of the day.

Mr. CAMPBELL hoped before the House proceeded to the orders of the day, that he might be permitted to make the report from the Committee of Elections, on the New Jersey case.

In answer to a question as to whether the report could not be received at any time,

The SPEAKER responded that the report could only be received when reports should be in order from the Committee of Elections.

Mr. CAMPBELL then moved a suspension of the rules to enable him to make the report.

Several members suggested to Mr. C. that the better course would be to allow the question first to be taken on the motion of Mr. BRIGGS, as in case the House should refuse to proceed to the orders of the day, the call for reports would be continued, so that the report could be made in order.

Mr. CAMPBELL then withdrew his motion to suspend the rules.

The question was then taken on the motion to take up the orders of the day, and it was negatived—yeas 83, nays 104.

Mr. SAMUELS, from the Committee on the Judiciary, reported

A bill for the relief of Sarah B. Stith and her children; which was twice read and committed

Also made an unfavorable report on the petition of the representatives of Peyton Randolph, deceased; which was laid on the table.

Mr. STORRS, from the same committee, reported a bill for the relief of Benjamin Fry; which was read twice, and committed.

Mr. TURNEY, from the same committee, reported

A bill for the relief of Joseph Wallis, and the heirs and legal representatives of Robert Leckie and Jeremiah D. Hayden, deceased;

A bill to refund a fine imposed on the late Matthew Lyon, under the sedition law, to his heirs and legal representatives;

which were read twice, and committed.

Mr. CRARY, from the same committee, reported a bill for the relief of William Saunders and William R. Porter, sureties of William Estis; which was read twice, and committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill to authorize the payment of the seven years' half pay, due on account of the death of Captain William Gregory, to the person or persons entitled to the same; which was read twice, and committed.

Mr. TALIAFERRO, from the same committee, reported a bill to authorize the payment of seven years' half pay of a lieutenant, due on account of the death of Lieutenant Jonathan Dye, who was killed in the battle of Brandywine; which was read twice and committed.

Mr. HALL, from the same committee, reported the following resolution, which was agreed to by the House:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the character and amount of proof which is required by existing laws and regulations to establish claims on the U. States for Revolutionary services in the Virginia continental and State line and navy; and whether any, and what further legislative provisions be necessary in regard to the mode of adjusting and allowing claims for such services; and that the reports of a select committee on the same subject made at the last session, with the papers accompanying said reports, be referred to the said Committee on Revolutionary Claims.

Mr. ELY made unfavorable reports on the cases of the heirs of Captain Jacob Cohen, the heirs of Captain Leighton Yancey, and the heirs of Richard Epperson; which were laid on the table.

Mr. MONTGOMERY made an unfavorable report on the case of the heirs of Captain Abraham Livingston: laid on the table.

Mr. RANDOLPH made unfavorable reports on the cases of the heirs of Capt. Blough Shelton, the heirs of Capt. Garland Bumley, the heirs of Patrick Coyle, the heirs of Capt. Daniel McNeil, and the heirs of Captain William Langborne: laid on the table.

On motion, the Committee on Revolutionary Claims were discharged from the case of George Townley; and it was laid on the table.

Mr. BRIGGS, from the Committee on Public Expenditures, reported the following resolution; which was read, and laid on the table:

Resolved, That, the duties originally assigned to the Committee on Public Expenditures, by the rules of the House having since been transferred to other committees, and the said Committee on Public Expenditures having no duties to perform, the rule for its appointment be abolished.

Mr. CORWIN, from the Committee on the Public Lands, reported

A bill granting a township of land to the Territory of Florida for the establishment of the Dade institute;

A bill for the relief of the owners of bounty land warrants granted for military services in the late war between the United States and Great Britain;

A bill to authorize the Legislature of the State of Tennessee to sell the lands heretofore appropriated for the use of schools in that State;

which bills were severally read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. WICK, from the Committee on Private Land Claims, reported

A bill for the relief of the children of Stephen Johnson, deceased;

A bill for the relief of Mary Sroufe;

A bill for the relief of Hyacinth Lassel;

which were severally twice read, and committed.

Mr. HASTINGS, from the same committee, reported

A bill for the relief of William Marbury of Louisiana; which was read twice, and committed.

Mr. BUTLER of Kentucky, from the same committee, reported

A bill for the relief of certain settlers on the salt lick reservation, in the Western District of Tennessee;

A bill for the relief of Chilton Allen and others;

which were read twice, and committed.

Mr. R. GARLAND, from the same committee, reported

A bill for the relief of the heirs and legal representatives of Don Carlos De Vilemont; which was read twice, and committed.

Mr. E. D. WHITE, from the same committee, made a report on the cases of Pierre Molaison, Pierre Richeux, Francois Martin, Alice Foley, and Alexander Comeon, accompanied by a bill for the relief of Pierre Molaison and others.

Mr. DILLET, from the same committee, reported

A bill confirming the claim of Augustine Lacaste to a certain tract of land therein named; and

A bill for the relief of Oliver Welch:

which were read twice, and committed.

Mr. D. also reported Senate bill, without amendment, entitled "An act to confirm the title to a certain tract of land in the county of Mobile, in the State of Alabama."

On motion, the Committee on Private Land Claims were discharged from the cases of the representatives of Gregory Sarpey and the representatives of Charles Brown's heirs. And said cases were laid on the table.

On motion, the Committee on Private Land Claims were discharged from the petition of Samuel Myers; and it was laid on the table.

Mr. ADAMS, from the Committee on Manufactures, reported an act to insure the more faithful execution of the laws relating to the collection of duties on imports; which was read twice, and committed.

Mr. BELL, from the Committee on Indian Affairs, reported a resolution, which was agreed to, that the Committee on Indian Affairs, charged with the consideration of a memorial alleging fraud in the negotiation of the treaty made with the Caddo Indians on the 1st July, 1835, have power to send for persons and papers.

Mr. CAVE JOHNSON, from the Committee on Military Affairs, reported

A bill making an appropriation for surveying the Cumberland road from Vandalia, Illinois, to Jefferson City, Missouri;

An act making allowances to paymasters of the army;

A bill authorizing the Commissary General of Subsistence to employ to additional clerks in his office;

Also, sundry amendments to the bill to authorize the President of the United States to raise a force of 1,600 men to serve against the Florida Indians;

A bill to provide for the better protection of the Northwestern frontier;

A bill making appropriations for the establishment of certain fortifications;

which were severally read twice, and committed.

Mr. GOGGIN, from the same committee, made a report upon the memorial of General Daniel Parker, accompanied by a bill for his relief; which were ordered to be printed, together with a report made in the same case, at the second session of the Twenty-fifth Congress, and made the order of the day for to-morrow.

Mr. G. also, from the same committee, made a report on the petition of Nathaniel Offutt and others, citizens of the county of Hampshire, in Virginia, asking the release of Valentine Cawgill from service in the army of the United States, adverse to the same: laid on the table, and ordered to be printed.

Mr. KEMBLE, from the same committee reported

A bill to equalize the pay of the army, and for other purposes; which was read twice, and referred to the Committee of the Whole on the state of the Union.

Also, an adverse report in the case of William Strider; which was laid on the table.

Mr. HOLLEMAN, from the Committee on Naval Affairs, reported a bill for the relief of the sureties and heirs and representatives of Melancton M. Bostwich, deceased; which was read twice, and committed.

Mr. GRINNELL, from the same committee, reported a bill authorizing the construction of a dry dock for the naval service in the harbor of New York; which was read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill for the relief of Alexander H. Everett; which was read twice, and committed.

Mr. PICKENS, from the same committee, reported a bill to refund certain duties in the case of the French ship Alexandre; which was read twice, and referred to the Committee of the Whole on the state of the Union.

Ordered, That the Committee on Foreign Affairs be discharged from the petitions of citizens in relation to a Congress of Nations for the preservation of the peace of the world; also, from the petitions of Heman Cady and Jonathan Walker.

Mr. CLIFFORD, from the same committee, reported a resolution, which was agreed to, directing the Committee on Foreign Affairs to inquire what legislation, if any, is necessary to secure to the State of Maine her rights of jurisdiction according to the treaty of 1783, and to protect her in the enjoyment of the same against foreign invasion.

Mr. STUART, from the Committee on Territories, reported

A bill for the relief Jeremiah Smith, jr.; and

A bill to amend the act establishing the Territorial Government of Wisconsin;

which were read twice, and committed.

Mr. RAMSEY, from the same committee, reported a bill concerning the judiciary of Winconsin; which was read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. POPE, from the same committee, reported

A bill to authorize the Legislative Council of Iowa to increase the jurisdiction of justices of the peace in said Territory;

A bill to enable the people of Iowa to form a Constitution and State Government, and for the admission of such State into the Union;

A bill to authorize the people of Middle and West Florida to form a constitution, preparatory to being admitted into the Union as a State; and

A joint resolution disapproving certain laws of the Governor and Legislative Assembly of Wisconsin;

which were severally twice read, and committed.

Mr. E. DAVIS, from the Committee on Revolutionary Pensions, reported

A bill for the relief of Elizabeth Davidson;

A bill for the relief of John H. Genther;

A bill for the relief of the heirs and legal representatives of William Lomax;

A bill for the relief of Jacob Becker;

A bill for the relief of Jabez Collins;

A bill for the relief of Phoebe Dickman;

A bill for the relief of James Phelps;

A bill for the relief of William B. Winston;

which were severally read, and committed.

Mr. D. asked to be discharged from petition of Polly Hale, and that it be referred to the Committee on Revolutionary Claims.

Mr. TALIAFERRO, from the same committee, reported

A bill for the relief of Elizabeth Jones, and others;

A bill for the relief of Thompson Hutchinson;

A bill granting a pension to Catharine Allen;

A bill for the relief of John England;

A bill for the relief of James Dealtey;

A bill for the relief of Hugh Davis;

A bill granting a pension to Chauncey Rice;

A bill to amend and explain the acts passed the fourth day of July, 1836, and on the seventh day of July, 1838, allowing pensions to the widows of deceased officers and soldiers of the Revolution;

which were severally read twice, and committed.

Mr. BROCKWAY, from the same committee, reported

The bill for the relief of William A. Cuddeback;

A bill granting a pension to Eliza Foochee;

The bill for the relief of Elizabeth French;

which were severally read twice, and committed.

Mr. STEENROD, from the same committee, reported

The bill for the relief of Joseph Bailey;

The bill for the relief of George Morris;

A bill for restoring the name of John Latham to the pension roll;

A bill for the relief of Benjamin Mitchell;

A bill granting a pension to Reuben Murray, of the State of Virginia;

A bill for the relief of Wealthy Baker, widow of Isaac Baker, deceased;

A bill granting a pension to James Boylan;

A bill for the relief of Job Halsey;

which were severally read twice, and committed.

Mr. HAND, from the same committee, reported

A bill granting a pension to Leonard Smith;

A bill for the relief of Nathan Baldwin;

A bill for the relief of Sarah Oakley;

A bill for the relief of Ichabod Beardsley;

A bill for the relief of Jacob Adams;

which were severally read twice, and committed.

Mr. ANDREWS, from the same committee, reported

A bill granting a pension to Elizabeth Case, widow of James Case, deceased;

A bill for the relief of the administrators and heirs of John Lindsey, deceased;

A bill granting a pension to Thruston Cornell;

A bill granting a pension to Martha Strong;

A bill granting a pension to Benjamin Price;

A bill granting a pension to David W. Sleeth;

A bill granting a pension to James J. Coffin;

which were severally read twice, and committed.

Mr. TAYLOR, from the same committee, reported

A bill for the relief of Conrad Widrig;

A bill restoring the name of John Davis on the pension roll;

A bill for the relief of James Francher;

which were severally read twice, and committed.

Mr. CARR, from the same committee, reported the following bills, which, upon his motion, were read a first and second time by their title, and recommitted to the Committee of the Whole on the state of the Union:

A bill for the relief of William Andrews;

A bill for the relief of Thomas Bennett; and

A bill for the relief of John Lybrook.

Also, a bill for the relief of Stephen Orley;

A bill for the relief of John Black;

A bill for the relief of Isaac Austin;

A bill for the relief of Hellen Miller;

A bill for the relief of David Mellon;

A bill for the relief of Henry Bush;

A bill for the relief of Ephathan Seare;

A bill for the relief of William York;

A bill for the relief of Mathew Wiley;

A bill for the relief Philip Hartman;

A bill for the relief of Christian Brougher;

A bill for the relief of Peter Hedrick;

A bill for the relief of Ann Bloomfield;

A bill for the relief of Erastus Pierson;

A bill for the relief of Izeal Parsons;

A bill for the relief of Michael Seitsinger;

A bill for the relief of Asenath Campbell: and

A bill to increase the pension of William Neal;

which bills were severally read twice and committed.

Mr. CARR also, from the same committee, made adverse reports upon the petitions of Mary Reynolds; of Benjamin Webb; of R. Pierce and wife, representatives of Isaac Howard; of William Anglea; of Ward Peck, (he is now in the receipt of $80 annually;) of Mary Richards, (this claim has been admitted at the Pension Office under the act of 7th July, 1838;) of Thomas Baldridge; of George Harmon; of Noah Smith; of John Beck; of Barbara Forbes, (this claim has been admitted at the Pension Department under the act of 7th July, 1838;) of Gabriel Heicks; of Catharine Smith, (allowed at the Pension Department under the act of 7th July, 1838;) of Unice Able; of Benjamin Webber; of Anne Watson; of D. Sterritt; which were ordered to lie on the table.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Stephen Freeman, of Elizabeth Rowe, widow of Squire Ambler, of Timothy Shays, and of Samuel Campbell, which were ordered to lie on the table.

Mr. T. also made unfavorable reports on the following petitions, and the Committee on Revolutionary Pensions were discharged from their further consideration, viz: Henry Ethel, Joshua Bailey, John Cottrel, Thos. Harvey, Phebe Peck, Mary Pike, Samuel Pettingel, Mrs. J. Smith, Peter Haas, Jacob Miller, Margaret Lawrence, Isaac Fowler, Samuel Gray, Calvin Goodno, Ann Knephly, Sarah Callender, Elisha Dillingham, the widow of Caleb Faxon, John H. Fallen, Elizabeth Rowe, Daniel Woolsay, Sarah Decker, Jacobus Swaitwood, Tunis Swart, Jno. Croft, Charles L. Broad, Azubah Harrington, Gaius Paddock, John Hasey, Lettis Pond, Susan Borden, Mary Hickman, John Boyd, Justice Artman, Jane Burgess, Michael Bock, Eleazer Allen, Joseph B. Brooks, Daniel W. Kenney, Maria Hornbeck, John Brower, Joseph Wood, Wm. Meade, Valentine Miller, David Mallory, Ann Goldsbury, the heirs of Benjamin Chappell, Isaac Haviland, John Steigleman, Newcomb Blodget, Amasa Dunbar, Jacob Gist, William Jenkinson, John Whitman, Jeremiah Odell, Henry Peyton, Evan Thomas, Susan Titus, Elizabeth Allen, Timothy Shay, Samuel Campbell, John Reed, Tho. Ramsay, Winney Porter, Benjamin Pierce, John Snow, Wm. Amy, Sophia Delesdernier, Phebe Smith, Catharine Rinker, S. Jordon, Stephen Freeman, David Mason, John Edmondson, Elizabeth Truax, James Reed, Margaret Askins, Peter Catlett, Thomas Hall, Charles Watts, John Magoon, Sarah Parsons, John Atherton, Marifield Vickory, Martha Lamore, Margaret and Mary Doring, Jacob Ford, Richard Raines, Susan Campbell, Oliver Peck, Pliny Hays, John Voorhees, Samuel Dean, Susan Rodgers, Polly Hamilton, John H. Schenck, Joseph Parker, Dorcas Colly, and Ensign Mitchell.

Mr. S WILLIAMS, from the Committee on Invalid Pensions, reported

A bill for the relief of Peter A. Myers;
A bill for the relief of John Piper;
A bill for the relief of Job Wood;
A bill for the relief of Mary Hunter;
A bill for the relief of John Keeler;
A bill for the relief of Fielding Pratt;
A bill for the relief of James Fleming;
A bill for the relief of Samuel M Asbury;
A bill for the relief of Neil Shannon;
A bill for the relief of Elijah Blodgett;
A bill for the relief of Thomas Collins;
A bill to restore to certain invalid and other pensioners the amount of pensions by them relinquished;

which were severally read twice, and committed.

Mr. DOAN, from the same committee, reported

A bill for the relief of Stephen Appleby;
A bill for the relief of Daniel W. Goings;
A bill for the relief of Hiram Saul; and
A bill for the relief of James Baily;

which were severally twice read, and committed.

Mr. STRONG, from the same committee, reported

A bill for the relief of Samuel B. Hughes;
A bill for the relief of Thomas Wilson;
A bill for the relief of John E. Wright;
A bill for the relief of James Cummings;
A bill for the relief of William B. Hughes;
A bill for the relief of John H. Lincoln;
A bill for the relief of Jared Winslow;

which were severally twice read, and committed.

Mr. S. W. MORRIS, from the same committee, reported

A bill for the relief of Myron Chapin:
A bill for the relief of Barton Hooper;
A bill for the relief of Charles Risley;
A bill for the relief of Gideon Sheldon;
A bill for the relief of Levi Johnson;
A bill for the relief of Robert Frazier;
A bill for the relief of Lyman Bristol;
A bill for the relief of Isaac Justice;
A bill for the relief of Medad Cook;

which were severally twice read and, committed.

Mr. M. also made unfavorable reports in the cases of Jeremiah A. Winney, Samuel D. Baynard, John Higle, John Deans, Daniel Morse, jr Laban Williams, and Captain John Patton; which were ordered to lie on the table.

Mr. RANDALL, from the same committee, reported

A bill for the relief of Pamela Brown
A bill for the relief of James Smith:
A bill for the relief of Sylvester Tiffany;
A bill for the relief of William Sloan;
A bill or the relief of Robert Whittlet;
A bill for the relief of Joseph W. Knife;
A bill for the relief of Levi M. Roberts;

which were severally read twice, and committed.

Mr. CHITTENDEN, from the same committee, reported

A bill for the relief of William Butterfield;
A bill for the relief of George Hommill;
A bill for the relief of Jacob Guler;
A bill for the relief of David Wilson;
A bill for the relief of Samuel Brown;
A bill for the relief of Emanuel Srofe;
A bill for the relief of Isaac Boyd;
A bill for the relief of William Bowman;
A bill for the relief of Benjamin McCulloch;
A bill for the relief of Lyman Cook;

which were severally read.

Mr. PALEN, from the same committee, reported

A bill for the relief of David A. Baldwin;
A bill for the relief of Levi Collmus;
A bill for the relief of Lieutenant John Allison;
A bill for the relief of William Poole;
A bill for the relief of Josiah Strong;
A bill for the relief of Seneca Rider;
A bill for the relief of Peter W. Short;
A bill for the relief of Jehosaphat Briggs;
A bill to repeal so much of the act entitled "An act for the relief of certain invalid pensioners therein named, passed the 2d of March, 1833, as grants a pension to Jesse Cunningham;

which bills were severally read twice, and committed.

Mr. CALVARY MORRIS, from the same committee, reported

A bill for the relief of Simeon Knight;
A bill for the relief of Robert Lucas;
A bill for the relief of John Brown;
A bill for the relief of Wilfred Knott;
A bill for the relief of William Glover;

which were severally read twice, and committed.

Mr. PETRIKIN, from the Committee on the Public Buildings and Grounds, reported a resolution, which was agreed to, calling on the President to inform the House under what authority the plan of the General Post Office building was adopted, and a different mode of construction in the basement story, and in the elevation of the building, so as to abridge its capacity to the accommodation of the City Post Office, substituted for the arrangement proposed in the plan and estimates exhibited by the architect, and reported to the House of Representatives of the last Congress; and if the same, when completed, will afford sufficient and convenient accommodations both for the General Post Office Department and the City Post Office, etc.

Mr. LINCOLN, from the same committee, reported a bill making appropriations for certain repairs and improvements upon the public buildings and grounds, and for other purposes: referred to the Committee of the Whole on the state of the Union.

Mr. HOPKINS, on leave, presented petitions of citizens of Wythe county, Virginia, praying Congress to relieve Joseph Ramsay, a surveying officer of the Revolution, from a judgment recovered against him at the suit of the United States. Referred to the Committee on the Judiciary.

Mr. P. F. THOMAS presented the petition of James Seaburn, praying that certain tonnage duty paid by him at Wilmington, N. C. in 1815, may be refunded. Referred to the Committee of Ways and Means.

Mr CALHOUN, from the committee appointed on the subject, made a report, accompanied by a bill, granting a bounty in land to such soldiers of the old fourth regiment of United States infantry as served during any part of the war with Great Britain. Read, and referred to a Committee of the Whole House.

Mr. JOHN QUINCY ADAMS, from the committee to which was referred the bill to provide for the disposal and management of the fund bequeathed by James Smithson to the United States for the establishment of an institution for the increase and diffusion of knowledge among men, reported an amendatory bill, accomdanied by a report, which were committed to the Committee of the Whole on the state of the Union.

Mr. TILLINGHAST, from the Committee on the Library, reported a joint resolution for the disposition of certain documents now deposited in the Library of Congress; which was read.

In the course of the despatch of the above business from the committees, one question arose on discharging the Committee on Indian Affairs from the consideration of certain papers, and referring them to the Committee of Claims, which was debated at considerable length, and finally decided by yeas and nays—yeas 77, nays 56.

Mr. BELL having introduced a resolution granting to the Committee on Indian Affairs power to send for persons and papers, with a view to investigate certain alleged frauds in a treaty made with the Caddo Indians—

Mr. GARLAND of Louisiana said he hoped the resolution reported by the Committee on Indian Affairs would be adopted, and that the committee would proceed with as much diligence as possible to the examination of the charges contained in the petition of Samuel Norris, alleging fraud and misconduct against Jehiel Brooks, the commissioner who negotiated the treaty with the Caddo Indians of 1835, by which Norris alleges he has been injured, and the Government defrauded out of a valuable tract of land.

Mr. G. said, from the delay that had occurred, and from the representations which would probably be made by Brooks, it might appear he had been remiss in the discharge of his duty. To counteract any impression of the kind that might be made on any portion of his constituents, he thought it necessary to recall the attention of the House to what had taken place, and the facts as they appeared on the journal, or were known to the members.

Mr. G. said he had had the memorial of Mr. Norris in his possession some time before he had an opportunity of presenting it, in consequence of the peculiar condition of the House. He had mentioned some of the facts in relation to this transaction to a person in this city, who is interested in the land, and told him that, as soon as practicable, it was his (Mr. G's) intention to present the matter to the consideration of the House of Representatives. This conversation, which was a general character, he believed, had been communicated to Brooks, but in what language he did not know.

Mr. G. said, that on the 6th of February, as would appear by the journal, he had presented the petition of Mr. Norris, with the evidence in support of it. It was the first day, under the rules, that he could present that petition, or any other. When he presented it, he called the attention of the House, and particularly that of the chairman of the Committee on Indian Affairs [Mr. BELL] to its contents, which he stated very fully, and requested his immediate attention to it. Some five or six days after, (Mr. G said,) he had received a letter from Jehiel Brooks, stating that he had been waiting for some time to see his (Mr. G's) *"indictment" against him.* The tone and evident object of the letter was, doubtless, to get up an issue different from the one made by Mr. Norris, and with another person—for what purpose it was not difficult to divine.

Mr. G. said, as it was not his intention to permit any change of the issue presented, or to have the investigation smothered by a personal controversy with Mr. Brooks, he had not answered the letter, but immediately informed a member of the Committee on Indian Affairs of it, and desired that an immediate investigation take place, and that Brooks be notified of it. Some days after, he received another letter from Brooks, reiterating his request, in impertinent language, which Mr. G. said he did not choose to notice, but called on the chairman of the committee, and requested the memorial of Norris might be taken up without delay, and Brooks notified, which was promised. Mr. G. said a delay had occurred in the committee, from the mass of business before it, and the fact that the memorial was not laid before it by the officers of the House for some week or ten days after it was presented, in consequence of the mass of petitions presented on the 5th and 6th February, all of which had to be entered on the journal, docketed, and distributed.

Mr. G. said that, on the 24th of February, with a view of facilitating the investigations of the Committee on Indian Affairs, it would appear from the journal that he had offered a resolution calling on the Secretary of War for all the documents, papers, and information in the possession of the Department in relation to the negotiation and execution of the Caddo treaty, and particularly in relation to the reservations of land in it. The resolution is very comprehensive, and covers the whole ground. It is as follows:

"Resolved, That the Secretary of War be directed to communicate to this House the amount agreed to be paid to the Caddo Indians by the treaty made with them on July 1, 1835, at what times and dates the said sums were paid, to whom paid, by whom paid, and whether the Indians have received said sums; if so, whether in money or merchandise; and if the latter, what was its real value. Also, that he communicate all the correspondence in the Department relating to the payment of said sums, together with all the information in his possession connected with the subject. And the said Secretary is also directed to communicate, in a separate report, all the documents on file in relation to the negotiation of said treaty with the Caddo Indians, and the reservation therein made, the instructions to the commissioners who negotiated the same, and all correspondence with him or other persons in relation to said treaty, or the reservations therein; the rights of the Indians to the land which was occupied by them; what right or claim the persons in whose favor the reservations are made have or had to the same; and generally all documents or information in the possession of the Department relating to the rights or claims of the said Indians; the negotiation and execution of the treaty, the rights of individuals who have been affected by it; the objects of the Government in making said treaty, and any other matter he may think proper connected with these objects."

Mr. G. said it would be recollected he had moved the immediate adoption of the resolution, stating at the time it was very desirable to obtain the information immediately, as it was necessary to prosecute the investigation into the alleged frauds in relation to the reservations in the Caddo treaty. An objection was made to the consideration of the resolution at that time by a gentleman from Tennessee, [Mr. CAVE JOHNSON,] and though Mr. G. had earnestly appealed to him to withdraw the objection, he had persisted, and the resolution necessarily laid over, under the rules of the House. On the morning of the 26th of February, this resolution was published in the National Intelligencer. On the *afternoon* of that day, Mr. Brooks, who had been so anxiously waiting for my *indictment*, set off to Louisiana, leaving a letter to be delivered to me after he was gone, impugning my motives, and threatening me with consequences which he had not the courage to stay here to execute. This letter (Mr. G. said) was delivered to him whilst in his seat, on the 27th of February, by one of the pages of the House. He immediately had inquiries made for Brooks, and found he had gone the day previous.

Mr. G. repeated his wish that the resolution should be adopted, and that the committee would take immediate measures to notify Brooks, and proceed to the investigation of the charges which he pretended to court, and of which he might have been informed any day after the 6th of February, by application to the Clerk of the House.

The resolution of Mr. BELL was adopted.

Another brisk discussion took place on a resolution moved by Mr. PICKENS, chairman of the Committee on Foreign Affairs, for the furnishing that committee with maps, those now in its committee room being antiquated, and in a great degree useless.

Mr. PETRIKIN desired that the committee should be restricted to such maps only as were now in the committee room of the library.

Mr. SUMTER warmly remonstrated against such an idea, and spoke of the vast importance of the matters submitted to the committee, and the necessity of its having all the lights which could be obtained.

Mr. ADAMS wished the committee confined to a definite number of maps; as the CLERK might otherwise make a contract with Mr. Langtree to furnish all the maps in Arrowsmith's collection, for aught he or the House knew.

Mr. PETRIKIN withdrew his amendment, and the resolution was recommitted.

Mr. CLIFFORD, from the Committee on Foreign Affairs, introduced a resolution that so much of the President's message as relates to the Northeastern boundary of the United States be referred to that committee.

Mr. GARLAND objected to this resolution as out of order, the whole message having already been referred to the Committee of the Whole on the state of the Union.

Mr. CLIFFORD then proposed, as his individual act, to modify the resolution.

Mr. GARLAND objected to this as equally out of order, because the gentleman could not, as a private individual, modify a resolution reported by a committee of the House.

Mr. PICKENS said the only design of resolution was to give the committee cognizance of the subject, which it might be important for it to have.

Mr. HUNT objected, but said that if the chairman of the committee would say it was now important, he would withdraw his objection.

Mr. CLIFFORD inquired whether his resolution, as modified, had been entertained by the CHAIR?

The CHAIR replying in the negative—

Mr. EVANS appealed; when after some conversation, Mr HUNT withdrew his objection, and Mr. EVANS his appeal, and the resolution, as modified, was agreed to.

The call of committees for reports having proceeded as far as the Committee on Revisal and Unfinished business—

Mr. HOFFMAN moved an adjournment, but it did not prevail.

The call of committees was now resumed, and when it had proceeded as far as the Committee on the Expenditures in the Department of War—

Mr. R. GARLAND, chairman of that committee, moved that the committee have power to send for persons and papers to enable it to inquire into the legality of these expenditures; together with an amendment proposing that the committee have power to employ a clerk at $4 per day during the sitting of the committee.

Mr. PETRIKIN demanded the previous question on the resolution and amendment.

The call was seconded by the House, and the previous question was thereupon put and carried.

And the main question being first on the amendment, it was negatived—yeas 73, nays 99.

So the House refused to allow the committee a clerk

The question was then put on the adoption of the resolution, and decided in the affirmative—yeas 109, nays 53.

The CHAIR announced that reports from the Committee of Elections would be in order.

NEW JERSEY ELECTION.

Mr. CAMPBELL, from the Committee of Elections, to which was referred the resolution of the House of the 28th ult. directing said committee to report forthwith to the House, which five of the ten

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candidates for seats as Representatives from the State of New Jersey had received the greatest number of lawful votes at the late election in that State, made a detailed report thereon, concluding with stating that Messrs. DICKERSON, VROOM, KILLE, RYALL, and COOPER, had received the greatest number of lawful votes.

REPORT

ON THE NEW JERSEY CONTESTED ELECTION.

In compliance with the resolution adopted by the House of Representatives, on the 28th ultimo, instructing the Committee of Elections to "*report forthwith which five of the ten individuals claiming seats from the State of New Jersey, received the greatest number of lawful votes from the whole State for Representatives in the Congress of the United States at the election of* 1838, *in said State, with all the evidence of that fact in their possession: Provided, That nothing herein contained shall be so construed as to prevent or delay the action of said committee in taking testimony or deciding the said case upon the merits of the election.*" The committee submit the the following

REPORT:

While the commitee, from the commencement of its labors in this important case, have been actuated by the most anxious desire to do justice to the individual claimants, to the ancient and honorable State for whose service they are maintaining an animated contest, and to the whole American people, who have a deep and abiding interest in preserving the purity of elections; and while for securing so valuable a result, the committee had marked out a course somewhat different from that which seems now to be prescribed by the House, they cheerfully yield to its authority; and so far as they can ascertain its intention, they have no other inclination than to give it ample and speedy effect.

The committee, however, have encountered no inconsiderable difficulty in harmonizing all the terms of the resolution with that intention, which, from the circumstances of the case, as well as from the more prominent clauses of the resolution itself, they must understand to have governed the action of the House. To give every word in the resolution the full force of a literal interpetration, would be, perhaps, to raise such a conflict between the parts as to disable the whole. But instead of separating it into parts, the whole resolution should be so construed as to give expression to a distinct intention, which is capable of being ascertained and effectuated. As a portion of the House, the members of the committee are not ignorant of the importance that was attached to the insertion of the word "*lawful*," before the word "*votes*," in the resolution. Nor can they overlook the fact that connected with the proposition to insert, was the motion to strike out another word, utterly inconsistent with that broad and searching investigation which the insertion of the word "*lawful*" (without reference to other expressions in the resolution, or to the posture of the case it-elf) would seem to demand.

The House had referred to the committee the whole subject-matter of the controversy, and with it a mass of testimony having no application to any inquiry, short of the merits of the election. The committee had, as was well known to the House, entered upon this inquiry, and had adopted such measures for the procurement of testimony as would probably probe to the core all frauds and ile galities. In the prosecution of this investigation a delay had occurred, the deplorable effects of which were as manifest to the committee as to the House.

When the proposition to instruct was originally introduced as an amendment to the application with which the committee had come before the House, its intent was clear that a report should be immediately made of the names of those who had received the greatest number of votes at the last Congressional election in New Jersey. If any thing more was wanting to explain the meaning of this proposition, it is to be found in the *proviso* which was added, and which clearly indicated that the action which the House was moved to demand, did not contemplate an interference with the course adopted by the committee for the "*taking of testimony, and deciding the case upon the merits of the election.*"

Under these circumstances, if the proposition to strike out the word "forthwith," and insert the word "*lawful*," had fully succeeded, there would still have remained that prominent clause of *proviso;* and it might well have been understood, that, notwithstanding the omission of the word "*forthwith*," the House desired an immediate report; and that, notwithstanding the insertion of the word "*lawful*," the House contemplated that the report should be independent of testimony, now under the process of being obtained, for the purpose of deciding the election upon its merits.

Upon what basis, then, could such a report be constructed? Manifestly not upon the partial, inconclusive, and incompetent testimony as to the legality of votes now in the possession of the committee. The House cannot have contemplated a report, involving an investigation of the ballot boxes, without allowing time or opportunity for that investigation to be thorough.

At the same time, the committee cannot entirely overlook the word "*lawful*," or strike that from the resolution which was inserted upon a contest so close as to require a casting vote for it's decision. Did this word stand disconnected with, or unqualified by, the various considerations already alluded to, no doubt could be entertained as to its effect. It would lead to a thorough and final purgation of the polls, and would delay a report to that period, to which it was well known to the House that the committee had postponed a decision upon the question of ultimate right.

There is but one other basis left, and that is the *prima facie* case upon the returns of the local officers of the several polls; and the nature of the controversy taken into consideration, it can scarcely be doubted that to this basis the resolution looked.

If this conclusion might reasonably have been reached, in the event of the complete and coeval success of the motions to strike out and insert, how much more easily is it attained when the resolution is found armed with the pungent word "*forthwith*," quickening the action of the committee, and declaring opposition to the long delay which had been found inseparable from a thorough investigation into the legality of the votes.

If, therefore, the word "lawful," surrounded as it is by every thing which negatives the idea of a mere adherence to the original course of the committee, can be made to harmonize with the context of the resolution, and the circumstances under which it was adopted, by every sound rule of construction, that end should rather be attained by limiting the meaning of that word, than by bending the reason and language of all the rest (if that were possible) to its strongest and amplest signification.

The committee are therefore of opinion that they correctly construe that word with the context, when they limit its signification to that *prima facie* lawfulness of votes which arises upon their reception at polls held in conformity with law; and in thus limiting its signification, they feel themselves sustained by the general language and spirit of the resolution, and by the situation of the case itself.

The committee are confirmed in this construction, and the course consequent thereon, by the consideration that any judgment looking beyond the face of the polls, which they might base upon the inconclusive testimony in their possession, would be unsatisfactory to the House, unjust to the parties, and calculated to produce erroneous conclusions in relation to a mass of facts which appear to be verified by the oaths of voters, but which, either because of the extra judicial administration of the oaths, or the want of due notice to the opposite parties, have been rejected as not sufficiently proven. It is proper, however, to state that, *should all the votes proved to be illegal by competent testimony, be deducted from those who received the greatest number at the polls, which appear to have been held in conformity with law*, the result would not affect the right of any candidate to a seat.

With this explanation, which they have considered due to the House and to themselves, the committee will now proceed to examine the allegations against the validity of certain township elections, as far as such an examination can be made upon the testimony in their possession.

Upon this branch of the case, the claimants holding the Governor's commissions, claim—

1st. That, *apart from their not being received in time to be counted according to law, the votes of Millville should be set aside for the fraudulent and illegal conduct of the officers of election, in proclaiming their intention to receive the votes of aliens, and in receiving a large number of such knowingly, and in violation of the laws of the State.*

Without inquiring into the effect of these charges, if they were substantiated by competent and satisfactory testimony, it is sufficient to state that they are unsupported by any testimony in the possession of the committee.

2d. They allege that, *apart from all defects and irregularities in the return, the votes of South Amboy should be set aside, because one of the officers of election duly chosen, was unlawfully prevented from acting, and another substituted in his place, who acted and signed the list, &c.; and because the board, thus unlawfully constituted, received a large number of alien votes contrary to law.*

In support of these allegations, numerous depositions have been produced, but without expressing an opinion, whether, if satisfactorily proved, they would constitute sufficient evidence of fraud to set aside the votes of this township; it is only necessary to state that the evidence was taken *ex parte*, without sufficient notice, and has been rejected by the committee as incompetent to be considered in this case.

3d. It is further claimed, that the poll held at Saddle River, in Bergen county, should be set aside: Because *at least eight votes given for them were fraudulently abstracted from the ballot box, and as many for their opponents fraudulently substituted:* Because *in making out the list of votes in said township, at least eight votes less than were given for them were counted in their favor, and at least as many were counted for their opponents, more than they received:* and because *the list of votes in said township bears upon its face evidence of mistake or fraud.*

In support of these charges, the depositions of numerous voters have been submitted; but, being taken *ex parte*, and without sufficient notice, they have been rejected by the committee, as incompetent testimony.

It is also claimed that the polls held at the townships of Newton, Harderton, and Vernon, in Sussex county, should be set aside, for reasons that will more fully appear by reference to the document marked A, accompanying this report. But there is no competent evidence before the committee in support of these allegations.

Having thus disposed, for the present, of the various objections to the validity of the elections held at the several townships claimed to be set aside, the committee will now proceed to ascertain "which five of the ten claimants received the greatest number of lawful votes" at the late Congressional election in New Jersey, according to the several returns purporting upon their face to be made by officers duly authorized to act.

The committee take as the basis of their calculation, the statement upon which the Governor and Privy Council of New Jersey made their decision, and which is found in the minutes of the proceedings of the Governor and Privy Council.

From this statement, it appears that the total of votes for each of the ten claimants was as follows:

For Philemon Dickerson - -	27,951
Peter D. Vroom - -	27,990

Daniel B. Ryall - -	27,939
William R. Cooper - -	27,954
Joseph Kille - - -	27,924
John B. Aycrigg - -	28,150
John B. P. Maxwell - -	28,239
William Halsted - -	28,192
Chas. C. Stratton - -	28,252
Thos. Jones Yorke - -	28,177
Philemon Dickinson - -	3
John B. Acrigg - - -	1

In this statement, as it appears to the satisfaction of the committee, and has not been denied or the contrary pretended, the votes received at the townships of Millville and South Amboy are not included.

The state of those polls is exhibited by the documents (marked C and D) accompanying this report, whereby it appears that the total of votes of the two townships, for each of the ten claimants, was as follows:

Philemon Dickerson - - -	502
Peter D. Vroom - - -	502
Daniel B. Ryall - - -	502
William R. Cooper - - -	501
Joseph Kille - - - -	502
J. B. Aycrigg - - - -	144
J. P. B. Maxwell - - -	144
William Halsted - - -	145
C. C. Stratton - - - -	144
T. J. Yorke - - - -	144

These votes being added respectively to those set forth in the documents marked B, already referred to as the basis of the Governor's commissions, the following results are exhibited, to wit:

For PHILEMON DICKERSON.

Votes counted by the Governor and Privy Council - - -	27,951
Votes of Millville and South Amboy	502
Total for Philemon Dickerson	28,453

For PETER D. VROOM.

Votes counted by the Governor and Privy Council - - -	27,990
Votes of Millville and South Amboy	502
Total for Peter D. Vroom	28,492

For DANIEL B. RYALL.

Votes counted by the Governor and Privy Council - - -	27,939
Votes of Millville and South Amboy	502
Total for D. B. Ryall - -	28,441

For WILLIAM R. COOPER.

Votes counted by the Governor and Privy Council - - -	27,954
Votes of Millville and South Amboy	501
Total for William R. Cooper	28,455

For JOSEPH KILLE.

Votes counted by the Governor and Privy Council - - -	27,924
Votes of Milville and South Amboy	502
Total for Joseph Kille -	28,426

For JOHN B. AYCRIGG.

Votes counted by the Governor and Privy Council - - -	28,150
Votes of Millville and South Amboy -	144
Total for John B. Aycrigg -	28,294

For JOHN P. B. MAXWELL.

Votes counted by the Governor and Privy Council - - -	28,239
Votes of Millville and South Amboy -	144
Total for John P. B. Maxwell -	28,383

For WILLIAM HALSTED.

Votes counted by the Governor and Privy Council - - -	28,192
Votes of Millville and South Amboy -	145
Total for William Halsted -	28,337

For CHARLES C. STRATTON.

Votes counted by the Governor and Privy Council - - -	28,252
Votes of Millville and South Amboy -	144
Total for Charles C. Stratton -	28,396

For THOMAS JONES YORKE.

Votes counted by the Governor and Privy Council - - -	28,177
Votes of Millville and South Amboy -	144
Total for Thomas Jones Yorke	28,321

It will be observed that the foregoing statement does not include as votes for Philemon Dickerson the three votes stated in the document marked B, as having been given to Philemon Dickinson, and which, if added to the votes for Philemon Dickerson, would make a total of 28,456.

The addition of the one vote stated in like manner as having been given for John B. Acrigg, to the votes for John B. Aycrigg, would make a total of 28,295.

Thus it appears that, *prima facie*, upon the evidence in the possession of the committee, Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, and Joseph Kille, are the "*five of the ten individuals claiming seats from the State of New Jersey*, [who] *received the greatest number of lawful votes from the whole State for Representatives in the Congress of the United States, at the election of* 1838, *in said State.*"

The SPEAKER stated that he had yesterday received certain depositions in relation to the New Jersey case, which it was not in order for him then to present.

Mr. MEDILL called for the reading of the report of the committee.

The CLERK accordingly commenced reading the report, and had continued but for a short time, when

Mr. HOPKINS observed that it was evidently too late in the evening for the report to be read with any degree of profit, and, as the matter would come up the first thing in the morning, he suggested whether they had not better adjourn. Mr. H. then moved an adjournment.

Mr. CRAIG also suggested an adjournment for the same reasons, and moved the printing of the report; but, on cries of "No, no" from several, and the calling for the yeas and nays, the motion to adjourn was withdrawn.

The CLERK then continued the reading of the report for a short time, when he was again interrupted by

Mr. FILLMORE, who offered the following resolution:

Whereas the House did, by a motion adopted on the 28th day of February, 1840, among other things direct the Committee of Elections to report "forthwith" which five of the ten individuals claiming seats from the State of New Jersey received the greatest number of lawful votes from the whole State for Representatives in the Congress of the United States, at the election of 1838, in said State;" and whereas this House had previously referred evidence to that committee, tending to show that the poll at South Amboy, in said State, at said election, was not held according to law, and that the numerous votes given at said election were unlawful, because the persons voting had no legal right to vote, and the parties to said contest are now absent from this city, with the consent, and under the authority of said committee, taking testimony in said case, for the purpose of ascertaining who received the greatest number of lawful votes at said election in said State; and whereas certain depositions, alleged to have been taken by one of the parties to said contract, in pursuance of the directions of said committee, have been transmitted to the chairman of said committee in a sealed envelope, addressed to the SPEAKER of this House, tending to show, as is alleged, that the polls at South Amboy were not held according to law, and that unlawful votes were taken at said poll; and whereas said committee, in acting on said resolution of this House, refused to consider any portion of said evidence, but determined to report, and have reported, simply the number of "votes adjudged to have been given to the several claimants by the Governor and Privy Council of New Jersey, together with those returned by the election officers of the townships of Millville, in Cumberland county, and South Amboy, in Middlesex county, to the clerks of said counties respectively," without inquiring whether said votes were *lawful* or not; therefore,

Resolved, That said report be recommitted to said committee, with instructions to inquire and report to this House, with all convenient despatch, which five of the ten claimants to the vacant seats in this House from said State received the greatest number of lawful votes at the last Congressional election in said State.

Mr. DROMGOOLE rose at the same time with Mr FILLMORE, and handed up a resolution which he wished to offer; but the SPEAKER awarded the floor to Mr. FILLMORE, and his resolution was read.

Mr. MEDILL rose and said that the resolution was out of order, and insisted upon the reading of the papers without interruption.

The CLERK again commenced the reading, but was again interrupted by

Mr. LINCOLN, who submitted to gentlemen whether it would not be better to postpone the reading till to-morrow, when they would have a whole hour, in the course of the morning, to hear it in.

Mr. DROMGOOLE attempted to obtain the floor, and moved the printing of the report; but on repeated calls to order and calls for the reading, resumed his seat.

The CLERK then resumed the reading of the report, and continued, without interruption, till he had finished it; when

Mr. PETRIKIN rose and inquired of the CHAIR what was the question before the House.

The SPEAKER replied that the question was on the resolution of the gentleman from New York, [Mr. FILLMORE.]

Mr. PETRIKIN then moved the previous question on it.

Mr. FILLMORE contended that the gentleman from Pennsylvania had no right to move the previous question, as he was entitled to the floor, and had not relinquished it.

The CHAIR said that the gentleman from New York was entitled to the floor; and therefore the motion of the gentleman from Pennsylvania was not in order.

Mr. DUNCAN. I want to know whether it is in order for the gentleman from New York [Mr. FILLMORE] to interrupt the reading of a report while the CLERK was reading it. and, by offering a resolution, get the right to the floor.

The SPEAKER said that the gentleman from New York obtained the floor while the reading was suspended, and nobody objecting to his resolution, it was received.

Mr. DUNCAN said that the gentleman from New York interrupted the reading of the report, and had no right to offer his resolution: he would therefore appeal from the decision of the CHAIR, giving the floor to the gentleman.

Mr. PETRIKIN insisted on his right to the floor. He moved the previous question as soon as the reading of the report was finished, and before the gentleman from New York rose. The CHAIR, he said, recognised his right to the floor, and told him what was the question before the House. On being thus recognised by the SPEAKER, he moved the previous question.

The CHAIR said that when he recognised the gentleman of Pennsylvania's right to the floor, he was not aware that the gentleman from New York would claim it—but as the gentleman from New York had not yielded the floor, he was entitled to it when the gentleman from Pennsylvania rose.

Some gentleman here, the Reporter could not tell who, called for the printing of the report, but so many objections were made, that the question was not put.

Mr. DUNCAN called for the question on the appeal.

The CHAIR requested the gentleman from Ohio to reduce his appeal to writing.

Mr. CAMPBELL, chairman of the committee, suggested that as the report would come up the first thing in the morning, the House had better adjourn. Mr. C. made a motion to that effect.

Mr. PROFFIT here moved an adjournment.

Mr. DUNCAN. I have the floor, I suppose, while I am writing out my appeal, by direction of

the CHAIR: nobody can move an adjournment while I have a right to the floor.

Mr. PROFFIT. I made a motion to adjourn, and wish to know whether the gentleman from Ohio, by his appeal to sustain the motion of the gentleman from Pennsylvania, can deprive me of the right to have the question taken on my motion.

The SPEAKER said the gentleman from Indiana [Mr. PROFFIT] had a right to move an adjournment.

Mr. PROFFIT renewed his motion to adjourn.

Mr. DROMGOOLE called for the yeas and nays; which being ordered, the question was decided in the negative that way—yeas 71, nays 90.

Mr. DUNCAN'S appeal was then read.

Some conversation then took place as to the phraseology of the appeal in which the SPEAKER, Mr. FILLMORE, and Mr. DUNCAN, participated, Mr. FILLMORE stating that the point was not correctly stated, and that when he offered his resolution the reading of the report was suspended by general consent, and that it was so understood by the gentleman from Virginia, [Mr. DROMGOOLE,] who endeavored to offer a resolution at the same time.

The SPEAKER thought the facts were not exactly stated as they happened. His impressions were that the reading of the report was suspended by general consent, and that the resolution of the gentleman from New York was received in the same way. The CHAIR, he said, was often placed in difficulty by propositions to receive motions by general consent. Some gentlemen would make objections and then withdraw them, and from the confusion often produced on such occasions, the CHAIR was often led, unintentionally, into error, particularly when the proposition is permitted to be read for information only.

Mr. MEDILL was satisfied that the SPEAKER was in error in saying that the gentleman from New York had moved his resolution before the reading of the report was called for. The CLERK was reading the report when he was interrupted by the gentleman from New York, and he [the CLERK] stopped, as a matter of course, when the gentleman interrupted him, and he rose, and, addressing the SPEAKER, offered his resolution. The gentleman from Virginia [Mr. DROMGOOLE] rose nearly at the same time, and offered a resolution, but the CHAIR awarded the floor to the gentleman from New York. He then, as he supposed both gentlemen to be out of order, rose, and demanded if he had not a right to have the reading of the report proceeded with.

Mr. DROMGOOLE said, that when he discovered that the reading of the report was suspended, he supposed that it was done by general consent; and therefore it was that he endeavored to offer his resolution. If the reading of the report was not suspended by general consent, as he learnt from the gentleman from Ohio, [Mr. MEDILL,] it was clear that the gentleman from New York was out of order, when he offered his resolution. Until he heard the explanation of the gentleman from Ohio, [Mr. MEDILL,] he was under the impression that the reading was suspended by general consent. There was so much confusion in the hall at the time, that he, as well as the SPEAKER, might have been led into error.

Mr. PETRIKIN insisted on his right to the floor, and said it was of no consequence whether the gentleman from New York was out of order or not, when he offered his resolution, as he [Mr. P.] made his motion immediately on the conclusion of the reading of the report, and the SPEAKER then recognised his right to the floor.

Mr. WHITE of Kentucky called for the reading of the documents accompanying the report.

Mr. CRAIG'S idea was that the whole matter was out of order. If the reading of the report was called for, as they were told by the gentleman from Ohio and others, the gentleman from New York had no right to offer his resolution while it was being read. He, himself, rose out of order, and wished to get the unanimous consent of the House for printing the report, and an adjournment. It was rather an appeal to the good sense of the House, than a regular motion to the CHAIR. He knew he was out of order, and when he found it was the wish of the House to proceed with the business, he too his seat.

[Much disorder prevailed at this time, a number of gentlemen trying to get the floor, and addressing the CHAIR.]

The SPEAKER said he would make a short statement of the facts, so far as he understood them. The CHAIR supposed, when he received the motion of the gentleman from New York, [Mr. FILLMORE,] that the reading of the report was suspended by general consent. He would, however, state it was always a difficult matter for the CHAIR to decide when motions were received by general consent, or only suffered to be read for information, as much confusion generally attends such propositions, and gentlemen who make objections often withdraw them. In this case, the CHAIR believed that the reading was suspended by general consent; but it seemed that, in this, he was mistaken, for the Senator from Ohio states that he called for the reading of the report. There was a difficulty which had occurred to the CHAIR since his decision, and this was whether the member from New York [Mr. FILLMORE] did not lose his right to the floor by not claiming it until after the gentleman from Pennsylvania [Mr. PETRIKIN] had risen and been recognised by the CHAIR. This question would, however, be decided by the question on the appeal taken by the Senator from Ohio, [Mr. DUNCAN.] As there was some difficulty as to the phraseology of the appeal, the CHAIR would, with the assent of the gentleman from Ohio, state the question on the appeal as simply appealing from his decision, giving the floor to the gentleman from New York.

Mr. DUNCAN assented.

After some remarks from Mr. BRIGGS, not heard,

The SPEAKER stated the question on the appeal.

Mr. CHAPMAN would ask of the House if any one could understand the true state of the case better than the gentleman from Ohio, [Mr. MEDILL,] who was a member of the committee, had made himself fully acquainted with the subject, and was near to the gentleman of New York and to the CHAIR when the two motions on which the appeal rested were made.

Mr. CHAPMAN was called to order, and took his seat.

Mr. FILLMORE demanded the yeas and nays on the appeal, which were ordered.

Mr. PROFFIT said he rose to a point of order.

Several gentlemen. There is a point of order now pending.

The previous question on the appeal was then seconded by the House, and the main question having been put, resulted—yeas 82, nays 88.

So the decision of the CHAIR not being sustained, the effect was to award the floor to

Mr. PETRIKIN, who withdrew his motion for the previous question, and asked of the CHAIR what was the question before the House.

The SPEAKER said it was on the motion to recommit, made by the gentleman from New York, Mr. FILLMORE.

After a desultory discussion on the question of order as to the question before the House, in which Messrs. TAYLOR of Ohio, FILLMORE, and PETRIKIN, took part,

The CHAIR again stated the question before the House; when

Mr. PETRIKIN submitted the following substitute for Mr. FILLMORE'S resolution, by way of amendment, and moved the previous question on it.

Whereas it appears by the report of the Committee of Elections that Philemon Dickerson, Peter D. Vroom, Daniel B, Ryall, William R. Cooper, and Joseph Kille, received the greatest number of lawful votes cast in the State of New Jersey at the election holden in that State for Representatives in the Twenty-sixth Congress:

Resolved, That Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William Cooper, and Joseph Kille, are entitled to take their seats in the House of Representatives as members of the Twenty-sixth Congress; and that the Speaker of the House, on their presenting themselves, qualify them as such: *Provided*, That nothing herein contained shall prevent the investigation into said election from being continued in the manner heretofore authorized by a majority of the Committee of Elections, on the application of the five claimants for said seats.

Mr. FILLMORE enquired whether the amendment was in order.

The CHAIR said it was read for information.

Mr. PETRIKIN said he would advise the gentleman from New York never to fire until he was loaded. The well meaning part of the country was tired of hearing of the continued debates on this New Jersey question. He was tired of hearing gentlemen on the other side continually complaining that poor New Jersey was unrepresented on that floor. Enough had been said of broad seals, prima facie evidence, &c.; and as the committee had now reported which five of the ten contending candidates had been duly elected by the people, he wanted the matter settled at once, and the right members put in their seats. It was with this view that he had offered his resolution.

Mr. FILLMORE said his point of order was this: The gentleman's amendment, by striking out all after the word "whereas," did not leave a substantive portion of the resolution. Again: his resolution was to recommit the report, while the amendment offered a different and distinct proposition to admit five members to their seats.

The CHAIR informed the gentleman from New Yark that, the previous question being called, it was not in order to debate.

Mr. FILLMORE said as he was not permitted to say any thing in its favor, he would withdraw his point of order.

Mr. CONNOR then moved a call of the House; but, from the confusion and noise prevailing, the motion was not entertained.

Mr. PROFFIT said he had called fifty times, as he could prove, for the reading of the papers accompanying the report. I call for it now, said he; but in this scene of revolution and Jacobinism, no man has his rights.

The SPEAKER said the gentleman had a right to call for the reading of papers, about which he was called on to vote.

Mr. HOPKINS here moved that the House adjourn; and the yeas and nays being called for and ordered, the question was decided in the negative—yeas 75, nays 92.

Mr. PRENTISS of New York moved a call of the House.

Mr. WELLER called for the yeas and nays; which were ordered.

Mr. HOWARD moved an adjournment.

Mr. PROFFIT called for the yeas and nays, which were ordered; and the question was in that way decided in the affirmative—yeas 85, nays 72.

So the House adjourned.

IN SENATE,

FRIDAY, March 6, 1840.

The CHAIR submitted a report of the Secretary of the Navy, made in compliance with a resolution of the Senate of January 29, 1840, transmitting a list of officers admitted to the roll of navy pensioners between the 30th of June, 1800, and the 1st of January, 1837, and specifying their rank, the degree and nature of disability, and the amount of monthly pension; which was laid on the table.

Mr. GRUNDY presented the memorial of Edmund P. Gaines, proposing a system of national defence, and recommending the same to the adoption of Congress; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BUCHANAN presented fifteen memorials, praying for an increase of duties on imported silks; which were referred to the Committee on Finance.

Mr. B. also presented the memorial of the Chamber of Commerce of the city of Philadelphia, praying the passage of a bankrupt law; which was referred to the Committee on Finance.

Mr. CLAYTON presented the petition of Olivia W. Cannon, widow of Joseph S. Cannon, deceased, late an officer in the Navy of the United States, which was referred to the Committee on Pensions.

Mr. PIERCE presented the petition of the wi-

dow of Robert Willey, deceased, late a soldier in the Revolutionary war, praying a pension; which was referred to the Committee on Pensions.

The CHAIR submitted resolutions passed by the Senate of the Territory of Florida, instructing the Delegate of said Territory in Congress to oppose the passage of any law for dividing said Territory; which was referred to the Select Committee on the Florida Territory.

Mr. MERRICK presented the petition of a number of citizens of Alexandria, praying the erection of a marine hospital at or near that place; which was referred to the Committee on the District of Columbia.

Mr. PORTER presented the petition of citizens of Kalamazoo and St. Joseph, in the State of Michigan, praying that the provisions of the preemption law of June 22, 1838, may be extended to persons engaged in the cultivation of the soil at the time of its passage, with a view to a future settlement thereon; which was referred to the Committee on Public Lands.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Tyler Spafford, reported a bill for his relief: which was read, and ordered to a second reading.

Mr. MERRICK, from the Committee on the District of Columbia, to which was referred the memorial of Casper W. Wever, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. PIERCE, from the Committee on Pensions, to which was referred the claim of Mary Neal, reported a bill for her relief; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred the petition of Jacob Pennel, reported a bill for the relief of Jacob Pennell, and others, owners of the Eliza, of Brunswick; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judiciary, reported a bill for the punishment of certain crimes against the United States; which was read, and ordered to a second reading.

The Senate proceeded to the consideration of the following resolution submitted some days since by Mr. TAPPAN:

Resolved, That the 47th rule be amended so as in the last paragraph thereof to read:

"Two reporters for each of the daily papers, and one reporter for each tri-weekly paper, printed and published in the city of Washington, whose names shall be communicated in writing, by the editors of those papers to the Secretary of the Senate, and who shall confine themselves to the seats now provided for them.

After some remarks from Mr. PRESTON, he moved to lay the resolution on the table; which was negatived—ayes 17, noes 25.

Mr. PRESTON then moved to amend by striking out "city of Washington," and inserting "District of Columbia," which was disagreed to—ayes 16, noes 25.

The resolution was then agreed to—ayes 25, noes 16.

THE SPECIAL ORDER.

The report of the Select Committee on the assumption of State debts, was then taken up, and after an animated debate, in which Messrs. DAVIS, BUCHANAN, PRESTON, KING, NORVELL, CLAY, of Kentucky, BROWN, and CALHOUN, participated,

Mr. WEBSTER moved an adjournment; which was decided in the negative.

The question then coming up on the resolutions reported by the Select Committee,

The CHAIR stated the question as follows:

The Senator from Pennsylvania, Mr. BUCHANAN, had moved to amend the resolutions of the committee, by adding the following:

Resolved, That the debts of the several States, so far as they are known to the Senate, have been contracted in the exercise of the undoubted right and constitutional power of said States respectively, and that there is no ground to warrant any doubt of the ability or disposition of those States to fulfil their contracts.

For which amendment, Mr. NORVELL offered the following as a substitute:

Resolved, That while the Senate of the United States is fully impressed with the importance and correctness of the principles contained in the foregoing resolutions, it is not intended thereby to create any doubt of the constitutional right of the States to contract debts, nor of their resources, disposition, or ability to fulfil the engagements which they have contracted for purposes of internal improvement, as well as for other objects within the range of their reserved powers.

The question was now on the substitute of Mr. NORVELL; which was agreed to—ayes 25, noes 18, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Wall, Williams, and Wright—25.

NAYS—Messrs. Buchanan, Clay of Kentucky, Crittenden, Davis, Dixon, Henderson, Knight, Merrick, Phelps, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, Spence, Webster, and White—18.

The question then being on the adoption of Mr. BUCHANAN's motion as amended, after some remarks by Messrs. SMITH of Indiana, CRITTENDEN, NORVELL, WEBSTER, and KING,

On motion of Mr. KING, and by unanimous consent, it was considered as withdrawn for the present.

The substitute proposed by Mr. CRITTENDEN for the resolutions of the committee, was then taken up, and was as follows:

Resolved, That the debts of the several States, so far as they are known to the Senate, have been contracted in the exercise of the undoubted right and constitutional power of said States respectively, and that there is no ground to warrant any doubt of the ability or disposition of those States to fulfil their contracts.

Resolved, That it would be just and proper to distribute the proceeds of the sales of the public lands among the several States, in fair and rateable proportions, and that the condition of such of the States as have contracted debts is such at the present moment of pressure and difficulty as to render such distribution especially expedient and important.

After some remarks by Mr. PRESTON, the question on the substitute was taken, and it was rejected—ayes 17, noes 28, as follows:

YEAS—Messrs. Betts, Clay of Kentucky, Crittenden, Davis, Dixon, Knight, Merrick, Phelps, Porter, Prentiss, Ruggles, Smith of Indiana, Southard, Spence, Tallmadge, Webster, and White—17.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Preston, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Wall, Williams, and Wright—28.

Mr. PRESTON then moved to amend the resolutions of the committee by striking out all after the word resolved, and inserting the following as a substitute:

Resolved, That the debts of the several States, so far as they are known to the Senate, have been contracted in the exercise of the undoubted right and constitutional power of said States respectively, and that there is no ground to warrant any doubt of the ability or disposition of those States to fulfil their contracts.

After some remarks by Messrs. WEBSTER and KING,

Mr. NORVELL said that the amendment offered by him, and voted on by the Senate, had been withdrawn, with the general understanding that no other amendment should be offered until a vote was taken on the resolutions of the committee. The course taken by the Senator from South Carolina would compel him to move the proposition which he had withdrawn, as a substitute for the Senator's amendment; and he accordingly made that motion.

Mr. PRESTON then withdrew his motion to amend.

The first resolution of the Select Committee was then read, as follows:

1. *Resolved*, That the assumption, directly or indirectly, by the General Government, of the debts which have been, or may be, contracted by the States for local objects or State purposes, would be unjust, both to the States and to the people.

Mr. PRENTISS moved to strike out the words "directly or indirectly," and insert "or guarantee."

After some remarks by Messrs. PRENTISS, KNIGHT, and GRUNDY,

Mr. WEBSTER moved an adjournment, which was negatived—ayes 10, noes 27.

The question was then taken on the amendment proposed by Mr. PRENTISS, and decided in the negative—yeas 6, nays 27, as follows:

YEAS—Messrs. Betts, Dixon, Knight, Phelps, Prentiss, and Ruggles—6.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Indiana, Strange, Sturgeon, Tappan, Wall, Williams, and Wright—27.

Mr. RUGGLES then moved to amend by striking out "or State purposes." Mr. R. assigned as a reason, that the debt recently incurred by the State of Maine, in defending her frontier, might be considered a State debt, and, by this resolution, the future payment of it debarred.

Mr. WILLIAMS said, as his colleague had objected to this resolution, and as he intended to vote for it, he wished to give a reason for so doing. He considered the debt incurred by his State, in defending the frontier, as not the debt of Maine, but as the debt of the United States, which would, he expected, be paid without hesitation by the General Government.

Mr. BENTON. Certainly. The boundary of Maine was the boundary of the United States. [In this sentiment there was a very general acquiescence.]

After some further remarks by Messrs. RUGGLES and WALL,

Mr. NORVELL said that the defence of the State of Maine was the defence of the United States. The protection of the Northeastern boundary of Maine was the protection of the boundary of the nation. The expenses incurred in that defence and protection were national expenses; and he would tell the Senator from Maine [Mr. RUGGLES] that, if he came here to claim reimbursement of the moneys expended in the maintenance of her boundary rights against a foreign power, on the ground of its being a local object or a State purpose, he would, in his judgment, go home without success. The worthy colleague of the Senator [Mr. WILLIAMS] had taken the right view of the subject. The resolution against the assumption of the State debts contracted for local objects and State purposes, had no reference to such cases as the defence of a State against foreign aggression.

Mr RUGGLES demanded the yeas and nays on his amendment, but they were not ordered, and it was negatived without a division.

The question was then taken on the first resolution, and it was agreed to—ayes 30, nay 1, as follows:

YEAS—Messrs. Allen, Andrson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Dixon, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Prentiss, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Wall, Williams, and Wright—30.

NAY—Mr. Smith of Indiana—1.

The second resolution was then read as follows:

2. *Resolved*, That such assumption would be highly inexpedient, and dangerous to the Union of the States.

After some remarks from Mr. DIXON, it was agreed to—ayes 28, noes 3, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Prentiss, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Wall, Williams, and Wright—28.

NAYS—Messrs. Dixon, Smith of Indiana, and White—3.

The third resolution was then read as follows:

3. *Resolved*, That such assumption would be wholly unauthorized by, and in violation of, the Constitution of the United States, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

And it was agreed to—ayes 29, noes 3, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Prentiss, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Wall, Williams, and Wright—29.

NAYS—Messrs. Dixon, Smith of Indiana, and White—3.

The fourth resolution was then read as follows:

4. *Resolved*, That to set apart the public lands, or the revenues arising therefrom, for the beforementioned purposes, would be equally unjust, inexpedient, and unconstitutional.

Mr. BENTON moved to amend by striking out all after the word Resolved, and insert, "That the assumption of such debts, either openly, by a direct promise to pay them, or disguisedly, by giving security for their payment, or by creating surplus revenue, or by applying the national funds to pay them, would be a gross and flagrant violation of the Constitution, and wholly unwarranted by the letter or spirit of that instrument;" which was agreed to, without a division.

Mr. NORVELL then moved to amend, by adding the following:

5. *Resolved*, That while the Senate of the United States is fully impressed with the importance and correctness of the principles contained in the foregoing resolutions, it is not intended thereby to create any doubt of the constitutional right of the States to contract debts, nor of their resources, disposition, or ability to fulfil the engagements which they have contracted for purposes of internal improvement, as well as for other subjects within the range of their reserved powers.

Which was agreed to—yeas 23, nays 7, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Roane, Robinson, Sevier, Sturgeon, Wall, Williams, and Wright—23.

NAYS—Messrs. Calhoun, Hubbard, Pierce, Smith of Indiana, Strange, Tappan, and White—7.

Mr. BETTS then offered the following as an amendment

Resolved, That the distribution of the public lands, or the revenues arising therefrom, among the several States would be equally unjust, unconstitutional, and inexpedient.

Mr. WRIGHT asked for the yeas and nays on this amendment. He wished to see if the Senator from Connecticut would vote for his own proposition; or if, at this late hour of the evening, propositions are made which the Senators offering them will not vote for themselves.

Mr. BETTS said he would not vote for it, but his object was to get a direct vote of the Senate on the proposition.

After some remarks from Mr. CLAY of Alabama, on the impropriety and irregularity of offering a proposition identical with one which had just been acted on,

Mr. KING said, if the CHAIR decided the motiod to be in order, an appeal could be taken from the decision of the CHAIR, and it would then be time enough to debate the motion.

The CHAIR decided the motinn to be out of order.

Mr. PRENTISS then moved to further amend the resolution by inserting the following:

"But nothing contained in the foregoing resolutions is to be understood as denying or questioning the right or power of Congress to make an equal distribution of the proceeds of the public lands, among all the States, according to the terms and conditions of the deeds of cession."

The amendment was disagreed to—ayes 6, nays 25, as follows:

YEAS—Messrs. Betts, Dixon, Prentiss, Robinson, Smith of Indiana, and White—6.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Sevier, Strange, Sturgeon, Tappan, Wall, and Wright—25.

So the resolutions were agreed to, as follows:

1. *Resolved*, That the assumption, directly or indirectly, by the General Government, of the debts which have been, or may be, contracted by the States for local objects or State purposes, would be unjust, both to the States and to the people.

2. *Resolved*, That such assumption would be highly inexpedient, and dangerous to the Union of the States.

3. *Resolved*, That such assumption would be wholly unauthorized by, and in violation of, the Constitution of the United States, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

4. *Resolved*, That the assumption of such debts, either openly, by a direct promise to pay them, or disguisedly, by giving security for their payment, or by creating surplus revenue, or by applying the national funds to pay them, would be a gross and flagrant violation of the Constitution, and wholly unwarranted by the letter or spirit of that instrument.

5. *Resolved*, That while the Senate of the United States is fully impressed with the importance and correctness of the principles contained in the foregoing resolutions, it is not intended thereby to create any doubt of the constitutional right of the States to contract debts, nor of their resources, disposition, or ability to fulfil the engagements which they have contracted for purposes of internal improvement, as well as for other subjects within the range of their reserved powers.

On motion, the Senate, at 8 o'clock, adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, March 6, 1840.

Mr. GATES, by general consent, made a statement in relation to the following portion of Mr. BYNUM's speech, as published in the Globe of last evening:

From the Le Roy Gazette.

"'Very much like, indeed! The editor of the Ohio paper abandoned the Whigs *because they nominated the Abolitionists, and joined the Loco Focos because they went for the dough-faces, while we left the Jackson party because it adhered to slavery, and united with the Whigs, because they supported Abolition!*'

"This paper was then edited by Mr. GATES, now a member on this floor."

The substance of the statement of Mr. G. was, that although he was once the editor of the Le Roy Gazette, he did not edit the paper when the above article was published, but was a member on this floor. The paper was then, and at present, edited by Cyrus Thompson, jun.

Mr. BYNUM said there could be no doubt but that a mistake had been made, as until this morning he was not aware that the gentleman from New York had resigned the editorship of that paper.

The House then resumed the consideration of the report made last evening by Mr. CAMPBELL, from the Committee of Elections, on the N. Jersey case.

Mr. PETRIKIN modified his resolution, by adding "in the manner heretofore authorized, and by a majority of the Committee of Elections."

Mr. CAMPBELL appealed to the gentleman from Pennsylvania to withdraw his motion for the previous question, in order to allow an opportunity for the minority of the committee to make a report, so that the subject might take the usual course, the testimony be printed, and the subject postponed to a day certain.

Mr. PETRIKIN refused to withdraw his motion.

Mr. BRIGGS asked leave to submit the following resolution:

Whereas this House did, by a resolution passed on the 13th day of January last, refer the case of the New Jersey contested elestion, with all the papers relating thereto, to the Ccommittee of Elections, with instructions to inquire who were entitled to occupy the five seats as Representatives from the State of New Jersey; and whereas said committee did proceed in said inquiry, until the parties contesting for said seats, by permission and under the authority of said committee, left the city, and proceeded to the State of New Jersey, for the purpose of taking testimony in relation to their respective title to occupy seats upon the floor of this House—the time allowed by the committee for that purpose being until the 2d Monday of April next; and whereas by another resolution passed on the 28th February last, this House instructed said committee forthwith to report which five of the persons claiming to be elected members from the State of New Jersey received the greatest number of lawful votes of the people of said State; and whereas said committee did, on the 5th day of March instant, report that PHILEMON DICKERSON, PETER D. VROOM, JOSEPH KILLE, WILLIAM R. COOPER, and DANIEL B. RYALD, received the greatest number of lawful votes, without having first examined the evidence as to the legality of votes alleged to be illegal, or as to the legality of certain polls alleged to be illegal, without notifying or hearing the parties; and whereas, a resolution is now pending declaring that PHILEMON DICKERSON, PETER D. VROOM, JOSEPH KILLE, WILLIAM P. COOPER, and DANIEL B. RYALL, are entitled to take seats as members of the Twenty-sixth Congress for the State of New Jersey, now, to the end that justice may be done, and that this House will not proceed to decide so grave a question as that of the right of a State to a representation on this floor, in the absence of, and without hearing, the parties interested,

Resolved, That it is the right as well of the persons claiming seats, as of the people whom they claim to represent, to be present, and heard before their title to seats shall be passed upon by this House.

Resolved, That the whole subject of said election be postponed until the second Monday of April next, and that the report and all the papers relating thereto be printed, and that the Speaker be directed to notify the parties claiming seats, that they may, if they see fit, be present on said day, and be heard in the premises at the bar of this House.

Objection being made, Mr. BRIGGS moved a suspension of the rules for the purpose. On this motion the yeas and nays were ordered, and resulted—yeas 95, nays 112.

So the rules were not suspended.

The CHAIR ordered the documents accompanying the report os the Committee of Elections to be read.

Mr. CAMPBELL said he had appealed to the gentleman from Pennsylvania [Mr. PETRIKIN] to withdraw his motion for the previous question, but in vain. He now, thorefore, moved to lay the resolution of Mr. FILLMORE, with the amendment moved by Mr. PETRIKIN, on the table.

The CHAIR reminded Mr. CAMPBELL that that motion, if it prevailed, would carry the report itself to the table.

Mr. CAMPBELL thereupon withdrew his motion.

The reading of the papers commenced, and having proceeded some time—

Mr. EVERETT withdrew his call for the reading, and it was suspended.

Mr. RIVES inquired whether it would be in order to move to suspend the further consideration of the report of the committee till Tuesday next, and to make it the special order for that day at 12 o'clock, and so to continue every day at that hour, till the subject should be disposed of?

The CHAIR replied it could only be done by universal consent.

Objection was made.

Mr. SMITH of Connecticut inquired whether the previous question had been withdrawn?

The CHAIR replied in the negative.

Mr. RIVES modified his motion so as to make the report the special order at 1 o'clock.

Objection being made—

Mr. RIVES moved to suspend the rules.

Mr. BELL rose to order, and insisted that the amendment of Mr. PETRIKIN was out of order, as it had no relation to Mr. FILLMORE's resolution, to which it had been moved.

The SPEAKER replied that, on examination, he had himself come to the same conclusion; but as action had since been had, it was now too late to raise the question of order.

Mr. BELL contended that, as no decision had yet been had on the resolution or amendment, it was not too late for the CHAIR to revise its decision.

Mr. TURNEY opposed that view, and referred to the previous practice of the House.

At this point, the morning hour having expired,

Mr. MONROE called for the orders of the day.

Mr. BELL said he should not appeal.

Mr. LEWIS WILLIAMS still insisted that it was not too late:

The question was now put on Mr. RIVES's motion to suspend the rules, but it failed—yeas 110, nays 94: (not two-thirds.)

[On the name of Mr. EVERETT being called, he inquired whether the previous question was withdrawn? The SPEAKER informed him it was not. Mr. E. said, then I answer, no.]

The residue of the day (it being now 2 o'clock) was taken up in the discussion of a point of order.

The SPEAKER, by general consent, had presented to the House a certain paper, understood to be testimony relating to the contested election in New Jersey, and which had been referred, on motion, to the Committee of Elections.

This having been done in the manner in which communications on the Speaker's table are usually disposed of, by a formal motion, indeed, but without general attention having been called to the import of the paper; and the Speaker being in the act of passing to other business,

Mr. FILLMORE rose and called for the reading of the document, at the same time submitting a motion that it be printed.

Mr. PETRIKIN objected.

The SPEAKER said the paper had already been referred, and the motion of the gentleman was not in order, except by general consent.

Mr. EVERETT suggested to Mr. FILLMORE that he could attain his object by moving a reconsideration.

Mr. FILLMORE thereupon moved to reconsider the vote by which the paper had been referred. [This is a motion which, under the rule, takes precedence of all other questions, except a motion to adjourn.]

Mr. F. then proceeded to say. I suppose I am not at liberty to say any thing of what took place in the committee; but I take it for granted that I may, by way of argument, speak, by supposition, of any thing else. I will suppose that there was a committee in the British House of Commons on the subject of an election—

Mr. PETRIKIN rose and inquired if the gentleman was in order in proceeding to debate his motion at this time?

The SPEAKER said the motion to reconsider took precedence over all other motions.

Mr. PETIKIN. But not the consideration of the motion.

The SPEAKER said that the motion and the consideration of the motion could not be separated.

Mr. PETRIKIN then submitted the point of order, that the SPEAKER having announced the orders of the day, (which were private bills,) a motion to reconsider could not be debated and considered, save by a vote of two-thirds.

The SPEAKER having ruled to the contrary, and that the motion to reconsider was now before the House for consideration—

Mr. PETRIKIN appealed from the decision of the CHAIR.

Mr. FILLMORE required that the gentleman's point of order be reduced to writing, that it might be entered on the journals. He had been often enough put down, he said, by a mere numerical force, in every thing which related to this New Jersey election. Gentlemen on the other side would hear nothing, see nothing, but *would* decide.

The SPEAKER called on Mr. PETRIKIN to reduce his point of order to writing; which was done.

Much conversation ensued, and statements were made by several gentlemen as to the state of the facts, as set forth in Mr. P's written point of order.

When a motion was made by Mr. HOLLEMAN to lay the appeal on the table.

Mr. RANDOLPH asked the yeas and nays; which were ordered.

Much rapid and desultory conversation followed.

Mr. FILLMORE inquired of the Chair whether the motion to lay the appeal on the table, if it should prevail, would carry with it the motion to reconsider?

The SPEAKER said that, in his opinion, it would.

Mr. FILLMORE said then the SPEAKER would do indirectly that which he could not do directly. A gentleman entitled to the floor might thus be cut off in the midst of his remarks by a mere incidental point of order, having no connection with the main subject of debate.

The SPEAKER said a motion to lay on the table was not debatable.

Mr. FILLMORE appealed from the decision of the CHAIR, that the motion to lay the appeal on the table, if it prevailed, carried with it the motion to reconsider.

If such a construction of the rule was to be recognised, (Mr. F. said,) every man here would hold his right to the floor at the will of the gentleman from Pennsylvania, [Mr PETRIKIN.]

Mr. DAWSON said that, for the first time in his life, he rose to a point of order.

The SPEAKER said he could entertain no more questions of order till these pending were decided.

The appeal of Mr. FILLMORE was then debated briefly by Messrs. LEADBETTER, GRAVES, ALFORD, BRIGGS, and BANKS.

After which Mr. BANKS moved to lay it upon the table.

Mr. PETRIKIN demanded the yeas and nays, which were ordered.

And the SPEAKER having stated the grounds of his decision—

The question was then taken on the motion to lay on the table the second appeal, to wit, the appeal of Mr. FILLMORE from the decision of the Chair, that tho motion to lay the first appeal on the table, if it should prevail, would carry with it the motion to reconsider.

And it was decided in the affirmative: Yeas 98, nays 76.

So the second appeal was laid on the table.

[Under the decision of the Chair, as given above, this vote would have taken with it the previous appeal, and the motion to reconsider. But]

Mr. FILLMORE rose and asked if he had a right to proceed in his remarks?

The SPEAKER said the gentleman had not the right.

Mr. FILLMORE then said he must, with all respect for the CHAIR, take an appeal, which, at the request of the CHAIR, was reduced to writing as follows:

"Mr. FILLMORE had the the floor, and was speaking on a motion to reconsider a vote of the House. He was called to order. The SPEAKER decided he was in order; from this decision an appeal was taken. A motion was then made to lay that appeal on the table. On this a question was raised, whether the motion to lay on the table was in order? The SPEAKER decided it was, and on this an appeal was taken. A motion was made to lay this appeal on the table; which was put and carried.

"The SPEAKER then decided that the original motion to reconsider is laid on the table, and that Mr. FILLMORE is deprived of his right to proceed in the debate.

"From this decision Mr. FILLMORE appeals, insisting that the original judgment of the CHAIR stands, as it is not reversed, and that he is entitled to the floor, on the original motion to reconsider."

The appeal was debated at length by Mr. BARNARD, (who suggested to Mr. FILLMORE a modification of the form of his appeal,) and by Messrs. POPE and PETRIKIN.

When Mr. PETRIKIN moved the previous question; but at the request of the SPEAKER, who said that he had found a decision which seemed to go against the one which he had given, withdrew the motion.

The appeal was further debated by Messrs. CLIFFORD, BRIGGS, and HOLLEMAN.

The SPEAKER then gave the floor to Mr. ANDREWS of Kentucky, who yielded it, however, to enable the SPEAKER to make a statement.

The SPEAKER then cited a case which had occurred to the Congress of 1834, [the particulars of which the Reporter could distinctly hear,] in which the then SPEAKER had decided that an appeal was a separate and independent question. There was also, the SPEAKER said, a decision of his own, at the present session, by which it had been decided that the appeal was an independent question. This certainly was opposed to his own views; but, finding such a decision, and finding that such had been the previous decisions, he felt bound to conform to them, and must decide that the question now before the House was on the appeal of the gentleman from Pennsylvania.

This appeal (see above) was taken from a decision of the CHAIR that the motion to reconsider could be debated and considered now, without a vote of two-thirds.

And the immediately pending question thereon was the motion submitted by Mr. HOLLEMAN that the appeal do lie on the table.

Mr. TURNEY now moved that the House adjourn.

Mr. TOLAND urged the gentleman to withdraw his motion, to enable him to offer a resolution.

Mr. TURNEY declining,

The question was taken and carried;

And the House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, March 7, 1840.

After the journal had been read,

Mr. DUNCAN inquired whether the report of Committee of Elections on the New Jersey election, with the resolution of Mr. PETRIKIN, was not the grst business in order.

The SPEAKER responded that, in his opinion, the first business in order was the appeal of the gentleman from Pennsylvania, in relation to papers referred to the Committee of Eelections yesterday.

On motion of Mr. TOLAND, it was

Resolved, That the use of this hall be allowed for an exhibition of the pupils of the Pennsylvania Institution for the education of the Blind, under the direction of Dr. Thomas Rhoads, Principal of the Institution, on Monday morning next, from 10 to 12 o'clock.

Mr. MONTGOMERY gave notice, in writing, that he would offer the following amendment to the 126th rule of the House: "Strike out all from the word 'therefor,' in said rule, to the end thereof." The rule now stands as follows:

"No standing rule or order of this House shall be rescinded or changed without a day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present."

Should the rule be amended, it will read as follows:

"No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor."

This amendment is intended to give a majority of the people's representatives on this floor, at all times, the power to proceed to the transaction of the important public business of the country, and to expunge from our rules (as I believe) that most unjust and tyrannical rule which begins, "Two-thirds of the people's representatives to transact the most important public business of this nation, except at particular times and under particular circumstances."

The SPEAKER then announced the business before the House to be the appeal of the gentleman from Pennsylvania, [Mr, PETRIKIN,] from a decision of the CHAIR on yesterday, "that the mo-

tion to reconsider could be debated and considered now without a vote of two-thirds."

The question pending was on the motion of Mr. HOLLEMAN to lay the appeal on the table.

Mr. HOLLEMAN, being entitled to the floor, said that, with a view of saving time, he would withdraw the motion to lay on the table, so that the question could at once be taken on the appeal. He then moved the previous question on the appeal, which, being seconded, the main question on the appeal was taken, and resulted in the decision of the CHAIR being sustained—yeas 88, nays 86.

Mr. DUNCAN here rose to a question of order. He contended that the first business before the House was the report of the Committee of Elections on the New Jersey case, with the resolution of Mr. PETRIKIN, on which the previous question had been ordered. In his opinion, nothing could intervene or prevent the immediate action of the House on that previous question. He urged that the whole business, out of which the appeal had arisen, was out of order.

Mr. D. at the request of the CHAIR, reduced his point of order to writing.

"It is out of order to intercept the previous question by the introduction of any question, discussion, or reading of evidence.

"This House, by resolution, required the Committee of Elections to report forthwith, who of the ten contesting members from New Jersey had received a majority of the lawful votes at the Congressional election of 1838. The committee did report in conformity with the resolution. The report was in favor of Mr. DICKERSON and his associates. The report was read: a resolution was offered to recommit, and for other purposes. A resolution was offered, by way of amendment, the object of which was to authorize Mr. DICKERSON and his associates to take their seats; and on that resolution the previous question was moved. It is out of order to entertain any proposition, which will intercept the immediate action of the House upon the previous question now pending. Such is the character of the measure now before the House, which I contend is out of order."

The SPEAKER decided that the motion of Mr. FILLMORE to reconsider the vote by which certain papers relating to the New Jersey contested election had been referred to the Committee of Elections, took precedence over the report of that committee during the morning hour.

From which decision Mr. DUNCAN appealed; and he moved the previous question.

Mr. BRIGGS and Mr. TRIPLETT severally submitted to the CHAIR that this identical point of order had been already decided, and that it was not in order to raise the same question again.

The SPEAKER said he was of opinion that the question was the same as that just decided; but other gentlemen might differ, and time might be saved by putting the question.

And, after some conversation, the question was put, and the demand for the previous question (ayes 97, noes 78) was seconded.

And the main question (to wit, "Shall the decision of the CHAIR stand as the judgment of the House?") was ordered to be now taken.

Mr. TURNEY called for the yeas and nays, which were ordered; and, being taken, were—yeas 99, nays 89.

So the House affirmed the decision of the CHAIR.

And the question thus recurring on the motion of Mr. FILLMORE to reconsider the vote by which the said papers had been referred to the Committee of Elections—

Mr. FILLMORE proceeded to address the House (hypothetically) in relation to the proceedings of the committee.

He entered into the general merits of the contested election and made some severe strictures on the report of the committee, the majority of which he censured for refusing to consider certain depositions in relation to the votes of South Amboy, and of suppressing them by the force of numerical strength. The substance of his remarks is embodied in the following preamble to his resolution of last week.

Mr. FILLMORE, after speaking some time, called for the reading of the testimony which had been referred to the Committee, and which it would be the effect of his motion, should it prevail, to bring back and place under the control of the House.

Mr. STEENROD objected.

Mr. FILLMORE said he had never read the papers in question, and did not know what they contained.

Mr. MEDILL inquired whether it would be proper to ask Mr. F. how those papers were obtained.

Mr. CHAPMAN opposed the reading as out of order.

Mr. PETRIKIN also objected, and spoke to the question of order.

The CHAIR ruled the reading to be in order, and, in support of that decision, read the rule applying to the case.

Mr. CHAPMAN now said that he was satisfied the reading was in order, and he withdrew his objection to it.

The reading of the testimony having proceeded for some time—

Mr. HAND objected to its continuance, and raised a question of order, but the objection was overruled.

And the CLERK continued to read until the papers had been read through.

Mr. FILLMORE then resumed, and continued to address the House for a considerable time longer, when he gave way for Mr. W. THOMPSON to move an adjournment.

The yeas and nays being ordered, Mr. T. withdrew his motion, but it was immediately renewed by Mr. STANLY, but the yeas and nays being taken, it was negatived—yeas 75, nays 85.

So the House refused to adjourn.

Mr. FILLMORE once more proceeded with his speech.

Mr. CAMPBELL, chairman of the Committee of Elections, interposed to explain, and said he had no objection to all the testimony in the case being immediately printed.

Mr. FILLMORE resumed the floor, and spoke without further interruption till he had concluded his argument.

Mr. MEDILL of Ohio, (a member of the committee,) then took the floor in reply. He said he did not rise so much with the view of answering the arguments of the gentleman from New York, [Mr. FILLMORE,] in relation to the merits of the report, as to repel the attack which he has thought proper to make upon a part of the committee. The report is not now under consideration. Whenever it shall be, I am prepared, said Mr. M. to show that the facts are correctly set forth, and that the conclusion at which it arrives is sustained by testimony of the most unquestionable character. It is not claimed that the report is based on a complete purgation of the ballot boxes throughout the State. This appears to have been an afterthought of the gentlemen who first claimed seats under the Governor's "seal," and has been resorted to for the purpose of concealing from public observation one of the most extraordinary frauds that has ever been attempted on the suffrages of the people. It is founded, as it professes to be, on the votes received at the polls in pursuance of the laws of that State, by the sworn officers, whose duty it was to conduct the elections. These officers are the only judges of the qualifications of an elector that are known to the laws of New Jersey. They act under the solemnities of an oath, and it is made a penal offence knowingly to receive a vote from any one not possessing the qualifications of an elector as prescribed by the Constitution and laws of the State. It is further set forth that depositions had been submitted to the committee, with the view of showing that votes had been received at the polls, from persons who were not entitled to the right of suffrage, and that one of the officers of election at South Amboy was unlawfully prevented from acting, and another substituted in his place. But if all the votes proved thus to be illegal by competent testimony, were taken from those who received a majority at the polls, the result in relation to any one of the claimants would not be affected. With what propriety, then, said Mr. M. does the gentleman denounce the report as carrying on its face a national lie? On what grounds is the assertion made? Is not the basis on which it proceeds candidly and fairly set forth? Are not the statements made in pursuance thereof strictly correct, and the conclusion at which it arrives, justly inferable? Does the gentleman desire to be understood as answering negatively to any one of these interrogatories? Then let him call for the reading of the testimony, and direct the attention of the House to that part by which he seeks to sustain his assertion. Sir, said Mr. M. I apprehend that the gentleman's imagination has taken the start of his judgment. When he spoke of a paper bearing on its face the evidence of a "national lie," I cannot but think that a certain certificate, verified by the "*great seal*" of New Jersey, was passing through his mind." That a knowledge of the fact of the Chief Magistrate of a great State certifying to an *untruth*, under the emblem of its sovereignty, should excite his indignation, and continue to haunt his thoughts, whether on this floor or in the private walks of life, is by no means surprising. The whole proceedings, with the testimony on both sides, are about to be submitted to the public—a tribunal that never fails to do justice, however tardy in its judgment. The report itself is the prosecution of a member of the committee who voted throughout in favor of admitting the certificate members, and whose opinions were not likely to have been biased by any partiality for others.

But, said Mr. M. the gentleman has seen proper to attack the majority of the committee; and by supposing a course of conduct which he desires the House to consider as having taken place in the committee room, has charged them with acts of the grossest injustice. The reasons urged in favor of setting aside the election at South Amboy were, that one of the officers of the election was unlawfully prevented from acting, and another person substituted in his place, and that certain aliens had been permitted to vote. In making up his figured issue, the gentleman has charged the majority of the committee with refusing to consider the depositions that were taken to establish these facts, and seeking to suppress them by the force of numerical strength. Sir, said Mr. M. I am not one of those who will permit assertions of this kind to go forth, where I am personally concerned, although they be hypothetical, without accompanying them with a stamp by which they will be recognised and appreciated, wherever they go. The gentleman was not even satisfied with giving them a durability co-existent with his speech, but has embodied them in a preamble and resolutions, and placed them on the journal of the House. Sir, I ask if these charges are founded in truth? Was no part of the depositions taken by the certificate claimants in relation to the election at South Amboy, read and considered in committee? Nay, further: Were not *all* the depositions relating to that inquiry, and which were in the possession of the committee when the report was directed to be drawn, read and acted on? And although a part of them were rejected as incompetent by the committee, with but one dissenting voice, have they not all been submitted with the report, for the consideration of the House? With what propriety, then, and on what grounds, does the gentleman assert that these depositions were excluded from the consideration of the committee, when his own name will appear recorded on the question? It may be that they were made with the view of breaking the force of the report, and still keeping the public in doubt respecting the true nature of this infamous transaction.

But, sir, said Mr. M. there are other depositions alleged to have been taken by the certificate claimants in relation to the same subject, and which were referred to the committee since their report was submitted to the House. Although directed to you, and only laid before the House and referred this morning, I think I recognise in them acquaintances of two or three days' standing. On Tuesday last, the chairman assembled the committee, and laid before them the report which he had prepared, in pursuance of the principles previously agreed, with the view, as is understood, of presenting it to the House that morning.

[Here Mr. SMITH interrupted Mr. MEDILL, and required that he observe the rule of order, that forbids any reference to the proceedings of the committee.]

Then, continued Mr. M. I will follow the example that has been set me by the gentleman from New York, [Mr. FILLMORE,] and suppose a case, intending to be understood, however, as asserting what has actually taken place. For this purpose I will raise a select committee, and direct its attention, for a few minutes, to the case now in hand. Suppose, then, that the committee had been sitting about five weeks, and had examined all the testimony submitted to its consideration by the respective claimants—that the certificate gentlemen finding the "great seal" was beginning to melt before the burning influence of the poll books, asked further to experiment on the good people of New Jersey, and try if they could discover a sufficient number of illegal votes throughout the State to counterbalance the Democratic majorities in the townships that were suppressed. Suppose, in pursuance of this request, that the committee, by a bare majority, had postponed the further consideration of the case, and authorized the taking of additional testimony, until the second Monday of April next, in the manner and upon notice prescribed by the laws of New Jersey, reserving to itself, however, the right of reporting to the House the facts as they then appeared before the committee. That, on the 28th ult. this House passed a resolution instructing the committee forthwith to report which five of the claimants received the greatest number of lawful votes from the whole State, with all the evidence of that fact in their possession—that they assembled on the next morning, agreed on the basis and principles of a report, and directed the chairman to prepare it accordingly. Suppose that, on the 3d instant, the committee were called together, the report submitted, and found in all things to correspond with the data on which it was previously directed to be made—that at this time a member of the committee drew from his pocket a package, under a sealed envelope, directed to the Speaker of the House of Representatives, and purporting to be depositions in relation to the New Jersey election, and desired that they might be opened by the chairman, read, and considered, before the report should be submitted to the House. These depositions were said to refer to the manner of holding the election at South Amboy, although nothing of the kind was endorsed on the envelope. This gentleman, whose pocket, instead of the Speaker's desk or chairman's port folio, was made the depository of these depositions, appeared to understand their contents, and professed to have received a letter from one of the claimants whose pretensions they were designed to sustain, explanatory of their import. Such (said Mr. M.) was the time, and such the circumstances under which these depositions appeared before the committee. It is true that it was subsequently proposed to send them to the Speaker of the House, to the end that they might be opened and immediately returned to the committee; and it is true that this proposition was also rejected. Here, then, is the only paper relating to the case, according to my recollection, that was not considered by the committee before the report was presented to the House.

But the language (said Mr. M.) which the gentleman from New York [Mr. FILLMORE] has used towards the majority of the committee, will warrant a further examination into the circumstances, under which these depositions first made their appearance. Let us for a moment advert to the facts in the case.

The consideration of the subject on the *ultimate right* of the claimants had been postponed until the second Monday of April. They were engaged in taking testimony, with a view to a final adjudication at that period. The committee had not precluded themselves from making a preliminary report, should it be deemed advisable to do so, but the parties had a right to expect that it would be on the evidence examined, when they were personally present. A resolution passed the House on the 28th ultimo, calling for such a report. It was prepared and submitted by the chairman on the 3d instant. Sufficient time had intervened for a letter to reach South Amboy, where depositions were being taken, and a package to be transmitted from thence to this city. The depositions appear. I ask (said Mr. M.) if there were no grounds for him to suspect that all was not right? The order of the committee, as well as the laws of New Jersey, required that they should be certified, sealed up, and either handed or transmitted, by the officer before whom they were taken, to the SPEAKER of the House of Representatives.

How came they in the pocket of a member of the committee? They were sealed up, but was it done by the officer before whom they were taken, the party whose claims they were intended to sustain, or some one in this city? There was nothing on the envelope by which these facts could be satisfactorily ascertained. They were directed to the Speaker of the House of Representatives, but by whose hand? The gentleman, under whose polite attentions they were introduced into the committee room, asserted that they related to the manner of conducting the election at South Amboy: but did they contain *all* the testimony that was taken on that subject; or did they only embrace the evidence on *one* side? Were they procured and transmitted to this city without the knowledge of the opposing claimants, and whilst they were actually engaged in examining the rebutting witnesses?

These are inquiries which the gentleman's accompanying letter may have answered very satisfactorily, to his mind; but which, in my opinion, rendered the testimony wholly unworthy of consideration either in the committee or this House. Sir, said Mr. M. I have seen enough of this case to awaken my suspicion, to excite my watchfulness, and to induce me to insist on the observance of those rules that preclude the possibility of fraud. No one, it appears to me, who has examined the subject, and whose mind is unbiased by the party prejudices of the day, can view the course pursued by the county clerks, the Governor and his ten Councilmen, in any other light than as a most daring attempt to control the sovereign will in the selection of public officers. If these depositions were actually forwarded to this city by one of the parties, without the knowledge of the other, and before the examination of witnesses at that place, and in relation to the same subject, had closed, as there was but too much reason to suspect, is there a member on this floor who would seek to make the foundation of a report on a matter of so much interest to the people of this country? And I am assured, on the authority of a letter received in this city, and which now lies before me, that such was the case. The House will, therefore, see whether any evidence was suppressed, and on what foundation the gentleman's assertions rest. The gentleman, said Mr. M. has also insinuated that the majority had assembled after the adoption of the report, and reconsidered a vote, in the absence of three members, that had been taken in full committee. This, like his other charges, is without any just

or real foundation in fact. The committee, at the meeting alluded to, was equally as full as when the original vote was taken. If two of the members saw proper to step out of the room after the question was put, and a third declined voting—that third being the gentleman himself—it is no fault of the majority. Their absence was voluntary and intentional, and the charge itself unworthy of so respectable a source. Having already addressed the House at length, said Mr. M. I will not follow the gentleman in discussing the merits of the case. I rose to repel the unjust aspersions which he attempted to cast on a majority of the committee, and to expose to this House and the country, the desperate shifts that were being resorted to for the purpose of sustaining the Governor and Privy Council of New Jersey, in their attempted invasion on the rights and liberties of the people of that patriotic State.

Mr. TURNEY, after some preliminary remarks, moved the previous question on Mr. FILLMORE's motion to reconsider.

Mr. FILLMORE moved a call of the House.

Mr. SMITH of Connecticut, (another member of the committee,) rose to explain, in reply to Mr. MEDILL, but, amidst loud cries of order, resumed his seat.

The previous question was now seconded.

Mr. FILLMORE renewed his motion for a call of the House; and on this motion Mr. SMITH of Connecticut demanded the yeas and nays: which being ordered—

Mr. GRAVES moved to adjourn.

On this motion Mr. Mr. TURNRY demanded the yeas and nays, which, being taken, resulted as follows—yeas 79, nays 98. So the House refused to adjourn.

The question then recurring on a call of the House, it was decided by yeas and nays in the negative—yeas 61, nays 100. So the House refused to order a call of the House.

The previous question was now put and carried.

And the main question being on Mr. FILLMORE's motion to reconsider—

It was decided in the negative, as follows—yeas 78, nays 96.

So the House refused to reconsider the order by which certain additional testimony in the New Jersey case had been referred to the Committee of Elections.

Mr. FILLMORE said it had been suggested to him by several of his friends that the member from Ohio had imputed improper conduct to him before the committee, and had thrown out the idea that he (Mr. F.) was the individual who presented the sealed testimony. Now, all he wished was for the member from Ohio to state whether he intended to be so understood or not.

Mr. MEDILL said that when he had previously addressed the House, he was prevented from giving a full statement of the circumstances precisely as they occurred, owing to his being arrested by the member from Connecticut, [Mr. SMITH,] and compelled, under the resolution of the House, to speak of them as supposed cases. He would now, however, state that the facts in the supposed case existed precisely as he had stated them. A member of the committee produced, from his own pocket, a sealed envelope, purporting to contain testimony in relation to the New Jersey election, and directed to the Speaker of the House of Representatives. That member, on producing it, demanded that the papers it contained should be read. This was before the committee submitted their report to the House, but after it had been prepared. In speaking of the member, however, he did not say it was the gentleman from New York, [Mr. FILLMORE,] nor did he wish to be understood as alluding to him. It was the member from Connecticut, [Mr. SMITH,] the same gentleman who called him to order for referring to what took place before the committee. But he was of opinion that the gentleman from New York had joined in desiring that the papers should be opened and read.

The SPEAKER, in reply to a question from a member, here stated, that the papers in question were delivered to him by Mr. CAMPBELL, the chairman of the committee; they were enclosed in a sealed envelope, and were directed to him as SPEAKER. That was the first time he ever saw them.

Mr. TURNEY said he would like to know from the chairman of the committee how and in what way he came in possession of them.

[Here a scene of great confusion arose, many members attempting to speak at once, and which rendered it impossible for the Reporter to hear with distinctness.]

Mr. SMITH of Connecticut having with some difficulty obtained the floor, said that he had not called the gentleman from Ohio to order for alluding to any thing personal to him as a member of the committee, but on the ground that, under the resolution of the House, it was out of order to refer to the proceedings of the committee. With respect to the suggestion that some member of the committee had held very improper communication with one of the parties, (claimants,) he knew very well that the gentleman alluded to him. He knew that he was the person alluded to, because it was himself who delivered the testimony to the chairman of the committee, and the gentleman, if so disposed, might make as much of that fact as he pleased.

On this admission, there was some laughter from various parts of the hall.

Mr. S. said that if gentlemen supposed what he had said implied any conscious guilt, they were much mistaken; but if they chose to laugh, they could do as they pleased.

Mr. S. then went on to remark, what he considered a singular circumstance. He said that while the gentleman from Ohio had been denouncing the alleged improper communication with one of the parties, he had acknowledged that he himself had been holding such a communication. The denunciation was all on one side. When the gentleman rises and throws imputations on others, he, at the same time, tells the House that he has letters from one of the parties, informing him of what was going on.

Mr. S. went on to state, the depositions in question were sent to this city, under cover, to the Hon. Mr. OSBORNE, and under the envelope there was a letter directed to him, Mr. S. and which any member might read. The letter was of a political character, and merely mentioned that the depositions forwarded had reference to the illegal votes. The superscription on the envelope, containing the testimony, was "To the Speaker of the House of Representatives, care of the Hon. Mr. CAMPBELL: depositions on the New Jersey case."

Mr. S. said that, at the request of Mr. OSBORNE, he took the paper, and gave it to the chairman of the committee, supposing that as the committee had power to send for persons and papers, he had a right to open it. He, Mr. S. had been merely the instrument of taking it from his room and giving it to the chairman of the committee. There was nothing in the whole thing which could cast the least imputation on him. Mr. S. concluded by complaining that the previous question had been moved before time had been given him to make the above explanation.

Mr. MEDILL said, that, so far as the gentleman's explanation had represented him as acknowledging when up, "that he himself had been holding a communication with the parties," or either of them, it was wholly untrue. He had made no such admission or acknowledgment. What he had said was, that he had been shown a letter received by an individual in this city, and which then lay before him, confirming the suspicions that he had previously expressed in relation to the imperfect nature of the testimony in question, and the injustice that might have resulted from its consideration. These suspicions were freely expressed in the committee room, and in presence of the gentleman from Connecticut [Mr. SMITH] himself. He was taken by no surprise on this floor, he very properly acknowledges. He (Mr. M.) had held no communication with either of the parties, nor would he consent to consider any testimony not received through the ordinary channels prescribed by law and the rules of this House, unless the party whose rights were affected, had first an opportunity of being heard. He had never intended to refer to the matter on this floor, but had been driven to it by the unjustifiable attack of the gentlemen from New York, [Mr. FILLMORE.]

Mr. CAMPBELL asked leave to introduce a resolution that the journal of the committee and all the papers in its possession, in relation to the New Jersey contested election, be printed for the use of the House. What had passed to-day in the House rendered, he thought, such a measure proper, and almost necessary.

Objections being made by Mr. RICE GARLAND, and several others,

Mr. CAMPBELL moved to suspend the rules to enable him to make such a motion.

[The noise was very great, and the CHAIR arrested the proceedings until order could be in some degree restored.]

Mr. FILLMORE expressed his desire that such an order should be passed.

Mr. CRABB explained on the subject of the introduction of the bundle of papers into the committee.

A member objected to Mr. CAMPBELL's motion being received, as the floor had been yielded to Mr. PETRIKIN only for explanation.

The CHAIR decided the motion of Mr. CAMPBELL to be out of order, and declared the subject before the House to be the consideration of the report of the Committee of Elections, made on the 5th instant, on the New Jersey election.

The questions pending being Mr. FILLMORE's proposition to recommit—

Mr. PETRIKIN's motion to amend Mr. FILLMORE's proposition—

And the question immediately pending being the demand heretofore made by Mr. PETRIKIN for the previous question—

Mr. CAVE JOHNSON moved to adjourn.

Mr. CAMPBELL claimed the floor to explain. [Confusion and loud cries of order.]

The House refused leave for any more explanations.

Mr. CAVE JOHNSON withdrew his motion for adjournment.

Mr. CAMPBELL again attempted to explain.

Mr. TURNEY objected.

Mr. PETRIKIN moved an adjournment; but the motion was negatived by yeas and nays—yeas 50, nays 135.

So the House refused to adjourn.

Mr. CURTIS said that, as he believed the morning hour had expired, (viz. that allotted to reports and resolutions,) he demanded the orders of the day, (viz. private bills.)

The CHAIR replied that the hour had not quite expired.

Mr. PROFFIT moved a call of the House.

Mr. STANLY demanded the yeas and nays.

Mr. TURNEY inquired whether a majority of the House had power to refuse to go to the orders of the day?

The CHAIR replied that on ordinary days it had; but not on days set apart by rule for private bills and business.

Mr. R. GARLAND moved to adjourn.

Mr. TURNEY demanded the yeas and nays; which were ordered.

Mr. BELL wished, by general consent, to modify the language of a resolution moved by him, and agreed to by the House, in regard to the Winnebago treaty, on the ground that the language was thought to imply a want of decorum toward the Executive Department, though this had happened unintentionally, and through inadvertence.

Mr. TURNEY objected.

Mr. BELL moved to suspend the rules.

Mr. ADAMS made some remarks in support of Mr. BELL's request, and moved to reconsider the vote by which the resolution had been adopted.

Mr. HOFFMAN moved an adjournment.

On which motion the yeas and nays being ordered, resulted as follows—yeas 89, nays 85.

So the House, between 7 and 8 o'clock, adjourned.

IN SENATE,

MONDAY, March 9, 1840.

The CHAIR submitted a communication from the Secretary of the Treasury, in reply to a resolution of the 25th instant, as to the Five Per Cent. Fund of the State of Alabama; which was laid on the table, and ordered to be printed.

Also, a message from the President of the United States, transmitting a report from the Surgeon General in relation to sites for marine hospitals; which was laid on the table, and ordered to be printed.

Also, a message from the President, transmitting a correspondence with the Spanish Government, in relation to a reduction of tonnage duties on Spanish vessels; which was referred to the Committee on Commerce, and ordered to be printed.

NORTHEASTERN BOUNDARY.

The CHAIR also submitted the following message from the President of the United States:

To the Senate:

In addition to information already communicated, in compliance with the resolutions of the Senate of the 17th January last, I think it proper to transmit to the Senate copies of two letters, with enclosures, since received from the Governor of Maine, and of a correspondence relative thereto between the Secretary of State and the British Minister.

M. VAN BUREN.

Washington, March 9, 1840.

EXECUTIVE DEPARTMENT,
Augusta, February 15, 1840.

His Excellency M. VAN BUREN,
President of the United States.

SIR: A communication from Mr. Fox, the British Minister, to Mr. Forsyth, Secretary of State, under date of January 26th, contains the following statement:

"It appears from *accurate* information now in possession of the undersigned, that the Governor of Maine, and, through him, the President and General Government of the United States, have been misinformed as to the facts. In the first place, no *reinforcement* has been marched to the British post at the Lake Temiscouta; the *only change* occurring there has been the relief of a detachment of her Majesty's 24th regiment, by a detachment of *equal force* of the 11th regiment; this force of *one company* being now stationed at the Temiscouta post, as it *always has been*, for the necessary purpose of protecting the stores and accommodations provided for the use of her Majesty's troops, who may be required, as heretofore, to march by that route to and from the provinces of Canada and New Brunswick. In the second place, it is not true, that the British authorities either have built, or are building, barracks on both sides of the St. Johns river, or at the mouth of the Madawaska river; *no new barracks have in fact been built any where.*"

This statement has been read by the citizens of this State with the most profound astonishment. And however high may be the source from which it emanates, I must be permitted to say, in the language of that high functionary, that "it is not true;" though, in justice to him, I should add, that he has been misinformed. Though this State, in the vindication of her rights and maintenance of her interests, relative to her territorial boundary, from past experience, had no reason to expect any material admissions of the truth on the part of the British authorities, she was not prepared to meet such a positive and unqualified denial of facts as the foregoing exhibits, especially of facts so easily susceptible of proof. The "*accuracy*" of the information alleged to be in the possession of the Minister, is only equalled by the *justice* of the pretensions heretofore set up in regard to title.

But, not to be bandying assertions where proof is abundant, I deem it my duty to transmit to your Excellency the depositions of a number of gentlemen, citizens of this State, of great respectability, and whose statements are entitled to the most implicit confidence.

These depositions abundantly prove, that up to May last, nearly two months subsequent to the arrangement entered into through the mediation of General Scott, *no troops* whatever were stationed at Temiscouta lake: that in August, September, and October, the number did not exceed twenty-five; while now it has been increased to about two hundred: that, prior to May, no barracks had been erected at Temiscouta; but that, since that time, two have been built at the head of the lake, besides some five or six other buildings apparently adapted to the establishment of a permanent military post, and, at the foot of the lake, two or more buildings for barracks and other military purposes: that, though no *new* barracks have been erected at Madawaska, certain buildings, heretofore erected, have been engaged for use as such: that a road has been constructed, connecting the military post at the head and foot of the lake—a tow path made the whole length of the Madawaska river—the road from the head of the lake to the military post at the river Des Loup thoroughly repaired—transport boats built, &c. &c

I would further inform your Excellency that an agent has been despatched to Temiscouta and Madawaska for the purpose of procuring exact information of the state of things there at the present moment; but having incidentally found some evidence of the state of things prior to November last, I have thought best to forward it without delay for the purpose of disabusing the Government and the country of the errors into which they may have been led by the communication before alluded to. The report of the agent will be transmitted as soon as received, which may not be short of two weeks.

Under these circumstances, I have only to repeat my official call upon the General Government for the protection of this State from *invasion*.

I have the honor to be, with great respect,
Your Excellency's most obedient servant,
JOHN FAIRFIELD,
Governor of Maine.

To his Excellency Hon. JOHN FAIRFIELD,
Governor of Maine.

The undersigned has the honor to report that, in accordance with your commission of the 6th instant, he proceeded immediately to the St. John's river, Temiscouata lake, &c. and ascertained by actual observation the following facts:

That twenty-two miles below the mouth of Fish river, on the south side of the St. John's, and nearly opposite the Madawaska river, a house has been fitted up for *barracks*, and is rented by the English Government for that purpose, though no troops are there at present. It is built of hewn timber, two stories high, about sixty feet long and thirty wide. It has bunks prepared for over *one hundred* men. It is now in charge of one man only. From thence he followed up the Madawaska river, observing the tow path on its east bank, which has been made and repaired by the English Government, under contracts given out by James A. MacLauchlan, esq. of New Brunswick, the gentleman who has heretofore assumed to act as Warden of the disputed territory. This work was accomplished the past season; the length corresponds with that of the east side of the Madawaska river, which is about twenty-six miles long.

Two miles and a half below the foot of the Temiscouata lake, on the west bank of the Madawaska river, the English erected, early last summer, a barrack, about eighty feet long and thirty wide, and two small out buildings. At this post, there are now stationed one sergeant, one corporal, and five private soldiers of company No. 3, 11th regiment in the English service, where they have been since about the first of January last.

Near this point commences a road, connecting it with the English works next described, built the past season under contracts given out by said MacLaughlan, for the distance of sixteen miles, ten of which are fully completed, and the remaining six nearly. That fifteen miles from the foot of Temiscouata lake, on its west side, the English have erected eight buildings as barracks for soldiers, officers' quarters, a hospital, a magazine, a storehouse, and a commissary's house, all of which are surrounded by ditches, breastworks, and stockades, on three sides; the fourth is not fully completed. An accurate plan of all these works accompanies this report, and is here particularly referred to.

From Major Chambri, the commander at this fort, who was first informed of the object and cause of the inquiries, and from his officers, the following facts were ascertained: That he was there stationed by the Government of the Canadas, having, under his command, one company of grenadier soldiers, numbering about eighty-five men, of the 11th regiment, and one light company, the third of same regiment, numbering about ninety men, in all one hundred and seventy five, not including officers commissioned, or servants. The names of the officers are Maj. Chambri, Capt. Wallington, Lieuts. Bloss and Gould, and Ensign Tolun. That the barracks were commenced last spring, and some of the buildings are still unfinished. That the first soldiers were stationed here in June last, comprising a sergeant, corporal, and ten men of 24th regiment; and in November following said company of grenadiers were ordered to take their place, and that about the first of January last they were reinforced by said third company. That the road from these barracks, to the river Des Loup, has been made and repaired the past season, distance about thirty-six miles.

In addition, the undersigned ascertained that the English have built, at Lake Temiscouata, a number of large flat bottom boats, and also keel boats, each of which will serve to carry fifty men, and the flat bottom boats would transport, safely, heavy ordnance. Outside the defences the English have a boat and store house.

The works at this fort are calculated to be a sure defence against *artillery* and *light arms*, as will more fully appear from plan annexed.

All of which is most respectfully submitted

BENJAMIN WIGGIN.

AUGUSTA, Me. Feb. 27, 1840.

STATE OF MAINE—SECRETARY'S OFFICE,
Augusta, Feb. 27, 1840.

I hereby certify that the foregoing is a true copy of the original deposited in this office.

Attest, PHILIP C. JOHNSON,
Secretary of State.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, March 6, 1840.

By the directions of the President, the undersigned, Secretary of State of the United States, communicates to Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain, the enclosed copy of a report made to the Governor of the State of Maine, by the agent, commissioned on the part of the authorities of that State, to ascertain the precise character and extent of the occupation of parts of the disputed territory by troops of her Britannic Majesty, and of the buildings and other public works constructed for their use and accommodation.

By that report, and the three depositions which the undersigned informally communicated to Mr. Fox a few days since, he will perceive that there must be some extraordinary misapprehension on his part of the facts in relation to the occupation by British troops of portions of the disputed territory. The statements contained in these documents, and that given by Mr. Fox, in his note of the 20th of January last, exhibit a striking discrepancy as to the number of troops now in the territory, as compared with those who were in it when the arrangement between Governor Fairfield and Lieutenant Governor Harvey was agreed upon; and also as to the present and former state of the buildings there. The extensive accommodations prepared and preparing, at an old and at new stations, the works finished, and in the course of construction, on the land and on the water, are not in harmony with the assurance the only object is the preservation of a few unimportant buildings and store houses for the temporary protection of the number of troops her Majesty's ordinary service can require to pass on the road from New Brunswick to Canada.

The undersigned will abstain from any remarks upon these contradictory statements, until Mr. Fox shall have had an opportunity to obtain the means of fully explaining them. How essential it is, that this should be promptly done, and that the steps necessary to a faithful observance on the part of her Majesty's colonial authorities of the existing agreements between the two Governments should be immediately taken, Mr. Fox cannot fail fully to understand.

The undersigned avails himself of the occasion to renew to Mr. Fox assurances of his high consideration.

JOHN FORSYTH.

Mr. Fox to Mr. Forsyth.

WASSHINGTON, March 7, 1840.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to acknowledge the receipt of the official note of yesterday's date, addressed to him by Mr. Forsyth, Secretary of State of the United States, to which is annexed the copy of a report from Mr. Benjamin Wiggin, an agent employed by the State of Maine to visit the British military post at Lake Temiscouta; and in which reference is made to other papers upon the same subject, which were informally communicated to the undersigned by Mr. Forsyth a few days before; and the attention of the undersigned is called by Mr. Forsyth to different points upon which the information contained in the said papers is considered to be materially at variance with that which was conveyed to the United States Government by the undersigned in his official note of the 26th of last January.

The undersigned had already been made acquainted, by the Lieutenant Governor of New Brunswick, with the circumstance of Mr. Wiggin's visit to the military post at Lake Temiscouta, where the officer in command very properly furnished to Mr. Wiggin the requisite information upon all matters connected with the British station, which he appeared desirous to inquire about.

The alleged points of variance, after deducting what is fanciful and conjectural in the reports now produced, and after comparing what is there stated in contradiction to other reports before produced from the same quarters, do not appear to the undersigned to be by any means so material as they seem to have been considered by the Government of the United States. The British military detachment stationed at Lake Temiscouta, which the agents employed by the State of Maine had, in the first instance, with singular exaggeration, represented as amounting to two regiments, is now discovered by the same parties to amount to one hundred and seventy-five men, which, instead of two regiments, is something less than two companies. It is indeed true, should such a point be considered worth discussing, that the undersigned might have used a more technically correct expression in his note of the 26th of January, if he had stated the detachment in question to consist of from one to two companies, instead of stating it to consist of one company. But a detachment of her Majesty's troops has been stationed at the lake Temiscouata, from time to time, ever since the winter of 1837 and '38, when the necessity arose from marching reinforcements by that route from New Brunswick to Canada; and it will be remembered that a temporary right of using that route for the same purpose, was expressly reserved to Great Britain in the provisional agreement entered into at the beginning of last year.

It is not therefore true that the stationing a military force at the lake Temiscouta is a new measure on the part of her Majesty's authorities. Neither is it true that that measure has been adopted for other purposes than to maintain the security of the customary line of communication, and to protect the buildings, stores, and accommodations provided for the use of Her Majesty's troops when on a march by that route; and it was with a view to correct misapprehensions which appeared to exist upon these points, and thus to do away with one needless occasion of dispute, that the undersigned conveyed to the United States Government the information contained in his note of the 26th of January.

With regard again to the construction of barracks and other buildings, and the preserving them in an efficient state of repair and defence, a similar degree of error and misapprehension appears still to prevail in the minds of the American authorities.

The erection of those buildings within the portion of the disputed territory now referred to, for the shelter of her Majesty's troops while on their march, and for the safe lodgment of the stores, is no new act on the part of her Majesty's authorities. The buildings in question have been in the course of construction from a period antecedent to the provision agreements of last year, and they are now maintained and occupied along the line of march, with a view to the same objects above specified, for which the small detachments of troops also referred to, are in like manner there stationed.

The undersigned will not refrain from here remarking upon one point of comparison exhibited in the present controversy. It is admitted by the United States authorities that the armed bands stationed by the Government of Maine in the neighborhood of the Aroostook river, have fortified those stations with artillery; and it is now objected as matter of complaint against the British authorities, with reference to the buildings at Lake Temiscouata, not that those buildings are furnished with artillery, but only that they are defended by palisades capable of resisting artillery. It would be difficult to adduce stronger evidence of the acts on the one side being those of aggression, and on the other of defence.

The fact, shortly, is, and this is the assential point of the argument, that her Majesty's authorities have not as yet altered their state of preparation, or strengthened their military means within the disputed territory, with a view to settling the question of the boundary, although the attitude assumed by the State of Maine with reference to that question, would be a clear justification of such measures; and it is much to be apprehended that the adoption of such measures will sooner or later become indispensable, if the people of Maine be not compelled to desist from the extensive system of armed aggression which they are continuing to carry on in other parts of the same disputed territory.

The undersigned avails himself of this occasion to renew the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

The documents having been read:

Mr. WILLIAMS addressed the Senate in justification of himself, as well as the Governor of Maine, for having declared that a portion of that State was occupied by British troops, and that the British authorities had erected barracks and military works upon the disputed territory; which statements had been denied by Mr. Fox's letter to Mr. Forsyth of the 24th of January last.

Upon the call of the Senate, (said Mr. W.) the President communited the correspondence between this Government and Great Britain, and also all the correspondence which had been had since the last session of Congress with the Governor of Maine and the British Minister at Washington, relative to the Northeastern boundary, and the jurisdiction of the disputed territory. This was done on the 22d of January last, and embraced the able and significant reply of Mr. Forsyth of the 16th of January, to the note of Mr. Fox of the 12th of January last, declaring "that a persistance in, or a repetition of, such acts, on the part of her Majesty's agents, as those now complained of, would, if avowed by Great Britain, be considered as but little in accordance with those (Mr. Fox's amicable) assurances."

The message and documents were immediately printed and widely circulated throughout the country, producing a deep sensation on the public mind. On the 24th of January, Mr. Fox addressed another note to Mr. Forsyth, saying, among other things, that "since the date of his last official note of the 12th instant, he has been furnished by her Majesty's authorities in North America with more correct information than he then possessed, respecting certain reported movements of British troops within the disputed territory, &c." and adding, that "it appears from accurate information now in the possession of the undersigned, that the Governor of Maine, and, through him, the President and General Government of the United States, have been misinformed as to the facts. In the first place, no reinforcement has been marched to the British post at the Lake Temiscouata; the only change occurring there has been the relief of a detachment of her Majesty's 24th regiment by a detachment of equal force of the 11th regiment; this force of one company being now stationed at the Temiscouata post, as it always has been, for the necessary purpose of protecting the stores and accommodations provided for the use of her Majesty's troops who may be required, as heretofore, to march by that route to and from the provinces of Canada and New Brunswick. In the second place, it is not true that the British authorities either have built, or are building, barracks on both sides the St. Johns river, or at the mouth of the Madawaska river; no new barracks have in fact been built any where," &c. to which Mr. Forsyth replied on the 28th of January; and on the 29th of that month, the President transmitted both letters, with his message, to the Senate, which were printed and extensively circulated through the country. You may well suppose, said Mr. W. with what astonishment I listened to such assertions from the official organ of her Britannic Majesty! Although perfectly satisfied that the statements of Governor Fairfield were substantially correct, I could not but be sensible that the letter of Mr. Fox was well calculated to throw suspicion on those statements, and to create a belief that Governor Fairfield had mistaken and misrepresented the true state of the case. I regret that he has been obliged to lay under this imputation so long, but am now rejoiced that the President has done justice to the Governor of Maine, as well as to the nation, by voluntarily communicating the evidence which has been furnished to him, and which has now been read to the Senate, fully establishing, as it does, the correctness of the statements made by Governor Fairfield, and showing the entire want of accuracy in the allegations in the British Minister's note of the 24th of January. Let us see what Mr. Fox declares, in that note, "appears from the accurate information then in his possession." In the first place, (said Mr. W.) he asserts "that no *reinforcement* has been marched to the Lake Temiscouata." The evidence is, that the 3d light company of 10th regiment, numbering ninety men, was marched to that post about the first of January last, as a *reinforcement to the grenadiers then there.* In the second place, Mr. Fox says, "the *only change* occurring there has been the *relief* of a detachment of her Majesty's 24th regiment by a detachment of *equal* force of the 11th regiment" The evidence is, that, in November last, there was at that post *a sergeant, corporal, and ten men only*, who were *then* relieved by a company of grenadiers of 11th regiment, consisting of *eighty-five men.* In the third place, Mr. Fox states "that this force, of *one company*, being now stationed at the Temiscouata post, *as it always has been*," &c. The evidence is, that, prior to June last, there was *no* force there, and, until November, there was *only a sergeant's guard.* In the fourth place, Mr. Fox says "that it is not true, that the British authorities either have built or are building barracks on both sides of the St. Johns river, or at the mouth of the Madawaska river." The evidence is, that barracks, and other strong works, have been built at the foot and head of the lake on the *north side* of the St. Johns river, and that a large building of hewn timber on the *south side* of that river, and *opposite the Madawaska river*, has been hired, fitted up for barracks, and is now occupied by the British authorities for that purpose. In the fifth place, Mr. Fox asserts "that *no new* barracks have, in fact, been built any where." The evidence is, that *new* barracks have been built at the *head* and *foot* of the lakes.

But enough of this. The depositions of witnesses under oath, and the report of the agent sent by the authorities of Maine, for the special purpose of seeing the works and ascertaining the force of the British upon the disputed territory, will carry conviction to the mind of every one who will read them, and the nation will see and duly estimate the truth of the case.

Having said (continued Mr. W.) what I considered to be my duty to Governor Fairfield, the State of Maine, and myself, in reference to this extraordiuary letter of the British Minister, I would now ask the attention of the Senate to a more important view of the subject. By the arrangement entered into in March last between the Governor of Maine and the Lieutenant Governor of New Brunswick, it was agreed that the Lieutenant Governor of New Brunswick, without renewed instructions to that effect, would not seek to take military possession of the disputed territory, &c. In answer to Governor Fairfield's inquiry in December last, as to British troops being stationed within the diputed territory, Sir John Harvey says, "that whatever movements of troops may have taken place on the side of Lower Canada, have been made by authority *superior* to mine," &c. Is it possible that, after making an arrangement with the Lieutenant Governor of New Brunswick for the preservation of peace upon the borders, pending the negotiation on the subject of the boundary, we are now to be told that, while the Lieutenant Governor respects and conforms to his own arrangement, *his superior* may and will do as he pleases; and is to be permitted to construct strong posts and keep what military force he thinks proper upon the territory in dispute? Are we quietly to remain in a condition so humiliating? I trust not. And yet this is the position in which we are placed, if we accede to the views taken by Mr. Fox in his letter of 24th of January last, where, speaking of her Majesty's authorities in North America, he says: "they will, as at present advised, consult their own discretion, in adopting the measures of defence that may be rendered necessary by the threats of a violent interruption to the negotiation, which have been used by all parties in Maine," &c.

Here we have the avowal of the accredited Minister of he Britannic Majesty to this Government, that *her Majesty's authorities in North America*, (not the Lieutenant Governor of New Brunswick, for he has made an agreement which forbids *his* doing it,) assuming, without the least foundation for such assumption, that Maine threatens, or desires, a violent interruption to the negotiation, will, as at present advised, *consult their own discretion* in adopting measures of defence; and we have the proof that, in the exercise of that discretion, those authorities have constructed strong military posts, stationed regular troops, and made roads for the transportation of men and military stores *within the disputed territory*, contrary to agreement, and in violation of the just rights of the State of Maine. Shall we, can we, submit to such usurpation? to such wrong? If there is a patriotic feeling in the bosom of any American, it will emphatically respond, no!

Mr. W. then alluded to the late message of Sir John Harvey to the Assembly of New Brunswick, in which he expresses great confidence that, upon the arrival in England of the commissioners who recently came out to examine the disputed territory, and upon their report being made to the Ministry at home, such a proposition would be made for the adjustment of the question of boundary as would be satisfactory to this Government. He does not intimate what that proposition will be, or how it *will be made* satisfactory, but the Assembly thereupon passed a bill to authorize Governor Harvey to raise a corps of twelve hundred men whenever it might become necessary. Our whole borders are being surrounded with military posts and fortifications; additional troops are being sent into the provinces; and soldiers and military works are placed within and upon a portion of the territory in dispute.

With such means upon our borders to render a proposition satisfactory, who can wonder that Sir John Harvey should feel great confidence that it would *prove* satisfactory? Would it not, under such circumstances, be wise to place our frontier in a condition which will enable us to consider and act upon any proposition which may be made to us with calmness and freedom from coercion? Is it not apparent, while this Government is resting in security, relying upon the strong and reiterated declarations of Great Britain of its anxious desire to bring the long

pending controversy about our Northeastern boundary to an amicable and just termination, and conforming to the arrangements for preserving peace on the borders, that the British authorities are steadily and constantly preparing for a different result? Shall we be blind to the recent augmentation of troops in the provinces—to the construction of military posts upon our whole Eastern and Northern frontiers—to the making of roads for the speedy movement of troops and the erection of buildings for their accommodation? While Maine, deeply interested in the question of boundary, is looking with intense anxiety upon these extensive preparations for conflict, and is calling upon the General Government to fulfil the constitutional duty of protecting and defending her against foreign encroachment and dismemberment, what has the Government done? Has it come to her in that way which would have been most likely to preserve her rights and bring the question to a prompt termination? Is it now the duty of this Government forthwith to meet the recent movements of Great Britain by corresponding movements upon our part? Would not such a course promote the amicable and early settlement of the pending dispute? And by so doing, would not the hazzard of border conflicts be greatly diminished? These questions demand the serious and solemn consideration of Congress and the country. Maine does not desire, by any act of hers, to bring on a war, but she ought not, and cannot, suffer a portion of her territory long to remain in the military occupation of foreign troops.

Mr. W. then moved that five thousand extra copies of the message and documents be printed, and in order that the public might see and compare the statements of Mr. Fox, with the evidence now furnished, that the same number of the President's message of the 29th of January, together with Mr. Fox's letter of the 24th of January, and Mr. Forsyth's reply thereto, should also be printed with the present message and documents; which was agreed to.

Mr. CALHOUN presented a memorial from the Town Council of Georgetown, South Carolina, asking for the erection of a light-house at the mouth of the river Santee; which was referred to the Committee on Commerce.

Mr. TALLMADGE presented a memorial, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. STURGEON presented a memorial, praying for the imposition of a moderate duty on foreign silks; which was referred to the Committee on Finance.

Mr. WRIGHT presented a petition from a number of citizens of New York, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WALL presented a similar petition; which had the same reference.

Mr. W. also presented additional papers in relation to the claim of John H. Mackintosh; which were filed with the bill for his relief.

Mr. CLAY of Kentucky presented a memorial of stockholders of the Agricultural Bank of Natchez, for further indulgence in the payment of a sum due the Government; which was referred to the Committee on Finance, and ordered to be printed.

Mr. C. also presented several memorials in favor of measures for the prevention of wars between nations; which were referred to the Committee on Foreign Relations.

Mr. BENTON presented a memorial from some good hard money men of Missouri, remonstrating against the present banking system; which was laid on the table, and ordered to be printed.

Mr. B. also presented a memorial of citizens of Missouri, praying the passage of a pre-emption law; which was laid on the table, and ordered to be printed.

Mr. SPENCE, from the Select Committee, to which was referred the memorial of Samuel Forry, made a special report thereon; which was ordered to be printed, accompanied by a bill, which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred a bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri and the Territory of Arkansas, to institute proceedings to try the validity of their claims, &c. reported the same with an amendment; which was ordered to be printed.

Mr. STRANGE, from the Committee on Naval Affairs, reported a bill for the relief of William Hogan, administrator of Michael Hogan; which was read, and ordered to a second reading.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Francis A. Harrison; which was read, and ordered to a second reading.

On motion by Mr. NORVELL, the vote of the Senate adopting the report of the Committee on Naval Affairs, adverse to the claim of was reconsidered, and the petition, with additional papers, was again referred to that committee.

The motion submitted some days since by Mr. BENTON to print ten thousand additional copies of the salt document, was taken up, and agreed to—ayes 23, nays 14.

Mr. LINN, from the Committee on Private Land Claims, reported a bill for the relief of Jean Baptiste Comeau; which was read, and ordered to a second reading.

Mr. TALLMADGE submitted the following resolution, which was agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of reappropriating by law the balance of the appropriation of ten thousand dollars, heretofore made by Congress, to be distributed among the officers and crew of the late private armed brig "General Armstrong," which balance, amounting to $2,975 20, was carried to the surplus fund on the 31st December, 1839.

ADJOURNMENT OF CONGRESS.

Mr. LUMPKIN moved to take up the following resolution, submitted by him some days since, in relation to the adjournment of the two Houses of Congress:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses *sine die*, on Monday, the —— day of May next.

Mr. LUMPKIN said this was a subject which did not require many words for its elucidation, as every Senator could judge of its propriety or impropriety. From the convictions of my own mind, said Mr. L. I am satisfied that if we agree to fix the adjournment two months hence, we can do more business, and do it better, than if we delay it till September next. Thirty years' reflection had convinced him that, when a definite day was fixed for the adjournment, the members applied themselves more assiduously to business; there was less talking and more action; and a general disposition to despatch the measures before the expiration of the time allotted had expired.

But there was another and an important consideration to be taken into account. Taking the expenses of the short sessions as data, we have been sitting here up to this day, at an expense to the nation of little short of half a million of dollars. And what have we done during this time? If my recollection is correct, Congress has passed but three bills—one of which was for the payment of themselves.

Another consideration, and, with him, a very important one, was that, on account of the long sessions, and the great difficulty of getting the business entrusted to them by their constituents transacted, Congress was lowered in the estimation of the country, which was a great public evil. Notwithstanding the great outcry about Executive abuses and Executive patronage, the Legislature is by far the most important branch of this Government. Whatever may be the amount of Executive abuses, they dwindle into insignificance, when compared with those which may spring from improper legislation. Whatever may be his designs, no Executive can materially injure this country, if Congress does its duty. The President only executes the laws; and if this is done improperly, Congress has the power of checking him; and has even the power of removing him from office.

In submitting this resolution, Mr. L. said, he had consulted no one on the subject; but he thought the interests of the country, and the character of Congress, required that they should adjourn at the earliest day the situation of the public business would permit. He would not occupy longer the time of the Senate, but wished to record his vote on the proposition. He would discharge his duty, and he presumed others would discharge what they conscientiously believed to be theirs.

Mr. L. then moved to fill the blank with the "18th day of May next;" which was agreed to.

Mr. CLAY of Alabama, expressed himself decidedly in favor of the resolution, which had been introduced by the honorable Senator from Georgia, [Mr LUMPKIN.] He said he would not only cordially vote to adjourn the present session of Congress on the 18th of May next, but he would go still further, and would vote for an amendment of the Constitution, by which the first session of the term, as well as the last, should be limited to some definite period. He said it appeared to him that the tendency of things, for the last ten or twelve years, was toward a perpetual session of Congress, to which he was utterly oppposed. Mr. C. said it had become customary for Congress, at the first session in every term, to continue here seven or eight months, when a much shorter time was required for the despatch of the public business; and it was time to make a change.

Mr. C said it was a fact, easily demonstrable, that much the greater portion of the business was done, at every session, whether long or short, within the last few weeks. He said he had been an attentive observer of operations here for the last ten or eleven years; and such, as far as he recollected, had been uniformly the case. But (he said) he had just looked hastily into the proceedings of the last two sessions, and found this view of the matter fully sustained. The last session was a short one; but about two hundred and fifty acts and resolutions had been passed—the usual amount of business had been done. Yet, (said Mr. C.) up to the 6th of February, when more than two out of the three months of the session had elapsed, only five acts and one resolution had passed. The remaining two hundred and forty or fifty acts and resolutions had been passed within the last twenty-five days of the session. At the preceding session, which was the last long one, and continued from the first Monday in December to the 9th of July, about two hundred and seventy acts and resolutions had been passed; and, of that number, about one hundred and seventy passed within the last thirty days of the session.

Now, (said Mr. C.) I may not be precisely accurate—my calculation has been hastily made; but I do not believe I am far wrong: and what does it prove? It shows satisfactorily, to my mind, that about an equal amount of business is done in a session of three months that is done in a session of eight months—and the greater portion always within the last few weeks, at either session.

Mr. C. said he had also observed another fact in his experience here, and that was, that so soon as a day of adjournment was fixed, every one began to attend more assiduously, and manifested a stronger desire to despatch the business. He thought he might appeal with confidence to all who had served at former sessions, to sustain him in this view of the subject. Let it be once understood, on all hands, that there is to be an end of the session on the 18th of May, and we should see the members of both Houses prosecuting their duties with increased energy and alacrity. Assured, as he was, that the results would be altogether beneficial, Mr. C. expressed the hope that the resolution would receive the sanction of the Senate.

Mr CLAY of Kentucky took that occasion to express the pleasure he felt in finding such a measure emanate in the quarter it did. He not only had no objection to the time fixed in the resolution, but was ready to go still further, and vote for an adjournment to-morrow, ay, or even that very day; for, from the appearance of things around him, he must say, and he did so with the deepest regret and mortification, that nothing was to be expected from the present session of the present Congress, either to advance the interests, or to relieve the embarrassmentr of the people. The sooner, then, that they went home and mixed with their constituents, the better. Let us go to the honest farmer, and take a chaw tobacco with him, and ask him "how are his children—how the state of his crops, and what markets are afforded, in the present crippled state of the times, through the war made upon the banks and credit of the country;" and when we meet again, said Mr. C. it will be under happier auspices; we shall then be likely to find a Congress better organized, and more disposed to regard the public weal. The only objection he had to this measure was, that it was calculated to deceive and impose upon the people; he did not impute any such design to the Senator from Georgia; but that was its evident tendency. Who for one moment believed—did the honorable Senator himself believe—that the session would be closed by the middle of May next? No, sir, said Mr. C. the dog-days will still find us in this city, and I object only that the step is calculated to impress the people with the belief that such a step was seriously contemplated. The state of the finances was such as to require the issue of some four or five millions of Treasury notes, and, by the time we were ready to go, we might be called on for four or five millions more, and that alone would compel us to stay. He should vote for the resolution, convinced, as he was, that nothing would be done to improve the condition of the country; and the sooner, therefore, the adjournment took place, the better for the country and their friends.

Mr. LUMPKIN said the Senator from Kentucky [Mr. CLAY] was not present when he introduced the resolution. He had then stated that it was the result of no consultation with any person, but was presented from his own convictions of duty. He had not stated that he anticipated that his resolution would pass, as he had no intention to deceive. He would even say he did not anticipate success, but he had so received his lessons in the school of duty, as, when convinced he was in its path, to sow his seed in the morning, and not withhold his hand in the evening. He would discharge what he conscientiously deemed to be his duty, regardless of consequences.

Mr. BENTON appreciated fully the motives which actuated the Senator from Georgia, in presenting this resolution. They were all laudable, and such as should actuate gentlemen in bringing forward public mensures. He had many years since been convinced of the evil resulting from the inequality of duration in the short and long sessions, and thought it would be of advantage to equalize them, by taking something from the end of the long, and adding something to the beginning of the short session. A bill, with a provision of this kind embraced in it, passed both branches of Congress a few years since, but was vetoed by the Executive, on the ground that we had no power to make a permanent law on the subject; that one Congress had no right to bind its successors, though each might legislate for itself. He was in favor of adjourning earlier and meeting earlier. By our present arrangement, gentlemen were generally on their way here during the first severe spell of cold weather, and were therefore exposed to its inclemencies, at the great risk of life and health. He had himself been more than once frozen up on the Ohio river, and compelled to prosecute his journey by land, over by-roads and in neighborhood conveyances. Business is also delayed by the present arrangement, as from the time at which we meet it has got to be a settled thing that no business is to be transacted until after Christmas. But he would suggest to the Senator from Georgia the propriety of holding up the resolution for a few days, that some consultation and assimilation of opinions might be had on the subject. There were now on our table three or four communications, and one special message from the President, upon the subject of an anticipated deficit in the Teeasury. The great diversity of opinion between the Executive and Judiciary in regard to the operation of certain provisions of the compromise act: the great increase of drawbacks, which have reached an enormous amount: the almost certainty that the debts owing to the Government by many of the banks—all were operating to produce a deficiency in the Treasury. The Bank of the United States will owe a large amount to the Government in September; but that institution will now not even pay out her own irredeemable rags to discharge her obligations. Checks drawn on her by depositors are not paid, but they merely stamp "good" on them—to which some add "for nothing." If the bills which were necessary to keep the Government in existence were in the power of the Senate, then he might be disposed to consider the propriety of fixing a day for adjournment; but he was not willing to see this Government crumble down into atoms for the want of means to carry it on, and he would give no vote which should put it into the power of those who were willing to see Congress adjourn to-day, (as Mr. CLAY of Kentucky said he was,) and thereby leave the Government to dissolve; for the event is certain, that unless bills are passed to raise money, the Government must stop payment before the next session.

Mr. LUMPKIN concurred with the Senator last up in the propriety of many of his remarks; but in the proposition before them there was no hasty day fixed—there was abundance of time allowed to make up all matters alluded to by that Senator, and all other necessary business. He could not bring himself to indulge the idea that another branch would fail to do its duty when the day for closing the session was named. He had never been in the habit of speaking of party, or expressing party opinions, (that was for another place, not for the Senate of the United States;) but, having a majority, as his political friends had, in both branches of the National Legislature if they would not act, he was ready for the blame to rest on his side of the House. He was willing to go home to his constituents, as the Senator from Kentucky had suggested. They had a double duty to fulfil: one that pertained to Congress, and another to themselves. He felt desireus to bring the session to a close.

Mr. SEVIER was in favor of the resolution. He wished to go home to his constituents. So long as a limit was not fixed, the public business was not progressed in. During short sessions they had ample evidence that more was done in three months than usually in any six of the long ones. With regard to the wants of Government, he was willing to supply what it required—five, ten, nay twenty millions, if such a sum was necessary. He was not particular about that matter; but, if the public business was not attended to, he was for leaving the responsibility where it belonged. He coincided in the opinion that Congress was not the place for discussing the merits of candidates for public favor. They were sent here to transact business, and not to make speeches. Political discussions were more appropriate subjects for the stump, where gentlemen would have an opportunity of displaying themselves when they returned to their constituents.

Mr. HUBBARD wished to postpone the whole matter for the present. He would go as far as any man in his efforts so to dispose of the public business as to have an early adjournment. But look at the state of the public business. When all the important public bills passed by this body were sleeping on the Speaker's table, was that a time to move in this business? In fact, the other branch was not fairly organized. When that took place, he would be ready to go with his friend from Georgia in fixing some certain day. He would therefore move to postpone it until that day week.

This motion was negatived—ayes 19, noes 21.

Mr. ALLEN said I believe the condition of public affairs was never more critical than at present—never were more important measures, more difficult questions, grouped together and pressed at once upon the attention of Congress. We are assembled here, not as visiters, for a limited number of days, to enjoy, during the winter, the luxuries of the capital, and to retire, at the opening of spring, to the interior, as our taste or private convenience may suggest; no, but to transact those affairs with that circumspection and care becoming men charged with so solemn a trust. Whatever may be the reason of the fact, experience proves the fact to exist—that even in ordinary times, much less at a conjuncture like this, the period fixed in the pending resolution for the adjournment, has been found too short for the alternate sessions of Congress.

It has been declared a violation of order to speak here of the House of Representatives. Not so. It is, as it should be, out of order to allude *disrespectfully* to that body, or to any one of its members; not otherwise. Well, the resolution declares that the President of this, and the Speaker of the other, branch shall, on a given day, and that not distant, adjourn, finally, their respective Houses. The resolution is, therefore, a declaration of the Senate's opinion to the country—a declaration to be made now in advance, that the House of Representatives ought to transact all its business within a period named, not by the House itself, but by the Senate, and that period far short of the usual day of adjournment for the long session.

It is proposed to make this declaration, although it be a fact notorious, (of the reason I speak not,) that the House, so far from having acted definitely upon any one of the public measures, which are admitted to be not only indispensable to the general welfare, but some of them to the very life and being of the Government—that it is not yet, as to one of the States, even an organized body, prepared to act at all. Are we then, is it wise or just that we should, thus chide the House for its tardiness—thus prescribe, in advance, limits to its action—thus infer delinquency in that body, by proclaiming our own prompt fidelity to the public?

But how stand matters with the Senate itself? Where are the general appropriation bills? Where the revenue bills? Where the graduation, the pre-emption bills? Where that for the continuation of the Cumberland road? Have these been acted upon, even here? Have any one of them gone through the first stage to consummation? And are Senators prepared to hazard these measures, for the want of time, by fixing an adjournment so unusually near? Some of these bills must originate in the House, before acted upon here; and when, in the existing condition of things, can we expect them to come to the Senate? We sent to the House the bill for the defence of Florida, weeks ago, yet it still sleeps upon the table—so we sent, and so sleeps the Independent Treasury—as likewise others of less importance. If by any untoward event these measures be lost, where is the responsibility? It falls upon the majority—the friends of the Administration, if indeed they be a majority. For, sir, whosoever may, in fact, be the delinquents, the people will, and ought to, ascribe results to those who have the power to act, and to apportion responsibility by the standard of numbers. I say they ought, because such is the theory of our Government—and this the only effective compulsion on majorities to do their duty. This is true of bodies in the aggregate, although it is equally true that the justice of the people, in the separate States and districts, will hold their particular Representative likewise individually responsible, if among the delinquents, notwithstanding they are of the minority.

Again, the bank charters of this District expire, I believe, on the fourth of the coming July. They have applied to this body for a renewal—must be renewed this session, if at all, and as yet, have not been put through even the first process. Now, sir, come up when they will, as come up they must, they shall not, with my consent, be smuggled through the Senate without discussion, for want of time to discuss them. No; I am not now to learn the character of the great contest which, at this hour, so deeply convulses all parts of the country—a contest involving principles which must in future affect most sensibly, most vitally, the very form of this Government—the safety, the very existence of the Republic. Nor am I yet to learn that our example, in this particular, will exert upon that contest an influence, powerful for good or for evil.

Sir, my friend from Georgia, [Mr. LUMPKIN,] who introduced this resolution, and those Senators who support it, are unquestionably sincere in believing the time sufficient; they are incapable, I know, of being otherwise; but still I think with the Senator from Kentucky, [Mr. CLAY,] that, though the resolution may be passed, we shall nevertheless be found here engaged at the ordinary period of adjournment. And, if so, will it not seem, that, by thus fixing in advance a time so far short of that to which, in the end, we actually extend the session, we have been but sporting with the public credulity? I repeat, that I know Senators incapable of intending this; but it becomes the dignity—it is essential to the moral force of a legislative body, not only to act in good faith, with candor and sincerity in all things, but to *appear* so to act.

After all, in the condition of the public business, not the number of days, is the rule by which to determine the adjournment. We are sent here to do that business, nor will the people, if we adjourn and neglect it, excuse our delinquency, because we are quick to prove ourselves delinquent. They are just—they reason justly; and they will approve or condemn, according to the manner in which we spend the time, not to the time itself. Let us, therefore, work—faithfully work—and, being done, go home. Sir, I now speak sincerely my opinions, formed, as they are, alone in reference to the public welfare, and have a right to be thought sincere. For who has neglected his duties less—who been more steady to his post than I? So much so, indeed, that I do not now remember an entire day, or a single vote, I have lost since I became a member of the body—certainly no vote of importance. However hazardous may be the question, I neither dodge nor flee. Let us, then do the work and go home. There, I am as anxious to be as any other Senator. I move, therefore, to lay the whole subject upon the table.

Mr. CLAY of Alabama, requested Mr. ALLEN to withdraw his motion to lay the resolution on the table, which precluded debate; which having been done,

Mr. C. inquired whether the Senator from Ohio intended certain remarks relating to "tricks," and "playing mountebank," to apply to him, or the course he had thought proper to pursue on this occasion.

Mr. ALLEN having disclaimed any such intended application.

Mr. C. expressed himself satisfied, and remarked that he had supposed the reasons he had before assigned, for supporting the resolution, were sufficient to exempt him from any such imputation. He said he had shown by reference to the last two sessions, that nearly all the business was done within the last thirty days of each; and that about the same number of laws were passed at the short session of three months, as at the long sessions, which had been for years growing longer and longer, until they occupied seven or eight months. This was sufficient to satisfy him, that the public business could be done within a more limited time; and, if so, it followed, that regarding economy, and the public interest, it ought to be done. Nor was he afraid of the responsibility of now fixing a definite period for the session, when it was manifest sufficient time would be allowed for the performance of all the necessary duties. He said if the public business was not done, the people of this country were sufficiently intelligent and discriminating to attach the blame to the proper party, or the individuals justly chargeable with delinquency.

But, Mr. C. said, he did not agree with the Senator from Kentucky, [Mr. CLAY,] in the reasons assigned by him for giving the resolution his support. That Senator had said he was willing to adjourn, because he did not expect we should do any good by remaining here, and that we should meet under more favorable auspices at the next session. Mr. C. said, however little prospect there might be of doing good by remaining in session, judging from indications thus far, there would be abundant time, as he had shown, for the transaction of all the necessary business, if the two Houses would do their duty; nor did he expect Congress would meet under very different auspices at the next session, than those of the last ten or twelve. He anticipated no change in the Administration; and experience had satisfied him that defeat did not change the character of the Opposition. He said he had been accustomed to hear these sanguine expressions of confidence in the future on former occasions, and they did not alarm him. About the same period in 1832, it was confidently predicted that we should have a change of rulers at the then succeeding session; yet General Jackson was re-elected by a most triumphant majority. Again in 1836 we were to be certainly defeated, and a Whig President was to come into power; Congress was to meet under new and better auspices; but the month of November put an end to all these fond anticipations, and the present Chief Magistrate was triumphantly elected. So, said Mr. C. will it be again in next November—he had too much confidence in the intelligence and and patriotism of the people to believe, for a moment, that any thing but another defeat awaited the Opposition, whatever confidence they might profess.

But, said Mr. C. we shall have the same opposition to encounter then, as now. Large as was the majority by which General Jackson was elected in 1828, he encountered the most determined opposition at the commencement, and throughout his first term. Though re-elected by a greatly increased majority, the opposition to his Administration continued with unabated violence, from the beginning to the end of his second term. And, Mr. C. said, it would be recollected by all, that the present Chief Magistrate was met by his enemies at the extra session—the first after his election—and they had pursued him with untiring perseverance and the most bitter denunciations ever since. And so, Mr. C. said, it would ever continue, while those who were out were desirous to get in.

Mr. ALLEN then renewed his motion to lay the resolution on the table, which was negatived—ayes 19, nays 23.

Mr. KING said he was as much in favor of early adjournment as any other gentleman could be. He had many personal inducements to desire it. When the session was protracted far into the summer, the sickly season had commenced in the section of country where he resided, and forbade his return until it had terminated, and hence his anxiety for an early adjournment might be inferred; but he thought the state of the public business absolutely forbade them to move hastily in a measure of so much importance. It was true that, in short sessions, more business was done, in proportion to the time, than in long ones; but this was accounted for to some extent, by the fact that in the House, the business matured during the long session was carried over. If a proper disposition was evinced in the other House, it might be prudent to fix a day; but could we shut our eyes on the condition of business there? and what had been sent to us from that branch? Under this state of the case, would it be expedient, or would it be acting discreetly, to fix the day at the period named? He would move its postponement until Monday next, when more time would be had for reflection and consultation, and he hoped that gentleman would accede to his motion.

Mr. LUMPKIN expressing his assent, the motion was agreed to.

On motion of Mr. KING, the bill regulating commercial intercourse with the port of Cayenne, in the colony of French Guiana, and to remit certain duties, was considered, and ordered to be engrossed.

ABOLITION OF IMPRISONMENT FOR DEBT.

On motion of Mr. NORVELL, the bill supplementary to the "act to abolish imprisonment for debt in certain cases," providing that such act shall be so construed as to abolish imprisonment for debt, or process issuing out of any court of the United States, in all cases whatever, where, by the laws of any State, imprisonment for debt has been, *or shall hereafter be*, abolished," was taken up.

Mr. NORVELL said that the act to which this bill was a supplement, had abolished imprisonment for debt, or process issuing out of the federal courts, only in those States where, at the passage of the law in February, 1839, *their* laws had abolished it. Such was the construction put upon it by at least one of the courts; and a letter from a judge of the Supreme Court, received by him, stated that to be the proper construction, according to the uniform decisions of that high tribunal in similar cases. He hoped, therefore, the bill would be permitted to pass, by the indulgence of the Senate, to a third reading at this time.

The bill was accordingly ordered to be engrossed and read a third time.

The bill for the relief of the heirs of Madame De Lusser, and their legal representatives, was ordered to be engrossed.

On motion by Mr. WRIGHT, the bill more effectually to secure public money in the hands of officers and agents of the Government, and to punish public defaulters, was taken up, and made the order of the day for Tuesday, the 10th inst.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 9, 1840.

After the reading of the journal,

Mr. ADAMS said he did not discover, from the reading of the record, that the motion he had made to reconsider the resolution offered by the gentleman from Tennessee [Mr. BELL] to suspend the operation of the treaty with the Winnebago Indians, had been entered. His object was to make the alteration in the resolution which the gentleman from Tennessee had indicated he wished to make. The resolution, in its present form, directs the Secretary of War to do that which the House had no power to direct him to. He would have no objection to the resolution, as it was proposed to be amended; but in its present form, he believed it to be unconstitutional. Inasmuch as his motion was not entered on the journal, he would now move to reconsider the vote on its adoption.

The question was then taken on the motion to reconsider, and it was agreed to.

The resolution as originally adopted was read, for which see the proceedings of Saturday.

The resolution, at the suggestion of Mr. ADAMS, was then so amended as to read as follows:

Resolved, That it is expedient that all further proceedings in the execution of first and second provisions of the 4th article of the treaty of the 1st of November, 1837, with the Winnebago Indians, be suspended, and that, in the meantime, the Secretary of War communicate to the House the proceedings of the Department had upon the subject, since the adjournment of the last Congress, together with all the correspondence and other information within his control, relative to the same, not included in his communication to the House of Representatives on the 1st of March last.

Mr. SMITH of Maine said he would like to hear from the chairman of the Committee on Indian Affairs some reasons showing the necessity of the adoption of the resolution.

Mr. BELL was understood to say that the subject of this treaty was before the committee, and under consideration, and that it had not been fully examined into. He believed there ought to be an inquiry into the whole subject before the treaty is executed, because there were some suspicions of fraud. The committee had not yet, as far as the examination has progressed, discovered frauds, but they saw enough to warrant them in asserting that the inquiry should be prosecuted further.

The question was then taken on the resolution as amended, and it was agreed to.

Mr. CAMPBELL of South Carolina, chairman of the Committee of Elections, asked the consent of the House to make a report from the said committee in relation to the New Jersey contest, for the purpose of having the same printed. The report, he said, embraced *all* the testimony laid before the committee, prior to the 5th of March, the time at which the previous report on the same subject was made, and was accompanied by the journal of proceedings of the committee. As it contained all the papers, he hoped there would be no objection to the reception of the report.

Mr. STANLY objected to its reception.

Mr. CAMPBELL moved a suspension of the rules, to enable him to present the report, and on that motion demanded the yeas and nays; which were ordered, and were—yeas 95, nays 77, as follows:

YEAS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Crabb, Craig, Dana, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Galbraith, Gerry, Goggin, Hammond, Hand, John Hastings, Hawkins, Hillen, Holleman, Hook, Howard, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, Kemble, Leet, Leonard, Lewis, Lucas, McClellan, McKay, Marchand, Medill, Miller, Montgomery, Newhard, Parish, Parmenter, Parris, Petrikin, Pickens, Prentiss, Reynolds, Rives, Robinson, Edward Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Philip F. Thomas, J. Thompson, Triplett, Turney, David D. Wagener, Watterson, Weller, Wick, and Henry Williams—96.

NAYS—Messrs. Alford, Andrews, Barnard, Bell, Bond, Botts, Brockway, Calhoun, W. B. Campbell, Carter, Chinn, Chittenden, Clark, J. Cooper, M. A. Cooper, Corwin Curtis, Edward Davies, Garret Davis, Dawson, Deberry, Dillett, Edwards, Evans, Everett, Rice Garland, Gentry, Goode, Granger, Graves, Green, Habersham, Hall, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Kempshall, King, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Nisbet, Osborne, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Trumbull, Underwood, Peter J. Wagner, John White, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Sherrod Williams—77.

So the rules were not suspended.

This being the day, under the rule, for the presentation of resolutions, the SPEAKER called the States for that purpose, commencing with the State of Kentucky. Resolutions were then presented, which will be found below.

Mr. GRAVES asked the consent of the House to take up the resolution offered by him on the 20th February last, (and published in the Globe on the 21st,) in relation to E. W. Robinson, proposing an inquiry as to the manner of his resignation, &c. Mr. G. wished to modify his resolution by the insertion of the word "January" in its proper place.

Mr. ADAMS wished the gentleman would further modify his resolution by striking out the word "corrupt;" it shocked his modesty.

Objection was here made by several to the consideration of the resolution.

Mr. GRAVES was proceeding to reply to Mr. ADAMS by stating that he had no particular desire that the word "corrupt" should be retained, but

Mr. G. was here called to order from all parts of the House.

The SPEAKER said the consideration of the resolution was objected to, and it was not in order for the gentleman from Kentucky to debate it.

Mr. G. was again proceeding to reply to Mr. ADAMS, but was called to order by several.

The SPEAKER. The gentleman from Kentucky is out of order, and will be pleased to take his seat.

Mr. GRAVES. The blackguards who called me to order were themselves out of order. He then took his seat.

Mr. COOPER of Georgia made an effort to call up a resolution previously offered by him, calling upon the Secretary of War for his opinion and for facts in relation to the claims of John C. Watson of Georgia. It was now before the committee for investigation, and it was important to the claim that the resolution should be adopted.

Mr. L. WILLIAMS objected. The committee which had charge of the subject could call on the Department and obtain all the information necessary. It was not usual to call for opinions from the Departments in relation to claims, but for facts.

Mr. RUSSELL presented joint resolutions of the Legislature of New York, in relation to the Sub-Treasury bill; which were laid over under the rule.

Mr. GRANGER gave notice of his intention to introduce a proposition to rescind the rule adopted this session, in relation to the subject of Abolition petitions.

Mr. CURTIS, in accordance with notice heretofore given, and

on leave, introduced a bill supplementary to the act to abolish imprisonment for debt in certain cases, passed February, 1831; which was read twice, and referred to the Committee of the Whole House, and ordered to be printed.

Mr. HAND, in accordance with notice heretofore given, and on leave, introduced a bill for the establishment of a uniform rule of naturalization, and to repeal all acts heretofore passed on that subject; which was read twice, when

Mr. HAND moved that the bill be referred to the Committee of the Whole on the state of the Union, and be printed.

Mr. HUNT objected to this reference, and moved that it be referred to the Committee on the Judiciary.

Some conversation took place between Messrs. HUNT and HAND, as to the appropriate reference, but before the question was taken, and in consequence of debate arising, the subject was laid over under the rule.

Mr. EVERETT, by universal consent, presented several petitions, which were appropriately referred.

Mr. SMITH of Vermont, in accordance with notice heretofore given, asked leave to introduce a bill to repeal so much of the 2d section of the act of 1823 to alter and amend acts imposing duties on imports, so far as relates to the duty on salt.

Mr. STUART demanded the yeas and nays on the question to grant leave, but before they were ordered,

Mr. EVANS intimated his wish to debate the question; and it was laid over under the rule.

Mr. ADAMS submitted the following resolution:

Resolved, That the Secretary of War be directed to report to this House the natural, political, and martial history of the bloodhounds, showing the peculiar fitness of that class of warriors to be the associates of the gallant army of the United States, specifying the nice discrimination of his scent between the blood of the freeman and the blood of the slave—between the blood of the armed warrior and that of women or children—between the blood of the black, white, and colored men—between the blood of savage Seminoles and that of the Anglo-Saxon pious Christian. Also, a statement of the number of bloodhounds and of their conductors, imported by this Government, or by the authorities of Florida, from the Island of Cuba, and the cost of that importation. Also, whether a further importation of the same heroic race into the State of Maine, to await the contingency of a contested Northeastern boundary question, is contemplated, or only to set an example to be followed by our possible adversary in the event of a conflict. Whether measures have been taken to secure exclusively to ourselves the employment of this auxiliary force, and whether he deems it expedient to extend to the said bloodhounds and their posterity the benefits of the pension laws.

Mr. BOYD demanded the yeas and nays on the passage of the resolution; which were ordered.

Mr. ADAMS said, inasmuch as the yeas and nays were ordered, he would wish to explain before the question was taken.

The resolution, in consequence, was laid over under the rule.

Mr. CUSHING gave notice of his intention to ask leave to introduce a bill imposing a duty on all silks, and for an increased duty on wines.

Mr. LOWELL, in accordance with notice heretofore given, and on leave, introduced a bill for the relief of Robert Ramsay; which was read twice, and committed to the Committee on Naval Affairs.

Mr. RIVES submitted the following, which lies over:

Whereas, by the Constitution of the United States, it is provided "that the House of Representatives shall be composed of members chosen every second year by the *people* of the several States;" and, whereas, by the laws of New Jersey, it is made the duty of "the Governor, or person administering the Government and Privy Council of that State, to determine the six persons who have the greatest number of votes from the whole State for Representatives in Congress of the United States; which six persons the Governor, or person administering the Government, shall forthwith commission, under the great seal of the State, to represent that State in the House of Representatives of the Congress of the United States; and whereas it has been charged that the Governor of New Jersey did, in violation of the Constitution of the United States, the laws of his own State, and one of the most important political rights of the people over whom he was presiding, commission five persons to represent said people, when he *knew* that five other persons had received a majority of the whole number of votes cast in the last election of members of Congress, and thereby rendering it necessary for the House of Representative to "judge of the elections, returns, and qualifications" of the persons thus returned as Representatives aforesaid; and whereas on an examination of the evidence to sustain the charges aforesaid, it appears that the Governor aforesaid did, in direct violation of the Constitution of the United States, and the laws of his own State, arrogate to himself the right to commission persons as members of Congress who were not "*chosen by the people*," and imperiously says, "whether my decision in granting the certificates was right or wrong, Congress, at all events, is bound to receive the credentials thus furnished, as the mandate of the State," although the same was founded in fraud, and designed to effect an organization of this House opposed to the popular will. And whereas, by the lawless "and unprecedented" act of the aforesaid Governor, the people of New Jersey have been deprived of their right to representation on this floor—"a right inestimable to them, and hateful to tyrants only." And whereas the election of members to represent the State of New Jersey in the House of Representatives of the United States belongs to the people of that State, and it is the duty of this House to protect them in their legitimate and constitutional rights in that particular against invasion and usurpation, from whatever quarter it may come. And whereas this House alone has power to remove the grievance complained of, and the morning hour allotted to the consideration of that business being insufficient to complete the same as speedily as is desirable.

Resolved, That the report of the Committee of Elections, relating to the same, be made the special order of the day for to-morrow, at the hour of twelve o'clock, and to continue the special order of the day on every subsequent day, at the hour aforesaid, until the said report shall be disposed of.

Mr. R. GARLAND said he had a few weeks ago submitted a resolution in relation to supposed frauds practised on the Caddo Indians. He moved that the House take up and consider the same.

Mr. CAVE JOHNSON objected.

Mr. R. GARLAND moved a suspension of the rules for the purpose, and on that motion demanded the yeas and nays; which were ordered, and were—yeas 70, nays 69.

So the rules were not suspended.

Mr. THOMPSON of Mississippi, in accordance with notice heretofore given, and on leave, introduced a bill to regulate the fees of the clerks, marshals, and attorneys, in the northern and southern districts of Mississippi; which was read twice, and committed to the Committee on the Judiciary.

Mr. DOTY gave notice of his intention to ask leave to introduce bills of the following titles, viz:

A bill concerning the Southern boundary of Wisconsin;

A bill to provide for the construction of harbors in Wisconsin; and

A bill to continue the duty on lead imported into the United States.

Mr. CHAPMAN of Iowa gave notice of his intention to ask leave to introduce a bill to authorize the President to cause certain mineral lands to be sold, and for other purposes.

Mr. G. DAVIS gave notice that he would, at a proper time, ask leave to bring in a bill to vest the appointment of the United States district attornies and marshals in the courts thereof; and providing the amount of salary and emoluments of district attorneys shall, in no case, exceed three thousand dollars.

Mr. EVERETT, from the Committee on Foreign Affairs, by permission, made an adverse report on the claim of John M. Baker; which was ordered to lie on the table and be printed.

On motion of Mr. BANKS,

The House then adjourned.

RESOLUTIONS.

Mr. POPE submitted the following:

Resolved, That it is necessary and proper to establish a National Bank, with a capital of seventy millions of dollars, to aid the fiscal operations of the Government, revive the foreign and domestic trade and business of the country, restore public and private confidence and credit, put into active and brisk circulation the moneyed capital of the nation, and thereby invigorate all branches of business and industry, give employment to the laboring classes at fair wages in good money, relieve the people from the heavy burden of taxes now imposed on them by the present deranged condition of the exchanges and bank paper, reform the existing disorders in the currency, and secure to the nation a stable and uniform standard of value, by excluding a spurious and ruinous paper currency from circulation, and to prepare in part the pecuniary means of war; ten millions of the capital to be reserved for the United States; at least one half of the residue of the capital to be allotted to the States, and divided among them according to their representation in Congress, and the residue of the stock to be subscribed by American citizens and corporations, under proper rules and restrictions, who shall pay into the Treasury of the United States a premium of —— dollars on every hundred shares of stock subscribed; one or more branches to be established in each State now existing, or which may hereafter be admitted into the Union; the interests on loans by the bank not to exceed six per cent. for the first five years, and after the expiration of five years, the said bank is not to take more than five per cent.; no note to be issed by the bank of a less denomination than five dollars; after five years the bank shall not issue any note of a less denomination than ten dollars, and after the expiration of ten years the bank not to issue any note of a less denomination than twenty dollars. No foreigner shall be a director or vote for a director in said bank. Each State in which a branch shall be located shall have the appointment of one director in such branch, besides its due participation in the general election of directors. The deposites of the public money to be made in the said bank, to be disbursed as may be required and provided for. The bank, on reasonable notice, to lend to the Government any sum not exceeding ten millions without the consent of both parties. The bank never to suspend specie payments without the consent of Congress, and never to have notes in circulation exceeding twice the amount of specie in its vaults.

Resolved, That to aid the public credit and finances of the several States, and the better to enable them to take the proportion of bank stock allotted them in the first resolution, the proceeds of the public lands, to be received after the first day of January next, ought to be distributed among them according to the representation of each in Congress after the next apportionment of representation; one-half of the land fund paid to each State to be vested and pledged for the support of common schools, and the other half for internal improvements and such other purposes as the States respectively may direct.

Mr. STANLY moved to lay it on the table.

Mr. EVERETT made the question of consideration, and under that motion the resolution, according to a rule of the House, lies over.

Mr. HAND offered the following, which lies over:

Resolved, That 5,000 copies of document No 118, of the second session of the Twenty-sixth Congress, be reprinted for the use of the members of this House, including all the pension laws that shall be passed this session.

On motion of Mr. FLOYD,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting pensions to Wilmot Marsden and Lois Smith, widows of Revolutionary soldiers.

On motion of Mr. BREWSTER,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill allowing a drawback upon the exportation of flour manufactured from foreign wheat.

On motion of Mr. JONES of New York,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Ramapo, in the county of Rockland, State of New York, to New York city, in said county.

On motion of Mr. PRENTISS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the extent to which the franking privilege is exercised by the Clerk of this House, at the request of members, in reference to political newspapers, and how such exercise of the franking privilege affects the revenue of the Post Office Department.

On motion of Mr. KEMBLE of New York,

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Peekskill, in the county of Westchester, and State of New York, through the town of Putnam Valley, in Putnam county, of the same State.

On motion of Mr. GREEN of Kentucky,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Cloverport, Kentucky, to Bowling Green, in said State.

On motion of Mr. BOYD,

Resolved, That the Committee on the Post Office and Post Roads examine and report upon the accounts of William R. Jenkins, late postmaster at Clinton, Kentucky, with the General Post Office Department.

On motion of Mr. ANDREWS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a post road from Portsmouth, Ohio, to Springville, in Kentucky, so as to connect the Ohio mails from Maysville, Kentucky, to Big Sandy, Kentucky.

Mr. UNDERWOOD submitted the following, which lies over:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any and all joint resolutions prescribing the manner in which the printing of Congress shall be executed, fixing the prices thereof, and providing for the appointment of a printer or printers, shall be, and the same are hereby, rescinded; and henceforth the Senate and House of Representatives shall respectively provide for executing such printing as each House may require, by letting contracts to the lowest bidder, or in such manner as the Senate and House shall respectively think fit.

On motion of Mr. G. DAVIS of Kentucky,

Resolved, That the papers of the heirs of George Pursel, deceased, in relation to a pension, be referred to the Committee on Revolutionary Pensions, with directions to report by bill or otherwise.

On motion of Mr. JOHN WHITE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Hazel Green, in the county of Morgan, State of Kentucky, passing by the court-house of the county of Breathitt, Manchester, Clay county, Kentucky.

On motion of Mr. W. O. BUTLER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of granting a pension to Catharine Shannon, widow of Robert Shannon, a soldier of the Revolution; also, to Diana Moore, widow of William Moore, a soldier of the Revolution; also, to Isabella Gulian, widow Jeremiah Gulian, a soldier of the Revolution; also, to Frances Green, widow of Robert Green, a Lieutenant of the Virginia line of the Revolution; also, the propriety of increasing the pension of William Merriweather, a Lieutenant of the Illinois regiment, who is now recovering pay as a sergeant only; and that the accompanying papers, and those on file in the Pension office, in support of said claims, repectively, be referred to said committee.

Mr. ALFORD submitted the following, which, causing debate, lies over, under the rule:

Resolved, That under an able and faithful administration of the Treasury Department of the General Goverement, it is competent to the fulfilment of the intention and design of the people of the United States, in the establishment of said Department, without the necessity of depending upon banks as places of deposite for the funds of the Government, or any other place or places of deposite, either of boxes or banks, or house or office, of any kind whatsoever, not now existing by law.

And be it further resolved, That it will be inexpedient at this time, or at any other time, to increase the patronage of the President of the United States, by establishing, by law, offices, in different parts of the country, to be filled by partisans, under the pretence that they are necessary to the better regulation of the monetary affairs of the Republic.

Resolved, That the Sub-Tseasury system recommended by the Federal Administration of the General Government is calculated to increase the patronage of the President, and to increase the distress of pecuniary embarrassment now suffered by the American people to a most ruinous extent.

On motion of Mr. MONTGOMERY,

Resolved, That the Committee on the Public Lands, to whom was referred a bill to authorize the State of Tennessee to perfect titles to the waste lands within the territory, inquire into, and report with said bill to this House, the provisions of the various acts of the States of North Carolina and Tennessee as to the claims of individuals in and to said lands.

On motion of Mr. DEBERRY,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing to Alexander H. Saunders, late a soldier of the army of the United States, such balance of pay as may appear to be justly due him from the evidence produced.

On motion of Mr. COLES,

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of repealing so much of the act of 1808 as makes an annual appropration of two hundred thousand dollars for arming and equipping the militia of the United States.

On motion of Mr. SAMUELS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Luney's Creek post office, in Hardy county, Virginia, by way of the valley of the North Fork, to Crab Bottom post office, in Pendleton county, Virginia.

On motion of Mr. J. GARLAND,

Resolved, That the Committee of Elections be instructed to inquire into the expediency of providing some mode by which to examine and test the authenticity of the returns and testimonials of the members of this House, before entering upon the discharge of their legislative duties; and that they report by bill or otherwise.

On motion of Mr. BANKS,

Resolved, That the Secretary of War be requested to communicate to this House such information as may be in his possession in relation to claims now pending before Congress, or which may be probably presented for damages sustained by individuals, growing out of the Florida war; and also all the information in his possession of the unsatisfied claims for provisions furnished the army, and for forage; and also to state if the existing laws do not provide an adequate remedy; and if so, why the claims thus depending have not been adjusted and paid by the proper accounting officers of the Government.

On motion of Mr. STEENROD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, viz: From Brandonville, in Preston county, Virginia, via Morgantown, Granville, Jacksonville, Blacksville, in Monongahela county, to the city of Wheeling, in

Ohio county; from Elizabethtown, in the county of Marshal, State of Virginia, via Noble Fork, to Middleburn, in the county of Tyler; from Middleburn, in the county of Tyler, to the Northwestern Turnpike, at Mr. Hoskins's; from Evansville, in Preston county, Virginia, to Morgantown, in the county of Monongahela, Virginia.

On motion of Mr. HOPKINS,

Resolved, That a select committee be appointed to inquire and report to this House whether any of its officers, and, if any, who are engaged, or in any wise concerned as agents for the prosecution of private claims against the Government; and also, whether any, and if any, what malpractices exist in the bestowal of the subordinate offices of the House, and whether there may not be a reduction in the number of persons employed therein, without prejudice to the business of the House of Representatives.

On motion of Mr. D. D. WAGENER,

Resolved, That the Secretary of War be requested to communicate to this House his plan, in detail, for the reorganization of the militia of the United States.

On motion of Mr. HENRY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the town of Mercer county, Pennsylvania, by the way of Greenfield, to the village of Middlesex in, said county, a distance of about sixteen miles.

On motion of Mr. HAMMOND,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of allowing Charles Holmes, who enlisted in the army in January, 1811, and served throughout the war, a tract of bounty land.

On motion of Mr. HOOK,

Resolved, That the Committee of Ways and Means be directed to inquire into the expediency of making an appropriation for the erection of guard fences on the Cumberland road east of the Ohio river, and of refunding to the commissioners of Maryland, Pennsylvania, and Virginia, the sums advanced by them, out of the tolls received, for the completion of the tollhouse and tollgates on said road, and that House document No. 134, second session of Twenty-fifth Congress, be referred to said committee.

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of granting a pension to John Hooner, a Revolutionary soldier.

On motion of Mr. JENIFER,

Resolved, That the President be requested to communicate to this House, such correspondence as may have been had upon the subject of the tobacco trade between the United States and foreign countries, together with such other information as may be on file in the Department in relation to the same, which may not be improper to communicate; also, to inform this House whether any, and what modifications have been made in the high duties and restrictions upon the staple of tobacco in foreign countries since the adoption of the resolution of the House of Representatives on that subject, of 28th February, 1837.

On motion of Mr. PETRIKIN,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting to the sufferers at Wyoming valley, Pennsylvania, during the Revolutionary war, and their heirs, an indemnity in land to compensate them for their losses at that time and during said Revolutionary war.

On motion of Mr. RAMSEY,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting Andrew Loskey a pension for Revolutionary services.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road between Newport and Juniata, in the county of Perry, State of Pennsylvania.

On motion of Mr. LEET,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a direct post route from Steubenville, in Ohio, via Eldersville, Cross Creek Village, to Washington, Pennsylvania.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a new cross mail route from Cannonsburg, in Washington county, Pennsylvania, via Thompsonville, Bowerhill, Finleyville, and Muntown, to the Washington and Bedford turnpike road at McCullogh's Store.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a new mail route from Pittsburg, in Pennsylvania, to Morgantown, in Virginia.

Mr. SIMONTON submitted the following, which, under the rule, lies over:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act entitled "an act to provide for the better security of the lives of passengers on board of vessels propelled, in whole or in part, by steam," approved July 7, 1838, as that iron wire ropes or chains shall be employed and used in the navigation of all steam boats and steam vessels, instead of wheel or tiller ropes, as well those navigating rivers as lakes and seas.

On motion of Mr. D. D. WAGENER,

Resolved, That so much of the President's message as relates to the reorganization of the militia, be referred to the Committee on the Militia.

On motion of Mr. BREWSTER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of allowing a pension to Penelope Plunket, on account of Revolutionary services rendered by her former husband, Joseph Davis.

On motion of Mr. J. SMITH,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reviving and continuing in force the provisions of the second section of an act passed March 3, 1817, entitled "An act to continue in force an act entitled an act further to provide for the collection of duties on imports and tonnage, passed the 3d day of March, 1815, and for other purposes."

On motion of Mr. CARR,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route, commencing at Canton, in Washington county, Indiana, thence to Sage's Ferry, on the Muscacalac, and thence to Rackford, in Jackson county, Indiana.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route, commencing at Paris, Jennings county, Indiana, thence to the State Ford, in Jackson county, thence via Little York, New Philadelphia, Canton, to Salem, in Washington county, Indiana.

Resolved, That the Committee of Claims be intructed to inquire into the expediency of amending the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the service of the United States, approved January 18, 1827," so as to provide for the payment for horses and other property of the Rangers during the late war and since, raised by acts of Congress, lost while in the service of the United States, in cases where the loss sustained was not by any fault or negligence on the part of the owner.

On submitting the foregoing resolution, Mr. CARR remarked that, when the law of Congress passed in the year 1837, providing for the payment of horses and other property lost or destroyed in the service of the United States, that it was thought the law was broad enough to embrace the claims of the class named in his resolution, and in accordance to that understanding of the law many of the claimants forwarded their respective claims for horses, &c. lost whilst in the service of their country, to the proper officer of the War Department for adjustment, which officer was of opinion, and so decided, that the act of January 18, 1837, did not authorize him to pay the claims of the description named in the resolution. Mr. C. remarked that there was merit in the claims he proposed to provide for, and hoped there would be no objection made to them. His object was to make the law more clear and explicit in regard to the adjustment of those claims. There being no objection, his resolution was adopted.

Mr. WELLER submitted the following, which, under the rule, lies over:

Resolved, That the Committee for the District of Columbia be instructed to bring in a bill to prohibit the establishment of lottery offices and the vending of lottery tickets in said District.

On motion of Mr. JOHN DAVIS of Pennsylvania,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so amending the pensions laws of the United States, as to include the widows and all officers and soldiers who have been killed, or who have died, or been disabled in the service of the United States in the late war with Great Britain.

On motion of Mr. BARNARD,

Resolved, That the Secretary of War be directed to report to this House the surveys and estimates of expense made by Captain Cram, or otherwise made under the orders of the Engineer or Topographical Bureau, for the construction of a harbor at Racine, in the Territory of Wisconsin, and for the construction of any other harbor or harbors on the western shore of Lake Michigan.

On motion of Mr. CHITTENDEN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a new post road from Carthage, through Great Bend, Le Roysville, Evans's Mills, Shartyville, and Lafargeville, to Clayton, in the county of Jefferson, and State of New York.

Mr. MONROE offered the following; which, under the rule, lies over:

Resolved, That the Committee on the District for Columbia, be instructed to inquire into the propriety of reporting a bill to cause the Pennsylvania avenue to be lighted; and, also, to cause it to be watered during all or part of the spring or summer.

On motion of Mr. GATES,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension of Mrs. Lydia Hoard; also of Jacob Jackson of New York.

On motion of Mr. HOFFMAN,

Resolved, That the Secretary of the Navy be directed to communicate to this House copies of the correspondence on file in his office, between Admiral Baudin of the French Navy, and Commodore W. B. Shubrick of the United States Navy, Pensacola, during the months of June and July last.

On motion of Mr. CURTIS.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing, by law, for the use of Greenough's chemical oil in the light-houses of the United States.

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Mary Knapp, for the Revolutionary services of her husband, now deceased.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of granting to S. and F. Dorr and Company, a return of duties alleged to have been illegally exacted by the late collector of New York, and paid by them upon the entry of sundry importations on silk twist.

On motion of Mr. RUSSELL,

Resolved, That the Committee on the Post Offices and Post Roads be instructed to inquire into the expediency of authorizing, by law, the superintendent of common schools, or principal officer in any State having charge of its common schools, to transmit and receive by mail, free of postage, all official communications relating to the subject of primary education.

On motion of Mr. MITCHELL,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of fixing an earlier day for the meeting of the next session of the present Congress than that now provided by law.

On motion of Mr. C. H. WILLIAMS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of adding Memphis (Tennessee) as an additional point for erecting a Marine Hospital to the number already selected by the Board of Commissioners appointed by Congress to locate hospitals upon the Western waters.

Mr. MILLER offered the following resolutions, which lie over under the rule:

Whereas the obstruction or raft that has been formed by the deposite of floating timber, in the St. Francis river, in its course through the southeastern section of the State of Missouri, and the northeastern of that of the State of Arkansas, causes the annual overflow or inundation, by that river, of more, it is believed, than one million of acres of the most fertile and desirable lands in the West, if reclaimed; which lands are entirely owned by the General Government, but from those inundations the respective portions of the two States above mentioned are, to a great extent, rendered uninhabitable, and the healthiness of the country is greatly impaired thereby. Therefore,

Resolved, That the Secretary of War be authorized, and he is hereby instructed, to cause an examination to be made, by a competent officer of the Engineer Department, in the course of the ensuing summer, and that he report to the next session of the Twenty-sixth Congress whether it be practicable to remove said raft or obstructions; and if, in his opinion, practicable, that he furnish also an estimate of the sum which it would probably require to effect such removal.

Resolved, That the Committee on Roads and Canals be required to continue and report upon the expediency of making an adequate appropriation to enable the Secretary of War to carry the provisions of the foregoing resolution into effect.

Mr. DOTY offered the following, which lies over:

Resolved, That the Secretary of War be directed to communicate to this House what measures have been adopted for the defence of the Northern frontier of the United States, on the Lake border and along the boundary between the United States, and the Indian tribes east of the Mississippi; whether many Indians are not removing from the American to the British territory; and new military works being constructed and garrisoned with regular and militia troops by the English Government on that frontier, and the numbers of each; what are the defences and force which the United States have opposed thereto, and where situated; and whether any further appropriations or provisions by law are required to be made by the erection of posts, the construction of steam frigates, the opening of military roads, or the formation of military settlements for the more effectual protection of the American territory against British or Indian invasion.

On motion of Mr. DOTY,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of carrying into effect the resolution of Congress of the 3d of March, 1905, by which the President was requested to cause a sword to be presented to each of the commissioned officers and midshipmen, who distinguished themselves in the several attacks on the town batteries, and naval force of Tripoli, in the year 1804.

On motion of Mr. CHAPMAN of Alabama,

Resolved, That the Secretary of War be instructed to inform this House what progress has been made in the settlement of the claims for horses lost during the late hostilities with the Creek and Seminole Indians in Alabama and Florida, by the Alabama volunteers, particularly those under the command of Colonel Caulfield, filed in 1837, and those under the command of Colonel Snodgrass, filed in 1838; also to inform this House what has caused the delay in the settlement of said claims.

On motion of Mr. R. GARLAND,

Resolved, That the Secretary of War be directed to communicate to this House the reasons why a military post has not been established on or near the western boundary of the State of Louisiana, between the Sabine and Red rivers; and also all document, papers, and information in the Department in relation to the establishment of such post.

Mr. CUSHING submitted the following, which, under the rule, lies over:

Resolved, That the President of the United States be requested (if, in his opinion, compatible with the public interest) to communicate to the House any information in possession of the Government, respecting the assemblage of Indians on the Northwestern frontier, and especially as to the interference of the officers or agents of any foreign power with the Indians of the United States in the vicinity of the Great Lakes.

On motion of Mr. DAWSON,

Resolved, That the Secretary of War be requested, as soon as he can conveniently, to lay before this House the claims of the State of Georgia against the United States, for payments made for military services rendered by the militia and volunteers of that State, during the Seminole, Cherokee, and Creek campaigns, during the years 1835, &c. and which said claims were presented for payment to the Secretary of War, by Iverson L. Harris, esq. during the year 1838; and that the Secretary accompany said claims with such views as he may deem due to the State, with the reason why said claims could not be paid, under existing laws.

On motion of Mr. LINCOLN,

Resolved, That the Postmaster General be directed to inform this House on what terms, and especially at what rent, the building now occupied for the accommodation of the city post office is hired by the Government; whether the same, or any part thereof, is, in any degree, fire-proof; or whether the building is not peculiarly exposed to the hazard of fire, from its proximity to structures of wood and large masses of combustible matter; what was the rent paid for the building from which the city post office was recently removed, and what the causes for such removal; and that he further state whether the plan upon which the building for the General Post Office is now being constructed, will admit of the convenient accommodation of the city post office; or if, when that building shall be completed, upon its present plan, it will continue to be necessary for the Government to hire, or to construct, a new edifice for the safety of the mails while remaining in the office, and the convenient transaction of the business in that branch of the service.

Mr. DUNCAN offered the following, which being objected to, lies over:

Resolved, That the Committee on the Library be instructed to inquire into the propriety and expediency of purchasing, for the use of the General Government, Catlin's collection of Indian curiosities.

Mr. HABERSHAM submitted the following, which lies over:

Resolved, That the Committee on the Judiciary do inquire into the necessity or expediency of so amending the Constitution of the United States, as that the same shall define and prescribe the evidence upon which persons claiming to be members of the House of Representatives of the United States, shall take their seats in the House, and be entitled to exercise the privileges of members, until after the organization of the House, and an investigation and report by the Standing Committee of Elections, on his right or claim to such seat, and a final decision of the House on such report.

On motion of Mr. GOGGIN,

Resolved, That the Committee on the Public Expenditures be instructed to inquire into the expediency of reducing the contingent expenses of the House of Representatives, and of all the Departments of the Government.

On motion of Mr. LOWELL,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency and propriety of authorizing the Secretary of the Treasury to purchase of the county of Han-

cock, in the State of Maine, for the use of the United States, three-fourth parts of the fire proof building, situate in Castine, in said county, and now owned in common by the United States and said county.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency and propriety of erecting a light house at Little river harbor, in the town of Cutler, in the State of Maine.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency and propriety of establishing a port of entry at Brooksville, in the county of Hancock and State of Maine, within the district of Penobscot, and of providing by law for the appointment of some person as inspector and deputy collector, with a suitable salary, who shall reside at Buck's harbor, in said Brooksville.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency and propriety of establishing a port of entry at Cherryfield, in the county of Washington and State of Maine, within the district of Machias, and of providing, by law, for the appointment of some person as inspector and deputy collector, with a suitable salary, who shall reside at said Cherryfield.

Mr. DOWNING, of Florida, submitted the following, which lies over:

Resolved, That the Clerk of this House be directed to contract with Mr. Stone, who engraved the military map of Florida, compiled under the direction of General Taylor, to furnish 5,000 additional copies of said map for the use of this House.

Mr. WADDY THOMPSON submitted the following, which was objected to, and lies over:

Resolved, That the Secretary of War be requested to inform this House to what instance in which Congress has refused the necessary appropriations for the prosecution of the war in Florida, he alludes, in the following passage of his letter to Governor call, bearing date the 20th June, 1838;

"It (the Department) is still further restricted by the means to provide for but a limited force, as it is with the greatest difficulty that appropriations can be obtained of Congress for even the smallest possible force necessary for the execution of its duty of protecting the inhabitants of Florida or elsewhere."

Mr. STANLY submitted the following, which was objected to:

Resolved, That the Secretary of the Treasury be directed to pay to the States the fourth instalment due them under the act of July, 1836, whenever there is sufficient money in the Treasury not otherwise appropriated.

Mr. ATHERTON submitted the following, which was objected to, and lies over:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of abolishing the United States Military Academy at West Point.

Mr. S. H. BUTLER submitted the following, which was objected to, and lies over:

Resolved, That the Secretary of the Navy be requested to communicate to this House his opinion of the expediency of the immediate establishment of a dry dock and naval depot at Pensacola, Florida, and any information in his possession upon the subject.

Mr. STEWART submitted the following, which, being objected to, lies over.

Whereas, by the Sub-Treasury bill, the President and his party propose to receive nothing in payment for public lands but gold and silver, and whereas, in the State of Illinois and other new States, the amount of money paid into the Treasury for public lands amounted to the sum of five millions four hundred and seventeen thousand two hundred and eighty six dollars and thirty-one cents, for the year 1839; and whereas, also, it is probable that the same amount will be received by the Treasury in payment of public lands for the year 1840; and whereas, also, the Secretary of the Treasury has omitted to make any estimate for any of the public works in the West, and, as we have a right to infer from this that it is the policy of the President and his party, that all such works shall be stopped; and that, in consequence thereof, the Government will cease to expend upon these works any part of the moneys collected in the West; and whereas, also, in consequence of the above recited measures of the President and his party, the West will be greatly oppressed, its specie drained off, and transported to those parts where the Government is making its expenditures, and in particular that the settlers on the public lands, who hold their lands by the right of pre-emption, will, by the operation of the above recited measures, be rendered unable to procure the specie, and thus be unable to save their homes—therefore

Be it resolved, That the Committee on the Public Lands be directed to inquire into the expediency of reporting a bill putting off all sales of public lands until the 4th of March, 1841.

Mr. CASEY offered the following resolution; which, being objected to, lies over:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a uniform law concerning bankruptcies, particularly those of corporations and other bankers.

Mr. SMITH of Maine submitted the following, which was objected to, and lies over:

Resolved, That the Committee on Military Affairs inquire into the expediency of increasing the pay of non-commissioned officers and privates in the army.

Mr. REYNOLDS submitted the following, which lies over:

Resolved, That the Secretary of War be instructed to cause a survey and estimates to be made for the continuation of the Cumberland road from Vandalia, by Greenville, to Alton, in the State of Illinois.

Mr. CRABB submitted the following, which lies over:

Resolved, That, with the consent of the Senate, the two Houses of Congress will adjourn *sine die* on the first day of May next.

Mr. DAVIS of Indiana submitted the following, which was objected to, and under the rule lies over;

Resolved, That on Thursday next, at one o'clock, this House will proceed to dispose of the question of instructing the Committee of Ways and Means to report a bill for the continuation of the Cumberland road; and also to receive such petitions as shall not give rise to debate.

Mr. SALTONSTALL submitted the following, which, being objected to, lies over:

Whereas, five persons duly returned as members of this House by the Executive department of the State of New Jersey, in pursuance of the laws of said State, have not been permitted to take their seats in this House, according to invariable usage heretofore, on the alleged ground that certain other persons were supposed to have had a majority of votes at the polls, whether said votes were legal or not; and although part of said votes were not only returned to the said Executive department, according to the laws of said State, and were therefore not counted by the said Executive; and whereas it is important that each State should be at all times represented in this House, according to its constitutional rights; therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by law, for the manner of holding elections for Representatives, and of making returns of said elections.

Mr. BURKE submitted the following, which, being objected to, lies over:

Resolved, That a select committee, to be composed of one member from each State of this Union, be appointed to inquire into the expediency of removing the seat of Government to some suitable location on the Ohio river, and that said committee be authorized to correspond, during the recess of Congress, with the Governors of the States of Ohio, Indiana, Illinois, and Kentucky, with a view to the selection of a suitable site for the seat of Government; and that said committee be directed to report the result of their inquiries and their conclusions to this House at the commencement of the next session of Congress.

Resolved, further, That Congress has no constitutional power to appropriate the revenues of the General Government derived from the customs, the public domain, or from other sources, for any object in the District of Columbia, except for the erection of public buildings, the repair and improvement of the public property situated within the limits of said District, and for the necessary expenses of the Government.

Resolved, further, That Congress has power to authorize the people of the District of Columbia to levy taxes upon themselves, for all local and municipal purposes; and that when money is required for such purposes such authority should be forthwith granted.

Mr. TILLINGHAST submitted the following, which, being objected to, lies over.

Whereas examinations and surveys have heretofore been made in the Narragansett bay, in Rhode Island, with a view to military and naval establishments, and reports have been made to the Navy Department, and communicated to Congress, containing evidence of the fitness and advantages of a place upon the waters of the bay for a naval depot:

Resolved by the Senate and House of Representatives of the United States in Congress assembled. That the Secretary of the Navy, as soon as may be, cause such further examinations and surveys to be made as are, in his opinion, necessary for ascertaining the fitness and the relative advantages or disadvantages of a place in the said Narragansett bay for a naval establishment, yard, and depot, on shore, and the best location thereof in said bay, with estimates of probable expense; and that said estimates and the reports of said examinations and surveys, when made, and all such evidence as is now, or may then be, in possession of his Department, as to such fitness and advantages, or disadvantages, be, by the said Secretary communicated to Congress as soon as may be, with such views and opinions as he may deem important.

Resolved further, That for carrying this resolution into effect, there be appropriated the sum of one thousand dollars, out of any money in the Treasury not otherwise appropriated.

On motion of Mr. BUTLER of Kentucky,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the propriety of confirming the title of George B. Steele, of Boone county, Kentucky, to a tract of land containing one hundred and fifty-seven and 37-110 acres, entered by him in the Fayetteville land office, in the State of Arkansas, and for which he has paid.

On motion of Mr. CRARY,

Resolved, That the President of the United States be requested to communicate to this House, if compatible with the public service, whether the Government of Great Britain has expressed to the Government of the United States a desire to annul the arrangement entered into between the two Governments in the month of April, 1817, respecting the naval force to be maintained upon the American Lakes; and that if said arrangement be not annulled, whether there has been any violation of the same by the authorities of Great Britain.

Resolved, That the Committee on Indian Affairs inquire into the expediency of making an appropriation to enable the Government to make a treaty with the Chippewa Indians for the purchase of their lands bordering on Lake Superior, in the State of Michigan.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the laws in regard to writs of error and appeals, as to permit parties to sue out and prosecute writs of error and take appeals, upon giving security for costs only, where they are unable to give other security; the writs of error and appeals in such cases not to operate as a supersedeas.

On motion of Mr. HABERSHAM,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of admitting steam vessels or boats built of iron, in countries beyond the limits of the United States, and owned by citizens of the United States, to all the privileges of vessels built in the United States.

On motion of Mr. BUTLER of Ky.

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the propriety of restoring to Mrs. Frances L. Piatt, only daughter of Colonel William Piatt, an invalid pensioner, the pension relinquished by him to the Government, but which he subsequently devised to his said daughter; and that the will of Colonel Piatt, and papers on file in the pension office, be referred to said committee.

Resolved, That the Committee on Private land Claims be instructed to inquire into the propriety of granting to Andrew Johnson of Scott county, Kentucky, any military bounty lands to which Capt. John Johnson of the Virginia line of the Revolution, may be entitled; and that an official transcript of the papers filed by him in the Executive Department of Virginia in support of his claim, be referred to said committee.

The following resolutions, offered by Mr. EVANS on the 10th of February, and laid on the table, were taken up, read, considered, and agreed to:

Resolved, That the President be requested to communicate to the House whether any, and, if any, what, measures have been taken, since the rejection of the recommendation of the King of Holland of a new line of boundary between the United States and the Province of New Brunswick, to obtain information in respect to the topography of the territory in dispute, by survey or explanation of the same on the part of the United States alone. Also, whether any measures have been adopted whereby the accuracy of the survey lately made under the authority of the British Government, when communicated, may be tested or examined.

Resolved, That the President be requested to communicate to the House copies of the arrangement entered into between the Governor of Maine and Sir John Harvey, Lieutenant Governor of New Brunswick, through the mediation of Major General Scott, in the month of March last, together with copies of the instructions given to General Scott, and of all correspondence with him relating to the subject of controversy between the State of Maine and the Province of New Brunswick.

On motion of Mr. CURTIS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to purchase a lot of land on the eastern side of the New York Custom house, for the purpose of light and ventilation.

Resolved, That the Committee on Commerce inquire into the expediency of extending the privileges of drawback, and abolishing distinctions in ports of entry. Also, to inquire whether it be expedient to establish by law a system of warehousing imported merchandise.

On motion of Mr. E. DAVIES,

Resolved, That the Committee on Public Buildings and Grounds inquire into the expediency of making an appropriation to defray the expenses of enclosing, levelling, draining, and putting under grass the public ground west of the Capitol and east of the Potomac.

Resolved, That the Committee on Public Buildings and Grounds inquire into the expediency of removing the naval monument from the western front of the Capitol, and erecting it in some more suitable position.

On motion of Mr. ADAMS,

Resolved, That the Secretary of the Treasury be directed to report to this House a statement of all the public moneys of the United States invested in the stocks of the several States, specifying the amount invested in the stocks of each State, the authority by which each investment was made, the terms and rate of interest of each contract, the security received for payment of interest and principal of each debt, the rate per centum given in the purchase of the bonds, and the market value of the said bonds at the times of the respective investments and at the present time.

Mr. McKAY submitted the following, which, under the rule, lies over:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a uniform law concerning bankruptcies, particularly those of corporations and other bankers.

On motion of Mr. RANDALL,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Lucy Whitmore, of the county of Lincoln and State of Maine, widow of Andrew Whitmore, a soldier of the Revolution.

On motion of Mr. CLIFFORD,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency and justice of granting a pension to George Whittier, for injuries received in the late war with Great Britain.

On motion of Mr. JAMESON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Massie's Iron Works, by the Piney Row Mills, John Busden's, and Grisley's, to Forsyth, county seat of Taney county, Mo.

On motion of Mr. CHAPMAN, of Iowa,

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of of causing to be surveyed the Northern boundary of the Sac and Fox half-breed tract, so as to enable the judicial authority of Iowa to cause partition thereof to be made.

Resolved, That the Committee on the Public Lands inquire into the expediency of extending the pre-emption laws so as to include prairie and timbered land in the said grant.

On motion of Mr. FISHER,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Lexington, in Davidson county, North Carolina, to Mocksville, to Davis county, in said State.

On motion of Mr. LUCAS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension of John Grimm.

On motion of Mr. BANKS,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of providing, by law, that any postmaster, collector, or receiver of public moneys, who shall fail to settle or make returns of his official acts at the time in the mode prescribed by law, it shall be the duty of the officer having charge or management of the Department to which such settlements or returns are required to be made, to give notive forthwith to the security or securities, of such delinquency or default.

On motion of Mr. SMITH of Maine,

Resolved, That the Committee on Commerce inquire into the expediency of placing buoys or spindles upon Taylor's Ledge, Broad Cove Rock, Trundy's Reef, and Coon Island Ledge, in and near the harbor of Portland, in Maine.

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of placing the name of Abigail York upon the list of pensioners under the act of July 7, 1838.

Resolved, That the Committee on Commerce be directed to inquire into the expediency of reporting a resolve in favor of John Phroof, of Bristol, Maine, for the amount of fishing bounty upon schooner Pacific.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of granting a pension to Polly Clough, under the act of March 3, 1837, entitled "An act for the more equitable administration of the Navy Pension Fund."

Resolved, That the Committee for the District of Columbia inquire into the expediency of granting to the Potomac and Alleghany Canal and Iron Manufacturing Company, power to own and hold land in said District.

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of placing the name of Wm. Wallace, of Phipsburg, Maine, upon the list of Revolutionary pensioners.

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of allowing to Ebenezer Stow, of Gosham, Maine, his pension from March 4, 1820, to March 3, 1826.

On motion of Mr. J. SMITH, of Vermont,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reviving and continuing in force the provisions of the second section of an act, passed March 3, 1817, entitled "An act to continue in force an act, entitled an act further to provide for the collection of duties on imports and tonnage, passed the 3d day of March, 1815, and for other purposes."

On motion of Mr. NISBET,

Resolved, That the Committee on the Judiciary inquire into the propriety of increasing the fees, or otherwise enlarging the compensation of the marshal for the district of Georgia, and that they report by bill or otherwise.

On motion of Mr. CAMPBELL of South Carolina,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Bucksville, in South Carolina.

On motion of Mr. ATHERTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of granting relief to Thomas McMaster, jr. in relation to a mail contract entered into by him.

On motion of Mr. CLIFFORD,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of regulating, by law, the compensation of consuls, either upon the basis of a fixed salary, or by requiring them to account for all moneys received for official services beyond a certain amount.

On motion of Mr. BELL,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route between the town of Statesville, in Wilson county, and Woodbury, in the county of Conner, in the State of Tennessee.

On motion of Mr. CARTER of Tennessee,

Resolved, That the Committee on Commerce inquire into the expediency of ordering a survey of the Tennessee river, and its navigable tributaries, with a view to their improvement.

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the propriety of granting a pension to John Woods, of the county of Jefferson, and State of Kentucky.

On motion of Mr. CAMPBELL of Tennessee,

Resolved, That the Committee on the Post Office and Post Roads be directed to amend the law approved 7th July, 1838, being an act to establish certain post routes to discontinue others, so as to insert Scotteville, instead of Tompkinsville, in that part of the act establishing a post route from Witchen's Cross Roads, in Tennessee, to Tompkinsville, in Tennessee.

On motion of Mr. SWEENY,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry, and a district for the collection of revenue, at Port Clinton, in the State of Ohio.

Resolved, That the Committee on Commerce be instructed to inquire into the propriety of altering the name of the port of entry at Sandusky city, from that of Portland to that of Sandusky city.

On motion of Mr. GOODE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Lima, Allen county, Ohio, via Vincent, the county seat of Vanwert county, Ohio, to Fort Wayne, in the State of Indiana.

On motion of Mr. BEIRNE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Burdit's post office, on Second creek, Greenbrier county, to Nichol and Hamilton's store, in Monroe county, Virginia.

On motion of Mr. HOLLEMAN,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of placing buoys in Elizabeth river, so as to mark out the channel of said river.

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of increasing the pension of James Roberts, an invalid pensioner of the United States.

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to the widow of sergeant C. Leming, who was wounded in the discharge of his duty during the war of 1812.

On motion of Mr. GRAHAM,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of granting to Isaac Levan, of Burke county, North Carolina, a pension for services rendered in the Revolutionary War.

On motion of Mr. L. WILLIAMS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Walnut Grove, in Virginia, to Bowers's store, in Ashe county, North Carolina.

On motion of Mr. SAMUELS,

Resolved, That leave be given to the representatives of Lieutenant Nathaniel Ashby to withdraw their papers filed in the Clerk's office, and which were referred to the Committee on Revolutionary Pensions in the Twenty-fifth Congress.

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Joseph Mayse.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Moorfield, Hardy county, Virginia, by way of the Valley of the South Fork and Oak Flat Post Office to Franklin, Pendleton county, Virginia.

On motion of Mr. BEIRNE,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing Joseph Millon, a soldier of the Revolution, a pension.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Princeton, in Mercer county, by Rich Creek, Camp Creek, and Glade Creek, so far as to intersect the mail route at Henry Hull's, about fourteen miles from Blackstone's River, towards Logan Court-house and Fayette Court-house.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reimbursing Jas. F. Teas, postmaster at Coalsmouth, Virginia, the amount paid by him for having the mail transported from said office to Gallipolis, Ohio, agreeably to instructions from the General Post Office Department.

On motion of Mr. STORRS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation by Congress for the purpose of removing Chester Rock, so called, into the channel of Connecticut river, at or near the mouth of Chester creek, or any other impediments to the navigation of Connecticut river, in that vicinity.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending the mail route from the town of Wolcott, in the State of Connecticut, to the town of Bristol, in said State.

On motion of Mr. TILLINGHAST,

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a mail route from Providence, in Rhode Island, to West Brookfield, in Massachusetts, via Sutton street and Oxford, or as they may deem most convenient from evidence that may be before them.

Resolved, That the Committee on Military Affairs inquire into the expediency of providing, by law, for the payment of a reward of dollars for every Indian warrior, or ally, or associate of Indians, who has been, or, at the time of capture, shall have been engaged in active hostilities against the United States in Florida, or any State adjoining thereto; and of dollars for every other individual, of whatever age or sex, belonging to, or associated with, any hostile tribe or band of Indians in Florida; payable to the person, or persons, by whom such warriors or other individuals aforesaid shall be taken and delivered alive to some competent authority of the United States; and of a reward in money, payable to such Indian, or other men and women, and children, belonging to, or associated with, any hostile tribe or band, as shall voluntarily, without capture, peaceably surrender to some competent authority of the United States, in such manner as may be provided by law.

On motion of Mr. HASTINGS, of Massachusetts,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing to Elijah Borden the arrears of a pension from the 25th day of September, 1820, when he was stricken from the pension roll, until the 19th day of January, 1832, when his name was restored to the roll.

On motion of Mr. CUSHING,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing for the placing and maintenance of suitable buoys and piers for working and deepening the channel of the river Merrimac.

On motion of Mr. ADAMS,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of increasing the pension of Major Charles Larrabee, who lost an arm in battle in the last war with Great Britain.

On motion of Mr. CORWIN,

Resolved, That the memorial to Congress of the delegation from the Cherokee tribe of Indians, be referred to the Committee on Indian Affairs.

On motion of Mr. DAVIS of Indiana,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Springville, in Lawrence county, by the way of the Virginia Furnace and Stamford, in Monroe county, White Hall, and Spencer, in Owen county, to Greencastle, in Putnam county, in the State of Indiana, to Crawfordsville, in Montgomery county.

On motion of Mr. RARIDEN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Benton, in Elkhart county, Indiana, to Pleasant Lake, where the State road enters the Defiance road, near Steubenville. Also, a mail route from Marseilles, in Noble county, Indiana, to Benton, Elkhart county, Indiana.

On motion of Mr. WICK,

Resolved, That the Committee on Claims be instructed to to inquire into the propriety of making compensation to Chancy Carter, for making a journey from Logansport, Indiana, to the seat of Government, for the purpose of adjusting his accounts as a disbursing agent of the bureau of Indian Affairs.

On motion of Mr. CRABBE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing post routes as follows, viz: From Augusta, Georgia, to Tuscaloosa, Ababama, by way of the Georgia railroad, to its western termination; thence by the following places, in four horse post coaches, three times a week, to wit: Madison, Morgan county; Covington, Newton county; McDonough's, Henry county; Fayetteville, Fayette county; Newnan, Coweta county; and Carrollton, Carroll county, in Georgia; thence by Aberchooka Gold Mines, in Randolph county, Talladega, Kimulga, Columbiana, Montevallo, and Centreville, in Alabama; from Pickensville to Yorkville, in Pickens county; and from Marion to Uniontown, in Perry county, State of Alabama.

On motion of Mr. HUBBARD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in Alabama, to wit: From Pikeville, through Millville, in Marion county, to Wall's Tan Yard, in Mississippi; from Athens, through Gilbertsboro, to Pulaski, Tennessee; from Russelville to Fulton, in Mississippi.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a general bankrupt law.

IN SENATE.

TUESDAY, March 10, 1840.

Mr. WRIGHT presented a memorial from citizens of New York for a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WALL presented a similar petition, which was referred to the same committee.

Mr. W. said he embraced that opportunity of saying that the Committee on the Judiciary had a bill in preparation, which would probably be reported the beginning of next week.

Mr. W. also presented a memorial of a number of citizens of New Jersey, asking the establishment of a mail route; which was refered to the Committee on the Post office and Post Roads.

Mr. HENDERSON presented two resolutions of the Legislature of Mississippi, asking the establishment of certain post routes therein designated, which were referred to the Committee on the Post Office and Post Roads.

Mr. H. also presented a memorial of the Legislature of Mississippi, asking that Congress may cause the value of the sixteenth sections in the Chickasaw purchase, to be ascertained, and to pay the same over to the school fund; and also asking a grant of all the public lands in the State, for the purposes of internal improvement; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. CLAY of Alabama presented the late report of the Alabama Commissioners of the Tennessee river canal, made to the Legislature of that State, exhibiting the progress and present condition of that improvement.

Mr. C. referred to certain joint resolutions of the two Houses of the Alabama Legislature, asking a relinquishment to that State of the exclusive control of the works going on for the removal of obstructions to the navigation of the Tennessee river; which, he said, had been presented at the last session of Congress, and, at its close, left on the files of the Senate; and which had again been referred to the Committee on Roads and Canals at an early day of the present session. Mr. C. stated that the funds produced by the sale of lands heretofore granted for that purpose, (as far as they would sell on the terms authorized by Congress,) had been faithfully applied, and were exhausted, without completing that great work; and the Legislature now asked the proposed relinquishment that they might devise ways and means to remove the remaining obstructions. Mr. C. adverted to the great importance of the improvements contemplated in the river Tennessee, and hoped the subject would receive early consideration by the committee. He said, although the principal obstructions, presented by the Muscle Shoals, had been overcome by a canal, about fifteen miles in length, there yet remained other obstructions, above and below, which required removal; and without which navigation could not be carried on in ordinary tides of the river.

The documents presented by Mr. C. were referred to the Committee on Roads and Canals.

Mr. NORVELL presented the petition of J. L. Schoolcraft, praying the payment of a sum of money guarantied to be paid to him in a treaty with the Ottowa and Chippewa Indians; which was referred to the Committee on Indian Affairs.

Mr. CLAY of Kentucky presented two memorials asking for the imposition of a moderate duty on imported silks; which were referred to the Committee on Finance.

Mr. C. also presented various memorials remonstrating against the use of bloodhounds in the Florida war; which were laid on the table.

Mr. SOUTHARD also presented a memorial in relation to the bloodhounds; which was also laid on the table.

M. TALLMADGE presented a memorial of citizens of New York in favor of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BENTON presented a memorial from citizens of Missouri, praying for a passage of a pre-emption law for the better security of the settlers on the public lands; which was referred to the Committee on the Public Lands.

Mr. PORTER presented the petition of Henry H. Brown; which was referred to the Committee on Claims.

Mr. STURGEON presented the petition of a number of masters and owners of steamboats navigating the western waters, praying a modification of the act of July 7, 1838; which was laid on the table, and ordered to be printed.

Mr. S. also presented two memorials remonstrating against the use of bloodhounds in the Florida war; which were laid on the table.

Mr. LINN, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of Pierre Bonhommie; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of the heirs of Robert Fulton, made a detailed report adverse to the claim, which he gave notice he would call up this day two weeks.

Mr. SEVIER, from the Committee on Indian Affairs, reported a bill for the relief of Samuel McKay; which was read, and ordered to a second reading.

Mr. PRENTISS, from the Committee on Pensions, to which was referred the claim of Frederick Sammons, made an adverse report thereon.

Mr. NORVELL submitted the following resolution:

Resolved, That the President of the United States be requested to communicate, if in his judgment compatible with the public interest, any information he may possess, or which may have been received by any Department of the Executive, touching any fortification or military works which have been constructed within the last eighteen months, or which may be in progress of construction, or any naval or military armaments which have been prepared, or may be preparing, by the British authorities along or near the Northern and Northwestern frontiers of the United States.

Mr. BENTON submitted the following resolution:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate a detailed chronological statement of the purchases of land made from *each* Indian tribe within the limits of the United States since the establishment of the present Federal Government; showing the successive purchases in *each* tribe separately, with the whole amount given by the United States in consideration thereof, whether in money, lands, goods, provisions, or aids, or in any other way whatsoever—the whole to be arranged under proper heads, with such remarks as may be necessary to exhibit a just view of the full amount paid and contracted for to be paid in consideration of each purchase, and followed by a general table to show the total of the purchases and payments in the case of each tribe, and also the aggregate of the whole.

The bills ordered to be engrossed yesterday were severally read a third time and passed.

The bill to relinquish to the State of Alabama the two per cent fund reserved by the act of her admission into the Union, to be applied to the making of a road or roads leading to said State;

The bill to establish an additional land district in the State of Alabama; and

The bill authorizing a patent to be issued to Joseph Campan; were severally considered as in Committee of the Whole, and ordered to be engrossed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 10, 1840.

The reading of the journal having progressed for some time,

Mr. LEET rose and said he could perceive no particular advantage to the House, in having the resolutions submitted on yesterday read over by the CLERK this morning. They were very numerous, and have no doubt been carefully copied into

the journal, and will be published. Mr. L. intimated his intention to move that the further reading be dispensed with; but

Mr. STANLY demanding the reading to be proceeded with,

Mr LEET did not press his motion.

The CLERK having continued the reading of the resolutions for some time,

On motion of Mr. CHAPMAN of Alabama, the further reading of the journal was dispensed with.

Mr. COOPER of Georgia wished to submit a motion to amend the journal of yesterday, which he knew could only be done by the universal consent of the House. He on yesterday submitted a resolution proposing to have printed, for the use of the members, a sermon on Christian courtesy, delivered on the last Sabbath by the Chaplain of the House. He did not apprehend that the resolution would meet with any objection. He had since understood that the resolution was objected to on the ground of discourtesy to the members. He was the last man in that House who would knowingly do an act which could even admit of such a construction. His only object was to call to the minds of the members what he believed they well knew individually. The only request that he then wished to make, was, that he might be permitted to withdraw the resolution from the journal. He wished to withdraw it, because it was understood by some gentlemen as discourteous. He had other reasons which if necessary he could state.

The question was put, and the House unanimously agreed to the withdrawal.

Mr. GRAVES made a motion to modify his resolution, which appeared on the journal of yesterday, in relation to his call on the Postmaster General; and the proposition having been ruled out of order, he made a motion to suspend the rules, for the purpose; which was disagreed to without a count.

Mr. RANDOLPH inquired of the CHAIR whether the resolution submitted by the gentleman from Virginia, [Mr. RIVES,] respecting the Governor, was entered on the journal.

The SPEAKER replied in the affirmative?

Mr. RANDOLPH said he understood that the gentleman from Georgia, [Mr. COOPER,] had on yesterday demanded the question of reception. He thought that when the question of reception was moved, the matter on which it was moved, did not go on the journal until that question was decided.

Mr. COOPER of Georgia said he moved the question of consideration. His object was to test the question of reception. He confessed that he was unwilling, at this time, that the preamble should be received.

The SPEAKER said the question of consideration only having been moved, the resolution was received, and on that motion was laid over under the rule.

Mr. STANLY moved to amend the journal by inserting the name of the member who on yesterday objected to the consideration of his resolution proposing that the General Government should pay over the instalment due to the States of the surplus revenue.

Mr. DROMGOOLE, who had objected on yesterday, was perfectly willing that his name should appear on the journal, though it was unusual to do so.

The SPEAKER said it was not usual to insert on the journal the name of the gentleman objecting; and that it could not be done except by a vote of the House.

Mr. STANLY moved a suspension of the rules for the purpose; which was, however, disagreed to without a count.

Mr. BOTTS asked leave of the House to present a report from the minority of the Committee of Elections in relation to the New Jersey claimants.

The SPEAKER said it could only be received by the general consent of the House.

Mr. PETRIKIN objected to the reception of the report. He had no objection to receiving it and having it printed with the report of the majority of the committee, but he was opposed to letting it in at that time to interfere with the question before the House.

Mr. BOTTS moved a suspension of the rules to enable him to present the report; and on that motion demanded the yeas and nays; which were ordered.

Mr. DROMGOOLE wished to know what would be the effect of receiving the minority report. He asked if the House took any action on it—whether it would supersede the business now before the House.

The SPEAKER was of opinion that it would not.

Mr. TURNEY: I want to know what would be the effect of suspending the rules, if a debate should spring up on a motion to print these papers. Would that interfere with the pending business on which the previous question had been moved?

The SPEAKER was of opinion that it would.

Mr. SMITH of Connecticut: On behalf of the minority of the Committee of Elections, I wish to say that it is not our intention to move the printing of the minority report, nor to interfere with the other question before the House.

The question was then taken on the motion to suspend the rules, and resulted—yeas 126, nays 80.

So the House refused to suspend the rules.

The SPEAKER announced that the business before the House was the proposition of the gentleman from New York, [Mr. FILLMORE,] as follows:

Whereas this House did, by a resolution adopted on the 28th February, 1840, among other things, direct the Committee of Elections "to report forthwith which five of the ten individuals claiming seats from the State of New Jersey received the greatest number of lawful votes from the whole State for Representatives in the Congress of the United States at the election of 1838, in said State."

And whereas this House had previously referred evidence to that committee tending to show that the poll at South Amboy, in said State, at said election, was not held according to law, and that numerous votes given at said election were unlawful, because the persons voting had no legal right to vote, and the parties to said contest are now absent from this city with the consent and under the authority of said committee, taking testimony in said case, for the purpose of ascertaining who received the greatest number of lawful votes at said election in said State. And whereas certain depositions alleged to have been taken by one of the parties to said contest, in pursuance of the directions of said committee, in a sealed envelope, were addressed to the Speaker of this House, tending to show, as is alleged, that the polls at South Amboy were not held according to law, and that unlawful votes were taken at said poll. And whereas said committee, in acting on the resolution of this House, refused to consider any portion of said evidence, but determined to report, and have reported, simply the number "of votes adjudged to have been given to the several claimants by the Governor and Privy Council of New Jersey, together with those returned by the election officers of the townships of Millville, in Cumberland county, and South Amboy, in Middlesex county, to the clerks of said counties respectively," without inquiring whether said votes were *lawful* or not.

Therefore resolved, That said report be recommitted to said committee with instructions to inquire and report to this House, with all convenient despatch, which five of the ten claimants to the vacant seats in this House from said State received the greatest number of lawful votes at the last Congressional election in said State.

And the following substitute therefor, offered by the gentleman from Pennsylvania, [Mr. PETRIKIN,] on which the previous question had been moved:

Whereas it appears by the report of the Committee of Elections that Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, and Joseph Kille, received the greates number of lawful votes cast in the State of New Jersey, at the election holden in that State for Representatives in the Twenty-sixth Congress:

Resolved, That Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William Cooper, and Joseph Kille, are entitled to take their seats in the House of Representatives, as members of the Twenty-sixth Congress, and that the Speaker of the House, on their presenting themselves, qualify them as such: *Provided*, That nothing herein contained shall prevent the investigation into said election from being continued in the manner heretofore authorized by a majority of the Committee of Elections, on the application of the five claimants for said seats.

Mr. PETRIKIN then asked leave to modify his amendment, by inserting the words "*prima facie* upon the evidence in possession of the committee," to come in after the word "that," in the second line.

Mr. SMITH of Connecticut apprehended that the modification was not in order, after the previous question was called. A new proposition would then be before the House.

Mr. BOTTS inquired whether the previous question could be put on a proposition that never was before the House. If the modification of the gentleman from Pennsylvania was made, the proposition would be a new one, and not the one on which the previous question was moved.

The CHAIR said that the gentleman from Pennsylvania had a right to make the modification, before the question was taken.

Mr. LINCOLN made some remarks which, from the noise and confusion prevailing at the time, were not heard, and concluded by appealing from the decision of the CHAIR.

Mr. PETRIKIN then said that, as his modification had created so much noise and confusion among the Opposition members, he would, in order to relieve the SPEAKER and the House from further embarrassment, withdraw his modification.

The appeal, then, of course, fell to the ground, and the question was taken by tellers—Messrs. BYNUM of North Carolina and CAMPBELL of Tennessee—who, after counting the voters passing through them, announced the result as—ayes 109, noes 81.

Mr. FILLMORE then called for the yeas and nays on the previous question, which were ordered, and resulted in—yeas 113, nays 94.

Mr. SMITH of Connecticut here moved to lay the resolution and amendment on the table, and this question was decided in the negative—yeas 92, nays 113, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Barnard, Bell, Bond, Botts, Brockway, Calhoun, William B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, Rice Garland, Gates, Gentry, Goggin, Goode, Graham, Granger, Graves, Green, Grinnel, Habersham, W. S. Hastings, Hawes, Henry, John Hill of Virginia, Hoffman, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, King, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Nisbet, Osborne, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Simonton, Slade, Truman Smith, Sanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, Wagner, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—92.

NAYS—Messrs. Judson Allen, Anderson, Atherton, Banks, Beaty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, James Garland, Gerry, Hammond, Hard, J. Hastings, Hawkins, John Hill of N C. Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McKay, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Pavnter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, David D. Wagener, Watterson, Weller, Wick, Henry Williams, Sherrod Williams, and Worthington—113.

Mr. RANDOLPH asked if a motion to postpone would be in order.

The SPEAKER replied in the negative.

Mr. RANDOLPH asked for the reading of the proviso in the amendment, which was done.

Mr. R. then asked for the reading of the proviso in the original instructions moved by the gentleman from Tennessee, but

Mr. PETRIKIN objecting, it was done.

The SPEAKER having announced the main question to be on the amendment of the gentleman from Pennsylvania, [Mr. PETRIKIN,]

Mr. RANDOLPH called for a division of the question, so as take it first on all that part of the amendment preceding the proviso; but withdrew the call at the request of Mr. FILLMORE.

The SPEAKER again put the question to the House; when

Mr. MONROE asked if it was now in order for him to state his reasons for not voting on this question; and if it was not now in order, he desired to know when it would be in order.

The SPEAKER replied that it would not be in order, but that the gentleman could ask to be excused from voting, and then give his reasons for desiring to be excused.

Mr. MUNROE then rose and asked the House to excuse him from voting on the question. His reasons were these: he was called upon to vote upon a question which he did not understand the whole merits of. He had not read the report of the committee, and had not heard it read so as to understand it. It had not been printed, and he was called upon to vote on a question before this House, involving greater constitutional difficulties than it had ever been called on to decide. He now solemnly protested against being compelled to vote, and he called on the House to excuse him from committing so great an outrage on his conscience.

The question was then taken, and Mr. MUNROE was excused from voting without a division.

The yeas and nays were then called over by the CLERK; and when the name of Mr. GOGGIN was called, he asked if he could have the privilege of assigning his reasons for the vote he was about to give; but the SPEAKER declared that he could not, under the rules of the House, do so. The CLERK then proceeded with, and finished, the call of the yeas and nays, when, and before the result was announced by the CHAIR,

Mr. RUSSELL rose and observed that the importance of the question induced him to ask whether those gentlemen who were within the Hall, and had not voced, should not be required to do so. There were several gentlemen, he said, present, who had not voted when called by the CLERK.

The SPEAKER replied that he had no power over the subject.

Mr. RUSSELL wished to know whether there was not a rule of the House requiring every member who was present to vote.

The SPEAKER informed the gentleman that there was such a rule, but it was it was not the province of the CHAIR to enforce it. The only course of the gentleman was to submit a motion for the House to decide.

Mr. RUSSELL. There are in the House, and in their seats, several gentlemen who have not responded to the call of the CLERK, and I understand that they will not. Now, whether the votes of these gentlemen will or will not change the result, I will not inquire. I only wish to inquire whether the rule is to be enforced, and I now ask the SPEAKER to have the names of the gentlemen who declined voting, called.

The SPEAKER said that the only way for the gentleman to accomplish his object was to designate the names of the gentleman who were in their seats, and declined voting.

Mr. RUSSELL said that he would do so; and first, he would name the gentleman from Massachusetts, [Mr. JOHN QUINCY ADAMS,] and ask that he be called on to vote.

The SPEAKER. He has been called on to vote.

Mr. PROFFIT. I move that he be compelled to vote.

Much noise and confusion prevailing,

Mr. COOPER of Georgia called on the CHAIR to preserve order; and

The SPEAKER having succeeded in restoring order,

Mr. RUSSELL assured the House that it was with no desire to embarrass its proceedings that he persisted in his motion. His object was to determine whether the rules of the House were or were not to be regarded, and he would therefore ask the attention of the House while he read the 36th rule. Mr. R. then read the 36th rule, the substance of which is that when a question is taken, every member who is present in the hall shall vote on it, unless excused by the House. Mr. R. concluded by expressing the hope that the rule would be enforced.

The SPEAKER asked the gentleman to submit a motion.

Mr. RUSSELL then submitted a resolution that JOHN QUINCY ADAMS, a member of this House from Massachusetts, and now in his seat, be required to vote on the question pending, before the vote on the same is announced.

Mr. DROMGOOLE and several other gentlemen rose at the same time, inquiring whether the resolution was in order at this time.

Mr. JOHNSON of Maryland appealed to the gentleman from New York [Mr. RUSSELL] to withdraw his resolution. He could see no good that could be affected by any attempt on the part of this House to enforce this particular rule when an individual refusing to vote was more responsible to the country than he was to the House. He hoped the gentleman would not embarrass the proceedings of the House by persisting in this motion, and in which, if it prevailed, the House might be foiled in attempting to carry it out.

As the decision of the House on this question could not be altered even by adding in the votes of the few who had not voted, he hoped the gentleman would not deem it necessary to persist in his motion. It was, he thought, a delicate matter to attempt to compel gentlemen to vote on questions in regard to which they entertained conscientious scruples. He voted himself under great doubts; and he for one would rather have subjected himself to the censures of this House than to the censures of his conscience, had he entertained the scruples that he understood these gentlemen did. This was a question in relation to which any conscientious man might avoid voting on, for as the report stated that the gentlemen named in it had received the greatest number of lawful votes, they might well hesitate about voting against it. He himself believed that the report stated the facts incorrectly, and therefore had voted against he amendment. He could see no possible good in attempting to enforce the rules, when it was obvious that such doubts were tentertained by the gentlemen who declined voting.

Mr. PETRIKIN asked if debate was in order.

The SPEAKER replied that it was.

Mr PETRIKIN then moved to lay Mr. RUSSELL'S resolution on the table.

Mr. LEWIS WILLIAMS called for the yeas and nays.

Mr. RUSSELL then modified his resolution, so as to read in substance as follows:

Resolved, That the House do refuse to excuse JOHN Q. ADAMS, JOHN W. ALLEN, and EDWARD STANLY, (and one other name not heard by the Reporter,) from voting on the question pending before the House, and that the CLERK call on these gentlemen to vote.

Mr. DROMGOOLE said it was not in order to offer a resolution that the House will refuse to excuse gentlemen from voting who have not asked to be excused. It was also out of order to move a resolution after the yeas and nays had been taken, and before the result was announced by the CHAIR. It was not in order to interpose any motion to delay the announciation of the result of the vote that had been taken. When that result was announced, gentlemen might then, if they pleased, arraign those members who had been refractory, and had refused vote.

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, MARCH 24, 1840. VOLUME 8.....No. 17

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 16.

Mr. CUSHING rose for the purpose of confirming the point of order made by the gentleman from Virginia, [Mr. DROMGOOLE.] It was not in order to move that the House refuse to excuse gentlemen from voting who have not asked to be excused.

The SPEAKER said the modification of the gentleman from New York was not in order.

Mr. RUSSELL then withdrew his modification, and observed that he rested on his original resolution.

The SPEAKER then stated the question to be on the resolution of the gentleman from New York, [Mr. RUSSELL.]

Mr. LEWIS WILLIAMS called for the yeas and nays, which were ordered.

Mr. DROMGOOLE rose to the same point of order on the resolution that had been decided in the modification. It was not in order for the House to entertain a motion after the yeas and nays had been called and before the result was announced. Besides, Mr. D. said the House could not compel a gentleman to vote who declined voting.

The SPEAKER said that no compulsion was contemplated in the resolution, and that it was in order then to offer it, for that was the only time at which it could be offered to have any effect.

Mr. DROMGOOLE appealed from the decision of the CHAIR. The yeas and nays, he said, had just been taken, and before the result was announced, they were called upon to take the yeas and nays again on another motion, and perhaps to be followed by a similar motion, should any gentleman refuse to vote. He implored the House to save them from such an absurdity as that of again taking the yeas and nays before the result was announced on the question that had been taken. Mr. D. then moved the previous question on the appeal, which having been seconded, and the previous question put and carried,

Mr. RUSSELL demanded the yeas and nays on the main question on the appeal; which were ordered, and resulted, yeas 87, nays 103.

So the decision of the CHAIR being reversed,

The votes of the members, as they severally voted on the main question of Mr. PETRIKIN's amendment, were called over by the Clerk, and

The SPEAKER announced the result to be yeas 111, nays 91, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Droomgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Howard, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McKay, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, David D. Wagener, Watterson, Weller, Wick, Henry Williams, and Worthington—111.

NAYS—Messrs. Alford, John W. Allen, Andrews, Barnard, Bell, Biddle, Bond, Botts, Brockway, William B. Campbell, Carter, Caton, Chittenden, Clark, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dillett, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, King, Lincoln, McCarty, Marvin, Mason, Mitchell, Morgan, Calvary Morris, Nisbet, Osborne, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Simonton, Slade, Truman Smith, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Sherrod Williams—91.

The amendment of Mr. PETRIKIN having been thus adopted the question recurred on the resolution as amended.

Mr. TURNEY called for the yeas and nays, which were ordered.

The question was then taken by yeas and nays; but before the result was announced from the CHAIR,

Mr. HABERSHAM, who was absent when his name was called, asked leave to have his vote recorded in the negative.

Cries of no, no, not in order, from several.

The SPEAKER said that the gentleman could not now vote, without the general consent of the House.

Mr. HABERSHAM then moved to suspend the rules, in order to admit a motion to allow him to vote.

Mr. TURNEY inquired if the motion of the gentleman from Georgia was in order. It was decided by the vote on the appeal taken by the gentleman from Virginia, [Mr. DROMGOOLE,] that no motion was in order after the yeas and nays had been taken, before the result was announced from the CHAIR.

The SPEAKER said the motion of the gentleman from Georgia was not in order, and then announced the result of the vote just taken, as—yeas 111, nays 80, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Wm. O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, John Hastings, Hawkins, John Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Howard, Hubbard Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, J. W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McKay, Marchand, Medill, Miller, Montgomery, S. W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeny, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, David D. Wagener, Watterson, Weller, Wick, Henry Williams, and Worthington—111.

NAYS—Messrs. John W. Allen, Andrews, Barnard, Bell, Biddle, Bond, Botts, Brockway, William B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, William S. Hastings, Richard Hawes, Thomas Henry, John Hill of Virginia, Ogden Hoffman, Francis James, Daniel Jenifer, Charles Johnston, William Cost Johnson, Kempshall, Lincoln, McCarty, Marvin, Mason, Morgan, Calvary Morris, Nisbet, Osborne, Proffit, Randall, Randolph, Rariden, Rayner, E. Rogers, Russell, Saltonstall, Simonton, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, John White, Lewis Williams, J. L Williams, and C. H. Williams—80.

So the resolution, as amended by Mr. PETRIKIN's substitute, was adopted; and Messrs. DICKERSON, VROOM, KILLE, RYALL, and COOPER were declared to be entitled to take their seats as members of the Twenty-sixth Congress from the State of New Jersey, and that the SPEAKER, on their presenting themselves, qualify them as such.

Mr. J. W. JONES called for the orders of the day.

Mr. DROMGOOLE hoped his colleague would not press that motion, but that the House would, by universal consent, agree to receive the report of the minority of the Committee of Elections, and that both reports and testimony be printed.

Mr. BOTTS said, as the judgment of the House had been pronounced on the question of the New Jersey claimants, he hoped that there was no objection to introducing the report of the minority of the Committee of Elections on that subject.

There was no objection, but

Mr. GARLAND of Louisiana demanded the yeas and nays. Gentlemen voted this morning against receiving this report; he now wished to see their names recorded in favor of receiving it.

The SPEAKER said there was no objection. The consent was unanimous; and consequently there was no question upon which to call the yeas and nays.

Mr. GARLAND insisted upon it that he had the right to call the yeas and nays on the motion. Gentlemen had this morning recorded their names against receiving this report; but now, after having pronounced judgment, they were willing to receive it. He wanted to see their votes now recorded in opposition to those in the morning.

Mr. DROMGOOLE desired to know if it was in order to call the yeas and nays on a motion, which had been received by unanimous consent.

The SPEAKER inquired of the gentleman from Louisiana, Mr. GARLAND, whether he objected to the reception of the report.

Mr. GARLAND said he did not object; but he wished to have the yeas and nays on its reception.

Mr. W. B. CALHOUN said he would object to the reception of the report. It had been suppressed to day; and, therefore, he wished it to go forth to the world as a suppressed report. He entreated his friend from Virginia [Mr. BOTTS] to withdraw his motion.

Mr. BOTTS said he could not consent to do so. This was the very day, of all others, that he wanted the question to be taken. He wished it published as a justification of his vote.

Mr. LEWIS WILLIAMS moved a suspension of the rules to permit the presentation of the report.

Mr. R. GARLAND demanded the yeas and nays on that motion. Gentlemen are very willing now to let in this report, after they have decided the question, but they refused to receive it this morning.

Mr. McCLELLAN inquired whether a motion to suspend the rules twice on the same day on the same question, was in order.

The CHAIR said it was not in order.

Much confusion now prevailing in the hall,

Mr. RAMSEY moved that the House adjourn; but subsequently withdrew it.

Mr. KEMBLE renewed the motion, and said he would not withdraw it.

Mr. CRABB demanded the yeas and nays on the motion; which were ordered, and were—yeas 95, nays 87. Accordingly,

The House adjourned.

WASHINGTON, March 10, 1840.

GENTLEMEN: Please insert in the Globe that Messrs. HALL and FLETCHER of Vermont, who would have voted on opposite sides, were absent from the House on Tuesday by mutual agreement, and did not vote upon the different questions that were taken.

Respectfully, J. FLETCHER.

Messrs. BLAIR and RIVES.

IN SENATE,

WEDNESDAY, March 11, 1840.

The VICE PRESIDENT submitted a report from the Secretary of the Treasury, in compliance with a resolution of the 30th December, containing tabular statements showing the amount of duties received, and the amount of drawbacks paid on the same, since 1833; which were laid on the table, and ordered to be printed.

Also, resolutions of the Legislature of the Territory of Florida, asking admission into the Union, and deprecating any division of said Territory; which were referred to the Select Committee on the Florida Territory.

Also, a petition from Thomas Quantril, asking a pension; which was referred to the Committee on Pensions.

FUGITIVES FROM JUSTICE.

Mr. LUMPKIN presented the following resolutions of the Legislature of Georgia:

The Federal Constitution having been framed partially with a view to regulate the constitutional intercourse between the sovereign States that ordained it, and having conferred all the powers necessary and proper for carrying its provisions into full effect upon a Congress of the United States, it is incumbent on that body, by its legislation, to secure the several States in the enjoyment of their constitutional rights. Not the least important stipulation in that compact is, that "a" person charged with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, to be delivered up to be removed to the State having jurisdiction of the crime.

Doubtless the past legislation on this subject has been predicated upon the presumption that each State having, in the pledged faith of all the others, a sufficient guarantee, nothing more was requisite than to prescribe the forms which should give authenticity to the demand; doubtless, too, in the time which gave birth to the Constitution, whilst the Union was young and her Revolutionary associations fresh and warm, this presumption found its warrant in the mutual fidelity which promptly responded to all Executive demands. To this generation has been reserved the humiliating spectacle of a sovereign State making herself a city of refuge for fugitive felons from her sister confederates. Two such cases of recent occurrence demonstrate the utter inefficiency of the existing laws for carrying into effect the provision of the Constitution. They, moreover, clearly indicate the cause of this inefficiency. Those laws are dependent for their execution upon the mere will of the Executive officers of the several States, who neither are nor can be made responsible to the General Government. If, then, it be correctly assumed that the Federal Legislature is bound to make ample provision for the contemplated exigency, and if experience has proved that reliance on State authorities is delusive, the question occurs whether there be any other mode which gives fairer promise of security? May not the object be accomplished by employing in that service officers appointed by, and responsible to, the Federal Government? Inasmuch as that Government has employed in every State of the Union competent judicial and ministerial officers, it is believed that this duty, enjoined by the highest obligation, and intimately connected with the harmony and perpetuity of the Union, may be appropriately and efficiently performed through their instrumentality. There would seem to be a peculiar fitness in providing that the aid which she is bound to afford to the State judiciaries, should result from the action of her own judiciary. The process would be simple, and the agents directly responsible to the power whence the laws to be executed emanate.

Be it therefore resolved, That the statutes of the United States enacted to carry into effect the latter clause of the second section of the fourth article of the Constitution are wholly inadequate to the object.

Be it further resolved, That, in the opinion of this General Assembly, those statutes should be so amended as, 1st, to authorize the demand in the cases contemplated to be made upon the Circuit Judge of the United States having jurisdiction in the State wherein such fugitive may be found; 2d, to require that such judge, upon such demand being made in due form of law, shall issue his warrant to be directed to the Marshal of the United States in the State wherein such fugitive may be requiring his arrest and delivery to the agent duly authorized to receive him who shall be named in such warrant; 3d, to require each marshal, to whom any such warrant shall be delivered, forthwith to execute the same.

Be it further resolved, That our Senators in Congress be instructed, and our Representatives be requested, to have the act of Congress, passed on the 12th of February, 1793, to carry into effect the second section of the fourth article of the Constitution of the United States, so amended as to make it obligatory on the said district judge to surrender any person who may be found in any State or Territory, and who is charged, in any other State or Territory, with the commission of any act which is constituted a crime by the laws of said State or Territory, where he is so charged, to the Executive authority of the State or Territory where the offence is alleged to have been committed.

Be it further resolved, That his Excellency the Governor be requested to forward to our Senators and Representatives in Congress copies of the above preamble and resolutions, with a request that they endeavor to procure such amendments of the statutes in question, as in their judgment will be best calculated to affect the desired object. ROBT. M. ECHOLS,

President of the Senate.

Attest: DAVID J. BAILEY.

JOSEPH DAY,

Speaker of the House of Representatives.

Attest: JOSEPH SURGES, Clerk.

APPROVED, 24th December, 1839.

CHARLES J. McDONALD, Governor.

Mr. LUMPKIN said: Mr. President, I must ask the indulgence of the Senate, while I submit a few remarks in connection with the subject of the resolutions that have just been read by the Secretary of the Senate. These resolutions have received the sanction of a majority of both branches of the Legislature of Georgia, as well as the assent of the Governor of the State. They therefore possess

all the requisite forms of legislation required by the Constitution of the State that I in part represent, to entitle them to my highest respect and consideration. Moreover, I am instructed by these resolutions to sustain the views of the Legislature, as therein pointed out and suggested.

In order, Mr. President, that the Senate and the people of the United States may clearly understand the pending controversy between the two States—Georgia and Maine—I deem it important that a history of the facts and circumstances connected with the case should be briefly presented. They are as follows:

In May, 1837, a man slave by the name of Atticus, the property of James Sagurs and Henry Sagurs, citizens of the city of Savannah, and county of Chatham, in the State of Georgia, was conveyed to the State of Maine, by Daniel Philbrook and Edward Killeran, citizens of the State of Maine, being master and mate of the vessel on board of which said slave was conveyed; which vessel was known by the name of the schooner Boston, and which had recently been in the port of Savannah. On the 16th of June, in the same year, James Sagurs, one of the owners of said slave, complained on oath before a magistrate of Chatham county, that Daniel Philbrook and Edward Killeran "did, on or about the 4th day of May last, feloniously enveigle, take, steal, and carry away, without the limits of the State of Georgia," the slave Atticus; that the said Daniel Philbrook and Edward Killeran have been guilty, as the deponent is informed and believes, of a felony under the laws of this State; and "that since the commission of said felony, the said Philbrook and Killeran have fled from this State, and are, as he believes, at this time, within the limits of the State of Maine, in the United States."

Whereupon a warrant for the apprehension of Philbrook and Killeran was issued by the magistrate before whom the information was made. On the same day, the officer charged with its execution, made a return that they were not to be found in the county of Chatham. And on the 21st of the same month, the then Governor of the State of Georgia, William Schley, made a demand upon Robert P. Dunlap, then Governor of the State of Maine, of Philbrook and Killeran, as fugitives from the justice of the laws of Georgia, charged with feloniously inveigling, stealing, taking and carrying away the slave Atticus, and transmitted, with his demand, a copy of the affidavit and warrant, and the return, duly authenticated. On the 16th of August of the same year, Governor Dunlap addressed to Governor Schley a communication, in which he declined to cause the arrest of Philbrook and Killeran.

In December, 1837, the Legislature of Georgia adopted resolutions declaring the refusal of the Governor of Maine to surrender Philbrook and Killeran, dangerous to the rights of the people of Georgia, and directly and clearly in violation of the plain letter and spirit of the Constitution of the United States. That the State of Georgia came a party to the Federal Constitution no less for the better protection of her own than the common rights and interests of all, and that when these ends are defeated, she is released from the obligations of that compact, and it has become her right and her duty to provide protection for her people in her own way. That when an indictment should be found against Philbrook and Killeran, the Executive be requested to renew the demand for their arrest; and if the demand be again refused by the Executive of Maine, that a copy of its resolutions be transmitted to the Executive of each State of the Union, to be laid before their respective Legislatures; that a copy be transmitted to the President of the United States, and to the Senators and Representatives of Georgia, in Congress, to be submitted to that body; and if the Legislature of Maine, at its next session after these resolutions shall have been forwarded by the Executive of that State, neglect to redress the grievance complained of, then the Executive of Georgia shall announce the same by proclamation, and call a convention of the people, to take into consideration the state of the Commonwealth of Georgia, and to devise the course of her future policy, and provide all necessary safeguards for the protection of her rights of her people.

On the 7th of February, 1838, an indictment charging Philbrook and Killeran with larceny, in feloniously inveigling, stating, taking, and carrying away the slave Atticus, was found by the grand jury of Chatham county; and on the 27th of April following, Governor Gilmer, the successor of Gov. Schley, made upon Gov. Kent, the successor of Gov. Duulap, the demand requested by the Legislature of Georgia, and accompanied the demand with a copy of the indictment found, and the proceedings on which it was founded, duly authenticated. On the 25th of June following, Governor Kent declined to order the arrest and surrender required by the authorites of Georgia.

On the 19th of August, 1839, Governor Gilmer addressed a communication to Governor Fairfield, the successor of Governor Kent, requesting to be informed of the action of the Legislature of Maine on the subject of the resolutions of Georgia, and received for answer the proceedings of the Legislature of Maine, declaring it inexpedient to legislate on the subject, as it is exclusively within the province of the Executive Department. The second clause of the second section of the fourth article of the Constitution of the United States provides, "That a person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on the demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

Moreover, the act of Congress of 1793 declares, "that whenever the Executive authority of any State in the Union, or either of the Territories, northwest or south of the river Ohio, shall demand any person, as a fugitive from justice, of the Executive authority of any such State or Territory, to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the Governor, or Chief Magistrate of the State or Territory from which the person so charged fled, it shall be the duty of the Executive authority of such State or Territory to which such person shall have fled, to cause him or her to be arrested and surrendered, and notice of the arrest to be given to the Executive authority making the demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. And further, sir. By the penal code of Georgia, "simple larceny is the felonious taking and carrying away the personal goods of another;" and the same code provides, that "any person or persons who shall feloniously take and carry away a slave, shall be punished by imprisonment and hard labor in the penitentiary, for any time not less than three years, and not longer than seven years."

Thus, sir, I have given a brief statement of the principal facts connected with this case, up to the meeting of the Legislature of Georgia, which passed the resolutions now presented to the Senate. And I must be permitted to say, that I entertain no doubt of these simple facts being amply sufficient to justify and vindicate the prudence, the justice, and patriotism, of every step taken by the authorities of Georgia in connection with this matter. If a more ample vindication of the proceedings of Georgia be sought for, it may be found in an attentive perusal of the correspondence of the Governors of the two States on this subject, which I will herewith present. I feel confident, sir, that no Senator in this hall could rise from a full investigation of this subject, without a settled conviction of the spirit of justice, forbearance, and patriotism, of the State of Georgia, in connection with this controversy.

I am aware, sir, that the moderation and forbearance of Georgia in this case, has been censured and reproached by some. But, sir, forbearance and magnanimity become those who are conscious that they contend for nothing but what is strictly right, and will ultimately submit to nothing which is materially wrong. I believe, Mr. President, there was some diversity of opinion in one branch of the Legislature which passed these resolutions. Those who opposed their passage, were unwilling to bring the subject before the Congress of the United States. They preferred seeking redress by State legislation, relying at once upon the reserved rights and sovereignty of the State to protect its citizens from all such aggressions as that complained of in the case now under consideration. And I consider it my duty, sir, to state, upon the present occasion, that I entertain no doubt of the constitutional right, power, and expediency, of the States of this Union protecting their own citizens in their property of every description; and in every case where the rights of property are not constitutionally protected by the Federal Government, then the duty of affording the proper protection to the citizen, devolves on the States. And, sir, I am not mistaken when I assure you that this right of the State is fully admitted and recognised by that portion of the Legislature of Georgia, who passed these resolutions, as fully as fully as by those who were opposed to their passage. The patriotic object of the Legislature in the passage of these resolutions, is, if practicable, to avoid further controversy and conflict with a sister State—to avoid all measures that may be calculated to weaken the bonds of the Federal Union. Therefore this subject has been submitted to the deliberation and wisdom of Congress. I forbear the expression of any opinion at this time, as to the expediency and constitutionality of further legislation by Congress on this subject. It is a subject which demands the most grave consideration. It is a subject involving questions of the greatest importance to the peace and harmony of this Union. Therefore, if any thing can with propriety be done by Congress, to aid in the avoidance of such controversies as the one now under consideration, what may be properly done ought to be done without unnecessary delay.

If this Federal Government has no constitutional right to interpose efficiently in preventing these conflicts between the authorities of the Statest then the States must of necessity and right ask for themselves.

I will again repeat, sir, that I presume that unanimity of feeling and opinion pervades the breasts of all parties and classes in Georgia, in regard to the constitutional right of the State, to legislate efficiently in protecting our slave property from such aggressions as the one complained of in the present case. It is true, these resolutions, as I am informed, were opposed in their passage by some of the gentlemen, who call themselves *State Rights men*; and be it far from me to deny to them the right of their selection of a name. But suffer me, sir, to assure you and the Senate that those who passed the resolutions on your table, are no less backward in defending *State Rights*, than those who are known by that name. There is no party in Georgia opposed to State Rights. We are all in favor of a strict construction of the Constitution of the United States. This Government is considered by all to be a Government of enumerated powers. The principle, that it can exercise only the powers granted to it by the Constitution, is now universally admitted by all parties in Georgia. Though the application of these principles, has produced, will occasionally produce, conflicting opinions and views, and will probably continue to do so as long as our system of Government exists. I take it to be a settled principle in the State of Georgia, agreed to by all parties, that those subjects of legislation which are not enumerated in the surrender to the General Government, remain subject to State legislation and regulation; and it follows, of course, that the sovereignty of the States over all subjects, not having been abridged, impaired, or altered by the Constitution of the United States, is as perfect, full, and complete as if the Constitution of the United States had never been adopted. Each State now, as before the adoption of the Federal Constitution, is a single sovereign power, a nation over whom no external power can operate, whose jurisdiction is necessarily exclusive and absolute within its own boundaries, and susceptible of no limitation not imposed by itself, by a

constitutional grant of power to the Federal Union. The original jurisdiction of the State adheres to its territory as a portion of its sovereignty not yet given away, or subject to the grant of power in the Federal Constitution, and may therefore be numbered with the residuary powers which remain in the State. But, sir, having expressed the opinion that the State has the constitutional right to protect the property of her citizens, suffer me to remark, in support of that opinion, that the history of the adoption of the articles of confederation, as well as that of the adoption of the Constitution of the United States, affords demonstration, that the people of the several States, however desirous to form a Confederation, Union, or General Government, were never willing for a moment, under any circumstances, to confide to a General Government the control or management of their separate and internal policy. The greatest fear of granting the power of taxation to the Federal Government, did not arise so much from a fear of taxation itself, as that the power might be used as a pretext for interfering with their internal affairs.

It was indipensable, however, to the efficiency of any Federal Government, that it should have the power of regulating foreign commerce, and between the States, by laws of uniform operation throughout the United States, yet it was considered at the time one of the most delicate subjects that could be touched, on account of the difficulty of imposing restraints upon the extension of such power, to matters not directly appertaining to commercial regulation. This cautious spirit may be plainly seen in the guarded language of the Constitution, in the grant of the power of taxation, and the regulation of commerce, which give them in the most express terms, yet in such as admit of no extension to other subjects of legislation, which are not included in the enumeration of powers. Congress, while limited to the objects of taxation defined in the Constitution, may not expect to come into collision with State laws; but the power to regulate commerce is admitted to be a subject of great difficulty, owing to the peculiar situation of our country, and form of our political institutions. In other nations it is only of two descriptions, foreign and domestic; in a confederate Government we necessarily have a third—that is, commerce between the constituent members of the confederacy. And in the United States, there was a fourth which was carried on with the numerous Indian tribes who, at the formation of the Federal Constitution, occupied a vast portion of the territory. Each description of commerce recognised in the Constitution of the United States, is, from its nature, distinct from the other, in the mode of conducting it, the subjects of operation, and its regulation.

Let it be kept in mind that the States have never surrendered their rights to regulate internal commerce, within their own boundaries. The grant given to the Federal Government is confined "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;" which necessarily restricts the term, commerce to that which concerns more than one; and the enumeration of the particular cases to which the power was to be extended, presupposes something to which it does not extend.

Therefore, the right of the States to pass inspection, quarantine, and health laws of every description, has never been surrendered to the Federal Government, nor can the exercise of such a right be questioned upon sound constitutional principles. No general power over these objects having been granted to Congress, consequently they remain subject to State legislation. The quarantine, health, and inspection laws of the States, have very properly, in most cases, have been made to operate directly on the subjects of commerce—the ship, the cargo, the crew and passengers, are brought within the operation of these State laws.

On the very same principle by which a State may prevent the introduction of infected persons, or goods, and articles dangerous to the persons and property of its citizens, it may exclude paupers, incendiaries, vicious, dishonest, and corrupt persons, such as may endanger the morals, health, or property of its people. This whole subject is necessarily connected with the internal police of a State, no item of which has, to any extent, been delegated to Congress, and every branch of which has been excepted to the prohibitions on the States, and is of course included in the reserved rights and powers of the States. In the remarks which I have submitted, Mr. President, I should not do justice to myself, or to Judge Baldwin, of the Supreme bench, were I not here to acknowledge my indebtedness to that able jurist and sound expositor of constitutional law, for having published his views upon the Constitution of the United States, from which work I have derived much aid in the formation and expression of the opinions which I have presented to the Senate on this occasion. The judicial decisions of Judge Baldwin, it is believed, will go to sustain the doctrines which I have advanced.

It only remains for me to ask that these resolutions, together with the correspondence which I have referred to, may be referred to the Committee on the Judiciary, and be printed.

Mr. WILLIAMS said that he did not rise to oppose any action which might be desired by the State of Georgia upon these resolutions, either by Congress or by that State, but to state some facts as he understood them, in addition to the statement of the Senator from Georgia. As he understood the question between Georgia and Maine, it had no relation to the right of Georgia to make such laws, and to execute them within her own limits, as might appear to that State just and proper, but to the question whether or not the persons charged were fugitives from justice. As he understood the facts, the persons sought to be delivered up to Georgia were the master and mate of a coasting vessel belonging to Maine, who had, in the usual course of their business, delivered a cargo at Savannah, and received a return cargo, and, in the usual course of business, left that port on their return to Maine; that, after being one or two days on their voyage homeward, a noise was heard in the forepart of the vessel, and, upon examination, the slave in question was discovered, and the captain pursued his voyage homeward, and upon his arrival at Thomaston, in Maine, where the vessel belonged, he was met by the owner, or agents of the owner of the slave, who, without warrant or other process, took the slave into custody, and returned him to the owner in Georgia.

Under such circumstances the demand upon the Governor of Maine was made and repeated, for the delivery of Philbrook and Killeran as fugitives from justice. The Governor of Maine, not deeming them, under the peculiar circumstances of the case, to be fugitives from justice according to the true construction of the Constitution and laws upon that subject, had declined to deliver up those persons to be transported to Georgia upon the demand of the Governor of that State. While the Governor of Maine had duties to perform to sister States, he had also duties to perform to the citizens of his own State; and it should be known that the persons charged were men of small means, and illy able to bear the expense and sacrifices incident to their removal to Georgia, and carrying with them, as witnesses, all the crew of the vessel in which the slave was found, which would be indispensable to establish their innocence and obtain an acquittal upon their trial. It was under such circumstances that the Governor of Maine had declined to deliver up the persons demanded by the Governor of Georgia; and can it be said that, in so doing, he has disregarded his official duty? If, however, further legislation upon this delicate subject can have a tendency to define and render the duties of the Governors of the several States more clear and certain than they now are, he could have no objection to its being done; and hence he had no objection to the reference of the resolutions as asked by the Senator from Georgia.

After some very eloquent and animated remarks of Mr. CUTHBERT, and Mr. LUMPKIN, in reply,

The motion of Mr. L. to refer the resolutions to the Committee on the Judiciary, and to print, was agreed to.

Mr. HENDERSON presented a memorial from the Legislature of Mississippi, asking the reduction of the fees of the officers of the United States Court in that State to the standard established in the State courts; which was referred to the Committee on the Judiciary.

Mr. BUCHANAN presented a memorial from citizens of Pennsylvania, asking for the improvement of the navigation of Allegheny river; which was referred to the Committee on Roads and Canals.

Also, a memorial from citizens of Dauphin county, Pennsylvania, asking an increase of duties on foreign silk; which was referred to the Committee on Finance.

Also, a memorial from E. Littell, embracing a plan for the absorption of the banking capital of the country, without injury to the community; which was laid on the table, and ordered to be printed.

Also, a memorial remonstrating against bloodhounds; which was laid on the table.

Mr. WHITE presented a memorial from citizens of Wisconsin, asking for the improvement of Fox and Wisconsin rivers, and to construct a military road from Fort Howard to Fort Crawford, and to make Green Bay a port of entry; which was referred to the Committee on Roads and Canals.

Mr. GRUNDY presented a memorial from the members of the bar of the Western District of Tennessee, asking for the holding of another term of the United States Court for that district; which was referred to the Committee on the Judiciary.

Mr. WALL presented a memorial from citizens of New Jersey, in relation to a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. TALLMADGE presented a petition from Conrad Waters, for a pension; which was referred to the Committee on Pensions.

Also, a memorial from citizens of Albany, against admitting Florida into the Union, unless slavery is abolished; the motion to receive which was laid on the table.

Mr. NICHOLAS presented the petition of citizens of the Parish of Rapides, Louisiana, asking a mail route on the Mississippi and Red rivers, as high as Alexandria or Natchitoches; which was referred to the Committee on the Post Office and Post Roads.

Mr. KING presented the petition of A. C. Hollinger, asking remuneration for services; which was referred to the Committee on Claims.

Mr. SOUTHARD presented the petition of John Barnard, administrator on the estate of John Barclay Flemming, late purser in the navy; which was referred to the Committee on Naval Affairs.

Mr. SMITH of Indiana presented the memorial of citizens of Washington, remonstrating against the surrender of the United States stock to the State of Maryland; which was referred to the Committee on Roads and Canals.

Mr. BENTON presented a memorial from citizens of Washington, asking Congress to take such measures as will compel the banks of the District to fulfil their obligations to the public, by a resumption of specie payments; which was laid on the table and ordered to be printed.

Mr. WALL, from the Committee on the Judicary, reported A bill supplemental to an act entitled an act to abolish imprisonment for debt in certain cases, passed Feb. 24, 1839;

Also, a bill to enable the United States to discharge liens and incumbrances on any real estate which now is or hereafter may become the property of the United States;

Also, a bill to regulate the legal proceedings, and to provide for the more speedy trial of cases in the Circuit Courts of the United States for the district of Michigan;

which were severally read, and ordered to a second reading.

The resolution submitted yesterday by Mr. BENTON, was taken up and adopted.

Mr. KNIGHT, after some preparatory remarks, in opposition to the propositions of Mr. CALHOUN, on the effects of the protective policy, submitted the following resolution:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of bringing in a bill declaring that the act of March, 1833, releasing from duty bleached and unbleached linens, table linens, linen napkins, and linen cambrics, and worsted stuff-goods, shawls, and other manufactures of silk, or of which silk is a component part, of chief value, coming from this side of the Cape of Good Hope, except sewing silk, shall not be so construed as to include umbrellas and parasols.

Mr. CALHOUN replied to the remarks of Mr. KNIGHT, and the resolution (being one of inquiry merely,) was agreed to.

Mr. SOUTHARD submitted the following.

Resolved, That the Secretary of War inform the Senate what is the present state of the difficulties which have existed, and the arrangements made, or attempted to be made, between the Government and the Cherokee people; and that he communicate to the Senate the papers, documents, and written communications which have passed between the War Department and its agents, and the said Cherokees and their chiefs, together with such additional information as he may have received since his last report on the subject.

The bill for the relief of John P. Bispham was considered in Committee of the Whole, and ordered to be engrossed.

The bills ordered to be engrossed yesterday were severally read a third time, and passed.

The Senate proceeded to the consideration of Executive business,

And then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, March 11, 1840.

Mr. RUSSELL rose to a correction of the journal. The proposition he moved on yesterday was, that the gentleman from Massachusetts [Mr. ADAMS] be "required" to vote. The word "compelled," I find, is used in the record. He wished to correct it in this particular.

Mr. DROMGOOLE said he understood distinctly that the word "compelled" was in the resolution, and he asked at the time by what process the House would compel a member to vote. He had no objection, however, to the amendment.

After a few words from Mr. R. the question was taken, and the journal was amended as indicated above.

The SPEAKER called the committees for reports; when

Mr. CAMPBELL of South Carolina, from the Committee of Elections, made a report from that committee, embracing all the testimony before it, with its journal of proceedings, in relation to the New Jersey disputed election, accompanied by a resolution, as follows:

Resolved, That the papers enumerated in the foregoing list, and the journal of the Committee of Elections in the New Jersey case, comprising its proceedings up to the 5th instant, be printed for the use of the House and the committee.

Mr. R. GARLAND moved to amend the resolution to print, so as to include some additional evidence, which had been received since the former report of the committee had been made.

Mr. CAMPBELL felt himself called upon to say that the report and papers now moved to be printed by the committee, contained all the testimony and all the statements of the parties which had been laid before the committee previous to the adoption of the report. He thought, inasmuch as the other papers, which the gentleman from Louisiana [Mr. GARLAND] proposed to have presented, were never before the committee, it would be very irregular to do so, and especially as the question to which they related, had not been reported on by the committee.

Mr. C. inquired of the CHAIR whether it was in order to amend as proposed.

The CHAIR replied that it was in order to amend, as proposed by the gentleman from Louisiana, but that it would be in order so to amend as to call upon the committee for other testimony.

Mr. R. GARLAND then proposed to amend the resolution by adding thereto the following:

"And that said committee be instructed to report the evidence referred to it on the 6th instant, and that the same be printed;"

So as to include in the motion to print; the evidence recently received, and which had been referred to the committee on Friday.

Mr. DROMGOOLE inquired if the chairman of the Committee of Elections [Mr. CAMPBELL] whether he had reported to the House this evidence which it is proposed to print; and whether it is not a part of evidence that is now being taken for the purpose of purging the polls; and upon which the committee have yet to report under the resolution of the House.

Mr. CAMPBELL replied that it had not been reported by the committee; and was a part of the evidence they have yet to act upon, with the view to determine the ultimate right to seats. It was not a part of the testimony on which the committee had decided the *prima facie* right to the return.

Mr. BOTTS begged leave to state that since the testimony was taken, there had been a meeting of the committee, called expressly for the purpose of considering it, and it refused to do so. He understood that this committee was discharged from the further consideration of the New Jersey question until such time as they should make application for their seats. He would vote that every particle of this evidence should be published. He did hope that the amendment would prevail, and that the truth, the whole truth, and nothing but the truth, should go to the country.

Mr. SMITH of Connecticut did not understand that there was any necessity for the House making an order on the subject. If he was not mistaken, the House had already authorized the committee to publish all the papers which it might see fit to have published. He wished to throw no obstacle in the way of printing, if it was thought necessary and proper to print. At one stage of this question, it had been his desire that all the papers and testimony should be printed, and laid before the House, to enable it to act understandingly on the question which was decided on yesterday. Since the question had been decided before the testimony was printed, he had become totally indifferent whether it be now printed or not. The House should understand that there was connected with the report of the majority of the committee only a part of the testimony, viz: so much of it as the chairman might deem material in order to support the report; and now the chairman had moved to print the residue. In this way the whole of the testimony would come before the House; a part of it connected with the report, and a part not. No portion of this latter part of the evidence had been read in the House or printed, but the House had been brought up to the question without a single man knowing what the testimony did contain. Now, after a decision had been had in the dark, and the proof had not even been read, it was proposed to print it; and to what purpose? A considerable portion of the proof was referred to in the report of the majority, and a considerable portion of what was now proposed to be printed had been rejected by the committee, as would appear from their journal, on the ground of defect in the time of notice. As to the new depositions alluded to in the amendment of the gentleman from Louisiana, it was merely a substitute for what had been before defective in form. Mr. S. said he had no objection to the printing, provided the testimony and journal were to be printed entire; but he claimed that the bundle of testimony recently referred to the committee by the House should be printed along with the rest.

Mr. RIVES observed that the minds of gentlemen, it seemed, had undergone a very great change within a day or two past. He hoped that it would be recollected by the House that more than a fortnight ago, he made the proposition that all the papers on this question should be printed for the use of the members of the House. He had made this proposition a fortnight ago, after having informed the gentlemen associated with him on the committee of his intention of doing so, having failed to get the motion which he made in the committee carried, to instruct their chairman to move for the printing of these papers. This was refused. He went further. He made a motion to print, in the absence of the parties, who had gone on to New Jersey to take testimony, in pursuance of the resolution of the committee, all the testimony that had been taken, in order that it might be in possession of every member of this House, and that they might act with a full understanding of the subject, when the time limited by the committee should expire. This was also refused. He hoped the House would recollect that a few days afterwards the chairman of the committee [Mr. CAMPBELL of South Carolina] made a proposition to have all the papers bearing on the case, together with the report, printed. The chairman did not stop here. He also made a proposition to have other papers printed—papers connected with the issue to be tried by the House next April, when the parties return with the evidence purging the polls. What was the course of the gentleman from Connecticut [Mr. SMITH] on this motion? What was the course of the Opposition generally? They refused the printing of these papers. Not one of these gentlemen thought proper to trust the chairman of the committee with sufficient respect to print his report, with the evidence that he had collected. It would also be recollected, that on Friday last, in a becoming spirit of fairness, he submitted a motion to postpone the further consideration of this subject until Tuesday, making it the special order of the day, and to continue as such until disposed of; and, in the mean time, what further did he propose should be done? Why, that all the evidence on both sides should be printed. What did the gentleman from Connecticut [Mr. SMITH] do? Did he, and those gentlemen who, with him, were the advocates of the great powers of the certificate and seal of the Governor of New Jersey to return members to this House—did they accept this fair and reasonable proposition? No, sir; they refused it. There were a few exceptions, to be sure, but very few of the Opposition would go with him and his friends to have these papers printed, and therefore they could not get a vote of two-thirds, which was necessary to have it done. Although we had a majority, said Mr. R. we had not two-thirds, and consequently could not get the printing ordered. He had been anxious from the beginning that all the facts in relation to this matter should be printed, so that the House might act understandingly, when it acted at all. But what was the course of gentlemen in the Opposition yesterday? His colleague [Mr. BOTTS] came forward with a proposition to let in the minority report, for the purpose of having it printed. This was before the report of the majority was acted on, and after the printing of it had been refused. Gentlemen then proposed to have this minority report acted on, when they had refused to print the report of the majority.

What did the gentleman from Louisiana [Mr. R. GARLAND] propose to do now? Up to this time, for two weeks had that gentleman been voting against the printing of these papers for the purpose of getting information on a subject on which they were to act immediately, and yet this morning he desired to have printed matters connected with the issue to be settled, perhaps, some two or three months hence.

Mr. R. GARLAND replied that he would like the gentleman to show when he had voted against printing, save when the shameless proposition had been made by the gentleman from Tennessee, [Mr. C. JOHNSON,] to take the whole of the testimony out of the hands of the committee.

Mr. RIVES continued. It is very far from my intention to misrepresent any gentleman on this floor; and, if I am convinced that I do misrepresent, I retract what I have said. Have I (asked he) misrepresented the gentleman in saying that he refused to vote for a suspension of the rules to print these papers?

Mr. GARLAND said he had, when it was proposed to print only a part of the testimony, and such part as might suit the views of the chairman of the committee.

Mr. RIVES. Then I have not done the gentleman injustice. I have stated his course correctly; and yet he comes forward with a proposition to print papers that never were before the committee, and to print papers on which no action is to take place, till the parties return from New Jersey, after purging the polls. Can the gentleman complain about printing now? Can the House order these papers to be printed, without a disregard to its rules? Can it do so when the chairman of the committee has told you that these papers were not considered in committee, and were not, therefore, reported on? and this, too, in the absence of the parties litigant, who have gone on to New Jersey, under the authority of the committee, to collect counteracting testimony? Did the gentleman desire to forestall public opinion in relation to the facts stated in these papers, when the adverse party is in New Jersey, taking testimony to counteract them?

The SPEAKER requested the gentleman to suspend his remarks while he informed the gentleman from Louisiana that his motion was not in order while these papers were in possession of the committee.

Mr. R. GARLAND. Then I will modify my motion so as to discharge the committee from the further consideration of the papers.

Mr. RIVES said the gentleman had no right to make a motion of that kind at this time.

Mr. GARLAND. Very well; then I will make it as soon as it shall be in order.

Mr. RIVES continued. If it be the wish of gentlemen to recall the parties from New Jersey, and say that they will then try and determine this case on its merits with the evidence now in the possession of the House, then, said Mr. R. I will go with them. Mr. R. said he was desirous, with a majority of the committee that there should be a thorough investigation as to the legality of all the votes that had been given. He desired to see not only who received a majority of the votes that are *prima facie* good, but he desired to see who received a majority of legal votes after the canvass. He believed that under the laws of New Jersey, they were bound to receive as legal votes those votes which had been received as such by the officers of the State, legally constituted for that purpose. While gentlemen had abandoned the ground that they first took, that the House must receive the men who came with the Governor's certificates, because such certificates were issued by the Governor of a State, and raised a new issue some fifteen or sixteen months after the election had been held, he was willing to gratify them in it. That there was something wrong, he thought was evident by this new issue being raised. That some illegal votes had been taken on both sides he had no doubt, because he did not believe there ever was a Congressional election in which some illegal votes were not taken.

Mr. EVERETT here called Mr. R. to order for wandering from the questions before the House.

Mr. RIVES continued.

Did gentlemen, he asked, desire this evidence to be published? Did they desire evidence to be printed now, that was applicable to the issue that was to come up hereafter, and that has not been acted on by the committee? To this he was opposed. He would inform his colleague, if he desired the report of the minority to be printed, if he would lay it on the table, he would consent to print it with the other papers. But he presumed that his colleague would not consent to that course; because when, yesterday, there was a general consent to receive this report, and have it printed, there were objections made, not by one of the Administration party, but by one of those gentlemen who opposed the printing of the majority report. Mr. R. did not believe that the printing was moved by the gentleman from Louisiana was desirable at this time, for the reason that the House had disposed of the question, having decided that certain of the claimants were elected by the people of New Jersey, and that they should occupy the seats to which they had a right. His colleague [Mr. BOTTS] was mistaken in one thing in relation to what was done yesterday. That gentleman supposed that the question was finally settled, and that the contestors must make a new issue. Such was not the decision of the House. It was expressly reserved in the resolution that was adopted, that the parties litigant should continue to take testimony, for the purpose of purging the polls. Such was expressly his intention in voting for the resolution.

The SPEAKER here called Mr. R. to order for wandering from the question before the House.

Mr. R. said he wanted to show, in relation to this matter of printing, that a majority of the House was in favor of it from the beginning, but owing to the constitution of the body, they had failed in doing it, in consequence of the course of the Opposition, who had thus forced them to act on the subject previous to printing the papers. He had had advantages which others did not possess, of examining all this testimony, and he was therefore fully satisfied with what he had done.

Mr. R. GARLAND then moved to modify his motion, by inserting the words, "and also the evidence referred to the committee on the 6th instant, and that said committee be discharged from the further consideration of the same till after it is printed.

Mr. DROMGOOLE raised the question of order, whether it was competent for the gentleman to move the printing of papers not before the House, and pending a proposition to print papers that were before the House.

The SPEAKER suggested to the gentleman from Louisiana, that he could accomplish his object, by moving to discharge the committee from the further consideration of the testimony.

Mr. R. GARLAND here modified his motion accordingly.

Mr. GARLAND said the gentleman from Virginia endeavored to make the impression that we wished to suppress the publication of the testimony. Such was not the fact. He was opposed at that time, because it was forestalling the question. Mr. G. denounced the course the House had pursued in taking the subject out of the hands of the committee, after they had sent the contestants home to take testimony. That was the reason that he and the party with which he acted, objected then to publishing the testimony. He then, as now, believed it a direct violation of the order of the House referring the subject to the committee. Then it was that he and others refused to have any of it printed. The chairman representing a majority of the committee, did not come before the House with all the evidence; and as a proof of that fact, he made reference to the report this day presented by the chairman.

Mr. CAMPBELL rose to explain. The gentleman from Louisiana (he said) stated that the chairman of the committee came before the House, when he made his report, with only a part of the testimony. Mr. C. said he would inform the gentleman that the committee acted in strict conformity with the resolution of the 28th ultimo. That resolution directed the committee to report with regard to a certain fact, and to report also all the testimony connected with that fact. This was exactly what the committee did, and it was in strict conformity with the resolution of the 28th ultimo.

Mr. R. GARLAND still contended that all the testimony, at the time he objected to the printing, was not reported to the House; and, in support of that opinion, referred to the report made this morning. He did object to the printing, on the grounds before stated, until the whole of the evidence was reported. He was now in favor of having the whole of it printed, with the additional testimony since referred to the committee.

Mr. MEDILL said that he would answer the gentleman from Louisiana, if he would give way a moment for that purpose. The committee had acted in strict conformity with the resolution of the House. They had kept back nothing, but desired that the journal of their proceedings, with all the testimony, should be printed, and go to the public. The resolution of the 28th ult. as will be recollected, imposed two distinct duties on the committee—to report which five of the ten individuals claiming seats from New Jersey received the greatest number of lawful votes from the whole State, with all the evidence of that fact in their possession; and, ALSO, to report such papers, and so much of their proceedings as they wished to have printed by order of the House.

The House evidently contemplated separate reports. The committee, on determining which persons received a plurality of votes, as required to do by the resolution, directed their chairman to report the same to the House, accompanied with all such testimony as tended to establish that fact, and *also* to present to the House the journal of their proceedings, with all the papers and testimony in possession of the committee, and ask that the same be printed. It was not proper that the report, showing which persons had received a plurality of votes, should be burdened with the journal and certain other papers, which, in the opinion of the committee, were irrelevant to that issue. Even if mistaken in their opinion of what was relevant, in this particular no injustice or inconvenience could have resulted. It would have all been before the House for such further action as was deemed advisable and proper.

After submitting the report, the chairman asked him to present the journal and other papers, and being denied the privilege, moved a suspension of the rules, which was negatived by the votes of the gentleman and his friends. A member of the committee [Mr. RIVES] even moved to postpone the consideration of the resolution admitting the persons having a majority of the votes to their seats, to a day certain, that all the papers might be printed and laid before the House, and this was also rejected, chiefly by the same gentlemen. It will be seen, then, with what propriety it is contended that the chairman declined presenting the whole testimony. The course adopted was in strict conformity with the order of the House.

Mr. R. GARLAND asked if the committee took into consideration all the testimony which showed who had a majority of the lawful votes. He inferred that it did not.

Mr. CAMPBELL replied that the committee had considered all the testimony necessary to establish the *prima facie* right to seats.

Mr. R. GARLAND still contended that the committee had based their report on the certificate of the Secretary of State, without reference to the testimony, which went to show that there were illegal votes included in the aggregate in that certificate. There was no other conclusion from the course of things, but that the committee had acted on the certificate alone. He then complained that, after the question had been settled, it was now proposed to have all the testimony printed. Gentlemen might take their own course about it; but since the subject had been taken out of the hands of the committee, he hoped the whole would be printed.

Mr. JENIFER obtained the floor, and occupied the remainder of the morning hour in commenting on the proceedings of the commitee. He denounced them as highly censurable. In the course of his remarks, he was frequently corrected by Messrs. RIVES and MEDILL, members of the committee, as to matters of fact. [Mr. J's remarks were so indistinctly heard by the Reporters, that they have concluded not to publish a synopsis of them; and have withheld the replies of the other two gentle-

men until such time as Mr. J. shall furnish them, when the whole will be published.]

The debate was here interrupted by Mr. J. W. JONES, who called for the orders of the day.

Mr. GRAVES rose for the purpose of getting the consent of the House, before passing to the orders, to permit him to reply to the reference which had been made to him in the course of the above debate.

Mr. CAMPBELL of South Carolina objected. The gentleman had not been referred to in any manner which rendered it necessary for him to make an explanation.

The question was then taken on the motion to pass to the orders, and agreed to—ayes 102, noes not counted.

Mr. JENIFER inquired of the CHAIR whether he lost his right to the floor for to-morrow morning?

The CHAIR replied in the negative.

The SPEAKER then announced that the business before the House was the bill making appropriation to complete the removal of the raft of the Red river, and for other purposes, on which was pending three motions, viz: to refer, 1st, to the Committee on Roads and Canals; 2d, to the Committee on Commerce; and 3d, to the Committee of Ways and Means, with the following instructions, moved by the gentleman from Pennsylvania, Mr. BIDDLE, to inquire and report to the House as follows:

1. Whether the advance of money by the Bank of Arkansas, which it is one of the objects of this bill to reimburse, was not made with full knowledge that the agent of the United States who effected the loan was acting in defiance of positive instructions from his superiors, as well as in the face of a known refusal by Congress to appropriate money to the work.

2. Whether the estimate on which the bill is founded was not made by the said agent prior to the closing up of the raft in August last; and whether any satisfactory data exist for computing the probable cost of removing the present impediments to navigation.

3. Whether the sum appropriated by this bill is called for in the estimates accompanying the President's message.

4. Whether the bill is not of such a character that it ought to have originated in this House.

The question being successively put on referring the bill to the Committee on Roads and Canals, on Commerce, and of Ways and Means, it was referred to the Committee of Ways and Means.

The question then being on the instructions,

Mr. R. GARLAND demanded the yeas and nays on them; which were ordered, and were—yeas 130, nays 37.

So the instructions were adopted.

Various Senate bills lying on the SPEAKER's table were taken up, read twice, and appropriately referred.

INDEPENDENT TREASURY BILL.

The act to provide for the collecting, safe-keeping, and disbursement of the public revenue, coming up on its reference, it was read twice, when

Mr. J. W. JONES moved to refer it to the Committee of Ways and Means; and

Mr. WHITE of Kentucky moved to commit it to the Committee of the Whole on the state of the Union.

Upon this proposition, Mr. W. remarked, he proposed to submit a few observations. He said he would limit himself mainly to the isolated question of reference—reserving whatever he might desire to say upon the general merits of the bill, when it should come up for discussion in the Committee of the Whole. He asked what solid objection there was to the proposition of reference to the Committee of the Whole upon the state of the Union? He could not perceive any. Is it proposed to take away from the Committee of Ways and Means any of its appropriate and ordinary duties? He did not so understand it. He was not disposed to innovate upon the established order of business, or withhold from the Committee of Ways and Means any matters or propositions that legitimately belongs to that committee.

Mr. W. remarked, that whilst he was ready to aid in securing to all the standing committees their just rights, he was not incl ned quietly to sit by and see the entire business of the nation swept into the arms of the standing committees. Mr. W. said it would be recollected that the principal standing committees were emphatically Executive Committees. A decided majority of the members of said committees selected, because of the acknowledged approval of the great and leading measures of the Administration. Of this, he would not stop to complain—perhaps it was right it should be so; but the existence of such a fact certainly, authorized a rigid restriction of said committees to their proper and legitimate duties. Mr. W. said the very object and exclusive purpose of standing comittees was to take charge of the usual and ordinary business of this House. He observed that, according to well settled parliamentary practice and according to the uniform usage in legislation in this body, until within a very few years past, all propositions of an extraordinary character, all matters of great concernment, to speak in parliamentary language, and a especially a measure like the one now under consideration, involving n t simply the revenues—the finances of the Government; but effecting for weal or woe, for good or evil, the currency, commerce, agriculture, manufactures, and every ramification of business of this entire country, peculiarly demand to be referred, debated, and matured in the Committee of the Whole upon the state of the Union.

But again, said Mr. W. if none of the reasons urged existed in favor of his proposed reference of this bill, convenience and expediency recommend the preference of his proposition. It is well known to every member of the House, that the standing committees have quite as much business of the ordinary character as they are able to discharge; and especially the Committee of Ways and Means, the regular duties of which are onerous in the extreme. Mr. W. asked if there was any thing new or unusual in the proposition he had made? He contended there was not; so far from it, any other reference, he insisted, would be a departure from the established usage of this House, from the beginning of the Government to the opening of this Administration. He said if the journals of this House were examined, it would be found that at two periods in the history of this country—if not in all respects similar, certainly in very many things similar to the present—the magnitude of the crisis was considered so great, and the measures of redress so weighty, that special committees were raised, as a matter of course, without opposition, chosen from the first talents of the House, to whom were referred the propositions of the nature now proposed to be referred to the standing Committee of Ways and Means. In the year 1791, when the finances of this Government were greatly embarrassed—the currency depreciated—commerce suspended—public and private credit greatly depressed—this course was adopted. In 1814-15, a crisis very similar to the present, the same course was pursued by this House in each successive year? And was it so ordered at those periods, asked Mr. WHITE, because of any distrust of the want of intelligence or financial ability in the members of the standing committees of those days? No, sir; go and read the names of the distinguished individuals who composed the standing committees of Ways and Means at the periods alluded to; and there is no circle of greatness that can be drawn around the present chairman and his associates upon said committees, from which they could justly be excluded. He said this, not by way of invidious comparison, but to repudiate the idea that it would reflect any disparagement either upon the intelligence or integrity of the present Committee of Ways and Means to make the reference proposed. Mr. W. said he did not controvert, that, at the called session of '37, the topics now proposed to be referred to the Committee of the Whole on the state of the Union, were referred to the standing Committee of Ways and Means, and that the precedent then set had been followed since that period. Yet, he contended, the precedent was a departure from the established usage of legislation in this House, and nothing, in his judgment, but the peculiar circumstances of the case, would have carried its adoption.

He said it would be recollected, no business of an ordinary character was acted upon during that session; nothing but the "grave and weighty matters," for which that extraordinary Congress was called; and so far from the fact that the Committee of Ways and Means having had charge of the matters contained in this bill at the called session, being an argument in favor of a similar reference now, to his mind it was a vital objection.

The majority of that committee now now entertain the same sentiments with the majority at the special session, who reported upon the propositions contained in this bill. The bill now before the House is, in substance, the same bill reported then. This bill (said Mr. W.) had been manufactured by the Committee of Finance in the Senate, peculiarly an Executive Committee, hurried through that body, he would say (if it would not subject him to be called to order) with unexampled haste, to effect purposes not of the the most patriotic character. Why, then, he asked, go through the idle formality of referring this bill to the Committee of Ways and Means, if immediate action is intended upon it? Why has the honorable chairman permitted it to slumber upon your table for six long weeks, without an effort even to call it up—to have it referred or printed? Is it intimated that the committee propose to make any alteration in said bill? cross a T, or dot an I? No such purpose is avowed. Why, then, this circuitous proposition, of reference to the Committee of Ways and Means? If speedy action be the wish of the friends of this measure, why not let the bill go directly to the Committee of the Whole on the state of the Union, where it will be open to amendment and for discussion? Were the friends of this measure waiting for political contingencies? Were they waiting for a prosperous commercial revulsion? Were they waiting to shape the features of this bill as political expediency may dictate, some weeks or months hence? Mr. W. said he knew very well all such objects or intentions would be repudiated and scouted with a flourish of trumpets, with a holy horror. But will not the country look to the actions of gentlemen, rather than their declarations? Are there any elections to take place in the course of a few weeks, the result of which might make it advisable for the good of the country, and if not for the good of the country, for the safety of the Administration, to let this bill sleep in the arms of the Committee of Ways and Means the sleep of death? or, if passed, passed with radical modifications?

If the friends of this measure sincerely desire its passage, why delay? why procrastinate? The Administration have an undisputed majority in both Houses. If this bill be the political panacea that its friends profess it is, in the name of high Heaven, why delay the remedy for one hour? Is the patient not sufficiently afflicted? Is not the disease universal, commencing here at the centre, paralyzing the Government revenues, extending to every branch of business, affecting every class of society, the merchant, manufacturer, mechanic, and farmer, leaving not a green spot of prosperity upon the broad map of this country, to rest the wearied eye from scenes of distress and suffering? If this bill be the grand specific, the infallible remedy, why not administer it at once? Having the undisputed power to pass it forthwith, why keep a suffering people any longer in a state of cruel suspense? Are we not told by the President, in his annual message, that the "continued agitation of this question injuriously affects the business of the country?" Sir, (said Mr. W.) if it is to pass, let it pass, and pass quickly, —with all its blessings, if its advocates are right—with all its miseries, if its opponents are not deceived.

But, Mr. Speaker, (said Mr. W.) I promised, in the beginning of my remarks, not to go into the merits of this bill. He would redeem his promise, and conclude, with the hope that the proposition of reference, moved by him, would be sustained by the House.

Mr. RHETT would merely call the attention of the House to the purposes for which the Committee of Ways and Means was constituted. Mr. R. then read from the rules of the House the following rule:

"It shall be the duty of the Committee of Ways and Means to take into consideration all reports of the Treasury Department, and all such propositions relative to the revenue as may be referred to them by the House."

Now the gentleman had said very correctly that this subject was of great importance to the whole country. This, though true, was only so in reference to the manner in which the revenue shall be collected and disbursed—a subject which at all times belonged to the Committee of Ways and Means. In conformity with this view, all bills affecting the revenue had come from the Committee of Ways and Means. So also in relation to banks, which had the custody of the public revenue.

Mr. WHITE of Kentucky said the gentleman was mistaken; the last bill for the charter of the Bank of the United States came from the Senate.

Mr. RHETT stood corrected. The Bank charter of 1816 did, he believed, come from the Committee of Ways and Means; but in this he might be mistaken—he was not particular. But whether it was so or not, he submitted to the gentleman if the Committee of Ways and Means had not the subject under consideration. When it came from the Senate it was sent to the Committee of Ways and Means. This was not the case with regard to this bill, for the Committee of Ways and Means had not yet had it under consideration. Was there any measure, he would ask, of great importance, that was not referred either to one of the standing committees, or to a select committee, before it was acted on in Committee of the Whole? After this bill should be examined by the Committee of Ways and Means, it would, as a matter of course, be taken up and fully discussed in Committee of the Whole. This was his desire, and he also understood it to be the desire of the chairman of the Committee of Ways and Means.

Mr. EVERETT would inquire of the chairman of the Committee of Ways and Means if there were appropriations in this bill which would render it necessary that it should go to his committee.

Mr. JONES of Virginia considered that every bill of importance should be referred to its appropriate standing committee before acting on it in the House.

Mr. EVERETT said he wished to move instructions to the committee to amend this bill so as to cure it of some of its most material defects. All the bills on this subject, reported since 1837, contain within themselves provisions under which the Sub-Treasury might be converted into a bank of discount as well as a bank of circulation. The object, therefore, of his proposed instructions was, to test this question at the outset, and get the yeas and nays on it, which he feared he might not be able to do at a subsequent stage of the proceedings. Every bill which had been reported on this subject gave the Treasury the power to transfer the moneys of the Government from one place to another, without pointing out the mode in which these transfers shall be made. It also gives the power to pay the debts of the Government without pointing out how these debts shall be paid. All, then, that was necessary to convert this Sub Treasury into a bank of discount was simply to purchase a draft on New Orleans, receive the securities of the individual in payment, and make this draft receivable in payment of duties. Then, in order to make it a bank of circulation, all that was necessary was that when a creditor of the Government wanted his money at a particular place, say at Philadelphia, pay him in ten dollar drafts. Mr. E. said he could not imagine that this bill was intended for the mere purpose of safe keeping the public revenue, for the Government had no money to keep, and he could not, therefore, conceive why the Administration was so anxious for this measure, unless for ulterior objects. When there were no banks in the country for the merchants, the calculation of the Administration must be that the merchants must be dependent for their facilities on the Government. Then, (said Mr. E.) when you have got a bank of discount and circulation, and extended under a set of Government directors throughout the States of the Union, just look at the tremendous political power it will possess; when you can say who shall have loans and who shall not, who can measure the extent of the power. It would be in vain, then, to struggle against it.

Mr. E. in illustration of his argument, referred to the history of a State bank in his own State, established, he said, in Democratic times. He wished to call the attention of the chairman of the Committee of Ways and Means to this subject, and ask him if such would not be the effect if the Government was permitted to purchase drafts without any limitation. It was for the purpose of testing these questions that he submitted his motion of instructions. Mr. E. then moved to instruct the committee to amend the bill by inserting the following provisions:

"That whenever it shall be necessary to place moneys appropriated at the disposal of any disbursing officer, it shall be the duty of the Secretary of the Treasury to cause a Treasury warrant to be issued, directing the Treasurer, or Receiver General, or a Treasurer of the Mint, to place the sum required to the credit of such disbursing officer.

"That whenever it shall be necessary to transfer money from the Treasurer, from a Receiver General, or Treasurer of the Mint, to another Receiver General or Treasurer of the Mint, or from either to the Treasurer, in case it be inconvenient to make such transfer in specie, it shall be the duty of the Secretary of the Treasury to cause transfer drafts to be issued in sums not less than one thousand dollars each, payable to the order of the Treasurer, Receiver General, or Treasurer of a Mint to whom the money is to be transferred, and to transmit the same to him, who shall cause the same to be sold at his office after three days' public notice, for cash in hand only, and on such sale he shall endorse upon such draft the day of such sale, the amount for which it was sold, and the day on which it is made payable, which shall be after ten days, and within ninety days from its day of date; provided the sale shall be made at a greater discount than five per cent.

"That all payments to the creditors of the the United States shall be made at the Treasury, or under the direction of the Secretary of the Treasury, by drafts drawn upon such Receiver General or Treasurer of one of said Mints, as the creditor shall designate, payable to the creditor at such day, after ten days and within ninety days from date; and such drafts shall be for the entire sum found due and payable to such creditor, unless such sum shall exceed two thousand dollars, in which case it shall be lawful to issue several drafts, provided that no one of them shall be for a less sum than one thousand dollars. And if any such transfer draft or Treasury draft shall not be presented for payment, at the office at which it is payable by the day specified thereon for payment, the payment thereof shall be suspended for three months from the day on which it shall be presented. And if any transfer or other draft, presented for payment of the day on which it was made payable, or at the expiration of said three months, shall be protested for non-payment, it shall be the duty of the Secretary of the Treasury, on the return of such transfer draft or Treasury draft, to cause the amount thereof, with ten per centum for damages, to be paid to the holder of such transfer draft or Treasury draft.

"And that said committee be further instructed to inquire and report whether the bill is not of such a character that it ought to have originated in this House."

Mr. THOMPSON of South Carolina had been anxious, during the whole session, to know when this subject would come up for discussion, in order that he might make some remarks in regard to it. He was, therefore, decidedly in favor of this discussion coming up immediately, and the Committee of the Whole certainly was as competent as the Committee of Ways and Means to consider the subject. He could not but wonder at this measure being so long delayed, and that it was now purposed to send it to sleep, in the room of the Committee of Ways and Means, and then to be referred to the Committee of the Whole House. This looked very much like a fest to have this measure discussed in the House. He had, like Hannibal, when he vowed eternal enmity to the Romans, vowed to oppose this measure, which he deemed so hostile to the interests and liberties of the country.

Mr. VANDERPOEL said he would not have risen to participate in this discussion, had it not, on this and on former occasions, been insinuated here, that there was a disposition on the part of the friends of the Administration to give the bill under consideration the "go by." The bill had, to be sure, laid upon the SPEAKER's table for the last six weeks or more; but this was the first time it had ever been reached in the order of business. He was glad that he had the opportunity of so telling the American people, for constant and innumerable were the inquiries addressed to him and others who were supposed to be friendly to the bill, "Why is not the Sub-Treasury bill taken up?" And now he would avail himself of the opportunity of saying, that it had not before been taken up and considered, because it had not before been reached. The New Jersey question and other subjects had, according to the order of business as prescribed by our rules, had precedence of it. Let not gentlemen of the Opposition "lay the flattering unction to their souls," that there is a disposition on the part of the friends of the Administration here to let this bill sleep the sleep of death. Nor averse as he was to remain here during the torrid months of summer, he would remain till September next, if such a sacrifice of personal comfort should prove necessary to procure the passage of this bill. Gentlemen of the Opposition seemed impatient for the onset. They seemed to affect or feel a fear that they would not have the opportunity of fulminating their anathemas against this bill. He implored them to be a little patient. He assured them that a chance would yet be afforded them to pour out against this great measure of reform oceans of those speeches which they supposed possessed such magical influence. The Democracy here understood too well, and felt too forcibly its duty, not to make every possible exertion in favor of this great principle of divorce between the Government and the banks, to permit the bill on the table to lie without prompt and decisive action. He regarded it as the great measure of the session, called for not less by the highest interests of the country, than by a majority of the American people. He feared not discussion. The measure had never suffered, it never would suffer, from discussion, as its past history abundantly proved; and he was not a little surprised that a conviction of this truth had not already so strongly seized the mind of gentlemen, as to weaken their confidence in their ability to make any thing by the further discussion of this subject. To the popular mind, it had grown brighter from discussion. When first proposed, the people were frightened by the "gorgons and hydras," held up to their vision by political orators, as likely to emanate from this measure. The senseless cry of one currency for the Government, and another currency for the people had, at first, had the effect of frightening many honest men, but had been so often and so triumphantly refuted, that he could hardly believe that it would now be deemed worthy of repetition here. When honorable gentlemen recollected that State after State had, under the first impulse of alarm created by this measure, broken away from the Administration; but that reason and discussion had brought most of them back to their first love, they could hardly imagine that, after the cheering expression of that "sober second thought," which had given us a majority on this floor contrary to the general expectation entertained a year ago, we would shrink from the further support and prosecution of this great and salutary measure. The people, at least that portion of the people that elected that majority, anxiously awaited the passage of this bill, and that majority would be recreant to its duty, if it did not struggle long and late, if need be, to secure its passage.

He would add another word or two upon the propositions to commit the bill. One was to commit it to the Committe of the Whole on the state of the Union, and the other to commit it to the Committee of Ways and Means. All admitted its great importance; it contained many sections involving new and highly important provisions, and he had heard no good reason urged against referring it to one of the standing committees of the House. Every bill from the Senate, however unimportant its provisions, was usually referred to one of the standing committees, and why should there be a departure from our practice in reference to this great measure. Standing committees were created, because, from the limited number that composed them, were more competent to deliberate with care, to detect faults, and propose the necessary amendments, than was a body of men large as that here assembled. The very speech of the gentleman from Vermont [Mr. EVERETT] showed the necessity of referring it to one of the standing committees of the House. He sees a huge Government bank lurking in some of its provisions. It was then peculiarly proper that one of the standing committees of the House should look into it, and see whether it in truth contained such a formidable monster. There was nothing, he admitted, in the rules of the House which *ex vi termini* brought it within the jurisdiction of the Committee of Ways and Means; but relating as it did to finance, it was, in reference to it, the most appropriate of all the standing committees. He (Mr. V.) was an humble member of that committee, and he would assure gentlemen, that so far as he was concerned, there would, if referred to the Committee of Ways and Means, be no unnecessary delay. His motto in regard to it, here and elsewhere, would be "ACTION, PROMPT, AND EFFICIENT ACTION."

Mr. WISE would ask his colleague if any bill on the subject of the Sub-Treasury had been reported by the Committee of Ways and Means.

Mr. JONES of Virginia said he would answer his colleague, that no bill had been reported by the Committee of Ways and Means on this subject, for the reason that they had had this bill on the table for five or six weeks; and that he had been anxious every day since its reception to get it up, but had not, until now, had an opportunity of doing so. He would ask permission of the House to say, in addition, that he would use his most earnest endeavors to obtain a speedy action on it in the Committee of the Whole, and to get it as speedily as possible before the House. He had hoped to receive the co-operation of gentlemen who were politically opposed to him, in the immediate reference of the bill, as by this means the action of the House on it would be hastened; and he very much regretted the motions which had been made, and which were likely to create a further delay.

Mr. WISE further inquired of the chairman [Mr. JONES] whether the Committee of Ways and Means had any measure of its own under consideration in favor of the Sub-Treasury bill.

Mr. JONES replied in the negative, for the reason that the subject had not been brought to their attention. It would be recollected that more than a month had expired before the House was organized, and the committee appointed. The appropriation bills, and other important matters, had occupied the time of the committee, since its appointment, until within a short time past; and there being a great amount of other important business before them, and having this bill on the SPEAKERS table, it was supposed by him that there would have been but little delay in getting it before the House, that they could, in the meantime, attend to that business. They have not, until now, had an opportunity to take this bill up for reference.

Mr. WISE said, with the country in an unexampled state of depression, there ought to have been no reason for the delay of the committee to consider and report a measure of relief. The committee had not even considered this great panecea for all the evils which now effect the people He contended that they should have had the subject under consideration without reference to the bill on the SPEAKER's table. This bill, which had slipped through the Senate, might have been concocted in the Executive chamber; and they should not have waited for it. He felt great anxiety to expedite the bill, and give the relief which the friends of the bill contend it will afford. The people in agony call for relief, and he trusted something would be done to grant it. He would not at that time agree to discuss the bill with any one, but when the proper time came he would be disposed to do so. The House was now just organized, and the Administration party have acquired their full majority, and he and the country would hold them responsible for the passage of the Sub-Treasury, or some measure of relief He would say to his constituents and to the country, and now pledge himself that if the gentleman from New York [Mr. VANDERPOEL] would vote for the Sub-Treasury bill—the specie Sub-Treasury bill promised a duped people—he would vote for it. He would rather lose his right arm than inflict his constituents with the passage of this measure. He would not have dared to make the pledge if he thought the gentleman and his party would meet him; but he had no fears that he would ever be called on to vote for such a bill. He threw out the challenge because he believed the Administration had no desire to pass a specie Sub-Treasury bill, such as had been promised. He suggested to the gentleman from Vermont, [Mr. EVERETT,] the propriety of so modifying his instructions as not to make it imperative.

Mr. EVERETT then modified his amendment so as to authorize the committee to inquire into the expediency of engrafting it on the bill.

Mr. CRABB looked upon it as a perfect mockery to send this bill to the Committee of Ways and Means, as there was not a member on this floor who had not come here with a perfect knowledge of the subject, and with his mind fully made up on it. His right to sit and speak here was more dependent on his decided and unequivocal opposition to this favorite measure of the Administration than to any merits of his own. He was as ready now as he ever could be to speak his opposition to this bill, and every other bill of a similar character, and he presumed every gentleman was ready to do the same. Why refer it to the Committee of Ways and Means? Was the object delay? Gentlemen pretended that the Opposition in this House had thrown obstructions in the way of this bill, as they have been accused of doing with regard to every other. But gentlemen must recollect that we have an excuse. He had said some time ago that it was thought necessary by the Administration party that these five New Jersey members should be voted in before the passage of this bill. Yesterday the deed was done, and to-day this great measure, in which the Administration have pledged themselves, and with which its most distinguished members say that they are willing to sink or swim, should be taken up and discussed on its merits. I, for one, said Mr. C. say, if you pass it, pass it to-day. I wish to see its effects. It affected entire interests of the country, for there was not an interest that would not be deeply injured by it. Let it go, then, to the Committee of the Whole, in which all the various important interests of the country are represented, and can speak of the injuries it will inflict on them. The Committee of the Whole was the most appropriate for it. Let it be discussed there. Let the bill pass, and let the House adjourn, for, from present prospects, he foresaw that Congress could do nothing this session. Every question was made a party one; every question had reference to who should occupy the White House. He desired, for one, to go home. Let gentlemen unite with him in taking up this great measure, and they could soon do so.

Mr. PETRIKIN said he did not rise to make a speech, but to make a motion to save the time of the House and the country. Before making that motion, he would assign some reasons for the causes of the delay complained of by the gentleman from Alabama [Mr. CRABB] before him, and the gentleman from Virginia, [Mr. WISE.] Mr. Speaker, we have been compelled to sit here, day after day and week after week, to hear gentlemen of the Opposition delivering speeches, not relevant to the merits of the questions before the House for consideration, but endeavoring to make Harrison capital for the next Presidential election, and endeavoring to make the people believe Gen. Harrison was that which he was not, nor never could be made—a hero, a statesman, and a philosopher. You have also, Mr. Speaker, heard the gentleman and his Whig friends on this floor, day after day, complaining of the Democratic party cutting off debate by the previous question, or, to use their own term, applying "the gag law," to prevent discussion and the freedom of debate. Why, sir, it was but a day or two since that I was personified as being obnoxious to the charge of moving this—to our loquacious Whigs—terrible gag law, or previous question. It really does not appear very consistent in those gentlemen whose daily avocation it has been to "stave off" the business of the country and prevent its being reached and considered, to get up now and complain of this or any other bill not being reached. I shall now (Mr. P. observed) conclude—and I have no doubt, in doing so, I shall disappoint some dozen of Whig orators—by moving the previous question.

The previous question received a second, and the main question was ordered to be taken.

And the main question, being first on commitment to the Committee of the Whole on the state of the Union, was then taken by yeas and nays, and decided as follows: yeas 77, nays 115.

So the motion was rejected.

And the question recurring on the motion to commit to the Committee of Ways and Means, it was decided in the affirmative, without a division.

So the bill was committed to the Committee of Ways and Means.

And the question then recurring on the instructions of Mr. EVERETT,

Mr. PETRIKIN asked for the yeas and nays; which were ordered, and, being taken, were—yeas 81, nays 106.

So the House refused to adopt the instructions.

On motion of Mr. WISE, and by general consent, the bill was ordered to be printed.

A number of other bills on the SPEAKER's table were put on the first and second reading, and were appropriately referred.

The bill providing for the removal of the location of the land office in the State of Mississippi; and

The bill allowing further time to the Trustees of Centre College, at Danville, in Kentucky, to dispose of lands heretofore granted to the Deaf and Dumb Society;

were severally read a third time, and passed.

The bill heretofore introduced on leave, by Mr. BELL, to secure the fredom of elections, and to prevent the interference of Executive officers therin, coming up in its order, and the question being "Shall the bill be rejected?"

Mr. BELL said he did not wish to detain the House at this time with any remarks; but he would say that he considered this bill of the utmost importance; of greater importance, in his judgment, (though, perhaps, he might view it with a partiality which other gentlemen did not feel,) than even the Sub-Treasury bill. And as an opportunity had thus been afforded to him of making remarks which, under other circumstances, he scarcely could have hoped to have had the privilege of making, and as he had wished that the bill might be discussed on both sides of the House, he hoped it would be the pleasure of the House that it should lie over until such time as the gentleman from Virginia [Mr. JONES] had had time to pass his Treasury note bill.

Some conversation as to the order of business here took place between the SPEAKER and Mr. BELL, and the SPEAKER having decided that this bill would take precedence of all business of its class on the SPEAKER's table,

Mr. BELL said he would not then address the House, but consent to an adjournment; whereupon,

On motion of Mr. MASON,

The House then adjourned.

IN SENATE,

THURSDAY, March 12, 1840.

The CHAIR submitted a message from the President of the United States in answer to a resolution of the Senate of the 4th of February, transmitting copies of correspondence between the Department of War and Governor Call concerning the war in Florida; which was laid on the table, and ordered to be printed.

Mr. ANDERSON presented a memorial of Clements, Bryan and Company, contractors with the Government for the supply of the emigrating Cherokees, praying the passage of an act authorizing the Secretary of War to adjust and settle their claims upon just and equitable principles. Mr. A explained at some length the merits of the claim, and it was referred to the Committee on Claims.

Mr. TAPPAN presented a memorial of citizens of Waterville, Lucas county, Ohio, praying for a reduction of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented the petition of James W. Hale and Joseph Francis, praying the aid of Government to enable them to erect a permanent life-boat station on Rockaway beach, for the relief of distressed vessels; which was referred to the Committee on Commerce.

Mr. ALLEN presented a memorial of citizens of Washington, praying that Congress may take such measures as will compel the banks chartered by them to fulfil their obligations to the public, by a resumption of specie payments.

Mr. A. said he was not personally acquainted with the citizens whose names were affixed to this memorial, but he was informed they were respectable men, and embraced members of both political parties. He asked that the memorial might be read, and ordered to be printed; which was agreed to.

Mr. STURGEON presented a memorial of citizens of Pennsylvania, praying for the improvement of the Alleghany river from Pittsburgh to Hamilton, in the State of New York; which was referred to the Committee on Roads and Canals.

Mr. DAVIS presented a memorial of citizens of New York, praying that certain duties paid on silk twist may be refunded; which was referred to the Committee on Finance.

Mr. D. also presented a memorial of citizens of Wisconsin, praying for the construction of certain military roads, for the improvement of the Fox and Wisconsin rivers, and for establishing a port of entry at Green Bay; which was referred to the Committee on Commerce.

Mr. D. also presented a memorial of C. B. Dickman; which was referred to the Committee on Pensions.

Mr. LUMPKIN, from the Committee on Indian Affairs, to which was referred the petition of John Scott, reported a bill for the relief of his legal representatives; which was read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the bill to regulate the pay and emoluments of pursers in the navy, reported the same with an amendment, and a report; which was ordered to be printed.

Mr. W. also, from the same committee, made an adverse report on the claim of Thomas B. Parsons; which was ordered to be printed.

Mr. W. also, from the same committee, asked to be discharged from the further consideration of the claim of Joseph Whipple; which was agreed to.

Mr. FULTON, agreeably to notice, asked and obtained leave to bring in a bill in relation to donations of land to certain persons in the State of Arkansas; which was read twice, and referred to the Committee on the Public Lands.

The motion submitted yesterday by Mr. SOUTHARD was considered and agreed to.

On motion by Mr. TAPPAN, the bill regulating bank issues in the District of Columbia was taken up for the purpose of offering some amendments, and the bill, as amended, was ordered to be printed, and made the order of the day for to-morrow.

MILITARY AND NAVAL PREPARATIONS.

The following resolution was taken up for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if, in his judgment, compatible with the public interest, all the information which may be in the possession of the Government, or which can be conveniently obtained, of the military and naval preparations of the British authorities on the Northern frontier of the United States, from Lake Superior to the Atlantic ocean; distinguishing the permanent from the temporary and field works, and particularly noting those which are within the claimed limits of the United States.

Mr. NORVELL rose and said, that he had submitted this resolution, from a strong sense of duty. His firm conviction was, and had a long time been, that the period had arrived when preparations of a military and naval character on one side of our Northern frontier, ought to be met by corresponding preparations on the other side. While the British Government was amusing us with negotiation, as Philip amused the Athenians it was making quiet and steady progress in preparing for offensive and defensive operations, at all important points near the entire frontier of the United States, from Maine to Lake Superior. While England was active, we were slumbering at our posts, unarmed, and without defence. It was time for us to awake from this dangerous repose. It was time for us to learn the whole extent of our hazardous situation.

The late correspondence between the Secretary of State and the British Envoy, with the information which accompanied it, clearly showed that the British authorities had deviated from the arrangement made by the Governors of Maine and New Brunswick, through the interposition of General Scott, despatched to that quarter for that purpose by the President. The explanations of the British Minister appeared to him to be evasive, perhaps unintentionally so. He seemed to have avoided the true issue—the violation of the arrangement to which he had just adverted. The Secretary of State, in his letter to Mr. Fox, remarks: "That the extensive accommodations prepared and preparing, at an old and at new stations, the works finished, and in the course of construction, *on the land and on the water*, are not in harmony with the assurance that the only object is the preservation of a few unimportant buildings and store-houses for the temporary protection of the number of troops her Majesty's ordinary service can require to pass on the road from New Brunswick to Canada."

And now, sir, what is the answer of the British Minister? After general declarations and disavowals on the subject of preparations, he adds:

"The fact, shortly, is, and this is the essential point of the argument, that her Majesty's authorities have not as yet altered their state of preparation, or strengthened their military means within the disputed territory, *with a view to settling the question of the boundary*, although the attitude assumed by the State of Maine, with the reference to that question, would be a clear justification of such measures; and it is much to be apprehended that the adoption of such measures will sooner or later become indispensable, if the people of Maine be not compelled to desist from the extensive system of armed aggression which they are continuing to carry on in other parts of the same disputed territory."

Now, sir, here is no disclaimer of the fact, that the state of preparation has not been altered; that the military means of the British have not been strengthened within the disputed territory. It is simply declared that this alteration has not been made; that these military means have not been strengthened, "*with a view to settling the question of the boundary.*" The menace is thrown out, too, that the attitude of Maine may render such measures indispensable on the part of the British, with a view to that boundary question, if the people of that State be not compelled to desist from the armed aggressions which they continue to carry on within the disputed territory. The disclaimer of the minister goes to the motive, and not to the fact of increased military preparations.

And then, sir, do we not all know that a proposition on the part of our Government, for the settlement of the boundary question, by commissioners, has been before the British cabinet for some seven or eight months, and that no satisfactory response has yet been received to that proposition? Was not this proof presumptive that delays and postponements had been purposely interposed, until the means should be prepared for a coercive adjustment of the boundary question, on the terms which the British Government might prescribe?

Again, sir: it had been stated, with what truth he could not tell, that the cabinet of St. James had written to its agents in Canada, that the passage from New Brunswick to Quebec ought to be, and must be, rendered open and free by either amicable or forcible means.

What did all this indicate? Were these preparations, these imputed declarations, intended to intimidate us into a submission to the conditions of settling the boundary question, which might be presented to us by the adverse party?

Along the whole line of Lake Ontario, it had been stated that new military works were in the progress of construction, and that the old works were in a course of being strengthened. The military posts at Molden had also, as he had learned, been rendered stronger. White Wood island, which had been many years ago most unfortunately ceded to the British, was, as he had been informed in letters, fortified, or about to be fortified. That island was in the river Detroit, near its mouth; and, with a powerful battery, it would command the passage of both the American and British channels of the river, and lay the whole of the upper Lake country, with its important military posts, its flourishing cities and villages, at the mercy of an enemy. Military works were constructed, or constructing, at Sandwich and Windsor, immediately opposite to Detroit; and that prosperous city could, from these works, in one hour, be laid in ashes. And what was the state of defensive military preparation on our side, in that quarter? Why, sir, we had not even the benefit of public barracks for the protection and accommodation of the miserable skeletons of companies which were stationed there. The commanding officers were compelled to rent a house at the water's edge for their accommodation. Sir, the surrender of White Wood island to the British was a most unwise measure. Its acquisition by that Government showed its sagacious forecast, as its cession remonstrated our want of that quality, in a most fatal degree. It ought never to have been given up.

He had been told that the British authorities were building one or two steam frigates on Lake Ontario and Lake Erie. Such a measure was a departure from the spirit of that arrangement by which the American and British navies were respectively reduced to one vessel on Lake Champlain, one on Lake Ontario, and two on Lake Erie and the upper lakes, not exceeding one hundred tons burden each, and each carrying but one gun. Were the steam frigates to be of one hundred tons burden, and to carry but one cannon? Nobody could believe it. In order that the terms of the arrangement might be correctly understood, he would cite a passage from the message of President Monroe to Congress, in December, 1817, on that subject:

"I have the satisfaction," says the President, "to inform you that an arrangement, which had been commenced by my predecessor, with the British Government, for the reduction of the naval force, by Great Britain and the United States, on the lakes, has been concluded; by which it is provided that neither party shall keep in service on Lake Champlain more than one vessel; on Lake Ontario more than one; and on Lake Erie and the upper lakes more than two; to be armed each with one cannon only; and that all the other armed vessels, of both parties, of which an exact list is interchanged, shall be dismantled. It is also agreed that the force retained shall be restricted in its duty to the internal purposes of each party; and that the arrangement shall remain in force until six months shall have expired after notice given by one of the parties to the other, of its desire that it should terminate."

The object of the arrangement was, to save useless expense on both sides, and to prevent the danger of collision between their armed vessels, on those inland waters.

The measures adopted by the British Government, to which he had thus briefly allueed—the large military forces collected in her provinces—the accumulation of works and materials for war on our Northern frontier—and the naval preparations making on the lakes, imdressively admonished us of the dangers which were impending over us. He could not, representing, as he did, an exposed State, be anxious for war; but a crisis was, he apprehended, approaching, which would demand the most active exertion, the most vigilant preparation. At all events, we ought to be in possession of every necessary information, to enable us to decide what was best to be done on our side. We all know the spirit of aggrandizement which animated the British Government, in all her policy. They were at this moment extending their military conquests in the East; and the journals of the day informed us that they were negotiating for the purchase of he Californias in the West, in the face of the solemn declaration of President Monroe in 1823, that the rights and interests of the United States required it to be made known to the world, "that the American continents were not thenceforth to be considered as subjects for future colonization by any European power."

The resolution, modified as below, at the suggestion of a distinguished Senator, a friend of the mover, was then agreed to:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate all the information that is possessed by the Government, or can be conveniently obtained, of the military and naval preparations of the English Government on the Northern frontier of the United States, from Lake Superior to the Atlantic Ocean, distinguishing the permanent from the temporary and field works, and particularly noting those which are within the claimed limits of the United States.

SPECIAL ORDER.

The bill to provide for the payment of damages sustained by individuals by the wars with Indian tribes since 1830, being the special order of the day, was taken up as in Committee of the Whole, and after a long discussion, in which Messrs HUBBARD, CLAY of Alabama, LUMPKIN and KING earnestly advocated the passage of the bill, and Messrs. WRIGHT, GRUNDY, and PRENTISS opposed it, its further consideration was postponed until Monday next, and the bill and amendments were ordered to be printed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 12, 1840.

Mr. CROSS, from the Committee on Indian Affairs, represented to the House a memorial and accompanying documents from the Cherokee Indian delegation, which had been previously referred to that committee, for the purpose of having them printed; which was agreed to.

The SPEAKER announced the unfinished business business of the morning hour to be the following resolution, accompanying the report made by Mr. CAMPBELL of South Carolina, from the Committee of Elections:

Mr. CAMPBELL, chairman of the Committee of Elections, offered the following resolution:

Resolved, That the papers enumerated in the foregoing list, and the journal of the Committee of Elections in the New Jersey case, comprising its proceedings up to the 5th instant, be printed for the use of the House and the committee.

[This resolution covers all the testimony before the committee at the time the report was made in relation to this subject.]

Mr. R. GARLAND proposed to amend the resolution by adding thereto the following:

"And that said committee be instructed to report the evidence referred to it on the 6th instant, and that the same be printed."

Mr. JENIFER, who was entitled to the floor, spoke in continuation of his remarks of yesterday. In the course of which, he gave way to

Mr. FILLMORE, who made certain explanations; during which much disorder and excitement existed throughout the hall, and several intermediate explanations were made, and interrogatories propounded.

Mr. JENIFER continued, and spoke with great acrimony, and impeached the course of the committee, the nature of which may be judged of by the response of the chairman, who interrupted him for that purpose.

Mr. CAMPBELL observed, that he was indebted to the courtesy of the gentleman from Maryland [Mr. JENIFER] for the opportunity of correcting thus early the erroneous impression which the remarks just made by the gentleman from New York [Mr. FILLMORE] were calculated to produce, but which he was satisfied the gentleman [Mr. F.] did not intend to leave on the minds of the members of this House. The impression to which he alluded was this: "that all the testimony in the possession of the Committee of Elections, previous to the report on the New Jersey election, had not been examined. So far from this being the case, he here avowed that all the testimony in relation to that case had been taken up, and not only the members of the committee, but the parties themselves, were heard in full upon every part they were disposed to discuss: that the testimony was afterwards taken up in detail by the committee, and its competency decided upon by formal votes.

[Mr. C. here gave way to Mr. BOTTS, who expressed his opinion in relation to the examination of a part of the testimony.]

Mr. C. resumed. Of the testimony thus examined, a large portion was decided to be incompetent. All relating to the illegality of votes had been so decided, except only testimony impeaching about 12 or 13 votes.

Did gentlemen complain that the committee would not consent to expose those who had received a minority of votes, but who claimed to have received the greatest number of legal votes, to the ridicule of parading this testimony in relation to twelve or thirteen votes, to set aside majorities ranging from thirty to near two hundred?

Would it not have been a mere mockery—would it not have been gross injustice, while the parties under the authority of the committee, sanctioned by the House, had gone to New Jersey to take testimony, to have proceeded in their absence to try this election upon its merits, upon testimony so imperfect? Did gentlemen complain, because the committee had not, in violation of it pledge, pursued this course? A course which would have been utterly unwarrantable in reference to the permitted absence of the parties, and inconsistent with the proviso of the resolution of the 28th ultimo.

In speaking of the examination of testimony before the committee, Mr. C. did not allude to the "mysterious sealed package" of which so much had been said. The depositions contained in that package were not in the possession of the committee for examination until after the report had been made, and they had been referred by the House. That this is the correct opinion, is manifest from the circumstance that the House thought it necessary to refer them by a formal vote. That this was the opinion of the gentleman from New York himself, [Mr. FILLMORE.] was evident from the fact that he first voted to refer them, and afterwards moved a reconsideration, to prevent their going to the committee.

Mr. C. would further state, in relation to the examination of testimony, that after the passage of the resolution of the 28th ult. and before the adoption of the report, a gentleman of the committee had called for the reading of testimony in possession of the committee, and that, in compliance with this call, all the papers were read that were called for.

Mr. C. had only risen for the purpose of correcting the impression which he thought the remarks of the gentleman from New York were calculated to produce. He was unwilliag that an impression should exist for a single day, that the committee had not considered all the testimony before it previous to making its report; and therefore it was that he had requested the gentleman from Maryland to allow him the opportunity of this explanation in justification of the committee.

Mr. JENIFER resumed his remarks for a short time, when

On motion of Mr. JONES of Virginia, the morning hour having expired, the House agreed to pass to the orders of the day; before doing which, however, by permission,

The SPEAKER laid before the House the following communications from the President of the United States; which were read, appropriately referred, and ordered to be printed:

WASHINGTON, March 9, 1840.

To the House of Representatives:

I transmit to Congress, for their consideration,

copies and translations of a correspondence between the Secretary of State and the Spanish Legation, growing out of an application on the part of Spain for a reduction of tonnage duty on her vessels in certain cases.

By a Royal order issued on the 29th of April, 1832, by the King of Spain, in consequence of a representation made to his Government by the Minister of the United States against the discriminating tonnage duty then levied in the ports of Spain upon American vessels, said duty was reduced to one real de vellon, equal to five cents per ton, without reference to the place from whence the vessel came, being the same rate as paid by those of all other nations, including Spain. By the act approved on the 13th July, 1832, a corresponding reduction of tonnage duty upon Spanish vessels in the ports of the United States was authorized, but confined to vessels coming from ports in Spain; in consequence of which said reduction has been applied to such Spanish vessels only as came directly from ports in the Spanish peninsula

The application of the Spanish Government is for the extension of the provisions of the act to vessels coming from other places, and I submit for the consideration of Congress whether the principle of reciprocity would not justify it in regard to all vessels owned in the Peninsula and its dependencies of the Balearic and Canary Islands, and coming from all places other than from the Islands of Cuba, Porto Rico, and the Philippine; and the repayment of such duties as may have been levied upon Spanish vessels of that class which have entered our ports since the act of 1832 went into operation.

M. VAN BUREN.

WASHINGTON, March, 1840.

To the House of Representatives of the United States:

I lay before you for your consideration a communication of the Secretary of War accompanied by a report of the Surgeon General of the Army in relation to sites for marine hospitals, selected in conformity for the provisions of the act of March 3, 1837, from which it will be seen that some action on the subject by Congress seems to be necessary.

M. VAN BUREN.

Several bills from the Senate, on the SPEAKER'S table, were taken up, read twice, and committed.

The bill, introduced on leave by Mr. BELL, to secure the freedom of elections, was, by general consent, and on the suggestion of Mr. BELL that the House might not be detained from acting on the Treasury note bill, passed over, on the understanding that it should retain its place on the calendar.

The bill reported on leave by Mr. HAND to establish a uniform rule of naturalization, and to repeal all acts heretofore passed on this subject, was taken from the SPEAKER'S table; and,

On motion of Mr. HOFFMAN, committed to the Committee on the Judiciary.

TREASURY NOTE BILL.

On motion of Mr. JONES of Virginia the House resolved itself into Committee of the Whole on the state of the Union, (Mr. DAWSON of Georgia in the chair,) and took up the bill No. 18, being a bill to provide for the issue of Treasury notes; which having been read,

Mr. JONES of Virginia, said he had to ask the indulgence of the committee, but for a short time, whilst he should undertake, very briefly, to assign the reasons which appeared to him to render the passage of the bill, now under consideration, necessary and proper. And he would here take occasion to remark that this bill had not been introduced from any conviction on his own mind, or upon the mind of the Secretary of the Treasury, so far as he was informed, that the resources of the Government, for the present year, would not be sufficient to meet all its liabilities during the year; in the event, however, that the amount of money to be appropriated by Congress at the present session, should not exceed the estimates submitted at it commencement. If the resources of Government, for the year 1840, should be realized, it was believed that the receipts from customs, from the sales of the public lands, and from the debts due from the Bank of the United States, and from the deposite banks which suspended specie payments in 1837, together with the amount of money which remained in the Treasury undrawn at the commencement of the year, would be sufficient to meet the liabilities of the Government during the year. According to the best information before him, derived from facts furnished by the Treasury Department, (which he was bound to infer must have the most correst information upon all these subjects,) this was the conclusion to which his mind had arrived. But it must be obvious to every gentleman whose mind had been turned to the subject, that coming in, as the receipts of the Government are expected to come in, they may not, and indeed it is now certain that they cannot, be received in time to meet the liabilities of the Government, as they are expected to arise, owing principally to the fact that a much larger portion of these liabilities will fall due in the first half of the year, while a much larger portion of the receipts from which it is expected these demands are to be liquidated, cannot be realized until the last half of the year. In other words, if the receipts and disbursements of the whole year could be spread over the year in something like equal proportion, then from the data before him, he arrived at the conclusion that the means of the Government would be sufficient to meet all its liabilities. It was known to every gentleman here that the debt due from the Bank of the United States, amounting to something more than two and a half millions of dollars (including interest) did not fall due until the first day of October; the Bank having, by the terms of its agreement with the Government, the whole of the month of September to make the payment. It was also known that the debts due from the banks which suspended specie payments in 1837, in the present condition of these banks, some of them now asking for further indulgence, might, by possibility, not be received in time. Indeed it might be that they could not be relied on at all.

Mr. THOMPSON of South Carolina here asked how much was due from these banks.

Mr. J. replied that he would give the gentleman all the information he desired, if he would have a little patience; and he would not keep him out of his reply very long, he might be assured. The amount at present was about $805,000. It was apparent, then, that there was something like three and a half millions of dollars falling due in the last half of the year, which the Government could not control for the purpose of meeting the liabilities which were daily presented for payment; and it would be apparent also that, with that amount now available, the liabilities pressing on the Government could be taken up and discharged. But it must also be known to all who have made themselves acquainted with the subject, that there are very large amounts of Treasury notes, issued under former laws, now falling due—that is, $500,000, I think, on the 5th of March; $250,000 on the 7th, and $1,150,000 in the rest of March, April, and May; making an aggregate of rather less than $2,000,000, to be met on the score of Treasury notes now outstanding.

I again repeat, (said Mr. J.) that this amount of money, if now available, would be sufficient to meet all the liabilities of the Government for the year, without the aid proposed to be afforded by the bill now under consideration.

But, in order that the committee may have a clear view both of the means of the Government for the year, and of its liabilities for the same period, I beg leave here to call the attention of gentlemen to the annual report of the Secretary of the Treasury on the state of the finances. His statement is this:

"For reasons hereafter to be explained, the receipts into the Treasury, the ensuing year, cannot be estimated so high as in 1839. From the best information possessed by this Department, it is computed that the aggregate of them, available for public purposes, will not exceed 18,000,000, viz. from

Customs - - - -	$15,000,000
Lands - - - -	3,503,000
Miscellaneous - - -	100,000
Add to these the balance available and applicable to other purposes, which it is supposed will be in the Treasury on the 1st of January, 1840 - - -	1,556,385
The efficient means in that year will then amount, in the aggregate, to - - - -	20,156,385
If Congress should make appropriations to the extent desired by the different Departments, the expenditures for 1840, independent of the redemption of Treasury notes, are estimated at - -	20,000,000
Including all the Treasury notes to be redeemed, the aggregate expenditure would be about -	22,750,000
This would leave a deficit in the Treasury at the close of the year amounting to - - - -	2,593,645"

But the Secretary goes on to say:

"There will be due from the United States Bank in September next, on its fourth bond, about -	2,526,576
The principal now due on the Treasurer's deposites in other banks, which suspended specie payments in 1837, is - -	1,149,904
Should all these claims be collected in 1840, they would prevent a deficiency, and leave an available balance in the Treasury of nearly	1,082 865"

It will be seen (continued Mr. J.) that, according to the estimates furnished by the Secretary, giving us a full account of the whole means as well as of all the liabilities of the Government, in the event of the Government realizing the debts here referred to, there would be, at the close of the year, and provided the estimate were not exceeded by the appropriations made by Congress, a balance of $1,082,000. Owing, however, to the causes to which I have already had occasion to advert, and to others which are more specifically stated by the Secretary of the Treasury in a recent report made by him, it appears that much the larger portion of the liabilities of the Government, as I have before said, are thrown upon the first half of the year, and that the larger portion of the receips are thrown upon the last half, thus bringing about that state of facts set forth in a report of the Secretary of the Treasury, and to which I now beg to call the attention of the committee. It bears date the 17th day of February last.

Mr. J. read statement A, (accompanying said report.)

"Money in the Treasury February 10, 1840, available for general purposes, computed to be about $1,700,000, but at the end of the month it will probably be reduced to - -	$1,300,000
Not over two-thirds of this will be situated on the seaboard, and convenient for use to pay pensions and redeem Treasury notes.	
Receipts in March, April, and May, from customs and lands, estimated at - - - -	3,600,000
Receipts from banks in those months, indebted in 1837 as depositories, estimated at - - -	200,000
Now and before the 1st June, computed aggregate means - -	$5,100,000"
"Expenditures for pensions required by the 5th March, as estimated by the War Department a $1,760,000 of which will then be needed, besides what has been recently advanced, about - -	$900,000
Treasury notes falling due by March 7th, not yet redeemed - -	550,000
Treasury notes falling due by March 13th, not yet redeemed - -	250,000
Treasury notes falling due in the rest of March, April, and May, and others then redeemable -	1,150,000
Ordinary expenditures in March, April, and May, out of appro-	

priations already made, and new ones which are expected to pass, and are required to carry into effect existing laws for ordinary objects, before 1st June, estimated at - - - -	4,500,000
	$7,350,000
Least balance usually proper to have on hand at various points, near as well as remote - -	2,000,000
Add for the 1st June, to meet what is immediately due under the many new appropriations passed near the the close of the session	500,000
	$9,850,000
Deduct the computed means -	5,100,000
Amount of additional means appearing expedient now and before the 1st June - -	$4,750,000"

From these statements (continued Mr. J.) it must, I think, be obvious to every man that, whilst the resources of the Government may, and probably will, be ample to meet its liabilities during the year; yet, thrown, as a very large portion of these liabilities are, upon the first half year, while the means to meet them will not be available until the last half—I say it must be obvious that, without some legislation to regulate these fluctuations in the receipts and disbursements, the Government with the most ample means for the whole year's operations, may be placed in a situation in which it might be unable to meet promptly its numerous pecuniary obligations, and to maintain unbroken its faith. It will also be seen that it is not intended, by the measure now under consideration, to add one dollar to the amount of expenditures, but so to use the credit of the Government as to provide for and obviate any serious pecuniary embarrassment. To enable the Government at all times to meet promptly and faithfully its obligations, is an object which I am bound to presume every man, of all parties, has sincerely at heart. I am sure there is no Representative of the people on this floor, to whatever party he may belong, who would not feel deeply mortified, as an American citizen, to see the Government of his own choice placed even for a day in a situation where it could not meet promptly its pecuniary liabilities. And if differences of opinion exist among us upon this subject, I am persuaded it is not as to the propriety of affording relief, but as to the best mode in which the object can be attained. I do not entertain a doubt but that we all look to the same object; we all desire to save the Government from such a dilemma; and if we differ at all, as we shall, I repeat that it will not be as to the propriety of affording relief, but as to the mode in which it shall be furnished.

Looking to the report to which I have had occasion already to call the attention of the members of the committee, and in which the resources of the Government, and its liabilities for the year, are clearly stated, it would seem, I should suppose, that the measure now under consideration could not be a matter of surprise to any gentleman who has investigated the subject. A careful examination of that report will satisfy every man, not only of the necessity of granting the relief here asked, but that it is a subject to which the Secretary of the Treasury himself has continued to look with the most anxious concern; and that he has again and again invited, in the most pressing manner, the action of Congress upon it. In illustration of this view, and in justice to a faithful public officer, I beg very briefly to call the attention of gentlemen to several paragraphs in the annual report of the Secretary of the Treasury, to which I have referred. I do this, not only as an act of justice to him, but for the additional reason that we may see clearly the grounds on which this application has been made. I do it, too, because I have heard it said, here and elsewhere, that this measure has been postponed to the latest possible period; and that then, like all such measures, when it was brought up, all would be hurry and confusion, and that there would not be time to consider any thing. By reference to the report, it will be seen that the Secretary of the Treasury stands relieved, at all events, from this charge. In the very next line after the estimates I have read, he says:

"It is not, however, considered prudent to rely exclusively on the collection of these debts."

He then goes on to say:

"One mode, then, of obviating any difficulty from that circumstance will be to reduce the aggregate of new appropriations, by postponing some and lessening others, so that the means probably available will be sufficient to meet all calls upon the Treasury, and leave in it an average balance of about two millions.

"It is believed, for reasons enumerated hereafter, that such a reduction is possible without essential injury to any useful object, and that this balance is the smallest which is adequate to secure promptitude and good faith in public payments so heavy in amount as ours, so unexpected at times in the demands for them, and so dispersed over a wide territory. If the appropriations are not thus reduced, it will be wise to provide seasonably in some other way for the amounts of the contingent deficiency, and of such a balance."

He would beg leave also to call the attention of the committee to page 11, of the same report, in which the Secretary says:

"Much has at times been wisely done by Congress to supply means for meeting unexpected deficiencies. But all legal provisions heretofore adopted for that purpose having expired, our financial operations will be constantly exposed to danger, unless some permanent safeguard under contingencies is established.

"These circumstances must constitute an apology for once more explaining some of the grounds in favor of such a measure, and earnestly asking speedy legislation concerning it."

He then informs us:

"The principal sources of our present revenue are sensibly affected by fluctuations not only in commercial prosperity, but in the crops, the banking policy, and credit systems of even foreign nations. The influence of these causes seems to become yearly more changeable and more uncertain in its extent."

The Secretary goes on to say:

"All these, and similar considerations in favor of some permanent provision on this subject, apply with still greater force than they have heretofore. The available balance in the Treasury to facilitate its operations is much smaller than has formerly been usual. The receipts on the debts still due from banks, after two previous disappointments as to some of them, must be regarded with increased doubt; and, if they should be paid within the coming year, the outstanding Treasury notes become redeemable in the first half of it, and must be discharged some months before the bond of the United States Bank falls due in September."

The Secretary then says:

"Why, then, should not a constant safeguard, or some permanent remedy under such irregularities, be provided? The omission to do this, can hardly be considered the true check on extravagant expenditure, as that check would seem to consist rather in a forbearance to make unnecessary appropriations than in a refusal to provide ample means for paying with promptitude, under all probable contingencies, what has already been appropriated and has thus received the deliberate sanction of Congress. The national pride, no less than its honor and credit, appears to be concerned in adopting some measure on this subject, stable, efficient, creditable to free institutions, and possessing a paramount influence to preserve unspotted the public faith.

"The States now possess, separately, quite as deep an interest in such an arrangement as the General Government, since a blow on the credit of the latter would, like an electric shock, be felt through the whole of them, and inevitably depreciate still more their immense amounts of stocks.

"It is hoped that an actual failure to furnish means to make prompt payment, under all contingencies, and thus producing the very violation of good faith so much to be deprecated, will not be necessary to awaken its guardians to the urgent importance of some such remedial provision; a measure, without which, in the shape of an investment, or large balance on hand, or authority given to postpone certain classes of appropriation, when the revenue proves insufficient for the whole, or some power to borrow money, or issue, on interest, when necessary, drafts or exchequer bills, no financial system, in any enlightened country, has been, or can be, long administered with safety and honor.

"In our system, the provision on this subject was very uniform and permanent, till the extinguishment of the national debt in 1835. Previous to that time, a large balance beyond the expenses for ordinary purposes was generally collected, and, being kept on hand till near the close of the year, so as to assist in any contingency, was then, if not thus wanted, applied towards the payment of the debt.

"After that time, the first resort, in the event of fluctuations, was temporary, and consisted of the accidental and unexpected accumulation which immediately followed. When parts of that accumulation were expended, and the residue was divided among the States, instead of being invested, and held to meet deficiencies, the recall of it as fast as needed for the latter purpose, was still sanctioned by Congress, and constituted the next permanent remedy. But this power of recall was afterwards taken from the Treasury Department; and, instead of it, the payment of one instalment was postponed, and a very limited authority given to issue Treasury notes for aid in any contingency. That authority also expired in June last, and, while in force, contained requisitions immediately to receive those notes in payments when offered, and, at the same time, preventing the reissue of them, which proved to be exceedingly inconvenient and hazardous, which have already rendered two additional acts of Congress necessary, and which, in a moneyed crisis like the present, not only endanger all fiscal operations, but would have stopped some of the most important of them, if not obviated in a degree by seasonable arrangements, made in anticipation of difficulty."

In further illustration of this view of the subject, he would read but one sentence more from the report of the Secretary.

"The Department, therefore, is now without any resort, temporary or permanent, in case of material deficiencies; and considering all the circumstances before mentioned, with the dangerous liability in law to have the whole outstanding Treasury notes paid in at any moment for public dues, without a power remaining to issue others in their stead; considering, also, the present revulsions in the commercial world, which affect so seriously the receipts from both duties and lands; considering the disasters which are befalling the banks and rendering our collected funds in some cases wholly unavailable, and the advances necessary to be soon made for the large payments of pensions, and Treasury notes falling due in March, the earliest attention to new legislation on this subject seems highly prudent, if not indispensable, for the effectual security of the public credit."

I have felt it my duty (continued Mr. J.) to advert to these passages, to show that our consideration was invited to this subject at the earliest possible moment, and to show that those gentlemen who seem to suppose that it was postponed to the last moment, in order that it might be passed over with the greatest possible haste, were mistaken; that their opinions were formed without investigating carefully, as I should conceive, documents accessible to every member of the committee. Now, I would ask if there is an individual here who does not see that this is a subject in which the Secretary has felt a most anxious and deep concern—or who is not prepared to admit that the necessity of this measure was foreseen by him, and that early legislation was invited? There can be but one opinion on this point. The necessity was foreseen by all, and it must therefore cease to be matter of surprise that this bill has been introduced.

Nor has the Secretary of the Treasury failed to point out the mode proper, in his judgment, for furnishing relief. In the communication to which

I have adverted, and which I will not take up the time of the committee by reading, it will be seen what his views were. He looked, in the first place, to a general reduction of the aggregate of new appropriations; he next points to the twenty-eight millions now on deposite with the States; and, thirdly, he says there are two remaining modes—one to borrow money, and the other to issue (on interest, if necessary,) Treasury drafts or notes.

The Committee of Ways and Means, after the most mature deliberation which they were enabled to bestow, have reported, as the result of their deliberations, the bill now under consideration. I know much difference of opinion exists on the subject; I know it has been so on all previous occasions when similar measures have been introduced. The friends of the measure, regarding the deficiency in the Treasury as merely temporary, propose to anticipate for a short time the revenue of the Government, which cannot be received in time to meet its liabilities as they may arise. Those gentlemen who stand opposed to us, regarding the deficiency not as temporary, but permanent, will, in all probability, propose on this occasion what had been before proposed in similar cases, to make permanent provision for it by contracting a loan, and thus, in all likelihood, incurring a permanent national debt. I have not been educated in that school of politicians who regard a national debt as a national blessing. No, sir. I regard a national debt as a national curse, never to be saddled upon the country, except under circumstances of the most overruling necessity. Then, and not till then, shall I ever consent to incur a permanent national debt. Whether the deficiency be temporary or permanent, must be judged of by the best information within our reach, and the best lights that are afforded to us. I have looked, in the formation of my own opinion, to the Secretary of the Treasury, whose position enables him to possess more correct information than almost any other man. The whole subject is before him. Every avenue of information is accessible to him. I have already shown the opinion he entertained three months ago, which opinion he entertains now. He informed us on the 15th of February, in the communication to which I have referred, that his opinions remained unchanged, except so far as the revenue may be affected by the decisions of the courts of justice upon the tariff laws; and so far as they may possibly be affected by the universal embarrassment which seems to have spread over the whole country.

We have, then, his opinion at the commencement of the session; and, with a full knowledge of passing events from that day to this, when he last alludes to the subject, he tells us his opinions are unchanged. But suppose he is wrong. Suppose he has over-estimated the revenue for 1840. I fear we have a long session before us; and thus, if the Secretary shall prove to be mistaken, abundant opportunities will be afforded (after we have seen what may be the action of the House on various other matters of public interest, and what may be the probable amount to be received from customs) to make the provision that may seem most desirable. In the mean time, I am bound to come to the conclusion that the deficiency is temporary and not permanent. And in this view of the question, we are called upon to determine whether it would be best to issue Treasury notes or to go into market for a loan, and incur a public debt: the one mode will afford prompt and speedy relief, the other may not—one is certain, the other not—the one is within our own grasp, the other sends us out upon a hunt.

But suppose a loan shall be resorted to; if I am right in the views I have expressed, and the Secretary of the Treasury right in his, it follows as clerly as the light of day, that the means of the Government will be sufficient to discharge the amount borrowed in a single year: why, then, borrow for a term of years? for that you must do; you cannot get your loan taken up unless it is to continue for two or three years. Why should we incur a national debt which must hang on our necks for years, when we want the money only for nine months? Gentlemen do not so act in their private concerns; when they want the use of a sum of money for nine months, they do not borrow it for four or five years. The lessons derived from the every-day business of individual life furnish, generally, the best rules and principles for conducting affairs of a public nature. And how are you to get the amount? Does any gentleman believe that the capitalists will withdraw their funds out of the stocks, and from under mortgage security, to take up a Government loan for one year? It were idle to expect it. But if it could be done, the report of the Secretary tells you that the Government will need immediate relief within a few weeks from the date of that report; which few weeks have nearly expired; and then the disposable funds of the Treasury will be below what they have been for a great while. Where do gentlemen expect to get this loan? In New York? In Boston? In Philadelphia? In any other of our great commercial cities, where every nerve is strained to sustain the banks which pay specie, and, I presume, to enable those banks which do not, shortly to resume; where the community is pressed down by a heavy foreign debt, and the banks have turned and turned the screw as long as the people can bear it? It seems to me it will scarcely be possible. And if you fail in our own country, then you must despatch a messenger to England, Holland, or some other of the European countries. Do gentlemen reflect how long this will take? You have, remember, no great steamship to command; it will require at least two months to negotiate the loan and to return. And what is to become of the Government in the mean while? It will be unable to pay the army, or the navy, or the brave men who are now fighting your battles; nor will it be able to pay a dollar towards the ordinary current expenses of the Departments. And, when we shall have done this, and thus succeeded in humbling and disgracing the Government of our own choice, what shall we have accomplished? What shall we have gained? The comfort of knowing that we have established a permanent national debt.

But we want five millions of dollars; and we want it in specie or in convertible paper. Where are we to get it? From the banks? Why, they cannot redeem their own notes. But, allowing we may get it from the banks, what shall we next hear? "Is a Government that has been for years waging war against the banks, (for that is the charge,) which is utterly hostile to all banking institutions, to be indulged by these very institutions with a loan of five millions of dollars?" Why, sir, it is alleged that, if you collect five millions of your revenue in a whole year from banks, in gold and silver, to enable the Government to hold its own funds safely for disbursement, you are "warring against the banks." With how much more plausibility will they speak, should the Government draw from the banks five millions of their specie? I should expect to hear the charge rung on every change from one extremity of the Union to the other.

But adopt this bill, and it relieves the banks—it furnishes the very thing which is needed as a substitute for specie. These notes will soon find their way to our Atlantic cities, and get into the custom-houses; they will find their way, too, to the Far West, and go into the land offices in payment for the public lands; and, so far from operating as an injury to the banks, the effect will be to sustain and relieve them.

Again: Adopt this measure, and the Government retains the subject its own power. If you resort to a loan, the Government has then to go to the capitalists of the land; if not, to the shavers of the land; and every body knows how the Government fares in such a case. The money holder lays down his conditions, and the Government must come up to them or go without its loan. But, if you issue Government bonds, in the shape of Treasury notes of $100 each, you, Mr Chairman, will have no objection to take them in part of your per diem pay, nor should I; and it will be just so with all the people; they will gladly receive them, without imposing upon you conditions. But in the other case, you are left at the mere mercy of money dealers.

In every view of the case, I have a decided preference for Treasury notes over a loan, both upon the score of economy and convenience. Pass this bill, and the relief will be immediate and effectual; reject it, and the consequences will be such as all will deplore.

In the remarks which I have had the honor to submit, I have endeavored to present the subject in a financial point of view alone, apart from those exciting political topics, the bare mention of which seldom fails to produce agitating and protracted discussions in this House. I have deemed it proper to pursue this course for the reason that the discussion of subjects not directly connected with the pending proposition, are not likely to aid us in our deliberations; and for the additional reason that I do not desire, by any act of mine, unnecessarily to delay the decision of a question upon which the interests, the honor, and the integrity of the Government require prompt and speedy action.

Mr. CUSHING obtained the floor, and replied at great length to the remarks of the chairman [Mr. JONES] He was not disposed to withhold from the Government the means proper and necessary to carry on its operations, but he would hold the Administration responsible for the disbursement of such means as were placed at its disposal for that purpose; yet whilst he did not wish to throw any impediments in the way of the successful operations of Government, though it was in the hands of the present party, he expressed a wish that after the 4th of March next the Government would be in the possession of different administrators, and congratulated himself that he saw in the future that a brighter Aurora was about to dawn upon this country. He said it had been intimated in the public papers that the Opposition wished to avoid action on the bill before the House. He denied that such was the fact. It was true that he had, as did the party with which he acted, voted against the suspension of the rules for the purpose of considering the bill out of its order; because they believed action upon it would have been facilitated by pursuing the regular course of business, and by taking it up in proper order for consideration. He examined the annual message of the President of the United States, and report of the Secretary of the Treasury, touching the condition of the finances, and commented at length thereon, for the purpose of showing that the contingencies had not arrived, which it was alleged in those documents might arrive, to render it necessary to resort to loans to meet the demands upon the Treasury. There was nothing in those documents which contemplated the issue of Treasury notes, as a mode to raise funds to replenish the Treasury, in case the anticipated resources of the year should not be realized, or be adequate to the wants of the Government. He inferred that an issue of Treasury notes was not then contemplated.

The President, in his message, had said that if Congress did not exceed the estimate, there would be no necessity for increased taxes or a resort to loans. For one, he desired that the appropriations should be kept within the estimates, and that no pretext, on that ground, should be afforded for causing a loan. So far as this session has transpired, the appropriation did not exceed the estimates; from that he argued that the cause for the issue existed elsewhere. Mr. C. then went into a constitutional argument to show the impropriety of the issue of Treasury notes. He inferred, from the fact that a proposition to give the power to the Government to issue bills of credit was voted down in the convention for the formation of the Constitution, as will be seen by the debate recently published, that the issue of those notes was unconstitutional. He did not deny that, in a certain contingency, the Government might issue; that it might do so, not in the form of credit paper, but in the form of a draft upon specie, or other means in its possession at the time they are emitted. He then adverted to that part of the argument of the chairman of the Committee of Ways and Means against resorting to a permanent loan, and endeavored to show that the uttering of these notes was as much a loan or a national debt as if the Government were to borrow the money at a specified rate of interest. He cited the opinions of Jefferson, Hamilton, Crawford, and Benton, against a resort to Treasury notes for the purpose of raising money; they considered it very dangerous, and

justifiable only in cases of extreme emergency, and when other modes failed. The gentleman from Virginia, [Mr. JONES,] in speaking of the two modes, said if they resorted to a loan, the Government would have to go to the shavers of the land, and that every body knew how the Government would fare in such a case. The issue of Treasury notes, he contended, would be placing the creditors of the Government as much at the mercy of the capitalists and shavers. It, in fact, relieved the Government from the responsibility of being shaved, and shifted it upon the helpless creditors, who were the least able to bear it. If the Government resorted to a direct loan, it would bring that much specie into the country, and tend towards its relief; but if it resorted to the issue of notes, bearing six per cent. interest, it would suck up the capital which is now used to relieve the mercantile community.

It would further oppress the community, which was now experiencing such extreme suffering. The banks, instead of loaning to the merchants, and discounting the business paper of the community, would invest their means in these notes. He insisted that it was very inconsistent in an Administration which argued against a paper representative of value, and, in the very face of it, to ask for five millions of paper circulation. He believed the only proper and honest remedy to meet the defect was to raise money by a direct loan. Mr. C. in the course of his remarks, adverted to the compromise act, contending that Massachusetts was not a party to it, and that when the proper time arrived, he would be for disturbing it, by levying an increased duty on certain articles to replenish the national Treasury, which was being exhausted by its operation, and particularly luxuries, such as wines and silks from beyond the Cape of Good Hope.

Mr. C. dwelt at length on the increase in the expenditures of the Government during the past and present Administrations; which, he said, was far beyond the increased resources and population of the country. The civil list alone had doubled, while the population in the same given period had increased but one-fourth, or from twelve to fifteen millions He examined into the causes which had produced it; and also into the history of the passage of the appropriations, to show where the responsibility rested for the excess of those appropriations beyond the estimates of the Departments, and contended that the Opposition were not responsible to the extent which had been charged upon it. He was willing to take his share of the responsibility for so much of the excess as had been caused by the party with which he acted. They were such as could be defended. Mr. C. before concluding, gave way to

Mr. MARVIN, on whose motion the committee rose, and reported progress, and had leave to sit again.

On motion of Mr. M.

The House adjourned.

IN SENATE,

FRIDAY, March 13, 1840.

Mr. NORVELL presented the petition of a number of citizens of Michigan, praying a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. N. also presented the memorial of a number of citizens of Wisconsin, praying the improvement of the Fox and Wisconsin rivers, the repair of the road from Fort Howard to Fort Crawford, and the establishment of a port of entry at Green Bay; which was referred to the Committee on Roads and Canals, and Commerce.

Mr. N. also presented the memorial of John Martin; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of a number of citizens of Seneca county, New York, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. RUGGLES presented the petition of a number of citizens of Hancock county, Maine, praying a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. TALLMADGE submitted the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of allowing members of Congress to receive free of postage, the legislative documents of the several States.

After some remarks from Messrs. TALLMADGE and GRUNDY, the resolution was adopted.

Mr. HUBBARD, from the Committee on Claims, to which was referred

The petition of Etienne Lefebre, and

The petition of Henry H. Browne,

asked to be discharged from their further consideration; which was agreed to.

Mr. TAPPAN, from the Joint Committee on the Library, to which was referred the joint resolution from the House for the disposition of certain documents now in the Library of Congress, reported the same without amendment; and, on Mr. T's motion, it was considered and passed.

The bill for the discontinuance of the office of Surveyor General in the several districts so soon as the surveys therein can be completed; for abolishing land offices under certain circumstances; and to abolish the office of Solicitor of the General Land Office, was taken up.

Mr. CLAY of Alabama explained the provisions of the bill at length, and advocated the passage of the first two sections, but was opposed to the third, for which he offered a substitute, proposing to abolish the office of Recorder, and retain that of Solicitor.

After some remarks from Messrs. KING, SMITH of Indiana, and GRUNDY, on motion of Mr. G. the motion of Mr. CLAY was divided so as to take the question on striking out the third section of the bill; which was agreed to; and the further consideration of the bill was postponed until Monday next.

BANKS OF THE DISTRICT.

The bill to regulate the issuing and circulating of bank paper in the District of Columbia, being taken up,

Mr. MERRICK hoped it would not be pressed at this time, but that an opportunity might be afforded to the Committee on the District of Columbia to examine the question, so as to enable them to present their views to the Senate. He thought that in the course of a week they would be prepared to do so, and trusted the delay would be acceded to by the Senator who introduced the bill.

Mr. TAPPAN said he had no intention of hurrying the passage of the bill before its provisions were thoroughly examined, when he had little doubt the chairman of the Committee on the Dictrict [Mr. MERRICK] would be prepared to assist in passing it.

The bill was then informally passed over.

LAWS OF NATIONS.

The following resolutions submitted by Mr. CALHOUN on the 4th instant, were taken up:

Resolved, That a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the State to which her flag belongs, as much so as if constituting a part of its own domain.

Resolved, That if such ship or vessel should be forced, by stress of weather or other unavoidable cause, into the port of a friendly power, she world, under the same laws, lose none of the rights appertaining to her on the high seas, but, on the contrary, she and her cargo, and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be under the protection which the laws of nations extended to the unfortunate under such circumstances.

Resolved, That the brig Enterprize, which was forced unavoidably by stress of weather into Port Hamilton, Bermuda island, while on a lawful voyage on the high seas from one part of the Union to another, comes within the principles embraced in the foregoing resolutions; and that the seizure and detention of the negroes on board by the local authorities of the island was an act in violation of the laws of nations, and highly unjust to our citizens to whom they belong.

Mr. CALHOUN submitted his views at length on the resolutions, [which will be published at an early day,] and after some remarks from Messrs. GRUNDY and KING,

On motion by Mr. KING, the resolutions were referred to the Committee on Foreign Affairs.

The Senate then went into the consideration of Executive business; after which

It adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, March 13th, 1840.

On motion of Mr. CURTIS, the vote referring the joint resolution in relation to the survey of the lake coasts to the Committee on Roads and Canals was reconsidered, and the resolution was committed to the Committee on Commerce.

On motion of Mr. EVERETT, the claim of Joseph Parker, which had been reported unfavorably upon by the Committee on Revolutionary Claims, was recommitted to that committee.

The SPEAKER announced that the question before the House was the resolution reported from the Committee of Eections by Mr. CAMPBELL, chairman, proposing to print all the documents and testimony in relation to the New Jersey disputed election, and the amendment thereto submitted by the gentleman from Louisiana, [Mr. GARLAND.]

Mr. FILLMORE (by permission of Mr. JENIFER) rose and said, in substance, that since he spoke yesterday, he had discovered a mistake in copying one of the resolutions of the committee to which he referred. He understood the mistake in copying, occurred in consequence of the resolution having been adopted in parts, and a portion of the first part was stricken out before the latter was added, and this was overlooked by the person who copied it. The resolution should read as follows:

Resolved, That we will now take up the testimony which has been referred to this committee in the New Jersey case; and if, during the investigation of the subject, it shall be desired by either party to furnish additional testimony, that then the parties be allowed such reasonable time as may be determined by the committee, to take such additional testimony, in the manner prescribed by the laws of New Jersey relating to contested elections, unless the parties agree upon some other mode which may be sanctioned by the committee."

As he was desirous of doing equal and exact justice to all, he deemed it due to the House, to the committee, and to himself, to make this correction; and he hoped that the Reporters who might notice his remarks, would make the correction.

Mr. JENIFER of Maryland, who was entitled to the floor from yesterday morning, again addressed the House in support of the amendment until the expiration of the morning hour, without concluding his speech. He attacked the course of the committee with much severity, and called up Mr. RIVES and Mr. CAMPBELL, the chairman, who corrected many of his statements distorting the facts involved in the action of the committee.

Mr. J. was on the floor, when, the morning having expired,

Mr. JONES, chairman of the Committee of Ways and Means called for the orders of the day, and asked that the House would resolve itself into a Committee of the Whole, for the purpose of resuming the consideration of the Treasury note bill. He knew that many gentlemen were anxious to continue the consideration of the subject now before the House, but he felt that a sense of duty demanded of him an effort to press through the important measure he wished to take up. The wants of the Government called for speedy action upon it.

Mr. MEDILL thought the course gentlemen had pursued in the discussion on the New Jersey case, by their attacks on the committee, and by occupying several morning hours, without affording an opportunity to reply, was very unjust, and hoped the subject would be disposed of before proceeding to any other business. He trusted the House would, by universal consent, agree to finish this subject.

Mr. RIVES of Virginia also expressed a wish that the gentleman from Maryland [Mr. JENIFER] might, by universal consent, be permitted to finish his remarks.

Mr. JONES said the Treasury note bill was a subject of too much importance to pass by, and could not consent; and as objection had been made, he moved a suspension of the rules, to enable him to submit a motion to go into Committee of the Whole on the state of the Union, to take it up; and the question being taken, the motion was disagreed to.

The SPEAKER asked leave, and before going to the orders of the day, laid before the House a communication from the President of the United States, in compliance with a resolution of the House of the 2d of March, 1839, enclosing communications from the several Executive Departments, transmitting a list of officers who derive their appointment from the President and Senate, who have been dismissed from office since the 3d of March, 1789; which was read, and,

On motion of Mr. CAVE JOHNSON, ordered to lie on the table, and be printed.

Also, laid before the House a letter from the Comptroller of the Treasury, transmitting a statement of the balances on the books of the Register of the Treasury, which have remained due and unsettled more than three years prior to the 30th September, 1839; which was read, ordered to lie on the table, and be printed.

On motion of Mr. BIDDLE, the House then resolved itself into Committee of the Whole, [Mr. DAVEE in the Chair,] and took up the bills on the private calendar; to many of which, there being no objection, they were laid aside to be reported to the House.

The bill for the relief of the assignee of Low, Taylor and Co. was taken up in its order, and after some remarks from Messrs. ATHERTON, HABERSHAM, L. WILLIAMS, CUSHING, and RUSSELL, was laid aside to retain its place on the calendar until the gentleman who reported it [Mr. LAWRENCE] should be present to explain its principles.

The bill for the relief of the representatives of John Wilkinson was next taken up, and after a few remarks from Messrs. COOPER of Georgia, RUSSELL, PETRIKIN, and GOODE, as to the principle involved in the bill, (it being a bill to indemnify an individual for the loss of a certain house in which munition of war had been stored by the Government, and was destroyed by the English during the war,) it was laid aside to be reported to the House.

The bill for the relief of Bailey and De Lord was taken up in its order; when

Mr. HAND sent to the Chair an amendment, proposing to give the sum of —— dollars, and interest in full of the claim. This amendment being read, Mr. H. advocated it at length. He said that it fully appeared by the papers, that in 1814 and 1815 the army at Plattsburgh were without pay, owing to the extreme embarrassments of the General Government, which were so great, that it could not, in that vicinity, get trusted for a stack of hay without security. That the army was without necessaries. That pay was promised from month to month until the troops were in a state of mutiny from repeated disappointments. In this crisis, the officers applied to Bailey and Delord, wealthy merchants of Plattsburgh, for relief. Bailey and Delord furnished supplies to the officers and soldiers upon that application, in the way shown by the report, to nearly $30,000. These supplies were furnished upon the request of the officers, and their assurance that when the troops were paid, they should be paid said advances. That after making large advances, Bailey and Delord became alarmed, and hesitated, upon which General Macomb urged them by no means to stop, and repeated the most positive assurance that they should be paid in full when the troops were paid off; upon which solicitation and assurance they continued supplies. That a large port on of the army was ordered away from Plattsburgh before receiving any pay, by which Bailey and Delord received very little. That afterwards they sent to the various stations to which the troops were scattered, to obtain payment when the troops paid off, but from obvious causes but little was received, and that hardly paid the attendant expenses. That the proof went to show a total loss of $18,000 or $20,000; and Bailey and Delord were made bankrupt thereby.

He (Mr. H.) respectfully dissented from the principle advanced by the Committee of Claims, that this case was analagous to that of sutler. Sutlers were governed by known regulations and guided themselves accordingly. Here, as the papers fully showed, the advances were made upon the earnest solicitations and most solemn assurances of the officers, fully warranted by the exigencies of the case, that they should be paid. Without these, no advances would have been made. He dwelt, as to this point, upon the facts appearing by the papers, parts of which he read. He contended that such was the distress and insubordination in the army that the officers were warranted in making these assurances, and it was a case of sheer justice and no gratuity. The assurances of the officers, to say nothing of the effect of the quasi acceptance of the orders by the paymasters, were binding upon the Government, and analagous to the cases of necessaries furnished to a ship in a foreign port in distress, or to a child eloigned. The bill proposed to pay what could be substantiated by vouchers, and where the Government had not paid the soldiers. This, he insisted, was entirely nugatory, a mockery of justice, for the papers showed the vouchers had been destroyed by the conflagration of petitioner's house, and, besides, probably nothing was left due from the Government to the soldier.

The claim (said Mr. H.) originated in a deed of patriotism, which, perhaps, prevented those who achieved the victory at Plattsburg from the disgrace of mutiny, but which, by its pecuniary effects, had sent one of the claimants to the grave a beggar, and left the other to wear away the remnant of a long life in poverty.

Mr. DAWSON (one of the Committee of Claims) opposed the amendments. He thought it dangerous to allow officers in the army to bind Government by such contracts. It was a power not to be thus confided in that loose manner. The committee thought the principle adopted by them the true one,

Mr. PETRIKIN thought the time that had elapsed, a very suspicious circumstance.

Mr. HAND replied briefly. As to the agency, he trusted that if Government had had the benefit, and equity was on the side of the claim, no technical objection of want of power to bind the principal would be interposed. As to amount, the proof was very clear, even in a court of law, loss of vouchers would admit secondary evidence. With regard to time, the papers showed much embarrassment and confusion of affairs, subsequently encountered by petitioners. But again, if the claim was fully made out, he could not consent to argue the question of the statute of limitations in such a case before an American Congress.

The question was then taken, but the amendment lost.

The bill for the relief of Thomas Fillebrown, came up in its order, when

Mr. LEADBETTER moved to strike out the enacting clause, and spoke in opposition to the bill; and was followed by Messrs. DAWSON and PETRIKIN, also in opposition to it, on the ground that the claim was not founded in justice; that the individual was receiving a salary of $1200 per year as clerk under the Government at the time he disbursed the money on which the claim is based. They thought the Government entitled to the whole services of the clerk, without extra compensation.

Messrs. EVANS, RUSSELL, POPE, and MONROE followed in support of the claim, contending that, inasmuch as the clerk received his salary for working certain hours, fixed by regulation and for doing a specific duty, that he should be paid for extra duties required of him under a different branch of service. They contended that it was a just one, and had been admitted by a jury of the country, and that it would be bad policy to refuse to grant a claim under such circumstances.

Mr. LEADBETTER, at the request of Mr. RUSSELL, withdrew his motion to strike out the enacting clause; and the bill was laid aside, to be reported to the House.

The committee here finding itself without a quorum, on motion of

Mr. ANDREWS of Kentucky, rose and reported that fact to the House; when

Mr. ANDREWS moved that when the House adjourn, it adjourn to meet on Monday next; and on the demand of

Mr. R. GARLAND, the yeas and nays having been ordered on the said motion, Mr. ANDREWS withdrew it.

On motion, the House then adjourned till to-morrow.

HOUSE OF REPRESENTATIVES,

SATURDAY, March 14, 1840.

The SPEAKER announced that the first business in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, to print all the testimony in relation to the New Jersey contest, and the amendment thereto offered by the gentleman from Louisiana, [Mr. GARLAND,] to print testimony received since the report was made.

Mr. JENIFER, being entitled to the floor, resumed his remarks. He said he would endeavor to expose the rank injustice done the minority of the committee, and that he was doubly fortified in the grounds which he had taken in relation to the two reports. Mr. J. then read the resolution instructing the committee as to the manner in which they were directed to make their report, for the purpose of proving their inconsistency in regard to its provisions. He said it appeared, when gentlemen came to the test in regard to the printing of the report, some of the members of the committee were in favor of printing all the testimony which would elucidate the report; but the majority of the committee, and the gentleman from Virginia, were unwilling to come before the House, that the House might judge how far the journal of the committee should be printed.

Mr. J. adverted to the report of the minority of the committee, and said the previous question was taken before gentleman had an opportunity of ascertaining whether it was correct or not—a procedure unprecedented in the annals of legislation; and if a similar course of proceeding should take place in the British Parliament, it would bring down dismay and denunciation. A spirit is abroad in the land, (said Mr. J.) and will be felt in the Old Dominion on the second Monday in April; and that the gentleman's [Mr. RIVES's] friends might succeed there, it was important that the report of the minority should be suppressed. Mr. J. spoke at some length in relation to the subject before the House; and

The SPEAKER having announced that the morning hour had expired,

Mr. RUSSELL called for the orders of the day.

Mr. RIVES hoped the House would, by universal consent, permit the gentleman from Maryland [Mr. JENIFER] to finish his remarks, to enable the House to order the printing of this testimony immediately.

Mr. RUSSELL objected, and called for the orders of the day.

Mr. RIVES moved to suspend the rules for the purpose, and on that motion demanded the yeas and nays, which were ordered, and were, yeas 89, nays 75.

So the rules were not suspended.

Mr. RIVES said he rose for the purpose of asking the favor of the House that he might make a statement, in relation to what had occurred this morning in particular. He believed the gentleman from Maryland, [Mr. JENIFER] in the course of his remarks, did him injustice; and he had not been afforded an opportunity to ascertain whether it was intentionally done or not. It was with that view that he had moved a suspension of the rules, in order that he might, at the earliest opportunity that he could, call on that gentleman for an explanation. He wished, as a personal favor, that he now might make a statement to the House.

Mr. ALFORD said, as the House has refused to suspend the rules, I object. I object to all personal matters which may be attempted to be introduced into this House.

Mr. RIVES replied. Let me tell the gentleman from Georgia, [Mr. ALFORD,] that his refusing to suffer me to proceed, at this time, may produce the very state of things that he, I am inclined to believe, wished to avoid.

Mr. ALFORD persisted in his objection.

Mr. R. said, then I appeal respectfully to my political friends of this House never to proceed to other business until I have time to do myself justice.

[Much confusion here prevailed in the hall.]

Mr. JENIFER appealed to his political friends to permit the gentleman from Virginia to make his statement.

Mr. STANLY called him to order.

Mr. RIVES said: Mr. Speaker, have I no friend in this House that will move a suspension of the rules, in order that I may be heard?

Mr. BEATTY replied. I move a suspension of the rules for that purpose; and on which

Mr. WELLER demanded the yeas and nays, (to see who it was that was unwilling to enable the gentleman from Virginia to have justice done him.) which were ordered.

Several gentlemen appealed to Mr. ALFORD to withdraw his objection.

Mr. WISE said: If the gentleman from Georgia withdraws his objection, I shall renew it.

Mr. ALFORD raised a question of order whether it was competent to move a suspension of the rules twice for the same purpose, no action having taken place by the House, intervening the motions.

The SPEAKER said the other motion was to suspend the rules for the purpose of considering the subject of the New Jersey question generally, and the motion now was to permit the gentleman from Virginia [Mr. RIVES] to make a statement in relation to a particular matter, and it was therefore in order.

The question was then taken and the rules were suspended—yeas 132, nays 37.

Mr. RIVES. Mr. Speaker, before I proceed to the consideration of any thing that has been said by the gentleman from Maryland, I beg leave to give my thanks to the House for the privilege it has afforded me. And, further, I have a request to make of the Reporters who are present. I have also the same request to make of the letter-writers. Sir, we have witnesses in this House, and what a gentleman may say is written down by them, and if privately done, it is impossible for them to keep themselves erect before their constituents. Hence I have made this appeal to the reporters and letter-writers. I know that there are partisan reporters, who occasionally give a party coloring in their reports in favor of the side they advocate; but when any thing personal occurs, it is their duty as honorable men to give a fair and impartial statement of it. In this instance, I confidently believe that they will do me justice.

I was apprehensive when the gentleman from Maryland [Mr. JENIFER] first took the floor, knowing that he was a gentleman of much impetuosity of temper, and fearing that he might, under his then state of feeling, do me injustice—so soon as he opened the subject which was calculated to make a breach between us, I told him in the most respectful manner what was the position I occupied, and what my object was. Personal difficulties I always like to avoid, and, to prevent them, it was frequent for gentlemen to throw themselves between another's speaking and what he was likely to say. Without entertaining any idea of what the gentleman might say, and, in order to justify myself to the world, should any thing unpleasant occur, I was disposed to prevent the injury from being done, and therefore interrupted him in the course of his remarks by a brief explanation. On yesterday, I was inclined to think that the gentleman did not put the subject in a situation rendering it necessary for me to notice any thing he said; but I have since understood that he has made a remark, which, if I am not mistaken, may render it necessary for me to bring it to the notice of this House. This I shall do in the conclusion of my remarks.

Mr. Speaker: through life it has ever been my disposition to produce harmony among those with whom I may have occasion to act, either in private or in public life. It has been my disposition to throw, whenever I could, oil on the tempestuous waves. It has always been my wish, instead of producing dissensions, to heal them. Instead of endeavoring to produce angry collisions—instead of trying to get one man arrayed against another,—it has always been my disposition to interpose and effect a reconciliation. But, sir, whilst I have done this—whilst I have on all occasions tried to avoid personal difficulties—and whilst I have never set myself up as possessing any extraordinary degree of bravery—whilst I have always been disposed to have things done quietly and peaceably—whilst I may have shuddered at times at the peril to which I might be exposed, and felt probably that I did not possess personal courage, yet I have something else far more valuable. I have pride, sir, and that alone might cause me to do what my reason might disapprove. Sir, much as I love this world; much as I am attached to friends and family; yes, Mr. Speaker, however, strong may be the ties that bind me to those I love, I prize honor infinitely above life. Sir, this thing, if suffered to go on in the way it has been going on this morning, might produce the very state of things I might be inclined to deprecate. Hence it was that I was anxious to take the floor, with a view of ascertaining from the gentleman from Maryland, whether it was really his intention to inflict on me a personal injury. It has ever been my custom, if I think an injury was intended me, to take it at the first hop. Things can be better settled that way, than if left to the interposition of friends. I shall proceed on the belief that the gentleman from Maryland, if convinced that he has done me injury, will, as an honorable man, repair that injury. Hence I am disposed to be prudent, and whilst addressing the gentleman, request him to believe that I mean nothing in intimidation in what I am saying. My purpose is to have myself righted—not to intimidate another. I know the gentleman too well to believe that he could be induced, under a threat or a menace, to repair an injury, which, on reflection, he might be convinced he has done me. I know him too well to believe that. I do not address him, then, with this view. The gentleman from Maryland has undertaken to say that certain members of this committee had been assailed by certain other members of the committee, when they would not assail certain other members. What is the inference? That the gentleman from New York [Mr. FILLMORE] and the gentleman from Connecticut [Mr. SMITH] were believed to be men who would not resent an injury done them. That was the inference to which the gentleman came, because he says the gentleman from Virginia [Mr. BOTTS,] and the gentleman from Alabama, [Mr. CRABB] who would probably defend themselves, had not been assailed; and that those who assailed the gentlemen from New York and Connecticut, were afraid to assail the gentlemen from Virginia and Alabama. That was the inference. Now, so far as regards myself, I have not assailed any one. Hence it was that the gentleman from Maryland throws himself in, not as a volunteer in the matter, as he says, but so it is, he comes out in defence of the gentleman from New York and the gentleman from Connecticut. Now, sir, in de-

fending these gentlemen, he has said many things upon this subject that are entirely unfounded in truth. I used this word, not in an offensive sense, because I have not asserted it in that sense, but because the gentleman has stated many things that are not sustained by the record. He however has not done this intentionally, I hope and believe, but because he is engaged in the consideration of a subject with which he is not acquainted. He, under a fancied necessity to protect men who cannot protect themselves, has volunteered to engage in the consideration of a subject when he knows no hing of it. Now, Mr. Speaker, I will state to the gentleman from Maryland, one thing said by him that was offensive to me, and wish him to determine whether I am mistaken in what he did say or not. In speaking about my course in relation to the Governor of New Jersey, and what I said of him, all of which I said I could prove at a proper time, the gentleman from Maryland said: Suppose the Governor of the old Commonwealth of Virginia were to return to this House one person as elected, and another person, meaning myself, were to come here under the return of the sheriff, would the gentleman from Virginia take his seat under that return? The gentleman asked, would I come here upon the returns of the sheriff, whose duty it is, under the laws of my State, to conduct the elections, when another person came here with the returns of the Governor, whose duty it is to make the returns.

Mr. JENIFER said a few words in reply, in too low a tone to be heard by the Reporter.

Mr. RIVES. Then, sir, I am mistaken entirely. I understood the gentleman to ask me if I would come here upon the return of the sheriff, when the Governor, whose duty it was to make the returns, gave his certificate to another person. I then gave a nod of assent, upon which it was stated to me that the gentleman then said that he believed the gentleman from Virginia would do any thing. Now, whether he did say this or not, I cannot undertake to say, and it is therefore that I wish him to explain what he did say. I did say that if the sheriff of the district in which I live, whose duty it is by law to conduct the elections, and to give his certificate to the person who receives a majority of the votes, furnished me with the evidence that I was elected, that I should come on and take my seat upon that evidence.

Then suppose the Governor of Virginia had done what the Governor of New Jersey has done—suppose he had returned my competitor instead of me; I having the majority of votes and the return of the sheriff, would have come here and claimed my seat. But see what this Governor of Virginia has done. Although the law of the Commonwealth requires him to return all those who shall be elected as Representatives for the State, he has not returned but one of the delegation from that State. If, then, I had waited for this broad seal—this commission of the Governor of Virginia—I would have come here without any title to my seat at all. I brought with me ample evidence of my election, and those gentlemen whose rights to seats I have been advocating, also brought evidence of their right to occupy them. Mr. Speaker, it has been said that we made a report in favor of those individuals, without having read the evidence on which it was founded. The gentleman from New York [Mr. FILLMORE] supposed a case as true, and asked the House what it would think of a report of a committee, if it should be adopted when the members of the committee had not read the evidence in relation to the matter? An attempt is now made to impress the public mind with the belief that the evidence had not been read. The journal, which is here, proves incontestably the falsehood of that charge. The journal is here, and before I take my seat, I shall insist on its being read. The House will see that it was not only read once, but twice; and that it was argued by the parties interested. Not only once, but twice has it been read; though it has been recently asserted that it had not been read at all.

Mr. Speaker, I feel very unwilling, after the House has been so kind to me, to undertake a speech at length at this particular time. I would prefer speaking hereafter. I would like to see how many of the gentlemen, who have occupied a certain ground heretofore, will abandon it before the subject closes.

However anxious I am to discuss it now, I must defer my remarks for another time, though I am unwilling to keep the people of Virginia in the dark, by a suppression of the facts, as has been asserted by the gentleman from Maryland, [Mr. JENIFER.] I am anxious for the discussion to go on, in order that the people of Virginia, and the whole people of the United States, may know the true merits of the question. I want now to call prominently the attention of the people to this fact—that when the Committee of Elections determined that the consideration of the New Jersey question should be postponed until the 2d Monday of April, I then moved, in committee, that the chairman should ask leave of the House to have all the papers connected with the New Jersey case printed. The gentlemen of the Opposition voted against it, and it failed. I then gave notice that, inasmuch as we could not get that motion made by the chairman of the committee, I would, next morning, if I could get the floor, move for the instructions of the House to this effect. I not only did this, but I told the committee that I would make the same motion from day to day until it succeeded. I then made the proposition here, not to print *certain* papers, but ALL the papers. I made that proposition not only in the committee, but in the House.

Here Mr. GENTRY of Tennessee, and Mr. SMITH of Connecticut, called Mr. R. to order.

Mr. R. said the House had given him permission to go on, and he hoped he might do so without interruption.

Mr. GENTRY said the House had given the gentleman permission to make an explanation personal to himself, and he was now entering into the merits of the question.

Mr. R. resumed. That is the very point I am coming at now. I am charged with suppressing information, and being guilty of acts I am afraid to avow; and I want to show that all such charges are unfounded.

Mr. GENTRY said the House gave the gentleman permission to defend himself as a man of honor; but he was now defending himself as a politician and a public man.

Mr. RIVES. I have stated that I made two propositions to print not only *certain* papers, but the *whole* of them. And, on Friday last, I made the proposition not to print certain papers, but *all* the papers connected with the New Jersey case. I moved the postponement of the consideration of the report of the majority of the committee until the following Tuesday; then making it the special order of the day until the subject was finally disposed of, and, in the mean time, have all the evidence printed. Sir, the chairman of the committee [Mr. CAMPBELL] has, on two occasions, moved to have all the papers printed; and the gentlemen in the Opposition, more inclined to suppress the facts than I am, voted against a suspension of the rules for that purpose. Yes, sir, on six occasions I moved to print those papers; and yet I am charged by the gentleman from Maryland [Mr. JENIFER] with a disposition to suppress the facts until the elections in Virginia are over. You, sir, know that the Legislature of our State proceeded in this matter, on receiving the resolutions of the Governor of New Jersey in relation to it. You know also that our party moved to send to the Governor of New Jersey for the evidence on which he made these charges, and that the Whig party in the Legislature would not consent to adopt the motion. I am delighted, in speaking of this good old State, to say that the Whig party there, ashamed of the ground that they had taken, had abandoned it. They knew that if they undertook to give such opinions without having all the evidence, that they would not be sustained by the people.

Here Mr BOTTS and several gentlemen called Mr. R. to order, and the noise was such that the Reporters could not hear his remarks.

And the SPEAKER said that the rules had been suspended to enable the gentleman from Virginia to make an explanation, and he could go on.

Mr. WISE wished to say that if his colleague was permitted to proceed, and talk of his (Mr. W's) friends, who were absent in Richmond, that he wished to have an opportunity of replying to him.

Mr. GENTRY called Mr. RIVES to order, and asked that the gentleman from Virginia might take his seat till the point of order was decided.

The CHAIR called upon the gentleman from Tennessee [Mr. GENTRY] to reduce his point of order to writing.

Mr. GENTRY said, that at the request of several friends around him, he would withdraw it.

Mr. BOTTS renewed it. I moved to suspend the rules, to enable the gentleman to make a personal explanation, when he asked if he had a friend here that would move it. I insist upon it that he be confined to the explanation personal between himself and the gentleman from Maryland, [Mr. JENIFER.]

Mr. WELLER observed that there were several gentlemen besides the gentleman from Virginia, [Mr. BOTTS,] who moved the suspension of the rules to enable the gentleman's colleague to make his explanation.

The SPEAKER said the gentleman from Pennsylvania [Mr. BEATTY] moved the suspension of the rules.

Mr. BYNUM hoped the gentleman would write out his point of order.

Mr. BOTTS then, at the request of the CHAIR, wrote out his point of order, in substance as follows: The rules having been suspended for the purpose of allowing the gentleman from Virginia to make an explanation personal to himself, and after the House had refused to suspend the rules for the purpose of discussing the general merits of the New Jersey election, he submitted whether he was in order to discuss the general merits of the New Jersey election, and the proceedings of the Governor and Legislature of Virginia on this subject.

The CHAIR was of opinion that the gentleman was not in order in so doing.

Mr. RIVES proceeded, and made a few remarks, and from the number of calls to order, and the confusion, it was impossible for the Reporter to hear.

Order having been restored,

Mr. RIVES continued: Now, with all proper respect, I ask the gentleman from Maryland [Mr. JENIFER] whether he said what I understood he did say, "that I would do any thing."

It was stated to me that, when he was speaking some days ago, he inquired if I would come on here and claim my seat under the return of a sheriff, while my competitor came on with the return of the Governor. I nodded assent. I have since understood that he said I would do any thing. I hope he will see the impropriety of such an expression, and I now ask him if he used it.

Mr. JENIFER said a few words in reply, which were not heard. He was understood, however, to say that he wished the gentleman to bring out all his indictments at once. If this, however, was all, he would with pleasure reply to it.

Mr. RIVES said. There were many remarks made by the gentleman, that I thought the facts of the case would not justify. I was, however, disposed to let other matters pass over, because they were levelled generally at the party with which I act; but this particular question, it seemed, was levelled at me personally.

Mr. JENIFER said he was happy in having an opportunity to make an explanation to the gentleman. He was gratified, also, for another reason; because, since he had commenced his remarks this morning, he had seen a charge made against him, whether official or not he would not pretend to say: that, on a motion to print, Mr. JENIFER obtained the floor, and had occupied it every morning since, without giving the Republican members an opportunity to reply to it. In reply to this, he had never refused to yield the floor to any gentleman to make an explanation. Now, in regard to the gentleman from Virginia, he would answer him; and, in doing so, he would do it frankly, for the gentleman had disclaimed any intention of menace. The case he supposed a few days ago, was this: that if the Governor of Virginia were to give his

certificate to the person having a majority of the votes that he was elected, and the sheriff were to give his certificate to the gentleman, *he* having a minority of the votes; and in that he inquired of him if he would come here and claim his seat. He wished it to be distinctly understood that if the gentleman believed the giving of a certificate to a man who had a minority of the votes was evidence of fraud, that the gentleman himself has answered the question. If the gentleman would satisfy him that he would not act in that way, as he understood him to say that he would by his nod of assent, when he stated the case he had just cited, it would give him pleasure to disclaim the offensive allusion to him.

Mr. RIVES. I thought the gentleman was supposing my own case. I received a majority of several hundred votes over my competitor. Now, in Virginia, it is the duty of, the sheriff to conduct the elections, and to give to the person having a majority of the votes a certificate that he is elected, at the same time sending a duplicate of the same certificate to the Governor. The law then makes it the duty of the Governor to give his returns to the person who has thus received the certificate of the sheriff. This being the state of the facts, I supposed that the gentleman was stating my own case, and believing that he inquired of me whether I, having received a majority of the votes, would come here and claim my seat upon the return of the sheriff, when my competitor, who received a minority of the votes, came here and claimed it upon the return of the Governor. Believing this to be the case supposed by the gentleman, I nodded assent that I would.

Mr. JENIFER said that he had wholly misapprehended the gentleman from Virginia, and that that gentleman had also misapprehended him. When he urged the expression the gentleman complained of, he understood him as saying that he would come on and claim his seat on the certificate of the sheriff, although he had a minority of the votes. As he now understood the gentleman's meaning, it gave him pleasure to disclaim any application of the expressions to him.

Mr. WISE hoped the House would now drop this matter. There was evidently nothing between the two gentlemen requiring further explanation. It was plain that they misunderstood each other. It was point no point, and there was nothing further between them. He hoped the House would proceed to the orders of the day.

The discussion having here ended,

The SPEAKER laid before the House a communication from the Navy Department, enclosing printed copies of the Navy Register.

Also, the following communication from the President of the United States:

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to a resolution of that body, dated on the 9th instant, the enclosed report of the Secretary of State. M. VAN BUREN.

WASHINGTON, D. C. March 12, 1840.

To the President of the United States:

DEPARTMENT OF STATE,
WASHINGTON, March 12, 1840.

The Secretary of State, to whom has been referred a resolution of the House of Representatives, dated the 9th instant, requesting the President to communicate to that body "whether any, and, if any, what measures have been taken, since the rejection of the recommendation of the King of Holland, of a new line of boundary between the United States and the province of New Brunswick, to obtain information in respect to the topography of the territory in dispute, by a survey or exploration of the same on the part of the United States alone; and also whether any measures have been adopted whereby the accuracy of the survey lately made under the authority of the British Government, when communicated, may be tested or examined," has the honor to report to the President that no steps have been thought necessary by this Government since the date above referred to, to obtain topographical information regarding the disputed territory, either by exploration or survey, on its part alone; nor has it thought proper to adopt any measures to test the accuracy of the topographical examination recently made by a British commissioner, the result of which has not been made public, or communicated to the United States.

Respectfully submitted.

JOHN FORSYTH.

On motion of Mr. EVANS,

Ordered to lie on the table, and be printed.

Several bills from the Senate on the SPEAKER's table were twice read, and appropriately committed.

Mr. MONTGOMERY moved that the House adjourn.

Mr. R. GARLAND demanded the yeas and nays, which were not ordered, and the question being put and carried in the affirmative,

The House then adjourned.

IN SENATE,

MONDAY, March 16, 1840.

DUTIES, DRAWBACKS, AND ALLOWANCES.

Mr. BENTON rose to make the motion for which he had given notice on Friday last, for leave to bring in a bill to reduce the drawbacks allowed on the exportation of rum and refined sugars; and the bounties and allowances to fishing vessels, in proportion to the reduction which had been made, and should be made, in the duties upon imported sugars, molasses and salt, upon which these bounties and allowances were respectively granted.

Mr. B. said that the bill, for the bringing in of which he was about to ask leave, proposed some material alteration in the act of 1833, for the modification of the tariff, commonly called the compromise act; and as that act was held by its friends to be sacred and inviolable, and entitled to run its course untouched and unaltered, it became his duty to justify his bill in advance; to give reasons for it before he ventured to submit the question of leave for its introduction; and to show, beforehand, that there was great and just cause for the measure he proposed.

Mr. B. said it would be recollected, by those who were cotemporary with the event, and might be seen by all who should now look into our legislative history of that day, that he was thoroughly opposed to the passage of the act of 1833; that he preferred waiting the progress of Mr. Verplanck's bill; that he opposed the compromise act, from beginning to end; made speeches against it, which were not answered; uttered predictions of it, which were disregarded; proposed amendments to it, which were rejected; showed it to be an adjournment, not a settlement, of the tariff question; and voted against it, on its final passage, in a respectable minority of eighteen* It was not his intention at this time to recapitulate all the objections which he then made to the act; but to confine himself to two of those objections, and to those two of them, the truth and evils of which TIME had developed; and for which evils the public good demands an immediate remedy to be applied. He spoke of the drawbacks and allowances founded upon duties, which duties were to undergo periodical reductions, while the drawbacks and allowances remained undiminished; and of the vague and arbitrary tenor of the act, which rendered it incapable of any regular, uniform, or safe execution. He should confine himself to these two objections; and proceed to examine them in the order in which they were mentioned.

At page 208 of the Senate journal, session of 1832–33, is seen this motion: "Moved by Mr. BENTON to add to the bill a section in the following words: '*That all drawbacks allowed on the exportation of articles manufactured in the United States from materials imported from foreign countries, and subject to duty, shall be reduced in proportion to the reduction of duties provided for in this act.*'" The particular application of this clause, as explained and enforced at the time, was to sugar and molasses, and the refined sugar, and the rum manufactured from them. As the laws then stood, and according to the principle of all drawbacks, the exporter of these refined sugars and rum were allowed to draw back from the Treasury precisely as much money as had been paid into the Treasury on the importation of the article out of which the exported article was manufactured. This was the principle, and this was the law; and so rigidly was this insisted upon by the manufacturing and exporting interest, that only four years before the compromise act, namely, in 1829, the drawback on refined sugars exported was raised from four to five cents a pound upon the motion of Mr. DICKERSON, a then Senator from New Jersey; and this upon an argument and a calculation made by him to show that the quantity of raw sugar contained in every pound of refined sugar, had in reality paid five instead of four cents duty. The argument in favor of my motion appeared to me to be palpable and irresistible; and its success the more certain, as it was supported by Mr. DICKERSON himself, the gentleman who had paid most attention to the details of the manufacturing interest, and on whose motion it was that, only four years before, the drawback on refined sugars exported had been increased one cent on the pound, in order to make the drawback and the duty precisely the same. My motion appeared to me self-evidently just, as the new act in abolishing all specific duties, and reducing every thing to an ad valorem duty of twenty per centum, would reduce the duties on sugar and molasses eventually to the one-third or the one-fourth of their then amount; and, unless the drawback should be proportionately reduced, the exporter of refined sugars and rum, instead of drawing back the exact amount he had paid into the Treasury, would in reality draw back three or four times as much as had been paid in. This would be unjust in itself; and, besides being unjust, would involve a breach of the Constitution: for, so much of the drawback as was not founded upon the duty, would be a naked bounty paid for nothing out of the Treasury. I expected my motion to be adopted by a unanimous vote; on the contrary, it was rejected by a vote of 24 to 18; and I had to leave it to TIME, that slow, but sure witness, to develope the evils which my arguments had been unable to show, and to enforce the remedies which the vote of the Senate had rejected. That witness has come. TIME, with his unerring testimony, has arrived. The act of 1833 has run the greater part of its course, without having reached its ultimate depression of duties, or developed its greatest mischiefs; but it has gone far enough to show that it has done immense injury to the Treasury, and must continue to do it if a remedy is not applied. Always indifferent to my rhetoric, and careful of my facts—always leaving oratory behind, and laboring to establish a battery of facts in front—I have applied at the fountain head of information—the Treasury Department—for all the statistics connected with the subject; and the successive reports which had been received from that Department, on the salt duties and the fishing bounties and allowances, and on the sugar and molasses duties, and the drawbacks on exported rum and refined sugar, and which had been printed by the order of the Senate, had supplied the information which constituted the body of facts which must carry conviction to the mind of every hearer.

Mr. B. said he would take up the sugar duties first, and show what had been the operation of the act of 1833, in relation to the revenue from that article, and the drawbacks founded upon it. In document No. 275, laid upon our tables on Friday last, we find four tables in relation to this point, and a letter from the Register of the Treasury, Mr. T. L. Smith, describing their contents. The latter says:

TREASURY DEPARTMENT,
Register's Office, March 10, 1840.

SIR: I herewith transmit statements Nos. 1, 2, 3, and 4, prepared in obedience to a resolution of the Senate of the United States of the 30th of December, 1839.

Statement No. 1. exhibits the operation of the act of the 21st of January, 1829, in relation to drawback on refined sugar, and estimated with its bearing on the revenue annually, from 1839 to 1843; assuming as data the drawback payable in 1839.

Statement No. 2 exhibits what the operation would have been, provided the act of the 2d March, 1833, had made provision for a reduction of the drawback in proportion to the bien-

*The following was the vote:

YEAS—Messrs. Benton, Buckner, Calhoun, Dallas, Dickerson, Dudley, Forsyth, Johnston, Kane, King, Rives, Robinson, Seymour, Tomlinson, Webster, White, Wilkins, and Wright—18.

NAYS—Messrs. Bell, Bibb, Black, Clay, Clayton, Ewing, Foot, Grundy, Hendricks, Holmes, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Silsbee, Smith, Sprague, Tipton, Troup, Tyler—24.

nial reduction of duty; assuming the same data as in the preceding statement.

Statement No. 3 exhibits the product of the duties which accrued on brown sugar manufactured into refined; the drawback payable on the refined exported, annually; and the rate per centum which the drawback payable has been upon the duties from 1829 to 1839, and estimated for the annual result to 1843, based upon the calculations of the year 1839.

Statement No. 4 exhibits the drawback paid annually from 1833 to 1839, estimated upon the basis of the year 1839, and is extended to 1843, showing what would have been the biennial reduction, what the amount of drawback payable, and in cents and hundredths the rate per pound, had the act of the 2d March, 1833, provided for such reduction.

In conformity with the aforesaid resolution, I furnish tables A, B, C, and D, in relation to spirits distilled from molasses, prepared upon similar principles as those relating to refined sugar.

The year 1839 has been taken as the basis of calculation for the succeeding years to 1843, showing the operation of the reduction of duty and drawback payable. Statement E is a recapitulation and comparison of the preceding statements.

I am, sir, most respectfully,
Your obedient servant,
T. L. SMITH.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

These tables are all valuable. The whole of the information which they contain is useful, and is applicable to the business of legislation, and go to enlighten us on the subject under consideration; but it is not in my power, continued Mr. B. to quote them in detail. Results and prominent facts only can be selected; and, proceeding on this plan, I here show to the Senate, from table No. 1, that as early as the year 1837—being only four years after the compromise act—the drawback paid on the exportation of refined sugar actually exceeded the amount of revenue derived from imported sugar, by the sum of $861 71. As the duties continued to diminish, and the drawback remained the same, this excess was increased in 1838 to $12,690; and in 1839 it was increased to $20,154 37. Thus far the results are mathematical; they are copied from the Treasury books; they show the actual operation of the compromise act on this article down to the end of the last year. The table then goes on to show the prospective operation of the act for the remainder of the time which it has to run, and which will include the great reductions of duty which are to take place in 1841 and 1842; and here the results become still more striking. Assuming the importation of each succeeding year to be the same that it was in 1839, and the excess of the drawback over the duties will be, for 1840, $37,343 38; for 1841, the same; for 1842, $114,693 94; and for 1843, the sum of $140, 477 45. These will be the bounties payable out of the Treasury in the present, and in the three succeeding years, provided the importation of sugars shall be the same that it was in 1839; but will it be the same? To this question, both reason and experience answer in the negative. They both reply that the importation will increase in proportion to the increased profit which the increasing difference between the duty and the drawback will afford; and this reply is proved by the two first columns in the table under consideration. These columns show that, under the encouragement to importation already afforded by the compromise act, the import of sugar increased in six years from 1,558,971 pounds, costing $72,336, to 11,308,561 pounds, costing $554,119. Here was an enormous increase under a small inducement compared to that which is to follow; so that we have reason to conclude that the importations of the present and ensuing years, unless checked by the passage of the bill which I propose to bring in, will not only increase in the ratio of the past years, but far beyond it; and will in reality be limited only by the capacity of the world to supply the demand: so great will be the inducement to import raw or clayed sugars, and export refined. The effect upon our Treasury must be great. Several hundred thousand dollars per annum must be taken from it for nothing; the whole exacted from the Secretary of the Treasury in hard money; his reports having shown us that, while paper money, and even depreciated paper, is systematically pressed upon the Government in payment of duties, nothing but gold and silver will be received back in payment of drawbacks. But it is not the Treasury only that would suffer: the consumers of sugar would come in for their share of the burthen: the drawback will keep up the price; and the home consumer must pay the drawback as well as the Government: otherwise the refined sugar will seek a foreign market. The consumers of brown sugar will suffer in the same manner; for the manufacturers will monopolize it, and refine it, and have their five cents drawback either at home or abroad. Add to all this, it will be well if enterprising dealers shall not impose domestic sugars upon the manufacturers, and thus convert the home crop into an article entitled to drawback.

Such are the mischiefs of the act of 1833 in relation to this article; they are great already, and still greater are yet to come. As early as 1837, the whole amount of the sugar revenue, and $861,71 besides, was delivered over to some twenty odd manufacturers of refined sugars! At this day, the whole amount of that revenue goes to these few individuals, and $37,343,38 besides. This is the case this year. Henceforth they are to receive the whole amount of this revenue, with some hundreds of thousands of dollars besides, to be drawn from other branches of revenue, unless this bill is passed which I propose to bring in. This is the effect of the act, dignified with the name of compromise, and hallowed by the imputed character of sacred and inviolable! It turns over a tax levied from seventeen millions of people on an article of essential comfort, and almost a necessary; it turns over this whole tax to a few individuals; and that not being enough to satisfy their demand, they receive the remainder from the National Treasury! It violates the Constitution to the whole extent of the excess of the drawback over the duty. It subjects the Treasury to an unforeseen amount of undue demands. It deprives the people of the whole benefit of the reduction of the sugar tax, provided for by the act itself; and subjects them to the mercies of those who may choose to monopolize the article for refinement and exportation. The whole number of persons into whose hands all this money and power is thrown, is, according to a statement derived from Gov. Wolf, the late collector of the customs at Philadelphia, no more than own the 29 sugar refineries; the whole of which, omitting some small ones in the West, and three in New Orleans, are situate on the north side of Mason and Dixon's line!

Referring Senators to the tables marked 2, 3, and 4, and especially to the latter, for more detailed information on the subject of the sugar tax and drawback, Mr. B. would proceed to the next article to the effect upon which, of the compromise act, he would wish to call their attention; and that article was imported molasses, and its manufacture, in the shape of exported rum. On this article, and its manufacture, the operation of the act was of the same character, though not to the same degree, that it was on sugars; the duties were reduced, while the drawback remained the same. The importation of molasses for the year 1833 was 81,402 gallons; the cost was $14,872; the duties were $4,070; and the drawback, $2,960. In 1839, the same items, were: importation, 392,368 gallons; the cost, $37,601; the duties, $18,048; and the drawback, $13,125. Thus, up to the present time, the drawback, though gaining upon the duty, has not overtaken it; and will not (upon the assumption of the importation of 1839 for the importation of ensuing years) until the year 1843. In that year, assuming the importation to be 392,368 gallons of molasses, and the cost to be $37,601, the duties will amount to $14,384, and the drawback on exported rums will be $14,267. This would be a payment of the whole amount of the molasses tax to the rum distillers; it would be the taxing of seventeen millions of people on their molasses for the sole benefit of a few hundred rum distillers, the whole of whom are resident to the north of Mason and Dixon's line. This would be bad enough, though not so bad as in the case of the sugar tax. So far as the absurdity of taxing a nation in an article of common comfort, for the benefit of a few individuals—so far as this absurdity was concerned, it would be on a par with the sugar tax: so far as the violation of the Constitution is concerned in substituting a premium for a drawback, it would still be on a par with it: so far as a monopoly of a common comfort of life was concerned, it would still be of the same character: and, so far as drawing upon other sources of revenue would be concerned, it would approximate slightly to the evils of the sugar tax; for it is very certain that the importation of molasses, and exportation of rum (to say nothing of frauds) will increase as the duties become less; and that the importation of 1843, and even of 1841 and 1842, and far exceed that of 1839; and thus create a demand upon the Treasury for a larger amount of drawback on exported rum than the duty on imported molasses would pay. All this is very clear without any fraud in the case. But are we to escape frauds in a case where the commission of them is so easy, the temptation so great, and the detection so difficult? If we are, we shall be more fortunate than we have been heretofore, and that under the circumstances of a less temptation. It is well known that whiskey can be converted into New England rum, and exported as such, and receive the drawback of the molasses duty; and that this has been done just as often as the price of whiskey (and the meanest would answer the purpose) was less than the cost of molasses. The process was this. Purchase base whiskey at a low rate—filtrate it through charcoal, to deprive it of smell and taste—then pass it through a rum distillery, in company with a little real rum—and the whiskey would come out rum, very fit to be sold as such at home, or exported as such with the benefit of drawback. All this has been done, and has been proved to be done; and, therefore, may be done again, and certainly will be done, under the increased temptation which the compromise act now affords, and will continue to afford, if not amended as proposed by the bill I propose to bring in. It was proved before a committee of the House of Representatives in the session of 1827-8. Mr. Jeromus Johnson, then a member of Congress from the city of New York, now a custom house officer in that city, testified directly to the fact. To the question: "*Are there not large quantities of whiskey used with molasses in the distillation of what is called new rum?*" He answered: "*There are.*" That whiskey is now used for that purpose, is clearly established by the table marked B. That table shows that the importation of foreign molasses for the year 1839 was 392,368 gallons; and the exportation of distilled rum for that quantity was 356,699 gallons; that is to say, nearly as many gallons of rum went out as of molasses came in; and, admitting that a gallon of good molasses will make a gallon of rum, yet the average is below it. Inferior or common molasses falls short of producing gallon for gallon by from 5 to 7½ per cent. Now make an allowance for this deficiency; allow also for the quantity of foreign molasses consumed in the United States in other ways; allow likewise for the quantity of rum made from molasses, and not exported, but consumed at home: allow for these three items, and the conviction becomes irresistible, that whiskey was used in the distillation of rum in the year 1839, and exported with the benefit of drawback! But, lest it should be objected that a single year is not a fair test, I will take three years together: I will take the three last years; and will show that the result is the same for each—that the exportation of rum nearly equals the importation of molasses for each year. The three years in question stand thus:

	Molasses imported. Gallons.	Rum exported. Gallons.
1837	128,246	116,588
1838	236,216	214,742
1839	392,368	356,699

The results are the same in each year; and they announce the fact that something else besides molasses is a material used for the manufacture of this rum. That material is whiskey—base whiskey—the cheapest which can be made, or bought; and, whenever costing less by the gallon than molasses, it is accordingly bought for distillation into rum for exportation. This has been done heretofore; it is done now; and will continue to be done more largely than ever under the additional inducements afforded by the compromise act.

I pass to the third item mentioned in the bill—the fishing bounties and allowances—and which I propose to reduce in proportion to the reduction which the salt duty has undergone and is to undergo.

And here I am met by a question, whether these allowances ars founded upon the salt duty, and should rise and fall with it, or are independent of that tax, and can be kept up without it? I hold the affirmative of this question. I hold that the allowances rest upon the duty, and upon nothing else but the duty, and there is neither LAW nor CONSTITUTION to support them on any other principle. This is what I hold; but I should not have noticed the question at this time, except for the issue joined upon it between the Senator from Massachusetts who sits farther on the other side [Mr. DAVIS] and myself. He and I have made up an issue on this point; and, without going into the argument at this time, I will cite him to the original petition from the Massachusetts Legislature, asking for a drawback of the duties, or, as they styled it, "*a remission of duties on all the dutiable articles used in the fisheries; and also premiums and bounties*; and to half a dozen acts of Congress which PROVE my position, hoping that these may be sufficient; but promising to come down upon him with an avalanche of AUTHORITIES, if they are not.

The dutiable articles used in the fisheries, and of which a remission of duty was asked, calculated on a vessel of sixty-five tons, for one season, were:

On salt - - - -	$80 25
On rum - - - -	14 00
On tea - - - -	2 64
On sugar - - -	3 03
On molasses - - -	99
On coarse woollens - -	7 33
On lines, lead, and hooks -	2 09
On sail cloth - - -	2 05
On cordage, cables, &c. - -	20 00
On tonnage - - -	3 09
On iron - - - -	1 00
	$138 00

This petition, presented to Congress in the year 1790, was referred to the Secretary of State [Mr. JEFFERSON] for a report upon it; and his report was, "*that a drawback of duties ought to be allowed to the fishermen on the articles used in their calling*," and that "*the fisheries are not to draw support from the Treasury.*" This report was sanctioned by the immediate action of Congress, and has governed every law that has been made upon the subject. Confining my quotations from acts of Congress to the main article used by fishermen, and paying duty, namely, salt, I shall proceed to show what the legislation of Congress has been upon it; and, in doing so, shall show that the salt duty, from 1790 to the present day, has constituted the sole foundation for the fishing bounties and allowances; and that the two have constantly risen together, and fallen together, inseparable in their life and in their death.

1. The first act is that of 1789, the same which imposed a duty of six cents a bushel on salt, and which granted a bounty of five cents a barrel on pickled fish exported, and also on beef and pork exported, and five cents a quintal on dried fish exported; and declared these bounties to be "*in lieu of a drawback of the duties imposed on the importation of the salt employed and expended therein.*"

This act is itself decisive of the whole question. In the first place it declares the bounty to be in lieu of a drawback of the salt duty. In the second place, it conforms to the principle of all drawbacks, and only grants the bounty on that portion of the fish which shall be exported. In the third place, it gives the same bounty, and in the same words, to the exporters of salted beef and pork, which is given to the exporters of fish: and certainly mariners were not expected to be created among the raisers of swine and cattle!

2. In 1790 the duty on salt was doubled; it was raised from six to twelve cents a bushel: by the same act the fishing and provision bounties and allowances were also doubled: they were raised from five to ten cents the barrel and the quintal. By this act the bounties and allowances both to fish and provisions were described to be "*in lieu of* drawback of the duty on salt used in curing *fish and provisions exported.*" *Vol. 2, chap. 2, Laws United States.*

3. The act of 1792 repeals "*the bounty in lieu of drawback on DRIED fish*," and "*in lieu of that, and as a COMMUTATION thereof, and EQUIVALENT therefor*," shifts the *bounty* from the *quintal* of dried fish to the *tonnage* of the fishing *vessel*, and changes its name from BOUNTY to ALLOWANCE. This is the key act to the present system of tonnage allowance to the fishing *vessel*, and was passed upon the petition of the fishermen, and to enable the crew of the vessel to draw the bounty instead of letting it fall into the hands of the exporting merchant. It was done upon the fishermen's petition, and for that purpose; and to exclude all idea of considering this change as a change of policy, and that the allowance was now to become a bounty from the Treasury for the encouragement of a nursery for seamen, the act went on to make this precise and explicit declaration: "*That the allowance so granted to the fishing vessel was a commutation of, and an equivalent for, the bounty in lieu of drawback of the duties imposed on the importation of the salt used in curing the fish exported.*" *Vol 2, chap. 2, Laws United States.*

4. In 1797 the duty on salt was raised from twelve cents to twenty cents a bushel: by the same act a corresponding rise was made in the bounties to exported salted provisions and pickled fish, and in the allowance to fishing vessels. The salt duty was raised one-third; and these bounties and allowances were raised one-third. Thirty three and one-third per cent. was added all round; and the act was explicit in again styling the bounties and allowances as a commutation in lieu of the drawback of the salt duty. *Vol. 3, chap. 176, Laws United States.*

5. The act of April 12, 1800, continues the salt duty, and with it continues all the bounties to salted provisions and pickled fish exported, and all the allowances to fishing vessels, for the term of ten years; and then adds this proviso: "*That these allowances shall not be understood to be continued for a longer time than the correspondent duties on salt, respectively, for which the said allowances were granted, shall be payable.*" Such are the terms of the act of the year 1800. It is a clincher. It nails up every thing. It shows that Congress was determined that the salt duty and the bounties and the allowances should be one and indivisible; that they should come and go together—should rise and fall together—should live and die together. It may be seen in volume 3, chapter 176, of the Laws of the United States.

6. In 1807, Mr. Jefferson being President, the salt tax was abolished upon his recommendation; and with it all the bounties and allowances to fishing vessels, to pickled fish, and to salted beef and pork, were all swept away. The same act abolished the whole. The first section repealed the salt duty; the second repealed the bounties and allowances; the salt duty was to cease on the first day of January, 1808, and the bounties and allowances ceased on the same day. The second section of the act declares:

"That from and after the first day of January next, so much of any act as allows a bounty on exported salt provisions and pickled fish, *in lieu of drawback of the duties on the salt employed in curing the same*, and so much of any act as makes allowances to the owners and crews of fishing vessels, *in lieu of drawback of the duties paid on the salt used in the same*, shall be, and the same hereby is, repealed."

This was the end of the first salt tax in the the United States, and of all the bounties and allowances built upon it. It fell under the Republican administration of Mr. Jefferson, and with the unanimous vote of every Republican, and also with the votes of many of the Federalists. The journal of the House of Representatives shows that there were but five votes against the passage of the repealing bill, and these were Messrs. Isaac L. Green and Josiah Quincy, of Massachusetts; Gordon S Mumford, of New York; Nathan Williams, of New Jersey; and Eliphalet Wickes, of Maryland. These were the whole who voted against the repeal; and of all the members of the House present, there was not ONE who suggested that the fishing bounties and allowances were independent of the salt duty, or ought to be continued one instant after that duty was repealed.

7. After this, for six years, there was no salt tax, and no fishing bounty or allowance in the United States. The two th measures—the tax, and its offspring—slept toge er in the tomb from 1807 to 1813. The war revived them, and revived them together; and the bill which restored them to life, condemned them to death within one year after the termination of the war. Before that year was out, the tax and the bounties and allowances founded upon it, were continued until repealed by Congress; and it is that act which is now in force. The very act, then, which now keeps alive the fishing bounties and allowances, brought them into existence as an appendage to the salt duty—as its natural product, and inseparable companion—and all that we have to do is to repeal the salt act of 1813, and the fishing bounties and allowances are left without a law to support them—so thoroughly and indissolubly are they connected together; so mutually and entirely are they dependent upon each other.

Mr. B. said the fishing bounties and allowances were granted upon petitions from Massachusetts fifty years ago. The fishing interest asked four things: 1. A remission of duties on the articles used in their calling, of which salt was the chief; 2. A bounty out of the Treasury, in imitation of the British bounties; 3. These benefits to be granted to the whale ships; 4. To be granted to the cod and mackerel fisheries. Of these four applications, Congress granted two: namely, the remission of duties on salt, in the shape of bounty and allowance; and this relief to the mackerel and cod fisheries, not the whale fisheries. Mr. B. relied upon this to show that encouragement to mariners was no part of the object of the fishing bounties and allowances. Not a cent had ever gone to the whale ships: they had only gone to the cod and mackerel fisheries. The noble whaler of four or five hundred tons, with her ample crew, which sailed twenty thousand miles, doubling a most tempestuous cape, before she arrived at her field of operations—which remained out three years, waging actual war with the monsters of the deep—a war in which a brave heart, a steady eye, and an iron nerve, was as much wanted as in any battle with man—this noble whaler got nothing: it all went to the cod and mackerel fisheries, which were carried on in small vessels, some as small as five tons, and in the rivers and along the coasts, and on the banks of New Foundland, and where nothing but the hook and line was used. Enterprising, hardy, and meritorious as these hook and line fishermen might be, they were not to be compared as mariners, nor their business as nursing seamen to be compared to the whalers and whalemen. Yet these latter received no part of the bounties and allowances; and the reason was because they did not pay duties on imimported salt.

Mr. B. here read an article from the New Hampshire Gazette, of March 9th, published at Portsmouth, to show that the view he took of the fishing bounties and allowances, as founded upon the salt duties, was sustained by that paper, and also by the community; that all attempts to get up an excitement among the fishermen had failed at the election of March, 1838, and would fail at the impending election, (which they did;) that the fishermen knew that the bounties and allowances were founded upon the salt tax; that they rose and fell with that duty; and that they were too just to desire the allowancies without the duties, and had too much regard to the rest of the Union to desire the whole country to be taxed in their salt on their account.

After a just tribute to the integrity and firmness of the fishermen, in resisting this attempt at a little fish panic, and a compliment to the New Hampshire Gazette, the oldest newspaper in the State, Mr. B. said: I here rest my statutory citations on this subject. I have done nothing but cite statutes to establish my position; and surely I have cited enough. If not, and the Senator from Massachusetts, [Mr. DAVIS,] or any other Senator, shall wish to hear any thing more, I pledge myself to gratify him. I pledge myself to take up the question, and to go through with it; to pile law upon law, authority upon authority, and reason upon reason, until every objection shall be crushed under their weight, and the last doubt expunged from the mind of every Senator. I pledge myself to prove the point to their satisfaction, and that both negatively and affirmatively: negatively, that the fishing bounties and allowances NEVER were granted as encou-

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ragement to a nursery of seamen; and affirmatively, that they were granted in lieu of a drawback of the salt duty, and, as a commutation thereof, and an equivalent therefor, and then I will do more: I will prove that, constitutionally, these allowances can only be justified on the principle of a drawback.

I now come to the clause in my bill which has called forth these preliminary remarks; the third clause, which proposes the reduction of fishing bounties and allowances in proportion to the reduction of fishing bounties and allowances in proportion to the reduction which the salt tax has undergone, and shall undergo. And here, it is not the compromise act alone that is to be blamed: a previous act shares that censure with it. In 1830 the salt duty was reduced one half, to take effect in 1830 and 1831; the fishing bounties and allowances should have been reduced one-half at the same time. I made the motion in the Senate to that effect; but it failed of success. When the compromise act was passed in 1833, and provided for a further reduction of the salt duty—a reduction which has now reduced it two-thirds, and in 1841 and '42 will reduce it still lower—when this act was passed, a reduction of the fishing bounties and allowances should have taken place. The two Senators who concocted that act in their chambers, and brought it here to be registered as the royal edicts were registered in the times of the old French monarchy; when these two Senators concocted this act, they should have inserted a provision in it for the correspondent reduction of the fishing bounties and allowances with the salt tax: they should have placed these allowances, and the refined sugar, and the rum drawbacks, all on the same footing, and reduced them all in proportion to the reduction of the duties on the articles on which they were founded. They did not do this. They omitted the whole; with what mischief you have already seen in the case of rum and refined sugar, and shall presently see in the case of the fishing bounties and allowances. I attempted to supply a part of their omission in making the motion in relation to drawbacks, which was read to you at the commencement of these remarks. Failing in that motion, I made no further attempt, but waited for TIME, the great arbiter of all questions, to show the mischief, and to enforce the remedy. That arbiter is now here, with his proofs in his hand, in the shape of certain reports from the Treasury Department in relation to the salt duty and the fishing bounties and allowances, which have been printed by the order of the Senate, and constitute part of the salt document, No. 196. From that document I now proceed to collect the evidences of one branch of the mischief—the pecuniary branch of it—which the omission to make the proper reductions in these allowances has inflicted upon the country.

The salt duty was reduced one fourth in the year 1831; the fishing bounties and allowances that year were $313,894; they should have been reduced one fourth also, which would have made them about $160,000. In 1832 the duty was reduced one half; the fishing bounties and allowances were paid in full, and amounted to $234,137; they should have been reduced one half; and then $117,018 would have discharged them. The compromise act was made in 1833, and, under the operation of that act, the salt duty has undergone biennial reductions until it is now reduced to about one third of its original amount: if it had provided for the correspondent reduction of the fishing bounties and allowances, there would have been saved from that year to the year 1839—the last to which the returns have been made up—an annual average sum of about $150,000; or a gross sum of about $900,000. The prospective loss can only be estimated; but it is to increase rapidly, owing to the large reductions in the salt duty in the years 1841 and 1842.

The present year, 1840, lacks but a little of exhausting the whole amount of the salt revenue in paying the fishing bounties and allowances; the next year will take more than the whole; and the year after will require about double the amount of the salt revenue of that year to be taken from other branches of the revenue to satisfy the demands of the fishing vessels. The results for the present year, and the ensuing ones, are of course computed: they are computations founded upon the basis of the last ascertained year's operations. The last year to which all the heads of this branch of business is made up, is the year 1838; and for that year they stand thus: Salt imported, in round numbers, seven millions of bushels; nett revenue from it, about $430,000; fishing bounties and allowances, $320,000. Assuming the importation of the present year to be the same, and the bounties and allowances to be the same, the loss to the Treasury will be $206,000; for the salt duty this year will undergo a further reduction. In 1842, when this duty has reached its lowest point, the whole amount of revenue derived from it is computed at about $170,000, while the fishing bounties and allowances continuing the same, namely, about $320,000, the salt revenue in the gross will be little more than half enough to pay it; and, after deducting the weighers' and measurers' fees, which come out of the Treasury, and amount to $52,500 on an importation of seven millions; after deducting this item, there will be a deficiency of about $200,000 in the salt revenue, in meeting the drawbacks, in the shape of bounties and allowances founded upon it. Thus two-thirds of the whole amount of the salt revenue is at this time paid to the fishing vessels. Next year it will all go to them; and after 1842, we shall have to raise money from other sources to the amount of $200,000 per annum, or raise the salt duty itself to produce that amount, in order to satisfy these drawbacks, which were permitted to take the form of bounties and allowances to fishing vessels. Such is the operation of the compromise act! that act which is styled sacred and inviolable!

Of the other mischiefs resulting from this compromise act, which reduced the duties on salt, and the one which preceded it for the same purpose, without reducing the correspondent bounties and allowances to the fishing interest—of these remaining mischiefs, whereof there are many, I mean to mention but one; and merely to mention that, and not to argue it. It is the constitutional objection to the payment of any thing beyond the duty received—the payment of any thing which exceeds the drawback of the duty. Up to that point, I admit the constitutionality of drawbacks, whether passing under that name, or changed to the name of a bounty, or an allowance in lieu of drawback. I admit the constitutional right of Congress to permit a drawback of the amount paid in. I deny the constitutional right to permit a drawback of any amount beyond what was paid in. This is my position, which I pledge myself to maintain, if any one disputes it; and applying this principle to the fishing bounties and allowances, and also to the drawbacks in the case of refined sugars and rum: and I boldly affirm that the Constitution of the United States has been in a state of flagrant violation, under the compromise act, from the day of its passage to the present hour, and will continue so until the bill is passed which I am about to ask leave to bring in.

Sir, I quit this part of my subject with presenting, in a single picture, the condensed view of what I have been detailing: It is that the whole annual revenue derived from SUGAR, SALT, and MOLASSES, is delivered over gratuitously to a few thousand persons in a particular section of the Union, and is not even sufficient to satisfy their demands! In other words, that a tax upon a nation of seventeen millions of people, upon three articles of universal consumption, articles of necessity, and of comfort, is laid for the benefit of a few dozen rum distillers and sugar refiners, and a few thousand fishermen; and not being sufficient for them, the deficit, amounting to many hundred thousand dollars per annum, is taken from other branches of the revenue, and presented to them! and all this the effect of act which was made out of doors, which was not permitted to be amended on its passage, and which is now held to be sacred and inviolable! This is the picture I present—which I prove to be true—and the like of which is not to be seen in the legislation, or even in the despotic decrees, of arbitrary monarchs, in any other country upon the face of the earth.

A few words upon another point, and I cease my remarks for the present.

I stated, in my opening observations, that the act of 1833 was incapable of any regular, uniform, fixed, or certain execution; that its provisions were too vague, loose, and unintelligible to admit of any uniform construction; and that it would receive as many different interpretations as there should be different authorities, or persons to execute it. This is what I said at the commencement of these remarks, and it was only a repetition of what I said seven years ago, when the act was on its passage. I then said that no Administration could execute that act; that no two human beings, or any two authorities, could construe it alike. I was answered by one of the authors of the measure, [Mr. CLAY,] that if the Administration would try to execute it in the *spirit* in which it was made, they would find no difficulty; they could do it easy enough. This is what I said seven years ago, and this the answer which I then received: and now let us see what the answer is which TIME gives to my remark. It is this (holding up a document.)

It is what is contained in this document, No. 49, of the House of Representatives—being a message from the President of the United States, covering reports from the Secretary of the Treasury and from the Comptroller of the Treasury, with opinions from the late Attorneys General of the United States, Messrs. Butler and Grundy, with letters from the collectors of the customs at all the principal Atlantic parts; all relating to the practical operation of this famous compromise act, and showing a great deal more about its operation than I have now either time or inclination to present. I limit myself to three articles out of the long list which it contains, namely, SILKS, LINENS, and WORSTEDS; and, passing over details, give the results in the annual losses to the revenue arising from diversity of decision by the Treasury officers and the judiciary in the construction of this act. And first of silks. The document, at page 44, states the annual ascertained loss during four years' operation of the act to be,

In 1835	$624 356	In 1837	463,090
1836	847,162	1838	428,237

Making in the four years, $2,362,845; and the Comptroller computes the annual prospective loss during the time the act may remain unaltered, at $800,000. So much for silks; now for linens. The same page, for the same four years, presents the annual loss on this article to be:

In 1835	$370,785	In 1837	303,241
1836	516,988	1838	226,375

Making the sum of $1,411,389 on this article for the four years; to which is to be added the estimated sum of $400,000, for the future annual losses, if the act remains unaltered.

On worsted goods, for the same time, and on page 45, the report exhibits the losses thus:

In 1835,	$409,329	1837,	$209,391
1836,	416,832	1838,	249,590

Making a total of ascertained loss on this head, in the brief space of four years, amount to the sum of $1,285,142; with a computation of a prospective loss of $500,000 per annum, while the compromise act remains as it is. Such are the results on three articles of *unmixed* fabricks; the *mixed* ones, and where the mixture is such as to make it impossible to tell to what classifiation of goods the article belongs under the vague and general phrases of the act, the contrariety of construction among Treasury officers, attorneys general, collectors of the customs, judges on the bench, and juries in the box, becomes

too great for me to undertake to state. The result is that the Treasury Department, and the Congress, have nearly ceased to have any control in fixing or collecting the custom-house revenue. That business is now transferred to the juries of the importing cities—that is to say, it is transferred to those who have to pay the revenue, and who uniformly decide in favor of the payers; and that amidst the triumphant shouts of the political party now called Whigs. Two millions per annum is guessed at as the loss of the Treasury from the diversity of opinions about the classification of these mixed fabrics. What is ready made clothing, and what not, is equally a subject of contradictory decision. Happy would it be for the Government if things stopped there—if these juries only decided upon the amount of revenue to be paid *into* the Treasury: but that is not the case; they decide upon the question of taking revenue *out* of it; and whoever chooses to sue a collector, to recover back what he has paid in, under an alleged overcharge of the collector, is pretty sure to succeed! I have seen but one case reported to the contrary. But I forbear—I stop. My motion is for leave to bring in a bill to amend some of these errors—to stop some of the mischiefs of this compromise act of 1833—that act, the evils of which it is my pride to have foreseen, and my boast to have denounced on the night of its passage through this chamber.

I now ask leave to bring in my bill, trusting that I have shown enough to entitle me to the favor.

After a few remarks from Mr. DAVIS, concurring in many of Mr. B's positions, but declining to enter at present into a discussion on the fishing bounties, leave was granted to introduce the bill, and it was read twice, and referred to the Committee on Finance.

The CHAIR laid before the Senate a letter from the Secretary of the Navy, transmitting, for the use of the members, sixty copies of the Navy Register for the year 1840; which was read.

Also, resolutions of the Legislature of Florida, praying for the passage of an act granting to the settlers of the public lands in the Territory of Florida, who were deprived of their settlements by decrees of the courts of the United States, the right of pre-emption to a like quantity of other public lands; which were referred to the Committee on the Public Lands.

Also, a petition of Abigail Rankin, praying remuneration for the Revolutionary services of her late husband; which was referred to the committee on Revolutionary Claims.

Mr. BENTON presented the petition of James Minge Burton; which was referred to the Committee on Revolutionary Claims.

Mr. LINN presented the petition of Thomas P. Copes; which was referred to the Committee on Private Land Claims.

Also, the memorial of the corporate authorities of St. Louis, praying reimbursement of moneys expended in improving the harbor, and a further appropriation for the same; which was referred to the Committee on Commerce.

Also, the petition of Mr. Munson; which was referred to the Committee on Military Affairs.

Also, certain documents in relation to the claim of J. T. V. Thompson and Andrew Gartin; which was referred to the Committee on Military Affairs.

Mr. BUCHANAN presented a remonstrance against the annexation of Texas to the Union; which was laid on the table.

Mr. B. also presented the memorial of a number of citizens of the United States, praying the imposition of a moderate duty on silks; which was referred to the Committee on Finance.

Also, a memorial of a number of tobacco manufacturers and others, citizens of Philadelphia, praying an increase of duties on imported cigars; which was referred to the Committee on Manufactures.

Also, a memorial of citizens of Pennsylvania, praying for the abolition of slavery in the District of Columbia; the motion to receive which was, on motion by Mr. KING, laid on the table.

Also, a memorial, praying an alteration of the Constitution on the subject of slavery; the motion to receive which was laid on the table.

Also, a memorial remonstrating against the use of bloodhounds in the Florida war; which was laid on the table.

Mr. WRIGHT prescribed the petition of Phebe Warry; which was referred to the Committee on Pensions.

Mr. ROANE presented the petition of John W. Thompson; which was referred to the Committee on Claims.

Mr TALLMADGE presented the memorial of a number of citizens of the State of New York, praying the passage of a bankrupt law; which was referred to the Committee on the Judiciary.

Also, the proceedings of a meeting of citizens of the city of New York in favor of a bankrupt law; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WALL presented a petition of a number of citizens of the United States, praying an increase of the duties on foreign silks; which was referred to the Committee on Finance.

Mr. HENDERSON presented the memorial of the Legislature of Mississippi, praying the erection of several fortifications on the southern coast of that State, and a survey and examination of the different harbors and sounds on the said coast; which was referred to the Committee on Military Affairs, and the Committee on Commerce, and ordered to be printed.

Mr. STURGEON presented the memorial of a number of citizens of Pennsylvania for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Also, the memorial of a number of tobacco manufacturers of Philadelphia, praying an increase of the duties on imported cigars; which was referred to the Committee on Manufactures.

Mr. YOUNG presented two petitions from citizens of the State of Illinois, praying the establishment of mail routes; which were referred to the Committee on the Post Office and Post Roads.

Mr. SOUTHARD presented the memorial of Edward S. Wright of Georgetown, D. C. praying to be released from liability on a bond given by A. B. Claxton and Co. for their faithful performance of their contract for printing the Biennial Register; which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented the petition of a number of citizens of Illinois, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN presented the petition of a number of citizens of Hamilton county, Ohio, praying that two terms of the Circuit Court of the United States for the district of Ohio may be holden in each year, at the city of Cincinnati; which was referred to the Committee on the Judiciary.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the bill for the relief of Captain Snodgrass's company of Alabama volunteers, reported the same without amendment.

The bill was then, on motion of Mr. B. considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the bill for the relief of Gregoire Sarpy, made a report thereon; which was ordered to be printed.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, who were instructed to inquire into the subject, reported a resolution to authorize the transmission of certain documents free of postage; which was read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the bill to establish and regulate the navy ration, reported it without amendment.

Mr. CLAY of Alabama submitted the following motion, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, as early as practicable, the original quantity of public lands in each of the States of Ohio, Indiana, Illinois, and Missouri; how many acres have been sold in each of those States, and the amount of two per cent. fund which has accrued on the nett amount of said sales, up to the latest returns; and also the total quantity of public lands which remain unsold in said several States, and also the quantity of land sold and patented in each State.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making an appropriation to satisfy the claim of Lieut. Albert Miller Lea for money expended and services rendered in surveying the Southern boundary of the line of the Iowa Territory.

ADJOURNMENT OF CONGRESS.

Mr. LUMPKIN said he rose to perform what he conceived to be a duty imposed on him, which was to ask the Senate to proceed to the consideration of the resolution fixing a day for the adjournment of Congress. This was the day to which, with some reluctance, he had consented that its consideration should be postponed, and every day's experience but the more firmly convinced him not only of the propriety of considering it, but of acting on it. He would not detain the Senate by further remark, as there was no necessity of argument to elucidate the proposition, and every Senator could judge for himself of its propriety or impropriety. He asked that the resolution might be read by the Secretary; which was done.

The resolution was in the following words:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses *sine die*, on Monday, the 18th day of May next.

Mr. SMITH of Indiana said, that having voted against this proposition, when it was last before the Senate, and would vote against it now, he wished to make a few remarks in explanation of his votes. He was as anxious as any other Senator for an early adjournment of Congress, and the moment he saw the public business in such a state of forwardness as would warrant him in doing so, he would be willing to fix a day on which the session should terminate. But we were sent here to transact the important business of the nation, and no consideration of personal, convenience would induce him to give a vote which might defeat important measures, because we had not sufficient time for their proper discussion. He intended to remain until the business of the country was done, and the very moment he saw a prospect of its termination, he he would vote to fix a day for adjournment.

Mr. WEBSTER said the mover of the resolution had his most cordial concurrence in the views which induced him to offer it, but he regretted that Monday had been named as the day for adjournment. He thought that Wednesday would be better, as then the last three days could with propriety be devoted to business. It seemed to be generally admitted that the Senate could get through its business by the day mentioned, and he could see no impropriety in their passing the resolution; and if the House thinks the time too short, it can amend the resolution. In his opinion the day fixed was sufficiently remote. We shall by that time have been nearly six months in session, which was longer than the legislative session of any nation in the world, with the exception, perhaps, of Great Britain.

Mr. NORVELL said he was decidedly in favor of fixing an early day for adjournment. The long sessions of Congress were always too long, and the short sessions generally too short. With a view to the correction of this evil, and to present a new motive for an earlier adjournment than usual of the first session of each Congress, he proposed a second resolution, providing that the next session of Congress should commence on the second Monday of November.

Mr. WEBSTER observed that this could only be done by law.

Mr. LUMPKIN would prefer a direct vote upon his joint resolution for an adjournment on the 18th of May.

Mr. NORVELL said that the suggestions thrown out induced him to withdraw his amendment, and to state that he should to-morrow ask leave to introduce a bill for an earlier commencement of the next session of Congress, if the joint resolution for adjourning in May should pass.

Mr. GRUNDY said that he presumed every Senator present was animated by a desire to bring the session to a close as soon as it could be done with propriety; but it appeared to him that it would be acting somewhat precipitately to pass on the resolution at this time. In the course of a week or two they would be better enabled to judge of the time it would require to transact the public business, and they should measure this time by the quantity of business to be done, and not by their personal convenience or inconvenience. There were many subjects of importance yet to be discussed, and among them he would mention the bankrupt law. He had always been opposed to such a law, but there had been such a general expression of sentiment in favor of such a law at the present session, that he was disposed to give the measure his most careful consideration, and if convinced of its practical utility, he would vote for it. If gentlemen thought that this important subject and other measures could be discussed and acted upon within the time proposed, they were right in voting for the proposition to fix the day of adjournment, but for his own part he thought it would be more prudent to defer its consideration for the present.

Mr. WEBSTER thought there was ample time to discuss the bankrupt law, as he supposed it would not be complicated in its provisions. The chairman of the Judiciary Committee had informed the Senate that he would probably introduce the bill in the course of this week, and two or three weeks would be ample to discuss and act upon it.

Mr. WILLIAMS was altogether unwilling to vote for this proposition, in the situation in which his State was placed. It was known to the Senate and to the country that his State was invaded, and a portion of her territory was in the possession of the troops of a foreign power. The British Government have been informed that a persistance in this course will be deemed by this Government as inconsistent with the stipulations which were entered into by the Governors of Maine and New Brunswick. How long it would require for us to be informed of the result of this declaration, he did not know; but he thought that Congress should not adjourn without taking measures to settle this question definitively. If Congress adjourned, the inference would be that Great Britain was to keep possession of the disputed territory until Congress was again assembled. This he was opposed to, and he thought it would not be submitted to by the people of his State. A call had been recently made on the President for information on a subject which had some bearing on this matter: he alluded to the warlike preporations of Great Britain on the North and Northwestern frontier; and until that was answered, he thought it would be imprudent to act on this question of adjournment. He would therefore move to postpone the further consideration of the resolution to this day two weeks.

Mr. SEVIER said, if they remained here until the Maine boundary question was settled, they would probably be in session until the 4th of March next. He thought himself that it was full time this question was settled; but he had no expectation that it would be settled at an early day. If the Senator intends to force this matter to a decision, let him bring in a bill declaring war against Great Britain, if she will not relinquish her pretensions, and it shall have my most favorable consideration. He thought these repeated postponements of this resolution, and thus consuming a day in every week in its discussion, was a fruitless and unprofitable course; and he would vote against any further postponement.

Mr. WILLIAMS said he was not, at this time, prepared to act on the suggestion of the Senator from Arkansas, to bring in a bill declaring war against Great Britain. He was willing to wait until we had received an answer to the inquiries made of the President in relation to warlike preparations on our side of the line. He thought that Congress should then take it into its own hands to protect the rights of the nation. The question of right had been again and again settled, and he trusted that the day was not distant when the Territory Maine would be delivered from the presence of the troops of a foreign power.

Mr. CLAY of Alabama said that, when this proposition was before the Senate the other day, he was opposed to any delay in acting on it; but he confessed that the remarks of some of his friends, and particularly of the Senator from Maine, [Mr. WILLIAMS,] had occasioned some change in his sentiments. He was anxious that the Senate should adjourn at the earliest day the state of the public business would permit; but thought that, at present, it would be improper to name a day for that purpose. It was probable that, in the course of a fortnight, events might occur which would enable them to act more understandingly, and he would therefore vote in favor of its postponement.

Mr. HUBBARD said that when this motion was up before, he had moved its postponement, as he deemed that its only effect would be to embarrass the proceedings of the other House. There were a great many bills both of a public and private character which had passed this body, but were yet unacted on in the House, and he thought a movement of this kind would be at least premature, if not injurious. He was as desirous as any Senator for an early adjournment, but he would not consent to it at the risk of sacrificing the business of the nation, and the interests of the numerous individuals who had just claims upon the Government.

Mr. H. referred to the introduction of a similar proposition in the session of 1837-8, when it was at first proposed to adjourn in April, but which the House disagreed to. In June the House passed a resolution to adjourn on the 9th of July, which the Senate promptly acceded to. He thought that nothing would be gained by a movement of this kind at this early day.

Mr. WALL would have preferred that the Senator from Maine had moved an indefinite postponement of the resolution. He had had but one opinion of it since its introduction, and that was, that it was altogether a premature movement. As yet we have received but three or four bills from the other branch of Congress, while nearly all the great measures in which the country were interested were as yet scarcely touched in that branch. And it is under this state of circumstances that the Senator from Georgia attempts to guess the amount of time it will require for Congress to get through its business, and be prepared to adjourn. Though he was convinced that the Senator was actuated by the most patriotic motives in adopting this course, and thought that the public business would be accelerated, he [Mr. W.] was convinced that it would produce no such result. Every Senator was anxious to adjourn as early as could be done, consistent with [illegible] sense of duty: he would say that he subjected himself to great sacrifices by remaining here; but were all the great measures of the country, and the great mass of private business which we have upon our calendar, to perish,

for want of sufficient time to mature them? If this resolution was passed, it could only be looked upon as an attempt to goad the other House into action; and, viewed in this light, it would occasion more injury than benefit

Mr. NORVELL said that none of the arguments advanced had induced any change of his opinion in favor of an early adjournment. If the two Houses fixed on the 18th of May as the day for adjournment, our proceedings would be governed by a view to that precise time; and we should act upon the business of the country, which was before us. As it was, we were wasting our time in making partisan speeches, to the neglect of that business. In relation to the Maine boundary question, if there were any hope of its termination, whether favorably or unfavorably, during the year, he would, with the Senator from Arkansas, agree to sit here till March next, for the purpose of accomplishing that object. But, sir, we see no indication of any measures to meet any emergency which may arise out of the protracted negotiations on that subject. Have we any propositions for augmenting our army? Have we any proposition to equip and man a greater number of vessels for the naval service? Has any thing been proposed with a view to any serious event which may grow out of the boundary question? Sir, if any change should take place in our foreign relations, requiring the adoption of fresh measures of preparation for the worst contingencies that can happen between nations, before the day designated in the joint resolution for adjournment, it is to be presumed, it cannot be doubted, that Congress would rescind that resolution.

Mr. LUMPKIN said, that reluctant as he generally was to consume the time of the Senate, by occupying the floor in debate, he felt himself called upon, on the present occasion, to defend himself, and the measure which he had introduced. More particularly did this duty devolve on him, because it was assailed by so many of the friends with whom he generally acted in the Senate. Mr. L. said another week's consideration had but the more confirmed the opinion which he had expressed on the first introduction of the resolution. He believed much good and no evil would result from the Senate fixing on a definite day for the adjournment of the present session of Congress. After a careful examination and consideration of the business necessary to be done at the present session of Congress, it will be found that the time proposed is ample for the proper transaction of all the necessary business of legislation. Sir, (said Mr. L.) I do not propose to leave or neglect the public business and go home, as some gentlemen seem to suppose. No, sir, I propose to go to work, and do the public business in a reasonable time, and *then* go home. The honorable Senator from New Jersey, [Mr. WALL,] considers my proposition, as being based on a *guess*. He seems not to favor the idea of even venturing to *guess* how long this session of Congress ought to remain in session. He considers this *guessing* rather a hazardous business, calculated to endanger the public interest. Now, sir, (said Mr. L.) I will admit that no mathematician can demonstrate, to an hour or a day, how long the present Congress ought to remain in session in order to a faithful discharge of our legislative duties. But, sir, it is admitted, I believe, by every gentleman who has yet spoken, that the time which is proposed is ample for the Senate to discharge all its legislative duties, and I will venture to *guess* that none will controvert that opinion. But, said Mr. L. let me inform that honorable Senator that my proposition is not based upon a *guess*, as he seems to suppose. No, sir; before I introduced the proposition, with great care and labor I investigated the subject. First, I considered the measures to which the attention of Congress had been invited by the Executive branch of the Government; and then, sir, I carefully examined all your dockets to see what had been brought to the consideration of Congress by all its members in both branches. The result of this investigation left the conviction on my mind that the public interest required the closing of this session on or before the time proposed. In this calculation, too, I have allowed for one-half of our time to be spent in *useless* debate—debate upon subjects which are not, and cannot be, subjects of legitimate legislation. But, sir, while it is admitted that the time proposed is more than sufficient for the discharge of the business of the Senate, every gentleman opposed to this proposition reminds us that nothing is yet done in the other end of the Capitol, and that a longer time will be necessary to enable the House of Representatives to discharge its share of legislative duties. Sir, this may be true, or it may not. It is not for me—it is not for the Senate to determine this question. Of this matter the House will judge for itself. What I propose, sir, is, that we now inform the House that we shall be ready to close this session of Congress on the 18th of May next, and that we proceed to discharge the obligation we shall thereby place ourselves under, by proceeding to the faithful discharge of our own duties. The honorable Senator from Massachusetts, [Mr. WEBSTER,] has very justly remarked that if the House of Representatives shall come to the conclusion that the time which we propose for closing the present session of Congress, is too limited for a faithful discharge of the business of that House, they may propose an amendment—an extension of the time to a more distant day. This course, sir, would be placing the responsibility of an extended, protracted session of Congress, where it should be placed. Let us discharge our own duty, and leave to others their own responsibility.

The honorable Senator from Maine, [Mr. WILLIAMS,] and other Senators, are opposed to fixing a day of adjournment, in anticipation of the most important legislative duties which may hereafter devolve on Congress, growing out of our relations with Great Britain, on the subject of the Eastern boundary controversy. In this case, sir, might we not say with propriety, "sufficient unto the day is the evil thereof?" Is it wise, is it expedient, for Congress to make calculations and arrangements for an unnecessarily long and protracted session, in anticipation of new subjects of legislation—cases which may or may not arise? Sir, if we act upon such principles as these, the sessions of Congress will be perpetual; Congress will become an indissoluble body, except when the people invite us home, for the purpose of supplying our places with others. It is known to every one, who has been attentive to the proceedings of Congress, that the longer the session is extended, the more unfinished business is left at the close. If Congress were a perpetual body, always in session, to the end of time, the necessity of unfinished business would, without doubt, continue to increase.

Mr. President, the extraordinary length of the sessions of Congress is an admitted evil; one which none will have the boldness to deny. It has become a burden upon your Treasury. Reform is called for. Duty, economy demands it—the value of time demands it. Why, then, all this reluctance which we see manifested, to aid in the humble effort which has been attempted? Why has this proposition been called a deceptive one? Why is it calculated to deceive the people? Why is it considered hopeless to propose this reform? Sir, the indications around me exhibit the true cause, and prove that gentlemen have it in their power to fulfil their own predictions. My attempt may fail for want of support, but I shall have deceived no one. I have discharged my duty. Good has resulted, and will hereafter result, from this effort made to produce reform.

The question was then taken on postponing the resolution until Monday, the 30th day of March, and it was decided in the affirmative—ayes 22, noes 18.

The Senate then went into Executive session, and afterwards Adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, March 16, 1840.

The CHAIR announced that he had been informed that the Representatives elect from New Jersey were present, and would be qualified.

Mr. JENIFER offered the following resolution:

Resolved, That the execution of the resolution of this House of the 10th of March, directing the Speaker to qualify as members of this House, Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, Wm. R. Cooper, and Joseph Kille, be postponed until the 2d Monday in April next, to afford the other five claimants from the State of New Jersey an opportunity of presenting their evidence, as directed to be taken by the Committee of Elections.

Mr. WELLER of Ohio inquired whether the resolution was in order.

The CHAIR replied in the negative.

Mr. JENIFER said that, if that was the decision of the CHAIR, he should acquiesce, without any motion in the case.

Mr. PROFFIT inquired of the CHAIR whether he had not the right to call on the gentlemen for their credentials.

The SPEAKER replied, that the House had already passed a resolution that these gentlemen were entitled to their seats, and directing the Speaker to qualify them, and any motion on the subject would be out of order.

The following gentlemen were then qualified as Representatives from the State of New Jersey, viz.—WM. R. COOPER, PHILEMON DICKERSON, JOSEPH KILLE and DANIEL B. RYALL.

CHINA AND THE UNITED STATES.

Mr. CUSHING said: I beg leave to put a question to the chairman of the Committee on Foreign Affairs [Mr. PICKENS] in regard to a matter concerning which misapprehension exists abroad, and which, though it touches individually myself and a colleague of mine now absent on a sick bed, [Mr. LAWRENCE,] I should not have troubled the House with, if it were not of great public importance to the welfare and reputation of the United States.

No objection being made, Mr. CUSHING proceeded to say: I proposed a resolution, early in the session, calling on the Executive for information as to our relations with China, which resolution, being afterwards submitted to the Committee on Foreign Affairs, was by them reported to the House, and adopted; and to which the Executive has since responded, in a Message now in the possession of the House. My colleague [Mr. LAWRENCE] also presented a memorial from citizens of the United States in China, relative to the same matter. These papers are now under consideration in the Committee on Foreign Affairs. Meanwhile, I am somewhat disturbed to learn, through the intelligence brought by the Great Western, that these movements here are construed in England as indicating a disposition on the part of the American Government "to join heart and hand"—as the expression is in a paragraph of an English ministerial journal now before me—"to join heart and hand with the British Government, and endeavor to obtain commercial treaties from the authorities in China." Now, so far as regards myself, I wish to say that this is a great misconception, if it be not a wilful perversion, of what is contemplated here. I have, it is true, thought that the present contingency,—when the Americans at Canton, and they almost or quite alone, have manifested a proper respect for the laws and public rights of the Chinese empire, in honorable contrast with the outrageous misconduct of the English there—and when the Chinese Government, grateful for the upright deportment of the Americans, has manifested the best possible feeling towards them—I have thought that these circumstances afforded a favorable opportunity to endeavor to put the American trade with China on a just and stable footing for the future. But, God forbid that I should entertain the idea of co-operating with the British Government in the purpose—if purpose it have—of upholding the base cupidity and violence, and high handed infraction of all law, human and divine, which have characterized the operations of the British, individually and collectively, in the seas of China. I disavow all sympathy with those operations. I denounce them most emphatically. And, though it is not competent for me to speak now of what has been done or is intended in the Committee on Foreign Affairs relative to this, yet thus much I may say, that, in that committee, and among all its members, I am confident there is but one spirit—and that is, to guard the interests and to maintain the honor of the United States. It is due to the Executive, also, that I should say that I have no reason to believe or suspect that the President or his Cabinet entertains any but the most proper views on this subject. At the same time, to close the door at once against all misunderstanding, and set the whole matter in a clear light, in order that the Chinese Government need not be misled into supposing that, while the Americans in Canton profess to act in good faith, and enjoy the benefits of it, any different purpose is entertained here, I put this question to the chairman of the Committee on Foreign Affairs—whether he himself, or, so far as he knows, the Executive of the United States, has any idea of making common cause with Great Britain in reference to the recent events in China?

Mr. PICKENS, in reply, said that, in reference to himself, it was very far from being the fact that he was disposed to make common cause with England in her designs in China—for the very first moment the subject was referred to the committee, and laid before them, that very point was made by himself, and he objected expressly to our appearing before the world, (as might be inferred from the expression in the memorial) of acting in concert with the British Government in regard to this matter. So far as the Executive was concerned, he had no authority for speaking; but he was induced to believe that no such fact of intended concert with Great Britain, as the gentleman directly referred to, existed. He had no intention directly or indirectly to aid in forcing on the Chinese the odious traffic in opium. He (Mr. P.) believed that if we could prevail on China to abandon her policy of non intercourse with the world if we could prevail on her to enter into any arrangement that might have for its basis commercial relations which would place us on an equal footing with other powers, it would be all that was necessary. But of this he had little hopes, for it was known that China, from time immemorial, had been opposed to all treaties. Our only object (said Mr. P.) is to place our commerce with China on an equal footing with that of other nations, and to see that no advantage be taken of us.

Surely England does *not occupy a position at present* to command any sympathy or co-operation from us. He would forbear to touch upon those points that are now at *issue between* us, which may, in the progress of events, become of the deepest importance. It is not our policy to appear to act under her cover and co-operation. We will act upon our separate and independent interests, and our own views of policy.

Mr. CUSHING then said: I thank the House for its indulgence, and the chairman of the Committee on Foreign Affairs, who has answered my question so satisfactorily; and I trust the idea will no longer be entertained in England, if she chooses to persevere in the attempt to coerce the Chinese by force of arms to submit to be poisoned with opium by whole provinces, that she is to receive aid or countenance from the United States in that nefarious enterprise.

The CHAIR announced that the question first in order was the motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill making a reasonable appropriation for the continuation of the National road in the States of Ohio, Indiana, and Illinois, for the year 1840, to be expended under the direction of the War Department; said appropriation to be subject to all the restrictions and conditions of former appropriations on said road."

The substitute of Mr. [PICKENS for said instructions, as follows:

"And that the memorial be committed to the Committee of Ways and Means, with instructions to consider the expediency of reporting a bill in favor of the measure."

And Mr. MARVIN's amendment to the original proposition, and substitute for Mr. PICKENS's amendment, as follows:

"And that the Committee of Ways and Means be instructed to report bills in accordance with the estimates contained in the reports from the Chief Engineer, and the Chief of the Topographical Engineers, to the Secretary of War, and communicated to Congress by the President, making appropriations for the year 1840, for the continuation of the construction or improvements of harbors and roads, and the navigation of rivers, for which appropriations have been heretofore made."

The SPEAKER said, when the subject was last up, the question immediately pending was the motion for the previous question, which had not been seconded. The House had ordered a call, upon which it adjourned. If there was no objection, the call would be dispensed with.

Several gentlemen persisted in having the call, which was proceeded in till 192 members had answered to their names; when,

On motion of Mr. RAMSAY, all further proceedings in the same was dispensed with.

The previous question was then seconded, and the main question ordered; which main question was, Shall the substitution of Mr. MARVIN for the proposition of Mr. PICKENS be adopted?

Mr. CAVE JOHNSON demanded the yeas and nays; which were ordered.

Mr. W. C. JOHNSON here offered an amendment to the substitute of Mr. MARVIN, proposing an appropriation for the improvement of the Monocacy river, in Maryland; which was ruled out of order, and which Mr. M. refused to accept as a modification.

The question was then taken on Mr. MARVIN's substitute, and decided in the negative—yeas 80, nays 112.

YEAS—Messrs. Adams, Judson Allen, John W. Allen, Barnard, Beatty, Biddle, Bond, Brewster, Brockway, W. O. Butler, Carr, Carroll, Casey, Chinn, Chittenden, Clark, James Cooper, Corwin, Cranston, Crary, Cross, Curtis, Cushing, Dana, Davee, John W. Davis, Dennis, Doan, Doig, Edwards, Evans, Everett, Fillmore, Floyd, Galbraith, Rice Garland, Gates, Goode, Granger, Grinnell, Hand, W. S. Hastings, John Hastings, Henry, Hillen, Howard, James, Kempshall, Leet, Leonard, Lincoln, Marchand, Marvin, Mason, Monroe, C. Morris, Osborne, Randall, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Saltonstall, Simonton, John Smith, Truman Smith, Thomas Smith, Starkweather, Storrs, Stuart, Sweeny, Taylor, Tillinghast, Toland, Trumbull, Wick, Thomas W. Williams, and Joseph L. Williams—80.

NAYS—Messrs. Alford, Hugh J. Anderson, Andrews, Atherton, Banks, Beirne, Bell, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, S. H. Butler, Bynum, John Campbell, Chapman, Clifford, Coles, Conner, Mark A. Cooper, William R. Cooper, Craig, Edward Davies, John Davis, Garret Davis, Dawson, Deberry, Dickerson, Eastman, Fisher, Fornance, James Garland, Gentry, Gerry, Goggin, Green, Griffin, Habersham, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Hoffman, Holleman, Hook, Hubbard, Jackson, Jenifer, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, King, Leadbetter, Lewis, Lowell, Lucas, McCarty, McClellan, McKay, Medill, Miller, Montanya, Montgomery, Morgan, Samuel W. Morris, Newhard, Nisbet, Parish, Parmenter, Paynter, Petrikin, Pickens, Pope, Prentiss, Proffit, Ramsey, Rhett, Rives, Robinson, Ryall, Samuels, Shaw, Shepard, Stanly, Steenrod, Sumter, Swearingen, Taliaferro, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Triplett, Turney, Underwood, Vanderpoel, David D. Wagener, Warren, Watterson, Weller, John White, Jared W. Williams, Henry Williams, Lewis Williams, C. H. Williams, Sherrod Williams, and Wise—112.

The question then recurring on the substitute of Mr. PICKENS,

Mr. CASEY said, as it would be decisive of the question, he demanded the yeas and nays, which were ordered; when

Mr. PICKENS, in view of the vote given, withdrew his substitute.

The question then recurred on the original proposition [Mr. CASEY's;] upon which the yeas and nays were ordered, and were—yeas 88, nays 109, as follows:

YEAS—Messrs. Adams, Judson Allen, John W. Allen,

Beatty, Bond, Brewster, Wm. O. Butler, Calhoun, Carr, Carroll, Casey, Chase, Chittenden, James Cooper, Corwin, Cranston, Cross, Curtis, Cushing, Dana, Davee, John W. Davis, Garret Davis, Dickerson, Doan, Doig, Duncan, Earl, Edwards, Evans, Everett, Rice Garland, Goode, Granger, Hammond, Hand, Wm. S. Hastings, John Hastings, Henry, Hillen, Hook, Howard, James, Jameson, Kemble, Kille, Leadbetter, Leet, Leonard, Lincoln, Lowell, Marchand, Marvin, Mason, Medill, Miller, Mitchell, Monroe, Montanya, C Morris, Newhard, Parish, Pope, Proffit, Randall, Randall, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Ryall, Saltonstall, Simonton, Albert Smith, Thos. Smith, Starkweather, Steenrod, Stuart, Swearingen, Sweeny, Taylor, Tillinghast, Toland, Vanderpoel, Weller, Wick, and Joseph L. Williams—88.

NAYS—Messrs. Alford, Hugh J. Anderson, Andrews, Atherton, Banks, Barnard, Beirne, Bell, Biddle, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Bynum, John Campbell, William B. Campbell, Carter, Chapman, Clark, Clifford, Coles, Conner, Mark A. Cooper, W. R. Cooper, Crabb, Craig, Crockett, Edward Davies, John Davis, Dawson, Deberry, Eastman, Fillmore, Fisher, Floyd, Galbraith, J. Garland, Gates, Gentry, Gerry, Goggin, Graves, Green, Griffin, Habersham, Hawes, Hawkins, Hill of Virginia, John Hill of North Carolina, Hoffman, Holleman, Hubbard, Jackson, Jenifer, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kempshall, King, Lewis, Lucas, McCarty, McClellan, McKay, Montgomery, Morgan, Samuel W. Morris, Nisbet, Osborne, Parmenter, Paynter, Peck, Pickens, Prentiss, Ramsey, Rhett, Rives, Robinson, Jas. Rogers, Samuels, Shaw, Shepard, Truman Smith, Stanly, Storrs, Sumpter, Taliaferro, P. F. Thomas, W. Thompson, J. Thompson, Trumbull, Turney, Underwood, David D. Wagener, Warren, Watterson, John White, Jared W. Williams, T. W. Williams, Henry Williams, Lewis Williams, Christopher H. Williams, Sherrod Williams, and Wise—109.

So the House refused to refer, with instructions.

The memorial alone was then referred to the Committee of Ways and Means, without instructions.

Mr. RARIDEN gave notice that he should, at an early day, ask leave to introduce a bill making appropriations to continue the Cumberland Road in the States of Ohio, Indiana, and Illinois.

Mr. BARNARD gave notice that he would, at an early day, ask leave to introduce a bill making an appropriation for the continuance of the improvements in the Hudson river.

Mr. BLACK, from the Select Committee on Printing, by universal consent reported a resolution extending the time for that committee to report, to the 24th of March; which was read and agreed to.

Mr. WISE, by permission, presented a memorial from Charles Fenderick, proposing to execute the printing of maps at a less rate than at present done; which was referred to the Select Committee on Printing.

Petitions being in order to-day,

The SPEAKER called the roll for that purpose, commencing with the Territory of Iowa; when

Mr. W. W. CHAPMAN, in accordance with previous notice given, and by permission, introduced a bill to authorize the President of the United States to cause certain mineral lands to be sold; which was twice read, and committed to the Committee on the Public Lands.

Mr. C. also gave notice that he would, at the proper time, ask leave to introduce a bill to establish certain post routes in Iowa, and for the discontinuance of others.

[Mr. CHAPMAN of Iowa presented the petitions of the inhabitants of Toolsborough, Iowa Territory, for the reduction of postage. Memorials from the Legislative Assembly of the Territory of Iowa. For the survey of the harbor at Dubuque. For a turnpike road from the city of Burlington to Fairfield, in Jefferson county: referred to the Committee on Roads and Canals. For the settlement of the Dubuque land claim: referred to the Committee on Private Land Claims. For the improvement of the Desmoines rapids: referred to the Committee of Ways and Means. For a post route: referred to the Committee on the Post Office and Post Roads. For the improvement of the Territorial road on the Desmoines river. For a military road from fort Madison to the proposed military post on the Desmoines river: referred to the Committee on Military Affairs. For improving mail roads: referred to the Committee on Roads and Canals. For the improvement of certain roads. For a road from Keokuck, by West Point and Mount Pleasant: referred to the Committee on Roads and Canals. For a road from Iowa city to Prairie du Chien, and from Dubuque to the county seat of Delaware: referred to the Committee on Roads and Canals. For land at the seat of Government: referred to the Committee on the Public Lands. Petitions for post routes from Knoxville, Illinois, to Iowa city: referred to the Committee on the Post Office and Post Roads. Petitions for a mail route from Bloomington to Marion, the county seat of Linn county. Petitions for mail route from Dixon's ferry, in Illinois, by Chamanche, in the Territory of Iowa, to Iowa city. For post route from Dubuque to Iowa city. For a post route from Black Hawk, by Grandview and Fredonia, to Iowa city: referred to the Committee on the Post Office and Post Roads. Of the inhabitants of Louisa county, in the Territory of Iowa, for a road from Black Hawk to Iowa city: referred to the Committee on Roads and Canals. Of Maryland Jones, praying the repeal of a certain act of the Legislative Assembly of Iowa. Of the county commissioners of Johnson county, praying to be permitted to enter the quarter section upon which the seat of justice of said county is located: referred to the Committee on the Public Lands. Of Joseph Williams and C. A. Warfield, praying a donation of land to aid them in making a road: referred to the Committee on Roads and Canals. Of the inhabitants of Iowa, praying Congress to confirm the title to the land upon which the seat of Government is located.]

Mr. POPE, on leave, introduced a bill to aid the Territory to complete the penitentiary in the Territory of Iowa; which was read twice, and committed.

By Mr. DOTY of Wisconsin.

Mr. D. also, in accordance with notice previously given, and on leave, introduced a bill concerning equity courts; which was read twice, and committed.

By Mr. DOWNING of Florida

Mr. D. gave notice that he would, at a proper time, ask leave to introduce a bill for the relief of those persons who had their property destroyed by the Indians in Florida.

By Mr. CRARY of Michigan.

By Mr. CROSS of Arkansas.

By Messrs. MILLER and JAMESON of Missouri.

[Mr. MILLER presented the petition of Wilson P. Hunt, praying Congress to confirm to him a certain tract or piece of land therein mentioned and described: referred to the Committee on Private Land Claims. The petition of Messrs. Collier and Peters of Missouri, praying the passage of a law for their relief, reimbursing the amount of a draft, &c. purchased by them of Wm. S. Ewing, and drawn by him on the Government of the United States: referred to the Committee of Claims. The petition of James S. Evans and Co. praying the passage of a law remunerating them for losses sustained in a contract entered into by them, for furnishing beef and other supplies for the use of the emigrating Cherokee Indians: referred to the Committee of Claims. The petition of Charles Philips, and others, asking the establishment of a post road from the town of Herman to Heath's store, in Gasconade county, Missouri: referred to the Committee on the Post Office and Post Roads. Also, the affidavit of John Buland, in support of the claim of Wm. Nicholas of Missouri, for horses lost by him in the service of the United States: referred to the Committee of Claims, to which committee his petition and papers have heretofore been presented.]

[Mr. JAMESON presented the petition of sundry citizens of Missouri, praying that a special pre-emption be granted to Harvy and Hiram Beach to a certain quarter section of land therein mentioned: upon his motion, referred to the Committee on Private Land Claims. Also a petition of the Agricultural Society, praying a grant of a quantity of land therein mentioned for the establishment of a college for the promotion of agriculture: referred to the Committee on Public Lands. Also, a petition of Thomas H. Noble, asking pay for furnishing Fort Leavenworth with coal, under a contract made with Thomas Swords, Quartermaster United States Army. Also, an application of General Gladevly for a special pre-emption: moved that it be referred, together with the papers now on file in relation thereto, to the Committee on Private Land Claims: referred. Also, an application of Thomas Talbot, asking remuneration for certain depredations committed on his property by the Pawnees: moved that it be referred, together with the papers on file in relation thereto, to the Committee of Claims.]

By Messrs. CRABB, CHAPMAN, and LEWIS, of Alabama.

[Mr. CRABB gave notice that he would, at an early day, ask leave to introduce a bill to establish certain post routes in the State of Alabama, and for the discontinuance of others.]

By Messrs. STEWART, CASEY, and REYNOLDS, of Illinois.

[Mr. REYNOLDS presented various memorials and petitions, and had them referred to the proper committees, viz.—A petition for a mail route from Edwardsville, by the marine and highland, to Shoach creek, in the State of Illinois. A memorial from the citizens of Cahohia, in said State, praying that part of the commons attached to the village of Cahohia be sold for the use of schools for said village. A letter of Capt. Anderson, of the United States Army, exhibiting the outline of an asylum for the old and war-worn soldiers, and the manner for providing for the construction of the same: this letter was ordered to be printed. For the improvement of the Rapids on the Mississippi. The resolutions of the General Assembly of Illinois, stating the consent of the States to locate the National road in said State, to pass the river Mississippi at Alton, and at no other point. Also, a memorial for pre-emption rights to actual settlers on the public lands.]

By Messrs. BROWN and THOMPSON, of Mississippi.

By Messrs. RARIDEN, CARR, SMITH, DAVIS, and WICK, of Indiana.

[Mr. CARR presented a joint resolution from the General Assembly of the State of Indiana, requesting their Senators and Representatives in Congress to use their influence to procure an act of Congress to grant to Peter Houston such portion of the refuse lands lying east of Indianapolis State road, leading from Indianapolis to Bloomington, on the east side of Beanblossom, in the county of Monroe, in said State, which may be unentered, and has been in market for twenty years, as will be a reasonable compensation for his services in the Revolutionary war; which, on his motion, was referred to the Committee on the Public Lands. Also, a joint resolution from the General Assembly of Indiana, on the subject of a mail route, therein named; which, on his motion, was referred to the Committee on the Post Office and Post Roads. Also, a joint resolution from the General Assembly of Indiana, soliciting Congress for a grant of two townships of land, for the construction and support of an asylum for the education of deaf mutes and blind persons; which, on his motion, was referred to the Committee on the Public Lands. Also, the petition of Jacob Haas, praying Congress to pass an act to confirm to him certain lands, in said petition described: referred to the Committee on Private Land Claims.]

Mr. CARR said he had received a memorial from a committee, composed of highly respectable individuals, the organ of a meeting of the citizens of the Town of Jeffersonville, memorializing Congress on a subject in which the West, and he believed he might say the whole West, felt a deep interest. It was to increase the facilities of navigation at the Falls of the Ohio; and to do this, the best mode, in the opinion of the memorialists, would be to construct a canal around the falls on the Indiana side, sufficiently large to pass the largest class of steamboats on the Western waters. It was well known that the facility of navigation at that point, now, is such that the larger class of steamboats have been detained above the falls for nearly a year at a time, and also large boats belonging above the falls have been detained as long below the falls; this detention is the cause of great loss and injury, not only to the owners of these boats, but to the commerce of the country. The memorialists do not oppose the purchase of the individual stock in the Louisville and Portland canal by the Government, yet while they acquiesce in that measure, they strongly and very forcibly urge the propriety, utility, and, he might add, the absolute necessity, of constructing a canal around the falls of the Ohio, on the Indiana shore; and the ground assumed is the incapacity of the present canal to afford facilities which the increased and increasing commerce of the country seems to demand; and taking in consideration the great and growing increase of the trade and commerce of the whole West, the time is near at hand when the canal, however large, will not be sufficient to do all the business which will require to be done, without great delay, and much loss and injury.

To prove this, Mr. C. said it was only necessary to state a fact. The number of boats which passed through the canal in 1839, is estimated at between twenty and twenty-five hundred, with a tonnage amounting to 300,000; that the number of boats which passed in the year 1831, was a little upwards of eight hundred, with a tonnage of 76,323. Thus it will be seen that the increase of boats in 1839, is nearly equal to 200 per cent. and in the tonnage more than 200 per cent. Then calculating on an equal increase of the trade and commerce for many years to come, with that of the few years past, and it will be but a very few yeas until there will be more than six thousand boats pass the falls of the Ohio in one year, ascending and descending.

Mr. C. said this was a matter of great importance to the Western people, that it was a subject in which twelve of the States of this Union were directly interested, and that it was a subject which must and would, he had no doubt, and that, too, at no distant day, be respectfully considered by Congress. From the importance of the subject, he would most respectfully ask that the memorial be printed: he therefore moved that the memorial be referred to the Committee on Roads and Canals, and that it be printed, and it was so ordered.

[Mr. DAVIS of Indiana, presented the petition of John Johnson, for a pension, accompanied by his discharge. The petition of Hannah Kuble, for payment of a certain amount of continental money in her possession. A joint resolution of the Legislature of Indiana, asking for public lands for a Deaf and Dumb Asylum. A petition for a mail route from Carlisle to Springville, Indiana. A petition for a change in a mail route from Terre Haute to Springville, Indiana.]

By Messrs. CHINN and R. GARLAND, of Louisiana.

By Messrs. C. MORRIS, J. W. ALLEN, STARKWEATHER, DUNCAN, MASON, DOAN, SWEARINGEN, BOND, GOODE, TAYLOR, LEADBETTER, SWEENEY, and RIDGEWAY, of Ohio.

By Messrs. BELL, GENTRY, CAMPBELL, CARTER, and J. L. WILLIAMS, of Tennessee.

By Messrs. POPE, GRAVES, UNDERWOOD, BOYD, BUTLER, TRIPLETT, and ANDREWS, of Kentucky.

By Messrs. PICKENS, SUMPTER, and CAMPBELL, of South Carolina.

By Messrs. CONNOR, L. WILLIAMS, FISHER, DEBERRY, McKAY, GRAHAM, and STANLY, of North Carolina.

[Mr. CONNOR presented the petition of Isaac Holland and others, from Lincoln county, North Carolina, in favor of the Sub-Treasury, and against a Bank of the United States.]

By Messrs. CRAIG, WISE, TALIAFERRO, BANKS, STEENROD, BEIRNE, LUCAS, HOLLEMAN, and HILL of Virginia.

By Messrs. JENIFER, W. C. JOHNSON, P. F. THOMAS, CARROLL, and HILLEN of Maryland.

By Messrs. LEET, PAYNTER, JOHN DAVIS, PETRIKIN, EDWARD DAVIES, MARCHAND, HENRY, COOPER, EDWARDS, JAMES, TOLAND, NEWHARD, HAMMOND, KEIM, S. W. MORRIS, BEATTY, GALBRAITH, WAGENER, HOOK, GERRY, BIDDLE, RAMSEY, and FORNANCE of Pennsylvania.

[Mr. LEET of Pennsylvania presented the petition of Alexander Hill, of Washington county, Pennsylvania, praying for a pension, with an accompanying document: referred to the Committee on Invalid Pensions. Also, the petition of sundry citizens of Washington county, Pennsylvania, praying for the establishment of a mail route from Steubenville, Ohio, by the way of Elderville, and Cross Creeek Village, to Washington, Pennsylvania: referred to the Committee on the Post Office and Post Roads. Also, two several petitions of sundry inhabitants of Jefferson county, Ohio, and of Ohio county and Brooke county, Virginia, praying for the establishment of a mail route from Steubenville, Ohio, via Eldersville and Cross Creek Village, to Washington, Pennsylvania: referred to the Committee on the Post Office and Post Raods. Also, three several petitions signed by a large number of citizens of Pennsylvania and Virginia, praying for the passage of a law establishing a direct mail route from Pittsburgh, in Pennsylvania, to Morgantown, in Va.: referred to the Committee on the Post Office and Post Roads. Also, presented the petition of sundry inhabitants of Washington county, Pennsylvania, praying for the establishment of a cross mail route from Canonsburgh, in said county, via Thompsonville, Bowerhill, Fenlyville, and Muntown, to the post office McCullough's store, on the Washington and Bedford turnpike road.

Mr. L. said, in presenting the memorial, he would take occasion to remark that Canonsburgh, one of the points mentioned in the petition, is the *site* of a very respectable and flourishing literary institution, known by the name of the Jefferson college, and that the proposed mail route will also connect with the Bedford turnpike road, which leads to Washington, the seat of the Washington college, a highly respectable and useful institution: referred to the Committee on Post Offices and Post Roads.]

Mr. LEET said he had in his hand two memorials, signed by citizens of Washington county, Pennsylvania, and who reside principally in a section of that county, which borders on the Northwestern part of Virginia, remonstrating against the annexation of Texas to the United States. Mr. L. remarked he did not suppose the memorials came within the rule of the House, relating to Abolition petitions. The petition was read, and Mr. L. moved to refer it to the Committee on Foreign Affairs; but, on motion of Mr. PETRIKIN, it was laid on the table.

[Mr. J. DAVIS presented the petition of Hannah Duffield of Philadelphia county, Pennsylvania, widow of Jacob Duffield, a soldier of the late war, who died in the service of the United States, praying Congress to grant her a pension: referred to the Committee on Pensions. The petition of John H. Anderson and 47 others, citizens of Bucks county, Pennsylvania, praying Congress to lay a duty on imported silks; from Daniel Byrnes and 21 others, citizens of Bucks county, Pennsylvania; from Joseph Johnson and 30 others, citizens of Pennsylvania; from John H. Gordon and 47 others, citizens of Bucks county, Pennsylvania; all of which were referred to the Committee on Manufactures.]

[By Mr. S. W. MORRIS: from citizens of Bradford and Tioga counties, for a post road from Rutland, in Tioga county, to Edsalsville, in Bradford county; from citizens of Sullivan and Rutland townships for a post route from Daggett's Mills to Mainsburg, in Tioga county; for a post road from Eagle Factory, in Susquehanna county, to Warren, in Bradford county; the petition of 45 qualified voters of Asylum, Bradford county, Pennsylvania, praying that the rule relative to reception of petitions, &c. on the subject of the abolition of slavery, adopted on the 28th January, 1840, be rescinded.]

[Mr. HENRY of Pennsylvania presented the following petitions: The petition of a number of citizens of Mercer country, praying for the establishment of a post route from the town of Mercer, Mercer county, Pennsylvania, to the village of Middlesex, in said county; the petition of a number of the citizens of Beaver county, praying Congress to lay a duty on all foreign

silks, so as amply to protect the manufacture of that article in the United States.]

[Mr. KEIM presented five petitions of similar tenor, signed by 187 citizens of Berks and Lebanon counties, praying the establishment of a mail route from Jonestown, Lebanon county, to Rehrersburg and Womelsdorf, Berks county; petition of 30 citizens of Berks, Lehigh, and Montgomery counties, praying the establishment of a mail route from Allentown, Lehigh county, through Berks, to Pottstown, Montgomery county.]

[Mr. GALBRAITH presented the petition of the widow and executors of Thomas Atkinson, esq. deceased, praying to be released from a judgment in favor of the United States: referred to the Committee of the Whole House, to whom a bill providing the relief had been committed. Also, a petition of Daniel Palmer, of Erie county, Pa. praying for a pension: referred to the Committee on Revolutionary Pensions Also, a petition of William Gurvey, of Crawford county, Pa. praying for compensation in lieu of bounty land, not obtained: referred to the Committee on Private Land Claims. Also, sundry memorials from citizens of Erie and Warren counties, Pa. praying for reduction in the rates of postage: referred to the Committee on the Post Office and Post Roads. Also, at the request of Mr. ELY of New York, a memorial of similar tenor with the last: referred to the same committee. Also, sundry memorials, signed by citizens in various sections of Pennsylvania. And also a memorial from a large convention of delegates from a number of counties in Pennsylvania, praying for an appropriation to improve the navigation of the Alleghany river for steamboats to Olean which he moved to refer to the Committee on Roads and Canals, with instructions to report a bill appropriating the sum of fifty thousand dollars towards extending the improvements now in progress on the Ohio river, up the Alleghany river, above Pittsburg, towards Olean Point, in New York, under the directions of the Secretary of War, and according to the survey made by Maj. G. W. Hughes, United States Civil Engineer, during the summer of 1837; which being objected to, l es over to the next petition day.]

[Mr. HOOK presented the petition of John Hoover, a Revolutionary soldier, praying for a pension. Also, the petition of the Monongahela Silk Association in Fayette county, Pennsylvania, for the imposition of a duty on the importation of foreign silk.]

[Mr. RAMSEY presented the petition of citizens of the county of Perry, State of Pennsylvania, praying for the establishment of a post route between Newport and Juniata, in said county.]

[Mr. PETRIKIN presented the following petitions: The petition of the Wyoming sufferers and their descendants, for relief to compensate them for their losses during the Revolutionary war: referred to the Committee on Revolutionary Claims. Of James Barrett of Columbia county, Pennsylvania, for an allowance of arrearages of pension, which he alleges he is entitled to: referred to the Committee on Revolutionary Pensions. The memorial of the citizens of Pottsville, relative to location of national iron foundry: referred to Select Committee appointed on that subject.]

[Mr. MARCHAND presented a petition for a mail route from Indiana, Indiana county, by the way of Mechanicsburgh and Armagh, to Johnstown, in the county of Cambria, Pennsylvania.]

By Mr. DICKERSON of New Jersey.

By Messrs. MONTANYA, FLOYD, MITCHELL, CLARK, LEONARD, VANDERPOEL, HAND, PRENTISS, DANA, KEMPSHALL, BREWSTER, EARL, and BARNARD, of New York:

[Mr. EARL presented the petition of Daniel Pratt, a soldier of the late war with Great Britain, asking Congress to grant him a pension: referred to the Committee on Invalid Pensions. The petition of John Bowman and Thomas Ney, heirs at law of certain soldiers of the late war with Great Britain, stating that they have three land warrants from the War Department, and asking Congress to permit them to locate the same quantity of land on any lands of the Government subject to private entry: referred to the Committee on the Public Lands. Also, the petition of Ira Fancher, a musician in the late war with Great Britain, asking Congress to grant him a pension: referred to the Committee on Invalid Pensions.]

[Mr. PRENTISS of New York presented the petition of Lewis Hyott, and others, of the town of Otsego, Otsego county, New York, praying that Samuel Fisk, in consideration of Revolutionary services, may be placed on the pension roll.]

[Mr. LEONARD presented the petition of Richard Reynolds, of New York, an invalid soldier of the late war, praying for a pension: referred to the Committee on Invalid Pensions. Also, the petition of Alexander Thompson, of New York, a Revolutionary soldier, praying to be inscribed on the pension roll: referred to the Committee on Revolutionary Pensions.]

Mr. MITCHELL presented certain joint resolutions from the Legislature of New York, against the passage of the Sub-Treasury bill.

These resolutions, Mr. M. said, were the voice of the Empire State of New York; and he moved that they be laid on the table and printed.

Mr. VANDERPOEL gave notice of his intention to say a few words on these resolutions.

So they were ordered to lie over.

Mr. BARNARD presented similar resolutions, and moved their commitment to the Committee of the Whole on the state of the Union. [Ordered to lie over.]

Mr. BARNARD presented a petition praying that the resolution of the 28th of January in relation to Abolition petitions be rescinded.

Mr. WILLIAM COST JOHNSON moved to lay it on the table.

Several motions for calls of the House and adjournment were made and withdrawn; when the petition was ordered to lie over.

Mr. BARNARD presented a petition against the admission of Florida into the Union until slavery was abolished within her limits, and moved its reference to the Committee on the Territories.

The SPEAKER decided that, under the resolution adopted by the House, the petition could not be received.

Mr. ADAMS appealed from the decision of the CHAIR.

Motions for calls of the House and adjournment were again renewed and withdrawn; when

Mr. BARNARD said that, in order not to obstruct the presentation of petitions, he would, for the present, withdraw this petition.

So the petition was withdrawn. But the SPEAKER having decided that the appeal remained as an independent question, and was to be decided at this time, and Mr. ADAMS having declined to withdraw it—

A motion to adjourn (it being new 5 o'clock) was again made, and was decided, by yeas 31, nays 81, in the negative.

So the House refused to adjourn. But there was no quorum voting.

Mr. BARNARD submitted to the SPEAKER that the appeal giving rise to debate, must lie over.

The SPEAKER having otherwise decided,

Mr. ADAMS proposed a compromise: That the House should pass a resolution like that adopted at the close of the session, that every member having petitions that would not give rise to debate, should send them to the table, where they might be entered and referred.

Mr. PETRIKIN objected to any motion.

Mr. ADAMS said, that being the case, he would move an adjournment.

And the House adjourned.

IN SENATE,

TUESDAY, March 17, 1840.

The CHAIR submitted a petition of the administrator of John Piper, deceased, praying compensation for Revolutionary services; which was referred to the Committee on Revolutionary Claims.

Mr. LINN presented a memorial of a number of citizens of St. Louis, praying the erection of a custom-house at that place; which was referred to the Committee on Commerce.

Mr. BUCHANAN presented the memorial of a number of citizens of Philadelphia, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WALL presented the memorial of a number of citizens of the United States, praying an increase of the duties on foreign silks; which was referred to the Committee on Finance.

Mr. WILLIAMS presented the memorial of a number of citizens of Bangor, in the State of Maine, praying the passage of a bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CUTHBERT presented the memorial of a number of citizens of the State of New York, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of Enoch Evans, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. YOUNG, from the Committee on Roads and Canals, to whom was referred the bill to authorize the purchase of stock for the United States, in the Louisville and Portland Canal Company, reported it with an amendment, and also submitted a special report on the subject; which was ordered to be printed, and one thousand additional copies were ordered to be printed.

Mr. STURGEON, from the Committee on Revolutionary Claims, to which was referred the petition of Eliza Causin, reported a bill for her relief; which was read, and ordered to a second reading.

Mr. S. from the Committee on Revolutionary Claims, reported a bill for the relief of Captain William Williams; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Zachariah and Robert W. Williams, reported a bill for their relief; which was read, and ordered to a second reading, and the report ordered to be printed.

Mr. H. also from the same committee, reported a bill for the relief of Clements, Bryan and Company; which was read, and ordered to a second reading.

Mr. MOUTON, agreeably to notice, asked and obtained leave to bring in a bill confirming the claim of John Baptiste Lacompte to a tract of land in Louisiana; which was read twice, and referred to the Committee on Private Land Claims.

On motion by Mr. RUGGLES, it was ordered that the bill to provide for the better security of the lives of passengers on board of vessels propelled in whole, or in part, by steam, be made the special order of the day for Monday the 23d inst.

Mr. NORVELL submitted the following motion, which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making provision to compensate such of the inhabitants of Michigan for losses of property taken or destroyed by the enemy in the late war with Great Britain as have not received such compensation; and that the memorial of the Legislative Council of the Territory of Michigan on the subject, presented to the Senate on the 14th March, 1834, be taken from the files and referred to said committee.

Mr. WALL submitted the following motion for consideration:

Resolved, That the Secretary of the Navy be requested to appoint a board consisting of navy and marine officers, to witness an exhibition of the improved boarding pistols and rifles invented by Samuel Colt, and report the results in detail for the information of Congress; together with their opinion of the advantages to be derived from the adoption of the same for the services of boarders and marines.

CUMBERLAND ROAD.

On motion of Mr. YOUNG the, Senate resumed the consideration of the bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois.

Mr. CLAY of Alabama moved that its further consideration be postponed until Monday next; which was disagreed to—ayes 12, nays 22.

Mr. NORVELL proposed a new section to the bill, making appropriations for the further prosecution of the improvement of all the roads, rivers, and harbors, which have been heretofore commenced by the General Government.

Mr. N. said that the proposed amendment embraced appropriations for works already begun, and that these appropriations were founded upon estimates communicated to Congress, in the early part of this session, by the War Department. He had omitted two items for light houses, because they properly belonged to another bill, which, it was probable, would, in a short time, be reported to the Senate by the Committee on Commerce, of which he had the honor to be a member. He was fully aware that the Treasury was in an exhausted condition; and he would, under these circumstances, however reluctantly, consent to defer at least some of those appropriations, if the Cumberland road bill were not pressed upon us. But if we had to borrow five millions of dollars, or to authorize the issue of that sum in Treasury notes, to enable us to go on with that expensive work, and to replenish the exchequer for other purposes, he thought that it would be equally right and proper to borrow or issue ten millions, instead of five, to enable us to improve the harbors, rivers and roads in other States, for the completion of which he considered the faith of the Government more evidently pledged than for that of the Cumberland road. The former works were commenced, and to be continued out of the general funds in the Treasury. The Cumberland road was to be made out of a special fund, which had been run out long since. He desired that the amendment might be printed, in order that the Senate should have an opportunity to examine it, and to see that it conformed to official estimates made by the topographical and military bureaus. He appealed to the Senators from Indiana and Illinois to permit this course to be taken, and to allow the further consideration of the bill to be postponed until to-morrow.

After some remarks from Mr. TAPPAN, Mr. YOUNG, and Mr. SMITH of Indiana, in opposition to the motion for postponement,

Mr. NORVELL regretted that the Senator from Indiana [Mr. SMITH] would not concur in the motion to postpone for a single day, and to print the amendment. The delay could not materially retard the progress of the bill, and would afford the Senate an opportunity to give the whole subject a more mature consideration. He had not anticipated that the bill would come up at this moment, and was not prepared to present the brief views which he had intended to take of the bill and the amendment. The Senator from Indiana had pledged himself to vote for the appropriations embraced in the amendment, if brought up in a separate bill. But did not the Senator perceive, did he not know, that these appropriations, admitted by him to be so important to Western interests, would fail, if detached from those proposed for the Cumberland road? It would be vain for us to indulge in the delusion, or to affect to believe, that the separation of the propositions, so naturally connected, could secure the success of both: it might be fatal to that of either. The estimate for the Cumberland road had come to us in the same report, under the same head, in the same table, with the estimates for the other roads, rivers, and harbors, for the completion of which the amendment which he had submitted proposed to make appropriations. Why, then, should the Senate select a single object, detach it from the others of kindred nature, and make it the favored and favorite work for Government patronage? Was this just? was it equal? was it *national*? How could such a course as this be reconciled with that principle of compromise, of equal and exact justice to all the States, upon which the Federal Constitution was based? If, as alleged by the Senator from Illinois, [Mr. YOUNG,] the Cumberland road appropriations had always been kept separate and distinct from others, of which he entertained great doubt, the practice had been improper and unjust, and should be arrested. However, without wishing to embarrass the bill by unnecessary delay, he moved to postpone the further consideration of the subject until Thursday next, and to print the amendment.

The question was then taken and decided in the affirmative—ayes 20, noes 14.

So the further consideration of the bill was postponed until Thursday next, and the bill and amendment were ordered to be printed.

The bill to provide for the payment of damages sustained by individuals by the wars with Indian tribes since 1830, was taken up, and, after being debated by Messrs. CLAY of Alabama, HUBBARD, and GRUNDY, and several amendments adopted, it was ordered to be printed.

The bill more effectually to secure public money in the hands of officers and agents of the Government, and to punish public defaulters, was taken up, and, after several amendment were adopted, it was informally passed over, and the Senate proceeded to the consideration of Executive business.

After which, the Senate resumed the consideration of the bill granting a pension to Lemuel White; but before taking a question thereon,

Adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, March 17, 1840.

Mr. TILLINGHAST asked permission of the House to present certain resolutions of the Legislature of Rhode Island in relation to the public lands, which he had not been afforded an opportunity to present. He merely wished to refer them to the Committee of the Whole

Mr. HUBBARD of Alabama objected; when

Mr. TILLINGHAST moved a suspension of the rules, to enable him to present the resolutions.

Mr. FILLMORE asked the gentleman from Rhode Island so to modify his motion as to have the rules suspended for the reception of petitions generally.

Mr. TILLINGHAST modified his motion accordingly.

Mr. J. W. JONES demanded the yeas and nays on the motion to suspend the rules; which were ordered, and were—yeas 91, nays 82.

So the rules were not suspended.

Mr. REED, from the Committee on Naval Affairs, by permission, reported to the House

A bill to regulate the pay and emoluments of pursers in the navy; and

A bill to regulate the navy rations;

which were read twice, and referred to the Committee of the Whole on the state of the Union.

The CHAIR announced that the business first in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, their chairman, proposing to print all the testimony connected with the New Jersey contested election; and the amendment of Mr. R. GARLAND of Louisiana, to print other testimony referred to that committee, subsequent to its report.

Mr. JENIFER, who was still entitled to the floor on the above question, spoke in continuation of his remarks on Saturday last, and commented on the course of the committee with much severity. He was interrupted frequently by Mr. CAMPBELL, chairman, and Mr. MEDILL, a member of the Committee of Elections, who corrected him in many of his statements, and protested against many of his conclusions.

Mr. BROWN of Tennessee, another member of the committee, followed in reply to Mr. JENIFER, and examined the resolutions instructing the committee, and defined its duties under the same, showing that, when the facts upon which the report was based shall be published, they will be a perfect justification of its course; and will satisfy the House and the world that their conduct has been in accordance with right, and with truth and justice. He further maintained that, from the admission of the parties themselves before the committee, in their written statements on record, and now proposed to be printed the

committee were prepared to report in a short time after an examination of the same, and that it could have come to no other conclusion, whatever the delay, than that the Democratic claimants were entitled to hold seats under the resolution adopted by the House.

The morning hour expired before Mr. B. concluded his able defence of the committee. It will be published hereafter in full.

On motion of Mr. J. W. JONES,

The House went into Committee of the Whole on the state of the Union, Mr. DAWSON in the chair, and took up

THE TREASURY NOTE BILL.

Mr. CUSHING, who was still entitled to the floor on this bill, resumed his remarks in a general review of the policy of the past and present Administrations, which he argued had a blighting effect upon the commerce of the country. He examined the question of currency in its most extensive range, showing how far the circulating medium operated to increase and lessen the value of the products of labor, denying that the reduction of such value would be a proper policy, under existing circumstances, or would be beneficial to the nation, with reference to its intercourse with foreign nations. He went into a long argument to shew that specie was not the representative of value, or of property, but could be considered in no other light than as constituting a part of the property of the country, and was as much a merchantable commodity as any other article, and fluctuated in value in proportion as the demand was to the supply. He believed that a reduction of the currency, and a consequent reduction in labor, and the product of labor, would deprive the laboring classes of the luxuries imported from foreign countries, such as silks, coffee, teas, etc. on the ground that those articles would maintain their present prices throughout the world, without regard to the circulating medium of this country—whether it be great or small.

Mr. C. was opposed to an enlargement of the powers of the General Government, and that the only security for the interests of the States and the liberties of the people, was by the proper maintenance of the sovereignty of the States. He was in favor of a change of the tenure of the office of President. He desired no advantage to the productive interests of the East, at the expense of the interests of the South and the West, but was in favor of such legislative action as would best protect every interest of the nation; and that he should always look to the true interests of the country, without regard to party.

Mr. C. dwelt at some length on the causes of the increase in the expenditures during the past and present Administrations, contending that such increase was not chargeable to the Opposition; and in proof of that fact said that the policy of the late Administration party was to exhaust the surplus revenues, by heavy appropriations to national objects; and that of the party with which he acted was to limit them, by proper restrictions, for the purpose of increasing the amount for distribution among the States. He said he did not complain of those large appropriations, for he had voted for the most of them himself, and believed them necessary. They were also justified by the organ of the Administration in that House at the time. Mr. C. having concluded his remarks, (which will be published hereafter,)

Mr. KING obtained the floor, and, on his motion, the committee rose, reported progress, and asked leave to sit again.

On motion of Mr. MITCHELL,

The House then adjourned.

HOUSE OF REPRESENTATIVES,
17th March, 1840.

GENTLEMEN: My attention has been called to your paper of the 5th inst. I perceive in a part of Mr. BYNUM'S speech, upon the subject of Abolition, the following sentence, which does me gross injustice, no doubt unintentional, as I am informed it is a misprint. The sentence is in the following words: "Sir I am ready to admit I am, unlike the honorable member from Virginia, [Mr. BANKS,] who declared the other day that he did not believe that there were twenty Abolitionists on this floor, although it is a very different sentiment from what has heretofore fallen from that wing of the party." You will make the correction in both of your papers. I presume the member alluded to is a colleague of mine.

Yours, respectfully,
LINN BANKS.

Messrs BLAIR and RIVES.

IN SENATE,
WEDNESDAY, March 18, 1840.

The CHAIR submitted a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate, in relation to the imports and exports of gold and silver coin and bullion; which was ordered to be printed.

Mr. SOUTHARD presented the memorial of Bliss and Creighton, chronometer manufacturers, of the city of New York, praying the adoption of measures for the encouragement of the manufacture of chronometers in the United States; which was referred to the Committee on Naval Affairs.

Mr. HUBBARD presented the memorial of the Legislative Assembly of the Territory of Wisconsin, praying a donation of public land, to be applied to the establishment of manual labor schools in that Territory; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. H. also presented the memorial of the Legislative Assembly of the Territory of Wisconsin, praying a donation of public land for the improvement of the navigation of the Neena, Wisconsin, Rock, Peekatonic, Platte, and Four Lake Rivers; and also an appropriation for removing the bar at the mouth of Grand river, in that Territory; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SOUTHARD submitted the following motion for consideration; which was agreed to:

Resolved, That the Secretary of the Navy be directed to furnish to the Senate copies of such parts of the correspondence of the Department in relation to the construction of steam ships of war as he may regard as proper for publication, and useful for public information.

Mr. SOUTHARD also submitted the following resolution:

Resolved, That the Secretary of the Navy be directed to inform the Senate, 1, What are the rank and commission which Lieutenant Charles Wilkes, jr. and Lieutenant William L. Hudson, now hold in the naval service of the United States; 2, Whether the said officers, or either of them, received from the Department or otherwise, before they left the United States, any other commission or authority as naval officers, or in any other, and in what respect or character, than as lieutenants in the navy; 3, Whether the Department has information that either, or both, of said officers have, since their departure from the United States, assumed and used any other, and what, uniform or flag above that of lieutenant, or lieutenant commanding, and if they have, by what right or authority the same has been done.

Mr. YOUNG, from the Committee on Roads and Canals, to which was referred the bill granting to the Mississippi and Rock River Canal Company a portion of the public lands for the purposes therein mentioned, reported it without amendment.

The bill for the relief of Captain Snodgrass's company of mounted volunteers was read a third time, and passed.

The bill for the relief of Lemuel White, was ordered to be engrossed.

After the consideration of Executive business,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.
WEDNESDAY, March 18, 1840.

Mr. PETER D. VROOM, Representative from the State of New Jersey, appeared, qualified, and took his seat.

On motion of Mr. Mr. TILLINGHAST, the resolution adopted by the Legislature of Rhode Island, in relation to the public lands, was taken from the SPEAKER'S table and referred to the Committee on the Public Lands.

The CHAIR announced that the business first in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, their chairman, proposing to print all the testimony connected with the New Jersey contested election; and the amendment of Mr. R. GARLAND of Louisiana, to print other testimony referred to that committee, subsequent to its report.

Mr. BROWN of Tennessee, a member of the Committee of Elections, being entitled to the floor on this question, spoke in continuation of his remarks on yesterday, and in reply to the gentleman from Maryland, [Mr. JENIFER.] He concluded, from the remarks of that gentleman, that it was his purpose to create the impression before the country that the committee had transcended its duties under the standing rules of the House. Mr. B. read the resolution referring the subject to the committee, by which he showed that the committee had, to the letter, complied with the requirements of the House, and had not transcended to the least degree its powers. Mr. B. in reply to Mr. JENIFER'S charge, that the committee had not considered the credentials of the Governor, said, and showed by the reading of the journal, that they were considered; that the certificates were twice read and fully investigated, and the parties fully heard on the matter; yet the gentleman has, by his remarks, sent the impression abroad that the committee had reported without such investigation. The gentleman from Maryland had, said Mr. B. further charged that the committee had not considered the testimony before making the report as to what set of claimants had a majority of the lawful votes; in proof that the charge was without foundation, he read from the journal of the committee, showing that the testimony was taken up and considered, on the resolution offered by Mr. BOTTS of Virginia, as follows:

Resolved That we will now take up the testimony which has been referred to the committee in the case of the New Jersey question.

Mr. B. then read from pages 74, 75, 76, 78, 79, 81, 83, 84, 85, 86, 87, 88, and 89, of the same journal, portions of the record, showing the fact that under this resolution the testimony was taken up, and *read*, and discussed, and that the parties were heard on the same. He read from the journal, on page 89, the entry, "and no further evidence being before the committee," on a resolution introduced by Mr. BOTTS, the committee proceeded to other business, &c.

The gentleman from Maryland, said Mr. B. made the charge that the committee had given a solemn pledge to the parties who had been sent home to take testimony, that it would not make a report until their return, and that it had violated that pledge by making a report in their absence. Mr. B. read from the 127th page of the journal of the committee the resolution, showing, conclusively, that the parties had been notified that the committee reserved to itself the right to make a preliminary report at any time it thought proper to do so. He showed, also, that the parties were present after the resolution had been introduced into the House requiring the committee to make a preliminary report.

Mr. B. was going into an examination of the other charges of Mr. JENIFER, and into a history of the proceedings of the committee, when he was interrupted by

Mr. J. W. JONES, who said that the morning hour had expired, and called for the orders of the day.

Before passing to which, however,

The SPEAKER laid before the House a communication from the War Department, enclosing a report from the Chief Engineer, in compliance with resolution of 25th February, 1839, showing what injury was done the property of Joseph H. Walters, in consequence of the improvements on Cape Fear river, North Carolina; which was read, and appropriately referred.

Also, a report from the Secretary of War, in compliance with a resolution of the House, showing the probable amount of claims against the United States, growing out of the Florida war; which was,

On motion of Mr. L. WILLIAMS, referred to the Committee of Claims, and ordered to be printed.

Also, a communication from the Treasury Department, in compliance with a resolution of the 28th January, 1839, enclosing a statement of the amount of compensation, whether as fees or otherwise, which has been received by each district attorney, district clerk, and marshal, of the United States, during the year 1839; which was appropriately referred.

On motion of Mr. CUSHING, the House then resolved itself into a Committee of the Whole on the state of the Union (Mr. DAWSON in Chair,) and took up

THE TREASURY NOTE BILL.

Mr. KING said it was known to every citizen of the United States that Treasury notes had now become a part of the currency of the country. He said the power to issue bills of credit was not given by the Constitution, but was actually withheld by the convention which formed the Constitution. Mr. K. said that, instead of relieving the country, Treasury notes embarrassed it. Whenever a bank or capitalist chooses to invest capital in these notes, the operation withdraws so much currency from circulation, and banks are obliged to refuse their customers so as to accommodate this great beggarly creditor—the Government. Instead of this being a measure of relief, it was turning the screw once more around. Mr. K. read from President Jackson's message portions of it to prove that a deep laid policy of a Government bank originated with the "Hero of Orleans," and also read extracts from President Van Buren's late annual message to prove that he also was in favor of a great bank, founded upon the revenues of the Government. He denounced the Sub-Treasury and Treasury note bill as a part of the scheme to bring about such an establishment. He contended that the specie clauses of the first named bill would be found to be impracticable.

Mr. K. concluded by condemning the effect which he believed would result from the establishment of the Independent Treasury, and its tendency to reduce the price of the lands of the West and all the productions of the country; and said the people had been cheated, deluded, and deceived, in respect to the cry of a separation of Bank and State.

Mr. K. then offered as a substitute for the Treasury Note bill, a bill authorizing a loan of five millions of dollars at a rate of interest.

Mr. BOND followed in opposition to the issue of Treasury notes, and in a general attack on the policy of the past and present Administrations; but before concluding his remarks, gave way to

Mr. UNDERWOOD, on whose motion the committee rose, reported progress, and asked leave to sit again.

Mr. UNDERWOOD then moved that the House adjourn; on which

Mr. LEWIS demanded the yeas and nays; which were ordered, and were—yeas 38, nays 56; no quorum voting.

Several motions were then made for calls of the House and for adjournment, on which the yeas and nays having been ordered, were withdrawn, when,

Mr. PROFFIT moved that the House adjourn, and demanded the yeas and nays on the motion; which not being ordered,

The House then adjourned.

IN SENATE,
THURSDAY, March 19, 1840.

Mr. TALLMADGE presented the memorial of a number of citizens of Oswego, in the State of New York, praying the passage of a bankrupt law; which was referred to the Committee on the Judiciary.

Mr. T. gave notice that, on some future day, he would ask leave to bring in a bill establishing a general bankrupt law.

Mr. WRIGHT presented the memorial of a number of citizens of Brooklyn, N Y. praying the passage of a bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CLAY of Kentucky presented the petition of inhabitants of the counties of Jefferson and Belmont, Ohio, praying an increase of the duties on foreign silks; which was referred to the Committee on Finance.

Mr. TAPPAN, from the Committee on Naval Affairs, to which was referred the claim of James H. Clark, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. TAPPAN also, from the same committee, reported a bill granting a pension to Jacob Greaves; which was read, and ordered to a second reading.

On motion by Mr. SMITH of Indiana, the bill to arrange the circuits of the Federal courts, was taken up, and Mr. S. submitted a substitute for the bill; which was ordered to be printed.

Mr. CLAY of Alabama, in pursuance of notice, asked and obtained leave to introduce a bill to provide compensation for injuries to property committed by marauding Indians; which was read twice, and referred to the Committee on Indian Affairs.

Mr. MOUTON, from the Committee on Private Land Claims, to which was referred the bill confirming the claim of John Baptiste Lecompte to a tract of land in Louisiana, reported the same without amendment.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the petition of John Nantz, made an adverse report thereon; which was ordered to be printed.

Mr. LINN, agreeably to notice, asked and obtained leave to introduce a bill for the relief of Reuben E. Gentry, William Monroe, and others; which was read twice, and referred to the Committee on Indian Affairs.

Mr. L. submitted the following resolution; which was agreed to:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of confirming to William Triplett his claim to a certain tract of land in the St. Louis land district in the State of Missouri.

Mr. LUMPKIN submitted the following motion:

Resolved, That during the remainder of the present session of Congress, the daily meetings of the Senate shall commence at 11 o'clock, a. m. until otherwise ordered.

Mr. NORVELL submitted the following motion; which was considered and agreed to.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of re-establishing a military post at Detroit, and of erecting barracks and constructing fortifications for the protection of the same; for improving the forts at Gratiot, Mackinac, the Sault St. Marie, and Green Bay.

The resolution submitted yesterday by Mr. SOUTHARD was agreed to.

The bill for the relief of Lemuel White was read a third time, and passed.

The bill to provide for the payment of damages sustained by individuals in the wars with the Indian tribes since 1830, was ordered to be engrossed for a third reading.

The Senate then went into Executive session, and afterwards Adjourned.

HOUSE OF REPRESENTATIVES.
THURSDAY, March 19, 1840.

Mr. PARMENTER laid before the House other testimony in relation to the contested election of Massachusetts: which was referred to the Committee of Elections.

The CHAIR announced that the business first in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, their chairman, proposing to print all the testimony connected with the New Jersey contested election; and the amendment of Mr R. GARLAND of Louisiana, to print other testimony referred to that committee, subsequent to its report.

Mr. BROWN of Tennessee, a member of the committee, being still entitled to the floor on the above question, spoke in continuation of his remarks of yesterday. The burden of the remarks of the gentleman from Maryland, [Mr. JENIFER,] it seemed to him, was, that this mysterious package, this new evidence, was not read before the committee. That evidence,

or document, said Mr. B. never was before the committee, previous to the adoption of their report. It was sealed up and could not be inspected by the committee, without committing an act of great impropriety. This mysterious package was brought into the committee by the gentleman from Conn. [Mr. SMITH,] and a proposition was made that it should be opened by the chairman. The Chair said the package having been addressed to the SPEAKER of the House, and it not having been referred to the committee by the House, he had no authority to break the seal. The committee, save two, (Whigs,) coincided with the chairman that he had no right to open the package. It was then sent to the House and referred to the committee after the report was made, which report was only adopted by the committee and submitted to the House, after a full investigation of all the testimony before it. These gentlemen who complain that this testimony was not examined, never intimated till now that it comprised evidence of illegal votes, but was understood to be evidence merely going to show that the polls of South Amboy were irregularly held. This cry that there was evidence of illegal votes was an after-thought.

Mr. B. further said, that when the gentleman from Connecticut, [Mr. SMITH] brought forward in committee a resolution, that the sealed package should be sent to the SPEAKER to be opened by him, and be referred to the committee, only two belonging to the Opposition voted for the adoption of the resolution. Mr. B. said that this testimony was a part of that now being taken to settle the ultimate right of members to seats under a resolution adopted by the committee, and was not the evidence on which to decide the *prima facie* right as to who ought to be the sitting members. Mr. B. maintained that the Chair would have been liable to pains and penalties if he had opened that sealed package. He then adverted to the *ex post facto* law which had been passed by the Legislature of New Jersey to meet this particular case. That law makes it the duty of the commissioner to take testimony, to seal it up, and to deliver it in person, or to transmit it, to the Speaker. Instead of this package taking the course indicated by the law of New Jersey, it was found on the desk of the chairman of the committee, without having been first sent to the Speaker, or without his knowledge that it was in the city. It was, under such circumstances, emphatically denominated a suspicious package. It seems that it came to this city enclosed in an envelope addressed to a private individual, in violation of the law above alluded to. The only thing certain or known about it was that it appeared on the table of the chairman of the committee. The opinion of the chairman and the committee was a correct opinion, that it would have been highly unjust and improper to break the seal and act on the testimony, without the knowledge of the House that it was before the committee, particularly when the evidence was taken to decide another right, and not the right which the committee was then called upon to report. He said the committee had toiled by night and by day in investigating the evidence on which its report was based, and before it was made. The majority of the committee, after that investigation, were utterly astonished that any doubt had existed that the Democratic claimants were elected and entitled to the seats. The "foul deed" of depriving the State of New Jersey of her due representation, of which that House had heard so much, was committed by the Governor of New Jersey. That officer knew that the gentlemen he commissioned had not received a majority of the votes, and that they were not elected. The proceedings of that Governor and his Privy Council, a record of which was before the committee, and the correctness of which no living man had dared to call into question, showed that fact. The law of New Jersey required the Governor to send for the absent returns before he issued his certificate, yet the Governor failed to do, in this respect, as the law and his oath required him to do. He knew that by giving certificates he could make members for a little time, to carry out his purposes; but the record to which he before adverted proved beyond cavil that the Governor and Privy Council had no doubt that they would not be permitted to hold their seats permanently in virtue of those certificates. The committee, therefore, by its action, of which certain gentlemen so loudly complained, had done nothing more than realize the prophecy of the Governor, by placing the Democratic claimants in the vacant seats. Their right to seats could have been decided by a good arithmetician in one hour after the testimony had been submitted to him, and investigated by him; but the committee had been four weeks ascertaining the fact, and yet gentlemen of the Opposition complained that it had acted with precipitancy. But the chief complaint of the gentleman from New York [Mr. FILLMORE] and others acting with him, in relation to the report of the committee, was, not that the facts in the body of the report were untrue, but that the title page was wrong, because it contained the word lawful. He was confident that the people would look beyond the title page of that report—they would go into the body of it to ascertain the truth, and the objection of the gentlemen to the report, on this ground, would avail them but little.

The committee, in making the report as to which of the claimants had the greatest number of lawful votes, took as the basis of their proceeding the resolution adopted in the earliest stage of their proceeding, "that all the votes received by authorized officers, acting in conformity with law, were *prima facie* legal," until the contrary should be shown. Now here was a resolution adopted unanimously by the committee, as a basis for their future action, and which the committee scrupulously followed in their report; and yet gentlemen now pretend to say that the committee acted without authority. Surely gentlemen, in making use of this afterthought, must have forgotten this resolution, which they themselves had adopted. The report of the committee, therefore, was but an echo and embodyment of the principle contained in that resolution. Mr. B. went into a detailed examination of the proceedings of the committee, to show the impediments thrown in their way by the gentlemen who now complained that they had reported without proper consideration; but before he concluded his remarks, (which will be published in full hereafter,) he was arrested by

Mr. J. W. JONES, who said the morning hour had expired, and called for the orders of the day.

The SPEAKER embraced that opportunity, and laid before the House the following communications:

1. A letter from the Postmaster General, in compliance with the resolution of the House of Representatives of the 9th inst. relative to the removal of the city post office; which was referred to the Committee on the Public Buildings.

2. A letter from the Secretary of War, transmitting the report of the Third Auditor, in reply to the resolution of the House of Representatives of the 9th inst. in relation to the settlement of the claim for horses lost during the late hostilities with the Creek and Seminole Indians in Alabama and Florida, by the Alabama volunteers: referred to the Committee on Military Affairs.

3. Also, a letter from the Secretary of War, transmitting a report of the Commissioner of Indian Affairs, in answer to a resolution of the House of Representatives of the 24th ultimo, calling upon the War Department to communicate such information as it may be possessed of, relative to the causes requiring troops to guard the payments of annuities to Indians on the Des Moines river: referred to the Committee on Indian Affairs.

4. The memorial of Lemuel Wheelock and others, legal voters in the Sixth Congressional District, against the right of Osmyn Baker to a seat in the House of Representatives: referred to the Committee of Elections.

5. A letter from the Postmaster General, transmitting a report of allowances made to contractors within the year ending the 1st July, 1839, &c.: laid on the table, and ordered to be printed.

6. Letter from the Secretary of the Treasury, in obedience to a resolution of the House of Representatives of the 9th instant, transmitting statements of moneys invested in the stocks of the several States: laid on the table, and ordered to be printed.

7. Letter from the Secretary of the Navy, in compliance with the resolution of the House of Representatives of the 9th instant, transmitting copies of the correspondence on file in the Navy Department between Admiral Baudin, of the French navy, and Commodore W. B. Shubrick, of the United States navy, at Pensacola, during the month of June last: laid on the table, and ordered to be printed.

8. Depositions in relation to the New Jersey election.

On motion of Mr. RICE GARLAND, ordered to lie on the table.

Mr. CHINN gave notice that he would, at a proper time, introduce a bill to abolish the land district in Louisiana, known as the Greensburg and Southeastern district, and to establish a new one, to be designated as the —— district, and for other purposes.

On motion, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. DAWSON in the chair,) and took up

THE TREASURY NOTE BILL.

Mr. BOND, who was entitled to the floor, spoke in continuation of his remarks of yesterday. He examined the policy of the past and present Administrations, and denounced it as injurious to the best interests of the country.

Mr. VANDERPOEL followed in reply to Messrs. CUSHING, BOND, and KING, and in support of the bill, and in an able vindication of the past and present Administrations from the charges of those gentlemen. He showed that the issue of the Treasury notes was constitutional, contending that that right was involved in the right of the Government to borrow money, which none of these gentlemen denied it had the power to do. He showed from official documents, in reply to the argument of Mr. CUSHING, that the expenditures of the Government during the past and present Administrations had not increased in a greater ratio than the increase in the population and resources of the country. He also showed that one great cause of the increase of the civil list was the extravagant increase of the contingent expenses of the House, growing out of the system put on foot by the Opposition, of printing panic and electioneering documents. His remarks will be published hereafter in full.

Mr. TRUMBULL next obtained the floor, on whose motion the committee rose, reported progress, and asked leave to sit again.

On motion of Mr. ANDREWS,

The House then adjourned.

IN SENATE,

FRIDAY, March 20, 1840.

The CHAIR submitted a communication from the Secretary of War, in compliance with a resolution of the Senate in relation to the payment of the debts and the removal of the Winnebago Indians; which was ordered to be printed, and referred to the Committee on Indian Affairs.

Mr. WEBSTER presented the petition of Prudence C. Loring for a pension; which was referred to the Committee on Naval Affairs.

Also, a memorial of citizens of Western Michigan, praying an amendment to the pre-emption laws; which was referred to the Committee on the Public Lands.

Also, a memorial praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Also, several memorials on the subject of the abolition of slavery; the motion to receive which was laid on the table.

Mr. PRESTON presented the memorial of the heirs of General Everard Meade; which was referred to the Committee on Revolutionary Claims.

Mr. MERRICK presented a communication from the banks of the District of Columbia, presenting an exhibit of their situation and resources; which was ordered to lie on the table, and be printed.

Mr. BENTON presented a memorial, praying the establishment of a post route in Monroe county, Mo.; which was laid on the table, and ordered to be printed.

Mr. B. also presented a document in relation to Spanish claims in Missouri; which was laid on the table, and ordered to be printed.

Also, a memorial from inhabitants of Missouri, praying for an alteration of the pre-emption laws; which was laid on the table, and ordered to be printed.

Mr. ROANE presented the memorial of William Brent, jr.; which was referred to the Committee on Foreign Affairs.

Mr. GRUNDY presented a memorial from members of the bar in East Tennessee, praying for an additional term in each year of the District Court in Tennessee; which was referred to the Committee on the Judiciary.

Mr. WALL presented a memorial from citizens of the United States, praying for an increase of duty on imported silks; which was referred to the Committee on Finance.

Mr. BENTON presented a document containing a summary of the proceedings of the British Mint for the last twenty-on years; which was laid on the table, and ordered to be printed.

Mr. YOUNG presented two petitions for post routes—one from Davenport, Iowa, to Peru, Ill. and another from Springfied to Dubuque; which were referred to the Committee on the Post Office and Post Roads.

Mr. KING presented additional testimony in relation to the claim of Jubal B. Hancock; which was referred to the Committee on Indian Affairs.

Mr. PORTER presented a memorial, praying an appropriation for the improvement of the harbor of Port Sheldon; which was referred to the Committee on Commerce.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of A. C. Hollinger, made an adverse report thereon; which was ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, reported a bill to confirm the title of the heirs of Joeph Thomson to a ratct of land in the State of Missouri; which was read, and ordered to a second reading.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing, by law, for property destroyed or plundered by predatory bands of Indians, belonging to Messrs. Myers, Reid, Gross, and Allen, of Missouri.

Mr. WEBSTER submitted the following resolution for consideration:

Resolved, That the Secretary of the Treasury inform the Senate what proportion of Treasury notes, issued under the authority of the act of October 12, 1837, and subsequent acts, has been paid to public creditors of the United States in discharge of their claims, and what proportion has been used for the purpose of raising money from banks or individuals; together with a statement of the rates of interest borne by the notes of the several issues respectively. And that he also inform the Senate whether the Treasury notes bearing interest have been deposited in banks for the purpose of raising a credit, and to be drawn against by the Treasury Department; and if any such deposites have been made, to state the dates and amounts thereof, and the dates and sums of the drafts made thereon.

Mr. NORVELL submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate such information as may be in possession of the Department on the subject of the application of a mineral solution to the preservation of timber, called "Kyanising," in the report of the bureau of the Topographical Engineers, with the effect, mode of application, and cost of timber so prepared, particularly in reference to the construction of piers, jettees, and other similar works, as well as for naval structure.

The resolution submitted yesterday, by Mr. LUMPKIN, proposing to substitute 11 for 12 as the hour of meeting of the Senate, being taken up, after some remarks from Messrs. LUMPKIN, HUBBARD, and KING, it was laid on the table for the present.

The bill to provide for the payment of damages sustained by individuals in the wars with the Indian tribes since 1830, coming up on its third reading,

Mr. LUMPKIN moved to recommit the bill back to the Committee on Claims, with instructions to strike out that clause which required the Third Auditor to report the claims to Congress, before they were settled.

The recommitment was further advocated by Messrs. LUMPKIN and CLAY of Alabama, and opposed by Mr. WRIGHT; and, the question being taken, it was decided in the negative—ayes 9, noes 19.

The bill was then read a third time, and passed.

The Senate then went into Executive session, and afterwards Adjourned.

HOUSE OF REPESENTATIVES,

FRIDAY March 20, 1840.

The journal having been read,

Mr. RIVES said he did not find, from the reading of the record, any notice of the motion he made to refer to the Committee of Elections the additional evidence laid before the House on yesterday by the SPEAKER, in relation to the New Jersey contested election. The gentleman from Louisiana [Mr. R. GARLAND] move to lay it on the table; and he [Mr. R.] made the motion to refer it to the Committee of Elections.

Mr. R. then made a motion that it be amended in that particular; which was agreed to.

The CHAIR announced that the business first in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, their chairman, proposing to print all the testimony connected with the New Jersey contested election; and the amendment of Mr. R. GARLAND of Louisiana to discharge the Committee of Elections from the further consideration of the papers in relation to the New Jersey question.

Mr. CAMPBELL, chairman of the Committee of Elections, said he had been instructed by that committee to move a resolution, as a modification of the one now before the House, so as to have the report made on the 15th instant included in the proposition to print.

Messrs. TRIPLETT and STANLY objected.

Mr. CAMPBELL said it was a matter of very little consequence. The motion was made to save the time of the House; but as it was objected to he would not press it.

Mr. BROWN of Tennessee continued his argument from the point at which he left off yesterday, and took up, and successfully refuted, the objections made by the Opposition members of the committee to the instructions of the House, under which they had acted. The great objection was, not against the right of the House to give such instructions, or the competency of the committee to make such a report, but that the chairman of the Military Committee [Mr. JOHNSON of Tennessee] had moved the instructions, and thus interfered with the affairs of the Committee of Elections. The gentleman from Connecticut took great alarm at the word "forthwith;" and every body recollected the eloquent appeal of the gentleman to the House, to save the committee from the intrusions of this man of war. They might almost apprehend, from the gentleman's alarming forebodings, that this warlike individual would rush into the committee room, pull down their chairs and tables, and turn the committee neck and heels out of doors. The gentleman in portraying the daring usurpations which had been attempted by the chairman of the Military Committee, threw back their attention to a scene in the French Chamber of Deputies, when Napolean entered at the head of his grenadiers, and turned the deputies out of doors. But when he turned aside from the contemplation of the gentleman's gloomy picture, and looked at the calm and placid countenance of his friend from Tennessee, he forgot the scene in the French Chamber of Deputies, and thought how little likely it was that any outrage on the rights of the House, or the committee, could be committed through his agency. Indeed he was forcibly reminded of the truth of the maxim, that there is but one step from the sublime to the ridiculous. After answering the other objections made to the instructions of the House, Mr. B. took up the complaints

make against the House for having confirmed the report. The majority of the House had been charged with having acted with indecent hurry, with madness and blindness; and he would appeal to the sober second thoughts of the minority of the committee who made this charge, whether the facts of the case would justify them in the use of such uncourteous language. Did not the records show that the House was in possession of all the evidence material to the case decided on? Was not that decision made after a long and protracted debate, when every gentleman who desired it, had been heard on the subject? And again, it had unjustly and falsely been alleged that the majority of the House had brought in these five New Jersey members to enable them to carry out some favorite measure of the Administration. Did the gentleman allude to the Sub-Treasury bill, to the resolution against the assumption of the State debts, or to any other of these great measures on which it was well known that there was a large majority of the House committed before these members came in? But see the inconsistency of this part of the gentleman's argument. The House, by a large majority, at least thirty, voted in these five members; they had a majority sufficiently large to commit what the gentleman considers such a gross outrage, and with such indecent hurry, and yet with this large majority, they wanted these five additional members to enable them to carry out their favorite measures. The inconsistency and absurdity of this argument carried with it its own refutation.

Mr. B. next answered the complaint made, that the House would not give the minority the liberty of submitting their report, and showed that, on the day it was offered, the gentleman from Virginia [Mr. BOTTS] moved to suspend the rules to receive it, when the House was engaged on the majority report, and the motion failed because it was known, and it was so decided by the SPEAKER, that, if it prevailed, it would supersede the action of the House on the majority report. But, at the first moment after the majority report was decided on, the gentleman from Virginia again offered his report, when it was received by general consent, and the question of rec ption was supposed to be decided, when the gentleman from Louisiana [Mr. GARLAND] objected to its being received in this way, and demanded the yeas and nays. The report of the minority, therefore, was kept back by the minority, as the records would show, and it would here be recollected that the gentleman from Massachusetts [Mr. CALHOUN] objected to the reception, and said that he wished it to go forth as a suppressed report.

It appeared, then, that the minority wanted their report to be received at a time that it would set aside the report of the majority; and, because they could not get that, they raised the cry that it was suppressed. The gentleman, he said, had appealed from the decision of this House to the people. It was before that tribunal that he and his friends desired to meet them. We, said he have been the advocates of the right of the people to choose their own Representatives—the gentlemen in the minority have been the advocates of the right of the Governor of New Jersey and his broad seal to set aside the will of the people. Let all the facts fairly and truly go before the people, and he did not fear the result.

After answering the arguments of the gentlemen in the Opposition in full Mr. B. concluded, when

Mr. WATTERSON moved the previous question; but the House refused to second it—ayes 58, noes 77.

Mr. BOTTS then obtained the floor, and desired to know if any gentleman of the majority of the committee wished to address the House on the subject. If so, he would give way, as he preferred following in reply. The gentleman from Virginia, [Mr. RIVES] introduced the subject, and there were three other members of the majority of the committee yet to speak on it. As he then was the only member of the minority that intended to address the House on this subject, he thought it but fair that he should have the benefit of making the last speech.

Mr. RIVES of Virginia begged leave to correct the gentleman. He did not introduce the subject, and had only spoken in explanation to correct the gentleman from Maryland [Mr. JENIFER.]

Mr. GARLAND of Louisiana said that he had submitted the amendment on which the debate was proceeding, and he thought that if any one had the right to make the concluding speech he had.

Mr. CAMPBELL observed that the majority of the committee were willing to rest the case, on their part, upon the argument of the gentleman from Tennessee, [Mr. BROWN.] But if the gentleman from Virginia, or any other gentleman, addressed the House, with any arguments necessary to be answered, the members of the committee of course reserved to themselves the right of replying.

Mr. FISHER observed that he was one of those who desired to address the House on this subject, and that he had endeavored to obtain the floor at the time that his friend from Tennessee did. But, said he, if we look at the nature of the debate, it will be perceived that it is not necessary for any member of the committee to continue it. What was the debate. It was an attack upon the committee, impugning their motives and conduct. They had been arraigned here and out of the House. All that we have to do is to reply to the charges that have been made against us. This had been done, and successfully done. We have, said he, successfully defended ourselves, and triumphantly refuted the charges that have been made against us. I am, therefore, willing to rest the case with the able and unanswerable speech of the gentleman from Tennessee, [Mr. BROWN.] We do wish to make any charges, and do not feel under the necessity of making any other speeches unless new matter is indroduced, and new charges made. In that case we reserve the right to reply to them.

Mr. BOTTS then proceeded in another attack on the majority of the committee, going over the same ground which had been previously occupied by those who had preceded him on the same side of the question. He had not concluded when the the morning hour expired; at which time,

Mr. J. W. JONES said it must be obvious to the House that speedy action was necessary on the Treasury note bill. He, therefore, moved that the rules be suspended to enable him to submit a motion to go into committee on that bill; and on that motion he demanded the yeas and nays, which were ordered.

Mr. RUSSELL hoped, inasmuch as this day was set apart for the consideration of private bills, that the rules would not be suspended.

The question was then taken, and the rules were not suspended—yeas 103, nays 72.

The SPEAKER laid before the House a communication from the War Department, in compliance with a resolution of the House of the 9th instant, explanatory of his plan in detail for the organization of the militia of the United States.

Mr. WISE said he would like to have an additional number of this document, and moved to print 5,000 copies extra; but at the suggestion of Mr. STANLY, he withdrew the motion.

Mr. HUBBARD renewed the motion, and

Mr. STANLY objected.

Mr. HUBBARD withdrew the motion.

The question was then taken, and the usual quantity was ordered to be printed.

Several Senate bills on the SPEAKER'S table were then taken up on their reference, read twice, and appropriately committed.

On motion, the House then went into Committee of the Whole, Mr. DAVEE in the chair, and considered various bills on the private calendar.

The committee resumed the consideration of the bill for the relief of Thomas Fillebrown; and, the motion to strike out the enacting clause having been withdrawn, it was laid aside, to be reported to the House.

The bill for the relief of Sylvester Phelps and the heirs of Charles Landon, coming up in its order,

Mr. PETRIKIN opposed the bill in a few remarks, and moved to strike out the enacting clause.

Messrs. GIDDINGS and LEET replied in favor of the bill, and in explanation of its principles; when

The question was taken on striking out the enacting clause, and decided in the negative, and it was ordered that the bill should be laid aside and reported to the House.

The bill to amend an act, entitled "An act to remit duties upon certain goods destroyed by fire at the late conflagration in the city of New York, in December, 1835," passed July 7, 1838, was taken up in its order.

After some remarks by Messrs. PETRIKIN, RHETT, and HOLLEMAN, in opposition to the principle involved in the bill, Mr. RHETT moved to strike out its enacting clause, when

Messrs CURTIS, HOFFMAN, THOMPSON of South Carolina, GRINNELL, MONROE, HABERSHEM, DAWSON, UNDERWOOD, and PARMENTER, followed in reply, and in favor of the bill.

The question was then taken on the motion to strike out the enacting clause, and it was disagreed to—ayes 58, noes 67.

Messrs. DAWSON and PARMENTER proposed amendments to the bill, which were disagreed to.

Mr. PETRIKIN moved an amendment extending the principle of relief to all the merchants in other cities who had their goods destroyed by fire, and upon which duties had been paid to the Government; but the amendment having been disagreed to,

The bill was laid aside, to be reported to the House.

On motion of Mr. GRIFFIN, the committee then rose and reported many bills to the House, without amendment, and asked leave to sit again on others, which leave was granted.

Mr. TURNEY moved that when the House adjourn, it adjourn to meet on Monday next; on which,

Mr. LEWIS demanded the yeas and nays; which were ordered, and were—yeas 32, nays 67.

Mr. THOMPSON of Mississippi moved that the House adjourn; on which

Mr. RUSSELL demanded the yeas and nays; which were ordered, and were—yeas 62, nays 68.

So the House refused to adjourn.

One of the bills reported from the Committee of the Whole having been read, and the question being on ordering it to be engrossed,

Mr. PETRIKIN moved that the House adjourn, on which,

Mr. LEWIS demanded the yeas and nays; which were ordered, and were—yeas 49, nays 66. No quorum voting.

Mr. DAVIS of Indiana moved a call of the House; which was disagreed to.

Mr. PETRIKIN again moved that the House adjourn.

Mr. DAVIS of Indiana demanded the yeas; which *not* having been ordered,

The House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, March 21, 1840.

Mr. WELLER asked leave to introduce a resolution, which was read for the information of the House, as follows:

Resolved, That a select committee of three be appointed to ascertain and report whether any officer of this House has, during the present session, furnished stationery to any person not entitled, by law, to the same; also to report the probable value thereof.

Mr. CHINN moved so to amend the resolution so as extend the inquiry to members of the House.

Mr. DAWSON was here understood to object, and made some remarks which were not distinctly heard.

Mr. WELLER replied that his resolution did not propose an examination of the fact whether members of Congress used more stationery than was necessary for the transaction of their business, for of this the members themselves must be the judges; but he had understood that some of the officers of this House had been in the habit of furnishing stationery to letter-writers, reporters, and others, not embraced within the law. Now, he simply proposed an examination into the truth of this allegation. The gentleman from Georgia [Mr. DAWSON] might thank this a "trifling" matter, but he was one of those who believed that all abuses of this sort should be corrected. He was unwilling that the people of this country should be taxed to purchase stationery for letter-writers and others who saw proper to lounge about the Capitol during the session of Congress. He cared not who the resolution might operate upon, the practice to which he adverted was a violation of the law, and should not be tolerated.

Mr. DAWSON had so much confidence in the Clerk, who had charge of the stationery, that he believed he would not let it be improperly used; and he therefore objected to the introduction of the resolution.

Mr. CRAIG said, notwithstanding it was considered a small matter by some, he moved a suspension of the rules, and, on that motion, demanded the yeas and nays; which were not ordered.

The question was then taken on suspending the rules, and decided in the negative.

Mr. JAMESON, on leave, and in accordance with notice previously given, introduced a bill for the relief of Alford George; and a bill for the benefit of William Thompson; which were read twice, and referred to the Committee of Claims.

Mr. GALBRAITH gave notice that he would, at a proper time, ask leave to introduce a bill to provide for the improvement of the Alleghany river.

Mr. MARVIN gave notice that he would, at an early day, ask leave to introduce the usual bill for the improvements of rivers and harbors.

The CHAIR announced that the business first in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, their chairman, proposing to print all the testimony connected with the New Jersey contested election; and the amendment of Mr. R. GARLAND of Louisiana to discharge the Committee of Elections from the further consideration of the papers in relation to the New Jersey question.

Mr. BOTTS, who was entitled to the floor on the above question, not being in his seat,

Mr. HOPKINS, from the select committe, appointed on the 9th instant, to inquire whether any of the officers of the House were engaged in the prosecution of private claims before Congress, by permission of the House, introduced a resolution empowering the committee to send for persons and papers; which resolution was agreed to.

Mr. S. WILLIAMS moved that the House agree to receive reports from committees during the morning hour.

Mr. THOMPSON of Mississippi objected; whereupon,

Mr. S. WILLIAMS moved a suspension of the rules for that purpose; which motion was not agreed to.

Mr. SMITH of Maine said a number of the States had not been afforded an opportunity, except on one occasion, to present petitions to the House. He really hoped that this occasion would be embraced by the House to enable gentleman who had not been afforded an opportunity, to present their petitions during the remainder of the morning hour.

Objection having been made,

Mr. SMITH moved to suspend the rules for the purpose.

Mr. ADAMS inquired what was the object of the gentleman's motion.

Mr. SMITH replied, to call the States for petitions during the morning hour.

Mr. ADAMS. If that was the gentleman's object, he was sincerely happy to find that the gentleman was an advocate for reception of petitions.

Mr. SMITH said, having so powerful a co-operator as the gentleman from Massachusetts, I am sure there can be no objection to the motion.

The question was then taken on the motion to suspend the rules; and it was disagreed to.

Mr. THOMPSON of Mississippi did not see why the House should pass over this business. The gentleman from Virginia [Mr. BOTTS] it was true, had the floor, and it seemed to him that if he wished to claim it he ought to be here. Mr. T. did not know what had been the practice of the House on similar occasions, but he was under the impression that the House had not heretofore passed over the business in order because of the absence of a member entitled to the floor. It was the duty of the gentleman to be here, and as he was not, the House ought to go on without him.

Mr. WILLIAMS of North Carolina moved a call of the House; but

Mr. BOTTS then appearing in his seat,

Mr. WILLIAMS withdrew his motion.

Mr. BOTTS then resumed his remarks in continuation of those of yesterday. As the majority of the committee, he said, had announced that they had nothing further to say on the subject, unless some new charges should be made against them, and, as he had no new charges to make, but should confine himself to the old ones, he thought it but right that he should have the advantage of closing this debate. As the committee, however, would not allow him this privilege, he should now proceed with his remarks. Mr. B. then continued his argument, examining and commenting on the journal of the committee, for the purpose of sustaining the charge that had been made by Mr. FILLMORE and Mr. JENIFER, and refuted by Mr. BROWN of Tennessee.

Mr. JONES of Virginia said he could not permit any opportunity to pass by without urging the House to take up the Treasury Note bill. He asked for a suspension of the rules, to enable him to make a motion that the House resolve itself into a Committee of the Whole on the state of the Union to consider that bill; and demanded the yeas and nays on that motion, which were ordered; and were yeas 113, nays 68, as follows:

YEAS—Messrs. Alford, Judson Allen, H. J. Anderson, Banks, Beatty, Beirne, Biddle, Boyd, Brewster, Aaron V Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, Carroll, Casey, Chapman, Coles, Conner, Wm. R. Cooper, Cross, Cushing, Dana, Davee, John Davis, John W. Davis, Dawson, Dickerson, Doan, Dromgoole, Duncan, Earl, Eastman, Fine, Fisher, Floyd, Fornance, Gerry, Graham, Griffin, Hand, J. Hastings, Hawkins, John Hill of N C. Hillen, Holleman, Holmes, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, John W. Jones, Keim, Kemble, Kille, King, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Paynter, Petrikin, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Starkweather, Steenrod, Swearingen, Sweeny, Taylor, Waddy Thompson, Jacob Thompson, Turney, David D. Wagener, Watterson, Welier, Wick, Jared W. Williams, and Henry Williams—103.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bond, Botts, Brockway, Calhoun, Carter, Chinn, Chittenden, Clark, Corwin, Crabb, Cranston, Crockett, Edward Davies, Deberry, Edwards, Evans, Everett, Gentry, Giddings, Goggin, Goode, Granger, Green, Grinnell, Habersham, Hawes, Henry, John Hill of Virginia, Hoffman, Hook, James, Kempshall, Lincoln, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Nisbet, Osborne, Pope, Randall, Rariden, Reed, Ridgway, Russell, Saltonstall, Simonton, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Underwood, Warren, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Sherrod Williams—68.

So the rules were not suspended.

The engrossed bill for the relief of Smith and Farnsworth, was taken up, read a third time, and passed.

The bill for the relief of Bailey and Delord was taken up on its second reading; when

Mr. RUSSELL moved an amendment; which was agreed to.

Several other amendments having been offered, a debate arose, in which Messrs. HAND, L. WILLIAMS, RUSSELL, DAWSON, and SMITH participated; when,

On motion of Mr. HAND, the further consideration of the

bill was postponed till Friday next, and the amendments and papers connected with the bill, were, in the mean time, ordered to be printed.

The bill for the relief of Thomas Fillebrown was taken up on its second reading, read the second time, and, after a debate on its merits, in which Messrs. LEADBETTER and PETRIKIN participated in opposition, and Messrs. POPE, LEET, and EVANS in favor of the bill, and the question being on its engrossment for a third reading,

Mr. HUBBARD demanded the yeas and nays; which were ordered, and were—yeas 80, nays 61.

So the bill was ordered to be engrossed.

The following bills were then taken up, read the second time, and severally ordered to be engrossed for a third reading, viz:

A bill for the relief of Bates and Lacon;
A bill for the relief of James W. Osborne;
A bill for the relief of Daniel D. Walker, of Baltimore;
A bill for the relief of Chostelain and Pouvert;
A bill for the relief of Ebenezer A. Lester;
A bill for the relief of Nicholas Hedges;
A bill for the relief of Ebenezer D. Lobdell;
A bill for the relief of Richard Booker and others;
A bill for the relief of John Howe;
A bill for the relief of John Wilkinson;
A bill for the relief of Thomas W. Taylor;
A bill for the relief of James Cox;
A bill for the relief of Chauncey Calhoun;
A bill for the relief of Gamaliel E. Smith;
A bill for the relief of Garret Vliet;
A bill for the relief of Cornelius Tiers;
A bill for the relief of John Underwood;
A bill for the relief of Josiah Thompson;
A bill for the relief of Thomas Fillebrown;
A bill for the relief of Sylvester Phelps, and heirs of Charles Landon.
A bill for the relief of John T. Addoms;
A bill for the relief of Captain John Downes;
A bill for the relief of Benjamin C. Roberts;
A bill for the relief of Boggs and Thompson, Robert and Thomas Hutchinson, and others;
A bill for the relief of Meigs D Benjamin and Co.
A bill for the relief of Wm. Wickham;
A bill for the relief of John M. Jacquelin; and
A bill for the relief of George Willis.

On motion of Mr. TURNEY,

The House then adjourned.

IN SENATE,

MONDAY, March 23, 1840.

Mr. CLAY of Kentucky presented a memorial of citizens of New York, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Also, the petition of James Morgan; which was referred to the Committee on Claims.

Also, a memorial of citizens of Stark county, Ohio, asking for an increase of the tariff, and the distribution of the public lands; which was referred to the Committee on Manufactures, and the Committee on the Public Lands.

Also, a memorial remonstrating against the annexation of Texas; which was laid on the table.

Also, a memorial from citizens of Mercer and Beaver counties, praying that proper measures may be taken for a recognition of the independence of Hayti, and for the establishment of diplomatic and commercial relations with that Republic on the same footing as with the most favored nations; which was laid on the table.

Also, resolutions of the Legislature of Kentucky, in opposition to any measure which would cede the public lands to the States in which they lie; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. WRIGHT presented a memorial of citizens of Fulton county, New York, in favor of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CLAYTON presented a memorial of citizens of the State of Delaware, praying that this Government may unite with other Governments in causing a survey of the isthmus of Darien, to ascertain the practicability of cutting a canal across said isthmus, and if found to be so, then to unite with said nations in carrying the project into effect; which was referred to the Committee on Foreign Relations.

Mr. TAPPAN presented a memorial of citizens of Ohio, praying for the imposition of a duty on foreign silk; which was referred to the Committee on Finance.

Mr. TAPPAN also presented the memorial of one hundred and one citizens of the First Ward of the city of Washington, principally mechanics and workingmen, asking Congress to take measures to compel the banks of the District to resume specie payments; which was laid on the table, and ordered to be printed.

Mr. ROBINSON presented the petition of McCurdy and Whiteside; which was referred to the Committee on the Post Office and Post Roads.

Mr. SMITH of Indiana presented the memorial of citizens of Harrison county, Ohio, praying for the abolition of slavery in the District of Columbia; the motion to receive which, was,

On motion of Mr. CALHOUN, laid on the table.

Mr. KING presented a memorial of William E. Kennedy; which was referred to the Committee on private Land Claims.

Mr. CALHOUN presented a memorial of sea captains, traders, merchants, and citizens, of Georgetown, South Carolina, praying for the erection of a light house at that port; which was referred to the Committee on Commerce.

Mr. BENTON presented the memorial of Anthony Drane; which was referred to the Committee on Military Affairs.

Mr. PRENTISS, from the Committee on Pensions, to which was referred

The petition of the widow of John Vial:
The petition of the widow of Jonathan Tewgood;
The petition of the widow of George Hood;
The memorial of Joel Leftwich: and
The petition of James Pierce;

made unfavorable reports thereon.

Mr. ROANE, from the Committee on Foreign Relations, to which was referred the memorial of the United States Insurance Company and of the Insurance Company of the State of Pennsylvania, praying to be indemnified for property seized and sequestered by the Government of Hayti in 1814, asked to be discharged from its further consideration; which was agreed to.

Mr. MOUTON, from the Committee on Commerce, to which was referred the memorial on the subject, reported a bill for the relief of the legal representatives of Aaron Vail, late Consul at L'Orient; which was read, and ordered to a second reading.

The bill from the House of Representatives for the relief of Elliot Smith and Nathan Farnsworth, was read twice, and referred to the Committee on Claims.

The resolution submitted on Friday by Mr. WEBSTER, was considered, and agreed to.

The Senate then went into the consideration of Executive business,

And afterwards adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, March 23, 1840.

The SPEAKER laid before the House further depositions in relation to the New Jersey contested election; which were ordered to lie on the table.

This being the day under the rule for the presentation of resolutions,

The SPEAKER commenced the call of the States for that purpose, commencing with the State of Maine, when

Mr. EVANS presented a resolution to instruct the Committee of Claims to inquire into the propriety of granting a pension to Margaret McIntire; which was agreed to.

Mr. CLIFFORD said only one opportunity had been afforded for the presentation of petitions; and inasmuch as frequent opportunities had been afforded for the presentation of resolutions, he moved a suspension of the rules, to enable gentlemen to hand in their petitions, and called for tellers on that motion; and Messrs. RAMSEY and CHAPMAN of Alabama having been appointed such, reported that there were—ayes 77, noes 31, no quorum voting.

Mr. L. WILLIAMS moved a called of the House; which was not ordered.

Mr. ADAMS demanded the yeas and nays on the motion to suspend the rules for the reception of petitions; which were ordered, and were yeas 107, nays 62.

So the House refused to suspend the rules.

Mr. J. W. JONES said he must again ask for a suspension of the rules for the purpose of going into committee on the Treasury note bill. The pressing necessity of the case, in his judgment, rendered it absolutely necessary that speedy action should be had on this bill. He demanded the yeas and nays on the motion to suspend; which were ordered, and were as follows, —yeas 112, nays 67:

YEAS—Messrs. Alford, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Burke, William O. Butler, Bynum, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Mark A. Cooper, Wm. R. Cooper, Craig, Crary, Crockett, Cross, Dana, Davee, John Davis, John W. Davis, Dawson, Dickerson, Doan, Doig, Dromgoole, Earl, Eastman, Fine, Fisher, Floyd, Galbraith, Gerry, Goggin, Habersham, Hand, John Hastings, Hawkins, Hill of North Carolina, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Kille, King, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Marvin, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parmenter, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Robinson, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Steenrod, Sumter, Swearingen, Sweeny, Taliaferro, Taylor, Francis Thomas, Philip F. Thomas, W. Thompson, Jacob Thompson, Trumbull, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—112.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Botts, Albert G. Brown, Calhoun, William B. Campbell, Carter, Chittenden, Clark, James Cooper, Corwin, Cranston, Curtis, Cushing, Edward Davies, Garret Davis, Deberry, Dillett, Edwards, Evans, Everett, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goode, Graves, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, James, Kempshall, Lincoln, Mitchell, Monroe, Morgan, Nisbet, Osborne, Pope, Proffit, Randall, Rariden, Ridgway, Russell, Saltonstall, Simonton, Slade, Truman Smith, Stanly, Stuart, Tillinghast, Toland, Triplett, Underwood, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Wise—67.

So the rules were not suspended.

Mr. MARVIN, in accordance with previous notice given, asked leave to introduce the usual bill making appropriation for the continuation and improvements in rivers and harbors.

Mr. PETRIKIN asked if it would be in order to raise the question of reception.

The CHAIR said it was a motion for leave, which was substantially a question of reception.

Some conversation of a desultory character here arose, and the leave was objected to.

The CHAIR decided that in consequence of the objection and debate arising, the question of leave must lie over under the rule.

Mr. MARVIN referred to the former practice of the House, and believing that the decision of the CHAIR, that the rule which compelled resolutions causing debate to lie over, did not apply to propositions for leave, he must take an appeal.

Mr. PETRIKIN, to save all difficulty, withdrew his question of reception, and moved the previous question on the appeal, which was seconded, and the main question ordered, which main question was, "shall the decision of the CHAIR stand as the judgment of the House?"

Mr. STANLY moved to lay the question of leave on the table.

Mr. CASEY demanded the yeas and nays on that motion; which were ordered, and were—yeas 93, nays 78, as follows:

YEAS—Messrs. Alford, Andrews, Atherton, Banks, Beirne, Blackwell, Boyd, Burke, S. H. Butler, Bynum, John Campbell, William B. Campbell, Carter, Chapman, Chinn, Clifford, Coles, Colquitt, Conner, Mark A. Cooper, W. R. Cooper, Crabb, Craig, J. Davis, Dawson, Deberry, Dickerson, Doan, Dromgoole, Duncan, Earl, Eastman, Fisher, Floyd, Fornance, Gentry, Gerry, Goggin, Graham, Green, Griffin, Habersham, Hammond, John Hastings, Hawkins, Hill of North Carolina, Hook, Hubbard, Jackson, J. Johnson, N. Jones, John W. Jones, Keim, Kemble, King, Leadbetter, Leonard, Lewis, Lowell, Lucas, McCarty, McClellan, McKay, Miller, Montgomery, S. W. Morris, Newhard, Nisbet, Parish, Parmenter, Petrikin, Pickens, Ramsey, Rhett, James Rogers, Ryall, Samuels, Shaw, Stanly, Starkweather, Steenrod, Sumter, Swearingen, P. F. Thomas, Jacob Thompson, Triplett, Turney, Underwood, David D. Wagener, Warren, Watterson, Jared W. Williams, Henry Williams, Lewis Williams, J. L. Williams, and C. H. Williams—93.

NAYS—Messrs. Adams, J. W. Allen, Barnard, Beatty, Bell, Brewster, Brockway, W. O. Butler, Calhoun, Carr, Carroll, Casey, Chittenden, Clark, Jas. Cooper, Corwin, Cranston, Crary, Crockett, Cross, Cushing, Dana, Davee, E. Davies, John W. Davis, Garret Davis, Dillett, Edwards, Evans, Everett, Fillmore, Fine, Galbraith, Rice Garland, Gates, Giddings, Goode, Hand, W. S. Hastings, Hoffman, Howard, James, Kempshall, Kille, Lincoln, Marchand, Marvin, Mason, Mitchell, Monroe, Montanya, Morgan, Calvary Morris, Osborne, Paynter, Proffit, Randall, Rariden, Reed, Reynolds, Robinson, Russell, Saltonstall, Simonton, Slade, Albert Smith, John Smith, Truman Smith, Storrs, Stuart, Sweeny, Taylor, Tillinghast, Toland, Trumbull, John White, and Worthington—78.

So the motion for leave was laid on the table.

Mr. MARK A. COOPER gave notice that he will, at some future day, ask leave to introduce a bill to repeal the laws fixing salaries for Chaplains for this House and the Senate.

Mr. PETRIKIN gave notice that he will on Wednesday next, or on some other day, when it shall be in order to do so, ask leave to read in his place a bill to repeal the second section of "Act concerning public contracts," passed 21st April, 1808.

Mr. BARNARD, in accordance with notice previously given, asked and obtained leave, and introduced a bill making an appropriation for continuing the improvements in Hudson river; which was read twice, and, on his motion, referred to the Committee of Ways and Means, with the following instructions, viz:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation to continue the works in progress for the improvement of the navigation of the Hudson river above and below Albany; and also to inquire into the expediency of making appropriations for continuing the works heretofore begun, and yet incomplete, for the improvement of harbors and other rivers.

The following resolution, introduced by Mr. LOWELL, on the 10th of February, was, on his motion, taken up, and adopted:

Resolved, That the President of the United States be requested to communicate to the House all the information in his possession, or in the possession of either of the Executive Departments, in relation to the seizure and condemnation by the British authorities, during the season last past, of certain American vessels engaged in the fisheries.

Mr. LOWELL also introduced the following resolution, which was adopted:

Resolved, That the papers on file in relation to the petition of Polly Hamilton, on which an adverse report was made by the Committee on Revolutionary Pensions, on the 5th of March instant, be taken from the files and recommitted to said committee.

On motion of Mr. BURKE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route, commencing at Keene, in the county of Cheshire, New Hampshire, and extending thence through the towns of Gilsum, Marlow, Lempster, and Goshen, to Newport, in the county of Sullivan, New Hampshire.

On motion of Mr. J. W. WILLIAMS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of compensating Sally Stanley for the Revolutionary services of her husband.

Mr. ADAMS offered the following resolutions, which were adopted.

Resolved, That the Secretary of the Navy be directed to report to this House a statement of all the sums of money belonging to the navy pension fund which have at any time been invested in stocks of the several States; specifying the authority by which such investments have been made, the dates of such investments, the rates at which the several purchases of the stocks have been made, and the dates and rates at which they have been sold.

Resolved, That the President of the United States be requested to cause to be communicated to this House, if not incompatible with the public interest, all the correspondence between the Department of State and the diplomatic functionaries of the United States in France, Sweden, Denmark, and Prussia, and with those Governments, or either of them, relating to the surrender to the Government of the United States of persons charged with piracy and murder on board of the United States schooner Plattsburg, in the year 1817. Also, the correspondence relating to the demand, by the Charge d'Affaires of Great Britain, for the surrender of a mutineer in the British armed ship Lee, in 1819, and any opinion of the Attorney General of the United States with regard to the right of the Executive of the United States, or of any of the Executive Governments of the separate States of this Union, to deliver up, at the demand of any foreign Government, persons charged with crimes committed without the jurisdiction of the United States.

Mr. ADAMS also offered the following resolution:

Resolved, That the practice, first openly avowed at the present session of Congress, of pairing off, involves, on the part of the members resorting to it, the violation of the Constitution of the United States, of an express rule of this House, and of the duties of both parties in the transaction to their immediate constituents, to this House, and their country.

He was accompanying the resolution with some remarks, not heard by the Reporter, when objection was made to any debate.

Mr. A. said he did not propose to debate the resolution, but he considered it of very great importance, on account of the principles involved; and he wanted to see whether it could be possible that any member of this House would object to it.

Mr. GRAVES objected; when

The SPEAKER said the resolution must lie over.

Mr. ADAMS remonstrated, and there was some confusion, but the resolution was laid over.

Mr. ADAMS wished to modify a resolution offered by him on the 10th of February last, which is in the words following:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, copies of any demand made by the minister or other diplomatic representative of Spain in this country, of the surrender to him of the Africans taken in, or belonging to, the vessel called L'Amistad, and of all correspondence between this Government and the said minister or diplomatic representative relating thereto: also, copies of all instructions from the Department of State to the District Attorney of the United States in the judicial district of Connecticut, and all reports of the said District Attorney to the said Department relating to that subject.

Mr. PETRIKIN objected, and a desultory conversation ensued: but Mr. A. was finally permitted to modify, which he did, so as to extend the call by adding "or any other foreign Government or Minister."

Mr. REID offered the following, which, under the rule, lies over:

Resolved, That it is the bounden duty of the Government of the United States to absolutely prohibit her citizens from engaging, directly or indirectly, in the foreign slave trade; and, to this end, that the Committee on Foreign Affairs be directed to inquire into the expediency of making such legal provisions as shall effectually put an end to so unlawful and disgraceful a traffic.

On motion of Mr. CUSHING,

Resolved, That the resolutions of the last Congress, on the subject of the territory and rights of the United States west of the Rocky mountains, and the papers accompanying the same, be recommitted to the Committee on Foreign Affairs.

On motion of Mr. SALTONSTALL,

Resolved, That the Secretary of the Navy be directed to report to this House the amount of the annual payments from the privateer pension fund established by the act of June 26, 1812, until the same was exhausted, distinguishing what portion of said payments was paid to the widows and children of deceased persons, and to report also when the same became exhausted, and whether any part, and, if so, how much, of said fund was lost by the manner in which the same was invested.

On motion of Mr. LINCOLN,

Resolved, That the Secretary of War be directed to communicate to the House the correspondence between the delegation in Congress from the State of Massachusetts and himself, in the month of March, 1839, in relation to the examination and allowance of the claim of that State to compensation for militia services during the last war with Great Britain, and that he also inform the House whether, since his report on that subject of the 23d of December, 1837, under a resolution of the House of Representatives of March, 1836, any further proceedings have been had, or are deemed necessary on the part of Massachusetts, or in the Department, to entitle the State to the balance found due according to his said report.

On motion of Mr. W. B. CALHOUN,

Resolved, That the Committee on Military Affairs inquire into the expediency of purchasing of John W. Cochran, his six pounder brass cannon model, for a large garrison gun for naval defence.

Mr. OSBORNE submitted the following, which lies over:

Whereas the public lands of the United States belong exclusively to the people of the United States, and whenever disposed of, the avails thereof ought to enure to the equal and common benefit of all the States; and whereas the present condition of this great national property furnishes a dangerous temptation to political ambition, enabling it to operate on public sentiment in certain portions of the country, by propositions and promises to cede to the States the public lands situated within their respective limits; and whereas all such propositions are in derogation of the trust under which this great public fund is held, and are calculated to subvert the confidence of the people in the justice and purity of the National Government; and whereas a subject of such magnitude and exciting interest, ought to receive the speedy action of Congress; be it therefore

Resolved, That the Committee on the Public Lands be instructed to report to this House, on the earliest convenient day, a bill to secure to the several States their just rights and interests in the public lands, and providing that the proceeds of those lands, sold from time to time, shall be distributed among the States upon just and equitable principles.

On motion of Mr. MONTANYA,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency and propriety of erecting a beacon light at the termination of the pier constructed by the New York and Erie railroad into the Hudson river, at Tappan bay, for the benefit of the navigation of said river.

Mr. DANA submitted the following, which lies over:

Resolved, That during the remainder of the present session of Congress, the daily meetings of this House shall commence at 11 o'clock a. m. until otherwise ordered.

Mr. KEMPSHALL submitted the following, which lies over:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of fortifying the frontier on Lake Ontario, and especially of protection and defence of the harbor of Genesee and the city of Rochester.

Mr. MORGAN submitted the following, which lies over:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of the harbor at Little Sodus, on Lake Ontario, and to report by bill or otherwise.

On motion of Mr. KEMBLE,

Resolved, That the Committee on Naval Affairs be directed to inquire into the present state of the light house system of the United States, and to report such modifications, if any, as they may deem necessary to its greater efficiency and economy.

Resolved, That the Committee of Ways and Means be directed to inquire into the expediency of so modifying the laws for the collection of the revenue as to permit the entrance, for the benefit of drawback, of goods, wares, and merchandise, intended to be transported through the territories of the United States into the adjacent territories of foreign powers in amity with the United States.

On motion of Mr. GATES,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Jacob Jackson, of New York.

On motion of Mr. FILLMORE,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of fortifying the Niagara frontier, and especially of providing for the protection and defence of the harbor and city of Buffalo.

Mr. FLOYD submitted the following, which lies over:

Resolved, That a Select Committee be appointed to inquire into and report upon the expediency of erecting a monument in commemoration of the battle of Orishany, in the State of New York.

Mr. HOFFMAN submitted the following, which lies over:

Resolved, That all petitions, except those which may come within the rule in regard to petitions touching slavery, may be handed to the Clerk, and by him referred to the appropriate committees, under the directions of the members offering them.

Mr. MONROE submitted the following, which lies over:

Resolved, That five thousand additional copies of the report on the Smithsonian bequest be published for the use of the members of the House.

Mr. G. DAVIS submitted the following, which lies over.

Resolved, That the first section of the second article of the Constitution of the United States, by declaring "that the Executive power shall be vested in a President of the United States of America," does not ordain and establish any Executive power; but the only purpose and effect of this language is, to vest such Executive powers as are created in other clauses of the Constitution in the President, except so far as those powers may be differently vested in whole or part by the Constitution.

Resolved, That the following language in the second section of the second article, viz: "he (the President) shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But Congress may, by law, vest the appointment of such inferior officers as they may think proper, in the President alone, in the courts of law, or in the heads of departments. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session," being the whole of so much of the Constitution as ordains and establishes, or invests any power of appointing to office, in all appointments, except to inferior offices provided for by a law of Congress, or to fill vacancies that may happen during the recess of the Senate, the action of the Senate is as essential as that of the President.

Resolved, That the power of removal from office is not expressly ordained and established, or vested by the Constitution, but, from necessary implications, results and attaches to the appointing power instituted by the Constitution.

Resolved, That as a power of removal from office under the Constitution can be derived only by implication, and by reason and analogy, to attribute its existence and rightful exercise to one branch of the appointing power is equally illogical and unconstitutional, and produces in the President an augmentation of power dangerous to constitutional liberty; wherefore, the President cannot remove an officer, in whose appointment the concurrence of the Senate is required by the Constitution, unless the Senate, also, shall unite in the act of removal.

Resolved, That as the President is empowered by the Constitution to appoint to all vacancies that may happen during the recess of the Senate, and to commission such appointees until the expiration of the next session of the Senate, and is thus placed in possession of the whole appointing power *pro tempore;* the correlative and parallel power of removal from office temporarily, and operating for the same term of time, vests in the President, by implication and analogy; wherefore, during the recess of the Senate, the President has the power to remove or suspend such officers from their respective offices until the end of the next session of the Senate; and unless the Senate shall then have concurred in, the removal by the President ceases to operate, and the incumbent, by the operation of the Constitution, is restored to his office, and all its rights and privileges, as fully as though such suspension or temporary removal of him by the President had never been made.

Mr. HAND submitted the following, which lies over:

Resolved, That 5,000 copies of documents No. 118, of the 2d session of the 25th Congress (being the pension laws then in force) be reprinted for the use of the members of this House.

Mr. BOYD submitted the following, which lies over:

Resolved, That a select committee be appointed, to examine into the condition of the Military Academy at West Point, with a view to the modification or repeal of such of the laws relative thereto, as propriety may suggest.

Mr. UNDERWOOD submitted the following, which lies over:

Resolved, That the Committee of Ways and Means be instructed to report a bill relinquishing and surrendering the Cumberland road to the States respectively through which it passes, in its present condition, upon such terms as the committee may deem expedient; and in order to enable the States through which the said Cumberland road passes to complete the same after it has been surrendered to them; and to do justice to the other States, by enabling them to share, in common with the States through which the Cumberland road passes, the funds which properly belong to all the States; the said committee is further instructed to report a bill providing for the distribution of the nett proceeds of the sales of the public lands among all the States, in proportion to their Federal population respectively.

Mr. W. B. CARTER submitted the following, which lies over:

Resolved, That a select committee be appointed, whose duty it shall be to inquire into the expediency of extending the provisions of the act of Congress for the benefit of the surviving officers and soldiers of the Revolutionary army, passed the 7th June, 1832, so as to embrace those who were engaged in the wars of the United States, which occurred between the treaty of peace with Great Britain in 1793, and the treaty of Greenville, with the Indians, in 1795, and that the said committee have leave to report by bill or otherwise.

Mr. J. HASTINGS submitted the following, which lies over:

Whereas the Cadets of the Military Academy at West Point being educated gratuitously by the people of the United States, at an expense of above $2,000 each, justice and gratitude and sound policy, predicated upon those principles, demand that the orphan sons of those who have fought and bled and died in the service of their country, have the first claim upon our consideration for admission to the advantages of being educated at this national establishment; therefore, be it

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of giving the sons of soldiers, whether of the regular army, or of the militia, or of volunteers, whether officers or privates, who have died or been killed in the service of the United States; and likewise the sons of sailors and marines, whether officers or privates, who have died or been killed in the same service, the preference over all other applicants for admission into the Academy or Military School at West Point.

Mr. STANLY submitted the following, which lies over:

Whereas, by the withholding of the fourth instalment by this Administration, the State of North Carolina is deprived of nearly half a million of dollars, which fourth instalment is part of the proceeds of the public lands; in order, therefore, that the said fourth instalment be paid to the State, notwithstanding the opposition of this Administration, be it

Resolved by the Senate and House of Representatives of the United States, That the Secretary of the Treasury be directed, whenever there is sufficient money in the Treasury, to pay over the amount of said fourth instalment due to the State of North Carolina, to the proper authorities of said State, to aid said State in carrying on her public schools and internal improvements, if she choose so to dispose of it.

Mr. MONTGOMERY submitted the following, which lies over:

Whereas our glorious and successful struggle in the Revolutionary war for national independence was a joint common effort, in which the patriots in all the States in the Confederacy freely aided and contributed an equal proportionate share of their blood, suffering, and treasure; and whereas the people in all the States and Territories within the Union now enjoy equally and alike the inestimable blessings of liberty and happiness thereby gained; and whereas, with our national liberty, there was also gained, as a joint common stock fund, an immense property in public lands, more than twelve hundred millions of acres of which remain yet as a part of this joint common stock undisposed of, in which the whole people of these United States and Territories have, and hold, a good *bona fide* title and equitable and proportionate interest in fee simple, and which is hereafter to be disposed of by some mode to be by Congress pointed out; and whereas, in the year 1835, the last dollar of our national debt, as well that created by the war of the Revolution as that incurred by the war of 1812, and from all other sources whatsoever, was fully paid off, and all claims upon us, as a nation, for debts, were fully paid off, cancelled, and satisfied; and whereas ours was intended to be a cheap, plain, Republican Government; and inasmuch as the present Executive, in his late message to both branches of Congress, dated 24th December last, has not only recommended a strict and rigid economy, but has actually practised it himself, by reducing the annual estimates called for by him for the service of the year 1840, down to the sum of eighteen millions two hundred and eighty thousand six hundred dollars and fifty-five cents, that sum being less by over five millions of dollars—be it therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, after the year 1840, the annual expenditure for the ordinary purposes of this Government in time of peace, shall not exceed the sum of fifteen millions of dollars, exclusive of the Post Office and trust funds.

2. *Be it further resolved by the authority aforesaid*, That when Congress shall, at any session, pass appropriations for the expenditures of any one year beyond those the actual expenditure in the year 1839 will amount to, (the Secretary of the Treasury has recommended great reductions in the annual expenditures, and gives a plan by which it can be done without injury to the public service, should Congress only lend their aid in carrying out these several recommendations proposed as above stated—the sum of $15,000,000,) it shall be the duty of the Secretary of the Treasury to scale down the salary, pay, or compensation, paid to all and every officer in this Government, and also to scale down the amount appropriated to each object for which appropriations are made for that year, in equal proportions, until the expenditures shall come within the sum of fifteen millions of dollars for actual expenditure and the sum of three millions of dollars to meet outstanding drafts upon the Treasury, that may be *in transitu*.

3. *Be it resolved by the authority aforesaid*, That the public land belonging to the United States is a remainder of a joint common stock fund, to which all the people of the United States have an equal and just proportionate joint common stock interest.

4. *Be it therefore resolved by the authority aforesaid*, That the proceeds arising from the sale of the public lands, together with all other moneys that shall be in the Treasury of the United States at the expiration of each fiscal year after the year 1840, over and above the sum of fifteen millions of dollars for the ordinary expenditure, and the further sum of three millions to meet outstanding and unsettled drafts, and exclusive of the Post Office and trust funds, shall be equally divided by the Secretary of the Treasury among the States and Territories of this Union, according to their representation upon this floor, share and share alike, and paid over by the said Secretary to such person, or persons, as the Legislatures of the respective States and Territories shall or may authorize to receive and receipt for the same.

5. *Be it further resolved, by the authority aforesaid*, That Congress has no authority given it by the Constitution of the United States to levy any taxes, either direct or indirect, upon the people of the United States, for any other purpose than the immediate wants of the Government of the United States: that revenue raised or taxes imposed, either direct or indirect, upon the people, with a view to, or for, the object of creating a surplus fund in the Treasury of the United States, for distribution among the States, or for any other object or objects than the payment of the civil list, the army and navy of the United States, and such other incidental expenditures as are required for the legitimate objects of the General Government, are not authorized by the Constitution, and are therefore not within the power granted to Congress in the Constitution of the United States.

6. *And be it further resolved, by the authority aforesaid*, That so much of all laws fixing or defining the salaries or pay of all officers or other persons receiving pay from Government for services rendered, as comes within the provisions of any of the above resolutions, is hereby so modified as to conform to the above provisions.

Mr. CHITTENDEN submitted the following resolution, which was read for the information of the House:

Whereas in a communication made by the Clerk of this House to some of the members thereof, on the 21st instant, and published in the official organ of the Government in this city on the same day, members of this House are not only charged with gross violations of official duty, but with one of the highest crimes known to our laws; and whereas it is the imperious duty of the House to ascertain whether any of its members have, as charged in that communication, practised abuses in the name of said Clerk, either by the "forgery" of his name, or by obtaining it from him by means of "misrepresentation" in such a manner as to require the aid of said Clerk "in ferreting out the real responsible culprit, that he may be punished," and whether any members of this House have (as is also charged in said communication) sent packages through the mail, consisting of "blank franks," under the frank of "Hugh Garland, Clerk," with the intention "to cheat and defraud the revenue," that, in case it shall be ascertained that any member of this House has so far lost sight of the dignity of his station as to have been guilty of such a gross violation of duty and of the laws of this

Government, he may receive that punishment which he justly merits; and that, in case the charges shall not be sustained, the authors of the base and infamous slanders may "at least be held up for the public scorn:" Therefore,

Resolved, That a committee, consisting of three persons, be appointed to investigate the charges contained in the communication of said Clerk, whose duty it shall be to proceed with said examination, and report to this House with as little delay as possible; and that said committee have power to send for persons and papers.

Objection being made,

Mr. CHITTENDEN moved a suspension of the rules to let in the resolution; which motion prevailed—ayes 146, noes 16.

Mr. C. then said that he was not disposed to occupy the time of the House by debate on the subject, and therefore, he would move the previous question.

Mr. PETRIKIN said it was not in order to move the previous question, the resolution not having been read, and the question stated by the CHAIR.

The SPEAKER directed the Clerk to read the resolution; which was done; when,

Mr. CHITTENDEN again moved the previous question.

Mr. GALBRAITH asked if an amendment would be in order.

The SPEAKER said that the previous question being moved, amendments were not in order.

Mr. BYNUM. Are all amendments to the proposition cut off by moving the previous question?

The SPEAKER replied in the affirmative.

Mr. BYNUM. Then I shall vote against it, I am in favor of the proposition, but am opposed to the preamble.

The second to the previous question was then carried—ayes 77, noes 54, and the previous question was carried without a division.

The main question then coming up,

Mr. BANKS moved a division of the question, so as to take it first on the resolution, and then on the preamble. He was opposed to the preamble, as Mr. Kendall had not made any such charges as were stated in it.

Mr. CLIFFORD hoped the resolution and preamble would be divided, and the question taken separately, because the preamble assur s us that the Postmaster General has made the charge that members of Congress have been guilty of the crime of forgery, which is not in accordance with the truth, as he understood it, and therefore he desired to vote against that part of the resolution, but did not object to the usual inquiry.

Mr. WISE submitted whether the resolution was separable from the preamble, without destroying the sense. The law of division was that every part divided should make a separate sense of itself.

The SPEAKER decided that the question was divisible, as the resolution contained a substantive proposition, and that the vote must, in conformity with parliamentary practice, be taken first on the resolution.

Mr. R. GARLAND called for the yeas and nays, which were ordered, and the question was taken on the resolution, and decided affirmatively—yeas 157, nays none.

The question then came up on the preamble, when

Mr. PETRIKIN called for the yeas and nays, which were ordered, and resulted in—yeas 91, nays 92.

So the preamble was rejected; when

Mr. WISE said that it was obvious to the House, that the resolution just adopted would be imperfect without some explanatory preamble. He hoped, therefore, the general consent of the House would be given to the preamble he was about to offer, which would affirm nothing, and commit no one, but merely explain the objects of the resolution. Mr. W. then submitted the following:

"Whereas the following correspondence, to wit."

This preamble only being in order by general consent,

Mr. PETRIKIN objected.

Mr. BANKS hoped the gentleman would withdraw the objection; he wished to see the resolution carried out in good faith.

Mr WISE then moved to suspend the rules to let in his preamble; which motion prevailing, Mr. W. submitted his preamble; when

Mr. PETRIKIN moved to amend it by inserting the words "communicated by the Clerk of this House."

Mr. WISE asked, Was the communication from the CLERK of the House?

The CLERK responded that it was.

Mr. WISE said he was then willing so to modify the preamble.

And, after some further conversation, the preamble was adopted, as follows:

Whereas the following correspondence has been communicated by the Clerk of the House to the members of the House, viz.

OFFICE OF THE HOUSE OF REPRESENTATIVES U. S.
March 18, 1840.

SIR: In consequence of the abuses practised under my name, as disclosed in the following correspondence, I am constrained, respectfully, to decline franking any package for members of Congress. Yours, etc.

H. A. GARLAND,
Clerk House of Representatives United States.

POST OFFICE DEPARTMENT,
March 11, 1840.

SIR: I deem it as much my duty to you as to the public, to apprise you of the unwarranted use made of your name, as disclosed in the enclosed copy of a letter from the postmaster at Hartford, Connecticut.

Whether your name in this case be a forgery, or whether you were induced to write it by any misrepresentation, I beg your aid in ferreting out the real responsible culprit, that he may be punished, or at least held up for the public scorn.

Very respectfully, your obedient servant,
AMOS KENDALL.

HUGH A. GARLAND, esq.
Clerk of the House of Representatives.

OFFICE HOUSE OF REPRESENTATIVES U. S.
March 12, 1840.

SIR: I have received your letter of yesterday, enclosing one from the postmaster of Hartford, Connecticut, in which he states: "A gross abuse in relation to franking exists among the members of Congress; in addition to bushels of newspapers and speeches, daily received from our members of Congress, loading down the mails, there are large packages franked 'Hugh Garland, Clerk,' which packages consist of *blank franks*, and are intended to cheat and defraud the revenue."

If the packages, as he states, are endorsed "Hugh Garland, Clerk," they were certainly not sent by me, for I never sign my name in that way.

I am in the habit of franking packages for members of Congress, under a construction of the law of 1827, which I found prevailing when I came into office.

Under the law of 1825, section 27, the privilege of the Clerk of the House of Representatives was limited to two ounces. In 1827, it was extended so as to be only limited by a general law which prohibits postmasters from mailing any packages that shall exceed three pounds, except public documents.

My own impression is, that this privilege was intended for the official business of the Clerk's office, and not for the use of members of Congress.

But finding a different interpretation of the law prevailing, and learning that it had been so construed from the beginning, I have yielded to it. If, however, the Post Office Department does not concur in this interpretation of the law, I shall be pleased to know, for the information of the members of Congress, and for the regulation of my own conduct in future.

Yours respectfully,
H. A. GARLAND,
Clerk of the House of Representatives of United States.
Hon. AMOS KENDALL, Postmaster General.

POST OFFICE DEPARTMENT,
March 18, 1840.

SIR: I duly received your letter of the 12th, in reply to mine of the 11th instant, and have re-examined the laws having reference to the franking privilege of the Clerk of the House.

The Department is now, for the first time, apprised that the act of 1827, extending his franking privilege, had been construed to authorize him to frank packages for members of Congress.

The act of 1825 conferred on him, in common with members of Congress, the privilege of franking letters and packets not exceeding two ounces in weight, excepting only documents printed by order of either House, and so far from authorizing the one to frank for the other, imposed on every person possessing the franking privilege, who should frank "*any letter or letters other than those written by himself, or by his order, on the business of his office*," a penalty of ten dollars, from which no one but heads of Departments are in any such case exempt. The only change in the law made by the act of 1827, was to remove the limitation of two ounces on the Clerk's frank, so that he may now send and receive by mail, packets not exceeding three pounds in weight. There appears to be not the least ground for construing this act as authorizing him to frank letters or packets for members of Congress, whether they weigh more or less than two ounces; and if he now put his frank on "letters not written by himself, or by his order, on the business of his office," he is unquestionably as much liable to the penalty of ten dollars in each case, as if the act of 1827 had never passed.

I am gratified to find, that your view of the law does not differ from that entertained by the Department, and that you are ready, on ascertaining this coincidence, to abandon a practice entailed upon you by your predecessors. There seems to be something insatiable in "special privilege," which is ever striving to enlarge itself by all sorts of subterfuges and evasions. It is no less the duty of those connected with the legislation of the country, than with those entrusted with the execution of its laws, to give every grant of privilege which can only be enjoyed at the expense of the people, a strict construction, and confine its exercise to the narrowest bounds.

Very respectfully, your obedient servant,
AMOS KENDALL.

HUGH A. GARLAND, Esq.
Clerk of the House of Representatives.

Mr. KING offered the following, which was objected to, and lies over:

Resolved, That the Secretary of the Treasury be, and he is hereby directed to send to this House all his correspondence and the correspondence of any officer of his Department with any bank or banks on the subject of borrowing or raising money on sale and purchase of Treasury notes, or placing and receiving them on deposit; to inform this House what has been the actual cost of issuing Treasury notes under the several acts passed from October, 1837, to March, 1839, inclusive, authorizing the issue of Treasury notes; and to send to this House a statement of the interest paid and due on the several issues of Treasury notes from October, 1837, to 30th June, 1839, inclusive, and the terms on which they have been sold to any bank or banks, or to individuals, or placed on deposite.

Mr. JONES of Virginia said he did not object to the resolution of the gentleman from Georgia, and would take this occasion to state, upon information on which he could rely, that no compensation had at any time been paid by the Secretary, either to brokers or other persons, to convert Treasury notes into specie, and that Treasury notes had at no time been exchanged by him below their par value—that the course pursued by the Secretary had been to require that the specie should be deposited subject to his draft, before the Treasury notes were parted with by him.

Mr. KING thereupon moved a suspension of the rules, and asked the yeas and nays on that motion; which were ordered, and, being taken, were—yeas 74, nays 74. [Not two-thirds.]

So the rules were not suspended.

On motion of Mr. C. MORRIS,

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of authorizing the purchase of a sufficient quantity of land in the vicinity of the city of Washington for the purpose of erecting an establishment for the employment and support of the poor in said city, upon the principle adopted in Salem, Massachusetts, and other places.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Marietta, Ohio.

On motion of Mr. WELLER,

Resolved, That a select committee of three be appointed to inquire whether any of the officers of this House have, during the present session of Congress, furnished, at the expense of the Government, stationery to any person not entitled by law to the same, and ascertain and report the probable value thereof.

On motion of Mr. SAMUELS,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing James Chambers a pension from an earlier period than the 15th of June, 1839.

On motion of Mr. WORTHINGTON,

Resolved, That the resolutions of the Legislature of the State of Maryland in relation to the improvements of the harbor of Havre-de-Grace, passed at December session, 1838, and now on the files of the House, be referred to the Committee on Commerce; and also the resolutions of the Legislature of the same State, in relation to the establishment of a national foundry at or near Havre-de-Grace, now on the files of the House, be referred to the Select Committee on the Foundry.

On motion of Mr. STEENROD,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the city of Wheeling, via Belen's Station, Soellnan's, Fish Creek, to Woodlands Post Office, Marshall county, Virginia.

On motion of Mr. P. F. THOMAS,

Resolved, That so much of the annual report of the Secretary of the Navy as relates to the claim for arrears of pension of Maria Harrison, only child of John Garde, deceased, late a sailing master on board the United States ship L'Insurgente, together with the proofs and other papers therewith submitted, be referred to the Committee on Naval Affairs.

Resolved, That the Committee of Claims be instructed to inquire how much, if any thing, is justly due from the United States to Adolphus Burghart, now deceased, who was a soldier or officer in the army of the United States a part of the time during the last war with Great Britain; or to his heirs or legal representatives, on account of arrearages of his pay or loss of his property while in the service as such soldier or officer.

Mr. TOLAND offered the following, which lies over:

Resolved, That four thousand copies of the report of the Select Committee on the Smithsonian Bequest be printed for the use of the members.

Mr. J. JOHNSON submitted the following, which lies over:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to keep an account of all stationery furnished to each member of the House, designating the portions furnished at the folding room, at the Capitol, and at other places; and that, hereafter, no articles of stationery be delivered, except upon personal application, or the written order of members.

On motion of Mr. PETRIKIN,

Resolved, That the select committee appointed to inquire whether any of the officers of this House, etc. are engaged, or in any way concerned, for the promotion of private claims against the Government, be instructed to inquire into the expediency of bringing in a bill prohibiting any clerk, or other officer of either House of Mongress, or any person holding any office or appointment under the Government of the United States, acting as agent nor attorney in the prosecution of any claim against the Government of the United States, during the pending of said claim before either House of Congress, or before the Departments, agents, or officers of the Government; and that said committee have leave to report by bill or otherwise.

On motion of Mr. GALBRAITH,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of granting a pension to Mary Brookhouser, of Crawford county, Pennsylvania, for the services of her husband in the Revolutionary war.

Resolved, That the Committee on the Judiciary inquire into the expediency of extending the jurisdiction of the United States courts over those parts of the Great Lakes within the boundaries of the United States; or of extending the jurisdiction of the State of Pennsylvania, by express terms, over that part of Lake Erie west of the New York line, east of the Ohio State line, and north of the territorial line, between the United States and the British Provinces of Canada; and also inquire into the expediency of establishing a branch of the United States court at Erie, in the State of Pennsylvania.

On motion of Mr. R. GARLAND,

Resolved, That the Committee on Naval Affairs inquire into the expediency and justice of paying to James Fenasye, late a private in the Marine Corps, the sum of $19 66, which he claims as prize money for assisting in the capture of certain Algerine vessels in the Mediterranean sea in the year 1815, and that the letters from the Secretary of the Navy and said Fenasye, hereto annexed, be referred to said committee.

On motion Mr. CHINN,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of rendering uniform the times, places, and manner of electing members of the House of Representatives of the Congress of the United States, and that they report by bill or otherwise.

On motion of Mr. DOAN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Scott to Locust Grove, and from Winchester to Locust Grove, in Adams county, Ohio.

On motion of Mr. WELLER,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of granting a pension to the widow of Captain Philemon Gatewood, of the revenue service, who died from disease contracted in the service of the United States, whilst co-operating with the naval forces on the coast of Florida.

On motion of Mr. REID,

Resolved, That the Committee for the District of Columbia be instructed to inquire what provision is made for the prisoners for crime and for debt in this District; and also into the expediency of making new provision for their support.

On motion of Mr. McKAY,

Resolved, That the President of the United States be requested to cause to be prepared and communicated to this House, at the commencement of the next session, all the opinions of the Attorney General and other officers connected with the Executive, which give construction to the public laws not of a temporary character.

On motion of Mr. TRIPLETT,

Resolved, That a select committee be raised to inquire and report whether any legislation be necessary to prescribe the form of returns which shall entitle persons claiming to be elected members of the House, to be admitted to seats and to participate in the organization thereof; and, if so, to report a bill prescribing the form of said return.

On motion of Mr. STEENROD,

Resolved, That the Postmaster General be required to inform

this House, at as early a day as practicable, of the causes and the extent of the detention of the mail and of the irregularity of its conveyance between Wheeling, in the State of Virginia, and Bridgeport, in the State of Ohio, and also his opinion as to the best means for remedying the evil.

On motion of Mr. W. THOMPSON,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of furnishing to Mr. John W. Cochran such facilities as will enable him to construct and make a full experiment of the capabilities of his bomb cannon.

On motion of Mr. DAWSON,

Resolved, That the Committee of Claims be instructed to examine into the present laws regulating the compensation of the volunteer soldiers for horses lost in the various campaigns against the Indians since 1830, and report what amendments are necessary to be made to secure fair and liberal justice to the unfortunate soldier who may have lost his property whilst in the service of his country.

On motion of Mr. SWENEY,

Resolved, That the Secretary of War be directed to communicate to this House all the information in the possession of the War Department relating to the progress, if any, that has been made by Government in effecting a treaty with the Wyandot tribe of Indians, for the purchase of their lands in Crawford county, Ohio, and their ultimate removal west of the Mississippi river; and whether a farther appropriation will not be required to effect that object.

On motion of Mr. ALLEN of Ohio,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for the erection of soldiers' barracks at Cleveland, in the State of Ohio, and for the purchase of land necessary therefor.

On motion of Mr. BEIRNE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Colesmouth, Kenawha county, Virginia, to Louisa, in the State of Kentucky.

On motion of Mr. DOAN,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of a reissue of land warrants No. 1161, for 300 acres, issued on the 21st of February, 1826, in the name of James Erwin and other heirs at law of Joseph Erwin, which said warrant is lost.

On motion of Mr. HAND,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Elizabethtown to Moriah, in the State of New York.

On motion of Mr. EVANS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Margaret McIntire.

On motion of Mr. CLARK,

Resolved, That the Committee on Revolutionary Pensions do inquire into the propriety of granting a pension, in conformity to the provisions of the late act of Congress, to Esther Honeywell, widow of Matthias Honeywell, late a pensioner of the United States.

On motion of Mr. C. H. WILLIAMS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing the heirs of Dr. Samuel Kennedy interest on the five years' half pay granted to his heirs by an act of Congress passed in the year 1832.

On motion of Mr. CROCKETT,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Dresden, Tennessee, to Boysville, near the Kentucky line, in Weakly county, in said State.

On motion of Mr. BELL,

Resolved, That the Secretary of War be directed to lay before this House, with as little delay as possible, copies of all orders and instructions issued from the Department to any officer of the army, or to any agent of the Government, requiring his interference with the Cherokee Indians in the formation of a Government for the regulation of their own internal affairs, not inconsistent with the Constitution and laws of the United States, or with any existing treaty; also, copies of all instructions to any officer or agent of the Government, prescribing any particular form of government for the adoption of said Indians, and interdicting any other form.

Mr. TURNEY submitted the following, which was adopted:

Whereas the claims of the Tennessee volunteers for horses lost in the service of the United States in Florida, have been on file in the office of the Third Auditor of the Treasury for his adjudication and payment for some twenty-two months past; and whereas every exertion has been made by the said claimants to procure the action of said Auditor or said claims, in order that that they might obtain their just dues from the Government, but without effect; and whereas many of said claimants, with a large number of their fellow-citizens of Tennessee, have forwarded to the President of the United States their petitions, briefly stating the nature and character of their claims, the great delay, or, in fact, a total denial of justice by thus refusing to either allow or reject said claims, and thereby to enable the claimants, in the event of the rejection, to appeal to Congress for relief, and for this *palpable dereliction of duty*, praying his removal from office; and whereas said claimants having exhausted all the means in their power to coerce the action of said Auditor on said claims without effect; and whereas said claimants are petitioning the Congress of the United States for the passage of some law providing for the payment of said claims during the present session, which is likely to pass by without the final action of said Auditor in time for the claimants to apply for and obtain relief during the present session; therefore,

Resolved, That said Auditor forthwith dispose of said claims, by either allowing or rejecting them, and that the Secretary of War be instructed to superintend said Auditor, and see that he faithfully discharges the duties herein required.

Mr. TILLINGHAST called up the joint resolutions for examinations and surveys in Narragansett bay, Rhode Island, with a view to a naval depot, and for a report of the result from the Secretary of the Navy, with such views and opinions as he may deem important, which resolutions were laid over from the last resolution day, under the rule, and which he now moved to have printed and referred to a Committee of the Whole House on the state of the Union, stating that the gentleman on whose objection they were laid over, [Mr. BEATTY,] had consented to withdraw his objection.

Mr. PETRIKIN objected to the resolutions being called up for debate at this time, but not to the reference.

The resolutions were referred, and ordered to be printed, according to the motion.

CUMBERLAND ROAD, &c.

Mr. RARIDEN, pursuant to notice, asked leave to introduce a bill making appropriations for the continuation of the Cumberland road through Ohio, Indiana, and Illinois. Mr. R. said, in asking leave to introduce this bill, he did it in good faith, and hoped the vote would be given in the same spirit. There could (he said) be no propriety in granting the leave, if the same is only to result in the consumption of time by a protracted and exciting discussion, without the design finally of granting the appropriation; he therefore hoped the vote for leave would indicate the views of the House in regard to the appropriation proposed by the bill.

Mr. DROMGOOLE moved to lay the motion for leave on the table.

Mr. TURNEY (at fifteen minutes before five) moved an adjournment; which motion, by yeas 39, nays 83, was rejected.

Mr. DROMGOOLE then withdrew his motion to lay the motion for leave on the table, and objected to leave being "given."

And the motion for leave, giving rise to debate, was, under the decision of the CHAIR, ordered to lie over: when

Mr. RARIDEN moved a suspension of the rules for the purpose of considering the motion for leave at this time.

Several motions for adjournment were made and withdrawn.

On the suggestion of Mr. CASEY,

Mr. RARIDEN appealed from the decision of the CHAIR, that the motion for leave, giving rise to debate, must lie over, and asked the previous question; which was seconded.

The main question was ordered, being on sustaining the decision of the CHAIR.

Pending which, on motion of Mr. TURNEY,

The House adjourned.

IN SENATE,

TUESDAY, March, 24, 1840.

Mr. WEBSTER presented a memorial of sundry proprietors and managers of American steam vessels, on the impolicy and injustice of certain enactments of the proposed law relating to steamboats; which was laid on the table, and ordered to be printed.

Mr. PRESTON presented a memorial of Hiram Powers, now a resident of the city of Florence, praying that works of art executed by Americans in foreign countries may be imported free of duty; which was laid on the table, and ordered to be printed.

Mr. DAVIS presented a memorial of inhabitants of the town of Sippican, Massachusetts, praying that it may be made a port of entry; which was referred to the Committee on Commerce.

Mr. SOUTHARD presented the memorial of Benjamin Homans and Alfred B. Claxton, of the city of Washington, praying that they may be released from the penalty of a certain bond; which was referred to the Committee on the Judiciary.

Mr. WHITE presented a memorial and joint resolution of the General Assembly of the State of Indiana, asking a further appropriation for the construction of a harbor at Michigan city; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SMITH of Indiana presented a memorial of the Legislature of Indiana, praying Congress to make an appropriation for the completion of the Cumberland Road; which was laid on the table, and ordered to be printed.

Mr. FULTON, from the Committee on the Public Lands, to which the subject was referred, reported a bill authorizing the inhabitants of section 10 south, range 1 east, to locate a half section of land for school purposes; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred

The memorial of John W. Thompson, and

The memorial of James Morgan,

made unfavorable reports thereon; which were ordered to be printed.

Mr. H. from the same committee, also reported a bill for the relief of Hugh Stewart; which was read, and ordered to a second reading.

REFINED SUGAR DRAWBACK.

Mr. BENTON asked the indulgence of the Senate while he should correct an error into which he had fallen a few day ago in relation to the part which a late Senator of the United States had acted in the year 1828, in regard to the drawback on refined sugar: he spoke of Governor DICKERSON of New Jersey. He had represented that gentleman, when he opened the subject of the sugar and rum drawback a few days ago, as having made the proposition, and carried it through, to raise the drawback on refined sugars exported, from four cents to five cents a pound. On looking over the debate to which that proposition gave rise, which was in the month December, 1828, he (Mr. B.) found that it was Gen. SMITH, of *Maryland*, who made the proposition, and that Governor DICKERSON was one of those who opposed it, both by speaking against it and voting against it; arguing that the additional cent would be a bounty on the exportation of the article, and an encouragement to fraud, such as had taken place in the rum and snuff drawbacks. Time and events had proved these opinions were right; and the bill which he (Mr. B.) had brought in to reduce drawbacks was intended, among other things, to correct the erroneous legislation in relation to the sugar drawback, which commenced in the act of 1828, and was so greatly aggravated by the compromise act of 1833.

Mr. B. said it was with some pride that he looked back to his own course at the time this drawback was raised. He was the first Senator that spoke against it, and the only speaker against it on the first day, when he spoke three times. The next day Governor Dickerson and Mr. Tazewell spoke against it; but without being able to arrest the bill, which immediately passed, and now stands as another monument of the evils of hasty legislation. Although the whole subject was new to him, yet, Mr. B. said, the report of the debate shows that he saw the evils of the measure distinctly at that day, and was the first to denounce them; and that every evil came to pass precisely as he argued that it would. His argument was that this additional one cent per pound on the exportation of refined sugar, would be a bounty upon its exportation, and an addition to its price at home; that the manufacturers then had a monopoly of the home supply of refined sugar in consequence of the duty of twelve cents per pound on foreign refined sugar; that one cent a pound on such an article as sugar, where the dealer could increase his business so largely, though small in the detail was enormous in the aggregate; and must induce the refiners to make enormous exportations, to the injury of the Treasury and of the country;—to the Treasury on account of the great sums it would take from it—and to the country because they would have to pay an additional price equal to the additional drawback. Mr. B. quoted the words of his speech:

"The effect of the bill was to give one cent premium on every pound of sugar refined and reported. If the refiners could export at present, the additional bounty (for he could look upon it in no other light) of one cent, would cause immense shipments, or great and exorbitant profits be exacted." "While cut off from the competition of foreigners by a duty of twelve cents per pound on imported refined sugars, the refiner exorbitantly demands a drawback of five cents on the pound. This was a bold attempt at monopoly, and would soon operate as a direct bounty."

These were his objections to the act twelve years ago. He was answered by General Smith, that "if the bill passed, the whole average amount of the exportations would only be $1,007;"—"that 100,000 pounds might be exported in a year instead of 34,000." Mr. Woodbury, the present Secretary of the Treasury, concurred with General Smith in his general views, and stated the drawback that year to be about $2,000 (which would give about 50,000 pounds for the export,) and supposed that it might rise to the amount supposed by General Smith. These were the opinions at the time; and now for the results. A table received from the Register of the Treasury (Major Smith) in answer to an application to him, shows that the drawback on the export of these refined sugars from 1828, when the drawback was raised, til 1833, when the compromise act was passed, was:

In 1828	$2,045	In 1831	63,688
1829	45,092	1832	42,840
1830	84,250		

Such was the enormous and instant increase!

This table shows that the objections to ths bill were well taken, and have been justified by the event. The drawback was raised in December, 1828; the next year the amount paid rose from $2,000 to $45,000; the year after to $84,000; and in the four years the amount paid for this drawback was about $280,000; being upwards of double the amount paid on that head from the foundation of the Government up to the year 1828. The whole amount paid for these drawbacks from 1789 to 1828 was about $130,000; the fact of more than doubling this amount in four years after 1828, proves that the additional cent on the drawback was, what it had been charged to be, *a premium out of the Treasury, and a naked bounty upon exportation.*" This was the effect under the act of 1828; and bad enough it was; but then came the compromise act to reduce the duty on raw sugar, with biennial reductions, until it will go down to less than one cent per pound, while the drawback remains at five! The consequence of this new error is another excessive augmentation of the export of refined sugars, and the drawback payable upon them. In 1839, this export had actually arrived at upwards of five millions of pounds per annum, drawing above $250,000 out of the Treasury in a single year! and this still on the increase; for the great reductions of duty, and the greatest temptations to export, are yet to come: they come in 1841 and 1842, and thereafter until the act of 1833 is amended.

Mr. B. then showed the annual increase of drawback on refined sugar, under the compromise act, to be, after it began to operate, in 1835:

For 1835,	$42,929	For 1838,	$145,494
1836,	83,768	1839,	251,301
1837,	100,642		

This, he said, was the effect of the act for five years, and the five during which its operation was less beneficial to the exporter than it would be hereafter. Proceeding in the same ratio of increase, in three or four years more, when the sugar duty comes down to 20 per cent. on the value, the fact would be that the whole revenue from sugar would be insufficient to pay the drawback! At present, the drawback is more than twice too much: it is one-fifth too much under the act of 1828; and it is made double too much by the operation of the compromise act. During the last year alone, the two acts together gave the sugar refiners about $150,000 more than they ought to have received. After 1842, if these acts are not altered, these refiners will receive about five times as much as they would be entitled to under a fair adjustment of the drawback, and, consequently, would increase their exportations until the whole sugar revenue would be absorbed in the payment of their drawback! He (Mr. B.) in his previous opening speech, had supposed that the drawback already absorbed the whole sugar revenue; but that was an error—an error as to time only; for, after 1842, the whole of this revenue might actually be absorbed in that way. The molasses and salt revenue, he had shown, were to be absorbed in the same way, unless prevented by timely legislation.

Mr. B. said it had always been considered a dangerous thing to allow a drawback in a case where an article had passed out of the hands of the collector, or had broken bulk, or had changed its form. Both Mr. Tazewell and Mr. Dickerson spoke of this danger in 1828, and instanced the famous case of the snuff drawback in 1798; and Mr. Tazewell showed the sugar drawback to be a remnant of the old excise on sugar in 1794, and again during the late war. By this excise, the sugar refiners paid 4 cents a pound to the Treasury on all the sugar refined by them; and if they exported any part which had paid this 4 cents, they drew it back. At the same time, to enable them to pay this excise, and to make a better source of revenue, Congress gave them a monopoly of the home market for refined sugars, by putting a prohibitory duty of 12 cents on the pound on imported refined sugars. This was the origin of the sugar drawback. The excise had long since ceased; but its two children, the monopoly and the drawback, survived; and this drawback was increased one-fifth in 1828, and is now doubled under the act of 1833, and will soon be quadrupled, if that act is not altered.

Mr. B. said his only object this morning was to do justice to a former member of this body, Mr. Dickerson, whom he had placed on the wrong side of a most important question; and to shew that that gentleman, and Mr. Tazewell, and he might add himself, (for he was the first among them to oppose the increased drawback of 1828) were all right in their opposition to that measure, and in their predictions of its effects in stimulating exportations of refined sugar, and keeping up the price at home, and draining large sums unduly from the Treasury.

The Senate then went into Executive session;

And afterwards adjourned.

HOUSE OF REPRESENTATIVES,
TUESDAY, March 24, 1840.

Mr. RARIDEN moved a supension of the rules, for the purpose of continuing the call of the States for resolutions.

Mr. RAMSEY demanded the yeas and nays, which were subsequently ordered.

Mr. BANKS moved a call of the House.

Mr. DAVIES demanded the yeas and nays; which were not ordered.

The motion for a call was then decided in the negative.

The question on suspending the rules was then taken, and decided in the negative—yeas 47, nays 83.

The SPEAKER then announced the business before the House to be the amendment of the gentleman from Louisiana [Mr. GARLAND] to the motion to print the report of the committee on the New Jersey elections—the amendment being to discharge the committee from the further consideration of certain testimony.

Mr. BOTTS, who was entitled to the floor, resumed, in continuation, his remarks, where he left off on Saturday morning, and continued speaking until the expiration of the morning hour, when

The Senate bills on the SPEAKER's table were then taken up, read twice, and committed; after which,

On motion of Mr. JONES of Virginia,

The House went into Committee of the Whole on the state of the Union, Mr. DAWSON in the Chair—and resumed the consideration of the Treasury note bill.

Mr. TRUMBULL, who was entitled to the floor, said he wa as anxious to supply the Government with funds as any other person, but he objected to the ground assumed as a cause for the issue. It was asked only for a temporary purpose—to pay out in anticipation of receipts from revenues during the year. Such had been the excuse for former issues, and such would be the pretext for the future. He took exception, because he believed there was a permanent deficit. He objected to the bill in its present form, because he believed it would empower the Secretary to issue from ten to sixty millions in the year, if he deemed it necessary, instead of five millions. He was understood to be opposed to it, also, because he believed it to be connected with another system the Sub-Treasury system. He argued at some length, and cited the authority of Crawford, Dallas, and others, to show that the issue of Treasury notes, as bills of credit, were unconstitutional; and adverted to the Madison papers, giving the debates of the convention which formed the Constitution, by which he showed that the authority was expressly forbidden to the Government by that convention. If any such power at all existed, it was by implication. He was in favor of a loan, because the power in the Constitution was specific and express; and opposed to the issue of these notes, because it was expressly denied, if they be issued in the form of a bill of credit. He was not in favor of a national debt, though he did not believe it such a great curse as some gentlemen seemed to think. The debt incurred to carry on the last war had, on the other hand, proved rather a blessing than otherwise, when he considered the termination of it. He was confident that the credit of the Government was such that it could borrow any amount necessary, and pay it at its own option; and contended that by thus borrowing from abroad, it would be beneficial to the business operations of the country; and, on the other hand, that if the issue of the notes be resorted to, it would cripple the business—for the reason that the Government, by its superior credit, could possess itself of the means of the banks—would absorb all the means by which those institutions usually afford facilities to the merchants to carry on their operations. He then went into an argument to show that these notes were as much a currency as State bonds, bank paper, and post notes, and that they would tend to increase all difficulties of which a portion of the country now complained—that there was too much paper, and too little specie. He believed, with the chairman of the Committee of Ways and Means, that the issue of notes would help the banks. These institutions, in consequence of the doubt hanging over the credit of the trading community, would invest the funds in these notes, and would take just so much from the merchants. If the money be borrowed on loan from abroad, it would be beneficial both to the banks and to the merchants. The issue of these notes was a part of the plan to carry out the gold and silver system—a plan that could not be accomplished without it. He belived it would increase the power of the Executive over the money system of the country, which was more dangerous than the bank money power of which there were so loud complaints and so many apprehensions. He also argued to show that, under the operations of the Bank of the United States, the exchanges and currency were in much better condition than under any other system. He contended that, under an Independent Treasury, or a hard money system, the Government never would have been able to pay off its national debt, or assumed the stand it now occupies among the nations of the earth. Mr. T. having concluded after a long argument,

Mr. EVANS obtained the floor, and was about proceeding in his remarks on the bill, but yielded to

Mr. BLACK, who said this was the day on which it was made the special duty of the Select Committee on Printing to make a report; and, with that view, he would move that the committee rise to enable him to make that report.

The question on rising was taken by tellers, [Messrs. HUBBARD and WELLER acting as such,] and decided in the negative—ayes 47, noes 78.

Mr. EVANS resumed. He regretted that the subject of the finances of the Government had excited so little attention. Since the subject of the disordered finances had been under consideration, the committee had with difficulty kept a quorum. He stated in advance, that if he voted for this bill at all, it would be with great reluctance, and because of the absolute necessity of its passage to secure the credit of the Government. It had been said by the chairman of the Committee of Ways and Means, that this bill was merely intended as a temporary arrangement, to meet the irregularities in the receipts and disbursements—to anticipate at the present time the receipts of the present year, which would be adequate to meet within that time the wants of the Government. He did not look upon it as a mere anticipation of means coming into the Treasury during the year, but believed there was a permanent deficit in the Treasury; and thought it the duty of the chairman of the Ways and Means and the Secretary of the Treasury, so to state to the country, that a proper and permanent remedy might be applied. He then examined the fluctuations in the receipts and expenditures of former years, to show that there was nothing peculiar in the condition of this year, in that respect, which rendered it necessary now, any more than at that time, to make an issue of notes to equalize the receipts and disbursements, except indeed the two millions of Treasury notes which fell due on the first quarter of this year. The measure—the issue of these notes—stood on a stranger ground than on that of immediate present necessity. It could not be defended on the ground of fluctation in the revenues—on the ground of mere anticipation of the receipts. There was a higher ground—a permanent deficiency in the revenues of the country. He then went into an examination of the question of revenues in expectation, and contended that, by reduction in the tariff, and other causes, the revenue of this year would not approach any where near that of the last and previous years. To prove that there was a permanent deficit in the Treasury, and that the revenues of the Government for the last three years have not been sufficient to meet the disbursements, he adverted to the fact that the five millions which were authorized to be kept in the Treasury, to meet sudden emergencies, (and which, by some inadvertence, was increased to upwards of six millions,) the amounts falling due from the suspended bonds of the merchants, and the sale of the United States Bank bonds, and other sources, amounting to twenty-four millions, and not received during that time from the revenues, had all been expended, to meet the wants of the Government, within the past three years: thus showing an expenditure of eight millions more in each year, for the last three years, than was received from revenues. From this state of things, he believed there was a permanent deficit, and that the receipts of this year will not be sufficient to meet the expenditures. Another reason which induced him to believe that the revenue would not be as great as was anticipated by by the Secretary, was the fact, that the packets from Liverpool, which usually came in full, are now arriving in New York daily, almost empty; and instead of now bringing goods dutiable, they are carrying away goods, which the merchants had in store, and for which there was no sale, and thus receiving drawbacks, and causing another demand upon the Treasury not anticipated. Mr. E. contended that a loan could be easily effected; there was money enough, but no demand; currency enough, but there was a stagnation of all business; every thing was falling; manufactures stopping; in fact every thing which constituted the business of the country was staggering. All these causes combined to cut off the revenues of the country. He believed, however, there was a healthy action going on, though it was a severe one. The nation was now exporting largely; but all this went to pay the debts abroad, which was certainly very desirable; but the vessels carrying out did not bring any thing back to contribute towards the receipts from revenues. Mr. E was confident that there was a permanent deficit in the Treasury, and thought the Secretary of the Treasury should have made a faithful exposition of the condition of the finances, instead of concealing and covering it up. He was of the opinion that the Secretary had underrated, in his estimates, the probable expenditures of the Government for the year; and cited many objects which he deemed absolutely necessary, and which he thought might pass this session, not included in those estimates.

Mr. E. without concluding, yielded the floor to

Mr. UNDERWOOD, who moved that the committee rise;

Which question was taken by tellers, (Messrs JONES of Virginia, and DAVIS, acting as such,) who reported that there were ayes 60, noes 90. So the committee refused to rise.

Mr. EVANS resumed, and said he was not speaking to delay the passage of the bill, or worry the patience of the House. He then went on to show the depressed condition of the business of the country; and said that he had just been informed that a letter had been received from New York, which gives the amount of duties paid on cargoes of four ships, compared with that of last year in same vessels, showing that the duties on the said cargoes are but one-seventh as great as last year.

If he believed with the chairman of the Committee of Ways and Means, that the measure was only a temporary one, that the relief here sought was only to anticipate the means that were to come into the Treasury within the year, he would not hesitate to give it his support: believing, as he did, that this deficiency was permanent, and that it would increase; and being desirous to see some permanent provision made, he should much prefer some other measure. The honorable chairman tells the House that there was necessity for immediate relief; that we have not time to turn about and seek other modes of relief; and he agreed with him. He was constrained to say that he believed this measure stands between Government and actual bankruptcy: nay, he believed that there were at that moment protested drafts now in the Treasury. Under these circumstances, much as he would have preferred some other mode of relief, he should be reluctantly compelled to give it his vote.

Mr. THOMPSON of South Carolina followed in opposition to the bill, contending that it was a violation of the Constitution of the Government to issue Treasury notes. He was understood to be in favor of a direct loan. He reviewed the policy of the past and present Administrations in relation to the currency, and attributed all the present embarrassments of the business of the country to that cause. He censured the course of the Government in relation to the Florida war, and was in favor of sending a much larger force there, which he believed was the only means by which that war could be successfully terminated. He also examined some of the provisions of the Sub-Treasury bill, and denounced that measure as one fraught with many evils—as being very injurious to the best interests of the country. Mr. T. before concluding, yielded the floor to

Mr. MONROE, who moved that the committee rise; and,

Tellers having been called for on that motion, Messrs. RAMSAY and HUBBARD were appointed as such, who reported that there were—ayes 60, noes 93.

So the committee refused to rise.

Mr. THOMPSON then resumed, and concluded, his remarks n opposition to the principles of the bill.

Mr. NISBET then obtained the floor, and addressed the House at some length in favor of the bill. He considered the issue of Treasury notes, as provided for in the bill, to be in effect the borrowing of money, and therefore constitutional. But to take away even the semblance of bills of credit, he concluded by offering an amendment, as follows:

"Provided, that the notes proposed to be issued in virtue of this act shall bear interest of not less than two, nor more than six, per cent. at the discretion of the Secretary of the Treasury, with the advice of the President."

Mr. BIDDLE then obtained the floor, but gave way to

Mr. HABERSHAM, who offered an amendment, to come in the second section, as follows:

"Which said notes shall be negotiable by endorsement only, and subject to the same rules and restrictions as inland bills of exchange, but without liability of endorsers."

Mr. BIDDLE said his position as a dissenting member of the Committee of Ways and Means rendered it almost absolutely necessary to say something on this bill. He did not believe there was sufficient time now to discuss any of the topics in the measure, as fully as he could have wished, and as he would have done if he had obtained the floor at an earlier day. The President says he wants the money. He would much rather, at the end of the year, find himself the dupe of the President than peril the credit of the Government by interposing opposition to the passage of the bill. He then commented at length on the annual message of the President, with a view to show that the possible contingencies which he said might render it necessary to issue Treasury notes, had not occurred. He examined the bill in all its constitutional bearings, and referred to the proceedings of the convention which formed the Constitution, and to the opinions of ex-President Jackson and others, in support of his argument that the issue of Treasury notes could only be defended as an act of extreme emergency, on account of its dangerous tendencies. He was understood to be in favor of a direct loan, which, he said, could be easily effected, as there was a vast deal of capital lying idle in the city of New York, in consequence of the loss of confidence in the community, and which was seeking for safe investments.

The question was then taken on Mr. NISBET's amendment, and decided in the negative.

Mr. HABERSHAM then addressed the House in support of his amendment. He said he was induced to offer it, because it had been stated by the chairman that these notes were not intended to be circulated as money. If it was not so intended, there could be certainly no objection to the amendment. But if this amendment was not admitted, and the notes were intended to circulate, his colleague [Mr. NISBET,] must agree with him that the bill was unconstitutional. He believed these notes were bills of credit within the meaning of the Constitution, and they would circulate as money without the restriction in his amendment. During the late war, similar notes circulated as money, and depreciated about twenty-five per cent. like the continental money, notwithstanding they bore interest. The notes, as proposed to be issued, will circulate as money, and as such came within the description denominated bills of credit. He cited decisions of the United States courts in several instances to sustain his opinion. His object was to take away the power to circulate these notes as money, and give them the character of prommissory notes or bills of exchange. Mr. H. addressed the House at some length in support of his amendment. After which,

Mr. WARREN spoke at considerable length, and with much earnestness, in opposition to the bill, opposing it both on the grounds of expediency and constitutionality, and, in the course of his remarks, commenting on the Sub Treasury bill, the Bank of the United States, the deposite banks, etc.

Mr. BARNARD then rose, and after some remarks on the course the debate had taken, asked the House to indulge him, by postponing the further consideration of the subject till to-morrow. He wished to address the House in favor of his amendment, but was physically unable to proceed this evening. [Cries of question, question, were heard.] Mr. B. said that gentlemen could not put him down by cries of question, question, and he now gave them notice, if interruptions of this kind were persisted in, he would continue on the floor so long as he was able to stand. Mr. B. then moved that the committee rise.

Tellers were called for, and Messrs. DROMGOOLE and WELLER were chosen, when the question was taken, and the tellers reported ayes 53, noes 90.

Mr. BARNARD, after a few remarks, again moved that the committee rise.

Tellers were called for, and Messrs. HOLLEMAN and JAMES were chosen; who, on counting the votes passing between them, reported ayes 1[illegible], noes 85, the Whig members generally, *sub silentio, refusing* to vote.

A quorum not having voted in consequence,

Mr. DROMGOOLE said that he was under an impression that there was a quorum present; and he would therefore inquire if it was in order to have a count of the members who were within the bar. He maintained that the committee could sit and wait for the arrival of a quorum, if one was not present; but he wished the fact to be ascertained by an actual count.

The CHAIR [Mr. DAWSON] said, that as a quorum had not voted, the committee must rise, and report that fact to the House. The yeas and nays could not be taken in committee, and there was no way of ascertaining whether a quorum was present, but by an actual count.

Mr. CRARY said the fact would be ascertained on the very next question, and that was on a motion for the committee to rise and report the want of a quorum.

Mr. HOFFMAN contended that in conformity with the practice of the House and with parliamentary usage, no motion is necessary, but that the committee must of necessity rise and report the fact to the House when there is not a quorum voting.

Mr. DROMGOOLE said the question resolved itself into this: whether the fact of a quorum's not voting was conclusive evidence that a quorum was not present.

Mr. MONROE would like to know how the gentleman could arrive at the fact that there was a quorum present but by the votes taken.

Mr. DROMGOOLE. It can be ascertained by an actual count of the members present.

The CHAIR was of opinion that in the event of a quorum not voting, the committee must rise and report the fact to the House. This was in conformity with the former practice of the House.

Mr. BANKS observed that the rule, as laid down by the Manual, (which was adopted as the rules of the House,) to direct the rising of the Committee of the Whole, was, that the question should be put on a motion that the committee rise. Now, he presumed that the chairman could not put the question on his own motion, but that the question must be put on the motion of a member. He was willing to admit that a practice had prevailed here in direct opposition to this rule; but the former Speaker informed him that he was correct in this view of the subject, and that he had only given contrary decisions in conformity with the practice of the House. It was evident that there was a quorum present, though there was not a quorum voting.

Mr. HOLLEMAN observed that it was impossible to reconcile their minds to the fact that there was not a quorum present, when they looked round, and saw the number of gentlemen

within the bar. We all know, said he, how this state of things has arisen. Gentlemen have refused to vote, and thus there appears to be no quorum.

Mr. WELLER remarked that it must be well known to every man in the House, that there was a quorum present; that so soon as the chairman commenced the count, the Whig members generally left their seats, and withdrew from the bar, in order that a quorum might not be found, and the House compelled to adjourn, and thus postpone the passage of the bill. The chairman could not of course count those who had withdrawn from the bar, but he desired that the country should know the *trick* resorted to by Whig gentlemen here to prevent the presence of a quorum.

The committee then (under the decision of the CHAIR) rose, and reported the fact to the House, that there was not a quorum voting.

Mr. DROMGOOLE moved a call of the House.

Mr. RICE GARLAND moved an adjournment; and

Mr. SMITH of Maine called for the yeas and nays on that motion; which were ordered, and, on taking the question, resulted in—yeas 31, nays 95.

The House refusing to adjourn, and a quorum voting,

The SPEAKER informed the House that a quorum was present; and the House again resolved itself into a Committee of the whole, Mr. DAWSON of Georgia in the chair.

Mr. BARNARD again moved that the committee rise.

Mr. CLIFFORD inquired whether the motion was in order, there having been no business transacted in the committee since the last motion for it to rise.

The CHAIR decided that the motion was in order, and the question was take and decided in the negative—ayes 11, noes 92, the Whig members, generally, refusing to vote.

A quorum not having voted—

Mr. KEIM asked for an actual count of the committee. This was, he thought, complete children's play. There was manifestly a quorum present.

Mr. PROFFIT said, then, if there is children's play, there can be a little man's play too.

The CHAIR having decided that it was his duty to rise and report the fact that there was no quorum, without the authority of the committee,

Mr. PETRIKIN raised the point of order that he had a right to demand a count of the members present, and it was the duty of the CHAIR to make the count; and on the decision of the CHAIR against him, appealed from the decision.

Mr. CURTIS observed that, as there was no quorum, an appeal could not be in order.

Mr. HOLMES said that was begging the question. What was the question before the House? Whether or not there was a quorum present; and the gentleman from New York said that that question could not be taken, because there was no quorum. That was the very *petitio principii* of the whole question.

Mr. CURTIS explained.

Mr. HOLMES said he allowed the gentleman to explain, and his explanation amounted to the same thing that he had before advanced. Are we, said Mr. H. by this kind of *ruse de guerre* to be deprived of our rights, by gentlemen's refusing to pass between the tellers? What was the decision of the CHAIR? It was, that he was obliged to rise and report the fact to the House, that a quorum had not voted; an appeal was taken, and the question was, whether the decision of the CHAIR shall stand. On this the gentleman from New York said the appeal was not in order, because there was no quorum. For the House to sustain this position would be such an absurdity as to subject them to the ridicule of the whole country.

Mr. VANDERPOEL read the 150th rule as applicable to the question.

Mr. ANDREWS rose to a point of order, and inquired whether the question was debatable?

The CHAIR said that an appeal was debatable.

Mr. VANDERPOEL thought it very important that this question should be settled. The idea was not to be tolerated that the Committee of the Whole was as powerless as gentlemen seemed to think. When we see, said Mr. V. a majority sitting round us, can it be pretended that the CHAIR has not a right to ascertain that majority by a count? No gentleman could rise in his place and say that there was not a quorum present, when only a moment or two age it was clearly ascertained that there was one? There were at least one hundred and sixty members on the floor when the last vote was taken. Mr. V. then read the 150th rule of the House.

The CHAIR then said that he was called upon by the gentleman from Pennsylvania to ascertain, by an actual count of the members within the bar, whether there was a quorum present. He had ascertained that, under a former decesion of the House, he had the power to count; but he would observe, that when he should do so, and announce the result, it was very questionable whether the members could be compelled to vote. The CHAIR would then proceed to ascertain, by count, if there was a quorum within the bar.

Mr. RICE GARLAND. Then we can get outside of the bar; and Mr. GARLAND walked out, followed by Messrs. BARNARD, FILLMORE, SMITH of Connecticut, and PROFFIT; and the Whigs generally on the left of the SPEAKER retreated to the outside of the bar—several voices crying, "run boys, run!"

The CHAIR having counted, announced that there were 107 members within the bar.

Mr. WELLER. A number of gentlemen have left the bar, to avoid being counted. I wish that fact to be understood throughout the country. [These were Whigs.]

The CHAIRMAN then descended from the chair, and announced to the House that there was not a quorum present.

Mr. CRAIG moved a call of the House.

Mr. PROFFIT moved that the House adjourn; on which motion,

Mr WELLER called for the yeas and nays; and the call having been seconded, the question was taken, and resulted—yeas 25, nays 98.

Previous to the result being announced from the CHAIR,

Mr. VANDERPOEL announced the fact that the member from Massachusetts, Mr. ADAMS, who was in his seat, had refused to vote, and moved that he be called on to vote.

The CHAIR said that the motion was not now in order, the House having, on a former occasion, decided that a motion of this kind could not be made pending the taking of a vote, and the announciation of the result.

The SPEAKER said that a quorum being present, the House would again resolve itself into a Committee of the Whole on the Treasury note bill.

The House having accordingly resolved itself into a Committee of the Whole,

Mr. BARNARD, without proceeding in his remarks, again moved that the committee rise.

Tellers were called for, and Messrs. GRAVES and JAMESON were appointed; who, on counting the voters passing between them, reported ayes 26, noes 67.

[The Whigs, *sub silentio*, refused to vote.]

A quorum not voting, the committee rose and reported the fact to the House.

Mr. DROMGOOLE moved a call of the House.

Mr. BARNARD moved an adjournment.

Mr. WELLER called for the yeas and nays on the motion to adjourn, which having been ordered, the question was taken, and resulted—yeas 27, nays 90.

On this question many Whigs, and Mr. BARNARD, who moved the adjournment, did not vote.

The House having refused to adjourn, and it being ascertained by the vote just taken that there was a quorum present,

The House again resolved itself into Committee of the Whole, and took up the Treasury note bill, Mr. DAWSON of Georgia in the chair.

And again finding itself without a quorum, reported the fact to the House; when

Mr. DUNCAN moved a call of the House.

And the yeas and nays having been ordered, the question was taken, and resulted—yeas 91, nays 21.

Mr. COOPER of Pennsylvania moved that the House adourn.

Mr. WELLER called for the yeas and nays, which were ordered.

Mr. COOPER then withdrew his motion.

Mr. PROFFIT renewed it.

Mr. PETRIKIN called for the yeas and nays.

Mr. DAWSON hoped the call of the House would not be proceeded in. He thought no good could arise from continuing this state of things. It was now one o'clock, and the members were all perfectly exhausted and required rest.

Mr. COOPER of Ga. expressed the hope that the House would adjourn; he was in the habit of rising at five o'clock in the morning and would agree to meet the House at that hour, but he now required some sleep.

The question was then taken on Mr. PROFFITT's motion to adjourn, and decided in the negative—yeas 23, nays 92.

Mr. PETRIKEN here asked if it was in order to call on gentlemen to vote who were in their seats and declined voting. He announced the fact that the gentleman from Vermont [Mr. SLADE] was in his seat when his name was called, and that he declined voting.

The SPEAKER replied that, under a former decision of the House, a gentleman could not be called on to vote while the vote was being taken, and before the announcement of the result. After the result was announced, it was too late to call on him.

Mr. PETRIKIN appealed from the decision of the CHAIR, but withdrew his appeal, at the request of his friends.

The call of the House was then proceeded with; when it was ascertained that 135 gentlemen answered to their names.

Mr. CASEY observed that it was now one o'clock, and that it was obvious that the House could not force the attendance of its members, so as to act on the bill to-night; and it did seem to him that the business of the country would be better proceeded with by adjourning, and commencing again with the business to-morrow, after being refreshed by rest. Mr. C. then moved that all further proceedings under the call be dispensed with.

Mr. DUNCAN called for the yeas and nays, which were ordered.

Mr. McKAY proposed a compromise to gentlemen. He would move that, by general understanding, the committee be discharged from all further consideration, and that until six o'clock to-morrow be allowed for discussion in the House.

Mr. ANDREWS and Mr. PROFFIT objected, and the question on the motion was not put.

Mr. CASEY withdrew his motion, and, during great disorder and confusion, the call of the absent members was proceeded with; after which,

The SPEAKER announced that 146 members had answered to their names, and then directed the doors to be closed.

Mr. DAWSON observed that it must be evident to the House that nothing could be accomplished by proceeding with the call of the House. By the operation, said he, we are going through with now, it will take till daylight to get the absent members here, and receive their excuses. Those who were to be brought in by the Sergeant-at-Arms would not be brought in till daylight, and, he said, we are to be compelled to sit here till they come. Mr. D. thought the whole proceeding was wrong, and would be glad of some way of getting rid of it.

Mr. BEATTY would ask the gentleman whose fault it was that they were kept here all the night. It was the fault of the Opposition members who so often refused to vote in order to prevent a quorum.

The absentees were again called over, when Mr. ANDERSON of Kentucky was excused on account of indisposition.

Mr. FILLMORE here said, that he understood that his colleague [Mr. BARNARD] was willing that the bill should be reported to the House provided there was an understanding that the previous question should not be called. Mr. F. then moved to suspend further proceedings under the call.

Mr. ANDREWS of Kentucky called for the yeas and nays, which were ordered; when

Mr. FILLMORE withdrew his motion.

Mr. HOLMES asked leave to make an appeal to the House—[Great noise and confusion.]

Mr. MONROE objected. He was refused the privilege of making an explanation himself.

Mr. HILLEN moved that Mr. CARROLL be excused on account of indisposition.

Messrs. PROFFIT and ANDREWS called for the yeas and nays, but they were not ordered, and

Mr. CARROLL was excused without a division.

Mr. HOLMES again rose and attempted to address the House—but objections being made by several, he sat down.

On motion of Mr. HUBBARD,

Mr. CHAPMAN was excused on account of indisposition.

On several motions, Messrs. COLQUITT of Georgia, CRANSTON of Rhode Island, ELY of Pennsylvania, and EVERETT and GRANGER, were excused.

Mr. GRAVES moved to excuse Mr. THOMPSON of South Carolina; but the House refused to excuse him.

Mr. STANLY offered the following resolution, which was read for information, as follows:

Whereas the calls of the House heretofore have cost the Government several hundreds of dollars, by excusing those gentlemen who were summoned by the Sergeant-at-Arms: Therefore,

Resolved, That those members who shall be summoned to attend by the Sergeant-at-arms, shall pay the fees due said officer.

The resolution not being in order but by general consent, and Mr. DAWSON and others objecting, no question was put on it.

Mr. HOFFMAN moved to suspend further proceedings under the call; and the question was taken by tellers, [Messrs. CROSS and WELLER,] who reported ayes 23, noes 79.

A member here moved that the absentees be sent for; which was agreed to.

Mr. DAWSON appealed to the House to reconsider that vote. It was now near daylight.

The CHAIR said that the motion must come from some gentleman who voted with the majority.

Mr. STANLY again offered his resolution; but

Mr. DAWSON objected, and the question was not put on the motion.

Mr. SLADE moved that the House adjourn.

Mr. PETRIKIN called for the yeas and nays; which were ordered, and the question was taken and decided in the negative—yeas 25, nays 98.

Mr. GRAVES moved that all further proceedings under the call be dispensed with.

Mr. DROMGOOLE said he would agree to dispense with further proceedings under the call, provided there was a quorum present who would agreed to remain here and do the business of the country.

Mr. STANLY called for the yeas and nays on Mr. GRAVES's motion, which being ordered, resulted—yeas 27, nays 91.

Mr. ADAMS being one of those present, and not voting,

Mr. DAWSON moved that Mr. ADAMS be compelled to vote.

No question being put on this motion,

Mr. TAYLOR of Ohio offered a resolution that JOHN QUINCY ADAMS, a member of this House, and now in his seat, for refusing to vote, when called on, on the several questions put this evening, and particularly the last, be now required to answer to his name.

The SPEAKER said that under a former decision of the House, the resolution was not in order.

Mr. JAMES moved that the House adjourn.

Mr. WELLER called for the yeas and nays; which, having been ordered, resulted in yeas 27, nays 88.

Mr. CRARY here offered a resolution similar to that of Mr. TAYLOR of Ohio, requiring Mr. ADAMS to vote—but

The SPEAKER ruled it to be out of order.

Mr. CURTIS moved that when the House adjourn, it adjourn to meet at twelve o'clock noon; which motion was decided in the negative without a division.

Mr. BEATTY said he would like to know of the CHAIR at what time it would be in order to enforce the rules of the House requiring members present to vote.

The SPEAKER said that, by a former decision of the House, a motion to require a member to vote could not be received while the vote was being taken, and before the announcement of the result to the House After the result was announced the question was decided, and it was too late then to require a member to vote.

Mr. LEWIS. The House would now see the predicament in which it was placed by reversing a just decision of the SPEAKER some days since.

Mr. PROFFIT moved that the House adjourn.

Mr. DROMGOOLE inquired if a motion to adjourn was in order while the process of compelling the attendance of absent members was going on. He could not consent to adjourn while the doors were closed.

Mr. PROFFIT. Then go out of the window.

Mr. DROMGOOLE. I do not choose to go out in that way.

The SPEAKER decided that the motion to adjourn was in order.

Mr. CRARY appealed from the decision of the CHAIR, when

Mr. PROFFIT withdrew his motion to adjourn.

After a short interval,

Mr. PROFFIT again moved an adjournment; and

Mr. WELLER called for the yeas and nays, which were ordered.

Mr. CASEY appealed to the gentleman to withdraw the motion. The Sergeant-at-Arms, he understood, was in attendance with several absent members.

The question was then taken, and decided in the negative—yeas 16, nays 80.

The SPEAKER announced that the Sergeant-at Arms was in attendance, and had presented a list of gentlemen who were in his custody, and now present in the House, viz: Messrs. Corwin, Hook, Morris, Davis of Indiana, J. Johnson, J. Campbell, McClellan, C. Morris, Saltonstall, Butler, Campbell of Tennessee, Cushing, Randolph, Montgomery, Hill of North Carolina, Fisher, Hastings, Allen of Ohio, Charles Johnston, Warren, Kempshall, Giddings, and Gentry.

The SPEAKER also read the list of those gentlemen who could not be found by the officer of the House, and of those who had been summoned and refused to attend.

Mr. CORWIN of Ohio being the first on the list, was then called on, and addressed by the SPEAKER as follows.

"Mr. CORWIN, you have been absent from the House without leave of the House, and contrary to its laws: if you have any excuse to offer for your absence, the House will now hear it."

Mr. CORWIN said he could assign to the House in a very few words the reasons why he was not in his place during last night. He left the House a little before 10 o'clock, while Mr. HABERSHAM was speaking on the authority of a gentleman who he thought had a good right to speak as to the views and intentions of the Administration party. He alluded to the gentleman from New York [Mr. VANDERPOEL.] He inquired of him what were the intentions of the majority with regard to the Treasury Note bill, and whether they expected to pass it that night. He told the gentleman that he did not like the business the House was engaged in, and did not intend to have any thing to do with it. On this, he was informed by the gentleman, whose authority he could not question, that the bill was to come out of committee presently, and that it was to be acted on to-day. He had no idea, Mr C. said, that his presence was wanted, and as the gentleman had told him that he did not want his vote, he concluded that he would go home and go to bed. He assured the House that, in absenting himself, he intended to commit no contempt, or evince any want of respect for its authority.

Mr. HOFFMAN moved that Mr. CORWIN be discharged from the custody of the Sergeant-at-Arms, without paying the fees.

This question was taken by tellers, Messrs. HOWARD of Indiana, and ANDREWS of Kentucky, and decided in the negative—ayes 36, nays 53.

The SPEAKER then said that the next question would be on permitting Mr. CORWIN to take his seat with payment of the fees.

Mr. BARNARD rose to a point of order; which was, whether less than a quorum could enforce a fine.

The SPEAKER said that any number, not less than fifteen, could compel the attendance of absent members.

Mr. BARNARD. If a minority of the House can enforce a fine, they can expel a member. Mr. B. was proceeding to address the House on the question raised by him, when

Mr. WELLER called him to order, and asked whether he could debate the question after the CHAIR had decided it, without taking an appeal.

Mr. BARNARD. I will gratify the *very* courteous gentleman from Ohio, [Mr. WELLER,] and appeal from the decision of the CHAIR.

Mr. PETRIKIN. I demand the previous question on the appeal.

Mr. BARNARD. I desire the very orderly gentleman from Pennsylvania [Mr. PETRIKIN] to wait till he gets the floor, and then he may move the previous question.

Mr. PETRIKIN. I don't want any of the insolence of the gentleman from New York.

The SPEAKER called Mr. PETRIKIN to order.

Mr. PETRIKIN said he acknowledged the impropriety of the language he used, but he was betrayed into it by the very insolent and overbearing manner of the gentleman from New York.

Mr. BARNARD called Mr. PETRIKIN to order.

Mr. PETRIKIN. Then I call the gentleman from New York to order, for words spoken of me personally disrespectful.

Mr. BARNARD was proceeding to debate the appeal, when

Mr. DUNCAN called on him to reduce his appeal to writing.

Mr. BARNARD said that he would not reduce his appeal to writing on the demand of the gentleman from Ohio; and continued his remarks in support of the appeal for a short time; when

The SPEAKER required him to reduce it to writing.

Mr. BARNARD then withdrew the appeal.

Mr. CORWIN desired to make an additional explanation. While he had had the honor to hold a seat on that floor during nine years, no action of this kind whatever had taken place. He had no desire to object to the House coming to any decision, in his own case, that might answer the purposes for which these proceedings were instituted; but he desired that if any action was to be had that was to set an example for all times hereafter, that would supersede the necessity of enforcing the attendance of members, a quorum should be present to decide what that action should be. He would observe that he had been here for nine years, and had never before been the subject of censure for absence from his duties till this time. He saw many gentlemen around him who seemed disposed to make a jest of the whole affair—he saw others in their chairs, and he could see but little more criminality in being asleep at home in bed, and being asleep here within the bar. Mr. C. again restated his cause of absence, and then

The question on discharging him, upon the payment of the fees, was taken and carried, during much disorder and confusion.

The other gentlemen on the list were severally called, and the same interrogatory as that put to Mr. CORWIN by the SPEAKER having been put to them in their order, they excused themselves as follows:

Mr. RANDOLPH had paired off with a gentleman, and was not aware that the House was in session till sent for. Discharged on the payment of the fees.

Mr. MONTGOMERY. Left the House in consequence of indisposition; was too unwell to sit up. Excused without payment of fees.

Mr HILL of North Carolina. Pleaded indisposition. Was in the House till nearly 11 o'clock, and, being unwell, retired to his room. Excused without payment of fees.

Mr. FISHER, when called upon, asked at what time it was that he was absent. On being answered at 2 o'clock in the morning, he said: I was absent from the House, then, when it was full ten hours after the usual time of adjournment. If I had been absent during the usual hours of doing business, I would have felt that I had committed a gross dereliction of duty; but having been absent ten hours after the usual hour of adjournment, and that, too, after having attended in the House for twelve hours, he had no other reason to give for his absence than that he was away. Discharged on the payment of the fees.

Mr. ALLEN of Ohio was called, when

Messrs. DUNCAN and HOFFMAN reminded the Chair that Mr. ALLEN had already been excused on account of indisposition, both of himself and family: discharged without payment of fees.

Mr. JOHNSON of New York had paired off with Mr. STRONG of New York on the 13th instant, and could not, consistently with propriety, vote till that gentleman's return. He would not attempt to justify the practice of pairing off, and would, therefore, submit his case to the judgment of the House: discharged without the payment of fees

Mr. WARREN excused himself by saying, that seeing the determination of the majority to pass the bill that evening, and the determination of the minority to resist, and believing the contest would not be a very creditable one to the Congress of the United States, he determined to take no part in it: discharged upon the payment of fees.

Mr. KEMPSHALL sat here till a very late hour; got tired and sleepy, and a little heavy; complained of bad health: discharged upon the payment of fees.

Mr. GIDDINGS of Ohio pleaded his general industry and attention to the business of the House, and excused his absence on the ground of the weakness of his eyes, and the injurious effect on them, produced by the glare of so many candles. Discharged upon the payment of fees.

Mr. HOOK excused himself by saying that he had been generally attentive to his duties. Last night he felt somewhat indisposed, and retired to his lodgings. Regretted that he did not remain there. Discharged upon the payment of fees.

Mr. DAVIS of Indiana. Excuse not heard by the Reporter. Discharged without payment of fees.

Mr. JOHNSON of Virginia. He could say with the gentleman from Ohio, [Mr. CORWIN,] that he had been for more than ten years a member of this House, but he could not say with him that this was the first time he had ever been arraigned for absence from his seat, for he had on several occasions not only been arraigned, but fined; and he could say to the House that there was no debt that he paid with more cheerfulness. He was in the House attending to his duties, from ten o'clock in the morning until ten o'clock at night, and he felt that his health, as well as his morals, required that he should be in bed at a seasonable hour. He threw himself on the mercy of the House. [Laughter.] Discharged upon the payment of the fees.

Mr. CAMPBELL of South Carolina Had no disposition to commit a breach of the rules of the House. He remained in his seat until ten o'clock at night, and then returned to his lodging. Discharged on the payment of fees.

Mr. MCCLELLAN remained in the House till ten o'clock at night, and his health requiring him to take rest, paired off with one of his colleagues. This was the first time he had ever been arraigned for absence from the House, and he was perfectly willing to abide by its decision. Discharged on the payment of fees.

Mr. CALVARY MORRIS had been absent in consequence of extreme indisposition, was still suffering with a severe pain in his side. Excused without payment of the fees.

Mr. SALTONSTALL said he would undertake to say, that since he had been here, no member had been more constant in his attention to his duties than he was. He remained here last evening till after ten o'clock, and after the motion made by his friend from New York, that the committee rise had failed. He confessed, without intending any disrespect to the House that he was astonished at the vote taken on that motion, and that, in all probability, the gentleman would not be allowed an opportunity of addressing the House. Under these circumstances, he apprehended that there would be scenes in the House that it would not be honorable for him to witness and to take part in. It being also necessary for the preservation of his health that he should avoid irregularities, he therefore retired to his lodgings. Discharged upon the payment of fees.

Mr. BUTLER of Kentucky had sat in the House for ten hours, and was tired, hungry, and sleepy. He believed it would be a night of speech making, and not of business, and, as he had generally been an attentive listener to speeches, he concluded he had done his share of that part of legislative duty, and therefore he, at ten o'clock, paired off with a friend. Discharged upon the payment of fees.

Mr. CAMPBELL of Tennessee left the House at ten o'clock, and, in accordance with the custom of all orderly men, went to bed. He had no favors to ask of the House, and particularly in the condition in which he found some of its members. Discharged upon payment of the fees.

Mr. CUSHING had no excuse to give, but out of respect to the intimation of the CHAIR, he would state the circumstances attending his absence. In conformity with the usage of every member of the House, and expecting to be sent for should his vote be wanted, he went home and went to bed. He wished, however, to say one word with regard to the motion that would probably be made in his case [to discharge him upon payment of the fees.] He denied that he was in the custody of the Sergeant-at-Arms, or that he ever was. He came to the House voluntarily, on the information of one of the pages that he was wanted. If the House, upon the false assumption that he was in custody, chose to impose a penalty upon him, he wished the fact to be known. Gentlemen who were absent from the city were not sent for and would not be fined, while those who were here and ready to attend to their duties when summoned, were, it seems, to be fined. This was strangely inconsistent, and he desired to know whether the House was prepared to carry out this principle. If he had been contumacious, and refused to come when sent for, the House might punish him for it; but as it was—that he had come immediately on being sent for, and as he was not in the custody of the officer of the House, he ought not to be fined.

Mr. SALTONSTALL argued that his colleague was in the custody of the Sergeant-at-Arms—that his being sent for by a messenger, instead of being brought bodily by the Sergeant-at-Arms himself, did not vary the case, and was only a more respectful mode of treating the gentleman.

Mr. CUSHING was then discharged upon payment of the fees.

Mr. GENTRY said he left the House at 12 o'clock at night, perceiving that there was a very strong disposition in one party to debate the question in Committee of the Whole, and a strong disposition in the other party to sit out the debate. He had no wish to participate in the debate, nor did he desire to listen to the speeches that should be made. Having been for the most part of his life a man of regular habits, he went home and went to bed. Most unfortunately for him, however, this House, by its messenger, intruded itself into his bed room this morning, and disturbed him out of his sweet sleep, in consequence of which he looked upon himself as the injured party, and therefore an apology was due to him, instead of from him. Inasmuch, however, as it would be inconvenient for every gentleman of the House to call on him and apologize, he would take it for granted that it was done, and he would agree with the House that they should mutually excuse each other. This was the head and front of his offending, and the length and breadth of his speech. Discharged upon the payment of fees.

The SPEAKER here said that the list of those in custody was now gone through with, and that the Sergeant at-Arms reported that there were three gentlemen whose rooms, being locked, he could not get in. These were Mr. PAYNTER, Mr. BELL, and Mr. CALHOUN. There were, the Sergeant-at-Arms also reported, five gentlemen who had not answered the summons of the House. These were Mr. HILL of Virginia, Mr. WILLIAMS of North Carolina, Mr. MASON of Ohio, Mr. CLARK of New York, and Mr. BUTLER of South Carolina.

On motion of Mr. HOPKINS, it was ordered that the absentees be sent for.

Mr. STANLY then offered the following resolution:

Whereas the calls of the House heretofore have cost the Government several hundred dollars by excusing those gentlemen who were summoned by the Sergeant-at-Arms:

Therefore resolved, That those members who shall be summoned to attend by the Sergeant-at-Arms shall pay the fees due said officer.

This resolution being objected to,

The CHAIR ruled that it was out of order to introduce it at that time.

Mr. STANLY renewed his attempt to offer his resolution.

Mr. PETRIKIN objecting,

Mr. STANLY said the gentleman from Pennsylvania had no right to object, as he had received two days more pay than he was entitled to, and had left the city on a former session without leave.

Mr. PETRIKIN said if the CHAIR did not protect him, he would protect himself, and in a way the gentleman would not much like.

The CHAIR ruled the resolution not to be in order.

[It was now past 6 o'clock in the morning.]

Mr. HOFFMAN moved that the House adjourn: decided by yeas and nays in the negative—yeas 38, nays 101.

So the House refused to adjourn.

Mr. STANLY renewed his attempt to introduce the above resolution.

Mr. PETRIKIN again objecting, it was declared out of order.

Mr. DROMGOOLE moved that the call be suspended, and that the doors of the House now be opened.

This was decided by yeas and nays, as follows—yeas 17, nays 113.

So the House refused to suspend the call.

Mr. DAWSON moved that the House take a recess. He appealed to gentlemen on all sides, observing that proceedings like these were oppressive, and disgraceful to the body.

The CHAIR said the motion could only be received by general consent.

Many objecting, it was not entertained.

Mr. M. A. COOPER inquired of the CHAIR whether the order to the Sergeant-at-Arms had not been to bring *all* the absentees into the House?

The CHAIR replying in the affirmative—

Mr. COOPER further asked whether the House was not bound to wait and receive them?

The CHAIR replied that it was, unless the call should be suspended.

Mr. COOPER then asked whether they must wait for those who were absent from the city?

The CHAIR said they were not understood as included in the order.

Mr. CRAIG said a number of gentlemen were in waiting at the door, and moved they be admitted.

Mr. DROMGOGLE moved to suspend all further proceeding in the call.

Some member moved that, when the House adjourn, it adjourn to meet at 10 o'clock a. m. this day.

This was negatived without a count.

Mr. HOFFMAN moved that, when the House adjourn, it adjourn to meet at 12 o'clock noon.

The yeas and nays were demanded by Mr. WELLER on this motion, and, being taken, resulted as follows—yeas 33, nays 99.

So the House refused Mr. HOFFMAN's motion.

The Sergeant-at-Arms now again entered the Hall, and reported that he had in custody, and present in the House, the following gentlemen, viz: Messrs. Waddy Thompson, Deberry, Rhett, Graham, Prentiss, Butler of South Carolina, S. Mason, Bynum, C. H. Williams, Rogers, Pickens, Evans, Rives, and Hill of Virginia.

The SPEAKER addressing Mr. THOMPSON of South Carolina, the first on the list, said: Mr. THOMPSON, you have been absent from the House without leave of the House. If you have any excuse to offer for your absence, the House is now ready to hear it.

Mr. THOMPSON of South Carolina said that he had witnessed some of these night scenes before, and he knew that ten members were enough to answer to the calls of the rolls. Besides, being a military man, he went home to take his sleep that he might be in a condition to relieve guard in the morning. Having thus had ten hours sleep, he was now ready to do duty for the remainder of the day. Discharged upon the payment of the fees.

The other gentlemen on the list were similarly addressed by the SPEAKER, and excused themselves as follows:

Mr. DEBERRY remained at his post till near twelve o'clock; was unwell and unable to sit out the night. Discharged without payment of the fees.

Mr. RHETT. Remained in his seat till quarter past 1 o'clock. Continued sitting in the House rendered him very unwell, and he went home, and to bed. When the Sergeant-at-Arms came for him, he answered that he was too unwell to answer the summons of the House. Discharged upon the payment of fees.

Mr. PRENTISS said that he remained in his seat till 12 o'clock at night. Feeling unwell, he paired off with a colleague. Discharged on the payment of the fees.

Mr. GRAHAM. Excuses not heard in full; but ill health was one of them. This was the first time he had been absent from the House during a call, since he had been a member of Congress. Excused without payment of fees.

Mr. BUTLER of South Carolina had no excuse to make, but would state the facts. He was so unwell yesterday, that he should not have attended the House at all, had it not been for the important question that was before it. He remained in the House as long as his strength permitted, and then retired to his lodgings. Excused without payment of the fees.

Messrs BYNUM and MASON were also excused without payment of the fees, on account of indisposition.

Mr. WILLIAMS of Tennessee said he left the House at 10 o'clock at night, having paired off with one of his colleagues. He professed to be as patriotic as most men, and as anxious to do his duty to his country; but he did not like the idea of dying in the service. Discharged upon the payment of fees.

Mr. ROGERS of South Carolina said that his health was bad all the winter. He was not, it was true, sick when he left the House last night, but he knew that he would have become so, had he sat here all night. Discharged upon the payment of the fees.

Mr. PICKENS said he remained in the House till near ten o'clock at night. He felt very much indisposed, and retired to his lodgings. When the Sergeant-at-Arms first called on him, he told him that he would come to the House if he would send him a hack; but the hack was not sent. Discharged upon the payment of the fees.

Mr. EVANS of Maine was excused on account of indisposition without the payment of the fees.

Mr. RIVES of Virginia left the House between eleven and twelve o'clock very unwell. Excused without payment of fees.

Mr. HILL of Virginia. Had paired off with his colleague, [Mr.

RIVES,] being rather unwell, and could not come to the House, in his colleague's absence, and vote without a breach of faith.
Discharged upon payment of fees.

Mr. NISBET was excused on account of sickness.

Mr. DROMGOOLE moved to suspend all further proceedings under the call.

Mr. FILLMORE opposed the motion.

Mr. GRAVES called for the yeas and nays; when

Mr. DROMGOOLE withdrew the motion.

Mr. DROMGOOLE moved to dispense with all further proceedings under the call, which motion prevailed—yeas 103, nays 45.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. DAWSON in the chair,) and resumed the consideration of the Treasury Note bill.

Mr. BARNARD, without proceeding in his remarks, again made the motion that the committe rise at 8 o'clock, a. m. Wednesday.

Upon which question, tellers were called for, and Messrs. JAMESON and ANDREWS were appointed such, who reported that there were—ayes 47, noes 93.

So the committee refused to rise.

Mr. BARNARD having again resumed the floor, spoke a short time, and said he must again plead the same excuse he had twelve hours before pleaded, that of physical disability to proceed in the argument to the extent he wished, and moved that the committee rise.

Mr. VANDERPOEL called for tellers on that motion.

Mr. PETRIKIN inquired of the CHAIR whether the motion to rise could be amended.

The CHAIR was understood to say that it could.

Mr. PETRIKIN complained of the affected manner of the remarks of the gentleman from New York, [Mr. BARNARD,] who he said had kept the House in session all night, and yet pleaded indisposition as the reason for not proceeding. To save the House from further difficulty, he would move to amend the motion that the committee rise, by adding "and report the bill."

Mr. MARVIN called Mr. P. to order, and inquired of the CHAIR whether the motion to rise could be amended.

The CHAIR decided that the motion to amend was in order.

Mr. PETRIKIN thought it very singular that he could not get up, whether in order or out of order, without being interrupted by learned lawyers on that floor.

Mr. CRAIG said he objected to the decision of the CHAIR, and contended that the motion was not in order. The motion in committee that the committee rise, stood on the same principle as a motion in the House for adjournment, neither of which was susceptible of amendment. As it involved a question of the utmost importance, he took an appeal from the decision to the CHAIR.

Mr. JAMESON coincided with the opinion of the CHAIR, that the motion could be amended; as also could the motion to adjourn. The motions to rise and adjourn were general, but the House and the committee had the right to make them specific.

Mr. CASEY sincerely hoped the SPEAKER would revise his decision; it was not conformable to previous practice, and would lead to bad results upon the business of the House. He argued that a motion to adjourn was always in order; and it was not competent to amend it under any circumstances.

The CHAIR, on reflection, reviewed and reversed his decision, and declared the motion for the committee to rise not amendable; and said if it was incorrect, gentlemen could take an appeal.

Mr. PETRIKIN appealed from this decision.

Mr. CASEY said it seemed to him that the character of the House, and their own character, required that the committee should rise and report the bill to the House, and adjourn the House over till to-morrow, and debate it on that day, with the understanding that the question should be taken before the adjournment on that day. He appealed to all parties in the House in view of their then exhausted condition, seriously to consider the propriety of the course he suggested. Their own health, as well as the public interest, required such a course. It would greatly expedite the action on this bill.

Mr. HAND said, with the understanding that the bill should be reported to the House at that time, he would agree that the House should adjourn till to-morrow, on which day the bill should be finally disposed of; with the understanding also that the gentleman from New York [Mr. BARNARD] should be entitled to the floor in the House on the bill.

The CHAIR said it could be only done by general consent; if no objection was heard, he should put the question on the committee's rising.

Mr DROMGOOLE said, if the understanding was that the bill should be reported to the House, he had no objection; but as to any pledge further than that, he considered it unparliamentary, and could not therefore accede to it.

Mr. BARNARD enquired of the chairman of Ways and Means [Mr. JONES] if he had any objection to the understanding suggested.

Mr. JONES replied that, so far as he was concerned, he had not the slightest objection to the agreement, and hoped his friends who act with him would agree to it.

Mr. BARNARD asked if it were possible any gentleman would rise and object to such a proposition.

Mr. DROMGOOLE immediately rose and said he had no objection to the rising of the committee, but would consent to no understanding or pledges of any kind.

Much confusion prevailed; it was with difficulty any thing could be distinctly heard.

Mr. BARNARD inquired whether he could, in the House, be allowed to reply to what had been urged in the committee?

The CHAIR replied it could be done only by consent.

Mr. PETRIKIN insisted on his appeal.

Mr. BARNARD was understood as pressing the compromise which had been proposed.

Mr. JONES said, so far as he was concerned, he would assent to it with pleasure.

Some conversation here took place between Messrs. BARNARD and WADDY THOMPSON, when

Mr. FISHER said he was utterly opposed to any agreement. He was, however, willing that the usual motion should be made that the committee rise and report the bill to the House, and would then be willing to hear the gentleman from New York; but he was utterly opposed to any arrangement which would give one gentleman the floor to the exclusion of others who wished to be heard.

Mr. WADDY THOMPSON remonstrated, and urged a compromise.

Mr. FISHER said he would never consent that in the House one gentleman should have the floor, and all the rest be cut off.

Mr. VANDERPOEL hoped that all would accede to this reasonable proposition.

Mr. DROMGOOLE. I never will consent to any such thing.

Mr. PROFFIT. I will agree to no such arrangement. I will never let this bill pass without putting on it an amendment for the Cumberland road of $450,000 out of these five millions.

Much confusion arose, and the noise was very great.

At lenghth the proposition for a compromise seemed to be given up in despair.

Mr. PETRIKIN insisted on his appeal.

But the CHAIR having stated his decision, and put the question to the committee,

Mr. PETRIKIN withdrew his appeal.

It was then moved that the committee rise.

On that question tellers were appointed, and the vote decided in the affirmative—ayes 82, noes 40.

The committee thereupon rose.

In the House, Mr. BANKS moved to discharge the Committee of the Whole from the further consideration of the bill. There had been considerable discussion, and if the gentleman from New York [Mr. BARNARD] wished it, he could have an opportunity of discussing the bill in the House.

Mr. LEWIS WILLIAMS asked if the bill did not contain an appropriation.

The CHAIR was understood to reply in the affirmative.

Mr. WILLIAMS then insisted that it could not be passed unless it should be reported by a committee.

Messrs. EVANS, CLIFFORD, LEWIS WILLIAMS, BELL, and BANKS, discussed the question of order at considerable length.

The CHAIR inclined to the opinion that Mr. BANKS's motion was in order, and quoted some authorities from the Manual in favor of that opinion. But after an examination of the bill, and there being an appropriation of $20,000, and a further examination of the rules in relation to the question,

The SPEAAER reversed his opinion; when

Mr. BANKS said that he did not see any appropriation, or a levy of taxes: to cut the matter short, he would move that the House resolve itself into Committee of the Whole, and take into consideration the Treasury Note bill.

The motion was agreed to without a division; and the House thereupon went into committee, Mr. DAWSON in the chair.

Mr. BARNARD having the floor, without proceeding in his remarks, immediately moved that the committee rise.

Tellers were demanded, and Messrs. EVANS and MCKAY were appointed such; and the question being put, the ayes were 4, and the noes 98.

[The Whig party either remained in their seats or retired to the outside of the bar, for the purpose of making *no* quorum of the committee.] No quorum having voted,

Mr. CHAPMAN asked that tellers might be appointed to count the committee.

The CHAIRMAN counted, and reported that there were 129 members present, but said he could not act otherwise than to rise and report, that on a division, there was no quorum.

The committee rose and reported that fact.

Mr. DROMGOOLE moved a call of the House.

The motion prevailed, and the Clerk proceeded to call the roll, when 115 members responded to their names.

Mr. WILLIAMS of Tennessee moved an adjournment; but it was negatived—yeas 31, nays 79.

So the House refused to adjourn.

The absentees were then called, and 165 gentlemen answered to their names.

Mr. RUSSELL moved to suspend the call, with a view to move that the House adjourn till to-morrow.

Mr. MONTGOMERY gave notice he would be bound by no arrangements and pledges others might choose to make.

Mr. PETRIKIN demanded the yeas and nays on the motion to suspend the call; which were ordered; and were—yeas 49, nays 57.

So the House refused to suspend the call.

The list of absentees was now called over, when

On motion of Mr. MCKAY, all further proceedings in the call were dispensed with.

Messrs. ALFORD. ANDERSON, CARROLL, DAVIS of Kentucky, DOIG, RUSSELL, FLETCHER, GRANGER, LAWRENCE, NAYLOR, NISBET, RARIDEN, CHARLES SHEPARD, PECK, REED, SMITH, of Indiana, VROOM, WHITE of Louisiana, CHINN, S. WILLIAMS, were excused, some on account of indisposition, and others on account of absence from the city.

And Messrs. BLACK, BOTTS, and TILLINGHAST, were not excused.

Mr. RHETT then rose to make a proposition, to which he thought all parties should agree. The proposition which had been made this morning, to assign a particular time for taking the bill out of committee, (Mr. R. was understood to say,) had been opposed on the ground of giving the floor to a particular member. It appeared to him that all gentlemen ought to have a fair opportunity of being heard. The struggle had been carried on four hours longer, and they were just where they were last evening; and it seemed to him that they might continue here four or five days longer. This was a struggle between the strong and the weak. It seemed to him that if a particular day and time were fixed, the object of all parties would be attained. Scenes of this description had taken place at previous Congresses again and again, and at last it had been necessary to resort to compromise. It was the only course that could be pursued. He proposed, therefore, that by general consent, the bill should be taken out of Committee of the Whole, and acted on at six o'clock to-morrow evening.'

[Cries of "I won't agree to that." "I object." "Take it out now."]

Mr. R. said they might take it out of committee now, but it could not be passed now. It would come down to this, who could struggle longest and best? Men would not yield when their passions were up. But it was to be remembered that their business here was not to carry out their own feelings and views, but that they were here to do the business of the country—to relieve the Government—to act upon high feelings of patriotism. The Government could not be injured—no material injury could accrue to any body—and he hoped that, by general consent, his proposition would be agreed to.

Mr. WISE would not consent, he said, to decide upon measures of this kind at any particular hour of any particular day. As one of the minority, he did not intend to debate the bill, though he had expected to have said a few words. As gentlemen seemed determined to sit here, the best way would be for the House to resolve itself back again into Committee of the Whole.

The proposition of Mr. RHETT not meeting with favor, and the SPEAKER having announced that a quorum of members was now in attendance,

The House again resolved itself into Committee of the Whole on the state of the Union, (Mr. DAWSON in the chair,) whereupon

Mr. BEATTY claimed the floor.

The CHAIRMAN announced that the gentleman from New York [Mr. BARNARD] was entitled to the floor.

Mr. BEATTY rose to a point of order. He wished to know whether it was in order for the gentleman from New York to occupy the floor every time when the House went into committee, for the purpose of moving that it rise. The gentleman had been up five times already, each time complaining that he was too unwell to speak, and moving that the committee rise.

The CHAIRMAN said the gentleman would be kind enough to take his seat.

Mr. BARNARD moved that the committee rise and have leave to sit again; but said he would yield the floor simply for the purpose of enabling Mr. PROFFIT to offer an amendment

After some further objections on the part of Mr. BEATTY, that gentleman appealed from the decision of the CHAIR, giving the floor to MR. BARNARD.

Mr. PROFFIT offered an amendment, appropriating the sum of $450,000 for the continuation of the Cumberland road through the States of Ohio, Indiana, and Illinois.

Mr. VANDERPOEL rose to a point of order.

Mr. BARNARD insisted on his motion that the committee rise.

Mr. VANDERPOEL submitted that the amendment of Mr. PROFFIT was not in order, being an entirely new proposition. The gentleman might as well introduce a proposition to establish a Mint.

After some conversation, not distinctly heard, owing to the confusion in the hall,

The CHAIRMAN announced Mr. PROFFIT's amendment to be out of order.

From this decision Mr. P. appealed.

The CHAIRMAN said the first question was on the appeal taken by the gentleman from Pennsylvania [Mr. BEATTY] from the decision of the CHAIR, giving the floor to the gentleman from New York, [Mr. BARNARD.]

And the question being taken, the decision of the CHAIR was affirmed.

Mr. PROFFIT here proceeding to speak to his appeal from the decision of the CHAIR that the amendment offered by him was not in order—

The CHAIRMAN said there was a motion pending that the committee rise, which was the first question in order.

And, after some conversation, the question was taken, and the committee refused to rise.

The CHAIRMAN having explained the condition of the question before the committee to be, that there was an amendment to an amendment pending, and that the gentleman from New York [Mr. BARNARD] was entitled to the floor on the latter, and, therefore, that the amendment of Mr. PROFFIT was, under no circumstances, in order at this time,

Mr. PROFFIT assented thereto.

And, it being now half past ten, a. m.

Mr. BARNARD took the floor, and addressed the committee at length in opposition to the bill, notwithstanding, he said, there had been nothing in the action of the House, for the last twelve or fourteen hours, calculated to refresh any of its members, and least of all one situated as he was. He said he was not opposed to the Government borrowing money to meet its exigencies, by way of a direct loan; nor was he opposed to borrowing money by the issuing of Treasury notes; but he was opposed to giving the power to the Government of issuing these notes in such a manner as would enable the notes to be circulated as money. The bill in the present form would be, in effect, the establishment of a Treasury bank. These Treasury notes were the worst kind of paper ever invented in the worst times in the worst countries in the world. Mr. B. then went into a detailed history of the banking system, and the present mode of banking in this country, and was understood to be in favor of small bill circulation.

Thd hour of 12 having arrived,

Mr. UNDERWOOD rose and made the point of order that, being now the usual hour for reading the journal and proceeding to the regular business of the House, under its standing rules, the committee must rise. The discussion otherwise might be continued day after day, week after week, and month after month, without touching the regular business. He asked whether the House was willing to set such an example.

Mr. VANDERPOEL rose to suggest that there was an analogous case.

The CHAIR said there was an analogous case in the year 1836, in the case of the admission of the States of Arkansas and Michigan, in which the same point had been raised. In that case the committee did not rise; and the decision of the CHAIR would now be governed by that precedent.

So the committee did not rise.

Mr. BARNARD then resumed his remarks. He spoke at great length to show that this bill might, in connection with the Sub-Treasury bill, be converted into a bank of issue and discount; and that the bill for this issue, without the amendments he proposed, would admit of the notes being kept in circulation after the manner of bank paper; and they were subject to fluctuation in value to a great extent, in proportion as there was a demand to pay duties. Mr. B. concluded at one o'clock.

The CHAIR then gave the floor to

Mr. GOGGIN, who spoke at much length in opposition to the bill. In the course of his remarks, he avowed himself a friend of a National Bank, but that he was not prepared to urge the establishment of it in the present state of public sentiment; but if any considerable change took place, he was prepared to advocate it, not only on the ground of its expediency, but of its constitutionality also. At the close of his remarks,

The CHAIR gave the floor to

Mr. DUNCAN, who having spoken for some time in favor of the bill, yielded the floor to

Mr. DAVEE, who moved that the committee now rise, and report the bill to the House.

Mr. DUNCAN said he was willing that the motion should be

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26TH CONG.....1ST SESS. TUESDAY, APRIL 7, 1840. VOLUME 8.....No. 19.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

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put, with the understanding, however, that if it failed he did not lose his right to the floor.

Mr. R. GARLAND said that the motion to rise and report the bill was debatable; and the gentleman from Maine [Mr. DAVEE] would not attain the object he expected by the prevalence of the motion.

Mr. DAVEE then withdrew his motion, and

Mr. DUNCAN resumed his remarks. After proceeding for some time, he gave way at the request of

Mr. RAYNER, who said that, with his permission, he would submit a proposition, which he hoped would be generally acceded to. The party with which he acted would not recede from the stand which it had taken. He would therefore propose that the committee should now rise without reporting the bill, but with the understanding that the bill shall be reported before we rise at our next sitting.

Mr. DUNCAN having yielded the floor for the purpose, the motion for the committee to rise was then put, and tellers having been called for,

The CHAIR appointed Messrs. WATTERSON and LEWIS, who reported ayes 29, noes 34.

No quorum voting, the committee rose, and the SPEAKER having resumed the chair,

Mr. DAWSON, chairman of the committee, reported that the Committee of the Whole had under consideration the bill authorizing an issue of Treasury notes, and finding itself without a quorum, had directed him to report that fact to the House.

Mr. DAWSON then moved that the House adjourn, and the yeas and nays having been ordered, it was decided in the negative—yeas 36, nays 48.

Mr. DUNCAN said he had determined to remain until the question was settled, but he was convinced that the best course now would be to adjourn with the understanding that the bill should be disposed of at our next sitting. He had no objection to yield the floor with such an understanding.

Mr. DAWSON then proposed that the House should adjourn, and that it should be understood that to-morrow the bill should be taken up, and disposed of before adjournment.

Mr. PICKENS said he hoped the proposition would be agreed to. It was useless to sit here—it was too great a trial on the constitutions of the members.

Mr. HOFFMAN was satisfied, he said, that this was the only way in which the bill could ever be disposed of. Any man who desired this bill to pass, should agree to the adoption of some such proposition.

Mr. DAWSON moved an adjournment; on which motion the yeas and nays were ordered.

Mr. CRABB said there was a principle involved in this matter, and he would take no compromise. He would stay here until a proper hour, and then he would vote for an adjournment, but he would not be transferred in this way by any leader or any party.

Mr. MONTGOMERY said he would vote against any such agreement.

The question was then taken on the motion for adjournment, the ayes and noes being ordered, and it was decided in the affirmative—ayes 73, nays 34.

So at fifteen minutes to five o'clock, on Wednesday evening, the House adjourned.

IN SENATE,

WEDNESDAY, March 25, 1840.

The CHAIR submitted a communication from the War Department, transmitting a report from the Topographical bureau on a survey of certain lakes and rivers in Wiskonsin; which was laid on the table.

Also, the following report from the Secretary of the Treasury, in reply to a resolution of the Senate of the 23d inst.; which was laid on the table, and ordered to be printed:

TREASURY DEPARTMENT, March 25, 1840.

Sir: I have the honor to submit this report in compliance with a resolution of the Senate passed the 23d inst. in the following words:

"*Resolved*, That the Secretary of the Treasury inform the Senate, what proportion of Treasury notes, issued under the authority of the act of October 12th, 1837, and subsequent acts, has been paid to public creditors of the United States, in discharge of their claims, and what proportion has been used for the purpose of borrowing money, from banks, or individuals; together with a statement of the rates of interest, borne by the notes of the several issues, respectively.

"And that he also inform the Senate, whether Treasury notes, bearing interest, have been deposited in banks, for the purpose of raising a credit, to be drawn against by the Treasury Department; and if any such deposites have been made, to state the dates and amounts thereof, and the dates and sums of the drafts made thereon."

In answer to the first inquiry, I transmit herewith a statement prepared by the Treasurer showing the rates of interest and the proportions, whether in exchange for specie, or in payments of the issues of Treasury notes under the authority of the act of 12th October, 1837, and subsequent acts, as required by the resolution.

In reply to the other inquiry, I would observe that no Treasury notes issued under the authority of either of the acts mentioned, have been deposited in banks, by this Department, or by its sanction, for the purpose of raising a credit, to be drawn against by the Department. But to facilitate the exchange of specie for Treasury notes, without the delay and expense of transporting it to this city, and then carrying it back for expenditure, numerous individuals and corporations have been permitted to place specie in special deposite to the credit of the Treasurer in certain specified banks; and Treasury notes to a corresponding amount have been afterwards, and not till then, issued in their favor upon the certificates of deposite, as shown by the Treasurer's accompanying statement.

It may be proper to add that, by pursuing this course, many risks have been avoided, as *well as the payment* of any commissions to bankers or brokers for selling the notes, and at the same time the disposal of any of them by the Government, except at par, and for any thing except specie, or its equivalent, has been effectually prevented.

Respectfully, L. WOODBURY,
Secretary of the Treasury.

Hon. R. M. JOHNSON,
Vice President of the United States, and
President of the Senate.

Mr. PORTER presented a joint resolution of the Legislature of Michigan, in favor of a general bankrupt law; which was read, laid on the table, and ordered to be printed.

Mr. YOUNG presented a petition from citizens of Warren county, Illinois, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. SMITH of Indiana, from the Committee on the Judiciary, to which was referred the memorial of James Williams, made a special report thereon; which was ordered to be printed.

Mr. PHELPS, from the Committee on Roads and Canals, to which was referred the memorial of the Legislature of Michigan on the subject of a railroad from Lake Michigan to the Mississippi river, made an adverse report thereon.

Mr. HENDERSON, from the Committee on Roads and Canals, to which was referred the memorial of the Legislature of Wiskonsin, relative to a railroad from Platteville to the Mississippi on Platt river, made an adverse report thereon.

Mr. NORVELL, in pursuance of previous notice, asked and obtained leave to introduce a bill fixing the time for the meeting of the next session of Congress; which was read, and ordered to a second reading. [The bill proposes that the next session shall commence on the second Tuesday in November next.

Mr. STRANGE, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of James Herron; which was read twice, and referred to the Committee on Patents.

The Senate then went into the consideration of Executive business,

And afterwards adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 26th, 1840.

The SPEAKER laid before the House the following communications, viz:

1. Letter from the Secretary of the Treasury in reply to the resolution of the House of Representatives of the 24th ultimo, requiring of him to communicate why no patents have been issued to claimants to, or purchasers of, land in the St. Helana or Greensburg land district, in the State of Louisiana:

Which, on motion of Mr. CHINN, was referred to the Committee on the Public Lands, and ordered to be printed.

2. Additional papers from the Secretary of War, to accompany the letter from the Secretary of War laid before the House on the 19th instant, respecting the non-establishment of a military post near the western boundary of the State of Louisiana:

On motion of Mr. R. GARLAND, referred to the Committee on Military Affairs, and ordered to be printed.

3. Message from the President of the United States, transmitting the report of commissioners on the Post Office building:

Referred to the Committee on the Public Buildings.

4. Letter from the Secretary of War, transmitting the information required by the resolution of the House of Representatives of the 9th instant, in relation to proceedings under the treaty of 1st November, with the Winnebagoes:

Referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House some further testimony in relation to the New Jersey contested election.

Mr. MEDILL said it was a part of the testimony connected with what was called the "mysterious package," and he moved that it be referred to the Committee of Elections.

Mr. R. GARLAND said that was the very testimony which he wished to be kept before the House. The object of his amendment now before the House, was to withdraw that mysterious package from the committee. He had moved to lay the other testimony on the table with that view; and he moved that it lie on the table; which motion was agreed to.

Mr. REYNOLDS of Illinois asked leave of the House to present a bill to authorize the Secretary of War to cause a survey and estimates of the Cumberland road from Vandalia, by Greenville, to Alton, in the State of Illinois, to be made Mr. R. said that the committee were permitted to make reports only at one time during the present session of Congress, in consequence of which, this subject would not be brought before the House. On this consideration, he asked leave of the House to bring in the above bill, and have it referred to the proper committee; but

Mr. DAWSON objected, and the motion was not admitted.

Mr. J. W. JONES, chairman of the Committee of Ways and Means, asked leave to report from that committee the Sub-Treasury bill.

Messrs. ANDREWS of Kentucky, and PROFFIT, objected to its introduction, when

Mr. CONNER moved a suspension of the rules, to admit the report, and demanded the yeas and nays on that motion; which were ordered, when

The gentlemen objecting withdrew their objection.

The bill was then reported, and ordered to be referred to the Committee of the Whole on the state of the Union.

The SPEAKER announced the unfinished business of the morning hour to be the resolution heretofore reported by Mr. CAMPBELL of South Carolina, from the Committee of Elections, to print all the testimony in relation to the contested election in the State of New Jersey, to which an amendment had been heretofore offered by Mr. R. GARLAND to print the testimony received since the report of the said committee was made.

Mr. BOTTS, who was entitled to the floor on the above question, concluded his remarks. He censured the course of the majority of the committee, pretty much as has been heretofore reported; and Mr. B. having concluded,

Mr. ANDREWS moved the previous question.

Mr. RIVES asked the favor of the gentleman from Kentucky to withdraw his motion. The gentleman knew the character of the remarks made by his colleague. They were entirely fallacious, and he wished to have an opportunity of correcting them.

Mr. ANDREWS said, that as this debate had already lasted four weeks, and had been confined entirely to the members of the committee, he could not withdraw.

Mr. CAMPBELL appealed to the gentleman to withdraw his motion. He made this request not because he himself cared any think about it, or that he was unwilling to let the question go before the country on the remarks of the gentleman from Tennessee, [Mr. BROWN,] or even the gentleman from Virginia, [Mr. BOTTS,] but because other members of the committee were anxious to reply to the gentleman from Virginia.

Mr CHAPMAN hoped the gentleman would withdraw his motion, and enable some gentleman to reply to the argument by which every member of the House, who voted with the majority, had been charged with corruption. He, for one, was ready to answer the gentleman from Virginia, and to demonstrate the fallacy of his argument.

Mr ANDREWS said, that upon the appeal of the chairman of the committee, he would withdraw his motion for the previous question.

Mr. MEDILL obtained the floor, and observed that it was no intention of his, at the present time, to occupy the time of the House long, and he would condense what he had to say in as brief a space as possible. He would first notice the remark of the gentleman from Kentucky, [Mr. ANDREWS,] that the debate had been confined to the members of the committee, and begged leave to correct him.

Mr. ANDREWS rose to explain. He had not recollected at the time that the gentleman from Maryland [Mr. JENIFER] had addressed the House on the subject.

Mr. MEDILL wished to say that, so far as the members of the committee were concerned, there had been more time occupied in the discussion of this subject, by a gentleman who not only was not a member of the committee, [Mr. JENIFER,] but who was perceived by every member on the floor to know nothing of the question, than had been occupied by any member of the majority of the committee.

The gentleman from Virginia [Mr. BOTTS] supposed it a very remarkable thing that a member of this House who was not a member of the committee, should think proper to submit a resolution for the purpose of instructing that committee to report certain facts in their possession. Why then had this other individual been called on to engage in debate, not for the purpose of examining into the merits of the question—not for the purpose of ascertaining whether the committee had correctly reported the facts before them, but for the purpose of personal crimination and for the purpose of impeaching, if possible, the veracity of the members of the committee. Was it possible that members of the committee would suffer their words to be impeached without defending themselves? Had the gentlemen who were opposed to the report ever since the debate commenced, called for the reading of any testimony to impeach its correctness? Had they, in that document which they called the suppressed report, stated that the report of the majority did not contain facts? No, sir; they tacitly admitted the correctness of the facts stated, complaining only that the committee did not come to a correct conclusion, and that they had acted with unjust and unnecessary haste. Was it upon the conduct of the committee that the House was called upon to vote, or upon the facts which the committee had set forth? Was this the issue which the gentlemen wished to present to the country? It was not complained that those gentlemen excluded had received a majority of the votes; it was not even pretended that they had received a majority of votes which they now denominate legal, by the exclusion of all unqualified voters. No, the complaint was that the committee had been acting unjustly, precipitately, and without a due regard to the interests of the country, and the rights of the parties who have been excluded. Was this the issue which gentlemen wanted to bring before the country? Was this the object for which the committee was appointed? Sir, said Mr. M. this committee reported only one single fact, and that was, which five of the claimants received the greatest number of votes. This was the fact they were directed by the House to report upon. Did gentlemen undertake to say that the committee had reported otherwise than the truth? Did they undertake to say that the committee had reported votes that were not lawful? If so, let them produce the evidence. I say, and I say it fearlessly, there was no testimony when this report was made, other than what I have stated to the House. I say confidently, and I have said it before, that there was no testimony, which even the gentlemen themselves voted to receive, that impeached more than twelve or thirteen votes, while the majorities ranged from thirty to two hundred.

Mr. ADAMS here interrupted Mr. MEDIL'; but his remark was not heard.

Mr. MEDILL continued. I pledge myself to convince even the gentleman himself, stubborn as he is, that we reported fairly, in conformity with the instructions of the House, and in conformity with truth and justice. He wished to advise gentlemen that there was more testimony to come before them—not that one-sided testimony that was sealed up and brought into the House fraudulently, as he would undertake to prove—but testimony that contradicted it conclusively, and proved beyond a doubt that it was false and fallacious.

Mr. ADAMS said that he spoke of the testimony that was suppressed, and that the committee prevented from being received.

Mr. MEDILL ventured to assert that before the gentleman was done with that suppressed testimony, as he was pleased to call it, he would be sorry that his friends had ever mentioned it. Mr. M. then stated the manner in which the committee took up and examined the various testimony before it. They first took up the votes which were before the Governor and Council, and which had been counted by them. These certificate gentlemen came into this House with returns predicated on certain votes which had been counted by the Governor and Council. The committee took these as legal, because they had been admitted as such by both parties, and they added to them the suppressed returns of Millville and South Amboy. This was the only question which the Opposition could now make, and he would be able to show that these votes were correctly counted, but that there was no testimony impeaching them. On a previous occasion he showed to the House that the votes of one of these

townships were acted on and pronounced legal by the Legislature of New Jersey. Here Mr. M. referred to a contested election case in that Legislature, in which a member having been excluded in consequence of the suppression of the votes of this township, and his competitor put in, the Legislature counted these votes, and gave the seat to the excluded member. This was done, too, upon a report by a Whig committee, and by a Whig Legislature. Did gentlemen wish for any further testimony?

Mr. ADAMS interrupted Mr. M. again, but his remark was not heard.

Mr. MEDILL. All I can say to the gentleman is, that there appears to be a little difference between the Whigs there and the Whigs here.

In relation to the returns of South Amboy, we have not only the fact that they were suppressed, but the return of the clerk himself, with his signature and seal, stating that they were received within the time required by law, and were placed on file, but that they were not in conformity with law. Now the committee thought that the clerk was not the proper person to judge of the law of the case; they determined that they were the judges, and not the clerk, and decided that the returns were in conformity with law. What was the reason the clerk suppressed this return? He alleged that the name of Ward was on the list as an inspector of the elections, instead of Clark.

Mr. BOTTS here explained.

Mr. MEDILL continued. The only reason why this return was not received, according to the clerk's showing, was that there was no certificate sent up that Mr. Ward had been elected an inspector of the elections within the time prescribed by law. But was this an argument against the legality of the votes that were taken at this township? Did that make the votes illegal? Would the gentleman from Massachusetts agree to deprive the people of New Jersey of one of the most estimable privileges which belonged to freemen, because of the omission of this mere matter of form on the part of the township officers?

Mr. JONES of Virginia here asked if the morning hour had not expired, and moved that the House resolve itself into Committee of the Whole, to take into consideration the Treasury Note bill.

Mr. BLACK asked permission to present the report of the Select Committee on Printing. This was the day on which the committee was required to report, and the order of the House gave the subject the preference over all other business till disposed of. He did not desire or anticipate any debate, but merely wished to present the report and have it printed with the testimony, so that he might be relieved from the charge imposed on him. This could be done in five minutes. There would be a report from the minority of the committee, and the resolution he was about to offer, also included that in the order for printing. Mr. B. then submitted his report and resolution.

Mr. GARLAND of Louisiana had no objection to the motion; but he wished to know if the gentleman had reported on that branch of the subject committed to them, which directed an inquiry into the expediency of separating the public printing from the political press? He made this inquiry because he wished to notice this subject in the minority report, if the chairman had not done so.

Mr. BLACK replied, that the gentleman knew, as well as he did, that that branch of the subject was not touched on in the report. The labors of the committee in collecting and examining a vast mass of testimony had been exceedingly arduous, and they had not time to make up a report on that subject. They however contemplated doing so very shortly, and in time for the House to act on it.

The SPEAKER said that, by general consent, the report and resolution would be received, and the resolution, without there was objection, would be considered as adopted.

The House then resolved itself into a Committee of the Whole on the state of the Union, Mr. DAWSON in the chair, and took into consideration the Treasury note bill.

Mr. DUNCAN said when the House adjourned on yesterday it was the understanding that the question on the bill should be taken to day. It has been said since that time that it was also the understanding that his remarks should be limited to a certain period. That was not his understanding of the matter; because he felt that he was called upon, from a sense of duty, to answer at some length the unfounded charges against the Administration. One of those charges was made by the gentleman from South Carolina [Mr. THOMPSON,] that neither the President in his message, or the Secretary of the Treasury in his report, had intimated that there would be any deficit in the Treasury, or any necessity for the issue of these Treasury notes. The gentleman made this charge when he had these documents in his hand, commenting upon them. Now this charge was without foundation, and the gentleman must have known it. But it was not suitable to his purpose to read all the documents, when commenting on them. The gentleman wished (said Mr. D.) that it should go forth to the country, as prophecy of his own, that there would be a deficit in the Treasury, to get the commendations of his party in the nation for his clearsightedness. Now (said Mr. D.) the President and the Secretary of the Treasury both have said there would be a deficit in the Treasury; that the receipts anticipated, from the revenues alone, would not be adequate to the wants of the Government. The Secretary stated that in a certain contingency, there would be a deficit of upwards of two and a half millions. This charge has been made by several of the gentlemen in the Opposition, and circulated in their speeches, far and wide, for political capital by political imposition, when the facts in the case were just the reverse of what they stated.

Mr. D. then replied to that part of the charge of Mr. THOMPSON of South Carolina, that the Government had paid off some of its Florida troops in depreciated bank paper. That gentleman had told that tale three times, as with tears in his eyes; if not in his own, he has at least nearly produced them in mine. In reference to this charge he replied that the Government had nothing to do with it. The Government happened to have no funds at the time when the troops were discharged. The troops required their officers to make an arrangement with the banks to get them money, and these officers did procure for them the best bank paper that could be had. It was done at their solicitation in advance of the receipt of the funds of the Government. So much for that charge. It had always been, and it was now, a part of the principles of the Democratic creed, that there should be a sound currency—a gold and silver currency, the only just and the constitutional currency. It was to obviate the dreadful effects of a depreciated currency upon the working classes and those soldiers who have been fighting the battles of the country, and to save them from the swindling operations of the banks, that the exertions of the Democratic party had been directed; for, during the past and present Administrations, the Sub-Treasury, which has been so much denounced had been brought forward to that end. It was the policy of the past and present Administrations to secure to the laborer a just reward for his labor, in specie or its equivalent, and not in a depreciated paper, as had been charged. The efforts of the gentleman and his party have been directed to thwart the Administration in their efforts to bring about a currency, stable in value.

Mr. D. then adverted to the Treasury specie circular, which had been so frequently denounced by the gentleman from South Carolina, and the party to which he was attached. He asked that gentleman what would have been the desolating effects upon the country, if the depreciated bank paper had continued to be received by the Government? As it was, the greater part of the public domain passed into the hands of rapacious speculators. If this circular had not been resorted to, all the public lands would have passed into the hands of these speculators, and bank officers, and bank agents, before the reaction, and without any equivalent to the Government. The great fault was that the circular was not issued soon enough to prevent the blighting effects upon the interests of the nation in consequence of the receipt of the worthless rags of the banks. It is one of the standing charges against the Administration, that it was opposed to all local banks. The Administration was not more opposed to them now than formerly. The Democratic party have been always opposed to their corruptions and abuses. The opposition to the banks, by the Administration party, grew out of the high handed course of these institutions towards the Government. They bade defiance to the Government, and disregarded the laws made for their government. They have shut their doors against the power of the people to ferret out their abuses. Notwithstanding the President recommended time to these institutions to pay up the many millions of the public funds which they held on to by closing their doors, yet he is denounced by the Federal party as being inimical to the banks, and as being desirous to crush them. Yet this is the evidence of hostility. The President and the Democratic party are opposed to their abuses.

Mr. D. then replied to the complaints of Mr. THOMPSON of South Carolina, that the Executive had improperly managed the Florida war, and had not acted with sufficient energy. He went into a full history of that war, showing, by official documents, that the President employed all the forces which Congress placed at his disposal, with great promptness, and that he had commanded the services of all the best officers of the nation in that war. The difficulties existed in the nature of the country, and not in a defect of the means employed. The gentleman who now complained that a sufficient force was not sent there, was the first of his party to denounce the President when any call was made for increasing the forces in Florida. There was no course the Administration could possibly devise on any question, that would meet the approbation of that gentleman and his party. Their object was to overthrow the Administration, if it overthrew the Government, and deprived the people of their liberty. They are now endeavoring to excite the sympathy of the people in behalf of the savages who are butchering the defenceless women and children in Floriada, because it had been charged that the Government had employed bloodhounds to ferret out these savages from their fastnesses. The charge that the Government had employed them to worry the savages is proved, by the report of the Secretary of War, to be without foundation. But it could not be expected that, whatever means the Government employed to save the suffering people of Florida from being butchered, those means would meet with the approbation of a party that, during the last war with England, invoked the vengeance of Heaven on those who were bleeding in defence of their country.

Mr. D. before concluding, showed, by documents, that the puritans of New England had employed bloodhounds against the Indians.

Mr. D. said he had a document in his hand, which contained the yeas and nays taken during the present session, on questions of adjournment. He would publish it in his speech, to show the people that there is no truth in the charge that the Democrats, having the majority, would do nothing. Although the minority can do nothing, they can, by the rules, prevent the majority from transacting the public business, and they have prevented the majority from doing any thing. In the case of the New Jersey contested election, the Democratic members, (who were clearly elected) were not permitted to take their seats for three months. Mr. D. remarked that he was aware of the important business to be transacted, and he would, therefore, retain the floor no longer.

Mr. UNDERWOOD said he did not rise for the purpose of taking part in the many topics which had been introduced by gentlemen who had spoken on this bill. When he first became a member of Congress, the practice prevailed of referring the President's message to the Committee of the Whole. At the present session no such reference had been made, and it is to be much regretted. If gentlemen cannot express their views on one subject, they can on another. Then let gentlemen pass this measure, and do the business, and speak to *Buncombe* on some other measure. Mr. U. would barely remark, that when the compromise in respect to adjournment was proposed on yesterday, that he did not consider himself pledged that the subject before the House should be disposed of to-day. He would offer an amendment which, he thought, ought to be received in good faith by every member. A considerable number believe, since the publication of the Madison Papers, that Congress has no power to issue paper designed for circulation. He thought there could be no difficulty, on constitutional grounds, to pay this paper to a *bona fide* creditor of the Government. If the creditor chose to throw it into circulation, they had nothing to do with it. Confine the issue of these notes to those who are *bona fide* creditors of the Government, and not allow the Secretary of the Treasury to throw them into market. If (said Mr. W.) you permit him to do so, you give him a part in the legislative department of the Government. I wish to confine the Secretary of the Treasury to the issue of those notes to the *bona fide* creditors of the Government, and not give him the power to throw it as a part of the circulating medium of the country. He concluded by sending to the CHAIR an amendment as an additional section to the bill, which was read for information, and which he intended to submit when in order, viz:

Be it further enacted, That nothing in this act contained shall be so construed as to authorize the Secretary of the Treasury, or any officer of the Government, to make a deposite of any amount of Treasury notes with any bank, and to allow such bank the accruing interest on the Treasury notes so deposited, and, in consideration thereof, to acquire the right to check upon the bank for the amount, or in any other manner whatever to use the Treasury notes, or any part thereof, which may be issued in pursuance of this act, to obtain a loan or advance of money upon the credit of such notes, or by a sale thereof, it being the intention of Congress not to authorize the issue of Treasury notes in favor of any person or persons, except a *bona fide* creditor of the Government.

The debate was further continued by Messrs. COOPER of Georgia and MONTGOMERY of North Carolina, in favor of the bill, and TILLINGHAST, in opposition.

Mr. MONROE said he did not rise to make a speech at that time in the evening, but to appeal to members on all sides to come to a conclusion. After referring to some remarks in the speech of the member from Ohio [Mr. DUNCAN] on the Florida war, Mr. M. said he considered himself under an implied pledge, by the arrangement of last evening, to do nothing which might prevent the bill being disposed of this evening, and would therefore not detain the House by any further remarks.

Mr. PICKENS said he joined in the appeal of the gentleman from New York, who had just taken his seat. He appealed to the moderate men of all parties to settle the question. It was a simple proposition to issue five millions in Treasury notes. The chairman of the Committee of Ways and Means has informed us that the measure is necessary for the operations of the Government; and yet, night after night, we are detained here in listening to speeches which have hardly any reference to the subject, but full of the political slang of the day. He appealed to gentlemen: was this a proper course? He had been himself opposed to the bill, and was prepared to vote against it, and had said so openly—not because it was unconstitutional, but he considered it an unsafe precedent. He had heard with pain, since he had taken his seat there to-day, of the probability of this Government being involved in difficulties with a foreign power: he trusted these difficulties might be avoided, but was this a moment to be wrangling over small matters? He hoped there would be no collision, but he had serious apprehensions that the friendly relations subsisting between the two countries could not be preserved, and he was willing to give the Government the means of support, and would again join in the appeal of the gentleman from New York to the House to act upon and settle this question.

Mr. RICE GARLAND then resumed and concluded his remarks in opposition to the bill; when, at a quarter to ten o'clock,

Mr. GRAVES obtained the floor, and, after some remarks on what he called the violent appeal made by the member from S. Carolina [Mr. PICKENS] to the moderate portion of the House, intimated an intention of addressing the House at length, not only on the bill itself, but on the political relations of the sections of the party which supported it. Mr. G. however, yielded the floor to

Mr. BELL, who hoped that both sides would consent that the committee rise, and that the bill be made the special order for to-morrow. Mr. B. thought the incidents of this day's debate required or justified that course.

Mr. BROWN of Tennessee inquired whether the gentleman from Tennessee [Mr. BELL] was present when the agreement was made yesterday?

Mr. BELL said he was not himself a party to that agreement. He was desirous to dispose of this bill, but he thought, from present prospects, it could not be disposed of until a very late hour. He thought the health of the members required that the course he had suggested should be adopted; and that, under such a course, the bill would be disposed of in a manner more consistent with propriety. It would certainly trench on the business of which the gentleman from New York [Mr. RUSSELL] kept such faithful charge; but he (Mr. B.) thought that, under the circumstances, the gentleman could not object.

Mr. GRAVES was indisposed, he said, to do any thing which might have a tendency to set aside the agreement, if gentlemen insisted on carrying it out, though he thought the spirit of it had been broken in upon by gentlemen on the other side, who had occupied so great a portion of the day in the discussion of irrelevant topics. If it was the wish of the committee, he was willing to go on.

Mr. POPE said, if his colleague felt able to go on now, he hoped he would proceed, and that this matter should be determined at the present sitting, if we remained here until daylight. To-morrow was private bill day, and he was averse to trespassing on the little time allowed for the consideration of private claims.

Mr BELL said that, although he was not a party to the agreement, yet, if there was any agreement which the majority of the members considered binding, his proposition, which was made to both sides, would be abortive. He hoped they would not be compelled to spend another night here as they had a former night, or even in discussion. A number of gentlemen stated that they could not stay here without physical suffering. The taking of the yeas and nays alone, on the different questions, would occupy a couple of hours.

Mr. HOWARD said, when the proposition was made yesterday to adjourn, it was understood to be the result of a compromise. He had voted against it, believing that no beneficial result would flow from it, and so did a member from Ohio. We were appealed to as moderate men, not to throw any obstacles in the way of a compromise, and we were induced to change our votes. He appealed to the member from Kentucky [Mr. GRAVES] whether it was right and proper that the health of one hundred members should be endangered, after having been (with a brief interval of rest) forty hours in session, not by discussion on the bill, but for the purpose of discussing the politics of a party or the section of a party. They owed it to one another—they owed it to the health of individual members, to settle this question now. It was supposed yesterday evening, by every one, that this question would be settled to day. And what evidence was there that it would be settled to-morrow, if another compromise were entered into?

Mr. ANDREWS rose to a point of order: whether it was in order, while his colleague [Mr. GRAVES] had the floor, for a member to discuss the question before the committe.

The CHAIR said that the member from Kentucky had yielded the floor.

Mr. GRAVES. Only for a proposition, not for a speech.

The CHAIRMAN said that, if the gentleman from Kentucky [Mr. GRAVES] yielded the floor for any thing but a personal explanation, or a motion to rise, or to take the bill out of committee, he would lose his right to the floor.

Mr. ANDREWS hoped, then, that his colleague, [Mr.

GRAVES,] if he yielded the floor again, would yield it permanently.

Mr. HOWARD renewed his appeal to Mr. GRAVES.

Mr. GRAVES said that, rather than lose his right to the floor, he would proceed in his remarks; but, before doing so, he would say a word in reply to the gentleman from Indiana, [Mr. HOWARD.] Of the nine hours during which the committee had been occupied on the bill this day, only one hour had been occupied by the Opposition; the other eight had been taken up by Administration members; and yet the gentleman from Indiana thought that as much time had been given to the Opposition as they had a right to expect. Enough on that head. He would now proceed.

Mr. ALFORD rose, and (Mr. GRAVES having yielded for the moment,) said he had not yet heard any friends of the measure object that the committee should rise, and the House adjourn.

Mr. GRAVES said that, after placing himself and his friends in an erect position, and freeing them from any imputation of having violated the agreement, he was willing, if the chairman of the Committee of Ways and Means and his friends, who had been parties to that agreement, were willing, to yield for the motion indicated by the gentleman from Georgia, [Mr. ALFORD.] But he was not willing to be placed before the country as not carrying out the agreement, so far as he was concerned.

A conversation here ensued between Messrs. GRAVES and JONES of Virginia, the result of which was a declaration on the part of the latter, that though there were many who desired an arrangement, yet, as there was a portion of the gentlemen who usually acted with him that were unwilling to submit to any, he did not, in that state of feeling, consider himself at liberty to submit a proposition.

Mr. M. A. COOPER. Did that portion of the friends of the gentleman from Virginia, [Mr. JONES,] who were unwilling to submit to any arrangement, remain here all night at our last sitting? If they did, I have nothing to say except this, that they do themselves and the country injustice in thus persevering.

[Loud cries of "order! order! we did stay here," &c.]

Mr. GRAVES said he thought the voices of members were about equally divided, one-half crying out "go on," and the other "rise." He thought, therefore, he had better proceed.

Mr. M. A. COOPER moved that the committee rise, and that they agree to dispose of the bill between the hours of 12 and 4 to-morrow, (Friday.) If this was not agreed to, he must be excused from staying here all night.

Mr. LEWIS WILLIAMS. I am willing to make the bill the special order for to-morrow, and that is all I am willing to do.

Mr. GOODE said to-morrow was set apart under the rules for private business. He was opposed to any arrangement being entered into the other day, and he was equally opposed now. He had no confidence in such arrangements.

The CHAIR. The motion is that the committee rise. If gentlemen make any arrangement or compromise, that is another thing, which cannot be carried on through the CHAIR.

Mr. TRIPLETT. I make the specific proposition that the committee rise without any contract, and that the bill be made the special order of the day for to-morrow.

Mr. LEWIS WILLIAMS. Are we to understand that if the committee rise, the bill shall be made the special order for to-morrow?

The CHAIR. The committee can make no such agreement: if made at all, it must be done in the House.

Mr. M. A. COOPER. With the leave of the gentleman from Kentucky, [Mr. GRAVES,] I now make the motion that the committee rise.

Mr. TRIPLETT. I have already made that distinct motion.

Mr. THOMPSON of Mississippi said he was a young member here, but he supposed that all honorable men were willing to do what was fair and right. They came there expecting to dispose of the bill to-day. Many of them who had remained up all night on Tuesday were greatly fatigued, and he knew were not prepared to sit up to-night. He proposed, therefore, that the committee should rise and report the bill, or, if not report it, that it should be made the special order for to-morrow; failing in which, he proposed that they should again go back into committee.

Mr. LINCOLN said he had taken no part in this controversy. He had not been inclined to interpose any obstacle to the passage of the bill. He came here this morning prepared to vote upon the bill according to the dictates of his own judgment; and he did submit to this committee and to the House whether it was becoming their character and standing before the nation to be bargaining here upon what they would do on questions of propriety. He was willing to sit and vote now, or to come here to-morrow and do that which his conscience dictated to him he ought, as a Representative of the people, to do in relation to the exigencies of the country. But he would neither bargain nor be bargained for by any body. If the majority thought proper to go through with the bill to night, he was willing to remain here and submit to the will of that majority—neither leaving his seat nor avoiding his vote.

[A voice. Were you here all night?]

Mr. L. No, sir; I was not here. I was, by the providence of God, laid upon a bed of sickness, and I was brought from my bed early this morning, and have remained here from that time to this, and I will remain. But I will have nothing to do with bargains.

Mr. RHETT excepted to the opinion of the CHAIR on the point of order, that the committee could not specify a time to resume the consideration of the bill. He contended that the committee could ask leave to rise and sit again at any designated hour, and so from time to time, until they had completed the business before them

The question then being about to be put on Mr. THOMPSON'S motion,

Mr. CLIFFORD demanded tellers, and Messrs. WELLER and CARTER were appointed, who reported—ayes 85, noes 44.

So the committee rose.

A motion was then made by Mr. COOPER of Pennsylvania, that the bill be made the special order for 12 o'clock to-morrow; but this was found to come in conflict with a previous special order heretofore made, and taking precedence of all other business, to wit, the report of the Select Committee on the Public Printing.

It appearing that the report, documents, journal of the committee, &c. would take some time in printing (as ordered this day) for the use of the House—

The said report, on motion, was made the special order of the day for Thursday of next week.

And the Treasury Note bill was then made the special order for to-morrow (Friday) at 12 o'clock, to take precedence of all other business.

And then the House, at half past 10, p. m. adjourned.

IN SENATE,

THURSDAY, March 26, 1840.

Mr. WEBSTER presented certain papers in relation to the claim of the heirs of Robert Fulton; which were laid on the table, and ordered to be printed.

Mr. LINN presented a paper in relation to the claim of Dr. M. Mansur; which was referred to the Committee on Military Affairs.

Mr. SEVIER presented a letter from the Secretary of War requesting an appropriation for the removal of certain Cherokee Indians in the vicinity of Fort Wayne; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HUBBARD presented the petition of citizens of Wiskonsin, praying an appropriation for certain internal improvements; which was referred to the Committee on Roads and Canals.

Mr. TALLMADGE presented the petition of 245 citizens of Niagara county, New York, in favor of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the memorial of the administrator of John B. Fanning, made an adverse report thereon; which was ordered to be printed.

The Senate then went into Executive session for some time, and when the doors were opened,

Mr. BENTON, from the Committee on Finance, to which was referred the bill to reduce the drawbacks on refined sugar and rum, and to reduce the fishing bounties and allowances in proportion to the reduced duties on sugar, molasses, and salt, reported the same without amendment.

On motion by Mr. B. the bill was made the order of the day for Monday the 15th of April.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was then taken up, and, the question being taken on the amendment proposed by Mr. NORVELL, it was lost—ayes 1, nays 34.

Mr. BENTON moved to amend the bill, by inserting after "Illinois," the words "east of Vandalia;" which was agreed to.

Mr. CLAY of Alabama proposed to amend the bill, by striking out the last section—(the two per cent. clause.)

After some remarks by Mr. CLAY of Alabama, and Mr. YOUNG, the bill was postponed, and made the order of the day for to morrow.

NORTHEASTERN BOUNDARY.

The CHAIR submitted the following message from the President of the United States:

To the Senate of the United States:

I transmit to the Senate, herewith, copies of official notes which have passed between the Secretary of State and the British Minister, since my last message, on the subject of the resolutions of the 17th of January.

M. VAN BUREN.

WASHINGTON, 26th March, 1840.

Mr. Fox to Mr. Forsyth.

WASHINGTON, March 13, 1840.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has been instructed by his Government to make the following communication to the Secretary of State of the United States, in reference to the boundary negotiation, and the affairs of the disputed territory.

Her Majesty's Government have had under their consideration the official note addressed to the undersigned by the Secretary of State of the United States, on the 24th of last December, in reply to a note from the undersigned of the 2d of November preceding, in which the undersigned protested, in the name of his Government, against the extensive system of aggression pursued by the people of the State of Maine within the disputed territory, to the prejudice of the rights of Great Britain, and in manifest violation of the provisional agreements entered into between the authorities of the two countries at the beginning of the last year.

Her Majesty's Government have also had their attention directed to the public message transmitted by the Governor of Maine to the Legislature of the State, on the 3d of January of the present year.

Upon a consideration of the statements contained in these two official documents, her Majesty's Government regret to find that the principal acts of encroachment which were denounced and complained of on the part of Great Britain, so far from being either disproved, or discontinued, or satisfactorily explained by the authorities of the State of Maine, are, on the contrary, persisted in, and publicly avowed.

Her Majesty's Government have consequently instructed the undersigned once more formally to protest against those acts of encroachment and aggression.

Her Majesty's Government claim and expect from the good faith of the Government of the United States, that the people of Maine shall replace themselves in the situation in which they stood before the agreements of last year were signed—that they shall therefore retire from the valley of the St. John, and confine themselves to the valley of the Aroostook; that they shall occupy that valley in a temporary manner only, for the purpose, as agreed upon, of preventing depredations; and that they shall not construct fortifications, nor make roads or permanent settlements.

Until this be done by the people of the State of Maine, and so long as that people shall persist in the present system of aggression, her Majesty's Government will feel it their duty to make such military arrangements as may be required for the protection of her Majesty's rights. And her Majesty's Government deem it right to declare that if the result of the unjustifiable proceedings of the State of Maine should be collision between her Majesty's troops and the people of that State, the responsibility of all the consequences that may ensue therefrom, be they what they may, will rest with the people and Government of the United States.

The undersigned has been instructed to add to this communication, that her Majesty's Government are only waiting for the detailed report of the British commissioners recently employed to survey the disputed territory, which report, it was believed, would be completed and delivered to her Majesty's Government by the end of the present month, in order to transmit to the Government of the United States a reply to their last proposal upon the subject of the boundary negotiation.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

Hon. JOHN FORSYTH, &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, March 25, 1840.

The undersigned, Secretary of State of the United States, acknowledges to have received Mr. Fox's communication of the 13th instant, in reference to the boundary negotiation and the affairs of the disputed territory. The information given in the closing part of it, that a reply to the last proposition of the United States upon the subject of the boundary may be expected in a short time, is highly gratifying to the President, who has, however, given directions to the undersigned in making this acknowledgment, to accompany it with the expression of his profound regret that Mr. Fox's note is in no other respect satisfactory.

After the arrangements which, in the beginning of last year, were entered into on the part of the two Governments with regard to the occupation of the disputed territory, the President had indulged the hope that the causes of irritation which had grown out of this branch of the subject could have been removed. Relying on the disposition of Maine to cooperate with the Federal Government in all that could lead to a pacific adjustment of the principal question, the President felt confident that his determination to maintain order and peace on the border would be fully carried out. He looked upon all apprehensions of designs by the people of Maine to take possession of the territory, as without adequate foundation; deeming it improbable that on the eve of an amicable adjustment of the question, any portion of the American people would, without cause and without object, jeopard the success of the negotiation and endanger the peace of the country. A troublesome, irritating, and comparatively unimportant, because subordinate, subject, being thus disposed of, the President hoped that the parties would be left free at once to discuss and finally adjust the principal question. In this he has been disappointed. While the proceedings of her Majesty's Government at home, have been attended with unlooked for delays, its attention has been diverted from the great subject in controversy by repeated complaints, imputing to a portion of the people of the United States designs to violate the engagements of their Government; designs which have never been entertained and which Mr. Fox knows would receive no countenance from this Government.

It is to be regretted that at this late hour, so much misapprehension still exists on the side of the British Government, as to the object and obvious meaning of the existing arrangements respecting the disputed territory. The ill success which appears to have attended the efforts made by the undersigned to convey, through Mr. Fox to her Majesty's Government, more correct impressions respecting them, calls for a recurrence to the subject, and a brief review of the correspondence which has grown out of it, may tend to remove the erroneous views which prevail, as to the manner in which the terms of the arrangements referred to have been observed.

As Mr. Fox had no authority to make any agreement respecting the exercise of jurisdiction over the disputed territory, that between him and the undersigned, of the 27th of February, 1839, had for its object some provisional arrangement for the restoration and preservation of peace in the Territory. To accomplish this object, it provided that her Majesty's officers should not seek to expel, by military force, the armed party which had been sent by Maine into the district bordering on the Restook river; and that, on the other hand, the Government of Maine would voluntarily, and without needless delay, withdraw beyond the bounds of the disputed territory any armed force then within them. Besides this, the arrangement had other objects—the dispersion of notorious trespassers, and the protection of public property from depredation. In case future necessity should arise for this, the operation was to be conducted by concert, jointly or separately, according to agreement between the Government of Maine and New Brunswick.

In this last mentioned respect, the agreement looked to some further arrangement between Maine and New Brunswick. Through the agency of General Scott, one was agreed to, on the 23d and 25th of March following, by which Sir John Harvey bound himself not to seek, without renewed instructions to that effect from his Government, to take military possession of the Territory, or to repel from it by military force the armed civil posse, or the troops of Maine. On the part of Maine, it was agreed by her Governor that no attempt should be made without renewed instructions from the Legislature, to disturb by arms the province of New Brunswick in the possession of the Madawaska settlements, or interrupt the usual communications between that and the upper provinces. As to possession and jurisdiction, they were to remain unchanged, each party holding, in fact, possession of part of the disputed Territory, but each denying the right of the other to do so. With that understanding, Maine was, without unnecessary delay, to withdraw her military force, leaving only, under a land agent, a small civil posse, armed or unarmed, to protect the timber recently cut, and to prevent further depredations.

In the complaints of infractions of the agreements of the State of Maine, addressed to the undersigned, Mr. Fox has assumed two positions, which are not authorized by the terms of those agreements: 1st, admitting the right of Maine to maintain a civil posse in the disputed territory for the purposes stated in the agreement, he does so with the restriction that the action of the posse was to be confined within certain limits; and 2d, by making the advance of the Maine posse into the valley of the Upper St. John, the ground of his complaint of encroachment upon the Madawaska settlement, he assumes to extend the limits of that settlement beyond those it occupied at the date of the agreement.

The United States cannot acquiesce in either of these positions.

In the first place, nothing is found in the agreement subscribed to by Governor Fairfield and Sir John Harvey, defining any limits in the disputed territory within which the operations of the civil posse of Maine were to be circumscribed. The task of preserving the timber recently cut, and of preventing further depredations *within the disputed territory*, was assigned to the State of Maine after her military force should have been withdrawn from it; and it was to be accomplished by a civil posse, armed or unarmed, which was to continue in the territory, and

to operate in every part of it where its agency might be required to protect the timber already cut, and prevent further depredations, without any limitation whatever, or any restrictions, except such as might be construed into an attempt to disturb by arms the Province of New Brunswick in her possession of the Madawaska settlement, or interrupt the usual communication between the Provinces. It is thus in the exercise of a legitimate right, and in the conscientious discharge of an obligation imposed upon her by a solemn compact, that the State of Maine has done those acts which have given rise to complaints for which no adequate cause is perceived. The undersigned feels confident that when those acts shall have been considered by her Majesty's Government at home, as explained in his note to Mr. Fox, of the 24th of December last, and in connexion with the foregoing remarks, they will no longer be viewed as calculated to excite the apprehensions of her Majesty's Government that the faith of existing arrangements is to be broken on the part of the United States.

With regard to the second position assumed by Mr. Fox, that the advance of the Maine posse along the valley of the Restook to the mouth of Fish River, and into the valley of the Upper St. John, is at variance with the terms and spirit of the agreements—the undersigned must observe that if at variance with any of their provisions, it could only be with those which secure her Majesty's Province of New Brunswick against any attempt to disturb the possession of the Madawaska settlement, and to interrupt the usual communications between New Brunswick and the Upper Provinces. The agreement could only have reference to the Madawaska settlements as confined within their actual limits at the time it was subscribed. The undersigned, in his note of the 24th of December last, stated the reasons why the mouth of Fish River and the portion of the valley of the St. John through which it passes, could in no proper sense be considered as embraced in the Madawaska settlements. Were the United States to admit the pretension set up on the part of Great Britain, to give to the Madawaska settlements a degree of constructive extension that might, at this time, suit the purposes of her Majesty's colonial authorities, those settlements might soon be made, with like justice, to embrace any portions of the disputed territory; and the right given to the Province of New Brunswick to occupy them temporarily and for a special purpose might, by inference quite as plausible, give the jurisdiction exercised by her Majesty's authorities an extent which would render the present state of the question, so long as it could be maintained, equivalent to a decision on the merits of the whole controversy in favor of Great Britain. If the small settlement at Madawaska on the north side of the St. Johns means the whole valley of that river—if a boom across the Fish river, and a station of a small posse on the south side of the St. Johns at the mouth of Fish river is a disturbance of that settlement, which is twenty-five miles below, within the meaning of the agreement, it is difficult to conceive that there are any limitations to the pretensions of her Majesty's Government under it, or how the State of Maine could exercise the preventive power with regard to trespassers, which was, on her part, the great object of the temporary arrangement. The movements of British troops, lately witnessed in the disputed territory, and the erection of military works for their protection and accommodation, of which authentic information, recently received at the Department of State, has been communicated to Mr. Fox, impart a still graver aspect to the matter immediately under consideration. The fact of those military operations established beyond a doubt, left unexplained, or unsatisfactorily accounted for, by Mr. Fox's note of the 7th instant, continues an abiding cause of complaint on the part of the United States against her Majesty's colonial agents, as inconsistent with arrangements whose main object was to divest a question, already sufficiently perplexed and complicated, from such embarrassments as those with which the proceedings of the British authorities cannot fail to surround it.

If, as Mr. Fox must admit, the objects of the late agreements were the removal of all military force and the preservation of the property from further spoliations, leaving the possession and jurisdiction as they stood before the State of Maine found itself compelled to act against the trespassers, the President cannot but consider that the conduct of the American local authorities strongly and most favorably contrasts with that of the colonial authorities of her Majesty's Government. While the one, promptly withdrawing its military force, has confined itself to the use of the small posse, armed as agreed upon, and has done no act not necessary to the accomplishment of the conventional objects, every measure taken or indicated by the other party, is essentially military in its character, and can be justified only by a well founded apprehension that hostilities must ensue.

With such feelings and convictions, the President could not see, without painful surprise, the attempt of Mr. Fox, under instructions from his Government, to give to the existing state of things a character not warranted by the friendly disposition of the United States or the conduct of the authorities and people of Maine—much more is he surprised to find it alleged as a ground for strengthening a military force and preparing for a hostile collision with the unarmed inhabitants of a friendly State, pursuing, within their own borders, their peaceful occupations, or exerting themselves in compliance with their agreements to protect the property in dispute from unauthorized spoliation.

The President wishes that he could dispel the fear that these dark forebodings can be realized. Unless her Majesty's Government shall forthwith arrest all military interference in the question—unless it shall apply to the subject more determined efforts than have hitherto been made to bring the dispute to a certain and pacific adjustment, the misfortunes predicted by Mr. Fox in the name of his Government, may most unfortunately happen. But no apprehension of the consequences alluded to by Mr. Fox can be permitted to divert the Government and people of the United States from the performance of their duty to the State of Maine. That duty is as simple as it is imperative. The construction which is given by her to the treaty of 1783 has been, again and again, and in the most solemn manner, asserted also by the Federal Government, and must be maintained, unless Maine freely consents to a new boundary, or unless that construction of the treaty is found to be erroneous by the decision of a disinterested and independent tribunal, selected by the parties for its final adjustment. The President, on assuming the duties of his station, avowed his determination, all other means of negotiation failing, to submit a proposition to the Government of Great Britain to refer the decision of the question once more to a third party.

In all the subsequent steps which have been taken upon the subject by his direction, he has been actuated by the same spirit. Neither his disposition in the matter, nor his opinion as to the propriety of that course, has undergone any change. Should the fulfilment of his wishes be defeated either by an unwillingness on the part of her Majesty's Government to meet the offer of the United States in the spirit in which it is made, or from adverse circumstances of any description, the President will, in any event, derive great satisfaction from the consciousness that no effort on his part has been spared to bring the question to an amicable conclusion, and that there has been nothing in the conduct either of the Governments and people of the United States, or of the State of Maine, to justify the employment of her Majesty's forces as indicated by Mr. Fox's letter. The President cannot, under such circumstances, apprehend that the responsibility for any consequences which may unhappily ensue, will, by the just judgment of an impartial world, be imputed to the United States.

The undersigned avails himself, &c. &c. &c.

JOHN FORSYTH.

To the Hon. H. S. Fox, &c.

Mr. Fox to Mr. Forsyth.

WASHINGTON, March 26, 1840.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honor to receive the official note of yesterday's date, addressed to him by Mr. Forsyth, Secretary of State of the United States, in reply to a note dated the 13th inst. wherein the undersigned, in conformity with instructions received from his Government, had anew formally protested against the acts of encroachment and aggression which are still persisted in by armed bands in the employment of the State of Maine within certain portions of the disputed territory.

It will be the duty of the undersigned immediately to transmit Mr. Forsyth's note to her Majesty's Government in England; and until the statements and propositions which it contains shall have received the due consideration of her Majesty's Government, the undersigned will not deem it right to add any further reply thereto, excepting to refer to, and to repeat, as he now formally and distinctly does, the several declarations which it has from time to time been his duty to make to the Government of the United States with reference to the existing posture of affairs in the disputed territory, and to record his opinion, that an inflexible adherence to the resolutions that have been announced by her Majesty's Government, for the defence of her Majesty's rights pending the negotiation of the boundary question, offers to her Majesty's Government the only means of protecting those rights from being in a continually aggravated manner encroached upon and violated.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

The Honorable JOHN FORSYTH, &c. &c. &c.

After a discussion, in which Messrs. DAVIS, WEBSTER, and WILLIAMS, participated, the message was referred to the Committee on Foreign Relations, and ordered to be printed; and 10,000 additional copies were ordered.

The Senate then adjourned

IN SENATE.

FRIDAY, March 27, 1840.

The CHAIR communicated a report from the Secretary of the Navy, made in compliance with a resolution of the Senate, in relation to the rank of Charles Wilkes, jr. and William L. Hudson; which was read, and ordered to be printed.

Mr. NORVELL presented to the Senate two memorials, very numerously signed by the citizens of the State of Michigan, praying Congress to pass a general bankrupt law.

While up, he would say that he had reason to believe that scarcely any difference of opinion existed among the people of Michigan on the subject. All desired, many of them earnestly desired, the exercise by Congress of its constitutional power to execute a general law of bankruptcy. He himself considered it essential to the welfare and prosperity of a large portion of the most industrious and enterprising citizens of the United States.

The memorials were referred to the Committee on the Judiciary.

Mr. N. also presented a memorial from a number of the citizens of the city and county of Philadelphia, praying that Congress may interpose to affect a mitigation, if not an entire remission, of the residue of the punishment to which WILLIAM LYON MACKENZIE, late member of the Provincial Parliament of Upper Canada, was sentenced, last fall, by the district court of western New York, for a violation of the laws of the United States, passed for the preservation of their neutral obligations.

Mr. N. said that the memorial was of a novel and peculiar nature; and he was somewhat at a loss what disposition to make of it. The prerogative of clemency and mercy, in such cases, belonged exclusively to the Executive; and he did not know that Congress could interfere, by legislative action, in the matter. While, therefore, he cordially concurred in the object which the memorialists had in view, he must submit the appropriate direction for the memorial to take, to the better judgment of more experienced Senators. It was short, and he asked that it might be read. It was accordingly read; and, after some hesitation on the subject, the memorial was, on motion, referred to the President of the United States.

Mr. N. also presented a memorial from Edward S. Deacon, of Michigan, praying for an appropriation for the erection of a light house at Port Shaldor, in that State; which was referred to the Committee on Commerce.

Mr. LINN presented the petition of John McClenaham; which was referred to the Committee on Pensions.

Mr. LUMPKIN presented a petition numerously signed by citizens of Columbus, Georgia, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BENTON presented a petition from Fulton county, New York, praying the passage of a general bankrupt law, to embrace corporations within its provisions; which was referred to the Committee on the Judiciary.

Mr. TALLMADGE presented a memorial from citizens of Poughkeepsie, one from Seneca county, and one from Westchester county, severally praying the passage of a general bankrupt law; which were referred to the Committee on the Judiciary.

Mr. T. also presented the petition of Thomas Amerman; which was referred to the Committee on Pensions.

Mr. T. also presented the memorial of certain shipowners and shipmasters of the city of New York, praying that N. P. Trist, consul at Havana, may be superseded by a more worthy man; which was referred to the Committee on Foreign Relations.

Mr. MERRICK presented the memorial of Mary Linn; which was referred to the Committee on Pensions.

Mr. M. also presented the memorial of E. S. Gardner, agent for persons who have claims against the Government for supplies furnished to the army in Florida; which was referred to the Committee on Claims.

Mr. YOUNG presented a memorial signed by 360 citizens of Chicago in favor of the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CLAY of Alabama presented the memorial of Stokes and Purdom, praying remuneration for losses incurred in a mail contract; which was referred to the Committee on the Post Office and Post Roads.

Mr. MOUTON presented the memorial of King and Wilson; which was referred to the Committee on Private Land Claims.

Mr. M. also presented the petition of Robert McCarty, which was referred to the Committee on Private Land Claims.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of Don Carlos Dehault Delassus, made an adverse report thereon; which was ordered to be printed.

The bill for the better security of the public money in the hands of officers and agents of the Government, was taken up on its third reading.

Mr. HENDERSON moved to recommit the bill, with certain instructions; which, after some remarks by WRIGHT, Messrs. HENDERSON, SMITH of Indiana, HUBBARD, and PRENTISS, was disagreed to—ayes 10, noes 27.

The bill was then read a third time, and passed.

Mr. MERRICK submitted the following motion, which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of making suitable provision for all widows of officers and soldiers of the Revolutionary war, who have not formed any subsequent matrimonial connection.

CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was then taken up, the question being on the amendment proposed yesterday by Mr. CLAY of Alabama.

Mr. CLAY addressed the Senate at length in favor of his amendment, and against the bill generally, and was replied to by Mr. YOUNG and Mr. TAPPAN.

Without taking any question,

The Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, March 27, 1840.

Mr. HOWARD rose and asked leave to correct a statement in a report from the Treasury Department respecting the salary of the District Attorney of Indiana, and he sent to the CHAIR and had read the following correspondence in explanation of the matter, viz:

OFFICE OF THE SOLICITOR OF THE TREASURY.
March 26, 1840.

SIR: I have had the honor to receive your letter of the 20th, requesting a copy of the Clerk's statement, or other document from which the Secretary states, in a report to Congress, that the salary and fees of the District Attorney of Indiana for the year 1839 was $1214.

In reply I have to state that the report referred to is founded on reports from the Attorneys, Clerks and Marshals, made direct to the Secretary. Upon inquiry at that office, I am informed that the Clerk, in making up the general report of the Secretary from the reports of these several officers, made a mistake in the instance to which you refer, by charging the sum of $1214 to the District Attorney instead of the Marshal. I inclose a copy of the report to the Secretary from which the charge was made, from which this will be apparent.

I am, very respectfully, yours,

M. BIRCHARD,
Solicitor of the Treasury.

The Hon. T. A. HOWARD,
House of Representatives United States.

MADISON, (Indiana,) January 14, 1840.

SIR: In obedience to your circular of the 30th January, 1839, I have the honor to inform you that the whole amount of money received by me as marshal of this district, and by my deputies from the 1st of January, 1839, to the 1st of January, 1840, including per diem allowance during the sittings of the courts, mileage, disbursements, and all other fees, excepting my annual salary, is one thousand and fourteen dollars and forty-two cents.

I am, &c.

GAM. TAYLOR,
United States Marshal Indiana District.

Honorable LEVI WOODBURY, Secretary of the Treasury.

NOTE.—Fees as above - - -	$1,014 42
Salary - - - -	200 00
	$1,214 42

TREASURY NOTE BILL.

On motion of Mr. J. W. JONES of Virginia, the House resolved into a Committee of the Whole on the state of the Union (Mr. DAWSON in the chair,) and took up the Treasury Note bill.

Mr. BARNARD here rose and complained of an article in the Globe, censuring his course for detaining the Committee of the Whole. The Globe stated that he occupied the floor from the hour of 6 o'clock, instead of 10½ o'clock.

Mr. GRAVES here spoke at great length, and in the course of his remarks adverted to the course of Mr. BLACK in relation to the election of public Printer; to which

Mr. BLACK of Georgia said he did not rise for the purpose of making a speech on the merits of the bill now under consideration, but for the purpose of putting himself right before the committee and the country, in a matter which may well be called a "vexed question," and about which a great deal had been said here and elsewhere; he alluded to the part he had taken in the election of Printer, and the disposition made by the House of the Congressional printing. If, in so doing, he placed any man in the wrong, it was not with the intention of prosecuting an offensive warfare, but simply in justification to himself, and those who had acted with him. This much he felt himself imperatively called on to do, from the manner in which the honorable gentleman from Kentucky [Mr. GRAVES] had

spoken of that transaction, and from the distinct allusions which had been made to him in the course of the debate. If he understood that gentleman correctly, he had deprecated the election of Francis P. Blair to the office of Printer; pronounced it premature and precipitate; in consequence of which a previous investigation into alleged frauds had been superseded and precluded by the House; and that, too, said the gentleman, when we were getting along very well and smoothly, by letting out the printing on contract.

Sir, said Mr. B. the gentleman from Kentucky, the Whigs, *and others*, who voted with that gentleman for a certain resolution, to which I shall presently refer, effected indirectly and covertly, by its adoption, that which I did directly and openly, in the election which followed. That, and that alone, after all that has been said, is the difference between us.

Sir, let us look to that resolution for a moment, and recur to its origin and history. It was introduced into this House, and advocated on its passage, by my colleague, [Mr DAWSON.] By it, the Clerk of this House, a confirmed Democrat, was ordered "to supply some suitable person or persons to execute the necessary printing of this House, in the manner prescribed by the joint resolution of 1819." I will not assert that the gentleman voted for this resolution; but this much I will say, that if he voted or raised his voice *against* it in this hall, I was not present, and did not hear him. So far as I am informed, he sat by and suffered that resolution, introduced by a gentleman who usually acts with the Whig party, to pass this House, *sub silentio*, not only the first, but the second time, if I remember correctly. What, then, was the purport, the effect, the consequence of that action of the House? It was that a Democratic Clerk should select, *at his option*, some individual to execute the printing of Congress upon the terms fixed by the resolution of 1819. This proposition came directly from the Whig ranks, and was supported alike by Whig and Democrat. This, then, was the generally received sense of the House, and was acquiesced in by the gentleman from Kentucky himself, who, if he was present at its adoption, said not one word, as I have heard, in opposition to it. What, sir, was the natural and necessary consequence of all this? Every man here, who had his senses about him, knew, or ought to have known, that this same *Francis P. Blair*, who has been vilified and abused through all the avenues by which detraction can reach the character of a man, whether justly or not I will not now stop to inquire, for I am not his champion. This same heinous and offensive *Blair*, upon the proposition, and by the votes of the Whigs themselves, was indirectly made the Printer of this House, without any limitation as to price, save that imposed by the joint resolution of 1819. All parties here knew, as well as I did, that HUGH A. GARLAND, the Democratic Clerk of the House, to whom the selection of a Printer was thus referred by Colonel DAWSON'S resolution, would appoint Mr. BLAIR, his politically ally, and who was every way competent to the discharge and execution of that trust. Did this *appointment disappoint* any one here? No, sir! Every body well knew who would be made Printer, as soon as the Clerk was entrusted with the selection of that officer.

Under these circumstances, when Mr. Blair was comfortably seated in his newly acquired office, for which he was perhaps more indebted to the Whigs than the Democrats, I had the honor to come forward and *unsettle* this state of things, so propitious to the Editor of the Globe, and to arrest the official patronage which had been *indirectly* cast upon that functionary by Col. DAWSON'S resolution. Is not this so? I appeal, said Mr. B. to the resolution which I subsequently offered upon this subject, and which was adopted by the House; by which it will appear that, instead of making the Editor of the Globe the sure and certain recipient of the printing patronage, under the prices of 1819, he was subjected to all the contingences and uncertainties of an election, where parties are so nearly balanced, and restricted in the remuneration he was to receive for services to such terms and such a tariff of prices as he House, after an investigation of the subject, might think proper to adopt.

Sir, said Mr. B. I have nothing to urge against gentlemen for their support of the Editor of the Globe. I supported him myself, not only upon the occasion referred to, but subsequently, at the election, openly and fearlessly, while others hid themselves behind the responsibility of the Clerk's appointment. I voted for him *viva voce*, because I believed, all things considered, he was more entitled to my support than the Editors of the National Intelligencer. For this choice between two contending candidates, I am ready and willing, as I will do upon some future occasion, to answer to my constituents, to whom alone I hold myself responsible for my acts here. But, sir, this is what I complain of, and herein have I been badly and unjustly treated, and proscribed by some, without even a hearing of my case; that while I am rebuked and condemned by the gentleman from Kentucky, and those with whom he is associated, for having participated in the election of Mr. Blair to be the Printer of this House, those who voted for Col. DAWSON'S resolution are either applauded for their patriotism and consistency, or at least passed over in commendatory silence.

Yes, sir; "let it be written on the wall" that this identical Blair, who has been denounced by the Whigs for every thing odious, both morally and politically, was made the happy recipient of Government patronage, by a resolution emanating from the Whig ranks, and supported by that party, while I have been rebuked and condemned for doing that openly, which they thought proper to effect indirectly and covertly! "Think of that, Master Brook!"

The debate was further continued by Messrs. PICKENS, EVERETT, FISHER, BELL, SMITH of Maine, MONROE, DAVIS of Ky. MORGAN, RAMSEY, COOPER of Pa. DAVIS of Ia. KEIM, COOPER of Pa. in reply, ALFORD, and STANLY, which will be published hereafter; when

Mr. HABERSHAM submitted the following, to come in as an amendment to the end of the second section of the bill:

"Which notes, so to be issued, shall be negotiable only by special endorsement by, and to, each person through whose hands they may pass, subject to the same rules and restrictions as inland bills of exchange, payable to order, but without the liability of the endorser."

The question was put on its adoption, and it was disagreed to without a count.

Mr. UNDERWOOD submitted the following amendment:

Be it further enacted, That nothing in this act contained shall be so construed as to authorize the Secretary of the Treasury, or any officer of the Government, to make a deposite of any amount of Treasury notes with any bank, and to allow such bank the accruing interest on the Treasury notes so deposited, and, in consideration thereof, to acquire the right to check upon the bank for the amount, or in any other manner whatever to use the Treasury notes, or any part thereof, which may be issued in pursuance of this act, to obtain a loan or advance of money upon the credit of such notes, or by a sale thereof, it being the intention of Congress not to authorize the issue of Treasury notes in favor of any person or persons, except a *bona fide* creditor of the Government.

Mr. GARLAND of Louisiana demanded tellers to take a count on the adoption of this amendment, and Messrs. P. F. THOMAS and CRABB having been appointed such, reported that there were—ayes 69, noes 90.

So it was rejected.

The amendment of Mr. BARNARD, previously offered, being next in order, as follows:

"Amend by striking out all after the word 'notes,' in the second line of the second section, and insert, 'may be issued by the authority of this act, not to exceed, in the whole amount issued, five millions of dollars; such notes in no case to be made for a less sum than one thousand dollars, and to be issued no faster than shall be demanded, as a means of borrowing money for the exigencies of the Treasury.'"

Mr. BARNARD made a few remarks in explanation of the principles of his amendment; when

Mr. COOPER of Georgia said he was willing to accept that part of the amendment which limits the issue to the wants of the Government; but was opposed to the restriction as to the denomination of the notes.

Mr. CRABB suggested to Mr. BARNARD to leave the denomination of the note blank; to which suggestion he yielded.

The CHAIR said the question would be on filling the blank; when

Mr. MONTGOMERY moved to fill it with $10.

Mr. R GARLAND named $50.

Mr. CHINN named $20.

Mr. COOPER of Georgia named $100.

Mr. BARNARD named $500

All which propositions to fill the blank were taken up in their order, and rejected.

The question being on the amendment, after a few remarks from Messrs. R. GARLAND, JONES, KING, and FILLMORE, the question was taken by tellers, and disagreed to.

Mr. PROFFIT submitted an amendment, praying to appropriate $450,000 of the notes to be issued, to the completion of the Cumberland road in Ohio, Indiana and Illinois.

Messrs. PROFFIT, WICK, RARIDEN, and MASON, made a few remarks in favor of the amendment, which will be published hereafter, and

Mr. JONES of Virginia appealed to the mover not to embarrass the passage of this bill, by an effort to attach to it an amendment relating to a question of which many of the friends of the bill now before the committee had constitutional objections. He suggested that it would be much better to leave the question of the Cumberland road alone, until the bill which was now before the Senate, for that object, should be sent to the House.

The question being on the adoption of the amendment,

Mr. RARIDEN called for tellers to take a count.

Messrs. STEWART and HUBBARD having been appointed such, reported that there were—ayes 71, nays 87.

So the amendment was rejected.

Mr COOPER of Georgia submitted the following as an additional section to the bill:

SEC 3. *And be it further enacted*, That the Secretary of the Treasury be hereby authorized and instructed to sell the bonds of the United States Bank of Pennsylvania belonging to the Government, at the best market price, and place the proceeds to the credit of the Treasury of the United States; and that said sum, when realized, shall operate to diminish the amount of Treasury notes hereby authorized to be issued, in a sum equal thereto.

The question on its adoption was put, and it was disagreed to.

Mr. MONTGOMERY offered an amendment, fixing the lowest denomination of notes at ten dollars; which was lost without a count.

Mr. TILLINGHAST submitted the following amendment; and it was disagreed to without a count:

"Strike out from the second section all between the word 'issued,' in the third line, and the word 'fine,' in the fifth line, and insert in lieu thereof the following: 'Not exceeding in amount the aggregate of'"

Mr. CURTIS offered the following amendments as a substitute for the second section of the bill, viz:

SEC 2. That the amount of Treasury notes authorized to be issued by the provisions and regulations of the said act shall not, in the aggregate of all the issues thereof, exceed the amount of five millions of dollars; and the same may be redeemed sooner than one year, if the means of the Treasury shall permit, by giving sixty days' notice; and no interest to be allowed thereon after the expiration of sixty days.

After a few remarks from Mr. GRAVES as to what amount the Secretary would be enabled to issue in the course of the year under the bill,

Mr. JONES said the bill had been printed, and every gentleman had been afforded an opportunity to scrutinize its provisions; and it seemed to him there could be no misunderstanding in relation to it. It only gives the Secretary the power to keep out five millions for the year, and did not, as some gentleman seemed to suppose, give him the power to cancel and reissue.

The question was then taken, and the amendment was disagreed to without a count.

The question was then taken on the substitute for the bill, submitted by Mr. KING of Ga. providing for five millions by loan, bearing legal interest; which was, however, disagreeded to without a count.

Mr. R. GARLAND submitted the following as an additional section to the bill.

Be it further enacted, That an account shall be kept in the Treasurer's office, of each note issued under the provisions of this act, and of the number of times each note shall be reissued; also, of each note that shall be issued in the place of any note previously issued.

Mr JONES said the original bill already provides that an account shall be kept of the number of the notes issued. This bill, as he before said, does not provide for a reissue; but simply gives the Secretary powee to issue five millions in such proportions as the wants of the Government demand, and to keep it out during the year.

The amendment was then disagreed to without a count.

On motion of Mr. JOES of Virginia, the committee then rose and reported the bill to the House; when

Mr. EASTMAN said, that, since a member of this House, this was the first time he had been able to obtain the floor. He had made the attempt on two or three previous occasions, but had been unsuccessful. He believed it to be the duty of every gentleman, at all times, to make such a speech as would most conduce to the interest of his constituents and of the country. He should himself pursue that course now; and in accordance with those views he now moved the previous question, which was seconded; and

The question then being, "Shall the main question be now put,"

Mr. R. GARLAND demanded the yeas and nays; which were ordered and were—yeas 105, nays 79, as follows:

YEAS.—Messrs. Alford, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, Carr, Chapman, Clifford, Coles, Conner, Mark A. Cooper, Wm. R. Cooper, Crary, Cross, Dana, Davee, Dawson, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Fine, Fisher, Floyd, Fornance, Galbraith, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of N. C. Hillen, Holleman, Holmes, Hook, Hubbard, Jackson, J. Johnson, C. Johnson, Nat. Jones, J. W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parrish, Parmenter, Paynter, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Philip F. Thomas, Jacob Thompson, Vanderpoel, David D. Wagener, Watterson, Jared W. Williams, Henry Williams, and Worthington—105.

NAYS—Messrs. Adams, J. W. Allen, Andrews, Baker, Barnard, Bell, Bond, Botts, Brockway, Anson Brown, Calhoun, Carter, Casey, Chinn, Chittenden, James Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, John W. Davis, Garret Davis, Deberry, Dillett, Edwards, Evans, Fillmore, Rice Garland, Goggin, Goode, Graham, Graves, Green, Habersham, William S. Hastings, Hawes, Henry, Hoffman, Howard, James, Charles Johnston, Kempshall, Lincoln, McCarty, Marvin, Monroe, Morgan, Calvary Morris, Naylor, Palen, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Taylor, Francis Thomas, Waddy Thompson, Tillinghast, Toland, Trumbull, Warren, John White, Wick, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—79.

So the main question was ordered to be put; which main question was: "Shall the bill be ordered to be engrossed for a third reading?"

Mr BANKS wished to see, after so much opposition, who was really opposed to the bill, and demanded the yeas and nays on the engrossment, which were ordered, and were—yeas 115, nays 76, as follows:

YEAS—Messrs. Adams, J. Allen, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, S. H. Butler, William O. Butler, Bynum, John Campbell, Carr, Casey, Chapman, Chinn, Clifford, Coles, Conner, M. A. Cooper, W R. Cooper, Crary, Cross, Dana, Davee, John W. Davis, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Fine, Fisher, Floyd, Fornance, Galbraith, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, C. Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parish, Parmenter, Paynter, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—115.

NAYS—Messrs. Alford, John W. Allen, Andrews, Baker, Barnard, Bell, Bond, Botts, Brockway, Anson Brown, Calhoun, Carter, James Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Garret Davis, Dawson, Deberry, Dillet, Edwards, Fillmore, Rice Garland, Gates, Gentry, Goggin, Goode, Graham, Graves, Green, Habersham, William S. Hastings, Hawes, Henry, Hoffman, Hopkins, James, C. Johnston, Kempshall, Lincoln, McCarty, Marvin, Mason, Monroe, Morgan, Calvary Morris, Naylor, Osborne, Palen, Pope, Proffit, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Triplett, Trumbull, Warren, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—76

So the bill was ordered to be engrossed.

The question now being on the passage of the bill,

Mr. PROFFIT moved to recommit the bill, with instructions requiring the committee of Ways and Means to report an amendment to the bill, appropriating $450,000 for continuing the Cumberland road in Ohio, Indiana, and Illinois.

Mr. BANKS said the amendment was a violation of the rule, but he moved the previous question, which was seconded.

Some conversation here arose between the SPEAKER and Messrs. ADAMS, RARIDEN, and PROFFIT, as to the effect of the previous question, whether it brought the House to a vote on the motion to recommit, or on the passage of the bill; when

The SPEAKER decided that, under the operation of the previous question, the main question would be, "shall the bill pass?" Consequently, those who voted against ordering the main question, voted for the rejection of the bill.

The vote was then taken on the question, "shall the main question be now put?" and decided in the affirmative—yeas 109, nays 66.

YEAS—Messrs. Alford, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, A. V. Brown, A. G. Brown, Burke, W. O. Butler, Bynum, Chapman, Chinn, Clifford, Coles, Conner, Mark A. Cooper, William R. Cooper, Crabb, Crary, Cross, Dana, Davee, Dawson, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Fine, Fisher, Floyd, Galbraith, Goggin, Graham, Habersham, Hammond, Hand, John Hastings, Hawkins, Hill of Va. Hill of N. C. Hillen, Holleman, Holmes, Hopkins, Hubbard, Jackson, Jameson, Jos. Johnson, Cave Johnson, Nath'l Jones, J.

W. Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Palen, Parish, Parmenter, Paynter, Prentiss, Ramsey, Rhett, Rives, E. Rogers, J. Rogers, Ryall, Samuels, Shaw, Albert Sm th, John Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweney, Taliaferro, Taylor, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Vanderpoel. David D. Wagener, Warren, Watterson, Jared W. Williams, Henry Williams, and Worthington—106.

NAYS—Messrs. Adams, John W. Allen, Andrews, Bell, Botts, Brockway, Calhoun, Carr, Carter, Casey, Chittenden, Clark, James Cooper, Corwin, Cranston, Crockett, Curtis, John W. Davis, Garret Davis, Dillet, Edwards, Fillmore, Rice Garland, Gates, Gentry, Goode, Graves, Green, William S. Hastings, Hawes, Henry, Hoffman, Howard, James, Kempshall, Leet, Lincoln, McCarty, Marvin, Mason, Monroe, Morgan, Naylor, Osborne, Pope, Proffit, Randolph, Rayner, Reynolds, Ridgway, Russell, Saltonstall, Slade, Truman Smith, Stanly, Stuart, F. Thomas, Tillinghast, Triplett, Weller, John White, Wick, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—66.

So the House determined that the main question should be put; which main question was, "shall the bill pass?"

Mr. BIDDLE demanded the yeas and nays on that question; which were ordered, and were—yeas 110, nays 66, as follows:

YEAS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beaty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Bynum, John Campbell, Carr, Casey, Chapman, Chinn, Clifford, Coles, Conner, Mark A. Cooper, William R. Cooper, Crary, Cross, Dana, Davee, John W. Davis, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Fine, Floyd, Galbraith, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parish, Parmenter, Paynter, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—110.

NAYS—Messrs. John W. Allen, Andrews, Baker, Bell, Biddle, Botts, Brockway, Calhoun, Carter, Chittenden, Clark, James Cooper, Corwin, Crabb, Cranston, Curtis, Garret Davis, Dawson, Dillett, Rice Garland, Gates, Gentry, Goggin, Goode, Graham, Graves, Green, Habersham, William S. Hastings, Hawes, Hill of Virginia, Hoffman, Hopkins, James, Kempshall, King, Lincoln, McCarty, Marvin, Mason, Monroe, Morgan, Naylor, Osborne, Palen, Pope, Proffit, Randolph, Rariden, Rayner, Ridgway, Saltonstall, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Triplett, Warren, John White, Thomas W. Williams, Lewis Williams, and Joseph L. Williams—66.

So the bill was passed.

Mr. RHETT moved that, when the House adjourn, it adjourn to meet on Moaday next, at 12 o'clock.

Mr. RUSSELL demanded the yeas and nays; which were not ordered.

On motion of Mr. RUSSELL, the question was then taken by tellers, and, there being but 89 ayes and 27 noes, no quorum voting, the motion was lost.

On motion of Mr. R. GARLAND,

The House then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 28, 1840.

Mr. LINCOLN, by universal consent, laid before the House, and had referred to the appropriate committee, certain matters relating to the publication, under contract, of the Biennial Register.

Mr. CHAPMAN, in accordance with previous notice given, and on leave, introduced a bill to establish certain post routes in and through the Territory of Iowa, and to certain others therein mentioned; which was read twice, and committed to the Committee on the Post Office and Post Roads.

Mr. KEIM made an ineffectual effort to introduce a resolution assigning rooms to the several committees of which he was a member.

Mr. HOWARD of Indiana, by universal consent, presented certain petitions in relation to the extension of the pre-emption laws; which were referred to the committee having charge of petitions on the same subject.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report and estimate for a harbor at the mouth of Root river, near Racine, on the west shore of Lake Michigan, Wiskonsin Territory, made in obedience to instructions inferred from a letter from the Colonel of the Corps of Topographical Engineers, dated 17th October, 1839, to Lorenzo Janes, and others, of Racine, Wiskonsin Territory; which was

On motion of Mr. CROSS, referred to the Committee on Commerce.

Also, laid before the House depositions from the city of Newark, in relation to the New Jersey election.

Mr. CAMPBELL of South Carolina moved that they be referred to the Committee of Elections.

Mr. R. GARLAND objected; which, having caused some conversation between Messrs. CAMPBELL, STANLY, and R. GARLAND, as to the propriety of the reference, they were ordered to lie on the table till Tuesday next.

The SPEAKER announced the unfinished business of the morning hour to be the resolution heretofore reported by Mr. CAMPBELL of South Carolina, from the Committee of Elections, to print all the testimony in relation to the contested election in the State of New Jersey, to which an amendment had been heretofore offered by Mr. R. GARLAND to print the testimony received since the report of the said committee was made.

Mr. PRENTISS rose and asked leave of the House to make a remark or two applicable to the allegation against him, made by the gentleman from New York [Mr. MORGAN] in his speech of yesterday, when in Committee of the Whole on the Treasury Note bill. No objection being made, Mr. P. went on to say that he had learned this morning, from verbal sources, that his colleague, in speaking of him, had stated that he (Mr. P.) was the editor of a Federal newspaper which opposed the last war, and with others of his political associates, he had rejoiced at the victories of the enemy over the American arms. It was true, Mr. P. said, that he was a Federalist at the period referred to, and that he edited a paper which sustained Federal doctrines. The reason was that he was born and bred in Massachusetts, the hot bed of Federalism, and that it took time and reflection to eradicate early impressions. He did oppose the declaration of war, as having been made prematurely and without adequate preparation for a contest with such a powerful nation as England; but he utterly denied that he ever o posed the war after the conflict began. So much in regard to the imputation of being a Federalist, and opposing the war in the columns of his paper. Now, in regard to the allegation of having "rejoiced at the victories of the enemy over the American arms." During the canvass for a seat on this floor, in the year 1836, the Whig paper in his (Mr. P's) district, did make a charge of the same character as that reiterated by his colleague, and it was promptly refuted and falsified by the signatures of foerteen of he most respectable citizens of the place where he (Mr. P.) resides, who were residents during the whole of the war, and three of them [Messrs. Groves, Nicholls, and Russell] members of the Whig Central Corresponding Committee of the county, the latter of whom was a member of the late Harrisburg Convention, which nominated General Harrison for President. The charge is in all respects untrue, and he (Mr. P.) had the record at home to prove it to be so. One word more, and Mr. P. had done. He confessed his Federal prepossessions, until the year 1821, when light beamed upon his mind, and he had since given his best services to the Democratic interest, as a matter of principle. The political sin was repented of, and the intelligent electors of Democratic Otsego had pronounced their forgiveness, by twice deputing him to representing them on this floor.

Mr. MEDILL, who was entitled to the floor, made an able vindication of the majority of the Committee of Elections, from the charges which had been made against it by Messrs. BOTTS and FILLMORE, in their speeches, and in their minority report. His speech will be published hereafter. He had not concluded at the expiration of the morning hour, at which time

The House proceeeded to the consideration of bills on the private calendar; when the following engrossed bills on the Speaker's table were taken up, read the third time, and passed:

A bill for the relief of Zachariah Jellison;
A bill for the relief of Bates and Lacon;
A bill for the relief of James W. Osborne;
A bill for the relief of Daniel D. Walker, of Baltimore;
A bill for the relief of Chostelain and Pouvert;
A bill for the relief of Ebenezer A. Lester;
A bill for the relief of Nicholas Hedgee;
A bill for the relief of Ebenezer D. Lobdell;
A bill for the relief of Richard Booker, and others;
A bill for the relief of John Howe;
A bill for the relief of John Wilkinson;
A bill for the relief of Thomas W. Taylor.
A bill for the relief of James Cox;
A bill for the relief of Chauncey Calhoun;
A bill for the relief of Gamaliel E. Smith;
A bill for the relief of Cornelius Tiers;
A bill for the relief of John Underwood;
A bill for the relief of Josiah Thompson;
A bill for the relief of Thomas Fillebrown;
A bill for the relief of Sylvester Phelps and heirs of Charles Landon;
A bill for the relief of John T. Addoms;
A bill for the relief of Captain John Downes;
A bill for the relief of Benjamin C. Roberts;
A bill for the relief of Boggs and Thompson, Robert and Thomas Hutchinson, and others;
A bill for the relief of Meigs D. Benjamin and Co.;
A bill for the relief of Wm. Wickham;
A bill for the relief of John M. Jacquelin; and
A bill for the relief of George Willis.

Engrossed bill for the relief of Thomas Fillebrown came up in its order; when

Mr. ATHERTON spoke in opposition to, and Mr REYNOLDS in favor of, the bill.

Mr. SMITH of Maine said the debate cost more than five hundred dollars per hour, which was considerably more than the claim amounted to, of the justness of which there could be no question, and which he was in favor of, and therefore moved the previous question; which was seconded, and,

The question then being, "Shall the main question be ordered?"

Mr. TURNEY demanded the yeas and nays; which were not ordered, and,

The main question having been ordered, which main question was, "Shall the bill pass?"

Mr. GRIFFIN demanded the yeas and nays; which were ordered, and were—yeas 74, nays 63.

So the bill was passed.

The bill for the relief of John M. Jaquelin came up in its order, and was ordered to be engrossed for a third reading.

The consideration of several other bills was then postponed till Saturday next; after which,

Mr. LEET said the members were very much fatigued, from their protracted sessions this week, and it was now 3 o'clock; he would therefore move that the House adjourn.

Mr. SMITH of Maine demanded the yeas and nays; which were ordered, and were—yeas 45, nays 70. No quorum voting.

Mr. TURNEY moved a call of the House, which was not ordered; when

On motion of Mr. GATES, and the yeas and nays *not* having been ordered,

The House then adjourned.

IN SENATE,

MONDAY, March 30, 1840.

Mr. WALL presented a petition of John Johnston, late Indian agent; which was referred to the Committee on the Judiciary.

Mr. W. also presented a memorial praying for the imposition of a duty on foreign silks; which was referred to the Committee on Finance.

Mr. BENTON presented the memorial of Mrs. Thompson, widow of Lieut. Colonel Thompson, praying remuneration for sums expended by him; which was referred to the Committee on Military Affairs.

Mr. B. also presented a memorial from citizens of Newton county, Missouri, praying for a grant of land for the construction of a court-house; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. BUCHANAN presented a memorial of a number of citizens of Pennsylvania, praying that bounty lands may be granted to the commissioned officers of the last war with Great Britain; which was referred to the Committee on Military Affairs.

Mr. B. also presented a memorial praying for the imposition of a duty on foreign silks; which was referred to the Committee on Finance.

Mr. B. also presented a memorial from citizens of Philadelphia, praying for a mitigation of the punishment of William Lyon Mackenzie; which was ordered to be sent to the President of the United States.

Mr. TALLMADGE presented a memorial from citizens of Onondaga county, New York, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WEBSTER presented a memorial signed by a number of citizens of Boston, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. SOUTHARD presented a memorial, praying for the imposition of a duty on silk; which was referred to the Committee on Finance.

Mr. TAPPAN presented a memorial from citizens of Monroe county, Ohio, praying for the construction of a road from the valley of the Mississippi river to that of the Columbia river; which was referred to the Select Committee on the Oregon Territory.

Mr. T. also presented resolutions passed by the General Assembly of the State of Ohio, in relation to the currency, and instructing their Senators, and requesting their representatives to vote for the Independent Treasury bill; which, after some remarks by Mr. T. were read, and ordered to lie on the table, and be printed.

Mr. WHITE, from the Committee on Pensions, to which was referred the petition of John Bosworth, made an adverse report thereon; which was ordered to be printed.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which was referred the resolution on the subject, reported a bill relative to the transportation of the mail in steamboats; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred the memorials of A. P. King and Henry Lucas, made a favorable report thereon, accompanied by bills; which were severally read, and ordered to a second reading.

Mr. TAPPAN, from the Committee on Naval Affairs, to which was referred the memorial of Benjamin L. Carleton, made an adverse report thereon; which was ordered to be printed.

Mr. T. also, from the same committee, made an adverse report on the petition of William Ramsey; which was ordered to be printed.

Mr. PIERCE, from the Committee on Pensions, to which was referred

The petition of Thomas R. Saunders;
The petition of the widow of William Ross;
The petition of Elisha Bentley; and
The petition of Lewis Newrisha;

made adverse reports thereon; which were ordered to be printed.

Mr. P. also, from the same committee, to which was referred the memorial on the subject, reported a bill for the relief of Pamela Allen, widow of Samuel Allen; which was read, and ordered to a second reading.

Mr. STRANGE, from the Committee on Patents and the Patent Office, to which was referred the bill for the relief of James Herron, reported the same without amendment.

Mr. BENTON presented some papers in relation to the importation of sugar and molasses; which were ordered to be printed.

Mr. B offered the following resolution:

Resolved, That a select committee of three members be appointed to make a legal and documentary report, founded upon laws and documents on the origin and character of the fishing bounties and allowances, and to show the reason and motive for granting the same, with an accurate reference to every law and document quoted and relied upon, and that the said committee be appointed by the CHAIR.

The resolution was considered and adopted, and the CHAIR appointed the following Senators as said committee:

Mr. BENTON,
Mr. DAVIS, and
Mr. ANDERSON.

Mr. HUBBARD offered the following resolution, which was unanimously agreed to:

Resolved, That the Secretary of the Senate be directed to purchase twenty copies of the third volume of Reports on Finance, for the use of the Senate chamber, the Secretary's office, and the different committees of the Senate; provided, that said third volume can be purchased without taking the first two volumes, with which the Senate have already been supplied.

The various bills passed by the House of Representatives on Saturday, and which were noticed in the Globe of that date, were taken up and referred to their appropriate committees with the exception of the

TREASURY NOTE BILL.

The bill additional to the act on the subject of Treasury notes being taken up,

Mr. HUBBARD said this bill had been passed by the House as it was reported by the Committee of Ways and Means, a printed copy of which had been placed on each Senator's desk, and the Committee on Finance had taken the bill under their consideration, and agreed to report it to the Senate without amendment, and directed him to ask that it be made the special order of the day at one o'clock.

Mr. YOUNG hoped that the Cumberland road bill might be taken up, and informally passed over, so that no other bill than the present might take precedence of it on the calendar.

Mr. HUBBARD said that if his motion prevailed, the Cumberland road bill would come up immediately when this bill was disposed of.

Mr. YOUNG assenting to the arrangement, the bill was made the special order, and the hour of one having arrived, it was taken up, and

Mr. HUBBARD stating that the chairman of the Committee on Finance [Mr. WRIGHT] being prevented from attending the Senate by the severe indisposition of his family, it had unex-

pectedly devolved upon him to explain the principles and provisions of the bill, which having done,

And after a debate, in which Messrs. WEBSTER, HUBBARD, SMITH of Indiana, BENTON, PRESTON, and BUCHANAN, participated, the bill was put upon its passage; and, on the question, "Shall this bill pass?" it was decided in the affirmatives—ayes 25, noes 8, as follows:

YEAS—Messrs. Allen, Anderson, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Dixon, Fulton, Hubbard, King, Linn, Lumpkin, Nicholas, Norvell, Phelps, Pierce, Roane, Robinson, Sevier, Smith of Indiana, Strange, Sturgeon, Tallmadge, and Young—25.

NAYS—Messrs. Benton, Clay of Kentucky, Clayton, Davis, Merrick, Preston, Ruggles, and White—8.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, March 30, 1840.

Mr. KING of Georgia observed that his attention had been directed to a paragraph in the Georgia Constitutionalist, from which he learned that, in the list of yeas and nays on the final passage of the resolution admitting the New Jersey members to their seats, his name was omitted on the journal. He was certainly present in the House and voted on that occasion, and voted in the negative. He asked permission of the House, therefore, to have the journal corrected by the insertion of his name in the proper place.

Mr. CRAIG submitted to the gentleman whether it would not be better to submit to this slight inconvenience than to set a dangerous precedent. If the omission had occurred only a day or two ago, there would be no inconvenience in correcting the journal: but he thought that going so far back to make a correction would be liable to serious objections.

Mr. KING said a few words in reply; after which, the motion was agreed to, and the journal corrected accordingly.

Mr. WICK offered the following resolution, which, by general consent, was considered and agreed to:

Resolved, That the Committee on the Public Lands inquire into the expediency of attaching so much of the Miama Reserve in Indiana as has been purchased from the Indians to the proper land districts, dividing the same so as best to suit the convenience of purchasers, and report a bill accordingly.

This being the day set apart under the rule for the reception of petitions,

The SPEAKER stated that the first business in order was the question on the appeal taken by the gentleman from New York [Mr. BARNARD] from the decision of the CHAIR that the petition presented by that gentleman on praying that Florida should not be admitted into the Union so long as its Constitution tolerated the institution of slavery, came within the rule in relation to Abolition petitions, and could not be received.

Mr. ANDREWS said the time was when he should have been pleased to have an opportunity afforded him to discuss the question of Abolition; but as he was fully satisfied with the decision of the House upon this subject, and as a discussion would be very injurious to the public business, he moved the previous question on the appeal; which was seconded, and

The main question having been ordered, which was, "Shall the decision of the SPEAKER stand as the judgment of the House?" it was determined in the affirmative. So the decision of the CHAIR was affirmed.

The call of the States for petitions was continued, commencing with the State of New York, where the call was arrested on the last petition day; when

Petitions were presented by Messrs. HOFFMAN, and on behalf of Mr. GRINNELL, FILLMORE, RUSSELL, HUNT, CHARLES JOHNSTON, CURTIS, CHITTENDEN, GATES, FINE, KEMBLE, MARVIN, MONROE, MORGAN, DOIG, STRONG, HAND, CHITTENDEN, FLOYD, LEONARD, KEMPSHALL, DANA, EARL, BREWSTER, and PALEN, of New York.

Mr. GATES presented a petition praying Congress to pass a law prohibiting the use of ardent spirits in the army and navy, and its sale in the Capitol.

Mr. HOPKINS moved to lay it on the table; which was disagreed to.

Mr. GATES moved to refer it to a Select Committee; which motion was lost, on a count—ayes 46, noes 67.

Mr. ADAMS demanded the yeas and nays.

Mr. RAMSEY moved to refer it to the Committee on Military Affairs.

Mr. CROCKETT said, if it was in order, he would move to lay it on the table.

The SPEAKER said it would not be in order, inasmuch as the House had just refused to lay it on the table.

Mr. HUBBARD said he thought the House had enough to do, without converting the Congress of the nation into a temperance society. He hoped the petition would be disposed of summarily.

Mr. REED suggested that so much of it as related to the navy be referred to the Committee on Naval Affairs; so much as related to the army, be referred to the Committee on Military Affairs; and so much as related to the sale of ardent spirits in the Capitol, be referred to a Select Committee.

Mr. GATES gave his assent to the proposed disposition.

Mr. HUBBARD wished to know whether they had the constitutional power to organize the House into a temperance society.

The SPEAKER said, under the rule, the petition must lie over, having caused debate.

Mr. GATES presented petitions upon the subject of slavery; and he wished to have it entered on the journal that he had presented such petitions, and that the SPEAKER decided that, under the rule, they could not be received.

The SPEAKER said he could not make such entry on the journal. It had never been the practice to note propositions there which had not been received by the House.

Mr. ADAMS contended that it was a right sacred to every member, to present the petitions committed to their charge. The House could not, by any rule, deprive a member of the right to present any petition, and have the decision of the SPEAKER and the House upon it. To deny it would be to deprive a member of one of his most sacred rights under the Constitution.

Mr. CHAPMAN interrupted Mr. A. and inquired what was the subject before the House.

The CHAIR said he was under the impression that the gentleman from Massachusetts was going to take an appeal from his decision; if not, he was out of order.

Mr. ADAMS said he had taken an appeal on the last petition day, and it was to that he was speaking.

The CHAIR replied that that appeal had been decided, and the decision of the CHAIR was affirmed.

Mr. ADAMS said, then I will appeal again. I do not intend that the subject shall be passed on so unceremoniously. Mr. A. then appealed from the decision of the CHAIR.

The SPEAKER cited decisions of his predecessors, which were sustained by a large vote of the House, that no notice should be taken on the journal of petitions which were not received under the rule.

Mr. ADAMS made some few further remarks in support of his appeal, contending that the decisions of the former Speaker were given under different rules and circumstances.

Mr. FINE said he had had in his possession for some time, many petitions which he had not been afforded an opportunity to present, and to effect that object and to save the time of the House, he would move the previous question.

The SPEAKER reiterated his decision that he could not entertain any motion in relation to petitions which were not received under the rule.

The previous question was then seconded; and the main question having been ordered, which main question was "shall the decision of the CHAIR stand as the judgment of the House?"

Mr. ADAMS demanded the yeas and nays; which were ordered, and were yeas 119, nays 29—as follows:

YEAS—Messrs Alford, Judson Allen, John W. Allen, Hugh J. Anderson, Andrews, Atherton, Banks, Beatty, Black, Blackwell, Boyd, Brewster, Briggs, Albert G. Brown, Burke, Wm. O. Butler, John Campbell, Carr, Carter, Casey, Chapman, Chinn, Clifford, Coles, Colquitt, Conner, Mark A. Cooper, Wm. R. Cooper, Corwin, Crabb, Craig, Crockett, Cross, Cushing, Dana, John W. Davis, Dawson, Deberry, Dellett, Doan, Doig, Dromgoole, Earll, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Galbraith, Rice Garland, Griffin, Habersham, Hammond, Hand, John Hastings, Hawes, Hawkins, John Hill of North Carolina, Hillen, Holmes, Hook, Hopkins, Hubbard, Hunt, Jackson, Jameson, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Kille, King, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Miller, Mitchell, Montgomery, Samuel W. Morris, Newhard, Nisbet, Paynter, Ramsey, Rhett, Edward Rogers, Jas. Rogers, Samuels, Shaw, Simonton, Albert Smith, Stanly, Steenrod, Strong, Stuart, Swearingen, Sweney, Taliaferro, W. Thompson, J. Thompson, Triplett, Turney, Underwood, Vanderpoel, Vroom, David D. Wagener, Weller, John White, Wick, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, and Worthington.

NAYS—Messrs. Adams, Baker, Brockway, Calhoun, Chittenden, Curtis, Edwards, Everett, Gates, Giddings, Goode, Hall, Wm. S. Hastings, James, Kempshall, Lincoln, Morgan, C. Morris, Ogle, Palen, Rariden, Reed, Ridgway, Saltonstall, Slade, John Smith, Truman Smith, Tillinghast, and Trumbull—29.

So the decision of the CHAIR was sustained.

Mr. MARVIN presented a petition from sundry citizens of Cataraugus county, New York, praying that the House may rescind the rule for the non-reception of Abolition petitions; which Mr. M. moved to refer to a select committee.

Mr. BANKS moved to lay it on the table.

Mr. JAMES demanded the yeas and nays; which were ordered, and were—yeas 84, nays 49, as follows:

YEAS—Messrs. Judson Allen, Atherton, Banks, Beatty, Beirne, Blackwell, Burke, William O. Butler, John Campbell, Carr, Carroll, Casey, Chapman, Chinn, Clifford, Coles, Conner, Mark A. Cooper, Wm. R. Cooper, Crabb, Craig, Crary, Cross, Dana, John W. Davis, Garret Davis, Dawson, Deberry, Doig, Dromgoole, Earll, Eastman, Fine, Fisher, Fornance, Galbraith, Graves, Griffin, Habersham, John Hastings, Hawkins, Hill of North Carolina, Hillen, Hopkins, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leonard, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Samuel W. Morris, Newhard, Parrish, Pickens, Ramsey, Rhett, Robinson, James Rogers, Samuels, Shaw, Albert Smith, Stanly, Steenrod, Strong, Stuart, Swearingen, Sweney, Taliaferro, Francis Thomas, Jacob Thompson, Triplett, Vanderpoel, Vroom, John Jared W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—84.

NAYS—Messrs. Adams, Baker, Bond, Briggs, Brockway, Calhoun, Chittenden, Corwin, Cranston, Cushing, Davee, Everett, Fillmore, Fletcher, Floyd, Gates, Giddings, Goode, Hall, Hand, William S. Hastings, Henry, James, Charles Johnston, Kempshall, Lincoln, Lowell, Marvin, Morgan, C. Morris, Ogle, Osborne, Parmenter, Peck, Randall, Randolph, Reed, Ridgway, Edward Rogers, Russell, Slade, John Smith, Truman Smith, Storrs, Tillinghast, Trumbull, Underwood, Thomas W. Williams, and Henry Williams—49.

Mr. MORGAN presented a petition praying for the abolition of the slave trade in the District of Columbia.

The CHAIR decided that it could not be received under the rule.

Mr. MORGAN read the rule, and contended that there was nothing in the rule which related to the slave trade in the District of Columbia, though it referred to the slave trade in the Territories.

Mr. ADAMS was of the same opinion, and took an appeal from the decision of the CHAIR.

Mr. MORGAN demanded the yeas and nays; which were ordered.

Mr. GIDDING was going on to debate the merits of the question of slavery, when

Mr. COOPER of Georgia called him to order. He was debating the merits of slavery, instead of endeavoring to show that the rule was not applicable to petitions praying the abolition of the slave trade in the District. He hoped he would be confined strictly to the question before the House.

Mr. GIDDINGS then proceeded to show that the District of Columbia was not a Territory; and that the rule for that reason did not include petitions of the above character. He further endeavored to show that the rule was so constructed as studiously to avoid touching the question of the abolition of the slave trade in this District, and was again discussing the demerits of the slave question, when

Mr. COOPER of Georgia again called him to order.

Mr. GIDDINGS made some observation which was not heard by the Reporter; for which

Mr. WELLER called him to order; when

Mr. GRIFFIN of South Carolina objected to his proceeding further in his remarks; and

The SPEAKER requested the gentleman from Ohio [Mr. G.] to take his seat.

Mr. CRAIG thought his duty to his constituents and the country imperiously demanded of him to put a stop to such a waste of time in unprofitable discussion; he therefore moved the previous question, which was seconded; and the main question ordered, which main question was,

"Shall the decision of the CHAIR stand as the judgment of the House?"

Mr. WELLER demanded the yeas and nays, which were ordered, and were—yeas 93, nays 33, as follows:

YEAS—Messrs. Judson Allen, Andrews, Atherton, Banks, Beaty, Beirne, Black, Blackwell, Brewster, Burke, William O. Butler, Bynum, Carr, Carter, Casey, Chapman, Clifford, Conner, Mark A. Cooper, William R. Cooper, Craig, Cross, Davee, John W. Davis, Garret Davis, Dawson, Deberry, Doig, Dromgoole, Eastman, Fine, Floyd, Fornace, Griffin, Habersham, Hand, Hawkins, John Hill of Va. John Hill of N. C. Hillen, Holleman, Howard, Hubbard, Jameson, Nathaniel Jones, John W. Jones, Keim, Kille, King, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Montanya, Montgomery, Samuel W. Morris, Nisbet, Parmenter, Paynter, Pickens, Prentiss, Ramsey, Reynolds, Robinson, James Rogers, Samuels, Shaw, Shepard, Albert Smith, Stanly, Starkweather, Steenrod, Strong, Stuart, Sweney, Taliaferro, Waddy Thompson, Jacob Thompson, Triplett, Turney, Underwood, David D. Wagener, Watterson, Weller, John White, Wick, Jared W. Williams, Lewis Williams, Christopher H. Williams, and Worthington—93.

NAYS—Messrs. Adams, Baker, Briggs, Brockway, Calhoun, Chittenden, Cranston, Cushing, Everett, Fletcher, Giddings, Goode, Hall, W. S. Hastings, Henry, Hunt, James, Kempshall, Lincoln, Morgan, Calvary Morris, Randall, Randolph, Reed, Ridgway, Russell, Saltonstall, Slade, John Smith, Truman Smith, Storrs, Tillinghast, and Trumbull—33.

So the decision of the SPEAKER was confirmed.

[Mr. EARLL presented the petition of George Leach, of Onondaga county, in the State of New York. The petitioner states that Charles Burzette was a soldier in the war of the Revolution; that he was a pensioner, and died, leaving a widow; that his widow applied to the War Department for the bounty land to which her late husband was entitled; that the Department decided that, by the law of descents of the State of New York, she was not entitled to the land. The petitioner further states that he married the granddaughter of the said widow, and has expended money in the supporting of the said widow, from whom he has an assignment for the said bounty land. The petitioner asks Congress to pass a law securing to him the said bounty. Mr. E. moved his reference to the Committee on Private Land Claims: it was so referred. Mr. E. also presented the petition of Erasmus Stone and 76 other citizens of the county of Onondaga, in New York, setting forth the necessity of having a general bankrupt law by Congress, so as to produce uniformity in all parts of the United States. The petitioners also urge several reasons calling for the immediate action of Congress: referred to the Committee on the Judiciary. Also, the petition of William Sabin and 52 other citizens of the county of Onondaga, in the State of New York, and observed that the petitioners assert that the use of intoxicating drinks for persons in health are unnecessary and injurious; that considering the temptations which beset officers, soldiers, and sailors, in the army and navy, removed from the restraints of society, to indulge in such drinks, and the facility with which the aborigines of this country form intemperate appetites; and believing that any legislation which would exclude such drinks from the navy and army, while such drinks are permitted to be sold in the Capitol of the nation, involves an apparent inconsistency between precept and example. The petitioners ask that an act may be passed at the present session of Congress prohibiting the furnishing of any such drinks to the army, navy, or Indians, within the jurisdiction of the United States; and that the duty on all imported intoxicating drinks be increased; and also prohibiting such sales at the Capitol at Washington, or at or near any military or naval depot under the jurisdiction of the United States; and that every other means within the constitutional control of Congress may be used to discourage the manufacture of such drinks in the United States. Mr. E. moved its reference to the Committee on Manufactures: it was so referred.]

[Mr. KEMPSHALL of New York presented the following petitions, viz: Of 112 citizens of the city of Rochester, Monroe county, New York, for the passage of a general bakrupt law. Also, of 421 citizens of Rochester, New York, praying Congress to appropriate a portion of the public lands in aid of constructing a railroad from Boston to the Mississippi river, near the mouth of the Missouri river. Also, of 75 citizens of Orleans county, New York, for a further appropriation for the improvement of Oak Orchard harbor on Lake Ontario. Also, of citizens of Youngstown, Niagara county, New York, for the same object. Also, of citizens of Racine, Wiskonsin, for the construction of a harbor at that place.]

[Mr. HUNT presented a petition of citizens of Troy, in the State of New York, praying a reduction of postage upon letters, &c: referred to the Committee on the Post Office and Post Roads. Petition of citizens of the county of Rensselaer, New York, praying a reduction of postage upon letters: referred to the Committee on Post Office and Post Roads. Petition of Amos Green, et al. heirs at law of John Green, deceased, asking for arrearages of pension due the deceased: referred to the Committee on Revolutionary Pensions. Petition of 59 citizens of Greenbush, Rensselaer county, New York, praying Congress to prohibit the sale of intoxicating drinks in the Capitol, or at or near any military or naval depot or grounds under the United States' jurisdiction—and also to increase the duty on all imported intoxicating drinks: referred to the Committee for the District of Columbia. Memorial of the Common Council and citizens of Troy, in the State of New York, asking the establishment of a national foundry in the vicinity of that city: referred to the Select Committee having charge of the subject and the memorial, &c. to be printed.]

[Mr. STRONG of New York presented a petition of sundry inhabitants of the county of Orleans, in the State of New York, praying for an appropriation to continue the improvement of Oak Orchard harbor, in said county: referred to the Committee of Ways and Means. Also, a petition of sundry inhabitants of Palmyra, in the county of Wayne, State of New York, praying the passage of a general bankrupt law: referred to the Committee on the Judiciary.]

[Mr. HAND presented the following memorial of G. Slow and 51 others, citizens of Keesville, New York, praying for the passage of uniform laws on the subject of bankruptcy. Alike memorial from H. K. Averil and 12 others, citizens of Plattsburg, New York. The petition of 100 citizens of Movers, Clinton county, New York, praying for the prohibition of the use of ardent spirits in the army, &c. The petition of Ezra

Thusber, that a certain suit instituted against him by the United States be discontinued, &c.]

By Messrs. FLETCHER, HALL, EVERETT, and SMITH of Vermont.

[Mr. FLETCHER presented the resolutions of the Vermont Legislature, upon the subject of the public lands. Resolution of the Vermont Legislature, for an equal distribution of the public lands. Resolution of the General Assembly of Vermont, relative to slavery in the District of Columbia, and the slave trade. Resolutions of the General Assembly of Vermont, relative to the militia of the United States. Memorial and resolutions of the military convention held at Norwich, August, 1839. Petition and vouchers of Mevril Pillsbury, for an increase of pension. Petition and vouchers of Thomas Hoyt, for a pension.]

By Messrs. SMITH, STORRS, TRUMBULL, BROCKWAY, J. W. WILLIAMS, OSBORNE, of Connecticut.

By Messrs. TILLINGHAST, CRANSTON, of Rhode Island.

By Messrs. REED, H. WILLIAMS, PARMENTER, LINCOLN, BRIGGS, CUSHING, ADAMS, W. B. CALHOUN, HASTINGS, and BAKER, of Massachusetts.

[Mr. PARMENTER, on Monday last, presented the petition of Charles Thompson, and 257 other legal voters of Charlestown, Massachusetts, for the passage of uniform laws on the subject of bankruptcy. The petition of Marshall Preston, and others, for a post route from Lowell, in Massachusetts, to Woonsocket Falls, in Rhode Island. The petition of George Thompson, and others, of Milton and Dorchester, Massachusetts, for reduction of rates of passage. The petition of Wm. H. Fessender, and others, of Sandwich, Massachusetts, for same purpose. Also, the petitions of Judith Smith, and 36 other women of Waltham; of Jarvis Lewis, and 80 others of Waltham; of Maria A. Drivers, and 42 other women of Malden; of Robert Oliver, jr. and 74 others, of Malden; of James P. Woodbury, and 74 others, of Acton; of Augusta Woodbury, and 94 other women of Acton; of Maria J. Bartlett, and 90 other women of Chelvesford; of Lucy A. Browne, and 47 other women of Sudbury; of E. C. Stowell, and 59 other women of Townsend: all of Massachusetts, and praying for the recognition of the independence of the Haytian Government. Also, the petition of John White, and 54 others, of Acton; of Susan Hayward, and 34 other women of Acton, Massachusetts, praying that the rule refusing to receive Abolition petitions may be rescinded.]

[Mr. HASTINGS of Massachusetts presented the following petitions: The petition of Lyman B. Larkin, and 123 other citizens of Wrenthain, Mass. for a Congress of Nations, on the subject of peace and international law. The petition of Samuel D. Davenport, and 119 others, of Hopkinton, Mass. Of Hiram A. Morse, and 50 others, of Holliston, Mass. Of Samuel Clarke, and 67 others, of Uxbridge, Mass. for a reduction of letter postage. Of Edward J. Stearns, of Newton, Mass. for such a rate of postage on newspapers and periodicals, as shall bear a certein proportion to the subscription price of the same. The petition of George Adams and Edward Winslow, to be allowed their expenses and costs in defending against certain suits for the recovery of duties, illegally assessed on importations of plated wire. The petition of 50 men and 80 women of Mendon, Mass. praying the House to rescind its rule of January 28th, as to the reception of petitions. Also, thirteen petions from sundry persons in Boston, Roxbury, Braintree, Mendon, Medway, Dedham, Franklin, Holliston, Carlisle, and Upton, Mass. praying for the recognition of the Haytian Government; which were ordered to lie on the table. Also, petitions from the same towns and from Westborough and Medfield, Mass against the admission of Florida, and on slavery in the District and Territories; the reception of which was refused under the rule of the 28th of January.]

[Mr. LINCOLN presented the following petitions, viz: of David Prouty and 60 other citizens of Spencer, Massachusetts, praying Congress to reduce the rate of letter postage; which was referred to the Committee on the Post Office and Post Roads. Of Sylvanus Holbrook and others, and Joseph H. Perry and others, woollen manufacturers, of the county of Worcester, in the State of Massachusetts, complaining of evasions and frauds upon the revenue laws, and praying their revision, for the purpose of making them more effectual to the collection of the duties; and, to this end, asking the appointment of a committee to investigate the facts in the principal cities for the information of Congress; which petitions, on motion of Mr. L. were committed to the Committee of the Whole on the state of the Union, to which had been referred a bill on the same subject, reported by the Committee on Manufactures. Of Persis Morgan, widow of Major Abner Morgan, an officer of the army of the Revolution, praying that she may be placed on the pension list of the widows of Revolutionary soldiers; which was referred to the Committee on Revolutionary Pensions. Also, the memorials of Isaac Davis and 87 other citizens of Northboro, and of Joseph S. Wall and 54 other citizens of Worcester, in the State of Massachusetts, "deprecating the late action of the House of Represeniatives in denying the right of petition and remonstrance to the people of the United States," and asking (said Mr. L.) in their own emphatic languag , "as a matter of right, guarantied by the Constitution, that the rule of January 28, 1840, on the subject of petitions, be immediately repealed." Also, the following petitions, viz: of Cyrus P. Grosvenor and 177 other male citizens of Worcester; of Rebecca Goddard and 116 other women of Worcester; of Rachel F. Bardwell and 131 other women of Oxford; of Harriet S. Sanford and 128 other women of Boylston; of Austin K. Miles and 132 other women of Shrewsbury; of Condon A. Rainsbury and 36 other women of Grafton; of Betsey E. Jones and 232 other women of Ashburnham; of Elizabeth Muter and 72 other women of Auburn; of Jane Turneo and 180 other women of Millbury; of Betsey Hunter and 345 other women of Worcester; of Martha G. Hastings and 179 other women of Millbury; all in the fifth Congressional district of Massachusetts, praying Congress forthwith to recognise the independence of the Haytian Government: laid on the table by order of the House. Mr. L. stated that he had numerous other petitions, signed by some thousands of his constituents, male and female, praying Congress to reject all proposals for the admission of Florida, as a slave State, into the Union; and also praying Congress to abolish slavery and the slave trade in the District of Columbia and the Territories of the United States; which, under the application of the rule of the House, were precluded from being received.]

By Messrs. WILLIAMS, SHAW, ATHERTON, EASTMAN and BURKE, of New Hampshire.

[Mr. SHAW presented] the following petitions: of Abraham Morrill, praying that certain contracts for clothing between him and the Government, during the last war, may be made good: referred to the Committee on Claims. Of Olive Rindge Watt praying for a pension in consequence of the loss of her only son in the army of the United States: referred to the Committee on Naval Affairs. Of Julia S. Horton, praying for a pension for services rendered by her father in the Revolutionary war: referred to the Committee on Revolutionary Pensions. Of Simon S. Morril, praying to be placed on the roll of invalid pensioners: referred to the Committee on Invalid Pensions. Of Jeremiah Noble and Moses Noble, owners of the schooner Privado, praying for a fishing bounty: referred to the Committee on Commerce. Also, the petition and memorial of Samuel E. Caues, and 157 others, citizens of Portsmouth, New Hampshire, upon the subject of a Congress of Nations, for an international law.

Mr. S. stated that many of the signers were known to him personally, and many by reputation. They were of both political parties, of different sects of religion, and were engaged in different pursuits of life. They were gentlemen of respectability, intelligence, and good standing in society; that they set forth that this memorial was the result of a thorough examination of the subject to which it refers. He moved that it be referred to the Committee on Foreign Affairs, and printed; but it was ordered to lie on the table.]

[Mr. J. W. WILLIAMS of N. Hampshire presented the petition of J. M. Broadhead for an allowance for apprehending certain deserters from the marine corps. Also, certain resolutions of the Legislature of New Hampshire against the distribution of the proceeds of sales of public lands.]

[Mr. BURKE presented the petitions of Thomas Butman for services performed in the war of the Revolution. Of Ebenezer Jones and others. Of David Brigham and others. Of Cyrus Clement and others. Of Samuel Morse and others, complaining of infractions of the revenue laws and defects in the same, and praying for their revision. Of Cyrus Chase and others, inspectors at the port of Salem, Mass. praying for an increase of salaries.]

[Mr. EASTMAN presented the petitions of Augustine Blanchard and others praying that the laws for the collection of duties may be made effectual for the prevention of frauds. Of Stephen Moody and others, citizens of New Hampshire, for a reduction in the rates of postage.]

By Messrs. SMITH, ANDERSON, DAVEE, LOWELL CLIFFORD, and RANDALL, of Maine.

[Mr. LOWELL presented the following: Petition of John Horton, and other owners of the schooner Cod Hook, of Bluehill, Maine, for an allowance of fishing bounty on said vessel for the year 1838. Petition of Benjamin Wood, and 86 other masters, owners, and others interested in vessels, for the erection of buoys and beacons, in the thoroughfares of the Fox islands and Deer islands, and a light-house on Mark island, west entrance of Deer islands, Thoroughfare, Maine. Petition of Wm. Fullerton, and other owners of the fishing schooner Joanna, for allowance of bounty. Petition of James Whitney and Charles R. Gibbons, owners of the steamer North America, praying for an alteration in the law of the United States, imposing restrictions on vessels bringing into the United States, from foreign places, more than a certain number of passengers; and also of the laws imposing a duty on coals, so far as to permit coals for the use of said steamer to be imported free of duty; which were severally referred to the Committee on Commerce. Petition of E Barnard, and 70 other citizens of Bucksport, Maine, praying for a reduction of the rates of postage. Petition of Charles Lowell, and 160 other citizens of Ellsworth, Maine, for a reduction of the rates of postage. Petition of Nathan Sleeper, and 39 other citizens of Greenfield, Maine, for the establishment of a mail route from Milford, in the county of Penobscot, to Winslow's Mills, in Greenfield; which were severally referred to the Committee on the Post Office and Post Roads. Petition of Andrew Peters, and 58 other citizens of Hancock county, Maine, praying for an appropriation to improve the navigation of Union river, in said county. Petition of Joseph A. Deane, and 59 other citizens of the district of Frenchman's Bay, in Maine, for an erection of a light-house on the Western Head, at Bass harbor, in said State; which were severally referred to the Committee on Commerce. Memorial of Edward H. Wiswell, and 46 other inhabitants of East Machias, Maine; of Freeman Kingsby, and 65 other inhabitants of Cherryfield, Maine; of Isaac O'Bear, and 165 other inhabitants of Mt. Desert and Seaville, Maine; of Wm. A. Crocker, and 46 other inhabitants of Machias, Maine; of C. C. Bradbury, and 63 other inhabitants of Hodgden, Maine; and of Neal D. Shaw, and 53 other inhabitants of Baring, Maine; praying Congress to reject all proposals for the annexation of Texas to the Union; which were laid on the table. Petition of Edward H. Wiswell, and 46 other inhabitants of East Machias, Maine; of Wm. A. Crocker, and 45 other inhabitants of Machias, Maine; of John Brown, jr. and 154 other inhabitants of Mt. Desert and Seaville, Maine; of Francis P. Hunter, and 57 other inhabitants of Hodgdon, Maine; of Neal D. Shaw, and 49 other inhabitants of Baring, Maine; and of Robert Foster, and 65 other inhabitants of Cherryfield, Maine; praying for the recognition by the United States of the independence of Hayti; which were laid on the table. Petition of the members of the bar, and others, in the county of Washington, Maine, for a removal of the United States district court from Wiscasset to Bangor, and the circuit court from Wiscasset to Portland, Maine; which was referred to the Committee on the Judiciary. Mr. L. also presented the resolves of the Legislature of Maine, in relation to an appropriation for the purchase of repeating arms, manufactured by Mighill Nutting, of Portland, Maine; which were referred to the Committee on the Militia, and ordered to be printed.]

By Mr. GIDDINGS of Ohio.

On motion of Mr. WELLER,

The House (at 5 o'clock) adjourned.

IN SENATE,

TUESDAY, March, 31, 1840.

Mr. NORVELL presented an affidavit in relation to the Laventure claim; which was laid on the table.

Mr. WHITE presented the joint resolutions of the Legislature of Indiana in favor of granting the franking privilege to the officers of Agricultural societies; which were laid on the table, and ordered to be printed.

Mr. W. also presented resolutions of the General Assembly of Indiana to obtain a grant of the public lands for the improvement of the two White rivers in that State; which were referred to the Committee on the Public Lands, and ordered to be printed.

Mr. WRIGHT presented the memorial of certain relatives of General Nicholas Herkimer, who died of wounds received at the battle of Oriskany, in the Revolutionary war, praying Congress to renew an appropriation of five hundred dollars made by a resolution of the old Congress in October, 1777, to erect a monument to General Herkimer; which was referred to the Committee on Revolutionary Claims.

Mr. W. also presented the memorial of a number of citizens of Wayne county, New York, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. W. also presented a memorial of a large number of citizens of the State of New York, praying for the imposition of a duty on foreign silk; which was referred to the Committee on Finance.

Mr. W. also presented the memorial of a very large number of inhabitants of New York, praying for the entire abolishment of the franking privilege, and a reduction of the rates of postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. W. also presented a memorial of the naturalized citizens of Livingston county, New York, which states that while by law they are compelled to bear arms in defence of their adopted country, the principle of perpetual allegiance asserted by some of the Governments of the world, placed them in a situation of peculiar peril, and praying Congress to take such measures as may remedy the evil complained of; which was referred to the Committee on the Judiciary.

Mr. W. also presented a similar memorial from the naturalized citizens of Monroe county, N. Y.; which was referred to the same committee.

Mr. W. also presented the memorial of Thomas Goin, praying remuneration for expense and trouble incurred in establishing the naval school system; which was referred to the Committee on Naval Affairs.

Mr. MERRICK presented the petition of Owen McCue; which was referred to the Committee on the District of Columbia.

Mr. SMITH of Indiana presented the joint resolutions of the Legislature of Indiana, instructing their Senators, and requesting their Representatives to vote for a bill to repeal the duty on imported salt.

Mr. S. said he would neither resign nor disobey; but, when the bill introduced by the Senator from Missouri, [Mr. BENTON,] for the repeal of the duty on salt, came up for consideration, it should have his support.

The resolutions were laid on the table, and ordered to be printed.

Mr. S. also presented a joint resolution of the Legislature of Indiana, asking a grant of public land to the State of Indiana; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. TALLMADGE presented a memorial of citizens of Oneida county, praying for an impoeition of duty on foreign manufactures, so as effectually to protect our our domestic manufactures: which was referred to the Committee on Finance.

Mr. CLAY of Alabama presented a memorial of citizens of Cherokee county, Alabama, setting forth the advantages of a speedy sale of the public lands in that county, and praying that Congress may take measures to expedite their sale; which was referred to the Committee on the Public Lands.

Mr. LINN, from the Committee on Private Land Claims, to which was referred a bill to amend an act, entitled An act confirming certain land claims in the State of Michigan, made an adverse report thereon; which was ordered to be printed.

Mr. LINN, from the Select Committee on the Oregon Territory, to which was referred the resolution of the 18th December last, reported a substitute therefor; which was read, and ordered to be printed.

The substitute asserts the title of the United States; authorises the President to take such measures as may be necessary to protect the persons and property of citizens of the United States resident thereon, and to erect a line of military posts from Fort Leavenworth to the Rocky mountains for the protection of Indian traders; provides that when the boundaries are settled, one thousand acres of land shall be granted to each white male inhabitant of eighteen years of ag ; and for the appointment of an additional Indian agent.]

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of Thomas Fillebrown, Jr. made an adverse report thereon; which was ordered to be printed.

ADJOURNMENT OF CONGRESS.

The resolution submitted some time since by Mr. LUMPKIN, fixing the adjournment of Congress on the 18th of May, being taken up,

Mr. LUMPKIN hoped that a vote might be taken on the resolution. His own opinion on the subject was unchanged, and he believed, as he had formerly taken occasion to say, that the business of the country would be greatly accelerated if a definite day was fixed for the adjournment. He was aware that a majority of the Senate differed with him as to the time mentioned; but if it was too early, the resolution might be amended so as to fix it at a more remote day; but he hoped that some day would be designated.

Mr. NORVELL thought that Congress could not with propriety fix a day for adjournment until intelligence was received of the action of the British Government on the propositions submitted to her in relation to the boundary question. With a view, however, of disposing of this matter for the present, he would move that the resolution, with the bill, introduced by him some days since, fixing the day of meeting for the next session, be referred to the Committee on the Judiciary.

No one appearing to object, the question was about being put, when

Mr MOUTON observed that he considered it a very singular direction to give this resolution, and he was very much surprised that his friend from Georgia [Mr. LUMPKIN] should acquiesce in it, as he considered it equivalent to a rejection of the resolution.

Mr. LUMPKIN said he was compelled to yield to what he could not avoid. His friend from Louisiana and himself had the same opinion on this subject, but the majority of the Senate thought differently, and they had the power to give any direction to the resolution they thought proper. He had endeavored repeatedly to get a direct vote on his proposition, and had even asked it as a personal favor; but it was not thought proper to grant his request, and he bowed to the will of the majority. He therefore hoped his friend from Louisiana would perceive that there was no ground for b ing surprised in the fact of his yielding when he could not help it.

Mr. BUCHANAN said he agreed with the Senator from Georgia on this subject, and had voted with him throughout His legislative experience, which was not short, had taught him that seldom was there a determined purpose evinced to transact the business of Congress until a day was fixed for the close

of the session. As to this question of the Northeastern boundary, the British Government last July (he spoke from recollection) submitted a proposition to this Government for its settlement. This not proving satisfactory, our Government submitted to the British Government a counter *projet*, to which, as yet, no answer has been received. He was very glad to learn from the communication of the British Minister, which was read in this body on Thursday last, though he did not like the temper displayed in that paper, that an answer might be shortly expected. When the expected answer to our counter *projet* is received, we will see daylight on this question. We will then be informed whether the British Government accedes to the proposition, and is disposed to settle it amicably, or whether she refuses, and in that event we will know what we have to do. He was not willing to vote for fixing the 18th of May as the day of adjournment, but he thought that in all human probability the reply of the British Government would be received before the first of June. Should that answer be unpropitious, which Heaven forbid, we can postpone it until such measures can be passed as we may deem necessary for the protection of the country.

Mr. LUMPKIN having acceded to the modification of his resolution, as suggested by Mr. BUCHANAN,

Mr. ALLEN said he would vote against the resolution under consideration, or any other proposing to fix a day for the adjournment of Congress, in the present state of our foreign relations. He would consider a vote fixing a day of adjournment, at the present moment, when we are in expectation of the receipt of important intelligence from Great Britain, as equivalent to a declaration that we deemed the anticipated answer of the British Government as of no moment, whereas that answer might involve us in the most serious difficulties with that power.

Mr. BENTON said he was opposed to acting on this question of adjournment at the present time. He was one of those who anxiously desired peace—peace with all nations; but he was also of opinion, that to preserve peace we should show to the world that we were prepared to defend ourselves. And he was also of opinion that the manner in which we had squandered the public money among the several States, had encouraged a foreign nation to push us to a point. Our immense frontier, embracing an extent of not less than six thousand miles, as is generally known, is in as defenceless a condition as could be wished by an enemy. It was even, in some respects, in a worse situation than at the commencement of the last war with Great Britain. To be sure, we had some fortifications; but many of them were without armaments, and defenceless, and could be taken possession of by an enemy, and made a means of annoyance to us, instead of defence. They would be turned against us, instead of being useful against our enemies. The Senate some days since passed a resolution which was offered by the Senator from Michigan, [Mr. NORVELL,] calling on the Secretary of War for such information as he possessed relative to warlike preparations by a neighboring nation on the Northern and Northeastern frontier. The reply to that resolution has not yet been received, but every Senator is aware that extensive preparations are going on along the whole line of our Northern frontier—from Lake Superior to Passamaquoddy bay. That along this whole line, the British Government are not only constructing permanent fortifications, which every nation has an unquestioned right to do, but that she is also constructing field works, which imply approaching operations, and which, under the laws of nations, we had a right to demand what occasion they were intended for. But we need not confine our observation to our Northern frontier for signs of warlike preparation, but we may look to the mouth of the Columbia, that important portion of our territory which my friend and colleague [Mr. LINN] so appropriately and perseveringly endeavors to turn our attention to. Not only to the mouth of that important river, but to the Bermudas, may our attention be turned to the warlike preparations that are being made. We can also point to the Bahamas—to the greatly increased facility of communication between Great Britain and Halifax—to the concentration of troops in provinces bordering on our frontier; all exhibited evidences of preparing for a state of hostilities.

Mr. President, it is time that we cease plundering our country, and begin to defend it. The miserable business of dividing surplus revenue and land revenue, should be scouted from our councils. The armor of defence is what the nation should wear. If we wish to preserve peace, we must show a will to resist aggression. The nation which refuses to defend itself invites aggression. The dark clouds are gathering around us. We see them far above the horizon, North, South, East and West. Great Britain prepares at all points; we remain supine; Congress remains supine. All the admonitions of the late and present Administrations to prepare in peace for war, have been disregarded; and now we are taunted with our defenceless state. At the last session of Congress, resolutions requiring the heads of the War and Navy Departments to submit plans for the general and permanent defence for the country, were sent from this chamber. One of these Departments has answered this resolution; the other is preparing it. When they come in, we shall see what the general and permanent defence of the country requires; we shall have a general plan to discuss. In the meantime, impending events may require accelerated action: and he was not for adjourning, or even discussing the question of adjournment, until these events were further developed. While the question with England wore its present aspect, he deemed it neither wise nor politic to discuss an adjournment. It would look like saying we would do nothing to defend ourselves, and thereby would encourage and embolden the power whose preparations now menace us. It would operate as an encouragement to Great Britain to continue to push us—to continue to press and bear upon us; and from that pressure, collision and explosion might ensue. He was for deferring the question of adjournment until the public business was attended to, and especially until the question with England changed its aspect.

Mr. TAPPAN moved that the resolution be laid upon the table, but withdrew it at the request of

Mr. NORVELL, who wished to be informed by the chairman of the Committee on Military Affairs, whether it was the intention of the committee to report, at a day not very remote, a bill for the defence of the country.

Mr. BENTON said an answer to this question was intended in his previous remarks. The committee had delayed their action, until a report from one of the Departments, which was expected at an early day, should be received.

After some remarks from Mr. PRENTISS in favor of the resolution:

Mr. LINN said, as his constituents had a right to know his reasons for voting against this resolution, he would briefly state them. If he was asked will Congress be ready to adjourn on the 1st of June, he would answer in the negative.

Mr. L. then adverted to the amount of private business before them, and said that, independent of any extraneous matters, and leaving entirely out of view the threatening aspect of our foreign relations adverted to by his colleague, [Mr. BENTON,] it was not probable they would be ready for adjournment at the time designated. Let us, said Mr. L. industriously set about doing the business before us, and when we see our way through it, let us then fix a day for adjournment.

Mr. TALLMADGE spoke at some length in opposition to the resolution. It was fixing a day much earlier than usual, when, owing to peculiar circumstances in the other branch of Congress, the public business was several weeks behind its usual state of forwardness at this period of the session. He was for remaining here until the public business was perfected, or otherwise all the time spent in maturing it would go for nothing. He alluded to the necessity of passing a bankrupt law, which had been so loudly called for by the community, and on which there was such a perfect unanimity of sentiment. He was willing to remain here until all the business that was before them was perfected and disposed of, and he considered that to be the true economy.

The question was then taken on laying the resolution on the table, and decided in the affirmative—ayes 23, noes 17, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Cuthbert, Grundy, Linn, Merrick, Norvell, Phelps, Pierce, Porter, Preston Roane, Robinson, Rugeles, Smith of Indiana, Strange, Sturgeon, Tallmadge, Tappan, White, Wright and Young—23

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Davis, Dixon, Fulton, Hubbard, King, Lumpkin, Mouton, Nicholas, Prentiss, Sevier, and Southard—17.

CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was then taken up, the question being on the amendment proposed by Mr. CLAY of Alabama, to strike out the two per cent. clause.

Mr. WRIGHT addressed the Senate at length in opposition to the amendment, and was followed by Messrs. CLAY of Alabama and PHELPS, in reply, and Mr. SMITH of Indiana in support of the bill.

Mr. CLAY of Kentucky proposed a modification of the amendment of Mr. CLAY of Alabama; pending the consideration of which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, March 31, 1840.

After an ineffectual attempt on the part of Mr. BRIGGS to amend the journal,

Mr. ADAMS rose and said that he had a request to make of the House, in consequence of a letter which he received yesterday from the Secretary of the Treasury. The letter was short, and he desired that it might be read, as the House would then be the better enabled to understand and judge of the propriety of the request he was about to make.

The letter was then read.

Mr. ADAMS then observed that the bill referred to in the letter of the Secretary, was reported by the Committee on Manufactures on the 5th March last, [No. 100,] to insure the more faithful execution of the laws in relation to the collection of duties on imports. The object was to suppress and prevent some of those numerous frauds on the revenue, of which there had been so much complaint, and with which the Administration of the Government had so much cause to be dissatisfied. He did ask the House, at the time he reported this bill, to make it the special order for some certain day. This the House did not think proper then to grant. He now took the first moment after receiving the letter of the Secretary of the Treasury, to make the same request; and he would propose to make the bill the special order for this day fortnight, to take precedence over all other business.

Mr. POPE suggested whether it would not be better for the gentleman to fix on some earlier day.

Mr. ADAMS replied that it would be more agreeable to him to fix on this day week, if such was the pleasure of the House.

Mr. CONNER would suggest to the gentleman from Massachusetts to except the appropriation bills in giving this bill the precedence over all other business. Although he admitted that this was an important measure, yet it was not more so than the bills providing for carrying on the operations of the Government, and should not take precedence over them. The chairman of the Committee of Ways and Means, he understood, intended to ask the House to take up the civil and diplomatic appropriation bill to-day, and it was very well known that appropriations for this branch of the public service was now wanted, and that the claims of some individuals had even been protested.

Mr. RHETT urged the great necessity of acting on the navy appropriation bill.

Mr. ADAMS objected to excepting the appropriation bills, because it was known to all that when they came up, they generally gave rise to debates, lasting three or four weeks. He wished to state that he made his motion in consequence of the letter of the Secretary of the Treasury, and from a sincere desire to accommodate those who have the administration of the affairs of the country, in relation to the execution of their appropriate duties, and more especially in relation to the raising of a certain revenue for the wants of the Government. He was perfectly willing to take this day week, and that would give time enough to enable the chairman of the Committee of Ways and Means to bring up the appropriation bills.

Mr. CONNER moved to amend the motion of the gentleman from Massachusetts by adding the words "with the exception of the appropriation bills;" the effect of the amendment being to give the bill the preference over all other business, with the exception of appropriation bills.

Mr. EVERETT inquired of the gentleman from Massachusetts whether, in his opinion, the bill would give rise to debate?

Mr. ADAMS apprehended that a bill of this importance could not pass without some discussion. With respect to the amendment of the gentleman from North Carolina, if it should be the pleasure House to pass it, he would acquiesce, but he apprehended that it would virtually defeat the proposition; for if the appropriation bills were once taken up, a debate of perhaps weeks would ensue, and the objects of the Administration in regard to this bill would be defeated. Such should not be the case with his consent.

Mr. CONNER was aware of the importance of this bill, but every gentleman knew that it would occupy as much time in debate as one of the appropriation bills. Mr. C. insisted on the propriety of his amendment, as the appropriation bills were of more importance to the country than the one under consideration, important as it was.

After some remarks from Mr. SMITH of Maine,

The question was taken on Mr. CONNER'S amendment, and it was adopted—ayes 78, noes 53.

Mr. BRIGGS moved to make the bill the special order for two o'clock to-day; but after some objections from Mr. DROMGOOLE, withdrew his motion.

Mr. ADAMS then modified his motion so as to make the bill be order of the day for this day week, which motion, as amended, was agreed to—ayes 83, noes 41.

The following is extracted from the Intelligencer's report of yesterday's proceedings:

Mr. W. THOMPSON obtained leave to make a brief personal explanation—portions only of which were heard by the Reporter with any think like distinctness. The following statement of the explanation and reply, as written out by Mr. T. were handed to the Reporter by that gentleman for publication:

Mr. W. THOMPSON said that he had announced, a few days since, that when the gentleman from Ohio [Mr. DUNCAN] should be in his seat, he desired a few moments indulgence of the House in a matter personal to himself. Mr. T. had seen in the Globe that which purported to be the remarks of Mr. DUNCAN, in which there were inaccuracies of statements of his (Mr. T's) arguments, accompanied with grossly offensive personal remarks. Mr. T. had heard the speech of the honorable member, and had not heard any such language as is attributed to him. He has since read the speech of the gentleman as reported by himself, and there is not only nothing like the language reported in the Globe, but nothing to which Mr. T. has any right to take exception. Mr. T. was glad it was so. The misstatement is the act, not of the gentleman from Ohio, but of one of the Reporters on that bench—no, not Reporters, but habitual falsifiers of the debates in this House.

Mr. DUNCAN said the gentleman was rather too harsh upon the reporters. He may have used some such expressions, but if he did, they were so qualified as to make them unexceptionable.

Mr. T. read the following passage from the Globe, and asked if the gentleman had used that language?

"One of those charges was made by the gentleman from South Carolina, [Mr. THOMPSON,] that neither the President in his message, nor the Secretary of the Treasury in his report, had intimated that there would be any deficit in the Treasury, or any necessity for the issue of these Treasury notes. The gentleman made this charge when he had these documents in his hand, commenting upon them. Now this charge was without foundation, and the gentleman must have known it."

Mr. DUNCAN replied. If I did, it was with such qualifications as to have made them unexceptionable, and without any imputation upon the gentleman from South Carolina.

In addition to the above remarks of Mr. THOMPSON as written out by himself for the Intelligencer, he also said, that

"The report was made by one of the persons sitting on that bench, [pointing to the bench occupied by the Globe Reporters] hired libellers, who are not reporters of our proceedings, but falsifiers of our proceedings, and incapable of speaking the truth on any occasion. I feel that I degrade myself by noticing them, and would not have done so but for the circumstances of the case."*

The SPEAKER then announced the business before the House to be the amendment of the gentleman from Louisiana, [Mr. GARLAND,] to discharge the Committee of Elections from the further consideration of certain papers, on the motion of the chairman to print the report of the committee.

Mr. MEDILL, who had the floor, continued his remarks in defence of the report, until the expiration of the morning hour; when

Mr. MORGAN of New York moved that the House proceed to the orders of the day.

Mr. CAMPBELL hoped the House would go on with the business before it, and endeavor to bring the question to a final decision.

Mr. BELL had no objection, if the gentleman could conclude within a reasonable time.

Mr. MORGAN insisting on his motion, the yeas and nays were asked and ordered.

Mr. DAWSON hoped this question of the New Jersey election would be disposed of as soon as possible, that the House might proceed to the consideration of the public business, and that he might have an opportunity to offer a resolution similar to that which had been offered by his colleague in another branch of the Legislature, providing for the adjournment of Congress on a particular day.

Mr. PROFFIT called for the yeas and nays, which were ordered, and roll having been called over, the question was decided in the affirmative—yeas 82, nays 70.

So the House determined on proceeding to the orders of the day.

The Senate bills on the SPEAKER'S table were then severally taken up and referred; after which,

The bill to secure the freedom of elections, and to prevent

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*The Reporter who made the brief synopsis of the remarks of Mr. DUNCAN, of which that gentleman did not complain, cannot consent, as an American citizen, (though he may be compelled to submit as a Reporter,) to have his character assailed in consideration of the poor privilege of being permitted to hold a seat in the hall, more frequently than otherwise to report the outpourings of abuse upon himself. However humble that gentleman may consider the Reporter, and though he may *aristocratically* assume that he degrades himself by noticing him, he is willing, where he is known, to compare character with that dignified gentleman—whether moral or political—and leave it to the public to judge to which *his* language is most applicable, and which could the most easily be bent to the purposes of a "hired libeller and habitual falsifier, incapable of speaking the truth on any occasion."

Persons who attend the Hall of Representatives, and who are witnesses of the confusion, which at times prevails, may

reality imagine with what difficulty the Reporter can hear the speaker, however acute his sense of hearing. It is frequently, almost impossible for the Reporters to apprehend the remarks of members. The Reporters of the Globe have always held themselves bound, as they now do, to make prompt correction of any errors which they may have committed, or may hereafter commit. It certainly would be more magnanimous to the Reporters, if not more decorous to the House, for gentlemen to call upon them and *demand* (if there be necessity for demand) that they should correct their errors, instead of consuming the time of the House, and causing the delay of the public business, by entertaining the galleries in indecorous, malignant, and uncharitable denunciation against individuals, who have not the poor privilege of repelling it on the spot in a becoming manner, however unfounded or illiberal those charges might be. And how much more would it show a want of magnanimity in a gentleman armed with the tremendous powers of the Constitution—and in whom, perchance, was the embodiment of all the chivalry of the House—for the purpose of attracting the admiring gaze of the galleries, to swagger forth, conscious of his giant powers, and "*degrade*" himself by attacking a puny and defenceless Reporter! Laurels gained in a contest, under such circumstances, would, methinks, wither on the brow of the assailant before he returned to his constituency.

W. W. C. reporter.

It is known, in the House of Representatives, that there are two Reporters for the Globe, and the one who did *not* make the report to which Mr. W. THOMPSON takes exception, only feels it necessary to repel, with scorn, the charge that was made equally against both Reporters; and he calls upon the honorable gentleman to point out how, when, and where, he ever libelled or misrepresented any body, or made a false report of the proceedings of the House.

The gentleman, in stating that he felt himself degraded by noticing the Reporters for the Globe, did not make himself sufficiently intelligible. If he assumed a superiority in rank, it is only necessary to reply, that the day has gone by when aristocratical distinctions could be tolerated in this country. The Reporter is a citizen of the United States; and a member of Congress is nothing more. If he assumed a superiority in virtue and intellect, the ready reply is: that is a matter for the public, and not for the gentleman himself to decide upon.

L. W. jr.

IN SENATE,

WEDNESDAY, April 1, 1840.

Mr DAVIS presented a memorial from J. J. Robertson, praying that the children of American foreign missionaries, born abroad, may be accounted native American citizens; which was referred to the Committee on the Judiciary.

Mr. LINN presented the memorial of the heirs of John Chalmers, praying compensation for property destroyed by the enemy during the last war; which was referred to the Committee on Claims.

the interference of Federal officers therein, was taken up; and

Mr. BELL addressed the House at great length in its support.

Mr. B. however, before finishing, gave way at the earnest solicitation of Mr. CURTIS, Mr. REED, Mr. SALTONSTALL, and other gentlemen, for a motion to go into Committee of the Whole on the Senate bill to remit the penalties paid by vessels engaged in the whale fishery, and to legalize their registers, which had been reported from the Committee on Commerce with an amendment.

No opposition was made to the bill. The amendment was agreed to, and the bill, as amended, reported to the House, when it was read a third time, and passed forthwith.

Mr. BELL then resumed the floor, but, after occupying it for a very short time, yielded to a motion for adjournment.

And thereupon, the House adjourned.

Mr. WEBSTER said he held in his hand six memorials from inhabitants of Ohio, on the subject of domestic slavery, which he supposed would take the usual course of such petitions.

The question of reception was, on motion by Mr. KING, laid on the table.

Mr. WEBSTER presented a memorial, signed by a large number of citizens of Boston, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. W. said, that with permission of the Senate, he would now ask leave to bring in the bill on this subject, of which he gave notice two or three days since. He did not wish to be understood as intending to interfere with the labors of the committee who had this subject before them. He had devoted considerable attention to this matter, and had examined the various British statutes in relation to it, and had endeavored to frame a bill which would combine the desirable qualities of brevity, cheapness, and despatch. The bill consisted of thirteen sections, which were not long, and were very simple in their provisions. They embrace the cases of voluntary bankruptcy and involuntary bankruptcy, and thought that it would ensure the cheap and speedy distribution of the assets. If the bill met the approbation of the committee to which it would be referred, it would give him much pleasure; if they thought it needed amendment, they would of course amend it; and if its only effect would be to assist the labors of the committee in perfecting a bill, he would be satisfied, his great object being to further the progress of the measure. He moved that the bill be read, and referred to the Committee on the Judiciary.

Mr. WALL said that he was gratified that the Senator from Massachusetts had introduced his promised bill, and he would beg leave to ask the Senator from New York [Mr. TALLMADGE] if he was prepared to introduce the bill of which he had given notice. There could be but one object in relation to this measure, and that was to have it as perfect as possible. He hoped that the bill submitted by the Senator from Massachusetts might be printed, so that Senators might have their attention directed to the subject before they were called upon to act on it.

Mr TALLMADGE made some remarks in reply, but in so low a tone as not to be heard by the Reporter. He was understood to say, however, that he would in a few days ask leave to introduce a bill on the subject.

The bill was then referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PIERCE presented the memorial of sundry citizens of Concord, N. H. praying for the passage of a general bankrupt law;

Mr. WHITE presented a similar memorial from citizens of Laporte, Indiana;

Mr. YOUNG presented a similar memorial from citizens of Galena, Illinois;

Mr. WRIGHT presented a similar memorial from citizens of Fulton county, New York;

Mr. NORVELL presented a similar memorial from citizens of Michigan;

which were severally referred to the Committee on the Judiciary.

Mr. YOUNG presented a document containing a statistical description of the town of Galena; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. Y. also presented a memorial of citizens of Illinois, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented a memorial of inhabitants of the counties of Kalamazoo and St. Josephs, Michigan, praying for a modification of the pre-emption law; which was referred to the Committee on the Public Lands.

Mr. NICHOLAS presented joint resolutions of the Legislature of Louisiana, instructing their Senators and requesting their Representatives to endeavor to procure an appropriation for a light-house at the mouth of Bayou Bonfonca, on Lake Pontchartrain; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAY of Kentucky presented a memorial of Mathew Winslow and others, praying remuneration for errors in land surveys; which was referred to the Committee on the Public Lands.

DISTRICT BANKS.

Mr. ALLEN said he wished to make a few remarks, to which he invited the attention of the chairman of the Committee on the District of Columbia. The Senate was aware that the charters of the various banks in the District expired by limitation on the 4th of July next. On the 6th of January last, memorials were presented asking for a recharter of those banks, since which nearly three months have passed; and as there has been no report from the committee, indicative of their intentions on the subject, and as the session is very far advanced, he desired to give the chairman of the committee an opportunity of stating whether or not a report on the subject might be expected at an early day, or whether the committee intended to take any action on the memorials. He would only add that if a bill was reported to recharter these banks it would probably excite considerable discussion. The recharter of the banks of this District, looking at it merely as confined to the District, was comparatively unimportant; but he looked at it as connected with the great struggle now going on in this country between corporations and individuals, and our discussions of and determination on the subject here, would have a powerful influence on the destinies of the nation, whether for good or evil. It was with this view of its importance he had felt it his duty to ask for information on the intentions of the committee.

Mr. MERRICK stated that the committee had given to this question of rechartering the banks of the District all the attention it was in their power to bestow; and he would inform the Senator from Ohio, and the Senate generally, that the committee had a bill in an advanced state of preparation to renew, or extend at least, the charters of the banks of the District, and a report might be expected in two or three days at farthest. The delay adverted to by the Senator from Ohio, was occasioned by the anxiety of the committee to have as full and as perfect an understanding of the condition and resources of the banks as it was possible to obtain, and to have the advantage of all the developments that might occur. He would repeat that the Senate would, in the course of two or three days, have the views of the committee presented to them, and would have a full opportunity of discussing their propriety.

On motion by Mr. DAVIS, the bill to cancel the bonds given, and remit the penalties paid, by vessels engaged in the whale fishery, as amended by the House, was taken up for consideration, and the amendment was concurred in.

On motion by Mr. MOUTON, the bill to confirm claims to lands in the district between the Rio Hondo and Sabine rivers, was taken up, and after being considered, was ordered to be engrossed for a third reading.

On motion by Mr. TAPPAN, the bill for the relief of Jacob Greaves was taken up, and after being discussed, was ordered to be engrossed for a third reading.

The CHAIR submitted a report from the Secretary of War, made in compliance with a resolution of the Senate, in relation to the difficulties which have existed, and the arrangements made, or attempted to be made, between the Government and the Cherokee Indians; which was laid on the table, and ordered to be printed.

MILITARY AND NAVAL PREPARATIONS ON OUR NORTHERN FRONTIER.

The CHAIR submitted the following message from the President of the United States:

To the Senate:

I communicate to the Senate, in compliance with their resolution of the 12th instant, a report from the Secretary of War, containing information on the subject of that resolution.

M. VAN BUREN.

WASHINGTON, 28th March, 1840.

WAR DEPARTMENT,
March 27, 1840.

SIR: The resolution of the Senate of the 12th instant, "That the President of the United States be requested to communicate to the Senate, if, in his judgment, compatible with the public interest, any information which may be in the possession of the Government, or which can be conveniently obtained, of the military and naval preparations of the British authorities on the Northern frontier of the United States, from Lake Superior to the Atlantic ocean; designating the permanent from the temporary and field works, and particularly by noting those which are within the claimed limits of the United States;" having been referred by you to this Department, it was immediately referred to Major General Scott, and other officers who have been stationed on the frontier referred to, for such information on the subject as they possessed, and could readily procure; and an examination is now in progress for such as may be contained in the files of this Department. General Scott is the only officer yet heard from; and a copy of his report is herewith submitted, together with a copy of that to which he refers, made upon the resolution of the House of Representatives of the 9th instant. As soon as the other officers who have been called upon, are heard from, and the examination of the files of the Department is completed, any further information which may be thus acquired will be immediately laid before you.

Very respectfully,
Your most obedient servant,
J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

HEAD QUARTERS EASTERN DIVISION,
Elizabethtown, N. J. March 23, 1840.

SIR: I have received from your office copies of two resolutions, passed, respectively, the 12th and 9th instant, one by the Senate, and the other by the House of Representatives; and I am asked for "any information on the subject of both, or either of the resolutions, that may be in [my] possession"

In respect to the naval force recently maintained upon the American lakes by Great Britain, I have just had the honor to report to the Secretary of War, by whom the resolution of the House of Representatives (of the 9th instant) was directly referred to me.

I now confine myself to the Senate's resolution, respecting "military [I omit naval] preparations of the British authorities on the Northern frontiers of the United States, from Lake Superior to the Atlantic ocean, distinguishing the permanent from the temporary and field works, and particularly noting those which are within the claimed limits of the United States."

I will here remark that, however well my duties have made me acquainted with the greater part of the line in question, I have paid but slight attention to the forts and barracks erected by the British authorities near the borders of Maine, *above* Fredericton, in New Brunswick, or in Upper Canada, *above* Cornwall, being of the fixed opinion (which need not here be developed) that all such structures would be of little or no military value to either of the parties in the event of a new war between the United States and Great Britain.

I was, last summer, at the foot of Lake Superior, and neither saw nor heard of any British fort or barrack on the St. Mary's river, the outlet of that lake.

Between Lakes Huron and Erie, the British have three sets of barracks: one at Windsor, opposite to Detroit; one at Sandwich, a little lower down; and the third at Malden, eighteen miles from the first; all built of sawed logs, strengthened by blockhouses, loopholes, &c. Malden has long been a military post, with slight defences. These have been recently strengthened. The works at Sandwich and Windsor have, also, I think, been erected within the last six or eight months.

Near the mouth of the Niagara the British have two small forts--George and Messisanga. Both existed during the last war. The latter may be termed a permanent work. Slight barracks have been erected within the last two years, on the same side, near the Falls and at Chippewa, with breastworks at the latter place; but nothing, I believe, above the works first named, on the Niagara, which can be termed a fort.

Since the commencement of recent troubles in the Canadas, and (consequent thereupon) within our limits, Fort William Henry at Kingston and Fort Wellington, opposite to Ogdensburg, (old works,) have both been strengthened, within themselves, besides the addition of dependencies. These forts may be called permanent.

On the St. Lawrence, below Prescott, and confronting our territory, I know of no other military post. Twelve miles above, at Brockville, there may be temporary barracks and breastworks. I know that of late, Brockville has been a military station.

In the system of defences on the approaches to Montreal, the *Isle Aux Noix*, a few miles below our line, and in the outlet of lake Champlain, stands at the head. This island contains within itself a system of permanent works of great strength. On them the British Government has, from time to time, since the peace of 1815, expended much skill and labor.

Odletown, near our line, on the western side of lake Champlain, has been a station for a body of Canadian militia, for two years, to guard the neighborhood from refugee incendiaries from our side. I think that barracks have been erected there for the accommodation of those troops, and also at a station, with the like object, near Alburgh, in Vermont.

It is believed that there are no important British forts, or extensive British barracks, on our borders, from Vermont to Maine.

In respect to such structures on *on the disputed territory*, Governor Fairfield's published letters contain fuller information than has reached me through any other channel. I have heard of no new military preparations by the British authorities on the St Croix or Passamaquoddy bay.

Among such preparations, perhaps I ought not to omit the fact that Great Britain, besides numerous corps of well organized and well instructed militia, has, at this time, within her North American provinces, more than 20,000 of her best regular troops. The whole of those forces might be brought to the verge of our territory in a few days. Two-thirds of that regular force has arrived out since the spring of 1838.

I remain sir, with great respect,
Your most obedient servant,
WINFIELD SCOTT.

Brig. Gen. R. JONES, Adjutant General U. S. A.

CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was then taken up, the question being on the amendment proposed by Mr. CLAY of Alabama, to strike out the two per cent. clause.

Mr. CLAY of Kentucky proposed a modification of the amendment; which being accepted by Mr. CLAY of Alabama,

Mr. CLAY of Kentucky addressed the Senate in favor of the amendment; and the question being taken thereon, it was rejected—ayes 17, nays 19, as follows:

YEAS—Messrs. Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, King, Lumpkin, Phelps, Prentiss, Preston, Ruggles, Southard, Strange, and Webster—17.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Cuthbert, Fulton, Grundy, Linn, Nicholas, Pierce, Robinson, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wall, White, Wright, and Young—19.

Mr. CLAY of Alabama then proposed, as an amendment, to strike out all after the enacting clause of the bill, and insert the following as a substitute:

"That the two per cent. of the nett proceeds of the sales of public lands in the several States of Ohio, Indiana, Illinois, and Missouri, which may accrue after the passage of this act, and which

was reserved by the several acts for the admission of said several States into the Union, to be applied to the laying out and construction of roads leading to the said States respectively, be, and the same is hereby, relinquished to said State respectively, to be paid over to such person or persons as may be authorized to receive the same, to be applied by said States respectively, to such roads or canals within their several limits, as they think proper: *Provided* the Legislatures of each of said States shall, before receiving any part of the said fund, pass an act, irrevocable without the consent of Congress, assenting to the provisions of this act."

Mr. C. advocated his amendment at length, and was followed in the debate by Messrs. PRESTON, YOUNG, WEBSTER, CALHOUN, and WHITE; when, without taking a question,

Adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 1, 1840.

The SPEAKER announced that the question before the House was the amendment of the gentleman from Louisiana [Mr. R. GARLAND] to discharge the Committee of Elections from the consideration of certain testimony.

Mr. MEDILL, who had the floor, resumed his remarks in support of the report of the committee of elections, and having concluded before the expiration of the morning hour—

Mr. FILLMORE rose to address the House in reply.

Mr. BELL rose and said that as the morning hour had nearly expired, it would be better for the gentleman to postpone his remarks till to-morrow, and that he [Mr. B.] should go on in continuation of his speech on the bill to secure the freedom of elections.

Mr. FILLMORE said he was perfectly satisfied to give way to the gentleman, provided that there was an understanding that he could have the floor to morrow.

Mr. CUSHING said he could not consent to any arrangement which would protract a discussion that had already lasted too long. If the gentleman from New York wished to speak, he desired that he should go on and enable the subject to be disposed of. He thought that some of the other States besides the State of New Jersey, should be heard on that floor, on subjects of interest to them.

Mr. UNDERWOOD inquired if the gentleman had not already spoken twice on this subject; and whether he was not entitled to the floor.

Mr. CUSHING said it was evident that, if this discussion and recrimination was to go on, it would consume the morning hour for months, and would be extended *ad infinitum*.

Mr. FILLMORE then addressed the House a short time, and gave way,

When explanations were made by Messrs. RANDOLPH MEDILL, CAMPBELL of South Carolina, and FILLMORE, which latter gentleman was on the floor when

Mr. SMITH of Maine called for the orders of the day; before passing to which, however,

The SPEAKER laid before the House a report from the Secretary of War, in answer to a resolution of the House of Representatives of the 24th ult. relative to the plan proposed to be adopted by him for the defence of the Western frontier; also, what tribes of Indians inhabit the country immediately west of Arkansas and Missouri.

On motion of Mr. BELL,

Referred to the Committee on Military Affairs, and ordered to be printed.

2. Depositions in relation to the New Jersey contested election; which were referred to the Committee of Elections.

The SPEAKER said that the first business in order was the bill to preserve the freedom of, and to prevent the interference of the Federal officers, in elections; and the question being, Shall the bill be read the first time?

Mr. BELL, who was still entitled to the floor on the above question, at half past five o'clock concluded his remarks explanatory of the provisions of the bill, and showing the great importance of some legislation upon the subject to which it relates.

Mr. WATTERSON then obtained the floor, but gave way to

Mr. WELLER, on whose motion,

The House adjourned.

IN SENATE,

THURSDAY, April 2, 1840.

Mr. GRUNDY presented the memorial of Preston Starrit, who states that a bank on which a check had been given him as remuneration on a contract, had stopped payment before he could present it, and praying relief; which was referred to the Committee on Claims.

Mr. NORVELL moved that the message received from the President yesterday, be referred to the Committee on Military Affairs; which was agreed to.

On motion by Mr. N. the papers in relation to the claim of John Nantz, were withdrawn from the files of the Senate.

Mr. KING, from the Committee on Commerce, to which was referred House bill for the relief of George Willis, reported the same without amendment.

Mr. LUMPKIN offered the following resolution, which was considered and adopted:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of dividing the district of Georgia into two judicial districts of the United States.

Mr. NICHOLAS offered the following resolutions, which were severally considered and adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of giving a more perfect organization to the Navy, by creating the rank of Admiral, and limiting, by law, the number of officers in the several existing ranks.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of dispensing with the usual appropriation for defraying the expense of the Board of Visiters to the Military Academy.

Various unfavorable reports from committees were taken up, and concurred in.

BILLS PASSED.

The following engrossed bills were taken up on their third reading, read a third time, and passed, viz:

The bill to confirm claims to lands in the district between the Rio Hondo and Sabine rivers; and

The bill for the relief of Jacob Greaves.

The bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama, after being amended, was ordered to be engrossed.

The bill for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therein can be completed; for abolishing land offices under certain circumstances; and to abolish the office of Solicitor of the General Land Office, was taken up, the question being on the amendment proposed by Mr. CLAY of Alabama, which was in effect to strike out "Solicitor" and insert "Recorder."

Mr. CLAY of Alabama addressed the Senate in favor of, and Mr. KING in opposition to, the amendment, when, on motion of Mr. WHITE, the further consideration of the bill was postponed until to-morrow.

CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was then taken up, the question being on the substitute proposed by Mr. CLAY of Alabama yesterday.

Mr. WHITE addressed the Senate at much length in favor of the bill, and in opposition to the amendment, and was replied to by Mr. CLAY of Kentucky, Mr. LUMPKIN, and Mr. ROANE.

The debate was further continued by Messrs. SMITH of Indiana, CLAY of Alabama, ANDERSON, and PIERCE; when

The question was taken on the substitute, and it was rejected, by the following vote:

YEAS—Messrs. Calhoun, Clay of Alabama, Dixon, Henderson, Hubbard, King, Lumpkin, Pierce, Prentiss, Preston, Roane, and Ruggles—12.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Kentucky, Crittenden, Davis, Fulton, Grundy, Linn, Merrick, Nicholas, Porter, Robinson, Sevier, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, Tappan, Webster, White, Wright, and Young—26.

Mr. GRUNDY said that, as the season would be far advanced before this bill would be finally acted on in the House, and as the amount appropriated could not be profitably expended the present season, he moved to reduce the sum in each State from $150 000 to $100,000.

Mr. PRESTON moved as an amendment to the amendment that "$100,000" be stricken out, and "$75 000" inserted.

The question was then taken on Mr. PRESTON's amendment, and it was agreed to—ayes 23, noes 17, as follows:

YEAS—Messrs. Anderson, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Davis, Dixon, Fulton, Hubbard, King, Lumpkin, Pierce, Prentiss, Preston, Roane, Ruggles, Sevier, Southard, Strange, Webster, and Wright—23.

NAYS—Messrs. Allen, Benton, Buchanan, Grundy, Henderson, Linn, Merrick, Nicholas, Porter, Robinson, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wall, White, and Young—17.

The question then being about to be put on the engrossment of the bill,

Mr. CLAY of Kentucky intimated his wish to address the Senate on the bill, and on his motion

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 2, 1840.

The SPEAKER announced that the first business in order was the report of the Select Committee on Printing.

Mr. FILLMORE inquired if he had not the floor on the New Jersey case.

The SPEAKER replied that the report of the select committee was the special order.

Mr. R. GARLAND (one of the committee) said that he did not see the chairman in his place, and he could not say what his views were on the subject of taking up the report to-day. The documents were not yet printed, and it would be impossible to go on and make the necessary explanations without them. He could not tell when these documents would come from the printer; and he did not like to assign a day for the consideration of this subject, under the circumstances he had adverted to.

Mr. FISHER said he understood that the papers had only been sent down to the printer yesterday.

Mr. R. GARLAND said, if the House would only pass over the business informally, by general consent, till the chairman came in, they could then ascertain from him how the printing of the documents was progressing.

Mr. BLACK (chairman of the committee) could only say that the report he had had the honor to submit to the House, was given to the printer as soon as he made it to the House; but that the documents connected with it, comprising a large body of testimony, was not given to him till yesterday. Wherefore, he could not say; but the printer, of course, was not to blame for the delay. There was a considerable volume of testimony, which the committe was for a long time engaged in preparing, and perhaps it took the clerk of the committee some time to arrange the documents for the press. He hoped the House would not object to giving a little more time to the printer to execute the work.

Mr WISE suggested to the chairman to name a day for the consideration of the report, when the printing might be expected to be brought in—say Tuesday next.

Mr. BLACK was not in correspondence with the printer, and could not tell more than any other member when the work would be done.

Mr. ADAMS informed the gentleman from Virginia that Tuesday next was assigned for the consideration of the bill reported by the Committee on Manufactures to prevent frauds on the revenue.

Mr. WISE then named Wednesday next, to which Mr. BLACK assented.

Mr. R. GARLAND inquired of the chairman of the committee whether he was prepared to report on that branch of the subject committed to them which related to the separation of the public printing from the political press. It was desirable, he said, to have the whole subject referred to the committee, considered at the same time by the House.

Mr. BLACK replied, that if the report was ready, the printing would not be ready. He would, however, say that the branch of the subject to which the gentleman referred, had not been definitely acted on by the committee. The committee, it was true, had decided against the proposition, and had directed him to make a report to that effect, but he had not yet had time to do it, unless he laid aside all other business to attend to this.

Mr. GARLAND said that it was desirable that the House should have both the subjects referred to the committee, before it at the same time, and he thought the chairman might, without much inconvenience, enable the House to do so. The committee, on Wednesday last, decided against the proposition as unconstitutional and highly inexpedient, and directed the committee to make a report to that effect. He hoped, therefore, that the gentleman would be ready with his report by Wednesday next. He had prepared the minority report, and would be ready to present it any time.

Mr. BLACK did not think it necessary that the two subjects should be considered by the House at the same time. Nay, he thought it more expedient that they should be considered separately. Indeed, it was impracticable to consider both subjects together, because the gentleman and his friends had agreed to recommend to the House that no change with regard to the manner and form of executing the public printing be made this session; it being the prices only that was proposed to be regulated. Such being the case, why urge the consideration of that branch of the subject relating to the separation of the public printing from the political press, when it had no direct connection with the other branch, relative to the change of the prices of the printing, and which ought immediately to be acted on?

Mr. DAVIS observed that the gentleman from Louisiana had informed the House that he was ready, on the part of the minority of the committee, to report on the subject he was so solicitous about, and therefore, if the House was disposed to discuss it, it could be discussed as well on the report of the minority as on that of the majority.

Mr. DROMGOOLE asked what was the question before the House, and

The SPEAKER replied that it was the proposition to postpone the further consideration of the report of the Select Committee on Printing till Wednesday next.

Mr. RUSSELL remarked that it was very evident that this business was not in a state to be acted on now, and that the report not having been prepared, it was not probable that it would be ready for the action of the House so soon as Wednesday next. For the purpose, therefore, of giving the chairman of the committee time to prepare his report, as well as for the House to have it printed, he would suggest whether it was not more advisable to postpone the subject to a day more distant than that named. He would name Tuesday week, which would give the gentleman from Georgia ample time to prepare his intended report.

Mr. R. GARLAND opposed the proposition of Mr. RUSSELL, and assigned his reasons for so doing.

Mr. RUSSELL understood that the committee had agreed upon a reduction of the prices of the public printing, and had reported on that branch of the subject; but that was not the only matter referred to them. They had also been instructed to inquire and report upon the expediency of separating the public printing from the political press. Now, although the majority of the committee had decided against that proposition, and had instructed their chairman to report accordingly to the House, he had not yet had time to do it. But Mr. R. thought that the latter was the more important subject of the two, and that it ought to be brought before the House at the same time with the other, in order that it might be the better enabled to judge how far the reduction should be carried. For the purpose of giving ample time to the chairman to prepare this second report, he had named Tuesday week for the postponement, and if the gentleman from Louisiana would consider what the House had to do in the mean time, he would perceive that they could not well take up the subject at an earlier day. The bill reported by the Committee on Manufactures had been made the special order for Tuesday next, and the consideration of this bill would consume two or three days at least. Then the gentleman, he was sure, would not interfere with the Fridays and Saturdays set apart for private bills, while the Monday following was petition day. So that the subjebt of printing, as he had before observed, could not well be taken up before Tuesday week.

Mr. GRAVES, after some remarks, offered a resolution that the Select Committee on Printing be required to report on the remaining branch of the subject referred to them in the course of the present week.

Mr. BLACK observed that he would have no objection to that resolution, were it not a direct reflection upon the committee. The committee had, under the instructions of the House, examined a vast mass of testimony, and had found the duties imposed on them so arduous, that the House had, from time to time, extended the period to which their report was to be made. They had already reported on one branch of the subject committed to them, the one that they deemed the most urgent, but had not yet been able to report on the other. Had they known that the gentleman from Louisiana was so exceedingly anxious for a report on the other, they might perhaps have given it the preference, as their decision was made up on it. The committee had agreed that it was inexpedient for the House to adopt this last proposition, and they thought that it would be inconvenient to consider it in connection with the subject reported on.

Mr. R. GARLAND moved to postpone the further consideration of the subject till Thursday next.

The question being first on the most remote period, i. e. on Mr. RUSSELL's motion for Tuesday week, on count there were ayes 64, nays 43; and no quorum having voted,

Mr. VANDERPOEL called for tellers, and Messrs. VANDERPOEL and REYNOLDS having been appointed such, ascertained, on count, that there were ayes 65, nays 62. So the subject was postponed till, and made the special order of the day, for Tuesday week next.

The SPEAKER said that the business first in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, chairman, to have the report of that committee and all the testimony in relation to the New Jersey contested election printed, and the amendment of Mr. R. GARLAND thereto to discharge the committee from the further consideration of other testimony.

Mr. FILLMORE, who was entitled to the floor, at the request of Mr. CAMPBELL, gave way for an explanation.

Mr. CAMPBELL said that he had been inattentive to the progress of the debate, and when he rose on yesterday to answer a question addressed to him, it was under a misapprehension of what the question was. Before he had taken his seat, however, he understood from the gentleman from New York [Mr. FILLMORE] that the question related to the reading of testimony after the committee had assembled to take into consideration the resolution of the House, under which the report was made. To the question thus limited as to time, he answered, that during the pendency of a motion in committee, instructing the chairman to draw up a report, a member had called for the reading of the testimony, and that all the papers called for were read. Mr. C had since understood that the inquiry was still further limited as to what papers were actually read upon this occasion. In answer to this question, he would state that, according to his recollection, the returns of the local officers of the townships of

Millville and South Amboy were called for in succession; that they were read by the Clerk; that the gentleman from Connecticut [Mr. SMITH] then called for other testimony; it was produced, but before it was read, the call was withdrawn.

Mr. C. made this statement not because he considered it of any importance to the present controversy, but as a specific answer to a specific question. All that is contended for in relation to the reading of testimony, after the committee assembled to take into consideration the instructions under which they reported, is, that a member had called for the reading of the testimony; that the Chair had decided it to be the privilege of a member, before voting, to do so; and that all the papers required to be read were read—thus showing, conclusively, not only that the testimony was accessible to all, but that any member of the committee, not satisfied with the examination it had received, had the right, even at this late stage of our proceedings, to have it read in committee.

Mr. FILLMORE. When was it that the returns from Millville and South Amboy were read—was it when the committee agreed on the basis of a report, or when they met to consider the report?

Mr. CAMPBELL had already stated that they were read pending the motion requesting the chairman to draw up a report.

Mr. FILLMORE then went on, and replied to some remarks of Mr. CAMPBELL made yesterday, and which have not yet been reported; after which, he replied to the remarks of Mr. MERRILL, and continued speaking till the expiration of the morning hour; when, without having concluded,

Mr. ALFORD moved that the House proceed to the orders of the day; which motion was agreed to.

The SPEAKER laid before the House a letter from the President of the United States, enclosing a report from the Secretary of War, in compliance with the resolution of the Senate of the 14th instant, and that of the House of Representatives of the 9th instant, in respect to the military preparations of the British authorities on the Northern frontiers of the United States, from Lake Superior to the Atlantic ocean, distinguishing the permanent from the temporary and field work, and particularly noting those which are within the claimed limits of the United States.

On motion of Mr. CUSHING, it was referred to the Committee on Military Affairs, and ordered to be printed.

The House then resumed the consideration of the bill reported by Mr. BELL, to secure the freedom of elections, and to prevent the interference of the Federal officers in elections. The question being, Shall the bill be read the first time?

Mr. WATTERSON being entitled to the floor on the above question, replied at some length to his colleague from Tennessee, [Mr. BELL.] That gentleman had complained of the summary manner in which his motion for leave to report the bill had been treated by a portion of the friends of the Administration. He presumed the gentlemen who opposed the leave, did it from a conviction that the principles of the bill were so abominable, so odious, that it was best to stifle it on the threshold, and thereby save the consumption of the time of the House, which might be appropriated to the transaction of the business of the country. Though he had voted for the leave, he entertained as great a repugnance to the features of the bill as any of those who had opposed it. He had voted for it because he wished to see a vote taken upon it, and let the country see who were in favor of its odious features. He thought that if the bill contained the principles of the Whig party, it was proper that the people should know it. But he believed that when the House should be called to vote upon it, such dodging would be witnessed as had never been done since the vote on the rejection of the bill in the Senate, reported by the Senator from Kentucky, [Mr. CRITTENDEN.] His colleague had complained that the minority of the House had been gagged by the majority. He asked if it was to be found in his seven hours' speech, and the elaborate speeches and unprofitable debates which the party the gentleman belongs to had indulged in. The facts of the stave-off principles of the Opposition are notorious; yet forsooth they were gagged. If it was not the disposition of a majority to sit out the important questions before the House, none of the business of the country would be transacted. The Whig party oppose every thing and bring forward nothing. In reply to his colleague, he said that the cry of office holders was not new to his ears. He had often heard the same sound. Strangers to the cry would suppose that all the office holders were enemies to their country, and particularly if they were to hear with what emphasis his colleague dwelt upon the name. If there were too many office holders, let his colleague specify them and bring forward a measure to dispense with them, and he would go for it. No proposition had yet come from him for that purpose—and none could be expected. It was notorious that a majority of all the office holders were opposed to the Administration—still the Opposition cry out proscription. Mr. W. said there were at least 12,000 postmasters, and a majority of them were opposed to the Administration.

Mr. REED inquired what was the amount of their salaries.

Mr. WATTERSON said their salaries were small, he knew; but in point of influence, at a cross road, they had more than any member of the cabinet. Postmasters had a tremendous influence, if they wished to exercise it by distributing documents and procuring subscribers for newspapers. This kind of influence had been probably exercised for the Opposition party. If the President was to be censured at all, it ought to be for keeping in office so many of his opponents. If he was to have all the odium, he thought he ought to have it for something. From the continual clamor about proscription, a person who knew nothing about it might well suppose that there was some truth in it; but the charge could not be sustained by the facts of the case. The President does not agree to pursue such a course as he would urge. So far as he (Mr. W.) was concerned, he would, as to all important officers, sweep the political chessboard; and he believed it was all sheer hypocrisy in the Opposition, when they make any other profession, because, whenever and wherever they have the power, they carry out the principles of indiscriminate proscription.

Mr. W. said he would like to see the political friends of his colleague [Mr. BELL] from the State of New York, vote for the bill. During the Legislature now in session, the Whig Governor of that State turned out six hundred office holders, including those of the lowest grade.

Mr. MARVIN begged leave to interrupt and correct his friend. He was mistaken, the Governor did not turn out a single one.

Mr. W. resumed. He has refused to reappoint, which is the same thing. Was it not notorious that the Whig city Council of New York turned out every man, even the street scavengers? See in the State of Pennsylvania. Did the Ritner dynasty carry out the spoils principle, as my colleague has been pleased to call it? He made a clean sweep. The white laborers on the public works even were dismissed, and as he had just been informed, negroes were put in their places. In New Jersey, the great broad seal State, every justice of the peace was dismissed; and in Connecticut, and every other State where they had the power, the same course had been pursued. If the country should be cursed by the election of the nominee of the Harrisburg convention, they will change their clamor; but there was no danger that they would ever have that cause for ceasing their hypocritical cry of proscription. Notwithstanding (said Mr. W.) I am for a clean sweep, I would censure the President, or any other man for turning out competent, meritorious, and respectable officers, and appoint others just the the reverse. But if he could find among his own friends those who were equally competent and deserving, he would invariably give them the preference.

We have heard much from my colleague, and others, about the influence of office holders in favor of the Administration. Where, let me ask, is the evidence of that influence. Is it to be found in Washington city, where there are so many, and where nine-tenths of the people are opposed to this Democratic Administration? The Administration have been defeated in New York, Boston, New Orleans, where there are so many of the officers of the General Government, in the custom-houses, mints, &c. Look at the city of Philadelphia, in which are to be found a custom-house, mint, &c. In that city, the Democratic party have been defeated by 4,000. Did this look like the office holders had much influence? Judging from the facts before them, the influence was on the side of the Opposition.

His colleague had denominated the Democratic party as the vampire party, and said it could not stand a day, if his bill, and the bill introduced in the other end of the Capitol, of like import, had passed: that they would have the same effect on the Democratic party as did the surgeon's knife in despatching the vampire—a history of the existence and destruction of which he had cited. What had been the consequence of the use of this surgeon's knife—the gag bill—in the Senate? It had bled to death two of his colleague's political friends, the late Senators from Tennessee.

My colleague also said his bill was to prevent the interference of federal officers in elections—in other words, it was to gag them—it was, in its effect, to deprive them of their rights under the Constitution—to think, to speak, and to act; it was to enslave them; and yet he says it was to emancipate them. He could not reconcile these two declarations, and was at a loss to know how his colleague could. He asked if the bill was not the same in principle, if not in detail, as that introduced into the Senate last session by the gentleman from Kentucky, [Mr. CRITTENDEN.] If he was not mistaken, his colleague had approved of that bill, and that the features were the same as the bill now introduced by him. Mr. W. said he had read the speech of his colleague on the Harbor bill in 1836, in which he quoted an old English statute, which was almost word for word with Mr. CRITTENDEN's bill, and held it up as worthy of imitation by this free country. He therefore inferred that his colleague was in favor of that gag bill.

Mr. W. then adverted to the standing charge of the Opposition in relation to defaulters. He read from an official document, printed by order of the House, giving a list of the defaulters, and the amount of defalcations, since the formation of the Government to the 4th March, 1837, by which he showed that there was more money lost under the four years' Administration of John Quincy Adams than was lost under the eight years comprising General Jackson's Administration, in proportion to the amount collected and disbursed. Yet the Opposition were exerting every nerve to restore that Administration to power—for he contended that, notwithstanding it was not proposed to advance the same man, it was to restore the same odious Federal principles.

Mr. W. said, as his colleague had talked about office holders, it would be no harm to talk about office seekers, of whom there were twice the number. He held in his hand a document containing the names of those who composed the Harrisburg Convention, nominating General Harrison for the Presidency. In looking over that pamphlet, the question occurred to Mr. W. Who were these delegates? What are their principles? What are their professions? Were they delegates fresh from the people, or were they the representatives of mere town politicians, and street brawlers? He had collected a mass of information on these points, and intended to lay it before the House and the country. It was not his purpose to misrepresent delegates to that Convention, but to show that their avocations did not conform to the characters of those who live in log cabins, and drink hard cider. The president of the Convention (said Mr. W.) was Judge Barbour, a lawyer, Mr. Adams's Secretary of State and Minister to the Court of St. James.

Mr. LINCOLN rose, and called the gentleman to order. He was not in the habit of interrupting the course of the discussions going on, but the course of debate of the gentleman from Tennessee was such, that he felt it his duty to endeavor to put a stop to it. The gentleman was giving biographical sketches, and commenting on the political conduct of individuals over the whole Union. Such a course of debate was entirely out of order; and he called upon the SPEAKER now to decide whether the rules of the House were to be enforced or not.

Mr. WATTERSTON said that his colleague [Mr. BELL] had yesterday entertained the House with a discussion on the influences exercised by office holders in the political affairs of the country, and he thought it but right, as an offset to that course of argument, to show the influence attempted and exercised by those seeking office. He wanted to show the characters of the motley assemblage of those seeking to break down the present Administration, and the discordant materials of which their party was composed.

Mr. STARKWEATHER said it appeared to him that the gentleman from Tennessee [Mr. WATTERSON] might be permitted to speak of men and things in this country, when the colleague of the gentleman [Mr. BELL] was yesterday permitted to tell a long story about a loafer out of the country [in France] who went about sucking people's blood.

Mr. GENTRY hoped that his colleague might be permitted to proceed.

Mr. MASON strongly objected to the course of debate indulged in by the gentleman from Tennessee, [Mr. WATTERSON,] and expressed the hope that the SPEAKER would enforce the rules of the House. Mr. M. said that he intended, on this question, to call for a division of the House, in order that it might be definitively settled whether discussions of this character should be permitted. Mr. M. was proceeding with his remarks, when

Mr. WISE called him to order. His friend from Ohio, he said, while lecturing the gentleman from Tennessee on a point of order, was himself out of order.

Mr. BRIGGS objected to the gentleman's proceeding out of order. If, said he, the SPEAKER decides that he is out of order, I object to his going on without permission of the House, and will call for the yeas and nays on the question.

The SPEAKER was understood to say that the course of the remarks of the gentleman from Tennessee were certainly not in order. Gentlemen had been in the habit of indulging in great latitude of debate, and this being the custom of the House, was permitted by the CHAIR; but the gentleman from Tennessee had commented on the political conduct and characters of individuals, which was not customary.

Mr. WELLER contended that the gentleman from Tennessee had not departed from the usual course of discussion that had been practised in the House, and he therefore moved that he be permitted to proceed in the same course; which motion was agreed to.

Mr. WATTERSON regretted very much that he had been interrupted, because he could have concluded his remarks in the time occupied by the interruption. He said his colleague [Mr. BELL] had been denouncing the officers of the Government as vampires, sucking blood out of the country. And was it irrelevant to the subject before the House for him (Mr. WATTERSON) to speak of those who wanted to come into power? He was only endeavoring, at the commencement of his remarks, to get at the principles of the convention that nominated General Harrison for the Presidency.

Here Mr. W. commented on the correspondence between an association at Oswego, New York, and General Harrison's conscience keepers, and was proceeding to analyze the politics of the members of the Harrisburg Convention, when

Mr. LINCOLN again interrupted Mr. W. and said he thought this was a fit occasion to have the rules of the House distinctly understood and enforced. If the CHAIR decided that the gentleman was out of order, he insisted that he take his seat, until the House gave him permission to proceed in order. He assured the gentleman from Tennessee that he meant no unkindness or disrespect to him personally; but his desire to see the rules of the House preserved was the occasion of his interfering in this matter. He hoped the gentleman, if permitted to proceed, would proceed in order.

Mr. BROWN begged leave to remind the House of one fact. His colleague [Mr. BELL,] on yesterday spoke of the influence of office holders, and the President at the head of them, and described also a Central Committee, with their action, all over the country. Now he understood that his other colleague [Mr. WATTERSON,] desired to show that there was a sort of central committee for the Opposition, pursuing the same line of conduct, and to draw a comparison between them. It appeared to him that if this was a legitimate course of argument for the one, it certainly ought to be so for the other.

Mr. CLIFFORD was glad that this question had been made, and should vote to sustain the decision of the CHAIR. He was glad also that the SPEAKER manifested a disposition to preserve the rules of the House. Though the motion on this question might operate with peculiar hardship against his friend from Tennessee, yet he should vote for it, though at the same time he would express his regret that the gentleman in the Opposition had not shown the same fastidious regard for the preservation to the rules on former occasions, when their friends were consuming the time of the House with discussions foreign to the subject under consideration. He hoped his friends would openly meet this question and settle it, and that hereafter gentlemen in the Opposition would be as ready to enforce the rules as now.

Mr. WISE objected to the discussion, as out of order. He had no objection to the gentleman's proceeding in his own way, and hoped he might be permitted to go on.

Mr. BELL wished to make one remark. An impression seemed to prevail that his colleague would be prevented from answering a speech of his which was supposed by some to be out of order, or that some parts of it were out of order. Under these circumstances, he should be very sorry to deprive his colleague of the opportunity of replying in his own way. Whether his remarks were out of order or not, the apprehensions of the other party should operate on his friends to induce them to permit his colleague to proceed. He would, however, say that he did not recollect a single observation in his speech that was not strictly in accordance with parliamentary law. He confined himself entirely to the discussion of the subject before the House, digressing only where an applicable illustration of it presented itself.

Mr. CHAPMAN said that he was extremely glad that the crisis had at last arrived that he had desired to see ever since he had been a member of this House. He had seen, with extreme regret, the latitude of debate—the palpable digression from the legitimate subject under discussion by members of this body—and he had earnestly desired to see this most injurious course put down by a vote of the House.

Mr. C. said that he never indulged in such latitude in debate; indeed he had been as seldom indulged in debate here as any member on the floor, and had consumed as little of the time of the House in that way.

A few days ago, Mr. C. said, when in Committee of the Whole, the gentleman from Ohio [Mr. DUNCAN] was called to order for digressing from the subject under debate, by a political opponent, [Mr. TRUMBULL.] the CHAIR deciding that although the speaker was digressing, yet, as it had been the practice here, he could not determine him to be out of order. I thought then that a proper case had occurred to put an end to the practice as far as my voice could do it; and in a case, too, when my motives could not be suspected to be improper—objection having been taken to a political friend by a political opponent. I therefore took an appeal from the decision of the CHAIR; but the CHAIR decided the appeal to be too late, and the question was not put. And here, Mr. C. said, a gentleman [Mr. GRAVES] had made an improper insinuation as to the motive that had influenced his course, although he was conscious that his motives were influenced alone from a sense of public duty, and a sincere regard to the interest of the country.

Mr C. said that speeches had become so common, so lengthy, and so foreign from the subjects under debate generally, that the most important public and legitimate business of the country was not only delayed, but omitted altogether. This evil he thought greater, much greater, than any reasonable restriction in debate to the subject under discussion.

Mr. C. said he was aware that his constituents complained

that he did not participate more in the debates in this House; but he was very sure that if their constituents could witness the scenes we have here, the waste of public time and money by useless and ineffectual debate, they would never complain on that account.

Mr. C. remarked that he was convinced that his friend from Tennessee, [Mr. WATTERSON,] who was now called to order, was not *more out* of order than his colleague [Mr. BELL] was yesterday, but on the contrary, was in a legitimate course of argument in reply to his colleague. But, Mr. C. said, that both had digressed from the subject, and he was still better satisfied that, in sustaining the opinion of the SPEAKER, when against a personal and political friend, as he should do now, his motives could not be impugned by his friend from Tennessee, who had been called to order, or any one else. Mr. C. said he thanked the gentleman from Massachusetts, [Mr. LINCOLN,] who is his political opponent, for raising the question now on the gentleman from Tennessee, [Mr. WATTERSON,] his personal and political friend. He (Mr. C.) would unite with the gentleman from Massachusetts in putting an end to this unwarrantable practice, so injurious to the good order of this House, and the accomplishment of the business of the country, of which so little has, even at this day, been done. But, said Mr. C. that gentleman and his friends must take notice that the same strict rule shall be applied to them hereafter.

Mr. WISE could not vote for this question of order till he knew what was the offence of the gentleman from Tennessee against order. Was the gentleman called to order for the irrelevancy of his argument?

The SPEAKER said that the gentleman was called to order for discussing the politics of the individuals assembled at the Harrisburg convention, and the CHAIR decided that such discussion was out of order. The remarks of the SPEAKER explaining his decision were not heard distinctly enough to report.

Mr. WISE believed that the remark of the gentleman from Tennessee was true, that had he not been interrupted, he would have finished his speech by this time. If I had been in the chair, said Mr. W. I would never interrupt a gentleman for what your illustrious predecessor called irrelevancy of argument. The gentleman from Tennessee did allude to the political characters of certain distinguished individuals as an offset to the argument of his colleague; and though this might be deemed irrelevant to the matter under consideration, yet he did not think he ought to be interrupted for it. He never would attempt to chain down the mind of man for what was called irrelevancy in debate He would continue to object to such interruptions, and go for what is called latitude of debate, for latitude of debate was the life of the Opposition.

Mr. LINCOLN stated what Mr. WATTERSON'S course of argument had been, and his objections to it.

Mr. WISE said he understood all that. He heard from the CHAIR what was the course of the gentleman's argument, and his decision upon the point of order raised. What did it amount to? When a gentleman on one side had been showing the actings and doings of those in office and in power, the appropriate answer was to show the actings and doings of those seeking office and power. He thought that the argument of the gentleman from Tennessee, even in the extreme light the gentleman from Massachusetts [Mr. LINCOLN] had put it, was a fair and pertinent response to his colleague.

Mr. MASON here called Mr. WISE to order, and said that the gentleman from Virginia was discussing the very question he pronounced him out of order for discussing.

Mr. WISE. The gentleman from Ohio is wrong. When he was discussing the subject he was out of order, for no appeal was then taken from the decision of the CHAIR; but now there was an appeal pending, and it was perfectly in order for him (Mr. WISE) to discuss it. I am, said Mr. W. for the gentleman going on as he has begun. If he can stand the examination of the motives and characters of those in power, we surely can stand the examination of the motives and characters of those seeking to turn them out. The subject under discussion, was a bill to secure the freedom of elections; and the merits of the whole question required a wide and ample discussion of all the collateral subjects involved in it. He contended that no gentlemen should be called to order except for actual personal disorder. If this unhappily occurred, the Sergeant-at-Arms should be sent to him; but he never would agree to a decision that shuts a speaker's mouth on the mere point of irrelevancy. Let me tell my friends in the Opposition that, if they sustain this appeal, their hands will be in the lion's mouth. You, sir, [the SPEAKER,] may be logician enough to decide promptly what is, or is not, relevant in debate; but we know the facility with which appeals are taken and sustained here. Let me tell gentlemen that, if they ever attempt to apply the screws to me for this irrelevancy in debate, I will throw them into a scene of disorder which it will not be so easy to get out of. This would be easy for a man of nerve to do when he was determined to maintain his rights.

If God spares me health and strength, I shall want, myself, full and free scope at those *in* power and place, before this session closes, and all I desire is an open field and a fair fight.

Mr. CUSHING observed that this was a proper time to settle the question whether the remainder of the session shall be consumed in idle debate, or whether the rules shall be enforced, and the business of the country progressed with. Was the appeal debatable?

The SPEAKER said it was not.

Mr WISE said if he had been aware that it was not debatable, he would not have made the remarks he did.

Mr. BROWN of Mississippi here withdrew his appeal.

Mr. CRABB moved that the gentlemen from Tennessee be permitted to proceed; which motion being agreed to,

Mr. WATTERSON then resumed his remarks, and had proceeded but a short time, when he was again called to order by

Mr. CUSHING, who said that he had heard gentlemen all around him saying "let him go on," but really he thought the point should be made and decided whether the remainder of this session is to be consumed in unprofitable debate or not.

The SPEAKER said that the gentleman was not strictly in order, but he had been permitted by the House to go on.

Mr. DAWSON hoped the country would be given to understand that the character of their proceedings was not owing to the SPEAKER but to the House itself—for whenever he attempted to enforce the rules of the House, the House had uniformly interposed and suffered the disorderly debate to go on.

Mr. DUNCAN observed that it was a little unfortunate that the gentlemen who were so solicitous about the preservation of the rules, should have been silent when the debate on the Cumberland road was going on. On that occasson, they indulged themselves in the greatest latitude of discussion, and made speeches of two hours' length, in which the Cumberland road was little thought of, but an abundance was said in favor of the claims of General Harrison to the Presidency. Now, when a Democrat gets up to reply, which he has the right to do, and which his duty to his constituents requires, he cannot say a word in relation to General Harrison and his supporters, without being called to order.

Mr. LINCOLN said the remarks of the gentleman from Ohio [Mr. DUNCAN] did not apply to him; for when the Cumberland road was under consideration, he interposed his objections to the course the debate had taken.

Mr. DUNCAN said his remarks did not apply to the gentleman from Massachusetts, but to others of the party he acted with.

Mr. LINCOLN, after a few remarks, said it was now time to decide the question for the rest of the session, whether the rules shall be enforced or not, and whether these irrelevant debates shall be indulged in any longer. He objected to the gentleman's proceeding until a motion was made that he proceed in order, and on that motion he intended to call for the yeas and nays.

After some further remarks from Messrs. DAWSON, BANKS, LINCOLN, DDOMGOOLE, STUART, CUSHING,

On motion of Mr. BANKS of Virginia,

Mr. WATTERSON was permitted to proceed, but had not given the professions and politics of more than two or three delegates in the Harrisburg Convention, when he was called to order by

Mr. SALTONSTALL, who said that he would like to know what the Hartford Convention had to do with the subject before the House.

Mr. WISE must in justice say, after making a speech in favor of the gentleman from Tennessee, that his imagination could not see the relevancy of his remarks.

Mr. WATTERSON. I have said nothing about the Hartford Convention. The gentleman seems to be extremely sensitive on that subject, and furnishes a striking illustration of the fact that the "wicked fleeth, when no man pursueth." I am very sorry to be called to order so often. If members of the Opposition on this floor would strictly confine themselves to order, I would strictly confine myself to order. If gentlemen will not permit me to lay before the House the complexion of the delegates to the Harrisburg Convention, they cannot deprive me of the privilege of doing so when I write out my remarks. But as I have sat here from day to day, and listened to Whig members making party speeches, which had no relevancy, not the most remote, to the subject before the House, I little expected, I confess, to hear myself called to order so repeatedly from that quarter.

[Cries of "go on, go on," from many—let's have all their names.]

Mr. WATTERSON said, no. Leave had been given him to proceed several times, and before he could define the position of more than a single delegate in that Convention, he was again called to order; and he was now determined to go on with his comments, which would be in order. He said the information which he had been prevented from laying before the House, would show whose candidate General Harrison was. After commenting at length on the Harrisburg Convention, he passed on to the late Ohio Convention.

Mr. W. then read from a newspaper in his hand a list of the members of that convention, giving their politics and occupations.

Mr. MASON asked the gentleman what paper he was reading from?

Mr. WATTERSON answered that it was the Ohio Statesman.

Mr. MASON said the statement was wholly untrue in many particulars, to his knowledge. The designation of the individuals in his county was altogether incorrect; and he had been assured by some of his colleagues that it was equally untrue with regard to the counties in which they resided. Indeed, the whole statement had been publicly contradicted in a paper in his State, [naming it,] and the editor who made it called on to produce the proof, which he failed to do.

Mr. BOND corroborated the statement of his colleague, [Mr. MASON,] and said that the statement, so far as it regarded the individuals living in his county, was wholly destitute of truth. The account had been publicly contradicted, and the editor called on for his proof, which he was unable to produce. The Editor of the Ohio Statesmen was notorious in his State for his want of veracity, and was entitled to no credit. His paper was so remarkable in that particular, that in one instance one hundred and sixty falsehoods had been counted in it.

Mr. WATTERSON said he did not pretend to be personaliy acquainted with the individuals named in the paper before him. The paper occupied a respectable standing in the State of Ohio, and he had no reason to doubt its statements. He would like, however, to hear from his Democratic friend from Ohio on the subject.

Mr. MEDILL said that he was accidentally absent during the discussion that had just taken place, and had only resumed his seat in time to hear a part of the remarks of his honorable colleague, [Mr. BOND.] Had his colleague confined his remarks to a mere denial of the correctness of the statement contained in the paper alluded to, he did not know that he would feel called on to make any reply. He was acquainted with but few of the persons named as having been appointed to attend the convention, and had no other information on the subject than he derived through the various papers of the day. He was entirely willing to rest the correctness of the statement with the people of Ohio, on the assertion of the paper in which it is contained, and the denial of his colleague. The names of the delegates that attended the convention from the county in which he, Mr. M. resided, are not given, except to a very limited extent. The official character of the very few that are reported, is correctly designated. Six of them hold appointments under the Federal Government. They are highly respectable, but so far from residing in "log cabins" and depending for a precarious subsistence on "hard cider," he believed the whole six were merchants, of considerable capital, and who indulged pretty largely in the good things for which that county was so distinguished.

But his colleague did not stop here. He had seen proper to avail himself of his privileges on this floor, and the advantages thereby obtained, to satiate his *political hatred*, by an attack on the private reputation of the editor. He would be wanting in respect to himself, as a citizen of Ohio, and to a large majority of those whom he represented here, if he permitted that gentleman to be thus unjustly assailed in his absence, without exposing the motive that prompted so great a departure from the ordinary rules of decorum. As a man of honor and integrity—a citizen whose social intercourse is sought, and almost universally esteemed, he did not know that the Editor of the Statesman would lose any thing by a comparison with any of the delegation on that floor. He had known him long and intimately. He had seen him elected to the House of Representatives by as honest, as respectable, and as truth-loving a constituency, as his honorable colleague himself could boast of. He had seen him transferred from thence to a seat in the Senate by the same constituency, and finally elected by a joint vote of both branches of the Legislature to the responsible office of Printer to the State. Still rising in the estimation and confidence of the public, he was re-elected during the last winter to the same high, responsible office, by a vote of more than two to one in the Legislature of his State. Such, sir, is the character and standing of the individual on whom my honorable colleague would seek to wreak his political enmity to the principles of the Administration.

Mr. BOND said that if his colleague was willing to compare himself with the Editor of the Ohio Statesman, he was at perfect liberty to do so; but that he (Mr. B.) would not agree to be put on a level with him. When his colleague said that he never heard the characters of the Editors of that paper impeached, he confessed he never was more astonished in his life. He had heard one of them published by the name of "lying Jake."

Mr. MEDILL would inquire whom his colleague alluded to.

Mr. BOND said he alluded to Jacob Medary.

Mr. MEDILL said that Jacob Medary was in no way interested in the Statesman or any other paper, either as Editor or publisher.

Mr BOND. Then if he is not the Editor of the Statesman, he is brother of the Editor. He was once interested, and he did not know that he had ceased to be so.

Mr. MEDILL said, that when his colleague dragged into his debates on this floor the names of private individuals residing in his own State, and who were no way connected with the subject under consideration, he should be certain he was correct. As to epithets or cognomens of this kind, we know they are in the gift of all, and are sometives conferred on the most worthy and deserving. His honorable colleague was himself occasionally honored, in some places, with a nearly similar appellation, after the publication of his celebrated speech a year or two since. No one stands higher in the social community in which he resides than the young gentleman alluded to. As to my colleague's unwillingness to be compared to the Editor of the Statesman, perhaps it arises from his apprehensions of the result. If popular confidence at home is the criterion of respectability here, (and I do not know on what else my colleague particularly relies,) then is the Editor his superior.

Mr. WELLER observed, that with the permission of the gentleman from Tennessee, [Mr. WATTERSON,] he would like to say a word to his honorable colleague over the way, [Mr. BOND.] The statement made by the Ohio Statesman in relation to the materials which composed the late Whig Convention, had been impeached by his colleague. All he desired to say on this subject was, that so far as that list gave the business and occupations of the delegates appointed from the district which he had the honor to represent, he believed it was strictly correct. He was personally acquainted with nearly all of the individuals named, and therefore had no hesitancy in making this statement. He would not undertake to say whether it was proper, or even *decent*, for his colleague to drag before this House a private citizen of Ohio, and apply to him the epithet of "Lying Jake." Sir, said Mr. W. if that be *decency*, I should dislike very much to be called a decent man.

[Here the SPEAKER called Mr. W. to order.]

Mr. BOND said that, if his colleague had any thing to say to him personally, here or elsewhere, he was willing to hear it.

Mr. WELLER. All I have to say to the gentleman, I have already said; and I hope he understands me. One other remark, (said Mr. W.) and I have done. My colleague has stated that one of the Editors of the Statesman is known in Ohio by the appellation of "lying Jake." Now, sir, the *veracity* of my honorable colleague will be seen when I state the fact, that the individual to whom he alludes is not one of the Editors of that paper, nor is he connected in any way with the publication of that paper. He is (said Mr. W.) as honorable and respectable a man as there is in the State, and will compare with my honorable colleague in truth and veracity, and every thing else that characterizes the gentleman.

Mr. ANDREWS hoped the gentlemen from Ohio would go into one of the committee rooms and settle their State affairs, and that the order of the proceedings be enforced.

Mr. BOND said he again pronounced the statement false. So far as regarded the county in which he lived, he knew that it was not true. Mr. B. again repeated that this paper was so notorious for its falsehoods, that in one instance one hundred and sixty lies had been detected in it.

Mr. WELLER. Does my colleague mean to say that the statement is false with regard to the persons in the district where I live? If so, I have a word to say to him.

Mr. BOND. I do not speak of the district in which the gentleman lives; but I speak of the county of Muskingum and the county in which I live, and know it is false as regards the individuals belonging to those countries.

Mr. WATTERSON then continued his remarks without further interruption. When he concluded, the House,

On motion of Mr. GENTRY,

Adjourned,

IN SENATE,

FRIDAY, April 3, 1840.

Mr. BUCHANAN presented the memorial of a number of citizens of the State of Pennsylvania, praying the passarge of a bankrupt law.

Mr. ALLEN presented two memorials of inhabitants of Huron county, Ohio, praying the passage of a bankrupt law.

Mr. WRIGHT presented the memorial of a number of citizens of the State of New York, praying the passage of a bankrupt law;

Which were severally referred to the Committee on the Judiciary.

Mr. PORTER presented the memorial of a number of proprietors of American steam vessels, praying a repeal of certain provisions of the act of July 7, 1838; which was laid on the table.

Mr. DAVIS presented the petition of Thomas and Ralph Haskins; which was referred to the Committee on the Judiciary.

Mr. YOUNG submitted a document in relation to the bill

granting to the Mississippi and Rock river Canal company a portion of the public lands for the purposes therein expressed; which was ordered to be printed.

Mr. BUCHANAN submitted additional documents in relation to the memorial of the clerks in the custom-house at Philadelphia; which, with the memorial, were ordered to be printed.

Mr. SOUTHARD presented the petition of William B. McMurtrie.

Mr. HUBBARD, from the Committee on Claims, to which had been referred bills from the House

For the relief of Richard Booker and others;

For the relief of Gamaliel E. Smith; and

For the relief of Thomas W. Taylor;

reported the same severally without amendment.

Mr. H. also from the same committee to which was referred House bills

For the relief of Nicholas Hedges; and

For the relief of James Cox;

made adverse reports thereon respectively.

Mr. H. also, from the same committee, to which was referred the petition on the subject, reported a bill for the relief of N. G. Hamilton; which was read, and ordered to a second reading.

Mr. H. also, from the same committee, to which were referred

The petition of John Scrivener and others;

The petition of N. G. Hamilton; and

The petition of the heirs of John Chalmers;

made adverse reports thereon; which were ordered to be printed.

Mr. STRANGE, from the Committee on the Judiciary, to which was referred the bill for the relief of the administrator of Joseph Edson, made an adverse report thereon; which was ordered to be printed.

Mr. TALLMADGE submitted the following resolution for consideration:

Resolved, That the President be requested to cause to be laid before the Senate, as early as practicable, the whole of the proceedings of a court martial recently assembled at Charlestown, Massachusetts, for the trial of 2d Lieutenant Louis F. Whitney, of the Marine Corps; the charges and specifications against him; as well as all correspondence had in relation thereto, between the Secretary of the Navy, or any one else by his directions, and all other persons whomsoever: also, that he be requested to communicate whether a certain letter, signed "G. W. Davis," containing allegations against Lieut. Whitney, received by the Secretary of the Navy in December last, did not on the trial prove to be fictitious; as well, also, whether any steps have been taken for the purpose of discovering the writer or author of the said letter.

Agreeably to notice, Mr. TALLMADGE asked and obtained leave to bring in a bill to establish an uniform system of bankruptcy throughout the United States; which was read twice, and referred to the Committee on the Judiciary, and ordered to be printed.

Agreeably to previous notice, Mr. SEVIER asked and obtained leave to bring in a bill for the relief of George Duval and others; which was read twice, and referred to the Committee on the Judiciary.

The bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama, was read a third time, and passed.

The bill for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therin can be completed, and for abolishing land offices under certain circumstances, was taken up.

The third section of the bill to abolish the office of Solicitor was stricken out of the bill.

Mr. CLAY of Alabama had then offered an amendment to abolish the office of Recorder of the General Land Office. The amendment was advocated by Mr. CLAY of Alabama, and opposed by Messrs. KING, PRESTON, TAPPAN, and CLAYTON, and rejected—ayes 18, nays 25, as follows:

YEAS—Messrs. Allen, Anderson, Calhoun, Clay of Alabama, Crittenden, Fulton, Grundy, Henderson, Hubbard, Lumpkin, Merrick, Norvell, Pierce, Preston, Roane, Strange, Tappan, and White—18.

NAYS—Messrs. Brown, Buchanan, Clay of Kentucky, Clayton, Davis, Dixon, King, Linn, Mouton, Nicholas, Phelps, Porter, Prentiss, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Sturgeon, Tallmadge, Wall, Webster, Wright, and Young—25.

The bill was then, after being amended on motion of Mr. SMITH of Indiana, ordered to be engrossed for a third reading.

CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was then taken up, the question being on the engrossment of the bill.

Mr. SOUTHARD addressed the Senate at length in opposition to the bill. While he believed fully that Congress had the constitutional power to appropriate money for works of internal improvement, he was opposed to borrowing money for that purpose. The Administration had not recommended this appropriation, the Secretary of the Treasury had not included it in his annual estimates, and he, for one, was not willing to subject himself, and the party with which he acted, to the charge of extravagant appropriations, after the lecture they had received from the Executive on the subject of economy. He adverted to the annual message of the President, and particularly that portion of it recommending economy in the public expenditures, and denounced it as the most impudent and the most insulting lecture that has ever been given to any Congress by any man who has ever honored or dishonored the Executive chair.

Mr. S. was followed by

Mr. CLAY of Kentucky, who said he had always believed that the Constitution conferred the power on Congress to make appropriations for the construction of works of internal improvement. But while he believed this, he could not support the present bill, when it would be necessary to create a national debt to procure funds for carrying on the road. He alluded to the veto on the Maysville road bill, and said that, since that period, the three States of Ohio, Indiana, and Illinois, have had a monopoly of the favors of the Government in the way of appropriations for internal improvement, to the exclusion of all the other States of the Union. He said that these three States had supported the Administration, and the Executive who vetoed the Maysville turnpike road, which was a link in the great southwestern arm of the National road, and now support an Administration pledged to the same principles; and a majority of the delegates from those States have always voted against the bill to distribute the proceeds of the public lands among the several States, which would enable all to participate in the benefits which were now enjoyed by these three States exclusively. He referred to the great expense of the road, which in Indiana cost at the rate of $14,000 per mile, while in Kentucky the State had constructed upwards of six hundred miles of Macadamized road at a rate of about $6000 per mile. He attributed this to a shameful waste of the public money, or that those who had the management of the road considered themselves as entitled to a share of the public spoils, and had governed themselves accordingly. Considering the embarrassed state of the Treasury, and considering the propriety of the members of the Opposition avoiding even the appearance of countenancing extravagant appropriations, he thought the best course would be to remit the whole subject to President Harrison, who would take possession of the White House on the 5th of March, in the year of our Lord one thousand eight hundred and forty-one.

Mr. SMITH of Indiana followed in reply to Messrs. SOUTHARD and CLAY of Kentucky. He examined the several positions assumed by those gentlemen, and argued to show their unsoundness. They had pretended to oppose its present prosecution on the ground that the country was in debt; while the journals would show that those gentlemen had voted for much larger appropriations for this road, when the national debt was ten times greater than at present. They oppose it now when we have a debt of five millions of Treasury notes, and yet they voted for larger appropriations for the road when we had a national debt of fifty millions of dollars. The Senator from Kentucky [Mr. CLAY] had stated that as he had voted against the Treasury Note bill, he felt it would not be right in him to vote for a bill which would draw so much money from the Treasury. But the Senator is well aware that the bill was passed: that the Treasury has been supplied with means, which, if not expended on this road, will be expended on other objects in which the people of the West have no interest. But the Senators from Kentucky [Mr. CLAY] and New Jersey [Mr. SOUTHARD] have given us another reason for voting against this bill—that it has not been recommended by the Administration. This is a strange argument, coming from that quarter. When did they begin to take the recommendations of the Administration as the guide for their conduct? He felt that he was as much disposed as either of those gentlemen to take the Administration for his guide, but he would not permit the recommendation of this Administration, or of any other, to influence him to give a vote which his judgment and conscience told him was wrong. The President had recommended the Sub-Treasury bill. Had either of those gentlemen been influenced by his recommendation? Did they vote for it? I come here, said Mr. S. to represent a sovereign and independent State, and not to represent this Administration; and what I feel that duty to my State and to my country commands me to do, that I will do, utterly regardless whether the Administration points to the right or to the left. While every other appropriation of the Government is supported, this alone is singled out as an object of attack. While millions upon millions are expended on your seaboard, this small appropriation for the favorite measure of the West is to be denied. He had expected that if this great measure was to receive the fatal blow, it would go down by the hands of its enemies, and not by the hands of its professed friends.

Mr. YOUNG followed at length in reply to Messrs. CLAY and SOUTHARD. He said the fiat had gone forth, and the bill must fall; but he said the road would not be relinquished, and the States interested in it would soon be enabled to present it under more potent auspices, if not here, at least in another wing of the Capitol, when he trusted they would be able to make their rights felt and respected. He had thought that when the appropriations in this bill had been cut down to one-half their original amount, it would have been permitted to pass. He scouted the idea that because this country was in debt to the trivial amount of five millions of dollars, that was a sufficient reason for stopping this great national work. We had seen votes appropriating larger sums when the Treasury was in a much worse condition than at present. Mr. Y. then quoted various passages from the journal in support of his argument; and, after some further remarks from Messrs. CLAY of Kentucky, and SMITH of Indiana,

The question was taken, Shall this bill be ordered to be engrossed for a third reading? and the yeas and nays being demanded, it was decided in the negative—ayes 20, noes 22, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Davis, Fulton, Grundy, Linn, Merrick, Nicholas, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Webster, White, Wright, and Young—20.

NAYS—Messrs. Anderson, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Dixon, Henderson, Hubbard, King, Lumpkin, Phelps, Pierce, Prentiss, Preston, Roane, Ruggles, Smith of Connecticut, Southard, and Strange—22.

So the bill was lost.

A motion was then made that the Senate adjourn until Monday next.

Mr. BENTON hoped it would be withdrawn, as the Committee on Military Affairs were anxious that the bill providing for an increase of the military force in the suffering Territory of Florida should be taken up, and he proposed that the bill should be taken up to-morrow.

The motion to adjourn until Monday was sustained, and

The Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, April 3, 1840.

Mr. GALBRAITH, by general consent, laid before the House certain documents in relation to the claim of Mary Brookhausen of Pennsylvania (now aged about 103 years) the widow of Captain Brookhausen deceased; which were referred to the Committee on Revolutionary Pensions.

The CHAIR announced that the business first in order was the resolution reported from the Committee of Elections, by Mr. CAMPBELL, chairman, to print all the testimony in relation to the New Jersey contested election; and the amendment to said resolution by Mr. GARLAND of Louisiana, to discharge the committee from the further consideration of certain testimony now before it, for the purpose of having it printed.

Mr. FILLMORE, who was still entitled to the floor on the above question, defended the positions he had assumed in relation to the difference of opinion existing between the minority and the majority of the committee, as to their proceedings. He intimated that he wished to avoid any difficulty as to those differences of opinion. His object was then as it always had been, peace and harmony. Mr. F. having concluded his remarks, which will be published hereafter,

Mr. CRABB obtained the floor. He wished to say a few words, not because he felt himself implicated by any of the remarks which had been made by members of the majority. The matter had been so long discussed, that he felt the House should be relieved from further infliction by the debate; but he thought it due to his colleagues in the minority to say a few words.

Whatever might be the facts as to the reading of the evidence; whatever gentlemen might remember in regard to it, is not the important question. The burden of the complaint is not as to how much of the testimony was read, but that the committee did not give the testimony due weight. The journal shows the fact that a large portion of the testimony was excluded; and the report of the majority is based on who had the largest number of votes. In justice to his colleagues of the minority, Mr. C. would state what he recollected in regard to the fact of reading the evidence. They were for making a report in favor of those who held the certificates of the Governor, given in pursuance of law, believing it the highest evidence of return. Other gentlemen were in favor of a report made on a different basis. The testimony before the committee was read, just so far as was necessary to determine whether it was competent or not. In regard to the claimants who held the commissions, there was only one deposition read, as he remembered. Mr. C. examined the testimony himself thoroughly, so far as was material to bring his mind to a correct conclusion upon the points raised in committee. The question of legality of votes never was considered; the minority, in their report, had never asserted that the testimony was not read to determine its competency, but that it was not to be read with a view to its effect on the committee. The whole of it never was read, in fact, for any purpose; and little, if any, was ever read with a view to its effect upon any of the questions before the committee. None was read with a view to settle the legality of the votes polled, for that question was never examined by the committee with a view to its determination.

Mr. C. stated his course in reference to the testimony. He had voted against the admission of a large portion of it, adduced by both sides, under the circumstances, mainly with a view to afford an opportunity to the several persons claiming the contested seats to perfect their testimony. He believed it would have been the proper course for both the majority and minority of the committee to have submitted their reports to the House at the same time, that the matter might have gone forth to the country together with the evidence and journal of the committee. The members of the committee stood in a delicate position towards each other; and, in order to avoid differences between them, they should not have taken part in the debate, but left it to the other members of the House. Mr. C. said the report of the minority had been refused an introduction into the House until the majority report had been acted on. If gentlemen would refer to the journal of the 10th of March, previously to the decision of the House on the resolution offered by the gentleman from Pennsylvania, [Mr. PETRIKIN,] they would see that the House did refuse to receive the minority report. It required a vote of two-thirds to receive it; and, in consequence, it was rejected. He said it should have been received, that the views of the minority might have their proper influence. If he was not satisfied that the House was tired of the subject, he would take it up and show the principles of action of the majority and minority, and the motives which actuated himself. But he proposed that the matter might here be closed, and therefore refrained from further remark.

Mr. CUSHING having obtained the floor, said he had sought it for some time in order to bring this discussion to a close. He begged leave to say that this debate, obstructing, as it did during the morning hour, the whole public business, had become a public nuisance. He moved the previous question. [Cries of "Good, good."]

Mr. CAMPBELL of South Carolina appealed to Mr. CUSHING to withdraw the demand for only ten minutes; and he pledged himself not to occupy the House longer than that time.

Mr. WISE suggested that his colleague, [Mr. BOTTS,] a member of the committee, and who was very much interested in this matter in a personal view, was not present. Mr. W. did not know what the gentleman from South Carolina designed to say, but he hoped that, if it was any thing which required explanation or reply from his colleague, an opportunity would be given for reply. Mr. W. saw no reason why the debate should not be arrested now.

After some desultory conversation, Mr. CUSHING said that, as gentlemen all around him objected to his withdrawing the demand for the previous question, he must persist in it.

The previous question was then seconded, and the main question ordered; which main question was on the adoption of the amendment and resolution.

Mr. RICE GARLAND proposed to modify his amendment to read as follows:

"And that the said committee be instructed to report the evidence referred to it on the 6th of March, which was delivered to the chairman of the committee previous to the report being adopted, and which the majority refused to open, or send to the Speaker to be opened, in order that it might be considered, and that the same be printed."

The SPEAKER ruled the modification out of order, because it contained a proposition irrelevant to the matter before the House.

Mr. R. GARLAND then withdrew it.

The question was then taken on the amendment of Mr. G. as originally offered, and it was rejected.

The question recurring on the adoption of the resolution reported by the committee,

Mr. CAMPBELL of South Carolina said he wished to see who would object to printing the testimony, and demanded the yeas and nays; which were ordered, and were—yeas 147, nays 3.

So the resolution was adopted.

Mr. PICKENS, on leave, presented certain documents from the United States Consul at Canton, (Mr. Snow,) in addition to those already laid before the House, which, on motion of Mr. P. were referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. LINCOLN, by the unanimous consent of the House, in behalf of his colleague, Mr. LAWRENCE, who is still confined to his room by sickness, presented the following petitions: The petition of Joseph Balch, president of the Merchants' Insurance Company, and the officers of numerous insurance companies, merchants, shipmasters, shipowners, and pilots, asking for an appropriation for the erection of a light house on Prescot's Rock, in the harbor of Boston; which was referred to the Committee on Commerce. Of John Lilly and others, manufacturers of umbrellas and parasols, asking to have the duty re-

stored; which, by the adjudication of the courts, has been held not to be applicable to those articles when imported into the United States: referred to the Committee of Ways and Means.

Of Phebe Rogers, of Charlestown, Massachusetts, setting forth that her husband was a head rigger, in the employ of the Government, in the navy yard in Charlestown, when he fell from the foreyard of the ship Independence, and was killed: representing, also, her extreme poverty and distress, and asking a provision in her favor: referred to the Committee on Military Affairs.

Of Elizabeth Sweatt, only surviving child of Benjamin Richards, representing that her father was in the service of his country on board the United States brig of war Pickering, in the year 1800, when the vessel was lost, with all on board, and praying that she may be admitted to a participation in the navy pension fund, to which she has been advised that she is entitled: referred to the Committee on Naval Affairs.

Of the heirs of Bartholomew Trose, late of Charlestown, Massachusetts, setting forth the meritorious services of their ancestor in the Revolutionary war, and praying compensation therefor: referred to the Committee on Revolutionary Claims.

Of Benjamin Lyons of Dorchester, Massachusetts, representing his Revolutionary services, and asking to be put upon the roll of Revolutionary Pensioners: referred to the Committee on Revolutionary Pensions.

On motion of Mr. BRIGGS, it was resolved that the rules of the House, as amended, be printed.

The SPEAKER laid before the House further testimony in relation to the New Jersey contested election; which,

On motion of Mr. CAMPBELL of South Carolina, was referred to the Committee of Elections.

Engrossed bill for the relief of John M. Jacqueline, was taken up on its third reading, read the third time, and passed.

The bill for the relief of Bailey and Delord, came up in order, on its third reading, when

Mr. DANA spoke a short time in favor of the bill.

Mr. HAND followed in favor of the bill, and offered an amendment, proposing to allow —— dollars, and —— per centage; and

After some conversation between the SPEAKER and Mr. HAND, the question was taken on the amendment, and it was rejected. The bill was then ordered to be engrossed for a third reading.

On motion, the House then went into Committee of the Whole, (Mr. DAVEE in the chair, on the bills on the private calendar, heretofore referred to it, from No. 57 to 75 inclusive; and after some time spent in the consideration of the same, the committee rose and reported all to the House without amendment, except the bill for the relief of James L. Cochran, the amendment to which was concurred in; and this bill, with all the others, were ordered to be engrossed for a third reading.

The following bills from the Senate, included in those ordered to be engrossed, were read the third time and passed, viz:

An act for the relief of John H. Jacobs; and

An act for the relief of Alvarez Fisk, and the representatives of Thomas P. Eskridge.

The following bills of the House, included in those reported this day from the Committee of the Whole, and ordered to be engrossed, were read the third time and passed, viz:

A bill for the relief of Smith and Farnsworth;

A bill for the relief of Isaac Champlin and others;

A bill for the relief of Robert Milnor and John Thompson;

A bill for the relief of Nathan Levy;

A bill for the relief of Gilbert A. Smith and Nathan Stark;

A bill granting two townships of land for the use of the University of Iowa;

A bill to authorize James Alexander to relinquish certain lands, and to locate other land in lieu thereof;

A bill for the relief of James Brewer;

A bill granting a right of pre-emption to certain lots in the town of Perrysburg, in Ohio;

A bill granting a section of land for the use of schools it St. Clair county, Illinois;

A bill to annex a certain tract of land to the Coosa land district, in the State of Alabama, and for other purposes;

A bill for the relief of Sutton Stephens;

A bill for the relief of the representatives of William Williams, senr. deceased;

A bill for the relief of the representatives of John Gremball, sen. deceased.

On motion of Mr. R. GARLAND, engrossed bill for the relief of Mary Tucker was postponed.

Engrossed bill for the relief of Bailey and Delord, coming up for a third reading,

Mr. HAND spoke at some length, and showed that the bill, in its present form, would be of no utility. If there was justice in the case, of which there could be no doubt, he thought the House ought to do justice. These men made large advances to the Government, when its credit was very low, during the last war, and furnished the troops with supplies; and all the survivors asked was that they should be indemnified for the amount advanced. Mr. H. then moved to recommit the bill to the Committee of Claims, with instructions to report an amendment, allowing $20,000 to the claimants.

Mr. DAWSON said if it was the intention of the House to to change the character of the bill, he thought they had better adopt the amendment; but the committee which reported the bill were unanimous in the conclusions it had come to. The claim was founded on private debts incurred by the soldiers; and he thought it would be a bad principle to establish, to make the Government responsible for debts of that character.

Mr. HAND demanded the yeas and nays on the motion to recommit; which were not, however, ordered.

The question was then taken on the proposition, and rejected; and the bill, as reported from the Committee of the Whole, was read the third time, and passed.

On motion of Mr L WILLIAMS,

Engrossed bill for the relief of Robert Milnor, late gauger of the customs at Philadelphia, was postponed till this day week.

Engrossed bill for the relief of the owners of the schooner Three Brothers, being put upon its passage,

Mr. THOMPSON of Mississippi demanded the yeas and nays; and upon dividing the House to ascertain whether there was a record, there were—ayes 15, nays 40, no quorum voting.

Mr. R. GARLAND moved a call of the House, and demanded the yeas and nays on that motion; which were ordered; and were —yeas 73, nays 20.

So the House determined to have a call, and it was proceeded in till 123 answered to there names; when their being a quorum,

Mr. HOWARD moved to dispense with all further proceedings in the call; which was agreed to—yeas 58, nays 32.

The House then resumed the consideration of the bill, and the question being "Shall the bill pass?"

Mr. THOMPSON of Mississippi said he would oppose the passage of any bill without a quorum of the House; and for the purpose of ascertaining whether there be a quorum, he called for tellers to take a count, which were ordered; and Messrs. THOMPSON of Mississippi, and STEWART having been appointed such, reported that there were—ayes 65, nays 25. No quorum having voted,

Mr. THOMPSON of Mississippi moved that the House adjourn; on which motion the yeas and nays were demanded; and being, ordered, were—yeas 28, nays 100.

So the House having refused to adjourn, and

The question again recurring on the passage of the above bill,

Mr. ADAMS demanded the yeas and nays; which were ordered, and were—yeas 95, nays 30.

So the bill was passed.

Engrossed bill for the relief of John L. Bowman and Enoch J Noyes having received a third reading, and the question being Shall the bill pass?

Mr. THOMPSON of Mississippi called for tellers, and

Mr. ADAMS demanded the yeas and nays.

Mr. ANDREWS moved a call of the House; which was not ordered.

After a few remarks by Mr. EVANS in favor of the bill, and Mr. THOMPSON of Mississippi in opposition,

The yeas and nays were ordered, and were—yeas 88, nays 43.

So the bill was passed.

Mr. ADAMS, by permission, presented the memorial of F. L. Smith, asking the establishment of an Agricultural and Educational Department of Government; which was ordered to be printed.

All the private bills on the SPEAKER'S table having been disposed of,

On motion of Mr. BROWN of Tennessee,

The House, at half past 4 o'clock, adjourned.

The following petitions were presented by Mr. DAVEE of Maine, on Monday, the 30th of March, 1840: Six petitions from the citizens of the State of Maine, praying for a reduction on postage A petition of the inhabitants of Piscataquis county, State of Maine, praying for a mail route from Waverville to Dover, through Pittsfield, Palmyra, Conviana and Dexter. From citizens of Maine, praying the extension of the pension laws in relation to the widows of deceased officers and soldiers of the Revolution Of Isaac Sawyer of Piscataquis county, in the State of Maine, a soldier of the last war with Great Britain, praying for a pension. Of Joshua R. Harvey, of the county of Penobscot, in the State of Maine, a soldier in the late war with Great Britain, praying for a pension. Of John Campbell of the county of Penobscot, in the State of Maine, a soldier in the late war with Great Britain, praying for a pension. Of John Stevens, of the county of Somerset, State of Maine, who served during the war of the Revolution in the privateering service, praying for a pension; which was referred to the Committee on Revolutionary Pensions. Memorials of citizens of Bloomfield and Conneville, State of Maine, against the annexation of Texas to the United States. Two petitions of the inhabitants of Cornville and Bloomfield, praying the recognition of the independence of Hayti by the Government of the United States. A petition of the inhabitants of the State of Maine, praying the adoption of measures for procuring a Congress of Nations for the settlement of international disputes. Memorial of Moses Gilman and 65 others, of the State of Maine, Saugersville, praying that the standing rule adopted by the House of Representatives of the United States, on the 28th of June, 1840, may be rescinded. A petition of Asa Reddington, Robert P. Dunlap, and Edward Kent, a committee of the Temperance Society of the State of Maine, praying that the spirit ration in the navy may be discontinued. Of Allen Rogers, of the State of Maine, stating that a brig belonging to him, brought in from Rio Janeiro to Philadelphia a number of men attached to the United States Exploring Expedition, and that, on the voyage said vessel was compelled to stop at Bahia for a supply of provision; for which, and their incidental expenses, he prays remuneration.

HOUSE OF REPRESENTATIVES,

SATURDAY, April 4, 1840.

Mr JONES of Virginia observed that the difficulties and delays which were daily pre ented in the way of the action of the House on the appropriation bills, the importance of which must be apparent to every one of the members of the House, induced him to ask leave to offer a resolution to bring one of them, at an early day, before the House. He would take occasion to say that it had heretofore been the practice of the House to make bills of this character the special order of the day for every day after one o'clock, till disposed of. In accordance with this practice, the resolution he wished to offer proposed to make the civil and diplomatic appropriation bill the special order for Wednesday next, to continue such every day after one o'clock till disposed of.

Mr. LINCOLN hoped the gentleman would not press his motion at present. It would give rise to debate, and prevent the committees from reporting, which they had had no opportunity of doing this session.

The resolution was then read.

Mr. BRIGGS asked, if the resolution passed, if the appropriation bills would not take precedence over all other business, and if the bill to prevent frauds on the revenue, which was made the special order for Tuesday next, would not be suspended by it.

The SPEAKER answered that the effect of the resolution, if adopted, would be to give the appropriation bills precedence over all other business. The SPEAKER then announced, that if no member objected, the resolution would be received by general consent.

Mr. STANLY rose and said that he objected.

Mr. JONES said he could not consent that the public business should be passed over in this way, without making some effort to prevent it; he therefore moved a suspension of the rules to enable him to submit the resolution, and on that motion, demand d the yeas and nays; which were ordered, and were—yeas 91, nays 31.

So the rules were suspended.

Mr. J. then introduced his resolution, and moved the previous question on its adoption; which was seconded, and the main question ordered; which main question was, "Shall the resolution be adopted?"

Mr. RUSSELL demanded the yeas and nays; which were ordered, and were—yeas 107 nays 53.

So the resolution was adopted.

The SPEAKER said that reports from committees were next in order; and called the committees for that purpose; when

Mr. CONNOR, from the Committee of Ways and Means, reported a bill for the relief of John B. Lasalle; which was twice read, and referred to the Committee of the Whole.

On motion of Mr. CONNOR, the same committee was discharged from the further consideration of a certain memorial and joint resolutions of the Legislature of Michigan for an appropriation to complete roads heretofore commenced by the United States, within the limits of Michigan; and it was ordered to lie on the table.

Mr. J. W. JONES, from the same committee, reported a bill making appropriations for certain fortifications for the year 1840; which was read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. J. W. JONES laid before the House certain estimates of the amount that would be necessary to carry into effect the bill of this session to restore certain invalid and other pensioners the amount of pensions by them relinquished; which was ordered to lie on the table, and be printed.

Mr. EVANS, from the same committee, reported a bill making appropriation for surveys and other purposes; which was twice read, and appropriately committed.

Mr. E also reported an amendment to be moved to the bill to prevent frauds on the revenue, when that bill shall be taken up.

Mr. RHETT, from the same committee, reported a bill for the relief of Thomas Latham; which was read twice, and committed.

Mr. R. GARLAND inquired of the chairman of the Committee of Ways and means whether that committee had yet considered the bill for the continuation of the removal of the Red River raft.

Mr. J. W. JONES was understood to say that it had been considered, and that a member of the committee had been authorized to report it back to the House; but that it had been temporarily laid aside for the purpose of further examination by a member of the committee.

On motion of Mr. RUSSELL, the Committee of Claims was discharged from the further consideration of the petition of Captain William W. Peden, and that he have leave to withdraw his petition.

Mr. R. from the Committee of Claims, reported a bill for the relief of the legal representatives of John Barnes, deceased;

A bill for the relief of the sureties of H. H. B. Hays, late Postmaster at Claiborne, in Alabama; which were read twice, and appropriately committed.

Mr. R. also reported back to the House, Senate bill, entitled "An act to authorize the Secretary of War to adjust and pay to Benjamin Murphy, of Arkansas, the value of his corn, cattle, and hogs, taken by the Cherokee Indians in the month of December, 1828;" with an amendment to strike out the enacting clause; which were committed to the Committee of the Whole.

Mr. R. also made unfavorable reports on the petitions of Austin Brokenbrough, Elizabeth S. W. Bacot, and others; Henrietta Beard, John Balch, James Taylor, of Kentucky; which were severally ordered to lie on the table.

Mr. DAWSON, from the same committee, reported a bill for the relief of General Duncan L. Clinch; and a bill for the relief of John Cocke; which were read twice, and appropriately committed.

Mr. D. also reported back to the House, Senate bill, entitled an act in addition to an act for the relief of Walter Loomis and Abel Gay, approved July 2d, 1836, with an amendment to strike out the enacting clause; and it was committed.

Mr. BANKS, from the same committee, made an unfavorable report on the petition of Andrew Bartle; which was ordered to lie on the table.

Mr. GIDDINGS, from the same committee, made unfavorable reports in the cases of E. P. Miller, Charles Sumpsion, Cyrus E. Scott, and William Rice; which were severally ordered to lie on the table.

On motion of Mr. GIDDINGS,

Ordered, That the Committee of Claims be discharged from the further consideration of the case of H. G. Ramsay, and that it be referred to the Secretary of the Treasury for adjustment.

Mr. GIDDINGS, from the same committee, reported a bill for the relief of the Springfield Manufacturing Company; and a bill for the relief of the legal representatives of Dr. John Gray; which were severally twice read, and committed.

Mr. GALBRAITH, from the same committee, made an unfavorable report on the case of Peter C. Fox; which was ordered to lie on the table.

Mr. J. W. WILLIAMS, from the same committee, reported back to the House, without amendment, Senate bill entitled an act for the relief of William A. Whitehead, late collector of the customs for the port of Key West; which was committed to the Committee of the Whole.

Mr. W. also made an unfavorable report on the petition of Allen Gentry; which was ordered to lie on the table.

Mr. HABERSHAM, from the Committee on Commerce, reported a bill for the relief of the Vestry and Churchwardens of the Protestant Episcopal Church of the parish of St. Philip, in Charleston, South Carolina; which was read twice, and committed.

Mr. TILLINGHAST, on leave, presented a memorial of the masters of vessels and steamboats navigating Naragansett Bay: referred to the Committee of Commerce.

Mr. CURTIS, from the Committee on Commerce, reported back to the House, without amendment, resolution of the Senate authorizing the President of the United States to cause certain surveys to be made: committed.

Mr. C. also reported the following bills, viz:

A bill for the relief of Isaac and Thomas S. Winslow;

A bill for the relief of S. and T. Dorr and Co.;

A bill for the relief of Harvey and Flagg; and

A bill to authorize debenture bonds to be cancelled in certain cases;

which were severally read twice, and committed.

On motion of Mr. WELLER, the Committee of Commerce was discharged from the cases of John Wood and others, and of Betsey Hawley and were ordered to lie on the table.

Mr. W. also made an unfavorable report on the case of John G. Munn and others; which was ordered to lie on the table.

Mr. W. also, from the same committee, reported a bill for the relief of the owners and crew of the schooner Martha, and a bill for the relief of John McColgan; which were read twice, and appropriately committed.

Mr. BURKE, from the same committee, reported

A bill for the relief of Josiah Holmes;

A bill for the relief of Nathan Smith and others;

A bill for the relief of the owners and crew of the schooner Success; and

A bill for the relief of the owners and legal representatives of the crew of the schooner Industry;

which were severally read twice, and committed.

Mr. B. also made unfavorable reports in the cases of Levi Eldridge, John Patterson, John H. Russell, Joseph James, and Josiah Sturges: severally ordered to lie on the table.

Mr. JAMES GARLAND, from the Committee on the Public Lands, reported a bill to extend the time of issuing military land warrants to officers and soldiers of the Revolutionary army; and

A bill to grant a township of land to the State of Virginia, for the use of the Virginia Institution for the education of the deaf and dumb, and the blind;

which were read twice, and appropriately committed.

On motion of Mr. J. GARLAND, the same committee was discharged from the further consideration of the petition of George Mayfield, and it was referred to the Committee on Private Land Claims; and also, it was discharged from the further consideration of the petition of A. W. Hudspeth and others, and the petition ordered to lie on the table.

Mr. CORWIN, from the Committee on the Public Lands, reported a bill prescribing the future mode of selling the public lands in certain land districts in the State of Ohio; which was read twice, and committed.

Mr. REYNOLDS, from the Committee on the Public Lands, reported

A bill for the benefit of James Anderson, of the Territory of Iowa; and

A bill for the relief of Michael Glass of Missouri; which were read twice, and committed.

Mr. R. also made an unfavorable report on the petition of the inhabitants of Cahokia, in relation to school lands: ordered to lie on the table.

Mr. LINCOLN, from the same committee, reported

A bill to compensate the township of Dublin, in Mercer county, Ohio, for the loss of school lands; and

A bill to enable a certain township in Ohio to obtain their school lands, and for other purposes; which were read twice, and committed.

On motion of Mr. WHITE of Kentucky, the Committee on the Public Lands was discharged from the consideration of the cases of Henry Underhill, Samuel Gladney, A. Hudspeth, Tarlton Ellege, James White, Elisha Boon, and John Bartlett; and the petitions were ordered to lie on the table.

Mr. HUBBARD, from the Committee on the Public Lands, reported back to the House, without amendment, Senate bill, entitled "An act to establish an additional land district in the State of Alabama;" which was committed.

Mr. H. also, from the same committee, reported

A bill granting the right of way through the public lands to the different internal improvement companies in the States of Alabama and Mississippi; and

A bill granting the right of pre-emption to persons who had settled upon sixteenth sections previous to their survey; which were read twice, and appropriately committed.

Mr. H. also made unfavorable reports on the petitions of John H. Hickman, John H. Robinson, and Elisha Morehead, and others; which were severally ordered to lie on the table.

Mr. THOMPSON of Mississippi, from the Committee on the Public Lands, made unfavorable reports on the memorial of the trustees of Irwinton Academy, and the memorial of the mayor and aldermen of Wetumpka, in the State of Alabama; which were ordered to lie on the table.

Mr. MARVIN, from the Committee on the Post Office and Post Roads, reported

A bill for the relief of Peters, Moore and Co. and

A bill for the relief of Walker, Caruthers and Co. and of Rhodes and Austill;

which were read twice, and committed.

Mr. McKAY, from the same committee, made unfavorable reports on the petitions of William R. Jenkins, Christian Schuyler, Thomas McMaster, jr. and William Tutern; which were laid on the table.

Mr. BROWN of Mississippi, from the same committee, made unfavorable reports on the petitions of Peter Grinnell, Andrew Craig, William C. Targo, and Joel Beaman; which were ordered to lie on the table.

Mr. LEADBETTER, from the same committee, made an unfavorable report in the case of Robert C. Stickney: ordered to lie on the table.

On motion of Mr. TURNEY, the Committee on the Judiciary was discharged from the further consideration of the case of Simon D. Kittle; and it was ordered to lie on the table.

Mr. T. from the same committee, reported a bill for the relief of James Morrow and Jonathan Tipton; which was read twice, and committed.

Mr. HOFFMAN, from the same committee, reported

A bill for the relief of Goreham A. Worth; and

A bill to regulate the legal proceedings, and to provide for the more speedy trial of causes in the Circuit Court of the United State for the district of Missouri; which were read twice, and committed.

Mr. H also, from the same committee, reported back to the House, without amendment, Senate bill entitled an act to authorize the Secretary of the Treasury to make an arrangement to compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York; which was committed to the Committee of the Whole House on the state of the Union.

Mr. MASON, from the same committee, reported a bill for the relief of David Alspach; which was read twice, and committed.

Mr. M. also, from the same committee, made an unfavorable report on the petition of James P. Carlton; which was ordered to lie on the table.

On motion of Mr. MASON, the Committee on the Judiciary was discharged from the further consideration of the petition of Daniel B. Price, and from the memorial of the Legislative Council of Iowa, for an extension of the jurisdiction of the justices of the peace; and they were ordered to lie on the table.

Mr. SAMUELS, from the Committee on the Judiciary, reported a bill for the relief of Wm. J. Roberts, and a bill for the relief of John Roberts, which were read twice; when

Mr. SAMUELS moved that as these bills contained no appropriation, and as it was important they should be speedily acted on, they should by general consent be engrossed, and placed on the calendar for their final passage.

Mr. BANKS supported this motion, and moved that the bills and reports accompanying them be printed; which was agreed to.

Mr. SAMUELS, from the same committee, reported back to the House, without amendment, Senate bill, entitled an act, supplementary to an act to abolish imprisonment for debt, in certain cases; which was committed.

Mr. BEIRNE, from the Committee for the District of Columbia, reported

A bill to continue the corporate existence of the banks in the District of Columbia, on certain conditions;

A bill to incorporate the Navy Yard Beneficial Society of the city of Washington;

A bill to incorparate the Washington Building and Improvement Company;

A bill to incorporate the Washington city Benevolent Society, and

A bill to incorporate the Lafayette Benevolent Society of the city of Washington;

which bills were severally read twice, and appropriately committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, made unfavorable reports on the cases of the heirs of Dr. John Roberts and Capt. Nathan Lamme; which were ordered to lie on the table.

Mr. TALIAFERRO, from the same committee, reported a bill for the relief of the legal representatives of Thomas Jett, William T. Smith, William Wright, Anthony W. White, Nathaniel Tracy, Thomas Gordon, and Thomas Glascock; and

A bill for the relief of the legal representatives of Thomas Simple, deceased; which bills were read twice, and committed.

Mr. ELY, from the Committee on Revolutiona-

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, APRIL 14, 1840. VOLUME 8.....No. 20.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 19.

ry Claims, made an unfavorable report on the case of the heirs of Jonathan Snowden; which was ordered to lie on the table.

Mr. R. GARLAND, from the Committee on Private Land Claims, reported back to the House Senate bills of the following titles, without amendment, viz:

An act for the relief of Susanna Honeyman and her heirs and assigns;

An act for the relief of Juan Belgar; and

An act authorizing patents to be issued to Joseph Campan, for a certain tract of land in the State of Michigan;

which were severally committed.

Mr. JAMESON, from the Committee on Private Land Claims, reported back to the House, without amendment, Senate bill, entitled an act for the relief of Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom; which was committed to the Committee of the Whole.

Mr. J. also reported a bill granting a special preemption for the benefit of James Shinalt; and

A bill for the benefit of Henry Wilson;

which were read twice, and committed.

Mr. CASEY, from the Committee on Private Land Claims, reported back to the House, without amendment, Senate bill, entitled an act to settle the title to certain tracts of land in the State of Arkansas; which was committed.

Mr. W. O. BUTLER, from the same committee, reported a bill for the relief of George Boon Steele; and

A bill for the relief of Jacob Hays;

which were read twice, and committed.

On motion of Mr. B. the same committee was discharged from the further consideration of the petition of Ward B. Eldred; and it was ordered to lie on the table.

Mr. WILLIAM S. HASTINGS, from the same committee, reported back the the House, without amendment, Senate bill entitled, "An act for the relief of Daniel Marsaque:" committed.

Mr. WICK, from the same Committee, reported a bill for the relief of the heirs of John Thomas, and others; and

A bill for the relief of the widow and heirs of Henry Kenney, deceased;

which were read twice, and committed.

Mr. WICK, from the same committee, reported back to the House, without amendment, Senate bills of the following titles, viz:

An act for the relief of Obed P. Lacy; and

An act to authorize John E. Metcalfe and others to locate certain pre-emption clasm; which were committed.

Mr. W. also made an unfavorable report on the petition of James Brewer; which was ordered to lie on the table.

Mr. DILLETT, from the same committee, reported back to the House without amendment, Senate bills entitled an act for the relief of Madame De Lusser; and an act for the relief of the heirs of Madame De Lusser and their legal representatives; which were committed.

Mr. D. also reported, from the same committee, a bill for the relief of Isaac Norriss; which was read twice, and committed.

Mr. ADAMS, from the Committee on Manufactures, reported a bill to increase the duties upon imported manufactures of silk, which was twice read and committed; and reported back to the House, without amendment, a bill referred to that committee, to repeal an act to release from duty iron prepared for, and actually laid on, railways and inclined planes, approved July 14, 1832, and to graduate the duty paid on such iron hereafter imported from foreign countries, which was committed.

On motion of Mr. ADAMS, the same committee was discharged from the further consideration of the petition of the inhabitants of Chester county, Pa. for a protective tariff; the petition of the inhabitants of the city and county of Philadelphia, tobacco manufacturers; the petition of the manufacturers of putty in the city of New York; the petition of Strickland, Gill, and Campbell, architects; the petition of the American Silk Society; which were severally ordered to lie on the table.

Mr. A. from the same committee, to which had been referred the bill of the House concerning lead imported into the United States, reported it back without amendment and with a request that it do not pass: committed.

Mr. ADAMS, on leave, submitted the following sesolution:

Resolved, That the following addition be made to the fifty-seventh rule for conducting business in this House, viz:

"But no call of the House shall be ordered after ten o'clock at night, and the attendance of no member shall be required after midnight."

Mr. A. gave notice that he should ask for its consideration on Monday.

Mr. BELL, from the Committee on Indian Affairs, reported the following resolution:

Resolved, That the Committee on Ind an Affairs be authorized to employ a clerk, at the usual rate of compensation.

The question being on the passage of the resolution,

Mr. TURNEY demanded the yeas and nays; which were ordered.

A debate here arose, in which Messrs. BELL, L. WILLIAMS, DAVIS of Indiana, CLIFFORD of Maine, and SALTONSTALL, participated.

Mr. VANDERPOEL obtained the floor, advocated the adoption of the resolution, and moved the previous question; which was seconded, and the main question ordered; and

The main question being, "Shall the resolution be adopted?" it was decided in the affirmative by yeas 70, nays 47.

Mr. GOGGIN, from the Committee on Military Affairs, reported a bill allowing rations to Brigadier General John E. Wool, Adjutant and Inspector General of the United States Army; which was read twice, and referred to the Committee of the Whole, and made the order of the day for tomorrow.

Mr. G. from the same committee, made an unfavorable report upon the memorial of Charles Newkirk, of the State of New York; which was laid on the table.

Mr. KEMBLE, from the Committee on Military Affairs, reported a bill respecting enlistments in the army and navy; which was twice read, and committed.

Mr. K. from the same committee, reported back to the House, without amendment, Senate bill, entitled "An act to provide for the armed occupation and settlement of that part of Florida, which is now overrun and infested by marauding bands of hostile Indians;" which was committed.

On motion of Mr. K. the same committee was discharged from the consideration of the case of Dr. William J. J. Morrow; and also from the inquiry as to the propriety of furnishing Colt's patent rifle to citizens of Florida; and they were ordered to lie on the table.

Mr. THOMPSON of South Carolina, from the some committee, reported a bill making provisions to pay a company of volunteers for guarding the emigrating Indians; which was read twice, and committed.

Mr. REED, from the Committee on Naval Affairs, reported a bill for the relief of Commodore Isaac Hull; which was read twice, and committed.

Mr. STORRS, from the Committee on the Judiciary, reported back to the House, without amendment, Senate bill entitled an act to prevent the counterfeiting of any foreign copper, gold, silver, or other coin; and it was committed.

Mr. GRINNELL, from the Committee on Naval Affairs, reported a bill for the relief of William Fabre; which was read twice, and committed.

Mr. PICKENS, from the Committee on Foreign Affairs, reported back to the House, with an amendment to strike out the second section, Senate bill entitled an act regulating commercial intercourse with the port of Cayenne, in the colony of French Guiana, and to remit certain duties; which was committed.

Mr. P. also reported, from the same committee, a bill to regulate the allowance to be made for extra services rendered by secretaries of legation and consuls; which was read twice, and committed.

Mr. CLIFFORD, from the same committee, reported a bill for the relief of Alexander Hammett; which was read twice, and committed.

Mr. CUSHING, from the Committee on Foreign Affairs, to which had been referred sundry memorials, and also resolutions of States, whose claims against the Government of France, prior to the year 1800, were renounced in the treaty of that year, might be indemnified therefor, submitted a report, accompanied with a bill for the relief of the claimants; which he moved to refer to the Committee of the Whole.

Mr. PICKENS submitted a statement on the same subject, from the minority of the committee.

Some discussion followed as to the disposition to be made of the bill, in which Messrs. CUSHING, PICKENS, ANDREWS, WISE, ADAMS, VANDERPOEL, and R. GARLAND, took part; which ended in the reference of the bill to the Committee of the Whole on the state of the Union.

Mr. REYNOLDS, from the Committee on the Public Lands, reported a bill authorizing the selection of school lands, in lieu of those granted to the half breeds of the Sac and Fox Indians; which were twice read, and committed.

Mr. HOWARD, from the Committee on Foreign Affairs, made an unfavorable report on the case of Abagail Dumas; which was ordered to lie on the table.

Mr. RAMSEY, from the Committee on the Territories, reported

A bill in relation to the navigation of the Neenah and Wiskonsin rivers; and

A bill to authorize the erection of a penitentiary in Wiskonsin;

which were read twice, and committed.

Mr. STUART, from the same committee, reported

A bill to construct public buildings in the Territory of Florida, for the use of the courts of justice; and

A bill to establish a land office at Newnanville, in the Territory of Florida;

which were read twice, and committed.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, made unfavorable reports on the petitions of Jane Vreeland Vroomen, Hannah Sturtevant, Lewis Chandler, Patty Barber, Rachael Chandler, Ebenezer Conant, Reuben Roberts, Bennet Barnes, John Bain, David Carroll, David Shockley, Samuel Burret, Dorothy Tatem, Amos Rooke, Ichabod Warden, Desire Jolly, Stephen Palmer, Nicholas d'Leaumont, Jane Van Doren, Sarah Hazzard, Jacob Olinger, Abijah Hitchcock, Delilah Morris, William Wallace, and Polly Hamilton; which were ordered to lie on the table.

Mr. TALIAFERRO made unfavorable reports on the petitions of Sally Stanley, Penelope Plunkett, Andrew Lorky, Wilmot Marsden, L. Smith, May Knapp, John Hoover, John Grimm, Benjamin Chapman, Abigail Yorke, William Wallace, and Ebenezer Stowe; which were ordered to lie on the table.

Mr. ANDREWS, from the Committee on Revolutionary Pensions, reported a bill for the relief of Sarah Moore, of Maryland; which was twice read, and committed.

Mr. A. also made an unfavorable report on the petition of Joseph Hecklebander: ordered to lie on the table.

Also, discharged from the case of Abigail Reeves; which was ordered to lie on the table.

Mr. A. also, from the same committee, reported back to the House, without amendment, Senate bill entitled an act granting a pension to Lemuel White: committed.

Mr. CARR, from the Committee on Revolutionary Pensions, reported

A bill for the relief of the heirs of Elnathan Sears;

A bill for the relief of Mary Williams, widow of Jacob Williams;

A bill for the relief of Samuel Hutchinson;

which were read twice, and committed.

On motion of Mr. CARR, the Committee on Revolutionary Pensions was discharged from the further consideration of the resolution of Nicholas Darnell, and that it be referred to the Committee on Invalid Pensions.

On motion of Mr. C. the committee was discharged from the further consideration of a resolution inquiring into the expediency of establishing a pension agency in Louisville, Ky.

Mr. CARR gave notice that he intended to ask leave, on the first day that it would be in order to do so, to introduce a bill granting a small portion of the public lands to certain volunteers, militia men, and rangers who served ——months in the late war, and who defended the frontier during the late war with Great Britain.

Mr. RANDALL, from the Committee on Invalid Pensions, reported

A bill for the relief Horace B. Abbey; and

A bill for the relief of Isaac Plummer;

which were read twice, and committed.

Mr. R. made an unfavorable report on the petition of David C. Hibbets; which was ordered to lie on the table.

Mr. CHITTENDEN, from the Committee on Invalid Pensions, reported

A bill for the relief of Betsy H. Hartwell, and Zachariah D. Snow;

A bill for the relief of George Barkley and John Weaver;

A bill for the relief of Loro Fisher; and

A bill for the relief of Amaziah Goodwin;

which were read twice, aod appropriately committed.

Mr. C. from the same committee, made adverse reports on the cases of Susan Merrill, James Gee, Elizabeth Gavet, Hopestell Bigelow, Samuel Butler, Jedediah Skinner, and Joseph Hall.

Mr. DOAN, from the same committee, reported the following bills, viz:

For the relief of William Kerns;

For the relief of William S. Merrill; and

For the relief of Maria C. Bell;

which were twice read, and committed.

Mr. D. from the same committee, made adverse reports on the cases of Sutherland Mayfield, Joseph W. Ross, and William Baker.

Mr. S. W. MORRIS, from the same committee, reported

A bill for the relief of William Scott;

A bill for the relief of George Mayfield; and

A bill for the relief of Dennis Dygert;

which were read twice, and committed.

Mr. S. W. M. also made unfavorable reports on the petitions of Jenny Newbit, John Parnell, Jas. Smallwood, James Scott, E. D. Oliver, John J. Smith, and Thos. Morgan; which were laid on the table.

Mr. PALEN, from the same committee, made an unfavorable report on the petition of George Cassedy: ordered to lie on the table.

On motion of Mr. LINCOLN, the Committee on the Public Buildings and Grounds was discharged from the further consideration of the petitions of Samuel Atchison and Rector Mitchell; also, from sundry workmen on the public grounds: referred to the Committee of the Whole on the state of the Union.

Mr. LINCOLN, from the same committee, reported a resolution directing a chandelier to be procured for the hall of the House; and, after a few remarks from Messrs. WISE, LINCOLN, and HABERSHAM, it was postponed till Saturday next.

On motion of Mr. STANLY, from the Committee on the Expenditures on the Public Buildings, it was

Resolved, That the said committee have authority to send for persons and papers.

Mr. DUNCAN presented the petition of Persley Kemper, of Hamilton county, Ohio; which was referred to the Committee on the Judiciary.

Mr. CLIFFORD presented sundry documents in relation to the claim of the heirs of Adam McCulloch to the title to Goat Island, on Cape Porpoise; which were referred to the Committee on Commerce.

Mr. STEENROD, from the Committee on Revolutionary Pensions, reported a bill for the relief of Jacob Baugh; which was read twice, and committed.

On motion of Mr. HOPKINS, the Committee on the Post Office and Post Roads was discharged from the further consideration of the petition of Mary Matilda Dorsey.

Mr. H. presented documents in the casecof Joseph Ramsey; which were referred to the Committee on the Judiciary.

On motion of Mr. MITCHELL,

The House adjourned.

IN SENATE,

MONDAY, April 6, 1840.

Mr. STURGEON presented a memorial from citizens of Philadelphia, praying that effectual measures be taken to suppress the foreign slave trade under the American flag; which was referred to the Committee on Commerce.

Mr. S. also presented a memorial of citizens of the northwestern part of Pennsylvania, praying an appropriation for the improvement of the Allegheny river; which was referred to the Committee on Commerce.

Mr. BROWN presented the memorial of William T. Winn, administrator of Timothy Winn, late a purser in the navy, praying compensation for extra services; which was referred to the Committee on Naval Affairs.

Mr. PORTER presented a memorial from citizens of the county of St Joseph, Michigan, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. P. also presented the memorial of citizens of Racine, Wiskonsin, praying an appropriation for the improvement of the harbor at that place, which was referred to the Committee on Commerce.

Mr. P. also presented a memorial from the proprietors of steam vessels on Lake Erie, praying for a repeal of certain provisions of the law of 1837; which was laid on the table.

Mr. NICHOLAS presented resolutions passed by the General Assembly of the State of Louisiana, instructing the Senators, and requesting the Representatives, of said State in Congress, to use their exertions to procure the establishment of a military post or garrison near Alexandria, in the parish of Rapides, in that State; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. N. also presented resolutions of instruction, from the same body, for the construction of a road from Vidalia to Natchitoches; which was referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. N. also presented similar resolutions of instruction from the same body, to procure the passage of a law giving to the Legislature of Louisiana the power and authority to protect from waste, and to lease or sell the sixteenth sections or school lands in that State, and also to enter a like quantity of other lands where the said sixteenth sections have been previously conceded by valid titles; which was laid on the table, and ordered to be printed.

On motion by Mr. N. the petition of William Duncan, attorney, and the memorial of John Nicholson, executor of Abner L. Duncan, deceased, on the files of the Senate, were referred to the Committee on Claims.

Mr. PRENTISS presented two memorials from citizens of the State of Vermont, praying the passage of a general bankrupt law; which were referred to the Committee on the Judiciary.

Mr. NORVELL presented the memorial of a number of citizens of Chicago, in the State of Illinois, recommending the establishment of a port of entry at that place; which was referred to the Commerce, and ordered to be printed.

Mr. PIERCE presented the petition of a number of citizens of the State of New Hampshire, praying the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. TALLMADGE presented the memorial of a number of citizens of Oswego county, N. Y. praying the passage of a bankrupt law; which was referred to the Committee on the Judiciary.

Mr. T. also presented the petition of a number of citizens of Poughkeepsie, New York, praying a reduction of postage on letters; which was referred to the Committee on the Post Office and Post Roads.

Mr. T. also presented the petition of a number of citizens of Yates county, New York, praying that Florida may not be admitted into the Union as a State, whilst her Constitution tolerates slavery; the motion to receive which was,

On motion by Mr. KING, laid on the table.

Mr. YOUNG presented seven memorials from a number of citizens of the State of Illinois and Territory of Iowa, severally praying the extension of a mail route; which were referred to the Committee on the Post Office and the Post Roads.

Mr. MOUTON presented the petition of L. Bayley; and

The petition of Margaret Deveal, severally praying the confirmation of titles to lands; which were referred to the Committee on Private Land Claims.

Mr. CLAY of Alabama presented the memorial of a large number of highly respectable citizens of Alabama, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BUCHANAN presented the memorial of five hundred of the most respectable citizens of Pittsburg, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. FULTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of causing the name of Benjamin Owen, a Revolutionary soldier, to be placed upon the pension roll.

Mr. HUBBARD submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate cause to be prepared an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the commencement of the Fifteenth Congress; and that he communicate the same to the Senate at the commencement of the next session.

The resolution submitted by Mr. TALLMADGE on Friday last, in relation to the court martial in the case of Lieutenant Whitney, was disagreed to—ayes 16, noes 21.

Mr. KING, from the Committee on Commerce, to which was referred the bill from the House for the relief of Meigs D. Benjamin and Co. reported the same without amendment.

The bill for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therein can be completed, and for abolishing land offices under certain circumstances, and for other purposes, was read a third time, and passed.

The bill to authorize the President of the United States to raise one thousand five hundred men, to serve against the Florida Indians, after some remarks from Messrs. BENTON, PIERCE, LINN, and PRESTON, was ordered to be engrossed for a third reading.

The bill granting to the county of Kalamazoo, in the State of Michigan, the right of pre-emption to a quarter section of land, and for other purposes, after some remarks by Messrs. KING and NORVELL, was ordered to be engrossed for a third reading.

CANAL TO CONNECT THE LAKES.

The Senate proceeded to the consideration of the bill granting to the State of Michigan a quantity of land to aid said State in the construction of a canal around the Falls of St. Marie. The bil

makes a donation to the State, for that purpose, of one hundred thousand acres of land.

Mr. NORVELL said that the proposed canal, when constructed, would connect the navigation of Lake Huron and the lower lakes with Lake Superior. It would not exceed a mile and a half to two miles in length. By surveys and estimates, the cost of the canal for navigation by sloops and schooners would not amount to more than about one hundred and twenty-five thousand dollars. Two hundred thousand, or two hundred and fifty thousand dollars would render it navigable to steamboats. It was a great State work, eminently conducive to the prosperity of the commerce and fisheries of the northwest, and deserving, from its general and commercial character, of the patronage of the Federal Government. The bill was moderate in its demand. It asked only one hundred thousand acres of land to aid the State of Michigan in the construction of the proposed canal. It was unnecessary for him to dilate upon the importance of a work which all, who understood the geography and resources of that fertile and vast region of country, would duly appreciate.

Mr. BENTON observed, that the object of the bill was not only a good, but a great one. A canal opening a communication from the lower Lakes to Lake Superior—a lake, he believed, little, if at all, inferior to the Caspian sea—was a great work. It was second in importance only to the canal around the Falls of the Ohio. He desired to know from the Senator who had charge of the bill, what were the means for making this canal: whether it was to be a State work, or whether it was to be put into the hands of a company, or a corporation.

Mr. NORVELL replied, that the work was to be exclusively a State work. No company or corporation was to have any concern in it He would not himself ask a cent from Congress to aid any corporation, or any monopoly. And, if the Senator from Missouri desired any further assurance, he would have no objection to an amendment to the bill, making the proposed grant to the State, on the condition that the work should be made by her alone, and that she should be its sole owner. With regard to the means for the construction of the canal, he trusted that, by a judicious selection and sale of the land, it would of itself yield a sufficient sum to complete the work.

Mr. HENDERSON said, that he was decidedly in favor of making grants of land to the States for the purpose of constructing works of internal improvement. He should vote for the bill. He was only desirous of ascertaining whether it contained a provision preventing the sale of the land, under the minimum price fixed by law.

The bill was read containing such a provision, and was thereupon, without further debate, ordered to be engrossed for a third reading.

The bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other lands in lieu thereof, was ordered to be engrossed for a third reading.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, April 6, 1840.

The SPEAKER laid before the House a communication from the Navy Department, covering copies of the correspondence heretofore called for in relation to the light-house on Flynn's knoll, &c.: referred to the Committee on Commerce.

Also, sundry depositions in relation to the New Jersey election: referred to the Committee of Elections.

This was the day set apart, by the rules, for the reception of resolutions, &c.

At the adjournment of the House last resolution day, an appeal was pending from the decision of the Chair, and which was taken under the following circumstances:

In pursuance of notice given, Mr. RARIDEN had asked leave to introduce a bill providing for the continuation of the Cumberland road through the States of Ohio, Indiana, and Illinois.

Mr. DROMGOOLE at that time objected to the motion for leave being put, on the ground that he wished to debate it.

The SPEAKER thereupon decided that the motion for leave to introduce a bill must be subject to the restrictions and limitations contained in the rules in relation to resolutions, (that is to say, that any resolutions giving rise to debate must lie over;) and decided, therefore, that this motion for leave, giving rise to debate, must lie over.

Mr. DROMGOOLE moved to lay the motion for leave on the table.

Mr. RARIDEN appealed from the decision of the CHAIR that the motion for leave to introduce a bill, giving rise to debate must lie over.

And the question being on the appeal, the previous question, was moved and seconded, and, pending the main question, the House adjourned.

And the question this morning recurring on the appeal,

Mr. RARIDEN moved a call of the House.

The SPEAKER said the motion was not in order, pending the previous question; but that a call might be had by general consent.

Which having been obtained, the Clerk called the roll, when 117 members answered to their names.

And the names of the absentees having been called, 137 members were ascertained to be present.

When, on motion of Mr. BANKS, all further proceedings in the call were suspended.

And the main question (on the appeal) was ordered to be now taken.

Mr. CASEY asked the yeas and nays on the main question; which were ordered.

And the main question, "Shall the decision of the CHAIR stand as the judgment of the House?" was then taken, and decided in the affirmative: yeas 119, nays 23.

So the decision of the CHAIR was affirmed.

And, thereupon, Mr. RARIDEN withdrew his motion for leave to introduce the said bill.

The SPEAKER then proceeded to call the States for resolutions, commencing where it was suspended on the last resolution day, to wit, the State of Indiana.

Mr. RARIDEN asked the House at this time to take up and consider a resolution heretofore offered by him, calling on the War Department for certain information in relation to the officers of the army employed in paying Indian annuities, &c.

Mr. BANKS objected.

Mr. LEWIS WILLIAMS (remarking that the resolution was a very important one) asked the yeas and nays; which were ordered, and, being taken, were. yeas 71, nays 79.

So the rules were not suspended.

Mr. REYNOLDS, in pursuance of notice heretofore given, asked leave to introduce a bill granting pre-emption rights to settlers on the public lands.

Objection being made,

Mr. R. moved a suspension of the rule, and asked the yeas and nays; which were ordered, and, being taken, were: yeas 67, nays 73.

So the rules were not suspended.

On motion of Mr. CASEY,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reporting a bill providing for the apportionment of the representation under the census of 1840, so as that the Representatives to the Twenty-seventh Congress may be made agreeably to said apportionment and census.

Mr. CRABB moved a suspension of the rule for the purpose of taking up a resolution heretofore offered, providing for an amendment of the Constitution, by which the Presidential term shall be limited to four years.

Mr. C. having explained that his object was to have the resolution referred to the Committee of the Whole on the state of the Union, asked the yeas and nays on the motion to suspend the rule; which were ordered, and, being taken, were—yeas 77, nays 61, not two-thirds.

So the rules were not suspended.

Numerous other motions were made to suspend the rules for the purpose of taking up and considering different resolutions; all which motions were rejected by counts or divisions.

Mr. DOTY, in pursuance of notice, asked leave to introduce a bill to provide for the construction of harbors in Wisconsin.

Also, a bill in relation to the southern boundary of Wisconsin.

Objection was made in both cases.

Mr. DAVIS, of Kentucky, in pursuance of notice, asked leave to introduce a bill vesting the appointment of the district attorneys and marshals of the United States in certain courts thereof, and providing that the emoluments of the said attorneys shall in no case exceed $3,000.

Objection was made, but withdrawn.

And the question being put on leave, no quorum voted.

Mr. DAVIS then asked the yeas and nays, which were ordered, and being taken, were—yeas 60, nays 66.

So leave was refused.

Mr. W. O. BUTLER of Kentucky offered the following:

Resolved, That so much of the 27th rule of this House as requires the member addressing the CHAIR to confine himself to the question under discussion, and which for years past has been obsolete in practice, is essential alike to the progress of business, and the decorum of debate, and ought to be enforced.

Mr. B. disclaimed any intention to reflect upon the SPEAKER.

Mr. WISE made objection, but withdrew it.

Mr. BRIGGS proposed to amend the resolution so as to add to the end thereof the words, "and that this House will sustain the CHAIR in a rigid enforcement of all its rules."

Mr. DAWSON said that, as he supposed the object of the gentleman from Kentucky had been attained by offering the resolution, he (Mr. D.) would move to lay it on the table.

Mr. ATHERTON asked the yeas and nays on that motion.

Mr. ALFORD renewed the objection. The resolution contained a reflection on the SPEAKER, who was not answerable for the disorder of this House. Besides he (Mr. A.) did not wish to gag the Democracy.

Mr. BRIGGS suggested that the objection was now too late, and that the resolution had been received.

The SPEAKER decided the objection to be in order.

Mr. BUTLER thereupon moved a suspension of the rule, and asked the yeas and nays, which were ordered, and being taken, were: Yeas 74, nays 48, as follows:

YEAS—Messrs. John W. Allen, Hugh J. Anderson, Andrews, Atherton, Beatty, Beirne, Blackwell, Bond, Boyd, Briggs, Aaron V. Brown, Burke, W. O. Butler, Bynum, Carr, Casey, Chapman, Clifford, Coles, Conner, Craig, Crary, Cross, Dana, John W. Davis, Dickerson, Doan, Earll, Eastman, Fletcher, Hand, Hawkins, Henry, Hiller, Howard, Jameson, Joseph Johnson, Keim, Kemble, Kille, Leet, Leonard, Lincoln, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Samuel W. Morris, Newhard, Parish, Parmenter, Ramsey, Rariden, Rhett, Robinson, Samuels, John Smith, Starkweather, Steenrod, Stuart, Sweney, Taylor, Philip F. Thomas, Triplett, Turney, Vanderpoel, Vroom, Watterson, Weller, Wick, and Jared W. Williams—74.

NAYS—Messrs. Adams, Alford, Banks, Black, Carter, James Cooper, Cranston, Garret Davis, Dawson, Deberry, Dillet, Duncan, Edwards, Everett, Fillmore, Fisher, Rice Garland, Gates, Giddings, Graham, Graves, Griffin, Grinnell, Habersham, Hawes, Hoffman, Holleman, James, Jenifer, Charles Johnston, Kempshall, Mitchell, Morgan, Ogle, Pope, Raynor, Reed, Reynolds, Ridgway, Russell, Saltonstall, Albert Smith, Sianly, John White, Thomas W. Williams, Lewis Williams, C H. Williams, and Wise—48.

So (two-thirds not voting therefor) the rules were not suspended.

Mr. WISE, (by general consent) presented the petition of one hundred and fifty citizens of the United States, praying for a revision of the punishment of Wm. L. McKenzie; which, on motion of Mr. W. was referred to the Committee on the Judiciary.

Mr. J. W. WILLIAMS offered the following resolution, which lies over:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a military depot near our northern frontier, in the State of New Hampshire.

On motion of Mr. PARMENTER,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of making an appropriation for a survey and examination of the condition of the islands contiguous to the main channel to Boston harbor, and for preparing plans and estimates of the probable cost of seawalls necessary for their protection; and that said committee be also instructed to inquire into the expediency of making an appropriation during the present session of Congress for building a sea-wall for the preservation of either of said islands.

On motion of Mr. W. S. HASTINGS,

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of diffusing information on the process of manufacturing sugar from the beet by procuring the publication of a brief treatise on the subject.

On motion of Mr. CALHOUN,

Resolved, That the Postmaster General report to this House the causes of the delay and irregularity of the mails between the cities of New York and Boston, and especially whether any measures have been adopted, or are in contemplation, to insure to the mail between New York and New Haven the despatch and regularity with which it was carried before the steamboat arrangement was annulled.

On motion of Mr. ADAMS,

Resolved, That the Committee of the Whole on the state of the Union be discharged from the consideration of so much of the message of the President of the United States to Congress at the commencement of their present session as relates to the fraudulent use of our flag by foreigners, and to the sale and transfer of American vessels while abroad, and that the same be referred to the Committee on Commerce, with instructions to investigate that subject, with liberty to send for persons and papers, and to report a bill for the effectual suppression of the abuse of our flag, and the preservation of its integrity and honor.

On motion of Mr. LINCOLN,

Resolved, That the Secretary of the Treasury be instructed to inform this House whether any part, and, if so, what proportion, of the appropriation proposed in the bill reported by the Committee of Ways and Means for the civil and diplomatic expenses of the Government for the year 1840, which are applicable to the construction of the Treasury building and of the Patent Office, have been anticipated in the purchase of materials, or labor performed, up to the present time; and whether, in the estimates made by him, and submitted in his report to Congress, of sums proper to be appropriated to those objects, a sufficient amount will be provided to pay for materials already purchased and labor performed, and to continue the work without interruption through the season, and with the proper force to secure the earliest and most economical completion of the buildings.

On motion of Mr. TILLINGHAST,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reducing the rates of postage, and dispensing with the fractional parts of a cent therein.

On motion of Mr. OSBORNE,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting pensions to Susan Ellwood and Lydia Lockwood; and that this resolution, with the accompanying papers, be referred to that committee.

Mr. EVERETT offered the following resolution, which lies over:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the banks in which Treasury notes, issued under the acts of 1837–'8, and '9, have been, by his department, deposited in consequence of having received certificates of special deposites in specie to the credit of the Treasurer, with the rates of interest on such notes, of the date and amount of each deposite of Treasury notes, and of each certificate of such special deposites in specie, and of the amount standing to the credit of the Treasurer in each of said banks at the date of the first deposite of Treasury notes therein. And also a monthly statement of the amount of all other moneys deposited in such banks to the credit of said Treasurer, and of all drafts drawn against such deposites, stating the transactions with each bank in a separate account. And also, copies of all correspondence between his department and such bank, relating to the making such special deposites in specie, and to the making such deposites in Treasury notes.

On motion of Mr. JONES of New York,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the necessity of establishing a post route from Unionville, in Orange county, New York, to Deckertown, Sussex county, New Jersey.

On motion of Mr. GRINNELL,

Resolved, That the Committee on Commerce be directed to inquire into the expediency of providing by law that the names of the owners shall be inserted in the papers taken by vessels at the custom-houses, expressing therein the interest of the respective owners; and, also, to inquire into the expediency of limiting by law the liability of owners of vessels for damages in cases of injury by collision.

Resolved, That the Secretary of the Treasury be directed to communicate to this House a statement of the several instalments received under the late treaty of indemnity with France, and of the several dividends declared to the claimants, showing the amount of all such instalments and dividends.

Mr. HAND said his colleague [Mr. BREWSTER] was necessarily absent; that on a previous day he [Mr. B.] had given notice of a motion for leave to introduce a bill continuing the improve-

ments of certain harbors, and had requested Mr. H. to ask leave on this day. Mr. H. said this bill was very economical, and merely for the purpose of preserving the works already in progress, and contemplated the appropriation of but a small part of the estimates of the topographical bureau.

Objection being made by Mr. TURNEY, the motion for leave lies over under the rule.

Mr. HAND also desired, if in order, to call up the consideration of the resolution introduced by him on the 10th February, to inquire into the expediency of constructing a military road from Lake Champlain to Lake Ontario. Mr. H. said recent occurrences rendered it proper to turn our eyes that way, and he wished the committee to have the matter under consideration.

The SPEAKER said it was in order to move its consideration, but it would require a vote of two-thirds.

Mr. HAND then so moved; but two-thirds not voting in favor, the motion to consider now was lost.

On motion of Mr. RANDOLPH,

Resolved, That the Secretary of War be required to communicate to this House a copy of a letter addressed to him by the Hon. Ebenezer Tucker, of Tuckerton, N. J. on or about the 13th day of May last, in relation to the protection and improvement of Little Egg harbor.

Mr. KEIM of Pa. offered the following resolution, which, being objected to, lies over:

Resolved, That the Committee on a National Foundry be instructed to inquire at what point in the United States the cheapest and best material can be procured for the manufacture of cannon, having reference not only to the iron and quantity and quality thereof, but also to the fuel necessary to be used, and also, the facilities and cost of transportation of the cannon when completed, to our maritime ports.

Mr. LEET of Pa. offered the following resolution, which, being objected to, lies over:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency and public utility of extending the aid of the General Government to the improvement of the navigation of the Monongahela river, by means of slack water from its higest navigable point in Virginia, and through that State and the State of Pennsylvania, to its junction with the Alleghany river at the city of Pittsburgh; and that said committee have leave to report by bill or otherwise.

On motion of Mr. JENIFER,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of paying to the heirs of Col. John H. Sume the arrears of a pension to which he was entitled under the resolution of Congress of 1776, and that the memorial and accompanying papers of the heirs of the late Major Benjamin Stoddert be taken from the files of the House and referred to the Committee on Revolutionery Claims.

Mr. P. F. THOMAS gave notice of his intention to introduce a bill providing for the surrender of the stocks of the Government in State internal improvement companies, and of all the Government interest, of whatever kind, in internal improvements commenced or completed by the States, and for the cession of so much of the Cumberland road as has not been heretofore ceded to the respective States in which it lies.

On motion of Mr. HILLEN,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of directing an immediate commencement of a fort on Sollers's Point flats, for the defence of the harbor of Baltimore; and that they have leave to report by bill or otherwise.

On motion of Mr. CRAIG,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Lexington, in Virginia, to Rebecca Furnace, in the county of Botetourt, in the same State, by way of the Buffalo read.

Mr. BOTTS offered the following, which lies over:

Resolved, That 1,000 additional copies of the report of the Secretary of War, contained in document No. 1, and accompanying the President's message at the commencement of the present session, be printed for the use of this House.

Mr. BANKS offered the following, which lies over:

Resolved, That 5,000 copies of the explanatory report made by the Secretary of War, bearing date on the 26th day of March last, being Doc. 153, recommending a reorganization of the militia of the United States, be printed for the use of this House.

On motion of Mr. JOHNSON, of Virginia,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring to the pension roll the name of William Pepper, of the State of Virginia.

On motion of Mr. HOPKINS,

Resolved, That the Select Committee on the Offices and Officers of the House of Representatives, be authorized and instructed to inquire into the extent of the agency of any of the present officers of the House of Representatives in the prosecution of private claims against the Government, the rate of compensation charged, and the manner in which such agents, if any, have procured and prosecuted such claims, and report thereon to this House.

Mr. WISE offered the following, which, being objected to, lies over under the rule:

Resolved, That the Secretary of War be, and he is hereby requested, to lay before this House, as soon as practicable, a report of a full and connected system of national defence, embracing steam and other vessels of war, and "floating batteries" for coast and harbor defence; and national foundries, and the internal means auxiliary to these for transportation and other warlike uses by land; and that he be requested to furnish this House with the reports submitted to his Department at any time by Major General Edmund P. Gaines, or other person or persons of professional experience, of their "plans of defence," if any such have been submitted, with the views of the Secretary of War thereon. And that the Secretary furnish an estimate of the expenses of his own and other plans he may report, distinguishing such parts of plans as ought to be immediately adopted and prosecuted, with the probable cost and time of their prosecution and commencement.

On motion of Mr. RAYNER,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting a bill to abolish the port of entry at Currituck, North Carolina.

On motion of Mr. STANLY,

Resolved, That the report of the minority of the Committee of Elections, in the New Jersey case, be printed with the report of the majority of said committee.

On motion of Mr. W. THOMPSON,

Resolved, That the Secretary of the Navy be requested to communicate to this House all the information in his possession as to the fitness of Pensacola, or any other point on the Gulf of Mexico, for a dry dock and naval depot.

On motion of Mr. BLACK,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of making provision, by law, during the present session, for the payment of troops called into service by the Executive of the State of Georgia, to repel the invasion of the Indians in the neighborhood of the Okafinoka swamp, and the expenses incident thereto; and that a letter from the Governor of Georgia to the Delegation from the State, enclosing one from the acting Secretary of War on that subject, and all other papers in relation thereto, be referred to the said committee.

On motion of Mr. BLACK,

Resolved, That the claim of Capt. Thomas C. Rudolph, of the revenue cutter service, for compensation for services by him performed for this Government, be referred to the Committee of Claims, together with all the papers relating thereto.

On motion of Mr. DAWSON,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation, by Congress, of a sum of money which may be deemed sufficient, in their opinion, to procure the removal of obstructions, &c. in the Savannah river, set forth in the report of Captain Mackay, of the Corps of Engineers, made on the 6th of December, 1839, and forwarded to Col. J. J. Abert, of the Corps of Topographical Engineers; and that the letter of the Mayor of the city of Savannah, with the report and survey of Captain Mackay, be referred to the Committee on Commerce.

On motion of Mr. HABERSHAM,

Resolved, That the Secretary of the Navy communicate to this House whether a naval station has been established at any place south of the Chesapeake bay, and, if so, where? Also, the reasons for the selection of the particular place, together with all the correspondence he may have had on the subject; and that he be requested to cause to be communicated the report made by the commissioner appointed by the Government to survey the coast, and particularly the harbors south of the Chesapeake, with a view to the selection of the most eligible place for a naval station and navy yard; and that he be requested to present his views upon the propriety and necessity of an appropriation being immediately made by Congress for the purpose of establishing not only a station for the navy, but for a navy yard.

On motion of Mr. BLACK,

Resolved, That the Committee of Claims be instructed to inquire into the expediency of making provision by law, during the present session, for the repayment of moneys advanced by the citizens of Camden county, Georgia, in 1836, to the Camden and Glynn county volunteers.

Mr. BLACK offered the following; which lies over:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of building a custom-house for the use of this Government in the city of Savannah, Georgia; and that they report a provision by law during the present session for the construction thereof, and that all the papers relative thereto be referred to said committee.

On motion of Mr. ANDREWS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of discontinuing the present mail route from Flemsburg, Kentucky, to Elizaville, Kentucky, and of creating a mail route in lieu thereof from Mayslick, Kentucky, to said town of Elizaville, Kentucky.

On motion of Mr. G. DAVIS,

Resolved, That the papers connected with the claim of the heirs of Peter Moore, deceased, be referred to the Committee on Revolutionary Claims, with instructions to report by bill or otherwise.

Mr. UNDERWOOD offered the following resolution, which lies over:

Resolved, That, on those days set apart by the rules of the House for calling the States for resolutions, the Speaker shall take up and dispose of all the resolutions lying on the table before proceeding with the call of the States for other resolutions:

Mr. DUNCAN offered the following resolution, which lies over:

Resolved, That five thousand copies be printed of all the documents and correspondence on the subject of the Northeastern boundary of the United States, which have been communicated to the Senate or House of Representatives during the present session of Congress.

On motion of Mr. MASON,

Resolved, That the Committee on the Expenditures on the Public Buildings be instructed to report to this House the amount expended on each of the public buildings in the city of Washington, since the commencement of the Treasury building and the Patent Office; and, also, to report whether the money expended has been drawn from funds appropriated for that purpose.

Mr. PARISH offered the following, which lies over, under the rule, one day:

Resolved, That the Secretary of the Treasury communicate to Congress, as early as practicable, a statement of the receipts and expenditures of the Government of the United States from December 31, 1829, to January 1, 1840, and the balance of money in the Treasury at the close of each year during that period; also, all appropriations made by law for the same time; adopting, as far as convenient for such statements, the form used by the Secretary of the Treasury in his reports on these subjects, dated April 9, 1830; and that he designate how much of such expenditures have been made in each State and Territory for fortifications, light-houses, public debt, Revolutionary and other pensions, and internal improvements, according to the form adopted in the report of the Secretary of the Treasury to this House, dated December 20, 1830.

On motion of Mr. J. W. DAVIS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of changing the mail route from Clinton, in Indiana, to Ono, in Illinois, so as to include New Market, in Vigo county, Indiana.

On motion of Mr. CARR,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route, commencing at Brownstown, Jackson county, Indiana, via Lutze's mills, on Salt creek, and thence to Nashville, the county seat of Brown county, Indiana.

On motion of Mr. PROFFIT,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making a donation of lands lying within the State of Indiana to the State of Indiana, for the purpose of improving the navigation of the Wabash river.

Mr. PROFFIT moved the following resolution; and, debate arising, it was laid over, under the rule, viz:

Resolved, That the Secretary of War be directed to order the United States Engineers now superintending that part of the Cumberland road lying within the State of Indiana to make a survey of the route for a canal from New Harmony to Mount Vernon, in the State of Indiana, (provided their services are not required during the year 1840 on said Cumberland road;) and that the Secretary instruct said Engineers to report the probable cost of said canal.

Mr. CARR, in accordance with notice heretofore given, introduced a bill granting a bounty in land to the organized militia-men, volunteers, and rangers who defended the country during the late war with Great Britain.

Objections being made, it is ordered to lie over for consideration hereafter.

On motion of Mr. JACOB THOMPSON,

Resolved, That the Committee on the Public Lands be instructed to inquire into the propriety of making a proper compensation to the State of Mississippi, for the loss of the sixteenth sections in the Chicasaw and Choctaw cessions of land in said State.

On motion of Mr. STUART,

Resolved, That the Commissioner of the General Land Office be required to furnish this House with the names of each of the soldiers to whom patents were issued for land lying in the Military Bounty District in the State of Illinois, for services in the late war; the description of the tract of land granted to each, with the date of the patent, the place of residence of each, the company and regiment in which they severally served, and by whom each patent was received.

Mr. CASEY offered the following, which, being objected to, lies over under the rule:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause to be communicated to this House a tabular statement, showing what would have been the receipts into the Treasury, calculated on the whole amount of imports in each year, from the 4th of March, 1829, to the present time, had the duties remained as they were fixed by the act of 1828; 2. The actual receipts from the customs; and, 3. The amount of reductions effected by the several alterations of the tariff subsequent to the aforesaid 4th of March, 1829. That he also prepare a tabular statement, showing the receipts and reductions as above, on some leading articles, such as coffee, tea, salt, iron, sewing silk, worsted, stuff goods, and any others that may be selected.

On motion of Mr. CRABB,

Resolved, That the Committee on the Militia be instructed to inquire into the present mode of distributing among the several States public arms and accoutrements, under the annual appropriation by the General Government for that purpose, with a view to ascertain and report to this House whether the distributions heretofore made have been equitable, and in practical conformity to the bases upon which they have been professedly made, and if not, what amendment of the law of the subject will insure a just distribution.

Mr. CHAPMAN, of Alabama, offered the following resolution, which lies over:

Resolved, That the Committee on the Public Lands be instructed to report a bill to revive and continue in force the bill to grant pre-emption rights to settlers on the public lands, approved the 22d day of June, 1838, so as to provide for all settlers on the public lands, on or before the 1st day of March last, and to limit said bill to two years from the 22d day of June next.

On motion of Mr. JAMESON,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing Henry Overly a pension from the time he was disabled (being about the beginning of November. 1777,) to the time he was placed on the pension roll, under the act of the 3d of March, 1809.

On motion of Mr. MILLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following described post roads in the State of Missouri, viz:

From the town of New Madrid, New Madrid county, to Smith's Landing, on the Mississippi river, in said county; from Paris, Monroe county, by way of Woodville, to Bloomington, in Macon county; and from Mount Pleasant, in Barry county, to Neosho, in Newton county.

On motion of Mr. CROSS,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry at or near Van Buren, on the Arkansas, and at some point near the mouth of Little river and Red river.

Resolved, That the Secretary of the Treasury be directed to communicate to this House whether, under existing laws, drawback of duties is, or, in his opinion, can be, allowed on goods used in carrying on an inland trade between the United States and the Republic of Mexico; and whether any, and what plan, could be most conveniently adopted for that purpose. Also, any information in his power in relation to the annual amount of said trade, the route or routes by which it is carried on, and in what the same consists.

On motion of Mr. DOWNING,

Resolved, That the Secretary of War be directed to communicate to this House a copy of the charges preferred against F. L. Dancey, for alleged frauds against the United States as special superintendent of the sea wall at St. Augustine, Florida, together with all the correspondence and evidence of said charges, the reports of Captain Mansfield and Lieutenant Benham, in relation thereto, and, also, all other information on that subject in the possession of the War Department.

On motion of Mr. CHAPMAN, of Iowa,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reporting a joint resolution postponing any further public sales of lands in the Territory of Iowa until 1841—the sum of nearly half a million of dollars having been received by the Government from the sale of lands in the year 1840.

Mr. CHAPMAN gave notice of his intention to introduce a bill to provide for the sales of the public lands in such manner as to avoid sudden drains of the circulating medium from the ordinary business transactions of the country, and to prevent

fluctuations in the revenue of the Government derived from the sales of the lands.

Resolved, That the President of the United States be requested, if not incompatible with the public interest, to communicate to this House any information in the possession of the Executive Department, showing the warlike preparations of Great Britain by introducing troops into Canada or New Brunswick, or erecting or repairing fortifications on the Northern or Northeastern boundary, or by preparing naval armaments on any of the great northern lakes or the waters connected therewith; and, also, what preparations, if any, have been made by this Government to put the United States, and especially the Northern and Northeastern frontier, in a state of defence.

On motion of Mr. BRIGGS,

Resolved, That the Committee on Manufactures be instructed to inquire into the expediency of laying duties on imported wines, foreign silks, silk worsted goods, and such foreign articles of luxury that are now duty free, as come in competition with the growth of our own soil, or the products of our labor and yield no revenue to the Government.

On motion of Mr. WELLER,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Piqua, in Maine county, Ohio, via Jacksonville, Fort Recovery, and Alexandria, to Buffalo, in Wells county, Indiana; and that the memorial hereto attached be referred to said committee.

On motion of Mr. DOTY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in Wiskonsin, to wit:

From Milwaukee, by Greenfield, New Berlin, Mukwonago, East Troy, Troy, Elkhorn, Delavan, and Turtle creek, to Beloit.

From Fox lake, by Watertown, Jefferson, Whitewater, Elkhorn, and Geneva, to Chicago.

From Prairie du Chien, by Wingville, Belmont, Elkgrove, Millseat bend, New Diggings, Gratiot's grove, Waddam's grove, and Bald knob, to Boonsboro.

From Racine, by Ive's grove, Sugar creek, Jonesville, Monroe, on the United States road, to Sinapee.

From Green bay, by Depere, Caukaunah, Little Butte des Morts, and Oshkosh, to Fond du Lac.

From Fort Winnebago, by Dekorra and Helena, to Wingville.

From Fond du Lac, by Munnomonee falls, to Milwaukee.

From Milwaukee, by Lisbon, Hatch's mill, and Piperville, to Watertown.

From Madison to Watertown.

From Troy, by Round and Prairie, to Whitewater.

From Fort Winnebago to Plover portage, on the Upper Wiskonsin.

From Senapee to Galena.

From Van Buren, by Lafayette and Osceola, to Senapee.

From Galena, by New Diggings, Millseat bend, Bower's branch, and Baltimore, to Mineral Point.

From Dekorra to Prairie du Sac.

From Prairie du Chien, by Grand Gris, Wright's Ferry, and Warner's, to the United States road at Daniel's farm.

From Sacville, by the forks of the Milwaukee, in township 3 range 19, to the United States road.

From Sheboygan to Fond du Lac.

On motion of Mr. FILLMORE,

IN SENATE,

TUESDAY, April 7, 1840.

The VICE PRESIDENT laid before the Senate a report from the Secretary of the Treasury, in compliance with the provisions of the act of June 25, 1834, regulating the value of certain foreign gold coins within the United States; which was referred to the Committee on Finance, and ordered to be printed.

Mr. WHITE presented a memorial from citizens of Tippecanoe county, Indiana, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CALHOUN presented a memorial of citizens of New York, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WALKER presented the petition of John Hutchins; which was referred to the Committee on the Public Lands.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the bill for the relief of George Duvall, reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred House bill for the relief of Captain John Downes, reported the same without amendment.

Mr. H. from the same committee, to which were referred the bills from the House

For the relief of John Underwood; and

For the relief of Sylvester Phelps, and the heirs of Charles Landon;

made unfavorable reports thereon; which were ordered to be printed.

Mr. H. also, from the same committee, to which was referred the petition of James Rhinehart, made an adverse report thereon.

DEATH OF THE HON. THADDEUS BETTS.

Mr. SMITH of Connecticut addressed the Senate as follows:

Mr. PRESIDENT: The melancholy duty devolves upon me to announce to the Senate the death of my colleague, the Hon. THADDEUS BETTS, who departed this life this morning, a few minutes before six o'clock. I visited him yesterday at his lodgings, and though I was strongly impressed with the opinion of the malignancy of his disease, it did not seem to be the opinion of those around him that he was in any immediate danger. My own indisposition, I trust, will be a sufficient apology for the brevity of my remarks on this melancholy occasion. Mr. BETTS was a man of a high order of intellect, and of varied and extensive acquirements. The confidence of the people of his State in his abilities and worth, was manifested by the many elevated and important public trusts to which their voices called him, and he discharged their various duties with honor to himself, and satisfaction to the public. At the bar, few enjoyed a higher reputation, and the urbanity and courtesy which marked his intercourse with his professional brethren, made him a general favorite. In the relations of friend and citizen, the testimony of all who had the pleasure of his acquaintance, will be given to the high estimation in which he was held.

And though all his acquaintances mourn his loss, none can feel their bereavement with such intensity as those who looked to him as their protector: the wife has lost in him a kind and devoted husband; the children a fond and affectionate father.

Mr. DAVIS then submitted the following resolutions:

Resolved unanimously, That a committee be appointed to take order for superintending the funeral of the Hon. THADDEUS BETTS, which will take place to-morrow, at half past 12 o'clock; that the Senate will attend the same, and that notice thereof be given to the House of Representatives.

Resolved unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon. THADDEUS BETTS, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape on the left arm.

Resolved unanimously, That, as an additional mark of respect for the memory of the Hon. THADDEUS BETTS, the Senate do now adjourn.

The resolutions were unanimously adopted, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 7th, 1840.

The SPEAKER laid before the House the following message from the President of the United States:

WASHINGTON CITY, April 3, 1840.

SIR: In compliance with a resolution of the House of Representatives of the 9th ultimo, I communicate herewith, accompanied by a report from the Secretary of War, "copies of the arrangement entered into between the Governor of Maine and Sir John Harvey, Lieutenant Governor of New Brunswick, through the mediation of Major General Scott, in the month of March last, 1839, together with copies of the instructions given to General Scott, and of all correspondence with him relating to the subject of controversy between the State of Maine and the Province of New Brunswick."

Very respectfully

Your obedient servant,

M. VAN BUREN.

Honorable R. M. T. HUNTER,

Speaker of the House of Representatives.

On motion of Mr. CLIFFORD, it was referred to the Committee on Foreign Affairs, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, made in compliance with an act of Congress of 28th June, 1834, enclosing a copy of a statement from the Director of the Mint at Philadelphia, showing the result of the assays made at that Mint of the coins referred to in said act; which was read, and,

On motion of Mr. FILLMORE, ordered to lie on the table, and be printed.

Mr. SWENEY said he on yesterday voted against granting leave to the gentleman from Kentucky [Mr. DAVIS] to introduce a bill vesting the appointment of District Attorneys and Marshals of the United States, in certain courts thereof, and providing that the emoluments of the said attorneys shall, in no case, exceed $3,000. He had since learned that the bill was one of some importance; and he thought that it should, at least, be received and referred to an appropriate committee for examination. Some of the marshals, he was told, received at least $20,000 annually, by way of fees. Such should not be the case. He did not wish the motion to be decided at that time. He then made the motion to reconsider, and moved that the question thereon be postponed till Monday week; which motion was agreed to.

Mr. REED, from the Committee on Foreign Affairs, made some remarks in relation to a memorial from numerous seamen, praying Congress to legislate for their relief, which had been referred to [illegible] committee. He said it was a subject which properly belonged to the Committee on Commerce. On his motion, the Committee on Foreign Affairs was discharged from its further consideration, and it was referred to the Committee on Commerce.

This being the day specially set apart for the consideration of the bill to prevent frauds on the revenue, some conversation took place between Messrs. ADAMS, J. W. JONES of Virginia, and BROWN of Tennessee, as to the comparative importance of giving priority to the diplomatic appropriation bill, which had been made the special order of the day for Wednesday, in preference to the bill above; both of which special orders were necessarily postponed, in consequence of the melancholy event which is announced below. The subject was, however, disposed of by

Mr. ADAMS, on whose motion the bill to prevent frauds on the revenue was made the special order of the day for Wednesday week.

Mr. HAND rose and said that he asked the indulgence of the House to allow him to offer a resolution calling on the Secretary of War for his plan for the permanent defence of the Northern and Northeastern frontier. Mr. H. said his colleague [Mr. FILLMORE,] yesterday offered a resolution of inquiry of the President, but that, as to the defences on our side, he believed embraced only the *present* "preparations" of our Government. He had also been informed that the Military Committee here sent an inquiry to the Secretary, but that was rather confined to estimates of expenses. Now, Mr. H. desired to see the general plan of the Secretary for our permanent defence. He believed that as to the Western frontier, one had been already submitted, and he was informed that one had been matured for the Northern and Northeastern. That he desired should be communicated to this House, and through it to the nation, that action could be had understandingly, and in any manner that might be thought judicious.

Mr. H. then offered the following resolution, which was read:

Resolved, That the Secretary of War be requested to communicate to this House what works he considers necessary to be constructed in order to place the Northern and Northeastern frontiers in a proper and permanent state of defence.

Mr. THOMPSON of South Carolina was understood to object to the resolution.

Mr. WISE said he yesterday offered a resolution, which he thought no gentleman would have objected to, calling on the Secretary of War to give to the House a connected system of defences for all our exposed territory. That resolution, however, was not considered. Now, he apprehended that if we should go to war with Great Britain for the sake of this Aroostook country, that that would not be the point attacked. No; the great point of attack would be the seaboard cities. New York would be struck and laid under contribution; so, also, would New Orleans, Philadelphia, and Boston; and he might be be permitted to say, that with his knowledge of our present means of defence, one single steam frigate, with her gun amid ships, would sink the great ship Pennsylvania with one shot. and that three such steam ships would be sufficient to lay any of our seaboard cities under contribution. It would require 11,000 guns to man our fortifications, and we had not, he believed, 1,100. He was for calling on the Secretary of War for a plan for the defence of the whole country, and not for a single portion of it.

Mr. HAND then moved for a suspension of the rules, to enable him to offer his resolution. He did not see how the gentleman from Virginia could have any objection to the introduction of the resolution, as it would be open to amendment.

The question was then taken on suspending the rules, and decided in the affirmative—yeas 93, nays 42, there being two-thirds in the affirmative, which were as follows:

YEAS—Messrs. Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Aaron V. Brown, Burke, Wm. O. Butler, John Campbell, Carter, Casey, Chittenden, Clifford, Colquitt, Conner, Craig, Cranston, Crary, Crockett, Cross, Cushing, Dana, Dickerson, Doan, Doig, Duncan, Earll, Eastman, Ely, Everett, Fillmore, Fine, Fisher, Fletcher, Galbraith, James Garland, Granger, Hall, Hand, John Hastings, Hawkins, Henry, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kempshall, Leet, Lewis, Lowell, Lucas, McClellan, McCulloch, Mallory, Marvin, Mitchell, Montgomery, Newhard, Ogle, Parish, Parmenter, Paynter, Prentiss, Reynolds, Samuels, Shaw, John Smith, Truman Smith, Starkweather, Steenrod, Strong, Stuart, Swearingen, Sweney, Philip F. Thomas, Turney, Underwood, Vanderpoel, Vroom, Peter J. Wagener, Warren, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, Christopher H. Williams, and Wise—93.

NAYS—Messrs. Adams, Alford, Bell, Bond, Briggs, Brockway, Albert G. Brown, Chapman, Chinn, Coles, Jas. Cooper, Corwin, Crabb, Garret Davis, Dawson, Dillet, Edwards, Rice Garland, Gentry, Giddings, Griffin, Grinnel, Habersham, W. S. Hastings, Hawes, Charles Johnston, King, McCarty, Nisbet, Palen, Preffit, Randolph, Rariden, Russell, Shepard, Taliaferro, Waddy Thompson, Tillinghast, Triplett, Trumbull, John White, and Lewis Williams—42.

Mr. HAND then submitted his resolution, which was read; and before taking the question on which, however,

A message was received from the Senate by Mr. DICKINS, their Secretary, announcing the death of the Hon. THADDEUS BETTS, late a Senator from Connecticut; which having been read,

Mr. OSBORNE, of Connecticut, then rose and said:

Mr. SPEAKER: The sudden and unexpected death of my distinguished friend, which has just been announced to the House, has filled my heart with grief so overwhelming, that I can hardly trust myself to pay the usual tribute to his memory. He has been taken from his friends, from society, and from the councils of the nation, in the meridian of his usefulness, and the fulness of his intellect.

I cannot here attempt to sketch the character or do justice to the eminent talents and manly virtues of my deceased friend. He was distinguished for acuteness of intellect, vigor of understanding, and soundness of judgment, no less than for the nobleness of his soul and the probity of his life.

The deceased was educated to the profession of law, and was early brought in contact with the most eminent men that have ever adorned the bar of New England. It is sufficient to say that he sustained and distinguished himself among such men as Daggett, Sherman, Smith, and Sherwood.

In all the relations of life, his character was marked with honor and integrity. He had filled many important public trusts in his own State, and was at length called to represent her in the higher branch of the National Legislature. Had his life been preserved, he would have become one of its most useful and distinguished members. But Connecticut has again been called to mourn the loss of a distinguished citizen and Senator. Let us bow with submission to the dispensations of Providence.

This is not the place to indulge in private griefs. I will only say, that a wife has lost a husband, children have lost a father, and a wide circle have lost a friend; their only consolation is in the hopes and promises of that religion of which the deceased was, I trust, a sincere professor.

Mr. O. concluded by offering the following resolution:

Resolved, unanimously, That this House will attend the funeral of the Hon. THADDEUS BETTS, late a member of the Senate from the State of Connecticut, to-morrow, at half past 12 o'clock; and as a testimony of respect for the memory of the deceased, will go into mourning, and wear crape for thirty days.

Which was unanimously adopted; when,

On motion of Mr. STORRS, from Connecticut, as a further testimony of respect for the memory of the deceased,

The House adjourned till to-morrow morning, at 12½ o'clock.

IN SENATE,

WEDNESDAY, April 8, 1840.

The Senate met at 12 o'clock, pursuant to adjournment, for the purpose of attending the funeral obsequies of the Hon. THADDEUS BETTS, late a Senator from the State of Connecticut.

The Committee of Arrangements, Pall-bearers, and Mourners, attended at Mr. Hyatt's, the late

residence of the deceased, at eleven o'clock, a. m. at which time the body was removed, in charge of the Committee of Arrangements, attended by the Sergeans-at-Arms of the Senate, to the Senate Chamber, where the funeral service was performed by the Rev. Mr. BATES, and the sermon preached by the Rev. Mr. COOKMAN.

The funeral procession then proceeded to the place of interment in the following order:

The Chaplains of both Houses.

Physicians who attended the deceased.

Committee of Arrangements:

Mr. DAVIS, Mr. LINN,
Mr. CRITTENDEN, Mr. PIERCE.
Mr. HENDERSON.

Pall Bearers.

Mr. CLAY, of Ky. Mr. LUMPKIN,
Mr. CLAYTON, Mr. PRESTON,
Mr. DIXON, Mr. ROANE.

The Family and Friends of the deceased.

The Senator and Representatives from the State of Connecticut, as mourners.

The Sergeant-at-Arms of the Senate of the United States.

The Senate of the United States, preceded by the Vice President and Secretary.

The Sergeant-at-Arms of the House of Representatives.

The House of Representatives, preceded by their Speaker and Clerk.

The President of the United States.

Heads of Departments.

Foreign Ministers.

Citizens and Strangers.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 8, 1840.

The House assembled, pursuant to adjournment; and, after the journal was read,

Mr. ADAMS rose and said that, in order that the House might carry into effect the resolution adopted on yesterday, in relation to attending the funeral of THADDEUS BETTS, deceased, Senator from the State of Connecticut, he would move that the House adjourn; which motion being concurred in,

The House adjourned.

[Mr. MILLER moved, on the 17th February, that the petitions and papers of the following named persons, citizens of Missouri, heretofore presented to Congress, and now on the files of the House, be taken therefrom, and referred to the several committees hereafter named, viz: That the petition and papers of Francis Roy, Austin Foy, and John B. Danger, claiming compensation for depredations committed on their property by certain Indians therein named, be taken from the files of the House, and referred to the Committee of Claims; that the petition and papers of the heirs of Apollos Cooper, heretofore presented to Coogress, claiming seven years' half-pay for his services as a lieutenant in the army of the Revolution, be taken from the files of the House, and referred to the Committee on Revolutionary Claims; that the petition and papers of William Nicholas, asking compensation for two horses lost by him in the year 1815, while in the service of the United States, and heretofore presented to Congress, be taken from the files of the House, and referred to the Committee of Claims: he also begged leave to refer therewith, to the same committee, the affidavit of John Ryland, being additional testimony in support of said claim; that the petition and papers of John Turner, asking compensation for depredations committed on his property by the Sac and Fox Indians, and heretofore presented to Congress, be taken from the files of the House, and referred to the Committee of Claims; that the petition and papers of James Watson, asking compensation for depredations committed on his property by certain Indians, be taken from the files of the House, and referred to the Committee of Claims; that the petition and papers of the heirs of Joshua Bishop, praying compensation for depredations committed on the property of the said Bishop by certain Indians, be taken from the files of the House, and referred to the Committee of Claims; that the petition and papers of Samuel Davis, William Brown, and Maston H. Arthur, asking pre-emptions to certain lands therein described, be taken from the files of the House, and referred to the Committee on the Public Lands.]

IN SENATE,

THURSDAY, April 9, 1840.

The CHAIR submitted a report of the Second Auditor of the Treasury, made agreeably to law, showing the disbursements or application of moneys, goods, or effects, for the benefit of the Indians, from October 1, 1838, to the 30th of September, 1839; which was read, and ordered to be printed.

Also, a report from the Secretary of War, in compliance with a resolution of the Senate, relative to the application of a mineral solution to the preservation of timber, called "Kyanizing;" which was laid on the table, and ordered to be printed.

Mr. LINN presented the petition of Welcome A. Robbins, Thomas J. Robbins, and F. M. Robbins, of Missouri, praying the confirmation of their title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. L. also presented the petition of Henry H. Duvall and others, citizens of the State of Missouri, praying that William Tripkette may be confirmed in the right of pre-emption to a tract of land; which was referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. L. also presented the petition of a number of citizens of the State of Missouri, praying the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. CLAY of Kentucky presented the petition of Chandler Sherwin and Benjamin Campbell, praying the right of pre emption to an island lying in the Mississippi river; which was referred to the Committee on the Public Lands.

Mr. MERRICK presented the memorial of a number of citizens of Washington, in the District of Columbia, praying the recharter of the banks in the city of Washington; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLAY of Kentucky presented the petition of Thomas Daniel; which was referred to the Committee on Military Affairs.

Mr. STURGEON presented the petition of John L. Mersereau, praying remuneration for his services as a spy during the Revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. BENTON presented the memorial of the officers of the corps of engineers, opposed to the bill to regulate the pay and allowances of the officers of the line and the staff of the army, and praying that the same may not become a law; which was referred to the Committee on Military Affairs.

Mr. RUGGLES presented resolutions passed by the Legislature of the State of Maine, instructing the Senators, and requesting the Representatives of said State in Congress to use their exertions to procure the passage of an act to make provision for granting indemnity to sufferers by French spoliations upon American commerce, prior to the year 1800; which were laid on the table, and ordered to be printed.

Mr. R. also submitted a preamble and resolutions of the Legislature of the State of Maine in favor of a general bankrupt law; which were referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PORTER presented a memorial of a number of citizens of the United States, in favor of establishing a communication between the valley of the Ohio river and the Oregon Territory; which was referred to the Select Committee on the Oregon Territory.

Mr. KING presented the petition of a number of citizens of township 20, range 3 west, in Sumpter county, Alabama, praying to locate a section of land for the use of schools in lieu of one of which they have been deprived; which was referred to the Committee on the Public Lands.

Mr. ALLEN presented a preamble and resolutions passed by the General Assembly of the State of Ohio, instructing the Senators and requesting the Representatives of that State to use their exertions to procure the passage of a law authorizing the sale of the public lands lying adjacent to the lands hitherto granted to that State for the construction of canals; which were referred to the Committee on the Public Lands.

Mr. PHELPS, from the Committee on Indian Affairs, to which was referred the petition of Jubal B. Hancock, made a report thereon, which was ordered to be printed, accompanied by a bill for his relief; which was read, and ordered to a second reading.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Mary Linn, widow of David Linn, made an adverse report thereon; which was ordered to be printed.

Mr. PRESTON, by unanimous consent, asked and obtained leave to introduce a joint resolution authorizing the Committee on the Library to take measures for the importation of the statue of Washington by Greenhow; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred House bill for the relief of Nathan Levy, reported the same without amendment.

Mr. SMITH of Indiana, from the Committee on the Judiciary, to which was referred the petition of John Johnston, made an adverse report thereon; which was ordered to be printed.

BANK OF THE DISTRICT OF COLUMBIA.

Mr. MERRICK, from the Committee on the District of Columbia, reported a bill to incorporate the Bank of the District of Columbia; which was read, and ordered to a second reading.

[The bill provides, that John P. Van Ness, Thos. Carbery, George Parker, Francis S. Key, John Boyle, William A. Bradley, Thomas Blagden, Benjamin O. Tayloe, William Gunton, John P. Ingle, George Thomas, John Carter, E. M. Linthicum, John Kurtz, Phineas Janey, Henry Dangerfield, and John C. Vowel, shall act as commissioners to receive subscriptions to the stock of the Bank of the District of Columbia, with a capital of two millions of dollars, divided into shares of fifty dollars each, to be located in the city of Washington, with branches in Georgetown and Alexandria, the charter to expire in 1855. The charters of the present banks of the District are extended until ninety days after the new bank shall go into operation.]

Mr. BENTON submitted the following resolution:

Resolved, That the Senate will not consider or discuss any bill for the renewal of a bank charter in the District of Columbia, while the said bank refuses to pay specie for its notes and deposites, or circulates notes of any banks so refusing.

Mr. NORVELL submitted the following, which was considered and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation of money to enable the President of the United States to negotiate for the extinction of the Indian titles to the residue of the lands in the upper peninsula of Michigan, claimed by the aborigines of that peninsula.

Mr. LINN submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be requested to send to the Senate all the papers, or copies of papers, in his Department, relating to the claims of James Allen to a pre-emption right in the State of Missouri.

The resolution submitted some days since by Mr. HUBBARD was considered and agreed to.

The bill granting to the county of Kalamazoo, in the State of Michigan, the right of pre-emption to a quarter section of land, and for other purposes; and

The bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other lands in lieu thereof,

were severally read a third time and passed.

The bill to authorize the President of the United States to raise one thousand five hundred men, to serve against the Florida Indians, was, on motion of Mr. PIERCE, recommitted to the Committee on Military Affairs.

The bill granting to the State of Michigan a quanty of land to aid said State in the construction of a canal around the Falls of St. Marie, coming up on its third reading,

Mr. MERRICK demanded the yeas and nays on its passage.

Mr. CLAY of Kentucky said that this bill had very quietly progressed to its present position, but as yet he had not heard a single word by way of argument in its favor. He would like to hear from the friends of the bill some reason for the grant of this vast quantity of the public domain.

Mr. NORVELL said that if the Senator had been present when the bill was considered in committee, and ordered to be engrossed, he would have heard various reasons adduced in its favor, and

such as appeared satisfactory to all the Senators who were present. He would, however, consent that the bill should be postponed for the present, to give Senators time to make themselves acquainted with its provisions, but would call it up at a very early day.

The bill was then informally passed over.

The bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri and the Territory of Arkansas to institute procee'ings to try the validity of their claims," approved the twenty sixth of May, eighteen hundred and twenty-four, and an act amending the same, and extending the provisions of said acts to claimants to land wi hin the States of Louisiana and Mississippi, being taken up as in Committee of the Whole, was discussed by Messrs. LINN, GRUNDY, SEVIER, BENTON, MOUTON, KING, CLAY of Kentucky, and HENDERSON; and after various amendments had been adopted, the bill, as amended, was ordered to be printed.

The Senate then went into Executive business,

And afterwards adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, April 9, 1840.

The journal having been read:

Mr. LINCOLN asked the unanimous leave of the House, in behalf of his colleague, Mr. ABBOT LAWRENCE, still confined to his room by sickness, to submit a communication from the Hon. Thomas H. Perkins of Boston, and a great number of the merchants of Boston and Salem, Massachusetts, interested in the China trade, containing a statement of intelligence recently received from that country, which has not before been made publicly known, with a view to the reference of the communication to the Committee on Foreign Affairs.

Leave being granted, Mr. LINCOLN presented the communication; and upon his motion, it was referred to the Committee on Foreign Affairs, and ordered to be printed.

The SPEAKER announced that the first business in order was the resolution of the gentleman from New York, Mr. HAND, for the introduction of which the rules had been suspended on Tuesday last; but the action on which had been suspended by the annunciation of the death of a member of the other body; which resolution was in the following words:

Resolved, That the Secretary of War be requested to communicate to this House what works he considers necessary to be constructed in order to place the Northern and Northeastern frontiers in a proper and permanent state of defence.

Mr. WISE reqested Mr. HAND to accept, as a substitute therefor, or, if not as a substitute, as a modification, the following resolution offered by Mr. W. on Monday last:

Resolved, That the Secretary of War be, and he is hereby, requested to lay before this House, as soon as practicable, a report of a full and connected system of national defence, embracing steam and other vessels of war, and "floating batteries" for coast and harbor defence; and national foundries, and the internal means auxiliary to these for transportation and other warlike uses by land; and that he be requested to furnish this House with the reports submitted to his Department, at any time, by Major General Edmund P. Gaines, or other person, or persons, of professional experience, of their "plans of defence," if any such have been submitted, with the views of the Secretary of War thereon. And that the Secretary furnish an estimate of the expenses of his own and other plans he may report, distinguishing such parts of plans as ought to be immediately adopted and prosecuted, with the probable cost and time of their prosecution and commencement.

Mr. HAND said he had no particular objection to that resolution, as an addition; but the whole plan might not be prepared, and he wished it so passed as to avoid delay. If it was added as a substantive resolution, the Secretary might send that portion relating to the Northern and Northeastern frontier at once.

Mr. WISE then moved his resolution, by way of amendment, as an additional one; which was understood to be accepted by Mr. HAND as a modification of his.

The question then being on the resolution as modified,

Mr. WISE said that his resolution embraced an entire system of national defence—a system which, it seemed to him, ought to have been entered on long ago. This Government, he would venture to say, in the face of a threatened war, was in the most defenceless condition of any in the world. There was not a power on earth, civilized or barbarous, with a tithe of the physical force which this country could employ, that had not now in active operation more means of defence than we. In fact, our condition was worse than if we had never spent a dollar on our system of fortifications. There was scarcely a fort on our seaboard that was not in a condition to be taken by the enemy, and to be used against ourselves, instead of being a fort for our own defence. He would not now go into the inquiry whose fault it was, from the time that we had the celebrated excitement on the three million appropriation down to this moment, when we stood now in the presence of the British lion himself—he would not now stop to inquire who was to blame for the helpless condition of our country, left, as it was, to the mercy of any foe that possessed maritime power. He would not now stop to comment on the utter, reckless folly of talking of a war with Great Britain about a few pine logs in Maine, when our commerce, our national honor, our lives, and every portion of our frontier, we exposed to British aggression and British bayonets.

Mr. HAND said, that on this subject he was no alarmist. He well knew the deep injury that our commercial interests might sustain by an exciting and injudicious debate there. All he desired now was, that the House might be fully informed on this important subject.

Mr. WISE. I am no alarmist. I have no idea that there is to be a war. But I go for the necessity of fortifications upon the most liberal scale for a peace establishment.

Mr. HAND said he had not supposed this resolution would interrupt the regular business of the House by debate. The answers to this and the other calls on the President and Departments, and probably the report of the Military Committee, would soon be in, and then would, he thought, be the time for discussion, and he felt constrained again to move the previous question.

Mr. ADAMS appealed to Mr. HAND to withdraw his motion for the previous question.

Mr. HAND was understood to insist on his call for the previous question.

Mr. ADAMS said he wished to say a word on this subject, because he found that there was among his own constituents, and among that portion of the people of this country who were now, by the act of God, deprived of the services of their immediate Representative, [Mr. LAWRENCE,] much anxiety in relation to it. He concurred perfectly in the opinion last expressnd by the gentleman from Virginia, [Mr. WISE] He thought that there was not the slightest danger at this moment of a war with Great Britain, nor for years to come. He (Mr. A.) said not for years to come, and he hoped this statement would be reported to his constituents, and to those next to his own district—the people of the city of Boston, who were probably as deeply interested in the preservation of peace with Great Britain as any portion of the people of the United States.

Mr. RHETT rose to inquire of the SPEAKER whether the demand for the previous question was or was not withdrawn?

Mr. HAND was understood to say he had not withdrawn it.

Mr. ADAMS regretted, he said, that the gentleman from South Carolina [Mr. RHETT] was unwilling to hear that there was no danger of a war with Great Britain. The previous question had been withdrawn, and he hoped he would not be again interrupted.

Mr. RHETT. The gentleman from New York [Mr. HAND] says he has not withdrawn the demand for the previous question.

Mr. HAND said he had not withdrawn it, but would do so on the promise of the gentleman from Massachusetts [Mr. ADAMS] to renew it.

After some confusion, cries to order, &c.

Mr. ADAMS was understood to say that he would renew it, and spoke in substance as follows, (as published in the National Intelligencer.)

He stated, for the benefit of his constituents, and of the immediate neighborhood of his constituents, and of the people of the whole country, that he did not apprehend, in the slightest degree, that there was any immediate danger of a war with Great Britain, or for years to come. And he founded this opinion on two things: In the first place, he founded it on the message of the President of the United States at the commencement of the present session, in which he (Mr. A.) thought there was not a single word of recommendation to the people to prepare themselves for that great and terrible conflict which must ensue whenever we came in conflict with Great Britain. From the day he saw that message, he concluded in his own mind that there was no danger of a war with Great Britain. And why? Because he was sure that, if the President of the United States himself had the slightest apprehension of danger of an immediate or early collision, it would have been wrong in him not to have recommended very strong and extensive preparations for that event. When, after that message was delivered, he (Mr. A.) saw weeks upon weeks pass away under an apprehension on the part of the citizens of the United States and of many of the members of this House that there was danger of war; when he saw the correspondence which had taken place (and which had from time to time been communicated to Congress) between the Secretary of State and the British Minister here—he confessed he had waited to see on what ground it was that the President of the United States had concluded that there was not the slightest danger of a collision with Great Britain at present.

When the last correspondence was communicated to the Senate—and when a gentleman, the chairman of the Committee on Foreign Affairs in this House [Mr. PICKENS] sounded the alarm—an alarm which had pervaded the whole country—he [Mr. A.] felt a degree of concern and apprehension himself, not then having seen the correspondence. But the very next morning he saw it; and, in the last letter from the Secretary of State to the British Minister, he saw the grounds upon which the President had come to such a conclusion, and very safely come to it. That correspondence, as all must have observed, has been of an irritating character. There was anger, passion, feeling, upon both sides; and the community and many members of Congress, seeing these expressions of irritation, probably came to the conclusion, unnecessarily as he thought, that there was danger of an immediate collision.

He, as soon as he saw the last letter of the Secretary of State, became satisfied that there was no such danger; for, in the very heat and tempest of the passion, the Secretary of State broke off, and said that, from the day on which the President of the United States entered upon the duties of his station, he had determined that, in the event of the two parties not being able to come to an understanding by means of their negotiations, he would propose a reference of the great question at issue, for the second time, to a third party. To this the very natural reply of the British Minister was, that this was a new proposition, which he could only communicate to his Government, as he would immediately do. And that was the position in which the matter now stood. One of two things must be: either there was a proposition already on the part of Great Britain to accept a proposition heretofore made on the part of the Government of the United States—and that, of course, would necessarily prevent collision,—or the Government of Great Britain must determine whether it would accept of this proposition for a reference. Now, he said that the Government of Great Britain could not refuse this proposition; and when the question was referred to a third power, we should have no war from that time forward until at any rate the arbitrators had come to a decision, which would take years.

There was one other possibility which might in-

duce collision; which was, that, while these negotiations were going on, the British Government might continue to encroach on the territory of the United States as they were doing, and had been doing ever since this matter had approached to the appearance of hostility between the two countries. This was possible—nay, probable. On the other hand, we had, on the part of the people of Maine, manifestations of a spirit not to submit, for any great length of time, to these continual encroachments—partially denied—partially, so to speak, prevaricated away in the correspondence between the British Minister and the Secretary of State; but still going on in the disputed territory, in which the British authorities might continue to advance until they had all they claimed, and probably a great deal more. It remained for the people of Maine to decide whether they would submit to it or not. He believed they would submit to these encroachments, and that there would be no act on the part of this Government to sustain or support them if they did not submit. He gave warning to the Representatives from Maine and Massachusetts in this House that the people of Maine would submit so long as it pleased the Government of Great Britain to pursue them under this course of negotiation to be resumed by a second reference. He presumed, however, that many of the Representatives of the State of Maine understood the feelings of their people better than he did.

Mr. A. then alluded to the course of the Government of Maine during the last spring—against which, Mr. A. said, he would not at the time consent to the adoption of any proposition which even by imputation could cast censure upon the Governor for his conduct. But, more recently, he (Mr. A.) had seen evidences of an exceedingly cool and tame spirit coming from the State of Maine. He did not mean to say this was not very proper under the circumstances of the times; but he had satisfied himself that there was no sort of danger to be apprehended from any act of the people of that State. The Legislature of Maine declared at that time that if the Government of the United States did not take the matter up, they would do justice to themselves. Now they declared that if the British went on encroaching there, and prevaricating here, as they had done and were doing, they would call on the Government of the United States to protect them.

Mr. SMITH of Maine. What else, sir, did they say—that if the General Government did not protect them, they would protect themselves?

Mr. A. said, all he intended to say was what he did not think any member from Maine would contradict, that, in the event of a second reference to a third power, the people of Maine would not commence a war with Great Britain; if any one did contradict it, let the two statements be put side by side.

Mr. A. SMITH said it was not his feeling, nor the feeling of the people of Maine, that this question should be again submitted to a reference in the manner or at all under the terms upon which it was submitted by a former Administration.

Mr. ADAMS said the gentleman was very cautious in his declaration that the people would not submit to another reference. He (Mr. A) declared they would submit to it, and he said that they ought to submit to it in case the event should come: and one of his chief motives in addressing the House at this time was to say that he approved entirely of this determination on the part of the President of the United States. He thought the Chief Executive of this country was authorized to make such a reference, and he was gratified to find such a determination had been formed; for nothing could be more effectual in preventing that collision which many of them, and he among the number, were so apprehensive of. He believed it was the most pacific and conciliatory course which could have been determined upon; for that reason he approved of it, and it would be approved by the whole of the civilized race of mankind. It came precisely to that point in reference to which so many petitions had been brought into this House, and to which he wished the House had paid more attention—that was to say, a general principle which, by the force of public opinion, should compel all Governments in the world to resort to this pacific mode of settling difficulties rather than by a resort to war. The two nations—the British people and the people of the United States—he might say unanimously, for he scarcely believed there was a man but who deprecated a war between the two nations—all deprecated a resort to war. The reference of the question to arbitrators was an honorable mode of proceeding; no nation could refuse to adopt such a course. The British Government, he maintained, must compulsively, whether they would or not, accept the proposition; and if not compelled, they would do it from motives of policy; and therefore he concluded there was no danger of a war. The only doubt he could entertain would be that the people of Maine, in the impatience and impetuosity which they must naturally feel for their own interests and their own rights, might, by their own indiscretion, commence hostilities. He did not, however, apprehend such an event, nor did he still believe that any member would rise and say that there was danger of war from that source.

Mr. SMITH of Maine said he had listened with profound attention to the remarks of the venerable gentleman from Massachusetts, touching a question of absorbing interest to the people of Maine, and he confessed his inability to comprehend them. Mr. S. was so unfortunate as to misapprehend the tenor of those remarks, or they embraced propositions wholly inconsistent with each other. The gentleman had said, that, when this question was agitated in the last Congress, and the conduct of the Government of Maine, in calling out the military force of the State to repel the invaders of her soil, was the subject of animadversion, he had been among the foremost to defend the course which Maine had pursued. He had not suffered the slightest reproach to be cast upon her. Maine had done precisely as she should have done under the circumstances. There was a palpable invasion of her territory, and she had acted nobly in repelling it. But the gentleman seems *now* to think that the peace of the country may be preserved, if Maine, by some act of *indiscretion and rashness*, do not disturb it. The territory of the State, solemnly and repeatedly declared to be so by the National Government—known to be so by Great Britain herself—was now in the occupation of foreign troops. The soil of Maine, the gentleman from Massachusetts declares, is, at this moment, encroached by British troops, and that such encroachment will be continued and persisted in by Great Britain, and quietly submitted to by the United States, unless the people or Government of Maine, by some act of *indiscretion or rashness*, intercept our peaceable relations with that country! And the gentlemen tells us furthermore, that the proper course to adjust the question, is to propose another reference, which he says Great Britain will not and cannot refuse, and which it will take years to bring it to an issue—and he then tauntingly gives notice to the people of Maine, that although pending this reference, the encroachments of England will be continued, they must and will quietly and peaceably submit to them, and that any resistance on their part will be *rash and indiscreet*, and tend to involve the country in a war!

Mr. S. repelled this idea of passive obedience and non-resistance on the part of Maine. There had been nothing in the course of her Government to justify it. Mr. S. called upon the gentleman from Massachusetts to point out the "tame spirit" of which he pretended to have seen recent evidence in that State. The resolutions very lately adopted by her Legislature were, in letter and spirit, wholly at variance with tameness or servility. And Mr. S. assured the gentleman from Massachusetts, and the country, that no attachment to party would be suffered to swerve the people of that State from a persevering and determined maintenance of their constitutional and unalienable rights.

But the gentleman from Massachusetts, who came forward so honorably to sustain the military operations of Maine, in the *last* Congress, upon the ground that they were justifiable, seems *now* to think that a similar course on her part would be rash and indiscreet, and that it is her duty to submit to the continued encroachments of England for years to come. Mr. S. was wholly unable to comprehend the distinction between an invasion of Maine last year, and a military occupation the present year. And he assured the gentleman that the people of Maine would not understand it. The same regard for the honor of their State—for the integrity of its territory—for their own character as American citizens—which prompted the people of Maine to resist and repel the invasion of her soil upon a former occasion, still existed. They had the same distinguished gentleman at the head of the Government; and the people of this country might be assured that he would never permit the State over which he presided to be disgraced by foreign encroachments. The gentleman from Massachusetts had spoken in high terms of that functionary. Mr. S. expressed his thanks to the gentleman for the just manner in which he had spoken of the Governor of Maine. As a Representative of the people of that State, and as a personal friend of that distinguished individual, he tendered him his unfeigned thanks.

Mr. S. had the fullest assurance that the rights of Maine were duly regarded by the National Administration. He had never doubted the disposition of the Executive to extend the protection of the nation over the entire territory of that State; and he had unshaken confidence in the patriotism of the people of the whole country to sustain the Government in every measure necessary for the accomplishment of that purpose. He did not agree with the gentleman from Massachusetts in regard to the tone of the correspondence last communicated to Congress between the Secretary of State and the British Minister. He considered the letter of the Secretary, in reply to the British Minister, an able, dignified, and statesmanlike paper, and a most triumphant vindication of the rights of Maine, and the action of her Government in regard to the boundary question, and, at the same time, evinced the full determination of the Government of the nation to sustain and defend them. It was such a paper as was to have been expected from the source from which it emanated.

The gentleman from Massachusetts had spoken of a reference as the proper mode of adjusting and finally settling this vexed question. In regard to that matter, Mr. S. believed he expressed the views of the whole people of Maine, when he stated that they would never consent to a reference in the manner, and under the terms, upon which the question was referred under a former Administration. But Maine had set up no claim to territory, the justice of which she was not willing to submit to the strictest scrutiny. She was willing that the line designated by the treaty of 1783, between her territory and the British provinces, should be run and marked, and finally settled by disinterested and scientific individuals, who should be required to go upon the territory with the treaty, and perform this service. To *such* a reference, Mr. S. believed Maine would not object. Any other, instituted upon terms which would render a just decision less certain, she would most strenuously resist.

Mr. W. THOMPSON said that the information sought in the resolution had been communicated informally to the Committee on Military Affairs, and that it was now before that committee for the purpose of being acted upon. He was understood to say that he thought the best plan would be to have the matter referred to the committee, that they might report upon it, and that the whole might be printed. Still, however, he would not raise any special objection to the adoption of the resolution.

Mr. T. then proceeded to make some remarks on the question to which the resolution looked. He thought there was no reason for this haste. He would say that the conduct of the General Government in regard to Maine met his entire approval. He was rejoiced to hear the remarks of the distinguished gentleman from Massachusetts (Mr. ADAMS;) speaking out as all would have expected him to do, not only with the spirit and manliness of an American patriot, but with the wisdom of an American statesman. He (Mr. T.) had not recently believed there was any danger of war, though he did believe so at the last session of Congress. He believed that in the condition in which the

matter now stood, war was impossible. Great Britain must accede to the proposition as made; if not, she would accede to it with certain modifications. He would say here, that whilst it was the duty of this Government to speak the language of kindness and protection to Maine, it was its duty also to speak the language of firmness, nay somewhat of sternness, to the authorities of Maine. He knew how deeply exciting a matter a contest for territory was; but whilst Maine was given to understand that we intended to protect her rights and give her the land (as to her right to which he had no earthly doubt) or an equivalent for it—still he wished her to understand that, if a war came, it was our war. We took the matter out of her hands, and if we were to have a war, it was but right that we should have the negotiation too. It was too absurd to think of the State of Maine talking of fighting Great Britain. He repeated, as the war would be ours, if there was any, let us also have the negotiation.

Mr. T. was not disposed to act upon the matter of fortifications now, at all events. If there was to be a war, or a reasonable chance of a war—if there was one chance in one thousand that would justify putting the country in a condition to meet it, we could not arm too speedily nor too closely. If not, we could not spend too little in that way, for we had too little to spend And if, when advices had been received from England, they should not be altogether pacific, and such as would justify the confident anticipation of peace, he was then ready to arm the country, not so much on the point of danger as of national honor. He was not willing to treat with Great Britain while British bayonets and British fortifications were scattered along the whole line of our coast; he desired to treat with arms in his hands. But he was not disposed to accelerate that state of things, or to create additional fever temper in relation to this question. Six months would put us in a condition to resist any aggression; nay, he believed we might resist it without any fortifications at all. We had, thank God, the same means which enabled General Jackson to meet the enemy on the plains of Louisiana. We had the same means of protection—the same stout hearts and strong hands in the freemen of this country.

Mr. T. repelled the idea of invasion of the American soil, and insisted that we had already fortifications which, for a very little money, and in a few weeks, would put the country in a condition successfully to resist at ack. This led to some cross-questioning between Mr. T. and Mr. WISE, as to the state of the fortifications of the country.

After which, Mr. HAND moved the previous question.

And there was a second.

And the main question was ordered to be now taken; and, being taken, was decided in the affirmative.

So the resolution, as modified, was adopted.

The SPEAKER laid before the House a report from the Secretary of the Treasury, in relation to the condition of the banks of the United States; which, on motion of Mr. JONES, of Virginia, was laid on the table and ordered to be printed.

Mr. JONES also moved that 2,000 copies extra be printed; which motion lies over, under the rule.

2. Letter from the Second Auditor's office of the Treasury Department, transmitting copies of such accounts as have been rendered by persons charged or interested with the disbursement or application of moneys, or goods, or effects, for the benefit of the Indians, from the 1st of October, 1838, to the 30th of September, 1839, inclusive, &c.

On motion of Mr. DAVIS of Indiana, referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House a communication in relation to the New Jersey contested election; which, on motion of Mr. CAMPBELL of South Carolina, was referred to the Committee of Elections.

Mr. BOND rose and asked leave of the House to make a personal explanation. And leave was granted; which explanation is copied from the Intelligencer, as follows:

[The following remarks were written out by Mr. BOND, the Reporter not having heard them with sufficient accuracy even to attempt a report of them. Personal explanations, at the best, are difficult and dangerous things for Reporters to meddle with—and are becoming insuperably so.]—*Nat. Int.*

Mr. BOND rose, and after addressing the Chair, said: I beg permission of the House, before proceeding with the business of the day, to allow me a few moments for a matter of personal explanation. It relates to an account of a debate in which I participated last Thursday, and which is published in the Globe of Saturday evening. I intended on Tuesday morning, as the same subject would then have come up for consideration, to ask this permission; but the melancholy event of that day postponed all business until this moment.

I will first use this occasion to say that I never expected to be truly represented in the Globe. Independent of the constant habit of that paper to traduce me, I have long since incurred the displeasure of one of its Reporters here by calling the attention of this House, in 1838, to the abuse of public patronage in suffering him to absent himself from his place in one of the Departments, in which he held the office of a clerk. The account of the debate, as given in the Globe, suppresses much that I said, and represents me as first introducing in the debate the character and veracity of the Editors of the Ohio Statesman.* It was my purpose to be content with pronouncing the article from that paper giving an account of the Whig Convention at Columbus as false and groundless. My colleague, [Mr. MEDILL,] in speaking of the Editors of that paper, said he had never heard their veracity questioned. It was in answer to this that I felt obliged to introduce the name of one of them, and state what I had seen published about him.

And when I spoke of one hundred and sixty lies appearing in one part of that statement, it was also in answer to what my colleague [Mr. MEDILL] had said when he selected, as an evidence of the truth of the article, the names of the delegates to that convention from Muskingum county. I had seen it stated in a paper printed in that county, that the article in question contained one hundred and sixty lies in reference to those delegates, and so I stated to the House. But I wish to call the attention of my colleague to what he is represented as having said on the occasion.

Mr. BOND here read several passages from the Globe, and then proceeded. I desire my colleague to say whether he used this language, or these ideas.

Mr. MEDILL said he would answer when his colleague had finished his remarks.

Mr. BOND observed that he desired to treat his colleague with perfect respect; but wished his answer now.

Mr. MEDILL said, that if his colleague preferred he should answer now, he had certainly no objections to do so. With the order or arrangement of the debate, as reported in the Globe, he had nothing to do, nor was he prepared to say whether it was correct or not. He had not heard the remarks of his colleague, [Mr. MASON,] and was satisfied that his colleague [Mr. BOND] had spoken last, although he might also have commenced the debate. Much allowance should be made for the Reporters, when there is any noise or confusion in the House, and if they succeed in giving the substance of what is said, there is no cause of complaint. He would not undertake to say at this length of time whether his own remarks, made on the occasion, were given *verbatim* or not, nor would he now stop to tax his recollection, or that of his friends, to ascertain the fact. He made no immaterial issues. He had only to say to his colleague, that until the language employed towards an absent citizen of his own State, and which prompted their utterance at the time, was withdrawn, he endorsed them precisely as reported, and held himself responsible accordingly.

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*The Reporter for the Globe regrets that he is again under the necessity of intruding himself on the public in self-defence. Mr. BOND of Ohio has not only assailed the correctness of his report, but his motives; and attributes what he calls a "garbled report," to the displeasure he had incurred of one of the Globe's reporters. Now, the Reporter who is particularly assailed, is under the necessity of taking issue with Mr. BOND directly on this point. How does the member know that he has incurred the displeasure of the humble individual he thus thoughtlessly charges with improper motives? Is he conscious of having done the Reporter wrong, or has he any acquaintance with him, or knowledge of his character, directly or indirectly, which warrants the belief that he harbors vindictive or illiberal feelings? The Reporter assures Mr. BOND, and every gentleman of the Opposition party, that he has no desire to misrepresent them, and that he cannot possibly see what advantage it would be to him, or to his party, to do so. Anxious to retain the reputation of a faithful reporter of debates, which he believes that he has earned by many years of painful toil in the other hall of the legislative body, the Reporter strives, according to his best ability, to give to the public a faithful account of what passes in the House of Representatives. He does not pretend to give a verbatim report of every thing that is said in the discursive debates which so often occur. If he had as many hands as BRIAREUS he could not do it; and though gentlemen have a right to expect of him, in writing out their set speeches, to report them as nearly verbatim as possible, neither they nor the public would be served by setting down, word for word, every political skirmish that takes place. And now to the matter of which Mr. BOND particularly complains. The Reporter declares, most solemnly, that he had no intention to do that gentleman wrong, or to misrepresent him before the public. He believes now—and the very statement of Mr. BOND bears him out in it—that he reported, in substance, every material idea he advanced, and he did not pretend to do more. It is readily admitted that Mr. BOND did get up before Mr. MASON, and pronounce the statement read by Mr. WATTERSON, from the Ohio Statesman, to be false. But this omission was wholly without any design, and cannot possibly convey a wrong impression, for it is stated in the report that Mr. MASON and Mr. BOND both contradicted it. In the remarks attributed to Mr. BOND, as well as to his colleague, if there are any ideas conveyed that are not correct, the Reporter will cheerfully insert the correction; but he does not understand that any such charge is made. Indeed, if there was any fault at all in the brief sketch of Mr. BOND's remarks, it was in softening the harsh language he used; and they who believe in the truth of that Scripture, "blessed are the peace makers," will hardly censure the Reporter for that venial error. With regard to the remarks of Messrs. MEDILL and WELLER, they are correct in substance, though they may not be literally the words used. These gentlemen being satisfied, no one else has a right to complain.

An explanation is now necessary in relation to a further charge made by Messrs. BOND and GRAVES, that one of the Reporters for the Globe being a clerk in one of the public offices, is permitted to absent himself from his duties during the session of Congress, drawing his salary at the same time. A few words, it is believed, will be sufficient to satisfy others, if not these two gentlemen, that in this transaction there is nothing wrong, and that no injury has accrued to the public service in consequence of it. Owing to the impossibility of Messrs. BLAIR and RIVES procuring a competent Reporter, the individual who is now serving them in that capacity, out of a sincere desire to serve them, as well as to contribute all in his power towards the dissemination of correct intelligence, was induced to apply to the head of the office in which he served, General WHITCOME, for a furlough during the session of Congress. This permission has been granted for the two or three sessions past, but always on the condition of putting a competent clerk in the place thus temporarily vacated. At the commencement of this session, General WHITCOME granted the furlough with great reluctance; and it was only on ascertaining, to his entire satisfaction, that the duties of the station were in such a condition that a new clerk could discharge them, that he granted it. So far from the Reporter absenting himself from his duties while they are unperformed, or he, or Messrs. BLAIR and RIVES, deriving any pecuniary benefit from the transaction, the contrary is the fact. A clerk who writes a rapid and beautiful hand, and who is every way competent, has been appointed to fill the vacated situation for the session of Congress; and this clerk has received, for each and every month, one hundred dollars in specie, the whole amount of the salary attached to the office, BLAIR and RIVES paying the Reporter a higher salary. Ample proof of these facts the Reporter is ready to show to any one who wishes to see it. It may be asked what object the Reporter has in undertaking a laborious and thankless employment, besides the increase of pay he receives from BLAIR and RIVES. He answers, a grateful sense of benefits received, which never can be forgotten while his heart continues to beat. BLAIR and RIVES gave him employment when he was in distress, and with it they gave him double the compensation he received from his former employers, since which time he has received every evidence of their friendship and confidence.

LUND WASHINGTON, JR.

April 10 1840.

Mr. BOND replied that he would now make a few words answer his purpose. My colleague did not use the language, nor express himself, as it is now published. If he had, sir, I would have then noticed it. But I have to say to him that he has consented to the publication of a garbled account of that debate.

Mr. MEDILL inquired if his colleague was now through.

Mr. BOND said he was.

Mr. MEDILL said that his colleague had requested a distinct and categorical answer, and had received one. He would not be drawn into immaterial issues dependent on either the recollection of himself or his colleague after the lapse of a week. Although he had not suffered as much as others during the short time he had been on this floor, he was opposed to the practice that was obtaining of denouncing the reporters whenever we do not feel satisfied with the appearance of our own remarks. It is not expected that every word that is uttered in debate, should be set down and reported. It is enough that the substance is fairly and impartially given. My colleague is wholly mistaken, in supposing he did not attack the personal character and veracity of the editors of the Statesman. It was not until after he did so, that I rose. All must recollect the astonishment he affected, on finding any one who entertained the slightest confidence in their honor or veracity. My colleague is equally unfortunate in his recollection of the manner in which allusion was made to the county of Muskingum. So far from introducing it as an evidence of the correctness of the article in the Statesman, I admitted that I had seen the statement in relation to that county contradicted, and subsequently explained by the Statesman. Thus can my colleague fall into error, as well as the Reporters. In relation to the "account of that debate," I have nothing to do; and, in conclusion, will only add, that my own remarks, as reported, and shown to me by my colleague, contain the substance of what was said on the occasion. If not *verbatim*, as delivered, I desire to be considered as taking the responsibility off the Reporter, and, in the language of the courts, adopt them as they now stand, *nunc pro tunc*, so that my colleague may have an endorser without travelling beyond the bar.

Mr. BOND said. Then, sir, I again repeat, my colleague has consented to a garbled account of that debate, and I have nothing to retract.

Before Mr. BOND had taken his seat,

Mr. WELLER addressed the CHAIR, when

Mr. BOND observed that he had a word to say to him also. I did not hear this gentleman on Thursday last, when he was called to order by the CHAIR, and therefore asked that he might proceed. My colleague [Mr. WELLER] then added that he had said what he intended to say, and supposed I understood him. Whether he then said what the Globe now reports, I know not, for he was at a distance from me; but, if I had heard him, I would have told him, as I now do, that I can never misunderstand the yelping of a puppy.

Mr. WELLER remarked that he did not know that it was necessary for him to say any thing to his colleague over the way [Mr. BOND;] but as he had participated in the original debate which gave rise to this, he would detain the House a few moments. He then requested his colleague to repeat what he had said just before taking his seat, as he was anxious to understand him.

Mr. BOND said if he had understood his colleague [Mr. WELLER] as charging him with *ungentlemanly* conduct, as he was reported, he would have regarded it as the yelpings of a puppy.

Mr. WELLER then said he believed the report in the Globe was correct, although the language as reported was not perhaps as strong as he used. He said he did intend that his colleague [Mr. BOND] should understand him as charging that his conduct in dragging before this House a private citizen of Ohio, and applying to him the appellation of "lying Jake," was *indecent*, *ungentlemanly*, and unbecoming a member of this body.

Mr. W. was here called to order, and objections being made to his proceeding, Mr. BROWN of Mississippi moved that he be permitted to proceed, which was granted.

Mr. W. then said this was what he designed his colleague, [Mr. BOND] should understand in his remarks last week, when he charged him with *indecent* conduct. The language I then used, said Mr. W. was sufficiently plain to be understood by any man, and I cannot doubt my colleague so understood me, his assertion to the contrary notwithstanding.

It will be recollected, said Mr. W. by those who were present on that occasion, that my colleague [Mr. BOND] had risen in his place and declared that the statement in the Columbus paper in relation to the delegates appointed to the State convention was a tissue of lies from beginning to end. Soon after he took his seat, said Mr. W. I rose and stated that the list of the delegates appointed in the district which I had the honor to represent here was, I believed, correct. My colleague again took the the floor, and I then, said Mr. W. asked him distinctly whether he intended to impeach the correctness of my statement; and that, if he did, I had a word to say to him. Sir, said Mr. W. if he had done so I should have been compelled to bestow an *epithet* on him which he *would* have understood. I should have told him, said Mr. W. to his teeth, that he had uttered a *base falsehood*.

Mr. ANDREWS of Kentucky called Mr. W. to order, and objected to his proceeding, and he was compelled to take his seat.

Mr. WELLER desired to say a few words more, but the House refused.

Mr. TAYLOR of Ohio also made an ineffectual attempt to obtain the floor, to make some remarks upon the subject in dispute.

The House then resolved itself into Committee of the Whole on the state of the Union, Mr. CASEY of Illinois in the chair, and took up the bill making appropriations for the civil and diplomatic expenditures of the Government for the year 1840.

Mr. JONES of Virginia moved to amend the bill, by striking out $70,000 for stationery, fuel, printing, etc. of the Senate, and inserting $50,000; and also to amend it, by striking out $150,000 for the same objects for the House of Representatives, and inserting $100,000; which amendments were agreed to.

Mr. WISE observed that it was his intention, before the CLERK began to read the bill, to make some general remarks on the subject of appropriations made by Congress; and these remarks he intended to apply to the accusations made of late by the Executive against the legislative department of the Government. It was not to be denied that the expenses of the Government of the United States had been enormously increased, fearfully increased to those who were for a simple Republican Government, pursuing a system of just economy. It was a solemn fact, to which all minds should be turned, that the expenses of the Government have, of late years, exceeded 33 or 34 millions. It was a fact, that if our revenue was collected by a capitation tax, it would exceed that of the last war with Great Britain. The average expenditures of General Jackson's administration were exceeding 18 millions of dollars, and exceeded those of Mr. Madison's administration by several hundred thousand dollars, while Mr. Van Buren had trod beyond the footsteps of his illustrious predecessor, in the expenditure of money. A capitation tax to cover these expenditures, would be nearly two dollars a head. The excuse of the Executive now was that Congress had exceeded the estimates of the Departments; and that Congress had gone on expending the public money in an extravagant manner, contrary to the approbation of the Executive. Now this was the first appropriation bill presented to them, except that which was introduced in the early part of the session for the pay of the members of Congress, and he wished to have a distinct understanding with regard to the appropriations it contained. The per diem of members was fixed by law, and in passing that bill they could not go beyond the ordinary expenditure. It was known how many members there were, and the amount of mileage to which each was entitled; so that there could be no mistake with regard to that appropriation. But here was the first appropriation bill on which any question of responsibility could arise, and he took it at the first hop, giving notice to gentlemen who had arraigned the legislative department of the Government, in favor of the Executive, that he should call on them to vote for no money but such as the latter called for on his responsibility. The first inquiry that he would of the chairman of the Committee of Ways and Means was: Did this bill, in the gross, and every item in it, and every part and parcel thereof—did it come from the Executive? Was it in pursuance of Executive recommendation? Was it beyond or below the Executive estimates; or in the third place, did it exceed or fall short in the amount appropriated by the bill of the last Congress?

Mr. JONES of Virginia, would with pleasure answer the interrogatories propounded by his colleague. The greater part of the items of appropriation in this bill were fixed and ascertained by law. All relating to what was called the civil list proper, perhaps every item, was inserted in virtue of existing laws, and therefore in exact conformity with the recommendations of the Executive Departments. Perhaps he should go further, and say that other items, in exact conformity with existing laws, were intended to be added to them in consequence of communications received from the Departments since the estimats were received.

In reference to the other inquiry of his colleague, whether the gross amount of the appropriations in this bill was larger than that in the same bill of the last Congress, he had to say that he had not compared every item in the one with every item in the other. He believed, however, it would turn out that the gross amount in this bill was larger than that in the bill of the last session, for the reason, as his colleague would perceive, that this being the long long session of Congress, and the other the short session, the amount for the pay of the members and the other expenses of the two Houses were now nearly double to what they then were.

[Here Mr. JONES stated the amount for each session.]

It would also be perceived that there were several other items in this bill where the appropriations exceeded those asked for in the bill presented at the last Congress; he would name what was asked for, for the various purposes of the land offices, growing out of the fact that there was, at the last session, a considerable amount of money at that service remaining from previous appropriations. He would mention to his colleague that there were several other items not necessary for him now to mention, as he could explain them more to his satisfaction as they successively came up.

Mr. WISE said that he was not going to dispute these items now; he had not examined them enough to see whether there was any that he should dispute. But he wished to call the attention of his constituents to these facts, as he should continue to do for this session first, that the Executive was responsible for this bill; that it was in accordance with Executive recommendation, upon Executive reports, and with the Executive's reasons.

Mr. JONES of Virginia. All of them are not by Executive recommendation.

Mr. WISE. I understand that the committee has, in some instances, reduced the amounts recommended in the estimates. Is this the fact?

Mr. JONES of Virginia. It is, sir.

Mr. WISE. Let all the facts be recollected as we go along, so that there may be no dispute hereafter. As his colleague remarked, (Mr. W. continued) there were some items, the most of them fixed and ascertained by law; as, for instance, the compensations of the President and heads of Departments, &c. &c. [naming them and their amounts;] and there were but few items, therefore, which varied from those of the year before. This bill was based upon the estimates of the long sessions bill, and yet there being so few items on which a variation of expenditure should be made, was it not astonishing that the gross amount should this year be larger. There was an increase of expenditure, though a general annunciation of econo-

my was made in the President's opening message. The general *ad captandum* appeal on economy and reduction of expenditure which had been read by every body, was fresh in their minds; and yet, said he, when you place this Administration on its details, you will find out the last appropriation bill, as it has been with the others before it, is larger than the one of the year before. Unless some gentlemen of the Opposition should watch these expenditures, we shall, said Mr. W. be going on increasing and increasing our expenditures, and you and I, sir, will be arraigned before our constituents for it. He averred here now, what he had averred at home, that the Executive of this country is responsible for every dollar that has been appropriated for the last seven years. [Here follows a sentence or two, which was not heard by the Reporter.]

In the next place, the Administration had not, in their general reports and general messages, gone as far as they had afterwards gone every session of Congress, in their secret and particular recommendations to the committees. They had had, in the Committee of Naval Affairs, one estimate intended for the public eye, and another for the committee room. He did not charge that such was the fact now. This, he understood from his colleague, had been open and above board, and that the committee had cut down the larger estimates themselves. Again, he averred that not a solitary important appropriation, for seven years past, had been made by the two Houses of Congress which the Executive could not have arrested. Show me, said he, the solitary item of extravagant appropriation that the Executive has vetoed, except some internal improvement appropriations vetoed by Gen. Jackson. I shall, continued Mr. W. pursue this subject, calling the attention of the country to it, item by item, and show that we are exceeding the expenditures of the last year even while the President's message is calling out for economy. You may, said he, reduce fifteen millions, and then knock it down to the standard of the war expenses of James Madison's administration. Mr. W. in conclusion said he had accomplished his object, and he assured his colleague [Mr. JONES] that he would assist him in endeavoring to get his bill along as fast as possible.

Mr. CUSHING desired to add two or three remarks, in addition to what had been said by the gentleman from Virginia, [Mr. WISE,] in all of which he entirely concurred. In order that there might not be any future question with regard to the appropriations in this bill, or any other, and that the Administration might not endeavor to shift the responsibility off its own shoulders, and throw it on Congress, he desired to make some addition to the remarks of the gentleman from Virginia, and, "*in perpetuam rei memoriam*," state what was his understanding of the subject. If what he should say was incorrect—if it involved any imputation on the Committee of Ways and Means—then they were to disavow any inferences which he might put upon this bill. This was a bill proposing an appropriation of millions—he did not know how many—and these millions were subdivided into a great number of items. It would be a serious task to pick out all these various items, and reconcile them with the estimates of the Secretary of the Treasury; and in order that a gentleman might do it to his own satisfaction, he must have some little knowledge of the details of the business of the Treasury. In addition to this we have, said Mr. C. been told that the committee have varied from the estimates in various respects—in how many the chairman did not tell them. But it appeared that the committee reduced some of the items, and augmented others.

Mr. JONES of Virginia. No, sir, not augmented.

Mr. CUSHING, as to augmentation, asked if there were not amendments to be proposed containing new appropriations.

Mr. JONES of Virginia replied in the affirmative.

Mr. CUSHING. I ask if these new amendments appear in the estimates of the Secretary of the Treasury.

Mr. JONES of Virginia. Not in the estimates, but from additional information received by the committee from the Departments since the estimates were furnished. The amounts are not large, and I am ready to furnish the gentleman with all the information in regard to them. These estimates came in, as he before remarked, some time after the others had been received, and, therefore, were not printed with them. He wished to have them printed for the information of the House.

Mr. CUSHING continued. There were then additional estimates to be moved, and which the gentleman tendered for the purpose of having them printed. He desired that they might be printed so that they might be able to trace all the appropriations in this bill. It would give them additional means of comparison between the bill as it should pass, and the recommendations of the Executive. But there would be additional difficulty in going through all these items to ascertain whether Congress or the Executive should be responsible for them. He did not wish to encounter this labor. He held it to be unnecessary. He held that the Committee of Ways and Means were the representatives of the Treasury Department on that floor; and, therefore, all they proposed was to be considered as coming from that source. He held that the Committee of Ways and Means, a majority of them being of the party of the Administration, presented the views and wishes of the Administration, in whatever appropriation they asked for. He took this ground with a view of preventing any mistake or erroneous application hereafter of responsibility for appropriations founded on the recommendations of the Executive. He entirely agreed with the gentleman from Virginia, that they had a right to hold the Administration responsible for all the appropriations.

But there was another view of the subject, not in connection with party considerations. It might very naturally happen, in the present state of things, when, in the beginning of the session, the Executive come comes out with a preachment on economy, with exhortations against extravagance, that some necessities for expenditures should arise, after the estimates had been sent in. Now, whether it was right or not for the Executive to exhort Congress to be economical, when he had the right to make economy himself—when Congress had not the final control of the expenditures—when, owing to the relations between the party members of this House and the chief of the Administration, there would be some sympathy felt for his wishes—he would not pretend to say. But whether or not that was a matter of propriety on the part of the Executive, was not of much consideration. But he would say that the exigencies of the country, the public defences—objects of the highest utility, just and proper in all respects—might require expenditures, which it might be that the Executive had omitted to recommend, with a view of carrying out this ill considered economy, which he had urged in his opening message.

In this view of the subject, though he did not desire to go beyond the estimates, yet he would consider it the duty of Congress to make such appropriations, and he was prepared to vote for them. He held the Executive responsible for the condition of the country; and if he had neglected to recommend such appropriations as were necessary for the objects he had alluded to, he considered it a more momentous breach of duty, and more deserving of censure, than if he had been guilty of extravagance. He held that the Administration was placed in this alternative—that it must hang on one horn of the dilemma. Either it neglects to recommend necessary appropriations, to make party capital, or, treading under foot these professions of economy made in the message, disdaining this game of brag, of not who shall best govern the country, but who shall cheapest govern the country; and if such is to be the course of our administrators, we had better at once let the Government out to the lowest bidder. He would say no more on these professions of impracticable economy, for the mere purpose of gaining political capital. He held that the Administration which did it, did a worse act than subjecting itself to the charge of extravagance, for it must subject itself to one or the other of the two charges, and he would prefer that it should subject itself to the latter. If the Administration saw fit to neglect its duty for the purpose of throwing off responsibility, he, as a member of Congress, would not follow its example, and he felt bound to vote for those appropriations necessary for the defence of the country.

Mr. JONES of Virginia said he apprehended that he and the gentleman from Massachusetts were not likely to disagree very much as to the course necessary to pursue in the investigations that were necessary in order to ascertain the principles on which both these important bills depended. Both of the gentlemen who had addressed the House, desired to secure strict accountability on the part of the Executive officers. Allow me to say, continued Mr. J. that I entertain the same views, and that, in order to accomplish them, the gentleman shall have my hearty co operation; and further, if gentlemen would only put their fingers on an item of appropriation that was like extravagance, he thought he should be able to satisfy them of the error into which they had fallen. This general mode of attack, by way of assailing every thing in the gross, and particularizing nothing, was one of those arguments which it was impossible to meet. It was like a shot thrown into a whole covey, where it would be impossible to see how any one point could be defended. He did not understand the gentleman as objecting to any one particular proposition, though he desired a strict accountability on the part of the Executive, and so did he. He knew of no professions of *ad captandum* economy that had been made by the Executive, and he saw no reason to doubt the sincerity of the recommendations in the message.

After some further remarks from Mr. WISE,

Mr. WHITE of Kentucky asked the chairman of the committee if there was any reduction in any of the items, except pensions and internal improvement.

Mr. JONES of Virginia said that the estimates for the Indian Department were vastly reduced below those of former sessions, because many of the occasions which required expenditures to be made, had ceased, and therefore, the aggregate would not be so large.

Mr. WHITE merely wished to call the attention of the chairman to the fact that, with the exception of the items he had mentioned, the aggregate of the appropriations in this bill exceeded that of the last year.

Mr. JONES of Virginia said he was aware that wherever a reduction should fall, there would be no credit given for it, though the Administration was sure to be censured for an increase of expenditure, without any allowance being made for the necessity of it. Honorable gentlemen politically opposed to the Administration, used with advantage every item which had a tendency to run the aggregate of expenditures up; and when that item was reduced, they used it with the same effect to show that no credit was due for the aggregate being lower. For instance, when the pensions were larger than now, it was drawn into the general aggregate to swell the amount appropriated, and to charge extravagance upon the Administration. It was in vain for us to urge that this was an extra affair, a reward for the old soldiers of the Revolution, who were daily dropping off, and that it would gradually be discontinued. So, also, with regard to the appropriations for the Florida war, which were in like manner drawn into the general aggregate, and charged as extravagance upon the Administration. It was said here your Administration has expended five millions more than the last year; and it was in vain to answer that this money was expended for the purpose of protecting your women and children from the tomahawk and scalping knife of the Seminole. This little book (holding up the estimates) has been referred to again and again to show the extravagance of the Administration, while those who make the charge do not point out any particular item which comes within that designation. Now (said Mr. J.) all I want is to hold gentlemen up to their own figures and arguments. If they charge extravagance when particular items of expenditure are large, let them give credit when those items are reduced—let them cancel the debit by entering the credit. But his colleague said that it had been the practice to present one estimate for

the public eye and another for the committee rooms. To this he could only answer that, if there had been such practice, it never was within his knowledge.

Mr. WISE hoped that his colleague did not intend to misrepresent him. What he said was, that we have general estimates and general reports which are printed and published, and that then, during the sessions of the committees, we had other estimates coming in, which are not published and printed. Now his colleague admitted that the committee had had some such this winter, and that they had not been printed.

Mr. JONES said he understood his colleague, at first, to say there was one estimate intended for the public eye, and another secret one for the committees. He now understood him to say that additional estimates were sent in after the general list at the commencement of the session.

Mr. WISE said he would state a fact, on his own responsibility; and that was that he had known a high officer of the Government, in the time when we apprehended a French war, to make a verbal call for a larger appropriation than he dare call for in writing.

Mr. JONES of Virginia did not believe that the remarks of his colleague was calculated to be prejudicial to the Administration. The warm manner of his colleague was calculated to make an impression that there was something wrong, and they would have had that effect, if it had not been for the explanation he had afterwards given; for he admitted in it that it would be necessary for the Departments to send in additional estimates, after the commencement of the session. There was no man who had any knowledge of the business of the Departments, but must be aware that this could not be avoided. An injury done to one of the fortifications, after the meeting of Congress, and after the estimates have been sent in, makes it necessary for the Secretary of War to come forward, and ask for an additional appropriation to repair that injury. This was a sample of the communications which his colleague spoke of as secret, and not intended for the public eye. Sir, (said Mr. J.) I have nothing to conceal from the public eye. He desired that every thing should be laid open, and such was the desire of the Executive. The honorable gentlemen from Massachusetts spoke of it as something very remarkable, that this important bill was not accompanied by reports explaining every item. Now when it was known to the gentleman that this committee was allowed but thirty days from the commencement of the session to report every one of the appropriation bills in; and when he bore in mind, that owing to the length of time that elapsed before the committees were appointed, that at this session they had but twenty days to perform that duty in, he would admit that they had more than should be imposed on them within that limited space. But why call on the committee to explain every item in this bill? Had not the gentleman every particle of information which the members of the committee had? Could he point to a single avenue of information which was not as accessible to him as to the committee. If he would take up the documents of the House for this and the last session, he would have all the information that was necessary to enable him to arrive at a correct result. Unless the gentleman designed that others should perform this work for him, he would not call on the members of the committee for it. Mr. J. knew the gentleman's ability and great industry, and that he was every day capable of obtaining all the information he desired. Mr. J. did not desire to detain the committee, and therefore would say nothing further until some gentleman rendered it necessary for him to do so.

Mr. BELL adverted to the past practice in relation to the estimates; and called the attention of the chairman of Ways and Means to a certain document, officially reported to the House at a previous session, in which was contrasted the amount called for in those estimates, with the amount actually appropriated by Congress, with a view to show that the responsibility of the excess above the estimates was attempted to be thrown upon Congress, by practising a kind of fraud upon the people in relation thereto. He contended that the charge that Congress was responsible was not well founded, but that the odium, if any, attached to the Executive. The Executive had been in the habit of sending in estimates, which went forth to the country in the annual documents, and were extensively circulated; but subsequently application would be secretly made to the Committee of Ways and Means to place in the appropriation bills items omitted from the estimates, whether by design or not he was not prepared to say, but it looked very much like it from the facts of the case—items which when aggregated would swell the appropriations to millions beyond the estimates. In proof that the Executive had two sets of estimates, he asserted that in some instances they were reported to Congress, and from which were omitted even the sums necessary to carry on the Florida war, and to fulfil Indian treaties; objects for which the proper departments knew appropriations were absolutely and indispensably necessary. The same course had been pursued this session, to a certain extent. A treaty, which had just been ratified by the Senate, and which the Executive, when he sent in the estimates, must have been aware would, in all probability, be ratified, would need some three or four hundred thousand dollars to fulfil. This would necessarily swell the aggregate of appropriations. Yet no mention was made of the probability of this amount being needed, and would be hereafter charged upon Congress. Mr. B. before concluding his remarks, adverted to the Indian wars, (which had contributed to swell the appropriations,) and contended that they grew out of the bad management of the Executive, or the agents of the Government under his control.

Mr. JONES, of Virginia, observed that it must be perfectly apparent to every member of the committee, that in the remarks he submitted a few moments ago, he intended to apply them to what had transpired at the present session of Congress, and did not intend to go beyond it. He knew very well, that he would have enough on his hands, without going beyond the range of his duty, and referring to the transactions of the Administration, for the last four or five years—to the documents of which, the gentleman wished him to go back to. Now if there had been any fraud practised, he was very sure that they would not have escaped the observation of the honorable gentleman; and that he would not have been backward in making the public acquainted with them. All he had now to say, was, that he had seen nothing on the part of the Executive, which showed a desire to conceal any thing from the Legislature, or from the people. But the honorable gentleman had gone back to show that the President was censurable for the manner in which he carried on the Florida war. We all know, said Mr. J., how easy it is to find fault, and the gentlemen can prove, in their speeches and on paper, that every thing in this war has been conducted wrong, and that the President is little better than a fool, while our ablest generals know nothing about military affairs. Let such arguments go forth to the country for what they are worth, and the people will know how to put the right construction upon them.

Mr. BIDDLE did not feel inclined, and perhaps was not physically able at this moment to follow the somewhat erratic course of this debate. He merely rose to say a word as to the degree of weight that should be attached to these bills, from having been reported by the Committee of Ways and Means. In most cases the items were found in the estimates from the Departments, which had been embodied in the report of the Secretary of Treasury, and were referred to in the boast of the President's message about the *saving* of five millions as compared with last year. Other items had been presented from the Deparsments which were *not* in those estimates. Mr. B. had taken a stand at the outset, that he would resist the introduction of such items, unless an explanation was given why they had been dropped in the estimates laid before the President. The committee had declined to go the length of this principle, but had, he believed, generally required the sanction of a department, and repudiated that of surbordinates, who had been, in the first instance, put forward. The result would be, that for the supplemental items thus introduced, there was no tangible enduring responsibility; the application from the Departments were fugitive, and would be forgotten; and the expenditure, even for an additional clerk, as it appeared in the statute book, would seem the act of this body, in defiance of the President's anxious injunctions. Mr. B. said the honorable chairman [Mr. JONES] knew, and would, of course, in the progress of the bills, point out such items. They want to be watched with jealousy. He believed that items of magnitude of this description, would come rather from other committees than that of Ways and Means, which he was bound to say, had been vigilant and scrupulous. Mr. B. would not be understood as saying that he would vote for nothing but what was in the President's estimates. Far from it. But with regard to matters pressed slyly by the Department, after a general statement had been got up for the public eye, he would hold them to a rigid explanation.

Mr. HUBBARD remarked: Mr. CHAIRMAN, I am a new member, and shall not go over the ground so much debated here to-day, as to who has been most to blame for extravagance in expending public money during former sessions of Congress; whether it be the present and former President, or Congress.

I shall endeavor to confine myself to the question now under debate; and upon this subject I have to state, that so far as I can judge, from what I have witnessed, the most talented opponents of the Administration have not treated the President fairly on this question of expenditure of public money. In my opinion, an opposition to an Administration, on the ground of extravagance, should be able to point out what items of appropriations for the public service are too high. If there be such, I call upon the talented gentlemen now denouncing the President in general terms for wasting public money, to point out the item that is too high, and I will go with them. They will always find me among those who vote the least sum which will carry on the Government. If they cannot point out some particular item, it does seem to me that it is unfair to make general objections against the President, and by that means make the people dissatisfied with the administration of the Government of their choice, by so much clamor against bills that gentlemen, after all of their complaining, themselves vote for. Do they expect they can excuse themselves to their constituents after voting for such appropriations, by endeavoring to shift the blame from themselves to the President? They cannot do it, sir. The people will require *voting* against as well as *speaking* against appropriations, of which complaint is made to them.

I have, Mr. Chairman, witnessed, on the part of the most talented gentlemen of the Opposition in this House, a method of attacking the President, which seems to me very unusual and unstatesmanlike. It is this: whilst complaining of the President for his extravagance, and making the greatest professions of economy themselves, yet wherever the President has failed to make a call upon us for money for any object of expense to which our money has heretofore been applied, these gentlemen have attacked him in the most violent manner for not including that particular object in his estimates for the year.

Gentlemen know, or ought to know, that whenever the Government begins to withhold public money from interests or sections of country accustomed to receive it, that the very act of withholding money from that section or interest must necessarily, of itself, irritate and displease the people so disappointed.

Now it does seem to me that if these reductions in the estimates are proper, a statesman or patriot would rather desire so sooth and quiet the people so disappointed, by making them acquainted with the true condition of the whole country, and the impoverished situation of the Treasury. But if these reductions are not proper, then it appears to me that, as statesmen and patriots, they should show that the country required an enlarged expenditure, and support it with their votes. But it does appear to me that this method of denouncing the President for expenditures for which

we vote ourselves; or denouncing him for not calling upon us for money which we ourselves are not willing to raise by our votes, is more like a mere partisan warfare than patriotic statesmanlike opposition.

These, sir, are my views upon the question of expenditures. I know that I am, under the Constitution, responsible to my constituents for the money I vote away; and I will not attempt to shift that responsibility upon the President; nor can any member here excuse himself for voting away the public money on the ground that the President is extravagant. He can use or expend no public money, unless we here vote it for him, and require him to use it; and I now tell gentlemen of all parties who themselves are disposed to cut down this appropriation bill, that they will find me with them upon every attempt to lop off needless expenditures.

Mr. VANDERPOEL said he was glad to hear such professions of economy from the other side of the House. He assured gentlemen that he would co-operate with them in the great work of economy, about which they now seemed so solicitous. If the result shall prove a little *practice*, as well as profession, on their part, he (Mr. V.) would undertake to prophesy, that the revenues of the year would still be equal to its expenditures; particularly if we should pass a declaratory law, according to the proposition of the Committee on Manufactures, to guard against the frauds and evasions in your revenue laws, which were so constantly occurring. The gentleman from Maine [Mr. EVANS] had, a few days ago, told us that the Secretary of the Treasury had given us too flattering a view of the finances; that there was a permanent deficit; that in asking for the power to issue Treasury notes, he asked for nothing but palliatives; and that the Secretary was deceived, if he entertained the idea that, with the aid of five millions of Treasury notes, he would be able to get through the year. Notwithstanding the confident assertions of the gentleman, he (Mr. V.) entertained a confident hope that the Secretary would be able to get through the year without further aid, if you promptly passed the above declaratory law, and took care, in your appropriations, not to exceed the estimates. He had heard some strange doctrines to-day; doctrines that seemed to him (Mr. V.) to conflict directly with sentiments which their authors had so often reiterated here. The gentleman from Virginia [Mr. WISE] says he holds the Executive responsible for every appropriation made by Congress within the last seven years. How did the gentleman expect the Executive to arrest the legislation of Congress in regard to appropriations? Was it by means of the veto power?

[Mr. WISE responded: "No, not by the veto."]

Then, said Mr. VANDERPOEL, I wish the gentleman would define the means which he expects the President to use to prevent improper legislation by us?

[Mr. WISE said it was a certain *indefinable* power, which no one understood better than his friend from New York. It was a look, or a hint, or a shake of the head, by the President. This was all that was necessary to deter his faithful supporters in this House from voting for any measure.]

Mr. VANDERPOEL said he was astonished to hear such a doctrine as this from the gentleman from Virginia. For more than six years has that gentleman, and the "*indefinable*" party with which he has acted, most indignantly declaimed against the alarming increase of Executive power; this has been the burden of his never ending complaints; and now, forsooth, he holds the President blameworthy, because he will not transcend his own constitutional functions, and dictate directly to members of Congress, in regard to matters that come clearly within their constitutional province. Was it not very strange that the gentleman should, so suddenly, change his tune? For years has Executive encroachment, real or imaginary, been with that gentleman the alarming political sin of the times; and now, behold, it suits his purpose to attach blame to the President, because he has not practically encroached far enough on the jurisdiction of Congress. He, Mr. V. was not prepared to hear such a doctrine—*such a ground* of blame against the President from that quarter. He could now, however, he hoped, congratulate the country that the frightful bugbear of Executive influence had at least disappeared; for the leader of the Opposition had told the House that the President was culpable, because he had not more efficiently exerted that influence.

Mr. V. said he was not a little surprised at the positions assumed by the gentleman from Massachusetts, [Mr. CUSHING.] He tells us that he would hold the President responsible, not only for all appropriations made by Congress, but he would also hold him responsible for the omission of Congress to make necessary appropriations, if they were not included in the estimates. The President, then, is to be blamed if Congress appropriate too much; and the President is to be equally blamed, if Congress appropriate too little. It seems that there is no possible way of shielding the President from censure, unless Congress adopt the very exact medium which accords with justice and propriety. This is certainly placing the President in a pretty difficult position. Such doctrines at this late day seemed to him, Mr. V. to militate very much against all the arguments and denunciations he had, for the last several years, heard against undue Executive influence. It was a little singular that the gentleman from Massachusetts should venture to hold the President so strictly responsible for all the appropriations made by Congress, when we considered what that gentleman had done here within the last four days. That gentleman had recently, as a member of the Committee of Foreign Affairs, reported a bill to appropriate five millions of dollars to indemnify a class of claimants for spoliations committed by France anterior to 1800. Now if it should so happen that his bill should become a law, some four or five years hence, when gentlemen of the Opposition shall hold up in frightful colors the appalling aggregate of the expenditures of this Government, they will take good care not to admit or state that, with this large item of five millions, the Executive had no connection; and yet, according to the arguments of the two gentlemen who had preceded him, the President ought to be held responsible for such appropriations. And it was of this that he, Mr. V. complained. When gentlemen talked about, or denounced, the expenditures of a particular year, they contented themselves with the aggregate: never troubled themselves with particulars, for if they did so, they would show that their own votes were instrumental in swelling up these aggregates. We do charge, sir, that the large expenditures of late years are mainly attributable to Congress, and not to the President. This very year, a proposition has come from one or two of my colleagues, [Messrs. MARVIN and BERNARD,] to appropriate a very formidable sum for the improvements of rivers and harbors; appropriations for objects of this description were not included in the estimates sent here by the Departments. Still, if his colleague's bill should pass, it would serve to create a new text for homilies some two or three years hence, upon the extravagance of this Administration.

Some five years ago, we passed a bill to increase the compensation of the officers of the navy; for which he (Mr. V.) voted; but the most formidable opposition it encountered, was from the friends of the Administration here. This had swelled the naval expenditures very considerably; yet gentlemen, when they denounced any increase, would not tell us that they voted for a measure, which essentially contributed to such increase. Confine yourselves, then, to the estimates; and, my word for it, you will not have so much occasion in future times to complain of the extravagance of 1840.

After some remarks from Mr. GRAVES,
On motion of Mr. DUNCAN,
The committee rose, and
The House adjourned.

IN SENATE,

FRIDAY, April 10, 1840.

Mr. HENDERSON presented the credentials of the Hon. ROBERT J. WALKER, elected by the Legislature of the State of Mississippi a Senator in the Congress of the United States for the term of six years from the 4th of March, 1841; which were read, and ordered to be printed.

Mr. WALKER presented a petition of citizens of Lowndes county, Mississippi, praying for the enactment of a general bankrupt law.

Mr. W. said he would take this opportunity to state that he was in favor of the passage of a general bankrupt law, if corporations, and especially banks—which are now setting up as a kind of submonarchies in the land—were embraced in its provisions.

The petition was referred to the Committee on the Judiciary.

Mr. W. also presented the petition of John Scarborough and Nancy his wife, of the State of Mississippi, stating that they are the parents of twenty living children, praying a donation of land; which was referred to the Committee on the Public Lands.

Mr. W. also presented the petition of citizens and members of the bar, praying the removal of the circuit court of the United States to Vicksburg; which was referred to the Committee on the Judiciary.

Mr. W. also presented the petition of William H. Smith, of Mississippi, praying the confirmation of his title to a tract of land; which was referred to the Committee on the Public Lands.

Mr. W. also presented the petition of Griffin Ross;

The petition of Thomas H. Ross;
The petition of Seth Ross;
The petition of George Reed;
The petition of Isaiah Gates;
The petition of A. Hollands; and
The petition of J. W. Currys;

all of Mississippi, praying a pre-emption to certain designated tracts of land; which were referred to the Committee on the Public Lands.

Mr. HUBBARD presented documents in relation to the claim of James H. Relfe; which were referred to the Committee on Claims.

Mr. DAVIS, in behalf of his colleague, [Mr. WEBSTER,] presented a document in relation to the drawback of duties on refined sugars; which was ordered to be printed.

Mr. MOUTON presented the petition of Lewis L. Harper, praying a pension; which was referred to the Committee on Pensions.

Mr. SMITH of Connecticut presented the petition of a number of citizens of the State of Connecticut, praying a reduction of the postage on letters; which was referred to the Committee on the Post Office and Post Roads.

Mr. WALL submitted additional documents in the case of Thomas L. Winthrop, and others, directors of the New England Mississippi Land Company.

Mr. W. also presented the petition of a number of citizens of Tuckerton, N. J. remonstrating against the establishment of a certain mail route; which was referred to the Committee on the Post Office and Post Roads.

FRONTIER DEFENCES.

Mr. NORVELL presented a preamble and joint resolutions of the Legislature of Michigan, concerning the military protection of the frontier of that State. While up, he would take the occasion to express his profound surprise at the opinion expressed by General Scott, in the communication lately made by him to the War Department, in relation to the British military preparations on the northern frontier—that *he* regarded all forts and barracks built on that frontier as of little or no military value to either of the parties, in the event of a new war between the United States and Great Britain. He declares that from Cornwall, which is on the St. Lawrence, along the whole frontier line of Upper Canada, extending, as it does, several hundred miles all the way up to Lake Superior, such structures are of no military value. Uninformed as he was in military science, he must nevertheless say that the "fixed opinion" of the gallant General was at war with all the notions which he had derived from history or observation upon such subjects. He had been in the habit of regarding the military attainments, courage, and skill of that distinguished officer, with great respect; but it was certain that

his views did not correspond with the opinions of the people along the whole line of northern frontier. They did think military works of great importance, both to accomodate the troops, and to defend the country. They could not see how such works could be dispensed with one side, when they had been constructed, and were in a course of construction, on the other side. He did not believe with the General, that the British military preparations at any point were made, and making, solely to protect the neighborhood "from *refugee incendiaries* from our side." With the views which he entertained upon this subject, he must be permitted to ask the special attention of the Military Committee to the works already existing, as well as to those required for our defence, on that frontier. And he would move the reference of the resolutions, together with a letter from the Governor of Michigan, to that committee, and further that they should be printed for the use of the Senate.

The reference and printing were ordered.

Mr. N. also presented the memorial of a number of citizens of Berrien county, Michigan, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. N. also presented the memorial of the Lake Superior Fishing and Mining Company of the State of Michigan, praying to be allowed the right of working the mineral lands belonging to the United States along the southern shore of Lake Superior, in the said State; which was referred to the Committee on Public Lands.

Mr. SMITH of Indiana presented the following preamble and resolutions of the Legislature of the State of Indiana, which were read:

A PREAMBLE AND JOINT RESOLUTIONS IN RELATION TO THE NORTHEASTERN BOUNDARY.

Whereas, The General Assembly of the State of Ohio have adopted and caused to be laid before this General Assembly the following resolutions, to wit: "Whereas, by the Declaration of Independence on the fourth of July, seventeen hundred and seventy-six, the United States of America became a sovereign and independent nation, with full power over the territory within her limits; and whereas, at the treaty of seventeen hundred and eighty-three, between the United States of America and Great Britain, the Northern and Northeastern boundaries between the two Governments were fairly designated and distinctly described; and whereas the said British Government has since set up claims to a part of the territory of these States, and now lying within the State of Maine; and whereas the subjects of the British Crown have recently invaded and trespassed upon the territory of the State of Maine, and within the limits of this Confederacy; and destroyed the property belonging to the State: Therefore, Be it resolved by the General Assembly of the State of Ohio, That we view with united approbation the prompt and energetic action of the authorities of Maine, to protect the rights and honor not only of their own State, but of the whole Union: Resolved, That the act of Congress conferring upon the President of the United States ample power and means to protect this nation from foreign invasion, has our full and most hearty assent: Resolved, That while we highly approve the efforts made by the President of the United States, to avert from this country the calamities of war, and earnestly hope that they may be, as they have been heretofore, successful; yet, should a collision take place between this Government and Great Britain, in the settlement of the pending dispute, Ohio tenders her whole means and resources to the authorities of this Union, in sustaining our rights and honor: Resolved, That the Governor be directed to transmit a copy of the foregoing preamble and resolutions to the President of the United States, and to the Governors of the several States," March 18, 1839;

THEREFORE, *Be it resolved by the General Assembly of the State of Indiana*, That we fully concur in and heartily approve of the above resolutions of the General Assembly of the State of Ohio.

Resolved, That while we cherish the hope that, in the adjustment of the question of our national boundary, the integrity of our soil, and the national honor, may be preserved inviolate without an appeal to arms, yet we will ever prefer honorable war rather than dishonorable peace.

Resolved, That, should a collision take place between this Government and Great Britain in the settlement of the pending dispute, Indiana tenders her whole means and resources to the authorities of the Union in sustaining our rights and honor.

Resolved, That the Governor be directed to transmit a copy of the foregoing preamble and resolutions to the President of the United States, to each of our Senators and Representatives in Congress, and to the Governors of the several States.

The resolutions were laid on the table, and ordered to be printed.

Mr. LINN presented the petition of Joseph Philipson, of Missouri, praying the confirmation of his title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. RUGGLES presented the following resolutions passed by the Legislature of Maine, which were read:

RESOLVES RELATING TO THE NORTHEASTERN BOUNDARY.

Resolved, That the patriotic enthusiasm with which several of our sister States, the past year, tendered us with their aid to repel a threatened foreign invasion, demands our grateful recollection; and, whilst this spirit of self sacrifice and self devotion to the national honor pervades the Union, we cannot doubt that the integrity of our territory will be preserved.

Resolved, That the promptness and unanimity with which the last Congress, at the call of this State, placed at the disposal of the President the arms and treasures of the nation, for our defence; the firmness of the Executive, in sustaining the action of this State, and repelling the charge of an infraction of the arrangement made with the British Lieutenant Governor in March last, and charging back upon the British Government the violation of that agreement; their decision, in demanding the removal of the British troops now quartered upon the disputed territory, as the only guarantee that they sincerely desire an amicable adjustment of the boundary question; afford us confident assurance that this State will not be compelled single handed to take up arms in defence of our territory and the national honor, and that the crisis is near when this question will be settled by the National Government, either by negotiation or by the ultimate resort.

Resolved, That, unless the British Government, during the present session of Congress, make or accept a distinct and satisfactory proposition for the immediate adjustment of the boundary question, it will be the duty of the General Government to take military possession of the disputed territory; and, in the name of a sovereign State, we call upon the National Government to fulfil its constitutional obligations to establish the line which they have solemnly declared to be the true boundary, boundary, and to protect this State in extending her jurisdiction to the utmost limits of our territory.

Resolved, That we have a right to expect the General Government will extend to this member of the Union, by negotiation or by arms, the protection of her territorial rights, guarantied by the Federal compact, and thus save her from the necessity of falling back upon her natural and reserved rights of self defence and self protection—rights which constitutions can neither give nor take away; but, should this confidence of a speedy crisis be disappointed, it will become the imperative duty of Maine to assume the defence of our State and national honor, and expel from our limits the British troops now quartered upon our territory.

Resolved, That the Governor be requested to forward copies of these resolutions to the President and Heads of Departments, and to the Senators and Representatives in Congress from this State, with a request to the latter to lay them before the respective bodies of which they are members; also, to the Governors of the several States, with a request to lay them before their several Legislatures.

The resolutions were referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. R. also presented resolutions of the Legislature of Maine in opposition to the bill reducing the duty on salt, and repealing the fishing bounties, &c. which were laid on the table, and ordered to be printed.

Mr. ALLEN presented the memorial of a number of citizens of Maumee, in the State of Ohio, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. GRUNDY submitted an additional document in relation to the petition of Preston Starrit; which was referred to the Committee on Claims.

Mr. BENTON, from the Select Committee, which was raised to make a legal and documentary report on the origin and character of the fishing bounties and allowances, submitted a report; which was ordered to be printed.

Mr. DAVIS, from the minority of the same committee, made a report upon the same subject; which was ordered to be printed.

Mr. ANDERSON moved that ten thousand additional copies of these reports be printed for the use of the Senate.

Mr. RUGGLES objected to this motion. He hoped that the usual number would be printed, and then if it was deemed to contain matter interesting to the public, a motion could be made to print a larger number.

Mr. HUBBARD was glad that the Senator from Tennessee had made the motion for the printing of an extra number of these reports. The subject of which they treated was one of great interest to a large portion of New England, and he wished that all that could be said on both sides might be generally read. He would therefore vote for the motion.

Mr. ANDERSON said he had one or two reasons for his motion, with which he would not have troubled the Senate, but for the objections which had been urged against it.

The subject was one of the greatest interest, and, as to one branch of it, had already attracted the deepest attention of the public. Inquiry had been awakened in almost every portion of the country, and the most lively expectation was felt, particularly in the interior and the Far West—and coming, as he did, from a State that had an earnest solicitude upon the subject of the salt tax, and being a member of the committee that made the report, he thought it his duty, and due to the importance of the questions involved, to move for the printing of an extra number of copies, with a view to give to the people all the information within our power. The two reports now submitted to the Senate contained the adverse opinions which had long prevailed in the country, fully expressed, and presented a full and complete documentary and legal review, arranged with accuracy, and embracing the statutory provisions from the origin of the subject, through its whole progress, to the present period. These statutes had been examined and compared, from 1789 onward, and the whole evidence growing out of petitions and reports, which had been presented to Congress by those who entertained conflicting opinions, were put into a condensed form, with lucid comments, which shed ample light upon the questions, and he had no doubt would be highly gratifying and greatly useful to the public. He trusted that the printing would be ordered: he thought it due to the importance of the subject and to the people.

The question was then taken, on printing the extra number, and it was agreed to.

Mr. WALL, from the Committee on the Judiciary, reported a bill to amend an act, approved January 18, 1839, entitled an act to amend an act entitled an act to require the judge of East and West Tennessee to hold a court at Jackson, in said State, approved June 18, 1838, and for other purposes; which was read, and ordered to second reading.

Mr. NORVELL, from the Committee on the Public Lands, to which was referred the bill for the relief of James L. Cochran, reported it with an amendment.

Mr. CLAY of Alabama, from the Committe on the Public Lands, to which was referred the bill to annex a certain tract of land to the Coosa land dis-

trict, and for other purposes, reported it without amendment.

Mr. C. also, from the same committee, to which was referred House bill for the relief of Sutton Stephens, reported the same without amendment.

Mr. WALKER, from the Committee on the Public Lands, to whic was referred the bills from the House

For the relief of James Alexander;

For the relief of James Brewer;

For the relief of the representatives of William Williams, sen.;

A bill granting two townships of land to the Territory of Iowa, for the purposes of a university;

A bill granting a section of land for schools in St. Clair county, Ill.;

A bill to allow further time to Centre College, Ky. to sell certain lands; and

A bill to amend an act entitled an act to authorize the State of Tennessee to issue grants, and perfect titles, to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, passed the 18th of April, 1806;

reported them severally without amendment.

Mr. PRENTISS, from the Committee on the Public Lands, to which was referred House bill granting the right of pre-emption to certain lots in the town of Perrysburg, in the State of Ohio, reported it without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred the following bills from the House:

An act for the relief of Josias Thompson, superintendent of the Cumberland Road between Brownsville and Wheeling;

An act for the relief of Benjamin C. Roberts; reported them severally without amendment, and that they ought not to pass.

Mr. H. also, from the same committee, to which was referred House bill for the relief of Garret Vliet, reported it without amendment, with a report thereon, which was ordered to be printed.

Mr. H. also, from the same committee, to which was referred the House bill for the relief of W. Bailey, survivor of Bailey and Delord, made an adverse report thereon; which was ordered to be printed.

Mr. H. also, from the same committee, to which was referred the bill for the relief of John T. Addoms, reported the same with an amendment, and a report; which was ordered to be printed.

Mr. NICHOLAS, from the Committee on Military Affairs, to which was referred the bill for the settlement of the claims of New Hampshire against the United States, reported the same without amendment.

Agreeably to notice, Mr. ALLEN asked and obtained leave to introduce a bill to expose to sale all the public lands in the State of Ohio, hitherto reserved from sale; which was read twice, and referred to the Committee on the Public Lands.

Mr. PIERCE, from the Committee on Military Affairs, reported back to the Senate the memorial from certain officers of the engineer corps, remonstrating against the passage of the bill for the equalization of the pay and allowances of the officers of the line and staff of the army, and moved that it be printed; which was agreed to.

Mr. P. also, from the Committee on Military Affairs, to which was recommitted the bill authorizing the President to raise 1500 men to serve in the Florida war, reported the same with an amendment, (to strike out "marine corps" wherever it occurred in the bill;) which was agreed to; and the bill was ordered to be engrossed for a third reading.

The bill was then read a third time, and passed.

The bill to revive the act entitled "An act to enable claimants of land within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved the twenty-sixth day of May, eighteen hundred and twenty-four, and an act amending the same, and extending the provisions of said acts to claimants to land within the State of Louisiana and Mississippi, being taken up as in Committee of the Whole, was discussed at length by Messrs. GRUNDY, BENTON, HENDERSON, LINN, and CLAY of Kentucky, when, on motion by Mr. BENTON, it was postponed until Monday next.

On motion,

The Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, April 10th, 1840.

The SPEAKER announced that the first business in order was the resolution reported from the Committee on Public Expenditures by the gentleman from Massachusetts, [Mr. BRIGGS;] and it was read as follows, viz:

Resolved, That the duties originally assigned to the Committee of Public Expenditures, by the rules of the House, having since been transferred to other committees, and the said Committee of Public Expenditures having no duties to perform, that the rule for its appointment be abolished.

Mr. CUSHING argued at some length in opposition to the resolution. He adverted to the political character of the committees at previous sessions of Congress; the peculiar construction of which had rendered them powerless. The SPEAKER of the two last Congresses' had been elected on party grounds; and the committees had been organized to the same end. But now the case was different—the present SPEAKER, when he was installed into office, in his remarks made upon that occasion, said that the committees to investigate the various departments of the Government should be appointed without regard to personal or party considerations; and in the appointment of these committees, Mr. C. was of opinion that the SPEAKER had removed the objections of party organization. He has entirely removed that difficulty, and has appointed gentlemen conspicuous for their talent, and who are industrious and well acquainted with the manner of pursuing investigations. A majority on the committees are decided opponents of the Administration; and there was the power to investigate *ad libitum*. Now, when we have this power, it is proposed to abolish the committee. Because there had been neglect heretofore, or that the committee had been rendered powerless by its peculiar organization, was no argument that this committee should now be abolished. As the committee on the Departments are now organized, there was the power to investigate; and the investigation could be made effective. He contended that the general powers of this committee had not been transferred or annulled, and went into an argument to prove that fact. The committees, as he before said, consisted of gentlemen who had the habit and taste, and could make efficient investigation, and denied that they could be excused before the country, unless their powers had been abridged by transfer to other committees. He denied that there was any transfer of the general powers of this committee by the appointment of special committees. He argued to show that if the principle should be once settled, on the ground claimed, as good cause for the abrogation of this committee, all the standing committees would be for shifting the responsibility of investigation.

He denied not only the premises of the resolution, but the conclusion to be drawn from these premises, even if true; and denied, therefore, the entire proposition contained in it, and was opposed to its adoption. If the committee was to be abolished at all, he thought it ought to be done under a general revision of the rules of the House at the commencement of the session, and not at a time when there were objects requiring its investigation, and when the country needed the light which it would be in the power of that committee to bestow.

Mr. BOND, as a member of the Committee on Public Expenditures, wished that the proposition contained in the resolution might be decided upon at once—*instanter*; for he desired either to be relieved from his obligations as a member of the committee, or else to go on with the matters of which it had cognizance.

Mr. BRIGGS replied at some length to Mr. CUSHING, and went into a statement of the history, powers, and duties of the committee. The committee, he said, had come to the conclusion, after a full examination of the rule under which it was appointed, taken in connection with the other rules of the House, that they had no duties to perform—that their appointment was a mere matter of formality; and, being so, they wished, as the gentleman from Ohio [Mr. BOND] had stated, to have the matter decided at once. They had wished it to have been decided long ago, and it was not their fault that it had not been. They had, as soon as possible after their appointment, and as soon as they could find a place in which to meet, instructed him to report the resolution now before the House. Mr. B. went into some amusing statements to show the perfect oblivion to which every thing connected with this committee, save its name alone, had been consigned.

Mr. WISE obtained the floor, to make some remarks on the above question; but the morning hour having expired, he yielded to

Mr. JONES of Virginia, who called for the special orders of the day.

Mr. BELL, by general consent, submitted a motion that the Committee on Indian Affairs have leave to send for persons and papers in the matters referred to them as to the execution of the treaty with the Winnebago Indians; which motion was unanimously agreed to.

GENERAL APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. CASEY of Illinois in the chair,) on the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840.

Mr. DUNCAN, who was entitled to the floor on the above bill, went into a review, at great length, of the causes which had contributed to swell the appropriations beyond the estimates of the Departments. He contended that not much more than one half of the appropriations passed by the recommendation or approbation of the President; and he asked those who had denounced him so much, whether he was to be held responsible. Mr. D. also referred to the past history of the proceedings of Congress in relation to the Cumberland road. In relation to that road, he believed a majority of the Democratic party had opposed it on the general ground that they were opposed to internal improvements not expressly authorized by the Constitution, or demanded for the purposes of carrying out the principles on which the Federal Government was formed. The Federal party had generally sustained appropriations to that road on the ground that they have been, and now are, in favor of internal improvements of every character, and however extravagant. More than the usual number of the Democratic party had this year voted for the Cumberland road, whilst a less number of the Whigs have voted in favor of that road. He asserted that the appropriations this session for that road have been defeated by the Whigs, and the journals would sustain him in that assertion.

He then adverted to the abuse which was daily heaped on the Administration party. It had been denounced as profligate; that cry had been rung upon every change, from the first day that he had entered the hall: and yet those declaiming could not point out in what particular. If gentlemen believed that profligacy and extravagance had existed to such an extent, it was their duty to point it out; and he would go as far as any of them to correct it. If they believed that there were too many officers, and their salaries were too large, they were required by their oaths to point them out, and move to reduce them. Why not, in accordance with their belief, bring forward their measure of reform. He would, and he was confident the Democratic party would, do what was right and proper. We now hear much noise about the public printing—it costs too much, &c. If it costs too much now, it must have cost too much at the last session, because the prices were the same; and the cost of printing ordered at the last short session was four times as great as it will be at this session, of more than double the length. Why did not these honorable Whigs reform it, and reduce the prices at the last session of Congress. They had then a decided majority. They had the remedy in their own hands and could have applied it, but they would not. The Democratic party would then have gone with

them, heart and hand, in making this now wished for reform. No, it would not suit their party purposes then. They elected a man to do the printing; and permitted him to transfer and barter it away to another—both receiving large profits according to their own showing. They permitted the public to be fleeced and robbed of some $20,000. Why, he again asked, did they not come forward with their corrective? Why, their political friends had it then. So soon as the Democratic party obtained the power, they took this reform in hand. They went about it, and appointed a committee; and if he recollected right, this committee had reported a reported a reduction of fifteen per cent.; which, if the report is well grounded, proves that the Federal printers of the last session had received some fifteen thousand dollars on every hundred too much; and yet we heard nothing said by these declaiming Whigs then about the prices of printing being too high, or that too much was ordered; nor do we hear any wish expressed that the excess paid them should be refunded, as the same party now propose to do towards the Democratic printer. This was perfectly understood by the country. Mr. D. then commented on the continued cry about the office holders. The whole ground of the opposition by the Whig party to the Administration, growing out of a desire to turn them out, to put in the many lean, lank, hungry expectants for four years, which would be as long as could possibly be expected, under any circumstances, that such a party could maintain power. Mr. D. then referred to the Presidential questions, which periodically deranged the affairs of the country. By reference to the public journals of the nation, it would be seen that this cry of ruin, ruin, and panic, was enacted the year previous to such election; and that it was the effect of a species of political monomania. The cry of ruin, extravagance, was perfectly understood by the people.

Mr. D. then went into a full examination of the political and military character of General Harrison, and commented with much force on the efforts the Whig party were making to draw the attention of the people from the odiousness of the principles of their candidate for the Presidency, by palming him off as the "log cabin and hard cider candidate." He showed conclusively that he neither drank "hard cider nor lived in a log cabin;" but that he lived on a princely estate, and enjoyed the emoluments of an office which netted him more than five thousand dollars annually. He also proved from the records of proceedings in the Ohio Legislature, and speeches on that occasion, that General Harrison, instead of being the poor man's friend, was in favor of selling them into slavery—even to become the slaves of free negroes, if they should think proper to purchase them. Mr. D's remarks will be published in full hereafter.

Mr. GIDDINGS obtained the floor; and, on his motion, the committee rose and reported progress, and asked leave to sit again; which was granted.

The SPEAKER laid before the House a communication from the Secretary of War, enclosing a communication from the Commissioner of Indian Affairs, giving information in relation to the assemblage of Indians on the Northeastern frontier, and the countenance the British had given them; made in compliance with a resolution of the House of the 9th ultimo. On motion of Mr. CUSHING, referred to the Committee on Foreign Relations.

Also, laid before the House a communication from the Navy Department in compliance with a resolution of the 23d ultimo, giving a statement of all the sums of money which have been invested in State stocks. On motion of Mr. ADAMS, laid on the table, and ordered to be printed.

Also, laid before the House sundry depositions in relation to the New Jersey contested elections; which were referred to the Committee on Elections.

On motion of Mr. ANDREWS,

The House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, April 11, 1840.

The business before the House during the morning hour, was the resolution submitted by Mr. BRIGGS, chairman of the Committee on Public Expenditures, providing that, as the duties originally assigned to that committee have been transferred to other committees, leaving the said committee no duties to perform, it therefore be abolished.

Mr. WISE addressed the House with much earnestness in opposition to the resolution, in a speech in which he animadverted with great severity on the neglect to investigate the abuses which he said were great and numerous in the Departments, and on the reasons which had been urged in support of the resolution. The morning hour expired before Mr. W. had concluded his remarks; but, by consent of the House, he was permitted to finish.

A number of Senate bills on the Speaker's table were taken up, read, and referred; after which, the House again went into Committee of the Whole on the state of the Union, (Mr. CASEY of Illinois in the chair, and resumed the consideration of the

GENERAL APPROPRIATION BILL.

After some discussion on a question of order,

Mr. GIDDINGS of Ohio moved to strike out the enacting clause of the bill, and thereupon proceeded to address the committee at considerable length in a speech, in which he adverted to many items of expenditure in the Departments, on which he commented as extravagant, and in contrast with the economical professions of the Administration; and, in the close, took occasion to reply to several charges which had been advanced against the character of General Harrison.

Mr. DROMGOOLE insisted on the rule prescribing that a bill in committee shall be debated in order of its sections, and contended that the motion to strike out the enacting clause was not in order.

The CHAIR overruled the objection; whereupon

Mr. DROMGOOLE took an appeal, but subsequently withdrew it.

The question was then put on Mr. GIDDINGS's motion, and it was negatived, without a count.

The first item of the bill having been read,

Mr. WISE went at large into a speech, in which he compared the amount to be appropriated to the civil list by this bill with the amount of similar appropriations in former years, especially with those of the administration of Mr. Adams, which had been so much reprobated by its opponents.

Mr. JONES, chairman of the Committee of Ways and Means, addressed the committee in reply, vindicating the bill, and challenging Mr. W. to a detailed examination of its items.

Mr. WISE rose in rejoinder, and having accepted the challenge, and produced a portfolio of papers as preparatory to his speech,

Loud cries were made to rise, and Mr. W. yielding, moved for the rising of the committee.

The committee then rose, and the House adjourned—Mr. WISE holding the floor for Monday.

IN SENATE,

MONDAY, April 13, 1840.

The CHAIR submitted a communication from the Treasury Department, in reply to a resolution of the Senate on the 9th inst. communicating papers in relation to the claim of James Allen to a pre-emption right.

Mr. LINN presented the petition of James Allen, praying a special law, granting him the right of pre-emption to a certain tract of land; which, with the papers from the Treasury Department, were referred to the Committee on the Public Lands.

Mr. WHITE presented a petition of citizens of Carroll county, Indiana, praying for the establishment of a post road; which was referred to the Committee on the Post Office and Post Roads.

Mr. CUTHBERT presented the memorial of Susan Murphy, widow and administrator of James Cashen; which was referred to the Committee on Claims.

Mr. YOUNG presented the petition of citizens of Galena, and the petition of citizens of Green county, Illinois, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. SEVIER presented a communication, made by the Secretary of War to the House of Representatives, on the subject of a plan of defence for the Western frontier; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BUCHANAN presented the petition of Elizabeth Johnson and Ann Hughes, children and heirs at law of James Van Osten; which, with the accompanying documents, were referred to the Committee on Pensions.

Mr. CLAY of Kentucky presented a memorial numerously signed by citizens of Prince Georges county, Md. praying for the imposition of a duty on foreign silk; which was referred to the Committee on Finance, and ordered to be printed.

Mr. HENDERSON presented the memorial of citizens of Claiborne county, Mississippi, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CRITTENDEN submitted the following resolution, which was considered and agreed to:

Resolved, by the Senate, That the Committee on Military Affairs be instructed to inquire into the propriety and justice of providing for the satisfaction of a claim of the State of Kentucky for arms furnished to the General Government for the public service in the year 1814, and that said committee report by bill or otherwise.

Mr. WALL, from the Committee on the Judiciary, to which was referred the petition of Thomas Haskins and Ralph Haskins, made a report thereon, which was ordered to be printed; accompanied by a bill, which was read, and ordered to a second reading.

Mr. W. by unanimous consent, asked and obtained leave to introduce a bill relative to the iron steamer, the New Jersey; which was read twice, and referred to the Committee on Commerce.

Mr. WRIGHT, from the Committee on Finance, to which was referred House bills

For the relief of Samuel D. Walker;

For the relief of Zachariah Jellison;

For the relief of James W. Osborne; and

For the relief of Chastellain and Ponvert;

Reported them severally without amendment, and with a recommendation against their passage.

Mr. KING, from the Committee on Commerce, to which was referred the House bill for the relief of the owners of the schooner Three Sisters, made an adverse report thereon.

Mr. K. also, from the same committee, to which was referred the memorial of Daniel Vanpelt, made a report thereon, accompanied by a bill making provision for the adjustment of the title to a site for a light-house on Roanoke marshes, in North Carolina; which was read, and ordered a second reading.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred certain resolutions on the subject of the brig Enterprise, reported the same with amendments, which were read; and the the resolutions as amended,

On motion by Mr. CALHOUN, were ordered to be printed, and made the order of the day for Wednesday next.

Mr. LINN gave notice that to-morrow he would ask leave to introduce

A bill for the marking and defining the southern boundary of the Territory of Iowa; and

A bill to extend the laws of the United States over the Territory of Oregon.

The joint resolution directing the Committee on the Library to take measures for the inportation and erection of the statue of Washington by Greenhough;

The bill for the relief of Clements, Bryan and Company;

The bill for the relief of George W. Paschall; and

The bill for the relief of Margaret Barnes;

were severally considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill for the relief of Peter Warner, of Indiana, was taken up, and after being discussed by Messrs. WHITE, KING, and SEVIER, was, on motion of the latter, postponed until to-morrow.

SPECIAL ORDER.

The bill to revive the act entitled "An act to

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, APRIL 21, 1840. VOLUME 8.....No. 21.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 20.

enable claimants of land within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved the twenty-sixth day of May, eighteen hundred and twenty-four, and an act amending the same, and extending the provisions of said acts to claimants to land within the State of Louisiana and Mississippi, being taken up as in Committee of the Whole, was discussed at length by Messrs. BENTON, GRUNDY, CLAY of Kentucky, SEVIER, LINN, HENDERSON, ANDERSON, CALHOUN, CLAY of Alabama, and BUCHANAN, the question coming up on the following amendment proposed by Mr. BENTON, viz:

"*And be it further enacted*, That this act shall not apply to any claim in the State of Missouri for more than twenty thousand arpens, or to any claim exceeding that amount, which lies partly in that State, and partly in Arkansas."

The question being taken on the amendment, it was negatived—ayes 16, nays 19, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Clay of Alabama, Hubbard, Knight, Lumpkin, Norvell, Smith of Indiana, Strange, Sturgeon, Tappan, Walker, and Wright—16.

NAYS—Messrs. Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Fulton, Grundy, Henderson, King, Linn, Merrick, Nicholas, Porter, Prentiss, Preston, Roane, Robinson, and Sevier—19.

The question was then taken on the engrossment of the bill for a third reading, and decided in the affirmative—ayes 21, nays 11, as follows:

YEAS—Messrs. Buchanan, Clayton, Crittenden, Dixon, Fulton, Grundy, Henderson, King, Knight, Linn, Merrick, Nicholas, Norvell, Porter, Preston, Roane, Robinson, Sevier, Smith of Indiana, Walker, and White—21.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Clay of Alabama, Davis, Lumpkin, Strange, Sturgeon, and Tappan—11.

The Senate then proceeded to the consideration of Executive business, and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, APRIL 13, 1840.

The SPEAKER laid before the House further testimony in relation to the New Jersey contested election; which was referred to the Committee of Elections.

The presentation of petitions being the first thing in order, the roll by States was called over for that purpose; when they were presented.

By Mr. J. W. WILLIAMS, of New Hampshire.

[Mr. WILLIAMS presented petitions to protect the revenue from fraud; which, on his motion, was referred to the Committee of the Whole, having the subject under consideration. Also the petition of Mr. Snow and others for rescinding the rule in relation to Abolition petitions; which was not received under the rule.]

By Messrs. ADAMS, CUSHING, and LINCOLN, of Massachusetts.

Mr. ADAMS presented certain resolutions of the Legislature of Massachusetts, concerning certain laws of other States, which affect the rights of the citizens of Massachusett; [this is supposed to relate to free negroes of Massachusetts, who, by the laws of other States, when taken up on suspicion of being slaves, are imprisoned and sold out for jail fees;] which he moved to have printed and referred to a Select Committee.

Mr. ANDREWS of Kentucky moved that it do lie upon the table.

Mr. CALHOUN of Massachusetts demanded the yeas and nays; which were ordered, and were—yeas 102, nays 49.

So it was laid on the table.

Mr. ADAMS also presented certain joint resolutions of the Legislature of Massachusetts, denouncing to resolutions adopted by the House of Representatives on the subject of Abolition petitions, as a denial of the right of petition and as unconstitutional, and asking that the same may be rescinded; which Mr. A. moved to refer to a Select Committee, and have printed.

Mr. CHAPMAN of Alabama moved that they do lie on the table.

Mr. ADAMS demanded the yeas and nays on that motion; which were ordered, and were—yeas 105, nays 64.

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, S. H. Butler, Jesse A. Bynum, William B. Campbell, John Carr, Carter, Casey, Chapman, Chinn, Clifford, Coles, Colquitt, Conner, Mark A. Cooper, Crabb, Craig, Crary, Cross, John Davis, John W. Davis, Garret Davis, Dawson, Deberry, Dennis, Doig, Dromgoole, Earl, Eastman, Fisher, Fletcher, Floyd, Galbraith, James Garland, Rice Garland, Gentry, Gerry, Goggin, Graham, Graves, Griffin, Hastings, Hawes, Hill of North Carolina, Hook, George W. Hopkins, Thomas B. Jackson, John Jameson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, King, Leonard, Lucas, McCarty, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montgomery, Newhard, Nisbet, Parish, Petrikin, Pope, Ramsey, Reynolds, Rives, James Rogers, Samuels, Shaw, Shepard, Stanly, Steenrod, Strong, Sumter, Sweney, Taliaferro, Philip F. Thomas, W. Thompson, Turney, Vanderpoel, David D. Wagener, Warren, Watterson, Edward D. White, Wick, Jared W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—105.

NAYS—Messrs. Adams, Baker, Barnard, Bell, Bond, Briggs, Anson Brown, Calhoun, James, Cooper, Corwin Cranston, Cushing, Thomas Davee, Edward Davies, Edwards, Evans, Everett, Fillmore, Giddings, Goode, Grang r, Grinnell, Hall, William S. Hastings, Henry, Hoffman, Howard, Hunt, James, Kempshall, Leet, Lincoln, Lowell, Marvin, Morgan, Calvary Morris, Ogle, Palen, Parmenter, Randall, Rariden, Reed, Ridgway, Russell, Saltonstall, Simonton, Slade, John Smith, Storrs, Tillinghast, Toland, Trumbull, Underwood, and P. J. Wagner—64.

So they were laid on the table.

Mr. LINCOLN presented resolves of the Legislature of the Commonwealth of Massachusetts, declaring the sense of the Legislature, that the people of that Commonwealth have just cause of complaint on account of the treatment, by the General Government, in withholding the payment of the *claims* for militia disbursements and expenses incurred by the State in the late war with Great Britain, after the same had been examined and allowed by the officer duly appointed to make such examination: and further declaring, that the course pursued by Congress in this matter toward Massachusetts, is a manifest violation of justice, and that she would not be true to herself if she would consent to remain contented and silent, while she is deprived of her acknowledged rights. Mr. L. moved the printing of the resolves, and their reference to the Committee on Military Affairs; which was ordered accordingly.

Mr. L also offered the petition of Chales White and numerous other citizens of Holden, in the Fifth Congressional District of Massachusetts, remonstrating against the rule of the House of Representatives, excluding from reception petitions on the subject of slavery, and asking its immediate repeal; which petition Mr. L. moved to have referred to a Select Committee, with instructions to report a rescindment of the obnoxious rule: ordered to be laid on the table.

Mr. JONES of Virginia called for the orders of the day.

Mr. RANDOLPH moved to postpone the orders of the day, for the purpose of continuing the call of the roll for petitions; which was decided in the negative.

Mr. R. GARLAND, from the Select Committee on Printing, asked leave to present the report of the minority of that committee in relation of separating the printing from the political press of the country.

Mr. BLACK objected to the reception of the report of the minority, until the majority were prepared to present their views. The House sometime ago granted the committee further time to prepare their report, and the time had not yet expired; and he intended to avail himself of the full time to report. He was now preparing it, and hoped the House would not authorize the printing of the views of the minority until the majority were ready to report, that both might be printed at the same time.

Mr. R. GARLAND moved to suspend the rules to enable him to present the report.

Mr. GRAVES demanded the yeas and nays; which were ordered, and were—yeas 74, nays 89.

So the House refused to suspend the rules.

Mr. J. W. JONES moved that the House pass to the orders of the day, by resolving itself into Committee of the Whole.

Mr. GRAVES asked leave to present a resolution to compel the Committee on Public Printing to make a report.

Mr. BLACK objected to the reception of the resolution, on the ground that it would not be in order for the House to compel the committee to report without rescinding the resolution granting the committee further time to report. The committee would report at the proper time.

Mr. GRAVES moved to suspend the rules to enable him to present the resolution; which was, however, negatived without a count.

The House then resolved itself into a Committee of the Whole on the state of the Union (Mr. CASEY in the chair,) and took up the civil and diplomatic appropriation bill.

Mr. WISE, who was entitled to the floor on the above bill, spoke at some length in relation to the increase in the expenditures. He was followed in reply by Messrs. J. W. JONES and SAMUELS of Virginia.

Mr. STANLY obtained the floor, and made an effort to prove that General Harrison was not an Abolitionist; and quoted from the Emancipator, Philantrophist, and other Abolition papers, to sustain him in the ground he assumed, but was interrupted by Mr. HOPKINS of Virginia, who furnished him with some extracts from Emancipators, of a date prior to those from which he was quoting, as a proof that the editor of that paper advanced the opinion that Gen. Harrison's opinions were favorable to the cause of Abolition.

A debate here arose, in which Messrs. WISE and HOPKINS participated; when the latter gentleman, by the permission of the gentleman of North Carolina, [Mr. STANLY,] who was still entitled to the floor, moved that the committee rise, which was agreed to; and the committee rose, and the chairman reported progress on the bill, and asked leave to sit again: leave was granted; then,

On motion of Mr. DROMGOOLE,

The House, at 6 o'clock, adjourned.

IN SENATE,

TUESDAY, April 14, 1840.

Mr. SMITH of Indiana presented the petition of a number of citizens of the State of Indiana, remonstrating against the employment of bloodhounds against the Florida Indians. Mr. S. said that, believing from the late accounts, that these animals were not so dangerous as they were supposed to be, he would not trouble any of the committees with a consideration of the petition; and he would therefore move to lay it on the table. This motion was agreed to.

Mr. WRIGHT presented the petition of 1735 citizens of the city of New York, praying for the enactment of a general bankrupt law: referred to the Committee on the Judiciary.

Mr. W. also presented the memorial of a large number of citizens of the city of New York, publishers of periodicals, magazines, &c. praying a reduction of the postage on such publications, so as to bring them down to the same rate of postage as is collected on newspapers: referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL, from the Committee on the Public Lands, reported a bill for the relief of Charles McKinsey; which was read, and ordered to a second reading.

Mr. N. also, from the same committee, reported a bill granting to the county of Kent, in the State of Michigan, the right of pre-emption to a quarter

section of the public lands; which was read, and ordered to a second reading.

Mr. N. also, from the same committee, to which were referred

Resolutions of the Legislature of the State of Vermont, in favor of a distribution of the proceeds of the sales of the public lands among the States;

Resolutions of the Legislature of Kentucky, adverse to the cession of the public lands to the States in which they lie, and in favor of a distribution of the proceeds of the public lands among the States; and

The memorial of citizens of Ohio in favor of a distribution of the proceeds of the public lands among the States; asked to be discharged from their further consideration; which was agreed to.

NORTHEASTERN BOUNDARY.

Mr. BUCHANAN, from the Committee on Foreign Relations, made the following report:

The Committee on Foreign Relations, to which was referred the several messages of the President of the United States, communicating to Congress, at its present session, certain official correspondence in relation to the question of the territory in dispute with Great Britain on our Northeastern frontier; and also certain resolutions of the Legislature of Maine on the same subject,

REPORT:

That they have had the same under consideration, and now deem it expedient to communicate to the Senate their reasons for not making, at the present moment, a general report upon the whole subject. They feel that they will best perform this duty, by placing clearly and distinctly before the Senate the existing state and condition of the pending negotiation between the two Governments.

The President of the United States, in his annual message of December last, informed Congress that, "for the settlement of our Northeastern boundary, the proposition promised by Great Britain for a commission of exploration and survey, has been received, and a counter project, including also a provision for the certain and final adjustment of the limits in dispute, is now before the British Government for its consideration." The President has not thought it advisable to communicate this counter project to Congress; yet we have his assurance, on which the most confident reliance may be placed, that it is of such a character as will, should it be accepted, finally settle the question. This proposition was officially communicated to that Government during the last summer.

Mr. Fox, the British Minister, in his note of the 24th January last, doubtless with a perfect knowledge of the nature of the project which had been submitted by the American Government to that of Great Britain, assures Mr. Forsyth, "that he not only preserves the hope, but he entertains the firm belief, that if the duty of negotiating the boundary question be left in the hands of the two National Governments, to whom alone of right it belongs, the difficulty of conducting the negotiation to an amicable issue will not be found so great as has been by many persons apprehended." And in his subsequent note of March 13, 1840, he states that he has been instructed to declare, "that her Majesty's Government are only waiting for the detailed report of the British commissioners recently employed to survey the disputed territory, which report, it was believed, would be completed and delivered to her Majesty's Government by the end of the present month, (March,) in order to transmit to the Government of the United States a reply to their last proposal upon the subject of the boundary negotiation." Thus we may reasonably expect that this reply will be received by the President during the present month, (of April,) or early in May.

Whilst such is the condition of the principal negotiation, the committee have deemed it inexpedient, at this time, to report upon the subordinate though important question in relation to the temporary occupation of the disputed territory. They trust that the answer of the British Government may be of such a character as to render a report upon this latter subject unnecessary. In any event, they have every reason to believe that the state of suspense will be but of brief duration.

The committee, ever since this embarrassing and exciting question has been first presented for their consideration, have been anxious that the Government of the United States should constantly preserve itself in the right; and hitherto this desire has been fully accomplished. The territorial rights of Maine have been uniformly asserted, and a firm determination to maintain them has been invariably evinced; though this has been done in an amicable spirit. So far as the committee can exercise any influence over the subject, they are resolved, that if war should be the result, which they confidently hope may not be the case, this war shall be rendered inevitable, by the conduct of the British Government. They have believed this to be the surest mode of uniting every American heart and every American arm in defence of the just rights of the country.

It is but justice to remark, that the Executive branch of the Government has, from the beginning, been uniformly guided by the same spirit, and has thus far pursued a firm, consistent, and prudent course, throughout the whole negotiation with Great Britain.

Whilst the committee can perceive no adequate cause, at the present moment, for anticipating hostilities between the two countries, they would not be understood as expressing the opinion that this country should not be prepared to meet any emergency. The question of peace or war may, in a great degree, depend upon the answer of the British Government now speedily expected.

Mr. WRIGHT called for the reading of the report, and it was read accordingly; after which

Mr. W. observed that in calling for the reading of the report, his only object was to hear the views of the committee, and to give himself an opportunity to move for the printing of an extra number number of copies. He would make that motion for the reason, that within the last few weeks, he believed he might say within the last two weeks, his correspondents, a great many of whom were on the frontiers, seemed to entertain alarming apprehensions of immediate hostilities between this country and England. From what cause he knew not. He had seen nothing himself to authorize such apprehensions, and he was gratified to find that the Committee on Foreign Relations entertained the same opinion.

Mr W. then moved for the printing of ten thousand extra copies of the report.

Mr. BUCHANAN observed that the committee had no intention of moving the printing of an extra number of copies of this report, though certainly, as a member of it, he should not oppose the motion. The report was very short, and from the interest generally taken in the subject, it might, and probably would, be copied into all the country papers. He did not believe that it would occupy more than one column in the ordinary sized newspapers, and therefore there was little doubt but it would be extensively circulated. Still, if the Senator from New York [Mr. WRIGHT] wished an extra number printed, he should not oppose it. He had only made these suggestions for the information of the gentleman himself, and would be content with any decision that might be made.

Mr. CLAY of Kentucky concurred entirely in what had been said by the chairman of the committee, and thought the Senator from New York would hardly deem it necessary to go to the expense of printing ten thousand copies of a document, which, as the chairman said, was so short that it could be copied into all the papers of the country. He thought that it would at once take a general circulation, without being sent out in pamphlet form; and he hoped that if the Senator insisted on the printing, that he would modify his motion so as to print a smaller number.

Mr. CLAY of Ala. recollected that we had had the correspondence between the Secretary of State and the British Minister, on several occasions communicated to the Senate during the present session, and on each occasion ten thousand copies were printed. At all events this was a subject of exciting interest from one end of the Union to the other. If the document was so very small, as alleged by the chairman, it would cost the Government very little to print the extra number of copies.

Mr. WRIGHT observed that his residence was on the frontier, where the people felt a great anxiety on the subject. There was no doubt that the military preparations on the British frontiers had been very briskly carried on during the winter and spring; but his own belief was that these preparations related entirely to the internal condition of the provinces, which furnished sufficient grounds for them. In addition to the late disturbances there, it was known that the British Government was about to attempt a most important change in the government of their colonies on our borders, and this might reasonably be supposed to furnish another reason for the military preparations they have been making. But with the excitement existing on our frontiers, every change on the part of our neighbors was watched by our citizens with an intense interest, which we here at a distance cannot feel, and it was with a desire to allay this excitement that he wished the report to be sent out. He would not persist in the motion if it should be against the pleasure of the Senate, and he was willing to modify it so as to meet the views of all. But he would, at the same time, observe that, if there had been a document which the public would be more anxious to see than any other—if there was one which would be likely to allay the excitement existing on the subject, it was this. He knew that it was very short, and that the cost of printing could not be very great; he knew, too, that notwithstanding the immense circulation of the newspapers of the country, there were many, very many, whom these newspapers did not reach, and that the circulation of a document of this kind, coming immediately from the Senate, would have effect in allaying the apprehensions of our citizens, which a circulation through the newspapers would not.

Mr. CLAY of Alabama rose to say, on the information of the Secretary, that ten thousand copies of all the documents that had been communicated on this subject, during the present session, had been printed.

Mr. RUGGLES said he did not rise to object to the printing of the extra number proposed, nor indeed to advocate the printing of so large a number. It was a very short report, and would be read in the newspapers by every citizen of Maine, and perhaps by every citizen of the country, long before the extra number would be likely to be furnished to the Senate. He had no wish to increase our expenditures for printing, yet he should not oppose any extra number gentlemen thought proper to recommend.

He said he certainly felt less anxiety for printing a large number, from the belief he entertained that the report might have the effect of disappointing many citizens of the State he, in part, represented, in affording them some possible apprehension that the spirit manifested in the late correspondence between the two Governments, is felt less strongly now than at the time that correspondence took place. He was well aware that there was a portion of the people whose minds were fully prepared for the most prompt and energetic measures. Another portion doubtless contemplated a resort to war with serious apprehension. It was not to be questioned that the expectations, if not the hopes, of the former class, would be repressed and disappointed; and that the latter would as certainly derive encouragement to their desire for the long continuance of peace. He observed that Maine felt strongly and deeply on this subject. She had entertained hopes that this controversy was now about to be brought to a close. She is expecting strong, decisive and energetic action on the part of this Government. He did not mean to be understood as intimating that the tone and spirit of the report of the committee afforded any sufficient evidence that she would be disappointed in the character of the measures she has been anticipating. Nevertheless, the report, he believed, would by many be looked upon as a *peace document*, and as calculated to relieve the country from all apprehension of a rupture with Great Britain, at least for some time to come. The honorable Senator from New York [Mr. WRIGHT] appeared to have so understood its purport and effect, and assigned that as a reason for wishing a large number of the report printed. He would say again that he should not

oppose the printing of any number gentlemen wished; but it would be recollected that the Senate had ordered the printing of ten thousand extra copies of a correspondence on this subject, early in March, which were not furnished to the Senate for several weeks afterwards; and not till after the recent correspondence on the same subject, was communicated to the Senate. Should there be as much delay on this occasion, the extra copies would be of but little use to the Senate or to the public.

Mr. BUCHANAN observed that the remarks of the Senator from Maine [Mr. RUGGLES] seemed to render it necessary that he should say a very few words on the subject before the Senate. Those who had attended to the reading of the report, would perceive that, throughout, it was intended for the sole purpose of presenting to the Senate the reasons why the committee did not think it necessary, at this time, to make a detailed report on the whole correspondence. That was the single object of the report. If it should become necessary to make a report in regard to the temporary occupation of the disputed territory, the committee would not shrink from their duty. They were prepared to perform it to the Senate and to the country. But at this moment, when we have the solemn assurance of the British Minister that in a very short time we should have an answer from his Government to the counter projet presented by our Government; and when he not only expresses the hope, but "entertains the firm belief," that the "difficulty of conducting the negotiation to an amicable issue will not be found so great as has been by many persons apprehended," it is wondeful that the Senator from Maine should denounce this report, made under such circumstances, in such strong language. The report, Mr. B. continued, reasserted the rights of Maine in the most solemn manner; and it was extraordinary that any citizen of Maine should expect a detailed report, or one different from that which had been made, unless, indeed, he could believe that the committee ought to have assumed a hostile position, and gone into all the correspondence that had taken place, and into the subject of the preparations that had been made by the British Government, in the very face of the assurance that we should have an answer to our proposition in the course of this month or the next; which, judging from the language of the British Minister, we had reason to believe would prove satisfactory. The committee thought it was their duty to place before the Senate the precise state of the negotiation between the two countries; and what that was might be summed up in twenty words. A proposition for an exploration and survey of the disputed territory had been made by the British Government; and this Government not deeming it satisfactory, because it did not embrace a provision for the final settlement of the question, had sent to the British Government a counter projet, to which no answer has yet been received. This counter projet was communicated to the British Government during the last summer, and the British Minister here, several months afterwards, with a perfect knowledge of its character, assures us that a speedy answer will be given to it, and expresses his confident belief that if this controversy is left to the two national Governments, it does not present the difficulties which had been by many persons apprehended. He also declares that the commissioners who had been sent out from England to make a survey of the disputed territory, were preparing their report—that this report would be ready within the month of March—and that then his Government would transmit an answer to the proposition we had submitted to them. Now in this state of the case, unless you suppose the British Government to be entirely faithless, which he had no reason to believe, we may reasonably expect, in this or the coming month, to receive an answer that may enable us to settle this question in conformity with the stipulations of the treaty of 1783, and in accordance with the just rights of Maine. Under such circumstances, how could it be expected that the committee would make a belligerant report? Mr. B. differed with the Senator from Maine in the opinion that the people of his State either would or could so construe this report, as to imagine that the committee or the Senate were prepared to surrender any portion of their rights. The past conduct of this body should shield them from such a suspicion, and their future conduct, should it become necessary, would show that they were as ready now as they have been in former times, to sustain the honor of the nation as well as the rights of a sovereign member of the Confederacy. From the correspondence which had taken place between the two Governments, the committee hoped that this might never become necessary. Sufficient for the day was the evil thereof; and the committee thought the subject was already sufficiently embarrassing in itself, without unnecessarily adding to it other causes of irritation.

Mr. ALLEN wished to ask of the Senator from Maine one or two questions. He wished to know if the gentleman expected the committee to report to the Senate an opinion in favor of war, or what kind of report he expected from the Committee in the present state of the negotiations between the two countries. When the gentleman should state what kind of a report he expected the committee to make, he would then thank him to state what kind of a report he himself would make, and then the people might judge of the correctness of his views on this subject. Whilst up, Mr. A. said he would make one or two additional remarks. The only question which the Committee on Foreign Relations had to decide, (and he believed that since he had been here he had given as much evidence of a devotion to the interest of the State of Maine, as any other Senator,) the only question before the committee was not whether they would recommend measures leading to war, but whether they would recommend any thing at all—whether they should not remain silent till the expected answer to our proposition to the British Government should be received. That was the only question before the committee. Under these circumstances the committee concluded, after full reflection, that it would be better, in order to avoid any misunderstanding in the country—in order to avoid the people putting any false construction on the late correspondence, to make a report to explain not what was the course it was our duty to pursue at the present moment, but the reasons why we should suspend any action till the British Government should return an answer to the counter projet we had made to them. The committee made this report in pursuance of that opinion, to explain why they did not, at this time, go into a thorough investigation of the subject, and propose some definite action in regard to it; and the reasons which governed them were, that the British Minister here had declared that he would very soon be able to present to this Government an answer to the proposition which had been submitted to his. Mr. A. deemed it proper to make these few remarks, because the State from which he came, ever patriotic, had passed resolutions in relation to this subject, and he knew that the people of that State would stand ready, to the last man, and to the last dollar of their resources, to see that the rights of the whole country were maintained at all hazards. He would now ask the Senator from Maine to state what kind of a report this committee ought, in his opinion, to have made—what kind of proposition ought to have been submitted to the nation in the present state of the negotiations between the two countries.

Mr. RUGGLES said he had been referred to as denouncing the report of the committee. He had not intended to be so understood. He had spoken of the impression he believed it would make on different classes in the community. He had expressed the opinion that those who were looking for prompt and energetic measures—who were, in fact, looking with impatience for an immediate rupture between the two countries, would have these hopes repressed; and that others, who felt alarmed at the tone of the correspondence lately communicated to the Senate, would be relieved from their apprehensions; and he repeated that the Senator from New York, who had just taken his seat, appeared to entertain the same opinion of the effect the report was calculated to have on the people of the frontier of that State, who were excited with the prospect of an immediate declaration of war.

In answer to the question put to him by the Senator from Ohio, [Mr. ALLEN] whether he would have the committee make a report in favor of an immediate declaration of war, he would say that he had no such wish, nor had he intimated any such desire. In answer to the Senator's further inquiry what sort of a report he would have the committee make, he would not undertake to dictate to the intelligent and patriotic Committee on Foreign Relations, what sort of a report they should make on this or any other subject. He would not undertake to say that they ought to make any other report than they had made, if they were to make any report at all at this time. He believed that nothing new had transpired to render any report necessary at this particular time. The report communicated no new facts. The Senate well knew, and the country well knew, that the President had caused to be made to the British Government a counter proposition, and that we were expecting a response to that proposition in all this month, or early in the next. This information had been communicated by the President, and was contained in the last correspondence, which was before the country. He understood that the further consideration of the Maine question was postponed till that response should be received. A report from the committee on Foreign Relations had not been looked for till it should appear whether we have, at the time indicated, the promised reply of the British Government. He had acquiesced in that, and had expressed no wish for a report at this time, in favor of ultra measures. So far from that, he said he did not believe, nor had he at any time believed, that war with Great Britain would necessarily grow out of this controversy. He founded his opinion partly on the fact, that on her part she had no cause for war. Her claim to the disputed territory was wholly without foundation, and would not afford her the slightest justification for pursuing it to that extremity. She would not dare go to war with this country, without some better cause for it. She had too much respect for the opinion of mankind to enter into such a contest with us without some better pretence than the groundless claim she has set up.

But, sir, said Mr. R. can Great Britain be greatly blamed for pushing her claims, as baseless as they are, whilst she has heretofore seen so little to create a belief that this Government would resist them to the last extremity? He remembered to have urged at the last, and at previous sessions, the fortification of some exposed points on the maritime frontier of Maine. He proposed it as an amendment to an appropriation bill then before the Senate, and had the *silent* vote, in support of it, of the chairman on Military Affairs; but it was voted down by a large majority. He had not forgotten it; and could not forget the exposed condition of the whole country. His opinion that war would not ensue, was necessarily subject to the condition, that preparation should be immediately made to meet any possible contingency.

We could never expect a submission to our rights till we give substantial indications of a determination to vindicate them. We must prepare for war to avoid war. Sir, said Mr. R. without finding any fault with the report, he would say that he had much rather have seen a report from the Committee on Military Affairs, and another from the Committee on Naval Affairs, affording on the part of this Government an earnest of its determination to vindicate the rights of Maine and the honor of the nation.

Mr. CLAY of Kentucky begged leave to say a few words on the subject, not so much in reference to the particular question of printing the report, as on the general and more important one involving the relations between this country and Great Britain. He was happy to hear the Senator from Maine [Mr. RUGGLES] say he was not for war, though he did remark when he first rose that this report would be unsatisfactory to a portion of the people of his State who were for war. He would say that if there was any party in this country for war with Great Britain, it was a criminal

party. There was no sufficient cause for war; and he took occasion to say, that so far as he was informed, the opinions both of the Administration party, and of the party with which he acted, were that war was to be be avoided so long as it could be done without compromitting the rights and honor of the nation. The Senate had solemnly expressed the opinion that the question of right was with us, and all parties, every individual of those parties, so far as their views had been expressed, seemed determined to obtain for Maine, by some of those modes by which national rights are asserted, a full and absolute possession of all the territory within her rightful limits. But he must say that there were two modes of arriving at this result. One was by negotiation, and the other was by war; and these questions were to be decided by the united voice of the whole country, and by the Executive branch of the Government, as the case may be, and not to be decided by the voice of one single member of the Confederacy. If the honor of the country is assailed, the councils of the whole country must determine as to the manner and time of vindicating it. He would take occasion to say for the benefit of the Senator from Maine, and the whole people of Maine, that whilst he believed them to be as valorous and as enlightened as any people in the Union, he was not inclined to confide in their judgment as to declaring war, and the period at which this last resort may become necessary. If Maine expects the Government of this country to secure her rights, she must confide to the Government of this country the whole agency in settling the controversy. If it is to be done by negotiation, it must be left to the Executive and his constitutional advisers. If it is to be by war, it should be left to that department of the Government to which the power of declaring war is confided by the Constitution. In saying all this, he meant nothing in condemnation of the state of feeling that had been evinced by the people of Maine. Justice was with her, and he sympathized with her natural feelings on this subject. Her claims had unfortunately too long been delayed; but, notwithstanding that, he said that this Government alone should conduct the negotiation, and if war became necessary, decide upon the time and manner of commencing it. He could not, however, believe that this last resort would be necessary. There were two securities which we had for the continuance of peace. The first security was that Great Britain, enlightened as her councils were, must perceive, what we know, that the right was with us; that she had no claim; and after being satisfied with these facts, upon an examination of the necessary information, will ultimately concede the right to us. But let me suppose, continued Mr. C. that she does not. Let me suppose that, after investigation, she comes to the clear conviction to which we have arrived, that the right is with her; that the territory in dispute, according to the treaty of 1783, is within her limits. What, then, will be the case presented before the world? Two enlightened nations coming to different conclusions on the same testimony, and unable to agree. What, then, are to be the consequences? Is war, that calamity which every lover of humanity must deprecate, the only alternative? No, sir. There is another: there is a subsisting treaty stipulation contained in the treaty of Ghent, by which this question is to be left to the decision of an impartial tribunal, in the event that the two countries cannot settle it themselves. I say there is a treaty stipulation still subsisting; and how do I make it out? It may be alleged that the matter having been once committed to the umpirage of a third party, and that party having given an award, the stipulation in the treaty was fulfilled, and it was no longer in force. Not so. There was an attempt at arbitration, through the instrumentality of the King of Holland; but it was an abortion—a failure—the King did not settle the question; both parties acknowledged that he did not, and the treaty remains in full force, binding the parties to refer this question, if unable to settle it amicably themselves, to an impartial tribunal. But, putting the treaty out of the question, suppose there was no such stipulation, and that the two parties having brought their minds to the conclusion that the right was with each, were determined to persist on it. Sooner than resort to war, with all its calamities, both parties should agree to arbitration; and I say that England, if she will not concede the right to us, must yield the point at issue to arbitration. Though this course may be attended with delay—though Maine may not arrive at the possession of her territory as soon as she wishes, yet she had infinitely better wait the movements of two great nations, than that they should be involved in war. When we come to deciding on the question of war, all other means of settling the controversy having failed, that question is to be decided by the united wisdom of all, in reference to the condition of the whole country, in reference to the other interests of Maine besides the interest in question, and in reference to the probable issue of the controversy.

In relation to the military preparations of the British in the Canadas, of which the Senator spoke, Mr. C. said, they gave him no cause for alarm. England was the weaker power—she was preparing against invasion from us; but did we apprehend invasion from the Canadas? He did not agree with the Senator that our state of preparation was so defective; for, with the exception of one or two points on the Atlantic, where some additional defence was wanted, no preparation was necessary. When gentlemen talked of our want of preparation, he did not agree with them. What! with fifteen or sixteen millions of free people, with their unquestioned valor, their love of country, combined with their means of transportation, and their warlike resources, to say that the country is unprepared! We are, said Mr. C. ten thousand times better prepared for war to-morrow with Great Britain—though not so much so, in all respects, as he could wish—we are infinitely better prepared than we were at a former period—on the ocean, as on the land, on the lakes as well as the bays; and then we came out of the contest with honor. The construction of the great New York canal, our railroads, our population pressing up against the boundary line—all these are advantages which we did not possess in the last war. No preparation! Sir, we have the best preparations that ever a country boasted of: we have sixteen millions of freemen, with stout arms and bold hearts, who stand ready to vindicate the rights of their country. As to the preparations of England in the Canadas, let her go on with them—let her bring her troops over, whether to quell insurrections among her own people or to guard against invasion from our side of the line—that would never, for a moment, give him the slightest uneasiness. Whenever the honor of the country, by an injury inflicted on a single member of it, may require us to resort to a war, though the beginning of it may be attended with a few disasters, he had no apprehension but, after a few months, we may be able to impress on England the temerity of forcing us into this alternative.

He entirely concurred with the report. He believed that it was the sincere desire of the Administration party to preserve the peace of the country, and it had been a matter of serious inquiry with him to ascertain their views. If there was a criminal party in this country, who, for their own sinister views, desired a war, he did not believe that the Administration party gave them the slightest countenance. This he must say as an act of justice. The committee were unanimous in adopting this report. What did it tell you? Why, that the negotiations were going on, and were in the hands of those constitutionally entrusted with it; and that within a reasonable period, we might expect an answer to our last proposition, till when it did not become us to take any further action on the subject. Mr. C. after alluding to the various causes which might reasonably be supposed to delay the action of the British Ministry, concluded by saying that his only object in rising, was to defend the report, and not to say any thing on the question of printing. He did not think the printing of the extra copies necessary, as the report would be circulated through the newspapers.

Mr. RUGGLES rose but to say a word in explanation. The honorable Senator from Kentucky [Mr. CLAY] had expressed satisfaction that he (Mr. R.) had said he was not for war. He could not let the remark pass without a little qualification. He was for peace, if peace could be preserved consistently with the rights and honor of the country. If not, then he was ready for the alternative. He said he would add a word in respect to submitting the matter in controversy to arbitration. He did not mean to discuss, at this time, the right of this Government to refer the question to an arbiter without the assent of Maine, and against her protestation; but he would remind the Senator that Maine had, over and over again, by her Legislature, declared her opinion that the Federal Government had not the constitutional power, and ought not to jeopard her rights by a submission of them to abitrators without her assent. That opinion had been so strongly entertained by Maine, that he felt, in some sort, instructed upon that point, and could not yield it. But he saw no occasion for discussing that question now. He referred to writers on the laws of nations who maintained fully that no nation could be called upon to submit to the umpirage of others, a clear and indubitable right, which she was justified in claiming as such. But he would not pursue the subject.

Mr. CLAY of Kentucky, in reply, said, that he did not express the opinion that this Government had claimed the right to refer this question to arbitration; but he expressed, as *his* unqualified opinion, that this Government had the undoubted right to refer the question to arbitration, without consulting Maine.

The question was then taken, and the motion to print ten thousand extra copies of the report was agreed to.

Mr. MERRICK, from the Committee on the District of Columbia, reported a joint resolution authorizing the Secretary of the Treasury to purchase for the United States the banking-house of the old Bank of Alexandria, and to credit the debit due by said bank for the amount of the purchase money: read, and ordered to a second reading.

On motion by Mr. MERRICK, the bill for incorporating the Bank of the District of Columbia, and

On motion by Mr. TAPPAN, the various bills respecting banking corporations in the District, were made the special order of the day for next Monday two weeks.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to whom was referred the resolutions of the Legislature of the State of Mississippi in relation to the relinquishment and exchange of the sixteenth sections, reserved for the use of schools, moved that the committee be discharged from the further consideration thereof, and that the same be laid on the table, for the reason that a bill had already been reported on the subject. This motion was agreed to.

On motion by Mr. CLAY of Alabama, the same committee was also discharged from the further consideration of three several memorials from the State of Alabama; one from the General Assembly of that State, asking for the extension of the right of pre-emption; and two from citizens of the State, asking for the establishment of an additional land office in the Cherokee country, for the sale of the lands lately acquired from those Indians. Mr. C. said that bills having been reported on these subjects, he would move to lay the memorials on the table, after discharging the committee from them. This motion was agreed to.

On motion by Mr. CLAY of Alabama, the same committee was also discharged from the further consideration of the memorial of the Lake Superior Fishing and Mining Company of the State of Michigan, praying to be allowed the right of working the mineral lands belonging to the United States along the southern shore of Lake Superior in the said State; which was agreed to.

Mr. HUBBARD, from the the Committee on Claims, reported a bill for the relief of J. H. Relfe, which was read, and ordered to a second reading, and the report was ordered to be printed.

Mr. H. from the same committee, made adverse reports on the bills from the House for the relief of John Howe and Chauncey Calhoun, and also made an adverse report on the petition of Abner L. Duncan.

Mr. FULTON, from the Committee on Pub-

ic Lands, reported a bill for the relief of Henry Willis; which was read, and ordered to a second reading.

Mr. F. on leave, introduced a bill for the relief of Richard K. Call; which was read twice, and referred.

The joint resolution directing the Committee on the Library to take measures for the importation and erection of the statue of Washington by Greenhough;

The bill for the relief of Clements, Bryan and Company;

The bill for the relief of George W. Paschall;

The bill for the relief of Margaret Barnes; and

The bill to revive the act entitled "An act to enable claimants of land within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved the twenty-sixth day of May, eighteen hundred and twenty-four, and an act amending the same, and extending the provisions of said acts to claimants to land within the State of Louisiana and Mississippi;

were severally read a third time and passed.

The bill granting to the State of Michigan a quantity of land to aid said State in the construction of a canal around the falls of St. Marie, was taken up on its third reading, and was opposed by Messrs. CLAY and CRITTENDEN, and advocated by Messrs. NORVELL and PORTER, and after some further remarks by Messrs. ALLEN and TAPPAN, amendments were offered by Messrs. WHITE and HENDERSON, and the further consideration of the bill was postponed until to-morrow.

The bill for the relief of James Dutton;

The bill for the relief of Peter Warner of Indiana; and

A bill for the relief of Samuel White;

were considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. KING, from the Committee on Commerce, to which was referred the bill relative to the iron steamer, the New Jersey, reported the same with an amendment; which was agreed to.

The bill was then, on motion by Mr. K. taken up as in Committee of the Whole, considered, and ordered to be engrossed for a third reading.

On motion by Mr. HUBBARD, it was

Ordered, That Friday and Saturday next be devoted to the consideration of private bills, and the reports of committees on private bills.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, April 14, 1840.

Mr. PETRIKIN, by general consent, introduced a proposition to print the communication of the President, now lying on the table, in answer to a certain resolution reported by the order of the Committee on the Public Buildings and Public Grounds.

Mr. J. W. JONES asked the general consent of the House to take up the motion which he submitted a few days ago, to print 2,500 copies of the report of the Secretary of the Treasury, showing the condition of the banks throughout the United States.

Mr. ANDREWS said he objected.

Mr. JONES had supposed that every member of the body wanted to see the condition of the banks.

Mr. ANDREWS inquired the size of the document.

Mr. JONES replied that it was quite voluminous; which was the reason that he had moved the printing of the 2,500 copies only.

Mr. ANDREWS withdrew his objection; and the resolution was agreed to.

The CHAIR then announced that the business first in order was the report of the Select Committee on Printing, which had been made the special order of the day for this day.

Mr. JONES of Virginia said he wished to offer a resolution for the postponement of the special order; which was read for the information of the House, as follows:

Resolved, That the execution of the special order on the report of the Committee on Printing, be postponed until the House shall have finally disposed of the bill No. 8, making appropriations for the civil and diplomatic expenses of Government, and that the said special order be then taken up and considered as though no postponement thereof had been made.

Mr. R. GARLAND, before the adoption of the resolution, wished to present the report of the minority of that committee on the other branch of the subject referred to that committee.

Mr. DROMGOOLE inquired of the CHAIR, (there being two special orders,) which took precedence, and whether the civil and diplomatic bill did not, as a matter of course, override and postpone the special order relating to the printing.

The CHAIR replied that Speaker STEVENSON had decided that the special order first made took priority. The subject of printing was the first special order, and would therefore take precedence.

Mr. R. GARLAND again presented his report from the minority.

Mr. CONNER objected to the reception of the report from the minority, until the chairman of the committee should be present, and make the report of the committee. It would be very irregular to receive the views of the minority, until it was done. He had no objection, further than that it would be unprecedented, until the majority's report was received. The chairman gave notice, on yesterday, that he would be prepared to report to-day, and he hoped the subject would be delayed till he was present.

Mr. DROMGOOLE protested against all the proceeding, as out of order, while the resolution of the gentleman from Virginia [Mr. JONES] was pending.

Mr. BLACK, at this stage of the proceeding, made his appearance, and said, when the subject came up, he was prepared to report.

The CHAIR inquired of the gentleman whether he wished to make the report.

Mr. BLACK said he was under the impression that the appropriation bill took precedence.

The CHAIR informed him otherwise.

Mr. LEET said if both branches of the committee were prepared to report, he would suggest that both reports be received, and ordered to be printed; and that the question be then taken on the resolution to postpone. Accordingly,

Mr. BLACK, chairman of the committee, reported the views of the majority; which was ordered to be printed.

Mr. GARLAND of Louisiana, from the same committee, reported the views of the minority, accompanied by a bill.

Mr. DROMGOOLE objected to the minority reporting any bill; they had no right by the rules to do so—it was unprecedented.

Mr. R. GARLAND intimated that he would withdraw the bill, and present a series of resolutions, to effect the same object, to accompany the report.

Mr. BLACK said the committee had authorized no bill to be reported; and he objected to it as unusual and irregular.

The report was received and ordered to be printed; but the bill accompanying it was understood not to be received; but by courtesy ordered to be printed.

The resolution offered by the chairman of Ways and Means (Mr. JONES, of Va.) to postpone the subject, having been read,

Mr. RUSSELL hoped that the subject could be so modified as not to have the special order operate to postpone the private business on Friday and Saturday.

Mr. J. W. JONES said he would be willing to agree to a simple postponement of the special order, which would require but a majority; but he had no desire to put the subject on a different footing than that which it had already occupied before the House.

Mr. R. GARLAND said he would object to the resolution, if it changed the question from a special order.

The question was then taken, and the resolution was agreed to without a count.

Mr. J. JOHNSON of Virginia asked leave to submit a report from the Committee of Accounts, in relation to the accounts of Langtree and O'Sullivan. He said that all its members, with the exception of one, had concurred in the report; and that a minority report would be presented to the House.

Mr. WISE objected.

Mr. JOHNSON moved a suspension of the rules, and the question was taken by count; and there being ayes 79, noes 40, and no quorum voting,

Mr. BELL said he presumed the object of the chairman was to get the report printed, and that it would not give rise to debate.

Mr. JOHNSON replied that the report was a voluminous one, and that debate would not take place until its contents were known to the House. The object was merely to let both reports be received, and have them printed. He presumed there could be no debate on a motion to print.

Mr. WISE gave notice that he would debate it the moment it touched the CLERK's table.

Mr. PETRIKIN also gave notice that he would debate it.

Mr. JOHNSON again moved a suspension of the rules, and called for the yeas and nays on that motion; which were ordered, and were—ayes 128, nays 28.

So the rules were suspended, and

Mr. JOHNSON sent the report to the CHAIR; and asked that it be printed.

Mr. JOHNSTON of New York said the House would see, by the minority report, that the Committee of Accounts was required, by the resolution of — March, to inquire into the qualification of, and the prices paid for, the stationery furnished to the House by Langtree and O'Sullivan, and contrast them with those of the stationery furnished to the Senate, and to send for persons and papers. Mr. J. said, by referring to the minority report, it would be seen that the committee had refused to do so.

Mr. PETRIKIN moved that the report be recommitted to the Committee of Accounts, with additional instructions to enquire and report to this House,

1. Whether the prices paid by the CLERK of this House for stationery, is a reasonable price, when compared with what stationery can be purchased for from other persons, of like quality.

2. Whether the stationery is not of an inferior kind, when compared with the stationery purchased for this House at the last two sessions of Congress.

3. Whether any allowance was asked by the CLERK, either in writing or verbally, for the difference in exchange between Philadelphia and New York; and, if any, how much?

4. Whether any payment has been made by the CLERK to the contractor, in advance, on his contract, or the auditing of his account by the committee?

Mr. EVERETT called for the reading of the reports.

Mr. WISE wanted to know how much of the report was the work of the committee, and how much was the work of the officer whose accounts were to be investigated, and hoped it would be read.

The reports having been partially read through, and the morning hour, to which the suspension of the rules applied, having expired,

Mr. J. W. JONES called for the orders of the day; before passing to which, however,

The SPEAKER laid before the House the following communications, which were appropriately disposed of:

1. From the Treasury Department, containing a statement of the expenditures and estimates of the Treasury building, and the Patent Office.

2. From the War Department, in relation to the claims of Tennessee volunteers.

3. From the Treasury Department, containing the amount of receipts under the treaty of indemnity with France, and the dividend or per centage payable on each case.

4. Depositions in relation to the New Jersey election.

The House then resolved itself into a Committee of the whole, (Mr CASEY in the chair,) and took up the civil and diplomatic appropriation bill.

Mr. STANLY being entitled to the floor, spoke,

the purport of which may be judged of by the reply of

Mr. STEENROD, who said he wished to make a single remark by way of reply to the gentleman from North Carolina, in relation to his charges against Judge Tappan. He was not present at the time and place when the conversation was said to have taken place between the Judge and Collier, therefore he could not speak of that. But he wished to say that he had some knowledge of Judge Tappan, having been intimately acquainted with him for several years, and associated with him in the practice of law for a long period. He had again and again conversed with him on the subject, and he would inform the gentleman from North Carolina that he had heard Judge Tappan as repeatedly denounce and ridicule the Abolitionists. He (Mr. S.) would not have intruded upon the time of the committee, if he had not believed that the gentleman from North Carolina was doing injustice to the respected Senator from Ohio. He thought that, knowing what he did of the sentiments of the Senator, it would be unkind for him to remain silent and hear him denounced. If the gentleman from North Carolina wished to obtain an accurate knowledge of the opinions of Judge Tappan on the question of Abolition, let him read the letter written by him in answer to certain interrogatories put to him by a committee previous to his election, and when he was a candidate for Senator. The gentleman would find that, on that occasion, Judge Tappan had taken similar ground.

Mr. WISE asked where the letter was, and whether, in the letter, Judge Tappan had taken the position that slavery was unconstitutional.

Mr. STEENROD was understood to reply that Judge Tappan had taken the ground that slavery in the abstract was an evil; but that the Federal Government had no right to interfere with it. Mr. S. then adverted to the recent conduct of Mr. Tappan in refusing to present Abolition petitions in the Senate, and asked where there was another man, coming from a non-slaveholding State, who had done the same. Yes, he would ask, where was the man from beyond Mason and Dixon's line, who had taken such high ground on the Abolition question as that Senator? And yet, notwithstanding all this, the gentleman from North Carolina has chosen to attack him.

Mr. S. subsequently said, that until this session he had never heard of the conversation which was said to have taken place between Judge Tappan and Collier; but he would repeat, that he had again and again conversed with Judge Tappan on the subject of Abolition, when the latter had invariably denounced and ridiculed the conduct of the fanatics.

Mr. WISE said that he had published an address to his constituents, in which he had taken the ground that the testimony of Collier and others of Ohio was true; but if his colleague controverted that testimony, he was willing to retract that which had been founded upon it. But he would say that the truth of the testimony in question was vouched to him by respectable gentlemen. They had stated as a fact that Judge Tappan did deride and ridicule fanaticism, and Collier says so too; but in what manner? Collier says that Judge Tappan derided the Abolitionists because they employed peaceable means, and that he had said if the negroes wanted arms and knives to cut the throats of their masters, he would furnish them. Also, that when asked if he were standing on the banks of the Ohio, and witnessed a servile insurrection, whether he would help to suppress it, he said "No, by G—d;" and that if he had a son that would do it, he would disinherit him.

Mr. STEENROD was understood to say that he would reply when he replied to the gentleman from North Carolina, [Mr. STANLY,] but after Mr. STANLY had finished, he was prevented from doing so by

Mr. DAWSON, who obtained the floor, and said he did not rise to discuss the bill now under consideration; if he were to attempt to do so, according to the manner of debate, it would be out or order. But he rose for the purpose of making an effort to draw the committee to the consideration of the business of the country now legitimately before the committee. The House had been five days in committee on this bill, but the subject which had been discussed during that time was the Presidential question. The State of Ohio first led off in the irrelevant and unjustifiable course of debate on this bill, but we had nothing to do with either with Gen. Harrison or Abolitionism here. Let the gentleman from North Carolina confine his remarks to the bill before the committee, and leave other questions to be decided at their proper time. If the gentleman from North Carolina objected to any item of the bill, let him point it out, so that it might be considered. But, in his opinion, the character of General Harrison had been sufficiently descanted upon. The course this debate had taken was incompatible with the public interest, and with their character as members of a legislative body.

He considered the character of Major General William Henry Harrison as ably defended from the imprudent attacks made upon him by his enemies. He, for one, confessed that his opinion of General H. had been vastly changed by the discussion. Mr. D. said the question of Abolition had also been improperly introduced into the debate, in relation to the principles of men with whom we have nothing to do. He considered that this question of President-making, and the reciprocal charges of Abolition, had been fairly discussed. Five months of the session had elapsed, and they had about two months and a half to do business; and now (said Mr. D.) let us come forward and do the business of the country, and then we can go before the people in our districts, and there discuss the Presidential question. He, for one, would do this, and would be glad to do it. If there was any particular item which should be rejected, they could enlighten the country on the subject of appropriations in the discussion which might take place on it. But let us make these appropriations. The Government had called for them, and must have them. Let us make them, and the responsibility must rest upon the Government for their proper disbursement. He did not intend, when he rose, to say one word to give offence to any gentleman who had taken part in the discussion. He considered that those with whom he was associated, had acted entirely on the defensive. He would not discuss the bill at this time; but he would probably do so at another time; and would then discuss the particular proposition before the House.

Mr. GRAVES replied in opposition to the views of the gentleman from Georgia, [Mr. DAWSON.] He entered his protest on the sort of criticism used by that gentleman.

Mr. MARVIN did not rise to make a speech on the bill, but to make some brief remarks on the strange course this debate had taken. They were, as he understood, in Committee of the Whole on the bill making appropriation for the civil and diplomatic expenses of the Government. On the first day of the debate, he had listened with attention, expecting to hear nothing but what had some reference to the bill. But, to his great surprise, in the midst of the debate, an entirely foreign subject was introduced, and an attack made in reference to the opinions of one of the candidates for the Presidency. What had the Presidential question to do with the subject before the committee? He appealed to his Southern friends, without distinction of party, whether it was proper that an Abolition debate should spring up, day after day, when, by their vote, they had previously decided that this subject should not be introduced or discussed in any shape whatever.

They had determined, some time ago, that the subject of Abolition should in no way be discussed, yet, day after day, members were reading from Abolition papers, to prove that somebody is or is not in favor of, or opposed to Abolition. He could not understand what this had to do with the bill under consideration.

In the early part of the debate, the gentleman from Ohio had made some remarks in relation to the price of labor, the currency, etc. and had stated that there was no distress in the country except among speculators. At that time he did wish an opportunity to reply, that he might correct that erroneous statement, and convince the gentleman that that distress existed among others, besides speculators; also, of telling him that Mr. Van Buren, the leader of his party, had given his cognovit that there was general distress through the land.

But the least reflection would show we had a great amount of important business to transact before our adjournment. For himself, he desired to go home in June, and did not wish to remain through the hot weather until the fall, and then perhaps without doing the business before them. He was therefore strongly desirous that gentlemen should confine themselves to the real and direct questions before them, and restrain this unparalleled latitude of debate. Let gentlemen take one thing at a time, and pass upon it; then they would act with some intelligence.

He was aware it was very difficult to lay down any general rule by which their deliberations might be controlled; but each member, and each individual, must be the judge of what course it would be best to pursue. There was a feeling in the House like this: a member would get up, and, in the course of debate, would say something, or make some charge against a political opponent. He would be called to order; but his friends would say to the other party, "What; are you afraid to have the qualifications of your candidate considered?" Cries would then arise of, "go on," "go on;" and thus imperceptibly they were drawn into a debate having no connection whatever with the legitimate business before them. The debate was one of that nature, and urged by this feeling. Members had gone on continually in making political charges, and replying to them from day to day, until they had nearly lost sight of the bill. He thought there was much good sense in the remark of the gentleman from Georgia, in reference to the improper introduction of the Presidential question, in this debate. It appeared to him that members did not properly appreciate the intelligence of the people of this country. All these Abolition papers, from which extracts had been made, were published all through the country, and had been read by their constituents, and those constituents were fully able to form their own judgment on the questions involved. If the people should choose to elect Harrison, they would do so notwithstanding all the speeches made in Congress. Mr. M. concluded by entreating members of both parties to leave the Presidential question to be settled by the people, while they transacted the great mass of legislative business pressing with so much urgency upon them.

Mr. OGLE obtained the floor, and wished to call the attention of the committee to the amendments which he should offer to the bill under consideration, in respect to the salaries of the Ministers to Russia, Austria, Prussia, Spain, and Mexico; and salaries of Secretaries of Lgation, Chargés, expenses of missions abroad, the salary paid to the signer of patents, &c.; and, after a few remarks, moved that the committee rise.

And, on the question being taken, resulted—ayes 55, noes 47, no quorum voting; but a majority having decided,

The committee rose and reported progress.

Mr. DROMGOOLE moved a call of the House.

Mr. BRIGGS moved that the House adjourn.

Mr. PETRIKIN here took exception to the report of the chairman of the Committee on the state of the Union. He raised a point of order whether it was not the duty of the chairman to report that the committee found itself without a quorum.

Mr. BRIGGS said a majority of the committee had agreed to rise, and did not authorize its chairman to report the fact of there being no quorum.

Mr. PETRIKIN did not press his point of order.

Mr. DROMGOOLE demanded the yeas and nays on the motion to adjourn; which were ordered, and were—yeas 49, nays 68.

So the House refused to adjourn. No quorum voted; but

The SPEAKER said there was evidently a quorum present.

Mr. DROMGOOLE then withdrew his motion for a call of the House, and

The House then again resolved itself into Committee of the whole on the state of the Union, (Mr. CASEY in the chair) and resumed the consideration of the civil and diplomatic bill.

Mr. DROMGOOLE made some remarks in relation to confining the discussion on this bill to the particular portions immediately under consideration.

Mr. OGLE then resumed the floor, and moved to strike out the appropriation for repairs of the furniture in the President's House, &c.

The CHAIR decided that it was not in order to move the amendment until the clause to which it related was reached, but that the bill generally was open for debate.

Mr. OGLE then spoke at some length in relation to the furniture in the President's House; and, in the course of his remarks, referred to the following paragraph, which appeared in the Globe of yesterday, copied from a Northern paper, viz:

"Mr. Andrews, a good Whig member from Kentucky, who possesses all the blunt honesty which characterizes the people of that State, whilst dining with the President, observed a splendid service of gold plate upon the table, and taking one of the golden spoons in his hand, said to the President, 'Mr. Van Buren, if you will let me take this spoon to Kentucky, and show it to my constituents, I will promise not to make use of any other argument against you—this will be enough.' "

"When articles like this are circulated through the Federal press, and regarded as second only to log cabins and hard cider, it may be deemed excusable to say, that the gold plates, spoons, knives and forks, which have figured so largely of late in the Opposition papers, are the same which the President found in the White House when he took possession; that the plates, instead of gold, are simple china, purchased in Mr. Monroe's time—the spoons, knives and forks, (neither of which are gold,) procured, it is believed, during each of the administrations of Monroe, Adams, and Jackson, having received no additions or improvements from Mr. Van Buren."

Mr. OGLE was commenting on the above, and was understood to deny the truth of the comments of the Globe, when he was interrupted by

Mr. ANDREWS, who asked the gentleman from Pennsylvania to yield the floor to him to make an explanation. Mr. A. stated that some weeks since he had heard that such a publication as the one just read from the Globe was going the rounds of many of the Eastern papers. That it had not been his practice heretofore—nor did he intend, for the future, to deviate from that practice—to notice the manner in which his name might be used in connection with newspaper publications or gossip of the day; but as the gentleman from Pennsylvania had referred to that publication, it was due to himself, as a gentleman, to say that no such conversation had taken place between him and the President. It was true, that, with other gentlemen of the House, he had the honor to dine during the winter with the President, and it was due to truth and his own sense of propriety and justice, to say that the President treated him as a gentleman, and he trusted that it had been his fortune to treat the President in like manner.

Mr. OGLE resumed his remarks and eulogized the character of General Harrison; but, before concluding, gave way to

Mr. COOPER of Pennsylvania, who moved that the committee rise; which motion was agreed to, and the committee rose; and

The SPEAKER having resumed the chair, the chairman of the Committee on the state of the Union, reported progress on the bill, and asked leave to sit again; which leave was granted; after which,

On motion of Mr. RANDOLPH,

The House adjourned.

IN SENATE,

WEDNESDAY, April 15, 1840.

The following message was received from the President of the United States, by Mr. VAN BUREN, his private secretary:

To the Senate of the United States:

I transmit a copy of a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic, for such legislative action on the part of Congress as may be necessary to enable me to carry the engagements of the United States under the convention into full effect.

M. VAN BUREN.

Washington, April 15, 1840.

Which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. YOUNG presented the memorial of inhabitants of the town of Dubuque, in the Territory of Iowa, remonstrating against the passage of a bill to amend the act for laying off Dubuque, and other towns in Wiskonsin and Iowa; which was referred to the Committee on the Public Lands.

Mr. Y. also presented the memorial of citizens of Dekalb county, Illinois, praying that the punishment of William L. Mackenzie may be mitigated; which was ordered to be printed, and laid on the table.

Mr. PIERCE presented the memorial of the widow of James Howard; which was referred to the Committee on Pensions.

Mr. PORTER presented a memorial from a number of citizens of the State of Michigan, praying for a mitigation of punishment in the case of William L. Mackenzie; which was ordered to be transmitted to the President of the United States.

Mr. ANDERSON presented the memorial of Messrs. H. Langtry and B W. Jenkins, praying indemnity for losses sustained by a contract for the supply of the Cherokees; which was referred to the Committee on the Judiciary.

Mr. WALKER presented the memorial of the representatives of Robert Moore; which was referred to the Committee on the Public Lands.

Mr. NORVELL presented the memoral of the mayor and common council of Detroit, praying an act for the adjustment of titles to land in said city; which was referred to the Committee on the Judiciary.

Mr. PRESTON submitted additional documents in relation to the petition of Hill and Stalker; which were referred to the Committee on Claims.

On motion by Mr. KING,

Ordered, That the heirs of William Fisher have leave to withdraw their papers presented at the second session of the 25th Congress.

On motion by Mr. ROANE, it was

Ordered, That the heir of Robert Watkins have leave to withdraw his papers presented at the last session.

Mr. BENTON offered the following resolution, which was considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate as soon as the information can be obtained, the amount of debentures issued at different ports on the exportation of refined sugars, during the three first months of the present year. Also, that he cause inquiries to be made to ascertain whether any of that description of sugar called "bastard," is exported for drawback as sugar refined, and report the facts to the Senate. Also, that he report to the Senate the amount of duty payable on imported brown sugars, during the year 1840.

Mr. LINN submitted the following motion, which was considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to send to the Senate the report, if yet made, of Mr. Owen on the geology and mineralogy of the Territory of Iowa.

Mr. WILLIAMS submitted the following motion; which was considered and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing for the settlement and payment of the claims of the State of Maine for services of her militia in the protection of the Northeastern frontier of the United States in the year 1839.

Mr. W. also presented sundry documents in connection with the above; which were referred to the Committee on Military Affairs.

Mr. TAPPAN, from the Committee on the Library, reported a joint resolution for the relief of Langtree and O'Sullivan; which was read, and ordered to a second reading.

Mr. PRENTISS, from the Committee on the Public Lands, reported a bill to relinquish to the State of Indiana the title of the United States to eight acres of land; which was read, and ordered to a second reading.

Mr. P. also, from the same committee, made an adverse report on the petition of William Tracy.

Mr. DAVIS, from the Committee on Commerce, reported a bill to amend an act entitled an act regulating passenger ships and vessels; which, by unanimous consent, was considered as in Committee of the Whole, and ordered to be engrossed for a third reading. [This bill enacts that the law shall not apply to steam vessels running between Nova Scotia and ports of the United States, or between Texas and ports of the United States.]

Mr. KING, from the Committee on Commerce, to which various communications on the subject were referred, reported a bill to authorize the Secretary of the Treasury to procure steam vessels for the revenue service; which was read, and ordered to a second reading. [The bill authorizes the purchase or construction of three steam vessels: one for the waters of Lake Erie and the upper lakes; and for the Atlantic and one for the Gulf coast.]

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Eliza A. Mellon, made an adverse report thereon; which was ordered to be printed.

Mr. STURGEON gave notice that to-morrow he would ask leave to bring in a bill altering the time of holding the terms of the Federal courts in Western Pennsylvania.

The various unfavorable reports from committees on the Secretary's table, were considered and concurred in.

SPECIAL ORDER.

The bill making grants of public lands to certain States for purposes of internal improvement, was taken up, and

Mr. NORVELL explained at some length the provisions of the bill, and advocated its passage.

Mr. MERRICK opposed the bill, and moved its recommitment to the Committee on Public Lands, with instructions so to amend it as to make an equal grant to all the States in the Union.

The motion to recommit was discussed by Messrs. WALKER, MERRICK, CLAY of Kentucky, and NORVELL, when, on motion of Mr. N. it was laid on the table.

LAWS OF NATIONS.

The resolutions submitted on the 4th of March by Mr. CALHOUN, as amended by the Committee on Foreign Relations, were taken up, and were read, as follows:

Resolved, That a ship or a vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the State to which her flag belongs; as much so as if constituting a part of its own domain.

Resolved, That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the port, and under the jurisdiction of a friendly power, she and her cargo, and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

Resolved, That the brig Enterprise, which was forced unavoidably by stress of weather into Port Hamilton, Bermuda island, while on a lawful voyage on the high seas from one port of the Union to another, comes within the principles embraced in the foregoing resolutions; and that the seizure and detention of the negroes on board by the local authority of the island, was an act in violation of the laws of nations, and highly unjust to our own citizens to whom they belong.

Mr. CLAY said that, with respect to the general principles contained in the resolutions, as that the flag should protect its vessels on the high seas, there could be no doubt. It was the common highway of nations, and vessels under their flags were, to all intents and purposes, protected by them. On the high seas no nation had exclusive jurisdiction.

As the resolutions were amended by the committee, they were undoubtedly correct; but, as originally drafted, he had some doubts of the principles set forth. He could not think that in the port

of a foreign power, when the flag was consequently under a particular jurisdiction, that its protection was as great and unrestricted as when the vessel was at sea.

He had risen, however, not to discuss the principles contained in these resolutions, but rather to inquire what good could result, what benefit was proposed, by their introduction at the present time. As he was called upon merely to express an affirmative opinion, he should vote for the resolutions as amended; but the question was whether it was a subject upon which the Senate should be called to act. What was the use to be made of the question? If a negotiation were pending, it might exercise some influence; but in the present case, where that was precluded in language so strong by Lord Palmerston as to forbid the expectation of a resumption of the negotiation, he saw no utility in the adoption of the resolutions.

He thought a too frequent use of the expressions of opinions on subjects merely abstract, by a body of such high and grave authority as the Senate, would have a tendency to bring our opinions into disrepute.

Mr. CALHOUN said it was not his impression that there was much difference between the resolutions, as they originally stood, and as now amended. The chairman had showed him the amendments, before they had been acted on by the committee, and he had, without hesitation, assented to them; not because he thought them an improvement, but simply because he understood that some of the members of that committee desired the change. He looked only to the substance and the conclusion, and cared but little about the mere phraseology. It was a point of too little importance to dwell on. He must say, that he had heard the remarks of the Senator with pain. He had hoped, on this occasion, to have his zealous support. He yet hoped to have his vote. The principle involved is one of profound interest, especially to the portion of the Union he represented; and it was on that conviction he had offered them. Looking to the future, it is impossible to say what may result from the grounds assumed by the British Minister. Viewed practically, it was a question of no small magnitude. Cases of the kind must be constantly occurring; unless, indeed, the increased hazard from this new danger should have the effect of closing the intercourse by sea between the Southern Atlantic ports and those of the Gulf, so far as our slave property is concerned. If to this be added the injury done to our citizens, in refusing compensation for property seized and detained contrary to justice and honesty, and the dangerous principle on which the refusal is placed, the Senator ought not to be surprised, or have any difficulty in accounting for the introduction of these resolutions.

He admits there would have been no impropriety in introducing them, had there been a pending negotiation; but thinks there is, because the British Minister had closed the door of negotiation. He (Mr. C.) took the very opposite view. Pending the negotiation, and before the decision was known, the propriety of a movement of the kind would, to say the least, be doubtful; but now that it has been made, and justice refused, silence would have been construed into an abandonment of the claim of our citizens, and an acquiescence in the dangerous principle on which it was rejected. It was to repel such inference, that he desired to take the sense of the Senate. If the resolutions should receive the vote of the body, it would keep alive the claim, and, what was still more important, rebut any inferred abandonment of the principle on which it rests. He hoped that it never would be surrendered. Justice was on our side, and if we cannot succeed in establishing it now, there is no reason why we may not hereafter. He trusted that the strong expression of opinion by the Senate, which he this day anticipated, would rouse an attention to the subject, that might lead to a happy termination of a controversy which could not be safely kept open. Be that as it may, it is our duty to maintain our ground. If we now yield—if the Senate should refuse to act on the resolutions, or vote them down, we surrender both right and principle.

He would appeal to the Senate, and ask if it is ready to say that the rights of the South to the great mass of its property, that which enters so deeply into their political and social institutions, and on the maintenance of which, not only their wealth and prosperity, but peace and safety depend, shall be outlawed and placed beyond the pale of protection? Is it prepared to distinguish between this and every other description of property, so as to leave this alone undefended? The British Minister acknowledges that compensation ought to be made for every other description, under similar circumstances, and places the distinction between this and others, on ground fatal to its existence, if it be admitted. Is she right? That is the question; and are you ready to say so, by your votes? If so, it is time we should know it; and if not, you should speak out plainly and distinctly.

He had not supposed that there was a member of the body that would be embarrassed by the resolutions; on the contrary, he had hoped that all would have been pleased with the opportunity, in a case so strong and clear, of recording their votes in our favor—to stand by us on this great question, in which we are particularly concerned, as we have stood by them on a recent occasion where they were.

It is a proud recollection for the South, that she never halted to count the cost or danger, when the interest of any portion of the Union, the most remote, called for defence. This is the first difficulty with Great Britain, in which we have been immediately interested. The war of the Revolution originated in causes much more Northern than Southern; and still more strikingly was that the case in the last war. Did we hesitate in either? No; the generous South, ever devoted to the liberty and honor of the country, and true to its engagements, poured out freely her means, in blood and money, for the common cause, without asking whether she was to be the gainer or loser. What he asked, was, that the same zealous and ardent support that we have extended to other portions of the Union, should now be extended to us on this occasion.

Mr. CLAY of Kentucky observed that he would not have advised the introduction of the resolutions, though there was not a man in the Senate or the country more ready to defend our rights by all the means which God and nature had given us, in reference to that particular species of property which the Senator alluded to. He thought, however, that prudence and discretion should admonish us not too often to throw before the world questions in relation to it. Who could believe that Great Britain, because she has refused to make compensation for the slaves on board the wrecked vessel which her colonial authorities had liberated, would interrupt or interfere with our coasting trade? Who could believe that she would assail such a description of property as that on board that vessel? Let her show such a purpose, and, his word for it, there would be but one feeling on the subject throughout the whole country. But what would the Senator propose but war for the redress of this injury, since all negotiation on the subject was at an end? Was that such an open, undisguised attack upon us as to justify such a measure? A vessel, pursuing her voyage from Norfolk to Charleston, is cast away on one of the Bahama islands, and the slaves on board, having been brought up before the authorities there on a *habeas corpus*, are liberated. Here, whatever the British Government had done, was involuntary. She had not gone out of her way to attack us with regard to this description of property. If she had done so, the Senator from South Carolina would not be in advance of him in resisting her. But in this case, the vessel was cast away in a storm on one of the British islands, and the slaves on board having been liberated by the authorities of that island, on a *habeas corpus*, she will neither surrender them nor make compensation for them. Though there was a material difference between the resolution as it originally stood, and as it was now amended, yet, inasmuch as it contained truths, he should vote for it, though he regretted its introduction.

Mr. CALHOUN. He had said nothing that could justify the Senator in accusing him of imputing to the British Government hostile or improper motives, nor that could lead to the belief that there was danger she would seize our vessels at sea, with the view of liberating slaves on board. He did not suppose that she is about to turn buccanier, and plunder our coasting trade; but her decision will interdict nearly as effectually the intercourse by sea between one half of this Union and the other, as to the greatest and most valuable portion of the property of the South, as if she were to send out cruisers against it. The voyage was a most dangerous one. The Bahama group of islands extends for nearly two hundred miles along the eastward of Florida, at an average distance of not more than fifty miles, with a strong current, running many miles an hour, sweeping through it, and beset with dangers from innumerable shoals and keys. Through this dangerous channel, subject to storms, the vast intercourse between the Western and Atlantic cities passes by sea. Numberless wrecks occur annually. It was estimated many years ago, when the intercourse was far less, that the loss annually from that cause, was more than half a million of dollars. To this danger is now superadded, in the case of slave property, plunder by seizure and detention on the opposing and inhospitable shore; thus virtually interdicting to that extent, this, the greatest of all our thoroughfares. It is to repel the inference of acquiescence in a decision leading to such consequences, and resting on a principle still more dangerous, that he solicited the vote of the Senate.

Mr. PORTER said: Mr. PRESIDENT: I desire to do my duty in some form by recording a vote on these resolutions, and yet I am met by difficulties on both sides of the main question they present, which I frankly confess I am greatly embarrassed in attempting to surmount.

I look first to the necessity and expediency of this species of preliminary action by the Senate on a subject of this magnitude and delicacy, which proposes to declare, in advance, the principles of the law of nations as applicable to slave property, thrown, by the act of God, within the jurisdiction of a country where slavery does not exist; and having arrived at the conclusion that such action is not expedient or necessary, I look, secondly, to the consequences which, in my humble judgment, necessarily result from the adoption of these resolutions, and which are by no means agreeable subjects of contemplation to me. These consequences I regard, sir, with an eye to the national honor only, which, in my view, cannot remain unsullied while the principle, as it is stated and applied in the last resolution, remains a silent record on your journal, unasserted, unvindicated, unacknowledged, unliquidated, by the demand and payment to the uttermost farthing of the sum claimed for the slave property on board the Enterprise, driven into the island of Bermuda.

From the reading of the documents accompanying the special message of the President of the 25th January last, consisting of the correspondence between Mr. Stevenson and Lord Palmerston, which was terminated by an adjustment, on the part of the British Government, of the claims for slaves wrecked on the Bahamas, on board the brigs Comet and Encomium, we are informed that the British Government has already refused to make compention in the case of the Enterprise, on the ground that the latter vessel was thrown within British jurisdiction after the period when slavery was abolished throughout the British dominions, which objection was not applicable to the cases of the two former vessels.

In the correspondence alluded to (of a regular diplomatic character) between the representatives of the two Governments, we find this principle distinctly and emphatically stated; and it is in the very teeth of this *quasi ultimatum* of the British Government on the question, and in reference to this very case of the Enterprise, that the last of these resolutions stands. Sir, I may mistake the effect which necessarily results from its adoption; but to my mind it is a pledge to the claimants and to the world of a determination on the part of our Government, so far as this Senate is concerned, at least, to demand the adjustment of this already rejected claim. Viewed in this light, profound as my deference is for the great abilities and eminent

attainments of the honorable Senator from South Carolina, [Mr. CALHOUN] so signally developed in his examination of this question, when these resolutions were before us for consideration previous to their reference to the Committee on Foreign Relations, I confess it is to my mind beset with doubt and difficulty.

The right of the British Government to abolish slavery in her colonies, is admitted. And what are the consequences of the exercise of that right to the liberated slave? Does it not place him under the protection of British laws, which give him the right, while he conforms to them, to demand, at all times, and under all circumstances, the enfranchisement of his person? And is not this right equally sacred and inviolable, whether he be an alien, a denizen, or a native? for I know of no principle which deprives him of one or the other of these designations, even in the case of those wrecked in the Enterprise. British courts are open to him—the remedy by habeas corpus, co-extensive with the range of British law, is his; and if it reaches him, it must liberate him.

The possession and enjoyment of every species of property is attended with its hazards. It is more or less exposed to destruction and loss, from the peculiarities that belong to it. The precarious tenure of slave property is peculiar to itself. It has vitality, volition; and more, a human intellect to guide it—to prompt it to flight—to put forth the moral and physical resources and powers of *man* for its own defence and safety, and to defy efforts at recapture. The loss of this species of property by flight is, to my knowledge, immense; and when it reaches within the limits of a foreign jurisdiction, pursuit not only ceases, but the demand of restitution is silent. What becomes, in this instance, then, of the principle of national comity which gives to the subject or citizen of one country the right to obtain, through the tribunals of another country, his property found there? I can give no answer, where the escape is to a British jurisdiction, other than to say it is lost in the privileges and immunities of the people of England, "whether aliens, denizens, or natives;" and I confess myself unable to discriminate between the right to demand restitution in such a case, and in that of the Enterprise, now before us, provided it appears that no act of violence has been committed by the British authorities, whereby this vessel was brought into Port Hamilton. If it be the act of Providence which enables the slave to plant his foot on a soil which liberates him in the one case, so it is in the other; and he is alike, in my judgment, *property*, subject to recapture and right of control *or not*, as much in the one as in the other, and no more.

But it is said, in the language of the first of these resolutions, "that a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the State to which her flag belongs, as much as if constituting a part of its own domain." This is true, in so far as the vessel, persons on board, and cargo, are subject, properly, to admiralty and maritime jurisdiction; but I apprehend it is no farther "exclusive." Common law rights, existing or arising on the high seas, either in respect to persons or property, are cognizable in the English common law courts, wherever they may be found; and I cannot conceive that any other strictly civil injuries can arise there, than such as are of a transitory nature, in respect to jurisdiction.

Is not personal liberty a common law, as well as a natural right, and does it not attach to every human being falling within the cognizance of British laws? When a British statute liberates a negro slave, does not the panoply of the common law cover him? And is the British Government prepared to admit, in violation of one of its most cherished maxims for ages, that this law is, in any of its features, in contravention of the law of nations.

Mr. President, it is from no spirit of fanatic zeal in the cause of negro emancipation, as it is now sought to be promoted in this country, by private conventional means, that I make these suggestions. The Constitution and laws under which we live, give unquestioned protection to the enjoyment of this species of property; and while the mutual obligations which bind together this confederacy of States exist as they now do, I will be one of the last to interfere with it, either in its possession or in its recaption, where the right by law to recaption is given. But it cannot be enjoyed without the limits of our own jurisdiction, and I am unwilling, in this form, to place the country in an attitude in which national honor will demand the assertion of this right of recaption elsewhere, and in a manner which may conflict with the local laws and jurisdiction of a foreign country. Slavery is a domestic institution with us, and all the principles of right in respect to it are well established and defined by the legislation of the States in which it prevails. There, under the guarantees of the Constitution of the United States, I wish to keep it. If it be an institution conferring benefits on the communities whose laws authorize it, be theirs the undisputed, unquestioned right to the enjoyment of their benefits. If it be an evil, the fact will sooner or later develope itself, and theirs, and theirs only, will be the remedy. But, in the present State of the civilized world, I confess I deprecate any agitation of this subject, not called for by the necessity of immediate action, calculated to make it the foundation of international controversy. The reasons I will not dwell upon—still less will I venture to speak of the consequences of a national war proceeding from such a ground of disagreement.

It also occurs to me, sir, (and I throw out the suggestion, as I have all others here advanced, with great diffidence,) that the adoption of these resolutions would be premature, inasmuch as there do not appear to have been any proceedings instituted in the courts of Bermuda resulting in a final judicial decision of the questions they present. If the principles they assume be sound here, they must be sound there, for they are derived from the international code, according to the doctrines contended for, and the courts of all civilized countries are bound by them. And if they be judicially inadmissible in respect to slave property in these courts, then the remedy is by legislation or negotiation; and here I fear we should be met, not only by obstacles founded in the very spirit of the British Constitution, but by others, equally formidable, arising from a natural repugnance of the British Government, to make the rights to slave property, exposed by casualty to the action of her tribunals, the subject of either, in the face of her recent policy of general emancipation.

For these reasons, erroneous though they may be, I join with the honorable Senator from Kentucky, [Mr. CLAY,] in the expressions of regret that these resolutions have been presented for our action. I have not spoken to enlighten the Senate, for I am too conscious of my humble rank here to hope to do so, or with the expectation that I shall be sustained by a single voice; but merely to explain the difficulties under which I labor in my own mind, and in justification of the motion I now make, (thus going one step further than my distinguished friend) that these resolutions be laid on the table.

The question was then taken on Mr. P's motion to lay on the table, and it was decided in the negative—yea 1, nays 33, as follows:

YEA—Mr. Porter—1.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Dixon, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Merrick, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Strange, Surgeon, Tappan, Walker, Williams, and Young—33.

Mr. BENTON wished to say a word before the vote was taken. He wished to show that not only the citizens of Southern States, were interested in this matter, but also those of Western States, or those who wished to emigrate with their slaves to the West. Among the passengers in the Encomium, one of the vessels named in the debate on these resolutions, was Mr. Charles Allen, a citizen of Missouri, who was returning from a Southern State with a few valuable family slaves, which were taken from him by the authorities at Nassau. And although the owners of the other slaves have been compensated, Mr. Allen's claim has been disallowed, because the British Consul stated that the slaves departed with him. Mr. Allen made due proof of the loss of his slaves by the act of the British authorities; but, notwithstanding this, he has been notified that he will receive no compensation. This is an additional result of the principle avowed by the British Government, and an additional reason why we should pass these resolutions. The certificate of a consul, given in a case where he can hardly know any thing of his own knowledge, is to deprive an American citizen of his property, and to countervail all other testimony. In this way all claims may be defeated. The conduct of the British Government, Mr. B. said, was unjustifiable—a breach of the law of nations—and a wrong and indignity to the United States. She possesses islands lying in the Gulf of Mexico, in the very track of all our ships entering or departing from the gulf, and where tempests are frequent and shipwrecks frequent. If an American vessel, thus passing from one part of the United States to another, is driven by the tempest into any of these islands, and has slaves on board, the British Government declares them free! and, in the case where she has paid for some of those slaves, others are refused on a consul's certificate. This is unjustifiable, and we should so declare it.

The question then being taken, the resolutions were unanimously adopted, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Dixon, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Merrick, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Strange, Surgeon, Tappan, Walker, Williams, and Young—33.

NAYS—None.

BILLS PASSED.

The bill in relation to the iron steamboat, the New Jersey;

The bill for the relief of James Dutton;

The bill for the relief of Peter Warnder, of Indiana;

A bill for the relief of Samuel White; and

A bill to authorize the payment of invalid pensions in certain cases;

were severally read a third time, and passed.

The bill for the relief of David Waller was taken up as in Committee of the Whole, and, after being considered, was ordered to be engrossed.

The bill to revive and continue in force an act, entitled an act to provide for persons who were disabled by known wounds received in the Revolutionary war, was taken up, and, after being discussed by Messrs. PIERCE, PRENTISS, and KING, was, on motion of Mr. K. recommitted to the Committee on Pensions.

The bill for the reduction and graduation of the price of the public lands, was taken up, and, after some remarks from Messrs CLAY of Kentucky and CLAY of Alabama, it was postponed until to-morrow.

Bill for the relief of John McCloud;

Bill for the relief of William Jones;

Bill for the relief of John S. Wilson, of Cherokee county, Alabama;

Bill for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said States;

Bill authorizing the President of the United States to cause the reserved lead mines belonging to the United States in the several States and Territories to be sold as other public lands;

Bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs-at-law of Samuel Hill, deceased;

Bill for the relief of Jane Waller;

Bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of the treaty between the United States and the Choctaw Indians;

Bill to revive an act authorizing certain soldiers in the late war to surrender the bounty lands drawn

by them, and to locate other lands in lieu thereof, and for other purposes.

Bill to authorize the inhabitants of township 8 north, range 32 west, in the State of Arkansas, to enter a section of land in lieu of the 16th section in said townships under condition that the same is surrendered to the United States for military purposes.

Bill for the relief of Joseph Paxton;

Bill for the relief of the heirs of Francis Newman;

Bill respecting the heirs of Agnes Dundas;

Bill to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes;

Bill to authorize registers and receivers to administer oaths required to be taken by purchasers of public land;

were severally considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Bill for the relief of Avery, Saltmarsh, and Co. was taken up, and, after being discussed by Messrs. CLAY of Alabama, LUMPKIN, DAVIS, KING, and HUBBARD, without taking a question,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 15, 1840.

Mr. STARKWEATHER, by permission, presented certain petitions from Robert Marshall.

The CHAIR announced that the first business in order was the reports of the Committee of Accounts, in relation to the contracts existing between Langtree and O'Sullivan with the Clerk of the House, for furnishing stationery, &c.; and the immediate question before the House was the motion to recommit the reports to the Committee on Accounts, with the following instructions:

1. Whether the prices paid by the CLERK of this House for stationery, is a reasonable price, when compared with what stationery can be purchased for from other persons of like quality.

2. Whether the stationery is not of an inferior kind, when compared with the stationery purchased for this House at the last two sessions of Congress.

3. Whether any allowance was asked by the CLERK, either in writing or verbally, for the difference in exchange between Philadelphia and New York; and, if any, how much?

4. Whether any payment has been made by the CLERK to the contractor, in advance, on his contract, or the auditing of his account by the committee?

After a few words from Messrs. JOHNSTON of New York and JAMES GARLAND,

Mr. JOHNSTON of New York obtained the floor, and moved the following as a substitute for the above instructions, viz:

Strike out all after the word "moved," in the first line, and insert the following:

That the resolution which passed this House on the 4th day of March last, upon the subject of stationery, and the reports thereon, and the other matters therein contained, be committed to a select committee, with additional instructions to inquire and report to the House:

1. Whether the prices paid by the Clerk of this House for stationery are reasonable, when compared with prices for which stationery of the same quality could have been purchased of other persons than those of whom he purchased.

2. Whether the stationery is not of an inferior quality, when compared with the stationery furnished this House at the last two sessions of Congress.

3. In what mode or manner the Clerk has advanced or paid money to said Langtree, in relation to said stationery, the amounts paid, and the different times when paid; and that said committee have power to send for persons and papers.

Mr. JOHNSTON of New York said he was willing that both reports should be printed, and take their ordinary course in the House. Gentlemen would see the inconsistency, the impropriety, and the illiberality, of recommitting the report to the same committee, who had had the matter under consideration for seven weeks, and had presented to the House the only result at which they were able to arrive. The power to send for persons and papers was given to the committee, so that all doubt might be dispelled in relation to the subject, and to prove the facts required by the resolution under which the committee had acted. Mr. J. did not conceive that the duties of the committee had been properly discharged, as they had refused to receive evidence, in subversion of the resolution. The design of the mover of it had fallen to the ground. Mr. J. did not propose to go into a discussion as to the merits of the two reports which had been submitted. When it should become necessary he would do so. He hoped if there was to be a reference of the subject, that the good sense of the House would see the propriety of sending it to a select committee, and not to the committee who had had it under consideration, there to remain seven weeks longer.

Mr. JOSEPH JOHNSON said he regretted that any thing should have occurred to make it necessary for him to impose himself on the patience of the House, even for a single moment. But standing in the relation he did, he considered it as due to himself and the majority of the committee, that he should make a very few remarks on the subject. Mr. J. then adverted to the circumstances under which the resolution of the 3d of March had been adopted, instructing the committee to make their report. It would be evident to all that the report was based on the instructions given by that resolution, and had been prepared after a patient and diligent investigation by the majority of the committee. He believed the report contained all the facts contemplated by the resolution, and he would ask those gentlemen who were in favor of a reference, to furnish the committee with something on which they could base their action. If any individual or individuals were to have charges preferred against them, let the committee have those charges laid before them, and he would pledge his word that the majority of the committee would not shrink from a full and rigid investigation. And he would embrace the opportunity to say, that if gentlemen contemplated making any charges against the Clerk of the House in relation to the manner in which he had contracted for stationery, etc. he Mr. J. was authorized by that officer to say that he was very anxious for an investigation into the manner in which he had performed his duties.

If the gentlemen from New York and Pennsylvania should succeed in their effort to refer this subject back again to the committee, without any new matter whereon to base their report, they might be assured that the committee would arrive at no other result.

But with reference to the CLERK of the House, the facts would appear that he had, in all his contracts, taken the utmost precaution to guard the interests of Government. With a view of showing this, he would send to the Clerk's table the two resolutions of 1815 and 1827, under which the CLERK had acted, and by which he had been governed in making the contracts.

The resolution having been read,

Mr. JOHNSON said it would be apparent to all, that, under those resolutions, the CLERK was invested with full power to make all the contracts he had entered into. Under the former resolution, power was given to that officer to make contracts for any portion of stationery that he might deem necessary; and under the latter, he was directed to furnish such stationery as he might think proper for the House of Representatives.

Now he, Mr. J. was no lawyer, nor would he undertake to enter into a legal debate before a hundred and fifty lawyers; but he was guided by common sense, and he would appeal to every member of the House whether the CLERK had not acted in accordance with the plain common sense meaning of the resolutions in question. In the resolution of 1827, the CLERK was directed to "furnish" stationery, etc. Now what was the meaning of the word "furnish?" Would gentlemen pretend to say that the word "furnish" implied that the CLERK should, with his own hands, and without the assistance of any other person, perform all the duties appertaining to his office? For instance; one of the duties was to compile a book. But would gentlemen require that the CLERK should actually go into the printing office and perform the work of a practical printer? Again; he was required to furnish fuel for the House; but would gentlemen insist that the CLERK should shoulder his axe, enter the forest, and become a wood-chopper?

He would advise the gentleman from New York to be a little careful before he made accusations against the CLERK, and to pause while he was seeking ground of censure with an avidity equal to the bloodhounds of Florida. He would tell the gentleman, however, that even the backwoodsmen were not to be despised, for he had known instances where backwoodsmen had become Senators, and many a wood-chopper had been appointed to places of trust and honor. He would also tell him him that he had known men inhabiting log cabins being aspirants for the first office in the gift of the people.

After some debate on a point of order,

Mr. JOHNSON alluded to the practice of the former Clerk in the purchase of stationery. He reminded gentlemen that for some eight or ten years previous to the last Congress, the Clerk had been in the habit of purchasing *directly* the stationery for the House. And what was the result? Why, said Mr. J. you fared infinitely worse. When the Committee on Accounts shall come to look, they will discover the startling fact, that now, in one of the committee rooms, is unavailable and useless stationery piled up to the amount of some twenty-five or twenty-six thousand dollars! This excess of stationery, under a resolution of the last Congress, had been sent to New York for the purpose of being sold; but when put up at auction, it was found that it would not fetch one-fourth the price it had cost; so it was returned, and most of it remains on hand to this day.

Now, with a knowledge of these facts, was it not the duty of the CLERK to adopt some other mode of furnishing the stationery so as to avoid this loss? Yes, it would be remembered that at the last session of Congress the CLERK was admonished to adopt some other means. He accordingly entered into a contract for the furnishing of stationery of the best quality, at a moderate price, with a proviso that all which should not come up to the strict terms of the contract, should be returned. But another objection was, that the CLERK had made a *written* contract. Now he would ask, was the CLERK to be blamed for having taken the precaution of procuring a written agreement? Was he to be blamed for doing that which was done by every prudent man in the management of his private affairs? It appeared, however, that the act which was esteemed a virtue in private life, was a startling offence when practised by an officer of the Government.

Mr. J. said he had had the honor of serving on the Committee on Accounts during the last two or three Congresses. He had associated there with gentlemen of all political parties. He had had the honor of associating there with his namesake from Maryland, and with the gentleman from Kentucky, who, as political partisans, disputed every inch of ground. But never, till the commencement of this Congress, had that hydra headed monster, "party," been permitted to enter the committee room of the Committee on Accounts. Until this Congress, he and his associates on that committee had looked above all party considerations, and, like good servants of the people, they had put shoulder to shoulder, and labored for the public interests, under no other feelings than those dictated by friendship. He would that he could say the same now; but he could not. He had been told that soon after the meeting of the House at the present session, that certain gentlemen, not members of the committee, had attempted to raise a select committee to inquire into this very matter; and that, too, at a time when the standing committees had had no opportunity of making a report. He asked whether such conduct was not an implied censure on the gentlemen composing the standing committees. He repeated that, soon after the commencement of the present session, certain gentlemen had resolutions in their drawers, the object of which was to take the matter out of the hands of the standing committee, and refer it to a select committee.

Now he would ask, whence arose all this feverish anxiety? Was he to believe that it was for the purpose of manufacturing political capital for the benefit of the Hero of Tippecanoe? or was it because one of the parties to the contract was the editor of the Democratic Review, a talented young man, who had shown his ability to defend the liberties of his country? or was it because that gentleman [Mr. GARLAND] there, sitting at the table, had, at the commencement of the session, displayed a Roman firmness, in refusing to qualify five gentlemen from New Jersey, claiming seats under the sanction of the broad seal of the Governor, and with certificates given in defiance of the expressed will of the people.

The morning hour having expired, Mr. J. suspended his remarks; when

The SPEAKER laid before the House the following communications:

1. Message from the President of the United States, communicating a report from the Secretary of State, in compliance with a resolution of the House of Representatives of the 23d March, requesting "the President to communicate to the House, if not incompatible with the public interest, copies of any demand made by the minister or other diplomatic representative of Spain in this country, of the surrender to him of the Africans taken in or belonging to the vessel called L'Amistad, and of all correspondence between this Government and the said minister or diplomatic representative, and with any other foreign Government or minister thereof, relating thereto; also, copies of all instructions from the Department of State to the District Attorney of the United States in the judicial district of Connecticut, and all reports of the said Department relating to that subject."

On motion of Mr. ADAMS, ordered to lie on the table, and be printed.

2. Message from the President of the United States, in compliance with a resolution of the House of Representatives of the 23d of March last, transmitting a report from the Secretary of State, with accompanying documents, in relation to the "seizure and condemnation, by the British authorities, during the year now last past, of certain American vessels engaged in the fisheries.

On motion of Mr. LOWELL, referred to the Committee on Foreign Affairs, and ordered to be printed.

3. Communications from the War Department, in compliance with a resolution of the House of Representatives of the 23d ultimo, calling for "copies of all orders and instructions issued from the Department to any officer of the army, or to any agent of the Government, requiring his interference with the Cherokee Indians in the formation of a Government for the regulation of their own internal affairs, not inconsistent with the Constitution and laws of the United States, or with any existing treaty; also, copies of all instructions to any officer or agent of the Government, prescribing any particular form of Government for the adoption of said Indians, and interdicting any other form."

On motion of Mr. BELL, referred to the Committee on Indian Affairs, and ordered to be printed.

4. Depositions in relation to the New Jersey election.

On motion of Mr. DROMGOOLE, referred to the Committee of Elections.

Mr. J. W. JONES called for the orders of the day; and moved that the House resolve itself into Committee of the Whole on the state of the Union, to take up the civil and diplomatic bill.

Mr. ADAMS reminded the gentleman from Virginia [Mr. JONES] that there were two special orders to-day. The bill to prevent frauds on the revenue was made the special order for this day; and the gentleman had consented, previous to said order, to take it up. That gentleman was aware of its importance, and he (Mr. A.) hoped that he would, in accordance with the compromise he entered into on the occasion referred to, consent that it should be taken up.

Mr. JONES was aware of the importance of the bill to prevent frauds, and was as anxious as the gentleman from Mass. could be that there should be immediate action upon it. By the arrangement to which the gentleman from Massachusetts [Mr. ADAMS] had referred, it was not intended that this bill should have precedence of the civil and diplomatic bill; on the contrary, a special exception was made. The early passage of the appropriation bill now before the House was of the utmost importance. Many claims were now falling due, for which no provision was made. He hoped, therefore, that the gentleman from Massachusetts would perceive the importance of proceeding in the consideration of the bill now before the House, and agree to a further postponement of his special order for a few days, and he should then have his co-operation to forward the action on it.

Mr. ADAMS said he was aware that his special order could not take precedence of the bill now before the House. It has not even the privilege of being the order of the day until disposed of; but for this day alone. He had no doubt that the bill would cause some debate. Mr. A. said he would move to make it the special order of the day, after the bill now before the House was disposed of, to take precedence of all other business. But as he might expect to have opposition from a certain quarter in the House, if he should not exclude private bill and petition days, he would therefore move to make it the special order from the hour of one o'clock daily, (except Mondays, Fridays, and Saturdays,) until disposed of.

Mr. JONES of Virginia said if the gentleman from Massachusetts would move to make it the special order to take precedence of every thing until disposed of, he would consent.

Mr. ADAMS, though he considered the private bills of great importance, acquiesced.

The question being taken by tellers. (Messrs. CHAPMAN of Alabama, and DAVIES of Pennsylvania, acting as such,) the result was—ayes 67, noes 38; no quorum voting.

Mr. ADAMS demanded the yeas and nays; which were ordered, and were—ayes 95, nays 61.

So the House refused to make it the special order to take precedence of all other business.

Mr. ADAMS hoped it would be made the special order for some day. Mr. A. then moved that it be made the special order for every day except petition and private bill days.

Mr. JONES remarked that he could not see the end of the discussion on the bill, and the pressing character of the appropriation bills was such, that if they be postponed by a long discussion on this bill, the public service would suffer.

Mr. R. GARLAND inquired of the CHAIR whether it was proposed to make it take precedence of the special order on the subject of printing.

The CHAIR replied in the affirmative.

Mr. R. GARLAND. Then I object.

Mr. JONES of Virginia hoped the motion to make it the special order would not prevail.

The question was then taken, and the motion was disagreed to.

Mr. ADAMS then moved that it be made the special order of the day for one day only, after the passage of the appropriation bill now before the House.

Mr. R. GARLAND objected.

The question was then taken, and the motion was agreed to—ayes 110, nays 21.

Mr. DAVEE asked and obtained the unanimous consent of the House to present the following resolutions, recently adopted by the Legislature of Maine; which, on his motion, were referred to the Committee on Foreign Affairs, and ordered to be printed:

RESOLVES RELATING TO THE NORTHEASTERN BOUNDARY.

Resolved, That the patriotic enthusiasm with which several of our sister States the past year tendered us with their aid to repel a threatened foreign invasion, demand our grateful recollection; and whilst this spirit of self sacrifice and self devotion to the national honor pervades the Union, we cannot doubt that the integrity of our territory will be preserved.

Resolved, That the promptness and unanimity with which the last Congress, at the call of this State, placed at the disposal of the President, the arms and treasures of the nation for our defence, the firmness of the Executive in sustaining the action of this State, and repelling the charge of an infraction of the arrangement made with the British Lieutenant Governor in March last, and charging back upon the British Government the violation of that agreement—their decision in demanding the removal of the British troops now quartered upon the disputed territory as the only guarantee that they sincerely desire an amicable adjustment of the boundary question, afford us confident assurance that this State will not be compelled single handed to take up arms in defence of our territory and the national honor, and that the crisis is near when this question will be settled by the National Government, either by negotiation or by the ultimate resort.

Resolved, That unless the British Government, during the present session of Congress, make, or accept a distinct and satisfactory proposition for the immediate adjustment of the boundary question, it will be the duty of the General Government to take military possession of the disputed territory; and in the name of a sovereign State we call upon the National Government to fulfil its constitutional obligations to establish the line, which they have solemnly declared to be the true boundary, and to protect this State in extending her jurisdiction to the utmost limits of our territory.

Resolved, That we have a right to expect the General Government will extend to this member of the Union, by negotiation or by arms, the protection of her territorial rights, guaranteed by the Federal compact, and thus save her from the necessity of falling back upon her natural and reserved rights of self defence and self protection—rights which constitutions can neither give nor take away, but, should this confidence of a speedy crisis be disappointed, it will become the imperative duty of Maine to assume the defence of our State and national honor, and expel from our limits the British troops now quartered upon our territory.

Resolved, That the Governor be requested to forward copies of these resolutions to the President and Heads of Departments, and to the Senators and Representatives in Congress from this State, with a request to the latter to lay them before the respective bodies of which they are members; also to the Governors of the several States, with a request to lay them before their several Legislatures.

On motion of Mr. JONES of Virginia,

The House then resolved itself into Committee of the Whole, Mr. CASEY in the chair, and took up the civil and diplomatic appropriation bill.

Mr. OGLE, who was entitled to the floor, resumed his remarks from yesterday, in defence of General Harrison, and abusive of Mr. Van Buren; and, before concluding, at the hour of five o'clock, gave way to

Mr. CARTER, who moved that the committee rise; and the question was taken by tellers, (Messrs. CHAPMAN of Alabama, and DAVIES of Pennsylvania, acting as such,) and resulted, ayes 69, noes 32: no quorum voted; when

The committee rose, and the SPEAKER having resumed the chair, the chairman reported that fact to the House. Then

Mr. CARTER moved that the House adjourn.

Mr. DROMGOOLE demanded the yeas and nays; which were ordered, and were, yeas 70, nays 43. Accordingly

The House adjourned.

IN SENATE,

THURSDAY, April 16, 1840.

Mr. NORVELL presented the petition of a number of citizens of St. Clair county, in the State of Michigan, praying the imposition of a duty on fish imported from the provinces of Upper and Lower Canada; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. NICHOLAS presented the petition of John H. Hagedorn and Adolph Cramer, merchants in New Orleans, praying to be allowed a drawback on certain articles of merchandise exported by them; which was referred to the Committee on Finance.

Mr. HUBBARD submitted documents in relation to the claim of James Crooks and William Crooks, citizens of Great Britain, to indemnity for the illegal seizure of their vessel and cargo by a United States officer in the year 1812; which were referred to the Committee on Claims.

Mr. BENTON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the annual amounts of drawback paid on the exportation of refined sugar for each year since the applications of the drawback system to that exportation.

On motion by Mr. BENTON, the message from the President of the United States, transmitting, in compliance with a resolution of the Senate, a report from the Secretary of the Navy, in relation to the military and naval defences of the country, was ordered to be printed.

Mr. STURGEON, in pursuance of previous notice, asked and obtained leave to introduce a bill for altering the time of holding the District Court of the United States for the western district of Pennsylvania, at Williamsport; which was read twice, and referred to the Committee on the Judiciary.

Mr. LINN, from the Committee on Private Land Claims, reported a bill for the relief of Thomas P. Copes; which was read, and ordered to a second reading.

Mr. NORVELL, from the Committee on Commerce, to which was referred House bill for the relief of Robert Milnor and John Thompson, reported it without amendment.

Mr. HUBBARD, from the Committee on Finance, to which was referred House bill for the relief of Lewis H. Bates and William Lacon, reported the same without amendment, and recommended that it do not pass.

Mr. DAVIS, from the Committee on Commerce, to which was referred House bill for the relief of William Wickham, reported the same with an amendment.

The bill for the relief of Avery, Saltmarsh, and Company, was taken up, and after some remarks by Messrs. HUBBARD and LUMPKIN, was postponed for the present.

The bill for the reduction and graduation of the price of the public lands, was taken up, and on account of the indispostion of Mr. CLAY of Kentucky, its further consideration was postponed until Monday next.

BILLS PASSED.

The bill to amend an act entitled an act regulating passenger ships and vessels;

The bill for the relief of David Waller;

Bill for the relief of John McCloud;

Bill for the relief of William Jones;

Bill for the relief of John S. Wilson, of Cherokee county, Alabama;

Bill for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said State;

Bill authorizing the President of the United States to cause the reserved lead mines belonging to the United States in the several States and Territories to be sold of other public lands;

Bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs-at-law of Samuel Hill, deceased;

Bill for the relief of Jane Waller;

Bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of the treaty between the United States and the Choctaw Indians;

Bill to revive an act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate other lands in lieu thereof, and for other purposes;

Bill to authorize the inhabitants of township 8 north, range 32 west, in the State of Arkansas, to enter a section of land in lieu of the 16th section in said township upon condition that the same is surrendered to the United States for military purposes;

Bill for the relief of Joseph Paxton;

Bill for the relief of the heirs of Francis Newman;

Bill respecting the heirs of Agnes Dundas;

Bill to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes; and

Bill to authorize registers and receivers to administer oaths required to be taken by purchasers of public land;

were severally read a third time and passed.

The bill for the relief of the Steamboat Company of Nantucket;

The bill for the relief of J. M. Strader; and

The bill supplementary to the act entitled "An act to establish branches of the Mint of the United States," approved March 3, 1835;

were considered as in Committee of the Whole and ordered to be engrossed for a third reading.

PRE-EMPTION LAW.

The Senate proceeded to the consideration of the bill supplementary to the "Act to grant pre-emption rights to settlers on the public lands." The amendments reported by the Committee on the Public Lands having been agreed to,

Mr. NORVELL said that a number of petitions had been presented to the Senate from settlers on the public lands, stating that in consequence of the embarrassments of the times, they had been unable to avail themselves of the benefits of the existing pre-emption act. That act was to expire in June, by its own limitation. The petitioners ask for a longer time, to enable them to realize the beneficent provisions of the land. Besides, the present pre-emption act had, by general consent, worked well, both for the actual settlers and the public. He therefore asked leave to submit a new section, providing for the extension of the pre-emption act of the 22d of June, 1838, to the 22d of June, 1842.

The amendment was further discussed by Messrs. CLAY of Alabama, NORVELL, CRITTENDEN, and PRENTISS, who, at the conclusion of his remarks, proposed to amend the amendment by adding a provision making four months' occupancy previous to the passage of the bill, a condition of the right of pre-emption.

Mr. P's amendment was debated by Messrs. HUBBARD, WHITE, PRENTISS, NORVELL, MERRICK, SEVIER, KNIGHT, and KING; and the question being taken, it was decided in the negative—ayes 13, noes 24, as follows:

YEAS—Messrs. Brown, Calhoun, Clay of Kentucky, Clayton, Cuthbert, Davis, Dixon, Knight, Merrick, Prentiss, Ruggles, White, and Williams—13.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, Wright, and Young—24.

The question was then taken on Mr. NORVELL's amendment; which was agreed to—yeas 25, nays 11, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, White, Williams, Wright, and Young—25.

NAYS—Messrs. Brown, Calhoun, Clay of Kentucky, Clayton, Davis, Dixon, Knight, Merrick, Prentiss, Ruggles, and Strange—11.

Mr. PRENTISS then moved to strike out the second section of the bill; which, after some remarks by Messrs. P. and CLAY of Alabama, was decided in the negative—ayes 10, noes 25, as follows:

YEAS—Messrs. Brown, Clayton, Davis, Dixon, Knight, Merrick, Prentiss, Preston, Ruggles, and Strange—10.

NAYS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, White, Williams, Wright, and Young—22.

After some further discussion, in which Messrs. WALKER and PORTER participated, the question was taken on ordering the bill to be engrossed for a third reading, which was decided in the affirmative—ayes 25, nays 7, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, White, Williams, and Young—25.

NAYS—Messrs. Brown, Crittenden, Davis, Merrick, Prentiss, Ruggles, and Strange—7.

The Senate then went into Executive session, and afterwards adjourned.

HOUSE OF REPRESENTATIVES,
THURSDAY, April 16, 1840.

Mr. LEET rose and said he begged leave to present two petitions for pensions, which he had had in his possession for some time, and he expressed a hope that the House would permit him to do so.

The SPEAKER said if no objections were made, the gentleman from Pennsylvania could present the petitions referred to.

Mr. BANKS said he would ask the same favor, though he did not object.

[Mr. LEET then presented the memorial of David McMullin, of Washington county, Pa. praying for a pension: referred to the Committee on Revolutionary Pensions. Also, the memorial of William Cain, of Washington county, Pa for a pension: referred to the Committee on Invalid Pensions.]

By consent, petitions were then presented informally by Messrs. BANKS, JONES of New York, McKAY, HOFFMAN, HILL of Virginia, GARLAND of Louisiana, CRABB, ELY, WAGENER of New York, and GARLAND of Virginia.

[Mr. JONES of New York presented two petitions from inhabitants of Orange county, for the establishment of a post road from South Middletown, through State Hill, Well's Corner, Westtown, and Unionville, in said county, to Deckertown, Sussex county, New Jersey.]

Mr. PETRIKIN objected to this mode of presenting the petitions; some might be received which ought not to be received under the rules. The further presentation was in consequence arrested.

The SPEAKER, by consent, laid before the House a communication from the President of the United States, enclosing a communication from the Secretary of State, giving information called for under the resolution of the House of the 9th March in relation to the tobacco trade. On motion of Mr. JENIFER, referred to the Select Committee heretofore raised on that subject.

Also, sundry depositions in relation to the New Jersey contested election; which, on motion of Mr. CAMPBELL of South Carolina, was referred to the Committee of Elections.

Also, a message from the Executive, communicating a copy of convention entered into with the Mexican Republic by the United States, for the indemnification of citizens of the United States for spoliations committed by the Mexican Government, on the property of citizens of the United States: on motion of Mr. EVERETT, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. JOHNSON of Maryland, by unanimous consent, laid before the House a bill which he said he intended to offer as a substitute for the Sub-Treasury bill, when that bill should come up for consideration; which was ordered to be printed.

The CHAIR announced that the first business in order was the reports of the Committee of Accounts, in relation to the contracts existing between Langtree and O'Sullivan with the Clerk of the House, for furnishing stationery, &c. and the immediate question before the House was the motion to recommit the reports to the Committee on Accounts, with the following instructions:

1. Whether the prices paid by the CLERK of this House for stationery, is a reasonable price, when compared with what stationery can be purchased for from other persons of like quality.

2. Whether the stationery is not of an inferor kind, when compared with the stationery purchased for this House at the last two sessions of Congress.

3. Whether any allowance was asked by the CLERK, either in writing or verbally, for the difference in exchange between Philadelphia and New York; and, if any, how much?

4. Whether any payment has been made by the CLERK to the contractor, in advance, on his contract, or the auditing of his account by the committee?

Mr. JOHNSTON of New York moved the following as a substitute for the above instructions, viz:

That the resolution which passed this House on the fourth day of March last, upon the subject of stationery, and the reports thereon, and the other matters therein contained, be committed to a Select Committee, with additional instructions to inquire and report to the House:

1. Whether the prices paid by the Clerk of this House for stationery are reasonable, when compared with prices for which stationery of the same quality could have been purchased of other persons than those of whom he purchased.

2. Whether the stationery is not of an inferior quality, when compared with the stationery furnished this House at the last two sessions of Congress.

3. In what mode or manner the Clerk has advanced or paid money to said Langtree, in relation to said stationery, the amounts paid, and the different times when paid; and that said committee have power to send for persons and papers.

Mr. JOSEPH JOHNSON said that when, on yesterday, his remarks were suspended by the expiration of the morning hour, it was his intention to have replied in detail to the speeches of the gentlemen from New York. But on reflection, he was satisfied that no good could arise from a continuance of a discussion thus prematurely. With that understanding, therefore, he would merely observe that the motion to recommit the subject to the committee under general instructions, would be only asking the committee to report what they had already done.

As regarded the document accompanying the report of the committee, marked with the letter J. and which had given the gentlemen from New York [Mr. JOHNSTON] and Pennsylvania [Mr. PETRIKIN] so much pain and labor, he had one word to say. He understood that upwards of eight pages of the report made by the gentleman from New York, were taken up in attempting to prove that this document had been smuggled into the committee room. Now he would call the attention of the House to the resolution read on yesterday, by which it would be seen that, with the exception of the solitary vote of the gentleman from New York, the document was received by the unanimous vote of the committee.

Mr. CHARLES JOHNSTON, the member alluded to, rose for the purpose of making some explanation.

Mr. JOSEPH JOHNSON hoped the gentleman from New York would permit him to proceed without interruption, as he had but a few words to say, and would conclude in a very few minutes. He would say, then, that the document, instead of being smuggled into the committee room, had been introduced at the instance of a majority of the committee—the gentleman from New York being the only member who voted against it, and who had generally stood alone on all questions in relation to this matter. That document was furnished by a sworn officer of the House, and if there was a single error in any of the statements made therein, he asked the gentleman from New York to lay his finger upon it, and point it out. That document was compiled from papers on file in the Treasury Department, and the country would thank the CLERK for furnishing the valuable information it contained. For his part he would say that, so far as his knowledge extended, he would certify that the CLERK had been governed, in all his transactions, by honorable motives. He would also undertake to say that the stationery furnished by the present officer had been furnished on terms at least equal to those on which stationery had been supplied before.

If the House should deem it proper to recommit the subject, and order an investigation into the conduct of the CLERK, the latter, he was authorized to say, would be very glad to have an opportunity of meeting those charges.

Yes, said Mr. J. the House may, if it chooses, appoint another select committee of investigation, with power to send for persons and papers. The members of the committee might, if they pleased, follow the example of the Swartwout Committee, and proceed to New York, at an expense of nineteen dollars and thirty-five cents per day for each individual, as will be seen by the account of that committee herewith presented:

House of Representatives, *Dr.*
To Select Committee on Defalcations:

Cash paid Astor House for sixteen and a half days' board of six members, viz: Messrs. Harlan, Wise, Smith, Curtis, Hopkins, Dawson, and Mr. Fendall, their clerk, (wines and liquors not included)	$400 10
Extra charge for fuel, rooms, lights, etc.	110 00
Paid messenger	6 44
Messrs. Owens, Foster, and Wagener's bill at American Hotel	210 00
Mileage, 500 miles, for nine members	1,800 00
Same for clerk	200 00
	$2,726 54

But this was not the only expense: the printing alone growing out of this investigation amounted to some eighteen thousand dollars, so far as he had ascertained.

They might, if they thought proper, lay another tax upon Government of $50,000, which had been paid for another committee of investigation, (that of 1837, of which Messrs. Wise and Peyton were members.)

Mr. J. concluded by opposing a recommitment of the report, unless additional and specific charges were made.

Mr. PETRIKIN went into an argument of some length, in support of the motion to recommit the report. In making the motion to recommit the reports, he acted as a party man, regardless of the denunciations of any man, or the sneers and taunts of some of the Clerk's friends, and their assertions that he was directing the party. He belonged to the Democratic party, and that party based all their political acts on certain fixed fundamental principles; and that one of those was strict accountability and responsibility of all public officers and agents. That the party he belonged to held that the officer who skulked or attempted to screen himself from such accountability, or he or they who attempted to aid others in such a course, was not one of us. He was aware, however, that all parties were like large armies. An army had crows and buzzards following and hovering over them, for the purpose of feasting on the carcasses left on their course. So it was with the Democratic party when in power; they had men hovering around the honest part of them, or even going in advance, not from principle or attachment to them, politically or individually, but for the plunder to be obtained; and of this they have striking examples every day. He came there as the representative of constituents whose wish was to remedy evils, wherever they existed, and to save the money of the country, without reference to any man—principles, not men, was the standing motto of the party he belonged to, and that he followed the lead of no man, except so far as that man aided in carrying into execution the principles he professed, and endeavored to practice. Now, in relation to this matter, he would say that he considered there had been a disposition shown by the CLERK to skulk from investigation. He had observed indications of a wish to shut the door against inquiry; and whenever a door was thus closed, it was very natural for people to infer that there was something not exactly right behind the door. He was, therefore, determined, so far as in him lay, to have a full and strict investigation into this matter, so that the true state of the case might be known. He thought it right to say that he had nothing personal against the CLERK, but was guided solely by public motives; and in the course of his political life, he believed he had never suffered private matters to interfere with his public duties.

Mr. P. then alluded to the resolutions for regulating the CLERK in the purchase of stationery, and contended that the latter, in his contracts with Mr. Langtree, had not acted in accordance with the instructions contained in those resolutions. He thought no gentleman ought to object to a recommitment of the whole matter. If they were conscious that the CLERK had done his duty, what reason had they to be afraid? He went into a history of the subject, with a view to show that the

committee had not acted in accordance with the resolution referring the matter to it for investigation.

Mr. P. in reply to that part of the remarks in relation to the accumulation of paper, said, in justice to the late Clerk, (W. S. Franklin,) that, no damaged paper, or paper of any kind, had accumulated since 1835, except forty-eight reams, and that was not damaged, but of an inferior quality, which had remained on hand, because the person who had it had failed, and become insolvent before it could be returned, and that this fact he could prove.

Mr. WISE said that, after the misconduct, necessarily inferred from the remarks of the gentleman from Pennsylvania, he, as a member of the Virginia delegation, felt bound to demand for the CLERK a full and thorough investigation. He felt that the honor of the State which he represented, required him, as a personal, though not political friend of the CLERK, to give that gentleman an opportunity of meeting the charges made against him. But, until those charges should be proved, he was bound to presume him innocent. After what had transpired, he felt that the honor of his State would suffer, if any imputation were suffered to rest on the character of the CLERK.

Mr. W. said that he had, some time ago, presented to the House a communication addressed to him by a lithographer of this city. That communication was referred by the House to the committee, but had never been reported on. The individual alluded to was a practical lithographer and an eminent artist. He had conversed with him on the subject, and had been told by him that Mr. Langtree, to whom the CLERK had given the contract, had proposed that he, the artist, should do the work for one half the price charged the Government. The artist had also assured him, Mr. W. that he would willingly undertake to execute the work for one half the price charged by Mr. Langtree.

This artist was willing to come forward before the committee, and testify to the facts, whether they went to inculpate the Clerk or not. But, until the charges made against the latter were proven, he would not believe him guilty of any wilful or intentional dereliction from his duty. This was the ground he would take, and he felt confident that there was not one of his colleagues who would not agree with him.

Mr. W. said it appeared, from the remarks of the gentleman from New York, that the majority of the committee had refused to hear testimony, although the resolution of the House required them to send for persons and papers, and to take testimony. Now he contended that the evidence of the artist alluded to ought to have been taken, and reported to the House. He was not desirous of entering into a debate with his colleague as to the best manner of executing the work, whether by contract or not; but he thought the Clerk of the Senate ought to have been examined, with a view of showing how the business was managed in that body. He objected to the memorial furnished by the Clerk, which he contended the committee had substituted for a report.

Mr. W. was proceeding to propound some inquiries to his colleague, [Mr. J. JOHNSON,] when the SPEAKER admonished him that the morning hour had expired; when,

On motion of Mr. J. W. JONES, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and took up for consideration the civil and diplomatic appropriation bill; and

Mr. OGLE, who was still entitled to the floor on the above bill, went into a vindication of the vote of General Harrison in the Ohio Legislature to sell free white men into slavery, who were imprisoned as insolvent debtors, and were unable to pay costs. He cited the penal laws of several States, under which vagrants and thieves are either sold into slavery or whipped, as an evidence that such an act as was proposed to be passed by the Ohio Legislature was not unprecedented. He argued that it was no more an act of slavery to sell out of prison into servitude, than it was to incarcerate in prison on low diet; but, on the contrary, that it was more humane. He entered into a defence of the military and civil services of General Harrison; gave a description of his furniture and cooking utensils, and presented a graphic picture of the exterior appearance of his dwelling, as well as its general interior arrangement, to show his fitness for the Presidency. In the course of his remarks, he charged that the President had practised the greatest extravagance in the purchase of furniture for the President's house.

Mr. LINCOLN said, were it not for the situation he was placed in reference to the committees, he would not press himself upon the attention of the committee at the present time. It seemed that after seven days consumed in this debate, it was about time to inquire what had resulted from the deliberations of the committee. They were the faithful representatives and servants of the people; and he said, whether Gen. Harrison was a fit person for the Presidency or not; whether he should be elected to to that office or not; whether he was an Abolitionist or not; whether he was a hero, and entitled to the confidence of the people, or unworthy of their confidence, could not affect this bill. This appropriation bill must be passed; for one, he would say that he would vote for it, whatever might be the condition or disposition of the Presidential question. He would vote for it; but before doing so, he should endeavor to make it as free from objections as possible. The Government must have means to carry on its operations. He presumed that there was no gentleman in that House who would take upon himself the responsibility of withholding such means as were necessary for that purpose. It was to pass in some shape or other, and he felt bound, from a conviction on his mind of a sense of duty and patriotism, to pass this bill as speedily as possible. There will be other occasions on which debates of the character which had taken place on this bill, and which had amused and instructed us, and instructed the nation, will be more in place, and the time would be more ample, and attended with less prejudice to the public service.

Mr. L. thought it high time that some limitation were made to the strange latitude of debate in which gentlemen had thought proper to indulge for the last few days. For his part, he did not feel authorized, on a subject like the present, to take up and discuss the merits of General Harrison, although perhaps, on a proper occasion, it would be found that he was as able to undertake that task as some others.

Mr. L. then alluded to his political relations with the other four member on the Committee on Public Buildings and Grounds, when it so happened that he was placed single handed to represent the Whigs. Whether it was his misfortune or his fault he would not say; but it was a fact that, on all measures in relation to business, (for politics were out of the question,) he invariably concurred in the opinions of those gentlemen. If, in the present instance, they had done wrong, he was also to blame, for he had concurred with them in recommending the appropriation. If any thing exceptionable had come from the committee, and had been introduced into the general appropriation bill, he felt himself bound, in honor, to take his share of the reproach. He would consider it mean and cowardly, when his political opponents on the committee were attacked, for him to attempt to escape from censure, when he was conscious that he himself had acted with them. He mentioned that as matter of little consequence; but he felt bound, whoever might be the accuser, to stand up and do his associates on the committee justice.

He regretted to see that, in relation to some items of the bill, there had been some strange misapprehensions, and more particularly by the gentleman from Pennsylvania, [Mr. COLE.] He understood the gentleman objected to the item of $3,665 for alterations and repairs to the President's House. Now, it would be found that this sum was made up of a number of small items, all of which were perfectly reasonable. But he would tell the gentleman from Pennsylvania that his attack on such matters was a very small business indeed, and before he should conclude, he would point out to that gentleman much higher game, if he felt disposed to pursue it.

In the first place, the gentleman had entirely misapprehended the character of the item of appropriation to which he objected. The aggregate amount consisted of many small items, and he felt confident that when the gentleman understood how that aggregate amount was made up, he would no longer object to it, or deem it so very extravagant.

One of these items was, "for the annual repairs of the President's House and furniture, $500." Now, said Mr. L. I would ask whose duty it is to do this? Was the President at liberty to do it? What tenant, having a lease of a house, could by law make alterations? And could the President make alterations in a house, of which he was the occupant for four years only? Had he a right to do this, even were he disposed to do it at his own expense? No: it was the duty of the Government, who first built the house, to keep it in repair, and shelter its occupant from the rain and winds of heaven. Did not Government build the house for the accommodation of its presiding officer? and would that Government be justified in permitting it to fall to pieces, and go to ruin, for want of a small appropriation to keep it in repair? This sum of $500, he would tell the gentleman, was exclusively for repairs to the house, the word "furniture" having been inserted merely as a matter of form, observed in all former appropriations. The money was not intended to purchase a single article of furniture, but was exclusively for the house; and he would appeal to the gentleman from Pennsylvania, or any other gentleman, whether an appropriation of $500 for repairs to a house that cost a million, was not a very moderate sum?

Besides, if General Harrison was to occupy the house, and he trusted that would soon be the case, it ought to be kept in good condition. For his part, he was not willing that Gen. Harrison should enter a house in a dilapidated condition. He wished to have it, at least, provided with the necessary articles of furniture, such, for instance, as a few chairs to sit upon, for the accommodation of visiters and private individuals.

Another item composing the aggregate amount, was for the service of a gardener, $150; here this man was employed to attend to the public gardens and grounds adjoining the President's House, and was in fact attending to the business of Government; for who would undertake to say that those gardens were of any benefit to the President? They were open to the public, and belonged to the people, and were kept in order more for the gratification of members of Congress than for the occupant of the White House.

Mr. L. then alluded to another item for the payment of a few laborers at $1 per day, and asked if it was likely the President would hire these laborers for his own convenience. Certainly not. Besides, what would be the consequence if they should refuse to make this small appropriation? Why, the result would be that those beautiful mounds and other contrivances, made not for the gratification of the President, but to please the public eye, would be neglected. This money was to keep in repair the walks frequented by the public, and he, with others, had often visited them; and would any gentleman contend that the President himself was bound to keep them in repair, when they were for the accommodation of the people at large? No, the gardens and grounds were the property of the people, and the people expected that the labor expended on them should be paid for. He would ask the gentleman from Pennsylvania, what difference there was between the public grounds around the President's House, and the public grounds and gardens of the Capitol. No objection was made to the paying of laborers on the latter, and why should there be any with respect to the former? They were alike accessible to, and for the gratification of, the public.

Another item was for horse and cart hire for the public squares attached to the President's House. How would any one undertake to say that the President had any thing to do with the enclosing of these two squares? The grounds had not been enclosed for his accommodation. But he (Mr. L.) did not attach so much importance to these small items; it was the principle involved for which he was contending. The very same objections to these items would, on this principle, apply to ap-

propriations of greater amount, and to nearly every other item in the bill. It would also apply to any other appropriations which might be recommended by the Committee on the Public Buildings.

It had always been customary for the Committee on the Public Buildings to investigate the requisite appropriations, and then transfer them to the Committee of Ways and Means. The present appropriation had come to the Committee of Ways and Means in that manner.

He would ask whether the gentleman from Pennsylvania could assign any reason why this appropriation should not be made. Was it inconsistent with the genius of a Republican Government that the house of its President should be kept in repair, and provided with the conveniences of a private dwelling?

He would submit whether the original Representatives of the people, when they constructed that palace, designed that it should fall to decay, and become a reproach to the nation, by its dilapidated condition. When our forefathers erected that House, and ordained that it should be the habitation of their presiding officer, did they intend that the walls should tumble to ruins, and the rain and the storm beat in, for want of a small appropriation to keep it in repair? No man in his senses would think of such a thing. When our ancestors constructed that building, they contemplated it for the convenience of its occupant, and they surely never expected an appropriation would be objected to for keeping it in proper order.

Would gentlemen now be understood as objecting to provide proper furniture, and such as was appropriate to the mansion? If they intended, however, that their President should live in a cabin, then he would readily admit that a great portion of the present furniture would be unnecessary and inappropriate to such a dwelling. He would like to know if gentlemen had in contemplation the removal of this President and the one who was to follow, into any other mansion. If so, why then a very small amount would be required, as a cabin would incur but little expense. But if it were intended that the President of this great nation should still occupy the mansion built and intended for him by our forefathers, who won their rights by toil and blood, why, then, object to furnishing it in a decent manner, and in a manner, too, in keeping with the size of the building itself? For the actual personal convenience of the President, he was sure a very little was desired; but the occupant of the house, our highest Executive officer, while there, was the personification of the people, whose dignity required that every thing should be kept in proper order. If the President's personal wants alone were the question, why he, Mr. L. supposed, that, as a mere matter of utility, a small one dollar looking-glass would do just as well as a large swing mirror. But who would say that the mansion of the President of the American people—an officer elected for a term of four years as the representative of a glorious and proud Republic, embracing more than fifteen millions of freemen—should live in a large house, furnished no better than a log cabin? How paltry would it look, and what a miserable idea of economy would it give to agents and ministers from foreign countries, when they beheld a paltry one dollar looking-glass hung up in a building of dimension equal to the palaces of Europe? The idea was too ridiculous to be entertained for a moment, and yet, by the principles on which the gentleman from Pennsylvania had been arguing, this course must be pursued.

Because our Government was a Republic, was that any reason why the head of it should not live and appear with a proper dignity, becoming the pride and strength of the people over whom he presided? In his humble opinion, the President of a country like ours had as good a right, yes, a much greater right, to be as proud as the proudest monarch on the face of the globe. And he, Mr. L. would blush and be ashamed if the President should not have it in his power to receive ministers and visiters from foreign powers in a becoming way, in a mansion furnished in keeping with the dignity of a great nation. He was sure there was no harm to be apprehended from a course of this kind, and that no bad consequences would result from it.

But he wished to know who it was that had complained of the President's House being too well furnished? It had been visited by hundreds and thousands of farmers and mechanics, people by whose vote he had been elected, and had they ever uttered a complaint and said that the President of their choice had too much, or too costly furniture? No. He, Mr. L. would undertake to say that no member had ever heard such complaints, that the furniture was too rich or too good for the man whom they had placed in that high and honorable station. And if the people, who, by thousands, have visited and witnessed for themselves, make no complaint, what right had any one else? It would be quite time enough for that, when the people themselves were dissatisfied.

Mr. L. then complained of the many extravagant stories which had gone through the country in relation to the furniture of the President's House. The people had been informed of things which had no existence, except in the imagination of those who originated such groundless stories. He then referred to the similar charges made against his venerable colleague [Mr. ADAMS] while that gentleman occupied the house. The country was at that time made to believe the house was furnished in a costly and extravagant manner, when in fact it had scarcely any furniture at all. The things were not there which ought to have been there; and those who knew no better, supposed that Mr. ADAMS was enjoying things which he ought to have, but did not enjoy. At that time, it was obvious that such stories were circulated for political effect; and was not this the case in the present instance? In his opinion very little could be gained by such a course. It was a very small business, especially when much higher ground could be taken, and attacks made on much more important objects. He would cry shame on the man who would represent that extravagance existed in the President's mansion, when in fact there was scarcely any furniture at all. The furniture was now what it ought to have been in the time of Mr. Adams, and now it was no better than it should be.

Mr. L. said, that so far was he from considering the house as too well furnished, that he had actually reported a bill for *increasing* the furniture It was not contained in the present appropriation, but was a distinct bill, which he would ask might be considered at a proper time. In that bill the Committee on Public Buildings proposed giving the President $700 to increase the furniture. The $500 in the present bill did not apply to the furniture, but exclusively to repairs for the house.

Would gentlemen ask what part of the House they intended to furnish? He would tell them. What was the state of the receiving room? There was not a mirror, even a common seven-by-nine mirror, in it; there was not a single table, except an old pine table in one corner, which, under the hammer of the auctioneer, would not fetch seventy-five cents, and an old worn out sofa The whole lot would not fetch $5; and yet this was the ante-room into which foreign ministers, and visiters of every description, were introduced to see the President. Now what did the committee intend to do with the $700? They did not intend to furnish the house like a palace, but to supply it with good, simple, and substantial furniture, of home manufacture. They designed the purchase of good, substantial chairs, for the accommodation of visiters, and of gentlemen when accompanied by ladies; and it was but reasonable to suppose that most ladies, before being introduced to the President, would be desirous of adjusting their bonnets, etc. (laughter.) Therefore, the committee designed to purchase a plain mirror, of suitable dimensions.

The committee thought that an ante-room for the reception of foreign ministers, with its common chair and old cast-away sofa, was hardly the proper thing, or consistent with the dignity of the American people. It might be said, however, that what the committee proposed doing was not Democratic, nor in accordance with the principles of our Republic. Such was not his opinion. On the contrary, he held that it was Democratic to supply the President with necessary furniture, and conveniences for the house in which they had appointed him to live.

[Mr. L. here made some allusion to his own political career, which was not distinctly heard.]

He maintained that the supplying of proper furniture to the White House could have no anti-Republican tendency. He held that it was consistent with the purest Republicanism to keep the house in repair, so that it might be fit for the reception of General Harrison when he should take possession of it.

Mr. L then addressed himself to the chairman, [Mr. CASEY,] and said: Sir, I wonder if the occupancy of that chair for the last few days, with its crimson drapery and other appendages, has had any tendency to affect your Democratic and Republican principles. You have the crimson curtains hanging over your head, and you are elevated above us all, and yet I cannot conceive for a moment that it has affected your principles, or done you any harm. So far as my observation has extended, your occupancy of that high seat for the last six or seven days, has made no alteration in your demeanor, or in your usual courtesy and gentlemanly demeanor to your fellow members. No, I do not believe that the trimmings of that chair have affected your mind, or made any alteration in your Democratic and Republican sentiments, let them be what they may.

Mr. L. then alluded to the circumstances under which the curtains and other appendages around the chair had been placed there; and he took that opportunity of saying, that if there was any objection to them, he was responsible for it, inasmuch as he, as a member of the Committee on Public Buildings, had reported the appropriation for it. It was true, the late Speaker had the direction of it, so that the chair might be in keeping with the rest of the House; but he (Mr. L.) was responsible, as he had made the report recommending the appropriation. If it was proper to have a splendid dome on the Capitol, it was also proper to have every other portion of the building in keeping with it. As it has been determined to have mahogany desks, mahogany chairs, with cushions, for members, he would ask whether it would be in keeping with the other parts of the hall, to put an indifferent pine table in front of the chair. He was sure no gentleman would contend that it would. They would all agree that it was necessary to have one portion of the hall in keeping with another. Now the same principle which applied to the chair and to this Capitol, would also apply to the President's House. If the furniture and appendages of either were considered too costly, it was not the fault of members, or of the President. If, said Mr. L. any body is to be blamed, it must be your ancestors—those patriots who thought proper to construct such buildings. If gentlemen felt disposed to throw stones, they must throw them at their patriotic forefathers, who in the purity and simplicity of their hearts, did not deem such buildings too costly, or as having an anti-Republican tendency. We had not done it. It had been in generations gone by, and by men better than we were; and he who would undertake to deny an appropriation for keeping such buildings in repair, was casting a reproach upon the memory of those good men. He would again repeat, that opposing such appropriations was a small business, very small indeed, and which would do no man any credit. There were objects of a far higher character to which the gentleman from Pennsylvania might direct his attention, and where the Administration was more vulnerable.

He, Mr. L. was no friend of Mr. Van Buren, but he would do him the justice to say that, if there was any thing wrong in relation to the furniture of the White House, the President was not to blame for it. On the contrary, he, Mr. L. knew his great delicacy on the subject, and would assure gentlemen that, whenever the committee had consulted the President in relation to any additional furniture, he had invariably expressed the greatest reluctance to have any thing expended for that object. He, Mr. L. would state, from his own knowledge, that not a single article of furniture supplied during the last three years, had been supplied at the request of the President himself. The committee

alone were answerable, and they would assume the responsibility. But so far was the President from desiring any additions made to the furniture, that, about two years ago, it actually became necessary for himself and the other members of the committee to do what he had never done before, nor would he ever do it again. Did gentlemen wish to know what that was? He would tell them. It was to go through every room in another man's house, to see how much furniture he wanted, and what conveniences were required. He hoped that gentlemen would take notice of this fact, and remember it whenever they attempted to cast censure on the President in relation to his furniture.

Mr. L. then gave some particulars of the condition of the White House, when it was visited by the committee, before it was left by the late President Jackson.

He said there was one room occupied by the Private Secretary of the President, with his wife and family. In that room there were three old chairs, a stained washstand, and a shabby old-fashioned mahogany table, which turned up, and which was so mean that the wagoner of President Monroe was ashamed of it, and actually refused to take it away. When he looked round that room, it reminded him of his son's college room. Yet these three old chairs, stained washstand, and turn up table, was all the furniture in that room, which was occupied by the Private Secretary and family up to the time the late President left the city. If any gentleman doubted the truth of this statement, let him go through the chambers and inspect them himself. But he hoped he should no longer hear blame cast on the President when a small appropriation was required for the purchase of necessary furniture. If the furniture was considered too expensive, it was not the fault of the President, but the fault of those who, by constructing the building of such dimensions, had rendered it necessary.

Mr. L. expressed his determination to vote for every reasonable appropriation for keeping the house in proper repair. He then called attention to the sums expended on the Treasury building, and went into an argument of some length to show that, in this instance, the appropriations had really been abused; which remarks will be given as early as time and circumstances will permit. Mr. L. having concluded,

Mr. PETRIKIN obtained the floor, and intimated a desire to reply to that portion of the remarks of Mr. LINCOLN in relation to the construction of the Treasury, Patent, and Post Office buildings; and, on his motion, the committee, at 6 o'clock, rose, and reported progress.

The House then adjourned.

IN SENATE,

FRIDAY, April 17, 1840.

Mr. WALL presented a memorial of citizens of New Jersey, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

On motion by Mr. WALL, the Committee on the Judiciary were discharged from the further consideration of the memorial of Williamson and Smith.

Mr. CLAY of Kentucky presented the memorial of Seth C. McClure and others, citizens of the United States, praying an increase of duties on imported woollen goods; which was referred to the Committee on Finance.

Mr. WALKER presented the petition of the heirs and legal representatives of Robert Moore, deceased, and the petition of J. Beaumont and Nathaniel Harrison, praying that they may be allowed to enter a quantity of public land; which was referred to the Committee on Public Lands.

Mr. BUCHANAN presented the petition of James Ware, a seaman in the naval service of the United States, praying a pension in consideration of disabilities incurred whilst a prisoner to the Tripolitans in 1803; which was referred to the Committee on Naval Affairs.

Mr. B. presented the memorial of the pilots of the Delaware river and bay, praying a repeal of the act of March 2, 1837; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the memorial of Prudence C. Loring, made an unfavorable report hereon; which was ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was referred the memorial of the Legislature of Michigan, praying that compensation may be made to citizens for property lost or destroyed during the last war, reported that, in the estimation of the committee, no further legislation is necessary, and asked to be discharged from the further consideration of the memorial; which was agreed to.

Mr. H. also, from the same committee, to which were referred

The memorial of the executor of Abner L. Duncan;

The memorial of Charles Brenan; and

The memorial of D. S. Gardiner, agent of James Brooks and others;

made unfavorable reports thereon respectively, which were ordered to be printed.

Mr. H. also from the same committee, to which were referred additional papers in relation to the claim of Hill and Stalker, report that they contain nothing to change their former adverse report on this claim.

Mr. WALKER, from the Committee on the Public Lands, to which was referred the bill from the House for the relief of the heirs and legal representatives of John Grunball, reported the same without amendment.

BILLS PASSED.

The bill for the relief of the Steamboat Company of Nantucket; and

The bill for the relief of J. M. Strader;

were severally read a third time, and passed.

The bill supplementary to an act to grant preemption rights to settlers on the public lands, coming up on its third reading, after some remarks by Messrs. CLAY of Alabama, KING and CLAY of Kentucky, on motion by Mr. C. it was postponed until Monday next.

The bill supplementary to the act entitled "An act to establish branches of the Mint of the United States," approved March 3, 1835, coming up on its third reading—

Mr. PRESTON moved to recommit the bill, with instructions to inquire into the expediency of abolishing or suspending the various branch mints.

On this question a discussion ensued, in which Messrs. PRESTON and CLAY of Kentucky advocated, and Messrs LUMPKIN, WRIGHT, CALHOUN, BROWN, HUBBARD, HENDERSON, and BUCHANAN, opposed, the recommitment; and the question on recommitment being taken, it was decided in the negative—ayes 11, noes 27, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Dixon, Knight, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, and White—11.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Walker, Williams, Wright, and Young—27.

The bill was then read a third time, and passed.

ORDERS OF THE DAY.

The bill for the relief of the owners of the British brig Despatch;

The bill for the relief of Benjamin Parsons;

The bill for the relief of the representatives of Joseph Barnard;

The bill for the relief of E. W. and H. Smith;

The bill for the relief of Pierre Menard, Antoine Peltier, and Joseph Placy;

The bill for the relief of the legal representatives of Col. Francis Vigo;

The bill for the relief of Converse and Reese;

The bill for the relief of Colin Bishop;

The bill to refund to Noah Miller and others a part of the proceeds of the sale of the British sloop Mary, and cargo, which were captured by them, and libelled and sold for the benefit of the United States;

The bill from the House of Representatives for the relief of Sutton Stephens;

The bill for the relief of the vestry and churchwardens of the Protestant Episcopal Church of the parish of St. Philip, in the city of Charleston, in the State of South Carolina;

The bill for the relief of John C. Reynolds, late disbursing agent of the Government;

The bill for the relief of William Osteen;

The bill for the relief of Hazard Knowles;

The bill for the relief of Charles M. Keller and Henry Stone;

were severally considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill for the relief of Ira Day was rejected.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 17, 1840.

Mr. DOTY asked the consent of the House to offer a resolution, proposing to authorize the CLERK to have printed a certain map of Wiskonsin; but the reception of the resolution was objected to

By universal consent, Messrs. STEENROD and REYNOLDS presented petitions.

[Mr. REYNOLDS of Illinois presented the memorial of George Kender, Joel Whiteside, and Jubilee Posey, of Madison county, Illinois, praying the adjustment of certain land claims; which were referred to the Committee on the Public Lands.]

Mr. BURKE asked the general consent of the House to present a memorial.

Mr. RARIDEN objected.

Mr. LEET said his friend from Indiana [Mr. RARIDEN] certainly would not object if he knew the nature of the memorial, it being one from the CLERK of the House in relation to the subject pending before the House.

Mr. RARIDEN was understood to withdraw his objection.

The CHAIR announced that the first business in order was the reports of the Committee of Accounts, in relation to the contracts existing between Langtree and O'Sullivan with the CLERK of the House, for furnishing stationery, &c. and the immediate question before the House was the motion to recommit the reports to the Committee on Accounts, with the following instructions:

1. Whether the prices paid by the CLERK of this House for stationery, is a reasonable price, when compared with what stationery can be purchased for from other persons, of like quality.

2. Whether the stationery is not of an inferior kind, when compared with the stationery purchased for this House at the last two sessions of Congress.

3. Whether any allowance was asked by the CLERK, either in writing or verbally, for the difference in exchange between Philadelphia and New York; and, if any, how much?

4. Whether any payment has been made by the CLERK the contractor, in advance, on his contract, or the auditing of his account by the committee?

Mr JOHNSTON of New York moved the following as a substitute for the above instructions, viz:

That the resolution which passed this House on the fourth day of March last, upon the subject of stationery, and the reports thereon, and the other matters therein contained, be committed to a Select Committee, with additional instructions to inquire and report to the House:

1. Whether the prices paid by the CLERK of this House for stationery as reasonable, when compared with prices for which stationery of the same quality could have been purchased of other persons than those of whom he purchased.

2. Whether the stationery is not of an inferior quality, when compared with the stationery furnished this House at the last two sessions of Congress.

3. In what mode or manner the CLERK has advanced or paid money to said Langtree, in relation to said stationery, the amounts paid, and the different times when paid; and that said committee have power to send for person and papers.

Mr. BURKE then asked leave to present the memorial of Mr. GARLAND, the Clerk of the House.

Mr. WISE claimed his right to the floor on the

question before the House. He would, however, like to hear the memorial read.

The memorial was then presented and read as follows:

To the House of Representatives:

GENTLEMEN: As an officer of your honorable body, deprived by the rules of the House, and the laws of propriety, from appearing in my own defence, I am constrained to resort to the ultimate right of an American citizen, and appeal to your honorable body, praying that a Select Committee may be raised, and inquiry made into my official conduct, the propriety and integrity of which have been brought in question.

In a letter addressed to the chairman of the Committee of Accounts, two days since, when this matter was brought into the House, I stated to him that I had no hing to conceal, was anxious for the most rigid scrutiny, and hoped he would throw no obstacle in the way of investigation. This letter he was author zed to read to the House, if nec s'ary; and he did, in his speech, state the substance thereof. But I understand that it was again repeated yesterday, (I was not present,) that I have acted fraudulently, and am endeavoring to screen myself from investigation.

There were sufficient facts before the committee to disprove this charge, and there is now in the report of the committee, lying on your table, sufficient evidence to refute all such gratuitous assertions; but that there may not be the slightest doubt resting on the matter, I pray your honorable body to give the fullest scope to investigation. In asking for a Select Committee for this purpose, I only mean to respond to the wishes of those who expressed a desire for further inquiry, and not to cast any imputation on the Committee of Accounts, who have hitherto had this matter in charge, and have reported thereon. But as they are accused of a partial leaning in my favor, I hope I shall be excused in desiring that any future investigation may be tranferred to another tribunal. I have no choice as to that tribunal. I throw myself upon the whole House, without regard to party distinctions, without fear of party influences, not doubting that a fair and honorable trial will be awarded me. I ask no favors—only justice.

Very respectfully,

HUGH A. GARLAND,

Clerk House of Representatives U. S.

Mr. BURKE said he wished to have a Select Committee raised on the memorial, with general instructions

The CHAIR inquired what number did the gentleman propose the committee should consist of.

Mr. BURKE replied five.

The CHAIR said there was such a proposition now before the House.

Mr. WISE presumed that that proposition would answer.

Mr. SMITH of Maine said that the proposition of the gentleman from New York [Mr. JOHNSTON] was specific, and that of the gentleman from New Hampshire [Mr. BURKE] was general in its character.

Mr. WISE said he highly approved of the course of the CLERK in demanding an investigation. He was sure there was no one who did not desire that the investigation should be accorded to the CLERK upon what was charged. He said he always was in favor of ordering investigations into the conduct of the public officers on the principle of law which presumed all criminals innocent until they be proved guilty. It was for that reason that he was opposed to the doctrine that the conduct of a public officer could not be investigated except on specific charges. The true ground, as the basis of all investigations, was the presumption of the innocence of the public officer, and for that reason he was in favor of general, and not specific, powers to a committee of investigation in this instance. The CLERK had done in this instance what every public officer should do. The disposition which had heretofore been pursued, to obstruct investigation except specific charges were preferred, would not be tolerated in a country like this. The doctrine of specific charges was wholly erroneous. There should be, and could be, no specific charges, unless there was data to go upon; but he held that when the least suspicious were hinted, in the public prints even, that the officers of the Government should come forward, as the CLERK had done in this instance, and demanded that an investigation should be had, and that witnesses should be examined on oath. The CLERK did what was right and proper; and he thought it was just that his memorial, and the reports of the minority and majority of the committee, and the statements of the CLERK accompanying these reports, should be referred to the Select Committee proposed, with general instructions to inquire into all matters of fraud and economy—the economy of the contract, and the fraud, if any, in making the contract. This embraced every thing which it was proposed to investigate.

Mr. JOHNSTON of New York made no objection which was distinctly heard; when

Mr. WISE inquired of him whether the grounds he had taken would not embrace every thing that he wished.

Mr. JOHNSTON of New York was understood to say that the resolution of March was in terms sufficiently broad to embrace every thing, if the committee had acted in good faith under it.

Mr. WISE then read a resolution proposing to raise a Select Committee, with general powers; which Mr. JOHNSTON of New York accepted as a modification of his.

Mr. GARLAND of Virginia hoped his colleague would agree to receive the memorial, and have it referred.

Mr. WISE was perfectly willing that it should be.

Mr. L. WILLIAMS objected to its reception.

Mr. LEET contended that the memorial had been already received.

Mr. J. GARLAND moved to suspend the rules for the purpose of receiving it; and demanded the yeas and nays on that motion; which were ordered, and were, yeas 132, nays 13. Those who voted against its reception were,

Messrs. Andrews, Barnard, Calhoun of Massachusetts, Cranston, Garret Davis, Dennis, Dillet, Gentry, Hall, Mitchell, Proffit, John White, L. Williams, and C. H. Williams.

So the memorial was received.

Mr. BURKE then offered the following resolution:

Resolved, That the memorial of HUGH A. GARLAND, Clerk of the House of Representatives, relating to his official conduct as an officer of this House, be referred to a Select Committee of five members, with power to send for persons and papers.

Mr. PETRIKIN here raised a point of order, the rules having been suspended for a specific object—the reception of the memorial—whether it was in order to offer a resolution.

The CHAIR decided that the resolution was in order.

Mr. PETRIKIN took an appeal from that decision.

Mr. CLIFFORD maintained that the resolution was certainly in order—the rules having been suspended for the purpose of receiving the memorial—and the memorial itself called for the appointment of a Select Committee. It would be no use to receive it, unless for the purpose of having some action upon it.

Mr. JAMES GARLAND, for the purpose of doing away with any cavil, or any objection, and to show that the CLERK was willing to meet the investigation in its broadest sense, would submit the following resolution:

Resolved, That the memorial of the CLERK, and all other papers and matters pertinent to the subject, now before the House, from the Committee of Accounts, or from any other source, be referred to a Select Committee, with instructions to inquire into all matters of fraud, all considerations of economy, and all other matters and things in relation to the contracts made by the CLERK of this House, in relation to furnishing stationery and lithographic printing for the House; and that said committee have power to send for persons and papers.

Mr. BURKE accepted it as a modification of his resolution.

Some objection being still expressed,

Mr. J. GARLAND said he did not wish to appear captious about the form, and that the gentleman objecting might put the resolution in his own form.

Mr. WISE said the resolution, as then proposed, embraced all that was requisite.

Mr. PETRIKIN still persisted in his point of order, that the rules were not suspended for any disposition of the memorial, or for the reception of any resolution.

The CHAIR said that the rules having been suspended for the reception of the memorial which asked for a particular thing, it was certainly in order for the House to have any proposition on the memorial to effect that object.

Mr. PETRIKIN, to save trouble, said he would so modify his proposition as to refer the whole subject under the instructions to a Select Committee.

Mr. LEET said he had risen for the purpose of expressing his entire satisfaction with the course which the House, by its vote, on the motion of the gentleman from Virginia [Mr. GARLAND] to suspend the rules, indicated a disposition to pursue, in reference to the memorial of the CLERK, which was a few minutes ago read at the desk.

He thought that it was right and proper, to receive and *act* upon that memorial, and with that view he had voted for a suspension of the rules. Under the circumstances, what better plan could be adopted? Has any preferable one been suggested? No. For two or three days past, the House has witnessed a conflict (not the most pleasant to any of the parties, and perhaps not very useful to the House,) between the members of the majority and minority of the Committee of Public Accounts. A continuance of this controversy will be rendered unnecessary, and altogether superseded, by a compliance with the request of the CLERK.

Under the resolution adopted some time since, said Mr. L. on the motion of his colleague, [Mr. PETRIKIN,] the Committee on Accounts had made such inquiry as appeared to them useful and called for by the resolution. That resolution was one of inquiry alone; at that time no charges were preferred. But, sir, said Mr. L. during the discussion on the motion to recommit the report, insinuations, or rather, indeed, direct charges, were made on the floor of the House, of official misconduct on the part of the CLERK, in his contract for furnishing stationery for the House. This, sir, being the fact, the case assumes an essentially different aspect from that which it in the first instance presented. In the present condition of the matter, it must strike every gentleman that the course taken by the CLERK is a discreet and proper one. He is the officer of this House, and it is due to the House, as well as to himself, that these charges of official impropriety in the contracts entered into for stationery, should be exposed to a patient and searching investigation. The Committee on Accounts have divided in opinion in the performance of their duties, under the resolution, to which I, a moment ago, made reference, and the whole matter may appear enveloped in a *fog*, which ought most certainly to be dissipated.

Mr. PETRIKIN here interposed, and said that the question immediately before the House was the point of order raised by himself.

Mr. LEET proceeded to remark, that if his colleague insisted upon his point of order, let it be so; he *could*, in the way of legitimate discussion upon that *point* of order, say to the House all he felt any desire to say, and it was but a word or two.

But, said Mr. L. as to this point of order, raised by the gentleman from Pennsylvania, he would most respectfully remark, that his colleague himself, upon reflection, would find that it was untenable. How stands the case? The honorable gentleman from Virginia [Mr. GARLAND] moved to suspend the rules, for the purpose of receiving, considering, and taking action upon, the memorial of the CLERK. In this manner I understood the motion of the gentleman. The House agreed to this motion, by a majority of more than two-thirds. Now, sir, said Mr. L. what will be the use of receiving the memorial, unless we proceed further, and raise the special committee, which the memorialist asks for, whose duty it will be to inquire into, investigate and report upon the whole

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, APRIL 28, 1840. VOLUME 8.....No. 22.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 21.

subject connected with the furnishing stationery. In this view of the case, can any one doubt about the resolution to raise the committee being in order? Without it, the reception of the memorial would be a vain and useless work. He contended the resolution was in order, and that the point of order by his colleague could not be sustained. Now, sir, as the committee proposed to be raised, he would say, let the powers of this committee be commensurate with any and all abuses that may have been or that could be practised.

The memorialist submits himself to the House, and as he understood it (said Mr. L.) invited investigation. It ought to be made. Indeed, under the circumstances, the application of the CLERK comes with scrupulous propriety.

He, for one, never would hesitate; never would pause about authorizing an inquiry in cases where any suspicions existed, or charges were made against the official deportment of the CLERK or any other officer of the House. And he was pleased to see the fair and open manner in which the CLERK on this occasion appealed to the House to have the matter examined fully and thoroughly.

Mr. L. proceeded to say, that whilst up, he would take the opportunity of remarking, that although he would most cheerfully vote for the resolution to raise a Select Committee, in pursuance of the CLERK's request, as made in his memorial, yet he thereby meant no sort of disrespect to the honorable gentlemen composing the majority of the Committee on Accoun's. He had full confidence in those gentleman, and entertained no doubt that they had done every thing which appeared to them to be required by the terms of the resolution under which they acted. Indeed, since their report, enough has occurred to render the course now likely to be taken, acceptable to them. He had no doubt it would be.

Mr. LEET remarked that he did not feel any desire further to debate the point of order—he looked upon it as utterly unsustainable. If, said he, he could not be allowed to proceed with what he esteemed it proper for him to say, he would move the previous question on the appeal of his colleague [MR. PETRIKIN] from the decision of the CHAIR upon the point of order.

Mr. PETRIKIN asked his colleague, [Mr. LEET,] to withdraw the motion for the previous question, and he would save all further difficulty by a proposition which he purposed making.

Mr. LEET then withdrew his motion; when

Mr. PETRIKIN withdrew his appeal; and, for the purpose of saving further discussion, moved the previous question on the adoption of the resolution; which received a second, and the main question being ordered, the question was taken, and the resolution was agreed to.

The SPEAKER laid before the House the following communications:

1. Letter from the Secretary of War, in compliance with a resolution of the House of Representatives of the 9th instant, containing the report of the board of officers appointed to prepare a plan for the defence of the Northern and Northeastern frontiers. On motion of Mr. HAND, referred to the Committee on Military Affairs, and ordered to be printed.

2. Letter from the Secretary of the Treasury, in compliance with a resolution of the House of the 6th April, respecting the trade with Mexico. On motion of Mr. PETRIKIN, referred to the Committee on Commerce, and ordered to be printed.

3. Depositions in relation to the New Jersey election. On motion of Mr. PETRIKIN, referred to the Committee on Elections.

Various Senate bills, of a private character, taken from the SPEAKER's table, read twice, and appropriately referred.

DISTRICT OF COLUMBIA.

Mr. W. C. JOHNSON offered a resolution (which lies over) setting apart the 13th and 14th of May next for the consideration of business relating to the District of Columbia.

The House then, on motion of Mr. JONES, chairman of the Committee of Ways and Means, went again into Committee of the Whole on the state of the Union, (Mr. CASEY of Illinois in the chair,) and resumed the consideration of the

GENERAL APPROPRIATION BILL.

Mr. PETRIKIN had the floor, and, after some pretty caustic remarks in reply to a part of the speech of Mr. OGLE, which referred more particularly to himself, he went into a discussion on the subject of the expenditures on the public buildings, insisting that, though the extravagance was undeniably great, neither the President nor his Cabinet was responsible for it, but Congress and the architect, whom he accused either of dishonesty or incompetence.

Mr. P. having concluded a speech of considerable length,

Mr. KEIM of Pennsylvania was about replying to so much of Mr. OGLE's speech as had reference to "Old Berks;" when

Mr. COOPER of Pennsylvania informed him that Mr. OGLE had left the House from indisposition; upon which,

Mr. KEIM said he should defer his reply till that gentlemen was in his seat. He would only now say that the charge of Federalism either against that county or himself as its Representative could not be sustained before honorable men.

Mr. COOPER said Mr. OGLE had not charged Mr. K. with having been a Federalist, but had merely said that anti-bank Democratic Berks was represented by his honorable colleague, who was the president of a bank.

The debate was continued at great length by Messrs. REYNOLDS, STEENROD, (and WISE in explanation.)

Mr. STEENROD having concluded,

Mr. WELLER obtained the floor, and expressed his desire to make some remarks; but, complying with the request of several gentlemen, and the hour growing late, he moved that the committee rise.

On the request of Mr. STANLY, Mr. W. withdrew the motion, to enable that gentleman to make some explanations, in reply to Mr. PETRIKIN, on some matters relating to the expenditures on the public buildings.

The question being then taken on the motion that the committee rise, there appeared—ayes 34, noes 43; no quorum voting.

The CHAIRMAN thereupon rose, and reported that fact to the House.

Mr. VANDERPOEL said that every day, about 4 o'clock, the House found itself without a quorum, and it would be impossible to pass the appropriation bills. He moved a call of the House, and asked the yeas and nays on the motion.

Mr. WISE suggested to Mr. V. not to commence this severe operation this evening; but that the House, by general consent, should agree to meet at eleven o'clock to-morrow.

[Cries of "No, no," in all parts of the Hall.]

Mr. CRARY moved that the House adjourn;—(it being now ten minutes to five.)

Mr. ANDREWS, alluding to the practice of some gentlemen to go home to dinner, and then come back to protract the sessions of the House, asked the yeas and nays on the motion to adjourn; which were ordered, and being taken, were—yeas 31, nays 64, as follows:

YEAS—Messrs. Adams, Beatty, Bond, Calhoun, Coles, James Cooper, Crary, John W. Davis, Everett, Gates, Giddings, William S. Hastings, John Hastings, Henry, Charles Johnston, McCarty, Mallory, Montgomery, Palen, Paynter, Randolph, Rariden, Rayner, Ridgway, E. Rogers, Simonton, Taliaferro, Toland, Weller, Christopher H. Williams, and Wise—31.

NAYS—Messrs. Judson Allen, Andrews, Atherton, Blackwell, Boyd, Brewster, Burke, William O. Butler, William B. Campbell, Carroll, Carter, Casey, Mark A. Cooper, Crabb, Craig, Cushing, John Davis, Garret Davis, Deberry, Doig, Dromgoole, Earl, Eastman, Ely, Floyd, James Garland, Gentry, Gerry, Graves, Hand, John Hill of N. C. Holleman, Hunt, Jackson, Nathaniel Jones, John W. Jones, Keim, Leet, Leonard, Lewis, McClellan, McKay, Marchand, Parmenter, Petrikin, Proffit, Randall, Rives, Russell, Samuels, Shaw, John Smith, Stanly, Steenrod, Strong, Stuart, Swearingen, Taylor, Trumbull, Turney, Vanderpoel, D. D. Wagener, Jared W. Williams, and Lewis Williams—64.

So the House refused to adjourn.

And the question recurring on the motion that there be a call of the House, the yeas and nays were ordered, and, being taken, were—yeas 48, nay 55, as follows:

YEAS—Messrs. Adams, Judson Allen, Andrews, Atherton, Black, Blackwell, Burke, Carroll, Carter, Connor, Mark A. Cooper, Craig, Cushing, John Davis, John W. Davis, Dromgoole, Earl, Eastman, Ely, Floyd, Galbraith, Graham, Hand, Holleman, Jackson, Nathaniel Jones, John W. Jones, Keim, Lewis, McClellan, McKay, Mallory, Marchand, Parrish, Proffit, Rives, Samuels, Shaw, John Smith, Stanly Strong, Swearingen, Taylor, Trumbull, Turney, Vanderpoel, Jared W. Williams, and Lewis Williams—48.

NAYS—Messrs. Beatty, Bond, Boyd, Anson Brown, William O. Butler, William B. Campbell, Casey, James Cooper, Corwin, Crabb, Cranston, Crary, Edward Davies, Garret Davis, Deberry, Dennis, Doan, Doig, Everett, James Garland, Gates, Gentry, Giddings, Habersham, William S. Hastings, John Hastings, Henry, Hill of North Carolina, Hunt, Charles Johnston, Leet, Leonard, Lucas, McCarty, Montgomery, Newhard, Palen, Parmenter, Paynter, Petrikin, Randall, Rariden, Rayner, Ridgeway, Edward Rogers, Russell, Simonton, Steenrod, Stuart, Taliaferro, Toland, Weller, John White, Christopher H. Williams, and Wise—55.

So the call was not ordered.

And then, on motion of Mr. WISE,

The House adjourned.

IN SENATE,

SATURDAY, April 18, 1840.

The CHAIR presented a message from the President, in answer to a resolution of the Senate of the 30th December, 1839, in relation to the refusal of any banks to pay the Government creditors in specie when demanded, &c. which was laid on the table, and ordered to be printed.

Also, a report from the Secretary of the Treasury, in obedience to a resolution of the Senate of the 16th instant, directing the Secretary of the Treasury to report to the Senate the annual amounts of drawback paid on the exportation of domestic refined sugar for each year since the application of the drawback system to that exportation; which was laid on the table, and ordered to be printed.

Mr. ROANE presented a memorial of citizens of Elizabeth county; which was referred to the Committee on Claims.

Mr. PIERCE presented the memorial of Shearborn Dearborn, and

Documents in relation to the claim of Walter Haynes; which were severally referred to the Committee on Pensions.

Mr. WRIGHT presented resolutions of the Legislature of New York in favor of a general bankrupt law; which were referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HUBBARD presented the petition of John Moore; which was referred to the Committee on Claims.

Mr. WALL, from the Committee on the Judiciary, to which had been referred two bills to establish a uniform system of bankruptcy throughout the United States, reported the same without amendment.

Mr. W. said that the minority of the committee would, on Wednesday next, present a bill embracing their views on the subject.

Mr. STURGEON, from the Committee on Revolutionary Claims, reported

A bill for the relief of James McCrory;

A bill for the relief of Frederick Seigle;

A bill for the relief of John Jordan; and

A bill for the relief of the heirs of Dr. John Ramsey;

which were severally read, and ordered to a second reading; and the reports accompanying each case were ordered to be printed.

Mr. PRESTON submitted the following resolutions, which were considered and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of suspending or discontinuing the branch mints, or either of them, and report by bill or otherwise.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of extending the limits of the port of New Orleans.

Mr. WALKER submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate a statement of the number of acres of land proclaimed for sale by the President of the United States in that portion of the States of Mississippi and Alabama ceded by the Chickasaw Indians, together with the dates of the several proclamations and copies thereof; the days upon which the several townships were actually offered at sale, the quantity disposed of at public sale, and also by private entry, and the prices paid, the days when the several townships became subject to entry at private sale, specifying the number of acres now remaining unsold, the various prices at which said quantity remaining unsold is now subject to entry, specifying the ranges, townships, sections, and parts of sections, and upon what days said lands so designated and specified that may remain unsold will be subject to entry at the price of twelve and a half cents per acre, and what lands, if any, so designated and specified, are now subject to entry at said price.

The bill for the relief of the owners of the British brig Despatch;

The bill for the relief of Benjamin Parsons;

The bill for the relief of the representatives of Joseph Barnard;

The bill for the relief of E. W. and H. Smith;

The bill for the relief of Pierre Menard, Antoine Peltier, and Joseph Placy;

The bill for the relief of the legal representatives of Col. Francis Vigo;

The bill for the relief of Converse and Reese;

The bill for the relief of Colin Bishop;

The bill to refund to Noah Miller and others a part of the proceeds of the sale of the British sloop Mary, and cargo, which were captured by them, and libelled and sold for the benefit of the United States;

The bill from the House of Representatives for the relief of Sutton Stephens;

The bill for the relief of Jon C. Reynolds, late disbursing agent of the Government;

The bill for the relief of William Osteen;

The bill for the relief of Hazard Knowles;

The bill for the relief of Charles M. Keller and Henry Stone;

were severally read a third time, and passed.

The bill for the relief of the vestry and churchwardens of the Protestant Episcopal Church of the parish of St. Philip, in the city of Charleston, in the State of South Carolina, was taken up on its third reading, and, after a very animated discussion, in which Messrs. CALHOUN, HUBBARD, TAPPAN, PRESTON, ALLEN, KING, WALKER, and DIXON participated, was read a third time, and passed—ayes 19, noes 10.

ORDERS OF THE DAY.

The bill for the relief of the corporate authorities of the city of Mobile.

The bill for the relief of Hezekiah Cunningham;

The bill for the relief of James Smith of Arkansas;

The bill for the relief of John L. Scott;

The bill for the relief of Zadoc Martin of Missouri;

The bill for the relief of Gregoire Sarpy, or his legal representatives;

The bill for the relief of Daniel B. Bush;

The bill for the relief of John W. Monette, and

The bill for the relief of Samuel Crapin;

were several considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill for the relief of Ira Day of Vermont, was indefinitely postponed.

The bill allowing rations to Brigadier General John E. Wool, and George Croghan, was considered and discussed at much length by Messrs. LUMPKIN, PRESTON, KING, SEVIER, HUBBARD, WALKER, and PIERCE, and the further consideration thereof postponed until Friday next.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, April 18, 1840.

On motion of Mr. J. GARLAND, the Select Committee appointed yesterday in relation to the contracts for stationery was ordered to consist of five members, (the number having been accidentally omitted in the resolution.) And the journal was amended accordingly.

Mr. PAYNTER, by universal consent, presented a memorial from the pilots of the Delaware Bay, asking the repeal of the law passed the seventh of August, 1837, for reasons set forth in the memorial.

The SPEAKER announced that the unfinished business of the morning hour was the resolution heretofore reported by Mr. BRIGGS, from the Committee on Public Expenditures, proposing to abolish the said committee, on the alleged ground that its duties had been assigned to other committees.

Mr. HALL of Vermont, who was entitled to the floor, (and who is a member of the said committee,) addressed the House in support of the resolution, and in reply to some of the opposing arguments of Messrs. CUSHING and WISE. Mr. H. insisted that he had heard nothing calculated to change the opinion which he entertained in committee when he concurred originally in the resolution—namely, that the rule constituting this committee had become a dead letter, and that it ought to be abolished. He said the gentlemen who had opposed the abolition of the committee, had presented so little in the way of argument, that what they had lacked on that score they had made up in denunciation.

If the attack of the gentleman from Massachusetts [Mr. CUSHING] was energetic and spirited, that of the gentleman from Virginia [Mr. WISE] was more so. That gentleman [Mr. WISE] had given to the House the fifteenth edition of his speeches against this corrupt Administration, and he (Mr. H.) had always listened to him with admiration. Heretofore he [Mr. W.] had confined himself to his political enemies, now he attacks his political friends; and this committee are accused of skulking, and having deceived their friends in this House.

The hinge (said Mr. H.) on which the subject seemed to turn, was, in the opinion of the two gentlemen, that a new era had arrived in the subject of investigation. The gentlemen had been long members of the House, and the committee was of long standing. They had never taken any interest in it until the present time, and seemed to have acquired newborn zeal on the subject.

It seemed that a new era had arrived in the subject of investigation, now that the gentlemen had discovered that there was a majority of their own friends on the committee. But if they would inform themselves of the true history of the committee, they would find that during the three sessions of last Congress there had also been a majority of Opposition members on the committee. There were during that Congress five Opposition members to four of the Administration.

Under these circumstances, he was surprised that gentlemen had waited until now before waking up on the subject of these investigations.

Mr. H. said the committee were unanimous that their functions had ceased, and went into a long argument, founded on the rules, to show that the general powers belonging to that committee also existed in the other committee, which had been organized subsequently. He showed that the specific powers of the Committee on Public Accounts had been transferred to the Committees on the Departments. He could find no jurisdiction in that committee which had not been transferred to those six committees. This committee had not made a report since the year 1822; but he did not claim any exemption of performance of duties because of the neglect of the committee to report heretofore; but being of opinion that they had no power to investigate, he thought it right and proper that the committee had reported the resolution. If it did no other good, it would at least elicit an expression of opinion by the House as to the powers of the committee, and by which he was understood to say the committee would feel bound to abide, for the future government of its action.

Mr. H. had not concluded when, the hour of one having arrived, the SPEAKER announced the special order of the day.

On leave given, Mr. BIDDLE, from the Committee of Ways and Means, reported a bill in relation to the Red river raft, accompanied by an adverse report; which was referred to the Committee of the Whole on the state of the Union.

The SPEAKER announced the select committee in relation to stationery contracts to consist of the following gentlemen:

Messrs. BURKE of New Hampshire, BRIGGS of Massachusetts, LEET of Pennsylvania, WISE of Virginia, and DAWSON of Georgia.

The SPEAKER laid before the House certain depositions in relation to the New Jersey election; which were referred to the Committee of Elections.

On leave given, Mr. BLACK presented a memorial from citizens of Savannah, in relation to the construction of a custom-house at that place; which was, on his motion, referred to the Committee on Commerce.

GENERAL APPROPRIATION BILL.

The House again resolved itself into Committee of the Whole on the state of the Union, (Mr. CASEY of Illinois in the chair,) and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840.

Mr. WELLER being entitled to the floor on the above bill, in the course of his remarks adverted to the proposition to separate the banks from the Government. He showed that the financial system of the State of Ohio was somewhat similar in its details to the Sub-treasury bill; and that it worked very well. That not one dollar of the public money could be touched, except by appropriation by law. And he argued that if it worked so well in a State Government, why could it not be adopted by the General Government, and prove equally beneficial?

Mr. EVERETT here rose to a point of order. He wished to know whether it was proper for the gentleman from Ohio to discuss the Sub-Treasury bill.

The CHAIRMAN said he was compelled to decide, although great latitude of debate had been allowed, that the gentleman from Ohio [Mr. WELLER] was not in order.

Mr. STANLY moved that the gentleman have leave to proceed.

Mr. CUSHING wished to know, before the gentleman was allowed to proceed, whether it was the decision of the CHAIR that the gentleman was out of order.

The CHAIR replied in the affirmative.

Mr. CUSHING said if it was to be the understanding, from the motion of the gentleman from North Carolina, [Mr. STANLY,] that this latitude of debate was to be allowed, and the rules were to be thus violated, he had a speech upon the subject of the South American and China trade which he wished to make, and would give notice, that he should avail himself of an opportunity to make it on this bill.

Mr. STANLY made some response to Mr. CUSHING, which was not distinctly understood.

Mr. CUSHING merely wished to know what was the decision of the committee. If it should determine that gentlemen were to proceed out of order, he would be compelled to bow with submission, but should at the same time avail himself of an opportunity to make the speech on the subject in which he was interested.

The CHAIR reiterated that hitherto it had been customary to permit gentlemen to indulge in a latitudinous course of debate on this bill; but, as he was called upon to decide, he must say that the gentleman was not in order.

Mr. DAWSON proposed a compromise—that the CHAIR would permit gentlemen to indulge in some latitude on this bill, though he was opposed to it at the commencement, and that, when the House should go into committee on other bills, that gentlemen would then be confined to a discussion of the subject before it.

Mr. REED, in all his experience, had never known such latitude of discussion to be allowed. He had proposed to the House at some previous time that all such discussions as had been indulged in should be permitted on the President's message. But inasmuch as the House had refused his propo-

sition for that purpose, he hoped that full latitude would be permitted.

Mr. LEET said that, with the consent of the gentleman from Ohio, [Mr. WELLER,] who was indisposed on yesterday, he would suggest that he [Mr. W.] would defer making a speech bearing on the Independent Treasury bill, as it was important that action should be taken on the bill which was now under consideration. Another bill would shortly be introduced, and then the gentleman could present his views on the Independent Treasury. Mr. L. suggested this course, from the consideration that the House would take action on the civil and diplomatic appropriation bill to-day. He made this suggestion, not out of any disrespect, but from a high conception of his [Mr. W's] patriotism, knowledge of the facts, and his sense of propriety.

Mr. WELLER was understood to say, he was willing to accede to the proposition of his friend from Pennsylvania, [Mr. LEET,] provided the committee was disposed to take the vote on the bill to-day.

Mr. STANLY again moved that the gentleman from Ohio be permitted to proceed.

The question being put, it was decided in the affirmative.

Mr. WELLER proceeded, and after some time he remarked, that as many gentlemen seemed anxious to have final action on the bill before the House, he would say, that if the committee would take the vote on the bill to-day, he would defer his remarks till some future occasion.

Mr. LEET remarked, that with the permission of his honorable friend from Ohio, [Mr. WELLER,] he would again most respectfully suggest, that it was expedient, wise, and proper, that final action should be had on the bill now before the House. Most of the items contained in it were in pursuance of law, and could not be rejected. No attack against such items can be sustained. If they are wrong, the laws authorizing them should be repealed.

He was pleased to hear his friend from Ohio again say that he was willing this course should be taken—it was creditable to him. The appropriation bill, said Mr. L. ought to be passed. Much of the money, he understood, was absolutely needed by persons, to pay whose salaries it was intended.

Mr. HOPKINS here rose to a point of order.

Mr. LEET remarked that he was through, and therefore no point of order need be made.

Mr. CHINN said he know the gentleman from Pennsylvania was out of order; but the object was so palpable, and so promotive of the public service, that he was anxious that the gentleman from Pennsylvania [Mr. LEET] should succeed. He hoped no one would interpose further objection.

Mr. PROFFIT said he objected, and proceeded to give his reasons why great latitude should be given to this debate. Mr. P. having concluded,

Mr. WELLER then resumed, and concluded his remarks in favor of the Sub-Treasury bill, and in defence of the Administration, which will be given hereafter. He was followed by

Mr. BROWN of Mississippi, who spoke with great animation, chiefly on the subject of banks; opposing that of the United States, and advocatin the Sub-Treasury scheme; and in the course of his remarks he pronounced a eulogium on the character of Mr. CALHOUN.

Mr. JENIFER inquired whether a certain extract which he read from the report of a speech made by Mr. BROWN while canvassing before the people in Mississippi, was correct; in which he was said to have declared that if Mr. Van Buren should to-morrow resolve to abandon the Sub-Treasury scheme, Mr. B would no longer advocate it? and, also, whether Mr. B. had not been the advocate of that system—the issue of post notes—the practical result of which had almost ruined Mississippi?

Mr. BROWN explained; admitted that he had used the words imputed to him, but said that the report was garbled, and omitted other parts of his speech which would put a different aspect on the declaration. He had only meant that as he was the humblest member of his party, if those who were its prominent leaders concluded to abandon the Sub-Treasury, it would not be for him to assume on his feeble shoulders such a weight as that of so great and important a measure: and he should, therefore, cease to advocate it before the people.

As to voting in favor of the issue of post notes when first proposed by the Secretary of the Treasury, he had been in favor of it: but as lately practised by the banks in Mississippi, he had been the leader of those who opposed the measure.

Mr. EVERETT having obtained the floor for the purpose of addressing the committee, without doing so, yielded it to

Mr. REED, on whose motion the committee rose; when

On motion of Mr. WISE,

The House adjourned.

IN SENATE,

MONDAY, April 20, 1840.

DEATH OF HON. H. L. WHITE.

After the reading of the journal,

Mr. ANDERSON rose and said:

Mr. President: I rise to perform a very painful duty; and adverting to the circumstances in which I last saw the distinguished individual of whom I am about to speak, it is exceedingly unexpected to me. I received, sir, this morning, a few moments before I took my seat in this chamber, a letter from a friend at KNOXVILLE, announcing the death of Judge WHITE, and although we had recent intelligence of his enfeebled health, I had still hoped that it might be restored, and his life protracted far beyond the present hour.

In rising, sir, to move the adoption of the resolutions which I shall submit to the Senate upon this occasion, in relation to this distinguished man, it is not improper to recite briefly a few of the leading facts of his history.

In doing this, it is not inappropriate to remark that he was a member of this body during the early part of this session, and has often received here the honored distinction of presiding over its deliberations; and the proceeding which I propose, I am informed by some of the more experienced members of the Senate, is within the analogy of those rules under which we offer respect and courtesy to the memory of our departed associates. I am sure, sir, there is not one of all by whom I am surrounded, who will not, under the circumstances, most cheerfully extend the tribute of regard to his character.

He emigrated at an early day to Tennessee, while yet a youth, and settled near to the very town in which his remains are now deposited. He was the descendant of a father who had participated in the patriotic struggles of our Revolutionary war, and who, in transferring his residence to Tennessee, brought with him the spirit of enterprise and love of country necessary to the settlement of a perilous frontier. He received a classical education, and soon turned his attention to the study of the law, and at once engaged with ardor and success in the pursuits of that profession. His associates, from his youth up to the period when he had entered upon the duties of manhood, entertained for him the kindest and most sincere personal attachment, and were gratified at the rapid progress which he made in the confidence and favor of the public, in every thing which pertained to the duties of his profession. He was several times elected to the Legislature, and twice, I believe, sir, placed upon the Supreme bench of the State. In all these stations he filled the measure of private and of public expectation. His mind was clear and vigorous, and took within its range a vivid perception of the peculiar duties which belonged to each position. Subsequently to this, he received a high mark of the confidence of our Government by his appointment as a commissioner under a very important treaty. The fidelity and ability with which he executed that trust are well known to those who conferred it, and to those who felt, or in any way participated in its action.

It was after this that he was transferred to the higher distinction of a seat in this body; and I am now surrounded by those who have served with him here, and who can fully appreciate his private and public worth. In all the personal relations of his life, at home and abroad, he stood upon elevated ground. His private character was without reproach; and I feel confident that every Senator will concur in this tribute to his memory. He now lies buried, sir, in the country of his adoption; and I trust that we will pass unanimously the resolutions which I now submit.

Mr. A. then sent to the table the following resolutions:

Resolved unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon. HUGH L. WHITE, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape on the left arm.

Resolved unanimously, That, as an additional mark of respect for the memory of the Hon. HUGH L. WHITE, the Senate do now adjourn.

Mr. PRESTON said: I do not know, Mr. President, whether I am entitled to the honor I am about to assume in seconding the resolutions which have just been offered by the Senator from Tennessee, in honor of his late distinguished colleague; and yet, sir, I am not aware that any one present is more entitled to this melancholy honor, if it belongs to long acquaintance, to sincere admiration, and to intimate intercourse. If these circumstances do not entitle me to speak, I am sure every Senator will feel, in the emotions which swell his own bosom, an apology for my desire to relieve my own, by bearing testimony to the virtues and talents, the long services and great usefulness, of Judge WHITE.

My infancy and youth were spent in a region contiguous to the sphere of his earlier fame and usefulness. As long as I can remember any thing, I remember the deep confidence he had inspired as a wise and upright Judge, in which station no man ever enjoyed a purer reputation, or established a more implicit reliance in his abilities and honesty. There was an antique sternness and justness in his character. By a general consent he was called Cato. Subsequently, at a period of our public affairs very analogus to the present, he occupied a position which placed him at the head of the financial institutions of East Tennessee. He sustained them by his individual character. The name of HUGH L. WHITE was a guarantee that never failed to attract confidence. Institutions were sustained by the credit of an individual, and the only wealth of that individual was his character. From this more limited sphere of usefulness and reputation, he was first brought to this more conspicuous stage as a member of an important commission on the Spanish treaty, in which he was associated with Mr. Tazewell and Mr. King. His learning, his ability, his firmness, and industry, immediately extended the sphere of his reputation to the boundaries of the country. Upon the completion of that duty, he came into this Senate. Of his career here, I need not speak. His grave and venerable form is even now before us—that air of patient attention, of grave deliberation, of unrelaxed firmness. Here his position was of the highest—beloved, respected, honored; always in his place—always prepared for the business in hand—always bringing to it the treasured reflections of a sedate and vigorous understanding. Over one department of our deliberations he exercised a very peculiar control. In the management of our complex and difficult relations with the Indians we all deferred to him, and to this he addressed himself with unsparing labor, and with a wisdom a patient benevolence that justified and vindicated the confidence of the Senate.

In private life he was amiable and ardent. The current of his feelings was warm and strong. His long familiarity with public affairs had not damped the natural ardor of his temperament. We all remember the deep feeling with which he so recently took leave of this body, and how profoundly that feeling was reciprocated. The good will, the love, the respect which we bestowed upon him then, now give depth and energy to the mournful feelings with which we offer a solemn tribute to his memory.

The resolutions were then unanimously adopted.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, April 20, 1840.

The CHAIR announced that the first business in order during the morning hour, was the motion

of the gentleman from Ohio, [Mr. SWENEY,] to reconsider the vote refusing leave to the gentleman from Kentucky [Mr. DAVIS] to report a bill proposing to regulate the fees of the clerks, marshals, and attorneys in the District Courts of the United States.

Mr. ANDREWS of Kentucky suggested, that as neither of the gentlemen was in, that the question be informally passed over until they were present; which suggestion was acquiesced in by the House.

Mr. WISE remarked that he perceived by the papers that he had been appointed on the Select Committee in relation to the official conduct of the CLERK of the House. He said he did not wish to avoid any of the duties devolving upon him as a Representative, but must ask to be excused from serving on that committee. If continued on that committee, however, he would discharge his duty faithfully. The probability was, that on the report of the committee, there would be a debate on its proceedings, and it would require some effort on his part to support any views which he might submit in the form of a report. He had been positively forbidden by his physician to indulge in debate, and found that he must desist. He had last week participated in debate, which had resulted to his injury. He (Mr. W.) had a disease of the throat, which compelled him to be silent, and he would try to be silent hereafter. Besides, he would shortly be absent from the city. He again asked to be excused from serving on the committee. A gentleman in this House, a physician, who had been opposed to him in politics, had told him (Mr. W.) that he must avoid the business of the House. He therefore asked to be excused; which request was granted.

Mr. BANKS, on leave, introduced further evidence in relation to a certain claim pending before the Committee of Ways and Means, which was referred to that committee.

Mr. DAWSON also asked to be excused from serving on the Select Committee. He was a member of the Committee of Claims, which rendered it almost impracticable for him to do so. Were it not for other duties, he would discharge his duty on the Select Committee with great pleasure. He was, however, excused by the rules; but thought it proper to notify the House that he could not serve.

Mr. LEET said, if the gentleman from Georgia asked to be excused, he should feel himself bound to do likewise. He admitted there was great propriety in excusing the gentleman from Virginia, [Mr. WISE,] as he was sick; but as the gentleman from Georgia had no such excuse, he saw no reason for extending the indulgence to him. It was well known that the duties to be performed on the committee would necessarily be of an arduous and unpleasant nature. He hoped the gentleman would consent to go through with his labors; but if he persisted in his request to be excused, he, Mr. L. must ask to be excused also, as he saw no reason why one gentleman should be exempted in preference to another.

The CHAIR wished to know if the gentleman from Pennsylvania submitted any motion.

Mr. LEET said, he did not intend to make any motion, but merely rose for the purpose of suggesting to the gentleman from Georgia the propriety of withdrawing his request.

Mr. CROSS asked leave to submit a resolution, which was read for information, as follows:

Resolved, That members be authorized to hand to the CLERK, at the CLERK's table, such petitions as are admissible by the rules of the House, first endorsing thereon their names, and the name of the committee to which such petitions belong; and that the petitions so handed in be entered by the CLERK in the same manner as if presented in the usual form; but all petitions subject to the operation of the resolution of the House adopted on the subject of petitions touching the abolition of slavery, shall take the course prescribed by that resolution.

Mr. LEWIS WILLIAMS objected.

Mr. WISE suggested that all petitions of a doubtful character, under the rule of the House, might be left for the decision of the SPEAKER. He hoped the gentleman from North Carolina would withdraw his objection.

Mr. CROSS said that a precedent for his motion was to be found on the journals of 1835, and felt constrained, under a sense of duty, to move for a suspension of the rules.

Mr. SMITH of Maine referred to a similar precedent in 1839.

The question was taken, and the rules were suspended—yeas 95, nays 42.

Mr. ADAMS having risen for the purpose of making some remarks on the resolution, he yielded, when

Mr. MORGAN moved to reconsider the vote on suspending the rules.

Mr. BANKS, being of opinion that no good could arise from a discussion, moved the previous question on the motion to reconsider.

Mr. ADAMS claimed the floor to offer his amendment, observing that the resolution worked a very important change in the rules of the House, especially by empowering each member to decide, instead of the House, to what committee a memorial should be referred.

Mr. BANKS insisted on his motion; when

Mr. LEWIS WILLIAMS moved to lay the resolution on the table, which was carried by yeas and nays as follows: Yeas 96, nays 84.

So the resolution was laid upon the table.

The morning hour having expired—

The House went again into Committee of the Whole on the state of the Union, (Mr. CASEY, of Illinois, in the chair,) and resumed the consideration of the

GENERAL APPROPRIATION BILL.

Mr. EVERETT addressed the committee for a considerable time upon the bill, adverting to the change in the practice of the House as to the general debate on the affairs of the Union, which used always to take place on a reference of the President's message, but was now irregularly indulged on other bills. He laid the blame of the discursive character of the debate on the Administration side of the House, which had first begun it, but considered the debate, though not strictly regular, very valuable and important. He then went into the merits of the bill, and instituted a comparison of the expenditures of the Government in different years.

Mr. KEIM followed, and, after some preliminary remarks, in which he contended that the existence of the Committee on Public Buildings was no longer necessary, proceeded to give his views in relation to the public buildings of this city. He said it would be remembered, that when, at the last Congress, an appropriation was asked for the purpose of removing the Treasury building, owing to its having been located on an improper site, he had opposed it on the ground that the expense of removal would equal the amount then expended in its construction. It was, however, in vain that the architect had told them it would resemble the temple at Ephesus, and that it had all the qualities of the Grecian order, for he (Mr. K.) was satisfied that the building was not proper for the accommodation of the clerks. It was not a fit abode for men, but better calculated for the worship of the gods of whose temple it was said to be an imitation. In fact, the public buildings were like the committee rooms of the Capitol, which, for inconvenience and unhealthiness, could not be excelled. After adverting to the various appropriations expended on the Treasury building and Patent Office, he gave his opinion that it would be better now for Congress to make a final, but adequate, appropriation for their completion, and arrange it so that some one should be held responsible for the proper expenditure of the money.

Mr. K. then replied to some of the charges made by his colleague [Mr. OGLE] in his recent speech on the alleged abuses of the Administration. Mr. K. said he had not originally intended noticing them, as he considered it the duty of at least one portion of the House to remain silent, as a set off to the great amount of time consumed by others.

In the course of his remarks, (which will be given more fully hereafter,) Mr. K. alluded to the charges made by his colleague in relation to the furniture of the President's House. He said he would envy the feelings of no man, who would, like a serpent, creep on his belly into the President's dwelling to see if he could not, by chance, discover some little article of convenience that did not exactly accord with his views of propriety. He could not envy the feelings of the man, whose magnanimous soul would lead him perhaps into the very bed chamber, to discover if, perchance, there was a single yard more of cloth in the pillow case than he might deem consistent with the strict principles of Democracy.

Mr. K. also alluded to another charge in relation to the aristocracy of the President, and his riding in a coach and four. He said, for his part, he knew of no coach and four; but he knew that when the President, in his late tour, passed through Pennsylvania, the vehicle in which he travelled was looked upon by the country people with surprise, as being too humble even for themselves. Mr. K. said, that while the President was sitting in a common tavern, an old Dutchman came in and said to him (Mr. K.) in his teutonic dialect, "Where is that great man," although he was sitting next to the President at the very time.

On the question being asked, "Why, do you not know him?" the old man answered, "No;" and was surprised when he learned Mr. Van Buren was the person beside him. The old countryman said he expected to see a man proud and overbearing, and one who had outriders to his carriage.

Mr. K. then went on to say, that although this charge of aristocracy was not true with regard to the President, yet he could mention an instance where a former President had travelled through Pennsylvania in a coach and four, with outriders. That was the elder Adams. Yes, he *did* travel in the manner wrongly imputed to Mr. Van Buren; and when the carriage of President Adams was dashing along the turnpike road, because an old man did not call in his dog, one of the outriders shot the poor animal.

Mr. K. also noticed the attack made by his colleague on the sons of the President. He thought that at least the gentleman might have spared himself that trouble, as whatever might have been the sins of the father, the sons ought not to be held amenable. He would suggest, however, that his colleague should have them shut up in a crib, or a "log cabin, with the string of the latch pulled inside," to keep them from mischief; also, that a "committee" should be appointed to watch over them, and protect them from annoyance.

Mr. K. then adverted to the charge made by his colleague in relation to Mr. Buchanan, viz: that he had opposed the war. He (Mr. K.) denied it That Senator never opposed the war, but, on the contrary, there was abundant evidence to prove that he went out to meet the enemy, and was encamped on the frontiers of the State.

The CHAIRMAN gave the floor to Mr. EVERETT, to enable him to present certain additional items in the comparison of expenditures. After which,

Mr. OGLE appealed to Mr. PARMENTER to yield the floor to him, to enable him to reply to Mr. KEIM.

Mr. PARMENTER was willing, he said, to yield the floor, if he could be assured that the gentleman would confine his remarks to a personal explanation, and not enter into any extended reply to the argument of Mr. KEIM.

Mr. OGLE said his reply would cover the ground of the attack, but that he should not go beyond it.

Mr. PARMENTER replied at some length in refutation of the charges of the Opposition against the President and the Secretary of the Treasury. The Whig party, notwithstanding all their charges, and the severe scrutiny of the conduct of the Secretary of the Treasury, have never been able to discover a want of capacity in that officer. But the charges which had been heretofore confined to the President and the Secretary, are now, to a considerable degree, transferred to the Postmaster General; and after all their attacks on him, every one admits that he is an officer of consummate ability, and of great research and industry. Mr. P. then replied to the arguments of Mr. CUSHING in relation to the national expenditures, and proved that th

Opposition were mainly answerable for the increase; that they had, in most cases, voted for the objects causing the increase, such as light houses, harbors, the pension system, and Indian wars—and they actually acquiesced in all the appropriations making up the aggregate of increase. He adverted to one item which had been specifically referred to by his colleague, [Mr. CUSHING,] clerk hire—and showed that in some of the Departments the expense on this account had been diminished since the administration of Mr. Adams; whilst in others it had not increased in proportion to the accumulation of business, growing out of the increased wants, extension, and population of the the country. He admitted that the Democratic party, when the Treasury of the nation was in a plethoric state, to get rid of the evils which they believed would result from a distribution of the surplus among the States, were in favor of large expenditures on national objects—such as fortifications, the navy, and light-houses. And how much better would it be now if that policy had prevailed. The national defences would now be in a proper condition, and many of the evils which now afflict the country, would have been prevented. He then adverted to the charge made by the Whigs, that the Democratic party was the spoils party, and showed that the Administration had been considerably indulgent to their political opponents, by permitting them to remain in office; whilst, on the other hand, the Whigs, in every State in the Union where they had the power, and particularly in Massachusetts, had practised the most indiscriminate proscription. If it was a fault that the Administration had, in some instances, removed political opponents, the Whigs in Massachusetts had committed that fault in a tenfold degree. He referred to the blue book of Massachusetts, and was understood to say that out of 830 officers, 800 belonged to the Whig party. The people, he said, expected that the Administration would look on their political friends with favor. The present Administration had been liberal to a fault towards their enemies.

Mr. P. in reply to the remarks of Mr. OGLE of Pennsylvania, who had asked what Democracy was, showed that the Democracy was now what it was during the war—that it was that which supported the honor and dignity of the country and preserved the great principle of equal rights on which the Government was based; whilst on the other hand, the Whig party, in principle, were identical with the Federal party which, during the war, took ground diametrically opposed to the best interests of the nation, and threw every embarrassment in the way of the Government in the effort it was making to preserve the honor of its flag, and in defending the sacred rights of the seamen, to secure them from impressment by the British Government. There never have been but two parties in this nation—the old Federal—which was always adverse to the best interests of the people, and the Democratic party—and there were but two parties now: the Whig, which, in his State (Massachusetts) was synonymous with the Federal party; and the great Democratic party which now supports the present Administration. To show the gentleman from Pennnsylvania [Mr. OGLE] who it was that composed the Whig party, and what Federalism was, he referred to his colleague, [Mr. SALTONSTALL,] who was one of the leaders of the Whig party of the present day. He did not believe his colleague had ever supported a Democratic Administration. Mr. P. was understood to say that his colleague was opposed to the administrations of Madison, Monroe, Jackson, and Van Buren. But now he was conspicuous for his support of General Harrison. He was one of the great Central Intelligence Committee, composed of Whig members of Congress. This committee, of which his colleague [Mr. SALTONSTALL] was a conspicuous member, has called upon the people to bring back the Government to its former principles and its former precedents—to place in power those who will carry out the principles of former Presidents. Now he had said that his colleague had never supported a Democratic Administration, therefore the principles and precedents to which he wished to bring back the Government, and to carry out which he wishes to place General Harrison in the Presidential chair, must be the principles of the old Federal party, of which he was a member—principles which must be identical with those which he is now in support of. To let the House and the country know what those principles were, he read from Niles's Register of October 8, 1814, a report made to the Massachusetts Legislature by a committee, of which his colleague [Mr. SALTONSTALL] was a member, recommending the Hartford Convention. Mr. P. read over the names of those who composed that convention, and showed that all who are living belong to the Whig party; and that all those who had recently died, had departed in that faith. The same party in the Massachusetts Legislature, that authorized and supported the Hartford Convention, resolved that it was unbecoming a moral and religious people to rejoice at the defeats of the enemies of their country. But the people of his State subsequently expunged that foul blot from the record of proceedings.

The Hartford Convention passed a resolution authorizing an embassy to wait upon Mr. Madison, to say to him that he must change his policy or resign. All the gentlemen now living, who constituted a part of that embassy, are members of the Whig party; and Mr. Sullivan, another member, recently deceased, died in the faith of Federalism and Whigery.

Mr. P. after commenting at some length on the objects of that convention, showed what were its principles, identified the Whig party with those who entertained those principles; and argued such were the principles, to which his colleague, in connection with other members of the Whig party, in the appeal to the people, through their circular, wish to restore the Government. Mr. P's remarks, and the documentary proofs, will be published hereafter.

Mr. SALTONSTALL obtained the floor in reply; when

Mr. ANDREWS, remarking that he had been here since 10 o'clock this morning, attending either in committee room or on the House, moved that the committee rise.

On which motion no quorum voted.

And the committee rose, and their chairman reported the fact to the House.

The SPEAKER laid before the House further testimony in relation to the New Jersey contested election; which, on motion of Mr. SMITH of Connecticut, was referred to the Committee of Elections.

And then, at something after half past 5 o'clock, The House adjourned.

IN SENATE.

TUESDAY, April 21, 1840.

The CHAIR submitted certain resolutions of the Legislature of Florida, asking that pre-emption rights may be given to certain settlers upon the public lands in that Territory; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. NORVELL presented a memorial of citizens of Michigan, praying that the punishment of William Lyon Mackenzie may be mitigated; which was ordered to be transmitted to the President of the United States.

Mr GRUNDY presented the memorial of citizens of Memphis, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. YOUNG presented the memorial of Levi Owen, and other citizens of Illinois, praying that measures may be taken for the occupation and settlement of the Oregon Territory, and the appointment of John Rowan, of Kentucky, as Governor thereof; which was laid on the table.

Mr. WALKER presented the memorial of members of the bar in Mississippi, praying a removal of the Federal courts from Jackson to Vicksburg; which was referred to the Committee on the Judiciary.

Mr. W. also presented the petition of S. G. Winchester, praying the reimbursement of the duties paid by him on the importation of certain books; which was referred to the Committee on Finance.

Mr. W. also presented the petition of a number of citizens of Jefferson county, Missi-sippi, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. W. also presented the memorial of a large number of citizens of Hinds county, Mississippi, of both political parties, praying the passage of a general bankrupt law, which would be imperative on banks and merchants, and optional with other classes of the community.

Also, a memorial from citizens of Rankin county, Mississippi, of similar tenor.

Mr. CLAY of Alabama presented a memorial, which he said was signed by a number of respectable citizens of that State, and, like another he had presented some days ago, embraced not only merchants and traders, but farmers, planters, and mechanics, of much respectability.

Mr. C. said he would take this occasion to remark, that he believed some measure of the kind was necessary for the security of creditors, as well as debtors. For want of a general bankrupt law, he said a debtor had the right, in most of the States, if not all, to prefer one or more creditors to the exclusion of the others. This he thought unfair and unjust. When an individual had not the means of paying the full amount of all his debts, there should be an apportionment amongst the creditors, according to some fair and just ratio: Again: he said it was extremely hard that a man who once became indebted beyond his ability to pay, (though it may have happened by misfortune, or causes not to be foreseen,) should, throughout the remainder of his life, continue hopelessly involved, his energies crippled, and useless to his family and country. He hoped some measure would be reported to remedy this evil, upon which all could agree. The memorial was referred to the Committee on the Judiciary.

Mr. WRIGHT presented a memorial of citizens of New York, praying the imposition of a duty on foreign silks; which was referred to the Committee on Finance.

Mr. W. also presented a memorial of citizens of Wayne county, New York, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CRITTENDEN presented the memorial of John Bruce; which was referred to the Committee on Claims.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred the memorial of J. M. Clayton, and other citizens of Delaware, on the subject of a canal across the isthmus of Darien, asked to be discharged from the further consideration thereof, and that it be transmitted to the President of the United States; which was agreed to.

Mr. TAPPAN, from the Committee on Naval Affairs, to which was referred the report of the Secretary of War, relative to the process termed "Kyanizing," reported in favor of printing the same; which was agreed to.

Mr. FULTON, from the Committee on the Public Lands, to which was referred the bill in relation to donations of land to certains persons in the State of Arkansas, reported the same without amendment.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the petition and papers of George C. Johnston, asked to be discharged from their further consideration, and that they be printed; which was agreed to.

Mr. YOUNG, from the Committee on Public Lands, to which was referred the memorial of the Legislature of Alabama, requesting Congress to cede to the State of Alabama the Muscle Shoals Canal, reported a bill for that purpose; which was read, and ordered to a second reading.

Mr. NORVELL, from the Committee on Commerce, reported a bill authorizing the erection of certain light-houses and light boats, and the establishment of certain buoys and beacon lights; which was read, and ordered to a second reading, and made the special order for next Thursday week.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which was referred the me-

morial of the Legislative Assembly of the Territory of Iowa, that settlers on the 16th section be allowed a pre-emption right to the same; and also,

Resolutions of the Legislature of Florida, for the passage of a law granting floating pre-emption rights to certain settlers, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Willis McDonald, made an adverse report thereon; which was ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the bill for the relief of Elihu Hall Bay, reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Zadock Smith; made an adverse report thereon; which was ordered to be printed.

Mr. H. also, from the same committee, to which was referred the memorial of John Moore, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. H. also, from the same committee, made an adverse report on the bill from the House for the relief of the heirs of John Wilkinson, deceased; which was ordered to be printed.

Mr. H. also, from the same committee, to which was referred the bill from the House for the relief of Cornelius Tiers, reported the same with an amendment; the report was ordered to be printed.

Mr. WHITE, in pursuance of previous notice, asked and obtained leave to introduce a bill for the construction of certain harbors on Lake Michigan; which was read, and ordered to a second reading.

Mr. WHITE submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a statement of the names of banks in which special deposites in specie were made to the credit of the Treasurer of the United States, in anticipation of receiving therefor Treasury notes issued under the acts of 1837, 1838, and 1839—and of the date and amount of each delivery of Treasury notes on account of having received certificates of such special deposites; with the rates of interest of such Treasury notes, and the names of the persons or banks to whom the same were delivered. Also, a statement of the amount remaining in each of such banks to the credit of the said Treasurer, at the date of the first of such certificate issued by such bank. And also, a monthly statement of the amount of all other deposites to the credit of said Treasurer, in such banks, for each month during the period between the date of such first certificate and the date of the payment of such Treasury notes. And also, a statement of the drafts drawn against such special or other deposites in each month during such period, stating the transactions with each bank in a separate account. And also, copies of all correspondence between the Department and such banks, and any person or persons, relative to the making such special deposites, and to the delivery of such Treasury notes.

BILLS PASSED.

The bill for the relief of the corporate authorities of the city of Mobile;

The bill for the relief of Hezekiah Cunningham;

The bill for the relief of James Smith of Arkansas;

The bill for the relief of John L. Scott;

The bill for the relief of Zadoc Martin of Missouri;

The bill for the relief of Gregoire Sarpy, or his legal representatives;

The bill for the relief of Daniel B. Bush;

The bill for the relief of John W. Monette; and

The bill for the relief of Samuel Crapin;

were severally read a third time, and passed.

The bill granting to the State of Michigan a quantity of land to aid said State in the construction of a canal around the falls of St. Marie, was taken up on its third reading, and was opposed by Messrs. CLAY of Kentucky, PRESTON, CRITTENDEN, and BUCHANAN, and advocated by Messrs. NORVELL, HENDERSON, PORTER, and WALKER; when, after some remarks by Mr. TAPPAN, it was, on his motion, recommitted to the Committee on the Public Lands.

The bill supplementary to an act to grant pre-emption rights to settlers on the public lands, coming up on its third reading,

Mr. CLAY of Kentucky addressed the Senate, at length, in opposition to the bill, and was replied to by Messrs. CLAY of Alabama and WALKER.

Mr. CLAY of Kentucky then moved to recommit the bill with instructions; which was negatived—ayes 8, noes 25.

The question was then taken on its passage, and it was decided in the affirmative—ayes 26, nays 9, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Nicholas, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, White, Williams, Wright, and Young—26.

NAYS—Messrs. Brown, Calhoun, Clay of Kentucky, Clayton, Crittenden, Dixon, Knight, Prentiss, and Roane—9.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, April 21, 1840.

The SPEAKER announced that the first business in order was the resolution reported from the Committee on Public Expenditures by the gentleman from Massachusetts, [Mr. BRIGGS,] proposing to abolish that committee, on the ground that the duties belonging to said committee had been transferred to other committees.

Mr. HALL, who was entitled to the floor, was about proceeding in continuation of his remarks; when

Mr. CUSHING wished, before the gentleman from Vermont proceeded in his remarks, to call his attention to a portion of his speech which appeared in the Globe of last evening. The gentleman was represented as referring to a new era of investigation, and to the new born zeal of the gentlemen from Massachusetts and Virginia at the present session. Now he, Mr. C. would remind the gentleman from Vermont that both himself and the gentleman from Virginia had, at the last Congress, repeatedly called on the committee to report. He recollected distinctly that Mr. WISE had more than once demanded of the committee whether they were ready to report. So far as regarded himself, it was true that he did not move a resolution to compel the committee to act, because that course, in his opinion, would have been very insidious. But when the subject was brought directly before the House, he thought it his duty to pursue the course he had.

Mr. WISE said that, for himself, he recollected having repeatedly called in the committees for reports. Also that, on one occasion, he gave notice that he should renew his demand daily, until reports should be made.

Mr. HALL had no distinct recollection of what he did say on the occasion alluded to, but if he had stated any thing which did injustice to the gentleman, he would willingly correct it. But he had understood the gentleman from Massachusetts as taking the ground, that as the Committee on Public Expenditures had now a majority of Opposition members, under these circumstances much more was to be expected from them than had heretofore been done. He had understood the gentleman from Virginia as having taken the same ground. It was that which had induced him to speak of their new-born zeal, as he had shown that during the time of Mr. Speaker Polk, there was also a majority of Opposition members on that committee, and that the zeal of the gentlemen was just as applicable to that period as it was now. His remarks had been based on that understanding, viz: that the gentlemen expected more from the committee now than formerly, whereas its political character had been the same during the whole of the last Congress as it was now. If he had misapprehended them, he was ready to make a correction, as, in the remarks he made, he did not intend any offence to either of the gentlemen.

Mr. WISE repeated that it would be in the recollection of many old members of the House, that he did call repeatedly for reports during the last session. The gentleman might state the fact or not, just as he pleased.

Mr. HALL said he had himself a distinct recollection of the gentleman from Virginia having made a call upon the committee for a report. But it was on the point that the gentleman considered a new era had arrived, owing to a different political complexion of the committee, that his remarks had been founded, and which had induced him to show that its complexion had been the same during the whole of the last Congress.

Mr. H. made a long argument in support of his position, and made some remarks in reply to Mr. WISE, to which that gentleman responded.

Mr. LEET obtained the floor, and having spoken a few minutes in opposition to the adoption of the resolution for abolishing the Committee on Public Expenditures,

The SPEAKER announced that the morning hour had expired.

On motion of Mr. J. W. JONES, the House resolved itself into Committee of the Whole on the state of the Union, and took up the civil and diplomatic appropriation bill.

Mr. SALTONSTALL prefaced his remarks by an allusion to an article which had appeared in the Globe, and which, he had been informed, was sent to that paper in the shape of a communication, furnished probably by a member of the House. The article Mr. S. read, and said the drift of it was to show that he was peculiarly sensitive in relation to the Hartford Convention. Mr. S. then went on to make comments on the dialogue said to have taken place, on the occasion alluded to, between him and Mr. WATTERSON, and denied having said any thing about the Hartford Convention.

Mr. WATTERSON said he did not distinctly hear what the gentleman from Massachusetts said when he had called him (Mr. W.) to order the day. But he had understood him to say that "he would like to know what the Hartford Convention had to do with the question before the House." He (Mr. W.) could not hear the words distinctly himself, but was informed by several gentlemen, who were near him at the time, that the gentleman from Massachusetts had used the words attributed to him; but, as that gentleman had denied having used the language, he (Mr. W.) could have no doubt but that the gentlemen were mistaken.

Mr. SALTONSTALL repeated that he did not use the words, and he challenged any gentleman to get up in his place and say that he did say any thing in relation to the Hartford Convention.

A member here rose and said, that he happened to be standing near Mr. S. at the time alluded to by the Globe; and he was certain that the word used was Harrisburg, and not Hartford Convention.

Mr. WATTERSON was understood to say that he did make the remarks attributed to him in the communication published in the Globe, but there was so much confusion in the hall at the time, that it was doubtful whether he was heard on the other side of the hall or not. But that was of no consequence, as, if the gentleman did not on that occasion allude to the Hartford Convention, he had risen now for the purpose of defending it.

Mr. SALTONSTALL denied that his present object was to defend the Hartford Convention. He had risen for another purpose. Mr. S. then proceeded to notice an article which appeared in the Globe of last evening, and which charged him and others with circulating in Virginia a certain document, giving a false statement of the different amounts of expenditure of the present and former Administrations, calculated to prejudice the public mind, by a presentation of statements *ex parte* in their nature. Also, that the said document was got up in a form calculated to lead the people to suppose it was an official document of the House.

Mr. C. denied the allegation. He said it was neither more nor less than a copy of a report from the Secretary of the Treasury, word for word.

At the request of Messrs. WISE and RICE GARLAND, the document was read by the CLERK,

and compared with the official papers, of which it was said to be a copy.

Mr. WISE stated, in behalf of an absent colleague, that the document was prepared for the press by that gentleman, and he was responsible for its correctness; and that it was a true and faithful copy of the official papers, from which it was compiled. Mr. W. then called upon his colleagues to point out any instance, if they could, where the document was not a true copy.

Mr. HOPKINS said, that for his part he had not examined the document, nor had he heard of its existence previous to its production by the gentleman from Massachusetts, [Mr. SALTONSTALL.] But he would submit to his colleague whether it was not due to them, as an act of justice, to have presented with that document the names of the individual members who had voted for the appropriations of the public money. He put it to the gentleman [Mr. W.] whether a majority of his political friends had not themselves voted for those appropriations.

Mr. WISE said his colleague had given no answer. He repeated his question, and asked him whether the document was a true copy or not. It was not the business of his party to present the views of the Administration with the documents they chose to present to the people. Mr. W. in answer to a question, admitted that the document had been sent to Virginia with a view of influencing the election; and as the correctness of it was not called in question by his colleagues, he should forthwith take 2,000 of them from the printer, and send them for distribution, as correct.

At this moment great confusion prevailed in the hall, arising from a sudden personal rencontre between Messrs. RICE GARLAND and BYNUM. The combatants were immediately separated by the interposition of other members, amidst great noise and confusion.

The SPEAKER, at the request of several members, took the chair, and, with much difficulty, succeeded in restoring order.

Mr. WISE moved that the gentlemen be taken into custody by the Sergeant-at-Arms.

The SPEAKER said that as the Committee of the Whole had not regularly risen, now that order had been restored, he would call upon the chairman of the committee [Mr. CASEY] to resume the chair.

Mr. DROMGOOLE knew nothing of the commencement or cause of the affair which had just disturbed the harmony of the proceedings, and did not mean to impute inceptive fault to any one, but he, for one, could not consent to resume the business in committee, without some action being had thereon. He felt it his duty, and the duty of gentlemen of all parties, to unite in preserving the order and dignity of the House. It was due to themselves, and to the people whom they represented, that a stop should be put to such disgraceful proceedings, and that the disorder should be prevented from going any further.

Mr. WISE, before any motion was made, would like to know from the SPEAKER, what was the parliamentary course of proceeding in such cases.

The SPEAKER was understood to say it would be parliamentary to raise a committee for the purpose of investigating the facts. It had also been the practice to put a specific motion to the House itself. Heretofore, he believed, the House had not gone further than to entertain a motion submitted to itself, and not to send the matter to a committee of inquiry.

Mr. UNDERWOOD said he had been here some years, but he must confess that the scenes he had witnessed during the present session were very different from conduct pursued heretofore. He regretted this change very much indeed. But he must be permitted to remark, that unless some steps were taken to produce a change in the manner of conducting the business here, members might as well go home at once, for this state of things could not last much longer. It was not only a disgrace to themselves, but a disgrace to the country. Mr. U. then offered the following resolution:

Resolved, That a committee of five be appointed to investigate the facts relative to the disorder and personal violence which has just taken place between two its members, to wit: RICE GARLAND and JESSE A. BYNUM, and that said committee report with all practicable despatch the facts of the case.

Mr. CONNER approved of the motion just made by the gentleman from Kentucky. It must be obvious to all that it was necessary to preserve order in the House; and he was in favor of an immediate investigation, and that censure should fall on the offender, whoever he might be. He had been an attentive observer for some time past; and he was sure that not only members, but visiters in the galleries, must have seen that something was necessary to preserve the order and dignity of the body. Those members who had been here more than two or three terms, could not but regret the sad change which had taken place in the mode of conducting the business of the House. Mr. C appealed to the recollection of the SPEAKER in relation to a former case of disturbance, not precisely like the present, but which, for the sake of preserving the credit of the House, had been quashed. But now the time had come when the most disgraceful language was used, not only in the under current, but openly, in the face of the House; and we had heard quite as much vulgarity and abuse as was ever heard at the tail of a cart, or at a militia muster in the district which he represented. In every legislative body, it was necessary that order, peace, and harmony, should be preserved; and he hoped that every lover of order would unite to keep down this turbulent spirit, which was ever calculated to disturb the harmony of their proceedings. The reputation of the House of Representatives of the United States was now measurably gone into disrepute, and from the course pursued it was no more than could be expected. What had been the mode of procedure for the last ten or fifteen days? Instead of attending to the questions before them, had it not been one continued attack on the high officers of our Government, who were charged with the grossest corruption? He did not stand there to vindicate those officers if they were in fault, but he stood there as the friend of order.

Mr. C. then alluded to a case which occurred some years ago, when the Secretary of the President of the United States was assaulted in the Rotundo by a printer. On that occasion a committee of investigation was appointed, and he well remembered the indignation expressed by members of all parties, and their readiness to resent it, although the individual was but the Secretary of the President. He also alluded to the instance when a member of Congress was attacked in the street, and said he believed that he was one of the twenty-five, who voted to take no notice of it, believing that the House had no cognizance. But he referred to it merely to show the feeling which existed on the subject. He also alluded to another instance when one night a rencontre was prevented between two members, by the interposition of their friends. But the evil was now increasing to an alarming extent, and with the gentleman from Kentucky, he would say that unless a stop was put to it immediately, Congress might as well adjourn forthwith, and members return to their constituents to inform them that they, their Representatives, were unable to do any business.

Mr. BANKS said he rose under the influence of feelings of a painful nature. He had been raised in that school which taught him to look on order and decorum in a public body like this, as essential to its dignity, and to the dignity of the people who sent them there. He could not look but with pain and mortification on the recent course of debate, in arraigning at the bar of the House members of a co-ordinate branch of the Legislature, and exposing the private characters of individuals who had no opportunity to reply. He considered it undignified, and unparliamentary, in arraigning the high officers of Government, instead of attending to the legitimate business before them. But although gentlemen had thought proper to protract this debate, without attending to the business of the country, yet now he trusted they would pause, and that members of both parties would unite in preserving order.

Mr. B. then stated that he happened to be near the two gentleman at the time the rencontre occurred, and that, with others, he had lent his aid to separate them. He would say nothing now as to the cause which gave rise to the unfortunate disturbance; but he had risen for the purpose of entreating all parties to unite with him in preserving, in future, the dignity of the House, and thereby the dignity of the people of the United States. As regarded the present case, he hoped the House would act promptly, and that a committee would be raised at once to ascertain the facts which gave rise to the disgraceful scene, let the blame fall wherever it might. He was anxious for the adoption of any course for preserving the dignity of the House.

Mr. BRIGGS said we had now arrived at a point where we must stop. This system of vulgarity and abuse could be tolerated no longer. He was ashamed to say that in this body language was indulged, in which, for coarseness and vulgarity, could not be exceeded on the highway; and, as might be expected, such language had at last led to personal violence in the face of the House. He was convinced that members on both sides had felt disgraced by such proceedings, and were desirous of adopting a remedy; but they had suffered the evil to go on too long, until it had at length terminated in the most unhappy occurrence. But he would now call upon all to join with him, and from this moment to put shoulder to shoulder, and mind to mind, for the purpose of adopting a course that would elevate the House to the height from which it had fallen, and restore its dignity. It could be done, and must be done; otherwise all hopes of order would be gone. He hoped a committee would be appointed at once to investigate the unpleasant occurrence, and would make no further remarks until the facts had been investigated.

Mr. ANDREWS said he was a young member, but he hoped the House would excuse him when he gave his humble opinion that no good could arise from prolonging this debate. He hoped the gentlemen would consent to the immediate adoption of the resolution, and he therefore moved the previous question

The previous question was seconded and the main question having been ordered on the adoption of the resolution, the question was taken and the resolution was agreed to, and the following gentlemen were appointed to serve on the committee, viz: Messrs. UNDERWOOD, BUTLER of Ky. BRIGGS, COOPER of Ga. and CLIFFORD.

Mr. WISE hoped the committee would be directed to proceed at once, so that the matter might be disposed of to-day; and on his motion the committee was granted leave to sit during the session of the House.

On motion of Mr. J. W. JONES, the House again resolved itself into Committee of the Whole on the state of the Union and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. SALTONSTALL then resumed his remarks, and spoke in reference to the late war with Great Britain, and said that those who condemned it were contending for great principles; and whatever might have been their motives, they ought not to be misapprehended. At that time, war had ravaged Europe. It appeared that Napoleon was carrying all before him, and it seemed that he would concentrate all power; and it was conceived that we had more to fear from that movement than from any other. The minority in his State were opposed to the war, and he wished to state to the House the situation of the country at the time; and mentioned, among other reasons, that Napoleon was then on his march to Russia; that all Europe was making a combined movement; that our country was not prepared for war; and that all our commerce was exposed to the enemy.

Mr. S. said that his name had been read by his colleague [Mr. PARMENTER] in connection with the Hartford Convention, and he took the occasion to say that he, Mr. S. could add his testimony to that of Sherman, Otis, the secretary of the convention, and others, who were there present, that never was there a mention of a dissolution of the Union; and if there had been, it would have been looked upon with abhorrence. The Hartford Con-

vention was regarded as odious; but as to its design, it was as innocent as the conventions recently held at Harrisburg and Columbus.

Mr. S. then proceeded to read the names of those associated with the convention, and eulogized them severally; and asked the gentleman from Maine [Mr. A. SMITH] a question in relation to Stephen Longfellow, jr.

Mr. A. SMITH replied that he knew Mr. Longfellow to be a high minded man; and would bear testimony to his undeviating consistency. Mr. L. was a Federalist, and is now a modern Whig.

Mr. STUART obtained the floor, and said that it was with great regret that he was induced to mingle in the discussion. The remarks which he should make, would be called from him by his colleague, [Mr. REYNOLDS,] who intended his remarks for Illinois. His (Mr. S's) also were intended for the same latitude. He did not intend to speak of the Hartford Convention, but on the subject of the Cumberland road, in reply to the remarks of his colleague. After going into a history of the proceedings on that bill, he said he did not hold either party in that House responsible for the defeat of the Cumberland road. Gentlemen belonging to both parties had voted for and against it. He went into an examination of the several votes which had taken place at this session, in support of the ground assumed. And also at the last session, he said, the bill was laid on the table, and that the larger portion of the Democratic party voted in the affirmative on that question. He censured the proper departments for not reporting to Congress the estimates for that road in the usual way; and hence he argued that the responsibility of the defeat of that measure rested with the President. He also adverted to certain votes given by Mr. Van Buren when in the Senate of the United States, to prove that the President was opposed to the road. He replied at some length to the remarks of his colleague, that the old Federal party had been merged into the present Whig party, and that their principles were identical. He had heard the same course of remark during the last summer from his political opponent. His colleague, also, had commenced the canvass in the southern district in Illinois, in the same way. All those who wished to delude the people, made use of the same kind of demagoguism. The old Federal party, as a party, he said, had been long since disbanded. He then adverted to the operations of the Sub-Treasury system; and argued that it would work injuriously to the interests of the West. He spoke at some length on various other topics. His remarks will be given hereafter.

Mr. JAMESON obtained the floor, and moved that the committee rise; and, on dividing the committee on that motion, there were, ayes 53, noes 55: no quorum voting.

Mr. JONES demanded tellers for another count.

Mr. JAMESON said he had not expected to get the floor this evening, and was not well prepared to go on with his argument, and would much prefer that the committee would rise.

Messrs. BEIRNE, and DAVIES of Pennsylvania, having been appointed tellers, to take a count, reported that there were, ayes 69, noes 57; whereupon the committee rose.

Mr. DAVIES of Pennsylvania moved that the House adjourn.

Mr. CHAPMAN of Alabama demanded the yeas and nays; which were ordered, and were, yeas 55, nays 87.

So the House refused to adjourn.

On motion of Mr. DROMGOOLE, the House again resolved itself into Committee of the Whole, (Mr. CASEY in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. JAMESON resumed the floor and replied, at great length, to the remarks of the gentleman from Illinois, [Mr. STUART.] He said the stale stuff so often charged, and so often refuted, that Martin Van Buren was opposed to the war, and that he was the friend of Rufus King, he did not think worth consuming the time of the committee to reply to. It has been again and again refuted. In relation to the charge of the gentleman from Illinois, in relation to the Cumberland road, he would ask whether it would have been possible for Martin Van Buren to have escaped the denunciations and abuse of the Whig party by any course of action in relation to that road. If he had recommended it after the decisive expression of opinion against it by the last Congress, he would have been denounced by the greater portion of these same Whig gentlemen, because he had presumed to dictate to them a course of action different from that which the Legislative department had determined upon. Who gave the veto to the Cumberland road bill? The Congress of the United States. The President, in accordance with the settled practice of his predecessors, recommended this bill to the consideration of the previous and last sessions of Congress. But Congress formed a new precedent, and settled a new principle, by rejecting it; and now, forsooth, because the President had paid proper deference to the opinion expressed by the legislative branch of the Government, and did not recommend it, the Whig gentlemen who had been so clamorous against Executive dictation, will not vote for a measure because he will not dictate to them that it is right, and that they must vote for it. They are not willing to take the responsibility of legislating without Executive dictation. Last Congress took the responsibility to give the measure its death blow, and Mr. Van Buren pursued the course of his predecessors, and paid some respect to the expression of opinion by the last Congress. As the death blow was given by Congress, it was their duty to resuscitate. The Executive then, as in duty bound, will pursue your lead. Let it be revived by the same hands that killed it. But the measure was first diseased by the action of the Legislature of the State from which the gentleman [Mr. STUART] came. That body determined that the road should not pass through the State unless it passed a particular point. You then gave a death stroke to the road. The friends of it, falling out among themselves, weakened it; the enemies of the measure seized upon that circumstance and worked its ruin. It can be only revived again in forty-three or in fifty-three, under a new census. The gentleman had intimated that the measure was opposed in the message. Such was not the fact; it was silent upon the subject. Therefore the gentleman cannot draw either from the message, or from any thing that the President has said, that he is unfriendly to the road. He (Mr. J.) came to the conclusion, from the reading of that document, that the President would have been charged with dictation to Congress, if he had recommended it in his message. This party, which has declaimed so loud against Executive dictation, and charged the Democratic party with having been controlled by it, now come forward and say—in extenuation of their votes against this measure, and assent to and avow the Federal doctrine—that they will not take the responsibility of voting for a measure because they think the Executive is opposed to it. Therefore, that this Whig party is to be the tool of the President—that it will stoop so low to Executive power, that it will not do except what it is bid to do. If that odious doctrine was to obtain there, they had better go home. Just see what the Executive wants—do his bidding, without investigation, and go home. He did not, nor did the Democratic party, subscribe to that odious Federal doctrine. He believed the Legislative body should act independent of the Executive. Such was the principle of the Constitution. He argued that all the power emanated from and was concentrated in the people. They appointed the Senate and the Congress, and they were both responsible to that source of power. Each branch of the Government was independent of the other—they were made so by the Constitution—and all the powers were regulated and controlled by the Constitution and the laws. If the doctrine which has been contended for by the gentleman from Massachusetts [Mr. SALTONSTALL] that there was a dependence of one branch of the Government upon the other, or that Congress was to listen to the dictation of the Executive, Republican liberty could not long be maintained. The great fabric of our Government must soon topple and fall. The Executive, like Congress, was responsible to the people. The duties of the Executive are defined by the Constitution and the laws. They are different from those of the Legislative branch of the Government. It is the duty of the Legislative department to originate and pass measures, and the duty of the President to execute them. Yet the gentlemen of the Opposition complain because the President will not overstep the powers assigned to him, and assume to himself to recommend estimates for purposes which Congress had declared that it could not appropriate money to, they refuse to act for themselves, and vote against propositions that are brought forward for that purpose. They do this too to make a pretext for throwing the responsibility of the defeat of that measure upon the Executive. Mr. J. spoke at some length on various other topics, which will be published hereafter.

Mr. DAVIS of Kentucky obtained the floor, and offered a modification for the whole bill, proposing to graduate and reduce the salaries of the officers of Government in a certain ratio; also, to reduce the proposed appropriation to the contingent fund of the Senate from $50,000 to $30,000; and that of the House of Representatives from $100,000 to $75,000; and to reduce the miscellaneous appropriation from $67,000 to $30,000; with certain provisos.

Mr. D. said he was aware that the amendment was not then in order; but he merely wished to have it read to admonish the committee that the civil and diplomatic bill was before them. And having intimated his intention to confine himself to the subject under consideration, before proceeding further, yielded the floor to

Mr. OGLE, for a personal explanation, which he deemed necessary in consequence of the manner of the replies of his colleague [Mr. KEIM] and of Mr. JAMESON of Missouri, to the remarks made by him a few days ago. Mr. O. having gone into an argument, instead of making a personal explanation,

Mr. CHAPMAN of Alabama rose to a point of order. He inquired of the CHAIR whether it was in order for one gentleman, who had not spoken on the bill, to get the floor and yield it to another gentleman to make an argument, who had already spoken once, and thus deprive other gentlemen, who had not participated in the debate, of the privilege of speaking.

The CHAIR was understood to say that it would be in order if the gentleman confined himself to a personal explanation; but it would not be to make an argument.

Mr. OGLE again proceeded in his remarks, and was commenting on the qualities of the furniture in the President's House, when

Mr. SMITH of Maine inquired of the CHAIR whether, if the gentleman from Pennsylvania proceeded in that course of remarks, the gentleman from Kentucky [Mr. DAVIS] would be entitled to the floor.

The CHAIR decided that he would not; and after a conversational debate, in which Messrs. SMITH of Maine, OGLE, DAVIS of Kentucky, DROMGOOLE, and LEET participated, Mr. OGLE was ruled out of order, and

Mr. DAVIS of Kentucky claimed the floor, and was about proceeding in his remarks, when

Mr. RARIDEN moved that the committee rise.

Mr. VANDERPOEL having demanded tellers, and Messrs. HUBBARD and DAVIS of Pennsylvania having been appointed such, reported ayes 44, noes 74, no quorum voting.

The committee rose, and the CHAIR reported that fact to the House.

Mr. COOPER of Pa. moved an adjournment.

Mr. DUNCAN demanded the yeas and nays; which having been ordered, were—yeas 50, nays 80. So the House refused to adjourn.

A quorum being present, the House again resolved itself into Committee of the Whole on the state of the Union, and resumed the consideration of the civil and diplomatic appropriation bill, and

Mr. DAVIS of Kentucky resumed his remarks. He spoke at some length, and contended that the present Administration was the continuation of the same Administration which succeeded Mr. ADAMS, and promised the country retrenchment and reform, and that that promise had been violated, by an in-

crease in the expenditures. Before concluding, he yielded the floor to

Mr. CHAPMAN of Alabama, on whose motion the committee rose; when,

On motion of Mr. GRINNELL,

The House (at half-past 11 o'clock at night) adjourned.

IN SENATE,

WEDNESDAY, April 22, 1840.

Mr. LUMPKIN presented a petition of citizens of Walker county, Georgia, and the adjoining counties, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. NICHOLAS presented joint resolutions of the Legislature of Louisiana, in favor of a general bankrupt law; which were referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WALL presented a petition from citizens of New Jersey, praying the establishment of a general bankrupt law; which was laid on the table.

GENERAL BANKRUPT LAW.

Mr. CLAYTON, from the Committee on the Judiciary, to which have been referred the various memorials on the subject of a general bankrupt law, reported a bill to establish a uniform system of bankruptcy throughout the United States.

Mr. C. said it might be proper for him to state that there had been much diversity of opinion on the subject in the committee. A majority thought, indeed he might say they all thought, that some immediate relief should be provided for all those persons who have already, by the misfortune of trade, or by other means, failed in business, and become unable to meet their engagements, and to day their debts, and who are willing to make a full and fair surrender of their property for the benefit of their creditors; and not only for those who are at present laboring under this misfortune, but for all those who may hereafter be in a similar situation, and who may choose voluntarily to surrender their property, and avail themselves of the relief proposed. The bill now reported only provides for the case of voluntary bankruptcy. If passed, it will give a great, an almost immeasurable relief to thousands. It will emancipate from a species of bondage a vast number of active, intelligent, and enterprising men, who are now struggling against hope, with spirits worn down and energies paralyzed. It is not they only who are interested in the matter; the country has an interest in their activity, and industry, and talents, that they may be again set free to add to its general wealth and prosperity. These views operating with a majority of the committee, they thought it would be best to present this bill for the consideration of the Senate as unencumbered and unclogged by any other matter; that it should stand or fall by its own merits, and that it should not be entangled with other measures not essentially connected with it, and which might bring on a heated and angry party discussion, in which the merits of the relief now proposed might be lost sight of amid the more exciting and questionable matters improperly connected with it. The minority would not consent that this bill should be reported, unless it provided for the case of the compulsory bankruptcy of individuals, and also for the bankruptcy of corporations. As a compromise, the majority of the committee proposed that three bills should be reported, providing separately for the three classes of cases which the committee had under consideration, viz: 1, for the case of voluntary bankruptcy; 2, for the involuntary bankruptcy of individuals; and 3, for the case of corporations; leaving each member of the committee to vote on each bill in the Senate as he chose. The majority thought that this was the most fair method of proceeding, as each class would be debated, and voted for or against upon its own merits. This proposition was declined by the minority—they insisting on including corporations in any bill which might be reported. It is but just to say that, at the last meeting of the committee, when the proposition was finally rejected, the Senator from North Carolina [Mr. STRANGE] was not present; but at a previous meeting he urged the propriety of inserting corporations in the bill.

Mr. C. said it might further be proper to state that two of the members of the majority were not inclined at present to go farther than the present bill goes. He (Mr. C) was not of that number; as he considered it the duty of Congress to pass a general bankrupt law, which should be equally favorable to the creditor as the debtor; by which creditors, seeing their debtor fraudulently disposing of and wasting his effects, could compel him to surrender them in payment of his debts. Such a law in a trading community was essentially necessary to its prosperity. In part discharge of the duty assigned to the the Committee on the Judiciary, he now reported the bill, reserving to the committee to consider whether they will report further on the subject.

Mr. WALL, after a few remarks that were not heard, observed that the minority of the committee dissented from that bill. They could not consent to report, as a uniform rule of bankruptcy, a system which applied itself altogether to debtors, and not to creditors—which applied to natural persons, and not to artificial. Nor could they conceive how the complication of the three branches of the subject, as mentioned by the Senator from Delaware, could produce any party excitement, or retard the progress of a measure which seemed to be so loudly called for by the country. With a view to present to the Senate the labors of the minority of the committee, he gave notice that he should move, when this bill was called up, to strike out all of it after the enacting clause, and to insert, in lieu of it, a bill which he now had the honor to submit, and move that it should be printed.

Mr. KING wished to know whether the bill reported by the honorable Senator from Delaware was predicated on the bills introduced by the Senators from Massachusetts and New York, [Messrs. WEBSTER and TALLMADGE.] and which had been referred to the Judiciary Committee, or upon the memorials which had been presented on the subject, and also referred to them.

Mr. CLAYTON replied that the two bills referred to by the Senator from Alabama had already been reported back to the Senate more than a week ago. The bill just reported was predicated on the various memorials on the subject that had been referred to the committee.

Mr. CLAY of Kentucky begged leave to suggest to the members of the Judiciary Committee, charged with this subject, whether it would not be better to make the bill the order of the day for some convenient day, so as to let all the Senators present, as well as absent, know when it would be taken up for consideration. Whilst up, he would take occasion to express his hearty concurrence with the course the committee pursued. There were three distinct subjects which the committee mentioned as properly appertaining to a general system of bankruptcy. These were voluntary bankruptcy, where the debtor himself should apply for relief; involuntary bankruptcy, where the creditors should apply for a settlement of their debtor's affairs; and, lastly, the bankruptcy of corporations. Now these three subjects were certainly separate and distinct in their nature, and might be well considered in three separate and distinct bills. It must be concurred by the Senate that the voluntary class would embrace a vast majority of the cases, and that the bill on that branch of the subject would afford the greatest measure of relief to the country. He would not, however, pursue this subject, having risen only for the purpose of suggesting to the members of the Judiciary Committee the expediency of assigning some convenient day for the consideration of this bill.

Mr. WALL said, that the committee had reflected on this subject, and were disposed to ask the Senate that the bill might be made the order of the day for next Monday week; but on further reflection, on account of the absence of the Senator from Massachusetts, [Mr. WEBSTER,] and the Senator from New York, [Mr. TALLMADGE,] they had concluded not to move to make the bill a special order, until the arrival of these gentlemen.

On motion by Mr. GRUNDY, the bill to amend the act, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated land within the same," passed the 18th day of April, 1806, was taken up as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion by Mr. LUMPKIN,

The bill for the relief of Avery, Saltmarsh and Company, was considered as in Committee of the Whole, and after a debate, in which the bill was supported by Messrs. LUMPKIN, CLAY of Alabama, and KING, and opposed by Messrs. HUBBARD, TAPPAN, and CALHOUN, it was ordered to be engrossed by a vote of 16 to 13.

DUTIES AND DRAWBACKS ON SUGAR, SALT, AND MOLASSES: REPEAL OF THE SALT TAX AND OF THE FISHING BOUNTIES AND ALLOWANCES.

The bill to reduce the drawbacks on refined sugars and distilled rum exported, in proportion to the reductions of duty on the imported sugar and molasses out of which they were manufactured, and to reduce the fishing bounties and allowances in proportion to the reduction of the salt duty on which they were founded, being the special order, was taken up, and, having been read—

Mr. BENTON rose and said, that the object of the bill was to correct the errors of previous legislation, and especially of the compromise act of 1833; errors by which the Constitution was undergoing a daily violation—the Treasury was suffering a daily loss of money unjustly drawn from it—and the end of which would be, if not arrested, to turn over the whole amount of the revenue from sugar, salt, and molasses, to the rum distillers, the sugar refiners, and the Northeastern fishermen.

Mr. B. said that when the compromise act was on its gallop through this chamber—that act which adjourned the tariff question to the year 1842—adjourned it from a time when it was ready for settlement, to a time when no one will be thinking of it—to a time when the South especially will be sound asleep upon the subject; when that act was on its gallop through this chamber, he had endeavored to prevent the evils which it was the object of this bill to arrest; and for that purpose had offered an amendment, which, not coming from one of the contracting parties to the compromise, was not allowed to be adopted. That amendment was in these words:

"That all drawbacks allowed on the exportation of articles manufactured in the United States, from materials imported from foreign countries, and subject to duty, shall be reduced in proportion to the reduction of duties provided for in this act."

Such was the amendment which he offered. It was self-evidently just and proper; it was right and proper on its own face; yet it was rejected, and notoriously rejected, because the bill had been arranged out of doors, and was not to be amended in the House except upon the consent of its authors. The vote of rejection was 24 to 18; and I am perfectly aware that what was difficult to be done then is more difficult now; that those who have profited by our erroneous legislation, and still wish to profit from it, constitute a powerful obstacle to our legislation; that an immense speculation is in progress, founded on these errors in our legislation; and the doctrine of vested rights now seems to extend to all the errors and mistakes, as well as to all the abuses, of legislation. The sugar refiners—the rum distillers—the Northeastern fishermen—stand together to defend the advantages they have gained. Not content with the vast sums which they have already unduly obtained from our Treasury, the fruit of our vicious legislation, they become more insatiate in proportion to the amount they have received, and now boldly resist, as an invasion of their rights, any attempt to correct our own errors; and these refiners attack with abuse and personalities the member of Congress who ventures to do his duty to his country, and to attempt the redress of a public wrong.

The abuse of the sugar drawback commenced in 1829. It commenced in the act of January of that year, which increased the drawback from four cents to five cents a pound. I opposed that increase at the time, and foretold its injurious effect on our Treasury, and on our domestic sugar. I then foretold that that increase of drawback would vastly augment the importation of foreign sugars, to the prejudice of our own; that it would discourage the use of our domestic sugar for refining; that

it would establish vast manufactories in our country to refine, not domestic, but foreign sugars; and that it would cause immense exportations of this article for the mere benefit of the drawback, the one-fifth part of which would be a mere gratuity from the Treasury. This is what I said in December, 1828, when the bill for the increased drawback was on its passage in this chamber; and all the evils which I then foresaw and denounced, were in a state of sufficiently rapid development when the compromise act of 1833 came into life, and aggravated tenfold the evils of the act of 1829. By this compromise act, the almost incredible, and certainly unparalleled error was committed, of reducing duties without reducing the drawbacks founded upon them; an error which has had the direct effect of going at once to the *ne plus ultra* of the protective system, that of granting bounties out of the Treasury; a species of protection, which General Hamilton failed to establish in 1791, and which then, and ever since, has been admitted to be as flagrantly unconstitutional as it is grossly unjust to the community. The compromise act has established this species of protection, and now let us see its operation in relation to refined sugar; and now let us see its effect in stimulating the importation of foreign sugars, increasing the exportation of refined sugars, and increasing the amount of drawback from the Treasury. These results are seen in the Treasury returns, which have been communicated to the Senate, and printed by its order. Taking these returns from the year 1828–9, when the erroneous legislation in relation to sugar first begun, and the successive importation are:

Year.	Brown. Pounds.	White, clayed, &c. Pounds.
1828	51,686 955	5,249,006
1829	58,597,574	4 709,720
1830	76,576,388	7,906,658
1831	98,576,928	10,437,726
1832	60,117,717	6,334,571
1833	85,689,044	11,999 088
1834	107,483,841	7,966,014
1835	111,806,880	14,229 359
1836	181,243,537	10,182 578
1837	120.416 071	15,723,748
1838	139,200,905	14,678,238

Here is an increase of near three to one in about ten years; an increase which is beyond all proportion to the increased population and commerce of the country; an increase which has not been affected by the panics and distresses at home, and which is upwards of twice as great in the ruinous years of 1837 and 1838, as it was in the year 1832, when the Bank of the United States was in the zenith of its power and glory. Such an increase is unnatural and factitious, and announces the existence of some occult cause to stimulate and extend this branch of business beyond its proper bounds; while so many other branches of industry have been suffering from the bank suspensions, and the artificial and political panics and alarms with which the country has been afflicted. Such an increase, under such circumstances, announces the existence of some secret stimulus; and that stimulus is found in the vicious legislation of Congress in 1829 and 1833.

The increased exportation of refined sugars, and the increased amount of drawback upon them, have gone steadily forward, and with gigantic strides, since the compromise act has began to take fuller effect. In five years—from 1835 to 1839—these annual increases are:

Years.	Pounds exported.	Drawback.
1835,	856, 590	$42,329
1536,	1 675 372	83,768
1837,	2 012,854	100 642
1838,	2 909 886	145,494
1839,	5,026,027	251,301

Here is an increase of sixfold in five years; an increase of upwards of 100 per centum annually, for five years in succession; and these five years covering two bank suspensions, divers panics, and repeated jeremiads over the universal ruin produced by this wicked and worthless Administration. Surely it will be admitted that there are some exceptions to this universal ruin; that the sugar refiners at least are doing well; and are likely to do so long as our compromise act remains in force.

Strongly as this table presents the question, there is a still stronger view of it to be presented: it is the table of the amounts of drawback paid on these refined sugars for fifteen years, and by which it will be seen that, previous to the erroneous legislation of 1828, these drawbacks vibrated from $1,600 to $5,800; that immediately upon the passage of that act they rose as high as $45,000 and $84,000; and that on the passage of the compromise act in 1833, they took another rise, and have run up to $251,301. Here is the table of these astonishing increases, the mere view of which announces the existence of great errors in our legislation:

Years.	Amount.
1825	$1,612 68
1826	2,627 57
1827	5,834 36
1828	2 045 48
1829	45,092 56
1830	84,230 48
1831	63 688 65
1832	42,840 65
1833	34.643 80
1834	162 086 05
1835	42,829 50
1836	83,768 60
1837	100,642 70
1838	145,494 30
1839	251,301 35

Such is the increase of the drawbacks on refined sugars in the short space of fifteen years; I may say ten years; for the increase began with the erroneous law of 1829. The table proves the error; but it is not the only proof to that effect. A letter from the deputy collector of Philadelphia, Document No 334, attests the fact, and that in relation both to sugars and fish, he says:

"Under the act of January 21, 1829, the *bounty, drawback*, or *allowance*, is at five cents per pound, and no more. As there is no excise paid by the refiners, the allowance of five cents per pound was, in 1829, considered as equivalent to the amount of duties paid on two pounds of brown sugar at 2½ cents per pound, the duty payable on the same at the time of passing the act. The duties now are less by the excess under the act of 1832, and yet the drawback or bounty on the sugar is the same. It is so with bounty on pickled fish of the fisheries of the United States. When 20 cents per barrel was allowed, it was to drawback the duty paid on a bushel of salt, supposed to be used in curing a barrel of fish. Now the duty is less than 10 cents by the excess, yet the bounty remains at 20 cents, which is for more than two bushels of salt."

He also says:

"The quantity of refined sugar exported in 1839, (last year,) at this port. was 394,784 pounds, which, at 5 cents per pound, made $19,239 20 as a drawback. This far excee ds any amount paid for many years. In looking over our accounts from 1824 to 1838, inclusive, the highest amount does not exceed $2,600—say in 1836."

And he says further:

"I understand that large quantities of refined sugar will be exported from hence, and probably from other ports of the United States. I think the term *sugar refined* rather vague. Some of the refiners are of opinion that all sugars melted and properly clarified, and freed from all extraneous substances, may be considered as *refined*—that bastard sugar is refined sugar. I must confess that there is some plausibility in this, and it should be guarded against by the Legislature; for, although the bastard sugar is nothing more than the sugar-house white and brown sugars, yet it has gone through the same operation as the loaf and lump sugar, the only difference consisting in the last process of claying; but it is an inferior sugar—far inferior to a good muscavado in strength. I think the bounty, if allowed at all, should be on *refined loaf and lump sugar*; and, if the privilege of crushing the loaves or lumps is given, the crushing should be done in the presence of an inspector. The object of crushing can only be for the pupose of saving freight, to which there might be no objection, if done under proper inspection."

Finally, he says:

"I will, however, recall to your recollection a circumstance which occurred in this office. Mr. Canby invited you to call at his establishment in Church alley, several years ago, to see his process of refining, but refused to permit me to accompany you. In the course of conversation, the question arose as to the quantity of raw sugar necessary to make one pound of refined sugar. He stated that his brother thought that the bounty should be on 2½ pounds of raw, but his own opinion was that 2½ pounds were ample; the duty then was 2½ cents per pound, while I thought that an average of 2 pounds would be enough."

Adding this testimony of the deputy collector to the pregnant evidence of the tables, and the conclusion becomes irresistible, that enormous drawbacks are unduly drawn from the Treasury—that they are still increasing—that they are paid even on bastard sugar—and that there must be an error of half a pound of brown sugar in every pound of it refined.

Of the $251 000 drawn from the Treasury last year, I consider $150,000 to have been unduly and unjustly drawn. I do not say illegally, because our miserable laws authorized it. I consider three-fifths of the whole to be a naked gratuity—a mere bounty—a simple present from our Treasury; and I make up that sum thus: The act of 1829 added one fifth to the drawback, which drawback was sufficient before: this would give an error of $50,000 in $250,000. The act of 1833 has nearly reduced the duty on sugar one half, which should have reduced the drawback also near one half: this would take near $100,000 from the remaining $200.000. This gives a total loss to the Treasury in 1839 of near $150,000; a sum great in itself, but a mere trifle to what it is to be in 1841 and 1842, if the evil is not arrested. It is then that the duties go down to twenty per centum on the value, which will be little more than half a cent a pound on brown sugar, while the drawback is to remain at five cents a pound! This is a folly of which there is no example in the annals of legislation. It may safely be asserted that the legislative history of the world furnishes no instance of such careless and reckless and unjust legislation. But bad as it is—great as the loss to the Treasury already is—yet we are only at the beginning of it. The great harvest for the refiners is still ahead—it is in the years 1841 and 1842—when the compromise shall have reduced the sugar duty to half a cent, and left the drawback at five cents. Then the harvest takes place; and surely these two years will more than absorb the whole sugar revenue, and exhibit the spectacle of seventeen millions of people taxed in an article of universal consumption, in order to make a gracious present—a gratuitous gift—of the whole amount of the tax to some thirty-odd sugar refiners! Two years of such work will be able to clear princely fortunes; and it is highly probable that the most reasonable of the refiners will be willing for Congress to amend its law after that time. The game will be in their own hands; and two years of such work as they can perform, ought to satisfy the most greedy and voracious. A bounty, and a monopoly, at once in their favor! Five cents drawback on refined sugar; less than one cent duty on brown sugar; the treacle, syrup and sugar molasses all clear; a duty on foreign refined sugar, which excluds it from our market; the exclusive supply of the home market at their own price; drawbacks all payable in thirty days in solid money; hundreds of millions of pounds of brown sugar rapidly imported, converted by steam power into bastard or refined sugar, and exported at five cents a pound out of the Treasury: such is the fruit of our legislation—such the prospect before us—such the prize for which the refiners come here to contend—and such the mischiefs against which, solitary and alone, I raise my feeble and unavailing voice.

Mr. B. said he could not take leave of this topic of sugars, without noticing a paper which had been communicated to the Senate, and printed by its order; it was a letter from several sugar refiners in the city of New York, addressed to a member of this body, [Mr. WEBSTER.] The letter selected an expression from a former speech of his—the one he made, on asking leave to bring in this bill—and very clearly proved that expression to be erroneous. I then said the amount already paid to the sugar refiners for their drawback exceeded the whole amount of the sugar revenue, and that seventeen millions of people were *now* taxed on their sugar to turn over the whole amount of the proceeds of the tax to a few dozen sugar refiners. This was an error; but an error in time only. Instead of *now* receiving the whole amount of the sugar revenue, which they do not, these refiners will so receive it about two years hence! It is an error of two years; an error which has no effect upon the character of the bill, or the necessity of passing it. The truth is, that the duty on sugar going down—the exportation of refined sugars enormously increasing—and the drawback remaining stationary, the result is clear that the drawback will exceed the revenue when the duty reaches its minimum in 1842. This is clear; but whether the drawback should ever exceed the duty, is perfectly immaterial to the question of passing this bill. The amount of duty which they have paid in, is all that the refiners have a right to draw back. They have no right to

a cent beyond the amount they pay in. The whole point of my speech was to show that they received more than they paid; this they do not deny, and cannot deny. No man upon earth can deny it. Whether they now receive the whole amount of the sugar revenue, which they do not, or shall so receive it after 1842, which they will, is perfectly immaterial to the point of the debate, or the character of the bill, or the necessity of passing it. And here I will make the remark, that these refiners, by taking the trouble to show this error in my speech, and showing none but this, admit the correctness of the remainder. They admit the enormous increase in the amount which they draw from the Treasury, and which has risen from $42,000 to $251,000 in five years. They admit that they receive more than they pay—that they draw back out of the Treasury more than they put into it—and this is the sole point in the case. It is the sole question upon which the passage of this bill should depend. Thus by attacking an immaterial part of my speech, and leaving the material parts unanswered, they admit the truth of all that is material. And more: by attacking this statement, which I had myself long since corrected—by attacking this, and leaving unnoticed the letter of the deputy collector of Philadelphia, they admit all his most essential statements in relation to bastard sugars, crushed sugars, increasing drawbacks, excess of drawbacks over duties, and the false basis of two and a half, or even two and a quarter, pounds of brown sugar to make one pound of refined. All this they admit by not denying it, while denying an immaterial statement, erroneous only as to time.

So much for the sugar drawbacks; now for the rum and molasses. On this head I will be brief, because the question is less complex, and also less in amount than that of the sugar drawback, and derives its abuse from only one law. No act previous to the compromise gave any undue advantage to the rum distiller; it is that act alone which, by reducing the duty on molasses, without reducing it on the rum distilled from it and exported; it is this act which does all the mischief in this case; and its effect will be seen in the rapid increase of the quantity of rum exported, and the amount of drawback paid, since the act began to operate largely upon the reduction of duty. In the last four years these quantities and amounts stand thus:

Years.	Gallons exported.	Drawback paid.
1836	75,271	$1,010
1837	116,588	4,663
1838	214,742	8 589
1839	356,699	14,267

Such are the results in four years under the stimulating bounty of the compromise act. An increase of four fold in four years! An annual average increase of more than one hundred per centum in four years of great embarrassment and much general decline in other business. Surely the rum distillers have not felt the distress of the times; surely they ought not to join distress meetings, and sign panic petitions; nor cheer the orations of alarm orators. An increase of fourfold in four years is a fine improvement in any business, and in the best of times; in the present time it is wonderful; but it is only a foretaste of what is to come. With the rum distillers, as with the sugar refiners, the harvest is still ahead! The years 1841 and 1842 are to be the glorious era of the rum business. Then the molasses duty will go down to less than one cent on the gallon; the drawback will remain at four cents; a gallon of one will make near a gallon of the other; and if the hard times continue, and the banks choose to sink the price of corn and rye a little lower, then the whole drawback can be cleared by substituting whiskey for molasses in the rum distillery. This is what can be done, and probably will be done; for the temptation will be too great to be resisted. But, take it either way, and the effect will be about the same to the Treasury. The reduction of the molasses duty in 1841 and 1842, to almost nothing, while the drawback on rum remains at four cents a gallon, must stimulate the exportation of rum, and increase the total drawback to an amount above the total revenue derived from molasses. Then will be seen the same spectacle in the case of molasses, which will be seen in the case of sugar—a whole nation taxed for the benefit of a few individuals! The molasses revenue will not be sufficient, after 1842, to pay the drawback founded upon it. Seventeen millions of people will then be taxed on their molasses for the benefit of some hundred rum distillers; and this the effect of a law which was not allowed to be amended when on its passage through this chamber; and which now, claiming a pre-eminence over all other laws, and setting up a title to sanctity, is called *sacred and inviolable*, and not to be touched by the hand of legislation!

Mr. B. proceeded to the third clause in the bill, that which related to the reduction of the fishing bounties and allowances; and said that he was here met by a preliminary question—by a question of fact—whether the fishing bounties and allowances were founded upon the salt duties, and ought to rise and fall with the increase or reduction of that duty? I am met, said Mr. B. by this question; and having been met by it, I deemed it my duty to apply to the Senate for a committee to examine the laws and documents which apply to it, and to make a report upon the whole subject to the Senate. That committee has obeyed the order of the Senate: it has discharged its duty. It has made a report going back to the year 1789, and tracing the question through all its changes and bearings from that day to this; and have demonstrated, as they believe, that the fishing bounties and allowances rest upon the salt duty, and nothing but the salt duty; that they are the commutation and equivalent for the drawback of the duty paid on the salt used in curing that part of the cod and mackerel fish which are exported to foreign countries; and, consequently, ought to be reduced in proportion to the reduction of the duties on salt. In support of this opinion, the committee have collected a mass of laws and facts which I hold to be conclusive and irresistible. Their report has been printed, and lies on the tables of members; and, until its doctrines are impugned or controverted, I deem it unnecessary, in this chamber, to repeat or enforce them. Referring Senators then to the legal and documentary history of these bounties and allowances, as traced in that report from the year 1789, and relying upon its evidence to carry conviction to the minds of all who shall read it, I pass to some opinions on the subject which have fallen into my hands since it was written—which were written cotemporaneously with the report, and which are entitled to peculiar weight because they come from an important city in the fishing district, and where the reduction of these bounties and allowances are made a subject of much contestation. I speak of the New Hampshire Gazette, and the editorial article which it contains under date of the 9 h inst. The paper itself is the oldest Democratic paper in the State; its editor, Mr. Greenleaf, is a gentleman of great candor and intelligence; and his opinions and conclusions, written simultaneously with the committee's report, and at the distance of five hundred miles from this city, are precisely the same which the committee have presented. After saying something in relation to the excitement endeavored to be got up against Dr. Moriarty, the surveyor of the port at Gloucester, Mass for some communication in relation to the fisheries, he says:

"We know nothing of Dr. Moriarty's opinions in relation to the repeal of the salt tax, and the system of bounties and allowances; but in our humble opinion all Democrats ought to be in favor of this repeal. Whatever other arguments may have been used in the original adoption of the bounty system—whatever may have been urged in its favor in regard to the usefulness of the fisheries, and their forming a nursery for seamen—it is manifestly founded on the salt duty; and but for the consideration that the fisheries were the great source of revenue derived from the salt tax, the bounty system could never have been established. The very conditions annexed to this bounty, establish this fact beyond dispute. * * * * * If the bounty rested on considerations in spendent of the salt duty, and these considerations were the encouragement of the fisheries, on the principle that they form a nursery for seamen, to be transferred to our navy, why was it not extended to merchantmen on foreign voyages? And why not to the hardy sailor on every branch of trade throughout our extensive seacoast? Are not these, also, nurseries for seamen even more extensive than those of our fisheries, which, in case of war, may be transferred to our navy? And why not pamper the farmer, also, with a system of bounties, who rears up in the field the most hardy and efficient race of men to fill the ranks of our armies? * * * * * We protest against the injustice of bestowing bounties in the absence of any sort of tax to be pleaded as an offset: and we, in like manner, protest against continuing a tax, not needed, on an article indispensable to the whole community, for the special purpose of perpetuating a system of bounties to one class, which is confessedly, by the operation of the reduction of the tariff, under the compromise act, very shortly to prove greater than the tax itself. * * * * * * By the operation of the compromise act, (of which Mr. Clay has claimed the paternity,) the Treasury is now suffering under a system of bounties, drawbacks, and protections, which, if not already the case, must shortly prove a drain upon the Treasury greater than will be counterbalanced by the duties paid. No provision was made for a corresponding reduction in drawbacks, bounties, and allowances, in that act for the gradual reduction of the tariff. The Government, therefore, has been obliged to pay these in the same manner as when the highest rate of duties existed, while the tariff of duties has suffered an annual reduction of ten per centum on all the excess above twenty per centum on the value. * * * * * But the time has come when this subject should be probed to the bottom. The system of bounties should rest on its true foundation, to wit: the tax; and if it cannot be abolished at a period when, by a reduction of the duties, the bounties bid fair to exceed the amount of the tax, we may indeed despair of the Republic, and give it up as a prey to a ravenous system of exclusive monopolies, bounties, and protection."

Such are the sentiments (continued Mr. B.) of an enlightend and patriotic editor, living in a town which is itself a seat of the fisheries, and where twenty thousand dollars of annual bounty are paid. His sentiments are as just as they are disinterested, and will become the unanimous sentiment of the country. Truth is powerful, and will prevail. Arguments to the judgment, and to the moral sense, of an enlightened community, never fail of their effect. They soon put to flight the arguments addressed to ignorance, to cupidity, and to faction. And here I shall drop this branch of the argument, barely remarking that my colleague on the Select Committee on the Fisheries, [Mr. ANDERSON of Tennessee,] will reply to the arguments of the Senator from Massachusetts [Mr. DAVIS] contained in his minority report; and that, at a convenient season, I will also say something in reply to it. At this time, as that gentleman is not present, we will not say a word in relation to his report.

I now proceed to show the injury to the Treasury already sustained from the failure of the laws to reduce the bounties and allowances to the fisheries in proportion to the reductions of the salt duty on which they are founded. These reductions of duty began in the year 1830, and were, for that year, a reduction of 5 cents on the bushel, or a reduction of one-fourth; for the year 1831, the reduction was 10 cents, or the one-half; since the compromise act of 1833, the reduction has undergone further periodical reductions, and may now be at about 6 cents to the bushel, or the one-third of their original amount. It is clear that the bounties and allowances should have been reduced in the same proportion during all this time: instead of that, they have been paid in full; and this table of the amounts actually paid, and of the amounts which should have been paid, exhibits the annual loss to the Treasury:

Years.	Amounts paid.	Amounts which should have been.
1830	$206,715	$151,425
1831	213,894	101,947
1832	234,137	117,068
1833	258,466	129,233
1834	229 070	114 535
1835	233 321	116,165
1836	219,822	104,961
1837	257,541	118 720
1838	319,149	106 574

The aggregate loss to the Treasury from 1830 to 1838—the last year to which the accounts have been made up—is about one million. This is a large sum for the Treasury to lose, by a single drain in nine years; but henceforth it is to be much larger. The loss for the present year, and for 1839—assuming that of 1838 as the basis of the calculation—will be about $212,000 for each year. But in 1841, and 1842, when the duty has sunk to its minimum under the compromise act, the whole amount of the salt revenue will be unequal to the payment of these bounties and allowances. They will not only absorb the whole revenue from that article, but will require above $100,000 to be taken from other branches of the revenue to make good the deficiency! The spectacle will then be exhibited of a population of seventeen millions of people taxed in an article of prime necessity, and universal consumption, not to support the Government, or to pay the debts of the Union, or for any purpose known to the Constitution, but for the benefit of a single class of persons already enjoying a monopoly of the American market for fish, and proved, by

their own returns, to be doing a better business than any other branch of industry, and to be actuallily improving, while so many other branches of business are declining.

Mr. B. here referred to the Massacuusetts return of her fisheries, to show that this branch of business was doing well, and that it was not dependent upon national bounties to keep it alive. He showed that the cod and whale fishery yielded upon an average one hundred per centum on the capital employed in it during the fishing season of four months, and that each hand, for that short time, divided from $300 to $500; and he argued that this was an infinite'y better reward for labor than agriculturists received in any part of the Union; and therefore, that it was unjust to tax the community to give a bounty to them. He also showed, from the annually increas ng amount of the bounty paid, that it was an improving and thriving business. Upon these facts he argued against the gross injustice, as well as the utter unconstitutionality of doling out bounties from the Treasury to these fisheri s under the pretence of refunding to them a salt duty, when all the other fisheries, and the beef and provision curers, and all the Union besides, paid this duty in full, and received no drawback.

Mr. B. said the bill which he had brought in to reduce all the drawbacks—the refined sugar, the rum, and the fishing bounties and allowances—in proportion to the reduction of the duties on which they depended, was a bill self-evidently just and proper, and one which justice, law, and the Constitution, required to pass. The loss to the Treasury, from the three sources, must exceed $300,000 this year. After 1842, this loss, if the present bill is not passed, must exceed a million of dollars per annum. In other words, the people of the United States are to be taxed in their sugar, salt, and molasses, to the amount of $300.000 this year, and to the amount of a million in one or two years hence, for the mere benefit of a few dozen sugar refiners, a few hundred rum distillers, and a few thousand fishermen; each and all of which are proved to be doing a profitable business, and a thriving business, while almost every other branch of industry is suffering under the pressure and distress which the political, the gambling, and the insolvent part of the banks, have brought upon the country.

Mr. B. concluded his remarks with repeating the sentiment of the Editor of the New Hampshire Gazette, and applying it to the refined sugar and rum drawback as well as to the fishing bounties and allowances, that the time had come when these subjects should be probed to the bottom—when eac should be reduced in proportion to the reduce duty on which it rested—and when, if this canno be done, we may despair of the Republic, and give it up as a prey to a ravenous system of exclusive bounties, monopolies, and protection. Mr. B here offered an amendment proposing the total repeal of the salt duty, and supported it at length. His remarks will be published as soon as they are written out.

Mr. ANDERSON observed that he did not rise to make a speech, but simply to say that he concurred entirely in the views presented by the distinguished Senator from Missouri. The amendment which that gentleman had offered to the bill now upon the table, opened a very wide field of discussion: it opened the investigation of interests that were perhaps in some respects of sectional character, and in which the Senator from Massachusetts [Mr. DAVIS] now absent, took a deep interest. It would be remembered by the Senate, that the subject was presented to its consideration by the reports of the majority and minority of the Select Committee recently appointed to consider it, and that the minority report was drawn up by the Senator from Massachusetts who was now absent. He was, therefore, gratified that the Senator from Missouri propo ed to pass over it in order to wait the return of the Senator from Massachusetts, who, he presumed, intended to express his views on the subject. It was but an act of courtesy to wait this gentleman's return before taking up the bill for consideration; and when that opportunity should be offered, he should take occasion, as a member of the committee, to express his views also in relation to the interests it involved.

Mr. HUBBARD observed that the Senator from Tennessee [Mr. ANDERSON] had truly remarked that reports on this subject had been presented by the majority as well as the minority of the committee; but it must be remembered that the Committee on Finance, in their report on the subject, had recommended that no action with regard to it should be had at the present session of Congress. He did expect, however, that the Senators from Missouri and Massachusetts [Messrs. BENTON and DAVIS] would express their views on it, and that then the subject would be permitted to rest. He calculated that these reports would go out silently to the community, and that, after their constituents had well considered the matter, members would come here better prepared to act at the next session. He was not before aware that the Senator from Missouri [Mr. BENTON] intended to bring this question before the Senate at the present session for the purpose of having it fully debated. Such now he understood was his intention; and he also understood that such was the intention of the Senator from Tennessee. It was proper, therefore, that all the Senators should know it, in order that they might he prepared to meet the discussion. It was certainly not the intention of the Committee on Finance that this subject should be again brought up at the present session. For his part, he preferred that the people of the country should have full information on it before it was acted on, and that they should come prepared to discuss it at the next session, with a full knowledge of their views.

Mr. ANDERSON said he did not suppose that any thing he said would be misunderstood, or that his friend from New Hampshire had misunderstood him. It was the object of the Senator from Missouri, as well as his, that this bill should be taken up for discussion, and to express their views in relation to it. But as it was supposed that the Senator from Massachusetts took a deep interest in it, as he had made a report widely different from the bill, they deemed it but courteous to wait his return.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 22, 1840.

The SPEAKER announced that the first business in order, during the morning hour, was the resolution reported from the Committee on the Public Expenditures, by the gentleman from Massachusetts [Mr. BRIGGS,] proposing to abolish that committee on the ground that the duties of that committee had been transferred to other committees.

Mr. LEET of Pennsylvania, said, he desired briefly to enter his humble protest against the adoption of the resolution now under consideration. Whatever some honorable gentlemen might think, in regard to it, in his opinion it involved topics and principles intimately connected with the vast expenditures of this great nation, worthy of grave and serious reflection. He came, said Mr. L. into this discussion; he ventured to take an humble part, in no spirit of complaint, and with no inclination whatever, so far as he knew himself, to find fault with, or to deal out censure upon, the honorable gentlemen who compose the committee, a majority of whom, as he understood, agreed to report this resolution to the House. Since the attention of the House had been invited to this subject by his honorable friend from Mass. [Mr. BRIGGS,] chairman of the Committee of Public Expenditures, a gentleman whom he was proud to call his *personal* friend, he had been induced to look into it, not with a political view, but with an eye to the present and future interests of the country, and he had come to the conclusion that the committee in question should not be abolished, and that the position assumed by the gentleman from Massachusetts, [Mr. CUSHING,] and the gentleman from Virginia, [Mr. WISE,] was sound and judicious. What, sir, said Mr. L. has it been left for the House of Representatives of the people of these United States, in the year 1840, to abolish one of its most important investigating committees? Can we reconcile such a thing to a just sense of duty to ourselves and the people? Although he did not deem it necessary, for the legitimate purposes of the argument, to trace minutely the history of this committee, from its original establishment to the present period, yet it may be well to say that it was created in 1814, during the second term of President Madison's administration. What was the reason of the rule, under which it was raised? What sort of necessity induced the Congress of that day to constitute this committee? Sir, the condition of affairs of State at that period rendered this committee proper. The receipts from revenue, taken together with those derived from loans, amounted to thirty or forty millions. It will be remembered the Government then had the heavy expenses of a war to bear. The House of Representatives being responsible, in a great degree, for all moneys that were appropriated, acted wisely and just, as I am willing to suppose the present House would, was this a new question, in raising a Committee of Public Expenditures, whose duty, in the comprehensive language of the rule, is "to examine into the *state* of the several public departments, and particularly into laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments and the accountability of their officers."

Do not equally cogent reasons for its existence obtain, now as did in 1814? True it is, that the national incomes have varied from year to year—sometimes greater, and sometimes less; but your receipts from the sales of lands and from customs have, within late years, swelled the sums in your Treasury to very large amounts.

Mr. L. said, he was willing to concede that the gentlemen who advocated this resolution had plausibility on their side. It was argued, with a great degree of ingenuity and speciousness, that the rule defining the powers and duties of this committee had been in effect repealed, and that the duties had been transferred to, and distributed among, six other committees on expenditures in the several departments of the Government, which were created and added to the list of standing committees on the 30th of March, 1816. This being the case, it is contended the Committee on Public Expenditures has nothing to do, and therefore is unnecessary, and ought to be abolished. And in this view of the matter, continued Mr. L. the honorable gentlemen are helped along by a note in the volume of *Rules*, the authority of which he by no means admitted. What right had the compiler of the rules of this House, which always adopts and enacts rules for its own government at the beginning of every Congress, to pronounce sentence against the powers of the Committee on Public Expenditures? Give this *note* all the weight that can at all fairly attach to it, and it amounts to nothing more than the opinion of a gentleman who collected together the rules of the House. It cannot well be supposed, said Mr. L. that Congress, in 1816, when the six committees on accounts and expenditures were raised, *intended* to do away with the Committee on Public Expenditures. I, for one, will not attribute to them any such purpose. I can see no reason for doing so. If such was their meaning and design, why not say so in terms. There being no express repeal of the rule under which the Committee on Public Expenditures act, and from which are derived their great powers, I contend, said Mr. L. it is a fair and legitimate inference, that Congress never intended to abrogate it.

In the few additional remarks which he designed making, he begged leave to advert to some of the arguments urged by the honorable gentleman from Vermont, [Mr. HALL] The committee, of which the honorable gentleman is a member, at the present session, has from time to time reported in former years. The committee being, in successive Congresses, made up of different gentlemen, they took, it seems, different views of their powers and duties. Their several reports were rather in derogation of their powers. From this course of the committee, in times gone by, it is contended that it has always heretofore been considered doubtful

whether or not it had any thing to do. But, Mr. Speaker, said Mr. L. did those former committees ever make any investigations? Did they ever examine into any of the departments, or any of the various branches of the departments? They never did, so far as I am informed.

But, sir, as to these reports, touching their own powers. What was done with them? What action was taken by the House? Were they considered, debated, and adopted? No. Of course, then, they cannot be regarded as authoritative. They are good evidence, it is true, of the various opinions of honorable and experienced gentlemen in regard to the powers of this committee; but nothing more. These opinions, thus expressed in the form of reports, are certainly entitled to great consideration, and receive it, too, at my hands. So far, however, as the action of this House is concerned, I contend, said Mr. L. that it goes far to sustain the position, that the rule raising the Committee on Public Expenditures still exists in full force. Mr. L. continued and said, that there were not only shades of difference, but really material and substantial differences in the powers of this committee and the six committees on expenditures in the Departments. The powers of this committee are more extensive than those of either of the six Department committees; and are coequal with those of all the six Department committees combined. The language of the 71st rule is, it shall be the duty of the Committee on Public Expenditures to examine into the "*state*" of the several public departments. Now, sir, what does the word "*state*" mean? It has various significations. It means, according to the most approved lexicographers, when connected with other words, which indicate the sense in which it is used, a *body politic*. In the way in which it is used in this instance, it evidently means the affairs of the body politic; not some of the affairs, but any or all the affairs of State.

The committee (said Mr. L) have a commission given to them by this House, acting under the authority of the Constitution, in virtue of which, they can go into any Department of this Government, and examine every thing there in which the people are interested. The Committee on Public Expenditures have general powers; the other six committees relating to the departments have, each, special powers.

But granting, (said Mr. L.) that the aggregate powers of the six committees, are equal to those of the Committee on Public Expenditures; yet the jurisdiction is concurrent. Concurrence of jurisdiction among several committees can form no reason for abolishing any one of them. That on Public Expenditures, I contend, has no right to look into and decide upon the jurisdiction of other and similar committees. For instance, it cannot decide upon the powers of the Committee of Ways and Means. In this respect, these committees differ from courts of law. In some matters, several courts may have, or be supposed to have, jurisdiction; and if a suitor enter his plea to the jurisdiction, it is incumbent on the court to adjudicate on the plea. This would be all right. But no court would institute an inquiry to see if some other judicial tribunal had not the same powers it had; and if such a one was found, then decline taking cognizance of such suit or plea as might be preferred before it. But, as I said before, (remarked Mr. L.) if a plea to the jurisdiction is made, the court must decide; and if it finds that it has *no* jurisdiction, (not if it concludes it has concurrent jurisdiction,) *then* it will refuse to entertain the suit. It strikes me (said Mr. L.) that all that a committee of this House has to do, is to exercise the powers conferred upon it by the rule creating it.

Again, sir: all the rules, and this among the rest, have been adopted at each successive Congress. This present session, the 71st rule, the one now in question, was re-enacted. Certainly, therefore, it cannot be successfully argued that this rule is repealed. To sustain such a position, would seem almost to deny our own senses. We have all, or at least most, of us, have witnessed the enactment of this very same rule, which, according to the effect of the resolution, if adopted, must be considered as repealed. The rule for construing statutes, namely, that a subsequent law repeals a prior one, so far as it is incompatible therewith, does not apply in this case, because all the rules involved in this debate were solemnly enacted by the House at the same time, and consequently all must have equal force and equal validity. Now, sir, said Mr. L. there is another aspect in which this resolution is objectionable; he meant it was clearly inexpedient. In what I have to say upon the point of expediency, I will, said he, "keep the *state* of the question in my eye." I do not want to mingle political topics in the debate upon this resolution, nor shall I wilfully subject myself to be called to order. He contended there were many and powerful considerations, some of which were applicable to the House itself, and others more especially applicable to the Opposition party, why this resolution ought not to pass. Have we not, said Mr. L. year after year, heard long and loud complaints about the alleged wasteful and prodigal expenditure of the public moneys? Have not abuses, in every Department of the Government, been charged and trumpeted through the party presses from one end of the nation to the other? These complaints were heard during the Administration of the honorable gentleman from Massachusetts, [Mr. ADAMS.] We have heard them in still louder tones during the administration of General Jackson, and we hear them even now made against the administration of the present distinguished and able Chief Magistrate, Mr. Van Buren. All appropriations, of whatever kind, must, according to the Constitution, receive the sanction of this House; not one dollar can be applied to any purpose, by any officer of Government, except in pursuance of law, in the passage of which this House must of necessity have a voice. Vast sums are annually received and disbursed by the different departments. Millions flow into and out of your Treasury every year. The people look to the Legislative branch of the Government to extend their aid, at all events, in preventing abuses, and in correcting such as may creep into the management of the public treasure, in any of the various ramifications of the business of the Government. What, sir, shall we be told that there is nothing for the Committee on Public Expenditures to do? The ready response is, there is the Treasury Department, through the various branches and agencies of which pass millions of dollars every year; there is your Navy Department, and all the expenditures connected with it; there is your Post Office Department; and there is your Department of War, and its large expenditures, and in close connection with this may be ranked our Indian affairs—the expenses of removing Indians, and of buying out their rights to lands, &c. Will not all these vast and magnificent fields furnish sufficient ground for a committee, however experienced, however learned and laborious, to explore? Surely they will; and, indeed, in my humble opinion, said Mr. L. instead of lessening, we should rather augment, the number of committees, and more equally distribute labor among the members of this House. In this view of the subject, I would most respectfully and anxiously inquire, in the language of the resolution, why will you *abolish* one of the most important committees, which has been raised for the purpose of having and exercising a supervisory power over all the affairs of State, so far as expenditures are concerned? Why deprive ourselves, by a kind of suicidal act, of the main instrument which the Constitution of our country has placed in our hands for accomplishing these great purposes?

I do not, said Mr. L. wish to be understood as admitting that any abuses now really exist, which demand the attention of the committee. I know of none; and from my confidence in the President and heads of the Departments, cannot suppose any are allowed to exist. The non-existence of abuses, however, forms no argument in favor of doing away with the committee. Destroy your committee, and you will at the same time lose every particle of moral influence which the having a standing tribunal, which can look into the various branches of Government, whenever it chooses, is calculated to give the House. Sir, I would, said Mr. L keep the committee; I would preserve this board of visiters, in order that every Administration, in time to come, may at all times keep its "house in order," not knowing "the day nor the hour when they may be called upon to give an account of their stewardship."

I confess, sir, when I saw the Committee on Public Expenditures composed of a majority of honorable gentlemen opposed to the President, I expected that every department where any *abuses might* be suspected to exist, would be probed to the core. I had a right to suppose this would be the case; and, in all candor, I declare that, in my opinion, none could doubt as to the talents, experience, and peculiar capacity of the honorable gentlemen composing the committee, to pursue any inquiry they might deem it proper to undertake. But, sir, the committee have not made any investigation. Shall I say that "a change has come o'er the spirit of their dreams?" or, rather, may I not say that they have no grounds on which to found a reasonable belief that these crying abuses, about which we hear so much, (I don't mean in this House, but elsewhere, all over the country,) do exist? A great political contest is now going on; and those who war against the present worthy incumbent of the Presidential chair, will have to address the understandings of the people, if they expect to make any thing out of alleged abuses in the public expenditures. The people are intelligent, and before they set their faces against the present Administration, they must be convinced. If there be any abuses, how could they be better pointed out, how or by whom more satisfactorily shown to the American people, than by a committee of this House?

Mr. Speaker, some short time ago my distinguished colleague, [Mr. BIDDLE,] in one of his eloquent speeches, alluded to that portion of the President's last message, wherein he says, "I have directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service. They will be found less than the expenditures of 1839 by over five millions of dollars." My distinguished colleague alluded to this part of the message in his comments upon the subject of the proposed appropriation to the Cumberland road, and argued with great ability that Congress ought not to make any appropriations which were not embraced in the *estimates* of the Departments; that the President held out the idea of economy and retrenchment in public expenditures, and friends of the Administration in the House advocated appropriations in addition to those included in the estimates. This course he considered wrong, and pronounced it deceptive. Now, sir, the House are not bound by the *estimates* of the heads of Departments. It has a constitutional right to originate all bills of appropriation, and may, at its pleasure, confine itself to the estimates, or go beyond them. Might I not, as a friend of the Administration, with equal propriety, say in reference to the Opposition, that this thing of keeping up the *cry* of abuses in the expenditures of the public treasure, and not investigating them, when they now have, and during the last Congress had, the power of doing it to their entire satisfaction, is "keeping the promise to the ear, and breaking it to the hope?" Is not this course well calculated to lead a confiding people into error In saying this, I beg leave to remark, that nothing disrespectful to the honorable gentlemen on the committee is intended. I do not complain that they shrink from any necessary labor or duty.

But, sir, in conclusion, allow me to say, that I could not vote for abolishing this Committee on Public Expenditures. How would I justify or explain such a course to an honest and enlightened constituency. I take pleasure in saying, sir, here, in my place, that I have reason to feel proud of such a constituency as I have the honor to represent. Would they be satisfied with my telling them there was no necessity for this Committee on Public Expenditures? Would they agree that the *only* committee, which had a jurisdiction commensurate with all the departments of Government; which could march into any of the places where the public treasure was kept, and detect abuses, if any prevailed; would they, I say, agree to have that com-

mittee abolished? I think not. But, Mr. Speaker, I have already pursued this subject further than was my purpose, when I commenced, and will detain the House no longer. I have done.

Mr. MORRIS of Pennsylvania obtained the floor, and said he believed the subject had been sufficiently debated, and moved the previous question.

Mr. ADAMS hoped the gentleman would withdraw the motion, as he was desirous of saying a few words on the subject.

Mr. MORRIS would consent, provided the gentleman from Massachusetts would promise to renew the motion.

Mr. ADAMS thought it probable that, after he should have made his remarks, some gentleman would wish to reply; he could not, therefore, make the promise required.

Mr. MORRIS said that, as that was the case, he could not withdraw his motion.

The question was then taken on ordering the previous question, and, there being no second,

Mr. ADAMS spoke in reference to the importance of continuing the committee in existence. It was his opinion that, if the Committee on Public Expenditures had taken up the document which he held in his hand, (relating to receipts and expenditures,) they might have saved millions of dollars. They might do so even now, late as it was in the session; and if they did their duty, the country would have reason to rejoice if the House should refuse to abolish the committee. Mr. A. concluded his remarks by incidentally alluding to the civil and diplomatic appropriation bill before the House.

Mr. JONES of Virginia moved that the House proceed to the orders of the day; but pending that motion,

The SPEAKER laid before the House further testimony in relation to the New Jersey contested election; which,

On motion of Mr. SMITH of Connecticut, was referred to the Committee of Elections.

Several Senate bills were taken from the SPEAKER's table, and appropriately committed.

Senate bill granting pre-emption rights to settlers on the public lands, was taken up for commitment; when,

Mr. WHITE of Kentucky moved that it be referred to the Committee on the Public Lands, with the following instructions; which were read as follows:

"That said bill be referred to the Committee on the Public Lands, with instructions to report an amendment graduating the price of the public lands that have been offered for sale at public auction; and further, to report an amendment, dividing the nett proceeds of the sale of the public lands with the twenty-six States of this Union, according to the Federal *pro rata* of representation, to be ascertained by the census of 1840, to take effect after the first of January, 1841."

After a few remarks from Mr. WHITE in support of his proposition;

The CHAIR suggested that the proposition to commit was not at that time strictly in order as he was only permitted to take up the bill for reference by universal consent; and he suggested that the bill be laid aside for the present. The motion to commit was laid over.

The House then resolved itself into Committee of the Whole on the state of the Union (Mr. CASEY in the chair) and took up the civil and diplomatic appropriation bill.

Mr. DAVIS of Kentucky, who was still entitled to the floor, continued his remarks in relation to the causes of the increase in the expenditures. The present Administration came into power to lessen the expenses of Government, to have retrenchment, and it was no excuse or apology for them why they have not made this retrenchment, to say that the Opposition voted for the increase in the expenditures The Opposition were not pledged to retrenchment and reform. The Administration came into power under a promise that it would be done. They have had the power in one branch or the other of Congress, and should have prevented the increase in expenditures, even if the Whig party did vote the increase. He believed no retrenchment would commence or take place, except it came from the Executive—and that none could be carried through without his concurrence, inasmuch as none could be carried through with his opposition. He has the means and power to carry out reform. He then adverted to the public printing, which he said could be reduced. He was in favor of dispensing with the branch mints, on the ground that the mint at Philadelphia was adequate to all the wants of the Government. He spoke generally in favor of retrenchment.

Mr. REED obtained the floor, and justified the latitude of debate on this bill, on the ground that a proposition heretofore made by him to commit the President's message to the Committee of the Whole for the purpose of debate had failed. There must be some fit occasion to discuss the policy of the Administration—to examine its abuses if they exist or seemed to exist. Mr. R. after adverting to the increase of the expenditures, referred to some items which he was in favor of reducing. He was aware that they were called for to fulfil the provisions of existing laws; and if gentlemen were opposed to such laws, he knew of no other occasion that could be embraced to express his opposition to them.

He had endeavored, in vain, for many years, to correct abuses; and particularly the salaries of marshals and attorneys of the United States, for which an item of $14,500 is inserted in this bill. He was understood to call upon the chairman of the Committee of Ways and Means to explain in what amount to individuals this aggregate was distributed.

Mr. JONES of Virginia replied that the salaries of these officers were fixed by various laws of Congress, long since passed, and that they varied, ranging from $200 to $600 each.

Mr. REED was understood to say that he had called upon the Department a year ago for information in relation to the salaries and fees of the marshals and attorneys, and that the report had been since made, by which it was seen that they receive an enormous amount.

Mr. JONES replied that not one dollar of it was drawn from the public Treasury. The sum was made up from fees and costs.

Mr. REED said that made it much worse. It was drawn from the people, who were least able to pay it. The Government being more wealthy, it would not operate so hard if it were drawn from that source.

Mr. JONES of Virginia hoped the gentleman would not attribute the amount of these fees as an act for which the Administration was responsible.

Mr. REED complained of the large amount paid to these officers, and said it was an abuse which it was the duty of the Administration to correct.

Mr. JONES said if the gentleman would introduce a bill to correct this which he conceives an abuse, or any other abuse, he would vote for it. The fees of these officers fluctuate, and are, at times, very small in amount.

Mr. REED, after commenting on this topic for some time, adverted to the light-house system, and complained of a transfer made by the President of the sum of five thousand dollars, appropriated to that object, to the construction of the public buildings at Washington, when he was interrupted by

Mr. JONES of Virginia, who wished to say a few word in explanation of that matter. It had been frequently stated in the House as a matter of great astonishment, that the President should have transferred an appropriation intended for light-houses to the Treasury building. He would inform the gentleman that the President had done nothing but what he had been fully authorized by law to do. During the last few years appropriations had been made by Congress for the erection of light-houses, but with this proviso, "that after an examination of the location, their erection should be deemed necessary." Now the examination in relation to the light-houses in question, had been made by commissioners, under the superintendence of the Navy Department, and the commissioners had reported that they were not suitable locations. This money, to the amount of thirty or forty thousand dollars, being unapplied, the President, under the authority given to him by law, transferred the amount to the Treasury building. This was at a time, too, when the whole amount of appropriation for the building was exhausted, and when there was no roof on it. With a view, therefore, to protect the building from injury, the President had exercised the power given to him, and made the transfer. The gentleman must, upon reflection, be aware that the President had done no more than his duty, in thus applying the money for the purpose of protecting the building from the weather. That was absolutely necessary; and having accomplished that, he had gone no farther. The gentleman ought also to know, that if the money had not been applied to this object, it would, within two years, have become a part of the surplus fund, and could not be again taken from the Treasury, without another appropriation. Mr. J. then referred to the laws giving to the President the discretionary power which he had exercised.

Mr. REED continued his remarks, in the course of which he adverted to the remarks of the gentleman from Pennsylvania [Mr. KEIM] in relation to his views of the ballot system; when he was interrupted by

Mr. KEIM, who desired to be understood on this subject. He was desirous that the ballot for the people should prevail; but that, with reference to their Representatives, he advocated the *viva voce* system. He deemed it important that the people should know how their agents and Representatives voted on all occasions.

Mr. R. then resumed, and continued his remarks for a short time on that branch of the subject, and then adverted to the removal of the deposites from the Bank of the United States. He condemned such removal, and also the deposite of the revenues of the Government with the State institutions. He commented on the character of some of those institutions in his State, and censured them as unfit depositories. He referred to many other topics which had been touched upon since the bill was under consideration, and particularly the purposes and designs of the Hartford Convention. He was understood to say that the gentlemen who composed that convention were great and good men.

Mr. HOPKINS here obtained the floor, but, by request, yielded it to

Mr. DUNCAN, who was understood to say that an inference might be drawn from some of the remarks made on yesterday, that the friends of the Administration had been challenged to contradict the correctness of the statement which had been sent into Virginia, in relation to the expenditures of the Government, signed by the Federal Vigilance Committee, and that they dared not take the responsibility to do so. Now, to prevent such an inference, Mr. D. said he dared take the responsibility to say that that statement was not correct; and he would take occasion at another time to go into an investigation in detail, to prove it was deceptive in character. It was for base party purposes—it was merely the corner of the book—it was garbled from the documents in which an explanation in detail was made of those expenditures, and which explanation should have gone with it, to make it intelligible. The reason that he had not contradicted it yesterday, was because he could not obtain the floor to do so.

Mr. HOPKINS, after some preliminary remarks, alluded to the charges of extravagant expenditure made against the present and late Administrations, in the document sent recently into Virginia, with a view of influencing the election of that State. He said he should be able to show that, instead of the President being responsible for the extravagance charged in the document, the blame rested on the Opposition themselves, and he would, by a reference to the journal, prove that most of the large appropriations which swelled the aggregate of expenditures, had been voted for by a majority of the Opposition. He appealed to gentlemen whether, under this state of things, it was fair and just to hold the President responsible, when the expenditures had been supported by a majority of his political adversaries on that floor. In the remarks he was about to make, he did not wish for the committee to rely on his statements alone; but he intended to prove them by a reference to the journal, and then, so far as the yeas and nays would show,

the people could judge for themselves as to who was responsible for the extraordinary expenditures.

Mr. H. said he would refer to a single instance where an appropriation to a great amount had been made, by an almost unanimous vote of both parties, but which was set down in the document as a part of the extravagant expenditures of the Administration. He referred to the appropriation of ten millions made last year, to provide for contingencies which might arise from the excitement then existing in relation to the Northern frontier. Now that appropriation was made by an almost unanimous vote of both parties, there being only 6 votes in the negative; and yet, strange as it might appear, this large item was set down in the document, and formed a part of the charges made against the President. Was this fair? Was this justice? Was it right to hold the President responsible for an appropriation carried by an almost unanimous vote of the House? For his part, he must and would denounce it as unjust, as calculated to deceive the people of the country, and to raise unjust prejudices against an individual, against whom not the slightest blame was to be attached.

Having mentioned that instance, he would also refer to another, where similar injustice had been attempted. It was in relation to the indemnities received from foreign nations. These indemnities, it was well known, were received by the Government, acting in the capacity of a trustee only, and the moneys were paid out again to the individual citizens to whom they belonged; and yet these were also charged against the Administration, and formed a part of the aggregate.

Mr. H. proceeded to show that the millions recovered from France, Spain, Denmark, Naples, and other nations, and merely passing through the Government to merchants and others, for whom they were recovered, were all set down in the document as an expenditure out of the Treasury of the money of this country, when in fact this was money paid by foreign countries out of their treasury to American citizens. He appealed to the candor of gentlemen whether such a course was fair, to charge the Administration with the expenditures, when the Government was acting merely as the trustee of others.

Mr. H. then alluded to the several items set down in the document for harbors, the pension fund, the Cumberland road, Indian expenditures, &c. all of which he proved had been supported by the Opposition themselves.

He also referred to the item for defraying the contingent expenses of the House, which, of late had increased to such a great amount, and which, likewise, was charged in the document against the President. He asked whether it was not monstrous to attempt to blame that officer for such an item. How was it possible that gentleman could attempt to hold the President of the United States responsible for an increase of the contingent expenses of their own body? Had the President any thing in the world to do with it? And yet this happened to be one of the appropriations charged in that document against him. He would ask if there was a single gentleman on that floor who would get up and attempt to argue that any one but themselves was responsible for such an appropriation? Certainly not. Then how great was the injustice of attempting to throw the responsibility on the President. For his part, he had no hesitation in admitting that the contingent expenses of the House were, in some respects, too great, and he would most willingly co-operate with others for the reduction; but still that did not alter the case in relation to the responsibility of the House itself.

He might go on and mention many other items of a similar character, and before he concluded, he should have occasion to refer to official documents, for the purpose of proving the facts.

Mr. H. after adverting at much length to the various items of expenditure of past years, and showing that the items complained of had been supported by the Opposition themselves, expressed his astonishment at the course of the latter. He said if they would take the trouble to examine the various items of those extraordinary appropriations, and deduct them from the aggregate, they would find that the amount of difference was very small indeed.

Mr. H. then went on to say, that with a view of all these facts, and considering how the Opposition themselves had acted in supporting those appropriations, he could not say less than that, by the publication of the document in question, crying and barefaced injustice had been done to the President by those who attempt to hold him responsible for the whole expenditures.

The remarks of Mr. H. will be give in full hereafter.

Mr. ANDREWS obtained the floor, but, at his solicitation, yielded it, for the purpose of personal explanation, to

Mr. CORWIN, who replied at great length to the remarks of the gentleman from Virginia, [Mr. HOPKINS,] and particularly such parts as related to the document, purporting to give a statement of the expenditures of the Government, which had been sent out by the Whig Central Intelligence Committee, of which Mr. C. was a member. That document, it seemed, had given rise to great speculation. Mr. C. said, in consequence of the terms in which that gentleman had characterized it, and as his name was signed to it, some explanation was required from him. That gentleman, in characterizing it, had used one or two adjectives too much. He understood the gentleman to say that crying injustice had been done to the President by sending out that leaf of printed matter to which he had adverted. Mr. C. did not know whether he signed that document as an executor or a witness; but, since the gentleman had connected his name with it, and had attached to the document so suspicious a character, and thought it had done such crying injustice, it became him to make some sort of apology. Mr. C. after some preliminary remarks, said the statement was made up of the words and figures taken from the public records: that it was made in reply to a resolution of the House, by the Secretary of the Treasury. It was a statement of facts and figures sent in by that Secretary. It was called for for the purpose of disseminating the information it contained among the people. But the chief complaint seemed to be, that no explanation of the causes of the increase had accompanied the statement. He knew that it was very easy to show that the appropriations to light-houses had caused a part of this increase, and that a large portion had been sunk in the swamps of Florida. The whole crime seemed to be, that they did not go into an investigation to show these facts to the people. He argued that if the Whigs did vote for the appropriation making the aggregate in the years of the past and present Administrations, included in this document, it would not add any thing to the stock of knowledge of the people to tell them so. All that he had to say was, that if the Whigs did vote for them, turn them out. Mr. C. was understood not to coincide with the views of the friends of the Administration, that the President was not responsible for the increase in the expenditures on the ground that he could not exercise any influence over the deliberations of Congress; and went into an argument to show that such influence might be exercised. The friends of the Administration could not, he said, rid themselves of the responsibility of the increase of the expenditures on the ground that the Whig party had voted for them. He did not believe that the Whig party had voted more uniformly for the large appropriations which swelled the expenses of Government than the friends of the Administration.

Mr. DUNCAN inquired of the gentleman from Ohio, [Mr. CORWIN,] whether the document sent out to influence the Virginia election, contained the whole document reported from the Department?

Mr. CORWIN replied, that if the gentleman alluded to the report of the Treasury Department, that was entire; but if he alluded the other part of the printed pages, it was not all there, but mere extracts. God forbid that it should be all there. Mr. C. said it was not fair for the gentleman from Virginia [Mr. HOPKINS] to charge them with doing injustice because they did not make an elaborate explanation of the items which made the aggregate of the expenditures in that statement. Mr. C. then spoke at great length in reply to attacks on the principles of General Harrison; and particularly the exceptions which had been taken to his refusal to reply to the interrogatories which had been put to him to draw out his opinions. He did not consider it of so much importance that his opinions should be known on one or two isolated questions of the thousand subjects which occupied the public mind. Mr. C. spoke at some length on various other topics, and after concluding,

Mr. McKAY obtained the floor; when on his motion the committee rose. Then

The House, at 8 o'clock, adjourned.

IN SENATE,

THURSDAY, April 23, 1840.

Mr. CLAY of Alabama presented the petition of the Florida, Georgia, and Alabama Railroad Company, praying a further extension of time on certain duty bonds; which was referred to the Committee on Finance.

Mr. CLAY of Kentucky presented a petition from citizens of Pennsylvania, praying the passage of a general bankrupt law; which was laid on the table.

Mr. PORTER presented the memorial of a number of citizens of Detroit, praying the adoption of measures for the preservation of the records of the Board of Commissioners for the adjustment of land titles in Detroit; which was referred to the Committee on the Judiciary.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the memorial of Miguel Eslava, made a favorable report thereon, which was ordered to be printed.

Mr. NORVELL, from the Committee on Commerce, to which was referred the memorial of sundry inhabitants of St. Clair, in the State of Michigan, praying that a duty of five cents may be imposed upon every pound of fish imported from the Canadas into the United States, said that he had been instructed by the committee to ask to be discharged from the further consideration of the memorial, and to move its reference to the Committee on Finance. The subject was one of importance; but he supposed that it could not be maturely or successfully acted upon until the tariff generally should be taken up. That will and must be done at the next session. He presumed that no partial movement in relation to it could succeed, and that this memorial must take its chance with the tariff. The motion was agreed to, and the memorial, properly belonging to that committee, was referred to the Committee on Finance.

Mr. SEVIER, from the Committee on Indian Affairs, to which had been referred the petition of J. L. Schoolcraft, made an adverse report thereon; which was ordered to be printed.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which had been referred the petition of James Ware, made an adverse report thereon; which was ordered to be printed.

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill for altering the time of holding the term of the courts in the Western District of Pennsylvania, at Williamsport, reported the same without amendment.

On motion of Mr. W. the bill was then taken up, considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill for the relief of Avery, Saltmarsh, and Company, was taken up, and after a discussion, in which Messrs. SMITH of Indiana, CLAY of Ala. LUMPKIN, TAPPAN, KING, WHITE, and HUBBARD, participated,

Mr. TAPPAN moved to lay it on the table; which was disagreed to—ayes 16, nays 18.

On motion of Mr. WHITE, it was recommitted to the Committee on Claims.

The bill to amend the act entiled "An act to amend an act entitled 'An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Dubuque, and Peru, in the county of Dubuque, Territory of Wiskonsin, and for other purposes,'" was taken up, on motion of Mr. YOUNG, and after being discussed, was uniformly passed over for the present.

On motion of Mr. CLAY of Alabama, the bill

providing for the reduction and graduation of the price of the public lands was taken up, when a highly animated and interesting discussion took place, wherein Messrs. CLAY of Alabama, CLAY of Kentucky, WALKER, MERRICK, BENTON, HUBBARD, WHITE, CRITTENDEN, PRESTON, SMITH of Indiana, CALHOUN, and others, participated.

Mr. HUBBARD moved to strike out the third and fourth sections of the bill; the question having been taken, was decided in the affirmative, as follows:

YEAS—Messrs. Anderson, Brown, Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Dixon, Hubbard, Lumpkin, Merrick, Pierce, Prentiss, Preston, Roane, Ruggles, Sturgeon, Williams, and Wright—20.

NAYS—Messrs. Allen, Clay of Alabama, Fulton, Grundy, Henderson, King, Linn, Mouton, Nicholas, Norvell, Porter, Robinson, Sevier, Smith of Indiana, Tappan, and Walker—16

Mr. PRESTON moved to strike out the second section, but, at the suggestion of Mr. CLAY, limited his motion to strike out that part only in the section which conferred the privilege of purchasing at a less price to settlers on adjacent lands.

After some further debate on this motion, the question was taken by yeas and nays, and decided in the negative, as follows:

YEAS—Messrs. Brown, Calhoun, Clay of Kentucky, Clayton, Crittenden, Dixon, Merrick, Prentiss, Preston, Roane, Ruggles, and Williams—12.

NAYS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, White, Wright, and Young—26.

The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, White, Williams, Wright, and Young—27.

NAYS—Messrs. Brown, Calhoun, Clay of Kentucky, Clayton, Crittenden, Dixon, Merrick, Prentiss, Preston, Roane, and Ruggles—11.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, April 23, 1840.

The CHAIR announced that the business first in order during the morning hour was the following resolution, reported, by the gentleman from Massachusetts, [Mr. BRIGGS] from the Committee on Public Expenditures, viz:

Resolved, That the duties originally assigned to the Committee on Public Expenditures, by the rules of the House, having since been transferred to other committees, and the said Committee on Public Expenditures having no duties to perform, that the rule for its appointment be abolished.

Mr. ADAMS, who was entitled to the floor, argued generally to show why the Committee on Public Expenditures should be continued in existence. He said that there were, perhaps, not many members in the House who knew better than he did, that a strict examination of the accounts of the several Departments was not a very agreeable thing. Mr. A. then adverted to the course of argument indulged in by the gentleman from Pennsylvania, [Mr. OGLE] to which he was understood to take exception, and to censure. He said that when his colleague, [Mr. LINCOLN,] who, during his necessary absence, permitted him [Mr. A.] to occupy the seat from which he was now speaking, spoke in his place, and gave an account here of the manner in which he went to the President's house, and examined into every chair, and table, and bed, and bedding, and washstand, and all the other furniture of a bed chamber, the good feelings of his colleague's nature could not restrain him from saying that it was a painful duty, and that he hoped he should never be called to perform it again.

Mr. A. had undergone the process of examination more than once, and knew what it was; and hoped every member, without regard to party policy, would put the question to himself, whether it would accord with his feelings to have his domestic sanctuary violated by the scrutinizing visit of a stranger—his household, his castle—which is so acknowledged to be by the common law. The consequence (said Mr A.) of the late examination of the President's house has been exposed to this House and to the nation; and, so far as relates to that subject, he believed the examination made by his colleague, and to which he had referred, was made as chairman of the Committee on the Public Buildings.

Mr. A. would recommend to the SPEAKER of the House, (who had appointed the committees at this time, and all who might hereafter become Speakers of the House,) to appoint persons to perform services of that nature, men of delicate feelings, and who would discharge their duty in a manner similar to that of his colleague. Mr. A. would say to the committees who might undertake to examine into the several Departments of the Government: when you go to the head of any Department to examine expenditures, go there with the feelings of men, and not as party politicians; go there, considering what would be your feelings were you placed in that situation. If you apprehend the affairs of any department are not properly conducted, go to the head of it, and ascertain facts. If the committees on the expenditures of the several departments should do their duty, they would be auxiliary to the general Committee on the Public Expenditures, and would enable them to make more satisfactory reports than have ever been made. Mr. A would specify an occurrence during one session, about the year 1820 When he was at the head of the Department of State, the Committee on the Expenditures of the Department of State came to that Department, and he pointed out every article of expenditure to them, and laid the list before them, and they inquired into the cause of them. They also require of him a written statement of the expenditures of the Department. Mr. Wood, the chairman, reported to this House, and appended his (Mr. A's) statement to the report, which was entirely satisfactory to all parts of the House. If such a thing was done at one session, why not (said Mr. A.) do it at every session? Why not? Why should it not be done? He believed it would save a great deal of expense; and stated this as his reason for the vote which he would give against the resolution to abolish the Committee on Public Expenditures.

Mr. THOMPSON of Mississippi said it was of the utmost moment that the various reports and bills which had been accumulating on the hands of the several committees should be reported and acted on. The House had been detained for nearly a week with the question under discussion. For himself, he was ready to vote upon it, and he believed the whole House was prepared to vote upon it; and, therefore, he called for the previous question.

Mr. CUSHING said that this question had been a subject of controversy, and solemnly settled at previous Congresses, and therefore called for the yeas and nays; which were accordingly ordered, and resulted—yeas 6, nays 148

So the resolution was rejected.

On motion of Mr. JONES, the House then resolved itself into Committee of the Whole, (Mr. CASEY in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. McKAY, who was entitled to the floor, made an able vindication of the Administration from the charge of extravagance, which had been alleged by the Opposition in the House. He adverted to that part of the message of the President of the United States, which expressed a desire for an economical administration of the Government, and which said that if Congress did not exceed the estimates, that there would be a reduction of several millions of dollars this year in the expenditures. The chairman of the Committee of Ways and Means, said Mr. McK. had told the House that that committee had reduced the amount on some of the items in the estimates; he thought that the probability was, that at the end of the present session of Congress, the appropriations would not exceed the estimates—that a retrenchment of some twelve millions would be effected at the end of the three years of the present Administration. This he thought at least a guarantee that the promise of retrenchment was not a hollow profession; but that it would be actually effected to that large extent. Notwithstanding the expenditures were something more at the present time than at the last year of the administration of Mr. Adams, it was no proof of extravagance. Extravagance did not consist in the amount expended, but in the manner of the expenditure—whether it was legitimate and advantageous to the great national interests which are peculiarly committed to the fostering care of the General Government. The expenditures in old and established Governments ought not to increase with its growth in population and wealth; but the case of the Federal Government was a peculiar one. A large portion of the country was comparatively new, and every thing had to be created; and therefore the expenditures must, to a certain extent, keep pace with the development of the resources of the nation, and the consequent wants of the Government, growing out of the rapid increase of the population of the country, and its extension over an immense territory. By the addition of new States to the Federal Union, new wants necessarily arise, and some augmentation of the expenditures consequently grow out of it. Mr. McK. then exhibited statistics, shewing that the increase in the expenditures, in proportion to the development of the resources of the nation, new wants by the addition of States and increase of population, had been less since General Jackson came into power, than prior to the end of Mr. Adams's administration. He also adverted to statistics showing the progressive increase in the expenses of the State Governments, particularly the States of New York, Pennsylvania, and Maryland, and that such increase had been rapid and regular from year to year, more so than that of the National Government, without even taking into the account the enormous debts incurred by the States for conducting their works of internal improvement. The mere fact of the increase of the amount of expenditures, if laid out constitutionally and beneficially, was not proof of extravagance. To carry out the views above taken in relation to the progressive increase which was inevitable and unavoidable, from the extension of the Union, Mr. McK. adverted to the Post Office Department, and the great amount necessary to carry on its operations. This Department derived nothing from the Government for its support; yet, since the administration of Mr. Adams, the $5,000,000 in round numbers necessary to carry on its operations, have to pass through the Treasury, and be appropriated in the bill before the House, and thus to that amount apparently contributed to swell the expenditures of the Government, without in fact constituting any part of it. If the Whig argument was correct, that increase in the expenditures was proof of extravagance, why there was great extravagance in this Department. The rates of postage remained the same as they were at the time of Mr. Adams, and yet its revenues have swelled to near $5,000,000. But during the administration of that gentleman, the revenue of the Department was only $1,600,000. He asked if there was a gentleman belonging to the Opposition in the House, who had the boldness to rise in his place and assert that the disbursement of this large sum of money was proof of extravagance. Look at the great increase given to the mail facilities throughout the country—the great increase in the post offices from about seven thousand to near fourteen thousand. And all this, too, effected without a single dollar of increase of taxes on the people. This shows the great development of the resources of the nation, and the wants consequent, and increased appropriations necessary to supply such wants. The gentlemen in the Opposition, in their desire to throw the responsibility of the increase of expenditures upon the Executive Department of the Government, lose sight of the fact, that the President cannot originate money bills, or add any thing to the burdens of the appropriations, or take them off. Congress alone has that power, and is, therefore, responsible to the people for the amount of money taken from their pockets. The President has no control over the

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, MAY 5, 1840. VOLUME 8.....No. 23.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 22.

expenditures. He cannot expend a dollar, except it be appropriated by law of Congress. His only power is to see it judiciously applied, in fulfilment of these laws.

Mr. McK. then referred to the messages of General Jackson against heavy expenditures, and commented thereon; and proved that, if it had not been for the interposition of his veto power, the system of extravagance on objects of internal improvement which had grown up under the Administration of Mr. Adams, would have been swelled to upwards of one hundred millions more than had been appropriated to that object since General Jackson went into the Presidential chair. To prove that the promises of retrenchment were not hollow, during his administration, Mr. McK. showed, from official statements, that not a new tax on duty had been laid during the whole period, or since, but that a great many duties had been reduced, amounting, in the periods below, as follows, viz:

In 1831,	- - - -	$3,723,000
1832,	- - - -	7,304,000
1833,	- - - -	19,789,000
1834,	- - - -	24,445,000
1835,	- - - -	27,453,000
1836,	- - - -	34,688,000

making an actual reduction in the burdens on the people of these amounts.

In the last four years, the reduction of taxes on imports was larger than the whole amount of actual receipts into the Treasury during the administration of Mr. Adams. Yet these Whig gentlemen are contending that there has been no retrenchment of the burdens on the people. If the tariff act of 1828 had remained unaltered, the receipts into the Treasury would have been upwards of one hundred millions more than they were during the administration of General Jackson, notwithstanding the large amounts of receipts during that period; yet, by this enormous reduction, the burdens of the people have been lessened more than one half. Mr. McK. then showed on what particular articles the reduction had been made, being principally necessaries of life, including tea, coffee, and brown sugars, on which some forty millions had been reduced. On the articles of tea alone, 15 millions reduction had been effected in the space of three years; and on coffee some $13,000,000. Mr. McK. then argued that the great accumulation of surplus revenues was one great cause of the increase in the expenditures. He said if the money was collected it must be spent. It would be ruinous to the best interests of the country to have hoarded revenues thus unnecessarily collected. If the money was taken from the people, it must be sent back to the people—it must be expended. Therefore, the most effectual way to diminish the expenses of Government would be not to take more money from the people than was absolutely necessary for great public purposes. It was the duty of Congress to see that no more was collected than was necessary; and when collected that it should be appropriated to constitutional objects. If more had been heretofore collected than the proper wants of the Government required, those who opposed the repeal of the duties were responsible. He then quoted from the speeches of Mr. CLAY, to show that if the views of the Executive had been carried out in regard to the tariff, the revenues from imports would have been still further reduced. Mr. CLAY admitted, in 1833, that his American system was in danger from the friends of the Administration—that it would have been overthrown if it had not been for the compromise act. Mr. C. also admitted in 1836, that he foresaw, at the time of the compromise act, that it would produce a surplus in the Treasury, and endeavored to guard against it by his bill for the distribution of the proceeds of the public lands. The Opposition were then, and now are, friendly to a high tariff.

So far, then, as the fact that too much money had been collected, contributed to swell the expenditures of Government, the Opposition, that now declaimed so much about extravagance, were responsible.

Mr. McK. then showed the large amount of goods imported free of duty since the administration of Mr. Adams; which, during the administration of Jackson alone, exceeded that amount by many millions. He showed the good effects of the specie circular in preventing large amounts of depreciated bank paper from coming into the Treasury, and thus did away with one cause which would make it necessary to swell the appropriation to get rid of the money; and prevented the rich lands of the West from passing into the hands of speculators.

Mr. McK. then adverted to the assertion of some gentlemen who wished to hold the Executive responsible for the appropriations, that they would not vote for any measure unless estimates were received from the Departments for that purpose. He said that the appropriations had generally exceeded the estimates of the Departments from the foundation of the Government. The estimates depended more or less upon the legislation of Congress; and cited many instances to prove the ground assumed. The bill to increase the pay of the navy, which was voted for by the Opposition generally, one year alone caused an increase in the estimates for the next year. It was thus that the estimates were increased by the action of Congress. The act of Congress, which one year caused an excess of appropriations over the estimates, next year, by the same process, swelled the estimates over those of the previous years.

It was degrading to the character of the House to say that Congress should be confined to the estimates. It was the duty of the Executive to report the amounts of estimates necessary to fulfil the provisions of existing laws, and not for him to say that such estimates should not be exceeded. The President had not said so; but if the argument of gentlemen prevail, it would, in effect, be giving the power to the Executive to originate all the appropriation bills. He would be glad to see, in many instances, the appropriations reduced below the estimates; but they were in accordance with the existing laws, and could not be touched, without a repeal of those laws.

Mr. McK. then showed that even the estimates, under existing laws, fluctuated. Supplies to the army and navy being influenced by the state of the currency of the country, cost more some years than others; this was one cause that contributed to swell the appropriation during the last and present Administrations, the prices of provision during that period being very high. He then went into an examination in detail, and showed the large amounts appropriated to national objects during that time, exceeded by many millions appropriations to such objects during the administration of Mr. Adams. He examined in detail all the appropriations which made up the excess over the administration of that gentleman, and showed conclusively that many of the objects of those appropriations originated with the Opposition, and that that party had invariably voted for all the appropriations, for the increase of which they wished to make the present Administration accountable. The remarks of Mr. McK. will be published in full hereafter.

Mr. EVANS took exception to the course of remark of the gentleman from North Carolina [Mr. [McKAY,] in relation to the causes of the increase of the expenditures; and particularly took exception to his argument in relation to the burdens of taxation of which the people had been relieved during the administration of General Jackson. He replied at length to the topics. He did not deny, however, that the Whig party had voted for the greater proportion of the appropriations to which that gentleman had adverted. Mr. E. said he did vote for the appropriation to fortifications, as the gentleman from North Carolina had charged upon him; and it was no mortification to him to have his votes, which were recorded on the journals, in favor of appropriations to all the great objects to which the gentleman had adverted, exhibited to the House and the country. He did not boast there or elsewhere that he did vote for them. If he had any pride about the matter, it was because he had voted for appropriations to harbors, fortifications, light-houses, and other great national objects. He did not profess to belong to a party in favor of a parsimonious Administration, though he was for an economical one. There could be economy in the expenditure of millions, and extravagance in the expenditure of hundreds. As for the expenditures on harbors, fortifications, roads, and light-houses, he took pride if his vote had helped them on. There was no economy in confining the expenditures of Government to a small amount—to fifteen millions, as had been proposed by one gentleman from North Carolina. Economy did not consist in confining to a small amount, but in judiciously applying what was appropriated to such objects were was worthy the care of the Government. He did not complain of the amount of the appropriations, but the manner in which it was applied. He disapproved the Indian policy—the policy of acquiring lands—which had caused the Indian wars, and which had thrown an immense expenditure of money upon the Government, and contributed to swell the appropriations, which he and the party to which he was attached were compelled to vote for, however much they were opposed to the policy making the appropriations necessary. Mr. E. agreed with the gentleman from North Carolina [Mr. McKAY] that too much had been said in the course of the debate on this bill, in throwing the responsibility of the appropriations on the President, that would tend to surrender all the powers of Congress to the dictation of the Executive. Some gentlemen had contended that they would not vote for any appropriation except the Executive Departments reported estimates for such purposes. He was totally opposed to the doctrine that Congress should vote nothing except upon the estimates of the Departments. All the Departments had a right to do, was to make estimates of the specific amounts necessary to carry out the provisions of law. Whenever the Executive stepped beyond that, he overstepped the duties assigned him by the Constitution and the laws. His duty is to follow the lead of legislation, and send us estimates of what is necessary to execute the provisions of laws passed by Congress. The great fault he found with the Executive now was, that, after he sent those estimates, under existing laws, he dared to tell us not to originate any new measures, for fear of exceeding those estimates. You, the representatives of the people, do not commence a single new work, however much the wants and interests of the country demand it. It was the business of Congress, in the exercise of its constitutional functions, without any dictation from the President, to originate and pass such measures as were necessary. It is their duty to see to the state of the Union, and to provide for its general welfare. The estimates of the Departments should not to be taken upon trust. If it had been otherwise, things would be different from what they now are.

Mr. ATHERTON went into a full examination of the principles of the party opposing the present Administration, identifying that party with the old Federal and Hartford Convention party; and made a most able vindication of the principles of the present Administration; [a full report of it will be published hereafter;] but, before concluding, yielded the floor to

Mr. HOWARD, who said that, with the permission of the gentleman from New Hampshire, he would move that the committee now rise.

A division being had on the motion, resulted, ayes 54, noes not counted: there being no quorum.

The committee then rose, and,

On motion of Mr. TRIPLETT,

The House adjourned.

IN SENATE,

FRIDAY, April 24, 1840.

Mr. LINN presented petitions and memorials of the following character, which were appropriately referred:

Memorial of the citizens of Clay county, asking for a Superintendency of Indian Affairs on the western frontier of the State of Missouri.

Petition of the heirs of Joshua Bishop, for horses stolen by Indians in 1812

Evidence in support of claims for depredations committed on the property of citizens of Cote Sans Dessein.

Petition of the inhabitants of Calloway county, Missouri, asking pay for horses stolen by the friendly Indians under United States protection.

Memorial of sundry citizens of Cote San Dessein, praying remuneration for Indian depredations.

Petition of John Turner, for horses taken in 1812.

Petition of Francis Roy, Antoine Foy, Jos. Reves, and J. P. Donoyler, for Indian depredations.

Petition of the administrator of J. Cooper.

David McQuintly, administrator of Wm. Head, praying remuneration for Indian depredations.

Petition of R. A. and J. G. Heath, for Indian depredations.

Deposition of Robert Hancock.

Deposition of Francis Cooper.

Claim of Elisha Todd, for property taken by the Sac and Fox Indians in 1814.

Claim of Jos. Boggs, for property taken by Sac and Fox Indians in 1814.

Petition of John O'Bannon, praying remuneration for Indian depredations.

Petition of David Magill, for property taken by Sac and Fox Indians in 1814.

Petition of Joseph Roy, for Indian depredations.

Petition of Jesse Watkins, James Turner, and Benjamin Cotton, for Indian depredations.

Petition of Joshua Freeman, for Indian depredations.

Petition of Lewis Bartholet, for Indian depredations.

Petition of Joseph Austin, for Indian depredations.

Claim of Absalom Broom, for property taken by Sac and Fox Indians in 1814.

Petition of Thomas Wasson, for Indian depredations.

Petition of John P. Roy, for Indian depredations.

Petition of Thomas Wood, for Indian depredations.

Petitions of Wm. Monroe and Joseph Wolfskill, for losses sustained in the Boonslick settlement by the friendly Sacs during the war.

Petition of R. E. Gentry, Wm. Monroe, and others, for Indian depredations.

Petition of Geo. Jackson, for Indian depredations.

Mr. BUCHANAN presented the memorial of Jonathan H. Cobb of Dedham, and Samuel Cobb of Needham, Massachusetts, manufacturers of sewing silk and other silk goods, requesting Congress to impose a duty on the importation of foreign silk manufactures.

Mr. B. said that it had been demonstrated by experience, that our soil, our climate, and our pure and dry atmosphere, were peculiarly adapted to the production of silk. With this experience before our eyes, our country presented the strange, he was about to say absurd, spectacle of admitting the importation of foreign silks free of all duty. This was done at a time when our revenues were not equal to the expenses of the Government; and we were actually borrowing money to supply the deficiency. A new issue of Treasury notes might have been altogether avoided, had we, in time, imposed a moderate revenue duty on the importation of this article of luxury. Such a duty would have afforded, and would still afford, incidental encouragement to the production of silk—a branch of industry which was now struggling into existence, not only without the aid, but in direct opposition to the existing policy of our laws.

He confessed he could perceive no good reason why a revenue duty should not be imposed upon this article at the present session of Congress; whilst, as a mere revenue measure, there were many good reasons for our immediate action. We not only had lost the amount of revenue which would have resulted from a direct duty upon this article; but by a construction of the laws, which Congress never intended, we had lost very large sums incidentally.

There could be no policy more wise than that of varying our productions. This would essentially contribute to check the enormous amount of foreign importations under which our country now periodically suffered. The memorial states, "that in the year 1836, it required the whole exports of the Union, with the exception of cotton, and an addition of eight millions in cash, to pay for the importation of silk alone." Was not this statement—which he believed to be correct, although he had not himself recently examined the statistical tables—sufficient to carry conviction to every mind? All the products of agriculture, except cotton, of manufactures, and of the fisheries, which we exported, were exhausted in the purchase of foreign silks, and eight millions of dollars were required to supply the defficiency! What would the civilized world think of such folly? And as if this were the wisest policy in the world, we continue to throw open our ports to the free importation of this article, whilst we are borrowing money to defray the ordinary expenses of Government. Besides, this can never be regarded as a sectional question; because our whole country, North, South, East, and West, is admirably adapted to the production of this article.

The imposition of a revenue duty upon silk would be in exact accordance with the letter and spirit of the compromise law. It has expressly provided that, in the contingency of a deficiency of revenue before June, 1842, a duty not exceeding twenty per cent. might be imposed upon silk, or any other article not expressly excepted from duty by its terms. This contingency had happened. Our revenue was deficient, and why should Congress not immediately impose a duty of twenty per cent. on the importation of this artice? So well had he been convinced, both of the necessity and policy of such a measure, that he should have read a bill in his place, at the commencement of the present session, imposing this duty, could such a bill have originated in the Senate, under the Contitution of the United States.

Before he took his seat, he would make a remark on the compromise act of March, 1833, the true nature of which, he had reason to believe, was much misunderstood throughout the country. It was supposed by many that the enormous importations of 1839 were mainly produced by the reduction of duties under this law. This could not have been the case; and these importations must mainly be referred to other and much more powerful causes.

That act, which was approved on the 21 March, 1833, by President Jackson, provides that the excess of duty above twenty per cent. levied by virtue of former laws on the importation of foreign goods, shall be gradually reduced until it reaches that standard on the 30th June, 1842. One-tenth of this excess above twenty per cent. was to be deducted after the 31st December, 1833; two-tenths after the 31st December, 1835; three-tenths after the 31st December, 1837; four-tenths after the 31st December, 1839; seven-tenths after the 31st December, 1841; and after the 30th June, 1842, the duties were to sink to twenty per cent. The operation of this act can be best illustrated by presenting an example. Let us take the article of woollen goods. Under pre-existing laws, the duty upon woollens was generally fifty per ct. This duty was to be gradually reduced to twenty per cent. under the provisions of the compromise. The excess then to be deducted was thirty per cent. One-tenth of this excess, or three per cent. was taken off after the 31st December, 1833, which reduced the duty to forty-seven per cent.; another three per cent. was taken off after the 31st December, 1835, which reduced the duty to forty-four per cent.; a third three per cent. was taken off after the 31st December, 1837, which reduced the duty to forty-one per cent. Thus it will be perceived that the actual duty collected on foreign woollens during the period of the vast importations of 1839, was forty-one dollars for every hundred dollars of their valuation. And yet the woollen interest has been represented, by the Senator from Massachusetts, [Mr. WEBSTER] not now in his place, as one of the most suffering and depressed interests of the country. We must seek the sources of this suffering and depression in causes different from the compromise law. The present duty upon woollen goods is thirty-eight dollars for each hundred dollars of their valuation; and will thus continue until the 31st December, 1841.

Mr. B. said he would make no comments upon these facts at present. His sole object now was to place the amount of the reduction of duties which had hitherto been made under the compromise act, clearly before his constituents and the country.

Mr. CALHOUN said, that he rose to make a few remarks, not in answer to the Senator, but in reference to the subject of his remarks. He had no doubt that silk was an article that ought to bear its due share of the duties; but he was utterly unwilling that it should be selected as a peculiar object of burden. It was, indeed, an article of luxury; but it was one in which the staple States had a deep interest. Silks and wine constitute the great articles of our exchanges with France for our cotton, rice, and tobacco. If they should be burdened with heavy duties, their importation would be proportionably diminished, and, with that diminution, there would be a corresponding falling off in the exports of our staple articles to France, accompanied by heavy loss to that portion of the country producing them. France was a country of great and growing consumption; and the intercourse with it ought to be favored, as far as the wants of the Treasury would permit. It was not his wish to secure any particular preference in favor of silk, nor was he willing to make it the subject of unequal burden. It would seem to be the views of some, that luxuries ought to be subject to high duties, because they were luxuries and necessaries—because they required protection against foreign competition; and thus between them, we are in danger of the return of the system of high duties, with all its disasterous consequences. Gentlemen ought to be compelled to take choice, or abandon their ground. For his part, if left to his choice, his favorite system would be, to lay the duties on luxuries, to the exclusion of necessaries; but he well knew that in this he would have to encounter a powerful interest, too powerful probably to be overcome; but he must insist that he should not be opposed from the same quarter, with this double and contradictory course of argument.

He hoped that this, and all other questions connected with the tariff, would be permitted to rest for the present. He was both willing and anxious to have the whole subject readjusted at this session, but it seemed to be determined that it should be postponed till the next. He had acquiesced; but was unwilling that gentlemen should take up favorite articles in advance, either to impose or repeal duties. It did not seem to him fair, and might embarrass the general adjustment at the coming session.

The memorial was then referred to the Committee on Finance.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the petition of Langtree and Jenkins, reported a bill for their relief; which was read, and ordered to a second reading, and the report ordered to be printed.

Mr. H. also, from the same committee, to which was referred the petition of John Bruce, made an adverse report thereon; which was ordered to be printed.

Mr. NORVELL, from the Committee on the Public Lands, to which had been referred the bill granting to the State of Michigan a quantity of land, to aid in the construction of a canal around the Falls of St. Mary, reported the same, with an amendment.

The resolution submitted some days since by Mr. WHITE being taken up, he offered the following as a substitute, which lays over:

Resolved, That the Secretary of the Treasury be

directed to lay before the Senate a statement of the names of banks in which special deposites in specie were made to the credit of the Treasurer of the United States, in anticipation of receiving therefor Treasury notes issued under the acts of 1837, 1838, and 1839; and a monthly statement of the amount of Treasury notes delivered on account of having received certificates of such special deposites, specifying the date and amount of the first of such Treasury notes so delivered, with the rates of interest of such Treasury notes, and the names of the persons or banks to whom the same were delivered. Also, a statement of the amount remaining in each of such banks to the said Treasurer at the date of the first of such certificates issued by such bank. And also, a monthly statement of the amount of all other deposites to the credit of said Treasurer, in such banks for each month, during the period between the date of such first certificate and the date of the payment of such Treasury notes. Also, a monthly statement of the aggregate amount of drafts drawn against such special or other deposites in each month during such period: stating the transactions with each bank in a separate account. And, also copies of all correspondence between the Department and such banks, and any person or persons, preceding and accompanying the making such special deposites, as first above named, and relating thereto, or the delivery of such Treasury notes.

Mr. BENTON submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury report to the Senate the aggregate amount of all expenditures or payments of every kind from the Treasury in each year, from 1824 to 1839 inclusive, in one column; and in another column, for each year, the aggregate amount, independent of the payments on account of the public debt, whether funded or unfunded; and in a third column the aggregate amount for permanent and ordinary purposes, excluding payments on account of objects either extraordinary or temporary—such as the public debt, trust funds and indemnities, claims of States for war debts, or 3 per cents. on lands sold, occasional donations in money to objects in the District of Columbia or otherwise, survey of the coast, taking the census, duties refunded, the exploring expedition, and materials collected for the gradual improvement of the navy, durable public buildings of all kinds, bridges and fortifications, all roads, canals, breakwaters and improvements in rivers and harbors, arming militia and forts, all pensions except those to invalids, and the purchases of title to lands from Indians, the removal of Indians and the wars, with such other payments as may have been made in those years for property lost or injuries committed during any hostilities.

Mr. NORVELL submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of so modifying the laws regulating the drawback of duty upon foreign merchandise imported into the United States, that such goods, transported from the Atlantic ports within and through the States, and re-exported from any port in the United States, situate upon the Upper St. Lawrence and the lakes, to any port or place in the British possessions, upon those waters, shall be entitled to the same privileges of drawback as similar merchandise re-exported from an Atlantic port to a foreign country.

Mr. WHITE submitted the following resolution:

Resolved, That the Secretary of War be directed to report whether it is practicable to construct, at a small expense, temporary piers for the accommodation and security of trade and commerce at the towns of Racine and Southport, on the western shore of Lake Michigan; and, if so, that he submit a plan of said works, and the probable cost thereof.

BILLS PASSED.

The bill for altering the terms of holding the terms of the Federal courts in the Western district of Pennsylvania at Williamsport, was read a third time, and passed.

The bill providing for the reduction and graduation of the price of the public lands, was read a third time, and passed by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, White, Williams, Wright, and Young—28.

NAYS—Messrs. Brown, Calhoun, Clayton, Crittenden, Dixon, Knight, Merrick, and Preston—8.

ORDERS OF THE DAY.

The following bills were taken up, considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

Bill for the relief of Joseph Bassett.

Bill for the relief of John S. Billings.

Bill for the relief of Henry Wilson.

Bill for the relief of John Compton, assignee and representative of Garrigues Flaujac.

Bill for the relief of George de Passau, of Louisiana.

Bill for the relief of N. G. Hamilton.

Bill for the relief of Samuel Lord.

Bill for the relief of Tyler Spafford.

Bill for the relief of Casper W. Wever.

Bill for the relief of Mary Neal, widow of Samuel Neal, deceased.

Bill for the relief of Jacob Pennell and others, owners of the Eliza, of Brunswick.

Bill for the relief of Francis A. Harrison.

Bill for the relief of Jean Baptiste Comeau.

Bill for the relief of the legal representative or representatives of Pierre Bonhomme.

Bill for the relief of the legal representatives of John Scott.

Bill granting a pre-emption right to Enoch Evans.

Bill confirming the claim of the heirs of Joseph Thompson, deceased, to a tract of land in Missouri.

Bill for the relief of Thomas P. Copes.

Bill for the relief of Samuel Mackay.

Bill for the relief of the legal representatives of Aaron Vail, deceased, late consul at L'Orient.

Bill for the relief of Alfred P. King.

Bill for the relief of Henry Lucas.

Bill granting a pension to Pamela Allen, widow of Samuel Allen, a soldier of the Revolution.

Bill for the relief of the legal representatives of George Duval, and others.

Bill for the relief of Jubal B. Hancock.

Bill for the relief of Charles McKinzie.

Bill for the relief of James H. Relfe.

Bill for the relief of Thomas and Ralph Haskins.

Bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson.

The further consideration of the following bills was indefinitely postponed:

Bill for the relief of James Tongue, and the administrator of William Hodson.

Bill for the relief of Zachariah and Robert W. Williams.

The following bills from the House were considered as in Committee of the Whole, and ordered to a third reading:

An act for the relief of Richard Booker and others.

An act for the relief of Thomas W. Taylor.

An act for the relief of Gamaliel E. Smith.

An act for the relief of John T. Addoms, executor of John Addoms.

An act for the relief of Meigs D. Benjamin and others.

An act for the relief of William Wickham.

An act for the relief of George Willis.

An act for the relief of Robert Milnor and John Thompson.

An act for the relief of Nathan Levy.

An act to authorize James Alexander to relinquish a tract of land, and to locate other land in lieu thereof.

An act for the relief of James Brewer, of Ohio.

An act for the relief of James L. Cochran.

An act for the relief of the heirs and legal representatives of John Grimball, senior.

The following bills from the House were considered as in Committee of the Whole, and their further consideration indefinitely postponed:

An act for the relief of Lewis H. Bates and William Lacon.

An act for the relief of James W. Osborne.

An act for the relief of Samuel D. Walker, of Baltimore.

An act for the relief of Josias Thompson, Superintendent of the Cumberland road between Brownsville and Wheeling.

An act for the relief of Benjamin C. Roberts.

An act for the relief of Garret Vleit.

An act for the relief of James Cox.

An act for the relief of William Bailey, survivor of Bailey and Delord.

An act for the relief of the owners of the schooner Three Brothers.

An act to amend the act entitled "An act for the relief of Chauncey Calhoun," passed March 3, 1839.

An act for the relief of Zachariah Jellison.

An act for the relief of John Howe.

An act for the relief of Nicholas Hedges.

And then, having disposed of the private bills on their calendar,

The Senate adjourned till Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 24, 1840.

The SPEAKER announced that the first business in order was the resolution reported by the chairman of the Committee on the Public Buildings, [Mr. LINCOLN,] in relation to procuring a chandelier for the Halls of the House.

Mr. PETRIKIN said the chairman of the committee was absent, and, if there was any opposition, he would ask the House to postpone the consideration of the resolution until his return. He was not aware that any objection would be made to it. He considered it as a matter of economy to procure a chandelier, and also as important in regard to the health of members, the smoke and carbon generated by candles having a deleterious effect. Mr. P. would not wish the motion to postpone to be put, unless objection should be made to the consideration of the resolution at this time.

Mr. W. C. JOHNSON said, as one who had long been in the House, he would not object, and should vote for the chandelier to be suspended in the Hall.

Mr PETRIKIN would state one thing for the information of the House. The chairman, if he were present, could prove that a chandelier would be much cheaper than candles. The committee were unanimous in their report as to the fact stated.

Mr. W. C. JOHNSON would state one fact which came under his observation when he was on the Committee of Accounts. Whenever candles were lighted, and but partly burnt, they were not again used; and a loss was occasioned thereby almost equal to the expense of a chandelier.

The question was then taken; and the resolution was adopted.

The SPEAKER then called upon the several committees for reports; when

Mr. RUSSELL, from the Committee of Claims, made unfavorable reports on the cases of Matthew J. Keith, James W. Anderson, and Joseph P. and Joseph W. Johnson; which reports were ordered to lie on the table.

Mr. R. from the same committee, reported back to the House, without amendment, bill from the Senate entitled "An act for the relief of George W. Paschal."

Also reported back to the House, without amendment, Senate bill entitled "An act for the relief of Charles M. Keller and Henry Stone, and Senate bill entitled "An act for the relief of E. W. and H. Smith; which were severally committed to the Committee of the Whole on the state of the Union.

Mr. MALLORY, from the same committee, made an unfavorable report on the case of Britton Evans; which was ordered to lie on the table.

Mr. BANKS, from the same committee, made an unfavorable report on the case of William Jennings, executor of John S. Westwood; which was ordered to lie on the table.

Mr. CORWIN, from the Committee on the Public Lands, reported a bill to extend certain land districts; which was read twice, and committed.

On motion of Mr. CORWIN,

Ordered, That the Committee on the public lands be discharged from the further consideration of the following cases, viz: The petitions of Hugh Riddle, of Alexander Grant; of citizens of Green county, Ohio, respecting school lands; of Henry Brandenburg; of William Davis, Charles H. Smith, Benjamin Pegg, Thomas Richmond, Brice Wilson, and the petition of the president and directors of the Portsmouth and Columbus turnpike company of Ohio. and of the State of Ohio, in behalf of said company: severally ordered to lie on the table.

Mr. REYNOLDS, from the same committee, reported a bill to amend an act entitled "An act to grant a quantity of land to the Territory of Wiskonsin for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," which bill was read twice.

Mr. JACOB THOMPSON, from the same committee, reported back to the House, with an amendment, Senate bill entitled "An act to relinquish to the State of Mississippi the two per cent. fund accruing by the act of the admission of said State into the Union;" which was committed.

Mr. T. from the same committee, reported a bill amendatory to the act entitled "An act to carry into effect in the States of Alabama and Mississippi, the existing compacts with those States in regard to the five per cent. fund and the school reservations," and for other purposes; which was read twice, and committed.

Mr. T. from the same committee, reported a bill to confirm certain purchasers of the public lands under the act of the 19th June, 1834; which was read twice, and committed.

Mr. HUBBARD, from the same committee, reported back to the House, with an amendment, Senate bill entitled "An act authorizing the President of the United States to cause the reserved lead mines belonging to the United States, in the several States and Territories, to be sold as other public lands;" and

Also reported back to the House, without amendment, Senate bill, entitled "An act for the relief of William Jones;" which bills were appropriately committed.

Mr. H. from the same committee, reported a bill for the relief of William Leblanc; which was read twice, and committed.

Mr. REYNOLDS, from the same committee, reported back to the House, with an amendment, Senate bill, entitled "An act for creating a new land district in the State of Missouri, and and for changing the boundaries of the Southwestern and Western land districts in said States," the amendment was concurred in, and the bill was committed.

On motion of Mr. R.

Ordered, That the Committee on the Public Lands be discharged from the further consideration of the petition of inhabitants of Jefferson and Clark counties, in Indiana, and that it do lie on the table.

Mr. CRARY, from the same committee, reported a bill for the erection of an additional land office in the State of Michigan; which was read twice, and committed.

Mr. McKAY, from the Committee on the Post Office and Post Roads, to which was referred the petitions of certain citizens of Licking county, Ohio, praying for an increase of compensation to the postmaster at Jacksontown, made an adverse report thereon; which was read, and ordered to lie on the table.

Mr. MARVIN, from the same committee, to which was referred the petition of Samuel N. Burnett, made an adverse report thereon; which was read, and ordered to lie on the table.

Mr. CRANSTON, from the Committee for the District of Columbia, reported a bill to incorporate Washington's Manual Labor School and Male Orphan Asylum Society of the city of Washington and District of Columbia;

Also, a bill granting an appropriation to the Friendship Fire Company of Alexandria;

which were read twice, and committed.

Mr. GRAHAM, from the same committee, reported a bill to amend an act entitled, "An act to limit the right of appeal from the Circuit Court of the United States, in the District of Columbia;" and

A bill to amend the sixth section of the act of Maryland, passed 19th December, 1791, and in force in the county of Washington, in the District of Columbia;

which were read twice, and committed.

On motion of Mr. GRAHAM, the Committee for the District of Columbia was discharged from the further consideration of the memorial of the Marine Fire Insurance Company of Alexandria, and it was committed to the Committee of the Whole on the state of the Union.

Mr. C. H. WILLIAMS, from the same committee, reported a bill making an appropriation for the Vigilance Fire Company of Georgetown, in the District of Columbia; and

A bill for the relief of the widow and heirs at law of the late Lewis Grant Davidson, deceased; which were read twice, and committed.

Mr. W. C. JOHNSON, from the same committee, reported the following resolution:

Resolved, That Wednesday and Thursday, the 20th and 21st days of May, be set apart for for bills and business of the District of Columbia, to be the special order, and have precedence of all other business.

Objection being made,

Mr. JOHNSON called for the yeas and nays, but afterwards withdrew his motion. The resolution, therefore, lies over under the rule.

Mr. DAWSON, from the Committee of Claims, to what was recommitted the bill for the relief of General Duncan L. Clinch, reported an amendatory bill; which was committed to the Committee of the Whole House, to which is committed the bill for the relief of Nathaniel Goddard, and others.

Mr. CRARY, from the Committee on the Judiciary, reported back to the House, without amendment, Senate bill entitled "An act to amend an act entitled 'an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes;'" which was committed.

Mr. C. from the same committee, made an unfavorable report on the memorial of Charles W. Cuttle; which was ordered to lie on the table.

On motion of Mr. CRARY, the Committee on the Judiciary was discharged from the petition of Daniel J. Taylor; also, from the memorial of N. J. Benton, district attorney for the Northern district of New York; which petition and memorial were laid on the table.

Mr. MASON, from the same committee, reported a bill to augment the salaries of district judges in the districts of Ohio, Indiana, and Illinois; which was read twice, and committed.

On motion of Mr. MASON, the Committee on the Judiciary was discharged from the further consideration of the petition of citizens of Florida for an exemption from taxation during the continuance of the present Indian war in that Territory; also, from the consideration of the memorial of citizens of the State of Ohio, in favor of holding a term of the United States Circuit Court in Cincinnati; also, from the consideration of the order of the 16th February, directing the committee to report a bill providing for the punishment of public defaulters; which petition, memorial, and order, were laid on the table.

Mr. M. from the same committee, reported the following resolution, which was read, and agreed to:

Resolved, That the Committee on the Public Lands be instructed to inquire into the grounds of the claim of Davis Deardorff, of the State of Ohio, to the west half of the southwest quarter of section ten, township seven south, of range eight, of public lands, lying in the Lima land office district, and ascertain whether he purchased, and is entitled, either in law or equity, to the same; and, if he did not purchase it, whether he was prevented by the misconduct of the officers of the land office at Lima, or either of them, and that the committee report all the facts and circumstances attending the sale, as well of that tract as of the southeast quarter of the same section; and whether the purchasers, or either of them, have taken possession of the land so purchased, and made improvement thereon.

Mr. STORRS, from the same committee, reported a bill in approval and confirmation of an act of the Territorial Legislature of the Territory of Iowa, entitled "An act to incorporate the Burlington and Desmoines Transportation Company," accompanied by a report; which bill was read twice, and committed.

Mr. BARNARD, from the same committee, reported a bill to abolish public executions; which bill was read twice, and committed.

On motion of Mr. BARNARD, the Committee on Revolutionary Pensions was discharged from the further consideration of the communication of F. J. Betts, clerk of the district court of New York, in relation to filing transcripts of judgments in the Supreme Court of that State, and the communication laid on the table.

Mr. HALL, from the Committee on Revolutionary Claims, which was instructed on the 5th of March last, to make certain inquiries in relation to the allowance of claims on the United States for Revolutionary services in the Virginia continental line and navy, and whether further provisions be necessary in regard to the mode of adjusting said claims, made a report in part; which was ordered to lie on the table.

Mr. TALIAFERRO, from the minority of the Committee on Revolutionary Claims, made a report, containing the views of the minority of the said committee on the subject-matter of the inquiry above referred to; which was also ordered to lie on the table.

Mr. T. from the same committee, made an unfavorable report on the petition of John Jackson, of England; which was read, and laid on the table

Mr. T also, from the same committee, reported a bill for the relief of E Pearce and Mary M. Telfair; which was read twice, and committed.

Mr. CRAIG, from the same committee, to which was referred the petitions of Robert P. Waller, executor of Thomas Griffin, deceased, the petition of the heirs of Captain Stephen Merritt, and the petition of Thomas Stratten, made unfavorable reports thereon; which were read, and severally laid on the table.

On motion of Mr. CRAIG, the Committee on Revolutionary Claims was discharged from the further consideration of the petitions of Stephen and Richard Livingston, and Sarah Howe, and the petitions were laid on the table.

Mr. ELY, from the same committee, reported a bill for the relief of the heirs of Maj. John Campbell, deceased; which was read twice, and committed.

Mr. HALL, from the same committee, to which was referred the petitions of William McMillan, the heirs of Col. Uriah Forrest, the heirs of William Nelson, and the heirs of Colonel Burgess Ball, made unfavorable reports thereon; which were severally laid on the table.

Mr. JONES of Virginia, from the Committee of Ways and Means, reported a bill authorizing the employment of additional clerks, and increase of compensation to messengers in certain Departments; which was read, and committed.

On motion of Mr. J. W. JONES,

Ordered, That the Committee of Ways and Means be discharged from the further consideration of the following memorials, viz:

From the inhabitants of Stark county, Ohio, for a reduction of the salary of the President of the United States; from inhabitants of Philadelphia, Pennsylvania, and Bridgeport, Connecticut, coach lace makers; from citizens of Apalachicola, in Florida, for an appropriation for deepening the port at that city; from the Legislature of Iowa, for a survey of lands; and from Robert Heysham, of Philadelphia; and that they be severally laid on the table.

Mr. GRINNELL presented a memorial of pilots and others of New York, praying for a repeal of a law regulating pilots, passed on the 3d of March, 1837; which memorial was referred to the Committee on Commerce.

On motion of Mr. BELL,

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the petitions of Milledge Galpin and Col. George Fisher, and that they be referred to the Committee of Claims.

The House then resolved into Committee of the Whole (Mr. CASEY in the chair,) and took up the civil and diplomatic bill.

Mr. ATHERTON resumed his remarks of yesterday, in the course of which he alluded to the ground taken by the Opposition in relation to office holders. He said, from the remarks of some gentlemen of that party, it was evident that they considered office holders as a distinct body, entirely separated from the people. Now he was surprised to hear such a position assumed in relation to office holders, who were indirectly appointed by the people themselves. Did not the people elect the President, to whom belonged the power of appointing to office, and in that way were not the office holders appointed by the people, through their President? For his part, he could not believe it was a disgrace to any man when he accepted an office from a President chosen by the people, and in whom they confided that trust. So instead of the office holders being a body distinct from the people, they were appointed and held their office through the people. The individuals who held official stations under Government, did not, thereby, as was maintained by some, lose the rights they had before their appointment. On the contrary, they still were a part of the people, and it was an insult to the people for gentlemen to contend that such was not the case.

Mr. A. then alluded to the bill introduced by Mr. BELL, providing for the freedom of elections, and which provided that office holders should not interfere in elections in any way whatever, under very severe penalties. Here, then, said Mr. A. is a bill, which declares that those holding office directly from the people of this country, are not a part of the people. Mr. A. went on to comment on the extreme injustice of such a bill, and the blow it aimed at the rights of a portion of the people. He showed that under the operation of that measure, a man holding the smallest office under Government could not write or express his opinion on any election before the people, without being subjected to severe penalties. He asked how such a system would work, when, for instance, there might a contest arise between the people and a powerful moneyed corporation? It would be very competent and proper for the numerous clerks of such a moneyed institution to vote and exercise all the influence they might possess. But at the very same time, the numerous body of clerks and other office holders throughout the country, in the employ of Government, could not even open their mouths, much less to vote, in such a contest. No one would attempt to deprive the numerous officers of a great moneyed institution from voting or taking any part in politics they chose. But the office holders appointed by the people, through their President, must be disgraced, disfranchised, and deprived of the inestimable rights of freemen. Yes, gentlemen of the Opposition would make it appear that it was a deep disgrace for a man to receive office from a President chosen by the people. According to their doctrine, the moment a man accepted office, that moment he lost the rights of a citizen, that moment he was disqualified, and the broad mark of disgrace branded upon his forehead.

A man might speak with the eloquence of a Cicero, or with the force of a Demosthenes; he might write with a pen that would carry conviction to every mind. But notwithstanding all this, his hand must be motionless, or his tongue silent, for the great crime of accepting an office under a Democratic Republican Government, an office conferred upon him by a President chosen by the People.

Mr. A. after some futher illustration, showing the evil tendency of the bill, read an extract from an address delivered by Bancroft of Boston, on the principles of Democracy. He said the gentleman in question was one of those office holders, which the bill sought to disqualify from speaking or writing; he was a gentleman of great literary fame, whose history of this country alone would immortalize him, and who had the "audacity" to deliver a political address at Hartford. He supposed the gentleman from Tennessee would contend that this office holder, in so doing, was going out of the ordinary walks of life; but he (Mr. A) thought otherwise. In his opinion, so long as an officer did not neglect his duty, it was not going out of the ordinary walks of life to exercise his talents for the good of his country.

Mr A. then read a long extract from the address alluded to, after which he asked whether gentlemen would wish to disqualify a man capable of such a composition.

Mr. A. then adverted to a variety of other subjects, and in the course of his remarks, said he conceived the great question between parties to be the question of responsible, and irresponsible power. He commented at some length on a speech delivered by Mr. BELL, in which the latter had contended that to the office holders might be traced the origin of all the evils which afflicted the people, and in which he had alluded to the people as mere machines. Mr. A. thought that if the gentleman had such an opinion of the mass of the people, the wonder was, not that he had attempted to deprive those chosen by the people of the right to speak, but that he did not go further, and deprive the people themselves of that right. He then alluded to the charges brought against the late President Jackson, and the present Executive, as holding the doctrine of irresponsibility to the people. He would ask, if the President were not responsible to the people, of what use was it for the people to exercise their power of election? If an officer elected by the people was not responsible to that people, we might just as well have a monarch or a President for life.

Mr. A. in the course of his speech, alluded to the refusal of General Harrison and his committee to permit his sentiments to be known. He then proceeded to show that it would be impossible for a President to be held responsible to the people, unless his sentiments were known. Notwithstanding all that had been said of the abstemious qualifications of General Harrison—of his living on hard cider, &c.—he (Mr. A.) was sure the people would not be deceived by such hurras. The people were more intelligent than to fall into such a trap. They would not pay homage to a veiled candidate, lest, when the veil came to be removed, they should discover they had been worshipping a monster.

Mr. A. alluded to the speech of Mr. CUSHING, on a former occasion, when that gentleman said that "he thought, through the present gloom, he saw the Aurora of a brighter day," and in which he had alluded to the wished for triumph of his party in the New England States, as "the star of the East." Mr. A. reminded the gentleman that, on that occasion, he had also made some predictions in relation to that "star of the East," and had prophesied that, when the true issue should be made, that star would prove an *ignis fatuus*. He had told the gentleman that it was a delusive hope, and that the Democracy of the North would, when the proper moment should arrive, rise as one man.

He thought that recent events should have taught the Whig party a little useful experience, but he was sorry to say that they had received no benefit; nor had they availed themselves of the salutary lessons those events were calculated to teach. They reminded him of what Napoleon said of the Bourbons: "that, amidst all their vicissitudes, they had learnt nothing, and had forgotten nothing." So it was with the Opposition. Recent events had taught them nothing, and, with a strange infatuation, they were raising a fabric, whose dome they imagined would reach to heaven. But, amidst all this delusion, the people were looking quietly on, awaiting, in calm confidence, until their hour for exertion should arrive. And he would tell the gentleman that, when that hour did arrive, the people would arise and gloriously vindicate their rights. They would write in CAPITALS OF FIRE the noble truth, that man is capable of self-government. Yes, they would rise in their might, and, in a moment, scatter to the winds an unholy, a disjointed, and corrupt Confederacy.

Mr. MASON went into an examination of the course of debate by the friends of the Administration. He said he saw in that course a concerted plan on their part to revive old party distinctions, and to identify the opponents of the present Administration with the old Federal party. He considered it highly unpatriotic and illiberal. He endeavored to prove that that party lost its political organization at the conclusion of the war; that the parties as they were at that time organized, resolved themselves into their original elements. He then read the letter of General Jackson to President Monroe, in which he recommended that his appointments should be made without distinction of party. He commented upon that letter, and commended it as highly patriotic. The policy of confining Executive appointments to a particular party, robbed the country of the services of valuable men. General Jackson had invited that party to his support; and after his election to the Presidency, took care of them, by liberally bestowing offices upon them. His principal advisers at one time were of that party; but the party now, with the Globe at their head, were flouting and denouncing the Whigs as Federalists. They now repudiated this doctrine and condemned this practice of President Jackson. His great objection to the Administration party was, that they preached Democracy and denied the practice. They shouted the hero of Orleans, and denounced his precepts. He adverted to the Sub-Treasury, and denounced it, contending that it would operate injuriously to the interests of the country; he said tha although it was not passed into a law, that it had been in practical operation for three years.

He complained of and censured the course of Mr. Bancroft, the officer at the customs at Boston, who it seemed had spoken to influence the elections at Massachusetts; and had also written a certain treatise on Democratic principles, which had been commended by the gentleman from New Hampshire, [Mr. ATHERTON.] Mr. M. was understood to condemn it as an unwarrantable interference of an office holder to influence the elections. He spoke generally of such influence, and of the bill of the gentleman from Tennessee [Mr. BELL] to prevent the

interference. He thought, if the justification in the argument of of the gentleman from New Hampshire [Mr. ATHERTON] should obtain, and become a settled principle, that the passage of such a bill would become necessary. In speaking of the responsibility of the President, he said that officer was not responsible to the people; but was amenable to the House as the grand inquest of the nation. The only power which the people had was to refuse to re-elect. He went into an argument to show that the Federal office holders should not interfere in the elections; because they were not responsible to the people, but to the source from which they derived their appointment. He then spoke of the banking system, and the favorable condition of the exchanges under the Bank of the United States.

Mr. MORGAN obtained the floor, and spoke at some length, for the purpose of identifying the old Federal party of New York with the present Administration, and contended that Gen. Jackson had made some of his most prominent appointments from that party. He was understood to say that such was the Federalism of the party, at the head of which Martin Van Buren stood in 1820, that a large number of the most ultra anti-war and Federal party came out with a manifesto and joined with Mr. Van Buren. He believed they were then called the forty thieves, among which was William Price, who lately left this country a defaulter, and who was still an adherent of the present Administration.

Mr. JONES of New York rose and asked his colleague if he was quite certain that William Price was one of the Federal highminded men that came over to the Republican party in 1820, remarking that he held in his hand the ancient manifesto published in that year, but he was unable to find in the list of the signers the name of William Price, and added, that he knew of but one out of the forty Federal gentlemen who is now a friend of this Administration.

Mr. MORGAN resumed, and made some remarks on various other topics, particularly the expenses of Government, and the principles of Mr. Van Buren as compared with Gen. Harrison.

Mr. RARIDEN replied to the arguments on the several topics which had been indulged in, in the discussion on this bill. He went into an examination of the causes of the defeat of the Cumberland road bill, and endeavored to prove that the responsibility of the defeat rested with the Administration. He said that if it had been an Administration measure, it would have passed; from which he inferred that the Executive was opposed to the road. Mr. R. examined the claims of General Harrison to the Presidency, and was understood to argue that he was possessed of such principles as would bring into the Treasury of the nation means adequate to construct objects of internal improvement, particularly the Cumberland road.

Mr. CLIFFORD obtained the floor. He did not know the intention of the committee in relation to the action on the bill; but it was his wish to make some remarks upon it. It was past ten o'clock; and—

Mr. CALHOUN of Massachusetts hoped the gentleman would give way for a motion for the committee to rise; and Mr. CLIFFORD having yielded, Mr. CALHOUN made that motion.

Mr. PROFFIT objected. He wished to speak, and was willing to proceed, late as the hour was.

Tellers being demanded on the motion, Messrs. RAMSEY and GIDDINGS were appointed such, who reported, ayes 27, noes 71: no quorum voting.

The committee rose, and its chairman reported that fact to the House; and,

After some remarks from Mr. EVANS, going to show that it would be impossible to get the bill out of committee that night, he moved that the House adjourn.

Mr. JONES of Virginia demanded the yeas and nays; which were ordered, and were, yeas 43, nays 88. So the House refused to adjourn.

The House then resolved itself into Committee of the Whole, (Mr. CASEY in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. CLIFFORD then took the floor, and spoke at great length. In the course of his remarks, he read a number of extracts from various papers, to prove that whatever might have been the change of name, or course of action, the principles of the two great parties remain the same.

Mr. C. then went on at some length to define the principles which governed the Democratic party, and those by which the old Federal and present Whig party were influenced.

He adverted to the tariff question, the public lands, a National Bank, and other important subjects over which the line of demarcation was drawn between the two parties. He then went on to show what were the views of General Harrison on these subjects, and that in case of his election, it must be expected that he would favor a high tariff, a National Bank, and the appropriation of the public money for internal improvements. Nothing else could be expected from his past course, which was the only, and perhaps the best, criterion for judging. But if the friends of Harrison thought otherwise, why did they not come at once to the issue, and give a direct answer to the questions? If the hero himself was not permitted to speak, why did not his friends speak for him? But experience had proved that such was a vain expectation, for when they were asked if their candidate was in favor of a National Bank, they would answer, "hard cider." If they were desired to state what were his views in relation to the tariff, a cry was raised about "log cabin" and the "poor man's friend."

Mr. C. then went on to say that the working classes had more intelligence than to be duped by such shallow trickery; that they would hold no candidate as their friend, who steadily refused to let them know what his opinions were on subjects to them of the highest importance.

Mr. DILLET obtained the floor, and moved that the committee rise; which question was taken by tellers, [Messrs. PRENTISS and CRABB acting as such.] Result, ayes 41, noes 49—no quorum voting.

The committee rose, and its chairman reported that fact to the House—it being now half-past 11 o'clock.

Mr. PROFFIT moved a call of the House.

Mr. HOFFMAN moved that the House adjourn; and

The yeas and nays having been demanded, were ordered, and were—yeas 53, nays 53.

The SPEAKER voted in the affirmative; and

The House accordingly, at 12 o'clock, adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, April 25, 1840.

Mr. JENIFER said that, a few days ago, Executive documents on the subject of tobacco had been sent to the House, in reply to the resolution of the 9th of March. Instead of moving that the whole of them be printed, he had been instructed by the Select Committee on Tobacco to ask leave to have such extracts printed as they might think proper.

Which leave was granted.

The SPEAKER announced that the first business in order was the consideration of the motion made yesterday by Mr. CRAIG, to print ten thousand extra copies of the report of the majority and minority of the Committee on Revolutionary Claims, in relation to Virginia Revolutionary claims.

Mr. BANKS moved that five thousand, instead of ten thousand, be printed.

Mr. GARLAND of Virginia moved that two thousand be printed.

And the several questions having been taken, two thousand extra copies of the said reports were ordered to be printed.

Mr. PETRIKIN asked leave to submit a report from the Committee on the Public Buildings, and said it was a matter of great importance.

Mr. CARR objected, and hoped that committees would make their reports in regular order.

The SPEAKER then called upon the several committees for reports, when

Mr. CASEY, from the Committee on Private Land Claims, reported Senate bill, No. 64, for the relief of Joseph Campan, without amendment. Also, Senate bill, No. 80, entitled "An act for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs at law of Samuel Hill, deceased," was reported without amendment; which were committed to the Committee of the Whole.

Mr. E. D. WHITE, from the same committee, reported Senate bill, No. 47, entitled "An act to authorize the issuing of a patent to the heirs or legal representatives of Francis Roward, deceased," without amendment; which was committed to the Committee of the Whole.

Mr. HASTINGS of Massachusetts, from the same committee, reported a bill for the relief of William Trask, accompanied by a report; also, a bill for the relief of Robert Casey, of the State of New York, accompanied by a report; which bills were read twice, and committed to the Committee of the Whole.

Mr. DILLET, from the same committee, made adverse reports on the memorial of Jesse H. Willis, representative of James Minnie; also, on the petition of Charles Morgan, assignee of Perruquier; which were laid upon the table.

Mr. D. also reported a bill for the relief of James Shields, accompanied by a report; and a report on the memorial of Joseph Young, accompanied by a bill for the relief of John Pratt, or his legal representatives; which were severally read twice, and committed to the Committee of the Whole.

On motion of Mr. DILLET, the Committee on Private Land Claims was discharged from the further consideration of the petition of Ephraim Beaseley, and it was referred to the committee of Invalid Pensions. Also, from the cases of John S. Wilson, James Roan, and B. M. Duncan, and from the memorial of the Legislature of Florida, in relation to pre-emptions; which were laid upon the table.

Mr. ADAMS, from the Committee on manufactures, reported a bill to authorize the importation, free of duty, of the iron materials for certain iron vessels; which was read twice, and committed to the Committee of the Whole.

On motion of Mr. ADAMS,

Ordered, That the Committee on Manufactures be discharged from the memorials of citizens of Claremont, Gilsum, Acworth, and Croydon, in New Hampshire, respecting frauds in the importation of woollen goods, and that they be committed to the Committee of the Whole. Also, from the petitions of citizens of Green county and Monroe county, in the State of New York, respecting the spirit ration in the army and navy, and that they be referred to the Committee on Naval and Military Affairs. Also, from the petition of inhabitants of Alton, in Massachusetts, for a repeal of the duty on foreign spirits, and that it be referred to the Committee of Ways and Means. Also, from the petition of citizens of the United States for a duty on imported silks, and from the petition of umbrella makers in the city of New York, and that said petition be referred to the Committee of the Whole. Also, from the petitions of the manufacturers of starch in the cities of Philadelphia and New York, Also, from the petition of cigar manufacturers in Providence, Rhode Island, and that it lie on the table.

Mr. BELL, from the Committee on Indian Affairs, reported a joint resolution to authorize the Secretary of War to continue certain clerks employed in the Office of the Commissioner of Indian Affairs; which was read twice by its title.

Mr. B. stated that the committee had had under consideration the message of the President and the accompanying statement, which had satisfied them that it was necessary to continue the employment of these clerks, (two in number;) and, as the law under which they were employed would expire in a few days, he hoped that the House would act now on the resolution, and, if necessary, go into committee.

In answer to an inquiry, the SPEAKER declared that the resolution must be committed, unless, by general consent, the House would dispense with its commitment.

And the House having, by general consent, agreed to do so, the resolution, having been ordered to a third reading, was read a third time, and passed.

Mr. CROSS, from the same committee, reported a bill to provide for running the northern boundary line of the tract of land reserved for the use of the half-breeds of the Sac and Fox tribe of Indians, which was read twice, and committed to the Committee of the Whole.

Mr. JOHN W. ALLEN, from the Committee on Military Affairs, reported a bill for the benefit of John W. Hall, accompanied by a report; which bill was read twice, and committed to the Committee of the Whole.

Mr. POPE, from the Committee on the Territories, reported the following resolution, viz:

Resolved, That the 27th and 28th days of May next be set apart for the consideration of Territorial business.

Two-thirds not voting therefor, it was consequently rejected.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported the following bills, viz:

A bill for the relief of Charles Fitzgerald, deceased;
A bill for the relief of Nancy Wilson;
A bill for the relief of Mary McCurdy;
A bill for the relief of Job Hawkins;
A bill for the relief of Elizabeth Graham;
A bill for the relief of Capt. Presley Gray;
A bill for the relief of Eleanor Clark;
A bill for the relief of William Fitzgerald;
A bill for the relief of Colton Evans;

accompanied by a report in each case; which bills were read twice, and committed to the Committee of the Whole.

Mr. T. from the same committee, also reported that the committee had examined the petitions of the undermentioned persons, and, as none of them are sustained by requisite evidence, the committee recommend their rejection, viz: Nancy Morefield, Julia S. Horton, Ebenezer Storer, Lydia Steele, Eunice Everson, John Groves, John F Empie, Conrad Watts, John Hoover, Jacob Nugent, Samuel Hunt, Anne Royal, Joseph West, John Weedon, Susan Rodgers, Oliver Whaley, James W. Lytell, Thomas Fulton, Anstes Dabott, Mary E. Carney, Lucretia Brown, Phineas Allen, William Faris, Anne Hufferman, Edward Chamberlain, Sarah Leslie, James Barrett, Nancy Yates, Isaac Levan, Ann Ball, Catharine Ansant, Lucy Ingalls, and Daniel Harris.

On motion of Mr. TALIAFERRO,

Ordered, That the Committee on Revolutionary Pensions be discharged from the petition of Ebenezer Stetson, and that it be referred to the Committee on Invalid Pensions.

Mr. T. reported back to the House Senate bill No. 113, entitled "An act for the relief of Samuel Crapin," without amendmen; which was committed to the Committee of the Whole.

Mr. T. also reported a joint resolution for the benefit of certain widows of Revolutionary soldiers; which being read the second time, Mr. T. moved that the bill be passed to its third reading.

Mr. J. W. JONES hoped that it would not be forced through in this hasty manner. It was due to the House that an opportunity should be afforded to examine into the existing laws, as it would require five or six millions of dollars to satisfy those intended to be provided for by this bill.

Mr. TALIAFERRO said it was entirely in his power to obviate all objections.

Mr. CRAIG remarked that he would show the operation of this bill, and would state a case.

Mr. STANLY objected, and,

On motion of Mr. TALIAFERRO, the bill was committed to the Committee of the Whole.

Mr. HAND, from the same committee, reported

A bill for the relief of John Keith;

A bill for the relief of George M. Bedinger;

A bill for the relief of Betsey Ingalls;

which were severally read, and committed to the Committee of the Whole.

Mr. H. also made adverse reports in the cases of Sarah Chase, Robert Brownfield, Joel Leftwich, Isaac McHenry, and James B. Rice; which were laid on the table.

Mr. H. moved that the committee be discharged from the consideration of the case of Hugh Mallory, and that it be referred to the Committee on Invalid Pensions; which was agreed to.

Also, the same motion in the case of John W. W. Godbold, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

On motion of Mr. STEENROD,

Ordered, That the Committee on Revolutionary Pensions, to which was referred the petition of Moses Wright, be discharged from the further consideration thereof, and that it be referred to the Committee on Invalid Pensions.

Mr. CARR, from the same committee, made the following report:

A bill for the relief of Mary Campbell, widow of J. Campbell;

A bill for the relief of Francis Greene of Kentucky, widow of Robert Green;

A bill for the relief of Mary Wolfe of Pennsylvania, widow of John Wolfe;

which were read twice, and committed to the Committee of the Whole.

Mr. C. made adverse reports on the following cases, viz:

Esther Culver, former widow of Moses Jones;

Margaret Hendrickson, widow of John Hendrickson;

Eleanor Wiggens, widow of William Wiggens;

Lewis Quick;

James Quackenbush;

Susan Patton, widow of William Patton;

Sarah Crawford, widow of Crawford;

Simon S. Murrill, referred to the Committee on Invalid Pensions;

Park Holland, asking increase of pension; and

Sylva Bond: no evidence to sustain the claim.

A joint resolution having been reported for the benefit of certain widows of Revolutionary soldiers, the Committee on Revolutionary Pensions was discharged from the further consideration of the petitions of John Pratt and others, of Massachusetts, Stephen Taylor, and others, of the same State, and Elisha Hall and others, of New York; and they were ordered to lie on the table.

Mr. C. also made an adverse report on the case of Griswold Every; and the committee was discharged from the further consideration of the petition of Ankey Godsey.

Mr. C. reported a bill to extend the provisions of an act entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," approved the 7th June, 1832; which, on his motion, was referred to the Committee of the Whole on the state of the Union.

Mr. EDWARD DAVIES, from the same committee, reported a bill for the benefit of the heirs of Seth Chapin.

Also, a bill for the relief of Eppe Van Nese.

Which were severally read twice, and referred to the Committee of the Whole.

On motion of Mr. DAVIES,

Ordered, That the Committee on Revolutionary Pensions, to which was referred the petition of George Purcell, be discharged from the further consideration thereof, and that it be referred to the Committee on Revolutionary Claims.

Mr. SAMUEL W. MORRIS, from the Committee on Invalid Pensions made unfavorable reports on the petitions of Dr. R. R. G. Lee, and Francis L. Pratt; which were read, and laid on the table.

Mr. RANDALL, from the same committee, reported a bill granting a pension to George Hemstrong; also, a bill granting a pension to James Wright, jr; also, a bill granting a pension to John W. Cox; which were severally read twice, and committed to the Committee of the Whole.

On motion of Mr. STRONG, the Committee on Invalid Pensions was discharged from the further consideration of the petitions of Shirley Killogg, Joseph Davis, John Kellenger, Samuel Griffith, James H. Caustin, administrator of Joseph Gossage, Joseph Coberly, and the legal representatives of Captain John Jordan, deceased; and the petitions were laid on the table.

Mr. WADDY THOMPSON, from the Committee on Military Affairs, reported back Senate bill No. 207, entitled "An act to authorize the President of the United States to raise one thousand five hundred men to serve against the Florida Indians," without amendment; which was committed to the Committee of the Whole.

Mr. T. from the same committee, to which was referred the memorial of citizens of the Territory of Iowa, praying to be supplied with arms, made an unfavorable report thereon; which was read, and laid on the table.

Mr. T. also reported the following resolutions, which were committed to the Committee of the Whole:

Resolved, That the Secretary of War be directed to have constructed a bomb cannon upon the principle of Mr. John W. Cochran's invention, capable of carrying a sixty-four pound ball, or shells of eight inches, under the direction and supervision of Mr. Cochran; and that $10,000 be appropriated for that purpose; and also to defray the expenses of a full experiment of the said cannon, under the supervision of board of officers of the army and navy, to be appointed by the Secretaries of War and of the Navy.

Resolved, That $2,000 be appropriated for the purchase of the bomb cannon of John W. Cochran by the Secretary of War if the result of the experiment be favorable.

Mr. GRINNEL, from the Committee on Naval Affairs, to which was referred the memorial of Ann Mix, made a report thereon, accompanied by a bill, to enable the Secretary of the Navy to purchase from the widow of the late Capt. M. P. Mix, the right of using a patent machine on board ships of war, or other public vessels: which bill was read twice and committed to the Committee of the Whole.

Mr. FLETCHER, from the Committee on Patents, reported a bill for the further promotion of the arts; which was read twice, and committed to the Committee of the Whole.

On motion of Mr. FLETCHER, the Committee on Patents was discharged from the further consideration of the petitions of Chauncey Hall, Henry M. Shreve, Seth Chase, and Henry Wyman, administrator of Ezra Slifer; which petitions were laid on the table.

Mr. F. reported back Senate bill No. 160, entitled "An act for the relief of Hazard Knowles," without amendment; which was committed to the Committee of the Whole.

Mr. PETRIKIN, from the Committee on the Public Buildings and Grounds, made a report on the petition of Masterton and Smith, accompanied by a joint resolution for their relief.

Mr. P. asked the indulgence of the House to have it read the third time, and passed.

Mr. FILLMORE inquired whether any security had been given for the performance of the contract.

Mr. PETRIKIN said that ten per cent. of the money had been retained.

The resolution being engrossed, was then read the third time and passed.

The hour of one having arrived,

The SPEAKER announced the special order of the day.

GENERAL APPROPRIATION BILL.

On motion of Mr. JONES of Virginia, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CASEY of Illinois in the chair,) on the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840.

Mr. DILLETT was entitled to the floor, but yielded it to enable

Mr. MORGAN to make a personal explanation.

Mr. DILLETT then addressed the committee at great length, in a critical examination of the benefits of the Sub-Treasury scheme. He contended that it would be more expensive to the Government, for additional officers, than was apparent upon the face of the bill; and that there were sufficient officers now to collect the revenue. He thought the Treasury, as at present organized, was abundantly adequate to collect and disburse the revenues: that this bill was unnecessary, on the ground that there was nothing to put away, or to take care of: that the demands upon the Government were always in advance of the resources it had on hand to meet said demands. Even if the bill passed, it was nothing more than the Treasury of the United States at last. That the Treasury, as now organized, was under the control of law; but the Sub-Treasury bill, though it may be guarded in its provisions, would be in effect placing under the control of the President of the United States the treasure of the nation, on the ground that he would have the appointment of the officers to carry out the system. It was a proposition, he said, to make a bankrupt Treasury an independent Treasury. He also contended that the treasure of the nation was under the control of law when in the Bank of the United States, but since that time it was not. So soon as the bill passed, it would place an additional value on specie, and to that degree tend to depreciate paper; and would, in the same degree, derange the currency and prove detrimental to commerce. He also contended that the system would prove impracticable, had not the Treasury Note bill been passed—that the Government could not be carried on six months under that system, without the aid of the Treasury Note bill.

Mr. D. then went into an historical examination of the condition of the currency under the Bank of the United States; contending that it was better regulated under that institution than any other system; that the exchanges were more equal. The currency was more uniform and valuable when that institution was in existence; because the State institutions were compelled to be limited to a proper issue; that they were restricted to the issue of a limited proportion of notes to the specie in their vaults. The State banks then had somebody to settle up their accounts for them. Yes, it was this "monster" that prevented the Democratic institutions from running the country into ruin. It prevented these State institutions from depreciating the currency of the States. Mr. D. then went into a long argument to prove the beneficial effects of a Bank of the United States and its constitutionality.

Mr. D. continued his remarks till past 4 o'clock, when he gave way to

Mr. UNDERWOOD, who moved that the committee rise, and the question being put, there were—ayes 49, nays 40; no quorum voting.

The committee rose, and the chairman reported that fact to the House.

Mr. UNDERWOOD inquired of the CHAIR whether he could make a report from the Select Committee on the Rencontre.

The CHAIR said if there was no objection, the report would be received.

Mr. PETRIKIN objected. It was an irregular way of doing business.

Mr. McKAY moved a call of the House; upon which the yeas and nays having been ordered, were—yeas 58, nays 38.

The call having been proceeded in for a short time, it was then, by universal consent, dispensed with; when

Mr. UNDERWOOD, from the Select Committee appointed to report the facts of the unpleasant rencontre between Messrs. BYNUM and GARLAND of Louisiana, made a report containing a statement of facts, based on the written testimony of a number of witnesses; which testimony accompanied the report. The committee recommended no resolution, nor did they accompany the narrative with a single remark, conceiving it their duty to confine themselves to a naked statement of the facts as they occurred. It will be published hereafter.

The report having been read,

On motion of Mr. BUTLER of Ky. the report and testimony were ordered to be printed.

Mr. EVERETT moved that the House adjourn.

Mr. DUNCAN called for the yeas and nays; which were ordered, and were—yeas 54, nays 41.

So the House, at 4½ o'clock, adjourned.

IN SENATE,

MONDAY, April 27, 1840.

The CHAIR submitted the following message from the President of the United States, which was referred to the Committee on Military Affairs:

To the Senate of the United States:

I transmit herewith a report and accompanying documents from the Secretary of War, which furnish the information in relation to that portion of the defences of the country entrusted to the charge and direction of the Department of War, called for by the resolution of the Senate of the 2d of March, 1839.

M. VAN BUREN.

Washington City, April 4, 1840.

Also, a message of the President, transmitting a report from the Postmaster General, in further compliance with the resolution of the Senate of December 30, 1839; which was laid on the table, and ordered to be printed.

Mr. NORVELL presented the petition of sundry citizens of Michigan, praying the passage of a general bankrupt law; which was ordered to lie on the table.

On motion by Mr. PIERCE, the petition and papers of Huldah Tucker were taken from the files and referred to the Committee on Pensions.

Mr. FULTON presented the memorial of Charles Gordon; which was referred to the Committee on Finance.

Mr. LUMPKIN, from the Committee on the Post Office and Post Roads, to which was referred the petition of Stokes and Purdom, made an adverse report thereon; which was ordered to be printed.

Mr. PIERCE, from the Committee on Pensions, to which was referred

The memorial of John Martin;

The memorial of Martin Burk;

The memorial of Stephen Dunham;

Made adverse reports thereon; which were ordered to be printed.

Mr. WHITE, from the Committee on Pensions, to which was referred the memorial of Benjamin French, made an adverse report thereon; which was ordered to be printed.

Mr. PRENTISS, from the Committee on the Public Lands, to which was referred the memorial of the citizens of fractional township 34 of Will county, Illinois, in the State of Illinois, asked to be discharged from its further consideration, and that it be laid on the table; which was agreed to.

Mr. P. also, from the Committee on Pensions, reported a bill granting a pension to Molly Willey; which was read, and ordered to a second reading.

BILLS PASSED.

The following bills were taken up on their third reading, read a third time, and passed, and sent to the House for concurrence:

Bill for the relief of Joseph Bassett.

Bil for the relief of John S. Billings.

Bill for the relief of Henry Wilson.

Bill for the relief of John Compton, assignee and representative of Garrigues Flaujac.

Bill for the relief of George de Passau, of Louisiana.

Bill for the relief of N. G. Hamilton.

Bill for the relief of Samuel Lord.

Bill for the relief of Tyler Spafford.

Bill for the relief of Casper W. Wever.

Bill for the relief of Mary Neal, widow of Samuel Neal, deceased.

Bill for the relief of Jacob Pennell and others, owners of the Eliza, of Brunswick.

Bill for the relief of Francis A. Harrison.

Bill for the relief of Jean Baptiste Comeau.

Bill for the relief of the legal representative or representatives of of Pierre Bonhomme.

Bill for the relief of the legal representatives of John Scott.

Bill granting a pre-emption right to Enoch Evans.

Bill confirming the claim of the heirs of Joseph Thompson, deceased, to a tract of land in Missouri.

Bill for the relief of Thomas P. Copes.

Bill for the relief of Samuel Mackay.

Bill for the relief of the legal representatives of Aaron Vail, deceased, late consul at L'Orient.

Bill for the relief of Alfred P. King.

Bill for the relief of Henry Lucas.

Bill granting a pension to Pamela Allen, widow of Samuel Allen, a soldier of the Revolution.

Bill for the relief the legal representatives of George Duval, and others.

Bill for the relief of Jubal B. Hancock.

Bill for the relief of Charles McKinzie.

Bill for the relief of James H. Relfe.

Bill for the relief of Thomas and Ralph Haskins.

Bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson.

Bill to amend the act entitled "An act to amend an act entitled 'An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Bellevieu, Dubuque, and Peru, in the county of Dubuque, Territory of Wiskonsin, and for other purposes.'"

The following bills which have passed the House, were taken up on their third reading, read a third time, and finally passed:

An act for the relief of Richard Booker and others.

An act for the relief of Thomas W. Taylor.

An act for the relief of Gamaliel E. Smith.

An act for the relief of John T. Addoms, executor of John Addoms.

An act for the relief of Meigs D Benjamin and others.

An act for the relief of William Wickham.

An act for the relief of George Willis.

An act for the relief of Robert Milnor and John Thompson.

An act for the relief of Nathan Levy.

An act to authorize James Alexander to relinquish a tract of land, and to locate other land in lieu thereof.

An act for the relief of James Brewer, of Ohio.

An act for the relief of James L. Cochran.

An act for the relief of the heirs and legal representatives of John Grimball, senior.

The bill for the relief of Thomas Fillebrown, jr. was taken up, with the report of the Committee on Claims, recommending its indefinite postponement, and, after an animated discussion, in which Messrs. HUBBARD and TAPPAN opposed the bill, and Messrs. SOUTHARD, PRESTON, HENDERSON, and DIXON advocated its passage, it was indefinitely postponed —yeas 23, nays 11, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Robinson, Sevier, Strange, Tappan, Walker, Williams, Wright, and Young—23.

NAYS—Messrs. Clayton, Crittenden, Dixon, Henderson, Knight, Merrick, Porter, Preston, Smith of Indiana, Southard, and White—11.

The bill for the relief of John Underwood was also indefinitely postponed.

The Senate then went into Executive session, and afterwards Adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, April 27, 1840.

The journal having been read,

Mr. CAMPBELL of South Carolina rose and asked leave to make a statement relative to a matter personal to himself.

No objection being made,

Mr. CAMPBELL referred to a part of Mr. JENIFER'S lately published speech relative to proceedings in the Committee of Elections, and read a clause to which the report stated that Mr. J. had asked an answer to some inquiry put by him to Mr. C. "without equivocation."

If such a term had been used by the gentleman when speaking, it had escaped the ear of Mr. C.; and when he had read it in the report, he had had an explanation with the gentleman from Maryland, which he was happy to say was of a character entirely satisfactory. He disclaimed every thing like intentional ambiguity in his language on that and on all occasions.

Mr. JENIFER said the statement now given by the gentleman from South Carolina was correct. Such an explanation had taken place, and it was entirely satisfactory on both sides. In preparing the report of that speech, Mr. J. had made use, in part, of the notes of the Reporter, and in part of his own; and, on consulting the notes, he found that the word "quibble" was there written, and not the word equivocation. Whichever word he had actually employed, he had not meant it in any personal or offensive sense.

THE PRIVILEGE REPORT.

The SPEAKER announced the report of the Select Committee on the difficulty which had occurred between Messrs. BYNUM and GARLAND to be the business first in order.

Mr. BRIGGS stated to the CHAIR that, although the report, and the documents accompanying it had been ordered to be printed he did not find it on the tables of members; and, on inquiry, had ascertained that it had not been sent to the Printer; why, he did not know, and wished to understand.

Mr. CAMPBELL then asked permission to say a word in relation to the report made on Saturday, on the subject of the recent unpleasant affair which had taken place in the House between Messrs. BYNUM and RICE GARLAND. He said it would be recollected that the vote on the motion to print the report and testimony, was taken just as the House was on the point of adjournment, and that the motion was agreed to, in a great measure, *sub silentio*. As for himself, he believed he did not vote, except in that way. Now, upon reflection, he was convinced that no benefit could accrue from the printing of that report, nor would it reflect any credit on the House. If the House had felt disposed to punish for contempt, it appeared to him that it should have been done upon the spot, as was the practice in our courts of justice. With these views, if it was in order, he would move a reconsideration of the vote by which the report and accompanying testimony had been ordered to be printed.

Mr. BRIGGS hoped the motion would not prevail; many false, imperfect, garbled accounts of the occurrence had gone to the public, and it was necessary that a true and authentic account should be given.

Mr. GARLAND, of Louisiana, said that the motion to reconsider gave him an opportunity to say what he ought to have said, and should have said at the time, had this not have precluded by the course immediately adopted by the House; and the observations of some gentlemen, afterwards made, were such as forbade him then to offer what he had now to say. The committee had performed the duty assigned it, and had reported the facts of the case as the members of the committee understood and believed them to have occurred, but had recommended no course of action thereon. He would take this opportunity to say that the affair had happened very suddenly, so much so that one moment before it took place he had not had the remotest expectation of any thing of the kind. Members of that House, who had known him during the seven years he had held a seat in it, could not suppose it to have been his deliberate purpose to do any thing disrespectful to the House. Whether, in what he had done, he had been wright or wrong, it was for the House and not for him to say; he certainly, however, had been himself under the impression at the time that it was right, and under that impression he had acted; but, in a few moments after, he had felt convinced that this was not the place for such an act. Under the impulse of the instant, he had certainly done what, according to the strict interpretation of the rules, was a contempt of the House, although he was far from having had any such intention. If the course lately adopted by the House [Mr. G. was understood to allude to the passage of the anti-duelling regulation] had been such as to impress the members of Congress with the idea that they were not protected from insult by its authority, but that every gentleman must protect himself, it was not Mr. G's fault. Such an impression did exist, and

to a great extent. He concluded by repeating the declaration that he had harbored no intention of disrespect to the House.

Mr. FILLMORE inquired whether Mr. CAMPBELL's motion to reconsider embraced both the report and testimony?

Mr. CAMPBELL said it applied to both.

Mr. F. then said he should oppose the motion. If the report was thought to give the facts correctly, there might be no necessity of printing the testimony, but he never would consent to suppress the printing of the report. The case was one which had an important bearing on the decorum and dignity of the House, and they ought, in deciding upon it, to have the report before them.

Mr. PETRIKIN, after some remarks on the habitual disregard of order in the House, was understood to say that the less there was said about this affair, the better it would be for the dignity and reputation of the House. He hoped the motion to reconsider would prevail, and that none of the papers would be printed.

Mr. VANDERPOEL was opposed to the motion. He hoped the House would not reconsider its vote for the printing. It was evident that a thousand distorted versions of the affair had gone forth to the country, and it was due to the House and the parties implicated to have the truth made known. The letter writers would no doubt do injustice to the parties; and it therefore became necessary that the truth, and the whole truth, should appear. He had heard no good reason advanced in favor of the motion to reconsider, nor did he believe there could be any. He hoped the House would have the whole matter printed.

Mr. CURTIS rose to a point of order. He understood the gentleman from South Carolina to say that he did not vote on the motion to print: and that being the case, he did not see how he could move a reconsideration.

The SPEAKER understood the gentleman from South Carolina had voted affirmatively, although *sub silentio*.

Mr. BANKS concurred with the gentleman from New York, [Mr. VANDERPOEL,] in his opinion that the report ought to be printed. It could not be doubted but that erroneous versions of the affair would go forth to the country. It was, therefore, highly necessary to have the whole printed, so that the matter might be laid before the country in an official form, when the people could form their own opinion. Mr. B. then moved the previous question, which was seconded by the House.

The main question being then ordered on the motion to reconsider, it was decided as follows: yeas 20, nays 143. So the House refused to reconsider.

On motion of Mr. UNDERWOOD, the further consideration of the subject was postponed until to-morrow.

The CHAIR announced that the next business in order was the motion made by the gentleman from Ohio [Mr. SWENEY] to reconsider the vote, by which leave was refused the gentleman from Kentucky [Mr. DAVIS] to introduce a bill to vest the appointment of district attorneys and marshals of the United States in certain courts, and providing that the emoluments of said officers shall in no case exceed $3,000.

Mr. SWENEY, who was entitled to the floor, rose and said: Mr. Speaker, I did not make this motion for the purpose of affording myself an opportunity of making a speech. I did not intend it at the time the motion was made, and although some time has since elapsed, yet I do not now intend it. The legitimate subjects for discussion under this motion, whatever they might be upon the bill itself, it appears to me are too much circumscribed in their extent and character to afford me that opportunity even if I now felt such a disposition; and, as I am not one of those who believe, or practise as though they did believe, that, under every possible question that can arise in this House, every possible matter is debatable, I shall content myself with offering, in very few words, a very few reasons why I have made this motion.

My first object then is to afford to myself and to some others, I hope, who have had an opportunity of reflecting upon the provisions and tendency of this bill, an opportunity of changing our votes.

Sir, it did appear to me, on a moment's reflection, as not altogether courteous, and I have since learned, from older members than myself, that it has not been considered as courteous, especially in this House, where courtesy and urbanity are so much regarded, to refuse to any gentleman leave to introduce a bill, under the rules of the House, where the subject is proper for legislative action.

I have stated, on a former occasion, that I was under the impression, at the time I gave my vote, that the rules of the House would have to be suspended in order to grant the privilege to introduce the bill. This would have been a sufficient reason for withholding my consent, as in that event I would much rather have preferred its being introduced at some other period in order and in compliance with the rules of the House. Sir, I am averse to the suspension of the rules except on very extraordinary, important, and urgent occasions. For little, unfortunately, little as they have been regarded during this session, yet I have found them of some small service in preventing us from running into utter licentiousness.

It has long since been observed, and well observed, that order is the first law of Heaven, and just in proportion as we approach that divine and harmonious order do we secure "peace on earth and good will towards man."

But, sir, the bill is to be introduced without any infraction of the rules of the House. Why, then, may it not be introduced and referred to an appropriate committee? What are its provisions, and what are the evils which it is intended to remedy?

It proposes two things. First, to vest the appointment of district attorneys and marshals in certain courts of the United States. Sir, I am not well satisfied that this change would be for the better. The appointment of these officers is now vested where the framers of our Constitution, those master workmen in political economy, thought proper to place the appointing power—under the General Government; and for this reason alone I would not disturb it, unless for very special and cogent reasons. I cannot see, and I never yet have found, any danger to be apprehended from an improper exercise of the appointing power. I can hardly conceive of corruption there, as long as our Constitution is preserved inviolate. The Chief Magistrate is responsible to the people, and the Senate is to interpose its constitutional check. With this provision of our Constitution, as with all others, I am well satisfied; and although I may not be permitted to say of it as some do of the British Constitution, that "it is the perfection of human wisdom," yet this I may exultingly say of it, that it has secured the greatest amount of human happiness to the greatest number of human beings of any system of Government policy the world has ever adopted.

If, however, any good reason can be assigned for the change, I am willing to adopt it. I am not so great a stickler for form as to lose sight of substance; and while other sciences are progressing with colossal strides, I am willing to admit that some improvement may yet be made in that which is of most importance to his happiness, the government of man.

But, Mr. Speaker, the provision of this bill which is of most importance, in my estimation, is the one limiting the emoluments of District Attorneys. Is it true, sir, that even in our largest commercial cities, that these officers receive twenty, fifteen, or even ten thousand dollars per annum for their services? If so, here must have been a *casus omissus* in legislation; for I cannot believe that the services of any subordinate officer under our form of Government, can be worth that amount of money; and the creation of sinecures is a most wanton and inexcusable act of despotism, and never ought to be even approached in a Republic. He who will not lend his services to his country for a less amount, let me tell you, his services are not worth having.

Sir, I am not in favor, either, of farming out offices to the lowest bidder. The administration of a Government is of more importance than the Government itself. It has been said by one in former days, who well understood the human character, that "that Government which is best administered is best;" and this is as true as any axiom in philosophy. What signifies our boasted Constitution, if its salutary provisions for our national prosperity and happiness is to remain an inert, dead letter? The proper exercise of its functions must give it life and a fair compensation; for service is the life-giving principle. Our Government, like any other, if badly administered, may run into despotism; if unadministered, must sink into anarchy.

There are two ways by which it may be maladministered—by a mistaken parsimony, by which will be excluded from it administration a sufficient amount of talent, ability, and manly worth, and by allowing excessive salaries, which will always beget extravagance and corruption. A proper medium is to be observed. "*In medio tutissimus ibis,*" is a safe maxim; and under that rule alone can we expect to preserve a healthful and proper action in our Government.

If, then, gentlemen are serious in their professions of economy, here they may find an undisputed point from which to take up their line of march in their holy crusade. Here they may try their whetted pruning knives, without much danger of injuring the tree, or at all affecting the fruitfulness of its branches.

The question being on the motion to reconsider,

Mr. TURNEY demanded the yeas and nays, which were not ordered.

So the motion was reconsidered; and the question recurring on the motion for leave, it was granted without a count; and the bill was introduced, read twice, and referred to the Committee on the Judiciary.

GENERAL APPROPRIATION BILL.

On motion of Mr. J. W. JONES, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and took up the civil and diplomatic appropriation bill.

Mr. DILLET, who was still entitled to the floor, resumed his remarks in relation to the constitutionality of the Bank of the United States, and in opposition to the Sub-Treasury scheme. In speaking of General Jackson, he said if there was any one thing, more than another, which was calculated to give him fame in history, it was the proclamation accompanying the force bill. He was in favor of that proclamation, and opposed to any one State resistance, to put an end to the Confederacy. He examined into the political history of General Harrison, and contrasted it with that of Mr. Van Buren, and approved the principles of the former and condemned those of the latter. After passing an eulogy on the character and military services of General Harrison, he concluded.

Mr. STANLY obtained the floor, and said he had a wish to make a few remarks, but he would yield his right to the floor for the purpose of having action on the bill; and hoped gentlemen would consent that the reading of the bill should be progressed with.

Mr. DROMGOOLE concurred most fully in the sentiments expressed by the gentleman from North Carolina, [Mr. STANLY,] and would attempt to effect the very object which that gentleman had proposed. Every gentleman must see the propriety of observing the rules which the House had prescribed for the transaction of business. The 118th rule required that they should read section by section, so that every item might be analyzed and scrutinized. How could they ever proceed to examine particular items, if the rule were not adhered to?

Mr. D. was glad that, at last, either a sense of propriety, or shame, had induced the committee to evince a disposition to examine the bill. If there were no amendment offered to any section, the next could be read, and each item strictly examined. Besides, our duty under the rules of the House, (said Mr. D.) required that we should look to the situation of the country, and the individuals for whose payment the bill provides. We were doing gross injustice by not making an appropriation for the clerks and other dependants of the Government, who are absolutely driven to the necessity of being shaved by the brokers in anticipation of their payment. He hoped, therefore, they would proceed, without, further delay, to examine into the merits of this bill. It was now quite time to forbear making political speeches, and manufacturing public sentiment. While urging the committee to do their duty, he would not set an example by detaining them. In endeavoring to enforce the rules of the House, he did not impute more blame to one party than another. All must consider that the digression had been sufficiently indulged in. It was the duty of all to prevent any further unnecessary consumption of time. This remark would apply to every body of every party; and Mr. D. called upon all to unite with him to preserve the debate within the limits of order.

Mr. JONES rose for the purpose of showing the importance of speedy action on the bill.

Mr. BELL thought the gentleman from Virginia had taken to himself a great deal of credit in relation to the bill. For his part, he had not hitherto opened his mouth, as was the case with a hundred other gentlemen besides. Mr. B. was understood to complain that the bill had not been brought forward at an earlier period, as he had intended to speak on some of the items. But, as he did not suppose there was time now for debate, he was willing to forego his intended remarks, and go with the honorable gentleman for action on the bill.

Mr. JONES said he desired to have the papers read, which he had received, for the purpose of showing the urgent necessity for speedy action on the bill. In reference to the bill not being brought forward at an earlier period, he begged leave to say that no exertion had been spared on his part to bring up the bill at the earliest possible period.

The several papers from the Departments urging the passage of the bill were then read by the CLERK.

Mr. HUBBARD made some brief remarks in relation to the speech of his colleague, [Mr. DILLETT,] who had at last made up his issue in opposition to the Sub-Treasury. When the proper time should arrive, and the Sub-Treasury bill be under discussion, he hoped he should be able to satisfy his colleague by replying to him on that point. Mr. H. also adverted to some remarks of his colleague in relation to the tariff question, but in which it appeared, from a subsequent explanation of the latter, that he had misapprehended him.

Mr. PROFFIT made a few remarks, and gave notice of his intention, this evening, to make a speech on the bill.

Mr. ADAMS said he had determined, from the first day the bill under consideration was put into Committee of the Whole, that he would not delay the passage of the bill one quarter of an hour. Yet he had much to say. And the House would consider that in discussing the incidental expenses interwoven in the sections of the bill, a sort of challenge had been thrown out, personally to himself, to review the political history of parties from the first day of our independence. For he should go back to that period if he should enter upon that subject, and he might trace the history of that part of the Hartford Convention with which he had something to do; and he would allude to the crying sins imputed to him of advocating internal improvements to the extent of the reading of long passages from a message, which, some ten or fifteen years ago, he sent to this House; also upon his denial of the duty of members of the House to be palsied by the will of their constituents, and of his ardent desire to build light-houses in the skies, and of many other things too tedious to enumerate. And all this had been brought forward to determine how long the clerks in the public offices should be delayed for the payment of the compensation due to them. Mr. A. would ask, whether the House did not think he had sufficient reason to justify himself. He would not begin now; it would take up too much time. He might, besides, be under the necessity of encroaching upon the time of the eloquent gentleman from Indiana, [Mr. PROFFIT.] He (Mr. A.) would not have time before three o'clock in the morning to begin. But he would say now, simply, that he should wait for some other bill, on which the House would be in Committee of the Whole, which would allow of gentlemen speaking to the point at issue, not extraneous matter. He hoped he would have, at that time, the opportunity of addressing the House not so many hours as he would necessarily occupy now.

Mr. H. hoped his friend from Virginia [Mr. DROMGOOLE] would not carry his threat into execution then, because, to use a vulgar expression, "fair play is a jewel," and he should reflect upon it before he passes into the execution of his threat, calling gentlemen to order for irrelevancy in debate. Mr. A. said he would not trouble the House now with the history of the Hartford Convention, according to his view of it, nor any thing else. The gentleman from New Hampshire, [Mr. ATHERTON,] and the gentleman from Maine, [Mr. CLIFFORD,] having given a history of it, would be a sufficient reason for him to discourse upon the same topic, but he should not speak of it now. He hoped he would have liberty to say a word in extenuation of his crimes; but he would not occupy the time of the House at present.

Mr. A. hoped to have that privilege at any time, when the House shall be in Committee of the Whole. He believed that he had not taken up more than five minutes in this statement; and according to his promise, he would not delay the passage of the bill a moment longer.

Mr. STANLY moved to strike out the compensation to the First Comptroller of the Treasury, being the sum of $3,500, on the ground of certain charges which had been preferred against that officer in the report of the Swartwout Investigating Committee.

Mr. JONES said that before the House undertook to strike out that section of the bill, he hoped gentlemen would vote for the appointment of a committee for the purpose of investigating the charges against the Comptroller. For his part, he had not until then heard any charges against that officer, nor did he know of any; but he thought, at least, some measure ought to be adopted to ascertain the facts before the salary of the officer was stricken out. There was no charge brought against the humblest individual which did not first undergo an investigation; and surely the Comptroller was entitled to an examination before they proceeded to such an extremity against him. Was it not due to him that he should be notified of the charges, before they took that short mode of displacing him? Even the smallest claim that was presented to the House, underwent an examination before a committee; but here was a charge brought up without the least notice, and action was sought thereon without giving the accused the slightest chance of meeting it. It seemed to him a very strange course for the gentleman from North Carolina to move to strike out the salary of a high officer in the Treasury Department, without the least notice or investigation.

Mr. STANLY referred to the report of the Swartwout committee, and intimated that the charges might be found there.

Mr. DAVIS of Indiana was understood to say that if the gentleman from North Carolina had undertaken to expose any impropriety in the conduct of the First Comptroller, he had undertaken a task, the success of which would be very doubtful. But it was necessary to the Government that we should have a First Comptroller; and the gentleman's motion would, if agreed to, have the effect of abolishing the office. If there was any charge against the present incumbent, that was another matter, and might be investigated. Or if the gentleman wished to reduce the salary, or abolish the office, that would be in order; but, under present circumstances, the only course was to pass the item.

Mr. WAGENER denied that any charge could be established against the First Comptroller; and, so far as the defalcations of Swartwout were concerned, it was well known that the present Comptroller was not appointed until after Swartwout's defalcations had taken place. He defied any member to point out a single case where the Comptroller was to blame. Mr. W. proceeded to say that he had seen a great deal about those defalcations, and when the proper time should arrive, he would make it his duty to expose the matter to the country; and he would tell the gentleman from North Carolina he would then find that when these defalcations had taken place, they had arisen, not from the friends of the present Administration, but from those opposed to it. Mr. W. concluded by repeating that there was no truth in the insinuations made against the Comptroller, and that for his part he was not one of those who would get up

and make charges against an individual, unsupported by evidence, if any "*inefficiency* existed in that office, it was at the last period of Mr. Anderson's service;" when,

Mr. BELL rose, and inquired whether any corrupt conduct was imputed to Mr. Anderson.

Mr. WAGENER promptly replied, most assuredly not. His inefficiency was imputed to his infirmities and old age.

Mr. BELL made no inquiry as to the conduct of Mr. Barker. So far from Mr. W. or the minority of the Swartwout committee, imputing any want of energy to Mr. Barker, they, on the contrary, exculpate him from any blame, and accord to him, in connection with the late Solicitor of the Treasury, much praise for their laborious investigations into the defalcations of Mr. Swartwout, (at the city of New York,) as soon as suspicion was excited of his enormous peculations.

Mr. DAWSON said, if the gentleman from Pennsylvania supposed the majority report contained any charges against the Comptroller not sustained by evidence, he was mistaken. The report charged that officer with culpable disregard of law; and he could show that the charge was fully substantiated. Mr. D. then read the laws applicable to the office of Comptroller, and contended that if the present incumbent had regarded those laws, the defalcations of Swartwout might have been checked. He wished to be distinctly understood as making no charge of corruption against the present officer, but as blaming him only for not enforcing the law; in doing which, however, he was merely following the example of his predecessor. Mr. G. in the course of his remarks, stated that every gentleman in the Treasury Department with whom he had conversed, had admitted that if the accounts with Swartwout had been kept up, in accordance with law, the defalcations must speedily have been discovered.

clerk in the Land Office, at a salary of $1200 a year, and that he farmed the office to some individual for $800 a year, while he was employed as a Reporter for the Globe. Now, all he knew was, that Mr. Washington stood high wherever he was known, as a gentleman whose character and integrity could not be surpassed. He had known Mr. Washington for some time, and he felt it his duty to say that his conduct was correct, and his actions influenced by some of the noblest feelings that adorn our nature. He would vouch for it, that the character of that individual was equal to that of the gentleman from North Carolina in honesty and integrity. Mr. S. then referred the member from North Carolina to a statement published by Mr. Washington in relation to this matter, and which, Mr. S. understood, declared that the substitute who performed the duties in the Land Office recived every dollar of the salary.

Mr. PETRIKIN was opposed to this mode of attacking individuals upon the floor. If there was any thing wrong, the proper course would be to have a fair investigation. The Committee on the Public Expenditures, which was composed of a majority of Whigs, have full power to attend to such matter. If there be any thing wrong, let them investigate and correct it.

Mr. JAMES GARLAND felt himself called upon, as an act of justice to Mr. Washington, to say, upon the authority of the Recorder of the Land Office, that that gentleman does not receive one cent from the Government. His place has been filled by another gentleman, of efficiency and ability, who receives the full salary attached to the office. He could also certify to the ability and highmindedness of Mr. Washington.

Mr. BANKS knew but very little about this business, but he thought himself anthorized to say, from the information he had received, that Mr. W. was not, in fact, a clerk in the Land Office, nor did he receive a cent from the Government as clerk.

Mr. RAMSEY did not approve these discussions got up on an appropriation bill. In relation to Lund Washington, he knew nothing about him, and he cared as little. If gentlemen imagined there was any thing wrong, let these charges be investigated, and he would willingly co-operate with them. But he was opposed to this mode of bringing up individuals before the House. He believed, from what he had heard, that this Lund Washington was an honorable and estimable man, and he hoped the gentleman from North Carolina would see the impropriety of bringing charges, without accompanying them with proof. If there was any suspicion of wrong in any quarter, the only proper mode was, in the first place, to investigate the charges, and not present them to the House upon mere rumor.

There were also charges intimated against a high and worthy Mr. PETRIKIN defended the Comptroller, who, he said, was appointed but two months before Swartwout was turned out of office. The defalcations of Swartwout had commenced years before the present Comptroller came into office; they began as far back as 1832. The gentleman from Georgia had disclaimed any charge of corruption against the Comptroller, but had, at the same time, charged him with a culpable neglect of duty. What was that but corruption? Mr. P. then went on to show how very easy it was to make a charge on the floor against an individual who had no chance of defending himself. As for the present Comptroller, he had known him for years, as an honest, upright man—yes, as honest as any gentleman on the floor. The Comptroller might not, perhaps, be quite so good in point of talent as some members, but he was far better in point of honesty. [Laughter.] But the Swartwout committee not only made him shoulder the blame of his predecessor, but saddled him with the whole crimes of Swartwout and his coadjutors, the banks. Mr. P. then alluded to the manner in which the investigating committee was appointed. He denounced it as a party affair, and complained that the report was kept back until within a few days before the session closed, so that the falsity of its charges could not be shown. Other gentlemen might act as they pleased, but for himself, he would never make a charge against any man on ex parte evidence.

Mr. DAWSON explained that, during the investigation, he had derived much valuable information from Mr. BARKER; and he would repeat that he did not impute to him any thing like corruption, but an unintentional disregard of the law. Mr. D. then read extracts from the majority report, showing, from the Comptroller's answers to interrogatories, that he himself admitted the impossibility of fraud on the part of Swartwout, had the proper checks provided by law been put in force.

After some further debate of a desultory character, the question was taken on the motion to strike out, and it was negatived.

Mr. STANLY then moved to strike out the compensation to the First Auditor of the Treasury; and the question being taken, the motion was disagreed to without a count—when the paragraph for making appropriations to compensate the clerks in the General Land Office was read by the Clerk.

Mr. STANLY wished to ask Mr. JONES whether Lund Washington was still a clerk of the Treasury Department.

Mr. JONES replied that there were some hundreds of clerks in the Departments, and that he had not the pleasure of knowing many of them. He was understood to say that he was unable to say whether Mr. Washington was a clerk or not.

Mr. STANLY then made some further remarks in relation to Mr. Washington, who, he contended, had been a CLERK in the Land Office, and was one of the Reporters of the Globe at the same time.

Mr. ALBERT SMITH said he understood the gentleman from North Carolina to infer that this Mr. Washington was a officer of the Treasury. As to the official transactions of that gentleman, he knew comparatively nothing; but he would say that any charge, impeaching him with culpable neglect, he would denounce as without foundation. He would meet these charges here at the threshold, and defy gentlemen to prove them. He appealed to the House and to the country to say whether it was fair for gentlemen to be attacked here, before they had been even notified of the charges, or had an opportunity of being heard in their own defence. Gentlemen seemed to know a great deal about these defalcations; but as regarded that officer, they had searched in vain, for they had found nothing against him. He would ask, who it was that committed these frauds? He would tell them that the offenders were members of their own party, and that Swartwout was one of their own men; yes, that man, after all had been said, was of their own party, and had been named by them as a candidate for the Vice Presidency.

Mr. STANLY replied at some length, and, in the course of his remarks, denied that Swartwout was nominated for the Vice Presidency by the Whig party.

Mr. RAMSEY referred Mr. S. to the New York Courier and Enquirer, for the purpose of proving that Swartwout had been nominated by a portion of the Whig party. He referred to the time when Swartwout was ordered to collect the public dues in specie only, but which order he disregarded, and received instead the worthless trash of bank paper.

Did the Administration laud him for that? No. But he was praised by the Whigs, and he acted with them, as the New York Courier would show.

After some brief remarks from Messrs. GENTRY, POPE, and RAMSEY, the question was taken on the motion to strike out, and it was rejected.

Mr. STANLY moved to strike out from the item making appropriation for the contingent expenses of the Solicitor of the Treasury, $500 for the purchase of a law library for the use of that office.

A debate ensued, in which Messrs. STANLY, JONES of Virginia, DAVIS of Kentucky, JAMES GARLAND, EVERETT, CUSHING, FILLMORE, PETRIKIN, ADAMS, EVANS, McKAY, and GRAVES participated; when

Mr. STANLY demanded tellers on the question of striking out; and Messrs. HOPKINS and DAVIS of Pennsylvania having been appointed as such, reported—ayes 60, noes 44; no quorum voting.

The committee rose, and the chairman reported that fact to the House.

Mr. STANLY moved a call of the House.

Mr. VANDERPOEL raised a question of order, by way of inquiry whether it was the duty of the chairman of the Committee on the state of the Union, under all circumstances, when found without a quorum, to rise; and whether he had no means to ascertain whether there was a quorum of the committee.

Mr. CASEY, the chairman, said there was no other means by which the chairman could ascertain whether there was a quorum, except by the members passing through tellers; that had been done, and no quorum having voted, it was the imperative duty of the chairman to rise and report that fact to the House.

Mr. BRIGGS having called for the opinion of the SPEAKER in relation to the duties of the committee under the circumstances above alluded to,

The SPEAKER stated his opinion in substance, that when the committee found itself without a quorum, it was powerless, and in conformity to its past practice, should rise and report that fact to the House.

The SPEAKER then counted the House to ascertain whether there was a quorum; and there being 127 members present,

The House then resolved itself into Committee of the Whole on the state of the Union, Mr. CASEY in the chair, and resumed the consideration of the civil and diplomatic appropriation bill.

The question was then taken on striking out, as proposed by Mr. STANLEY, and agreed to—ayes 73, noes 57.

Mr. TRIPLETT moved to reduce the contingent expenses of the Secretary of War, from $3,000 to $2,500; and after a few remarks from Messrs. GRAVES and DROMGOOLE, the amendment was rejected without a count.

Mr. GIDDINGS proposed an amendment requiring the heads of the several Departments to present annually, in detail, estimates of the contingent expenses; and after a few remarks by Messrs. JONES of Virginia and R. GARLAND, showing that it would be impracticable; and by Mr. GIDDINGS in favor of the amendment, on the ground that it was absolutely necessary to save the time of the House by preventing discussion when the appropriation bill is under consideration, the amendment was rejected without a count.

Mr. R. GARLAND moved to strike out "the compensation of extra clerks, when employed in the War Department, three thousand dollars;" and after a debate, in which Messrs. JONES of Virginia, JENIFER, BELL, CONNOR, PETIKIN, R. GARLAND, and STANLY participated,

Mr. PROFFIT obtained the floor, and spoke at some length in defence of the Whig party, as connected with the question of Abolition. He denied that the Whigs and Abolitionists were identical as a party—but that the Abolitionists belonged to both political parties; or, if they existed as a party at all, they existed as an independent party. The Whig party, it had been said, were made up of discordant materials. He admitted that it was made up of men possessing different principles, but who were willing to merge all minor differences of opinion for the great common purpose of breaking down this Administration. He was understood to say that he would rally on any man, whatever his principles, to effect that great purpose. He examined the pretensions of General Harrison to the Presidency, as compared with those of Mr. Van Buren, contending that the claims of the former were superior to the latter.

Mr. GOODE followed, and, in the course of his remarks, examined the character of the Treasury Note bill, contending that it was not constitutional. He was arguing that the Sub-Treasury system was as much in conflict with popular rights as the banking system. He was about proceeding into an examination of its principles, when

Mr. VANDERPOEL made a point of order. The bill before the committee was the civil and diplomatic appropriation bill; and the gentleman was discussing the Sub-Treasury bill. He therefore called the gentleman to order for irrelevancy of debate.

The CHAIR said that he had, at an early part of the discussion on this bill, when the gentleman from Ohio [Mr. WELLER] was called to order for discussing this very question, promptly decided that he was not in order; but the committee thought proper not to sustain the CHAIR. As the question was, however, again raised, he must say that the gentleman from Ohio was not in order to indulge in this irrelevancy of debate. As he was called upon to decide, he must say that the gentleman was out of order; and after a few remarks from Messrs. VANDERPOEL, BROWN of Tennessee, and DAWSON,

Mr. L. WILLIAMS appealed from the decision of the CHAIR on the ground that the House went into Comittee on the state of the Union generally; and particularly the bill before it. The gentleman was therefore perfectly in order in the latitude of discussion he had taken.

Mr. CHAPMAN of Alabama said it was the understanding that the utmost lattitude would be allowed to this bill, and hoped that the gentleman would withdraw his point of order; but on some other bill, the first that should come up, he was determined that irrelevancy of debate should be prevented; and he would raise the question of order, if no other person thought proper to do so.

The question being on the appeal, the committee was divided; and there were—ayes 49, noes 25; and no quorum voting,

The committee rose, and the chairman reported that fact to the House.

Mr. L. WILLIAMS moved that the House adjourn; but the yeas and nays having been ordered, he withdrew the motion.

On motion of Mr. STANLY, a call of the House was ordered, and having been proceeded in until 122 members answered to their names, all further proceedings in the same was dispensed with. A quorum being present,

The House again resolved itself into committee, and resumed the consideration of the civil and diplomatic bill.

The question being on the appeal, and Messrs. CARTER and DAVIS of Indiana, having been appointed tellers to take a count reported—ayes 86, noes 22: no quorum having voted.

The committee again rose, and the chairman reported that fact to the House.

Mr. DAVIS of Indiana moved a call of the House.

Mr. R. GARLAND moved that the House adjourn.

Mr. WELLER demanded the yeas and nays; which were ordered, and were—yeas 32, nays 89.

Mr. GOODE intimated to the House that he would not trouble the committee with any further remarks, and hoped the House would again go into committee, and dispose of the bill.

Mr. ADAMS did not think it was proper, after so much irrelevancy of debate as had been indulged in by other members, that the gentleman from Ohio should be put down. He moved that the House adjourn.

The SPEAKER decided the motion was not in order, no action having been had by the House since the question was taken on the motion to adjourn.

The House again went into committee, and resumed the consideration of the bill.

The question being on the appeal, both the appeal and the point of order were withdrawn; when

Mr. GOODE finished his argument in relation to the Sub-Treasury bill, and gave notice that he intended, when that bill came up for consideration, to go more into detail.

Mr. OGLE rose, and was addressing the committee in relation to the furniture in the President's House, and by way of explanation and reply to the two gentlemen from Massachusetts, [Messrs. LINCOLN and ADAMS,] and the gentleman from Missouri, [Mr. JAMESON,] who attacked his former remarks on that subject; but, before he proceeded far,

Mr. THOMPSON of Mississippi rose to a point of order. He called the gentleman to order for irrelevancy of debate; and put it to the gentleman from Pennsylvania, [Mr. OGLE,] whether it comported with his dignity, and his sense of what was due to the committee, after already occupying three days in discussing this question on the bill now under consideration, to indulge in a debate of this character at this late hour (12½ o'clock.)

The CHAIR again reiterated his former decision—that the gentleman was out of order.

Mr. OGLE was about proceeding, but

Mr. PARRIS objected to his proceeding without permission of the committee.

Mr. L. WILLIAMS appealed from the decision of the CHAIR; and

The question being, "Shall the decision of the CHAIR stand, as the judgment of the committee?" tellers were called for to take account, and Messrs. LINCOLN and PARRIS having been appointed such, reported ayes 79, noes 24; and no quorum voting,

The committee rose; and

The SPEAKER having resumed the chair,

The chairman of the committee reported that fact to the House.

Mr. PARRIS moved a call of the House.

Mr. WILLIAM B. CALHOUN moved that the House adjourn.

Mr. PETRIKIN demanded the yeas and nays; which having been ordered, were—yeas 34, nays 85.

So the House refused to adjourn.

Mr. DUNCAN moved a call of the House; which was ordered; and having been proceeded in till 114 members answered to their names.

Mr. FILLMORE said experience had taught him that all attempts to compel the attendance of members, and to force questions, at such an unseasonable hour, proved abortive; he therefore hoped, by universal consent, the House would agree to adjourn, with that understanding, by all parties, that the question should be taken on the bill to-morrow. He accordingly made that motion to adjourn.

Mr. DROMGOOLE demanded the yeas and nays; which having been ordered,

Mr. FILLMORE withdrew his motion.

The call was then proceeded in until 123 gentleman answered to their names; and the list of absentees having been called over for excuses, the following gentlemen were excused for various reasons, viz: Messrs. ANDREWS of Kentucky MARVIN, ANDERSON of Kentucky, BIDDLE, W. O. BUTLER, CAMPBELL of Tennessee, MARK A. COOPER, PROFFIT,

DAVEE, FLETCHER, GRANGER, HALL, HOOK, JOHNSON of Tennessee, LAWRENCE, MCCULLOCH, MEDILL, NAYLOR, PARMENTER, PECK, POPE, RAYNER, CHAS. SHEPPARD, REED, SMITH of Indiana, TALIAFERRO, TURNEY, UNDERWOOD, S. WILLIAMS, RHETT, BYNUM, WHITE of Louisiana, EVERETT, PETRIKIN.

The House refused to excuse the following gentlemen, viz. Messrs. ANDERSON, JUDSON ALLEN, BOND, BOTTS, BRIGGS, BROWN, CARROLL, CLARK, CRANSTON, CURTIS, GARRET DAVIS, HOPKINS, KEIM, MARVIN, MONTANYA, STRONG, STEWART, THOMPSON of South Carolina, WISE, WORTHINGTON, and PICKENS.

Mr. DAWSON suggested that it would be better to adjourn now, with the understanding that the question should be taken on to-morrow. He, therefore, moved all further proceedings in the call be dispensed with.

Mr. DUNCAN demanded the yeas and nays; which having been ordered, the question was taken, and disagreed to.

Mr. LINCOLN said there were items in the bill which would necessarily create discussion; and it was obvious that the bill could not be got out of committee to-night; he therefore renewed the motion to suspend all further proceedings in the call.

Mr. McKAY hoped gentlemen would see the reasonableness of the proposition of the gentleman from Massachusetts. He hoped the suggestion would be acted upon.

Mr. FILLMORE moved that the House adjourn.

Mr. STEENROD demanded the yeas and nays; which having been ordered, the motion to adjourn was withdrawn.

Mr. MONTGOMERY said that, on all former occasions, he had protested against understandings of this kind; and he did so on the present occasion.

Mr. STANLY also protested.

The question was then taken on the motion to suspend all further proceedings in the call, and decided in the negative.

Mr. STANLY hoped the House would adjourn, and meet again in the morning. He did not see what good could be effected by remaining there. He had several amendments which he thought it his duty to offer.

Mr. DAVIS of Indiana moved that the absentees be sent for and taken into the custody of the Sergeant-at-Arms.

Mr. DAWSON appealed to the chairman of Ways and Means whether his experience did not teach him that it would be impossible to get members there before four o'clock, when a call was ordered under such circumstances.

Mr. JONES agreed that we might not get the members there before four o'clock. But he was satisfied that, unless they submitted to privations, they would never get through with the public business.

Mr. CUSHING suggested that it would be very improper to continue the call, and drag members from their beds to decide upon a point of order. If the House consented now to adjourn, that question would not come up before one o'clock; at which time the members would be in a good humor. He appealed to the House whether a quorum could be procured before six o'clock. Even then nothing could be gained by it, as the House must shortly afterwards adjourn to enable members to seek that repose of which they have been so unnecessarily deprived.

Mr. BOYD moved the previous question on the motion to send for the absent members; which was seconded, and the main question ordered.

Mr. CUSHING hoped that the motion might be put in writing, so that there might be a regular and legal call. The call ordered on recent occasions was not legal.

Mr. DAWSON moved that the House adjourn.

Mr. DAVIS of Indiana demanded the yeas and nays; which were ordered, and were—yeas 35, nays 67. So the House refused to adjourn.

The question then recurring on the motion to send for the absent members,

Mr. FILLMORE suggested a modification of the motion so as to require that the Sargeant-at-Arms should produce the absent members by ten o'clock in the morning, to which time he hoped the House would have a recess.

On motion of Mr. THOMAS of Maryland, the yeas and nays having been ordered on the motion to suspend the motion to send for the absent members, were—yeas 57, nays 37. So the House determined to send for the absent members.

Mr. GRAVES said it was evidently impossible to get through this bill in twelve hours; and moved to reconsider the vote to compel the attendance of members.

Mr. WELLER moved the previous question on that motion; which was not seconded.

Mr. PETRIKIN said as he had been excused, he would, as an impartial man, move to reconsider the vote; and that the Sergeant-at-Arms be authorized to compel the attendance of members at 10½ oclock, and that the House take a recess till that hour.

Mr. RIVES thought it was unnecessary to move a reconsideration. He was in favor of compelling not only those who were absent on the first call, but all those who had answered to their names and subsequently absented themselves.

Mr. BANKS thought it would be better that the Sergeant-at-Arms be instructed to have the absentees forthcoming at 11 o'clock. He did not wish to avoid the rule by such suggestion; but to have it executed. He thought it would be better to reconsider the former vote, and adopt a resolution to compel the attendance of the members at that hour.

After a few remarks by Mr. GRAVES,

Mr. DILLET said he felt some indignation that the gentleman several hours ago did not agree to suspend the proceedings in this matter. As they were unwilling then, he was perfectly willing to let them work it out their own way. Let those who were so strenuous some three hours ago, pursue the call, and see what they can make of it.

Mr. STANLY moved the previous question on the motion to reconsider; which was seconded, and the main question ordered.

Mr. DUNCAN demanded the yeas and nays; which were ordered, and were—yeas 45, nays 50.

So the House refused to reconsider the order to compel the attendance of members.

Mr. RIVES moved that the House take a recess until 11 o'clock.

Mr. CUSHING submitted to the CHAIR, as a point of order, that the motion of the gentleman from Virginia [Mr. RIVES] was not in order, the House being in the process of executing an order for a call of the House.

The SPEAKER, in reply to the question of order raised by Mr. CUSHING, said that a motion to adjourn was at all times in order.

Mr. CUSHING submitted that there was a difference between a recess and an adjournment.

Mr KEMBLE moved that the House adjourn.

Mr. DUNCAN demanded the yeas and nays; which having been ordered, were—yeas 22, nays 65.

So the House refused to adjourn.

Mr. RIVES moved to take a recess till 10 o'clock.

Mr. CUSHING raised a point of order. The House must either continue or suspend the call. It could adjourn, but not take a recess.

The SPEAKER decided that the motion was not in order.

Mr. HOLLEMAN argued that it was in order, and took an appeal from the decision of the SPEAKER.

Messrs. DROMGOOLE and CUSHING supported the decision of the CHAIR in a few remarks; when

Mr. DUNCAN said that the House was told every day that the Administration had a majority, yet it would be seen that a minority had as much power as that majority. It can render the majority powerless by the course of proceeding adopted this night, and defeat action on the public business. The power of this minority was a negative one, which was equal to a positive power. The circumstances of the country imperiously demand that this bill shall be passed. The public service is suffering throughout every branch; and he was anxious that the country should know what party it was that was now delaying action on the public business.

After a few remarks in opposition to the decision of the CHAIR,

Mr. DAVIS of Indiana moved the previous question on the appeal; which having been seconded, the main question was ordered; which main question was, "Shall the decision of the CHAIR stand as the judgment of the House?" and the said question having been put, the decision was sustained.

Mr. FILLMORE inquired if it was in order so to re-order the call as to compel the attendance of those who left the hall after having answered to their names when the roll was first called.

The CHAIR decided that it was not in order to have two calls at the same time.

Mr. FILLMORE took an appeal from that decision of the CHAIR.

Mr. LINCOLN adverted to former precedents in opposition to the opinion of the CHAIR, that all who absented themselves after having answered to their names when the roll was called, were included in the order, and compelled to attend. This was done by first calling over the names again.

After a few remarks by Messrs. BANKS and LEWIS WILLIAMS,

Mr. GRAVES said no good could grow out of this proceeding, and moved all further action in the same be dispensed with.

Mr. HAND appealed to the gentleman whether it was not due to the members who were here, and to facilitate the public business, that the call should be proceeded in. It was the second time that he had been compelled to remain there all night, and more than one half of the members were permitted to absent themselves. He suggested whether the consequence of letting them off at this time would not be taken advantage of hereafter, to a greater extent. I shall insist that the order be fulfilled, and they be compelled to attend. Break up the naps of these quiet gentlemen. Let the Sergeant-at-Arms bring them up, and let them be dealt with them as they merit. Mr. H. concluded by moving the previous question on the motion to suspend the call; which was seconded, and the main question ordered.

Mr. DUNCAN demanded the yeas and nays on the main question; which having been ordered, were—yeas 31, nays 61. So the refused to suspend all further proceeding in the call.

Mr. HABERSHAM suggested that, by the list of yeas and nays just taken, it could be ascertained what members had absented themselves since they first answered to their names, with a view of compelling their attendance.

Mr. DROMGOOLE presumed that the door-keeper did his duty, by preventing gentlemen passing out except on a pledge of return. The presumption was that no gentleman had violated. If they had, he would be for arraigning them for committing an offence against the rule.

Mr. LINCOLN moved an order, in substance, that all the members who had absented themselves since the call was commenced, after having answered to their names, should be taken into the custody of the Sergeat-at-Arms, to be dealt with in the same manner as those who were absent previous to the call.

Mr. GRAVES objected, and raised the point of order, that it was not in order for a minority to do but two acts: to adjourn or to compel the attendance of members. There being but a minority present, they could not adopt this order, or transact any other business.

Mr. FILLMORE argued that if a minority had the right to have a call, they could prescribe the mode to carry out that call. The proposition was clearly in order.

The debate having been further continued by Messrs. TILLINGHAST, LINCOLN, and SMITH of Maine.

Mr. CUSHING demanded the previous question, which was ordered.

Mr. GRAVES then demanded the yeas and nays on the main question, which were ordered, and were—yeas 61, nays 11. So the order was adopted, and the Sergeant-at-Arms directed to take the absentees into custody.

The name of Mr. BRIGGS being first on the list, he stated that he had no excuse that would be considered valid. He had remained in the House until 11 o'clock.

Mr. RIVES moved that Mr. BRIGGS be discharged on payment of the fees.

Mr. DROMGOOLE opposed the motion. His experience had taught him the fine was in most cases nominal. He thought a proper example ought to be made of those who had thus stayed away all night. Mr. D. then moved to amend the motion, so as to fine Mr. BRIGGS ten dollars, leaving his discharge as an after consideration.

On the motion to amend, Mr. L. WILLIAMS demanded the yeas and nays; which being ordered, were—yeas 46, nays 34. So the amendment was agreed to.

The question then being on agreeing to the motion as amended, it was decided in the affirmative.

Mr. BRIGGS wished to know, first, where the rule was to be found under which the fine had been inflicted, and, second, whether he was required to pay the money before proceeding to his duties.

Mr. TOLAND being next called, Mr. DROMGOOLE made the same motion in relation to him, as he thought the same fine ought to be exacted from all.

Mr. VANDERPOEL moved to amend that motion, so as to empower the Sergeant-at-Arms to deduct the amount from the per diem allowance of Mr TOLAND; but subsequently modified it, so that Mr. T. should not be discharged until the fine had been paid.

A long discussion then took place between Messrs. HAND, BRIGGS, VANDERPOEL, RIVES, DROMGOOLE, McKAY, and LEWIS, in relation to the constitutional power of the House to impose a fine exceeding that specified in the rules. Messrs. BRIGGS, HAND, and LEWIS contended, with much earnestness, that the House had no such power. Mr. LEWIS subsequently moved a reconsideration of the vote by which the fine of $10 had been inflicted upon Mr. BRIGGS.

On this motion, Mr. DAVIS of Indiana called the previous question; which was seconded. The question was then taken on the motion to reconsider, and it was decided in the affirmative.

The question then recurred on the adoption of the proposition to fine.

Mr. HAND moved to amend the resolution by striking out the fine of $10, and inserting that Mr. BRIGGS be discharged on payment of the regular fees. This amendment was agreed to, and the resolution, as amended, being adopted, Mr. BRIGGS was ordered to be discharged on payment of the fees.

Mr. DROMGOOLE then withdrew his motion in reference to Mr. TOLAND, inasmuch as he considered the vote just taken as giving the sense of the House on the subject.

Mr. TOLAND was then discharged on payment of the regular fees.

The following gentlemen, in the custody of the Sergeant-at Arms, whose excuses were not deemed sufficient, were discharged from his custody by the payment of fees, viz: Messrs. MASON of Ohio, WARREN, GIDDINGS, BROWN of Mississippi, WORTHINGTON, SMITH of Connecticut, SWENEY, W. THOMPSON, ALLEN of Ohio, BELL, GRIFFITH, and STARKWEATHER.

The following gentlemen were discharged without the payment of fees, viz: Messrs. STRONG and HENRY.

The following gentlemen having been returned as sick, were excused, viz: Messrs. BROCKWAY and BUTLER of South Carolina.

Mr. FILLMORE moved that the House adjourn.

Mr. HAND demanded the yeas and nays; which were ordered, and were—yeas 25, nays 66.

So the House refused to adjourn.

Mr. FILLMORE moved to dispense with the further proceedings of the call.

Mr. DUNCAN demanded the yeas and nays.

Mr. MASON hoped the House would go to breakfast. The House could take a recess. We want to shave and wash; hoped the motion would prevail.

The yeas and nays having been ordered, were—yeas 24, nays 60.

So the House refused to dispense with further proceedings in the call.

The following gentlemen were discharged from the custody of the Sergeant-at-Arms, on the payment of fees, viz: Messrs. STORRS, MITCHELL, EVANS, SALTONSTALL, GENTRY, THOMPSON of Mississippi, and JAMESON; and Mr. CRABB was discharged without the payment of fees.

Mr. BRIGGS suggested the propriety of of the House taking a recess, with the understanding that the bill should be disposed of to-day; upon which suggestion Messrs. CLIFFORD and HAND objected, on the ground that all their efforts of the night would prove abortive; and all the arrangements of the kind heretofore made had been violated; it was, therefore, impracticable.

Mr. HAND said, a great many of the members that a few minutes ago had answered to their names, had absented themselves; and hoped they would be taken into custody.

The CHAIR said if the gentleman would name any members, it would be competent to authorize the Sergeant-at-Arms to take them into custody.

Mr. HAND said he could name the gentleman from Maine, [Mr. A. SMITH.] and he would make the motion that he be taken into custody; which was agreed to.

Mr. PRENTISS moved to rescind that order. The gentleman from Maine had been in his seat all night.

Mr. CLIFFORD said his colleague had been there all night, and had just that moment stepped out.

Mr. HAND, for the purpose of ascertaining who had left the hall since they answered to their names, said he would call for the yeas and nays; which were ordered, and were—yeas 62, nays 12.

So the order in relation to Mr. SMITH was rescinded.

The following gentlemen, having been called up for excuses, they were heard and deemed unsatisfactory, and were discharged from the custody of the Sergeant-at-Arms on the payment of fees, viz: Messrs. J. GARLAND, ROGERS of New York, and DANA, when

Mr. MONTGOMERY moved that the House adjourn. On which motion,

Mr. JONES of Virginia demanded the yeas and nays; which were ordered, and were—yeas 20, nays 62.

So the House refused to adjourn.

Mr. McKAY, at about 9 o'clock, a. m. offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to take efficient measures to have the remainder of the absentees before the House at 12 o'clock this day, to wit: Tuesday, the 28th of April, and that the House do now adjourn to that hour.

Mr. McK. hoped that the House would adopt the resolution, and let the members go home to their breakfast, and then they could meet at the time specified in the resolution.

Mr. A. SMITH would ask leave to say a word personal to himself. It was the first time that he had had occasion to do so. After a session of twenty-four hours, without rest, he had left the hall for not more than twenty minutes, to obtain such refreshment as his exhausted strength required. Almost every member who had remained in the hall during the night, had done the same. During this short absence, Mr. S. learned that a member [Mr. HAND] had taken the liberty to propose that he, with two other gentlemen, be sent for and brought into the House. It is a trite maxim, "*de gustibus non est disputandum*" He had no disposition to dispute any gentleman's right to make himself appear ridiculous before this House and the country. He claimed the right, however, to let his constituents and the country understand the reason that such a vote had been spread upon the records of the House, and he could not the satisfaction which the gentleman might enjoy in having singled him out for arrest by the Sergeant-at-arms under the circumstances named.

Mr. S's only object in rising was to let his constituents understand why he was absent twenty-five minutes from the House.

Mr. HAND said he was aware that nothing could be done in the House, there being only seventy-four members present.

The SPEAKER said that the absentees could not be called without being named; and Mr. H. among other names, had mentioned that to Mr. SMITH.

Mr. McKAY'S resolution was then read; when

Mr. LEWIS WILLIAMS asked whether it did not require two-thirds to adopt it?

The SPEAKER said it did not.

Mr. HAND thereupon called for the yeas and nays, which were ordered; but before they were taken,

Mr. McKAY withdrew the resolution.

After a few moments inaction, and the hour of 9¼ a. m. having arrived,

Mr. CONNER moved that all further proceedings in the call of the House be dispensed with.

Mr. BOYD called for the yeas and nays; which were ordered, and resulted—ayes 25, noes 67: no quorum voting.

So the call was not dispensed with.

Mr. LINCOLN stating that he had enjoyed no sleep for three nights, and partaken no food since yesterday, asked leave of absence for an hour; which leave was granted.

The SPEAKER then resumed the call upon absentees for their excuses; when

Mr. KEIM, on account of indisposition, and Messrs. STRONG, JAMES, CURTIS, W. C. JOHNSON, CRANSTON, and HENRY, all whose excuses were deemed sufficient, were discharged from the custody of the Sergeant-at-Arms, without the payment of fees.

And the following gentlemen, whose excuses were not deemed sufficient, were discharged from the custody of the Sergeant-at-Arms, upon payment of fees, viz:

Messrs. FORNANCE, DOIG, WELLER, DAWSON, JENIFER, PARRIS, of Ohio, CALHOUN, GOGGIN, GALBRAITH, JOHNSTON of New York, CRAIG, BLACK, HILL of Virginia, DENNIS, HUNT, HILL of North Carolina, SLADE, C. H. WILLIAMS, CROSS, COLQUITT, and WICK.

[Mr. WICK stated that his absence was not of will, but of necessity. That he is liable to attacks of vertigo; that finding himself in danger from the same, not merely of illness, but of death, he left the House at 3 o'clock this morning, with the view of obtaining relief by the usual remedy of being bled.]

Mr. EVERETT made a motion to remit the fines which had been imposed, and that the House adjourn, to meet at 12 o'clock; but the motion being opposed, and the yeas and nays being demanded, Mr. E. withdrew the motion.

Mr. CRANSTON stated that he understood the fines imposed never were exacted from the members, and he moved to remit the fines which had been imposed.

Mr. CUSHING moved to amend the motion by adding, "and also those imposed on the 24th of March last."

The motion was debated by Messrs. DAWSON and SLADE, on the ground that all the fines remitted were taken from the Treasury of the United States; that the operation worked with inequality; some who were absent for weeks at a time, remained unnoticed, while those absent for a single night were fined.

On motion of Mr. PETRIKIN, the motion was laid upon the table.

The report of the Sergeant-at-Arms was read, stating that many members (the names of whom were read) after a most scrutinizing hunt, and the greatest vigilance on his part, could not be detected.

Mr. MITCHELL moved that all further proceedings in the call of the House be dispensed with.

Mr. JOHNSTON of New York moved that the names of absentees be read; when

Messrs. GANNELL and CLARK, who were in the custody of the Sergeant-at-Arms, made excuses to the House, which were not deemed satisfactory, and were discharged on payment of fees.

Mr. BLACK moved to suspend all further proceedings in relation to those who were absent from the city, and all who were sick.

The SPEAKER then put the question to suspend all further proceedings in the call of the House; which was disagreed to.

Mr. TALIAFERRO moved that all members now in the city, and absent from the House, be considered in default and fined, and that they be discharged, on making a proper excuse to the House.

Mr. DROMGOOLE objected to this proposition as irregular. Men could not be fined, unless in custody, etc.; and

After some conversation between Messrs. SMITH of Maine and BRIGGS,

Mr. TALIAFERRO withdrew his motion.

Mr. CRAIG offered a resolution, to the effect that the absentees whose cases had not been disposed of, be severally called on, when they appeared in the House, to show cause why they should not be fined for their delinquency; which resolution, however, he subsequently withdrew.

Mr. EVERETT moved that all further proceedings in the call of the House be dispensed with; and, on that motion, called for the yeas and nays. After some debate of a conversational character, and having ascertained that the Sergeant-at-Arms had succeeded in capturing another squad of members, the motion was withdrawn by the mover.

The SPEAKER again resumed the call of the absentees for excuses, when

Mr. JOHNSON of Maryland was discharged without payment of fees; and Messrs. KING of Georgia, and RUSSELL, were discharged on payment of fees.

Mr. C. H. WILLIAMS moved that Messrs. HILL of North Carolina, SLADE, and CLARK, be excused without payment of fees.

Mr. PETRIKIN moved to lay the motion on the table.

Mr. C. H. WILLIAMS called for the yeas and nays; which were ordered, and were—yeas 82, nays 51.

So the motion was laid on the table.

Messrs. HASTINGS, PROFFIT, and MORRIS of Pennsylvania were then discharged from custody, on payment of fees.

Mr. LINCOLN begged leave to read a resolution, with a view to obviate the recurrence of scenes like the present.

Leave being granted, the resolution was read, as follows:

Resolved, That the following be added to the standing rules of the House, as a substitute for rule 61, which is hereby rescinded:

61. Whenever a member shall be discharged from custody, and admitted to his seat, unless his absence shall be excused by the House, he shall forfeit for every instance of such unexcused absence, the amount of one day's pay; and, moreover, shall pay the fees of the Sergeant-at-Arms, or special messenger by whom he shall be sent for or taken into custody. And it shall be the duty of the CLERK of the House, in every such case, immediately thereafter, to certify the name of such absentee to the Sergeant-at-Arms, who shall make corresponding deductions from the pay of the delinquent members, retaining the amount of fees to his own use, or that of the special messenger making the arrest.

The Sergeant-at-Arms shall in no instance make a final settlement of the account of any member of this House, until the day of adjournment of both Houses at the close of the session, unless said member has been excused from attendance by a vote of the House.

Mr. BANKS was understood to say that he was in favor of the resolution, or some proposition of the kind. He thought a penalty should be attached to the practice of gentlemen absenting themselves from the House, to the great detriment of the public business; but he did not think the resolution was in order at that stage of the proceeding.

The CHAIR decided the resolution to be out of order.

Mr. BANKS insisting on his motion, that all further proceedings in the call of the House be dispensed with, it was agreed to; and

The SPEAKER having stated that a quorum was now present,

The House again went into Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and resumed the consideration of the civil and diplomatic bill.

The CHAIRMAN stated that the first business in order was the decision of the CHAIR, that the gentleman from Pennsylvania [Mr. OGLE] was out of order for irrelevancy of debate, and from which the gentleman from North Carolina [Mr. L. WILLIAMS] had taken an appeal.

The CHAIR then put the question, whether the decision of the CHAIR should be the judgment of the committee; when

Mr. L. WILLIAMS withdrew his appeal.

The reading of the bill proceeded.

Mr. J. W. JONES moved an amendment, striking out $3 000 as the salary of the Commissioner of Pensions, and inserting $2,500, to make it correspond with the amount recently fixed in the law regulating the same.

Mr. W. COST JOHNSON asked whether, by retaining the $500, it would leave the salary of the Commissioner of Pensions the same as it was at the commencement of the session?

Mr. J. W. JONES replied that, by striking out $500, it would make the salary in conformity with the act of Congress at the present session.

Mr. W. C. JOHNSON remarked that he was anxious to present an amendment, to make it what it originally was at the commencement of this session of Congress. The duties of that officer having been greatly increased, it was important to the Government that a man of talents should fill the place; and he should, therefore, vote against reducing his salary.

Mr. BRIGGS said he knew several gentlemen who supported the reduction with a view that the salaries of corresponding officers would be reduced at the same rate. He thought justice to that individual required that the former amount of salary should be paid to him. That was one of the most valuable officers of the Government, and what made it peculiarly hard was, that while his pay was diminished, his duties were considerably increased.

Mr. FILLMORE called the attention of the House to a rule restraining the insertion of any item not in conformity with law; and the law had fixed the salary at $2,500.

Mr. BRIGGS said the House could not, in virtue of the rule, increase the salary. He was, however, opposed to striking out the amount in the bill. He could see no propriety in singling out one of the best officers of the Government—a man whose head had grown gray in the service of the War Department, and who, a few months ago, was awfully smitten by Heaven, which calamity would render him a cripple for life, and who had since performed his duty under painful circumstances. He hoped the motion to strike out would not prevail.

Mr. J. W. JONES concurred in the views of the gentleman from Massachusetts [Mr. BRIGGS] that the Commissioner was a meritorious officer; but it would not be in the power of the House to place the salary at $3,000 at this time. If the salary had been found to be $2,500 at the time the appropriation bill was before the committee, they would have considered themselves bound to insert it in the bill. By the rules, the House could not now exceed that sum.

The CHAIR said that it was not in order to increase or diminish a salary fixed by law, by any provision in the appropriation bill; but the salary might be appropriated for more or less than a year.

Mr. J. W. JONES remarked that the bill provided for the salary for the present year, and presumed that the last year's salary had been paid.

Mr. W. THOMPSON hoped the case would be met by repealing so much of the act as fixed the salary of that officer at $2,500. He did not think that one so worthy should be made the only victim, and wished to offer an amendment; but the CHAIR ruled it out of order.

Mr. PETRIKIN said that not only an act of injustice had been done, but political trickery had been exhibited; but he was unwilling that the rules of the House should be violated for the sake of rectifying the evil.

Mr. HUBBARD had only a single remark to make in reply to the gentleman from South Carolina, [Mr. THOMPSON,] who had once voted to reduce this salary, believing that he could go further with it: finding he cannot, he is not willing now to "make a victim of this officer." Mr. H. agreed with him that $2,500 dollars was a sufficient allowance; and if so, how could reducing his salary to a proper allowance make him a victim? He would not only adhere to his former vote, and go with the gentleman, but was sorry to find him faint so soon in the good work.

Mr. PROFFIT proposed to Mr. H. that if they would not call the previous question when the bill came into the House, he would move a reduction of each head of department $1,000, and the President's salary 25 per cent. and to add to the allowances of laborious officers on low salaries. He regretted that he had moved this reduction; but he had done so only as an entering wedge to a general reduction.

Mr. MONTGOMERY replied to Mr. PROFFIT, and reminded him that he could not be cut off by the previous question in the House, as by the new arrangement the question would have to be put on every amendment. He would, therefore, have an opportunity to carry out his reform and retrenchment, and he challenged him to make the attempt. There was no escape; and he held the gentleman to his ground.

Mr. POPE thought it cruel to wound the feelings of one officer by confining the reduction to his case—especially so excellent an officer as the Commissioner of Pensions. He believed the House generally regretted what had been done, and he did not doubt the act would be corrected before the session was over.

Mr. BLACK said, unless it was an extreme case, he was generally opposed to the reduction of the salaries of officers. The great majority of those who were employed in administering the several departments of this Government were but poorly paid, if their remuneration might be estimated by the usual emoluments of official skill and labor at the South. His constituents, he was persuaded, were more concerned to procure honest and efficient service, than to ascertain the very lowest salary upon which a man, who abandoned all other occupations, might live without actual starvation.

But, sir, (said Mr. B.) I cannot refrain from an expression of surprise at the very extraordinary course which this debate has taken. The Whig party on this floor, I speak of them as a party, have, upon almost every occasion during this session, loudly complained of the lavish and improvident expenditure by this Government of the people's money. They have, day after day, and in almost every debate, whether relevantly or not, charged this Administration with fraud and corruption in the disbursement of the Federal revenue. They were, it had seemed, the men, *par excellence*, of retrenchment, reduction, and reform; they have taken all that matter into their own hands, and accordingly the gentleman from Indiana [Mr. PROFFIT] had himself originated a measure in this House by which the salary of the Commissioner of Pensions was reduced from $3,000 to $2,500. This was a Whig measure, originated and introduced by a prominent and able man of that party, and although voted for generally by both parties, succeeded mainly by the strength of the opposite vote.

So far, these gentlemen appeared to be acting, at least in this case, in strict conformity with their professions; and you may well imagine my surprise at the disposition manifested this morning to undo all they had accomplished in this instance of reduction. It seems that a Whig official is to be made the first victim of this *retrenchment;* and unwilling to supply a martyr from their own ranks, they are the first to turn on their heels, and refuse to make a practical illustration of their own peculiar system of reform.

Sir, how stands the case? The gentleman from Indiana [Mr. PROFFIT] acknowledges the paternity of the act of reduction. Before the passage of that act, the salary of the Commissioner of the Pension office was $3,000, and it had been so inserted in the appropriation bill now under consideration. The chairman of Ways and Means had moved, in accordance with that act, to strike out $3,000, and insert $2,500; and, to the astonishment of the House, certain gentlemen of the Opposition, with whom this very reduction originated, refuse to make the reduction, although required to do it by their own law. Mr. B. had understood that Colonel Edwards, the present Commissioner, was a Whig. If it be so, does that fact elicit the present extraordinary opposition of certain gentlemen to making this *official* the first practical example of retrenchment? And do they now contend for a virtual repeal of their own act, by refusing to insert its *retrenching* provision into this civil and diplomatic bill, because it will operate on one of their own friends?

But, independently of political considerations, how, asked Mr. B. can gentlemen consistently get round this law, which is of full force, lately passed, and is now among the statutes of the United States. That law, I understand, is *imperative*. If this House ever had any discretion in the matter, they exercised it when they passed the act of reduction; that having been done, they can no longer inquire into the expediency of reduction, but are bound to make the appropriation in accordance with the law, as it was written. If reform is the object, now is your time; and in order to convince the people of the United States of your sincerity and disinterestedness, you now have an opportunity of making a practical illustration of your own theory of reform, upon an officer, however worthy, of your own political complexion. Mr. B. whatever might be his opinion of *salaries*, would be compelled to vote for the motion of the chairman of the Committee of Ways and Means, and to reduce the compensation, in obedience to the law, from $3,000 to $2,500.

After some debate between Mr. BRIGGS and Mr. BLACK,

Mr. THOMPSON of South Carolina spoke at some length in defence of his position, and the part he had taken in the transaction: and in the course of his remarks expressed his regret that the salary of the head of the most laborious bureau in the Government should have been reduced to relieve another office, which was almost sinecure. He disclaimed with warmth the charge of Mr. BLACK, observing that no man should cast such an imputation on him, and no man would do so who was possessed of any honorable feelings himself, and he asked the gentleman from Georgia to say explicitly whether he meant to impute to him (Mr. T.) "taking the back track" on this item in the bill, because the gentleman who filled the office of Commissioner was in his politics a Whig?

Mr. BLACK said he had been unfortunate that, in the very few words he had uttered, he should have run foul of a gentleman so sensitive. The gentleman from South Carolina knew enough of him to be satisfied that, if it was intention to insult him, he should do it openly; but if the gentleman thought to draw him from the investigation of the course of any member of that House by making it a personal matter, he was at all times subject to his call.

He had spoken of, and alluded to the political course of a party; he had made no personal attack upon any man; but, on the contrary, had directed every word he had said, as he ventured to believe every other man in the House understood him, to the political principles and policy of the party to which the gentleman from South Carolina belonged.

Mr. THOMPSON here attempted to resume the floor.

Mr. BLACK called on the House to permit him to proceed; he did not intend patiently to submit to be put down upon this occasion.

Mr. THOMPSON claimed the floor; when

Mr. BLACK said, if it was intended to cut him off from any other remarks, why, of course, he had nothing further to say.

Mr. W. THOMPSON asked the gentleman whether he imputed to him the motive to repeal the act, because he (Mr T.) was influenced by considerations that the Commissioner was a Whig?

Mr. BLACK. Does the gentleman expect to confine me to categorical answers? He would not submit to it here or elsewhere. He thought he had said enough to release the gentleman from any *personal* imputation.

Mr. THOMPSON said he had now asked the gentleman twice, and he still refused to answer.

Mr. BLACK said he had not refused to answer.

Mr. THOMPSON said, well, then, I give the gentleman an opportunity now of answering.

Mr. BLACK. Then take your seat, sir. When the gentleman does that, I will answer him.

Mr. THOMPSON accordingly took his seat.

Mr. BLACK then proceeded to remark, that if the gentleman thought of obtaining that by the force of a frown or a scowl which he was unable to obtain by argument from him, he was mistaken. In the remarks he had been making, he was alluding, as he had before said, to the political movements of a party, and was not to be deterred by any personal considerations whatever. What! had it come to this, that a member could not get up here to question the course of a party, without being required to make *personal explanations?* If that were submitted to, it would be a speedy and sure way of shutting up their mouths at once; of intimidating them into silence, and of preventing an exposition of party policy and political manœuvring. He would bring this *personal explanation* to a close by repeating what he had before said, that he had no intention of attacking any body personally, or to impugn their honor as men. He had attacked their political course. He had no other explanation to offer.

Mr. THOMPSON accepted the explanation, and, in the course of his remarks, said that whenever he should go out of his way to tell people that they could not browbeat him, he should think himself a fit subject to be browbeaten.

Mr. BLACK. Whenever the gentleman will say that I have *boasted* that I was not to be browbeaten, I will make a reply.

Mr. THOMPSON said he was willing to take the gentleman's explanation, as disclaiming any imputation on his motives, and as admitting that his conduct had been upright and proper.

Mr. BLACK. Upright, but not proper.

Mr. W. C. JOHNSON inquired of the CHAIR whether it would be in order to offer a proposition that five hundred dollars of the amount at present appropriated in the bill should be paid to the Commissioner, in addition to the salary allowed, whenever the law should be altered to that effect.

The CHAIR having decided it to be in order,

Mr. JOHNSON sent to the CHAIR the following amendment:

That five hundred dollars of said amount be paid to the Commissioner of Pensions, in addition to his present salary of two thousand five hundred dollars, whenever increased by law.

Mr. GIDDINGS was opposed to the amendment proposed by the gentleman from Maryland, [Mr. JOHNSON,] and should vote against it.

Mr. HUNT said he was one of the few—as they now seem to be considered—unfortunate Whigs who had opposed this reduction when it was first proposed by his friend from Indiana, [Mr. PROFFIT,] and principally supported by his friend from South Carolina, [Mr. THOMPSON.] and he would support any measure that would restore the salary to its original amount. He was decidedly opposed to making this meritorious officer an individual exception to a general rule.

Mr. PROFFIT said that he had made the motion to reduce the salary of this officer without consultation with any one, and without fifteen minutes' reflection. So far from the party with which he acted being responsible for this motion, his political friends around him had found fault with him for making it, and told him they thought he had acted wrong; but he was actuated by his convictions of duty in offering it, and a majority of the House sanctioned it by their votes, and it was adopted.

Mr. JOHNSON then withdrew his proposition to amend.

Mr. HUNT then proceeded to address the House on the question of reducing the salary of the Commissioner, and having gradually diverged into the merits of the Independent Treasury bill,

Mr. SMITH of Maine said he rose to make one more effort to confine this debate within something like reasonable limits. He would respectfully inquire of the CHAIR whether it was in order for gentlemen, in a discussion on this bill, to investigate the merits of the Independent Treasury.

The CHAIR decided the remarks of the gentleman from New York [Mr. HUNT] to be out of order.

Mr. JENIFER said he would not only vote for a restoration of the five hundred dollars stricken from the salary of the Commissioner, but on account of the great increase of his duties, he would be willing to go even beyond that amount. Mr. J. then paid a high compliment to the industry and talents of the head of the Pension Office.

The vote was then taken on the motion of Mr. JONES to strike out $3,000, and insert $2,500, and tellers being demanded, the result was announced by the CHAR—ayes 93, noes 31.

So the amendment was agreed to.

Mr. RICE GARLAND moved to strike out the item of $11,600 for topographical and additional clerks in the General Post Office, and a clerk to keep the appropriate account.

Mr. G. objected to the introduction of such an item in the general appropriation bill. He thought if asked for at all, the appropriation ought to have been introduced in a separate bill. He contended that there was no law for governing the employment of additional clerks.

Mr. JONES referred him to the appropriation bill of 1834; and contended that the former practice of introducing the item for additional clerks into these bills, warranted the present committee in doing the same. Mr. J. then adverted to the valuable services performed by the additional clerks, and hoped the gentleman from Louisiana would see the propriety of withdrawing his motion.

The debate was further continued by Messrs. EVERETT, JONES, COOPER of Georgia, McKAY, and TRIPLETT. The latter gentleman having referred to "the member from Georgia" as belonging to the Whig party,

Mr. COOPER asked, Does the gentleman from Kentucky refer to me?

Mr. TRIPLETT. I do, sir.

Mr. COOPER. Then I beg the gentleman to withdraw his assertion that I belong to his party.

Mr. TRIPLETT. I withdraw it, sir.

The question on Mr. GARLAND's amendment was taken by tellers, who reported there was no quorum voting.

Mr. CHAPMAN moved a call of the House; upon which motion,

Mr. DROMGOOLE asked for the yeas and nays; which were ordered, and were—yeas 86, nays 33.

So the call was ordered.

The CLERK was then proceeding with the call, when

Mr. VANDERPOEL said that he had ascertained that several members had just come in, and he therefore moved that all further proceedings be dispensed with; upon which motion a division was called for, and the motion was agreed to—yeas 88, nays 39.

The House then again resolved itself into Committee of the Whole, Mr. CASEY in the chair.

And the question was again taken on striking out, and resulted—yeas 39, noes 85.

So the motion was not agreed to.

Mr. R. GARLAND said the obstructions to the bill in committee might be easily avoided if there was an understanding that time would be given to debate it when it was brought into the House.

Mr. GRAVES said he had just been making the same suggestion to the chairman of the Committee of Ways and Means.

Mr. DROMGOOLE objected to any bargains and compromises.

The reading of the bill was then proceeded with.

Mr. R. GARLAND moved to strike out the clause in the words "for eleven additional clerks in the Post Office Department, thirteen thousand two hundred dollars."

Mr. JONES of Virginia explained, showing that the same appropriation had been made in many previous years, and the appropriation in the bill in the last year was a sanction to the Postmaster General, and the clerks were indispensably necessary to conduct the business of the office.

The question was then taken, and the motion disagreed to—ayes 38, nays 82.

Mr. GRAVES then moved to strike out the section in the words "for compensation to clerks in the office of the Surveyor General northwest of the Ohio, per act of May 9, 1836, six thousand three hundred dollars; which, after some remarks from Messrs. GRAVES, H. EVERETT, and R. GARLAND, in favor of the motion, and Messrs. JONES of Virginia, HUBBARD, HOWARD, and CRARY, against it, it was decided in the negative without a count.

Mr. GRAVES called for a division, and the CHAIR announced the vote—ayes 31, noes 78; no quorum voting, tellers were called for, and they announced the vote—ayes 39, nays 89; so the amendment was not agreed to.

Mr. GRAVES then moved to strike out the section in the words "for the office of the Surveyor General northwest of the Ohio four thousand five hundred dollars;" on which, after some remarks from Messrs. GRAVES, R. GARLAND, and EVANS, in favor, and Messrs. JONES and CRABB in opposition to the amendment, the vote was taken, and the CHAIR decided it was not agreed to.

Mr. GRAVES called for a division, and the CHAIR announced for the amendment 17, against it 82; no quorum having voted,

Tellers were demanded, and, being appointed, the vote was again taken, and resulted—ayes 33, noes 91.

So the amendment was rejected.

Mr. STANLY moved to strike out the words "three hundred dollars," in the compensation of the Commissioner of Public Buildings; which,

After some remarks from Mr. STANLY in favor, and Messrs. JONES and LINCOLN in opposition, was withdrawn.

Mr. STANLY moved to strike out, in the compensation to the officers and clerks of the branch mint at Charlotte, North Carolina, the words "six thousand dollars," and insert "four thousand five hundred dollars"

After some remarks from Mr. STANLY in favor of, and Mr. CONNOR in opposition to the amendment,

Mr. OGLE offered, as an amendment to the amendment, to strike out all appropriations for the various branch mints at Charlotte, Dahlonega, and New Orleans;

Which, after some remarks from Mr. OGLE in favor of the amendment, and Messrs. SHEPARD, LEWIS WILLIAMS, and GRAHAM in opposition, was disagreed to.

Mr. PETRIKIN moved that the committee rise; which was agreed to; and

The SPEAKER having resumed the chair,

Mr. PETRIKIN moved that the House adjourn; upon which question,

Mr. DUNCAN asked the ayes and noes, which were not ordered;

And the House adjourned at half-past six o'clock, p. m. on Tuesday evening.

IN SENATE,

TUESDAY, April 28, 1840.

The CHAIR announced a communication from the Navy Department, transmitting a statement of the contracts made by the Commissioners of the Navy during the year 1839: laid on the table, and ordered to be printed.

Mr. TAPPAN presented the petition of Henry T. Goodyear, and others, of South Florida, praying a grant of land for the purpose of raising tropical fruits and other purposes: referred to the Committee on Public Lands.

Mr. TAPPAN also presented the petitions of Jacob Houseman, and others, and William C. Bethell, and others, all praying for pre-emption rights to enable them to make settlements on some of the Florida Keys: referred to the same committee.

Mr. PRENTISS, from the Committee on Pensions, made an adverse report on the petition of the widow of John Nester; which was ordered to be printed.

Mr. PEARCE, from the same committee, made adverse reports on the petitions of William Coley and Hester Hill, which were ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was recommitted the memorial of D. S. Gardiner, moved that the committee be discharged from the further consideration thereof; which motion was agreed to.

Mr. H. from the same committee, made adverse reports on the memorials of James Crook and Susan Murphy; which were ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of Robert McCarty, made an unfavorable report thereon; which was ordered to be printed.

Mr. L. on leave, introduced a bill to extend a portion of the laws of the United States over the Territory of Oregon; which, on motion by Mr. L. was laid on the table, and ordered to be printed.

The resolution submitted by Mr. LUMPKIN, and laid on the table on Friday last, was taken up and adopted.

On motion by Mr. HUBBARD, the petition of James Hill and Stalker, for the loss of a steamboat, which had been reported on adversely by the Committee on Claims, was, with the accompanying papers, recommitted to said committee.

On motion by Mr. WILLIAMS, the several bills that had been presented on the subject of a general bankrupt law were taken up, and made the order of the day for to-morrow week.

On motion by Mr. LUMPKIN, the Committee on the Post Office and Post Roads was discharged from the further consideration of the memorial of McCardy and Whitesides.

Mr. MERRICK, from the Committee for the District of Columbia, reported a bill supplementary to the act for the erection of a court-house in the town of Alexandria, and a bill for lighting the Capitol and President's squares, with the Pennsylvania avenue, with carbonated hydrogen gas; which were severally read, and ordered to a second reading.

On motion by Mr. MERRICK, the communication of Mr. Mills, the architect of the public buildings, on the same subject, was ordered to be printed.

The resolution submitted by Mr. WHITE of Indiana, calling on the Secretary of the Treasury for information as to the names and number of banks in which special deposites were made, in anticipation of Treasury notes, was taken up.

Mr. HUBBARD moved to postpone it indefinitely, on the ground that the information had already been communicated by the Secretary of the Treasury, in answer to a resolution submitted by the gentleman from Massachusetts, [Mr. DAVIS.]

After some remarks from Messrs. HUBBARD and WHITE, the question was taken, and resulted—yeas 17, nays 18.

Mr. HUBBARD then moved to amend the resolution, by inserting the words, "so far as the same information has not been before communicated to the Senate;" which amendment having been agreed to, the resolution was adopted.

Mr. DIXON, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs at law of Edward Wade, deceased; which was read, and ordered to a second reading.

Several reports of the standing committees, that were lying on the table, were taken up, and concurred in.

Mr. FULTON, from the Committee on the Public Buildings, to which had been referred the joint resolution from the House, for the relief of Masterson and Smith, reported it without amendment; and the same being taken up, and considered as in committee of the whole, was, after being amended, ordered to be engrossed for a third reading.

On motion by Mr. BENTON, the bill to provide for the settlement of the claims of the State of Maine for the services of her militia, was taken up, and considered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by Mr. HUBBARD, the bill for the settlement of the claims of the State of New Hampshire for the services of her militia, was taken up, and considered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by Mr. SEVIER, the joint resolution from the House to continue two clerks employed in the office of the Commissioner of Indian Affairs, was taken up, and considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill in addition to the acts respecting the judicial system of the United States, was taken up, and, after a debate, in which Messrs. WEBSTER, CRITTENDEN, HENDERSON, BUCHANAN, and SMITH of Indiana took part, was ordered to be engrossed for a third reading.

The bill to amend the act entitled an act supplementary to the act to amend the judicial system of the United States, was taken up, and was discussed by Messrs. BUCHANAN, CLAYTON, WEBSTER, SMITH of Indiana, GRUNDY, and MERRICK; but before taking any question,

The Senate adjourned.

IN SENATE,

WEDNESDAY, April 29, 1840.

Mr. CLAY of Kentucky presented a petition of a number of citizens engaged in the hat making business, praying for an imposition of a duty on foreign articles connected with the manufacture of hats; which was referred to the Committee on Manufactures, and ordered to be printed.

Mr. RUGGLES presented the petition of citizens of Washington county, Me. praying the enactment of a general bankrupt law; which was laid on the table.

Mr. TAPPAN offered certain depositions taken in the case of Langtree and O'Sullivan; which were ordered to be printed.

Mr. ALLEN, from the Committee on Foreign Relations, to which was referred the memorial of William D. Jones, made an adverse report thereon; which was ordered to be printed.

Mr. PRENTISS, from the Committee on the Public Lands, to which was referred the memorial of the "Polish Exiles," praying to be allowed to settle and cultivate the lands heretofore granted to them by the United States, and the petition of a number of settlers on the public lands in Illinois, praying that their pre-emption rights may not be affected by the grant to the Polish Exiles, asked to be discharged from their further consideration; which was agreed to.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the memorial of Joshua Kennedy, made an adverse report thereon; which was ordered to be printed.

Mr. LINN also, from the same committee, reported a bill confirming to Joshua Kennedy, assignee of Cornelius McCurtin, his title to an island in the Tensaw river;

which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred the resolution in relation to the extension of the port of New Orleans, reported a bill to extend the limits of the port of New Orleans; which was read, and ordered to a second reading, and the report ordered to be printed.

On motion by Mr. PRESTON, the bill to regulate the duties on the importation of productions of the fine arts, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

The joint resolution for the relief of Langtree and O'Sullivan, was taken up, and discussed by Messrs. TAPPAN, SOUTHARD, WHITE, SMITH of Indiana, and ALLEN, and was, on motion by Mr. A. laid on the table.

BILLS PASSED.

The joint resolution from the House, for the relief of Masterson and Smith;

The bill to provide for the settlement of the claims of the State of Maine for the services of her militia;

The bill for the settlement of the claims of the State of New Hampshire, for the services of her militia;

The joint resolution from the House to continue two clerks employed in the office of the Commissioner of Indian Affairs; and

The bill in addition to the acts respecting the judicial system of the United States;

were severally read a third time, and passed.

On motion by Mr. NORVELL, the bill granting to the State of Michigan a quantity of land to aid in constructing a canal around the Falls of St. Marie, was taken up, and ordered to be engrossed for a third reading, ayes 20, noes 16, as follows:

YEAS—Messrs. Allen, Clay of Alabama, Fulton, Grundy, Henderson, King, Linn, Mouton, Nicholas, Norvell, Porter, Robinson, Sevier, Smith of Indiana, Tappan, Walker, Webster, White, Wright, and Young—20.

NAYS—Messrs. Anderson, Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Dixon, Hubbard, Knight, Lumpkin, Merrick, Pierce, Prentiss, Preston, Southard, and Sturgeon—16.

ORDERS OF THE DAY.

The bill granting one township of land to the Territory of Florida for the establishment of the Dade Institute, was taken up as in committee of the whole, and was advocated at some length by Mr. FULTON, and opposed by Mr. SOUTHARD; when, on motion by Mr. BUCHANAN, it was laid on the table.

The bill to authorize the Mount Carmel and New Albany Railroad Company to enter, on a credit, a quantity of land to aid the company in the construction of a railroad from New Albany, in the State of Indiana, to Mount Carmel, in the State of Illinois, and for other purposes, was taken up, and after being amended, on motion by Mr. SMITH, it was ordered to be engrossed for a third reading.

The bill for the benefit of the Selma and Tennessee Railroad Company was taken up, and after some remarks from Mr. BENTON, it was ordered to lie on the table.

Mr. CRITTENDEN then moved a reconsideration of the preceding bill, which had just been ordered to be engrossed; which, after a discussion, in which Messrs. CRITTENDEN, SMITH of Indiana, WHITE, BENTON, MERRICK, YOUNG, and KING, was agreed to; and the amendment was reconsidered and negatived.

The question again coming up, it was ordered to be engrossed for a third reading—yeas 17, nays 10, as follows:

YEAS—Messrs. Calhoun, Clay of Alabama, Crittenden, Dixon, Fulton, Henderson, King, Knight, Merrick, Nicholas, Porter, Robinson, Smith of Indiana, Walker, Webster, White, and Young—17.

NAYS—Messrs. Allen, Benton, Hubbard, Linn, Lumpkin, Pierce, Preston, Sevier, Sturgeon, and Tappan—10.

The bill for the benefit of the Selma and Tennessee Railroad Company was again taken up, and after some remarks by Messrs. KING and CLAY of Alabama, it was ordered to be engrossed for a third reading.

The bill to amend the act entitled an act supplementary to the act to amend the judicial system of the United States, was taken up, and after some remarks by Messrs. BUCHANAN, CUTHBERT, SMITH of Indiana, and SEVIER, its further consideration was postponed until Wednesday next.

The Senate then went into the consideration of Executive business, and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, April 29, 1840.

Mr. C. H. WILLIAMS sent to the CHAIR, for the purpose of having it printed, a paper which he inteuded to offer as an amendment to the bill making appropriations to the Military Academy at West Point.

Mr. BURKE of New Hampshire, from the select committee appointed on the transactions of the CLERK with Mr. Langtree about supplying stationery for the House, moved that that committee be authorized to employ a clerk.

Mr. GRAVES moved to amend the motion, by granting the same power to each of the six Committees on Expenditures in the Departments, and also to the Committee for the District of Columbia.

Mr. PETRIKIN said that every day those belonging to the committees, were seen in the lobbies. The motion now submitted was to have an army of clerks; and it came from those who were always complaining of the expenditures of the Government. These clerks were idle at least four days in the six. Is it (said Mr. P.) to be tolerated? If members of the committee did their duty, they could dispense with clerks. They did not want time or ability, but attention and punctuality; and why should those who are sent here by the people to do business, get other persons to do it for them? Mr. P. could cast his eye into the lobbies now, and recognise two clerks of committees present. The other day he saw three or four. He hoped the House would pause, before they acted with such gross inconsistency as to appoint the number of clerks asked for. Most of the committees had but two days' work in a week, and yet wanted clerks! Mr. P was one of the Committee for the District of Columbia during the last long session. They had the renewal of the charters of the District banks, and all the variety of business now before that committee to attend to. There was no necessity for a clerk then. All that they had to complain of was want of punctuality in the members. Mr. P. had been on several committees since, and had had the same cause for complaint, and hoped the House would not appoint an army of clerks.

Mr. GRAVES withdrew so much of his amendment as had reference to the Committee for the District of Columbia, and added that the clerks should be paid only for the time in which they were actually employed.

Mr. LEET remarked that he thought the Select Committee, whose chairman has reported this resolution, ought to be allowed a clerk; there would be a great propriety in it. If the subject referred to them received that extended and full investigation which he presumed it would, it must strike every gentleman that much writing will have to be done. The probability is, that a large number of witnesses will be examined, and, indeed, the inquiry may run back through several previous Congresses. He felt, however, no solicitude about it, and would be satisfied with any decision the House may make. He had a word to say in regard to the motion of the gentleman from Kentucky, [Mr. GRAVES] He thought it was unnecessary, as that motion proposed to provide for clerks for the several Committees of Accounts and Expenditures in the Departments, until they asked this House for them. If those committees, or any of them, deem it necessary to institute an inquiry, and find that the assistance of a clerk is needed to facilitate their labors, so far as he knew now, he would vote for it. But he was unwilling to anticipate the matter by adopting the amendment of the gentleman from Kentucky, [Mr. GRAVES,] and thereby furnishing clerks to these committees, without being called on to do so. He (Mr. L.) suggested that the honorable gentleman would withdraw his amendment, and not encumber the resolution of the honorable gentleman from New Hampshire, [Mr. BURKE.]

Mr. LEWIS WILLIAMS was in favor of allowing committees of investigation the assistance of a clerk, as in all such cases there was a very great amount of labor to perform, which could not be done in any reasonable time by the members of the committee themselves. The gentleman from Pennsylvania had said he was willing to grant them a clerk when they should ask for one. But had not the chairman of the committee asked for one? Certainly he had, and urged the House to grant his request. It was a well known fact, that in these committees of investigation, their efforts were in some cases rendered nugatory, for want of the assistance of a clerk to assist them in the great amount of labor to be performed. He, therefore, hoped the gentleman from Pennsylvania would no longer object to the employment of a clerk by the select committee, of which the gentleman from Louisiana was chairman. As to the other committees, he could not say much about them, except that when they were charged with any special investigation, required to be acted upon at once, it would be necessary for them to have a clerk.

Mr. COST JOHNSON was glad this motion had been made, asking the appointment of a clerk, and that an amendment had been offered, asking the allowance of clerks to other committees. He had always considered the assistance of a clerk necessary in many of the committees, when the amount of labor was necessarily so very great. He would, by consent of the House, move a still further amendment; which was, that the Committee for the District of Columbia, and the Select Committee on the subject of a National Foundry, be also permitted to employ a clerk. It was absolutely impossible for the members of those committees to go through the mass of business without one, and he would say, that if the House should refuse, a large portion of the papers must be reported without examination, or incur the expenses of printing, which would amount to more than the clerk; but if a clerk be allowed the committee, the expense of printing would be saved.

Mr. CRAIG opposed the motion, in a few remarks, which were not distinctly heard, and concluded by moving the previous question.

Mr. BURKE now wished to withdraw his motion, but as he had made it by order of a committee, the CHAIR ruled that he had no power to do so.

Mr. CONNOR moved to lay the whole subject on the table, and on that motion demanded the yeas and nays; which were ordered; and were—yeas 100, nays 56. So the resolution was laid on the table.

Mr. LINCOLN asked the indulgence of the House to permit him, at this time, to present the memorial of William Wright, in reference to the manner in which the debt lately due to the United States from the Commonwealth Bank, in Boston, had been satisfied.

Leave having been granted, Mr. L. presented the memorial, and moved its reference to a select committee, upon which he expressed a desire not to be placed. The committee was thereupon ordered.

The CHAIR announced that the business first before the House was the report of the Select Committee on the case of Messrs. BYNUM and GARLAND.

Mr. J. W. JONES said the pressing character of the appropriation bill; the absolute necessity of its immediate passage, to supply the wants of the Government, made it his imperative duty to move the postponement of the consideration of the report until Friday next; which motion was agreed to, without a count.

Mr. RAMSEY asked and obtained leave to present a memorial of Mr. Sullivan, and have it referred to the Committee on Stationery.

Mr. CLIFFORD obtained leave to correct an erroneous statement in the report of the Globe, in which it was stated that he (Mr. C.) was included among a list of members who had been returned as in custody of the Sergeant-at-Arms, and whose fine had been remitted. Mr. C. had been in attendance in his place the whole night, and had never been in custody, or discharged from it, with or without the payment of fees. He had no doubt the mistake had originated through inadvertence. The Reporter of the Globe had promised to have it corrected; but he thought it proper to make the statement to the House, that others might correct it, if they have been misled by the report mentioned.

Mr. HAND desired to make an explanation, which he thought was due to the honorable gentleman [Mr. SMITH] of Maine. It was reported in the last evening's Globe, that he stated that some gentlemen, after answering to their names, absented themselves. This remark, Mr. H. said, he believed, was not applicable to the gentleman from Maine, though it might be so understood from its juxtapos tion, by those who did not understand the subsequent proceedings.

Many members had been brought in. It was breakfast time, and several gentlemen supposing those who had come in would be sufficient to form a quorum, had taken that opportunity to obtain some. But so many left, that the House seemed in danger of an involuntary dissolution by the individual dispersion of the members, and the House was idle for want of a quorum. He moved a call. The SPEAKER said this was not in order, without first dispensing with the one not completed. He (Mr. H.) then explained, that he wished a supplemental call by order, as had been done before that night. That he wished the roll called over. The SPEAKER replied that, by naming absentees, a motion to take into custody would be in order. That knowing that a call of the absentees, or taking yeas and nays, would arrest the attention of members, and bring many to seats, and at the same time avoid meddling with the call in any manner, he then named three of his personal and political friends who had been active all night, and the gentleman from Maine being first named, the vote was first moved upon him and passed *nem con*; when his frend and colleague [Col. PRENTISS,] who was sitting by his side, immediately moved a reconsideration; upon which he, Mr. H. called the yeas and nays, avowing his purpose, which were ordered, and the motion carried, as he thought unanimously, until he saw by the papers there were a few negative votes.

On motion of Mr. J. W. JONES, the House then resolved itself into Committee of the Whole (Mr. CASEY in the chair) and resumed the consideration of the civil and diplomatic appropriation bill.

Mr W. C. JOHNSON moved to strike out the appropriation to carry on the branch mints at Dahlonega, in the State of Georgia.

Mr. J. W. JONES hoped the motion thus unceremoniously to do away this establishment would not prevail. This establishment had recently gone into operation; although its operations have been not very extensive, the coinage was a very considerable sum. Its operations would excel that of the parent mint during the same period when it was first established. A large amount of money had been expended in buildings and apparatus proper to conduct that important branch of national interest, and now it was unceremoniously and prematurely proposed to abolish it without even giving the establishment a fair opportunity to develope itself—and thus to desert this vast amount of public property to go to ruin, without any person even to take charge of the property, to save it from depredation. If this was the economy of the Opposition, he thought the nation could not be much benefited by it. He sincerely hoped gentlemen would consider the step they proposed to take; and trusted that this amendment, which goes to repeal an existing law, would not prevail.

Mr. COOPER expressed his surprise that the gentleman from Maryland should have proposed the abolishing of these institutions, when the results were already so satisfactory. The very same objections now urged, might, with equal propriety, have been urged at the time these mints were established; but now the money had been expended, and the mints been in operation two years, it was proposed to abolish them. He would remind the gentleman that there were many powerful reasons for the continuance of those mints in North Carolina and Georgia; and one of those reasons was, that they opened a market to the laborious gold diggers of those countries for their gold, without obliging them to submit to the extortion of speculators, who formerly shaved them at the rate of seven, eight, and ten per cent. in the product of their labor. Reason and common sense would dictate that the coining should be performed in the very heart of the country where the precious metals were found. But the gentleman from Pennsylvania [Mr. OGLE] yesterday had said that it was "an expensive business." He would ask that gentleman to tell him whether he had ever found that the business of coinage in the United States was not an expensive business?

Mr. C. then referred to the expenses attending the operations of the mint at Philadelphia, and asked why the same argument would not warrant the abolition of that institution?

Mr. C. then went on to show that if the whole amount of coinage were executed in the South, even at Dahlonega, it would be more economical than keeping up the Philadelphia mint. He said he would not detain the committee at that time, but on a proper occasion he would go into a detail of facts, showing that if the mere saving of dollars was the object in view, on a question between the mint at Philadelphia and the branch at Dahlonega, the decision would be in favor of the branch. He did not consider it, however, a mere question of dollars and cents. The Government had a policy to carry out, which had not yet been fairly tested.

Mr. JOHNSON of Maryland hoped when the chairman of Ways and Means rose for the purpose of opposing the amendment, that he would have given some other argument why this mint should not be discontinued than that the Government had expended a great deal of money to put it into operation. He expected to hear from him an argument based on the ground of great national interest—that, to subserve some great national end, it should not be discontinued; but his only argument was, that the Government had expended a great sum to put it in operation. If no practical good could result in the expenditure of $11,500 to keep it in operation, the fact of saving that amount ought to be a strong argument for striking it out. He knew that it was situated in the heart of a gold region, but he maintained that there was no saving to the Government on that account—the price of transportation of the bullion to Philadelphia being less than the cost to keep the establishment up. It was no saving on that score, but a drain on the Treasury of $11,500. The argument used last year, when the same question was agitated, was that it was an infant establishment; try it but another year, and if it did not prove advantageous to the nation, abolish it. He then went into an argument to show that the advantages then promised to the Government by keeping up the branch mints had not been realized, and that they should be established. The mint establishment at Philadelphia was adequate to all the wants of the Government.

Mr. HABERSHAM was understood to defend the mint as an object of great national policy. The establishment of this ment was in the country where he resided, and was in the heart of a great coal country. It had had a tendency to encourage in that vicinity a spirit of enterprise. The inducements held out had caused many not only to search for gold, but other valuable metals in which that country abounds. That region abounds in the richest minerals, gold, silver, copper, and iron. Notwithstanding it was there, it would be useless for the want of capital, and enterprise, if this mint was abolished. Such was the case to a certain extent, before the establishment of this mint there. But since its establishment there was no want of capital; it had diverted capital from other sections to invest in the mining operations there. The circumstance of its affording a ready market for bullion, and a fair equivalent for labor of this kind had given a new impulse to the mining operations; many persons are now engaged in it that heretofore would not touch it. Another advantage was that it prevents the gold and silver from being sold to the silversmith, to be melted up into wares, and prevented it from passing into foreign hands. It all finds its way now to the mint. The whole expenditure of the Government will be sunk, if the appropriation be withheld; the property of the Government would go to ruin. Mr. H. then went into the causes of the wastage; and also to shew the reasons why the operations of the mint had not been so great as might have been expected; he said that it took a long time to prepare the metal to give it a proper refinement, before it could be coined. Its operations hereafter for that cause would be greater.

Mr. STANLY obtained the floor, and made some remarks in relation to what he was understood to call a corrupt expenditure of the public money at the branch mint at Charlotte, North Carolina; from the tenor of which remarks, it was inferred that he was in favor of abolishing that mint for that cause. He exhibited an account of $218, incurred for the purchase of trees and shrubbery by the superintendent of that establishment, (Mr. Wheeler,) to ornament the public grounds attached to that establishment. He commented on the same, and denounced it, with the view, he said, of showing how beautifully these humbugs go together, and to show how this fellow (the superintendent) lived out of the public spoils. He made other remarks, the tenor of which may be inferred by the replies of his colleagues.

Mr. BLACK said he had risen without consultation with any party, either in that House or out of it, to set the mark of

his decided disapprobation upon the very extraordinary account to which the gentleman from North Carolina had called the attention of the committee. I regret, sir, said Mr B. that such an account had ever been incurred or presented against the Government, and more especially he regretted that the Government had paid it. So far as the amount of money was concerned, it was a small matter; but the principle involved was the same, whether the expenditure was one dollar or one million of dollars. He was the blind advocate of no man or any set of men on earth; he acknowledged his adhesion to no party save that of the glorious and gallant State Rights men of the South, *par excellence*, the Nullifiers, for whom he claimed, in the face of the world, the high and honorable distinction of a pure, disinterested, and noble devotion to *principle, independent of men;* therefore, come from what quarter it may, he was ready and willing to go with the gentleman from North Carolina, or with any other man on that floor, in condemning and exposing any and every instance of political degeneracy.

Mr. B. said he wished to deal with facts. Let the Opposition cease to indulge, as they had too often done, in vague and general denunciation of fraud and corruption. It was pure declamation; let them come up to the mark with facts and specifications; this was what he had called on them to do all along; and whenever they did it, as in this instance, and produced conclusive proof of their charges of fraud, he held himself obligated to do every thing in his power to forward an investigation, and, when error was detected, to expose and condemn it.

He recognised no power in any Department of the Federal Government to contract such an account, nor had this House any constitutional authority to appropriate money to pay it. The superintendent of the branch mint at Charlotte, had clearly exceeded his official duties in purchasing these plants and flowers. The Government had departed from the strict line of its duty in passing the account, and we shall be clearly in violation of our duty if we appropriate money to pay for this North Carolina flower garden. But why is it that this fraud has not been previously investigated? Why was it permitted to slumber from 1838, the date of the account, until this particular period of time, when the claims of Georgia were legitimately before the House? Yesterday, the appropriation for the branch mint in North Carolina was under discussion, and was retained in the bill; during all that discussion, we heard nothing of these bulbous roots and tender exotics. Why were they not *then* introduced to the notice of the committee, instead of being thrust forward at this time, when the consequence may be to embarrass the claims of the branch mint at Dahlonega to the favorable consideration of this House? Although he was willing, at all times, to investigate any matter where there was even the least appearance of fraud, yet he besought the House not to entertain a prejudice against the mint establishment in Georgia on account of any supposed corruptions which may exist at the branch in North Carolina. He ventured to say that no such account would be presented from Dahlonega—the soil of his own State, emphatically the land of noble trees and beautiful flowers, could furnish, if it were competent for this Government to engage in such improvements, as rare and exquisite specimens of vegetable production as any other quarter of the globe; but even if it could not, he was not prepared to vote money out of the Treasury for the consummation of so questionable an object.

Having said thus much, said Mr. B. in order to avert any prejudice which may have been engendered against the mint at Dahlonega, by unnecessarily bringing into this discussion the supposed frauds at Charlotte, he would now proceed to speak to the merits of the question now before the House.

His friend from Maryland [Mr. JOHNSON] had moved to strike out this section of the bill, which provides the appropriation of —— thousand dollars for defraying the expenses of the branch mint at Dahlonega, in Georgia. This motion was based solely on the ground of *economy*, for he would not believe that the honorable gentleman from Maryland entertained any feeling of hostility towards the institution itself, or desired to withdraw the ordinary appropriations for carrying it on, except on the ground of expediency, and a saving to the Government. How, then, stands the question of economy in this case? This Government must coin money—there is a constitutional requisition on the subject—and, in accordance with that requisition, national mints, for the manufacture of coin, must necessarily be established, otherwise Congress could not, as required by the Constitution, "coin money." These establishments had been placed at Philadelphia, New Orleans, Dahlonega in Georgia, and at Charlotte in Mecklenburg county, North Carolina. If the question *as to their location*, was to come up *de novo*, where, think you, a disinterested man, who had no object to accomplish but the good of the people, would locate them? Why precisely in the heart of the gold or silver region, if such a region existed in the country at all; and if not, then nearest that port into which the greatest quantity of bullion, or of the precious metals in their crude state, were imported from foreign countries. In making such a location, all the risk and expense of transportation would be saved, and the original producer would not be saddled with the losses which must ensue from the multiplication of agents necessary to the successful operation of a mint situated at a great distance from the point of production. In such a case the natural order would be preserved; and instead of constantly transporting the material, at great expense, to the place of manufacture, you would make but one transportation of the machinery to the spot, where every thing would be found ready to your hand. If economy, then, was the object, why does not the gentleman propose to abolish the mint at Philadelphia? Does the soil of that city, or of Pennsylvania, or of any of the neighboring States, produce gold and silver in any quantity, or of any quality! Are there any *surface* or *vein mines* in the streets of the city of brotherly love? Do they abound, as does the whole region about Dahlonega, with the yellow ore of the South? No, sir, the veriest alchymist could turn nothing there into gold, not even if he had access to the vaults of the United States Bank—unless, indeed, the notable fiction of the transmutation of metals should turn out at last to be a solemn truth. If, then, sir, the city of Philadelphia be barren of gold, the next question is, can the port of that city compete with that of New York or Boston in the importation of the precious metals from abroad? I have no statistical data now before me, upon which I might base an estimate; but the received opinion is, that where Philadelphia imports one dollar of foreign gold, either of the other cities imports a hundred. And yet, sir, the gentleman from Philadelphia [Mr. OGLE] yesterday proposed to put a barrel of powder under the mint of Dahlonega, in the very heart of the gold region, and blow it up, upon the score, as he said, of *economy*. Why, sir, I doubt not the time will come, when labor and improved machinery shall have been successfully applied to the development of the illimitable resources of the Cherokee country in Georgia—when, instead of applying the torch to the branch mint at Dahlonega, the mother mint itself in Philadelphia will be blown sky high.

But it is said that the mint in Georgia is an expense the Government; if this be an objection to the mint in Georgia, it is equally true with respect to that in Philadelphia. Where, let me ask, was there ever an establishment for the coinage of money, that was not an expense, either to the Government or the individual who owned it.

A mint does not increase the quantity of gold; on the contrary, it must, of course, decrease it. The losses necessarily incidental to the process of coinage must, in the nature of things, decrease the quantity of metal originally supplied to the establishment; and therefore all this talk about loss and expense, is just as applicable, nay, much more so, to the Philadelphia mint, as to the establishment in Georgia.

Sir, said Mr. B there is another, and not less interesting view of this case. As a Representative from the State of Georgia, as a Southern man, deeply interested in the prosperity, not only of my own State, above all others, but of the whole South, I cannot but feel jealous of every movement here, the tendency of which will be to strike at our favorite theory of free trade, and by implication at our proposed system of direct importations. If the principles of free trade were brought to bear upon this subject, every thing would be left to its obvious position and natural course. But if the motion on your table prevails that position and that course will be violently interrupted, and instead of placing your mint in the midst of your gold, you remove it to a distance, and locate it in a remote region, when all the difficulties of transportation must be encountered before you can begin to compete with the more natural location. Sir, *free trade* is *natural trade*, and the natural position of an establishment which is to supply the medium of that trade, is precisely at that place where the commodity, to be used in manufacturing that medium, can be procured at the least possible expense.

Sir, said Mr. B. the South makes cotton, and the South makes gold—both of these articles are cash in the market of the world. The North produces neither of them, and yet she has managed, through our facile acquiescence in her monopoly of trade, to fertilize her barren and frozen hills, and enrich her energetic and enterprising population. And this she has accomplished by appropriating to her own benefit the intermediate use of these peculiar productions of our soil and labor.

Heretofore we have submitted to an unnecessary Northern agency in the disposition of our cotton, and if we follow in the same track, we will send our gold to Philadelphia to be struck into coin. Southern enterprise and ingenuity are not competent to conduct successfully a mint at Dahlonega, where the gold grows, but the precious metal, after it has been gathered by Southern labor, must be sent to a Northern city for coinage.

But, sir, said Mr. B. suppose the gentleman could succeed in his effort to abolish this branch mint at Dahlonega, what, let me ask him, would he have accomplished? Why he would take from the enterprising, industrious, and patriotic people of that section of Georgia, perhaps the most interesting part of the State, an institution which had greatly contributed to their prosperity. In that region there are numerous gold diggers and miners, whose labor supplies the mint. If that establishment be abolished they will be obliged either to export to foreign countries, or sell it at a loss from 8 to 10 per cent. in its crude state, to Northern speculators, or bank agents. Yes, sir, abolish the mint in that region, and you throw open the door to numerous extortioners and speculators, men who live not by the sweat of their brows, but who make their daily bread by their wits, ends, and appropriate to themselves, by their trickery and cunning, the hard earnings of other men's labor. Thus the people, who now have access to a mint where their week's labor may be converted into coin of a known and ascertained value, will be subjected to the tender mercies of men who will get from them, *on the best terms they can*, the precious metal in its crude state, and the loss of at least ten per cent. will fall upon the less intelligent but more honest laborer.

I am sure, sir, my friend from Maryland has not fully considered the consequences of his motion; if he had he would not have made it; for I am willing to believe that no man man breathes, more devoted than he is to Southern interest and institutions.

Mr. CONNOR replied to the remarks of Mr. STANLY, and spoke against the abolishment of the branch mint.

Mr. DAWSON opposed the amendment with much earnestness. He argued as a reason why the product of the mines in Georgia, and the amount of coinage which, to a certain extent, depended on the mining operations, were not so great as were anticipated, that labor was much higher in Georgia than any year previous. For the reason that the labor was more productive that year than at any previous years, the whole labor was converted from the mines to the growing of cotton. But this year labor being much cheaper and much depressed, it would drive the whole mass of labor to the mines, and the consequence, he said, would be, that the coinage at that establishment this year would be much greater than in the past year. Mr. D. then showed the comparative operations of the parent mint at Philadelphia for the first five years of its existence, and the branch mint at Dahlonega, Ga. for the first two years. The parent mint had, in the five years above mentioned, coined only an aggregate of $71,000; whilst the branch mint, situated in a forest, had, in the first year of its existence, coined forty per cent. more than the first five years of the parent mint; and in the second year (1839) had coined $123,870; and if it had silver, it would have coined four times that amount. He contended that the only counteracting power to prevent the coin from going to the commercial cities in the East and North, was to pertinaciously hold on to the mints.

One of the greatest reasons that this mint should be continued, was that it was situated in the heart of one of the richest mineral regions. Every variety of ore is to be found there in the greatest abundance; and in the course of a few years, in consequence of the new impulse given to enterprise by the erection of this mint, this country would become one of the richest portions of the world. Capital was flowing in from every section of the world; and scientific men were attracted there in great numbers. Thus would a development of the rich resources of the earth be produced, and would result not to the interest of Georgia alone, but to the wealth and greatness and interest of the whole nation. It was the usefulness of this mint he advocated; and did not go for it because it happened to be located in Georgia. He was not governed by sectional feelings, but by great national feelings. He testified to the economical administration of the mint at Dahlonega, and certified to the good character of the superintendent—he was an honest man. The amount of expenditures in that mint was small in comparison to other mints.

Mr. CONNOR here read a statement showing the expenditures at Charlotte and Dahlonega for three years, which proved them to be nearly equal.

Mr. HUBBARD rose to congratulate the country that the extravagance in our public officers was about to be lopped off by consent of both parties. There was no method but to reduce them to proper allowance—compel them to live carefully and economically. But, sir, whilst we are at this work, I request gentlemen of the opposite party not to look so sharp for the *mote* in the eye of the Democrats, but look more to remove the beam from their own. Let them cut off these extravagant appropriations of millions, for purposes that enrich one section of the Union, whilst they impoverish the other. I speak of gentlemen as a party—the gentleman from Georgia personally opposes all of them: as to this item of flowers, if the gentleman would go to the mother mint of Philadelphia, he would perhaps find it there to a greater extent; and perhaps he would find that it commenced before the election of General Jackson, and long before Mr. Van Buren was elected.

Mr. SHEPARD would not trouble the committee with an electioneering speech, but he would make a few suggestions to those who were so hostile to the branch mints. Since his attention had been called to this matter, yesterday afternoon, he had found, by a document on his table, the amount of gold and silver imported to this country at different periods of time. During the last year, 1839, the amount of bullion imported at the city of Philadelphia was $50 000. He had not been able to sum up the amounts imported into New York, Boston, and other Northern cities, but, on casting his eye over the tabular statement before him, it appeared that the greatest amount imported into this country had come to the city of New Orleans. Now, when gentlemen contended that we had more mints than were necessary, the real question would be, which of them ought to be abolished—those in the South, in the very heart of the gold country, and where the foreign bullion was imported, or the one at Philadelphia, where not a single grain of the precious metals was produced, and where but little was received from foreign countries? At the commencement of the Government, Philadelphia was the great emporium of commerce; here was established the Mint and the National Bank; a revolution had since taken place in the business of the country, and yet, by means of these national institutions, Philadelphia has continued to be the depot of coin, and to control the commercial affairs of the Union. Sir, it is time to destroy these sectional privileges; it is time to place every city and every State on an equal footing, and submit to the operation of these natural causes, which, if left alone, would produce the greatest amount of national wealth. If the question were new, the decision might be doubtful; but as the expenditure has been made, the house erected, and the machinery at work, why throw away this labor and expense? Why destroy establishments situated in the region where trade and nature have accumulated the precious metals, in order to favor a city, whither only artificial regulation would direct them.

Give these branch mints a fair trial. The member from Pennsylvania had stated that the coin struck at the three Southern mints had cost one-fourth, or a third, of the amount coined. This may be true, and this was probably the case with the mammoth at Philadelphia during the first year of its establishment. But this is not an argument. The honorable member is a lawyer, and probably his library, his horse and carriage, and other necessary outfits for a travelling attorney, were five times more than the amount of his briefs during the early years of practice; and would the member therefore say that the setting up law was a bad business? Would he not rather wait, and give his industry and abilities a fair and longer trial? During the last year $600,000 were coined at the three branch mints. The amount is gradually and surely increasing; and if gentlemen will be patient, and if Philadelphia receive from this Government no artificial advantages, by having the control of the paper system, or some other trick of the Federal head, I feel assured that in a few years the greatest amount of coin will proceed from the Southern mints. Sir my constituents are not immediately interested in this appropriation; they are very far from Charlotte; they will never have the least benefit from this expenditure; but as a North Carolinian I am opposed to the destruction of the mint until ample experience proves it to be expensive and useless. I would despise to advocate a proposition because a little advantage might accrue to the South; but, sir, when North Carolina and Georgia have the precious metals in the bosom of their soil, when trade brings to New Orleans a vast amount of foreign coin and bullion, why should our mints be destroyed, and the one at Philadelphia be sustained.

But a charge had been made against the superintendent of the mint in North Carolina, and it seemed that he had expended the sum of $218 in ornamenting the building with trees, &c. Now he would not say that he was in favor of such expenditures, but did we not act upon the same principle ourselves? Would not the same objection apply to the expenditure for trees, flowers, &c. for ornamenting the public walks and gardens of this Capitol. These trees did not belong to private individuals; they were the property of the public, and the poorest man in the community could enjoy the walks, and inhale the fragrance of the flowers, as well as he who expended a small portion of the public money on such improvements. As expenditures of this nature were for objects belonging to the people, and not for individuals, it placed the matter in an entirely new light. But yet he would admit that he could not encourage such expenditures; and if gentlemen thought that the superintendent of this mint had acted wrong, the Secretary of the Treasury might dock it from his salary.

The gentleman from Georgia said, that the new policy of the Government would drive all the coin of the country into the large cities. Sir, the policy of this Government cannot alter the laws of trade. Coin will go where it is wanted, or where people have something to pay for it; and their need be no fear on this subject, in the minds of those who are in favor of curtailing the paper system, and making the Government and people of this great country, independent of those whose business it is to manufacture currency. If the old policy should continue, there will not be much necessity for specie any where, either in town or country, the mean currency will drive away the good, and we shall again be flooded with issues of paper. But, sir, I have departed from the subject. I merely reply to the remarks of the gentleman from Georgia, and I take the opportunity

saying that I do not suppose it possible to dispense with banks or paper money. My principle is to extend and strengthen the basis of specie, and to make banks subject to the laws of the land. These mints will probably have a good effect in supplying us with good currency, and it is another argument in their favor.

Mr. UNDERWOOD hoped this debate would now terminate; but he wished to make one suggestion, which was, that, in case the mints should be abolished, the salaries of the officers would still be authorized by law. Now, if they intended to legislate on these mints, they ought also, at the same time, to legislate on all the various interests connected with them. In reference to these mints, he would say that, if the question was now whether they should be created, he might perhaps oppose them; or if the question was in a proper form before them to repeal the law under which they had been created, he might be in favor of doing away with them all, except one great national mint. But that could not be effected in the manner proposed; and if the amendment should prevail, the loss to Government would be greater than the amount proposed to be appropriated.

Mr. McKAY hoped this debate would speedily be brought to a close; and, as he did not wish to add any thing to the delay, he would make but a few brief remarks, in addition to what had already been advanced, in defence of these branch mints.

The Constitution gave to Congress the exclusive power to coin money; therefore, it was the duty of Congress to provide the means by which this was to be effected.

For many years, there had been but one mint, located at Philadelphia; but, two years ago, Congress appropriated money for the erection of these additional ones. Now, every body knew that these mints in the South were in the midst of a country where the gold was procured; and Government was bound to afford every facility to the people of those parts of the country for converting the gold into coin. Therefore, it was nothing but right that these branch mints should be located in a gold country. So far as the operations of these mints were concerned, a very considerable amount of coinage had already been executed.

But the gentleman from Pennsylvania [Mr. OGLE] had on yesterday objected to them, on the ground of expense. Why, upon the same principle they might contend for the abolition of all the district courts of the United States. They might contend that all these branch courts should be abolished, and one great court erected in their stead, to which the people would have to travel from all parts of the Union, in order to jet justice. This was a case precisely in point. The same principle would also apply to our navy yards throughout the country; and if there was any force in the argument that these mints should be abolished on the ground of expense, then all the navy yards except one should be abolished also; for it would be certainly much less expense to have one great navy yard, instead of several. But every reasonable person would admit that it was necessary for Government to study convenience, as well as expense.

In relation to the purchase of trees by the superintendent of the mint at North Carolina, it occurred to him that sums for a similar object had been expended by other officers of Government in adorning our public places. He believed many cases could be referred to, where an expenditure had been made for ornamenting our public buildings, by the planting of trees.

He hoped the motion to strike out the item for these mints would be withdrawn, and that they would be allowed a fair trial. Admitting that the expense should exceed the returns, yet that was no good reason for their discontinuance, as it was the duty of Government, in the exercise of its constitutional prerogative of coinage, to keep up those establishments at points most convenient for the people.

Mr. MONTGOMERY felt bound to make a few remarks in relation to these branch mints. He could not repress his surprise that whenever any appropriation came up for institutions in the South, there were found gentlemen on that floor who would invariably rise in opposition to it. It would appear from the remarks of some, that they were to have every thing in the North, and nothing in the South. He regretted, however, that this important appropriation bill should be delayed by a discussion of that nature, and as he was anxious to delay it as little as possible, he would make his remarks very brief.

His colleague had spoken in reference to an account paid by the Secretary of the Treasury to Mr. Wheeler, of the North Carolina mint. Now he would admit that it was a very extraordinary account, yet he did not know of any better person to examine into that account than his colleague. It would serve his colleague very well for electioneering purposes, and he was perfectly willing that he should have the full benefit of it. There was no doubt but that he would make some very handsome political capital out of those trees and flower gardens. He was surprised, however, at the account he had heard, as, until then, he had always understood Mr. Wheeler to be a very plain man. He would repeat that he knew nothing about this flower garden, but he was sure that if Mr. Wheeler fell into the hands of his colleague, he would get ample justice done him. If there was any man who could do justice in such matters, it was his colleague, as he believed that gentleman had spoken more of the extravagance of this Administration than any other gentleman upon that floor.

But there was one favor which he had to ask of his colleague. It was this: he hoped that when he published this extraordinary account of the flower garden, he would also publish, and attach to the account the fact that he [Mr. STANLY] himself *had voted for the money which paid for it.*

This Administration was charged with all the extravagant expenditures. Now he would beg to say, that during the Twenty-fifth Congress, at least, the Administration were less guilty than the Opposition. He could prove that fact, as he had done before, by a reference to the journal; yes, during that Congress, the Whigs, with the aid of the Conservatives, had a majority here, and it was a notorious fact, that the greatest Government appropriations that were ever made were made during the period, when the Opposition themselves had the majority, and could, with their majority, have controlled them. He knew very well that few of those gentlemen were willing to admit the fact, but it could be found from an indisputable authority, the journal of the House, which shows that over seventy-five millions were appropriated during that Congress, and that the Whigs and Opposition members have fewer votes recorded against this unprecedented amount than the Administration members: see the journal where the votes are recorded.

Mr. M. was here called to order by several gentlemen for irrelevancy. After some dispute on that point, he said as he did not desire to wound the feelings of those sensitive gentlemen, or to make them unhappy by a reference to their votes at this time, he would say no more on that matter. He would repeat, however, that if every institution of the South was to be put down on the ground of expense, the South had very little to expect.

He did not blame the Northern members so much, as perhaps such opposition might be expected from them by their constituents, far removed from the place of expenditure, and formed a part of their duty. But he was surprised to hear of opposition from Southern men. He regretted that such a proposition had been supported by any gentleman from the South. They had natural resources in the South, and when they were attempting to bring them into operation this opposition arose from gentlemen whose interest it was to support rather than oppose them, and it could only arise from political party feelings. It was more aimed at men than at measures, and could be made here to manufacture political capital: for the vote taken upon the motion to abolish, showed that they did not calculate on success. Let men have all they can make out of it. They required a sound constitutional currency, a circulating medium, in accordance with the requisition of the Constitution. But what did gentlemen say here? Why, that they should not have the means of carrying it into effect.

In his district they had one bank, which had about a half million of specie locked up, so that the people could not touch a dollar, nor did they know how to get it; for the banks refused to pay any body, and made every body pay them. Would men—yes, sir, men of family submit to such tyranny without a struggle? Yes, these bank men bought up the specie with their depreciated bank paper, and then blamed the Administration for it. They first drained the people of their hard money, and then turned round and cursed the Administration for the effects of their own diabolical paper system. It was a notorious fact, that in one single day that bank bought up a half million of dollars in specie, and put afloat their worthless paper in its stead. They were told by the bank men that they should have nothing but a paper currency. But if those paper tyrants thought they could oppress the people of the South, they would find themselves mistaken. The people of the South were yet free, and he thanked God that oppression was only known, as yet, in the Eastern States. It might suit the bank men very well to compel the people of the East to take their worthless paper, but that would not do in the South.

Instead of being tyrannized over by these banks, he was in favor of these branch mints, from which we could get a constitutional currency, instead of worthless paper; and he would tell them that the day was not very far distant when no portion of the people would submit to the oppression any longer. They would not long submit to have their bullion taken and locked up in the banks.

He would not say that his colleague was a bank man, although it so happened that all the friends of the gentleman were engaged with the banks. Now there was one singular fact to which he wished to call the attention of the committee and the country. It was, that these very men who were now opposing the branch mints, to stop the coinage of good money, did, on a former occasion, vote against a proposition to compel the banks to keep in their vaults one dollar for every three dollars of paper. Yes, he would go further, and say that these men voted against a proposition for compelling the banks to keep one dollar of specie for every five dollars in liabilities. He had the proof of all the facts before him, page and vote marked; but as he did not wish to delay the passage of the bill, he would not trespass further on the time of the committee, in relation to that matter; but would, should his remarks be published, give the vote upon that subject. He would content himself by saying that he was prepared to prove all he had asserted, and a great deal more besides, upon these modern Bank Federal Whigs. He had the material all ready, and would use it the first opportunity that offered.

If these branch mints were put down, it would be doing great injustice to the people of the South, and playing into the hands of the Bank Federal party there, who hate gold and silver—who surreptitiously obtain it, and then lock it up, and refuse to pay the honest poor man for a five dollar bill of their own money, which he has labored hard for, but compel him to go to one of their agents and have it shaved for good money, and that, too, with their own money, and then curse Van Buren and his party for their own foul acts. Did Mr. Van Buren compel them to shut their vaults and act dishonestly towards the people? No; he had no such power, and they knew the fact.

Mr. CUSHING, in allusion to some remarks by the gentleman from North Carolina, denied, so far as he was concerned, than the people of the North were opposed to appropriations for institutions in the South, merely because they were for the South. For his part, he was now willing to vote for any appropriation in which the interests of the Union could be promoted, let the appropriation be for North or South. Such were his feelings, and he was not aware that any other feelings existed among the people whom he had the honor to partly represent. He would not agree that it was considered by Northern members as their duty to oppose appropriations for the South. He desired that the public works might be diffused throughout the United States, as they benefited not merely the spot where they were located, but the whole Union.

In relation to the motion to strike out the item for the expenses of these branch mints, it appeared to him a very different question to the question as to whether these institutions should or should not be continued in existence. The latter question depended on the law establishing the mints, but so long as that law was in force, it was evidently our duty to make the necessary appropriation for carrying them on. The question of abolishing them was an entirely independent question; therefore, so long as the law was in force, he should be disposed to vote for the appropriation to defray the current expenditures. Then the question as to whether they ought or ought not to be continued, would furnish matter for an after consideration.

In relation to the alleged abuses referred to by the gentleman from North Carolina, it reminded him of the strong position taken by his colleague [Mr. ADAMS] the other day. That gentleman had said, if the Committee on Public Expenditures would investigate all such cases of alleged fraud, and have their report ready at the time the appropriation bills were brought up, some millions of the public money might be saved.

Mr. JOHNSON of Maryland said he wished to submit an amendment to suspend the salaries as a modification of his first proposition; and inquired of the CHAIR whether it would be in order.

The CHAIR said it would be in order to make an appropriation subject to a certain contingency.

Mr. JOHNSON then offered the following as a modification of his original motion to strike out, viz:

"And that the said salaries shall cease at the expiration of the current year; and that at the expiration of said period, the establishments in Georgia, North Carolina, and Louisiana, shall be suspended until otherwise directed by law."

Mr. CUSHING said that, under the existing laws, the President, Secretary, and other officers, are entitled to certain salaries. The law that creates those officers continues them at those fixed salaries. Therefore if you strike out the appropriation in this bill, it did not repeal the law allowing the salary. These officers will be still entitled. By refusing to appropriate would not affect their right to it; but the Government would be still indebted to them.

Mr. JOHNSON of Maryland said the power which created the law could destroy it, either in a separate bill, or as a section in another bill. The precise time or manner was unimportant With that view he proposed the amendment.

The CHAIR decided that the amendment was out of order. This was a bill making appropriation for the current expenses of the Government, to provide that for which the existing laws called.

Mr. JOHNSON said he differed with the CHAIR, yet he did not wish to take an appeal. He was not responsible for the debate which had taken place on the amendment. He made the motion without a word of comment, and took his seat: the friends of the Administration were responsible. In relation to the astonishment expressed, that a Southern man should have made a motion to reduce an institution located in a Southern State, could not influence his action. The doctrine of Southern interest was no doctrine to operate or influence him: it was useless to rise with such arguments to influence him. The same arguments and reasons that would induce him to vote for a measure in Georgia, would govern his actions for like measures in North Carolina. He believed it was a useless expenditure of money; and he was astonished that it was defended on no other ground than that it was located in the State of Georgia. All these appeals had no influence. Though he was a Southern man, he would only go with the South when it was in favor of the prosperity of the whole Union. He was always opposed to prodigal expenditure of money, without regard to the particular section of country it was proposed to benefit. If such an argument should obtain, it would be a most potential argument to bring about what these Southern gentlemen so much deprecate, a protective tariff. He then went into an argument to show that the destruction of the mint would not operate to the injury of the gold-finders, or the laborers engaged in the mines in the district of country in which it was located, even if it did drive them to the necessity of disposing of the result of their labors to the speculators, of which the gentleman had complained. The whole operation of the branch mints was a drain on the Treasury, and resulted to individual, instead of national advantage. He was willing to show his regard to the interests of the South, by voting for something that was useful to the South. These mints were not. He was opposed to the creation of these institutions in the first place. When the whole facts of the case should be known to the public, he did not believe any Administration could be sustained that would support them. Mr. J. concluded by withdrawing his modification, and let the original amendment stand.

Mr. DROMGOOLE dissented from this indirect mode of repealing a law of the land. Why did not those gentlemen who were opposed to these institutions come forward in the early part of the session—after a discussion of this subject for two years—and propose a bill to repeal, in a proper manner, the law authorizing these institutions, if they were deemed unnecessary?

Mr. OGLE said he had, in the early part of the session, introduced a resolution calling upon the Department for information, with a view of bringing forward a bill, but the House had voted it down.

Mr. D. resumed, and said, that was the regular mode of doing the business; and it was evidently a test of the sense of the House, of its determination not to repeal the law: and now it was proposed to do that indirectly which the House refused to do directly. He did not deny that it was within the power of Congress to withhold an appropriation. He would ask gentlemen whether it would be right in Congress to withhold from members of Congress the amount of pay to which they were entitled under an existing law of the land. If it were withheld, he had no doubt that they would soon go home. He would ask those gentlemen who made so much clamor about economy, whether this measure now proposed was *bona fide* economy. What, he asked, would become of the public property? Do gentlemen suppose that, if the salaries of the officers be withheld, they will not act as we would act, and abandon their stations?

If this appropriation be withheld, it would be tantamount to the abandonment of property that cost the Government half a million of money; leave it to go to destruction, to save a few thousands. This would be, indeed, a beautiful system of economy. We had the right to refuse to appropriate to fulfil existing laws; but he would ask gentlemen, did not this amendment repeal the law, which the House refused directly to do? He put it to gentlemen, whether it formed a proper precedent in legislation, whether it was proper to do that indirectly which the House refused to do directly, and thus delay an appropriation bill, and do manifest injustice to those who were in the employ of the Government, and who were now suffering. Who would ever think of looking into an appropriation bill to ascertain the duties of the officers of the mints, or to ascertain whether the law, establishing the mints, was repealed? Congress could not, with justice, withhold the appropriation.

Mr. STANLY made some further remarks here.

Mr. JONES was sorry to trouble the committee with any further remarks on this subject, nor would he have done it, but for certain statements introduced by the gentleman from North Carolina, [Mr. STANLY,] which had been taken hold of by other gentlemen, and converted into a charge against the Administration.

It might be considered by the committee that it was his duty, as chairman of the Committee of Ways and Means, to have examined this matter; but it would be obvious to all, that these charges referred to transactions more than two years ago. Notwithstanding, had he been aware that the charges would be made, he should certainly have turned his attention to the matter.

The gentlemrn from North Carolina had selected these charges from a vast number of items. He had brought them

from isolated items of an account not before the committee, and which referred to transactions two years ago. Now every one knew, when a gentleman selected his own items, and placed them in the hands of an ingenious man, how very easy it was to make

"The worse, appear the better cause."

When a gentlemen had the power of selecting a few isolated facts without giving the connection by, which they perhaps might be explained, it was very easy to give a coloring which might be removed by an examination of *all* the facts. His mind had been brought to that conclusion by the recent law passed in relation to certain alleged abuses in the Departments. The other day he had heard a charge made that a large number of newspapers had been purchased in the Post Office Department, and the money of the Government expended for the purpose of encouraging a party press. Owing to the charge, he conceived it his duty to address a letter to the Postmaster General on the subject, and what was the answer? Why, that, although the amount appeared on the face of the account, yet one half of it had been paid for debts contracted by the former incumbent of the Department. Thus it would be seen at once how very dangerous it was to rely on these *ex parte* statements. It would be seen how very easy it was to create a wrong impression by examining only one side of a question. Before such charges were made, they ought always to be investigated, so that both sides of a question might be examined, after which a very different impression might exist. How was it in our courts of justice when a juror was sometimes so convinced of the guilt of a party as to require no further evidence? But in how many cases, after hearing the defence, was the opinion of that juror completely changed, and all prejudice removed by counter and explanatory evidence?

If abuses existed, and the history of all Governments proved that they would exist under the most virtuous Administrations, he was perfectly willing for an investigation, so that they might be corrected. What had the Administration done at the present session? Had they not thrown open the door as wide as it could be thrown for the purpose of investigation? Then if there were any alleged abuses, let gentlemen investigate them. Yes; let them have a full, fair, and thorough investigation, and if, after that, it should be found that corruption existed in any quarter whatever, he and the party with whom he acted would go heart and soul for reform. But he would entreat of gentlemen not to bring charges here without previous investigation. Let not the parties be condemned without a hearing. He had no doubt but the abuses did exist, and, considering the imperfection of human nature, it would be a great wonder if they did not exist.

The gentleman from North Carolina [Mr. STANLY] in speaking of the purchase of trees at the mint in that State, had presented an extraordinary array of names. The gentleman had brought up many hard words, which he said he could scarcely spell, nor pronounce them after he had spelt them. They were, in fact, what in Virginia they termed "jaw crackers."

Now he would tell the gentleman that many of those fine, high sounding names were but the classical names of trees common to every part of the country. For instance, among the rest, the gentleman had discovered the "horse chestnut," and had made a great flourish about that as one of the rare trees paid for out of the Government money. But would the gentleman permit him to tell him that these horse chestnuts were plenty in our country, and that in the West it was what they called the buck-eye. Mr. J. then told an amusing anecdote of some Western genius who sent all the way to New York and procured at great expense a certain bush, with a high-sounding latin name. But when it arrived, the poor fellow discovered there were plenty of the same kind on his own ground.

Mr. J. again protested against the practice of bringing charges on the floor against individuals, who had no opportunity of defending themselves. He hoped this practice of general denunciation, without proper examination would be discontinued. In relation to the purchase of trees, by the superintendant of the mint in North Carolina, if it were a fault, it was a fault into which many others, much higher than that individual, had fallen. The trees belonged to the establishment, and if they were purchased by the peoples money, they were the property of the people, and not that of individuals.

After some further remarks from Mr. STANLY, the question was taken on the amendment, and it was rejected.

On motion of Mr. J. W. JONES, the bill was ameuded by the addition of $7,000 to pay the expenses of an extra session in the Territory of Iowa, preparatory to coming into the Union.

Mr. CHAPMAN of Iowa effered the following amendment:

"To supply the deficiency in the appropriation for the year 1839, for defraying the expenses of the Legislative Assembly of the Territory of Iowa, $14,000."

Mr. C. said he did not intend to make a speech for home consumption, but with a view that the committee might understand the grounds upon which the people of Iowa claimed the appropriation asked for. He then read a clause in the act of June, 1838, for organizing the Territory of Iowa, which appropriated a certain sum to defray the expenses of the Legislative Assembly, incidental expenses, &c.

Mr. C. said that the printing of the laws had not been paid for, and was one of the items for which an appropriation was now asked. Mr. C. inquired if the chairman of the Committee of Ways and Means, and the House, were willing for him to go home, and answer to the printer, and to those who had vacated their church that the members of the Assembly might there hold their deliberations, that he could not get an appropriation to pay for the printing of the laws, the expenses of the Legislative Assembly, and the rent of the church?

Mr. C. invited the attention of the committee to a statement, showing the amount of money paid into the Treasury since the organization of Iowa Territory, and said that last year a larger amount was appropriated for the Wiskonsin Assembly than for that of Iowa; and if there was necessity for any difference, it ought to have been in favor of Iowa, its members having to travel a greater distance to the seat of Government.

He then sent the resolutions of the General Assembly to the CLERK'S table to be read, to show the necessity which existed for the additional appropriation of $14,000.

Mr. C. asked why Wiskonsin received $34,000 and Iowa but $27,000. He wanted to know why Iowa was turned off with a less sum?

Mr. C. then stated the amount appropriated for Wiskonsin and Florida for several years past, and did not complain of the appropriations—they were not too large—but he wanted to know the reason for the difference between the appropriation for those Territories, and that of Iowa.

Mr. C. by way of information, sent to the CLERK'S table, to be read, a statement from the Commissioner of the General Land Office, showing how far Iowa had contributed to the support of the Government in the sales of public lands; and Mr. C. in the course of his remarks, argued generally in favor of the appropriation.

Mr. PETRIKIN said that the appropriation was to pay debts owing to mechanics. The printer of the laws of the Territory had executed his duty, and for want of pay was now bankrupt. If the House did not furnish the people of Iowa means of knowing what the law was, they were not to be blamed for any infraction of them. Mr. P. contended that the appropriation should be made.

After some remarks between Messrs. J. W. JONES, BOND, LEADBETTER, and CHAPMAN of Iowa,

Mr. PETRIKIN offered the following as a substitute for Mr. CHAPMAN'S amendment, which Mr. C. accepted.

"For the payment of the printing of the laws, and other contingent expenses of the Legislative Assembly of the Territory of Iowa, being a deficiency in the appropriation made for the year 1839, fourteen thousand dollars: *Provided*, That no part of this appropriation shall be used for the payment of members of the said Legislative Assembly for per diem wages, or mileage, or extra services, or for the payment of any of the members thereof, or of its its clerks, or for stationery for their individual use."

A few words passed between Messrs J. W. JONES and CUSHING; after which the amendment was adopted.

Mr. STANLY here made some remarks in relation to the salary of the Attorney General, and read some portion of the report of the Swartwout investigating committee. He was replied to by Messrs. J. W. JONES and PETRIKIN.

Mr. CRABB moved to strike out the appropriation of $10,000 for the purchase of law books for the office of the Attorney General: and it was disagreed to—ayes 51, noes not counted.

The clause for "compensation to the district attorneys and marshals, including those in the several Territories, $14,550," having been read,

Mr. W. B. CALHOUN moved the following amendment to that paragraph:

"And that the said district attorneys, marshals, and also the clerks of the circuit and district courts, shall keep an account of all fees, forfeitures, salary, and perquisites, received or charged by them, and render the same annually, under oath to the Secretary of the Treasury; and all sums of money received by either of said officers, whether from fees, forfeitures, salary, or perquisites, if in the southern district of New York, the eastern district of Pennsylvania, the district of Charleston, South Carolina, the district of Louisiana, including New Orleans, the district of Massachusetts, over and above the sum of $3,500, shall be paid into the Treasury of the United States, meaning to limit the whole compensation of the officers above named, to the sum of $3,500, in each district; and in all other districts, whether in States or Territories, not named as above, the district attorneys, marshals, and clerks, shall render an account as above required; and all sums of money received by each of said officers respectively referred, to over and above the sum of $2,500, shall be paid into the Treasury of the United States, intending hereby to limit the amount of compensation of said officers to the sum of $2,500."

Mr. J. JONES rose to a question of order. The proposition was in a separate bill, which covered the whole subject; and by the rule it would not be in order to introduce into this bill.

The CHAIR ruled the amendment out of order; and

After a few remarks from Messrs. CALHOUN and MASON on the point of order,

Mr. DAVIS of Kentucky, the gentleman who introduced the bill to which the reference was made, stated that that bill was different in its provisions from the amendment.

The CHAIR then decided the amendment in order.

Mr. DROMGOOLE. Then I appeal.

The CHAIR understands, since his first decision, that the provisions of the bill were entirely different from the amendment proposed now. Under the statement of the gentleman who reported the bill to which reference was made, that the proposition was different, the CHAIR has no hesitation to state that the amendment is in order.

Mr. DROMGOOLE said he did not take an appeal from any captious motive, or to throw any obstacle in the way of the amendment, or action on the bill. He should not care if it was this isolated question, but it would be a precedent dangerous to our legislation. We should have the duties of officers interpolated in an appropriation bill. The proposition is entirely different in its nature from the bill now before the committee. This is a bill making appropriation for the compensation of officers, under existing laws; and the amendment proposed is to prescribe the duties of officers, which belongs to the bill creating the officers, and not the bill to pay them. There was no instance on record where, in a bill to pay the officers, a proposition was incorporated to prescribe the duties of the officers. He was opposed to it on two grounds. The bill of the gentleman from Kentucky, [Mr. DAVIS,] was substantially the same: it was something in relation to the appointment of marshals and attorneys. This amendment is of the same nature. It belongs in point of substance and character to that bill, and not to this. The whole object of the amendment was to embarrass the bill with extraneous matters. If this course of legislation be permitted, it would involve confusion in the laws. Whoever would think of looking in the civil and diplomatic bill for the duties of the marshals and attorneys. It would produce such a confusion in the legislation of the country, which every wise legislator would wish to avoid.

A debate here followed, in which Messrs. EVANS, DAVIS, of Kentucky, BRIGGS, GRAVES, and L. WILLIAMS participated, in favor of the decision of the CHAIR, and Mr. MCKAY in opposition, who cited a decision in point, in support of the ground he assumed; when

Mr. GRAVES obtained the floor, and was discussing matters irrelevant to the question before committee; when

Mr. PETRIKIN called him to order for irrelevancy of debate.

The CHAIR decided that he was out of order.

Mr. PETRIKIN objected to his proceeding without permission of the House.

Mr. BLACK moved that he be permitted to proceed.

The question was taken by tellers; and it was ascertained that there were—ayes 65, noes 44: no quorum having voted.

The committee rose, and its chairman reported that fact to the House.

Mr. MCKAY moved a call of the House.

Mr. PROFFIT moved that the House adjourn.

Mr. JONES of Virginia demanded the yeas and nays, which were ordered, and were—yeas 54, nays 76.

So the House refused to adjourn.

There being a quorum now present,

Mr. MCKAY withdrew his motion for a call of the House.

The House then resolved into Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and resumed the consideration of the civil and diplomatic bill.

The question being on the motion to permit the gentleman from Kentucky [Mr. GRAVES] to proceed in his remarks, Messrs. CRABB and POPE having been appointed tellers to ascertain that fact, reported ayes 68, noes 45—no quorum voting.

The committee again rose, and its chairman reported that fact to the House.

Mr. EVANS thought it impossible to get through with the bill that night, and moved that the House adjourn.

Mr. DUNCAN demanded the yeas and nays; which were ordered, and were—yeas 64, nays 78.

So the House again refused to adjourn.

The House again went into Committee of the Whole, and the question being on permitting the gentleman from Kentucky [Mr. GRAVES] to proceed in his remarks, the question was taken by tellers, (Messrs. CARTER and HOPKINS acting as such,) who reported ayes 107, noes 25.

After a few remarks by Messrs. GRAVES and MCKAY,

The CHAIR stated the ground on which the appeal had been taken from the its decision, that the resolution of the gentleman from Massachusetts was in order; and upon putting the question whether the decision of the CHAIR should stand as the judgment of the committee,

Mr. R. GARLAND called for tellers; when Messrs. CLIFFORD and CARTER were appointed tellers, who, after a count, reported—ayes 51, noes 74.

So the decision of the CHAIR was reversed.

Mr. GIDDINGS offered the following as an amendment to the same; but it was declared to be out of order:

"Provided, That in those States where jurors are drawn by constables or other officers of corporate towns or places, the marshal shall receive for his trouble in distributing the *venire* for each grand or petit jury the sum of two dollars, and no more."

Mr. R. GARLAND then submitted the following as an amendment:

"Provided, That no salaries or fees shall be paid to any district attorneys who shall not have paid into the Treasury any money collected by him."

Mr. MCKAY suggested that there was already a law to the effect of the resolution just offered; which law was read by the CLERK.

And after a debate, in which Messrs. R. GARLAND, PROFFIT, PETRIKIN, STANLY, EVANS, HOLLEMAN, J. W. JONES, MCKAY, GRAVES, CHAPMAN, and GALBRAITH participated,

Mr. PROFFIT moved that the committee rise.

Tellers were called for, and Messrs. CARTER and PETRIKIN were appointed tellers; who reported—yeas 52, nays 70.

So the committee refused to rise.

The question was then taken on the amendment, and resulted—yeas 34, nays 60; no quorum voting.

Tellers were then called for; when Messrs. GRAVES and LEWIS were appointed, and, after a count, reported—yeas 33, noes 84: still no quorum.

The committee then rose, and the Chairman reported to the House that there was not a quorum present.

Mr. DUNCAN moved a call of the House.

Mr. STANLY moved that the House adjourn.

Mr. DUNCAN called for the yeas and nays; which having been ordered,

Mr. STANLY withdrew his motion.

Mr. EVANS renewed it.

Mr. CLIFFORD called for the yeas and nays; which were ordered, and were, yeas 64, nays 72.

A quorum being present,

Mr. DUNCAN withdrew his motion for a call of the House.

Mr. CRABB asked leave of absence until six o'clock to-morrow; which leave was granted.

The House then again went into Committee of the Whole, and

The CHAIR stated the question to be on the amendment of the gentleman from Louisiana, [Mr. GARLAND.]

Tellers were called for, and Messrs. PARRIS of Maine and DAVIES of Pennsylvania, were appointed, who reported—ayes 47, noes 85.

So the amendment was rejected.

The following paragraph in the bill was then read, viz:

"For defraying the expense of the supreme, circuit, and district courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the year 1840, and preceding years, and likewise for defraying the expenses of suits, in which the United States are concerned, and of prosecuting for offences committed against the United States, and for the safe keeping of prisoners."

Mr. J. W. JONES moved to fill the blank with $300,000, the amount estimated by the Secretary of the Treasury, based on the statements of marshals. The appropriation of last year was but $128,000, in consequence of there being an unexpended balance on hand, of former appropriations, of upwards of $200,000. That was the cause of the discrepancy.

Mr. CUSHING inquired of the chairman of the Committee of Ways and Means whether he had any estimates in detail which made up this large aggregate.

Mr. J. W. JONES said he had no detailed estimates. The Secretary of the Treasury had informed him that the details furnished him amounted to upwards of $340,000, but that the Secretary deemed the $300,000 in the bill sufficient.

Mr. CUSHING said that a portion of this amount goes to prosecute the State prisoners, and for the safe keeping of prisoners, of which McKenzie and Van Rensselaer were among the number. They should be no longer imprisoned. He had received petitions on the subject, which he had no opportunity afforded him to present to the House; and if he had had an opportunity to present, it would not have been in his power to discuss. It being in order now, and probably the only time during the session, he would embrace the opportunity to make some remarks on the subject. The petition he held in his hand, he said, would reach to the chair; and it was an illustration of the great interest felt in the country in relation to the imprisonment of these gentlemen.

Mr. PARRIS said it was not in order to discuss the subject of this petition, whether these gentlemen were justly or unjustly imprisoned.

The CHAIR decided that the gentleman from Massachusetts was in order.

Mr. CUSHING said it was in order for him to show that a portion of this amount should not be appropriated to rivet the chains on these gentlemen any longer. Their imprisonment ought not to be continued. Mr. C. was again proceeding to discuss the merits of the imprisonment, when

Mr. TURNEY said, if the CHAIR decided the gentleman in order, he would take an appeal.

Mr. CUSHING made a few remarks on the appeal, to show that he was in order; when

The question was taken by tellers (Messrs. WORTHINGTON and DAWSON acting as such,) whether the decision of the CHAIR should stand as the judgment of the Committee, and resulted—ayes 41, noes 68: no quorum voting.

The committee rose, and the chairman reported that fact to the House.

Mr. GALBRAITH moved that when the House adjourn, it should adjourn until 11 o'clock to-morrow, which motion was disagreed to.

Mr. EVANS then moved that the House adjourn.

Mr. MILLER demanded the yeas and nays, which not having been ordered,

The House, at 11 o'clock, p. m. adjourned.

IN SENATE,

THURSDAY, April 30, 1840.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, made in obedience to a resolution of the Senate in relation to the practicability and expense of constructing temporary piers at the towns of Racine and Southport, on the western shore of Lake Michigan; which was read, and ordered to be printed.

Mr. WRIGHT presented the memorial of a number of citizens of Lansingburgh, in the State of New York, praying the passage of a general bankrupt law; which was ordered to lie on the table.

Mr. WEBSTER presented the petition of a number of citizens of Beaver county, Pennsylvania, praying the establishment of a National Bank, and a protective tariff.

Mr. W. said that at this late period of the session no action could be had on the subjects embraced in this petition, and he would therefore ask that it might be laid on the table, informing the Senate, however, that before the close of the session he would take occasion to offer some remarks on these and other subjects connected therewith.

Mr. NORVELL submitted the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested to pardon and direct the release of William Lyon Mackenzie, imprisoned in the jail at Rochester, New York, for a violation of the laws to preserve the neutral obligations of the United States; and also to direct the remission of any fine which may have been imposed upon him for the same offence.

The bill granting to the State of Michigan a quantity of land to aid in constructing a canal around the falls of St. Mary, was read a third time, and passed.

The bill to authorize the Mount Carmel and New Albany Railroad Company to enter, on a credit, a quantity of land to land to aid the company in the construction of a railroad from New Albany, in the State of Indiana, to Mount Carmel, in the State of Illinois, and for other purposes, was taken up, and, after a debate, in which Messrs. TAPPAN, HUBBARD, BENTON, CLAY of Alabama, SMITH of Indiana, WHITE, CALHOUN, and YOUNG participated, was recommitted to the Committee on Roads and Canals.

The bill for the benefit of the Selma and Tennessee Railroad Company, was taken up, and, after some remarks from Messrs. KING and WHITE, was read a third time, and passed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, April 30, 1840.

By general consent, and on motion of Mr. HAMMOND of Pennsylvania, the bill to alter the time for holding the District Court of the United States for the Western District of Pennsylvania, at Williamsport, was taken up, read a third time, and passed.

On motion of Mr. PETRIKIN, the joint resolution in relation to the case of Masterson and Smith, which had been returned from the Senate with an amendment, (which gives discretionary power to the Postmaster General,) was taken up, and the amendment was non-concurred in

On leave, Mr. CUSHING, from the Committee on Foreign Affairs, reported a bill to carry into effect the convention between the United States and the Mexican Republic; which was referred to the Committee of the Whole on the state of the Union, and order d to be printed.

Mr. C. gave notice that, under instructions from the Committee on Foreign Affairs, he would, at an early day, ask the attention of the House to the consideration of this bill.

On motion of Mr. GOODE,

Ordered, That the resolution of the House of Representatives of the 14th January 1839, relative to Albemarle sections of land in the Miami and Maumee canals, be referred to the Committee on the Public Lands; also, that the resolution of the House of Representatives of the 21 January, 1838, relative to the sale of alternate sections of land on the Miami canal, and on the Wabash and Erie canal, be referred to the Committee on the Public Lands.

Mr. BUTLER of Kentucky presented testimony in the cases of Susan Foster, Mrs. Moore, widow of William Moore, and Arthur Connelly; which testimony was referred to the Committee on Revolutionary Pensions.

Mr. HOLLEMAN presented a petiton of pilots licensed by the State of Virginia, praying a repeal of the act of the 3d March, 1837, concerning pilots; which petition was referred to the Committee of Commerce.

Mr. SAMUELS presented evidence in the case of James Chambers; which was referred to the Committee on Invalid Pensions.

Mr. STEENROD, from the Select Committee, appointed on the 16th of March, on the case of Peter Yarnall and Samuel Mitchell, made a report accompanied by a bill for the relief of Peter Yarnall and others; which was read twice, and committed to the Committee of the Whole.

Mr. CONNOR, from the Committee of Ways and Means, made an adverse report on the case of Michael Ferrall; which was ordered to lie on the table.

Mr. RUSSELL, from the Committee of Claims, reported back to the House Senate bill No. 1, entitled an "Act for the relief of William H. Robertson, Samuel H. Garrow, and J. W. Simonton;" which was committed to the Committee of the Whole.

Mr. R. also made a report on the case of Charles S. Matthews, Charles Wood, and James Hall.

Mr. R. also made an adverse report on the case of Lorenzo N. Clarke, which was ordered to lie on the table.

Mr. CHAPMAN, of Alabama, from the Committee on the Post Office and Post Roads, reported back to the House, Senate bill, No 91, entitled "An act for the relief of the heirs of Colin Bishop," without amendment; which bill was committed to the Committee of the Whole.

Mr. REYNOLDS, from the Committee on the Public Lands, reported a bill to reserve one township of land from the sale for an asylum for the deaf and dumb in the Territory of Iowa; which was read twice, and committed to the Committee of the Whole.

On motion of Mr. ELY, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of the heirs of John Reynolds and Mary Reynolds; also, from the further consideration of the petition of the heirs of Thomas Richards; which petitions were laid on the table.

Mr. BUTLER of Kentucky, from the Committee on Private Land Claims, made a report on the petition of Thomas W. Chinn, accompanied by a bill for his relief; which bill was read twice and committed to the Committee of the Whole.

Mr. W. C. BUTLER, from the same committee, made an unfavorable report on the petition of Andrew Johnson; which was read, and laid on the table.

Mr. M. A. COOPER, from the Committee of Ways and Means, made an unfavorable report on the petition of Thomas Wade; which was read, and laid on the table.

Mr. C. from the same committee, reported a bill for the relief of John B. Rogers; which was read twice and committed to the Committee of the Whole.

Mr. BELL, from the Committee on Indian Affairs, reported back to the House Senate bill No. 191, entitled an "Act for the relief of John C. Reynolds, late disbursing agent of the Indian Department, without amendment.

Mr. REED, from the Committee on Naval Affairs, made a report on the memorial of Boyd Reilly, accompanied by a bill for his relief; which was read twice, and committed to the Committee of the Whole.

Mr. GRANGER, from the Committee on Foreign Affairs, made a memorial on the report of Charles G. Ridgley, accompanied by a bill for his relief; which was read twice, and committed to the Committee of the Whole.

Mr. CORWIN, from the Committee on the Public Lands, reported a bill to grant a quantity of land to aid in opening a communication by water from Dekorra to Marquetta, in the Territory of Wiskonsin; which bill was read twice, and committed to the Committee of the Whole.

Mr. HAND, from the Committee on Revolutionary Pensions, made a report on the petition of Mary Johnson, accompanied by a bill for her relief; which was read twice, and committed to the Committee of the Whole.

Mr. H. also made a report on the petition of Nancy Perry, late widow of John Davis, accompanied by a bill for her relief; which was read twice, and committed to the Committee of the Whole.

The committees having been called through, the House proceeded, during the residue of the morning hour, to dispose in order of the business on the SPEAKER's table.

The first subject was a motion to print 5,000 extra copies of the report of the Secretary of the Treasury on the expenditures and defalcations since the year 1789; which was agreed to.

The next was the motion of Mr. FILLMORE to print 5,000 extra copies of the report of contingent expenses of the State Department; which motion was agreed to.

Mr. R. GARLAND hoped the vote would be reconsidered. The printing of the report would only cover the tables of members with documents, which, he undertook to say, not ten members would read.

Mr. BROWN of Tennessee moved a reconsideration.

Mr. FILLMORE hoped some additional copies of all the reports from the several Departments, showing the expenses of the contingent fund, might be distributed among the people. The House had been in the habit of suppressing information, by only printing enough for themselves.

Mr. R. GARLAND said the printing would cost considerable, and there was no necessity for it. But if the committee thought it necessary, he would not oppose it. Mr. G. moved to refer the resolution to the Committee on the Expenditures of the Department of State.

Mr. PETRIKIN wanted no one-sided reports, but all the facts. They had already had evidence of garbled statements.

Mr. CARR presumed that every gentleman was prepared to vote upon the subject; and, therefore, called for the previous question.

Mr. FILLMORE called for the yeas and nays; but they were not ordered.

The question was then taken upon reconsidering the vote by which the report was ordered to be printed; which was decided in the affirmative.

Mr. R. GARLAND then moved to refer the motion to print to the Committee on Expenditures of the State Department.

And the question being taken, no quorum voted.

Mr. HUBBARD moved to lay the motion for reference on the table; which was agreed to.

So the subject was laid on the table.

The motion of Mr C. JOHNSON to print 5,000 extra copies of the report of the Secretary of the Treasury, of payments made at the Treasury from 1834 to 1839, then coming up for consideration,

Mr. ADAMS said he saw no reason why the document should be printed after the other report had been laid upon the table. He did not know on what grounds the motion was originally made in the discussion, at the time it was presented. He thought, however, that it ought to be treated like the one just decided on.

On motion of Mr. BUTLER of Kentucky, the motion was laid on the table.

On leave given, Mr. CURTIS, from the Committee on Commerce, reported, without amendment, a Senate bill in relation to the iron steamboat New Jersey, formerly called the Robert L. Stockton.

On motion of Mr. C. the bill was read a third time, and passed.

Mr. GRAHAM asked leave to offer a resolution, providing that the House will, after Monday next, meet at 11 o'clock.

Mr. R. GARLAND objected to it.

Mr. GRAHAM moved a suspension of the rule, and called for the yeas and nays; which, being ordered, resulted—yeas 91, nays 85: not two-thirds.

So the rules were not suspended.

GENERAL APPROPRIATION BILL.

On motion of Mr. JONES of Virginia, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CASEY of Illinois in the chair,) on the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840.

The item under consideration last evening was the following:

"For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the year 1840 and the preceding year; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe keeping of prisoners, $300,000."

Mr. CUSHING was addressing the committee, and was called to order.

The CHAIR had decided that Mr. C. was in order; from which decision an appeal had been taken, and the question being put, no quorum voted; the committee rose, and the House adjourned. And the question now pending was, 'Shall the decision of the CHAIR stand as the judgment of the committee?'

After some desultory discussion, the question, "Shall the decision of the CHAIR stand as the judgment of the committee?" was taken, and decided in the affirmative—ayes 113, noes 15.

So the decision of the CHAIR was sustained.

Mr. CUSHING then proceeded to address the committee, and said that he proposed to discuss the question whether it was proper to appropriate money (and if so, how much) for the safe keeping of certain prisoners of State, who were held in prison in the State of New York; and if that was not in order, he would propose an amendment to make it so

[Cries of "Offer your amendment."]

Mr. C. then offered the following amendment: "Five thousand dollars thereof to be applied to the more commodious safe-keeping of the two prisoners of State, held in prison in the State of New York for alleged violation of the neutrality act, so called."

[The persons alluded to are Messrs. Mackenzie and Van Rensselaer.]

Mr. C. then proceeded to state reasons why additional consideration should be shown to these individuals, as being victims of State policy for State reasons.

Mr. CRAIG called Mr. C. to order: first for irrelevancy; but subsequently changed the ground, so as to make his point of order against the amendment itself, on the ground that it proposed to change the existing laws as to the mode of keeping State prisoners.

The CHAIR decided the amendment to be order.

Mr. CRAIG appealed from that decision

The appeal was debated by Messrs. BRIGGS, MASON, DROMGOOLE, CRABB, TILLINGHAST, and CLIFFORD.

The question was then taken, and the vote stood—ayes 28, noes 98.

So the decision of the CHAIR was reversed.

Mr. CUSHING demanded from Mr. JONES the estimates on which this item was founded. Since the discretion of the Executive might not be controlled, and he must vote manacled hand and foot, he wanted at least to know how much of this sum went to provide for the incarceration of those victims of Executive policy.

Mr. JONES explained, and laid before the House a communication from the Treasury Department referring to the estimates from the marshals. The details had all to be audited before the money could be paid, but it was impossible to foreknow them now.

Mr. CUSHING said then he must submit to a policy which, for acts rewarded in England by knighthood, the Executive gave imprisonment in a jail.

Mr. EVANS moved the following amendment: "For the second and third volumes of the Documentary History of the American Revolution, agreeably to the act of Congress approved March 2, 1833, and the contract made in pursuance thereof with the Secretary of State on the 19th March, 1833, for ty-five thousand dollars."

Mr. VANDERPOEL said, as this work was printed under contract, and had been delivered, it must be paid for.

Mr. DROMGOOLE asked whether the work conformed to the contract?

Mr. EVANS said the Secretary of State was the judge of this, under the contract, and he was satisfied, and had reported accordingly.

The amendment was then agreed to.

CUMBERLAND ROAD.

Mr. DAVIS of Indiana, moved to strike out the appropriation of $100,000 for coast surveys, and insert the following:

"*Be it further enacted*, That the following sums be, and they are hereby appropriated for the continuation of the Cumberland Road, viz: For the State of Ohio $75,000, Indiana, $100,000, Illinois $100,000. These sums to be expended under the direction of the Secretary of War, subject to all the restrictions and regulations of former appropriations."

Mr. PETRIKIN said the amendment was out of order, as it was not in pursuance of any law.

The CHAIR decided the amendment to be in order.

From this decision Mr. TURNEY took an appeal.

Mr. DAVIS asked what law there was for this appropriation for coast surveys?

Mr. JONES explained. The coast survey had been commenced under a statute which he cited.

Mr. UNDERWOOD opposed the amendment as out of order, and insisted on this point of order, on the ground that the rule made a distinction between amendments and clauses reported by a committee.

Mr. STUART, of Illinois, supported the amendment, contending that the Cumberland Road had been commenced under a law as much as the coast survey. They stood on the same ground. And it rested, besides, on contract, in which it had the advantage.

Mr. R. GARLAND replied to Mr. UNDERWOOD, and quoted the rule to show that it made no such distinction as Mr. U. had supposed; the amendment was as much in order as the clause proposed to be stricken out.

Mr. UNDERWOOD said he was satisfied.

The question being taken on the appeal, tellers were demanded and ordered; and the vote was, ayes 54, noes 42.

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, MAY 12, 1840. VOLUME 8.....No. 24.

BY BLAIR & RIVES. —WEEKLY— PRICE $1 PER SESSION.

Continued from No. 23.

No quorum having voted, the committee rose, and the chairman reported that fact to the House, when

Mr. DROMGOOLE moved a call of the House, and the question being put, the ayes were 50, the noes 48.

The roll was thereupon called, when 138 members answered to their names. The absentees were then called, when 140 members were found to be present; and

On motion of Mr. BANKS, a quorum being now present, all further proceedings with the call was dispensed with.

The House then resolved itself into committee and resumed the consideration of the bill.

The vote was taken on the appeal, and decided in the affirmative—ayes 68, noes 44. But, no quorum having voted, the question was put again, by consent, and resulted as follows—ayes 86, noes 42.

So the decision of the CHAIR was sustained.

Mr. DAVIS briefly advocated his amendment. It was his purpose to move to strike out certain other items from the bill, amounting in all to $360,000, while his amendment was only $230,000. He wished to keep within the limits of gentlemen who were fastidious in not exceeding the estimates from the Departments. He should not enter into details, but felt bound to notice some of the remarks which had been made when the subject was before up. It was true that the President had omitted to insert it in the estimates for this bill. It was a gross omission. Though a party man, he did not approve of this part of the course of the Administration, but he was not one of those plastic politicians whose only merit was their pliability. The President, however, had sent in estimates for the road from the Secretary of War; yet no bill had been reported for it to the House; of this he complained. Gentlemen refused to vote for this appropriation because Martin Van Buren had not recommended it. Was Martin Van Buren the oracle of the House? He would that gentleman considered him so in some other cases.

Mr. BROWN of Mississippi apprehended that such a course would lead to reply and elicit a long debate.

Mr. DAVIS then rallied to Mr. PARRIS, who accused the people of the West of being squatters and pillagers of the soil, and went into a eulogy on the said squatters and pillagers, of whom many came from Maine, who were known by their fondness for pine logs and saw mills; but all of them improved the soil by labor.

He then went into the question of the constitutionality of the road. He referred to the sanction of all our Presidents in its favor, and also to the masterly speech of Mr. MASON, of Ohio, on the constitutional question. He then went into the estimates for the completion of the road, and insisted that they were altogether erroneous and extravagant. The West would take, gladly, one-half of the sum, and engage to finish the work. He argued to show that it would be a saving to appropriate now, lest the road should go into a state of complete dilapidation, and require four times as much hereafter. He noticed the accusation against the President, that he had sacrificed the West to get the South; if so, it was miserable policy, for he would, by such a course, lose the West, and not thereby gain the South.

Mr. HUBBARD made a point of order. The appropriation had nothing to do with the President's opinions, but must be judged on its own merits.

Mr. DAVIS was glad to hear this. He hoped gentlemen would act on that principle, and vote this appropriation, whether the President had recommended it or not. He replied to some previous remarks of Mr. HOFFMAN as to the course of the Whigs in relation to this road.

Mr. HUBBARD again protested against going into general politics.

Mr. THOMPSON of South Carolina held it in order, on an appropriation bill, to go into the whole course of the Government.

Mr. DAVIS insisted on his right to reply to an accusation in some sense personal to himself. He then went into an explanation of a local kind, as to his course in Indiana, when canvassing for the last election; in the course of which, he noticed some remarks of Mr. PROFFIT, touching "tricks and capers cut" in that State during the election. He noticed the constitutional objections of certain gentlemen from Virginia against the road, as geographical in their limits, and suddenly seizing those gentlemen when the road reached a certain point. He dwelt on the pledge and contract of the Government, which bound them to its completion: on the memorials from Western Legislatures; and the justice, necessity, and good policy of pursuing and continuing the road. Mr. D. went into the objections urged by Mr. PICKENS, deriding the idea of danger to the Union from the continuance of a work so purely national. Mr. D. was quoting two speeches of Mr. CLAY, when

Mr. THOMPSON of Mississippi called him to order.

Mr. STANLY objected, and said let him go on, his speech would have to be answered; and

Mr. PROFFIT gave notice that this part of Mr. DAVIS's speech would certainly be answered, be the consequences what they might.

Mr. D. resumed, and dwelt on the justice of the claims of the Western people to the completion of this work; and adverted to a certain "handwriting on the wall of the market place," which indicated that all opposition to them would be futile. As long as he had the honor of holding a seat here, he should be found toiling to sustain their rights, and resisting the tyranny of the General Government toward the people and interests of the West.

After some remarks from Messrs. W. THOMPSON and UNDERWOOD,

Mr. W. COST JOHNSON addressed the committee in support of an amendment offered by him to the amendment of Mr. DAVIS, in favor of completing so much of the road as remained unfinished between Rockville and the Monocacy river, and appropriating $80,000 to that object.

Mr. DAVIS being asked to accept this amendment as a modification of that proposed by him, at first consented, but, on hearing an objection from Mr. PETRIKIN to the amendment, declined.

Mr. JOHNSON went on to advocate the amendment he had offered with great earnestness, showing its great importance to the regularity of the mails; insisting that the United States had failed of fulfilling its contract to Maryland, in neglecting this part of the road, and commending the enterprise of his State, in expending so largely on her roads and canals.

He replied to Mr. DAVIS's complaint about the oppressive conduct of the General Government to the Western States, pledging himself to aid in a bill repealing the act which exempts the public lands from State taxation for five years. To make up for the expense of the amendment he had proposed, he should, when in time, move to reduce the amount appropriated in this bill for the survey of the public lands.

Mr J. expressed his hearty concurrence in the plan proposed by Mr. UNDERWOOD for the distribution of the proceeds of the public lands; should that prevail, he was ready to vote that Maryland should take her portion of this road, and complete it from her own resources.

Mr. BRIGGS was against the amendment of Mr. JOHNSON, but in favor of that moved by Mr. DAVIS, as a part of that great system, which, though broken in upon, had not been broken down, and he hoped never would.

Mr. DAVIS now explained that he did not wish to strike out the appropriation for the coast survey.

Mr. BRIGGS said he would vote for the appropriation for the road, as a part of the great system in which Government had been engaged for the last eight years. Mr. B. was proceeding to remark on the relative number of Whig and Democratic vote given on the rejection of the bill at a former session; when

Mr. PETRIKIN called him to order, on the ground of irrelevancy.

The CHAIR decided that Mr. BRIGGS was in order.

Mr. PETRIKIN appealed from that decision, and tellers being ordered, the ayes were 68, and the noes 48: no quorum.

The committee then rose, and the fact was reported to the House.

Mr. McKAY moved a call of the House.

On that motion Mr. CHAPMAN demanded the yeas and nays, which were ordered, and were—yeas 98, nays 56.

So the call was ordered.

Mr. FILLMORE said as there was now a quorum, he would move that all further proceedings in the call be dispensed with.

This motion was agreed to.

The House again resolved itself into committee on the bill; and

The question then recurring on the appeal,

Mr. PETRIKIN withdrew it.

Mr. BRIGGS then resumed his remarks, and was proceeding to speak of his vote on a former occasion, when he was called to order by

Mr. SMITH of Maine, who contended that the gentleman had no right to speak of his vote at a former session.

The CHAIR decided that Mr. BRIGGS was in order, inasmuch as he was replying to charges made in committee by the gentleman from Illinois, [Mr. REYNOLDS.]

Mr. BRIGGS resumed, and further insisted on his former position, and protested against Massachusetts being included in the general charge of having destroyed the appropriation. Mr. B. had always voted for the road, and should continue to do so, on general and unchangeable principles.

Mr. FILLMORE appealed to all friends of internal improvements not to press the question now. If that subject was brought up, he should be compelled to introduce amendments to the bill for harbors and rivers. The speeches were interesting; but this was not the time to press amendments of this kind. There was no hope of such measures succeeding till the aspect of the Administration was changed.

Mr. REYNOLDS rose to reply.

Loud cries of order echoed through every part of the Hall.

The CHAIR called to order.

Mr. R. then proceeded, and replied with some warmth in repelling the charge of having misrepresented the facts in this matter, insisting that the Whig speeches had operated to defeat the appropriation; and that it would be found, by reference to the journal, that its death blow had been given by the Whigs.

Mr. BRIGGS explained. The gentleman had appealed to the journals to prove the Whigs had defeated the measure by their votes, when the journals proved the contrary.

Mr. REYNOLDS continued, and in his reply elicited much merriment from the committee, insisting that the Whig speeches defeated the measure.

Mr. BRIGGS made a brief rejoinder, again referring to the journal, and the 63 Administration votes in the House which defeated the bill.

Mr. EVERETT desired to state the reasons why he had voted for the Cumberland road, and also why he had voted against it. Sir, (said Mr. E.) when I first came here, I was a friend of the system of internal improvement, and voted for this road for four or five sessions. I then considered it, and now consider it, a national object. But, sir, when I found that the system was broken down—when the Constitution was limited to tide water; when, sir, I found the system completely prostrated, so far as the country at large was interested, I voted against this road. I have done so for years. Since the system was prostrated, the States have taken the subject into their own hands; and in the situation they were now placed, and after having expended large sums, he had no hope that a majority could hereafter be found in favor of the system. He considered that the system of internal improvement had been, years since, effectually prostrated; and he had no expectation that it would ever be resuscitated under any future Administration.

The question was now put on Mr. W. C. JOHNSON's amendment to the amendment, (for the road between Rockville and the Monocacy,) and decided in the negative.

The question was then put on Mr. DAVIS's amendment and decided in the negative—ayes, 51, noes 92.

Mr. RICE GARLAND moved to strike out the item providing "for the salaries of registers and receivers of land offices, where there are no sales, $3,500."

He contended that there was no law for allowing this salary of $500 per annum each for doing nothing, besides a commission of one per cent. on all the sales.

Mr. DOWNING said that he had been appointed as one of these officers, and would tell the gentleman that this appropriation was required only in cases in which the proceeds from the public lands were not sufficient to enable the officer to deduct his salary.

Mr. JONES proved that, in former appropriation bils, it had been the invariable practice to insert this item. Mr. J. then caused a communication from the register on the subject to be read by the Clerk, which fully explained the conditions on which the appropriation was required. He also referred to the laws which authorized the appropriation for the annual salary of these officers. After explaining this matter, and meeting the objection of Mr. GARLAND, by a reference to the laws, Mr. J. with some warmth, expressed his astonishment at the course pursued by some gentlemen in delaying the passage of the bill. After adverting to the many officers of Government, who were thus unjustly kept out of their money, he expressed his fear that it was even now too late to save the country from disgrace. He had been apprised that there were already several Government drafts, which had been presented, and which could not be paid until after the passage of this bill. Thus the credit and honor of this Government were entirely at the mercy of a few individuals who held these drafts. This was a most appalling state of things, as our credit was in danger of being destroyed, not only at home, but the world over.

He implored gentlemen to reflect on the disgrace they were bringing upon the country by their opposition to this bill. If it was desired by any one that humiliation and disgrace should be brought upon the country, he was sorry; but for himself, he should rejoice, if, by any effort of his, he could be the means of arresting dishonor and this heavy visitation from his country. So far as he was concerned, he was willing to sit here day and night, if it were possible to remove the threatened evils.

After some further debate of a desultory character,

Mr. GRAVES wished to know why the Secretary of the Treasury had not transferred certain sums from the Missouri Bank at St. Louis, to enable him to meet these calls.

Mr. JONES explained, that after the various calls on the bank by Government drafts should have been made, and which would be made shortly, but a very small sum would remain. Besides, he would tell the gentleman, that in case the Secretary or any other officer should undertake to pay money for which there was no appropriation by law, there was no member in the House who would be more ready to condemn him than the gentleman from Kentucky himself. Yes, he would venture to say, that if the Secretary had done what the gentleman now blamed him for not doing, in that case the gentleman would have been the first to rise in his place and denounce him. He, Mr. J. was not complaining that they had no money, but that there was no legislation to authorize the expenditure of it. Fortunately for justice and the honor of the country, there was money, but they wanted law to to authorize the use of that money.

After some additional remarks from Mr. GRAVES in support of the motion to strike out,

Mr. TRIPLETT followed on the same side, and wished to know if there was not a Senate bill then in the House, proposing to amalgamate all these officers into one, or to abolish them. If so, why was this item brought forward?

Mr. JONES said it was true there was a Senate bill in Committee of the Whole, for the object stated; and if the bill should pass, these officers would not be paid. But in case that bill should not pass, then it would be necessary to have the money. It was with that view the appropriation had been included in the bill.

Mr. SMITH had been exceedingly amused at the discussion upon this item of the bill. He had witnessed, with more than ordinary satisfaction, the prompt and ready manner in which the chairman of the Committee of Ways and Means had met and triumphantly overthrown every objection to the appropriation under consideration. The case was in a nutshell. The law required the establishment of the offices. The President had no discretion in that matter. The same law peremptorily required the appointment of the officers, and prescribed their salaries. It was made the duty of the President to appoint them. Now what was the argument of the gentleman from Kentucky? Why, that the President ought to remove the officers, because it appeared there was no duty for them to perform, in order to save the amount of their salaries. Was it to be believed, that the gentleman from Kentucky was serious in this argument? Would he claim for the Executive the power to abolish an office established by law? Mr. S. had heard that gentleman and his friend complain vociferously against the right of the Executive to remove incumbents of office and appoint successors. For the exercise of this power the President had been branded as a tyrant and a despot. And now the gentleman complains, unblushingly, that the President does remove officers, who act under public laws, because *he* thinks their services are not needed! This was a greater stride of Executive power than he had expected the gentleman from Kentucky, so long before the ascendency of the log cabin candidate, to take.

The gentleman from Louisiana had started, as an objection to this appropriation, that there was no law authorizing it. The chairman of the committee, with his usual urbanity, had pointed out the law, and the gentleman from Louisiana had glided, with great ingenuity, from that objection, and taken the ground that the House ought to withhold appropriations in all cases where it appeared that the officer had nothing to do. Mr. S. could hardly believe that the gentleman would be willing to put in practice, in his own case, such a principle. Officers with salaries fixed by *law*, were entitled to them, whether they had duties to perform or not. The fault was in the *law*, and not in the officer or the power by which he was appointed. Would the gentleman from Louisiana, who had recently received the appointment of judge of the highest judicial tribunal of Louisiana, be willing to relinquish his salary of five thousand dollars, if the good people of his State should choose to eschew litigation, and leave him without a case to decide? It might turn out that the gentleman, in his high judicial station, would have little or nothing to do; and, upon the principle he had advocated, the Legislature of Louisiana ought to abolish his salary. Was the gentleman prepared to sustain this doctrine?

But the gentleman from Kentucky, [Mr. TRIPLETT,] after being driven from point to point by the chairman of the commit-

tee, came at last to the conclusion, that it was the duty of the President to close all the land offices where there was little or nothing to do. This was the most monstrous stretch of Executive power ever before contended for in this country. The people of Kentucky would stare when they heard that such an argument had been made by one of their Representatives upon this floor. Mr. S. asked the gentleman from Kentucky to point out any law authorizing it under which the President could do this, close an office, created and established by law! As well might the President order the custom-house at Philadelphia or New York to be shut up.

Mr. S. thought that the gentleman from Louisiana and his associates, who had opposed this bill were deserving of much credit for the manner in which they had managed to escape, when cornered by the consummate ability of the chairman of the Committee of Ways and Means. He had been reminded by it of the sports of his youth. He had often, when a boy, been in the habit of mingling in gymnastic sports; and he had often seen his young associates, when thrown flat upon their backs in a fair scuffle, twist and turn all possible ways to *turn* his antagonist; generally with ill success. The struggles of the gentleman were under very similar circumstance, and they were as little successful against the chairman of the committee.

Mr. JENIFER, after some preliminary remarks in relation to the delay of the bill, gave notice that he would move to amend the item for contingent expenses abroad of foreign missions, by adding $12,000 for the appointment of diplomatic agents to attend to the tobacco interest. Mr. J. said, if in order, he would offer the amendment at that time. After some debate of a conversational character, the amendment was ruled out of order.

The question was then taken on the motion of Mr. GARLAND to strike out the item providing for the salaries of registers and receivers of land offices, and it was negatived.

Mr. J. W. JONES moved to amend the bill: to come in after the 404th line the words following: "for marking and fixing the boundary line between the United States and Texas the sum of $10,000.

Mr. R. GARLAND did not object to the amendment, but he would like to have some information on that subject, as to what progress had been made by the commissioners. It was a matter of great interest to the people of his State; he represented the district immediately bordering on the line. A considerable amount had been expended for this purpose, and he wanted to know how it had been expended.

Mr. JONES replied that the amount appropriated at the last session, to enable the individuals who were appointed to attend to this matter, had not been entirely expended, but had been so far expended, that before the next session, an additional amount would be required.

Mr. J. then alluded to the unexpected difficulties which the officers had to encounter, owing to the condition of the country through which it was necessary they should pass.

Mr. GARLAND wished to be informed whether the salary of the officers had been paid ever since their appointment.

Mr. JONES said he had not thought it necessary to inquire into the matter, as to whether the salaries had been paid or not. He had contented himself with the belief that the money would be properly applied by the Secretary of the Treasury.

Mr. J. subsequently alluded to the law, and informed Mr. GARLAND that the salary of the Commissioner was not authorized to be paid until he was ready to commence service, and the salaries of the subordinates not until they had been actually in service. His information was, that the Commissioner had not received pay until he was ready for service, nor had the subordinates until they were actually engaged in service.

The amendment was then agreed to.

Mr. JONES then offered another amendment providing for the salary of a commissiner, surveyor, and clerk, $5,700; which was agreed to.

Mr. STANLY then moved to strike out the item of "twelve dollars and twenty cents," being a balance due to the commissioner appointed to superintend the erection of buildings and machinery of the branch mint at Charlotte, North Carolina.

Mr. JONES explained that this small item was for the payment of labor performed, and he was surprised that his friend from North Carolina, who professed to to be the advocate of working men, should object to it.

Mr. STANLY then withdrew his motion.

Mr. JONES offered an amendment, appropriating $10,000 for the payment of a balance due for the construction of the branch mint at Dahlonega.

Mr. R. GARLAND made some objection to the amendment.

Mr. JONES explained the circumstances under which the balance in question was inserted in the bill, and expressed his astonishment that the gentleman from Louisiana, who generally paid such close attention to the business of the House, had not been better informed as to the fact, as set forth a short time before, when the subject had been up specifically.

After some further remarks from Messrs. STANLY, R. GARLAND, JONES, L. WILLIAMS, DAWSON, MASON of Ohio, COOPER of Georgia, and OGLE, the question was taken on the amendment, and it was agreed to—ayes 100, noes 21.

The paragraph "appropriating $51,000 for continuing the construction of the new Treasury building" having been read,

Mr. PETRIKIN moved to amend it by striking out $51,000 and inserting $105,000 to finish the colonnade, portico and out offices. Mr. P. said this was exactly the amount called for by the estimates of the Commissioner of Public Buildings.

Mr. JONES said the $51,000 was inserted in exact conformity with the estimates furnished the Committee of Ways and Means. It was believed by the Secretary that it would put the building in a condition to make it comfortable to the occupants; and it was deemed by that officer prudent, considering the present exhausted condition of the Treasury, not to ask for more than was required to render the building comfortable. The ornamental work it was not deemed prudent to progress with at this time.

Mr. PETRIKIN said the chairman was was not properly informed on the subject. There was $53,000 already expended. The amount in the bill did not cover the amount due the hands for the work already done; and, therefore, that amount cannot make it comfortable, as the gentleman says.

Mr. LINCOLN said he had no predilections for this building. He did all he could at the last sessions to prevent its being built in its present location. He was willing that its walls should remain as a monument of the folly of those who had authorized the location and manner of construction; but he felt himself constrained to show the amount of money expended, and the manner of the expenditure. He then went into a history of the whole matter, and censured the course of the Secretary in reference to it. He defended the appropriation under the circumstances as absolutely necessary; for if it be withheld, the consequence would be a great loss to the Government; and it would it be doing crying injustice to the mechanics, to whom more was due than was proposed to be appropriated. It would be improper to discharge them, considering the nature of the circumstances under which they were brought here. He concluded by offering the following as a modification of the amendment offered by the gentleman from Pennsylvania, viz: Strike out the $51,000, and insert in lieu thereof, "including the arrearages due for materials furnished, and labor performed on the said building, certified by the Commissioner of Public Buildings to amount, on the 15th of April, 1840, to the sum of $53,194 06, the sum of $105,000."

After a few remarks from Mr. LINCOLN, in support of the above amendment, Mr. PETRIKIN accepted it as a modification of that offered by himself.

Mr. JONES said the gentleman from Massachusetts seemed to put the matter on the ground that these men had a right to enforce their claim, and left it to be inferred that the President of the United States had made a contract with them. If the gentleman intended to be so understood, he did not think he was acting with his customary liberality towards the President and heads of Departments. The committee would however see how the matter stood, by a reference to the facts. Mr. J. then explained, that when in October last the money appropriated was expended, the laborers requested permission to go on solely on their own risk as to when Congress should make further appropriation. He also stated that at the time these estimates were sent to the Committee of Ways and Means, he doubted whether more than $5,000 was due. So that at the time the estimates were presented, there were sufficient to cover the whole expense incurred, and leave a considerable sum for going on with the building. But it would be obvious to all, that there had been no contract nor obligation on the part of the President, but that the laborers had merely received permission to go on at their own risk.

After some remarks by Mr. PETRIKIN in favor of the amendment; and by Messrs. PROFFIT and STANLY, the latter gentleman, before concluding his remarks, yielded the floor to

Mr. CHAPMAN of Alabama, on whose motion the committee rose, and the SPEAKER having resumed the chair, the chairman of the committee reported progress on the bill, and asked leave to sit again; which was granted; when,

On motion of Mr. DROMGOOLE, the House, at eleven o'clock, p. m.

Adjourned.

IN SENATE,

FRIDAY, May 1, 1840.

Mr. WRIGHT presented resolutions of the Legislature of New York, granting to the Federal Government the right of constructing a ship canal around the Falls of Niagara; which were read, laid on the table, and ordered to be printed.

Mr. NORVELL presented a petition of citizens of Michigan, praying that the punishment of W. L. Mackenzie may be mitigated; which was ordered to be transmitted to the President of the United States.

Mr. N. also presented the petition of the heirs of Daniel Pettibone; which was referred to the Committee on Military Affairs.

Mr. SMITH of Indiana presented the memorial of the Mount Carbon Coal Company; which was referred to the Committee on Roads and Canals.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which was referred the memorial of the General Assembly of Missouri, praying that certain lands in that State may be brought into market, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Capt. John De Treville; which was read, and ordered to a second reading, and the report ordered to be printed.

Mr. YOUNG, from the Committee on Roads and Canals, to which had been recommitted the bill to authorize the Mount Carmel and New Albany Railroad Company to enter, on a credit, a quantity of land to aid the company in the construction of a railroad from New Albany, in the State of Indiana, to Mount Carmel, in the State of Illinois, and for other purposes, reported the same back to the Senate, with amendments.

Mr. Y. said he was instructed by the committee to ask the Senate that the bill might be taken up, and the amendments considered, at the present time.

Mr. PIERCE said that his colleague, [Mr. HUBBARD,] who was necessarily absent from his seat, had taken a prominent part in the discussion of this bill yesterday, and for this reason he hoped the Senators interested in it would consent to postpone its consideration until his colleague should be in his seat.

This course being objected to, a debate ensued, in which Messrs. LUMPKIN, SMITH of Indiana, BENTON, CLAY of Alabama, YOUNG, TAPPAN, KING, CALHOUN, and WEBSTER, participated; when, on motion by Mr. W. the bill, and all similar bills on the calendar, were postponed until next Tuesday week.

SPECIAL ORDER.

The bill for the relief of James McCrory;
The bill for the relief of the heirs of Frederick Seigle;
The bill for the relief of the heirs of Dr. John Ramsey;
The bill for the relief of the legal representatives of John Jordan, deceased, late a captain in the continental line of artillery artificers;
which were made the special order, being taken up,

Mr. PIERCE addressed the Senate at great length in opposition to the bills.

After some remarks by Messrs. PRESTON and STURGEON, the bills were informally passed over.

And the Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, May 1, 1840.

Mr. BRIGGS moved that the House at once go into Committee of the Whole on the general appropriation bill.

On motion of Mr. JONES, the Committee on Privilege, in the case of Messrs. BYNUM and GARLAND, was postponed till Monday next.

The SPEAKER laid before the House the following communications, viz:

1. Letter from the Secretary of the Navy, transmitting a report of payments made from the privateer pension fund, from June, 1812, to July, 1837; which was, on motion of Mr. SALTONSTALL, referred to the Committee on Naval Affairs, and ordered to be printed.

2. Letter from the Secretary of the Navy, transmitting a report of contracts and agreements entered into by the Board of Navy Commissioners, during the year 1839; which was, on motion of Mr. SALTONSTALL, referred to the Committee on Expenditures in the Department of the Navy, and ordered to be printed.

3. Depositions in relation to the New Jersey election; which were, on motion of Mr. DAVIS of Pennsylvania, referred to the Committee of Elections.

The following bills, returned from the Senate, with amendments, were taken from the SPEAKER's table, and the amendments were concurred in, viz:

An act for the relief of William Wickoff;
An act for the relief of James L. Cochran; and
An act for the relief of John T. Addoms.

Several Senate bills on the SPEAKER's table were taken up, read twice, and appropriately referred.

Mr. HALL moved to reconsider the vote by which the amendment of the Senate to the bill for the relief of James L. Cochran was concurred in.

Mr. LINCOLN contended that it ought to be recommitted to the Committee on Public Lands.

Mr. CROSS hoped the motion to reconsider would not prevail. Without the amendment of the Senate, the bill would be of no effect. It would give the person for whose benefit it was passed, no greater privilege than he already enjoyed in common with all other persons.

Mr. THOMPSON made some remarks in opposition to the reconsideration, and Mr. LINCOLN in favor; when

Mr. PETRIKIN obtained the floor, and moved the previous question; which was seconded, and the main question ordered; which was on the motion to reconsider.

Mr. H. HALL demanded the yeas and nays; which having been ordered, by unanimous consent, to save the time of the House, the yeas and nays were dispensed with, and the motion was reconsidered, and the bill was committed to the Committee on Public Lands.

On motion of Mr. CHAPMAN of Alabama, the House then resolved itself into Committee of the Whole on the state of the Union, Mr. CASEY in the chair, and took up the civil and diplomatic appropriation bill.

The question pending when the committee rose last evening, was the amendment of Mr. PETRIKIN to increase the appropriation for the construction of the Treasury building, from $51,000 to $105,000, as modified by Mr. LINCOLN.

Mr. ADAMS defended the amendment with much animation. He contended that Government was bound in honor, and by every consideration of justice and equity, to pay these laborers for the work they had performed. He wished to ask the honorable gentleman of the Committee of Ways and Means, whether he intended to adduce the condition on which this money was earned, as a reason for its not being paid. The gentleman had told them that the laborers had gone on with the work, with the express understanding that it was on their own responsibility as to whether Congress should or should not make an appropriation. But was that the reason why the gentleman refused to appropriate the money? He would tell the gentleman that if an overseer on his plantation in Virginia should permit laborers to work on the same condition, and depending on the gentleman to perform his promise, there was no court in Virginia which would not compel him to pay it. But he was sure the gentleman would never permit such a refusal to escape his lips. No; he knew that gentleman better than to think he would refuse to compensate his laborers under such circumstances. Then why did he act so differently, when the Government was concerned? Mr. A. in the course of his remarks, alluded to the certificates given to the workmen, as shinplasters of the same character as Treasury notes, and which the Government was equally bound to pay.

Mr. JONES said it appeared from the remarks of the gentleman from Massachusetts, that he supposed he, Mr. J. did not understand the facts. He had, however, imagined himself throughly acquainted with the facts. But if he had not, the explanation of the gentleman, delivered in so mild a manner, could not leave him now in ignorance.

Mr. J. said, the gentleman will allow me to say that perhaps he himself has not paid sufficient attention to the matter, so as to understand what the facts are. I wish the gentleman to bear in mind, that so far from my being opposed to the payment of these men, that on more than one occasion during this debate, I have yielded my assent to the proposition of the gentleman from North Carolina, which is intended to cover the whole amount.

The bill would have been so drawn at first, had the money been then due; but at the time the bill was drawn, the labor had not been performed by them; and as at that time the work had not been done, of course no provision could be made to cover the present demand.

Mr. J. repeated that he admitted the justice of the claim now made, and hoped the amendment would take effect, as he had not the slightest objection to appropriating the whole amount, whatever it might be, and to the amendment of the gentleman from North Carolina he yielded his full assent. But the gentleman from Massachusetts had said it was a horrid affair to pay these laborers in shinplasters. Now, said Mr. J. all I have to say is, that the gentleman has a very strange idea of shinplasters. I should have thought, from the immense amount of shinplasters issued from his favorite institutions, that he would have understood the subject better. I will undertake to say that he is a great proficient in that kind of shinplasters issued in such abundance from his own State. But was a certificate given to a laborer, specifying merely the amount of labor performed, a shinplaster?

But the gentleman had said we were issuing Treasury notes, which were also shinplasters. Now if they were shinplasters, they were such as had received the sanction of some of the first men of our country. They had been approved by men in as high stations as that which the gentleman himself once occupied. These shinplasters had carried us through struggles, and brought us safely out of those struggles on more occasions than one, with honor to ourselves and to our country.

The gentleman had also spoken of a "contract." Now it seemed to him that the gentleman did not understand the nature of a contract near so well as he did that of shinplasters.

Said Mr. J., my idea of a contract is, that it implies the consent and obligation of both parties. But the gentleman comes forward and tells us that the mere assent of the President to allow these men to go on upon their own responsibility, was a

contract. Now if the fact of complying with the request of these men to go on at their own risk was a *contract*, why then the world of reasoning by which he arrives at the conclusion, I am utterly at a loss to conceive.

When these laborers were suffered to go on, there was a distinct understanding that neither the President nor Secretary were to be responsible for any thing. The laborers said they would go on with the work solely on their own risk, and relying on an appropriation from Congress.

The gentleman had asked if it was an "honorable thing." What! had the gentleman, too, become an advocate for permitting an officer to pay money without an appropriation by law? Did the gentleman intend to say that the Secretary had a right to pay debts without authority. If so, there would be no longer any check, and the invaluable constitutional safeguard to the Treasury would be remove i.

He would again say that he had not the slightest objection that every dollar earned by these people should be paid; and that a sufficient amount should be inserted in the bill to cover their honest and hard earnings. He would be the last man on that floor to object to it.

All he said was that there was no obligation to go beyond the amount for the payment of these individuals. He was willing to pay them to the last cent, if it took every dollar from the Treasury. But when we were told that there were no means to complete these buildings, he did find fault with gentlemen who wished the appropriations doubled.

The gentleman from Massachusetts would not go through many sections of the bill before he would find an item of $75,000 for erecting a custom-house in his own State; and perhaps this $75 000 was but the entering wedge for greater appropriations.

Mr. J. then adverted to the objection of some of the Opposition to the small amount of Treasury notes, or shinplasters, as the gentleman called them, which had been required. They wished a greater amount, and if ten millions, instead of five, had been granted, it would have pleased them better.

Mr. ADAMS wished to know why the gentleman had gone out of his way to speak of the custom-house at Boston, instead of confining himself to an answer to the question propounded. Mr. A. then intimated that Mr. J. was a little offended.

Mr. JONES. No; the gentleman is mistaken. I was never in a better temper in my life.

Mr. ADAMS wished to know whether the gentleman meant when he had spoken of the "favorite institutions of the gentleman."

Mr. JONES said he referred to banks.

Mr. ADAMS begged to say that if the gentleman thought the banks were his favorite institutions, he knew very little of his opinions on the subject. His opinions on that subject were no secret; they were long since made known to the country. Mr. A. then spoke at some length in favor of the amendment.

Mr. HUNT spoke at some length in favor of the amendment proposed. Suppose, he said, the House pass the bill as reported from the Committee of Ways and Means, what becomes of the $53,000 due the workmen—money earned by the sweat of the brow by the artificers and workmen on the public buildings? These workmen had been compelled to hold their certificates from October last, if they have not disposed of them to furnish necessaries of life to their families, till the present time, without one cent of interest. Will this House, for the sake of the appearance of economy, do the crying injustice to these men, by withholding the appropriation? He hoped not. Suppose, instead of making provision in this bill, the claims of these workmen should be referred to the Committee of Claims, of which his honorable colleague [Mr. RUSSELL] was chairman. He had no doubt, strict and rigid as that gentleman was in his investigation of claims, he would forthwith report a bill for the appropriation of the full amount due the hard working men to whom the Government is now in debt. Then why not put in this bill. He did not understand that the chairman of the Committee of Ways and Means differed as to the principle of payment, but in the terms. He called upon the gentlemen of the Administration to know whether they would so limit the appropriation in this bill, under the circumstances of the case, as to leave out the $53,000 due these mechanics—an amount legitimately belonging to this bill, and leave it to be be hereafter provided for by the Committee of Claims. It would be doing crying injustice to these meritorious men. Mr. H. concluded by expressing a wish that the debate would not be extended, but that an appropriation in proper amounts would be made.

Mr. LINCOLN said there was already $60,000 due these workmen for labor performed. The estimates furnished by the architect called for an appropriation of $105,000, and there was no good reason why it should not be appropriated. He inquired of the chairman whether it was proposed to limit the appropriation to the amount due, and discontinue the work.

Mr. JONES said that the amount called for in the bill, was all that it was thought the conditions of the Treasury would warrant the expenditure of. He thought it should be sufficient for the present. Mr. J. was understood to say that the amount of appropriation was proposed to be limited to what was due the workmen.

Mr. LINCOLN. Then the building is to stop. Mr. L. then spoke at some length to show the importance of further appropriation, on the score of economy, to continue the buildings. The materials collected would be wasted if the appropriation was withheld. It would be doing great injustic to the workmen to throw them off at this time, considering the circumstances under which they were brought here.

Mr. SALTONSTALL said if the question now was, whether these buildings should be put up, then he might hesitate about the appropriation. His creed was, that when public buildings were constructed, they should be of durable materials; and built in such a manner as would be honorable to the nation. It was not a proper economy at all times to put up a building at the smallest cost. He then spoke of the location of the public buildings now constructing, to which he objected. The Post Office building was being constructed with a beauty of material which any citizen of the country would feel a pride and gratification to behold; but, from its location in a narrow street, the whole effect is destroyed. If these buildings were abandoned in their unfinished state, the materials would remain scattered and subject to waste and ruin, unless a large appropriation was made to gather them up and take care of them. It would be disgraceful to the nation to abandon the works in their present condition, or to refuse to appropriate the amount of money due to the workmen. This Government was not so bankrupt, he said, but that it could afford the appropriation proposed in the amendment: if it was in that condition, it had better apply to the circuit court, and take the benefit. Let the Government do as an individual would do under similar circumstances, to prevent the loss of property from the want of further means to prevent it—raise the money on security or mortgage of the property, or by the issue of more Treasury notes. But he had do doubt that there would be a sufficient balance left unexpended of the amount of these notes already issued to authorize the House in making the appropriation.

Mr. MONROE advocated the amendment as a measure of economy. If the appropriation be withheld, and the workmen stopped, the dilapidation of the building would be so great, and the materials would be so scattered before it will be again commenced, that it would cost double the amount then as is now required to complete the building.

Mr. MARVIN said if there was not a single gentleman opposed to the amendment, why not take the vote upon it. If gentlemen were prepared to stop the building, let them vote against the amendment, and *vice versa*. True economy required that the appropriation should be made. He, therefore, hoped the question would be taken. He had no doubt there was not a man who did not properly understand the subject.

Mr. THOMPSON of South Carolina censured the course of the Secretary of the Treasury for not recommending the amount necessary to pay the workmen for the labor already performed on this building, and for continuing the construction of the buildings. He advocated the appropriation of such an amount as would continue the employment to the workmen, and to the completion of these buildings. He would not send them off now, when no labor could be procured elsewhere; nor would he wish to see the plighted faith of the Government violated by withholding the amount due these workmen for the labor already performed for the Government. He was also opposed to saddling any future Administration with a debt incurred by the present.

In the course of his remarks, Mr. T. adverted to a censure he had passed some time ago on the Reporters of the Globe. He said he felt it his duty to admit that he had done the Reporters injustice on the occasion, as he did not believe they would, intentionally, misrepresent him.

Mr. PETRIKIN said he would ask the indulgence of the committee for a few minutes, whilst he paid his respects to the gentleman from South Carolina, [Mr. THOMPSON,] who had just spoken. The gentleman (said Mr. P.) has, according to his usual practice, given us a speech, one half of it on things he knows nothing about, and the other half about matters having no relevancy to the subject before the committee; something like a fish roe, thrown into a hot pan, jumping about, snapping, and cracking, and finally leaving neither form nor substance. The gentleman from South Carolina had asserted that "every patriot in the country was anxious to change the rulers of the country." This assertion, or rather denunciation, he (Mr. P.) denied, and considered of a piece with many of the gentleman's assertions, and the pretensions of many of his party to exclusive "patriotism, decency, &c." Mr. P. thought if the gentleman's patriotism was like some other matters he talked often about, and he was to be the standard by which others were to be judged, there were but few patriots in the country, and the sooner such patriots left the country, the better. Mr. P. believed, however, that there were but few men in the United States who were not patriots at heart, no matter what political party they belonged to. As to the amendment now under consideration, it was approved of by a committee, four of whom were Democrats, and one Whig, without dissent. It was prepared without regard to any man's previous opinions, and sent to this House. He (Mr. P.) was one of them, and offered the amendment. This committee acted as men of principle—never suffered political prejudices to interfere with their duty as men, in that committee room, when no party principles were involved, but judged of things submitted to them according to the facts, having due regard to doing justice to the Government and to individuals. He [Mr. T.] accuses the friends of the Administration in this House of sacrificing their morals at the shrine of party. It comes with a bad grace from the gentleman, or his party, to lecture this House on morality. A review of their actions, as legislators generally, would prove this clearly.

The discrepancy between the estimate of the amount inserted in the present bill as necessary to complete those public buildings, and the sum found now to be necessary, is easily accounted for. The estimate in the bill was made in December last, before the work was done. The amendment now offered is predicated on estimates of work principally done. Mr. P. did not consider the President to blame in this matter. He had neither time nor inclination to attend to matters of this kind; nor was Mr. P. prepard to blame the Secretary of the Treasury. He had to depend on the very uncertain information furnished by the architect, and every one knew how uncertain such data generally was. The gentleman had expressed himself as horror-stricken that the President had given directions to reduce the hours of work at the public buildings to ten hours. He has asserted that the President had directed this to be done by proclamation.

How did that gentleman ascertain this? Mr. P. would like to know his authority. It was the duty of the Commissioner of Public Buildings to make this matter public, and in discharge of his duty he did publish it, for the information of the numerous persons interested in a knowledge of it. Was this a criminal matter in the President? If he had not done it, he would have been very properly denounced in this House.

Mr. P. said he would inform the gentleman from South Carolina that it was a common thing in Pennsylvania, for those employing white men, to specify the hours for work. When this was not done to the satisfaction of the workmen, they called on their employers and stated their grievances. Mr. P. would inform the gentleman from South Carolina, that the labor of the Northern and Middle State was generally done by freemen, who knew their rights, and were not afraid to assert them. It often happened that when those workmen suppose they are aggrieved, they turn out, and as they call it, and cease working until they are satisfied. They consider themselves at liberty to work, or let it alone.

The gentleman affects a great deal of sympathy for the starving condition of the mechanics and laboring classes of society throughout the country generally. He would (said Mr. P.) take the liberty of informing the gentleman that his sympathies were misplaced, as to those men. There was no one of those classes suffering or starving, that would work, or had health. It was a fact that around the large manufacturing districts there was some suffering, caused by the gross, dishonest conduct of the gentleman's friends, the banks, but the mass of the laboring class were far from being in a suffering state. All who would work could get employment and fair wages. Mr. P. could speak knowingly on this subject. He was in the habit of employing a large number of workmen. A year ago he paid laborers from $1 12½ to $1 25 per day, when they had to pay for beef from 8 to 10 cents per pound; for bacon from 16 to 19 cents per pound; and for flour from 8 to 10 dollars per barrel. Now laborers were paid 87½ cents per day. They bought their beef for from 4 to 6 cents per pound; bacon from 7 to 12 cents per pound; and flour $5 per barrel. Now, said Mr. P. can the gentleman from South Carolina tell, by cyphering, which set of prices is the best for the laboring men? Mr. P. regretted to hear gentlemen dragging every subject that came before this House into the arena of politics, no matter how foreign from the subject. It did not say much for the morality of those doing so. Mr. P. went on to urge the adoption of the amendment as a benefit to the public, by preserving the buildings, and rendering the records now in it safe.

The House again resolved itself into committee and resumed the consideration of the bill.

The question being on the adoption of the amendment of Mr. PETRIKIN, a count was taken by tellers, (Messrs. BRIGGS and CHAPMAN of Alabama acting as such,) who reported—ayes 89, noes 43. So the amendment was agreed to.

The clause appropriating $45,000 for continuing the construction of the new Patent Office building having been read,

Mr. PETRIKIN moved to strike out $45,000, and to insert "$100,000 to complete the said building, including for entire occupancy, and for the portico."

Mr. P said that this amount was in conformity with the estimates of the Commissioner of Public Buildings. The building would be damaged and ruined if the amount proposed was not appropriated.

After a few remarks from Mr. STANLY, the committee was divided on the adoption of the amendment of Mr. PETRIKIN, and there being—ayes 55, noes 38, no quorum voting,

The committee rose, and the chairman reported that fact to the House.

Mr. LINCOLN moved a call of the House; and Messrs. GRIFFITH and PROFFIT having been appointed tellers to ascertain whether there should be a call, reported that there were—ayes 90, noes 34.

A call was ordered, but there being a quorum present, by univeral consent, all further proceeding in the call was dispensed with, and

Mr. LINCOLN moved to amend the amendment by striking out $45,000, and inserting, after the word "dollars," the words, "to complete the said building for entire occupancy, together with the portico," including arrearages of $42,000 due to the workmen.

Mr. PETRIKIN accepted the above as a modification of his.

After a few remarks from Messrs. LINCOLN and PETRIKEN in favor of the amendment, and by Messrs. PROFFIT, JONES of Virginia, STANLY, and BOND, in explanation of the expenditures of the building,

The question was taken, and the amendment was agreed to.

Mr. STANLY moved to strike out $155,000 for alterations and repairs of the Capitol, and incidental expenses, &c.; but after a few explanatory remarks by Messrs. JONES of Virginia, and LINCOLN, the motion was withdrawn.

Mr. STANLY moved to strike out $1,200 salary to the principal officer, and insert the sum of $1,000.

Mr. LINCOLN said he was opposed to the amendment. The salary of this officer was increased last session by the action of both Houses of Congress, after the most mature consideration. This gentleman has the superintendence of the whole of the public grounds, amounting to about one hundred acres. He was not as well paid as the common laborer under his charge, considering the amount of his labors. You cannot procure the services of a competent man any where. He remains in the service of the Government at a less amount than he could get elsewhere. He could get more from any private gentleman who was acquainted with his capacity to attend to their grounds, if his services were needed. He was actually astonished at the quantity of grounds he had to attend, and the great amount of labor he had to perform. He referred gentlemen to the condition of the public grounds now as compared with its condition before he was taken into the employ of the Government, as an evidence of his merit.

Mr. J. W. JONES said he was much in the situation of the chairman of the Committee on the Public Buildings. When Mr. J. came to look at the subject, he was much astonished on becoming acquainted with the amount of business under the superintendent's charge. The gentleman from Massachusetts [Mr. LINCOLN] said that the superintendant had something like one hundred acres of public grounds under his superintendence, and had shown that their condition was such as to satisfy every one that the superintendent was a faithful agent. Those members who were in Congress six years ago would be surprised to see the state of the public grounds, compared with their former condition. Something like five acres was in shrubbery and ornamental trees, and kept in the most beautiful condition. The superintendent had not less than five miles of walks to attend to, besides the trimming of trees. His attention was devoted to all those services. Gentlemen would find him to be a serviceable man.

Mr. STANLY made some remarks, in the course of which he censured Mr. LINCOLN for testifying to the merits of the gardener. He said Mr. L. made himself a pack horse for all the abuses of the Administration.

Mr. LINCOLN said it was his duty as chairman of the Committee on the Public Buildings and Grounds (under whose supervision the labors and duties of this gentleman came,) being perfectly conversant with the subject, to testify to his qualifications. He also felt it due, from a sense of propriety, and a sense of justice to this individual, that he should give to the committee the information he possessed.

Mr. STANLY again spoke.

Mr. LINCOLN thought it true economy to pay this individual $1,200. He saves the Government, by his care and attention, an amount equal to half his salary. Since he had been in the employment of the Government, he had cultivated a great number of plants; and the Government had been put to very little expense for shrubbery. He is a scientific gardener, and a man of great skill. Gentlemen in New York and Philadelphia were anxious to get him out of the employment of the Government; and he had no doubt he would have gone if the salary had not been increased last year. He was in favor of continuing the appropriation; if it was not done he had no doubt that he would leave this city.

The question was then taken on the amendment of Mr. STANLY, and disagreed to without a count.

Mr. JONES of Virginia submitted the following amendment to the bill, viz:

"For compensation to the Judge of the Superior Court of St. Augustine, East Florida, for examination of claims under the act of June 23, 1834, for the years 1839 and 1840, one thousand nine hundred and forty-five dollars: *Provided*, That all said claims in which proof shall not be produced to the said Judge, and deemed by him to be satisfactory, subject to the approval of the Secretary of the Treasury, within the period of eighteen months from the date of the passage of this act, shall be dismissed; and no further proceedings under the act aforesaid shall be had; and the Secretary of the Treasury is hereby required to give notice of the limitation herein provided, by publication in the several newspapers printed in the Territory of Florida, for the period of six months after the passage of this act."

Mr. GRAVES raised a question of order. He considered the amendment out of order, on the ground that there was no existing law authorizing the appropriation; and

After a few remarks by Messrs. GIDDINGS, JONES of Virginia, and GRAVES,

The CHAIR ruled the amendment out of order; and it was not pressed by the mover.

Mr. OGLE moved to strike out $3,665 for repairs of the President's house.

Mr. OGLE then took the floor, and said he would commence by the examination of a speech delivered by the gentleman from Massachusetts, [Mr. LINCOLN,] some time ago, in reply to certain charges in relation to the President's furniture, etc.

Mr. O. in his preliminary remarks, used, in reference to Mr. LINCOLN, the term "palace influence." He also spoke of certain persons, who, perhaps, were in the habit of visiting the White House, shaking the President's taper fingers, and sipping his wine.

Mr. LINCOLN desired to know what the gentleman meant by "palace influence."

Mr. OGLE said he would explain as he progressed with his speech.

Mr. LINCOLN said he wished an answer then, as he would submit to no personal abuse or imputation of his motives from any one. He would tell the gentleman that he had been in the President's House, and drank less of his wines than perhaps the gentleman himself.

Mr. OGLE was understood to disclaim any intention of impugning the motives of Mr. LINCOLN, or as intending any thing personal. He then took up the speech alluded to, and was proceeding to examine it, when

Mr. LINCOLN said it might be as well to inform the gentleman that the speech in question was delivered one evening about a fortnight ago, and he had not seen it in the Globe, nor did he know it had been published, until a few hours ago. He had left the city at six o'clock the next morning after it was delivered, and consequently had no opportunity of revising it before its publication. He had, however, told the gentleman that he observed some little inaccuracies in the report, which he would correct as soon as he should have time to write out a correction, and, under these circumstances, he could not repress his astonishment at the course the gentleman was then taking. He would, however, set patiently until the gentleman had got through with his abuse, when he would reply to him.

Mr. OGLE then resumed his remarks, and poured out anathemas against the Reporter of the Globe, who, owing to the noise which generally prevails in the hall, had been guilty of not hearing a portion of Mr. LINCOLN's speech, which led to a trifling error. The other inaccuracy was a misprint of a single figure, and not the fault of the Reporter.

Towards the close of his remarks, Mr. O. referred to the speech of his colleague, [Gen. KEIM,] delivered some time ago, on the same subject, and was proceeding to speak of certain shinplasters issued in the county of Berks.

For this he was called to order, on the ground of irrelevancy.

Mr. KEIM hoped his colleague would be permitted to go on, and empty his reservoir of filth at once.

Mr. OGLE then resumed, and concluded his remarks.

Mr. LINCOLN followed, and with much warmth, and in a most withering manner, repelled the insinuations thrown out by the member who last spoke. [The remarks of Mr. L. will appear at the earliest opportunity.]

The clause of the bill appropriating $8,000 for the payment of the artists engaged in executing four historical paintings for the vacant panels of the rotunda of the Capitol, having been read,

Mr. LINCOLN moved the following amendment, which was accepted by the chairman of the Committee of Ways and Means, viz: Provided the paintings are in such a state of progress as, in reference to the whole sum to be paid to the artists respectively, for their execution, shall, in the opinion of the President of the United States, render it proper to make such payments.

After a few remarks from Messrs. ANDREWS, JONES of Virginia, STANLY, LEWIS WILLIAMS, and ADAMS, as to the nature of the contract, the amendment was agreed to.

The paragraph appropriating $8,000 to Luigi Persico and Horatio Greenough for statues to adorn the two blockings on the east front of the Capitol, having been read,

Mr. LINCOLN moved the following amendment, which was accepted by the chairman of the Committee of Ways and Means, and agreed to, viz:

"Provided, That the work is in such a state of progress as in reference to the whole sum to be paid to the artists respectively for their execution, shall, in the opinion of the President of the United States, render it proper to make such payments."

Mr. J. W. JONES moved to strike out the appropriation of $725,000 for the expenses of taking the next census, and insert $740,000; which was agreed to.

Some conversation here took place between Messrs. WADDY THOMPSON, EVANS, and SMITH of Maine, as to the manner in which the custom-house at New York was constructed, and as to the propriety of reducing that appropriation.

Mr. ANDREWS of Kentucky moved to strike it out.

Mr. LINCOLN opposed the amendment, and showed that the amount now proposed to be appropriated was $75,000 less than the estimates called for. The site had been altered since the building was authorized to be constructed. It was thought advisable to have it located in a position more convenient to the shipping than was at first contemplated. The consequence was, that the land on which it is located cost considerably more than that on which it was proposed to locate it at first.

After a few remarks by Mr. JONES of Virginia, showing the necessity of the appropriation, the question was taken, and the amendment was disagreed to.

Mr. J. W. JONES moved an amendment for the repair of the public works at Staten Island, the sum of $29,720; which had been rendered necessary in consequence of the late storm; which amendment was agreed to.

Mr. LINCOLN here moved that the committee rise; and on a count being taken by tellers to ascertain whether the committee would rise, no quorum voted.

The committee then rose, and the chrirman reported that fact to the House.

Mr. ANDREWS moved a call of the House; but a motion having been made that the House adjourn, the question was taken by tellers, (Messrs GOGGIN and CHAPMAN acting as such,) who reported—ayes 29, nays 96.

So the House refused to adjourn.

The House again went into Committee of the Whole on the state of the Union, and resumed the consideration of the bill.

Mr. CURTIS moved an appropriation of $27,500 to purchase a lot of ground on the east side of the custom-house, Pine street, in New York, for the purpose of light and ventilation to that building; and

After a few remarks by Mr. C. in favor of the amendment, and Mr. JONES of Virginia, on the question whether it was in order,

The CHAIR ruled that the amendment was not in order on the ground that there was no existing law that would authorize the appropriation.

Mr. JONES of Virginia moved the following amendments, viz:

For repairs of the custom-house building at New Bedford, $500.

For repairs of the custom-house building at New London, $1,700.

For repairs of the marine hospital at Norfolk, $4.100.

After a few remarks by Messrs. STANLY, JONES, CURTIS, and MONROE, the amendments were agreed to.

Mr. J. W. JONES moved to reduce the appropriation for the expenses incurred by the commission, under the act remitting duties on goods destroyed by fire in New York, from $3,354, to the sum of $1,350; and after a debate in which Messrs. STANLY, DAWSON, CURTIS, and EVANS, participated, and inexplanation by Mr. J. W. JONES, the amendment was agreed to.

Mr. DROMGOOLE moved to strike out the appropriation for the full minister to Spain, for the purpose of sending a Charge, if the President should think the relations subsisting between these two countries deemed it warrantable; and,

After a debate in which Messrs. J. W. JONES, ADAMS, EVERETT, and EVANS, participated, the latter gentleman moved the following amendment as a modification of the above, to come in at the end of the paragraph making provision for the salaries of the ministers abroad, viz:

Provided, That the sum of nine thousand dollars, or such part thereof as may be necessary, may be applied to the outfit and salary of a Charge d'Affaires to Spain in lieu of a Minister.

Mr. DROMGOOLE accepted the above as a modification.

Mr. STANLY obtained floor; and on his motion the committee rose; and then

On motion, the House, at 11 o'clock, p. m.

Adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, May 2, 1840.

After the journal had been read,

On motion of Mr. BRIGGS, the House resolved itself into a Committee of the Whole on the state of the Union, and resumed the consideration of the bill making appropriation for the civil and diplomatic expenses of the Government for the year 1840.

The question pending was on a motion made by Mr. EVANS, to allow the money appropriated for the salary of the Minister to Spain, in case of his return, to be applied to a Charge, to be sent in his place, if the President should think proper so to do.

Mr. CUSHING observed there was no quorum, and that with so few members present, it would not be fair to take the question.

Mr. STANLY said he would take that opportunity to say a few words in relation to Messrs. Throop and Maxcy, our Charges at Belgium and Naples. He then referred to the report of the Investigating Committee, for the purpose of showing that Mr. Throop had been negligent, while acting as naval officer at New York, or he might have prevented the frauds of Swartwout. Also, that Mr. Maxcy, when acting as Solicitor of the Treasury, had, through his negligence, been one cause of the frauds of Mr. Price. He wished to know from the chairman of the Committee of Ways and Means, how it was that these men had been promoted to office, instead of being punished for their negligence.

Mr. SMITH of Maine called Mr. STANLY to order, on the ground that his remarks were not relevant to the question then before the committee.

Mr. STANLY contended that he was no more out of order than many other gentlemen.

Mr. CUSHING made some brief remarks on the amendment of Mr. EVANS. He was of opinion that the Department had the discretionary power, but thought the mission to Spain would have to be restored.

Mr. JONES having been late in his arrival, had failed to hear much of what Mr. STANLY had said. That gentleman had a standing piece of evidence on which to found charges against any thing and every thing that came up in discussion. Mr. J's objection to it was, that it was an *ex parte* investigation, directed to objects never contemplated when the committee was appointed, and the officers charged had had no opportunity of reply and defence. He protested against allowing such a sort of proof to operate against any individual. He contended that, in the case of Mr. Throop, his nomination had been submitted to the Senate. As to the salary of the architect, the office was necessary, and applied to the works of the highest order. And if the salary was reduced, the Government could not command the services of a competent individual. The salary was, in fact, fixed by law, but was left discretionary with the President. Mr. J. opposed a change of minister for charge in the Austrian, Prussian, and Mexican missions. The first two powers complained of a violation of treaty on our part, and it was proper that ministers of the first grade should be retained in ports so important. A treaty had lately been concluded with Sardinia, relating a subject of high importance, providing for the introduction and transportation of tobacco to all the limits of that kingdom, extending to the borders of Switzerland, France, &c. and thus opened the door to an extension of the tobacco trade. All the 22 cantons of Switzerland, save one, (Vallais,) were free to its admission. In France it was a Government monopoly, and sold under high duties to the population, producing to the French Government a revenue more than half as great as that of the United States, from all sources whatever.

Mr. BELL called the attention of Mr. JONES to the superintendence of the architect of the public buildings. He thought the circumstances were such as called loudly for some provision of law. He then recurred to disbursements made for the erection of the branch mint at Dahlonega, in Georgia. The officers by whom these disbursements were made were appointed, he believed, at the discretion of the President, and no law existed requiring securities to be taken. In relation to the buildings in this city the Board of Inspectors, without any direct violation of law, had brought Congress under an obligation which no House of Representatives dare refuse to discharge. He did not refer to this as a charge against the Administration, but only to show the need of further provision on that subject.

Mr. JONES said the Committee of Ways and Means had not had this subject before them, and no bill had been drawn in the case.

Mr. BELL referred to the case of work done on the raft of the Red river, where Congress had been brought under a similar obligation without any authority of law. Here there were three cases, all showing the necessity of further legal provision to prevent the recurrence of such abuses.

Mr. JONES could not see how this subject particularly pertained to the Committee of Ways and Means. It seemed impossible to satisfy gentlemen. If, in such cases, men were not employed, the Administration were blamed; if men were employed, the Administration were no less censured. Mr. J. invited Mr. B. to present a bill to suit the cases referred to by him. It should have Mr. J's hearty support.

Mr. BELL rejoined, reminding Mr. J. that he had expressly disclaimed all intention to bring any charge in this matter against the Government. As to his own bringing in a bill on the subject, he perceived it would be utterly in vain. There might certainly be some arrangement in relation to the buildings at Washington, fixing the responsibility somewhere, and let it be no longer vagrant between the architect, superintendent, and Board of Inspectors. Let some one have legal control of disbursements, so that responsibility might be fixed.

The question being now put, the amendment was agreed to.

So it was left discretional with the Executive Department to replace the Minister to Spain by a Charge.

Mr. CUSHING made explanations, and advert-

ed to a report, stated to him in letters, &c. that Great Britain was endeavoring to obtain from Mexico possession of Upper California, with a view to its relation to the territories of the United States, and also of taking a cession of territory as security for Mexican bonds in England. She was said, also, to have in view the establishment in that quarter of a colony of free blacks. Hence he urged the necessity of sleepless vigilance over the movements of the British Government in Mexico. If the object of England be accomplished (said Mr. C.) we shall be in the grasp of the boa constrictor. He was opposed to any further extension of British territory on the American frontier. His argument, from these views, was, that a minister should be retained in Mexico. He also opposed any change in the Prussian and Austrian missions, and went into some remarks on the importance of our interests with the Austrian Government, especially in reference to tobacco and cotton. One of the benefits obtained for our trade by the late minister at Austria had been the removal of a forty days' quarantine in her ports. He dwelt on the advantages thus obtained for the cotton trade. Similar benefits were to be hoped for the tobacco trade and the fisheries. The cost of the mission was a bagatelle, in comparison to these benefits. He then examined the importance of our mission to Prussia. A Prussian arbiter was to settle all questions arising between us and Mexico, on our treaty with the latter. Prussia was at the head of the German commercial league, which was gradually revolutionizing the trade of the continent, entirely to the advantage of American trade and manufactures; and hence he opposed a substitution of a charge for a minister at the Prussian Court. Negotiations, at this day, had reference chiefly to commercial treaties—which afforded an indication of the spread and strength of the spirit of peace among the nations.

He agreed with Mr. JONES as to the beneficial character of the late treaty with Sardinia, and argued the propriety of our having a charge in that country. The relations thus established were important in a political as well as commercial point of view. We were competitors with France and England, which exposed us to collisions with both those powers, and hence it was our interest to be on amicable relations with the other nations of Europe who had little maritime power, especially those on the Mediterranean.

Mr. C. concluded by expressing his hope that the missions to Austria, Prussia, and Mexico, would be suffered to remain as they were.

Mr. PROFFIT commented on the remarks of Mr. C. as improper from a member of the Committee on Foreign Relations. That gentleman's remarks on a former occasion had operated injuriously to us abroad, and tended to produce an impression that there was a party in this country jealous and unfriendly towards great Britain.

Mr. CUSHING, in defence, adverted to suggestions made last evening by the gentleman from Vermont, [Mr. EVERETT,] and insisted that his remarks were in order, and to the point. Because he was a member of the Committee on Foreign Affairs, was his mouth to be closed in all that related to our foreign affairs? It was an extraordinary doctrine, and applied to no other committee. He had adverted not to mere rumors, but to subjects with which British publications were teeming. Were we to be restrained from discussing our own affairs in our own way, from a dread of the British newspapers, or some sensitive member of the British Parliament? He might speak by the hour, the day, or the week, on party questions, and nobody would say a word against it; but as soon as he touched the vital, permanent interests of the nation, he was to be lectured, and catechized, and choked down. He spoke as he had a right to speak; as a member of the House and of Congress, as an American, he claimed a right to speak freely and fully on all national questions.

Mr. EVERETT adverted to the remarks he had made last evening. What he had said then he had not said as a member of the Committee on Foreign Affairs, but simply on his own responsibility. He had trodden with great care; he had made no motion to strike out the clause in question, but had only suggested some changes in the grades of some of our foreign ministers, with a view to economy. He had no wish to dispense with any mission, such as those to Prussia and Austria, which was beneficial to Southern interests, so long as they were doing any thing; but if not, he was for reducing their expense. He had had the impression that, since our treaty with Mexico, there could be no duties which required the presence of a full minister there. He should make no motion, but, leave the question to the discretion of the Executive.

Mr. PROFFIT responded with warmth to Mr. CUSHING; and being called to order, and ruled to be out of order, resumed his seat.

Mr. STANLY then moved to strike out the item for salaries to Charges to Belgium and Naples, on the ground that their neglecting to prevent the frauds of Messrs. Price and Swartwout, disqualified them for so responsible a station.

Mr. DROMGOOLE contended, that admitting the allegation were true, that was no reason why our relations with Belgium and Naples should cease, which would be the effect of the gentleman's motion, should it prevail. He said it would be obvious that the withholding of a minister's salary did put an end, while it continued, to our intercourse with a nation to whom such minister was sent. The incompetency of individuals, even admitted, was no reason for discontinuing a public mission abroad. He would not be drawn into a consideration of the charges formerly reported against these individuals. They had been lawfully appointed. No complaint was made of the discharge of their duties abroad, and he would not vote to discontinue their salaries.

Messrs. GRAVES and GRAHAM of North Carolina advocated the amendment.

Mr. VANDERPOEL thought this a most extraordinary proceeding. The report of the Investigating Committee had been quoted, which report referred to men who had no notice of such examination, some of whom were abroad at the time it took place, and at home the whole proceeding was *ex parte*. Gentlemen wished to cut off the salaries of Messrs. Maxcy and Throop, both of whom were out of the country at the time the committee were at New York. Was such a course fair? Was the House resolved into a star chamber to condemn men without notice, or opportunity to defend themselves? Mr. V. then alluded to the friendship which existed between Swartwout and the Whigs, and to the fact that, when the former left office, the merchants presented him with a service of plate, as a testimony of their esteem. The fault of Messrs. Maxcy and Throop was, that, with men of all parties, they had placed too much confidence in him, and yet for this confidence, their services abroad, how valuable soever, must be cut off. He thought it very unjust.

Mr. SMITH of Maine contended that the item in the bill did not at all involve the qualifications of the incumbents of the office proposed to be abolished. He then called the attention of the committee to a case of culpable neglect and extravagance which had once excited the attention of the whole country. He alluded to the appointment of General Harrison as Minister Plenipotentiary to Colombia by Mr. Adams. It would be found that the hero of North Bend received his $9,000 outfit and $9,000 salary, as Minister to Colombia, and yet, instead of proceeding at once to his post—

Messrs. C. JOHNSON, GRAVES, and others, here called Mr. S. to order, on the ground of irrelevancy.

Mr. SMITH. Ah! I see how it is. I see the shot tells. Whenever I have a shot that tells, I always know it, because the pigeons flutter. I generally take pretty good aim, and it it perhaps natural that the birds should flutter, when they know the shot will take effect.

After some debate on the point of order, the CHAIR decided that Mr. SMITH was in order.

Mr. SMITH then resumed, and said it was a well known fact that, after the appointment of Gen. Harrison as Minister to Colombia, at a salary of $9,000, with an outfit of $9,000, instead of proceeding at once to his post, he remained quietly luxuriating for six months at his palace at North Bend; and it was not until after the election of the Hero of New Orleans that he saw the necessity of making tracks for Colombia. This could not be denied; and while gentlemen were attempting to implicate Messrs. Maxcy and Throop, by a report not acted upon by the House, he wished them to remember the conduct of the Hero of North Bend.

After some remarks from Mr. GRAVES,

Mr. ADAMS said he had no recollection as to whether Gen. Harrison had, or had not, received the amount of his salary and outfit. He believed, however, that the general practice had been not to pay ministers their outfits until they were ready to set out on their missions, and never to advance them their salaries till they set out. From this general rule there were many exceptions, to enable gentlemen, in particular cases, to settle their private affairs, before leaving the country, and there might have been some advances of outfit, but none, so far as he knew, of salary. If there were such in the case of Gen. Harrison, he knew there were circumstances which, if made known, would justify it. Mr. A. then complained that whenever a charge was made against any officer, which it was in the power of Congress to correct, the gentlemen from Maine would call up some case of equal or greater corruption which happened previously.

Mr. SMITH. That is a very good mode of settling accounts.

Mr. STANLY contended that the President, in appointing Messrs. Throop and Maxcy to office, had treated the report of the Investigating Committee with contempt. He replied to Mr. DROMGOOLE, whose course, he said, was harder to define than that of an eagle in the air, or a serpent on a rock.

Mr. CURTIS was proceeding to defend the course of the Investigating Committee, of which he had been a member, when

Mr. VANDERPOEL disclaimed having intimated any impropriety on the part of the committee.

Mr. CURTIS then quoted largely from the report, with a view of showing that had Mr. Throop exercised proper caution, the defalcations of Swartwout would never have occurred. He had no idea that Mr. Throop had connived at the fraud committed, but had he done his duty that fraud could never have succeeded. Mr. C. was understood to deny that any service of plate had been presented to Swartwout.

Mr. VANDERPOEL rejoined. He had hitherto forborne to enter into the political discussions of the House, but when he heard old and long tried friends accused, who had honorably discharged high and important duties, he could not sit still and abstain from defending them. He then went into a review of Mr. Throop's political history, and to the time when he was elevated to the gubernatorial chair of the State of New York. Yes, said Mr. V. I remind my colleague of the good old time when he and I worked shoulder to shoulder in supporting Mr. Throop and the Jackson cause. Mr. V. represented that the head and front of the offence was, that Mr. Throop had been too confiding in Mr. Swartwout. His colleague could not, and dare not, intimate any thing against his honor and integrity. Then, was it an honorable and Christian spirit to visit such an offence by cutting off the present appropriation?

Mr. CURTIS denied having said any thing further against Mr. Throop than his neglect of the duties of his station. He was set as a check upon Swartwout, and his confidence in his friend had induced him wholly to neglect the duties he was appointed to perform.

Mr. VANDERPOEL asked, where was the necessity of going back to the neglects of an individual's past life. Such a principle, if carried out would lead to the most disastrous consequences. He cited the case of excessive confidence reposed by the directors of a bank in their cashier. The bank exploded, but were the directors visited with unrelenting condemnation ever after? He protested against such a course.

Mr. DROMGOOLE contended that, should an impeachment be instituted against these Charges, as such, the testimony of their conduct in another office would be pronounced irrelevant. His principal object, however, in rising, was to notice the strange

inconsistency of the gentleman from North Carolina, [Mr. STANLY,] in first comparing him to a serpent on the rock, then to an eagle in the air, next to an arrow, and, last of all, he had invested him with the agility of a cat.

Mr. DAWSON was in favor of withholding the salaries, as in his opinion the President would be thereby compelled to withdraw the officers. He contended that the President had not treated the report with proper respect in omitting to notice and act upon the charges made against Messrs. Maxcy and Throop.

Mr. RHETT wished to know if, when an officer was appointed by the President and Senate, and Congress refused the appropriation, the debt was thereby extinguished.

Mr. STANLY replied that the appropriation was not for services rendered.

Mr. RHETT said the Constitution gave the President power to appoint, with the consent of the Senate. While he was kept in office, a contract subsisted, and a debt accrued. The contract would be vacated by impeachment only; till then, the debt subsisted. He would not say that in an extreme case an extreme remedy might not be proper; but a vote to withhold the salary would not extinguish the debt.

Mr. MASON of Ohio supported the amendment, and maintained that as the report of the committee on the negligence of the officers in question was unanimous, it was entitled to consideration by the President, who, at least, ought to have called upon them to answer the charges.

Mr. TURNEY reminded Mr. M. that the report of the Investigating Committee had never received the sanction of the House.

Mr. M. replied that the committee had reported evidence which had been printed, and had remained before the House for more than a year uncontroverted. This presented a case of *prima facie* evidence on which it was proper and fit to withhold this appropriation, at least for once, till a better understanding could be had as to the facts.

Mr. McKAY admitted the report to have been unanimous, but the House had never acted on it; and this was made the ground of a motion, in a different Congress, to which that report had not been made, at once to jump to the conclusion that two men had been guilty of malfeasance in office, and to withhold their salaries. It was monstrous. If the Executive was bound to notice and act on every report made in Congress, his condition was very unenviable. Mr. McK. adverted to a report of a committee against Gen. Hamilton, when Secretary of the Treasury, but said that Gen. Washington took no notice of it. He then referred to the celebrated Retrenchment Committee, of which the then President had taken as little notice. He protested against the doctrine as an enormity.

After some remarks from Mr. ADAMS,

Mr. WHITE of Kentucky controverted the charges of Mr. SMITH against Gen. Harrison, and thought that gentleman ought now to retract what he had said.

Mr. SMITH recapitulated his former statement in relation to Gen. Harrison, and denied that Mr. WHITE had disproved a single word.

Mr. WHITE denied the truth of the charges.

Mr. SMITH reiterated them.

Mr. PETRIKIN called Mr. SMITH to order; after which, the question on the amendment being put,

Tellers were demanded, and the vote being taken, resulted as follows: Ayes 44, noes 65.

No quorum having voted, the committee rose and reported the fact to the House.

[It was now near 6 o'clock.]

Mr. ANDREWS moved a call of the House. The vote was taken by tellers, and resulted as follows: Ayes 61, noes 73.

So the House refused to order a call.

A quorum being now present, the House returned into committee.

The question recurring on allowing Mr. SMITH of Maine to proceed in his remarks, the question was taken, and decided in the negative—Ayes 43, noes 74.

No quorum voting—

The question was again put, and decided in the negative: Ayes 50, noes 93.

Mr. SMITH of Maine moved that the committee rise.

Mr. STANLY said the gentleman from Kentucky [Mr. POPE] was entitled to the floor, having yielded it only for explanation.

Mr. POPE commenced speaking.

Mr. SMITH made a question of order, claiming the floor; but the CHAIR persisted in giving it to Mr. POPE.

Mr. ANDREWS replied with some warmth to the cries of "question" which were loudly vociferated. He then adverted to the action of the people in choosing their own President, and animadverted on the course of men who, while they continually complimented the people on their intelligence, spent days and weeks in discussing the Presidential question.

The question was then put on the amendmendment (viz, to strike out the appropriation for a Charge to Belgium and to Naples) and decided in the negative—ayes 26, noes not counted.

This item for a Minister to Holland was, on motion of Mr. JONES, stricken out, it having been inserted by mistake.

The appropriation for outfits for a Minister to Russia and Charge to Sardinia was altered from $18,000 to $13,500.

Mr. TRIPLETT moved to insert $12,000 for agents to look after the tobacco interest in Europe.

The amendment was agreed to.

The appropriations for the Post Office Department having been read—

Mr. DAVIS of Kentucky inquired whether the Post Office had an agent in Europe, and what were his duties and compensation?

Mr. JONES replied that he was sent to collect information as to mail facilities; it was believed by the Postmaster General that it would be important to get this information. His salary was that he had before been in receipt of as a clerk in that office.

Mr. DAVIS inquired as to the cost of this agency?

Mr. JONES was not able to reply exactly. The agent received his salary and travelling expenses. There were, unavoidably, many such agents employed in this country, to detect depredations on the mail, &c.

The bill having been read through—

Mr. JONES wished a correction in the salary of the Commissioner of Pensions, making it conform to law.

Mr. DAVIS of Kentucky offered an amendment reducing, *pro rata*, the salaries of all officers over $1,000, in case the Sub-Treasury bill shall become a law, with an exception in reference to the President, the Judges, and the Commissioner of Pensions.

The CHAIR decided the amendment not to be in order.

Mr. DAVIS took an appeal. The amendment did not touch the salaries themselves, but merely the appropriations in this bill. The amendment had been drawn with strict reference to the rules of the House. He had consulted gentlemen long experienced in questions of order.

The CHAIR admitted that he had decided differently, but the committee had repeatedly reversed his decision.

Mr. DAVIS argued his appeal.

Mr. WICK said he had two speeches ready—one on matters and thing in general, and another on economy, the economy of this House, and would offer an amendment to that of his friend from Kentucky. He wished it to be read for information.

[The amendment offered by Mr. WICK proposed to *razee* the pay of members of Congress twenty-five per cent.]

The CHAIR said the question was on the appeal.

The question being put, the decision of the CHAIR was sustained—yeas 109, nays 21.

Mr. JONES moved that the committee rise and report the bill and amendments to the House; which being carried nem. con. the committee rose accordingly and reported the bill.

Mr. TURNEY moved the previous question, which was seconded, and, being put, as follows: "Shall the main question be now put?"

Mr. R. GARLAND demanded the yeas and nays.

Mr. BRIGGS called for the reading of all the amendments, and some of them were read accordingly; when the reading was suspended.

The previous question was then put, viz: "Shall the main question be now put?"

Mr. LEWIS WILLIAMS demanded the yeas and nays; which were ordered, and, being taken, resulted as follows—yeas 110, nays 48:

YEAS—Messrs. Adams, Judson Allen, J. W. Allen, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Burke, William O. Butler, John Campbell, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, Wm. R. Cooper, Cranston, Crary, Crockett, Cross, Cushing, Dana, Davee, Edward Davies, John Davis, Doan, Dromgoole, Earl, Eastman, Fire, Floyd, Galbraith, Gerry, Goggin, Griffin, Grinnell, Habersham, Hall, Hammond, John Hastings, Hawkins, Hill of Va. Hill of N. C. Hillen, Hook, Howard, Hubbard, Jameson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lewis, Lowell, Lucas, McClellan, McKay, Mallery, Marchand, Medill, Samuel W. Morris, Newhard, Osborne, Parish, Parris, Petrikin, Pope, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, A. Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, W. Thompson, Jacob Thompson, Tillinghast, Turney, Vroom, D. D. Wagener, Peter J. Wagner, Watterson, Weller, Jared W. Williams, Henry Williams, and Joseph L. Williams—111.

NAYS—Messrs. Andrews, Bell, Botts, Briggs, Brockway, Carter, Clark, Corwin, John W. Davis, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Everett, Fillmore, Rice Garland, Gentry, Graham, Graves, Green, Wm. S. Hastings, Lincoln, Marvin, Mitchell, Calvary Morris, Ogle, Palen, Proffit, Randall, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Toland, Triplett, Warren, John White, Wick, Lewis Williams, and Christopher H. Williams—48.

The main question was then put, in succession, on the several amendments made in Committee of the Whole, and they were all concurred in. The question then recurring on ordering the bill to be engrossed for its third reading, the yeas and nays were ordered, and, being taken, resulted—yeas 145, nays 15, as follows:

YEAS—Messrs. Adams, Judson Allen, John W. Allen, Atherton, Banks, Baker, Beatty, Bell, Black, Blackwell, Botts, Boyd, Brewster, Briggs, Brockway, A. V. Brown, Burke, Calhoun, John Campbell, Carr, Carroll, Casey, Chapman, Chinn, Clark, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Cranston, Crary, Crockett, Curtis, Cushing, Dana, Davee, John Davis, John W. Davis, Dawson, Dennis, Dellet, Doan, Dromgoole, Earl, Eastman, Ely, Fine, Floyd, Fornance, Galbraith, Gentry, Gerry, Graham, Griffin, Grinnell, Habersham, Hall, Hammond, Hand, William S. Hastings, John Hastings, Hawkins, Henry, Hill of Va. Hill of N. C. Hillen, Hook, Hopkins, Howard, Hubbard, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lewis, Lincoln, Lowell, Lucas, McClellan, McKay, Meredith Mallory, Albert G. Marchand, Marvin, Mason, Medill, Miller, Mitchell, Calvary Morris, Newhard, Osborne, Palen, Parish, Parris, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Ridgway, Rives, E. Rogers, J. Rogers, Russell, Saltonstall, Samuels, Shaw, Shepard, Simonton, Slade, A. Smith, J. Smith, T. Smith, Starkweather, Steenrod, Stuart, Swearingen, Sweney, Taliaferro, Taylor, F. Thomas, Philip F. Thomas, Jacob Thompson, Tillinghast, Toland, Triplett, Turney, Vanderpoel, Vroom, David D. Wagener, Peter J. Wagner, Watterson, Weller, Edward D White, Wick, Jared W. Williams, Henry Williams, and Christopher H. Williams—145.

NAYS—Messrs. Andrews, Carter, Garret Davis, Deberry, Edwards, Rice Garland, Gates, Giddings, Graves, Green, Ogle, Proffit, Stanly, John White, and Lewis Williams—15.

The bill was then read a third time.

The previous question was then moved, seconded, put, and carried on the passage of the bill, and the bill was passed, and ordered to be sent to the Senate for concurrence.

Mr. BRIGGS moved a resolution for meeting on Monday at 8 o'clock, with a view to then adjourning over to Thursday, (to allow of the cleaning of the hall, taking up carpets, etc.)

Mr. DROMGOOLE objected.

Mr. BRIGGS made an explanation.

Mr. DROMGOOLE persisted in his objection.

Mr. BRIGGS moved to suspend the rules, to enable him to offer his proposition.

Some member moved to adjourn. The question being put, the ayes were 66, the noes 78.

So the House refused to adjourn.

The question being then put on suspending the rules to enable Mr. BRIGGS to offer his motion,

Mr. TURNEY demanded the yeas and nays; but

The House refused to order them; and the rules were suspended—ayes 120, noes 25.

The resolution offered by Mr. BRIGGS was then moved, and the previous question thereon was se-

conded, put, and carried; and the main question being on its adoption,

Mr. DROMGOOLE demanded the yeas and nays; but the House refused to order them. The resolution was then carried—ayes 107, noes 23.

The House then adjourned.

HOUSE OF REPRESENTATIVES,
May 3, 1840.

In the Globe of yesterday, in my remarks relative to the Bank of North Carolina purchasing the gold coined by the branch mint at Charlotte, in that State, the following sentence occurs: "It was a notorious fact, that in one single day, that bank bought up a half million of dollars in specie, and put afloat their worthless paper in its stead." It should have been: "Mr. M. said it was a notorious fact, that the bank did purchase up this gold when coined by the mint, with their own paper; but of that we the people did not complain—they had a right to do so. That was a fair business transaction. But what we the people do complain of is, that the bank, after collecting the gold into their vaults, turn the keys upon it, lock it up from circulation among the honest holders of their notes, perhapes the very notes they, the bank, had purchased it with, and compel the people either to sue them, or submit to a shave at some one of those shaving shops, and that, too, very often with a Magnum Bonum razor, to procure funds that will answer their purposes, and then falsely charge the Van Buren party with these foul acts." This is the substance of what I said upon that subject. I speak at times rapidly, and I do not wonder that mistakes like this happen. You will please correct it, and should I write out my remarks I will place the matter correct before the public.

Respectfully, yours,
W. MONTGOMERY.

Messrs. BLAIR & RIVES.

Messrs. BLAIR & RIVES: In the publication last evening, of the proceedings of the House, in Committee of the Whole, upon the appropriation bill, some remarks made by me are erroneously applied to an appropriation for the custom-house in NEW YORK, which were offered in *opposition* to a motion by Mr. ANDREWS of Kentucky, to strike out the appropriation proposed for the custom-house in BOSTON. I shall be obliged by the proper correction of this mistake.

Your obedient servant,
LEVI LINCOLN.

Washington, May 5, 1840.

IN SENATE.

MONDAY, May 4, 1840.

The VICE PRESIDENT submitted a communication from the Governor of Michigan, transmitting a copy of the third annual report of the Geologist of that State; which was referred to the Joint Committee on the Library.

The bill from the House making appropriations for the civil and diplomatic expenses of the United States for the year 1840, was read; when

Mr. WRIGHT observed that he felt it his duty to say that the Committee on Finance had held a meeting this morning, and had examined this bill. They proposed to make very few amendments, and these would be very simple. They would therefore be ready, if it was the pleasure of the Senate, to report back the bill in twenty minutes.

Mr. W. then moved to refer it to the Committee on Finance; which motion was agreed to.

Mr. DIXON presented a memorial from Burrington Anthony, Marshal of Rhode Island, praying that the proceedings on mesne and final process, under authority of the United States, may be made to conform to the laws of the several States respectively; which, after Mr. CLAYTON had mentioned that the case was provided for in the general bankrupt law now before the body, was laid on the table.

Mr. WALL submitted certain amendments which he proposed to move to the substitute offered to the bill for a general bankrupt law, when it should be taken up for consideration; which were ordered to be printed.

Mr. NORVELL presented the petition of Henry Marsh, which was referred to the Committee on Claims.

Mr. N. gave notice that to-morrow he would ask leave to introduce a bill for the relief of Henry Marsh.

Mr. WRIGHT, from the Committee on Finance, reported the bill making appropriations for the civil and diplomatic expenses of the United States, for the year 1840, with amendments, which were read; after which,

Mr. WRIGHT moved that the bill be taken up for consideration now.

Mr. DAVIS hoped that the bill would not be considered to-day. He had not yet had an opportunity of examining it, and he thought that a bill embracing such a variety of objects should not be acted on without allowing to every Senator an opportunity of giving it a thorough examination.

Mr. WRIGHT observed that his anxiety to get the action of the Senate on this bill would, he was sure, be appreciated by the Senator from Massachusetts. The bill had only come to them to-day, and this was a very late period of the session for the passage of a bill on which so many interests of the country depended. He thought, from the disposition of the body to adjourn over, if it was not acted on to-day, it would not probably be acted on this week. Mr. W. then adverted to the urgency for a speedy action on this bill. In addition to the vast number of persons employed about the seat of Government, and many others who had not received any compensation for their services since the first of January, the courts of justice were now sitting in several of the States, and in the Senator's own State particularly, and they had no means to pay their jurors, witnesses, &c. until this bill passed. The committee had, under these circumstances, felt it their duty to press its passage with all convenient speed, and had therefore made very few and simple amendments, such as would not consume time in the other branch of Congress. If it was the pleat sure of the Senate to take up the bill now, it would certainly be gratifying to the committee.

Mr. DAVIS had no intention to delay the bill unnecessarily; but it was but a few minutes since this voluminous bill came into the chamber, and they were now called on to take it up and act on it without having had time to examine it. This was hardly reasonable, however pressing the emergency of the Government might be. It was true that the bill had undergone a variety of discussion in the other House, but it had not been examined here. If the Senator from New York would fix on some reasonable day for the consideration of this bill, he would concur with him in taking it up at that time. But it ought to be looked into to see if all the objects are provided for that ought to be in it, and if any are embraced in it that ought not to be there. It was doubtful, too, whether there was a quorum present.

Mr. WRIGHT said he felt it to be his duty to persist in his motion. He would be perfectly willing, if it was the pleasure of the Senate, to lay the bill over till to-morrow; but if the object was to have it printed with the amendments, by that time, it could not be done. If the gentleman wished to examine the amendments of the committee, he had only to go to the CLERK'S table, where he could become acquainted with them in a few minutes, as there were only three of them. He did not apprehend that the amendments would create any discussion. He was anxious to facilitate the passage of the bill so far as the Senate was concerned, and make it the law of the land.

Mr. HUBBARD said that this bill was in almost precisely the same words as reported by the Committee of Ways and Means of the House, and as printed and laid on our tables a month since. It had undergone a long and searching investigation in the House, and but a few unimportant alterations had been made, and they principally in the reduction of salaries. He hoped the bill would be taken up and disposed of.

Mr. NORVELL said that the public service had been suffering a long time for the want of the appropriations contained in this bill. The newspapers showed that after an animated and protracted debate of some weeks elsewhere upon the bill, it had passed, with fifteen or sixteen dissentients only. Having been subjected to a very rigid scrutiny by the immediate representatives of the people, he could not perceive any necessity for delaying its passage in this body.

Mr. LUMPKIN said he was utterly and conscientiously opposed to doing business without a quorum. He wished to ascertain if one was present.

The CHAIR, on counting, stated that there was not a quorum present.

Some members then coming in, the CHAIR announced that there was a quorum present; when

The question was taken on considering the bill now; and being decided in the affirmative, it was taken up and considered as in committee of the whole.

Mr. WRIGHT explained the objects of the amendments. The first amendment was to strike out the appropriation of $45,000, for the continuation of Clarke and Force's Documentary History of the Revolution. The object of the committee in moving to strike out this item was not to injure the publishers of this work, but to bring this matter to some definite understanding. It was time, the committee thought, for Congress to know to what extent this expense was to be carried. Besides, they thought this appropriation ought not to come in the general appropriation bill. The first thing that called his attention to this subject was, there having been sent to him some of these books, which he refused to receive. His principal object was to separate this troublesome subject from the general appropriation bill, to which it did not properly belong, and to let it rest on its own merits. Various efforts had been made by Congress to make an arrangement with those publishers so as to come to some definite understanding with regard to the extent of this work; but always without success. Mr. W. wished the Senate to take the question on this amendment first; for if the Senate should not think proper to adopt it, the committee would withdraw the other amendments, which were not deemed of sufficient importance to delay the bill.

Mr. DAVIS opposed the amendment. He understood that there was an existing law of Congress under which this appropriation was made. He considered the work as one of great value, and that would hereafter be highly appreciated. He presumed that this appropriation was for the purpose of paying arrearages now due to the publishers, and adverted to the importance of fulfilling the obligations of a contract. He did not see any particular propriety in separating this object from the general appropriation bill, and he thought that if there was any thing due on the contract, it ought to be provided for in this bill.

Mr. WRIGHT then entered into a history of the contract, and the progress that had been made in the work, stating the efforts that had been made to put a stop to it, and the refusal of the Senate to receive any of the books.

Mr. HUBBARD said the time had come when it was necessary for the Senate to resist with firmness this appropriation. He well recollected what had taken place upon this very subject—and he could not but feel somewhat surprised at the course which had been pursued by these claimants. The Senate is now asked to appropriate forty-five thousand dollars to compensate Messrs. Clarke and Force for the second volume of the Documentary History of the American Revolution, recently published by them, and for a third volume which is progress and probably to be published before the next session of Congress. It has been said on this floor that there is subsisting an abiding contract between the Government and these claimants. It has been said that that contract was entered into between them and the late Secretary of State, Mr. Livingston—and that in pursuance of that contract this amount of expenditure has arisen—and that Congress is now bound in honor and in good faith to make the appropriation. This, said Mr. H. I deny. Is there an abiding, and, for aught we know, a never-ending contract? Are these claimants at liberty to do what they please—collect such materials as

may suit their convenience—publish what shall best please their taste—and claim what shall best promote their interest!—and is all this to be sanctioned under this pretended contract? Is there no supervisory power? Are we to learn from the inspection of the publication, for the first time, the character of the work? Are we to be told, when the volume shall be given to the public, that forty-five thousand dollars is required to meet the expense, and that all this is sanctioned by this pretended contract? If this be so, well indeed does that contract deserve the character which has been given to it on former occasions, by members of this Senate. He was now, as he was at the last session, opposed to this appropriation. In his judgment, it deserved to have no place in the general bill of supplies. If the claimants have a subsisting contract between them and the Government, that contract must be based upon the act of 1833 And what does that act require? Have the books been delivered agreeably to the express provisions of that act? Does the act require the State Department to estimate the amount of appropriation necessary to meet this expenditure? The act confers no such authority. Why is there not evidence here that the work has been examined and approved, and found to be in strict accordance with this alleged contract? He was aware that this appropriation had been proposed in the House as an amendment to the bill, by a member of the Committee of Ways and Means, and he believed that it was done in pursuance of a decision of that committee. And can it be possible, if there was a subsisting, legal, binding contract, between the Government and the claimants, and that the sum of forty-five thousand dollars would be necessary at this time for the partial, but faithful, execution of the terms of this contract, that Congress would not have been so advised, by those charged with the execution of the laws?

There is something wrong in this matter. There is at least some misconceptions, some misgivings, in relation to this subject. The claimants cannot be ignorant of the feeling and sentiment of the Senate. It has been repeatedly discussed, and the views and the votes of the Senate have been as repeatedly made known; and before the claimants should have asked a further appropriation under this alleged contract, they were, in equity, called upon to ask of Congress an investigation into this whole business, and not to attempt to force the appropriation through, against the known and deliberate sense of the Senate. He would not be unwilling to render to them justice; but he should like to see them ready, on their part, to render justice. He had frequently examined the act of March 2, 1833, making provision for the Documentary History of the American Revolution. It was a most extraordinary act of legislation. By the terms of the act, it is true that the Secretary of State is authorized to contract with Matthew St. Clair Clarke and Peter Force, for the publication "*of a work*," entitled "The Documentary History of the American Revolution." It seemed to him, from the perusal of *this act*, that "the work" had previously been completed, and of course must have been submitted to the examination of the Secretary of State. *The work*, according to his version of the law, was to be printed in octavo or folio, as may be agreed upon. The expense of printing *the work* was fixed and determined, and the disposition of *the work* was to be made in the manner provided by the joint resolution of the 10th of July, 1832, for the distribution of the American State Papers. These are the material provisions of the act of Congress, under which this contract was entered into between Mr. Livingston and the claimants. Can any other view be taken of it than the one taken by himself? Is it possible that Congress, by that act, conferred upon the Secretary of State the power to make such a contract as would enable the claimants to publish what they pleased, and call it "A Documentary History of the Revolution?" Is it possible that Congress, by that act, gave to the Secretary the power to contract with these claimants to publish "*the work*" when they pleased? He utterly denied that such was a fair exposition of the power conferred by the act of March, 1833, upon the Secretary of State. He had also frequently examined the contract entered into between Mr. Livingston and these claimants, under date of the 19th of March, 1833. The act of Congress is correctly recited in that contract, and the contracting parties, in pursuance of the terms of the contract, had agreed that "*the work*" should be printed in folio, and they had fixed the rate of compensation at one cent and seven-tenths of a cent per page for each and every page of said work. But the material matter is, that there was no authority given to have any particular number of volumes printed, nor that each volume should contain any given number of pages. No such authority was conferred by the act upon the Secretary of State. In truth, the terms of that act clearly satisfy his mind that the extent of "*the work*" to be published must have been known at the time the contract was made. It is true that the contract contained a clause purporting to give authority to Clarke and Force "*to prepare and publish fifteen hundred copies of said Documentary History of the Revolution*," "according to the plan laid down in this memorial, and presented to Congress, upon which the act," *as is alleged*, was passed. He contended that this stipulation was unauthorized by the act itself. And it may be well to go a little further into this affair. By the terms of the act, the volumes were to be distributed in the same manner as was provided for the distribution of the American State Papers by the joint resolution of the 10th of July, 1832. He had examined that resolution; and according to its terms, the Secretary of the Senate and the Clerk of the House of Representatives are directed to distribute the compilation of documents directed to be published by "An act making provisions for a subscription to a compilation of Congressional documents." It will be found that that act was passed March 2, 1831, and gave authority to the Clerk of the House of Representatives to subscribe for seven hundred and fifty copies only. The joint resolution already referred to provided for the distribution of that number of copies, and of that number only. By that very resolution, after disposing of nearly two hundred copies to the Executive branch of the Government, and to the public library, it directs one copy to be given to each member of the Senate and House of Representatives of the 21st and the 22d Congress.

The act of March, 1833, directs the same distribution; but the contract entered into, as is alleged, under that act, provides for the publication of fifteen hundred copies of each volume. In his judgment, this contract was, in this respect, an entire departure from the terms of the act of Congress.

In the session of 1834, the attention of Congress was called to this matter. It will be found that, in the general appropriation bill of that year, the following provision was inserted:

"For the Documentary History of the Revolution, per act of March 2, 1833, twenty thousand dollars; and it shall be the duty of the Secretary of State to examine the contract entered into by Edward Livingston, late Secretary of that Department, with Matthew St. Clair Clarke and Peter Force, for the collection and publication of the Documentary History of the American Revolution, and make a special report thereon at the next session of Congress, setting forth the nature and character of the materials of which the work is to be composed, and the progress made in the work; the number of volumes which will be required to complete it; and an estimate of the money which may be necessary to appropriate for the fulfilment of the contract."

The present Secretary of State made a report to Congress, and that report is to be found among the Executive documents of the second session of the Twenty-third Congress. He trusted that the Senate would well examine that report, and all subsequent proceedings, before they gave their assent to an appropriation of another dollar for the execution of that alleged contract. It so happened that this first appropriation was carried to the surplus fund, and that, in the appropriation bill of 1838, the same sum was reappropriated. But it is, he trusted, within the recollection of every Senator, that certain proceedings took place, in 1836, in the House of Representatives, with a view to the rescission of this contract.

There was another piece of history in relation to this matter, to which he must advert. At the very last session of Congress, and almost at the last hour of the session, an appropriation was inserted to complete the payment for the first volume, which had been published, and which provided that the volumes should be distributed, not in strict accordance with the joint resolution of July, 1832, but also to each member of the House of Representatives of the Twenty-third, Twenty-fourth, and Twenty-fifth Congresses. Here, then, is a recent instance of legislation of voting books, without the sanction of pre-existing law, directly into the hands of members themselves passing the vote. He desired to make no comment upon this matter. The fact was before the American people, and he trusted they would not fail to express their opinion upon such acts of their public servants. He well recollected how all this took place. This appropriation was inserted in the general bill of supplies. The House were kind enough to make a tender to the Senators of the books. The Senate amended the bill by striking out the appropriation. The House disagreed to the amendment. The Senate insisted. A committee of conference was the result; and that committee agreed on a report; and he was satisfied that that report was accepted by the Senate to save the bill. It was as follows:

"For the balance due on account of the first volume of the Documentary History of the United States, five thousand six hundred and two dollars; and the Secretary of State is hereby authorized to deliver to the Clerk of the House of Representatives, three hundred and sixty-eight copies of said work to be distributed to each of the members of the House of Representatives of the Twenty-third, Twenty-fourth, and Twenty-fifth Congresses, who are not entitled to receive the same under former resolutions of acts of Congress."

These facts must have all been familiar to the claimants. It is in the power of Congress to refuse the appropriation. This they ought to do, if, in their judgment, the contract was entered into by inadvertence, or by mistake; or if there has been any proceeding not warranted by the act itself, then it will be time for Congress to hear the memorialists and to make indemnity. But, for one, he was prepared to say that he should most reluctantly give his vote now for the bill, if it contained such an appropriation. He would not say that he should vote against it; but he hoped that the House would concur with the Senate in their proposed amendment, and that some proceeding should at once be introduced for the purpose of settling and adjusting this controversy.

Mr. BENTON said this was a continuation of the bookmaking business by Congress, which had grown up within the last eight or ten years. This was one branch, and the most important; the others, more insignificant, had been stopped; but this, the most enormous and flagrant, was continued by its own momentum. He had heretofore classed this as one of the greatest frauds ever perpetrated on our Government. Taken in every way, the manner in which it was got through without the knowledge of the most attentive members—he meant others still more than himself—the enormity of the sum involved—the vast bulk and little worth of the work—and the distribution of it to the members that voted for it—and it was truly an abominable abuse. None of us knew that such a work was authorized by us. It passed in 1833, and it was nearly a year afterwards before we discovered what we had done. He (Mr. B) found it out from Mr. Mangum, of North Carolina, at the next session, who was a member of a committee who discovered what had been done; and then, for the first time, it was found out that an act had been passed by which upwards of half a million of dollars at the least, and possibly a million and a half, was to be given to an officer of the House of Representatives (M. St. C. Clarke, the Clerk of the House) and his partner, for printing a work to be given to those who voted that officer and his partner the money! As soon as found out, the abuse was resisted by some members, and has been resisted for seven years, but without effect; for while a majority

condemn and denounce it, yet they are placed under duress, and compelled to vote for the money and the distribution, by putting them in the appropriation bills for the support of the Government, and then making it a question to lose the whole bill and stop the Government, or let the distribution go on. He, for one, would vote against it, and let the Government stop, if that should be the consequence, and let the people see who it was that would break up the Government before they would cease voting books to themselves! Even if the vote of the books was right in itself, it would be wrong to be put into an appropriation bill; and he would not be coerced by finding it there. But the whole practice was wrong in itself, and was becoming an enormous abuse—enormous for the amount of money—enormous for the principle—enormous for the frightful progress which it made—enormous for the consequences it might lead to. Every session we have had jobs and distributions. A multitude of works have been printed and distributed. They multiply every session. We vote the money to the jobber—the jobber gives the books to us, and many of us sell the books instanter. Twenty thousand—forty thousand—sixty thousand dollars—are a common vote, and done with a rapidity which defies all description, and in a way to escape the notice of the most attentive members. But this is a case, not of twenty—or forty—or sixty thousand dollars, but of one or two millions! It is absolutely a case of millions, and may be as many as the jobbers choose to make it. It is without limits or boundaries; it is to print whatever the jobbers choose to print—for there is no earthly control over them—under the name of Documentary History of the Revolution. Already they inform us that the private and public libraries of America and Europe are to be explored to find either manuscript or printed matter to be published, and they are at liberty to publish all that they can find. The first computation supposed it might amount to a million and a half of dollars; then the undertakers, when the enormity of that sum startled every body, proposed to put a limit on themselves by limiting the number of volumes. They proposed to limit the volumes to twenty, and left the number of pages unlimited, though estimated for at 800 pages. The pay was by the page—so much the page—and at this rate it would come to $20,400 a volume; and twenty volumes would make $408,000. This seemed to impose a limit, but it was all an illusion! The number of pages, were unlimited, and instead of 800, the first volume—the only one printed—contains above 1,000 pages! and instead of $20,400, the estimated, the actual price is $26,000! and by doubling the pages, the next one may be $52,000. This bill is to pay a balance, a balance due for the first volume; and this balance is $5,600! the estimated price of $20,400 having been previously paid. At this rate the twenty volumes will cost $520,000; but there is nothing to limit it to that amount; the publishers can print what they please, as many volumes as they please, and as many pages as they please in each volume; and being paid by the page, the bulk of the work, and the amount of the price, is absolutely without limit! It is also without limit as to time! It may last for centuries, and through generations; and the families of Mr. Clarke and Mr. Force may be pensioned on the Federal Government through successive ages. It is a personal contract with Messrs. Clarke and Force; it will descend to their representatives; it has taken six years to make one volume; and twenty volumes, even if limited to that, would require, at the same rate, one hundred and twenty years to complete the work. So slow is the forthcoming work, that we have been told on this floor—told by Mr. KING of Georgia, who began the good work of opposing this business—that he was well informed that a member had sold his interest in the whole Documentary History, for which we pay a million or so, for ten dollars in hand.

Mr. B. then took the ground that the whole contract ought to be set aside, for fraud: first, in the manner of getting it through Congress in a way to prevent all knowledge of the magnitude of the work, and that by an officer of the House; next, for want of moral or constitutional power in the Congress to vote themselves such presents; third, for the manner in which the price was fixed, and fixed nearly twice too much—as he proved, by reading answers to inquiries from the most eminent booksellers of Philadelphia and other cities, addressed to them by a committee of the House of Representatives after the discovery of the extent of the job given to Messrs. Clarke and Force. He read from the report to show that Messrs. Clarke and Force virtually fixed the price themselves by putting it into the face of the law, that they were to have at the same rate that Messrs. Blair and Rives were paid for a certain work, the price of which was fixed by Mr. Force, who was selected by Mr. Clarke and Mr. Lowry for that purpose; Clarke and Force's bill depending in Congress, while Mr. Force, as a referee, was fixing the price of work which was to govern his own.

Mr. B. finished with declaring that this book printing and book disributing business had become an enormous abuse; that the attention of the country ought to be roused up to it; and if the bill for the support of the Government was lost, it would rouse the country, and, in the end, save millions. He had been resisting this business for several years without any effect; but he should go on opposing it, opposing all these jobs, great and small. He had to encounter friends and foes, and to draw on himself censure and opposition. He regretted this, but he could not help it. The abuse must be stopped, and he had taken a fixed and inexorable resolution to try and stop it. He had put on his iron nerves, and should yield to neither friends nor foes. As for the remark that we may hazard the loss of the bill by striking out this appropriation, he considered it idle. Show me the man, said Mr. B. who is willing to stop this Government for the purpose of protecting this abominable fraud—for the purpose of voting to themselves books to be paid for by the people. We had been scared at trifles: it would not be attempted—it dared not be done; but he was ready to put his name opposite to that of any man who was willing to do it.

The question was then taken, and the amendment was agreed to—yeas 20, nays 8, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Cuthbert, Hubbard, King, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Robinson, Sevier, Sturgeon, Tappan, Wall, Williams, and Wright—20.

NAYS—Messrs. Clayton, Davis, Dixon, Knight, Prentiss, Ruggles, Smith of Indiana, and Tallmadge—8.

The other amendments were agreed to, ordered to be engrossed, and the bill ordered to a third reading.

On motion by Mr. WALL, the resolution for printing the laws relating to naturalization was taken up, considered, and agreed to.

M. NORVELL observed that the Senate was at this time very thin, and would not probably be as full as usual this week. He desired, therefore, to give notice, as the subject was an important one, that he should, with the permission of the Senate, call up for consideration the resolution which he had submitted two or three days ago in relation to the imprisonment of William Lyon Mackenzie.

Mr. DAVIS, from the Committee on Commerce, introduced a bill making further provision to prevent the abuse of the flag of the United States, and the use of unauthorized papers in the foreign slave trade, and for other purposes.

Mr. D. alluded to the necessity that existed for an early action on the bill, and gave notice that he would call call it up on to-morrow week.

On motion of Mr. ALLEN, the report submitted by him from the Committee on Commerce in the case of Wm. Jones, was referred to the Committee on Finance.

On motion by Mr. HUBBARD, and with the unanimous consent of the Senate, the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840, was then ordered to be read a third time.

A motion being made that the bill should be read a third time by its title, and no objection being made, it was done accordingly.

The yeas and nays on the passage of the bill being ordered, the vote was taken and resulted as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Hubbard, King, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Prentiss, Robinson, Sevier, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wall, Williams, and Wright—25.

No quorum having voted, the CHAIR announced the fact to the Senate.

Mr. SEVIER said there were a number of Senators present who had not voted; and he moved that the rules of the Senate, which required Senators who were present to vote, should be enforced. The Senator from Rhode Island [Mr. KNIGHT] had not voted.

Mr. KNIGHT said he knew nothing of the contents of the bill on which he was called to vote. It had not been read to the Senate, and he had not heard a word of it.

Mr. SEVIER said the question had been distinctly put to the Senate, whether the bill should be read by its title, and no Senator had objected to that course being taken. The Senator, therefore, by his silence, had given his consent. It was, however, in his power to make himself acquainted with the contents of the bill, by calling for the reading of it at any time.

The bill was then read, and the names of Messrs. KNIGHT and DIXON being called, they voted in the affirmative, and the bill was accordingly passed by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Dixon, Hubbard, King, Knight, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Prentiss, Robinson, Sevier, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wall, Williams, and Wright—27.

NAYS—None.

Mr. HUBBARD submitted the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee be appointed for the purpose of ascertaining and examining into the facts having relation to the claim of Messrs. Clarke and Force for compiling and publishing two volumes of the Documentary History of the Revolution of the United States, under a contract (as they allege) entered into between them and Edward Livingston, late Secretary of State, with a view of putting an end to the further publication of said work at the expense of the United States; and that said committee be instructed to ascertain from said Clarke and Force, and from other sources, what sums shall be paid to indemnify them for what they have already published, under the alleged contract, and what further sum should be paid to them for any actual expense incurred in collecting materials, under said alleged contract; and that said committee be authorized to send for persons and papers, and that they report the facts and the gross amount to both Houses of Congress with as little delay as practicable.

Mr. TAPPAN moved to amend the resolution, by adding the words, "if any thing should be found legally due."

Mr. KING hoped that his friend from Ohio would not press his amendment. He, as every Senator was aware, was utterly opposed to this contract from the beginning; he had refused to receive the volumes which had been sent to him; but he was willing to give the gentlemen concerned in it, not only what they had actually paid out, but to give them a fair compensation for collecting information in relation to the Revolutionary history of the country from Europe and elsewhere. He hoped the resolution would take the widest range, and that a liberal compensation would be made to the publishers for any expense or labor they had already incurred. He should vote for the resolution in its present shape, but he very much doubted if it would do any good if the opinion was expressed that there was no legal obligation on Congress to make any further payments.

Mr. TAPPAN said if there was no legal obligation on Congress, he should not vote for paying any thing. The work commenced in a fraud, and

was carried on by men legislating to get themselves libraries out of the public Treasury. This was a fraud on the Treasury, and these publishers knew it at the time the act was passed, as well as he did. They knew that the Constitution gave members of Congress no right to supply themselves with books at the public expense, and, therefore, in carrying on this work, they did it with their eyes open, at their own risk. If there was any thing due these men in point of law, he was willing to pay for it; but he could not agree to the principle advanced by his friend from Alabama, that they were bound to pay, because there had been a combination to cheat the Government.

Mr. BUCHANAN observed that he was as anxious to get clear of this contract as any other man; but at the same time he was anxious that Congress should get clear of it by doing what he conceived to be justice and equity on their part. Now, it could not be denied, because the recorded evidence was before them, that this contract was entered into with these individuals under an express act of Congress; and it was too late now for them to say, with the honorable Senator from Ohio, that the Congress of the United States had no right to pass such a law. He should not enter into the constitutional question, but it certainly would not be fair, after the expense had been actually incurred by these individuals under the contract, to refuse payment upon the plea, whether well or ill founded, that we had no right to authorize the Secretary of State to make such a contract. In this case he had no doubt that Mr. Livingston altogether misapprehended the extent of the obligation he was incurring, and indeed he presumed that no member of Congress, at the time, had any idea that the contract would ever involve any thing like the amount of expense that they now saw it would. Nevertheless, they had got themselves into the difficulty, and how they were to get out of it was the question? By raising a legal question? No; but by pursuing the course that had been pointed out by the Senator from New Hampshire and the Senator from Alabama.

Let us (continued Mr. B.) pay them fairly—let us give them a just indemnity for the expenses they have incurred and the labor they have performed. He would not go to the extent of the profits they might imagined themselves entitled to, but he was for giving them a fair and even liberal indemnity For his own part he had felt rather inclined, as they would eventually be bound to pay for the two volumes already published and the one now in progress, to let the appropriation pass as it stood in the bill, if such had been the pleasure of the Senate. The work had been done under a law which is still in existence, and it would be in vain for them to say that Congress had no right to pass the law. Mr. B. concluded by saying that he was for paying for what had been done and getting rid of the contract.

Mr. SEVIER would prefer that the resolution should be amended so as to make it a resolution of the Senate simply; and then there would be a chance of doing something in the premises; but even if passed here in its present shape, there would be but little probability of its being acted on by the House.

Mr. HUBBARD said, then the responsibility would rest with that body, but the joint action of the two Houses was necessary to do any thing efficient on this subject.

After some further remarks from Messrs. TAPPAN, SEVIER, and PRENTISS,

The resolution was read a third time, and passed.

On motion of Mr. BROWN, the Senate went into the consideration of Executive business, and then

Adjourned.

IN SENATE,

THURSDAY, May 7, 1840.

Mr. KNIGHT presented the memorial of a number of citizens of the State of Rhode Island, praying the passage of a bankrupt law; which was ordered to lie on the table.

On motion by Mr. DIXON, it was ordered that the memorial of Burrington Anthony, presented on the 4th instant, be referred to the Committee on the Judiciary.

Mr. MERRICK presented a memorial of the corporation of Alexandria, praying an amendment to the charter of that town; [that the Mayor thereof be elected by the people;] which was referred to the Committee on the District of Columbia.

Mr. HUBBARD, from the Committee on Claims, to which was referred

The petition of Richard Harris, and

The petition of Jonathan Nye, asked to be discharged from their further consideration; which was agreed to.

Mr. H. also, from the same committee, to which had been referred the House bill for the relief of R. K. Call, reported in favor of its indefinite postponement. The report was ordered to be printed.

Mr. H. also, from the same committee, to which was referred the memorial of Preston Starrett, reported a bill for his relief; which was read, and ordered to a second reading, and the report was ordered to be printed.

The CHAIR submitted a message from the President of the United States, in compliance in part with a resolution of the Senate in relation to the bonds issued by the Territory of Florida; which was laid on the table, and ordered to be printed.

EXPENSES OF THE GOVERNMENT.

Also, a report from the Secretary of the Treasury, in compliance with a resolution of the Senate of the 24th April, which was as follows:

TREASURY DEPARTMENT,
May 4, 1840.

SIR: I have the honor to submit this report, in compliance with the following resolution, passed by the Senate on the 24th ult.:

"*Resolved*, That the Secretary of the Treasury report to the Senate the aggregate amount of all expenditures or payments of every kind from the Treasury in each year, from 1824 to 1839, inclusive, in one column, and in another column for each year the aggregate amount, independent of the payments on account of the public debt, whether funded or unfunded, and in a third column, the aggregate amount for permanent and ordinary purposes, excluding payments on account of objects either extraordinary or temporary; such as the public debt, trust funds and indemnities, claims of States for war debts or 3 per cents on lands sold, occasional donations in money to objects in the District of Columbia or otherwise, survey of the coast, taking the census, duties refunded, the Exploring expedition, and materials collected for the gradual improvement of the navy, durable public buildings of all kinds, bridges and fortifications, all roads, canals, breakwaters, and improvements in rivers and harbors, arming militia and forts, all pensions except those to invalids, and the purchases of title to lands from Indians, the removal of Indians, and their wars, with such other payments as may have been made in those years for property lost or injuries committed during any hostilities."

The resolution was on the same day referred to the Register of the Treasury, with instructions to prepare a tabular statement, containing the information desired in three separate columns. It is hereto annexed, marked A.

He was requested, also, to prepare another statement, showing the specific sum which had been deducted each year on account of each item mentioned in the resolution as either extraordinary or temporary.

Believing that this would be highly useful, as showing the details on which the general results in the third column of the first statement rest, and as embracing many statistical facts, possessing in themselves much interest, I have annexed it, marked B.

Unless some accidental omission or other error has occurred, these two statements will present all the information desired by the resolution.

With high respect,
LEVI WOODBURY,
Secretary of the Treasury.

To Hon. RICH. M. JOHNSON,
Vice President of the United States, and
President of the Senate.

A.

STATEMENT of expenditures of the United States from the year 1824 to the year 1839, inclusive, agreeably to a resolution of the Senate of the 24th of April, 1840.

Years.	Aggregate amount of all expenditures, or payments of every kind, from the Treasury.	Aggregate amount independent of the payments on account of the public debt, whether funded or unfunded.	Aggregate amount for permanent and ordinary purposes, excluding payments on account of objects either extraordinary or temporary.*
1824	$31.898,538 47	$15,330,144 71	$7,107.892 05
1825	23,585,804 72	11,490,459 94	6,537,671 27
1826	24.103.398 46	13,062,316 27	7.058,872 12
1827	22,656,764 04	12,653,095 65	7,427,175 78
1828	25,459.479 52	13,296,041 45	7.786,394 86
1829	25.044,358 40	12,660,460 62	7,503 204 46
1830	24 585.281 55	13,229,533 33	7,624,827 56
1831	30,038,446 12	13,864.067 90	7,679 412 66
1832	34,356,698 06	16,516,388 77	8,562,650 42
1833	24,257,298 49	22.713,755 11	8,827,095 77
1834	24.601,982 44	18.425.417 25	9,667,797 97
1835	17,573,141 56	17,514,950 28	9,157.490 32
1836	30,868,164 04	30,868,164 04	11,688,987 18
1837	37,265,037 15	37,243,214 24	13.098,321 82
1838	39.455,438 35	33,649,718 08	13,837,594 44
1839	37,129,396 80	25,982,797 75	13,525,800 18

*Such as the public debt, trust funds, indemnities, claims of States for war debts, or three per cents on lands sold, occasional donations in money to objects in the District of Columbia, or otherwise, survey of the coast, taking the census, duties refunded, Exploring Expedition, and materials collected for the gradual improvement of the navy, including improvements at navy yards, durable public buildings of all kinds, bridges and fortifications, all roads, canals, breakwaters, and improvements in rivers and harbors, arming militia and forts, all pensions, except those to invalids, and the purchases of title to lands from Indians, (Indian Department,) the removal of Indians and the wars, with such other payments as may have been made in those years for property lost, or injuries committed during any hostilities. None of these years or columns include any thing on account of the Post Office Department.

The expenditures of 1839 are subject to variation, on the settlement of the Treasurer's accounts for that year, which have not yet reached this office.

T. L. SMITH, Register.

TREASURY DEPARTMENT,
Register's Office, May 4, 1840.

B.

STATEMENT of payments on account of objects either extraordinary or temporary, including the public debt, from 1824 to 1839.

	1824.	1825.	1826.	1827.
Public debt	$16,663,383 76	$12,096,344 78	$11,041,082 19	$10,008,668 [illegible]
Trust funds	$4,891,366 56	$993,324 51	$4,297 55	$2,202 64
Indemnities	-	-	9,967 88	411,268 45
Claims of States for war debts	6,510 27	-	154,107 94	118,177 61
Three per cent. on lands sold	47,714 53	185,090 67	37,206 75	27,982 37
Occasional donations in money to objects in Dist. of Columbia	17,000 00	35,960 00	125,469 00	189,230 00
Two per cent. on account of Cumberland road	-	-	-	-
Survey of the coast	4,375 19	1,972 39	1,299 43	4,078 43
Taking the census	-	-	-	-
Duties refunded	-	-	-	-
Exploring Expedition	-	-	-	-
Materials collected for the gradual improvement of the navy (including improvements at navy yards)	423,342 46	712,965 63	1,615,731 41	1,274,786 62
Durable public buildings of all kinds	180,309 67	191,809 42	177,467 63	408,223 32
Bridges and fortifications	429,972 04	762,711 24	756,447 56	633,835 81
Roads, canals, breakwaters, and improvements in rivers and harbors (except Cumberland road)	56,955 99	334,363 02	468,740 02	275,258 14
Arming militia and forts	171,155 43	172,348 09	196,828 64	282,810 59
All pensions, except those of invalids	1,267,608 41	1,506,810 57	1,306,194 82	905,571 30
Purchase of titles to lands from Indians (Indian Dep't)	429,987 90	724,106 44	743,447 83	708,447 36
Removal of Indians and the wars	-	-	-	42,177 53
Such other payments as may have been made for property lost or injuries committed during any hostilities, and other miscellaneous items of an extraordinary or temporary character	296,960 21	173,614 80	389,235 80	71,899 96
	$8,922,252 66	$4,932,788 67	$6,003,444 15	$5,225,919 97

B.—Continued.

	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	1838.	1839.
Public debt:	$12,163,438 07	$12,383,867 78	$11,356,748 22	$16,174,378 22	$17,840,000 29	$1,543,543 38	$6,176,565 19	$58,191 28	-	$21,822 91	$5,605,720 27	$11,146,589 06
Trust funds	$46,217 14	$126,599 41	$3,472 21	$3,413 00	$168,602 29	$24,965 45	$163,739 03	$508,436 93	$1,191,272 94	$1,226,966 74	$1,329,744 80	240,694 18
Indemnities	741,029 40	28,168 78	16,115 09	281 76	2,254 06	679,617 89	15,024 15	31,578 06	225,555 57	4,369,066 32	975,577 09	717,552 27
Claims of States for war debts	7,906 76	2,929 25	36,763 90	421,896 42	780,657 63	289,576 69	157,274 91	50,098 58	55,994 85	70,812 32	107,707 73	4,575 64
Three per cent. on land sold	29,029 82	14,207 87	226,831 82	42,044 16	1,133,039 71	96,201 97	108,649 00	949,144 22	963,963 94	460,542 00	26,884 96	63,670 00
Two per cent. on account of Cumberland road	193,106 36	207,437 64	-	172,406 85	353,684 37	517,187 39	621,045 03	158,675 01	131,244 62	406,734 60	351,977 62	198,630 00
Occasional donations in money to objects in Dist. of Columbia	-	- 34 07	42,000 00	-	382,000 00	313,000 00	117,728 95	34,686 89	36,393 59	235,340 75	177,617 15	126,314 77
Taking the census	1,154 87	-	-	-	14,927 67	19,531 47	30,051 22	-	-	97,900 00	86,837 30	91,996 78
Duties refunded	-	-	-	328,781 14	32,447 86	300 00	111,835 32	4,778 04	1,149 96	333,740 00	454,596 69	12,000 00
Exploring Expedition	-	-	-	-	-	701,760 70	-	-	202,706 08	97,393 92	*161,413 91	179,304 20
Materials collected for the gradual improvement of the navy (including improvements of navy yards)	901,020 02	543,996 97	590,178 10	811,566 44	868,552 47	789,290 72	612,325 04	789,904 37	843,833 14	860,116 34	696,541 09	714,857 74
Durable public buildings of all kinds	302,343 74	278,635 94	240,921 22	266,812 95	226,283 97	641,306 65	660,104 71	776,261 27	868,134 97	1,066,665 33	1,186,561 08	1,348,044 97
Bridges and fortifications	637,564 43	824,279 51	902,660 86	764,713 33	633,199 94	888,284 91	590,271 35	336,373 29	858,513 21	543,644 47	763,570 67	429,972 04
Roads, canals, breakwaters, and improvements in rivers and harbors (except Cumberland road)	375,906 59	1,098,892 97	962,408 49	909,913 31	894,595 62	1,216,314 71	804,606 96	831,257 16	-	1,493,310 42	1,191,802 84	1,000,491 59
	362,189 69	356,421 98	317,210 22	265,062 22	289,565 83	346,600 23	270,400 43	282,147 96	488,661 47	587,118 44	450,121 11	474,306 35
Arming militia and forts	1,137,905 43	1,057,175 06	1,322,079 16	1,235,101 37	1,237,704 73	4,496,383 24	3,269,821 02	1,497,957 67	2,659,889 39	2,471,966 07	1,937,069 10	3,033,764 28
All pensions, except those of invalids	633,973 71	534,301 74	527,074 23	736,592 76	1,066,277 06	1,360,450 95	942,557 25	1,142,371 34	3,109,040 72	2,494,186 20	1,603,518 72	1,708,123 12
Purchase of titles to lands from Indians (Indian Dep't)	71,110,53	26,897 54	56,213 06	191,263 11	767,222 83	1,272,759 57	294,938 70	142,371 34	5,945,613 09	5,534,211 73	6,414,192 75	1,775,914 13
Removal of Indians and the wars												
Such other payments as may have been made for property lost or injuries committed during any hostilities, and other miscellaneous items of an extraordinary or temporary character	117,192 10	61,227 41	327,537 39	144,987 42	573,592 28	215,197 63	163,997 11	95,363 39	470,580 98	313,931 71	402,366 17	232,369 36
	$5,507,646 59	$5,167,256 16	$5,504,705 77	$6,194,655 24	$7,963,736 35	$13,986,659 34	$8,757,619 38	$8,367,459 96	$19,179,176 96	$24,144,892 41	$30,012,193 64	$12,596,997 57

* Obtained from the Fourth Auditor's Office.

T. L. SMITH, Register.

TREASURY DEPARTMENT, Register's Office, May 4, 1840.

On motion of Mr. BENTON, the letter of the Secretary, and the tables, were ordered to be printed.

Mr. B. then rose to make another motion, and that was, to print an extra number of these papers. He proposed to give his reasons for the motion, and for that purpose, asked that the papers should be sent to him, (which was done;) and Mr. B. went on to say that his object was to spread before the country, in an authentic form, the full view of all the Government expenses for a series of years past, going back as far as Mr. Monroe's administration; and thereby enabling every citizen, in every part of the country, to see the actual, the comparative, and the classified expenditures of the Government for the whole period. This proceeding had become necessary, Mr. B. said, from the systematic efforts made for some years past, to impress the country with the belief that the expenditures had increased threefold in the last twelve years—that they had risen from THIRTEEN to THIRTY-NINE millions of dollars; and that this enormous increase was the effect of the extravagance, of the corruption, and of the incompetency of the Administrations which had succeeded that of Mr. Adams and Mr. Monroe. These two latter Administrations were held up as the models of economy; those of Mr. Van Buren and General Jackson were stigmatized as monsters of extravagance; and tables of figures were so arrranged as to give color to the characters attributed to each. These systematic efforts—this reiterated assertion, made on this floor, of *thirteen* millions increased to *thirty-nine*—and the effect which such statements must have upon the minds of those who cannot see the purposes for which the money was expended, appeared to him (Mr. B.) to require some more formal and authentic refutation than any one individual could give—something more imposing than the speech of a solitary member could afford. Familiar with the action of the Government for twenty years past—coming into the Senate in the time of Mr. Monroe—remaining in it ever since—a friend to economy in public and in private life—and closely scrutinizing the expenditures of the Government during the whole time—he (Mr. B.) felt himself to be very able at any time to have risen in his place, and to have exposed the delusion of this *thirteen* and *thirty-nine* million bugbear; and, if he did not do so, it was because, in the first place, he was disinclined to bandy contradictions on the floor of the Senate; and, in the second place, because he relied upon the intelligence of the country to set all right whenever they obtained a view of the facts. This view he had made himself the instrument of procuring, and the Secretary of the Treasury had now presented it. It was ready for the contemplation of the American people; and he could wish every citizen to have the picture in his own hands, that he might contemplate it at his own fireside, and at his full leisure. He could wish every citizen to possess a copy of this report, now received from the Secretary of the Treasury, under the call of the Senate, and printed by its order; he could wish every citizen to possess one of these authentic copies, bearing the *imprimatur* of the American Senate; but that was impossible; and, limiting his action to what was possible, he would propose to print such number of extra copies as would enable some to reach every quarter of the Union. He knew that the report could easily go through the newspapers, (for it was very short,) and he hoped that it would appear in every paper that was a friend to truth and to fair dealing—that wished to give correct information to its readers. He hoped it would appear in all such papers; but that was not sufficient. The newspaper publications were not sufficiently free from cavil to answer his purpose; no publication could be sufficient but the one made by the order of the Senate; and, therefore, he wished the document itself to go forth, with the Senatorial *imprimatur* upon it, in sufficient numbers to reach every quarter of the Union. He wished a large number to be printed; but would not suggest any particular number until he had first given to the Senate some view of the papers themselves, and thus shown them to be worthy of the most ample multiplication, and of the most extensive diffusion.

Mr. B. then opened the tables, and explained their character and contents. The first one (marked A) consisted of three columns, and exhibited the aggregate, and the classified expenditures of the Government from the year 1824 to 1839, inclusive; the second one (marked B) contained the detailed statement of the payments annually made on account of all temporary or extraordinary objects, including the public debt, for the same period. The second table was explanatory of the third column of the first one; and the two, taken together, would enable every citizen to see the actual expenditures, and the comparative expenditures, of the Government for the whole period which he had mentioned.

Mr. B. then examined the actual and the comparative expenses of two of the years, taken from the two contrasted periods referred to, and invoked the attention of the Senate to the results which the comparison would exhibit. He took the first and the last of the years mentioned in the tables—the years 1824 and 1839—and began with the first item in the first column. This showed the aggregate expenditures for every object for the year 1824, to have been $31,898,538 47—very near thirty-two millions of dollars, said Mr. B. and if stated alone, and without explanation, very capable of astonishing the public, of imposing upon the ignorant, and of raising a cry against the dreadful extravagance, the corruption, and the wickedness of Mr. Monroe's administration. Taken by itself, (and indisputably true it is in itself,) and this aggregate of near thirty-two millions is very sufficient to effect all this surprise and indignation in the public mind; but, passing on to the second column to see what were the expenditures, independent of the public debt, and this large aggregate will be found to be reduced more than one half; it sinks to $15,330,144 71. This is a heavy deduction; but it is not all. Passing on to the third column, and it is seen that the actual expenses of the Government for permanent and ordinary objects, independent of the temporary and extraordinary ones, for this same year, were only $7,107,892 05; being less than the one-fourth part of the aggregate of near thirty-two millions. This looks quite reasonable, and goes far towards relieving Mr. Monroe's administration from the imputation to which a view of the aggregate expenditure for the year would have subjected it. But, to make it entirely satisfactory, and to enable every citizen to understand the important point of the Government expenditures—a point on which the citizens of a free and representative Government should be always well informed—to attain this full satisfaction, let us pass on to the second table (marked B) and fix our eyes on its first column, under the year 1824 We shall there find every temporary and extraordinary object, and the amount paid on account of it, the deduction of which reduced an aggregate of near thirty-two millions to a fraction over seven millions. We shall there find the explanation of the difference between the first and third columns. The first item is the sum of $16 568,393 76, paid on account of the principal and interest of the public debt. The second is the sum of $4,891,386 56, paid to merchants for indemnities under the treaty with Spain of 1819, by which we acquired Florida. The third is $5,510 27 paid to States for claims on account of war debts. The fourth is $47,714 53 for the three per centum to the new States on the lands sold within their limits. The fifth is $17,000 on account of the two per centum to the Cumberland road. The fifth is $4,373 19 for the survey of the coast. The sixth is $423,342 46 for collecting materials for the gradual increase of the navy, and the improvement of the navy yards. The seventh is $180,309 67 for durable public buildings. The eighth is $429,972 04 for bridges and fortifications. The ninth is $56,955 99 for roads, canals, and breakwaters, and improvements in rivers and harbors, except the Cumberland road, which was stated by itself. The tenth is $171,155 43 for providing arms for the militia of the United States, and for arming the fortifications. The eleventh is $1,267,600 41, for all pensions,

except those of invalids. The twelfth is $429,987 90 for purchasing land from Indians, and paying for Indian depredations. The thirteenth, and last item, is the sum of $296,960 21 for miscellaneous objects, and for property lost, or injuries committed, during hostilities with any power. The total of all these items, except the public debt, is $8,222,252 66. This total, added to the sum paid on account of the public debt, makes close upon twenty-five millions of dollars; and this, deducted from the aggregate of near thirty-two millions, leaves a fraction over seven millions for the real expenses of the Government—the ordinary and permanent expenses—during the last year of Mr. Monroe's administration. This is certainly a satisfactory result. It exempts the Administration of that period from the imputation of extravagance, which the unexplained exhibition of the aggregate expenditures might have drawn upon it in the minds of uninformed persons. It clears that Administration from all blame. It must be satisfactory to every candid mind. And now let us apply the test of the same examination to some year of the present Administration, now so incontinently charged with ruinous extravagance. Let us see how the same rule will work when applied to the present period; and, for that purpose, let us take the last year in the table, that of 1839. Let others take any year that they please, or as many as they please: I take one, because I only propose to give an example; and I take the last one in the table, because it is the last. Let us proceed with this examination, and see what the results, actual and comparative, will be.

Commencing with the aggregate payments from the Treasury for all objects, Mr. B. said it would be seen at the foot of the first column in the first table, that they amounted to $37,129,396 80; passing to the second column, and it would be seen that this sum was reduced to $25,982,797 75; and passing to the third, and it would be seen that this latter sum was itself reduced to $13,525,800 18; and, referring to the second table, under the year 1839, and it would be seen how this aggregate of thirty-seven millions was reduced to thirteen and a half. It was a great reduction; a reduction of nearly two-thirds from the aggregate amount paid out; and left for the proper expenses of the Government—its ordinary and permanent expenses—an inconceivably small sum for a great nation of seventeen millions of souls, covering an immense extent of territory, and acting a part among the great powers of the world. To trace this reduction—to show the reasons of the difference between the first and the third columns, Mr. B. would follow the same process which he had pursued in explaining the expenditures of the year 1824, and ask for nothing in one case which had not been granted in the other.

1. The first item to be deducted from the thirty-seven million aggregate, was the sum of $11,146,599 05 paid on account of the public debt. He repeated, on account of the public debt; for it was paid in redemption of Treasury notes; and these Treasury notes were so much debt incurred to supply the place of the revenue deposited with the States, in 1836, or shut up in banks during the suspension of 1837, or due from merchants, to whom indulgence had been granted. To supply the place of these unattainable funds, the Government went in debt by issuing Treasury notes; but faithful to the sentiment which abhorred a national debt, it paid off the debt almost as fast as it contracted it. Above eleven millions of this debt was paid in 1839, amounting to almost the one third part of the aggregate expenditure of that year; and thus, nearly the one third part of the sum which is charged upon the Administration as extravagance and corruption, was a mere payment of debt!—a mere payment of Treasury notes which we had issued to supply the place of our misplaced revenue. This item being deducted from the 37 millions, reduces it to 26.

2. The second item to be deducted is stated in the table under the description of trust funds; and consists of moneys received in trust for the Chicasaw Indians, and other Indians, on the sale of their lands, for which the United States act as their agent and treasurer. It amounts to near a quarter of a million, to wit, $240,694 for the year 1839; but for the three preceding years averaged a million and a quarter, and contributed largely to swell the expenditures, as they were termed, of 1836, 1837, and 1838. This item had no existence in the year 1824; so that it becomes a new charge, apparently, upon the Treasury; but in reality no charge at all, as it was only delivering over to Indians the money which had been received for them, and belonged to them. Yet this item, amounting to nearly four millions in the last four years, is set down to the reckless extravagance of a mad and ruinous Administration.

3. The third item to be deducted is the sum of $717,552 27, for indemnities; that is to say, for moneys recovered from foreign nations, under Gen. Jackson's administration, for merchants who had been plundered under previous Administrations—whose money, when received, had gone into our Treasury, and was afterwards paid out to the rightful owners as their respective rights were ascertained. The payment for 1839 was near three quarters of a million; but for the three previous years they amounted in the whole to about five and a half millions; and, according to the accusation of the Opposition gentlemen, constituted so much of the horrid extravagance of those years! and here let us mark the difference between the present times and those of 1824. When, in that year, the sum of near five millions was paid out of the Treasury for indemnities to merchants under the Florida treaty, no one ever thought of making the people believe that it was a part of the expenses of the Government. No one ever thought of injuring the Administration about it. These conceptions have been reserved for the present day. Now, for the first time in the history of our country, or perhaps of any country, the recovery of indemnities from foreigners, and their payment to our own citizens, becomes a dreadful extravagance—a ruinous waste of money—for which a mad and profligate Administration must be thrust from power!

4. The fourth item is a small sum of $4,875 50 for claims of States on account of expenditures for the general benefit during the late war. It was a payment of debt, and not an expense of Government, and though small in 1839, it had been considerable in the three preceding years, amounting in that time to about $230,000; and, of course, swelling by that much the aggregate expenditures of those years, and helping to make up the monstrous extravagance of which the country heard so much.

5. The next item grows out of the three per centum fund to the new States on the amount of the lands sold within their limits. It is due to the States by compact, as a consideration, and a most inadequate one it is, for not taxing the Federal lands. For the year 1839, this item amounted to $63,670; and, being a debt due to the States, is no part of the Government expenses. For the three previous years, when the land sales were at the largest, and when some of the States had neglected for some years to draw their money, the payments on this account amounted to near one and a half millions of dollars; and, of course, swelled to that amount the *extravagance* of 1836, '37, and '38! In the year 1824, this item was only $47,714.

6. The sixth item to be deducted was nearly allied to the former. It was $198,530 for the two per centum on the sales of the public lands to make roads to the new States, and applicable to the Cumberland road. In the year 1824 it was only $17 000; but in the great sales of 1835, '6, and '7, it amounted to near $1,200,000. Here again was a payment of a debt converted into wasteful extravagance!

7. Donations of money to, or payments on account of, the District of Columbia, was the seventh item of deduction which Mr. B. mentioned. It amounted to $126,374 for the year 1839. It was a new item in the list of Government payments, having no existence in 1824, nor until the year 1832. After that time it had been annual, and as high as $313,000 in one year, to wit, 1833, and for the years 1836, '7, and '8, amounted to near $440,000. It was a gratuity to the District, which had no political rights; and it was a gratuity which had no other object than to relieve it from burthens improvidently contracted; yet received the usual character of corrupt extravagance.

8. The survey of the coast was the eighth item which Mr. B. explained. It was a temporary and extraordinary object, which had grown up from a trifle to a large amount within a few years past, and amounted to $91,995 for the year 1839. Previous to General Jackson's administration it rarely exceeded two thousand dollars per annum; for the years 1836–7 and 8, it amounted to about $220,000.

9. Duties refunded to merchants was another of the new and large items which had lately grown up among our Treasury payments. From 1824 to 1832, it was unknown; yet in 1839, it was $179,304; in the year 1833, it was $701,000, and for 1836–7, and 8, it amounted to above $800,000. This was a favor, or an act of justice to merchants, granted by acts of Congress, or by judicial decisions, or by reversal of previous constructions of the laws. It is no part of the Government expenditure, though, being refunded from the Treasury, it goes into the enumeration to swell the general aggregate—to swell the cry of extravagance—and to prove the hostility of the Administration to merchants!

10. A tenth item to be deducted was the sum of $714,857 for collecting materials for the increase of the navy. This was an expenditure for the future defence of the country, and averaged about $800,000 per annum since the commencement of General Jackson's administration, though only $423,000 in 1824. It is clearly no part of the expenses of Government, but an outlay of money for the benefit of after years, and of posterity.

11. Permanent public buildings is another of the large items of recent expenditure. Formerly these buildings were of perishable materials, and sunk under the decay of time, or the ravages of fire; for some years past durable materials had been selected, and fireproof edifices constructed. The expenditure for this purpose in 1839, was $1,248,044, and near the same for the three preceeding years. This again was an expenditure for the benefit of posterity, and not chargeable as an expense upon the actual administrations.

12. The sum of $735,570 for bridges and fortifications, was the twelfth item which Mr. B. pointed out for deduction, being both of them expenditures for the benefit of posterity; the expenditure extraordinary and temporary, but the benefit general and permanent.

13. The sum of $1,491,000 for the improvement of rivers, harbors, and roads, exclusive of the Cumberland road, was another expenditure of the same character. In 1824, it was but $56,955; but took a start then which would have known no bounds had it not been for the Maysville veto.

14. Providing arms for the militia of the States and cannon for the forts is another expenditure for future times and for posterity. It amounted to $474,906 for 1839, and averaged above half a million a year for each of the three preceding years. In 1824, it was but $171,155.

15. Pensions, except those to invalids, was the next item noted by Mr. B. for deduction. They were gratuities from the Treasury, and not an expense of Government. They amounted in 1839 to $3,033,764, being near three times what they were in 1824. They had been an enormous drain upon the Treasury for the last seven years, amounting in 1833 to $4,485,000, and subsequently averaging about half that sum.

16. Purchase of lands from Indians was another large item to be deducted, and which had vastly increased of late. In 1824, this head of expenditure only amounted to $429,987; in 1839 it was $1,708,123; in 1836 was as high as three millions. in 1837, $2,484,000; and in 1838, it was $4,603,518; These were heavy expenditures, incurred for the great object of relieving all the States from the incumbrance of an Indian population; but though heavy, it is not money gone from the Treasury never to return to it. It all returns, and with profit, in the sale of the lands acquired; yet the vast sums paid on this head, is cited against us as ruinous extravagance, for which the Goths should be driven from the Capitol!

17. Removal of Indians and their wars was another item nearly connected with the last, and

subject to the same remarks. It had grown up of late, and was directed to the good of the States. In 1824 it was nothing; in 1839 it was $1,775,914. In the three preceding years it was, respectively, in round numbers, $6,000,000, $6,500,000, and $5,500,000. This is one of the largest heads of increased expenditure in recent years, and one of the most indispensable for the States of the South and West. It is appurtenant to the purchase of the Indian lands; and, although large, yet the sales of the lands will far more than reimburse it.

18. And, finally, Mr. B. noted the sum of $232,369 for miscellaneous objects, not reduceable to a precise head, which swelled the list of expenditures, without belonging to the expenses of the Government.

19. The Exploring Expedition was the last of the items. It was of recent origin, amounting to $97,968 in 1839, and to about $560,000 for the three preceding years.

These are the eighteen heads of extraordinary expenditure, said Mr. B. and the amount expended for each; and now let gentlemen of the Opposition say for which of these they did not vote, to which they now object, and for which they will not vote again at this session?

With this view of the tabular statements Mr. B. closed the examination of the items of expenditure, and stated the results to be a reduction of the 37 million aggregate in 1839, like that of the 32 million aggregate in 1824, to about one-third of its amount. The very first item, that of the payment of public debt in the redemption of Treasury notes, reduced it 11 millions of dollars: it sunk it from 37 millions to 26. The other eighteen items amounted to $12,656,977, and reduced the 26 millions to 13½. Here then is a result which is attained by the same process which applies to the year 1824, and to every other year, and which is right in itself; and which must put to flight and to shame all the attempts to excite the country with this bugbear story of extravagance. In the first place the aggregate expenditures have not increased threefold in fifteen years; they have not risen from 13 to 39 millions, as incontinently asserted by the Opposition; but from 32 millions to 37 or 39. And how have they risen? By paying last year 11 millions for Treasury notes, and more than 12 millions for Indian lands, and wars, removals of Indians, and increase of the army and navy, and other items as enumerated. The result is a residuum of 13½ millions for the real expenses of the Government; a sum 1½ millions short of what gentlemen proclaim would be an economical expenditure. They all say that 15 millions would be an economical expenditure: very well! here is 13½! which is a million and a half short of that mark.

The authentic tables show that the aggregate expenditures for 1824, came within five millions of those of 1839; consequently that, without a deduction for extraordinary expenditures, the charge of extravagance, waste, ruin, profligacy, &c. might have been raised against the Administration of that day, and some uninformed persons excited against it by a groundless clamor; yet no one thought of raising such a clamor in 1824. No one then thought of charging, as extravagance, payments on account of the public debt, and for indemities to merchants, and other extraordinary expenses. Then all parties made the proper deductions for payments either temporary or extraordinary in their nature. No one sought to mystify or to impose upon the ignorant. No one thought of palming a story of thirty-two millions upon the country as the *expenses* of the country. All that has been reserved for the present times; it has been reserved for our day; and may have been attended for a while with the ephemeral success which crowns for a moment the petty arts of delusion practised upon the ignorant. But the day for this delusion has gone by. The classified tables, now presented, will reach every citizen, and will clear up every doubt. They will enable every citizen to see every item of expenditure—to judge it himself—and to demand of the Opposition gentlemen, if they did not vote for it themselves, and if they now object to it? Taking the extraordinary items as they rise, and beginning with the first, the sum of eleven millions paid for redemption of Treasury notes; and it can be demanded if that payment was not right? and so on through the whole list, amounting to twelve and a half millions. The ordinary and permanent expenses, amounting to thirteen and a half millions, no one objects to: all admit that that sum is a million and a half within the mark of meritorious economy. It is on the extraordinaries—it is on the difference between thirteen and a half and thirty-seven millions—that the attack is made; and now we produce these extraordinaries. We give a list of them, item by item, with the amount paid on account of each; and call upon the gentlemen of the Opposition to name the one to which they object? to name the one for which they did not vote? This is what we do; and I will tell you, Mr. President, what they will do: they will not name one item to which they now object, or against which they voted! They will not name one; and the reason is, because they cannot! They voted for all—they approve all—the country will approve all, except part for pensions and harbors, and of these the Opposition were the leading advocates. And thus these gentlemen of the Opposition are presented in the extraordinary light of going abroad to make a general denunciation of the Administration for extravagant expenditure; and when we show them the bill of particulars, and ask of them to point out the extravagant items, or the ones for which they did not vote, *they will remain silent!* They will name no item, because they cannot.

Mr. B. said that this Administration, and that of General Jackson, were ready for a comparison with any that preceded them. Aggregates against aggregates, or items against items, they were ready for the comparison. If any one shall say that the expenses of the Government were thirty seven millions in 1839, or thirty-nine millions in 1838, we answer that this is only five or seven millions more than the aggregate of 1824; that the aggregate was then thirty-two millions, and the increase is only in proportion to the increase of the country. If, descending from aggregates and going into items, it is said that sixteen millions must be deducted from the aggregate of 1824 for payments to the public debt, and eight millions more for indemnities and other extraordinaries, we answer that eleven millions must be deducted from the aggregate of 1839 for redemption of Treasury notes, and twelve and a half millions more for Indian wars, treaties, and removals, and a dozen other extraordinaries. This brings the thirty-seven down to thirteen and a half; and at that point complaint ceases.

Mr. B. said that the tables which were presented treated every Administration alike. Beginning in the last year of Mr. Monroe, they came down through the term of Mr. Adams, and the two terms of General Jackson, and the three years which had elapsed under Mr. Van Buren. All were treated alike. The same rule was applied to the expenditures under each one. The aggregate was given in every case first; and then the extraordinary, separated from the ordinary expenditures, and the same items charged and credited in every case. In looking at the aggregates, it will be seen that every Administration needed this classification; that the aggregate under Mr. Adams's administration was not thirteen millions, as repeated so many millions of times, but about the double of that! and that this thirteen millions for that gentleman's administration was only attained by deducting extraordinaries! by going through the very process which reduces the expenditure under Mr. Van Buren to thirteen and a half millions. The smallest aggregate in the whole table is that of 1835, under Gen. Jackson's administration, when the public debt had ceased, and the Indian wars had not begun. The aggregate for that year is seventeen millions and a half Even including the extraordinaries of that year, and the *aggregate* was but seventeen millions and a half! And so it will be again. As soon as we are done paying the Treasury notes, which are issued in lieu of our misplaced revenue, and so soon as our Indian troubles are over, and the payments completed for removal of Indians, and purchase of their lands, the aggregate expenditures will come down to about what they were in 1835; and the ordinary expenses will be within fifteen millions.

Mr. B. demanded who ever deemed it an expense of the Government, when Mr. Jefferson purchased Louisiana at fifteen millions of dollars? And who could think of charging as an expense the large sums which had been lately paid in extinguishing Indian titles, and in removing Indians? One would as soon think of charging, among the expenses of a family, the outlay which should be made by a prudent and thrifty farmer in purchasing additional land, and inclosing it with fences, or covering it with improvements. The extinction of the Indian titles—the acquisition of their lands for settlement and cultivation—and the removal of the Indians themselves from all the States, was one of the great measures which illustrated General Jackson's administration, and was beneficial both to the Indians and to the States. So great an object could not be effected without a large expenditure of money; and who is there now to stand up and condemn the Administration for this expenditure? Who wants these Indians back? Who wants Georgia, Alabama, Mississippi, and all the other States, again incumbered with the Indians which have left them?

That the expenses of the Government had increased in the last twelve or fifteen years, Mr. B. said was just as certainly true as it was naturally to have been expected. The country itself had increased in that time: several new States had been admitted into the Union, and several new Territories had been created. An additional impetus had been given to the public defences in the increase of the army and navy—wars with several Indian tribes had intervened—vast purchases of Indian lands had been effected—whole tribes, nay, whole nations of Indians, had been removed, and removed to a vast distance, and at a vast expense. This latter expenditure was chiefly for the benefit of the South and West; but where is the man in any quarter of the Union that can stand up and condemn it?

Sir, I admit an increased expenditure; and, far from concealing, I exhibit and proclaim it. I display the items; they are spread out in the statements now under discussion; I point them out to the country. I say they will be found, principally, in the navy—in the army—in the Indian department—in the pensions—in the light-house establishment—in Indian wars—in the defence of the frontiers, North and West—in fortifications—in preparing arms and munitions of war—in the legislative department—in permanent and durable fire proof public buildings—and in assuming the foreign debt, and making other expenditures for the District of Columbia. In these branches of the service will the increases be principally found, and I supported them all except the increase for pensions, harbors, some of the light-houses, and the book printing part of the legislative expenses. I supported all except these: but the gentlemen of the Opposition supported all that I did, and these besides; and now go forth to raise a cry of extravagance!

Mr. B. said the Opposition not only voted for these increased expenditures, but in some instances greatly augmented them This was the case in the Indian expenditures, and especially among the Cherokees. The Opposition sat themselves up for the guardians of these Indians: they seemed to make political alliance with them. The Indians became parties to our politics: the Opposition became allies to them; and the result was double trouble, and double expense, and double delays, and double vexation of every kind with those Indians; until it required a military force to compel them to comply with treaties which gave them millions more than they ought to have received!

The Opposition not only voted for all the increases, and caused some of them to be augmented, but they attempted many enormous expenditures which the Democratic members opposed and prevented. Let any one look to the bills which were rejected, either in the Senate or in the House of Representatives; let any one look to the number of these bills, and the tens of millions, in the aggregate, with which they were freighted, and then say what the expenses would have been if the Opposition had been in power. One of these bills

alone, the French spoliation bill, was for five millions of dollars; others were for vast sums, especially the harbor bills. They were rejected by the votes of Democratic members; and if they had not been—if they had passed—they would have swelled the thirty-seven to near fifty millions; and would have been charged upon us as reckless, wasteful, horrible extravagance.

Mr. B. said that financial statements were a difficult subject to handle—hard for a speaker to understand himself, and harder still to make himself be understood by others. It was a point at which the most unfounded impressions might be made on the public mind—on which the greatest errors might be propagated. Yet it was a point on which correct information should be disseminated—on which every citizen should be informed—which every one should make it his business to understand. Economy should be the cardinal virtue of a free Government, and the whole body of the citizens should be the guardians of that virtue. They should guard the national finances; and for that purpose should understand them. They should know how much money was raised, for what purpose, and how expended. They could not be too jealous of the misapplication of the public moneys; they could not scrutinize too closely the public accounts. Those accounst could not be too often presented to them, nor in a form too simple and obvious. It has been m endeavor, said Mr. B. both in calling for the statements which had just come in from the Treasury, and in what I have said upon them, to present the difficult subject of our finances in a plain, obvious, and intelligible form. My object has been to elucidate, and not to mystify—to enlighten, and not to confuse. I have endeavored to present a full, plain, and authentic statement of the public expenditures; such as every citizen can see and comprehend. Our adversaries present an aggregate—rush at the passions, and endeavor to alarm, or to enrage, the people. I present the particulars, and ask for their deliberate judgment. Sir, I have confidence in the capacity of my countrymen. I have confidence in their capacity for self-government; in their moral and intellectual capacity for governing themselves—for sustaining and carrying on the frame of Government which our ancestors provided for us. I believe that my fellow citizens possess the requisite qualities for self-government—judgment to understand—virtue to choose—and patriotism to sustain—the principles and the measures which are best for themselves. I do not believe in the monarchical idea, that the people are ignorant, venal, factious; that they have no enlightened views of men or measures; that reason, truth, and sound argument, are lost upon them, as pearls thrown to the swine; that the only way to govern them is to bamboozle and debauch them. I believe in none of these monarchical opinions, and have never practised upon them. I have never addressed myself to the supposed ignorance, venality, faction, or caprice of my countrymen, but always to their intelligence, virtue, and patriotism. The *argumentum ad ignorantiam* has had no place in my speeches: the *argumentum ad judicium* has been my aim. I cannot say that I have spoken with judgment; but I can affirm that I have always paid my countrymen the compliment of speaking to their accredited judgment—never to their supposed folly. I have spoken to the rational minds, to the virtuous hearts, and to the lofty, generous, and patriotic feelings of my countrymen; and I am too well content with the effect which this plan of speaking has had, to change it now. Facts, and reasons, are my materials—simplicity my style. Away with exordium—away with peroration—away with holyday phrases—away with theatrical display—away with all figures, but figures of arithmetic; and of these I give many, and never more than in this short speech. This has been my plan of speaking, and this it is now. I have procured plain statements to be made out, and have delivered a plain speech upon them. I have endeavored to make myself intelligible on a subject in which intelligibility is somewhat difficult—on which it is easy for the speaker to get both himself and his hearers into a fog. I have aimed at perspicuity, and flatter myself that I have been understood. I wish the country to judge the expenditures of the Government—the particulars as well as the aggregate—and therefore place the whole before the public. Our adversaries attack the aggregate: Let them examine the particulars, and name the one to which they object, and for which they did not vote!

Mr. B. then appealed to Senators of the Democratic party to name the number of extra copies of the report which they would propose to print, professing himself ready to agree to any number that was satisfactory to his friends.

Mr. HUBBARD proposed thirty thousand.

Mr. BENTON accepted the proposition, and moved that thirty thousand extra copies of the report be printed for the use of the Senate.

This motion gave rise to a very interesting and animated discussion, in which Messrs. BROWN, HUBBARD, CALHOUN, and BUCHANAN, advocated, and Messrs. PRESTON, SOUTHARD, CLAY, of Kentucky, and WEBSTER, opposed the motion, and a sketch of which will be given at an early day.

The question being then on printing thirty thousand extra copies of the report, it was agreed to—yeas 22, nays 14, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lumpkin, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Smigeon, Wall, Williams, and Wright—22.

NAYS—Messrs. Clay of Kentucky, Clayton, Davis, Dixon, Henderson, Knight, Porter, Prentiss, Preston, Ruggles, Southard, Tallmadge, Webster, and White—14.

The Senate then adjorned.

HOUSE OF REPRESENTATIVES,

THURSDAY, May 7, 1840.

Pursuant to adjournment, the House of Representatives re-assembled this day, at 12 o'clock.

The SPEAKER announced the business first in order to be the report of the select committee appointed to investigate the facts relative to the recent breach of privilege on the floor of the House.

Mr. ADAMS reminded the House that this was the day set apart for the consideration of the bill numbered 100, heretofore reported by him from the Committee on Manufactures, entitled "A bill to ensure the more faithful execution of the laws relating to the collection of duties on imports."

Mr. A. said it appeared doubtful whether any use or benefit would arise from the consideration of the report of the select committee on the question of privilege; and, in his opinion, the best way to dispose of it was to get rid of it at once. He moved, therefore, to lay it on the table.

Mr. BRIGGS hoped the gentleman from Massachusetts [Mr. ADAMS] would modify his motion so as to postpone the consideration of the report to a future day.

Mr. ADAMS thereupon moved that the further consideration of the report be postponed until Thursday next; which motion prevailed.

And the further consideration of the report was postponed accordingly.

Mr. ADAMS then moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of proceeding to the consideration of the bill above mentioned; which motion was agreed to.

Mr. ATHERTON intimated that the bill making appropriations for the civil and diplomatic expenses of the Goverment, for the year 1840, had undergone some amendments in the Senate. Two of these were mere amendments of form; the third might give rise to a little debate. He thought, however, that they might all be disposed of in a short space of time, all of them being of such a nature as not to require commitment. He hoped, therefore, that when the bill was sent from the Senate the House would take it up and dispose of the amendments at once.

Mr. ADAMS intimated that one of the amendments was of a character which, at a former session, had given rise to some difference of opinion between the two Houses, the result of which had been the appointment of a Committee of Conference. He would desire that question to be disposed of with a full House. He hoped that the House would go into committee on the bill indicated by him; and, when the House was more full, the amendments in the other bill might be taken up and disposed of.

The suggestions on both sides were acceeded to.

Mr. CAVE JOHNSON, who had for some time past been detained from the House by indisposition, asked that the House, the same cause continuing, would relieve him from further service on the Committee on Military Affairs.

And Mr. J. was excused accordingly.

A message was received from the Senate, by Mr. A. DICKINS, their Secretary, setting forth that the Senate had passed the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840, with certain amendments, in which the concurrence of the House was requested.

On leave given, Mr. CARTER presented certain additional testimony; which was referred to the Committee on Invalid Pensions.

COLLECTION OF DUTIES ON IMPORTS.

On motion of Mr. ADAMS, the House resolved itself into Committee of the Whole on the state of the Union (Mr. BELL of Tennessee in the chair) on the "bill to ensure the more faithful execution of the laws relating to the collection of duties on imports."

Mr. A. asked that, before the reading of the bill, one of the petitions on which it was founded might be read. The sections of the bill were accommodated to the prayer of the petitioners. There were as many as fifty petitions coming from all the manufacturing States of the Union, setting forth the difficulties that existed in the collection of the revenue. The object of the bill was to remedy these inconveniences, and to ensure the collection of the revenue.

One of the petitions was accordingly read by the CLERK.

After which, the bill, having been first read through, was taken up by sections. And the first section being under consideration—

Mr. RHETT said that this bill had been reported some time since, and that there had been laid on the table a number of amendments thereto; say from 15 to 20. If these amendments had covered the objections which he entertained against the bill, he would have had nothing to say, but would have let the sense of the committee be taken upon them, and the bill be passed, if the House so determined.

The CHAIR inquired of the gentleman from South Carolina [Mr. RHETT] whether he proposed to amend the first section of the bill?

Mr. RHETT said he was opposed to the whole bill.

The CHAIR said the gentleman could then state his objections to the bill after the sections had been gone through with in order.

Mr. RHETT moved to recommit the bill to the Committee on Manufactures.

The CHAIR said the motion was not in order.

Mr. RHETT thereupon moved to strike out the enacting clause of the bill. In support of this motion, Mr. R. addressed the committee at considerable length, setting forth the objections he held against the bill, and which, in substance, are as follows:

He said he did not desire to extend protection to those who committed frauds upon the revenue. He wished that a bill should be passed, but he wished it to be such a one as was in conformity to the Constitution of the United States. He did not think that the present bill was so; and, from the number of amendments which the Committee on Manufactures had themselves proposed—none of which, however, embraced the constitutional objections which he entertained, and which were four in number—the bill was evidently in so crude a state as to render it unwise to act upon it in its present form. As, however, the CHAIR had decided that a motion to recommit was not in order, he had substituted for it a motion to strike out the enacting clause.

And the question having been stated to the committee,

Mr. RHETT proceeded. He did not wish to

say any thing which might look like a reflection on the collector of the port of New York; so far as he (Mr. R.) knew any thing of that gentleman, he was worthy of all the confidence which was reposed in him. Nor, he (Mr. R.) hoped, would any gentleman suppose it to be his wish that frauds perpetrated on the revenue should not be suppressed. He would go as far as any man in all proper means to suppress them; for if it was right that laws should exist, it was right, also, that they should be enforced. It was due to the honest and upright merchants of the country that such frauds should be suppressed; and if the bill had not been liable to objections under the Constitution, he should have left it to those who represent the commercial interests, the large commercial cities, in order that they might arrange its details and provisions.

The first objection which he entertained was to the sixth section, (which he asked the CLERK again to read,) and which is as follows:

"Sec. 6. *And be it further enacted*, That it shall be lawful for the collector or appraisers of any port or district to call before him or them, and examine, upon oath, any owner, importer, or consignee, or other person, touching any matter or thing which they may deem material in ascertaining the ownership or true value of any goods, wares, or merchandise, imported or entered, or which may be about to be entered, and to require the production, on oath, to the collector, or to any permanent appraiser, of any letters, accounts, or invoices, in the possession or under the control of such owner, importer, or consignee, relating to the same; for which purpose they are authorized to administer oaths, and to put such interrogatories or questions as such collector or appraisers shall deem proper; and if such owner, importer, or consignee, on being served with personal notice, one day before the time appointed for attending before such collector or appraisers, shall fail to attend, unless prevented by sickness or by the consent of the collector, or, when attending, shall decline to answer such interrogatories or questions put by such collector or appraisers, or shall fail to produce any of the letters, accounts, or invoices before referred to, when and in the manner required by said collector, such merchandise shall be forfeited, and the proceeds thereof distributed according to law. And in case a notice so to appear before any such collector or appraisers shall be served by being left at the usual place of business of such owner, importer, or consignee, and he shall fail to attend in pursuance of such notice, for a period of thirty days, the appraisement or value fixed upon such merchandise by said appraisers shall be final and conclusive in all courts or places, any law or act of Congress to the contrary notwithstanding; and any person, other than such owner, importer, or consignee, who having been so called, on personal notice, shall fail to attend before such collector or appraisers, shall pay one thousand dollars as a forfeiture to the United States, to be recovered as in an action of debt; and any person who shall swear falsely on such examination shall be deemed guilty of perjury, and if he shall be the owner, importer, or consignee, the goods, wares, or merchandise shall be forfeited."

This clause (Mr. R. said) proposed to give the collector power to summon either the importer, owner, consigner, or any other person, touching any matters or things therein enumerated. But it did not end there. If they did not, on personal notice given one day before the time appointed for attendance, the goods were forfeited—the collector (being the informant) to take one half, and the Government the other, (as under the existing law.) Now, his (Mr. R.'s) objection to this was, that it gave to the collector judicial power; that it erected him into a court, by which he was to try whether the goods were fraudulently imported or not—a power under which he could summon witnesses and put parties before him upon oath. He called upon the committee to say in what portion of the United States such power was ever given to any public Executive officer—that he himself, the party interested, should be the judge to call the parties before him, and to condemn them. And there was after trial in the matter, because the section distinctly said:

"And if such owner, importer, or consignee, on being served with personal notice, one day before the time appointed for attending before such collector or appraisers, shall fail to attend, unless prevented by sickness or by the consent of the collector, or, when attending, shall decline to answer such interrogatories or questions put by such collector or appraisers, or shall fail to produce any of the letters, accounts, or invoices, before referred to, when and in the manner required by said collector, such merchandise shall be forfeited, and the proceeds thereof distributed according to law."

Was not this an incongruity with the Constitution of the United States? The amended article of the Constitution [No. 7] declared that "in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." Here the value was not twenty dollars—it might be an unlimited amount. The act of 1799 declared that any officer who would be entitled to a share in the penalty should not, if he acted as a witness, have any portion of it. But in this bill there was no such provision.

Again. This clause compelled the parties to answer on oath before the collector. The fifth amended article of the Constitution of the United States declares that no person "shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law." Here the Constitution declared that a man should not, in a criminal case, be a witness against himself. The gentleman probably might say that it is not a criminal case; yet it was so, because the individual himself was liable to be indicted, imprisoned, and fined. If an individual was called up, he was compelled to answer. How could gentlemen reconcile this provision with our institutions—that a man should be compelled to criminate himself—and that, if he did not answer, his goods, as provided in this bill, should be forfeited? Mr. R. alluded to the ancient law of England, where, in case of an accused party standing mute, a jury were compelled to find the fact; yet, under this bill, without any jury rendering a verdict at all, the forfeiture ensued immediately and irreclaimably; and thus a man's whole estate might be put upon an issue of this kind before the collector.

Mr. R. then alluded to the penalty imposed by this section upon non-attending witnesses; and contended that such a penalty had never been known since the world began. Was it consistent with that article of the amended Constitution which declared that "excessive bail should not be required, nor excessive fines imposed?" Would any man say that this fine was not excessive? Mr. R. commented on that portion of the section which excepts from its penal operation only persons prevented by sickness, or those who were absent by consent of the collector; and expressed his belief that a bill filled with such crudities could not obtain the sanction of the committee.

He maintained the distinction in the Constitution, in relation to trial by jury, to be this: the collector might seize the goods, might dispossess the individuals of them, when there was good ground to suppose crime; but there was the beginning and the end of the power under the Constitution. The question whether there was fraud or not was a question of fact. To go beyond that was to violate that clause of the Constitution which guarantied to every man trial by jury.

Mr. R. then turned the attention of the committee to the 9th section of the bill, which is as follows:

"Sec. 9. *And be it further enacted*, That whenever a suit shall be tried in any court in the United States in which is involved any question of duties on importation of goods, wares, or merchandise, no person having an interest in such question shall be competent as a witness on such trial, unless called to testify by the adverse party."

Mr. R. continued. One of the amendments reported to the bill provided that no person having a *similar* interest with the party to the suit should be a competent witness, unless called by the adverse party. The section as originally reported said any interest at all. The amendment rendered the clause less objectionable than it was; but he still doubted whether it did not interfere with the right of trial by jury. Because, if you altered the testimony that should go to a jury, you certainly affected the trial by jury itself. If you could interfere in one form, you could in another. The principle of the common law was, that no man interested in the *event* of a suit should be a competent witness; but the gentleman from Massachusetts went further, and said if a person had a *similar* interest he should not be competent. The common law, did not exclude such a person—it simply declared that the fact should go to his *credibility* with the jury. The gentleman from Massachusetts, not content with that, would exclude the testimony altogether.

These were grave matters. He (Mr. R.) might be willing to go as far as the furthest, to detect and punish frauds; but he would tell gentlemen that he would not touch the Constitution of the United States for the whole revenue of the Union a million times told over. It was the charter of our liberties and rights; if it could be touched for one purpose, it could for another, and so on until all our liberties might be destroyed.

Mr. R. then called attention to the 11th section, which is as follows:

"SEC. 11. *And be it further enacted*, That when any collector, naval officer, or surveyor, shall have cause to suspect that any goods, wares, or merchandise, in any house, store, or other place, have been imported into the United States without any duties having been paid or secured to be paid thereon, or less duties having been paid thereon, through the fraud of the importer or importers, or any person or persons acting on their behalf, than they are by law subject to pay, then, in every such case, it shall and may be lawful for the judge of the district court at the district in which such goods may be found, on application, under oath, of said collector, naval officer, or surveyor, to issue a warrant authorizing such collector, naval officer, or surveyor, with such assistants as may be necessary, to enter any such house, store, or other place, in the daytime only, and there to search for such goods, wares, or merchandise; and if any such goods, wares, or merchandise, be found in the hands or possession of the original importer or importers thereof, or any other person or persons who purchased or received the same, knowing them to have been illegally imported without payment of the duties required by law, to seize and secure the same for trial; and all such goods, wares, or merchandise, on which no duties have been paid or secured, or on which, through the fraud of the importer or importers, or any person or persons acting on their behalf, less duties have been paid or secured, than they are by law subject to pay, shall be forfeited; and such collector, naval officer, or surveyor, may, at the time of making such seizure, call on such importer or importers to produce and exhibit the original invoices of said goods, wares, or merchandise, or copies thereof; and a refusal to produce the same shall be considered *prima facie* evidence of an illegal importation of such goods, wares, or merchandise."

Mr. R. continued. This section gave the power of search—a power most jealously guarded by our ancestors—for they knew it was liable to abuse. The 4th article of the amendments to the Constitution declared that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Now, could not the gentleman have put the Constitution into this clause, if he meant it to apply? Mr. R. contrasted this provision with the provisions of the act of '99.

One would have supposed that five or six objections were enough; but there were other objections, though probably not so great. Mr. R. then alluded to that part of the tenth section, which, in addition to other things, imposed civil disability on public officers found aiding and abetting the commission of frauds. If the Constitution was now

making, he said, he might be willing to say that any man convicted of a criminal offence in the courts of our country should not hold office; but, by the Constitution of the United States, the qualifications of President and Members of Congress are fixed.

In the last clause of the 12th amended article, it was declared that "no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States." What was the meaning of constitutional eligibility? Could Congress superadd to the Constitution of the United States, save by two-thirds? Could it superadd a disqualification which the Constitution did not contain? Suppose Mr. Swartwout had returned from Europe—suppose that the laws of the United States had rendered his acts felony, and that he had been tried, convicted, and punished; suppose the people should think proper to elect him Vice President, or even President; would the gentleman's law, if passed by Congress, hinder Swartwout from taking his seat? No, he would hold up the Constitution and say, this designates my eligibility, your law is a nullity; and so would every tribunal in the land declare. He (Mr. R) contended that this was not a constitutional provision, unless the Constitution declared the inability.

Mr. R. after urging one or two more objections, not of a constitutional character, said that he opposed the bill because it gave improper power to the Executive arm of this country—a power given in no other country.* If such enormous power were required to collect duties, it would be infinitely better that this whole system should be abandoned. He believed the great fault of the Constitution was, that it gave the Government this power of indirect taxation by duties. He believed we never should have proper and effectual responsibility in the Government, until we came back to a system of direct taxation. Whenever that time came, we should find no cause to complain of Executive abuses in the expenditure of the public money.

Mr. ADAMS obtained the floor, but at the suggestion of Mr. ATHERTON, yielded it; when, on motion of the latter gentleman, the committee rose, and the SPEAKER of the House having resumed the chair, the Chairman of the committee reported that said committee had considered the bill, and come to no resolution thereon.

On motion of Mr. ATHERTON, the House took up the bill making appropriations for the civil and diplomatic expenses of Government, to consider the amendments made to that bill by the Senate.

The two first, which were merely formal, were concurred in. The third amendment proposed to strike out the item appropriating 45,000 dollars for the Documentary History of the American Revolution.

Mr. ATHERTON moved that the House concur with the Senate in the amendment; and he went into a long and critical examination of the contract and the law under which it had been made, and urged the concurrence of the House in the amendment, with a view to have an inquiry instituted into all the circumstances of the case, so that the House might act understandingly. He disapproved of the manner of the distribution. If the work was to be progressed with, he was understood to be in favor of its distribution to public libraries of the country, instead of the members of the Twenty-fourth, Twenty-fifth, and Twenty sixth Congresses, as provided for in the resolution, authorizing the distribution. There was no provision for extending the distribution to the present or future Congresses. He was understood to say that, by the terms of the contract, the publishers were unlimited as to the size of the volumes. There had been no person appointed by the Government to superintend the publication; but that the contractors had the authority to go on and publish all the newspapers published in the country at that time. He maintained that the proper course would be for the House to concur in the amendment of the Senate, and have a committee of inquiry to investigate the nature of the contract; and to enable such a committee to come to a correct conclusion, it would be necessary to examine many and voluminous documents. There was not then sufficient time afforded to make an examination, such as would justify the House in voting for the appropriation in this bill. They shou'd vote understandingly when they do vote; but the exigency which calls for immediate action on the bill, could not afford sufficient time to bring them to a proper understanding of the subject. It was not his intention to do injustice to the contractors; but was willing to give them the benefits of the contract, so far as it was understandingly entered into, and acted upon. He thought a committee of inquiry, to ascertain whether the prices were conformable to the resolution, and whether the contract was legal, was right, and proper. He was understood to say, that by a letter of the Secretary of State, it would appear that a saving of $200,000 might be effected on the publication, by an investigation of the matter. Notwithstanding the number of volumes was limited to twenty, which was estimated to cost about $500,000, yet there was no limitation to the number of pages in the volume, and they might be increased to such an extent as could make the work cost $1,000,000. He did not believe that the members of Congress who voted to authorize the contract believed that they were voting for the distribution of a million of dollars, in books, among themselves, and their successors. He then read a report of the Committe of Ways and Means, at a former Congress, showing that the prices paid were not in conformity to the act of Congress. He then read the act on which the prices were based, and a brief history of the proceedings of Congress in relation thereto, in proof of his position.

Mr. EVANS spoke in reply, referring to former discussions in the House on this subject, and contending that Congress was bound by the contract, and must fulfil it. He considered the objections advanced by Mr. ATHERTON as involving the integrity of Congress and the capacity and knowledge of the late Mr. Livingston, (with whom the contract was made,) and repelled with warmth the charge that Messrs. Clark and Force had been guilty of any fraud or impropriety whatever. He went into a recapitulation of the whole matter from the beginning: insisted that the contractors had fully complied with their engagement; stated that the work had been printed, and delivered, and received at the Departments; and remonstrated with earnestness against the proposed refusal to appropriate money to pay for it. He had no objection to a committee of inquiry, if gentlemen thought it expedient; but, in the mean time, there was no reason why the sum now justly due should not be appropriated. He quoted the opinions of Mr. Livingston on the work, and scouted the idea advanced by Mr. ATHERTON that it was useless, and would never be read. He adverted to the vast expense incurred by other nations in illustrating their past history, and the honors and profits conferred on those who collected and preserved the monuments of that history for posterity. The present work was limited in its extent, was worth more by far than all its cost; and would be an invaluable contribution to the libraries of our public literary and political institutions.

Mr. E. said that it was at the instance of the Secretary of State that Messrs. Clarke and Force memorialized Congress. They sent in, accompanying this memorial, the correspondence between the Secretary and themselves, directing the matter as minutely as it could be. They then stated to Congress that the work was of such magnitude, so large and expensive, that it could never be undertaken by private individuals. They gave Congress proper warning, and yet gentlemen came forward to make an impression that these gentlemen had used some deception. They even memorialized Congress to appoint a board of superintendence. The subject was before Congress two years; and the members were properly informed before the resolution authorizing the contract was passed. Congress then saw fit to pass a law authorizing the Secretary of State to make a contract on the basis of the memorial. The contract was drawn up by that Secretary without consultation with the contractors, and submitted to them. They refused to sign it on the ground that the price per volume was not sufficient. The contract was then placed in the hands of the Attorney General. He decided that the law was ambiguous, so far as it related to the price to be paid, which was to be based on the price paid for the first volume of the Diplomatic Correspondence. There being two works differing in the price, the Attorney General decided that the safest way was for the Secretary to take the work for which the smallest price was paid per volume, as a basis. These gentlemen refused to enter into the contract, believing it should be based on the highest price; and the Secretary, who felt great and praiseworthy interest in the matter that the work should be published, actually solicited them to enter into the contract as drawn up by him; and after some assurances, not on paper, they agreed to do so.

Mr. E. said the contractors had actually delivered two volumes of this work, and another was nearly finished, and would be delivered shortly. They were actually suffering for the money now due them; and if it was to be withheld for the possible contingency of a modification of the contract, it would be doing them crying injustice; and he remonstrated against the cruelty, injustice, and oppression of attempting to coerce the industrious and enterprising contractors for this work, by keeping them out of their just dues, until they might, from embarrassments, be induced to relinquish their contract. They had already expended $106,000 paid out, and mostly now due, and for which they were now daily called upon to meet, and the Government had as yet paid them but $25,000. These gentlemen have been in every State of the Union, and in England, collecting materials for this work; and have had a great number of clerks transcribing important documents in all those places, and have actually collected an immense quantity for future volumes. The amount now proposed to be appropriated would not compensate them for the outlay they have made for this purpose alone. It would be ruinous to them to withhold the money. He then adverted to the past practice of Government in paying persons to supervise and edit works, under the patronage of Congress; but that these gentlemen do not get a cent for their immense labor of this kind. The copy of other works referred to was furnished to the printer in proper order to print; but these gentlemen are compelled to prepare the matter themselves, and thus to that extent lessen the profits on the work. They actually receive nothing for the expenditure for the labor of clerks, and for their editorial labors.

In reply to the arguments advanced for the discontinuance of the work, to indemnify the contractors, he said it would cost almost as much to justly compensate them, as it would do to go through with the contract. Mr. E. said so far as the validity of the contract was concerned, that the Secretary of State did make a detailed report, which was referred to the Committee on Finance; and that that committee made a report, and declared that it was a valid and binding contract, based on law, and that the publishers had performed their part of the contract.

Mr. E. then adverted to the fairness with which the contractors had acted in their efforts and solicitations to prevail on Congress to appoint a board to which they wished the whole matter to be submitted for investigation—and their anxiety for Congress to authorize a proper person to supervise and select the matter for publication. Yet Congress did not choose to do so. They have literally fulfilled their part of the contract which was made by the Secretary of State under the direction of the Attorney General; yet gentlemen complained that all was not right in the contract—that there was some deception. They actually warned you of the magnitude of the work, and urged upon you to superintend its publication, and you neglected to do so. On your part, then, there could be no just cause of complaint.

Mr. E said he would agree to any proposition to limit, or supervise, or examine the matter; but the expense had been incurred for these three volumes, and they had been delivered, and should be paid for, without reference to the future action of Con-

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BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

ERRATA.—Several transpositions occur in No. 23, page 360, of the Congressional Globe. The words, "Mr. ALBERT SMITH said he understood the gentleman from North Carolina to infer that this Mr. Washington was a," in the second column, seventh line, should have been placed in the first column, thirty-third line, after the word "discovered," so as to read, "Mr. Washington was a clerk in the Land Office," &c. In the first column, seventy-ninth line, in Mr. RAMSEY's remarks, after the words, "There were also charges intimated against a high and worthy," the words, "officer of the Treasury," &c. which were misplaced in the ninth line of the second column, should have been inserted down to the words "Vice Presidency."

Continued from No. 24.

gress, or future limitations. He then read Mr. Livingston's opinion of the great advantages of the work to the present generation and to posterity. It would afford the means to prevent them from losing sight of the cause from which the Government originated, and the principles on which it is founded.

Mr. E. considered this work of more importance than any work published in the English language. It would stand as a permanent memorial of the past. He maintained that the distribution of these books to members, to be carried into every Congressional district in the country, was the best mode to dispose of them. He regared the work of incalculable value, and prized it highly; and the more that was gathered of the memorials of the past the better; and hoped if materials of the proper kind would justify, that the work would be extended to forty volumes. The price of the work (twenty volumes) he maintained, would not cost more than $408,000 instead of a million as stated by the gentleman from New Hampshire. All who received the work should be proud of it. He rejoiced that he had lent his aid for its publication, and hoped that some other work would yet be started to preserve more of the memorials of the past. If the appropriation was not made in this bill, he could see no other mode in which the subject could be reached. It was nothing more than common honesty that they should pay the contractors for the books delivered. He concluded by saying that the work was an honor to the country, to Congress, to the Secretary of State, and to the contractors themselves; and he rejoiced in lending his efforts to its continuance and completion.

Mr. SALTONSTALL followed on the same side, insisting on the sacred obligation of an acknowledged contract, and the duty of the Government to comply with it, and dwelling on the peculiar advantage of this Republic over other nations, in its being able thus to secure the original monuments of its history. He went into an enumeration of the subjects to be embraced in the work, insisting on its great value, and the impossibility of its publication unless under Governmental patronage.

Mr. PETRIKIN expressed his willingness to investigate the matter at another time, and on a proper occasion, but could not consent to have the appropriation bill delayed by a debate on this amendment, and thereby stop the wheels of Government. He therefore moved the previous question on the motion to concur.

Mr. HUBBARD moved a call of the House.

Mr. BARNARD moved to adjourn, on which motion Mr. PETRIKIN demanded the yeas and nays.

The motion to adjourn was then withdrawn.

The question then recurring on the motion for a call of the House, the yeas and nays were ordered, and being taken, were—yeas 50, nays 50. The CHAIR voted in the affirmative. So the call was ordered; and, after another ineffectual motion to adjourn, was proceeded in until 132 members answered to their names.

On motion of Mr. L. BOYD, all further proceedings in the call were suspended.

The question then recurring on Mr. PETRIKIN's call for the previous question, it was then seconded, and the main question ordered to be put.

And on the main question, "Shall the amendment of the Senate be concurred in?" Mr. PROFFIT demanded the yeas and nays, which were ordered, and were—yeas 73, nays 48, as follows:

YEAS—Messrs. H. J. Anderson, Atherton, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Carr, Clifford, Coles, M. A. Cooper, W R. Cooper, Crabb, Dana, Davee, John Davis, John W. Davis, Deberry, Doan, Dromgoole, Earl, Eastman, Ely, Fine, Floyd, Fornance, Galbraith, Griffin, Hammond, Hawkins, Hill of N. C., Hopkins, Howard, Hubbard, Jameson, Cave Johnson, Keim, Leadbetter, Leonard, Lewis, Lowell, McClellan, McKay, Mallory, Marchand, Medill, Miller, Samuel W. Morris, Parmenter, Parris, Petrikin, Ramsey, Rhett, Edward Rogers, Shaw, Albert Smith, John Smith, Starkweather, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Vanderpoel, Vroom, David D. Wagener, Weller, Jared W. Williams, Henry Williams, and Lewis Williams—75.

NAYS—Messrs. Adams, John W. Allen, Barnard, Bond, Briggs, Brockway, Anson Brown, Calhoun, Carter, Curtis, Cushing, Dawson, Dennis, Evans, Everett, Fillmore, Giddings, Goggin, Granger, Habersham, William S. Hastings, Henry, Hoffman, Hunt, Wm. Cost Johnson, Lincoln, Marvin, Mitchell, Monroe, Morgan, Ogle, Osborne, Proffit, Randall, Randolph, Rayner, Russell, Saltonstall, Simonton, Waddy Thompson, Tillinghast, Toland, Underwood, Warren, Edward D. White, John White, Joseph L. Williams, and Wise—45.

So the amendment was concurred in.

Mr. HUBBARD moved a call of the House.

Mr. PETRIKIN demanded the yeas and nays; which were ordered.

Mr. BARNARD moved to adjourn; but the House refused the motion.

The question was then put on calling the House, and decided as follows—yeas 50, nays 50.

There being a tie,

The CHAIR voted in the affirmative; so a call was ordered. The House was then called. 109 gentlemen responded to their names; the absentees were called; 132 then answered; and the doors of the House being closed, the call proceeded.

Mr. BOYD moved to suspend the call, and the motion prevailed. So the doors were opened, and the call suspended.

The question recurring on Mr. PETRIKIN's call for the previous question, it was seconded, put, and carried; and the main question being on concurring with the Senate in their proposed amendment of the appropriation bill, (striking out the appropriation for Clarke and Force's Documentary History of the United States,) it was decided by yeas and nays as follows: yeas 73, nays 48.

So the House concurred in the Senate's amendment, and this important and much desired bill now waits only for the President's signature to become a law.

Mr. W. COST JOHNSON presented a request of the Convention on National Education, now met in this city, for the use of the hall on Saturday evening next; which was granted.

The bill to prevent frauds in the collection of the revenue was made the special order for to-morrow.

The House then adjourned.

IN SENATE,

FRIDAY, May 8, 1840.

The CHAIR submitted a memorial from citizens of New York, praying for the release from imprisonment of W. L. Mackenzie; which was ordered to be transmitted to the President of the United State.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported a bill for the relief of Enoch Hidden; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred House bill for the relief of Ebenezer A. Lester, recommended its indefinite postponement; and the report was ordered to be printed.

Mr. H. also from the same committee, to which was referred House bill for the relief of Ebenezer Lobdell, made a favorable report thereon; which was ordered to be printed.

Mr. H. from the same committee, asked to be discharged from the further consideration of the petition of Ebenezer Lilley; which was agreed to.

Mr. PIERCE, from the Committee on Pensions, to which were referred

The petition of James Vanosten and

The petition of Lewis H. Harper;

made unfavorable reports thereon; which were ordered to be printed.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the report of the Secretary of War in relation to a general system of national defence, reported it back to the Senate, with a recommendation that it be printed; which was agreed to.

Mr. B. from the same committee, asked to be discharged from the further consideration of the resolution instructing them to inquire into the propriety of dispensing with the annual appropriation for defraying the expenses of the Board of Visiters to West Point Military Academy; which was agreed to.

Mr. PRESTON submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing experiments to be made upon the application of steam vessels to harbor defence.

The Senate then adjourned till Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 8, 1840.

Almost immediately after the reading of the journal, the House, on motion of Mr. ADAMS, went again into Committee of the Whole, (Mr. BELL in the chair,) on the bill "to ensure the more faithful execution of the laws relating to the collection of duties on imports."

And the question being on a motion of Mr. RHETT of South Carolina, to strike out the enacting clause of the bill—

Mr. ADAMS resisted that motion, and contended that if there were defects in the bill, they ought to be amended, but that the bill itself, being for an important and a legitimate object ought not to be destroyed. He noticed, incidentally, some of Mr. RHETT's general objections; reserving those which applied to particular sections of the bill, until those sections should be reached in the regular course of the discussion.

Mr. A. then proposed that before taking any question on the motion of Mr. RHETT, which went to destroy the bill, it should be read by sections for amendment.

Mr. DAVIS of Indiana inquired whether the bill had been reported with the unanimous consent of the Committe on Manufactures.

Mr. ADAMS replied that no objections has been made in committee; though, of course, the members of the committee might, possibly, have different views as to some of its details.

Mr. DAVIS of Indiana wished to ask the gentleman from Massachusetts whether the bill, in its present shape, had been reported by the unanimous consent of the committee.

Mr. ADAMS replied that the bill had, after being drawn up with the assistance of the United States District Attorney and Collector of New York, been reported without opposition from any member of the committee; he presumed, however, with the understanding that each member of the committee would be at liberty to offer such amendments to the bill as he might deem proper.

Mr. DAVIS said his object in asking the question was to ascertain if certain defects existed in the bill which were alleged to exist by the editor of the New York Express. From the article in that paper, it would appear that the bill gave the Collector of New York unlimited power, and rendered an importer who should refuse to answer any question, of whatever nature, liable to the payment of a fine, or the forfeiture of his goods.

With a view of illustrating his meaning, Mr. D. read the following extract from the New York Express:

"IMPORTANT TO IMPORTERS.

"A bill has been reported to the House of Representatives at Washington, entiled a *"Bill to ensure the more faithful execution of the laws relating to the collection of duties or imposts.* The title is decidedly a misnomer. It should read, as an act to clothe the Collector of the port of New York with unlimited power over the merchants. A brief abstract of the provisions of the bill will show the justice of this opinion.

"If the collector asks a voter where he was at the last election, or how he intends to vote at the next election, or any other question, and he declines answering, his goods are forfeited.

"But this section enacts further, that if the appraisement shall be fifteen per cent. above the invoice, it shall be *prima facie* evidence (only!) of fraud. The reason of this absurdly ridiculous section is to be accounted for in Mr. Woodbury's wish to blind the public.

"SECTION 10. Would seem to be borrowed from Mr. Wright's 'bill to keep the keeper.' It makes it highly penal for any C. H. officer to be corrupt," &c. !!

SECTION 14. That the SPOILS shall be distributed as usual to the collector, &c."

His object in rising was to ask the gentleman from Massachusetts whether these defects did really exist.

Mr. ADAMS said he had not seen the number of the Express which contained the article in question; but he had read several New York papers in which were articles of a similar character. All he had to say was, that these Yorkshire traders understood very well how to fill the newspapers with denunciations against laws which were calculated to detect their frauds. That system was understood perfectly well by these defrauders of our revenue. Such was no more than was to be expected from such men, who scruple at no means whatever to gain their ends; and it was no wonder that they should fill the newspapers with invective against the custom-house officers.

But, in reply to the gentleman from Indiana, he would say

that the object of this bill was to *diminish* the profits of the collector, and, so far from increasing the "spoils," as was alleged, the operation of the bill would be to *reduce* the fees and emoluments of the collector, by preventing the frauds from which those emoluments arose.

Mr. ADAMS said that the New York papers abounded with similar articles, and also with some on the other side. It was easy to understand that those interested in the evils to be corrected by the bill could find ways and means of filling the papers with articles intended to create a prejudice against it.

Mr. SERGEANT next rose and recapitulated the entire course of previous legislation with a view to enforce the collection of duties, and made an argument to show that the bill ought not be destroyed, but perfected, as some further provision to effect its purpose was greatly needed. He admitted, however, that the best of all provisions would be to appoint competent and faithful officers to execute the revenue laws.

Mr. TILLINGHAST replied to the inquiry of Mr. DAVIS, stating that the members of the Committee on Manufactures had all concurred in the principles of the bill, though they did not all perfectly agree as to some of its details. He added a few words in reply to Mr. RHETT's objections to the bill.

Mr. RHETT responded, and Mr. TILLINGHAST rejoined and further explained.

Mr. RHETT then went into some general remarks in favor of free trade and a low tariff. He argued that a system of direct taxation would be the most just mode of taxing the people; it would afford them the means of knowing how much money they paid to the support of the Government, and would prevent profligacy and extravagance in the expenditures of Government. He contended that that mode would be the only sure preventive against frauds; and on the other hand, that the higher the tariff, the greater was the inducement to commit frauds; in fact, that the indirect mode of taxation by tariff was productive of many evils, and had a peculiar tendency to engender immorality. He concluded by withdrawing his motion to strike out the enacting clause of the bill, and in lieu thereof moved that the committee rise and report the bill to the House, with the understanding that it should then be recommitted to the Committee on Manufactures, to be by them remodelled.

Mr. SERGEANT, although not approving every feature in the bill, opposed the motion, thinking it better now to discuss any amendments which should be proposed.

Mr. ADAMS also opposed the motion to rise. If the committee were to remodel the bill, let them first hear all the objections to it. As to those advanced by the gentleman from South Carolina, if there were none more formidable, he should not think of making any alteretion in the bill.

Mr. RHETT then put his motion in this form: That the committee rise with a view to a motion that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill, and that it be recommitted to the Committee on Manufactures.

Mr. ADAMS expressed an earnest hope that the motion would not be agreed to.

The question was then taken on the motion to rise, and the vote stood—ayes 21, noes 62.

So the committee refused to rise, but no quorum voted.

And the committee then rose, and the chairman reported to the House that the committee found itself without a quorum.

Mr. ADAMS moved a call of the House, which motion having prevailed,

The CLERK called the roll, and ninety members answered to their names.

And the names of the absentees having been called over, 107 members appeared to be present. The doors of the hall were then closed. Several excuses were received. After which a quorum being present, all further proceedings on the call were, on motion of Mr. ADAMS, suspended.

And the House again went into committee, and proceeded, section by section, to the consideration of the bill.

A number of amendments, none of them eliciting any discussion beyond mere explanations, except as hereinafter mentioned, were proposed and agreed to; but as it is impossible for them to be understood without inserting the provisions of the bill itself, they are reserved fo a future occasion.

A motion was made by Mr. RHETT to strike out the 7th section; which motion was negatived.

Mr. CURTIS moved to strike from the 9th section the words which provide for the exemption of the United States from any stipulation as to costs.

This amendment gave rise to same debate, and the question was not taken when, on motion of Mr. HABERSHAM, the committee rose and reported progress.

Mr. ADAMS moved to make the bill the special order for to-morrow; on which motion no quorum voted.

Whereupon, the House adjourned.

[The debate on the above bill was of an interesting character, and of such a nature that nothing less than a full report would do justice to the gentlemen who participated in it. A full report will be given hereafter.]

HOUSE OF REPRESENTATIVES,

SATURDAY, May 9, 1840.

On leave given, Mr. ANDREWS of Kentucky presented a memorial, which was appropriately referred.

EXECUTION OF THE REVENUE LAWS.

Mr. ADAMS asked that the House would, by general consent, resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill "to ensure the more faithful execution of the laws relating to the collection of duties on imports."

Mr. HABERSHAM said that when he moved that the committee rise last evening, he had stated that he did so because he considered that the bill involved principles which required the serious consideration and reflection of the committee and of the House.

The SPEAKER reminded the gentleman that debate was not in order.

Mr. HABERSHAM said he was not going into a debate.

The SPEAKER inquired whether the gentleman objected to the proposition of Mr. ADAMS?

Mr. H. said he did.

Mr. ADAMS thereupon moved a suspension of the rule; on which motion the yeas having been announced as 69—

Mr. HABERSHAM said that, as it appeared to be the sense of the House that the bill should be taken up, he would withdraw his objection.

The House then resolved itself into Committee of the Whole, [Mr. BELL in the chair,] and resumed the consideration of the bill to ensure the more faithful execution of the laws relating to the collection of duties on imports.

The question pending when the committee rose on yesterday, was on the motion of Mr. CURTIS to strike from the 8th section of the bill the words in said section in italics.

SEC 8 *And be it further enacted*, That in all cases when a commission shall be sued out on the part of any claimant to goods seized by any officer of the revenue, to take the testimony of witnesses living in a foreign country, it shall be lawful for the District Attorney of the United States, when such proceedings are had in behalf of the United States, to nominate one commissioner to execute said commission, *without being compelled to give or enter into any stipulation in reference to the costs thereof, any rule or order of any court to the contrary notwithstanding.*

[The effect of this amendment would be to make the United States liable for costs of the commission to take testimony that might be sued out on the part of any claimant to goods seized.]

The question was taken on the motion to strike out, and it was rejected.

Mr. EVERETT moved to amend the 8th section, by adding the words in italics in the clause below, viz:

"And if, in the execution of such commission, it shall appear that any witnesses, called to testify before such commissioners on the part of said claimant or claimants, on his examination under such commission, shall have refused *without just cause* to produce any books, accounts, or paper writings, called for on the part of the United States, the testimony of such witness or witnesses shall not be read on the trial of the cause of such seizure."

Mr. PETRIKIN wished to know who was to be the judge of what was a just cause.

Mr. EVERETT explained; after which the question being taken on the amendment, it was agreed to.

Mr. EVERETT moved further to amend the 8th section by inserting the words, "papers which shall be called for on the part of the United States."

Messrs. ADAMS, TILLINGHAST, CLIFFORD, and FILLMORE were of opinion that the former amendment just agreed to, superseded the necessity of the latter.

The question then being taken, the amendment was rejected.

And the 9th section of the bill having been then read in the words following, to wit:

"Sec. 9. *And be it further enacted*, That whenever a suit shall be tried in any court in the United States in which is involved any question of duties on importations of goods, wares, or merchandise, no person having an interest in such question shall be competent as a witness on such trial, unless called to testify by the adverse party."

Which said section the Committee on Manufactures had heretofore moved to amend by striking out all after the word "enacted," and inserting the following:

"That whenever a suit against any collector or other officer of the customs for the seizure of goods, wares, or merchandise unlawfully imported into the United States, or forfeited for the unlawful entry of the same, shall be tried by any court of the United States, in which suit is involved any question of duties on importations of goods, wares, or merchandise, no person having the same interest with that of the party to the suit in the question at issue shall be competent as a witness on such trial, unles called to testify by the adverse party."

Mr. ADAMS explained that the object of the amendment was to prohibit, in future, the practice of one importer or underwriter being permitted to testify on the trial of another. Mr. A. said it was usual for perhaps ten or twelve importers to be sued at once, and yet such was the present practice, that each one was allowed to testify in the case of the other. He cited various legal authorities that this course was in direct violation of the common law.

Mr. A. said that this section had been altered from that proposed in the draft by the Collector of the Customs of New York and the District Attorney there. It limited the variation from the law of evidence as practised by the courts, very much beyond the proposition contained in the official bill. This was one of the features of the bill to which the gentleman from South Carolina [Mr. RHETT] had taken exception the other day; and it was also one to which he (Mr. A.) had anticipated there might be much objection, inasmuch as it had some tendency to limit the competency of witnesses on the part of the parties charged. He would ask, in the first place, that the explanations of the collector in relation to this section might be read.

Mr. HOFFMAN had no doubt that the Government was defrauded out of millions of revenue by foreign importers. He argued that however anxious he was that the Government should be protected against frauds committed by this outward enemy, he did not consider that that enemy was so powerful that they should do away with the principles of the common law to detect and overthrow it. He knew that it was to the interest of the honest importer that a bill in some shape should be passed; but he contended that, by the section under consideration in its present shape, the honest man would be sacrificed to detect the dishonest. It treated all as if they were dishonest, which he considered was wrong in principle. The powers given in this section to the collector subverted in fact the trial by jury. He wished that collector to be armed with ample power to punish dishonest importers, but was opposed to subverting the principles of the common law, and do injustice thereby to the innocent for the purpose of detecting and punishing the guilty.

Mr. PETRIKIN said it might be thought by some, because he did not come from a district in which there was a seaport, that he should take no part in the discussion on the bill, but he thought it the duty of Representatives from all parts of the country to make an effort to protect the revenues. This section of all others was the more necessary, and with which he was satisfied. He thought that it was high time that Congress should legislate on this subject, to prevent and put a stop to innovation by the judges and the courts on the rights of the Government and the citizen, by giving wrong construction to the laws. Speculation has become now so universal as even to corrupt the courts and the judges. Lawyers seemed to be startled at this suggestion. They need not be, for judges are, like other men, liable to be operated upon by the same causes which influence the actions of other men. The judges of the United States Court are irresponsible. They have changed the law by their decisions to such an extent that it is impossible to tell what the law is. You may say to-day what it is, but it is impossible to say what it will be to-morrow, or a month hence. The common law is one thing to-day, but to-morrow it will be another. If he understood common law, it was just and universal in its operation—the same in one section of the country as in the other. But was it so? No. The courts give one decision in New York, and the courts in Philadelphia give another and entirely different one, under the same law. It was then high time to decide what was to be the law of evidence. It was high time that the tax payers—men not living in the cities—men in every part of the country—should come forward, and pass such acts as would effectually guard the revenues of the country, and protect the honest merchant and the manufacturer against the gross injustice done them, through fraud on the revenue, by these foreign importers. We are told that the bill would do injustice to innocent men. He denied it. There was no man who was not, in a greater or less degree, influenced by his own interests. Merchants and judges are no better than other men. They are all liable to be swerved from the strict rules of morality, when their interests at stake are large, and when the inducements to frauds are great. He hoped the lawyers here from New York and elsewhere would not be so touchy. He looked upon the bill as carrying out the good maxim of equal and exact justice to all. He hoped the section of the bill would be passed—it was of all others the most important, and without it the bill would be of no effect; fraud could be committed with impunity.

Mr. RHETT was opposed to the amendment. He said that on the same principle a son might be prohibited from giving evidence in favor of his father, and *vice versa*; hence both were interested by the ties of nature. He contended that the amendment, if adopted, would be a violation of the Constituiion, and the first principles of common law, and that if the principle was sacrificed in one instance, it might be done in all others. Perhaps gentlemen would like the collector to have arbitrary power, and dispense with the trial by jury altogether. But so long as there was trial by jury, the Government must bow to the majesty of the people. The more the Government could be checked, the better it would be for the people. He would never lend his aid to arm the Government against the people.

Mr. BRIGGS did not see how the question of trial by jury was involved in this matter. He did not see that it was proposed to interfere in this great constitutional right. He could not perceive that this section of the bill contemplated interference with any great constitutional principle. It was merely a question of evidence or law in relation to the admission of evidence of certain individuals. By the common law proper, a man who was interested in a cause could not be admitted as evidence. But one innovation had followed another, so that the strict rule had, in a measure, been departed from. But he must confess that, with all his deference to the universality of the practice, he was at a loss to see its wisdom. He could not say much for the verdict in favor of a man whose suit should be determined on the testimony of another man, interested in the individual question.

In this case, the evidence was not so much in relation to matters of fact as to matters of opinion, which, he conceived, render it very doubtful as to whether the testimony of interested persons should be received. The object of this bill was to prevent frauds on the revenue, and he saw nothing in it calculated to do the least injustice to upright men. Its object was to punish those of an opposite character, and, for his part, he cared not how much they might suffer. In questions of property, he did not see the propriety of allowing individuals to testify who were themselves interested. And although this innovation of law had been tolerated, he should vote for the section with the proviso.

Mr. TILLINGHAST thought if any legislation was had on the subject, so as to alter the laws of evidence, then such alteration should be general, and made to apply not only to cases between certain individuals and the Government, but also to cases where individuals themselves were concerned.

Mr. BARNARD objected to the amendment. He considered it objectionable to the section itself. He cited many cases from English law books to show that the common law of the country did not disqualify a man to give evidence in cases where he was interested in the question involved. He would never consent to entertain a proposition, which sought to establish one rule in cases in which the Government was concerned, and which did not apply to all other cases. He wished the door thrown open wide in relation to the admission of evidence, and if there was any thing which distinguished the present day in the advances made in the system of jurisprudence, it was the fact that every sound lawyer was desirous that the laws of evidence should be relaxed.

Mr. LINCOLN was opposed to the proviso. He saw no reason why a particular rule of evidence should be adopted in cases where the Government was concerned, and which would not apply to individuals. Was property, he would ask, more valuable than life? Then on what what ground could they seek to establish a law of evidence in relation to the revenue, which could not be admitted when the right and life a citizen were concerned.

He was of the same opinion as the gentleman from New York, [Mr. BARNARD,] that the common law of England did not exclude the testimony of a witness, merely because he might have an interest in the question involved. He had always understood the common law of England was a law of liberty, which guarded the property, life, and liberty of the subject, and he would be very sorry for the introduction of any partial legislation which should contravene the usage of former years.

He was extremely desirous that the revenue laws should be strictly enforced, not only for the prevention of fraud, but for the protection of the great manufacturing interest of the country, of which he was partly an humble representative. But, however great might be the advantage to the country by an increase of the revenue, he could not consent to sacrifice or violate any great principle of civil liberty, in accomplishing it. He feared the proposed amendment would, if adopted, leave the honest man, in many cases, without the means of protection. There was so much apparent danger in it, that it would require stronger arguments that had been hitherto urged, to reconcile him to it.

Mr. SERGEANT spoke at some length in opposition to this section of the bill. He had not so much objection to the modification proposed by the gentleman from Massachusetts, as he had to the section as originally reported. He argued that the section was disrespectful to the trial by jury. It would be, in effect, saying that a jury could not be trusted. He examined into the powers of the collector under existing laws, and was understood to contend that in this particular question at issue, he had ample power. The effect of the section would be that if the collector had made several improper seizures, the parties affected by the seizure would be excluded from testifying in either of the cases. He contended that the common law did not

exclude a man from giving testimony in a question in which he was interested. In reply to the remarks of Mr. PETRIKIN, a to the irregularity of the decisions under the common law, he contended that no judge ever altered the common law, or had the power to do it. There was no judge with hardihood enough to do it. He also argued that there was no tribunal in this country where a man is excluded from giving testimony in a question in which he was interested. It was a settled principle in the common law of this land, that he may give testimony. There was a well established and universal rule of evidence; and there was no reason that there should be an exception in this case, by a departure from that rule.

Mr. VANDERPOEL looked upon this section as the most vital portion of the bill. It had been agreed by all that there were very great evils existing, and that it was necessary Congress should interpose some remedy. He believed this portion of the bill was necessary to secure an efficient remedy for the evils. Under that impression, he would vote for the section and the proviso added by the gentleman from Massachusetts.

It struck him that all these learned disquisitions on the comparative merits of the common and civil law, were entirely uncalled for. All that was necessary to determine was, first, what is the law of the land as at present administered; and, second, is it expedient that we shall change that law?

It had been agreed on all hands that the law, as at present administered, is, that when a witness is interested in the *event* of a suit, that alone disqualified him; and that an interest in the *question* only did not disqualify him.

The section now under consideration proposes that an interest in the question shall be considered a disqualification, as well as an interest in the event of the suit.

He had listened with very great attention to what the gentleman from Massachusetts [Mr. LINCOLN] and the two gentlemen from New York [Messrs. BARNARD and FILLMORE] had said, but he had heard nothing to satisfy him that, by adopting this section, we should do any violence to any great principle of liberty. It was his firm conviction that, by the adoption of this section, we should do a great deal more good than mischief. Under that belief he would vote for the section and amendment.

These frauds, as was observed by the gentleman from Massachusetts, [Mr. ADAMS,] have grown up into a system of stupendous magnitude; and the question now is whether we shall admit testimony *particeps criminis*.

Why, suppose thirty or forty suits were brought against the collector; what mischief might not arise by preconcerted action with these villains who combine together for defrauding the revenue!

But, says the gentleman from New York, the collector may thus prosecute an innocent man, who is prohibited under the section from availing himself of the testimony of individuals engaged in the business. This could scarcely ever occur, where an innocent man could be endangered. It was next to impossible for injury to result to an innocent man. There were in the city of New York five hundred or a thousand respectable merchants who could have no interest in the question, whose testimony might be taken. Or if it were necessary, a commission might be established and the necessary facts procured by sending to England, the place from whence the goods came.

It was hardly to be presumed that an honest man could suffer under the provisions of this bill, as there were so many means of proving his innocence. It would be just as hard for an innocent man to suffer, as it would be for a false witness to persist in a lie before a court.

He had heard a great deal said about the danger of change. His experience in legislation had long since convinced him that the profession of which he was an humble member, were so much attached to ancient usages that they were strongly averse to change. Their partiality to the rules of their ancestors was so great as to render them insensible, to a great degree, to the necessity of any departure from them.

The principle of common law required that for a witness to be disqualified, he must have an interest in the event of the suit.

But the great mischief arising from this was, that, with this restriction only, a strong inducement to perjury was held out, and a strong temptation existed for these foreign villains to coalesce in defrauding the revenue. God forbid that his attachment to the common law should be such as to prevent him from voting for a change in particular cases, when it was so much needed.

This great system of defrauding the revenue has increased to a fearful extent, and is leading from fraud to perjury; and yet gentlemen get up and tell us about the dangers of any change. But I would remind those gentlemen that it may be necessary to make changes in favor of Government, when it may not be necessary to make a change in relation to individuals.

The Government has great and formidable interests, of a magnitude far exceeding any case where individuals may be concerned; and these interests are more liable to be endangered under the application of particular principles than those of individuals. Yet we fold our arms and say there shall be no change. Why gentlemen talked about not violating the rule, and yet it had been violated already. In suits in which Government was concerned, did it ever pay any costs? Was there not in that case a departure from the rule already? Yet gentlemen say it is dangerous to apply different rules to the Government and individuals. Why, in this case, did not the rule apply to the one as well as to the other?

Mr. V. then went on to show that for a very long period, the question as to what constituted an interest, so as to disqualify a witness, had been unsettled by the court.

But gentlemen in their speeches upon the common law, seemed to have lost sight of one of its greatest excellences. They appeared to have forgotten its malleability—its capacity for varying and changing, so as to accommodate itself to the various interests and circumstances of society.

Here a new interest had arisen by this system of fraud, by this combination of villains to defraud our revenue; and yet gentlemen say we have no right to vary the rules of our common law so as to meet the emergency.

It was competent for a legislative body to create new crimes, (that was technically,) and it was also competent to say what testimony should be taken to prove those offences. Here was a long bill providing penalties for new offences, and was it not competent for Congress to state in what manner these offences shall be proved?

The arguments of gentlemen against a change in the common law, were, some of them, very plausible, and, at first view, appeared very sound; but when they came to be examined by the standard of common sense, it was evident that much more mischief would result from a refusal to adopt this section, than by the retention of the law as at present administered in the courts. Let gentlemen weigh it in the scales, and balance the account.

The gentleman from Pennsylvania contends that the withholding of this interested evidence would be a disrespect to the jury, who would be anxious to have all the evidence. The arguments of that gentleman, he was constrained to say, appeared to him more specious than sound. So far as his experience had taught him, he would say with no disrespect to the juror, that if in a trial he were to have his choice, he would much rather take his chance with the individual than with Government. For the least knowledge of human nature would show, that in cases of trial between the Government and an individual, the sympathy of a juror was excited most powerfully in favor of the weakest party. And a combination of those rogues who defraud the Union, in addition to this sympathy, would be in many cases sufficient to defeat justice. As the juror on the one hand observed the United States, like a fat goose, and a few isolated individuals on the other, it could be very easily guessed on which side he would lean.

Mr. V. concluded by stating, that after examining the bill, he had come to the conclusion that the section in question was the most vital portion of it, and without which, it would be perfectly nugatory.

Mr. MONROE had no doubt that honest merchants were injured by frauds on the revenue, because those who committed the frauds were able to undersell the honest importer at every point. Mr. M. would go any length to have a law passed to enforce the collection of the revenue, but could not take the bill as it now was. He would not consent to this section in any shape, because he believed it infringed the rights of citizens; and was of opinion that a bill could be framed to answer the purpose designed. Mr. M. expressed the hope that the bill would be sent back to the Committee on Manufactures, so that it might mature a bill that would be acceptable to the House. He would rather that all the revenues of the Government should be lost than that this section of the bill should be passed.

The question was further debated by Messrs. MONROE, UNDERWOOD, CURTIS, ADAMS, HOFFMAN, and CRAIG,

When, the question being on striking out the section under debate in the original bill, except the first line, and inserting the amendment, it was carried without a count.

Mr. RHETT then moved to strike out the entire section as amended.

And the question being put, the ayes were 49, the noes 69.

No quorum having voted, a motion was made that the committee rise—on which the ayes were 21, the noes 85.

There still being no quorum,

The committee rose and reported that fact to the House, which thereupon, at 6 o'clock, adjourned.

IN SENATE,

MONDAY, May 11, 1840.

Mr. ALLEN presented the petition of Thomas Watkins, praying compensation for losses incurred during the late war; which was referred to the Committee on Claims.

Mr. A. also presented a memorial from citizens of Ohio, praying that the salaries of clerks in the employment of the Government may be reduced; which was referred to the Committee on Finance.

Mr. A. also presented the memorial of citizens of Georgetown, D. C. praying that Congress may take measures to compel the banks of the District to fulfil their obligations by a resumption of specie payments; which was read, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WRIGHT presented the memorial of the Chamber of Commerce of the city of New York, remonstrating against the repeal of the law for the licensing of pilots; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. STURGEON presented the memorial of citizens of Harrisburg, Pa. praying for the imposition of a duty on foreign silk, which was referred to the Committee on Finance.

WILLIAM LYON MACKENZIE.

The resolution submitted some days since by Mr. NORVELL, requesting the President of the United States to pardon William Lyon Mackenzie, coming up for consideration,

Mr. NORVELL said it gave him much pleasure to state that the President had already exercised the pardoning power in relation to Mr. Mackenzie, and this would supersede the necessity of further action on the resolution. He therefore moved to lay it the table, which was agreed to.

The joint resolution authorizing the printing of the laws relative to naturalization, was read a third time, and passed.

ORDERS OF THE DAY.

The bill to authorize the Legislature of the State of Arkansas to sell the lands heretofore appropriated for the use of schools in that State;

The bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under three several treaties between the United States and certain foreign powers, which awards have been retained in the Treasury in payment of debts due to the United States;

The bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th June, 1834;

The bill for the relief of the Plumb Island Bridge and Turnpike Company;

The bill for the relief of Samuel Collins; and

The bill to grant to the States and incorporated companies engaged in the construction of roads and canals, the right of way through the public lands of the United States;

were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill for the relief of Hannah Leighton was taken up, and after a very interesting discussion, in which Messrs. PIERCE, KING, WEBSTER, CRITTENDEN, WRIGHT, CALHOUN, BENTON, DIXON, BUCHANAN, HUBBARD, ALLEN, and PRESTON, took part, was ordered to be engrossed—yeas 31, noes 9.

The CHAIR submitted a message from the President of the United States, transmitting a report from the Secretary of the Treasury, in compliance with a resolution of the 29th December, in relation to the sale or exchange of Treasury drafts for bank paper, by disbursing officers of the Government.

Mr. BENTON believed that that message was in answer to a call of the Senate, adopted on his motion in December last. He would thank the Secretary to send him the papers. In December last he read in his place here a letter from a gentleman of this District, who was a disbursing agent of the Government, and who had been sent to the Southwest to make large Indian payments.

Mr. WEBSTER begged pardon for interrupting the gentleman; but if the message and documents were to be the subject of remarks, it would be better to have them read

Mr. BENTON. Very good, sir! I mean to make them the subject of remarks, beyond all question. With the leave of the Senate, I will certainly do so.

The papers were then read.

Mr. BENTON continued. The circumstances, he said, under which the call was made that led to these answers in part, was a statement given to him in writing by a citizen of this District, then largely employed as a disbursing agent of the Government. He would read over this statement again, premising that part of what this gentleman stated had been nearly witnessed by himself last summer in the Southwest.

Mr. B. here read the statement, as follows:

"Memorandum of matters relating to the circulation of the United States Bank notes, which came under my own observation while acting as disbursing agent of the Government in the Cherokee country.

"Sometime in the spring of the year 1838, two gentlemen arrived at the Cherokee Agency, (one of whose names I think was Roberts, the other not remembered,) to whom I was introduced. They were said to be agents of the U. S. Bank, whose business appeared to be to exchange the notes of that bank for Treasury drafts, or drafts from the paymasters and disbursing agents on the Government. They did make exchanges to a considerable extent, but to what amount I cannot say. They had, I understood, in their possession a large amount of the notes of the bank, and that they, after leaving the agency, went to Little Rock, Arkansas, on business of a similar character. One of the contractors (now in Washington) for furnishing subsistence to the emigrant Indians West, yesterday told me that an agent of the United States Bank had been at Little Rock, and that he, together with his partners, negotiated a loan with him for $150,000, payable in six months, which, he added, would soon be due."

"In the *summer* of the same year, I was called upon by Maj. Chas. J. Nourse, of this city, to know if I had any Treasury drafts that I wished cashed, stating that he had *old notes* of the Bank of the United States that he would give me in exchange. I replied that I had some drafts on New York and other places, which, if he would give me notes of the *U. States Bank of Pennsylvania*, I would enter into the arrangement, but that otherwise I would not, as I conceived the issue of these notes wrong, and contrary to law, and would not make myself an accessory to the wrong, by circulating them. He observed that the other agents had made no objection to receiving them, and strongly urged my taking them likewise. Finding I was not to be persuaded, we finally made an exchange, he giving me the notes of the Pennsylvania Bank. The *old notes* were generally of small denomination—tens, twenties; the new notes were mostly of like sums, with some fifties and hundreds. The twenties and hundreds, of the new issue, appeared to have been struck off for post notes, made payable to order, with the word *"order" erased*, and *"John Ross or bearer" inserted*. To all appearances Mr. Nourse had a very large amount with him—I think he said, of both kinds, something like *a half million* of dollars. He also said he thought he should go to Arkansas to endeavor to make exchanges there.

"WASHINGTON, August 20, 1839."

Mr. BENTON observed that the first effort here developed was to push off on the writer the old dead notes of the Bank of the United States; and, that failing, they then push on him the notes of the new Bank of the United States of Pennsylvania, which was soon after to close its doors. The contractor who was referred to, and who was then in Washington, stated that the agent of this Bank had been to Little Rock, in Arkansas, and that he and his partners had negotiated a loan with him of 150,000 dollars of these notes, which would soon be due. "The old notes were generally of small denominations,—tens and twenties—and the new notes were mostly of like sums, with some fifties and hundreds." "The twenties and hundreds of the new issue appeared to have been struck off for post notes, made payable to order, with the word order erased, and John Ross, or bearer, inserted." The Senator from Arkansas, as well as himself, was familiar with these notes; all had heard of the Ross notes. "Mr. Nourse had a very large amount with him. I think he said, of both kinds, something like half a million of dollars."

It was upon this statement, given to me by a citizen of Georgetown, one of the most respectable persons in that place—and obliged to be respectable, otherwise he would not have been trusted by the War Department with the large disbursements he was employed to make for the Government—that his resolution, which had just been read to the Senate, was founded. He had, however, a good deal of knowledge of his own on the subject. He had himself been in the Southwest, and he there found that the old dead notes of the Bank of the United States were in extensive circulation, and had been put off on the agents of the Government in the manner stated by this gentleman. He was present in one of our land offices where a citizen came in and offered some of these notes, which were refused by the Receiver. The citizen then expressed great indignation against the Government for putting out notes which it would not take in payment. The contractor's agent, he said, had paid them to him, and they consequently came from the Government. Besides this, it came to his knowledge, Mr. B. said, that in this city of Washington, there was a Treasury draft on the Bank of Missouri, for $90,000, that was sold by one of the disbursing agents of the Government to the agent of the Bank of the United States, and the notes of that institution taken in pay. The person who sold it went off to pay our troops on the Southwestern frontier, and before he had been twenty-four hours out of the city, the news came that the Bank had closed its doors, and the notes therefore were but as so much chaff in the hands of the agent, and to be paid out as Government currency. There was much evidence in his possession. (Mr. B. said) to prove the fact that the Bank of the United States was in the habit of sending out its agents all over the country, pursuing the disbursing agents of the Government, for the purpose of getting their specie drafts, and putting off on them their illegal or depreciated notes, and that of both kinds—the old dead notes which it was made penal by law to circulate, as well as the notes of the new institution, which was about to stop payment. In the Southwest particularly, this game was carried on, and there was good evidence that it was continued at this time.

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*These contractors were Glasgow and Harris of Missouri.

It appeared from the statements just read by the Secretary that a great many of the officers of Government, much to their credit, refused to have any thing to do with these notes. The Post Office Department had classified the returns of its officers, and arranged them in a table under three distinct heads in separate columns. The first class consisted of those who had refused to sell or exchange drafts, and to receive these notes at all. The second, of those who had, in some instances, received them; and the third class (a pretty good list of names too) consisted of those who refused to answer at all. They took the stand of the old Bank of the United States in this matter: they would not answer. Here he was pleased to say that the greatest part of the Government agents answered in the negative; but there were others whose answers were not so satisfactory; and here, (said Mr. B.) alluding to the answer of Mr. Gilliss of the Fourth Auditor's office, is an instance where the draft of the Government was sold for these notes three months after the Bank had stopped payment, and paid out as the currency of the Government. The information which he had received, also showed that a person by the name of Roberts was now in the Southwest with immense packages of the Bank of the United States notes; and he had also learned that this person had obtained a list of the Treasury drafts issued here to disbursing agents in the Southwest, and was pursuing the officers of the Government all over the West to purchase these drafts out of their hands. This was the amount of his information, and it was not to be disputed. There was pretty good proof of it here. The Bank of the United States had gone upon this system of making the Government the circulator of her notes—even the old dead ones—and of making them the currency of the Federal Government; and further, to put out both the notes of the old Bank, which it is an offence, under the act of Congress, to circulate, as well as the notes of the new Bank, both before and after it had stopped payment. There was one strong case presented in the statement he had read, and that was that there was a hundred and fifty thousand dollars of these notes sent as far as Arkansas, there to be loaned to a single company of contractors to purchase cattle in the West. It was bad enough, in all conscience, for a bank to lend her notes at her counter, when she was going to stop payment; but to send them out to a distance, for the same purpose, was carrying the matter a little further than he had imagined these institutions would venture to do.

While these things were going on at a distance, the same thing was done a little nearer; say within 100 miles. From the information given him by a citizen, it appeared that a specie draft was sold for paper, and that the difference, which was thirteen hundred dollars, the agent had passed to the credit of the Government. If the agent had received this thirteen hundred dollars, and credited the United States with it, what was it but holding so much from the public creditors? The United States has paid thirteen hundred dollars less than the public creditors were entitled to. The information added, that the Administration lost ground very much by collecting good money and paying out depreciated paper; and in particular it was used as an argument, that the Government could not get along without a Bank of the United States. He, himself, had had it thrown up to him last summer, in the West, that the notes of the Bank of the United States were the best currency; that they were received, every where, by the officers of the Government, and paid out by them. Mr. B. said he thought it was due to the subject to bring it before Congress. He thought it due to the whole question to make an authentic exposition of the fact that the Bank of the United States was systematically sending her agents through the country, carrying her notes along with them; that is, first, the old dead notes, which the law made it penal to circulate; and, secondly, the new notes of the Bank, before and since it had stopped payment; which they put off on the agents of the Government, in as many cases as possible, for their specie drafts; and he farther wished to expose the fact, that this Bank was systematically pursuing the same course at this very time. One of the answers that had been given to the call, made upon his resolution, showed that in this city, almost in the presence of the Government, the Government drafts were sold for the notes of this bank three months after it had stopped. It was no wonder then that the cry was raised of one currency for the office holders, and another for the people.

Mr. B. said he should, for the present, only ask for the printing of these papers. What course it would be proper to take with them, would be a matter of consideration when all the answers came in. One course that which naturally suggested itself, was to refer them to the President of the United States, whose duty it was to see that the officers under him did their duty, in order that the proper remedy might be applied. Whether the Senate would adopt any legislative action or not, would be for them to decide when the proper time arrived. At present he only asked for the printing of the papers.

Mr. WEBSTER said, if he understood the drift of the charge, it was that certain disbursing officers had received specie or specie funds to pay the creditors of the Government, had exchanged these funds for depreciated bank paper, and paid out the depreciated paper to those who were entitled to receive specie or its equivalent. If this was a fact, it was a singular comment on the present state of the currency; and if persons in the employment of the Government had conducted themselves in this manner, instead of denouncing the banks for endeavoring to get specie or Government drafts for their depreciated paper, we should inquire into the conduct of our disbursing agents, over whom we have some control, and see if their conduct has been perfectly correct in the premises.

Mr. SEVIER observed that there was one case only presented in the papers just read to the Senate, which made it necessary for him to say any thing in relation to the subject under consideration, and that was the case of the $90,000 draft, sold last summer by Col. Rector. Now, he had received a letter from this disbursing officer, when the call was made last summer, and the facts of the case were these: When this gentleman was here last summer, the Bank of the United States was paying specie for its notes, and every body believed that the paper of that Bank was as good as specie. Under these circumstances, he got the permission of Col. Towson himself, predicated upon the request of the officers who were to be paid by him, to exchange the draft received from the Government for United States Bank notes. It was true, as the Senator from Missouri said, that, after he got these notes the Bank stopped payment; but he made the exchange while the Bank was a specie paying bank, and got the permission of the Paymaster General and the Secretary of War for it. Now with regard to Roberts: The contractors seem to have obtained a loan from Roberts himself, as they had a right to do, and he received his pay from them after the appropriation passed. It was true that Roberts was out in the Southwest exchanging bank notes for specie and Government drafts, and, whether the notes were good or bad, those who took them were the best judge; but the Government was no ways to blame for this, as those who made the exchanges had an undoubted right to do so.

Mr. BENTON remarked that the Senator from Arkansas had entirely mistaken his whole movement. He very seldom advanced to individuals at all, and had no intention of doing so on the present occasion. There was no person more careful in mentioning the names of individuals, or more cautious of calling any body before the Senate, than himself; and in every thing he said, he thought he was careful to avoid names not before the Senate. With respect to the $90,000 draft, he made a special statement that, on the 7th day of October, 1839, the agent of the Bank of the United States bought it from the disbursing officer of the Government, and that, on the 8th or 9th day of the same month, the Bank stopped. Yes, on the very instant of their stopping, $90,000 of their notes had been put off on an officer of the Government, who was on his way to the West, where they were disbursed as *Government currency*. On the 18th day of October, this $90,000 was rolled out of the bank at St. Louis, shipped to Philadelphia, from whence it went to London, while its dishonored notes were paid out by our officers. That was one case out of many others, and he had no doubt but the answers that were yet to come in would present others equally as strong. This was a case in which depreciated paper was put off on a Government officer, drawing from us, in place of it, our hard money, and thus authorizing the enemies of the Administration to say that it had failed to pay specie for its engagements, and adopted the United States Bank notes. How failed? Because the Bank was enabled, by sending out its agents, to get the specie from the Government officers, and send it to London. That was the reason why the Government failed in the instances he had cited, and he was now able to prove it. The Bank agents were carrying millions of her paper through the country, getting specie drafts for it out of hands of the agents and officers of the Government, and drawing the specie for them, which was immediately shipped to London. Those facts would be brought out and proved in such a way that it would be impossible to deny them.

There was no person, he repeated, more careful than he was of bringing the names of individuals before the Senate. He purposely avoided mentioning Mr. Rector's name at all. Doubtless this gentleman's answer would come in with the others; and the part that he had acted would be fully explained. He knew he was not to blame; he knew (Mr. B said) that it would disclose the fact he had stated. But what had this to do with the point he wished to bring to the notice of the Senate—the conduct of the Bank? He had stated that the day before the Bank stopped, one of its agents got out of the hands of an officer of the Government a Treasury draft for $90,000, and paid him in notes of a bank which was to stop the next day. Our officers (said Mr. B) are trailed by the agents of this Bank, who, in one respect, are superior to the Cuba bloodhounds, which had been found useless in Florida, because they would not take the trail at all. They not only (said Mr. B.) take the trail with wonderful sagacity, but they hold on after they have caught the game—they never let go their hold till they have got the Treasury draft, if it can be had. You will have (said Mr. B.) proof upon proof of what I have said. You will have it from the South west, the great field where the Bank of the United States carried on its operations, and where it undertook to make the people believe that she furnished the best currency for the Government, that she upheld the Federal Government, and that the Federal Government could not get along without her.

It was upon this state of things that the charges he had referred to were made against the Government—and it was upon the information thus obtained that he had made the call which brought in the answers that had just been read to the Senate. But the great point he made was, not to criminate individuals, but to lay bare the conduct of this Bank before the public eye. It was to show that this Bank, ever since it obtained its new charter, had been assiduously engaged, first, in endeavoring to show that she upholds the credit of the Government; secondly, in endeavoring to pass off her old dead notes, and in the third place, to pass off the notes of the new Bank after it had stopped payment. And further, that this Bank, differing from other banks that loaned out money at their counters, sent their notes a long way off by their agents, to loan to contractors and others, and after all this the Government was to be taunted with the charge that it had failed to pay specie for its engagements—that its hard money was a humbug, and that it could not do without a Bank of the United States, whose currency it adopted. All this was done by a bank whose stock, though not worth five cents in the dollar to keep, furnished a currency for the American people, and that too in exchange for gold and silver, obtained from Government agents; and which, although she would pay her English stockholders well, would probably never pay her American stockholders a dollar.

Mr. HENDERSON said that it appeared by some of the replies, that notes of other non-specie paying banks, in addition to the United States Bank, had been received by the officers of Government, and argued to show that even the notes of specie paying banks at a distance, or disadvantageously situated, were not equivalent to specie or specie funds at the place of payment.

Mr. SEVIER had only a word to say. He was sorry that his remarks were misunderstood. He had said that in the first case referred to, the individual had sold a Government draft for what he considered equal to specie, and this was done with the assent of those who had authority to give it. If the Bank afterwards broke faith with her creditors and stopped payment, that could not be charged as a crime upon him. With regard to the great amount of notes of the United States Bank now in circulation on our Southwestern border, the Government was not in fault. The agent of the Bank, Mr. Roberts, takes out immense amounts in notes of the Bank; he loans them to those who have contracted to supply the Government troops with provisions, or perform any other service; these contractors pay them out to the farmers or drovers for their corn or their cattle, and thus they get into circulation. When the contractor receives his pay from the Government, in Treasury notes or a specie draft, he hands it over to the agent of the Bank, in repayment of his loan, and the specie is drawn on account of the Bank, and she sends it where she pleases. Can the Government prevent this result, or is she to blame for its occurrence? He knew that there were several agents of the Bank on the borders of Missouri and Arkansas, indeed there might be one in every Indian tribe, for aught he knew, who took every occasion to exchange their notes for Treasury drafts; but this was not a matter for which the Government was responsible. He contended that the Government had done its duty, and in every instance had paid out the currency of the Constitution.

Mr. CRITTENDEN, as an additional reason for the amount of the notes of the United States Bank in circulation in the Southwest, adverted to the arrangement entered into with that bank by the Secretary of War, by which one of the bonds of the Bank to the Government was discharged in disbursements to the creditors of the Government, which disbursements were to be made in notes of the institution. Mr. C. said he knew nothing of the facts alluded to by the gentlemen who preceded him, but he would say that if the agent of the Bank of the United States, or any other bank, had exchanged their notes for Government drafts, with a suspension of payments in contemplation, it was a most disgraceful fraud.

Mr. BENTON replied, that the draft was dated on the seventh of October, and the Bank stopped on the eighth or the ninth. The draft was sold in this place, one Government officer having been waylaid for the purpose of putting these notes on him. He took them as the notes of a specie paying bank, and the next day the Bank stopped payment. On the eighteenth of the same month, the specie for this draft was rolled out from the Bank of Missouri, in St. Louis, and shipped to Philadelphia, from whence it was carried to London, and the notes of the United States Bank paid to our creditors. With respect to the agreement of which the Senator from Kentucky spoke, the information which he had read just now, showed that there had been three violations of it. The first was the Bank paying out the old dead notes of the old Bank, which was an offence against our laws. The second violation was their having paid notes under twenty dollars; and the third violation was their having paid out post notes or "Ross notes," as they were called in the Southwest. But the Senator from Arkansas, it seemed, could not take the point which he had made.

He had not arraigned any officer here. When all the information came in, he should move to lay it before the President of the United States, in order that he might examine it, and see if any remedy could be applied. His object further was, that it should be examined in the Senate, that they might judge whether any legislative action was necessary. With respect to the officers and contractors, he had not a word to say, at the present time. He would not put them to the trouble of making any explanations. He would not name them here. He was aware that Mr. Rector, before he had made his arrangement, had obtained the permission of his immediate chief. He did not mention Mr. Rector's name, nor did he mean to do it. His great object was to show that we have been paying out the paper of broken banks, received in exchange for specie; and that the charge was, in consequence, made, in the Southwest that the Government could not do without them, and that it was notorious that the notes of this broken Bank had furnished a currency for this General Government.

They say the attempt to pay specie had failed. Now he wished to know if it took any more trouble to pay out the hard money to our creditors than to ship it off to London. His declaration was, that the agents of this Bank trailed and waylaid the Government officers, even across the Mississippi, and getting their specie drafts from them, shipped it off to the bank, and thence to London. When he was in the Southwest last fall, it was in vain for him to say that the Government was innocent of all this, for the people, seeing the immense circulation of these notes, and that they were paid out by our agents, contractors, and officers, naturally supposed they came from the Government. That determined him to get this information; and when the facts all came in, the charges he had made would be fixed on the Bank so firmly that it would be impossible for them to deny it. It would be seen that she had made the United States the circulater of her notes, and even those which it was illegal to circulate.

Mr. WEBSTER said that the statement admitted the extraordinary imbecility of the Government. It admitted that the attempt to establish a specie circulation had failed, and failed through the energy and address of a State institution. It acknowledged that the Government only played second fiddle to this corporation in the commercial and fiscal affairs of the country. He contended that it was utterly impossible, in the nature of things, for the Government to maintain specie payments, while the great mass of the circulation was composed of depreciated bank paper, and went into details to show how an attempt to do so must inevitably fail. He said that while the Senator from Missouri had been loud in his denunciations of a State corporation, over which we had no control, for doing that which we had no power to prevent, he had entirely overlooked the officers of the Government who had participated in the offence, and who were within the reach of legislative or Executive action.

Mr. BENTON observed that the Senator from Massachusetts [Mr. WEBSTER] said that he (Mr. B.) overlooked the petty delinquencies of the officers of the Government while he poured out the vials of his wrath on the head of the Bank of the United States. Now he stated to the Senate, and he belived several times over, that these papers would go to the President of the United States, whose duty it was to see that his officers did their duty, and that he would examine them, and seeing the conduct of each officer in each particular case, would apply the proper remedy if found necessary. That was one course he proposed to take. Another was, when all the answers came in, to make them the subject of some legislative action on the part of the Senate; but he disclaimed now, when the information was only received in part, any intention of dragging the Government officers before the Senate, or of saying one word about them, or naming one of them. He had, however, distinctly stated that either upon his motion or that of some other Senator, all this information would be referred to the President for his action, and that it would become his duty as one bound to see the laws of the country faithfully executed, to apply the proper remedy.

Now, so far from this information proving that the attempt to pay the engagements of the Government in hard money had failed, he undertook to say that the contrary was proved by it, and that from this time forth, the practice would be established. By the time that all the officers had answered all the questions propounded to them, it would be in the power of the Government to have in its service none but such as would fulfil the laws of the country, and those who would obey the instructions of the Government. We have yet to be made acquainted with something new under the sun, when we learn that it would take more money to pay the creditors of the Government in hard money, than it would take to pay the hard money over to the Bank of the United States. He admitted that other Government officers paid over the money in the first instance; those who

received it had a right do with it as they pleased. As to contractors, they stood in a relation a little different, and not very different from that of Government officers, and it might be, that in consequence of disclosures now made, a clause would be inserted in future contracts, requiring contractors to pay out the hard money they received from the Government. But we all, said Mr. B. see the effect that this state of things has upon the character of the Administration, and the injury it does to the country. We see that having collected hard money, it is paid out in a depreciated currency, and even in United States Bank notes. The time, however, had come to apply the remedy. We are now receiving information on the subject, and when it all came in, it would be time to act.

Mr. SEVIER would only say that he did not believe that there ever had been a payment made by the Government except in specie or its equivalent, and was convinced that the Government had, in every instance, fulfilled its obligations.

The question was then taken on printing the document, and it was agreed to.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, May 11, 1840.

Mr. CRABB asked permission of the House to offer a resolution; which was read for information, and which proposed to change the hour of meeting from 12 to 11 o'clock.

Mr. DAVIS of Pennsylvania asked permission to amend the resolution, so as to take a recess from 2½ to 4 o'clock; and

Mr. DAWSON also gave notice that, should the rules be suspended, he would move an amendment proposing, by the concurrence of the Senate, to adjourn Congress on the 15th of June next.

Mr. EVANS objected to the introduction of the resolution.

Mr. CRABB read the new rule relating to adjournments; which rule says that a motion to adjourn, and to fix a day to adjourn, shall always be in order, and inquired of the SPEAKER whether it was not in order to receive the resolution, notwithstanding the objection.

The SPEAKER decided not.

Mr. CRABB then moved to suspend the rules.

Mr. CRAIG demanded the yeas and nays, which were ordered; and the question having been taken on the motion to suspend the rules, it was decided in the affirmative—yeas 120, nays 23.

So the resolution was received; and, having been read,

Mr. TURNEY moved the previous question on its adoption, which motion having received a second, the main question was ordered and put, and the resolution was agreed to.

The CHAIR announced that the business before the House was the special order on the report of the Select Committee on Public Printing.

Mr. ADAMS said, as that was the subject first in order, he would move to take up the unfinished business of Saturday. The chairman of Ways and Means had been so good as to allow the bill to be made the special order for one day, during which he was absent; he hoped he would consent that it should be made the special order for another day, now that he was in the House.

Mr. PETRIKIN asked the consent of the House to offer a resolution; which was read for information, as follows:

Resolved, That the Secretary of the Navy be requested to inform this House how many officers of the navy are absent on leave or on furlough, including passed midshipmen, giving the name of each officer, the cause of his absence, the length of time he or they have been absent or excused from service. If furloughed, when does the leave granted expire, what length of time have those furloughed served, or been at sea at any one time for the last twenty years; what business have the absent officers been engaged in during the absence on leave, or furlough, and how often has the leave or furlough been renewed to any individual named as now absent.

There being no objection to the resolution, it was received, read, and agreed to.

Mr. R. GARLAND, by permission, presented further testimony in relation to a case pending before a committee.

Mr. JENIFER submitted a memorial and documents from the tobacco convention; which were, on his motion, ordered to be printed.

Mr. J. made a motion to have an extra quantity of said memorial and documents printed; which motion, under the rule, lies on the table for one day.

On motion of Mr. ADAMS, the house then resolved itself into Committee of the Whole on the state of the Union (Mr. BELL in the chair) on the bill reported from the Committee on Manufactures, "to ensure the more faithful execution of the laws relating to the collection of duties on imports."

The question pending when the committee rose on Saturday, was the motion of Mr. RHETT to strike from the bill the ninth section in the words following:

"*And be it further enacted*, That whenever a suit against any collector, or other officer of the customs, for the seizure of goods, wares, or merchandise, unlawfully imported into the United States, or forfeited for the unlawful entry of the same, shall be tried in any court of the United States, in which suit is involved any question of duties on importations of goods, wares, or merchandise, no person having the same interest with that of the party to the suit in the question at issue shall be competent as a witness on such trial, unless called to testify by the adverse party.

The question was taken by tellers, (Messrs CRABB and CRAIG acting as such) and decided in the negative by—ayes 62, noes 83.

Mr. RHETT moved to amend the tenth section of the bill by striking out that part of the penalty in case a custom-house officer should aid or abet any person to commit a fraud on the revenue, which says that they "shall be thereafter incapable of holding any office of profit or trust under the United States." Mr. R. considered it improper for Congress to legislate on that subject, as the Constitution already provided for such cases.

Mr. TILLINGHAST was of a different opinion. He considered there was nothing in the bill, as amended, which, on careful examination, would be found at variance to any of the great principles of the Constitution. It was true that the Constitution prescribes the qualification of officers of the Government; it also prescribed that they should be disqualified for offences against the laws. It gives the power to Congress to legislate for such offences against the laws, and to prescribe the crimes which go to disqualify. The disability to hold office has been recognised as proper penalties, in other legislation, for crimes or violations of law. The constitutional power of Congress to disqualify an individual from holding office for offences against United States."

the laws, had never been heretofore disputed. In the revenue law of 1799, the disability to hold office is made a part of the penalty for committing offence against the law.

Mr. ADAMS said that so far from it being unconstitutional for Congress to legislate on this matter, it was expressly authorized by the Constitution so to do. The Constitution gives the sole power to the Senate to try all impeachments; and it expressly says that "judgments in cases of impeachment shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the

Mr. A. argued that the power was left to Congress to specify what particular crimes shall disqualify an individual from holding office; and that was what the bill before the House proposed to do, and nothing more. After pursuing this argument to some extent in support of the position he assumed, Mr. A. said he considered a breach of trust in an officer as an infamous crime, and which deserved the severest punishment. The punishment proposed operated on the mind; it brought infamy and disgrace, and was, therefore, a very proper punishment.

Mr. CUSHING wished to inquire of his colleague whether the bill had any reference to the bribes which he was informed it was the practice of the custom-house officers in New York to receive from importers and others. If he was wrong, he would be glad to be corrected; but he had been informed that such was the open practice for sums of money to be given to these subordinate officers by importers and merchants for preference over others in receiving their papers, etc. For instance, it frequently happened that ten or twelve gentlemen received their consignments by a particular ship, and it was then a matter of competition as to who should receive his papers first. So the clerk sometimes received a fee or bribe of $50 or $100, to give one the preference over another. Again: a half dozen ships might come in on the same day, when the passengers, necessarily finding delay in getting their papers, would pay the same bribes to receive their papers before others. It might also occur that some passengers might pay a bribe to the officers for the purpose of getting their baggage through with an easy inspection, or without any inspection at all. Any one who had been to Europe, must be aware of the shameful system prevailing among custom-house officers abroad, who not only received bribes for giving preference, but bribes for the performance of their duty.

He stated these facts alleged in relation to the custom-house at New York, with the hope that, if true, they would be marked, and a proper remedy provided. He held it wrong for those officers to receive any such fees, as it opened the door to corruption, inasmuch as it habituated them to the reception of money which they had no right to receive. He denied that any custom-house officer had a right to receive money, other than his salary, even in the shape of presents, to urge him to the more prompt performance of his duty. His pay from Government was a sufficient reward. If any officer received money over and above his salary, for the performance of his duty, it was bribery, and deserved punishment. If the amendment did not reach this class of cases, he would offer an amendment which should reach them.

He stated this on common rumor, as what was believed to be a system very extensively practised. He did not intend to make any imputation on the collector himself, as he had no reason to believe that he was a party to them. On the contrary, he knew that the collector had discharged several indididuals who had been guilty of receiving such bribes, and for doing which, he had been severely censured by the New York papers.

Mr. VANDERPOEL suggested whether the word "otherwise" in the 7th line, did not apply to such cases.

Mr. CUSHING said it did not, but applied solely to bribes, with intention to defraud the revenue. These fees were not given with any intention to defraud, but still they were bribes, and calculated to produce a very injurious effect.

Mr. ADAMS replied that the evils of which his colleague complained was of an entirely different nature to those which the bill intended to remedy. The practice of officers receiving bribes for the giving of preference in the performance of their duty, was not defrauding the revenue, and therefore could not be relevant to the present measure. He suggested to his colleague whether he was prepared to act upon mere rumor, and newspaper charges, against these subordinates. But in case it were proved to be the case, would it not be much better to provide a remedy in another bill, and at another time?

Mr. FILLMORE spoke at some length on the nature of the power given by the Constitution to Congress. He agreed that if we did possess this power of punishing a certain class of officers, it would be very proper to exercise it But the danger was, if we did not possess the power, and yet presumed to exercise it, that at some future time it might be extended to cases where it ought not to be applied.

Mr. CRABB was fully disposed to punish every officer who should be guilty of such crimes. But, at the same time, he must have due regard to the Constitution. He did not believe that we had the power of adding to the qualification or disqualification of any officer, when the qualifications and disqualifications of officers were designated by the Constitution. But as to any petty officer, which this Congress had power to create by law, he thought we had the power to designate what their qualifications or disqualifications should be, and to provide any punishment we might think proper. But as that clause applied to every officer, whether appointed by the Constitution or by the law of Congress, he could not vote for it. He therefore moved to amend by inserting, after the words United States, the words "created by the authority of Congress."

The question being taken on this amendment, it was rejected.

The question then recurring on the motion of Mr. RHETT, to strike out the words "and shall be thereafter disqualified from holding any office of trust under the United States," after some brief remarks from that gentleman and Mr. BRIGGS, it was rejected—ayes 48, noes 82.

Mr. ADAMS moved to amend by striking out after the 27th line, the word "double:" agreed to.

Mr. RANDALL moved to amend by inserting in the 18th line after the words "custom-house," the words, "with intent to defraud the revenue."

This was objected to on the ground that it would go to legalize the practice complained of by Mr. CUSHING, inasmuch as the penalty would apply only to such cases of bribery as contemplated a fraud on the revenue.

The question being taken on this amendment, it was rejected.

Mr. CUSHING then offered the following amendment, to be added to the 11th section:

"*And be it further enacted*, If any collector, naval officer, surveyor, or deputy, or any other custom-house officer, or person employed in the custom-house, or in the collection of the revenue, shall, for the performance of any of the duties of his office, or for giving preference, favor, or despatch, in the performance of the same, directly or indirectly, receive from any person any money, or other thing of value, other than his legal compensation, he shall, on conviction thereof, pay a fine of not less than one hundred, nor more than one thousand dollars, for each and every such offence."

Mr. TILLINGHAST though the section they had just passed upon covered the same ground taken by the amendment

Mr. CUSHING contended that it did not, but had reference only to such cases where bribes were received with a view to defraud the revenue.

Mr. HAND made some remarks, in which he disapproved the course of gentlemen in making these general charges upon mere rumor.

Mr. CUSHING replied, that what he had alluded to was spoken of as a matter of notoriety among commercial men in New York.

Mr. HAND thought it would be better not to charge the merchants, as a class, with giving these bribes, and being guilty of such crimes, without satisfactory proof.

Mr. MONROE said his colleague appeared to think there was something very corrupt in the practice of giving fees to the clerks. For his part he did not see any thing which affected the morals either of the clerk or merchant. However exceptionable the practice might be, there was nothing corrupt about it It was well known that, in the regular course of business, merchants had to wait a long time for their papers, and it was an open practice to give a fee to the clerks for expediting the business, who, in doing it, probably worked extra hours.

Mr. PETRIKIN moved to amend the amendment by adding the words, "one half of the penalty to be paid to the person giving information thereof."

Mr. P. advocated his amendment, on the ground that it would be in vain to hope for a proper execution of the law without some such inducement.

After some brief remarks from Mr. HAND,

Mr. WISE said, as it appeared witnesses were wanted to prove the fact in relation to these fees or bribes, he would give some information on the subject. He would tell them that when he was in New York on the Swartwout committee, merchants of both parties, men of high character, came to him and complained that they were compelled to do it. Yes; owing to the practice which had grown up, the merchants assured him that they not only had to pay temporary fees, but regular salaries to these officers per annum for getting their business transacted, although they were paid by the Government. These merchants were gentlemen of high standing in the city of New York, and they stated that the practice was by no means clandestine, but done openly, and that it was impossible to get along without it. Such was the hight of corruption, that the clerks in the custom house would not do their duty without it. He stated, on his own personal veracity, that upwards of a dozen merchants had complained to him of the practice.

Mr. HAND said if such was really the state of the facts, and that the intelligent merchants of New York had submitted to it so long, he could only express his utter astonishment. And he was sure the people of the United States would be equally astonished that these merchants had suffered it to grow up into general practice. As such, it appeared, was the case, the merchants were equally guilty, with the officers, and he would no longer defend them. He thought it high time there was some law on the subject.

Mr. WISE explained that the merchants *complained* of the system as an extortion which they dare not resist, owing to the extent to which it was practised.

Mr. HAND said that the merchants of New York were shrewd business men, and must know such a practice could not be sanctioned by law. If they chose to submit to the extortion, all he had to say was, that they were fools for so doing.

Mr. VANDERPOEL said if such was the practice, it had long prevailed. He did not believe with his colleague [Mr. HAND] that the merchants were to blame, because they had taken means to obtain their perishable commodities in advance of others, for a small consideration. He would, however, cheerfully vote for the amendment, without considering it was fixing any imputation on the merchants of New York.

Mr. SERGEANT sugggested to the gentleman from Pennsylvania [Mr. PETRIKIN] that there was already a law making provision for an informant. He hoped the amendment of the gentleman from Massachusetts [Mr CUSHING] would be agreed to. The practice complained of in some of the custom-houses was the germ of bribery, and, without restraint, would grow to great height and great strength. This amendment, in his opinion, would have a salutary effect.

The question being taken on Mr. PETRIKIN'S amendment, it was rejected.

Mr. ADAMS was willing to accept the amendment of his colleague, [Mr. CUSHING,] because its tendency was to arrest the evil complained of as soon as possible. He would be glad if his colleague would take up the subject of his (Mr. C's) amendment to the fullest extent, and offer a bill to the House which would not only operate on clerks who receive $500 a year, but on the highest men in the Union, in the Executive and Legislative departments, as well as on custom-house officers.

Mr. COOPER of Georgia expressed his regret and astonishment, not only at the extraordinary developments which had been made on that floor, but at the remarks made in relation to them by gentlemen of both parties, by way of extenuating and narrowing down the gross crimes of bribery and corruption. What did we see? Why, it appeared that we had a system of open bribery and corruption among our custom-house officers, and that pay was received for favoritism, the same as in Europe. If such things were allowed, no man in this Congress need be surprised if the very state of things existing in foreign countries, should soon be advocated here. Would they pass a law for the punishment of these Yorkshire traders, and not punish their own salaried officers for receiving bribes? The very same principle would apply to both.

Mr. McKAY did not approve the practice of paying fees to any salaried officer. He hoped it did not exist to the extent as was imagined. His object in rising was to remind gentlemen, that some years ago a requisition had been issued from the Treasury expressly forbidding any such practice, and that being the case, he was disposed to think the evil could not exist so extensively as some gentlemen were inclined to believe.

After some further debate, in which Messrs. PETRIKIN,

HAND, and CUSHING participated, the question was taken on the amendment of Mr. CUSHING, and it was agreed to.

Sundry other amendments were proposed by Messrs. HOFFMAN and FILLMORE, which were rejected; and by Messrs. ADAMS and TILLINGHAST, which were agreed to; and upon which an explanatory debate took place, in which Messrs. ADAMS, HABERSHAM, TILLINGHAST, SERGEANT, HOFFMAN, FILLMORE, and LINCOLN, participated.

At a quarter past six o'clock, the bill was reported to the House.

Mr. HOLMES gave notice of his intention to address the House generally on the bill. He characterized it as one pregnant with all evils; one most enormous in its character; which he should endeavor to expose to the House, if no gentleman more alert than himself should obtain the floor, and move the previous question.

On motion of Mr. LEADBETTER, the bill and amendments (as made in Committee of the Whole) were ordered to be printed.

And then the House adjourned.

IN SENATE,

TUESDAY, May 12, 1840.

Mr. SOUTHARD presented the petition of Elizabeth Garrabrans; which was referred to the Committee on Pensions.

Mr. S. also presented a memorial remonstrating against the use of bloodhounds in the Florida war; which was laid on the table.

Mr. NORVELL presented the memorial of a number of citizens of Wiskousin, praying the confirmation of the title of Francis Laventure and others to certain lands in Milwaukie; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. PIERCE presented the petition of Jonathan Shafer; which was referred to the Committee on Revolutionary Claims.

Mr. HENDERSON presented two memorials of David McCaleb: the petition of sundry citizens of Yallobusha county, Mississippi: and the petition of Frederick Counts and others; which were severally referred to the Committee on Public Lands.

Mr. H. also presented the memorial of the Directors of the Grand Gulf Railroad and Banking Company; which was referred to the Committee on Finance.

Also, the memorial of a number of citizens of Natchez, praying a remission of the penalties imposed upon Wm. L. Mackenzie; which was laid on the table.

Also, the petition of a number of citizens of Newton county, Mississippi, for a post route; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of a number of citizens of Rankin county, Missouri, praying the passage of a bankrupt law; which was laid on the table.

Also, the petition of David A. Brocket; which was referred to the Committee on Commerce.

Mr. STRANGE presented the petition of Lot Stricklin; which was referred to the Committee on Pensions.

Mr. MOUTON presented the memorial of the Trustees of the Caddo Academy, in the State of Louisiana, praying a donation of land; which was referred to the Committee on the Public Lands.

Mr. PRESTON, from the Committee on Military Affairs, reported a bill authorizing the War Department to make experiments in steam vessels for harbor defence; which was read, and ordered to a second reading.

Mr. TALLMADGE presented the following resolution, which was considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making a grant of money or land to the State of New York, to assist in the construction of a railroad between the waters of Lakes Ontario and Champlain, and parallel with the St. Lawrence river; and also to ascertain how far the said road will facilitate the transportation of the mails, public stores, troops, and munitions of war, and how far it will supersede the necessity of forts and other military defences along the St. Lawrence frontier.

Mr. BENTON submitted the following resolution, which was considered, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of appropriating five hundred dollars, to be expended under the direction of the Secretaries of War and Navy, for the purpose of preserving and arranging, for inspection and reference, the mineral and geological specimens belonging to Government.

The bill to authorize the Legislature of the State of Arkansas to sell the lands heretofore appropriated for the use of schools in that State;

The bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under three several treaties between the United States and certain foreign powers, which awards have been retained in the Treasury in payment of debts due to the United States;

The bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th June, 1834;

The bill for the relief of the Plumb Island Bridge and Turnpike Company;

The bill for the relief of Samuel Collins;

The bill to grant to the States and incorporated companies engrged in the construction of roads and canals, the right of way through the public lands of the United States; and

The bill for the relief of Hannah Leighton;

were read a third time and passed.

GENERAL ORDERS.

The bill authorizing the granting of letters testamentary and of administration to aliens in the District of Columbia; and

The bill for the relief of certain companies of Michigan militia;

were considered as in committee of the whole, and ordered to be engrossed.

GENERAL BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy throughout the United States being taken up,

Mr. WALL addressed the Senate at length in opposition to the bill, and in favor of the substitute proposed by the minority of the Committee on the Judiciary.

Mr. CLAYTON followed in reply; and

Mr. CRITTENDEN intimating an intention to speak on the subject,

The Senate went into Executive session,

And then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, May 12, 1840.

Mr. DAVIES of Pennsylvania asked permission of the House to offer a resolution proposing to take a daily recess from the hour of 2½ till 4 o'clock.

Mr. EVERETT objected to its reception.

Mr. DAVIS moved to suspend the rules, to enable him to present the resolution, and on that motion demanded the yeas and nays; which were ordered.

Mr. LINCOLN said it was obvious that there was no quorum present; he therefore moved a call of the House. He wished to see what number of the gentlemen, who voted that the House should meet at 11 o'clock, were now present.

The call having been ordered, it was proceeded in, and ninety-three members answered to their names. The list of absentees was then called over, and one hundred and thirty answered to their names.

Mr. R. GARLAND said he would like to have the names of the absentees read, that the House might be able to know what number of the gentlemen who had voted that the House should meet at 11 o'clock were now present.

On motion of Mr. EVANS, all further proceedings in the call were dispensed with.

The question recurring on the motion to suspend the rules, to admit the resolution of Mr. DAVIES, it was taken by yeas and nays, and resulted—yeas 81, nays 60.

So the rules were not suspended.

The SPEAKER, by permission, laid before the House a communication from the President of the United States, communicating a report from the Secretary of State, in pursuance of the resolution of the House of Representatives of the 23d of March last, calling for the correspondence between the Department of State and the diplomatic functionaries of the United States in France, Sweden, Denmark, and Prussia, and with those Governments, or either of them, relating to the surrender to the Government of the United States of persons charged with piracy and murder on board of the United States schooner Plattsburg, in the year 1817; also, the correspondence relating to the demand by the Charge d'Affaires of Great Britain for the surrender of a mutineer in the British armed ship Lee, in 1819.

Mr. ADAMS moved that it lie on the table and be printed; which motion was agreed to.

Mr. A. said it was a very important document, involving questions of great moment. It was a collection of documents relating to the demand on this Government; and by this Government on other nations. It also contained the correspondence which had taken place in relation to the subject heretofore; also a letter from the Attorney General on the subject, which was of importance to the States. Mr. A. had received a communication from the Governor of Virginia, requesting particularly a copy of it when published, as it involved considerations of a nature extending throughout the Union. He hoped the House would consent to print an extra number. He therefore moved that 5000 copies extra be printed.

The CHAIR said, by the rules of the House, the motion to print an extra number of copies would lie over one day; but if there was no objection, the question could be taken now.

Mr. ANDREWS of Kentucky objected.

Mr. ADAMS moved to suspend the rules to enable him to make the motion; and the House having been divided on that question there were—yeas 83, noes 38. No quorum having voted,

Mr. CUSHING demanded the yeas and nays on that motion; which were ordered, and were—yeas 87, nays 67. So the rules were not suspended.

On motion of Mr. CUSHING, the vote by which the communication was laid on the table, was reconsidered.

Mr. ADAMS then moved that the communication be referred to the Committee on the Judiciary.

Mr. DROMGOOLE moved that it be referred to the Committee on Foreign Affairs.

The question having been taken on the first motion for reference, it was decided in the negative.

The question having recurred on the motion to refer it to the Committee on Foreign Affairs, it was agreed to.

On motion of Mr. CUSHING, the documents which had been heretofore transmitted to the House, relating to the Amistad vessel, which was laid on the table, was taken therefrom and referred to the same committee.

The SPEAKER also laid before the House a communication from the War Department in relation to the Georgia claims for military services; which, on motion of Mr. DAWSON, was referred to the Committee of Claims, and ordered to be printed.

Also laid before the House a communication from the War Deparment in relation to the charges against Lieut. Dancey; which, on motion of Mr. DOWNING, was ordered to lie on the table and be printed.

Also laid before the House a communication from the Navy Department in relation to a dry dock at Pensacola; which was, on motion of Mr. DOWNING, referred to the Committee on Naval Affairs, and ordered to be printed.

On motion of Mr. JENIFER, the motion made by him on yesterday, to print 5,000 copies extra of the memorial and proceedings of the Convention on Tobacco, was taken up, and agreed to.

Mr. CAMPBELL of South Carolina asked leave to report from the Committee of Elections a resolution empowering that committee to have such portions of the testimony in relation to the contested elections referred to the committee printed, as they deemed proper. Mr. C. said there was a great mass of testimony before that committee, and the printing of it, under the discretion of the committee, was absolutely necessary to facilitate the action of the committee upon it, and the action of the House when a report shall have been made by the committee.

Mr. STANLY objected to the reception of the resolution.

Mr. FILLMORE said it was a matter of economy that the resolution should be adopted; and absolutely necessary to facilitate action on the question before the committee, and equally necessary for the information of the House, when it shall be called to act upon the question.

Mr. CAMPBELL of South Carolina moved to suspend the rules.

Mr. ANDREWS demanded the yeas and nays; which were not ordered.

The question was then taken, and the rules were suspended

Mr. R. GARLAND objected to conferring the power on the committee to decide what should be printed. They ought not to be the judges, but the House. He hoped all the testimony would be printed, if any of it was to be.

Mr. CAMPBELL said all the testimony which could be deemed necessary by any member of the committee would be printed.

Mr. R. GARLAND moved to strike out the words such evidence, and insert "all the evidence."

Mr. TOLAND hoped the amendment would prevail. He had no objection to print all the testimony; but he was not prepared to give to the Committee of Elections the power of selection. As a Representative from the State of Pennsylvania—a State which had a deep interest in one of these cases—he wished the cases to be fully considered, and all the testimony to be made known. And he wished the House to make its own selection and decision.

Mr. FILLMORE said a mass of tastimony had been referred to that committee; much of it might be irrelevant and incompetent, and it would be incurring an expense to no purpose to have that mass printed. He had no objection, if the House thought proper, to have the whole of it printed; but it would incur an enormous expense.

Mr. CAMPBELL of South Carolina accepted the amendment.

The CHAIR stated that it would then leave it discretionary with the committee.

Mr. R. GARLAND wished it so amended as to have the whole of the testimony printed, leaving no discretion to the committee.

Mr. RAMSEY was in favor of giving the committee the power asked, and if the House should, thereafter, deem it necessary, and wish to have the whole printed, it could do so. He, therefore, to save the time of the House, moved the previous question; which was seconded, and the main question ordered.

Mr. TOLAND demanded the yeas and nays on the amendment; which having been ordered,

Mr. GARLAND said, inasmuch as any one member of the committee could call for and have such portions of the testimony printed, as might by him be thought proper, he withdrew his amendment.

Mr. ANDREWS then called for the yeas and nays on the adoption of the resolution; which were not ordered.

The question was then taken, and the resolution was agreed to.

Mr. PETRIKIN asked leave to present a resolution in substance, that the House would, at half past two, adjourn, for the purpose of accompanying the select committee on Raub's steam safety valve, down the river, to witness the practical operation of the said preventive against explosions.

The CHAIR said the resolution could not be received except by the general consent of the House; and

Objections having been made, the resolution was not passed.

The CHAIR said that the first business before the House was the special order on the subject of the public printing.

Mr. ADAMS moved that the House first take up and dispose of the bill to insure the more faithful execution of the laws relating to the collection of duties on imports.

Mr. BLACK said he had no objection to the immediate disposal of that bill; but he wished to state to the House that he was ready at all times to take up the question on printing, and dispose of it.

Mr. LEWIS WILLIAMS moved that the further consideration of the report be postponed until to-morrow.

After some conversation, further action on the said report was suspended until the bill above alluded to should have been disposed of.

COLLECTION OF DUTIES ON IMPORTS.

The House took up the bill, reported yesterday with sundry amendments from the Committee of the Whole on the state of the Union, entitled "A bill to ensure the more faithful execution of the laws relating to the collection of duties on imports;" the question being on concurring with the Committee of the Whole in their various amendments.

Mr. EVANS asked that, by general consent, he might offer an amendment which he had been instructed by the Committee of Ways and Means to move, and which was as follows:

"*And be it further enacted*, That, in all appraisements and invoices, the mark-banco of Hamburg shall be estimated and taken to be the value of thirty-five and one-half cents."

Mr. ANDREWS inquired if the bill was now up before the House?

The SPEAKER said it was.

Mr. ANDREWS moved the previous question, but withdrew the motion.

Mr. A. objected to the introduction of the amendment, because it was a totally different subject from that of the bill, and ought to be brought up in a proper form. He felt all disposition to accommodate the Secretary of the Treasury, and the Committee of Ways and Means, but he must object to the introduction of the amendment as a tack to this bill.

The SPEAKER said that the amendment, not having been offered in Committee of the Whole, could only be offered now by general consent.

Mr. EVANS was understood to say that he had felt a desire to say a few words on the amendment, but that he would not now press it.

And thereupon all the amendments made in Committee of the Whole were read; and the question being on concurring in them *seriatim*—

Mr. ADAMS suggested that, by general consent, the question should be taken on all the amendments together, unless any one of them should be objected to, in which case it should be reserved for special action.

And the House having agreed to adopt this course, the question was taken, and all the amendments were concurred in save the one hereinafter mentioned, viz:

On motion of Mr. ANDREWS the ninth section of the bill, which had been amended to read as follows, was excepted:

"SEC. 9. *And be it further enacted*, That whenever a suit against any collector or other officer of the customs, for the seizure of goods, wares, or merchandise, unlawfully imported into the United States, or forfeited for the unlawful entry of the same, shall be tried in any court of the United States, in which suit is involved any question of duties on importations of goods, wares, or merchandise, no person having the same interest with that of the party to the suit, in the question at issue, shall be competent as a witness on such trial, unless called to testify by the adverse party."

And the question being on concurring with the Committee of the Whole—

Some conversation followed on a question of order, involv-

ing inquiries as to the last process by which this amendment could be finally reached, and in which Mr. SPEAKER and Messrs. ANDREWS, FILLMORE, RHETT, PETRIKIN, ADAMS, EVERETT, and CRAIG, participated.

After which (a demand made by Mr. PETRIKIN for the previous question having been rejected) the question was taken, and the amendment to the section was concurred in.

And the question then recurring on agreeing to the section as amended,

Mr. FILLMORE moved to strike out the same.

Mr. BROWN of Tennessee called for the reading of the section; which having been read—

Mr. ADAMS had a single word to say. The gentleman from South Carolina, [Mr. RHETT,] in opposing this section, had argued as if the word "similar," instead of "same" (interest) had been introduced into the bill; and much of his argument had been based on the substitution of the former word or the latter; and even the Reporters for the National Intelligencer, who were generally very correct in their reports, had, in the paper issued this morning, taken up the expression used by the gentleman from South Carolina, as though it were the expression contained in the bill. The words of the section were, that "no person having the *same* interest with that of the party to the suit," should be competent as a witness, etc. Every member would see the difference between *same* and *similar*. A *similar* interest was one thing—the *same* interest was another.

Mr. A. was understood to add that this was the very point which he had met in Committee of the Whole. He wished to have the section perfectly understood by the House and the country. The bill *did not* propose to disqualify a person having a *similar* interest. The words were, having "*the same* interest." And he wished the Reporters of the Intelligencer particularly to take notice of this, and that the Editors of that paper should correct the statement in their publication of this day, by which the bill was represented as excluding persons having a *similar*, and not the *same* interest.

Mr. HOLMES addressed the House at much length in opposition to the principles and general features of the bill. He denounced it as fraught with incalculable evils. In the course of his remarks, (which will appear hereafter,) he contended that it was one of the most extraordinary measures ever introduced into the House, and was calculated to benefit the manufacturing at the expense of the commercial interests of the country. Also, that the whole thing was based on a system of tariff, which would expire in two years. He went on to show the consequences which must result from the adoption of so harassing a system at our Northern custom-houses, and contended that it would have the effect of driving the business to Texas and other Southern ports, from whence foreign merchandise would be smuggled through the country, in spite of all the Government could do to prevent it. It was therefore, in his opinion, a suicidal measure to the North, whose cities must necessarily become deserted by the diversion of its commercial business to other points. He hoped gentlemen would pause before they adopted so dangerous a scheme.

After which, Mr. PETRIKIN moved the previous question.

And, after some conversation on a point of order, the question was taken, and there was a second.

And the main question (being on the motion of Mr. FILLMORE to strike out the section) was ordered to be now taken.

A motion to adjourn was made, and rejected.

Mr. FILLMORE asked the yeas and nays on the main question, which were ordered; and, being taken, were—yeas 72, nays 85, as follows:

YEAS—Messrs. Andrews, Baker, Barnard, Biddle, Bond, A. V Brown, S. H. Butler, Bynum, John Campbell, Clark, Colquitt, Conner, Crabb, Cranston, Curtis, Davies, Dawson, Dellet, Fillmore, Fine, Fornance, Galbraith, Rice Garland, Goggin, Goode, Green, Griffin, Grinnell, Hand, John Hill of Virginia, John Hill of North Carolina, Hoffman, Holmes, Hunt, Charles Johnston, Leadbetter, Leet, Lincoln, Lowell, Lucas, Marchand, Monroe, Morgan, Palen, Peck, Pope, Proffit, Randall, Randolph, Reed, Rhett, Ridgway, Edward Rogers, Saltonstall, Sergeant, Shepard, Albert Smith, Truman Smith, Thomas Smith, Stanly, Storrs, Stuart, Sweney, Taliaferro, W. Thompson, Tillinghast, Toland, Underwood, Peter J. Wagner, Warren, John White, and Wise—72.

NAYS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Atherton, Beatty, Briggs, Albert G. Brown, Burke, Calhoun, Carr, Carter, Casey, Chapman, Coles, James Cooper, Wm. R. Cooper, Cushing, Dana, John Davis, Dennis, Doan, Duncan, Earll, Eastman, Edwards, Ely, Evans, Floyd, Gates, Gentry, Gerry, Graves, Hammond, John Hastings, Hawes, Hawkins, Hook, Hubbard, James, William Cost Johnson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leonard, McCarty, McClellan, McCulloh, McKay, Mallory, Medill, Mitchell, Montgomery, Naylor, Newhard, Ogle, Parrish, Parmenter, Partis, Petrikin, Prentiss, Ramsey, Rariden, Robinson, Shaw, Simonton, Slade, Steenrod, Swearingen, Triplett, Trumbull, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Edward D. White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Worthington—85.

So the motion to strike out the section was rejected.

The question then recurred on ordering the bill to be engrossed for a third reading.

Mr. MONROE asked leave at this time to make a brief personal explanation.

And no objection having made—

Mr. M. said that he had received a letter this morning from the collector of the port of New York, in which that officer stated that he had been misrepresented by him, (Mr. M.) He simply wished to read to the House the contradiction which seemed to have occurred, that he might put himself and the collector right before the country. In the first place the letter said:

"I notice a letter under date of 8th instant, from Washington, published in the Journal of Commerce of this morning, in which there is the following paragraph: 'But it was stated to-day by Mr. Adams that neither he nor his committee, nor the manufacturers, had any thing to do with it. The bill was drawn up by Mr. Butler, the district attorney of New York, and Mr. Hoyt, the collector, and came to the Committee on Manufactures through the Secretary of the Treasury.'"

Then came the part that more immediately affected himself:

"There is also in the same paper a letter from the same place, under date of the 9th instant, in which there is a paragraph in these words, said to have been uttered by you: 'The collector had shown him the bill, but he told him that he did not approve of it, and that he did not consider it a Republican measure.'"

The brief explanation of this matter (said Mr. M.) is, that the collector is here made to say to me that which in fact I said to the collector.

And the question again recurring on ordering the bill to be engrossed for a third reading—

Mr. UNDERWOOD moved an adjournment, but the yeas and nays being demanded and ordered, he withdrew the motion.

The question was then put on ordering the bill to be read a third time, and decided by yeas and nays, as follows—yeas 122, nays 32.

YEAS—Messrs. Adams, Judson Allen, H. J. Anderson, Andrews, Atherton, Baker, Beatty, Beirne, Biddle, Blackwell, Briggs, A. V. Brown, Burke, Bynum, Calhoun, Carr, Casey, Clark, Coles, Connor, James Cooper, W. R. Cooper, Corwin, Cranston, Cushing, Dana, Davee, Davies, John Davis, Deberry, Dennis, Dellet, Duncan, Earl, Eastman, Edwards, Ely, Evans, Fine, Floyd, Galbraith, Gates, Goode, Graham, Green, J. Hastings, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Hook, Howard, James, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leet, Leonard, Lincoln, Lowell, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Miller, Mitchell, Montanya, Montgomery, Calvary Morris, Naylor, Newhard, Ogle, Parmenter, Petrikin, Pope, Prentiss, Ramsey, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Robinson, jr. Ryall, Saltonstall, Sergeant, Shaw, Simonton, Slade, Albert Smith, Truman Smith, Thomas Smith, Steenrod, Storrs, Strong, Stuart, Swearingen Sweney, Tillinghast, Toland, Triplett, Trumbull, Turney, Underwood, David D. Wagener, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Worthington—122.

NAYS—Messrs. Barnard, Boyd, Chapman, Chittenden, Colquitt, Crabb, Curtis, Dawson, Fillmore, Rice Garland, Goggin, Graves, Griffin, Grinnell, Habersham, Hoffman, Holmes, Hubbard, Hunt, Lewis, Monroe, Morgan, Parrish, Proffit, Edward Rogers, Shepard, Stanly, Sumter, Taliaferro, Waddy Thompson, Warren, and Wise—32.

So the bill was ordered to a third reading.

It was then read a third time, PASSED, and sent to the Senate for concurrence.

The House then adjourned.

IN SENATE,

WEDNESDAY, May 13, 1840.

A message was received, from the President of the United States, in reply to a resolution of the Senate of the 29th December, in relation to bonds issued by the Territory of Florida; which was laid on the table, and ordered to be printed.

Mr. SEVIER presented the petition Alexander Coleman, praying to be allowed to locate a section of land; which was referred to the Committee on Private Land Claims.

Mr. YOUNG presented the memoral of a number of citizens of the State of Illinois, praying an appropriation for public land, to be applied to the construction of a railroad from the Atlantic to the Mississippi river, by the way of Boston and Buffalo, New York; which was ordered to lay on the table and be printed.

Mr. NORVELL, from the Committee on the Public Lands, to which was referred the bill to cede the public lands to the States in which they lie, upon certain conditions, made a report thereon; which was ordered to be printed.

On motion 20,000, extra copies of the report were ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was referred the memorial of Thomas Watkins, asked to be discharged from the further consideration thereof, which was agreed to.

HOUR OF MEETING.

Mr. LUMPKIN said his object in rising was to ask the consideration, at this time, of a resolution which he had the honor to introduce to the consideration of the Senate several weeks ago, proposing to change the hour of the meeting of the Senate from 12 to 11 o'clock, for the remainder of the present session of Congress. At that time the Senate declined acting upon the resolution, and ordered it to be laid upon the table. The days have since continued to increase in length; and the most important business at that time, under the investigation of the several committees of the Senate, is now before the Senate in the form of reports. Therefore we have no legislative duties which can now employ the entire forenoon of these long days. This morning, sir, (said Mr. L.) I was up, and beheld with admiration and delight, the glories of this lovely bright day spreading the rays of light over the beauties of nature, by which we are surrounded. I then paid the necessary attention to my personal comfort, enjoyed my morning repast at breakfast; and then sallied forth in a walk over a considerable portion of this extended city, enjoying my own reflection, and attending to some matters of business, at various points, in the line of my walk. Then, sir, I came to this hall, at the hour of nine o'clock; since which time I have written some half dezen letters, and directed and franked to my constituents several hundred communications, printed by order of the Senate for the information of the people.

Sir, I am a member of four important standing committees of this Senate: I endeavor to discharge my full share of duty on these several committees; I have on my hands a very extensive and heavy correspondence, none of which is neglected; during the sessions of the Senate I am always at my post; and yet, sir, I find it difficult for me to find useful employment, out of this chamber, through these long forenoons. Sir, I have never been in the habit of postponing the commencement of my day's work till noon. No, sir: if the forenoon of all our days had been spent in idleness, but very few of us would now have the honor of a seat in this honorable body.

For myself, sir, I am very sure that I should never have had the honor of a seat in this hall, if the mornings of my life had been spent in idleness and sloth. We may, sir, make plausible excuses for our waste of public time here, apologies which may satisfy ourselves and each other. But, sir, our beholders, the unofficial people, cannot respect or credit our excuses. The people all know that noon is *rather late* to commence the task of a full day's work. A day's wages demands a day's work; and it requires no argument to sustain a proposition so simple and so plain.

I may be met by the old argument, that the business of the Senate is greatly in advance of the House—that we have already disposed of the greater portion of our business—that it will require weeks for the House to pass upon the business already sent to that body by the Senate. All this is true; yet will not our example have its salutary effect? Let us do all that duty requires at our hands—leave nothing undone, which ought to be done.

Moreover, sir, the Senate has still before it several very important and deeply interesting subjects to the whole country. Therefore, by meeting at an earlier hour of the day, we shall afford more time for gentlemen fully to discuss these important subjects. We are a talking people, sir—a talking Government. Let us afford ample time for every honorable Senator to deliver himself fully and freely from all the burdens of the spirit of speech-making. I hope, sir, the resolution will be agreed to, and that we shall have an opportunity of witnessing the salutary effects of the proposed change.

Mr. DIXON said he had been a member of the Senate too short a period to be able to correctly judge of the proper duties or hours of meeting for the body. But he had noticed that when rules were once established for the transaction of business in a deliberative body, it was best to adhere to them, unless there was good reason for their alteration. He had listened attentively to the remarks of the honorable Senator from Georgia [Mr. LUMPKIN] who had offered this resolution, and he was convinced, from those remarks, that it would not be good policy to change our present hour of meeting. It was known to every Senator that the business of this body was greatly in advance of that of the House, and therefore there was no plea of a pressure of business to meet at an earlier hour. The honorable Senator says that by the present arrangement he has a good deal of leisure; but if the hour was changed, it would make but little change in this respect, as we would probably adjourn earlier in the afternoon. By the Senator's account, his hours are devoted to useful labor, and the proposed change would only abridge those useful hours. Besides, sir, he informed us that he has had time to take an excursion this delightful summer morning and to enjoy the scenery of this beautiful city and its environs. Of all this enjoyment he would have been deprived, had the hour of meeting been earlier. He has also mentioned that he has sent off two hundred communications to his constituents. Now, sir, would it not be wrong, by changing the hour of meeting, to deprive these constituents of the satisfaction which they undoubtedly derive from these communications of their honorable representative on this floor? For the business of the committee room, for attention to the business of our constituents at the Departments, for answering the communications of our constituents, he considered the leisure hours of the morning as the most appropriate and convenient, and on this account he was opposed to any change in the hour of meeting.

Mr. SEVIER was much astonished at the objections of the Senator from Rhode Island. He had expected that the gentleman, as one of the oldest members of the body, would set them an example of industry and good habits. Like his friend from Georgia, [Mr. LUMPKIN,] he was on two committees, and hard working committees they were, too, and he had not had, for a month, business enough to amuse him. After breakfast he could get his horse and ride a few miles, and then be here some time in perfect idleness, before the business of the day commenced. He was glad that his friend from Georgia had moved in this matter, and he hoped that he would persist in it. At all events, said Mr. S. if we continue to meet here at 12 o'clock, and sit here doing nothing, let those, whose fault it is, take the responsibility. He wanted to go home, and in order to do so, they must despatch promptly the public business. He hoped that his friend from Rhode Island, who came from a hard working county, would join him in voting for this resolution. Let us, said he, meet early, and sit late, and discharge the business confided to us. We shall then be able to go home with a good conscience. Mr. S. called for the yeas and nays on the question, which were ordered accordingly.

Mr. NORVELL said if he believed that the change in the hour of meeting would accelerate the progress of the public business, he would most cheerfully vote in favor of the motion. But we were already, as was well known, far ahead of the other branch of Congress in our business, and he could see no good to be attained by meeting at an earlier hour, under present circumstances.

Mr. DIXON said he could not submit, for a moment, to the imputation that his opposition to the motion was occasioned by disinclination to labor, or to further the business of the session. Such a motive would comport ill with the habits and disposition of the people which he had the honor in part to represent on this floor. But the Senator from Arkansas was aware that our progress in business was dependent on the action of the House, and it was well known that the business of that body was greatly behind our own. And are we to come here at sunrise, when we have no business before us to attend to? He was aware of the proverbial industry of the honorable Senator from Arkansas, and he was surprised at his complaint that his leisure time hung heavy on his hands, for it is not generally the industrious who make such complaints. Those disposed to be idle, are those whose time generally hangs heaviest. The industrious man always finds something to do. He thought the present arrangement was the best calculated to promote the convenience of members who had out-door business to attend to, and had heard nothing in the observations of gentlemen to change his opinion.

Mr. KING thought that his friend from Rhode Island was mistaken with regard to the propriety of changing the time of meeting. He did not recollect, in the course of a very long service here, that the Congress of the United States had ever sat more than five months without changing the hour of meeting to 11 o'clock. The business of the country would be much better transacted if they took time to discuss each subject calmly and deliberately without being hurried off to get their dinners; and this could be done by meeting one hour earlier in the morning. At the commencement of the session it was necessary to allow the several standing committees leisure enough in the mornings to mature the business for the action of the Senate; but after the committees had made their reports and the business was on their tables, there was no longer any reason for so late an hour of meeting as 12 o'clock. For himself, he found that, with not a great degree of industry, the mornings were long enough for all his ordinary business, not connected with his legislative duties, and in that time he had leisure enough to look over a great many papers connected with legislation. He thought there had been a disposition to protract this session to an unreasonable extent. He knew not why it was that they should not follow the example set them by the House of Representatives, which now met at eleven. Circumstances which every gentleman understood, had prevented that body from doing much business hitherto, but he now understood there was a disposition manifested among its members to set car-

nestly to work, and proceed with the business entrusted to them. His impression was, that if gentlemen would be disposed to look more at the business of the country, and less to matters beyond these walls, they would get along better with their legislative duties, and be able to bring the session to a close much sooner. He had no disposition to prevent discussions here. He liked to hear them, and wished the people to have light on all the important questions brought up before Congress, of which there were several. There was the bankrupt question, which he had no hesitation in saying would require a considerable discussion. The people wished information on this subject, and he himself had some doubts with regard to it, and therefore wished to hear it fully discussed. He hoped the resolution would be adopted, and that the business of the Senate might be commenced at an earlier hour of the day.

The question was then taken on the adoption of Mr. LUMPKIN's motion, and it was carried—ayes 22, noes 17, as follows:

YEAS—Messrs. Allen, Anderson, Calhoun, Clay of Alabama, Cuthbert, Davis, Fulton, Grundy, Henderson, Hubbard, King, Knight, Lumpkin, Mouton, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, Wall, Williams, and Wright—22.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Dixon, Merrick, Nicholas, Norvell, Porter, Prentiss, Roane, Robinson, Ruggles, Southard, Strange, Tallmadge, Webster, and Young—17.

BILLS PASSED.

The bill authorizing the granting of letters testamentary and of administration to aliens in the District of Columbia; and

The bill for the relief of certain companies of Michigan militia;

were severally read a third time, and passed.

GENERAL BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy throughout the United States being taken up,

Mr. CRITTENDEN spoke at length in opposition to the substitute proposed by the minority of the Committee on the Judiciary.

Mr. WALL replied to the remarks of Mr. C.; and after some further remarks by Messrs. WEBSTER and WALL,

The Senate went into Executive session,

And then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, May 13, 1840.

Mr. HENRY of Pennsylvania, by general consent, presented a memorial from a large number on the citizens of Beaver county, Pennsylvania, praying for an increase of the tariff so as to give af ample protection to all kinds of goods manufactured in the United States; which was accompanied with the proceedings of a public meeting on that subject held in said county. All of which, on motion, were referred to the Committee on Manufactures.

Mr. BEIRNE presented petitions in relation to Peggy Duncan; which were referred to the Committee on Revolutionary Pensions.

Mr. GRAHAM of North Carolina presented a memorial of the members of the bar of the courts of the District of Columbia, and of other citizens of said District, praying that an innocent defendant, who has been acquitted of a criminal charge, may be reimbursed his taxed costs: referred to the Committee for the District of Columbia.

Mr. FLETCHER presented the petition of Harry Richardson, of the State of Vermont: referred to the Committee of Claims.

The SPEAKER laid before the House a letter from the Postmaster General, communicating the information called for by the House on the 6th of April, in relation to the delay and irregularity of the mails between the cities of New York and Boston; which was laid on the table.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting the information called for by the House on the 6th of April, in relation to the establishment of a naval station south of the Chesapeake Bay; which was, on motion of Mr. BANKS, ordered to lie on the table, and be printed.

A number of Senate bills on the Speaker's table were read twice, and appropriately referred.

THE PUBLIC PRINTING.

The first subject in order was the report of the Select Committee on Public Printing; the resolutions in the report were read.

Mr. EVANS moved to amend by striking out all the resolutions, and inserting another set of resolutions reported by the minority of the committee.

These, also, were read.

Mr. E. inquired whether the chairman of the committee had any exposition to present of the grounds of the report.

Mr. BLACK said it had been his intention to say nothing on the report; the report itself contained the measures proposed by the committee, and the reasons on which they founded them. If the minority of the committee had any thing to submit in opposition, or in preference of any other plan, he was ready to hear, and would then reply. The report of the minority referred to the present Congress only; that of the majority contained no such restriction.

Mr. EVANS addressed the House in explanation of the report of the minority of the committee. The minority did report a plan for the present Congress only, because the directions of the House to the committee (which had been drawn up by Mr. BLACK himself) went no further, and because this House had no authority to prescribe for future Congresses. That must be done by law, and not by a simple resolution of one of the Houses.

Mr. E then went into an exposition of the report. The majority had been in favor of a general reduction of 15 per cent. from the standard fixed in 1819; the minority, of an average reduction of 25 per cent. He compared the prices of materials and of labor in 1819 and at the present time; and also the great difference in the amount of work ordered; and went into a series of calculations to show the profit accruing under the present rates of printing, and inferred the propriety of a larger reduction than that reported by the majority of the committee. He stated that the chief expenditure in printing was occasioned by printing extra numbers of documents proceeding from the Departments, especially those containing a great deal of figure work; and on these documents the profits of the printer were the largest; the chief profit being on paper and press-work, in both of which great reductions had taken place.

He went into the deductions to be made for extra labor at night and on Sundays, and for the inequality of the pressure on the office, but thought these were greatly overrated; the introduction of power presses having obviated the necessity of keeping so many hands under wages while without steady employment. He dwelt on the peculiar advantages enjoyed by the Congressional printers in the promptitude and certainty of payment; the absence of dead stock on their hands. Mr. E. then went into the mystery of printer's "fat," which he explained and endeavored to make comprehensible to the House, and insisted that this "fat" more than made up for all disadvantage from illegible copy, night work, &c.

Mr. E. next referred to the opinions of witnesses as to the proper rate of deduction to be made from the prices paid to the Printer of Congress, quoting from the printed testimony submitted with the report, and arguing to show that an average of twenty-five per cent might be deducted, and yet leave a large profit to the printers; but he proposed to distribute the deduction in different proprortions on different classes of the work done; the reasons for which he explained at great length.

He stated the offer of Messrs. Gideon, Stambaugh, and others, to execute the work at this general rate of deduction, and went into extensive calculations to show the existing profits of Blair and Rives, in confirmation of the general views he had submitted, exclusive of the printing for the Senate and the binding of documents, &c.

He concluded by insisting that by the establishment of a Government printing-office the work might be better done, and for half the money now paid.

Mr. BLACK adverted to the incapacity of men not professionally acquainted with printing to form a correct judgment of the details of the present subject. He referred to portions of the testimony taken before the committee, given by parties who had heretofore executed the Congressional printing, and on whose testimony the majority of the committee mainly relied; and argued to show that, taking this testimony as true, it would be unreasonable and injurious to reduce the present prices more than fifteen per cent. He dwelt upon the great and peculiar hazards attending the investment of large capital; on the chance of executing, for any period of time, the public printing of Congress; the immense loss from dead capital lying absolutely useless on the hands of the proprietors, sometimes for years together; the irregularity of the employment; on the necessity which compelled the Printer to keep a large and extra number of workmen, who were employed also in extra hours, and of course at extra compensation, which went greatly to add to the expenses incurred.

Mr. B. admitted the reduction in the price of paper, but doubted whether there was any strength in the argument which had been urged, that additional cheapness was attained by the use of the newly invented steam cylinder press. There was, indeed, additional facility in printing; but he considered that, if not more than counterbalanced, it was at least dearly paid for, by the original cost of the press—which was about $3,000—the wages of the engineer, the outlay for oil, fuel, and water, the wear and tear of the type, the destruction of paper, &c. If gentlemen would take all these matters into consideration, he believed it would be found, when they run the parallel between the expense of printing by the old hand press and that of the steam press, that there was no material difference, if any, in favor of the latter. He blamed no man's notions of economy; he only submitted his own, and he was willing to submit them to his constituents. He believed, if the officers of the Government were better paid, there would be fewer delinquencies and more efficient service. He would not stand by and see any man cheat the Government, but he and his constituents felt a deeper interest in the efficient discharge of the duties of the office, (whatever it might be,) than he did in regard to the dollars and cents; and he believed that, if more attention were paid to the former consideration, and less to the latter, it would be for the benefit of the country.

Mr. B. replied to the argument that the public printing had increased greatly within a few years. He admitted the fact; but who was to blame? The printer or ex-printer? Surely not. This was an extravagance which was to be charged to the body itself; and could not be held as an argument why the printer should not be paid a proper amount for his labor. Was the printer to be reduced and cut down to a starving salary because the House itself chose to expend more money than ought to be expended on public printing? Nothing could be more unreasonable—nothing more unjust Congress itself was answerable. Would they reform it? Order no more documents and frivolous reports, &c. to be printed. The remedy was to cease to make those wild, extravagant orders to print documents which were used only for wrapping paper.

In conclusion, Mr. B. alluded to the report of the majority, which recommended a deduction of fifteen per cent. He candidly confessed, however, that he did not think that that would leave the printer a fair and sufficient compensation, nor such as he ought to receive even in comparison with other avocations in life involving outlay of capital, and a hazard greater than that attending any other business in the country. He did not believe that the printer could get along with that reduction; but the House could decree it if they thought proper. For his own part, he should vote against the resolution. He thought that the very lowest reduction should be ten per cent. and even under that he thought the printer would make but poorly out.

Mr. R. GARLAND wished, he said, to state some facts, but as there were only some thirty members present, he would move that the House take a recess. [It was now a quarter past 3 o'clock.]

Mr. R. GARLAND said, well, then, the House would not take a recess, he would move an adjournment; on which motion the yeas and nays were ordered, and being taken, were—yeas 15, nays 52.

So the House refused to adjourn.

Mr. RAMSEY moved a call of the House; which motion was rejected.

Mr. ADAMS addressed a remark to the CHAIR, which was understood to be that he was willing to stay here as long as any one; but as the House could not do business without a quorum, and as they would not adjourn, he supposed they had nothing to do but sit there and amuse themselves in the best way they could.

Mr. CUSHING said that it was not just that the gentleman from Louisiana [Mr. GARLAND] should address seventy members on a business question, which required the presence and intelligence of

all. He would therefore move that the House adjourn

On which motion the yeas and nays were asked and ordered; and being taken, were—yeas 32, nays 63.

So the House refused to adjourn.

Mr. R. GARLAND moved a call of the House; which was rejected.

Mr. CURTIS moved that the House adjourn.

On which motion the yeas and nays were asked and ordered.

Mr. CURTIS thereupon withdrew the motion.

Mr. ADAMS renewed it, remarking that the House might as well be listening to the call of the yeas and nays as doing nothing.

And the yeas and nays were asked and ordered.

Mr. RICE GARLAND desired to state that though he should be glad to state a few facts, and to say something in reply to arguments that had been urged on the other side, still he was willing that the question should be taken, if the House was so disposed.

After a brief conversation, the question was taken, and the vote stood—yeas 37, nays 71.

So the House refused to adjourn.

Mr. HENRY moved a call of the House, and asked the yeas and nays, which were ordered; and being taken, were—yeas 70, nays 50.

So the call was ordered.

The Clerk proceeded to call the roll, but had made only a little progress therein, when, on motion of Mr. DAWSON, all further proceedings on the call were suspended.

Mr. RICE GARLAND then offered to amend the amendment by a resolution setting forth that as it appeared that offers had been made to execute the public printing—one at 25 per cent. less than the prices fixed by the joint resolution of March 3, 1819—and the other at 20 per cent. less than said prices—this House did not deem it expedient to pay the printer there of a higher compensation than that for which other persons who were competent to do the work were willing to perform it.

Mr. EVANS accepted this resolution as a modification, by way of preamble, to his amendment.

Mr. VANDERPOEL asked if it was in order to assume facts by way of recital?

Mr. RICE GARLAND said he was assuming nothing. The testimony which had been taken before the committee would fully substantiate that such offers had been made. Mr. G. then referred to the evidence of particular individuals, and to their qualifications to testify; in doing which, he replied to numerous statements made by Mr. BLACK in relation thereto, and contended that the whole report of the majority was based upon a single erroneous calculation, or statement, given in testimony—unintentionally erroneous, no doubt, but still erroneous. Mr. G. entered into a minute examination and comparison of prices, with a view to show the accuracy of the conclusions in the report of the minority, and invited the gentleman from Georgia [Mr. BLACK] to show that a single error had occurred in the figures upon which that report was based. He dwelt on the amount of capital admitted to be invested—on the expenses incurred of all kinds—on the nett profits admitted to be received—contending that, even after the reduction proposed by the minority should have been made, a sufficient, an abundant remuneration would be left to the printer—a nett profit greater than that realized on any other fair and honest investment of capital; and this, too, after all the risk and hazard to which allusion had been made had been taken into consideration, and which, he said, were scarcely heard of with reference to any other than Congressional printing.

Mr. G. referred to the proceedings in the committee, (as they appeared on the journal which had been printed, and which led to some explanations between Messrs. GARLAND, EVANS, and BLACK,) with a view to show that no original proposition or plan for the reduction of the prices of the public printing had been submitted by the chairman of the committee, [Mr. BLACK,] in the first instance, but that he had been drawn into a sanction of the proposition for a reduction of fifteen per cent. as the lowest of the two propositions made for that object, by the fact that members of the committee on both sides were found to be in favor of reduction to a greater or less extent.

He would not follow the gentleman from Georgia through the motives which he had imputed, rather indirectly to be sure, to a certain portion of the House in regard to the increase of public printing. The House might be responsible for the amount of printing which it thought proper to order; and he (Mr. G.) and those who acted with him, did not say that the printer was to be made responsible, or to be cut down to a starving salary for that. But they did say that the printer would be well and liberally compensated by a much less amount of profit. The compensation, after all the matters to which the gentleman from Georgia had referred, as adding to the expenses and risks of a printing establishment, including the high rates of insurance and every thing else, was most extravagant, and such as ought no longer to be tolerated.

Mr. GARLAND having concluded—

Mr. PETRIKIN moved to strike out all after the word "Resolved," in the amendment to the original resolution, and insert the following: "That the printing for this House shall hereafter be paid for at a rate of ten per cent. less than the prices fixed by the joint resolution of March, 1819.

"*Resolved*, That the printing executed for this House since the election of printer, shall be paid for as heretofore provided for, and agreeably to all the reservations and provisions contained in the joint resolution of the 3d of March, 1819."

Mr. P. said he would make no remarks beyond this; that he thought the majority and the minority of the committee were both wrong in their conclusions. Upon a critical examination of the testimony of Messrs. Gales and Seaton, and others, who have the best practical knowledge of the business, it would be found that the printers could not stand the reduction proposed. He believed his proposition was about a fair medium between the extremes, and the most just one; and he, therefore, moved the previous question.

Mr. DAVIS of Pennsylvania moved a call of the House; which was ordered—ayes 60, nays 56.

Mr. UNDERWOOD said it was near 7 o'clock, and if the call was proceeded in they would be kept here a long time before it could be completed, and he therefore moved an adjournment.

Mr. ATHERTON demanded the yeas and nays; which were ordered, and were—yeas 63, nays 83.

So the House refused to adjourn.

Mr. GALBRAITH said it was now obvious that there was a quorum present, and he moved to dispense with all further proceedings in the call.

Mr. L. WILLIAMS demanded the yeas and nays; and which having been ordered,

Mr. GALBRAITH withdrew his motion.

The call was then proceeded in till 173 members answered to their names; when

Mr. BANKS moved that all further proceedings in the call be dispensed with.

Mr. GARLAND of Louisiana demanded the yeas and nays; which were ordered.

Mr. THOMPSON of South Carolina moved that the House adjourn.

Mr. TURNEY demanded the yeas and nays which were not ordered.

Then, before completing the call,

The House adjourned.

IN SENATE,

THURSDAY, May 14, 1840.

Mr. WRIGHT presented a remonstrance from merchants of the city of New York against the bill recently passed by the House of Representatives for the better enforcement of the revenue laws; which was referred to the Committee on Finance, and ordered to be printed.

Mr. BUCHANAN presented a memorial of John M. Sarchett, of the city of Philadelphia, stating that there were four conflicting decisions on the revenue law in relation to imported iron, and asking legislative action in the premises; which was referred to the Committee on Finance.

Mr. DAVIS presented a memorial from citizens of Boston, praying for the establishment of a fog bell on a certain island in the harbor of Boston; which was referred to the Committee on Commerce.

Mr. NORVELL, from the Committee on Commerce, reported a bill to extend the privilege of debenture on the exportation of foreign merchandise in certain cases; which was read, and ordered to a second reading.

Mr. N. also, from the same committee, reported a bill fixing the compensation of the collector of the port of St. Louis; which was read, and ordered to a second reading, and the report ordered to be printed.

Mr. DAVIS, from the Committee on Commerce, reported a bill authorizing the harbors of Sippican and Mattapoisett, in the State of Massachusetts, to be known hereafter as ports under those names; which was read a first and second time, and ordered to be engrossed for a third reading.

Mr. MOUTON, from the Committee on Commerce, reported a bill making appropriations for the continuance of operations for deepening the channel at the mouth of the Mississippi river; which was read, and ordered to a second reading.

Mr. PIERCE, from the Committee on Pensions, to which was referred

The petition of Thomas Amerman, and

The petition of Samuel Cozad;

made adverse reports thereon; which were ordered to be printed.

Mr. PRENTISS from the Committee on Pensions, to which was referred

The petition of Richard Elliott; and

The petition of Shearborn Dearborn;

made adverse reports thereon; which were ordered to be printed.

Mr. WHITE, from the Committee on Pensions, to which was referred the petition of Benjamin Owens, made an adverse report thereon; which was ordered to be printed.

The joint resolution to appoint a joint committee on the subject of the Documentary History of the United States, with a view to the discontinuance thereof, was read a third time, and passed; and Messrs. HUBBARD, WEBSTER, and ALLEN, appointed said committee on the part of the Senate.

GENERAL ORDERS.

The bill to create an additional land office in the State of Michigan, and for other purposes; and

The bill for the relief of the legal representatives of David Stone;

were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill for the relief of William Bennett was discussed as in committee of the whole by Messrs. WILLIAMS, HUBBARD, YOUNG, LUMPKIN, and WHITE, and indefinitely postponed—ayes 20, noes 18.

GENERAL BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy throughout the United States being taken up,

Mr. HENDERSON spoke at length in opposition to the substitute proposed by the minority of the Committee on the Judiciary.

Mr. WALL replied to the remarks of Mr. H.; and after some further remarks by Messrs. CRITTENDEN, GRUNDY, WEBSTER, NORVELL, and TAPPAN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 14, 1840.

When the House adjourned on yesterday, the subject before the House was the report of the Select Committee on Printing. The question pending, was the amendment of Mr. PETRIKIN to strike out all after the word "Resolved" in the amendment offered by the minority of the committee, and to insert the following:

"That the printing for this House shall hereafter be paid for at a rate of ten per cent. less than the prices fixed by the joint resolution of March, 1819.

"*Resolved*, That the printing executed for this House since the election of printer, shall be paid

for as heretofore provided for, and agreeably to all the reservations and provisions contained in the joint resolution of the 3d of March, 1819."

The House having adjourned on yesterday in the midst of an unfinished call,

Mr. BRIGGS now moved that all further proceedings on that call be suspended.

Mr. GRAVES hoped not. He desired to have a full House when the question was taken.

The SPEAKER stated that, if the call was proceeded in, it would extend only to those members who were absent at the call of the roll last evening.

On motion of Mr. GRAVES, all further proceedings on that call were suspended; and Mr. MORGAN moved a (new) call of the House.

Mr. GRAVES asked the yeas and nays, which were ordered.

The SPEAKER then stated that the first business before the House was the question of privilege, being the report of the Select Committee raised to investigate the facts in the case of Messrs. R. GARLAND and BYNUM.

So Mr. MORGAN suspended his motion for a call of the House, and Mr. GRAVES withdrew his motion for the yeas and nays.

In reply to an inquiry from Mr. BLACK, the SPEAKER stated that the report of the Select Committee on Printing would be the business next in order, after the case of privilege should have been disposed of.

BREACH OF PRIVILEGE.

The business now before the House being the "report of the Select Committee appointed to investigate the facts relative to the disorder and personal violence which took place in the House between two of its members, to wit, RICE GARLAND and JESSE A. BYNUM,"

Mr. UNDERWOOD hoped, in case the report was taken up, that either prompt action would be had thereon, or that the matter would be indefinitely postponed. With that view, he would take the liberty of presenting some resolutions he had prepared, for the purpose of submitting a few points for the consideration of the House.

In making the motion for the appointment of a committee to investigate this matter, he had been careful to word it in such a way as not to require the committee to report any proposition for the action of the House. He had good reasons for so doing, which would appear in the sequel. What he now proposed came entirely from himself as an individual member of the House, without being sanctioned by any member of the committee, in any way whatever. When on the committee, he did not think he had, under the resolution of the House, any right to recommend any such proposition for their action, but had intended to offer the resolutions he now presented, when the matter shall be taken up by the House.

At the request of Mr. CORWIN, Mr. U. here yielded the floor for a moment.

Mr. CORWIN then said that, as he was compelled to leave the city on indispensable business, he would ask the House to grant him leave of absence for three weeks from Saturday next.

And the leave was granted.

And, on his motion, Mr. CORWIN was discharged from further service as chairman of the Committee on Public Lands.

Mr. CRABB of Alabama asked to be excused from further service on the Committee of Elections. He took this course from a sense of duty no less to himself than to the parties to the several contests pending before that committee. Such were the general state of his health and his imperious duties to his immediate constituents, as to forbid his giving that attention to the important questions before the committee, which he was in the habit of giving all matters coming specially under his consideration, and he felt that, under the circumstances, to omit the request he had now preferred to the House, would be palpable injustice to the parties concerned, to the House, and to himself. He felt that he could not sustain himself under the severe labor which must necessarily be incurred by every member of that committee who shall do his duty, and less than that he was unwilling to do in any capacity in which he may be called to act. He assured the House that, if it were practicable for him further to prosecute his duties on said committee in a proper manner, he should be very far from making this request.

And Mr. C. was excused.

Mr. UNDERWOOD then resumed, and said he would make a few comments on the resolutions he intended to offer, but which he desired might be first read by the CLERK. The resolutions were then read, as follow:

Resolved, That experience has shown the necessity of defining with clearness what shall constitute disorderly conduct, and a contempt of this House, and of prescribing the punishment for the offence before the deed is done.

Resolved, That it is incompatible with the spirit of the Constitution, if not in conflict with its letter, to punish a citizen or a member of Congress for disorderly conduct, for a contempt, or a breach of privilege, until the nature of the offence, the facts necessary to constitute it, and the punishment to be inflicted, have been clearly defined and promulgated.

Resolved, therefore, That the following shall henceforth constitute a part of the standing rules of this House, viz:

1. If any person or persons within the Capitol, or any of the enclosed grounds around it, or within any street passing by or around such enclosed grounds, shall hereafter make a noise, or do any other act disturbing or interrupting the deliberations or business of the House of Representatives, or any of its committees, the person or persons so offending, being thereof convicted, by a vote or resolution of the House, shall, for such contempt, be severely reprimanded, or imprisoned not less than one nor more than ten days, at the discretion of the House of Representatives.

2. If any person or persons shall hereafter assault or strike any member of the House of Representatives, or any other person within the Capitol, or any of the enclosures around the grounds of the Capitol, except it be in self-defence, or some lawful purpose, the person or persons so offending shall be adjudged guilty of a contempt to the House of Representatives; and being thereof convicted, by a vote or resolution of the House, shall be imprisoned therefor for a space of time not less than sixty nor more than one hundred and eighty days, at the discretion of the House of Representatives.

3. The person or persons offending within the purview of the two preceding rules, or either of them, shall be arrested by the Sergeant-at-arms, upon the warrant of the Speaker, to be issued upon the oath or affirmation of the party applying therefor.

4. Any member of the House who shall, by contumelious words or actions, insult any other member of Congress within the Capitol, or any of the enclosures around it, including the enclosure to the east of the Capitol, shall, on conviction thereof, by a vote or resolution of the House, be severely reprimanded for the first offence, and expelled for the second.

5. Any member of the House who shall assault or strike any other member of Congress within the Capitol, or within any of the enclosures around it, including the enclosure to the east of the Capitol, unless in self defence, or some lawful purpose, shall, on conviction thereof, by a vote or resolution of the House, be expelled.

6. It shall require a majority of four-fifths to suspend the rules in order to permit a member to notice and repel any statements which may be found in print or manuscript, reflecting upon the moral, political, or official character of any one.

7. *Resolved by the Senate and House of Representatives*, That the following shall constitute an additional joint rule of the two Houses: In cases of personal insult or conflict between a Senator and Representative, a committee of two from the Senate and three from the House shall be appointed to investigate the facts, and report to their respective Houses the facts of the case; whereupon that House of which the party in default is a member, shall proceed to punish him according to the rules of either body which he may have violated.

Mr. W. COST JOHNSON rose to inquire of the gentleman from Kentucky (Mr. UNDERWOOD) whether it was his intention that these resolutions should first be considered and acted on, before the House had considered the report made by the committee?

Mr. PETRIKIN (pending Mr. UNDERWOOD's reply to Mr. JOHNSON) rose to a question of order. He submitted to the Chair that these resolutions were separate and distinct from the report of the committee, and that they could not be entertained, save by a suspension of the rule.

The SPEAKER was of opinion, he said, that these resolutions were germane to the subject. The committee had reported the facts, these facts were before the House, and it was in order for gentlemen to move any resolutions appertaining thereto.

Mr. UNDERWOOD said he would show the relevancy of these resolutions to the report of the committee, and hoped also to be able to show that they ought to be adopted.

Mr. W. COST JOHNSON then requested the gentleman from Kentucky to answer his interrogatory, whether it was his (Mr. U's) intention that these resolutions should be considered and acted upon before the House had considered the report of the committee.

Mr. UNDERWOOD said, yes—he wished these resolutions to be acted upon first, and he wished them to be the *only* action of the House on the subject. It was his desire to show briefly the reasons which induced him to offer them.

Mr. U. after explaining the purport of the 1st and 2d resolutions, proceeded to say that it was needless to call the attention of members to the provisions of the Constitution which laid down the principles he had enumerated. All here were fully aware of them. He would then ask whether this House had ever undertaken to prescribe what should constitute contempt or disorderly conduct. Look at the rules: from the foundation of the Government down to this time, there was not a sentence on this subject. Upon what, then, did the whole system depend? It depended upon legislative usage, without the positive action of any legislative body; and we had to collect authorities on the subject in the history of the British Parliament, in the history of this body, and in the history of the various legislative assemblies of this country.

Mr. WM. COST JOHNSON rose to a point of order. In his opinion, it was impossible to punish the gentlemen, who were not, by the laws of the House or of the country, subject to punishment before these resolutions were introduced. He thought the resolutions were not relevant to the matter.

The SPEAKER said there could be no doubt that these resolutions were in order, inasmuch as they were germane to the subject-matter of the report. That report related to a case of breach of privilege. On examination, the gentleman from Kentucky had been of opinion that there was no remedy for that particular case, but that it furnished a strong inducement to pass laws or resolutions to govern the conduct of the House, and by which such occurrences might, in future, be prevented.

Mr. PETRIKIN appealed from the decision of the CHAIR.

Mr. W. COST JOHNSON had one word to say. These resolutions, he understood, were not the result of the deliberations of the committee; they were not reported officially as the results of that deliberation; but they came from an individual member of the committee. They were not the official acts of the organ of the House, but of one individual member of it.

The SPEAKER said that cases had frequently occurred in which the committee reported merely facts, and in which some member moved a resolution connected with the subject-matter of that report. For instance, in the contested election between Prentiss and Word and Claiborne and Gholson, the committee reported only the facts; a gentleman then rose, and moved that one party or the other were not entitled to their seats. That was a resolution growing out of the facts of the case.

Mr. PETRIKIN regretted his ideas of order differed from those of the CHAIR, and it was with great reluctance that he had taken the appeal. But if these resolutions of the gentleman from Ken-

tucky were permitted to pass, it would be establishing a bad precedent. Here a report was made from a committe, giving the facts of a certain transaction, and, under pretence of acting under that report, a gentleman wished to introduce resolutions of the most dangerous tendency, calculated, among other things, to destroy the right of trial by jury. He contended that the resolutions had no relevancy or connexion, either directly or indirectly, with the report of the committee. They had no bearing whatever upon the report, and consequently the House could have no action upon them. For instance, one portion of the resolution referred to disturbances on the highway; and was that relevant to the subject of the report? Certainly not. He was therefore compelled, as a matter of duty, to make the appeal.

Mr. TILLINGHAST contended that the resolutions were perfectly in order; and inasmuch as the committee had recommended no action, it was proper for any member to propose that which the committee were not instructed to do.

Mr. BRIGGS considered the resolutions as having no relation to the report of the committee. In case they should be adopted, the report would remain undisposed of untouched.

Mr. BANKS thought that the SPEAKER and the House would bear witness that he had never risen to a question of order since he had first taken his seat on the floor, and it was with extreme regret that he ever said any thing in relation to such questions, as it was always with painful emotions that he ever disagreed with the opinion of the presiding officer.

In the present case it was his deliberate judgment that the CHAIR was wrong in deciding this resolution, offered by the gentleman from Kentucky, to be in order. He, Mr. B. considered them as totally irrelevant to the question before the House, inasmuch as they referred only to such cases as might hereafter occur, and did not touch the present unpleasant and disagreeable affair. Besides, the resolution interfered and infringed on the standing rules of the House. He perfectly agreed with the gentleman from Massachusetts [Mr. BRIGGS] that whatever disposition we might make of these resolutions, the report of the committee will remain untouched

As to the case of Messrs. Claiborne and Gholson, to which the gentleman from Kentucky had referred, that did not bear him out in the position he had taken; for the resolutions offered on that occasion were based on the evidence accompanying the report, and were, therefore, perfectly relevant. But, were these resolutions based upon the evidence or the facts of the report? No: they have nothing to do with the report of the committee. If the gentleman had proposed any action upon the report—if he had proposed to censure or to expel the parties, then it would have been in order. But the resolutions did not propose to touch the matter, and referred solely to cases which might occur hereafter, and besides that, the resolution went to abrogate some of the standing resolutions of the House. He did not deny the power of the House to legislate so as to provide for the future, but he considered that the present case should be disposed of first.

Mr. UNDERWOOD was surprised at the course of gentlemen in opposing the resolutions. The committee had, in accordance with instructions, reported all the facts, and now gentlemen contended that the House must confine itself strictly to this case, and had no power to legislate for the future.

Mr. BANKS: I said no such thing. The gentleman is mistaken. I admitted that we had the right to legislate prospectively.

Mr. UNDERWOOD then went on to contend that instead of his resolutions abrogating any standing rule of the House, there was no rule which applied to the case. He proposed to make a new law, which should cover such cases. According to his view of the Constitution, there could be no law to define this particular offence; and the only way in which it could be reached, was by a reference to the practice of the British Parliament, and of this body in former years. He denied there was any other way by which this particular offence could be reached. What he wished to do, was to establish a system of law, so as to apply to all such cases. But how was the appeal sustained by the gentlemen from Virginia and Pennsylvania? Why, on the ground that the resolutions interfered and infringed on the standing rule of the House. Now the fact was, the resolutions interfered with no standing rule.

Mr. BANKS referred him to the standing rule which provides that two-thirds shall be required for the expulsion of a member, whereas one of the resolutions proposed four-fifths. Was not that an interference on one of the standing rules?

Mr. UNDERWOOD admitted that in this instance his resolutions were not in order, and he was willing to withdraw that portion.

The SPEAKER modified his decision so far as to except that portion of the resolutions, which proposed a change of the rule; the rule, as at present existing, requiring one day's notice of amendment.

Mr. BANKS said as the gentleman had now changed the issue, and intended to propose some action on the report, he would no longer support the appeal.

Mr. VADERPOEL demanded the the previous question on the appeal.

Mr. BOYD moved to lay the whole subject on the table.

Mr. BRIGGS asked the yeas and nays; which were ordered, and being taken, were—yeas 83, nays 96.

So the motion to lay the whole subject on the table was rejected.

And the question recurring on the demand for the previous question on the appeal, there was a second.

And the main question was ordered to be taken.

Mr. PROFFIT demanded the yeas and nays on the main question, which were ordered.

On the requisition of the CHAIR, Mr. W. C. JOHNSON reduced his point of order to writing; which was substantially as given above—adding thereto that the resolution proposed a change of the rules—a proposition which could not be made without one day's notice.

And the main question, "Shall the decision of the Chair stand as the judgment of the House?" was then then taken, and decided in the negative—yeas 69, nays 108.

So the decision of the Chair was reversed, and the resolutions declared to be out of order.

Mr. UNDERWOOD said that, as some gentlemen had suggested that most of the resolutions which he had offered were in order, provided they were connected with the transaction between Messrs. R. GARLAND and BYNUM, he would propose to offer the following resolution as the first of the series, and then to strike out two of the others—the one proposing a change of the rule so as to require a majority of four fifths, and the other proposing joint action on the part of the two Houses. The following resolution was then read:

Resolved, That this House ought not to take any further notice of the occurrence between Mr. RICE GARLAND and Mr. JESSE A. BYNUM, but should legislate to prevent the occurrence of such cases in future.

[Here follow the other resolutions, excepting the two numbered six and seven.]

Mr. CUSHING submitted to the Chair that these resolutions were out of order.

The SPEAKER, refering to the decision just made, said in his opinion they were so.

Mr. UNDERWOOD appealed from this decision.

Mr. PETRIKIN submitted to the Chair that an appeal could not be taken, because the question had already been decided.

Mr. UNDERWOOD claimed the floor.

The SPEAKER said the gentleman from Kentucky [Mr. UNDERWOOD] was entitled to the floor. The SPEAKER was of opinion that the proposition now offered was substantially that on which a decision had just been made; but it would be placing an arbitrary power in the hands of the SPEAKER to say that a gentleman should not appeal from his decision.

The appeal was spoken to by Mr. UNDERWOOD, in opposition to the decision of the Chair, and by Mr. CUSHING in support of it.

After which, Mr. TAYLOR moved the previous question; on which motion there appeared—ayes 81, noes not counted.

So there was a second. And the main question was ordered to be taken.

Mr. EVERETT inquired of the Chair whether the question could not be decided so as to take the question on the first branch of the resolutions?

The SPEAKER said no, not on an appeal.

And the question, "Shall the decision of the Chair stand as the judgment of the House?" was was then taken, and decided in the affirmative, without a division.

So the decision of the Chair was affirmed.

Mr. WISE said he had not risen for the purpose of submitting any proposition; but he had a remark to make, to which he asked the especial attention of honorable members. I make it (continued Mr. W.) because I consider I have more right to make it than any other member of this House. It is this: that now, after all the parade you have made upon this case of disorder, if you do not take action upon it, and exercise the power you possess, you will do strong and violent injustice to both members of the House who are implicated in a charge of disorderly behavior. Placed in the position in which they are placed now—a position similar to that which I have myself been placed in heretofore, in a much more serious case, and when charges of a much more serious character were made against me, at the last Congress—sir, I can appreciate the injustice you will do these members; and I can sympathize with them, if now, after the appointment of a committee, you should decide that the whole matter shall be laid upon the table. I voted this morning against the motion to lay the whole subject on the table, not that I especially desired any action upon it, for I shall not sit upon the case; but because, as I have already said, if you do not take action, you will do these gentlemen injustice; you will do to one or both of them injustice similar to that violently done to me on a former occasion. I refer to the case of pretended privilege dragged before this House at its last long session; and I refer to it only as an argument illustrative of the injustice that may be done now. I do not wish again to call it up for discussion here. But after arraigning gentlemen for disorder or breach of privilege, without deciding who was right or who was wrong; nay, without even allowing an opportunity to discuss the question as to who was right or who was wrong; after goading gentlemen, members of this House; after stigmatizing them with breaches of privilege, and even with the commission of murder, you bury the whole affair, not in oblivion, but in the confusion or a report. After arraigning men before the country and the world for a breach of privilege, after charging them with every high crime and misdemeanor disgraceful to human nature, the House was not even willing to take up and examine into the merits of the case, and to decide upon it. In my own case, not even down to this very hour, have I been able to get the publication of the testimony to meet the charges which have been scattered through the world against me. Are you about to do the same injustice now to these members? Day after day, in the case to which I have alluded, were gentlemen waiting anxiously for a trial—day after day were they watching, with deep solicitude, for the moment when they might appear at the bar of the House, and speak for themselves, while the press, and the public, and the world, were all speaking against them.

The SPEAKER here intimated to Mr. W. that it was not in order to discuss the merits of that case.

Mr. WISE resumed. I am not about to do so. I have merely referred to it by way of illustration, and for the purpose of asking whether such is to be the course of proceeding in the present case.

I have one other remark to make. The precise course which my friend from Kentucky [Mr. UNDERWOOD] has proposed now, was proposed then. Instead of taking up the parties and punishing them, if they were guilty—instead of expelling them from this House—instead even of sending

them into the State of Maryland, if you had the power, that they might stand their trial before a jury of the country upon charges which would, if they were guilty, have sent them to the gallows, or which at least ought to have hung them if guilty, you proposed to drop the case, and to adopt ulterior, prospective legislation; and thus you stigmatized the men engaged in that transaction, without deciding upon its merits. What has been the consequence? On this point I have one word to say, and, indeed, it was my chief object in rising. After the ulterior legislation that was adopted—legislation tying every man to the stake to be shot at by every body who chose to insult him in and out of his place—I call upon my fellow-members here to bear me witness that I have, as my conduct will attest, scrupulously forborne to use offensive or personal language here. I would now, since the passage of the anti-duelling law, sooner strike a woman than I would insult a member of the House. I would do any act of meanness or of baseness rather than I would insult a man whose hands are tied. I have forborne and I intend to forbear. But I ask you, sir, I ask the members of this House, I ask the *moral* portion of our community, as some denominate themselves, in case I am insulted, before I fly to the sanctuary and prepare with angelic spirit to turn one cheek when the other is smitten, what am I to do? Am I to have a battle with cut-glass inkstands, or at fisticuffs, or a pulling of noses, or a scene of harsh and strong epithets? As you have tied my hands, what ought you to do for me, and for each and every member of the House? You would do exactly what I know you would do in this case; you will take it up, you will have the parade of getting up a committee to report the facts, and, after they are reported for you to act on, you will lay the whole matter on the table! In conclusion, I say—and with a hope, God knows how sincerely uttered, that I may never be called upon again to interfere in such matters—either repeal your anti-duelling law, or enforce your laws of order with rigidity. Beyond this I have nothing to say.

Mr. POPE rose (he said) to make a motion which he hoped would meet the approbation of the House. He had paid some attention to this proceeding, and was of opinion that the occurrence to which the report of the committee referred had done rather good than harm in this body. Such an occurrence was the necessary result of the course of proceeding here during the present session. He spoke without distinction as to parties. The SPEAKER had not been able to preserve order, owing to that course of proceeding. When a Whig got up and was lashing away at a gentleman on the other side, the cry would be "go on" whenever an attempt was made to arrest him. So on the other side. When a member of the Administration party was speaking harshly of a Whig, any attempt to arrest him was voted down; and thus gentlemen were permitted to proceed pretty much in what way they pleased. This state of things could not end any otherwise than as it did. One gentleman [Mr. R. GARLAND] had made a direct apology to the House, and he hoped that such would be the case with the other gentleman, and that thus the harmony of the House might be restored without resort to further proceedings. Under these circumstances, the suggestion of his friend and colleague [Mr. UNDERWOOD] that no further action should be taken, met his (Mr. P's) approbation. The committee had been unanimous in their report of the facts, and the conduct of both parties was fully and fairly before the country. Without giving any opinion either on the one side or the other, he thought it would be better to let the subject drop, and to leave to public opinion to censure or not. The House had behaved much better since the occurrence took place, and he hoped that they would show, by their future conduct, that they regretted the course of proceeding which, as all must admit, had been tolerated too long.

After a few remarks as to the condition of the public business and the necessity for action, Mr. P. concluded by moving to lay the whole subject on the table.

Mr. BRIGGS asked the yeas and nays, which were ordered, and, being taken, were—yeas 86, nays 93.

So the House refused to lay the subject on the table.

Mr. JENIFER offered the following resolution:

Resolved, That should any member on this floor so far forget the respect he owes to his own character and duty to the House, as to use offensive language to any of his fellow-members, upon being called to order and decided to be out of order, such offending member shall be immediately called on to make a full and ample apology to the House and to the member so offended, and upon refusal be expelled from his seat in this House.

The SPEAKER decided this resolution to be out of order.

Mr. HOLMES said: Mr. Speaker, I agree most fully with the view taken by the gentleman from Virginia, [Mr. WISE,] that justice demands that prompt and decisive action should be taken. Yes, sir, justice to the gentlemen concerned, but emphatically justice to this House, and to the people of this nation, whose Representatives we are. I move the resolution I hold in my hand, under the most painful emotions which I have ever experienced in any parliamentary body. But, sir, justice demands that this course should be taken, and when justice demands, sympathy must give way. Sir, I beg leave to offer the following resolution:

Resolved, That the conduct of RICE GARLAND and JESSE A. BYNUM, in fighting upon the floor of the House of Representatives during the session of Congress, was a gross violation of the dignity of the House, and calls upon the House to vindicate its dignity by an expulsion of the said RICE GARLAND and JESSE A. BYNUM.

Mr. CHINN asked for the yeas and nays: ordered.

Mr. CRAIG was not prepared, under all the circumstances of the case, to vote for this resolution. It savored rather of an *ex post facto* proceeding. He proposed, therefore, to amend it by striking out all after the word "Resolved," and inserting:

"That the report be recommitted to the same committee, with instructions to report what action should be had in the case; and also what measures should be adopted to prevent like occurrences in future, and to protect the members of the House from insult and violence."

Mr. PROFFIT moved the previous question, but withdrew the motion.

Mr. BRIGGS moved to amend the amendment by striking out all after the word "Resolved," and inserting the following:

"That JESSE A. BYNUM and RICE GARLAND are guilty of a breach of the privileges of this House."

Mr. BRIGGS said that the committee, in accordance with their instructions, had reported the facts of the case, and it was now for the House to say what proceeding they would take. If both gentlemen had committed a breach of privilege, the House ought to say so; and when that fact should be established, the next question was, what punishment, if any, should be inflicted. When the House came to decide upon this question, it would become them to look into the character and details of the transaction; and to see whether, if both were guilty, they were guilty alike. If not, if one was a greater offender than the other, justice and propriety required that the punishment should be different, because the same punishment should only follow the same offence. He was prepared, in view of the facts, to go at least as far as this resolution went, and to say that both members had violated the privilege of the House. And he was willing to say so by his vote.

Mr. M. A. COOPER asked Mr. HOLMES to accept the following as a modification of his resolution:

Resolved, That the whole subject be recommitted to the same committee, with instructions to report what further proceedings are necessary on the part of the House, and also the form in which said proceedings shall be had.

Mr. HOLMES declined to do so.

Mr. JENIFER expressed himself opposed to any proposition that would not bring the House to a decisive vote. He was glad that the gentleman from South Carolina [Mr. HOLMES] had offered his proposition; and although he (Mr. J.) intended no censure on the committee, yet he thought that such a proposition should have come from them long since. If this proceeding went unrebuked, how would the House ever hereafter punish any man for a violation of its privileges? He would vote in favor of the resolution of the gentleman from South Carolina; he should do so with reluctance, still he would do it. The House owed it to its own character and to the character of the country not only to rebuke this proceeding in the strongest manner, but now to take a stand and prevent the recurrence of such scenes in future. It was with this view that he had offered the proposition which the SPEAKER had declared to be out of order. Mr. J. spoke of the calumnies and abuse which the House, by its own course, had let in upon itself. Something must be done to arrest it. He believed that any other man would have done what the gentleman from Louisiana [Mr. GARLAND] had done under the circumstances, but still nothing could justify it here, and he (Mr. J.) would, reluctantly, as he had said, give his vote for expulsion, and that, too, without discrimination.

Mr. PROFFIT was astonished that the gentleman from Maryland should be capable of thinking for a moment that they ought to expel the gentleman from Louisiana, [Mr. GARLAND,] in the face of the evidence reported to the House. Neither could he vote for the expulsion of the gentleman from North Carolina, [Mr. BYNUM,] because, previous to the unfortunate occurrence, the House had permitted disorderly speeches to be made, which must ever necessarily terminate in such disgraceful scenes. He did not pretend to be very orderly himself. He hoped, however, that the House would not vote for the expulsion of the parties, but in future enforce its rules of order, so that a recurrence of such events might be prevented. He considered the resolution of the gentleman from South Carolina [Mr. HOLMES] as at least an imprudent act.

Mr. BRIGGS demanded the yeas and nays; which were ordered, and being taken, resulted as follows: yeas 73, nays 106.

So the House refused to lay the subject on the table.

Mr. PETRIKIN moved the indefinite postponement of the whole subject, because he was satisfied that if the House should determine to go into a proper investigation of the matter, it would consume several weeks, and result in no healthy action. It would then be laid on the table, or be indefinitely postponed. He contended that they should be doing the business of the country instead of wasting the time in the manner they had been doing. The seamen in the employ of the United States, were now suffering for their pay. There was no money to fit out the vessels necessary to protect our commerce on the coast of China. Every interest was being sacrificed by the course of legislation here, by wasting the time of the people in idle discussions. It was too late now for these gentlemen to be talking about their dignity, and the dignity of the House; why did they not begin several years ago. This was not the first time that the dignity of the House had been offended against by those very men who now talk so loud about it, and who pretend to be so anxious to defend it. He saw no good reason why these gentlemen should be made a mark to be shot at, when there were many others, who had been twenty times as guilty as they, who were permitted to escape—who had violated the rules, time after time, by using offensive language, and by refusing to vote, and thereby setting at defiance the rules of the House. Others may wish to postpone the business of the country, to amuse themselves, by trying those gentlemen for offending against their dignity; but he was opposed to it. He had no doubt that there were many in the House, who make so much noise about the offended dignity of the House, who did more to commit violations of it than those who said nothing about it. He thought those gentlemen had been sufficiently punished for this rash act, which was committed in the heat of passion. There was no one who was prepared to say that the act was done intentionally.

There was nothing premeditated—it was the result of passion. If they had committed a worse act, without intention, we could not, as jurymen, declare them guilty to the same degree as if the act had been premeditated. It was the intention that made the crime. Would to God that this was the only instance of disorder and indecorum that the House had witnessed. But far worse scenes than that had transpired. Men who had been the foremost in violating the rules, by refusing to vote, and other disorder, now come forward, and affectedly claim to be the only conservators of the decorum and rules of the House. Let every member examine his own conscience, and see whether he can, consistently with his own conduct, vote to expel these gentlemen for this indiscretion.

Mr. W. COST JOHNSON addressed the House at considerable length, insisting on the importance of some decided course being adopted to prevent the occurrence of such cases of violence in future. Should the House refuse to punish, its members would be abandoned to their own protection, and tempted to inflict the most violent retaliation in case of personal insult. Language that would disgrace the purlieus of Billingsgate and St. Giles had already been uttered over and over on the floor, and if these things were suffered to proceed, the House would fall into confusion and public contempt. It was no excuse to say that the conduct of these gentlemen was the result of a momentary impulse; gentlemen must learn to practise self-restraint, and, if they had injuries to punish, to reserve the settlement of such matters to a more suitable time and place. He was opposed to the postponement.

Mr. UNDERWOOD said he had voted against all propositions to postpone or to lay on the table, and his object had been to let new members see what course was to be expected here in cases like the present. He adverted to the vain attempts formerly made to punish disorders in the House, and attributed the whole difficulty to the radical error of having no rules of the House to declare what should be esteemed disorderly conduct, and how it should be punished. Mr. U. insisted that this was not a case of breach of privilege, but a case of contempt. The Constitution conferred but two privileges on members of Congress; one was, exemption from arrest; the other was exemption from being called on out of the House to answer for words spoken in debate.

Mr. U. quoted largely from Jefferson's Manual, commenting as he proceeded.

Mr. CUSHING suggested to him another passage in the same book, declaring quarrels in the House to be breaches of privilege.

Mr. U. denied that authority as contrary to the Constitution, and went on to insist that there ought to be prospective legislation by the House, specifying offences and punisments for members of Congress in the House, as laws were provided in the community for other citizens out of doors. Mr. U. having made a full exposition of his views on this point, said he now washed his hands of this case: holding the principles he did, he could not vote to punish the individuals now implicated.

After some brief remarks from Mr. STANLY.

Mr. BANKS moved the previous question.

Mr. BYNUM remonstrated, and said he should like to be heard before a final vote was taken.

Mr. BANKS thereupon withdrew his motion.

Mr. PETRIKIN declared himself now satisfied that his motion for indefinite postponement was not in order.

Mr. McKAY advocated a recommittal of the whole subject to the same Select Committee, to report whether the House could take any, and what, action in this case. The committee would, doubtless, have done this, but the resolution under which they were appointed did not admit of it, as it directed them simply to report the facts as they happened.

On a former occasion, he had voted to lay the whole matter on the table; but as the House had thought proper to refer it to a committee, he thought, after that, some action should be had thereon. But he was perfectly satisfied, not only from what had occurred that day, but from experience in such cases, that no good was to be attained by prolonging a discussion. It was with that view that he had voted against motions to lay on the table, in the hope that the House would become satisfied that no good could result, and consent to a recommittal, with instructions to the committee to recommend some action on the matter. It was possible that the committee might agree with the gentleman from Kentucky [Mr. UNDERWOOD,] that the offence could not be defined. But whatever might be their conclusions, it was due to the dignity and consistency House to make a final disposition of the matter, now they had gone thus far. And if the committee should report that the offence could not be punished, owing to there being no specification of it, even that would exonerate the House, and show to the country that all had been done which the nature of the case admitted. For his part, he had great confidence in the committee, and if they should come to the conclusion that the House had no authority, that would be satisfactory to the country. But by leaving the matter as it now stood, after having gone so far as to print the facts, it would be a disgrace to the House in all time to come, and establish a dangerous precedent for all future cases. He hoped no gentleman would object to the recommittal, as the committee was so happily constituted, that whatever report they might make could not fail to be satisfactory to all.

Mr. RHETT replied to Mr. UNDERWOOD, insisting that, without further legislation, the House was fully empowered to punish disorderly conduct. Some acts were so manifestly disorderly, that no doubt could be pretended in relation to them, of which fighting on the floor during the sittings of the House was certainly one. Mr. R. said there could be no law passed defining what should be deemed disorderly conduct, without the concurrence of the Senate and the President. Did the gentleman wish, then, to act on a question of the privileges of members of that House? He presumed not. He then quoted the clause of the Constitution which makes the House the sole judge in such cases, and empowers it to punish.

Mr. WISE thought all the resolutions which had been offered premature. The House must act judicially in the matter; refer it to no committee, but judge of the evidence for itself; and even this it could not lawfully do till the parties had been taken into custody, and arraigned on articles of accusation, and put upon their defence. There was not the shadow of a doubt as to the power of the House to punish; but it must be after a regular trial.

Mr. UNDERWOOD replied, and spoke in vindication of the ground he had before assumed. He quoted other passages of the Constitution in reply to Mr. RHETT, arguing that though Congress possessed power to punish piracy, that did not prevent the necessity of its first 'defining" what piracy was, and passing laws for its punishment.

The doctrine of contempts was a doctrine of the common law; but in Kentucky it had been found necessary to limit and define it by statute, and there was the same necessity here. He scouted the idea of going into a formal trial, as proposed by Mr. WISE; it would occupy the rest of the session, and after all, would result in nothing.

Mr. CHINN now moved the previous question, which was seconded, put, and carried.

But, on Mr. ADAMS'S remonstrance, who declared he could not vote unless the parties had an opportunity to be heard,

The vote for the previous question was, on motion of Mr. ANDREWS, reconsidered—ayes 69, noes 60.

Mr. BRIGGS then proposed that the parties b now called upon to state their objections, if any they could show, to the adoption of the amendment declaring them guilty of a breach of the privileges of the House.

Messrs. GARLAND and BYNUM declined addressing the House.

Mr. McKAY read an extract from one of the documents of the House, in which was a case in point, where the House had, in a similar case, proceeded thus far, and afterwards re-committed the whole subject to the same committee. In the present case, the committee had been unanimous in their report of the facts; and was there not good reason to expect the same unanimity in any recommendation they might make? And if they agreed that in their opinion the House had no power to punish, that would be perfectly satisfactory, and would go out to the country, as the reason why the House had not acted on the matter.

Mr. JOHNSON of Maryland was opposed to recommitment. By referring the subject to a committee, it would be transferring the power of House to examine into the facts, to that committee. It was the duty of the members, as the judges who were to try the case, to hear and examine the facts the facts themselves. The persons accused had not been afforded an opportunity to defend themselves on this floor, the only proper place in which they should be heard. The House was the only proper place in which to interrogate witnesses. They were the triers, and should hear all the testimony. If he should ever be so unfortunate as to be involved in a difficulty with a fellow member, he would never consent to be tried in the damp dungeons of the Capitol by any committee, but claim to be heard before the jury which was to decide on his case—the House. Mr. J. went into an argument to show why questions of privilege should be tried in the House alone. He was opposed, on principle, to referring the character and standing of members to a committee; because the committee might be so constructed by a partisan Speaker as not to afford an impartial examination into the facts. It would, in effect, be giving the whole power of the House to try, into the hands of the Speaker, operating through his committee. After showing the necessity of action on the subject, he said if the House declined to give any action, the whole subject had better be laid on the table; but if it felt disposed to check indiscretion and disorder, now was the time to do it.

Mr. TILLINGHAST read the following, which he thought would be proper as a preliminary resolution, to precede the amendment proposed by Mr. BRIGGS:

"Whereas the committee appointed to report the facts of the case of violence that occurred in this House between Messrs. RICE GARLAND and JESSE A. BYNUM; have made their report, and this House is now about to take order thereon:

"*Resolved*, That Mr. SPEAKER call on the said RICE GARLAND and JESSE A. BYNUM now to show cause, if any they or either of them have, why the House should not now proceed to act and adjudge upon the facts as set forth in said report, and that they now have an opportunity to be heard in respect to the facts so reported, and in respect to the action and judgment of the House thereon."

The CHAIR ruled this resolution not to be in order at present.

Mr. BRIGGS then went into a recapitulation of the successive steps which had thus far been taken; and insisted that the parties had had the fullest opportunity before the committee of adducing their witnesses and cross-examining them, and of making their own statements at large. Since then, they had had an opportunity afforded them in the House; and had declined availing themselves of it. What was now in the way to prevent the House from proceeding to act on the report of the committee? As to what Mr. PETRIKIN had said about former disorders, one evil did not excuse another; and the frequent recurrence of such cases did but the more clearly show the necessity of some decided action on the part of the House to prevent them in future.

Mr. EVERETT made some remarks scarce heard at all by the Reporter, but which were understood to deprecate the parties being judged without a hearing before the House, and such proceedings as might appear on its records as a judicial transaction. He thought the accusation ought to be brought to a point, and presented in an explicit form. And he proposed a resolution going to recommit the subject, with instructions to the committee to report what course ought to be taken, and what should be the mode of proceeding.

The CHAIR ruled the amendment not to be in order, it being, in substance, the same with one already offered by Mr. CRAIG.

Mr. RHETT, in reply to the arguments of Mr. WISE, that the member should be arrested by the

Sergeant-at-arms, and arraigned at the bar of the House, denied that it was at all necessary. The object of arrest was to bring before the House such persons as were not in the House, but the member was in the House, and had a right to defend himself, and be heard, if he thought proper to do so, without any formal motion to that effect; and no member had a right to call him to order, if he were to rise to address the House. He defied the gentleman to produce one instance in parliamentary history, where a member was arrested, and arraigned, under the circumstances, as was contended for by the gentleman from Virginia, [Mr. WISE.]

Mr. WELLER moved the previous question, but withdrew it at the request of Mr. CRAIG, who wished to change the relative order between his own amendment and that offered afterwards by Mr. BRIGGS: he wished Mr. BRIGGS's to go first, and his own to follow. He accordingly withdrew his own amendment, and then offered it as an amendment to the amendment of Mr. BRIGGS.

The question being about to be taken,

Mr. TURNEY moved to lay the whole subject on the table.

The yeas and nays were demanded by Mr. BRIGGS; and being taken, resulted as follows: yeas 63, nays 95.

So the House refused to lay the subject on the table.

Mr. WELLER renewed his call for the previous question; but said he would withdraw it, if either of the gentlemen wished to address the House. It was seconded, put, and carried.

Mr. COOPER of Georgia offered the following resolution, and expressed a wish that Mr. CRAIG would accept it; which was read as follows:

Resolved, That the whole subject be recommitted to the Select Committee, with instructions to report what further proceedings are necessary on the part of the House; and also the form in which the said proceedings shall be had.

Mr. CRAIG accepted it as a modification; and the question being on its adoption,

Mr. PETRIKIN demanded the yeas and nays; which having been ordered, were—yeas 106, nays 57.

So the whole subject was recommitted.

Mr. ANDREWS moved that the House adjourn.

Mr. PARRIS demanded the yeas and nays; which having been ordered, were—yeas 83, nays 79.

The House accordingly adjourned.

IN SENATE,

FRIDAY, May 15, 1840.

Mr. BUCHANAN presented the memorial of the Chamber of Commerce of the city of Philadelphia, praying for the construction of a harbor in the river Delaware, and the erection of a light-house on Brandywine Shoals.

Also, a memorial from the same, praying for the establishment of buoys in the river Delaware and bay;

both of which were referred to the Committee on Commerce.

Also, a memorial from a number of citizens of Philadelphia, praying for the erection of a new custom house: referred to the Committee on Commerce.

Also, the memorial of Catharine Rinker, praying for a pension. referred to the Committee on Pensions.

Also, the memorial of a number of citizens of Philadelphia, praying an appropriation for the completion of the light-house on Brandywine Shoals: referred to the Committee on Commerce.

Mr. MERRICK presented the memorial of the Board of Trade of the city of Baltimore, praying the passage of a bankrupt law: laid on the table.

Mr. WHITE presented the affidavits of sundry individuals of Wiskonsin Territory, on the subject of a claim to lands at Milwaukie: laid on the table.

Mr. HUBBARD, from the Committee of Claims, reported a bill for the relief of Daniel Steenrod; which was read, and ordered to a second reading.

Mr. NICHOLAS, from the Committee on Military Affairs, reported

A bill for the relief of Mary W. Thompson;

A bill authorizing the purchase of an island at the confluence of the St. Peters and Mississippi rivers; and

A bill making appropriations to complete certain military roads in the State of Arkansas;

which were severally read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, asked to be discharged from the further consideration of the petition of Henry Wilson; which was agreed to.

BILLS PASSED.

The bill for the relief of David Stone; and

The bill authorizing the harbors of Sippican and Mattapoisett, in the State of Massachusetts, to be known hereafter as ports under those names, were read a third time, and passed.

The bill for the relief of Francis Cazeau was ordered to be engrossed for a third reading.

The bill for the relief of Thomas L. Winthrop and others, after some remarks from Messrs STRANGE and CALHOUN, was recommitted the Committee on the Judiciary.

The bill to create an additional land office in the State of Michigan having been read a third time, and the question being on its passage,

Mr. PORTER objected to the bill, on the ground that there were no white settlers in the new district proposed to be established, and none likely to go there for some time to come. He saw no necessity for another land district in Michigan. A sufficient number were established in that State already. He did not think it probable that any lands would be purchased in the proposed district for some years, nor that any settlements of white people would be made in it for a long time. He had been informed by a member of the Senate of Michigan [the Reporter understood him to say Mr. Bridge] that an additional land office was unnecessary in that country; and he had derived other facts which led him to his conclusions, from Mr. Robert Stewart, now in this city. In the course of his remarks, he also stated that there were no organized counties nor any other counties with any other than imaginary lines, within the proposed new district.

Mr. NORVELL said, that the bill now before the Senate, which had yesterday been ordered to a third reading, proposed to divide the Grand River land district into two districts, and to establish a new one, to be called the Grand Traverse District, in a portion of the north section of Michigan. Since the late surveys were made in the Grand River district, it had been ascertained that it contained about ten millions of acres of land actually surveyed, and nearly or quite ready to be brought into market, besides about one million remaining to be surveyed. The existing district, as proposed to be limited by the bill, contained upwards of five millions of unsold lands, and the new district about the same quantity. Each of these districts was, as he understood, larger than almost any other land district in the United States. The bill had met the approbation of the Committee on Public Lands in the Senate, the committee in the other House, and the Commissioner of the General Land Office. It contained other provisions besides those to which he had adverted. It annexed, for the present, all the Upper Peninsula of Michigan, with the islands in Lake Huron, and its waters, lying within the limits of the State, to the Detroit land district. And it authorized the President to change the location of certain of the land offices, whenever, in his judgment, the public interests required it. He was really at a loss to understand the motive or the object of his colleague, in the opposition which he had just disclosed to the bill. It was the first time that he had ever heard it alleged as an objection to the establishment of a land district and a land office, that the white settlements in the district were small, or that there were none in it. He had supposed that the object of establishing such districts and offices was to attract settlers—to enable them to make their selections, and enter their lands with convenience, and thus to accelerate the settlement of the country. For himself, he would say that he should never be the man who would resist any measure calculated to facilitate and hasten the settlement, cultivation, and population of his own State. That was a policy which he could never reconcile to his feelings, or to his sense of duty to the State which had conferred upon him the honor which he enjoyed of representing her in the councils of the nation.

But, in point of fact, he had understood from the Representative of Michigan in the other House, who resided in the western section of the State, that a white settlement commenced two years ago, and was going on within the proposed new land district, on the Manistee river. Valuable lands were found in that district. They were destined to an early occupation and settlement. The country would probably fill up rapidly. When the first land office was established in Michigan, the whole peninsula, containing more than twenty-five millions of acres, had not five thousand white inhabitants within its limits. The western section had not been occupied by a single white man. In regard to the counties alluded to, he had never before heard of a county in Michigan bounded by imaginary lines. There was no such thing. Every county was distinctly described, and its boundaries laid down in the law. He had learned that the whole country in question had been laid off into counties at the late session of the Legislature of the State. Counties in that State were at first organized for individual purposes, and annexed to other counties for political purposes. When they attained a particular and designated amount of population, they were fully organized for all purposes. But every county had, from the beginning, not its imaginary, but its specific boundaries. In relation to the number of land districts in Michigan, there were at this time but five, when she had upwards of twenty millions of acres of unsold public lands lying within her limits. Other States had a much greater comparative number of land offices. Illinois had ten, with only about eighteen millions of acres of unsold lands. By a bill which had passed the Senate, one of the land districts in Michigan would be abolished at once, because it contained but a few thousand acres of land remaining to be sold. Another of them, by the progress of sales, would, under the operation of that bill, be abolished in a year or two. He hoped that the bill now before the Senate would pass, without further opposition.

Mr. WALKER submitted his views in favor of the bill. He said that the Committee on the Public Lands had always acted with caution in the creation of new land districts; and they had carefully ascertained the necessity of establishing the one in Michigan, embraced by the bill, before they had determined to report it. Upwards of five millions of acres of land were included in the new district, and a larger quantity in the old district from which the new one was taken. This was a larger district than perhaps any other in the United States. As to settlers in the new district, it was not material whether there were few or many. Four districts had been established in Mississippi, with very few settlers in any of them. They were established before the lands were ready to be brought into market. The bill which passed this body some time ago, abolished nine or ten land districts, and at least one in Michigan. No increase of districts would be made by this bill.

Mr. CLAY of Kentucky opposed the bill, and

Mr. CLAY of Alabama supported it.

Mr. KING suggested an amendment, withholding compensation from the Register and Receiver until they entered on the discharge of their duties.

Mr. NORVELL presented such an amendment; which was unanimously agreed to.

The question was then taken, and the bill passed—ayes 22, noes 12, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Grundy, Hubbard, King, Mouton, Nicholas, Norvell, Robinson, Strange, Sturgeon, Tappan, Walker, Wall, Wright, and Young—22.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Lumpkin, Merrick, Porter, Prentiss, Ruggles, Tallmadge, and White—12.

The bills ordered to be engrossed yesterday were severally read a third time, and passed.

The bill for the relief of Thomas L. Winthrop and others, directors of an association called "The New England Mississippi Land Company," was taken up, and after some remarks by Messrs. STRANGE and CALHOUN, was, on motion of Mr. HUBBARD, recommitted to the Committee on the Judiciary.

The bill for the relief of the legal representatives of Francis Cazeau, was considered in committee of the whole, and ordered to be engrossed.

SYSTEM OF BANKRUPTCY.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the United States; and the question was still on Mr. WALL's substitute for the bill.

Mr. SMITH of Indiana argued at large on most of the great and important topics already mentioned as belonging to the subject. He examined and discussed the peculiar principles and provisions of the substitute, opposing it, and repudiating them as wrong and inexpedient, and advocating, with much zeal and earnestness, the original bill from the committee.

Mr. WEBSTER having intimated his desire to address the Senate on this subject—

On motion of Mr. HUBBARD, it was postponed to Monday next.

On motion of Mr. RUGGLES, the bill to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, was taken up, and, after having been amended in several particulars, its further consideration was postponed until Monday next.

On motion, the Senate adjourned to Monday.

HOUSE OF REPRESENTATIVES,

FRIDAY, May 15, 1840.

Mr. CAMPBELL of South Carolina asked leave to refer a petition, on a subject already before the House, to the appropriate committee.

Mr. REYNOLDS also asked leave to refer a petition to the Committee on Revolutionary Claims.

Objection being made, leave was not granted.

Mr. CAMPBELL asked if it would be in order to devote the morning hour to the reception of petitions.

The SPEAKER replied that it could be done only by the consent of two-thirds.

The SPEAKER then laid before the House the following communications:

1. Letter from the Secretary of War, transmitting the information required by the resolution of the House of Representatives of the 23d of March last, respecting the progress which has been made in effecting a treaty with the Wyandott Indians for the purchase of their lands in Crawford county, Ohio.

On motion of Mr. L. WILLIAMS, referred to the Committee on Indian Affairs, and ordered to be printed.

2. Letter from the Secretary of War, transmitting, in compliance with the resolution of the House of Representatives of the 9th ultimo, a system of national defence and the establishment of a National Foundry.

On motion of Mr. WISE, so much as relates to a national foundry was referred to the Select Committee on the subject.

On motion of Mr. W. THOMPSON, the report and accompanying documents were referred to the Committee on Military Affairs, and 2,000 extra copies ordered to be printed.

Mr. C. H. WILLIAMS offered the following resolution:

Resolved, That the first Wednesday in June next be set apart by the House to the exclusion of all other business, for the bills, resolutions, &c. reported by the Committee for the District of Columbia to be acted upon.

Mr. PETRIKIN objected.

Mr. WILLIAMS then moved a suspension of the rules, and called for the yeas and nays; which were ordered, and were—yeas 73, nays 81.

So the rules were not suspended.

Mr. BANKS asked the favor of the House to take up two short bills; which, he said, could be passed in two minutes.

Objections being made,

Mr. B. withdrew his request.

PUBLIC PRINTING.

The unfinished business being the report of the Select Committee on the Public Printing, and the pending question from Wednesday last being on a motion for the previous question on an amendment offered by Mr. PETRIKIN, of Pennsylvania, to

another amendment moved by Mr. EVANS, of Maine—

Mr. PETRIKIN withdrew his amendment.

The question, therefore, was still on the call for the previous question, but applicable now to Mr. EVAN's amendment, (which was that contained in a report from the minority of the committee.) That the state of the question may be more fully understood, we insert, first, the resolutions reported by the majority of the committee, and moved in the House by Mr. BLACK, their chairman; they are as follows:

Resolved, That the printing of Congress, unless when otherwise specially ordered, shall be done in the following manner and form, and to be paid for at the prices hereinafter set forth.

For the composition of every page of bills, 85 cents; of every page of small pica plain work, 85 cents; of every page of rule work, $1 70; of every page of brevier rule work, $2 98; and, for a larger form of brevier rule work, in proportion.

For the press work of bills, including paper, folding, and stitching, for fifty copies, 21¼ cents per page; for four hundred copies, $1 06¼ per page; for the press work of tables, other than those in the regular octavo form, for six hundred copies, including paper, folding, and stitching, $4 67½ per form; for the press work of the journals, of nine hundred copies, including paper, folding, and stitching, 85 cents per page; for all other printing in the octavo form, of six hundred copies, including paper, folding, and stitching, 74 4-10 cents per page; and for a larger or smaller number in proportion.

Resolved, That all bills shall be printed on cap or double cap "sized" paper, of quality equal to that on which bills are at present printed, and shall contain not less than 1,888 pica *ems;* joint resolutions shall be printed on the same paper, in the same type, and estimated in the same way as bills. Every octavo page of printing, in small pica, shall be executed on paper of royal or double royal size, of the same quality as now used, and shall contain not less than 1,732 ems; and every brevier page shall correspond with the above in size and quality, and shall contain not less than 3,060 ems. The orders of the day and calendar shall be printed in small pica type, on cap or double cap paper of the quality now used for bills; and each page shall contain not less than 3,325 ems: the composition thereof shall be paid for at and after the rate of price paid for royal octavo pages of small pica; and the press work thereof shall be paid for at the same rate as charged for the press work of bills.

All plain or figure work shall be set in small pica; and, when there are notes or side notes, they shall be set in brevier. All rule or rule-and-figure work shall be set in small pica, when it can be brought into pages in that type; and when it cannot be brought into pages in small pica, it shall be set in brevier; and, when it cannot be brought into pages with either, it shall be set in a brevier broadside.

Mr. EVANS, of Maine, one of the minority of the same committee, moved the following amendment, in conformity to the report of the minority of that committee:

"That, as it appears by the evidence, two offers have been made to execute the public printing for this House, one at the rate of 25 per cent. less than the price fixed by the joint resolution of March 3, 1819, and the other at the rate of 20 per cent. less than the said prices, this House do not deem it expedient to pay the printers thereof a higher rate of compensation than the prices at which other persons are willing to do the work who are competent to perform it:

Resolved, That the printing of the present House of Representatives, executed since the election of the printers to the House, and hereafter to be executed, shall be paid for at a reduction from the prices fixed by the joint resolution passed March 3, 1819, at the following rates, to wit:

	Per cent.
For the price for composition of every page of small pica, plain work, at a reduction of	10
Of every page of rule-work, small pica, at a reduction of	40
Of every page of brevier rule-work, at a reduction of	30
Of composition of all other kinds, at a reduction of	15
For the price of press work of every description, including paper, folding, stitching, including all materials and delivery at the Capitol, where the ordinary number of copies are required, at a reduction of	15
And where an extra number of copies, not exceeding 5,000, are required, at a reduction, on the extra numbers, of	30
And where more than 5,000 are required	40

Resolved, That the accounts for printing shall be made out as heretofore, at the prices fixed by the resolution of 1819; and, in another column, against the amounts carried out against each head of expense, shall be set down the reduction on each sum at the foregoing rates; and, in a third column, the nett amount to be paid agreeably to the foregoing resolution.

Resolved, That when the same document or paper is printed for both Houses of Congress, and the composition of the same is charged in the Senate's printing, no charge for composition shall be made in the House printing, except for such necessary alterations of head lines, &c. as is required."

On this amendment the previous question had been moved.

The question being about to be put on seconding the call for the previous question,

Mr. CHINN moved a call of the House.

The yeas and nays were demanded on this motion, and, being ordered, were taken, and resulted as follows—yeas 70, nays 105.

So the House refused the call.

Mr. BLACK rose, and wished to submit some remarks to the House; but, the previous question having been moved, he was called to order by many members, and also by the CHAIR; when he resumed his seat.

The call for the previous question was seconded, put, and carried; and, the question recurring on adopting the amendment of the minority, moved by Mr. EVANS, as a substitute for that of the majority, moved by Mr. BLACK,

Mr. GARLAND of Louisiana moved to divide the question, and that the question be first put on striking out the report of the majority, and then on adopting the substitute. On this motion a discussion on order arose, in which Messrs. GARLAND, BANKS, and several other gentlemen took part: it was very irregular, several gentlemen rising at the same time.

The CHAIR decided that the question to strike out and insert was indivisible.

The resolution of the committee and the proposed substitute were then both read again.

The question was then put on adopting the substitute moved as an amendment by Mr. EVANS of Maine, and decided by yeas and nays, as follows:

YEAS—Messrs. Adams, Alford, J. W. Allen, Andrews, Baker, Barnard, Bell, Biddle, Briggs, Brockway, Anson Brown, Calhoun, W. B Campbell, Carter, Casey, Chinn, Chittenden, Clark, James Cooper, Crabb, Cranston, Curtis, Cushing, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Hall, Wm. S. Hastings, Hawes, Henry, Hill of Va. Hoffman, Hopkins, Hunt, James, Charles Johnston, Wm. Cost Johnson, King, Lincoln, McCarty, Marvin, S. Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayney, Reed, Ridgway, Russell, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, E. D. White, John White, T. W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—98.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Brewster, Aaron V. Brown, A G. Brown, Burke, William O. Butler, Bynum, John Campbell, Carr, Carroll, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Wm. R. Cooper, Craig, Cross, Dana, Davee, John Davis, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of N. C. Hillen, Holleman, Hook, Howard, Jameson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallary, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Patris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Edward Rogers, Ryall, Shaw, Shepard, A. Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Jacob Thompson, Turney, Vanderpoel, Vroom, D. D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, and Worthington—107.

So the proposed substitute was rejected.

Mr. COOPER of Georgia presented the following, which he wished to move as a substitute for the resolutions of the majority, and asked that it might be read for the information of the House:

"Whereas, the House of Representatives has engaged certain individuals to do the printing, which is now in progress of execution, by which this House is laid under obligations to pay for the same, according to the fair and reasonable worth of the work and labor done and to be performed; and for as much as the prices thereof cannot now be fairly and justly determined by reference to the principle of lowest bidder, it is therefore

"*Resolved*, That the prices for printing of the House, during the present Congress, shall be fixed on the basis of those of 1819, with a reduction thereon of fifteen per cent.

The CHAIR decided that it was too late, the previous question having been ordered.

The question then recurring on the adopting the resolution reported by the majority of the committee, it was decided by yeas and nays as follows—yeas 175, nays 13:

YEAS—Messrs. Alford, Judson Allen, John W. Allen, Hugh J. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bell, Black, Blackwell, Brewster, Briggs, Brockway, A. V. Brown, Albert G. Brown, Anson Brown, Burke, William O. Butler, Bynum, Calhoun, John Campbell, William B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Chinn, Clark, Clifford, Coles, Colquitt, Connor, James Cooper, Mark A. Cooper, William R. Cooper, Crabb, Craig, Cranston, Dana, Davee, John Davis, Deberry, Dennis, Dellet, Doan, Doig, Duncan, Earl, Eastman, Edwards, Ely, Fillmore, Fine, Fletcher, Floyd, Galbraith, Rice Garland, Gates, Gentry, Gerry, Goggin, Goode, Graves, Green, Griffin, Grinnell, Hall, Hammond, Hand, William S. Hastings, John Hastings, Hawes, Hawkins, Henry, Hill of Va. Hillen, Hoffman, Holleman, Hook, Hopkins, Howard, Hubbard, Hunt, James, Jameson, Charles Johnston, Cave Johnson, Nathaniel Jones, John W Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lincoln, Lowell, Lucas, McCarty, McClellan, McCulloh, McKay, Mallory, Marchand, Marvin, Mason, Medill, Miller, Monroe, Montanya, Montgomery, Morgan, Samuel W. Morris, Calvary Morris, Naylor, Newhard, Osborne, Palen, Parish, Parmenter, Paynter, Pope, Prentiss, Ramsey, Randall, Randolph, Rayner, Reed, Reynolds, Rhett, Ridgway, E. Rogers, Russell, Ryall, Shaw, Shepard, Simonton, A. Smith, John Smith, Truman Smith, Thomas Smith, Stanly, Steenrod, Storrs, Strong, Stuart, Sumter, Swearingen, Sweney, Taliaferro, Taylor, Jacob Thompson, Tillinghast, Toland, Triplett, Turney, Underwood, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Edward D White, John White, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—175.

NAYS—Messrs. Adams, Baker, Barnard, Cushing, Dawson, Giddings, King, Ogle, Parris, Petrikin, Rariden, Sergeant, and Wise—13.

After the calling of the names of members had been gone through with,

Mr. CUSHING rose and said he had already voted, and in the negative, upon the printed copy of the resolutions before him; but it might be that the printed copy was erroneous, which was what he wished to know. As printed, the resolution, though only a House resolution, was in effect, according to its terms, a law of Congress, governing the Senate, and was therefore unconstitutional.

The SPEAKER said it was now too late to amend the resolution.

Mr. BLACK said he was quite willing that the error, which was a misprint, should be corrected by substituting for "the printing of Congress" that of the "House of Representatives."

The SPEAKER said it was now too late, unless by general consent.

Mr. BLACK. Then if there be no objection I move that it be corrected.

The motion was objected to by the Whig party generally.

Mr. B said: Then let it stand.

Mr. CUSHING then said that he must adhere to his vote in the negative.

So the report of the committee (in favor of fifteen per cent. reduction) was agreed to.

Mr. R. GARLAND moved to recommit the residue of the report, viz: that part which relates to separating the public printing from the political press, with instructions to report the bill, a projet of which is contained in the minority's report.

Mr. BLACK reminded the House that the majority of the committee had reported no bill, but a resolution.

The reading, both of the bill proposed by the minority and also of the resolution reported by the majority, was demanded.

They were read accordingly.

Mr. ATHERTON moved to lay the whole subject on the table.

Mr. WISE demanded the yeas and nays, which

were ordered and taken, and resulted as follows—yeas 104, nays 89.

So the subject of the separation of the printing from newspaper establishments was laid on the table.

INDEPENDENT TREASURY BILL.

Mr. JONES of Virginia said he rose for the purpose of enabling him to submit a motion, that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. J. said, in so doing, he deemed it fair and proper to state, that in case the House should go into committee, he would then ask the committee to take up the Independent Treasury bill. He expressed a hope that he should have the co-operation, not only of the friends of the measure, but also of its opponents, who, on other occasions, had expressed their apprehensions, that it was the intention of the supporters of this Administration not to act upon the bill at the present session of Congress. He concluded by submitting his motion to suspend the rules, and on it he asked for the yeas and nays.

Mr. WM. COST JOHNSON wished to know if the gentleman from Virginia would not consent to modify his motion so as to embrace other business.

Mr. WISE wished to have a fair understanding on the matter. If this was a motion to go into committee on a particular subject, he would oppose it; but if the motion to go into committee was general, he would support it.

Mr. JONES explained that his motion was to suspend the rules for the purpose of going into Committee of the Whole generally. But he had expressed his intention, in case the motion should be carried, to ask the committee to take up the Independent Treasury bill.

The question was then taken on the motion to suspend the rules, by yeas and nays, and resulted as follows: yeas 117, nays 83; not two thirds:

YEAS—Messrs. Alford, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Brewster, Albert G. Brown, Burke, Sampson H. Butler, Bynum, Wm. B. Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Craig, Crary, Dana, Davee, John Davis, John W. Davis, Dawson, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Gaibraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of Virginia, Hill of North Carolina, Hilten, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Mason, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Edward Rogers, Ryall, Shaw, Shepard, Albert Smith, John Smith, Thos. Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—117.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Briggs, Brockway, Anson Brown, Calhoun, Carter, Chinn, Chittenden, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Rice Garland, Gates, Giddings, Goggin, Goode, Graham, Green, Grinnell, Hall, William S. Hastings, Hawes, Henry, Hoffman, Hunt, James, Charles Johnston, Wm. Cost Johnson, King, Lincoln, McCarty, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Ogle, Osborne, Palen, Peck, Pope, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Wise—83.

So the rules were not suspended.

On motion of Mr. BANKS, the House then proceeded to the orders of the day.

The following engrossed bills were taken up, read the third time, and passed, viz:

A bill for the relief of William J. Roberts and William Detherage;

A bill for the relief of John Roberts; and

A bill for the relief of the widow and children of William Grant Davidson.

The bill entitled "An act to amend an act to remit duties upon certain goods destroyed by fire at the late conflagration in the city of New York in December, 1835," passed July 7, 1838, was taken up on the question, Shall it be ordered to be engrossed for a third reading?

Mr. CURTIS moved an amendment, providing that all appropriations for relief under this act, and the act to which this is a supplement, shall be filed with the commissioner in six months after the passage of this act.

Mr. RHETT moved an amendment to the amendment, so as to make the principle of relief in the bill general—to make it extend to other cities where goods have been destroyed by fire.

The question was taken on the amendment to the amendment, and rejected.

The question recurring on the original amendment, it was agreed to.

Mr. CURTIS moved the previous question on ordering the bill to be engrossed.

Mr. RHETT moved a call of the House; which the House refused.

Mr. CONNOR moved to lay the bill on the table, and on that motion demanded the yeas and nays, which were ordered, and were—yeas 73, nays 93.

So the House refused to lay it upon the table.

Mr. PARRIS moved a called of the House; and on that motion demanded the yeas and nays; which were ordered, and were—yeas 69 nays 100.

The call was refused.

The previous question was seconded; and the question being, "Shall the main question be ordered?"

Mr. THOMPSON of Mississippi demanded the yeas and nays; which were not ordered.

The main question was then ordered; which was, "Shall the bill be engrossed for a third reading?" and on that motion,

Mr. PETRIKIN demanded the yeas and nays; which were ordered, and were—yeas 87, nays 80.

The bill having been engrossed, and the question being on its passage,

Mr. HUBBARD demanded the yeas and nays; which were ordered.

Mr. PETRIKIN moved to refer the bill to the Committee on Commerce, and made some remarks in support of the motion.

Mr. PROFFIT called for the previous question, which was seconded—ayes 65, noes 63.

Mr. TURNEY demanded the yeas and nays on ordering the main question, which were ordered, and, being taken, were—yeas 69, nays 83, as follows:

YEAS—Messrs. J. Q. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Biddle, Brockway, Carroll, Chinn, Crittenden, Clark, James Cooper, Cranston, Crockett, Curtis, Cushing, Davies, Dellet, Doig, Edwards, Evans, Everett, Fillmore, Fine, Floyd, Rice Garland, Gates, Gentry, Goode, Graves, Grinnell, Hand, W. S. Hastings, Hawes, Hillen, Hoffman, Howard, James, Kemble, Lincoln, Mason, Monroe, Morgan, Ogle, Peck, Proffit, Randall, Randolph, Rariden, Reed, Ridgway, Russell, Sergeant, Truman Smith, Stanly, Storrs, Stuart, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Vanderpoel, Edward D. White, John White, Thomas W. Williams, Joseph L. Williams, and Wise—69.

NAYS—Messrs. Hugh J. Anderson, Banks, Beatty, Beirne, Black, Blackwell, Burke, William B. Campbell, Carr, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, William R. Cooper, Crabb, Davee, John Davis, Dawson, Doan, Duncan, Eastman, Fornance, Gerry, Griffin, Hammond, John Hastings, Hawkins, John Hill of N. C. Holleman, Holmes, Hook, Hubbard, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leet, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pope, Ramsey, Rhett, Ryall, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Sumter, Swearingen, Sweney, Taliaferro, Taylor, Francis Thomas, Turney, Underwood, David D. Wagener, Weller, Wick, Jared W. Williams, Henry Williams, and Lewis Williams—83.

So the main question was not ordered.

The effect of this vote, by the rule, was to put the bill from under the consideration of the House for this day.

Mr. HUBBARD moved that the House adjourn; which motion, by yeas 37, nays 89, was rejected.

On motion of Mr. R. GARLAND, the bill for the relief of Mary Tucker, was postponed till Saturday week.

Mr. RUSSELL moved that the House go into committee on the bills enumerated on the three first pages of the private calendar; on which motion no quorum voted.

Mr. BRIGGS moved a call of the House.

Mr. HUBBARD moved an adjournment, but subsequently withdrew the motion.

After some conversation between Messrs. STANLY, PETRIKIN, and BRIGGS—

Mr. BRIGGS asked the yeas and nays on the motion that there be a call of the House, which were ordered, and, being taken, were: yeas 79, nays 51.

So the call was ordered.

And, a quorum being now present, Mr. BRIGGS moved to suspend proceedings on the call.

Mr. ANDREWS asked the yeas and nays on that motion. He was not disposed to trifle; and if gentlemen would have a call of the House, let them go through with it.

Mr. BRIGGS then withdrew his motion to suspend; and the call proceeded, when 136 answered to their names.

Mr. BANKS said there was a quorum present; if there was any intention to do the private business, they had better dispense with all further proceedings in the call: he moved to suspend further proceedings.

Mr. ANDREWS asked the yeas and nays; which were not ordered.

Mr. PETRIKIN asked for tellers; but the call was not sustained.

Mr. HUBBARD said many gentlemen had gone out of the House since they had answered to their names on the call of the roll.

And the question being then taken on the motion to suspend all further proceedings on the call, it prevailed by the vote of 80 to 21, a majority of the members present, but no quorum voted.

Mr. R. GARLAND then renewed the motion that the House go into committee.

Mr. ADAMS demanded the yeas and nays, which ordered, and, being taken, were, yeas 123, nays 0.

So the motion was agreed to; and a quorum was ascertained to be present.

And, at four o'clock, after an hour and a half spent in motions to adjourn, and a call of the House, the House went into Committee of the Whole (Mr. BRIGGS of Massachusetts in the chair) on the three first pages of the private calendar.

The committee took up the bill for the relief of Andrew Law, assignee of Law, Taylor, and Co.

The report having been read—

After some remarks from Messrs. PETRIKIN and M. A. COOPER,

Mr. PETRIKIN moved to strike out the enacting clause.

A discussion followed, in which Messrs. ADAMS, DAWSON, M. A. COOPER, CRAIG, and SERGEANT, participated in favor of the bill, and Messrs. RHETT and PETRIKIN in opposition.

The question on the motion to strike out the enacting clause was taken, and the vote stood—ayes 40, noes 60—no quorum voting.

The CHAIR requested the members without the bar to come within the bar and vote; when a count having been again taken, the vote stood, yeas 40, nays 56; (still no quorum voting.)

The committee then rose, and the chairman reported to the House that the committee found itself without a quorum.

Mr. HUBBARD (at a quarter before 5) moved that the House adjourn. On which motion, Mr. R. GARLAND demanded the yeas and nays; which, being ordered, were, yeas 43, nays 68.

So the House refused to adjourn.

And, after several ineffectual motions for a call of the House, yeas and nays, &c.

The House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, May 16, 1840.

Messrs. C. H. WILLIAMS and BANKS, by consent, presented additional testimony in relation to claims now before committees.

Mr. BRIGGS made some remarks in relation to the unconstitutionality of the resolutions passed by the House on yesterday, reducing the price of the public printing fifteen per cent. He argued that, in its present form, it would be a perfect nullity; inasmuch as the House could not, by a simple resolution, annul the law of Congress fixing the prices. For these, and other considerations, he moved a reconsideration of the vote on the adoption of the resolution.

Mr. SMITH of Indiana made a few remarks to show the importance of transacting the business of the country; and, to attain that end, moved to lay the motion to reconsider on the table.

Mr. BRIGGS demanded the yeas and nays on that motion; which were ordered.

Mr. EVERETT inquired of the CHAIR whether, if the motion to lay on the table the motion to reconsider prevailed, it did not suspend the operation of the resolution.

The CHAIR was understood to say that it suspended its passage.

Mr. L. WILLIAMS moved a call of the House, and on that motion demanded the yeas and nays; which were ordered; and were—yeas 72, nays 94.

The question recurring on the motion to lay the motion to reconsider on the table;

Mr. SMITH of Indiana said he would withdraw that motion; and moved the previous question on the motion to reconsider; which motion received a second; and the main question having

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, MAY 26, 1840. VOLUME 8.....No. 26.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 25.

been ordered, which main question was, "Shall the vote be reconsidered?"

Mr. RANDOLPH demanded the yeas and nays; which were ordered, and were—yeas 84, nays 93. So the House refused to reconsider the vote.

Mr. DAVIS of Pennsylvania asked leave to offer the following resolution:

Resolved, That from and after Monday next, this House will take a daily recess from two till half past three, p. m.

Objection being made,

Mr. DAVIS moved a suspension of the rules.

On that motion, Mr. HOFFMAN demanded the yeas and nays, which, being ordered, were—yeas 130, nays 40.

So the rules were suspended.

And the question recurring on the adoption of the resolution,

Mr. SMITH of Maine moved to amend, by inserting "half past two till four o'clock."

Mr. DAVIS accepted this as a modification of his resolution, and the question being on the adoption of the resolution as modified,

Mr. BARNARD moved further to amend, by a resolution providing that on and after Monday next, the House do meet at 10, a. m. and adjourn at 4, p. m. which was disagreed to.

The previous question on the resolution was then moved, put, and carried, and the resolution agreed to without a count.

So on and after Monday next, the House will take a daily recess from half past two till four p. m.

Mr. McKAY said there had been a letter received this morning, and laid on the table, from Messrs. Blair and Rives, in relation to the prices paid for the public printing; and asking that the prices for figure work and brevier might be fixed. He wished that letter referred to the Select Committee, of which the gentleman from Georgia was a member, with instructions to report thereon. He accordingly made a motion to that effect.

Mr. PROFFIT objected, and the motion could not be then entertained.

Mr. BANKS, on leave, presented, on behalf of Mr. CAMPBELL, then absent on the Committee of Elections, certain evidence in relation to the erection of a beacon and light-house, near Georgetown, South Carolina, which, on his motion, was referred to the Committee on Commerce.

Mr. DAVIS, of Kentucky, moved to amend the 93th Rule of the House, so as to appoint a standing committee on the public printing.

Objection being made,

Mr. DAVIS moved a suspension of the rules, which motion was negatived.

The SPEAKER then called on the standing committees for reports; when

Mr. RUSSELL, from the Committee of Claims, reported back to the House, with an amendment, Senate bill entitled an act for the relief of H. Lucas; which was committed to the Committee of the Whole.

Also, reported back to the House, with an amendment, Senate bill entitled an act for the relief of Alfred P. King; which was committed to the Committee of the Whole.

Mr. BURKE, from the Committee on Commerce, reported back to the House, without amendment, Senate bill entitled an act for the relief of the Steamboat Company of Nantucket; which was committed to the Committee of the Whole.

Also, reported back to the House, without amendment, joint resolution of the Senate directing the purchase of 250 copies of Jones's Digest of the Tariff, to be deposited in the library of Congress; which was read; and

On motion of Mr. PETRIKIN, who made some remarks in opposition to it, referred to the Committee of the Whole, and made the order of the day for to-morrow.

Mr. LINCOLN, from the Committee on the Public Lands, reported a bill confirming to the Territory of Iowa a tract of land for the purpose of erecting public buildings thereon; which was read twice; and

On motion of Mr. L. who said the bill was a mere matter of form, it having been engrossed, was read the third time, and passed.

Mr. L. from the same committee, reported a bill granting to the county of Johnson, in the Territory of Iowa, the right of pre-emption to a tract of land for a seat of justice for the said county; and repealing the 2d section of the act heretofore passed on the 3d of March, 1819, entitled an act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon; which was read twice, and committed.

Mr. MASON, from the Committee on the Public Lands, reported back to the House without amendment, Senate bill entitled an act to authorize the registers and receiver of the land officers to administer all the oaths necessary to persons, in relation to the entry and purchase of land.

After a few remarks by Mr. HUBBARD of Alabama, to press the passage of the bill immediately,

Mr. DAVIS of Indiana inquired whether any provision was made in the bill to fix the fees for administering the oaths; which he said should be done.

Mr. MASON was understood to reply in the negative.

After a few remarks from Mr. UNDERWOOD,

Mr. R. GARLAND contended that some provision should be made to fix the fees for administering the oath as intimated by the gentleman from Indiana, [Mr. DAVIS.] The registers and receivers, he said, were in the habit of charging whatever they pleased as fees. He knew a case in his district where one of those officers charged a gentleman $22 as fees for the entry of forty acres of land under the pre-emption act.

Mr. DAVIS of Indiana then moved an amendment, providing that the registers and receivers should not directly or indirectly receive any compensation for administering such oaths; which was agreed to.

Mr. UNDERWOOD then made further objections to the bill, and

After a few remarks by Messrs. REYNOLDS and CRARY, a verbal amendment was made to the bill.

Mr. UNDERWOOD moved an amendment, making it the duty of the Commissioner of the General Land Office to give information to any individual who may make application for that purpose, of the name and residence of the persons owning lands in any section of the country.

Mr. CUSHING objected to the amendment. It would give speculators, by the information that they might obtain from the Commissioner, an opportunity to impose upon the old soldiers who had received bounty lands from the United States.

Mr. REYNOLDS said, if the Commissioner was bound to answer all the letters for information from every part of the United States, consequent upon the passage of such a provision, it would consume all his time. He coincided with the views expressed by the gentleman from Massachusetts, [Mr. CUSHING.] He might speculate himself occasionally, but he did not consider it right to afford an opportunity to these speculating gentlemen to impose upon the old soldiers.

After a few further remarks by Mr. CUSHING in opposition to the amendment,

Mr. STEWART said he represented a district which was much interested in this provision. He argued that it would not be for the benefit of the speculators, as intimated; but that he had received letters from farmers who were not speculators, calling for information of the kind which this amendment was intended to meet. He had introduced a resolution calling upon the Commissioner for all the information, giving the names and the residence of the landholders, which was adopted by the House. He contended that it would be for the benefit of the old soldiers, many of whom had their lands sold for taxes under the laws of Illinois; and who, in all probability, were not aware of that fact; and were barred from any claim to the lands thus sold after the expiration of a certain period. And if the information of the names of the persons and residence could be known, such a result might be prevented.

Mr. MASON argued that the information on the public records should be made free to all; that it should not be locked up, subject to the disposition of the Commissioner. The power of the Commissioner might be converted to a species of favoritism. He might, if he chose, give information of the kind required to a friend, and withhold it from an enemy. He was in favor of the adoption of the amendment.

Mr. CASEY did not consider the amendment necessary, inasmuch as all the information which could be required would be reported to the House under the resolution preported by his colleague, [Mr. STEWART,] and would be free for the whole country.

Mr. UNDERWOOD replied that the information under that resolution would apply only to military lands.

Mr. CASEY said the rule of the Deparment refusing information did not apply except to military lands.

Mr. UNDERWOOD was not aware of that fact. The amendment would however do no harm.

Mr. HUBBARD said the question was one totally disconnected with this bill. He moved the previous question, which was amended, and the main question ordered; which main question being first on the adoption of the amendment,

The question was taken by tellers (Messrs. JOHNSON of Maryland and HOWARD acting as such) who reported—ayes 55, noes 90; so the amendment was rejected.

The question then recurring on ordering the bill to be engrossed for a third reading, it was carried in the affirmative; and the bill having been engrossed, it was read a third time, and passed.

Mr. MASON, from the Committee on the Public Lands, reported back to the House, without amendment, Senate bill entitled an act to revive an act authorizing certain soldiers of the late war to surrender bounty lands drawn by them, and to enter others in lieu thereof, and for other purposes; which was read the third time by special order, and passed.

Mr. M. also, from the same committee, reported back to the House, with an amendment, Senate bill entitled an act to discontinue the office of Surveyor General in the several land districts so soon as the surveys therein can be completed, and for abolishing the land offices, under certain circumstances; and for other purposes; the amendment was concurred in, and the bill was committed to the Committee of the Whole.

Mr. M. also, from the same committee, reported back to the House, without amendment, Senate bill entitled an act authorizing the relinquishment of the 16th sections, granted for the use of public schools, and the entry of other lands in lieu thereof; which was committed.

The morning hour having expired, to which the reception of reports of committees was confined,

Mr. MASON of Ohio moved to suspend the rules, to submit a motion that another hour be granted to the committees to report; and the question being put, the House refused to suspend the rules for that purpose.

On motion of Mr. RUSSELL, the House then passed to the orders of the day.

Engrossed Senate bills on the Speaker's table, of the following titles, were then taken up and passed, viz:

An act for the relief of the legal representatives of David Stone;

An act authorizing Sippican and Mattapoisett, within the township of Rochester, in the State of Massachusetts, to be known hereafter as ports of entry, under those names.

Joint resolution of the Senate, authorizing the appointment of a Select Committee to investigate into the contract of the late Secretary of State, Edward Livingston, with Clark and Force, for the compilation and publication of a Documentary History of the United States, was read twice, and, by special order, the third time, and passed; and,

On motion of Mr. EVANS, a committee of five was appointed on the part of the House.

The bill next in order was the bill explanatory of the act for the relief of sufferers by the great fire at New York. The bill having been previously read a third time,

Mr. PETRIKIN moved the previous question on its passage.

The call for the previous question being seconded, the main question was ordered to be put. And the main question being on the passage of the bill, it was taken by yeas and nays as follows: yeas 80, nays 95.

So the bill was rejected.

Mr. GRIFFIN of South Carolina moved a reconsideration of the vote by which the bill had been rejected.

On that motion Mr. HUBBARD called the previous question, which was seconded, and the main question ordered to be put.

And on the main question, (being on the motion to reconsider,) Mr. CONNOR demanded the yeas and nays; which being ordered, were—yeas 78, nays 96.

So the House refused to reconsider.

On motion of Mr. RUSSELL, the House then resolved itself into a Committee of the Whole, (Mr. BRIGGS in the chair,) and resumed the consideration of private bills on the calendar.

The first bill in order was the bill for the relief of the assignee of Law, Taylor and Co.

The question pending being on the motion to strike out the enacting clause, it was opposed by Messrs. EVERETT, RHETT, HABERSHAM, and COOPER of Georgia.

The question then being taken on the motion to strike out, the ayes were 35, and the noes 72—no quorum.

The committee then rose, and the Chairman reported that fact to the House.

Mr. WISE said it was a notorious fact, that on private bill days there was seldom or ever a quorum; and if gentlemen would persist in dividing the committee, gross injustice would be done to the parties concerned. He therefore moved an adjournment.

On the motion, Mr. ANDREWS demanded the yeas and nays; which were not ordered.

Mr. WISE said, if the House would, by common consent, go back into Committee of the Whole, he would withdraw the motion to adjourn.

Mr. ANDREWS said he would not consent to any such arrangement. The House had power to compel the attendance of members, and he wished the power to be exercised.

Mr. WISE. Then I will not withdraw the motion.

The question on the motion to adjourn was then taken by tellers, and resulted—ayes 50, noes 61.

So the House refused to adjourn.

Mr. MORGAN moved a call of the House.

On that motion, Mr. ANDREWS demanded the yeas and nays; which being ordered were—yeas 54, nays 68.

So the call was not ordered.

A quorum being now present the House again resolved itself into a Committee of the Whole, and resumed the consideration of the bill pending which it had risen.

Mr. PETRIKIN withdrew his motion for a division on the motion to strike out the enacting clause.

The question on striking out was then taken, and negatived without a count, and the bill laid aside to be reported.

The next bill was a bill for the relief of Benjamin Adams and Co. and others.

Mr. PETRIKIN moved to strike out the enacting clause, and in advocating the motion, he was quoting, in a general way, what had formerly been said on the floor of the House, relative to the waste and extravagance of the Democratic party and the present Administration; and that, when the Whigs were told they had voted for the bills granting the sums complained of as extravagant, they replied that the Democrats had the majority, and ought to have prevented the passage of all improper laws: "Pass these bills, voting away a million of money, and we will be again told, 'the Democracy had the majority in the House of Representatives; why did they pass such bills?'" Mr. P. was called to order by the CHAIR for irrelevancy.

Mr. PETRIKIN contended that he was in order, inasmuch as he intended to show that the passage of this bill was impolitic, and wrong in principle. He therefore took an appeal from the decision of the CHAIR.

And the question being on the appeal, some debate arose between Messrs. MORGAN, GARLAND of Louisiana, DAVIS, and others, as to whether the appeal was debatable.

Mr. GARLAND of Louisiana referred to the rule of the House, which declares that an appeal is not debatable.

The question was then taken by tellers on sustaining the decision of the CHAIR, and resulted—ayes 67, noes 53: no quorum.

The committee then rose, and the chairman reported that fact to the House.

Mr. ANDREWS gave notice that he would, on Monday, move a reconsideration of the vote, by which the House had ordered a daily recess.

Mr. WELLER moved an adjournment.

On that motion, the yeas and nays were ordered, and were—yeas 63, nays 60.

So the House adjourned.

IN SENATE,

MONDAY, May 18, 1840.

The CHAIR laid before the Senate a report of the Secretary of the Navy, made in obedience to a resolution of the Senate, on the expediency of adopting the improved boarding pistols and rifles invented by Samuel Colt: which was read, and referred to the Committee on Naval Affairs.

Mr. WRIGHT presented a remonstrance from a large number of merchants, of the city of New York, against the passage of the bill to ensure the more faithful execution of the laws relating to the collection of duties on imports.

Mr. CALHOUN presented the memorial of the heirs of Thomas Farrar; which was referred to the Committee on Pensions.

Mr. WALKER presented the memorial of the President and Directors of the Grand Gulf Railroad and Banking Company, praying a remission of duties on certain railroad iron; which was referred to the Committee on Finance.

Mr. W. also presented a memorial of citizens of Rankin county, Mississippi, praying the passage of a general bankrupt law; which was laid on the table.

Mr. KING presented the memorial of the Alabama and New Orleans Railroad Company, praying a remission of duties on certain railroad iron; which was referred to the Committee on Finance.

Mr. K. also presented the memorial of Auguste Davezac; which was referred to the Committee on Foreign Relations.

Mr. TALLMADGE presented the petition of inhabitants of Livingston county, New York, for the release of William Lyons Mackenzie; which was laid on the table.

On motion by Mr. SEVIER, the petition and papers of Captain Fitzgerald were permitted to be withdrawn from the files of the Senate.

Mr. WALKER, from the Committee on the Public Lands, to which was referred the bill to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river, and south of the 31st degree of north latitude, reported the same without amendment.

Mr. DAVIS, from the Committee on Commerce, to which was referred the petition of Frith, Smith, and Co. made an adverse report thereon; which was ordered to be printed.

Mr. D. also, from the same committee, to which was referred certain documents exhibiting the relative consumption of oil in light-houses by means of reflectors and lenses, made a favorable report thereon; which was ordered to be printed.

Mr. PRESTON, from the Committee on Military Affairs, to which was referred a memorial of the State of Kentucky, for a restitution of certain arms furnished by that State for the use of the General Government, reported a joint resolution on the subject; which was read, and ordered to a second reading.

Mr. STRANGE, from the Committee on the Judiciary, to which was recommitted the bill for the relief of Thomas L. Winthrop and others, made a special report thereon; which was ordered to be printed.

Mr. KING, from the Committee on Commerce, reported a bill for the establishment of ports of entry in the States of Missouri and Arkansas, and to allow debenture in certain cases; which was read, and ordered to a second reading, and the documents connected therewith ordered to be printed.

Mr. K. also, from the same committee, asked to be discharged from the further consideration of the petition of David E. Brockett; which was agreed to.

Mr. K. also, from the same committee, asked to be discharged from the further consideration of various memorials in relation to a new custom-house in the city of Philadelphia; which was agreed to.

Mr. WHITE, from the Committee on Pensions, reported a bill for the relief of William Raud; which was read, and ordered to a second reading.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which was recommitted the bill for the relief of Avery, Saltmarsh and Co. reported the same without amendment.

Mr. ALLEN submitted the following resolution for consideration:

Resolved, That, after to-day, the Senate will take a daily recess from half past 2 o'clock, p. m. to 4 o'clock, p. m.

The bill for the relief of Francis Cazeau was read a third time, and passed.

The bill for the relief of Richard Robertson was taken up, as in committee of the whole, and, after being discussed by Messrs. CLAY of Alabama, WILLIAMS, HUBBARD, and TAPPAN, was indefinitely postponed—yeas 21, noes 12.

GENERAL BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy throughout the United States being taken up,

Mr. WEBSTER addressed the Senate at length in opposition to the substitute proposed by Mr. WALL, and in favor of the bill reported by a majority of the Committee on the Judiciary.

Mr. STRANGE intimating an intention to address the Senate on the subject, it was informally passed over.

The Senate then went into the consideration of Executive business;

And then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, May 18, 1840.

THE INDEPENDENT TREASURY BILL.

Mr. ATHERTON said he rose for the purpose of submitting a motion to suspend the rules to enable him to make a motion that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the bill from the Senate, commonly called the Independent Treasury Bill. He accordingly made the motion to suspend the rules.

Mr. CUSHING objected to that motion.

Mr. LINCOLN demanded the yeas and nays on the motion to suspend the rules; which were ordered.

Mr. EVANS said there was a very thin House, and he therefore moved a call; and, on that motion, demanded the yeas and nays; which, having been ordered, were—yeas 86, nays 48. So the House determined to have a call; which was proceeded in, and 182 answered to their names. The list of absentees was then called over until,

On motion of Mr. LEET, all further proceeding in the call was dispensed with.

The question then recurred on the motion to suspend the rules; which having been taken by yeas and nays, resulted—yeas 105, nays 77. So the rules were not supended.

Mr. ATHERTON then moved to suspend the rules for the purpose of introducing a resolution in substance that the House would, on to-morrow, at the hour of twelve o'clock, resolve itself into Committee of the Whole on the state of the Union, to take up the Independent Treasury Bill, and that it be made the special order for that day, and every subsequent day, from the same hour, to take precedence of all other business until disposed of.

Mr. R. GARLAND inquired of the CHAIR whether it would not be in order on to-morrow to move the resolution?

The CHAIR said it would not, except on a suspension of the rules for that purpose, the bill introduced by the gentleman from Tennessee, Mr. BELL, to secure the freedom of elections, being the first business in order on the calendar.

Mr. WELLER demanded the yeas and nays on the motion to suspend the rules; which, having been ordered, were—yeas 105, nays 79, as follows:

YEAS—Messrs. Alford, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Brewster, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Chapman, Clifford, Coles, Colquitt, Connor, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Fillmore, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Holmes, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Kelm, Kemble, Kilgore, Leadbetter, Leet, Leonard, Lewis, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Reynolds, Rives, Robinson, Edward Rogers, Ryall, Samuels, Shaw, Shepard, Simonton, John Smith, Thomas Smith, Sparkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Jacob Thompson, Turney, Vroom, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—105.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Biddle, Briggs, Brockway, Anson Brown, Calhoun, William B. Campbell, Carter, Casey, Chittenden, Cranston, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Green, Habersham, Hall, William S. Hastings, Hawes, Henry, Hoffman, Hunt, James, Jenifer, Lincoln, Marvin, Monroe, Morgan, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Reed, Ridgway, Russell, Saltonstall, Sergeant, Slade, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, and Christopher H. Williams—79.

So the rules were not suspended.

Mr. MONROE of New York made a motion to suspend the rules to enable him to move a resolution that the House would on to-morrow, at 12 o'clock, and every subsequent day, except Fridays and Saturdays, at the same hour, resolve itself into Committee of the Whole on the state of the Union, to take up the several appropriation bills in the order in which they stand on the calendar; and that said bills be made the special order to take precedence of all other business until disposed of, excepting private bill days; and that then the Independent Treasury bill should be taken up and disposed of after the same manner.

Mr. R. GARLAND said the resolution would not change the order of business. These bills came up as a matter of course.

Mr. ADAMS moved to lay the motion to suspend the rules on the table.

Mr. PROFFIT demanded the yeas and nays; which were ordered.

Mr. McKAY inquired if it was in order to do a thing by resolution which was already provided for.

The CHAIR said the gentleman had made a motion to suspend the rules for that purpose, which was in order.

Mr. TURNEY hoped the rules would be suspended.

Mr. MONROE having modified his resolution, after some conversation, withdrew it.

The SPEAKER announced that this being the day set apart by the rules for the reception of resolutions, he would proceed to call the States for that purpose; but

On motion, the rules were suspended for the purpose of presenting petitions; when

The SPEAKER called the States for that purpose, commencing with the State of Massachusetts.

Petitions were then presented by Messrs. ADAMS, BRIGGS, REED, BAKER, PARMENTER, H. WILLIAMS, CUSHING, and W. B. CALHOUN, of Massachusetts.

By Mr. TILLINGHAST of Rhode Island.

By Messrs. OSBORNE and TRUMBULL of Connecticut.

By Messrs. HALL, SLADE, and FLETCHER of Vermont.

[Mr. FLETCHER presented memorial of several citizens of the city of Rochester, Monroe county, New York, praying the release of Wm. L. Mackenzie; (this memorial was nearly forty feet in length, and signed by names on *two* columns, the whole length.) Memorial of John G. Parker and numerous signers of Rochester, New York, on the above subject. Memorial of Morgan Penfield and other citizens of Monroe county, New York, on the same subject. Memorial of J. D. Langdon and others of Genesee county, New York, on the same subject. Memorial of J. P. Ballard and others of Murray, Orleans county, on the same subject. Memorial of H. T. Camp and other citizens of Stowe, Vermont, praying for the relief of Wm. L. Mackenzie. Petition of Harvey Richardson of Montpelier, Vermont. Petition of H. W. W. Miller and others, praying for a grant of land in Oregon Territory.]

By Messrs. HAND, PRENTISS, STRONG, WAGENER, BROWN, VANDERPOEL, BREWSTER, DANA, LEONARD, MONTANYA, ALLEN, JACKSON, FLOYD, MALLORY, CURTIS, BARNARD, NATHANIEL JONES, HOFFMAN, FILLMORE, HUNT, MORGAN, FINE, GATES, KEMBLE, CHITTENDEN, GRENNELL, MONROE, PALEN, and ROGERS, of New York.

[Mr. HAND presented the following petitions: Of Joseph Ellery for a pension, referred to the Committee on Invalid Pensions. Of Stephen Howard, a Revolutionary soldier, for a grant of land: referred to the Committee on Private Land Claims. Of Alexander Ferrish, and others, praying for indemnity for losses in the Revolutionary War: referred to the Committee on Revolutionary Claims. Of Jeremiah McCready, praying for reimbursement of moneys advanced to two companies of United States troops during the last war: referred to the Committee of Claims. Of John Clark, for a pension: referred to the Committee on Revolutionary Pensions. Of children of Joseph Plumb, for arrears of pension: referred to the Committee on Revolutionary Pensions. Of children of Mary Addones, for arrears of pension: referred to the Committee on Revolutionary Pensions. Also, on his motion, the papers of Squire Ferris were referred to the Committee on Revolutionary Pensions.]

[Mr. JONES of New York presented the petition of 126 voters of the third district in the Seventh Ward of the city of New York, praying that William Lyon Mackenzie may be speedily released from imprisonment. The said Mackenzie having been released, Mr. J. moved to lay it on the table.]

[Mr. STRONG presented the following petitions: Of William Wilcox and Truman Henninway, for relief: referred to the Committee on the Judiciary. Of Isaac Goodwin, praying the passage of a law making provision for the payment of his pension: referred to the Committee on Invalid Pensions.]

[Mr. PRENTISS presented the petition of Jeremiah E. Cary and 49 other citizens of Cherry Valley, Otsego county, New York, praying for the passage of a general bankrupt law.]

[Mr. HUNT of New York presented three memorials from 717 citizens of Troy, New York, praying Congress for the passage of a general bankrupt law.

Mr. H. said that upon presenting these memorials, he would claim the indulgence of the House to submit a single remark, though strictly out of order. He wished to call the attention of the Committee on the Judiciary particularly to the subject of the memorials. It was one of more general and engrossing interest than any now before the country, and in his estimation called for immediate action of the House committee, without waiting the progress of the propositions on the subject of bankruptcy, now pending before the other branch of the National Legislature.

He, therefore, wished to bespeak the immediate attention of the Judiciary Committee to the subject, and without further trespassing upon the kindness of the House, would move the reference [of the memorials to the Committee on the Judiciary.

Also, the memorial of 146 citizens of the town of Brunswick, county of Rensselaer, New York, asking the House of Representatives to inquire into the case of William Lyon Mackenzie, imprisoned at Rochester, New York, under sentence from one of the Federal courts, for a violation of the neutrality laws of the Government; and intercede for the release of said Mackenzie.

Mr. H. said that, since receiving said memorial, and before any opportunity had been presented of offering the same to the House, he had perceived from the public journals that the prayer of the memorialists had been complied with by the Executive of the country, and he therefore would move to lay the memorial upon the table.

Mr. H. also stated that he had in his possession resolutions from the Legislature of his own State, in relation to the national domain, and also in reference to the consent of the State to the construction by the General Government of a ship canal around the Niagara Falls, and urging the passage by Congress of a law for that purpose, but he would forbear sending said resolutions to the table, as similar ones had already been presented by those who had preceded him this morning.]

Mr. RANDOLPH of New Jersey presented a petition from certain citizens of that State, praying that the nett proceeds of the public lands be distributed among the several States. He moved that it be referred to the Committee on the Public Lands, with instructions to report a bill, to go into effect after the year 1840, in accordance with the prayers of the petitioners. Mr. R. moved the previous question on the motion.

Mr. PETRIKIN moved to lay the whole subject on the table.

Mr. RANDOLPH demanded the yeas and nays

Mr. LEWIS moved that there be a call of the House, and on that motion demanded the yeas and nays; which, having been ordered, were—yeas 37, nays 108.

The question then recurring on the motion to lay the whole subject on the table, it was determined in the affirmative on yeas and nays, there being ayes 89, nays 69.

Petitions were then further presented by Mr. VROOM of New Jersey.

By Messrs. PETRIKIN and JAMES of Pennsylvania.

[Mr. JAMES presented a petition on the subject of Abolition, which he said he knew came within the rules on that subject; but he moved that the rules be suspended to enable him to present them to the House.]

Mr. LEWIS demanded the yeas and nays on the motion to suspend the rules; which were ordered.

Mr. WISE moved to lay the motion to suspend the rules on the table.

Mr. HUBBARD demanded the yeas and nays; which having been ordered,

Mr. JAMES withdrew his motion to suspend the rules.

Petitions were further presented from Messrs. JAMES, LEET, RAMSEY, TOLAND, EDWARDS, McCULLOCH, MARCHAND, PAYNTER, OGLE, NEWHARD, HAMMOND, FORNANCE, and SARGEANT.

[Mr. LEET of Pennsylvania said he had received and was requested to present a memorial adopted at a large and respectable meeting of citizens of the Territory of Wiskonsin, held at Green Bay, on the 12th of February last. This memorial, said Mr. L. requests Congress to make appropriations in aid of the improvement of the navigation of the Fox and Wiskonsin rivers, as also the military road from Fort Howard to Fort Crawford; which appropriations, it is suggested, shall be expended under the direction of the War Department. The memorialists also pray that a *port of entry* may be established at the town of Green Bay. Mr. L. moved that the memorial be referred to the Committee on the Territories, which was agreed to.]

[Mr. PETRIKIN presented the petition of sundry inhabitants of Pennsylvania, for a grant of land to the officers of the army of the United States who served during the late war with Great Britain: referred to the Committee on Military Affairs. Also, the memorial of Daniel Nesbitt, and 43 other inhabitants of Lewisburg, Union county, Pa. asking the passage of a law for a protective tariff on all goods imported from foreign countries into the United States: referred to the Committee on Manufactures.]

[Mr. PAYNTER presented a petition from the citizens of Pennsylvania, asking that a law may be passed allowing a donation of land to such officers as served during the war of 1812: referred to the Committee on the Public Lands.]

At this stage of the proceeding, the House, in accordance with the resolution adopted on Saturday last, took a recess from half past 2 to 4 o'clock.

[EVENING SESSION.]

At four o'clock the SPEAKER resumed the chair, and the call on the States for petitions was continued.

Petitions were presented by Messrs. SERGEANT, BEATTY, MORRISS, and McCULLOCH of Pennsylvania.

[Mr. BEATTY presented a petition signed by a large number of the inhabitants of Western Pennsylvania, praying that a national road may be made from the base of the Laurel hill, by way of the arsenal, near Pittsburgh, to the harbor at Erie. Also one from a number of the inhabitants of Jefferson and Indiana counties, praying that a post route may be established from Brookville to Smicksburgh. Also one from a number of the inhabitants of Alleghany and Beaver counties, praying for a post route to be established between Pittsburgh and Hocks-town.

Mr. B. said he held in his hand, one signed by thirteen of the inhabitants of Armstrong county, in his district. He had not the pleasure of knowing them, but he presumed they were very respectable, as all his constituents were. He regretted that they were disturbed about slavery in the District of Columbia. As it would be against the rule adopted in reference to slavery, he would not press its reference.]

By Mr. ROBINSON of Delaware.

By Messrs. CARROLL and DENNIS of Maryland.

By Messrs. RIVES, TALLIAFERO, and the SPEAKER, of Virginia.

By Mr. SHEPARD of North Carolina.

By Messrs. HOLMES and CAMPBELL of South Carolina.

[Mr. HOLMES presented the memorial of the Chamber of Commerce at Charleston, South Carolina, asking the passage of a general bankrupt law, which on his motion was referred to the Committee on Commerce. Also, the memorial of a steamboat company, in relation to compensation for carrying the mail: referred to the Committee on the Post Office and Post Roads.]

By Mr. WARREN of Georgia.

By Messrs. BUTLER, DENNIS, and ANDREWS, of Kentucky.

Mr. ANDREWS referred to the motion he had made on Saturday to reconsider the vote by which, on that day, a daily recess had been ordered. He did not wish to press the matter at this time, and therefore moved to postpone it until Thursday.

Mr. BANKS moved to lay the motion to reconsider on the table.

Mr. ANDREWS said, his object in moving the reconsideration was, to offer a resolution that the House meet at 10 a. m. and adjourn at 4 p. m. daily.

Mr. BANKS then withdrew his motion to lay on the table, and the petition to postpone till Thursday was agreed to.

Petitions were presented

By Messrs. BLACKWELL, CAVE JOHNSON, C. H. WILLIAMS, and the SPEAKER, from Tennessee.

By Messrs. STARKWEATHER, and GIDDINGS of Ohio.

Mr. GIDDINGS presented sundry petitions on the subject of slavery, which came within the rule disposing of petitions of that character; and he moved a suspension of the rules, to enable him to present them to the House.

Mr. CHAPMAN of Alabama made a point of order, whether it was in order to make a motion to suspend the rules, for th purpose indicated.

The CHAIR decided that it was.

Mr. HOPKINS demanded the yeas and nays on the motion to suspend the rules; which were ordered.

Mr. R. GARLAND moved to lay the whole subject on the table.

Mr. CONNOR demanded the yeas and nays; which were not ordered.

The question was then taken on the motion to lay the whole subject on the table, and it was agreed to.

Petitions were further presented from Ohio by Messrs. DOANE, RIDGEWAY, ALLEN, GOODE, SWENEY, and SWEARINGEN.

[Mr. SWEARINGEN presented the petition of a number of citizens of Jefferson county, Ohio, praying that a duty be laid on the importation of foreign silks: refrred to the Committee on Commerce. Also, the petition of Benjamin W. Ladd, praying compensation for money paid out in defending a suit brought by Duncan McArthur, in consequence of a decision of Congress, upon a line dividing the Virginia military land district, from the lands belonging to Congress, &c. referred to the Committee on Public Lands.]

[Mr. RIDGWAY presented the petition of Christopher Niswongen and William S. Sullivant. The petitioners state, that in November, 1837, they entered into a contract with the Commissary Department to furnish and deliver certain provisions for the United States army, at Fort Towson, public landing; that they purchased and shipped the quantity contracted for, and that within a few miles of said landing, the boat snagged and sunk, and a portion of said provisions was thereby lost; that they were assured by the agents of the Government at the time, that it would not be expected that they, the petitioners, would fulfil the residue of their contract. The petitioners further state that they secured and delivered supplies to the amount of $5,454 48, and that they have received from the Government $4,000, and that the balance has been retained by the officers of the Government; and it is against this decission of the officers of Government that the petitioners protest, and ask the interference of the Congress of the United States: referred to the Committee on Claims.]

By Messrs. R GARLAND and CHINN of Louisiana.

By Messrs. RARIDEN and DAVIS of Indiana.

[Mr. DAVIS presented the joint resolutions of the Legislature of Indiana, relative to repeal of duty on salt. Also, relative to the improvement of White river. Also, relative to the franking privilege for agricultural societies. The petition of sundry citizens of Knox and Davis counties, for a mail route from Washington to Carlisle. The petition of sundry citizens in favor of the claim of John Wilson, of Owen county, Indiana. Also, certain joint resolutions passed by the Legislature of Indiana, on the subject of the Cumberland road; which he moved to refer to the Committee of Ways and Means, with instructions to report a bill a continue the construction of the said road in the States of Ohio, Indiana, and Illinois.]

Mr. BANKS moved to lay the whole subject on the table.

Mr. CASEY demanded the yeas and nays; which, having been ordered, were—yeas 63, nays 78.

So the House refused to lay it on the table.

Mr. DAVIS moved the previous question on the motion to refer, with instructions.

Mr. HUBBARD called for a division of the question, so as to take the vote first on the motion to refer, and then on the instructions.

Mr. CONNOR moved a call of the House; and

Mr. HUBBARD demanded the yeas and nays on that motion; which having been ordered, were—yeas 55, nays 82.

A call was refused.

The question then recurrring on the demand for the previous question, and Messrs. DAWSON and LEADBETTER having been appointed tellers to ascertain whether there was a second, reported that there were, yeas 77, nays 60.

The question then recurring whether the main question should be then put, which main question would have been on the adoption of the instruction,

Mr. WISE demanded the yeas and nays; which were ordered.

Mr. THOMPSON of Mississippi moved that the House adjourn.

Mr. WELLER demanded the yeas and nays; which were not ordered.

The question was then taken on the motion to adjourn, by ellers, and agreed to—ayes 74, noes 51.

The House then adjourned till 11 o'clock, to-morrow.

IN SENATE,

TUESDAY, May 19, 1840.

The CHAIR submitted a message from the President of the United States, in relation to the bonds issued by the Territorial Government of Florida; which was laid on the table, and ordered to be printed.

Also, a report from the Secretary of the Treasury, in reply to a resolution of the 28th of April, on the issue of Treasury notes; which was laid on the table, and ordered to be printed.

Mr. CLAY of Kentucky presented the petition of Fielder R. Dorsett, for an increase of compensation; which was referred to the Committee on Claims.

Mr. STURGEON, from the Committee on Revolutionary Claims, asked to be discharged from the consideration of the claim of the heir of Thomas Farrar, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. TAPPAN presented the petition of a number of the citizens of Washington, stating that they labor under great inconvenience, in consequence of the banks of the District refusing to fulfil their obligations to the public, and praying Congress to take such measures as may compel a resumption of specie payments; which was laid on the table, and ordered to be printed.

Mr. PRESTON presented the petition of the Southern Steampacket Company of the city of Charleston, praying compensation for transporting the United States mail, under the authority of the Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

Mr. CALHOUN presented the memorial of James Leary and others, hat manufacturers of the city of New York.

Mr. C. said, the grievance of which they complain is, that silk hats, and the unfinished body of fur hats, are admitted duty free, contrary, as they believe, to the true meaning of the compromise act; and the relief asked is, the passage of a bill to restore the protection to which they think they are entitled. The petition is numerously signed, there being nearly a thousand names affixed, all, as he was informed, engaged in the hatter's business.

It may be asked, why he had been selected by so numerous and respectable a body of citizens, belonging to another and distant State, to present their petition, when his opposition to a protective tariff was so well known. He could assign but one reason, and that was, that they concurred with him in the opinion that the necessity for protection originated in an unsound currency; and that all that was required to afford ample protection against competition from any quarter, was a sound uniform, and stable currency. The petition was drawn up with ability, by a mechanic, as he was assured, but whose good sense and sound discriminating judgment would do him credit in this or any other body. That he should be thus supported, in so important a position, by such a body of men, so deeply interested, and capable of judging correctly of their interests, and that they should select him to present their petition on account of the accordance of their views with his, was not a little gratifying to him. It gave additional assurance of future peace and harmony between the different portions of the Union. It is well to speak plainly. We shall never see peace and harmony within our borders, till the tariff question is satisfactorily adjusted; and it can never be satisfactorily adjusted but through the currency question. He had long seen that the currency was at the bottom of that vexed question; and it gave him new hopes, to see the same opinion spreading in other quarters, and especially in that from which this able petition comes. He hoped that it would receive the serious attention of the Senate; and in order that the members might have an opportunity to read it at their leisure, he moved that it should be printed for their use, and referred to the Committee on Manufactures for consideration; which was accordingly ordered.

Mr. WILLIAMS, from the Committee on Naval Affairs, made an adverse report on the petition of the widow of Joseph S. Cannon.

Mr. PIERCE submitted the following resolution for consideration:

Whereas it is apparent that great frauds have been practised within the last four years upon Congress on claims growing out of Revolutionary services; and whereas the Government, in consequence of a large portion of its records being lost by fire o otherwise, has no adequate means of protection against such frauds, therefore

Resolved, (as the opinion of the Senate,) That it is just and expedient to insist upon the bar interposed by the statute of limitations for all claims for the payment of which provision was made prior to 1800, unless the claimant shall first make a satisfactory explanation of the causes of delay since that period, and sustain his application by documentary testimony.

The bill to provide for satisfying outstanding claims to bounty lands for military services during the last war with Great Britain, and for other purposes, was taken up; and after an animated discussion, in which Messrs. PRENTISS, SEVIER, YOUNG, BENTON, HUBBARD, CLAY of Kentucky, SMITH of Indiana, and WALKER, participated, was postponed until to-morrow.

GENERAL BANKRUPT LAW.

The Senate again proceeded to consider the bill to establish a uniform system of bankruptcy throughout the United States. The question being on Mr. WALL's substitute for the bill—

Mr. STRANGE having stated that he differed in his views on this subject from all the rest of the committee, proceeded to exhibit and illustrate them at large, and was understood to come to the conclusion that the subject was involved in very great, if not insurmountable difficulties; that the same objections which went against bringing such a law to bear upon banks and other State corporations, went with equal force and clearness against its application to individuals; and that, if any were included, all ought to be included.

Mr. NORVELL having signified his desire to speak briefly on the subject—

The bill, by consent, was laid over till to-morrow.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, May 19, 1840.

Petitions were presented, by the general consent of the House, by Messrs. GERRY, JAMESON, DILLET, McCLELLAN, STUART, GENTRY, REYNOLDS, ELY, HOWARD, WICK, WISE, SLADE, BEIRNE, CHAPMAN of Alabama, DAWSON, HAWES, LOWELL, HILLEN, BURKE, SHAW, JOHNSON of Maryland, CASEY, CARR, BREWSTER, DAVEE, TAYLOR and LEONARD.

Mr. LOWELL, by general consent, presented the following resolutions, recently adopted by the Legislature of the State of Maine, which, on his motion, were ordered to be laid on the table, and printed:

STATE OF MAINE.

Resolves relative to the repeal of the act giving a bounty to vessels engaged in the fisheries.

Resolved, That the repeal of the act, giving a bounty to vessels engaged in the fisheries, would affect the general prosperity of this State, by injuring the interest engaged in navigation, in ship-building, and in the fisheries.

Resolved, That national policy requires a continuance of the fishing bounty, to foster and sustain the commerce of the country in peace, and to afford a competent supply of able seamen for the naval service in war.

Resolved, That our Senators in Congress be instructed, and Representatives be requested, to use their exertions to prevent a repeal or modification of the law, entitled an act laying a duty on imported salt, granting a bounty on pickled fish, exported, and allowances to certain vessels employed in the fisheries, or of any acts or parts of acts relating to the bounty to vessels or individuals engaged in the fisheries.

Resolved, That the Governor be requested to forward a certified copy of these resolutions to each of our Senators and Representatives in Congress.

Mr. L. also presented the proceedings of a public meeting held at Bucksport, Maine, on the subject of an appropriation for erecting a fortification on the Penobscot river, opposite Bucksport, and the establishment of a military and naval depot at Castine; which were referred to the Committee on Military Affairs, and ordered to be printed. Also, the petition of Moody Pilsbury, and 364 other citizens of Bucksport, Maine, and its vicinity, for the same object; which were referred to the same committee. Also, the petition of John C. Talbot and other citizens of Mechisses, Maine, for a general bankrupt law; which was referred to the Committee on the Judiciary.

[Mr. JAMESON presented the following petitions: A petition to establish a mail route from Jefferson city, by the mouth of Niangua and Buffalo, to Springfield. Also, a petition to establish a mail route from the Merrimac, by the Piney Mills, Burden's and Grigsby's, to Forsyth. Also, a petition of Jesse L. Oldham for an increase of pension. Also, a petition of sundry citizens of Clark county for an appropriation for the improvement of the Desmoines river. Also, a petition of sundry citizens of Calloway county for the establishment of a certain mail route therein mentioned. Also, a petition of sundry citizens of Cole county for the establishment of a certain mail route therein mentioned. And also a petition of sundry citizens of Boonville for the establishment of a certain mail route therein mentioned; which were severally referred to their appropriate committees.]

[Mr. CASEY presented the petition of a large number of citizens of the city of Chicago, Illinois, praying for the release of William L. Mackenzie. Mr. C. stated as Mackenzie had been pardoned, and the object of the petitioners obtained, he moved to lay the petition on the table; which motion prevailed. Mr. C. also presented the petition of Mr. Jeremiah Fields, praying for the correction of an erroneous land entry: referred to the Committee on the Public Lands.]

[Mr. SHAW presented the petition of Samuel Billings, praying for the bounty on a fishing schooner, the Luzana: referred to the Committee on Commerce. Also, the memorial of Nathaniel B. Baker, and 121 other citizens of Concord, New Hampshire, praying for the pardon of William Lyon Mackenzie. Laid on the table.]

[Mr. REYNOLDS presented the petition of George H. Walker, of Wiskonsin Ty. praying to be confirmed in his claim to land in Milwaukie; and the petition of Robert Brownfield, praying a pension for Revolutionary services: referred to the appropriate committees.]

[Mr. BURKE presented the petition of Phineas George, praying to be placed upon the invalid pension list. Also, the petition of James Henry, administrator of William Henry, praying for compensation for wages due said William Henry, as midshipman in the service of the United States, and for property of said William Henry in possession of the United States.]

[Mr. CARR presented the petition of William Gentry and others, praying the change of so much of the mail route from Rockport to Washington as lies between Jonesborough and Jasper, and that said route be established through Taylorsville, Warrick county, Indiana; also, the petition of William Humphreys and others, praying for a post route from Canton, via Little York, Sage's Ferry, to Rockford, Indiana: referred to the Committee on the Post Office and Post Roads.]

[Mr. HOWARD, of Indiana, presented a petition from Madison Collins, of Warren county, Indiana, praying that the petitioner be placed on the pension roll of invalid pensioners: referred to the Committee on Invalid Pensions. The petition of Isaac Carroll and others, citizens of Porter county, Indiana, praying for the establishment of a post route: referred to the Committee on the Post Office and Post Roads. The petition of Thomas Lomas and others, praying the extension of the Pre-emption laws: referred to the Committee on Public Lands. The petition of certain citizens of Carroll county, praying the establishment of a post route: referred to the Committee on the Post Office and Post Roads. The petition of sundry citizens of Porter and Lake counties, praying the extension of the pre-emption laws: referred to the Committee on Public Lands.]

[Mr. DAVEE presented the petitions of James R. Leighton and others, and G. M. Burleigh and others, for the establishment of a mail route from Waterville, in the county of Kennebec, to Dover, in the county of Piscataquis, State of Maine. Also the petition of Alexander Woodward and others, praying for a mail route from Fish's Mills to the town of Massardis, in the county of Aroostook, in said State; which were severally referred to the Committee on the Post Office and Post Roads. Mr. D. also presented the proceedings of a public meeting at Bangor, Maine, on the subject of an appropriation for the erection of a fortification on the Penobscot river; which was referred to the Committee on Military Affairs.]

[Mr. BREWSTER presented the following petitions: Two of citizens of Oswego county for a general bankrupt law: referred to the Committee on the Judiciary. One of citizens of Oswego and Onondaga counties, for a post road: referred to the Committee on the Post Office and Post Roads. One of Henry Fitzhugh and others, for the erection of beacons and light-houses on the Thousand Islands, in the river St. Lawrence: referred to the Committee on Commerce. Also, a memorial of inhabitants on the Northern frontier, for a ship canal around the Falls of Niagara: referred to the Committee on Roads and Canals, and the memorial ordered to be printed. And also sent to the Clerk's table divers petitions in the case of Wm. Lyon Mackenzie.]

[Mr. TAYLOR presented the petition of Solomon Sturgis for relief, in relation to a tract of land entered under military bounty land scrip: referred to the Committee on the Public Lands. Also, the petition of J. W. Thompson, praying an appropriation of money for the completion of the monument to the memory of the mother of Washington, near Fredericksburg, Virginia. Also, a preamble and resolutions of the General Assembly of the State of Ohio, in relation to the sale of public lands: referred to the Committee on the Public Lands.]

[Mr. MILLER of Missouri presented the following petitions, viz: Of Samuel Sands and others, of Missouri, praying the

passage of a law establishing a line of four horse post coaches, for the transportation of the mail twice per week from Booneville, Cooper county, Missouri, by Georgetown, Calhoun, Clinton, and Osceola, to Springfield, and from thence through Berry and Newton counties, in said State, to Fayetteville and Little Rock, in the State of Arkansas: referred to the Committee on the Post Office and Post Roads. Of Amos Fristoe and others, asking the passage of a law establishing a line of four horse post coaches, for the transportation of the mail twice a week from Booneville, Missouri, by Georgetown, Warsaw, and Bolivar, to Springfield, and from thence through Berry and Newton counties, in said State, to Fayetteville and Little Rock, in the State of Arkansas: referred to the Committee on the Post Office and Post Roads. Of William Y. Slack, Tho. R. Bryan, and others, asking the passage of a law establishing a post road in Missouri, from Carrollton, Carroll co. to Bluff Grove, in Davis co. by the way of Le Barron and Chillicothe, in Lexington co: referred to the Committee on the Post Office and Post Roads. Of J. H. McBride, H. J. Durkee, and others, asking the establishment of a post road from the mouth of the river Des Moines, in Clark county, Missouri, by Shelbyville, in Shelby county, to Paris, Monroe county, in said State: referred to the Committee on the Post Office and Post Roads. Of Alfred Deatherage, John Jones, and others, asking the establishment of a post road from Van Buren, in Ripley county, Missouri, to Piney Post Office: referred to the Committee on the Post Office and Post Roads. Of Amos Burdyne, of St. Charles county, Missouri, praying that relief may be granted him, in reference to a tract of land settled by him, all of which is set forth in said petition: referred to the Committee on Private Land Claims. Of F. Church, and others, of Clark county, Missouri, praying the passage of a law granting them special rights of pre-emption to certain lands therein described: referred to the Committee on Public Lands. Also of papers of William Warden, of Missouri, praying the passage of a law by Congress, refunding to him the sum of $706, of which sum he alleges to have been robbed by the Sac and Fox Indians, in the year 1814, and to make him compensation for other property taken from him at the same time by the said Indians: referred to the Committe of Claims.]

[Mr. LEONARD presented the petition of John Jordon, an invalid soldier of the late war, praying to be inscribed on the pension roll. Of citizens of the counties of Steuben and Chemung, in the State of New York, for the establishment of a mail route from the village of Corning, in Steuben, to the village of Fairport, in Chemung. Of Asa H. Truman and sixty eight others, against the admission of any new State into the Union, whose Constitution tolerates slavery. Also, a memorial of one hundred and ninety-eight citizens of the county of Tioga, in the said State, for the release of Wm. Lyon Mackenzie.]

Mr. PETRIKIN asked the House to excuse him from serving on the Joint Committee in relation to the contract with Clark and Force, for the publication of the Documentary History of the United States. His first reason for wishing to be excused was, that his duties on other committees would not allow him to give that attention to the subject which it merited; and the second was, that he had some personal feeling on the subject, which should not be brought to bear. Mr. P. was accordingly excused.

CONVENTION WITH MEXICO.

On motion of Mr. CUSHING, (the rules having been suspended for the purpose,) the House resolved itself into Committee of the Whole on the state of the Union, [Mr. J. GARLAND in the chair,] on the bill heretofore reported from the Committee on Foreign Affairs, entitled "A bill to carry into effect a convention between the United States and the Mexican Republic."

The bill having been read—

Mr. CUSHING said he would not detain the House further than to say a few words in explanation of the reasons why, under the direction of the Committee on Foreign Affairs, he had called up this bill for action.

It was known that much time had elapsed in obtaining a treaty with Mexico for the liquidation of the claims of our citizens. A treaty had at length been concluded upon just and equitable terms. One of the provisions of it was that the joint commission to be appointed under it should be appointed and should actually assemble at Washington within three months after the exchange of the ratification of the treaty. That exchange took place on the 7th of April, and, therefore, the commissioners, under the treaty, must be appointed and must actually assemble here within three months of that time. Otherwise, the treaty would be at an end, and, of course, the relations between the United States and Mexico would again be thrown out to sea. It was important, therefore, that the bill should be speedily passed, in order that the President might make the appointments, and that the commission should assemble.

There was also another reason. The treaty provided that the two Government should address a joint note to the King of Prussia, inviting him to act as arbiter under the treaty, and, if he declined to act, that the Queen of Great Britain or the King of the Netherlands should be invited to act in that capacity. He was authorized to state that the King of Prussia had consented to act as arbiter, and therefore that difficulty was removed. He had also received information from Mexico, through a private source, that the two commissioners on the part of that Republic had been appointed—Mr. Posada and Mr. Castillo—gentlemen of distinction in that country, who might be expected speedily; and it might lead to much inconvenience if the commissioners on our part were not appointed. Therefore, without going into the details of the bill, unless some objection was made to it, he would submit it without further comment to the decision of the committee.

Mr. L. WILLIAMS suggested that the salary of $3,500 provided by this bill for each of the commissioners was greater than it ought to be.

Mr. CUSHING entered into some explanations as to the arduous and peculiar character of the duties imposed upon the commissioners, &c.; and said that, under all circumstances, the Committee of Ways and Means had come to the decision that the salary of $3,500 was appropriate. The commissioners appointed under various other treaties had received salaries of either $3,000 or $3,500; but he was not aware that the amount in any case had been less than $3,000.

Mr. RICE GARLAND inquired of Mr. CUSHING what might be the probable amount of claims upon the Mexican Government, as some of his constituents had a good deal of interest in them. He wished also to know what was to be the probable value of the Mexican Treasury notes provided for in the 9th section. If he understood the condition of the Mexican Treasury, and the rate at which their stocks, bonds, &c. were sold, they were not at a very high rate; and he wished to know whether there were any provisions entered into by which the Treasury notes to be issued by that Government were to be of any more value than their other stocks and securites, or whether the claimants were to be put off with these notes at the same rate of value as the bonds, &c. bore, namely, a reduction of about 30 per cent.

Mr. CUSHING was not able to state the specific aggregate amount of the claims by citizens of the United States, because many of the amounts were unliquidated. But he referred Mr. G. to a document which would exhibit an enumeration of the various claims, with a calculation as to the amount, &c.

As to the other point—the value of the Mexican Treasury notes—Mr. C. said he knew that Mexican bonds and other credits were at a great depreciation. The reason of that was to be found not alone in the exhausted state of the Mexican Treasury, but in the fact that there was no fixed means or provision for the payment of these bonds; they depended on the solvency and general good faith of the Mexican Republic. And if this treaty were silent on that point, he should esteem it of much less value than he did now.

Mr. C. then explained that there was a provision in the treaty which, to a certain degree, avoided that difficulty, by making these Treasury notes directly chargeable upon a given source of revenue, (to wit, the duties not only on imports but exports,) so as to leave a fair and reasonable prospect in relation to them.

On motion of Mr. C. there being no further proposition to amend, the committee then rose, and the bill was reported to the House.

The question being on concurring with the Committee of the Whole on the state of the Union, in the amendment reducing the salary of the commissioners from $3,500 to $3,000,

Mr. HUBBARD demanded the yeas and nays on that question; which were refused.

Mr. DROMGOOLE moved the previous question; which was seconded, and the main question ordered.

The amendment of the committee was then concurred in.

The bill was then ordered to be engrossed for a third reading; and having been engrossed, was read a third time, and passed, as follows:

"A BILL to carry into effect a convention between the United States and the Mexican Republic.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint two commissioners, who, together with two commissioners to be appointed by the President of the Mexican Republic, shall form a board, whose duty it shall be to receive and examine all claims which are provided for by the convention between the United States and the Mexican Republic, concluded at Washington on the eleventh day of April, one thousand eight hundred and thirty-nine, and which may be presented to said commissioners under the same, and to decide thereon according to the provisions of said convention, and the principles of justice, equity, and the law of nations.

"SEC. 2. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint a secretary to said commissioners, in behalf of the United States, versed in the English and Spanish languages.

"SEC. 3. *And be it further enacted*, That said commissioners on the part of the United States, in conjunction with the commissioners on the part of the Mexican Republic, shall be, and they are hereby, authorized to make all needful rules and regulations for conducting the business of their said commissions, such rules and regulations not contravening the Constitution of the United States, the provisions of this act, or the provisions of said convention.

"SEC. 4. *And be it further enacted*, That the compensation of the respective officers, for whose appointment provision is made by this act, shall not exceed the following sums, namely: To said commissioners, at the rate of three thousand dollars per annum for each; to the secretary, at the rate of two thousand per annum. And the President of the United States shall be, and he is hereby, authorized to make such provision for the contingent expenses of the said commission on the part of the United States as shall to him appear to be reasonable and proper; and the said salaries and expenses, and likewise all that part of the salary and expenses of the arbiter under said convention which is required thereby to be defrayed by the United States, shall be paid out of any money in the Treasury not otherwise appropriated.

"SEC. 5. *And be it further enacted*, That all communications to and from the secretary of said commissioners appointed under this act, on the business of the commission, shall pass by the mail free of postage.

"SEC. 6. *And be it further enacted*, That so soon as said commission shall be executed and completed according to the provisions of said convention, the commissioners aforesaid shall report to the Secretary of State a list of all the several awards made by them; and the records, documents, and all other papers in the possession of the commission or its officers, or certified copies or duplicates thereof, shall be deposited in the office of the Secretary of State.

"SEC. 7. *And be it further enacted*, That the Secretary of State shall transmit to the Secretary of the Treasury a certified copy of the report of said commissioners, or of the award of the arbiter or umpire, as provided by said convention to be made in case of the disagreement of said commissioners; and the Secretary of the Treasury shall cause certificates to be issued, in such form as he may prescribe, showing the amount or proportion of compensation to which each person, in whose favor award shall have been made by said commissioners or umpire, may be entitled as against the Mexican Government on account of the claims provided for by said convention.

"SEC. 8. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury, and he is hereby authorized and required, to cause any moneys which may be paid by the Mexican Government in satisfaction of said awards, to be remitted on the most advantageous terms to the United States; and all moneys received under said convention, or by virtue of this act, shall be deposited in the Treasury of the United States, and the same are hereby appropriated, to be distributed and paid to those entitled thereto according to the provisions of this act; and the Secretary of the Treasury shall distribute the same, in ratable proportions, among the persons aforesaid, according to the proportions which their respective awards shall bear to the whole amount received, and at such time or times as the same shall be received into the Treasury.

"SEC. 9. *And be it further enacted*, That if the Mexican Government, in place of at once paying the amount of said awards, shall see fit to issue Treasury notes therefor as provided by said convention, then it shall be lawful for the Secretary of the Treasury, and he is hereby authorized and required to receive the said Treasury notes, and to deliver the same to the persons who shall be respectively entitled thereto, in virtue of the awards made under said convention, and of the certificates issued as hereinbefore provided.

"SEC. 10. *And be it further enacted*, That, in the payment of money or the issue of certificates in virtue of this act, the Secretary of the Treasury shall first deduct and retain, or make reservation of, such sums of money, if any, as may be due the United States from persons in whose favor awards shall have been made under said convention."

Mr. TILLINGHAST asked the general consent of the House to offer a resolution, which was sent to the chair, and read for the information of the House as follows:

Whereas it is desirable to bring the present session to an early termination, and with that view to provide for the speedy and orderly disposal of all such business as is indispensable or most urgently necessary:

Resolved, That on to-morrow, at 12 o'clock, this House will go into Committee of the Whole House on the state of the Union, for the purpose of considering the following bills in the following order, viz: Bill No. 6, making appropriations for the naval service; No. 5, making appropriations for the support of the army; No. 4, making appropriations for the Indian Department; and the other appropriation bills and joint resolutions making appropriations, that have been and may be referred to said Committee of the Whole House on the state of the Union, in the order in which they were or may referred; and will, on each day thereafter, excepting the days set apart by the rules for private business and petitions, go into such Committee of the Whole at the same hour, and for the same purpose, until said bills and joint resolutions are disposed of; and that, until disposed of, they have precedence, in the order aforesaid, over all other business at and from said hour on each day, except the days hereinbefore excepted.

Mr. DROMGOOLE objected.

Mr. TILLINGHAST moved to suspend the rules; and on that motion,

Mr. CONNOR demanded the yeas and nays.

Mr. JOHNSON of Maryland moved to lay the motion to suspend the rules on the table.

Mr. TURNEY inquired of the CHAIR whether it would be in order to amend the resolution if the rules were suspended, so as to substitute the Sub-Treasury bill for either of the bills included in the resolution.

The CHAIR replied that it would be in order so to do; but that it would require a vote of two-thirds to adopt the resolution, inasmuch as it changed the order of business on the calendar.

Mr. TILLINGHAST, after some consultation, withdrew his resolution.

The SPEAKER laid before the House the following communication from the President of the United States:

To the House of Representatives:

I transmit the report of the Secretary of War, furnishing a statement of the amounts paid to persons concerned in negotiating Indian treaties prior to 1829, etc. which completes the information called for by the resolution of the House of Representatives, dated the 28th January, 1839, upon that subject, and the disbursing officers in the War Department.

On motion of Mr. L. WILLIAMS, it was referred to the Committee on Indian Affairs, and ordered to be printed.

On motion of Mr MONTGOMERY,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Mary Rand, of Wake county, North Carolina, for the services of her husband, Walter Rand, in the Revolutionary war; also, that the papers, now in the Pension office, be referred to said committee.

On motion of Mr. JAMES,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of passing a law for the payment of the pension due to Jacob Wisner, from the time his name was suspended or stricken from the pension roll, by the Commissioner of Pensions, until it was restored again to said roll.

On motion by Mr. MONROE,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of having constructed a steam vessel, under the direction of the Secretary of War, not to cost more than $30,000, upon the principle of the horizontal wheel, suggested by Lieut. Wm. W. Hunter.

Mr. SERGEANT, from the Committee on the Judiciary, by universal consent, reported back to the House, with amendments, Senate bill entitled an act to extend, for a longer time, the several acts now in force for the relief of the insolvent debtors of the United States.

Mr. S. said the bill contained no appropriation, and it was not, therefore, necessary to commit it; he hoped that it would be acted on immediately.

The House agreed to consider the bill at that time; and the amendments of the committee having been concurred in, and the bill having been ordered to be engrossed for a third reading, it was read the third time and passed.

On motion of Mr. ATHERTON, the morning hour having expired, the House passed to the orders of the day.

Mr. ATHERTON moved to postpone all preceding orders so as to go into Committee of the Whole on the State of the Union until the first bill taken up by the Committee of the Whole on the state of the Union shall be finally disposed of.

The SPEAKER, in answer to an inquiry from Mr. WISE, said a vote of two-thirds would be requisite to accomplish the object of the motion.

Mr. WELLER demanded the yeas and nays on the proposition; which were ordered, and were—yeas 116, nays 85.

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, A. V. Brown, A. G. Brown, Burke, Sampson H. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Dawson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, James Garland, Gerry, Griffin, Hammond, Hand, Jno. Hastings, Hawkins, Hill of N. Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Kelm, Kemble, Kille, Leet,

Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweney, Taylor, Turney, Vroom, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—116.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Barnard, Bell, Biddle, Botts, Briggs, Brockway, Anson Brown, Calhoun, W. B. Campbell, Carter, Chinn, J. Cooper, Crabb, Cranston, Curtis, Cushing, Edward Davies, Garret Davis, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Rice Garland, Giddings, Goggin, Goode, Graves, Green, Grinnell, Habersham, Hall, W. S. Hastings, Hawes, Henry, Hunt, James, C. Johnston, William Cost Johnston, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Pope, Proffit, Randall, Randolph, Rariden, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Trumbull, Underwood, Wagner, Warren, Edward D. White, John White, Thos. W. Williams, Lewis Williams, Christopher H. Williams, and Wise—85.

So the rules were not suspended.

Various Senate bills on the SPEAKER's table were taken up, read twice, and appropriately referred.

The SPEAKER announced that the first business in order on the calendar was the bill introduced by the gentleman from Tennessee [Mr. BELL] to "secure the freedom of elections."

Mr. GENTRY who was entitled to the floor on the above bill, without discussing the principles involved in it, replied with much pungency to the remarks of his colleague [Mr. WATTERSON] when the bill was last up. He charged his colleague with being a new convert to Democracy, and that he had supported Judge White as an Opposition candidate. In the course of his remarks he was twice called to order by the SPEAKER, for irrelevancy of debate; when

Mr. PETRIKIN objected to his proceeding.

Mr. WATTERSON hoped that his colleague would be permitted to proceed in his own way.

Mr. GENTRY said it was not his wish to violate any rule of the House; but it was impossible to reply to the remarks of his colleague in order.

The question was then taken whether Mr. G. should proceed in his remarks, and it was determed in the affirmative—there being only three opposed to his procceding.

Mr. G. then finished his remarks in reply to his colleague [Mr. WATTERSON] and in an examination of his political course, to prove his inconsistency. After which he went into a defence of General Harrison from the charges against him, particularly with reference to the identity of his principles with those of the Abolitionists.

He repelled the idea that he was an Abolitionist; and said he did not believe that there was a gentleman in the House who believed that General Harrison was an Abolitionist, notwithstanding some had garbled his speeches to make it appear that he was one.

Mr. COOPER of Georgia interrupted Mr. G. and was understood to say, in substance, that whether the charge against Gen. Harrison that he was an Abolitionist were well founded or not, was perfectly immaterial. It was a well known fact that he was supported by the Abolitionists; and if he came into power by the support of that party, he would be influenced by that party to a greater or less degree, and would be compelled to yield the policy of his administration to the wishes of that party.

Mr. GENTRY was proceeding to deny the position assumed by the gentleman from Georgia, [Mr. COOPER;] but before he had finished, the hour arrived for the House to take a recess.

EVENING SESSION.

Mr. PETRIKIN asked for a count of the House; which was had, and it appeared that there were but thirty-three members in their seats.

Mr. GENTRY resumed his remarks. He contended that the Abolitionists did not belong exclusively to either party; but that they had affected a separate organization. Mr. G. justified the rallying cry of "log cabins" and "hard cider," now used by the Whig party, on the ground that it deprived the Administration of one of its most successful means of influence by which they appealed to the prejudices of the people, and met it on its own mode of warfare. He agreed with his colleague [Mr. BELL] that the evils which this bill was intended to remedy were of great magnitude; but he did not believe, though the bill was one of great magnitude, that it would be fully efficacious—that it would accomplish the end desired. The only effectual remedy for the evil would be found in an enlightened public sentiment, or through the ballot box, or by altering the Constitution, so as to have but one Presidential term; or by making some statutory provision limiting the appointing power; or by restricting the power of removal from office by the Executive, without his giving sufficient reasons for such removals. He doubted the efficacy of the bill very much; and thought the Federal patronage ought to be diminished.

Mr. BROWN of Tennessee obtained the floor, but yielded it to his colleague [Mr. WATTERSON] for explanation.

Mr. WATTERSON spoke for some time in reply to that portion of Mr. GENTRY's remarks which attacked his (Mr. W's) political career. By a reference to documents and newspapers, he triumphantly repelled those charges, and showed that the crime of political inconsistency was more applicable to certain other gentlemen, who were so famous for attributing it to their colleagues.

One charge against him was, that he had formerly supported Judge White as an Opposition candidate, whereas he was now in the Van Buren ranks. In relation to that, Mr. W. showed that when, with others in the Legislature of his State, he voted for the resolutions nominating Judge White, he did it on the ground that the Judge was considered as the ablest candidate to carry out the great principles of Jackson's administration. He also referred to the speeches of Mr. Bell and of Mr. Peyton, showing that in 1835 they took the same ground, and repudiated the idea that Judge White belonged to the Opposition. He most ably vindicated himself from the charges of his colleague, and showed conclusively that he was now maintaining the great principles of General Jackson's administration, which Mr. White was brought forward to carry out. His remarks will be published hereafter.

Mr. BANKS obtained the floor, but yielded it to Mr. BROWN, on the condition that he should speak to the present bill; as to discussion of matters and things in general, he was getting very tired of it.

Mr. BROWN promised; and then, after going at some length into a reply to remarks made by Mr. BELL some time ago, on the general grounds of the bill, he proceeded to a regular analysis of its provisions, commencing with the title, and so advancing in order. He had entered a short way into the subject, when he yielded the floor to

Mr. CHRISTOPHER H. WILLIAMS, who moved that the House adjourn.

Mr. TAYLOR demanded the yeas and nays; which were ordered, and were—yeas 84, nays 62.

The House, at 6½ o'clock, adjourned.

IN SENATE,

WEDNESDAY, May 20, 1840.

Mr. TAPPAN, from the joint Committee on the Library, reported a joint resolution for the distribution of the Digest of Patents; which was read, and ordered to a second reading.

The report of the Committee on Claims, adverse to the claim of William and James Crook, was taken up for consideration:

[The history of the case, as given in the report of the committee, was briefly this: The claimants were owners of a vessel on Lake Ontario, which was seized by an officer of the United States for a supposed violation of the embargo laws. The vessel was sold, and the proceeds deposited with Theron Rudd, the clerk of the district court. A decree of restitution was afterwards obtained, and the proceeds were directed to be paid over to the owners of the vessel; but the clerk, in the meantime, had absconded with the funds. The claim was then made the subject of negotiation between our Government and that of Great Britain. It was met by the American Minister with the claim of the owners of the American ship Lydia, which was governed by the same principles, which the British Government having refused to adjust, the matter rested until 1834, when the British owners presented their claim to Congress. The committee reported adversely, on the ground that the question remains as an unadjusted subject of negotiation between the two Governments, and would give an undue advantage to the citizens of a foreign Government over those of our own.]

Mr. HUBBARD explained and advocated the adoption of the report, and Messrs. CLAY of Kentucky, DAVIS, and KNIGHT opposed it: after some remarks by Mr. WRIGHT, the question was informally passed over.

GENERAL BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy being taken up:

Mr. DIXON spoke at some length in favor of the original bill, and in opposition to the substitute proposed by Mr. WALL, and was followed by

Mr. NORVELL, who, in the course of his remarks, expressed his intention of voting in favor of including corporations within the provisions of the bill; but if this could not be carried, he would vote for the best bill that could be obtained, believing the passage of some measure of the kind imperatively called for.

On motion by Mr. ALLEN, the further consideration of the bill was postponed until to-morrow.

The Senate then went into the consideration of Executive business,

And then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 20, 1840.

As soon as the journal had been read,

Mr. PETRIKIN moved to amend the same by inserting in detail, the points of order raised on yesterday when Mr. GENTRY was addressing the House on the bill for securing the freedom of elections. Mr. P. thought such things ought to be made a matter of record. It could not be denied that of late the proceedings of the House had been such, as not only to degrade it as a body, but also to degrade the country.

The SPEAKER said the gentleman from Pennsylvania was not in order in saying any thing disrespectful to the House of Representatives.

Mr WADDY THOMPSON called the gentleman from Pennsylvania to order, and hoped he would not be permitted to proceed without making an apology for the disrespectful and insulting language he had used in relation to the House.

The SPEAKER said the gentleman from Pennsylvania had risen on a motion to amend the journal, which motion was in order.

Mr. THOMPSON said he had been under a misapprehension.

Mr. PETRIKIN Yes I am in order; I am always in order. He wished it to be distinctly understood, that he merely wished a correct statement of the facts as they occurred inserted on the journal. He wished nothing put there but what the officers of the House thought right. He thought all such proceedings of the House ought to be recorded, so that in case any member should be slandered or misrepresented to his constituents, there would be some record to refer to, by which the falsehood could be contradicted. He appealed to the House, if in relation to the transactions of yesterday, he had been fairly represented. No, he had not, and he wished to have the proceedings officially recorded, so that he might be able to vindicate himself from such misrepresentations.

After some desultory debate between Messrs. CUSHING, BRIGGS, GENTRY, and others,

The question on the motion to amend was taken, when it appeared there was no quorum.

Mr. McKAY moved a call of the House, and on that motion demanded the yeas and nays; which being ordered,

Mr. McKAY, at the suggestion of several members, withdrew his motion for the call, and demanded the yeas and nays on the motion to amend.

Mr. MONROE moved to lay the motion to amend on the table.

On this motion, Mr. DUNCAN demanded the yeas and nays; which were ordered, and resulted as follows: yeas 58, nays 83.

So the motion to lay on the table was rejected.

And the question then recurring on the motion to amend,

The proposition to amend, was then read as follows, viz:

"The SPEAKER calls Mr. GENTRY to order for irrelevancy in debate.

"Mr. PETRIKIN objected to Mr. GENTRY's proceeding out of order.

"Leave, by unanimous consent, was then given to Mr. [GENTRY to proceed.

"Mr. PETRIKIN called Mr. GENTRY to order, and sent his objections, in writing, to the SPEAKER's table, as follows:

"The gentleman is not in order; what he is now stating, not being relevant to the bill under discussion. The opinions of members of this House, delivered in other places, not being authority here, nor the campaign previous to the election of Mr. Van Buren in 1836, has no bearing on the present subject now before the House.

"The SPEAKER did not entertain the point of order, as it did not state the nature of Mr. GENTRY's remarks objected to by Mr. PETRIKIN.

"Mr. GENTRY, by common consent, proceeded again.

"The SPEAKER called Mr. GENTRY to order.

"Mr. PETRIKIN objected to Mr. GENTRY's proceeding.

"Mr. WISE moved that Mr. GENTRY have leave to proceed, which was agreed to by the House."

Mr. SMITH of Indiana moved the previous question on the motion to amend; which having been seconded, and the main question ordered, which was, "Shall the amendment be adopted?" it was was agreed to—yeas 80, nays 57.

The House resumed the consideration of the question pending on the 16th instant, when the hour for the reception of reports expired, that the bill from the Senate, entitled "An act for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therein can be completed; for abolishing land offices under certain circumstances, and for other purposes."

The immediate question pending when the subject was last up, was the motion of Mr. TAYLOR to commit the bill to the Committee of the Whole of the state of the Union.

Mr. TAYLOR withdrew that motion, and moved that the bill be referred to the Committee on Public Lands, with instructions to strike out the amendment reported by that committee on Saturday last, and agreed to by the House.

Mr. T. made some remarks in favor of the motion; when

Mr. HUBBARD maintained that it was unnecessary to recommit the bill.

Mr. TAYLOR said the House had agreed to the amendments without proper consideration. The amendments took from the Secretary all discretion as to the propriety and inexpediency of consolidating the offices; and the effect would be to throw an additional expense on those who wished to purchase lands in the districts to which the law was intended to apply. The House having agreed to the amendments, no other alternative was left to have the error corrected, which it had fallen into by adopting the amendment, than by recommitting the bill to the committee indicated.

The queston was taken on motion to commit, and disagreed to by ayes 40, noes 92.

The question then recurring on ordering the bill to be engrossed for a third reading, it was carried in the affirmative; and the bill having been engrossed, was read the third time and passed.

Mr. CRARY, from the Committee on the Public Lands, reported back to the House Senate bill entitled "An act supplemental to the act entitled an act granting pre-emption rights to settlers on the public lands," approved June 22, 1838, with a recommendation of the committee that it do not pass.

Mr. THOMPSON, of Mississippi, rose to explain how it was, that the committee reported this bill, with the recommendation that it do not pass. For all practical purposes, this committee virtually numbers but eight members; other, and perhaps more important duties, always preventing the attendance of one of its members from its meetings. A deep interest was felt in this bill by the whole committee; and on every question affecting the principle, we stood four for, and four against it. Thus it was on a motion to report this bill without this recommendation, the vote stood, ayes 4, noes 4; and, the committee being equally divided, the motion was lost. A disposition was evinced by those opposed to the bill, to bury it in the committee, and to refuse this House an opportunity of expressing their views on this subject, and thus to withhold from a large class of worthy citizens, what justice and good policy imperiously demanded. In this condition of things, the friends of the bill were constrained, in order to get the bill out of the committee, and thus afford the House an opportunity to act on this subject, to agree to report the bill with the recommendation that it do not pass. He hoped the House would reject the recommendation of the committee, and pass the bill.

Mr. WHITE of Kentucky moved to commit the bill to the Committee of the Whole on the state of the Union; and

Mr. L. WILLIAMS moved to commit it the Committee of the Whole, and make it the order of the day for to-morrow.

Mr. STEWART was in favor of immediate action on the bill, and opposed to committing it to either the Committee of the Whole, or the Committee on the state of the Union. The bill did not contain an appropriation, and whatever might have been the previous practice of the House, there was nothing found in the rules of the House which require the bill to be committed. He hoped it would not be committed. If it was, it would be tantamount to its rejection, because it would never be reached.

Mr. LINCOLN contended that the bill ought to be referred to a Committee of the Whole. He directed the attention of the gentleman from Alabama to the journal of the House, where it would appear that a similar bill had, by a majority, been referred to a Committee of the Whole, and debated therein day after day. The rule of the House required that every bill involving an appropriation, should be considered in Committee of the Whole, and he would submit to gentlemen whether this bill was not one of that character. Did it not appropriate to the pre-emption settlers the whole difference between the amount of one dollar and a quarter per acre and the prices such lands would fetch in the market? Was not this appropriation of the public lands to pre-emption settlers a means of diminishing the revenue? Certainly it was; as, if the same lands were sold in the market, they would fetch ten times the price, and the Treasury would be benefited by the amount.

The very object of the bill was to grant lands to these settlers at a minor price to that for which they were sold to others. This was so plain that it scarcely needed illustration. But suppose, for instance, a man had made a settlement in the West, and the spot he had chosen should in a few months afterwards be selected as the foundation of a future city. In a few years, and perhaps in a few months, the land for which the settler was charged but a dollar and a quarter an acre, might sell for a hundred dollars an acre. Were not such instances numerous, when the land, owing to such circumstances, had advanced to an enormous price; and yet this bill proposed to appropriate the whole difference over and above a dollar and a quarter an

acre to the pre-emption settler. Was it not, then, clearly an appropriation bill, coming under the rule of the House, which requires that "All proceedings touching appropriations of money shall be first discussed in a committee of the whole House?"

Why, the very idea of an appropriation presupposed an action upon the revenue. Did not this right of pre-emption affect the revenue of the country? Did the Government not draw a great amount of money from the sales of the public lands? and if those lands were sold at a price much below their market value, would not that diminish the revenue from that source? If the lands were thus given up, then the bill was an appropriation of public lands for the benefit of the pre-emption settlers, and therefore came within the rule. He challenged gentlemen to show a single instance when a bill of this character had not been first considered in committee. Such was the proper and regular course—a course dictated, not only by reason, but by the rules and the invariable usage of the House, from the time of its legislative existence down to the present period.

Gentlemen spoke of questions of expediency; but, for his part, he had no idea of deviating from the old safe course. He had no idea of thus disposing of the public domain, and of leaving it to the chance of having all debate cut off by the previous question. This was a bill of great importance to every section of the country, and ought, therefore, to have a full and fair discussion in committee and in the House; and he, for one, would not consent to a deviation from the proper course. He repeated that a reference to a Committee of the Whole was demanded by the rules and former practice of the House; and that to dispose of it in any other way, would be manifest injustice.

Mr. CHAPMAN of Alabama said that he hoped the House would not commit the bill. He felt confident that neither the rules nor the practice of the House required that it should be committed. The rule requires that all bills *making appropriations of money* shall be committed, and he was willing to admit that the rule also embraced appropriations of lands; but this bill proposes no appropriation whatever, either of land or money. The gentleman from Massachusetts [Mr. LINCOLN] says that the passage of this bill is urged on the ground that the lands are worth more than, under the provisions of the bill, the settlers are required to pay. Mr. C. said it was no time to debate the merits of the bill, nor did he design doing so at this time, but he denied, as one of its advocates, that ground for its support, and would take issue with the gentleman from Massachusetts [Mr. LINCOLN,] on the fact that the public lands were sold to pre-emptors cheaper than to purchasers at auction. Mr. C. said if gentlemen would examine the history of the sale of the public lands, they would find that it sold for within a fraction as much under the several pre-emption laws as it had on an average at public auction, and that fraction above the Government price was less than the increased cost of the auction sales; so that in a financial view of the question, the policy was to allow pre-emptions to settlers. Mr. C. said, that so far from providing for an appropriation, if the bill were to pass, much more money would be brought into the Treasury than would be without it. He said that, instead of placing the merits of this measure on the ground stated by the gentleman from Massachusetts, the friends of the policy had always contended, that as the auction sales brought but little or no more than the Government price for the public lands, those who had made valuable improvements thereon at their own labor and expense, and thereby increased and facilitated the sale of other public lands, had, according to equity and common justice, a better right to buy from the Government at the same price than the speculators at the auction sales, who, by combinations, scarcely ever give more than $1 25 per acre.

Mr. C. said that he could not see the necessity for committing the bill. He had shown that it involved no appropriation, and thought it was equally clear that it proposed no new principle. It proposed to revive the pre-emption law of 1833 with some amendments, not, however, altering materially any principle then for the third or fourth time recognized by Congress. It had been discussed over and over again in both Houses of Congress and before the people, until every one was perfectly familiar with it. Mr. S. contended that it was perfectly clear to every member, that in the present state of the business of the session, the measure could not be acted on, if it were refused. Besides this bill, we have many other important measures before the House, of general and direct interest with a majority, which would always ride over this; that while he trusted the bill was favorably considered by a majority, yet it was merely local, and directly interesting to the new States only.

Mr. C. said that as he considered it would be fatal to the bill to commit it under the circumstances he had stated, he hoped no friend of the measure would vote for the motion. For his own part he would consider the vote about to be taken as a test vote as to its strength in the House, and hoped every member would so consider it in giving his vote—that it was not to prevent free and full discussion that he opposed commitment, for he did not fear any debate or examination into its merits, but to insure action at this session, which he knew would not be had if it went to the committee.

Mr. WHITE of Kentucky said this was a mere question of reference, and the debate ought to be confined to the point. In the first place he contended that the bill ought to go to a Committee of the Whole, because such a course was in conformity to former usage of the House, as the history of every pre-emption bill would show. But if gentlemen meant to cast aside all former usage and precedent, and strike out into a new path; if they intended to lose sight of all former principles by which they had been governed, why it was high time that the country and that posterity should know it. If such was their course, it was time the people should know that the old elements of legislation had been broken up, and that a new light had burst fourth, and that nothing but novelty and change had come upon all.

The former usage, precedent, and practice of the House demanded that the bill should be referred to a Committee of the Whole. He did not wish gentlemen to rely on any statement of his to prove that this course had always been taken, but he would refer to the journal of the House, and callenge any one to produce a single instance, when a bill of this character had not taken that direction. He appealed to facts, and he was sure these facts would bear him out in what he had said. Was the old doctrine that the public lands were not the property of the General Government to be revived again?

He contended that this bill did contain an appropriation, and as such, ought to be referred to a Committee of the Whole, in conformity with the former usage of the House. The difference between the Government price, and the price the land might bring, when exposed to public sale, would be in effect an appropriation, and a loan to the person benefited by the pre-emption. If it were not so, why then the necessity of passing the bill at all. He could hardly have thought it possible that gentlemen should have asked the House to pursue such an unprecedented course in relation to this bill.

The gentleman from Alabama says this is an "old subject, well understood, and that there is no necessity for any discussion." He advances that as a reason why it should not be referred to a Committee of the Whole. But when the gentleman says it is an old bill, I ask him if he has read it. Has he examined the bill which he says there is no need of discussing? If he has, does he not see that the bill is based on three new grounds, and that it involves principles which swallow up the quintessence of all former bills? Does he not see that it opens the door wide, and invites every kind of abuse to walk in?

Mr. R. GARLAND said, in substance, that he was friendly to the passage of the bill, and always had been in favor of pre-emption acts; and dated his support of the measure farther back than those who were so anxious to override the rules of the House to come to action upon it. He contended that, by the rule, it should be committed. It was a proposition to dispose of the public lands, through the pre-emption right, at a much less rate than they might be sold for at public auction. It was a measure, therefore, which, to that extent, affected the revenue. He was not, however, friendly to the bill in favor of doing away with the former practices of the House on similar bills.

Mr. WELLER said he did not believe that the merits of a bill should be discussed on a question of reference; and for the purpose of bringing the House to a vote, he moved the previous question.

Mr. CASEY inquired of the CHAIR what would be the operation of the previous question; whether it would bring the House to a vote on the motion to commit the bill, or on ordering it to be engrossed.

The CHAIR said that would entirely depend on the questiou whether the bill contained an appropriation, and whether it required by the rule to be committed. He said he had been informed by the Chief Clerk, that although it had been customary to commit the bill to the Committee of the Whole on the state of the Union, in one instance the House had decided otherwise, and the Clerk was now looking for the precedent; but if the bill was one which ought not to go to a Committee of the Whole, the previous question would be on the engrossment. If he was now called upon to decide, he must decide that the previous question, if sustained, would bring the House to a vote on the motion to commit.

Mr. CASEY said if the SPEAKER so decided that this bill must go to Committee of the Whole, under the rule, he should deem it his duty to take an appeal. He was aware that a former Speaker had decided that a bill making an appropriation of land must be so referred, but this bill made no such appropriation. He hoped the SPEAKER would look to former decisions on this subject.

The SPEAKER had hoped some gentleman would appeal. The point had been referred to him as a question of order, and his decision was that if the bill proposed to give to settlers all over the price of one dollar and twenty-five cents an acre, then it must be an appropriation bill; but if it proposed only to sell the lands for what they would fetch, it was not an appropriation bill.

The question being on the appeal,

Mr. THOMPSON of Mississippi demanded the yeas and nays; which were ordered.

Mr. HOPKINS moved to lay the whole subject on the table.

Mr. CASEY demanded the yeas and nays; which were ordered.

Mr. JAMES GARLAND moved a call of the House; and, on that motion,

Mr. WISE demanded the yeas and nays; which, having been ordered, were—yeas 60, nays 113.

So a call was refused.

On motion of Mr. ATHERTON, the morning hour having expired, the House then passed to the orders of the day.

Senate bills on the Speaker's table were then taken up, read twice, and appropriately committed.

The SPEAKER announced that the business next in order was the bill to secure the freedom of elections, and to provide for the faithful administration of the Executive patronage.

The question being, "Shall the bill be rejected?"

Mr. BROWN, who was entitled to the floor, analyzed the various provisions of the bill, and argued that it was the same in spirit as the bill introduced into the other end of the Capitol, by the Senator from Kentucky, [Mr. CRITTENDE,] and which was rejected by that body, there being but 8 votes in favor of its passage. And the same spirit, he said, ran through that bill and the bill, now before the House, as ran through the old sedition law. The bill while it professed to be in favor of full liberty, its object in fact was slavery in its most odious form. He appealed to his colleague [Mr. BELL] whether he was willing to advance the most worthy and most prominent of his fellow-citizens to a position where they would be disfranchised—where they dared not as freemen speak out and act out their principles. He asked, was that freedom which thus tied up a portion of his fellow citizens? Mr. B. said he would strenuously oppose this bill if it disfranchised one of the citizens of his State, as if it proposed to disfranchise the whole.

Mr. B. showed the effect the bill would have had, if it had become a law when heretofore introduced. He said it would have cut right and left amongst the political friends of his colleague, (Mr. BELL;) in proof of which, he adverted to the fact, that a majority of the Federal officers in Tennessee belonged to the Whig party; out of the postmasters in the five county towns in his district, three were furiously and actively opposed to Mr. Van Buren. Instead of the passage of the bill being an injury to the present Administration, he believed it would have been a benefit. Mr. B. adverted to the first gag bill brought before Congress, which was introduced in 1791 by way of amendment to the first excise, or custom house bill. He examined the provisions and principles of that, and compared with the provisions and principles of the bill before the House, and argued that the latter, in both particulars, was more odious than the former. That measure was rejected in that early day of the Republic by a vote of 21 to 37. Mr. Madison and Mr. Giles both voting against it. He further showed the identy of this bill, both in principle, and its provisions, with the old sedition law. The hour of half past two having arrived, the House took a recess.

EVENING SESSION.

Mr. BROWN resumed his remarks, and, in the course of his speech, referred to the political course of Mr. BELL, more particularly on the subject of Abolition. He showed, by a reference to the records, that previous to the Harrisburg nomination, that gentleman was ultra in his opposition to Abolition petitions; but that subsequently he had changed his course, and gone so far as to recommend a reference of such petitions to a committee, with instructions to report thereon.

Mr. DAVIS of Pennsylvania obtained the floor. He said he did not wish to make a speech, but to save the time of the House, and the money of the nation; and moved the previous question; which was seconded, and,

On the question, "Shall the main question be now put?"

Mr. TURNEY demanded the yeas and nays; which, having been ordered, were, yeas 92, nays 53, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Burke, W. O. Butler, Carr, Carroll, Chapman, Coles, Conner, Mark A. Cooper, Craig, Dana, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Floyd, Gerry, Hammond, Hand, J. Hastings, Hawkins, Hillen, Holleman, Hook, Hopkins, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Calvary Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taylor, Francis Thomas, Jacob Thompson, Turney, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—92.

NAYS—Messrs. Andrews, Baker, Bell, Bond, Briggs, Brockway, Anson Brown, Calhoun, Wm. B. Campbell, Casey, Chinn, Cushing, E. Davies, Garret Davis, Deberry, Dellet, Everett, Fillmore, James Garland, Goggin, Goode, Hall, William S. Hastings, Henry, Hill of Virginia, Ogden Hoffman, Hunt, Kempshall, Lincoln, Mitchell, Morgan, Nisbet, Palen, Pope, Randall, Randolph, Rariden, Ridgway, Russell, Sergeant, Simonton, Stanly, Stuart, Taliaferro, Waddy Thompson, Toland, Underwood, Warren, John White, Thomas W. Williams, Joseph L. Williams, Christopher H. Williams, and Wise—53.

So the main question was ordered.

The question being now on the rejection of the bill, and the yeas and nays having been asked, were ordered, and were, yeas 108, nays 53, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Briggs, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Mark A. Cooper, William R. Cooper, Craig, Cushing, Dana, John Davis, John W. Davis, Doan, Doig Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Floyd, James Garland, Gerry, Goggin, Hammond, Hand, John Hastings, Hawkins, Hillen, Holleman, Hook, Hopkins, Howard, Thomas B. Jackson, Jameson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lewis, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pope, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Taylor, Francis Thomas, Jacob Thompson, Turney, Underwood, Vroom, David D. Wagener, Warren, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—108.

NAYS—Messrs. Andrews, Barnard, Bell, Bond, Brockway, Anson Brown, Calhoun, William B. Campbell, Chinn, James Cooper, Cranston, Davies, Garret Davis, Deberry, Dellet, Edwards, Evans, Everett, Fillmore, Gentry, Giddings, Patrick G. Goode, Hiland Hall, Hawes, Henry, Hoffman, Hiram P. Hunt, Kempshall, Lincoln, Morgan, Calvary Morris, Osborne, Palen, Randall, Randolph, Rariden, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Taliaferro, Toland, Triplett, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Wise—53.

So the bill was rejected.

Mr. ATHERTON moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. STANLY demanded the yeas and nays; which were ordered, but Mr. S. withdrew his motion.

The motion of Mr. ATHERTON was agreed to; and the House resolved itself into Committee of the Whole on the state of the Union, Mr. BANKS in the chair.

Mr. ATHERTON moved to take up the Sub-Treasury bill.

Mr. WISE moved to take up the Naval appropriation bill.

The question being put on the motion of Mr. ATHERTON.

On motion of Mr. STANLY, the question was taken by tellers, (Messrs. UNDERWOOD and RAMSEY acting as such) and resulted, ayes 101, nays 64.

Mr. CUSHING moved to strike out the enacting clause of the bill; but, before proceeding with his remarks, he wished to make a suggestion to the gentleman from New Hampshire, (Mr. ATHERTON,) under whose immediate custody the bill appeared to be, he having made every motion for taking it up. This bill was a very important measure—indeed, it was *the* measure of the Administration; and yet it had come before the House from the Committee of Ways and Means, without any report or exposition of their views, to show why this *projet* of law should be adopted. And if the gentleman from New Hampshire desired to make any explanations or expositions, he (Mr. C.) was very ready to yield the floor, to give him that opportunity. Nay, he was not only ready to yield the floor, but he proffered it to him, and invited an exposition of the bill.

Mr. ATHERTON said he duly appreciated the courtesy of the gentleman from Massachusetts in thus politely offering to yield the floor. All he had to say, however, was, that this was not a new measure, either to members of the House or to the country. It had been several times recommended by the President in his annual message, and there had been two reports in each branch of Congress on the general merits of the bill. Not only so, but he would refer to remarks made by a gentleman of the Opposition the other day, "that every member of this House was sent here by his constituents, either for or against this bill." The majority of the committee, (and he believed a majority of the House,) had now determined to take up

the bill, when the gentleman from Massachusetts had moved to strike out the enacting clause, to defeat it, without giving any opportunity to debate the sections in detail as they came up.

That being the case, he could only say that it was the duty of the gentleman to give to the House and to the country his reason why he had made the motion.

Mr. CUSHING was about to resume his remarks against the bill; when

Mr. BRIGGS moved that the committee rise; which motion was agreed to.

The committee then rose, and

The House adjourned.

IN SENATE,

THURSDAY, May 21, 1840.

Mr. STURGEON presented two memorials from citizens of Philadelphia, praying the remodification of the tariff on the basis of that of 1824; which were ordered to lie on the table.

Mr. WRIGHT presented the petition of Alley, Staunton, and Co. merchants of New York, praying a remission of the duties upon certain goods destroyed by fire while in the custody of the collector of that port; which was referred to the Committee on Finance.

Mr. PIERCE, from the Committee on Pensions, to which was referred

The petition of William Ferguson;

The petition of Elizabeth Garrabrants;

The petition of the widow of Samuel Walker;

The petition of Jacob Hall;

made adverse reports thereon; which were ordered to be printed.

Mr. P. also asked that the Committee on Pensions be discharged from the further consideration of the claim of E. Shaler, and the memorial of Conrad Walts; which was agreed to.

Mr. PRENTISS, from the Committee on Pensions, asked to be discharged from the further consideration of the petition of Thomas Farrar; which was agreed to.

Mr. LINN, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of Edward Criddle; which was read twice, and referred to the Committee on Claims.

Mr. WILLIAMS, in pursuance of notice, asked and obtained leave to introduce a bill to regulate enlistments into the army and navy; which was read twice, and referred to the Committee on Naval Affairs.

Mr. WILLIAMS submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy be directed to appoint a board consisting of navy and marine officers, to witness an exhibition of Nighill Nutting's patent cylinder fire arms, and report the results in detail for the information of Congress, together with their opinion of the advantages to be derived from the adoption of the same into the naval service.

Mr. STRANGE gave notice that to-morrow he would ask leave to introduce a bill making certain appropriations for the Patent Office.

Mr. WILLIAMS gave notice that he would ask leave to introduce a bill in addition to an act regulating the pay of the navy.

The bill for the relief of Avery, Saltmarsh, and Company, was taken up on its third reading, and its passage was advocated by Messrs. ROBINSON, LUMPKIN, and PRENTISS, and opposed by Messrs. WHITE, HUBBARD, CALHOUN, and DAVIS, and was then laid on the table for the present.

The report of the Committee on Claims adverse to the petition of William and James Crook, was then taken up, and was discussed at much length—Messrs. WRIGHT, HUBBARD, WALKER, and CALHOUN sustaining the report of the committee, and Messrs. CLAY of Ky. KNIGHT, HENDERSON, and WEBSTER, advocating the claim of the petitioners; when,

On motion by Mr. HUBBARD, the further consideration of the whole subject was indefinitely postponed—ayes 25, noes 14, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Lumpkin, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Walker, Williams, Wright, and Young—25.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Knight, Porter, Prentiss, Preston, Smith of Indiana, Spence, Tallmadge, Webster, and White—14.

GENERAL BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy being taken up, after some remarks by Messrs. HUBBARD, CLAYTON, LUMPKIN, CLAY of Kentucky, WALKER, WEBSTER, and TALLMADGE,

On motion by Mr. TALLMADGE, the further consideration of the bill was postponed until to-morrow.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, May 21, 1840.

The SPEAKER announced that the first business in order was the Senate bill reported back from the Committee on the Public Lands, entitled "An act supplemental to an act entitled 'an act granting pre-emption rights to the settlers on the public lands,'" approved June 22, 1838. The motions pending on said bill were those of Mr. WHITE of Kentucky, to commit the bill to the Committee of the Whole on the state of the Union, and the motion of Mr. L. WILLIAMS to commit it to the Committee of the Whole, and make it the order for to-morrow.

Mr. JOHNSON of Maryland moved a call of the House; which was ordered, and was proceeded in until 136 members had answered to their names. The list of absentees were called over, when the following gentlemen were excused by the House on account of absence from the city, and indisposition, viz. Messrs. ADAMS, ANDERSON of Kentucky, BOTTS, BOYD, BREWSTER, MCCARTY, FILLMORE, GRANGER, JONES of Virginia, LAWRENCE, MEDILL, TAYLOR, PECK, PICKENS, RODGERS, WILLIAMS of Kentucky.

Mr. SMITH of Maine moved that the following gentlemen, acting on the Committee on the Militia, now in session, be excused, viz. Messrs. KEIM, GOODE, RODGERS of New York, RIDGEWAY, GRIFFIN, WAGONER; which motion was disagreed to.

The call of the list of absentees having been completed, and 163 members having answered to their names,

On motion of Mr. WELLER, all further proceeding in the call was dispensed with—ayes 92, noes 40.

The question immediately pending when the bill was up on yesterday, was the motion of Mr. HOPKINS to lay the bill on the table.

The yeas and nays having been ordered on said motion, were taken, and were—yeas 53, nays 122, as follows:

YEAS—Messrs. Adams, J. W. Allen, Banks, Bond, Briggs, Sampson H. Butler, Calhoun, Connor, James Cooper, Cranston, Edward Davies, Dawson, Deberry, Evans, Everett, James Garland, Goggin, Griffin, Grinnell, Habersham, Wm. S. Hastings, Hawkins, Hill of Virginia, Hill of North Carolina, Hopkins, Hunt, James, Jenifer, Kempshall, Lincoln, McCarty, Mitchell, Monroe, Montgomery, Nisbet, Ogle, Osborne, Randolph, Rayner, Russell, Samuels, Shepard, Slade, Stanly, Storrs, Taliaferro, Waddy Thompson, Tillinghast, Toland, Trumbull, Warren, John White, and Lewis Williams—53.

NAYS—Messrs. Alford, Hugh J. Anderson, Andrews, Atherton, Beatty, Beirne, Bell, Black, Blackwell, Burke, William O. Butler, William B. Campbell, Carr, Carroll, Casey, Chapman, Chinn, Clifford, Colquitt, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Crockett, Cross, Cushing, Dana, Davee, John Davis, J. W. Davis, G. Davis, Dickerson, Dellet, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Edwards, Fine, Fletcher, Floyd, Fornance, Gentry, Gerry, Goode, Green, Hall, Hammond, Hand, J. Hastings, Henry, Holmes, Hook, Howard, Hubbard, Jackson, Jameson, Chas. Johnston, Cave Johnson, Nathaniel Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Marvin, Miller, Montanya, Morgan, Samuel W. Morris, Newhard, Parrish, Parmenter, Paynter, Petrikin, Prentiss, Proffit, Ramsey, Rariden, Reynolds, Ridgway, Edward Rogers, Ryall, Sergeant, Shaw, Simonton, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Jacob Thompson, Triplett, Turney-Underwood, Vroom, David D. Wagener, Peter J. Wagner, Weller, Edward D. White, Wick, Jared W. Williams, Henry Williams, and Joseph L. Williams—122.

So the bill was not laid on the table.

The question then recurring on the appeal taken by Mr. CASEY on yesterday from the decision of the CHAIR, that the bill required commitment,

The SPEAKER said the question was on the appeal from his decision on yesterday, that the bill ought to go to a Committee of the Whole. On yesterday he had made that decision according to his own construction of the rule, as he believed it was in accordance with the previous practice of the House. But since then he had discovered that in 1834, a pre-emption bill had passed through the House without being committed to a Committee of the Whole. That being the case, he would reverse his decision of yesterday, so that the previous question instead of being on the commitment, would be on ordering the engrossment of the bill for a third reading.

Mr. LINCOLN understood the SPEAKER to decide then, that according to the former practice of the House, the previous question would apply to the engrossment.

The SPEAKER replied in the affirmative.

Mr. LINCOLN said he considered it his duty to take an appeal from that decision, and wished to say a few words in support thereof, but the previous question having been ordered, the CHAIR informed him that no debate could be entertained.

After a desultory conversation between Messrs. BRIGGS, LINCOLN, CASEY, DROMGOOLE, UNDERWOOD, and others,

The question being on the appeal, the main question was ordered to be put.

Mr. JAMESON asked for the yeas and nays, which were ordered.

And the main question, "Shall the decision of the CHAIR stand as the sament of the House?" was decided as follows: yeas 100, nays 91.

YEAS—Messrs. Hugh J. Anderson, Atherton, Beatty, Black, Blackwell, Aaron V. Brown, Burke, William O. Butler, John Campbell, Carr, Casey, Chapman, Chinn, Clifford, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Crockett, Cross, Cushing, Davee, Davies, John Davis, John W. Davis, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, James Garland, Gerry, Goode, Hammand, Hand, John Hastings, Henry, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McCarty, McClellan, McCulloh, Mallory, Marchand, Medill, Miller, Montanya, Newhard, Parrish, Parmenter, Parris, Petrikin, Pope, Prentiss, Proffit, Rariden, Reynolds, Ridgway, Edward Rogers, Ryall, Shaw, Simonton, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Swearingen, Sweeny, Taylor, Jacob Thompson, Turney, Vroom, David D. Wagener, Weller, Wick, J. W. Williams, Henry Williams, and Joseph L. Williams—100.

NAYS—Messrs. Adams, Alford, Andrews, Banks, Baker-Barnard, Beirne, Bell, Bond, Botts, Briggs, Brockway, Sampson H. Butler, Calhoun, William B. Campbell, Carroll, Coles-Connor, James Cooper, Cranston, Curtis, Garret Davis, Daw, son, Deberry, Dennis, Dromgoole, Edwards, Evans, Everett, Rice Garland, Gentry, Giddings, Goggin, Graham, Graves, Green, Griffin, Grinnell, Hall, William S. Hastings, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Hoffman, Hook, Hopkins, James, Charles Johnston, William Cost Johnson, Kempshall, Lincoln, McKay, Marvin, Mason, Mitchell, Monroe, Montgomery, Morgan, Calvary Morris, Nisbet, Ogle, Osborne, Peck, Ramsey, Randall, Randolph, Rayner, Reed, Rives, Russell, Samuels, Sergeant, Shepard, Slade, Truman Smith, Stanly, Storrs, Taliaferro, Francis Thomas, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagener, Warren, Edward D. White, John White, and Lewis Williams—91.

Mr. UNDERWOOD inquired of the CHAIR whether it would be in order to move the recommitment of the bill.

The CHAIR replied that the previous question having been ordered, it would not.

Here the action on the bill was arrested, the morning hour to which it was confined having expired, and the House passed to the orders of the day.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in compliance with a resolution of the House of the 28th January, 1839, a supplemental report, showing the amount of compensation which has been received, whether by fees or otherwise, by the district clerks, attorneys, and marshals, during the year 1839.

On motion of Mr. CONNOR, ordered to lie on the table, and be printed.

Also a communication from the Secretary of War, transmitting a report from the Ordnance Department, setting forth the causes which have prevented an answer to the resolution of the House of Representatives, of 11th February, 1840, in relation to the prices at which muskets, rifles, and pistols, might be made, and delivered to the United States, &c.

On motion of Mr. MCKAY, ordered to lie on the table, and be printed.

Senate bill, entitled an act to extend for a longer period, the several acts now in force for the relief of insolvent debtors of the United States, having been returned from the Senate with amendments,

Mr. SARGEANT said the amendments were merely corrections of errors, and quite consistent with the amendments of the House to that bill, and therefore moved that the House concur in said amendments; which was agreed to.

On motion of Mr. ATHERTON, the House then resolved itself into committee of the whole, on the state of the Union, (Mr. BANKS in the chair) and resumed the consideration of the Independent Treasury bill.

Mr. CUSHING being entitled to the floor, resumed his remarks from yesterday. After alluding to the importance of the measure as emanating from the Executive, and its previous rejection at former Congresses, he expressed his disapprobation at the course now pursued by the Administration in again urging it. He intimated that, since its last rejection, the people had been listening to the voice of the tempter, and were now thought more favorable to its adoption. But he called upon the people to arise in their might, and cast aside the snare, lest, when it was too late, they would find themselves like another Sampson, bound hand and foot, and delivered over to the Philistines. He complained that this great measure came up without any affirmative defence from the Administration. He said it appeared that this course of proceeding was equivalent to saying that the Executive found himself strong enough to pass it, and therefore did not deem it proper to make any affirmative defence. He contended that this was not an untried experiment. The fact was the experiment had been tried by the Executive, and it had failed, and the House was called upon to sanction and make into a law that which had been tried and failed. He contended that this was but a sequel to the great State bank experiment of General Jackson, which had failed, and had involved the country in disgrace and ruin. That great failure had taken place when the present Executive came into power, and this Sub-Treasury scheme was adopted in its stead.

He complained that all the great appropriation bills had been thrust aside for the purpose of bringing up this bill. He alluded to the paramount importance of the appropriation bills which importance was implied by their precedence in the rules. He saw no necessity or reason why this bill should be taken up before other bills of far greater importance. He saw, however, one reason which perhaps had induced the Administration party to take it up, and that was the taunts which had been thrown out by the Opposition, that the bill would not be brought up. If that was the reason, then the bill was brought up merely to show the courage of the Administration party in the House, and not for the public good. He hoped, therefore, that the urgency o the appropriation bills would not be adduced as an argument for stifling debate on this bill. Mr. C. then proceeded to examine the principles of the bill, which, he said, contained two propositions, viz. for an Independent Treasury, and independent currency. In discussing the question of relative patronage between the State bank deposite system and this bill, Mr. C. admitted that it conferred less patronage than the former.

The House, at half past two o'clock, took a recess.

EVENING SESSION.

Mr. CUSHING continued to address the House until a quarter to seven o'clock, when he gave way for a motion that the committee rise. The motion prevailed—ayes 60, noes 53.

The committee accordingly rose, when a motion was made by several gentlemen simultaneously for adjournment. The yeas and nays were demanded on this motion, and resulted as follows: yeas 69, nays 72.

So the House refused to adjourn.

Mr. CALHOUN of Massachusetts moved a call of the House, but the motion was apparently negatived, when the yeas and nays were demanded, but before they were taken—

Mr. COOPER of Pennsylvania moved an adjournment; the yeas and nays were demanded, and being again taken, resulted as follows: yeas 69, nays 58.

So the House adjourned.

IN SENATE,

FRIDAY, May 22, 1840.

Mr. CLAYTON presented a memorial of citizens of Georgetown, praying the recharter of the Farmers' and Mechanics' Bank of Georgetown, and remonstrating against the passage of any act requiring the banks of the District to resume specie payments until a resumption by the banks of the State of Virginia and Maryland; which was laid on the table, and ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was referred the memorial of F. R. Dorsett, made an adverse report thereon; which was ordered to be printed.

Mr. H. from the same committee, to which was referred the bill for the relief of Edward Criddell, made an adverse report thereon; which was ordered to be printed.

Mr. WILLIAMS, on leave, and in pursuance of previous notice, introduced a bill to amend an act, entitled "An act to regulate the pay of the Navy of the United States; which was read twice, and referred to the Committee on Military Affairs.

Mr. STRANGE, in pursuance of previous notice, asked and obtained leave to introduce a bill to make certain appropriations for the Patent Office; which was read twice, and referred to the Committee on the Patent Office.

The resolution submitted by Mr. WILLIAMS yesterday, was discussed by Messrs. KING, TAPPAN, CALHOUN, WILLIAMS, PRESTON, and DAVIS, and was then agreed to.

The bill concerning a seminary of learning in the Territory of Iowa, was read a third time and passed.

The bill for satisfying outstanding military bounty land warrants, was referred to the Committee on Military Affairs.

The bill giving the assent of Congress to the acts of Virginia, incorporating the Falmouth and Alexandria Railroad Company, and for other purposes, was taken up as in Committee of the Whole, and was advocated by Messrs. ROANE, KING, WALKER, and MERRICK, and opposed by Messrs. TAPPAN and HUBBARD, and on motion of the latter, its further consideration was postponed until to-morrow.

GENERAL BANKRUPT LAW.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the United States; and the question was on Mr. WALL's substitute for the bill.

Mr. TALLMADGE addressed the Senate at length in opposition to the substitute, and in favor of the bill; and its further consideration was postponed until Monday next.

Mr. PRESTON offered a resolution that hereafter the hour of meeting for the Senate should be 12 o'clock; which, after some remarks by Messrs. LUMPKIN and SEVIER, in opposition, and Mr. PRESTON, in support, was ayes 18, noes 19.

The Senate then adjourned to Monday next.

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Dixon, Henderson, Merrick, Nicholas, Norvel, Porter, Prentiss, Preston, Roane, Spence, Strange, Sturgeon, Tallmadge, Webster, and White—18.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, Robinson, Sevier, Smith of Indiana, Tappan, Walker, Williams, and Wright—19.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 22, 1840.

Mr. ATHERTON moved to suspend the rules to enable him to offer a resolution proposing to make the Independent Treasury bill the special order of the day from this day at 12 o'clock, and every succeeding day at that hour, until the said bill shall be disposed of.

Mr. L. WILLIAMS moved a call of the House; and on that motion demanded the yeas and nays; which having been ordered—were yeas 61, nays 78.

So the House refused to have a call.

Mr. MORGAN demanded the yeas and nays on the motion to suspend the rules; which, having been ordered, were—yeas 86, nays 88:

YEAS—Messrs. Hugh J. Anderson, Atherton, Banks, Beatty, Boyd, Aaron V. Brown, A. G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Chapman, Clifford, Coles, William R. Cooper, Craig, Dana, Thomas Davee, John Davis, Dickerson, Doan, Doig, Droomgoole, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Gerry, Griffin, Hand, John Hastings, Hawkins, Hill of N. C. Holleman, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Keim, Kemble, Kille, Leadbetter, Lowell, Lucas, McKay, Marchand, Medill, Miller, Newhard, Parish, Parmenter, Paynter, Prentiss, Reynolds, Rhett, Rives, Ryall, Samuels, Shaw, Shepard, A. Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Swearingen, Taylor, Francis Thomass, Jacob Thompson, Turney, Vroom, D. D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—86.

NAYS—Messrs. Adams, J. W. Allen, Andrews, Baker, Barnard, Bell, Bond, Botts, Brewster, Briggs, Anson Brown, Calhoun, William B. Cam bell, Carter, Casey, Chinn, Clark, James Cooper, Crabb, Cranston, Cross, Curtis, Cushing, Davies, Dawson, Deberry, Dennis, Dellet, Edwards, Everett, James Garland, Rice Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, Wm S. Hastings, Henry, Hill of Va. Hoffman, Hunt, James, Jenifer, Charles Johnston, Wm. Cost Johnson, Kempshall, Lincoln, Mitchell, Monroe, Morgan, Ogle, Osborne, Palen, Peck, Pope, Randall, Randolph, Rariden, Reed, Ridgway, Russell, Salonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Warren, E. D. White, John White, T. W. Williams, Lewis Williams, and Joseph L. Williams—88.

So the House refused to suspend the rules.

PRE-EMPTION BILL.

The unfinished business of the morning hour was the bill from the Senate, entitled "An act supplementary to an act granting pre-emption rights to settlers on the public lands."

The question pending when the morning hour expired on yesterday, was on seconding the call for the previous question; which, if sustained, would bring the House to a vote on ordering the bill to be engrossed for a third reading.

Mr. JOHNSON of Maryland moved that the bill do lie upon the table.

On that motion Mr. WELLER called for the yeas and nays.

Mr. TURNEY inquired of the CHAIR, if the bill be laid upon the table, whether a majority could at any time take it up.

The CHAIR said that, according to the practice of the past session, it required two-thirds to take it up again. He was understood to say that, when in its order, it would require but a majority to take it up; but that it was not competent at any other time to take it up, except by a vote of two-thirds.

Mr. LINCOLN inquired if it would be in order to amend the bill.

The CHAIR replied, that if the previous question be not sustained, it would be in order to amend the bill.

Mr. STEWART of Illinois inquired of the CHAIR if it was in order again to make the motion to lay the bill on the table, the House having decided that question on yesterday.

The CHAIR said it was in order, action having been had on the bill since that question was decided on yesterday.

The yeas and nays having been ordered on the motion to lay the bill on the table, were—yeas 65, nays 104.

YEAS—Messrs. Adams, Banks, Baker, Barnard, Briggs, Sampson H. Butler, Clark, Coles, Connor, James Cooper, Cranston, Garret Davis, Dawson, Deberry, Dennis, Dromgoole, Edwards, Everett, Fisher, James Garland, Goggin, Goode, Graham, Graves, Green, Griffin, Habersham, Hall, William S. Hastings, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Hopkins, James, Charles Johnston, Wm. Cost Johnson, Kempshall, Lincoln, McCarty, Mason, Monroe, Montgomery, Nisbet, Ogle, Osborne, Palen, Peck, Randolph, Reed, Russell, Samuels, Sergeant, Shepard, Slade, Stanly, Storrs, Taliaferro, Waddy Thompson, Tillinghast, Toland, Trumbull, Warren, John White, and Lewis Williams—65.

NAYS—Messrs. Hugh J. Anderson, Andrews, Atherton, Beatty, Beirne, Bell, Boyd, Brockway, Aaron V. Brown, Albert G. Brown, Burke, Wm. O. Butler, Calhoun, Wm. B. Campbell, Carr, Carter, Casey, Chapman, Chinn, Clifford, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Cross, Curtis, Cushing, Dana, Davee, Edward Davies, John Davis, Dickerson, Dellet, Doan, Doig, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Rice Garland, Gentry, Gerry, Hammond, Hand, John Hastings, Henry, Hillen, Holleman, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Lewis, Lucas, McClellan, McCulloh, McKay, Malloiy, Marchand, Marvin, Medill, Miller, Morgan, Calvary Morris, Newhard, Parish, Parmenter, Paynter, Petrikin, Pope, Prentiss, Proffit, Ramsey, Rariden, Rhett, Ridgway, Edward Rogers, Ryall, Shaw, Simonton, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Jacob Thompson, Triplett, Turney, Vroom, David D. Wagener, Watterson, Weller, Edward D. White, Wick, Jared W. Williams, Joseph L. Williams, and Worthington—104.

So the House refused to lay the bill on the table.

The question then recurring on seconding the previous question, it was determined in the negative, on count—ayes 77, noes 82.

[If the previous question had been seconded, the next question would have been on the engrossment of the bill.]

The question then recurred on the motion of Mr. WHITE of Kentucky to commit the bill to the Committee of the Whole on the state of the Union.

Mr. CASEY said he looked upon the commitment of the bill as decisive of its fate. If the bill be committed to the Committee of the Whole on the state of the Union at this late period of the session, it will not be reached this session, and every gentleman who will vote upon this question is aware of that fact. He therefore called for the yeas and nays; which were ordered.

Mr. RANDOLPH inquired of the CHAIR, if the motion to recommit did not prevail, whether the bill would not stand on the SPEAKER's table, and ride over all the appropriation bills.

The CHAIR said it would not take precedence of the appropriation bills, but would be the first thing in order during the morning hour only, and would stand on the calendar as one of the bills on the SPEAKER's table for engrossment.

The yeas and nays having been ordered on the motion to recommit, were—yeas 91, nays 100.

YEAS—Messrs. Adams, John W. Allen, Andrews, Banks, Baker, Barnard, Beirne, Bell, Bond, Briggs, Brockway, Anson Brown, Sampson H. Butler, Calhoun, Clark, Connor, James Cooper, Mark A. Cooper, Cranston, Curtis, Garret Davis, Dawson, Deberry, Dennis, Dromgoole, Edwards, Evans, Everett, Fisher, James Garland, Gentry, Goggin, Goode, Graham, Graves, Griffin, Habersham, Hall, William S. Hastings, Hawes, Hawkins, Hill of Va. Hill of North Carolina, Holmes Hook, Hunt, James, Jenifer, Charles Johnston, Wm. Cost Johnson, Kempshall, Lincoln, Lucas, McKay, Marvin, Mason, Mitchell, Monroe, Montgomery, Morgan, Calvary Morris, Nisbet, Ogle, Osborne, Peck, Ramsey, Randolph, Reed, Rives, Russell, Samuels, Sergeant, Shepard, Simonton, Slade, John Smith, Stanly, Storrs, Sumter, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Warren, John White, Thomas W. Williams, Lewis Williams, and Wise—91.

NAYS—Messrs. Hugh J. Anderson, Atherton, Beatty, Black, Boyd, A. V. Brown, Albert G. Brown, Burke, William O. Butler, William B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Chinn, Clifford, Coles, Crabb, Craig, Crary, Crockett, Cross, Cushing, Dana, Davee, Edward Davies, John Davis, Dellet, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Rice Garland, Gerry, Hammond, Hand, John Hastings, Henry, Hillen, Holleman, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kilie, Leadbetter, Leet, Leonard. Lewis, Lowell, McClellan, McCulloh, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Newhard. Parish, Parmenter, Paynter, Petrikin, Pope, Prentiss, Proffit, Rariden, Reynolds, Rhett, Ridgway, E. Rogers, Ryall, Shaw, A. Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Swearingen, Sweney, Taylor, Francis Thomas, Jacob Thompson, Turney, Vroom, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—100.

So the House refused to commit the bill.

[If the motion to commit had prevailed, it would have been tantamount to the rejection of the bill, inasmuch as the condition of the business on the calendar would have prevented the House from reaching it, or having any action on it, this session. It is, therefore, properly to be inferred that all those who were opposed to the passage of the bill, voted for its commitment.]

The question now recurred on the motion to commit the bill to the Committee of the Whole, to take its place on the calendar.

Mr. L. WILLIAMS, who made that motion, withdrew it.

The SPEAKER said the bill would now go over, and would be first in order on Tuesday next.

Mr. LINCOLN offered an amendment to the bill in substance, so as to make it conform to the act of 1838.

Mr. GOODE offered the following amendment as an additional section to the bill:

SEC. . *And be it further enacted*, That all persons being the head of a family who have settled and made improvements on any part of the United States alternate sections reserved from sale on the Wabash and Erie canal or the Miami canal, in the State of Ohio, prior to the last day of November, 1835, be permitted to enter not more than eighty acres of land on which they have so as aforesaid settled and improved at the proper

land office, by way of pre-emption, at $2 50 per acre.

These amendments were received and subsequently ordered, with the bill, to be printed.

Mr. COST JOHNSON wished to have a distinct understanding on the disposal of this bill.

The SPEAKER repeated that it was now laid over until Tuesday, on which day it would be first in order; the question being on the amendment.

Mr. JOHNSON said, as that was the case, he would ask leave to offer the following resolution, which was read for information, viz:

Resolved, That the Secretary of the Navy be requested to furnish a statement of the cost of building, equipping, and repairing, the public vessels of the United States, from the first day of January, 1830, to the present time, the cost of each vessel under the above mentioned several heads to be distinctly and separately set forth, and the time designated when the same was built, equipped, or repaired.

Objection being made,

Mr. JOHNSON moved a suspension of the rules, which motion was rejected. So the resolution was not received.

Mr. REED, on leave, presented sundry memorials, which were referred to the Committee on Naval Affairs.

On motion of Mr. ATHERTON, the House proceeded to the orders of the day, and resolved itself into a Committee of the Whole, Mr. BRIGGS in the chair, on the private bills on the calendar.

The bill under consideration, when the committee last rose, was a bill for the relief of Benjamin Adams and others.

Mr. PETRIKIN had moved to strike out the enacting clause. In supporting that motion he used the following language, for which was decided out of order by the CHAIR as irrelavant, viz:

"Mr. PETRIKIN was proceeding to quote in a general way what had formerly been said on the floor of the House, relative to the waste and extravagance of the Democratic party, and the present Administration, and that when the Whigs were told they had voted for the bills granting the sums complained of as extravagant, they replied that the Democrats had the majority, and ought to have prevented the passage of all improper laws. 'Pass these bills,' said he, 'voting away millions of money, and we will be again told the Democracy had the majority in the House of Representatives, why did they pass such bills?'

"Mr. PETRIKIN appealed from the decision of the CHAIR, and on a division by tellers on sustaining the decision, it was discovered there was no quorum. Whereupon the committe rose, and the House adjourned."

The question now pending being on the appeal,

The CHAIR restated in substance the reasons for which he had called the gentleman from Pennsylvania to order. He did not consider the remarks of the gentleman in relation to charges of extravagance, etc. as at all pertinent to the subject then before the committee, which was a private bill. If the gentleman had been suffered to go on, then those who might consider themselves implicated by the charges, would claim a right to reply; and thus a debate would arise on a subject different to that before them, and the discussion would be on the prodigality of the Administration, instead of the present bill.

Some conversation of a desultory character ensued, in which Mr. PETRIKIN, in answer to a question, said he had mentioned no gentleman's name in his remarks, but had merely referred, in a general way, to what had been said, etc.

The question "Shall the decision of the CHAIR stand?" was then taken by tellers, and resulted—ayes 34, noes 80—no quorum voting.

Some conversation ensuing, to the effect that there was evidently a quorum in the hall,

The CHAIR said he was willing to consider his decision as reversed.

So Mr. PETRIKIN was in order.

The bill, by general consent, was then laid aside for future action.

The committee then acted on several other bills until the hour arrived for taking the usual recess.

EVENING SESSION.

The bills reported from the Committee of the Whole in the morning session, were respectively disposed of as indicated below.

The bill for the relief of the assignees of Low, Taylor and Co. was postponed till Friday next.

The following bills from the Senate having been engrossed, were read the third time and passed:

An act for the relief of John H. Sheppard, administrator of Abiel Wood;

An act for the relief of A. G. S. Wright;

An act to confirm the title to a certain tract of land in the county of Mobile, in Alabama; and

An act for the relief of Joseph Cochran.

Bills of the House of the following titles having been engrossed according to order, were respectively read the third time and passed, viz:

A bill for the relief of the heirs and representatives of Thomas Atkinson, deceased;

A bill for the relief of Saunders and Porter, sureties of Estes;

A bill to authorize the payment of the seven years' half pay, due on account of the death of Captain William Gregory, to the person or persons entitled to the same;

A bill to authorize the payment of seven years' half pay of a lieutenant, due on account of the death of Lieutenant Jonathan Die, who was killed in the battle of Brandywine;

A bill for the relief of Oliver Welsh;

A bill confirming the claim of Augustin Lacoste to a certain tract of land therein named;

A bill for the relief of Pierre Molaison, the widow of Pierre Richoux, Alex. Comeau, Alice L. Foley, widow of John Foley, and Francis Martin;

A bill for the relief of Chilton Allan;

A bill for the relief of certain settlers on the saltlick reservation in the western district of Tennessee;

A bill for the relief of William Marbury, of Louisiana;

A bill for the relief of Mary Perfect;

A bill for the relief of the heirs of Stephen Johnson, deceased;

A bill for the relief of General Duncan L. Clinch;

A bill for the relief of the sureties of, and heirs and representatives of Melancton Bostwick, deceased;

A bill for the relief of John H. Genther;

A bill for the relief of Elizabeth Davidson;

A bill for the relief of the representatives of William Lomax;

A bill for the relief of Jacob Bocker;

A bill for the relief of Jabez Collins;

A bill for the relief of Phebe Deckman;

A bill for the relief of James Phelps;

A bill granting a pension to Catharine Allen;

A bill for the relief of John England;

A bill for the relief of James Deatley;

A bill for the relief of Hugh Davis;

A bill granting a pension to Chauncy Rice.

House bill to refund a fine imposed on Matthew Lyon, under the sedition law, to his heirs and legal representatives, having been reported from the Committee of the Whole without amendment;

On motion of Mr. RUSSELL its further consideration was postponed till Friday next.

Mr. REYNOLDS subsequently moved to reconsider the vote on the postponement, and some discussion arose on the motion: the further consideration of the subject lies over under the rule.

The following bills were reported from the Committee without amendment, and having been ordered to be engrossed, were postponed for further consideration till to-morrow, viz:

A bill for the relief of Joseph Wallace and the heirs and representatives of Robert Leckie and Jeremiah D. Hayden, deceased;

A bill for the relief of Benjamin Fry; and

A bill for the relief of Gen. Danl. Parker.

The bill for the relief of Alexander Everett, which was amended in Committee of the Whole on the motion of Mr. PETRIKIN, was taken up in the House, and the said amendment having been concurred in, and the bill, according to order, having been engrossed, was read the third time, and passed.

The bill for the relief of Hyacinth Lassell, which was amended in the Committee of the Whole on the motion of Mr. PETRIKIN, so as to restrict the grant of land to such as was subject to private entry, was taken up in the House, the amendment was concurred in, and the bill was ordered to be engrossed.

Mr. CUSHING, who voted to concur in the amendment of the committee, moved to reconsider that vote; which motion

Mr. WICK was proceeding to support in some remarks; consequently the bill, under the rule, was laid over for future consideration.

On motion of Mr. RUSSELL, the House again went into Committee of the Whole (Mr. BRIGGS in the chair;) and the committee having considered many bills, and passed others,

On motion of Mr. HOPKINS, the committee rose and reported the following to the House, without amendment: [For which see next column.]

Mr. TURNEY moved to reconsider the vote by which the House refused to second the call for the previous question on the pre-emption bill during the morning session.

The CHAIR suggested that such a motion would not be in order.

Mr. CASEY argued that, before such a motion could possibly be in order, the House would first have to reconsider to vote subsequently taken refusing to commit the bill; and

After a few remarks by Messrs. R. GARLAND, TURNEY, CASEY, and BRIGGS,

The SPEAKER said, the gentleman could accomplish his motion, if it was his wish to take the bill out of its present position before the House, and to delay action upon it, to move to reconsider the motion refusing to commit the bill, and then move to postpone the bill to some future time.

Mr. TURNEY then made a motion to reconsider the vote refusing to commit the bill; which was entered.

On motion of Mr. HOPKINS,

The House then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, May 23, 1840.

After the reading of the Journal,

The SPEAKER suggested to the House the propriety of dispensing with the business of the morning hour, for the purpose of disposing of all the business on the SPEAKER's table. It would prevent much inconvenience to the SPEAKER; to which suggestion the House assented.

Mr. UNDERWOOD asked the House to excuse him from further service on the Committee of Privileges, growing out of the difficulty between Messrs. R. GARLAND and BYNUM; which request the House, however, refused.

Mr. LINCOLN, from the Committee on Public Buildings and Grounds, by general consent, reported back to the House Senate bill in relation to the statue of Washington, by Greenough, with an amendment, substituting the words "Secretary of the Navy" for the words "Committee on the Library;" which amendment was concurred in, and the bill was read the third time and passed.

The SPEAKER announced that the next business in order was the motion of Mr. CUSHING to reconsider the vote on yesterday, by which the House concurred in the amendment of the Committee of the Whole, to the bill for the relief of Hyacinth Lassell, and subjecting the grant of land in said bill to be located on such of the public land as was subject to private entry.

Mr. WICK went into a history of the claim, and advocated the motion for reconsideration.

Mr. PETRIKIN was opposed to the motion to reconsider, and spoke in support of his amendment, which was adopted by the Committee of the Whole. He doubted whether the claimant should have any land at all, instead of granting him a float to locate the best lands in small parcels at different points.

Mr. WICK had no objection to confine the float so as to have all the land located in one body.

The question was then taken on the motion to reconsider, and disagreed to.

The bill now stands on its engrossment.

The next before the House was the motion to reconsider the vote postponing till Friday next the

bill to refund a fine imposed on the late Matthew Lyon, under the sedition law, to his heirs and legal representatives.

Messrs. RUSSELL and L. WILLIAMS hoped the motion to reconsider would not prevail.

Mr. TURNEY advocated the reconsideration, and moved the previous question, which was seconded; and the main question having been ordered, was taken, and resulted—ayes 79, noes 46.

The vote having been reconsidered, the question again recurred on the motion to postpone the bill to Friday next, which was disagreed to; and the bill now stands on the calendar on its engrossment.

Mr. DAVIS of Kentucky moved to suspend the rules, to enable him to offer a resolution in relation to gag bills, and in relation to Executive patronage and Federal officers, and on that motion demanded the yeas and nays.

Mr. R. GARLAND hoped he would not press such a resolution at that time, inasmuch as it would excite discussion, and embarrass the action on the private bills.

Mr. DAVIS of Kentucky persisted in his motion.

Mr. RAMSEY moved to lay the motion to suspend the rules on the table.

Mr. PROFFIT demanded the yeas and nays; which were not ordered.

The question was then taken on the motion to lay on the table, and agreed to.

PRE-EMPTION BILL.

The question next in order was the motion of Mr. TURNEY to reconsider the vote by which the House refused to commit the bill to the Committee of the Whole, granting pre-emption rights to settler on the public lands.

Mr. TURNEY moved to postpone the consideration of the above motion to reconsider until after the Sub-Treasury bill was disposed of.

Mr. CASEY said the object of the motion thus to postpone must be to defeat the bill. He wanted to know who were thus indirectly in favor of destroying the bill, and therefore called for the yeas and nays; which were ordered, and were—yeas 17, nays 140.

YEAS—Messrs. Banks, Beirne, Bynum, Connor, Dawson, Dennis, James Garland, Goggin, Hall, Hawkins, Hill of Virginia, Hill of North Carolina, Hunt, McKay, Mason, Montgomery, Nisbet, Ramsey, Russell, Samuels, Steenrod, Turney, and Wise—17.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Barnard, Beatty, Bell, Black, Bond, Boyd, Briggs, Brockway, Albert G. Brown, Burke, S. H. Butler, W. O. Butler, Calhoun, Wm. B. Campbell, Carr, Carter, Casey, Chapman, Chinn, Clark, Clifford, James Cooper, Wm. R. Cooper, Crabb, Craig, Cranston, Crary, Crockett, Cross, Curtis, Cushing, Dana, Davee, Edward Davies, John Davis, Garret Davis, Deberry, Dickerson, Dellet, Doan, Doig, Eastman, Edwards, Ely, Everett, Fine, Fletcher, Floyd, Rice Garland, Gerry, Goode, Graham, Green, Grinnell, Habersham, Hammond, Hand, W. S. Hastings, John Hastings, Hawes, Henry, Hillen, Hoffman, Hook, Howard, Hubbard, Jackson, James, Jenifer, Charles Johnston, Cave Johnson, Nathaniel Jones, Kempshall, Kille, Leadbetter, Leonard, Lewis, Lincoln, Lowell, Lucas, McCarty, McClellan, McCulloh, Mallory, Marchand, Marvin, Miller, Mitchell, Monroe, Montanya, Morgan, Samuel W. Morris, Newhard, Ogle, Osborne, Parrish, Parmenter, Paynter, Petrikin, Pope, Prentiss, Proffit, Rariden, Reed, Reynolds, Rhett, Ridgway, Edward Rogers, Ryall, Shaw, Simonton, Slade, Albert Smith, Thomas Smith, Stanly, Starkweather, Storrs, Strong, Stuart, Sumter, Swearingen, Sweney, Taliaferro, Taylor, Francis Thomas, Jacob Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vroom, D. D. Wagener, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, Thomas W. Williams, Lewis Williams, and Joseph L. Williams—140.

So the House refused to postpone.

Mr. CHAPMAN demanded the previous question on the motion to reconsider the vote by which the House refused to commit; which was seconded, and the main question having been ordered; which main question was, "Shall the vote be reconsidered?"

Mr. PROFFIT demanded the yeas and nays; which having been ordered, were—yeas 59, nays 97.

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Atherton, Banks, Baker, Barnard, Beirne, Bell, Bond, Botts, Briggs, Calhoun, Coles, Connor, James Cooper, Cranston, Garret Davis, Dawson, Deberry, Dennis, Dromgoole, Evans, Everett, James Garland, Goggin, Goode, Graham, Graves, Grinnell, Hall, William S. Hastings, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, James, Charles Johnston, Kemshall, Lincoln, McCarty, McKay, Mitchell, Monroe, Montgomery, Morgan, Ogle, Peck, Ramsey, Randolph, Reed, Russell, Samuels, Simonton, Slade, Stanly, Storrs, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Turney, Underwood, Warren, John White, Lewis Williams, and Wise—59.

NAYS—Messrs. H. J. Anderson, Beatty, Boyd, A. V. Brown, Burke, Sampson H. Butler, William O. Butler, William B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Chinn, Clark, Clifford, W. R. Cooper, Crabb, Craig, Crary, Crockett, Cross, Cushing, Dana, Davee, Davies, John Davis, Dickerson, Dellet, Doan, Doig, Duncan, Earl, Eastman, Edwards, Ely, Fine, Fletcher, Floyd, Rice Garland, Gerry, Giddings, Green, Hand, J. Hastings, Henry, Howard, Hubbard, Jackson, Nathaniel Jones, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, Mallory, Marchand, Miller, Montanya, Samuel W. Morris, Calvary Morris, Newhard, Parrish, Paynter, Petrikin, Pope, Prentiss, Proffit, Rariden, Reynolds, Rhett, Ridgway, E. Rogers, Ryall, Shaw, A. Smith, John Smith, Thomas Smith, Starweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Vroom, David D. Wagener, Watterson, Weller, Ed. D. White, Wick, Jared W. Williams, and Henry Williams—97.

So the House refused to reconsider the vote; and the bill accordingly stands the first business in order on the SPEAKER's table, on its engrossment.

The following engrossed bills were then read the third time and passed, viz:

A bill for the relief of Thomas Atkinson;

A bill for the relief of Joseph Wallace, and the heirs and representatives of Robert Leckie and Jeremiah D. Hayden, deceased.

A bill for the relief of Hyacinth Lassel;

A bill for the relief of Alexander Everett;

A bill for the relief of John H. Genther;

A bill for the relief of Elizabeth Davidson; and

A bill amendatory of the act for the relief of Gen. Duncan L. Clinch.

The following bills having been amended in the Committee of the Whole, the amendments were concurred in by the House, and the bills having been engrossed for a third reading, were read the third time, and passed, viz:

A bill for the relief of the heirs of Michael Seitsinger; and

A bill granting a pension to Leonard Smith.

The bills reported from the Committee of the Whole, on yesterday afternoon session, and which were not passed at that time, having been engrossed, were severally read the third time, and passed, as follows:

A bill for the relief of William Cuddeback;

A bill granting a pension to Elijah Foochee;

A bill for the relief of Elizabeth French;

A bill for the relief of Joseph Bailey;

A bill for the relief of Gorge Morris;

A bill adding the name of John Lathram to the pension roll;

A bill for the relief of Benjamin Mitchell;

A bill granting a pension to Reuben Murray;

A bill for the relief of Wealthy Baker;

A bill granting a pension to James Boylan;

A bill granting a pension to Leonard Smith;

A bill for the relief of Nathan Baldwin;

A bill for the relief of Sarah Oakley;

A bill for the relief of Ichabod Beardsley;

A bill for the relief of Jacob Adams;

A bill granting a pension to Elizabeth Case;

A bill for the relief of the administrator and heirs of John Lindsey;

A bill for the relief of Thurston Cornell;

A bill granting a pension to Martha Strong;

A bill granting a pension to Benjamin Price;

A bill granting a pension to James J. Coffin;

A bill for the relief of Conrad Widrig;

A bill restoring the name of John Davis to the pension roll;

A bill for the relief of James Francher of Tennessee;

A bill for the relief of Thomas Bennett;

A bill for the relief of John Lybrook;

A bill for the relief of David Mellen;

A bill for the relief of Ann Bloomfield;

A bill for the relief of Henry Bush;

A bill granting a pension to Israel Parsons;

A bill granting a pension to Philip Hartman;

A bill for the relief of Matthew Wiley;

A bill for the relief of Wm. York;

A bill for the relief of Isaac Austin;

A bill granting a pension to John Black;

A bill granting a pension to Helen Miller;

A bill granting a pension to Stephen Olney;

A bill for the relief of Wm. Andrews;

A bill granting a pension to Christian Brougher;

A bill for the relief of Peter Hedrick;

A bill for the relief of Erastus Pierson.

A bill for the relief of William Neel;

A bill for the relief of Asenath Campbell;

A bill for the relief of Peter A Myers;

A bill for the relief of John Piper;

A bill for the relief of Job Wood;

A bill for the relief of Mary Hunter;

A bill for the relief of John Keeler;

A bill for the relief of Fielding Pratt;

A bill for the relief of James Fleming;

A bill for the relief of Samuel M. Asbury;

A bill granting a pension to Neil Shannon;

A bill for the relief of Elijah Blodget;

A bill for the relief of Thomas Collins;

A bill to restore to certain invalid and other pensioners, the amount of pensions by them relinquished.

A bill for the relief of James Bailey;

A bill for the relief of Stephen Appleby;

A bill for the relief of Daniel W. Goings;

A bill for the relief of Hiram Saul;

A bill granting a pension to John H. Lincoln;

A bill for the relief of Jared Winslow;

A bill for the relief of Nathaniel Davis;

A bill for the relief of Wm. Hughes;

A bill for the relief of James Cummings;

A bill for the relief of John E. Wright;

A bill for the relief of Thomas Wilson;

A bill for the relief of Samuel B. Hugo;

A bill for the relief of Levi Johnston;

A bill for the relief of Barton Hooper;

A bill for the relief of Isaac Justice;

A bill for the relief of Gideon Sheldon;

A bill for the relief of Robert Frazier;

A bill for the relief of Myron Chapin;

A bill for the relief of Medod Cook;

A bill for the relief of Lyman Bristol;

A bill for the relief of Charles Risley;

A bill for the relief of Pamela Brown;

A bill for the relief of Sylvester Tiffany;

A bill for the relief of James Smith;

A bill for the relief of William Sloan;

A bill for the relief of Robert Whittle;

A bill for the relief of Joseph W. Knipe;

A bill for the relief of Levi M. Roberts;

A bill for the relief of Lyman N. Cook;

A bill granting a pension to Wm. Butterfield;

A bill for the relief of George Hommill;

A bill for the relief of Jacob Euler;

A bill for the relief of David Wilson;

A bill for the relief of Samuel Brown;

A bill for the relief of Emanuel Srofe;

A bill for the relief of Isaac Boyd;

A bill for the relief of Wm. Bowman;

A bill for the relief of Benjamin McCulloch;

A bill for the relief of David A. Baldwin;

A bill for the relief of Lt. John Allison;

A bill for the relief of Levi Colmus;

A bill for the relief of Wm. Poole;

A bill for the relief of Josiah Strong;

A bill for the relief of Seneca Rider;

A bill for the relief of Peter W. Short;

A bill for the relief of Simeon Knight;

A bill for the relief of Robert Lucas;

A bill granting a pension to John Brown;

A bill for the relief of Wilfred Knott;

A bill for the relief of Wm. Glover; and

A bill for the relief of Thomas Latham.

The bill for the relief of Mary Tucker came up in its order, and,

On motion of Mr. R. GARLAND, its further consideration was postponed till Friday next.

The bill to refund a fine imposed on the late Matthew Lyon, under the sedition law, to his heirs and legal representatives, came up on its engrossment; when

Mr. RUSSELL moved to amend the bill by striking out the words "legal heirs," and inserting "personal representatives."

Mr. TILLINGHAST asked if this was not a bill to refund a fine paid in 1799, and if the petition of the person who paid it had not, in his lifetime, been repeatedly before Congress, and rejected; if it had not, in the course of forty years, undergone repeated discussions in both Houses without success? If so, he would move to lay the subject on the table.

Mr. TURNEY asked Mr. T. to withdraw his motion, and before he sat down, he would move the previous question.

Mr. TILLINGHAST said, if any explanation was desired, he would withdraw the motion to lay on the table.

Mr. TURNEY then asked for the reading of the report, which was read; after which, he moved the previous question.

The following report was made on the subject of

the claim by Mr. TURNEY, from the Committee on the Judiciary. The committee adopted the report made by the same committee in 1832; which was read to the House, as will be found below. [That the country may understand the merits of the case, and may trace a history of the circumstances under which the fine was imposed upon Matthew Lyon; and that the history of those times, and the parties of those days may not be forgotten, the Reporter inserts the report at large.]

The Committee on the Judiciary to whom was referred the petition of Chittenden Lyon and Matthew Lyon, heirs and representatives of the late Matthew Lyon, deceased, report:

That in the month of October, 1798, the late Matthew Lyon, the father of the petitioners, at the circuit court held at Rutland, in the State of Vermont, was indicted and found guilty of having printed and published what was alleged to be a libel against Mr. John Adams, the then President of the United States. The alleged libel was in the following words, to wit: "As to the Executive, when I shall see the effects of that power bent on the promotion of the comfort, the happiness, and accommodation of the people, that Executive shall have my zealous and uniform support. But whenever I shall, on the part of our Executive, see every consideration of public welfare swallowed up in a continual grasp for power, in an unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice—when I shall behold men of real merit daily turned out office for no other cause than independency of sentiment—when I shall see men of firmness, merit, years, abilities, and experience, discarded in their applications for office, for fear they possess that independence, and men of meanness preferred for the ease with which they can take up and advocate opinions, the consequence of which they know but little of—when I shall see the sacred name of religion employed as a State engine to make mankind hate and persecute each other, I shall not be their humble advocate!" The second count in the indictment, on which the said Matthew Lyon was convicted, charged him with printing and publishing a seditious writing or libel, entitled "Copy of a letter from an American diplomatic character in France (Mr. Joel Barlow) to a member of Congress in Philadelphia," which was in the following words, to wit: "The misunderstanding between the two Governments has become extremely alarming; confidence is completely destroyed; mistrusts, jealousies, and a disposition to a wrong attribution of motives, are so apparent as to require the utmost caution in every word and action that are to come from your Executive—I mean if your object is to avoid hostilities. Had this truth been understood with you before the recall of Monroe—before the coming and second coming of Pinckney; had it guided the pens that wrote the bullying speech of your President, and stupid answer of your Senate, at the opening of Congress in November last, I should probably have had no occasion to address you this letter. But when we found him borrowing the language of Edmund Burke, and telling the world that, although he should succeed in treating with the French, there was no dependence to be placed in any of their engagements; that their religion and morality were at an end, and they had turned pirates and plunderers, and that it would be necessary to be perpetually armed against them, though you are at peace; we wondered that the answer of both Houses had not been an order to send him to the mad-house. Instead of this, the Senate have echoed the speech with more servility than ever George the Third experienced from either House of Parliament."

The court deemed both the publications above recited libellous, under the second section of the act commonly called the sedition law, passed the 4th July, 1798; which section is as follows, viz: "*And be it further enacted*, That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and wilfully assist or aid in writing, printing, uttering, or publishing, any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or of the President of the United States, with an intent to defame the said Government, or either House of the said Congress, or the President, or to bring them, or either of them, into contempt or disrespect, or to excite against them, or either or any of them, the hatred of the good people of the United States, &c. then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

Upon this indictment Matthew Lyon was convicted, and sentenced by the court to be imprisoned for four months; to pay a fine of one thousand dollars, and the costs of the prosecution, taxed at sixty dollars and ninety-six cents; and to stand committed until the fine and costs were paid: which were paid, as appears by the exemplification of the record of the said trial and proceedings, now in the archives of this House.

The committee are of opinion that the law above recited was unconstitutional, null, and void, passed under a mistaken exercise of undelegated power, and that the mistake ought to be corrected by returning the fine so obtained, with interest thereon, to the legal representatives of Matthew Lyon.

The committee do not deem it necessary to discuss at length the character of that law, or to assign all the reasons, however demonstrative, that have induced the conviction of its unconstitutionality. No question connected with the liberty of the press ever excited a more universal and intense interest—ever received so acute, able, long-continued, and elaborate investigation—was ever more generally understood, or so conclusively settled by the concurring opinions of all parties, after the heated political contests of the day had passed away. All that now remains to be done by the Representatives of the people who condemned this act of their agents as unauthorized, and transcending their grant of power, to place beyond question, doubt, or cavil, that mandate of the Constitution prohibiting Congress from abridging the liberty of the press, and to discharge an honest, just, moral, and honorable obligation, is to refund from the Treasury the fine thus illegally and wrongfully obtained from one of their citizens: for which purpose the committee here with report a bill.

Mr. TILLINGHAST again adverted to the length of time which had elapsed since the claim was first presented. A whole generation had passed away since the claim was alleged to have originated, and it was now impossible to ascertain the true state of the facts, with any thing like satisfaction. He therefore insisted on his motion to lay on the table.

On this motion, Mr. HAND demanded the yeas and nays.

Mr. TILLINGHAST withdrew his motion to lay on the table.

Mr. TURNEY moved the previous question on the bill, which was seconded, and the main question ordered to be put, on which Mr. T. demanded the yeas and nays.

And the question being first on the amendment,

Mr. TILLINGHAST renewed his motion to lay on the table.

On this motion, Mr. TURNEY demanded the yeas and nays; which, being ordered, resulted as follows:

YEAS—Messrs. Briggs, Cranston, Davies, Evans, Giddings, Grinnell, Hall, Hawes, Hunt, Lincoln, Russell, Storrs, Tillinghast, Trumbull, and Lewis Williams—17.

NAYS—Messrs. John W. Allen, Hugh J. Anderson, Andrews, Banks, Beatty, Bell, Bond, Boyd, Albert G. Brown, Burke, William O. Butler, Bynum, Calhoun, William B. Campbell, Carr, Casey, Chapman, Chinn, Clark, Clifford, Coles, Connor, William R. Cooper, Crabb, Craig, Crary, Crockett, Cross, Curtis, Dana, John Davis, Garret Davis, Dawson, Deberry, Dickerson, Dellet, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, James Garland, Rice Garland, Gentry, Gerry, Goggin, Goode, Griffin, Hammond, Hand, Hawkins, Henry, Hill of Virginia, Hill of North Carolina, Holleman, Hopkins, Howard, Hubbard, Jackson, James, Jameson, Jenifer, Charles Johnston, Cave Johnson, Nathaniel Jones, Kempshall, Kille, Leadbetter, Leonard, Lewis, Lowell, McClellan, McKay, Mallory, Marchand, Mason, Miller, Monroe, Montanya, Morgan, Calvary Morris, Newhard, Ogle, Osborne, Parrish, Parmenter, Paynter, Petrikin, Pope, Prentiss, Ramsey, Rariden, Reynolds, Rhett, Ridgway, Edward Rogers, Samuels, Shaw, Simonton, Albert Smith, John Smith, Stanly, Starkweather, Steenrod, Strong, Stuart, Sumter, Sweney, Taylor, Francis Thomas, Waddy Thompson, Jacob Thompson, Toland, Triplett, Turney, Underwood, David D. Wagener, Warren, Watterson, Weller, Edward D. White, Wick, Jared W. Williams, and Henry Williams—129.

So the House refused to lay on the table.

And the question then recurred on the first part of the main question—being on the amendment to strike out the words "legal heirs," and insert the words "personal representatives."

Mr. TURNEY demanded the yeas and nays; which having been ordered, were—yeas 44, nays 94, as follows:

YEAS—Messrs. John W. Allen, Bell, Bond, Brockway, S. H. Butler, Calhoun, Wm. B. Campbell, Carter, Clark, Crabb, Cranston, Curtis, Edward Davies, Evans, James Garland, Rice Garland, Giddings, Goggin, Green, Hall, John Hill of Virginia, Hunt, James, Charles Johnston, Kempshall, McKay, Mason, Ogle, Osborne, Randolph, Ridgway, Russell, Samuels, Simonton, Slade, Storrs, Taliaferro, Waddy Thompson, Toland, Triplett, Underwood, Warren, Edward D. White, and Lewis Williams—44.

NAYS—Messrs. Hugh J. Anderson, Banks, Beatty, Boyd, Brewster, Burke, Wm. O. Butler, Bynum, Carr, Casey, Chapman, Chinn, Clifford, Coles, Connor, Wm. R. Cooper, Crary, Crockett, Dana, Davee, John Davis, Dawson, Deberry, Doan, Doig, Earl, Eastman, Edwards, Ely, Fine, Floyd, Fornance, Gerry, Goode, Griffin, Hammond, Hand, Hawkins, Henry, John Hill of North Carolina, Hillen, Heffman, Holleman, Hopkins, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Kille, Leadbetter, Leonard, Lewis, McClellan, McCulloch, Mallory, Merchand, Miller, Montanya, Morgan, Calvary Morris, Newhard, Parrish, Pa menter, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Edward Rogers, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Jacob Thompson, Turney, David D. Wagener, Watterson, Weller, Wisk, Jared W. Williams, and Henry Williams—94.

The question then being on ordering the bill to be engrossed for its third reading, it was taken by yeas and nays, as follows:

YEAS—Messrs. J. W. Allen, Hugh J. Anderson, Andrews, Banks, Beatty, Beirne, Bell, Boyd, Albert G. Brown, Burke, Samoson H. Butler, William O. Butler, Bynum, Calhoun, W. B. Campbell, Carr, Carter, Casey, Chapman, Chinn, Clark, Clifford, Coles, Connor, William R. Cooper, Crabb, Crary, Crockett, Cross, Dana, Davee, John Davis, Dickerson, Dellett, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, James Garland, Rice Garland, Gerry, Goggin, Goode, Green, Griffin, Hammond, Hand, Hawkins, Henry, Hill of Virginia, Hill of North Carolina, Holleman, Holmes, Hopkins, Howard, Hubbard, Jackson, James, Jameson, Charles Johnston, Nathaniel Jones, Kemble, Kempshall, Kille, Leadbetter, Leonard, Lewis, Lowell, McClellan, McCulloch, Mallory, Marchand, Mason, Miller, Montanya, S. W. Morris, Newhard, Ogle, Osborne, Parish, Parmenter, Petrikin, Pope, Prentiss, Ramsey, Reynolds, Rhett, Ridgway, Edward Rogers, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Waddy Thompson, Jacob Thompson, Triplett, Turney, Underwood, David D. Wagener, Warren, Watterson, Weller, John White, Wick, Jared W. Williams, and Henry Williams—120.

NAYS—Messrs. Bond, Briggs, Cranston, Curtis, Davies, Deberry, Evans, Grinnell, Habersham, Hawes, Ogden Heffman, Jenifer, Lincoln, McKay, Morgan, Rayner, Russell, Stanly, Storrs, Taliaferro, Tillinghast, Trumbull, and Joseph L. Williams—20.

So the bill was ordered to be engrossed for a third reading.

Mr. RUSSELL then moved to postpone the further consideration of the bill until Friday next. He alluded to the great length of time which had elapsed since the date of the claim, say 1798; and considering that, asked what gentleman there was who would undertake to say that we could have any thing like a correct knowledge of the occurrences of that time. Generations had passed away, and now, when after the lapse of so many years, we were called upon to act upon the claim, was it not proper that we should obtain as correct information as possible? What was the information which the House had before it, and on which it was asked to grant this claim? Why, we were obliged to rely on the frail memory of man for the evidence in relation to it. But were there no other sources from which better information could be obtained? Certainly there was. By a reference to the papers at the Treasury Department, it could be ascertained whether Government ever received this money or not. He wished to cast no imputation on the gentlemen who supported the bill; but if it should, upon investigation, turn out that this money had never been realized by Government, who was there, he would ask, who would vote for such a claim? What gentleman would, under such circumstances, vote for the passage of the bill? He was sure there vote, was not a single man who would give his if it could be shown that the money had never been received by the Government. Now his information was, and he believed it to be correct, that the money never had been paid into the Treasury, and that not a single dollor had ever been received by Government. He believed the facts in the report, in relation to the conviction and imprisonment of Matthew Lyon, were true; and, also, that the amount of the fine was raised by his political friends, and the money was deposited with the marshal, in whose custody he was. But, on Mr. Jefferson's coming into power, and before the money was paid into the Treasury, he believed the fine was remitted, and returned to the source from whence it came. Now what he wanted was, proper time to examine into the real state of the facts, and it was for this reason he wished the further consideration of the bill postponed until Friday next.

Mr. BUTLER of Kentucky wished to make a few brief remarks in relation to the merits of this bill. It had been said that, in all probability, the money had never been received by the Government, and that it had been returned. That, he believed, was not the state of the case. It was not true that the bill had ever been rejected. On the contrary, it had been reported by committees from year to year, all of which reports were in favor of the claim.

But there was one fact which would serve to show on what erroneous grounds gentlemen would sometimes base their arguments against bills of this character. The gentleman had said that the fine was remitted when Mr. Jefferson came into power, whereas the money was paid when Lyon was in jail, in 1799, nearly three years before; and could it be presumed that the marshal kept the money in his hands all that time? If the gentleman had been so informed, he was very much mistaken. He was sure that no evidence could be brought to show that the fine had been remitted; and on the other side, there was abundant testimony to show that it had been paid, no matter whether by Lyon himself or by his friends. He appealed to the House whether it was not a disgrace to the country that a claim of this character had remained unpaid for the lapse of so many years. But he saw the object of the gentleman in wishing to postpone it. His object was to kill it by *time*, in which way it had been the practice to kill other bills, when no good reason could be assigned against their passage. He repeated, that there was abundant testimony to show that the fine had been paid, but there was no evidence to show that it had been returned.

But the gentleman had said a great deal about the money having been paid by the friends of Mr. Lyon. Now of what consequence was that? What did it matter, and how could it affect the case, whe-

ther the money had been paid by Lyon himself or his friends?

Mr. TURNEY, after alluding to the great number of years which this claim had been suffered to remain unacted upon, asked whether, during the lapse of all that time, such a ground of opposition had been taken before? Of all the reports which had been made on the subject, none ever attempted to deny that the money had been received by Government. The only ground of opposition had been that the money was raised by the friends of Matthew Lyon instead of himself, and that if it were repaid, it would go into the hands of those who had paid nothing. Now the question was not whether the money had been raised by Lyon or his friends; the question was whether Government could conscientiously retain money in the Treasury paid under such circumstances. As was stated by his friend from Kentucky, it was not likely that a fine paid in 1798 would be remitted by Jefferson three years afterwards, in 1801. It was not likely that the officer would have kept the money in his hands all the time, without paying it into the Treasury. If the fine had ever been remitted, the fact would be shown in some way or other. For his part he had not the least idea but that the money was paid into the Treasury, and has been used by Government from that day to this. But if, after this bill should pass, it should be made to appear that Mr. Lyon did receive back the money, then if no gentleman would move a reconsideration, he would certainly do it himself, in order to retain the bill in the House. Of that, however, he had no idea.

Mr. RICE GARLAND, after some preliminary remarks, said that when this bill had been under consideration in 1832, the committee applied to the Treasury Department to ascertain whether or not the money had ever been paid into the Treasury, and a letter in reply, directed to the Hon. W. R. Davis, stated that the books of the Treasury Department offered no such evidence that the money had ever been received.

Mr. SMITH of Maine was surprised to hear gentlemen say that they would not vote for this bill, unless there was evidence to show that the money had been paid into the Treasury. Now that fact did not operate with him a single straw. Could gentlemen believe that a man who had been convicted under that law, and sentenced under that law, had not paid the penalty, whether it went into the Treasury or not? But the gentlemen who opposed this bill, talked about "living witnesses," and our having to depend on the "frail memory of man." Now, in our legislative transactions, almost every day, did we not act upon, and place implicit reliance on the same kind of evidence? There were a great many facts on which the gentleman himself was fully satisfied supported by the same kind of evidence. But the gentleman complained that there was no evidence in the Treasury Department that the money had ever been paid. What, he would ask, was the absence of such testimony to outweigh the evidence of twenty witnesses that the money had been paid, no matter whether it ever reached the Treasury or not?

But the gentleman had said that he had evidence, satisfactory to his own mind, that the fine had been remitted. Now, on what kind of evidence had he relied, to support his opinion that the fine had been remitted? Was it not derived from "living witnesses," if at all? for there was no record in the Treasury Department to show that the money had ever been repaid; so that the gentleman who refused to act upon evidence derived from the "frail memory of man," in favor of the bill, would, it seemed, take that same kind of evidence against it. Another objection was that the money had been paid by the friends of Matthew Lyon. Now what did that amount to? How could it affect the case, so far as we were concerned, whether the money was raised by Lyon himself, or his friends? If, however, it had been raised by his friends, that fact told a great deal in his favor, as the fact of his having such friends, who expended their own money for his release, was strong evidence of the injustice of the sentence, and of the character of Lyon himself, which could thus induce them to act so promptly in his favor. For his own part, he did not believe there had ever been a claim before the House which was supported by more satisfactory evidence. Here this claim had been before Congress a long series of years, and had been reported numbers of times, after undergoing the most rigid scrutiny; and was that fact to have no weight? Why, the very fact of the bill having passed through the strict scrutiny of the Committee of Claims, was of itself almost conclusive evidence that it ought to pass.

But the House had not only been told so once, but they had been thus assured twenty times, that this was a just claim. Now how did the gentleman propose to act? Why, in the face of all this evidence, his cry was, that we had not sufficient time, and that the bill must be postponed until Friday next. This was probably the same cry at the last session, and at all previous sessions, when it was found that nothing else could be said against it. If this bill should be deferred until Friday, the probability was that it would not come up again during the session, and then, at the next session, it would come again in the jam of a mass of other bills, and very likely would not be reached until the end of the session; and thus it would, as had been well observed, be killed by *time*, and nothing else. And thus it was that gentlemen proposed to deal with righteous and just claims. He hoped, however, that justice would prevail, and that the bill, which had been delayed so many years, would pass now. There was abundant evidence to show that the money had been paid, but there was none to show that it had been repaid.

Mr. BRIGGS said he should vote for the postponement. The letter just read by the gentleman from Louisiana showed that the money had not gone into the Treasury. If so, that was sufficient reason for taking time to examine how the case stood. There was at least presumptive evidence that the money had been repaid, if it had ever been paid at all. He would remind gentlemen that this transaction took place at the close of the Administration of the elder Adams, who was succeeded by Jefferson, and, with him, a revolution in public opinion. It was well known that Jefferson remitted all unexecuted judgments founded upon the sedition law. But what answer could gentlemen make to this? If Matthew Lyon paid the money, why did he not come before the Congress that succeeded? Why had a period of twenty-five years been suffered to elapse before the claim was presented? If Lyon had paid the money, was it not to be inferred that he would have come before the very next Congress and demanded restitution? and when a majority in both Houses of his political friends would have been quick to restore the money. It might be said, however, that the party to which Lyon belonged, had conscientious scruples on the subject. But a reference to the acts of Jefferson and the Congress at that time, showed that they had no such scruples. Mr. B. concluded by saying that the fact of no claim being presented to that Congress, was presumptive evidence that there was no claim to make. He would therefore vote in favor of the postponement, so that the true facts might be known.

Mr. JAMESON said the only question was, whether the money had been paid. Of that, in his mind, there could be no doubt. It was true, the claim had not been presented for a number of years, but that was probably owing to the pride of Lyon, which kept him from applying sooner, and it was only when poverty compelled him, that he at last presented his claim He himself then petitioned, and the facts are, that he paid the money. Five or six committees have reported that the money has never been repaid to him, and that was sufficient. With these views, and believing that the bill ought to be passed at once, he moved the previous question; but subsequently withdrew it at the request of

Mr. WADDY THOMPSON, who wished to say a few words on the subject. It did seem to him that the House, in rejecting this bill on the supposition that the money had not been paid, and that, too, in opposition to the reports of its own committees, would establish a precedent, which would be found to be extremely inconvenient. The great object in referring it to a committee had been to ascertain that fact, and after the report had been made, he for one would not undertake to question the report, unless the evidence to the contrary should be very strong indeed. How very strong was the evidence in favor of its claim. It had been the subject of numerous reports, only two of which were adverse to it; it had been before Congress for twenty years, and yet, after this long period, for the first time, this new objection was started, "that the money had never been paid." Out of all the reports, there had been but two adverse to it, and even in those not the slightest imputation was made, that the money had not been paid.

The hour having arrived, the House took its usual recess.

EVENING SESSION.

After the recess—

Mr. WADDY THOMPSON was about to resume his remarks, when he gave way to

Mr. LINCOLN, who wished to say a few words in explanation of the vote he gave in the morning against the bill.

After some remarks in relation to the Alien and Sedition laws, which were not heard by the Reporter, Mr. L. proceeded to say, that among other things he desired to be understood by his constituents was, that one motive for voting against the bill was induced by the constructive principle which will alone protect the Treasury and the country, and which would always induce him to vote against appropriations, unless the reasons were sufficiently strong to warrant him in supporting them.

In what situation, said Mr. L. was I placed this morning, when I was called upon to vote on a question, which it appears has been argued heretofore in the councils of this nation, and on which a difference of opinion had existed among the men who had given direction to those councils?

How stood the case? Why, the bill which had been committed to a Committee of the Whole for the express purpose of debate, had been reported from the committee without any opportunity for debate.

Messrs. TURNEY and BRIGGS here made some explanation as to the reasons for reporting the bill.

Mr. LINCOLN resumed. He said he did not mean to complain of the conduct of any gentleman; but his object in rising was simply to give the reasons why he could not vote for the bill; and the fact of its being reported from the Committee of the Whole, without opportunity for debate, was one of those reasons. He wished his reasons to be understood by his old Republican friends at home, that his objections were founded on strict Democratic principles. He would repeat, that one reason why he had voted against the bill was, that there was no opportunity for discussing and understanding the merits of a bill, which made a claim in relation to an event forty-two years ago, and which proposed to take thousands of dollars from the Treasury. The bill had been referred to a Committee of the Whole, for the purpose of having its merits discussed, and yet it had so happened, that it was taken out of committee, by misapprehension, without any opportunity for getting the information that was sought. That was yesterday; and the first thing this morning the bill was presented for engrossment, and the previous question asked, and ordered.

He appealed to gentlemen and to the country whether it was right to call on him, a new member, to vote to take three or four thousand dollars from the public Treasury, when there had not been the slightest opportunity for discussing the merits of the claim. He was perfectly willing to go to the country on this question, and in the position he had taken. He also appealed to those gentlemen who had voted in favor of the bill, whether it was their duty so to do, before they had fully and fairly discussed the matter, and satisfied themselves that the claim was one of debt and of law. He wished to be understood as having no objection to any just claim, and if, after it had been satisfactorily shown that this Matthew Lyon, or his heirs, were fairly entitled to the money, he would be one of the first to grant it.

This was the defence for the vote he had given. But he would not rest it there. He was one of those who would ever take the responsibility of a negative vote, whenever he could not, for want of sufficient and satisfactory knowledge, give an affirmative one. But if this money had been paid by Lyon in 1798, was it not to be inferred that, when Jefferson came into power, it would have been restored? Then are we not bound to infer that full and prompt justice would have been done, and that the money which had been wrested from the pockets of a citizen would be restored? Was it likely that the administration of Mr. Jefferson would have refused that justice, which we now, forty years afterwards, were called upon to render? Were we now more Democratic, or more jealous than they?

In adverting to the alien and sedition laws, Mr. L. in the course of his remarks, was understood to say, that although he was not so old as those recollections would seem to imply, yet he had learned a great deal from the history of his country, and what had come down to him from his forefathers, who with himself had ranked among the true Democracy of the country, until 1835, when he believed he ceased to be endorsed by the gentleman from Maine as any longer a true Republican, but a degenerate branch from a true vine. Notwithstanding this, however, he believed he was still as true a Republican in integrity of heart as they were.

Mr. W. THOMPSON of South Carolina here claimed the floor, as he thought the gentleman would, after the evidence he was about to give, be perfectly satisfied that the bill ought to pass. He claimed the floor for the object of saving his friend from exerting his acknowledged power against the bill. After he should have made his remarks, he would venture to say that there was not a single man upon that floor who would vote against the bill. He would pledge himself that after he had done, no one would be found who would question the fact that the money had been paid, and that it had not been refunded.

How stands this matter? Why, a man who ranked among the patriots of his country, who was cast into prison under an odious law—one who deserved a monument, and had it in the heart of every true man, and who stood up, one in ten thousand, against power and corruption, yet this man was entitled to no thanks from those who came after him. Here was a man, who, like the illustrious patriot of England, John Hampden, had stood up against power in high places, for which he had suffered ignominy, and been thrust into the cell of a felon, and yet, in these times, objection was made to remunerating his heirs, because the man had been too poor to pay the fine himself. That country must be base, indeed, which would sanction such a plea. That country no longer deserved to be free which would deny justice to a suffering patriot on such grounds. In all the reports which had been made, it had never been denied that the money was paid. Yet gentlemen, at this late period, thought proper to start that objection, and upon rumor, mere floating rumor, had expressed their belief that it had never been paid. But the opposition of gentlemen was not consistent, for, first, it was contented that the money was not paid at all; and, second, that the money had been raised by Lyon's friends, and that, on that ground, the bill ought not to pass. But were we to legislate in this kind of a way, where was the use of our referring subjects of this nature to committees, if we paid no regard to the reports of those committees. Yet the reports of committees were disregarded, and reliance placed on mere rumor that the money had not been paid. Mr. T. here produced a copy of the sentence of Matthew Lyon to four months' imprisonment and a thousand dollars fine, with costs, and which required that he should stand committed until the sentence had been complied with. He also produced a copy of the order of the President of the United States to the marshal of Vermont, requiring him to keep Lyon in custody until the fine and costs were paid. Yes (said Mr. T.) to keep him in jail until he rotted, unless the money should be paid. Mr. T. then produced a copy of the certificate from the marshal that the terms of the sentence had been complied with, and that Matthew Lyon was consequently discharged. This was dated the 9th of February, 1799, four months after the sentence had been passed. Now, said Mr. T. will any one say that the marshal had a right to discharge Matthew Lyon before the terms of the sentence had been complied with? Will any one suppose for a moment that the officer dared to discharge him before the fine was paid? But gentlemen contended that this money never came into the Treasury. What had that to do with the question? If the marshal had not done his duty by not forwarding the money to the Treasury, was that any reason why Matthew Lyon should not have justice? Would gentlemen contend, because Swartwout had absconded with Government money, that the merchants of New York were bound to pay over again the duties on their goods? Certainly not. Then he was surprised to hear gentlemen argue that because it was doubtful whether this fine was ever paid into the Treasury, justice should not be done to this patriot. As for the fine having been remitted, what evidence was there to lead to such a belief? He apprehended that Mr. Adams did not remit the fine; there could be no reason for supposing that; and as for its being remitted by Mr. Jefferson, was it likely that a fine paid in 1799, would be remitted three years afterwards, in 1801? Here were the terms of the sentence, condemning Lyon to four months' imprisonment and a fine of $1,000, with costs; and here, too, was the certificate of the officer that the terms of the sentence had been complied with, and that the man was accordingly discharged. The date of the commitment was the 10th of October, 1798, and the date of the certificate February 9, 1799—just four months, the period of imprisonment designated. Now what could gentlemen want more to satisfy them that the money had been paid? But to show the great danger there was in taking only *ex parte* testimony in such cases, he would advert to the paper read by his friend from Louisiana, [Mr. R. GARLAND,] which stated that there was no record in the Treasury Department of the money having been received. That paper was a letter addressed to the Hon. Warren R. Davis, than whom a man with a purer heart and a better head never lived. Now what did Mr. Davis say in his report on the subject? Why, in speaking of the money, he said, "which was paid, as appears by the archives of the proceedings," etc. How dangerous was it, then, to take a single scrap of testimony, without embracing the whole. The gentleman from Louisiana himself discovered his error, and with a promptitude which did him much credit, furnished to him (Mr. T.) the certificates he had just read. He gave the gentleman from Louisiana great credit for his constant vigilance in watching over the interests of the country; but it was evident to all that there was great danger in relying upon *ex parte* testimony. Now, after what he had read, would any gentleman get up and defend the Government against this claim? Would any one say that this Lyon could be discharged without payment of his fine, any more than a defendant who had been committed for debt, without payment of that debt? Here was the testimony of Mr. Davis in his report, speaking of the money as having been paid, and also the certificate of the marshal to show that the fine had been exacted from this patriot, who dared to stand up for those great rights which Milton praised as above all others which man could enjoy, viz: the right to speak, to write, or to publish. It was nothing to us how the money was raised to pay that fine—whether it was raised by a prize in the lottery, or by a subscription among his friends. The fact was, the money had been paid. But (said Mr. T.) if there was no other way of getting rid of the money, I would burn it, rather than it should remain to pollute the Treasury any longer. The country ought to be glad of any excuse of getting rid of money wrung from the pockets of a patriot by such an odious law. If no other way could be found to dispose of it, it would be far better to burn it, rather than it should remain to pollute the Treasury. And if I were at all inclined to be superstitious, I should believe that all the evils which have affected the country since 1799, may be attributed to the odious fine being deposited in the Treasury. Mr. T. concluded by hoping that no further opposition would be made to the bill, as there could be no one but who believed that the law under which the fine was imposed was a violation of the Constitution.

Mr. WELLER believed with the gentleman from South Carolina, that the alien and sedition law was a violation of the Constitution, but at the same time he believed there were those in the country who believed it to have been in strict accordance with the Constitution. If he remembered correctly, he thought he had read a very long argument, by a gentleman now a member of the House, in favor of that law. The gentleman from South Carolina had said enough to satisfy every one that the bill ought to pass, and the only question to be decided was, whether the money had been paid. If the money had been paid by Matthew Lyon, it seemed to follow as a matter of course that it ought to be repaid. He believed with the gentleman, that the Treasury ought no longer to be contaminated—no, not for a single day, by money drawn from the pockets of a patriot, and placed in tis vaults.

It would not do for gentlemen to say that the money never reached the Treasury, and make that an excuse. If the money had been paid over to the officer, and that officer squandered it, was that any reason why Matthew Lyon should suffer? Because evidence did not appear in the Treasury Department that the money had been received, was that ro overthrow the great mass of testimony which appeared, that the money had been paid by Lyon? Was it not just that the House should act on this question, after it had been delayed for so long a time? It had been already delayed long enough. Year after year had passed away, and was it not very ungrateful for us, in 1840, to deny justice, which had been neglected for so long a period? He hoped the bill would pass, without further delay; and, believing that every gentleman was of the same opinion, he moved the previous question, but withdrew it at the request of

Mr. POPE, who wished to state a few facts in relation to this claim.

Mr. P. then went on, at some length, to state that he had been intimately acquainted with Mr. Lyon, who served in Congress with him, in the time of Jefferson, and that it was never doubted that the fine had been paid. It was understood, however, that the money had been made up by Mr. Lyon's friends. On concluding, Mr. P. according to his pledge, renewed the motion for the previous question.

Mr. PETRIKIN moved a call of the House, but it was not in order.

Mr. SLADE earnestly appealed to have the motion for the previous question withdrawn, when

Mr. L. WILLIAMS moved to lay the bill on the table.

Mr. TURNEY asked for the yeas and nays; which having been ordered,

Mr. L. WILLIAMS withdrew the motion.

Mr. WELLER consented to have the previous question withdrawn; and

Mr. SLADE went into a statement of the facts of the case, the conviction of Lyon having taken place in Mr. S's district. He stated the circumstances of indignity accompanying the imprisonment—his being paraded through the district, thrown into a loathsome jail, and deprived of the use of pen, ink, and paper. The Democrats of the day gathered in a great assembly round the jail—an assembly not equalled by any Mr. S. had ever seen, save the grand convention at Baltimore—and a voluntary contribution was called for and taken up; but before it could be applied, the fine had been paid, either through the intervention of Col. Lyon's friends in another county, or by his own means. As soon as Lyon was at the jail door, he proclaimed that he was on his way to Congress. The cavalcade which attended him was half a mile long—stopped at his father's house, and there all partook of cakes and hard cider, in true Democratic style. Mr. S. did not believe the fine had ever been remitted by Jefferson or by Congress.

Mr. S. concluded by renewing the motion for the previous question.

A question of order arose as to the time when the bill should have its third reading.

The previous question was seconded, put, and carried, and the bill was ordered to be read a third time now; it was read accordingly, when

Mr. TURNEY moved the previous question, which was seconded, put, and carried; and the main question being on the passage of the bill, it was decided by yeas and nays, as follows: yeas 124, nays 15.

YEAS—Messrs. Alford, John W. Allen, Andrews, Atherton, Banks, Beatty, Beirne, Bond, Boyd, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Calhoun, William B. Campbell, Carr, Carter, Casey, Chapman, Chinn, Clifford, Coles, Connor, James Cooper, Mark A. Cooper, William R. Cooper, Crabb, Crockett, Cross, Dana, Davee, John Davis, Garret Davis, Dellet, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fine, Floyd, James Garland, Gentry, Gerry, Goggin, Goode, Griffin, Habersham, Hammond, Hand, John Hastings, Hawkins, Henry, Hill of Virginia, Holleman, Holmes, Hopkins, Howard, Hubbard, Jackson, James, Jameson, Charles Johnston, Nathaniel Jones, Keim, Kempshall, Kille, Leadbetter, Leonard, Lewis, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Monroe, Morgan, Samuel W. Morris, Ogle, Parrish, Parmenter, Petrikin, Pope, Prentiss, Randolph, Reynolds, Rhett, Ridgway, Robinson, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Simonton, Slade, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Taylor, Waddy Thompson, Jacob Thompson, Toland, Triplett, Turney, Underwood, Wagener, Warren, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—121.

NAYS—Messrs. Briggs, Cranston, Davies, Deberry, Edwards, Hawes, William C. Johnson, Lincoln, Palen, Russell, Storrs, Taliaferro, Trumbull, and Lewis Williams—15.

So the bill was passed.

And the House adjourned.

IN SENATE,

MONDAY, May 24, 1840.

Mr. SMITH of Connecticut presented the petition of John T. Waite and others, praying the passage of a general bankrupt law; which was laid on the table.

Mr. S. also presented the petition of Sally Porter and Betsy B. Cook, children of Colonel Phineas Porter; which was referred to the Committee on Revolutionary Claims.

Mr. SEVIER presented the petition of Abraham Sinclair, which was referred to the Committee on the Public Lands.

Mr. MERRICK asked and obtained leave to withdraw the papers in relation to the claim of James Forrest.

Mr. YOUNG presented a petition from citizens of Illinois, for a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented the memorial of citizens of the county of Saginaw, Mich. for the establishment of a military post at that place; which was referred to the Committee on Military Affairs.

Mr. MOUTON presented documents relating to the claim of the heirs of Antonio Gras; which were referred to the Committee on Private Land Claims.

Mr. WHITE presented the petition of John B. King; which was referred to the Committee on Revolutionary Claims.

Mr. LINN, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the legal representatives of Nathaniel Pryor, deceased; which was read twice, and referred to the Committee on Indian Affairs.

Mr. PIERCE, from the Committee on Pensions, reported a bill making provision for the payment of pensions to the executors and administrators of deceased pensioners in certain cases; which was read, and ordered to a second reading.

Mr. STRANGE, from the Committee on Patents, reported a bill making certain appropriations for the Patent Office, with an amendment.

Mr. STRANGE, from the Committee on Naval Affairs, made an adverse report on the petition of Richard B. Mason; which was ordered to be printed.

The joint resolution for the distribution of the Digest of Patents was taken up as in committee of the whole, and after some remarks from Mr. TAPPAN, was ordered to be engrossed for a third reading.

On motion by Mr. LINN, the joint resolution for the occupation of the Territory of Oregon was taken up, and made the special order of the day for this day two weeks.

The bill making certain appropriations for the Patent Office being taken up as in committee of the whole, a motion was made to strike out an appropriation of one thousand dollars for the collection of agricultural statistics and other agricultural purposes; which was supported by Messrs. CRITTENDEN and CALHOUN, and opposed by Messrs. STRANGE, LINN, and LUMPKIN, and negatived—ayes 13, noes 20, and the bill was ordered to be engrossed for a third reading.

The bill for the relief of Joseph Roby, after some remarks by Messrs. WALKER, SEVIER, and YOUNG, was indefinitely postponed—ayes 25, noes 6.

The CHAIR submitted a message from the President of the United States, transmitting a copy of the proceedings instituted to try the title to the Peapatch island, and recommending to Congress to pass a special act, giving to the circuit court of the district of Maryland jurisdiction to try the cause; which was referred to the Committee on the Judiciary.

The CHAIR also submitted the following message from the President of the United States:

To the Senate:

I communicate to Congress sundry papers, from which it will be perceived that the Imaum of Muscat has transmitted to this country, and, through the agency of the commander of one of his vessels, offered for my acceptance, a present, consisting of horses, pearls, and other articles of value. The answer of the Secretary of State to a letter from the agents of the vessel communicating the offer of the present, and my own letter to the Imaum, in reply to one which he addressed to me, were intended to make known in the proper quarter the reasons which had precluded my acceptance of the proffered gift. Inasmuch, however, as the commander of the vessel, with the view, as he alleges, of carrying out the wishes of his sovereign, now offers the presents to the Government of the United States, I deem it my duty to lay the proposition before Congress for such disposition as they may think fit to make of it; and I take the opportunity to suggest for their consideration the adoption of legislative provisions pointing out the course which they may deem it proper for the Executive to pursue in any future instances where offers of presents by foreign States, either to the Government, its legislative or executive branches, or its agents abroad, may be made under circumstances precluding a refusal without the risk of giving offence.

The correspondence between the Department of State and our Consul at Tangier, will acquaint Congress with such an instance in which every proper exertion on the part of the Consul to refrain from taking charge of an intended present, proved unavailing. The animals constituting it may, consequently, under the instructions of the Secretary of State, be expected soon to arrive in the United States, when the authority of Congress, as to the disposition to be made of them, will be necessary.

M. VAN BUREN.

Washington, May, 21, 1840.

[The following is a portion of the documents.]

NEW YORK, May 2, 1840.

SIR: We have the honor to inform you, that as consignees of the ship Sultanee, and cargo, belonging to his Highness, Seyhd Seyhd, Imaum of Muscat, just arrived at this port from Zinzebar, we have been charged by the commander of said ship, Ahmet Ben Haman, to receive and hold subject to your Excellency's order, certain presents from his Highness to the President of the United States.

Those presents are:

Two Arabian Horses,
One case Otto Roses,
Five Demijohns Rose Water,
One package Cashmere Shawls,
One bale Persian Rug,
One box Pearls,
One box—Sword.

We beg to be favored by your Excellency's instructions, as to disposition and delivery of thos articles.

We have the honor to be, sir, your obedient servants, BARCLAY & LIVINGSTON.

His Excellency the PRESIDENT of the U. S.
Washington.

DEPARTMENT OF STATE,
Washing on, 7th May, 1840.

GENTLEMEN: I am directed by the President to acknowledge the receipt of your letters to him of the 2d and 5th instant, informing him of the arrival, at your port, of the ship Sultanee, commanded by Ahmet Ben Haman, and bearing presents from his Highness, the Imaum of Muscat, for the President.

The President will avail himself of the return of the Sultanee, to forward an answer to the friendly communication which he received from his Highness, and will express at the same time the lively satisfaction he derives from this first visit of a vessel from the Sultan's dominions to the United States, and his sense of the friendly disposition evinced by his Highness in the presents which Ahmit Ben Haman is instructed to offer in his name. Those presents the President is, under existing constitutional provisions, precluded from accepting for his own use. I have, therefore, to request that you will apprize Ahmet Ben Haman of the circumstance, that such other disposition of the articles may be made by him as will best comport with the wishes of the Sultan.

I am, gentlemen,
Your obedient servant,
JOHN FORSYTH.

Messrs. BARCLAY and LIVINGSTON, New York.

To His Excellency MARTIN VAN BUREN, *President of the United States of North America, Washington:*

SIR: Hope the Almighty God will protect you, and keep you in good health. From this part of the world, having no news to communicate them to your Excellency; and, whenever opportunity offers for this place, we shall feel happy to hear from your Excellency. With any thing that we can do for you, little or plenty, shall feel happy.

Written by the order of His Highness,
SEYD SEYD BIN SULTAN BIN AHMED,
Imaum of Muscat.

SYED BIN, Calfaun.

Dated MUSCAT, 25th December, 1839.

To His Highness SYED BIN SULTAN, *Imaum of Muscat,* MARTIN VAN BUREN, *President of the United States of America—Greeting:*

GREAT AND GOOD FRIEND: By the hands of Ahmet Ben Haman, commanding your Highness's ship Sultanee, I had the satisfaction of receiving your Highness's letter of the 19th of the Moon of Shawal, and 1,255 of the Hegira. It has been a source of lively satisfaction to me, in my desire that frequent and beneficial intercourse should be established between our respective countries, to behold a vessel bearing your Highness's flag enter a port of the United States, to testify, I hope, that such relations will be reciprocal and lasting.

I am informed that Ahmet Ben Haman had it in charge from your Highness to offer for my acceptance, in your name, a munificent present. I look upon this friendly proceeding on your part as a new proof of your Highness's desire to cultivate with us amicable relations; but a fundamental law of the Republic, which forbids its servants from accepting presents from foreign States or Princes, precludes me from receiving those your Highness intended for me. I beg your Highness to be assured that, in thus declining your valuable gift, I do but perform a paramount duty to my country, and that, my sense of the kindness which prompted the offer is not thereby in any degree abated.

Wishing health and prosperity to your Highness, power and stability to your Government, and to your people tranquillity and happiness, I pray that God may have you, great and good friend, in his holy keeping.

M. VAN BUREN.

By the President:
JOHN FORSYTH,
Secretary of State.

Washington, May 8, 1840.

The message and documents were referred to the Committee on Foreign Relations, and ordered to be printed.

GENERAL BANKRUPT LAW.

The bill for the establishment of a general bankrupt law coming up for consideration,

Mr. HUBBARD addressed the Senate at great

length and with much ability, in opposition to the bill reported by the majority of the committee, believing it to be inexpedient and of doubtful constitutionality. He expressed his determination to vote against any bill which authorized compulsory bankruptcy against the agricultural classes—and contended that all the objections which were urged against subjecting banks and other incorporations to the operations of a bankrupt law, would apply with as much force in the case of individuals. He concluded by saying, that if the substitute proposed by Mr. WALL was adopted, with certain modifications, he would probably give his vote for the bill.

Mr. WALL stated that he had no objection to the modification suggested by his honorable friend from New Hampshire. His object was, as he had several times stated, to pass a *uniform* law upon the *subject of bankruptcy*; not a partial or special law of bankruptcy. Understanding the Constitution as he did, he thought that we had no constitutional power to pass a mere insolvent law, having no principle or features of a law on the subject of bankruptcy, but the discharging of the debtor from the obligation of his contracts with his creditors. The Constitution gives us no power to pass a law of bankruptcy. The fact of bankruptcy or insolvency does not give Congress authority to act, or to discharge debtors from their contracts, without payment, and without the consent of their creditors. *Bankruptcy* does not bring the bankrupt and his creditors and their contracts within the constitutional power of Congress. Bankruptcy is not the *subject* of bankruptcy. The subject of bankruptcy is something else. The Constitution gives us power to pass a *uniform* law on the *subject of bankruptcy*; not a law of bankruptcy, or insolvency, or concerning bankruptcy or insolvency. He who maintains such a power, assumes the task of vindicating such a latitudinarian construction. But while I am willing to accept such amendments as will make this system acceptable, I do not doubt our powers to make the exception, nor do I wish in that way to lose two friends to gain one. In making this concession, I by no means yield to the soundness of the argument of my honorable friend. I have heretofore submitted my views as to the meaning of the word *uniform*. It is a limitation of the power of Congress to pass a law on the subject of bankruptcy—not territorially or locally—but as to the classes and subject-matter upon upon which such law shall operate. Congress may, after defining the classes upon which it shall operate—for instance, traders—declare who, falling within the technical meaning, shall not be operated on by the law. So as to banks or corporations. If you except all classes falling within the same *categories*, from its operation, you may do so without destroying its *uniformity*.

Sir, I will take this occasion to submit another remark. The party of which I am an humble member, have been charged with being Loco Focos, agrarians, Fanny Wright men, enemies of the banks and of the credit system. Those who make this charge have submitted a bill which tests the truth of such charges and accusations. If I wanted to destroy the banks—to put an end to credit, honest, legitimate credit, which springs from confidence—I would vote for this bill. Banks are debtors; but where they are debtors one dollar, they are creditors to five or ten times the amount. Give their debtors the bill reported by the majority, the means of destroying their contract, without payment; drawer and endorser will travel the same road, and the banks must fall, and the whole credit system must perish by the acts of its friends, not its foes. Will not the avowed friends of the banks and the credit system pause in their career?

I have thought myself a tolerable good Loco Foco, as the slang of the day has vainly attempted to characterize the party to which I belong; but this bill is too *Loco Focoish* for me. I leave its supporters to reconcile their accusations with the conduct of myself and those who act with me, and their own conduct with their own professions. The public will judge between us.

Mr. HENDERSON, in reply to Mr. HUBBARD, admitted that this power over bankruptcy was more liable to abuse and assumption than almost any other, and it was especially for that very reason that he would now confine the exercise of that power to the sole object of relieving debtors, which, and which alone, the country now emphatically demanded.

Mr. H. also argued further to show that Congress, like the British Parliament, has the power to include any and all classes of persons which they may think proper.

On motion of Mr. STRANGE, the subject was laid over till to-morrow; and, after an Executive session,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, MAY 25, 1840.

The SPEAKER laid before the House a communication from the Post Office Department, in compliance with the 2d section of the act of July, 1836, enclosing a report of contracts for the transportation of the mail within the last year, with an abstract of offers, and other particulars in relation thereto.

On motion of Mr. JONES of New York, laid on the table and ordered to be printed.

The SPEAKER announced that the first business in order was the motion of Mr. DAVIS of Indiana, to refer the joint resolution of the Legislature of the State of Indiana, in relation to the Cumberland road, to the Committee of Ways and Means, with instructions to report a bill for the continuation of said road in the States of Ohio, Indiana, and Illinois; and the question immediately pending when the House adjourned on Monday last, when the subject was up, was on the question, "Shall the main question (on the adoption of the instructions) be put?" On that motion the yeas and nays had been ordered.

On motion of Mr. THOMPSON of Mississippi, a call of the House was ordered and proceeded in till 155 members answered to their names. The list of absentees was then called over for excuses, when the following gentlemen were excused for unavoidable absence from the city, indisposition, etc. viz: Messrs H. J. ANDERSON, BREWSTER, DAVIES, J. W. DAVIS, GRANGER, HOFFMAN, LAWRENCE, J. W. JONES, NAYLOR, REED, RYALL, P. F. THOMAS, VROOM, and S. WILLIAMS.

On motion of Mr. WELLER, all further proceeding in the call was dispensed with.

The question was then taken whether the main question should be put, which was on the adoption of the instructions and reference, and decided in the affirmative—yeas 96, nays 62.

Mr. PECK called for a division of the question, so as to take the question first on the reference, and then on the instructions.

The question was then taken on the motion to refer, and decided in the affirmative.

The question recurring on the instructions, and the yeas and nays having been asked and ordered on the same, were—yeas 87, nays 90.

YEAS—Messrs. Adams, John W. Allen, Andrews, Baker, Beatty, Bond, Briggs, Brockway, Anson Brown, Calhoun, Carr, Carroll, Casey, Chinn, James Cooper, Wm R. Cooper, Cranston, Crary, Cross, Curtis, Cushing, Dana, Garret Davis, Doan, Duncan, Edwards, Evans, Everett, Fillmore, Fine, R. Garland, Giddings, Goode, Grinnell, Hammond, Hand, Wm. S. Hastings, John Hastings, Henry, Hook, Howard, Hunt, James, Charles Johnston, Kemble, Kempshall, Kille, Leadbetter, Leet, Leonard, Lincoln, Mallory, Marchand, Marvin, Medill, Miller, Mitchell, Monroe, Montanya, Morgan, Samuel W. Morris, Calvary Morris, Ogle, Osborne, Palen, Parrish, Peck, Proffit, Rariden, Reynolds, Ridgway, Edward Rogers, Albert Smith, Truman Smith, Starkweather, Steenrod, Storrs, Stuart, Swearingen, Sweney, Taylor, Francis Thomas, Tillinghast, Toland, Weller, Edward D. White, Wick, and T. W. Williams—87.

NAYS—Messrs. Alford, Atherton, Banks, Beirne, Bell, Botts, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Bynum, John Campbell, William B. Campbell, Carter, Chapman, Clark, Clifford, Coles, Colquitt, M. A. Cooper, Crabb, Craig, Edward Davies, John Davis, Dawson, Dennis, Dellet, Doig, Dromgoole, Earl, Eastman, Fisher, Fletcher, Floyd, Fornance, James Garland, Gentry, Gerry, Goggin, Graves, Green, Griffin, Habersham, Hall, Hawkins, Hill of Virginia, Hill of North Carolina, Hillen, Hopkins, Hubbard, Jackson, William Cost Johnson, Cave Johnson, Nathaniel Jones, Keim, Lewis, Lucas, McClellan, McKay, Montgomery, Nisbet, Parmenter, Paynter, Petrikin, Francis W. Pickens, Prentiss, Ramsey, Rhett, Rives, Samuels, Shaw, Shepard, John Smith, Stanly, Strong, Sumter, Taliaferro, Waddy Thompson, Jacob Thompson, Turney, Underwood, Warren, Watterson, John White, Jared W. Williams, Henry Williams, Lewis Williams, Christopher H. Williams, and Wise—90.

So the House refused to adopt the instructions.

Mr. WICK moved to reconsider the vote by which the joint resolutions were referred to the Committee of Ways and Means. His object in making such a motion, was with the view that the said resolutions be referred to the Committee on the Judiciary, with instructions to inquire whether the obligation does not rest on the Government to complete said road; and he said he would be glad to see a report on the subject from the Judiciary Committee. He thought such a report would bring a true view of the matter before those interested, and tend to settle a vexed question.

Mr. DAWSON moved to lay said motion on the table.

The question was then taken, and decided in the affirmative—yeas 79, nays 51.

The SPEAKER then continued the call of the States for petitions; when petitions were presented

By Mr. HOWARD of Indiana.

By Mr. STUART, of Illinois.

By Messrs. HUBBARD and CHAPMAN, of Alabama.

By Mr. CROSS, of Arkansas.

By Mr. DOWNING, of Florida; and

By the SPEAKER, on behalf of the citizens of Florida, who presented a petition praying that Florida may be attached to the State of Alabama. Also, a remonstrance against the same.

By Mr. DOTY, of Wiskonsin.

Mr. CHAPMAN of Iowa, in accordance with notice heretofore given, asked leave to report a bill to change the mode of selling the public lands, so as to prevent sudden drains of the circulating medium, and prevent fluctuations in the revenue derived from the sale of lands.

Objection having been made to its reception,

Mr. CHAPMAN inquired of the CHAIR whether it was in order to make some remarks explanatory of the bill.

The CHAIR replied that it was not.

Mr. CHAPMAN then presented a petition from citizens of Iowa, praying compensation for horses lost in the service of the United States, which he moved to refer to the Committee on the Territories.

Mr. L. WILLIAMS said the Committee of Claims was the proper one to which it should be referred, and accordingly made that motion.

Mr. CHAPMAN said, his reason for moving its reference to the Committee on the Territories, was, that the committee was not so pressed with business as the Claims Committee, and the subject would therefore have earlier attention by giving it that reference.

The question was then taken on the motion of Mr. CHAPMAN, and disagreed to; and the petition was then referred to the Committee of Claims.

The SPEAKER laid before the House a petition from citizens of Iowa, praying that the Governor of said Territory might be elected by the people; which,

On motion of Mr. CHAPMAN, was referred to the Committee on the Territories.

Petitions were further presented by Messrs. ALLEN, TAYLOR, and CALVARY MORRIS, of Ohio.

[Mr. ALLEN presented the petition of F. W. Bingham and many other citizens of Cuyahoga county, Ohio, praying that adequate protection may be given by Congress for the growth and manufacture of silk in the United States.]

[Mr. TAYLOR presented a preamble and resolutions, passed by the General Assembly of Ohio, in relation to the currency, instructing the Senators, and requesting the Representatives, to support such measures as shall be calculated to separate the connection between the Federal Government and the banks, and particularly to vote for and support the measure which is usually called the Independent Treasury bill: ordered to lie on the table and be printed. Mr. T. also presented the petition of Timothy Cavin, a soldier of the late war, asking an invalid pension.]

By Messrs. BELL, CROCKETT, and CARTER, of Tennessee.

On motion of Mr. CARTER, it was

Resolved, That the Committee on the Judiciary

be instructed to inquire into the propriety of changing the times of the sittings of the Federal courts at Knoxville, Tennessee, so as to avoid interfering with the sittings of the State courts in East Tennessee.

By Messrs. POPE, TRIPLETT, WHITE, and GRAVES, of Kentucky.

Mr. DAVIS of Kentucky again moved to suspend the rules, to enable him to present the resolution in relation to the freedom of elections, &c. &c. which he moved to present on last Saturday, and on that motion demanded the yeas and nays.

Mr. WISE appealed to the gentleman to withdraw his motion, and not to embarrass the business, by arresting the reception of petitions. The motion to suspend the rules could be made at any time.

The yeas and nays having been refused on the motion to suspend the rules, the question was taken, and decided in the negative, without a count.

By Messrs. HABERSHAM and BLACK, of Georgia.

On motion of Mr. HABERSHAM, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing to the late Captain John Jackson, of the revenue service, now deceased, a credit of $750, on the books of the Treasury Department, which sum now stands charged against him on said books.

By Messrs. WISE, BOTTS, GOGGIN, CRAIG, and TALIAFERRO, of Virginia.

Mr. CRAIG offered the following, which, being objected to, lies over one day:

Whereas, one of the contingent clerks employed in the Clerk's office of this House, a part of the year 1836 and 1837, which said clerk performed duties in common with other clerks in the office, but did not receive the same compensation as other contingent clerks for like services; it is, therefore,

Resolved, That the Committee on Accounts be instructed to inquire into the expediency and justness of allowing the aforesaid clerk a sum equal in amount to that received by other contingent clerks employed in said office, during the same period of time, viz: from the 15th of May, 1836, to the 4th of September, 1837.

On motion of Mr. J. GARLAND,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Travillian's depot, in the county of Louisa, by Poindexter's store, to Bootright's, on the Three Notched road, in the same county.

On motion of Mr. GOGGIN,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing a pension to Mary Morgan, widow of Reese Morgan, of the county of Franklin, Virginia, whose evidence and other papers are now on file in the office of the Commissioner of Pensions.

By Mr. W. C. JOHNSON, of Maryland.

By Messrs. HENRY, MARCHAND, NEWHARD, EDWARDS, BEATTY, and HAMMOND, of Pennsylvania.

On motion of Mr. MARCHAND,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing John Flood, a soldier of the late war, on the pension roll, and that the accompanying papers be referred to the same committee.

By Messrs. MARVIN, PECK, MORGAN, GRINNELL, FLOYD, DANA, and J. C. CLARK, of New York.

On motion of Mr. FLOYD,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to A. W. Morse and Jared Buckingham, and that the accompanying papers be referred to said committee.

Resolved, That the memorial of Phineas Allen, and the papers accompanying the same, be recommitted to the Committee on Revolutionary Pensions.

On motion of Mr. DANA,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Elizabeth Gibbs, and that the papers in the Pension Office in relation to her claim, be referred to such committee.

The SPEAKER laid before the House a petition from citizens of Oneida county, in the State of New York, praying that Congress would prohibit the use of ardent spirits in the army and navy, and its sale to the Indians, and to prohibit its sale in the Capitol to members of Congress and others.

Mr. RAMSEY moved to lay the petition on the table.

Mr. WISE called for the yeas and nays; which having been ordered, were—yeas 65, nays 82.

So the House having refused to lay the petition on the table,

On motion of Mr. MARVIN, it was referred to the Committee for the District of Columbia.

By Mr. EVERETT, of Vermont.

By Messrs. ADAMS, BRIGGS, CUSHING, and LINCOLN, of Massachusetts.

On motion of Mr. LINCOLN,

Resolved, That the Commissioner of Pensions be directed to transmit to this House the application of Aaron Miller of Massachusetts, a soldier in the late war with Great Britain, for an invalid pension, with the papers filed in support of said application, and that they be referred to the Committee on Invalid Pensions.

Mr. ADAMS said, that among other petitions entrusted to his care, was one from an individual containing charges of a serious nature against Judge McLean of Ohio. For some time after he had received the petition, he had entertained doubts as to the propriety of his presenting it. But, upon reading that petition, he had discovered that it involved questions of the highest importance to this Union, and that had induced him to present it to the House, as he had come to the conclusion that such would be his duty. He would state that he had no personal acquaintance with the complainant, nor did he know any thing of his character, except from the papers which had been placed in his hands. The complaint was, however, of a character which deserved the most serious attention of the House, and involved questions of the deepest importance to the existence of this Union. It involved questions with respect to the power of the Congress of the United States over the construction of ordinances of the Government of the Northwestern Territory, and with respect to the sovereign power of the States, and in relation to the navigation of the rivers which connected those places. The memorial, he repeated, involved, therefore, the sovereign power of the States and of this Union. It also involved the conduct of a judge of one of the United States courts, and several citizens in one of those States. It appeared that this high officer was charged with depriving the complainant of the right to appeal to the Superior Court of the United States, &c.

Mr. A. said that, in presenting this petition, he did not propose the printing of it, nor even that it should be read. He was aware of the extreme delicacy there was in thus presenting a complaint to the grand inquest of the nation, against an officer so distinguished in character as Judge McLean: and he had long hesitated on the propriety of presenting, until he had read the petition. After so doing, he no longer hesitated; for he was convinced, on the perusal of the papers, that questions of such deep importance were involved, that it was his duty to present the petition for the consideration of the House. The memorial was very long, and contained eighteen specifications of charges against Judge McLean, drawn up with great ability; he therefore presented it together with the papers. He would move a reference of the whole to the Committee on the Judiciary, with a special request to the members thereof that they would bestow upon this case the most serious attention. In his own mind, after serious deliberation, he had come to the conclusion that questions were involved which deserved the most attentive consideration. He did not mean to say that he had formed any opinion with respect to the justice of the charges against Judge McLean. He certainly did not wish to prejudge any thing, as he entertained a high feeling of respect towards that officer.

He forbore to ask for the printing, or even the reading of the papers, because he had full confidence in the Judiciary Committee, and was sure that justice would be done to all parties. Neither did he, under present circumstances, think it necessary to call upon the Judge to answer, as it was very probable that, after an examination of the papers, the committee might come to the conclusion that the Judge ought not to be called upon to answer, and that the papers contained nothing requiring any justification. He therefore did not ask even that the papers should be read. If, after an examination, the Judiciary Committee should be of opinion that there was cause for further action, they could report to that effect, and the House might take what action it might deem best.

The petition was then referred *sub silentio* to the Committee on the Judiciary.

Mr. TILLINGHAST wished to inquire of the gentleman from Massachusetts, whether the petition was signed by one person or more.

The CHAIR said, the petition having been referred, the question was not in order.

Mr. CRABB wished to say a few words in relation to this singular petition, and was surprised when the CHAIR announced that it was referred. He wished to have an opportunity of giving his vote on the reference.

The CHAIR said the petition had been referred in the usual mode, like other petitions; but by general consent, he would put the question again, and formally, on the reference.

The question was accordingly put on the motion to refer, and a division was called, but not sustained. The petition was then referred to the Committee on the Judiciary.

Mr. CRABB subsequently made a motion to reconsider the motion to refer the petition. He considered it a subject too grave to be referred without consideration; and was about showing the propriety of reconsidering the reference, but was ruled out of order.

Mr. ADAMS asked leave to submit the following resolutions, which were read:

Resolved, That the circuit court of the United States within the district of Connecticut, having decided that the Africans captured in the Amistad were not amenable before itself, or any other court of the United States, for trial of the crimes of piracy and murder committed on the high seas, upon the charge of which against them, they had been captured by Lieutenant Gedney, an executive officer in the service of the United States, and brought before the said circuit court; there exists in the United States no lawful authority to hold the said Africans in captivity within the said State of Connecticut; and all detention or imprisonment of their persons within the said State, without charge against them of any offence against the laws of the United States, or of the said State, is unlawful, arbitrary, and oppressive.

Resolved, That the President of the United States possesses no lawful authority to detain as captives or prisoners, the said Africans, or any of them, by any officer or officers of the United States, whether civil or military, executive or judicial.

Resolved, That there exists no obligation, either in the law of nations, or by any treaty stipulation between the United States and Spain, by which the President of the United States can be required, or is authorized to cause the said Africans to be delivered up to the disposal of the diplomatic representative of Spain, or to any officer of any foreign Government in the United States.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the laws of the United States for the punishment of crimes, as to confer upon the courts of the United States, of competent jurisdiction, full power to take cognizance of, try, and adjudicate, in conformity with the laws of nations, all charges against persons accused of the crimes of piracy and murder committed on the high seas in vessels and by subjects or citizens of any nation foreign to the United States, whenever any such person or persons charged with the commission of the said crime or crimes, or either of them, may be found or lawfully brought within the jurisdiction of the United States.

Objection was made to the introduction of the

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JUNE 2, 1840. VOLUME 8.....No. 27.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 26.

resolution, and it accordingly lies over, under the rule.

Mr. ADAMS asked the consent of the House to offer the following resolution.

Mr. SMITH of Maine objected to the reception of any resolutions at this time. He had many petions to present, and would not agree to the reception of resolutions until the petitions were all received.

Mr. ADAMS moved a suspension of the rules, and the resolution was read for information, as follows:

Resolved, That the investment in the stocks of the several States of this Union of funds held by the United States *in trust*, is, to the amount of the sums so invested, and of the interest thereon, an assumption by the United States, in the event of their failure punctually to pay the same.

Resolved, That the purchase, by authority of any Executive Department of the Government of the United States, of the bonds of any of the States of this Union, at the nominal value, or with a premium thereon, and thesubsequent sale of the same bonds at a discount, is an unwarrantable and a wasteful dilapidation of the public funds.

Resolved, That it is the duty of the Executive Government of the United States to require of the Government of each and every State of this Union, in whose stocks investments of the public moneys, held in trust by the Government of the United States, have been made, punctual payment in specie, or its equivalent, of the interest stipulated in the said stocks, and repayment of the principal, as soon as possible by the terms of the contracts upon which such contracts have generally been issued.

Resolved, That the further investment of any public funds of the United States in stocks of the several States ought forthwith to be prohibited by law, and that the Committee of Ways and Means be instructed to report a bill for that purpose.

The question was then taken on the motion to suspend the rules, and disagreed to.

The resolution lies over.

By Messrs. BURKE and WILLIAMS of New Hampshire.

By Messrs. PARRIS, EVANS, and RANDALL of Maine.

The SPEAKER stated that the call of the States for petitions had been completed; and that reports from committees were in order; when

Mr. MASON of Ohio, from the Committee on the Public Lands, reported a bill for the relief of David Deardeorff; and

A bill for the relief of Cadwallader Wallace; which were read twice, and committed to the Committee of the Whole, and made the order of the day for to-morrow.

On motion of Mr. MASON, the same committee was discharged from the further consideration of sundry petitions in relation the purchase of alternate sections of land on the Miami, and the Wabash and Erie canals; and the petitions were ordered to lie on the table.

Mr. HUBBARD, from the same committee, reported a bill to revive an act for the relief of Jas. Hudson; which was read twice, and committed.

Mr. REYNOLDS, from the same committee, made an adverse report on the memorial of the Legislative Assembly of the Territory of Iowa, on the subject of pre-emptions to citizens, under certain circumstances; which report was ordered to lie on the table.

Mr. McKAY, from the Committee on the Post Office and Post Roads, reported a bill relative to the transportation of the mail on steamboats and railroads, and for other purposes; which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. McK. from the same committee, to which had been referred sundry petitions praying for the establishment of post routes, made a long report, accompanied by a series of resolutions; which he moved to have printed, and that the further consideration of the same be postponed till Monday next.

The report having been read,

Mr. McK. made some remarks explanatory of the same.

The question was taken on printing the usual quantity of the report, and agreed to.

On motion of Mr. CONNOR, five thousand additional copies were ordered to be printed.

On motion of Mr. HOPKINS, the further consideration of the resolutions accompanying the report was postponed till Monday next, to come up after the call of the States for resolutions shall have been completed.

Mr. TURNEY, from the Committee on the Judiciary, made an unfavorable report on the petition of Manuel Cruzat; which was ordered to lie on the table.

Mr. T. also, from the same committee, reported back to the House, Senate bill entitled, An act to repeal the several sections of the act to limit the term of certain officers therein named, and for other purposes, approved 15th May, 1820; which was referred to the Committee of the Whole on the state of the Union.

Mr. HALL, from the Committee on Revolutionary Claims, reported back to the House, Senate bill entitled, An act for the relief of Pierre Menard and Joseph Placy, accompanied by a report; which, with the bill, was ordered to be printed, and referred to the Committee of the Whole.

Mr. H. also, from the same committee, reported the following resolution; which was read, and agreed to, viz:

Resolved, That the Secretary of the Treasury be directed to report to this House, in a tabular form, the amount of money which has been paid from the Treasury, on Revolutionary claims (exclusive of pensions and gratuities) during each year, since the 27th of March, 1794, placing the principal and interest in separate columns, and arranged under the following separate heads, viz: Seven years' half pay; loan office and other certificates *presented*; loan office and other certificates alleged to be *lost* or *destroyed*; unliquidated claims; miscellaneous claims; and that he report how many of the said claims have been paid each year with interest, and how many without interest; and also the amount of the several classes of Revolutionary certificates which are now outstanding and unsatisfied; and that the Secretary further report the amount, in money and land scrip, which has been paid each year since the date aforesaid, in satisfaction of the alleged liabilities of any of the States of the Union for Revolutionary services or expenditures; specifying the amount paid for each State, with a reference to the acts of Congress under which the payments were made.

Mr. LEADBETTER, from the Committee on the Post Office and Post Roads, reported back to the House, without amendment, Senate bill entitled an act for the relief of Samuel R. Slaymaker; which was referred to the Committee of the Whole.

Mr. R. GARLAND, from the Committee on Private Land Claims, reported back to the House, without amendment, Senate bill entitled an act for the relief of Jean Baptiste Comeau; which was referred to the Committee of the Whole, and made the order of the day for to-morrow.

Mr. G. also, from the same committee, reported back to the House, without amendment, Senate bill entitled an act for the relief of James L. Cochran.

Mr. G. said the bill had been improperly referred to that committee, inasmuch as it was unnecessary. He therefore moved that the House concur in the amendment of the Senate.

Mr. HALL made some remarks in opposition to the motion to concur; and

Mr. THOMPSON of Mississippi advocated the justness of the amendment of the Senate, and hoped the House would concur.

At this stage of the proceeding, the House, according to order, took a recess.

EVENING SESSION.

Mr. PETRIKIN asked leave to offer a resolution instructing the Committee on the Public Buildings to inquire into the expediency of erecting a plain brick fire-proof building, connected with the War Department, for the use of the several bureaus therein named, and for the safe keeping of the records thereof.

Objected to.

Mr. RANDOLPH, from the Committee on Revolutionary Claims, reported the following bills, which were read twice, and committed:

A bill for the relief of the widow and legal representatives of Lieutenant Lott Hall, deceased;

A bill for the relief of Thomas Park;

A bill for the relief of Apollos Cooper;

A bill to authorize the payment of the seven years' half pay due on account of the Revolutionary services of Francis Epps, deceased.

Mr. R. on leave, also made adverse reports in the cases of Mary O'Bannon, of the heirs of Samuel Gay, of the heirs of Levi Todd, of the heirs of Abraham Tipton, of Dolly Bacon, widow, etc. of the heirs of Joseph Olney, of the heirs of Colonel Wm. Fontaine.

Mr. THOMAS of Maryland presented documents in relation to the case of David Meyerle; which was referred to the Committee on Naval Affairs.

On motion of Mr. CRAIG, it was ordered that the Committee on Revolutionary Claims be discharged from the case of Prudence Barton, widow of Rufus Barton, deceased, and that leave be given to withdraw the same.

The question then recurred on concurring with the Senate in their amendment to the House bill for the relief of James L. Cochran; which amendment strikes out the words making the land subject to private entry.

Mr. HALL of Vermont moved that the bill and amendment be committed to the Committee on the Public Lands.

A few remarks were made by Messrs. CROSS, PETRIKIN, and POPE, when Mr. P. moved the previous question, which was seconded.

And the question being put, "Shall the main question be now taken?" there appeared ayes 70, noes 18; no quorum voting.

The SPEAKER having here announced that the hour appropriated to reports and resolutions had expired—

Mr. ATHERTON moved that the House proceed to the orders of the day.

Mr. ANDREWS and Mr. TALIAFERRO urged upon the House to suffer the call of the committee for reports to be completed.

And the question having been taken, there appeared yeas 69, noes 51; no quorum voting.

Mr. HUBBARD inquired of the SPEAKER, what the orders of the day would be?

The SPEAKER replied, the business on the Speaker's table. [Among this business was the bill known as the Pre-emption bill—the question being on its engrossment.]

Mr. BRIGGS asked the yeas and nays on the motion that the House proceed to the orders of the day; which were ordered, and being taken, were—yeas 69, nays 74.

So the House refused to proceed to the orders of the day.

The question then recurred on ordering the main question to be taken on the bill for the relief of James L. Cochran; and it having been decided in the affirmative, the main question was ordered.

Mr. STANLY asked the yeas and nays on the main question; which were ordered.

And the main question (being on concurring with the Senate in their amendment striking out the words making the lands subject to private entry) was then taken, and decided in the affirmative—yeas 87, nays 55.

So the House concurred in the amendment of the Senate.

The SPEAKER then resumed the call upon the committees for reports; when

Mr. CASEY, from the Committee on Private Land Claims, reported back to the House, without amendment, Senate bill, entitled An act for the relief of William Esteem; which was committed to the Committee of the Whole.

Mr. HASTINGS of Massachusetts, from the same committee, reported a bill for the relief of the heirs of Ebenezer Moore; and

A bill for the relief of Rebecca Dudley, wife of Abraham Dudley;

which bills were read twice, and appropriately committed.

Mr. H. also, from the same committee, made an unfavorable report in the case of John McLaughling which was ordered to lie on the table.

Mr. H. also, from the same committee, reported back to the House, without amendment, Senate bill, entitled An act for the relief of Charles McKenzie; which was committed.

Mr. THOMPSON of South Carolina, from the Committee on Military Affairs, reported back to the House, with an amendment, Senate bill entitled An act to provide for the settlement of the claim of the State of Maine for the services of her militia; and

Also reported back to the House, without amendment, Senate bill entitled An act for the relief of James M. Morgan;

which bills were committed to the Committee of the Whole, and made the order of the day for to-morrow.

Mr. T. from the same committee, which was instructed to inquire into the propriety of increasing the pay of the volunteers, reported that it was inexpedient to legislate on the subject; which was ordered to lie on the table.

Mr. T. from the same committee, reported a joint resolution to present a sword to Gen. Duncan L. Clinch; which was read twice, and committed.

Mr. T. also, from the same committee, to which was referred a memorial of the Legislature of the Territory of Iowa, reported the following resolution, which was agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to receive, and cause to be examined, the muster rolls and other evidence of the claims of the Territory of Iowa for the expenses of a portion of the militia of the said Territory, called into service during the autumn of 1839; and that he report the same to Congress at the next session.

Mr. S. W. MORRIS, from the Committee on Invalid Pensions, reported a bill for the relief of John Jordan; which was read twice, and committed.

Mr. S. W. M. from the same committee, reported back to the House, without amendment, Senate bill, entitled An act for the relief of Jacob Greaves; which was committed.

Mr. S. W. M. also made an unfavorable report on the petition of Ira Faucher, Ephraim Beasly, Charles Griswold, Polly Churchill, Robert Marshall, and Thomas Moran; which were ordered to lie on the table.

Mr. S. STRONG, from the Committee on Invalid Pensions, reported a bill for the relief of Isaac Allen; which was read twice, and committed.

Mr. S. from the same committee, made unfavorable reports on the petitions of Jacob Headrick, Nathaniel Masters, James Campbell, and Uriah Warren; which were severally ordered to lie on the table.

Mr. DOANE, from the Committee on Invalid Pensions, reported a bill granting a pension to Joseph Nimblett; which was read twice, and committed.

Mr. D. also made unfavorable reports on the petitions of C. Leming and Alexander McDonald; which were laid on the table.

Mr. EDWARDS, from the Committee on Invalid Pensions, reported sundry bills, viz:

A bill granting a pension to Jacob Shade;

A bill granting a pension to Daniel Pratt;

A bill for the relief of Burnet Burdsall; and

A bill for the relief of Sarah Wildreth;

which bills were severally read twice, and appropriately committed.

Mr. E. also, from the same committee, made unfavorable reports on the petitions of William Ball, Daniel Fielding, and Abraham Pray; which were ordered to lie on the table.

Mr. PALEN, from the Committee on Invalid Pensions, reported

A bill for the relief of James E. Hallock; and

A bill for the relief of Henry Wells;

which were read twice, and appropriately committed.

Mr. P. also made unfavorable reports on the petitions of Joseph Pulcefor, Moses Archer, Stephen Richardson, and Amos Bull; which were ordered to lie on the table.

On motion of Mr. P. the Committee on Invalid Pensions was discharged from the further consideration of the petition of Hugh Hammill, Pulnam Farrington, Robert White, John Morgan, and Simeon S. Morsell; and they were ordered to lie on the table.

Mr. PETRIKIN, from the Committee on Public Buildings and Grounds, reported the following resolution; which was agreed to, viz:

Whereas, the Department is, at present, compelled to rent several buildings for the accommodation of the following bureaus, at an average rent equal to the interest of fifty thousand dollars, at 6 per cent. per annum:

1. Bureau of Pensions;
2. do of Bounty Lands;
3. do of the Paymaster General;
4. do of the Commissary General of Subsistence;
5. do of Ordnance;
6. do of the Surgeon General;
7. do of Fortifications;
8. do of Topographical Engineers;
9. do of Army Clothing;

none of which buildings are fire-proof, and if destroyed with their contents, would be a loss which could not be repaid, the Topographical bureau alone containing maps and plans, the work of years and of great importance, and which could not be replaced but at a cost of a large amount of money; therefore,

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire and to report to this House, the practicability of erecting a plain building, principally of brick, connected with the present building occupied by the War Department, either in whole or in part fire-proof, the cost of which shall not exceed sixty thousand dollars, for the accommodation of the several Bureaus before named, and the safe-keeping of the records thereof.

Mr. CHRISTOPHER H. WILLIAMS, from the Committee for the District of Columbia, reported a bill to provide for the repairs of the Potomac Bridge; which was twice read, and committed.

Mr. FLETCHER, from the Committee on Patents, reported a bill for the relief of John W. Faunce; and a bill for the relief of John J. Roane; which were read twice, and committed.

Mr. UNDERWOOD, from the Committee on reported a joint resolution directing a further distribution of the Biennial Register; and to amend the resolutions directing the publication thereof; which was read twice, and

After a few remarks by Mr. CRABB in opposition to the resolution, and Mr. UNDERWOOD in favor, it was committed to the whole House to-morrow.

Mr. W. O. BUTLER, from the Committee on Military Affairs, reported a bill for the relief of Colonel William Piatt; which was twice read, and committed.

Mr. H. J. ANDERSON, from the Committee on Naval Affairs, reported back to the House without amendment Senate bill, entitled "An act for the relief of Lieutenant John E. Bispham;" which was committed.

Mr. H. J. A. from the same committee, made unfavorable reports on the petitions of John A. Dickason, William Boerum, and Zebulon Wade: Laid on the table.

Mr. H. from the same committee, reported a bill for the relief of Elizabeth Champney, and

A bill for the relief of Samuel Hambleton;

which were read twice, and appropriately committed.

On motion of Mr. A. the same committee was discharged from the further consideration of the resolutions of the common council of Brooklyn, in the State of New York, in relation to the Dry Dock at that city; also, from the memorial of citizens of Sherborne, Chenango, Oneida, and Columbia counties, in the State of New York, in relation to the use of intoxicating drinks in the army and navy, and among the Indians; and that said memorials do lie on the table.

Mr. GRINNELL, from the Committee on Naval Affairs, reported the following bills; which were read twice, and committed:

A bill for the relief of Allen Rogers, of Maine.

A bill for the relief of Harriett Barney, of Kentucky.

Mr. HOLLEMAN, from the Committee on Naval Affairs, made an unfavorable report on the petition of Thomas Bingey and Ignatius Lucas.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported a bill for the relief of William Harper; which was read twice, and committed.

Mr. TALIAFERRO, from the same committee, reported back to the House, without amendment, Senate bills of the following titles; which were committed to the Committee of the Whole, viz:

An act for the relief of Margaret Barnes, widow of Elijah Barnes;

An act granting a pension to Daniel Waller;

An act for the relief of Joseph Bassett;

An act for the relief of Samuel Collins;

An act granting a pension to Hannah Leighton;

An act for the relief of Tylor Spafford;

An act for the relief of Mary Neal, widow of Samuel Neal, deceased; and

An act granting a pension to Pamela Allen, widow of the late Samuel Allen, a soldier of the Revolution.

Mr. T. from the same committee, made unfavorable reports on the petitions of Sarah Rockwell, Henrietta Davenport, Thomas Bootman, Jacob Wiley, Archil Johnson, Hampton Stokes, James Fisher, William Oliver, Benjamin Lyon, Hannah Waldo, William B. Davis, Agnes Smith, John Savage, Mary Crysell, Nancy Williams, Thomas Hughart, Elizabeth White, and Nathan Eartbrook; which were severally ordered to lie on the table.

Mr. DAVIES of Pennsylvania, from the Committee on Revolutionary Pensions, reported a bill for the relief of Edward Putnam; which was read twice, and committed.

Mr. ANDREWS, from the same committee, reported a bill for the relief of David Freelove; which was read twice, and committed.

On motion of Mr. A. the same committee was discharged from the further consideration of the petitions of Elijah Barden, and David Mullery; and they were ordered to lie on the table.

Mr. CARR, from the Committee on Revolutionary Pensions, reported a bill for the relief of the legal representatives of Col. John Stone, late of the Revolutionary war, deceased, which was read twice, by its title, and committed to a Committee of the Whole House, and made the order of the day for to-morrow.

Mr. C. asked to be discharged from the consideration of the petition of Joseph McMillen, of Virginia; also, the petition of Catharine Shannon, widow of Robert Shannon; which were ordered to lie on the table.

Mr. MONROE, from the Committee on Military Affairs, reported a bill authorizing the construction of a steam vessel, under the direction of the Secretary of War; which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. CONNOR, from the Committee of Ways and Means, made an unfavorable report on the petition of James S. Blount; which was laid on the table.

Mr. BANKS, from the Committee of Claims, made an unfavorable report on the petition of Thomas Tutum; which was read and laid on the table.

On motion of Mr. RUSSELL, the Committee of Claims was discharged from the further consideration of the petition of Uriel Sebill; which was ordered to lie on the table.

Mr. R. from the same committee, reported back to the House, Senate bill entitled, An act for the relief of Joseph Paxton, accompanied by a report, in writing, recommending that said bill be rejected.

Also, reported back to the House, Senate bill entitled, An act for the relief of Adam D. Stewart, with a report, in writing, recommending that said bill be rejected.

Also, reported back to the House Senate bill entitled an act for the relief of N. G. Hamilton, accompanied by a report recommending that said bill do not pass:

which bills were severally referred to the Committee of the Whole, and made the order of the day for to-morrow.

Mr. GIDDINGS, from the Committee of Claims, made unfavorable reports on the petitions of Bowie, Kurtz, and others, owners of the ship Allegheny; Enos Soper, Nathan Coats, Samuel S. Sayles, and Charles S. Little; which were severally ordered to lie on the table.

Mr. GENTRY, from the Committee of Claims, reported a bill for the relief of John E. Alexander; which was read twice, and committed.

Mr. MALLORY, from the Committee of Claims, made an unfavorable report on the petition of Joseph Sasser; which was ordered to lie on the table.

On motion of Mr. BOTTS, the Committee of Commerce was discharged from the further consideration of the petition of Ferdinand Clark; and it was ordered to lie on the table.

Mr. TOLAND, from the Committee of Commerce, reported a bill making appropriations for the erection of custom-houses and public storehouses; which was read twice, and committed.

Mr. WHITE, of Louisiana, from the Committee of Commerce, reported a bill to establish ports of entry in the States of Arkansas and Missouri, and to allow debenture on foreign goods conveyed over land from such ports to Mexico, accompanied by a report; which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. BEIRNE, from the Committee for the District of Columbia, reported back to the House, without amendment, Senate bill, entitled An act for the relief of Casper W. Weaver; which was committed.

On motion of Mr. BEIRNE, the Committee for the District of Columbia was discharged from the further consideration of the petition of William Wheatley, and it was ordered to lie on the table.

Then,

On motion of Mr. WELLER,

The House, at 6 o'clock, p. m. adjourned.

IN SENATE,

TUESDAY, May 26, 1840.

The CHAIR submitted a report from the Secretary of War, in compliance with a resolution of the Senate of the 20th of April, 1836, relative to sites for fortifications on the coast of Mississippi; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WILLIAMS presented documents in relation to the claim of Thankful Reynolds; which were referred to the Committee on Pensions.

Mr. WRIGHT presented the petititon of Prudence Barton; which was presented to the Committee on Revolutionary Claims.

Mr. MERRICK, from the Committee on the District of Columbia, reported

A bill for the relief of John Carter, and

A bill to amend the charter of the city of Alexdria; which were severally read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the House bill for the relief of certain settlers on the Salt Lick Reservation, in the Western district of Tennessee, reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of General Duncan L Clinch, reported the same without amendment.

Mr. SEVIER gave notice, that, to-morrow he would ask leave to intoduce a resolution to amend the rules so as to compel the attendance of Senators at the hour to which the Senate stands adjourned.

The bill to quiet the titles of several claimants to lands in the States of Missouri and Arkansas, and for other purposes, was taken up and considered as in committee of the whole, and after some remarks from Messrs. LINN and WEBSTER, was referred to the Committee on Public Lands.

The bill to authorize the Legislature of the State of Louisiana to sell the lands heretofore appropriated for the use of schools within that State, was ordered to be engrossed for a third reading.

The bill to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of 1814: ordered to be engrossed for a third reading.

The bill to authorize the Secretary of the Treasury to refund the duties collected in the French ship Alexander: ordered to be engrossed for a third reading.

The bill for the benefit of the Howard Institution of the City of Washington, was, after some remarks from Messrs. MERRICK and TAPPAN, ordered to be engrossed for a third reading.

The bill authorizing the States to tax any lands within their limits sold by the United States, was, after some remarks from Messrs. LINN, SEVIER, NORVELL, HENDERSON, WHITE, and YOUNG, passed over informally.

GENERAL BANKRUPT LAW.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy, the question being on Mr. WALL's motion to strike out the original bill, and insert a substitute.

Mr. BENTON addressed the Senate at great length in opposition to the bill reported by the majority of the Committee on the Judiciary, and expressed his determination to vote for the substitute submitted by Mr. WALL, with certain modifications.

The bill was then informally passed over, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, May 26, 1840.

Mr. SMITH of Indiana said, upon an examination of the yeas and nays, on the propostion to instruct the Committee of Ways and Means to report a bill for the continuation of the Cumberland road in the States of Indiana, Ohio, and Illinois, he found that his name had been omitted. He was firmly impressed with the belief that he had responded to the call of the Clerk, and voted for the instructions. If he did not do it, it was certainly his intention to have voted for the instructions. He therefore hoped the House would permit him to have his vote recorded in favor of the instructions.

It required the unanimous consent of the House to amend the journal in that particular; and

Mr. CRANSTON having objected, on the ground that it might lead to abuses, the request of Mr. S. was refused.

Mr. CROCKETT, by universal consent, presented the following resolution, which was read, and agreed to, viz:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and propriety of allowing pay to Littlejohn Wilkins, John Lynch, Wm. P. Ford, and Alexander H. Patrick, late members of Captain Baker's company, Tennessee volunteers, in service of the United States, in Florida, in 1836, for their horses and equipage turned over to Government.

Mr. BLACKWELL, by the general consent of the House, presented the following resolution, which was agreed to:

Resolved, That the Committee on Invalid Pensions inquire into the expediency of granting a pension to James S. Hall, of Tennessee, and that the papers in the case be referred to the said committee.

Mr. CHINN, by the general consent of the House, prsented the following resolution, which was agreed to:

Resolved, That the President be requested to communicate to this House a copy of the charges preferred by Dr. John Baldwin, a citizen of the State of Louisiana, against Marmaduke Burroughs, Consul at Vera Cruz, together with all such correspondence and proceedings as may have grown out of the same.

Mr. GIDDINGS moved a suspension of the rules to enable him to present to the House a resolution, which was read for information, as follows, viz:

Whereas a printed pamphlet has recently been circulated in this city purporting to be an address of Amos Kendall to the people of the United States; which pamphlet charges a portion of the members of this House with "causing the public business to be delayed," "the public faith violated," with "practising unheard-of abuses," and "with violating the laws," and of other practices derogatory to the character of the members of this House: Therefore,

Resolved, That the President of the United States be requested to inform this House, whether the said Amos Kendall continued to exercise the duties of Postmaster General on the 21st day of May, 1840, being the day of publishing the said pamphlet. If not, on what day did his commission with said office cease.

Mr. GIDDINGS demanded the yeas and nays on the motion to suspend the rules; which having been ordered, were—yeas 60, nays 102, as follows:

YEAS—Messrs. Adams, John W. Allen, Barnard, Bell, Bond, Calhoun, William B. Campbell, Carter, Chinn, Clark, Cranston, Crockett, Edward Davies, Dawson, Deberry, Dennis, Dellet, Evans, Gentry, Giddings, Goode, Graham, Graves, Green, Hall, William S. Hastings, Hawes, Henry, Hunt, James, Charles Johnston, Cave Johnson, Kempshall, Lincoln, McCarty, Mason, Morgan, Calvary Morris, Ogle, Osborne, Palen, Proffit, Randolph, Ridgway, Russell, Sergeant, Slade, Albert Smith, Thomas Smith, Stanly, Storrs, Stuart, Taliaferro, Toland, Triplett, Trumbull, Turney, Edward D. White, Thomas W. Williams, and Lewis Williams—60.

NAYS—Messrs. Hugh J. Anderson, Andrews, Atherton, Banks, Beatty, Blackwell, Boyd, Briggs, Burke, Samuel H. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Cross, Cushing, Dana, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Eastman, Ely, Everett, Fine, Fletcher, Floyd, Fornance, James Garland, Rice Garland, Gerry, Goggin, Griffin, Hammond, Hand, John Hastings, Hillen, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, John W. Jones, Keim, Kille, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Miller, Montanya, Montgomery, Nisbet, Parrish, Parmenter, Paynter, Petrikin, Prentiss, Ramsey, Rariden, Reynolds, Rhett, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, John Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, David D. Wagener, Watterson, Weller, John White, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, Christopher H. Williams, and Wise—102.

So the rules were not suspended.

The SPEAKER then called the committees for reports; when

Mr. HILLEN, from the Committee on Commerce, to which had been referred memorials from pilots of New York, Pennsylvania, Baltimore, Norfolk, and Charleston, praying for the repeal of the law of March 2d, 1837, concerning pilots, offered to make a report from said committee, accompanied by a bill to repeal said law; which he asked to have read.

Mr. CURTIS objected to its reception, on the ground (as a question of order) that it was not the report of the majority of the committee—he himself having been instructed by the majority of that committee to make a report of a directly contrary character.

The report offered by the gentleman from Maryland [Mr. HILLEN] had, Mr. C. said, once been the report of the majority of the committee; but the vote had, subsequent to its adoption, and before the report had been made to the House, been reconsidered by the committee, in consequence of additional information having been produced, and a large number of remonstrances having been referred to the committee at a date subsequent to the adoption of the said report.

Mr. C. referred to the parliamentary law, (page 135 of the Manual,) where it is laid down that reports once passed by a committee cannot be altered, except by the House, their votes being binding upon them; and contended that this rule had no application, under that law, to the standing committees, but to the Committee of the Whole. The point was now presented whether there could be two majority reports from the same committee, the one being directly adverse to the other.

Mr. HILLEN contended that the reconsideration was a direct violation of the rules; that the whole subject matter contained in the remonstrances

spoken of had, in substance, been before the committee previous to the adoption of the report which he had offered; and that the proper course for the gentleman from New York [Mr. CURTIS] to have pursued, would have been to have heard it read, and then to have moved its recommitment, offering as an argument in favor of the motion, that new testimony had been introduced—though, in fact, Mr. H. contended, no *new* testimony had been introduced, the committee having, in substance, the whole of it before them when they agreed upon report.

Some explanations followed between Messrs. CURTIS and HILLEN as to the proceedings which took place in committee, and as to certain conversations which passed between them in relation thereto.

Mr. TOLAND submitted that the House had nothing to do with the proceedings in committee, and the only question for the House to decide was, whether, having taken a vote, the committee had the power to reconsider it. The proposition was too plain, he thought, to need discussion.

Mr. RUSSELL argued generally on the power of the committee to reconsider, and insisted on their right to do so. He had not concluded when, the morning hour having expired,

On motion of Mr. PROFFIT,

The House passed to the orders of the day.

The SPEAKER laid before the House a message from the President of the United States in relation to certain presents transmitted to him by the Sultan of Muscat, and suggesting legislative provision for such cases. Referred, on motion of Mr. CUSHING, to the Committee on Foreign Affairs, and ordered to be printed.

[The message was published in the Senate proceedings of yesterday.]

PRE-EMPTION BILL.

The SPEAKER announced that the next business in order was the bill granting pre-emption rights to settlers on the public lands. The question immediately pending was the amendment offered by the gentleman from Massachusetts, Mr. LINCOLN, as follows:

"Strike out all after the word 'extended,' in the 7th line of the 5th section, and insert—

"To every actual settler on the public lands, being the head of a family, or over twenty-one years of age, who was in possession, and a householder by personal residence thereon, at the time of passage of this act, and for four months next preceding, with the same exceptions, whether general or special, and subject to all the limitations and conditions contained in the above recited act, and with the explanatory provisions of the preceding sections: *Provided, however*, That the provisions of this act shall not give a right of pre-emption to any lands subject to sale by private entry at the time of the passage hereof: *And provided, further*, That the continuance hereby in force of the act to which this is supplemental, shall not be construed to extend the time to any settler who has a right of pre-emption under that act, in which to make his entry and payment for said land, and perfect his title thereto, but the same shall be done in the same time and manner as if this act had not been passed."

Mr. LINCOLN then addressed the House at great length in opposition to the bill as it then stood, and in support of his amendment, which he considered would remove the objection. He took a general review of the past policy of the Government in relation to the principle of pre-emption; and although he was willing to leave that principle as it now stood, he could not consent to an extension of it. He then examined the bill by sections, and with much earnestness contended that its operation would be extremely unjust and unequal. In taking a review of all the laws passed on the subject, he showed that every one of them required a previous residence on the land before the privilege was granted, but that this bill contained an entirely new principle, and gave the right to all such persons who might be found on the land at the time of the passage of this act, without requiring any proof of previous residence. He regarded the bill as calculated to produce the most injurious results, and that it was an innovation of the legislation of former Congresses, containing in every section either an extension of old rights, or the creation of new ones.

At this stage of the remarks, the SPEAKER announced that the House would, according to order, take a recess.

EVENING SESSION.

Mr. LINCOLN concluded his remarks in opposition to the bill. His remarks will be published hereafter in full.

Mr. WHITE said it was his conviction that the bill was calculated to encourage fraud and afford facilities for the commission of the most corrupt perjury. He thought it a measure of the most odious character, and fraught with the most injurious consequences. The tendency of the course of those who advocated it, was in direct opposition to the best interests of the country. The operation of the measure would be immoral, unconstitutional; it would diminish the revenue; and its provisions were such that he who had least honesty would make the most out of it. Mr. W. denounced the pre-emption settlers as intruders, who had seized on the most eligible places when they had done nothing, nor encountered any of the dangers. They were in no fear, like the early settlers, from the Indians, for now there was a standing army beyond the limits of the Territory to protect them; yes, to protect these very intruders. Had not the old States been taxed to pay for those Indian wars? And yet these intruders went and reaped all the benefit. If this measure was honest and fair, then he would vote for it; but if this bill were passed, it would encourage fraud between debtor and creditor, and its operation would be immoral, as the report of the public officer of Louisiana, just read, showed that perjury of the most unblushing character was invited. It was unconstitutional, because it was opposed to that clause of the Constitution which guarantied equal rights; and it was a robbery, because it would take away that which belonged to others. Mr. W. illustrated the position he had taken at some length, and concluded by denouncing the bill as partial and unfair. He contended that such a subject, involving millions of the public money, ought not to be dealt with in this partial way. If we were to have a pre-emption law, let it be one of a permanent and impartial character.

Mr. HUBBARD, having with some difficulty obtained the floor, said he would make a few remarks in reply to the opponents of the bill, after which he would move the previous question. He considered it due to the supporters of the bill, that some explanation should be made, to show how very weak the objections were which had been urged against it.

Mr. H. then examined the various exceptions taken by Messrs. LINCOLN and WHITE to the bill, and explained its intended operation. He said it was very natural that gentlemen not acquainted with the Western country should start objections of that character; but to those who knew how matters really were, the bill could not fail to be satisfactory. He noticed and replied to all the objection *seriatim*, but the uproar in the Hall was so great that the Reporter failed in getting the argument. On concluding, however, Mr. H. claimed to have triumphantly answered every objection, and that he had "squared off" with both the gentleman from Kentucky and the gentleman from Massachusetts. Mr. H. concluded by moving the previous question.

Mr. HOWARD suggested that the House should adjourn and let the question be taken on the bill to morrow.

Mr. L. WILLIAMS moved that the House adjourn; and on that motion

Mr. CHAPMAN of Alabama demanded the yeas and nays; which having been ordered, were—yeas 67, nays 87.

So the House resused to adjourn.

Mr. L. WILLIAMS moved a call of the House, and on that motion demanded the yeas and nays; which the House refused on count, yeas 47, nays 114.

The previous question was then seconded, and the main question ordered.

Mr. WELLER demanded the yeas and nays on the main question—which main question would be first on the adoption of the amendment of Mr. LINCOLN, and then on ordering the bill to be engrossed for a third reading.

Mr. ANDREWS again moved that the House adjourn; which motion was disagreed to—yeas 55, nays 98.

Mr. LINCOLN modified his amendment so as to amend the bill, by striking out all after the word "extended" in the 7th line of the 5th section, and inserting, "to every actual settler of the public lands, being the head of a family or over twenty-one years of age, who was in possession of a household, by personal residence thereon, at the time of the passage of this act, and from the first of April next preceding, with the same exceptions, whether general or special, and subject to all the limitations and conditions contained in the above recited act, and with the explanatory provisions of the preceding sections. *Provided*, however, that the provisions of this act shall not give a right of pre-emption to any lands subject to sale by private entry, at the time of the passage hereof. And *provided further*, that the continuance hereby in force of the act to which this is supplimental, shall not be construed so as to extend the time to any settler who has a right of pre-emption under that act, in which to make his entry and payment for said land, and perfect his title thereto, but the same shall be done in the same time and manner as if this act had not been passed."

The yeas and nays having been ordered on the adoption of the above amendment, were taken, and were—yeas 86, nays 97, as follows:

YEAS—Messrs. Alford, John W. Allen, Andrews, Banks, Baker, Bond, Botts, Briggs, Brockway, Bynum, Calhoun, John Campbell, William B. Campbell, Carter, Clark, Coles, Connor, James Cooper, Mark A. Cooper, Cranston, Crockett, Curtis, Garret Davis, Dawson, Deberry, Dennis, Dromgoole, Edwards, Everett, Fisher, James Garland, Rice Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Griffin, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Hawkins, Hill of North Carolina, Holmes, Hunt, Charles Johnston, Cave Johnson, Kempshall, King, Lincoln, Mason, Montgomery, Nisbet, Ogle, Osborne, Randolph, Rayner, Russell, Saltonstall, Samuels, Sergeant, Shepard, Slade, Truman Smith, Stanly, Storrs, Sumter, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—86.

NAYS—Messrs. Hugh J. Anderson, Atherton, Beatty, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Carr, Carroll, Casey, Chapman, Clifford, William R. Cooper, Crabb, Craig, Crary, Cross, Cushing, Dana, John Davis, Dickerson, Dillet, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Floyd, Galbraith, Hand, J. Hastings, Henry, Hillen, Holleman, Hopkins, Howard, Hubbard, Jackson, Jameson, Keim, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Parrish, Parmenter, Parris, Petrikin, Pope, Prentiss, Proffit, Ramsey, Reynolds, Rhett, Ridgway, Rives, Ed. Rogers, Ryall, Shaw, A. Smith, Tho. Smith, Starkweather, Steenrod, Strong, Stuart, Swearingen, Sweney, Taylor, Francis Thomas, P. F. Thomas, Jacob Thompson, Turney, Vroom, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—97.

So the amendment was rejected.

The question then recurring on ordering the bill to engrossed for a third reading,

Mr. R. GARLAND demanded the yeas and nays; which were not ordered.

Mr. TURNEY moved to reconsider the vote refusing the yeas and nays; and, after a few remarks by Messrs. WISE, R. GARLAND, BRIGGS, and TURNEY, the question was taken and decided in the negative—ayes 197, noes 24.

The bill was then ordered to be engrossed for a third reading; and having been engrossed, and the question then being, "Shall the bill pass?"

Mr. BOYD demanded the yeas and nays; which were ordered.

Mr. WISE said if he could be satisfied that this bill, if passed, would be for the benefit of the poor, actual settler, he would vote for it. He would rather give the land to the poor settler for nothing, than sell the prime lands at $1 25 per acre. He said there were two definitions of the words poor settler; by one it was meant a speculator; and by another definition in the vocabulary, it means sometimes a member of Congress. He disclaimed applying to any member of the present session, or any part, the definition of speculator, though he believed, according to the vocabulary, such was one of the definitions.

Mr. CASEY demanded the previous question on the passage of the bill, which was seconded; and the main question having been ordered, it was ta-

ken on the passage of the bill by yeas and nays, and resulted—yeas 126, nays 64, as follows:

YEAS—Messrs. Alford, J. W. Allen, H. J. Anderson, Atherton, Beatty, Beirne, Bell, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, William B. Campbell, Carr, Carter, Casey, Chapman, Chinn, Clark, Clifford, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Crockett, Cross, Curtis, Cushing, Dana, John Davis, Garret Davis, Dellet, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Floyd, Galbraith, Rice Garland, Giddings, Goode, Green, Hand, John Hastings, Henry, Hillen, Holleman, Hopkins, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Keim, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Mason, Medill, Miller, Montanya, Samuel W. Morris, Parish, Parmenter, Parris, Paynter, Petrikin, Pope, Prentiss, Proffit, Ramsey, Rariden, Reynolds, Rhett, Ridgway, Rives, Edward Rogers, Ryall, Shaw, Albert Smith, Thomas Smith, Starkweather, Stoenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Triplett, Turney, Vroom, David D. Wagener, Watterson, Weller, Edward D. White, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, and Christopher H. Williams—126.

NAYS—Messrs. Andrews, Banks, Baker, Bond, Botts, Briggs, Brockway, Calhoun, John Campbell, Coles, Connor, James Cooper, Cranston, Dawson, Deberry, Dennis, Edwards, Everett, Fisher, James Garland, Goggin, Graham, Graves, Griffin, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Holmes, Chas. Johnston, Kempshall, King, Lincoln, Montgomery, Nisbet, Ogle, Osborne, Ranpolph, Rayner, James Rogers, Russell, Saltonstal, Samuels, Sergeant, Shepard, Slade, Truman Smith, Stanly, Storrs, Taliaferro, Waddy Thompson, Tillinghast, Toland, Trumbull, Underwood, Warren, John White, Thomas W Williams, Lewis Williams, and Wise—46.

So the bill was passed.

On motion, the House then, at 9 o'clock, p. m. adjourned.

IN SENATE,

WEDNESDAY, May 27, 1840.

Mr. ALLEN presented the petition of Nathaniel Niles for additional compensation for diplomatic services; which was referred to the Committee on Foreign Relations.

Mr. BUCHANAN presented a memorial of the religious society of Friends, commonly called Quakers, of the States of New Jersey, Pennsylvania, and Delaware, praying the adoption of measures for the suppression of the African slave trade under the American flag; which was laid on the table, and ordered to be printed.

Mr. B. also presented a memorial signed by the presidents of the various insurance companies of Philadelphia, and other citizens of Philadelphia, praying an appropriation for the repair of the wharf and piers at Port Penn; which was referred to the Committee on Commerce.

Mr. YOUNG presented four memorials signed by numerous citizens of Illinois, praying a grant of public land for the improvement of Rock river; which were ordered to lie on the table, and be printed.

Mr. WRIGHT presented four memorials, signed by numerous inhabitants of the northern frontier of the United States, praying an appropriation for the construction of a ship canal around the falls of Niagara.

Mr. DAVIS presented the memorial of Henry B. Goodyear and others, praying a grant of land for the purpose of forming a settlement on the island of West Mattacumba, on the coast of Florida; which was referred to the Committee on the Public Lands.

Mr. D. also presented a memorial of citizens of Beaver county, Pennsylvania, praying the abolition of slavery and the slave trade, the question on the reception of which was, on motion by Mr. SEVIER, laid on the table.

Mr. YOUNG presented a petition for the release W. L. Mackenzie; and

Mr. NORVELL presented a similar petition; which were respectively laid on the table.

Mr. PIERCE, by direction of the Committee on Pensions, moved that leave be granted to that committee to sit during the sessions of the Senate.

Mr. P. remarked that it would be much more agreeable to himself and the gentlemen associated with him to remain in their places, and attend to the interesting debate now in progress, that to devote themselves to the labors of a committee room. But since the one hundred and twenty bills granting pensions in individual cases came up from the House of Representatives in a single day, it had become perfectly obvious that they could not bestow upon the claims the attention due alike to the Government and the claimants, without the indulgence indicated.

The question was then taken on granting the leave, and unanimously agreed to.

The bill for the relief of General Duncan L. Clinch;

The bill to quiet the titles of several claimants to lands in the States of Missouri and Arkansas, and for other purposes;

The bill to authorize the Legislature of the State of Louisiana to sell the lands heretofore appropriated for the use of schools within that State;

The bill to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of 1814;

The bill to authorize the Secretary of the Treasury to refund the duties collected in the French ship Alexander;

were severally read a third time and passed.

On motion of Mr. HUBBARD, the vote on the passage of the bill for the relief of Gen. Duncan L. Clinch was reconsidered, and it was then laid on the table.

The bill for the benefit of the Howard Institution of the city of Washington, was taken up on its third reading.

Mr. ALLEN wished some information as to the character and objects of this institution for which so large an amount of the public money was to be appropriated.

After some remarks from Mr. MERRICK in reply,

Mr. ALLEN opposed the bill at some length. It was bestowing the money on an association whose objects and modes of action were entirely unknown to the Senate.

Mr. HUBBARD said: I do not desire, for myself, any more information, to enable me to vote upon the bill before the Senate, than what the terms of the bill itself convey. I have heard it read—and that is enough for me. The bill directs the Commissioner of the Public Buildings to select from lots of land owned by the General Government, in this city, and to appraise them, and to convey to the Howard Institution the lots thus appraised, to the value of five thousand dollars, for the sole use and benefit of said institution: in other words, the bill proposes to take of the public property the amount of five thousand dollars, and to give the same to a private, local corporation, within the city of Washington. Now, sir, I utterly deny the power of Congress to take from the public Treasury the property of the whole people, and to bestow the same, in charity, to any private individual or to any public institution. This Government was organized for no such object—the Constitution has imparted to Congress no such authority. If a proposition was made to take a like sum from the Treasury, and to grant it to a similar institution within my own State, it would strike every member of the Senate, as it should do, with utter astonishment. To take the money of the whole people—to abstract any portion of the public funds, and give to any private association, within this District—cannot fail to excite in my mind equal astonishment. We have had these appeals made to Congress over and over again. We have been told so often of the noble generosity of the original proprietors, in granting the alternate lots of this city to the General Government, that the story has become stale and unprofitable. What would these lots have been worth to those same proprietors, if this place had not been established as the capital of the Federal Government. What has Congress done for this city, and for this District? I will not, on this occasion, attempt to state. But I should like to see an honest account stated between the Treasury and the District of Columbia. I would like to learn if there rests the least obligation on the part of this Government, on account of what has been so often called the generous liberality of the original proprietors of this city. Sir, we are in error upon this whole matter. We have paid for every public square now owned by the Government—a price per acre beyond its value at the time of the location of the seat of Government. We have, it is true, received the alternate lots without price. But, sir, need I argue to this Senate that such a donation, in point of interest, was the best bargain that ever those proprietors could have made, for themselves or for the District? There are two sides to this account; and if Senators have not already made themselves acquainted with all the facts, they should do it, before they suffer themselves to be influenced by the consideration that the General Government are under pecuniary obligations to this city, and to the original grantors of this public property. Before they yield their assent to the assertion that we are indebted for favors already received, let the account be stated—let it be known what has been expended by the Government for this District, and what has been received into the Treasury for property ceded to the United States. I should be pleased to know what amount of the public money has already been expended for the exclusive use and benefit of this city, and of this District. Such an exhibit will show that, unless I am altogether mistaken, more than two millions of dollars for the uses of this District, has been drawn from your Treasury, beyond its receipts from the amount of property ceded by its inhabitants.

No man more sincerely commends the object in which these charitable ladies have embarked than I do. They are not confined to this District—they exert an influence over every part of the country. No man can be more willing than myself, according to my means, to aid such praiseworthy efforts—they are the appropriate objects for the exercise of individual charity. But Congress, the representative power of the States and of the people, cannot, consistent with a faithful discharge of its public trusts, turn a favorable ear to memorials of this description. For it seemed to be undeniably true, that if Congress can pass this bill, it can make similar donations for like purposes in any other portion of the confederacy. I am, therefore, opposed to the bill upon principle; and I shall feel myself called upon to give such a vote whenever occasion shall require it.

Mr. HENDERSON insisted that, as Congress was the exclusive legislature of this district, they were imperatively bound to make provision for the poor of the District. He also characterized the institution as one of peculiar worth, giving employment to females, for the noble purpose of saving them from the necessity and unavoidable mortification of throwing themselves and their families wholly on public charity.

Mr. MERRICK (as a reply to Mr. ALLEN) read the memorial of this institution, in which its particular doings were clearly set forth, and in which it was stated that they were now rendering their most important assistance to ninety-two different families.

Mr. SMITH of Connecticut spoke at much length in opposition to the bill.

Mr. LUMPKIN said it was rather a matter of surprise, to contemplate the various channels or modes of reasoning by which the human mind, in different persons, arrived at conclusions on the same subject, and with the same evidence presented for the consideration of all. At almost every session of Congress, large appropriations of money have been made and expended for the benefit and comfort of the people of the District of Columbia, as well as that of the members of Congress, officers of Government, and citizens of the Union generally. We appropriate money for the improvement of the streets and avenues of this city; to construct bridges, railroads, and canals; to build penitentiaries and jails; to aid colleges and hospitals; to alleviate the calamities of sufferers by fire; and last, though not least, vast sums have been expended to beautify and ornament the extensive pleasure grounds contiguous to this Capitol, and the other public buildings in this city.

Yes, sir, millions have been expended in the manner suggested, and with but feeble, if any, opposition by those who now so zealously oppose this humble and modest proposition to allow the guardians of the poor and suffering widows and orphans of this place to make a judicious application of five thousand dollars' worth of the waste and useless lots belonging to the Government in this city. The object of the bill on your table is not to appropriate money for the daily and direct subsistence of the

indigent, but to afford the means to intelligent, judicious, and benevolent individuals, to establish an institution, under such rules and regulations as may afford the means of giving employment to the suffering poor of this city. Many, very many persons in this city, are in abject poverty, often in an actual state of suffering, who could and would earn a reasonable subsistence, if they had employment suited to their ability to perform. It is to provide for such cases, and under such regulations as I have stated, that this bill has been presented to the Senate by the Committee on the District of Columbia.

As regards the constitutional right of Congress to allow these useless lots of the Government to be applied to the benefit of the suffering poor of this city, to the widow, the fatherless, and the orphan, allow me to say, Mr. President, that when the gentlemen who oppose this bill with so much zeal, on constitutional ground, will show me the clause of the Constitution under which they claim the right to make the various appropriations to which I have adverted, and to be applied to the purposes which I have suggested, I will, in the very same clause of the Constitution, show them the authority, in terms equally explicit, to authorize the passage of this bill. I will not be deterred, sir, from giving my vote for this bill by the cry of *mad dog*. I vote for this bill with much more pleasure and cheerfulness than I could vote for the vast sums which have been expended to ornament and beautify the extensive public grounds around this magnificent building. I hope I may not be considered destitute of taste to enjoy the beauties of ornamental improvement, when I assure the Senate that my daily comfort and happiness depend much more upon seeing happy and comfortable human beings around me, than any ornamental improvement whatever. Sir, suffering humanity makes the strongest appeal to the human breast. Who can enjoy comfort, and be happy, while the suffering orphan, and care worn mother, are destitute of food and raiment?

Mr. President, Congress is the only law making power to which the people of this District can look. Here, sir, we have the power of exclusive legislation. We have listened to and respected the wishes of many of the wealthy and influental citizens of this District. Their petitions are attended to Shall we then, sir, turn a deaf ear to the cry of penury and want? Shall the poor pittance which this bill extends to the humblest objects of our species, become the great subject to base our Constitutional arguments upon? Are we, the constitutional representatives of this people, to deny ourselves the right of exercising the common feelings of humanity? Do not all Christian legislators, under all forms of Government, legislate with special care for the helpless?

Mr. President, as a member of the Committee on the District of Columbia, the cries of this people have reached my ear. I feel that they are a portion of my constituents—a portion lamentably neglected—often reproached when they deserve sympathy. Congress brings upon this people vastly more evils than benefits. All that may be rightfully done for the suffering poor should no longer be neglected, and I trust this bill will receive the sanction of a majority of the Senate, notwithstanding the zeal with which it has been opposed.

Mr. HUBBARD, in reply, said that according to the doctrine of the distinguished Senator from Georgia, Congress should be considered as a great eleemosynary institution for the purpose of dispensing public and private charities. Sir, never in the course of my life have I been more surprised than I have at the declared opinion of my honorable friend upon the subject of the power and duties of Congress, under the Federal Constitution, in relation to this particular matter. What! sir, is Congress to become the great dispenser of charities? Was that the purpose for which this Government was formed? And does that clause of the Federal Constitution which gives authority to exercise exclusive legislation in all cases over the District of Columbia, *impose* upon Congress the obligation to endow the charitable institutions of this District? Does that clause furnish a sufficient warranty to Congress to take from the public chest the people's money for encouraging and patronizing the charitable efforts of individuals, or of associations, here or elsewhere? No, sir; *no*. From such a quarter, little indeed did I expect to find an advocate for the measure now before the Senate, and for kindred objects. Is the Senator aware to what extent his doctrine will carry him? If Congress can pass this bill under the authority conferred by the clause in the Constitution to which I have referred, then, sir, I would ask if it has not the power to enter the almshouse of this District, and to provide the ways and the means of supporting the occupants of that resort of public charity? If it has power to pass this bill, it has power to provide for the support of all the paupers, not only of this District, but also of the States.

If it has power to do this with the treasure of the whole country, it has the power to relieve the people of this District from every description of taxation. It can make their highways, and adorn their cities. And if the public money can be appropriated for the support of the public paupers, it can provide the means for the support of the public schools of the District. There is nothing within the wide range of District expenditure, but what Congress can, with the money of the whole people, adequately provide for. I protest against all such latitudinarian doctrines. They are not, in my judgment, to be sustained by the letter or the spirit of the Constitution, under which we live, and by which we profess to be governed.

This very morning, it was proposed to make a disposition of the public funds, for the benefit of the late sufferers at Natchez. A few days since, a bill was before the Senate, appropriating *the trifling sum of* three hundred thousand dollars for building a railroad from this city to Alexandria. Will the Senator from Georgia give his aid to those projects? Would he be willing to appropriate, from the public Treasury, even the small sum of *five thousand dollars*, for any charitable purpose, in my own, or in his own State? I hope not, sir. I can go for no such appropriations I would oppose this as I would oppose the appropriation for constructing the contemplated railroad to Alexandria. I would oppose them because Congress possess not, in my judgment, the constitutional right to make such grants. As the trustees of the people, it would be an unwarrantable use of the trust fund to appropriate it for any object not connected with the interest of the *cestui que* trust. Our business is, or it should be, to legislate for the whole country. We can draw on the Treasury for the support of the General Government. We have a clear right to appropriate the public money for any objects connected with the general defence of the country. But, sir, I deny that Congress has any constitutional right to take a dollar from the funds of the whole country, to construct a road in one place, or to build a church in another. What earthly power under the Constitution, does Congress possess to make these local and sectional improvements? None, sir, none. Entertaining these views, I shall vote against this, and every kindred measure. The Senator from Georgia finds a justification, in his judgment, for the vote which he intends to give upon this bill, *in the fact* that such appropriations have heretofore been made. This is true, sir, and made upon precisely the same plea that is now urged for this measure. But are we to look to *precedents* to settle a constitutional power? Precedents in the legislation of Congress can be found for every thing, and the misfortune is, that they are too frequently used against the Government. Precedents may be found for and against appropriations of a local character. For some they prove every thing, for others they prove nothing; they are sometimes urged in favor of a wished for appropriation; they are at other times cited against particular measures. The Senator asks for the authority to appropriate the public money to adorn and improve these public grounds. My answer is that these grounds and buildings are a portion of the public property; and it is clearly within the power of Congress to improve the public grounds and buildings as they may think expedient.

It is confined to their discretion; that discretion may have been abused, but the power cannot be doubted. But where is the justice in comparing appropriations for the improvement of the public grounds and public buildings, with the appropriations contained in the bill now before the Senate? Does it follow, that because Congress had the power to appropriate the public money for the improvement of the property of the Government; *does it follow that*, because it can alter, enlarge, or adorn the public buildings to suit the convenience of Congress, and according to its own discretion, it can take the funds of the nation to build a church in one place, and a railroad in another? No, sir; the premises warrant no such conclusions. My great object is to keep within the pale of our authority, and to save the Administration from the charge of wasteful and profligate expenditure, by preventing at least appropriations not warranted by the Constitution.

Mr. President, in opposing this bill, I am doing only what I feel constrained, from a sense of public duty, to do. I can only again repeat, that the enterprise is well worthy of those who have so generously and so benevolently employed their best energies in the prosecution of the object; but that consideration is not sufficient to justify me in giving to this measure my support.

Mr. HENDERSON alleged that there was not a State in the Union which did not make legislative provision for the poor. He would not say that it was right to get the means from other States; but he would say that Congress had the same right to appropriate public lands in this District for the support of its poor that any State could have to appropriate its lands for a similar object.

Mr. CRITTENDEN said, if this was a violation of the Constitution, the Constitution was very often violated, by grants for hospitals and other establishments, as well as for public improvements in the District. But what was the Constitution? It gave exclusive legislation over the District to Congress. Was this intended to be a cold, heartless, unfeeling, unpitying legislation? Was it designed that the Government should be kindly, parental, sympathizing, merciful, or was it to be a Government which was to act for the benefit of itself, and to bear down on those governed, without regard to their happiness, unfeeling, merciless, tyrannical? Congress might exercise its power; but must be cautious to exercise it without charity, and without contributing to the happiness and prosperity of the people, thus making them exiles from all the benefits of a just and liberal Government! The States all provided for their poor, and it was equally the duty of this Government to provide for the poor of this District.

Mr. HUBBARD said he was familiar with the clause in the Constitution to which the Senator from Kentucky has referred, and as he has requested, I will willingly give my opinion of the extent of the power thereby conferred upon Congress. It is true, according to the express terms of that instrument, "that Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by consent of particular States, and the acceptance of Congress, become the seat of the Government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings." Under this power, Congress can establish a civil and a criminal code of laws for this District. It can grant acts of incorporation; it can establish a general system of taxation for the use of this District. It can do these things; but it cannot, by virtue of the power thus conferred, tax the inhabitants of Alexandria for the exclusive benefit of the city of Washington. It cannot compel the city of Georgetown to support the poor, to make the highways, or to bear exclusively the burdens of the other two cities of this District. Under this clause, Congress has no power to levy a direct tax upon the people of my State, or of any other State, to be appropriated for the benefit of this District. It has no power to withdraw from the general fund—*a fund* collected from the whole people, any portion to be expended on local objects within this District. It has no power to build school-houses, erect churches, make rail-

roads, bestow charities, support the poor, or to educate the children in this city at the charge of the whole country. There exists no more power to make such an appropriation of the common fund within this District, than to make a similar appropriation within any particular section of any State of the Confederacy. Congress has power to legislate for this District; but its inhabitants are bound, under that legislation, to adopt their own municipal regulations at their own proper charge. They are bound just as much to provide for the support of their own poor, and for the education of their own children, as are the counties, towns, and parishes of the respective States.

The Senator has asked whether New Hampshire does not provide, by its legislation, for the supoort of her paupers; and whether Congress has not the same power, and the same duties, in relation to this District, that the Legislature of that State has in relation to her towns. Unquestionably. And what power has the Legislature of New Hampshire over the people of that State? It can pass general laws; it can prescribe the duties of towns; it can impose a system of taxation; but, sir, I deny that the Legislature of New Hampshire has the power to compel, by its legislation, a single town to bear the burdens of the other towns—a single county to bear the burdens of the other counties. I utterly deny that New Hampshire, or any other State of this Union, can appropriate from the common fund, the means drawn from the whole people of the State, to support the schools, the paupers and the highways of any particular town or of any particular section, to the exclusion of the other portions of the State. My own State has no constitutional power to levy a tax upon the people of my own town—to build houses of charity in, or to support the unfortunate and the poor, of another town. And this is my objection to this bill; by direct or indirect taxation you have drawn from the people of my State a portion of the public funds—you have no constitutional right to appropriate that portion for the accomplishment of any local object in this District.

Mr. President, I have no doubt that that this bill will pass, and I have as little doubt that another bill will pass taking three hundred thousand dollars from the Treasury to construct a railroad to Alexandria. These things have been done, and they will be done again. I am perfectly aware of all this; and I am aware, also, that I am performing a thankless office in opposing this bill—that by my untiring opposition to these measures I am rendering myself peculiarly obnoxious to the people of this District.

But, sir, these consequences I must bear. And I can assure the Senator from Kentucky, that it is from a conscientious conviction, (after the most careful examination of the whole matter) that Congress possesses not the power to make these appropriations, that has induced and will induce, me in the discharge of my bounden duty to my constituents, to oppose these measures, so long as I shall have the honor of a seat in the Senate of the United States. With one additional remark, I will resume my seat. Let the doctrines which have been avowed this day on this floor be carried out, and the time is not far distant when we shall not only have to provide support for all the paupers of this District, but we shall have to provide also for the support of the schools—the 'highways and byways"—and for all other burdens to which the District is subject. All that I desire is, that I may be permitted to manifest my determined opposition, by recording my nay to this bill.

Mr. CRITTENDEN would ask the Senator whether Congress did not bear the same relation to this District that the State Legislatures did to their respective States?

Mr. HUBBARD. Precisely.

Mr. CRITTENDEN. And I understand that New Hampshire provides for her poor.

Mr. HUBBARD. Yes; but at the expense of the respective towns, and not out of the public Treasury.

Mr. CRITTENDEN. But is it not in the power of the Legislature to do it either way, by towns, by counties, or by the whole State, out of the State Treasury? That is the question. It is a State provision, made by law; a governmental charity. And if it is true that the States have this power, and Congress has not, what is the consequence? The poor of this District are accursed by law and Constitution. The gentleman says they are still entitled to individual charity. And so they are all over the world. They ask the gentleman as a legislator for bread, and he gives them, not a stone, but his blessing, and that is all.

Mr. MERRICK presented, and partly read, the act of incorporation of the Howard Institution, (in reply to Mr. ALLEN and Mr. HUBBARD, who had called it unincorporated.) He also showed that Congress had granted $25,000 to the Columbian College, $25,000 to Georgetown College, and $10,000 each to two orphan asylums, (in reply to Mr. HUBBARD, who had argued, *a fortiori*, that if Congress had the power of charity they had the power of education.)

The bill was passed by yeas and nays, as follows:

YEAS—Messrs. Anderson, Buchanan, Clayton, Crittenden, Davis, Dixon, Fulton, Henderson, King, Knight, Linn, Lumpkin, Merrick, Norvell, Phelps, Porter, Prentiss, Preston, Smith of Indiana, Sturgeon, Tallmadge, Walker, Wall, Webster, White, and Young—26.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay of Alabama, Grundy, Hubbard, Mouton, Nicholas, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Tappan, Wright—17.

GENERAL BANKRUPT LAW.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the United States. The question being on Mr. WALL's substitute for the bill—

Mr. STRANGE said, as no one appeared now disposed to speak, he would offer his proposed amendments to the substitute.

Mr. WALL remarked that the bill and substitute proposed two different systems of bankruptcy, and he thought it best to decide first on one of them, as the groundwork of all future amendments.

Mr. NORVELL said he could not vote for either in its present form, and he therefore hoped the Senator from North Carolina would persist in now offering his amendment to the substitute.

Mr. STRANGE now offered his first amendment, which was understood to extend the operation of the substitute to all classes of persons, expressly.

Mr. S. said the popular meaning of the term *bankruptcy* extended, he believed, at the adoption of the Constitution, to all classes; and the popular meaning was to be taken, rather than the technical.

Mr. WALL argued against this doctrine, as leading to the worst and most inconsistent consequences.

A long debate followed, in which Mr. WALL Mr. STRANGE, and Mr. WALKER participated; and without taking the question,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, May 27, 1840.

The SPEAKER announced that the first business in order was the proposition of the gentleman from Maryland [Mr. HILLEN] to make a report from the Committee on Commerce, accompanied by a bill for a repeal of the act of 1837, regulating pilots; and to the reception of which report the gentleman from New York [Mr. CURTIS] objected.

Mr. RUSSELL, who was entitled to the floor, cited an instance in which a report of a committee was reconsidered, the one objecting being the only person who voted against the motion to reconsider. The Manual, it is true, says that no vote of a committee can be altered except by a vote of the House. This rule in the Manual was adopted some 233 years ago by the British Parliament, and now it was alleged that it was binding on the committees of this House. Mr. R. went into a history of the manner in which Mr. Jefferson compiled the Manual. When compiling it, he connected all the propositions which had existed for the government of the British Parliament, and which had governed the action of the committees of that body. There was no such thing as standing committees in that body at the time this rule was adopted. There was but one Committee of the Whole, and committees to which special reference was made, and no standing committees. He therefore argued that that feature in the Manual was not applicable to the standing committees of the House. He also inferred, from the terms of the resolution adopting the Manual for the government of the House, that that rule in the Manual was not applicable to the standing committees, but the Committees of the Whole only. He argued that no good, but great injury, might result, if the power in the committee to reconsider be denied to the House.

Mr. RANDOLPH considered the argument that a standing committee had no power to reconsider a vote, was absurd. He went on to show that such a course would lead to the most embarrassing results, and, by way of illustration, supposed a number of cases, where a denial of the power to reconsider would lead to the most absurd legislation.

Mr. DROMGOOLE thought it highly desirable that this subject should be settled, so as to establish, in future, a uniform rule for the action of committees. He examined at some length the arguments for and against the right of a committee to reconsider its vote, and contended that there was no parliamentary or other authority by which such a course could be pursued. It was clear that a committee was bound by its own acts, and could not reconsider an order once made.

In case of any difficulty arising from the presentation of additional evidence, after a report had been made, such difficulty might always be obviated by a recommitment. Mr. D. alluded to the parliamentary law of 1607, which decided that a committee was, and must be, bound by its own vote; and gentlemen could not explain away that law. In the course of his remarks, he denied the power of a standing committee to keep a journal, or to evade questions, by laying them on the table. He contended that a committee was bound to decide on all subjects referred to it, either for or against.

Mr. TILLINGHAST argued that, from the circumstance of no standing committees having existed at the time this rule in the Manual was adopted by the British Parliament to regulate the Committee of the Whole, and special committees of that body, it was never contemplated when the Manual was adopted as a part of the rules of the House, that that principle in the Manual should apply to the standing committees, but merely to the Committees of the Whole. The morning hour having expired before Mr. T. concluded,

Mr. ATHERTON called for the orders of the day; before the House passed to which, however,

Mr. SERGEANT, on leave, made a statement in relation to the memorial presented on Monday by Mr. ADAMS, complaining of official misconduct on the part of Judge McLean, and which had been referred to the Judiciary Committee, of which Mr. S. is chairman.

Mr. S. said it would be remembered that a few days ago, the honorable member from Massachusetts had presented a memorial from a citizen of that State, making certain charges, in very grave language, against the conduct of Judge McLean, while acting on the Ohio circuit. The committee thought it due to the judicial character, to the bench, to the public, and to the memorialist himself, to give this matter an attentive and as early a consideration as possible; more particularly as the memorial had been presented by a gentleman of as much authority as any in the House, although that gentleman had stated that he had at first considerable doubts as to the propriety of presenting it; but as it had now been presented, it deserved the immediate consideration which the committee had unanimously concluded to give it. Further, the gentleman from Massachusetts did not, for the most praiseworthy motives, ask that the memorial should be printed, or even read. This was to be regretted, as, had the memorial been read, the committee were unanimously of opinion that the House, after hearing it, would have come to the same conclusion as

that of the committee, viz: that the memorial ought not to be entertained. After the reference, the committee proceeded to its consideration as speedily as possible, and they had had already two meetings. On the first meeting they deliberately considered the case of the complainant on his own statement, unaccompanied by any sort of evidence on which the slightest reliance could be placed. At the second meeting of the committee that morning there were seven members present, and they had unanimously come to the conclusion, without any hesitation, after considering the whole case, that upon the petitioner's own statement, there was nothing to justify even an inquiry into the conduct of Judge McLean. Now the particulars of the charges, and the remarks made on the presentation of the memorial, had gone forth to the country, and might occasion a pause in the public mind as to the confidence reposed in that officer, and in the Court of which he was a member; and as this was the case, the committee had thought right to instruct him to make this statement. The report could not be prepared immediately; therefore, the committee considered it a matter of justice that a statement of what the report would be should be made without delay, so that any unfavorable impression on the public mind might be removed.

The memorial was one of a singular character, but perhaps, however, not different from what might have been expected from a disappointed litigant, who thought he had much at stake in the suit, and who had failed to gain his end. Under such circumstances, and in this state of excitement, there could be no doubt but that much allowance ought to be made for the contumacious language of the petition. This was the judgment pronounced against the judge; and it struck him, that of all the judgments in the world, that of a defeated litigant in his own cause, and in his own behalf, was the least entitled to consideration. Nevertheless, the petitioner had made an issue in law between himself and the judge, and had assumed what the motives of the judge were, without any evidence. He had charged the judge with error, and gross corruption and ignorance.

In this way he had gone on to make no less than eighteen specifications, and had named them "Corruption No. 1, Corruption No. 2, Corruption No. 3, etc." filling out the whole eighteen specifications with "ignorance" and "corruption." Thus these heavy charges were made upon no better foundation than the assertion of a defeated litigant, who had undertaken to say the judge had decided wrong. And with this he had produced an allegation that, right or wrong, the judge had delayed his case, and thus deprived him of an opportunity of appealing to the Supreme Court of the United States, without which appeal he was to be ruined. In making those grave charges without any evidence, the petitioner rested them on most important principles in the rules of the court, which rules, he admits, he had no opportunity of seeing, and of which he does not pretend to have any knowledge. He merely *assumes* what the rule of the circuit court is; and while he admits that he does not know it, he rests his charges on what he *thinks* it is, and that the judge has not acted in accordance to it. This, however, was contrary to fact, as the rule was in accordance with the decision of the judge. He would repeat, that while there ought to be much allowance for the excitement of a defeated litigant, yet it was very difficult to account for the extraordinary recklessness of the memorialist in making charges against the judge so foul as these were. Mr. S. concluded, by stating that his only object in making the statement was to have it known as early as possible, that the committee were unanimous in the opinion that there was no foundation for the charges of the memorialist, nor was there any thing in the slightest degree calculated to affect the confidence reposed in Judge McLean.

Mr. ALFORD of Georgia moved a reconsideration of the vote by which the House had, last evening, passed the pre-emptson bill.

Mr. A. proceeded to support his motion, professing himself a friend to the principle of pre-emption, if confined to the *bona fide* settler, as was done in the early pre-emption bills; but a bill like that which had *so* hastily been carried through the House, he could consider as nothing else than a bill to give the public domain to the new States. It allowed *any* person, young or old, black or white, who was on the land when the bill passed, to obtain a pre-emption right. So, if a man had eighteen children, (no uncommon number for a Western family,) he would get, virtually, eighteen preemptian rights. Mr. A. adverted to the great anxiety which had been manifested to rush the bill through the House, without explanation, or even an attempt to defend it; for, as to the speech of the gentleman from Alabama, [Mr. HUBBARD,] it only made confusion worse confounded, and seemed rather to conceal the real merits of the bill from the House. Mr. A. considered the public domain as gone, unless the House should retrace its steps.

He called more particularly upon Southern gentlemen to look at the effects of this bill—this land stealer's bill—for robbing the poor settler, for the benefit of the speculator. The bill was such, that it would, before another Congress, throw all the choice lands of the West into the hands of speculators. The public domain, from which so great a portion of the revenue had hitherto been drawn, would then be gone for little or nothing; and then how was that deficiency in the Treasury to be supplied, except by an increased tariff? He called upon every honest man upon the floor to help him in getting a reconsideration; for it was one of the most shameful and abominable measures that had ever been introduced into the House.

Instead of benefitting the hardy pioneer, who went with his axe on his shoulder to cut down trees, and build him a home in the wilderness, this bill gave to the speculator every chance of stealing the land away from the honest settler. Every one must have observed the manifest uneasiness there was to get the bill through; and if its supporters were not conscious that it was wrong, whence was there so much haste—so much anxiety to stop all debate by the previous question? What would be the consequence? Why, before another Congress, he would repeat, that the whole public domain would be swallowed up by speculators, when it would be then too late to repeal the law. He called upon gentlemen to pause, ere it was too late, and to join with him in reconsidering the vote, so so that these obnoxious portions of it might be amended. If they refused, the poor man must be defrauded, and driven from his home, by these hordes of land stealers and wealthy robbers; for he would give his word that, for the next six months, this bill would give rise to the formation of more land companies than had ever existed before, who would swallow up all the best lands, to the exclusion of the poor, honest settler.

Mr. JAMESON inquired of the CHAIR whether the bill was now in possession of the House, or had been sent to the Senate?

The CHAIR replied it had gone to the Senate.

Mr. SMITH of Indiana then made a point of order, insisting that as the bill was not in possession of the House, it was too late for the House to reconsider it.

The CHAIR overruled the objection.

Mr. ALFORD proceeded for some time, when

Mr. SMITH renewed the question of order, and read a precedent to confirm his view.

Mr. ALFORD said he hoped the bill would be sent for.

The CHAIR insisting on its decision that the motion to reconsider was in order,

Mr. SMITH took an appeal.

Mr. ALFORD spoke to order, and insisted on the right of the House to reconsider, let the bill be where it might.

Mr. LEET was in favor of sustaining the decision of the CHAIR; and after some remarks on the question of order, he moved the previous question on the appeal.

The previous question having been seconded, and being about to be put,

Mr. SMITH withdrew his appeal.

Mr. PETRIKIN renewed it.

Much confusion here arose, but at length Mr. P. was suffered to speak in support of this motion, which he did, insisting that the first thing to to be done was to send for the bill before it could be reconsidered. Possibly the bill had been sent to the President for his signature.

Mr. TILLLINGHAST spoke to the question of order, contending that the right to reconsider was a constitutional right of the House, which nothing could take away. Though the Senate might have sent away the bill, and though the President might have signed it, if the House reconsider the vote on the passage within the time allowed by the rule, the bill would remain a nullity; it would be of no effect; in a word, it would not be a law.

Mr. WISE suggested to Mr. ALFORD to move that the bill be sent for.

Mr. W. C. JOHNSON, after some preliminary remarks, moved the previous question on the appeal.

The motion was seconded, put, and carried, and the main question being on sustaining the decision of the CHAIR,

Mr. CRABB demanded the yeas and nays; but the House refused to oreer them, and the vote being taken, the decision of the CHAIR was sustained without a count.

Mr. ALFORD then resumed and proceeded to speak with great earnestness against the bill, especially against giving every settler on one quarter section of land a floating claim on the quarter section adjoining, the result of which would be equivalent to giving him both for the price of one; because the other would never sell, if subject to the float. It also subjected the honest settler to the fraudulent claims of speculators, who could hire perjured witnesses to swear him out of his improvement. Mr. A. referred to great frauds perpetrated in Alabama, near his own residence, and within his own knowledge.

While Mr. A. was proceeding in his argument, the bill was returned from the Senate with the signature of the Vice President, and taken up to the Chair to await the decision of the Speaker.

Mr. A. now commented with increased severity on the unprecedented speed with which this bill had got through both Houses, which he contrasted with the snail like progress of many meritorious private claims.

He spoke of the effect of the bill in covering the 16th section in every township reserved for purposes of education; and the result in ultimately giving the settler who happened to have set down on such section a float to the same amount. He appealed, in conclusion, to Southern gentlemen, on the effect of having the public lands thus filched out of the Government; it must necessarily lead to an increase of the tariff, &c.

Mr. CHAPMAN of Alabama said the bill had been fully analyzed before its passage by two of the most able opponents of the bill; they had pointed out all the evil efforts which they apprehended would grow out of the passage of the measure; and firmly believing that those gentleman, as well as the gentleman from Georgia [Mr. ALFORD] were entirely mistaken in the construction they gave the bill, and that their apprehensions of the bad effects to grow out of it were not well founded, and being satisfied that no good could grow out of a protracted discussion, he moved the previous question.

Mr. CHAPMAN of Iowa took an appeal from the decision of the Chair, that the motion to reconsider was in order; and was about proceeding to discuss the appeal, when the CHAIR ruled that it was not in order to discuss the appeal.

Mr. WISE here interposed, and said the gentleman's object avowedly was to say something upon the merits of the bill. The section of country from which he came was more interested in the measure than any other, and therefore he hoped the House would hear him. But there being cries of "question,"

Mr. CHAPMAN withdrew his appeal.

Mr. L. WILLIAMS moved a call of the House, and on that motion demanded the yeas and nays; which having been ordered, were—yeas 69, nays 108.

So the House refused a call.

Mr. UNDERWOOD solicited the gentleman from Alabama [Mr. CHAPMAN] to withdraw the motion for the previous question, to enable him to make a few remarks on the bill.

Mr. CHAPMAN of Alabama said he could not do so.

The question being whether the previous question shall have a second, and tellers having been demanded to ascertain that fact, and Messrs. CHAPMAN of Alabama and GERRY having been appointed, reported that there were—ayes 90, noes 70.

So there was a second.

The question then recurred whether the main question shall now be put? when

Mr. LINCOLN demanded the yeas and nays; which, having been ordered, were—yeas 155, nays 77, as follows:

YEAS—Messrs. Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Albert G. Brown, Burke, Carr, Carroll, Casey, Chapman, Chinn, Clifford, Coles, Connor, Wm. R. Cooper, Crabb, Craig, Crary, Crockett, Cross, Dana, Davee, John Davis, John W. Davis, Dickerson, Dellet, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fletcher, Floyd, Fornance, Galbraith, Gerry, Green, Griffin, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, J. W. Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Pope, Prentiss, Ramsey, Rariden, Reynolds, Rhett, Rives, Edward Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Francis Thomas, P. F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and C. H. Williams—155.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Barnard, Bond, Briggs, Brockway, Anson Brown, S. H. Butler, Wm. O. Butler, Calhoun, Carter, Clark, Cranston, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Edwards, Evans, Everett, Fillmore, Fisher, James Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Charles Johnston, William Cost Johnson, Kempshall, Lincoln, McCarty, Marvin, Mason, Mitchell, Morgan, Ogle, Osborne, Peck, Randall, Randolph, Rayner, Ridgway, James Rogers, Russell, Sergeant, Shepard, Slade, Truman Smith, Storrs, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Warren, J. White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Wise—77.

So the main question was ordered.

The question then recurred on the motion to reconsider; when

Mr. LINCOLN demanded the yeas and nays on the question; which, having been ordered, were—yeas 96, nays 103, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Banks, Baker, Barnard, Bond, Botts, Briggs, Brockway, Anson Brown, Sampson H. Butler, Bynum, Calhoun, J Campbell, Carter, Coles, Connor, James Cooper, Cranston, Edw. Davies, Garret Davis, Dawson, Deberry, Dennis, Edwards, Evans, Everett, Fillmore, Fisher, James Garland, Rice Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Griffin, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Hill of North Carolina, Hoffman, Holmes, Hunt, Charles Johnston, William C. Johnson, Kempshall, Lincoln, McCarty, Marvin, Mason, Mitchell, Montgomery, Morgan, Nisbet, Ogle, Osborne, Peck, Pickens, Randall, Randolph, Rayner, Ridgway, James Rogers, Russell, Saltonstall, Samuels, Sergeant, Shepard, Slade, Truman Smith, Stanly, Storrs, Sumter, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Warren, John White, Thomas W. Williams, Lewis Williams, Jos. L. Williams, and Wise—96.

NAYS—Messrs. Hugh J. Anderson, Atherton, Beatty, Beirne, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Carr, Carroll, Casey, Chapman, Clifford, William R. Cooper, Crabb, Craig, Crary, Crockett, Cross, Cushing, Dana, Davee, John Davis, John W. Davis, Dickerson, Dellet, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fletcher, Floyd, Fornance, Galbraith, Gerry, Hand, John Hastings, Hillen, Holleman, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McKay, Marchand, Medill, Miller, Montanya, S. W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Proffit, Ramsey, Rariden, Reynolds, Rhett, Rives, E. Rogers, Ryall, Shaw, Albert Smith, John Smith, Thomas Smith, Steenrod, Strong, Stuart, Swearingen, Sweney, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—103.

So the House refused to reconsider the bill.

The House then passed to the orders of the day.

The SPEAKER laid before the House a communication from the Commissioner of Pensions, in compliance with a resolution of the 26th inst. copies of the papers in relation to the claim of Aaron Mellon of Massachusetts, a soldier of the late war with Great Britain, for an invalid pension.

On motion of Mr. LINCOLN, it was referred to the Committee on Invalid Pensions.

Various Senate bills on the SPEAKER's table, were taken up, read twice, and appropriately committed.

INDEPENDENT TREASURY BILL.

The House then resolved itself into Committee of the Whole, (Mr. BANKS in the chair) and resumed the consideration of the Independent Treasury Bill.

Mr. CUSHING, who was entitled to the floor on the above bill, spoke a short time in opposition to it, when

The committee rose, and the House took a recess.

EVENING SESSION.

The Committee of the Whole on the state of the Union (Mr. BANKS, of Virginia, in the chair) resumed the consideration of the bill "to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue."

Mr. CUSHING resumed his remarks in opposition to the bill, and concluded at twenty-five minutes before 6 o'clock.

Mr. LOWELL then took the floor in reply to Mr. CUSHING, and in defence of the bill. He was proceeding to examine the relative merits of the deposite system, and the present measure, with a view of showing that the latter was the more constitutional, safe, and convenient mode of keeping the public money, when, at the request of several members, he suspended his remarks, and

Mr. PARRIS moved that the committee rise; which motion was agreed to, and the committee accordingly rose; when

Mr. RANDOLPH moved an adjournment; on which motion,

Mr. HAND called for the yeas and nays, which, having been ordered, and being taken, were, yeas 65, nays 50.

The House, at 6¼ o'clock p. m. adjourned.

IN SENATE,

THURSDAY, May 28, 1840.

Mr. DAVIS presented the petition of sundry citizens of Provincetown, Massachusetts, praying for an appropriation for the improvement of their harbor; which was referred to the Committee on Commerce.

Mr. GRUNDY presented the memorial of Samuel Martin of Tennessee; which was referred to the Committee on the Post Office and Post Roads.

Mr. WHITE, from the Committee on Pensions, reported unfavorably on the bill from the House for the relief of John England.

Mr. WHITE, from the same committee, reported, without amendment, the bill from the House for the relief of Jacob Becker, recommending its passage.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported, without amendment, the bill for the relief of the sureties and heirs and representatives of Melancton W. Bostwick, deceased.

Mr. W. from the same committee, also reported, without amendment, the bill to regulate enlistments in the army and navy.

Mr. MOUTON, from the Committee on Private Land Claims, reported, without amendment, the House bill for the relief of Pierre Molaison and others.

Mr. TAPPAN, from the Committee on Naval Affairs, to which was referred the memorial of Bliss and Creighton, moved that the committee be discharged from the further consideration thereof; which motion was agreed to.

The report of the Committee on Naval Affairs, unfavorable to the petition of Rd. T. Mason, was considered and concurred in.

Mr. KNIGHT, on leave, introduced a bill entitled "An act concerning the prisoners of the United States committed to the jail in the county of Providence, in the State of Rhode Island; which was twice read, and referred.

Mr. PIERCE, from the Committee on Pensions, made unfavorable reports on the bills from the House for the relief of Catherine Allen, the widow of Phebe Dickman, and John Strickland; and on the memorial of John Keeler and Lot Stricklin.

The Senate resumed the consideration of the bill authorizing the States to tax any lands within their limits sold by the United States.

Mr. NORVELL said that he had, the other day, presented his views of the financial and pecuniary bearing of the bill now under consideration. He had then stated that, by the compacts accompanying the admission of the several new States into the Union, the public lands sold within their respective limits were exempt from taxation for five years from the day of sale. Michigan and Arkansas constituted exceptions to this rule. They were entitled to tax the lands within their limits as soon as they were sold by the United States. The object of the present bill was to place the other new States, in this respect, on an equal footing with the States of Arkansas and Michigan. The effect of the measure would not be to diminish the sales of the public lands at all, especially to actual settlers—the only class of persons to whom it was desirable to sell the public domain. The sales in Michigan and Arkansas, compared with those in the other new States, would conclusively demonstrate the truth of this assertion. He believed that it was not for the interest of the United States to continue the exemption of lands in the hands of individuals from taxation. Of course, those already sold by the Government, purchased, as they were, under a pledge of the public faith that they should not be taxed for five years, must continue exempt from taxation to the end of that time. The bill annulled the exemption only as regarded lands hereafter to be sold. He had been surprised to hear it stated by his friend from Missouri, [Mr. LINN,] that this bill would have the effect of taking from the new States their two and three per cent. funds, derived from the proceeds of the public lands, and that the good faith of the Government required a continuance of the benefit of that fund to the States entitled to it. He had been equally surprised to find that the interest of the Cumberland road would be injuriously affected by the proposed bill. Now, sir, by the compacts with the new States, several restrictions and grants were provided. They were all sacred, and could not be repealed, except with the consent of the parties to them. This bill proposed that the United States should relinquish to the States the right to tax the public lands as soon as they passed into the hands of individuals, if the States chose to accept the boon. It was perfectly competent to Congress to take off the restriction upon the States on this subject, if they deemed it proper to do so. But the bill was limited to this single object. It did not propose to ask the States to surrender the two and three per cent. fund to the General Government. This could not be done without the consent of the States; and their consent to such a surrender was neither suggested in the bill, nor did the United States desire it. The public faith was, therefore, not involved in the question. If the two or three per cent. fund, so far as the Cumberland road was concerned, were not already exhausted, it would continue to be applied to the completion of that road. In no possible state of things could the bill have the least bearing on the Cumberland road.

He now proposed to add to these views, which he had briefly expressed when the bill was up before, a single remark or two upon the political effects of the bill. One of the greatest complaints coming from the new States, with regard to their peculiar positions, was, that many of their sovereign rights, much of their rightful jurisdiction, which remained with the old States, had been taken from the new. Among these rights and this jurisdiction, those which related to the vacant domain within their limits, and to the imposition of taxes upon all real property, were, perhaps, the most important. In these respects, the new States were in the condition of inferiors to the old States, and of vassals to the United States. They were not upon an equal footing, as the Constitution required, with the original States of this Union. It was the object of the bill to restore to the new States their sovereign right of taxation, so far as respected all public lands, as soon as they were sold; and he had been astonished, he had been astounded, when he had heard an objection to this proposition proceeding from any Senator from a new State. It was true that this bill had been introduced by an individual member—by himself; but it had been introduced after a consultation with the Committee on the Public Lands, and with their decided concurrence. It had been referred to that committee, by whose instruction he had reported it to the Senate. He believed that a similar bill had heretofore twice passed this body; certain it was, that he had introduced and

reported the bill from the best of motives. He had done so from a strong attachment to the political rights, interest, and equality of the new States, from high considerations of principle, connected with State sovereignty, and from a desire that the other new States should possess the same power to tax the public lands when sold, which was enjoyed by the States of Michigan and Arkansas. If, however, the other new States did not desire the boon, he should not, as he had said the other day, be disposed to force it upon them. It was for them to decide the question for themselves.

The bill was further supported by Messrs. YOUNG, KING, SEVIER, HUBBARD, CLAY of Alabama, TAPPAN, and ROBINSON, and opposed by Messrs. WHITE and BUCHANAN; when, the hour of one having arrived, it was informally passed over.

GENERAL BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy was taken up.

Mr. WALL, by consent, amended the substitute, by restricting it to persons engaged in "buying and selling," instead of "trading."

Mr. STRANGE then moved to strike out the words just inserted, so as to remove all restrictions, and make it general in its application.

Mr. WALL spoke at length in opposition to this amendment; and it was advocated by Messrs. STRANGE, WALKER, and WEBSTER; and, the question being taken, it was carried—yeas 37, noes 3, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Alabama, Clayton, Crittenden, Cuthbert, Davis, Dixon, Fulton, Grundy, Henderson, King, Knight, Linn, Lumpkin, Merrick, Mouton, Nicholas, Norvell, Porter, Preston, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, Tappan, Walker, Webster, and Wright—37.

NAYS—Messrs. Hubbard, Wall, and Williams—3.

Mr. STRANGE then moved to strike out that part of the bill which, in the distribution of the assets of a bankrupt, gave a preference to the claims of a State, or those to whom State laws gave a preference; which, after some remarks by Messrs. SOUTHARD, STRANGE, WALL, WEBSTER, BUCHANAN, MOUTON, and WALKER, was agreed to.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, May 28, 1840.

The SPEAKER announced that the first business in order during the morning hour, was the question of order raised by the gentleman from New York [Mr. CURTIS] against the reception of the report of the gentleman from Maryland [Mr. HILLEN] from the Committee of Commerce, accompanied by a bill for the repeal of the law regulating pilots. The objection was raised on the ground that since the adoption of that report of the committee, it had reconsidered it and adopted another report of different conclusions.

Mr. TILLINGHAST, who was entitled to the floor, contended that the House had abrogated the principle of parliamentary law; that the standing committees had no power to reconsider a vote, and had adopted the principle of reconsideration. The rule of the House, according to the practice of the House, being in direct conflict with the parliamentary practice of England, as laid down in the Manual, was not, by the terms of its adoption, binding on this House; because it was only so far adopted for the government of the House, as when it coincided and agreed with the principles of the standing rules. He argued in favor of a committee to reconsider its vote, as often as it thought proper to enable it to come to the most correct conclusions, and to afford the House the most light upon the questions committed to it.

Mr. RYALL, after some preliminary remarks, in which he adverted to the facts of the case as they at present stood, contended that the reference of the remonstrances to the committee, after their report had been ordered to be made, was of itself a sufficient reason for the reconsideration of that report. Many of those remonstrances had come from the State which he had the honor partly to represent; and standing as he did as a Representative from New Jersey, it became his duty to ask what was the situation in which those remonstrances were placed? If it should be decided that the committee had no right to consider them, after having previously agreed upon a report, what was to be done with them? Were they to be considered as in possession of the House, or of the Committee on Commerce? It was in reference to this point that he had risen to address the House. He fully agreed with the gentleman from Virginia, [Mr. DROMGOOLE,] that this was a very important question; and as it was a question of no party character, one in which all must have an interest, he hoped it would be at once settled. The question they had to decide, was, whether there was any rule of the House which would cover this matter. He contended there was no rule. The inquiry was, whether the House would now order that a special rule should apply to the Committee on Commerce, for it could not embrace the other standing committees.

Mr. R. asked what were the objects proposed by the reference of subjects like these to the standing committees? Was it not with a view of getting all the facts? Did not the committees report such facts which formed the principles of action for the House to legislate? If so, how absurd it was to deny the power of reconsideration, when a reference of new matter made such a reconsideration necessary. For his part, felt bound to give his voice in favor of receiving the report of the chairman as the report of the committee.

Pending the remarks of Mr. R. Messrs. CURTIS and HILLEN made some explanations in relation to certain facts connected with the motion to reconsider in the committee room.

Mr. HILLEN complained that the motion had been made during his absence, and contrary to his wish.

Mr. CURTIS stated that Mr. HILLEN had been distinctly told that such a course was intended, and that it was not himself who made the motion, etc.

Mr. HABERSHAM argued that the committee had the power to reconsider any vote it might give, upon sufficient reason therefor. He also contended that the authority cited from Jefferson's Manual to the contrary, did not apply to the standing committees, but to the Committee of the Whole.

Mr. DICKERSON was proceeding to give his views on the subject, when

The CHAIR announced that the morning hour had expired.

Mr. ATHERTON called for the orders of the day.

Mr. TRIPLETT asked the consent of the House to present a bill supplementary to the pre-emption bill, passed on yesterday, restricting the right of pre-emption to heads of families and housekeepers; and to prevent any other person from locating the lands on which a settler may have his dwelling, and improvements, and farm, until it may have been exposed to sale at public auction.

Mr. T. said he had consulted the men who had a practical knowledge of the subject, and who lived among the settlers, and it had met their approbation. It had also met the approbation of the Chairman of the Committee on the Public Lands.

Mr. LINCOLN inquired by what authority the chairman dispenses such a favor.

Mr. TRIPLETT said it was not a favor, but a matter of right. Mr. T. moved to suspend the rules, and demanded the yeas and nays on that motion.

The CHAIR informed the gentleman from Kentucky [Mr. TRIPLETT] that he could not make the motion to suspend the rules, inasmuch as he was not entitled to the floor—the House having determined to pass to the orders of the day. The gentleman could make his motion in the morning.

Mr. TRIPLETT then gave notice that he would on to-morrow move to suspend the rules for the purpose of submitting the bill.

INDEPENDENT TREASURY BILL.

The House then resolved itself into a Committee of the Whole, (Mr. BANKS in the chair,) and resumed the consideration of the Senate bill providing for the safekeeping, transfer, and disbursement of the public revenue—the question pending being on the motion of Mr. CUSHING to strike out the enacting clause.

Mr. LOWELL being entitled to the floor, resumed his remarks from last evening in defence of the bill. With a view of showing the evil effects of a paper money system, he reviewed at some length the course of the continental Congress at the time of the war in issuing such large amounts of bills, which, notwithstanding every effort to the contrary, became so depreciated, that at one time five hundred dollars of it would not purchase a day's food for a laboring man. He then went on to argue that Congress had no constitutional power to employ banks, and establish them as fiscal agents for the disbursement of the revenue in paper money; but on the contrary it was the clear intention of the convention who framed that compact to provide for a hard money currency.

In proof of the position thus assumed, he gave a history of proceedings of that convention, and showed that the power of the Government to make a paper currency was expressly denied by a vote taken therein. He also cited the opinions of Madison, and other distinguished men of that day, and also quoted from the writings of Madison, and portions of the debates in the convention, which proved beyond cavil, that it was never contemplated that this should be any thing but a hard money Government.

He then showed the great superiority of the present measure in point of convenience and security, over any other system for the keeping of the public revenue. He gave a detailed history of the Bank of the United States, and the great evils which had resulted from the employment of that institution as the fiscal agent of Government. For the purpose of showing the sympathy which existed between the paper system of this country and England, and between the Bank of England and the Bank of the United States, he gave a history of the expansions and contractions of these institutions, and proved that very soon after the Bank of England inflated the currency and gave every thing a high nominal value, the Bank of the United States, and all the State institutions, followed suit; and that on the other hand, when the Bank of England made a contraction of the currency and involved that country in common ruin, by throwing out of employment all the laborers and mechanics, and causing a complete stagnation in commerce and business of all kinds, that the banks of this country soon after pursued the same course, and produced the like misery and wretchedness. He showed that the banking system made this an importing instead of an exporting country. That it periodically so inflated and depreciated the currency, and gave such a high nominal value to every thing, that it turned the balance of trade against this country—that it enabled the British manufacturers so far to undersell the product of such manufacturers in the United States as to throw out of employment the labor of this country in those establishments, and to give employment to foreign labor. That the operations of these institutions gave periodically such an unnatural stimulation to trade by inflating the currency that it caused the merchants to import more in one year than the nation could consume in three; and thus, by the same process which embarrassed the operations of trade, it cut off the revenues of the Government, and embarrased its operations. He proved that the banks had, instead of attending to their legitimate operations in this country, established agencies in England, to speculate in cotton, tobacco, and to deal in State stocks. He proved that by such operations as these, the business of the United States, of all kinds, was in an embarrassed condition; and the derangement of the currency was in consequence of the acts of the banks, and not attributable to the policy, or any act of the Administration. The banks, he said, had, by their own acts, divorced themselves from the people, and from the people's Government, at the very time, too, when they were cherished by the Government; and he was in favor of that divorce continuing; he was utterly opposed to connecting again the banks, with their tremendous and

corrupting powers, with the Government, thereby to increase the patronage and strength of the Executive. He was for separating the money power from any connection with the Government—the Government was strong enough without it. He proved that the banks, upon the principles now established, were not proper or safe depositories for the Government funds; they wanted radical reform—such reform as could only be effected by State legislation. He was in favor of making such a currency for the people as was contemplated by the Constitution; that is, a gold and silver currency for general circulation, and large notes for the use of the merchants for purposes of commerce.

In alluding to the remarks of Mr. CUSHING, who asked why this measure was not deferred until next year, so that the matter might be submitted to the people, Mr. L. contended that it had already been fairly submitted to the people. By a reference to the elections in the States of Massachusetts, Maine, New Jersey, Ohio, and other States, he showed that, when the people had had an opportunity of manifesting their wishes, they had decided in favor of the measure. Yes; this subject had already been put to the people who had acted upon it, and who elected their Representatives with a view to this great question; and when the question should be taken, he would prophesy that the measure would be carried through by the votes of members so instructed.

The committee here, at half past two, took a recess.

EVENING SESSION.

After the recess,

Mr. LOWELL resumed his remarks. Alluding to the charge that this bill was intended to create "one currency for the Government and another for the people," he contended that to the degree in which gold and silver was paid to Government, to such degree would the currency of the country be benefited by the substitution of a sound and safe currency for bank paper. He said there was a grand mistake into which many persons fell when speaking of the people; they generally considered the banks as the people, which was a great fallacy, and calculated to lead them away from the true issue. Experience had shown that the banks and the people were two different interests.

Another objection to the bill was, that it would increase Executive patronage. Now could the Executive, if he were so inclined, find a surer means of increasing his power, than by forming an alliance with the numerous State banks? There was no other plan by which so great a share of power could be secured, as that of an alliance with banks, and the interests connected with them. But the present measure was calculated to afford no means of increasing the Executive power, compared with that of banks.

It had been asserted that the system was already in operation, and yet there was distress throughout the land. But from whom did those cries of distress come? They came, not from the people themselves, but from the bank officers and speculators, whose interest it was to have it believed that such distress prevailed. Mr. L. then adverted to various facts to show that this cry of distress was false, and only raised for the purpose of producing a panic. He said the crowded wharves, the steamboats and railroad cars, gave the lie to the doleful tales poured in upon us by these Bank men. These cries came not from the poor man; they came from those who lived in splendid palaces, from men who fared sumptuously every day, and who rode in their carriages. These were the men who were uttering complaints against the extravagance of Government, while they themselves were surrounded by extravagance, and revelling in luxury. He then went on to show how many times the country had been ruined, according to the account of these speculators; and, notwithstanding it had thus been so frequently ruined, it was yet one of the best countries upon earth.

Another objection was, that this measure would have the effect of raising the price of provisions, and of injuring the agricultural interest. But history showed that the operation of a United States Bank went directly to produce such a result, and that it had done serious injury, by raising and depressing the price of its provisions at its pleasure. In proof of this, he referred to a table, which will be inserted when his remarks appear in full.

Mr. CUSHING having referred to England, as an instance of the beneficial effects of banking, Mr. L. caused to be read at the Clerk's desk, a report made to the British House of Commons, showing the injurious effects of that system upon the laboring classes.

Mr. L. went on to show how injuriously the sudden rise or fall of prices operated upon the poor man; whereas this measure, unlike the bank system, would tend to regulate and prevent any fluctuation in prices. He also examined, at some length, many objections which had been urged against this measure—a full report of which will be given hereafter.

Mr. ATHERTON then took the floor in support of the bill, and in reply to the objections of Mr. CUSHING. After some introductory remarks, he proceeded to state what were the general principles of the bill. He contended that the money of the people should be safely kept by the people's own officers, responsible to them, and that it ought not to be used by corporations or private individuals. Also, that this bill made provision, by which, through successive steps, all the revenue would be collected in gold and silver, the legal coin and constitutional revenue. He believed this measure would recommend itself, because it was a system combining safety, convenience, and economy. Mr. A. then adverted to the great distress and inconvenience occasioned by the general suspension of specie payments by the banks in 1837, and also by the recent suspension, as proofs of the necessity of adopting some other mode of keeping the public money.

This measure would also enable the Government to control the revenue raised for legal and constitutional purposes. It provided for the security of the funds, by a system of checks and bonds, so that even the most unforeseen exigencies would be guarded against, and that powerful temptation—the *use* of the public money—be removed. This was a very important provision, for experience had proved that the use of the public money by officers of Government, was the true cause of all the defalcations.

This bill provided for a system most consonant to the principles of our Republic and free institutions. Why? He would show it. In the first place, he laid it down as a proposition that the taking possession of the public revenue, and using it for the purpose of private gain and speculation, necessarily gave power and control over that revenue. Secondly, the control of that revenue, necessarily gave a high degree of political power, for money was the sinews of political, as well as physical warfare. If so, then came a third proposition, which was, that the *people* are the true source of all political power, and not the banks. The banks, then, not being the source of political power, ought not to be entrusted with it. Banking companies were not politically responsible, and ought not to be entrusted with political power. He was sure no gentleman would rise and contend that the banks were politically responsible; then why ought those institutions to be entrusted with the public revenue, the possession of which conferred political power.

After explaining many other beneficial results which would arise from the adoption of this measure, Mr. A. referred to a remark made by Mr. CUSHING on a former day, "that this scheme had originated with Hamilton, who, finding it would not answer, discarded it," etc. Mr. A. showed that instead of the scheme originating with Hamilton, it originated with the Constitution itself, and was in operation at the time of Hamilton. Instead of the measure having a Federal origin, it was the measure of the Constitution, which was *rejected* by Hamilton so soon as he thought he had sufficient power to make the change from that to a United States Bank. Mr. A. read a number of extracts from works of authority, proving that fact.

After some further observations, Mr. A. expatiated on the "safety" of this measure, compared with that of the deposite, or United States Bank system. He adverted to the great cry which had been raised in respect to the defalcation of Swartwout, and which had been used as an argument against this scheme. But, said Mr. A. that defalcation took place under the deposite bank system, and is, therefore, no argument against this measure, which proposes to place the money in the hands of collectors, under a rigid system of checks. Besides, were officers of a bank any more to be trusted than officers appointed by Government? Did not experience show that bank presidents, and bank cashiers, were sometimes as bad as other offenders?

Again, it was urged that a single officer of Government, entrusted with so much money, was liable to abscond, whereas, a banking corporation could not. But if a corporation could not abscond, that corporation might become an abstract nonentity, so that the law could not touch them, which was all the same. In addition to this intangibility of their nature, the officers of a corporation could, and did, abscond the same as Swartwout.

Mr. A. then went on to examine documents, to see the relative amount of loss under the present system and that of the banks; and showed that the loss from defalcation of public officers was not a fifteenth part of that arising from the depreciation of bank paper.

In noticing the several arguments of Mr. CUSHING, in favor of the banking and credit system, he adverted to the affairs of Great Britain, on which Mr. C. had passed a glowing eulogium. But, said Mr. A. the gentleman has given us but one side of the picture. While he has held up to our view the splendid palaces and luxuries of the great, he has omitted to notice the scenes of beggary and desolation which stalk forth over that land. He has forgotten to tell us of the poor man's hovel, and the wretched condition of the population in the manufacturing districts, where young children are sent to a premature grave, by hard and unhealthy labor, and whose parents spend the whole of their existence in a hopeless struggle against the demon, starvation. If the gentleman would give both sides of the picture, he would find that Great Britain was no very great argument in favor of his system. Besides, the gentleman had connected banking and civilization together. But if civilization depended upon banking, how was it before 1694, when that system was established in England? Would the gentleman contend that England was not civilized before that time, and that Shakspeare and Milton were not civilized?

After answering a great many other points raised by Mr. CUSHING in favor of the banking system, Mr. A. said he would take a single objection raised by Mr. C. against this bill, which would serve as a specimen of all the rest. It was in relation to the provisions of the sixteenth section, which required that "certificates of deposite" should be given by the collector or agent when money was paid over to him. Now it was contended by the gentleman from Massachusetts, that these certificates of deposite would become a part of the paper currency of the Government! How could such be the case? How could a mere receipt or certificate of deposite for money paid become a part of the currency? Would gentlemen pretend to say that with such certificates it would be possible to travel from one part of the country to another? Would any body be foolish enough to take such receipts for money? Why, upon the very same principle, a man, after paying a debt, and getting a receipt, might go into a store and attempt to purchase goods with that receipt. Such a man would be laughed at as insane; and yet the gentleman from Massachusetts warns the people, that, in case this bill should pass, these receipts or certificates of deposite will become a part of the currency! Such, said Mr. A. are the arguments which gentlemen who oppose this bill use to terrify and alarm the people.

After confuting many other objections in the same way, Mr. A. concluded by demanding of the Opposition that if they were not satisfied with this measure, they should propose some other in its stead. They all acknowledged that some remedy was necessary, and if this did not suit them, the country would demand of them that they should propose something which did. If they

refused, it would plainly prove that they *dare* not propose their system, and that they were waiting to establish their favorite United States Bank, not by argument, but by *suffering*.

The remarks of Mr. A. will be given *in extenso* as early as convenient.

Mr. LEET next obtained the floor, but, without proceeding in his remarks, the committee rose; when,

On motion of Mr. CURTIS,

The House, at 9 o'clock, p. m. adjourned.

IN SENATE,

FRIDAY, May 29, 1840.

Mr. CUTHBERT presented the petition of J. D. Gibson; which was referred to the Committee on Naval Affairs.

Mr. CRITTENDEN presented the petition of Richard Higgins; which was referred to the Committee on Private Land Claims.

Mr. WHITE, from the Committee on Pensions, reported a bill for the relief of Mary Prettyman; which was read, and ordered to a second reading.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Ambrose Casey, made an adverse report thereon; which was ordered to be printed.

Mr. P. also, from the same committee, reported a bill for the relief of Mary Snow; which was read, and ordered to a second reading.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred a bill to carry into effect a convention between the United States, and the Mexican Republic, reported the same without amendment.

Mr. B. also, from the same Committee, reported a joint resolution, authorizing the President of the United States to accept certain presents from the Imaum of Muscat, and the Emperor of Morocco, and to dispose of the same; which was read twice, and ordered to be engrosed for a third reading.

On motion by Mr. WILLIAMS, the vote by which the unfavorable report of the Committee on Naval Affairs in the case of Richard Mason was agreed to, was reconsidered.

On motion by Mr. HUBBARD, the bill for the relief of General D. L. Clinch was recommitted to the Committee on Claims.

An act to amend an act approved the 18th of January, 1839, entitled an act to amend an act entitled an act to require the judge of the District of East and West Tennessee to hold a court at Jackson, in said State, approved June the eighteenth, eighteen hundred and thirty-eight, and for other purposes, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill for the relief of the legal representatives of Philip Barbour, was discussed by Messrs. LINN, HENDERSON, WALKER, and STRANGE, and its further consideration postponed until Monday next.

Mr. CLAYTON submitted the following motion, which was agreed to:

Resolved, That the Secretary of War be, and he is hereby directed, to communicate to the Senate the correspondence between the District Attorney of the United States for the Delaware District, and the War Department, relative to the proceedings which have been taken for the recovery of the Peapatch,' and the correspondence between the persons claiming the said Peapatch, or their agents, and the Department, since the 1st of March, 1839.

Mr. DAVIS submitted the following motion, which was agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of modifying the law in relation to seamen discharged in foreign ports.

GENERAL BANKRUPT LAW.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the United States, and after several amendments had been proposed, discussed, and disposed of, the further consideration of the bill was postponed until Monday next.

The Senate then went into Executive session,

And afterwards adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, May 29, 1840.

Mr. CHINN asked leave to submit a resolution, calling upon the Postmaster General for information of the time when the postmaster at Baton Rouge became a defaulter, &c.

Objection having been made to its reception,

Mr. CHINN moved to suspend the rules, to enable him to offer it, and on that motion demanded the yeas and nays; which, having been ordered, were—yeas 54, nays 34.

So the House refused to suspend the rules.

Mr. TRIPLETT gave notice that he would, on Monday next, ask leave to introduce the bill indicated by him on yesterday, supplementary to the act granting pre-emptions to settlers on the public lands.

The SPEAKER announced that the first business in order was the question of order raised by the gentleman from New York, [Mr. CURTIS] against the reception of the report of the gentleman from Maryland, [Mr. HILLEN,] from the Committee on Commerce, accompanied by a bill for the repeal of the law regulating pilots.

Mr. DICKERSON, who was entitled to the floor, argued in favor of the right and power of a committee, under the settled principles of rules, to reconsider a vote. He said the gentlemen, who now questioned the right of a committee to reconsider a vote on the adoption of a report, should have met the question when it was proposed to refer the remonstrances which were received since the adoption of that report. The vote had been reconsidered, and the House, by the act of referenee of the remonstrances, received subsequently to the report, was, in itself, authority to the committee to reconsider. He considered it a matter settled. He argued that it was a power inherent in all deliberative bodies to reconsider; and that the gentleman from Virginia [Mr. DROMGOOLE] was mistaken when he supposed the committees claim the right by the rule to reconsider, such was not the case. That right existed; but if the rule was applicable at all, it was to control the power and natural right of committees to reconsider; and not to confer the right. It could not be to confer the right, because the right was inherent in the body. The rules merely regulated the natural powers of the committees or of the House. Therefore those who contend that a committee had no right to reconsider, must show that there was a limitation in the rule of the right to reconsider. He argued, by the terms of the adoption of the rule, that the power had not been limited. Mr. D. adverted to the practice of the committees to show that they had exercised the power to reconsider; and cited a case at this session, in the Committee of Elections, where the question had been raised, and had been decided by a vote of that committee of seven to one, that they had the power to reconsider. He argued that, from the circumstance no instance could be found since the formation of the Government, where a committee had asked the privilege of the House to reconsider a vote, that the power must have been exercised by the committees, without any authority from the House. If such had not been the case, many erroneous decisions must have been made by the committees. The right was as important to the committee as it was to the House. He was willing that the Manual should have all the effect it was intended to have by Mr. Jefferson, but he did not believe that it was ever intended that this principle of the Manual, which had been quoted against the right of a committee to reconsider, was ever intended to be operative and binding on the standing committees. If the principle should obtain, it would give the minority of the committee the power to control the majority on the final action.

Mr. CRAIG said the only question before the House now was, whether the rule which prohibits the right of a committe to reconsider, was in fact a rule adopted by the House. He contended that by the adoption of the parliamentary law as laid down in the Manual by Mr. Jefferson, such a rule was in existence. The rule expressly says that no committee shall reconsider a vote except by authority of the House. The arguments that had been advanced might be a good reason why such a rule should not be adopted, or that it should be repealed, but could not change or set aside the rule as it now existed. The rule was in existence and imperative, that the committee shall not reconsider.

Mr. POPE made an argument in favor of the right of the committee to reconsider a vote, and contended that the report of a committee was not complete till the report was received by the House.

Mr. BRIGGS obtained the floor; when

The SPEAKER announced that the morning hour had expired.

Mr. J. W. JONES said in consequence of the advanced period of the session, and there being so many important public bills on the calendar to be acted on, he felt himself impelled, by a sense of duty to the country, to make a motion to suspend the rules in relation to private business. He then asked a suspension of the rules to enable him to offer a resolution that the House would then resolve itself into Committee of the Whole on the state of the Union. He said that he would, if the resolution be adopted, move in committee to take up the Independent Treasury bill.

Mr. J. C. CLARK said he would agree to vote for the motion to suspend the rule, if the gentleman would consent to go into committee on the appropriation bills.

[The Independent Treasury bill is the unfinished business of the Committee of the Whole on the state of the Union. When the Administration party made an effort to go into committee on the civil and diplomatic appropriation bill, which was recently passed, the Opposition were anxious to take up the Sub-Treasury bill in preference, and taunted the Administration with a desire to evade action on the Sub-Treasury bill, to defeat it by staving it off to the end of the session. The Opposition were then in favor of acting on the Sub-Treasury, and now they are for delaying action on it, and to take up the appropriation bills, and thus defeat the bill.]

The question was then taken on the motion to suspend the rules, and disagreed to by yeas 106, nays 84, as follows:

YEAS—Messrs. Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Craig, Crary, Cross, Dana, John Davis, Dickerson, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fisher, Fletcher, Floyd, Galbraith, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Howard, Hubbard, Jackson, Jameson, Cave Johnson, Nathaniel Jones, John W. Jones, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Miller, Montanya, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Edward Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Weller, Wick, Jared W. Williams, and Henry Williams—106.

NAYS—Messrs. John W. Allen, Baker, Bell, Bond, Briggs, Brockway, Calhoun, W. B. Campbell, Carter, Chinn, Clark, J. Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, Edw. Davies, Garret Davis, Dawson, Deberry, Dellet, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Henry Hill of Va., Hoffman, James, Jenifer, Chas. Johnston, W. C. Johnson, Kempshall, Lincoln, McCarty, Marvin, Mason, Mitchell, Morgan, Calvary Morris, Osborne, Peck, Pope, Proffit, Randall, Randolph, Rariden, Ridgway, Russell, Saltonstall, Sergeant, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—84.

Not being two-thirds, the rules were not suspended.

Engrossed bill for the relief of John W. Faunce and Oliver Perren came up on its passage, when,

On motion of Mr. BRIGGS, its further consideration was postponed till to-morrow.

Engrossed bill for the relief of John J. Roane was next taken up; and,

On motion of Mr. HOPKINS, who was opposed to the bill on principle, it was postponed.

The bill for the relief of Benjamin Fry came up on its engrossment.

Mr. TILLINGHAST made a few remarks in favor of the bill.

Mr. PROFFIT moved so to amend the bill as to insert the words, "according to law."

Mr. TILLINGHAST opposed the motion as

unusual and unnecessary; when the question was taken on the amendment, and disagreed to.

The bill was then ordered to be engrossed for a third reading to-day.

The bill for the relief of General Daniel Parker came up in its order for engrossment; and

A debate ensued, in which CAVE JOHNSON participated in opposition to the bill on the ground that there was not the shadow of foundation for the claims, and, Messrs. LINCOLN, GOGGIN, and W. THOMPSON, participated in its favor, contending that the claims had been allowed to other officers under similar circumstances; and that it had received the unanimous sanction of the Military Committee. Before the bill was passed upon, the House, at the hour of 2½ o'clock took its usual recess.

EVENING SESSION.

The SPEAKER took the chair at the hour to which the House adjourned.

There being but eighteen members present, the House remained in a state of quiescence for ten minutes; when

Mr. BRIGGS moved a call of the House; which motion was disagreed to.

Mr. McCULLOH moved that the House adjourn; and on which motion the yeas and nays having been ordered, were—yeas 5, nays 53, as follows:

YEAS—Messrs. Burke, Goggin, Holleman, McCulloh, and Petrikin—5.

NAYS—Messrs. Banks, Baker, Beatty, Briggs, Calhoun, Carr, Carroll, Casey, Chapman, Coles, Mark A. Cooper, Wm. R. Cooper, Craig, Edward Davies, John Davis, Dellet, Doan, Duncan, Earl, Eastman, Edwards, Everett, Gerry, Giddings, Henry, Howard, James, Charles Johnston, C. Johnson, Kempshall, Kille, Leadbetter, Lewis, Lincoln, McKay, Miller, Montanya, Parrish, Pope, Randall, Russell, Ryall, Samuels, Thomas Smith, Stanly, Strong, Taliaferro, Taylor, Toland, Wick, J. W. Williams, T. W. Williams, Henry Williams, and Lewis Williams—53.

Mr. BANKS moved a call of the House; which was ordered, by—yeas 34, nays 26.

The roll was called over, and 85 members answered to their names; and the list of absentees were called over till 114 answered to their names; when

Mr. BANKS moved that the doors be opened for the purpose of admitting those gentlemen who were outside the door; who he believed would make a quorum.

The list of absentees having been called over, the following gentlemen, who were not present, were excused for various causes, viz: Messrs. Andrews, Anderson, Adams, Brewster, Davis of Indiana, Granger, Hammond, J. W. Jones, Lawrence, Naylor, Reed, Rariden, Wagener, and S. Williams.

Mr. MARVIN moved to suspend all further proceedings in the call, which was disagreed to on a count, by—ayes 37, noes 45.

Mr. GRAVES moved that the Sergeant-at-Arms take the absentees into custody; but

Mr. BANKS having expressed a wish to debate that motion,

Mr. GRAVES withdrew it.

Mr. JENIFER moved that the House adjourn.

Mr. LEWIS demanded the yeas and nays on that motion; which, on a count, were not ordered—ayes 39, noes 33.

The question was then taken on the motion to adjourn, and disagreed to.

Mr. BANKS said, by opening the doors, a quorum would soon be present to do the business of the nation; he, therefore, moved to dispense with further proceedings in the call; and, on that motion,

Mr. HUBBARD demanded the yeas and nays; which, having been ordered, were, yeas 55, nays 51.

So all further proceedings in the call were dispensed with.

Mr. EVANS moved that the House adjourn; but the yeas and nays having been ordered, he withdrew the motion.

The doors having been opened, and a quorum now being present, the House proceeded to business.

The question being on ordering the bill for the relief of Gen. Daniel Parker to be engrossed for a third reading,

Mr. GRAVES demanded the previous question; which having received a second, and the question being then, "Shall the main question be now put?" that is, on ordering it to be engrossed,

Mr. PETRIKIN demanded the yeas and nays; which, having been ordered, yere—yeas 75, nays 53.

So the bill having been ordered to be engrossed, was engrossed, and read the third time and passed.

Engrossed bill for the relief of Benjamin Fry, was then read the third time and passed.

The bill for the relief of Andrew Low, the assignee of Low, Taylor and Co. came up in its order on the question of engrossment; when

Mr. PETRIKIN, who opposed the bill in a few remarks, contending that it had not received the sanction of the majority of the Committee of Ways and Means, and that it would take several hundred thousand dollars out of the public Treasury, moved to recommit it to the Committee of Ways and Means, with instructions to report as the committee may find the facts to warrant.

Mr. EVANS said the committee had given the bill full consideration—had reported all the facts in the case—and that it had been agreed to by a large majority of the Committee of Ways and Means; that, so far from the bill taking from the public Treasury several hundred thousand dollars, the whole amount of the duties paid on the goods (a part of which this bill proposes to refund) was but $44,000.

Mr. HABERSHAM made some remarks in explanation of the bill, and in its favor. Then

Mr. STANLY obtained the floor, and moved the previous question; which received a second.

Mr. BROWN of Mississippi moved that the House adjourn; which was disagreed to—ayes 39, noes 54.

The main question was then ordered to be put.

Mr. PETRIKIN again moved that the House adjourn; which question was taken by tellers, Messrs. GRAVES, and CHAPMAN of Alabama acting as such, and was disagreed to by ayes 60, noes 71.

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. PETRIKIN demanded the yeas and nays; which having been ordered, were—yeas 80, nays 51.

The bill having been engrossed,

Mr. MARVIN moved the previous question on its passage; which having received a second, and the main question being ordered, the bill was read a third time, and passed.

On motion of Mr. DROMGOOLE,

The House, at the hour of 7 o'clock, p. m. adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, May 30, 1840.

Mr. ATHERTON gave notice that on Monday next he would make the following motion:

Resolved, That so much of the 127th rule of the House as is in the following words, to wit: "Nor shall any rule be suspended except by a vote of at least two-thirds of the members present," be, and hereby is, so far rescinded, that the House may, at any time, by a vote of the majority of the members present, suspend the rules and orders of the House for the purpose of going into Committee of the Whole on the state of the Union.

The SPEAKER announced that the first business in order was the question of order raised by the gentleman from New York, [Mr. CURTIS] against the reception of the report of the gentleman from Maryland, [Mr. HILLEN,] from the Committee on Commerce, accompanied by a bill for the repeal of the law regulating pilots.

Mr. BRIGGS spoke in favor of the power of the committee to reconsider a vote, when

Mr. VANDERPOEL obtained the floor, said the question had been sufficiently discussed, and moved the previous question; which was seconded.

Mr. VANDERPOEL moved a call of the House.

The CHAIR said that motion was not in order, the previous question having received a second.

Mr. L. WILLIAMS, for the purpose of gaining time, and getting a more full House before the question was taken, as it was an important one, moved that the House adjourn, and on that motion demanded the yeas and nays; which having been ordered,

Mr. W. withdrew the motion, and substituted a motion to lay the whole subject on the table, and asked for the yeas and nays on that motion; which having been ordered, were—yeas 18, nays 126.

So the House refused to lay the question of reception on the table.

The question recurring on the reception of the report of Mr. HILLEN, as *the* report of a majority of the Committee on Commerce, the question was read from the journal as follows, to wit:

"Mr. HILLEN, a member of the Committee on Commerce, to which was referred memorials from pilots in New York, Philadelphia, Baltimore, Norfolk, and Charleston, praying for a repeal of the law of March 2, 1837, concerning pilots, offered to make a report, as from said committee, accompanied by a bill to repeal the said act, and before the said report and bill were read,

"Mr. CURTIS, chairman of the Committee on Commerce, objected to the reception of the report, on the ground that it was not the act of a majority of the committee; although the committee in the first instance had adopted the report now offered to be made, yet it had reconsidered that decision upon the reference by the House of additional papers to the committee, relating to the subject; and had reversed its first decision, and directed him to make a report of a directly opposite character to the report now offered, which he was ready to submit to the House."

[This whole question turned upon the right of the committee to reconsider the vote adopting the report which the gentleman from Maryland [Mr. HILLEN] proposed to make. Jefferson's Manual, which has been adopted as rules for the government of the House when not inconsistent with the standing rules, says: "When a vote is once passed in committee, it cannot be altered but by the House, their votes being binding on themselves." There was no standing rule with which this clause in the Manual could conflict, and consequently was the only rule, in this particular, for the government of the committee.]

Mr. RANDOLPH demanded the yeas and nays on the question of reception.

Mr. HILLEN inquired of the CHAIR if the question was not, whether the report offered by him from the Committee on Commerce, "shall be received as the majority report."

The CHAIR replied in the affirmative.

The yeas and nays having been ordered, were, yeas 86, nays 83, as follows:

YEAS—Messrs. Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, Wm. O. Butler, Carr, Carroll, Chapman, Clifford, Coles, Craig, Cross, Cushing, Dana, Davee, John Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Fletcher, Floyd, Galbraith, Gerry, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Hopkins, Howard, Hubbard, Jackson, Joseph Johnson, Cave Johnson, Nathaniel Jones, Leadbetter, Leet, Lewis, Lowell, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Newhard, Parrish, Parris, Paynter, Petrikin, Prentiss, Reynolds, Rives, Edward Rogers, Samuels, Shaw, John Smith, Thomas Smith, Steenrod, Strong, Sumter, Swearingen, Taylor, Francis Thomas, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—86.

NAYS—Messrs. Adams, John W. Allen, Baker, Bell, Bond, Briggs, Brockway, Anson Brown, Calhoun, John Campbell, Wm. B. Campbell, Carter, Casey, Chinn, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Davies, Dawson, Deberry, Dickerson, Dellet, Edwards, Evans, Everett, Fillmore, Fisher, James Garland, Rice Garland, Giddings, Goggin, Goode, Graham, Griffin, Grennell, Habersham, Hall, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Charles Johnston, Kempshall, Kille, Lincoln, Marvin, Mason, Mitchell, Morgan, Calvary Morris, Naylor, Osborne, Peck, Pope, Randall, Randolph, Rayner, Ridgway, Russell, Ryall, Saltonstall, Sergeant, Slade, Truman Smith, Stanly, Sorrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Warren, John White, Thomas W. Williams, and Lewis Williams—83.

So the report of Mr. HILLEN, as a report from the majority of the Committee on Commerce, accompanied by a bill for the repeal of the law regulating pilots, was received.

The CLERK was in the act of reading the report and bill; when he was interrupted by

Mr. RANDOLPH, who inquired of the CHAIR whether a motion to recommit was not in order.

The CHAIR replied that it would be, after the bill was read.

Mr. RANDOLPH said, inasmuch as the rule,

which denies the right of a standing committee to reconsider a vote, was considered binding by many gentlemen, and the only way to get round it was, to receive the report and commit it, he accordingly made that motion.

Mr. HILLEN said there was no further matter, in substance, before the committee now, than there was when the report which was received was adopted by a majority of that committee. The subject had been before it for four or five months, and ample time had been given before the report had been adopted. Great indulgence had been given by the committee to those interested and who were opposed to the repeal of the act regulating pilots. The subject had been fully considered by the committee before the report was adopted. There was no new matter in substance referred, or proposed to be referred, to their consideration; he, therefore, hoped that the subject would not be recommitted. He called for the reading of the report and bill.

Mr. BRIGGS made some remarks in favor of recommitting. The House had decided that a committee had no right to reconsider a vote. He, therefore, thought it was important that the subject should be recommitted, that the House might receive the views of the majority of that committee; which, it was admitted, were not presented in the report just received.

Mr. HILLEN said it was the report of the majority of the committee.

Mr. BRIGGS said: That report has since been reconsidered; and the majority have adopted another report.

Mr. DROMGOOLE inquired of the CHAIR whether it was in order to recommit the bill until it had been read, and passed through its proper stage by the rule?

The CHAIR said it was not.

Mr. TILLINGHAST was in favor of recommitting the report. The vote just taken was on the question of reception of the report that had been adopted by a majority of the Committee of Commerce at one time, but which had been subsequenly reconsidered. The vote was a close one; and he believed that if the naked abstract question of right in a committee to reconsider had been presented, the vote would have been different. He hoped the subject would be recommitted.

Mr. FRANCIS THOMAS rose to make a few suggestions on the subject. The question was the simple one of recommitment. But had it not been just ascertained that the majority of the committee were adverse to the bill, and had already prejudged the question? It would be foreseen that the majority of the committee was not then competent to deliberate upon the matter. With these facts staring us in the face, was it right for the House to send it back to the Committee on Commerce, the majority of whom had not only pronounced their opinion, but also their judgment on this case? Would not such a course be in direct violation of that maxim of the law, which said it was not right to give the lamb to the wolf to nurse? He appealed to gentlemen whether it was right to recommit this subject to a committee, of which the majority had an antipathy to the bill.

The morning hour having expired, Mr. T. suspended all further remarks.

Mr. PROFFIT called for the orders of the day; before passing to which,

Mr. JOHNSON of Maryland gave notice that he would ask leave to introduce a bill to abolish imprisonment for debt in the District of Columbia.

Mr. ATHERTON moved to suspend the rules to enable him to submit a motion that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. PROFFIT demanded the yeas and nays; which, having been ordered, were, yeas 103, nays 80.

So the rules were not suspended: there not being two-thirds.

Mr. GALBRAITH rose to a privileged question. He said, since the votehe had given on yesterday in favor of the passage of the bill for the relief of General Daniel Parker, he had more fully examined into the merits of the claim, and was satisfied that that bill should not pass. The opportunity was not afforded him to examine the question before the vote was taken. He therefore moved that the vote on the passage of the bill be reconsidered.

Mr. GIDDINGS spoke of the merits of the claim, and said it a bill of more importance than was apparent on its face—that it was an entering wedge to a class of claims of the same character. He said it was not based upon principles of law or justice, but its only merit seemed to be that he was entitled to the claim because others had received it in like circumstances. He argued against the claim.

Mr. COLES advocated the claim; spoke of the several favorable reports which had been made from the Military Committee, and the Ways and Means Committee, in its favor, as proof that there was great merit in the claim. It had also received the favorable consideration of the Departments years ago.

Mr. GOGGIN spoke in opposition to the motion to reconsider, and

Mr. GALBRAITH in favor of that motion; when

Mr. LINCOLN advocated the claim; spoke of the favorable report of the Committee on Military Affairs in 1836, of which the now Vice President [Mr. JOHNSON] was the chairman. That report received the unanimous vote of that committee. He went into a history of the whole matter, and contended that the claim was one of merit unquestionably. If one should rise from the dead, and speak with the tongue of an angel, the merits of the claim could not be made to appear more just or clear.

Mr. WADDY THOMPSON argued that every officer similarly circumstanced had received what was proposed by the bill to be given to Gen. Parker; that is, double rations. It was a question of justice and equity, if not of law, and hoped the vote on the passage of the bill would not be reconsidered.

Mr. SMITH of Indiana moved the previous question; which having been seconded, and the main question ordered, viz: "Shall the vote be reconsidered."

Mr. GALBRAITH demanded the yeas and nays; which having been ordered, were—yeas 86, nays 63.

So the vote was reconsidered.

The question then recurred on the passage of the bill; when

Mr. SMITH of Indiana moved to lay the bill on the table.

Mr. EVANS demanded the yeas and nays on that motion; which having been ordered, were—yeas 92, nays 64.

So the bill was laid on the table.

Engrossed bill entitled an act for the relief of John W. Bond and Oliver Perrin, came up in its order; and after a few remarks explanatory of its principles, by Messrs. EVERETT and HOPKINS, it was read the third time and passed.

The bill for the relief of John J. Roane next came up in order on its engrossment, when a debate ensued, in which Messrs. HOPKINS and PROFFIT participated in opposition to the bill, and Mr. PETRIKIN in its favor; but before any action thereon,

The House, at half-past 2 o'clock, took its usual recess.

EVENING SESSION.

After the recess the SPEAKER resumed the chair, when

Mr. EVANS of Maine observed that there was no quorum present, and that being the case, the SPEAKER had no right to take the chair, it being contrary to the parliamentary law. The parliamentary law was, that if there was no quorum present, the SPEAKER ought to adjourn the House without any question.

After some debate of a conversational character between Messrs. EVANS and McKAY,

Mr. BRIGGS moved an adjournment.

On that motion Mr. PROFFIT demanded the yeas and nays; which were ordered.

Mr. EVANS again insisted that the SPEAKER could not, in accordance with parliamentary law, entertain a question on the adjournment. If there was no quorum present, he was bound to adjourn the House forthwith.

The question then being taken on the motion to adjourn, resulted as follows—yeas 46, nays 47.

So the House refused to adjourn.

Mr. EVANS then called upon the SPEAKER to adjourn the House, there being no quorum.

Mr. PROFFIT read the rule which relates to the adjournment of the House.

Mr. EVANS referred to the Congressional Manual, and argued that the practice in the British House of Commons was for the Speaker to adjourn the House without any question, when it appeared there was not a quorum present. He therefore contended, that in the present case, there being no quorum, the SPEAKER was bound to adjourn the House, without any question on the adjournment.

The SPEAKER said the gentleman from Maine was partly right and partly wrong. The Speaker of the House of Commons could adjourn the House for want of a quorum without a question being taken; but the rule required him to remain in the chair either two or four hours first, he could not recollect which.

Mr. BRIGGS said as the House had refused to adjourn, he would move a call of the House.

Mr. PROFFIT demanded the yeas and nays.

Mr. PETKIKIN moved an adjournment.

Mr. PROFFIT said he was entitled to the floor, and objected to the motion of adjournment being entertained.

Mr. BRIGGS called upon the CHAIR to count the House.

The CHAIR did so, and reported 107 members present.

Mr. HOFFMAN renewed the motion to adjourn.

Mr. PROFFIT demanded the yeas and nays; which were not ordered.

Tellers were then called for, but refused.

The question was then taken on the motion to adjourn, and decided in the affirmative—ayes 79, noes 35.

So at half-past 4, p. m. the House adjourned.

IN SENATE,

MONDAY, June 1, 1840.

Mr. BUCHANAN presented a memorial of citizens of Pennsylvania, praying for the imposition of a duty of foreign silk; which was referred to the Committee on Finance.

Mr. LINN presented a memorial of the president and trustees of the town of Green Bay; which was referred to the Committee on the Judiciary.

Mr. WRIGHT presented the memorial of the Board of Trade of the city of New York in favor of certain modifications of the proposed bankrupt law in favor of the creditor; which was read, ordered to lie on the table, and be printed.

Mr. NICHOLAS presented a letter of the Secretary of the Treasury relative to the quantity and value of sugar imported, and refined sugar exported, during the year ending September, 1839; which was laid on the table, and ordered to be printed.

Mr. TALLMADGE presented the memorial of citizens of the State of New York in favor of the passage of a bankrupt law; which was laid on the table.

Mr. T. also presented a memorial of citizens of the State of Ohio, remonstrating against the use of bloodhounds in the Florida war; which was laid on the table.

Mr. CLAY of Kentucky presented the petition of citizens of Ohio, praying for an increase of duties on foreign silk; which was referred to the Committee on Finance.

Mr. LINN presented the petition of certain citizens of Stoddard county, Missouri, praying the establishment of a mail route; which was referred to the Committee on the Post Office.

Mr. SOUTHARD submitted papers relating to the boarding pistols and rifles invented by Samuel Colt; which were ordered to be printed.

Mr. STURGEON submitted the following motion; which was agreed to:

Resolved, That the Committee on Pensions be requested to examine and report on the claim of Mrs. Hannah Elmore, who claims a pension in consequence of the services of the husband of the said Hannah during the Revolutionary war.

Mr. WHITE, from the Committee on Pensions,

to which was referred the bill for the relief of John H. Genther, made an unfavorable report theron; which was ordered to be printed.

Mr. PIERCE, from the Committee on Pensions, to which was referred the bill granting a pension to Margaret Jamison, reported the same without amendment.

Mr. P. also, from the same committee, to which was referred the bill for the relief of Elizabeth Davidson, reported the same without amendment.

Mr. P. also, from the same committee, made an adverse report on the bill for the relief of Elizabeth French.

Mr. WALKER, from the Committee on the Public Lands, to which was referred the bill for the relief of Mary Sroufe, reported the same without amendment.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the bill for the relief of the children of Stephen Johnston, deceased, reported the same without amendment.

Mr. L. also, from the same committee, to which was referred the memorial of the representatives of Wade Hampton, reported a bill for the relief of the legal representatives of Daniel Clark, Donaldson and Scott, and William Conway; which was read and ordered to a second reading.

Mr. L. also from the same committee, to which was referred,

A bill confirming the claim of Augustine Lacoste, to a certain tract of land therein named; and

A bill for the relief of William Marbury, of Louisiana; reported the same severally with amendments.

Mr. DAVIS, from the Committee on Commerce, to which was referred the bill for the relief of John L. Bowman, and Enoch C. Noyes, reported the same without amendment.

The act to amend an act approved the 18th of January, 1839, entitled an act to amend an act entitled an act to require the judge of the District of East and West Tennessee to hold a court at Jackson, in said State, approved June the eighteenth, eighteen hundred and thirty-eight, and for other purposes; and

The joint resolution, authorizing the President of the United States to accept certain presents from the Imaum of Muscat, and the Emperor of Morocco, and to dispose of the same,

were severally read a third time, and passed.

The report from the Committee on Claims, in the case of the heirs of Robert Fulton, deceased, was taken up, and Mr. MERRICK addressed the Senate, at length, in opposition to the report, and in favor of the claim, but before concluding, the Senate passed to the consideration of the special order.

GENERAL BANKRUPT LAW.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the United States, and after several amendments had been proposed and discussed by Messrs. WRIGHT, CUTHBERT, WEBSTER, STRANGE, TALLMADGE, and PRENTISS—

Mr. CLAY of Alabama moved to strike out so much of the 18th section as proposed to include banking corporations. He did not intend to go at large into the discussion as to the power of Congress to embrace this class of corporations in the bill under consideration. It had been his misfortune to be absent during a considerable part of the discussion that had been going on, and, therefore, he had not heard all the arguments in favor or including them; but he occupied a position in regard to this matter which settled the question with him without difficulty. He represented a State which had seven banking institutions, the capital of five of which was entirely furnished by herself, and all the liabilities of which she held herself bound to redeem. Of course he was not prepared to put the State of Alabama in a condition of bankruptcy. Of the sixth institution, his State held two-fifths of the capital, and appointed her portion of the direction; and of the seventh institution, two-fifths of the capital was reserved for the State, though not yet taken. By the laws of Alabama, no bank could be organized in it without her being interested in it. Under these circumstances, he could not vote for including banking corporations in the bill, and he hardly believed that any honorable Senator was prepared to include banks so situated. As a friend to the rights of the States, and believing it to be indispensable to protect those rights, and preserve the institutions which the States considered valuable, he could not vote for a bill containing such broad language in regard to them as this did. Chartered by the State, responsible to the States, in many instances responsible to the Legislatures, and in all instances responsible to the judicial tribunals, the States had, also, in many instances received a bonus for the grants of charters. There were many instances of this kind in other States, and, at all events, some benefits had been reserved to the people for chartering these institutions. It was unnecessary to pass on to the other sections; this question was a test question, and he would therefore ask for the yeas and nays on it.

The yeas and nays were then ordered.

Mr. CALHOUN expressed a wish to address the Senate on the subject; but as the hour was late, the further consideration of the bill was postponed till to-morrow.

On motion of Mr. BUCHANAN, the Senate took up and considered, as in committee of the Whole, the bill to carry into effect the treaty between the United States and Mexico; and it was ordered to be engrossed for a third reading.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, June 1, 1840.

Mr. CUSHING rose to a privileged question, but gave way to

Mr. WADDY THOMPSON, who asked permission from the gentleman from Massachusetts to make a brief statement in relation to some important communications from the Secretary of War to the Committee on Military Affairs, in relation to the troubles in Florida.

Mr. T. who is chairman of the Military Committee, proceeded to state that a communication had been received from the War Departments enclosing two letters from the head quarters of the army, conveying the lamentable intelligence that a vigorous attack had been made by the Indians, who had again concentrated their force, in greater numbers than before. He desired that the communications might be read; after which, he was sure the House would agree with him in the opinion that the bill reported by the committee for raising 1,500 men, ought to be acted upon without a moment's delay.

The several letters were then read by the Clerk.

Mr. THOMPSON again expressed his hope that the House would not hesitate a moment in acting upon the bill. It was simple in its nature; its provisions were by no means intricate, and one half hour would be sufficient to dispose of it. If there was any gentleman who might wish to say any thing on the policy of Government or other matters connected with the Florida war, there were several other bills to come up connected with on which such speeches might be made. Under those circumstances, he sincerely hoped that the bill reported by the committee for the raising of 1,500 men, would be suffered to pass without delay. It was a bill having the sanction of the Secretary of War, and although he would not say the measures it proposed would determine the war, yet he was confident it would do more towards bringing it to a speedy close than any other plan. He was sure there could be no serious objection to it, after hearing the communications which had been read, and which were calculated to arouse the feelings of every patriot. He was confident the House would not refuse to go into Committee of the Whole at once on the bill. He entreated it, nay, in the name of the suffering people of Florida, he demanded that action should at once be had.

Mr. T. concluded by moving a suspension of the rules for the purpose of going into Committee of the Whole on the aforesaid bill.

Mr. DOWNING of Florida wished to say a few words on this subject, in addition to what had been already stated by the gentleman from South Carolina. Mr. D. stated that he had received letters from Florida, dated the 23d May, some little time later than the date of the facts referred to by the Secretary of War, and which confirmed the accounts transmitted to the Department. He said that among other instances of outrage, was one where two wagons had left the city of St. Augustine, under an escort of five United States soldiers, but they had not proceeded above six miles from the city before they were attacked.

After reciting the particulars of this outrage, which were not heard by the Reporter, Mr. D. appealed to the House, whether, under this state of things, it could deny protection to the people of Florida any longer; when it appeared that not a man could leave his home without danger of an attack, and where no citizen was safe, but in a walled town? He sincerely hoped there would be no objection to taking up the bill.

Mr. COLES did not rise for the purpose of discussing the merits of the bill referred to by the chairman of the Committee on Military Affairs, who seemed to be of opinion that it would not occupy the time of the House. He (Mr. C.) was of a very different opinion. He considered the bill by no means simple in its provisions, but very intricate indeed, and which must necessarily create discussion. As for the communications from the Secretary of War, he did not consider the information transmitted of that importance which required immediate action, especially when it was considered that so many other subjects were demanding our attention. He hoped the House would not consent at pesent to go into committee on that bill.

Mr. PROFFIT having called for the yeas and nays on the motion to suspend the rules, they were ordered, and were—yeas 110, nays 94. So the rules were not suspended, there not being two-thirds.

Mr. W. THOMPSON inquired of the CHAIR whether it would be in order to suspend the rules for this day only; if so, he made that motion.

Mr. ATHERTON suggested to the gentleman from South Carolina [Mr. THOMPSON] that, if he would permit the business to take its regular order, his object could be accomplished much sooner. This was resolution day; and, if he would permit resolutions to be received, that which he gave notice, on Saturday, he would offer this day, for the repeal of the rule, could be adopted in a very few minutes, and it would then require but a majority to go into committee on the Florida bill, instead of two-thirds. But if this resolution was not passed to-day, to give it into the power of the members of the House to take up whatever bill it pleased, it would not again be in order for two weeks to offer it, without a suspension of the rules, which would require a vote of two-thirds. Therefore, those who are in fact in favor of passing upon the Florida bill immediately, and without delay, would accomplish that object by voting against suspending rules at that time, for the purpose of passing the resolution indicated by him, so as to put it in the power of a majority of the House to take up the bill at any time. He hoped the House would not suspend the rules till the resolution was adopted.

Mr. THOMPSON moved to suspend the rules for this day; and on that motion demanded the yeas and nays; which were ordered and were—yeas 116, nays 85.

So the House refused to suspend the rules.

Mr. HUNT said whatever might be the views of gentlemen as to the policy of the managment of war, there could be but one view as to the sufferings of the people of Florida. He therefore moved to suspend the rules for two hours.

Mr. PROFFIT demanded the yeas and nays on that motion; which were ordered.

Mr. PETRIKIN submitted whether it was in order to make this motion to suspend the rules for two hours, the House having refused twice to suspend for any time, on the principle that the major absorbed the minor proposition. These motions were evidently made to waste the time of the House, and to prevent action on the resolution of Mr. ATHERTON, which proposed to place it in the power of a majority of the House to take up this bill, or any other bill they may wish. This sudden sympathy by the Whig party for the suffering people of Florida was as unusual as it was unnatural

to them; and it was merely feigned for the occasion, to defeat the resolution above indicated, which, if it were passed, would place the business of the nation in the hands of a majority of the Representatives of the people, and thus take it out of the hands of this factious minority, who are now trying to defeat the resolution by the power they have under the rules—the power which it is proposed by the resolution to be repealed to-day. If the rules were to be suspended for two hours, or for the whole day, they would get up a debate on the bill and stave it off, for the purpose of defeating other legislation. The people understand this stratagem of that party, and he hoped that the proposition to suspend the rules would be voted down, as it ought to be, by those who are sincerely sympathizing with the suffering people of Florida, and who are anxious now, as they have been anxious at other sessions, as well as at the early part of this session, to pass measures to alleviate their sufferings; but the majority of the House are powerless, and will remain so until the resolution to alter the rules, which is proposed to be offered by the gentleman from New Hampshire [Mr. ATHERTON] to-day, shall be passed.

The CHAIR decided that the motion to suspend the rules for a given time was in order.

The yeas and nays having been ordered on the motion to suspend the rules, were—yeas 101, nays 98.

So the House refused to suspend the rules.

Mr. TRIPLETT, in accordance with notice previously given, moved to suspend the rules to enable him to report the bill amendatory of the act granting pre-emption rights to the settlers on the public lands; which was passed by the House a few days ago.

Mr. ATHERTON inquired of the CHAIR whether it would not be in order for the gentleman to report the bill when his State was called, without any suspension of rules.

The CHAIR replied that it would.

Mr. TRIPLETT demanded the yeas and nays; which having been ordered, were—yeas 72, nays 121.

So the House refused to suspend the rules.

Mr. CUSHING, after some preliminary remarks, moved a reconsideration of the vote by which, on Saturday last, the House decided that the report of Mr. HILLEN, from the Committee on Commerce, in relation to the pilot law, should be received as the report of the majority thereof.

Mr. C. explained that, when he voted, on Saturday, he considered he was voting on the point of order, and not on the merits of the bill. If that vote was to be considered as deciding the merits of the bill, he should wish to change his vote; as, although he agreed with the point of order, he was against the bill. With the exception of some three or four gentlemen, he was surprised to see that the vote on Saturday was a pure party question. How that was, he did not pretend to say; but he moved to reconsider the vote, with a view of giving gentlemen an opportunity of again examining the matter. Mr. C. at some length, adverted to the extreme inconvenience of many of the rules in Jefferson's Manual, which had been adopted by the House.

Mr. CLIFFORD moved the previous question on the motion to reconsider.

Mr. GRINNELL moved a call of the House, and on that motion demanded the yeas and nays; which being ordered, were—yeas 26, nays 128.

So the call was not ordered.

Mr. PROFFIT moved to lay the whole subject on the table, and on that motion demanded the yeas and nays, which were ordered, and resulted—yeas 70, nays 120.

So the House refused to lay it on the table.

The question then recurred on the second to the previous question.

Mr. PROFFIT having demanded tellers to ascertain that fact; and Messrs. CHAPMAN of Alabama and W. C. JOHNSON having been appointed such, reported that there were ayes 112, noes 51.

So the previous question having received a second—and the question, on ordering the main question, being next in order,

Mr. PROFFIT demanded the yeas and nays which having been ordered, were—yeas 118, nays 63.

So the House having determined that the main question should be then put—which main question was, Shall the vote on the reception of the report be reconsidered?

Mr. PROFFIT called for the yeas and nays; which, having been ordered, were—yeas 84, nays 108.

So the House refused to reconsider the vote—Mr. CUSHING, who made the motion to reconsider, having voted against it.

The House took its usual recess at half past two o'clock.

EVENING SESSION.

After the recess,

The SPEAKER resumed the chair.

Mr. SMITH of Maine rose to ask if resolutions were then in order from the State of Maine.

The SPEAKER answered in the affirmative.

Mr. SMITH. Then I wish to offer the following resolution, which I desire may be read by the Clerk.

Mr. STANLY moved to adjourn.

Mr. SMITH. I have the floor, and do not yield it for the motion to adjourn.

Mr. STANLY insisted on having his motion to adjourn put.

The SPEAKER decided that the motion to adjourn could not be entertained, inasmuch as the gentleman from North Carolina had no right to the floor to make the motion, the floor being in the possession of the gentleman from Maine.

Mr. SMITH said he was certainly entitled to the floor, and so long as he kept it, no gentleman could make any motion. He had risen in the first place and asked the SPEAKER if resolutions were in order from Maine. The SPEAKER replied in the affirmative. That being the case, he now offered the resolution he held in his hand, and on it he moved the previous question.

Mr. PROFFIT rose to a point of order. The gentleman from Maine could not offer a resolution, and move the previous question upon it before the resolution was read.

Mr. EVANS said he wished also to state a question of order.

Mr. DROMGOOLE objected to more than one question of order being entertained at a time.

The SPEAKER said that the point of order of the gentleman from Maine [Mr. EVANS] could not be entertained until after the point of order raised by the gentleman from Indiana should have been disposed of.

After some remarks from Mr. BELL in relation to the rules for governing such proceedings,

Mr. EVANS persisted in urging his objection, which was, that the rule required the SPEAKER to *call* for resolutions, whereas the gentleman [Mr. SMITH] had offered the resolution without such call.

The SPEAKER again reminded Mr. EVANS that but one question of order could be raised at a time.

In relation to the point of order raised by Mr. PROFFIT, after some further debate,

The SPEAKER decided that it had been his first impression that the spirit of the 23d rule required a resolution to lay over, if any member intimated a wish to debate it, although the previous question had been called. But in compliance with numerous suggestions from members in the House, the practice had been changed, and it was decided on the Monday before, on the Cumberland road memorial, that if the previous question were called and seconded, the memorial would not lie over, although a member expressed the wish to debate the motion to commit with instructions, because the previous question would cut off such debate, should the main question be ordered.

From this decision, Mr. PROFFIT took an appeal, which appeal the SPEAKER decided was not then in order.

Mr. SMITH explained that the resolution he offered was the resolution of which notice had been given on Saturday by the gentleman from New Hampshire, [Mr. ATHERTON.] Mr. S. contended that although the notice had been given by a member from another State, yet he, with the permission of that member, had a right to submit the resolution.

Mr. ATHERTON here stated that he had given his consent.

The SPEAKER decided that the gentleman from Maine had no right to offer a resolution, notice of which had been given by a member from another State.

From this decision Mr. SMITH took an appeal, and on that appeal moved the previous question; which being seconded, the main question was ordered, and being put, the decision of the CHAIR was not sustained—yeas 89, nays 92.

The SPEAKER was about to divide the House to ascertain whether the previous question was demanded, when

Mr. BELL submitted the following as a question of order:

"The gentleman from Maine offered a resolution, and, before it was read or stated from the chair, moved the previous question. The point of order was, that it was not in order to move the previous question on a resolution before it was read or stated from the chair."

The SPEAKER stated that it was in conformity with the former decision and practice of the House, to move the previous question when the resolution was moved, for the reason that the member who offered the resolution was entitled to the floor upon it before any other could obtain it; and therefore it saved time, without violating the right of any other member, to enable him to offer the resolution, and call the previous question at the same instant, without going through the form of announcing the proposition before the floor was given him to demand the previous question upon it.

From this decision Mr. BELL took an appeal.

The question being on the appeal of Mr. BELL,

Mr. CLARK moved a call of the House.

On that motion Mr. PROFFIT demanded the yeas and nays, which being ordered, were—yeas 48, nays 139.

So the call was not ordered.

The question was then taken on the appeal, and being put as follows: "Shall the decision of the CHAIR stand?" it passed in the affirmative—yeas 118, nays 85.

YEAS—Messrs. Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, Craig, Crockett, Cross, Dana, Davee, John Davis, John W. Davis, Dickerson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Wick, J. W. Williams, Henry Williams, Joseph L. Williams, and Worthington—118.

NAYS—Messrs. Alford, John W. Allen, Andrews, Baker, Barnard, Bell, Bond, Briggs, Brockway, Calhoun, John Campbell, Carter, Chinn, Clark, James Cooper, Crabb, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fillmore, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Henry, Hill of Virginia, Hoffman, Hunt, James, Charles Johnston, Kempshall, Lincoln, Marvin, Mason, Mitchell, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Pope, Proffit, Randall, Randolph, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Slade, Truman Smith, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagener, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, and Christopher H. Williams—85.

Mr. BELL then demanded that the question, "Will the House now consider the resolution," be put, and stated that he desired to debate the resolution. He also demanded that under the 22d rule, which provides that "all resolutions that give rise to debate, shall lie over for discussion," &c. the resolution should lie over.

The SPEAKER decided that the call of the previous question did not deprive any other member of the right to raise the question of consideration. This could not be demanded according to rule, until the proposition was announced, and the mover of the proposition might defeat this indispensable

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JUNE 9, 1840. VOLUME 8.....No. 28.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 27.

right of another member by calling the previous question, if that is to be construed as cutting off the demand for the consideration. So far as the previous question precluded debate upon the resolution itself, it was no violation of the rights of any other member to permit the mover to call the previous question, because, under any view of the case, he would be entitled to the floor to make this demand, before another could get it to debate the main question. And here, too, he was sustained by a previous decision of his predecessor: "At the third session of the Twenty-fifth Congress, Mr. GRANT of New York moved a resolution, and demanded the previous question, when objection to the *consideration* of the said resolution being made, it was laid on the table, under the rule."—House Journal, page 398.

This resolution would, therefore, lie over.

Mr. SMITH appealed from that decision, and on that appeal moved the previous question.

Here much confusion arose, from many members attempting to speak at once; and it was some moments before order could be restored.

The SPEAKER said the appeal was not debatable.

Mr. PROFFIT asked whether, in case the resolution should be entertained, and debate arose, it would not necessarily lie over. He gave notice that he objected to it

The SPEAKER said it would be quite time enough, when the question on the appeal should have been decided.

Mr. BANKS desired the CLERK to read the rule which related to notice of resolutions; which was read accordingly.

Mr. SMITH repeated his call for the previous question on the appeal, which was seconded, and the main question being ordered, the question "Shall the decision of the CHAIR stand?" was decided in the negative—yeas 94, nays 115.

The previous question moved by Mr. SMITH, when he submitted the resolution, was then seconded.

The main question was then ordered to be put—yeas 119, nays 83, as follows:

YEAS—Messrs. Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, A. G. Brown, Burke, Sampson H.Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, Craig, Crary, Dana, Davee, John Davis, John W. Davis, Dickerson, Doan, Doig, Droomgoole, Duncan, Earl, Eastman, Ely, Fletcher, Floyd, Fornance, Galbraith, James Garland, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweney, Taylor, Philip F. Thomas, Jacob Thompson, Vanderpoel, Vroom, D. D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—119.

NAYS—Messrs. Adams, J. W. Allen, Andrews, Baker, Barnard, Bell, Bond, Briggs, Brockway, Anson Brown, Calhoun, John Campbell, William B. Campbell, Carter, Chinn, Clark, James Cooper, Crabb, Crockett, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fillmore, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, James, Wm. Cost Johnson, Kempshall, Lincoln, Marvin, Mason, Mitchell, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Pope, Proffit, Randolph, Rayner, Reed, Ridgway, Russell, Saltonstall, Slade, Stanly, Storrs, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, F. J. Wagner, E. D. White, John White, T. W. Williams, Lewis Williams, J. L. Williams, and Christopher Williams—83.

The main question on the adoption of the resolution was then put, and decided in the affirmative—yeas 119, nays 87, as follows:

YEAS—Messrs. H. J. Anderson, John W. Allen, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Colquitt, Connor, Mark A. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, J. W. Davis, Dickerson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Proffit, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, A. Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, P. F. Thomas, Jacob Thompson, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—119.

NAYS—Messrs. Adams, Andrews, Baker, Barnard, Bell, Biddle, Bond, Briggs, Brockway, Anson Brown, Calhoun, W. B. Campbell, Carter, Chinn, Jas. Cooper, Crabb, Crockett, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Fillmore, James Garland, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Henry, Hoffman, Hunt, James, Charles Johnston, Wm. Cost Johnson, Kempshall, Lincoln, Marvin, Mason, Mitchell, Morgan, Calvary Morris, Nisbet, Ogle, Pope, Randall, Randolph, Rayner, Reed, Ridgway, Russell, Sergeant, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Turney, Underwood, Peter J. Wagener, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Jos. L. Williams, and C. H. Williams—87.

So the resolution was adopted as follows:

Resolved, That so much of the one hundred and twenty-seventh rule of the House, as is in the following words: "nor shall any rule be suspended, except by a vote of at least two-thirds of the members present," be, and hereby is so far rescinded and changed, that the House may, at any time, by a vote of the majority of the members present, suspend the rules and orders of the House, for the purpose of going into Committee of the Whole on the State of the Union.

Mr. PROFFIT then claimed the floor for the purpose of moving a reconsideration of the vote which had just been taken.

Some altercation here ensued between Messrs. PROFFIT and SMITH as to their right of the floor, which resulted in the SPEAKER awarding it to Mr. PROFFIT.

Mr. SMITH appealed from this decision.

Mr. OGLE moved that the House adjourn.

Mr. WELLER called for the yeas and nays on that motion, which having been ordered, were—yeas 85, nays 117.

So the House refused to adjourn.

Mr. SMITH of Maine said, for the purpose of saving the time of the House, he would withdraw the appeal.

Mr. PETRIKIN here rose from his seat and said he would aver that the gentleman from Indiana [Mr. PROFFIT] was not in his seat when the result of the vote was announced by the CHAIR. He was standing up many minutes before he asked the floor. Therefore, according to the rule, he was not entitled to the floor; but Mr. P. concluded that he was entitled to the floor, having risen from his place.

The CHAIR said he had recognised the gentleman from Indiana; and the gentleman from Pennsylvania [Mr. PETRIKIN] could not be entitled to the floor, unless he took an appeal from the decision of the CHAIR, and the House reversed the decision.

Mr. PETRIKIN did not press his right to the floor.

Mr. PROFFIT said he wished to debate the motion to reconsider; and was about to proceed, when

Mr. BELL objected to his proceeding at that time, and founded his objection on the 22d rule, which rule prescribes that, on resolution day, such resolutions as excite debate must lie over.

The CHAIR said the question of reconsideration was a privileged question, and takes precedence over all other rules: therefore, the gentleman from Indiana [Mr. PROFFIT] could proceed in his remarks.

Mr. PROFFIT then spoke at some length of the tyranny of subjecting a minority to be governed by a rule which gives it into the power of a majority to pass to any matter of legislation they pleased. He argued that it was unconstitutional in principle, and that it would deprive the minority of that protection which the Constitution had peculiarly guarantied to it, and which had scrupulously been provided for.

Mr. DROMGOOLE said he was willing the gentleman from Indiana should have all the benefit he could derive from his extraordinary speech. He would not dispute such laurels with him. All he had to say was, that it was evident no good could arise from prolonging debate in the present excited state of the House. It would be obvious that the sooner the debate was ended the better. He would, therefore, conclude by moving the previous question; which received a second, and the main question was ordered.

Mr. PROFFIT called for the yeas and nays on the main question, which was, "Shall the vote on the adoption of the resolution be reconsidered?"

The yeas and nays having been ordered, were—yeas 89, nays 116.

So the House refused to reconsider.

Mr. SMITH of Maine moved that the House adjourn, but withdrew the motion at the request of

Mr. CUSHING, who asked the general consent of the House to have the joint resolution of the Senate relating to the Imaun of Muscat, referred to the Committee on Foreign Relations; but

Mr. STANLY objected to the reference; and then, on his motion,

The House, at 8 o'clock, p. m. adjourned.

IN SENATE,

TUESDAY, June 2, 1840.

Mr. SMITH of Connecticut presented the credentials of the Honorable JABEZ W. HUNTINGTON, elected by the Legislature of Connecticut, a Senator of that State for the unexpired portion of the term of six years, commencing on the fourth of March, 1839.

Mr. HUNTINGTON appeared, was qualified, and took his seat.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of Gen. Duncan L. Clinch, reported the same with an amendment.

Mr. CLAY presented the memorial of James C. Reynolds, late postmaster at Reynoldsburg, Ohio, stating that he was removed without cause, and asking Congressional action thereon; and after a debate in which Messrs. CLAY of Kentucky, ALLEN, and CRITTENDEN participated, its further consideration was postponed until to-morrow.

SYSTEM OF BANKRUPTCY.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the United States.

The question being on the motion of Mr. CLAY of Alabama, to strike out all relating to banks and corporations—

Mr. CALHOUN addressed the Senate at length, and in a very forcible argument advocated the motion, and declared his opposition also to the remaining portions of the bill—the voluntary part—as being, in fact, an insolvent law, which Congress had no constitutional power to pass; and the compulsory part as inexpedient, because of the destructive effect on the debtor portion of the community in the present disordered state of the currency.

The question then being taken on Mr. CLAY's motion, it was agreed to—ayes 28, noes 16, as follows:

YEAS—Messrs. Anderson, Calhoun, Clay of Alabama, Clay of Kentcky, Clayton, Crittenden, Cuthbert, Davis, Dixon, Fulton, Huntington, Henderson, King, Knight, Lumpkin, Merrick, Mouton, Nicholas, Phelps, Porter, Prentiss, Preston, Robinson, Sevier, Smith of Indiana, Southard, Tallmadge, and Webster—28.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Grundy, Hubbard, Pierce, Roane, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Williams, and Wright—16.

Mr. CRITTENDEN now moved to refer the bill to a select committee.

Mr. WEBSTER spoke briefly in favor of this motion, in order that the compulsory clause might be modified before the final vote upon it.

Mr. GRUNDY and Mr. CLAY of Kentucky, spoke in favor of first taking the question on the admission of the principle of compulsion at all into the bill; and after some further remarks, Mr. CLAY of Kentucky moved to strike out the 18th section, being the compulsory clause.

Mr. WRIGHT intimating a wish to make some remarks on the subject before the vote was taken,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 2, 1840.

Messrs. BELL and DAVIES of Pennsylvania made some remarks in reference to amending the journal; and the latter made a motion to change the phraseology of a part of the record; which was disagreed to by the House.

Mr. THOMPSON of South Carolina rose for the purpose of asking the general consent of the House to submit a motion, that the House would then resolve itself into Committee of the Whole on the state of the Union, to take up the bill for raising sixteen hundred troops for the protection of Florida. He was satisfied that the discussion on the bill would not take up more than this day.

Mr. GRAVES hoped the House would not consent to the motion; and after some suggestions,

Mr. THOMPSON said he would not press the motion until after the expiration of the morning hour.

The SPEAKER announced that the first business in order during the morning hour was the motion of the gentleman from New Jersey, [Mr. RANDOLPH,] to recommit to the Committee on Commerce the bill reported from the committee by the gentleman from Maryland, [Mr. HILLEN,] to repeal the law regulating pilots.

Mr. CURTIS, who was entitled to the floor, assumed that the motion to recommit opened for discussion the whole merits of the question. He desired to discuss the question in that way; and as he believed that it would be debated during the morning hour for two days, and as many of the standing committees were anxious to report, he would suggest that the further consideration of the subject be laid over till to-morrow morning, for the purpose of receiving reports of committees; to which suggestion the House yielded.

Mr. GRAVES inquired of the chairman of the Committee on Commerce [Mr. CURTIS] when a bill would be reported (in pursuance of the recommendations made by the President and Secretary of War) making appropriations to pay for sites selected by the board appointed for that purpose, for the building of Marine Hospitals in the West.

Mr. CURTIS entered into some explanations in regard to the condition of this question before the committee, and from which it appeared that the delay in the action of the committee arose from the conflicting claims of Wheeling and Pittsburg, and the conflicting reports in relation thereto. [The act of 1837 authorized the purchase of seven sites; six of them were accordingly selected; and the difficulty is, as to the seventh, whether Wheeling or Pittsburg shall be fixed upon.]

Mr. GRAVES urged the propriety of reporting a bill as to the six selected sites, leaving the disputed one to be acted on hereafter.

Mr. MORGAN of New York spoke of the injustice done to one of his constituents, who had made a contract with the Government for the sale of land in Pittsburg for the site of one of these hospitals, but who was kept out of his money.

Mr. BIDDLE rose; but

The SPEAKER remarked that there was no question before the House, and discussion was irregular.

Mr. BIDDLE moved a suspension of the rules, to enable him to say a word on the subject; which being accorded by a vote of two-thirds, he declared it was not his purpose to enter upon any contest as to the comparative claims of Pittsburg and Wheeling; to do so in the House now, could lead to no useful purpose, and would only tend to shift responsibility from the proper quarter. The act of 1837 had rendered it the duty of the President to make the selection. Mr. B. was unwilling the committee should be goaded into premature action. A communication from the Executive, he had reason to believe, would be made to the committee. He entertained a deep conviction that there had been great and inexcusable delay in the Executive action. The course which the Executive had now tardily taken, at the close of the session, even supposing it at all necessary to a just decision, might have been taken, and ought to have been taken, six months ago—yes, long before the present session commenced, when the report of the second Board of Surgeons reached the President. But he would not draw the subject from where the responsibility properly lay. The West would hold the President ultimately to a strict account.

Mr. STEENROD said he must ask the indulgence of the House to enable him to make a few remarks in reply to the gentleman from Pennsylvania, [Mr. BIDDLE,] on this subject. It was true, he said, that another board of commissioners had been ordered by the proper authority to ascertain which of these two points, Pittsburg or Wheeling, was the proper and appropriate place for the Marine Hospital. And it is true that the appropriation must be suspended for these improvements, until the further action and return of this board. But with what propriety or justice could the honorable gentleman from Pennsylvania [Mr. BIDDLE] charge this consequent delay on the President? How, said he, could any censure or improper imputation be justly cast on the President? The law of 1837 imposed on the President the selecting of the respective sites for the hospitals ordered to be established on the Western waters by the law. In pursuance of this law, they authorized a board to be appointed by the President, which board selected and contracted for the site at Wheeling: so far the President was not unmindful of his duty, nor was he tardy in discharging it. But what was the course of the gentleman from Pennsylvania, [Mr. BIDDLE,] or those whom he so ably represents. This decision of the board was then challenged, the President was remonstrated with, and his authority invited to interpose, and to give the constituents of the honorable gentlemen another hearing, that their claims might again be presented for consideration. They petitioned that another board might be appointed. This was granted. For this delay—for this concession to meet the request of the gentleman, or petition of his constituents, of course he will not complain, or censure the President. It must then be the cause of the recent delay. The other board of commissioners, appointed on the remonstrance of the gentleman, (Mr. BIDDLE) or his constituents, selected and recommended Pittsburg as the proper and appropriate place. Mr. S. said that it was then rendered his duty to interpose and petition the President, and present to his consideration such reasons as, in justice to those he represented, might induce him to appoint another board, whose decision should be final on the subject. If, then, there has been unusual delay in concluding this matter, the blame must rest on others, *but certainly not on the President.*

The SPEAKER called the committees for reports; when

Mr. CURTIS, from the Committee on Commerce, reported back to the House, with an amendment, Senate bill entitled an act to refund to Noah Miller and others a part of the proceeds of the sale of the British sloop Mary and cargo, which were captured by them, and libelled by them for the benefit of the United States; which bill and amendment were ordered to be printed.

Mr. CURTIS, from the same committee, reported a bill making appropriations for the erection of a custom-house in the city of Richmond, in the State of Virginia; which was read twice, and,

On motion of Mr. BANKS, was referred to the Committee of the Whole on the state of the Union, and the bill ordered to be printed.

Mr. CURTIS also reported from the same committee a bill to establish a port of entry at St. Joseph's, in the State of Florida; which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. HABERSHAM, from the same committee, reported a bill making appropriations for the completion of the marine hospital at Mobile, and furnishing the same; which was read twice, and referred to the Committee of the Whole, and made the order of the day for to-morrow.

Mr. CURTIS, from the same committee, reported a bill for the protection of the commerce on Lake Michigan; which was read twice, and committed to the Committee of the Whole, and made the order of the day for to-morrow.

Mr. BURKE, from the same committee, reported back to the House without amendment, Senate bill entitled an act for the relief of Jacob Parnell and others, owners of the Eliza of Brunswick; which was committed to the Committee of the Whole, and made the order of the day for to-morrow.

Mr. CRARY, from the Committee on the Public Lands, reported back to the House, without amendment, Senate bill entitled an act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, passed 18th April, 1836.

Mr. C. moved that the bill be read the third time, and be put upon its engrossment.

Mr. MONTGOMERY moved the commitment of the bill to the Committee of the Whole.

Mr. CROCKETT hoped that this bill would not be permitted to be referred to the Committee of the Whole; but that it would be read the third time, as proposed by the gentleman from Michigan, and put upon its passage. The bill had been before Congress for twelve years, and had been frequently reported upon favorably. It had received the sanction of the three or four standing committees of the Senate, and three committees of the House of Representatives. He hoped if it was the desire of any gentleman to examine the bill, that they would permit it to lie on the SPEAKER'S table, and take occasion to examine it there; but if there was no objection, he would be glad if the bill would be put upon its passage, and to effect that object, and if in order, he would move the previous question on the motion of the gentleman from Michigan [Mr. CRARY] for the third reading of the bill.

Mr. L. WILLIAMS objected to such a course. It was a very important bill, and hoped that it would be referred to the Committee of the Whole.

Mr. CAVE JOHNSON made some remarks explanatory of the principles of the bill, and urged its immediate passage.

[The motion for the previous question operating on the motion to commit, and not on its passage of the bill, it was not pressed.]

Mr. W. C. JOHNSON urged the propriety of committing the bill. He regarded the bill as the first step towards the surrender of the whole public domain. It was a bill of the utmost importance, and should have full investigation. It was a measure involving a question of revenue, and the rights of all the States. He believed there was something wrong in the bill, otherwise the friends of it would not wish to press it through in such a hurried manner.

Mr. CRARY considered the motion of reference as tantamount to a motion for rejection. It was evident that the Committee of the Whole on the state of the Union had very much abused its privileges. We had already spent a month of the session in the discussion of one bill in that committee. It was a place where debate was almost interminable. It took from the majority all their power and gave it into the hands of a few individuals. If this bill went to that committee, it would not be considered this session. We had bills enough there already to occupy our time till August, and we had yet other bills to refer, that should receive consideration. By referring the bill before us, the whole question of the public lands will come under discussion. We shall have speeches on the right of pre-emption, on the subject of graduation and distribution, and all these on a bill that does not involve the principles of either of those great measures.

This bill proposes to do for the State of Tennessee what should have been done long ago. In that State we have had public lands for near fifty years, but we had never surveyed them, had never sold an acre of them, and we never would. Such was their situation that it was no object to survey

them. This bill proposed giving the control of them to the State on certain conditions, too onerous to the State, it was true, but such as she was willing to accept. He would have willingly given conditions more favorable, but he had yielded to the wishes of others, in the hopes that the present bill would meet with approval from all sides of the House.

He repudiated the insinuation of the gentleman than from Maryland [Mr. JOHNSON.] He did not wish to take any advantage of those who were opposed to the bill. He only desired action, and action was the duty of the House. The new States have nothing to gain by voting for this measure. Their interests were to be promoted by keeping the State of Tennessee in her present vassalage, until they were able to effect a cession of the lands of the Government within their own borders. The passage of this bill will soon place Tennessee at the side of the old States. Reject it, and her interests and feelings must remain with the new. He should vote for the bill, not from any motives of policy which governed his views in regard to the public lands, but because its passage was due to a sovereign State of this Union.

Mr. WHITE of Kentucky spoke of the political organization of the Committee on the Public Lands. It stood four and four when this question was before it; but the bill had received the unanimous sanction of that committee. The bill was not intended as an inroad on the public domain, as was stated by the gentleman from Maryland, [Mr. JOHNSON.] Mr. W. spoke of his scrupulous regard for the protection of the public domain. He had always opposed any inroad upon it; and referred to his past course in proof of that fact. He said that this bill was a measure of protection; a measure to preserve that domain; and he believed if the character of it was understood by the gentleman from Maryland, [Mr. JOHNSON,] and if he was to take a statesman-like view of the subject, he would vote for the bill. He adverted to the great injustice which had been done the State of Tennessee by the course which the National Government had practised towards it. Whilst the lands of all the other States and Territories had been surveyed by the United States, and brought into the market, the State of Tennessee had been patiently waiting for more than fifty years, either to have the land surveyed and brought into market, or to relinquish it to her, that she might survey it herself. But that State had been compelled to witness the cream of the land picked out by the State of North Carolina, to locate her military land warrants—picked out not by quarter sections, but by acres. He thought it a measure of great hardship to Tennessee. The Government had never surveyed the land, and it will never dare risk the expense of a survey; this bill should pass as a matter of right and of justice. The lands were worth nothing to the Government, and should be given up to the State of Tennessee. The bill did not involve an expenditure of money, and he hoped it would not be committed.

After a few remarks by Mr. JOHNSON of Maryland, in reply to Mr. WHITE, Mr. CRABB was understood to say that this bill differed very little from the graduation bill. He was not distinctly heard, but was understood to be opposed to this bill.

Mr. WHITE of Kentucky said the protection of the public domain was a measure near and dear to his heart. This was a measure of protection. The bill had been already discussed freely at other times, and had cost the Government more than $100,000 by such discussion. He hoped it would not be committed. The morning hour having expired,

Mr. JONES of Virginia moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. W. THOMPSON of South Carolina moved to amend that motion, so that the House go into committee on the bill to raise troops for the protection of Florida.

The CHAIR suggested that if the House went into committee, a majority could take it up.

Joint resolution of the Senate, authorizing the President to receive the presents from the Imaum of Muscat and the Emperor of Morocco, having been read twice, was,

On motion of Mr. CUSHING, referred to the Committee on Foreign Affairs.

Other Senate bills were read twice, and appropriately referred.

Mr. THOMPSON moved that the House resolve itself into Committee of the Whole on the State of the Union, on the bill to raise troops for the protection of Florida.

The CHAIR suggested that if the gentleman made that specific motion, it would take two-thirds.

Mr. THOMPSON then said he would not make it.

The House then resolved itself into Committee of the Whole, (Mr. BANKS in the chair,) and took up the

INDEPENDENT TREASURY BILL.

Mr. LEET, being entitled to the floor, addressed the committee at much length in favor of the bill, and in reply to the several objections urged against it. He contrasted the benefits which would arise from this measure with the injurious effects of the deposite system, and showed that it was impossible to suggest a more safe, convenient, and constitutional mode of keeping the public money. After illustrating and establishing his positions with numerous references to facts, he proceeded to show the fallacy of the charge that the Government was distinct from the people. He contended that such could never be the case. It was against the very nature of things for the people to be separate from the Government. Their interests were inseparable, and always were and would continue the same. He then drew a glowing picture of the fatal consequences which would result in case of a war, if Government had its funds in the hands of the banks.

The bill, he said, should pass, and he ventured to assert that it would pass. It was a plain, simple, and constitutional measure, and would impart into the currency health, by infusing into it more gold and silver. If this was not the best measure to meet the condition of the country, and if it did not meet the approbation of the Opposition, he challenged them to bring forward their plan. What better plan than this have the Opposition; what measure have they to present to the country? Echo answers, where? We have heard them reproach the President for not relieving the country by a proper measure, and they will not suggest that better measure, as one antagonistical to this. The Bank of the United States has been tried—the State deposite banks have been tried—all have failed. The Independent Treasury, then, is the only safe, just, and constitutional measure which the President could recommend. Mr. L. then went into an analysis of the bill, and commented on its different provisions, showing that it fully accorded with the position he assumed above. The bill prohibited the loaning or using of the public money. It was the loaning and using of the public moneys that created all the ruin of which the Opposition now complain.

Mr. L. also adverted to a variety of other matters in connection with this bill, which remarks will be hereafter given in full, as early as convenient.

Mr. BROCKWAY had just entered upon an argument in opposition to the bill,

When the usual hour having arrived, the House took a recess until 4 o'clock.

EVENING SESSION.

The House resumed its session at 4 o'clock.

Mr. BROCKWAY denounced the bill as calculated to blight the prosperity of the whole country. He was confident it would blast and wither the interests of the New England States. It would bring ruin upon the manufacturer, and reduce the laboring man to starvation. In fact it was impossible to foresee the extent of the disastrous consequences which must result from the adoption of the measure. Mr. B. then examined the bill in detail, and contended, among other matters, that under its operation every deputy postmaster would be a Sub-Treasurer, etc. and contended that the bank deposite system was the safest one, etc.

Mr. EASTMAN said: Mr. Chairman, there is probably not a member of this committee, whose views were not fully known upon the bill now under consideration, previous to his election. In many instances the opinions entertained in regard to the measure, were made the touchstone by which the political faith of gentlemen was tested; and upon those opinions depended their election or rejection by the people. For one, I should have been perfectly willing to have given my vote in favor of the bill, without the least discussion from either side of the House; but, inasmuch as it has been, and from present appearances, is to be, very fully discussed, I desire to state some of the reasons which have operated to form my opinion in regard to it.

That the good faith of the Government must be kept in meeting promptly and satisfactorily all pecuniary demands upon it, cannot be questioned by any one. Our civil officers who are scattered throughout the whole extent of the Union, in all the several States, must be paid for their services. Our army and our navy must be honorably and honestly supported; and all who contract with this Government, and do service for it, in whatever capacity, must be compensated. If this be not the case, of what value is our Government? Sir, it would not stand a day. It would virtually be dissolved. It would resolve itself into its original elements and the security of the whole people over their persons and property would at once be lost.

For the convenience both of the Government and its creditors, it must be obvious that the funds with which payments are to be made, must be in different sections of the Union. In all our States, the judges and officers of the United States Courts, the jurymen that attend those courts, and many of the witnesses also, are to be paid by the Government. For these services, satisfaction must be made where they are rendered. Portions of our army are accommodated, by being paid at one point, and other portions at another. So also with our navy. So with our list of pensioners; with our mail contractors; with those employed upon our public works, and with all, indeed, that do business for the Government.

And, sir, not only is it necessary that the Government should meet, with promptitude and certainty, all demands upon it, but it is right that those demands should be paid in a currency that shall be entirely satisfactory to the creditor. It should be done in a currency that is not only not depreciated, but in one that is incapable of being depreciated.

Now, sir, let us examine this bill, and see how far its provisions are calculated to keep inviolate the public faith, and preserve untarnished the national honor. For, however much gentlemen may differ as to the provisions of the bill, and the effect which it will have, should it become a law, none will deny that one of the very first, if not, indeed, the foremost object of every administration, should be the honest and prompt fulfilment of all its contracts.

What, then, are the objects of the bill? Simply these. They are for the collection of the money that may, from time to time, be due to the Government—for its safekeeping before it shall be paid out after its collection—for its transfer from one point to another, where it may be required to pay the public creditors, and for the payment of those creditors as their demands may fall due upon the Government.

To carry out these objects, the bill provides that four officers shall be appointed, to be denominated receivers general, who shall have offices located at Boston, New York, Charleston and St. Louis; the offices at Boston and New York to be kept in the new custom-houses of those cities; the office at Charleston to be kept in the custom-house of that city, if suitable rooms can be procured—otherwise, a building to be erected; and at St. Louis, a building is to be procured or erected. In all of the offices, sufficient vaults and fire safes are to be used, that the money may be as secure from felons and fire as the wisdom of man can make it. Besides these four gentlemen, two others, who are now officers of the Government, (the Treasurer of the Mint at Philadelphia, and the Treasurer of the

Branch Mint at New Orleans,) are to perform the duties of receivers general at those respective places, in addition to their present duties.

Let us now see how these four officers are to be appointed. They are to be nominated by the President and confirmed by the Senate. They are to be selected from the whole people of this Union, for their weight of character, their standing in society, their thorough and efficient business habits, and, in a word, for their qualifications for such responsible stations. Will it be said here, sir, as has been declared by the gentleman from Connecticut, that mere political partisans will be selected, that qualifications will not be taken into the account, but that he who has worked the hardest and pulled the truest, will receive the nomination to the Senate? Sir, let me tell gentlemen that were I the President of these United States, I would recommend no man to an office of this importance, who had not worked hard and pulled true in the Democratic ranks. Yes, sir; pulled true through the whole of his political life, or else should give such evidences of a true conversion to the Democratic faith, as would leave no fears of his backsliding; and, sir, when I say this, I should have no apprehensions that any one who was not honest, not perfectly upright, not fully qualified for the station, would be recommended by the President. Is it to be supposed that among the hundreds of thousands of Democrats who are scattered throughout the whole extent of this Republic, there cannot be found four, whose honesty, integrity, and capability are sufficiently elevated to make them fit nominees for the station? No one would undertake to entertain a doubt upon the subject. Sir, I have not that horror of party men which some gentlemen profess to have. I see nothing unbecoming the independence of men for those who entertain the same political principles, to concert as to the best measures to carry out those principles. I see nothing improper in their comparing views, and agreeing upon the plans of operation. I can discover nothing censurable in adhering to these plans, and supporting those men for public stations, who will sustain those principles; and, sir, I should view it to be a duty which the President owed, not only to himself, but to his political friends, that he should nominate his own supporters to fill these offices. Besides, sir, what object could a President of these United States have in appointing to such a station a bad and unqualified man? Sir, let a President of this great people be ever so ambitious and corrupt, he would never venture to nominate to the Senate one whom he did not himself fully believe to be both honest and capable; for his own prudence, his love for his own reputation, if nothing else, would deter him from pursuing such a course. And, sir, when we have in the chair of state a man of wisdom and integrity, as I trust and fully believe we now have, we can have no apprehension that one unsuitable, in any particular, would receive a nomination.

But, sir, let it be borne in mind that these officers are not to be *appointed* by the President. They are to be nominated by him, and, before they can be commissioned, have to pass through the ordeal of the Senate, and be confirmed there. In that body, second to none perhaps in the world, the whole character of the nominees, and their fitness for the stations, can be fully and freely discussed. Nor is it believed that any one, who is incompetent or unfit for the place, would receive a confirmation. In making the selections, then, we have not only the knowledge, experience, and skill of the President, but a full review by the Senate, before a ratification of the nominations.

Let us now examine the guards which this bill throws around the conduct and course of these officers. By the seventh section, it is provided, that they "shall respectively give bonds to the United States, in such form, and for such amounts as shall be directed by the Secretary of the Treasury, by and with the advice and consent of the President, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time, renew, strengthen, and increase their official bonds, as the Secretary of the Treasury, with consent of the President, may direct." Not only, then, do they have to be confirmed by the Senate, after their selection by the President, but they have to pass through another trial, that of procuring sureties to their large and heavy official bonds, which are required to be signed by men whose responsibility shall be unquestioned. Now, sir, is it to be supposed that they will be able to obtain such satisfactory sureties, unless their honesty and integrity is beyond all suspicion and reproach? What man of responsibility would sign such bonds, unless he believed his principal to possess a character for business and uprightness that could not in any way be impugned? No one, sir; no one.

But the security stops not here. The twelfth section of the bill substantially provides, that the Secretary of the Treasury shall have power to cause an examination to be made at any time into the books, accounts, and all matters and things connected with these officers. And not only has the Secretary of the Treasury this general power, as given by the twelfth section, but the thirteenth section expressly provides, that it shall be the duty of each naval officer and surveyor, of each register of a land office, of the director and superintendent of each mint, that they may act as checks upon their several depositories, at the close of each quarter of the year, and as much more frequently as they shall be directed by the Secretary of Treasury to do so, to examine the books, accounts, returns, and money on hand of their several depositories, and to make a full, accurate, and faithful return to the Treasury Department of their condition.

And here, sir, it might be supposed, by those who believe in the common honesty of man, that the bill might stop—that men who are honored with the confidence of the President—who receive not only his approval, but whose characters and qualifications pass through the close review and strict scrutiny of the Senate; who, after being commissioned, are compelled to call upon their friends to stake their all as guarantees for their fidelity, and who are subjected to a general and special supervision of all their acts, might be trusted, without going further. But such is not the case. In addition to all the previous precautions and guards, the 17th section requires that these officers shall keep an accurate entry of each sum received, of the kind of money in which it is received, and of each payment or transfer, and of the kind of currency in which it is made. And, sir, as if "to make assurance doubly sure," it further provides, "That if any one of the said officers, or of those connected with the Post Office Department, shall convert to his own use, in any way whatever, or shall use, by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys entrusted to him for safekeeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be felony; and any officer or agent of the United States, and all persons advising or participating in such act, being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than six months nor more than five years, and to a fine equal to the amount embezzled."

With these four officers thus appointed, and around whom so many guards and checks are thrown, together with the Treasurers of the Mints at Philadelphia and New Orleans, who are to give similar bonds and be subject to similar scrutiny and penal provisions, are the moneys of the United States to be deposited, instead of the United States and other Banks as heretofore. With them the several collectors and all officers of the Government of every character and description who recive money for the Government and reside in the several districts where these offices are situated, are required to deposite with the receiver general of their respective locations, at least as often as once a week, and as much more frequently as they shall be directed, all moneys which they may collect.

Upon these officers, with the funds in hand, the Secretary of the Treasury can draw his drafts, and every class and grade of the public creditors receive their pay at such points as they may be best accommodated.

With regard to the provisions of this bill, a great mistake has pervaded the public mind. To whom this is to be attributed is, perhaps, not for me to say. I cannot forbear remarking, however, that in many sections of the country the Opposition press, either from ignorance or from some other cause not so excusable, have endeavored to create the impression that the public funds were to be scattered in a manner wholly unprecedented, among an almost innumerable number of officers, unsafe and irresponsible. Even every deputy postmaster has been heralded forth as a Sub-Treasurer.

But, sir, I believe I have shown that this bill creates four new offices, and four only, who are denominated receivers general. I have shown, too, that with these officers, and the two treasurers of the mints at Philadelphia and New Orleans, are to be deposited, forthwith, all the moneys of the Government collected in their respective locations. This, with the exception of receipts by deputy postmasters, will embrace almost the entire amount of the collections of the Government.

I wish now, sir, to examine the arrangements of the Post Office Department, as they will be under the provisions of this bill, and compare them with the former practice, that we may see how its funds are to be managed, and with how much truth these allegations are made against this Department. There are, I believe, some thirteen thousand deputy postmasters in the United States at the present time. Of these about eleven thousand will pay over immediately, as they now do, on each quarter day, the amount in their hands, to the contractors on the routes where the post offices are established—the contractors having an order to that effect. The others, being the larger offices, and situated in the neighborhood of the receivers general, are to deposite with them; the moneys to be kept in a separate account from the other money of the Government, and to be used by the Postmaster General where they shall be needed. So that, by the operations of this bill, the money is to be taken from the hands of the deputy postmasters, immediately upon its collection. If one dollar is appropriated by them to their own use, we have seen that, by the provisions of the 17th section, they thereby subject themselves to fine and imprisonment. Now, sir, how has it been under former arrangements? Almost the entire amount was deposited in banks, scattered throughout the country, and the balance paid by drafts in favor of contractors. The Metropolis Bank, situated in this city, collected of the other banks the sums deposited with them, and paid many of the contractors here. Under such an arrangement, deputy postmasters, situated in remote places, in many instances retained the funds in their hands for weeks. The gentleman from Connecticut states that many of these became defaulters. This I do not deny. But, sir, I contend that the provisions of this bill will be effectual to prevent such delinquencies for the future. The banks, too, could retain them, enjoying the benefits not only of the deposites, but of paying out their own bills to contractors; the Government, in the mean time, having no adequate security therefor. With how much truth, then, can it be alleged that deputy postmasters, by the provisions of this bill, are to have any more control over the moneys that pass through their hands than heretofore, when, in fact, they do not have so much, and are guarded by much more strict provisions of law?

Let us now look, for a moment, to the situation of the public moneys when deposited in the United States Bank. During the time of the deposite of the moneys of the Government in that institution, all the revenues of the country, whether collected upon imports of goods, or from the sales of the public lands, or from whatever source, were deposited there. These moneys, amounting to hundreds of millions, during the series of years that they were deposited in that institution, were taken by the Bank, and discounted upon to its customers and officers. It is believed that, in many instances, those collected at New York, which amounted to a great portion of the whole, were shipped to England, to

form there a fund by which the Bank could deal in exchanges from country to country. In fact, the moneys and whole treasure of the nation were under the entire control of the Bank, and were used by it as suited the pleasure of its officers. It is true that the drafts of the Government in favor of its creditors were paid by the Bank; and it is also true that these drafts were paid in the notes of the Bank.

And now, sir, let me ask, will not the money of this Government be as safe under the provisions of this bill as when deposited in the United States Bank? Will it not be as secure from felons without or felons within? Will it not be as well protected by the bolts and bars and vaults in the buildings provided for the receivers general, as in a bank? And may it not, with the strongest confidence, be asserted, that men appointed as these officers are required to be, and surrounded by checks, by bonds, by penal laws, who have not only the reputation and interests of those who have reposed confidence in them at stake, but their own personal honor, honesty, and even liberty, involved, will be as honest and as trustworthy as a corporation without soul, and with no object in view but the distribution of dividends and the accumulation of a surplus? The receiver general has the honor of his Government at stake—the bank the interests of its stockholders. The receiver general has every inducement that a man can have to be faithful and honest—the bank has but one only, that of interest. The receiver general is a man, with all the feelings of a man, with hopes and fears, and all the sensibilities of a responsible being—the bank is a body politic and corporate, a mere machine, with individual responsibility resting upon no one. But, says the gentleman from Connecticut, Swartwout absconded. True, sir; he deserted the Democratic party, joined the Conservatives, and ran away with the money. Tis to prevent a repetition of similar occurrences that this bill is needed. Had such a law as this bill proposes to enact been in force, that money would never have been lost to this people.

But, sir, let us go a little more into particulars, and see the situation of the funds of the Government, while in the hands of the United States Bank. I will not discuss the exclusive privileges which the Bank enjoyed, and the immense dividends which it made during the continuation of its charter. It is sufficient for my purpose to examine into the scurity of the public moneys while under its control.

The capital of that institution, it will be recollected, was thirty-five millions; seven millions belonged to the United States, and the remaining twenty-eight millions to the stockholders, $8,405,500 of which was publicly owned by foreigners. It had twenty-five directors, five of whom were appointed by the President of the United States, and the remainder were chosen by the stockholders. It will be very easy to conceive that this Bank could be entirely controlled by a foreign Government; for notwithstanding the charter provides that no person not a citizen of the United States shall be a director, and that no foreign stockholder should have a vote in the choice of directors, yet how easy would it be for the foreign stockholders to transfer their stock for the time being to citizens of the United States, and have directors chosen to suit themselves? And, sir, in case of a war with a foreign power, where would the funds of our own Government be? What control could five Government directors have over twenty others? Who can answer that the Bank would not suspend specie payments, and the nation at once become bankrupt? Who can tell what would become, not only of the Government deposites, but of the Government stock, even? Is it said that no citizens of this country could be found who would lend themselves to such devices? Sir, I should hope there could not be; but when we reflect upon some of scenes that occurred during the last war of this country with England, when we remember that the Legislature of one of the States of this Union could so far forget itself, and the duties it owed to this Government, as to pass a resolution, that it was unbecoming a moral and religious people to rejoice at our victories, as was done by the Federal Legislature of Massachusetts in June, 1813, it is not too much to believe that, in times of high excitement, men might be found who would lend themselves to almost any or every thing, to accomplish their ends.

But, sir, let us proceed a little further. In December, 1834, a committee of the Senate of the United States, previously appointed to investigate the affairs and conduct of the Bank, made a report. To some of the facts contained in that report, I desire to call the attention of gentlemen; and I desire that they will bear in mind that this report, and the facts therein stated, are based upon an actual examination of the books and papers of the Bank.

It will be recollected that during the session of Congress which commenced in December, 1831, and continued till the 16th of July, 1832, the Bank applied to Congress for a new charter. It will be recollected, also, that Congress yielded to the application, and passed a bill rechartering the Bank during that session, and that General Jackson vetoed it. It will also be remembered, that in the summer and fall of 1832, the elections for members of the next Congress were held, and also that the Presidential election took place in the autumn of the same year. Now, sir, what was the course of the Bank during that campaign? Why, sir, in the last six months of that year, it expended sixteen thousand four hundred and ninety-nine dollars and ninety-four cents, for (as the committee called it) "extraordinary printing." And what was this extraordinary printing? Sir, let me read some of the details to gentlemen:

"Jesper Harding, for printing review of the veto, and expenses incident thereto, and 200 handbills ordered by Col. J— - - - $821 78

Edward Olmstead, bank documents - $624 11

4,000 Ewing's speech, Webster's speech, and other documents, relating to the Bank - $328 88

Edward Olmstead, printing review - $418 25

Wm. Fry, printing two editions of questions and answers - - - - $304 84

22,300 copies of Webster's speech on the veto message - - - - $892 00

40,800 copies of Webster's speech on the veto message - - - - $816 00"

"John Metcalfe of Kentucky, for printing 1,400 extra copies of *Protector*, containing sundry bank documents and articles in favor of Bank, and analysis of veto message - - $295 00"

"D. N. Hewlings, for printing Webster's speech - - - - 250 00"

"R. Coneynham, for printing Mr. Webster's speech - - - - $200 00"

"Thomas Clarke, for printing Webster's speech, and other articles on veto message, and distributing them - - - - $1,512 75

Sergeant Hall, printing Webster's speech, and other articles in Schuylkill County Advocate, etc. - - - - $100 00"

"Nathan Hale, printing 40,000 copies of Webster's speech at Worcester Convention, 12,500 copies Webster's speech on Bank veto, and stitching, boxes, freight by packet and stages, packing, and sending away - - - $2,422 65"

"R. Bannan, for printing extracts of Webster's speech, and other articles in English and German, on the veto message, and distribution - $200 00

Conrad Zentler, for publishing in German extracts of Webster's speech, and other publications, and distributing them - - $566 40"

Sir, I could proceed, but I will not detain the committee in enumerating the remaining items. Those who have a curiosity and are not already familiar with the transactions, can look them over at their leisure. They can examine not only the several items and see to whom the amounts were paid, but they can notice the *prices* also. They will find that in one case twenty-one cents were paid for each single copy of a newspaper.

Again, sir, how was it in 1834? In this year also a new Congress was to be elected. The charter of the Bank was to expire in March, 1836, and unless this Congress could be chosen favorable to the institution, unless the people could be sufficiently enlightened to elect Bank men, the die was cast and the charter must expire. This was indeed a desperate effort, and how unscrupulously the means of the Bank were used, let the facts stated in this report answer. In six months of that year, during the long session of Congress, the Bank spent twenty-four thousand two hundred and fifty-two dollars and fifty-one cents. And what was it for? Sir, it was for speeches and documents favorable to the Bank and Bank party. The account is a long one or I would read it all. It was for the speeches of Mr. Webster, Mr. Clay, Mr. Adams, Mr. Southard, Mr. Binney, and other distinguished gentlemen of the Opposition party. Seventy-five thousand copies of Mr. Webster's speeches were taken at one time, besides many thousands at other times; fifty thousand of Mr. Adams's at one time; twenty-five thousand of Mr. Clay's at another, and fifty thousand of Mr. Binney's at another. And, sir, during these six months, the Bank took, of these speeches and documents, if I have added them correctly, no less than 649,500. Sir, how many voters were there in the whole Union at that time? If we suppose the whole population to be thirteen millions, and one in every five of that number to be a voter, we shall have two millions, six hundred thousand voters—and, sir, about one speech to every four voters of the whole United States. Will gentlemen undertake to justify such a course? Will they say that it is all a "fair business transaction?" and that the Bank, in purchasing political speeches sufficient to supply every family in the Republic, is confining itself within its proper sphere?

In looking over this account for "extraordinary printing" for these six months in 1834, when nearly twenty-five thousand dollars are expended in so short a time, for 649,500 Bank speeches, it will perhaps be a matter of no little surprise to some, to find that nothing, no, sir, not even a farthing, is charged for distributing them. In the six months of 1832, above alluded to, several items of charge, amounting to some hundreds of dollars, are to be found for distribution; and the question very naturally arises, why, in the six months of 1832, these charges should be made, while in 1834, not a dollar should be expended for that purpose? Sir, I will undertake to solve the matter. The reason which I shall give, may be an erroneous one, but, nevertheless, it is that which has suggested itself to me. During the six months alluded to in 1832, Congress was not in session. It was the latter half of the year; but in the six months of 1834, when these 649,500 speeches were bought by the Bank, Congress was in session, and many, if not all, of these very speeches were then made. Sir, were they scattered abroad throughout the country, under the franks of gentlemen then members of Congress? Was the Bank of the United States then furnishing funds to purchase the speeches of its political friends, and were those friends distributing those speeches by virtue of the franking privilege which they enjoyed? Were the Bank and the Opposition acting in concert—scheming together, planning together? Were they bound by the same ties, united by the same interests, and engaged in the same league against Gen. Jackson and the Administration party? Sir, I will not undertake to answer the questions; I will leave it for those who have a more familiar and intimate acquaintance with that institution and its management than I have.

But, sir, this is not all. I have before stated that the United States owned one-fifth of the capital stock of this Bank; of course one-fifth of all the expenditures of the institution were borne by the Government; and, consequently, of the $24,252 51 expended for "extraordinary printing," in six months only of 1834, one-fifth, or $4,850 50, was the money of the people of these States. By this "extraordinary" management of the Bank, not only do we find it entering the arena of politics, and waging war against the Administration, but actually compelling the Government, by the control which it had over its means, to contribute, in the short space of six months, the sum of $4,850 50 to purchase the speeches of political partisans, with which to carry on operations against the Government itself—yes, sir, compelled to furnish the very weapons with which it was to receive the stabs of its enemies.

Sir, gentlemen may wish to know the aggregate

amount which was expended in this extraordinary manner. I will give it to them as stated in this report. It was $94,708 25; one-fifth of which, let it not be forgotten, was the money of this Government.

I wish to call attention to another fact stated in this report. Under the head of "Loans made by Bank of United States and officers to members of Congress," I find that, during the session of Congress in 1834, when so many of these speeches were made and purchased, members of Congress were indebted to the Bank in the sum of $238,586. On going back to 1831, I find that this indebtedness amounted to $322,199; and, in 1832, to the very moderate sum of $478,069. Upon this, sir, I will make no comment; I will let the facts speak for themselves. I will simply observe, as before stated, that it was in the session of 1831–'32, that the application was made by the Bank for a new charter, and that a bill for that purpose actually passed both branches of Congress during that session, and would have been fastened upon this people, beyond all hope of redemption, had not Andrew Jackson vetoed that bill.

One thing more and I am done with this report. We have, during the past few years, heard much said about the manner in which the Bank has tampered with the public press, and of the favors and accommodations extended to editors of newspapers in various sections. I do not propose to go over these in detail, as set forth in this report. I will allude to one case only—I mean the National Intelligencer, published in this city. At the time this report was made in 1834, this establishment was indebted to the Bank in the sum of $57,107; and sir, if I am not misinformed, the records of this city now show a deed from that establishment to the Bank, of type, press, and all. So that even now, the head of the Opposition press, which is doing battle most manfully under the Harrison and Tyler flag, is owned by the Bank.

What the private management and conduct of the Bank have been since it passed beyond the reach of inspection by the people, of course cannot be known.

I do not undertake to say that it is now more active, more desperate, more unscrupulous in furnishing funds in this, its death struggle, than ever; that if success attends its efforts, a recharter is the reward, and it is again triumphant; that if a failure ensues, it may as well go down with a loud crash as with a small one. I do not undertake to say, that so wrapped up in the fate of that institution are the interests of some of the leading Opposition politicians of the country, that they are virtually pledged for a recharter. I charge not that its foreign stockholders, recollecting the palmy days of immense dividends, are now pouring in their money, to influence our elections and break down the Democracy of our country. I do not undertake to say that British influence and British money are now actively employed to crush the administration of this Government, that the Federal party may be brought into power, and the State debts held abroad be forced upon, and assumed by the General Government. But, Sir, should I make these assertions and charges, I am by no means certain that I should not be fully justified by the facts.

Sir, I was not a little amused to hear the gentleman from Massachusetts [Mr. CUSHING] allude to the last suspension of the banks in 1839. I had supposed that that gentleman was possessed of a little too much shrewdness to invoke such facts to sustain him in his argument. Sir, does not every one know—is it not, in fact, a matter of history—that the United States Bank, and its speculations, brought about that suspension? And does not the gentleman know that it was the banks of the city of New York—ay, sir, the Democratic city of New York, that prevented the suspension North and East? Does he not recollect with what subserviency the gallant little State of Rhode Island, with more banks than she has towns, whipped in to the track of "the Great Regulator?" And does he not know that the banks of his own proud State were ready, willing, and even *anxious*, to follow in the same train, had they dared to in opposition to the Democratic city of New York? Yes, sir, had they dared to; for, had they suspended, they well knew that the trade of the North would have left the city of Boston and gone to New York.

But, sir, I will pursue these remarks no further; and I will ask now, where are the moneys of the people safest? To whom should they rather be entrusted? To faithful officers of their own choosing, surrounded by all the guards and checks that are wont to insure honesty and fidelity in public servants, or to an irresponsible and party Bank—a Bank that has sought, and, perhaps I might add, is now seeking, not only to control the business and enterprise of the country, but to govern its whole civil power?

But, sir, the expense, it is said, is a strong objection to the passage of this bill. Have gentlemen, who urge this as an objection, carefully examined the various sections of the bill? If so, sir, I should hardly think they would come to such a conclusion. The offices at Boston and New York, it will be recollected, are to be kept in the custom-houses of those cities, buildings belonging to the Government. The only expense, then, at those two cities, for accommodations to transact the business, will be the procuring of safes, and the preparing of vaults. So it will be, sir, at the mints in Philadelphia and New Orleans. So also will it be at Charleston, at the custom-house, if rooms in it can be found and obtained. At St. Louis an office will probably have to be erected; and, perhaps, also at Charleston; and for the purchase of sites, and the erecting of offices at these two places, the bill appropriates ten thousand dollars. Under the provisions of this bill it cannot take but a very moderate sum to procure the safes and prepare the offices in the manner designated. Sir, it may do very well in electioneering speeches against this bill, to talk about splendid palaces, and the hundreds of thousands that will have to be expended to prepare these offices; but permit me to say, that if gentlemen are disposed to electioneer in this way, they must be careful that their constituents never see or read this bill. They must be careful, also, not to tell them how much the United States banking house in Philadelphia cost. They must never name the $413,081 19, that were expended for that edifice. They must be careful, also, to keep out of view the large sums that it cost to erect the numerous branch banks that were scattered throughout the Union. They must say nothing of the $116,777 02 that the Boston branch cost; nothing of the $110,657 34 that the Baltimore branch cost; nothing of the $87,000 00 that were paid for the New York branch; nothing of the hundreds of thousands that were paid for the remaining branches, but most especially nothing of the $1,221,942 19 that the whole cost. And, sir, they must be still more careful not to inform them that the United States was charged with one-fifth of the cost of erecting all these edifices. And so, sir, with regard to the salaries that are to be paid to the receivers general. Gentlemen urge that there is so much money expended. It is not believed that they will complain that their salaries are too high for the services rendered—at least that complaint has not yet been made—but that so much is yearly expended. And here let me suggest to them again, to say nothing of the amount paid to the large number of officers, the presidents, the cashiers, the tellers, the book-keepers, the discount clerks, and other clerks, and messengers of the United States Bank, and its numerous branches. Don't tell them, gentlemen, that these twenty-eight institutions, each of them had a set of all these officers; by no means inform them that one-fifth of all the salaries of this large horde of officers was paid by the Government of the United States; and least of all, sir, let gentlemen never intimate that the people paid one-fifth of all the incidental expenses of the Bank, and one-fifth of all its "extraordinary printing."

Will gentlemen say that the Government owns its share of these edifices? Very true, sir; and so will the offices of the receivers general be owned by the Government. There is this slight difference, however, that while the banking houses cost $1,221,942 19, the offices of the receivers general may cost from ten to twenty thousand.

But, sir, the great objection after all, which is urged against this bill, and that which it is asserted and predicted by the gentleman from Connecticut, is to ruin the country, is to be found, I suppose, in the provisions of the 19th section. And what are those provisions? Substantially these; that after the 30th of June instant, one fourth of the revenues of the Government shall be paid in gold and silver; after the 30th of June, 1841, one-half; after the 30th of June, 1842, three-fourths, and after the 30th of June, 1843, the whole shall be paid in that currency. This, sir, is the obnoxious section. It is this operation, if we are to believe the gentleman, that is to prostrate all credit; ruin all business; bankrupt the merchant; throw out of employment the mechanic; stop the wheels of the manufactory; beggar our planters and farmers, and drive to the poorhouse our laborers. Sir, is it possible that the gentleman can be serious and sincere in his predictions? Let us look a little at this mighty section that is to be so withering in its influences. For the current year, it is believed that the revenues of the Government will amount, in round numbers, to about twenty millions. One-fourth of this, or five millions, is to be collected in specie. This is to be done at the various receiving offices, in different sections of the country, at New York, Boston, Philadelphia, &c. The specie in the country is supposed to amount to about eighty-five millions; so that *five* out of eighty-five millions are to pass through the receiving offices the present year. I say *pass through*, sir, for it must be borne in mind that it is not to be collected and hoarded up for private or public speculation—it is not to be lent out to friends, or discounted upon to special favorites, but to be paid out to the creditors of the Government. The increase is to be gradual for the succeeding years; and if more specie is needed in the country, depend upon it, sir, you cannot keep it out. We have every thing to purchase it with; and it will as assuredly flow in upon us as that our cotton, wheat, and tobacco shall continue to grow. And yet, if we are to believe the predictions of gentlemen, this operation is to paralyze all the springs of industry, and spread universal prostration and distress throughout the land. Sir, have the muscles of man become stiffened, that he cannot work? Has the sun ceased to pour forth its rays upon our land? Have the streams that water the earth become dried up, and has the rain ceased to fall? Are the labors of the husbandman not blessed with a reward? Are not the wants of mankind constantly increasing with an increasing population? Do we not require dwellings to live in and clothes to wear, as formerly? And is every thing to be stopped, prostrated, ruined, and annihilated, because out of eight-five millions of specie in the country, *five* are to pass through the hands of Government officers the coming year?

Sir, let gentlemen talk about reduction of prices and the wages of labor as much as they choose. I can tell them that the farmers and the laboring men of the country understand that thing perfectly well. They have heard it before now. They know that it is a bait with which the Federal party have sought to entrap them again and again. There is always a time when that party is exceedingly anxious about the welfare of the laboring classes, and they well remember when that time is—*it is just before the elections.* Sir, the laboring classes are not to be gulled by any such shallow device—they know full well that the Democratic party, made up, to a very large extent, of themselves, has always striven to promote their interests and protect their rights by every possible means. And they know too, sir, that the only time that the Federal party can descend to notice them, is when they wish to *use* them.

Sir, I grant that in the large cities, where the greater part of our revenues are collected, the provisions of this section will have a restraining influence upon banking operations. And, for one, I trust they will. If the operations of this bill shall check that mania for speculation and monopoly—that thirst for sudden affluence, without corresponding effort—I shall rejoice in its effects.

Sir, who is it that, in past years, has scoured our wheat-growing country, purchased the immense

crops, and then advanced the price to suit his own cupidity? It is the bank favorite or bank officer, who has taken out of the institutions his hundreds of thousands of paper to carry on his speculations. Who is it that has suffered by this monopoly? Sir, it is all branches of community; but none so much as the poor man, who is suddenly called upon to pay advanced prices for the actual necessaries of life, without a corresponding advance in the price of his labor.

Who is it that has sought to monopolize the cotton trade of the South, and indeed of the world? Need I tell you that it is the United States Bank? Need I tell you that it is beneath that very load that it is now staggering? Sir, if banks shall keep themselves within their proper spheres; if they will confine their operations to their legitimate objects; if their paper shall be what it purports to be, the representative, the *true* representative of gold and silver, this bill cannot injure them. Solvent banks cannot be injuriously affected. It is the insolvent bank that may feel its power—it is the speculating institution, whose reins will be checked. Such institutions may not dare to extend their operations beyond their legitimate powers, for their bills may be returned upon them for specie. And, sir, can any one who regards the stability of trade and the honesty of mercantile transactions, regret that such should be the fact? Can any one who would see industry and fair dealing triumph over indolence, improvidence, and gambling, regret the effects of such a measure?

Sir, in all the aspects in which I have been able to view this bill and its provisions, I cannot but think that our public moneys will be more securely kept; our public creditors more promptly and satisfactorily paid; and that so far as it may have any effect upon the trade and business of the country, that that effect will be most salutary and desirable.

But, sir, suppose this bill should not pass; I ask gentlemen of the Opposition what would they have as a substitute. Will any one deny that it is a United States Bank that they desire? Have not some of the more bold already avowed it? Others, not so courageous, do not dare, openly, fearlessly, and honestly to declare it to the world, but seek, on all occasions, to proclaim distress, ruin, prostration of all business, and desolation throughout the land. Thus it is, that the timid become alarmed—credit becomes weakened—business is consequently checked, and a panic is produced. And thus, too, it is, that the Opposition expect by and by to be able openly to declare for a United States Bank, drive the country into its support, and place beneath its thraldom. And, sir, this is the question which the people of this free Republic have again to decide Once, twice, thrice, is not enough. With all the evils and sins of the old Bank before them, with the Constitution of their country staring them in the face, they are again to say whether they will fasten upon themselves and posterity a monopoly, that shall swallow up all the efforts of individual enterprise, and not only control the business and industry of the country, but which shall hold within its grasp its political existence, and even liberty itself. Sir, can it be that the people of these united States are prepared for such an act? Are not aristocracy and wealth sufficient, in all conscience, to contend single handed against industry and moderate means, without the aid of combined corporate millions? And when you give to those millions the power to create ficticious money to the amount of millions more, what has he who depends solely upon his own hard hands and honest heart to expect? What but a complete subserviency to corporate wealth?

It is expected that most men interested in banks and corporations will be opposed to this bill. There is a sympathy existing throughout the whole Bank and corporate communities. When you touch one, you touch the whole; and although solvent institutions may be rather benefited than injured, there is, as they fancy, an injury in prospect. It is to be expected that bank officers, whose living is dependent upon and grows out of the monopoly granted to those institutions, imagining that their privileges are to be encroached upon, will be opposed to this bill. It is to be expected that bankrupts, whose very existence has been wrapped up in the favors which they have received from moneyed institutions, and all whose chimerical schemes have vanished into thin air, will attribute all their failures to the operations of this bill. But especially, sir, is it to be anticipated that the dependants of the United States Bank should raise their voices in opposition, for their interest in its defeat is most palpable. Let this bill be defeated—let the United States Bank be rechartered, or another Bank established, and the revenues of the Government be deposited in it as formerly, and a basis is formed, upon which millions of paper promises are thrown into circulation, for which the people are taxed—taxed, too, for lending their own money for the benefit of the special favorites of the Bank. Sir, there are some, who are always willing to blame every body and every thing but themselves, but nothing so readily as the Government under which they live. And, should this bill pass, let gentlemen return to their constituents and tell them that every case of adversity throughout the length and breadth of this vast country is caused by the passage of this bill. Let them go to the manufacturer, who has pursued his business with recklessness unparalleled; to the importer and wholesale merchant, who, in his haste to grow rich, has overlooked the responsibility of his debtors, and is consequently involved in inextricable difficulties; let them go to the monopolist in trade, who, in his anxiety to control the market, has forgotten that his success depended upon sales as well as purchases, and whose merchandise is now upon his hands; to the spendthrift, who has lived upon the forbearance and indulgence of his friends; to the man whose extravagance has reduced him to want, and to the gambler of every grade. Let them go to the disappointed politician, to every species of discontent, and to every nook and corner of distress, and tell them that it is all caused by the passage of this bill. And, sir, if the coming season should prove unfruitful, tell them that the drought and the flood, the mildew and the frost, have all been caused by the operations of the Sub-Treasury. And, for a remedy for all these evils, tell them to elect General Harrison for President, and establish a United States Bank. Should any one be so impertinent as to ask what are his principles, proclaim it upon the housetops, that it is deemed unnecessary and impolitic to avow them—that it is sufficient for the people to know hat he is a candidate—that he must be taken "with something akin to generous confidence," and must be elected, without any declaration of principles. And, sir, when it shall be said that the Administration party is opposed to local internal improvements, to a United States Bank, to the assumption of the State debts, to any greater tariff than the wants of the Government require; and that it is in favor of a strict construction of the Constitution, of the preservation of the rights of the States, and of bringing the Government back to the days of Jefferson; let it again be proclaimed that these principles are all to be kept out of sight till after the election, when "all the interests of the great Opposition party" will be harmonized. Let it be declared from one end of the nation to the other, that the only principle that binds the Opposition party together is that avowed by a gentleman from New York two or three weeks since—"war upon this Administration."

Such, sir, has been the case with one of the parties of this country, from the foundation of the Government until the present time. In most, if not all elections, while one party has held up to view the principles by which it is governed, while it has taken its stand upon those principles, and, trusting to the intelligence of the people, has been willing to rise or fall, as their verdict should be rendered upon them; the other party, with a perseverance worthy of a better cause, underrating the good sense of the people, has sought to draw off the public mind upon collateral and immaterial issues, and to keep out of sight the great questions that are actually involved. Sir, do I err when I say that such is the case now? Why is it, that tens of thousands, ay, sir, hundreds of thousands of pamphlets, said to contain the life of General Harrison, are sent forth under the franks of gentlemen, and scattered throughout the country? But, especially, sir, why is it that nothing is contained in those pamphlets, indicating the political principles of the General? Is it to draw off the public mind from the great issue that is to be tried? Is it to turn attention to his military services, that in their supposed blaze his political principles may be kept out of view, and his civil qualifications be forgotten? Why is it that there is an apparent anxiety to seize every opportunity to pour out indiscriminate denunciation upon the Administration, that it may be rendered unpopular and obnoxious? Why is it that thousands of dollars are wasted by delays in discussing the most minute and trifling matters? Why, sir, I ask, but to draw off public attention from the great principles of the parties, and to keep out of view the real issue to be tried—"an Independent Treasury or a United States Bank."

Sir, it is of little consequence to me whether General Harrison, in his military career, won laurels that a conqueror might be proud of, or whether his fame is any thing but desirable. I care not whether, as a shrewd and experienced commander, he encamped his troops at Tippecanoe upon the most advantageous ground, or whether he was induced by a wily foe to select the very spot that his enemy pointed out to him. I ask not whether, at that battle, he mounted his own steed or that of a brave comrade, that his own person might not be recognised. I ask not whether that comrade, while upon the horse of the General, fell upon that battle field, and gave up his life for his country. I care not whether the battle of the Thames was won by Gen. Harrison, or whether another gentleman now in the Senate chamber, serving his country as her second officer, is entitled to all the honor and glory of that victory. I care not whether fort Stephenson was evacuated by his order, or whether it was defended by a man whose name will never be forgotten in the annals of his country. Sir, I will not enter into a discussion of these matters. When about to select a man to preside over the destinies of this great Republic—when we are to place at the helm of state one upon whom the happiness and welfare of so many millions depend, it is not military fame alone that is to insure his success—it is not talents, nor education, nor general information that are to make him acceptable—but it is principles. They will be sought for, scrutinized, canvassed. And although a candidate may have the military fame of a Cesar, or an Alexander; although he may have served his country in her greatest peril, yet his reuptation and his services can never answer as a substitute for correct and fundamental political principles.

Sir, let me tell gentlemen that they miscalculate entirely the intelligence of the people, if they suppose they can be humbugged by parade, or led off from the great principles which they have supported for years, by the empty sound of a hurrah. No sir, no. The people understand their rights, and dare maintain them. No bank bribes can seduce them. No corporation combinations for the reduction of wages can intimidate them. No hypocritical sympathies can deceive them. But the working men of this Union, who have always proved true to the Constitution of our country, and have again and again rescued it from the threatened ruin, will not fail to do their duty in the great contest before them. It is by their efforts, the efforts of the true Democracy of the country, that the perpetuity of our institutions has been preserved. It is by the farmers, the mechanics, the workingmen of our Republic, that this Administration has been and will be sustained. It is by those who would see equal rights and equal privileges bestowed upon all. It was such men that poured out their blood upon the battle fields of our Revolution. It was such men that won for this country its freedom and independence. *They* were the men who brought Jefferson into power. *They* were the men who stood by Madison in the dark days of the last war. *They* were the men who effected the political revolution of 1828, and who have maintained the Democratic ascendency since that time. And, sir, so long as *they* shall govern, so long will the Republic be safe.

Mr. OSBORNE of Connecticut obtained the floor, but gave way for a motion to adjourn.

And then the House adjourned.

IN SENATE.

Wednesday, June 3, 1840.

Mr. NORVELL presented the memorial of the Legislature of Michigan, praying for a donation of lands, or money, to aid in the construction of a canal around the Falls of St. Mary; which was laid upon the table.

Mr. TAPPAN presented the petition of Micajah T. Williams; which was referred to the Committee on the Judiciary.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred the bill for the relief of Alexander H. Everett, made an adverse report thereon; which was ordered to be printed.

Mr. WHITE, from the Committee on Pensions, made an adverse report on the bill for the relief of William A. Cuddeback; which was ordered to be printed.

Mr. W. in pursuance of notice, introduced a bill for the relief of William R. Davis; which was read twice, and referred to the Committee on Claims.

Mr. ROBINSON gave notice that to-morrow he would ask leave to introduce a bill the better to expedite the great Southern mail.

Mr. FULTON presented the petition of Samuel Morris and Frederick Saugrave; which was referred to the Committee on Public Lands.

Mr. F. gave notice that to-morrow he would ask leave to bring in a bill for the relief of Clinton T. Dixon.

Mr. PRENTISS, from the Committee on Pensions, to which was referred

A bill for the relief of Jacob Adams; and

A bill for the relief of Joseph Bailey;

made adverse reports thereon.

Mr. CLAY, from the Committee on the Militia, to which was referred so much of the report of the Secretary of War as relates to the organization of the militia, made a report thereon, concluding with a resolution that they be discharged from the further consideration of the subject; which was agreed to.

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill concerning prisoners of the United States committed to the jail of the county of Providence, and State of Rhode Island, reported the same without amendment; and after some remarks from Mr. W. it was considered, as in committee of the whole, and ordered to be engrossed for a third reading.

The unfinished business of yesterday, being the motion of Mr. CLAY of Kentucky, to lay the memorial of James C. Reynolds on the table, being taken up, Mr. CRITTENDEN addressed the Senate, and was replied to at much length by Mr. ALLEN; when the question being taken, the petition was laid on the table.

The Senate then went into the consideration of of Executive business, and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES.

Wednesday, June 3, 1840.

On motion of Mr. BELL, the Committee of the Whole on the state of the Union was discharged from the consideration of so much of the President's message, and the report of Secretary of War, as relates to Indian Affairs; and the subject was referred to the Committee on Indian Affairs.

Mr. PETRIKIN presented, from the Committee on the Public Buildings and Grounds, a certain communication which had been referred to that committee; which was ordered to be printed.

The CHAIR announced that the first business in order during the morning hour, was the motion of the gentleman from New Jersey, [Mr. RANDOLPH,] to commit to the Committee on Commerce the bill reported from that committee by the gentleman from Maryland, Mr. HILLEN, to repeal the act regulating pilots.

Mr. CURTIS, who was entitled to the floor, said he believed the committee were mistaken in their views on the subject committed to them; which he was prepared to show by an examination of the report. The report was ordered to be printed on yesterday; but was not on the table this morning. He was anxious that every member should have the report before him, before he proceeded to the discussion; he would therefore suggest that the subject should by general consent be laid over till to-morrow, at which time the report would be on the table.

Mr. HILLEN said he could not object, if it was the full understanding that the question should be taken up to-morrow.

The suggestion was agreed to by general consent.

The CHAIR announced that the next business in order was the bill reported from the Committee on Public Lands, authorizing the State of Tennessee to issue grants and perfect titles to certain lands therein described; and to settle the claims to the vacant unappropriated lands within the same, passed April 18, 1836. The question was on its commitment.

Mr. PETRIKIN, who was entitled to the floor, considered it very wrong to keep a large body of land in that State, and yet that that State should have no control over it. The lands lie there unsettled, and the State has no power to take it. The bill had been often discussed by both Houses; and notwithstanding the measure was perfectly just in itself, yet by the process of staving off action on it in the Committee of the Whole on the state of the Union, it has been defeated. That was the mode its enemies pursued to kill the bill, and it is the mode now proposed to be resorted to—that is, to refer it to the Committee of the Whole, where they know, in consequence of the mass of business before that committee, it will not be reached this session. He did not believe that, by the rule, it was required to be commited; and he was therefore opposed to placing it in a situation where it could not be acted on. To bring the House to speedy action on it, he moved the previous question.

Mr. LINCOLN inquired of the CHAIR what would be the effect of the previous question?

The CHAIR replied, that it would bring the House to a vote on the motion to commit.

Mr. L. WILLIAMS moved a call of the House; which was refused.

Mr. EVERETT was understood to say he could not see wherein this question differed from the decision on the pre-emption bill; and if it did not differ, he did not see how the previous question could be made to apply to the motion for its commitment.

The CHAIR said there was a manifest distinction between the principle of this bill and the pre-emption bill; and the previous question would be on the motion to commit; and, if the gentleman thought proper to take an appeal, he would explain his reasons, and show the distinction. Does the gentleman take an appeal?

Mr. EVERETT said he would probably take an appeal.

The previous question was seconded—yeas 98, nays not counted.

Mr. L. WILLIAMS demanded the yeas and nays on the question, "Shall the main question be now put?" which were ordered.

Mr. EVERETT inquired of the CHAIR what the main question would be, if ordered.

The CHAIR replied that it would be on the commitment of the bill to the Committee of the Whole on the state of the Union.

Mr. EVERETT. Then I take an appeal from that decision.

The SPEAKER said that, upon examination of the bill, to see whether, under the rules of the House, it ought to be committed, he found that it contained a donation of lands—it cedes to the State of Tennessee all the lands within its limits: therefore, on that ground, the bill must necessarily be committed, and the previous question was on the commitment.

Mr. EVERETT contended that the previous question was not on the commitment, but on the third reading of the bill, and on that ground appealed from the decision of the CHAIR.

And the question being on the appeal,

Mr. L. WILLIAMS demanded the yeas and nays; which were not ordered.

The question, "Shall the decision of the CHAIR stand as the judgment was the House?" was then taken by tellers, and resulted—yeas 94, noes not counted.

So the decision of the CHAIR was affirmed, and the previous question decided to be on the commitment.

The question then recurring on the commitment of the bill to the Committee of the Whole on the state of the Union,

Mr. MONTGOMERY demanded the yeas and nays; which, being ordered, were—yeas 104, nays 65, as follows:

YEAS—Messrs. Adams, Banks, Baker, Beirne, Black, Bond, Brewster, Briggs, Albert G. Brown, Anson Brown, Calhoun, Connor, James Cooper, Mark A. Cooper, Crabb, Craig, Dana, Davies, John Davis, Dawson, Deberry, Dennis, Dellet, Doan, Doig, Dromgoole, Earl, Edwards, Evans, Everett, Fletcher, Floyd, Galbraith, James Garland, Gerry, Goggin, Graham, Green, Griffin, Habersham, Hall, Hammond, William S. Hastings, John Hastings, Hawes, Hawkins, Hill of North Carolina, Hillen, Hoffman, Hook, Hopkins, Hubbard, Hunt, Jackson, James, Joseph Johnson, William C. Johnson, John W. Jones, Kempshall, King, Lewis, Lincoln, Lucas, McKay, Marchand, Marvin, Montgomery, Morgan, Samuel W. Morris, Naylor, Newhard, Nisbet, Ogle, Paynter, Peck, Randolph, Rariden, Rayner, Reed, Rhett, Edward Rogers, James Rogers, Russell, Shaw, Shepard, Simonton, John Smith, Stanly, Starkweather, Steenrod, Storrs, Strong, Sumter, Taliaferro, Waddy Thompson, Toland, Triplett, Trumbull, Underwood, Vanderpoel, David D. Wagener, Weller, Wick, and Lewis Williams—104.

NAYS—Messrs. Alford, Judson Allen, Hugh J. Anderson, Andrews, Beatty, Blackwell, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, William B. Campbell, Carr, Carter, Casey, Chapman, Clifford, Crary, Crockett, Cross, Davee, John W. Davis, Duncan, Eastman, Gentry, Goode, Hand, Henry, Howard, Jameson, Cave Johnson, Nathaniel Jones, Keim, Kille, Leonard, Lowell, McCarty, McClellan, McCulloch, Mallory, Miller, Montanya, Calvary Morris, Parrish, Parris, Petrikin, Prentiss, Reynolds, Ridgway, Albert Smith, Stuart, Swearingen, Sweney, Philip F. Thomas, Jacob Thompson, Turney, Peter J. Wagener, Warren, Watterson, Edward D. White, John White, Thomas W. Williams, Henry Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—65.

So the bill was ordered to be committed.

Mr. HUBBARD said that he had not a correct understanding of the decision of the CHAIR on the first question, and that he had therefore voted in the affirmative with a view of moving a reconsideration, so as to put himself right. He did not rise for the purpose of discussing the bill, but merely to state what its provisions were. Mr. H. then read the bill, and contended that it made no appropriation of money, but merely ceded to the State of Tennessee, certain lands to enable her to settle certain claims of North Carolina. It made no appropriation whatever, and therefore ought not to go into committee. For these reasons he moved a reconsideration of the vote, by which the decision of the SPEAKER, to the contrary, had been sustained. He also made some allusion to the pre-emption bill, which was passed a short time ago, and wished the present bill to be treated on the same principles. The pre-emption bill was not referred to a committee of the whole, and why should this be subject to a different rule? For his part, he wished them treated both alike. He had no idea of making fish of one and flesh of the other; if he was right on the pre-emption bill the other day, he was right now.

Mr. HOWARD of Indiana gave notice that if the vote on the commitment was reconsidered, he would move to reconsider the vote on the appeal. He had voted to sustain the CHAIR under a misapprehension.

Mr. LEWIS WILLIAMS moved the previous question on the motion to reconsider; which received a second, and the main question was ordered.

Mr. MONTGOMERY inquired of the CHAIR, if the House refused to reconsider the vote on the commitment, whether it would be in order for the gentleman from Indiana [Mr. HOWARD] to move to reconsider the vote on the appeal.

The CHAIR replied that it would not.

And the questson now being on the motion to reconsider,

Mr. MONTGOMERY asked for the yeas and nays; which, having been ordered, were—yeas 82, nays 90, as follows:

YEAS—Messrs. Alford, J. Allen, Andrews, Atherton, Beatty, Bell, Blackwell, Boyd, Aaron V. Brown, Burke, William O. Butler, William B Campbell, Carr, Carter, Casey, Chapman, Chinn, Clark, Clifford, Crary, Crockett, Cross, Dana, J. W. Davis, Garret Davis, Duncan, Earl, Ely, Everett, James Garland, Gentry, Gerry, Goode, Hammond, Hand, Henry, Howard, Hubbard, Jameson, Cave Johnson, Nathaniel Jones, Kille, Leet, Leonard, Lowell, McClellan, McCulloch, Mallory, Mason, Miller, Mitchell, Montanya, Calvary Morris, Parish, Parris, Petrikin, Pope, Prentiss, Reynolds, Ridgway, Robinson, Sergeant, Albert Smith, Starkweather, Steenrod, J. T. Stuart, Swearingen, Sweney, Jacob Thompson, Triplett, Trumbull, Turney, Vanderpoel, Warren, Watterson, Edward D. White, John White, Jared W. Williams, Thomas W. Williams, Joseph L. Williams, Christopher H. Williams, and John T. H. Worthington—82.

NAYS—Messrs. Adams, Banks, Baker, Beirne, Black, Brewster, Briggs, Anson Brown, Butler, Calhoun, Connor, Mark A. Cooper, Crabb, Craig, Davies, John Davis, Dawson, Deberry, Dennis, Dellet, Doig, Dromgoole, Edwards, Evans, Fletcher, Goggin, Graham, Griffin, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Hillen, Hook, Hunt, Jackson, James, Joseph Johnson, William Cost Johnson, John W. Jones, Keim, Kemble, Kempshall, King, Lewis, Lincoln, Lucas, McKay, Marchand, Marvin, Montgomery, Morgan, Samuel W. Morris, Newhard, Nisbet, Ogle, Osborne, Paynter, Peck, Ramsey, Randolph, Rayner, Reed, Rhett, Edward Rogers, James Rogers, Russell, Saltonstall, Samuels, Shaw, Shepard, Simonton, John Smith, Thomas Smith, Stanly, Storrs, Strong, Sumter, Taliaferro, Tillinghast, Toland, Underwood, Wagener, Weller, Wick, and Lewis Williams—90.

So the House refused to reconsider.

On motion of Mr. J. W. JONES, the House then resolved itself into a Committee of the Whole on the State of the Union, and toook up the

INDEPENDENT TREASURY BILL.

Mr. OSBORNE, who was entitled to the floor, spoke at some length of the origin, tendency, and principles of the bill. He denounced the bill as a remarkable project, and contended that it was anti-Republican, and opposed to the habits of the people. That it made war upon the banks by draining them of their specie; and that it might be used as an engine to harass and destroy the banks. He dwealt upon the state of the currency generally, past and present, and attributed it to the policy of the past and present Administrations.

Mr. HUNT next obtained the floor, and denounced the measure as one of war upon the great business interests of the country, and even its liberties. He adverted to the policy of the past and present Administrations; and, in the course of his remarks, made some remarks in reference to an investigation which was gravely going on, on charges made against certain Government officers, for purchasing public stores from Whig merchants of Baltimore; when he was interrupted by

Mr. HILLEN of Maryland, who said it was notorious that the charges against the Government officers were not only that they had been dealing with Whig merchants, but that they had been paying those merchants higher prices than the goods could be purchased for elsewhere. These charges, he would also inform the gentleman, were made by the Whigs themselves against these Government officers.

Mr. HUNT was understood to be thankful for the correction, and proceeded in his remarks till the hour for the recess, half past twoo'clock, without finishing.

EVENING SESSION.

Mr. HUNT resumed his remarks in opposition to the bill, and concluded at a few minutes before seven o'clock.

The CHAIRMAN having then given to floor to Mr. H. WILLIAMS of Massachusetts, the committee rose, and

The House adjourned.

IN SENATE,

THURSDAY, June 4, 1840.

Mr. LINN presented a memorial signed by seventy citizens of the Territory of Oregon, praying the extension of the jurisdiction and laws of the United States over that Territory; which was read, laid upon the table, and ordered to be printed.

Mr. WALKER presented two petitions from citizens of Natchez, in relation to the subject of the joint resolution, introduced into the Senate a few days since for the relief of the inhabitants of the

city of Natchez; which were referred to the Committee on Finance.

Mr. W. also presented a memorial of members of the bar of the circuit court of the United States for the district of Mississippi, remonstrating against the removal of the said court from Jackson to Vicksburg; which was referred to the Committee on the Judiciary.

Mr. PRESTON presented a supplemental memorial from Mary W. Thempson; which was laid on the table, and ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the bill for the relief of Nathaniel Pryor, reported the same with an amendment.

Mr. FULTON, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Epraim D. Dixon; which was read twice, and referred to the Committee on Claims.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the report of the Secretary of the Navy on the expenses of the Navy Department, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. also, from the same committee, made an unfavorable report on the bill for the relief of Robert T. Wainwright.

Mr. PIERCE, from the Committee on Pensions, to which was referred bills from the House

For the relief of Reuben Murray;

For the relief of Sarah Oakley;

For the relief of Joseph Bailey; and

For the relief of Jacob Adams;

made unfavorable reports thereon.

Mr. P. also, from the same committee, to which was referred the petition of James Phelps and John Lathram, made unfavorable reports thereon.

Mr. TAPPAN moved to take up the joint resolution for the amendment of the Constitution of the United States, by limiting the tenure of office of the Judiciary; which, after some remarks from Messrs. MERRICK, WEBSTER, SEVIER, WRIGHT, and TAPPAN, was agreed to; and then, on motion of Mr. T. its further consideration was postponed until Thursday next.

The bill concerning prisoners of the United States committed to the jail of the county of Providence, and State of Rhode Island, was read a third time and passed.

HEIRS OF ROBERT FULTON.

The report of the Committee on Claims, adverse to the claim of the heirs of Robert Fulton, was then taken up, and Mr. MERRICK renewed his remarks in opposition to the report, and in favor of the claim.

On motion by Mr. HUBBARD, the further consideration of the subject was postponed until tomorrow.

GENERAL BANKRUPT LAW.

The bill for the establishment of a general system of bankruptcy throughout the United States was taken up, the question being on the motion to strike out the 18th section, providing for compulsory bankruptcy.

Mr. CLAY of Kentucky addressed the Senate in favor of the motion, and was replied to by

Mr. WRIGHT, who opposed the motion, at length, contending for the necessity of including the compulsory principle, to make the bill "uniform," as contemplated by the Constitution, in its operation on the debtor and creditor. He also replied to the remarks of Mr. CALHOUN on the motion to exempt banks from the provisions of the bill.

Mr. W. having concluded,

Mr. WEBSTER intimated his intention to reply, and moved an adjournment.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, June 4, 1840.

By general consent, Mr. PETRIKIN offered the following resolution, which was adopted:

Resolved, That the Commissioner of the Public Buildings and Grounds inform this House, forthwith, how many superintendents, assistant superintendents, foremen, bosses, and workmen, of different kinds, are employed, at this time, at the Treasury and Patent Office buildings; and the salaries paid each of the aforesaid superintendents, assistant superintendents, foremen, and bosses, designating which building each individual attends to, his name, and occupation.

On leave given, Mr. HOPKINS presented certain additional testimony in relation to a case before the Committee of Claims, which was referred accordingly.

On leave, Mr. H. submitted a motion that the papers in relation to the case of Joseph Ramsey be printed; which was agreed to.

Mr. WICK asked leave to submit a motion discharging the Committee of the Whole from the consideration of a bill in relation to a certain tract of land in Indiana, with a view to put it on its third reading.

Mr. ANDREWS objected.

Mr. WICK gave notice that he would renew the motion to-morrow morning.

Mr. ANDREWS gave notice that he would oppose the motion.

PILOT LAW.

The unfinished business of the morning hour was the motion heretofore made by Mr. RANDOLPH, to recommit to the Committee on Commerce the report and bill providing for the repeal of the law commonly known as the Pilot law.

Mr. CURTIS, who was entitled to the floor, addressed the House during the morning hour in favor of the motion to recommit.

The report and bill, he contended, ought to be recommitted, because the facts presented before the committee did not tend to justify the conclusion to which the report had come. The act of March, 1837, which it was now proposed to repeal, made it lawful for the masters of vessels coming into or going out of any port situated on the waters conterminous with or dividing the two States of New York and New Jersey to take a pilot from either of the two States. The law was simple in its terms, and he presumed no man would infer that injury had resulted to any one from its passage. Its tendency was to free trade, and to give to those "who go down into the sea in ships" the choice of pilots to direct and guide their course.

The report before the House set forth that the act of 1837 was an unjust, injurious, and oppressive law. If such was the fact, the law ought to be repealed; but if, on the other hand, a careful examination of the testimony which was directed by this House to be sent to the Committee on Commerce should lead to the conclusion that the commercial interests of this country, that a vast amount of property afloat and a great number of lives were, by this law, guarantied against the perils of a dangerous monopoly, then he thought the House would agree with him that it ought not to be repealed.

Who were they that were so dissatisfied with the provisions of this act, and who now asked for its repeal? The complaints came to us in memorials from New York, Philadelphia, Baltimore, Norfolk, and Charleston; they were signed by the pilots; and they alone, so far as he knew, asked the repeal of the law.

The memorial from the pilots of Virginia set forth an extraordinary reason for the repeal of the law; it was, that the law was designed to interfere with and nullify certain State laws to break up monopolies. So far from this being a cause complaint, it was with him a cause of great congratulation. The pilots of Virginia did not complain of any practical evil; and the same remark was applicable (Mr. C. contended) to all the memorials which had been referred to the committee from the pilots of all the States, and which he examined *seriatim* with some minuteness.

What led to the enactment of the law of 1837? The report now under consideration stated that the application was made to Congress for its passage, on account of certain remarkable disasters which had occurred in or about the port of New York, the blame of which was unjustly imputed to the New York pilots—and that, under the excitement which those disasters created in the public mind by the loss of those vessels, and of several hundreds of lives, Congress, partaking of that excitement, passed the law. How was the fact? He was sorry to say, as a citizen of the State of New York, that the date of the complaint was not correct. He was sorry that that complaint did not date correctly, on the 3d of January, 1837. The complaint of the inefficiency and neglect of the pilots of New York was of long standing. It had been a matter of reproach to New York for more than ten years—a reproach not only at home, but throughout the United States, and throughout the commercial world. It was a common reproach to say that a man was more lazy than a New York pilot. The neglect of duty by those pilots was a matter of public notoriety. He would not say whether the loss of the ship "Mexico," on the 3d of January, 1837, was justly imputed to them or not, for he did not wish to go into that matter; the complaints against them had been open and notorious for ten years prior to the loss of that ill-fated vessel. So general, indeed, had the complaint become for a considerable period prior thereto, that Governor Marcy, on the 3d of December, 1836, in his annual message, called the attention of the Legislature of the State of New York, to the subject. The "Mexico" was lost in January, and on the 3d of December *previous*, the Governor called the attention of the Legislature to the condition of the pilot system, which he spoke of as reproachful to the State. The reason and foundation of these complaints were to be found in the close and odious monopoly given to pilots by the law of the State of New York, passed in the year 1819. On this law and its injurious results, Mr. C. commented at some length; showing what the actual condition of things was when the law of 1837 was passed. The complaints were general, and he would show that there was sufficient testimony before the Committee on Commerce to have satisfied the gentleman from Maryland, (Mr. HILLEN) who made this report, that these complaints were not only general, but had been continued for years, and that the application for the passage of the law which it was now proposed to repeal, and its passage, were not to be traced to any excitement growing out of the loss of the "Mexico."

To this end, Mr. C. here introduced and had read the testimony of sundry persons, shipmasters and others, detailing the numerous calamities which had occurred, and the vast number of lives that had been sacrificed on the coasts of New York, New Jersey, and the adjacent waters, (where the bones of hundreds of gallant ships lie buried,) prior to the wreck of the "Mexico."

There was another point to which Mr. C. would ask the attention of the House. The "Mexico," as had been stated, was lost on the 3d of January, 1837; on the 12th of the month of December *previous*, a gentleman then representing in part the city of New York, (Mr. MCKEON,) introduced a resolution on the subject, referring it to the Committee on Commerce; and a very able and interesting report was made upon it. A similar resolution was introduced into the Senate a few days afterwards; and the whole facts were laid before Congress.

One word as to the report of Mr. MCKEON. Was that report confined to the wreck of the "Mexico?" Not at all. On the contrary, it detailed the condition of the pilotage of New York for several years previous to the date of the report; and, that gentlemen might see from what grevious evils the law of 1837 had delivered the commerce of the port of New York, and of the United States, and of the commercial world, he would request the Clerk to read an extract from the report.

Certain portions of Mr. MCKEON's report were here read; and also the *finding* of the grand jury of the city of New York after the loss of the "Mexico;" which latter document also speaks in very emphatic terms of the evils resulting from the combination system of pilotage.

Mr. C. then referred to the only act passed on this subject prior to that of 1837, and by which act the power over it was given to the several States, until there should be further national legislation thereon. He doubted very much the constitutionality of that part of the act which attempted to give the power to legislate *in future* on this subject of commerce to the several States. It was a matter which the Constitution of the United States had committed to Congress, and upon which the States had no concurrent jurisdiction.

But the Legislature of New York had refused to interfere to put an end to one of the most odious, grinding, property and life destroying monopolies that had ever existed on earth—the monopoly of the pilotage of the port of New York. After years of suffering without redress, Congress had at last come forward, under the power conferred by the Constitution, to relieve the city of New York and its commerce from the destructive influences of that combination. He appealed to the House to say whether a law which had conferred such benefits, was to be repealed on any slight excuse or any insufficient reason? He believed that better reasons than the report of the gentleman from Maryland [Mr. HILLEN] had brought forward, must be laid before the House before it would take upon itself the responsibility of repealing a law, the repeal of which would again expose the property and the lives of all those connected with the navigation of the port of New York to the dangers and perils of this revived monopoly.

Mr. C. concluded just as the morning hour expired, and Mr. ATHERTON called for the orders of the day.

Mr. HOFFMAN was understood to ask the House to take up a bill, of a single section, authorizing the Secretary of the Treasury to compromise with the sureties of Samuel Swartwout.

Mr. GRAVES was understood to object, but the ground of the objection the Reporter could not hear.

Mr. HOFFMAN asked a suspension of the rule, merely with a view, he said, to take the sense of the House. He would not ask for the yeas and nays.

No action was had, for Mr. SERGEANT rose and asked leave to make a report from the Committee on the Judiciary.

Objection was made.

INDEPENDENT TREASURY BILL.

On motion of Mr. ATHERTON, the House again resolved itself into Committee of the Whole on state of the Union (Mr. BANKS of Virginia in the chair) on the bill (from the Senate) to provide for the collection, safekeeping, transfer, and disbursement of the public moneys.

Mr. WILLIAMS of Massachusetts being entitled to the floor, addressed the committee at much length in favor of the bill. After recapitulating its principal features, he proceeded to contrast it with that of the deposite banks. This bill proposed that, by a certain period, all the money of the Government should be received and disbursed in gold and silver; also, that the revenue should be under the control of Government. On the other hand, the Opposition were in favor of the employment of banks to perform this duty, in which case all the revenues of the country would be in the hands, and under the control, of those institutions, and where it would be used for the benefit of the stockholders and borrowers. These were the two propositions, at which they were at issue. The issue was not merely on a choice of measures, but it was an issue involving the fundamental principles of Government. It involved two contrary and antagonistical principles. One of the propositions was founded on a distrust of the people, while the other, the present bill, acknowledged the capacity of the people for self-government, by the choice of their own agents, responsible to them. The issue was, in fact, a question between a responsible and irresponsible power. This bill expressly recognised the principle that the people had the capacity of self-government, and acknowledged to the fullest extent their sovereignty. But the deposite system, for which the Opposition were so anxious, restricted and denied the sovereignty of the people, by placing the revenue in the power of banks, which were irresponsible, and would convert the money into their paper, for the benefit of themselves and customers. Was this surrendering the revenue to soulless corporations, and whose bodies could not be touched, calculated to give supremacy to the popular will? No. Sovereignty was not the design of the banking system. All they wanted was to get the control of the revenue, and then, where would be the power of the people? It was an ancient, but true maxim, that "by dividing sovereignty, you destroy it." And so if the revenue of the country was to be given over to the banks, our Government would cease to be a Government of the people. The moment the control of the public money was lodged with the banks, that moment the sovereignty would depart from the people and be transferred from the many to the few.

He admitted that such a thing might not be inconsistent with other Governments. It might suit very well the aristocratic Governments of Europe, but its introduction into our country would never be tolerated. It was anti-Democratic in its tendency, and aimed a fatal blow at the roots of the tree of liberty. Besides, the very same principle would lead to a direct transfer of every other power belonging to the people. By the same rule the banks might claim a control over the Executive, the judicial, and every other officer of the Government. For, if the people had no right to control the revenue, they had no right to control any thing else. The very same principle which deprived them of the one, must necessarily deprive them of every other power. This measure of the Opposition, was then clearly repugnant of the first great principles of our Government, and to the equal rights and sovereignty of the people.

Among other objections to the Independent Treasury bill, it was urged that it would injure the manufacturer, and rob the laborer of his hard earnings. If he thought so, he would assure the committee and the country that he would be the last to stand up in its defence, as there was no class so worthy the protection of Government as the laboring men. That class of men was the true source of all our greatness and glory. It was the laboring men of our country who had achieved her greatest triumphs; they were the true foundation of her greatness, and the real architects of her fame; to them was to be attributed the growing cities, and all the works of enterprise in every State. Therefore, he would repeat that if he thought this measure would act injuriously upon them, and rob them of the fruits of their industry, he would be the last man to say a word in its defence. But how was the charge sustained? Where was the proof that it would produce such injurious effects? What portion of the bill was it that contained this fearful evil? It was urged that it would destroy the banks. This was erroneous, for the bill made no war upon the banks. It merely dissolved the partnership which formerly existed, and left them to themselves. The operation of this bill could not injure the banks in the least, provided they had a solid basis to rest upon. If the banks came to ruin after the passage of this bill, it would arise solely from their own weakness and rottenness, and not from any hostility from Government.

This Independent Treasury bill, was purely a *defensive*, instead of an *offensive* measure. It was a defensive measure necessary to the safety of the people, and the proper administration of Government. What! he would ask, could any one desire a repetition of the humiliating scenes of recent years, when, by a similtaneous suspension of the banks, the Government was unable to touch thirty millions of its money, and was laughed and sneered at into the bargain for its poverty?

This bill proposed to save us in future from such danger and degradation, by placing the revenue at the disposal of the representatives of the people, at the disposal of their own officers, instead of leaving it under the control of speculating institutions, who used it in their own business. This measure was not only necessary to the efficiency of Government, but to the soundness of the banks themselves. Its tendency would be to confine the banks to their own resources. They would then do a safe business, without relying upon the uncertain contingency of receiving the public money in deposite.

It was also objected to, as calculated to withdraw the public money from the business of the country. But what right, he would ask, had the banks or the merchants to the use of the public money? They had no right whatever. Such a power had never been delegated to the Government to allow private individuals and corporations to trade on the public revenue. Yet we were constantly abused for not permitting the public money, raised from the great body of the people, to be used by bankrupt speculators and irresponsible corporations. Why it would be, in fact, levying a contribution upon the poor, for the benefit of the rich. It would be taxing the laboring classes to fill the pockets of the privileged few. It would be a most odious system of favoritism, unworthy of a free and intelligent people.

Another objection was, that the revenue would be collected in gold and silver. All that it would be necessary to say in reply to this objection was, that there was no other currency recognised by the Constitution, nor was there any other currency in which Government could meet the demands upon the Treasury. Every citizen had a right to exact the payment of his debts in specie, the only legal and constitutional currency. It was charged, also, that this measure would create one currency for the Government and another currency for the people—that the officers of Government would receive a better currency than others. But how could the office holders be benefited, when the Government paper was to be redeemable in specie? In that case, it would confer no benefit upon the office holder; and admitting, for the sake of argument, that the money did become depreciated, even his colleague [Mr. CUSHING] admitted that it could not then be admitted into the Treasury.

It was also said that the effect of this bill would be to drain the banks of their specie, and accumulate it in the vaults of the Treasury. But from a calculation made by those best able to judge, it was ascertained that the amount of specie would be so small, that it could not affect the business of the country. According to an estimate of the Treasury Department, it appeared that only five millions would be wanted. Now, if that amount were withdrawn from circulation in a single year, it would not be more than was abstracted by the operations of commerce alone. But this sum would be taken gradually, and in such a way that no inconvenience could be felt.

Mr. W. then proceeded to notice the charge, that the policy of the Administration in this respect was owing to the low prices of provisions, and the distress which prevailed in the country. In confuting that charge, he referred to a table of prices of flour during different Administrations, and contended that if high prices were any sign of merit, then the price of flour during the present Administration was a conclusive answer to the cry of the Opposition. As for the distress in the country, how could it be shown that the Administration was in any way responsible for it? If there was a stagnation of business, he contended that it was but the natural consequence of overaction and mad speculation. The States had run into debt beyond the means of payment, and that was one great cause of their embarrassment. What hand had the Administration in producing such results? Had the Administration been in any way instrumental in running up the enormous amount of State debts for internal improvement? Did it charter the swarm of State banks which deluged the country with their paper? Did it induce the banks to favor the rage of speculators? These were not the acts of the Administration, nor was it responsible for the debts of the States. It was to the State Legislatures alone that the embarrassment was to be attributed, and to them alone belonged the responsibility.

But it was said these things were done by a majority of the Administration party in each State. Such was not the case. The assertion could not be proved. A reference to the facts would show that they were done by a majority of the Opposition, with perhaps a few interested Democrats who aided them by their votes.

It was also charged that the policy of the Administration tended to degrade the laborers of this country to the level of the laboring classes of Europe. But this Administration advocated no such policy. The charge was as groundless as it was ridiculous. As for degrading the laboring classes of this enlightened country to the condition of the laborers of Europe, it was not possible for any Administration to do it, even if they could entertain so unholy a wish. Gentlemen who made this charge must keep in sight that there was a vast difference

between our Government and the Governments of Europe. Under our free institutions, it would be morally impossible to reduce the laboring portion of the community to the level of the oppressed operatives in monarchical countries. Mr. W. then illustrated his position at some length, by a reference to the causes producing a reduction of the price of labor in European countries, and which could never apply to us. Before such could ever be the case, there must be a complete revolution in our form of Government, and a revolution in the condition of the people. Before the bright star of our freedom could descend in the shades of European darkness, the intelligence of the working classes, beaming forth in characters of living light, must be extinguished: and that would never be the case.

Throughout the whole of this discussion, the Opposition had taken the ground that the interests of labor were identified with the banking system. But was this assumption just and well founded? Could they adduce any proof that a paper currency was calculated to promote the interests of the laboring classes? One of the ablest writers on political economy contended that "stability" was one of the essentials of a good currency. But had the paper system any stability? Did not experience show that it was perpetually changing, and was unstable as the waters of the ocean—variable as the ebb and flow of its tides?

Mr. W. then read several extracts from the address of the late President of the United States Bank, showing the effects of a sudden expansion and contraction of paper issues, which could never exist when the currency of a country was of gold and silver, and possessed the quality of stability.

Mr. W. then drew a glowing picture of the effects of this paper system on the country, in producing the existing distress; how it had robbed the poor man of the fruits of his industry, and encouraged the rich to run into debt beyond the means of payment; and yet this was the system now so urgently contended for by the Opposition.

He then referred to a number of tables, showing the almost incredible losses sustained by the depreciation of bank paper, which loss must, from the very nature of things, continue so long as the paper system was kept up. After so doing, he then went on to show that, under a system having specie for its basis, no such loss could ever occur.

He also proved that the paper system operated unequally at the expense of the laborer. He showed, by a reference to documents, that notwithstanding all that had been said about the sympathy of the manufacturers for the poor, these manufacturers, with large capitals, ground down the poor man to the dust, and that while in a rise of prices his wages were the last to be raised, at a fall of prices his wages were the first to be reduced.

After adverting to a variety of other objections, Mr. W. proceeded to notice the argument of his colleague, [Mr. CUSHING,] in relation to the good effects of the paper system in England, as compared with other countries. He said a full and impartial examination into the condition of the working classes in those countries when that system was established, would soon enable any one to see the fruits of it.

Mr. W. then adverted at some length to the degraded condition of laboring classes in Sweden, Austria, Denmark, etc. When under a paper system, they were bought and sold with the land like beasts. He compared this with the condition of the laborer in Cuba, who, under a hard money currency, received from sixty to seventy dollars per month.

What, he asked, was the actual condition of the laboring classes in England, on which his colleague had passed so glowing a eulogium, as a beautiful specimen of the good effects of a paper system? What was the true condition of the great mass of the English? Were they not the degraded victims of toil, slavery, and low prices? Was it not notorious that the very pauper had a better living than the honest and industrious operative? Was it not well known that even condemned criminals were better fed than the virtuous working man? Yes, the Foreign Quarterly Review showed that the pauper had a greater allowance of food than the laborer, the suspected thief had more than the pauper, the convicted thief more than the suspected one, and the transported felon three times as much food than the independent laborer was able to procure by his most strenuous exertions.

By way of confirmation of these statements, Mr. W. read from a number of English writers of authority, showing the great degradation of the working classes in that country, whose labor was all swallowed up to maintain the pomp, extravagance, and splendor of the few. He also read parliamentary documents, showing the rapid and fearful increase of pauperism, and crime, as a natural consequence of such degradation.

He then argued that this lamentable state of things could not be attributed to the poverty of the country, for the amount of aggregate wealth had increased; but it was to be traced solely to the expansions and contractions of a paper system effecting the prices, and always falling upon the devoted heads of the poor.

Mr. W. here read several tables, showing the connection between expansion and pauperism. He was astonished that his colleague should have selected England as an instance of the good effects of this paper system. It was a most unfortunate selection. What was the true condition of the "happy people" of that "mighty empire?" He would not go to the starving millions in her possessions in India, but he would call attention to the suffering millions in her "own green isle." He would call attention to the extracts which he had read. He would ask gentlemen to pause and reflect upon the state of things there set forth, and then say whether they were desirous that the enlightened laborers of this country should be placed in the same situation, by the introduction of a similar system. No: he was sure there was no patriot who would for a moment entertain the idea. It was, therefore, due to the American laborer that the connection between bank and State should exist no longer. It had existed already too long, and it was high time that a connection should be dissolved, the tendency of which was to outrage the liberties of the people.

He did not mean to say that there should be no paper, and no credit, but that it should be on such a plan that would not deprive the laborer of the fruits of his toil, nor industry of its reward. He wished it regulated so that it would secure to labor the true amount of its earnings, and establish justice between the employer and the employed.

This measure would do all that. It would give us a uniform currency, create a demand for specie, and make the currency more sound and stable. It would secure to the manufacturers a specie standard of true value, and check excessive importations.

Mr. W. after showing various other benefits that would arise from the passage of the bill, said it must be evident that the President, so far from being an enemy to the laborers, as had been charged, was friendly to their interests, as his anxiety for the adoption of this measure fully proved. It was the desire of the President and his friends to establish a uniform specie standard, under which it would be impossible for such ruinous fluctuations again to occur.

The remarks of Mr. W. with the numerous tables and authorities to which he referred, will be published in full as early as convenient.

Mr. SMITH of Vermont made some remarks in relation to the contest in his district, and concluded by saying that his opponent was voted for by the Whigs generally, on the ground that he was in favor of a National Bank, and that he (Mr. S.) received the support of the Democratic party, on the ground that he was opposed to such a bank, and in favor of the Independent Treasury system. The principles of this measure, he said, were fundamental—it reached the currency—the business and industry of the country—that it would vitally affect the political and social condition of the country, so long as it shall hereafter continue in operation—that it would protect the political character and morals of the country. It would impart healthy action in the currency, by infusing into it a larger basis of specie—it would prove beneficial to the business and industry of the country, by keeping the currency stable, and preventing unnatural stimulation and overaction in trade, and by so regulating the industry of the country, as to keep labor constantly employed, in contradistinction to the ruinous fluctuations under the banking system.

Mr. S. argued that the contest was the same now between the two great contending parties that it was in the year 1800. It was a contest of the mass of the people against the moneyed few, to sustain the Constitution in all its purity, to preserve the Republican form of Government, and the just balance of power which exists between all its departments, and to secure to the present, and to perpetuate to future generations those equal rights guarantied in the Constitution, and an equal distribution of the blessings of our great political system. The people are of the impression that the opposition by the Whig party to this measure, is from something more than meets the eye. There is something masked under it. The people remember well that the contest in the Revolution was between the oppressor and the oppressed. The contest is the same now. It is one between the mass, for an equal distribution of the blessings of Government, with the moneyed power who wish exclusive privileges, such as will secure to them more power than even accumulated wealth gives them, to enable them through that power to oppress the people.

The House at the hour of half past two, took the usual recess.

EVENING SESSION.

Mr. SMITH of Vermont continued his remarks. He contended that the antagonist measure to the Independent Treasury bill was a National Bank. The Opposition are in favor of a National Bank; they are sincerely devoted to such a measure, notwithstanding they will not directly and openly avow it. He would not discuss the constitutionality of a bank; it was sufficient for him that such an institution was altogether inexpedient. It was not suitable to the character of the people, or the principles of our Republican system. It was no reason that such an institution should be established in this country, because one was suitable to the English Government and people, or any other monarchical Government, or the subjects of such a Government. The Bank of England lends all its aid to sustain the nobility. The moneyed power of all the European Governments naturally concentrate, and combine to sustain those Governments, and in consequence to the same degree to oppress the people.

He argued that in this country the Executive needed no such sustenance. Therefore, the banks and the Government should be kept separate. It would be dangerous to Republican liberty to ally the Executive to the moneyed power, by giving him the control of the whole banking system. To make such a bank as the Opposition wish to have, to control the State institutions, and to regulate the business, the exchanges, and the industry of the country, it would have to be constituted of a capital of one hundred millions of dollars. Such a bank, to regulate nine hundred State banks, with a combined capital of four hundred millions, all in active operation, allied to the Executive, would be a most potent and fearful power indeed. If such a bank be allied to the Executive, and give it all the potency it should have, and which the Whig party desire that it should have to regulate these nine hundred State banks, it would control every channel of society. If such an institution be allied to the Executive, with the power and patronage of the Government, and the time would not be in the future that the people would be able to throw off the shackles, except by a fearful and bloody revolution. The banking institutions are not satisfied to control the business and commerce of the country, but the Whig party wish to give them a control of the Government itself, by giving them charge of the fiscal operations of the Government—by depositing with such institutions the revenues of the nation, to discount with, and to speculate upon. Such a union would be fearful indeed. But he had no idea that any Administration would ever again consent that these institutions should be employed as fiscal agents. No friend to his country could consent that the Execu-

tive should be allied to the tremendous and fearful power of a National Bank, or the concentrated power of all the State banks.

Mr. S. spoke of the opinions of Washington and Jefferson against a Bank and in favor of an Indepedent Treasury; they were in favor of an Independent Treasury, the same in principle as this. He then adverted to the fact that the Opposition, who are attributing to this measure such fearful evils, were strenuous in the support of it a few years ago. He then argued that the State which he in part represented had an Indedendent Treasury in operation, with an unimportant exception in its details. He said the provisions of this bill were strictly in accordance with the Constitution; and that no system could be devised that could make the money more safe and secure. It is guarded by bonds, with heavy penalties for default. If the bill was not safe, he thought it the duty of the Opposition so to alter the details as to make it more guarded and secure. To strike out the enacting clause, was no way to perfect the bill.

He inferred by the argument of the gentleman from Massachusetts [Mr. CUSHING] that the measure would favorably affect the manufacturing interests of the East. If by any measure, the tendency of which would beneficially affect the interests of the section of country he represented, it would be an additional reason why he would be in favor of it. Mr. S. then showed the effect the unnatural expansion of the circulating medium (which the Independent Treasury will correct) had in causing overimporting, and keeping the balance of trade against the United States. If the manufacturing interests were injuriously affected by overimportation, as the convention of the manufacturers maintained, then this measure, which appreciates the currency by contracting it, will prevent this overimportation, and will, to that extent, operate as a protection to the manufactures of the North. Unless a modification of the tariff, or some such measure as this should be passed, to check these large importations, the manufacturing interests of the country would be prostrated. The labor of Europe would be employed, (as it was employed when the currency was so inflated in 1837,) to the exclusion of the labor of our own country. This measure, then, will be greatly beneficial to the laboring classes of this country, by securing to them a steady employment and regular and good prices.

Mr. S. then adverted to the efforts making by the Opposition to create the impression that the working classes would be injuriously effected by this measure. He believed sincerely that it would operate most beneficially to the whole laboring community. It would operate as a protection to the labor of this country of all kinds, to the exclusion of the product of foreign labor. He then adverted to the distress and pauperism produced in England by the banking system at the present time, and at past periods. He touched upon many other topics in the discussion, which it is impossible to give a summary of; but it will be published soon in full.

Mr. BROWN of New York obtained the floor, and spoke about three quarters of an hour in opposition to the bill, contending that it would not strengthen the banks, or improve the currency, but that it would, on the other hand, weaken the banks by draining them of specie. That it would not restrict their circulation. He advanced many objections to it, which had been refuted in the previous part of the debate.

Mr. WHITE of Kentucky obtained the floor, but gave way to

Mr. STANLY, on whose motion the committee rose, and then

The House adjourned.

IN SENATE,

FRIDAY, June 5, 1840.

The CHAIR presented a message from the President of the United States, transmitting a report from the Secretary of War, in compliance with a resolution of the Senate, in relation to the sale or exchange of Government drafts for bank notes;

Also a message from the President, transmitting a report from the Secretary of War, in compliance with a resolution of the Senate, in relation to the payment of Government creditors in depreciated currency;

Also, a report from the Secretary of War, transmitting, in compliance with a resolution of the Senate, a copy of Captain Sanders's report on the improvement of the Falls of the Ohio river;

Which were severally laid on the table, and ordered to be printed.

Mr. LINN presented the memorial of citizens of Buchanan county, Missouri, praying for a post route; which was referred to the Committee on the Post Offices and Post Roads, and ordered to be printed.

Mr. MERRICK presented a memorial of citizens of the United States, praying that a report may be made by the Committee on Agriculture, on the comparative value of the fruits of the United States for the table, and other branches of Agriculture, &c.; which was referred to the Committee on Agriculture, and ordered to be printed.

Mr. NORVELL presented the memorial of 386 inhabitants of the city of Washington, praying for the renewal of the charter of said city, with certain designated amendments thereto; which, after a debate, in which Messrs. NORVELL, MERRICK, ALLEN, LUMPKIN, CLAYTON, CLAY of Alabama, SEVIER, TAPPAN, KING, and CRITTENDEN, participated, was referred to a select committee of five, to be appointed by the CHAIR.

The following Senators were appointed said committee:

Messrs. NORVELL, KING, PRENTISS, PIERCE, and CLAY of Alabama.

Mr. BUCHANAN, from the Committee on Foreign Relations, reported a bill for the relief of Auguste Davezac, William P. Jones, and Nathaniel Niles; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judiciary, to which was referred the bill for the relief of the heirs of Matthew Lyon, and

The bill for the relief of Benjamin Fry, reported the same without amendment.

Mr. W. from the same Committee, to which was referred

The claim of Saunders and Porter;

The claim of Joseph Wallis, and the heirs of Robert Leckie;

The claim of the heirs of Thomas Atkinson, deceased;

made adverse reports thereon; which were ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of William R. Davis, reported the same without amendment.

Mr. PIERCE, from the Committee on Pensions, to which was referred the bills from the House

For the relief of the administrator and heirs of John Lindsey, deceased;

For the relief of Elizabeth Case, widow of James Case, deceased;

For the relief of Conrad Widrig;

reported the same to the Senate, and recommended that they do not passs.

Mr. PRESTON, from the Committee on the Library, to which was referred the memorial of Alexander Vattemare, reported a bill in addition to acts now in force for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned; which was read, and ordered to a second reading.

Mr. MERRICK moved that when the Senate adjourn, it adjourn to meet on Monday next.

Mr. SEVIER objected, and demanded the ayes and noes; which were ordered, and the motion was carried—ayes 34, nays 8.

Mr. SEVIER then moved that the motion fixing a day for the adjournment of Congress *sine die* be taken up; which, after some remarks from Messrs. SEVIER, GRUNDY, WALKER, and CLAY of Kentucky, was disagreed to.

The bill for the relief of the legal representatives of Philip Barbour, deceased, was considered as in committee of the whole, and on the question shall be engrossed, the vote was—ayes 20, nays 20, as follows:

YEAS—Messrs. Buchanan, Clay of Kentucky, Clayton, Fulton, Knight, Linn, Merrick, Mouton, Phelps, Porter, Prentiss, Preston, Roane, Sevier, Smith of Indiana, Southard, Tallmadge, Walker, White, and Young—20.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Clay of Alabama, Grundy, Hubbard, King, Lumpkin, Nicholas, Norvell, Pierce, Robinson, Smith of Connecticut, Strange, Sturgeon, Wall, Williams, and Wright—20.

The VICE PRESIDENT voting in the affirmative, the bill was ordered to be engrossed for a third reading.

The bill making provision for the payment of pensions to the executors or administrators of deceased pensioners in certain cases, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

GENERAL BANKRUPT LAW.

The bill to establish a general system of bankruptcy was then taken up, the question being on the motion of Mr. CLAY of Kentucky to strike out the 18th section, containing the compulsory clause.

Mr. LINN said, that by the courtesy of the Senator from Massachusetts, (Mr. WEBSTER) who was entitled to the floor, he was permitted to ask the attention of the Senate, for a very brief period.

Some few days since, when that portion of the bill, embracing banking corporations, was under consideration, and whilst the Senator from South Carolina (Mr. CALHOUN) was speaking on that question, he had stepped into the room of the Committee on Private Land Claims for a few minutes, to seek for a paper connected with some business which he had to transact at one of the public offices. During his brief absence from the Senate chamber, the vote was taken, and this important portion of the 18th section was stricken out without his name appearing among the ayes and noes. He did not think proper then to ask the indulgence of the Senate, to permit his name to be recorded, nor would he do so now; although during the period he has been a member of the Senate this indulgence has been granted to one or two gentlemen. But he thought this was improper, and he would not ask it in his own case, as he believed a rigid adherence to the rule, a security to the country, and the immediate constituents of a member, for his regular attention to the important duties of his station. His immediate friends and associates could bear witness, that in private conversation he had expressed himself very strongly in favor of making banks responsible to the provisions of this bill, and that he made it *almost a sine qua non*, whether he would vote for any bankrupt bill that did not contain it. Had he been present when the vote was taken, he most certainly would have voted in favor of retaining the clause adverted to; and perhaps in the future course of the discussion, he would submit his reasons for so doing.

Mr. WEBSTER then addressed the Senate at length in favor of the motion of Mr. CLAY, and on the general merits of the question, and was replied to by

Mr. WRIGHT, who contended that the effect of a bill containing merely the voluntary provision, would leave the creditor without remedy, and would seriously affect if not destroy the credit of our citizens in foreign countries.

After some further remarks by Messrs. WEBSTER, CLAY of Kentucky, and WRIGHT, the question was taken on triking out the 18th section, and decided in the negative—ayes 17, nays 25, as follows:

YEAS—Messrs. Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Dixon, Grundy, Huntington, Knight, Nicholas, Porter, Prentiss, Smith of Indiana, Southard, Tallmadge, Webster, and White—17.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Cuthbert, Davis, Fulton, Hubbard, King, Linn, Lumpkin, Norvell, Pierce, Preston, Roane, Robinson, Sevier, Smith of Connecticut, Tappan, Walker, Wall, Williams, Wright, and Young—25.

Mr. CRITTENDEN moved that the subject be referred to a select committee.

Mr. HUBBARD moved that the further consideration of the whole subject be indefinitely postponed. In making this motion, Mr. H. said that it was not his object, nor was it his wish, to prevent any further discussion of this subject that might be desired. He was anxious to hear all that might be said. But it was his entire conviction that no bill could be matured at the present session. To a portion of the Union the subject had not engaged as yet much of the public attention, and he was unwilling that any bill should be passed until more time should be allowed for the consideration of this question in all its bearings. The bill from the committee, and the bills of other Senators, had been printed, and the subject had been debated, and he was now disposed to leave the whole matter for the consideration of the American people. In his opinion no bill could be passed at this session, and it seemed to him that the time had arrived when the Senate should, by their vote, determine whether it was prepared to adopt a bankrupt system, based upon the principles which had been sanctioned by the votes already given. The Senate has distinctly, by its vote, determined to exclude all corporations from the provisions of a bankrupt system. It had also determined, by its vote, to include the voluntary and the compulsory principle. These opinions have been so clearly expressed by the votes of the Senate, that the committee, who, it is proposed, shall now take the subject into their further consideration, will undoubtedly feel themselves bound to report back a bill embodying those principles, and providing for their improvement by such details as they may consider necessary. He therefore thought the Senate had now better determine whether it is prepared to adopt a bankrupt system, embracing exclusively the principles already settled by the action of the Senate. He might be entirely mistaken, but he was not prepared to believe that a majority of the Senate would yield its assent to such a system. With these impressions, and believing that the Senate ought to express its opinion upon the question, he had made the motion for indefinite postponement. He was well satisfied that no bill, matured upon the principles already settled, could be passed at the present session through both Houses of Congress. He thought, therefore, it would be advisable now to take the question involved in the motion he had submitted; and that is, would it be proper to pass a bankrupt bill based exclusively upon the principles as settled by the vote already taken in the Senate? *He thought not.*

Mr. BUCHANAN expressed the hope that what had been done would not be lost, but that the bill would be referred, made as perfect as possible, and, even if it could not be now passed, be sent forth for information to the people.

Mr. CLAY spoke in favor, not of the indefinite postponement, but of taking the vote upon it now, to determine whether a majority of the Senate was in favor of a bill, in any form, on this subject.

Mr. WEBSTER spoke with great earnestness against the indefinite postponement. The Senator from New Hampshire might well vote for it, because he was opposed to the bill in every form. But Mr. W. entreated Senators who were in favor of such a bill at all, not to delay its passage to another session.

Mr. NORVELL also spoke emphatically against the postponement.

Mr. CLAY said his sole object in desiring the vote to be taken on this question now, was to see if a majority of the Senate were in favor of passing the bill in any form.

Mr. HUBBARD said that he entertained a very different opinion from that expressed by the Senator from Massachusetts. Much has been accomplished, and that much will not be lost. The bill reported by a majority of the Committee on the Judiciary has been for some weeks before the Senate. It has been most ably sustained by some of the most distinguished members of this body. Their speeches have been printed. The bill and their speeches have already attracted the attention of some portions of the country. In some of our largest commercial cities, that bill, and the views of those Senators who have embarked in the support of that measure, have excited no inconsiderable degree of attention. The memorial presented to the Senate by the Board of Trade of the city of New York, is full evidence of that fact. That bill has also been opposed by Senators, and their views will be given to the public. And can it be said that all this is for nought?—that unless the measure is now perfected, what has been done will be lost to the country? This will not be the case. The American people are by no means indifferent to this measure. The memorials upon the table of the Senate, calling for the passage of a bankrupt bill, show that the attention of one portion of the community is awakened to the importance of this measure. The remonstrances upon the table show that another portion is alarmed at the consequences of any action upon the measure at this time. By one memorial it is recommended that no bill should pass, to take effect until after the first day of January next. These things show that the public mind is not entirely prepared for any particular bankrupt system. He therefore thought the whole matter had better be postponed. And, as it respects the amendment submitted by the Senator from New Jersey, that had also been printed, and the views of that Senator had gone forth to the public. It was then idle to say that all this would be lost, if the Senate left the subject unperfected. He thought differently. Senators themselves are divided, and much divided, not only upon the constitutionality, but upon the expediency of the measure. He therefore was clearly of the opinion that the Senate should proceed no further at this session. Let what has been done go to our constituents, and in a very few months the Senate will reassemble and be fully prepared to assert and maintain the opinions of the American people upon this important question. He hoped the Senate would agree to his motion.

Mr. LUMPKIN said he should vote against the postponement; for, although he could vote for the bill in no form in which it had yet been presented, he was not prepared to say he would be against it in every form.

Mr. ALLEN and Mr. WALL also having spoken briefly against the postponement,

Mr. HUBBARD said he would withdraw his motion; but Mr. WALKER objecting, and the yeas and nays having been ordered, it could not be withdrawn.

Mr. WALKER spoke emphatically in favor of speedily passing such a bill, (including the banks, if it could be done,) and insisted that public opinion would soon render it inevitable.

Mr. HUBBARD, in reply, said, that he had signified a wish to withdraw his motion, to oblige his friends, and for the very reason that no test vote could be taken. He was utterly surprised, that the Senator from Mississippi should interpose any objection. Does he suppose that he [Mr. H.] had expressed a willingness to withdraw it, for the reason that he was unwilling, or not prepared, to meet the question? That Senator would find himself mistaken. As it respected himself, it was matter of perfect indifference to him, whether the motion was withdrawn or not: he was ready to vote upon it; and if there was not another member of the Senate voted as he should, he was content that his vote should stand alone. The Senator will recollect, that while this bill was under debate, he suggested his purpose of moving, after the debate should be closed for the day, to lay the whole matter upon the table.

He was anxious to ascertain the opinion of the Senate as to the propriety of passing a bill embracing exclusively the principles which had been sanctioned by the votes of the Senate. The Senator suggested an objection to the course proposed; and intimated that it was his purpose further to debate the subject. As soon as the Senator had intimated his wish, he gave him to understand that he (Mr. H.) would make no such motion. He did this to accommodate that Senator, and to afford him the opportunity further to debate the subject if he pleased. And when he had offered his motion to postpone, he expressly said that the motion was not made to prevent discussion; and now the Senator objects to his withdrawing the motion because he wishes to test the opinion of the Senate, when he must be satisfied, from the remarks made by different Senators, that no test vote can be given. But as it respected himself, it was of no earthly importance. He should have been willing to have withdrawn his motion, as that is objected to. He hoped the yeas and nays would be taken; and the result will show at least one vote given with great pleasure for the motion.

After some further remarks by Messrs. GRUNDY, CALHOUN, CLAY of Kentucky, and SMITH of Indiana,

Mr. PIERCE said: Mr. President, I would have no Senator suppose, after the elaborate discussion that has taken place upon this bill, that I rise to present any poor arguments of my own. Much less, sir, is it my desire to expatiate upon the sympathy I feel for the debtor, or the desire I entertain to see the creditor fairly and justly protected in rights, which have accrued under existing laws of the land. I do not, however, admit a less lively regard on my part for the true interests of both classes, than is cherished by those who are more profuse in their professions.

Sir, in this stage of the bill I rise for another purpose; it is to say to the Senator from Indiana, that neither he nor any other gentleman can prescribe to me what is to be regarded as a *test* question. No man shall make up for me an issue here or elsewhere without my participation. I take a practical view of things; take them as they are—as they happen to be presented at the time, when I am called upon to vote; not as by possibility they may be at a future time and on another occasion. My colleague has moved to postpone indefinitely—what? Not the whole subject of a "uniform system of bankruptcy," but, after full argument and various important amendments, the bill in its present shape. He has, so far as I have heard, expressed no opinion against such a system, sufficiently broad and suitably guarded, but he has moved to postpone this bill in its present form, and no other. Upon that question I am called upon to record my ay or no. After all that has been said upon both sides of the chamber, I would have been better pleased, if my friend from Mississippi [Mr. WALKER] had allowed my colleague to withdraw his motion, because it is perfectly apparent, that the vote will express nothing, literally nothing, relative to the ultimate fate of this bill. Perhaps I am mistaken—it may foster hopes never to be realized. It may raise the expectations of the indebted class to the pinnacle of hope to-day, to be plunged to the depths of despair to-morrow. This no Senator desires to do, and I appeal to all, whether the vote will not probably carry out to the public mind a false and delusive impression.

What have we done? We have stricken out corporations, in my judgment, the most important, if not the redeeming provision of the bill, and we have sustained the voluntary and compulsory features, and this embraces all the material principles settled—but various provisions have been erased and some sections stricken out—besides, no question has yet been taken on the amendment of the minority of the committee, as amended. Now, in this state of things, I fully appreciate and acknowledge the force of the views of the Senator from Pennsylvania [Mr. BUCHANAN.] He does not believe a bankrupt bill can be so framed in this body, as to secure his vote; but he desires to examine it in its best shape; in its perfected form, after the labor of its friends shall have been exhausted. He desires, before he votes, to see it embodied and compact, so that its provisions, whatever they may be, can be readily comprehended by his constituents and mine. I should be glad to have it thus presented, too, although I do not believe that any great change can be made by the committee—that is, no change affecting materially the principles involved—and in this conclusion I am warranted by the votes that have already been taken. Now, sir, although I could desire precisely what the Senator seeks, I am compelled to vote upon the state of facts as they exist. My colleague is not permitted to withdraw his motion. Let no man suppose that

any advantage is to be gained by insisting upon this vote. I, for one, shall give it cheerfully and unflinchingly; and gentlemen on both sides who favor the measure are at liberty to regard it thus far forth as a test vote; but they must, for me, neither enlarge nor diminish the provisions already sanctioned.

I must, Mr. President, be permitted to express my surprise at the remarks of my friend from Ohio, [Mr. ALLEN.] He is disposed, as I understand him, to vote against the postponement, lest his views in relation to the bill, if corporations were included, may be misapprehended or misconstrued. Sir, I have no such apprehensions. How do we stand here?

There we are, that Senator and myself, upon the record, in a minority of sixteen to twenty-eight. That record will neither be obliterated, nor wear out. The vote will stand there until the tribunal of highest appeal in this country shall either reverse or affirm the judgment of those who happen to be opposed to us. Of the character of that decision the Senator entertains not stronger convictions than myself; it may be proclaimed earlier or later, but it can neither be controlled nor indefinitely postponed. I rose, sir, merely to protest against any man making an issue for me, or saying what shall or shall not be a *test* vote in this chamber. My vote will be given upon a real, tangible state of facts, involving certain defined principles, and upon no supposed case.

Mr. BUCHANAN had but a few words to say. He had been, in a great degree, anticipated by the remarks of his friend from New Hampshire, [Mr. PIERCE.] With that gentleman he protested against any attempt which had been made, or might be made, to present the present as a test question to him.

He did not consider the motion to postpone the present subject indefinitely, as any test question. Under what circumstances had it been made? Several weeks ago, the majority of the Committee on the Judiciary had reported a bill, confined in its provisions to cases of voluntary bankruptcy. The minority of the same committee had presented another bill, which extended to compulsory bankruptcy, and offered it as a substitute for the bill of the committee. This amendment had been discussed at great length, and amended in several important particulars; and now the friends of a bankrupt system moved to refer the original bill, together with the amendment, on the adoption of which, as a substitute for the original bill, no vote had yet been taken, to a select committee. They desired in this manner to perfect the details of the system, and to present it, in one uniform bill, to the Senate and the country. It was at this stage of the proceeding, that the motion for indefinite postponement had been made. For his own part, he believed that ordinary courtesy to the friends of the measure required that they should be permitted to amend their bill, and present it to the Senate in such a form as they preferred. He would not deprive them, by his vote, of this opportunity. After they had presented the bill to the Senate, in its matured shape, then, and not till then, would he consider the question of indefinite postponement as a test question, and such he believed had been the practice of the Senate.

But higher considerations than mere courtesy had brought him to this conclusion. He held strong opinions against any bankrupt bill, founded upon the English system. These opinions he had expressed at length, nearly twenty years ago, in the other House of Congress. Although his sympathies were strongly enlisted in favor of the suffering debtors throughout the United States, still his impressions were unfavorable to the bill. He should gladly be convinced that he had been wrong. The Senate of his own State had passed a resolution, with but a few dissenting voices, in favor of a bankrupt bill. It was not an instruction, but a strong expression of opinion. Under such circumstances, with so many meritorious individuals interested, he thought it would be both a harsh and unjust measure for him to deny to the friends of the bill the opportunity of perfecting its details. And this was more especially the case, when every person, who had studied the subject, must acknowledge that the details of any bankrupt bill essentially entered into its merits. He himself was not opposed to adopting the principle of releasing honest insolvent debtors, who had surrendered all their property to their creditors, provided such a law could be framed by Congress as would not introduce evils in practice to the community which would more than counterbalance all the good proposed to be accomplished. He was, therefore, entirely willing to recommit the subject to a select committee of its peculiar friends.

It was highly probable that no bankrupt bill would become a law at the present session. Let its friends, therefore, place the subject in its best form. Let them in this manner present a distinct issue before the people of the country. He himself would obey the voice of public opinion in his own State, expressed in the constitutional manner. Should he not be instructed, at the present session, by the authority which he felt himself bound to obey, it was his strong impression that he should, acting upon his own responsibility, vote against the measure, in any form in which it would probably be presented by the committee. Still, he was willing to give its friends every fair opportunity of offering it to the public in the form which they might deem the most perfect.

Mr. ALLEN said that the object of his former remarks had been attained. He desired that gentlemen, in giving their votes on this question, should not be placed in a false position. They had accordingly explained their views in the votes they were about to give, and this was the object he had in view when he was up before. He would himself most cheerfully vote for the indefinite postponement of the whole matter.

Mr. SEVIER and Mr. LINN expressed their views on the whole question somewhat at length, (a report of which will be given hereafter,) and the question being taken, the motion to postpone indefinitely was lost—ayes 16, noes 28, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Fulton, Grundy, Hubbard, Linn, Pierce, Prentiss, Preston, Roane, Robinson, Sevier, and Tappan—16.

NAYS—Messrs. Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Dixon, Huntington, King, Knight, Lumpkin, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Smith of Indiana, Southard, Tallmadge, Walker, Wall, Webster, White, Williams, Wright, and Young—28.

On motion of Mr. CRITTENDEN, the whole subject was then referred to a select committee of seven, to be selected by the CHAIR, and the following Senators were appointed said committee:

Messrs. CRITTENDEN, CLAYTON, WALKER, HUNTINGTON, WILLIAMS, NORVELL, and NICHOLAS.

On motion, the Senate then adjourned to Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, June 5, 1840.

After the journal had been read,

Mr. P. J. WAGNER, on leave, submitted the following resolution; which was agreed to:

Resolved, That the Commissioner of Pensions be directed to report to this House, by what authority the payment of arrears of military pensions, granted since 4th of March last past, to pensioners and widows of the Revolutionary pensioners, under the special of 1832, '36, and '38, has been, and is withheld by the pension agents in the different States.

Mr. SERGEANT, from the Committee on the Judiciary, to which was referred the memorial of Lysander Spooner, containing charges of official misconduct against John McLean, one of the justices of the Supreme Court of the United States, made a report, concluding with the following resolutions, which the committee unanimously recommend to be adopted by the House.

Resolved, That the charges exhibited against the Hon. John McLean, one of the judges of the Supreme Court of the United States, by Lysander Spooner, a citizen of Massachusetts, in his memorial presented to the House of Representatives, and referred to the Committee on the Judiciary on the 25th of May last, are unfounded; and that the confidence of the House in the integrity of the said judge, is not, by reason of such charges, in any degree, changed, lessened or impaired.

Resolved, That the committee be discharged from further consideration of the said memorial.

On motion of Mr. SERGEANT, the report was laid on the table, and ordered to be printed.

Mr. CHINN of Louisiana moved the adoption of the following resolution, offered by him a short time ago:

Resolved, That the Postmaster General communicate to this House, without delay, the time at which the postmaster at Baton Rouge, Louisiana, became a defaulter; the time, number, and amount of the various drafts which have been drawn on him, and which he has refused or neglected to pay; and particularly the amount now due by said postmaster to the Government. Also, all the communications which have been written and received in relation to said defalcations, together with all the correspondence which has occurred, touch the removal from office of said postmaster, and of the appointment of a successor to said office.

Mr. McKAY said that when, with others, he had voted against a suspension of the rules, to enable the resolution to be received, he had done so on the ground that it was worded so as to require them to admit that the postmaster was a defaulter. It assumed that he was in fault. Now he proposed to modify the resolution, so as to leave it to be ascertained whether the postmaster at Baton Rouge was a defaulter or not.

After some debate of a conversational character,

The SPEAKER said the resolution could only be received by general consent.

And the question being on its reception, objection was made, and the resolution was not received.

Mr. McKAY then moved a suspension of the rules, for the purpose of offering a resolution on the same subject, as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to communicate to this House without delay, whether the postmaster at Baton Rouge be a defaulter or not; and if so, when he became one—whether any drafts have been drawn on him which he has refused or neglected to pay, and the time, number, and amount thereof. And also particularly, whether said postmaster be indebted to the Government or not, and the amount thereof, and all communications to or from the Department respecting said indebtedness.

Mr. JONES of Virginia wished to know whether the motion to suspend was intended to embrace the whole day, or merely the morning hour.

Mr. McKAY replied, the morning hour only.

The question being on the motion to suspend,

Mr. ANDREWS demanded the yeas and nays; which being ordered, were—yeas 161 nays 4.

So the rules were suspended, and the resolution received.

Mr. McKAY said he had been all along perfectly willing for an investigation; but he objected to the terms of the resolution of the gentleman from Louisiana, inasmuch as it assumed that the postmaster was guilty. In his opinion it was wrong thus to assume that a man was a defaulter beforehand. He had also another objection, which was to the call upon the Postmaster General for the correspondence relating to the removal of a postmaster. He believed there was no instance in either House of Congress where a call had been made upon the head of an Executive Department, for correspondence in relation to the removal of an officer. It was a subject which had been very much debated in both Houses. He referred to a case which occurred some years ago in relation to the removal of a certain postmaster, and when the Senate voted distinctly in reference to this subject, and decided that they had no right to call on the Postmaster General for correspondence in relation to the removal of an officer.

Mr. McK. said he did not intend to be understood as denying that the House, in certain extreme cases, might, in the exercise of its inquisi-

torial power, call upon the Postmaster General for correspondence. There could be no doubt about it. But then he was sure the gentleman from Louisiana would not pretend that this was a case of that nature. The resolution he now offered would elicit all the facts, and would prove satisfactory to all. Believing that no benefit could arise from any further debate on the subject, he would conclude by moving the previous question.

Mr. McKAY moved the previous question; which received a second, on count, by—ayes 80, noes 77.

Mr. CHINN here stated that the postmaster acknowledged that he was a defaulter, and that he had a letter in his possession in the House in proof of that fact.

Mr. L. WILLIAMS inquired of the CHAIR whether it was in order to move to reconsider the vote by which the rules were suspended? if so, he made that motion.

Mr. DROMGOOLE rose to a point or order. He contended that it was not in order to make a motion intervening the second to the previous question and the time that the CHAIR propounds the question "Shall the main question be put?"

The CHAIR cited a case this session, by which a motion was entertained intervening the second and the propounding of the question "Shall the main question be put?" The only difference between that case and the present one was, that, in the former case the previous question had not received a second; but in this instance it had. He did not consider, however, that that had made any difference. He decided that it was in order to make the motion to reconsider.

Mr. DROMGOOLE did not believe it was a correct decision, and took an appeal.

The question now being, Shall the opinion of the CHAIR stand as the judgment of the House?

Mr. L. WILLIAMS demanded the yeas and nays; which, having been ordered, were—yeas 78, nays 85.

So the decision of the CHAIR was reversed.

The question then recurring on the question, "Shall the main question be now put?" (which, if ordered, would be on the adoption of the resolution.)

Mr. EVERETT called for the yeas and nays; which, having been ordered, were—yeas 94, nays 80, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Boyd, Brewster, Burke, Bynum, Carr, Clifford, Coles, Connor, Wm. R. Cooper, Craig, Crary, Dana, John Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, Jno. Hastings, Hawkins, Hillen, Holleman, Hopkins, Howard, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Marchand, Mason, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Edward Rogers, Samuels, Shaw, Shepard, Thomas Smith, Starkweather, Steenrod, Sumpter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Wick, Jared W. Williams, Henry Williams, and Worthington—94.

NAYS—Messrs. Adams, Alford, Andrews, Baker, Barnard, Bell, Biddle, Bond, Briggs, Brockway, Calhoun, W. B. Campbell, Carter, Casey, Chinn, Crabb, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Everett, Goggin, Goode, Graham, Green, Grinnell, Hall, W. S. Hastings, Hawes, Henry, Hill of Virginia, Hunt, James, William Cost Johnson, Kempshall, King, Lincoln, Mallory, Marvin, Mitchell, Monroe, Morgan, Naylor, Nisbet, Ogle, Osborne, Peck, Pope, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Stanly, Storrs, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, John White, Thos. W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—80.

So the main question having been ordered to be put, was put, and the resolution was adopted.

The morning hour having expired,

Mr. J W. JONES moved to suspend the rules to go into Committee of the Whole on the state of the Union.

Mr. JAMES demanded the yeas and nays on that motion; which having been ordered, were—yeas 104, nays 73.

The motion under the amended rule requiring only a majority, the rules were suspended.

Mr. KEIM asked the general consent to make a report from the Committee on the Militia; but objection was made to its reception.

INDEPENDENT TREASURY BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the Independent Treasury bill.

Mr. WHITE of Kentucky, who was entitled to the floor, argued that the bill had been in operation, notwithstanding the friends of the bill contended that it had not—that the measure had not been called for by the popular will—that it had been condemned in 1837, '38, and '39, by the representatives of the people, and by the people themselves, whenever the question was directly presented to them; that it was more expensive than the State bank deposite system, or when the Bank of the United States was the fiscal agent of the Government—that there was less responsibility to the Government in it; that it was less secure and economical than the above systems. He argued that the Independent Treasury bill would fall still born, and would be inoperative without the Treasury Note bill—that that measure would give vitality to it. He also commented on such parts of the President's message as asserted that there was a sympathy and connection between the Bank of England and the banking system of this country, and denied the position assumed in the message. He examined the question of currency in all its bearings upon the productive industry of the country, and attributed all the evils of its derangement to the past policy of the administrations of Jackson and Van Buren; and contended that there had been, as there now was, a concerted design, on the part of those Democratic Presidents and certain leading men of the Democratic party, to break down the banking system of the country. In speaking of the objects, tendency, and effects of the bank power, he said it was disgusting to argue that such power was favorable to the aristocracy, or inimical to the interests of the mass of the people. In speaking of the opinions of several statesmen, as connected with the positions he assumed in his argument against the bill, he said that Washington asserted that one of the greatest evils in a Democratic Government was that the people had to feel before they would think. They had suffered, said Mr. W. and it would be their own fault if they did not correct the present evils.

The House took its usual recess at half-past two.

EVENING SESSION.

Mr. WHITE resumed his remarks, in opposition to the bill; and concluded at 7 o'clock; at which time,

Mr. RAMSEY obtained the floor; and, on his motion, the committee rose, and then

The House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 6, 1840.

Mr. KEIM, from the Committee on the Militia, to which had been referred on the 2d March, the report of the Secretary of War for the re-organization of the militia, by leave, made a report on that subject.

Mr. TRIPLETT, from the same committee, on leave, reported the views of the minority of that committee in relation to the plan for the re-organization of the militia.

On motion of Mr. KEIM, both of said reports were ordered to lie on the table, and be printed; then

On motion of Mr. DROMGOOLE, and by general consent, 5,000 extra copies of said reports were ordered to be printed.

Mr. TILLINGHAST, from the Committee on the Library, to which had been reported the memorial of Monsieur Alexandre Vattemare of France, in relation to the establishment throughout the world, of a system of international exchanges of literary works, made a report, accompanied by a bill respecting copyrights; which was read twice, and the bill and report ordered to be printed.

Mr. PETRIKIN asked the general consent of the House to offer a resolution; which was read for information, as follows:

Resolved, That the statement made out by the Committee on Mileage, and given to the Sergeant-at-Arms of this House, be committeed to said committee, with instructions—

1st. To make out the mileage of members for the present session, in conformity to the mileage allowed and paid to members of the last Congress, and report the same to the Speaker of this House without delay.

2d. To report a bill establishing a uniform method of ascertaining and allowing the mileage of the members of future Congresses.

Mr. OSBORNE objected. Then

Mr. PETRIKIN moved to suspend the rules, to enable him to offer the resolution.

Mr. OSBORNE said he had no particular interest in the question of mileage; but he did not see the chairman of the Committee on Milage in his seat, who, he was informed, was prepared to make a report on the subject, which was the reason why he did object. After some further conversation, Mr. O. withdrew his objection.

Mr. CONNOR renewed it.

Mr. PETRIKIN persisted in his motion to suspend the rules, and demanded the yeas and nays upon it; which having been ordered, were—yeas 79, nays 38. No quorum having voted,

Mr. LEET said it was an important question, and moved a call of the House; which was, however, refused.

Mr. PECK inquired of the CHAIR whether the report alluded to was before the House.

The CHAIR replied that it was not, but understood it was in the hands of the the Sergeant-at-Arms.

Mr. TURNEY inquired of the CHAIR, if the rules were suspended, whether this question would not ride over all other business?

The CHAIR replied that it would.

Mr. PETRIKIN then modified his motion so as to suspend the rules for the morning hour only.

The question was again taken on suspending the rules, by yeas and nays; and decided in the affirmative—yeas 102, nays 45.

Mr. PETRIKIN, being entitled to the floor, yielded it to

Mr. WILLIAMS, of Connecticut, chairman of the Committee on Mileage, who was now present—explained the state of the question before the committee—the difficulty they had to encounter to agree upon some general plan. They had agreed to a report and bill which he was ready to present to the House. He would be glad if the instructions proposed should be adopted by the House, as it would relieve that committee of much embarrassment on the points in controversy. He, however, believed that the report and bill would satisfy all present.

The bill and report were then read to the House for information. [The bill so regulates the charges as to restrict the pay to the most direct route] to take effect after the 26th Congress.

Mr. W. then spoke of the want of uniformity in charges under the existing law—that there was great inequality. He thought that, when the committee again met, it would be able to arrange all the difficulties that seemed to be presented in the matter, and that if the bill passed, there would be no difficulty hereafter, or cause of complaint.

Mr. PETRIKIN modified his resolution, by withdrawing the second instruction to the committee. He said he did not wish to consume the time of the House by debating the proposition—he did not think any argument necessary, and therefore moved the previous question.

Mr. LEET appealed to Mr. PETRIKIN to withdraw the motion for the previous question; but he refused.

Mr. STANLY then moved to lay the resolution on the table.

Mr. REED demanded the yeas and nays on that motion; which, having been ordered, were—yeas 96, nays 78.

So it was laid upon the table.

Mr. BLACK asked a suspension of the rules for two hours, to enable him to offer the following resolution, and to have the same considered, viz:

Resolved, That the Committee on Mileage be discharged from the further consideration of the subject, and that each and every member of this House shall furnish, upon his own responsibility, to the Sergeant-at-Arms, the distance from Washington to his residence, by the most usual route of

public travel; according to which statement his mileage shall be charged, and that said statement of mileage shall be published in the journal of the House.

Mr. CAMPBELL of Tennessee gave notice that if the rules were suspended, he would move the following as a substitute:

"That the Committee on Mileage be instructed to report a bill prescribing that the mileage allowed to members of Congress shall be computed upon the nearest mail route from their residences to the seat of Government; and that said committee be instructed to report to the Sergeant-at-Arms the mileage of the members thereof, to be computed upon the nearest mail route from their residences to the seat of Government.

Mr. JAMESON gave notice that he would propose the following as an amendment, viz:

"*Resolved*, That the Committee on Mileage be authorized, if satisfied of any mistake they may have made in the calculation of the mileage of any member, to correct the same.

The question being on suspending the rules, for the reception of the resolution of Mr. BLACK,

Mr. CROSS demanded the yeas and nays on that motion; which, having been ordered, were—yeas 53, nays 94.

So the rules were not suspended.

Some conversation here took place between Mr. WILLIAMS of Connecticut and Mr. ALFORD, as to the power of the committee over the subject.

Mr. WILLIAMS asked that the rules might be suspended to receive the bill and report, that the same might be printed.

Mr. REED demanded the yeas and nays on the motion; which, having been ordered, were—yeas 107, nays 48.

So the rules having been suspended,

The bill and report were received.

The bill was read the second time.

Mr. CAMPBELL of Tennessee moved so to amend it that the law take effect immediately after its passage.

On motion of Mr. WILLIAMS, the bill was committed, and the bill and report were ordered to be printed.

Mr. WILLIAMS of Connecticut moved to postpone the further consideration of the bill till Tuesday next, and that it be made the special order for one hour on that day.

The yeas and nays having been called for, and ordered on that motion, were—yeas 89, nays 47—not being two-thirds, the motion was lost.

Mr. JONES of Virginia moved to suspend the rules, so that the House resolve itself into a Committee of the Whole on the state of the Union.

Mr. STANLY moved to reconsider the vote by which the resolution of Mr. MCKAY was adopted on yesterday, calling on the Postmaster General for information in relation to the alleged defalcation of the postmaster at Baton Rouge, with the view of submitting a resolution authorizing the Postmaster General to secure all the correspondence between himself and all the postmasters, and deposite the same in the fire proof vaults of the Treasury building; that such correspondence may not again be destroyed by fire.

Objections having been made,

Mr. STANLY moved to suspend the rules to enable him to offer it.

The CHAIR said it was not in order, there being already one motion to suspend the rules pending.

The question was then taken on suspending the rules to go into Committee of the Whole on the state of the Union, and agreed to.

The SPEAKER laid before the House the following communication from the President of the United States, viz:

To the House of Representatives:

I herewith submit a report from the Secretary of the Treasury, showing the progress made in complying with the requirements of a resolution, passed February 6, 1839, concerning the mineral lands of the United States. The documents he communicates contain much important information on the subject of these lands; and a plan for the sale of them is in a course of preparation, and will be presented as soon as completed.

M. VAN BUREN.

June 4th, 1840.

On motion of Mr. CAVE JOHNSON, referred to the Committee on Public Lands, and ordered to be printed.

Mr. STEWART of Illinois moved that five thousand extra copies be printed.

Mr. DAVIS of Indiana moved that ten thousand additional copies be printed.

Mr. CAVE JOHNSON objected, and the motion accordingly lies over one day under the rule.

The bill on the SPEAKER's table, entitled an act concerning prisoners of the United States committed to the jail of the county of Providence, in Rhode Island, was read twice, and by special order the third time, and passed.

INDEPENDENT TREASURY BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union, and resumed the consideration of the Independent Treasury bill.

Mr. RAMSEY being entitled to the floor, spoke at some length in favor of the bill, and in confuting the sophistical arguments which had been urged in support of the paper system. He took a review of those countries in which the banking system had been for ages unknown, and showed from historical facts that a fluctuating paper currency was not, as had been contended, essential to the prosperity of a nation. He had not proceeded far, when

The hour for taking the usual recess having arrived,

The committee rose, and the SPEAKER resumed the chair for the purpose of announcing that fact, when

Mr. STANLY moved to adjourn; on which motion the yeas and nays were ordered.

Mr. DROMGOOLE wished, before the motion was put, to have read, for information, a resolution proposing an alteration in the daily hour of meeting to 10 o'clock, a. m.

The resolution having been read,

Mr. D. wished to submit it, but objection being made, and the motion to adjourn insisted upon,

Mr. D. inquired of the CHAIR whether, after the hour of recess had arrived, the motion to adjourn could be received.

The SPEAKER replied, it could only be received by general consent.

Mr. DROMGOOLE then said he would object to it, and insist upon the recess; which was taken accordingly.

EVENING SESSION.

After the recess,

The SPEAKER resumed the chair, the question pending on the motion of Mr. STANLY to adjourn, and on which motion the yeas and nays had been ordered.

After some debate of a desultory character, the question was taken on the motion to adjourn, and resulted as follows: yeas 7, nays 27.

So the House refused to adjourn.

Mr. HOLMES then moved that the House again resolve itself into Committee of the Whole on the Independent Treasury bill.

Mr. ADAMS and others objected, on the ground that there was no quorum present.

Mr. DROMGOOLE moved a call of the House, but it was not ordered.

The motion that the House go again into committee was then renewed.

Mr. ADAMS objected, as there was no House present.

The motion to adjourn was then renewed, and on being put, was again rejected—yeas 29, nays 48.

Mr. MORGAN moved a call of the House.

Mr. JAMESON, on that motion, demanded the yeas and nays; which being ordered, were—yeas 49, nays 37. So the call was ordered, and proceeded in until 95 members answered to their names.

The motion to adjourn was then renewed, and decided by yeas and nays as follows: yeas 46, nays 44. So at 5, p. m.

The House adjourned.

IN SENATE,

MONDAY, June 8, 1840.

The CHAIR presented a report from the Secretary of War, transmitting documents in relation to the proceedings for the recovery of the Peapatch island; which was laid on the table, and ordered to be printed.

Mr. NICHOLAS presented the memorial of the underwriters of the city of New Orleans, remonstrating against the repeal of the pilot laws of 1837; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill from the House to ensure the more faithful execution of the laws relating to the collection of duties on imports, reported the same with various amendments. The bill, as proposed to be amended, was ordered to be printed; and Mr. W. said that he was instructed by the committee to give notice that he would ask for its consideration at the earliest day it would be convenient after the bill was printed.

Mr. STRANGE, from the Committee on the Judiciary, to which was referred the bills from the House,

For the relief of John Roberts; and

For the relief of William J. Roberts, and William Detherage;

made unfavorable reports thereon; which were ordered to be printed.

Mr. STRANGE, from the Committee on Patents, to which was referred the bill for the relief of John W. Faunce and Oliver Perrin, reported the same without amendment.

Mr. PIERCE, from the committee on Pensions, to which was referred the bills from the House

For the relief of Ann Bloomfield; and

For the relief of Michael Seitzinger;

made unfavorable reports thereon, which were ordered to be printed.

The bill making provisions for the payment of pensions to the executors and administrators of deceased pensioners in certain cases, was read a third time, and passed.

The bill for the relief of the legal representatives of Philip Barbour, deceased, was read a third time, and passed—ayes 24, noes 20.

The bill for the relief of General Duncan L. Clinch was taken up as in committee of the whole, and the question being on the amendment proposed by the Committee on Claims, it was agreed to—ayes 21, noes 17; and the bill was then ordered to be engrossed for a third reading.

Mr. ROANE moved that there be printed for the use of the Senate, ten thousand extra copies of the report made by the Committee on the Militia on Thursday last; which, at the suggestion of Mr. NORVELL, he modified so as to make it twenty thousand.

On this motion a long and animated debate took place, in which Messrs. ROANE, CLAY of Alabama, PRESTON, WEBSTER, KING, and WALKER, participated; when its further consideration was postponed until Wednesday.

Mr. PRESTON then moved that the letter of Mr. Poinsett, containing his projet for organizing and disciplining the militia, be printed; which, at the suggestion of Mr. WALKER, was modified by including the letter of Mr. Poinsett to the chairman of the Committee on the Militia.

Mr. CLAY of Alabama then proposed to amend by including the reports made by Gen. Harrison, on the same subject, while he was chairman of the Committee on the Militia, in the year 1817, 1818, and 1819.

This was opposed, as an amendment, by Messrs. WEBSTER and PRESTON, but Mr. CLAY insisting on it, and asking the yeas and nays, Mr. WEBSTER withdrew his opposition.

The amendment was then agreed to, and the resolution, as amended, adopted.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, June 8, 1840.

This being the day set apart by the rules for the reception of petitions,

Mr. J. W. JONES moved that the rules be sus-

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JUNE 16, 1840. VOLUME 8.....No. 29.

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Continued from No. 28.

pended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. TURNEY, from the Committee on the Judiciary, asked leave to make a report to the House from that committee, with a view of having the same printed; but it was objected to.

The question was then taken on the motion to suspend the rules, and agreed to without a count.

INDEPENDENT TREASURY BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union (Mr. BANKS in the chair) and resumed the consideration of the Independent Treasury bill.

Mr. RAMSEY of Pennsylvania resumed his remarks in favor of the bill. In commenting on the principle and object of the bill, he said its object was one which emphatically and expressly provided for the safety of the revenues of the Government, in contradistinction of the plan of the Whig party to commit the revenues to the State banks, or to a United States Bank, to be made use of by those institutions to speculate upon, and to increase their dividends; and thus compel the Government to run the risk of the good or bad speculations of those institutions. He argued that such a state of things would not only be wrong in principle, but would be hazardous to the best interests of the nation. The revenues, he said, were not collected from the pockets of the people, the poor as well as the rich, to carry on the trade and commerce of the country, or to be deposited with privileged institutions to be loaned out by them to their favorites, but for the exclusive use and support of the Government. He denied that this bill would affect commerce, or materially affect banking, or labor; and if it had any effect at all upon labor, it would have a beneficial effect; it would enhance, and not diminish its value, as the opponents of the bill had endeavored to make it appear, by their own assertion, and by misconstruing the remarks of some of the friends of the bill. He denied that commerce could be injuriously affected by it. That the bill may, and would, to the extent of its influence, check the gambling and ruinous contractions and expansions of the currency he did not deny; and that it might to that extent be beneficial to commerce. Mr. R. then went into a history of the cause of the present depression of the business in the country; and showed that it was attributable to the immense and sudden contraction of the currency by the banking institutions, either to aid the cause of speculation, or to accomplish some great political end. He showed by statistical tables, that these institutions had within a short time up to the present period reduced the circulation from one hundred and thirty to one hundred and six millions; and had thereby overwhelmed every interest in the nation in one common ruin. He proved that the banks were the cause of all the wild speculations in town lots, and in foreign merchandise; and adverted to the efforts making by the Whig party to throw the responsibility of all the ruin caused by these institutions, and from their swindling operations, upon the present Administration. The country had experienced depressions in business to a greater extent than at the present time, by the operations of the banks. The history of the United States presented one series of contractions and expansions of the currency and business.

In speaking of the benefits of a specie currency, Mr. R. quoted the language of Washington against paper emissions as a representative for specie, in which he pointed out the ruin that would be the inevitable consequence of such emissions, and said "that it was by the substance, and not by the shadow of things, that the people and the country were benefited." Mr. R. then went into a history of the banking operations, and the state of the currency and business, for a series of years during the existence of the Bank of the United States, and previous. He showed the effect of expansions and contraction of the currency upon his own State, in the year 1814. The country knew of no distress at the present time in comparison to that which prevailed at that time. The banks went on four years, until the people were ground into the dust by their conduct. In 1816, the Bank of the United States was rechartered to regulate and control these institutions. In consequence, additional evil was thrown upon the country to create additional distress. He read a report of the Legislature of Pennsylvania, soon after the Legislature of Pennsylvania chartered a bank of eleven millions, in which it spoke of the distress of the times as ruinous in the extreme. So universal was the complaint, that even the honest farmers felt the effect of it. The report said the distress was general—that there was a deterioration of landed property, and ruin of the manufactures and commerce of the country. Produce met ruinous reduction; real property was daily sacrificed. Property was sold so low that the fees of law officers were not realized from its sale. The like consequences were produced in 1820 and '24, when the Bank of the United States was in full operation. To show the effect of a contraction and expansion of the currency, Mr. R. adverted to the price of land in Pennsylvania at different periods. In 1809, land sold at from thirty to forty dollars per acre; and in 1815, by the expansion of the currency, it sold for one hundred dollars; but in 1819, in consequence of a contraction, the same lands sold for only twenty dollars per acre. In the county of Lancaster, in 1809, land sold for from seventy-five to one hundred, and, by an expansion, it sold in 1815 for three hundred dollars per acre. The same land, in 1819, by a contraction of the currency, sold at from sixty to seventy dollars per acre. In the county of Cumberland, where he resided, in 1809 land sold for $40 per acre, and in 1815 it sold for $200; and in three years afterwards the same land sold for but $25 per acre. What was the consequence? Almost every man in every county failed and was sold out. The speculators reaped a harvest on the misery and ruin of the honest farmer and land holder. But that was a part of the system of the banks to fluctuate prices for the benefit of the actual money holder and speculator. Mr. R. did not think that the Independed Treasury bill could regulate all these things to the extent it could be wished; but so far as it goes to regulate, he would go for and sustain it. It would restrain the excessive issue of banks to a certain extent, and hold them in check, and thus cause something like a regular standard of value. The merchant, after the plan shall be fully in operation, instead of importing on the credit of the Government, will have to pay cash duties, and thus prevent the agents of British manufacturers in this country, who overimported, from doing so to the injury of the honest American importer and manufacturer. Mr. R. then showed the deleterious effect the banking operation has on the laborer, by deranging the relative proportions between the price of labor and the product of labor; and how far the Independent Treasury bill would benefit the laboring man, by keeping the price of his labor uniform, and by securing to him regular employment. He examined the question in all its different aspects. A full report will be given hereafter.

Mr. STRONG said that before he proceeded to make any remarks on the general merits of the bill, he would advert to the resolutions passed by the Legislature of his State, (New York,) on the subject. He, and the party to which he belonged, conceded the right of instruction to the fullest extent, and held that when a representative could not conscientiously obey his instructions, it was his duty to resign. But such instructions should always be definite, and not leave any thing to be implied. Mr. S. then went on to show that the resolutions in question were neither in the form of instructions, advice, or request, and yet they possessed something of each. They did not profess to instruct any one, and yet they intimated that if any Senator or Representative from that State supported the bill, his conduct would meet with the most unqualified disapprobation, etc. After commenting upon other points in the resolution, Mr. S. said he had been elected by his constituents with express reference to this bill, and instructed to vote for it; and he should do so in spite of the threats thus thrown out. He denied the authority of the Legislature to call him to account for his official conduct, as he was responsible to his constituents, and them alone.

Mr. S. then went into a general defence of the bill, showing that the cry of "one currency for the Government and another for the people," and a great many other similar objections, were as unfounded as they were ridiculous.

Mr. MARCHAND then took the floor and said,

None will deny that the management of the fiscal concerns is one of the most important branches of a Government; it gives the impulse which carries on each department in the performance of its proper duties. According to the desires that actuate mankind with regard to the acquisition of wealth; if you check that source, the various departments of Government will cease; Executive action will be stilled; Legislatures will cease to legislate; the Judiciary will no longer be heard in pronouncing judgment between man and man; navies will rot, and armies be disbanded. Such, sir, are the important results that depend upon a faithful administration of that branch of Government. Surely, then, it becomes a paramount duty in the rulers to consign that vital portion of a nation's welfare into faithful and honest hands; to see that the public revenue be placed in such safe depository that it may at all times be had when called upon, in the mode prescribed by the Constitution of the country. Suppose we were now organizing our Government, and all its departments had been completed, except so far as relates to the administration of its fiscal concerns—would the idea be entertained for a moment that that remaining branch should be entrusted to individuals unknown to the Constitution—to men who are strangers to the people for whose benefit that Government is formed—to men whom they had nought to do in designating as their agents—and men, too, who are as wholly irresponsible to the people, for whose benefit they hold the fund, as are the winds that whistle around them? The only true mode of retaining faithful officers, is by holding them to a strict accountability. This is a principle none will deny as being not only beneficial, but absolutely necessary to the welfare of a free people. Yet such is the measure advocated by the opponents to this bill. The principle of strict accountability must be abandoned, and the revenues of the Government thrown into the hands of stockholders in banking institutions—of men *irresponsible, uncontrolled, unpunishable.* I say, it is the measure advocated by the opponents to this bill. Although none, or but few of them, have in so many words thus far in this debate proposed the retaining of banks as the depositories of Government money—yet all their arguments lean in favor of such a measure, and from those arguments I deduce the conclusion that their affections have a strong tendency to that quarter. I am strengthened in this opinion when I recollect a resolution at an early period of the present session in favor of the establishment of a National Bank, with a capital of seventy millions of dollars, to aid the Government in its fiscal concerns, offered by a distinguished Representative from Kentucky [Mr. POPE.] Since the time the President of the United States recommended to Congress the enactment of a law providing for the more secure keeping of the public moneys, and until the time of the Harrisburg Convention, when General Harrison became a candidate for the Presidency, either a National Bank or a league of State banks, was the measure proposed as the only one by which public moneys could be effectually secured. Previous to the nomination it was the burden of the strain that fell from the lips of

the Opposition orators at all their public meetings; the presses, ranked as opponents of this bill, descanted most eloquently on the beauties of the banking system, as being the safest depositories of the Government revenue. As soon, however, as that nomination was made, and the fiat of party went forth "that there should be no declaration of principles to meet the public eye," "a change came o'er the spirit of their dream"—the orator's strains were stilled, and the press no longer touched the forbidden subject. All was hushed, as though the beings who conceived the ideas had ceased to exist. A strange spectacle since then has been presented to the people of this Union—that of a party arrayed in hostility against an Administration, avowing the most determined hatred against its leading measure—without, at the same time, as has been invariably practised by political parties, proclaiming one single principle upon which they rest the justice of the cause they advocate—they fling no banner abroad to the breeze, by which they may be recognised. Let a stranger come among us, and ask what is the great question about which the people of the United States are disputing. For answer—place in his hands a Democratic journal, and he will at once say, the bill now under consideration is the Treasury they advocate. Place in his hands an Opposition journal, and he will be as like to arrive at the conclusion, that the Treasury they are in favor of is "*a log cabin*," with "*hard cider and coon skins*," as any thing else. This same "mysterious silence" yet hangs over them. They never yet have disavowed their preference for banking institutions—it was the last word they uttered on the subject. Am I, then, not fairly justified in taking them at their word?

The Government having given the banks a fair trial as depositories of the revenue, they proved themselves unworthy the trust, by twice suspending specie payments, in times of peace to our country, and general prosperity to our citizens, except those who, by a great avidity to acquire much wealth in a little time, went beyond their depth, and by improvident speculations brought ruin upon themselves and all who were intimately connected with them in business. That trial having, as the friends of this bill believe, proved a failure—and that position being denied by the Opposition, I shall confine myself to reasons why I believe the Administration is fully justified in abandoning banks, as the fiscal agents of the Government.

We have derived our notions of government pretty much from England. It is from that country we have taken the example of issuing charters of incorporation—indeed, many charters, now in force in the United States, were granted from the British Crown previous to the American Revolution. If I was a member of the British Parliament, and a question should arise whether to pass an act of incorporation or not, its object and provisions would have to be odious indeed, if I would vote in the negative—but, standing on the floor of the American Congress, its provisions and object must be good indeed, if I would vote in favor of it. In England *the Crown* is the source of all power—and every charter of incorporation, granted in that country, takes away so much power from the Crown, where too much is already lodged, and confers it upon as many individuals as the corporation is composed of—thus forming little bands better able to resist aggressions on the part of the Crown. In the United States *the people* is the source of all power. Every grant of a charter of incorporation in this country, takes away from the people to that extent the powers they retained to themselves by the Constitution. And just as far as the charter confers privileges, so far are the corporators elevated above the rest of their fellow-citizens.

The danger is not small that is to be apprehended even from those institutions, which are not, like the banks, possessed of money, the great lever which sways the human passions to and fro with the most irresistible impulse. Instances are not wanting in history of corporations having been used as an engine by monarchs to resist aggressions on the part of some aspiring subject. So potent became his vassals under the operations of the feudal system, that Lewis the Gross of France, as a means of counteracting that potency, and restraining their overweening insolence was compelled to form the inhabitants of towns into bodies politic, to be governed by a magistracy of their own nomination. So effectual was the curb to the increasing power of the nobility, that the same practice was adopted in Germany, Spain, England, and other feudal kingdoms; hence, too, arose the origin of incorporating cities and towns: you will not understand me that those charters were at that early period willingly granted; it was not done until it became absolutely necessary to answer some great political end. Monarchs have been, in all ages (since the custom had its origin) jealous of introducing corporate privileges into their systems of Government. One instance occurred about 1,700 years ago, in the origin of Trajan, one of the Roman emperors; it is so very characteristic of our modern corporations that I shall give you the correspondence which took place between him and the younger Pliny, who was the Governor of the province in which Nicomedia was situated.

Letter of Pliny to Trajan.

"While I was making a progress in a different part of the province, a most destructive fire broke out at Nicomedea, which not only consumed several private houses, but also two public buildings; the town-house and the temple of Isis, though they stood on contrary sides of the street. The occasion of its spreading, was partly owing to the violence of the wind, and partly to the indolence of the people, who, it appears, stood fixed and idle spectators of this terrible calamity. The truth is, the city was not furnished with either engines, buckets, or any single instrument proper to extinguish fires; which I now, however, have given directions to be provided. You will consider, sir, whether it may not be advisable to form a company of firemen, consisting only of one hundred and fifty members. I will take care none but those of that business shall be admitted into it; and that the privileges granted them shall not be extended to any other purpose. As this corporate body will be restricted to so small a number of members, it will be easy to keep them under proper regulation."

Trajan to Pliny.

"You are of opinion it would be proper to establish a company of firemen in Nicomedia, agreeably to what has been practised in several other cities. But it is to be remembered that societies of this sort have greatly disturbed the peace of the province in general, and of those cities in particular. *Whatever name we give them, and for whatever purpose they may be instituted, they will not fail to form themselves into factious assemblies*, however short their meetings may be. It will therefore be safer to provide such machines as are of service in extinguishing fires, enjoining the owners of houses to assist in preventing the mischief from spreading; and, if it should be necessary, to call in the aid of the populace."

Such was the opinion entertained by the monarch of Rome, the then mistress of the world; he was unwilling to confer corporate powers on one hundred and fifty men to put out fires; he well knew from past experience, that such a society was the hotbed from which much mischief would spring. If then, sir, emperors, who commanded mighty armies, kings who claimed to rule in divine right, were afraid to encourage such institutions, may not the citizens of our free Republic be permitted to entertain some jealousy lest it should take away from that liberty which was left them by their fathers with the solemn injunction that it should be transmitted untrammelled to their posterity? Surely, sir, they will be permitted to protest against their rulers doing an act which will so greatly enhance the powers of corporations to work mischief, as will the project of permitting them to use the immense revenues of the United States, and placing it under their control.

I will now advert to a point which has gone as far towards sustaining banking institutions as almost any other action in relation to them. I allude to the decisions that have been made in the courts of justice, that the act creating private corporations (in which banking institutions are included) cannot be repealed; that as soon as the act has passed through the Legislature in the forms prescribed by the Constitution—that moment it is beyond the reach of the law, above legislative control, and this, too, whether its operations be for weal or for woe; whether beneficial or prejudicial to the community in which it is located.

The judges of the United States courts in deciding questions relative to corporations when they were not controlled by the Constitution and laws of the United States, or the Constitution and laws of the State where the case arose, had resort to the common law decisions made on the same points. Disputed questions in such cases having arisen not many years after the adoption of our Constitution, the judges had recourse to the cases adjudicated in England, upon which precedents they based their decisions. Now, sir, take up the English books of reports from whence those precedents were derived; trace back the cases, the one before the other, and you will find the common law on that subject to have been moulded in the earlier periods of English history when the people first commenced their struggles to be released from the iron grasp with which they were held by the Crown. The wise and good judges in that country knew how important an acquisition it was to the liberties of the citizen—they knew the importance of maintaining strictly to the corporators, the privileges granted them—they, too, were well aware, that so much power of mischief in the Crown was neutralized, and accordingly established the common law as far as it is in force in this country. From this early and peculiar period, arose the notion of the inviolability of a charter, which has been ingrafted on that clause in our Constitution, which prevents States from passing any law "impairing the obligation of contracts," and has now sprung into a flourishing branch, overshadowing the length and breadth of our land; and almost as baleful in its effects upon our fair institutions as is Java's poisonous Upas tree to vegetation within its influence. The judges of England then, and up till the reign of William III, held their offices during royal pleasure, and not, as now, so long as they behaved themselves well. They *then* would not have dared to have given as the reason of their decision, that it was to restrain the power of the Crown. They well knew, the moment they would have pronounced the words, the tenure of their offices would have ceased, and their persons have been visited with other tokens of royal displeasure. Such are the inferences I have drawn, on that subject, from the judicial history of England. I like it not that courts of justice in this country should base their judgments on English common law principles, in cases where the charters emanate from a source so entirely different from ours. That decisions made in one country with an eye to confer liberty *on* the people, should be held as a precedent in cases in another country, where that same decision would take their liberty *from* them, is to me rather inconsistent with the usual course of reasoning. I know that uniformity of decision in the administration of justice, is much to be desired in every well regulated Government, as being the land mark by which the property and the rights of the citizen are known. A judge is sworn to maintain and expound the old law, and has no more right to abandon a *good precedent* than a juror has to cut loose from law and evidence, and find as his passions or his prejudices may direct him. A legislator is not bound by precedents in his actions, and much less need he regard them when it is is known that, up to 1835, there was one thousand *overruled or revoked* decisions in the American and English books of reports.

The idea of banking institutions being beyond the control of legislation, is contrary to the spirit of improvement now going on in the science of Government. We have no right to do any act, or pass any law, that posterity will, willing or unwilling, be bound to maintain. To my mind it is a preposterous idea that we, for a valuable consideration now paid us, may pass a law that will operate most injuriously, be in full force some seventy years hence, and, under the pretence that it is a sacred charter, a vested right, our innocent posterity shall be bound to undergo its inflictions. It is not justice. Had the notion always prevailed that the acts of the ancestor were binding on the descendants, this country might now be a British province, and ourselves deriving our notions of Government from the monkish superstitions of the middle ages.

If a number of individuals were to assemble together and do certain acts which by express provision in the Constitution is directed to be performed by Congress, would it not be regarded as a treasonable assemblage? Would not the whole land rise up in arms and overthrow the usurpers? It is a power near akin to this that banking institutions take upon themselves, and the proposition of leaving the public money in the vaults of banks is aiding this species of unconstitutional legislation; is

throwing the very sinews of Government under the control of bank directors. The Constitution having given to Congress the power "to coin money, regulate the value thereof," the inference is reasonable that that body, and that alone, should have the control of the circulating medium. The history of the world proves that mankind is governed by money. When the Government money is in banks, it is under the control of the directors; these persons with such privileges conferred upon them by legislative enactments as place them beyond punishment and responsibility, legislate upon the whole currency of the country. At one period the land is flooded with a vast amount of notes; in a little time after, those notes are called into bank, causing the prices of houses, of lands, and of merchandise, to rise and fall with the alternate expansions and contractions thus brought about by the uncontrolled decree of twelve bank directors. Is not this legislating in the fullest sense of the word —swaying with the most unbounded freedom the whole currency, public and private, of more than sixteen millions of people—the prices of all the property in this wide spread Republic at the mercy of twelve bank directors? Is not this power? We all know the mature consideration that is given by each branch of the Government concerned in legislation, to any measure ere it is permitted to find a place on our statute book. If a law should be passed causing as frequent and excessive expansions and contractions as have these corporate despotisms, banks, although it would have received the sanction of three different branches of the Government, each branch representing every soul in the Union, and each, branch too, either mediately or immediately, chosen by the people themselves—if such a law should be passed, the actors in the scene would, through the medium of the ballot boxes, be hurled from their seats, and followed by the deep, biter, lasting execrations of an outraged community. Are we right in entrusting the public money with banks; thus tacitly giving our sanction to this illegitimate species of legislation; thus infusing the strengthening power into a moneyed despotism, to harass and oppress the people? If such institutions be not a moneyed aristocracy, and that, too, in the fullest sense of the word "exercising an absolute power over a national currency," it is impossible for human ingenuity to imagine what is one. Whilst the banks thus usurp to themselves one of the attributes of sovereignty, (for such I hold the regulation of currency to be,) the very exercise of that power clogs the action of the Government in the performance of its constitutional duties. I allude to that clause which gives to Congress the power "to lay and collect taxes." Banks, by increasing or decreasing the amount of paper circulation, would render it impossible, if it should become necessary for the Government to make a correct estimate of the amount of money that may be wanted; say for equipping an army, increasing the navy, or the erection of light-houses and fortifications. The estimates may be made at a period when the paper money is in circulation in profusion; this apparent prosperity may induce the Government to lay taxes to a large amount, to meet the proposed expenditure. In the mean time, the banks may think they have been too liberal in their discounts of paper—may think a speculation could be made on cotton, tobacco, and grain, for the benefit of the stockholders, by contracting when they purchase, and expanding when they sell. From these, or any other reasons that may influence the bank directors, a great scarcity of the circulating medium will be produced, and much distress inflicted on the people. Where, then, is the money to be got by the poor citizen, to enable him to pay his quota of taxes, assessed upon him in times of profusion? Or suppose the amount of assessment was paid into the Treasury, and the expenditure was made when the paper money was contracted in its circulation? The effect would be, the whole amount of the estimate would not be required, and a *surplus revenue* would be left in the public Treasury, the bare idea of which inspires the opponents of this bill with a kind of holy horror, *unless* that surplus be placed in the bankers' hands. Change the circumstances. Suppose the estimates to have been made, and the money paid into the Treasury of the United States, when there was a contraction of the currency, and you will find its effects equally as prejudicial. The estimates are made in a period of contraction; but before the work is commenced, the paper circulation is increased by the banks. By this process, the *value* of the amount in the Treasury is lowered, and the Government cannot perform what it could have done, had the currency remained stationary.

Stockholders in banking institutions derive a profit of from three to five per cent. more than could an individual on the same amount of capital, without subjecting himself to the punishment of usury in those States where such statutes are in force. This per cent. is distributed among bankers after the payment of their banking houses, their officers, and all contingent expenses. The friends of banks will tell you, the aid they are furnishing the community, in the transaction of its business, will more than counterbalance the advantages they derive from such investments. These honeyed words are but the guides that have led us into the bankers' snares. They sound sweetly to the ear, and lull us into a dangerous lethargy. We should suppose their capital was an investment profitable enough, without adding unto them another source from whence their usury would be so much increased, as in the use of the revenues of the United States Government.

A report was made by the Secretary of the Treasury in February, 1839, to Congress, in which is to be found a beautiful illustration of the perfection to which the science of banking has arrived, in profiting the banker, and injuring the community. It is an aggregate of investments supposed to yield income to banks above the amount of capital paid in, viz:

In 1833	-	-	-	-	$142,800,387
1834	-	-	-	-	158,906,467
1835	-	-	-	-	241,409,708
1836	-	-	-	-	276,238,804
1837	-	-	-	-	244,123,541

The above exhibits the amounts of investments upon which the banks have been receiving interest for five years, without having one dollar more at risk than the expense of manufacturing their paper, because in this statement is not included investments equal to, and which go to balance the capital paid in. Take, for instance, the year 1836, and the amount of interest at 6 per cent. for that year alone, would be $16,574,328, and you have an idea of the rich crops that are reaped by the bankers, without any seed having been sown. That comparatively small amount of capital is the weak base upon which this immense banking superstructure is erected; and shall we be mad enough to put forth our hands, and assist in increasing the dimensions of this edifice of Machiavelian conception, hatched in the prolific brain of a John Law, or some of his descendants, that will, unless a timely check be placed upon it, crumble, fall, and crush us in its ruins?

In the last ten years the average loans and discounts in banking institutions in the United States have been annually $370,000,000. The average annual circulation, during the same period, has been $105,254,894. When we consider the various rates of interest allowed in the different States of the Union, the stocks, real estate, and other investments, from which the banks derive interest, the gain on exchange, the destruction of notes whilst in the hands of individuals, their brokerage on the sale of stocks—I say when we consider all these facts, it would not be an unfair estimate to say the banks receive about *eight per cent.* of interest on their discounts, and six per cent. on their circulation. Take that per cent. as the ratio and you will find the banking institutions in the United States have, from 1830 till 1840, derived a GROSS PROFIT from the people of this country of $359,152,630. During the same period the *gross revenue* of the General Government from lands and customs only amounted to $285,000,000. Thus the people of the United States are more heavily burdened by the banks than they are for the support of their army, their navy, their civil and diplomatic expenses, in short, the whole payments made by Government to any quarter whatever. If Congress was in ten years to lay a direct tax of *three hundred and fifty millions of dollars*, although the power is expressly conferred on them in the Constitution "to lay and collect taxes," the whole people would arise in one mass in open rebellion, and drive them, as oppressors, from these halls of legislation; yet bankers levy this tax off the people with impunity. Their operations in its collection are concealed, and, like the vampyre bats, they fan their victims with their wings whilst they suck away the life's blood.

We are told this bill confers too much patronage on the Executive. Why, sir, that patronage should not be mentioned in the same daylight with what is wielded by the banks—a league of nine hundred corporate despotisms, with a capital over four hundred million of dollars, with their army of debtors and dependants, arrayed against the Administration, with a hostility as bitter as that of the young Hannibal, when, at the altar, he swore eternal hatred against the Romans. When these things are considered, it requires no great penetrative mind to tell who wields the greatest patronage. We have been placed here as guardians of the public interests, and must examine the question in all its bearings, and choose what we sincerely believe to be the correct course. Suppose we should be so unfortunate as to be cursed with a corrupt Executive, filled with inordinate desires for power; and the banks continue to be the fiscal agents of the Government. The one branch thirsting for power, the other for wealth, would, for the attainment of their objects, leaugue together in a crusade against the liberties of the people. It would be very questionable if moral and physical force enough would be left to burst the chains that would be thrown around us.

There are about sixteen millions of souls in the United States who are equally interested in the public money, and are equally entitled to any benefits that may accrue from its use; then why are bankers entitled to the profits of that money to the exclusion of the rest of the people of this country? Is it now to be left in the custody of a few fortunate individuals who hold stock in banks, to reap its rich profits. The expenses of its keeping are far more than balanced by the interest it yields, and if such places must be the depositories, let the profits and loss be divided among all. I put it to gentlemen to say if this be not more equal legislation.

From whence come the bankers profits? One thing is certain; they will not be contented with gains as visionary as the greater portion of the capital in which they deal; it must be something more substantial; the genuine profits arise from the products of the farmer and the mechanic. It is *labor* which constitutes the true source of wealth to a country; every bushel of grain, every pound of cotton and tobacco raised in this country; every article manufactured here out of domestic materials, is adding so much to our national wealth, because we send not its equivalent abroad. It is fair, honest, unbought advantage to our country. It is from labor, then, the bankers' profit is raised. It is labor which, in the shape of interest, flows into the capitalists' hands. It is the earning of the industrious man they receive. It is permitting the bankers to descend like reapers upon the rich harvest, watered by the sweat of a hard working people. And what meritorious act do the bankers perform in turn for these benefits? "Calm as a summer's morn," with folded arms, they sit at ease. The claim of a war worn veteran of the Revolution to a pension, must be fully proved before Congress will allow its payment. The banker receives his pension without proof of his services, with no other act than producing a purse sufficiently long, (no matter whether that purse be his neighbor's or his own,) to enable him one day to pay the required amount of stock into bank, and probably the next draw it out in the shape of a loan. This is a pension paid to a privileged class, it is a pension paid to idleness in the strictest sense of the word. When, as I have shown you, this pension, this fund thus *earned*, and thus distributed, has amounted in the last ten years to the enormous sum of three hundred and fifty-nine

millions of dollars, what man is there, I ask, that is compelled to look to his own honest labor for support, who will resist the reformation of a system that leads to such incredible inequality and injustice?

The struggle going on in the United States between the people and the banks, is of a cast similar to that which was carried on in England between the Government and ecclesiastical corporations. A great portion of the learning of the day was, in the earlier periods of that country, confined to the clergy. This gave them an unbounded influence around the throne, at the same time working upon the minds of the people, who were accustomed to look up to them for advice, in temporal as well as spiritual affairs; they induced many, during their lives, to convey, and many by will to devise, their property to monastaries and other religious houses. The amount of property accumulated by these religious corporations was so vast, that they became injurious, if not dangerous, to the Government; so much so, as to humble some of the British monarchs, and obtain an absolute control over others. In the reign of Henry III. the struggle commenced to be released from these overgrown corporations. As fast as the English Parliament passed one statute prohibiting individuals giving their property to such institutions, by ingenious construction the statute would be evaded. Statute after statute was passed, and statute after statute was rendered nugatory—the desire to hold property sharpened the ingenuity, by which expedients were devised to evade the acts of Parliament; and in this, as Sir Edward Coke observed, "were to be commended, that they ever had, of their counsel, the best learned men that they could get."

How far the banking institutions of the United States have profited by the example in retaining the most eminent counsel in their suits, the courts of justice will tell. This struggle continued for centuries, before the Government succeeded in placing an effectual curb on religious corporations, with regard to the accumulation of property. Now, sir, if ecclesiastical corporations were able to contend for so great a length of time against the great power wielded by the British crown, and against a series of statutes, enacted by a body that holds itself "to be omnipotent"—each statute, too, being a deadly spear inflicted in the body of the corporations it was aimed at, what kind of astruggle are we to expect with corporate despotisms, whose whose soul is money—whose power is money—whose influence is money? Will we be justified by our constituents in adding to this power, by pouring the public money into their hands? No; they will tell us the Government is cherishing a viper in its bosom, that will some day sting it home.

There is now in the United States banking capital of a fraction over four hundred millions of dollars. This amount lays comparatively dead; what I mean by the expression is, that its benefits are confined to the bankers and the few who are favored by them; it is not so universally diffused, that the laboring classes, able to give good and sufficient security, can at all times have such access to it by loan as he could, if that amount of capital was in the hands of individuals. I look upon this great capital as being in the precise situation of the property formerly held by the religious corporations of England, France, and Spain. It may be alleged this capital is in circulation in loans to the trading community—true it is, and so were the monastic estates leased to tenants; still they were considered by their Governments as dead capital; they were not as well farmed as if they had been owned by individuals. It was considered the leading measure of the administration of Henry VIII, when he broke up those estates, so great was the benefit that resulted to England by that measure. France imitated the example, and some authors contended that the rescue of the property from the clergy, more than counterbalanced the evils resulting from her sanguinary revolutionary struggle. Spain is now experiencing the benefis of a similar policy. I wish not to be understood as advocating a confiscation of banking capital. I urge these examples to show the necessity we are under in the United States to restrict this great and growing power.

It is urged that this bill entrusts too large an amount of money to the hands of individuals, that they may appropriate it to their own use. The thirst for wealth has led many an unfortunate being astray, who otherwise would have been an upright citizen. I would ask, however, if the revenue was in bank vaults, would it not still be under the control of individuals possessed of like passions and feelings; ay, under the control of men, who, however gross and flagitious may be their conduct in their corporate capacity, are not personally responsible to the laws? If an individual is entrusted with any public money, and embezzles part of it, you may sue out your process from the courts of justice; you may levy, and sell his goods, and so enforce payment to the extent of his uttermost farthing; nor is this all the remedy you have left. This bill brands him a felon, and consigns him to a felon's punishment. Let the banks be the depositories of the public funds, and refuse to pay any portion out; and where is your remedy? You may sue them, and obtain a judgment; here your remedy ends; the cashier will turn the key of the vault, and your redress is gone. Even should you be assured the very same money, dollar for dollar, was in the vault that was deposited there as revenue; yet you cannot touch it by reason of the bulwarks thrown around these corporate despotisms by the laws of the land. An individual may be compelled to pay; a corporation cannot. It is true individuals may abscond with the public money; and may not bank officers carry off its funds and the deposites of Government? Have we never heard of such an event happenpening as a president, a cashier, an agent of a banking institution, fleeing with its funds to Canada, to Texas, or Europe, as fast as an unfortunate Israelite in olden time, with blood upon his head, escaping to his city of refuge.

One of the evils resulting from Government making use of the banks as depositories of the public money, is, that for the purposes of gain, the bankers issue more of their notes in proportion to the amount of their specie, than they would have done, had they not been the fiscal agents of the Government—depending on those funds, the banks issue paper to an amount which, if resting on their own resources, would not only bring ruin on themselves, but all connected with them in business. If the Government, in some sudden emergency, finds it necessary to make an appropriation of the whole amount of its revenues in the vaults, after a considerable sum had been for some time accumulated there, a drain of the vaults would be the inevitable consequence, and instead of there being a due proportion of specie to the notes in circulation, there will be such an excess of paper afloat, that the bank must break, or, to use the bankers' modern phrase, must suspend specie payments. This is not a mere fancy sketch—unfortunately for the people of the United States, the position has been practically illustrated. When the act of Congress was passed in July, 1836, directing a distribution of the surplus revenue in the banks to the different States by instalments, one was paid in the fall of that year; another was paid in the spring following, and that very same spring the banks suspended specie payments. Whilst speaking on this point, I would advert to the charges so frequently made, both here and elsewhere, against the Administration, as the cause of the Treasury now being empty. Was the Treasury not full until this distribution of the twenty-eight millions of dollars took place? None will deny it. That, and the extension given by Congress of the time for the payment of the bonds given by the New York merchants, for duties to the amount of five millions of dollars, was the cause of our exhausted Treasury. Did not the same party, which now makes this as a charge against the Administration, vote for the enactment of the laws that caused this state of things? And where were louder complaints raised about an empty Treasury than in the city of New York, where resided the men who were the most benefitted by the measure? Can men with propriety charge an Administration with improper management, when they themselves are so deeply steeped in the same offence?

The last suspension of specie payments was brought about by the United States Bank of Pennsylvania—it was the first to propose the measure, and the first that set the example. The State banks, although backed by the revenues of the Government, were unable to resist its power, and followed the example. If we profit by past experience, we cannot permit them to remain as the depositories of the public money. It is neither safe nor honorable in our Government to permit the revenues to be in the custody of a league of banks, that are at the mercy of a corporate power of the same species, created by a State Government. The use of banks that must retain or pay the public money, at the nod of a corporation brought into existence by only one out of this great confederacy of States, is virtually placing the Government funds under the control of any one of our leagued Commonwealths that may see proper to charter a bank with an unusually large capital. The reason of State banks running into such excesses, is said to be the want of a National Bank to restrain them in their issues. I cannot see the good that would result from that measure. If the Legislatures of States are unable to restrain the creatures of their own creation, how can a National Bank do it for them? Should a National Bank be created for this purpose, the question would follow, what power would control it? for Congress could exercise no more restraint over a National Bank, than States could over theirs.

Many petitions have been presented at the present session of Congress, praying that the duties upon imported articles should be increased so as to afford a protection to the productions of this country. I will exhibit a few statistical tables which go far to prove that the great source of relief lies in another quarter—that the different Commonwealths in the Union have a corrective power in their own hands—that petitions to the Legislatures of their States to place the banking institutions under proper restrictions, and remonstrating against their authorities negotiating their public loans from banks, will go as far in checking an excessive imdortation of manufactured articles as will any legislating on the part of Congress as modifying the tariff laws.

The statistics I shall exhibit in proof of my position, to my mind conclusively proves the injury inflicted on the country by raising money from the banks in the shape of loans on bonds and stocks, given on the credit of the States. These bonds are plainly to be traced in their effects, from the time they swell the investments of banks in "stocks and other securities," until the day they are returned to the United States in foreign goods.

For five years previous to 1835 the aggregate amount of State loans was $40,002,769, being an average of $8,000,554 to each year. From 1835 to 1838 (say 3½ years) they increased to the amount of $108,223,808, being an annual average $30,921,088.

For the purpose of showing that the greater portion of the above State loans were taken by the banks, I will show by the report of the Secretary of the Treasury, that just in proportion as the loans increased by the States, so was the increase of investments made by banks in *"stocks and other securities,"* in which are included the State loans—there being no specific return of that item of investment, viz:

In 1833	- - - -	$7,836,742
1834	- - - -	13,852,803
1835	- - - -	21,684,545
1836	- - - -	22,830,742
1837	- - - -	58,102,721

The next inquiry that suggests itself is what kind of currency did the banks give the States when they accepted their bonds and certificates of loan. Was it in gold and silver? The paper money put into circulation immediately after the loans were taken, clearly demonstrate that the advancement to the States for their bonds, was composed of a paper currency, and that, too, of the worst kind. You will observe in what regular proportion the amounts of paper circulation increased with the investments of banks in "stocks," viz:

In 1833	- - -	$94,839,570
1834	- - -	103,692,495
1835	- - -	140,301,038

1836	-	-	-	149,185,890
1837	-	-		116,138,910

showing an increase from 1834 to 1836 of paper issues to the amount of near forty-six millions of dollars; and what was the consequence? In 1837 a suspension of specie payments ensued, leaving a fraction wanting of one hundred and fifty millions of bank paper in the hands of the people. An inflated, irredeemable paper currency flooded over the country is the first evil that results from the States borrowing money from the banks. We have now traced the State bonds into the banks—what then becomes of them, is the next point to be ascertained. It is generally known that those bonds are transferred to Europe, and sold in that country. I will, however, refer you to the words of an American agent in London for the sale of stocks, when he appealed to the British capitalists to purchase these bonds: "The capital borrowed by the United States," says he, "is transferred *by bills* from the banker to the merchant, and is taken to America, *not in bullion*, BUT IN BRITISH GOODS; every investment made, while it adds to the income of the capitalist (that is the British capitalist) swells the profits of the British manufacturer." The declaration of this agent—the amount of importations of goods and specie during the periods these loans were taken by the banks—to which I shall presently refer, and the history of the times, all show that the State loans have been transferred to Europe, and, by the means of bills of exchange to the importing merchants, returned into the United States in goods and manufactured articles. I will refer to the importations during this period, which, in my mind, fully establishes the position I have assumed, when taken in connection with the tables I have already exhibited. I shall first exhibit the nett amount of specie imported into the United States after deducting the exports, viz:

In 1833	-	-	-	$4,458,667
1834	-	-	-	15,834,875
1835	-	-	-	6,653,672
1836	-	-	-	9,076,545
1837	-	-	-	4,530,165
1838	-	-	-	14,233,550

When you compare the specie imports with the loans made by States, you will perceive at a single glance, how intimate is the connection between them—how hand in hand they progress in the work of mischief to the community. In 1834, when the States only took loans to the amount of $8,000,554, the nett import of specie into the country was $15,834,875. In 1837, when the States took loans to the amount of $30,921,088, the net imports of specie was only $4,530,165. The loans having increased nearly one-fourth, whilst the nett import of specie decreased in nearly the same ratio until 1838, when it increased, by reason of the high premium paid for it during the suspension of specie payments. You will, by examination, observe the same proportional increase exists between the State loans and the value of imports *retained in the United States for consumption*, viz:

In 1833	-	-	-	$88,295,576
1834	-	-	-	103,208,521
1835	-	-	-	129,391,247
1836	-	-	-	168,233,675
1837	-	-	-	119,134,255
1838	-	-	-	101,264,804

Each year, as the loans taken by the States increased, so also was the increase of importation of foreign goods, running side by side until 1837, when there was a decrease of importations, caused by the suspension of specie payments, which rendered the importers more cautious, and prevented the sales of bills of exchange. The feature of this importation that operates most injuriously, is cotton manufactures, woollens, and iron. Articles that are produced and manufactured in this country, by this process of banking, are brought into our markets to the injury of our industrious mechanics and enterprising manufacturers. The value of those items are:

In 1833	-	-	-	$28,665,721
1834	-	-	-	26,059,067
1835	-	-	-	34,356,994
1836	-	-	-	43,527,265
1837	-	-	-	26,513,937
1838	-	-	-	20,985,364

The foregoing statistical tables exhibit this state of facts. The States borrow the paper issues of the banks, and, in return, give bonds, for which the faith of the States is pledged. These bonds are transferred to Europe by the banks, and sold to the capitalists of that country. The proceeds of that sale are returned into the United States in foreign goods on bills of exchange drawn in favor of the importing merchants. The evils are threefold that result from States taking loans from banks; and these loans being disposed of in the manner I have described. 1st. The country is flooded with an unsafe paper currency. 2d. It furnishes the facilities by which articles of foreign manufacture are imported into this country, to the injury of our working community. And, 3d. The State bonds are left in the hands of European bankers, and the interest must annually be paid them in gold and silver—furnishing a channel by which the precious metals will be continually drained from the United States. Such are my premises. Am I not correct in my conclusion—that interference on the part of State Legislatures in correcting the abuses of the banking system—and no longer taking State loans from those institutions, will go as far in protecting our own industry as will any action in Congress in modifying the tariff duties.

The greatest evils inflicted on our community result from an excessive importation of goods and speculations in public lands. To no other cause can those evils be so justly attributed as to the banking institutions. The capital on which the goods are imported and speculations are based, is furnished by the banks. As that capital is increased in loans, so increases the amount of sales of land and of imports; the total of duties on imports and prices of lands increasing in the same proportion. This money, when the whole bill goes into operation, must be paid into the United States Treasury in gold and silver. The specie clause in this bill will operate as a check upon banks, circulating more than a safe proportion of notes to the amount of specie in their vaults; if they at any time, by an increase of facilities, cause a readier sale of lands, or an increased importation of goods, just to the extent of that increase will the receipts exceed the expenditures, and that surplus, by the requirements of this law, as I before observed, will have to lay in the Treasury in gold and silver. The effects of this excess will soon make itself perceptible to the banks in the withdrawal of specie from their vaults. They will be compelled, in self-preservation, to suspend their profuse loans of money, and by this means cut off the source from whence this superabundance of gold and silver is accumulated in the Treasury. This bill, in that respect, will operate as some check upon banks flooding the country with their notes—it will assist in protecting the settler upon the public lands from the machinations of the heartless speculator—it will, in partially preventing the excessive importations of foreign goods, throw a stronger defence around the industrious mechanic and the enterprising manufacturer. Here I would answer the objection urged against the bill, that it will withdraw a large amount of specie from circulation. This amount will only be the excess of receipts over the expenditures. Unless the banks themselves, by an undue expansion, bring about a contrary state of things, the receipts and expenses of Government will be probably about the same after 1842, when the duties on imports will be at the lowest rates.

The honorable gentleman from Massachusetts [Mr. CUSHING] has compared the Government to "a bruised and broken patient," and recommended the calling in of "Doctor Harrison." A few words in answer, and I shall have done. The principles on which this Administration base their public acts, are precisely the same that have actuated every Administration save two, from the days of Washington down to the present time. Point me, if you can, to a nation, ancient or modern, that has hastened with such unparalleled speed to prosperity as has the United States. Her citizens are happy at home; her name is respected abroad; her commerce is spread over the world; her sails whiten every sea. Such are the results of the course now pursued by the Administration. Say, then, would it not be folly—madness in the extreme, for us to abandon these well tried principles, and resort to "Dr. Harrison" and the Utopian schemes of our adversaries?

The hour having arrived, the House took its usual recess.

EVENING SESSION.

After the recess, the House went again into Committee of the Whole, and

Mr. MARCHAND resumed and concluded his remarks, which will appear as early as convenient.

Mr. UNDERWOOD then took the floor, and proceeded to speak of the bill in it financial and political character, and its character as a currency. He commenced with an attempt to prove that a National Bank would be the safer and more economical mode of disbursing the public money, and that the creation of such an institution by Congress would be constitutional. He also argued, that Congress had the power to control the State banks as depositories, by issuing attachments against them on the same principles as against individuals, if they should prove in default to the Government.

Without concluding, at 25 minutes before seven o'clock, he gave way to a motion that the committee rise.

The motion prevailed; the committee rose; and

Mr. EVANS moved an adjournment.

The yeas and nays were asked and ordered, and, being taken, were—yeas 38, nays 44.

So the House refused to adjourn; but no quorum voted.

Mr. DROMGOOLE put an inquiry to the CHAIR, the object of which was understood to be, whether less than a quorum could change the hour of meeting to 10 o'clock.

The SPEAKER answered in the negative.

Mr. UNDERWOOD proposed that, by general consent, the House should go back into committee.

Objection was made.

Mr. MONROE moved a call of the House.

Mr. ADAMS asked the yeas and nays.

Mr. STANLY moved an adjournment.

Mr. CAVE JOHNSON asked the yeas and nays, which were ordered, and, being taken, were—yeas 56, nays 38.

So the House adjourned.

IN SENATE,

TUESDAY, June 9, 1840.

The CHAIR submitted a report from the Treasury Department, in relation to the report of Mr. Owen, on the Geology and Mineralogy of the Territory of Iowa; which was laid on the table, and ordered to be printed.

Also, a report from the Navy Department, transmitting the report of the board of officers, appointed to witness an exhibition of Mighill Nutting's patent cylinder firearms; which was referred to the Committee on Naval Affairs.

Mr. PHELPS submitted a resolution for changing the hour of meeting of the Senate from 11 to 12 o'clock.

Mr. SEVIER would merely state, that, for his part, he would make no further opposition, if the Senate would propose to meet at 2 or 3 o'clock. From all appearances, the session would not be terminated until some time in the fall, and it was of little consequence what was their hour of meeting.

Mr. LUMPKIN of Georgia said he hoped that the resolution would not be considered without a quorum of the Senate being present. There was obviously no quorum now present. If the Senate thought proper to change the hour, he would no longer attempt to resist the will of that majority, who had, from time to time, resisted his efforts to bring the present session of Congress to a close at some reasonable day. He had upon this subject discharged his duty. He felt that it was useless to make further efforts here. He would hereafter look to the people to correct the evils of unnecessarily extended sessions of Congress. When he left here, he should feel himself at liberty to give the people the truth, the

whole truth, and nothing but the truth, in regard to the actings and doings of Congress.

The resolution was then laid over until to-morrow.

Mr. PRENTISS, from the Committee on Pensions, to which had been referred a bill from the House, granting a pension to Benjamin Mitchell, made an unfavorable report thereon; which was ordered to be printed.

Mr. PIERCE, from the Committee on Pensions, to which was referred the bills from the House,

For the relief of James Deatley; and

For the relief of David Mellen;

made adverse reports thereon; which were ordered to be printed.

The bill for the relief of Gen. Duncan L. Clinch was read a third time, and passed.

Mr. CLAY of Alabama, to whom had been referred the bill to authorize registers and receivers to administer oaths required to be taken by purchasers of public land, which had been amended by the House, so as to make it a duty, reported in favor of concurring, which was agreed to, and the bill finally passed.

Mr. C. also, from the same committee, to which was referred the bill for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes, which had been amended in the House, by striking out a clause conferring certain discretionary powers on the Secretary of the Treasury, reported in favor of concurring in the amendment; which, after some remarks in opposition, by Messrs. SMITH of Indiana and YOUNG of Illinois, and by Messrs. CLAY of Alabama, WALKER, ROBINSON, and PRENTISS, was concurred in—yeas 24, nays 6; and the bill was finally passed.

Mr. MERRICK gave notice that to-morrow he would ask the Senate to take up the bill to incorporate the banks of the District of Columbia.

CLAIM OF FULTON'S HEIRS.

The report of the Committee on Claims adverse to the claim of Robert Fulton's beirs being taken up,

Mr. HUBBARD said, if the Senate were now ready to take a vote on the report of the committee, he had no wish to consume the time of the body at this late period of the session in further discussion, and would submit the case on the arguments contained in the report of the committee, and the reply of the Senator from Maryland [Mr. MERRICK] to that report. If, however, it was intended to discuss this matter further, he felt it his duty to submit some remarks in reply to the Senator's objections to the report.

Mr. PHELPS having intimated his wish to make some remarks on the subject,

Mr. HUBBARD addressed the Senate at great length in opposition to the claim, taking up each item in detail, and investigating its merits, and concluded by stating his belief that instead of being a debtor, the Government was the creditor of the estate of Mr. Fulton.

Mr. PHELPS then intimating his wish to make some remarks in reply, moved that the further consideration of the subject be postponed until to-morrow; which was agreed to.

GENERAL ORDERS.

The bill for the relief of Dennis Quinlivan;

The bill to regulate enlistments into the navy and army, and

The bill authorizing the States to tax any lands within their limits sold by the United States;

were considered as in committee of the whole, and ordered to be engrossed.

The bill for the relief of Charles A. Dodd was taken up, and after being debated by Messrs. WILLIAMS, YOUNG, LINN, KING, and SEVIER, a motion was made for its indefinite postponement; pending which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 9, 1840.

The SPEAKER announced that the business first in order, was the motion of the gentleman from New Jersey, [Mr. RANDOLPH,] to recommit to the Committee on Commerce the bill reported from that committee by the gentleman from Maryland, [Mr. HILLEN,] proposing the repeal of the law of the law of 1837, regulating pilots.

Mr. PICKENS asked and obtained the general consent of the House to report from the Committee on Foreign Affairs, the joint resolution of the Senate, authorizing the President of the United States to accept certain presents from the Imaum of Muscat, and the Emperor of Morrocco, and to authorize the sale of the same. Mr. P. asked that it might be acted on immediately, as there could be no objection to it; and it would have to be passed before the end of this month. The amendment reported by the committee provides, that instead of the proceeds from the sale of these animals being received into the public Treasury, it should be divided equally among the different charitable institutions in the District of Columbia, for the support of the orphans.

Mr. STANLY said, if the proceeds were not intended to be placed in the public Treasury, he wished one demijohn of the rose water to be sent to the branch mint at Charlotte, North Carolina.

Mr. PETRIKIN did not see any reason why the charitable institutions in the District of Columbia, to the exclusion of other charitable institutions, should be benefited by this distribution of the proceeds. He was opposed to it.

Mr. PICKENS said this was certainly a small matter, and hoped there would be no objection to the passage of the resolution, without delay. The committee thought it the least objectionable way to dispose of the proceeds.

Mr. PETRIKIN did not know of any greater charity than to give the money to the public Treasury. They ought to be just before generous. The Government had not enough money to pay its debts; he hoped, therefore, the money would not be disposed of except in the manner provided in the resolution as it passed the Senate.

Mr. PICKENS said that in relation to the objections of the gentleman from Pennsylvania, it was a matter of small importance as to the manner in which the proceeds from the sale of these lions, jackasses, etc. should be divided. The committee had supposed that the most reasonable mode of disposing the money would be to divide it among the charitable institutions of the District; and to prevent any difficulty, they had designated a particular class, viz: the institutions for the benefit of orphans.

Besides, he did not feel disposed to burden the Treasury with more animals than were now attached to it.

It was also to be considered, that some gentlemen were strict constructionists, and would object to any money going into the Treasury that was not derived from taxation. So, to avoid any objection of this kind, he did not recommend the jackasses to be fastened upon the Treasury, but proposed that the money arising from their sale should be divided among the orphan institutions of the District. To this he hoped there would be no objection.

Mr. PETRIKIN said the gentleman from South Carolina appeared disposed to turn his objection into ridicule, and had talked about the money from the sale of jackasses not going into the Treasury. But would the gentleman let the demands of the poor men who were dependent on the Treasury remain unsatisfied, because the money to pay them arose from the sale of jackassess? Would the gentleman let the poor man want food from such scruples? But did not the money which led to these presents come out of the Treasury? How were the splendid embassy and the armed vessels that went to that country paid for, but out of the Treasury? It was not for the benefit of the community at large, but for the benefit of a few pampered individuals to the prejudice of the community. The money for all these things came out of the Treasury, and whether it was returned in the shape of jackasses or any thing else, let the money go into the Treasury again.

Mr. CRABB thought the objection of the gentleman from South Carolina of no weight. If the animals were to be sold, he was perfectly willing for that portion of the money which arose from the jackasses should go into the Treasury. He thought that would be the best way of disposing of the money. As for the lions, those nobler animals, he was not willing that the proceeds of them should go into the Treasury.

Mr. DROMGOOLE said this was not a question as to whether the money arising from the sale of jackasses could go into the Treasury or not. The proper question before the House was on the amendment of the committee; and, believing that no benefit could arise from the discussion, he would move the previous question, which was seconded, and the main question was ordered.

The question being first on concurring in the amendment of the committee to the resolution, it was read as follows:

"Strike out the words, 'and cause the proceeds thereof to be placed in the Treasury of the United States;' and insert, 'and cause the proceeds thereof to be distributed equally amongst the different charitable institutions for the support of orphans in the District of Columbia: *Provided, nevertheless,* That the sword tendered from the Imaum of Muscat be deposited in the State Department."

Mr. PETRIKIN demanded the yeas and nays, which being ordered, were—yeas 97, nays 65. So the amendment was concurred in.

The question recurring on ordering the bill and amendment to be engrossed for a third reading,

Mr. COOPER of Georgia moved to lay the bill on the table, and asked the yeas and nays on that motion.

Mr. ADAMS inquired of the CHAIR whether there was an example since the formation of the Government, in which the President was authorized to accept presents.

The CHAIR was understood to reply, that there was an instance, not very remote, in which lions and other animals were received and authorized by resolution to be disposed of in a similar way as proposed in the amendment of the Committee of Foreign Affairs to the joint resolution.

Mr. ADAMS wished to know if that was authorized by a resolution of the House.

The CHAIR said he would examine.

Mr. ADAMS said he wished the House would allow a little discussion on this joint resolution. It was an entire new thing, and a very dangerous thing.

Mr. A. was here called to order on the ground that the motion to lay on the table had not been withdrawn.

Mr. COOPER did not wish to have the time of the House consumed, and withdrew his motion.

Mr. ADAMS resumed. He hoped the House would well consider this resolution before its passage. He believed it was an example entirely new. He did not know of any authority which ever gave to the President of the United States, or any other officer, the power to accept presents from any foreign country. If the President of the United States can accept presents, and then either House of Congress can dispose of those presents, by giving them to charitable institutions, why to-morrow they might pass another law, authorizing the President to accept and keep, and turn to his own use, presents from any foreign power. For one, he wished to take his stand, and say that the President of the United States should receive no presents from any foreign power, or that any disposition should be made of them at all. If they were disposed to make any grant to charitable institutions, let them do it from their own property, and not from these presents from foreign countries. There was something in the very acceptance of these presents by the President of the United States that—

Mr. A. was here called to order by several members, on the ground that the previous question had been ordered.

Mr. COOPER of Georgia having misunderstood the manner in which the question stood before the House, renewed the motion to lay the joint resolution on the table; and asked the yeas and nays on that motion, which were ordered.

Mr. PICKENS requested the Clerk to read that portion of the Constitution which permits presents to be received, by authority of Congress. It was read accordingly, as follows:

"No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign potentate."

Mr. ADAMS did not intend to say that Congress had not the power to authorize the reception of presents. He contended that the power never had been exercised, and should not be exercised now.

The question was then taken on the motion to lay on the table, and it was decided in the negative by yeas 55, nays 110.

Mr. HOFFMAN asked whether it would be in order to move to recommit.

The CHAIR said it could be done only by general consent.

Mr. DROMGOOLE made a few remarks, which were inaudible.

Mr. PICKENS objected to the recommitment. There was not the slightest reason in the opposition. The objection to the power in Congress to authorize the President to receive, was imaginary. The Constitution was express.

Mr. ADAMS said that twice, in the course of our history, had Congress been asked to authorize the acceptance of presents from foreign powers, and twice had it been refused.

Mr. PICKENS said, with the understanding that the resolution should be acted on in the morning, he would withdraw the objection; and,

On motion of Mr. HOFFMAN, the resolution was recommitted to the Committee on Foreign Affairs.

Mr. TURNEY asked the general consent of the House to make a report from the Judiciary Committee.

Mr. PETRIKIN objected.

Mr. TURNEY moved to suspend the rules; which the House refused.

Mr. W. B. CAMPBELL, by general consent, presented the petitions of the heirs and legal representatives of Lieutenant Colonel Henry Dixon, of the North Carolina line: referred to the Committee on Revolutionary Claims.

The SPEAKER laid before the House a communication from the Executive, as follows:

To the House of Representatives:

I herewith submit a report from the Secretary of the Treasury, in relation to certain lands falling within the Chickasaw cession, which have been sold at Chocchuma and Columbus, in Mississippi; and invite the attention of Congress to the subject of further legislation in relation to them.

M. VAN BUREN.

WASHINGTON, June 6th, 1840.

On motion of Mr. REYNOLDS, referred to the Committee on the Public Lands, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Commissioner of Pensions, containing the information called for by the House on the 5th instant, in relation to withholding the payment of certain pensions; which was laid on the table.

On motion of Mr. DROMGOOLE, his colleague, Mr. TALIAFERRO, who was called away from the city, was granted leave of absence for two days.

Mr. CUSHING, remarking that the reports of committees had now been obstructed for a fortnight, moved a suspension of the rule, for the purpose of receiving them.

The ayes were 75, the noes 53; so, there not being two-thirds in the affirmative, the rule was not suspended.

The hour having expired,

Mr. JONES of Virginia called for the orders of the day.

Mr. HOLMES made an ineffectual effort to present a memorial from the Chamber of Commerce of Charleston; and

Mr. STEWART of Illinois made an ineffectual effort to have his motion to print five thousand additional copies of the report on the mineral lands considered.

INDEPENDENT TREASURY BILL.

On motion of Mr. J. W. JONES, the rules were suspended and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the Independent Treasury bill.

Mr. UNDERWOOD resumed his remarks in opposition to the bill, and in favor of a National Bank as an antagonist measure to the above. In speaking of the relative powers and effects of the two modes above suggested on the currency, he contended that a National Bank would so control the currency as to drive the State issues out of circulation and substitute a better currency; but that the Independent Treasury, [though it authorizes the receipt of a proportion of specie paying State bank paper in the payment of dues,] would drive the State paper out of circulation and substitute nothing—it would operate to diminish the circulating medium and appreciate the value of money, and would to that degree lessen the price of all things—labor as well as the product of labor [including the necessaries of life.] He said he told his constituents that they must have a National Bank or break up the State banks before they could have a well regulated currency. The bill before the committee would prove to be an insufficient regulator.

Mr. LUCAS obtained the floor and spoke a few minutes in favor of the bill, and then

The House took the usual recess at 2½ o'clock.

EVENING SESSION.

Mr. LUCAS resumed, and spoke at some length, and examined the merits of the bill, as compared with that of a National Bank, or the deposite system. He then showed that the present measure was in strict accordance with the spirit of the Constitution, and asked why then it had been so bitterly denounced. The Opposition themselves had admitted that the United States Bank had failed to perform what it promised; then what other alternative was there but a measure like this. The Constitution recognised no other currency than silver and gold, and a system based upon that was the only one which could answer. So far as human laws could protect, or human ingenuity suggest, this measure, taking all the chances in peace or war, would be found infinitely more safe than an irresponsible banking corporation, which would use the money for its own benefit.

Mr. L. then went on to show that the idea of a paper system for the revenue never entered the minds of the framers of the Consitution, and that those who contended to the contrary, must be laboring under an hallucination of mind, as there was not the slightest evidence to support it.

He then gave a detailed history of the Bank of England and the United States Bank, with a view of showing that they were both affected by similar causes, and would from matters of interest co-operate together. After showing how admirable the present United States Bank had served as a "regulator" by being the first to suspend, Mr. L. drew a strong picture of the consequences that would arise from the union of a National Bank and the Bank of England. He showed how easily, in case of a war, the Government might be crippled by the influence of the Bank of England, acting conjointly with our National Bank, and causing it to suspend. The two banks, would, from self-interest, become in fact one and the same institution. Then what patriot was there, who would not shudder at the idea of the jeopardy in which his country would be placed, by the charter of a National Bank as a fiscal agent? The whole revenues of this country would be at the mercy of foreigners, who, by their interest in the Bank, would cripple the Government when they pleased.

Mr. MARVIN then took the floor in opposition to the bill, and continued his remarks until seven o'clock, when he gave way to a motion that the committee rise.

The committee then rose, and

The SPEAKER having resumed the chair, the the chairman reported progress on the bill.

Mr. EVANS moved that the House adjourn.

Mr. HOPKINS demanded the yeas and nays on that motion; which were ordered.

Mr EVANS then withdrew his motion.

Mr. MORGAN moved a call of the House; but the yeas and nays having been ordered, he withdrew the motion.

Mr. DROMGOOLE renewed the motion, and demanded the yeas and nays; which were ordered.

Mr. EVANS again moved that the House adjourn; and the yeas and nays having been ordered on that motion, were—yeas 29, nays 54.

So the House refused to adjourn.

The question was then taken by yeas and nays, whether there should be a call, and was determined in the negative—yeas 38, nays 51.

On motion of Mr. BANKS, a call having been refused,

The House, at half-past 7 o'clock, adjourned.

IN SENATE,

WEDNESDAY, June 10, 1840.

Mr. WEBSTER presented a memorial of citizens of New York, on the subject of the bankrupt law, remonstrating against including in the law any provision making the assent of creditors necessary to the discharge of the bankrupt; which was referred to the select committee, and ordered to be printed.

Mr. SOUTHARD presented the memorial of a number of persons engaged in the manufacture of hats, praying that a duty may be imposed on foreign hats imported into this country; which was referred to the Committee on Manufactures.

Mr. S. also presented the memorial of the pastor and elders of the First Presbiterian congregation of Elizabethtown, New Jersey; which was referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the bill for the relief of Ephraim D. Dickson, made a favorable report thereon; which was ordered to be printed.

Mr. MERRICK, from the Committee on the District of Columbia, to which had been referred the bill for the relief of the widow of Lewis Grant Davidson, made a favorable report thereon.

The resolution submitted by Mr. ROANE, on Monday last, to print 20,000 copies of the report of the Committee on the Militia, being taken up—

Mr. PRESTON addressed the Senate at much length in opposition to the resolution, and the plan of the Secretary of War.

Mr. ANDERSON in reply defended the report of the committee and urged the propriety of printing the extra number.

Mr. CRITTENDEN having obtained the floor, yielded it to

Mr. NORVELL, at whose suggestion the further consideration of the subject was postponed until Friday next.

GENERAL ORDERS.

The bill for the relief of David McNair;

The bill for the relief of John Richey;

The bill to grant other lands to the inhabitants of townships deprived of the 16th section by Indian reservations;

The bill to autohrize the Secretary of the Treasury to use chemical or any other oil in the light-houses, and to make the necessary alterations for that purpose;

The bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson;

were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill making appropriations to complete certain military roads in the State of Arkansas was taken up as in committee of the whole, and after being explained and advocated by Messrs. FULTON, SEVIER, and LINN, was ordered to be engrossed for a third reading.

The bill for the relief of James H. Ralston;

The bill for the relief of Alfred Westfall;

The bill for the relief of Jacob Hanks, and

The bill for the relief of Samuel Ferguson;

were considered as in committee of the whole, and their further consideration indefinitely postponed, (rejected.)

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, June 11, 1840.

The CHAIR announced that the first business in order was the motion of the gentleman from New Jersey [Mr. RANDOLPH] to recommit to the Committee on Commerce, the bill reported from that committee by the gentleman from Maryland

[Mr. HILLEN] to repeal the law of 1837 regulating pilots.

Mr. CURTIS, who was still entitled to floor, resumed his remarks in opposition to the bill and in favor of the motion to recommit. He commenced by reading various affidavits, showing the inefficiency of those pilots prior to the passage of the law of 1837. He showed that a combination existed, the effect of which was that the pilots failed to discharge their duty—they became negligent and inefficient. There was no inducement for them to do their duty, because there was no competition. Crying evils, which he enumerated, existed previous to the passage of the law of 1837. The effect of the repeal of this law will be a recurrence of those evils.

Before this law was passed, the New York pilots could not be induced to go out of the sight of land; but if at all, it was in mild weather; but now, in consequence of the competition between them and the New Jersey pilots, they could be found at from one to two hundred miles at sea. He read a report of the Chamber of Commerce, showing that there was sufficient employment for all the pilots, those of New Jersey as well as those of New York. He also read remonstrances from underwriters, insurance offices, and the Chamber of Commerce, and thirty-five officers of the United States navy, against the repeal of the law. The law of 1837, he said, the constitutionality of which would be an act of supererogation to argue, operated equally and justly on all the pilots, as well those of New York as New Jersey. He commented on the report, and denied many of the positions assumed therein as fallacious. The only reason, he argued, that the New York pilots had petitioned for the repeal of the law, was, because the competition of the Jersey pilots had compelled them to go to sea. They wish the law repealed to give them a clear field for monopoly, notwithstanding there was business for the whole of them. Mr. C. argued that Congress could not escape from the enactment of proper laws upon this subject. The Constitution expressly provides, that the privileges of all the ports shall be equal; but if this law was repealed, such would not be the case. It was one of great benefit—it preserves life, and protects property—the safety of both of which required that the law should not be repealed. If it was repealed, as he before said, they would have a recurrence of all the evils under the old law. He appealed to the House to divest itself of party—and to look at the question as one not of party, but of business of the utmost importance to the whole commercial community.

Mr. HILLEN wished to say a few words in reply to the remarks of the gentleman from New York. That was rendered necessary from the position in which he was placed; and he would, in the first place, remark that it was not a position of his own seeking. When this subject was first referred to the committee, he objected to taking this matter into his own charge, as the chairman of the committee requested he should. He would have preferred that it should be assigned to some other gentleman, but as the chairman urged him to take charge of it, he did so, not wishing to appear reluctant to perform his share of the labors of the committee.

Mr. CURTIS here made some explanations, which were inaudible to the Reporter.

Mr. HILLEN resumed, and said that the gentleman had admitted all he required, viz: that his business was not of his own seeking, but as it was in a manner forced upon him, he did not object. In undertaking that charge, he was perfectly well aware that difficulties would arise, in case his views did not meet those of the New York delegation, the interest of whose State it was to have the law remain as it was. He was aware that the continuance of the law would be urged by the whole delegation of that State.

But he had thoroughly examined and ascertained all the facts of the case, and the gentleman from New York must excuse him, if he followed his own judgment in preference to the opinion of the gentleman, which he would show was founded on mere assertion and declamation.

There was another matter which he would explain before proceeding farther. He denied that he was in favor of a combination or monopoly. Such were not his principles, or the principles of the party with whom he acted. In the course of his remarks, he would satisfactorily prove that no such combination existed. There was no monopoly, any more than what was granted by the law of Congress. The law of New York expressly forbade any combination. He would prove all this, he hoped, to the satisfaction of all, after which he trusted that neither the gentleman from New York, nor any of his colleagues, would longer oppose a repeal of the law.

The morning hour having expired, Mr. HILLEN suspended his remarks.

Mr. STANLY, on leave, presented a resolution directing the CLERK to have the reports of the majority and minority of the Committee on the Militia, in relation to the reorganization of the militia, printed together; which was agreed to.

Mr. TURNEY, by general consent, presented a report from the Committee on the Judiciary, discharging that committee from the further consideration of the memorial of William Smith, and referring the same to the Secretary of War for adjustment; which was agreed to, and the report ordered to be printed.

INDEPENDENT TREASURY BILL.

On motion of Mr. J. W. JONES, the rules were suspended, and the House resolved itself into Committee of the Whole on the state of the Union, and resumed the consideration of the Independent Treasury bill.

Mr. MARVIN resumed his remarks in opposition to the bill; in doing which, he referred to the present state of the currency, and compared the relative advantages and disadvantages of a specie and a paper currency, contending that the former was a more economical one than the latter. He did not think a specie circulation at all desirable if it could be produced by this bill or any other measure. He contended that sufficient specie could not be procured for that purpose, if the United States had a proper proportion of all the specie in the world; that it was more expensive, and less portable than a paper currency. He then spoke of the effect of the fluctuations in the currency; arguing that it was a fraud upon the people, for the Government, by this bill or any other measure, to depreciate or appreciate the currency; that it operated unjustly on the debtor and creditor. It was the duty of the National Government, he said, to furnish the people with a sound circulating medium; it was one of the principal objects for which the National Government was created. The Constitution expressly gives the power to Congress to regulate the commerce of the nation; and to regulate which, it required a currency of uniform value. Currency was an instrument and agent of commerce; therefore he argued, that if the power to regulate the currency was not positive, it was incidental to, and inseparable from, the power to regulate commerce, and was involved in that grant of power. It never could, he said, be regulated by the twenty-six sovereign States, because there would always exist a competition between them, which would have the most banking capital and largest circulation. He considered it as much a violation of the Constitution in the National Government to neglect to exercise the powers conferred upon it by that instrument, as to commit an act palpably and directly in violation of it. The sin of omission was as great as the sin of commission. The Administration, then, by inference, violates the Constitution, by refusing to regulate the currency. He did not think that the State Bank deposite system had a fair trial. He believed that they might yet be employed as safe fiscal agents of the Government. He attributed the expansion of the currency which caused the banks to fail, to the acts of the Administration. He urged many objections against the bill, and said that it might be so administered as to make it a bank of deposite and issue—as to make a hard money currency or a specie currency for the people—and would to that extent be a fearful engine in the hands of the Executive.

Mr. PARRISH obtained the floor, but before he proceeded in his remarks, the House took the usual recess at 2½ o'clock.

EVENING SESSION.

The Committee of the Whole on the state of the Union, resumed the consideration of the Independent Treasury bill.

Mr. PARRISH said he considered it his duty to make a few remarks in relation to the bill. He wished to give his views, not, however, with the expectation of influencing the feelings of any gentleman, but as a duty which he conceived he owed to his constituents, to present before them a brief outline of the bill. Besides, he considered it the duty of the friends of the bill, to keep it in detail before the public view, as it only needed examination to be approved. The great prejudice which existed in many parts of the country against this measure, was solely attributable to its not being fully understood. The measure had been attacked and represented as fraught with every evil, when, at the same time, its enemies took great care that it should not speak for itself.

It was under these circumstances, and with a view of having it fully understood, that he had taken the floor, with a design of presenting to his constituents and the country, a detailed explanation of the bill.

Mr. P. then took up the bill, and commented upon each section thereof, showing that its provisions were entirely simple, so that a child might comprehend them. One of the principal questions involved was, whether the revenue of the Government should be given to favorite corporations for their own benefit and use, or whether it should be kept in the hands of the Government itself, through officers chosen by the people. Whether the taxes from fifteen millions of people, should be given over to the banks, and the many taxed for the benefit of the few, or the intention of the Constitution carried out, by leaving the Government the sole director of its own funds.

Mr. P. proceeded to examine the antagonistical measure of the Opposition, viz: a National Bank, and gave some very choice specimens of the "happy" effect the United States Bank had produced upon the country. He showed how far their great "Regulator" had answered the purposes for which it was said to have been intended, viz: by being the first to strike its colors instead of preventing the other banks from suspending. He next showed that from like causes would ensue like effects, and in case the scheme of the Opposition should prevail, the very same scenes would be again enacted, and at intervals the whole country prostrated by the ruinous expansions.

After replying to a great many ridiculous objections to the bill, Mr. P. proceeded to show that nothing need be feared by any abstraction of specie from the circulation of the country. He called attention to the fact that, although Government would receive specie, yet it would also pay out specie to all its creditors in every department. It was objected, however, that such would be of no benefit to the people at large, inasmuch as the Government creditors would always sell their specie, and pay those dependent on them in paper. Mr. P. admitted that, for a short time, such might possibly be the case, in some few instances; but when it came to be generally understood that these contractors and others received specie from Government, specie, and nothing else, would be received from them.

It being now seven o'clock, Mr. P. gave way to a motion that the committee rise; and

Mr. DAVIS of Pennsylvania moved that the House adjourn; on which motion the yeas and nays being ordered, were—yeas 65, nays 57.

The House accordingly, at half past 7 o'clock, adjourned.

IN SENATE.

THURSDAY, June 11, 1840.

Mr. WRIGHT presented the memorial of the Chamber of Commerce of the city of New York, on the subject of a bankrupt law. The memorial concludes with the following remark: "The chamber begs leave respectfully to express its opinion that a bankrupt law, to be extensively useful or permanently beneficial, should be both compulsory and voluntary. That as a compulsory act, it should apply to traders only, and as a voluntary act, it should require the sanction of a majority of creditors in in-

terest to release the applicant, with liberal provisions, giving discretionary power to the judge, on application of the commissioners, and on a statement of facts in cases of hardship or oppression. That no debt of any kind whatever should be preferred, and that the operation of any law that may be passed during the present session of Congress, should be deferred until after the 1st of July, 1841." The memorial was referred to the Select Committee, and ordered to be printed.

Mr. RUGGLES presented resolutions of a meeting of citizens of Frankfort, Maine, on the subject of the defences of the Northeastern frontiers; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, to which was referred the memorial of John F. Sarchett, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. W. from the same committee, to which was referred a memorial from citizens of New York remonstrating against the passage of the bill for the better security of the revenue of the United States, asked to be discharged from its further consideration; which was agreed to.

Mr. CLAY of Alabama, in pursuance of notice, asked and obtained leave to bring in a bill supplemental to an act entitled an act for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes; which was read twice, and referred to the Committee on the Public Lands.

Mr. PIERCE, from the Committee on Pensions, to which had been referred House bills entitled

An act for the relief of Erastus Pierson;

An act for the relief of Thomas Bennett;

An act for the relief of James Francher; and

An act for the relief of Philip Hartman;

Reported the same severally without amendment.

Mr. P. also, from the same committee, to which was referred House bills

For the relief of Wealthy Barker, and

For the relief of Stephen Olney,

Made adverse reports thereon, which were ordered to be printed.

Mr. WHITE, from the Committee on Pensions, to which was referred House bill for the relief of the heirs of Dennis Smith, reported the same with amendments.

Mr. W. also, from the same committee, to which was referred House bill for the relief of Mary Hunter, made an adverse report thereon; which was ordered to be printed.

Mr. PRENTISS, from the Committee on Pensions, to which was referred House bill for the relief of Matthew Wiley, made an adverse report thereon.

The following resolutions submitted yesterday by Mr. WEBSTER, were considered and agreed to:

Resolved, That the rates of postage charged on letters transmitted by the mail of the United States ought to be reduced.

Resolved, That it is expedient to inquire into the utility of so altering the present regulations of the Post Office Department as to connect the use of stamps or stamped covers with a large reduction of the rates of postage.

The resolution submitted some days since by Mr. PHELPS, to change the hour of meeting from 11 o'clock to 12 o'clock, was taken up, and after some remarks in favor of it by Mr. PHELPS, and in opposition by Mr. KING, it was disagreed to.

BILLS PASSED.

The bill for the relief of Dennis Quinlivan;

The bill for the relief of David McNair;

The bill for the relief of John Richey;

The bill to grant other lands to the inhabitants of townships deprived of the 16th section by Indian reservations;

The bill to authorize the Secretary of the Treasury to use chemical or any other oil in the lighthouses, and to make the necessary alterations for that purpose;

The bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson; and

The bill making appropriations to complete certain military roads in the State of Arkansas;

were severally read a third time and passed.

ORDERS OF THE DAY.

The bill for the relief of the legal representatives of Henry Eckford, deceased;

The bill for the relief of Reynell R. Coates, Walter R. Jones, and William B. McMurtrie;

The bill for the relief of Charles L. Fleischmann;

The bill for the organization of a company of sappers, miners, and pontoneers; and

The bill for the relief of William P. Rathbone;

were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill to explain and amend the 5th section of the act passed the 3d day of June, 1834, for the better organization of the United States Marine Corps, was taken up as in committee of the whole. [The bill proposes to give to marine officers in command on the different stations, double rations.]

The Committee on Naval Affairs had recommended the indefinite postponement of this bill, and after some remarks by Messrs. WILLIAMS and TAPPAN, sustaining the report of the committee, and by Messrs. SOUTHARD and LUMPKIN in opposition,

Mr. SEVIER observed that it appeared from the Blue Book, that the pay of the officers of the army and marine corps was one thing, while he gathered from the discussion that had taken place, that they received, by some sort of construction of the Departments, in the way of extra allowances, four or five times as much. Now he wanted his constituents to know precisely what every public servant received—officers of the army and marine corps, as well as the others. If their pay was too small, he had no objection to raising it, but he wanted to know exactly what it was, and to have it set down in the Blue Book, so that every body could understand it. He was opposed to all these extra allowances of every description, and thought they led not only to embarrassment and confusion, but there was danger of abuses growing out of them. Mr. S. then moved to strike out all after the enacting clause, and insert a provision that all extra allowances to military, naval and marine officers, should be abolished.

Mr. KING would suggest to his friend from Arkansas to change his motion to that of a recommitment to the Committee on Naval Affairs, with instructions to report a bill giving a fixed pay to those officers, and abolishing all extra allowances whatever. He had no doubt but there were great abuses under the system that prevailed; that some officers got more than others, while some, perhaps, got more than they were entitled to. The committee should proceed with great caution, so as to do equal justice to all the officers, as well as the public; but, at all events, the present system was wrong, and ought to be corrected.

Mr. SEVIER then moved to recommit the bill to the Committee on Naval Affairs, with instructions, &c.

Mr. WILLIAMS observed that, in 1835, all the extra allowances and emoluments of the officers of the navy were abolished by law, and that they now received a fixed amount per year, with no other addition than that of one ration a day when at sea. Therefore, the proposition of the Senator from Arkansas need not be extended to the naval service, nor ought it to go to the Committee on Naval Affairs. As the pay of the officers of the marine corps was regulated by that of the officers of the infantry of the army, the reference, if made, should be to the Committee on Military Affairs. He agreed most fully with the Senator from Arkansas, that the officers in every branch of our service should have a certain fixed amount of pay per month, or year, without any extra allowances, in order that their constituents might know what each officer received. He was convinced that the pay of the officers of the army was very much beyond what any man would suppose it to be, from looking at the Blue Book; and as a matter of this sort ought not to be concealed from the public, he heartily approved of the object the gentleman had in view.

Mr. MERRICK concurred in the views of the gentleman from Arkansas, and suggested a modification of the instructions, so as to require the committee to report a bill, regulating the pay per month of all the officers of the army and marine corps.

Mr. WALKER hoped his friend from Arkansas would change his motion into a resolution to instruct the Committee on Military Affairs to inquire into the subject. He thought these extra allowances should be abolished, but he was not prepared, without further information, to say what other plan should be substituted.

Mr. LUMPKIN regretted that the Senator from Arkansas had undertaken to connect this little question with a matter of such great importance as that of regulating the pay of the officers of the army and marine corps. He regretted the gentleman's motion, because, to his mind, it was calculated to divert the attention of the Senate from the subject before it, to one of great and general importance. This was a small matter, in comparison with the object the gentleman had in view. Throughout the whole of the discussion, it appeared to him that his friend from Maine, the chairman of the Naval Committee, [Mr. WILLIAMS,] had urged arguments that were inapplicable to the case before them. The whole of his argument was based on the idea that these officers of the marine corps already received pay enough. This was not the case before the Senate, but whether they should receive what they were entitled to by a fair construction of the law of 1834, as had been well explained by the Senator from New Jersey, [Mr. SOUTHARD.] He concurred with that Senator in thinking that there had been a wrong construction of the existing law by the accounting officers, and believed that the law gave to the marine officers what they asked. That was the question the Senate was asked to decide, and not whether the extra allowances were right or wrong. The report of the chairman of the Naval Committee evinced that he was not so clearly satisfied but that the law, as it stood, did make this allowance; but he seemed to ease his mind off with the conclusion that they already received enough. He was not now disposed to controvert that opinion, but he must say that it was their duty to give to every officer what he was entitled to under the law. Mr. L. here read the law of 1834, and remarked that as it was construed at the Auditor's office, it was denied that the marine officers had a right to double rations in the cases in which this allowance was claimed by them; and therefore the passage of this explanatory law was asked for by them. Mr. L. said he would go with his friend from Arkansas [Mr. SEVIER] in getting these extra allowances abolished, and in establishing a fixed and definite pay for the officers in lieu of them, but he wanted this particular case decided on first.

Mr. SEVIER then modified his motion so as to refer the bill to the Committee on Military Affairs, with instructions to bring in a bill abolishing all the extra allowances to officers of the army and marine corps, and establishing in lieu of them a fixed and certain monthly pay. He was in favor of giving these extra allowances to the marines, if the other officers got them, but he wished them all to be cut off.

Mr. TAPPAN thought the construction of the law as given by the department at present, was the correct one. The law requires that double rations should be given to the commanding officer of a separate and distinct post. Now, where is there an officer of marines who is the commandant of a separate and distinct post? There is not one. They are always subordinate to, and under the command of, the officer of the navy who has charge of the station. With as much propriety might double rations be given to the lieutenant of an officer commanding a separate post, as to a marine officer on a station, who was a subordinate to the naval officer. No fault could justly be found with the construction of the act at the Navy Department, as there could be no other construction given to it with any regard the strict letter of the law.

Mr. BUCHANAN scarcely knew how to vote on this question. He did think that his friend

from Missouri [Mr. BENTON] could not be engaged in a more laudable undertaking than in executing these instructions, though at the same time he doubted whether he would have time enough to do any thing this session. He had often thought on this subject, and wished that the pay of our officers was regulated in such a way that every one could understand what it was. Was there a member of this body, he asked, who could tell what the officers of the army or navy received? He had endeavored to ascertain what some of them received, without success. What did General Macomb or one of the superior officers of the navy receive? He could not tell. While he wished to give to every officer a fair and liberal compensation, he at the same time wished to put them on the same footing with every other public servant, and to ascertain and fix a certain compensation for them, so that every body might know what it was. This was what the public desired and expected. He understood that there was a large sum allowed for forage to officers who kept no horses, and other allowances of a similar nature. All this might be very proper, and might be necessary to eke out their pay; but he wished to know what it was. If the Senator from Missouri was unable to execute this duty, he would be willing to lay it over till the next session; but he hoped that it would then, at least, be taken up and acted on.

Mr. BENTON could assure gentlemen that, in his opinion, it would take every moment that remained of the present session for the committee to make up their opinions on a principle of compensation, and then the chief difficulty would commence—the application of the principle. The compensation of the officers of the army is made up of a great many separate classes of items, to all which separately the principle would have to be applied. And what would be the result, supposing such a bill should become a law? Here is an officer ordered out upon a march. Well, if in lieu of extras, as by the present arrangement, he is allowed a fixed and definite sum, he is to commence by being his own purveyor. He has to provide for his food, his transportation, or if he has a horse, to make provision for forage; whereas, under the present arrangement, he is in a condition to set out at once, and make his requisition for these articles on the quartermaster. This proposed arrangement would throw every officer on his own resources, when he had received marching orders; just as a private citizen would be when setting out upon a journey. These would be some of the inconveniences of the arrangement, which had occurred to him at the moment, but they were not all. He would repeat that it would take all the time of the committee during the remainder of the session, to adjust a scale of compensation, and when that was fixed, in his opinion, it would be found incapable of application. He hoped gentlemen would therefore see the propriety of not imposing a duty on the committee at this late period, from which no practical results could be expected, and would permit it to lay over until the next session of Congress.

Mr. BUCHANAN observed that he was sensible of the difficulties involved in the question, but they did not appear to him to be insuperable. No person imagined that an officer of the army was to provide himself with beef and pork on a march; but that difficulty could be obviated by allowing him to draw provisions, and charge him with the amount, to be deducted out of his pay. But he apprehended that it would be of great importance to the service to fix the standard of pay so as to cover all rations and allowances of every kind that the officers now receive. Being satisfied, from the explanation of the Senator from Missouri, that he could not attend to this business during the short time that was left of this session, he would not, therefore, vote to impose it upon him.

Mr. SEVIER observed that, if the Committee could not attend to the business, as the Senator from Missouri said, he would withdraw his motion, and send the subject to the Secretary of War in another form. In the mean time, he would move to lay the bill on the table, and asked for the yeas and nays on the motion.

The question was decided in the negative—yeas 19, nays 19, as follows:

YEAS—Messrs. Brown, Clayton, Davis, Dixon, Fulton, Grundy, Hubbard, King, Mouton, Nicholas, Norvell, Prentiss, Roane, Robinson, Sevier, Strange, Tappan, Williams, and Wright—19.

NAYS—Messrs. Anderson, Benton, Buchanan, Clay of Alabama, Clay of Kentucky, Henderson, Linn, Lumpkin, Merrick, Porter, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Sturgeon, Tallmadge, Walker, Wall, and White—19.

After some further remarks from Messrs. WILLIAMS, SOUTHARD, and TAPPAN, the question was taken on ordering the bill to be engrossed for a third reading, and decided in the negative—yeas 10, nays 28, as follows:

YEAS—Messrs. Benton, Buchanan, Lumpkin, Smith of Indiana, Southard, Sturgeon, Tallmadge, Walker, Wall, and White—10.

NAYS—Messrs. Allen, Brown, Clay of Alabama, Clay of Kentucky, Clayton, Davis, Dixon, Fulton, Henderson, Hubbard, Huntington, King, Linn, Merrick, Mouton, Nicholas, Norvell, Porter, Prentiss, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Strange, Tappan, Williams, and Young—28.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, June 11, 1840.

Mr. WICK moved for leave of absence in favor of his colleague, Mr. HOWARD, for two weeks from Monday next, at which time, Mr. W. said, his colleague would, in virtue of his resignation, cease to be a member of this House.

The leave was granted.

PILOT LAW.

Mr. HILLEN, on leave, presented a memorial from the merchants of Baltimore, in favor of the repeal of the law regulating pilots.

The SPEAKER announced that the business first in order, was the motion of the gentleman from New Jersey, [Mr. RANDOLPH,] to recommit to the Committee on Commerce the bill reported from that committee by the gentleman from Maryland, [Mr. HILLEN,] proposing the repeal of the law of 1837, regulating pilots.

Mr. HILLEN (who retained the floor from yesterday) continued his remarks during the morning hour in opposition to the motion to recommit.

He disclaimed any ill feeling to the New York merchants. He was willing, he said, and desirous to promote their interests when that could be done consistently with the interests of others. He wished no exclusive privileges to be given to the New York pilots; but all he asked was, that they should be protected in the enjoyment of their just and legitimate rights. He went into a history of the law in relation to pilotage; and of the facts which, he said, were applicable to that law; not denying the constitutional power of Congress to legislate on the subject, but contending that Congress had, by its own act, ceded that power to the several States. He then proceeded to contend that the law which this bill now proposed to repeal grew out of the loss of the ships Bristol and Mexico; making the direct issue that the loss of these two vessels, and the excitement created thereby in the public mind, were the direct and the immediate causes of the passage of the law, in the absence of which cases the law never would have been passed; and contending that the pilots were in no wise to blame for those terrible disasters. With this view he went into a minute examination of the condition and locality of the Bristol and Mexico at the time they were lost, and read a number of depositions and documents having reference thereto.

Mr. H. had not concluded, when,

The morning hour having expired,

Mr. J. W. JONES called for the orders of the day; but, before passing to which,

The SPEAKER laid before the House a communication from the Commissioner of Public Buildings, a statement of the number of assistants, superintendents, assistant superintendents, foremen, bosses, and workmen of different kinds, employed at this time on the Treasury and Patent Office buildings, and the salaries paid to each, &c. in compliance with a resolution of the House of the 4th instant.

Mr. PETRIKIN moved that it be returned to the Commissioner of Public Buildings, with instructions, which was agreed to, as follows:

"That the Commissioner of Public Buildings be required to answer the requisitions made on him by the resolution of the 4th instant, more fully, by giving the per diem compensation paid Jeremiah Sullivan, as superintendent of the Treasury Building, in addition to his salary at the Post Office building; also the bill of prices paid for the piece work, which he says "cannot be done at the price per day," at the Treasury and Patent buildings. Also, that he be required to state how many, if any, if the men employed as enumerated in his answer to the resolution of the 4th, are temporarily employed; and whether any of the superintendents, or men employed at the Patent Office, have been paid wages when idle for want of materials; and further, how many of the superintendents, or bosses employed by him, at any of the public buildings, keep grocery shops or boarding houses for workmen, or are concerned in keeping grog shops; and whether it is the practice to retain the amount of bills alleged to be due from the workmen by the keepers of those groceries or grog shops from the wages of the men employed on the public buildings, when they are about being paid off; and whether the superintendents of any of the public buildings were paid wages during the winter while the work was suspended, naming the persons and the amounts paid."

The SPEAKER laid before the House a letter from the Postmaster General, transmitting the information called for on the 5th instant, in relation to the indebtedness of the postmaster at Baton Rouge, in Louisiana, (Abel Waddell;) which was, on motion of Mr. M'KAY, ordered to lie on the table and be printed.

Senate bill, lying on the SPEAKER'S table, entitled "An act making provision for the payment of pensions to the executors and Administrators of deceased pensioners, in certain cases," was taken up, read twice, and, by special order, read the third time and passed.

The bill to establish a uniform rate of mileage, to take effect from and after the 26th Congress, was taken up on its engrossment, ordered to be engrossed for a third reading, read the third time, and the question being "Shall the bill pass?"

Mr. BLACK inquired of the CHAIR whether it would be in order to amend the bill.

The CHAIR replied that it was not, the bill being on its passage.

Mr. BLACK moved to lay the bill on the table.

Mr. LEET demanded the yeas and nays; which being ordered, were—yeas 25, nays 130.

So the House refused to lay the bill on the table.

Mr. DROMGOOLE said, as a large majority had refused to lay the bill on the table, he moved the previous question on the passage of the bill; which having received a second, and the main question being ordered; and

The main question being "Shall the bill pass?"

Mr. T. W. WILLIAMS demanded the yeas and nays; which having been ordered, were yeas 148, nays 13. So the bill was passed.

Mr. THOMPSON, of Mississippi, moved a reconsideration of the vote by which the bill was passed.

And the question being on the reconsideration—

Mr. T. made some remarks, expressing the opinion, that this was an effort between the two parties, as to which should out-demagogue the other. He dwelt on the injustice of paying members for a direct route when they were obliged to travel by a circuitous route, as the Southwestern members were. He predicted that the bill would not be suffered to remain in operation after the Presidential election, and hoped that the House would now reconsider the vote by which it had been passed.

After a few remarks by Mr. STANLY, in reply to Mr. THOMPSON,

Mr. LEET wished to say a few words in relation to this subject. As a member of the Committee on Mileage, he thought it his duty. He was surprised to hear his friend, the gentleman from Mis-

sissippi, talk about parties out-demagoguing each other. He [Mr. L.] solemnly affirmed, that in reporting the bill, the committee were influenced by no political motives whatever. It was done with a view of equalizing the mileage, and not from any desire of popularity, or from any political considerations, that the bill was reported.

Mr. UNDERWOOD moved the previous question on the motion to reconsider, which was recorded, and the main question ordered.

Mr. THOMPSON, of Mississippi, demanded the yeas and nays on the motion to reconsider; which, being ordered, were—yeas 29, nays 125.

So the House refused to reconsider.

The bill heretofore reported from the Committee on the Library, in addition to the acts now in force for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies during the time therein mentioned, regulating an international exchange of such works, came up in its order on engrossment for a third reading, was read the third time, and,

The question being, "Shall the bill pass?"

Mr. PETRIKIN objected to its passage without proper consideration and due examination; and,

After a few remarks by Mr. TILLINGHAST, explanatory of the bill, denying the grounds assumed by Mr. PETRIKIN,

Mr. PETRIKIN then moved that the bill be referred to the Committee of the Whole, to take its place on the calendar; which was agreed to.

INDEPENDENT TREASURY BILL.

On motion of Mr. J. W. JONES, the rules were suspended, and the House resolved itself into Committee of the Whole on the state of the Union, and resumed the consideration of the Independent Treasury bill.

Mr. PARRISH being entitled to the floor, resumed his remarks from yesterday in support of the bill. He continued his examination of the effects of a paper currency in prostrating the business of the country, and showed that in case of a recharter of a Great Regulator, similar effects would ensue.

The time having arrived for taking the usual recess, Mr. P. suspended his remarks.

EVENING SESSION.

After the recess,

Mr. PARRISH resumed and concluded his remarks; in the course of which he examined the various features of the antagonistical measure of the Opposition. A full report will be given hereafter.

Mr. DAVIS of Kentucky followed, and spoke at some length in opposition to the bill.

Mr. FLOYD then took the floor, and spoke at some length in favor of the bill; after Mr. F. had concluded—

Mr. BANARD obtained the floor; and, on his motion, the committee rose, and

The House adjourned.

IN SENATE,

FRIDAY, June 12, 1840.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the memorial of Catharine Binker, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. also, from the same committee, to which was referred the bill from the House for the relief of James J. Coffin, made an adverse report thereon.

Mr. CLAY, from the Committee on the Public Lands, to which was referred the bill supplemental to an act entitled an act for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes, reported the same without amendment.

Mr. CRITTENDEN, from the select committee to which was referred the subject of establishing a uniform law on the subject of bankruptcy, reported a bill, which was ordered to be printed, and made the special order of the day for Tuesday next.

Mr. MERRICK, from the Committee on the District, reported a bill to amend the charter of Georgetown; which was read, and ordered to a second reading.

MILEAGE OF MEMBERS OF CONGRESS.

The bill from the House of Representatives for the establishment of a uniform system of computing the mileage of members of Congress was twice read, when

Mr. NORVELL moved a reference of the bill to a select committee.

Mr. DAVIS could not see any necessity for the reference. The bill was plain, and contained but a single provision, which the Senate must understand without any explanation from a committee.

Mr. NORVELL perceived a strong necessity for the proposed reference. The bill was novel in its character and its provisions. It provided that the mileage of members of the two Houses should be computed upon a straight line from the seat of Government to their respective residences. The line was to be drawn upon the most approved maps. Sir, the consideration of this bill, this air-drawn line, required scientific, geographical, and perhaps astronomical information. It was a very serious matter. A committee would probably be necessary to decide as to what maps should be used in marking the several lines from the seat of Government to the residence of each and every member of the Senate and House. The existing law on the subject of mileage provided that the mileage should be computed according to the usual travelling routes. This was the correct principle. In his judgment, it needed no change. The people had called for none. The proposition had, he supposed, originated in a spirit of superlative economy, if not in a disposition to make political capital out of the question. But, extraordinary as the main provision in the bill was, novel as it was, beyond all precedent ever set in any legislative body on the same subject, it deserved a reference, and, as it belonged to no standing committee, he had asked that the bill be referred to a select committee.

Mr. CLAY of Alabama hoped the committee to which this bill was referred would consider whether a still further reform was not desirable—that of reducing the per diem from eight dollars to five or six dollars per day. As gentlemen seemed to suppose it proper that we should travel by an *air* line to and from Washington city, it might be proper to see if we could not subsist on air while we resided here. If the mileage was reduced, he was in favor of an inquiry into the propriety of reducing the per diem, and to compensate members only for their actual attendance to their duties.

Mr. GRUNDY, in alluding to this matter, said there would always be more or less difficulty in finding the *true distance*. He thought the manner of computing at present was about right; those who got the most for mileage he knew made the most sacrices. There was nothing like concealment in him, and he should not disguise his sentiments in relation to this matter; and although he would vote for no increase of pay or mileage, (for on that subject they had been taught a pretty severe lesson once before,) he should also vote against all attempts to reduce pay or mileage. It was a losing business with him as it was, but he was willing to bear his share of the public burden.

Mr. CALHOUN hoped that his friend from Alabama would not press his motion, and that the Senate would meet the question fairly. He would speak with the greater freedom on this question, for he had never availed himself of charging according to the long and more usual and cheapest route between his residence and this place; he meant the one by Charleston; but he was, at the same time, in favor of a liberal allowance for travelling. He regarded it an erroneous view of the subject, to suppose that the regulation of the mileage should be exclusively, or even principally, in reference to the expense of travelling. There is something in mere distance—of being far removed, so large a portion of the year, from our business, families, and homes, that ought to be taken into the estimate. It is difficult, for those who have not actually experienced it, to say how high that estimate ought to place mileage in the scale of compensation allowed the members. But there is another and connected view of this point, in his opinion, of the highest importance. If it be desirable to continue the seat of Government where it is, and to avoid the agitation of the exciting and dangerous question of removal, it will be found not the least effectual means, to allow a liberal compensation for travelling. He would go farther—the rate of the allowance is not without a bearing on the existence of the Union itself. If we take both of these important considerations into the estimate, it will be found difficult to say how high a value ought to be attached to rate of compensation, that would induce the members from the distant portions of this vast confederacy to encounter willingly and cheerfully all the sacrifices incident to absence for so long a time, and so far from business, family, home, and all the endearing relations of life, and the danger of one so low, as would be followed by an opposite state of feelings. Thus thinking, he was was in favor of a liberal allowance for mileage, and opposed to any reduction, which the law, as it now stands, authorizes. If there be any ambiguity in the law, let it be explained by a declaratory act, so that there may be uniformity in the rate of charging. This he thought desirable; but nothing more. He regarded all questions, touching the compensation of the members of Congress, of great delicacy, and deserving careful consideration. Much depended on it.

He had been in favor of the act which had changed the per diem into an annual compensation, and experience had but confirmed him that its repeal had proved a public misfortune. Had it remained, the business of the country would have been despatched in much shorter time, and he believed much more satisfactorily to the country, and with great saving of time and money. But what was still more important, it would have done much to place the members above Executive influence, and thereby done much to keep the Government pure and within its assigned sphere. He thought so at the time, and told the enlightened and patriotic people, whom he then represented, so; and had the satisfaction of being supported by them in the ground he took.

Mr. SEVIER expressed his decided opposition to the measure. He was clearly of opinion that it was sent to the Senate with a settled conviction that it could not become a law, and that those who voted for it did not wish it to pass. He knew that he himself had a hard bargain to get here and back upon the mileage allowed him, and that if it was cut down he would be considerably out of pocket. Sometimes, when the water was up, he could get here at a low rate; but when he had to come by land it was a different affair. He would defy any man to come from his residence here in a direct line. In order to get here he must first go to Memphis, and from thence through Nashville, Knoxville, &c. to this place. He had to travel 300 miles out of the way before he could get the right road. No man could get to his residence unless he went down the Ohio and Mississippi, or took an equally circuitous route by land; and here the bill of the House supposed that they must travel through the air, for they were to charge for their mileage by an air line. He had always charged by the long route, and so had his associates. It was merely playing with the Senate to send it such a bill, for those who passed it never expected or desired that it should become a law. There was no use in sending it to a special committee—it ought to be met and rejected at once; and if it was in order, he would make that motion.

Mr. HUBBARD hoped the bill would be referred to a select committee, and if it operated unequally it should be amended. The great desideratum on this subject was some uniform rule. Whether the object would be attained by the passage of this bill he was not prepared to say, but he was not at present prepared to vote against it. He hoped that the bill would be treated with that courtesy and respect which was due to a measure emanating from a co-ordinate branch of the Legislature.

Mr SEVIER was not very solicitous about the matter. If the bill was referred, he hoped it would be referred to the Committee on Indian Affairs.

Mr. CLAY, of Kentucky, said he must think the object, which he presumed the House had in view, was worthy of consideration, and he would submit it to the Senator from Arkansas, whether it was treating the House with due respect to charge them with originating a bill which they did not wish to pass. The object of it was to equalize the travelling of members of Congress, by a uniform rule. By the existing law, members from the same place or neighborhood charged their mileage by different rules. Mr. C. had always charged by the territorial rule, although he went by the long route; and, owing to the facilities of steamboats and railroads, that route was the cheapest and quickest. But it was a fact, that members from the same neighborhood received different pay. The object of this bill was to equalize it on the principle of the air line. But, whether this principle was right or not, the object of the bill was good, and Mr. C. wished it committed.

The bill was then referred to a select committee to consist of five members.

Mr. SEVIER submitted the following resolution:

Resolved, That the Secretary of War be directed to furnish, in the first week of the next session of Congress, a tabular statement showing the amount at present received by each rank of the army as pay under the several allowances or emoluments, and what was received during the late war, under the same heads; and that, with a view to establish a fixed compensation or salary for each rank, he report, if any, what allowance will be necessary to be retained to give efficiency in actual service.

Mr. SEVIER hoped that the Senate would unanimously consent to the consideration of the resolution at the present time, but

Mr. PRESTON objecting, it was laid over until to-morrow.

Mr. MERRICK submitted the following resolutions:

Resolved, That the President of the United States be requested to cause to be prepared and submitted to Congress, as early as conveniently may be after the commencement of the next session, a plan and estimates for the improvement of Pennsylvania avenue west of the President's square, and for the construction of a stone bridge across Rock creek, to connect the western terminus of said avenue with one of the principal streets of Georgetown.

Resolved, further, That the President be requested to cause proper inquiry and examination to be made for the ascertainment of the best and most economical mode of correcting the inconveniences arising from the pulverization of the broken stone with which said avenue is covered between the Capitol and President's square, and that he communicate the result to Congress at the commencement of the next session, with estimates of the probable cost of execution of any plans for remedying said inconvenience which he may approve.

DISTRICT BANKS.

On motion of Mr. MERRICK, the bill to incorporate the Bank of the District of Columbia was taken up, and read a second time.

Mr. TAPPAN observed that it was the understanding of the Senate, he believed, certainly his understanding, when all the bills on the subject of the banks of the District of Columbia were made the special order of the day, for the same day, with the bill reported by the chairman of the Committee on the District of Colnmbia, that they should all be taken up and considered at the same time. There were several bills on this subject. First, there was

The bill for the more easy collection of small bank notes within the District of Columbia.

2d. The bill for the collection of bank notes of and under the denomination of twenty dollars, issued by banks within the District of Columbia.

3d. The bill to regulate the issuing and circulating of bank paper in the District of Columbia.

If it was in order and conformable to the usual practice of the Senate, he would move that these three bills be taken up, and considered with the bill just read. He was not sufficiently conversant with the rules of the Senate to know whether the motion was or was not in order.

The CHAIR said that the motion was not in order.

Mr. TAPPAN. Then I move that the bill to incorporate the banks of the District of Columbia be postponed till the next session of Congress. I shall, if this motion succeeds, move to postpone the other three bills, the titles of which I have read, with the view of offering the resolution which I hold in my hand, and which, for the information of the Senate and by its permission, I will read:

"Strike out all after the enacting clause and insert: That the charters of the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and the Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and the Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the 4th day of July, 1841, so far as to enable said banks to sue and be sued on any contract now existing."

It was suggested by the Senator from Maryland, when he moved to take up this bill, that it would probably occasion no argument. Now, Mr. T. thought, if the bill was to be acted on at this session, or whenever it was acted on, it would occasion much argument. Assuredly such a bill as had just been read by the Secretary, could not be passed sub silentio. It would be discussed, and many important subjects would be discussed with it. For himself, he preferred not going into the discussion during this session. He preferred postponing it till the next, as they had as much business before them, with the bankrupt question, and other important subjects, as would occupy all their time; and no injury could result from this course. The object of the resolution was simply to postpone the further consideration of this subject till the next session, and in the mean time, to authorize the banks to collect the debts due to them—to continue their corporate powers for the sole purpose of suing and being sued. He supposed that they wanted it for no other purpose, as he understood that they had for a long time passed been doing no banking business.

Mr. MERRICK suggested to the Senator from Ohio that, if these bills should be postponed, the resolution proposed by him would fall into the calendar, and might not be reached, or reached too late to pass both Houses. Mr. M. therefore, thought it better for Mr. T. to move to strike from this bill all but the enacting clause, and to insert his resolution as a substitute for the bill; and, if this motion prevailed, the resolution might then be so modified as to suit the views of the majority of the Senate.

Mr. TAPPAN said that, at the time he made his motion, he supposed that that disposition of the bills would be most agreeable to the gentleman from Maryland. He now found that he was mistaken, and that the Senator preferred a different course. He was willing to accede to the gentleman's proposition, and he therefore moved to strike out all after the enacting clause of the bill under consideration, and to insert his resolution in lieu thereof.

Mr. MERRICK then, in compliance with his pledge to Mr. CLAY of Alabama, moved to postpone the further consideration of the subject till to-morrow, which motion was agreed to.

REPORT OF THE MILITIA COMMITTEE.

The motion to print 20,000 copies of the report of the Committee on the Militia being taken up, was debated at length by Messrs. CRITTENDEN, CUTHBERT, and CLAY of Alabama, pending whose remarks,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, June 12, 1840.

The unfinished business of the morning hour being the motion to recommit the report of the Committee on Commerce in favor of a repeal of the pilot law,

Mr. HILLEN resumed and concluded his remarks in opposition to the motion, and in favor of a repeal of the law. He, in the course of his remarks, showed that under the law of the State of New York, a combination among the pilots could not exist, and repelled the charges of inefficiency and neglect of duty, which had been alleged against the New York pilots by the gentleman from New York, [Mr. CURTIS.]

Mr. GRINNELL of New York then took the floor, and spoke until the expiration of the hour, against the repeal of the law.

Mr. BOTTS submitted a preamble and resolution, calling for information in relation to the proceedings of the court martial in the case of Lieutenant Hooe, on which the preamble alleged that the testimony of two colored men had been received.

The preamble, accompanied by a resolution, was read for the information of the House, as follows:

And whereas the introduction of negroes and private servants of the prosecutors as witnesses, to testify against the characters of gentlemen of the navy, in the service of their country, is a practice, though sanctioned by the President of the United States, that will not be justified, and ought not to be tolerated by Southern men, or "*Northern men with Southern principles*," and, if not arrested, must operate as a ruinous injury to the navy, to the humiliation of its officers, and to the infinite discredit of the Government;

Resolved, therefore, That the Secretary of the Navy be required to communicate to this House a copy of the proceedings of the court martial held for the trial of Lieutenant George Hooe, that his wrongs may be promptly redressed, and the evils complained of corrected without delay.

Mr. BOTTS said if it was objected to, he would move to suspend the rules, and call for the yeas and nays. He held himself responsible, both personally and officially, for the truth of the facts alleged in the preamble—responsible, there and elsewhere.

Mr. FRANCIS THOMAS objected to the reception of the resolution. He was opposed to any business being thrown in to interfere with the regular business of the House. He was understood to say that he did not know the bearing or purposes of the resolution—whether it was intended to have legislative action upon it hereafter or not; and until he could understand the objects of the mover, he must object.

Mr. BOTTS moved to suspend the rules, to enable him to present the preamble and resolution, and on that motion demanded the yeas and nays. He would bring these Democrats up to the bull-ring.

The yeas and nays having been ordered, were—yeas 95, nays 85. So the rules were not suspended.

Mr. BOTTS said his object was attained; he was satisfied; he had got the facts before the country.

[A Southern Democrat, in the neighborhood of Sleepy Hollow, was heard in an under tone to exclaim, "How well the Northern Abolitionists and Southern Whigs pull together in the traces, on the motion to suspend the rules for the reception of the resolution. It looks suspicious—it looks like concert and design.]

Mr. M'KAY (who had voted with the most of the Southern men against the resolution, because it was ill-timed, and because they were by inferences challenged and dared to oppose it) moved the following resolution:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to communicate to this House a copy of the proceedings of a court martial held in May and June of 1839, for the trial of Lieut. George M. Hooe, of the Navy, with any action of the Executive had thereon.

Mr. THOMAS said he must object to this resolution also, and to any interruption of the regular business.

Mr. McKAY then withdrew it, and gave notice that he would offer it on to-morrow.

Mr. JONES of Virginia moved to suspend the rules for the purpose of the House resolving itself into Committee of the Whole on the state of the Union.

Mr. UNDERWOOD demanded the yeas and nays on that motion, which, being ordered, were—yeas 112, nays 72. So the rules were suspended,

the motion under the new rule requiring but a majority.

INDEPENDENT TREASURY BILL.

The House then resolved itself into Committee of the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the Independent Treasury bill.

Mr. BARNARD, who was entitled to the floor, spoke till the hour of recess, without concluding, in opposition to the bill.

EVENING SESSION.

After the recess,

There being but about twenty members within the bar,

Mr. EVERETT thought that was rather too small a congregation for the gentleman from New York [Mr. BARNARD] to address. He therefore objected to going again into committee, unless a greater number were present, and intimated his wish to have a call of the House.

Mr. McKAY thought the House had better go into committee, as in less time than it would take to have a call, it was probable a quorum would appear.

After some further debate of a desultory character,

Mr. McKAY moved a call of the House, which was ordered by a vote of—yeas 37, nays 7.

The call was then proceeded in for some time.

Mr. EVERETT said that, as an additional number of members had now arrived, he had no objection to go into committee, and he therefore moved that all further proceeding in the call be suspended.

On this motion, Mr. DROMGOOLE demanded the yeas and nays, which were not ordered.

The question was then taken on the motion to suspend, and it was negatived.

The proceedings of the call were then resumed, and the roll having been gone through, 80 members answered to their names.

The doors were then closed, and the names of the absentees called, after which 86 members were found to be present.

On motion of Mr. RHETT, all further proceedings in the call were then dispensed with.

It was now five o'clock, when

Mr. McCULLOH moved to adjourn; on which motion the yeas and nays were ordered, and resulted—yeas 4, nays 95.

So the House refused to adjourn.

Mr. DANA made an unsuccessful attempt to introduce a resolution requiring the CLERK to publish in one of the city newspapers, a list of the yeas and nays on all subjects.

After some debate of a conversational character, which terminated in a motion to suspend the rules for the purpose of receiving the resolution,

Mr. EVANS raised a point of order, which was, that there being no quorum present, the SPEAKER could not entertain any question or motion.

The SPEAKER decided that, according to the gentleman's own rule, his point of order could not be entertained, there being no quorum present.

On motion of Mr. DROMGOOLE a call of the House was again ordered, and proceeded in until 125 members answered to their names.

A quorum now being present, and there being a sufficient number to listen to the remarks of the gentleman entitled to the floor, and to digest the same, by general consent, all further proceedings in the call were dispensed with.

The House then resolved itself into a committee of the whole, and resumed the consideration of the Independent Treasury bill.

Mr. BARNARD proceeded with his remarks in opposition to bill until 7 o'clock.

Mr. GALBRAITH then took the floor, and in a very pointed manner commented upon the "peculiar excellencees" of a National Bank, as compared with the system contemplated in this bill. In the course of his remarks, he quoted several striking instances where the old United States Bank had shown how far such an institution was to be depended upon as a regulator of the currency. The speech of Mr. G. will appear as early as convenient.

Mr. SHEPARD next obtained the floor, but gave way to a motion that the committee rise.

The committee then rose, and, at 9 o'clock p. m. the House adjourned.

IN SENATE,

SATURDAY, June 14, 1840.

Mr. WRIGHT presented a preamble and resolutions passed by the Board of Trade of the city of New York, explaining certain portions of their memorial, heretofore presented to the Senate, on the subject of the bankrupt law; which were laid on the table, and ordered to be printed.

Mr. DAVIS submitted documents in relation to the claim of Osmond Peters and others, officers attached to the United States revenue service, to the same pay and allowances as officers of similar grade in the navy; which were referred to the Committee on Commerce.

Mr. PIERCE, from the Committee on Pensions, to which was referred the bills from the House,

For the relief of Fielding Pratt;
For the relief of Job Wood;
For the relief of Peter Hedrick;
For the relief of Niel Shannon;
For the relief of George Morris;
For the relief of Levi Johnston; and
For the relief of Samuel B. Hugo;

made adverse reports thereon; which were ordered to be printed.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill from the House for the relief of Chauncey Rice, reported the same without amendment.

Mr. PRENTISS, from the same committee, to which was referred House bills

For the relief of Martha Strong, and
For the relief of Thomas Wilson,

made adverse reports thereon; which were ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the bill for the relief of Elihu Hall Bay, reported the same without amendment, and the report was ordered to be printed.

Mr. NICHOLAS submitted the following resolution, which was considered, and agreed to:

Resolved, That the Committee on Claims be instructed to inquire into the propriety of providing by law for the payment of the balance due John Mitchell and Ben. F. Fox, contractors for building the branch mint at New Orleans.

The resolution submitted yesterday by Mr. SEVIER, was considered and agreed to.

Mr. MERRICK moved to take up the bill for the incorporation of the Bank of the District of Columbia.

Mr. CLAY of Alabama thought it would be better to dispose of the unfinished business of the morning hour, which was the motion to print 20,000 copies of the report of the Committee on the Militia.

Mr. MERRICK said that he had no intention to interrupt the debate on the motion alluded to by the Senator from Alabama. His object was to have the bill debated during the morning hour, and would move to lay it on the table, should it not be disposed of before one o'clock. He, however, thought there would be no difficulty in disposing of it in the course of half an hour.

Mr. TAPPAN thought the Senator from Maryland [Mr. MERRICK] was mistaken in his estimate of the time that would be necessary for the consideration of this measure before it could be disposed of. The Senate would first have to take the vote on the amendment offered by himself, to which other amendments would probably be offered. These would lead to debate—earnest and protracted debate on the important principles involved. There was great diversity of opinion in relation to the power of Congress to legislate on this subject, and even those who admit the power are divided in sentiment as to the expediency, or the extent, of its exercise. The Senator would therefore see that instead of half an hour, days would probably be consumed in the debate. He would submit to that Senator whether any thing could be gained by pressing the subject at the present moment, and whether it would not be better to permit the discussion, on the unfinished business, to proceed.

Mr. BENTON asked if this was not the bill to recharter all the banks of the District in one.

Mr. MERRICK replied that the object of the original bill was to charter a single bank for the District of Columbia, in the place of the present ones, whose charters were about to expire. But the question now was on striking out that bill and inserting a mere power for existing banks to consummate their contracts.

Mr. BENTON observed, that if there was not a pending question which he thought should be disposed of before this was touched, he would be willing to go into the discussion of it quite readily. But if it was to be made a half hour's job of, it must be because his intellectual and physical powers gave out. He had himself offered a resolution, which was now on the table, declaring that the Senate would not consider the subject of rechartering these banks while they remained in a state of non-payment. The Congress of the United States was the local Legislature of the District of Columbia, and it had as yet done nothing to compel the banks here to fulfil their obligations, though they made great complaint of the manner in which the State Legislatures sanctioned the suspensions of the State banks. We complain, said Mr. B. of the manner in which the banks overthrew the currency of the Constitution, and substituted depreciated paper in lieu of it, while we, who are, so far as these banks are concerned, the local Legislature of the District, are about to sanction the same thing; for what else was it but sanctioning their delinquencies, and declaring that they may suspend when they please, and as long as they please, if Congress went on to give them new charters? We have now been here, said Mr. B. near seven months—and close by the dog days, and the Congress of the United States had, as yet, taken no step towards suppressing the circulation of depreciated paper, and the importation of all the broken bank currency of the country. Why, the District of Columbia is the reservoir into which all the broken bank curreney of the country is poured; and that, too, under the very eyes of Congress, which has as yet taken no steps towards protecting the interests of those who had become the prey of those banks, through Congressional legislation. He assured the Senator from Maryland that the passage of the bill was not such a little half hour's job as he supposed it to be. He intended to use his best exertions to put an end to the scandalous state of things which existed here—a state of things which shut the mouths of Congress from saying any thing with regard to the abuses existing in the States; for the evil was worse here than any where else. The gentleman might go on when he pleased with his half hour's job; but he would find, when he began it, that it would not end so soon as he imagined. He (Mr. B.) was willing to sit it out till the stars appeared in the evening, and from then till they disappeared in the morning, but what he would have some remedy applied to the great and crying grievances suffered by the people of this District.

Mr. MERRICK said the subject of this bill had been before the Senate for several months, and M. had hoped and expected that every Senator would have made up his mind so as to act on the subject without any long discussion. Mr. M. had not the power to convince the Senator from Missouri on this subject, but he would cheerfully submit to the will of a majority of the Senate. It was of great importance that the people of the District should know soon what was to be done by Congress in relation to their banks, and Mr. M. hoped the Senate would now consent to take up the subject.

Mr. GRUNDY strongly expressed the hope that the Senator from Maryland would not press the question at this time.

And Mr. MERRICK withdrew his motion.

REPORT OF THE MILITIA COMMITTEE.

The motion to print 20,000 copies of the report of the Committee on the Militia was taken up, and Mr. CLAY of Alabama continued his remarks at much length, and was replied to by Mr. PRESTON.

Mr. SOUTHARD then moved to add to the report of the committee the letter of the Secretary

fo War to the chairman of the Committee of the Militia in the House of Representatives.

This motion was discussed by Messrs. SOUTHARD, ROANE, FULTON, WRIGHT, and PHELPS, and disagreed to—ayes 11, noes 22, as follows:

YEAS—Messrs. Clay of Kentucky, Davis, Dixon, Huntington, Phelps, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, and White—11.

NAYS—Messrs. Anderson, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Wall, and Wright—22.

The question then recurring on the motion to print the report of the Committee on the Militia, it was agreed to—ayes 23, noes 11, as follows:

YEAS—Messrs. Anderson, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Wall, Wright, and Young—23.

NAYS—Messrs. Clay of Kentucky, Davis, Dixon, Huntington, Phelps, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, and White—11.

Mr. CLAY of Alabama said as the gentlemen on the opposite side of the chamber professed to be anxious that the public should have light on this subject, he moved that twenty thousand copies of the plan of the Secretary of War for the organization of the militia, and the plans of General Knox and General Harrison on the same subject, be printed for the use of the Senate.

Mr. DAVIS moved an adjournment; which was carried.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 13th, 1840.

The CHAIR announced that the first business in order was the motion of the gentleman from New Jersey [Mr. RANDOLPH] to recommit to the Committee on Commerce the bill reported from that committee by the gentleman from Maryland, [Mr. HILLEN] to repeal the law of 1837, regulating pilots.

Mr. GRINNELL, who was entitled to the floor, resumed his remarks in opposition to the repeal of the law, and in reply to the gentleman from Maryland, [Mr. HILLEN.] He denied that the merchants of New York had oppressed the pilots. He then related the circumstances of the loss of the Mexico, and attributed, in some degree, the loss of that vessel to the inattention and negligence of the pilots of New York.

After speaking of the great losses of property, and many evils before the passage of the law of 1837, he showed the beneficial effects of that law. He then spoke of the necessity of having strict laws to induce the pilots to do their duty, some of whom would not adhere to any law or any regulations. But he bore testimony that there were honorable exceptions to that imputation, and argued that the pilots had, since the passage of the now proposed to be repealed, and which created a competition among them, done their duty well.

Mr. MONROE of New York obtained the floor, and movod the previous question; but gave way at the suggestion of

Mr. HOLLEMAN, who advocated the repeal of the law. He was surprised that Congress had undertaken to legislate at all upon the subject. He had some doubt whether it had the constitutional power to do so—it was at least doubtful, or could only be involved as an incidental right under the general power to regulate commerce. He argued that the pilot system could be much better regulated by the States. He thought it very singular that, after the expiration of so many years of State regulation previous to the passage of this law in 1837, Congress should not be called upon to pass a general law, if legislation was necessary, instead of being asked to pass one of a local character, to regulate the pilots only of Jersey and New York. He believed it would be much better if the matter had been left with the States, which always had had charge of it, and which properly understood the subject. He contended that if Congress should undertake to legislate, it should establish some general system. This law which is proposed to be repealed, does not attempt to regulate the fees of pilots, which was a most important particular, but leave it to the two States interested in the law to settle. He thought it better to give the State charge of the whole matter. He then spoke of the law passed by the Legislature of New York, subsequent to the passage of the law of Congress, which he considered ample in its provisions to protect the merchants against the fear of combinations of pilots. That law permitted any man who was competent to get a license, to act as pilot, and therefore there could be no monopoly. The law, he said, broke up the combination complained of by the gentlemen who opposed the repeal of the law of Congress, and such combination was not prevented by the law of Congress.

He then spoke of the gallantry of the pilots belonging to his State, a portion of whom had petitioned for the repeal of this law. They asked no favor, and were too gallant and daring to fear competition, but they believed the law was unjust. He then spoke of the manner in which the pilots of his State had been denounced, in the same manner as those of New York, without proper cause. If they were deserving of any censure for inattention, it grew out of the lowness of their wages at the time, and not for the want of industry on their part. They could not then live at the prices paid, and there was no incentive to action. The Legislature of this State took the subject in hand, raised their rates, and the consequence was, that the complaints ceased. They are not found lurking in shore as had been formerly charged, but could be found riding out the tempest even in the gulf stream. All this, he said, had been done without the enactment of the law of Congress. After speaking of the hard-hips and merits of the pilots generally, Mr. H. moved the previous question.

The morning hour having expired, the subject was passed by.

Mr. WISE, by general consent, offered, on behalf of his colleague, [Mr. BOTTS,] who was absent on the Committee of Elections, the following resolution, as a substitute for that offered by that gentleman on yesterday, which was read and agreed to, under the operation of the previous question, viz:

Resolved, That the Secretary of the Navy be directed to communicate to this House a copy of the record of all the proceedings of the naval court martial held on board the United States ship Macedonia, then lying in Pensacola bay, for the trial of Lieutenant George M. Hooe; together with the approval, if any, of the judgment of the court by the Secretary of the Navy; the remonstrances, if any, of the said Lieutenant Hooe, addressed to the President of the United States, and all the proceedings of the Executive thereon.

On motion of Mr. J. W. JONES, the rules were suspended, and the House resolved itself into Committee of the Whole, (Mr. BANKS in the chair,) and resumed the consideration of the Independent Treasury bill.

Mr. SHEPARD spoke at some length in support of the bill, which he contrasted with the proposed scheme of the Opposition. He replied to the principal objections which had been urged against an Independent Treasury, and showed that they existed only in the heated fancy and distempered imaginations of its opponents. He set forth, in a striking manner, the good effects which would result from its adoption, and, among others, the tendency it would have in restraining the shameful expansions of paper currency by the banks. He demonstrated that in case of the re-establishment of a National Bank, similar disastrous consequences must inevitably result to those which had marked the career of the United States Bank. He also adverted to a variety of other matters in connection with the currency of the country.

Mr. EDWARDS of Pennsylvania obtained the floor, and opposed the bill. He argued in favor of a National Bank as a regulator of the currency; and to sustain his positions, adverted to the state of the currency when that institution was in existence. He pursued pretty much the same course of argument against the bill as had been indulged in by others.

When Mr. E. had finished, and there being no other person who claimed the floor to speak, the cry of question, question, was called from every part of the hall; when

Mr. DAVIES moved that the committee rise; and the committee having been divided on that motion, there were—ayes 20, noes 40.

The committee refused to rise; but there being no quorum, the CHAIRMAN rose and reported that fact to the House.

Mr. DROMGOOLE remarked, that if there had been a quorum present in committee, the question could have been taken. Therefore, to compel the attendance of a quorum, he moved a call of the House.

Mr. MORGAN moved that the House adjourn.

Mr. DROMGOOLE demanded the yeas and nays on that motion; which, having been ordered, were—yeas 35, nays 50.

So the House refused to adjourn.

The hour of 2½ o'clock having arrived, the House took a recess.

EVENING SESSION.

The question pending being on the motion for a call of the House, after some conversational debate as to the propriety of going into committee without a quorum,

Mr. ANDREWS demanded the yeas and nays.

Mr. LINCOLN, in a very earnest manner, wished to call the attention of gentlemen to the impropriety of suffering the debate to go on, unless there was a quorum in attendance. For what purpose did gentlemen speak on this or any other measure? Was it to influence the country alone? If so, then it would be better to have no call, but to check at once all further debate, and go home to the people, and not continue the course pursued on last week, when gentlemen were speaking to empty benches. He wished to be distinctly understood as insisting that there should either be a quorum in attendance, or that the debate should cease altogether. If there was to be no quorum, he would call on every gentlemen to say for what purpose was this debate continued? If the speeches were not intended to influence the votes of members, but were made to the country, why not at once go home to the people? If they were not made to affect the votes here, for what purpose did gentleman remain? It might be the fault of his early education; but from his youth, he had always understood that the object of discussion was to influence the minds of those who had to decide upon a question on which an issue was made.

If gentlemen did not hope to influence the minds of those who had to decide upon this measure, it would be far better to take the question at once, and go home. So far as he was concerned, from his experience during the past week, he was ready to vote without any further delay; for he was perfectly convinced in his own mind that any thing which might be said would not influence any gentleman upon the floor. It was evident that their minds were already made up. If any one doubted that fact, and would rise in his place and say that the mind of but a single member was open to conviction, he would be willing to stay here until the last day of his life, rather than the subject should not be fairly discussed. But, if no one would rise and say his mind was open to conviction, then he prayed gentlemen to decide to what purpose was the argument continued here. For himself, he was ready to go home, and do what he never did, and what no man from his own State had ever done, which was, to go home, and appeal from the House to the good sense of the people of his State. Yes, he was ready to go *there*, and offer his argument, impressed, as he was, with the propriety, under such circumstances, of discontinuing all further debate, when the minds of those who had to decide the question were already made up. He wished it to be distinctly understood, that, from that time forth, he would not consent to the debate going on, unless there should be a quorum. With all due humility, as far as he was personally concerned, he had considered it his duty thus to enter his protest against the present course of proceed-

ings, and to object to a question being argued, unless there was a quorum present to hear that argument.

The yeas and nays then being ordered on the motion for a call of the House, were taken, and resulted—yeas 68, nays 55. So the call was ordered, and proceeded in until 141 members answered to their names.

A quorum now being present, a motion to suspend all further proceedings in the call prevailed.

The House then went again into Committee of the Whole, (Mr. BANKS,) and resumed the consideration of the

INDEPENDENT TREASURY BILL.

No member claiming the floor, there was a general cry of "question."

Mr. POPE then rose and intimated his wish to address the committee, but not being prepared with his books and papers he wished to use, he was willing to waive his right to any other gentleman, should the committe not be disposed to rise.

Mr. HOLMES moved that the committee rise.

This motion was negatived—ayes 68, noes 69.

Mr. BURKE of Mew Hampshire then took the floor, and at some length advocated the bill, and set forth in a lucid manner its great superiority over the favorite measure of the Opposition.

Mr. POPE then renewed the motion that the committee rise; which motion prevailing, the committee thereupon rose.

Mr. LINCOLN, by leave, presented, on behalf of his absent colleague, Mr. ABBOT LAWRENCE, two petitions—one from Mary Davenport, for a pension; the other from the executors of Wm. Gray, praying for a liquidation of certain claims for the account of French spoliations, &c., which were appropriately referred.

And then the House adjourned.

IN SENATE,

MONDAY, June 15, 1840.

Tee PRESIDENT communicated a report from the Secretary of the Nany, in answer to the resolution of the Senate of the 18th March last, in relation to the construction of steam ships; which was laid on the table.

Mr. TAPPAN presented a petition from certain citizens of Ohio, contractors for carrying the United States mail, praying for some allowance for extra services; referred to the Committee on the Post Office and Post Roads.

The resolution submitted by Mr. MERRICK on Saturday last, in relation to the improvement of Pennsylvania avenue, was considered and agreed to.

On motion by Mr. YOUNG, leave was granted to Edward D. Tippett to withdraw his petition and papers.

The following bills were severally read the third time and passed:

The bill for the relief of Reynold Coates, Walter R. Johnson, and William B. McMurtrie;

The bill to authorize Charles L. Fleischman to take out a patent;

The bill for the relief of William P. Rathbone; and

The bill to provide for the organization of a company of sappers, miners, and pontoniers.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the bill from the House for the relief of Chilton Allen, and others, reported the same unfavorably, without amendment.

Mr. CLAY of Alabama addressed the Senate as follows: Mr. President, I feel it my duty to correct a statement which I find in the National Intelligencer of this morning, as to the motion made by me on Saturday evening, to print 20,000 copies of the report of the Secretary of War, for the reorganization and discipline of the militia. The paragraph to which I refer is in the following words:

"It was near six o'clock, when Mr. CLAY of Alabama said he was willing to move for th printing of 20,000 copies of the report of the Secretary with the other documents, and did make that motion, when there were cries of 'adjourn, adjourn!'

"And on motion of Mr. SEVIER, the Senate adjourned."

Now this statement is untrue, and of course unfair, in several particulars:

1. It was near six o'clock when I made the motion; but it was made at the earliest practicable moment after the motion to prin' 20,000 copies of the report of the Committee on the Militia was decided, which was in strict conformity with the intimation of my purpose to do so, thrown out in the previous debate. I suffered no time to elapse after the motion to print the committee's report was decided. I did not wait purposely (as might be inferred from the Intelligencer) till the moment for adjournment arrived.

2. I said nothing about my *willingness* to make the motion; but moved directly, and distinctly, to print, for public information, the plan of Mr. Poinsett, with the plans proposed by Gen. Knox and Gen. Harrison, in their respective reports.

3. The Senate did not adjourn on the motion of my friend, the Senator from Arkansas, [Mr. SEVIER;] he expressed his willingness to vote for my motion, if the Opposition desired them printed; but they adjourned on the motion of the Senator from Massachusetts, [Mr. DAVIS;] which motion was made while my motion was pending, and undetermined.

And I will now add, that my motion to print the extraordinary number of the several plans mentioned for the organization and discipline of the militia, was not a mere *ruse*, but was made in good faith, to give light to the public; and if the gentlemen on the other side will call up that motion, I will still vote for it.

I have felt less inclined to ascribe these errors to accident, on account of another misstatement of the Intelligencer, which has appeared daily, at the head of our proceedings upon Mr. Poinsett's report. That paragraph is in the following words:

"The Senate resumed the consideration of the motion to print 20,000 copies of the report of the Committee on the Militia on Mr. Poinsett's project for a standing army of 100,000 militia.

Now, sir, Mr. Poinsett has submitted no "plan for a *standing army of* 100,000 *militia*." His plan purports to be *one for the reorganization and discipline of the militia*. I understand Reporters are admitted here to give a transcript of our proceedings—that is, a statement of *facts*, and not their *construction* or *inferences*. We are sufficiently *libelled* and *slandered by letter writers*. I am at least unwilling to tolerate it in Reporters.

THE DISTRICT BANKS.

On motion by Mr. MERRICK, the bill to incorporate the several banks of the District of Columbia, was taken up, the question being on the amendment offered by Mr. TAPPAN to continue the charters for two years, for the sole purpose of enabling the banks to wind up their affairs.

Mr. MERRICK said, it was not now his intention to press the original bill. His sole object was to take up the amendment, and propose such amendments and modifications to it as might be deemed necessary. The Senate would perceive that the object of his amendment was to extend the charters of these banks till the 4th of July, 1842, unless Congress should think proper, in the mean time, to abolish them. The object of the amendment of the Senator from Ohio was only to extend their charters, so as to allow them to collect their existing debts. Now he would mention one fact to the Senate. They could not, in the ordinary course of law, collect the debts due them by the 4th of July, 1842, because a suit at law must go through three sessions of the court, and these sessions are six months apart. Besides, he thought it would be onerous, oppressive, and illiberal to require the banks to proceed at once to the collection of their debts by suit at law. He would further remark that there was due to these banks, from the people of this District, upwards of two and a half millions of dollars, a sum too large to be collected in so short a time, without causing great distress to the community.

Mr. GRUNDY inquired of the chairman of the committee if the bill contained the same restrictions as were imposed by the bill passed two years ago to extend the charters of these banks up to this time?

Mr. MERRICK said he believed it did, with one or two exceptions, not now deemed necessary.

Mr. GRUNDY said he was averse to leaving these banks in a continued state of suspension. He wanted to put them in the same condition that they were put two years ago. He hoped the Senator from Maryland would conform, as far as possible, to the provisions of the bill passed two years ago.

Mr. MERRICK expressed his readiness to make the necessary amendments, and offered the following:

"So far as to enable said banks to sue and be sued on any contract now existing," and insert in lieu thereof, "eighteen hundred and forty-two, unless Congress shall otherwise order and direct."

And also inserting a proviso that the banks shall resume specie payments whenever the banks in Virginia and Maryland shall resume.

Mr. M. said that this proviso was inserted in the act of 1838, which extended the charters of these banks to this time.

Mr. KING suggested to the Senator from Maryland, [Mr. MERRICK,] the propriety of striking out the proviso, which seems to authorize the suspension of specie payments by the banks of this District, until those of Virginia and Maryland should resume. Tis true, such a proviso was contained in the resolution adopted two years past, which was offered by the Senator from Missouri, [Mr. BENTON,] for the extension of these very banks, then in a state of suspension. He considered it wrong then, and no less so now. For one, he would not consent, by any legislation, to give a sanction to the suspension of specie payments by the banks of this District, nor would he, in any shape or form, release them from their obligations to the people. They are now subject to suit, on a failure to pay their notes on presentation. Every holder may, if he chooses, recover the amount held by him, with damages. This right he would not, in the slightest degree, impair. Mr. K. said he should vote for the proposed extension, believing, as he did, that it was essential to the preservation of the interests of the people of the District; but in doing so, he must have the banks subject to all the restrictions and liabilities imposed upon them by their charters.

Mr. MERRICK then withdrew the proviso.

Mr. ALLEN wished to inquire of the Senator from Maryland [Mr. MERRICK] whether these banks complied with all the conditions of the act of 1838, by which their charters were extended.

Mr. MERRICK said that, so far as he was advised, they did.

Mr. ALLEN. Are they paying specie now?

Mr. MERRICK said they were not. They suspended from causes not within their own control. When he answered the gentleman's inquiry whether the banks had complied with the conditions of their charters, he did not know that he had specie payments in view.

Mr. ALLEN said that it was a matter of notoriety that these banks did not exist. They had no legal existence whatever. They had not complied with the conditions by which their charters were extended, one of which was that they should commence and continue the payment of specie for their notes, on demand. They did not pay specie, and every body knew it. It should be known that they existed by usurpation, and here was an attempt to legalize this usurpation. He wanted the whole of the facts to be spread before the country. Who, he asked, had petitioned for the extension of these charters, and how many had signed these petitions? These banks had been standing out notoriously in violation of the law, and by the infliction of the deepest injuries on the community, had violated the law, and defied the power of Congress, within the sweep of its flag; and now it was asked, at the end of the session, without their being any particular information before them as to the state of these institutions, to grant them more charters, or, in other words, sanction their violation and defiance of the laws of the land. He wanted to see something of the condition of these institutions,

and whether or not they had complied with the conditions by which their charters were extended. He called the attention of the Senator from Maryland to this subject long ago, and urged him to bring it up in time to be acted on, notifying him that it could not be got through with without the fullest investigation. All these matters were to him "confirmation strong as proof from holy writ," of the danger to this Government which existed in banking institutions. When it was seen that in that body, renowned for its intelligence and patriotism, these banks, after having violated their charters, and set the laws at defiance, could coolly walk in and claim the renewal of their charters, as if they had a right to act with impunity, and the Legislature was bound to obedience, it was enough to excite the gloomiest apprehensions. He would not go at length into this subject now, but he could not repress the deep indignation he felt at the matter-of-course way in which these banks attempted to get through with the renewal of their charters. All that was said against these abuses was answered by the cry, You are opposed to banks. He looked upon the present proposition as equivalent to a perpetual charter. They had already been chartered for two years on three conditions, not one of which was complied with; and though this was notorious, yet the Senate was about to charter them again. Where was the use of imposing conditions, if these institutions set them at defiance? It was in vain to impose conditions on them, for there was no power to punish them for violating those conditions. They had violated their charters with impunity in the face of the courts, and in the face of the Legislature which was now invoked to grant them more charters. You have not, said Mr. A. power to punish them, and yet you talk of imposing restrictions on them. Have you not already restrictions enough? Their original charters declare that they shall not suspend specie payments; they have suspended, and you have legalized the suspension. They went on to violate the conditions imposed on them, and you have legalized that violation. He did not intend to go at length into this subject, but if this question was persisted in, then he and others on his side of the chamber were to be heard in behalf of the abused people of the District of Columbia. This people had petitioned for an extension of their rights as freemen; but that was not considered a matter of sufficient moment to require legislation; but the banks had petitioned for a renewal of their charters, and it was deemed a matter of such importance, that it must be hurried through, without any statements with regard to their condition, or, in fact any information whatever.

Mr. TAPPAN would suppose, from the observations that had fallen from the chairman of the committee, [Mr. MERRICK] that his only object was to give to the banks time to settle up their affairs. His amendment had the same object in view; but as the Senator said that suits at law could not be determined in the time allowed, he would suggest to him that his object could be accomplished by extending it. He had no desire to press the banks to an immediate collection of their debts. He thought with the Senator from Maryland, that it would be a hardship on the people of the District, and he did not wish to impose it on them. He would suggest to the Senator that the amendment originally offered, would accomplish all he desired, by extending the time.

Mr. SMITH of Connecticut expressed his objections to the bill on the ground that Congress did not possess the power to incorporate institutions to furnish a circulating medium.

Mr. MERRICK said he did not intend to enter into a discussion with the Senator from Ohio, [Mr. ALLEN.] The gentleman remarked that he gave him notice some time ago that he wished this subject brought up at an early day. Now the Senator must be aware that it was not in his power to bring it up earlier than he did. He had brought it up at the first moment that it was possible to do so.

Mr. BENTON spoke at length in opposition to the bill, and to the impolicy of extending the charters of these banks, without suitable restrictions. He considered the present question as equivalent to one for a perpetual charter. Was it ever known that the time granted by a Legislature to a bank to wind up its affairs had been used for that purpose. No, sir, (said Mr. B.) when the old charter of the first Bank of the United States was before Congress, a proposition was made to allow them two years to wind up in, and the answer to that proposition was: It is improper to grant them the two years—for that time will be used for gaining a new charter, and not in winding up. It was further answered that a charter was not necessary to enable them to wind up, because they could make an assignment of their effects, which would answer the same purpose. The two years were not allowed them, and he (Mr. B.) could undertake to say that they were twenty years in winding up their affairs. There was no necessity therefore in extending the charters of these banks, for if the object was for them to wind up their affairs, they could do so as well without a charter as with one. It seemed to him that to go on in this way, was to make a mere burlesque of legislation, and that it was converting the Congress of the United States into a place for mere child's play. It seemed that having created institutions superior to law, they went on to trample on the law, and that Congress, unable to control them, yielded perpetually to their demands. What occasion was there for banks of circulation in this District? What occasion was there for paper money? Did not the Federal Government pay out five times as much hard money as the business of the place could employ. There were limitations to the employment of money, and it was in vain to seek to go beyond them. What were these charters granted for? That certain individuals might put out bits of paper, stamped with pictures, for which they get the hard money that is put out by the Government, and which is carried to Philadelphia to be shipped to Europe. Those who issued these bits of paper, affected to be under the necessity of stopping whenever other stopped. One bank stops, and falsely charges it upon the Administration—thereupon every one stops, and each says, I don't stop because there is a necessity for it, but because others have stopped. Thus they go on in a circle. What next? In that entire circle they all say, we are ready to begin paying specie, when the others do so; but they are all so exceedingly modest that no one will set the example. Why not commence here? Why it is said they cannot pay specie here, because others at a distance do not. Now you might as well tell me that you cannot eat bread and drink water, for the same reasons. If the banks really wanted to resume and continue payment of specie, all they had to do was to banish broken bank paper from their counters. If they would do this, and continue it, they would have more gold and silver at their counters, than they will be able to employ. How was it with the New York banks? They were now absolutely choked up with gold and silver, and all this was in consequence of their having resumed specie payments, and continued them. I tell the gentleman, said Mr. B. that it is in vain to say that they cannot maintain specie payments here. I tell him that it can be done in the smallest possible space; and that by the simple process of receiving no broken bank paper. If the banks in the District, instead of circulating insolvent paper, would neither receive nor pay out such paper, they would, instead of suspending, have more specie than they would know what to do with. He would say a word or two with regard to the actual condition of these banks. We continued, said he, their charters, on condition that they were to do certain acts, and they have violated it. In the first place, they were required to pay out no notes of a smaller denomination than five dollars. He had been informed that, for the purpose of evading that provision, one of these institution had struck off a new class of notes—six, seven, eight, and nine dollars. He would be glad if the gentleman from Maryland would inform him whether such was the fact.

Mr. MERRICK. I have seen such notes.

Mr. BENTON. I understand that as soon as we passed the restriction prohibiting the banks from paying out notes under five dollars, they put the matter in the hands of a lawyer, and he told them how to get round and evade the provision; and that was to strike off these six, seven, eight, and nine dollar notes. Now, what is this, but making a burlesque of our legislation? But these banks, continued Mr. B. are in a different condition from others which have suspended. Their time had run out. Some of them had been in existence twenty, thirty, and some perhaps forty years. It was then their duty to settle up their affairs, pay off their debts, and be done with it. Instead of that, they were going upon the assumption of an indefinite extension of their charters, though refusing to redeem their promises; and Congress was called upon to sanction all they had done.

He should be glad to see some vote of the Senate that would give an index of the course that was to be followed. When he saw that, he should be able to judge of the course that was to be pursued. Was it right that there should exist in any country of law and Government, any institution that was superior to both, and which could not only trample on the laws with impunity, but appeal to the Legislatures to sanction its violations of law and justice? He hoped that they would be able to prove that no institutions should exist here superior to the laws of the land; and that whenever they trampled them under foot, they should meet with the deserved punishment.

Mr. TAPPAN opposed the amendment offered by Mr. MERRICK at length. He examined the question of the power of Congress to grant charters to banking corporations. By the Constitution we have the power to legislate for the District in all cases. But with that power is the implied restriction to pass no laws that shall bear unequally on any portion of the community. We have power to make equal and just laws, but no power to make unequal and unjust laws. For instance, were we asked to incorporate a company or companies to furnish the inhabitants with meat, who would have the exclusive right of furnishing that commodity to the citizens, and the public were restricted from purchasing of any others, would it be considered just or proper? If we have the power to create one monopoly, we have the power to create another. If we have the power to authorize a few individuals to furnish and control the circulating medium of the community, we have the same power to charter companies to provide meat, flour, wood, coal, each variety of clothing, &c. In short, no article of luxury, of comfort, or necessity, but what may be made the subject of monopoly. Now, if it was proposed to charter companies for any such purposes, no one would pretend we had any power to do so, and yet they would stand on precisely the same ground as the monopoly of the currency asked for by the corporations in this bill. Mr. T. contended that there was no equivalent benefit conferred on the community for the privileges conferred on these institutions. There was an abundance of gold and silver circulated in the District by the operations of the General Government, to furnish a hard money currency—five times the amount that could be absorbed by the wants and the business of the District. If charters are granted to these banks, the effect is to drive this gold and silver from circulation, and gives them the monopoly of supplying its place with their own notes. If such power was granted to these corporations, it could only be on the same grounds as would justify the granting of charters to companies, with the exclusive right of supplying provisions and clothing to the community. He contended that it was beyond the power of any Legislature to pass such laws. It was a power they did not possess. It could not be conferred, because it did not exist in any community, and the exercise of it was a usurpation. Mr. T. called for the reading of the following memorial, which had been presented to Congress, and was numerously signed:

To the Honorable Senate and
House of Representatives of the United States:

The memorial of undersigned, citizens of Washington, D. C. respectfully represents—

That the suspension of payment by the banks of the District of Columbia is a gross and *palpable* violation, by which valuable privileges were conferred upon them; that it is an *outrage* upon the moral sense of the community in which they are situated,

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JUNE 23, 1840. VOLUME 8.....No. 30.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 29.

debasing and *demoralizing* in its tendency and example, and a grievous injury and oppression upon those who are compelled to take their notes at their nominal value in payment for their labor.

That the mere association of a number of individuals in the form of a chartered company, gives them *no* license for dishonesty, or impunity for crime, in their aggregate, more than in their individual capacity.

That the banking institutions of the District having been chartered *professedly* for the purpose of promoting the interests and convenience of the inhabitants thereof, we are the best, and should be the only, judges in what manner our interests and convenience are best promoted.

That, at the suspension of payments by the banks of this District, in the second week of October, 1839, they had in circulation upwards of seven hundred thousand paper dollars, which by that act were depreciated 12½ per cent., *inflicting* a loss of upwards of *one hundred thousand dollars* on the holders thereof; that the rates of depreciation since that period, have ranged from 12½ to 8 per cent., thus filching from the workingman, from one-eighth to one-twelfth of the wages of his labor.

That the practical operation of this state of things in the District is, that while those who are in the service of the Government receive their compensation in gold and silver, their neighbors are compelled to receive, as a return for their labor, depreciated bank paper; thus *constituting, emphatically, one currency for the Government and another for the people.*

They, therefore, pray your honorable body to take such measures as may, at the earliest possible day, compel the banks of the District to fulfil their obligations by the resumption of specie payments, or that they be required to assign their property for the benefit of their creditors, and wind up their affairs.

Mr. MERRICK called for the reading of a memorial, signed by many citizens of Georgetown, praying for a recharter of the banks, and that they may not be compelled to resume before the banks of Virginia and Maryland. The memorial was read.

The question was then taken on the amendment of Mr. MERRICK to the amendment, and decided in the affirmative—yeas 29, nays 13, as follows:

YEAS—Messrs. Brown, Buchanan, Clay of Alabama, Clay of Ky. Clayton, Cuthbert, Davis, Dixon, Fulton, Grundy, Henderson, Huntington, King, Merrick, Nicholas, Phelps, Porter, Prentiss, Preston, Roane, Ruggles, Sevier, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, White, and Young—29.

NAYS—Messrs. Allen, Benton, Calhoun, Hubbard, Linn, Mouton, Norvell, Robinson, Smith of Connecticut, Tappan, Walker, Wall, and Wright—13.

Mr. ALLEN moved an amendment, stating the fact that they were non-specie paying banks, which amendment was rejected—yeas 15, nays 27, as follows:

YEAS—Messrs. Allen, Benton, Calhoun, Henderson, Hubbard, Linn, Mouton, Norvell, Pierce, Robinson, Smith of Connecticut, Tappan, Walker, Wall, and Wright—15.

NAYS—Messrs. Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Davis, Dixon, Fulton, Grundy, Huntington, King, Merrick, Nicholas, Phelps, Porter, Prentiss, Preston, Roane, Ruggles, Sevier, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, White, and Young—27.

Mr. BENTON moved an amendment, as follows: "Upon condition that said banks shall not issue and pay out the notes of any bank, banker, or banking institution which is in a state of suspension or non-payment of specie."

Mr. B. said that he did not offer his amendment to prevent the banks from receiving such paper as they pleased, but to make them send it home for collection. It was to prevent the conventional agreements among themselves, by which they flooded the country with irredeemable paper. Each one received the paper of the other and sent it around and around in a circle, and thus, though it was nothing but counters—worthless bits of paper, the people were seduced into taking it. It was to break this chain, which enabled them to impose upon the country, that he offered his amendment. If they chose to receive this paper in payment of the debts due them or on deposite, they must send it home for collection.

Mr. KING supposed that the object of the gentleman was to limit the banks to the circulation of their own paper. He thought if he would turn to the amendment that he would find that they could issue out no paper whatever in a state of suspension. If the gentleman would modify his amendment he would vote for it.

Mr. BENTON said that if the exception was made, it would give the banks express authority to pay out suspended paper.

Mr. BUCHANAN was entirely in favor of the amendment of the Senator from Missouri, if he would express it in language sufficiently distinct to prevent its giving any sanction, directly or indirectly, of the suspensions of these banks. One of the greatest evils of these suspensions was, that the banks never paid out their own notes at home. If they did, the people would have an opportunity of compelling them by law to redeem these notes; but it was obvious that it would cost the holders of them too much to collect them by process of law at a distance.

The consequence of such a practice by the banks was, that, as soon as specie payments were suspended, the people around each of the banks were at once, in a great degree, deprived of the paper currency to which they had been accustomed, and in which they placed confidence, and were compelled to accept the notes of distant banks, often of doubtful solvency, or get nothing. It was no hardship upon the banks to compel them to pay out their own notes alone during the period of suspension, and to send home the notes of other banks which they might think proper to receive. Under such a restriction, the banks of this District would receive no notes unless they had been issued by banks able and willing to make exchanges with them at short intervals; and frequent settlements of this kind were a powerful restraint upon excessive issues. The amendment would secure to the people of the District that currency with which they were best acquainted, and on which they could, at any time, bring suit without being obliged to travel to a distance. He was in favor of the principle contained in the amendment. He was for giving the banks of this District time to wind up their affairs, and nothing more; and he intended, before this matter was over, to introduce an amendment declaring that such was the sole purpose for which their charters were to be extended. He had long been of the opinion that, to keep six or seven little banks here, was doing a serious injury to the people of the District. It was no time now to substitute a larger bank for those now in existence, and he was therefore willing to extend the charters of the latter, provided it was only to enable them to go on for two years, and no longer, for the purpose of winding up their affairs.

Mr. GRUNDY said, the effect of the amendment, if passed in its present shape, would not be exactly what he supposed was intended. If the words "not within the District of Columbia," were introduced, he thought it would be better.

Mr. BENTON said, he preferred the motion as it stood; but if gentlemen thought it would create difficulties, he would withdraw it, and they could offer it in a form modified to suit their views.

Mr. GRUNDY then offered the motion amended as he had suggested.

Mr. WRIGHT said, in its present shape, the provision would countenance the emission and circulation of the notes of the Chesapeake and Ohio Canal—the Washington and Baltimore Railroad Company, &c.

Mr. BUCHANAN suggested a modification, by inserting the word "other" before "bank," and striking out District of Columbia; which was agreed to, and the amendment then read in the following words:

"Upon condition that neither of said banks shall issue and pay out the notes of any other bank, banker, banking institutions, or corporation, which is in a state of suspension or non-payment of its liabilities in specie."

The question on this amendment was taken by yeas and nays, when there appeared for it 25, against 17, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Williams, and Wright—25.

NAYS—Messrs. Clay of Kentucky, Clayton, Davis, Dixon, Henderson, Huntington, Merrick, Phelps, Porter, Prentiss, Preston, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, and White—17.

Mr. ALLEN then moved the following:

"Provided, also, that each of said banks shall, immediately upon the taking effect of this joint resolution, commence and continue the resumption of its notes in gold and silver coin; and that, in case either of said banks shall neglect or refuse to comply with any one of the conditions in this joint resolution, the charter of said bank shall immediately cease to exist, and all contracts and other acts thereafter made or done by or in behalf of such bank shall be null and void."

On this question the yeas and nays were demanded, when there appeared for it 14, against it 29, as follows:

YEAS—Messrs. Allen, Benton, Hubbard, Linn, Mouton, Norvell, Pierce, Robinson, Smith of Connecticut, Tappan, Walker, Wall, Williams, and Wright—14.

NAYS—Messrs. Anderson, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Davis, Dixon, Fulton, Grundy, Henderson, Huntington, King, Merrick, Nicholas, Phelps, Porter, Prentiss, Preston, Roane, Ruggles, Sevier, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, White, and Young—29.

Mr. BENTON moved further to amend by inserting:

"And upon the further condition that the said banks, nor either of them, shall take a stay of execution on any judgment recovered against them in any case whatever, nor appeal from any such judgment, nor take a *certiorari* thereon, except on an affidavit of merit."

Mr. BENTON said that when he first came here after the suspension, individuals were paying 12½ per cent. discount on their bank paper, and he asked them why they did not sue the banks and obtain judgment. He was informed that when notes were put in suit, the banks would take the advantage of the stay laws that were in operation, by which they could keep the owner out of his money for six months. This, with lawyers' fees, &c. was generally more than the note was worth, so that the poor man, who was the owner of a five or ten dollar note, actually had no remedy, though the laws professed to give him one.

After some remarks from Mr. MERRICK in opposition, and Mr. CLAY of Alabama in favor of the amendment,

Mr. BUCHANAN said: It is out of all character for a bank, after forfeiting its charter, and after suffering judgment to go against it for non-payment of its notes, to take a stay of execution. It is certainly enough for us to continue their charters for two years without giving the banks a stay of execution for six months when sued on their notes.

If I had known that any such practice existed here as that spoken of by the Senator from Missouri, I would myself have offered this amendment if he had not done it.

Mr. SOUTHARD could see no more impropriety of a bank taking advantage of existing laws, than of an individual doing so. If we passed this amendment, its operation would be unequal, and would make one law for the banks and another or individuals. Besides, what evidence had we of the fact that the banks took advantage of these stay laws? He did not believe there was any stay of execution in the District at the instance of the debtor, and he demanded the proof. He would not take the allegation of A B, or C D, that such and such things were matters of fact. It was not the kind or character of information that we, as legislators, should act upon.

Mr. BUCHANAN expressed his astonishment at the principle which had been contended for by the Senator from New Jersey [Mr. SOUTHARD.] He thought that after a little reflection that gentleman would himself abandon this principle, well acquainted as he was with the subject of banking. What was his position? That it would be unjust to refuse to the banks the same stay of execution, after judgments had been been obtained against them, which was granted to individuals. Is there not, said Mr. B. the most striking reason for such a discrimination? Is there not a vast difference between the two cases?

To the banks we have granted the privilege of issuing and circulating a paper currency. Bank notes always are, or at least always ought to be, payable on demand; and under our present banking system are, every where in this country, a substitute for money. These notes circulate upon the faith that they shall at all times be convertible into gold and silver. It is true that this faith has been often violated, and will continue to be violated, unless the States shall radically reform their banking institutions. The principle, however, remains the same. A poor man, then, has received a ten or a twenty dollar note as money, in compensation for his labor, and goes to the counter of the bank and asks that it shall be redeemed in gold and silver. The bank refuses to comply with its promise, and the holder of the note is put to the trouble and expense of instituting a suit against it, and obtaining a judgment. Would it not be the most monstrous injustice to allow this bank to avail itself of the ordinary privileges granted to individuals, of staying execution for three or six months? He thought he might venture to assert, without positive knowledge, that there was not a single State in the Union where such a privilege was extended to banks. Certainly it ought not to exist any where.

The case was wholly different in regard to judgments obtained by one individual against another, or by banks against individuals, to enforce private contracts. In such cases these contracts were voluntary, and each party derived, or thought he derived, a benefit from them, and the evidence of debt was not a paper currency. But bank notes circulated in the community as money, and every person by the force of circumstances was compelled to accept them as money. It was a great and profitable privilege conferred upon the banks to be permitted to issue them; and this was granted upon the express condition that they should always be redeemed in specie. Under such circumstances, after the banks have refused to redeem their notes according to their contract, and have compelled the holders to institute suits and obtain judgments, it would be a most unjust and extraordinary privilege to grant them a stay of execution.

This bill proposes to continue these banks for two years, unless Congress shall, in the mean time, otherwise direct. Even during this limited period, we wisely reserve to ourselves the power of blotting them out of existence at any moment. The bill is a measure of necessity, not of choice. For my own part, I have often expressed the opinion that these six small banks ought never to be rechartered within this District of only ten miles square. They have no field for circulation, and no deposites sufficient to enable each of them to realize a fair profit on their capital, and at the same time keep themselves in a sound condition. We ought to establish one respectable bank here, with branches in Alexandria and Georgetown, and subject it to all the restrictions which our fatal experience on the subject has manifested to be absolutely necessary. It is admitted, however, on all hands that Congress have not time, at the present session, to mature and pass such a bill; and if they had, it is a most unpropitious period to create such a bank. The only alternative then left, is either to continue the existence of these little banks for a short period, or to destroy them at once, and subject their debtors to the immediate pressure which this course would render necessary. I prefer to continue them under an express understanding, so far as I am concerned, that they shall never exist, under any circumstances, one day beyond the 4th July, 1842. I intend to move an amendment to this effect. This is but a mere temporary expedient, in order to give us time to establish a new bank, on wiser and better principles, without oppressing the debtors of these institutions.

I am influenced in adopting this course by the consideration that the surrounding States of Maryland and Virginia, of which this District formed a part, and with whom it is intimately connected in all transactions of business, have not thought proper to forfeit the charters of their banks, because of their suspension of specie payments. In acting with a spirit of forbearance towards the District banks, I should not in any degree legalize their suspension. This bill proposes to do no such thing. It leaves them in this respect just where it found them, liable to be sued for specie at any moment by their note holders and depositors, and subject to the payment of twelve per cent. interest. But it would, to a considerable degree, be legalizing this suspension, if we were to permit the banks, after a judgment obtained against them, to take the benefit of a stay of execution. During this period of the stay, they could, under the existing law, place their creditors at defiance. We now propose to deprive them of this extravagant privilege; and so firmly am I convicted of its injustice, that for one I shall vote against the bill and leave these banks to their fate, unless the amendment shall be adopted. Until this day, I had never been informed, that under the laws of the District, the banks were entitled to the same stay of execution with individuals.

Mr. SMITH of Indiana concurred in the sentiment of the amendment offered by the Senator from Missouri, but he thought that the Judiciary Committee had done all that was necessary on this subject, and there was a bill now on the calendar, which provided for the necessary remedy for the evil.

Mr. SMITH of Connecticut said that the bill could not be amended or presented in such shape as to meet his approbation, while he entertained the opinion that the Constitution does not invest Congress, as a local Legislature, with the power to grant a bank charter to any company, either in the District of Columbia, or in any of the States of the Union. If Congress had power to establish a bank in the States, then, in his opinion, it would have the power to grant charters, and establish banks in the District without any reference to its powers as a local Legislature. The friends of this bill, I presume rely upon the power given to Congress, "to exercise exclusive legislation in all cases whatsoever, over the District." To furnish a general currency, is a business of the nation; it is an attribute of sovereignty. The Constitution has vested this power in Congress; and when we turn to the Constitution for our guide, we find that Congress is empowered "to coin money, regulate the value thereof, and of foreign coin." This is the only currency known to our Constitution, unless Congress has power, in virtue of its local character, when legislating for the District of Columbia, to establish another currency, varying entirely in all its essential characteristics, from the general currency of the nation, which Congress is authorized and empowered to establish as a national currency, which I am not prepared to believe was ever intended. If we look further into the Constitution, we shall find provision made for guarding the currency against counterfeiting it; and which provides only for the current *coin* of the United States. It will, therefore, be seen that no provision is made to guard a paper currency against debasement; and it is reasonable to conclude, from this important omission, that no such currency was contemplated when the Constitution was framed. The general currency recognised in the Constitution can be circulated freely throughout the whole Union, and answer the purposes of the people as well in one part as another, while that to be emitted by a bank established in the District of Columbia, by authority of Congress, as a local Legislature, legislating only for the District, is circumscribed to the limits of the District, if the States into which it may otherwise, like other bank bills, circulate, shall think proper to prohibit it. The States were deprived of the power to emit bills of credit, or make any thing but gold and silver a tender in payment of debts. I may differ in my view of this subject with every other Senator; but I cannot come to any other conclusion than this, that Congress was empowered to "*coin* money, regulate the value thereof, and of foreign coin." Whatever capacity it might act in, be it general or local, it could not have been intended that while it was acting as a National Legislature, it should create one kind of currency, and when acting as a local Legislature for the District of Columbia, it should create another kind of currency, differing from the other so widely as coin and promissory notes differ with each other.

It is said by the honorable Senator from New Jersey [Mr. SOUTHARD] that, if the amendment prevails, the corporation will not have equal rights with individuals; that while individuals, under the law of the District, can have a stay of execution for six months, after judgment rendered against them for a debt, the corporations will be deprived of that right and privilege, which may be very valuable to the corporation. He did not intend that corporations should be placed on an equal footing with individuals in regard to the payment of their debts. He had before observed that the power to create a national currency belonged to the national sovereignty; that if this power was abstracted from the political power of the people or the nation, and conferred upon individuals, that these individuals were bound to furnish for the people a circulating medium or currency perfectly sound, and equal to that which that power given to them, if retained by the sovereign, would enable it to furnish. It ought to be such a currency as would circulate freely and untrammeled by any laws made for the benefit of the corporation, to the injury of those who had taken and confided in it, as a sound national currency. And although he expected to vote against the bill, whatever shape or form may be given to it, if the charter must be granted, he was desirous of having the public have the benefit of it, for whose benefit it is professed to be granted. He was unable to see the necessity, if Congress has the power, of granting so many banks, and creating so much banking capital in this small District, only ten miles square. One single house in a commercial city, will probably do as much business, and require as much capital, as all the mercantile business done in this city. He had long entertained the opinion, that either the banking system of this country, or the institutions and Government of our country, have yet to undergo a great change; that both cannot exist together, and both maintain their present character.

The question was then taken on the amendment, and it was agreed to—ayes 29, noes 11, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clayton, Fulton, Grundy, Henderson, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Williams, Wright, and Young—29.

NAYS—Messrs. Clay of Kentucky, Dixon, Merrick, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, and White—11.

Mr. BUCHANAN then moved to insert, "For the purpose of winding up their affairs."

Mr. ALLEN rose, he said, to ask the Senator from Pennsylvania what effect he intended this

amendment, if adopted, to produce? Does he intend to restrict the banks to the settlement of their business already begun? or does he intend, notwithstanding this amendment, that they may proceed, as formerly, with all the business of banking, as if this amendment did not exist?

Mr. BUCHHANAN said he did not intend at once to arrest all banking operations in this District, under the peculiar circumstances in which it was placed, without providing any substitute for the existing banks; but it was his fixed purpose never to vote for any further extension of their banking privileges beyond the two years. He desired, therefore, to express this clear intention upon the face of the bill, so that the banks might have fair notice of the purpose of Congress, and proceed in such a manner as they thought proper to wind up their affairs within the limited period.

Mr. ALLEN rejoined. Then the amendment amounts to nothing, as it *does* not *restrict* the banks, and *cannot* restrict a future Congress. It is, therefore, worse than useless, for its effect will be to delude the country, inasmuch as the amendment professes to restrict the banks to "the *purpose* of *winding up*, but not to restrict their action to that object; but on the contrary, instead of *winding up*, they are to be at liberty to *wind out* their business still further than it is now—so that at the end of the two years, their claim to still further time to "*wind up*," will be increased in exact proportion to the increase of their business, under the present bill, authorizing them to wind up. I say, therefore, that the effect of this amendment is to mislead the people as to the true character of this bill, which, whether the amendment be adopted or not, is simply a bill to recharter non-specie paying broken banks, without requiring them even to pay their notes—the first bill I believe of the sort that ever, in the history of the world, received the sanction of a legislative body.

The amendment was lost—ayes 17, noes 17.

The question was then taken on ordering the bill to be engrossed for a third reading, and it was agreed to—ayes 27, noes 15, as follows:

YEAS—Messrs. Anderson, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Davis, Dixon, Fulton, Grundy, Henderson, Huntington, King, Merrick, Nicholas, Phelps, Porter, Prentiss, Preston, Roane, Sevier, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, and Young—27.

NAYS—Messrs. Allen, Benton, Calhoun, Hubbard, Linn, Mouton, Norvell, Pierce, Robinson, Smith of Connecticut, Tappan, Walker, Wall, Williams, and Wright—15.

The following is the bill as ordered to be engrossed:

"An act to continue the corporate existence of the banks of the District for two years, with certain restrictions."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charters of the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the 4th day of July, 1842, unless Congress shall in the mean time otherwise order and direct, upon condition that neither of said banks shall issue and pay out the notes of any other bank, banker, or banking institution, or corporation, which is in a state of suspension or non-payment of its liabilities in specie; and upon the further condition that the said banks, nor either of them, shall take a stay of execution on any judgment recovered against them in any case whatever, nor appeal from such judgment, nor take a certiorari thereon, except on an affidavit of merit.

Mr. CLAY of Kentucky said, that, since Congress could not legislate thoroughly at the present session, and place the banking system on a stable and satisfactory footing, all that he thought should be now done, was to continue the existing charters for one or two years; and, in the intervening time, Congress could make a permanent arrangement. He was utterly opposed to treating the District and its banks as a subject for experiment, and to throwing those little institutions into a sort of crucible to discover the philosophical or political phenomena which, when exposed to that test, they might exhibit. He thought such a course unworthy the legislation of a great and magnanimous nation; and might expose Congress to the imputation that, since it could not reach the banks of the States, it would exercise its vengeance on the banks of the District.

Mr. C. thought a temporary continuation of the banks, without condition or restriction, is all that should now be done. He had therefore voted against the amendment which prohibited the banks from paying out, after receiving, the notes of banks situated without the District. The notes of the banks, at Richmond or Baltimore, are quite as good as the notes of the District banks. And the operation of such a prohibition will be upon the debtors of the banks, and not upon the banks themselves. Upon the debtors themselves it will operate severely. For if the banks are not allowed to pay out, they will be sure not to receive the notes of distant banks.

He was also opposed to the amendment offered by the Senator from Pennsylvania, [Mr. BUCHANAN.] The amendment will accomplish, practically, nothing. It requires the banks to prepare, by winding up their affairs, for a termination of their charters, at the expiration of the period to which they are to be prolonged; but it makes no adequate provision by which the banks will be compelled to perform that duty. With respect to the object at which the Senator aims, that of establishing a single bank for the District, to be placed in Washinton, with branches in the other two cities, Mr. C. concurred entirely with him. According to his (Mr. C's) observation, those banking systems worked best in the several States, which consisted of two or three large and respectable banks, with branches conveniently located, instead of a multitude of small banks having no necessary connection with each other. And whenever there was definitive legislation upon the banking system of the District, he hoped it would assume that form.

Mr. BUCHANAN had but a few words to say in reply to the Senator from Kentucky [Mr. CLAY.] He would add nothing to that which he had already said in favor of the amendment to prohibit each one of these banks from paying out the notes of any suspended bank except its own. He thought it would prove to be a most wise restriction.

In regard to the amendment which he had proposed, declaring in express terms that the temporary continuance of these charters was for the purpose of enabling them to wind up their concerns, he had but one observation to make. He had accomplished the purpose which he had in view by proposing the amendment. All doubt was thus removed from his own course in relation to this subject. He regretted that his amendment had not prevailed, because it might inspire the banks with hopes which he believed never would be realized. It is true that a future Congress might be of a different opinion, and one Congress could not bind another; but yet that was no good reason why the present Congress should not express its own determination by its own legislation.

Mr. CLAY of Alabama moved that the Senate take up the resolution reported by the Committee on the Militia, asking to be discharged from the further consideration of the report of the Secretary of War in relation to the reorganization and disciplining of the militia, and that the Senate concur therein; which was agreed to—ayes 24, nays 4, as follows:

YEAS—Messrs. Allen, Andrson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Henderson, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Smith of Indiana, Strange, Stnrgeon, Walker, Wright, and Young—24.

NAYS—Messrs. Clay of Alabama, Davis, Dixon, and Preston—4.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,
MONDAY, June 15, 1840.

Mr. JONES of Virginia moved to suspend the rules, and that the House resolve itself into a Committee of the Whole on the state of the Union.

Mr. JAMES demanded the yeas and nays on that motion.

Mr. WISE hoped his colleague would withdraw his motion, to enable him to submit a resolution for the adjournment of the present session on the 11th of July next.

Mr. JONES thought the proper course would be to do the business of the country first, and then fix the day of adjournment. He could not yield to the suggestion.

The question was then taken on the motion to suspend the rules, by yeas and nays, and agreed to—yeas 87, nays 43.

INDEPENDENT TREASURY BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the Independent Treasury bill.

Mr. POPE, who was entitled to the floor, addressed the committee in opposition to the bill, and in favor of a Bank of the United States. He said he told his constituents that a Bank of the United States alone could regulate the currency and exchanges. When the question was before Congress in 1811, he explained the subject, and formed the opinion that they must have a paper currency, either local or national. If the country have a local currency, it must of necessity have a regulator—and that regulator must be a National Bank. He voted in 1811 for the Bank of the United States; and he had no reason to repent of his vote on that occasion. He, however, thought, that neither a Bank of the United States or a Sub-Treasury should be passed at this session—he thought the people should be left to decide upon it in the present contest—that this contest should be first decided. Mr. P. in speaking of the opinions of General Harrison, said he would not veto a Bank of the United States if it was the will of the people to have one—that he was opposed to all internal improvements by the General Government not strictly national or for necessary and constitutional objects—that he was for a fair, just, and liberal tariff. He continued his argument in favor of a bank of the United States as a regulator of the currency, as an antagonist one to the Independent Treasury, which he said was insufficient, and inadequate, to regulate the issues of the banks of the States. He begged the Whigs not to be afraid to meet the question boldly, and contended that the issue would be between an Independent Treasury bank under the control of the Executive, and a Bank of the United States.

The House took a recess at 2½ o'clock.

EVENING SESSION.

Mr. POPE resumed and concluded his remarks in opposition to the bill.

Mr. BLACK then took the floor in support of the bill. In common with other gentlemen, he had no hope of influencing the minds of any opponent of the bill, but his remarks were designed for his constituents, the people of Georgia. He congratulated the House and the country that this measure had for once been brought to a direct issue before the people. As had been stated by a gentleman from Massachusetts, [Mr. CUSHING,] this was definitely *the* measure of the Administration, and it was on that measure that he grounded his support of the Administration. He then showed it was evident that a National Bank was the antagonistical scheme of the Opposition. So here was a palpable and distinct issue—the Independent Treasury bill on the one hand, and a National Bank on the other. Mr. B. went on to prove that with a few exceptions the great Whig party was a Bank party. That, then, was the true issue, and under those two flags was the battle to be fought. For his part, he gloried in the declaration that he should go into that war under the banner of the Independent Treasury, and in doing so he would be supported with the consciousness that this measure was in accordance with the Constitution, while the measure of the Opposition was liable to the double objection of being unconstitutional and inexpedient.

Mr. B. then went on to show that his own course in this matter was the same as that taken by the

Legislature of his State, and had read by the CLERK, resolutions adopted by the Legislature of Georgia, in 1834, denouncing a National Bank as unconstitutional and inexpedient. He also adverted to subsequent resolutions of a similar character, which will appear when his remarks shall be written out in full. He also adverted to letters addressed by the people of Georgia to their candidates, in 1838, asking their sentiments in relation to this measure. With others, he received a letter; in his answer, he distinctly avowed his preference to it, and his hostility to a National Bank. Two of his colleagues, then on the floor, also expressed their disapproval of a National Bank. Thus, in 1838, not only himself, but his two colleagues, were against a National Bank; so it would appear that he was not only consistent himself, but that he had the approbation of some of the most eminent men from Georgia, in his opposition to the bank. Where, then, was the ground for attacking his consistency, and with what weapons could they make their attack?

Mr. B. then adverted to a proposition made by Colonel Gamble, of Georgia, in 1834, for a Sub-Treasury bill more ultra than the present, and containing a specie clause. He did this with a view of showing, that in supporting the present bill, he was sanctioned by the course of one of the most eminent men that his State ever produced, although he regretted to say that Colonel Gamble had suffered himself to be nominated by the Whigs.

After some explanations from Messrs. KING and NISBET of Georgia,

Mr. BLACK proceeded to read the votes in favor of the proposition of Colonel Gamble, in 1834, for a Sub-Treasury bill, and which concluded with the name of Mr. WISE.

Mr. WISE explained under what circumstances that vote was given. He never in life even countenanced, or intended to countenance, a Sub-Treasury project. That vote in 1834 was given merely to test the sincerity of the Administration party, and not with any view of favoring such a measure.

After some further explanations from Mr. F. THOMAS in relation to the votes on that bill of 1834,

Mr. BLACK resumed his remarks, and spoke until nearly seven o'clock; when, without concluding, he gave way to

Mr. M. A. COOPER, on whose motion the committee rose.

Mr. THOMPSON of Mississippi gave notice of intention to introduce a resolution to change the hour of meeting of the House to 10 o'clock, instead of 11 o'clock.

Mr. WISE moved that the House adjourn.

Mr. CAVE JOHNSON called for the yeas and nays on that motion; which were refused. Then

The House adjourned.

IN SENATE,

TUESDAY, June 16, 1840.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the memorials of the following named persons, to wit: Estevan Plauche, Joshua Kennedy, Joshua Howard, Joseph Robedoux, John Forbes, Thomas Power, Margaret Deveal, Littleton Bailey, Anson C. Surlls, and resolutions of the General Assembly of the Legislature of Louisiana, asked to be discharged from the further consideration thereof. Mr. L. remarked that most of the cases were provided for, so far as the Senate was concerned, by the passage of a bill in relation to the sixteenth sections. The motion was agreed to, and the committee were discharged from the further consideration of the memorials above enumerated.

BANKS OF THE DISTRICT.

The bill for the incorporation of the Bank of the District of Columbia being taken up on its third reading,

Mr WALL hoped that the question on the passage of the bill would not be taken at this early hour, when the Senate was so thin—indeed, when here was not a quorum present. He hoped, therefore, that gentlemen would consent to lay the bill on the table, until some of the absent Senators should take their seats.

Mr. KING thought the suggestion of the Senator from New Jersey a very proper one, and hoped it would be agreed to.

Several Senators objecting to postponing the question,

Mr. NORVELL demanded the ayes and noes, which were ordered.

The question being taken on the passage of the bill, it was carried in the affirmative—ayes 20, noes 13, as follows:

YEAS—Messrs. Anderson, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Davis, Dixon, Fulton, Grundy, Huntington, King, Merrick, Phelps, Prentiss, Preston, Roane, Smith of Indiana, Sturgeon, Webster, and Young—20.

NAYS—Messrs. Allen, Benton, Linn, Mouton, Norvell, Pierce, Robinson, Smith of Connecticut, Tappan, Walker, Wall, Williams, and Wright—13.

While the yeas and nays were calling,

Mr. BENTON rose to a point of order. The long established practice of the Senate was to put no bill on its passage until the hour of 12. The propriety of the practice was obvious, in the present condition of the Senate. He thought the rule was a proper one, and should not be departed from.

[The rule, as stated in Jefferson's Manual, is in the following words: "After 12 o'clock bills ready for it are put on their passage."]

The VICE PRESIDENT then explained the circumstances under which the bill was put on its passage. When the Senate was called to order, the CHAIR had announced that the presentation of petitions was in order; there being no petitions, reports of standing committees were called for and received; the next business on the Secretary's table was the bills on the third reading. A suggestion was made that the bill should be postponed until the Senate was full; but, after a conversation among Senators, it was not pressed, and the bill was accordingly put on its passage.

Mr. TAPPAN said that the very early period at which the bill had been taken upon its passage, had prevented him from making a motion for its recommitment, in order that it might be amended in a very important particular—that of rendering the stockholders individually liable for the debts of the bank. He was engaged on business in the committee room and came into the Senate chamber at 11 o'clock and found the question was taking on the passage of the bill. Though not sufficiently long a member of the Senate to speak authoritatively on this subject, he thought it was unusual, if not unprecedented, to put a bill, involving questions of such magnitude, on its passage at so early an hour, and with a thin Senate. Having been deprived, in the manner stated, of offering the motion at the proper time, he would ask the unanimous consent of the Senate to offer the following:

Resolved, That the bill be recommitted to the Committee on the District of Columbia, with instructions to report a provision excepting from its operation all such parts of the several acts incorporating said banks, as excuse or exonerate the stockholders in said bank from their legal liability upon any contracts made by such banks.

Mr. MERRICK objecting, the resolution could not be entertained.

The question on the title of the bill coming up,

Mr. MERRICK moved to amend by substituting "An act to continue the corporate existence of the banks of the District of Columbia."

Mr. NORVELL moved to amend the substitute by the following: "An act to extend the charters of the suspended banks of the District of Columbia," and asked for the yeas and nays; which were ordered.

Mr. GRUNDY proposed to add to the end of the substitute of the Senator from Maryland the words, "for two years;" which was agreed to.

Mr. CLAY of Alabama suggested the addition of the words, "unless otherwise ordered by Congress;" which was agreed to.

Mr. PIERCE was extremely sorry to see this special pleading on the small matter of the title of the bill. He had voted against it in all its stages, but a large majority of the Senate had voted in favor of the passage of the bill, and to this decision he would submissively bow. He hoped the friends of the bill would be permited to give it that title which would express the intention of the body of it.

Mr. ALLEN concurred perfectly in the opinion of the Senator from New Hampshire, that the friends of this bill should give it such a title as would designate the object of it, and for the purpose of carrying this more perfectly into effect, he hoped they would consent to the insertion of the word "supended" before "banks."

This was not agreed to, and the substitute of Mr. MERRICK, as amended, being read in the following words:

"An act to continue the corporate existence of the banks of the District of Columbia for two years, with certain restrictions, or until otherwise ordered by Congress;"

Mr. KING moved to strike out "or until otherwise ordered by Congress," which was agreed to.

The question was then taken on Mr. NORVELL's amendment, and it was negatived—ayes 11, noes 26, as follows:

YEAS—Messrs. Allen, Benton, Linn, Mouton, Norvell, Robinson, Smith of Connecticut, Tappan, Walker, Wall, and Wright—11.

NAYS—Messrs. Anderson, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Davis, Dixon, Fulton, Grundy, Huntington, King, Merrick, Nicholas, Phelps, Pierce, Porter, Preston, Roane, Ruggles, Smith of Indiana, Sturgeon, Tallmadge, Webster, and Young—26.

The bill, in addition to the several acts regulating the shipment and discharge of seamen, and the duties of consuls, was taken up as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. PRESTON moved that 10,000 copies of the plan of the Secretary of War, for the organization and discipline of the militia, be printed for the use of the Senate.

Mr. CLAY of Alabama moved to amend, by including the report of General Knox, and the reports of General Harrison, on the same subject; which was agreed to.

Mr. PRESTON then moved that the two bills accompanying the reports, should also be appended to the document; which was agreed to.

Mr. CLAY of Alabama then moved to amend, by adding the two bills of 1792 and 1803, now on our statute books on the same subject; which was agreed to—ayes 27, noes 16, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Walker, Wall, Williams, Wright, and Young—27.

NAYS—Messrs. Clay of Kentucky, Clayton, Davis, Dixon, Henderson, Merrick, Phelps, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Webster, and White—16.

The resolution, as amended, was then agreed to.

CLAIM OF FULTON'S HEIRS.

The report of the Committee on Claims, adverse to the claim of the heirs of Robert Fulton was then taken up, and

Mr. PHELPS addressed the Senate at much length in opposition to the report, and in favor of the claim.

Mr. MERRICK then submitted a motion to amend the report of the committee, by reversing their decision; which was negatived—ayes 17, noes 21, as follows:

YEAS—Messrs. Clay of Kentucky, Dixon, Fulton, Huntington, Linn, Merrick, Phelps, Porter, Prentiss, Preston, Smith of Indiana, Southard, Sturgeon, Tallmadge, Walker, Webster, and White—17.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Davis, Grundy, Henderson, Hubbard, King, Mouton, Nicholas, Pierce, Roane, Robinson, Strange, Tappan, Wall, Williams, Wright, and Young—21.

The report of the committee, adverse to the claim, was then adopted.

Andt he Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 16, 1840.

Mr. BOND asked the consent of the House to enable him to make a report from the select committee, on the memorial of William Wright in relation to the settlement of the affairs of the Commonwealth Bank of Massachusetts with the Government.

Objection having been made,

Mr. BOND asked for a suspension of the rules to enable him to make the report; and on that motion demanded the yeas and nays, which, having been ordered, were—yeas 55, nays 84.

So the rules were not suspended.

PILOT LAW.

The CHAIR announced that the first business in order, during the morning hour, was the motion of the gentleman from New Jersey, [Mr. RANDOLPH] to recommit to the Committee on Commerce the bill reported from that committee by the gentleman from Maryland, [Mr. HILLEN] to repeal the law of 1837, regulating pilots. The question immediately pending was the call for the previous question.

Mr. DICKERSON, of New Jersey, inquired of the CHAIR whether it was in order to move to postpone the further consideration of the subject until to-morrow.

The CHAIR replied that it was not—the previous question having been called for.

Mr. RANDOLPH moved that there be a call of the House; and upon which motion,

Mr. CURTIS having demanded the yeas and nays, they were ordered, and were—yeas 39, nays 114.

So a call was refused.

Mr. HILLEN inquired of the CHAIR, whether, if the previous question was seconded, it did not cut off the motion to recommit.

The CHAIR replied that it did; and that the question would be on ordering the bill to be read the second time.

The previous question was then seconded and the main question ordered, and the question now being, "Shall the bill be read a second time."

Mr. WELLER demanded the yeas and nays; which having been ordered, were—yeas 93, nays 89.

So the bill having been ordered to be read the second time, received that reading, and the question being, "Shall the bill be ordered to be engrossed for a third reading?"

Mr. TILLINGHAST opposed the engrossment of the bill, deprecating all party feeling, and contending that the original law was proper in its nature, and that it was not in derogation of private right, but, in fact, an enlargement thereof; and that its operation upon life and property had been demonstrated already to be of the most beneficial and salutary character.

Mr. TOLAND also made some remarks, in the midst of which he was cut off by the expiration of the morning hour, and which, like those of Mr. TILLINGHAST, were, from the confusion in the Hall, heard very imperfectly. Mr. TOLAND addressed himself, he said, not to any party, but to the House. The question was one which involved the business interests of the country to a much greater extent than had been supposed. He regretted that any allusion had been made to it as a party matter—it was not in fact so. It might, indeed, for aught we knew, affect a particular party in New York or New Jersey, (though he could not himself see how it was to do so,) but sure he was that it was no party question in the community which he represented; nor did he believe it to be so in the country generally. It was a question affecting the interests not only of the different parts of the United States, but of the whole commercial world.

Who are the parties asking for a repeal of the law? They were the pilots of New York—and, as it seemed to him, the pilots alone—the very parties to regulate whose conduct the law itself was passed by a vote of this House, almost, and, so far as he knew, entirely unanimous.

These were the persons who now came here to ask for a repeal of the law. It was natural that they should desire to rid themselves of a law that affected their interests or their business. He regretted that it should have affected them at all. But that was not the question before the House. The question for them to determine was, how did this law affect the community? Congress was to legislate, not for the interests of any particular class—not for the merchants—not for the pilots—but for the community. What, then, was the operation of this law? There was no better rule by which to test it than to go to those on whom it had operated. The pilots, indeed, complained. But what did the merchants do?

Mr. T. after showing the groundlessness of the charge that ill-feeling existed towards the pilots of New York, proceeded to state that the merchants and underwriters of New York, of Philadelphia, and New Orleans, were unanimously opposed to the repeal of the law.

And at this stage of his remarks he was interrupted by Mr. FISHER of North Carolina, who inquired of the CHAIR whether the morning hour had not expired?

The SPEAKER having replied in the affirmative—

Mr. FISHER asked that he might be excused from further service on the Committee of Elections. He said that, owing to the constant employment on that committee, he was compelled to abandon all other business. It was due to his constituents, whose business had been committed to his charge, that he be afforded an opportunity to attend to it; and it was due to the House, that expected him to devote all his time to the questions before the committee, that he should be discharged, and another person appointed, who could devote his whole time to such business.

Mr. EVERETT said that the same course of reasoning would probably apply to every other member of that committee. They were now in the midst of their labors, and it would certainly be very inconvenient to put any new member on the committee at this time. He hoped the gentleman would not be excused.

Mr. VANDERPOEL did not see (he said) how the request could be granted consistently with the rights of the parties implicated. The committee had gone on looking at the testimony, and had probably got through with one-fourth or one-half of it. To discharge the gentleman now, would, it seemed to him, (Mr. V.) be like putting a juror on a case when the testimony was half closed. There was no gentleman whom, personally, he should feel more disposed to gratify than the gentleman from North Carolina, but he (Mr. V.) must vote against the motion.

Mr. FISHER said that gentlemen were mistaken if they supposed the public service would suffer in any respect. If gentlemen would look at the nature of the investigation before the committee, they would see that such was the fact. The committee were investigating the illegality of the votes. Each vote presented a separate question; each vote was put before the committee on its own merits; and whenever the vote of the committee was taken on that single question, it was settled. The vote was either rejected as bad, or admitted as good, and the question was then set aside; and when another vote was taken up, a new question arose. So that, in ten minutes, any man could understand the matter as well he (Mr. F.) himself.

Mr. MORGAN suggested that there was another serious objection to the discharge of the gentleman. The committee had decided upon certain principles for the admission or rejection of testimony. By substituting a new for an old member, all the principles might be changed, and it might become necessary for the committee to go over all the testimony again.

Mr. CUSHING said that, to enable him to vote understandingly, he would desire to know whether it was in contemplation of the committee to report on the several questions before them.

The SPEAKER intimated to Mr. C. not to enlarge the subject-matter beyond its proper limits.

Mr. CUSHING said he would not do so. But there might be serious objection to granting the request of the gentleman. It was this. If the committee were to report at this session; if the evidence had been nearly or entirely gone through with, and all that remained was for judgment to be passed upon it, it would be necessary for a new member of the committee, if one should be appointed, to go over that evidence again. If, on the other hand, the subject was not to be reported on at this session, but was to be taken up *de novo* at another, the same difficulty would not present itself.

Mr. FISHER had no desire, he said, to speak in a language of threat, but he must state that he could not consistently serve any longer, such was the nature of his other duties.

Mr. EVERETT was satisfied that the gentleman would reconsider that opinion, if the House should determine not to excuse him.

And the question was then taken by yeas and nays, and determined in the affirmative—yeas 105, nays 97.

So the House decided that Mr. FISHER should be excused from further service on the Committee of Elections.

Mr. PETRIKIN asked the general consent of the House to offer a resolution, which was read for information, as follows, viz:

Resolved, By the House of Representatives, (the Senate concurring therein,) that Congress will terminate the present session, by adjournining *sine die* on Thursday, the 9th day of July next, at eight o'clock in the afternoon of said day.

Objections having been made from all sides of the House,

Mr. PETRIKIN said he would not press it at that time, but gave notice that he would make a daily effort to have the resolution acted upon.

A number of Senate bills on the SPEAKER'S table were read twice, and appropriately referred.

The SPEAKER, by general consent, laid before the House a communication from the President of the United States, transmitting a report from the Secretary of the Treasury, in compliance with the resolution of the House of the 26th May last, relating to the charges preferred by Dr. Baldwin, against Marmaduke Burroughs, Consul at Vera Cruz.

On motion of Mr. CRAIG, referred to the Committee on Foreign Affairs.

The bill for the relief of General Duncan L. Clinch, which had been returned from the Senate with an amendment, was taken up, and the amendment was concurred in.

Mr. W. COST JOHNSON was understood to give notice that he would to-morrow ask the House to take up the joint resolution from the Senate, continuing in force the charters of the District banks, and that he would move the previous question upon it.

A joint resolution from the Library Committee, on the subject of international exchanges, coming up on the question of engrossment for a third reading,

On motion of Mr. PETRIKIN, (a bill of a similar character having been committed a few days since,) its further consideration was postponed for the present.

INDEPENDENT TREASURY BILL.

On motion of Mr. J. W. JONES, the House then resolved itself into Committee of the Whole on the state of the Union, (Mr. BANKS in the chair) and resumed the consideration of the Independent Treasury bill.

Mr. BLACK being entitled to the floor, resumed his remarks from last evening, in support of the bill. In reply to a question from his colleague, [Mr. KING] as to whether the fact of having voted for the bill of 1834, was any argument why the same persons should vote for the present bill, Mr. B. replied in the affirmative. He considered that a gentleman, who had voted for Mr. Gordon's bill of 1834, was bound by every motive of public interest and consistency, to vote for the present measure. He showed that the bill of Mr. Gordon, for which some of the most eminent men from Georgia had voted, was far more ultra than the present measure. That bill gave the Secretary of the Treasury almost unlimited power; and while it authorized that officer to demand the payment of Government dues in specie, it made no provision for paying out the same kind of currency to the credi-

tors of Government. Was there any man, he asked, who would hesitate in his choice of the two bills? If gentlemen could vote for a bill like that of Mr. Gordon, surely they could have no hesitation in supporting the present measure, when the which will be given when his speech shall be written out in full.

Mr. CROCKETT next obtained the floor, and made some remarks in relation to the resolutions of the Legislature of Tennessee, requesting him to vote for the Independent Treasury bill. He denied the right of the present Legislature to instruct him, for reasons which he gave at length. He then examined the Independent Treasury bill, and opposed it with much warmth. He considered it a most odious measure. In the course of his remarks he avowed it as his object to endeavor to get a United States Bank chartered, without regard as to what the opinions of his party were. A National Bank was the only measure that could succeed as a fiscal agent of the Government. He was no advocate for State banks, and never had been, though he did not wish to do any thing to their injury. He argued that it was the duty of the National Government to establish a currency of uniform value wherever it circulates, and did not believe the measure before the House adequate to that; and before Mr. C. concluded,

The House took its usual recess, at 2½ o'clock.

EVENING SESSION.

Mr. CROCKETT concluded his remarks in opposition to the bill; when

Mr. BELL obtained the floor, and spoke with much warmth against the efforts of the Administration party to pass the bill, to the exclusion of other bills. He then urged many reasons why the bill should not pass, and, before concluding, at a quarter past seven o'clock, Mr. B. gave way to a motion that the committee rise, which motion being put, it was discovered there was not a quorum.

The committee then rose, and the Chairman reported that fact to the House.

Mr. C. H. WILLIAMS moved to adjourn; which motion resulted in yeas 55, nays 55. The SPEAKER gave the casting vote by voting in the affirmative.

So at half past seven o'clock,

The House adjourned.

IN SENATE,

WEDNESDAY, June 17, 1840.

Mr. NICHOLAS presented a petition from Hezekiah L. Thistle, stating that he has invented a mode of constructing wrought iron cannon, that has received the approbation of scientific persons, and desires the Government to have the benefit of the improvement; which was referred to the Committee on Military Affairs, and ordered to be printed.

On motion by Mr. LINN, the bill supplementary to an act, entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830, with the Choctaw Indians," was taken up, and, after several amendments had been offered by Mr. L. and adopted, it was ordered to be engrossed for a third reading.

Mr. KING, from the Committee on Commerce, reported a bill concerning tonnage of Spanish vessels; which was read, and ordered to a second reading.

Mr. CLAY of Alabama rose, and was proceeding to censure the National Intelligencer of to-day for the omission of the latter portion of his explanation and remonstrance in regard to the intelligencer's report of the proceedings on Mr. Poinsett's project, when he was informed that the omission was caused by a hurried, and certainly accidental, oversight of the Globe Reporter, to whom alone he handed his notes, when no Reporter of the Intelligencer, owing to sickness, was present.

Mr. C. then read the residue of his explanation, which was as follows:

"I have felt less inclined to ascribe these errors to accident, on account of another misstatement of the Intelligencer, which has appeared daily at the head of our proceedings upon Mr. Poinsett's report. That paragraph is in the following words:

"'The Senate resumed the consideration of the motion to print 20,000 copies of the report of the Committee on the Militia on Mr. Poinsett's project for a standing army of 100.000 militia.'

"Now, sir, (said Mr. C.) Mr. Poinsett has submitted no 'plan for a *standing army of* 100,000 *militia.*' His plan purports to be *one for the reorganization and discipline of the militia.* I understand Reporters are admitted here to give a transcript of our proceedings; that is, a statement of *facts*, and not their *construction* or *inferences.* We are sufficiently *libelled* and *slandered by letter writers.* I am at least unwilling to tolerate it in Reporters."

Mr. ALLEN said that he had thought, for some time past, that he would, when occasion offered, make one or two remarks on this subject; and what he was now about to say, he hoped, would be particularly and correctly reported. Upon the subject of reports of debates, this, as far as he was concerned, seemed to be an appropriate occasion for the remarks he designed to offer. For any thing that appeared in the public papers, purporting to be his remarks, he would not stand responsible, if it did not appear in the first person. He took that to be the mode in which a correct report of a speaker's remarks should be given. With regard to the correctness of the reports, it was perhaps exceedingly difficult for any man to report exactly what was said; and in a running debate, it was perhaps still more difficult. Some allowance was therefore to be made for those inaccuracies which occurred in the reports, without any intention on the part of the Reporters to misrepresent. But they all know, that, in addition to these difficulties, reports were sometimes sent out from this body in which plain and palpable injustice was done. Therefore, to avoid any future difficulty, so far as he was concerned, he gave notice that he would not hold himself responsible for any reports of what he might say, unless reported in the first person, which would show that they had been revised and corrected by himself.

Mr. CLAY of Kentucky said he could not allow this occasion to pass without expressing his dissent to any Senator's rising in his place for the purpose of commenting on any newspaper article in relation to himself. Mr. C. had never done so, and he did not think it consistent with that dignity and elevation to which the Senate ought to aspire. And, if it were done in all cases, the Senate could do scarcely any thing else, for, Mr. C. said, he did not think he ever saw a single paragraph in the Globe in which he was correctly reported. For every one misrepresentation on his side, he believed there were ten on the other. Yet he had never commented on those reports in his place, but left his character to stand or fall by his acts. And suppose the Senate should appoint their own reporters, they would be appointed by a party majority, which would increase instead of correcting the evil.

Though it was true that the Reporter had no right to put language in the mouth of any Senator that he did not use, yet he had a right to draw his own inferences, and to expose, in his own language, the tendency of any measures that he thought injurious to the interests of the country. This was one of the inestimable privileges of a free press, which, though liable to be abused, could not be interfered with without great danger. One side might say that such a measure had such a tendency; for instance, that the Sub-Treasury bill was a Government bank, (his deliberate opinion was that it was a Government bank.) Well, sir, said Mr. C. is he to be held responsible for so expressing himself?

Mr. CLAY of Alabama said that he had a word or two to say in reply to the honorable Senator, who had thought proper to reflect on him, and to read him a lecture on the dignity and propriety of a member of that body. The Senator would be good enough to recollect that he had no right to direct him in the course he should pursue in this or any other matter. He did not come here to be lectured by the honorable Senator in reference to what was due to dignity and decorum by a member of this body. He felt it to be his duty and his right to rise in his place and correct the false statements made in the press whose side the Senator espoused—palpable misrepresentations! gross misrepresentations! Was it not right and proper, when an individual came here in the character of a reporter of proceedings, and professed to give facts for the information of the public, if he did it falsely, insidiously, and fraudulently—was it not right for any member aggrieved to expose it? It is both our right and our duty, said Mr. C. and it will not do for the Senator from Kentucky to talk about the privileges of a free press, and to comment on the dignity and propriety which should stand in the way of an exposure of falsehood and misrepresentation. The reporter of proceedings professes to give the facts that transpire in this body, but he is not admitted here to give his own comments on them. The Editor of the paper he reports for might say editorially what he pleased, (and the Editor of this paper, it was well known, very freely availed himself of his privileges on this subject,) but the Reporter had no right to make his own comments appear as part of the proceedings of this body. He wished particularly to draw this distinction, so that when a debate went forth, the public might distinguish between the commentary and the facts. He did not interfere with those inestimable privileges of a free press, of which the Senator spoke. The complaint that he made had no reference whatever to the privileges of the press, for he could not regard those who came here expressly to give a statement of facts as included in that privilege. He knew how easy it was for Editors of the public papers to be misled by the press here, or by reports of what passes here. He would mention one instance among many others. When the bill to cede the public lands to the States in which they lie, on certain terms and conditions, was under discussion, the Senator got up and solemnly declared that it was an absolute proposition to give away the lands to the new States; and consequently the Legislature of one of the States passed resolutions against it as such. If the Senator chose to characterize this measure, which every one knew to be a sale, with certain conditions, in such broad terms as an absolute gift, he could do so; but he would mark the effect. It gave a tone to the Opposition press throughout the country, and, among its other effects, sanctioned the act of the Rhode Island Legislature. Was it for the Senator from Kentucky to rise in his place and undertake to defend the privilege of Reporters to misrepresent the words and actions of members of this body? The Senator might, if he thought proper, take this course; he [Mr. C.] would, for his part, follow the dictates of his own judgment.

Mr. CLAY of Kentucky assured the Senator from Alabama that he rose for no purpose of dictating to him or lecturing him. He engaged in no such business. But was he not a part of this body? And if any person thought proper to bring forward any matter for animadversion in it, had he not a right to get up and express the opinion he did, that the Senate was not a fit and proper place for such correction to be made? It was not upon the conduct of the Senator; it was not to advise him that he rose; but it was to express his opinion of the practice of members rising here, and consuming the time of the Senate in correcting the errors of a free press. But the Senate had chosen to give instances of what he called misrepresentation, and referring to the bill to cede away the public domain, said that he [Mr. C.] characterized it as an absolute donation. He now [Mr. C. said] so characterized it. He knew that there were terms and conditions in the bill, and knew that the effect of them in the end would amount to an absolute donation. Mr. C. here referred to the terms and conditions in the bill—and one of them, he said, the payment of one half the gross proceeds of the sales, would never be carried into effect, for the States would be, for one cause or another, able to induce Congress to relinquish it. He might be mistaken, but such were his convictions. Though in the beginning it would appear to be a contract, yet in the end it would turn out to be a donation. This opinion he expressed several years ago; and was he to be censured because the Legislature of Rhode Island came to the same conclusion?

Mr. CLAY of Alabama observed that if the Senator from Kentucky, when he made the broad,

unqualified declaration that the bill to which he referred was an absolute donation to the new States of all the unsold public lands in their limits, had accompanied it with the qualification that he now made, it would have been better, so far as the public information was concerned. He, Mr. C. only stated the fact to show the privilege assumed on the other side of saying what they pleased. The Senator spoke of his right, as a member of the body, to comment on any subject that was brought before it. Now he [Mr. C.] did not bring forward this matter for any legislative action, nor was the Senator in any way called on to interfere. Had he any particular connection with the business? He affected to feel great delicacy with regard to matters which did not particularly concern him. Had he forgotten that he undertook to rise in his place, when two of the Senators were presenting the resolutions passed by their Legislature, and intimate to them what ought to be their course on that occasion? Was that consistent with the Senator's ideas of delicacy? He courted no collisions of this kind, Mr. C. said, but he would repeat now what he had said on a former occasion, that when assaults of this kind were made on him, he should always feel it to be his duty to repel them.

Mr. CLAY of Kentucky said he could only repeat that, if any Senator chose to bring any matter before that body, he would take such notice of it as he thought proper. As to the case which the honorable Senator noticed of his having spoken of the instructions received by two honorable Senators, he had no recollection of it, but he would remind the Senate that Senators on his side had again and again been taunted and reprehended for non-compliance with their instructions.

Mr. CLAY of Alabama said that he would not contend for the last word.

Mr. CLAY of Kentucky. Well, you have got the last word.

Mr. LINN observed that he did not rise to make any complaints against the Reporters on either side of the house, but to say that the discussion going on proved conclusively, to his mind, that the Reporters should be sworn officers of the Senate, and compelled to furnish each member notes of what he said. Our constituents, said Mr. L. have a right to know what we say, as well as what we do. The journal showed all their votes, but what was said in support or explanation of them, went to the public in a very imperfect manner. He thought that the body would see the propriety of his suggestion. If this plan was adopted, each member would have notes furnished him, and then the responsibility would no longer rest on the Reporter, but where it should be, upon the speaker or speakers. It was very seldom he trespassed upon the time or patience of the Senate except on business, and then he endeavored to use no more words than were barely sufficient to explain to the Senate. But, notwithstanding he had, on several occasions, been misrepresented, it was not his intention, nor did he wish to be understood as charging the Reporters with intentionally misstating him; but such was the fact. He would mention two instances. In the debate on the bankrupt bill, as published meagrely in the Intelligencer, he was made to say that he wished the States to surrender to the General Government, and to be exercised by it, *all* the power they have to charter banking institutions. Such an idea never entered his mind. On the contrary, his opinions were, that to purify and correct the illegitimate career of banking on the part of State institutions, two alternatives presented themselves. One was making them subject to the operation of the bankrupt bill, or getting the States to consent to an amendment of the Constitution of the United States, expressly withholding or denying the States the power of creating corporations with the legal right to make paper dollars under 20, 50, or $100, as might be thought best. He said at the same time that all power over the subject should be withheld from the General Government. The other instance is in the case of the bill to raise a certain number of volunteers of a particular kind to prosecute the war in Florida against the Seminoles. In the discussion, he had remarked that, to bring the contest to a speedy issue, you must have a class of men used to the rifle, inured to hardship, capable of supporting great physical exertion and physical want, who, with a few days' provisions on their backs, a pistol, knife, and tomahawk in their belts, could plunge into a swamp, swim creeks, and sleep in mud and water. He further had remarked, that such a force would track the Indians to their secret hiding places, would waylay and destroy them when least expected, and that Indian wars would always terminate in a brief period, as soon as the whites became as expert in their mode of warfare as they were themselves. Yet he was made to say that *Indians were as good as white men*. He knew the character of Indians well, and knew that the worst white communities were immeasurably superior to the best Indian. He repeated again, that he did not complain of wilful misrepresentation. His back was sometimes to the Reporters, and they would then probably hear imperfectly. At other times they only reported for the political side to which they were attached. It was utterly impossible to resist the belief that their reports are not occasionally tinged with their own political opinions. Every difficulty would be obviated by the course indicated, and each member held responsible for the sentiments, opinions, and facts stated by him in debate. He said he would be glad if some member would move a resolution to appoint a committee to inquire into the expediency of making Reporters sworn officers of the Senate.

Mr. WALKER said he had no complaints to make against the Reporters on either side of the House. But the idea suggested by the Senator from Missouri induced him to offer the following resolution for the consideration of the Senate:

Resolved, That a select committee be appointed to inquire into the propriety of selecting an equal number of Reporters, of both political parties, who shall be sworn to report correctly, as far as practicable, the proceedings of this body.

On motion of Mr. SOUTHARD,

Resolved, That the Secretary of the Treasury communicate to the Senate a precise statement of the revenues actually received from all sources, between the end of the last fiscal year and the first day of the present month, so far as ascertained at this time.

The bill authorizing the erection of certain light-houses and light-boats, and the establishment of certain buoys, beacons, &c. was taken up, and after some remarks from Messrs. NORVELL, KING, CALHOUN, and HENDERSON, was ordered to be engrossed for a third reading.

The bill to authorize the accounting officers of the Treasury to settle the accounts of Francis Gehan, lae Marshal of the Territory of Wiskonsin, was also ordered to be engrossed.

Mr. SOUTHARD moved to print a certain pamphlet purporting to be an answer by the Directors of the Union Bank of Florida, to a report made by the Committee on the Judiciary.

Mr. KING opposed the motion on the ground that it was a paper that had never been before the Senate, and did not form a part of its proceedings, copies of it only having come there addressed to individual members. It was not, he said, the practise of the Senate to print documents that had no relation to its legislative action.

After some further remarks from Messrs. SOUTHARD and KING, the motion was negatived.

The Senate, on motion by Mr. DAVIS, proceeded to consider the bill making further provision to prevent the abuse of the flag of the United States, and the use of unauthorized papers, in the foreign slave trade, and for other purposes.

Mr. DAVIS explained, in detail, the objects, manner of operation, and effects of the bill.

Mr. MERRICK moved to strike out that that part of the bill which made a shipbuilder punishable if he had good reason to believe that the ship was for the slave trade; Mr. M. being understood to argue that he ought not to be punished unless he knew it.

The bill and the amendment were discussed by Messrs. DAVIS, CALHOUN, GRUNDY, KING, MERRICK, and WEBSTER.

Mr. MERRICK's motion was negatived, and the bill was ordered to be engrossed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, June 17, 1840.

Mr. PETRIKIN asked the general consent of the House to offer a resolution; which was read for the information of the House, as follows:

Resolved, By the House of Representatives, (the Senate concurring therein,) that Congress will terminate the present session, by adjournment *sine die*, on Thursday, the 9th of July next, at eight o'clock in the afternoon of that day.

Objection was made from all sides of the House.

[The friends of the Administration are anxious to terminate the present session at the earliest day possible consistent with the interests of the country, and with a due regard to the condition of the business which must be passed upon before the adjournment of the present session. They are, therefore, opposed to fixing a day until they can see some prospect ahead of finishing the business or of getting it in such a state of preparation as would justify them in fixing a day for the adjournment. They have made, and are now making, every effort to that end. They believe that all those who are really desirous to terminate the session at an early day, would and ought to come forward with an anxious desire to act upon the measures that must be passed upon, instead of consuming the time of the House in debate.]

Mr. WISE moved to suspend the rules for the reception of the resolution; and, on that motion,

Mr. CASEY having demanded the yeas and nays, they were ordered, and were, yeas 77, nays 86.

So the rules were not suspended.

Mr. CRAIG said, in order to make the most of their time, and with a view and in good faith that they may have an early adjournment, and to test the sincerity of those who profess to desire it so anxiously, he would ask the general consent of the House to offer a resolution, which was read for the information of the House, as follows:

Resolved, That from and after this day, the daily hour of meeting of the House shall be 10 o'clock, ante meridian.

Mr. WISE objected to its reception.

Mr. CRAIG moved to suspend the rules, to enable him to offer it, and on that motion demanded the yeas and nays; which having been ordered, were—yeas 105, nays 30, as follows:

YEAS—Messrs. Alford, Judson Allen, Atherton, Banks, Baker, Beatty, Beirne, Black, Blackwell, Bond, Boyd, Anson V. Brown, Albert G. Brown, Burke, Bynum, Calhoun, Wm. B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Chittenden, Clifford, Mark A. Cooper, Wm. R. Cooper, Craig, Cranston, Crary, Crockett, Dana, Davee, Edward Davies, John Davis, John W. Davis, Deberry, Dickerson, Dellet, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fillmore, Fletcher, Floyd, Fornance, Galbraith, Gates, Gentry, Gerry, Giddings, Goggin, Goode, Graves, Green, Hammond, Hand, John Hastings, Hawes, Hawkins, Henry, Hill of North Carolina, Hillen, Holmes, Hopkins, Hubbard, Jackson, James, Jameson, Chas. Johnston, Joseph Johnson, Cave Johnson, Nathaniel Jones, J. W. Jones, Keim, Kempshall, Kille, King, Leadbetter, Leet, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Marvin, Medill, Miller, Montanya, Montgomery, Calvary Morris, Newhard, Nisbet, Osborne, Parrish, Parmenter, Parris, Paynter, Pope, Prentiss, Ramsey, Randall, Randolph, Rariden, Reynolds, Ridgway, Ryall, Samuels, Shaw, Simonton, A. Smith, J. Smith, Truman Smith, Thos. Smith, Steenrod, Storrs, Strong, Stuart, Swearingen, F. Thomas, P. F. Thomas, Jacob Thompson, Triplett, Turney, Underwood, Vanderpoel, David D. Wagener, Peter J. Wagner, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, C. H. Williams, and Worthington —105.

NAYS—Messrs. Adams, Andrews, Briggs, John Campbell, Clark, Connor, Garret Davis, Dennis, Evans, Everett, Habersham, William Cost Johnson, Mason, Mitchell, Monroe, Morgan, Palen, Peck, Petrikin, Saltonstall, Sergeant, Shepard, Stanly, Sweney, Taliaferro, Toland, Warren, E. D. White, Thomas W. Williams, and Wise—30.

So the rules were suspended; and the resolution having been again read,

Mr. CRAIG moved the previous question, which received a second; and the main question having been ordered, it was taken, and the resolution was agreed to.

Mr. DANA asked leave to present a resolution, which was read for the information of the House, as follows:

Resolved, That the Clerk of this House cause to be published in one or more of the newspapers printed in this city, the names of all members of Congress who shall be absent without leave on any call of the House, or vote by yeas and nays.

Objection having been made to the reception of the resolution,

Mr. DANA moved to suspend the rules, and on

that motion demanded the yeas and nays; which were ordered.

Mr. BANKS moved to lay the motion to suspend the rules on the table.

Mr. DANA demanded the yeas and nays on that motion; which having been ordered,

Mr. BANKS withdrew his motion to lay on the table.

The question was then taken on the motion to suspend the rules by yeas and nays; which were—yeas 106, nays 76, as follows:

YEAS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Andrews, Atherton, Beatty, Beirne, Blackwell, A. G. Brown, Burke, William O. Butler, John Campbell, William B. Campbell, Carr, Carter, Casey, Chapman, Clifford, Connor, William R. Cooper, Craig, Cross, Davee, Davies, John Davis, John W. Davis, Garret Davis, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Ely, Fillmore, Fletcher, Floyd, Fornance, Galbraith, Geary, Gerry, Goggin, Goode, Hammond, Hand, Hawkins, Henry, Hill of North Carolina, Holmes, Hopkins, Hubbard, Jackson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Lowell, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Randolph, Rariden, Reynolds, Ridgway, Rives, Robinson, Ryall, Samuels, Shaw, Simonton, John Smith, Truman Smith, Thomas Smith, Steenrod, Strong, Stuart, Swearingen, Taliaferro, Francis Thomas, Jacob Thompson, Turney, Underwood, Vanderpoel, P. J. Wagner, Weller, Wick, Jared W. Williams, Henry Williams, Lewis Williams, and J. L. Williams—106.

NAYS—Messrs. Alford, J. W. Allen, Banks, Baker, Biddle, Bond, Boyd, Briggs, Calhoun, Carroll, Chittenden, Clark, Mark A. Cooper, Cranston, Crockett, Curtis, Cushing, Davee, Dawson, Deberry, Dennis, Dellet, Droomgoole, Evans, Everett, Gates, Giddings, Graves, Green, Griffin, Habersham, John Hastings, Hawes, Hill of Virginia, Hillen, Hoffman, James, Jameson, Charles Johnston, Wm. Cost Johnston, Kempshall, King, Leet, Lincoln, Mallory, Marvin, Mason, Menroe, Morgan, Samuel W. Morris, Nisbet, Osborne, Palen, Peck, Pope, Proffit, Randall, Rayner, Saltonstall, Sergeant, Shepard, Slade, Albert Smith, Stanly, Storrs, Philip F. Thomas, Toland, Triplett, D. D. Wagener, Warren, Watterson, E. D. White, T. W. Williams, Christopher H. Williams, Wise, and Worthington—76.

So the rules were not suspended.

Mr. ADAMS, by general consent, presented a memorial from the workmen on the public buildings; which was referred to the Committee on the Public Buildings and Grounds.

Mr. CURTIS, from the Committee on Commerce, reported back to the House, without amendment, Senate bill entitled an act to authorize the Secretary of the Treasury to use chemical or any other oil in the light-houses, and to make the necessary alterations for that purpose; which was referred to the Committee of the Whole House on the state of the Union.

Also reported back to the House, from the same committee, without amendment, Senate bill entitled an act to amend "an act regulating the passenger ships and vessels."

Mr. CURTIS hoped the bill would be put upon its engrossment. It did not require commitment. He explained the nature of the bill; which was understood to repeal so much of the existing law as restricted the passengers to two to each ton of the vessels carrying passengers, so far as the same might apply to steam vessels running to certain ports.

Mr. PETTRIKIN was opposed to the passage of the bill; which he said would give these vessels a monopoly and advantage over other vessels.

Mr. CURTIS made some further remarks in explanation of the object of the bill.

Mr. VANDERPOEL said it was a very important bill, and the House should not be taken by surprise by forcing the question upon it so soon. He spoke of the humane objects of the law which this proposed to repeal—it was a salutary one, having a regard to the comfort and health of the passengers. He believed, if it was repealed, so far as it related to the steamboats, the effect would be that those boats would be so crowded with passengers as to prove detrimental to their health. He was not prepared to vote in favor of the repeal, without some reflection and investigation. He therefore moved to postpone the further consideration of the bill till this day week; which motion was agreed to, and the bill was ordered to be printed.

Mr. CURTIS also, from the same committee, reported back to the House, without amendment, Senate bill entitled an act for the relief of the owners of the British brig Despatch; which was committed to the Committee of the Whole.

Mr. CURTIS also, from the same committee, reported the following resolution:

Resolved, That the report and chart of the survey of the harbors of Beaufort and Wilmington, in North Carolina, communicated to this House by the Secretary of the Navy; and the report of the chart of the surveys of the Southern coast, from Tybee island, in Georgia, to Hunting island, in South Carolina, prepared by Lieut. Wilkes, be lithographed; and that 2,500 of each report and chart be published.

Mr. CURTIS explained the importance of the charts, and hoped the question would be taken without delay.

Mr. TURNEY objected to the consideration of the resolution; and, consequently, it lies over one day.

On motion of Mr. REYNOLDS, the Committee on the Public Lands was discharged from the further consideration of the petition of H. H. Colgan, also from the correspondence between the Commissioner of the General Land Office and the Recorder; also from the memorial of the Missouri Agricultural Society; and they were severally ordered to lie on the table.

Mr. REYNOLDS also, from the Committee on Public Lands, reported back to the House without amendment, Senate bill, entitled an act for the relief of Zadoc Martin; which was committed to the Committee of the Whole.

Mr. R. also reported, from the same committee, a bill to grant a quantity of land to the State of Missouri, for the purpose of constructing a railroad from New Albany, in the State of Indiana, to Mount Carmel, in the State of Illinois; which was read twice, and committed to the Committe of the Whole on the state of the Union.

On motion of Mr. THOMPSON of Mississippi, the Committee on the Public Lands was discharged from the further consideration of the petitions and papers of Silas M. Catching, Stephen Fox, and Wm. A. Powell, and they were severally ordered to lie on the table.

Mr. THOMPSON of Mississippi, from the Committee on the Public Lands, reported back to the House Senate bill entitled an act for the relief of John W. Monette, with an amendment, which was concurred in, and the amendment, according to order, having been engrossed for a third reading, the bill was read the third time, and passed.

Mr. LINCOLN, from the Committee on the Public Lands, reported back to the House, without amendment, Senate bill entitled an act for the relief of Jane Waller; which was committed to the Committee of the Whole.

On motion of Mr. JONES of Virginia, the rules of the House were suspended, and the House resolved itself into a Committee of the Whole House on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the

INDEPENDENT TREASURY BILL.

Mr. BELL continued his remarks in opposition to the bill till 2½ o'clock, the hour of recess.

EVENING SESSION.

Mr. BELL resumed his remarks in relation to the currency generally, and in opposition to a Sub-Treasury as a regulator of the currency. He went into a history of his own course with reference to that question, with a view to prove his consistency; and at 6 o'clock he gave way to

Mr. ALFORD, who moved that the committee rise.

On this motion tellers being demanded and ordered, it was found that there was no quorum.

Mr. BELL expressed his willingness to proceed without a quorum.

Mr. ADAMS objected, as did several other members, to the business being resumed without a quorum.

The committee then rose, and the chairman reported that fact to the House.

Mr. TILLINGHAST moved to adjourn.

Mr. VANDERPOEL demanded the years and nays, which being ordered, were—yeas 50, nays 80, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Bell, Briggs, William B. Campbell, Carter, Casey, Chinn, Chittenden, Clark, James Cooper, Crabb, Crockett, Edward Davies, Dawson, Dennis, Dellet, Evans, Gentry, Goggin, Goode, Graves, Hall, Hawes, Hill of Virginia, Hoffman, James, Charles Johnston, Kempshall, Lincoln, McCarty, Naylor, Peck, Pope, Proffit, Rayner, Ridgway, Saltonstall, Slade, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Trumbull, Warren, Thomas W. Williams, and Christopher H. Williams—50.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Burke, Carr, Carroll, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Cross, Dana, John Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Floyd, Fornance, Galbraith, Griffin, Hammond, Hand, Hawkins, Hill of North Carolina, Holleman, Holmes, Hopkins, Hubbard, Joseph Johnson, Cave Johnson, John W. Jones, Kemble, Kille, Leadbetter, Leonard, Lowell, Lucas, McClellan, McCulloch, McKay, Marchand, Miller, Montanya, Montgomery, Newhard, Parrish, Parmenter, Parris, Pickens, Prentiss, Reynolds, James Rogers, Samuels, Shaw, Thomas Smith, Steenrod, Strong, Sweney, Taylor, Francis Thomas, Jacob Thompson, Turney, Vanderpoel, Weller, Jared W. Williams, Henry Williams, and Lewis Williams—80.

So the House refused to adjourn.

A quorum being now present,

The House again resolved itself into the Committee of the Whole on the Independent Treasury bill, and

Mr. BELL resumed, and was replying to his colleague [Mr. BROWN] on another subject, when he was simultaneously called to order by the CHAIR, and by Mr. BEATTY of Pennsylvania.

Mr. VANDERPOEL said he must insist that the rules be preserved.

Mr. WISE took an appeal from the decision of the CHAIR that the gentleman from Tennessee [Mr. BELL] was out of order.

The question was then taken, "Shall the decision of the CHAIR stand as the judgment of the committee, by tellers, and resulted—ayes 81, nays 38.

No quorum having voted,

Mr. VANDERPOEL said there was evidently a quorum in the House, and he moved that the CHAIR take another count, and the CHAIR was about dividing the committee for that purpose, when

Mr. WISE objected to having another count, and insisted that the committee should rise, and that it was the duty of the chairman to report the fact of there being no quorum, to the House; accordingly

The committee rose, and the CHAIR reported the fact to the House.

Mr. BUTLER of Kentucky moved that there be a call of the House.

Mr. THOMPSON of Mississippi demanded the yeas and nays; which were ordered.

Mr. TRIPLETT moved that the House adjourn; and

Mr. THOMPSON of Mississippi demanded the yeas and nays on that motion; which having been ordered, were—yeas 39, nays 88, as follows:

YEAS—Messrs. John W. Allen, Andrews, Baker, Bell, Wm. B. Campbell, Casey, James Cooper, Crabb, Crockett, Dawson, Dennis, Dellet, Evans, Gates, Gentry, Giddings, Goggin, Goode, Graves, Hoffman, Lincoln, Naylor, Osborne, Rayner, Ridgway, Simonton, Slade, Truman Smith, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Peter J. Wagner, Warren, Edward D. White, Thomas W. Williams, C. H. Williams, and Wise—39.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Bynum, Carr, Chapman, Clifford, Colquitt, Connor, Mark A. Cooper, Wm. R. Cooper, Craig, Dana, Davee, John Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Griffin, Hammond, Hand, Hawkins, Holleman, Holmes, Hopkins, Hubbard, Jackson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lowell, Lucas, McCulloh, McKay, Marchand, Montanya, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Prentiss, Reynolds, Rhett, Rives, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Starkweather, Strong, Swearingen, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Weller, Wick, and J. W. Williams—88.

So the House refused to adjourn; and there now being a quorum present,

The House again went into committee.

Mr. WISE withdrew his hppeal from the decision of the CHAIR.

Mr. BELL was again about proceeding in his remarks; when

Mr. BEATTY called him to order, and insisted that he could not proceed, under the rule, unless permission was granted by the committee.

The CHAIR said, as objection was made, the gentleman could not proceed without permission of the committee.

Mr. WISE made some remarks as to the question of order, and moved that he be permitted to proceed in order; which was agreed to.

Mr. BELL said, unless he was permitted to reply to the remarks of his colleague, [Mr. BROWN,] he had nothing further to say, than that the charges

of inconsistency against him were unfounded, &c. It was not his habit, he said, to trespass upon the rules, and therefore refrained from any further reply.

Mr. EVANS obtained the floor.

Mr. BROWN of Tennessee asked him to yield it, to enable him to reply to his colleague, [Mr. BELL.]

Mr. EVANS said he would do so, but the gentleman from Tennessee [Mr. BELL] having been declared to be out of order, was not permitted to proceed in the remarks to which he wished to reply; therefore, it was evident that he [Mr. BROWN,] could not reply, if he were to yield him the floor.

On motion of Mr. EVANS, the committee then rose, and

The House, at 10 o'clock, adjourned.

IN SENATE,

THURSDAY, June 18, 1840.

A message was received from the House of Representatives, through Mr. GARLAND, their Clerk, announcing the death of the Hon. ANSON BROWN, a member of that body, and their consequent proceedings thereupon; which proceedings having been read,

Mr. TALLMADGE rose, and addressed the Senate as follows:

Mr. PRESIDENT: The message from the other House, which has just been read, announces the death of the Hon. ANSON BROWN, late a Representative in that body from the State of New York.

I rise to ask of the Senate that tribute of respect which is due to his memory. I perform this melancholy duty with no ordinary emotions. But a few days have elapsed since the deceased was here in the regular discharge of the important duties of his station. Before he left for home, I heard him speak of his indisposition, but I had no apprehension of serious illness, much less this sudden and unexpected termination of his disease. He died at his own residence in Ballston, last Sunday evening, surrounded by his family and friends.

Mr. BROWN was a gentleman of a liberal education, and distinguished attainments as a scholar, of high standing in the legal profession, and posessed in an eminent degree the esteem and confidence of all who had the good fortune to make his acquaintance. He was kind and amiable in his intercourse in society, and no one was more happy in his domestic relations. As a husband and father, none can fully appreciate his virtues, except those who have been called to mourn his loss. My heart bleeds to contemplate the desolation of the widow and the orphan whom this afflictive bereavement has left behind. Cut off in the vigor of manhood, and in the midst of his usefulness, the community has lost one of its most valuable members, and his friends one of their most cherished associates.

His sudden death is one of those inscrutable dispensations of Providence to which we are all bound to bow with perfect submission. I will only add, that he was a man of the strictest integrity and honor, and that he lived respected, and died lamented, by all who knew him.

As a tribute of respect for his memory, I move for the adoption of the Senate the following resolutions:

Resolved, That the members of the Senate will testify their respect for the memory of the deceased, by wearing crape on the left arm for the space of thirty days.

Resolved, That, as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

Mr. DAVIS asked the Senator from New York, [Mr. TALLMADGE,] to give way for a moment, to enable him to make a motion, for doing which the present afforded the only opportunity.

Mr. TALLMADGE assenting,

Mr. DAVIS, at the request (he said) of several gentlemen, who desired that a more full vote should be taken on the subject of the claim of the heirs of Robert Fulton, moved to reconsider the vote by which that claim was rejected; which motion was agreed to, and the subject, for the present, was laid on the table.

The resolutions were then unanimously adopted,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, June 18, 1840.

The journal having been read—

Mr. CURTIS rose and addressed the House as follows:

Mr. Speaker: In the absence of one of my colleagues, who has been a member of this House much longer than any of his companions, circumstances, in the opinion of my colleagues, have imposed upon me this morning the performance of a most painful duty.

I have risen, sir, to arrest the attention of the House, if possible, for a few minutes, to announce that death has passed upon one of its members; that death has broken the ranks of the representation from the State of New York. The honorable ANSON BROWN, a Representative from that State, died at his own residence, in the county of Saratoga, on Sunday evening last, at ten o'clock.

But a few days since, not now more than ten or twelve, I met him and conversed with him at one of the doors of this hall. He said he was about to visit his family for a few days, and that, before any final decision of the House should take place upon the subject then and now the principal topic of daily discussion, he expected to be again in his place; indeed, he said a letter from any friend, notifying him of its necessity, would command his immediate return. He shook me by the hand, and turned from me with some cheerful expressions of kindness. I saw him then, for the last time. Alas! sir, he has now gone beyond the calls of public duty, and the summons of private friendship addressed to him now will fall upon

"The dull cold ear of death."

It was known to some of his colleagues and more intimate friends that, from the commencement of this session, Mr. BROWN had been the victim of impaired health; and yet, sir, his death was not more expected than that of the most vigorous of us who occupy these places to-day. But, sir, the event proves that, from the first day he entered this hall, the hand of disease was constantly pressing him downward to the grave in which death has now laid him. The event proves that, while his colleagues, from his punctual attendance upon the duties of this House, regarded him as but slightly indisposed, he was in fact struggling, in the performance of his public duty, with the pangs of a fatal malady.

I dare not trust myself to speak of this true-hearted man as his character deserves. I must check the promptings of friendship, early established, and long continued, without interruption. But I may say of him, to those who were not familiar with his character, that he possessed a mind so illuminated by knowledge and reflection, a spirit so imbued with deep sentiments of patriotism, that, in the absence of physical infirmity, he was fitted for a career of distinction and usefulness in this House that would have reflected honor upon his constituents and the people of the State to which he belonged.

It was not without the greatest reluctance on the part of Mr. BROWN that the people of his district induced him to enter upon the duties of public life; and it was his intention at the close of his term of office to have retired to those more congenial pursuits of a private citizen which he unwillingly surrendered at the solicitation of his friends. He loved his home, his family, his neighbors, and the agreeable excitement of a profession in which he had acquired the distinction of a sound and able lawyer.

Mr. Speaker, it is a matter of consolation with his colleagues, since in the providence of God the career of our valued friend was now to be cut short in the meridian of his life, that the fatal arrow did not reach him while separated from the solace of his family and the comforts of his home. He had closed an honorable life in the midst of those who knew him best and honored and loved him most. He has finished life where he began it. At the hour of death he was surrounded by those who knew him as an affectionate husband, a tender father, a faithful son, a kind neighbor, a high-minded, patriotic citizen, and a devoted Christian.

Sir, I knew this departed friend for years that run back to the days of college remembrances. I know, too, the intelligent constituency that he represented. They are the people of Saratoga and Schenectady, two of the oldest and most renowned counties in the history of New York. Among that people he was born; among them he had gained an enviable character for purity of purpose, and for honor and fidelity in all the relations of life; among them he lived in the affectionate regards of numerous friends, and in the universal respect and confidence of his fellow-citizens, of all classes and parties. In his untimely death, his district sustains an irreparable loss, the State is bereaved of one of her worthiest sons, and this House has parted with a member whose life and conversation were an honor to its body.

Sir, it is not my office to speak of the admonition to us who survive that comes from the early grave of one of our fellows. It cannot fail, however, sir, to teach us "what shadows we are," and, arresting us in the midst of this scene of active and exciting employment, it must remind us "what shadows we pursue."

Mr. CURTIS thereupon submitted the following resolutions:

Resolved, That this House has heard with deep sensibility of the death of the Hon. ANSON BROWN, a member from the State of New York, which took place at his residence, at Ballston Spa, on the 14th instant.

Resolved, That, as a mark of respect for the memory of the deceased, the members of this House will wear crape on the left arm for the space of thirty days.

Which resolutions being unanimously adopted, thereupon the House, on motion of Mr. CURTIS,

Adjourned.

IN SENATE,

FRIDAY, June 19, 1840.

The VICE SRESIDENT submitted a report from the Secretary of the Treasury, showing, in compliance with a resolution of the Senate, the amount of revenue received between the end of the last fiscal year and the first of the present month; which was laid on the table, and ordered to be printed.

The following is an abstract of the report:

Received from customs - -	$6,091,951
lands - -	1,396,202
miscellaneous -	32,676
	$7,520,837
Collected from former deposite banks	522,128
Issue of new Treasury notes -	1,427,166

Mr. HUBBARD presented a petition from sundry citizens of Racine, Wiskonsin Territory; also, two petitions from the citizens of Southport and Milwaukie, all praying for the construction of a harbor at ——, on Lake Michigan. Referred to the Committee on Commerce.

Mr. TALLMADGE presented the petition of sundry citizens of Dutchess county, New York, praying for the passage of a general bankrupt law; which was read, and laid on the table.

Mr. ROANE presented the petition of the widow of John Vance, a soldier of the Revolution; which was referred to the Commitiee on Pensions.

Mr. LINN presented a memorial from Richard O. Davidson, praying an appropriation to test the practicability of an invention to carry the mails of the United States through the air; which was laid on the table.

Mr. MOUTON, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of Therese Malette, widow of Caspard Pheole; which was read, and ordered to a second reading.

The resolution submitted some days since, by Mr. WALKER, for the appointment of a select committee to inquire into the propriety of selecting Reporters for the Senate, was taken up, and after being discussed by Messrs. WALKER, TAPPAN, CLAY of Kentucky, NORVELL, ALLEN, ANDERSON, KING, and CLAY of Alabama, its further consideration was postponed for the present.

On motion by Mr. WEBSTER, the bill to autho-

rize the Mount Carmel and New Alabany Railroad Company, to enter, on a credit, a quantity of land to aid the company in the construction of a railroad from New Albnny, in the State of Indiana, to Mount Carmel, in the State of Illinois, was taken up, as in committee of the whole; and after discussion by Messrs. WEBSTER, BENTON, LINN, YOUNG, and WHITE,

Mr. BENTON moved for its indefinite postponement; which was lost—ayes 12, noes 16, as follows:

YEAS—Messrs. Allen, Andersen, Benton, Brown, Calhoun, Hubbard, Lumpkin, Roane, Strange, Sturgeon, Tappan, and Wright—12.

NAYS—Messrs. Davis, Dixon, Henderson, Huntington, King, Knight, Linn, Merrick, Nicholas, Norvell, Prentiss, Smith of Indiana, Tallmadge, Webster, White, and Young—16.

On motion,

The Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 19, 1840.

The CHAIR having announced that reports of committees were first in order—

Mr. HUBBARD of Alabama, from the Committee on the Public Lands, reported back to the House, without amendment, Senate bill, entitled "An act to relinquish the reversionary interest of the United States to a reversion in the State of Alabama;" which was referred to the Committee of the Whole.

Also, reported back, without amendment, Senate bill, entitled, "An act authorizing the States to tax any lands within their limits, sold by the United States;" which, after a few remarks by Mr. HUBBARD in favor of the immediate passage of the bill, and Mr. TILLINGHAST in favor of its commitment—

On motion of Mr. L. WILLIAMS, it was committed to the Committee of the Whole on the state of the Union.

Mr. H. also reported back to the House, without amendment, Senate bill, entitled "An act for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights," which was approved on the 19th June, 1834.

Mr. H. made some remarks explanatory of the principle of the bill; and moved, that instead of taking the usual course of reference, it be put upon its passage.

Mr. TILLINGHAST made some remarks in opposition to that motion, and moved that it be referred to the Committee of the Whole on the state of the Union.

Mr. CRABB considered that the principle of the bill had been settled in the pre-emption act already passed, which bill was much stronger in principle than this He was opposed to the commitment.

Mr. JOHNSON of Maryland spoke of the frauds which had been committed upon the Creek reservations in Alabama, and was opposed to the passage of any bill of the kind to settle claims on the reservations till the commission which had charge of the subject shall have made a report in full.

Mr. CRABB, in relation to the frauds referred to by the gentleman from Maryland, replied, that if they existed to the extent spoken of, they were not committed by citizens of Alabama, but by citizens of Maryland as well as the citizens of other States. He had heard a great deal said about friendship for those who lived in log cabins; he wished to see some evidence of it. Every friend of the log cabin boys would, and ought to vote for this bill.

Mr. JOHNSON of Maryland cared not whether the frauds were committed by citizens of Maryland or Alabama, or any other State, or by those living in log cabins, or by those living in palaces; he was opposed to them, and would condemn them wherever they existed, or by whomsoever committed. He wanted time to examine the bill, and he hoped it would be committed for that purpose.

Mr. BRIGGS was opposed to committing the bill to the Committee on the state of the Union. It was a private claim, and he saw no good reason why it should have an earlier or more favorable consideration than other private claims before the committee. He therefore moved that it be referred to the Committee of the Whole, instead of the Committee of the Whole House on the state of the Union as proposed.

Mr. LINCOLN also spoke in favor of giving this bill the same direction as other private claims. It involved a principle different from that in the pre-emption law, as asserted by the gentleman from Alabama, [Mr. CRABB]

Mr. TURNEY had always voted for these pre-emption rights, but he was opposed to having the morning hour consumed on a question of reference, or of putting the bill out of its proper channel, if it was determined, instead of referring the bill, to have action upon it; and for the purpose of getting at the question, he moved to lay the bill on the table.

Mr. CHAPMAN of Alabama demanded the yeas and nays on that motion; which were not ordered.

At the suggestion of several, and for the purpose of having the bill referred, Mr. TURNEY withdrew his motion to lay on the table.

Mr. GRAVES renewed the motion to lay on the table.

Mr. CRABB asked for the yeas and nays; which were refused.

The question was then taken, and the bill was laid on the table, on count by ayes and noes.

Mr. GRAVES said he heard a gentleman intimate his intention to move to reconsider the vote; he therefore made the motion to reconsider now.

Mr. CRABB hoped the House would grant him the yeas and nays on that motion; which were ordered, and were—yeas 107, nays 64, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Briggs, Albert G. Brown, Burke, William O. Butler, Bynum, Carr, Carroll, Carter, Casey, Chapman, Chinn, Clifford, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Crockett, Cross, Cushing, Dana, Davee, Dvies, John Davis, J. W. Davis, Dellet, Doan, Doig, Earl, Eastman, Ely, Fine, Fletcher, Fornance, Galbraith, Gerry, Giddings, Goode, Griffin, Habersham, Hand, J. Hastings, Hawes, Hawkins, Henry, Hillen, Hook, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leonard, Lowell, Lucas, McClellan McCulloh, McKay, Mallory, Marchand, Miller, Montanya, Samuel W. Morris, Parrish, Petrikin, Prentiss, Ramsey, Rariden, Reynolds, Ridgway, Robinson, Ryall, Shaw, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Taliaferro, Taylor, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Christopher H. Williams, and John T. Worthington—107.

NAYS—Messrs. Adams, Alford, Landaff W. Andrews, Baker, Bond, Botts, Brockway, Sampson H. Butler, Calhoun, William B. Campbell, Chittenden, Clark, Connor, Cranston, Dawson, Deberry, Dennis, Dromgoole, Evans, Floyd, Gates, Gentry, Goggin, Graham, Graves, Hall, Wm. S. Hastings, Hill of North Carolina, Jackson, James, Chas. Johnston, William Cost Johnson, Kempshall, Lincoln, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Newhard, Ogle, Osborne, Palen, Paynter, Peck, James Rogers, Saltonstall, Samuels, Sergeant, Simonton, Truman Smith, Stanly, Storrs, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Warren, Edward D. White, Thomas W. Williams, and Lewis Williams—64.

So the vote to lay the bill on the table was reconsidered; and

The question recurring on the motion to lay on the table, it was negatived; and the bill was then referred to the Committee of the Whole.

Mr. HUBBARD, from the Committee on Public Lands, made adverse reports on the petitions of Jacob Houseman and William C. Bethel. Also, made a report on the memorial of the Montgomery Railroad Company, praying the right of way through the public lands, discharging the said committee from its further consideration on the ground that a general bill had been reported for the attainment of that object. Also, made an adverse report on the petition of David R. Mitchell. On motion of Mr. H. the committee was also discharged from the further consideration of certain memorials from the Legislative Council of the Territory of Iowa.

Mr. H. also, from the same committee, reported a bill for the relief of Elisha Moreland, Robert J. Kennedy, and Madison C. Lewis; and a bill for the relief of Joseph Wilson of Lauderdale; which bills were read twice, and committed to the Committe of the Whole.

Mr. LINCOLN, from the Committee on the Public Lands, rsported a bill for the relief of Henry Nuringham; which was read twice, and committed to the Committee of the Whole.

Mr. CRARY, from the same committee, reported back to the House, without amendment, Senate bill, entitled "An act to create an additional land office in the State of Michigan and for other purposes; which was committed to the Committee of the Whole on the state of the Union.

On motion of Mr. CRARY, the Committee on the Public Lands was discharged from the further consideration of the resolution of the Legislature of Michigan in relation to the University lands; and from the memorial for a bounty in land to the commissioned officers of the war of 1812.

Mr. McKAY, from the Committee on the Post Office and Post Roads, reported back to the House the bill for the establishment of certain post routes in the Territory of Iowa, and to discontinue others therein named; which was referred to the Committee of the Whole House on the state of the Union.

On motion of Mr. McKAY, the committee was discharged from the further consideration of the petition of James T. Feas; and it was ordered to lie on the table.

Mr. SERGEANT, from the Committee on the Judiciary, reported back to the House, without amendment, Senate bill, entitled "An act to amend an act approved 18th January, 1839, entitled an act to amend an act entitled an act to require the Judge of the District of East and West Tennessee, to hold a court at Jackson, in said State, approved June 18, 1838, and for other purposes."

On motion of Mr. TURNEY, the bill was now read the third time, and passed.

Mr. SERGEANT also reported back to the House, from the same committee, without amendment, Senate bill entitled an act to establish a board of claims, to hear and examine claims against the United States;

Also reported back, without amendment, Senate bill entitled an act to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made, under three annual treaties between the United States and certain foreign powers; which awards have been retained in the Treasury, in payment of debts due to the United States; and

Senate bill entitled an act respecting the heirs of Agnes Dundas;

Which bills were severally referred to the Committee of the Whole House on the state of the Union.

Mr. S. also, from the same committee, reported back to the House, without amendment, Senate bill entitled an act in addition to an act respecting the judicial system of the United States; which Mr. S. asked might be put upon its passage, if there was no objection; but the morning hour having expired,

On motion of Mr. J. W. JONES, the House resolved itself into Committee of the Whole House on the state of the Union, (Mr. BANKS in the chair) and resumed the consideration of the

INDEPENDENT TREASURY BILL.

Mr. EVANS, who was entitled to the floor, examined into the state of the currency at different periods since the formation of the Government, and the course of the past and present Administrations with reference to it; which course he censured, and to which he attributed all the present evils of the times. He examined the bill under discussion, and gave his reasons why he would not vote for it. He spoke till the hour of 2½ o'clock, at which time

Mr. TILLINGHAST obtained the floor, and the House took its usual recess.

EVENING SESSION.

Mr. TILLINGHAST spoke until half past eight o'clock, in opposition to the bill. He examined it in all its bearings, with a view to show that it would not prove so good a regulator of the currency as a Bank of the United States.

After he had concluded,

Mr. COLQUITT obtained the floor; when the committee rose, and

The House, at half past eight o'clock, adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 20, 1840.

Senate bill entitled "An act in addition to the act restricting the judicial system of the United States," which was reported back from the Committee on the Judiciary on Saturday, was read the third time and passed.

The CHAIR announced that the next business in order was the following resolution, reported from the Committee on Commerce a few days ago, viz:

Resolved, That the report and chart of the survey of the harbors of Beaufort and Wilmington, in North Carolina, communicated to this House by the Secretary of the Navy, and the report of the chart of the surveys of the Southern coast, from Tybee island, in Georgia, to Hunting island, in South Carolina, prepared by Lieut. Wilkes, be lithographed; and that 2,500 of each report and chart be published.

Mr. FETRIKIN opposed the adoption of the resolution, because he believed the matter of lithography had become a thing of local speculation. He then spoke of the manner in which the lithographing had been conducted.

Mr. HABERSHAM said he was obliged to conclude that, from the manner of the objection of the gentleman from Pennsylvania, he was entirely ignorant of its merits or claims. If he had inquired into its merits, there certainly cou'd not have been any objection from him. Mr. H. then showed the great importance of the chart, and advocated the passage of the resolution.

Mr. BRIGGS had no doubt that the chart was a meritorious one, but he was opposed to having it printed until there was a thorough investigation into the manner in which the lithographing had been done. He then cited an instance in which a chart had been engraved by order of the Senate, and the same lithographed by order of the House, and that done at the instance of the House cost double as much as that ordered by the Senate. It should not be lithographed unless the House was better informed of the expense. He would then go for the resolution.

Mr. DAVIS of Indiana moved to amend the resolution by adding the following: "and also to have printed, in like manner, 5,000 copies of the geological report lately submitted to this House, for the use of the members thereof, under the direction of the Topograpical Bureau."

Mr. C. spoke of the ability of the above paper, and characterized it as one of the best of the kind ever submitted to the House. To save the time of the House, he moved the previous question.

Mr. STEENROD moved to lay the resolution on the table.

Mr. PETRIKIN demanded the yeas and nays; which having been ordered, were—yeas 71, nays 96.

So the House refused to lay the resolution on the table.

The question recurring on the call for the previous question, there was a second; and the question now being, "Shall the main question be now put?"

Mr. BRIGGS demanded the yeas and nays; which the House refused.

So the main question having been ordered to be put, and the question being, "Shall the resolution pass?"

Mr. PETRIKIN demanded the yeas and nays; which were ordered.

The CHAIR said, upon an examination of the amendment, he found that there was another and similar motion pending, and the amendment was not, therefore, in order; and the question would be on the adoption of the original resolution.

Mr. PETRIKIN moved to lay the resolution on the table; which the House refused to do.

The question was then taken on the adoption of the resolution, and it was passed—yeas 93, nays 82, as follows:

YEAS—Messrs. Adams, Alford, Judson Allen, John W. Allen, Hugh J. Anderson, Andrews, Biddle, Bond, Brockway, Albert G. Brown, Sampson H. Butler, Calhoun, Carter, Chinn, Clark, Clifford, Colquitt, Crabb, Cranston, Crary, Crockett, Cross, Curtis, Cushing, Dana, Davee, Edward Davies, John W. Davis, Garret Davis, Dawson, Deberry, Dennis, Dellet, Dromgoole, Evans, Everett, Rice Garland, Gates, Gentry, Goggin, Goode, Graham, Griffin, Habersham, Hand, Wm. S. Hastings, Hawes, Henry, Hill of Va. Hoffman, Holmes, W. Cost Johnson, Kempshall, King, Leonard, Lincoln, Lowell, McKay, Marchand, Mason, Monroe, Montanya, Morgan, Naylor, Osborne, Paten, Peck, Randall, Randolph, Rayner, Ridgway, Edward Rogers, Saltonstall, Sergeant, Shepard, Simonton, Albert Smith, Stanly, Storrs, Stuart, Sumter, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, Wick, T. W. Williams, and J. L. Williams—93.

NAYS—Messrs. Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Briggs, Burke, William O. Butler, Wm. B. Campbell, Carr, Casey, Chapman, M. A. Cooper, Wm R. Cooper, Craig, Doan, Doig, Duncan, Earl, Eastman, Ely, Fletcher, Galbraith, Gerry, Giddings, Hall, Hammond, John Hastings, Hawkins, Hill of North Carolina, Holleman, Hook, Hopkins, Hubbard, Jackson, James, Jameson, Chas. Johnston, J. Johnson, Cave Johnson, N. Jones, John W. Jones, Keim, Kilgore, Leadbetter, Lewis, Lucas, McClellan, McCulloh, Miller, Mitchell, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Rariden, Reynolds, Samuels, Shaw, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Swearingen, Sweney, Taliaferro, Taylor, Jacob Thompson, Turney, David D. Wagener, Watterson, Weller, Jared W. Williams, and Lewis Williams—82.

INDEPENDENT TREASURY BILL.

On motion of Mr. J. W. JONES, the rules were suspended, and the House resolved itself into a Committee of the whole House on the state of the Union, and resumed the consideration of the Independent Treasury bill.

Mr. COLQUITT being entitled to the floor, after some introductory remarks, in which he showed the necessity of separating prejudice and feeling from debates on all questions, and the liability of every one to be led astray by such influences, he showed that the people had now become too wise to be satisfied with mere declarations of zeal for rights, and required a more satisfactory kind of evidence, viz. the *actions* of their servants.

It had been said that the bill before the committee was fraught with ruin, with desolation, and with wo. It therefore became their duty to examine it dispassionately, and by the rule of reason, instead of violent declamation or party prejudice, to judge of its merits.

As the Opposition, in a body, were censuring this measure, he contended that they were bound to propose some other plan to the country for accomplishing the desired end. It would not answer, that individuals should get up on the floor and denounce the bill, and talk about an antagonistical measure. It was the duty of the party to propose some measure which they considered would answer the end.

From what had been said, there could be no doubt but that a National Bank was the favorite scheme of the Opposition. Then why did they not at once come out boldly, and propose that measure to the people. This, however, he presumed would not be safe, as in some parts of the country such a proposition would not answer. Hence this crooked policy of opposing this bill, without having the courage to propose any thing in its stead. It was far more easy for them to run foul of this measure, than to propose any thing else.

Mr. C. then at some length argued the question of the constitutionality of a National Bank, and contended that the advocates of such an institution could not sustain their position for a moment, if they took the Constitution in its plain literal meaning. At the time the Constitution was framed, there were living too many men, whose rags and hardships proved they knew the value of freedom, to think of protecting a great moneyed interest, to the exclusion, and at the expense, of all the rest. Whether a man got his living by the saw or the plane, or served behind the counter, the Constitution was designed to throw the mantle of protection around all classes, instead of sacrificing them at the shrine of a great moneyed institution, for the support of men who were too idle to earn their bread by industry, and too proud to work.

He then read numerous authorities, showing the very "consistent" course of the old United States Bank, and that during its existence, instead of securing prosperity to the country, it caused nothing but distress and insolvency.

After adverting to all these facts, he asked with what consistency the Opposition could charge that this bill would bring ruin and distress, when such alone were the bitter fruits of the system they were seeking to establish. Let gentlemen, when they speak of "hard times," not forget to tell their constituents what kind of times there were when that bank was in operation.

In the course of his remarks he alluded to the charge of the Opposition, that, by destroying the banks, credit would be destroyed at the same time. He denied this, and contended that credit had always existed long before the existence of banks, and that the honest and industrious man could always get credit. Banks were not the foundation, but the abusers of credit.

By way of illustration, Mr. C. caused to be read the letter of Governor Throop on the subject. In the course of the reading, several of the Whig party objected to its introduction, on the ground that it consumed the time of the House. But, as its introduction was strictly relavent, their objection did not prevent its being read through.

The remarks of Mr. C. will appear in full hereafter.

Mr. RHETT then took the floor, and, at much length, replied to the various objections urged against the bill, which he contended was *the* measure of the people and for the benefit of the people. He had not concluded at 2½ o'clock, at which time the House took the usual recess.

EVENING SESSION.

After the recess, the House went again into Committee of the Whole, and

Mr. RHETT resumed his remarks in reply to the several objections urged against the bill. After showing that the banks of England and France, could not be referred to as arguments for a National Bank in this country, which was not to be responsible to Government, he went on to show, what in his opinion was the cheapest mode of collecting the revenue. He contended that the cheapest and most Republican of collecting the taxes, and what would be least burdensome to the people, was by direct taxation. Indirect taxation was objectionable for many reasons. The first was that the people were not conscious of the amount of taxes they were paying. Again, five times the amount could be collected by indirect taxation that would be submitted to by direct taxation. Thus it was an admirable contrivance for tyranny to conceal from the people what they were actually paying. He also showed the evils of such a system in case of war, when importations ceasing, the very means by which Government depended for its support would be cut off.

Mr. R. proceeded to show that the evils arising from the fluctuation in prices, etc. were attributable solely to the banking system, for the support of which this tariff system had been fostered. He contended that the banking system was not necessary for the business of the country, and that were it not for that expansions and contractions of those institutions, and their occasional suspension of specie payments, that business would move on with regularity.

He did not mean to be understood as contending that there should be no banking. If capitalists issued their paper, and were able to redeem that paper, he had no objection to it. What he objected to was that the arm of Government should interfere for the purpose of gaining facilities to these banks beyond their means. The banking *system* could never be destroyed. If it were possible to destroy all the banks to-morrow, the system would remain. The interchange of paper between individuals could not be prevented. His sole object in supporting this measure was the establishment of a system for the proper collection and safekeeping of the public money. If it went beyond that, or had any other object in view, he should deem it unconstitutional.

Mr. R. after adverting to the oppressive conduct of the United States Bank, and examining the exaggerated statements as to the use of such banks, said, yet this was the very state of things that the Opposition sought to re-establish. They wished to place us again in the power of banks, who, in case of another war, could say they would or would not pay their debts, just as they pleased. All these dangers he considered would be effectually avoided by the adoption of this Independent Treasury system.

As for a National Bank, the grand alternative of this great system, he should say but little. It was needless for him to argue the unconstitutionality of such an institution. He was a State Rights man, and contended that if such a Bank were necessary, then all the people of the country whom it was to affect, should govern and rule it. He then went on to show that the existence of such a bank was inconsistent with the independence of the States, and adduced instances when, under the old United States Bank, the State institutions were made to succumb to her su-

perior strength. He admitted that one of the effects of the present measure would be a restriction of State influence; but it would be nothing, compared with the oppression of a National Bank. The provisions of this bill were calculated to operate without partiality, and it would be evident that we ought always to base our legislation on the great fundamental principle of equal rights, etc.

Mr. R. concluded by saying that he had merely glanced at the various important principles involved, as he did not wish to detain the committee, for if it was proper the bill should pass at all, it was necessary that it should pass speedily.

Mr. DAVID D. WAGENER, after some preliminary remarks, proceeded to notice the objection raised by Mr. EVANS on yesterday, viz: that this bill was pressed to the exclusion of the appropriation bills. Mr. W. could not suppress his surprise and astonishment at such an objection. In the early part of the session, were not the Opposition continually taunting the honorable chairman of the Ways and Means, and asking him why he did not bring forward the bill? Were they not continually insinuating that the Administration party dare not, and would not bring forward the bill? And now, forsooth, when the bill was brought forward, these very same gentlemen were complaining about "delay of the appropriation bills, etc."

Mr. W. then proceeded to notice the great outcry which had been raised in relation to the "war of Govenment upon the banks." He showed that this charge was as ridiculous as it was unfounded. The act of June, 1836, empowered the Secretary to deposite the public money in such banks as paid specie for their notes, and which did not issue notes of a less denomination than five dollars. Now as soon as the banks refused to pay specie, by the words of the law, they ceased to be depositories. After their suspension the Secretary had no power to continue their use as depositories. Was the committee, then, willing to continue the immense power and responsibility of disposing of the money in the hands of the Secretary, under the supervision of the President? Had not the President called upon them repeatedly for the passage of this bill establishing additional safeguards, and had not those calls been as repeatedly unheeded. He was surprised at the language of the gentleman from Massachusetts the other day, censuring the Executive in relation to these banks, when he must have known that the law was imperative, and that when the banks ceased to pay specie, from that moment they could no longer be depositories.

Mr. W. then took a review of the shameful course pursued by the old United States Bank, and asked whether gentlemen were really willing for the re-establishment of another institution, which must and would produce similar results. In the course of his remarks on this branch of the subject, he introduced a curious piece of evidence to prove the unconstitutionality of such a Bank. It was no other than a report made by Mr. Clay of Kentucky, in the Senate, in 1811, on a memorial from the stockholders of the Bank, asking an extension of one year for the purpose of winding up its affairs. That report stated that "as they did not consider a Bank of the United States as constitutional, they could not grant the prayer," etc. Mr. W. said he merely referred to this for the benefit of the Opposition, that they might know what the opinions of Mr. Clay were at that time.

He next took a survey of all the circumstances connected with the employment of the State banks, and showed most clearly that their separation from Government was entirely their own act, in suspending specie payments, and not by any compulsory measure on the part of Government.

Mr. W. then replied at length to the various objections urged against the present bill, and showed that such objections needed only to be examined to be confuted. In the course of his remarks, he introduced a speech of Mr. Webster in 1816, on the currency, in which was the following remarkable sentence: "the sooner you collect your money in gold and silver, the better."

Mr. W. made also other extracts, which will be given as soon as his remarks can be written out in full.

Mr. COOPER of Pennsylvania next took the floor, and on his motion the committee rose: ayes 45, noes 44.

Mr. HOFFMAN moved to adjourn.

Hr. HUBBARD demanded the yeas and nays; which being ordered, were—yeas 54, nays 51.

YEAS—Messrs. Adams, Alford, Andrews, Baker, Barnard, Black, Brockway, Sampson H. Butler, Bynum, Calhoun, William B Campbell, Casey, James Cooper, Mark A. Cooper, Cranston, Cushing, Edward Davies, Dawson, Deberry, Dellet, Everett, Galbraith, James Garland, Goode, Green, William S. Hastings, Hawes, Hill of Virginia, Hoffman, James, Kempshall, King, Marvin, Monroe, Morgan, Naylor, Petrikin, Pope, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Slade, Storrs, Stuart, Sumter, Taliaferro, Tillinghast, Toland, Trumbull, P. J. Wagner, Warren, and Thomas W. Williams—54.

NAYS—Messrs. Judson Allen, John W. Allen, H. J. Anderson, Banks, Beirne, Blackwell, William O. Butler, Carr, Carroll, Carter, Clifford, Connor, Wm. R. Cooper, Crabb, Dana, Davee, John Davis, Doan, Doig, Earl, Fisher, Floyd, Gerry, Hammond, Hand, Hill of North Carolina, Holleman. Hubbard, Cave Johnson, Nathaniel Jones, John W. Jones, Kille, Lucas, McClellan, McKay, Marchand, Montanya, Newhard, Parmenter, Parris, Paynter, Prentiss, Rhett, Samuels, Albert Smith, Steenrod, Swearingen, Sweney, J. Thompson, Jared W. Williams, and Henry Williams—51.

So at half past five, the House adjourned.

IN SENATE,

MONDAY, June 22, 1840.

Mr. TAPPAN rose and said, that when the resolution submitted some days since by the Senator from Mississippi, [Mr. WALKER,] in relation to the Reporters for the Senate, was before the body, he had incidentally made the remark that we had frequently elected officers of different politics from a majority of the Senate. The Senator from Kentucky [Mr. CLAY] asked me in a somewhat bantering manner, to name an instance, and I replied by naming the Chaplain of the Senate. I did this on information from sources, which I deemed satisfactory, that his political sentiments were such as I represented them to be. Mr. T. said, that he had since been informed by the Chaplain that his assertion was incorrect. That he belonged to neither of the political parties of the country. That he conceived it to be his duty, as a minister of the Gospel, to abstain from any interference in political matters, considering that it would have a tendency to limit his usefulness, and prevent him doing as much good as he was desirous of doing. Every man, of course, knows his sentiments best, and Mr. T. felt convinced that he had done the Chaplain injustice in the remark he had made. Feeling thus, it gave him great pleasure to retract the statement.

Mr. WRIGHT presented a memorial from merchants of New York and other citizens, on the subject of the bankrupt law, declaring that whatever was their opinion of the expediency of passing such a law at this time, they were all agreed that the consent of the majority of the interest of creditors should be made necessary to the release of the debtor, and that the bill should not go into effect till one year after its passage.

The memorial, on motion of Mr. W. was laid on the table, and ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, to which was referred

The memorial of David Green, and

The memorial of the administratrix of G. W. Owen, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. from the same committee, to which the petitions and the joint resolution for the relief of the sufferers by the tornado at Natchez had been referred, reported the joint resolution back, with an amendment, authorizing the Planters' Bank and the Agricultural Bank of Natchez to retain the public money now in their hands three years longer, from the 8th of July next, in case those banks would accept the offer, for the purpose of relieving the sufferers in question, the banks alone to continue responsible to this Government. The amendment was read, ordered to be printed, and laid on the table, Mr. W. giving notice that he should call up the bill as soon as convenient.

Mr. PIERCE, from the Committee on Pensions, to which was referred House bills

For the relief of Josiah Strong;
For the relief of Samuel Brown;
For the relief of John Allison;
For the relief of William York;
For the relief of John Black;
For the relief of Thomas Collins;
For the relief of John H. Lincoln;
For the relief of Hiram Saul;
For the relief of Nathaniel Davis;
For the relief of Barton Hooper; and
For the relief of Isaac Justice;

severally reported the same without amendment, and recommended their indefinite postponement.

Mr. PIERCE, from the same committee, to which was referred House bills

For the relief of Peter W. Short;
For the relief of Israel Parsons; and
For the relief of Medad Cook;

reported the same without amendment.

Mr. WHITE, from the Committee on Pensions, to which was referred House bills

For the relief of Samuel M. Asbury;
For the relief of James Bailey;
For the relief of William Sloan;
For the relief of Levi M. Roberts; and
For the relief of John Davis;

severally made adverse reports thereon.

Mr. W. from the same committee, to which was refered House bill

For the relief of Sylvester Tiffany,

reported the same without amendment.

Mr. PRENTISS, from the Committee on Pensions, to which was referred bills from the House

For the relief of Myron Chapin;
For the relief of Joseph W. Knipe;
For the relief of Simeon Knight;
For the relief of Robert Lucas;
For the relief of Wilfred Knott;
For the relief of William Poole;

reported the same without amendment, and recommended their indefinite postponement.

Mr. P. form the same committee, reported the bill for the relief of Seneca Rider.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of Joshua Knnedy, assignee of George Tucker, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported a joint resolution to authorize the Secretary of the Navy to purchase repeating rifles and pistols for the use of the navy; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred the memorial of American citizens, resident at Malaga, respecting a burial place, asked to be discharged from its further consideration, which was agreed to.

The joint resolution for the relief of Langtree and O'Sullivan;

The bill for the relief of certain companies of Missouri volunteers;

The bill for the relief of the executor of Thomas Cooper, deceased;

A bill to refund a fine, imposed under the sedition law, to the heirs of Matthew Lyon, deceased;

were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill giving the assent of Congress to the acts of Virginia incorporating the Falmouth and Alexandria Railroad Company, and for other purposes, was taken up as in committee of the whole, and, after a very interesting and animated debate, in which Messrs. TAPPAN, MERRICK, ALLEN, ROANE, WALKER, WALL, BUCHANAN, CRITTENDEN, SMITH of Connecticut, HUBBARD, and CALHOUN participated—the question, on a motion by Mr. TAPPAN to strike out the third section of the bill containing the appropriation of 300,000 dollars, being taken, it was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Hubbard, Linn, Lumpkin, Mouton, Pierce, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Wall, Williams, Wright, and Young—20.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Dixon, Fulton, Henderson, Huntington, King, Knight, Merrick, Nicholas, Norvell, Phelps, Porter, Prentiss, Roane, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, and White—25.

Mr. TAPPAN offered an amendment, requiring such security for carrying the mail as the Secretary of the Treasury should deem sufficient.

Mr. PRENTISS offered, as a substitute, a provision for a lien on that part of the road within the District.

After a brief conversation, the action on the bill was suspended.

SYSTEM OF BANKRUPTCY.

The Senate, on motion of Mr. CRITTENDEN, took up the bill (from the Select Committee) establishing a uniform system of bankruptcy throughout the United States.

Mr. CRITTENDEN, from the Select Committee, submitted various minor amendments, which were severally agreed to.

Mr. HUNTINGTON, having offered two or three minor amendments, which were agreed to, moved to amend the bill by securing from its operation the rights of married women, and liens and mortgages on property, all as established by State laws, so far as would not be inconsistent with certain provisions of this bill. This amendment had special reference to the laws and usages of Louisiana.

Mr. WRIGHT opposed this amendment with great earnestness, particularly as going to sanction preferences which the Senate had expressly exploded.

Mr. WEBSTER argued at some length that there was nothing of such preferences in this amendment.

Messrs. MOUTON, WALL, WALKER, PRENTISS, and CRITTENDEN also participated in the long and intricate debate on this amendment.

The amendment was then agreed to by yeas and nays, as follows:

YEAS—Messrs. Benton, Clayton, Crittenden, Davis, Dixon, Henderson, Huntington, King, Knight, Linn, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Smith of Indiana, Southard, Tallmadge, Walker, and Webster—21.

NAYS—Messrs. Lumpkin, Pierce, Robinson, Sturgeon, Wall, White, Williams, and Wright—8.

Mr. WRIGHT submitted a variety of amendments, the most important of which was to require a majority of interest of the creditors, in order to obtain the release of the debtor. These amendments were ordered to be printed.

Mr. RUGGLES also offered several amendments, which were ordered to be printed.

Mr. WRIGHT presented two memorials of citizens of New York, on the subject of the proposed bankrupt law, similar in tenor to those submitted by him at the commencement of the sitting; which were laid on the table, and ordered to be printed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, June 22, 1840.

Mr. CLIFFORD asked the general consent of the House to submit a resolution; which was read for the information of the House as follows:

Whereas Senate bill 127, entitled an act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue, was taken up in the Committee of the Whole whole on the state of the Union on the 20th of May last, and has been under discussion to this time; and whereas the period has arrived when it is proper to close the present session of Congress with as little delay as possible; and whereas much of the indispensable public business is yet to be acted on; therefore

Resolved, That the said committee be discharged from the consideration of said bill, from and after Friday next, unless the same shall be reported to the House at an earlier day; and that said bill, with such amendments, if any, as shall have been adopted in said committee, shall be taken up in the House on Saturday next, at 12 o'clock noon, and be the special order, until finally disposed of, reserving to said committee the right, according to the rules of the House, to report the same sooner if the discussion shall terminate.

Mr. WISE objected to the reception of the resolution; and

Mr. PROFFIT demanded the yeas and nays.

Mr. WISE moved a call of the House; which was ordered, and proceeded in, when 128 members answered to their names; the list of absentees was called over, until 159 answered to their names; when,

On motion of Mr. GALBRAITH, all further proceeding in the call was dispensed with.

The question recurring on the motion to suspend the rules, and the yeas and nays having been ordered, were taken, and were—yeas 109, nays 76, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Wm. O. Butler, Bynum, Carr, Carroll, Casey, Chinn, Clifford, Colquitt, Connor, Craig, Crary, Crockett, Cross, Dana, Davee, John Davis, J. W. Davis, Dickerson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Goggin, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Kille, Leadbetter, Leet, Leonard, Lowell, Lucas, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rives, Edward Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Swearingen, Sweney, Taylor, Jacob Thompson, Turney, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Joseph L. Williams—109.

NAYS—Messrs. Adams, Alford, Andrews, Baker, Bell, Biddle, Bond, Briggs, Brockway, Calhoun, John Campbell, Wm. B. Campbell, Carter, Chittenden, James Cooper, Crabb, Cranston, Curtis, Davies, Garret Davis, Deberry, Dennis, Dellet, Evans, Everett, James Garland, Gates, Gentry, Goode, Habersham, Hall, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Charles Johnston, Kempshall, Lincoln, Marvin, Mason, Monroe, Morgan, Naylor, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Stanly, Storrs, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Peter J. Wagner, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Wise—76.

So the House refused to suspend the rules, there not being two-thirds.

On motion of Mr. J. W. JONES, the rules were suspended, and the House resolved itself into a Committee of the Whole House on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the

INDEPENDENT TREASURY BILL.

Mr. COOPER of Pennsylvania, who was entitled to the floor, opposed the passage of the bill. In an examination of the causes of the derangement of the currency at the present day, and the consequent evils resulting therefrom, he traced it to the removal of the deposites from the Bank of the United States. He attributed all the issues of State stocks to the stimulation produced by the deposite of the revenues of the Government with the State banks. Such stocks being forced into the market abroad, produced the flood of imports which has crushed the best interests of the country; finally he attributed all the evils of the times to the "experiments" of the Administration. He then spoke of the Bank of the United States, and the good currency which that institution afforded the country.

Mr. RAYNER opposed the bill, and advanced many reasons why he would not vote for it. He, as a State Rights man, advocated a Bank of the United States as an antagonist measure to the Independent Treasury bill, and the only proper measure for the relief of the country. A National Bank, he said, was the child of the revolution; and he went for it because he believed it was a Republican measure. He then examined the course of General Jackson with reference to the currency, and attributed his intermeddling with it as the cause of all the evils and derangements complained of heretofore as well as at the present time. He also spoke of his own efforts in favor of Gen. Jackson, and acknowledged that he was deluded and misled into his support. He denounced him as a tyrant. He went into a history of the course of General Jackson in relation to the late Bank of the United States; and said, so soon as that institution refused to bow to the dictates of the tyrant, the war was commenced. He vetoed it, and all the suffering of the country was the result of it. He spoke of the deposite system which had exploded, and said he had nothing to do with forming the connection between the Government and the State banks, and he would have nothing to do with severing that connection. He then spoke of the economy of establishing a Bank of the United States to disburse the revenues, instead of passing the Independent Treasury bill. This bill would cost the Government many thousand dollars to put it in operation; but on the other hand the Government could get at least one and a half millions as a bonus to grant a charter for a bank. He then went into an argument to show the duty of the National Government to take care of the interests of the people; and in doing which he observed, that when he spoke of taking care of the interests of the people, he did not mean to be understood as referring to the wretched rabble of our cities, who shouted and hallooed at the elections, but he meant the rich as well as the poor, and the capitalist, through whose means the business of the country was carried on. Before Mr. R. concluded,

The House, at 2½ o'clock, took the usual recess.

EVENING SESSION.

Mr. RAYNER concluded his remarks in opposition to the Independent Treasury bill, and in favor of a National Bank as its antagonist measure. He spoke of the beneficial effects of that institution as a regulator. It heretofore kept the moneys safe, the currency and exchanges regular, and could do it again. He made an argument in favor of the constitutionality of such an institution, grounded on the opinion that it was indispensably necessary to carry out that provision of the 8th section of the 1st article of the Constitution, which gives the power to Congress "to lay and collect taxes, duties, imports, and excises, to pay the debts of the Government."

Mr. HOLLEMAN then took the floor, and said that in the few words he had to say, he should not, like the gentleman who had last spoken, depend on his imagination or glowing descriptions of historical scenes. He had always been taught that denunciation and declamation were poor substitutes for argument. And he was surprised that the gentleman should have so far mistaken the character of the American people as to imagine that they would be led away by mere senseless denunciation. The gentleman had, in the course of his remarks, asked "whence all this hurry in pressing this bill." Now, did not the gentlemen remember, that a few months ago his party were constantly taunting the friends of the Administration about the "delay" of the bill? Did not the gentleman remember the sarcastic allusions to it, and the insinuations that the bill would not be brought forward at all? Yet now the bill was taken up, the friends of that gentleman had suddenly changed their cry, and the Administration members were denounced for endeavoring to pass the bill. Now what was to be done? If the bill was not brought up, the Opposition were displeased; and if it was brought up, the same course of abuse and denunciation was pursued.

After some further preliminary remarks, Mr. H. proceeded to discuss the merits of the bill, and to show its great superiority over any other system.

Alluding to the charge that losses would occur under the operation of this bill, Mr. H. asked where was the system, however well contrived, under which losses had not taken place? At what period was it, when Governments were not defrauded more or less by officers, through whose hands its money passed? Such would ever be the case, so long as the imperfection of human nature existed; and until the time when the "Millenium" should arrive, and all men become honest, such losses must be expected.

He showed that the cry about an "exclusive currency for the office holders" was as ridiculous as it was false. He asked whether the hard money would not be paid out to the numerous pensioners, our soldiers who fought our battles, and our hardy sailors who toiled on the deep. Instead of this bill being for the benefit of a few only, it was for the benefit of the mass.

Mr. H. then went into an examination of the career of the United States Bank, and from documentary evidence proved how futile were the boasted assertions of its being a "Regulator," &c. He had not concluded at eight o'clock, at which hour,

Mr. ANDREWS moved that the committee rise; which motion prevailed.

On motion of Mr. ANDREWS,

The House then adjourned.

IN SENATE,

TUESDAY, June 23, 1840.

Mr. WRIGHT presented the memorial of Ann W. Angus, widow of the late Captain Angus of the

navy, praying for a pension; which was referred to the Committee on Naval Affairs.

Mr. WALKER, from the Committee on the Public Lands, to which the subject was referred, reported a joint resolution in addition to a joint resolution authorizing certain certificates to be cancelled and reissued; which, on motion by Mr. W. and by unanimous consent, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. LUMPKIN, from the Committee on the Post Office and Post Roads, to which had been referred the memorial of the Southern Steam Packet Company for compensation for carrying the mail, asked to be discharged from its further consideration.

Mr. CALHOUN said the memorial was presented by his colleague, [Mr. PRESTON,] who was not now in his seat; and he hoped the action of the Senate would be delayed until he was present; which was agreed to.

Mr. PIERCE, from the Committee on Pensions, to which was referred bills from the House,

For the relief of Elijah Fouchee;

For the relief of Hugh Davis;

For the relief of Jabez Collins;

For the relief of Thurston Cornell; and

For the relief of James Smith;

made adverse reports thereon; which were ordered to be printed.

The House bill to refund a fine imposed on the late Matthew Lyon, under the sedition laws, to his legal heirs and representatives;

A bill for the relief of the executor of Thomas Cooper, deceased;

A bill for the relief of certain companies of Missouri volunteers;

were read a third time, and passed.

The joint resolution for the relief of Langtree and O'Sullivan was taken up on its third reading, and after debate, in which Messrs. PORTER, TAPPAN, WALL, DAVIS, and BUCHANAN participated, it was recommitted to the Joint Committee on the Library.

The resolution of the Committee on the Post Office, asking to be discharged from the further consideration of the memorial of the Southern Steam Packet Company, was taken up, and after some remarks by Mr. LUMPKIN and Mr. PRESTON, was agreed to.

The bill for the relief of the sureties of Archibald Sneed, deceased; and

The bill for the punishment of certain crimes against the United States, and for other purposes;

were severally considered as in committee of the whole, and were ordered to be engrossed for a third reading.

SYSTEM OF BANKRUPTCY.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the United States.

Mr. PRENTISS spoke at some length on the general merits of the bill. He drew a distinction between insolvent laws and bankrupt laws, which distinction, he argued, prevailed in England till long after the adoption of the Constitution in this country. He argued from this, and from other considerations and documents, that the power of bankruptcy in the Constitution was merely a supplemental part of the power over commerce; and that a bankrupt law, therefore, ought to be confined to the commercial classes, and should be carefully made to do equal justice to debtor and creditor.

While Mr. P. admitted that this bill might be productive of highly beneficial and desirable results, it would inevitably open wide the way for various evils which Mr. P. specified, the chief of which was the introduction and practice of frauds. On the whole, Mr. P. dared not try it, even as an experiment; for he was greatly apprehensive that it would work a revolution of the worst kind, both in the morals and business of the country.

Mr. P. having concluded his remarks,

Mr. WRIGHT offered an amendment, requiring the voluntary bankrupt to set forth in his petition to the court for a discharge under the act, a list of his creditors, their respective places of residence, and the amount due to each; together with an accurate inventory of his property, rights and credits, of every name, kind, and description, and the location and situation of each and every parcel thereof; these statements to be made upon oath, and according to the best knowledge and belief of the debtor.

This amendment was adopted without a division.

Mr. WRIGHT then offered a further amendment, to add an additional cause for involuntary bankruptcy, to those enumerated in the bill, in substance as follows:

"That in case the debtor, being arrested or surrendered in the discharge of his bail, shall remain in prison forty days, or shall escape therefrom, or shall not within forty days give the necessary bail, or security, required by law, when his person, lands, or effects, shall be arrested or attached, by process issuing out of any court of record, then the creditors should be authorized to proceed under the bankrupt law against him as a bankrupt."

This amendment was advocated at some length by Messrs. WRIGHT and WALL, and opposed by Messrs. HUNTINGTON, CRITTENDEN, WALKER, WEBSTER, and PHELPS, and negatived—ayes 18, noes 23, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Fulton, Hubbard, King, Linn, Lumpkin, Pierce, Roane, Robinson, Smith of Connecticut, Sturgeon, Wall, Williams, Wright, and Young—18.

NAYS—Messrs. Anderson, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Huntington, Knight, Merrick, Nicholas, Norvell, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, and White—23.

Mr. WALL offered an amendment, to add an additional clause for involuntary bankruptcy, to those enumerated in the bill, in substance as follows:

"That in case the debtor shall make any fraudulent gift, sale, or other transfer of his goods, chattels, credits, or property of any description, or shall declare himself to be insolvent, or unable to pay his debts, or other engagements, then the creditors should be authorized to proceed under the bankrupt law against him as a bankrupt."

The amendment was lost by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Fulton, Hubbard, King, Linn, Lumpkin, Pierce, Roane, Robinson Smith of Connecticut, Sturgeon, Wall, Wright, and Young—18.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Huntington, Knight, Merrick, Nicholas, Norvell, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, White, and Williams—20.

Mr. WRIGHT then offered a further amendment, of the following substance:

"That in cases where a creditor makes the application for a commission of bankruptcy against a debtor, any other creditor may come before the court, or the jury, and offer proof of collusion in the application between the creditor making the application and the debtor against whom it is made; and if such proof should be made to the satisfaction of the court, or jury, then the proceedings should be discontinued, and no certificate, or discharge, given to the bankrupt under the act."

Mr. WEBSTER inquired what could be the necessity of this amendment, when every bankrupt could make his own application at pleasure?

Mr. WRIGHT replied that, as the bill stood, the amendment would be wholly unimportant; but that another amendment, which he proposed to offer, if adopted, would make this very essential. In order, however, to enable the Senate to act clearly and intelligibly, if the Senate would give him leave, he would pass this amendment, and offer that one upon which this particularly depended, though not in the proper order of his amendments offered yesterday, and now printed and upon our tables.

A general call of "leave, leave," being responded,

Mr. WRIGHT offered an amendment, in substance as follows:

"That in every case of voluntary bankruptcy, the certificate and discharge provided for in the law shall not be granted without the consent of at least one half, in amount of debts, of the creditors of such bankrupt."

This amendment was lost by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Fulton, Hubbard, Linn, Lumpkin, Pierce, Prentiss, Roane, Robinson, Smith of Connecticut, Sturgeon, Tappan, Wall, Williams, Wright, and Young—20.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Huntington, King, Knight, Merrick, Nicholas, Norvell, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, and White—22.

Mr. WRIGHT then declared his willingness to omit his preceding amendment, depending upon that just rejected, and proceeded to offer a further amendment, in the following words:

"And in case it shall be made to appear to the court, in the course of the proceedings in bankruptcy, that the bankrupt, his application being voluntary, has, subsequent to the first day of January last, or at any other time in contemplation of the passage of a bankrupt law, by assignments or otherwise, given or secured, any preference to one creditor over another, he shall not receive a discharge, unless the same be assented to by a majority in interest of those of his creditors who have not been so preferred."

This amendment was strongly opposed by Mr. WEBSTER, and advocated by Mr. WRIGHT, and agreed to by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Pierce, Prentiss, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Wall, Williams, Wright, and Young—24.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Huntington, Knight, Merrick, Nicholas, Norvell, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, and White—21.

Mr. WRIGHT then offered the following further amendment:

That the bill should take effect from and after the thirtieth day of June next, and not sooner.

Mr. WALKER objected to the length of time, and proposed the first day of January next.

Mr. WRIGHT said if the gentleman will accept the fourth day of March next, I will so modify my amendment.

Mr. WALKER assenting,

Mr. WRIGHT modified his amendment so as to read from and after the fourth day of March next, instead of the thirtieth day of June next.

The amendment was; adopted; ayes 23, noes not counted.

Mr. WILLIAMS then offered an amendment of the following substance:

"That the debtor shall not be discharged, in case a majority of his creditors, in number and value of debts, and who shall have proved their debts before the court, shall file their written dissent against the granting of such discharge."

This amendment was adopted without a division.

Mr. W. then offered an entirely new section to the bill, in the following words:

"And if, in any case of bankruptcy, a majority in number and value of the creditors who shall have proved their debts at the time of hearing of the petition of the bankrupt for a discharge, as hereinbefore provided, shall, at such hearing, file their written dissent to the allowance of a discharge and certificate to such bankrupt, or if, upon such hearing, a discharge shall not be decreed to him, the bankrupt may demand a trial by jury, upon a proper issue, to be directed by the court, at such time and place, and in such manner, as the court may order; or he may appeal to the circuit court next to be held within the district after fourteen days from the time of claiming the appeal, and such appeal shall be claimed, and notice thereof given to the court below within ten days after the decision appealed from, and said appeal may be heard by said court summarily or by a jury at the option of the bankrupt, and the creditors may appear and object

against a decree of discharge and the allowance of the certificate as hereinbefore provided. And if, upon a full hearing of the parties it shall appear to the satisfaction of the court, or the jury shall find that the bankrupt has made a full disclosure and surrender of all his estate as by this act required, and has in all things conformed to the directions thereof, the court shall make a decree of discharge and certify the same to the court below, whereupon the court below shall allow the same, and grant a certificate as provided in the fourth section of this act."

This amendment also was adopted without a decision.

Upon the motion of Mr. RUGGLES, an amendment was then made as to the description and amount of property to be surrendered to the bankrupt and his family, and giving to the assignee and court certain discretion in that matter, but we did not take the particular contents of the proposition.

On motion of Mr. CRITTENDEN, the amount of debt requisite to entitle persons in general to the benefit of this bill, was not fixed at any sum, and for merchants, bankers, &c. it was fixed at $2,000 and above.

Mr. WALL offered two amendments (formal and technical) which were severally agreed to.

Mr. HUBBARD moved to confine the operation of the bill exclusively to future contracts, and called for the yeas and nays, which were ordered; and this amendment was rejected—yeas 14, nays 32, as follows:

YEAS—Messrs. Allen, Anderson, Calhoun, Cuthbert, Hubbard, Linn, Lumpkin, Pierce, Prentiss, Robinson, Smith of Connecticut, Strange, Sturgeon, and Tappan—14.

NAYS—Messrs. Benton, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Fulton, Henderson, Huntington, King, Knight, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Preston, Roane, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Wall, Webster, White, Williams, and Young—32.

Mr. WALL, after some remarks on the propriety of giving the appointment of the assignees to the creditors of the bankrupt, moved to recommit the bill, for the purpose of so modifying it, which was disagreed to—ayes 20, noes 26, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Wall, and Williams—20.

NAYS—Messrs. Brown, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Huntington, Knight, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, White, and Young—26.

Mr. HUBBARD then moved an adjournment, which was disagreed to—ayes 21, nays 26.

Mr. RUGGLES then moved to amend the bill by inserting a provision, declaring any attachment on mesne process null, which should be made subsequent to the passage of the bill, and to the detriment of a portion of the creditors. The amendment was rejected—ayes 11, nays 35, as follows:

YEAS—Messrs. Davis, Knight, Ruggles, Smith of Indiana, Southard, Tallmadge, Wall, Webster, White, Williams, and Wright—11.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Dixon, Fulton, Henderson, Hubbard, Huntington, King, Linn, Lumpkin, Merrick, Mouton, Nicholas, Phelps, Pierce, Porter, Prentiss, Preston, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, and Young—35.

No further amendments being offered, the bill was reported to the Senate, and the amendments made in committee of the whole were concurred in.

The question then coming up on ordering the bill to be engrossed for a third reading, and the ayes and noes being ordered thereon,

Mr. WALL moved that the bill, as amended, should be printed; but this motion being declared to be out of order, he moved to lay the bill on the table, for the purpose of having it printed; which was agreed to—ayes 24, nays 23, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Pierce, Prentiss, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Wall, Wright, and Young—24.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Huntington, Knight, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, White, and Williams—23.

The Senate then went into Executive session for a short time,

And then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 23, 1840.

Mr. WISE asked the consent of the House to submit a joint resolution for the adjournment of both Houses of Congress *sine die*, on Saturday, the 11th day of July next.

Objection was made to its reception.

Mr. WISE moved to suspend the rules; and on that motion demanded the yeas and nays.

Mr. DAVIS of Indiana moved a call of the House; which was ordered, and proceeded in till 146 members answered to their names; when,

On motion of Mr. BRIGGS, all further proceeding in the call was dispensed with.

The yeas and nays having been ordered on the motion to suspend the rules, were taken, and were, yeas 75, nays 94.

So the House refused to suspend the rules.

Mr. ADAMS presented to the House from ——, a work on political economy; which was, on his motion, ordered to be deposited in the Library of the House.

The CHAIR announced that the resolutions reported from the Committee on the Post Office and Post Roads, by Mr. McKAY, was the first thing in order; which were read, as follows:

Resolved, That the Postmaster General be directed to prepare and report to the House, at the commencement of the next session, a list of all the post roads in the United States, with a diagram or diagrams, on which they shall be delineated, showing how long they have been in operation; the kind of service on each, whether on horseback, sulkey, stage, railroads, or in steamboats; the amount of receipts, and the cost of transportation on the same, respectively; also, showing the new routes named in the petitions and resolutions presented at the present session, with an estimate of the probable expense of putting each of them in operation.

Resolved, That all petitions and memorials for the establishment of post-roads presented, and resolutions of inquiry for the same purpose, adopted at the present session, be referred to the Postmaster General for his information.

Resolved, That the Postmaster General be directed to prepare and report, at the same time, a list of all post-roads where the mails, though now carried in stages, might be carried on horseback, or in sulkeys, with the amount paid for the stage service, and the average cost of carrying similar mails on horseback or in sulkeys, in the sections of country where such routes may be respectively located.

The resolutions were agreed to.

Mr. BROWN of Mississippi, from the Committee on the Post Office and Post Roads, reported back to the House, without amendment, Senate bill entitled an act for the relief of J. M. Strader; which was committed to the Committee of the Whole.

Mr. SIMONTON, from the Committee on the Judiciary, to which had been referred the bill of the House entitled an act to regulate the fees of clerks, marshals, and attorneys of the Northern and Southern Districts of the State of Mississippi, reported it back with an amendment as a substitute; which was referred to the Committee of the Whole.

Mr. SIMONTON, from the same committee, to which had been referred the petition of Joseph Ramsey, in relation to a pension, made a report in which it was argued that Mr. R. was a party to the fraud; and the report was accompanied by a resolution that he was not entitled to any relief.

Mr. HOPKINS made some remarks, showing that Mr. R's claim to a pension was well established; and that he was not a party to the fraud which had deprived him of the pension obtained from the Government. He concluded by moving that the report be committed to the same committee, with instructions to report a bill for his relief.

Mr. SERGEANT opposed that motion, and made some remarks showing that Mr. R. having given agents a power of attorney to obtain the pension from the Government, and those agents having defrauded him of the same, in equity he, and not the Government, should lose. He having given the power of attorney, was, though innocently so, to that extent a party to the fraud. Mr. S. concluded, by moving that the subject be referred to the Committee of the Whole.

On motion of Mr. SAMUELS, the report and papers were ordered to be printed.

Mr. STORRS, from the Committee on the Judiciary, reported a bill to authorize the judicial adjustment of the claim of the Municipality No. 1, of the city of New Orleans, to certain lands within said municipality; which was read twice, and Committed to the Committee of the Whole.

On motion of Mr. CRARY, the Committee on the Judiciary was discharged from the further consideration of the resolution of the House, instructing that committee to inquire into the propriety of reporting a bill in relation to the apportionment under the census of 1840.

Mr. HALL, from the Committee on Revolutionary Claims, made unfavorable reports on the petitions of Charles Lewis, John Winston, Elipha-let Spafford, William Ruckman, John McCollan, and Richard Pauletts; which were severally ordered to lie on the table.

Mr. ELY, from the Committee on Revolutionary Claims, made unfavorable reports on the petitions of John Briggs, the representatives of William Slaughter, Dennis Purcel, the heirs of Captain John Stokes, Stephen Graham, deceased, and Captain Robert Vance; which were severally ordered to lie on the table.

Mr. CRAIG, from the same committee, made unfavorable reports on the petitions of Thomas Chapman, Lathrop Allen, Samuel Jones, Captain Trupley White, and Roger Staynor; which were severally ordered to lie on the table.

Mr. RANDOLPH, from the same committee, reported a bill for the relief of John H. Kelly, and a bill for the relief of the legal representatives of Jane Fentenburgh, late widow of Captain Hawkins Boone; which were read twice, and committed to the Committee of the Whole.

Mr. MONTGOMERY, from the same committee, made unfavorable reports on the petitions of Francis Malone, Harriet Baker, Theodore Middleton, Asa Clark, Henry Whiting, and Richard Mack; which were severally ordered to lie on the table.

Mr. CASEY, from the Committee on Private Land Claims, reported a bill for the relief of George Mayfield; which was read twice, and committed to the Committee of the Whole.

Also reported back to the House, without amendment, Senate bill entitled an act for the relief of Joseph Bogy; which was committed to the Committee of the Whole.

Mr. R. GARLAND, from the same committee, reported a bill to confirm to the heirs and legal representatives of John Brown, deceased, their title to a tract of land; which was read twice, and committed to the Committee of the Whole.

Also, reported back to the House, without amendment, Senate bill entitled an act to confirm the claims to land in the districts between the Rio Hondo and Sabine rivers; which was committed to the Committee of the Whole.

Mr. WHITE of Louisiana, from the same committee, reported back to the House, without amendment, Senate bills, entitled

An act for the relief of George de Passo, of Louisiana;

An act for the relief of the heirs and legal representatives of William Conaway;

An act for the relief of James Smith of Arkansas;

An act confirming the claim of the heirs of Joseph Thompson, sr. deceased, to a tract of land in Missouri; and

An act for the relief of Henry Wilson;

which were severally referred to the Committee of the Whole.

Mr. HASTINGS, of Massachusetts, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of Joseph Erwin; and a bill for the relief of Hugh Riddle, of the State of

New York; which were read twice, and committed to the Committee of the Whole.

Mr. H. also made unfavorable reports on the petitions of Silas Wells, Charles Holmes, and Stephen Howard; which were ordered to lie on the table; and on the petition of Thomas G. Smith, reported that the petitioner have leave to withdraw his petition.

On motion of Mr. WICK, the Committee on Private Land Claims was discharged from the further consideration of the petitions of Abraham Wayland and others, Amos Burdyne and George Williams, and that the latter have leave to withdraw his petition.

Mr. W. also reported back to the House, from the same committee, without amendment, Senate bills entitled

An act for the relief of the legal representatives of Pierre Bonhomme; and

An act for the relief of Thomas P. Copes; which were referred to the Committee of the Whole.

Mr. DILLET, from the same committee, reported a bill for the relief of the legal representatives of Lewis Durete; which was read twice, and committed to the Committee of the Whole.

Also, made an unfavorable report on the petition of Maurice Wright; which was ordered to lie on the table.

Mr. ADAMS, from the Committee on Manufactures, to which had been referred Senate bill entitled an act to regulate duties on the importation of the production of the fine arts, reported the same back to the House without amendment, and with a recommendation that it be indefinitely postponed.

Mr. A. then made some remarks in relation to the impropriety of the Senate originating such a bill—it being a revenue bill. After which,

The question was taken on the recommendation of the committee, that it be indefinitely postponed, and agreed to.

Mr. BELL, from the Committee on Indian Affairs, reported back to the House, without amendment, Senate bill entitled an act for the relief of Jubal B. Hancock; which was committed to the Committee of the Whole.

Mr. B. also made unfavorable reports on the petitions of James Smith, Charles Lewis, and Thos. A. Walker; and it was ordered to lie on the table.

Mr. B. also reported from the same committee the following resolution, viz:

Resolved, That so much of the resolution of the House of the 7th March last, as declared the expediency of suspending the further execution of the first and second clauses of the fourth article of the treaty made with the Winnebago Indians in 1837, be rescinded.

Mr. CRARY moved to lay the resolution on the table, till the committee shall have reported on the subject committed to them for investigation; but he withdrew the motion at the suggestion of

Mr. BELL, who said the committee had just closed a most laborious investigation; and so soon as an abstract of the testimony (which was voluminous) shall have been prepared, the committee would make a full report. The committee had directed him to report, in part, this resolution. The committee did not believe there was sufficient evidence to justify a new commission; but there were many things developed which they were desirous to lay before the House, with their opinions thereon. The reason why they had directed him to report in part, was that some of the claims were without exception, though they were very large; and he did not think there was sufficient evidence which would go to show that the smallest claim should be disallowed. He believed that a great deal of injustice had been done these claimants, and that there should be reparation without delay. He had not concluded, but the morning hour having expired,

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole (Mr. BANKS in the chair) and resumed the consideration of the

INDEPENDENT TREASURY BILL.

Mr. HOLLEMAN being entitled to the floor, resumed his remarks from last evening in support of the bill, and in exposing the fallacy of the argument adduced in favor of the re-establishment of a National Bank.

In adverting to the history of the old United States Bank, he showed that it commenced in fraud, and said it was no wonder it should end in ruin. He reminded the committee that a great portion of the stock was purchased by men who, after their names were set down, immediately borrowed money from the Bank to pay for that stock—thus paying in the capital in the notes of the Bank itself. He also showed from authentic sources that instead of that institution acting as a regulator, at one period specie was selling at its own doors at a premium.

In ths course of his remarks, Mr. H. flanked his position against the Bank, by some pointed extracts from a speech of Mr. Webster in 1816 in favor of a system of hard currency, etc. and who said "the sooner that system was adopted the better." He also caused to be read extracts of a similar character from speeches of Mr. Senator Rives in 1834, strongly recommending the measure, but who somehow had since wheeled round, and was now attacking the system with all his might. He, Mr. H. would not pretend to say what were the causes which produced this great change. Perhaps there were some private griefs, or disappointed expectations which had an agency in the matter.

Mr. H. then illustrated the disastrous results of the continued expansions and contractions of the currency under the banking system, and the injurious effects such a system produced on the laboring classes. [His remarks will hereafter appear in full.]

Mr. JENIFER then took the floor in opposition to the bill. He had not concluded at half past two o'clock, when the House took its usual recess.

EVENING SESSION.

After the recess, the House again resolved itself into a Committee of the Whole, Mr. BANKS in the Chair, on the

INDEPENDENT TREASURY BILL.

Mr. JENIFER being entitled to the floor, resumed his remarks, expressing his intention to oppose the bill. Before proceeding to do so, Mr. J. commenced an examination of the political course of several members of the House in relation to the bill. Among others, he referred to the course of Mr. BLACK of Georgia.

Mr. J. was repeatedly and loudly called to order by several members for irrelevancy in introducing papers, etc. having no connection with the subject under debate.

Mr. J. contended that the gentleman from Georgia [Mr. BLACK] had been permitted to allude to the course of Col. Gamble, and that he had not been called to order for so doing.

Mr. BLACK stated that, in his reference to Col. Gamble on a former day, he was strictly in order, as he was showing the vote of that gentleman on the Sub-Treasury bill of Mr. Gordon in 1834.

Mr. JENIFER then proceeded to make further allusions to the course of Mr. B. in relation to the bill under debate, when

Mr. BLACK rose and said that, if the committee permitted the gentleman from Maryland to attack his course on the Sub-Treasury bill, he trusted, as a matter of justice, he would be permitted to reply.

Mr. PETRIKIN called Mr. B. to order.

The CHAIR wished to know whether th gentleman from Maryland yielded the floor to the gentleman from Georgia.

Mr. JENIFER replied that he had yielded the floor to the gentleman for the purpose of explanation.

Mr. BLACK said, no, not for explanation. My course needs no explanation. What I wish is, an opportunity to reply. I have no explanation to make; but I have a reply.

After some debate, of a conversational character, Mr. BLACK resumed his seat, stating, however, that, at the close of the remarks of the gentleman from Maryland, he should demand, as an act of justice, an opportunity to reply to the attack.

Mr. JENIFER then resumed his remarks, and proceeded to make some allusions to the conduct of certain gentlemen who had attended a meeting at Bladensburg, in his State, on Saturday last, for the purpose of enlightening the people, &c. He was understood to regret that those gentlemen had not given him notice of the meeting, that he might have extended to them the hospitality of his State. He, however, gave them an invitation to meet him there on the 4th of July.

The remarks of Mr. J. were delivered in so low a tone, that the Reporter was unable to comprehend their import, in many cases. Mr. J. was understood to charge that some of those who attended the above meeting had uttered "base calumnies," &c.

Mr. HOPKINS explained, that he, for one, had attended the meeting by invitation. It was the first time he had ever been there, and he found some very clever, warm-hearted people. Mr. H. then asked Mr. J. to state whether he applied the charge to all who attended, or whether he made any exception.

Mr. JENIFER was understood to disclaim having any allusion to Mr. H. and made some further remarks in relation to others, which it was impossible to hear.

Mr. J. then referred to the speech of Mr. STRONG as published in last evening's "Globe," on which he appeared desirous to make some comments. He begged first to ask Mr. S. whether there was any thing in the speech, as published, which was not delivered in the House.

Mr. STRONG explained that when, on a former day, he was addressing the committee, he was called to order by the CHAIR. In publishing his speech, he had inserted what he intended to have said before he was so called to order. Also, that he had inserted those portions of the speech in such a way, that there would be no difficulty in perceiving how the case stood. He wished to know if the gentleman from Maryland was answered.

Mr. JENIFER then wished Mr. STRONG to inform him, whether the following portion of his speech was delivered in the House or not.

"This lesson throws a broad and strong light on the future. The view it affords is full of encouragement to the friends of popular liberty. It shows them that the people will act honestly and intelligently; that they will treat the "log cabin and hard cider" flummeries and fooleries of the Opposition with the *scorn* and the *contempt* they merit. It presents to their admiring gaze the entire and total rout and overthrow in the coming contest of the combined factions of Abolitionism, Conservatism, political Antimasonry, and Federalism, and the brilliant victory of Van Buren and Democracy."

Mr. STRONG replied in the affirmative, and that it was the concluding paragraph of his speech.

Mr. JENIFER was then understood as expressing his intention to proceed in the discussion of Abolitionism, etc.

The CHAIR decided that Mr. J. was out of order, on the ground that the discussion of Abolitionism, Conservatism, political Antimasonry, and log cabin and hard cider, was irrelevant to the subject under debate.

From this decision Mr. JENIFER, after making some remarks not distinctly heard, took an appeal.

The CHAIR then stated the ground of his decision, which was, that the gentleman from Maryland was going on to discuss Abolitionism, hard cider, log cabins, etc. because the gentleman from New York had put those words into his speech, and that such a discussion would be out of order.

Some conversation here took place between Mr. STRONG and the CHAIR, on the subject of the paragraph alluded to.

Mr. STRONG explained that the words there used had been delivered in the House, but were the concluding sentences of his speech, (which probably accounts for his not being called to order, as before the CHAIR could have risen, Mr. S. had resumed his seat.)

The CHAIR then informed the gentleman from Maryland that he could not be permitted to proceed in the discussion of such subjects.

The question being on the appeal—

Mr. BARNARD rose for the purpose of propounding a question to the CHAIR as to the state of the facts. His question was simply whether, because the gentleman from Maryland was not going on to say something about Abolitionism, on the

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JUNE 30, 1840. VOLUME 8.....No. 31.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 30.

ground that the gentleman from New York had referred to it in his speech——

Several members here called Mr. BARNARD to order, and a scene of great confusion arose, which lasted for some minutes.

After the disorder had somewhat subsided, Mr. PROFFIT called for tellers on the appeal, which were ordered.

The question then being put as follows: "Shall the decision of the CHAIR stand as the judgment of the committee?" The ayes were 68.

Mr. JENIFER here complained that his appeal had not been fairly stated, and on that he called upon his friends not to vote. Messrs. PROFFIT, BARNARD, and others took the same ground, and called to their friends, "Do not let us vote."

Mr. JENIFER said he hoped no friend of his would vote.

The confusion and disorder was here renewed with increased violence, upwards of a score of members being on their feet and attempting to speak at once.

The CHAIR again stated the grounds of his decision, viz: That the gentleman was going on to discuss Abolitionism, hard cider, etc. because the gentleman from New York had referred to those subjects in the concluding paragraph of his speech, and that such was irrelevant, etc.

Mr. PROFFIT protested, in a loud voice, against this statement, and denounced it as unfair.

Several members called Mr. PROFFIT to order, and insisted that he should take his seat.

The question on the appeal was taken by tellers; Messrs. BRIGGS and CHAPMAN of Alabama acted as such; and those opposed to the decision of the CHAIR refusing to pass through the tellers, and their being no quorum of the affirmative votes,

The CHAIR had no alternative than to rise and report the fact to the House.

The SPEAKER having resumed the chair,

Mr. JENIFER was proceeding to refer to what had occurred in committee, when he was called to order by the SPEAKER, on the ground that there could be no debate.

At the request of several members, the SPEAKER counted the House, and a quorum appearing in their seats, the House again resolved itself into Committee of the Whole—Mr. BANKS in the chair.

The question being on the appeal,

Mr. JENIFER contended that the CHAIR, in stating the ground of the appeal, had erred as to the fact. Mr. J. said he was not proceeding to discuss the subject referred to in the speech of the gentleman from New York, but had merely expressed his intention of so doing. When he was called to order, he had not gone on to discuss them—he had not said a single word.

The CHAIR repeated that he had called the gentleman to order on the ground that he was proceeding to discuss the subject of Abolition, etc.

Mr. BRIGGS coincided with the CHAIR as to what he believed were the facts of the case. The gentleman from Maryland, after reading the paragraph from the speech of the gentleman from New York on the subject of Abolition, was then proceeding to speak upon it, when the CHAIR interfered, and he (Mr. B.) thought very properly.

The CHAIR again propounded the question on the appeal, on which tellers had been ordered, and there were—ayes 68 in favor of the decision. The Whigs opposed to the decision of the CHAIR again refused to vote.

Mr. ADAMS and others called upon their friends not to vote, and the result was, that the CHAIR was again compelled to rise and report the absence of a quorum, although there was a quorum in their seats.

The SPEAKER having resumed the CHAIR,

Mr. CHAPMAN of Alabama moved to adjourn.

On this motion the yeas and nays were ordered, and were—yeas 20, nays 119.

So the House refused to adjourn.

Mr. JENIFER then addressed the SPEAKER on the subject of his appeal in committee, and complained that he had been denied the right of speaking on his own appeal, which he demanded as a right, etc.

Mr. KEIM asked if the gentleman was to be the sole judge of what was right.

The SPEAKER said the gentleman was under the control of, and must abide by, the decisions of the committee.

Mr. JENIFER wished to know if he had not the right to ask the SPEAKER to appoint another chairman.

Mr. BANKS rose to reply, as did other gentleman, when

The SPEAKER said there could be no debate; and, as a quorum was now present, the House would go again into committee, and the CHAIRMAN would be pleased to resume the chair.

Mr. BANKS accordingly resumed the chair, and the question still being on the appeal,

Mr. WISE having been absent, desired the CHAIR to re-state the ground of his decision.

The CHAIR did so as follows, that, after the gentleman from Maryland had read the paragraph from Mr. STRONG'S speech, on Abolition, etc. he was proceeding to debate the subject.

After some debate of a conversational character, Mr. JENIFER reduced his appeal to writing, and it was read by the CLERK as follows:

"Mr. JENIFER, of Maryland, read in his place a paragraph from a speech delivered by Mr. STRONG of New York, in the same committee, on the same subject, viz: the Sub-Treasury bill, which paragraph is as follows, (see above.)

"Mr. STRONG answered that it had been delivered by him, and Mr. JENIFER then avowed his intention of replying to the allegations and matters contained in that paragraph. The CHAIR called Mr. JENIFER to order, and Mr. JENIFER appealed from that decision."

The question was then taken by tellers, on sustaining the decision of the CHAIR, and resulted—ayes 80, noes 51.

So the decision of the CHAIR was affirmed, and Mr. JENIFER decided to be out of order.

Mr. HOPKINS then moved that the gentleman from Maryland be permitted to proceed in order; which motion prevailed.

Mr. JENIFER then resumed his remarks, and proceeded to make some comments on the political course of Mr. BROWN of Mississippi, and more especially on the vote of that gentleman when a member of the Mississippi Legislature, in relation to the issue of post notes. He also referred to a recent speech of Mr. B. in which the letter denied having voted for post notes in 1839.

Mr. THOMPSON of Mississippi reminded the gentleman that his colleague [Mr. BROWN] had made no speech on the present bill, and was understood to raise a point of order as to the propriety of referring to a speech delivered on another subject.

Mr. JENIFER proceeded and said he could show from the record that Mr. B. did vote for the issue of post notes in Mississippi.

Mr. THOMPSON of Mississippi again rose and reminded Mr. J. that his colleague [Mr. BROWN] was absent. He would, however, undertake to say that his colleague, if present, could explain the matter to the entire satisfaction of the gentleman and the House He hoped, therefore, that no question would be raised calculated to affect his colleague's veracity. Mr. T. added that if it was in order he himself would explain the matter to the satisfaction of the House and the people of the country.

The CHAIR said it would not be in order.

Mr. JENIFER said he was going to show that the Legislature of Mississippi had issued post notes, and that the gentleman [Mr. BROWN] had voted for these notes in lieu of United States Bank notes.

Mr. THOMPSON of Mississippi wished to ask the gentleman from Maryland if he was going to debate the subject of post notes.

Mr. JENIFER said he was going to show that the record falsified what the gentleman's colleague, [Mr. BROWN,] had said in his speech.

Mr. THOMPSON said the record was false, and he could show that the man who made the record had admitted he had placed Mr. BROWN in a false position.

Mr. JENIFER was understood to say that if the record was false, that altered the case. All he intended to say was, that the record as it stood, falsified what the gentleman [Mr. BROWN] had said in relation to his vote on the issue of post notes.

Mr. THOMPSON, in the absence of his colleague, asked leave to explain the matter. He then made a statement in relation to the record, in substance that the man who made the record, had published in the newspapers a statement as to the manner in which the record was made, and how he had placed General BROWN in a false position, etc. The people of Mississippi understood the matter perfectly well. Besides, he would remind the gentleman from Maryland, that his colleague, Mr. B. had not denied having voted for post notes in 1836. On the contrary, he had admitted it. All he denied was voting for them in 1839.

Mr. JENIFER made some further remarks, pending which

Mr. THOMPSON informed him that he had despatched a messenger for his colleague, who would no doubt like to answer for himself.

Mr. JENIFER brought his remarks to a close, protesting that the freedom of debate no longer existed, and assuring the committee that what he had been prevented from saying in the House, shall appear elsewhere.

Mr. ALLEN of Ohio next obtained the floor, when

Mr. BROWN of Mississippi, having now arrived, with the permission of Mr. ALLEN, took the floor for the purpose of making an explanation in relation to the charge of Mr. JENIFER, on the subject of the Mississippi post notes. He spoke of the chivalry of the gentleman from Maryland making an attack on him when he was absent. He observed that having had no notification that the gentleman from Maryland intended to make any allusions to his course in the Legislature of Mississippi, he had left the House for the purpose of fulfilling an engagement; but he had been informed, that during his absence the gentleman from Maryland had said, that he (Mr. B.) had denied having voted for the issue of post notes in 1836.

Now he appealed to the gentleman from Tennessee, and several other gentlemen, who heard his remarks, whether he did not expressly state that he did vote for the issue of post notes in 1836. Such was the fact, and the gentlemen near him would testify to the truth of the statement. But, although he had said that he voted for those post notes in 1836, he had also distinctly denied having voted for them in 1839, although that charge had been made again and again, by persons in his own State, having no regard for decency or political honesty. He would now repeat what he had said on a former occasion—that, when the post note system was first introduced in Mississippi, acting under the advice of certain bank directors, he did reluctantly vote for them; but it was soon discovered that they would not answer, and the system exploded. After its failure, he then voted against them, as it was then ascertained by all parties that they were not the things which they expected them to be.

He must also be allowed to say that he could not refrain from expressing his surprise at the most extraordinary course of the gentleman from Maryland in raking up the votes of honorable members of the House, given in their own State Legislatures. What object the gentleman could have in thus searching out the votes of individual members when in their State Legislatures, for the purpose of

holding them up to the country, he would leave to the House to determine. What was it to he gentleman from Maryland how he acted when a member of the Legislature of Mississippi? What was it to the gentleman if he voted a thousand times for post notes? It was the business of none but the people of Mississippi, and they had proved their satisfaction by giving him increased majorities at his elections.

Mr. BLACK here rose and appealed to the courtesy of the gentleman from Ohio [Mr. ALLEN] to permit him to reply to the attack made upon him by the gentleman from Maryland, [Mr. JENIFER.]

Mr. ANDREWS objected, and called Mr. B. to order.

The CHAIR stated that the gentleman from Ohio was entitled to the floor.

Mr. BLACK. I am aware of that, and I appeal to the courtesy of that gentleman to allow me to repel the attack which has been made upon me by the gentleman from Maryland.

Mr. ANDREWS contended that it was not in the power of the gentleman from Ohio to yield the floor, without losing it himself.

Mr. BLACK, with much vehemence, asked if the House would not give him an opportunity to reply to the unjust attack which had been made upon him.

Here a scene of great confusion arose, and Mr. BLACK persisted in urging his request for an opportunity to repel the attack, amidst loud cries of "order," "go on," etc.

The CHAIR having restored order, stated that, as objection was made, the gentleman from Georgia must resume his seat.

Mr. BLACK did so, remonstrating however at the want of courtesy in those gentlemen who objected to afford him a chance to reply.

A motion was then made that the committee rise, and tellers being ordered, the vote was—ayes 63, noes 63.

The CHAIR voted in the negative. So the motion was rejected.

Mr. ALLEN then commenced his remarks, and continued until 8 o'clock in opposition to the bill, when he gave way to a motion that the committee rise; which motion prevailed.

The House then adjourned.

IN SENATE,

WEDNESDAY, June 24, 1840.

Mr. WALL, from the Committee on the Judicary, reported

A bill to amend the act approved May 13, 1800, entitled "an act to amend an act, entitled an act to establish the judicial courts of the United States," and

A bill to authorize the stereotyping, printing, and publishing of a complete edition of the laws of the United States, and the distribution thereof;

which were severally read, and ordered to a second reading.

Mr. MOUTON, from the Committee on Private Land Claims, reported a bill confirming the claim of the heirs of Antonio Gras to a tract of land in Louisiana.

The joint resolution in addition to a joint resolution authorizing certain certificates to be cancelled and re-issued;

The bill for the relief of the sureties or Archibald Sneed, deceased; and

The bill for the punishment of certain crimes against the United States, and for other purposes,

were severally read a third time, and passed.

GENERAL ORDERS.

The bill further supplemental to an act entitled "an act to abolish imprisonment for debt in certain cases," passed February 24, 1839, after being discussed by Messrs. WALL, KNIGHT, and TALLMADGE;

The bill to enable the United States to discharge liens and incumbrances upon any real estate which now is, or hereafter may become, the property of the United States, after being debated by Messrs. WALL, DAVIS, CALHOUN, and BUCHANAN;

were severally ordered to be engrossed for a third reading.

The bill to regulate the legal proceedings, and to provide for the more speedy trial of causes in the Circuit Court of the United States for the District of Missouri, was discussed by Messrs. WALL, KING, WALKER, and SMITH of Indiana, and amended by striking out the additional compensation; and after some further remarks by Messrs. KING and LINN, it was laid on the table.

On motion of Mr. BUCHANAN, the bill for the bill for the relief of Auguste Davezac, William D. Jones and Nathaniel Niles, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

SYSTEM OF BANKRUPTCY.

The Senate resumed the consideration of the bill to establish a uniform system of bankruptcy throughout the United States.

Mr. HUBBARD moved in Senate the amendment rejected in committee, compelling the debtor to become bankrupt if on his arrest or imprisonment he should not procure bail or security in 40 days.

After a few remarks by Mr. KING, showing that this amendment might operate oppressively, it was withdrawn by the mover.

Some minor amendments having been made on motion by Mr. Williams and Mr. Wall—

Mr. WALL moved the compulsory bankruptcy of a debtor in case he should declare himself to be insolvent.

The amendment was rejected by—ayes 8, noes not counted.

Mr. WALKER asked if the Senator from New York (Mr. Wright) would consent to change the time when the bill would go into operation from the fourth of March to the first of January or February, assigning as a reason for the request that, in a particular district in Mississippi, the postponement to the fourth of March, would in effect postpone the time several months longer. To save the trouble of voting, &c. Mr. W. would now agree to the first of February, if none objected, though he should much prefer the first of January, and should move that time, if it should be necessary to make a motion at all.

Mr. WRIGHT, after a few remarks as to a point of order, said he could not consent to this request.

Mr. WALKER now moved to reconsider the vote by which the fourth of March was fixed as the day when the bill should go into operation.

This motion was carried in the affirmative, as follows:

YEAS—Messrs. Anderson, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Henderson, Huntington, King, Knight, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, and Young—23.

NAYS—Messrs. Allen, Brown, Buchanan, Clay of Alabama, Dixon, Fulton, Hubbard, Linn, Lumpkin, Pierce, Prentiss, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Wall, Williams, and Wright—19.

Mr. WRIGHT now moved the first of February, Mr. WALKER the first of January, and Mr. HENDERSON the first day of December next.

After an irregular conversation on order, precedence, and a renewal of the compromise at first proposed by Mr. WALKER—

Mr. KING said it was in order to vote for the fourth of March, which was the question to be reconsidered; and that day was rejected, as follows:

YEAS—Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Dixon, Fulton, Hubbard, Linn, Lumpkin, Pierce, Prentiss, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Wall, Williams, aud Wright—21.

NAYS—Messrs. Anderson, Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Davis, Henderson, Huntington, King, Knight, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, and Webster—24.

Mr. WALKER now moved the 1st of January, and Mr. WRIGHT the 1st of February; and, after a short conversation, precedence was understood to fall on Mr. WRIGHT'S motion, as an amendment to the motion of Mr. WALKER.

And, accordingly, the 1st of February next was fied as the day when the bill should go into operation, by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Dixon, Fulton, Hubbard, Linn, Lumpkin, Mouton, Pierce, Prentiss, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Wall, Williams, Wright, and Young—25.

YAYS—Messrs. Anderson, Clay of Kentucky, Clayton, Crittenden, Davis, Henderson, Huntington, Knight, Merrick, Nicholas, Norvell, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster and White—21.

The operation of the bill being limited to two years,

Mr. DIXON moved to strike out this limitation, leaving the time indefinite. He said there might be occasion for legislation, where a limited period of time for the existence of a law would be very proper; when, for instance, the law was to remedy a mere temporary or partial evil. But a law that was intended as the commencement of a permanent national system, regulating finally the great relation of debtor and creditor, and that, too, in pursuance of a constitutional provision of the Federal Government, he could not but deem such a limitation unnecessary, to say the least of it, inasmuch as Congress could at any session repeal the law, whenever that repeal might be deemed expedient. It might be harmless enough for a man to make bargains with himself, and prescribe limitation for his own action, because, while in the exercise of free agency, he could enforce or cancel them at pleasure, without the imputation of bad faith, and so a Legislature in many matters may limit their acts of legislation to a given period of time, which they can always control. But, in relation to this subject, this limitation would be worse than useless; it will give to the intention of this law an inauspicious character. It will be considered that the makers of it, instead of forming a law for a permanent bankrupt system, have only intended it as a mere temporary relief law, for a particular class—as a mere sponge to wipe out the old scores of the present insolvent debtors. All will admit that ought not to be the only object of the law, although it would be among its very desirable ends. It has been supposed that this effort for a bankrupt law was made as another experiment for that system of bankruptcy authorized by the Constitution, and contemplated from the commencement of the Government. But is two years a fair proportion of time for such an experiment? It will be long enough to show its imperfections and its abuses; for all new systems are obnoxious to abuse, and in their first operations develope their latent defects.

But it is said the law can be extended. That may happen; but it is more probable that such will be the use made of it as to render it unpopular, and put an end to further legislation on that subject. The doubt that will be entertained of any extension of the law, or the passage of any other law on the subject, will enrol thousands on the bankrupt calendar. When the period of this bankrupt law is drawing to a close, many a man who might get on well enough in business would begin to reflect on his chances of fortune some time hence, and calling to mind the sufferings of the insolvent debtor when there is no bankrupt law, would seize the opportunity as it passed. The prompt and watchful spirit that pervades this country marks the periods of time when self-interest may be best promoted, and when self-preservation can be best secured. What course do men adopt when statutes of limitation are passed? Cutting off State demands of any other law of limitation, do you not see a general movement to come within the law? Do you not see your dockets enlarged with cases, and your courts of law filled with suitors? All act upon the maxim of making hay while the sun shines. Thus you will see men in crowds moving for the bankrupt law. Some upon the voluntary principle will rush into it, while others upon the coercive principle are thrust into it. All, for aught I know, may be very appropriate subjects, for I am only speaking of the effects it will have on the fate of the experiment. This will be the period when the public will have the subject under consideration, and the long list of bankrupts will be alarming, bring the system into public odium, and there will be an end of bankrupt laws.

Would the people of this country be in favor of this law if they supposed nothing more was intended than two years' use of it? The adoption of this system involves sacrifices; it contravenes a salutary maxim of legislation; it is retrospective in its operation on past contracts now outstanding; it adds another change in business relations, to the inconvenience of a people already worn down with changes; it gives a new character to the relation of

debtor and creditor; all which would be borne, and cheerfully borne, to secure the desirable end of a permanent bankrupt system. But, a two years' regulation of an abiding evil would only serve to confuse rather than regulate the relations of business. It would, to be sure, relieve many useful and deserving men from the bondage of their indebtedness, whose efforts are now paralyzed, and who are entitled to this relief. But the condition of the present class of insolvent debtors is not the only consideration which should govern in forming this bill. And whatever limitation gives rise to jealousy—that it is a mere temporary relief law—will render the law unpopular, and destroy all hope of any permanent system.

Mr. D's motion to strike out the limitation was negatived as follows:

YEAS—Messrs. Brown, Dixon, Henderson, Knight, Merrick, Mouton, Phelps, Porter, Ruggles, Southard, Strange, Tallmadge, White—13.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Clayton, Crittenden, Cuthbert, Davis, Fulton, Hubbard, Huntington, King, Linn, Lumpkin, Nicholas, Norvell, Pierce, Prentiss, Preston, Roane, Robinson, Smith of Connecticut, Smith of Indiana, Sturgeon, Walker, Wall, Webster, Williams, Wright, Young—32.

After a minor amendment, moved by Mr. CRITTENDEN—

Mr. WALL moved to insert a requisition that notice, personal or by letter, of any bankruptcy under this bill should be given, when practicable, to all the creditors.

This amendment, after a few remarks by Mr. W. for it, and by Mr. CRITTENDEN against it, was agreed to as follows:

YEAS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Dixon, Fulton, Hubbard, King, Linn, Lumpkin, Nicholas, Pierce, Prentiss, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Wall, William, and Wright—22.

NAYS—Messrs. Brown, Clay of Kentucky, Clayton, Crittenden, Davis, Henderson, Knight, Merrick, Norvell, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, and White—19.

The bill was then ordered to be engrossed by yeas and nays as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Huntington, Knight, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, White, Williams, Wright, and Young—24.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Pierce, Prentiss, Preston, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, and Wall—23.

The Senate, having held an Executive session, adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, June 24, 1840.

Mr. BOTTS observed that he understood that now, after the lapse of ten days, the record of the trial of Lieutenant Hooe before a court martial was returned from the Department, and was now on the SPEAKER's table; he called for its presentation to the House, that it might be read.

Mr. DROMGOOLE asked if he was to understand the CHAIR as putting the question then.

Mr. BOTTS said, no; he himself raised the question, and he wished the documents to be presented to the House.

Mr. DROMGOOLE objected to any communication of the kind being taken up out of the regular order of business. He had not the slightest objection to the presentation of the documents in the regular order, when the SPEAKER should ask leave to present the documents on his table; but he did object to any particular document being called up from the rest, by any member.

Mr. BOTTS said he had been charged with sending poison through the country, and he now wished to embrace the first opportunity of furnishing the antidote; and if objection was made, he would move a suspension of the rules, in order that the communication might now be received by the House, and read.

Mr. DROMGOOLE said he had no objection, provided the SPEAKER presented the documents in regular order.

Mr. PETRIKIN said: I object during the morning hour. It would interfere with the reports of committees. After that, he would have no objection.

Mr. GRAVES and others demanded the yeas and nays, which were ordered.

Mr. JONES of Virginia inquired whether Mr. BOTTS moved that the rules be suspended during the morning hour only, or generally.

Mr. BOTTS said he would modify his motion to the morning hour only.

The question being taken, the yeas and nays resulted as follows: Yeas 145, nays 25.

So the rules were suspended during the morning hour.

The CHAIR then laid before the House a communication from the Navy Department, containing the proceedings of a court martial at Pensacola, summoned for the trial of Lieut. Hooe, together with the approval thereof by the Secretary of the Navy, Lieut. Hooe's protest and memorial to the President, and certain remarks of the Secretary in defence of his course in approving the sentence, together with a legal opinion of the United States District Attorney, Francis S. Key.

The reading having proceeded for some time—

Mr. BOTTS interrupted the reading, and (with much anxiety and surprise depicted in his countenance) said: Mr. Speaker, that is not the document expected, and which was called for under the resolution of the House. It was one which had never been shown to him. It seemed to be a defence of the Administration. Is that the document, Mr. Speaker?

The SPEAKER. I do not know.

[A considerable buzz now prevailed in the hall; and evident surprise and disappointment, if not mortification, were depicted in the countenances of those who instigated the call for the document. There was much undertone conversation, and a confounded thinking: some of the exclamations were sufficiently audible to enable the Reporter to catch them—such as, "It is a defence of the President and Secretary!" "It is not what was expected!" "The preamble and resolutions would have answered a much better purpose!" "The thing should not have been pressed after the motion to suspend the rules for the reception of the preamble and resolution." That was the point on which to rest it. Considerable confusion. Cries from the friends of the Administration, and accompanied by some laughter, at the apparent chagrin and astonishment expressed by those who introduced the preamble and resolution. "Read on! read on! that is the identical document! that is a part of the proceedings called for—it embraces ALL." Considerable conversation in the undercurrent, by the friends of the Administration, (who appeared to be much pleased,) of which the Reporter caught the words: "He is caught in his own trap! not so much political capital as was expected!" "No go!" "How impolitic to try to make capital out of every thing!" "The Lieutenant will not thank him." "It must be printed!" "It puts a new face on the circumstances!" Many other things were heard, which the Reporter will not give.]

The document was read through.

A number of gentlemen rose simultaneously.

Mr. THOMPSON of Mississippi, moved to refer this communication to the Committee on the Judiciary, and on that motion he demanded the previous question.

Mr. W. COST JOHNSON called for the reading of the documents accompanying the communication.

They were read accordingly. The reading having proceeded some time—

Mr. RHETT moved to suspend the reading, but it was objected to, as against the rule; and Mr. R. did not press the motion.

The reading then proceeded.

Mr. BOTTS. That is not the record of the trial; that is a defence of the Administration.

The SPEAKER. The record is here, and will now be read.

The reading of the record of the trial was then commenced; but before it was concluded, the morning hour expired.

Mr. JONES moved to go into Committee of the Whole on the state of the Union, but temporarily withdrew the motion at the request of

Mr. CRABB of Alabama, who moved a reconsideration of the decision of the House made yesterday to receive and place in the Library of Congress a copy of Raymond's Political Economy. Having examined that book, Mr. C. had discovered that it contained doctrine and language highly exceptionable to him as a Southern man, and which he believed came within the rule on the subject of Abolition; in case of reconsideration, he wished to move the reference of the book to the Committee on the Library, in order that it might be examined and reported on to save the time of the House.

Mr. TURNEY demanded the previous question on the motion to reconsider.

The previous question was seconded, put, and carried; and the main question being on reconsidering—

Mr. JAMES demanded the yeas and nays; which were ordered.

Mr. ADAMS rose amidst cries of "order," and was going on to express his surprise at the motion of the gentleman from Alabama, and to give some account of the book, when he was arrested by the CHAIR.

Mr. A. remonstrated.

The CHAIR insisted that he could not proceed but by general consent.

Objections were loudly uttered.

Mr. LINCOLN said that unless his colleague should be permitted to proceed, and give the House some account of the book, Mr. L. should demand that the book itself be read.

Mr. TURNEY inquired if it was in order to ask for the reading of the book on the motion to reconsider.

Mr. LINCOLN demanded that the book be read.

The CHAIR decided that as the gentleman from Massachusetts [Mr. LINCOLN] was called to vote respecting this book, he had a right, under the rules of the House, to have it read, if he so demanded.

Great confusion arose.

Mr. HABERSHAM, Mr. TURNEY, Mr. ANDREWS, Mr. HOPKINS, and others, were on their feet, all simultaneously addressing the Chair.

Mr. HOPKINS called for the reading of the rule of the House, and also of Jefferson's Manual on the question of order.

Mr. ANDREWS inquired if it was not in order for the gentleman from Massachusetts to make an explanation.

The CHAIR said it was not, except by leave of the House.

Mr. LINCOLN wished to explain, but the Chair refused, the previous question having been ordered.

The CHAIR then stated his decision, and explained the grounds on which it rested.

Mr. HOPKINS took an appeal; but before any vote was taken on the appeal—

Mr. RAMSAY moved to lay the whole subject on the table.

Mr. CRAB wished to explain, but was arrested.

The question being stated from the Chair—

Mr. ADAMS addressed the House. [Loud cries of order.] The gentleman from Alaba——

The CHAIR called to order.

The gentleman from Alabama has undertaken [order, order] to be grand inquisitor for this House; to speak [order] its opinion on a certain book. [Here the cries of order were very loud, and the Chair ordered Mr. Adams to resume his seat.]

The question being again stated—

Mr. CRABB demanded the yeas and nays, but the House refused to order them.

The vote being taken, the CHAIR declared it to be decided in the affirmative.

Mr. CRABB remonstrated, declaring that he had demanded a count.

Mr. NAYLOR inquired of the CHAIR whether, the whole subject was laid on the table, it would take the book out of the library, and place it on the table.

The CHAIR replied, no.

The question was again put, and the House dividing, the ayes were 123, the noes 30.

So the House determined that the whole subject should be laid on the table.

Mr. CRABB rose and stated to the CHAIR that he had, previously to the last vote, demanded that one chapter of the book of Mr. Raymond be read to the House.

The CHAIR replied that he had had heard no such demand.

Mr. CRABB now, under much excitement, demanded the reading of the chapter, that the base libel of this author on the South and its institutions—[Here the uproar became very great: Mr. CRABB continuing to speak with more and more animation: the CHAIR calling to order: shouts of order mixed with loud laughter resounding from all quarters of the hall.

Mr. C. however, amidst the confusion, said that the book was a base libel on Southern institutions; and was smuggled into the House.

Mr. ADAMS, at the top of his voice, cried good! good! [Much laughter.]

Order being at length with difficulty restored—

On motion of Mr. J. W. JONES, the House went once more into Committee of the Whole on the state of the Union, [Mr. BANKS in the chair,] and resumed the consideration of the

INDEPENDENT TREASURY BILL.

Mr. ALLEN of Ohio, who had the floor, resumed his speech in opposition to the bill, and continued to address the committee until one o'clock, showing the advantages of a Bank of the United States as an antagonist measure to the Independent Treasury.

Mr. SERGEANT next obtained the floor and spoke till the hour of half past two o'clock, in opposition to the bill, at which time the House took its usual recess.

EVENING SESSION.

Mr. SERGEANT resumed his remarks. He pointed out the demerits of the Independent Treasury system, and the advantages of a Bank of the United States. He had not concluded at half past six o'clock, p. m. at which hour he gave way to

Mr. GRAVES, who moved that the committee rise; which question was taken by tellers, and resulted—ayes 65, nays 57. So the committee accordingly rose; and the Speaker having resumed the chair,

Mr. WISE said he was about to make one of the shortest speeches that he had ever made. He expected to be absent for a few days. He gave notice to the House and to his constituents, that he would, if present when the question was taken on the Independent Treasury bill, vote against it. He therefore moved that the House adjourn.

Mr. HAND demanded the yeas and nays on that motion, which having been ordered, were—yeas 76, nays 69.

The House accordingly adjourned.

IN SENATE,

THURSDAY, June 25, 1840.

The VICE PRESIDENT presented to the Senate the petition of Mr. Petromueski, a Polish exile, in relation to the distribution of the lands granted by the Government; which was referred to the Committee on the Public Lands.

Mr. BUCHANAN, from the Committee on Foreign Relations, to which was referred the request of the citizens of New York for the recall of Consul Trist from Havana, asked to be discharged from the same, and that it be referred to the Committee on Commerce, who were investigating the charges against Mr. Trist; which was agreed to.

Mr. PHELPS, from the Committee on Indian Affairs, reported House bill for the relief of Hiram Lassell, with an amendment.

Mr. P. also, from the same committee, asked to be discharged from the further consideration of the memorial of the Territory of Iowa, in relation to the extinction of an Indian title; which was agreed to.

Mr. WALL, from the Committee on the Judiciary, asked to be discharged from the further consideration of the memorial of J. F. Sarchet, asking that appeals in the collection of the revenue from District and Circuit Courts to the Supreme Court of the United States might be allowed.

The following bills were read a third time, and passed:

The bill further supplemental to an act entitled "an act to abolish imprisonment for debt in certain cases," passed February 24, 1839.

The bill to enable the United States to discharge liens and encumbrances upon any real estate which now is, or hereafter may become, the property of the United States.

The bill for the relief of Augustus Davezac, William D. Jones, and Nathaniel Niles.

The bill for the relief of the administrator of William Hogan, was taken up as in committee of the whole, and

Mr. HUBBARD opposed the bill at much length, reviewing the various items in detail, and demonstrating that the claim was not only unfounded, but that there actually was a charge of some thousands of dollars against the claimant on the books of the Treasury at this day.

Mr. STRANGE rose to reply, but gave way to the suggestion that the time for taking up the special order had arrived.

Mr. ALLEN submitted the following resolution; which, by unanimous consent, was considered and adopted:

Resolved, That the Secretary of the Treasury report to the Senate the amount of all the moneys appropriated to be expended in the District of Columbia by acts of Congress since the location of the seat of Government within the District. Also, the amount appropriated in lots, lands, or other public property, exclusively of the ordinary expenditures of the Government; and that he separate such appropriations in tabular form, as follows: giving the appropriations of each year in the order of time, the amount of each appropriation, and the particular object to which each appropriation was made, whether made to the District, to either of the cities, or to any corporation or individual within the District.

SYSTEM OF BANKRUPTCY.

The bill to establish a uniform system of bankruptcy throughout the United States having been read a third time and several amendments, suggested by Mr. WALL, not interfering with the general principles of the bill, having been adopted,

Mr. TAPPAN briefly submitted his reasons for having opposed the bill, and why he should record his vote against its passage. He entertained no doubt that the Constitution gave to Congress full power over the whole subject, but he thought the exercise of that power at this time, of extremely doubtful expediency. The bill now before the Senate, though general in its character, will not be uniform in its operation; that is, its operation will not be the same on the merchant of New York as on the farmer of Ohio. He thought that the sentiments of the great mass of the community were in opposition to such a law, and instanced the fact that the former enactment of Congress on this subject was permitted to remain but two years on our statute book. He concluded by expressing his opinion, that though the Constitution conferred the power of making laws on the subject of bankruptcy to the General Government, it was one of those matters which sound policy dictated should be left to the legislation of the respective States.

Mr. LUMPKIN said the time had now passed for a detailed investigation of the merits of this important measure; he rose for no such purpose; his object was to submit a few general and brief remarks in justification of the vote which he intended to give.

Mr. L. said he had been true to the pledge which he had given to the Senate, at an earlier stage of the discussion on this subject. He had not suffered himself to make up a definitive opinion, until full time and opportunity had been afforded the leading friends of this measure to amend, modify and mould its provisions, to suit their views of the interest of those intended to be benefited, including both debtor and creditor. But, sir, the time has now arrived when the final action of the Senate is called for upon the final passage of the bill; and, for one, I am ready for that decision. After the most patient investigation and mature consideration of the whole subject, aided as I have been in the formation of my conclusions, by the ability and intelligence of this enlightened Senate, I no longer hesitate. I am ready to give my vote against the passage of the bill. This, sir, is a measure of importance, on account of the principles involved, as well as the great individual interests now at issue on the question. It is a measure upon which Congress should not legislate, so long as a strong doubt of the propriety of the legislation proposed rests on the mind of the legislator. That pure and sensible statesman, Nathaniel Macon, advised me twenty-five years ago never to vote for an important measure, so long as I entertained doubts of the expediency, and especially of the constitutionality of the measure proposed. The advice was good, sir, and deserves the consideration of every statesman. We all admit the constitutional authority of Congress to pass uniform laws on the subject of bankruptcies. But, sir, I doubt the constitutionality of this law. To my mind its operation will not be uniform. It will be partial and unjust in many respects to both debtor and creditor. Should this bill become the law of the land, I now venture the opinion that it will become an odious and offensive law to the larger portion of the people of this country. Its injustice and partial effects will be more fully developed by its operation than can be done by any argument on the floor of the Senate at this time. Equal laws, and equal political rights, are the letter and spirit of our institutions. I dislike all legislation designed for the enclusive benefit of the few. Moreover, sir, this bill, to my mind, interferes too much with individual contracts and obligations. I can find no power in the Constitution which authorizes Congress to impair the obligation of individual contracts. A proper sense of moral duty compels every man to consider his vows and obligations sacred. An honest debtor, if legally absolved from the embarrassment of all his debts, would nevertheless feel himself bound, if the smiles of fortune should afterwards enable him to do so, to hunt up and discharge all his old contracts.

Mr. President, I protest, sir, against being numbered amongst those who have no sympathy for honest debtors, for suffering humanity, wherever it may exist. I am not only in favor of abolition from imprisonment, and all other shackles for debt, but my feelings incline me to admire the policy of ancient times, when at regular periods the whole people could look forward to the coming year of jubilee, when there would be a full, free, and entire release from all indebtedness and harassing obligations and demands.

But, sir, when debts are contracted with a view to existing laws and regulations in society, the case is altered. The indebtedness of the people of this country has been incurred under a Government which holds out no hope of a year of general release. Hence the great delicacy of the subject, when we attempt by legislation to interfere with debtor and creditor. It is not only a delicate subject in itself; but under our system the division of power between the States and Federal Government, in relation to the proper legislations which in necessary to guard the interest of both debtor and creditor, is such as to require from legislators great circumspection and care.

Sir, the more I have reflected on this subject, in connection with my attention to the able and extended discussion in this chamber, the more I incline to the opinion, that the States are best qualified to provide for the evils which this bill is intended to remedy. The States unquestionably, by their insolvent laws, and other appropriate legislation, have the power to guard the honest but unfortunate debtor, from the unfeeling tyranny and oppression of the assuming creditor; and in most of the States it has already been done.

This bill, if it becomes the law of the land, will doubtless afford great relief to a comparatively very few individuals. But I do verily believe the great majority of both debtors and creditors will be injured by the passage of this bill.

I believe the great majority of both debtors and creditors, under the existing laws of the several States, are in a much better condition than they will be if you pass this bill. The benefits of this measure will extend to but few. A few unfortunate and imprudent merchants, speculators, and traders, will derive benefits from this measure, especially such as do business on a large scale. But, sir, a large majority of the poor suffering debtors of our land will never think of relief from your bankrupt law; and if they do, it will only aggravate their suffering, for they will never derive any benefit from its provisions. Sir, I consider this a measure better calculated to benefit lawyers, than either debtors or creditors. Yes, sir, this bill will push many a rich fee into the pockets of legal gentlemen. Sir, there is scarcely any one out of the seventeen sections of the bill, that will not require a lawyer to explain its provisions. Indeed, sir, scarcely any two jurists in this Senate have been able to agree upon the construction of any section of the bill. The discussion here has awakened me to the endless litigation this measure will create. The estate of every rich bankrupt throughout the land will afford a feast of fat things to the lawyers. To that class of the community this measure holds out the prospect of a rich harvest.

Mr. President, the system and subject of credit has of late become an enteresting theme with politicians. I have often, sir, heard the present Administration of the Federal Government denounced for destroying the credit system. To me, sir, this is all idle, perfectly fallacious. My views of a sound and salutary credit lead me to fear nothing, ask for nothing, from the Government, in the way of credit. What has this Government to do with the credit of individuals? The only true basis of credit is *industry, economy, punctuality, and honesty.*

The man who earns and receives more than he spends—who contracts no unreasonable debts—who manages all his affairs with discretion and prudence—is but rarely the subject of Providential suffering and distress—and when such cases do occur, the moral sense of the community will protect such a one from the avaricious oppression of an unfeeling creditor. Sir, I have always had more credit than money. I have never had one moment's distress for fear my credit would fail. The credit of individuals and Governments can only be sustained by the true dignity of living within the means at command. It is not in the power of individuals, or Government, to sustain credit by laws of bankruptcy, or by substituting any kind of fiction for reality. Honesty, sir, is not only the best policy, but it is a moral duty. We should advise the people to work more and spend less; to pay their old debts, and be cautious how they contract new ones. The course suggested will banish distress, and bring prosperity to our beloved country, without the aid of bankrupt laws.

Mr. ANDERSON addressed the Senate as follows:

Mr. President: The bill upon your table is now on its final passage; and I rise, sir, with very great reluctance, to ask the indulgent attention of the Senate, while I state, in the briefest possible manner, the reasons which will induce me to record my vote against it. There are occasions, sir, when a man may not be excused for his silence; and so I think my duty, under the present circumstances, to the State which I have the honor in part to represent, demands of me that I should bear, thus publicly, my testimony against this dangerous and searching measure.

My distinguished colleague, before the recommitment of the former bill, took the occasion, then, to express his entire disapprobation of the adoption of any general bankrupt law at this time, whatever might be its provisions, and adverted to the fact that he had no reason to suppose that Tennessee wished a system of this kind. I concurred most fully in the views which he entertained, and have now to state, that I have not myself, up to this time, received any evidence that the opinions of the people of Tennessee are in favor of the passage of a bankrupt law. It may well be supposed, therefore, that at the moment when such a mighty power is about to be brought into existence, in a crisis of such peculiar character as that which now pervades this country, I should feel the deepest anxiety for the result, which may, perhaps, fall most unwelcomely, and unexpectedly, upon my constituents.

This bill provides that all persons may become bankrupts at their election, upon petition, verified by oath, and stating their inability to pay their debts; and that a certain other class, including the merchants, shall be liable to be made bankrupts, under particular and specified circumstances. It has been partially modified with a view to protect the interests of the creditor, by amendments offered by my distinguished friend [Mr. WRIGHT] from New York. Several propositions which he made, intended to effect this object to a greater extent, I regret to say, it was the pleasure of the Senate, by very small majorities, to reject. I voted for most of them, in order to make this bill less exceptionable than I believed it to be, as originally reported by the select committee. Still, sir, I look upon it as a measure teeming with mischiefs of no ordinary character, to the highest welfare of the Republic.

I shall not now advert to the constitutional questions which this bill involves. They have already been fully and ably discussed by others, and I shall, therefore, call the attention of the Senate to the expediency and probable results of this measure. I confess, sir, I cannot contemplate its passage, without the deepest solicitude for the interests and character of our common country. Without, as it seems to me, sufficient evidence of public opinion, we are pushing it forward with an ardor, and a haste, for which we can offer no adequate justification. We have before us the progress of more than fifty years of fruitful experience, and it is now nearly forty since we dismissed from our statute book, with disgust and indignation, the trial of this system, which was made in eighteen hundred. We had then a population of not much more than four millions of people, and the difference between that number and sixteen millions—between thirteen independent sovereignties and twenty-six of greater magnitude—with our agriculture, commerce, and manufactures multiplied in a far higher proportion—with the pursuits of men not only augmented, but in the general progression of every thing immensely diversified beyond any former example, has added much to the increased importance of the question under consideration, and, as I think, to the doubtful character of its policy. Sir, in such circumstances, what are we about to do? We seem upon the very verge of exercising a power which is destined to search this vast and extended population—to try its most vital interests—to take absolute and summary possession of the great relations of creditor and debtor—to supersede, at a single step, long established opinions—to overlay the varied customs and legislation of twenty-six States, differing widely in their interests. All this is to be done by one great, paramount, inflexible, and uniform law—a law which tramples beneath its foot the private rights of individuals, and the judicial power of the States, which interposes for relief, or remedy, between the creditor and the debtor—a law which carries with it into twenty-six distinct and independent jurisdictions more than the power of the writ of summons, and more than the power of the writ of possession. Release is founded upon the oath, and fraud legally presumed at the will of the applicant. The house and the lands of the citizen are to be taken without notice or preparation. The whole system of things is to be changed by the single move of the creditor or debtor. In a contradictory spirit of concession, you give to the most wicked of either class the right to destroy others, and compel, by your policy, the more virtuous to enter into the competition. Accidents and oaths, under this law, may accomplish either end, and it offers the singular spectacle of granting the immunities of voluntary bankruptcy to all, upon the condition that the creditors may make a particular class of debtors liable to their compulsory process. Thus the catastrophe of bankruptcy is to be completed, where undisturbed industry, prudence, integrity, and talent, might relieve the incumbent, without the odium of the injury forever clinging to his name, and rankling in his heart.

If the proposition were now made for the first time, to grant this power, I have no doubt it would be refused by a large majority of the American people. It has an extent, as it stands in the Constitution, far beyond what could originally have been designed, and which partly arises from the more fully developed, and better understood nature and construction of our peculiar Government.

Hitherto the danger has been that of obtaining power by construction, but this is so broad and so comprehensive, in its literal sense, that we find ourselves resorting to the expedient of reducing it by appealing to the standard of English authority. And, sir, there is no country in the world where its practical influence would be so peculiarly felt as in ours, both by the people and the Government. It would turn the fears and the hopes of the one to an entire concentration upon the other, and bring that other into the possession of a strength which would give it a consolidated mastery, ultimately, over all things, over men, and over States. In this may be found, in part, connected with other intrinsic objections, the explanation why the exercise of the power was so long postponed, though pressed from seventeen hundred and ninety, annually, until eighteen hundred; and why it was afterwards so early discontinued, and has been since so steadily resisted, until at length, yielding under a succession of panics and disasters, the natural product of the vast bank power of the land, we seem about to re-enact this great statute sponge, to be applied, retroactively, upon all the pecuniary responsibilities in the country. Sir, this long postponement, the early repeal of the law, the resistance against its introduction since, present to us, the instructive portion of the history of this subject, and we ought to regard it, until we shall be otherwise informed, as expressive of the deep sense of the American people in favor of the policy of leaving the power entirely dormant in the General Government, and to be supplied by the legislation of the States.

The first blow which will be struck, I fear, will fall heavily upon the moral feeling of society. It will superinduce on the one side temptations to seek immediate relief by a single act of surrender, where perseverance and skill would, in the course of a few years, recover the unfortunate debtor from his embarrassments. It is certainly true, that the very offer of legal relief, in the first moment of a public panic, is an invitation to cease to make efforts, and will practically be an extinguishment of all debts, without a struggle to pay. On the other hand, it bestows a power upon the creditor which it is illusory to suppose will not be often abused, and as often productive of the most mischievous results. The whole basis of the measure invites fraud on the one side, and suspicion on the other. You bring into active application two utterly antagonistical principles—the newly awakened hope of the debtor to escape from responsibility, and the vigilance of the creditor to overtake the debtor for a delinquency, which he may not disregard, for fear of leaving to him the ultimate advantage of the law upon his own terms. The main pillar of credit, that confidence which is mutually inspired by integrity and by justice, will be struck down at a single blow. You destroy, at once, all mutuality of feeling, of forbearance, and of interest. No compositions will ever be proposed, and which might be effected at less expense and less risk between the parties. It will be a race of escape and pursuit, and in the present condition of the country, we will confound the honest and persevering debtor, who would finally pay, with the man of desperate fortunes. We will make an indiscriminate sweep of the unfortunate who yet bear themselves against the tide, with the bold and reckless speculators, who are already ruined; and with this solitary act we will render memorable, in all time to come, the present epoch of our calamity, by a great legal catastrophe, fashioned with singular zeal, anxiety, and labor, from our own hands. If it were possible to limit the effect of the bill before us, I am not prepared to say that it would be without a useful and happy influence upon the condition of society. But, sir, one of the very features which recommend it most strongly to the support of its warmest advocates, is, that it goes to the extent of every interest, and every class in the community, not by merely discharging the contracts of those who are hopeless and remediless, but that the offer of emancipation from debt is universal. The practical effect of this, we know, will spread itself through all the relations of life, but the final end no man can tell. When you shall have broken up the moral bond of union which strengthens and protects the transactions of men, as much as law itself legalizes them, it is impossible to estimate the consequences. I speak not of solitary exceptions—the plundered, willing or unwilling, must struggle with the plunderers—the virtuous with the vicious—and the blow which fells to the earth your next neighbor, will carry with it another, and another, without being able to say who shall escape, and who shall be counted last.

This measure, let it be remembered, has been urged by an eloquent appeal to our sympathies; that he, whose head was bowed down, should be lifted up; that the tears of his wife, and his innocent children, would be dried; that the wretched and forlorn should again take their place in society. Sir, no man, I trust, feels more deeply for his fellow man than I do, or would go farther to relieve him under the pressure of distress. But, sir, does justice, does humanity require that we should save some by destroying others? That to dry tears, which already flow, we should strike new fountains from which they would be shed more abundantly? That we should multiply the unfortunate in order to relieve them? That we should disregard the claims, the interests, and condition of the largest business class of men in the nation; and that, of all others, they should be made to feel that we legislate not for them, but for those who are already desperate? Is this fair? Is it just? Is it wise? Is it humane? Will you lay your hand most heavily upon the commercial community, under a mere suspicion that they may deal harshly with others, while your generosity is poured redundantly upon the head of the speculator? Is this, sir, the boasted love of that great interest? Is this the tender mercy which the mercantile class is to receive at the hands of *their peculiar friends?* Sir, it is the embrace of death—death to credit—death to confidence; that confidence which procures rank and station to the trader; which sustains him in many a sore and trying struggle; that confidence which, when every honest effort is expended, would, upon a surrender of his effects, discharge him from his liabilities; that confidence, above all, which reposes upon our justice and our wisdom!

Mr. President, this measure has, to my mind, the most peculiar aspect. It comes before us under the potent auspices of the most singular compromise ever presented in legislative history. I repeat, it is no more or less than that the voluntary bankrupt is to be allowed to escape from his creditor, upon condition that creditors may be allowed to oppress a particular class of debtors. The first would not be permitted, but it is the condi-

tion of power to the latter; and, on the other hand, the latter is to be conceded on the condition of that special benefit to the former. It seems to me, sir, that if either would be wrong, and publicly mischievous singly, because of the peculiar state of the country, that the two united will certainly augment the measure of injury. I am unable to understand the philosophy of this subject in any other way. It has been contended that neither, alone, ought to be adopted; if so, a compromise, by which both may be efficient, must therefore, I think, add a double force to the objection that lies against this great experiment.

Sir, I would address Senators, in the language of Mr. Burke, when he wrote to his constituents, with whom he had differed: "I would appeal from the opinions which you now have, to the opinions which you will have five years hence." From the present excitement, to the practical results which we are now preparing, and when every other influence will have passed away, except that experience which will then come home to the feeling and observation of all men!

The policy of this measure may be partly estimated by the amount of debt which exists in the country, and upon a large portion of which it will be immediately directed. It is probably a fair calculation, that the mercantile debt owed by that portion of the country which is now within the range of the suspended banks, is equal to one hundred millions of dollars. Of this, I understand the computation for the city of New York alone to be upwards of sixty millions. The remainder may be divided between Philadelphia and Baltimore. This debt is to be extinguished in two methods; by the voluntary act of the bankrupt, and by the compulsory process which you give to the hand of the creditor. The contracts were made in a period of the highest prices and a swollen currency. That currency has been reduced by the curtailment of the banks, and with their action has fallen the price of wages and of property. They were the primary causes of the first, as they have been of the last; and although over one-half of the nation they are now suspended, and refusing to pay their own notes in specie, the utmost extent of their paper currency is not more than one hundred millions of dollars—not equal to the precious metals which they have driven into retreat. It is in this state of things that you propose this measure of voluntary and compulsory bankruptcy. And, sir, to whom have you given that power of coercion, upon mere petition, without being verified upon oath? without even the right of traversing the question of fraud by a trial by jury, until after the decree is entered up—until after the blow is struck? We most graciously propose to bestow it upon those very banks, as well as upon individuals—the banks, to whom we have been told, in this debate, that there is a sum of four hundred and sixty millions of dollars owed by the citizens of the United States. They are to be brought into the great field of action, and to become the potent competitors in the general work of ruin and distress. Are we prepared for a scene like this? One vast scene of disaster, of which no man can tell the end? One wide, deep, and lasting excitement. Sir, the country will stand aghast at the practical march of this measure, with its train of clients, of debts, of agents, of assignees, of lawyers, of courts of power, and of patronage! And who will reap the harvest? Most surely, not the creditors! What is the experience of those who bore a part in the administration of the bankrupt act of eighteen hundred? I have before me the testimony of one whose talents and character entitle his opinions to the highest respect. I am not disposed to surrender a question of this magnitude to the mere authority of names; but Mr. Tazewell of Virginia delivered this testimony in the Senate, upon the debate on the bankrupt bill in eighteen hundred and twenty-seven, and spoke of that which he personally knew, and which no man will venture to controvert, and which I have no doubt, upon examination, will be found to be sustained by the facts that transpired in almost every State of the Union. I beg leave, sir, to read his statement. He says: "When the former bankrupt law was in existence, he resided in a seaport town, and was engaged in almost every case of bankruptcy that occurred during its operation; and he could assure the Senate that he never knew *a solitary case*, in which the creditor obtained one cent. The debtors had often large estates—there was a large amount of property somewhere; but by the time it had been filtered through the hands of the assignees, of the commissioners, and their deputies, and agents, and this, and that, and the other officer, appointed to act upon it, not a fraction was left for the creditor. The whole had been absorbed in its progress." And such, sir, I have no doubt, will be the progress of this measure, in the contact and process of agents and of courts.

There is another consideration connected with this subject, which, I think, is entitled to some weight, and ought to be felt, at least by those who complain of the expenditures of this Government. The total sum which will, in all probability, be extinguished, either by payment or discharge, cannot fall much short of two hundred millions of dollars. The number of bankrupts will be, perhaps, not less than two hundred thousand. I have heard it estimated to be much greater. Be this as it may, it is very certain that your courts, as at present constituted, cannot possibly execute the immense mass of business—the almost endless suits, in addition to the separate cases of bankruptcy, which will be cast upon them. It is true that this bill provides that they shall be considered as always open to applications under the act, but their number is too few to enable them to go through but a small portion of the causes. You will be compelled to increase the number of your judges, and subdivide your present districts, or to create a special set of commissioners, for the sole purpose of executing this law. Let those who are the special friends of this measure, be prepared to take also this responsibility. It will be found to be one of no inconsiderable magnitude.

The period now fixed, at which it is to take effect, is the first of February next. Why not then postpone any legislation until the next session of Congress, as we shall have, in the interval, the opportunity of returning to our constituents, and consulting them upon a subject scarcely inferior in importance to any which may require their consideration? Or is it possible that the anxiety to pass this bill will not brook delay? Sir, that delay would bring back upon us the judgment which may reverse the decision which we are probably this day to make.

Mr. President, I fear it is in vain to hope for the defeat of this measure. But, sir, I think it would have been prudent, in the midst of the present excitement and pressure, to have trusted a little longer to the forbearance and magnanimity of the creditor, to the honesty, the industry, and the perseverance of the debtor. In Tennessee, sir, like every other portion of this Union, we are considerably in debt; and although we cannot pay to-day, or to-morrow, or next day, we are essentially a solvent and a paying people. We want no sponging retroaction—but will, in the end, with few exceptions, pay the last cent for which we are liable. But establish this law, and though it may cast the sunshine of hope upon the path of many a worthy and unfortunate man, who is bent beneath the burden of his disasters, it will just as surely overshadow with misfortune others of equal merit, who would, if undisturbed, pass triumphantly through the impending calamities. For every bankrupt it may relieve, the very moral, as well as compulsory power of its provisions will follow, pari passu, to add its victim to that object of your mercy. The very mercy of this twofold system will stimulate the fears of the creditor, who will most naturally avail himself of every advantage against the debtor, whom the law has armed with the choice of his own fortunes, and we shall exhibit the great national spectacle of fierce passions and private plunder, overruling the mastery of every nobler feeling, under the influence of such temptations as few can resist, and the impulse of such a revolution as none can stay. Instead of being a measure to cure the evils under which we are suffering, it will propagate bankruptcies with a prolific hand. Whatever may be the theory of gentlemen upon this subject, however they may expect to bring peace, hope, and joy to the bosom of the ruined, there is another side of this picture, upon which the statesman cannot look without apprehension and doubt; *it is where those are to be seen on whom ruin will be brought.* The law will take its course. The fears and cupidity of men will sweep over the land in one deep and rapid stream! No industry, no integrity, no perseverance, no probable prospect of success can arrest it. I would that we could pause before we adopt this terrible and delusive measure. There is nothing in the history of the past to assure us of the wisdom of the step we are about to take.

If the Constitution contemplates such a measure as this for the protection of commerce, our prosperity, for nearly forty years, is proof that it is not demanded. It is said to have this basis for its policy in England, but with all her advantages, and the aid of its protection and encouragement, we have advanced many per cent. in the proportion of the whole, beyond her commercial and navigating interests. As a permanent measure, it would be found, as I think, to have no such influence. Even as a temporary remedy, the power is too dangerous, and the consequences are too alarming.

Let us pause before we pass this bill. It will array the North against the South. It will engender a suspicion, a distrust, a deep rooted prejudice, which can scarcely be obliterated during the quarter of a century. It will be a standard subject of reference for the guidance and action of the next generation, and instead of promoting the prosperity of commerce, I fear it will materially affect its best interests, particularly by its premature adoption.

Besides all this, the country has not had half time to right itself—to recover from the stupor of its extravagance—to return to habits of economy—to make a steady, united, and persevering effort to pay its debts. Let us, therefore, look not so much to fear as to hope—to despair as to a firm resolve to pay—to the forbearance of creditors—to the justice and industry of debtors. Our countrymen are full of a noble love, and a noble confidence towards each other; and it becomes us, as the grave advisers and lawgivers of the land, not to weaken, discourage, or destroy these sacred relations. We may rely upon it, sir, public opinion is not fully ripe for this measure. The time may come when it may demand some system of this kind, for relief and for remedy; but let us not hastily and prematurely, at the first alarm, produce a revolution in our laws, and the laws of twenty-six States, which, when put into motion, cannot be arrested by a hand less powerful than our own. Let us not be borne down by the mental pressure of the moment, but standing erect, with a wise forecast, ask ourselves the question, how this will be, after the experiment has been passed, and the experience of years has sealed its character?

Mr. WALL stated that he had, from the commencement of the debate on this question, had the strongest desire that the bill should assume such a shape as would enable him to give it his support, but in this he had been thwarted; and though no one could feel more the necessity of passing some measure for the relief of a large portion of the community, he could not vote for the bill in its present shape. Mr. W. then referred to various misrepresentations which had been made as to his course on this bill, and referred particularly to the printed speech of Mr. WEBSTER, in which his arguments were misstated and misrepresented. Mr. WEBSTER explained, and disavowed any intention to misrepresent the Senator.]

Mr. W. then proceeded at considerable length in opposition to the bill.

Mr. HENDERSON said this bill was not such, of all others, as most challenged his approbation. Against its compulsory process he could not too earnestly protest. He disapproved of that feature *in toto*, and did not believe it could ever operate for good. The power of the States, in respect to the redress of the creditor against his debtor, was already ample, and in his opinion demanded no aid from Congress. But, in this opinion, he had been overruled by a majority of the Senate. He submitted to that decision from necessity. But this bill contained the essential and salutary power, the redeeming power, of breaking the prisoner's chains and setting the captive free—a power which no State could assert, and this Government alone could exercise. This consideration alone reconciled him to the measure: and, in his judgment, overbalanced the objectionable principles it adopted and furnished a preponderating apology for the Federal machinery it necessairily put in operation. He should, therefore, vote for the bill.

Mr. YOUNG said he had examined with great care the records of the Supreme Court on this subject, and he had found that, unless Congress should interfere, a large portion of debtors would be wholly

without remedy. Mr. Y. read some extracts, which went to show that, by the exertion of the whole power of the States, there could be no discharge of the bankrupt debtor, except in cases between citizens of the same State.

The bill was now passed by the following vote:

YEAS—Messrs. Clayton, Davis, Dixon, Henderson, Huntington, Knight, Mouton, Nicholas, Norvell, Phelps, Porter, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, White, Williams, Wright, and Young—21.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Hubbard, King, Linn, Lumpkin, Pierce, Roane, Robinson, Smith of Connecticut, Sturgeon, Tappan, and Wall—19.

On motion by Mr. HENDERSON, the Senate took up the bill authorizing the Secretary of the Treasury to extend further indulgence to the late deposite banks at Natchez.

Mr. H. moved so to amend the bill as to extend the time, without interest, provided there should be like abatement of interest in ratable proportion among the sufferers by the late tornado, debtors to said banks.

This amendment was sustained by Messrs. HENDERSON and WALKER; but, before any definite question was taken, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, June 25, 1840.

Mr. BRIGGS moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. JOHNSON of Maryland asked the gentleman from Massachusetts to withdraw the motion, to enable him to make a motion to take up the bill for rechartering the banks in the District of Columbia. Their charters expire on the 4th of July, and it was important that the bill should be acted on immediately. If the House would agree to take up the bill, he would be willing that a silent vote should be taken on its passage. He would refrain from making a speech himself, and move the previous question on its passage.

Cries of no! no! I object!

Mr. JOHNSON moved to suspend the rules, for the purpose of considering the bill.

The SPEAKER said that there was one motion to suspend the rules for another purpose pending, which must have precedence.

Mr. DROMGOOLE said that when the morning hour expired on yesterday, the House was in the midst of the reading of the documents and proceedings in relation to the trial of Lieutenant Hooe; he hoped that the rules would not be suspended till that subject was disposed of.

Mr. BRIGGS said it would take two hours to read the proceedings of that court martial through, and could not yield his motion.

Mr. CUSHING demanded the yeas and nays on the motion to suspend the rules, which having been ordered, were—yeas 82, nays 50.

Mr. McKAY hoped the House would by general consent agree to suspend the reading of the document containing the proceedings of the court martial in the case of Lieutenant Hooe, and have the same printed.

Mr. CUSHING objected.

Mr. McKAY gave notice that he intended to move a resolution for the printing of that document on to-morrow.

THE INDEPENDENT TREASURY BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, Mr. Banks in the chair, and resumed the consideration of the Independent Treasury bill.

Mr. SERGEANT being entitled to the floor, resumed his remarks from last evening in opposition to the bill, and in favor of a National Bank. He concluded at half past one, p. m.

Mr. HASTINGS of Ohio then took the floor, and spoke until the recess in favor of the bill, and in an able refutation of the arguments which had been urged against it. His remarks will appear in full hereafter.

EVENING SESSION.

After the recess,

Mr. HASTINGS of Ohio resumed, and concluded his remarks in support of the bill.

Mr. COST JOHNSON then took the floor, and spoke until a quarter past eight in opposition to the bill, and in support of a substitute he intended to offer.

Mr. McCARTY followed, but immediately gave way to

Mr. MONROE, who moved that the committee rise.

On that motion tellers were ordered, and the vote was—ayes 39, noes 67; no quorum.

The committee then rose, and the CHAIR reported that fact to the House, whereupon,

Mr. HOFFMAN moved to adjourn, on which motion the yeas and nays being ordered, were—yeas 41, nays 65.

So the House refused to adjourn.

After an ineffectual motion for a call of the House,

Mr. TILLINGHAST said, as the House refused to order the call, he would renew the motion to adjourn.

Mr. DUNCAN demanded the yeas and nays; which were ordered, and being taken, were—yeas 47, nays 62.

So the motion was negatived.

Mr. McCARTY, wishing to defer his remarks until morning, having yielded the floor to Mr. Andrews,

Mr. RHETT hoped that, by general consent, the House would go again into committee, as he understood the gentleman from Kentucky was willing to go on and conclude his speech that evening.

Several gentlemen objected to going into committee without a quorum.

After some debate of a conversational character, a call of the House was again demanded and ordered.

Mr. CURTIS moved to adjourn, on which motion the yeas and nays were ordered, and, being taken, were—yeas 37, nays 74.

So the House refused to adjourn.

A call of the House having been previously ordered, the roll was called, when 111 members answered to their names.

The names of the absentees were then called, after which 126 members appeared within the bar.

A quorum now appearing,

The House again resolved itself into a Committee of the Whole.

Mr. ANDREWS then took the floor, and proceeded to say that he was elected a whole figure tariff man, an advocate of a National Bank, and a distributor of the surplus revenue arising from the sales of the public lands. After telling the committee how the old United States Bank was "murdered," he went on to show why he preferred a similar institution to the present bill.

He concluded at a quarter past ten o'clock.

The committee then rose, and

The House adjourned.

IN SENATE,

FRIDAY, June 26, 1840.

The VICE PRESIDENT submitted a report from the Secretary of the Treasury, enclosing the annual statement of the commerce and navigation of the United States for the year ending September 30, 1839; which was laid on the table, and the usual number of extra copies ordered to be printed.

We copy the following abstract of the contents of this document, from the letter of the Register to the Secretary of the Treasury:

The imports during the year have amounted to $162,092,132, of which there was imported in American vessels $143,874,252, and in foreign vessels $18,217,880. The exports during the year have amounted to $121,028,416, of which $103,533,891 were of domestic, and $17,494,525 of foreign articles. Of the domestic articles, $82,127,514 were exported in American vessels, and $21,406,377 in foreign vessels. Of the foreign articles, $12,660,434 were exported in American vessels, and $4,834,091 in foreign vessels. 1,491,279 tons of American shipping entered, and 1,477,928 tons cleared from the ports of the United States. 624,814 tons of foreign shipping entered, and 611,839 tons cleared during the same period.

The registered tonnage, as corrected at this office, is stated at - - -	834,244	54.95
The enrolled and licensed tonnage at - - - -	1,153,551	85.95
And fishing vessels at - -	108,682	34.95
Tons -	2,096,478	81.95
Of the registered and enrolled tonnage, amounting, as before stated, to - - - -	1,987,796	47.95
There were employed in the whale fishery - - -	131,845	25.95

The total tonnage of shipping built in the United States during the year ending the 30th of September, 1839:

Registered - - -	55,065	47.95
Enrolled - - -	65,922	82.95
Tons - -	120,988	34.95

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the bill for the relief of J. W. Beeson and others, reported the same without amendment.

Mr. BENTON, from the same committee, reported back the papers in relation to the claim of Wallace and Arthur; and the report was ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which had been referred the claim of J. Mitchell and J. P. Fox, reported a bill for their relief; which was read, and ordered to a second reading.

On motion by Mr. HUBBARD, the same committee was discharged from the further consideration of the memorials of the heirs of Eleazer W. Ripley, and Mathew J. Ketch.

Mr. NICHOLAS, from the Committee on Military Affairs, reported back the various memorials which had been referred to said committee in relation to the employment of blood hounds in Florida, and moved that said committee be discharged from the further consideration thereof; which motion was agreed to.

On motion by Mr. PIERCE, the same committee was discharged from the further consideration of the memorial of the Legislature of Connecticut on the subject of a national foundry.

Mr. ROBINSON, on leave, introduced a bill amendatory of the several acts establishing and regulating the Post Office Department; which was twice read, and referred.

The Senate took up, in committee of the whole, the unfinished business of yesterday, which was the bill for the relief of the administrator of Michael Hogan, deceased, and after an animated debate, in which it was zealously supported by Mr. STRANGE, and as warmly opposed by Mr. HUBBBARD, the question on engrossment was taken, and decided in the negative—yeas 4, nays 28.

Mr. HUBBARD said that, in the early part of the sitting, the CHAIR had submitted the annual report of the Secretary of the Treasury on the commerce and navigation of the United States. In the absence of the chairman of the Committee on Commerce, he had moved that the usual number of extra copies should be printed for the use of the Senate. He had since been informed that the number had varied for the last three or four years, and that five thousand was the number ordered at the last session. It would therefore be proper for the Senate to express their opinion as to what number they would wish to have printed on the present occasion.

Mr. KING thought that three thousand extra copies would be sufficient, and, unless the general sense of the Senate preferred a larger number, he would move for the printing of that number. Last year, he said, five thousand extra copies of this document were printed; the year before, three thousand; and the two years preceding that, two thousand.

Mr. BUCHANAN hoped the largest number of copies, five thousand, would be printed. This was one of the most important of the documents transmitted to Congress, and he found that it was more called for than any other. His supply had not been sufficient to meet the demand made on him for it. It was important, too, that the country should be furnished with the valuable information contained in this document at this time; for, next year, Congress would be called on to adjust the tariff, and their constituents should be able to understand more fully the important questions that would come before them.

Mr. DAVIS could see no propriety in printing a large number of this document. The extra number usually printed had been fifteen hundred. Two or three years ago, it had been increased to two two thousand; and last year, by some means or other, he could not tell how, five thousand had been ordered. He thought two thousand copies were amply sufficient, and any amount over that number would be superfluous, and of little service to any body.

Mr. BUCHANAN would just observe, that in the State of Pennsylvania there were sixty counties, and he thought that at least one copy should go to each county in all the States. Besides, there was not a leading merchant in Philadelphia not anxious to get a copy, and the same might be said in relation to the manufacturers of Pittsburg. He was generally averse to printing a large number of extra copies of the documents laid before them, but this document was an exception. They had heretofore printed extra numbers of documents which were comparatively unimportant. This document, as he said before, contained more valuable commercial and manufacturing information than any other, and yet they were to be restricted to 2,000 copies.

Mr. WALKER expressed the hope that 5,000 copies would be printed. It was an exceedingly important document, and ought to be disseminated. He wished to send one copy to each editor in his State.

The question was then taken on printing 5,000 copies, and decided in the affirmative, without a division.

On motion of Mr. HENDERSON, the joint resolution for the relief of the sufferers by the late tornado at Natchez was again taken into consideration, the question being on the amendment offered by Mr. H. to remit the interest on the public money to be entrusted for three years longer with the two banks at Natchez.

After a few remarks by Mr. WILLIAMS, not distinctly heard by the Reporter,

Mr. WRIGHT objected to the amendment, that, in carrying it into effect, the banks might aid some of the sufferers, and not others, so as to occasion inequality and discontent. He stated that, in the case of the New York fire, which was analogous to this, the duties were remitted in cases where the goods were totally lost. But in cases of a mere extension of the time for the payment of duty bonds, with a view to relief, be found that six per cent. interest was required on the bonds; and he argued that to remit the interest in this Natchez case would be nothing short of a direct donation.

Mr. HENDERSON replied that the resolution itself provided for a pro rata relief to the sufferers. Mr. H. also argued that this case ought to be compared to the former branch of Mr. WRIGHT's parallel, that is, the remission of duties, rather than to the latter branch, that is, the extension of duty bonds, to which Mr. WRIGHT had confined it. And if the remission of interest would in this case be a donation, the remission of duties in the New York case could be no less a donation.

After some remarks by Mr. WALKER, in which he advocated the adoption of the amendment,

Mr. CALHOUN concurred entirely in the views of the Senator from New York, [Mr. WRIGHT.] The remission of interest would be in fact a gratuity of the amount through the agency of the banks and not direct from the Government, which would be more gracious. He thought the extension of time to the banks was going as far as they had any power to go, and he was not willing to go any farther.

Mr. WRIGHT said he did not know on what ground Congress had acted in remitting the duties to the New York sufferers; but he presumed it to be this. It was true that bonds had been given, and in form the money was due to the Treasury. But still, if those goods had been re-exported, as they might have been, the drawback upon them would have prevented any thing from going into the Treasury. And on what ground was the drawback allowed? It was, that other goods would come in to supply their place, so that nothing would be really lost to the Treasury. So, in the case of the loss by fire, it made from for other goods to come in, so that the Treasury would be made good.

The amendment of Mr. HENDERSON was loss and the resolution, giving an extension of the time of payment for three years to the banks, was ordered to be engrossed.

After the consideration of Executive business,

The Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, June 26, 1840.

Mr. CLIFFORD moved to suspend the rules for the purpose of introducing the following resolution, viz:

Whereas Senate bill 127, entitled an act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue, was taken up in the Committee of the Whole on the state of the Union on the 20th of May last, and has been under discussion to this time; and whereas the period has arrived when it is proper to close the present session of Congress with as little delay as possible; and whereas much of the indispensable public business is yet to be acted on; therefore

Resolved, That the said committee be discharged from the consideration of said bill, from and after Monday next, unless the same shall be reported to the House at an earlier day; and that said bill, with such amendments, if any, as shall have been adopted in said committee, shall be taken up in the House on Tuesday next, at 11 o'clock, a. m. and be the special order until finally disposed of, reserving to said committee the right, according to the rules of the House, to report the same sooner if the discussion shall terminate.

Mr. LEWIS WILLIAMS moved a call of the House; which having been ordered, was proceeded in till 160 members answered to their names; when,

On motion of Mr. THOMPSON of Mississippi, all further proceedings in the call were dispensed with.

The question recurring on the motion to suspend,

Mr. BRIGGS said if the gentleman would strike out the preamble, he would vote for it.

Mr. CLIFFORD, at the solicitation, modified the resolution so as to read as follows:

Resolved, That the rules of the House be so far suspended that the Committee of the Whole House on the state of the Union be discharged from the consideration of Senate bill No. 127, entitled A bill to provide for the collection, safekeeping, transfer, and disbursement of the public revenue from and after Monday next, unless the same shall be reported at an earlier day; and that said bill, with such amendments, if any, as shall have been adopted, be taken up in the House on Tuesday next, at 11 o'clock a. m., and be the special order until finally disposed of, reserving to the said committee the right, according to the rules of the House, to report the same sooner if the discussion shall terminate.

Mr. C. called for the yeas and nays on the motion to suspend the rules; which were ordered, and were—yeas 127, nays 53.

YEAS—Messrs. Alford, Judson, Allen, John W. Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Biddle, Black, Blackwell, Boyd, Briggs, Aaron V. Brown, Albert G. Brown, Burke, Wm. O. Butler, Calhoun, Carr, Carroll, Casey, Chapman, Chinn, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Dickerson, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, James Garland, Goggin, Griffin, Hall, Hammond, Hand, William S. Hastings, John Hastings, Hawkins, Henry, Hill of North Carolina, Hillen, Holleman, Holmes, Hubbard, Jackson, Jameson, Charles Johnston, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leet, Leonard, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Miller, Montanya, Montgomery, S. W. Morris, Newhard, Nisbet, Osborne, Parrish, Parris, Petrikin, Pickens, Prentiss, Ramsey, Randolph, Reynolds, Rhett, Ridgway, Rives, Edward Rogers, Ryall, Samuels, Shaw, Shepard, Simonton, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taylor, Jacob Thompson, Turney, Underwood, Vanderpoel, Vroom, David D. Wagener, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—127.

NAYS—Messrs. Adams, Andrews, Baker, Bell, Bond, William B. Campbell, Carter, Crabb, Cranston, Cushing, Davies, Garret Davies, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Rice Garland, Gates, Gentry, Goode, Habersham, Hawes, Hunt, James, Kempshall, Lincoln, Marvin, Mason, Mitchell, Monroe, Morgan, Naylor, Palen, Proffit, Randall, Rayner, Reed, Russell, Saltonstall, Sergeant, Stanly, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Warren, Edward D. White, Thomas W. Williams, Lewis Williams, and Christopher H. Williams—53.

So the rules having been suspended,

Mr. C. moved the previous question; which received a second; and the main question having been ordered, and the question now being, 'Shall the resolution pass?"

Mr. PROFFIT demanded the yeas and nays; which having been ordered, were—yeas 123, nays 58.

YEAS—Messrs. Alford, Judson Allen, John W. Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Biddle, Black, Blackwell, Boyd, Briggs, Aaron V. Brown, Albert G. Brown, Burke, Sumpson H. Butler, William O. Butler, Calhoun, Carr, Carroll, Casey, Chapman, Chinn, Clifford, Coles, Colquitt, Cross, Dana, Davee, J. Davis, J. W. Davis, Doan, Doig, Earl, Eastman, Connor, Mark A. Cooper, Wm. R. Cooper, Craig, Crary, Cross, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Griffin, Hall, Hammond, Hand, Jno. Hastings, Hawkins, Henry, Hill of North Carolina, Hillen, Holleman, Holmes, Hubbard, Jackson, Jameson, Charles Johnston, Joseph Johnson, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leet, Leonard, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parrish, Parris, Petrikin, Pickens, Prentiss, Ramsey, Randolph, Reynolds, Rhett, Ridgway, Rives, Ryall, Samuels, Shaw, Simonton, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweney, Taylor, Jacob Thompson, Turney, Underwood, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—123.

NAYS—Messrs. Adams, Andrews, Baker, Bell, Bond, Brockway, W. B. Campbell, Carter, Chittenden, Crabb, Cranston, Curtis, Cushing, Edward Davies, Garret Davis, Deberry, Dennis, Dellet, Dromgoole, Edwards, Evans, Everett, Rice Garland, Gates, Gentry, Goode, Habersham, W. S. Hastings, Hawes, Hill of Virginia, Hunt, James, Kempshall, Lincoln, Marvin, Mitchell, Monroe, Morgan, Naylor, Palen, Proffit, Rariden, Rayner, Russell, Saltonstall, Sergeant, Stanly, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Warren, E. W. White, Thos. W. Williams, Lewis Williams, and Christopher H. Williams—58.

So the resolution was adopted.

Mr. LEET of Pennsylvania, by general consent, moved the following resolution, which was adopted.

Resolved, That the claim of John McFarlane of Pennsylvania, against the Winnebago tribe of Indians, for depredations committed upon his property in the year 1812, be referred with the accompanying documents and proofs to the Committee on Indian Affairs, with instructions to said committee, if upon examination they should find said claim to be equitable and just, to report by bill or otherwise, directing its immediate payment.

BANKRUPT BILL.

Mr. SERGEANT asked the general consent of the House to take up the bill called the Bankrupt bill, for the purpose of having it referred and printed.

Cries of no! no! from all parts of the hall.

Mr. DROMGOOLE inquired of the CHAIR, whether the bill was on the SPEAKER's table.

The CHAIR replied that it was.

Mr. DROMGOLE said he was willing that the business on the SPEAKER's table should be taken up and disposed of, and after the bill was reached in its regular order, he would be willing to have it referred; until then he objected.

Mr. SARGEANT moved to suspend the rules.

Mr. DROOMGOOLE called for the yeas and nays on the motion, which were ordered.

Mr. D. called for a division of the question, so as to take the vote simply on the motion to suspend the rules.

The question was taken, and resulted—yeas 88, nays 88.

YEAS—Messrs. Adams, J. W. Allen, Hugh J. Anderson, Andrews, Baker, Bell, Biddle, Bond, Briggs, Brockway, Albert G. Brown, William O. Butler, Calhoun, Carter, Chapman, Chinn, Chittenden, Clifford, Crabb, Cranston, Crary, Curtis, Cushing, Dana, Davee, Edward Davies, John W. Davis, Garret Davis, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fletcher, Rice Garland, Gates, Gentry, Goode, Graves, Hall, William S. Hastings, Henry, Hoffman, Hunt, Jackson, James, Charles Johnston, William Cost Johnson, Kempshall, Leet, Leonard, Lincoln, Mallory, Marvin, Mitchell, Monroe, Montgomery, Morgan, Naylor, Nisbet, Osborne, Palen, Randolph, Rariden, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Simonton, Albert Smith, Truman Smith, Stanly, Starkweather, Stuart, Jacob Thompson, Tillinghast, Toland, Underwood, Vanderpoel, David D. Wagener, Warren, Edward D. White, Wick, Thomas W. Williams, Joseph L. Williams, and Christopher H. Williams—88.

NAYS—Messrs. Judson Allen, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Burke, Sampson H. Butler, W. B. Campbell, Carr, Carroll, Casey, Connor, Mark A. Cooper, William R. Cooper, Craig, Cross, John Davis, Doan, Doig, Dromgoole, Duncan, Eastman, Ely, Fisher, Floyd, Fornance, Galbraith, Goggin, Griffin, Hammond, Hand, John Hastings, Hawes, Hill of North Carolina, Hillen, Holleman, Holmes, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Lowell, Lucas, McCarty, McClellan, McCulloch, McKay, Marchand, Miller, Montanya, Samuel W. Morris, Newhard, Parrish, Parris, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Steenrod, Strong, Sumter, Swear-

ingen, Sweney, Taliaferro, Taylor, Triplett, Turney, Vroom, Watterson, Weller, Jared W. Williams, Henry Williams, Lewis Williams, and Worthington—88.

There not being two-thirds, the rules were not suspended.

Mr. DOWNING gave notice that he would on to-morrow ask leave to introduce a bill more effectually to protect the people of Florida in their lives and property, and to bring the Seminole war to a close.

INDEPENDENT TREASURY BILL.

On motion of Mr. VANDERPOEL, the rules were suspended, and the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the Independent Treasury bill.

Mr. McCARTY spoke one hour in opposition to the bill, and in an examination of the policy of the past and present Administrations with the currency.

Mr. BIDDLE followed, and entered into an elaborate defence of the banking system, which, he contended, was infinitely superior to the system contemplated by the present bill. In the course of his remarks, he endeavored to show that the suspension of the old United States Bank arose solely from its zeal in placing its resources at the disposal of Government, by taking up its loans, etc. He had not concluded at half-past 2 o'clock, the hour of recess.

EVENING SESSION.

After the recess,

Mr. BIDDLE resumed and concluded his remarks in opposition to the Independent Treasury bill.

Mr. COOPER of Georgia then obtained the floor. After adverting to the manner in which the last gentleman who addressed the committee had given his "parting blessing," Mr. C. then proceeded to explain that he would have taken an earlier opportunity of giving his views in favor of the bill, had it not been for peculiar circumstances in relation to his connection with certain gentlemen of the committee. Mr. C. then alluded to the position in which he and his colleagues from Georgia stood in relation to this question, and intimated that he had postponed his remarks, for the purpose of hearing the speeches of his colleagues, in order that he might have the benefit of their suggestions, on which he could reflect before he came to act on the subject. He did this, because he held himself bound by nothing but the honest convictions of his own mind; and in the vote he should give, he would be guided by that conviction alone.

The end he proposed to carry out was, first, to confine the action of Government to its proper limits; and second, to limit the revenue to the wants of the Government. That was the sum and substance of his political faith; and if he could show that this bill was calculated to produce that effect, he would be justified in his own mind in supporting it. Mr. C. here yielded the floor to

Mr. ALFORD of Georgia, who, as his colleague had expressed a wish first to hear the views of other members from that State, requested the floor on that ground. Mr. A. then proceeded to recapitulate the circumstances attending the election of the delegation from Georgia, and expressed his sorrow that any of his colleagues should think it their duty to support this bill. Mr. A. then gave his reasons why he could not vote for it, and in a very amusing manner told the committee how the late President Jackson had "whipped" the United States Bank. He said he had no fault to find with the old General for killing the Bank; but he did blame him for his inhumanity in not leaving it alone after it was dead.

Mr. COOPER then resumed his remarks in favor of the bill, and in reply to the arguments urged against it; but more particularly to those of Messrs. SERGEANT and BIDDLE. He read a number of authentic documents to show that the deposites had formed the basis of the circulation of the banks instead of their own capital; and that as the shadow moved on the dial plate, so the amount of deposites invariably indicated the amount of circulation. He then showed that the great evils which must result from placing the revenue of the country in the power of banking corporations to serve as a basis of their circulation; also the inevitable ruin which must ensue, when that basis should be withdrawn, leaving the paper in circulation without any power on the part of such banks to redeem it. In reply to the assertion that the deposites were of no use to the old United States Bank, Mr C. asked how it was that the Bank broke when the deposites were withdrawn.

In the recent speech of Mr. SERGEANT, that gentleman had made an elaborate calculation, showing the expense of the Independent Treasury system. He had also spoken with earnestness on the loss that would accrue by keeping five millions of specie constantly in the hands of the receivers general, showing how much pork, and how many barrels of flour might be bought with the interest on that sum. As a set-off to this, Mr. C. introduced a table showing the great amount which might have been realized by Government on the millions deposited with the United States Bank, estimating the interest at 6 per cent only. He then showed that the Bank used this money, as its circulation was always guided by the amount of deposites. And in addition to the profit on its bills, the Bank realized an immense sum by exchanges, etc. Mr. C. then contended that the cost of the Independent Treasury system was nothing in comparison to the former system, and that the gentleman from Pennsylania had been peculiarly unfortunate in raising such an objection. After adverting to many other objections to the bill, which he confuted by authentic documents, Mr. C. concluded at a quarter past ten.

Mr. W. B. CAMPBELL of Tennessee then took the floor, but gave way to a motion that the committee rise. This motion prevailing, the committee rose, and

The House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, June 27, 1840.

The SPEAKER presented to the House a communication from the Hon. William L. Storrs, resigning his seat as Representative from the State of Connecticut.

CASE OF LIEUT. HOOE.

Mr. CHAPMAN of Alabama moved to take up the communication from the Navy Department, containing the proceedings of a court martial at Pensacola, summoned for the trial of Lieut. Hooe, together with the approval thereof by the Secretary of the Navy, Lieut. Hooe's protest and memorial to the President, and certain remarks of the Secretary in defence of his course in approving the sentence, together with a legal opinion of the United States District Attorney, Francis S. Key.

Objection being made,

Mr. CHAPMAN of Alabama moved to suspend the rules for the purpose of taking the subject up.

Mr. LEWIS WILLIAMS moved a call of the House; which having been ordered, was proceeded in till 156 members answered to their names; when

On motion of Mr. RAMSEY, all further proceedings in the call were dispensed with.

Mr. TALIAFERRO said that the gentleman who had instigated the call of these documents [Mr. BOTTS] was necessarily absent with his family, and whose wish it was that the question should not be taken on the reference and printing, unless he was present.

Mr. CRAIG replied, that when the gentleman from Virginia [Mr. BOTTS] moved to suspend the rules for the introduction of the preamble and resolutions, making the call on the Department for these documents, he with much emphasis said "he would bring these Democrats up to the bullring," and it would not do to back out from the question. The documents are here, and should go forth to the people to enable them to have the whole truth.

Mr. THOMPSON of Mississippi stated that the gentleman from Virginia [Mr. BOTTS] knew, before he left, that the previous question was moved on the motion to refer the documents to the Committee on the Judiciary, and to have them printed. He had no idea that the question should be delayed because a gentleman thought proper to absent himself. He had been told that the motion for the previous question would not be withdrawn.

Mr. MONROE moved to lay the whole subject on the table.

The CHAIR suggested that it would take no more time time to dispose of the question to supend the rules, than it would the motion to lay on the table.

Mr. M then withdrew his motion.

Mr. ANDREWS inquired of the CHAIR whether the motion was to suspend the rules for the morning hour, or without limitation?

The CHAIR replied that the motion was a general motion to suspend the rules.

Mr. ANDREWS. Then, if it is to suspend the rules generally, I call for the yeas and nays.

Mr. THOMPSON of Mississippi said that the previous question had been moved on the proposition for reference; and if the rules were suspended, the subject could be disposed of before the expiration of the morning hour, as there could be no debate. The gentleman need not entertain any fears that it will extend beyond the horning hour, if his friends will meet the question at once.

The yeas and nays were ordered on the motion to suspend the rules, taken, and were—yeas 105, nays 58.

YEAS—Messrs. Adams, Alford, J. Allen, Hugh J. Anderson, Atherton, Banks, Baker, Beatty, Beirne, Bell, Black, Blackwell, Boyd, Burke, Sampson H. Butler, William O. Butler, Carr, Carroll, Carter, Casey, Chapman, Clifford, Coles, Colquitt, William R. Cooper, Crabb, Craig, Crary, Cross, Dana, John Davis, J. W. Davis, Dellet, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Goggin, Graham, Graves, Griffin, Habersham, Hammond, John Hastings, Hawkins, Hillen, Holleman, Hook, Hubbard, Jackson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leet, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Montgomery, Samuel W. Morris, Nisbet, Petrikin, Prentiss, Ramsey, Rayner, Reynolds, Rives, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Jacob Thompson, Triplett, Turney, Vanderpoel, Watterson, Weller, Jared W. Williams, Henry Williams, Lewis Williams, and Joseph L. Williams—105.

NAYS—Messrs. John W. Allen, Andrews, Briggs, Calhoun, William B Campbell, Chittenden, Clark, Cranston, Crockett, Cushing, Davee, Garret Davis, Deberry, Dennis, Edwards, Evans, Everett, James Garland, Rice Garland, Gentry, Gerry, Goode, Green, Hall, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Charles Johnston, Kempshall, Lincoln, Lowell, Marvin, Monroe, Montanya, Morgan, Naylor, Newhard, Osborne, Parrish, Randolph, Ridgway, Russell, Sergeant, Simonton, Slade, Truman Smith, Stuart, Taliaferro, Tillinghast, Toland, Underwood, Peter J. Wagner, Thomas W. Williams, and Christopher H. Williams—58.

So the rules were not suspended.

INDEPENDENT TREASURY BILL.

On motion of Mr. BRIGGS, the House resolved itself into Committee of the Whole House on the state of the Union, (Mr. BANKS in the chair,) and resumed the consideration of the Independent Treasury bill.

Mr. CAMPBELL of Tennessee, who was entitled to the floor, spoke in opposition to the bill, and in favor of a Bank of the United States, as its antagonist measure. He then made some remarks in relation to the taunts which had been thrown out by the friends of the Administration, that the Opposition had no measure of relief antagonistical to the Independent Treasury bill. The Opposition have always had a measure of relief. They are in favor of recurring to the olden times, that gave a currency of more uniform value than specie—the times when the people asked no changes in the manner of collecting, keeping safe, and disbursing the public revenues. Those are the times, he dare say, the Opposition would like to see adopted. He argued in favor of a Bank of the United States as the only proper and the constitutional and expedient measure for the cure of the evils of the times, and in the course of which argument he denounced those who opposed a National Bank as the Loco Foco agrarian party. He also adverted to the expenses of the Administration, and censured the vote which increased the standing army in 1838 to fight and suppress the Indians, as one of the causes of the increase in the expenditures. It was done, he said, to increase the power and patronage of the Government. He also adverted to the late plan of the Secretary of War for the reorganization, under the authority of the State Governments, of the militia, and denounced it as more odious than the alien and sedition law of the elder Adams.

Mr. HAND, of New York, then took the floor in support of the bill. After adverting to the instructions of the Legislature of his State, which he denounced as a piece of arrogance, he proceeded to meet the numerous objections urged against the bill.

In the course of his remarks he exposed the fallacy of referring to England as an argument in favor of a paper system. He showed that it was not the amount of bank paper that constituted the wealth of a nation, but its productive industry. Gentlemen might argue as they pleased, but they could not disprove the fact, that labor alone created wealth.

Referring to the condition of the laboring classes in England under the operation of the boasted paper system, Mr. H. mentioned an instance when a witness, appearing before a committee of the House of Commons, was so weak from his water gruel diet, that he was obliged to sit while his evidence was taken, not having strength to stand.

The hour of 2½ o'clock having arrived, the House took its usual recess.

EVENING SESSION.

After the recess,

Mr. HAND resumed his remarks in support of the Independent Treasury bill. In the course of his speech, he repelled, with much warmth, the attack made by Mr. Biddle upon the President of the United States. He was surprised that a gentleman of so much talent, should, in his valedictory, have seen fit to aim a parting arrow at the person of the Chief Magistrate—an arrow pointed with malice; impotent, however, as all such attacks would be. Mr. H. after an able vindication of the present bill, expressed himself as being no enemy to the banks, provided they kept within their own proper sphere. He contended that the Government ought to have no connection with such institutions, or it had no right to interfere with the currency. All that the friends of the Government wanted, was, that it should take care of its own money without intermeddling with the institutions of the States.

Mr. REED next obtained the floor, and spoke at some length in opposition to the bill.

Mr. JOHN DAVIS of Pa. followed in support of the bill. He prefaced his remarks by stating that he was a plain farmer, born to no other inheritance than the plough. Some were of opinion that a blacksmith might, with as much propriety, attempt to mend a watch, as a farmer to legislate. Be that as it might, he thought he understood the matter then under consideration sufficiently well to show and prove from facts, that an Independent Treasury system would be infinitely preferable to the ruinous banking system which had hitherto oppressed the country. Mr. D. was surprised at the complaint made by his colleague [Mr. SERGEANT] a few days ago, of the interest that would be lost on the five millions of specie, which, under this bill, would be in the hands of the receivers. In reply to that objection, Mr. D. exhibited a calculation showing the immense sums which would have accrued to Government, in the shape of interest, on the millions deposited for so many years with the United States Bank. The loss under the present measure on that head, would be comparatively nothing compared with the deposite system.

Mr. D. then referred to a table he had compiled from authentic sources, showing that the Independent Treasury system would not withdraw from circulation any more specie than was constantly, for so many years, in possession of the United States Bank. He then proceeded to show that it was the loss of those deposites that created the strong opposition to the present measure. The Bank did not like to give up the money after enjoying its use for so many years.

The gentleman had also said that the worst times the country had ever seen were under this Sub-Treasury system. Mr. D. would remind him of the great distress that prevailed at various periods during the existence of the United States Bank, and ask him whether the sudden and ruinous revulsions under that institution, were at all to be compared with any distress of late years. The people of Pennsylvania understood these "panic speeches" too well to pay any attention to them. The alarm had been raised too often to produce any effect now.

Mr. D. was surprised to hear the friends of the banks admit that those institutions could not stand without being propped up by the Government. He was much disappointed in hearing gentlemen make out so bad a case; as the fact that the banks could not stand without the aid of Government, was of itself a sufficient argument why the public money should not be entrusted to them. He was no enemy to the banks. He wished to make no war upon them. All he desired was a peaceable dissolution of the unprofitable partnership.

Mr. D. then exhibited a table, showing that the imports, the prices of produce, of property, etc. were all governed by the amount of circulating medium in the country. Also, that so long as any bank had the control of that circulation, by using the public revenue, the most disastrous results would inevitably ensue. What had been, would be again, if the public money should be placed in the hands of a great moneyed institution, using it for its own private advantage.

He then alluded to the ingratitude of the Opposition in assailing the President on the subject of Treasury notes. He referred to the time when assistance was generously extended to the Whig merchants of New York, by extending the time for the payment of duty bonds. That measure necessarily cut off from the Treasury a great source of revenue, and in order to supply the deficiency created by this indulgence, it was found necessary to ask for Treasury notes. Yet although these notes were required solely on account of the extension of the time for the payment of bonds, the merchants, for whose express benefit it was designed, turned round and raised the cry of "Treasury shinplasters." Mr. D. said he would disown a class of farmers in Pennsylvania, who would act so ungratefully.

As one strong reason why the bill should pass now, Mr. D. alluded to the probability that at the next session there would be a revision of the tariff system, when if the banks were not separated, they would bring their great influence to bear upon the House, in favor of a high tariff, so as to create a surplus revenue. It was important then to pass the bill now, and thus give the banks no chance of being interested in the question of the tariff at the next session.

Mr. D. adverted to a variety of other reasons to show why the bill ought to pass without delay. His remarks will appear in full hereafter.

Mr. HUBBARD then took the floor in support of the bill, and in a very striking manner illustrated its advantages over the banking system. The world had been governed by priestcraft, and then by kingcraft, but this was the age of bankcraft, the age of corrupt men, who make money without capital, etc. Mr. H. then gave a vivid picture of the system of modern banking, and its ruinous effects upon the country. He afterwards showed the great superiority of the present measure, which would operate as a check upon excessive imports, and prevent a recurrence of the disastrous scenes of former years.

The debate was further continued by Messrs. MORGAN, HILL of Virginia, CRABB, and CHITTENDEN, in opposition to the bill, until past 12 o'clock.

Mr. DUNCAN then obtained the floor, and moved that the committee rise; which motion prevailing,

The House adjourned.

IN SENATE,

MONDAY, June 29, 1840.

Mr. STURGEON presented the petition of a number of citizens of Pittsburg, boat owners, boat builders, and masters of boats navigating the Ohio river, remonstrating against the passage of any law requiring them to use exclusively any description of steam machinery: ordered to be printed, and laid on the table.

Mr. WALL presented the petition of a number of masters of vessels engaged in the commerce of the city of New York, remonstrating against the repeal of the pilot law: referred to the Committee on Commerce, and ordered to be printed.

Mr. ANDERSON presented the petition of George Turnley, praying for a pension in consideration of Revolutionary services; which was referred to the Committee on Pensions.

Mr. WHITE, from the Committee on Pensions, to which the same had been referred, reported the bills for the relief of Robert Whittle; for the relief of Lyman N. Cook, and for the relief of Benjamin McCullough, severally without amendment.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which had been referred the several acts amendatory of the act establishing and regulating the Post Office Department, reportep the same with amendment.

Mr. TAPPAN, from the Joint Committee on the Library, to which had been referred the resolution on the subject of the minerals and geological specimens preserved in the War and Navy Departments, made a report thereon; which was read, and ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, reported unfavorably on the bill for the relief of Andrew Low, senior partner and assignee of Low, Taylor, and Company, of Savannah, Ga.

Mr. PIERCE, from the Committee on Pensions, to which was referred the memorial of John McClanahan, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. P. also from the same committee, recommended the indefinite postponement of the bill for the relief of James Cummings.

Mr. P. from the same committee, to which was referred the bills from the House for the relief of Daniel W. Going, William Bowman, Ichabod Beardsley, and Peter A. Myers, reported the same without amendment.

Mr. P. also, from the same committee, to which was referred the bills from the House for the relief of James Cummings, Christian Brougher, John Piper, and John Lybrook, recommended their indefinite postponement.

Mr. BENTON, from the same committee, to which had been referred the bills to provide for satisfying outstanding claims to bounty lands for military services in the late war with Great Britain, reported the same without amendment, and recommended that further action thereon be postponed until the next session of Congress; and the report was ordered to be printed.

Mr. B. submitted the following resolution, which lies one day for consideration:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate, at the commencement of the next stated session of Congress, a report showing the number of soldiers enlisted into the army of the United States, and entitled to bounty land, during the late war with Great Britain, designating those who were entitled to 320 acres from those who were entitled to 160 acres; also, the number of warrants which have been drawn and satisfied for each of said quantities; also, the number of warrants undrawn or unsatisfied at this time, with the names of the soldiers entitled to receive the same, and how far it may appear from the rolls of the army that they have died in the service, or been discharged honorably, or otherwise.

Mr. PRENTISS, from the Committee on Pensions, to which had been referred the bills for the relief of William Butterfield, David Wilson, and John Brown, reported unfavorably upon the same.

The joint resolution authorizing the Secretary of the Treasury to extend further indulgence to the deposite banks, was read the third time and passed.

On motion by Mr. WALL, the bill to amend the act approved May 13, 1800, entitled "An act to establish the judicial system of the United States," was taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill in addition to the act entitled "An act to authorize the construction of a road from Dubuque, in the Territory of Iowa, to the northern boundary of the State of Missouri, and for other purposes," approved March 3, 1800, was taken up and considered as in committee of the whole; and after some remarks from Messrs. YOUNG, HENDERSON, CLAY of Alabama, PIERCE, KING, and TAPPAN, was, on motion of Mr. TAPPAN, laid on the table.

On motion of Mr. PIERCE, the bill to regulate the pay of the officers of the line and staff of the army was taken up, and explained and advocated by Mr. P.

Mr. WILLIAMS thought that there was hardly time enough left of this session to act on this billin both Houses, and that it would be better to postpone it to the next session. He was in favor of equalizing the pay of the officers of the line and the staff, but he thought that object could be better attained by giving them a fixed salary in

lieu of all allowances, as contemplated by the resolution of the Senator from Arkansas [Mr. SEVIER]

Mr. BUCHANAN suggested to the Senator from New Hampshire, to let the bill lie over for the present. The Senator had entirely convinced him [Mr. B.] that there ought to be an equalization of the pay of the officers of the staff and line of the army; but the Senator himself had expressed the opinion that this subject could not be satisfactorily acted on this session. He would therefore suggest to the gentleman, that it would be better to let the subject lie over till the next session, when they would have the information required from the War Department by the resolution of the gentleman from Arkansas.

After some remarks from Mr. PIERCE, the bill was laid on the table.

On motion by Mr. KING, the Senate took up and considered, as in committee of the whole, the bill to authorize the Secretary of the Treasury to procure steam vessels for the revenue service; and, after some remarks in explanation from Mr. K. it was ordered to be engrossed for a third reading.

NORTHEASTERN BOUNDARY.

The following message was received from the President of the United States, by Mr. A. VAN BUREN, his secretary.

To the Senate:

The importance of the subject to the tranquillity of our country makes it proper that I should communicate to the Senate, in addition to the information heretofore transmitted in reply to their resolution of the 17th of January last, the copy of a letter just received from Mr. Fox, announcing the determination of the British Government to consent to the principles of our last proposition for the settlement of the question of the Northeastern boundary, with a copy of the answer made to it by the Secretary of State. I cannot doubt that, with the sincere disposition which actuates both Governments to prevent any other than an amicable termination of the controversy, it will be found practicable so to arrange the details of a conventional agreement on the principles alluded to as to effect that object.

The British commissioners, in their report communicated by Mr. Fox, express an opinion that the true line of the treaty of 1783 is materially different from that so long contended for by Great Britain. The report is altogether *ex parte* in its character, and has not yet, as far as we are informed, been adopted by the British Government. It has, however, assumed a form sufficiently authentic and important to justify the belief that it is to be used hereafter by the British Government in the discussion of the question of boundary, and as it differs essentially from the line claimed by the United States, an immediate preparatory exploration and survey on our part, by commissioners appointed for that purpose, of the portions of the territory therein more particularly brought into view, would, in my opinion, be proper. If Congres concur with me in this view of the subject, a provision by them to enable the Executive to carry it into effect, will be necessary.

M. VAN BUREN.

WASHINGTON, 27th June, 1840.

Mr. Fox to Mr. Forsyth.

WASHINGTON, June 22, 1840.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to transmit to the Secretary of State of the United States, by order of his Government, the accompanying printed copies of a report and map which have been presented to her Majesty's Government by Colonel Mudge and Mr. Featherstonhaugh, the commissioners employed during the last season to survey the disputed territory.

The undersigned is instructed to say, that it will of course have become the duty of her Majesty's Government to lay the said report and map before Parliament; but her Majesty's Government have been desirous, as a mark of courtesy and consideration towards the Government of the United States, that documents bearing upon a question of so much interest and importance to the two countries, should, in the first instance, be communicated to the President. The documents had been officially placed in the hands of her Majesty's Government, only a few days previously to the date of the instruction addressed to the undersigned.

Her Majesty's Government feel an unabated desire to bring the long pending questions connected with the boundary between the United States and the British possessions in North America, to a final and satisfactory settlement; being well aware, that questions of this nature, as long as they remain open between two countries, must be the source of frequent irritation on both sides, and are liable at any moment to lead to events that may endanger the existence of friendly relations.

It is obvious that the questions at issue between Great Britain and the United States, must be beset with various and really existing difficulties; or else those questions would not have remained open ever since the year 1783, notwithstanding the frequent and earnest endeavors made by each Government to bring them to an adjustment. But her Majesty's Government do not relinquish the hope that the sincere desire which is felt by both parties to arrive at an amicable settlement will at length be attended with success.

The best clue to guide the two Governments in their future proceedings, may perhaps be obtained by an examination of the causes of past failure: and the most prominent amongst these causes has certainly been a want of correct information as to the topographical features and physical character of the district in dispute.

This want of adequate information may be traced as one of the difficulties which embarrassed the Netherlands Government in its endeavors to decide the points submitted to its arbitration, in 1830. The same has been felt by the Government in England: it has been felt and admitted by the Government of the United States, and even by the local Government of the contiguous State of Maine.

The British Government and the Government of the United States agreed, therefore, two years ago, that a survey of the disputed territory, by a joint commission, would be the measure best calculated to elucidate and solve the questions at issue. The President proposed such a commission, and her Majesty's Government consented to it: and it was believed by her Majesty's Government that the general principles upon which the commission was to be guided, in its local operations, had been settled by mutual agreement, arrived at by means of a correspondence which took place between the two Governments in 1837 and 1838.

Her Majesty's Government accordingly transmitted, in April of last year, for the consideration of the President, the draft of a convention to regulate the proceedings of the proposed commission. The preamble of that draft recited textually the agreement that had been come to by means of notes which had been exchanged between the two Governments; and the articles of the draft were framed, as her Majesty's Government considered, in strict conformity with that agreement.

But the Government of the United States did not think proper to assent to the convention so proposed.

The United States Government did not indeed allege that the proposed convention was at variance with the result of the previous correspondence between the two Governments; but it thought that the convention would establish a commission of "mere exploration and survey;" and the President was of opinion that the step next to be taken by the two Governments, should be to contract stipulations bearing upon the face of them the promise of a final settlement, under some form or other, and within a reasonable time.

The United States Government accordingly transmitted to the undersigned, for communication to her Majesty's Government, in the month of July last, a counter draft of convention, varying considerably in some parts, as the Secretary of State of the United States admitted in his letter to the undersigned of the 29th of July last, from the draft proposed by Great Britain. But the Secretary of State added, that the United States Government did not deem it necessary to comment upon the alterations so made, as the text itself of the counter draft would be found sufficiently perspicuous.

Her Majesty's Government might certainly well have expected that some reasons would have been given to explain why the United States Government declined to confirm an arrangement which was founded upon propositions made by that Government itself, and upon modifications to which that Government had agreed; or that if the American Government thought the draft of convention thus proposed was not in conformity with the previous agreement, it would have pointed out in what respect the two were considered to differ.

Her Majesty's Government, considering the present state of the boundary question, concur with the Government of the United States in thinking that it is on every account expedient that the next measure to be adopted by the two Governments should contain arangements which will necessarily lead to a final settlement; and they think that the convention which they proposed last year to the President, instead of being framed so as to constitute a mere commission of exploration and survey, did, on the contrary, contain certain stipulations calculated to lead to the final ascertainment of the boundary between the two countries.

There was, however, undoubtedly, one essential difference between the British draft and the American counter draft. The British draft contained no provision embodying the principle of arbitration; the American counter draft did contain such a provision.

The British draft contained no provision for arbitration, because the principle of arbitration had not been proposed on either side during the negotiations upon which that draft was founded; and because, moreover, it was understood at that time that the principle of arbitration would be decidedly objected to by the United States.

But as the United States Government have now expressed a wish to embody the principle of arbitration in the proposed convention, her Majesty's Government are perfectly willing to accede to that wish.

The undersigned is accordingly instructed to state officially to Mr. Forsyth, that her Majesty's Government consent to the two principles which form the main foundation of the American counter draft; namely, first, that the commission to be appointed shall be so constituted as necessarily to lead to a final settlement of the questions of boundary at issue between the two countries; and secondly, that in order to secure such a result, the convention by which the commission is to be created shall contain a provision for arbitration upon points as to which the British and American commissioners may not be able to agree.

The undersigned is, however, instructed to add that there are many matters of detail in the American counter draft, which her Majesty's Government cannot adopt. The undersigned will be furnished from his Government, by an early opportunity, with an amended draft, in conformity with the principles above stated, to be submitted to the consideration of the President. And the undersigned expects to be at the same time furnished with instructions to propose to the Government of the United States a fresh local and temporary convention, for the better prevention of incidental border collisions within the disputed territory, during the time that may be occupied in carrying through the operations of survey or arbitration.

The undersigned avails himself of this occasion to renew to the Secretary of State the assurance of his distinguished consideration.

H. S. FOX.

The Hon. JOHN FORSYTH, &c. &c. &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, 26th June, 1840.

The undersigned, Secretary of State of the United States, has had the honor to receive a note addressed to him on the 22d instant by Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain, enclosing printed copies of the report and map laid before the British Government by the commissioners employed during the last sea-

son to survey the territory in dispute between the two countries, and communicating the consent of her Britannic Majesty's Government to the two principles which form the main foundation of the counter proposition of the United States for the adjustment of the question.

The undersigned, having laid Mr. Fox's note before the President, is instructed to say, in answer, that the President duly appreciates the motives of courtesy which prompted the British Government to communicate to that of the United States the documents referred to; and that he derives great satisfaction from the announcement that her Majesty's Government do not relinquish the hope that the sincere desire which is felt by both parties to arrive at an amicable settlement, will at length be attended with success; and from the prospect held out by Mr. Fox, of his being accordingly furnished, by an early opportunity, with the draft of a proposition amended in conformity with the principles to which her Majesty's Government has acceded, to be submitted to the consideration of this Government.

Mr. Fox states that his Government might have expected that, when the American counter draft was communicated to him, some reasons would have been given to explain why the United States Government declined accepting the British draft of convention, or that, if it thought the draft was not in conformity with previous agreement, it would have pointed out in what respect the two were considered to differ.

In the note which the undersigned addressed to Mr. Fox on the 29th July of last year, transmitting the American counter draft, he stated that in consequence of the then recent events on the frontier, and the danger of collision between the citizens and subjects of the two Governments, a mere commission of exploration and survey would be inadequate to the exigencies of the occasion, and fall behind the just expectations of the people of both countries, and referred to the importance of having the measure next adopted bear upon its face stipulations which must result in a final settlement, under some form, and in a reasonable time. These were the reasons which induced the President to introduce in the new projet, the provisions which he thought calculated for the attainment of so desirable an object; and which, in his opinion, rendered obviously unnecessary any allusion to the previous agreements referred to by Mr. Fox. The President is gratified to find that a concurrence in those views has brought the minds of her Majesty's Government to a similar conclusion; and from this fresh indication of harmony in the wishes of the two cabinets, he permits himself to anticipate the most satisfactory result from the measure under consideration.

The undersigned avails himself of the opportunity to offer to Mr. Fox renewed assurances of his distinguished consideration.

JOHN FORSYTH.

H. S. Fox, esq. &c. &c.

On motion by Mr. BUCHANAN, the message was referred to the Committee on Foreign Relations, and ordered to be printed.

The bill to authorize the Mount Carmel and New Albany Railroad Company to enter on a credit a quantity of land, to aid the company in the construction of a railroad from New Albany, in the State of Indiana, to Mount Carmel, in the State of Illinois, and for other purposes, was taken up and considered as in committee of the whole; and after a debate, in which Messrs. BENTON, WHITE, GRUNDY, SMITH of Indiana, CALHOUN, YOUNG, DAVIS, and TAPPAN took part,

On motion by Mr. BENTON, the bill was indefinitely postponed—yeas 18, nays 16, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Grundy, Hubbard, Lumpkin, Pierce, Preston, Roane, Strange, Sturgeon, Tappan, Wall, Williams, and Wright—18.

NAYS—Messrs. Clay of Alabama, Clayton, Davis, Dixon, Henderson, Huntington, Knight, Linn, Nicholas, Porter, Robinson, Ruggles, Smith of Indiana, Tallmadge, White, and Young—16.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 29, 1840.

Mr. PETRIKIN moved to suspend to the rules for the reception of a resolution that Congress adjourn on the 15th of July next.

The yeas and nays were demanded, and, being taken, resulted as follows—yeas 83, nays 43.

No quorum having voted—

The roll was again called, when the vote resulted—yeas 81 nays 89.

So the rules were not suspended.

Mr. BRIGGS moved to suspend the rules to go into Committee of the Whole on the state of the Union.

Mr. DROMGOOLE appealed to him to withdraw the motion.

But Mr. B. referring to the fact that this was the last day in which the Sub-Treasury bill could be debated, refused to withdraw.

Before the question was taken,

Mr. JENIFER asked leave to correct a mistake which it appeared that a member of the House [Mr. BROWN of Mississippi] had committed, in a published correction of a report in the Intelligencer of the substance of what took place a few days since, when Mr. J. had been speaking on the Sub-Treasury bill.

Leave being given, Mr. J. went into a recapitulation of the facts, (which he said were truly stated in the report, with the solitary exception that the issue of veracity referred to was not with the Legislature but with the citizens of Mississippi.) The gentleman from Mississippi complained that it had been there stated that Mr. J. had given him notice beforehand that he should notice the speech he had made, and should refer to a question of veracity he had before adverted to as between that gentleman and the Legislature of his State. Mr. J. said he had distinctly mentioned in the House that he should reply to several gentlemen, and particularly to the gentleman from Mississippi. The gentleman, in his correction, further stated that he had asked Mr. J. whether any such notice had been given to him, and he (Mr. J.) had denied it. In this the gentleman was certainly mistaken.

Mr. BROWN explained in reply, expressing his gratification that Mr. J's explanation was made in a feeling of courtesy which, from former exhibitions, the House had not expected from him. Mr. B. then again denied that Mr. J. had given any such notice as was stated in the report, either to himself personally, or to the House, in his hearing. A friend had indeed informed Mr. B. that Mr. J. had said he should allude to him; but Mr. B. did not, and could not know beforehand, of what nature the allusion was to be, whether political or personal, nor could he anticipate that a question of personal veracity was to be raised in regard to him. The impression given by the report was that Mr. B. having received previous notice that a question of veracity was to be made in respect to him, had, under such circumstances, left the House to escape exposure; at which he seemed somewhat indignant. He was happy Mr. J. had now disclaimed any desire to make such an exposure. As to the second point, Mr. B. did certainly understand Mr. J. as admitting that he had given no notice, personally, to him, of his intention to allude to him, and others had so understood him at the time. Whatever warmth there might appear in his manner, Mr. B. entertained no ill feeling toward the gentleman from Maryland, nor had he any intention of making a personal assault upon him or any other member of the House, either in or out of the House, and he should hold himself prepared at all times to repel any, should it be made on himself.

Mr. JENIFER, by leave, said a few words in rejoinder. The gentleman did him no more than justice in not expecting from him any thing in the form of a personal attack. Mr. J. had never meant to charge the gentleman personally with any want of veracity; he had only referred to the respectable authorities on which he had stated that the gentleman had voted in favor of the issue of post notes by the Bank of Mississippi in 1836, though he was now so strenuous in opposing banks, and advocating a Sub-Treasury.

The House now went into Committee of the Whole on the state of the Union (Mr. BANKS in the chair,) and resumed the consideration of the

INDEPENDENT TREASURY BILL.

Mr. DUNCAN of Ohio had the floor, but yielded it at the request of

Mr. FLOYD of New York, who wished to make a personal explanation in reply to a charge made by his colleague [Mr. CHITTENDEN] on Saturday evening, of having made a false statement in relation to a sale of New York stocks below par.

Mr. F. said, had it not been for the very late hour (12 o'clock) at which the gentleman spoke, he would have appealed to the courtesy of the committee at that time to permit him to reply. He then procceded to say that he had heard several days before that his honorable colleague had made great preparations for replying to his [Mr. F's] speech, delivered on the 11th instant; and if he was not mistaken, the gentleman had shown to several members the reply he intended to make. The principal matter to which his honorable colleague had alluded, was that portion of the speech in relation to the credit system, and which asserted that the stocks of New York fell in a single year 22 per cent. below par.

The gentleman had said it was untrue that the stocks of New York had ever been sold below par, thus placing him in the position of having asserted a falsehood. But the gentleman had produced no authority to prove the statement untrue It was, therefore, his mere bare assertion, and rested solely on that assertion. Now he [Mr. F.] would not act like the schoolboy, who, when he was charged with lying by his comrade, gave the lie back again. No; he would apply to his colleague the words of Junius, who said, "I will not *call* you a rascal, but I will *prove* you one." He likewise would not say that his colleague had spoken that which was untrue, but he would prove that what he had said was untrue, by a reference to a Whig authority.

Mr. F. then referred to the following extract from the New York Journal of Commerce of September, 1839, to prove that what he had said in relation to the fall of New York stocks was not untrue, unless it could be shown that the extract itself was untrue:

"A sale of $100,000 New York and Erie Railroad stock, bearing 4½ per cent. interest, payable quarterly in New York, was made on Saturday *at auction, under the direction of the Comptroller*, and taken by Messrs. Prime, Ward, and King, as follows: $10,000 at 79, $10,000 at 78¼, $30,000 at 78, and $50,000 at 77½, the closing price. The stock is redeemable in 1859, and was sold on terms, one-third down, and the balance in thirty and sixty days."

Mr. CHITTENDEN replied, denying that he had charged Mr. FLOYD with falsehood, in asserting that New York stock had been sold below par. What he had charged was, that his colleague had asserted what was not true, when he asserted that the Legislature of New York had, under Whig auspices, embarked in the credit system, and, by so doing, had brought the stock of the State under par in the market. And in relation to the New York Journal of Commerce being Whig authority, such was not the case, for it was sometimes on one side, and sometimes on the other.

Mr. DUNCAN being entitled to the floor, addressed the committee with much point and humor, in reply to the objections urged against the bill. In the course of his remarks he intimated that he had called into requisition the services of his "poet," whose effusions he intended to give to the world when his speech should be written out.

Mr. D. took a review of the disgraceful system of modern banking, and commented with keen sarcasm on the shinplaster system, more especially in reference to it as adopted in Mississippi. He exhibited to the committee several specimens of the abominable trash by which the poor man had been robbed of the fruits of his industry by the associated bank shavers. Among other specimens he held up to view a twelve and a half cent plaster, which informed the fortunate holder that so soon as he could muster forty of those *small* shinplasters, by going to a certain place, some hundreds of miles distance, he would be entitled to receive one *large shinplaster!* Such were the beautiful effects of the paper system.

Mr. D continued his remarks until half-past two o'clock, when the House took its usual recess.

EVENING SESSION.

After the recess,

Mr. DUNCAN resumed his remarks, and spoke with much earnestness against the abuses of the paper system, and in defence of the present measure, which he contended was the measure of the Constitution itself. He concluded at 10 minutes before 5 o'clock.

Mr. JONES of Virginia followed. He expressed himself very reluctant at this late period to intrude upon the committee; and in doing so he was obeying the dictates of duty rather than his feelings. After alluding to the great importance of the present measure, he said it was needless to observe that it had called down the abuse of the Opposition in proportion to that importance. Yes, he would say abuse, for it was nothing but abuse and declamation with which it had been assailed, for no solid argument had hitherto been urged against it. This abuse, however, was nothing more than the Administration had to expect, for it struck at the vitals of a system by which a powerful, bold, and experienced Opposition had derived unjust advantages, which they were not willing to relinquish without a struggle.

After some further remarks, Mr. J. proceeded to comment on the inconsistent course of the Opposition, who at the early part of the session, were continually taunting him for not calling up the bill in preference to the appropriation bills; and then when the bill was taken up, the very same members were eloquent in their abuse that the appropriation bills had been passed over. He thus showed, in very pointed language, that let the friends of the Administration do what they would, they were sure to call down the declamation of their opponents. If they did *not* call up the bill, they were abused; and if they did call it up they were abused; so that there was do way of escape.

Mr. J. then adverted to the powers conferred on the General Government by the Constitution, and contended that the design of the framers of that Constitution could not be carried into effect unless the Government had the absolute control of its own funds. He then alluded to the conduct of the banks from one end of the country to the other, which, at a recent period, in open violation of their charters, had closed their doors and refused to pay over a single dollar of the public money deposited with them.

After some further remarks, he referred to the admission made by all the Opposition, that some measure of relief was necessary, and asked them how long they could stand excused, when in opposing this bill, they proposed nothing else in its stead.

Mr. J. then drew a glowing picture of the critical situation in which the Government would be placed in case of a war, with all its money in the vaults of the banks, and which, if they pleased, might play over the same game they did in 1837, by suspending specie payments.

It was under the deep conviction that it was absolutely necessary for the welfare of the Government to separate it from the banking institutions of the country, that the committee, of which he was a member, had concluded to report the present bill.

Mr. J. then proceeded to examine the principal features of the bill, and to notice the objections urged against them. After commenting upon the constant availability of the Government money, by placing it in the hands of receivers, he contrasted that plan with the former system of lodging the money with the banks He said it was needless to observe that no sooner was any portion of the public money placed in a bank, than the amount was set down in the books of the bank as a mere debt to the Government, and the money transferred to the vaults of the institution to be used in common with its other capital, for its own private benefit. Then, when the Government called for the money, the bank first consulted its own convenience before it thought proper to comply with the demand. Nay, who did not remember a meeting of bank directors in one of our commercial cities, where with closed doors they deliberated as to the time when it would be quite convenient for them to pay their debts. He appealed to every friend of the country whether such a system should be continued any longer, when the money of the Government was at the disposal of such institutions, which retained or paid it, just as they thought proper.

Mr. J. adverted with much earnestness to the admirable system of checks and safeguards provided by the bill. He reminded the Opposition that one section authorized the employment of agents, whose duty it would be to examine and inspect at short periods, the accounts of all officers entrusted with the Government money. And the very fact, that none of those officers would know the day nor the hour when their accounts would be inspected, was a powerful check upon dishonesty.

He then noticed an objection raised by the Opposion to the title of the bill. They complained that the words "Independent Treasury" implied a separation from the people He was astonished at such an objection. Did not every one acknowledge that the Government was the Government of the people? Were not the people and the Government one and the same?

Then he would ask, who was more entitled to an Independent Treasury than an independent people?

Mr. J. then gave a passing notice to the attack made by Mr. BIDDLE on Saturday, upon the President, for not having performed any military exploit in the last war, and followed the example of Mr. SERGEANT, then Major Sergeant, who shouldered his gun, and marched to the battle field, etc. Mr. J. after some remarks to the effect that Senators were required as well as warriors, begged to state that at the time when the Major Sergeant was shouldering his gun, Mr. Van Buren was rendering essential service to his country, by his exertions in the Legislature of his native State.

He, Mr. J. did not wish to be understood as saying any thing derogatory to the military fame of Major Sergeant. On the contrary, he had no doubt but that, during the war, the Major was both ready and willing to hurl a lance, or measure swords with the stoutest of John Bull's men who might happen to come in his way. But the people were generally allowed to the best judges of military achievements, and seldom failed to be reward them. Yet both the Major and Mr. Van Buren had been placed before the people as candidates for high office, and what was the result? What judgment had the people given on the merits of the two?

One great objection of the opponents of the bill was that the money would not be safe, and reference was made to the case of Swartwout. It was true that Swartwout had put his hand rather deeply into the public crib; but then that was under the operation of the deposite system, and could not occur under the present system. Besides, gentlemen appeared to forget that, in almost every newspaper, there were advertisements offering rewards for the capture of runaway bank officers! Gentlemen would not deny this; and, among other instances, he would refer them to a case of that kind, which had recently occurred in his own State, (Virginia,) when a bank teller had gone off with no less than five huudred and fifty thousand dollars.

Some member of the Opposition here called out, "Yes, a Bank with an Administration president."

Mr. JONES replied: "O, yes, an Administration president, and a *Whig teller*. (Great laughter.)

In further reply to the objections urged against the safety of the money in the hands of receivers, Mr. J. asked whether the money, when lodged with the banks, was safe from dishonest officers. What was there (he asked) to prevent the chief officer of a bank from going into its vaults, at any time, and lugging off by steamboat, or other conveyance, any sum he pleased? The fact was, the argument against entrusting individual receivers with the money, proved too much; for it would go to prove that no money ought to be entrusted into the hands of any individual whatever.

Mr. J. then showed that the whole expense of the present system would not exceed $31,000, which was a small sum when compared with the great and important objects contemplated.

Mr. J. after replying to many other objections to the bill, and showing that no other measure would restore prosperity to the country, brought his remarks to a close at half past 8 o'clock. They will appear hereafter in full.

Mr. PROFFIT then took the floor in opposition to the bill, which he denounced as neither more nor less than "a serpent sleeping in a bed of flowers," and hated himself because he could not prevent its passage. He concluded at half past eleven.

The CHAIR then gave the floor to

Mr. DROMGOOLE, who remarked, that, on the 20th of May last, the consideration of this bill was commenced in Committee of the Whole. On the first day of this present month, a resolution was adopted, which so far modified our rules as to enable a *majority* of the House to continue the discustion from day to day. Since that time, with scarcely the loss of a single day, (he believed not more than one,) the debate had proceeded in its progress. He believed that there had been delivered sixty speeches on the pending question, and, if he had not been incorrectly informed, thirty-three had been made by those opposed to the passage of the bill, and twenty-seven by its advocates. The opponents of the measure, he remarked, had consumed a *great deal* more of the time of the committee than its friends had. It was now, he said, nearly half past 11 o'clock in the night, and he thought, under all the circumstances, that it was proper that the debate should now cease in committee, and that, on to-morrow, we should, in the House, pursue such course as would be required by the resolution recently adopted in relation to our action on this bill.

He therefore moved "that the committee do rise."*

Mr. NAYLOR, who, it appears, had risen simultaneously with Mr. DROMGOOLE, here laid claim to the floor, and was proceeding to make some remarks, when

The CHAIR called him to order, the motion of Mr. DROMGOOLE not being debatable.

Mr. NAYLOR complained that he had been unjustly deprived of the floor; when he was called to order from various parts of the hall.

The question being on the motion that the committee rise, tellers were ordered, and Messrs. HOLMES and RAMSEY appointed to act as such.

Mr. NAYLOR again put in his claim to the floor, but as members had already commenced passing through the tellers, and his claim disregarded, he became much excited, and shouted at the very top of his voice, "Whigs, do not vote! You are slaves!"

The extreme high pitch of voice in which this call was made, had the good effect of awaking all the sleepers, who, from exhaustion, had taken refuge on the sofas.

Notwithstanding the injunction of Mr. NAYLOR, the Whigs then voted, and the reult was—ayes 51, noes 26.

So a majority of those present were in favor of the motion that the committeee rise.

The committee accordingly rose and reported the bill.

The CHAIR, at the request of several members, reported the fact that there was no quorum, but that the motion to rise had been carried by a majority of those present. The House having adopted a resolution discharging the committee from the further consideration of the bill, on to-day, the absence of a quorum was immaterial.

Mr. RAMSEY moved to adjourn.

On that motion the yeas and nays were demanded, and being taken, were—yeas 55, noes 43.

So, a few minutes before twelve,

The House adjourned.

*The debate was *opened* by Mr. CUSHING, a Whig, who occupied six hours and thirty minutes in the delivery of his speech. The *concluding* speech was made by Mr. PROFFIT, a Whig, who occupied the time of the committee for two hours and thirty five minutes.

The names of all the intermediate speakers on each side of the question have been noted, and the time occupied by each.

	hours.	min.
The whole time occupied by all the speakers is	157	30
The thirty-three opponents of the bill consumed	98	24
The twenty-seven advocates of the bill consumed	59	24
Difference - - -	39	00

IN SENATE,

TUESDAY, June 30, 1840.

Mr. NICHOLAS presented the petition of John K. West and others, merchants, ship owners, captains of vessels, and insurers of the State of Louisiana, and the petition of the Chamber of Commerce of New Orleans, severally praying an amendment to the act of March 2, 1837, concerning pilots, which were severally referred to the Committee on Commerce, and ordered to be printed.

Mr. TAPPAN presented the petition of S. Wildman and others, citizens of the State of Ohio, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. HUBBARD, it was ordered that the Secretary of the Senate transmit to the Secretary of the Treasury the papers which accompanied the petitition of the executrix of James Cashen, deceased, which were received from that Department.

Mr. TAPPAN, from the Joint Committee on the Library, to which was recommitted the joint resolution for the relief of Langtree and O'Sullivan, reported the same bill with and amendment, which was ordered to be printed.

Mr. PIERCE, from the Committee on Pensions, to which was referred bills from the House

For the relief of Stephen Appleby;
For the relief of Wm. Glover;
For the relief of Isaac Boyd;
For the relief of Isaac Austin; and
For the relief of Elijah Blodget;

reported the same without amendment, and with a recommendation that they be postponed indefinitely.

Mr. LINN, from the Committee on Private Land Claims, reported a bill confirming the claim of Jenette Cadottee, or her legal representatives, to a certain lot or tract of land in Michigan; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Stalker and Hill, made an adverse report thereon; which was ordered to be printed.

The bill to expose to sale the public lands lying within the limits of the State of Ohio, was taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. DAVIS, from the Committee on Commerce, to which had been referred various memorials on the subject of the official conduct of the Consul of the United States at the Havana, made a report thereon, concluding with a resolution that the committee be discharged from the further consideration thereof.

Mr. D. also, from the same committee, reported a bill granting extra pay to certain officers of the revenue cutters for services in the navy of the United States; which was read twice and ordered to be engrossed for a third reading.

Mr. KING, from the Committee on Commerce, to which had been referred the bill from the House for the relief of Elliott Smith and Nathan Barnewell, reported the same unfavorably, without amendment.

The bill supplemental to an act entitled "an act for the discontinuance of the office of Surveyor General in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes," was taken up as in committee of the whole, and ordered to be engrossed for a third reading.

The bill granting a portion of the public lands to the Mississippi and Rock river Canal Company being taken up as in committee of the whole, was discussed at much length by Messrs. YOUNG, ALLEN, BENTON, and CALHOUN, and on motion of Mr. WRIGHT, it was laid on the table.

The bill to provide for the better execution of laws in the collection of duties on imports was taken up, and the several amendments proposed by the Committee on Finance were explained and advocated by Mr. WRIGHT. A debate occurred in which Messrs. HUNTINGTON, CLAY of Ala. BUCHANAN, HUBBARD, WALKER, PRESTON, CLAY of Ky. and CALHOUN participated; in the course of which the two last named Senators expressed their opinion in favor of carrying out the principles of the compromise act, in the revision of the tariff at the next session.

Before any question was taken,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 30, 1840.

Mr. DROMGOOLE asked that the House would by general consent agree to take up and dispose of the communication from the Secretary of the Navy, transmitting the proceedings of the court martial on the trial of Lieutenant Hooe. If the rules had not been suspended for the purpose of adopting the preamble and resolutions, calling for this document, he would have no objection to let it take its regular course with the business on the SPEAKER's table; but he deemed it his duty to take early action upon it, and hoped the House would consent to dispose of the subject now.

Objection having been made,

Mr. DROMGOOLE moved to suspend the rules for the morning hour, and on that motion aked for the yeas and nays; which were ordered.

Mr. TRIPLETT hoped the gentleman from Virginia would consent to have the reading of the document dispensed with, and let it be printed.

Mr. DROMGOOLE said if the gentleman from Kentucky [Mr. TRIPLETT] would vote with him to suspend the rules, so as to get the subject before the House, he would move to suspend the reading, and have it printed, without delay.

The question was then taken on the motion to suspend the rules, and agreed to by yeas 122 nays 17.

The CHAIR announced that the question pending when the subject was last up, was the motion of Mr. J. THOMPSON of Mississippi, to refer the whole subject to the Committee on the Judiciary, and to have the documents printed; and on which motion the previous question was moved.

Mr. CHINN moved that the reading of the document be dispensed with, and that it be referred to a select committee.

The CHAIR said it was not in order for the gentleman to submit both motions at the same moment.

Mr. CHINN then moved that the further reading be dispensed with; which was agreed to.

Mr. BOTTS inquired of the CHAIR whether it would be in order to move to refer the subject to a select committee, instead of the Committee on the Judiciary.

The CHAIR replied that it would; but there could be no debate upon that motion, the previous question having been called for.

Mr. BOTTS said, then I make this a question of order. Is it competent for a gentleman to make a motion to refer a document which was not in the possession of the House before it had been read.

The CHAIR was understood to say that it was in the possession of the House.

Mr. BOTTS then made another point of order—whether it was competent for the gentleman from Mississippi to make a motion to refer to the Committee on the Judiciary, and in the same breath to move the previous question on that motion.

The CHAIR said according to the practice of the House, it was.

Mr. BOTTS. Was it in order for him to make such a motion before the paper was read?

The CHAIR replied that the reading had not been called for; but according to the usual practice, sufficient of the document had been read to enable the House to know what it was; and it was at that stage the motion had been made.

Mr. BOTTS inquired of the CHAIR whether the

motion to lay on the table did not take precedence of the motion to refer, and all other motions.

The CHAIR replied in the affirmative.

Mr. BOTTS. Then I move to lay the whole subject on the table, and have the documents printed.

Mr. DROMGOOLE called for the yeas and nays on that motion, which were ordered.

Mr. DROMGOOLE called for a division of the question so as to take the vote first on the motion to lay on the table; and the question was accordingly taken by yeas and nays, and resulted—yeas 60, nays 123.

YEAS—Messrs. John W. Allen, Barnard, Bell, Bond, Botts, Briggs, Calhoun, Carter, Chinn, Chittenden, Cranston, Crockett, Curtis, Cushing, Edw. Davies, Deberry, Dennis, Edwards, Evans, Everett, Rice Garland, Gentry, Giddings, Goode, Grinnell, W. S. Hastings, Henry, Hill of Va. Hoffman, Hunt, James, Chas. Johnston, William Cost Johnson, Kempshall, Lincoln, Marvin, Mason, Morgan, Naylor, Ogle, Osborne, Palen, Pope, Randolph, Rariden, Ridgway, Russell, Sergeant, Simonton, Truman Smith, Stanly, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Trumbull, Peter J. Wagner, Thomas W. Williams, Lewis Williams, and C. H. Williams—60.

NAYS—Messrs. Adams, Judson Allen, H. J. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Burke, S. H. Butler, W. O. Butler, Carr, Carroll, Casey, Chapman, Clifford, Connor, M. A. Cooper, W. R. Cooper, Crabb, Craig, Crary, Cross, Dana, Davee, John Davis, J. W Davis, Dawson, Dellet, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, James Garland, Gates, Gerry, Goggin, Graham, Green, Griffin, Habersham, Hall, Hammond, Hand, Hawes, Hawkins, Hill of North Carolina, Holleman, Hook, Jackson, Jameson, Jenifer, Cave Johnson, Nathaniel Jones, Keim, Kille, King, Leet, Leonard, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Miller, Monroe, Montanya, Montgomery, Newhard, Nisbet, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Rayner, Reynolds, Rhett, Rives, Edward Rogers, J. Rogers, Ryall, Samuels, Shaw, Shepard, A. Smith, J. Smith, Thos. Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweney, Taylor, Jacob Thompson, Triplett, Turney, Underwood, Vanderpoel, David D. Wagener, Warren, Watterson, Weller, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—123.

So the House refused to lay the whole subject on the table.

The question then recuring on the motion to print, it was taken by yeas and nays, and decided in the affirmative—yeas —, nays 2.

Mr. L. WILLIAMS moved to refer the subject to the Committee on Naval Affairs.

The SPEAKER said the question would be first taken on the motion to refer the Committee on the Judiciary.

The motion for the previous question then received a second, and the main qustion was then ordered?" and the question being, "Shall the whole subject be referred to the Committee on the Judiciary?" it was agreed to without a count.

Mr. DROMGOOLE asked the general consent of the House to permit him to enter a motion to have an extra quantity of the documents in relation to Lieutenant Hooe printed for the use of the House.

Mr. GRAVES objected; and the motion was not pressed.

The CHAIR announced that the business specially in order was the Independent Treasury bill.

Mr. VANDERPOEL obtained the floor, and moved the previous question.

Mr. R. GARLAND inquired of the CHAIR whether the bill was reported from the Committee of the Whole House on the state of the Union.

The CHAIR replied that it was not.

Mr. JOHNSON of Maryland said he had given notice of his intention to move a substitute for the bill, but no opportunity had been afforded him for that purpose. He hoped the gentleman from New York [Mr. VANDERPOEL] would withdraw the motion to enable him to offer the substitute, and let the House take a vote upon it. He did not wish to present it to embarrass the action or waste the time of the House, but would be willing, if it was admitted, to have the vote taken without debate.

Mr. VANDERPOEL said a sense of duty would not permit him to withdraw the motion.

Mr. HOFFMAN said the bill had not, according to the rules, been reported from the Committee on the state of the Union; and he inquired of the CHAIR whether the resolution discharging the committee could override the rules.

The CHAIR replied that the resolution was adopted by two thirds, and therefore did override the rules; a vote of two thirds would suspend all the rules.

The motion for the previous question was then seconded; and the question then being "shall the bill be ordered to be engrossed for a third reading.?"

Mr. R. GARLAND demanded the yeas and nays; which having been ordered, were—yeas 123, nays 100.

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Edmund Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, M. A. Cooper, Wm R. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, John W. Davis, Dickerson, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, James Garland, Gerry, Griffin, Hammond, Hand, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Hubbard, Jackson, Jameson, J. Johnson, Cave Johnson, N. Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, and John T. H. Worthington—123.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Barnard, Bell, Biddle, Bond, Botts, Briggs, Brockway, John Campbell, Wm. B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Chas. Johnston, W. Cost Johnson, Kempshall, King, Lincoln, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Edward D. White, John White, T. W. Williams, Lewis Williams, J. L. Williams, and Christopher H. Williams—100.

Mr. CHINN said he had voted in the affirmative under the impression that it was the general disposition of his friends to bring the thing to a close as soon as possible; but since he learned that was not the case, he wished to change his vote to the negative; which was accordingly done.

The question now being "shall the bill be read a third time?"

Mr. GRIFFITH of South Carolina called for the yeas and nays; which having been ordered, were—yeas 125, nays 105.

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, J. W. Davis, Dickerson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, Hawkins, Hill of N. C. Hillen, Holleman, Holmes, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, and John T. H. Worthington—125.

NAYS—Messrs. Adams, Alford, J. W. Allen, Andrews, Baker, Barnard, Bell, Biddle, Bond, Botts, Briggs, Brockway, Calhoun, John Campbell, William B. Campbell, Carter, Casey, Chinn, Chittenden, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Chas. Johnston, William Cost Johnson, Kempshall, King, Lincoln, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Wick, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—105.

So the bill having been ordered to a third reading, it was read the third time, and the question being "shall the bill pass?"

Mr. GRAHAM obtained the floor, and spoke, without concluding, in opposition to its passage, until half past two o'clock, at which time the House took its usual recess.

EVENING SESSION.

Mr. GRAHAM of North Carolina having concluded his remarks in opposition to the bill,

Mr. HAWES of Kentucky obtained the floor, and made an argument against it.

Mr. GREEN made a speech in opposition to the bill, and in favor of a Bank of the United States as the proper regulator of the currency.

Mr. VANDERPOEL next obtained the floor, amidst a host of competitors. He would make a single remark, (cries of the "previous question,") and that remark was that the speech he was about to make would be strictly in order—(laughter,) gentlemen might depend that the speech would be a very brief one, (continued laughter, and crices of the "previous question.") Mr. V. wished to have the friends with whom he acted to escape the imputation of having been unreasonable and tyrannical, by now closing this debate. He would therefore advert to an account kept by his vigilant friend to the right of the number of speeches made on each side since the bill had been first taken up in committee. It appeared that those gentlemen calling themselves Whigs had made thirty-six speeches, while the friends of the Administration had made but twenty seven speeches. The time consumed by the enemies of the bill was ninety-eight hours and twenty-four minutes, while its advocates had consumed but fifty-nine hours and twenty-four minutes. Now he had no fault to find with the Opposition for the time they had consumed, because they having the worst cause, it necessarily required the greater number of words, and if he could be persuaded that they could add any thing to their arguments, he would with pleasure sit and hear them. But it was evident to all, that their arguments were worn out. He had seen them week after week struggle in this business, still the stone of Sisyphus rolled back. He hoped, that in no event would the friends of the bill make any further speeches. The argument on their side was complete, unanswered, and unanswerable. To attempt to add to it would be only "bringing coals to Newcastle." He could not better serve his country or his constituents, than to move the previous question, which motion he now submitted.

Mr. CLIFFORD moved a call of the House, which was ordered, and proceeded in till 221 answered to their names.

The list of absentees having been called for excuses, the following gentlemen were respectively excused, viz. Messrs. ANDERSON of Kentucky, CORWIN, ADAMS, DOIG, and BREWSTER; and

The name of Mr. FISHER having been called,

Mr. MONTGOMERY moved that he be excused on account of absence with his family. Several of his colleages stated that he was unavoidably absent.

Mr. MORGAN demanded the yeas and nays on the motion to excuse; which were ordered.

Mr. CAVE JOHNSON moved to suspend all further proceedings in the call.

Mr. GRAVES demanded the yeas and nays; which were ordered, and were—yeas 141, nays 66. So all further proceedings were suspended.

The motion for the previous question then received a second; and the question now being, "Shall the main question be now put?"

Mr. L. WILLIAMS demanded the yeas and nays, which having been ordered, were—yeas 123, nays 99, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Craig, Cross, Dana, Davee, John Davis, John W. Davis, Dickerson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, S. W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, E. Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, and Worthington—123.

NAYS—Messrs. Alford, John W. Allen, Andrews, Baker, Bell, Biddle, Bond, Botts, Briggs, Brockway, Bynum, Calhoun, John Campbell, William B. Campbell, Carter, Chinn, Chittenden, Clark, J. Cooper, Crabb, Cranston, Crockett, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Edwards, Evans, Everett, Fillmore, James Garland, Rice Gar-

land, Gates, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Charles Johnston, Kempshall, King, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Stanly, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, L. Williams, Joseph L. Williams, and Christopher H. Williams—99.

So the main question having been ordered to be put, and the question now being "Shall the bill pass?"

Mr. DROMGOOLE demanded the yeas and nays, which having been ordered, were—yeas 124, nays 107, as follows:

YEAS—Messrs Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, Wm. R. Cooper, Craig, Crary, Crabb, Dana, Davee, John Davis, John W. Davis, Dickerson, Doan, Doig, Droomgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Jared W. Williams, Henry Williams, and Worthington—124.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Baer, Barnard, Bell, Biddle, Bond, Botts, Briggs, Brockway, Calhoun, John Campbell, Wm. B. Campbell, Carter, Casey, Chase, Chittenden, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fillmore, James Garland, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Henry, John Hill of Virginia, Hoffman, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, King, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Wick, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—107.

So the bill was passed.

The question then recurring on the adoption of the title; which was in the following words: "An act to provide for the collection, safekeeping, transfer, and disbursing of the public money."

Mr. COOPER of Pennsylvania moved the following as a substitute for the above title, viz: "A bill to reduce the value of property, the products of the farmer, and the wages of the laborer, to destroy the indebted portion of the community, and to place the Treasury of the nation in the hands of the President.

Mr. CUSHING then rose and said he proposed to move an amendment to the amendment, and on that motion he had a few words to say. The amendment of Mr. C. was then read as follows:

"An act to enable the public money to be drawn from the Treasury without appropriation made by law."

Mr. C. then resumed, and said he had moved the amendment with a view of making a very limited series of remarks pertinent to the subject. He was then proceeding to show why, in his opinion, the contents of the bill did not agree with its title, when

Mr. PETRIKIN called him to order.

The SPEAKER said the gentleman from Massachusetts had a right to amend the title of the bill, if it were not a proper title. He had, therefore, a right to examine the contents of the bill, to show that the title was improper.

Mr. PETRIKIN still objected.

The SPEAKER said the gentleman from Pennsylvania would be pleased to reduce his point of order to writing.

Mr. PROFFIT called Mr. PETRIKIN to order; and after some colloquial debate, the objection was withdrawn.

Mr. CUSHING then resumed, and appeared very indignant at the interruption. He wished to know if the measure was to be forced on the country without affording an opportunity to say a single word. He said they were at the last act in the drama, but the end was not yet. Mr. C. then proceeded to give his reasons why he considered the bill as an unconstitutional measure, as he contended that it gave the Secretary power to draw on the public money without appropriations by law. He concluded by observing that he had witnessed the incubation and hatching of this cockatrice, but he hoped the time was not far distant when the people would put their feet on the reptile and crush it to the dust.

Mr. PICKENS then rose, and in a very animated manner said he had wished to make a few remarks upon the bill before its passage, but he was now compelled to confine himself in reply to the very extraordinary language and tone assumed by the gentleman from Massachusetts. What right had he to speak of this bill as being forced on the country by brutal numbers? That gentleman had defined the bill according to *his* conception of it; but he would tell the gentleman, that the bill would, thank God, deliver this Government from the hands of those who for so many years had lived by swindling the proceeds of honest labor. Yes, said Mr. P. I thank my God that the hour of our deliverance is now so near, from a system which has wrung the hard earnings from productive industry for the benefit of a few irresponsible corporations.

Sir, I knew the contest would be fierce and bitter. The bill, in its principles, draws the line between the great *laboring and landed interests* of this confederacy, and those who are identified with *capitalists in stocks* and live upon *incorporated credit*. The latter class have lived and fattened upon the fiscal action of this Government, from the *Funding System* down to the present day—and now they feel like wolves who have been driven back from the warm blood they have been lapping for forty years. Well may the gentleman, [Mr. CUSHING,] who represents those interests, cry out and exclaim that it is a bill passed in force by fraud and power—it is the power and the spirit of a free people determined to redeem themselves and their Government.

Here the calls to order were again renewed from nearly every member of the Opposition, and great confusion prevailed.

The SPEAKER with much difficulty succeeded in restoring something like order, and as none of those who had so vociferously called Mr. P. to order, raised any point,

Mr. PICKENS proceeded with his remarks, and alluding to the words of Mr. CUSHING, that "this was the last act of the drama," said this was the first, and not the last act of the drama. There were great questions that lay behind this, connected with the fiscal action of the Government, and which we will be called on to decide in the next few years; they were all connected with one great and complicated system. This was the commencement, and only a branch of the system.

Here the cries of order from the Opposition were renewed, and after the storm had somewhat subsided,

Mr. P. said, rather than produce confusion at that late hour of the day, when this great measure was so near a triumphant consummation; and, in spite of all the exertions of its enemies, was about to become the law of the land, he would not trespass any longer on the attention of the House. But the gentleman had said that because the first section had declared what should constitute the Treasury, and that another section had provided for keeping portions of the treasury in other places than the safes and vaults in the Treasury building of this place; that, therefore, it was to be inferred that those who were to execute it would draw money from the Treasury without appropriations by law, and thus to perpetrate a fraud upon the Constitution. Mr. P. said, let those who are to execute this bill dare to commit this outrage, and use money for purposes not intended in appropriations by law, and they would be visited with the indignation of an outraged and wronged people. It would be too gross and palpable. Such is not the broad meaning and intention of the bill. The construction given by the gentleman was a forced and technical one, and not natural. It was too strained to be seriously entertained by any one for a moment. He raised his protest against it.

Mr. P. regretted the motion admitted of such narrow and confined debate. He would not delay the passage of the bill upon so small a point. He congratulated the country that we had approached the period when the measure was about to be triumphantly passed into a permanent law of the land. It is a great measure. Considering the lateness of the hour, the confusion in the House, and that the gentleman had had the advantage of an opening speech, he now concluded by demanding the previous question.

On this motion the disorder among the Opposition was renewed with tenfold fury, and some members made use of some very hard words, accompanied by violent gesticulation.

It was some minutes before any thing approaching order could be restored.

The SPEAKER having called on the Sergeant-at-Arms to clear the aisles,

The call of the previous question was seconded, and the main question on the amendment to the amendment ordered to be put.

The motion for the previous question having received a second, the main question was ordered.

The question was then taken on Mr. CUSHING's amendment to the amendment, and disagreed to without a count.

The question recurring on the substitute of Mr. COOPER of Pennsylvania for the original title of the bill,

Mr. R. GARLAND demanded the yeas and nays, which having been ordered, were—yeas 87, nays 128, as follows:

YEAS—Messrs. Adams, Alford, J. W. Allen, Andrews, Baker, Bell, Biddle, Bond, Botts, Briggs, Brockway, Calhoun, William B. Campbell, Carter, Chinn, Chittenden, Clark, Jas. Cooper, Cranston, Crockett, Cushing, Davies, Garret Davis, Deberry, Dennis, Dellet, Edwards, Everett, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goode, Graham, Graves, Green, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Henry, Hoffman, James, Jenifer, Charles Johnston, Wm. Cost Johnston, Kempshall, King, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Ogle, Palen, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, E. D. White, J. White, T. W. Williams, Lewis Williams, J. L. Williams, and Christopher H. Williams—87.

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Colquitt, Connor, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Dana, Davee, John Davis, John W. Davis, Dickerson, Doan, Doig, Droomgoole, Duncan, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornance, Galbraith, James Garland, Gerry, Griffin, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonord, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Naylor, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Ramsey, Reynolds, Rhett, Rives, Robinson, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, D. D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—128.

So the amendment was rejected.

The title of the bill, as passed by the Senate was adopted.

Mr. NAYLOR made a motion to reconsider the vote, but subsequently withdrew it.

On motion, the House adjourn.

IN SENATE,

WEDNESDAY, July 1, 1840.

A message was received from the President of the United States, by Mr. A. VAN BUREN, his private secretary, in answer to a resolution of the Senate of the 12th March last, enclosing a communication from the Secretary of War, containing such information as could be obtained by his Department in relation to the military preparations of the British Government on the Northeastern frontier: referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RUGGLES submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, the copy of the British report of survey, and accompanying map, referred to in his message to the Senate of the 27th inst.

Mr. BUCHANAN would just state to the Senator from Maine, that but one copy of that report and one copy of that map had been communicated to the President of the United States. That was done as an act of courtesy by the British Government, and the copy of the map and report thus received was sent to the Committee of Foreign Relations of the Senate, with a request that it should be communicated to the Committee of Foreign Affairs of the other House, and then returned. The British Government had not adopted that map, but had informed this Government that they intended to lay it before Parliament. In the present state of the case, therefore, Mr. B. thought that it would not be proper to call for these documents and lay them before the world.

The resolution was then, in conformity with the rules, laid on the table until to-morrow.

ADJOURNMENT OF CONGRESS.

Mr. LUMPKIN, in moving the consideration of the resolution submitted and urged by him some months ago, said: Mr. President, several months ago, I not only proposed, but urged upon the consideration of the Senate, the expediency of their fixing on a definite day for the termination of the present session of Congress. A majority of the Senate did not sustain my views, they preferred leaving the question open to their own discretion. The principal objection then urged to my views, were the important subjects then pending before Congress, especially the Independent Treasury bill. That bill has now passed the House of Representatives, and can no longer be urged as an excuse for prolonging this session of Congress. Therefore, I now hope to have the support of a majority of the Senate, in fixing this morning upon the day and hour when this session of Congress shall terminate. I shall propose, sir, this day two weeks, Wednesday, the 15th of July, at 2 o'clock p. m.

The resolution was then taken up, when

Mr. NORVELL said he was informed that the House of Representatives was at this moment acting on a resolution fixing on the day for adjourning the present session of Congress, and he would suggest whether it would not be better to defer acting on the resolution of the gentleman from Georgia, till they heard from the House.

Mr. LUMPKIN said that, upon this subject, there should be but one opinion. We have been here already too long for the interest of the country. If the day had been fixed, when I first proposed it, to adjourn on the 18th of May last, I entertain no doubt but we should have accomplished, and more fully have discharged, all the duties which devolve on the National Legislature, than will have been done by this extravagant extension of the session. My friends around me ask that I will modify my proposition, to meet what is said to be the views of the House—that is, to adjourn on the 21st inst. instead of the 15th. Sir, I cannot aggree to this modification; if it be forced upon me, I must submit to the will of the majority. I shall do so respectfully, but reluctantly. If it be now settled that the session of Congress will certainly terminate at the end of two weeks, we shall accomplish quite as much as we will do in three weeks, if that time be allowed.

If we determine to adjourn on the 15th, we shall then go to work earnestly, satisfied that we have no time to lose. If we say the 21st, it will tend to the belief, with many, that the balance of this week may be spent in arrangements for, and celebrating the memorable 4th of July. I will not attempt to urge arguments to sustain my opinions on this subject, but I shall adhere to the ground which I have taken, and yield only to superior force.

Mr. HUBBARD said that he was informed that the House of Representatives had just this moment adopted a resolution fixing on the 21st of July as the day of adjournment. When that resolution came to the Senate, it would be very proper for the gentleman to propose any amendment, changing the day, he thought proper; but he hoped that the gentleman from Georgia would wait till the resolution came from the House.

Mr. BUCHANAN expressed the wish that the gentleman from Georgia [Mr. LUMPKIN] would withdraw his proposition. He had stood by him from the first on this subject; but as the House had all the business that was to do, and the Senate but little, and the former having fixed upon a day by which they could get through with it, they had better take the House at its word. He should very reluctantly vote against the proposition of his friend from Georgia; but for a difference of six days only he could not oppose the wishes of the House. He thought that they had better take the House at its word, and that both Houses should go regularly and systematically to work in order to get through with the business before them by the 21st.

Mr. GRUNDY suggested that it would not be altogether courteous to the other branch of the Legislature, nor proper and becoming in this, to prescribe to them the way in which they should do their business. The House having all the business before them, and the Senate but very little, the former was the best judge of the time required to do it in; and he submitted whether it would be proper for the Senate to say that this business must be done by the 15th, when the House said that it would take till the 21st to do it. Without intending any disrespect to his friend from Georgia, [Mr. LUMPKIN,] he would move to lay his proposition on the table, till they could hear from the House of Representatives.

This motion was agreed to—ayes 21, noes 12; and the resolution was accordingly laid on the table.

The bill to authorize the purchase by the United States the stock of the Louisville and Portland Canal Company, was taken up as in committee of the whole, and discussed by Messrs. SMITH of Indiana, SMITH of Connecticut, CRITTENDEN, and BENTON, and was then laid on the table.

The bill to provide for the more faithful execution of the laws in relation to the collection of duties on imports, was taken up, the question being on the amendment submitted by Mr. HUNTINGTON, which declared any witness incompetent who should have any interest whatever in the cause, *similar* to the interest of the party in whose behalf he might be called to testify, which was further debated by Messrs. HUNTINGTON, PHELPS, GRUNDY, WRIGHT, and DAVIS for the amendment, and by Messrs. STRANGE, CALAOUN, and PRESTON against it; when, without taking a question,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, July 1, 1840.

Mr. W. COST JOHNSON of Maryland, inquired of the CHAIR in relation to the order of business. It was known to gentlemen that the charter of the District banks would expire on Friday next; he wished the House to take up the Senate bill for the extension of their charters.

The CHAIR replied that, as this involved a change in the order of business, it could be done only by suspending the rules, or by general consent.

After some desultory conversation, the House came to an understanding that, after the expiration of the morning hour, the SPEAKER's table should first be cleared; in consequence of which, Mr. JOHNSON did not now press his application.

ADJOURNMENT OF CONGRESS.

Mr. BANKS asked the consent of the House to submit a resolution, which was read for the information of the House, as follows, viz:

Resolved, The Senate concurring herein, that the SPEAKER of the House of Representatives and the President of the Senate, close the present session of Congress, by adjournment of the two Houses of Congress over which they preside respectively, on Monday, the 20th of July next, at 7 o'clock.

Mr. PETRIKIN objected to the introduction of the resolution, unless modified so as to adjourn on the 15th of July.

Mr. BANKS moved to suspend the rules, and on that motion demanded the yeas and nays; which having been ordered, were—yeas 140, nays 20.

The rules having been suspended for this purpose—

Mr. BANKS modified his resolution by changing the day to Saturday, the 18th, at 7 o'clock.

Mr. CUSHING objected to Saturday or Monday, as in either case there was a great desecration of the Sabbath day, and proposed Friday the 17th, or Tuesday the 21st. He would move Friday the 17th, at 2 o'clock.

Mr. DROMGOOLE wanted first to inquire of the Chairman of the Committee of Elections how soon it was probable they would report on the New Jersey case.

Mr. GRAVES objected to any colloquies with the chairmen of committees.

Mr. DROMGOOLE did not press his inquiry, but gave notice he should vote for Tuesday, the 21st, as the day of adjournment.

Mr. RIVES (a member of the Committee of Elections) stated that it was probable the committee would be able to report on the New Jersey case on the latter part of the next week. He was apprehensive that it would not be in the power of committee to close that laborious investigation in time to have it acted on this session, if the earliest day proposed was fixed for the adjournment. The committee was extremely anxious that the question should be settled before the termination of the session. It was with that view that he had voted against the motion to suspend the rules.

Mr. PETRIKIN moved to amend the resolution by inserting Wednesday, the 15th, at 6 o'clock, and demanded the previous question.

Mr. BANKS modified his resolution to Tuesday, the 21st, at 2 o'clock.

Mr. CUSHING withdrew his amendment.

Mr. BRIGGS spoke to order.

Mr. CAMPBELL (chairmain of the Committee of Elections,) having entered the House, wished to make a statement; but leave was refused.

The call for the previous question was seconded—ayes 113, noes 22.

The previous question was then put and carried.

And the main question being first put on Mr. PETTRIKIN's amendment, fixing on Wednesday, the 15th, it was carried, by yeas and nays—yeas 105, nays 95.

So the amendment was agreed to.

Mr. WATTERSON moved to reconsider this vote.

Mr. HENRY demanded the yeas and nays; which were ordered, and, being taken, resulted as follows—yeas 108, nays 84.

So the vote was reconsidered.

Mr. CAMPBELL of South Carolina, chairman of the Committee of Elections, was understood to say that it would be impossible for the committee to report this session, if the 15th was fixed for the day of adjournment.

The question again recurring on the proposition for adjourning on Wednesday, the 15th of July,

Mr. BRIGGS demanded the yeas and nays on that motion, which, having been ordered, were—yeas 88, nays 113.

So the amendment was rejected.

The question recurred on Mr. BANKS's resolution, fixing on Tuesday, the 21st, at 2 o'clock; which was adopted, without a count, and sent to the Senate for concurrence.

On motion of Mr. WM. COST JOHNSON, the House proceeded to the orders of the day; which orders were first the business on the SPEAKER's table.

The SPEAKER laid before the House the following communications from the Executive:

To the Speaker of the House of Representatives:

SIR: I transmit a communication from the Secretary of the Navy, suggesting that an appropriation of fifty thousand dollars be made by Congress to meet claims of navy pensioners, payable on the 1st of July next, reimbursable by a transfer of stocks, belonging to the fund, at their nominal value, to the amount so appropriated; and respectfully recommend the measure to the consideration and action of Congress.

M. VAN BUREN.

WASHINGTON, June 19, 1840.

On motion of Mr. BRIGGS, referred to the Committee of Ways and Means, and ordered to be printed.

To the House of Representatives of the United States:

I transmit the enclosed report of the Secretary of War, with accompanying documents, furnishing all the information the Department has been able to obtain in relation to any violation of, or desire

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JULY 7, 1840. VOLUME 8.....No. 32.

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Continued from No. 31.

on the part of Great Britain to annul, the agreement entered into between that Government and the United States, in the month of April, 1817, relative to the naval force to be maintained upon the American lakes, called for by a resolution of the House of Representatives of the 9th of March last. M. VAN BUREN.

WASHINGTON CITY, June 29, 1840.

On motion of Mr. ALLEN, of Ohio, referred to the Committee on Military Affairs, and ordered to be printed.

To the House of Representatives of the United States:

I transmit herewith a communication from the Secretary of War, accompanied by a report of the Commanding General of the army, embracing all the information which can be obtained in answer to a resolution of the House of Representatives of the 6th of April, 1840, requesting to be furnished with any information in possession of the Executive Department, showing the military preparation of Great Britain, by introducing troops into Canada or New Brunswick, or erecting or repairing fortifications on our Northern and Northeastern boundary, or by preparing naval armaments on any of the great Northern lakes, and what preparations, if any, have been made by this Government to put the United States, and especially those frontiers, in a posture of defence against Great Britain in case of war. M. VAN BUREN.

WASHINGTON, June 29, 1840.

Ordered to lie on the table, and be printed.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting information called for by the House on the 7th of February last, in relation to the trade of the United States with China, from the years 1821 to 1839. On motion of Mr. EVERETT, referred to the Committee on Foreign Affairs.

A letter from the Secretary of the Navy, transmitting information called for by the House on the 25th of May, upon the subject of chronometers, and the expenses of officers employed in their transportation; which was referred to the Committee on Naval Affairs.

A letter from the Secretary of the Treasury, transmitting the annual statements of the commerce and navigation of the United States for the year ending Sept. 30, 1839; which letter and statements were ordered to lie on the table, and be printed.

Mr. CURTIS moved that 5,000 extra copies, and Mr. ADAMS moved that 10,000 extra copies be published.

Mr. PETRIKIN objected.

Mr. RICE GARLAND preferred 5,000 copies. In the interior of the country few copies were read. It would cost $5,000 a least to print 10,000. The Senate had already ordered 5,000.

Messrs. RAMSEY and CAVE JOHNSON objected to the motion; Messrs. ADAMS, CURTIS, and REED were in favor of printing the largest number.

Mr. CURTIS moved to suspend the rules to consider the motion, and moved the previous question; which was seconded, put, and carried. And the main question being on the motion to print 10,000 extra copies, it was carried.

Sundry Senate bills were twice read and referred.

The SPEAKER also laid before the House a letter from the Commissioner on Public Buildings, communicating information called for on the ——— in relation to the superintendents and workmen employed on the public buildings: on motion of Mr. PETRIKIN, was referred to the Committee on the Expenditures on the Public Buildings and Grounds.

Mr. ADAMS asked leave to report from a select committee on a memorial of the American Philosophical Society, requesting the aid of Government in carrying on a series of geological observations.

Mr. COOPER of Georgia objected.

DISTRICT OF COLUMBIA BANKS.

The following bill from the Senate extending the charters of the banks in the District of Columbia, coming up in order, viz:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charters of the Farmers and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the 4th day of July, 1842, unless Congress shall, in the mean time, otherwise order and direct, upon condition that neither of said banks shall issue and pay out the notes of any other bank, banker, or banking institution or corporation, which is in a state of suspension or non-payment of its liabilities in specie; and upon the further condition that the said banks, nor either of them, shall take a stay of execution on any judgment recovered against them in any case whatever, nor appeal from such judgment, nor take a certiorari thereon, except on an affidavit of merit.

Mr. W. COST JOHNSON went into a speech in support of the bill, in which, though he admitted the bill not to be such, in all respects, as he could have desired, he urged the shortness of time now left, as the charters of the banks would expire on Friday next, and the ruin to the people of the District which must ensue if the banks should be suddenly destroyed.

Several questions were then put to him by Messrs. CAVE JOHNSON and VANDERPOEL, when

Mr. ADAMS, supposing Mr. JOHNSON to have concluded, began to speak.

Mr. JOHNSON yielded, and

Mr. ADAMS made a speech in favor of the bill, especially on the ground that it was from one of these banks that members of Congress must get their pay.

Mr. PETRIKIN followed in some remarks in opposition to the passage of the bill. He was opposed to all exclusive privileges. He pointed out the manner in which these banks had set at defiance the laws; and showed that, by the exclusive privileges given to these institutions, and from the manner in which they fleece the laboring community, one of the presidents is enabled to ride in his carriage and four, with liveried servants, etc. He concluded by moving the following amendment to the bill:

Provided, also, That the president and directors of each of said banks shall be jointly and severally, in their individual capacity, liable for all notes issued or debts contracted by said banks respectively, from and after the day this act goes into effect, to be recovered as other debts of like amount may at the time be by law recoverable; *And be it further provided*, That the said banks shall not make any division of profits, or declare any dividends, during the time said banks shall refuse to pay all their liabilities in specie on demand; and the President and directors of any of said banks who shall make any such division of profits, or declare any such dividend, or consent to or vote for the same, shall be liable to pay double the amount of the sum so divided or declared, to be recovered of them in their individual capacity, by any person suing for the same as debts of like amount are recoverable, one half of said forfeiture to go to the person suing, and the other half to the corporation where said bank is located.

Be it further enacted, etc. That justices of the peace within the District of Columbia shall have jurisdiction in all actions of debt against any of the banks whose charters are hereby extended, for sums not exceeding $100 and no appeal, *certiorari*, or injunction shall be allowed, granted, issued or directed, by any court within said District, unless an affidavit be first made and placed in said court by the president or one or more of the directors of the bank so sued, that such appeal, *certiorari*, or injunction is not asked for the purpose of delay, but because he or they believe there is a just defence on the merits, and that injustice is likely to be done if said appeal, *certiorari*, or injunction should not be granted.

Mr. VANDERPOEL said: It was not necessary to the purpose he had in view, in the few remarks he intended to submit, to classify the House by denominating one portion of it bank men, and another party enemies of the banks. Nor was it his purpose to cast imputations upon gentlemen because they happened to be connected with banks. It was his pleasure to know some of the gentlemen who were connected with the institutions in question, and it was but just to them to say, that they were gentlemen for whom he entertained very high respect. Still, he felt it his duty to say, that the bill under consideration, considering the situation in which all the banks of this District now exhibited themselves, was a very extraordinary one. They were in a state of suspension—of open delinquency—of open violation of the law that created them; and while in this condition, they came and asked for an unqualified extension or renewal of their charters. It could not be, that after our doings of yesterday, we were prepared to vote for this bill, without any amendment to drive the banks back to their duty. What a spectacle would we exhibit to the nation by so doing. It was our incumbent duty to set a better example to the States. The facility with which the banks of the several States now-a-days suspended specie payments was, indeed, a reproach to our country. An honorable merchant, during a pecuniary or commercial revulsion, would often times sacrifice hundreds of thousands of dollars to maintain his credit and integrity; but, according to the ethics of banks, they suspended specie payments whenever it became a little inconvenient to maintain them. Indeed, they seemed to suspend some times for pretty much the same reason that Betty assigned for skinning her eels, "*because they liked it.*" It was high time that we at least should set our face against the facility with which the banks assumed this unjust—this demoralizing position. That portion of the House that was now coming out for the recharter of these suspended banks, had always told us that it was the duty of Congress to regulate the currency of the country—that the friends of the Administration were subject to the reproach of permitting an important power, conferred upon us by the Constitution, to lie dormant. And was this a specimen of the manner in which they would put this alleged power into execution? Was this the mode in which they would "regulate the currency"—recharter a batch of banks, that are daily in the open violation of law and duty? They could not pay their debts, or redeem their bills; but what could they do—what had they done under our very eyes? Why, make dividends of profits while in a state of suspension—yes, *profits* made at a time when the poor market woman, with one of their notes, was liable to be shaved to the tune of from five to ten per cent.! Were we prepared to legalize such doings; by voting for an unqualified renewal of these charters; one that would involve no rebuke for, but would rather sanction, their past and present demerits? If we passed this bill, what a beautiful commentary would it be upon our doings of yesterday—a day signalized by the passage of that great measure of reform. He would never consent to vote for the bill, unless a provision was inserted that the banks should resume specie payment within thirty, or, at farthest, sixty days. As matter of example and principle, this bill extended in its operation beyond the ten miles square. It was commensurate with the Union. By passing it in its present state, we would proclaim to the world, to the institutions of the States, the immoral sentiment that a state of suspension is not a state of *palpable and most reprehensible delinquency*.

Mr. BRIGGS responded to him in an argumentative speech, urging the example of the surround-

States, in renewing the charters of the banks while under suspension. He spoke with warmth of the abuse which had been heaped upon the gentlemen who conducted these banks.

Mr. M. A. COOPER of Georgia explained some remark he had thrown in while Mr. BRIGGS was speaking, and then opposed the bill on constitutional grounds, but concluded by moving to amend the amendment of Mr. PETRIKIN by adding thereto the following:

Provided, That the said banks shall not issue notes under ten dollars; that from and after the first January next they shall not issue notes of a denomination less than twenty dollars; and after the 1st January, 1842, they shall not issue notes of a less denomination than fifty dollars. *Provided, also*, That their notes all times shall be redeemable by specie, or, on failure thereof, their charters shall be forfeited.

SEC. 2. *Be it further enacted*, That in case the said banks, or either of them, shall refuse or fail to pay their notes in specie on demand of any person, such person shall and may have remedy by judgment and execution at law, at a notice of ten days before any justice of the peace of said District.

Mr. W. THOMPSON made a speech of much warmth and animation in defence of the bill, and in reply to the objections which had been advanced.

Mr. VANDERPOEL sent to the Clerk's desk an amendment he wished to offer, and which was read for information, as follows:

Provided, further, That said banks shall resume and continue to pay specie for all their liabilities within 60 days after the passage of this act; and on failure thereof, all the rights and privileges accruing from the foregoing act shall be null and void and of no effect.

The SPEAKER was understood to say that the amendment was not then in order.

Mr. JOHNSON of Maryland resumed his remarks in favor of the bill; showed the condition of the banks, maintaining that they were prepared to resume whenever the banks in Virginia and Maryland should resume; and if they were compelled to resume before that time, it would be virtually to suspend their charters; which would prove disastrous in the extreme to the District; he concluded by moving the previous question.

On an earnest appeal from Mr. STEENROD, however, he withdrew the demand.

Mr. HOLMES of South Carolina then delivered an animated appeal against the ruinous consequences which must instantly follow to this District, should the bill be rejected. He avowed himself the friend of credit, and said he had voted for the Independent Treasury bill not to destroy, but to give it stability.

Mr. RYALL of New Jersey made a short speech in most decided opposition to the bill; but if it must pass, he was for Mr. PETRIKIN's amendment.

Mr. UNDERWOOD spoke for the bill, urging the distress which must ensue should it fail.

Mr. U. in the close, moved the previous question.

Mr. PETRIKIN moved to lay the motion on the table.

Mr. UNDERWOOD withdrew the call for the previous question, on condition that Mr. WELLER of Ohio, who obtained the floor, should renew it.

Mr. WELLER spoke for some time with great animation in opposition to the bill, and had not concluded when the House took recess.

EVENING SESSION.

On leave given, Mr. BANKS of Virginia presented the petition of John Baggot, an invalid pensioner; and Messrs. JOHNSTON of New York, CHAPMAN of Iowa, and BOYD, presented memorials; which were appropriately referred.

On leave given, Mr. JONES of Virginia, from the Committee of Ways and Means, reported back, with amendments, the Senate bill more effectually to secure the public money in the hands of the officers and agents of the Government, and to punish public defaulters; which said bill, on motion of Mr. J. was referred to the Committee of the Whole on the state of the Union, and, together with the amendments, was ordered to be printed.

DISTRICT BANKS.

The House resumed the consideration of the bill from the Senate extending the charters of the District banks, under certain restrictions, for the term of two years.

The question being on the amendment to the amendment,

Mr. WELLER continued his remarks in opposition to the bill, (giving way to explanations from Messrs. ANDREWS, J. DAVIS of Pennsylvania, and JOHNSON of Maryland,) and concluded at ten minutes past five, by calling on all those friends of the Administration who were sincere and orthodox in their political sentiments on the subject of the banking system, to rally now and vote against the bill.

And Mr. W. in redemption of his pledge to Mr. UNDERWOOD, renewed the demand for the previous question.

Mr. JENIFER, and a number of other gentlemen appealed to Mr. WELLER and Mr. UNDERWOOD to withdraw the demand. A momentary scene of excitement followed, which resulted in the release of Mr. WELLER from the pledge imposed on him by Mr. UNDERWOOD, and in the withdrawal of the demand for the previous question.

Mr. JENIFER then addressed the House in an energetic appeal to the sense of justice of the House towards the disfranchised people of this District; and deprecating the attempt to make this a question of party, and adverting to the deplorable results which must immediately follow unless this or some similar bill should be passed.

He was followed by Mr. SALTONSTALL in some remarks illustrative of the injustice which would be done to the people of the District by the adoption of the amendment, and by the refusal of Congress, the local Legislature of this District, to pass the bill.

Mr. STEENROD obtained the floor, and amongst other things, went at some length into an examination of the moral and political evils of the banking institutions of the United States, and of the swindling propensities by which (he said) they were characterized.

Mr. HABERSHAM then moved the previous question.

Mr. RICE GARLAND moved a call of the House; which was not ordered.

Mr. CAVE JOHNSON moved to lay the bill on the table.

Mr. BRIGGS asked the yeas and nays, which were ordered; and, being taken, were—yeas 87, nays 104, as follows:

YEAS—Messrs. H. J. Andreson, Atherton, Banks, Black, Blackwell, Boyd, A. V. Brown, Bynum, Carr, Carroll, Casey, Clifford, Coles, Connor, M. A. Cooper, W. R. Cooper, Crary, Davee, Doan, Dromgoole, Earl, Eastman, Ely, Fine, Floyd, Galbraith, Gerry, Hammond, Hand, Hillen, Holleman, Hook, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Lewis, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Parish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, James Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vroom, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—87.

NAYS—Messrs. Adams, Judson Allen, John W. Allen, Landaff W. Andrews, Baker, Barnard, Beatty, Beirne, Botts, Briggs, Brockway, Sampson H. Butler, William O. Butler, Calhoun, Carter, Chapman, Chinn, Chittenden, Clark, James Cooper, Crabb, Craig, Cranston, Cross, Curtis, Cushing, Dana, Davies, John Davis, G. Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fisher, James Garland, Rice Garland, Gates, Goggin, Graham, Graves, Green, Griffin, Grinnell, Habersham, William S. Hastings, John Hastings, Hawes, Henry, John Hill of Virginia, Hoffman, Holmes, Hopkins, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, King, Leet, Leonard, Lincoln, McCarty, Mallory, Marvin, Mitchell, Monroe, Montanya, Morgan, Morris, Naylor, Newhard, Ogle, Osborne, Palan, Peck, Pope, Proffit, Rrandall, Randolph, Raridan, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Francis Thomas, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vanderpoel, Wagner, Warren, Watterson, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—104.

So the House refused to lay the bill on the table.

The question recurring on the motion for the previous question, it received a second; and the main question was ordered.

The amendments were then read; and the question being first on the amendment of the gentleman from Georgia, (Mr. COOPER,)

Mr. CONNOR called for the yeas and nays, which were ordered.

Mr. THOMAS, of Maryland, called for a division of the question, so as to take the question first on that branch which forbids the issue of notes of a denomination less than ten dollars.

The CHAIR said that the question would be so divided.

The question being on the adoption of this branch of the amendment, viz: "Provided said banks shall not issue notes under ten dollars," it was taken by yeas and nays, and resulted in the affirmative—yeas 110, nays 94, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Black, Blackwell, Boyd, Aaron V. Brown, Wm. O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Wm. R. Cooper, Craig, Cross, Dana, Davee, John Davis, J. W. Davis, Doan, Dromgoole, Earl, Eastman, Ely, Fine, Fisher, Floyd, Galbraith, Gerry, Griffin, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Rives, Robinson, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—110.

NAYS—Messrs. Adams, John W. Allen, Andrews, Barnard, Bell, Biddle, Botts, Briggs, Brockway, Calhoun, Carter, Chinn, Chittenden, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, James Garland, Rice Garland, Gates, Gentry, Goggin, Graham, Graves, Green, Grinnell, Habersham, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Chas. Johnston, William Cost Johnson, Kempshall, King, Lincoln, McCarty, Mallory, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Ogle, Osborne, Peck, Pope, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, Swearingen, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—94.

Mr. WELLER moved that the House adjourn.

Mr. R. GARLAND demanded the yeas and nays; which having been ordered,

Mr. WELLER, at the solicitation of several, withdrew the motion.

Mr. ANDREWS moved that the House adjourn.

Mr. R. GARLAND demanded the yeas and days; which were ordered, and were—yeas 70, nays 113.

So the House refused to adjourn.

The question then recurred on the adoption of the second branch of the amendment, declaring that the banks "shall not, from and after the first of January next, issue notes of a less denomination than twenty dollars," it was taken and determined in the negative, by yeas 83, nays 99, as follows:

YEAS—Messrs. Hugh J. Anderson, Atherton, Banks, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Bynum, Carr, Carroll, Casey, Clifford, Coles, Connor, Mark A. Cooper, Wm. R. Cooper, Dana, Davee, Doan, Dromgoole, Duncan, Eastman, Ely, Fine, Fisher, Floyd, Hammond, Hawkins, Hill of North Carolina, Hook, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Ramsey, Reynolds, Robinson, Edward Rogers, Samuels, Shaw, Albert Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Taylor, Francis Thomas, Philip F. Thomas, Turney, Vroom, Watterson, Weller, Wick, J. W. Williams, and Henry Williams—83.

NAYS—Messrs. Adams, John W. Allen, Andrews, Barnard, Beatty, Beirne, Bell, Botts, Briggs, Brockway, Sampson H. Butler, William B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Edward Davies, John Davis, Garret Davis, Dawson, Deberry, Dennis, Dellet, Earl, Edwards, Evans, Everett, James Garland, Rice Garland, Gates, Gentry, Goggin, Goode, Graham, Graves, Green, Grinnell, Habersham, William S. Hastings, John Hastings, Hawes, Henry, Holmes, Hoffman, James, Jenifer, Charles Johnston, W. C. Johnson, Kempshall, Lincoln, McCarty, Marvin, Mason, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Osborne, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Shepard, Simonton, Truman Smith, Stanly, Stuart, Swearingen, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, David D. Wagener, Warren, Edward D White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, C. H. Williams, and Worthington—99.

So this branch of the amendment was rejected.

Mr. PARRIS moved that the House adjourn.

Mr. RAMSAY demanded the yeas and nays; which were not ordered.

The House then adjourned.

IN SENATE,

THURSDAY, July 2, 1840.

The VICE PRESIDENT informed the Senate that after to-day he would be absent during the remainder of the session.

The VICE PRESIDENT also submitted a message from the President of the United States, transmitting a statement of the transfers of appropriations for the naval service, during the past year; which was ordered to be priated.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the memorial of Ann W. Angus, and the memorial of John Lang, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. in pursuance of previous notice, asked and obtained leave to introduce a bill to amend an act to regulate the pay of the navy of the United States; which was read, and ordered to a second reading.

ADJOURNMENT OF CONGRESS.

On motion by Mr. TAPPAN, the joint resolution from the House, fixing Tuesday the 21st inst. at 2 o'clock, p. m. as the time for the adjournment of Congress, was taken up, considered, and agreed to.

ADMISSION OF FLORIDA.

Mr. WALKER, from the Select Committee to which had been referred various memorials on the subject, reported

A bill for the admission of Florida into the Union on certain conditions.

[The bill providest hat the State shall embrace the territories of East and West Florida, as described in the Constitution adopted by the people of Florida, January 11, 1839]

Also, a bill providing for the division of Florida, and the admission of the States of East anp West Florida.

[This bill provides that, after the admission of Florida, the Legislature may pass a law dividing the State into two States to be desgnated East and West Florida—the dividing line to be the Suwannee river, without further proceedings of Congress, but not until it is ascertained that the population east as well as west of the Suwannee shall exceed thirty thousand.]

The bills were respectively read, and ordered to a second reading.

The bill regulating the pay of pursers in the navy was taken up, as in committee of the whole and after being discussed by Messrs. WILLIAMS, SOUTHARD, CALHOUN, HUBBARD, KING, and PIERCE, was ordered to be engrossed for a third reading.

The bill to provide for the more faithful execution of the laws in relation to the collection of duties on imports, was taken up, the question being on the amendment submitted by Mr. HUNTINTON, which declared any witness incompetent who should have any interest whatever in the cause, *similar* to the interest of the party in whose behalf he might be called to testify, and after a debate, in which Messrs. HUNTINGTON, WRIGHT, HUBBARD, CALHOUN, STRANGE, and PHELPS participated, it was laid on the table.

The Senate then went into Executive session,

And then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, July 2, 1840.

On motion of Mr. JOHN DAVIS of Pennsylvania, the journal of Tuesday was so amended as to allow his vote (which had been accidentally omitted in a certain case) to be inserted thereon.

Mr. ADAMS, from the select committee to whom had been referred the memorial of the American Philosophical Society, requesting the aid of Government in carrying on a series of observations, asked leave to make a report.

Mr. A. explained that the reason why he was desirous to make the report at this time was, that the report concluded with a resolution making an appropriation to carry out the object, which it was proposed to make in the shape of an amendment to the army bill.

Mr. PETRIKIN objected to any amendment of the kind.

Mr. ADAMS said he must then move a suspension of the rules, and he asked the reading of the resolution with which the report concluded. It was read, as follows:

Resolved, That the sum of twenty thousand dollars ought to be appropriated for the establishment of five several stations, at suitable distances from each other, for making observations of terrestrial magnetism and meteorology, conformably to the invitation from the Royal Society of Great Britain to the American Philosophical Society at Philadelphia, and other learned societies in the United States; and that the said sum should be placed under the direction and at the disposal of the Secretary of the Navy, for the fulfilment of those purposes, he to account for the expenditures thus authorized to the Treasury of the United States.

Mr. A. having explained that he did not intend to press the question on the resolution at this time, but wished simply that the report should be laid on the table and printed—

Mr. PETRIKIN withdrew his objection.

And the report and resolution were laid on the table, and ordered to be printed.

The unfinished business of the morning hour was declared by the CHAIR (which was occupied during the whole morning by Mr. BRIGGS, of Massachusetts) to be the following resolution heretofore reported by Mr. BELL, from the Committee on Indian Affairs:

"*Resolved*, That so much of the resolution of this House of the 7th of March last as declared the expediency of suspending the further execution of the first and second clauses of the fourth article of the treaty made with the Winnebago Indians in 1837, be rescinded."

Mr. CRARY was entitled to the floor, but, not being at the time in his seat,

Mr. BELL said he knew, from the last conversation that he had held with the gentleman from Michigan, [Mr. CRARY,] that he had now no objection to the resolution.

Mr. PETRIKIN said that if the gentleman from Michigan [Mr. CRARY] did not object to the resolution, he (Mr. P.) did.

Mr. P. then proceeded to oppose the resolution, on the ground that he disapproved this mode of making reports by detachments. The resolution, he said, ought not to be adopted until the committee had made the whole report.

Mr. BELL concurred, he said, in the opinion of the gentleman, as a general proposition, that reports ought to be made in full. The only ground on which a majority of the Committee on Indian Affairs had recommended the passage of this resolution before the whole report was made on account of the suffering of individuals who held these drafts—many of them innocently—and whose credit might be destroyed, and whose property might be injured, if such a resolution were not passed. The committee did certainly expect to make a report in full on the other branches of inquiry submitted to them; but he feared the preparation of that report would take almost to the last hour of the session. The committee were indeed aware that some injustice might be done to individuals by the adoption of the resolution; but they were also of opinion that far greater injustice would be done if a different course were pursued. He trusted that the House would see the propriety of adopting the resolution.

Mr. RAMSEY called for the reading of the resolution, which having been read,

Mr. RAMSEY said the first board of Commissioners closed its sessions, and the drafts which are now asked to be paid, were issued in October, 1838. The proceedings of that board, after being set aside by the Secretary of War, were brought before the House of Representatives by a resolution passed February 19, 1839, as appears by document No. 229. On the first of March, 1839, on the allegation of frauds having been committed by partisans of the Administration, the whole subject was referred to the Committee on Indian Affairs, but it being only two days before the close of the session, it was not acted on. Notwithstanding, the Secretary of War appointed a new commissioner (Mr. Fleming of New York) to examine and adjudicate upon these claims *de novo*. This commissioner closed his business at Prairie du Chien on the 12th day of last October, but did not report his proceedings, as appears, to the War Department, until the latter part of February. Since that time the Committee on Indian Affairs have had the subject under consideration. There does not appear to have been any disposition heretofore manifested by those having charge of the business to hasten the payment of these drafts. The Opposition party charged fraud and corruption against the first board of commissioners, and have not yet substantiated these charges. I wish to afford the gentleman from Tennessee [Mr. BELL] and his friends time to make good their allegations if they can. The proceedings of the new board are also asserted to be unjust and oppressive. It is said that there have been favorites in the division of the spoils under the Winnebago treaty; that out of $150,000 provided to pay the debts of this nation, certain *preference creditors* obtained $130,000! and those who believe themselves entitled to more than one-half of the whole sum, were only awarded $20,000. The preferred or favorite creditors are anxious for immediate payment, and talk about delay, hardship, &c. Those who believe they have suffered wrong, (although they are poor and want their money) claim a new investigation.

Now, as the Opposition have charged fraud and corruption and attempted to fix it on the Administration and its officers, I wish the road to investigation to be kept open, and not to be temporarily closed for the purpose of benefiting some of the opponents of the Administration, connected with the American Fur Company. If fraud has been practised by the officers of the Government, I shall be the last to shield them, and am anxious for a full, free, and uninterrupted examination of the whole affair. I therefore move that the resolution be laid upon the table.

Mr. BELL asked the yeas and nays on that motion, which was ordered.

The reading of the two clauses of the treaty referred to in the resolution having been called for, and the same having been read—

Mr. BELL wished, he said, to state a single fact. He was understood to say that this proceeding had been authorized by the War Department, the appropriate constitutional authority for executing the treaty.

And the question was then taken, and decided in the affirmative—yeas 88, nays 82.

So the resolution was laid on the table.

Mr. BELL inquired of the CHAIR whether a majority or a two-thirds vote would be required, at any time hereafter, to take the resolution up?

The CHAIR was understood to express the opinion that a vote of two-thirds would be requisite.

Mr. PROFFIT asked that the House would (by unanimous consent) take up the Senate bill on the SPEAKER'S table, in relation to a tract of land in the State of Indiana, not located, and which lay in the district of his absent colleague, [Mr. HOWARD.]

Mr. W. THOMPSON said he would not make any objection, but he wished the gentleman would defer the motion for the present, as he (Mr. T.) was desirous to make a number of reports from the Committee on Military Affairs.

Mr. PROFFIT said he would let the matter lie over for the present.

Mr. WADDY THOMPSON, jr. from the Committee on Military Affairs, reported a bill making an appropriation for paying the claims of the militia of Vermont, called out by the Governor of that State, to prevent an unlawful incursion into Canada; which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. T. also, from the same committee, reported back to the House, without amendment, Senate bill entitled "An act for the organization of a company of sappers, miners, and pontoniers; which was refer ed to the Committee of the Whole on the state of the Union.

Mr. T. also reported back to the House, from the same committee, with an amendment, Senate bill entitled "An act for the relief of the corporate authorities of the city of Mobile;" which was committed to the Committee of the Whole House tomorrow.

Mr. T. also reported back to the House, from the same committee, without amendment, Senate bill entitled "An act to regulate enlistments into the

army and navy;" which was referred to the Committee of the Whole on the state of the Union.

On motion of Mr. GOGGIN, the Committee on Military Affairs was discharged from the further consideration of the petition of William Glover, and the petition of the inhabitants of Virginia, in relation to the employment of laborers at Fort Monroe; and that said petitions do lie on the table.

Mr. ANDERSON of Maine, from the Committee on Naval Affairs, reported back to the House, with amendments, Senate bill entitled "An act to make new provisions respecting navy Pensions; which was committed to the Committee of the Whole on the state of the Union.

Mr. A. also, from the same committee, made a report in the case of Lieut. Thos. O. Selfridge; which was ordered to lie on the table.

Mr. A. also reported, from the same committee, a bill fixing the pay of officers of the revenue cutter service while co-operating with the naval service of the United States; which was read twice, and referred to the Committee of the Whole.

Mr. A. also, from the same committee, reported back, without amendment, the bill for the relief of Robert Ramsay: referred to the Committee of the Whole House.

On motion of Mr. RAMSEY,

Ordered, That the Committee on Naval Affairs be discharged from the petition of Commodore James Barron upon the subject of a prow ship; also from the petition of naval surgeons; and that the said petitions do lie on the table.

Mr. CUSHING, from the Committee on Foreign Affairs, to which was referred the message of the President of the United States of the 9th of March last, on the subject of tonnage duties on Spanish vessels in the ports of the United States, reported a bill concerning the tonnage duties on Spanish vessels; which was twice read, and committed to the Committee on the state of the Union.

Mr. C. also, from the same committee, reported a bill for the relief of William D. Jones; which was read twice, and committed.

Mr. C. also, from the same committee, made two reports on the memorial of Alphonzo F. A. Blake, representative of Wm. Carmichael, formerly Charge d'Affaires of the United States in Spain; which were committed to the Committee of the Whole House.

Mr. PICKENS submitted to the House a translation of a note from the Minister of Spain to the Secretary of State, in relation to the affair of the Spanish schooner L'Amistad: laid on the table, and ordered to be printed.

The morning hour having expired,

Mr. JONES of Virginia moved that the House proceed to the orders of the day.

Mr. PICKENS requested Mr. JONES to suspend the motion, to enable him to report back the joint resolution from the Senate, in relation to the disposition of the presents from the Imaum of Muscat to the President of the United States.

Mr. P. accompanied his request with a remark or two, of which the Reporter could hear nothing.

Mr. JONES said, that as the resolution would come up in the morning hour of to-morrow, he must decline to waive his motion.

And the House then passed to the orders of the day.

DISTRICT BANKS.

The House resumed the consideration of the bill to extend for the term of two years the charters of the several banks in the District of Columbia.

The question immediately pending was on the third branch of the amendment to the amendment of Mr. M. A. COOPER, which provided that from and after the 1st of June next, no notes should be issued by said banks of a less denomination than 50 dollars

And the question being taken, it was decided in the negative—yeas 83, nays 106, as follows:

YEAS—Messrs. Atherton, Banks, Black, Boyd, Burke, Carr, Chapman, Clifford, Connor, Mark A. Cooper, William R. Cooper, Craig, Doan, Dromgoole, Eastman, Fine, Fisher, Fletcher, Floyd, Galbraith, Gerry, Hawkins, Hill of North Carolina, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Lucas, McClellan, Marchand, Miller, Montgomery, Samuel W. Morris, Parrish, Petrikin, Pickens, Ramsey, Reynolds, Rives, Robinson, Ryall, Samuels, Shaw, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Taylor, Jacob Thompson, Turney, Watterson, Weller, Wick, and Jared W. Williams—83.

NAYS—Messrs. Adams, Judson Allen, John W. Allen, Hugh J. Anderson, Andrews, Baker, Barnard, Beatty, Bell, Blackwell, Botts, Briggs, Sampson H. Butler, William O. Butler, Calhoun, William B. Campbell, Carroll, Carter, Chinn, Clark, Crabb, Cranston, Crary, Crockett, Cross, Cushing, Dana, Davee, Davies, John Davis, Garret Davis, Dawson, Dennis, Dellet, Earl, Edwards, Everett, James Garland, Rice Garland, Gates, Gentry, Goggin, Graham, Green, Griffin, Grinnell, Habersham, Hammond, John Hastings, Henry, Hill of Virginia, Hoffman, Hunt, Jackson, James, Jenifer, Wm. Cost Johnson, Kempshall, King, Leet, Leonard, Lincoln, McCarty, McCulloch, Mallory, Marvin, Mason, Mitchell, Montanya, Calvary Morris, Naylor, Newhard, Nisbet, Ogle, Osborne, Palen, Paynter, Peck, Pope, Randolph, Rariden, Reed, Ridgway, Edward Rogers, Russell, Sergeant, Simonton, Stuart, Swearingen, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vanderpoel, David D. Wagener, Peter J. Wagner, Warren, John White, Thomas Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—106.

So the third branch of the amendment was rejected.

The question then recurred on the fourth branch of the amendment to the amendment, namely, the proviso that the notes of the said banks should at all times be redeemable in specie; or that, on failure thereof, the charters should be forfeited.

And the question being taken, it was decided in the affirmative—yeas 107, nays 76, as follows:

YEAS—Messrs. Judson Allen, Hugh J Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Burke, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Connor, Mark A. Cooper, Wm. R. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, J. Hastings, Hawkins, Hill of North Carolina, Holleman, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lucas, McClellan, McCulloh, McKay, Marchand, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Ogle, Parrish, Parmenter, Parris, Paynter, Petrikin, Pope, Prentiss, Ramsey, Rariden, Rayner, Reynolds, Rhett, Rives, Robinson, Edward Rogers, Ryall, Samuels, Shaw, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taylor, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—107.

NAYS—Messrs. Adams, Andrews, Baker, Barnard, Bell, Botts, Briggs, Calhoun, Carter, Chinn, Chittenden, Clark, Crabb, Cranston, Crockett, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, James Garland, Gates, Goggin, Graham, Graves, Green, Griffin, Grinnell, Habersham, Henry, Hoffman, Holmes, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, King, Lincoln, McCarty, Mallory, Marvin, Mason, Calvary Morris, Naylor, Osborne, Palen, Peck, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Truman Smith, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Ed. D. White, John White, Thomas W. Williams, Lewis Williams, J. L. Williams, and C. H. Williams—76.

So the fourth branch of the amendment to the amendment was agreed to.

The question was then on the last portion of Mr. COOPER's amendment to the amendment of PETRIKIN, in the words following, viz:

"*And be it further enacted*, That in case the said banks, or either of them, shall refuse or fail to pay their notes in specie on demand of any person, such person shall and may have remedy by judgment and execution at law, at a notice of ten days before any justice of the peace of said District."

The question was taken and decided in the affirmative—yeas 97, nays 76, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Black, Blackwell, Boyd, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Connor, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Dana, John Davis, John W. Davis, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Gerry, Hand, John Hastings, Hawkins, Hill of N. C., Holleman, Hook, Jackson, Jameson, Joseph Johnson, Cave Johnson, N. Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Ogle, Parrish, Parmenter, Parris, Paynter, Pickens, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, Ryall, Samuels, Shaw, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Taylor, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Jared W. Williams, and Henry Williams—97.

NAYS—Messrs. Adams, Andrews, Barnard, Bell, Briggs, Brockway, Calhoun, Chinn, Chittenden, Clark, Cranston, Crockett, Cross, Edward Davies, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Galbraith, Garland, Gates, Goggin, Graham, Graves, Griffin, Grinnell, Henry, Hill of Virginia, Hoffman, Hubbard, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, Lincoln, McCarty, Marvin, Mason, Monroe, Morris, Nisbet, Osborne, Palen, Peck, Petrikin, Rayner, Reed, Rhett, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Truman Smith, Taliaferro, Francis Thomas, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wothington—76.

So the last branch of the amendment was agreed to.

Mr. CARTER inquired whether it was in order now to offer an amendment.

The CHAIR replied that it was not, the previous question having been called.

Mr. CARTER asked the unanimous consent of the House to offer the following amendment, which was read for information:

Provided, also, That said banks shall not be required to resume specie payments until the banks of Pennsylvania, Maryland, and Virginia, shall have resumed.

Objection was made.

The question then recurred on the original amendment, (offered by Mr. PETRIKIN) It provides so to amend the bill as to make the president and directors of each of said banks, jointly and severally, in their individual capacity, liable for all notes issued, or debts contracted by said banks respectively, from and after the day this act goes into effect; that any president and directors making such dividend should, in their individual capacities, be liable for double the amount thereof on being sued, etc., that no dividend should be made during the suspension of specie payments; and, also, that the jurisdiction of justices of the peace be extended to all actions against said banks for any amount not exceeding one hundred dollars.

A division of the question was ordered.

Mr. F. THOMAS hoped the House would indulge him with the permission to say a word of explanation on this amendment.

Objection was made by several voices.

Mr. ADAMS called for a division of the question.

And the question was then taken on the first branch of the amendment, in the following words: *Provided, also*, That the president and directors of each of said banks shall be jointly and severally, in their individual capacity, liable for all notes issued or debts contracted by said banks respectively, from and after the day this act goes into effect, to be recovered as other debts of like amount may at the time be by law recoverable, and resulted in the affirmative—yeas 92, nays 90, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Black, Blackwell, Boyd, Burke, William O. Butler, Carr, Casey, Chapman, Clifford, Connor, Mark A. Cooper, William R. Cooper, Craig, Crary, Dana, Davee, John Davis, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Holleman, Hook, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lucas, McClellan, McKay, Marchand, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Rariden, Reynolds, Rives, Robinson, Edward Rogers, Ryall, Samuels, Shaw, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taylor, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Weller, Wick, Jared W. Williams, and L. Williams—92.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Beirne, Bell, Botts, Briggs, Brockway, Sampson H. Butler, Bynum, Calhoun, Carroll, Carter, Chinn, Clark, Crabb, Cranston, Crockett, Cross, Davies, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, James Garland, Gates, Goggin, Griffin, Grinnell, Habersham, Hawes, Henry, Hill of Virginia, Hoffman, Hopkins, Hunt, James, Jenifer, Charles Johnston, Kemble, Kempshall, King, Lincoln, McCarty, McCulloch, Mallory, Marvin, Mason, Mitchell, Morgan, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Randolph, Rayner, Reed, Rhett, Ridgway, Russel, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stuart, Taliaferro, Francis Thomas, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Warren, Watterson, Edward D. White, John White, Thomas W. Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—90.

So this branch of the amendment was agreed to.

The question was then taken on the next branch of the amendment, in these words:

"*And be it further provided*, That said banks shall not make any dividends during the time the said banks shall refuse to pay all their liabilities in specie on demand;" and it was passed in the affirmative—ayes 145, nays 25, as follows:

YEAS—Messrs. Adams, Judson Allen, John W. Allen, Jugh J. Anderson, Andrews, Atherton, Banks, Baker, Beatty, Beirne, Black, Blackwell, Boyd, Briggs, Burke, Sampson H. Butler, Bynum, Calhoun, William B. Campbell, Carr, Carter, Casey, Chapman, Chinn, Chittenden, Clark, Clifford, Connor, William R. Cooper, Crabb, Craig, Crary, Cross, Dana, Davee, Davies, John Davis, Garret Davis, Dawson, Deberry, Dellet, Doan, Dromgoole, Duncan, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, James Garland, Gates, Gerry, Goggin, Graham, Graves, Griffin, Habersham, Hand, John Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Hill of North Carolina, Holleman, Hook, Hubbard, Hunt, Jackson, Jameson, Charles Johnston, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kempshall, Kille, Leadbeter, Leet, Leonard, Lincoln, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Marvin, Mason, Miller, Morgan, Naylor, Newhard, Ogle, Parrish, Parmenter, Parris, Paynter, Peck, Petrikin, Prentiss, Ramsey, Randolph, Rariden, Rayner, Reynolds, Rhett, Ridgway, Rives, Robinson, Ryall, Samuels, Shaw

Simonton, Slade, John Smith, Truman Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumpter, Swearingen, Taylor, Francis Thomas, Jacob Thompson, Triplett, Trumbull, Turney, Underwood, Vanderpoel, Wagener, Watterson, Weller, John White, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, and J. T. H. Worthington—145.

NAYS—Messrs. Barnard, Botts, William O. Butler, Carroll, Mark A. Cooper, Cranston, Edwards, Everett, Holmes, James, Jenifer, McCarty, Mitchell, Nisbet, Pope, Reed, Edward Rogers, Russell, Saltonstall, Sergeant, Waddy Thompson, Toland, Wagner, Edward D. White, and Christopher H. Williams—25.

So the second branch of the amendment was agreed to.

The question was next on the third member of said amendment, being so much as was contained in these words:

"And the president and directors of any of said banks, who shall make any such division of profits, or declare any such dividends, or consent to or vote for the same, shall be liable to pay double the amount of the sum so divided or declared, to be recovered of them in their individual capacity, by any person suing for the same, as debts of like amount are recoverable; one half of said forfeiture to go to the person suing, and the other half to the corporation where the said bank is located.

"SEC. 2. *And be it further enacted*, That justices of the peace within the District of Columbia shall have jurisdiction in all actions of debt against any of the banks whose charters are hereby extended, for sums not exceeding one hundred dollars; and no appeal, certiorari, or injunction, shall be allowed, granted, issued, or directed by any court within said District, unless an affidavit be first made and filed in said court by the president or one or more of the directors of the bank so sued, that such an appeal, certiorari, or injunction is not asked for the purpose of delay, but because he or they believe there is a just defence on the merits, and that injustice is likely to be done if said appeal, certiorari, or injunction should not be granted."

The question was taken on the above branch, and it was agreed to by—yeas 94, nays 78, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Burke, Wm. O. Butler, Bynum, Carr, Casey, Chapman, Clifford, Connor, Mark A. Cooper, Wm. R. Cooper, Crabb, Craig, Dana, Davee, John Davis, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, J. Hastings, Hawkins, Hill of N. C. Holleman, Hook, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, J. W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Lucas, McClellan, McCulloch, McKay, Marchand, Miller, Montanya, Montgomery, S. W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rives, Robinson, E. Rogers, Ryall, Samuels, Shaw, John Smith, Thomas Smith, Steenrod, Strong, Sumter, Swearingen, Taylor, Francis Thomas, Jacob Thompson, Turney, Vanderpoel, Wagener, Watterson, Weller, Wick, J. W. Williams, Henry Williams, Lewis Williams, and Worthington—94.

NAYS—Messrs. J. Q. Adams, J. W. Allen, Andrews, Baker, Barnard, Bell, Botts, Briggs, Brockway, Calhoun, William B. Campbell, Carroll, Carter, Chinn, Chittenden, Clark, Cranston, Cross, Edw. Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fisher, J. Garland, Gates, Goggin, Graham, Griffin, Grinnell, Habersham, Hawes, Henry, Hill of Va. Hoffman, Hunt, James, Jenifer, Charles Johnston, Wm. C. Johnson, Kempshall, King, Lincoln, McCarty, Mallory, Mason, Morgan, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Randolph, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stuart, Waddy Thompson, Tillinghast, Toland, Triplett, P. J. Wagner, Warren, E. D. White, J. White, Thos. W. Williams, and C. H. Williams—78.

So the last branch of Mr. PETRIKIN's amendment was agreed to.

And the question then recurring on the adoption of the amendment as amended—

Mr. WM. COST JOHNSON (on leave) moved to lay the bill on the table. He should regard the vote on this motion, he said, as a test vote; and he had submitted in order that he might, if the motion prevailed, introduce the bill heretofore reported from the Committee for the District of Columbia of this House, to continue the corporate existence of the banks of the District of Columbia to the 4th of March next, and until further legislation provided that the said banks resume specie payments when a majority of the banks of Pennsylvania, Maryland, and Virginia, should do so.

Mr. TURNEY then gave notice that he should object to the introduction of the bill.

Mr. JOHNSON thereupon said, that as it would require a vote of two-thirds to get in the bill, and as he had no hope of success in such an effort, he would withdraw his motion to lay the present bill on the table.

And the question again recurring on the adoption of the amendment as amended—

Mr. McKAY asked such a division of the question as would embrace Mr. M. A. COOPER's proposition to restrict the issue of notes to a denomination of not less than $10, and to cause the charters to be forfeited on refusal or failure to pay specie.

Mr. ANDREWS submitted that the question of the adoption of the amendment, as amended, could not be divided.

The CHAIR decided that it could.

Mr. ANDREWS appealed from the decision.

Mr. GRAVES asked the yeas and nays; which were not ordered.

The House was here in a great state of confusion.

The CHAIR said he would call gentlemen by their names unless they took their seats, and he was responded to by several voices, "do it, do it."

Something like order having, in a few moments, been restored,

The CHAIR stated the ground of his decision, that a division of an amendment, as amended, could be ordered.

Some conversation took place on a point of order between the CHAIR and Mr. GRAVES.

Mr. ANDREWS wished to be informed what would be the effect if the House were to negative the amendment as amended, after having once agreed to it.

The CHAIR said the effect would be that that part of the amendment as amended would not be agreed to.

And the question, "Shall the decision of the CHAIR stand as the judgment of the House?" was then taken, and decided (by tellers) in the affirmative—ayes 94, noes 31.

So the decision of the CHAIR was sustained.

The CLERK having then again read the division, called for by Mr. KCKAY,

Mr. GRAVES, under the decision recently made, called for a division on every distinct branch of the amendment as amended; and the CHAIR ordered it.

And the CHAIR announced the first branch to be on that part of the amendment, as amended, which was in the following words, viz:

"*Provided*, That said banks shall not issue notes under ten dollars."

The question was taken by yeas and nays, and it was agreed to—yeas 96, nays 76, as follows:

YEAS—Messrs. Judson Allen, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Burke, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Connor, Mark A. Cooper, William R. Cooper, Craig, Crary, Dana, Davee, John Davis, Doan, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, John Hill of North Carolina, Holleman, Hook, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leet, Leonard, Lucas, McClellan, McCulloch, McKay, Marchand, Miller, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Reynolds, Rives, Robinson, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Taylor, Francis Thomas, Jacob Thompson, Turney, Vanderpoel, Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—96.

NAYS—Messrs Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Botts, Briggs, Brockway, Calhoun, Carter, Clark, Crabb, Cranston, Crockett, Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, James Garland, Gates, Goggin, Graham, Graves, Green, Grinnell, Habersham, Hawes, Henry, John Hill of Virginia, Hoffman, Hunt, James, Jenifer, Charles Johnston, Wm. Cost Johnson, Kempshall, King, Lincoln, McCarty, Mason, Monroe, Morgan, Naylor, Ogle, Osborne, Palen, Peck, Pope, Randolph, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stuart, Swearingen, Waddy Thompson, Tillinghast, Toland, Triplett, Underwood, Wagner, Warren, John White, Thomas W. Williams, Lewis Williams, and Joseph L. Williams—76.

So this branch of the amendment as amended was agreed to.

The CHAIR announced the question to be on the fifth branch of the amendment as amended in the following words, viz:

"*Provided, also*, That their notes at all times shall be redeemable by specie, or on failure thereof their charters shall be forfeited."

The question was taken on the adoption of this branch, and agreed to—yeas 101, nays 73, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, S. H. Butler, William O. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Connor, Mark A. Cooper, Craig, Crary, Cross, Dana, Davee, J. Davis, Doan, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lucas, McClellan, McCulloch, McKay, Marchand, Miller, Montgomery, Samuel W. Morris, Newhard, Ogle, Parrish, Parmenter, Parris, Paynter, Prentiss, Rayner, Reynolds, Rives, Robinson, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taylor, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—101.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Botts, Briggs, Brockway, Calhoun, Carter, Chinn, Clark, Wm. R. Cooper, Crabb, Cranston, Crockett, E. Davies, G. Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, James Garland, Goggin, Graham, Green, Griffin, Grinnell, Habersham, Hawes, Henry, Hoffman, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, King, Lincoln, McCarty, Monroe, Morgan, Naylor, Osborne, Palen, Peck, Pope, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stuart, Francis Thomas, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, and Lewis Williams—73.

So this branch of the amendment was agreed to.

The question was then taken on the sixth member of the said amendment, being the proviso, that, in case the said banks should refuse to pay specie on demand, persons so concerned should have remedy by judgment and execution at law, on ten days' notice, before any justice of the peace of said District.

Mr. HOLLEMAN hoped the yeas and nays would be dispensed with. They had already been taken on these various propositions.

Mr. MORGAN hoped that the decision which had been made would be carried out.

The CHAIR said that, by general consent, the yeas and nays might be dispensed with.

Mr. OGLE objected.

And the question being taken on the above amendment, the vote stood—yeas 88, nays 70, as follows:

NAYS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Beatty, Black, Blackwell, Boyd, Albert G. Brown, Burke, William O. Butler, Bynum, Carr, Casey, Chapman, Clifford, Conner, Mark A. Cooper, Wm. R. Cooper, Crabb, Craig, Crary, Dana, John Davis, Doan, Earl, Eastman, Ely, Fine, Floyd, Gerry, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leet, Lucas, McClellan, McCulloch, Mallory, Marchand, Miller, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Prentiss, Reynolds, Rives, Robinson, Edward Rogers, Jas. Rogers, Ryall, Samuels, Shaw, John Smith, Thos. Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taylor, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—88.

NAYS—Messrs. Adams, Andrews, Banks, Baker, Barnard, Bell, Botts, Briggs, Brockway, Calhoun, Carter, Chinn, Clark, Cranston, Crockett, Cross, Edward Davies, Garret Davis, Dawson, Deberry, Dennis, Edwards, Evans, Everett, Galbraith, James Garland, Gates, Goggin, Graham, Graves, Green, Griffin, Grinnell, Habersham, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Charles Johnston, Kemble, Kempshall, King, Lincoln, Monroe, Morgan, Ogle, Palen, Peck, Petrikin, Pope, Randolph, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Truman Smith, Stuart, Francis Thomas, Tillinghast, Toland, Peter J. Wagner, Edward D. White, Thomas W. Williams, Lewis Williams, and Joseph L. Williams—70.

So the last branch was agreed to.

And the question next recurring was on ordering the amendments to be engrossed, and the bill to a third reading.

Mr. TILLINGHAST sent the following amendment to the Clerk's table. It was read for information, but declared out of order, the previous question having been ordered:

"*Provided, however*, That the new provisions, penalties, and forfeitures herein enacted, in relation to the payment of specie on notes and obligations of said banks now outstanding, shall be in force from and after the first day of October next, and not before; but, in the mean time, the said banks shall be, in all respects, subject to the existing laws, and to all the other provisions of their respective charters, providing remedies in case of the non-performance of any contract or obligation."

So the question again recurring on ordering the amendments—

Mr. CUSHING asked to be excused from voting, and proceeded to assign his reasons why he could not vote either on one side or the other.

In doing so, he was interrupted by Messrs. CLIFFORD, VANDERPOEL, and TURNEY, on the ground that he was making an argument, and not assigning brief verbal reasons as prescribed by the rule.

Mr. C. insisted on his privilege. Some little confusion followed on the question of order.

And the CHAIR had just expressed the opinion that Mr. CUSHING was going to the extreme of his privilege—that the CHAIR had not thus far, how-

ever, felt constrained to interpose, but hoped tha the gentleman would not extend his remarks,

When several gentlemen having given notice that it was now half past two o'clock,

The House took its usual recess.

EVENING SESSION.

After the recess the House met, and the pending question being whether Mr. CUSHING was or was not in order in the remarks he had made just before the recess—

Mr. CLIFFORD insisted that the Chair should pronounce its decision.

The CHAIR, (occupied temporarily by Mr. BRIGGS, after some conversation, decided Mr. CUSHING to have been out of order.

Whereupon Mr. CLIFFORD objected to Mr. CUSHING proceeding without leave of the Honse.

Mr. CUSHING took an appeal; but, after a good deal of desultory conversation, consented to withdraw his appeal, and to forego his intention of proceeding further in his remarks.

The question then recurring on the engrossment of the bill and amendments for a third reading—

Mr. CHINN moved a call of the House; but the previous question having been ordered, the CHAIR decided the motion not to be in order.

The amendments having, at the request of Mr. ADAMS, been again read,

Mr. LINN BOYD moved to lay the bill and amendments on the table; but afterwards withdrew the motion.

Mr. LINCOLN took an appeal from the CHAIR'S decision that a call was not in order; but after a discussion on order, the decision of the CHAIR was sustained—yeas 105, nays 34.

The question on the third reading of the bill again recurring, it was decided by yeas and nays—yeas 69, nays 90, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Beatty, Beirne, Bell, Blackwell, Carter, Chapman, Chinn, Crabb, Craig, Crary, Davies, John Davis, Duncan, Earl, Ely, Everett, Fine, Fornance, Galbraith, James Garland, Griffin, Grinnell, Hand, John Hastings, Hawes, Hoffman, Hook, Hunt, Jackson, James, Charles Johnston, Kemble, Leadbetter, Leet, McCarty, McCulloch, McKay, Marvin, Montanya, Naylor, Newhard, Parrish, Petrikin, Pope, Prentiss, Ridgway, Rives, Robinson, Edward Rogers, Russell, Saltonstall, Sergeant, Slade, Albert Smith, John Smith, Truman Smith, Thomas Smith, Strong, Swearingen, Francis Thomas, Tillinghast, Triplett, Trumbull, Vanderpoel, Wagener, Wagner, and Thomas W. Williams—69.

NAYS—Messrs. Adams, John W. Allen, Andrews, Atherton, Banks, Baker, Biddle, Boyd, Briggs, A. G. Brown, Burke, Calhoun, Campbell, Carr, Carroll, Casey, Clifford, Connor, Mark A. Cooper, William R. Cooper, Cranston, Crockett, Cross, Dawson, Deberry, Dennis, Dellet, Doan, Dromgoole, Eastman, Edwards, Fisher, Floyd, Gates, Gentry, Gerry, Goggin, Green, Hawkins, Henry, Hillen, Holleman, Hopkins, Jameson, Jenifer, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kempshall, Kille, King, Lincoln, Lucas, McClellan, Mallory, Marchand, Mason, Miller, Morgan, S. W. Morris, Osborne, Palen, Parmenter, Parris, Paynter, Peck, Ramsey, Rariden, Reynolds, Ryall, Samuels, Shaw, Simonton, Starkweather, Steenrod, Stuart, Sumter, Taylor, Waddy Thompson, Jacob Thompson, Turney, Underwood, Weller, John White, Wick, Henry Williams, Joseph L. Williams, and John T. H. Worthington—90.

So the bill was rejected.

Mr. W. C. JOHNSON asked leave to introduce a bill from the Committee for the District, to continue the corporate existence of the banks in the District of Columbia.

Mr. THOMPSON of Mississippi objected.

Mr. JOHNSON moved for the suspension of the rules, and demanded the yeas and nays.

Mr. KEIM moved to lay this motion on the table; but soon after withdrew the motion.

The question then recurring on suspending the rules, it was decided by yeas 94 and nays 86, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Beirne, Bell, Botts, Briggs, Brockway, Calhoun, William B. Campbell, Carroll, Carter, Chapman, Chinn, Chittenden, Clark, Crabb, Cranston, Crary, Crockett, Cross, Cushing, Edward Davies, Dawson, Deberry, Dennis, Dellet, Edwards, Everett, Fisher, James Garland, Gates, Gentry, Goggin, Graham, Green, Griffin, Grinnell, William S. Hastings, Hawes, Henry, Hoffman, Hopkins, Hunt, James, Jenifer, Charles Johnston, William Cost Johkson, Kempshall, King, Lincoln, McCarty, Mallory, Marvin, Mason, Monroe, Morgan, Naylor, Ogle, Osborne, Palen, Peck, Pope, Randolph, Rariden, Rayner, Reed, Ridgway, Robinsen, Edward Rogers, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade, Truman Smith, Stuart, Taliaferro, Francis Thomas, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—94.

NAYS—Messrs. Hugh J. Anderson, Atherton, Banks, Beatty, Black, Blackwell, Boyd, Albert G. Brown, Burke, William O. Butler, Carr, Casey, Clifford, Connor, Mark A. Cooper, William R. Cooper, Craig, Dana, Davee, John Davis, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Floyd, Fornance, Galbraith, Gerry, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Lucas, McClellan, McKay, Marchand, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rives, Ryall, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Taylor, Jacob Thompson, Turney, David D. Wagener, Weller, Wick, Jared W. Williams, and Henry Williams—86.

There not being two thirds, the rules were not suspended.

Mr. HOLLEMAN wished to make a statement.

Mr. PROFFIT objected.

Mr. HOLLEMAN moved to suspend the rules to introduce a new bill extending the charter of the banks for two years, for the sole purpose of winding up their affairs, and restricting the banks from doing any thing else.

The question being put, the yeas and nays stood as follows—yeas 155, nays 18.

So the rules were suspended.

Mr. HOLLEMAN having slightly modified his bill, it was read the first time, as follows:

A BILL to continue the corporate existence of the banks in the District of Columbia for certain purposes.

Be it enacted by the Senate and House of Representatives, &c. That the provisions, restrictions, and enactments of the act of Congress of the 25th May, 1838, entitled "an act to extend the charter of the Union Bank of Georgetown, in the District of Columbia," be, and the same are hereby extended to the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, the Bank of Washington, the Patriotic Bank of Washington; the Bank of the Potomac and the Farmers' Bank of Alexandria; Provided, That whenever in the original act the 1st of July, 1838, occurs, it shall be so construed as to mean the 4th of July 1840; and whenever the 1st of July, 1842, occurs, it shall be construed to mean the 4th of July, 1844.

Mr. ADAMS inquired whether it made no distinction in favor of the Patriotic Bank, which never had susdended specie payments?

Mr. HOLLEMAN replied that it did not.

Mr. UNDERWOOD gave notice of his intention to offer the following amendment in case the bill of Mr. HOLLEMAN should not meet with favor:

"That the several acts of Congress creating and granting charters to the several banks in the District of Columbia which were in force on the 1st day of July, 1840, be, and the same are hereby, continued in full force for the term of two years from and after the 4th day of July, 1840: *Provided, however*, That no one of the existing banks shall declare or make any dividend of its profits among its stockholders during the time it fails to pay specie for its notes: *And provided, further*, That all the profits hereafter made by any one of the said banks over and above six per cent. upon its capital, clear of expenses, shall be paid over to the corporate authorities of the city in which such bank is located: *And provided, further*, That said banks shall severally resume the payment of specie for their notes thrown into circulation, within ninety days from the said 4th of July, 1840."

Mr. McKAY proposed another scheme. Its general outline was to continue the corporate existence of the banks to the 1st of January next, they not to exceed their present amount of discounts previous to that time, and after then to make no new loans, and after the 4th of March to emit no bills.

Mr. THOMAS suggested sundry objections to Mr. HOLLEMAN'S bill, and suggested the adoption of a bill exactly similar to that under which the affairs of the Union Bank of Georgetown were wound up.

Mr. HOLLEMAN, after a brief reply, moved the previous question.

The call was seconded, 80 to 61, put, and carried.

And the question being on the second reading of the bill,

Mr. UNDERWOOD moved to strike out all after the enacting clause, and insert the substitute quoted above.

Mr. CLIFFORD demanded the previous question.

But the House refused to second the call—ayes 67, noes 68.

Mr. THOMAS then moved to amend the amendment of Mr. UNDERWOOD, by inserting the bill for winding up the affairs of the Union Bank of Georgetown, the names and dates alone being altered, suggesting that it would be best at once to make a final settlement of the whole question.

Mr. DAWSON protested against the whole proceeding, and contended that it was nothing but an indirect mode of destroying the State banks. He concluded by moving a reference of the whole subject to a select committee.

Mr. VANDERPOEL replied with much warmth and sincerity. His remarks will be given in full hereafter.

Mr. W. C. JOHNSON addressed the House at length, giving his reasons why he could not vote for either of the amendments. He concluded by demanding the previous question; but, finding that this would cut off Mr. DAWSON'S motion to commit, withdrew it.

Mr. VANDERPOEL replied to Mr. DAWSON with much warmth.

Mr. HOPKINS of Virginia obtained the floor, but yielded it temporarily at the request of

Mr. UNDERWOOD, who slightly modified his amendment.

Mr. HOLLEMAN gave notice that, having examined the substitute proposed by Mr. THOMAS, he entirely approved of it, and would, in consequence, withdraw the amendment he had before proposed.

Mr. ADAMS remonstrated on putting the specie-paying and non-specie paying banks on the same footing.

Mr. DAWSON withdrew his motion to commit to a select committee.

Mr. HOPKINS then made a speech warmly remonstrating against the destruction of the District banks, and thereby oppressing and ruining persons who were unrepresented and without remedy.

Mr. WELLER of Ohio obtained the floor, but yielded to a motion by Mr. PETRIKIN for an adjournment.

Mr. MORGAN demanded the yeas and nays, which, being taken, resulted as follows—yeas 83, nays 73.

So the House adjourned.

IN SENATE.

FRIDAY, July 3, 1840.

The Senate was called to order by the Secretary, and immediately proceeded to ballot for a President *pro tempore*.

The ballots having been counted, it appeared that

The whole number of votes given was -	29
Of which Mr. KING received - -	23
Scattering, - - - -	6

Mr. KING, having received a majority of the whole number of votes given, was declared duly elected President of the Senate *pro tem.*

Mr. CALHOUN and Mr. KNIGHT having conducted Mr. KING to the chair, he addressed the Senate as follows:

Gentlemen of the Senate: Observation and experience have convinced me that, so long as this body continues to be distinguished, as heretofore, by order and regularity in its proceedings, and by decorum in debate, the presiding officer will have no difficult task to perform. Under these impressions, I enter upon the discharge of the duties you have been kind enough to devolve on me. I shall endeavor as far as possible to discharge these duties faithfully; I know that I will discharge them honestly. My earnest desire is to do justice to all, and preserve order, should it ever be unfortunately departed from; but I shall endeavor to preserve it in a manner least offensive to any individual member. Should I at any time fall into error, these errors will, I trust, meet with the kind indulgence of the Senate, and that I shall constantly receive the aid and assistance of every honorable Senator, in the discharge of the duties to which I am called. Should I receive that, I have no doubt that they will be discharged satisfactorily. I tender you my sincere thanks for the honor you have conferred upon me.

The CHAIR submitted a report from the Secretary of State, transmitting a statement of the number and designation of passengers arriving in each collection district of the United States, from foreign countries, during the last year.

On motion by Mr. PIERCE, the report of the Committee on Pensions, in the case of Wilfred Knott, was recommitted to said committee.

The resolution submitted by Mr. RUGGLES on Wednesday, requesting the President of the United States to communicate a copy of the British report and survey on the subject of the Northeastern boundary, was taken up for consideration.

Mr. BUCHANAN hoped that the Senator who introduced this resolution would permit it to lie over until Monday. In the mean time he would procure the map and document from the committee on Foreign Relations of the House, to which it had been transmitted after examination by the committee of the Senate, when it would be accessible to the Senator from Maine and every other Senator of the body. The delicacy of adopting the resolution consisted in this: whether we should publish in this country, and by the order of this body, a document which had been transmitted to the Executive of this country from a feeling of courtesy by the British Government, before it had been published or even transmitted to Parliament by that Government.

Mr. RUGGLES said he did not ask the adoption of this resolution for his own gratification, but he considered it a matter of vital importance to his State, and one on which they had a right to have all the informa ion in our power to give.

Mr. BUCHANAN replied that it was no secret communication at all; but it was a document which the British Government said that they had not yet laid before Parliament, nor taken any action upon; and it was communicated to us in that way simply as an act of courtesy. He did not know that there would be any great objection to laying it before the Senate; but he spoke with knowledge when he said that many times, and oft, the Government of the United States had been prevented from receiving important information from its agents abroad, because of the knowlede that it would be made public. Now in this case he would communicate this document to the gentleman with the greatest pleasure; it had already been communicated to the committee of the other House, and he should have every opportunity to examine it. Mr. B. hoped that the resolution would be laid on the table until Monday.

Mr. ALLEN said there was a manifest impropriety in adopting this resolution, especially as the action of the Senate, even so far, on this map and report, would give them a sort of sanction which ought not to be given them, while it was known that they had not been accepted by the British Government, and no intimation had been given that they would be adhered to. Mr. A. therefore moved to lay the resolution finally on the table; but, on its being observed that Mr. BUCHANAN had left the Senate, and might wish to say something further on the subject on Monday, Mr. A. withdrew his motion, and,

Mr. RUGGLES assenting, the resolution was accordingly laid on the table until Monday.

The resolution submitted some days since by Mr. WALKER, for the appointment of a select committee to take into consideration the propriety of appointing Reporters for the Senate, was taken up.

Mr. WALKER said that, since offering this Resolution, he had obtained some information as regards reporting in the French Chamber of Deputies, and more especially as regards the British Parliament. He found that the cost of each Reporter varied from five to about eight guineas a week, and consequently the cost would be much less than he had supposed when he last addressed the Senate. He had no doubt that the services of competent reporters could be obtained at a cost not exceeding the per diem of a member of Congress for each, and that four of them would be enough to make full reports of the debates. He thought it would do no harm, at all events, to refer this inquiry to a select committee, and he hoped that no objection would be made to that course.

The resolution was agreed to, and Messrs. WALKER, LUMPKIN, PIERCE, SMITH of Indiana, and HUNTINGTON were appointed the committee.

MEETING OF CONGRESS.

The joint resolution submitted by Mr. NORVELL, fixing the day for the meeting of the next session of Congress, being taken up,

Mr. NORVELL said that he had asked leave, some time ago, to introduce this bill. The subject of a general revision of the tariff would come up at the next session of Congress. The session would, he apprehended, be too short to enable us to act upon such an important measure with sufficient maturity of judgment and deliberation to secure the establishment of a system of duties and imposts satisfactory to all parts of the Union, and reconciling the revenue purposes of a tariff with the individual protection which may be afforded by it to manufactures requiring protection. It was under these impressions that he had submitted the bill: but he knew that sectional objections existed to an earlier meeting of Congress than the first Monday of December. Southern gentlemen (cotton planters) were unwilling to leave their homes in the midst of gathering in their crops. He should, therefore, not press the passage of the bill.

Mr. CALHOUN said, as a Southern planter, it would be exceedingly inconvenient for him to come here earlier than December. Every person acquainted with their business knows that the month of October and early part of November are the busiest portion of the year to the cotton planter. From the lateness of the period at which Congress would adjourn, the recess, even under the present arrangement, would be necessarily a brief one. He hoped, therefore, that the Senator from Michigan would consent that this resolution should be laid upon the table; which was accordingly done.

ORDERS OF THE DAY.

The bill to establish and regulate the navy ration was taken up as in committee of the whole, and after being explained by Mr. WILLIAMS, was ordered to be engrossed for a third reading.

The bill for the relief of Hugh Stewart was taken up as in committee of the whole, and after being explained by Mr. HUBBARD, was ordered to be engrossed for a third reading.

The bill authorizing the inhabitants of fractional township ten south, of range one east, in the State of Arkansas, to enter one half section of land for school purposes, after some explanation by Mr. FULTON, was ordered to be engrossed.

The bill for the relief of Don Carlos Dehault Delassus, late Spanish Lieutenant Governor of the fort and district of Baton Rouge, in West Florida, was, on motion of Mr. NORVELL, indefinitely postponed.

The bill relative to the transportation of the mail in steamboats, was explained by Mr. ROBINSON, and ordered to be engrossed.

The bill for the relief of James Herron was explained by Mr. STRANGE, and ordered to be engrossed.

The act from the House for the relief of Captain John Downes, after being explained by Mr. HUBBARD, was ordered to a third reading.

On motion of Mr. HUBBARD, the act from the House for the relief of John Mitchell and B. F. Fox was taken up, and after explanation by Mr. H. was ordered to a third reading.

An act from the House to annex a certain tract of land to the Coosa land district, was ordered to a third reading.

An act from the House allowing further time to the trustees of Centre College to dispose of the land heretofore granted to the deaf and dumb asylum in the State of Kentucky, was taken up, and after being explained by Mr. WALKER, was ordered to a third reading.

An act from the House granting a section of land for the use of schools in St. Clair county, State of Illinois, was considered as in committee of the whole, and ordered to a third reading.

An act from the House granting two townships of land for the use of the University in the Territory of Iowa, was taken up, and explained by Messrs. WALKER AND NORVELL, and, after a discussion, in which Messrs. FULTON, STRANGE, DAVIS, CALHOUN, CLAY of Alabama, and HUBBARD, participated, was ordered to be engrossed for a third reading.

COLLECTION OF THE REVENUE.

The Senate resumed the consideration of the bill to ensure the more faithful execution of the laws in the collection of duties on imports, the question still being on Mr. HUNTINGTON'S amendment, declaring any witness incompetent who should have any interest in the cause similar to that of the party for whom he might testify, which was discussed at length by Messrs. HUNTINGTON, WRIGHT, and HENDERSON.

DISTRICT BANKS.

Mr. CLAY of Alabama asked that a bill now on the SECRETARY'S table to prolong the corporate existence of the banks of the District, should be taken up.

The CHAIR suggested that there was a bill already before the Senate which must be first disposed of.

Mr. WRIGHT said if the object was merely to refer the bill to a committee, he would not object; but if it was to interfere with the bill on the collection of the revenue, he was against it.

Mr. CLAY of Alabama said that if the bill was not acted on to-day, there would be no use in passing it, as the charters of the banks would expire by limitation at 12 o'clock to-night. He would therefore move to lay the bill now before the Senate on the table; which was agreed to—ayes 23, nays 11, as follows:

YEAS—Messrs. Clay of Alabama, Clay of Kentucky, Clayton, Davis, Dixon, Fulton, Henderson, Huntington, King, Knight, Mouton, Nicholas, Phelps, Porter, Prentiss, Roane, Ruggles, Smith of Indiana, Southard, Strange, Sturgeon, White, and Young—23.

NAYS—Messrs. Allen, Benton, Calhoun, Hubbard, Lumpkin, Norvell, Robinson, Smith of Connecticut, Tappan, Walker, and Wright—11.

The bill was then taken up, read a first time, and ordered to a second reading.

Mr. CLAY of Alabama said it was very clear to his mind, that it was due to the people of this District that some bill of the kind should be passed. The Senate had already passed one bill that had been rejected in the other House, and this one, more severe in its restrictions on the banks, had been sent in its stead. As this was the day in which the charters of these institutions expired, and the last day on which the legislation of Congress could be of any effectual service to them, he hoped there would be no objection to passing the bill through at once. He therefore moved that it have its second reading now.

Mr. WRIGHT observed that it would require the unanimous consent of the Senate.

Mr. ALLEN objected. He could not give his consent to the charter of suspended banks. He was unwilling to legalize their violations of the laws.

Mr. CLAY of Alabama asked if the rule could not be suspended.

Mr. CLAY of Kentucky said there was one way, and that was, to suspend the rule (which he maintained was no more than a rule) which required one day's notice for a resolution to alter the rules; and he would submit it to the Senator from Alabama whether he was not warranted in this case in resorting to that expedient.

Mr. CLAY of Alabama said the Senator from Kentucky misunderstood him if he supposed that he had any especial charge of this business. He thought it however very extraordinary that any individual member could defeat an important measure, and he would accordingly move to suspend the rule.

Mr. ALLEN was understood to ask if that motion was in order.

The PRESIDENT decided that in his opinion it was not in order. He thought any rule could not be suspended without one day's notice.

Mr. WALKER said that in no case had the rule ever been suspended but by unanimous consent. The Senator from Missouri would recollect a case in the session of 1832 3 in which he (Mr. W.) and that Senator were much interested in getting a bill through the Senate in order that it might be sent to the President that day, and the rule was enforced on them. He recollected that it was ob-

jected to by one Senator (a Senator from North Carolina, not now a member of the Senate) and he then attempted to make the same motion that is now pending, but was ruled to be out of order. Finally, upon an appeal made by the Senator from Missouri to the Senator from North Carolina, the objection was withdrawn. It was in that way, and that way only, that the bill was brought before the Senate. Not a member of the Senate hazarded the opinion that the object could be reached by appealing from the decision of the CHAIR.

The PRESIDENT read the rule requiring that each bill should receive three several readings, and on three different days, unless by the unanimous consent of the Senate. It was also, he said, the opinion of the CHAIR that a motion to suspend a rule must lie over, though the contrary, he admitted, was not without precedent.

Mr. CLAY of Kentucky maintained that, by the Constitution, each House had power to make its own rules, and that none of these rules could at any time be beyond the power of the body.

The PRESIDENT said that, in the present case, he had decided that it was so.

Mr. CLAY of Kentucky said, if the CHAIR decided that it was not in the immediate power of the Senate to change any one of its rules, he now, though with great reluctance, appealed to the Senate from that decision.

Mr. C. after some further remarks, subsequently wrote down his appeal, stating, in substance, that the Senator from Alabama [Mr. CLAY] moved to suspend the rule which was thought to require a day's notice of any alteration in the rules, and also to suspend that further rule which required the three readings of a bill on three different days, unless by unanimous consent; that the CHAIR decided that this motion was not in order; and on this decision the Senator from Kentucky [Mr. CLAY] took an appeal.

Mr. WRIGHT had no strong feeling on the subject before them. He did not desire to be captious in legislation; but he wished the Senate to look at the situation in which it was placed. A new bill, and one complicated in its provisions, came from the House of Representatives, adopting former legislation as a part of its substance; and what were they told? Why, that that bill was to become one of the laws of the United States this day, or the most serious consequences, which gentlemen feelingly portrayed, must ensue. Now he would ask gentlemen in the spirit of candor, if it was expected or believed that a bill of this kind could take its second reading, pass into committee of the whole, be discussed, amended, ordered to a third reading, (and let it be remembered that when it comes to a third reading the same difficulty will occur as now) and go back to the other House, be enrolled, sent to the President of the United States, and returned by him with his signature, all in one day? Had any Senator believed that all this could be preformed between this time and twelve o'clock to-night, in the face of a fair, intelligent, and determined, though not a captious opposition? He could not believe it, and he begged the Senate not to wipe out its rules with such little promise of utility. He knew that many members of the Senate were anxious, and honestly so, for the passage of the bill. For himself, he differed with them. He did not believe in the abatement of suits when the clock strikes twelve to-night. He appealed to the Senate to say whether it was worth while to try to run these bills through in so hurried a manner. We know and see, continued Mr. W. that it cannot be run through unresisted. There was an opposition, though small, here, to a certain class of these institutions, but there was none to a different class of them. In reference to such a law as would save all the rights of these corporations, and enable them to wind up their affairs, he knew there would be no opposition to it. But in opposition to that legislation which would continue to them the power to discount upon irredeemable paper, there was a small but determined minority. He believed they could not make that bill a law to-night, if they were to wipe out every rule of the Senate; and a failure of one minute to them would be as fatal as the failure of a month. Then, said Mr. W. let us look at this matter coolly. Let us act on it as a legislative body should—act liberally and rightfully, but let us act with due deliberation.

Mr. CLAY of Alabama said he wished to submit a few remarks in reply to the Senator from New York. In regard to the effect on these corporations, if they are not renewed, every lawyer must be familiar with it. Are these like natural persons? No. They are created to exist for a certain period, and that existence, by limitation, terminates on to-morrow. How then can there be any doubt that all their powers, as a corporate body, will terminate with their corporate existence? There is no law to extend them for the collection of their debts, or any other purpose whatever. He was willing, however, to meet the Senator in that spirit of courtesy, for which he was happy to say he was distinguished. But did not even that Senator's own statement show the necessity for doing something, and he wished to see the sense of the Senate taken, whether they were disposed to continue their charters for any purpose whatever. If restricted to winding up their affairs, be it so; but let the sense of the Senate be taken. He had as little interest personally in this matter as any other Senator. He was not a stockholder in any bank of this District, or elsewhere; nor had he any thing to gain, or lose, personally, by the result, whatever it might be.

Mr. C. said, he was satisfied the prevailing banking system was wrong in principle—it required reformation—and on a proper occasion, he would unite with other gentlemen, as far as might be in his power, to produce the necessary reform. He thought, however, that the present moment—in the midst of unusual pressure and embarrassment—was wholly inauspicious to any radical reform. He said, let the difficulties of the present times pass by, and our accustomed prosperity return, and he would be ready to act.

Mr. C. said the present bill merely proposed to continue the existence of the present banks of the District, temporarily—expressly retaining the power in Congress to terminate their powers and privileges, whenever it might be deemed proper. Let it pass, and take up the subject, even at the next session, if gentlemen thought proper, and Mr. C. would acquiesce. But let us not hazard the consequences of putting an abrupt termination to the existence of all these institutions, at the same moment, without even the power to wind up their affairs.

Mr. TAPPAN observed that the appeal taken by the Senator from Kentucky was attempted to be supported from the urgency of the case. It was said that great injury would be done by adhering to the letter of the rules of former practice; and it was gravely stated here by men who professed to be lawyers, that the suits now pending between these several banks and other parties will be abated, unless this or some similar bill passes. The proposition was here advanced that a suit at law, by or against a corporation, legally and properly in court, and there pending, would be abated by the expiration of the time for which the charter was given. Now this was a new proposition, for which the gentleman could produce no authority. He had produced no instance of such abatement, nor could he produce any. The only instance in which a suit abates while pending, is by the act of the parties; such, for instance, as the marriage of a feme covert, when she abates it voluntarily. But as to corporations, he undertook to say, that suits in which they were concerned did not abate, and that the Senator was not supported by any authority in saying that they did. Then if no such consequence would follow their omission to act upon this bill to-day, why did Senators press it in this very unusual manner, as even to urge upon the body a disregard of its rules? Why might not this bill take the usual course? Was it of so much importance that these charters should be continued, that the rules under which the Senate had been acting for so many years should be sponged out? There was a majority of the Senate in favor of continuing them, and a majority might resuscitate them, if they expired to-night. He thought the minority had a right to require bills to be read three times, on three several days, in order that they might not be passed without sufficient deliberation; and in this case particularly, a law with such complicated provisions should not be hurried through in the manner proposed. There was no necessity for it, and he hoped that it would not be done.

Mr. SMITH of Indiana here called Mr. TAPPAN to order, for digressing from the question immediately before the Senate.

The PRESIDENT said, the question simply was: "Shall the decision of the CHAIR stand as the order of the Senate?" This was the simple question to be discussed; but he had not interrupted the Senator from Ohio, because other gentlemen had taken the same latitude in debate.

Mr. TAPPAN. Then if we are not to go into the why and wherefore we should rescind these rules, the whole debate is out of order. Every man looking at the rules must see that the decision of the CHAIR is correct.

Mr. CLAY of Kentucky wished to make a few remarks in reply to the Senator from New York, [Mr. WRIGHT.] The Senator, whose course in debate was always characterized by courtesy and decorum, had not confined himself as closely as he usually does to the question before the Senate. What we will do with this bill when it is taken up, is a question behind and beyond the one now before us. What we have to decide is the simple question of an appeal from the decision of the CHAIR; and he begged Senators to notice that that was a question between the rules of the Senate and the Constitution of the United States. The rules of the Senate were simply adopted for the government of the body. He agreed with the CHAIR that they were a barrier for the protection of the rights of the minority; and he was glad to see him and other presiding officers rallying in defence of the rights of the minority. From the circumstances of the case, however, one day's notice could not be given in the present instance: the necessity had arisen within two hours. He had no doubt whatever of the power of the Senate to suspend or alter their rules at pleasure, and thought the present one of the cases which would justify the exercise of it.

Mr. CALHOUN earnestly opposed the suspension of the rule. It was the most important of their rules; and if it was not adhered to, they would be left to the mere discretion of the majority, for the time being.

Mr. SMITH of Connecticut would make but a single remark. Much stress has been laid upon the power possessed by us to change our rules. Now he would like to know what a rule was good for if at any moment it could be got rid of by the vote of a majority? What is it worth if at any time it can be wiped out and expunged from our records? We all know that a majority governs in deliberative bodies, and the only protection that a minority has from the impulses of the majority, is the rules that have been adopted for their government; and if these rules are to be subject to the will of the majority they are without any defence whatever.

Mr. LINN recollected the case mentioned by the Senator from Mississippi, and it was one in which he and that gentleman took a deep interest. Mr. Mangum of North Carolina objected to the suspension of the rules, and he believed there was not an individual present who believed that it could be done except by unanimous consent. The deep interest felt in the subject by the people of his State induced him to make an appeal to the Senator from North Carolina, which had the effect of inducing him to withdraw his objections.

Some remarks were here made by the CHAIR and Messrs. WRIGHT, CLAY of Kentucky, and MOUTON, respecting the form in which the motion was put, when Mr. CLAY having modified it,

Mr. WRIGHT said he was willing to test the question on the resolution as now submitted by the Senator, though it varied from that which he first offered. By a rule of the Senate all motions must lie over one day for consideration, unless by unanimous consent the rule is dispensed with.

Mr. DAVIS said he was as little disposed as any one to needlessly change useful rules, but he considered the present a case of emergency. He thought that the Senator from New York had hit the mar-

row of the matter in his last remarks. The 26th rule says, that resolutions when submitted, must lie one day before they can be acted on. But was a mere motion to amend the rules a resolution within the meaning of the term, as contended for by the Senator from New York, and as implied by the decision of the CHAIR? He differed in opinion with both the Senators, and considered it no more a resolution than the motion to take up a bill or amend a bill which is before us, which are made and acted on instanter. Holding this opinion, he felt at perfect liberty to vote for suspending the rules.

Mr. STRANGE said he would vote to support the decision of the CHAIR. It had been asserted that there was no rule bearing upon the motion to suspend the rule, requiring any two several readings of a bill to take place on two several days, except by unanimous consent. It was conceded there was a rule requiring resolutions to lie over one day for consideration; but it was insisted this rule did not apply to the present motion, because it is not a resolution. The premises are wrong, (said Mr. STRANGE,) and therefore the conclusion drawn from them is unsupported. Every action of this body is a resolution. Even when you pass a bill, that action, carried out into technical parlance, is, "so it was *resolved* that the bill do pass." Resolution is, in fact, the only way by which a collective body can act. If, therefore, the Senate determines to suspend a rule, that determination must be expressed by resolution. The rule, therefore, that a resolution must lie over one day for consideration, interposes an insuperable obstacle to its own immediate reversal or suspension. But the high ground is assumed that the Senate derives from the Constitution power to adopt rules for its own government, and that from the same source it derives the power of altering them at pleasure. This is all true. But there are principles even above the Constitution, of which the Constitution can neither command nor authorize the violation. The great principle of fidelity to a compact solemnly made by those who have the right to make it, is one of these. When we met here at the beginning of this session, we adopted the rules lying upon our table, which were, in fact, a compact entered into by us, each with the other, that after that manner business would be conducted; and one part of the compact was that these rules should not be changed, but upon one day's notice. The Constitution, in authorizing us to make rules, gave us the power to form this compact: we have made it, and it should be held sacred.

But it is said a great public necessity exists—a pressing crisis; and that all these formal arrangements must yield to it. Sir, this is a most alarming proposal. What are rules worth? They are made to check the rashness and injustice of those who might be disposed to indulge them, in a moment of power. If they, then, are to judge when a necessity exists for dispensing with rules, this necessity will always be found simultaneously with the consciousness of their restraining influence. State necessity is the plea of tyrants; and it matters little whether tyranny is exercised by one or the many. State necessity justified Bonaparte, in the height of his power, in his own eyes, in dissolving the most sacred compact into which two human beings can enter. His example cannot in this country be followed in the fact, but it can in the principle. I hope the Senate will pause ere it sets so dangerous an example. By doing so, it "will but teach bloody instructions," which, being taught, will certainly "return to plague the inventors." Gentlemen on the other side of the House look forward to the triumph of the advocates of power; let us not leave behind us a precedent which may justify any injustice with which, in their day of power, they may think proper to visit us. I am inclined to favor the bill which came from the House; but I cannot break down a great principle to accomplish even what I think might in itself be useful.

Mr. WALL said that the question which the Senate was called on to decide, was upon the appeal of the Senator from Kentucky [Mr. CLAY] from the decision of the CHAIR. We are not to determine what the rule ought to be, but what it is. If the CHAIR has rightly interpreted the rule, his decision must be sustained. What is the decision appealed from? That the resolution offered by the Senator from Alabama [Mr. CLAY] does come within the twenty-sixth rule of the Senate, which, after specifying particular resolutions, declares, "and all other resolutions shall lie on the table one day for consideration." It is now said that this is not a resolution, but a motion. The whole question depends on the accuracy of this distinction. What is a motion in parliamentary language? A motion applies to the incidental proceedings of the Senate, under the rules, in its ordinary legislative or Senatorial duties. It relates to the conduct of business, adjournments, and other incidental matters, regulated by the express rules adopted by the Senate or by general parliamentary law. It is the act of a member, and may be or may not be put to the Senate for their action. It may never reach the Senate.

A resolution, however, is the act of the Senate, designed, in its inception, for its action, and is uniform, as well as the mode by which it acts. In page 146 of the rules adopted by the Senate for their government, it is said, "facts, principles, and their own opinions and purposes, are expressed in the form of resolutions." THE SENATE CAN only act by resolution, or *order*. When it commands, it is called an order. No one can doubt that the object of the honorable Senator is to procure the Senate to resolve to rescind or suspend the twenty-sixth rule. We adopt rules by resolution; we suspend or rescind them in the same way. The Constitution declares that "each House may determine the rules of its proceedings." The Senate has determined its rules; it has determined that it shall be a rule of its proceedings that no rule shall be changed, no resolution shall be acted on, without lying "on the table one day for consideration," for examination, for deliberation, for action. It is true that we may change the rules, whenever we see proper, but we must change them according to the regulations of the rules which exist. We cannot effect it by disregarding all the rules whenever we see proper to abolish them in any way, and at any time, and the majority have an object to accomplish, that cannot be reached in any other way.

In my opinion, the decision of the CHAIR is correct. I cannot sustain the appeal. I look upon this rule as a conservative rule—conservative of the rights of the minority, and of the rights of the people. It is a barrier against *impulsive* legislation, always dangerous, and frequently tyrannical. There is no necessity for this precipitate action which rides triumphant over all the rules which the wisdom of the Senate has provided for its decorum and the best security of the rights of all. The banks can take care of themselves, even if their charters expire, by proper conveyances.

Mr. WALKER said: The gentlemen who are opposed to the decision of the CHAIR, perceived the position in which they were placed, and endeavored to escape from it by assuming the ground that the question before them was not a resolution. Now, he desired to know whether a resolution had not been offered by the Senator from Alabama to suspend one of the rules of the Senate. When that resolution should be acted upon, would it not be acted upon as a resolution, and when it should be entered by the Secretary, would it not be recorded as a resolution adopted by the Senate? In what other form could it appear upon the journal than as a resolution offered by the Senator from Alabama and adopted by the Senate? and not only would it appear in that form if adopted, but it could appear in no other without falsifying the journal. What is the work in which we are now engaged? We are told that we are in the exercise of one of the powers given us by the Constitution—that of making rules for the government of our proceedings. Now, can the Senate make rules except by resolution? Where are all the rules contained in the books on our tables? Were they not made by resolution? If the Senate adopts this resolution, can it change it in any other manner than in the form in which it is adopted? If the Senate declares that such and such shall be the form of its proceedings—that a bill shall be read three times on three several days before its final passage—that is a resolution of the Senate in form and manner prescribed by the Constitution, and we cannot change or nullify it except in the same manner. Why, sir, let us look at the consequences that will follow from adopting the opposite course. If you can change any one rule of the body without a resolution, you can change the whole. If you can rescind one by a resolution, you can rescind all. If you can suspend one, you can suspend all. And, sir, you cannot only change, rescind, and suspend the rules, but you can adopt new ones, and declare that it is not done by resolution. For what purpose is your presiding officer placed in his seat? It is not to make or to change rules, but to carry into execution such as he finds on the record. Well, sir, he finds that one of the rules requires that every bill passed by the body shall have been read three times on three several days; and another rule that requires each resolution that is offered to lie one day for consideration, neither of which rules can be dispensed with but by the unanimous consent of the body. Can he change these rules? If an effort is made to disregard them, what must be his decision? He must decide as he has done, for he is placed in the chair for the express purpose of carrying out the rules, and for no other. A resolution has been offered by the Senator from Alabama to change the rule which requires a bill to be read three times on three several days. This the presiding officer finds to be a resolution which, under another rule of the Senate, is required to lie one day for consideration. Is he to carry out that rule, or is he to rescind it? If a resolution, adopted by the Senate for the government of its proceedings, can be changed every day by a majority of the Senate, then we have not the power to adopt the resolution now in force—and gentlemen who contend that the rule must be disregarded, must also contend that the resolution is a violation of the Constitution. The Constitution is intended as a safeguard for the rights of the minority in many cases.

The Constitution cannot be changed but by a vote of three-fourths of the States, and one of its provisions, as to the equal representation of all the States in the Senate, can be changed only by the consent of all the States. Gentlemen say that the rule is despotic and arbitrary, because it takes power from the hands of the majority. Sir, the Constitution was intended to take power from the hands of the majority, in many cases; and the rules of the Senate were intended, in this instance, for the same purpose; and the very absence of this power on the part of the majority, and the very existence of this right on the part of the minority, was intended to preserve the liberty of the country. For what purpose was this resolution that we are now debating intended? It was intended as a safeguard for the liberty or the people—that the acts of Congress, which are to act compulsorily on the people of the whole Union, should not be hurried through without the necessary deliberation. It was intended as a safeguard for the rights and liberties of the minority that this tremendous power of making laws which are to bind the whole Union, should not be exercised in a hurried or impetuous manner. It was intended that the votes of those who are to pass these laws should be given not only with sufficient deliberation of several days, but after a full argument. He was opposed to making this change, and pointed out the dangers that would result from it just at the close of the sessions of Congress, when both Houses were thin and when bills of the most exceptionable character could thus in a few moments be rushed through both Houses of Congress. The rule was a salutary one, and should be enforced. Mr. W. said he recollected a bill in which he felt the deepest interest and on which he made this very motion to suspend the rules. Objection was made by a Senator from North Carolina, not now in his seat, and was sustained by the CHAIR, when he reluctantly withdrew his motion, believing that the bill was lost, The Senator from North Carolina, however, at the solicitation of his friend from Missouri, withdrew his motion, and the bill was suffered to be sent to the President for his signature. Well, sir, said Mr. W. learning wisdom by experience, on the 13th of October, 1837, I gave notice that I would move to suspend the rule, and on the 14th I made the motion as follows:

"Mr. WALKER submitted the following motion, which was considered by unanimous consent, and agreed to:

"*Resolved*, That the sixteenth and seventeenth joint rules be suspended for the remainder of the present called session.

"*Ordered*, That the Secretary request the concurrence of the House of Representatives therein."

Then, sir, upon that question, there was not one single Senator, as far as my knowledge extends, who believed that, without unanimous consent, the rules could be changed without the one day's notice which had been given in that case. The Senator from Missouri and myself were exceedingly anxious that this rule should be suspended to permit that particular bill to be presented to the President—yet there was not a single Senator that had a doubt of the correctness of the decision of the CHAIR.

Under these circumstances, I shall vote for sustaining the decision of the CHAIR. If there is a bill brought forward to permit these corporations to sue and be sued, (such a one as was presented by the Senator from Ohio,) I will cheerfully support it. If the object is to get up such a bill, I venture to assert that there would be no objection on this side of the chamber.

Mr. WHITE said that the rules of the Senate were adopted every session, and the same power which adopted, could modify or abrogate them at its pleasure. It had been frequently asserted in the discussion that the rules of the body were designed for the protection of the minority. This he denied. The protection thus afforded was only incidental. They were framed for the regulation of our proceedings and the guidance of our presiding officer.

Mr. ALLEN said that the charters of all these banks expired prior to the 4th of July, 1840. On the 31st day of May, 1838, the Congress of the United States extended their then unexpired charters to the 4th of July, 1840, upon three conditions: "*Provided* [reading from the law] that said banks, each for itself, shall conform to the following conditions." The third condition was, that they should resume specie payments on or before the first day of January, 1839, or sooner, if the principal banks of Maryland and Virginia should resume before that day. This was the condition precedent, which was not fulfilled. The banks had expired under the limitations of their charters. They could derive life from no other circumstance but by compliance with the three conditions imposed on them by Congress. There was not a lawyer in existence who, if asked whether these banks were in legal existence, would not be compelled in his conscience to answer that they were not. These things had passed over, and though the banks were notoriously in a state of suspension, and the Secretary of the Treasury had laid on their tables the statement of that fact, they came before Congress asking for more charters, and to legalize their violations of the law. Now if this bill was only for the purpose of saving and enforcing the obligations of their debtors, no objection would be made on that side of the chamber to the rapidity with which it was proposed to hurry it through both Houses of Congress; but it was proposed to do an act that the annals of no legislative body on earth furnished a parallel for, and in doing so to disregard one of the solemn rules of the Senate. If this were a question of peace or war, to defend the country from threatened invasion, greater hurry could not be made; but it was to charter banks that were existing contrary to law, to legalize their irredeemable paper, and turn them loose on the country to inflict what injuries their avarice and cupidity might devise. It was the banking feature of this bill which induced him to raise his voice to arrest its passage through the House; and he now said to its friends, that if they would present a joint resolution to give these banks any time they pleased to wind up their concerns, to save their suits from abatement, but withholding the power if issuing notes and banking, he would make no objection to it. It was to save the rights of others that he thus acted. If gentlemen were serious in their desire to save the rights of those banks, and they believed that that could only be done by passing a law to-day, let them bring forward a measure of this kind, and he would ensure its adoption.

Mr. HENDERSON said that, upon investigation, he was convinced the decision of the CHAIR was a correct one, and that the resolution must lie over one day, unless unanimous consent was given to its consideration at the present time.

Mr. CLAY of Alabama said he felt bound to state, that, from a further examination, he was convinced that the motion made by him was untenable, and from a sense of duty to the body he felt constrained to withdraw it. He could not, however, agree in the opinion expressed by the Senator from New Jersey [Mr. WALL] that no injury could result to these institutions, or to the community, by not acting on this bill to-day; but however much he might deprecate the result, his sense of duty compelled him to withdraw the motion he had made.

Mr. CLAY of Kentucky: Then I renew it.

Mr. TAPPAN demanded the ayes and noes.

Mr. CLAY of Kentucky then modified his motion in the following words:

"A motion was made by Mr. CLAY of Kentucky to suspend the 26th rule of the Senate so far as to let the bill, entitled 'An act to continue the corporate existence of certain banks in the District of Columbia,' receive its second and third reading to-day.

"The PRESIDENT pro tempore decided that the motion was out of order, and could not be received and acted on to-day.

"From that decision Mr. CLAY of Kentucky appealed."

Mr. WALKER begged leave to make one suggestion. The object was to continue the charters of these corporations, for the purpose of winding up their concerns, and enable them to maintain suits. Now, so far from objecting to a bill such as this, he was in favor of it. It was precisely such a resolution as was offered by the Senator from Ohio, [Mr. TAPPAN,] and which was voted down by the adoption of a substitute. Though he had no right to speak for others, he thought he could say that if such a resolution as that should be offered, no objection would be made to it on this side of the House. Then if this great injury was to occur, of which gentlemen spoke, why not pass such a resolution now? It could be done in ten minutes. He hoped that if Senators thought that this great injury was to occur from the want of action of the Senate upon this day, they would bring forward such a resolution, and that it would be permitted to pass by unanimous consent.

Mr. NORVELL demanded the yeas and nays on the appeal; which were ordered.

Mr. CLAYTON said, as it was probable in this vote he would act in opposition to that portion of the Senate with whom he generally acted, he would state in a few words the considerations which governed his vote. He was as anxious that this bill should be taken up and acted on as any member of the Senate; but this he felt to be impracticable at the present moment. The Senate can only act by order or resolution, and resolutions are moved and seconded by individual Senators. The act of the individual is a motion, but by the action of the Senate it is a resolution, and is so entered on your journals. It was therefore palpable that the motion of the Senator from Kentucky was a resolution, within the meaning of the term, and that consequently, under the rule, it must lie over. Mr. C. proceeded to show that if the charters of these institutions were not renewed or prolonged to day, they must necessarily be defunct; and with a view of avoiding the inconvenience and distress to which such an event would subject many of the citizens of the District, he hoped the proposition of the Senator from Ohio [Mr. ALLEN] could be acceded to. There was a strong disposition manifest in various parts of the Senate to carry this bill; but if there was a majority of four-fifths in its favor, it was in the power of the minority, and would certainly be defeated.

Mr. BENTON observed that he had listened with great attention to what had fallen from the several gentlemen who had addressed the Senate in the course of this debate, and especially to the gentleman who spoke last [Mr. CLAYTON] whose remarks he had heard with great satisfaction. He looked upon the present motion as revolutionary and disorganizing in its character, and as going to the dissolution of the Senate. He looked upon it (if it should be adopted) as the mere whim of the moment of the majority for the time being, and to do what was proposed to be done, would be reducing themselves to a mere club to act as it pleased at its own will. He had sat silent and looked upon the progress of the bill with great confidence that it could not succeed; and the longer it continued the farther gentlemen would be from the object they had in view. He looked upon the consequences of chartering these banks as nothing compared with the effect that the violation of their rules and proceedings would have upon their own character and conduct. Should they decide that the majority for the time being should do what it pleased, without regard to their rules of proceedings, wherein would they differ from the French National Convention? Did they not know how this body proceeded? [Here Mr. B. quoted some historical facts showing how it, in repeated instances, violated every principle of law and justice.]

We do not, said Mr. B. propose to come to these bold results, but we propose to rush on with the rapidity of the French National Covention, sponge out the rules, and enable a majority for the time being to do what it pleases. This would be bad enough when the Senate was full; but how would it be at the end of the session, with a bare quorum of twenty-seven members present? Then fourteen would be a majority sufficient, according to the doctrines maintained here to-day, to sponge out all the rules which regulated the proceedings of the body. He was glad to see the stand taken against the motion, and was proud to hear what had fallen from the Senator from Delaware on the subject. Now one word as to the bill before them. The whole idea of forcing it through in this hurried manner was farcical in the extreme. He felt himself to be good for one half of the time that was yet left, and there were Senators enough near him who would not fail in doing their part. If the Senate would act up to its own gravity and take up the proposition that had been made to enable these banks to wind up their concerns without banking or issuing notes, it could be done in ten minutes; but the idea of forcing them through in the manner proposed was laughable in the extreme.

Mr. SMITH of Indiana briefly assigned his reasons why he should vote to sustain the appeal from the decision of the CHAIR, and the question being taken, shall the decision of the CHAIR be sustained as the opinion of the Senate, it was decided in the affirmative—ayes 24, noes 8, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Calhoun, Clay of Alabama, Clayton, Fulton, Henderson, Hubbard, Linn, Lumpkin, Mouton, Nicholas, Norvell, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Williams, and Wright—24.

NAYS—Messrs. Clay of Kentucky, Davis, Dixon, Huntington, Porter, Smith of Indiana, Southard, and White—8.

Mr. WRIGHT, to show that he had no disposition to forfeit the rights of these institutions, would make a proposition that he hoped would be acceptable to the Senate. It was this: if the Senate would agree to strike out all of the bill as it came from the House, after the first proviso, it would be perfectly agreeable to him, and he believed to a majority of the Senate, and he would withdraw all objection to it.

Here the Secretary read the part of the bill proposed by Mr. WRIGHT, as follows:

Be it enacted by the Senate and House of Representatives, &c. That the provisions, restrictions, and enactments of the act of Congress of the 25th May, 1838, entitled "An act to extend the charter of the Union Bank of Georgetown, in the District of Columbia," be, and the same are hereby extended to the Farmers' and Mechanics Bank of Georgetown, the Bank of Metropolis, the Bank of Washington, the Patriotic Bank of Washington; the Bank of the Potomac, and the Farmers' Bank of Alexandria; Provided, That whenever in the original act the 1st of July, 1838, occurs, it shall be so construed as to mean the 4th of July, 1840; and whenever the 1st of July, 1842, occurs, it shall be construed to mean the 4th of July, 1844.

Mr. ALLEN objected to the second reading, unless gentlemen on the other side would give a

pledge to strike out that portion of the bill which continued the banking privileges.

Mr. CLAY of Kentucky said he would never consent to surrender his independence as a legislator by any promise or bargain of this kind. He would not consent to any arrangement which would restrict the Senate before the bill was open for discussion and amendment.

Mr. ALLEN said he must persist in his objections. If gentlemen were serious in their desire to save these banks from the consequences which they predicted, they ought to accept his proposition. If they would not, on them would rest the responsibility.

Mr. WALKER suggested to the Senator from Ohio, that as the same question would come up on the third reading of the bill; that is, that it could not be read a third time without unanimous consent, that his friend from Ohio would withdraw his objections now, and let the bill go to a second reading, when he could submit such amendments as he thought proper. If he could not succeed in getting such amendments as would render the bill acceptable to him, he could then raise the same objection to the third reading, and the bill could not be passed to a third reading, except by unanimous consent.

Mr. CALHOUN presumed there was no one here opposed to a bill giving to these institutions the power of collecting their debts and winding up their affairs in the easiest possible mode to themselves and their debtors, and he therefore hoped the gentleman from Ohio would consent to let the bill be read a second time. It was just as much in the gentleman's power to arrest the bill at its third reading as now, and he could do so should he fail in getting the amendments he proposed. For himself he never would agree to extend the charters of suspended banks, but he was perfectly willing to give them every reasonable facility for winding up their affairs. Further, he would not extend the charters of banks of circulation. He believed that they [Congress] were the trustees for preserving the currency established by the Constitution, and that the chartering of banks of circulation would be inconsistent with their duty. There was one of these banks, he understood, that paid specie, and he would be willing to recharter it, provided it was to be a bank of discount, deposite, and exchange only, and not of circulation. He believed it would be more profitable to the banking institutions to conduct their business in this manner, and that it would be a great blessing to the people of this country when their banking institutions were confined to the business of discounts, deposites and exchanges, without the power of issuing bank notes.

Mr. STRANGE said, he regretted the position in which the Senate was placed, and the consequent mischiefs with which others were threatened. As matters stood, a single gentleman had it in his power to prevent the further progress of the bill, on which a motion has recently been pending for a second reading, and the whole of one side of the chamber should not be held reponsible for the acts of a few of its members. Whether those few members acted well or wisely in resisting the apparent wishes of a large portion of the body, it was for them to decide; but if they were wrong, he thought those gentlemen on the other side, who violently declined all compromise, were equally so. The business of life can be conducted only by compromise, and he hoped gentlemen would yet listen to the suggestions of prudence. He, for one, as he had before said, was favorable to relieving the District banks; and if relief could not be obtained to the full extent, he was willing, for one, to unite in at least extending to them the poor privilege of breathing, and thus avoid the confusion into which debts due to and from them, and property held by them, might be thrown, and the injustice consequent thereon. He was aware that his vote on the bill in relation to these banks had subjected him to the charge of inconsistency. He had seen it in the papers, he had heard it in this chamber. He cared not for such charges, but wished to explain his real position. It was no friendship for banks or bank paper that prompted his vote. He was as hostile to banks of issue as any member of that body, and he hoped to see the day when no bank of issue would exist. But he wished that result to proceed from the enlightened action of public opinion, and not to be consummated in opposition to that opinion. He believed public opinion was tending that way, and when it reached the point he should be gratified. But in the mean time in legislating for this District, which was the only legislation he could be called upon to make on the subject, a District which has no Representative of its own, inspired with the feelings and opinions of his immediate constituents, he felt that a parental tenderness should be extended towards it; and that legislation upon it should be, as far as possible, in conformity to the sense of its own community; at any rate, that it should not be subjected to inconveniences or privations, real or imaginary, for which public opinion in the surrounding communities was not prepared; that a gentle and not a rough hand should be extended in healing its ills. Public opinion in Virginia and Maryland is not yet prepared for dispensing with bank paper. Abolish banks in this District, and it will be flooded with bank paper from Virginia and Maryland. If it must have bank paper, while it suffers the evil let it have the profit. But again: wind up these banks suddenly, and you will have the whole property of the District brought immediately under execution and monopolized at once by a few moneyed men. By waiting for the steady advance of public opinion, this District will get rid of the evils of banking *pari passu* with the rest of the Union, and will not be subjected to the distressing convulsions which all sudden changes produce, however beneficial in the end such changes may be.

Mr. HUBBARD said as there seemed to be no probability of being able to agree on any measure relative to the banks, he hoped they would take up the bill to prevent frauds on the revenue.

Mr. WALKER concurred in many of the remarks of the Senator from North Carolina, [Mr. STRANGE,] and should vote against taking up the bill named by the Senator from New Hampshire, and against any bill till this was disposed of. He should not vote for the recharter of any bank of issue, and in saying so he had no particular reference to the institutions now before them. His reasons grew out of the evils of the system. But while he would not vote for banks of issue, he would vote for banks of discount, deposite, and exchange, and this he had stated on a previous occasion. But the question was not now whether they should charter banks of issue or not. The question was upon enabling these corporations to collect their debts and wind up their affairs. This was the amount of the proposition of the Senator from New York, and the same proposition had been made by the Senator from Ohio, and voted down. He believed that without the pledges that had been required by the Senator from Ohio [Mr. ALLEN] this was the course that would be taken by a majority of the Senate.

Mr. NORVELL moved to adjourn. Negatived as follows:

YEAS—Messrs. Allen, Clay of Kentucky, Lumpkin, Nicholas, Norvell, Roane, Robinson, Smith of Connecticut, Tappan, Wall, White, Williams, Wright, Young—14.

NAYS—Messrs. Benton, Calhoun, Clay of Alabama, Clayton, Davis, Dixon, Fulton, Henderson, Hubbard, Huntington, King, Knight, Linn, Mouton, Porter, Smith of Indiana, Southard, Stange, Sturgeon, Walker—20.

A desultory conversation now took place, chiefly on the question whether all the powers and liabilities of the banks would irretrievably expire at midnight with their charters; when, there appearing to be a general understanding that a bill to extend the charters of the banks merely to enable them to wind up their affairs would not be opposed—

Mr. BENTON, by consent, introduced a joint resolution continuing the charters of the District banks for the sole purpose of winding up their affairs; which resolution having been read twice without dissent—

Mr. HUBBARD moved to amend it by substituting for it the former portion of the bill from the House, simply putting the banks on a footing with the Union Bank of Georgetown, as before proposed by Mr. WRIGHT.

Mr. CLAY of Kentucky moved to add the latter portion of the bill from the House, which provided for the extension of their charters.

Several Senators now insisted on an adjournment, which was moved by Mr. ALLEN and negatived—ayes 13, noes 24, as follows:

YEAS—Messrs. Allen, Benton, Linn, Lumpkin, Mouton, Norvell, Pierce, Robinson, Smith of Connecticut, Tappan, Wall, Williams, and Wright—13.

NAYS—Messrs. Clay of Alabama, Clay of Kentucky, Clayton, Davis, Dixon, Fulton, Henderson, Hubbard, Huntington, Knight, Nicholas, Phelps, Porter, Roane, Smith of Indiana, Southard, Strange, Sturgeon, Walker, White, and Young—21.

Mr. CLAY of Kentucky then withdrew his amendment.

The amendment of Mr. HUBBARD was agreed to, and the resolution in this form was ordered to be engrossed.

Mr. CLAY remarked, in the way of moral reflection, that the Senate had been in the morning charged with legislating too fast; and they had then spent the day, till six o'clock, in discussing a question of order; and yet a bill had been introduced, read a first, second, and third time, and passed, and all this in the course of fifteen minutes.

Mr. WALL. That shows what can be done by concession and good feeling.

The resolution was then read a third time and passed, and sent to the House for concurrence.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 3, 1840.

Mr. TRIPLETT wished to offer a resolution, which was read for information, about the expenses of the war in Florida, the number of troops employed, &c.

Mr. CAVE JOHNSON objected.

Mr. TRIPLETT moved to suspend the rules, but, at the suggestion of the CHAIR, withdrew his motion for the present.

Mr. JENIFER wished to have 5,000 extra copies of a certain document, in relation to the tobacco trade, printed.

Mr. PETRIKIN objected; and

Mr. J. did not move a suspension; so the motion was not agreed to; but, Mr. P. at length consenting to withdraw, the printing was ordered.

The House then resumed the consideration of the bill to prolong the charters of the

BANKS OF THE DISTRICT OF COLUMBIA.

And the pending question being on the adoption of the following amendment offered by Mr. UNDERWOOD of Kentucky, as modified,

Provided further, That if the said banks or any or either of them, shall within ninety days from and after the passage of this act resume specie payments, then the said banks, or such of them as shall have resumed, shall be entitled to all the rights and privileges conferred by their present charters, until the 4th day of July, 1842, unless Congress shall at any time otherwise direct; but if such bank or banks so resuming shall at any time after such resumption again suspend specie payments, or refuse to pay any of their notes or obligations in specie, then such suspension or refusal shall operate as a forfeiture of their respective charters, except for the purpose of winding up their affairs under the provisions and restrictions contained in this act; and provided, further, that in all cases where the said banks, or either of them, thereafter refuse payment of any of their notes or obligations, there shall be a summary remedy therefor, before any justice or judge having jurisdiction of the case, on five days' notice, wherein there shall be no supersedeas, stay of execution, injunction, or certiorari allowed, nor any appeal, except upon an affidavit of merits by the president, cashier, or directors.

SEC. 2. *Be it further enacted*, That if the president and directors of either of said banks shall violate the provisions aforesaid, they and each of them shall be fined in a sum not less than one hundred nor more than one thousand dollars for every offence, to be recovered by presentment or indictment in any court of record having jurisdiction thereof.

Mr. WELLER, being entitled to the floor, made a very powerful and animated speech in opposition to the bill, and in an exposure of the frauds of the banks.

Mr. GRINNELL followed in support of the banks, and, in the course of his remarks, thought proper to put several questions to his colleague, Mr. VANDERPOOL, in relation to his views regarding the issue of small bills.

Mr. VANDERPOOL did not choose to be thus catechized. He would answer his constituents, and them only when they thought proper to ask such questions. He was happy to say that he had no "conscience keeper," and would be ever ready to give a reply when called upon by those who had the right to put such interrogatories.

Mr. PETRIKIN objected to one gentleman putting questions to another all the while he was making a speech.

After Mr. GRINNELL had concluded,

Mr. COST JOHNSON demanded the previous question, which was seconded.

Mr. UNDERWOOD'S amendment (see above) was then read, and he demanded the yeas and nays upon it; which were ordered.

The reading of the bill (viz: the bill moved by Mr. THOMAS, and which is a transcript of the bill for winding up the affairs of the Union Bank of Georgetown) was called for; and the bill, together with Mr. UNDERWOOD'S amendment thereto, was read accordingly.

The question being put on agreeing to this amendment of Mr. UNDERWOOD, it was decided as follows:

YEAS—Messrs Judson Allen, John W. Allen, Andrews, Baker, Barnard, Beatty, Beirne, Bell, Biddle, Briggs, Brockway, Sampson H. Butler, Calhoun, William B. Campbell, Carroll, Carter, Chapman, Chittenden, Clark, James Cooper, Crabb, Craig, Cranston, Crockett, Cross, Curtis, Edward Davies, Garret Davis, Dawson, Deberry, Dennis Edwards, Ely, Evans, Fisher, Gates, Gentry, Goggin, Goode, Grahain, Graves, Green, Griffin, Hill of Virginia, Hoffman, Hopkins, Hunt, James, Charles Johnston, William Cost Johnson, Kemble, Kempshall, King, Leet, Lincoln, McCarty, Mallory, Marvin, Mason, Montanya, Morgan, Calvary Morris, Nisbet, Osborne, Palen, Peck, Pope, Randall, Rariden, Rayner, Ridgway, Edward Rogers, Russell, Sergeant, Shepard, Simonton, Slade, Stanly, Starkweather, Stuart, Taliaferro, Francis Thomas, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vanderpoel, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—98.

NAYS—Messrs. Hugh J. Anderson, Atherton, Banks, Blackwell, Boyd, Albert G. Brown, Burke, Wm. O. Butler, Bynum, Carr, Casey, Clifford, Connor, Mark A. Cooper, William R. Cooper, Dana, Davee, John Davis, Doan, Dromgoole, Duncan, Earl, Eastman, Floyd, Galbraith, Gerry, Hammond, Jno. Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Lucas, McClellan, McCulloh, McKay, Marchand, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Samuels, Shaw, Thomas Smith, Steenrod, Strong, Taylor, Pn. F. Thomas, Jacob Thompson, Turney, D. D. Wagener, Weller, Wick, J. W. Williams, and H. Williams—70.

So the amendment was agreed to.

The question then recurred on ordering the bill, as amended, to its third reading; on which the yeas and nays, being demanded, were taken, and resulted as follows—Yeas 108, nays 69.

The bill being at its third reading,

Mr. W. C. JOHNSON moved the previous question.

Mr. LINN BOYD moved a call of the House, and demanded the yeas and nays, which were ordered, and, being taken, resulted as follows—Yeas 59, nays 86.

So the motion for a call was refused.

The question recurring on ordering the bill to its third reading at this time,

The yeas and nays were demanded, and, being ordered and taken, resulted as follows—Yeas 118, nays 67.

The bill was thereupon read a third time.

The question being on its passage,

Mr. HOPKINS demanded the previous question.

Mr. CAVE JOHNSON moved to lay the bill on the table, but on remonstrance withdrew the motion.

Mr. KEIM renewed the motion.

On this question the yeas and nays were demanded, and, being ordered, resulted as follows—Yeas 70, nays 120.

So the House refused to lay the bill on the table.

The previous question was seconded, put, and carried, and the main question being on the passage of the bill, it was read, as follows:

A BILL to continue the corporate existence of the banks in the District of Columbia, for certain purposes.

Be it enacted by the Senate and House of Representatives, &c. That the provisions, restrictions, and enactments of the act of Congress of the 25th May, 1838, entitled "An act to extend the charter of the Union Bank of Georgetown, in the District of Columbia," be, and the same are hereby, extended to the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, the Bank of Washington, the Patriotic Bank of Washington, the Bank of the Potomac, and the Farmers' Bank of Alexandria; Provided, That whenever, in the original act, the 1st of July, 1838, occurs, it shall be so construed as to mean the 4th of July, 1840; and whenever the 1st of July, 1842, occurs, it shall be construed to mean the 4th of July, 1844.

Provided further, That if the said banks, or any or either of them, shall, within ninety days from and after the passage of this act, resume specie payments, then the said banks, or such of them as shall have so resumed, shall be entitled to all the rights and privileges conferred by their present charters, until the 4th day of July, 1842, unless Congress shall at any time otherwise direct; but if such bank or banks so resuming shall, at any time after such resumption, again suspend specie payments, or refuse to pay any of their notes or obligations in specie, then such suspension or refusal shall operate as a forfeiture of their respective charters, except for the purpose of winding up their affairs under the provisions and restrictions contained in this act; and provided, further, that in all cases where the said banks, or either of them, thereafter refuse payment of any of their notes or obligations, there shall be a summary remedy therefor, before any justice or judge having jurisdiction of the case, on five days' notice, wherein there shall be no supersedeas, stay of execution, injunction, or certiorari, allowed, nor any appeal, except upon an affidavit of merits by the president, cashier, or directors.

SEC. 2. *Be it further enacted*, That if the president and directors of either of said banks shall violate the provisions aforesaid, they and each of them shall be fined in a sum not less than one hundred nor more than one thousand dollars for every offence, to be recovered by presentment or indictment in any court of record having jurisdiction thereof.

The yeas and nays were demanded, and, being taken, stood—yeas 115, nays 75, as follows:

YEAS—Messrs. Adams, Judson Allen, John W Allen, Andrews, Baker, Barnard, Beatty, Beirne, Bell, Biddle, Briggs, Brockway, Samson H. Butler, William O. Butler, Calhoun, William B. Campbell, Carroll, Carter, Chapman, Chittenden, Clark, James Cooper, Crabb, Craig, Cranston, Crockett, Cross, Curtis, Dana, Davies, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Ely, Evans, Everett, Fisher, Galbraith, Jas. Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Graves, Green, Griffin, Grinnell, Habersham, John Hastings, Henry, Hill of Virginia, Hoffman, Hopkins, Hunt, James, Jenifer, Charles Johnston, Wm. Cost Johnson, Kempshall, King, Leet, Leonard, Lincoln, McCarty, Mallory, Marvin, Mason, Mitchell, Monroe, Morgan, Nisbet, Osborne, Palen, Peck, Pope, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Robinson, Edward Rogers, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade Stanly, Stuart, Swearingen, Taliaferro, Francis Thomas, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vanderpoel, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Worthington—115.

NAYS—Messrs. Hugh J. Anderson, Atherton, Banks, Black, Blackwell, Albert G. Brown, Burke, Bynum, Carr, Casey, Clifford, Coles, Connor, Mark A. Cooper, William R. Cooper, Davee, John Davis, Doan, Dromgoole, Duncan, Earl, Eastman, Floyd, Gerry, Hammond, Hand, Hawkins, Hill of North Carolina, Hillen, Holleman, Hook, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, J. W. Jones, Keim, Kille, Lucas, McClellan, McCulloch, McKay, Marchand, Miller, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Samuels, Shaw, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Taylor, Philip F. Thomas, Jacob Thompson, Turney, David D Wagener, Weller, Wick, Jared W. Williams, and Henry Williams—75.

So the bill was passed.

The question being on agreeing to its title,

Mr. W. C. JOHNSON demanded the previous question.

Mr. KEIM wished to amend the title, and sent his amendment to the CHAIR to be read; but the reading was objected to.

Mr. TURNEY demanded the yeas and nays on the previous question; but the House refused to order them.

The previous question was seconded, put, and carried; and the main question being on agreeing to the title of the bill, it was agreed to.

Mr. HAND then moved to reconsider the last motion, to introduce the following amendment:

"A bill to authorize special privileges, promote the circulation of irredeemable paper, and to sacrifice Republican principles to the influence and expediency of unconstitutional corporations."

Mr. H. on this motion asked for the previous question, and demanded the yeas and nays, which were ordered.

Much confusion ensued, when

Mr. HAND withdrew the motion.

THE NEW YORK NAVY YARD.

Mr. HOFFMAN moved the following:

Resolved, That the Secretary of the Navy be requested to communicate to this House copies of any correspondence which may be filed, known to, or within the control of the Navy Department, between Commodore Renshaw, the Secretary of the Navy, and other persons, concerning the pump and block maker at the Navy Yard at Brooklyn, in the State of New York; and whether any affidavit has been made by the said block and pump maker in relation to his political opinions, and, if so, to communicate to this House a copy of said affidavit, and of every other paper or correspondence on file in the Department, or within its reach or control, showing that mechanics and laborers at the said Navy Yard have been employed, retained, or dismissed on account of their political opinions.

Objection being made—

Mr. H. moved to suspend the rules to enable him to offer his resolution, and demanded the yeas and nays.

They were ordered, and, being taken, resulted as follows—yeas 101, nays 68.

There not being two-thirds, the rules were not suspended so as to allow Mr. HOFFMAN to offer his resolution.

The House then, on motion of Mr. JONES, of Virginia, went into Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and took up for consideration the

NAVY APPROPRIATION BILL.

Mr. ADAMS inquired as to the extent of the "improvement and necessary repairs" in the different navy yards, and why there was so great a difference in the amounts to be appropriated for different yards.

Mr. JONES replied, and referred to the report from the Navy Department.

The long enumeration of items in the contingent appropriations being under consideration—

Mr. ADAMS moved to strike out the words "and for no other purpose whatever," as in his opinion, they amounted to a burlesque, the enumeration being so extensive as to embrace every object in nature.

Mr. JONES replied, and showed that the words complained of had been inserted in all former appropriation bills, and in the course of his remarks, referred Mr. A. to a bill signed by himself in 1826, while President of the United States, having the very same words.

The hour for taking the usual recess having arrived, the committee rose, when,

Mr. PETRIKIN moved that when the House adjourn, it adjourn to Monday next. But before any decision was had on the motion, the House took the usual recess.

EVENING SESSION.

After the recess,

Mr. HOLMES, on leave, presented the memorial of the Chamber of Commerce at Charleston, S. C. in relation to certain light-houses in the city of Charleston, which was referred to the Committee on Commerce.

Memorials were also presented (on leave) by Messrs. E. DAVIES, ADAMS, and LINCOLN; which were appropriately referred.

Mr. PETRIKIN asked action on a resolution offered previous to the recess, providing that when the House adjourn, it adjourn to meet on Monday next.

After some conversation, Mr. P. waived the proposition for the present.

Mr. McKAY, on leave, presented certain joint resolutions requiring the Attorney General to examine into the validity of titles to all lands purchased for the purpose of erecting arsenals and public buildings; which were referred to the Committee on the Judiciary.

NAVAL APPROPRIATION BILL.

The House again went into Committee of the Whole on the state of the Union, (Mr. LINCOLN of Massachusetts in the chair,) on the bill making appropriations for the naval service for the year 1840.

The pending question being on the motion of Mr. ADAMS to strike out from the tail end of the general item which appropriates $450,000 to defray the expenses of freight and transportation, stores and materials, wharfage and dockage, and many other things, the restrictive words "and for no other object or purpose whatever,"

Mr. ADAMS resumed his remarks, but instead of confining himself to the bill before the committee, struck off into an invective against the Independent Treasury bill, for which he was called to order by Mr. JONES of New York, and others.

After a few more remarks from Mr. ADAMS,

Mr. JONES replied briefly to Mr. A. He vindicated the correctness of the present item in form, contending that it was strictly in accordance with that of former bills. After the six weeks' debate which had taken place on the Sub-Treasury, he must, he said, decline to follow the gentleman into that subject.

Mr. McKAY contended that it was highly necessary to specify the objects to which appropriations were to be applied. He argued that, if such specifications were not made, then the Secretary of the Navy would have the power to apply the money to any other object connected with the Department. Mr. McK. referred to the bill making appropriations for the contingent expenses of the two Houses of Congress as a parallel case, and in which specifications were also made.

Mr. EVERETT made some remarks demonstrating that the public money of the country was now at the disposition of the Executive.

Mr. CUSHING said that he concurred entirely with his colleague [Mr. ADAMS] in the remarks he had made. Without entering into the question at present himself, he (Mr. C.) wished to embrace the occasion to ask of the chairman of the Committee of Ways and Means an explanation, which he prepared, that gentlemen would readily give, in regard to a portion of the debate on the Independent Treasury bill. Mr. C. understood that Mr. JONES had in his speech, assumed that the opponents of the bill had not objected to its provisions or want of constitutionality. Mr. C. said that he himself had argued the very question of the unconstitutional nature and effect of the first section of the bill, which localizes the Treasury of the United States; and he appealed to the gentleman from Virginia [Mr. JONES] to have the matter stand right before the House and the country.

Mr. JONES of Virginia replied. He said: when the gentleman from Massachusetts delivered his speech in opposition the Sub-Treasury bill, I was confined to my bed from severe indisposition. For two weeks I was incapacitated from attending the House. His arguments I did not hear, and as they have not been published, or at least if they have been published I have not seen them, I have been unable to learn what they were. Since my health would permit, I have been constant in my attendance to the debate, and at no time did I hear any remark made on the constitutionality of the principles of the bill. The constitutionality of the measure proposed was apparently assumed by one side, and left unquestioned by the other. Since, during the four weeks of the debate, to which I attentively listened, the objection of unconstitutionality was not urged, I naturally came to the conclusion that it had not been insisted on. If constitutional objections could be urged with any plausibility at all, I should have supposed that their importance would have led to their reiteration. Arguments based on grounds of far less moment have been repeated again and again. It cannot, therefore, be surprising that the impression should have been created on my mind that no reasoning of such a character had been employed. If the gentleman from Massachusetts, in his speech, took the high ground of the Constitution for the support of his argument, I did not know it; I could not know the fact; I could not even suspect it. But, since the gentleman informs me that he took that ground, I cheerfully make the correction.

Mr. SERGEANT (at a subsequent period of the session) also stated that he had himself made constitutional objection to the bill.

[Mr. J. explained that he had been called out of the House for a short time on two occasions, during Mr. S's argument, and had, therefore, not heard the objections raised. He stood corrected (he said) with great pleasure.]

Mr. ADAMS made some further remarks in reply to Mr. JONES, vindicating his own consistency, which had been called in question by Mr. JONES, on the ground that he (Mr. A.) when President, had signed a bill which contained an item in similar terms.

Mr. MORGAN went into some calculations to show that, since the year 1826, the expenditures for this branch of the public service had doubled, without any adequate increase of ships, &c. in proportion to the amount.

Mr. JONES contended that he had given a complete answer, and, he would say, refutation, to all charges of the kind, when the civil and diplomatic appropriation bill was under consideration.

If the gentleman would refer to the complete refutation in that speech, he was sure he would not repeat thecharge.

The question was then taken, and the amendment was rejected.

Mr. CRARY moved to strike out the item appropriating "$4,250 for the necessary repairs to the Naval Asylum at Philadelphia," and inserting a provision requiring the Board of Commissioners to prepare and lay before Congress, at the commencement of each session, the state of the votes of each member of the Board on all the proceedings in relation to stores, equipments of vessels, and other matters connected with the naval establishment of the United States, etc.

Mr. C. proceeded to address the committee on the subject of the alleged abuses of the Board of Navy Commissioners, but had not progressed far, when

The SPEAKER resumed the chair to receive a message from the Senate, announcing that the Senate had passed a bill extending the charters of the District banks for certain purposes, as follows:

A BILL to continue the corporate existence of certain banks in the District of Columbia.

Be it enacted by the Senate and House of Representatives, etc. That the provisions, restrictions, and enactments of the act of Congress of the 25th May, 1838, entitled "An act to extend the charter of the Union Bank of Georgetown, in the District of Columbia, be, and the same are hereby extended to the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, the Bank of Washington, the Patriotic Bank of Washington, the Bank of the Potomac, and the Farmers' Bank of Alexandria: *Provided*, That whenever, in the original act, the 1st of July, 1838, occurs, it shall be so construed as to mean the 4th of July, 1840; and whenever the 1st of July, 1842, occurs, it shall be construed to mean the 4th of July, 1844.

On motion of Mr. F. THOMAS, the House, by general consent, took up the bill, and it was read twice.

The question being on its third reading,

Mr. JENIFER spoke for a short time with much warmth against the bill. He complained that the Senate had disregarded the wishes of the House, and had sent back a bill which they were compelled to adopt, since no alternative remained. He also maintained that Congress was about to establish the principle that they might do here what they pleased, and that their next step might be to lay hands on the slaveholding institutions of the District.

Mr. DUNCAN followed, and contended that had the banks conducted their affairs honestly, and resumed specie payments when they ought, no one would have been against them. He would say for one that he dare not vote for a rechartter of the banks in his own State under such circumstances.

As for the picture of desolation drawn by the gentleman from Georgia [Mr. DAWSON] which was to follow, by a refusal to rechart·r these banks, it ought to be looked upon by the citizens of the District as a slander upon them. Besides, if the banks were in the bad condition described by the gentleman, that was a strong argument why they should be continued no longer. If they had brought on such a state of things already, what would they do if they were continued twenty years longer? Besides, who was it that asked for the continuance of these banks? A petition had been presented yesterday, signed by 244 names. Now, what proportion was that to the whole population of the District, amounting to between 40 and 50,000. Yes, out of 50,000 inhabitants, 244 of them have applied for a continuance of the charters of these banks. What was the inference? Why, that the remainder were either indifferent to, or against the recharter.

Mr. D. then made a calculation showing the amount of bank capital within the ten miles square, and that, at the same ratio, the whole population of the United States would be entitled to a capital of two thousand two hundred and twenty millions of dollars. And, by allowing the proportion of paper issues, three dollars to one of specie, the banking capital of the United States, at the same ratio of the District banks, would amount to the enormous sum of six thousand six hundred and sixty millions of dollars, giving, in one year, according to the usual profits, a clear income of hundreds of millions.

After showing this disproportion of bank capital between the District and other places, Mr. D. proceeded to repel, with much warmth, the charge that the Democratic party were seeking to oppress the District. The Democratic party were not an enemy to the banks. They were, on the contrary, friends to them, and were willing to recharter them under proper restrictions. The charge that the Democratic party were seeking to destroy the banking institutions was not true. He pronounced it a base slander upon the party.

Mr. FRANCIS THOMAS moved the previous question; which was seconded.

And the main question (being on ordering the bill to a third reading) was ordered, and, being taken, was decided in the affirmative.

So the bill was ordered to a third reading.

And the question recurring on its final passage—

Mr. FRANCIS THOMAS moved the previous question; there was a second; and the main question was ordered.

Mr. LEET asked the yeas and nays on the main question; which were ordered, and, being taken, were as follows:

YEAS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Andrews, Atherton, Banks, Baker, Beatty, Beirne, Aaron V. Brown, William O. Butler, Carroll, Carter, Chapman, Chittenden, Clark, Clifford, William R. Cooper, Craig, Cranston, Cross, Dana, Davee, Edward Davies, John Davis, Garret Davis, Deberry, Dellet, Dromgoole, Duncan, Earl, Ely, Fine, Galbraith, James Garland, Gates, Gerry, Goggin, Goode, Green, Griffin, Grinnell, Habersham, Hand, William S. Hastings, John Hastings, Hill of Virginia, Hillen, Hoffman, Holleman, Holmes, Hook, Hubbard, Jackson, Jenifer, Charles Johnston, Joseph Johnson, Cave Johnson, John W. Jones, Kemble, Kempshall, Kille, King, Leadbetter, Leet, Leonard, Lincoln, Lucas, McClellan, McCulloh, McKay, Marvin, Miller, Mitchell, Monroe, Montanya, Morgan, Samuel W. Morris, C. Morris, Newhard, Nisbet, Palen, Parrish, Parmenter, Paynter, Peck, Petrikin, Pickens, Pope, Prentiss, Proffit, Rariden, Reed, Reynolds, Rhett, Ridgway, Robinson, Edward Rogers, Samuels, Sergeant, Shepard, Simonton, Albert Smith, John Smith, Truman Smith, Stanly, Steenrod, Strong, Stuart, Swearingen, Taylor, Francis Thomas, Jacob Thompson, Tillinghast, Triplett, Underwood, Vanderpoel, D. D. Wagener, P. J. Wagner, Warren, Weller, Jared W. Williams, Thomas Williams, Henry Williams, Lewis Williams, and J. L. Williams—124.

NAYS—Messrs. Black, Carr, Casey, Coles, Connor, Mark A. Cooper, Eastman, Edwards, Floyd, Hill of N. C. James, N. Jones, Marchand, Mason, Ramsey, Shaw, Thomas Smith, Taliaferro, and Turney—19.

So the bill was passed and returned to the Senate.

Mr. WAGNER moved that when the House adjourn, it adjourn to meet on Monday morning at ten o'clock.

Mr. LINCOLN, remarking that whilst we were drinking our wine on the day of our National Independence, we should not forget to furnish bread to those Revolutionary soldiers who fought for and achieved it, moved to amend the motion of Mr.

WAGNER by inserting that the House would, at 11 o'clock to-morrow, proceed to hear and decide on the claims for Revolutionary services, and of Revolutionary and invalid pensioners.

The CHAIR (occupied by Mr. SERGEANT pro tem.) declared the amendment to be out of order.

And the question was then taken on Mr. WAGNER's resolution, and decided in the negative—yeas 76, nays 93.

So the House refused to adjourn to Monday.

On motion of Mr. JONES of Virginia, the House again went into Committee of the Whole on the state of the Union (Mr. LINCOLN) of Massachusetts in the Chair) on the navy appropriation bill.

Mr. CRARY continued his remarks for a short time, and had not concluded when, having given way for a motion to that effect, the committee rose, and

The House adjourned.

HOUSE OF REPRESENTATIVES,
SATURDAY, July 4, 1840.

After the journal had been read,

Mr. LINCOLN rose and said, that he did not perceive that the amendment which he had last evening proposed to the resolution offered to adjourn over to Monday had been inserted on the journal. He would not move any amendment, but he would now renew (in the form of a resolution) the motion that the House would, at eleven o'clock, proceed to consider and dispose of bills on the private calendar in favor of claims for Revolutionary services and for Revolutionary and invalid pensions.

Mr. STANLY said he would like to amend the resolution by inserting that two days of next week should be set apart for the consideration of these bills. The House would soon be left without a quorum, and if any thing was intended to be done for the Revolutionary soldiers, let the House take two or three days of next week, when a quorum was likly to be present, and not select a day when no good could be done.

Mr. DROMGOOLE objected to the reception of Mr. LINCOLN's resolution.

A motion was made that the House adjourn; which motion, by yeas 66, nays 63, prevailing,

The House adjourned.

IN SENATE,
MONDAY, July 6, 1840.

The CHAIR presented a memorial of the President and Directors of the Patriotic Bank of Washington, praying for a renewal of their charter; which, on motion by Mr. LUMPKIN, was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WRIGHT presented the memorial of N. Nye Hall; which was referred to the Committee on Pensions.

Mr. W. also presented a memorial of the Board of Underwriters of the city of New York, remonstrating against the repeal of the law of 1837, respecting pilots; which was laid on the table, and ordered to be printed.

Mr. WILLIAMS, from the Committeee on Naval Affairs, to which was referred the memorial of Andrew Forrest, asked to be discharged from its further consideration; which was agreed to.

Mr. W. from the same committee, to whom was referred the memorial of citizens of Pennsylvania, praying a revision of the laws regulating the sale and transfer of American vessels abroad for the better prevention of the slave trade, said that a bill on this subject had been reported by the Committee on Commerce, and passed by the Senate.

Mr. RUGGLES, from the Committee on Commerce, to which was referred the House bill for the relief of Boggs and Thompson, Robert and Thomas Hutchinson, and others, reported it with amendments.

Mr. DAVIS, from the Committee on Commerce, to which was referred the bill from the House for the relief of Robert Milnor, reported the same without amendment.

Mr. D. also, from the same Committee, to which was referred the bill from the House for the relief of Gilbert A. Smith and Nathan Stark, reported the same with amendments.

The resolution submitted on Friday last by Mr. CLAY of Alabama, relative to a change of the rules of the Senate, was, after some remarks by Messrs. WALKER, CALHOUN, BENTON, and CLAY of Alabama, laid upon the table.

BILLS PASSED.

The bill to establish and regulate the navy ration;

The bill for the relief of Hugh Stewart;

The bill authorizing the inhabitants of fractional township ten south, of range one east, in the State of Arkansas, to enter one half section of land for school purposes;

The bill relative to the transportation of the mail in steamboats;

The bill for the relief of James Herron;

House bill for the relief of Capt. John Downes;

House bill for the relief of John Mitchell and B. F. Fox;

House bill to annex a certain tract of land to the Ceosa land district;

House bill allowing further time to the trustees of Centre College to dispose of the land heretofore granted to the deaf and dumb asylum in the State of Kentucky;

An act from the House granting a section of land for the use of schools in St. Clair county, State of Illinois; and

An act from the House granting two townships of land for the use of the University in the Territory of Iowa;

were severally read a third time, and passed.

The bill from the House, to extend the corporate existence of the banks in the District of Columbia, which was read a first time on Friday last, was read a second time, and referred to the Committee on the District of Columbia.

COLLECTION OF THE REVENUE.

The Senate resumed the consideration of the bill to ensure the more faithful execution of the laws relating to the collection of duties on imports. The question being on the amendment of the committee as amended by the substitute of Mr. HUNTINGTON, declaring any witness incompetent who should have any interest whatever in the cause *similar* to the interest of the party for whom he might be called to testify—

Mr. CALHOUN asked for the yeas and nays; which were ordered.

And the amendment as amended (on Friday last) was agreed to by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Kentucky, Clayton, Cuthbert, Davis, Dixon, Hubbard, Huntington, King, Knight, Lumpkin, Mouton, Nicholas; Norvell, Phelps, Pierce, Porter, Roane, Robinson, Ruggles, Smith of Connecticut, Sturgeon, Tappan, Wall, Williams, Wright and Young—30.

NAYS—Messrs. Calhoun, Clay of Alabama, Strange, and Walker—4.

Mr. HUNTINGTON submitted severally and explained a variety of amendments, which went to render the bill more explicit, thorough, and effectual. All of them were agreed to without dissent, except one of them, which made the receiver of imported goods liable, not only if he "knew," but if he had good reason to believe that the goods were illegally imported. To this there was one dissenting voice.

On the occasion of presenting this amendment, Mr. CALHOUN said he should not object to it, but he proceeded to remark that he considered the measure in general as too severe on the mercantile classes. It was the interest of every honest merchant, as much as of the Government, to prevent these frauds; yet none of them had asked for a measure of that kind; and if the measure should prove so severe as to prevent the co-operation of honest merchants, it must and would prove inefectual.

Mr. HUNTINGTON and Mr. HUBBARD replied briefly, and vindicated the measure as calculated to operate hardly on the fraudulent alone.

Mr. WRIGHT, from the committee, now offered a number of additional amendments, designed to make the bill more explicit and effectual.

Some of these amendments were discussed by Messrs. WRIGHT, CLAY of Kentucky, CALHOUN, DAVIS, and HUBBARD.

One of the amendments provided that no mixed goods should be designated as *silk*, unless the value of the silk in the fabric should exceed the value of all the other materials. On this amendment Mr. CALHOUN demanded the yeas and nays, which were ordered, and it was carried in the affirmative, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Kentucky, Clayton, Davis, Dixon, Fulton, Hubbard, Huntington, Knight, Linn, Nicholas, Norvell, Porter, Prentiss, Robinson, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Wall, and Wright—24.

NAYS—Messrs. Calhoun, Clay of Alabama, Henderson, King, Lumpkin, Mouton, Walker, and Williams—8.

The other amendments from committee were severally agreed to.

Mr. HENDERSON moved an additional section to the bill, giving it effect only on and after the first day of January, 1841, and urged that this time would be necessary, in order that merchants might be prepared.

Mr. CLAY of Kentucky objected that this extension of time would be giving so much further license to the various frauds which had heretofore been committed.

Mr. WRIGHT moved the 1st of September next.

Mr. CALHOUN moved the 1st of October, and urged the additional and unnecessary difficulty which, making the time shorter than that, it would occasion the merchants.

Mr. HUNTINGTON, Mr. HUBBARD, and Mr. DAVIS replied, urging the increase of fraud that would be occasioned by this specific delay; insisting that little evil was likely to result from the immediate operation of the bill, and even if any case of grievance should arise, it would be better to remedy it by special legislation, than to allow these frauds to continue.

Mr. CALHOUN rejoined in further behalf of the merchants.

Mr. WRIGHT stated that he had received letters from merchants in New York urging some delay before this bill should go into effect. He had consequently fixed on the first of September, and he proceeded to show his reasons, in detail, for that day.

Mr. HENDERSON spoke at some length in favor of his amendment, and Mr. KNIGHT against it.

Mr. WRIGHT's amendment (Sept. 1,) to Mr. HENDERSON's amendment, (Jan. 1,) was agreed to as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Kentucky, Clayton, Davis, Dixon, Hubbard, Huntington, King, Knight, Linn, Lumpkin, Nicholas, Norvell, Pierce, Prentiss, Roane, Robinson, Ruggles, Smith of Indiana, Sturgeon, Tappan, Williams and Wright—26.

NAYS—Messrs. Calhoun, Clay of Alabama, Henderson, and Walker—4.

The amendment, as amended, (Sept. 1,) was then rejected, as follows:

YEAS—Messrs. Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Henderson, King, Lumpkin, Robinson, Sturgeon, Tappan, Walker, Williams, and Wright—14.

NAYS—Messrs. Allen, Clay of Kentucky, Clayton, Davis, Dixon, Hubbard, Huntington, Knight, Linn, Nicholas, Norvell, Pierce, Prentiss, Roane, Ruggles, and Smith of Indiana—16.

So (all delay being rejected) the bill was left to go into immediate effect.

Mr. CALHOUN movod a final limit to the operation of the bill on June 30, 1842, when the gradual reduction of duties by the compromise bill will be consummated.

This amendment was debated by Messrs. CALHOUN, CLAY of Kentucky, BUCHANAN, DAVIS, and HUNTINGTON.

The chief points in debate were, whether the declaratory parts of this bill (affecting the amount of duties) ought to continue in force after June, 1842, when inconsistent with the act of 1833; and whether the compromise act would continue the duties at or below twenty per cent. on the value of the goods, after June, 1842, without further legislation by Congress.

Mr. CALHOUN's amendment, providing that this bill should cease to have effect after June 30, 1842, was agreed to as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Hubbard, King, Linn, Lumpkin, Mouton, Norvell, Roane, Sturgeon, Tappan, Walker, Williams, and Wright—18.

NAYS—Messrs. Clay of Kentucky, Clayton, Davis, Dixon, Huntington, Knight, Nicholas, Pierce, Prentiss, Robinson, Ruggles, and Smith of Indiana—12.

Mr. BENTON moved to amend the bill by requiring that all drawbacks on articles manufactured in the United States from foreign materials subject to duty should be proportioned to the duties provided for by the compromise act of 1833.

Mr. DAVIS signified that he was not now prepared to vote on this amendment, as the subject of it, he thought, was not sufficiently understood.

On motion of Mr. WRIGHT, all the other amendments were agreed to, and the bill, as amended, was ordered to be printed.

Mr. CALHOUN introduced a resolution calling on the Secretary of the Treasury for a copy of all the circulars in relation to the revenue issued since the adoption of the act of 1832, known as the compromise act; which was adopted.

The Senate then went into Executive session, and soon after adjourned.

HOUSE OF REPRESENTATIVES,
MONDAY, July 6, 1840.

The SPEAKER laid before the House a letter from the Governor of Indiana, enclosing the resignation by Mr. HOWARD of his seat as a member of this House.

Mr. ATHERTON moved to go into Committee of the Whole on the state of the Union.

Mr. TALIAFERRO and others warmly remonstrated, expressing a wish that the committees would be first allowed to report.

Mr. DOWNING got Mr. ATHERTON'S consent to move for the printing of a bill brought in by him on notice, entitled "An act to protect the lives and property of the people of Florida, and to bring the Seminole war to an end;" which, on his motion, was read.

[We have not the means of obtaining a copy of the bill; but it proposed to give the choice of Governor of the Territory to the people—the election to take place in November next; that the service of volunteers should be accepted to fight out the war in Florida; the service to continue one year, or during the war; that *all* lands in the Territory should be taxed to raise money to defray expenses of the war, except the pay, clothing, emoluments, &c. of the volunteers, and that, to meet all other expenses of the war, *all* the public lands in the Territory be granted to the Territory, to be disposed of as the Legislature shall direct. The Governor of the Territory to have the chief command of the troops, and to conduct all military operations.*]

Mr. DOWNING moved that the bill be referred to the Committee of the Whole on the state of the Union.

Mr. CAVE JOHNSON opposed the motion, and moved the reference of the bill to the Committee on Military Affairs.

Mr. DOWNING briefly explained the object of the bill; which was, to place the further prosecution of the war in the hands of the Governor of Florida, with power to accept the services of volunteers. He said the people of Florida were tired of trusting the management of this war any longer to those who were strangers to their interests and feelings, and who knew nothing personally of the horrid cruelties which were carried on in that unhappy Territory. He wished to make it emphatically a *Florida* war; to be conducted by the people of the Territory, who should be empowered to select those most deeply interested in the result. The present militia of Florida were greatly reduced and exhausted by previous labors and sufferings in this contest. He was for receiving volunteers, and empowering them to choose their own officers. The bill empowered the Governor and Council to distribute lands to those whose property had been dilapidated and destroyed by the savage foe. In reference to this last provision, he observed that Mr. BENTON'S bill, from the Senate, proposed to give 3,200,000 acres of the soil of Florida to those who would settle on it and take military occupation of the country. That was more than would cover all that was proposed to be granted by this bill; and the Senate bill was understood to meet the approbation of the Executive.

Mr. D. traced the ill success of the war in Florida to the want of a commander, and the employment of a force not adapted to the nature of the contest.

Mr. CAVE JOHNSON said he never would consent to send such a bill to the Committee of the Whole, but was in favor of referring it to the Committee on Military Affairs; to test the question, he moved to lay it on the table; and on this motion he demanded the yeas and nays; which were ordered, and being taken resulted as follows—yeas 78, nays 39. No quorum having voted, the roll was again called, when the yeas and nays resulted as follows:

YEAS—Messrs. Adams, J. Allen, H. J. Anderson, Atherton, Banks, Baker, Beatty, Beirne, Black, Blackwell, Boyd, Burke, Bynum, Carr, Clifford, Connor, M. A. Cooper, W. R. Cooper, Craig, Cranston, Dana, Davee, Edward Davies, John Davis, Doan, Doig, Earl, Eastman, Ely, Evans, Fine, Fletcher, Floyd, Fornance, Galbraith, James Garland, Gates, Gerry, Giddings, Goggin, Griffin, Hand, Henry, J. Hill of Va. J. Hill of N. C. Hoek, Hopkins, Jackson, James, Joseph Johnson, Cave Johnson, N. Jones, Keim, Kempshall, Kille, Lincoln, Lucas, McClellan, McCulloh, McKay, Mallory, Marchand, Mason, Miller, Montanye, Calvary Morris, Newhard, Palen, Parish, Parmenter, Paynter, Pickens, Prentiss, Ramsey, Randolph, Rives, Samuels, Shaw, Slade, J. Smith, Thomas Smith, Steenrod, Strong, Taylor, Tillinghast, Toland, Turney, Underwood, Weller, Wick, Jared W. Williams, H. Williams, and Lewis Williams—93.

NAYS—Messrs. J. W. Allen, Andrews, Bell, Briggs, Brockway, Calhoun, Wm. B. Campbell, Carter, Casey, Chinn, Chittenden, Clark, James Cooper, Crabb, Crary, Cross, Cushing, Dawson, Dennis, Dellett, Everett, Rice Garland, Grinnell, Habersham, William S. Hastings, Hunt, Jameson, Jenifer, Charles Johnston, Marvin, Mitchell, Morgan, Pope, Proffit, Rariden, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Albert

*Copied from the National Intelligencer.

Smith, Stanly, Stuart, Sumter, Taliaferro, Waddy Thompson, Triplett, Trumbull, Warren, Edward D. White, J. White, T. W. Williams, Joseph L. Williams, Christopher H. Williams—54.

So the bill was laid on the table and ordered to be printed.

Mr. GIDDINGS of Ohio asked consent to offer the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report a bill making such appropriations as they may think necessary to preserve such public harbors on Lake Erie from destruction as are reported by the Secretary of War as having been injured by late storms.

Objection being made—

Mr. G. moved for a suspension of the rule; the yeas and nays were demanded, and, being taken, were—yeas 57, nays 86.

Mr. TRIPLETT, on leave, presented a memorial from certain tobacco planters; which was referred.

Mr. PICKENS wished to report, from the Committee on Foreign Affairs, a resolution for an appropriation of $25,000 for defraying the expenses of a survey and exploration of the Northeastern boundary; but

The House, on motion of Mr. ATHERTON, resolved to go again into Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and resume the consideration of the

NAVY APPROPRIATION BILL.

The question pending was the amendment to the bill submitted by Mr. CRARY, as follows:

"That the Board of Commissioners for the Navy shall prepare and lay before Congress, at the commencement of each session, a statement of the votes of each member of the board on all proceedings relative to the procurement of naval stores and materials, and the construction, armament, equipment and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States."

Mr. CRARY resumed his remarks in favor of the amendment. His object in discussing the amendment was to call the attention of the country to the errors and inefficiency of this board; to the manner in which they expended the money appropriated for the improvement of the navy. Mr. C. then went into a history of the transactions of this board, with a view to show that not only the naval service generally would be promoted by its abolishment, but that the vessels would be much better constructed. He spoke at length of the improvements in the naval service of rival commercial nations, and particularly in the ordnance; and showed that this board, instead of keeping pace with modern improvements, still adhered to their old prejudice, and obstructed much improvement. Mr. B. was in favor of introducing the bureau system, so as to fix the responsibility of the management of this branch of the service somewhere, which by the present system could not be traced any where. He concluded at 12 o'clock.

Mr. REED of Massachusetts obtained the floor, but yielded it to

Mr. ADAMS, who censured the Committee on Naval Affairs for not having considered and reported on the plan submitted by the Secretary of the Navy, for the substitution of Naval Bureaus in place of a Board of Navy Commissioners.

Mr. REED then went into a reply to Mr. CRARY's speech, noticing the most prominent points, denying his charges, demanding proof, and eulogizing the Commissioners and the Navy generally.

He was followed by Mr. HOFFMAN, who, while he admitted that there might be defects in the existing plan of a Navy Board, and professed himself to be prepared to examine the Secretary's plan for naval bureaus, (towards which his preferences leaned,) repelled the charges adduced by Mr. CRARY against the management of the Navy and the construction and arming of our ships of war, and towered into a most eloquent and stirring eulogium on the glories of our naval achievements.

He concluded at half past 2 o'clock, when the question being taken on the motion of Mr. CRARY, it was rejected.

The House then took a recess.

EVENING SESSION.

Mr. ATHERTON proposed, on behalf of the Committee of Ways and Means, the following amendment, to come in at the end of section two, viz:

And that, for the purpose of replacing the said sum of three hundred and forty thousand dollars, and the sum of three hundred and thirty thousand dollars authorized to be so applied by the act of the third of March, eighteen hundred and thirty-nine, the further sum of six hundred and seventy thousand dollars shall be, and hereby is, appropriated for the gradual improvement of the navy, to be available after the first of January, eighteen hundred and forty-one.

Mr. A. said the object of this amendment was to reimburse to the fund appropriated by the act of 1839 for the gradual improvement of the navy, the sum which had been expended, and which was proposed to be expended, for the same, for the construction of the steam vessels authorized to be built last year. This was recommended by the Department.

Mr. LEWIS WILLIAMS did not think it necessary to reimburse that fund, as those steam vessels should be considered a part of that gradual increase.

Mr. ATHERTON explained that this amendment caused no increase in the appropriations of this year, but merely provided that the money necessary to construct those steam vessels, which had been taken from the fund for the gradual increase of the navy, should be reimbursed to that fund in 1841.

Mr. REED said it was never intended that these vessels should be built out of that fund, but that it was provided by the act authorizing the construction of these vessels, that the funds should be reimbursed.

Mr. ANDERSON of Maine spoke of the necessity of reimbursing the fund to enable the commissioners to make contracts for ordnance for these vessels and other vessels for which ordnance was yet to be provided.

Mr. ATHERTON said it was necessary for the commissioners to be assured that this fund should be reimbursed in 1841 to enable them to enter into contracts in proper time, to carry out the objects for which the fund for the gradual improvement of the navy was sacredly set apart.

Mr. STANLY made some remarks in opposition to the amendment.

Mr. MASON of Ohio said so far as this amendment went to supply the deficiency created by the diversion of a former appropriation, he was willing to vote for it, but he maintained that it involved a new and distinct appropriation of more than $300,000 dollars above any thing heretofore appropriated, and was to that extent opposed to it.

Mr. STANLY further opposed the amendment, and read some articles in relation to the condition of the navy, published in 1839 in the Globe, and commented thereon.

Mr. LEADBETTER made some remarks showing the great number of officers always on land, which was owing, in a great measure, to the want of more vessels, which this amendment provided.

After a few remarks from Messrs. PROFFIT and LEADBETTER,

Mr. RHETT was understood to argue that the amendment proposed did not involve any new tax on the people for the present year, but was merely intended to make the fund heretofore appropriated available for the purposes intended, if it should be wanted in 1841.

Messrs. SALTONSTALL, ATHERTON, HOLLEMAN, REED, UNDERWOOD, and VANDERPOEL, made some remarks, showing the necessity of the appropriation, if it was the wish that the provisions of the law of 1839, for the gradual improvement of the navy, should be fulfilled; and showing that the act authorizing the construction of the steam vessels was a special appropriation for the improvement of the navy, and was never intended to be considered as a part of the improvements under the act of 1839. That the money appropriated under that act was not intended to be applied to the building of vessels, but merely to the purchase of materials, and to supply the vessels with ordnance. That if the money to reimburse was withheld it would operate to destroy the navy, and that it was idle for those who oppose the amendment to say that they were friends to the navy.

Messrs. MASON, POPE, R. GARLAND, PETRIKIN, and STANLY, opposed the amendment.

Mr. MONROE said it was a plain proposition, and simple in its character. He had no doubt the funds were properly applied. He hoped there would be no further debate; there was much business to be transacted, and no time for long speeches: he therefore expressed the hope that the committee would take the vote.

Mr. EVANS contended that this was an additional appropriation beyond the estimates. He was in favor of making a direct appropriation out of the Treasury for the constructing of these steam vessels. He was opposed to the manner of the appropriation.

After a few remarks from Mr. STANLY, in opposition to the amendment, and Mr. RHETT, in explanation of it,

The question was taken, and the amendment was agreed to.

Mr. REED proposed the following amendment, which, after a few remarks explanatory of its object, was agreed to.

SEC. 3. *And be it further enacted*, That all appropriations, and all remaining balances of appropriations, heretofore made for building, rebuilding, replacing, purchasing, or repairing, vessels of war, or other vessels, for the use of the navy, or for the purchase of timber, ordnance, or any other articles of building, arming, equipping, or repairing vessels of the navy, or for the repairs of vessels in ordinary, and repair, wear and tear of vessels in commission, together with any materials which have been, or may be, collected under any of the said appropriations, be, and the same are hereby, transferred to one head of appropriation, to be called "the appropriation for the increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission;" and the amount of said appropriation, and of such other as may be made hereafter for like purposes, and the materials which have been, or may be hereafter collected for the same, may be expended and used by the Secretary of the Navy, in building, replacing, arming, repairing, equipping, and employing any vessels which Congress may have authorized, or may hereafter authorize to be built, rebuilt, purchased, or replaced, in such manner as the interests or necessities of the service may require.

SEC. . *And be it further enacted*, That it shall be the duty of the Secretary of the Navy to cause to be laid before Congress, annually, as soon after the beginning of each year as practicable, a statement of the amounts expended during the preceding fiscal year for wages of mechanics and laborers employed in building, repairing, or equipping, vessels of the navy, or in receiving and securing stores and materials for those purposes; and for the purchase of materials and stores for the same purposes; a statement of the cost or estimated value of the stores on hand, under this appropriation, in the navy yards at the commencement of the next preceding fiscal year; the cost, or estimated value, of articles received and expended during the year; and the cost, or estimated value, of the articles belonging to this appropriation which may be on hand in the navy yards at the close of the next preceding fiscal year.

SEC. . *And be it further enacted*, That, whenever in the opinion of the Secretary of the Navy it shall be conducive to the public interest to use any article of provisions, materials, or other stores, for a different appropriation from that under which they may have been purchased for the naval service, it shall be lawful for him to authorize such use, and it shall be his duty to certify to the Secretary of the Treasury, the value or cost of the articles thus used; and the Secretary of the Treasury is hereby authorized and required to cause the proper officers of the Treasury to transfer the amount of such cost or value upon the books of the Treasury, from the appropriation for which the articles may have been used, to the appropriation from which they may have been or may be taken, so that the actual expenditure under each may be accurately shown.

Mr. ATHERTON, from the Committee of Ways and Means, proposed the following amendment to come in at the close of the bill:

"For distribution as prize money among the officers and crew of the private armed brig General Armstrong, per act of thirtieth June, eighteen hundred and thirty-four, two thousand nine hundred and seventy-five dollars and twenty cents."

Mr. ATHERTON stated that it was merely a reappropriation of part of the $10,000 appropriated to this object which had been carried to the sinking fund, and

After a few remarks from Mr. R. GARLAND, the question was taken, and the amendment was agreed to.

Mr. PAYNTER moved an amendment appropriating $100,000 for constructing a dry dock at Philadelphia.

Mr. ATHERTON made a point of order based upon the 76th rule, which provides that no amendment shall be in order to an appropriation bill, except to carry out the provisions of existing laws.

The CHAIR [Mr. LINCOLN] decided the amendment to be out of order.

Mr. PAYNTER appealed from that decision; and the question being "Shall the decision of the CHAIR stand as the judgment of the committee?" It was put, and the decision was affirmed.

Mr. REED submitted the following amendment:

SEC. . *And be it further enacted*, that the sum of sixty thousand dollars be, and the same is hereby, appropriated out of any unappropriated money in the Treasury, for the preparation and commencement of the third steam vessel of war authorized by an act of March third, eighteen hundred and thirty-nine, in addition to any materials which may be on hand suitable for such vessels.

Mr. HABERSHAM moved to amend the above by the addition of the following:

Provided, That the said steam ship shall be so constructed as not to draw more than sixteen feet of water with all her armament, provision, and other lading, necessary to prepare her for sea.

Mr. HABERSHAM explained the object of the amendment. It was to have the vessel so constructed that it would be able to navigate Southern rivers, if necessary, as a means of defence.

Mr. HOLLEMAN opposed the amendment. It was in consequence of legislation of this kind, in all probability, that the construction of vessels was imperfect, and for which the Navy Commissioners had been blamed. A vessel so constructed could not stand the sea.

The question was taken on the amendment to the amendment, and it was disagreed to.

The question recurring on the amendment of Mr. REED, it was taken, and there being 48 ayes, and 41 noes, and there being no quorum,

The committee rose, and the chairman reported that fact to the House.

On motion of Mr. NAYLOR,

The House then adjourned.

IN SENATE,

TUESDAY, July 7, 1840.

Mr. ALLEN said that, by the wording of the journal of Friday last, he was placed in a false position, and he wished it to be corrected if it could be done without a violation of the rules of the Senate. The journal states that the Senator from Missouri [Mr. BENTON] having introduced a bill to continue the existence of the banks of the District for the purpose of winding up their affairs, the Senator from New Hampshire [Mr. HUBBARD] moved to amend by substituting for it a portion of the bill from the House, placing them in a similar position with the Union Bank of Georgetown. I am there said to have made a motion for adjournment, which was negatived, &c. Now it will be recollected by every Senator who was present, that after the Senator from New Hampshire moved his amendment, the Senator from Kentucky [Mr. CLAY] moved to further amend by adding the rest of the bill from the House, which was, in effect, a recharter of banks now in a state of suspension. It was upon the motion of the Senator from Kentucky [Mr. CLAY] that he (Mr. ALLEN) predicated his motion for adjournment, and not on that of the Senator from New Hampshire, as it now appears on the journal. Mr. A. said he was not acquainted with the rule relative to the making out of the journal, and wished not to be understood as intending any censure on the Secretary, but hoped that it might be made so as to conform to the facts.

Mr. WALKER suggested whether an improvement might not be made in the mode of keeping the journals, and said that a similar occurrence took place in his own case under a former Secretary, as that just referred to by the Senator from Ohio. A bill was before the Senate of great interest to many of his constituents, to which he moved an important amendment. In the subsequent political canvass in his State, he asserted that he had made this motion, and referred to the journal for proof of the fact; but the journal being produced, no notice whatever had been taken of it. He immediately wrote to the Secretary, and then for the first time learned that except the yeas and nays were called on a motions to amend, it was not entered on the journal. The Secretary, nowever, had fortunately preserved a copy of his amendment, and sent a certificate attesting the fact of his having offered it. He thought it would be better if, in the progress of a bill, every motion to amend should be entered upon the journal.

The CHAIR stated he had been looking over the rules, and found the following on this subject:

"Rule 32. The proceedings of the Senate, when not acting in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings: but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted on the journal."

It was therefore apparent that the journal was made out as prescribed by the rule, and no censure could attach to the Secretary. To meet the views of the Senators from Ohio and Mississippi, a change of the rule would be necessary.

Mr. ALLEN said he had not the remotest intention of censuring any one, but called attention to the matter, that it might be corrected, if it could be done without a violation of the rules; and if this could not be done, that his having requested it might be noticed by the reporters for the public prints.

The CHAIR presented to the Senate a report from the Secretary of the Treasury, in compliance with a resolution of the 6th instant, calling for copies of all circulars issued since the passage of the compromise act; which was laid on the table.

Mr. WALL presented the memorial of citizens of Jersey city, in the State of New Jersey, remonstrating against the repeal of the pilot law of 1837.

Also, from citizens of the United States generally, asking that "*Raub's double self-acting safety valve*" may be of general use in steamboats in the United States.

Mr. PIERCE, from the Committee on Pensions, made unfavorable reports on House bills for the relief of Wm. Lomax, of Nathan Baldwin, and of Jas. Boylan.

Mr. NORVELL, from the Select Committee to which had been referred the the bill from the House of Representatives regulating the mileage of members of Congress, made a report, accompanied by a resolution that the bill be indefinitely postponed.

Mr CLAY took occasion to ask if the report that had just been read was from the majority of the committee. Mr. C. said that he had not been present at any meeting of the committee, nor had the Senator from Massachusetts, [Mr. DAVIS.] He said that he had brought his mind to the full conviction that the bill from the House ought to be acted on. He moved to make the report the special order for Thursday next, by which time it could be printed and laid on their tables.

On motion of Mr. NORVELL, the report was ordered to be

printed, and the motion of Mr. CLAY, making it the special order for Thursday, was agreed to.

The resolution relating to an examination, by a board of dragoon officers, of Colt's improved fire arms, was taken up, and, after being amended, was, on motion of Mr. CLAY of Alabama, laid on the table.

Mr. HENDERSON submitted a joint resolution to remit the duties on iron used by the West Feliciana Railroad, which he asked might be considered at the present time; but objection being made, Mr. H. gave notice that to-morrow he would ask leave to introduce the joint resolution.

Mr. CLAY of Kentucky, asked the Senate to indulge him in taking up out of its order on the calendar the joint resolution directing the return to the State of Kentucky of 195 stands of arms. Mr. C. having explained the merits of the case, it was ordered to be engrossed.

Mr. LINN asked to take up from the table the bill for the relief of the heirs of Miguel Estava, which, after being explained and advocated by Mr. CLAY of Alabama, was ordered to be engrossed.

The bill for the relief of James H. Clark was considered as in committee of the whole, and, after being so amended as to allow said Clark "one hundred and sixty dollars and ninety-four cents," was ordered to be engrossed.

The bill to amend an act entitled an act regulating the pay of the navy was taken up, when

Mr. WILLIAMS entered into an explanation of its merits, and a discussion ensued, in which Messrs. NORVELL, CALHOUN, DAVIS, BUCHANAN, and others participated, in opposition to the bill, on the ground that the power proposed to be granted by it to the Secretary of the Navy was more than ought to be entrusted to any individual; Mr. WILLIAMS and Mr. TAPPAN advocated it, contending that the power was wholesome, and ought to be incident to the secretary; when

Mr. WILLIAMS moved to lay the bill on the table, which was agreed to.

COLLECTION OF THE REVENUE.

The Senate resumed the consideration of the bill to ensure the more faithful execution of the laws relating to the collection of duties on imports. The question being on Mr. BENTON's amendment, providing that drawbacks on articles manufactured in the United States from foreign material, subject to duty, should be proportioned to the duties as reduced by the compromise act.

Mr. DAVIS said he had designed to make some remarks on the subject of this amendment, but having learned that the committee had expressed an opinion unfavorable to any present action upon it, he would, at this time, say nothing about it.

Mr. BENTON's amendment was rejected, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Clay of Alabama, Lumpkin, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, and Young—12.

NAYS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Clayton, Cuthbert, Davis, Dixon, Hubbard, Huntington, King, Knight, Mouton, Nicholas, Norvell, Phelps, Porter, Prentiss, Roane, Robinson, Smith of Indiana, White, Williams, and Wright—23.

The bill, as amended, was ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Kentucky, Clayton, Cuthbert, Davis, Dixon, Grundy, Hubbard, Huntington, King, Knight, Lumpkin, Mouton, Nicholas, Norvell, Phelps, Pierce, Porter, Prentiss, Robinson, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Wall, White, Williams, Wright and Young—32.

NAYS—Messrs. Brown, Calhoun, Clay of Alabama, Henderson, Strange and Walker—6.

On motion of Mr. PHELPS, the Senate proceeded to consider House bill for the relief of Sylvester Phelps, and the heirs and legal representatives of Charles Landon, deceased.

Mr. P. went at length into the merits of this bill, advocating it with much zeal, and was replied to by Mr. HUBBARD, with equal zeal, in opposition; when

On motion of Mr. CLAY of Alabama,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, July 7, 1840.

The Journal of yesterday having been read—

Mr. TRIPLETT rose and asked the unanimous consent of the House to offer a resolution, which, he said, he had for three or four days past desired to present, and which he asked might be read for information. If any objection was made, he gave notice that he would move a suspension of the rule, and ask the yeas and nays.

The resolution was then read as follows:

Resolved, That the Secretary of War report to this House, on the first day of the next session of Congress, the amount of expenditure in suppressing Indian hostilities in Florida, showing distinctly the various items of expenditure; that he report the number of troops employed in that service, and the length of time employed; distinguishing the commissioned officers from the privates and non commissioned officers, and the amount of pay to those officers, and to the non-commissioned officers and privates; the amount paid for subsistence and transportation, and the items of such expenditure separately; the other expenses under their appropriate heads, and the items of such expenditure.

Mr. C. JOHNSON objected. He did not, he said, object to the call for the information generally, but he objected to going into these details, which would swell into a volume as big as a common Bible.

Mr. TRIPLETT (under leave) said that the gentleman from Tennessee would not, he was sure, make any objection if he understood the matter. The items were called for only where they were necessary to show whether the money had been expended according to law.

I have not (continued Mr. T.) moved in this matter without reflection, and such information as convinces me that the detailed information I require from the Secretary of War is necessary to our future correct and informed legislation on future appropriations for carrying on the Florida war, as well as to know how the money we have already appropriated has been expended by the Executive. I have, with some pains and much labor, made abstracts from all the appropriation bills for suppressing Indian hostilities, and carrying on the Florida war for the years 1836, 1837, and 1838, which I hold in my hand, (which do not include the expenses of the regular army,) and they amount to $20,293,117. This House and the people have a right to know how this amount of money has been expended; and to show the House that this is not a motion connected with electioneering, I have required this information to be communicated to the next Congress—after the Presidential election is over—as I did not expect to get it at this. I believe the gentleman from Tennessee is mistaken in supposing it will make a book as big as a Bible. I believe the whole information can be communicated in some 60 or 75 pages, if it is properly and appropriately arranged, but large or small, I believe our duty to our constituents and ourselves requires us to have it. Much speculation and rumor are afloat on this subject, and we are entitled to know the truth, and I have the information in an authentic shape.

Mr. CAVE JOHNSON said he made no objection to the resolution on the ground that it was an electioneering document, or that it would affect the Presidential election one way or the other. He objected because the items would run out into a volume.

Mr. TRIPLETT then moved a suspension of the rule, and asked the yeas and nays, (the demand for which, however, he subsequently withdrew.)

And the SPEAKER being about to put the question on the motion to suspend,

Mr. C. JOHNSON withdrew his objection.

And the question being on the adoption of the resolution,

Mr. McKAY said that, as he understood the gentleman from Kentucky, [Mr. TRIPLETT,] he had stated that the aggregate amount of appropriations for the Seminole war was over $20,000,000. He (Mr. McK.) had seen a statement, prepared with great care at the Quartermaster's Department, by which the amount of appropriations, commencing in January, 1836, not only for the Seminole war, but for the suppression of Creek and Cherokee hostilities, amounted to only nineteen millions, or a little upwards. This sum of nineteen millions was confined not to operations in Florida alone, but with the Creeks and Cherokees.

And the question on the adoption of the resolution was then taken and agreed to.

The SPEAKER having announced the next business in order to be reports from committees,

Mr. BRIGGS moved a suspension of the rule for the purpose of taking up from the SPEAKER's table the bill from the Senate known as the bankrupt law.

The SPEAKER indicated to Mr. B. that it was his intention, after the morning hour had expired, to ask that, by general consent, the table should be cleared.

After a momentary conversation between Mr. BRIGGS and Mr. PICKENS, the former withdrew his motion, and

Mr. PICKENS, from the Committee on Foreign Affairs, reported a bill to provide for the expenses of making an exploration and survey of the Northeastern boundary. Read twice, and committed.

Mr. P. from the Committee on Foreign Affairs, reported back the joint resolution of the Senate authorizing the President of the United States to accept certain presents from the Imaum of Muscat, and the Emperor of Morocco, and to dispose of the same, with an amendment.

Mr. P. observed that it was highly important some action should be had on this subject, as he understood the Imaum's vessel was required to return in the last week of June, or the first of the present month. Under those circumstances, he trusted the House would dispose of the resolution without further delay.

Mr. ADAMS, after alluding to his attempt to speak upon this subject on a former day, when he was cut short by the previous question, proceeded to make some remarks on the joint resolution as amended by the Committee on Foreign Affairs. He was glad to see that the resolution, in its amended form, took away that express authority given to the President, as it was originally worded.

After some further remarks, Mr. A. said he considered this subject one of a very important character, and which required mature deliberation. He then referred to the various instances when application had been made to Congress respecting the disposal of such presents, and expressed a hope that the House would pause before giving its sanction to the resolution. He then went into an examination of the circumstances under which presents had been refused on previous occasions, and contended that the argument that a non-acceptance of the presents would give offence, was mere pretence.

The SPEAKER laid before the House a communication from the Secretary of State, accompanied by a statement showing the number of passengers arriving in the various ports of the United States from foreign countries during the last year; which was,

On motion of Mr. CURTIS, ordered to lie on the table, and be printed.

Various bills from the Senate lying on the SPEAKER's table were taken up, and appropriately referred.

BANKRUPT BILL.

The bill from the Senate, entitled "An act to provide for a uniform system of bankruptcy throughout the United States," coming up in its order for reference,

Mr. PICKENS said: Considering the late period of the session, and the almost impossibility of a full and thorough discussion on its merits—considering, also, the great interests involved, and that it embraces principles novel in our legislation, and its retrospective action being of doubtful constitutionality, and injurious to sound merchants—considering, also, that it does not propose a sooner action than the first of February next—under these circumstances, I move to lay the bill upon the table.

Mr. STANLY called for the yeas and nays on that motion.

Mr. VANDERPOEL moved a call of the House; which was ordered, and proceeded in till 180 members answered to their names; when

Mr. WELLER moved that all further proceedings in the call be dispensed with; which motion was agreed to—ayes 77, noes 55.

The question recurring on the motion of Mr. PICKENS to lay on the table, and the yeas and nays having been ordered on that motion, were—yeas 102, nays 89, as follows:

YEAS—Messrs. Judson Allen, Andrews, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Burke, Bynum, John Campbell, Carr, Carroll, Casey, Chinn, Connor, Mark A. Cooper, William R. Cooper, Craig, Cross, Dana, John Davis, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, James Garland, Gerry, Goggin, Griffin, Hammond, John Hastings, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Holleman, Holmes, Hook, Hopkins, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lucas, McCarty, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, James Rogers, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Starkweather, Steenrod, Stuart, Sumter, Sweney, Taylor, Philip F. Thomas, Waddy Thompson, Turney, Vanderpoel, Watterson, Weller, Jared W. Williams, Henry Williams, and Lewis Williams—102.

NAYS—Messrs. Adams, John W. Allen, Hugh J. Anderson, Baker, Bell, Biddle, Briggs, Brockway, Albert G. Brown, Wm. O. Butler, Calhoun, Carter, Chapman, Chittenden, Clark, Clifford, James Cooper, Crabb, Cranston, Crary, Curtis, Cushing, Davee, Edward Davies, Garret Davis, Dawson, Dennis, Dellet, Evans, Everett, Fillmore, Rice Garland, Giddings, Graves, Green, Grinnell, Habersham, William S. Hastings Henry, Hoffman, Hubbard, Hunt, Jackson, James, Charles Johnston, Kempshall, King, Leet, Lincoln, Mallory, Marvin, Mason, Mitchell, Monroe, Montanya, Morgan, Calvary Morris, Naylor, Nisbet, Ogle, Palen, Parris, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Albert Smith, Stanly, Strong, Jacob Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, David D. Wagener, Peter J. Wagner, Edward D. White, Wick, Thomas W. Williams, Joseph L. Williams, and Christopher H. Williams—89.

So the bill was laid upon the table.

Various other Senate bills were read, and appropriately referred.

The bill granting two townships of land to the University of the Territory of Iowa, which had been returned from the Senate, with an amendment, was taken up—

And, on motion of Mr. LINCOLN, the amendment was concurred in.

Mr. UNDERWOOD (on leave) presented a memorial, which was referred.

On motion of Mr. PETRIKIN, the rules were suspended, and the House resolved itself into Committee of the Whole on the state of the Union (Mr. LINCOLN of Mass. in the chair,) and resumed the consideration of the

NAVAL APPROPRIATION BILL.

The pending question was on the motion of Mr. REED, (submitted last evening, and left undecided for want of a quorum,) to amend the bill by inserting an appropriation of $60,000 for the preparation and commencement of the third steam vessel, authorized by the act of March 3d, 1839.

Mr. PETRIKIN moved to amend the bill by striking out the following words:

"SEC. 3. *And be it further enacted*, That the following sum, being the unexpended balance of a former appropriation which has been carried to the credit of the surplus fund, be, and the same is hereby, reappropriated, viz:

"For the purchase of a site and the construction of a dry dock for the naval service in the harbor of New York, as authorized by the act of the 3d March, 1835, $9,563 61."

Mr. P. contended that there were as many dry docks as were necessary to repair vessels. He alluded also to some recent invention of floating docks, which, he said, would supersede the necessity of dry docks, and which could be constructed to the number of twenty floating docks for a single dry dock.

After a few brief remarks from Mr. STANLY and Mr. FISHER in reply, the question was taken by tellers on the amendment, and it was agreed to—ayes 77, noes 67.

Mr. WADDY THOMPSON said he would vote for the appropriation for a dry dock at New York, because he believed it necessary. He wished, however, to offer an amendment making an appropriation for the establishment of a dock at Pensacola. Mr. T. then, with much force, described the advantages of Pensacola, and the great importance of our having a naval depot at that place. His proposed amendment was, however, ruled out of order.

Mr. PETRIKIN then, as a point of order, insisted that there was no law authorizing the construction of a dry dock at New York.

Mr. JONES of Virginia said the gentleman was mistaken. There had been three several acts passed; one authorizing the construction of a dry dock at Charlestown, Massachusetts; one at Gosport, Virginia; and one at New York.

Mr. PETRIKIN was understood to argue that the law giving the power in relation to the site and construction of a dry dock at New York had expired.

Mr. JONES said that the law was now in full force in the statute book.

Mr. LEWIS WILLIAMS inquired if this appropriation was included in the estimates?

Mr. JONES of Virginia replied that it was.

Mr. PETRIKIN was understood to inquire whether any estimate had been made of the whole cost of the construction?

To this question, the reply was understood to be in the negative.

Mr. LEADBETTER opposed the appropriation. He considered there were dry docks enough already, and if a vessel at New York wanted repair, why could it not be sent to Charlestown before it was too rotten, and there be repaired?

Mr. RAMSEY did not wish to raise unnecessary objections to the defence of the country or the improvement of the navy. What he wanted was that we should have a strict estimate of what such works would cost. He was opposed to the present system of plunging into extravagant expenditures in the erection of our public works. He wished gentlemen to look at our public works, and the immense difference between the estimates and the actual cost. He was opposed to the erection of a dry dock in New York, because he believed it unnecessary. He had also voted against the construction of a dry dock in his own State upon the same ground. We had already two dry docks, which cost a million and a half of dollars, and these in his opinion were amply sufficient for the number of vessels we had.

Mr. GRINNELL advocated the appropriation, and commented upon the peculiar advantages possessed by New York, which pointed her out as the most eligible spot for the erection of a dock.

Mr. SMITH of Maine called attention to the fact that by the discovery of a new channel by Lieutenant Gedney, the only plausible objection to the selection of New York for the erection of a dock, was removed. After the subject had been in agitation for five years, he hoped there would be no further objection.

Mr. JONES of Virginia, stated that as a further reason for the erection of a dock at New York, he would read a letter from the Secretary of the Navy, by which it would be seen that there were two vessels of the line at that place in so bad a condition that they could not be removed without an almost total loss.

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JULY 14, 1840. VOLUME 8.....No. 33.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 32.

Mr. J. accordingly read the letter of the Secretary, which strongly recommended the immediate commencement of the dock.

Mr. ANDERSON said, that he agreed entirely with his friend from Onio and the honorable member from Pennsylvania, that in the present exhausted condtion of the Treasury, we should make new appropriations with great care, and as sparingly as a proper regard to the paramount interests of the country would permit; and he was free to confess, that if the work for which the item of appropriation now under consideration was intended to provide, was one of those which required but little time to execute, he would prefer to postpone it until the finances of the country were in a condition better able to justify the expenditure. But it would be considered by the committee, that the construction of the work would necessarily require much time, and the appropriation now proposed would enable the Department only to take the preparatory steps towards the prosecution of the improvement contemplated.

With regard to the importance and necessity of a dry dock, not only at the Navy Yard at New York, but ultimately at all our principal naval establishments, Mr. A. entertained a strong conviction that they would be found indispensable to the successful prosecution of our naval operations. We had now but two, located at Charleston and Norfolk, and he believed it would be acknowledged by every one at all acquainted with the naval service, that this number was entirely inadequate to the present, much less the prospective necessities of the service. Were it the pleasure of the committee to provide for the construction of two works of this kind at the present session, he would with great pleasure go for the amendment of his friend from Pennsylvania, and provide for the commencement of a similar work at the navy yard at Philadelphia. But it must be obvious that in the present condition of our finances, it would be hopeless to expect that more than one of these works would be authorized at the present session; and he could not doubt that the navy yard at New York was fairly entitled to the priority, and he believed he could say that in this opinion the Committee on Naval Affairs, who had given the subject some attention, fully concurred. He would suggest, then, to the honorable member from Pennsylvania, whether he would expedite the construction of a dock at Philadelphia, by defeating the proposed appropriation for such a work at New York? If the work was as important as he fully believed it to be, Mr. A. thought it could not be commenced too soon; and he hoped, therefore, that the item of appropriation providing for its commencement would be retained in the bill.

Mr. THOMPSON of Mississippi contended that in the erection of public works, a due regard should be had to the interests of the whole country. If there were funds sufficient for building a dry dock at all, he would advocate its location at Pensacola. He then at some length described the advantages of that section of the country watered by the Mississippi, and the great injury an enemy might do by obtaining possession of it.

Mr. REED made a few remarks (in reply to a statement of Mr. PETRIKIN) in which he scouted the idea of any present discovery embracing any successful substitute for dry docks.

As to dry docks at the South, he would go for them on all proper occasions when they were shown to be necessary. The only object of the present intimation of the fitness of other places seemed to him to be to defeat the appropriation for the construction at New York.

Mr. HOLLEMAN thought that the Treasury of the country was not in a situation to enable us to build additional dry docks, but thought that if another was to be built, it was more important at Pensacola than elsewhere.

Mr. HOFFMAN deprecated the appeal which had been made, in the course of the debate, to sectional feeling—contending that the only question for the consideration of the committee was, whether a dry dock would be useful to the navy. If so, the appropriation should be made, no matter where the particular spot might be—on the East, the West, the North, or the South. He looked upon the whole system as a great measure connected with the naval defence of our country—to endure now and in all future time, to enable our navy again to go forth conquering and to conquer. Mr. H. went into an examination of the policy of constructing these works at the points most convenient, contrasting it with the policy of England, and contending that the dry docks for the navy of the United States ought to be in proportion as 3 or 4 to 1 for the navy of Great Britain, because the force of the latter was always in commission. For his own part, he would stud our coast with dry docks, beginning at the North, and going down to smaller constructions in the waters of the South, according to their depth. He would build them wherever they might be required. But a beginning must be made, and none could be more appropriate than this.

Mr. SERGEANT expressed himself in favor of dry docks, and of the appropriation now proposed for that at New York. But he put it to the gentlemen in favor of such a work at Pensacola, whether they were likely to gain their point by stoppings the appropriation for the work at New York.

Mr. TILLINGHAST also supported the appropriation; and in doing so, submitted some general remarks in relation to the peculiar fitness and advantages of the waters of the Narragansett bay for a naval depot.

And the question was then put on the motion of Mr. PETIKIN to strike out the said section.

A large majority of those present stood up in the negative, but no quorum voted.

It wanted now only about four or five minutes of the usual hour of recess, and an informal proposition was made never to mind so brief a space, but to go home to dinner like gentlemen and good Christians.

The CHAIRMAN said this could be done by general consent. Whereupon, in less than two shakes, the hall was cleared.

And the House took its usual recess until 4 o'clock.

EVENING SESSION.

After the recess,

The House went again into Committee of the Whole—Mr. LINCOLN in the Chair, on the

NAVAL APPROPRIATION BILL;

But there being no quorum present,

Mr. CUSHING embraced that opportunity for the purpose of making a few remarks in relation to the employment of a portion of our navy, and the obstructions to our commerce, occasioned by the blockade of the river La Plata; and anticipating the time when his remarks on the question of reporting the bill would be in order, and to save the time of the House, he would move to strike out the enacting clause of the bill, so as to make his remarks in order now, while the House was assembling.

Mr. C. after some further preliminary remarks, observed, among other things, that he did not mean to deny that France was sincere in her attempt to obtain redress from the Argentine Republic, for which purpose the blockade had been instituted, which interfered so seriously with our commerce.

Mr C. then proceeded to show that, although there was no actual war between France and the Argentine Republic, nor any adequate cause for war, at least on the part of France; yet the consequence to the commerce of this country and Great Britain, as neutral nations, was precisely the same as if there were actual war. He therefore wished to know if it was proper we should submit to the inconvenience of such a blockade, without an actual war between the parties. The law of nations, as hitherto understood, did not recognise in one nation a right to blockade the ports of another, to the exclusion of neutral powers, unless such blockade were consequent upon a declaration of war. He contended that the course now pursuing by France was an innovation on the law of blockade, and which subjected us to all the inconveniences of an actual war between the two countries, without giving correspondent advantages.

Mr. C. then referred to various authorities to show that he was correct in the view he had taken, and that such a blockade was an unlawful one, as it was not consequent on a declaration of war, and neither of the parties admitted an actual fact of war. The operation of this blockade upon our commerce was unjust. It was, in fact, a war in disguise upon the trade of this country and Great Britain by excluding the commerce of the two powers.

This question was also important in relation to the affairs which had grown up in the East. Mr. C. then referred to the circumstances attending the blockade of Canton by the British; and observed that if Great Britain, after protesting against the conduct of France in blockading, without an actual declaration of war, should pursue the same course herself with regard to China, then an advantage would accrue to this country: for our Government and our merchants might, upon the authority of Great Britain herself, make retaliation for the injury done us by such a blockade. And the time might, and probably would, come, when circumstances might require us to adopt the same system of peaceable blockade. It would be remembered that we were about pursuing a similar course some time ago, in order to enforce our claims on Mexico; and should England and France, the two leading powers of Europe, concur in adopting that system, then, whenever circumstances might require, we should have the right, on her own principle, to exclude Great Britain from any of the countries of Spanish America with which we might happen to have differences.

After some further remarks, in which he urged the necessity of our showing that we were alive to this matter, Mr. C. said that, as a quorum had now arrived, and he had accomplished his object, he would withdraw his motion.

The question was then taken on the motion of Mr. PETRIKIN to strike out the appropriation for a dry dock at New York, and decided in the negative—ayes 39, noes 90.

Mr. McKAY inquired of the CHAIR whether it would be in order to offer an amendment, which was read for the information of the committee, as follows:

And be it further enacted, That at least one-fourth of it warrants conferring the rank of midshipman, shall, for the future, be granted to such persons qualified according to existing regulations, as shall have been duly enlisted in accordance with the provisions of the act to provide for the enlistment of boys for the naval service, approved March 2d, 1837, as shall by their good conduct and proficieney in their duties entitle themselves to promotion, under direction of the President.

The CHAIR decided that the amendment would not be in order; and Mr. McKAY did not press it.

Mr. GIDDINGS offered an amendment appropriating certain sums for the improvement of Grand, Huron, Black, and other rivers.

The CHAIR ruled the amendment to be out of order.

Mr. DILLET said he understood that there would be no bill which it would be more appropriate to submit a motion which he intended to make, to amend, than this bill. He moved an amendment proposing to appropriate $55,450 68 to complete the improvements in Mobile harbor.

The CHAIR ruled the amendment out of order.

Mr. DILLET said the work was now in progress; and the probability was that there would be no bill which it would be more appropriately in order to amend than this, and he therefore hoped the committee would consent to admit the amendment.

The CHAIR said the amendment was clearly out of order. He would suggest to the gentleman that the House could, at any time, order a bill to be reported in accordance with his wish.

The amendment was not further pressed.

Mr. HOLLEMAN moved an amendment appropriating $25,000 for constructing barracks at Brooklyn, Charlestown, and Gosport.

The CHAIR ruled the amendment out of order.

Mr. HOLLEMAN contended that the amendment was in order—that it was to continue works upon which $50,000 had been expended on each, without completing them. The sum now paid by way of rent, was more than the interest on the amount that it would require to complete the buildings. Mr. H. dwelt on the importance of making the appropriation; and after a few remarks from Messrs. J. W. JONES and HOLLEMAN, whether the amount proposed to be appropriated had been included in the estimates, the subject was dropped.

Mr. MARK A. COOPER said he wished to have a vote on a proposition similar to one which the Committee of Ways and Means, of which he was a member, refused to entertain, that was, to reduce a certain class appropriations, including those to navy yards, twenty-five per cent. on the amount in the bill. He was induced to make the motion from a consideration of the present depressed state of the finances.

Mr. HOLMES repudiated the idea of such narrow legislation, such small economy as the reduction of twenty-five per cent. on the expenditures for our navy yards. With a country stretching over so many degrees of longitude, and with a commerce extended through the world, was it not paltry to talk about a reduction of twenty-five per cent. in the finances of the country for the repair of navy yards? Mr. H. then adverted to our deplorable condition last year, when we were upon the eve of plunging into a war with one of the greatest European powers, and urged the necessity of being prepared at all times for instant war. It was the duty of Government to be prepared for every emergency, and although the country might appear to sleep, like one of our noble seventy-fours on the bosom of the calm seas, yet should occasion require, we should then be ready to wake up in thunder upon our foes, and flash fire in the face of our enemies.

Mr. COOPER said he would go as far as any man to improve the condition of our navy. He was a friend to the navy; and if the Treasury was in a condition to justify it, he would not hesitate to make larger appropriations than now contained in the bill; but he thought that the reduction in the expenditures should be commensurate with the reduction in the revenues. His rule of action was that the garment should be cut according to his cloth.

Mr. JONES of Virginia said, if there was any one branch of the service which had undergone strict scrutiny, it was this. He was understood to say that it had undergone a reduction of fifty per cent. from former appropriations, or $75,000 less than for the same objects last year.

On motion of Mr. J. W. JONES, the bill was ordered to be reported to the House.

The bill having been read through, and the question being on concurring with the committee in their amendments, and, on ordering the bill, as amended, to be engrossed for a third reading,

Mr. WELLER moved the previous question; which received a second—ayes 77, noes 66.

Mr. HABERSHAM wished to introduce the amendment which had been offered by him in Committee of the Whole and rejected, restricting the draft of the third steam ship proposed to be built to sixteen feet water, so as to enable that steamer, if necessary for the defence of the South, to navigate the southern rivers. He demanded the yeas and nays on the question, "Shall the main question be now put?" The yeas and nays were not ordered; and the main question was ordered to be put.

Mr. PARRIS of Maine moved to reconsider the vote seconding the previous question; which question was taken by tellers, Messrs. WELLER and L. WILLIAMS acting as such, who reported that there were—ayes 48, noes 73.

So the House refused to reconsider the second to the previous question.

The question now recurring on the question of concurring with the amendments of the Committee of the Whole House on the state of the Union to the bill, and

The question being on the amendment of the Committee of Ways and Means appropriating $670,000 to reimburse after the year 1841, that amount of the fund for the gradual improvement of the navy, which had been, and is proposed to be, expended for the construction of the steamships authorized to be built last year.

Mr. TURNEY demanded the yeas and nays; which were ordered, and were—yeas 15, nays 86.

No quorum having voted, the roll was again called, and the vote was—yeas 105, nays 46, as follows:

YEAS—Messrs. Adams, Judson Allen, John W. Allen, Hugh J. Anderson, Atherton, Baker, Beatty, Beirne, Biddle, Briggs, Brockway, Burke, Calhoun, Carroll, Carter, Chapman, Chittenden, Craig, Cranston, Cross, Curtis, Cushing, Dana, Davies, John Davis, Garret Davis, Dawson, Dennis, Doan, Doig, Earl, Eastman, Ely, Fine, Fisher, Floyd, Galbraith, J. Garland, Gates, Goggin, Habersham, Hammond, Hand, William S. Hastings, John Hastings, Hawes, Henry, Holleman, Hopkins, Hunt, Jackson, James, Jenifer, Charles Johnston, Nathaniel Jones, John W. Jones, Keim, Kemble, Kempshall, Kille, Leet, Lincoln, McKay, Marchand, Marvin, Miller, Monroe, Montanya, Naylor, Newhard, Osborne, Parmenter, Paynter, Pickens, Prentiss, Randolph, Reed, Rhett, Ridgway, Rives, Robinson, James Rogers, Russell, Saltonstall, Sergeant, Shaw, Shepard, Simonton, Slade, Albert Smith, John Smith, Truman Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Tillinghast, Toland, Underwood, D. D. Wagener, Peter J. Wagner, Jared W. Williams, Thomas W. Williams, and Henry Williams—105.

NAYS—Messrs. Andrews, Banks, Blackwell, Boyd, Albert G. Brown, Sampson H. Butler, William O. Butler, Bynum, Carr, Casey, Connor, Mark A. Cooper, William R. Cooper, Dellet, Fornance, Gerry, Giddings, Goode, Green, Griffin, Hawkins, Hubbard, Joseph Johnson, Cave Johnson, Leadbetter, Lucas, McClellan, McCulloch, Morgan, Parrish, Parris, Petrikin, Pope, Proffit, Rariden, Reynolds, Thomas Smith, Stanly, Stuart, Taliaferro, Jacob Thompson, Turney, Warren, Watterson, Weller, and Lewis Williams—46.

So the House concurred with the committee in their first amendment.

The House then concurred with the committee in the amendment proposed by Mr. REED, transferring and placing under one head of appropriation the appropriation for building, replacing, and repairing vessels, and for ordnance, &c.

The question now being on concurring with the third amendment of the committee, as proposed by Mr. REED, appropriating $60,000 for constructing the third steam vessel ordered to be built last year,

Mr. PETRIKIN demanded the yeas and nays, which having been ordered, were—yeas 78, nays 52, as follows:

YEAS—Messrs. Adams, Judson Allen, John W. Allen, H. J. Anderson, Andrews, Baker, Beatty, Briggs, Brockway, Bynum, Calhoun, Carroll, Carter, Chittenden, M. A. Cooper, Cranston, Cross, Curtis, Cushing, Dana, John Davis, Garret Davis, Dawson, Dennis, Doig, Earl, Everett, Galbraith, Gates, Goggin, Grinnell, Habersham, Hand, Wm. S. Hastings, John

Hastings, Hawes, Hoffman, Holleman, Holmes, Hunt, Jackson, James, Jonifer, Charles Johnston, Kemble, Kempshall, Kille, King, Lincoln, Marchand, Marvin, Miller, Monroe, Morgan, Naylor, Newhard, Osborne, Palen, Parmenter, Paynter, Randolph, Reed, Ridgway, Robinson, Russel, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Starkweather, Stuart, Sumter, Tillinghast, Toland, Triplett, P. J. Wagner, and Tho. W. Williams—78.

NAYS—Messrs. Atherton, Banks, Beirne, Blackwell, Boyd, Albert G. Brown, Carr, Casey, Chapman, Connor, J. Cooper, Craig, Davee, Dellet, Eastman, Fine, Fisher, Floyd, Fornance, Gerry, Giddings, Goode, Green, Griffin, Hammond, Hawkins, Henry, Howard, Cave Johnson, N. Jones, John W. Jones, Keim, Leadbetter, Leet, Lucas, McClellan, McCulloh, McKay, Montanya, C. Morris, Parrish, Parris, Petrikin, Pickens, Pope, Prentiss, Proffit, Rariden, Reynolds, Rhett, Rives, J. Rogers, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Stanly, Steenrod, Strong, Swearingen, Sweney, Jacob Thompson, Turney, Underwood, Warren, Watterson, Weller, Jared W. Williams, and Lewis Williams—52.

So that amendment was concurred in.

The fourth amendment of the committee reappropriating the prize money was agreed to.

The question now being on ordering the bill to be engrossed for a third reading,

Mr. HUBBARD demanded the yeas and nays; which the House refused to order.

The question was then taken, and the bill was ordered to be engrossed and read a third time, and it was read the third time; and the question being, "Shall the bill pass?"

Mr. PETRIKIN moved to recommit the bill to the Committee of the Whole House on the state of the Union, with instructions so to amend it as to strike out the appropriation for a dry dock at New York.

Mr P. advocated his motion to recommit with much warmth. He alluded to the present state of the Treasury, and contended that we were not now prepared to expend so much money in the erection of a dry dock which was not wanted. He called upon gentlemen not to waste the money of the people in that manner. For his part, he was an advocate of equal rights; and when they legislated, it ought to be for the good of the poor as well as the rich speculators. He declared that whatever others might do, he would never vote for any thing which was in direct violation of the professions he made to the world. He called upon the House to be just before it was generous, and, above all things, to be honest. Let those gentlemen who made such professions of economy, now walk up to the chalk. Let them come up to the crack like men, and show the country their votes. If this appropriation for a useless dry dock at New York was to be made, taking $95,000 of the people's money for a beginning, which would actually cost a million, let the country see who it was that voted. He was determined to let it be seen if he could, and he desired the yeas and nays on his motion might be taken. Let gentleman come up to the chalk on the yeas and nays; let there be no skulking in the matter.

Mr. HOFFMAN then sprung upon his feet, and said that on a certain occasion after a thrilling speech in the British House of Commons, an immediate adjournment was moved, lest by other speakers the enraptured hearers should be awoke from the trance into which they had been thrown. So, said Mr. H after hearing so sublime an appeal from the gentleman from Pennsylvania, in order that the effect it has produced may not be marred by the humbler speeches of other members, I move the previous question.

Which received a second—ayes 72, noes 39.

So the motion to recommit was cut off.

The main question was ordered to be put, and the question being "Shall the bill pass?"

Mr. HUBBARD demanded the yeas and nays; which having been ordered, were—yeas 154, nays 10.

Mr. CARR inquired of the CHAIR whether it was not, under the rule, obligatory for every member in his seat to vote.

Mr. STANLY said the gentleman looked towards him; and he defied him to compel him to vote.

Mr. CARR said he did allude to the gentleman from North Carolina and others. The rule should be enforced upon them.

So the bill was passed.

Mr PROFFIT asked the general consent of the House to go into committee for the remainder of the evening, on the bill from the Senate entitled an act to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes. Mr. P. said he was willing that the bill should be passed upon without debate, and he would not debate it unless called upon to explain its provisions.

Mr. JONES of Virginia had no objection, if the bill would not give rise to debate, but he was of opinion that it would; and he did not think that this bill should be taken up in preference to the appropriation bills. They should be acted upon first.

Mr. CAVE JOHNSON said the best course to get speedy action upon the bill would be to discharge the Committee of the Whole, so as to bring it before the House; he therefore made that motion.

A debate of a conversational character here took place; and before the question was taken,

Mr. STEENROD moved that the House adjourn; which was agreed to on count—ayes 75, noes 57.

The House accordingly adjourned.

IN SENATE,

WEDNESDAY, July 8, 1840.

Mr. BUCHANAN presented the memorial of the Anti-Slavery Society of Eastern Pennsylvania, requesting Congress "to take such measures as will be most consistent with sound policy and with equal justice to all the States and all the inhabitants of the Union, for the purpose of amending the Constitution and laws of the United States, so as to abolish all requirement upon the people of this Commonwealth to participate in any manner in holding human beings in slavery."

The question upon the reception of this memorial was laid upon the table, on the motion of Mr. LUMPKIN of Georgia, and in accordance with the practice of the Senate in such cases.

Mr. PIERCE, from the Committee on Pensions, to which was referred

The bill for the relief of Gideon Sheldon; and

The bill for the relief of Jared Winslow;

reported the same without amendment, and recommended their passage.

Mr. P. also, from the same committee, made unfavorable reports on the bill for the relief of Robert Frazier and the bill for the relief of Helen Miller.

Mr. PRENTISS, from the Committee on Pensions, to which was referred the bills for the relief of William Neel, George Hommill, and Charles Risley, made unfavorable reports thereon.

Mr. HENDERSON, in pursuance of notice, asked and obtained leave to introdude a joint resolution for the relief of the West Feliciana Railroad Company; which was read, and ordered to a second reading; and after some remarks by Messrs. HENDERSON and WRIGHT, it was referred to the Committee on Finance.

The bill from the House making appropriations for the naval service for the year 1840, was read twice and referred to the Committee on Finance.

On motion by Mr. DAVIS, the bill to establish ports of entry in the States of Arkansas and Missouri, and allow debenture on foreign goods conveyed over land from such ports to Mexico, was taken up, and Mr. D. offered a substitute for the bill, the provisions of which he explained at some length.

Mr. LINN submitted some remarks in favor of the measure, in the course of which he dwelt on the value and importance of the Indian trade, and the propriety of extending the privilege of debenture to goods for the use of that trade. The import of gold dust from the upper provinces of Mexico during the last year into the town of Fulton alone, amounted in value to $420,000, and the products of the Indian trade for the same period, which reached the city of St. Louis, amounted to upwards of $450,000.

After some further remarks by Messrs. DAVIS and LINN, the amendment was agreed to, and the bill ordered to be engrossed for a third reading.

On motion by Mr. NORVELL, the bill to extend the privilege of debenture to foreign merchandise in certain cases was taken up, and after some remarks by Messrs. NORVELL, BUCHANAN, HUNTINGTON, and DAVIS, it was ordered to lie on the table.

BILLS PASSED.

The bill from the House to ensure the more faithful execution of the laws relating to the collection of duties on imports;

The joint resolution directing the return to the State of Kentucky of 195 stands of arms;

The bill for the relief of the heirs of Miguel Eslava; and

The bill for the relief of James H. Clark;

were severally read a third time and passed.

On motion by Mr. ROBINSON, the bill amendatory of several acts establishing and regulating the Post Office Department was taken up, and, after being discussed, by Messrs. HUNTINGTON, ROBINSON, DAVIS, and HUBBARD, was laid on the table.

Mr. PIERCE gave notice that, on Friday, as soon as the morning business was disposed of, he would ask the Senate to take up the bills reported from the Committee on Revolutionary Claims, a resolution upon that subject introduced by him several days since, and the bills from the House granting relief to invalid and other pensioners.

The Senate resumed the consideration of the bill for the relief of Sylvester Phelps, and the heirs or legal representatives of Charles Landon, decided; and, after a discussion in which Messrs. PHELPS and KNIGHT advocated, and Mr. HUBBARD opposed the bill, on motion by Mr. H. it was indefinitely postponed—ayes 19, noes 13.

The bill for the benefit of the Alabama, Florida, and Georgia Railroad Company was taken up, and after some remarks from Mr. BENTON in opposition, and Mr. CLAY of Alabama in favor, its further consideration was postponed until to-morrow.

The joint resolution, proposing an amendment to the Constitution of the United States, so as to limit the term of office of the judges of the supreme and inferior courts, was taken up, and Mr. TAPPAN advocated its passage at length; and after some remarks from Mr. SMITH of Connecticut, also in favor of the resolution,

On motion of Mr. HUBBARD, its further consideration was postponed until to-morrow.

The Senate then went into the consideration of Executive business,

And then adjournd.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, July 8, 1840.

Mr. CHAPMAN of Iowa moved to suspend the rules for the purpose of submitting a resolution setting apart Monday next for the consideration of business relating to the Territories.

After some debate of a conversational character, the question being taken on the motion to suspend, it was discovered that no quorum voted.

Mr CHAPMAN, at the suggestion of Mr. BRIGGS, then modified his resolution so as to set apart the first day after the passage of the appropriation bills, for the consideration of Territorial business, instead of Monday next.

Mr. WM. COST JOHNSON moved to amend by setting apart the following day for the consideration of business relating to the District of Columbia.

The rules being suspended, the question was then taken on the first branch of the motion relating to the Territories, and it was agreed to without a count.

The question then recurring on the second branch, relating to the District business, it was rejected.

Mr. ADAMS, on leave, presented a memorial from Mr. Trist, our Consul at Havana, in relation to ceriain charges against him, for which he had been arraigned before the country; and

Mr. CURTIS, on leave, presented a memorial from certain officers of the navy, complaining of the conduct of Mr. Trist. Both memorials, with the accompanying papers, were referred to the Committee on Commerce, and ordered to be printed.

The unfinished business of the morning hour was the joint resolution of the Senate in relation to the presents from the Imaum of Muscat and the Emperor of Morocco. The question being on agreeing with the same, as reported yesterday with an amendment, by Mr. PICKENS, from the Committee on Foreign Affairs,

Mr. ADAMS being entitled to the floor, resumed his remarks in opposition to the resolution, and in endeavoring to prove that the acceptance of the presents would be contrary to the former wise practice of our Government. He had not concluded when the morning hour had expired.

Mr. LEADBETTER moved to reconsider the vote by which the naval appropriation bill on yesterday was passed, for the purpose of submitting an amendment recommitting the bill to the Committee of Ways and Means, with instructions to report on the probable expense of the erection of a dry dock at New York, the probable length of time, and the propriety of commencing such a work in the present condition of the Treasury.

The question being on the motion to reconsider,

Mr. STANLY demanded the previous question, which was seconded, and the main question ordered to be put.

The main question on the motion to reconsider was then put, and decided by yeas and nays as follows: yeas 58, nays 125.

So the House refused to reconsider.

On motion of Mr. JONES of Virginia, the House then resolved itself into a Committee of the Whole House on the state of the Union, Mr. EVANS of Maine in the chair.

Mr. PICKENS stated that on yesterday he had reported from the Committee on Foreign Affairs a bill appropriating $25,000 for the appointment of commissioners to explore and survey the Northeastern boundary. There could be no objection to it, as it was conformable to the appropriation of the resolution of 1837, which had never been put into execution. One reason why the Presesident ought to be empowered to appoint these commissioners, was the fact that an ex parte report and map had been seen (although informally) which had been drawn up by the British commissioners. And although that report had not yet been accepted by that Government, yet it was highly important that our own survey should be made. The bill had been read twice, and he asked a favor that it might be taken up, reported, and passed.

Objection being made, the bill was not taken up.

ARMY APPROPRIATION BILL.

On motion of Mr JONES, the comittee took up the bill making appropriation for the support of the army for 1840.

Mr. CURTIS offered the following amendment, to come in after the 30th line of the bill, viz: "For the payment of the purchase money for the seven sites for marine hospitals on the Western waters, or so much thereof as may be necessary, which sites have been, or may hereafter be, selected by the President of the United States, in pursuance of the act of the 3d of March, 1837, forty five thousand dollars."

Mr. C. made some remarks, showing the propriety of Congress making an appropriation to carry into effect the law authorizing the President to select seven sites for marine hospitals. Six of the sites, he contended, had been actually contracted for by the board created under the law to make selections. He then went into a history of the causes of the delay, which was owing to conflicting interests between Wheeling and Pittsburgh for the seventh site.

Mr. JONES of Virginia opposed the introduction of the amendment into this bill, on the ground that it would be a departure from the rule which had governed the action of the committee, that no appropriation should be admitted except it was authorized by existing law, or was estimated for. The subject, he said, had not been brought to the attention of the Committee of Ways and Means, but was in fact before the Committee of Commerce, and that that committee had not reported the facts or merits of the question to the House. He thought the subject should go through a regular course of investigation before the committee before an appropriation should be made. If they were to legislate in this way, and to make appropriations to carry such subjects into effect, it would preclude the House from having such an opportunity for investigation of all questions before being called upon to vote, as it should have. If the Committee of Commerce had investigated the subject, the House have not been favored with the light of that investigation, and was not prepared to act upon the question. If the rules should be departed from to admit amendments of this kind, there was no telling at what time they would be enabled to report the bill. He was opposed to having the appropriation bills weighed down by amendments out of order. He hoped the gentleman offering the amendment would consent not to press the amendment, but that he would report it in a bill in regular order, and let it depend on its own merits.

Messrs. CURTIS, GRAVES, EVERETT, and BIDDLE advocated the adoption of the amendment, and contended that it was in order; and that the Government was bound in good faith to pay for the sites purchased.

Mr. STANLY opposed the amendment as being out of order, and thought that they should first provide for hospitals on the Eastern coast, and the coast of North Carolina particularly; and, accordingly, sent to the CHAIR the following amendment to the amendment, viz:

"For building a hospital at Ocracoke or Portsmouth, North Carolina, ten thousand dollars."

The CHAIR (Mr. EVANS) ruled the amendment to be out of order, there being no existing law which authorized the appropriation.

Mr. MARK A. COOPER coincided with the views of the chairman of Ways and Means, that nothing should be placed in this bill except what was strictly in order under the rule. But this was a good opportunity to test the sense of the committee whether the usual course should be departed from. If the rule was to be departed from, he had just claims of Georgia, which he would move to provide for by amending the bill. Economy of time required that the rules should not be departed from.

The amendment was further opposed by Messrs. WISE, JONES of Virginia, DAWSON, and REED, and supported by Messrs. GRAVES, BIDDLE, WADDY THOMPSON, UNDERWOOD, and PROFFIT, till 2½ o'clock, at which time the House took its usual recess.

EVENING SESSION.

After the recess, no quorum being present,

Mr. UNDERWOOD embraced the opportunity to ask leave to make a report from the select committee appointed to examine the subject of the invention for preventing the explosion of steam boilers, by Major Raub.

Mr. U. said he would merely present the report, but did not intend to ask any action upon it, until there should be a quorum. As this was a subject of great importance to the community, he hoped there would be no objection to the reception of the report.

Mr. BIDDLE objected, on which,

Mr. UNDERWOOD said he would not press the report at that time.

The House then went again into Committee of the Whole, and resumed the consideration of the

ARMY APPROPRIATION BILL.

The question pending being on the amendment offered by Mr. CURTIS for the erection of marine hospitals in the Western States,

Mr. REYNOLDS of Illinois said, he was not surprised that the gentleman from Virginia [Mr. WISE] gave the preference so much to hospitals on the Atlantic, than those on the Western

waters, where they do not exist at all. He seemed to think, also, that the Constitution did not warrant Congress in establishing hospitals on *fresh* waters. Every one is regulated more or less by early education, and the peculiar bent of mind during life. He said he would introduce a table from the spelling book, as from spelling books we may sometimes learn wise and excellent morals.

A city was seized, and the mode of defence was the question. The carpenter said that wood was the best material to use. The mason supposed stone was the best, and the tanner that leather was the best.

So with the gentleman from Virginia [Mr. WISE.] Mr. R. said, he was informed that the gentleman resides, and was raised on the shores of the Atlantic, and therefore it is very natural he should think the ocean is the most proper and only necessary place for hospitals. The same observation may be applied to himself, (Mr. R. said,) as he was raised, and now resides near the Mississippi. Each person has, very naturally, predilections for his own country.

He said, it was astonishing to him to hear any one oppose the establishment of hospitals on the Western waters, when we take into consideration the necessity for them. A great number of the most hardy and laborious class of our people is employed in navigating the Western waters; and their numbers and their business will increase with such rapidity, that it will astonish even themselves, who witness its daily progress.

Whether we obtain this appropriation for the establishment of hospitals or not, the onward march of population and commerce will not be checked or felt; but the necessity of these institutions will be increased every year. Nature has made the valley of the Mississippi the largest fertile region of country on earth. It extends from the Alleghany to the Rocky mountains, and from the Gulf of Mexico to the Lakes. This is a region of country that cannot be surpassed in fertility of soil, and mineral wealth. People in all parts of the globe know it, and are filling it up. The weight of population, the power and business of the United States, will, before long, be done in this valley. We will respect these old States as our decrepid parents; aged, respectable, and *inefficient*. This capital will not long contain the noisy bustling Congress. Congress belongs to the people, and will necessarily follow its master, the people, to their empire in the West. All these things are progressing, and the puny arm of man cannot arrest it. But it is doubted by some, if it be proper even to establish a few hospitals in this vast valley of the Mississippi.

On a recent occasion we attempted to have established a dry dock at Pensacola, which is said to be a place nearest to the mouth of the Mississippi, which is suitable for such improvements. This seemed to be an improvement to keep pace with other improvements in the valley; but we failed. New York had the power, and she got it. This may be right. It may be my feelings which make me think it so unjust. Now if we are deprived of the benefit of the hospitals, we may almost conclude that we, in the West, are not in the legislative Union at all.

Mr. R. said he placed this appropriation on an arrangement and express enactment of a law of a former Congress. It was agreed that certain hospitals should be established in the East, and certain others, on the western waters and the lakes. As far as he knew, this arrangement was carried out as to the East and on the lakes, and why not execute it also in the West? These arrangements should be held sacred and binding. We exist as a nation on a compromise and arrangement. How can we expect the people to observe the laws and perform their agreements, if we who enact the laws and make these arrangements do not show them the example. I cannot presume any individual here desires not to carry out an honest arrangement previously entered into by Congress.

Mr. R. said he would place this appropriation on the strict rules of law, and the courts of the country would give judgment that the appropriation should be made.

This whole matter rests on positive and written contract. An act of Congress authorizes the appointment of certain surgeons of the army to make selections of sites for hospitals, and to purchase such sites when selected. In pursuance of this authority, he was informed that the contracts were made, and now Congress is called on to make the appropriation to pay for these sites. It is almost useless to state, as almost all present are lawyers, that when an agent pursues his authority, he binds his principal. In this case, as the agents, as far as he knew, pursued their authority, the Government is bound to make payment according to the strict rules of law. It cannot be possible there is a member in the American Congress that is unwilling to execute a contract. If there is fraud in the transaction, it will vitiate the contract. None is alleged, and none can be presumed. If the agents have not pursued their authority, the Government in that case either would not be bound. I have not heard it proved that this was the case.

Some gentlemen say, we have no money in the Treasury for such appropriations. The Opposition say, we have a bankrupt Treasury; that we are crippled and deranged in the Treasury, &c. A poor Treasury is one of the pillars of the Democratic church. It is the best situation in which our Government can be placed; and he hoped that we might always have a poor Treasury and a substantial people.

That we have no money in the Treasury, and therefore we cannot go on with these necessary improvements, is not wise policy. It is in fact a mistaken notion, that we are not able to make these necessary appropriations. He said he had contended all this session of Congress that the nation is in a more solvent and efficient condition than it was since its existence. The want of money in the Treasury is positive proof of the fact.

The greater portion of our ordinary revenue is raised by the duty on the importation of goods from foreign countries. The importation is not so great as heretofore; and this is the greatest blessing that could be visited on the country. By this course of policy, we are continuing the alarming foreign debt for these goods. We are doing without them, and supplying ourselves with our own fabrics. Our wealth and substance are retained at home, and not drained from us to pay for foreign luxuries. And although money be not in the Treasury, arising from the importation of goods, yet the wealth and substance is with the people, who are the basis of these appropriations, and not the Treasury. This being the fact, although the money may not be in the Treasury, it is with the people, abundantly sufficient to pay these appropriations. If it be not directly available, a loan, or a further issue of Treasury notes, will not only be allowable, but praiseworthy, on such an occasion as the one now before the committee.

Mr. R. remarked that he was sorry to see his friend [the Hon. Mr. HUBBARD of Alabama,] who agreed so well with him in all matters before them on the Committee on the Public Lands, now *leaning* off from the poor workingmen who navigate the Western waters. There is no man who goes farther for pre-emptions and pre emptors than Mr. H; and, on the same principles, Mr. R. supposed his friend would join in the good cause. He must leave him—he cannot convince him.

Mr. R. could not see how the Constitution could have a *fresh* water and *salt* water construction, to be different. Commerce contemplated in the Constitution, had no such distinction; commerce may exist as well on one water as another. It may exist on land; and hospitals may as well be established on a mountain for "hog drovers" (as the gentleman, Mr. WISE called them) as on the margin of a river, or the sea, for watermen. The power is the same in the Constitution for all these cases.

Mr. R. said he may not be able on this occasion to change the vote of a single member of this committee, but he would have the consolation of his own heart that he made the effort. He knew and saw many of these sailors on the western waters; he knew their situation; he was satisfied they needed these hospitals. In a few days, on the western waters, they would change their climate from one extreme to the other, and thereby cause much sickness among them. They were poor, and compelled to resort to the rivers for a support. They would, therefore, by their avocation, be exposed to sickness, and then forced, without money, on the shores amongst strangers. They may, also, frequently be afflicted with contagious diseases, so that private families are not willing to take them into charge. These were facts which he stated, that every one knows who is acquainted with the Western waters. It is for the sake of these people; and to satisfy his own heart in relation to them, that he made these desultory remarks, without any meditation whatever, every one will see. It is the overflowing of his feelings for those men, that makes him trouble the committee on this occasion. They have always come to his rescue in the hour of need, and that time will never exist when he would desert them. He hoped, sincerely, the appropriation may succeed.

It was further advocated by Messrs. UNDERWOOD, ALLEN, TILLINGHAST, CUSHING, and REED, and opposed by Messrs. WISE, and HUBBARD.

At a subsequent period of the debate,

Mr. WISE raised a point of order on two grounds: first, as this subject had been referred to the Committee on Commerce, who had not yet reported, the present committee could not take cognizance of it; and second, that the introduction of the proposition, embracing a subject different to the bill under consideration, was a violation of the fiftieth rule.

The CHAIR decided that the motion to amend the bill was in order.

From this discussion, Mr. WISE took an appeal, but the decision of the CHAIR was affirmed by tellers as follows—ayes 50 noes 42: no quorum.

The Committee then rose, and the fact was reported to the House, when,

On motion of Mr. LEET,

The House then adjourned.

IN SENATE,

THURSDAY, July 9, 1840.

The CHAIR submitted a report from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate, a statement showing the appropriations to be expended in the District of Columbia since the location of the seat of Government therein; which was laid on the table, and ordered to be printed.

[From this statement, the total amount appears to be $9.205,995 85.]

Mr. CRITTENDEN presented a memorial from the tobacco planters of Garretsburg, Kentucky, showing the burdens to which that trade had been subjected, and joining in the views taken by the convention at Washington.

Mr. WRIGHT, from the Committee on Finance, reported House bill making appropriations for the naval service for the year 1840, with amendments.

Mr. MERRICK, from the Committee for the District of Columbia, reported the House bill to continue the corporate existence of certain banks in the District of Columbia, with several amendments; one of which provides "that the said banks shall be entitled to and enjoy all the rights and privileges conferred by their respective original charters until the fourth day of July, eighteen hundred and forty-two, unless Congress shall before that time otherwise direct, on condition that they shall, each for itself, resume specie payments on or before the fifteenth day of January next, or sooner, and simultaneous with the majority of the incorporated banks in the cities of Baltimore and Richmond, if a majority of said banks should sooner resume specie payments."

Mr. WHITE, from the Committee on Indian Affairs, to which was referred the petition of the heirs of Thomas Stewart and the petition of William Dickinson, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. from the Committee on Pensions, to which was referred the bill for the relief of Lyman Bristol, made a favorable report thereon.

Mr. W. also, from the same committee, reported unfavorably on the bill for the relief of James Fleming.

LAWS OF THE UNITED STATES.

The Senate, on motion of Mr. WALL, proceeded to the consideration of the bill to publish a stereotype edition of all the laws and treaties of the United States, the Declaration of Independence, Articles of Confederation, Constitution, &c. under the superintendence and direction of the Attorney General.

Mr. LUMPKIN moved to strike out the words in the bill which provides for giving one copy of said laws to each Senator and Representative and Delegate in Congress. He said he was opposed, utterly opposed, to the whole practice and system which had of late years increased to an alarming extent, of Congress voting books to themselves. Mr. L. said, for himself, he never had, or would, vote for the printing of a book for himself, as a member of Congress. He would buy such books as he desired for himself, or do without them. He was not prepared to say that the proposed edition of the laws was not necessary and proper; but he protested against a gratuitous distribution amongst members of Congress. If it be proper, said Mr. L. to give to the present members of Congress a new and complete edition of the laws of the United States, it would be equally proper and just to provide for a copy to be given to every gentleman who ever has or may be a member of either branch of Congress. But, said Mr. L. I will not enlarge upon the arguments which might be offered in support of the proposition which I have submitted, unless it shall become necessary from the remarks of Senators who differ with me in opinion on this subject; but will content myself by asking the yeas and nays on the question which I have submitted.

Mr. SMITH of Indiana said he would say a few words before the question was taken. He was wholly indifferent whether the motion prevailed to strike out or not. He was quite as willing to purchase his own books as any other Senator, but he considered this a small business. He had heard much and seen much on this question; he had seen the Senate refuse to distribute books useful to members in the discharge of their official duties here, after they had been paid for, and those books are now useless; and yet he had seen large boxes of public documents, bound at the expense of Government, directed by Senators to their homes. He considered these documents, as he did the franking privilege of members, beneficial to the people, as they had the use of the documents as well as the information of the member, at his residence, in the one case, and the benefit of sending their communications to, and receiving public documents from their members, in the other case, free of postage. He considered both as the privilege of the people, and used for their benefit, as well as to enable the member the better to discharge his duty to his constituents. He did not complain of this; but he had said he considered this a small business. The provision moved to be stricken out is contained in every act that had passed, as he understood

Mr. LUMPKIN said he felt himself called upon to make a few words of reply to the Senator from Indiana, [Mr. SMITH.] That Senator was so elevated in his views and feelings, that his principal objection to striking out this book provision for members of Congress, seemed to consist in its being a small, a trivial matter—a matter not worth the special attention of an honorable Senator of Congress. Sir, that gentleman and myself differ widely in feelings and opinion upon this subject. The more elevated the station, the broader the trust; in due proportion do I feel myself bound to attend to what are called small matters. Yes, sir, human life, even in those who are most distinguished and elevated, is made up chiefly of small things. It is not the lot of human life, in any condition, to find a perfect or useful character, made up exclusively of great actions.

Mr. President, he who desires to discharge his duty as a Senator on this floor, should be careful how he views with censure the consideration of matters which are, in this hall, considered of small importance. Our daily duty requires of us vigilance and attention to small things. I do not, however, sir, consider this appropriation of thousands of dollars to print and purchase books for members of Congress, a very small matter. I consider it an abuse of privilege on the part of members of Congress, which, if not checked, and put down, will be productive of evils of the greatest magnitude.

The Senator from Indiana [Mr. SMITH] seems to rely for justification in voting these books to members of Congress, upon the fact, that under the authority of Congress, members are already burdened with a most enormous amount of printing in the form of documents, which are bound up in the form of books. He has adverted to various items of extravagance in printing, and privileges of franking, and other contingencies, which have of late years become the ordinary expenses of Congress. Mr. President, the picture drawn by the Senator, of these extravagant and useless expenditures, is not too strong; but I must admit my surprise at the use which the Senator upon this occasion seems disposed to make of the facts which he has presented. The Senator's conclusion seems to be this: because Congress have become extravagant in printing and other contingent expenses, therefore we are not to resist any proposition which may be made to enlarge and increase the extravagance complained of. Sir, my object is to check all the extravagances complained of.

For myself, sir, I am heartily tired of the extravagance of Congress, in both talking and printing. As to the books printed for the use of Congress, I consider most of them useless lumber. They may serve to set off libraries, but very few of them will ever be read. I can buy more valuable books for one hundred dollars, than the intrinsic value of five hundred dollars' cost of books printed under the authority of Congress.

Mr. WALL said he did not expect this to be made a test question. The committee, in adopting this part of the bill, had adhered to former usage, leaving it to the Senate to amend as they might think proper. But Mr. W. would vote against striking out this clause, and he should then move and vote to strike out the whole section.

Mr. DAVIS said it was not a test question, and he might, perhaps, vote for the amendment, and then vote against the whole bill.

Mr. CLAY of Kentucky said he should vote for the amendment and against the bill.

The amendment of Mr. LUMPKIN, striking out the distribution to members of Congress, was agreed to—yeas 31, nays 6, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Fulton, Grundy, Hubbard, Huntington, King, Knight, Linn, Lumpkin, Mouton, Nicholas, Phelps, Pierce, Porter, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, and Young—31.

NAYS—Messrs. Cuthbert, Merrick, Norvell, Smith of Indiana, Wall, and White—6.

On motion of Mr. WALL, the whole section relating to the distribution of the work was now stricken out without dissent.

On motion of Mr. CLAY of Alabama, the private and local laws were required to be published in volumes separate from the public and general laws, and the general index to be published in a separate volume.

On motion of Mr. TAPPAN, the publishers, instead of being limited to the edition of 2,000 copies, were authorized to supply the general demand for the work at such a price as the Attorney General should deem a fair, proper, and reasonable compensation.

Mr. HUBBARD moved to strike out the sum of $3,000, as compensation to the Attorney General, and appropriating that sum for the preparatory expenses [illegible]dant on the work.

This was advocated by Mr. HUBBARD, opposed by Mr. CLAY of Alabama, and by Mr. GRUNDY, and rejected as follows:

YEAS—Messrs. Allen, Benton, Calhoun, Davis, Hubbard, Huntington, King, Lumpkin, Mouton, Preston, Roane, Ruggles, Tappan, and Walker—14.

NAYS—Messrs. Buchanan, Clay of Alabama, Clayton, Cuthbert, Dixon, Fulton, Grundy, Norvell, Phelps, Smith of

Indiana, Strange, Sturgeon, Wall, White, Wright, and Young—16.

Mr. RUGGLES moved to reduce the compensation and expenses of the Attorney General from $3,000 to $2,000. After a long delate by Mr. R. for, and by Messrs. WALL, GRUNDY, BUCHANAN, and CRITTENDEN against this amendment, it was agreed to, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Calhoun, Clay of Kentucky, Davis, Dixon, Hubbard, Huntington, King, Knight, Linn, Lumpkin, Mouton, Pierce, Preston, Ruggles, Smith of Connecticut, Smith of Indiana, Tappan, White, and Young—22.

NAYS—Messrs. Buchanan, Clay of Alabama, Clayton, Crittenden, Cuthbert, Fulton, Grundy, Merrick, Norvell, Phelps, Porter, Roane, Strange, Sturgeon, Walker, Wall, Williams, and Wright—18.

Mr. HUNTINGTON inquired if the committee had made any estimate of the whole expense of the work, a point which he deemed important, in the present state of the Treasury.

Mr. WALL said, not with accuracy; but it was judged that the work would cost from $1 12½ to $1 75 per volume, (of seven volumes.)

On the question of engrossing the bill, the yeas and nays were ordered, and the bill was rejected, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Fulton, Grundy, Linn, Pierce, Smith of Indiana, Strange, Sturgeon, Tappan, Walker, Wall, White, Williams, Young—17.

NAYS—Messrs. Buchanan, Calhoun, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Dixon, Hubbard, Huntington, King, Knight, Lumpkin, Merrick, Mouton, Norvell, Phelps, Porter, Preston, Roane, Ruggles, Smith of Connecticut, Tallmadge—23.

SPECIAL ORDERS.

The first special order being the joint resolution introduced by Mr. TAPPAN, so to amend the Constitution of the United States as to limit the tenure of office of the judges of all the courts of the United States, was taken up.

Mr. CLAY of Kentucky moved to lay this resolution on the table, with a view to take up the bill from the House to regulate and equalize the mileage of members of Congress.

Mr. WALKER called for the yeas and nays, which were ordered, and the motion of Mr. CLAY was negatived—yeas 21, nays 22, as follows:

YEAS—Messrs. Calhoun, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Dixon, Henderson, Huntington, Knight, Merrick, Nicholas, Phelps, Porter, Preston, Roane, Ruggles, Smith of Indiana, Tallmadge, Wall and White—21.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Norvell, Pierce, Smith of Conn. Strange, Sturgeon, Tappan, Walker, Williams, Wright, and Young—22.

Mr. CLAY of Kentucky, said this day had been expressly assigned for the consideration of the mileage bill, and, under the circumstances, he deemed it improper that any other should take precedence of it. It had been brought to this House three or four weeks ago, and had not been reported on by the committee till within three or four days; and there had never been a formal call of the committee to act upon it. He moved, therefore, to postpone the joint resolution on the Constitution, and make it the order of the day for Monday next.

Mr. NORVELL said, that he should not feel himself called upon to notice any thing which had fallen from the honorable Senator, [Mr. CLAY of Kentucky,] but for the imputation, implied at least, cast by that Senator upon him as chairman of the committee on the mileage bill. When the bill was referred to the committee, three or four weeks ago, he had before him one or two subjects of equal importance with the mileage bill. The charter of the city of Washington—a subject referred to another committee, of which he was chairman, one week before the reference of the other measure—had occupied his attention for nearly three weeks: and when the committee had despatched that matter, so far as to report it back to the Senate, he was ready to act upon the mileage bill. The Senator from Kentucky was then absent in Virginia. Upon his return, the Senator called on him to ascertain when he would convene the committee, and added that he could not or should not attend the meeting, but that he wished to be considered as in favor of the bill. The Senator from Massachusetts, [Mr. DAVIS,] another member of the committee, was immediately informed of what had been said by the Senator from Kentucky. He, too, had expressed his desire to be set down as in favor of the bill. It then only remained for him to consult the remaining members of the committee. That he had done, and the result was the report which had been made against the bill, with a recommendation that it should be indefinitely postponed. He had deemed it proper to say thus much in explanation, and to repel the unwarrantable imputation attempted to be cast upon him by the Senator from Kentucky.

The motion was then debated at considerable length, in which the merits of the two antagonistical questions were to some extent discussed by Messrs. CLAY of Alabama, WALKER, TAPPAN, CALHOUN, and ALLEN.

Mr. LUMPKIN said: Mr. President, having just voted against laying the resolutions of the Senator from Ohio on the table, and intending now to vote in favor of the postponement of their consideration till Monday next, I consider a word of explanation due to myself and the Senate. My vote against laying on the table was given under the impression, that such a disposition of the subject might be construed into a disapprobation of the proposed amendment of the Constitution, when, sir I feel no such disapprobation. I have long believed, that no man living is entitled to a life estate in any office whatever, under the true spirit of our institutions. But, sir, the importance of the subject well entitles it to the grave and deliberate consideration of the Senate. We should never act precipitately when considering a subject involoing an important alteration in our fundamental law, the Constitution of our country, bequeathed to us by the fathers of our glorious Revolution. I consider the proposition to postpone for a few days only, as varying the question. It gives time for further deliberation, without the slightest indication of opposition to the proposed amendment.

Moreover, sir, I am as anxious as the Senator from Kentucky [Mr. CLAY] to have the direct and speedy action of the Senate upon the subject of fixing the mileage of the members of Congress. The House of Representatives have sent us a bill upon the subject, and it is our duty to pass upon the merits of that bill. I am fully prepared to say, the existing law or the practice which obtains under its provisions, demands speedy and decisive correction. The law upon this subject should have a uniform and well defined construction. Every member of Congress should be placed upon the same footing, and the custom should no longer be countenanced of members from the same neighborhood receiving mileage compensation, greatly varying in amount, which I understand is the case at present. Under these considerations, I shall vote for the postponement of the resolutions until Monday next, when I hope they may be taken up and further discussed.

Mr. CLAY's motion was carried in the affirmative—yeas 21, nays 19, as follows:

YEAS—Messrs. Calhoun, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Dixon, Henderson, Huntington, King, Knight, Lumpkin, Merrick, Nicholas, Phelps, Porter, Preston, Roane, Ruggles, Smith of Indiana, and White—21.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Grundy, Hubbard, Linn, Mouton, Norvell, Pierce, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, and Young—19.

The other special orders were now postponed, by consent, and the mileage bill was taken up for consideration.

Mr. NORVELL moved its indefinite postponement.

Mr. CLAY of Kentucky said he had a few remarks to make on that motion, and would proceed now, or wait till to-morrow morning, at the discretion of the Senate.

Mr. FULTON moved an adjournment, which was carried in the affirmative, as follows:

YEAS—Messrs. Buchanan, Calhoun, Clayton, Crittenden, Davis, Dixon, Fulton, Grundy, Henderson, Huntington, Knight, Merrick, Porter, Preston, Roane, Ruggles, Smith of Indiana, Sturgeon, Walker, White, Young—21.

NAYS—Messrs. Allen, Benton, Clay of Alabama, Hubbard, King, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Smith of Connecticut, Strange, Tappan, Wright—14.

So the Senate adjourned.

MESSRS. BLAIR AND RIVES: I was necessarily absent when the vote was taken to lay the Bankrupt bill, from the Senate, on the table. Had I been in my seat, I should have voted in the affirmative.
JOHN WHITE.

HOUSE OF REPRESENTATIVES,

THURSDAY, July 9, 1840.

The unfinished business of the morning hour was the joint resolution of the Senate authorizing the disposal of the presents from the Imaum of Muscat; the question pending being on agreeing to the same as amended by the Committee on Foreign Affairs.

Mr. ADAMS being entitled to the floor, resumed and concluded his remarks in opposition to the resolution, and in censuring the conduct of our Consul for receiving the presents. He also argued at some length, showing the unconstitutionality of receiving such presents; and after he had concluded,

Mr. PICKENS said he would detain the House but a very few minutes in his reply to the gentleman from Massachusetts.

In the first place he would observe, with very great deference to the superior judgment of the gentleman, that more time had already been consumed than the merits of the case required. It also struck him that the venerable and very learned gentleman from Massachusetts had attached more importance to this particular case than it deserved.

In answer to the question of the gentleman as to whether I would sanction this as a general law, I most unhesitatingly and distinctly answer in the negative. So far from sanctioning a general law for the reception of presents from all foreign powers, I would be the very last man on this floor who would agree to it. On the contrary, I would most strenuously inculcate the policy recommended by the circular, directed to our foreign agents by General Jackson, prohibiting the reception of such presents.

But the circumstances of the present case are peculiar. The question is not whether the President, or any other officer, shall be authorized to accept the presents for his own private use, because they have been expressly refused by the officers of Government. The question is, whether, under the circumstances of the case, Congress shall control the presents, and dispose of them in the most convenient and suitable manner.

The President does not come here and ask us to authorize him to receive the presents for his own private benefit; they are tendered to the Government and people of the United States, as a mark of friendship and regard from Barbarian powers.

The gentleman asks what authority Congress has to act in this matter? I refer him to that section of the Constitution he himself has quoted, where officers are forbidden to accept presents unless by the consent of Congress.

But, in this case, we do not even assume the right of authorizing the officers to receive them. Our agents have refused them, and they are tendered to us now as the Representatives of the American people, and becomes us to act in accordance with the single provision of the Constitution, and dispose of this matter in a way most suitable to the public interest, and consistent with the national delicacy under all the circumstances of the case. A portion of these presents have been forced upon our Consul at Tangier, and are, in all probability, on their way to this country, and the other portion have been sent here by the Imaum of Muscat, not knowing our constitutional prohibition on the subject, and are with his agent in New York, tendered to the Government.

I have said that, in my opinion, the gentleman from Massachusetts has attached too much importance to this case. I think also that he has visited this poor Consul at Tangier with as unrelenting vengeance as certain persons of old did when they threw Daniel into the lion's den; the gentleman too, in this case, would have him given up to the mercy of the lions. As the Consul escaped, in the first instance, being torn to pieces by these beasts, the gentleman now thinks it his duty to perform the operation.

But, said Mr. P. I must be allowed to say that in my judgment, the gentleman has in several parts placed a forced construction upon that correspondence.

I join with him most fully, that our Consul ought not to submit, in the slightest degree, to the dictates of a tyrant, or to be intimidated into a deviation from his duty by the threats of any foreign power.

It is the motive that constitutes a just cause of offence. We should examine into the circumstances of the case, and see what intention governed the officer of the Emperor. Was it his intention to show our agent a mark of respect and regard, or was it his intention to treat us with contempt, and to insult our power?

Now the least reflection and examination of the correspondence will show that it was quite the reverse of disrespect; and that so far from our Government being treated with contempt, the greatest respect and kindness were intended. There was no want of respect to our Government manifested in the manner in which the presents were tendered to our Consul.

Who did not know that different nations had their own peculiar modes and forms, by which they addressed each other?

Among the different civilized nations of Europe, it was true, they understand the art of diplomacy, and their expressions of friendship and kindness were presented to each other upon scented rose paper, although the deadliest feelings of hostility might be entertained in fact.

But among barbarous nations, the case was otherwise. They had not learnt such refined hypocrisy. They acted on the old fashioned custom which prevailed at the foundation of society, and offered to foreign nations, towards whom they felt kindness, presents peculiar to their own country and identified with their soil or climate.

Sir, said Mr. P. I submit to the gentleman from Massachusetts whether this was not the leading motive of this officer of the Emperor of Morocco, and whether it was not friendship and respect for us, and fear of his master, which governed him in the course he adopted. It was true he had not the refinement to send a diplomatic note on rose paper, but he presented the articles in a mode peculiar to his own country, rude and barbarian, it is true, but nevertheless from no bad motive, or design to insult our power or Government.

Under these circumstances, I submit whether the Consul was justly liable to the indignation of the gentleman from Massachusetts.

He may have worded his letter improperly, and perhaps incorrectly; but, under all the circumstances of the case, he (Mr. PICKENS) submitted whether the national honor could, in the least, be affected by the reception of the presents.

If the officer of the Emperor had acted from any other motives than kindness and respect, then I would have gone with the gentleman in his censure of the Consul. If the Consul had tarnished our button, that emblem of our national honor, by submitting to dictation or intimidation; if he had suffered our national dignity to be trampled upon in his person, then I would go with the gentleman from Massachusetts, and declare that the Consul should be torn to pieces, rather than suffer his country to be dishonored.

But I think the gentleman has vastly exaggerated this matter. I appeal to him as to whether, in our intercourse with independent Indian tribes, we do not submit to their peculiar customs. For instance, in our intercourse with the independent tribes beyond the Rocky Mountains, would we not comply with their peculiar customs?

Now suppose the gentleman from Massachusetts should be sent as an agent from the United States to one of those independent tribes, on a mission involving the interests of his country, would he refuse to submit to their peculiar modes of proceeding, and offers of friendship? Suppose they were to offer the pipe of peace to the venerable gentleman, as they always do on such occasions, and which is the invariable practice of these rude nations, would the gentleman submit to take it from their mouths, or would he reject the offer with anger, and with his bosom fired with indignation, spurn it, and denounce it as an insult to the honor and power of the country he represented, calculated to degrade us? No: he was sure the gentleman would do no such thing. That gentleman, who had represented us with so much honor in the various courts of Europe, upon momentous questions, had too much sound sense to refuse to comply with the mode and customs of the tribe to whom he was sent. No, the gentleman would comply, and then we should see the venerable diplomatist sitting cross-legged at the council fire, with the pipe of peace in his mouth, however ridiculous it might appear in the refined eyes of civilized people, as to mere attitude.

It is a rude custom, and we submit to these things from the kind motives that attend them. So it was with these beasts the motives with which they were forced upon our Consul were all kind and friendly.

Mr. JONES here called for the orders of the day; but Mr. PICKENS said he would not detain the House five minutes longer, and wished the matter disposed of without any further debate.

Mr. P. then alluded to the cases put by Mr. ADAMS as precedents, when Congress had refused. The first case was the one in 1798, when Mr. Pinckney of South Carolina applied to the House in relation to the acceptance of certain presents. He had been our Minister to Spain and England, and they had tendered him presents.

Now, said Mr. P. I ask the gentleman if that is a parallel case? Is there any similarity between that case and the present? There is a wide difference between the two cases.

Mr. Pinckney was then a member of this House, and when the presents were offered to him, he very properly submitted the matter to the Speaker, and the House decided that he should not receive them. In that case the presents were designed for the private use and benefit of Mr. Pinckney, and not as in this case, when the articles were tendered to the Government and people of the United States. In this instance the presents were not for the private use or benefit of any public officer, but were tendered to us to make such disposition of them as we might deem proper. They had been properly refused by our officers, and were now the offerings of friendship from barbarian powers. In the case of Mr. Pinckney, they were offered from civilized nations, who knew better, and for the private use of Mr Pinckney. In that case the House decided, and decided properly, that he should not receive them, and I hope would so decide again, when the case occurred. As to the other case, when a tract of land was presented to General Jackson and Colonel Hawkins by the Creek Indians in 1814, that had no similarity with this affair. The land was presented to Jackson and Hawkins as individuals, and out of respect and admiration to them as men, and not out of regard or respect to our Government. It was purely a private donation, and nothing public in it, except that it was offered from a nation of Indians. There was a case, however, in the session of 1834–35, when we received and ordered two horses and a lion to be sold by the President, without objection, and the proceeds of the horses were placed in the Treasury, and of the lion divided amongst the Orphan Asylums of this District by General Jackson.

Mr. P. then asked to be allowed to refer to a transaction, honorable to the Imaum of Muscat, and which would do honor to any Christian prince in Europe. It was well known that he was one of the most powerful princes of Africa; his dominions skirted the shores of the Per-

sian Gulf, and he claimed tribute from powerful tribes that extended far along the Southern coast of Africa. In 1835, the Peacock, one of our vessels of war, had on board a treaty signed by the Imaum, very favorable to us, and ran upon one of the coral reefs in the Persian Gulf, where she was left in an exposed situation, without a gun to bear, and subject to the attacks of the powerful Bedouins that infest those coasts. It was 200 miles from the Imaum of Muscat; the captain sent an open boat, through great danger, to apply for his assistance. He promptly despatched men to their aid, and sent the very vessel now lying in the port of New York to relieve them, and gave orders that he would hold the surrounding tribes responsible for any injury done to our vessels.

By this generous assistance the Peacock got afloat with the loss of eleven guns, and sailed to Bombay to be refitted. But the Imaum, not satisfied with what he had done, recovered the guns with great difficulty, and actually sent them to Bombay, a thousand miles off, at great expense and trouble. They arrived just before the Peacock was about to sail, and were presented to her.

This was a gallant and a noble act of generosity, that would have done honor to any Christian prince or State. Mr. P. did not know whether it had ever been publicly returned and acknowledged—it came from an expanded heart, and was worthy of our admiration.

Mr. P. then concluded by saying that the amendment of the committee proposed to give the proceeds of these presents to the institutions for the support of orphans in this District—an object worthy of the sympathy and undivided support of every humane and Christian heart. If this amendment were adopted, we would then exhibit the remarkable spectacle of the descendants of Ishmael bearing presents from the desert, destined to contribute to the support of the helpless and fatherless of their Christian and more civilized brethren.

Mr. P. concluded by hoping the House would so dispose of them, and demanded the previous question.

Mr. EVERETT solicited the gentleman from South Carolina to withdraw the amendment, to enable him to introduce a proposition to recommit the bill to the Committee of Foreign Affairs, with instructions to inquire into the expediency of reporting a bill making an appropriation for defraying the expenses of the repairs of the ship Sultana, belonging to the Imaum of Muscat, and for her supplies while here and on her return home; and for making such other complements to the Imaum of Muscat for the signal relief afforded to the United States sloop of war Peacock, as the President shall deem proper.

Mr. PICKENS persisted in his motion for the previous question, which received a second, and the main question having been ordered; which main question was, Shall the House concur with the Committee of Foreign Affairs in their amendment to the Senate bill?

[This amendment authorizes the President to dispose of the said presents (without in terms authorizing their acceptance) the proceeds thereof to be divided among the charitable institutions for orphans in this district.]

Mr. ADAMS demanded the yeas and nays on that motion; which, having been ordered, were—yeas 69, nays 89.

So the House refused to concur in the amendment of the committee.

The question now being on ordering the bill to be engrossed and read a third time—

Mr. ADAMS demanded the yeas and nays on that motion; which, having been ordered, were—yeas 75, nays 87, as follows:

YEAS—Messrs. J. W. Allen, Atherton, Banks, Beatty, Black, Botts, Boyd, Albert G. Brown, Burke, William O. Butler, William B. Campbell, Carr, Chapman, Connor, William R. Cooper, Craig, Cross, Dana, John Davis, Doan, Doig, Earl, Eastman, Ely, Fisher, Floyd, Galbraith, Gerry, Goggin, Griffin, Hand, John Hastings, Hook, Hopkins, Jackson, Jameson, Joseph Johnson, Keim, Kemble, Kille, Leadbetter, Leet, Lucas, McCulloh, Mallory, Marchand, Miller, Montanya, Samuel W. Morris, Parrish, Parmenter, Parris, Pickens, Pope, Prentiss, Rariden, Rayner, Robinson, Samuels, Shaw, Albert Smith, Starkweather, Steenrod, Strong, Swearingen, Sweney, Taylor, Turney, Vanderpoel, David D. Wagener, Watterson, Weller, Wick, Jared W. Williams, and Henry Williams—75

NAYS—Messrs. Adams, Judson Allen, Andrews, Baker, Barnard, Beirne, Blackwell, Briggs, Sampson H. Butler, Calhoun, Carroll, Carter, Casey, Clark, Clifford, James Cooper, Mark A. Cooper, Crabb, Cranston, Crary, Crockett, Curtis, Cushing, Davee, Davies, J. W. Davis, Garret Davis, Dawson, Dennis, Dellet, Dromgoole, Edwards, Evans, Everett, Fillmore, Fine, Fletcher, Fornance, James Garland, Gates, Goode, Wm. S. Hastings, Henry, Hoffman, Hunt, James, Chas. Johnston, Nathaniel Jones, Kempshall, King, Lincoln, McCarty, McClellan, McKay, Marvin, Mason, Monroe, Calvary Morris, Nisbet, Ogle, Osborne, Palen, Petrikin, Proffit, Randolph, Reynolds, Ridgway, Russell, Shepard, Simonton, Slade, Stanly, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Christopher Williams—87.

So the joint resolution was rejected.

Mr. J. W. JONES moved to suspend the the rules, and that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. EVERETT endeavored to prevail upon the chairman of Ways and Means to waive his motion, for the purpose of admitting his motion to recommit the resolution above rejected, with the instructions indicated.

Mr. JONES would not yield, and the question was put and agreed to.

ARMY APPROPRIATION BILL.

The House resolved itself into Committee of the Whole House on the state of the Union, [Mr. EVANS in the chair,] and resumed the consideration of the bill making appropriations for the support of the army.

The CHAIR stated that the question pending when the committee rose on yesterday was the appeal taken by the gentleman from Virginia [Mr. WISE] from the decision of the CHAIR, that the amendment proposed by the gentleman from New York, [Mr. CURTIS,] making an appropriation of $45,000 for the purchase of sites on the Western waters on which to erect marine hospitals, was in order.

Mr. CLIFFORD said the subject of the marine hospitals was pending before the Committee of Commerce, and it was certainly not in order to arrest the action of that committee, by introducing an amendment appropriating for the object, which they had not even reported their views to the House upon. He contended that the amendment and decision of the CHAIR came in conflict with the 50th rule of the House, which says that no proposition should be submitted under color of amendment, different in character and principle, for the bill or subject under discussion. This rule was no doubt adopted to prevent a system of logrolling when the appropriation bills should be up for consideration- it was done so as to let every proposition stand on its own peculiar merits. It is a proposition having no relevancy to the bill before the House--it is totally different in principle--the bill pertains to matters connected with the army, and the amendment is a matter more relevant to the navy bill. If the committee should depart from the rule which had governed it so far, and admit this proposition, proposition after proposition totally irrelevant and out of order, would be proposed; and thus consume all the time of the House, without accomplishing any good purpose. It was out of no feeling of hostility to the proposition itself that caused him to oppose its introduction into this bill; but if it was upon its own merits, he would be in favor of a proper distribution of hospitals. But the subject had not been investigated, and it was yet pending before the committee, and he could not consent, even if the amendment were not in order, to vote for it.

Mr. McKAY then read the rule which required that the Committee of Ways and Means should report the several appropriation bills within thirty days, each bill appropriating to specific and distinct classes of objects authorized by law; from which he argued that it was never intended that amendments entirely different in principle from the bills, and not provided for by existing laws, should be appended as amendments. Notwithstanding the rule requires that the bills should be reported separately, the committee might, with the same propriety, amend the army bill, by attaching to it the whole navy bill, as to admit this amendment, which was more relevant to the navy bill than to the bill under consideration. He hoped the decision of the CHAIR would not be sustained.

The appeal was further debated by Messrs. WISE, STANLY, ATHERTON, and McKAY, in opposition to the decision of the CHAIR, and by Messrs. DAVIS of Indiana and BRIGGS in favor of his decision.

The question "Shall the decision of the CHAIR stand as the judgment of the House?" was taken by tellers, and resulted—ayes 57, noes 66.

So the decision of the CHAIR was reversed, and the amendment declared to be out of order.

The item appropriating $50,000 for repairs and improvements at Harper's Ferry having been read—

Mr. RICE GARLAND desired to be informed why the appropriation was so large?

Mr. JONES of Virginia, explained that the appropriation had been rendered necessary for repairs, &c. and referred to the items setting forth the particular objects for which the money was required.

Mr. WISE desired to be informed by the chairman, or some member of the Committee on Military Affairs, whether the Government continued to expend money at the armories for the manufacture of Hall's patent rifles?

After a moment's delay—

Mr. MONROE was understood to say that a few were still manufactured.

Mr WISE went on to say that the rifle was useless, and that he would not allow the one he had had to stay about his house. It was more dangerous to the man who had to use it than it was to an enemy. Mr. W. explained how and why. Improvements, he said, were going on every day. Colt's rifle was said to be better; so was Cochran's; and there were others. He was willing to appropriate money for experiments in arms, but the country ought to be very careful in adopting any. He was told that 10,000 of Hall's rifles had been manufactured for the Government. All this money had been thrown away; and he hoped that proper attention would be given to the subject.

Mr. MONROE was glad, he said, that the gentleman from Virginia [Mr. WISE] had taken up the subject. This rifle was not a favorite with him, [Mr. M.] But the gentleman would best obtain his object by offering a resolution directing that these arms shall not be given out, or adopting some other course by which the object can be effected.

Mr. WISE offered an amendment, in the shape of a proviso, declaring that none of the money hereby appropriated shall be expended in the manufacture of Hall's patent rifle.

Mr. GRAVES raised the question that the amendment was out of order, on the ground that it was not in order, on an appropriation bill, to regulate the sort of arms that shall be used.

The CHAIR had some doubts, he said, on the subject, but finally decided that the amendment was not in order.

Mr. WISE appealed from that decision.

And the question being, "Shall the decision of the CHAIR stand as the judgment of the committee?"

The appeal was debated by Messrs. GRAVES, MONROE, WISE, PROFFIT, LUCAS, and WADDY THOMPSON, when

Some conversation took place between the CHAIR and Mr. WISE, from which it appeared that when the CHAIR had decided the amendment of Mr. W. to be out of order, he had done so on the ground that it was not relevant to any clause of the bill under consideration; but the CHAIR intimated the opinion that it would be in order hereafter.

Mr. WISE thereupon withdrew his appeal, giving notice of his intention to renew it at the end of the bill.

Mr. RICE GARLAND (not being satisfied, he said, with the explanations of Mr. JONES of Virginia, why so large an amount should be appropriated for the armory at Harper's Ferry) moved to reduce the amount from $50,000 to $25,000.

Mr. JONES of Virginia said this appropriation, it was true, was something larger than at previous years; but it would be recollected that the appropriation was withheld entirely last year. The money was to be expended on very important objects; it was to repair the buildings, erect a new forge, and to place this armory in a condition to manufacture arms with more facility. The supply of arms was entirely inadequate to the wants of the country, if, in case of emergency, the arms should be needed. The amount was as low as it ought to be for the purpose to which it was to be applied. If it was reduced, it might be that it could not be so applied as to make it at all useful. He hoped the reduction would not be made.

Mr. COOPER of Georgia said if the gentleman from Louisiana [Mr. GARLAND] would move to reduce all the items 25 per cent. he would go with him.

Mr. MONROE was opposed to the reduction. It would destroy the effect of the whole appropriation. When he was in the army he had an opportunity of witnessing the bad effect of such a course. Frequently the object of the appropriation was annulled by such an unmeaning reduction. It could not be applied, because it was inadequate to effect the object, and would prove a waste if it were to be applied. There was no economy in such a course. When we get the arms manufactured they are in the hands of the people. He was in favor of large and judicious appropriations to objects of defence. He would go so far as to place in the hands of the militia works on military tactics, to give them all the information which would contribute to make them useful when their services were needed in the field; but he was told that the Treasury would not bear it. Such economy as this was not regarding the great interests of the country. He was for an increase of the arms and munitions of war.

Mr. MARK A. COOPER said, he was not surprised at the views of economy of the gentleman from New York. They were such as might be expected from a gentleman coming from that section of country. He comes from a quarter that holds to the principle that they should go in debt if there was not money to supply what might be conceived to be their want.

Mr. R. GARLAND said, he was disposed to make all proder appropriations to keep up the arsenals. This appropriation was not an ordinary one, and there should be good reasons shown why it should be made. In the present state of affairs he was in favor of small appropriations.

Mr. MONROE could not consent to reduce appropriations of this kind, considering the state of defences of the country. He was for putting the army and navy in a condition that would cope with any power.

Mr. WADDY THOMPSON maintained that this was no proper time to make improvements of any kind, considering the exhausted condition of the Treasury. Even if it should reduce the manufacture of arms, he would go for it. But if it was reduced it would not touch such manufacture.

The question was then taken on the motion to reduce, and disagreed to without a count.

Mr. RARIDEN wished to inquire from the Chairman of the Committee of Ways and Means, whether any estimate from the Cumberland Road had been sent to the committee by the President or Secretary, as he had seen a statement to that effect in some of the Western papers.

Mr. JONES was surprised at such a question. The gentleman, from the commencement of the session, had had the same opportunities of examining all the documents and estimates as himself. He therefore rather doubted the sincerity of the gentleman in asking the question.

Mr. RARIDEN made some complaint at not receiving a reply. He had ransacked all the documents in vain to find such an estimate, and believed that none such had been sent to the House.

Mr. JONES said he had no objection to say that at the commencement of the session no estimate for the Cumberland Road had been submitted, among those which formed the basis of bills reported.

Mr. RARIDEN asked if there had been any estimate since.

Mr. JONES said that no estimate had been submitted to the Committee of Ways and Means by the House, with a view to report a bill to continue the Cumberland road, although he believed the proper bureau having charge of this subject had sent in estimates to Congress.

Mr. RARIDEN said he would, upon his own responsibility, submit an amendment, and let it stand upon its own merits. Mr. R. then proposed an amendment appropriating $225,000 for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois—$75,000 to be expended in each of those States, under the supervision of the War Department.

Mr. JONES inquired of the CHAIR whether the amendment was in order.

The CHAIR decided that it was not.

From this decision Mr. DAVIS of Indiana appealed.

The appeal was debated, and the decision of the CHAIR was opposed by Messrs. DAVIS of Indiana, RARIDEN, MASON of Ohio, TILLINGHAST, and PROFFIT.

And, it being now half past 2 o'clock, the House took the usual recess.

EVENING SESSION.

After the recess—

The consideration of the

ARMY APPROPRIATION BILL

was resumed in Committee of the Whole, Mr. EVANS in the Chair.

The question pending was the appeal from the decision of the CHAIR, that the amendment in relation to an appropriation for the Cumberland road, was not in order.

Mr. RARIDEN observed that as there was no quorum present, he would withdraw the amendment, with a view of renewing it hereafter.

Mr. GIDDINGS then asked leave to offer an amendment making an appropriation for the repair of a certain harbor in Ohio.

Mr. JONES objected to the introduction of such an amendment as out of order.

The CHAIR ruled the amendment as out of order.

Mr. GIDDINGS took an appeal, but the decision of the CHAIR was affirmed.

Mr. COOPER of Georgia moved to amend by reducing the amount appropriated for armories, fortifications, arsenals, etc. 25 per cent. Mr. C. said that, owing to the embarrassed condition of the Treasury, it was highly necessary that some reduction should be made; although he was willing to go for the full amount of all appropriations that were strictly needed.

Mr. DAWSON was in favor of granting the full amount of appropriations asked for, and then afterwards holding the Administration strictly responsible for those appropriations.

Mr. JONES contended that more of the appropriations could be reduced without manifest injury to the public service. He alluded to the vast number of Indians on our Southwestern frontier, which required the vigilance of Government to keep them in subjection, and a suitable provision for fortifications, etc. so as to protect our citizens against them. He also alluded to the deficiency of fire arms, there not being at present more than sufficient to arm two States of the Union. He therefore hoped that no objection would be made to the amounts set down in the bill, as the public interest required that the whole should be appropriated.

Mr. EVERETT said this motion brought up the general question of retrenching expenses for the want of means to meet them. He desired to ask the chairman of the Committee on

Ways and Means, for his estimate of the revenue for this year, exclusive of Treasury notes.

Mr. JONES said he was unable at that moment to state further than that it was expected to fall considerably below the estimates for the residue of the year.

Mr. EVERETT resumed. The statement of the Secretary of the Treasury, laid before the other House on the 19th of June, showed that the whole revenue for the first five months, (from January the 1st to June the 1st,) was about seven and a half millions. For the residue of the year it would most probably exceed that amount, making for the year not over fifteen millions. This, with five millions of Treasury notes, made the whole revenue twenty millions. The appropriation, originally estimated at that sum, would be increased by appropriations not originally here, but recommended by the Departments, to twenty-seven millions—say twenty five millions. Now how was the deficiency to be supplied? He desired to ask the honorable chairman whether a further grant of Treasury notes would be asked during the dresent session.

Mr. JONES replied that there had been no action of the committee that would enable him at that time to answer the question. He could not then determine what might be the amount of the appropriations; but he expressed the hope that no more Treasury notes would be necessary.

Mr. EVERETT said he was glad to hear it, although he could not see how the Government would make the two ends meet. It did seem to be be a case, in which either further means should be provided, or the appropriations reduced. That subject, however, he was obliged to leave to the committee. They must best know where the reductions should be made, and the responsibility rested upon them. He could not, however, but think that the subject of the defence of the Western frontier was ill chosen for a reduction. Considering the extent of that frontier, the number of Indians, and the hostile feelings of some portion of them, he thought every thing should be done necessary for the defence of that quarter. He thought that a recent event had increased the danger. He would not then enter into the subject further than to express that opinion.

Mr. COOPER said he wished it to be understood that he did not wish to reduce the ordinary expenses of the Government. He was willing to vote for that; and if there were not money enough in the Treasury, he would borrow it. He did not agree with his colleague in giving the money to the Administration because they asked for it. By doing so, his colleague would be throwing his own responsibility as a Representative upon the Government, which he had no right to do.

Mr. BRIGGS could not agree with the gentleman who offered the amendment. After we had erected these fortifications and public works, the gentleman wished to cut off one quarter of the money necessary to keep them in operation. Let the gentleman look at the state of our Southwestern frontier, where the danger had been such that we had increased our standing army, and yet here he offered a proposition to cut down one fourth of the sums necessary for keeping up the public works. The gentleman wished to do this, and yet he said he did not wish to interfere with the ordinary and common appropriations of Government.

Mr. WADDY THOMPSON advocated the amendment. The objects to which the sums were to be applied did not come under the ordinary expenses of Government. They were extraordinary; and if the proposition had been to reduce the sums fifty per cent. instead of twenty-five, he would vote for it.

Mr. CROSS objected to any reduction in the appropriations for fortifications, &c. He alluded to the defenceless state of the immense Southwestern frontier, and contended that Government was bound to make provision for the defence of our citizens in that quarter, and which required every cent of the money set down in the bill.

Mr. TILLINGHAST thought the best way would be to grant the appropriation asked for, as, otherwise, the Administration could not justly be held responsible. It was not the fact of making the appropriation that created the responsibility, but the manner in which that money was used after it had been appropriated. Besides, the general reduction of 25 per cent. would not be compatible with all the items specified.

Mr. MONROE opposed the amendment with much warmth. He did not consider it just or honorable for gentlemen, after they had got rid of the Indians from their own State, to object to the protection of other states from their incursions. Was it not just and proper for the gentleman from Georgia to vote for fortifications for the protection of the frontier States against those Indians whom he had sent there?

The question was then taken on the amendment, and it was rejected.

Mr. JONES then moved to amend by inserting $19,764 for the repair of arsenals injured by fire and storms. Mr. J. explained that these arsenals had been damaged since the estimates had been first sent in, and at the request of Mr. RICE GARLAND had read by the Clerk a statement from the Secretary in relation to the matter.

The amendment was then agreed to.

Mr. JONES then offered an amendment appropriating $300,000 for the suppression of Indian hostilities in Florida, to be expended under the superintendence of the Secretary of War.

In reply to a question from Mr. STANLY,

Mr JONES explained that the reason this item was not included in the original estimates was, that it was anticipated, the war would shortly be brought to a close, in which case no further appropriation would have been necessary. But as the anticipations of the Department had not been realized, the Secretary of War thought it advisable before the adjournment of Congress, to ask an additional appropriation of $300,000, which added to the unexpended balance of former appropriation, would it was thought to be amply sufficient.

Mr. STANLY opposed the amemendment, and in the course of his remarks, contended that the Administration had been guilty of increasing the standing army; also, that it was their design to increase it still farther. He had not concluded, when a motion was made that the committee rise, which motion prevailed,

And the House adjourned.

IN SENATE,

FRIDAY, July 10, 1840.

Mr. DAVIS, from the Committee on Commerce, submitted a report in relation to the House bill for the relief of Gilbert A. Smith and Nathan Stark; which was ordered to be printed.

Mr. HUBBARD, from the Committee on Finance, to which was referred the bill for the relief of Thomas Latham, reported it without amendment.

Mr. H. said that some time since the Senate adopted a resolution reported by the Committee on Claims, adverse to the claim of the heirs of Fulton. Subsequently a motion was made to reconsider this vote, which he now moved to take up.

The motion to reconsider was then taken up, and on motion by Mr. H. indefinitely postponed.

MILEAGE OF MEMBERS OF CONGRESS.

The Senate resumed the consideration of the bill from the House to establish a uniform rule of computing the mileage of members of Congress. The question being on Mr. NORVELL'S motion to postpone the bill indefinitely—

Mr. CLAY of Kentucky spoke at large in favor of the bill. It was passed, he said, by the nearly unanimous vote of the other House, and ten years ago a similar bill was passed by the other House, and defeated by the Senate.

He alluded to the unpleasantness of touching any abuses of this kind, from the great number of individuals interested in them, from whom it was difficult to escape animadversion But, as always, Mr. C. would now proceed to perform his duty, regardless of himself, but sincerely desirous not to injure unnecessarily the feelings of any member; and he trusted his remarks would be listened to in the same spirt of courtesy with which he designed to make them. The time of his retreat from public life was not very distant, and before retiring, he wished to point out three or four abuses, which he would, in part, do at this time. One related to the franking privilege, of which there were abuses in every way, which Mr. C. specified, and pointed to certain remedies. Another great one was that now under consideration. Mr C. proceeded to show that the law respecting mileage had been rendered very greatly uncertain and unequal, particularly by railroads and steamoats.

He closed by alluding to the extraordinary increase in the expenditures of the Government. During the administration of Washington, Adams, and the first term of Jefferson, the whole civil list did not exceed $600,000 yearly. Now, the Treasury Department alone nearly reached that sum; and the expenses of Congress, including stationery, printing, fuel, &c. even went beyond it. And reforms by Congress, he insisted, ought to begin with themselves.

After some remarks by Mr. CALHOUN,

Mr. WRIGHT having remarked that the Senator from South Carolina had almost wholly anticipated what he had designed to say, proceeded to enlarge somewhat on the same views, and said he should vote for the postponement.

Mr. DAVIS urged that this subject had been very thoroughly considered in the other House, and the result of it was a full conviction that the air line was, on the whole, the best and most equal standard of distance; and it was one which admitted of no change and no uncertainty.

He also insisted that it was usual, if reforms, when proposed, were delayed for any reason, they were not again taken up; and he stated various cases in point; and the present rule for mileage, he maintained, was unequal and unjust, and ought to be corrected.

Mr. SMITH of Indiana said, as he should vote against the indefinite postponement of the bill, he desired to place his vote on its true ground. In the vote he should give, he did not wish to be understood as committing himself to vote for the bill as it passed the House. That bill fixes the mileage of members upon a direct air line; this, he thought, would be found unequal and unjust, as it was a line never travelled, and impossible to be travelled. Again, it would be unjust to members who had to travel on a circuitous route to their places of residence. He, therefore, would vote against the indefinite postponement, in the hope that the bill would be so amended as to make it acceptable. He held that the true rule was to pay the member for the distance he would be compelled to travel so as to conveniently arrive at the seat of Government, and not the route his pleasure or convenience might dictate. He thought the law should be to make the allowance upon the nearest mail or post route. This would make the law definite enough. He admitted that the law, as it stood was liable to be, and was, misconstrued, operating unequally and unjustly between different members. He concurred with the Senator from South Carolina [Mr. CALHOUN] that the object of the law giving mileage was not altogether to pay members for their expenses in travelling; it was, in part, a compensation to distant members for the inconvenience and sacrifice they were compelled to make in being so far removed from their homes; while those nearer to the seat of Government could frequently visit their families during the session.

Mr. LUMPKIN said: Mr. President, it has rarely fallen to my lot to attend to a discussion in this Senate with more pleasure and interest, than I have done this morning. This discussion has convinced me of the power and force *of truth*. Some months ago, in urging upon this Senate the consideration of the value of time, and the duty of shortening the sessions of Congress, I took occasion to say, that after all that had been said and written, in and out of Congress, on the subject of Government abuses, the most alarming abuses of the Federal Government might be traced directly or indirectly to Congress. My remarks at that time, sir, seemed to have but limited influence upon the Senate. To-day, sir, I have the high gratification to hear almost every honorable Senator who has spoken upon the subject, frankly admit the abuses which have crept into Congress, and express a willingness to enter earnestly upon the work of reform, by appropriate legislation I heard the Senator from Kentucky [Mr. CLAY] with great satisfaction and general approbation That Senator has advocated the bill from the House of Representatives with a clearness and perspicuity which cannot be surpassed. His remarks, accompanied by the facts which he has submitted, afford incontestable evidence of the inequality and injustice of the present practice of settling the mileage of members of Congress, and satisfies my mind, that the mode proposed in this bill is the nearest approach to justice which has yet been presented to the consideration of Congress, and I am therefore prepared to give the bill my hearty support. But for the able manner in which this bill has been supported by the Senator from Kentucky, [Mr. CLAY,] I should have felt it my duty to have made some remarks in detail in its support, but I now feel relieved from that necessity.

Mr. President, I trust the passage of this bill will be but the first step in correcting abuses connected with the expenses of Congress. From the spirit manifested by Senators in their remarks this morning, I indulge the hope that various other abuses will be speedily reformed by legislation. The use and abuse of stationery, as well as the franking privilege, calls aloud for reform.

And what is still of much greater importance than any which has yet been adverted to, is the want of a faithful and punctual attendance of the members of Congress to their legislative duties. What have we seen during the present session of Congress? How often has the business of legislation been retarded for the want of a quorum, in one branch of Congress at least? How many members of Congress, during the present session, have been absent from their seats for days, weeks, and months together, engaged in pursuits of business, pleasure, or pastime? Is it not the common custom of these absentees to receive full compensation for the whole session, whether present or absent? Is this just—is it right? Who pays the laborer wages for days, weeks, and months, when he is absent from his work? This is not the custom of our country in the ordinary business of life. Men are paid in proportion to their labor and attention to business, and why should members of Congress be an exception? I will forbear making further remarks at present, and give my vote in favor of the bill from the House.

The question was then taken on the indefinite postponement of the bill, and was negatived, as follows:

YEAS—Messrs Anderson, Benton. Brown, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Linn. Mouton, Norvell, Smith of Connecticut, Strange, Sturgeon, Walker, and Wright—16.

NAYS—Messrs. Allen, Buchanan, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Hubbard, Huntington, King, Knight, Lumpkin, Merrick, Phelps. Pierce, Porter, Preston, Roane, Ruggles, Smith of Indiana, Tallmadge, Tappan, Wall, White, Williams, and Young—26.

Mr. LINN moved instead of the straight line, to make the nearest mail route the standard of distance.

Mr. WALKER proposed the most usual mail route, to be determined by a joint committee of Congress, and the mileage of members, as allowed, to be published.

This amendment Mr. LINN accepted for his own.

Mr. CLAY of Kentucky argued that this rule would be subject to great uncertainty, and adduced some cases in which it would be very difficult to determine which was the most usual mail route.

Mr. CALHOUN and Mr. ALLEN made some remarks in favor of publishing the mileage of each member, thus making him responsible for this, as for other things, to his constituents.

Mr. DAVIS moved to strike out the most usual mail route from Mr. LINN'S amendment, and insert the nearest mail route. He argued in support of this that in many cases there were several routes, which were regular and constant, and none of them could be said to be more usual than another.

Mr. CLAY of Alabama suggested that it ought to be the principal mail route, which could be better determined.

After some further remarks by Mr. WALKER for, and Mr. PRESTON against, Mr. WALKER'S amendment,

The amendment of Mr. DAVIS, making the shortest mail route the standard of distance, was agreed to, as follows:

YEAS—Messrs. Allen, Anderson, Brown, Buchanan, Clay of Ky. Clayton, Crittenden, Cuthbert, Davis, Dixon, Hubbard, Huntington, King, Knight, Merrick, Norvell, Pierce, Porter, Preston. Roane, Ruggles, Smith of Indiana, Tallmadge, Tappan, White, and Young—26.

NAYS—Messrs. Benton, Calhoun. Clay of Alabama, Fulton, Grundy, Linn, Lumpkin. Mouton, Phelps, Smith of Connecticut, Sturgeon, Walker, Wall, and Wright—14.

The amendment of Mr. WALKER, as thus amended by Mr. DAVIS, was agreed to, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Ala. Fulton, Grundy, Hubbard, King, Linn, Mouton, Norvell, Phelps. Pierce, Roane, Smith of Indiana, Strange, Sturgeon, Tallmadge, Walker, Wall, Wright, and Young—25.

NAYS—Messrs. Clay of Ky. Clayton, Crittenden, Cuthbert, Davis, Dixon, Knight, Lumpkin, Porter, Preston, Ruggles, Smith of Conn. and White—13.

Mr WALKER moved to amend the bill by inserting at the end thereof, "and hereafter there shall be no stationery allowed to any members of Congress."

After some remarks by Messrs. GRUNDY, CLAY of Kentucky, CALHOUN, ALLEN, WALKER, BUCHANAN, TALLMADGE, and CLAY of Alabama,

Mr. CLAY of Alabama moved the following as a substitute:

"Be it further enacted, That instead of the allowance of stationery to the members of the Senate and House of Representatives during the session of Congress, as now allowed, there shall be allowed and paid to each member, the sum of twenty dollars and no more."

After some remarks from Mr. WALKER in opposition, the amendment was agreed to; and after some further remarks by Mr. KNIGHT, the amendment of Mr. WALKER, as modified, was agreed to—ayes 29, noes 11, as follows:

YEAS—Messrs. Allen. Anderson, Brown, Buchanan. Calhoun. Clay of Alabama, Clay of Kentucky, Crittenden, Davis, Fulton, Grundy, Henderson, Hubbard, Huntington, King, Knight, Lumpkin, Mouton, Porter, Preston. Ruggles, Smith of Connecticut, Smith of Indiana, Strange, Sturgeon, Tappan, Walker, Wright, Young—29.

NAYS—Messrs Benton. Clayton, Dixon, Linn, Merrick, Norvell. Roane, Tallmadge, Wall, White, Williams—11.

Mr. LINN moved to amend the bill by inserting the following:

"SECTION 3. And be it further enacted, That any member of the Senate or House of Representatives neglecting to answer to the roll of the yeas and nays on any question, shall be deemed to be absent for that day, unless absent from sickness, or by attendance upon a committee, and his *per diem* for that day shall be deducted."

This amendment, after some remarks by Messrs. CALHOUN, CLAYTON, PRESTON, ALLEN. GRUNDY, KNIGHT, HUBBARD. LUMPKIN, PIERCE, BUCHANAN, and CRITTENDEN, was agreed to—ayes 32, noes 17, as follows:

YEAS—Messrs. Allen. Anderson, Benton, Brown. Buchanan. Clay of Alabama, Fulton, Grundy. Henderson, Hubbard, Linn, Lumpkin, Mouton, Norvell, Pierce, Smith of Connecticut. Strange, Sturgeon, Tappan, Walker, Wright, and Young—22.

NAYS—Messrs. Calhoun. Clay of Kentucky, Clayton. Crittenden, Cuthbert. Davis Dixon, Huntington, King, Knight, Merrick. Porter, Preston, Roane, Smith of Indiana, Tallmadge, and White—17.

Mr. YOUNG moved to add the following to the end of the second section:

"And provided that no member of either House shall hereafter frank any letter, paper, or document, but such as may, in good faith, appertain to his own business or correspondence, or frank any blank envelope of any kind or description, for the use of any other person or persons under any pretence whatever."

After being discussed by Messrs. TAPPAN, CLAY of Alabama, and CLAY of Kentucky,

Mr. WRIGHT moved to amend the amendment by adding the following:

"And further, shall frank no package of any description other than letters, and no letter of a greater weight than one ounce."

Which, after some remarks by Mr. CLAY of Kentucky, was disagreed to, and the amendment was also disagreed to.

Mr. NORVELL then moved to amend the bill by inserting the following:

"SEC 4. *And be it further enacted*, That the franking privilege shall not be enjoyed by any member or delegate in Congress except during the session and for thirty days before its commencement, and thirty days after its termination."

After some remarks by Messrs BUCHANAN and NORVELL, the amendment was lost—ayes 8, noes 25.

Mr. WALKER submitted the following as an additional section:

"SEC. —. *And be it further enacted*, That hereafter when Congress is not in session, no member shall have the privilege of franking any printed matter except public documents."

After some remarks by Messrs. TAPPAN, SMITH of Connecticut, and WALKER, the amendment was disagreed to—ayes 17, noes 20, as follows:

YEAS—Messrs. Allen, Benton, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Norvell, Pierce, Strange, Sturgeon, Tappan, Walker, Wright, and Young—17.

NAYS—Messrs. Anderson, Brown, Buchanan, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Dixon, Henderson, Huntington, Knight, Merrick, Porter, Preston, Roane, Smith of Connecticut, Smith of Indiana, Tallmadge, and White—20.

The bill as amended was then reported to the Senate, and the amendments concurred in, and the question coming up on its engrossment,

After some remarks by Messrs. SMITH of Indiana, CLAY, of Kentucky, CALHOUN, WHITE, CLAY of Alabama, TALLMADGE, and DAVIS,

Mr. LUMPKIN said: Mr. President, with all my earnest desire for the reform of abuses which have crept into Congress, and the gratification which I felt and expressed this forenoon to see that spirit of reform gaining ground and respect in this Senate, yet, sir, I admit I was not prepared to expect, or look for, that rapid advance, which I have witnessed in the course of a few hours. I desire to see reform, to the full extent of all the propositions which have been submitted as amendments to this bill. Reform is demanded, in regard to stationery; the franking privilege; punctual attendance of members of Congress, as well as the present practice of charging for mileage. But, sir, while I vote in favor of the various propositions submitted to correct the abuses complained of, which have been proposed as amendments to the mileage bill, I must be allowed to express my apprehension, that these amendments are calculated, if not intended, to defeat the mileage bill.

I would have preferred, sir, that the Senate should have passed the bill sent to us by the House, without amendment or change, and let it become the law of the land. This would have been correcting one admitted abuse at least. In voting for the various proposed amendments which I have done, relating to stationery, franking, and attendance of members, I have done so from the conviction of the correctness of these propositions in themselves considered. Yet, sir, I am not free from apprehension, that these amendments, as well as the original bill, may be defeated by their introduction here, when sent to the other branch of Congress. Sir, I have deliberately considered this subject in all its parts and bearings. I am convinced that abuses do exist in the franking privilege, stationery, and want of faithful attendance of members of Congress. I therefore vote for propositions calculated to correct and reform abuses, although they are not presented in the shape which I would desire. Sir, while I desire to see whatever errors may attach to Congress corrected, I would feel much reluctance at seeing any thing done, which might unjustly disparage the standing of the American Congress. I would not like to see Congress regulated by the old field muster roll, militia discipline. I do not admire the mode now proposed to ensure the attendance of members of Congress, or that which is intended to economize in regard to the stationery. I vote for these propositions, as the only alternatives within my present grasp.

I will, Mr. President, take a few minutes to suggest the outline of my plan of reform, in these several matters. In regard to mileage, I am in favor of the House bill as sent to us. Upon the subject of the attendance of members of Congress, I would only desire to make it the lawful duty of each member of Congress, at or near the close of each session, to file in the Secretary or Clerk's office a certified statement of the number of days he had actually served, and been in attendance as a member, &c. I would have this statement recorded in a book. In regard to stationery, I would allow members to draw stationery as they now do, and make it the duty of the Secretary and Clerk to charge and record in a book every article furnished to each member during each session.

These accounts and charges should be duly examined by committees of the two Houses appointed for that purpose. This, sir, would be the extent of the correction I would desire at this time, and I believe all that would even be necessary. I have no idea that any laws, rules, or regulations of Congress, can exact duties from members which they are indisposed to perform.

The faithful discharge of our representative duties is a question to be decided by our constituents. It belongs to them and not to us. But I consider it an imperative duty which devolves on Congress, to see that its journals, records, and proceedings, shall be given to the people in a form which may enable them to judge of the actings and doings of their representatives. I consider this, sir, a proud day for the country, whatever may be the success of the measure now under consideration. The proceedings of this day in the Senate, establishes the fact, that the spirit of reform has found its way into this hall; and, sir, it will not slumber or sleep until its proper work shall have been accomplished.

Mr. CLAY of Alabama moved the following amendment:

"And it shall be the duty of the Secretary of the Senate, and of the Clerk of the House of Representatives, at the end of each session of Congress, to publish in the public papers in Washington city the number of calls of the yeas and nays to which each member neglected to answer during the session, except when such neglect to answer has been excused in consequence of sickness or absence on committees.

After some remarks by Messrs. SMITH of Connecticut, ALLEN, HUNTINGTON, CRITTENDEN, WALKER, and CLAY of Alabama, the amendment was lost.

Mr. SMITH of Indiana moved to reconsider the vote for the forfeiture of the per diem pay of a member, in case of absence from any one call, during the day, of the yeas and nays.

After debate by Messrs. SMITH of Indiana, HUNTINGTON, WALKER, TALLMADGE, and ALLEN,

The motion to reconsider was negatived, as follows:

YEAS—Messrs. Calhoun, Clay of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Dixon, Huntington, King, Knight, Merrick, Preston, Roane, Smith of Indiana, Tallmadge, and White—16.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Henderson, Hubbard, Linn, Lumpkin, Mouton, Norvell, Pierce, Porter, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Williams, Wright, and Young—24.

The bill as amended was ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Davis, Dixon, Fulton, Hubbard, Huntington, King, Linn, Lumpkin, Merrick, Mouton, Pierce, Porter, Preston, Roane, Smith of Connecticut, Strange, Tappan, Walker, Williams, Wright, and Young—31.

NAYS—Mearrs Clayton, Henderson, Knight, Norvell, Smith of Indiana, Sturgeon, Tallmadge, Wall, and White—9.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, July 10, 1840.

After the journal had been read,

Mr. CLIFFORD moved a reconsideration of the vote by which on yesterday the House had refused to order to a third reading, the joint resolution of the Senate, in relation to the disposal of the presents from the Imaum of Muscat.

Mr. C. observed that his object in moving the reconsideration was to enable him to submit an amendment, to which he thought there would be no objection. He then moved the previous question.

After some debate of a conversational character, as to the propriety of taking the question when so few members were present, a call of the House was moved.

On the motion the yeas and nays were ordered, and being taken, were—yeas 42, nays 94.

So the call was not ordered.

A quorum being now arrived, the call for the previous question was seconded.

[At this stage of the proceedings, Mr. ADAMS inquired of the CHAIR, whether the resolution (which had been rejected on yesterday) had been returned to the Senate. The CHAIR replied that it had not. Mr. ADAMS then made a privileged question upon which he introduced a resolution implying a censure on the Clerk for neglect of duty growing out of the fact that he had not returned the resolution to the Senate on yesterday. The proceedings on this resolution occupied two hours of the precious time of the House; and the mover apprehending from incidental votes that the resolution could not receive the sanction of a majority of either party in the House, withdrew it. Inasmuch as the resolution was withdrawn, the proceedings are not deemed of sufficient importance to insert formally and at length. There can be no impropriety in stating, in justice to the Clerk, that he had not violated either the rules or the practice of the House, by retaining the resolution in the House within the time allowed by the rules for a member to move to reconsider the vote rejecting it.]

The question was then taken by yeas and nays on the motion to reconsider, and resulted as follows—yeas 108, nays 54.

So the vote was reconsidered.

Mr. EVERETT then moved to strike out all after the enacting clause, and insert the amendment of which he had given notice on yesterday.

The CHAIR decided this motion to be out of order.

Mr. CLIFFORD then offered the following amendment: to strike out all after the word authorized, and to dispose in such time and such manner as he shall deem fit, of all such of the presents to the Government of the United States as have been sent from the Imaum of Muscat or the Emperor of Morocco, and cannot be conveniently deposited or kept in the Department of State, and cause the proceeds thereof to be placed in the Treasury of the United States.

Mr. NAYLOR moved a reconsideration of the vote by which the House had, on yesterday, rejected the amendment of the Committee on Foreign Affairs, to give the proceeds of the sales of these presents to the charitable institutions in the District of Columbia; and on that motion demanded the previous question, which was seconded.

Mr. HUNT moved to lay the whole subject on the table; but the motion was rejected.

The question then recurring on the motion of Mr. NAYLOR,

Mr. STANLY demanded the yeas and nays, which were ordered; and were—Yeas 70, nays 75.

So the House refused to reconsider.

The question then being on the amendment of Mr. CLIFFORD, it was decided by yeas and nays as follows—yeas 82, nays 76.

So the amendment was adopted.

Mr. MONROE moved a reconsideration of the vote, but the motion was almost unanimously rejected.

The question then being on ordering the joint resolution as amended to a third reading, it was decided by yeas and nays, as follows—yeas 84, nays 60.

The resolution having received its third reading,

Mr. DROMGOOLE said it was evident there had been some misapprehension on the part of several gentlemen who had voted against the motion of Mr. NAYLOR to reconsider the vote by which the amendment of the committee had been rejected on yesterday. That amendment authorized the distribution of the proceeds to the charitable institutions of the District, and entirely coincided with his views. With a view, therefore, of giving those gentlemen, who had voted under a misapprehension, an opportunity of putting themselves right, and which would change the result of the vote on the reconsideration, he moved that the resolution be recommitted to the Committee on Foreign Affairs, with instructions to report again the same amendment which had been rejected on yesterday.

After some brief remarks from Mr. BANKS, who hoped his colleague would not persist in his motion,

Mr. PETRIKIN moved the previous question.

Mr. LEWIS WILLIAMS moved to lay the whole subject on the table; but the motion was negatived.

The call for the previous question was then seconded, cutting off, of course, the motion to recommit.

The main question was then ordered to be put.

And the main question being on the passage of the joint resolution, was, then put and decided by yeas and nays as follows—yeas 82, nays 72:

So the joint resolution as amended was agreed to.

The question being on the adoption of the title,

Mr. PROFFIT moved to amend it by adding the following:

"A joint resolution to replenish the exhausted Treasury of the United States by the sale of certain horses, lions, otto of roses, rose water, cashmere shawls, &c. being a donation made to the United States by the Imaum of Muscat and the Emperor of Morocco."

Messrs. PROFFIT and MONROE made some remarks in favor of the amendment.

Mr. SMITH of Maine moved the previous question on the bill and amendment; which did not receive a second.

Mr. CLIFFORD then moved to amend the amendment of Mr. PROFFIT by substituting the following as the title, viz:

"An act to authorize the President of the United States to dispose of certain presents from the Imaum of Muscat and the Emperor of Morocco."

Mr. CLIFFORD moved the previous question on its adoption; which received a second, and the main question being ordered, which was on the amendment of Mr. CLIFFORD, the question was taken and the amendment was adopted as the title.

The joint resolution of the Senate in relation to the interchange of books and documents on the plan of Mr. Vattemare, was, on motion of Mr. JONES, taken up, read a third time, and passed.

Mr. J. W. JONES moved to suspend the rules for the purpose of the House resolving itself into a Committee of the whole House on the state of the Union; and pending the question,

The hour of 2½ o'clock having now arrived, the House took its usual recess.

EVENING SESSION.

Mr. LINCOLN, on leave, moved that another member be appointed on the Committee on Accounts, to supply the vacancy occasioned by the absence (from indisposition) of his colleague, [Mr. LAWRENCE,] ordered accordingly.

Mr. STANLY asked leave to offer a resolution directing the Secretary of the Treasury to transmit to this House, as early as possible, a copy of the correspondence between the Treasurer of the United States and the chief clerk of any other officer of his Department, in relation to the practical operation of the Sub-Treasury bill.

Mr. STEENROD objected.

Mr. STANLY proposed to move a suspension of the rule.

The SPEAKER stated that, when the hour of recess expired, a motion to suspend was pending, submitted by the gentleman from Virginia, [Mr. JONES,] that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ANDREWS inquired of the CHAIR whether there had been any morning hour to day?

The SPEAKER said there had not.

Mr. SERGEANT, from the Committee on the Judiciary, on leave, reported a bill entitled "An act to amend an act approved May 13, 1800, entitled 'An act to amend an act to establish the judical courts of the United States.'"

The bill having been twice read by its title, Mr. S. moved that it be read a third time.

Mr. CRABB asked for the reading of the bill.

The bill having been read, Mr. C. moved its commitment to the Committee of the Whole, expressing his desire to move an amendment, providing than the compensation received by the jurors of the United States courts should conform to the compensation of jurors of the State courts.

After some conversation between Messrs. CRABB, THOMPSON, LIAGHAST, J. W. JONES, SERGEANT, and BANKS, Mr. C. withdrew his motion to refer the bill to the Committee of the Whole; and proposed now to amend the bill by adding a clause declaring that the jurors of said courts should be paid for their services the same sum as is paid to jurors of the State courts, in such cases as the jurors may choose.

Some further conversation followed; when

Mr. C. modified his amendment by adding thereto the words "And that in States where no compensation is made by law, the said jurors in said State shall receive the compensation now fixed by the law of the United States."

And the question being taken, the amendment, as modified was rejected.

The bill was then ordered to a third reading, and, having been read a third time, was passed.

The question then recurring on the motion of Mr. JONES of Virginia, that the House resolve itself into Committee of the Whole on the state of the Union—

Mr. RUSSELL appealed to Mr. JONES to withdraw his motion, in order that the committees might be called for reports.

Mr. JONES declining, the question was then taken on his motion, and the voted stood—ayes 49, nays 42; no quorum voting.

Mr. RUSSELL again appealed to Mr. JONES to withdraw his motion.

The SPEAKER said that, as there was no quorum present, no motion could be entertained but a motion for a call of the House or to adjourn.

Mr. LINCOLN moved a call of the House.

Mr. EVANS appealed to gentlemen either to go into committee or to let reports be made.

Mr. LINCOLN withdrew his motion that there be a call of the House.

And the question on the motion of Mr. JONES that the House go into Committee of the Whole on the state of the Union, being again put, the vote stood—ayes 58, noes 52; still no quorum voting.

Mr. STEENROD moved a call of the House.

Mr. CRAIG asked the yeas and nays; which were refused.

Mr. EVANS asked if the motion that there be a call of the House was debatable?

The SPEAKER replied in the affirmative.

Mr. EVANS protested against the time which would be uselessly consumed in a call of the House, and which might be satisfactorily spent in the advance of the public business by calling the committees for reports.

After some conversation, the motion for a call of the House and the motion to go into committee were withdrawn, and, by general consent, the SPEAKER proceeded to call the committees for reports.

Mr. CURTIS, from the Committee on Commerce, reported back to the House without amendment, Senate bill entitled "An

act in addition to the several acts relating to the shipment and discharge of seamen, and the duties of consuls."

Mr. C. said this was a bill which it was not necessary to commit. It was one which afforded protection to seamen, and hoped that it would be passed without delay.

No objection being made, the bill was then read the third time and passed.

Mr. REYNOLDS, from the Committee on the Public Lands, reported back to the House without amendment, Senate bill entitled "An act for the relief of Peter Warner, of Indiana; which was read the third time, and passed.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported

A bill for the relief of John Morgan; and

A bill for the relief of Esther Parrot;

which were read twice, and committed to the Committee of the Whole, and made the order of the day for to-morrow.

Mr. T. from the same committee, made an unfavorable report in the cases of Abel Harruck, Benjamin Cox, Catharine Cobb, Lucy Whitmore, Martha Conly, and Esther Honeywell; which was ordered to lie on the table.

Mr. T. also, from the same committee, made an unfavorable report on the cases of Solomon Jarors, Thomas Fulton, Elizabeth Nutter, Francis Chandler, Margaret Penn, Lydia Rogers, Margaret M'Caw, Mary Harrison, Sally Sanders, Rhody Polk, Jane Johnson, Martha Lemon, Janetta McClure, Mary Biggs, Elizabeth Christler, Margaret Smith, Lucy Catlett, and John Carey; which was ordered to lie on the table, and be printed.

Mr. T. from the same committee, made an unfavorable report on the cases of Patrick Corn, Phineas Allen, Catharine Snider, William Keller, Tirzah Hunt, Robert Brownfield, Mellon Potter, Catharine Hayward, John Phillips, Wm. Steele, Polly Wigginton, Phineas Bell, Elizabeth Pratt, Samuel Phillips, Lydia Wentworth, Jeremiah Cady, Benjamin Cox, John P. Becker, Areneth Chapman, Lettis Pond, Nancy G. Van Rensselaer, Wm. Tevis, Hannah Leighton, Christiana Hawkins, Simon Early, Mary Kilbourn, Clayton and Mitchell, representatives of William Kemplin, Charles Tuttier, David Tucker, the children of Mary Addons, Philip Sutton, Jeremiah Needham, Aaron Bennet, William Slick, Hannah Strong, Daniel Story, children of Joseph Plumb, Penelope Plunkett, Daniel Ingalls, Elizabeth Pierce, widow of Stephen Pierce, Lors Smith, Sarah T. Field, Nathaniel Bradley, William Gillilan, Ethan A. Allen, John Fisher, Jonathan Rogers, Peter Houck, and Joseph Wilkinson; which report was ordered to lie on the table, and be printed.

On motion of Mr. TALIAFERRO, it was ordered that the report of the Committee on Revolutionary Pensions, on the petition of Reuben Roberts, be recommitted to the committee, with the additional testitimony now presented.

Mr. ANDREWS, from the Committee on Revoluttonary Pensions, reported

A bill for the relief of Joseph Parker;

A bill for the relief of Leah Mundy; and

A bill for the relief of Benjamin Chapman; which bills were severally read twice and committed to the Committee of the Whole House to-morrow.

Mr. RAYNER, from the Committee on Revolutionary Pensions, reported a bill for the relief of John Hagie; which was read twice and committed to the Committee of the Whole House on to-morrow.

Mr. DAVIES, from the Committee on Revolutionary Pensions, made an adverse report on the petitions of Betty Warner and George Swingle; and the said cases were laid on the table.

On motion of Mr. DAVIS, ordered, that the Committee on Revolutionary Pensions be discharged from the further consideration of the case of David McMullen; and that it do lie on the table.

Mr. DAVIES also, from the same committee, reported

A bill for relief of David Sherer; and

A bill for the relief of Desire Merriam, widow of Ichibod Merriam.

A bill for the relief of David Stervins; which bills were severally read twice and committed to the Committee of the Whole House.

On motion of Mr. DAVIES, ordered, that the Committee on Revolutionary Pensions be discharged from the case of Samuel Potter; and that it lie on the table; his case having been settled at the Pension office.

Mr. CHITTENDEN, from the Committee on Invalid Pensions, reported a bill for the relief of John Godfrey; which was read twice, and committed to the Committee of the Whole House.

Mr. C. also reported back to the House, without amendment, Senate bill entitled, "An act to authorize the payment of invalid pensions in certain cases;" which was appropriately committed.

Mr. RANDALL, from the Committee on Invalid Pensions, reported

A bill granting a pension to Seth Willey; and

A bill granting a pension to William H. Wilson;

which bills were severally read twice, and committed to the Committee of the Whole House to-morrow.

Mr. R. also, from the same committee, made unfavorable reports in the cases of Henry Overly, Aaron Adams, Theophilus Sumerly, Samuel Spalding, William A. Houston, and Linza Thomas; which were ordered to lie on the table.

Mr. S. W. MORRIS, from the same committee, reported back to the House, Senate bill entitled, "An act for the relief of John McCloud, with a recommendation that it be rejected.

Also, reported back to the House, Senate bill entitled, "An act for the relief of John S. Billings;" with a recommendation that it be rejected; both which bills were committed to the Committee of the Whole.

Mr. S. W. MORRIS reported, from the same committee, a bill for the relief of John Flood; which was read twice, and committed to the Committee of the Whole to-morrow.

Mr. S. W. M. from the same committee, also made unfavorable reports in the cases of Amanda A. Dade, Pugh Cannon, Daniel W. Church, B. H. Manlief, Jesse Oldham, John Johnson, William Perry, Leonard Wardwell, Madison Collins, Sylvester Nash; which reports were ordered to lie on the table.

On motion of Mr. S. W. MORRISS, the Committee on Invalid Pensions was discharged from the petitions of Aaron Mellon, and Titus Everhart, and leave was given them to withdraw their petitions. And discharged from the cases of Achael Whitcomb, Timothy Cavan, and Jared Buckingham; and that they lie on the table.

On motion of Mr. PALEN, the Committee on Invalid Pensions was discharged from the further consideration of the cases of John Russell, Joseph Ellery, Henry Eberly, Seth Morton, Patrick Kennon, John C. Farrell, and they were ordered to lie on the table.

Mr. RAYNER, from the Committee on Roads and Canals, reported a bill to provide for the construction of a direct communication between the waters of Albemarle sound and the Atlantic ocean, on the coast of North Carolina, accompanied by a detailed report in writing; which bill was read twice and committed, and ordered to be printed.

Mr. R. said this was a subject of some interest, and wished the House would indulge him in a motion to have 2,000 extra copies printed.

Mr. TURNEY objected, and the motion was not pressed.

Mr. BEATTY, from the Committee on Patents, reported back to the House, without amendment, Senate bill entitled an act to make certain appropriations for the patent office; and the bill was committed to the same Committee of the Whole House to which was committed the bill for the further promotion of the arts.

Mr. PETRIKIN, from the Committee on Public Buildings and Grounds, reported a bill authorizing the erection of an additional building for the accommodation of the War Department; which was read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. STANLY, from the Committee on Expenditures on the Public Buildings, made a report in relation to the expenditures on the public buildings in the year 1839; which was ordered to lie on the table, and be printed.

Mr. UNDERWOOD, from the Select Committee on the memorial of the heirs of James Rumsey, deceased, reported a bill for the relief of the said heirs; which was read twice, and committed to the Committee of the whole House to-morrow.

Mr. U. from the same Select Committee appointed on the memorial of Samuel Raub, jr. praying the passage of such an act as will insure the application of his recently invented "Double self-acting safety valve" to all steam vessels in the employ of the Government," made a detailed report on the subject of explosion of boilers of steamboats, accompanied by three bills, viz:

A bill to proovide for purchasing the patent for Raub's Self-acting Safety Valve;

A bill to authorize the President of the United States to employ persons to construct apparatus, with a view to extinguish fires on board steamboats, and to test its utility; and

A bill to amend the act entitled "An act to provide for the better security of the lives of passengers on board vessels propelled in whole or in part by steam;"

which bills were severally read twice, and committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. UNDERWOOD said, it was now too late to act on these bills at the present session. He hoped that the House would consent to have 5,000 extra copies of the report and bills printed, so as to let the matter go before the country to awaken public atention; and that, at the next meeting of Congress, they will feel better prepared to act upon the subject.

Mr. BIDDLE objected, and the motion was not pressed.

On motion of Mr. LINCOLN, the Committee on Public Buildings and Grounds was discharged from further pursuing the inquiry into the propriety of enclosing the public grounds west of the Capitol, and the removal of the naval monument from the Capitol yard.

Mr. BROCKWAY, from the select committee on the subject, repoted a joint resolution authorizing the erection of a monument to the memory of Captain Nathan Hall, of Connnecticut; which resolution was read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. RUSSELL, from the Committee of Claims, reported back to the House, Senate bill entitled, "An act for the relief of John L. Scott," accompanied by a report, recommending that the said bill be rejected;

And reported back Senate bill entitled, "An act for the relief of John Mitchell and B. F. Fox," with an amendment:

both of which bills were referred to the Committee of the Whole House on to-morrow.

Mr. R. also reported back, with an amendment, Senate bill entitled, "An act for the relief of James H. Relfe;" which was committed to the Committee of the Whole House to-morrow.

Also, reported back Senate bill entitled, "An act for the relief of William P. Rathbone," with an amendment and report in writing; which bill was referred to the same Committee of the Whole House to which was referred the bill for the relief of the legal representatives of John Barnes.

Mr. BOND, from the Select Committee to which had been referred the memorial of William Wright, in relation to the affairs between the United States and the Commonwealth Bank of Boston, reported the following resolution:

Resolved, That the Select Committee of five appointed on the memorial of William Wright, have power to inquire into and report upon all matters relating to the collection and settlement of the claims of the United States against the late Commonwealth Bank; that the Committee have power to send for persons and papers, to appoint a clerk, to proceed to Boston for the purpose of prosecuting its inquiries; and that the members thereof be excused from attendance in the House until it shall have made its report.

Mr. BOND said that, at so late a period of the session, he did not know what better could be done with the resolution than that it should lie on the table.

Mr. TURNEY accordingly made that motion, and it was agreed to.

Mr. EVANS, from the Committee of Ways and Means, reported a bill to revive and continue in force an act authorizing the payment of certain certificates, approved May 7, 1822; which was read the first time, and by order the second time, and ordered to be committed to the Committee of the Whole on the state of the Union.

On motion of Mr. EVANS,

Ordered, That the Committee of Ways and Means be discharged from the consideration of the subject of guard fences on the Cumberland road; from the petitions of citizens of the State of New York for the improvement of Oak Orchard harbor; against the further improvement of Black Creek harbor; and the memorial of the Legislature of Iowa for the improvement of Des Moines Rapids, and that the same do lie on the table.

On motion of Mr. CONNOR,

Ordered, That the Committee of Ways and Means be discharged from the bill making an appropriation for continuing the improvement of the Hudson river; and that the said bill do lie on the table.

Mr. MARK A. COOPER, from the Committee of Ways and Means, made unfavorable reports on the cases of John G. Ford, D. W. Haley, and others, sureties of Alfred W. McDaniel and David Watkinson and company; which reports were ordered to lie on the table.

Mr. GIDDINGS, from the Committee of Claims, reported

A bill for the relief of George Randall, and others; and

A bill for the relief of Presley Scott;

which bills were severally read twice, and committed to a Committee of the Whole House to-morrow.

Mr. RUSSELL, from the Committee of Claims, made an unfavorable report on the case of Shropshire and Ross; which was read, and ordered to lie on the table.

Mr. DAWSON, from the Committee of Claims, reported a bill for the relief of James S. Calhoun, accompanied by a report.

Also, a bill to provide for the settlement of the claim of the State of Georgia for the services of her militia in the years 1835 and '36; which bills were read twice, and committed to a Committee of the Whole House to-morrow.

Mr. GALBRAITH, from the Committee of Claims, made an unfavorable report on the case of Robert McGuire; which was laid on the table.

Mr. G. also made adverse reports on the cases of George A. Winslow, John G. Bibb, John Wilson, Spartan Allen, Thomas J. Stone, Samuel Carter, Allen H. Powell, Rufus K. Love, Samuel U. Varian, administrator of David D. Varian, W. C. Ewing and U. C. Ewing, Isaac Carmack, John Brown, Adam Hall, Arthur R. Owens, Turner Chamblin, Joseph M. Shephard, Joseph Croskey and others, Allord Sandy, John P. Baldwin, Samuel D. Enoch, J. and M. Hamblin, William G. Sanders, William Cooley, Alexander Watson, Thomas W. Coker, the representatives of Elbert Anderson and Co., Vincent J. Strickland, William Fleming, Isaac S. Middleton, and William McKnaught; which reports were ordered to lie on the table.

Mr. RUSSELL, from the Committee of Claims, reported back to the House Senate bill entitled An act for the relief of John Richey; with a recommendation that it be rejected. The bill was then committed to a Committee of the Whole House to-morrow.

Mr. GIDDINGS, from the Committee of Claims, reported back to the House without amendment, Senate bill entitled "An act for the relief of Samuel Mackay," and made a report recommending that the bill be rejected. The bill was then committed to the Committee of the Whole House on to-morrow.

On motion of Mr. DOWNING, leave was granted Alexander Watson to withdraw the papers accompanying his petition.

Mr. J. W. WILLIAMS, from the Committee of Claims, reported a bill for the relief of John M. Brodhead; which was appropriately committed.

Mr. J. W. WILLIAMS also made an unfavorable report on the case of Ephraim L. Gilbert; which was ordered to lie on the table.

Mr. GALBRAITH, from the same committee, made an unfavorable report on the case of Alexander W. Sanders; which was ordered to lie on the table.

Mr. CURTIS, from the Committee on Commerce, reported back to the House without amendment, Senate bill entitled "An act to authorize the Secretary of the Treasury to procure steam vessels for the revenue service;" which was committed to the Committee of the Whole House on the state of the Union.

Mr. C. from the same committee, also reported back to the House without amendment, Senate bill entitled an act making further provision to prevent the abuse of the flag of the United States, and the use of unauthorized papers in the forcign slave trade.

Mr. BURKE, from the Committee on Commerce, to which was referred the bill from the Senate, entitled an act for the relief of the legal representatives of Aaron Vail, deceased, late Consul at L'Orient, made a report recommending that the bill do not pass. The bill was then ordered to lie on the table.

Mr. REYNOLDS from the Committee on the Public Lands, reported a bill supplemental to the act entitled an act to grant pre emption rights to settlers on the public lands, approved June 22, 1838; which was read the first and second time, and committed to the Committee of the Whole House to-morrow.

On motion of Mr. GIDDINGS, Dr. John Gray had leave granted to withdraw his papers.

One hour having elapsed, and the committees not having been yet called through—

Mr. JONES of Virginia moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. MONROE hoped that the call of the committees would be completed

And the question being taken on the motion to suspend, the vote stood—ayes 49, noes 52; no quorum voting.

Mr. EVANS urgently requested Mr. JONES not to press his motion.

Mr. STANLY also hoped the gentleman would withdraw it. He (Mr S.) was in no hurry to proceed with his speech. He was very patient.

Mr. JONES said that, as there was no quorum present, he would move a call of the House.

Mr. PETRIKIN asked the yeas and nays on that motion; which were ordered, and, being taken, were—yeas 63, nays 64.

So the call was refused. And a quorum being now present—

The question again recurred on the motion to go into committee.

Mr. CAVE JOHNSON asked the yeas and nays; which were ordered, and, being taken, were—yeas 78, nays 54.

So the motion was agreed to.

And (at six o'clock) the House again resolved itself into Committee of the Whole on the state of the Union, (Mr. EVANS of Maine in the chair,) and resumed the consideration of the

ARMY APPROPRIATION BILL.

The pending question was on the motion of Mr. JONES of Virginia, to amend the bill by adding an appropriation of $300,000 for the suppression of Indian hostilities in Florida.

Mr. STANLY addressed the committee in continuation of his remarks commenced yesterday, which he concluded at about 8 o'clock.

Mr. LINCOLN wished to ascertain from the chairman of the Committee of Ways and Means, whether this appropriation was intended to apply to the additional forces it was contemplated to send into Florida, for instance the 1,500 men proposed by the bill of the Military Committee, or merely for the expenses of the present force.

Mr. JONES was understood to say that he had held no correspondence with the Department on the subject, nor had he deemed it necessary to make the inquiry.

Mr. LINCOLN said that in that state of uncertainty he should

not consider himself justified in voting for the amendment, as he was opposed to any increase of the standing army.

The committee, on motion of Mr. W. THOMPSON then rose,

And the House adjourned.

IN SENATE,

SATURDAY, July 11, 1840.

Mr. SMITH of Indiana presented two several petitions, numerously signed by citizens of that State, praying for a reduction of the salaries of the officers of the Federal Government.

Mr. S. said he scarcely knew what disposition to make of the petitions at this late period of the session, however worthy of consideration the subject of the reduction of salaries might be, and he could not hope for any action upon them at this session; he would therefore lay them upon the table, to taken up hereafter and appropriately referred; which was ordered accordingly.

Mr. GRUNDY, on leave, introduced a bill to provide for the allowance of invalid pensions to certain Cherokee warriors, under the fourteenth article of the treaty of 1835; which was read the first and second time, and referred to the Committee on Indian Affairs.

Mr. FULTON, from the Committee on the Public Buildings, to whom was referred the petition of Samuel Norris, and Frederick Sangrain of Arkansas, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. CLAY of Alabama, on leave, introduced a bill making an appropriation of $55,450 for the improvement of the harbor of Mobile.

Mr. MERRICK, from the Committee for the District of Columbia, reported a joint resolution directing the transfer to the State of Maryland of the stock in the Chesapeake and Ohio Canal, standing in the name of the United States.

NAVAL APPROPRIATIONS.

Mr. WRIGHT moved to take up the bill from the House making appropriations for the naval service for the year 1840.

Mr. MERRICK said he hoped the Senator would not press that motion. It would be understood that when the Senate was disposed to adjourn over to Monday, he had urged on its consideration the necessity there existed for immediate action on the bill to recharter the banks of this District. The case was one of great urgency, and he hoped the Senate would indulge him in taking it up.

Mr. TAPPAN said he could see no great urgency in the matter, at least none that would warrant the Senate in taking it up to the prejudice of other bills of more importance. Besides, this was a bill from the House, and might be acted on at any time within the last three days of the session.

Mr. CLAY of Kentucky said he should consider that there was some little urgency in a case where the entire business of the whole District was at a stand, persons driven out of employ, and industry paralyzed; and yet gentlemen "could see no urgency."

Mr. WRIGHT said that the naval bill was one of high importance to the country, and it was necessary that it should be acted on with the least possible delay, that it might be sent to the other body.

Mr. CLAY would inquire if the bill was likely to lead to much discussion. If there would be time enough left to dispose of the other bill, he would advise his friend from Maryland [Mr. MERRICK] to acquiesce.

Mr WRIGHT said that he thought it would take up very little time; the amendments were not very complicated. He would say to the Senator from Kentucky, that after the bill was disposed of, he for one would pledge himself to sit there until the District bill was disposed of.

Mr. MERRICK then yielded assent; when, on motion of Mr. WRIGHT, the bill making appropriations for the naval service of 1840 was taken up.

The following amendments reported hy the committee to the appropriation for a dry dock at New York being under consideration, "Provided that no other part of this appropriation shall be expended prior to the fourth day of March next, than may be required to cause the proper examinations, surveys, and soundings to determine whether or not the said dry dock can be properly and usefully located within the bounds of the property now owned by the United States in connection with the navy yard at Brooklyn, unless such location shall prove satisfactory, and the President of the United States shall be satisfied that the means of the Treasury will be sufficient to meet all appropriations for the current service for that period over and above the money to be drawn for the construction of the said dry dock."

Mr. WILLIAMS proposed to amend the amendment reported by the Committee on Finance, so that $270,000, part of the $670,000 diverted from former appropriations, for the gradual improvement of the navy, should now be reappropriated for that object, and said: The bill, as passed by the House of Representatives, reappropriates $670,000 for the gradual improvement of the navy, to make good to that branch of the service the $330,000 appropriated last year, and $340,000 appropriated by this bill for building two steam vessels, which sums are directed to be taken from the amount heretofore appropriated for the gradual improvement of the navy. The Committee on Finance recommend the striking out the whole of this reappropriation, and assign their reasons for so doing to be the low state of the Treasury, and the probability that this money may not be required for use by the Navy Department until another year.

The object of the amendment proposed by me is to reduce the sum proposed by the House to be now reappropriated, and yet to retain such a portion of the reappropriation as seems to me to be essential to the purposes for which this money was originally granted. In 1827, Congress appropriated half a million of dollars annually for six years, to be expended in purchasing and preserving timber for the gradual improvement of the navy, and in 1833 continued the appropriation for six years more, and enlarged the objects of expenditure so as to include other materials for the same object; and in 1837, it was provided that a portion of the money might be applied for procuring ordnance. In 1833, it was found that $1,500,000 of these appropriations had not been expended, and would revert to the Treasury. Whereupon Congress reappropriated that amount for the purchase of timber and other materials for the navy, payable half in 1839 and half in 1840. By reference to the annual report and documents of the Secretary of the Navy at the commencement of the present session, it will be seen that in December last, there was unexpended of these appropriations, about - - - $870,000

To which is to be added the amount receivable in 1840, - - - 750,000

$1,620,000

And that contracts are now made, upon which there will be to be paid, when the contracts shall have been performed, about - - - - 1,200,000

Leaving about - - $420,000

at the disposal of the Navy Department, except that of the 330,000 directed by the act of 1839 to be applied to the building of steamers, only about $30,000 had then been drawn from the Treasury: and after the balance, say $300,000, shall be taken for that object, there will then remain about 120,000 beyond satisfying subsisting contracts, and the appropriation for steam vessels last year. The bill now under consideration directs a further sum of 340,000, to be diverted from the fund provided for procuring and preserving materials for the gradual improvement of the navy, to complete the steam vessels. This can only be done by using at this time money on hand belonging to the fund for the gradual improvement of the navy, which is pledged to the payment of subsisting contracts; but inasmuch as those payments are not to be made until the materials contracted for shall be delivered such a diversion might be made without injury to the service, provided the $670,000 so diverted, or part of it, could now be reappropriated, payable at a future day, as provided in the bill. Without some reappropriation, it will be seen that there is not a dollar at the disposal of the Navy Department beyond what will ultimately be required to satisfy subsisting contracts, and the appropriations of the last and present year for the steam vessels. It is understood that no provision has, as yet, been made for obtaining the necessary armament of any vessels to be constructed of the materials on hand, and that more time would be required to procure the proper armament, than would be necessary to build the vessels. There are but few places in the United States at which ordnance proper for ships of war can be procured, and it is desirable and important that the Department should have the power now to make arrangements for such ordnance, in order that it may be obtained at reasonable prices and in proper time. Without appropriation, the Department has no power to make any such arrangements, and who can tell how much the nation may suffer from our neglecting now to concur with the House in reappropriating at least a part of the sum which this and a former bill diverted from the fund so wisely set apart by our predecessors for the gradual improvement of the navy. The condition of the Treasury is the principal reason assigned by the Committee on Finance for amending the House bill, and while I would regret to make appropriations beyond the means of the Treasury to meet, am willing to modify the House bill so as to reduce the appropriation to the lowest possible point consistent with retaining any power in the Navy Department to provide for the armament of vessels when built, I cannot agree to strike out the whole reappropriation; but am ready to reduce it as far as may be consistent with what I regard the necessities of the service. It must be seen by every Senator that at the last and present sessions of Congress we take $670,000 from the fund appropriated for the gradual improvement of the navy, and apply it to building and completing two steam vessels, and this, in addition to the materials which had been provided for other vessels, and now used in these. At this I do not complain; but it seems to me that justice, as well as public duty, should constrain us to provide for the reimbursement, at some future day, of a part at least of this sum to enable the department to carry out the intention of those who provided a fund for the purchase of materials for the gradual improvement of the navy. All agree that the navy is the right arm of our defence, and how can it be justified that we shall divert money heretofore appropriated for procuring materials for the improvement of the navy and apply it to the building of steam vessels, without providing, at the same time, for the reappropriation of so much of it as will enable the department to procure ordnance and armament for the ships to be constructed from materials already on hand?

After some remarks from Mr. WRIGHT, the question was taken on Mr. WILLIAMS's motion, and it was lost.

The question then recurring on the amendment of the committee, some discussion ensued, in the course of which,

Mr. CALHOUN suggested that a similar appropriation to that made for a dry dock at New York, should be made for one at Pensacola. Mr. C. spoke of the long maritime frontier requiring stations in case of war, not only for our ships to repair to for security, but for defence also. He believed it all-important for the protection of Southern interests, and expressed the hope that while they were drying up the sources of so many surplus expenditures, the most liberal support should be extended to the navy.

After some remarks from Messrs. WILLIAMS, TAPPAN, and WRIGHT,

Mr. CUTHBERT said that he did not rise to enter into any argument to show the expediency of constructing dry docks either at New York or Pensacola, but to express his strong convictions that those who had the interests of this country at heart, and particularly the interests of the Southern portion of it, should adopt every means of keeping an important portion of the navy in the South. It was there, in the event of a war, a naval force would be more peculiarly necessary, and in that portion of the country was our commerce most vulnerable. It was, therefore, to be expected that the Southern States would receive from the justice of the other States such incidental protection as would be afforded by the employment of a sufficient part of our naval force on their coasts. Without intending to array any sectional interests on this question, he made these observations under the belief that their justice would strike the mind of every Senator.

Mr. WILLIAMS urged the importance of speedy action on the subject, and showed the great want of a dry dock at New York. There were two ships of the line, he said, now lying there which were not in a state to be removed to Charlestown or Portsmouth, and which could not be repaired till a dry dock was constructed.

Mr. CALHOUN again spoke of the importance of Pensacola as a naval station, for the protection of the commerce of the Gulf of Mexico, and called the attention of Western and Southwestern gentlemen to the subject, whose constituents were more immediately interested in it.

Mr. HENDERSON referred to the magnitude of the interests of the South and West that were involved in the protection of the Gulf. He did not believe, however, that a naval station at Pensacola would be a sufficient protection to New Orleans or Mobile, and he was not sure that there were not other sites on the Gulf more suitable than Pensacola. He was, however, in favor of the appropriation, as the dry dock would not be constructed, if upon a survey the site should be found to be unfavorable.

Mr. GRUNDY said he could not vote for the appropriation for Pensacola, until it was ascertained that the title of the United States to the public grounds there was a good one. He had been informed that an individual there laid claim to these grounds; and he wished this matter settled before the appropriation was made. He had no idea of having another Pea Patch affair on their hands, and would, therefore, vote against the appropriation.

Mr. CUTHBERT observed that the very objection urged by the Senator from Tennessee, showed the importance of pursuing this matter. It appeared that there were preliminary steps to be taken before the work could commence, and yet these preliminary steps had not been taken. Ample surveys, he said, ought to have been made before now, and if the title of the United States to the grounds they held there was doubtful, it should ere this have been inquired into. He made charges against no one, and reproached no one, but he must say that this important matter had been overlooked. He understood that surveys had been made, and were before the Executive; but these surveys ought not to be confined to the harbors of Pensacola; other sites should be examined, and the most suitable one selected and improved, until it was fit to receive such ships of the line as this great nation ought to possess. Conversing with a gentleman who was well informed on the subject, he learned that there were situations on the gulf where ships of the line of the largest class might ride in safety.

Mr. WALKER thought that this subject had been too long neglected. Eighteen months ago an appropriation was made by the Legislature of Mississippi for surveying the coast of the State at their own expense: and a report was made by the agents appointed for that purpose, stating that a particular site in the Gulf, and within the State of Mississippi, was the most suitable one on the coast for a naval station, both for depth of water, safe harborage, and other advantages. This report was communicated to Congress at this session. It was accompanied by a chart showing the depth of the channel, and yet they were now told that there were no surveys. We are now told, said Mr. W. that we are to wait till the surveying squadron employed in the coast survey shall reach this part of the Gulf. He had inquired of these officers at what period of time they expected to reach the coast of Mississippi; and he learned that, with the progress they are now making, it will be a quarter of a century before they reach any of the Southern waters. He regretted that he was constrained to speak in this manner; but he thought that the coast of the Gulf had been grossly and improperly neglected—that the surveys ought to have been made under the act of 1836, and that they ought not to be obliged to wait the progress of the surveying squadron. He was prepared to vote for a dry dock at Pensacola, though he believed that it was not the deepest harbor, and that there was a port in the neighborhood of it which had a much greater depth of water. He was in favor also of a dry dock at New York, as he was of increasing the navy.

Mr. WILLIAMS did not believe that the Navy Department had neglected the duties assigned them, and that the want of surveys on the Gulf coast was to be attributed to them.

Mr. CALHOUN said that, in order to try the sense of the Senate, he would offer an amendment appropriating the same amount for a dry dock at Pensacola as was appropriated for New York.

The CHAIR said the amendment was not now in order, the question being on the amendment proposed by the Committee.

Mr. CLAY of Alabama suggested to the Senator from South Carolina to offer his amendment as an amendment to the amendments of the committee. This course he understood would be in order. He thought the course of the discussion had sufficiently satisfied every gentleman of the importance of having a naval station of the first class with dry docks for the repair of the largest vessels, on the Gulf of Mexico, and that that sea was so separated as to demand a separate naval force for the defence of the valuable commerce borne through it. He should have no objection if any other harbor than Pensacola should be selected, on proving to be more suitable, though he did not believe that any other place possessed so many advantages. He would suggest to the Senator from South Carolina to offer his amendment as an amendment to the amendment of the committee.

Mr. CALHOUN here then moved to amend the amendment, by adding an appropriation of $95,000 for a dry dock at Pensacola, on the same terms as for that at New York.

Mr. TAPPAN made a few remarks in opposition to the amendment. He had no doubt but there were forty places on our coast very well suited for dry docks, and where they would be very useful if we had a navy as large as that of Great Britain. But with our present navy, he thought that the two we now had, one at Norfolk, and the other at Charlestown, were sufficient. If there were ships of the line at New York that wanted repair, and could not be taken to Charlestown, it had been the result, in his opinion, of bad management. He believed that a dry dock at New York, was not necessary, and he should, at a proper time, move to strike out the appropriation.

Mr. CALHOUN repeated his arguments, showing the importance of a dry dock at Pensacola, and the great advantages of that place for a naval station. He should not be content with a simply dry dock there. There was a large maritime frontier from the Chesapeake to Cape Florida, and another dry dock would be required for this immense coast. The position which a navy would occupy there, in the event of a war with the greatest maritime power of Europe, would be invaluable. It was the most exposed and vulnerable point in the Union, and the commerce was the most valuable. He hoped, while they were drying up the sluices of expenditure, which had been pouring out hundreds of thousands for nothing, they would turn their attention to this most important part of national defence.

Mr. SMITH of Indiana said he rose to ask the yeas and nays on the question. He said he had now heard from the Senator from South Carolina [Mr. CALHOUN] the very doctrine he (Mr. S.) had long since been satisfied would ultimately, unless arrested, appropriate every dollar of the revenues on the seaboard, in total and entire exclusion of the whole West. The Senator has said that, as the Government has now dried up the enormous expenditures which have been heretofore made, it was the proper time to make a survey of the port of Pensacola, with the object of making that a naval station, and erecting a dry dock and other buildings there. The proposition now is, after having refused appropriations to the Cumberland road

and the harbors on the lakes, to seek another point on the salt waters to use the money that should be appropriated in completing the works already begun. It was a doctrine that he (Mr. S.) protested against. The West paid into the National Treasury its full share of the revenue, and he would never consent to a doctrine that would deprive her of her equal portion. This salt water doctrine was the rock on which all the future hopes of the West would be ultimately wrecked. He did not deny but that the West might contingently and remotely be benefited by a navy yard at Pensacola, but he was unwilling to abandon those works and harbors in which his State was *directly* interested upon the prospect of such a remote or possible contingency; and if he voted to expend the whole of the money that can be spared from time to time on the seaboard, he could not hope for a dollar to aid either the Cumberland road or the protection of Western commerce on the lakes. He desired to see how Senators would vote who had denied to the West a participation in the benefits of the public Treasury, and suffered her works to go to destruction for the want of small appropriations.

Mr. CUTHBERT would suppose that the peculiar object of the gentleman from Indiana as a Western man would be to give ample protection to the Gulf of Mexico, which was the great outlet for the products of the West. He said this in perfect good temper, and it appeared to him that all who lived in the Western country were interested in our having points on the Gulf where a navy could lie in safety. The gentleman, as a Western man, was peculiarly interested in this measure, and he could not but indulge the hope that upon reconsideration he would give it his support.

Mr. CALHOUN was glad that the Senator from Indiana had treated this matter in reference to Western interests, for it was susceptible of demonstration that it was peculiarly a Western measure, and that the Western people were more deeply interested in it than any other. The Senator had called for the yeas and nays in hostility to the amendment, because an appropriation was not made for the Cumberland road. Why, the Cumberland road was not worth the hundredth part of this measure to the Western people. Besides, in the supplies of the navy, the West was to be greatly looked to for supplies of beef, pork, corn, and iron. He was glad the Senator had called for the yeas and nays, as he was hostile to the measure, that his name on the yeas and nays might go to the West, and show the people how he supported their interests.

Mr. BENTON was glad that the Senator from South Carolina had moved this amendment. The interest involved in it was one of the largest to the West. The immense valley of the Mississippi had but one outlet. Its most valuable products were disembogued in the Gulf of Mexico, and when they got there, they wanted adequate protection. He looked upon the whole Gulf as nothing but an estuary of the Mississippi. That we must have a naval station there, and that Pensacola was the point, could not be doubted.

That we must also have a strong naval post either at Key Westor the Dry Tortugas, was equally clear. The time would come when our people would speak of the Gulf of Mexico as the Romans did of the Mediterranean. "*Mare nostrum*"—"our sea"—they would say; and upon it our most valuable property is to be assailed. He thanked the Senator from South Caroliua for his motion, and hoped it would prevail.

Mr. HENDERSON spoke of what he conceived the almost criminal ignorance of the Government in relation to the defence of the Southern maritime frontier. It knew nothing of any surverys in relation to the defence of a coast that passes off two-thirds of all the exports of the country.

[Mr. H. here read an extract of a letter which he had received from the Department.]

Here thousands, nay, millions, of the property of the South and West disembogues itself at points where there was not the slightest move yet made for its protection. He felt glad that the Senator from South Carolina had called the attention of the Southern and Western Senators to the subject and he hoped to see others moving in a point of so much magnitude. Mr. H. said, a large portion of our naval officers and the navy commissioners were all Northern men, with Northern feelings and associations, [Mr. CLAY, in an under tone: "Surely we have a Northern man with Southern feelings,"] and consequently not likely to look to Southern interests. Mr. H. said he was not prepared, however, to say that Pensacola was the best spot for a naval depot, or that the ports of Mobile and New Orleans would be properly protected. He thought, however, it might go far towards it.

Mr. SMITH of Indiana said the Senator from South Carolina [Mr. CALHOUN] seemed to think that he (Mr. S.) had mistaken his position. And the Senator had attempted to show that Western interests would be benefited by the appropriation, and from this the Senator had argued that he (Mr. S.) was opposing the interest of his State. This conclusion of the Senator (said Mr. S.) is not warranted by the premises he has assumed. Mr. S. had admitted that the West might be contingently benefited by the proposed works, but he placed the question on other grounds. He was opposed to the doctrine by which this measure was to be carried. The Senator from South Carolina [Mr. CALHOUN] had spoken of having dried up the appropriations by which the West had heretofore received a portion of the money that section had paid into the National Treasury.

[Mr. CALHOUN here said he spoke of wasteful appropriations.]

Mr. SMITH said he presumed the Senator from South Carolina would admit that whether an appropriation was wasteful or not, was a matter of opinion. What the Senator from South Carolina might think wasteful, he (Mr. S.) might possibly think otherwise. He could assure the Senator that it would be difficult to make the people of his State believe that an appropriation to complete the Cumberland road would be a wasteful appropriation. Nor could the Senator easily satisfy that portion of the citizens of the West connected with the commerce of the lakes that the improvement of their harbors would be a wasteful appropriation, however the votes of Senators might be upon those subjects of Western interest.

It was intimated (said Mr. S.) that he should go for this appropriation because the citizens of his State might be interested in the work. He had taken his stand on this subject. He wished to be set down as opposed to this whole salt-water doctrine; not that he denied the constitutional powers of the Government to construct works in aid of the commerce on the seaboard; far from it; but he had for years seen the tendency of the administration of the Government to draw the whole appropriations to the salt water. The doctrine was, that the constitutional powers of the Government commenced upon the ocean, and terminated at the extreme of the flow of its waters upon the land. Some were willing to extend it to the lakes when there was money in the Treasury to spare, which had not been the case of late, at least for that purpose. He did not deny that the people of his State might be remotely and contingently benefited by this appropriation; but he would give no sanction by his vote to a doctrine that would draw from them every dollar of their specie through the public land offices, and through the imposts, and exclusively appropriate it on the seaboard, for the immediate benefit of those who deny the power of the Government to appropriate a dollar to objects of immediate interest to the West. Not a dollar could be had for the Cumberland road or the harbors on the lakes; and they are to be left to go to destruction, while the money which should have been appropriated to them is to be thrown upon the seaboard. He called the people of the West to this view of the case.

Mr. HUBBARD spoke at some length against the adoption of such a proposition at such a time, and that, too, when some of the very friends of the measure were doubtful whether Pensacola was the proper place or not. He hoped the motion would not prevail.

The question was then taken on Mr. CALHOUN'S amendment, and it was agreed to by the following vote:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Dixon, Fulton, Henderson, King, Knight, Linn, Lumpkin, Norvell, Preston, Roane, Smith of Connecticut, Strange, Sturgeon, Tallmadge, Walker, Wall, and White—25.

NAYS—Messrs. Clay of Kentucky, Clayton, Crittenden, Grundy, Hubbard, Nicholas, Phelps, Porter, Ruggles, Smith of Indiana, Tappan, Williams, Wright, and Young—14.

Mr. TAPPAN then moved to strike out that part of the bill making appropriation for dry docks at New York and Pensacola.

Mr. BUCHANAN supported the motion.

Mr. CLAY of Alabama and Mr. WRIGHT opposed it.

Mr. BUCHANAN would say a few words in reply to the Senators from Alabama and New York, [Messrs. CLAY and WRIGHT.] The Senator from Alabama contended that this was the mere appropriation of a sum necessary to make surveys at New York and Pensacola, for the purpose of ascertaining the utility and practicability of constructing dry docks at those places. Was that the fact? Certainly not, according to the language of the bill. There were $95,000 appropriated at each place absolutely, and a portion of it was to be expended before the first of March next in making surveys. The appropriation was absolute; and the Congress of the United States would never hear of this subject again till the sites were fixed and a portion of the money expended. Now would it not be right, before making this important appropriation, that they should make the surveys? Shall we now said Mr. B in a blinde confidence in the Navy Department, or any other Department of the Government, declare that we should be bound by their decision; and that as soon as *they* are satisfied of the practicability of establishing dry docks at New York and Pensacola, that they should go on and construct them without further direction from Congress? That was the question, and the only question. Where was the necessity for this haste? No doubt a dry dock was necessary at New York, and also at Pensacola; but let such necessity be demonstrated, and at the next session of Congress, with all the information before them, it would be time enough to appropriate the amount sufficient to construct them. What was the state of the Treasury now? Why, they had to borrow money to defray the ordinary expenditures of the Government, but, in the course of the next session of Congress, things might grow better or worse. By that time the surveys would have been made and laid before them, and Congress could then be guided wisely by the state of the Treasury. But here was an appropriation to be expended before the end of the next session of Congress, except the sum necessary for preliminary surveys. Was that wise legislation? He considered New York and Pensacola in the same situation. Nothing could be done before the next session of Congress but fixing the sites. Beyond that he was not willing to go. The Senator from New Hampshire [Mr. HUBBARD] was willing to make an ample appropriation for that purpose, and for that he should vote; but he could not conceive any case in which he would be willing to place in the hands of the Executive the power of determining whether such works should be constructed, and so large an amount of money to be appropriated without the further action of Congress. He objected to the principle involved, and if there was but one Senator to join him, he would oppose it.

The question was then taken on Mr. TAPPAN'S motion, and decided in the affirmative--yeas 21, nays 19, as follows:

YEAS—Messrs. Brown, Buchanan, Clay of Kentucky, Clayton, Crittenden, Dixon, Grundy, Hubbard, Huntington, Knight, Merrick, Norvell, Phelps, Porter, Roane, Smith of Indiana, Sturgeon, Tappan, Wall, Williams, and Young—21.

NAYS—Messrs. Allen, Anderson, Calhoun, Clay of Alabama, Cuthbert, Fulton, Henderson, King, Linn, Lumpkin, Nicholas, Preston, Rugales, Smith of Connecticut, Strange, Tallmadge, Walker, White, and Wright—19.

The amendments from the committee (except as above) were all agreed to.

Mr. HENDERSON moved an appropriation ($30,000) for a survey of the coast between Monile and the mouth of the Mississippi.

This amendment, advocated by Mr. HENDERSON and opposed by Mr. WRIGHT, was agreed to, by yeas 21, nays 10.

It was afterwards modified in Senate, so as to make it a survey of the coast of the Gulf of Mexico.

On motion of Mr. WRIGHT, the above $30,000 was required to be taken from the general appropriation for a survey of the coast of the United States.

The bill at half past 3 o'clock was ordered, as amended, to be engrossed.

MILEAGE OF MEMBERS OF CONGRESS.

The bill for establishing a uniform rule of computing the mileage of members of Congress having been read a third time—

Mr. GRUNDY, after a few remarks on the forfeiture by the bill of the daily pay of a member of Congress, in case of his absence at any one call of the yeas and nays, moved to recommit the bill to the Judiciary Committee, (as the select committee was defunct,) with instructions to report a substitute, providing for the appointment, at an early day of each session, of a joint committee to determine and report the mileage of every member, according to the laws now in force.

Mr. CLAY of Kentucky hoped the motion would not succeed. Two great objects would be attained by this bill, one the regulation of the mileage, and the other a correction of the great abuses (in hearing of which Mr. C. would not say how much he was shocked,) in regard to the stationery of members of Congress. He hoped the good work done yesterday would not be undone.

The motion was further opposed by Messrs. TAPPAN, HUBBARD, and CLAY of Kentucky, and advocated by Messrs. TALLMADGE and GRUNDY; when the question was taken by yeas and nays, and decided in the negative, as follows: yeas 9, nays 23.

Mr. TALLMADGE then moved to postpone the bill until the first Monday in December next, and on that motion he demanded the yeas and nays.

The motion was lost—yeas 8, nays 24.

Mr. WHITE delivered his views at some length against the bill, calling it impracticable, and said he had too much respect for his constituents to vote for it.

The question was taken on its passage, and carried—yeas 22, nays 8, as follows:

YEAS—Messrs. Allen, Anderson, Brown, Buchanan, Calhoun, Clay, of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Fulton, Grundy, Hubbard, Huntington, King, Linn, Lumpkin, Merrick, Nicholas, Preston, Roane, Tappan, Walker, Williams, Wright, and Young—25.

NAYS—Messrs. Benton, Clayton, Dixon, Henderson, Norvell, Smith of Indiana, Tallmadge, and White—8.

DISTRICT BANKS.

Mr. MERRICK moved to take up the bill to continue the corporate existence of the banks of the District of Columbia, when some objections were made as to the lateness of the hour, and indications made for an adjournment.

Mr. WALKER said he could not agree to adjourn, though he might as well state at once his objections to rechartering any bank in a state of suspension.

Mr. MERRICK still pressed the necessity there existed for taking up this bill. He thought the Senate was sufficiently informed on the subject, and he did not think it would occupy much of their time. The sooner it was begun the sooner it would be ended. At all events, it could be taken up and progressed with as far as the patience of the Senate would admit, after so long and exhausting a sitting; and he hoped a majority of the Senate would sustain his motion.

Mr. ALLEN said, if the Senator from Maryland supposed that such a bill was to make its way through the body at such a time, he was mistaken. It could not be done. He had amendments to offer and some remarks to make which would take up some time.

Mr. BROWN moved an adjournment; but the motion was lost by a vote of 17 to 12.

And the bill was then taken up and read, when

Mr. ALLEN offered several amendments, which were read, changing the entire character of the bill as reported from the committee. The amendments were all ordered to be printed.

Mr. HUBBARD presented one, which was also ordered to be printed, to the effect that the banks should not pay out the notes of any other bank when said banks are in a state of suspension.

HOUSE OF REPRESENTATIVES.

SATURDAY, July 11, 1840.

Mr. RAYNER asked leave to submit a motion for the printing of 1,000 extra copies of a certain report made by him yesterday from the Committee on Roads and Canals.

Mr. TURNEY objected.

Mr. CURTIS asked that the bill, heretofore reported by Mr. HILLEN from the Committee on Commerce, repealing the New York pilot law, be committed to the Committee of the Whole on the state of the Union.

Mr. CRARY objected.

The SPEAKER then called the committees for reports, commencing (where the call was suspended yesterday, with the Committee on the Public Lands,

On motion of Mr. LINCOLN, the Committee on the Public Lands was discharged from the further consideration of the memorial of the Legislature of Missouri, in relation to preemption rights to lands; and it was ordered to lie on the table.

Mr. LINCOLN, from the Committee on the Public Lands, reported back to the House without amendment Senate bill entitled an act for the relief of Daniel B. Bush; and

An act authorizing the inhabitants of Fractional township ten south of range one east, in the State of Arkansas, to enter one half section of land for school purposes; which were severally committed to a committee of the whole House to-morrow.

Mr. MASON, from the Committee on the Public Lands, reported back to the House, without amendment, Senate bill entitled an act to grant other lands to the inhabitants of townships deprived of the sixth section by Indian reservations; which was ordered to be committed to a Committee of the Whole House to-morrow.

Mr. M. from the same committee, reported a bill to continue in force the first section of the act entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office," approved July 7, 1838.

Mr. M. asked that the bill would be read the third time, and put upon its passage.

Mr. PETRIKIN objected. It contained a donation of land, and should be committed. He made a motion that it be referred to a Committee of the Whole House.

Mr. MASON made some remarks, showing that it did not contain an appropriation. It was not originating new legislation, but simply extending an existing act.

The question was taken on the motion to refer to the Committee of the Whole, and disagreed to.

The bill was then read the third time, and passed.

On motion of Mr. MASON,

The Committee of the Whole House was discharged from the further consideration of the bill for the relief of bounty land warrants granted for military services in the army of the United States, in the late war between United States and Great Britain.

Messrs. CASEY and UNDERWOOD made some remarks showing the necessity and propriety of passing the bill, and it was read the third according to order, and *passed*.

On motion of Mr. MASON,

The Committee of the Whole was discharged from the consideration of the bill to extend the time of issuing military land warrants to officers and soldiers of the Revolutionary army. The bill having been ordered to be engrossed, was engrossed, and the question being "Shall the bill pass?"

Mr. BOND opposed its passage.

Mr. J. GARLAND obtained the floor and moved the previous question; which received a second.

Mr. L. WILLIAMS moved that the bill be recommitted.

Mr. WISE contended that to adopt such a motion was to kill the bill, as it could not be reached during the present session.

Mr. REYNOLDS insisted on the justice of Congress performing its contracts to its soldiers; and he hoped that the motion to recommit would not be agreed to, but that the bill would be passed.

Mr. BOND spoke in favor of a recommitment, with a view to an examination of the merits of the bill, and when members might be heard upon it.

Mr. WHITE of Kentucky replied to some of the objections of Mr. BOND, and was in favor of the passage of the bill.

Mr. CRAIG was opposed to recommitment. There was no necessity for it. Let gentlemen come directly up to the question, and vote for or against the bill, as they might deem it just or otherwise.

Pending the question, (the morning hour having expired,) Mr. BRIGGS called for the orders of the day.

ARMY APPROPRIATION BILL.

On motion of Mr. JONES of Virginia, the rules were suspended, and the House again resolved itself into Committee of the Whole on the state of the Union, (Mr. EVANS of Maine in the chair,) on the bill making appropriations for the support of the army for the year 1840.

The pending question was on the motion of Mr. JONES to amend the bill by adding thereto an appropriation of $300,000 for the suppression of Indian hostilities in Florida.

Mr. W. THOMPSON said, at the very commencement of this session, he had made a direct issue with the President, who said, in his message to us, that the resources of the Government for the next year would meet all the demands of the Treasury. He (Mr. T.) had then said that they would not, and that, if the President was ignorant of this, he was the only intelligent man in the United States who did not know better. He had then said that the resources were greatly exaggerated, and the expenditures as greatly diminished. Will any one now stand up here and say that the revenues will amount to the Secretary's estimate, or that the expenditures called for by the Administration will not exceed their estimates? Did the Executive know better? He ought to have know better: he had all the means of information before him; and I will prove it, that calls are now made through the committees for appropriations which it was then known were necessary.

In my remarks made upon the reading of the annual message, I asked, "why is there no estimate for the prosecution of the Florida war? Is that war to be abandoned, and the country surrendered to the Indians. If not, why have we no estimates for that war?" We are told by the chairman of the Committee of Ways and Means, that the Secretary of War then confidently anticipated that the war would be ended by the middle of the summer. Now, sir, I say, on my own responsibility, that the Secretary anticipated no such thing, and I will prove it. In the report of the Secretary in which this estimate should have been, and where we are told it would have been, but for this expectation of the Secretary, he enumerates the means by which he hopes to terminate this war. First, the armed occupation bill. Will any one have the boldness to say that he expected any practical results from this measure (neither then or now passed into a law) by the middle of summer? The second, the raising of an additional regiment for that particular service. Such a force could not have been raised and drilled as the Secretary proposes, by the time stated. But there is another fact, which places the matter beyond dispute. At one of the very first meetings of the Military Committee, the Secretary sent a proposition to raise this regiment, that it might be recruited and drilled in the summer, and take the field early in the fall. Now, sir, I ask, if this war was so confidently expected to end by the middle of the summer, why was the raising of this regiment proposed? If the war was to end, there was no earthly pretext for this increase of the army. If the war was not closed, there was no excuse for not including it in the estimates. No, sir, it was then as well known as it is now, that such an appropriation would be necessary; but as these annual documents are read with the utmost avidity, this false and fraudulent showing is made for popular effect, that the people may read the statement that the revenues will meet the wants of the Government; and now, at the close of the session, they come sneaking in and asking appropriations which they always knew would be wanting, and now have not the candor to ask half as much as will be required, if that war is to be prosecuted at all. For the last two years it has not been a war; just enough force to goad and irritate the Indians, but to do no earthly good. Mr. T. would not be understood as passing any censure upon the brave and distinguished men, many of them who had served in those most arduous campaigns, and passed a high eulogium upon them. The difficulties which they had to encounter at first, from the nature of an unknown and comparatively unexplored country, were insurmountable; most of these difficulties had now been removed. The fault was with the Administration, which for near three years, has allowed that war to languish without providing any adequate means of prosecuting it. We have bitterly realized the truth of the remark, that the greatest of calamities is a little war. It should be terminated at all hazards and costs. It is due to the South—to the honor of the country—to the people of Florida—to the cause of humanity. Let us no longer falter with this the most important matter now before us. My objection to the proposition is, that not half enough is asked. Why did the Secretary heretofore ask six hundred thousand dollars, and now only three hundred thousand dollars? Did he then ask twice as much as was necessary, or does he now only ask for half as much as is necessary? One or the other—he may choose between them. But it is said that it is because there is three hundred thousand dollars unexpended of former appropriations. This was the case at the period of the application for the larger sum. Did not the Secretary know it? He ought to have known it. But this appropriation is as well to prosecute the war as to pay arrearages. Why are there any arrearages, when there is a surplus on hand? It is another instance of blundering ignorance, of intentional deception? When we consider that the seat of war is a territory almost as large as Virginia, with a population not larger than a single county of Maryland, with swamps, hammocks, and everglades of interminable extent, abounding with game and fish of all sorts, supplying them with a commissariat, always at hand, and absolutely inexhaustible, with an immense and unguarded seacoast through which they are supplied with ammunition, and every thing else they may need—the very best country on the face of the earth for the successful practice of the tactics of Indian warfare, and at least a thousand of the most dangerous troops for such war—I know they have been estimated at less, but there are about that many—if we look to all these things, we will have some adequate perception of the means necessary to end that war, and of the folly and imbecility that has been paltering with it by such means as have been used for the last three years.

The whole of the regular army that can by any possibility be thrown there, should be immediately sent. At least ten thousand volunteers should be called out, and rewards, large rewards, offered to those not engaged in the military service, for captive women and children, and for warriors, alive or dead. Do this, and blockade the whole coast efficiently, and by vigorous concerted and concentrated movements, the war will be ended in three months. If you do not take some such efficient course, abandon the war; say to the people of Florida that their Government cannot, will not protect them, and let them go elsewhere. If there were twenty thousand instead of one thousand warriors, the difficulties would be less; the difficulty is in finding, not in whipping them, and the smaller their number, of course the greater their power of concealment.

Mr. T. had a very few words to say, on the bill proposing to raise an additional corps of 1,500 men for this particular service. Mr. T. had conversed with many of the most distinguished officers who had served in Florida, and without an exception they all approved the measure. This was high authority with him. He would not lightly reject a measure which was backed by such authority. It is contemplated to raise three battalions of 500 men each, to serve during the war; to be drilled during the summer, not in the regular tactics, but in a system suited to that service. This is precisely what was done by General Wayne previous to his Northwestern campaign, which ended with the successful battle of the Miama. It is proposed to induce suitable men to enlist in this service by an additional bounty of 160 acres of land or one hundred dollars in money. The troops will be recruited, trained, and armed with a view to this particular service, and I believe with the energy and rivalry of the respective battalions, it will do much good as an auxiliary—a sort of guerilla force. Of itself, I should not expect that it could terminate the war. The bounty will be the only additional expense, for the corps is to be officered from the officers of the regular army now in commission, so that there are to be no additional officers, and our army is not full as to privates by about 4,000, and I shall offer an amendment to the bill that the army is in no case to exceed its present complement, so that in point of fact it is no addition in numbers or expense to the present organization.

Mr. BIODLE said he was willing to go as far as any man in making appropriations necessary to maintain the honor of the country; but he had been so often deceived and cheated in yielding to importunities, and to threats, too, that he would not go blindly into any further appropriations. He must first see his way clear—he must have some guarantee that the confusion and absurdity, and want of intellect which had characterized the management of this war up to the present time were about to disappear. As yet, he regretted to say, the House had no reason to believe that such would be the case.

Mr. B then addressed the committee for nearly two hours on the general policy of this war, and the abuses which had marked its management, and concluded by adverting briefly to the "gross and brutal" attacks which had been made upon himself in the "Globe" newspaper, simply because, as a member of the House, he had asked for light and information.

Mr. HUNT followed in a review of the extravagant and wasteful expenditures which had attended the Florida war, and was still on the floor, when the CHAIR having announced the hour of half past two o'clock—

The House took a recess until 4 o'clock.

EVENING SESSION.

Mr. HUNT of New York resumed and concluded the speech he had begun in the morning on the subject of the Florida war, the manner in which it had been conducted, and the waste of public money which had attended every stage of its progress.

Mr. W. O. BUTLER of Kentucky then took the floor, and in a strain of eloquence seldom equalled in a legislative body, and which rivetted the attention of all parties, proceeded to vindicate the course of the Administration, and to repel the aspersions attempted to be cast upon it by the two preceding speakers.

Mr. B. alluded at some length to the course pursued by the late President Jackson in relation to the Indians, and denied with much warmth that the object of that great man, in removing them beyond the Mississippi, was for their ultimate destruction. He asked what man there was in the least conversant with the Indian character, who did not know that removing them into the wilderness, where they could roam amidst the wild beauty and grandeur of nature was the only means of preserving them? The nature and habits of the Indian and white man were so totally different, that nothing could assimilate them together. The course pursued, then, by President Jackson, was the only course that could have been pursued. The Indian lived by his gun and his bow, and his delight was in the chase. Said Mr B. give him the high mountain, the deep, dark glen, the rushing billow, and the still calm lake, and you leave untouched all that is noble in his nature. But take his arms from his hands, deprive him of his bow and his gun, shut him out from the solemn grandeur of his primeval forests, and the deep thrilling wild music of nature, and you reduce him to drudgery and make a slave of him at once. This would not do. Then, continued Mr. B. was it not right for President Jackson to remove them to the wild land, where they could enjoy their own customs, and live in a state congenial to their nature? There was no candid mind, he was sure, who would not admit that no better course could have been pursued. He had also abundant testimony to prove that the condition of the Indians had been greatly benefited since their removal beyond the Mississippi.

Mr. B. then proceeded to throw some light on the motives of many of the Opposition in opposing that war. He contended that, to the Abolitionists, the Territory of Florida was a very important spot. It was of vast importance to them, and the only theatre in the South where they could carry out their nefarious schemes. He showed the peculiar adaptability of the geographical position of Florida for the operations of the fanatics. One portion of the Territory, for instance, stretched almost to Cuba, a place substantially in possession of a rival power engaged in the abolition scheme. Yes, Cuba was the favorite and convenient spot where all these gentry met to concoct their schemes.

Mr. B. also made some allusion to the common interest that was attempting to be created by the Abolitionists between the negro and the Indians in Florida, and that consequently the Abolition party in the House might well show so much solicitude about the war.

In order to show that he was not mistaken in the views he had taken, Mr. B. caused to be read several extracts from the Abolition Almanac and other papers, all tending to show the true point at which the Abolitionists were aiming in their censure of the Administration in relation to this war; and that by their own confession, they were prepared to dissolve the Union if necessary, to carry out their nefarious schemes.

Mr. B. then adverted to the charge made that morning by the gentleman from Pennsylvania, viz: that the Administration had disgraced themselves by carrying on this war.

Now, it appeared that it was the plan of the Opposition to select every year some officer of the Government for their especial vengeance. Last year the Secretary of the Treasury was singled out as the victim, and the "Investigating Committee" was appointed, who went to New York, and produced, as the fruit of their labors, the famous Swartwout report, the great text book of the party, which was sent through the Union and quoted from every stump and horse block in the country. But what had become of that wonderful document that was to effect so much—that was to annihilate the Secretary of the Treasury, and bring infamy on the Administration? What had become of that great text book? Had the character, integrity, and high standing of the Secretary been affected by it? No; that officer had come out unscathed from the searching investigation, and his enemies had been unable to gratify their vindictive feelings. The great document had, for a moment, made a ripple, a bubble in the great political cauldron of the Opposition, but it had sunk, and was heard of no more.

Having failed in their attack upon the Secretary of the Treasury, the next object for their vengeance was the Secretary of War. Mr. B. then adverted at some length to the course pursued by the Secretary of War in relation to the Florida campaign, and defied the Opposition to show where that officer had been remiss in his duty. Why did they not make specific charges against him, so that they could be answered, and not make general and sweeping denunciations, to which they knew no answer could be made?

Mr. B. then took a review of the whole subject of our affairs in Florida, from the commencement of the war to the present time. He warmly vindicated the conduct of the Government in furnishing men and means, and the valor and conduct of our generals and troops, attributing the failure of the campaign to the nature of the country and the peculiar character of Indian warfare, to which no troops were adapted but such as had wrested Kentucky from the savage foe that warred upon the early settlers of the West. In the course of his remarks, he gave a beautiful and glowing sketch of the hardships encountered by the early settlers of the West, as they took their way through the flowery wilderness, and maintained their ground with the implement of husbandry in one hand, and the weapon of war in the other. He referred to the many dangers they encountered, and the constant trials they underwent, when the prowling Indian would seek them as they slept amidst the still hour of midnight, with no eye to watch them but the eye of Omnipotence. Such men, he contended, who knew the Indian character, were the only soldiers proper for conducting the Florida war.

Mr. B. concluded at about half past seven.

Mr. GRAVES then took the floor, when the committee rose, And the House adjourned.

IN SENATE,

MONDAY, July 13, 1840.

Mr. NORVELL presented a memorial from the citizens of Detroit, asking that an appropriation may be made by Congress for the purpose of constructing a railroad from that city to the Northern boundary of Ohio.

Mr. CRITTENDEN presented a memorial from citizens of the District of Columbia, asking a recharter of the banks. The memorial was ordered to be printed, without the names.

Mr. SMITH of Connecticut, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Ezra Chapman, deceased.

Mr. DAVIS, from the Committee on Commerce, reported a bill in addition to an act "concerning pilotage," approved March 2d 1837.

Mr. HUBBARD, from the Committee on Claims, made unfavorable reports upon the claims of Hiram H. and W. J. Lewis.

Also, on the petition of citizens of Jackson county, Alabama for the payment of claims of Alabama volunteers.

Mr. H. also, from the same committee, reported a bill authorizing the settlement and payment of certain claims of the State of Alabama.

The following bills, received from the House, were read and ordered to a second reading:

An act to continue in force the 1st section of an act entitled, "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office," approved July 7, 1838.

An act for the relief of the owners of bounty land warrants granted for military services in the army of the United States in the late war between the United States and Great Britain.

The joint resolution for the exchange of books and public documents for foreign publications.

INDIAN PENSIONS.

Mr. LINN, from the Committee on Indian Affairs, reported the House bill referred to them granting pensions to Cherokee warriors engaged the late war with Great Britain, to the same amount respectively as if they were citizens of the United States. This bill, the Senate, by consent, proceeded at once to consider.

Mr. PIERCE remarked that this bill provided for the pay of these pensions from the time of the disability; whereas it was a rule of the Senate, most fully established, to allow pensions only from the time when the proof of disability was presented to the Government.

Mr. GRUNDY argued that there was an essential difference between this case and that of our own citizens, inasmuch as laws had long been in existence in favor of the latter, whereas there had heretofore been no law providing pensions for these Indians, so that their not adducing proof of their disability was not their fault, but the fault of the Government in not giving them an opportunity to do so.

Mr. PIERCE said he should, notwithstanding, move to amend the bill, by requiring the pensions to commence from the time of the treaty, (1835,) and if the Senate should negative that proposition, he should regard it as an instruction, in effect, to vary from the rule hereafter in other cases. There were many examples of very great hardship, under this rule, in case of our own citizens, one of which Mr. P. stated was that of a Captain, who performed important services at Baltimore, and was twice shot down. Particular circumstances had prevented him from making out his proof till 1837. He was now poor and disabled, and the committee by the rule in question were compelled to allow him a pension only subsequent to 1837. Mr. P. therefore moved that the pension to these Cherokees be paid only after the time of the treaty, (1835.)

Mr. LINN insisted on the argument used by Mr. GRUNDY in favor of the bill, and added that he thought the case of the Cherokees a most meritorious one, inasmuch as, though they were aliens to our people, and with the recollection of supposed injuries, they had fought the battles of our people, they fought for us, notwithstanding their prejudices against us as a people.

Mr. BUCHANAN signified his concurrence in the views of the Senator from New Hampshire, [Mr. PIERCE.] He thought it right that the pensions should go back to the time of the treaty, but not beyond, unless the Senate meant to abandon the rule on this point, to which they had heretofore adhered. And would not these Indians have as much as they could squander if they received at one time a five years' pension?

Mr. LUMPKIN asked the Senator from Pennsylvania to yield the floor for a moment; and Mr. B. having done so, Mr. L. read from the treaty a provision that the pensions should commence "from the time of the disability."

Mr. BUCHANAN said it would require a very strong argument to go against the explicit language of the treaty.

The bill, as it was, was ordered to a third reading.

DISTRICT BANKS.

The bill to charter certain banks in the District of Columbia was taken up, and the amendments proposed by Mr. ALLEN to the amendments of the committee were discussed at length, and adopted.

The question then coming up to agree to the amendment as amended, it was lost.

Mr. CLAY of Alabama then offered some amendments to the bill as it came from the House; pending which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 13, 1840.

After the journal had been read,

Mr. CHAPMAN of Alabama asked leave to offer the following resolution:

Resolved, That the Committee on the Judiciary, to which was referred the case of Lieutenant Hooe, be required to report forthwith to this House who are legal witnesses under the existing laws, before courts martial in the navy of the United States; and further to report who shall hereafter be examined as witnesses in trials before such courts.

Mr. MITCHELL objected; whereon

Mr. CHAPMAN moved a suspension of the rules, and demanded the yeas and nays. He was determined to press the matter home now it was begun, and was determined to bring other gentlemen up to the "bull ring."

[Mr. C. here had reference to the language of Mr. BOTTS, when that member commenced operations on this unfortunate subject.]

There being but a few members present,

Mr. CHAPMAN moved a call of the House, and on that motion demanded the yeas and nays; which were ordered, and being taken, were—yeas 73, nays 55.

So the call was ordered, and the roll called, when 171 members answered to their names.

On motion of Mr. HOPKINS, all further proceedings in the call were then suspended.

The question then recurring on the motion to suspend the rules, for the purpose of submitting the resolution, it was decided by yeas and nays, as follows—yeas 100, nays 61:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Biddle, Blackwell, Boyd, Aaron V. Brown, Burke, William O. Butler, Carr, Casey, Chapman, Clifford, Connor, Mark A. Cooper, William R. Cooper, Crabb, Crary, Cross, Dana, John Davis, John W. Davis, Dickerson, Dellet, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Galbraith, James Garland, Goggin, Graham, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of Virginia, Hill of North Carolina, Hillen, Hook, Hopkins, Jackson, Jameson, Jenifer, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, King, Leet, Lucas, McClellan, McKay, Marchand, Medill, Miller, Montanya, S. W. Morris, Newhard, Nisbet, Parrish, Parmenter, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Rayner, Reynolds, Rhett, Rives, Robinson, E. Rogers, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweney, Philip F. Thomas, Trumbull, Turney, Vanderpoel, Vroom, David D. Wagener, Warren, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, L. Williams, and Worthington—100.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Bond, Botts, Briggs, Brockway, Calhoun, William B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Cranston, Crockett, Edward Davies, Garret Davis, Edards, Evans, Everett, Fillmore, Gates, Gentry, Giddings, Granger, Graves, Green, William S. Hastings, Hawes, Hunt, James, Charles Johnston, Kempshall, Lincoln, Marvin, Mason, Naylor, Osborne, Palen, Pope, Proffit, Randall, Randolph, Rariden, Ridgway, Russell, Sergeant, Simonton, Stanly, Stuart, Taliaferro, Waddy Thompson, Tillinghast, Toland, Triplett, Peter J. Wagner, John White, Thomas W. Williams, Joseph L. Williams, Christopher H. Williams, and Wise—61.

So, there not being two thirds, the rules were not suspended.

On motion of Mr. JONES of Virginia, the rules were then suspended, and the House resolved itself into a Committee of the Whole (Mr. EVANS in the chair) on the

ARMY APPROPRIATION BILL.

The question pending was the amendment of Mr. JONES, appropriating $300,000 for the suppression of Indian hostilities in Florida.

Mr. GRAVES, being entitled to the floor, spoke at some length in opposition to the policy of the Administration in relation to the war, but was inclined to think he should vote for the appropriation, and hold the Administration responsible for the use of it.

Mr. DOWNING of Florida obtained the floor and spoke till the hour of recess, without concluding, in a criticism of the manner in which the Florida war had been conducted.

EVENING SESSION.

After the recess,

The consideration of the Army Appropriation bill was resumed in Committee of the Whole, Mr. EVANS in the chair.

The question pending was on the amendment of Mr. JONES, appropriating $300,000 for the suppression of Indian hostilities in Florida.

Mr. DOWNING of Florida resumed his remarks, and entered into a full discussion of the manner in which that war has been conducted. He contended that on the system hitherto pursued, the war would never be ended, as the Indians, in their fastnesses, would defy the finest troops that could be brought against them. He maintained that if, after a battle had been fought, the Indians had been followed up, the campaign would have terminated successfully long ago. It appeared to him, however, that an Indian battle was like the small pox, for one trial was always enough. In the course of his remarks, Mr. D. exonerated the War Department from all blame, in relation to the blood hounds. He said it was solely a Territorial measure, with which Government had nothing to do. And so incensed were the people of Florida against the murderous savages, that he verily believed if the Prince of Darkness himself should offer his services as an ally, they would accept him.

Mr. D. censured the President for not calling for adequate means to prosecute the war, and contended that, with a proper number of men, the war might be brought to a close in a single campaign. He complained that no more than $300,000 was asked for by the Government, as by such scanty means the war might be continued, but could never be brought to a close. The people of Florida were tired of the carrying on of the war. They wished to see it closed. He spoke of the cruelties which had been practised upon the people of Florida by the regular army.

Mr. MONROE followed, and with much warmth vindicated the conduct of the brave officers who had served in that war, and particularly General Scott, from the attack of Mr. DOWNING. He contended that they had done all that it was possible for men to do under similar circumstances, and that proper allowance had not been made for the many obstacles with which they had to contend.

Mr. UNDERWOOD then took the floor, and gave his views as to the plan which ought to be pursued in order to bring the war to a successful termination. He was in favor of establishing a chain of log huts throughout the whole territory, at suitable distances, and connecting with each other. He went on to show that this system might be carried out at much less expense than would be imagined, and that the concurrent testimony of all who were capable of judging was in favor of such a plan. He alluded to several instances where ten or twenty men, sheltered in one of these huts, had successfully defended themselves against many hundreds of the enemy.

Mr. U. then went into a defence of General Jessup against the attack made upon him by Mr. BIDDLE, in relation to the manner in which he had conducted the war. That officer, Mr. U. said, had received more wounds, and shed more blood, in defence of his country, than any man engaged in the last war, against the Indians and the British. He spoke of the many battles in which he had bled; you could not now shake him by the hand, unless by taking hold of a shattered limb. He spoke of the manner in which he had superseded General Scott in the management of the Florida war, and said it was not by his own seeking; and was not sent there until after Scott had been recalled as unworthy of command.

Mr. STANLY next took the floor, and on his motion,

The committee rose, and

The House adjourned.

IN SENATE,

TUESDAY, July 14, 1840.

The PRESIDENT pro. tem. laid before the Senate a letter from the Secretary of the Treasury, covering a report of the superintendent of standard weights and measures; which was ordered to be printed.

Mr. MERRICK presented a memorial of a committee appointed by the Board of Aldermen and Board of Common Council of the city of Washington, remonstrating against the passage of a bill pending before the Senate "to amend and continue in force the act to incorporate the inhabitants of the city of Washington;" which was read and ordered to be printed.

Mr NORVELL said he would take the liberty of noticing one mistake—indeed he might say gross error—in the memorial. The bill reported by the select committee was complete in itself, and contained all the powers which it was contemplated to grant, and made no reference to any other law, except for the purpose of repealing them. There were other errors in the memorial, both of fact and principle, which he would not at present notice, from a desire to avoid a debate at this stage of the proceeding.

On motion of Mr. WILLIAMS, the Committee on Naval Affairs was discharged from the consideration of the petitions of Thomas Goin, of Timothy Winn, of Polly Clough, and of John Judge.

Mr. W. also, from the same committee, made adverse reports on the bill to regulate the pay of masters of the navy.

Mr. WRIGHT, from the Committee on Finance, reported a bill for the relief of the Mobile and New Orleans railroad companies, including that of West Feliciana, (a particular bill for which was therefore indefinitely postponed.) Also, the Grand Gulf Railroad and Banking Company. The bill was read and ordered to a second reading.

DEFENCES OF THE COUNTRY.

Mr. PIERCE, in behalf of the Committee on Military Affairs, asked to be discharged from the further consideration of "the memorial of Gen. Edmund P. Gaines, proposing a system of national defence, and praying its adoption by Congress." And also from "the memorial of the military convention, holden at Norwich, Vermont, praying for the revision and alteration of the system of military defences of the United States."

Mr. P. said the inquiry had been repeatedly made, "What are the views of the committee upon this subject?" and before the question was taken upon the motion just submitted, he would briefly respond to that interrogatory, presuming, however, to speak for no member but himself.

The present session, it was well known, had, for several reasons, not been a season propitious for the discussion and adoption of any improvements in the plan of our national defences. This had been sufficiently manifested by the character of the debate that took place some days since upon one branch of the general question—the reorganization and discipline of the militia. But, although the committee had not deemed it expedient at this time to present a report, it had been deferred from no want of a deep conviction of its importance. He would rejoice if the public mind could be effectually directed to the subject; and he hoped that he might at least be able to call the attention of Senators to the memorials, which (although parts of each would doubtless be regarded as extravagant) contained, nevertheless, practical views and suggestions well worthy of consideration in connection with the very important measures of which they respectively treated—measures, he would take occasion to remark, that had been discussed with great ability in the report of a board of officers, communicated to the Senate by the President, in April last. He hoped the subject would be taken up at an early day in the next session, and be so deliberately and definitively acted upon, as to give to our mode and means of defence, efficiency, uniformity, and the advantage of a settled system. We could now do it with the light of enlarged experience, and the benefit of many experiments made at the expense of others. In this age of progress, and in this land of invention, and almost boundless resources, we were not the people to stand still. We had not stood still. But while individual and private enterprise had kept pace, in all the various pursuits of life, with the best improvements of the day, it must be admitted, considering our position upon the globe—the immense extent of our maritime frontier—the mode in which we must be assailed, if ever successfully assailed, by a foreign foe—the easy access to our most commanding harbors—the vast importance and exposed condition of our great commercial cities, especially since the successful application of steam power to ocean navigation—that we had been singularly regardless of the advances and improvements which, in other countries, especially in France and England, had, within the last few years, materially changed, and were now rapidly changing the character of defensive and offensive operations, both on the land and the sea. We should not shut our eyes to these things. We should not remain unmindful of changes in the art and practice of war, exceeded in importance only by those which followed the discovery of gunpowder in the fourteenth century.

There were some things about the military defences of this country, which might be considered as settled, in relation to which there could be little if any difference of opinion. For instance—he regarded it as certain, that no large standing army was ever to be maintained here in time of peace, while our free institutions remain unshaken. In this we differed entirely from those nations with whom, from our position and political relations, we were in the greatest danger of being drawn into collision. It was equally certain, in his judgment, that stationary fortifications, in the best condition, with abundance of *materiel*, and well manned, would prove wholly inadequate to the defence even of our large commercial cities. It must be regarded as not less clear, that no foreign power could ever embark in the Quixotic enterprise of *conquering* this country, unless its Constitution should be first trampled in the dust by its own children. Such a project could never be soberly contemplated, he might safely assert, while we were a united people. During the Revolution—in the weakness of our infancy—the invaders could scarcely command more territory than they were able immediately to occupy. The possession of any particular place, however important in itself, would be of little consequence, as bearing upon the ultimate result of a conflict. We had no great metropolis like Paris, which, in possession of one power or another, could control the country. And from the nature of our institutions, and the extent of our territory, we never could have. The leading purposes of an enemy, therefore, would be, by the celerity and boldness of his movements on our coast, to keep up a constant alarm; to harass and cut off our commerce; to destroy our naval depots and public works; and if possible, to lay our great commercial cities under contribution or in ashes. It was against prompt movements and vigorous exertions for objects like these, for which we should prepare and provide. Our fortresses were not to invested and made the objects of long, regular seige; they were not, for reasons to which he had before adverted, of sufficient consequence in this country, whatever might be the case in others, possessing limited territory and different situation. In the nature of things this would not take place, and it need not be contemplated in their construction. France and England had, and always must maintain, large and well appointed standing armies: they were the the indispensable appendages of regal power and dominion, without which no monarch in Europe could retain his crown a single year. They had not only them, but they had now the means of planting them upon our shores; nay, of quartering them in the heart of our cities, before we could set in order our insufficient, and now deserted fortresses, or call into the field any affective force organized as our militia at present was; indeed in some of the States there was no organization whatever; it was wholly disbanded, and men whose thoughts were never elevated above the contemplation of loss and gain, were out in the newspapers, with their calculations to show *exactly* how many dollars and cents would be saved annually by the "disbandment" of this safe and sure auxiliary in our defence.

Sir, said Mr. P. can any thing be more deplorably characteristic of the prevailing spirit and passion of the age?

If he was right on these points, we were not in a condition to warrant the folding of our arms in security. We were at peace, but we might be involved in war, we knew not how soon. This we did know, that the only sure way to keep it far off, was to provide for its approach.

He was not disposed to give color to any unnecessary alarm, but he felt bound to say that the indications of a speedy and pacific termination of the difficulties growing out of the North-eastern boundary question, which seemed to have strongly impressed other minds, had wholly failed to impart any fresh confidence to his. He feared that they would prove to be specious rather than substantial. He could not help feeling strongly upon this subject of national defences, because he had witnessed the deep lethargy in which the spirit of the nation, easily roused to every thing else, had seemed to slumber here. Within the last five years war clouds had lowered most portentously upon our horizon, and on one or two occasions seemed ready to burst, and scatter far and wide the calamities of that dreadful scourge. What was the effect upon the Government and the country, when, upon a question of *money*, we were upon the eve of a war with one of the most powerful and gallant nations upon the face of the earth. Did we manifest a willingness to apply our money in preparation for the contest. No. He would be ashamed to state, there in his place, the total want of any thing like adequate means of defence. In Con-

gress there was as usual no want of patriotic demonstration in the way of speeches, but they were followed by nothing like decisive action. Through the country there appeared to be a profound repose, and blind trusting to luck in the face of admitted imminent danger. In the beneficent ordination of Providence, and through the energy and wisdom of that very extraordinary man, who always proved equal to great occasions, the impending danger was happily averted. How had it been more recently, when, for a long time, there had been a quasi war along our whole border, from St. Johns to the Lakes. In what condition did the evening of the 21 March, 1839, find the country? In what state did it find us in our places here? Like the nation generally—calm and undisturbed. Senators then present would not soon forget the scene that followed the arrival of the Eastern mail that night. The stirring report soon passed around the chamber, "there has been a battle upon our Eastern frontier; the blood of our citizens has been shed upon our own soil." A change came over the spirit of our dream. Every countenance was lighted up with high excitement. We were at last, when the strange spell of fancied security could no longer bind us, roused as from the delusion of a charm—we woke as from the trance of years—as from a dream we opened our eyes upon a full view of the nearness and magnitude of our danger. He would never forget the bearing on that occasion, nor the burning words of an honorable Senator on the other side of the chamber, not now in his place. That Senator seemed to feel that by our culpable neglect to provide the means of defence, we had almost invited aggression, and that we ought ourselves to take our places in the fiercest of the eddying storm which it was then supposed had already burst upon our border brethren. Every word, as then understood, he believed was heartily responded to. What was done? All that could be under the circumstances in which we were placed. The constitutional term of one branch of Congress had but a few more hours to run. There was little time for deliberation, but we showed that there was one contingency in which we could merge every thing like party, and present an unbroken front. We passed a bill placing at the disposal of the President the whole militia of the United States, to be compelled to serve for a term not exceeding six months—to raise fifty thousand volunteers—"to equip, man, and employ in active service all the naval force of the United States—and to build, purchase, or charter, arm, equip, and man such vessels and steamboats on the Northern lakes and rivers, whose waters communicate with the United States and Great Britain, as he shall deem necessary." This fearful responsibility was cast upon one individual. This vast command, with ten millions of dollars to make it effectual, was committed to the sole discretion and patriotism of the President. No man who loved his country could but deprecate the necessity of placing such tremendous and fearful powers in the hands of one man, however wise and disinterested.

He warned the people against another such crisis. Sooner or later it would come, and perhaps unattended by that good fortune which had borne us thus far on in peace. At all events, it was the most fatal temerity to depend upon it, and neglect the necessary preparation. What should be done? Where lies the most obvious, the most unquestionable and cheapest means of defence to the country? These were questions to which the memorialists undertook respectively to respond. He did not of course propose at this time particularly to examine the report of the board of officers to which he had before adverted but would take the liberty to remark that the positions assumed were much more questionable than the ability with which they were discussed and defended. There was at least one point of agreement between the memorialists, and one in which he thought both were right. It was as to the entire insufficiency of land or stationary defences to protect our harbors, and secure the approaches to them. That this had been fully illustrated in more than one instance, even when wind and sails had been relied upon, he might safely assert, without intending to discuss the relative power of floating and stationary batteries. How much less the security now, with the general and free application of the propelling power of steam, it required no particular science nor military knowledge to judge. He referred particularly to the passing of the castle of Crohenburgh, and the successful attack of Lord Nelson upon Copenhagen in 1801, to the attack upon Gibraltar by the French and Spanish in 1782, and the assault upon Vera Cruz, and the reduction of the strong castle of San Juan de Ulloa a year ago last November, all of which had been cited on both sides in the controversy between stationary and floating defences. Gentlemen would be more safe in reading the official and authentic accounts, and drawing their own conclusions, than in trusting to the statements of the supporters of one system or the other. Mr. P. said he would by no means dispense with the stationary fortifications upon which we had so much relied; in many positions they were indispensable, but, in his judgment, the system, with us, had already been carried too far in respect to the number of works, and in some instances, as to the vast expense incurred upon individual works. Our country was too broad—too immense in its sweep to rely upon such works. No man would be so visionary as to indulge the chimerical scheme of making a seacoast of more than 3,000 miles impervious to attack. There were not only a great number of harbors and roadsteads along the coast that could not be thus defended, but almost innumerable indentations, affording safe anchorage, from which a superior naval force might land any number of troops, notwithstanding the entire completion of the most extensive plan of stationary fortifications that was ever yet dreamed of. They could not be compelled to land under the guns of a battery, or to place themselves within its range. Unless they should be met successfully upon their chosen element, they would take their own time and pretty much their own place, to disembark. The contest would then be in the open field between our armies and theirs—generally between the steadiness and thorough discipline of their veteran, but mercenary regiments upon a foreign soil; and the valor and desperate energy of ours, fighting, it might be, within sight of their own homes.

That we were now sadly deficient in the means of defence, was a fact admitted by all. In that condition we ought not to remain. We should provide our harbors, that hold out the greatest temptation to an invading foe, in addition to the stationary fortifications, with the best floating defences known to the world. We should make, as soon as it can be done consistently with other demands upon the revenue, our navy equal at least to one-sixth of that of great Britain. We should never go for conquest. We had, in territory, and climate, and resources, all that any people should desire, and the armament alluded to was believed to be as large a proportion as England would ever be able to spare from other points, and detach to our seas. Consistently with the demands upon the revenue! He would not say that. He held that, with the wealth and great resources of the country, we should make our revenue equal to *this* demand. Want of funds should hereafter be regarded as no good excuse for neglecting defences universally admitted to be indispensable for the honor and safety of our country. If the current revenue was not sufficient for these and other objects of like magnitude and necessity, let articles of luxury and ornament, such as wines and silks, which are annually imported and consumed in the country, be taxed to raise the means. The navy of Great Britain consisted at present of five hundred and fifteen ships and twenty-three steamers, and mounted more than twenty-two thousand guns: France two hundred and thirty ships; America fifty-two in all, and thirty-eight effective, mounting only three thousand guns. Now the least with which we should be satisfied in our naval armament, was an increase at the lowest of fifty per cent. In the mean time, we should provide for an organization of the militia, to be efficient and uniform throughout the United States.

Thus prepared, with our large cities in a suitable state of defence, and with six hundred thousand disciplined citizen soldiers, so enrolled and organized as to admit of being promptly mustered and called into the field, we should be ready for that which, under such circumstances, would hardly be pressed upon us.

He would not be understood as admitting for a moment, that we would not, even unprepared as we now were, expel in a little time any invader that should venture to set foot upon our soil. He entertained not a doubt of it, because the same spirit that in 1793 prompted the celebrated decree of the French Convention, which proclaimed that—

"From the present moment, till that when all the enemies shall have been driven from the territory of the Republic, all Frenchmen shall be in permanent readiness for the service of the armies; the young men shall march to the contest: the married men forge arms and transport the provisions; the women shall make tents and clothes, and wait in the hospitals; the children shall make lint of old linen; the old men shall cause themselves to be carried to the public squares to excite the courage of the warriors, and preach hatred against the enemies of the Republic; the battalions, which shall be organized in every district, shall be ranged under a banner with this inscription: 'The French nation risen against tyrants.'"

The spirit which rendered that people invincible, and crowned their arms with such a succession of splendid victories over the veteran troops of the allied powers, as astounded the civilized world, would animate our countrymen from one extremity of the Union to the other; but let every man consider what dreadful sacrifices must precede the final result, if war come upon us in our present defenceless state. While our citizens were taking their places under the folds of the banner which the Republic would throw over them—a slow process at best for want of organization—our gallant little army, to which the country looked with pride and confidence, would be sacrificed; the blood of our most valuable citizens would perhaps stain the pavements of their own streets; and more property be destroyed in one commercial city, than would now defray the entire expense of perfect protection and security. This, Mr. P. said, was what might happen; and was that against which moderate patriotism and ordinary prudence should provide. He indulged the hope that when this storm of politics should have passed away, the Senate would take the subject up in the spirit and with the enlarged views of statesmen, acting for the common interest of their common country.

Mr. PRESTON remarked that he thought our system of fortifications had been commenced on too gigantic a scale. They ought to have been completed at less expense than had been already laid out upon them. And those which were completed were so large that it was difficult to man them.

Our whole inland frontier ought to be regarded as not needing fortifications. We were there, every where, in the attitude to invade, and not to be invaded; for we could there, in any case inflict tenfold more on an enemy than they could on us. And there was another consideration which ought to have more weight than had been heretofore given it in relation to our defences, and it was this: we were not a conquering nation, and were not to be conquered. The country was absolutely and intrinsically incapable of being conquered. The whole question, therefore, in relation to our defences, was a question of annoyances; and on that principle, and on that alone, the whole system of our defences ought to be projected and arranged. We should have merely *points d'appui*, to retreat to and refit.

Mr. P. proceeded to remark that an entire revolution was now going on, in regard both to inland and maritime defence, by the agency of steam. Railroads would enable large masses of troops to be thrown suddenly on any point of the country that might be assailed. A still greater revolution was going on upon the sea; so that forts, he thought, would be soon rendered unnecessary, and the struggle must be maintained in the open sea. The great difficulty would be the want of men in our navy; and he thought it would be our policy always to have as many ships as could be manned. We ought to have a power to redress all wrongs, wherever given, promptly on the spot, in all parts of the world.

Mr. P. urged this subject further, with much earnestness, and declared the present state of our defences to be deplorably deficient, beyond the knowledge and the belief of most of the members of Congress.

Mr. CALHOUN said all these subjects must come up in their order at the next session, and he should therefore not enlarge upon them now. He thought our present system of fortifications had been so far extended as to make us cautious in our future expenditures, and he hoped that spirit would govern in our appropriations the present session. Our system of fortifications and other defences would of course require to be changed; there must be great changes both in the art and the armament of war, and the attention of Congress ought to be directed especially to the navy in both its branches—that propelled by steam as well as that by wind. This arm of our national defence should receive the most kindly attentions of Government, and could not be neglected with impunity.

The committee were now discharged from the further consideration of the memorial.

RETROCESSION OF ALEXANDRIA AND GEORGETOWN.

Mr. WALKER submitted a resolution instructing the Committee for the District of Columbia to inquire into the expediency of retroceding all those portions of the District of Columbia not within the limits of the city of Washington to the respective States to which they formerly belonged.

The resolution, by consent, was at once considered.

Mr. CLAY of Alabama said he would rather instruct the committee to bring in a bill at once authorizing the retrocession, with the consent of Alexandria and Georgetown, and the States respectively.

Mr. MERRICK said it would be recollected that Georgetown had formerly petitioned Congress to be restored to Maryland. Alexandria had not done so, but had recently expressed a unanimous wish to be restored to Virginia. Mr. M. was sure that Maryland would be glad to receive Georgetown. But he thought it altogether too late in the session to introduce a measure of this kind, which evidently could not be carried through. At the proper time Mr. M. would be glad to act upon it.

Mr. PRESTON argued that, even if the measure could not be consummated at this time, it was expedient to bring the subject under consideration, and he was therefore in favor of the resolution.

Mr. MERRICK said he was in favor of the retrocession, and he should not further object to a resolution of inquiry.

Mr. CLAY of Alabama said there were but two points to be ascertained in this matter; one, the consent of the people to be retroceded, and the other, the consent of the States to receive them. He thought, therefore, that a provisionary bill might readily be passed at this session, which would require no further action of Congress.

Mr. LUMPKIN, as a member of the Committee for the District of Columbia, concurred in granting a retrocession. But if a bill for that purpose was now to be framed, he proposed that it should be done by a select committee.

Mr. WALKER said that the Committee for the District were better acquainted with this subject than a select committee could be, and he wished the inquiry to be made by those best able to make it. He argued in favor of the retrocession, that it would lighten the duties, and shorten the sessions of Congress; and he believed it would be for the good of all the parties concerned.

Mr. MERRICK said he was anxious that the retrocession should take place, and if it should not be carried at this session, he should move upon it early in the next.

Mr. ALLEN spoke in favor of the bill, even if it should not now be passed, as it would more effectually call the attention of the parties to the subject, and of the people of the country.

The resolution was agreed to without dissent.

On motion of Mr. WRIGHT, it was resolved that the Senate on this day, and for the remainder of the session, take a recess from half past two to half past four o'clock.

BANKS OF THE DISTRICT.

The bill granting charters to the late banks of the District was taken up, and after various amendments had been adopted, was ordered to be engrossed for a third reading—ayes 20, noes 12.

The bill, as ordered to be engrossed, is in the following words:

AN ACT to continue the corporate existence of certain banks in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions, restrictions, and enactments of the act of Congress of the twenty-fifth of May, eighteen hundred and thirty-eight, entitled "An act to extend the charter of the Union Bank of Georgetown, in the District of Columbia," be, and the same are hereby, extended to the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, the Bank of Washington, the Patriotic Bank of Washington, the Bank of the Potomac, and the Farmers' Bank of Alexandria: *Provided*, That wherever, in the original act, the first of July, eighteen hundred and thirty-eight occurs, it shall be so construed as to mean the fourth of July, eighteen hundred and forty-one; and wherever the first of July, eighteen hundred and forty-two occurs, it shall be construed to mean the fourth of July, eighteen hundred and forty-four: *Provided, further*, That if the said banks, or any or either of them, shall, from and after the passage of this act, proceed, continue, or commence to pay in specie, on demand, all their notes and other liabilities, except such deposites as may have been heretofore made in funds not equivalent to specie, then the said banks, or such of them as shall so proceed, continue, or commence to pay specie, on demand, for all their notes and liabilities, except as aforesaid, and none other of the said banks, shall be entitled to all the rights and privileges conferred by their late charters until the the fourth day of July, eighteen hundred and forty-one, unless Congress shall at any time otherwise direct: *And provided further*, That if any of the said banks shall fail to resume specie payments, and to continue the same at the time of the passage of this act, and such bank may, in case it shall so resume at any time within the period of sixty days from and after its passage, avail itself of all the privileges, from and after the time of such resumption, which are granted by the act to those which resume immediately; but no banking privileges shall be exercised by any institution in a state of suspension of specie payments; but if such bank or banks shall, at any time after the passage of this act, suspend specie payments, or refuse to pay any of their notes or obligations in specie, then such neglect, failure, suspension, or refusal, shall operate as a forfeiture of their respective charters, except for the purpose of winding up their affairs, under the provisions and restrictions contained in this act: *And provided further*, That in all cases where the the said, or either of them, shall hereafter refuse payment of any of their notes or obligations, there shall be a summary remedy therefor before any justice or judge having jurisdiction of the case on five days' notice, wherein there shall be supersedeas, stay of execution, injunction, or certiorari allowed, nor any appeal, except upon affidavit of merits by the president, cashier, or directors.

SEC. 2. *And be it further enacted*, That neither of the said banks shall, from and after the passage of this act, issue or pay out other than for those existing deposites of the description mentioned in, and excepted by, the first section of this act, any bill, note, post-note, or other paper intended to circulate as money issued by any other bank, banker, banking association, incorporation, institution, or individual, unless such bill, note, post-note, or other paper, or promise to pay, is payable and paid in specie, on demand, at some fixed and certain place to be distinctly and plainly named upon the face of the paper.

SEC. 3. *And be it further enacted*, That each and every stockholder in such bank shall, from and after the taking effect of this act, also be, and they are hereby made, severally liable in their individual capacity, each to the full amount of his stock in such bank, for all the debts and obligations thereafter contracted by or on behalf of such bank, and which may have been contracted during the time he was such stockholder, and such liability shall continue after he may have ceased to be such

stockholder: *Provided*, Such bank shall refuse to pay on demand.

Sec. 4. *And be it further enacted*, That within ten days after the taking effect of this act, and semi-annually thereafter, the said banks shall, each for itself, make out and deliver to the Secretary of the Treasury, and likewise publish in one of the newspapers printed and of general circulation in the District of Columbia, a complete list of the names and places of residence of all the officers and directors of, and stockholders in, such bank for the time being, with the full amount of stock then held in said bank by each of such officers, directors, and stockholders, affixed to his or her name, respectively.

Sec. 5. *And be it further enacted*, That no dividend shall be made among the stockholders of any of those banks, while they are in a state of suspension; and the president and directors of said banks, respectively, shall be individually responsible in the event of any deficiency of the assets of either of said banks, in addition to the capital paid in, for all the liabilities which their several institutions may contract, from and after the passage of this act.

The bill was ordered to be printed,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 14, 1840.

Mr. CHAPMAN of Iowa asked leave to offer a resolution, setting apart to-morrow (Wednesday) for the consideration of Territorial business—to take precedence of all other. Mr. C. said that, from present appearances, it was not unlikely that the general appropriation bills would be debated till the end of the session, or so near it as to preclude the idea of any business which should be transacted by the House after the disposition of those bills being acted upon by the Senate. He hoped, therefore, that the introduction of the resolution would not meet with objection. It was known to every gentleman that, if even the appropriation bills were postponed to the last day, they must and would pass. He thought that out of a session of two hundred and thirty-three days, at least one day might be devoted to the transaction of Territorial business.

To keep Delegates here during the whole of a long session, engaged in the laborious business of preparing measures for the action of the House, and then deny them a few hours for their final action, would be without example in the history of our legislation. Many measures for this Territory had been prepared, at an expense of much time and labor, which would be a total loss to his constituents, if this House should refuse or neglect to act upon them.

After repeated efforts by the Committee on the Territories to get a day for the consideration of Territorial business, he had determined to move in the matter himself, and so far succeeded as to get the day after the disposition of the appropriation bills. But, from recent developments, he greatly feared that the last moment of the session would be used in debating those bills. What is the state of the calendar? Why, the first four bills, he believed, were yet upon it, not reached in their regular order. That being the fact, and judging by the past, we could reasonably hope for but little during the few remaining days of this protracted session. Whatever may have been the cause, or shall be rendered as an excuse for the great moral conflict which we had witnessed during the present Congress, of neither of which it was his purpose to speak, it appeared to him that the effect upon the public business was of a character revolutionary, and wanted nothing but the forms of war to entitle it to be recorded as one of its greatest evils.

Should the resolution fail, he would still not despair of seeing gentlemen pause in the midst of their career, and suffer the business of the country to be transacted. If, however, in this his just expectations should be disappointed, he would be conscious of having discharged his duty, of which it would be his pleasure to render such an account to his constituents as truth should justify.

Mr. PETRIKIN objected until the appropriation bills were disposed of.

Mr. C. then moved a suspension of the rule, and asked the yeas and nays, which were refused.

And the question being taken, the House refused to suspend the rule.

Mr. COOPER of Pennsylvania moved a suspension of the rule, for the purpose of offering the following preamble and resolutions; which were read for information:

Whereas the public buildings in the City of Washington have been erected at great expense to Government, and are of great value, especially as the depositories of the public records; and whereas, by a late act of Congress, entitled "An act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue," the Treasury building in the city of Washington and the custom-houses at the various points where the revenue is collected have been made the depositories of the public money; and whereas the said buildings and their contents are liable to be destroyed by fire or otherwise, as experience has proved in the recent instances of the destruction of the Treasury Building, the Patent Office, and the General Post Office: therefore

Resolved, That the Committee on Expenditures on the Public Buildings be directed to inquire into the expediency of reporting a bill to authorize and require the heads of the several Departments to have the said public buildings, occupied by them respectively, together with the archives, records, books, and vouchers contained in the same, as far as the value thereof can be estimated in money, insured against destruction by fire or otherwise, to the full amount of their value; provided the same can be done.

Resolved, That if the said committee should deem it expedient to report a bill for such purpose, the Secretary of the Treasury be authorized and required to have the custom-houses in Boston, New York, Philadelphia, and Baltimore, together with their contents, including books, records, and vouchers, as far as the value thereof can be estimated in money, insured to the full amount of their value, provided the same can be done; and that the insurance on the said public buildings and custom-houses be effected on or before the first day of November, 1840.

And, the question having been taken, the House refused to suspend the rule.

Mr. HOFFMAN, by leave, presented a memorial of the Chamber of Commerce of New York, and memorial of the Board of Trade of New York, against the passage of the bill now pending before Congress to insure the more faithful execution of the laws relating to the collection of duties on imports; which memorials were referred to the Committee on Manufactures.

THE CASE OF LIEUTENANT HOOE.

Mr. CHAPMAN of Alabama asked the general consent of the House to offer a resolution, which was read for information as follows:

Resolved, That the Judiciary Committee, having charge of the case of Lieut. Hooe, do forthwith report a bill to this House, prohibiting the enlistment of negroes or colored persons in the service of the navy or army of the United States.

Mr. STANLY was understood to say that the committee had not time to give the subject investigation, that it was physically impossible to make a report, and therefore objected.

Mr. CHAPMAN of Alabama moved a suspension of the rules, and on that motion demanded the yeas and nays, which were ordered.

Mr. BOTTS moved a call of the House.

Mr. TALIAFERRO demanded the yeas and nays on that motion, which were ordered.

Mr. STANLY asked if it was in order now to move to be excused from voting, and to give his reasons.

The SPEAKER said it was in order to make the motion, and that it would admit of limited debate.

Mr. STANLY said he would keep within the limit, and that if he felt himself going beyond it, he would endeavor to stop.

He (Mr. S.) would vote against a call of the House, because it was physically impossible for the Committee on the Judiciary to take up this business and report on it this session; and also, because the President of the United States and the Secretary of the Navy had full power to remedy these abuses, if they pleased.

And the question on the motion for a call of the House being then taken, they were stood—yeas 29, nays 112.

So the call was not ordered.

And the question recurring on the motion to suspend the rule,

Mr. BRIGGS moved to lay that motion on the table.

Mr. RIVES asked the yeas and nays; which were ordered.

Mr. BRIGGS then withdrew the motion to lay on the table.

The question again recurred on the motion to suspend the rules, when

Mr. STANLY asked to be excused from voting, because the Judiciary Committee had not time, at this period of the session, to examine and prepare any law on any subject; because the President and Secretary of the Navy had already full power and authority to exclude negroes from the service—and to exclude them from giving testimony against white men, and to set aside the proceedings of courts martial if they saw any thing requiring their interference; and because he (Mr. S.) could not consent that the navy should be deprived of the services of negroes as cooks, stewards, and servants; for there is no necessity they should be witnesses; and because to enact such a law as the gentleman from Alabama proposes would, in effect, make white men negroes, by imposing on them the necessity of discharging duties heretofore discharged by negroes.

Mr. DROMGOOLE asked the yeas and nays on the question of excusing Mr. STANLY; which were ordered, and, being taken, were—yeas 18, nays 132, as follows:

YEAS—Messrs. John W. Allen, Bond, Botts, Clark, Edwards, Hook, Cave Johnson, Lincoln, McCarty, Mallory, Parmenter, Simonton, Tillinghast, Underwood, Peter J. Wagner, Edward D. White, T. W. Williams, and Christopher H. Williams—18.

NAYS—Messrs. Adams, Judson Allen, Hugh J. Anderson, Andrews, Banks, Barnard, Beatty, Beirne, Bell, Blackwell, Boyd, Briggs, Aaron V. Brown, Albert G. Brown, Burke, S. H. Butler, Calhoun, Carr, Carroll, Casey, Chapman, Chinn, Clifford, Connor, J. Cooper, M. A. Cooper, Craig, Cranston, Cross, Curtis, Cushing, Dana, Edward Davies, John Davis, John W. Davis, Dennis, Dellet, Doan, Dromgoole, Earl, Eastman, Ely, Evans, Everett, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gentry, Giddings, Goggin, Graham, Granger, Green, Griffin, Hammond, Hand, John Hastings, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Hillen, Hoffman, Hopkins, Hubbard, Jackson, James, Jameson, N. Jones, John W. Jones, Keim, Kemble, Kille, Leet, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Monroe, Montanya, Morgan, Samuel W. Morris, Newhard, Nisbet, Ogle, Parrish, Paynter, Petrikin, Pope, Prentiss, Proffit, Ramsey, Randien, Rayner, Reynolds, Rhett, Ridgway, Rives, Edward Rogers, James Rogers, Russell, Ryall, Samuels, Shepard, Thomas Smith, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Taliaferro, Taylor, F. Thomas, Philip F. Thomas, W. Thompson, Jacob Thompson, Toland, Turney, Vanderpoel, Vroom, Warren, Watterson, Wick, Jared W. Williams, Lewis Williams, J. L. Williams, and Worthington—132.

So Mr. STANLY was not excused.

Mr. S. then said he hoped his reasons might be entered on the Journal. He should vote, he said, against the suspension, and he hoped that no Southern man would vote for such a proposition.

Mr. DROMGOOLE said the rules prescribed that a member should give a brief verbal statement, and it would be a violation of the rule for gentlemen to be permitted to enter their reasons at large on the journal. He protested against it.

Mr. BOTTS asked to be excused from voting on the proposition of the gentleman from Alabama, and assigned as reasons therefor—

1st. That a bill to prevent the enlistment of negroes in the navy of the United States did not remedy the evil complained of, nor had it any reference to the question of the admissibility of negroes as witnesses upon the trial of officers of the navy; and

2d. He had objected in the first instance to the reference of this subject to the Judiciary Committee, and did not now desire a report from them upon this question—he wished it to go to a select committee; and gentlemen would perceive his reason for that objection to be well founded, when he communicated the fact that every member of the committee either belonged to the Administration party or was the Representative of a free State. What could be expected from them? He wanted no report from a committee thus constituted that would operate as a white-washing report. The conduct of the President could not be extenuated or excused; and he wanted the South fairly represented by any committee to whom the subject might be given in charge.

After assigning these reasons, Mr. B. withdrew his proposition to be excused, as he only wanted to place his reasons before the House for thus resisting the efforts that had been made to procure a report.

Mr. STANLY rose, and interrupted Mr. B. and stated that he was a member of the Judiciary Committee; and was understood to say that the interests of the South were safe in the hands of that committee.

Mr. PROFFIT asked to be excused from voting, and gave as a reason, that the resolution, for the introduction of which a motion is made to suspend the rule, was, in his opinion, an evasion, a palpable and shuffling evasion, of the true question at issue between the people of the United States and the President, on the fact of the President of the United States having, in his official capacity, sanctioned and approved of the admission of the testimony of negroes in the trial of Lieut. Hooe, of the United States Navy. Mr. P. said he was opposed, unqualifiedly opposed, to the admission of the testimony of colored persons against white men. He approved fully of the laws of the State of Indiana, which provided that no negro, or mulatto, or Indian, or even the quarter blood, should be admitted as evidence against white persons. He considered the conduct of the President in the case of Lieut. Hooe as an insult not to be pardoned by any Southern man, and a direct attack upon the institutions of the South. He considered the resolution requiring the committee to report a bill to prevent the *enlistment* of colored people into the service of the army and navy of the United States as evasive of the question of *evidence*, and only calculated to place *white men* in the situations now occupied by colored persons as cooks, stewards, servants, &c. Mr. P. said that the President of the United States had disgraced——[here some person called to order.] Mr. P. said he would not transgress the rule, but he wished that an opportunity would occur in which he could express his detestation of the President's approval of the proceedings of the trial alluded to.

And the question being taken, the House refused to excuse Mr. PROFFIT.

And the motion to lay on the table the motion to suspend the rule having been withdrawn, the question recurred, and was taken, on the motion to suspend the rule; and was decided in the negative—yeas 107, nays 73, as follows:

YEAS—Messrs. Alford, Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Albert G. Brown, Burke, Sampson H. Butler, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, William R. Cooper, Crabb, Craig, Crary, Cross, Dana, J. Davis, J. W. Davis, Dawson, Doherty, Dickerson, Dellet, Doan, Dromgoole, Eastman, Ely, Fine, Fisher, Fornance, Galbraith, James Garland, Goggin, Graham, Griffin, Hammond, Hand, Jno. Hastings, Hawkins, Hill of Virginia, Hill of North Carolina, Hillen, Hopkins, Hubbard, Jackson, Jameson, Jenifer, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leet, Lucas, McClellan, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Newhard, Nisbet, Parrish, Parmenter, Paynter, Petrikin, Pickens, Ramsey, Reynolds, Rhett, Rives, James Rogers, Ryall, Samuels, Shaw, Shepard, Thomas Smith, Starkweather, Steenrod, Strong, Sumpter, Swearingen, Sweney, F. Thomas, P. F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Wick, Jared W. Williams, Henry Williams, and Worthington—107.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Bond, Botts, Briggs, Brockway, Calhoun, W. B. Campbell, Carter, Chinn, Chittenden, Clark, James Cooper, Cranston, Crockett, Davies, Garret Davis, Dennis, Earl, Edwards, Evans, Everett, Fillmore, Gates, Gentry, Giddings, Granger, Graves, W. S. Hastings, Hawes, Hoffman, Hunt, James, Kempshall, Lincoln, McCarty, Marvin, Mason, Morgan, Naylor, Ogle, Osborne, Palen, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Simonton, Stanly, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Underwood, Peter J. Wagner, E. D. White, Thos. W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—73.

So (two thirds not voting in the affirmative) the rules were not suspended.

Mr. BRIGGS moved a suspension of the rule for the purpose of going into Committee of the Whole on the state of the Union, to resume the consideration of the Army Appropriation bill.

Mr. MONROE appealed to Mr. B. to waive the motion for a moment, to enable him to offer a resolution.

Mr. PROFFIT made a similar request for another purpose.

Mr. BRIGGS declined.

ARMY APPROPRIATION BILL.

The rule having been suspended, the House resolved itself into Committee of the Whole on the state of the Union (Mr. EVANS of Maine in the chair) on the bill making appropriations for the support of the army for the year 1840; the pending question being on the motion of Mr. JONES to amend the bill by inserting an appropriation of three hundred thousand dollars for the suppression of Indian hostilities in Florida.

Mr. KEMBLE said that he did not rise at this late period of the session to discuss the merits of the bill, but to disavow a statement made by the chairman of the Committee on Military Affairs [Mr. W. THOMPSON] on Saturday last, when discussing the bill to raise 1500 men for the Florida war, as derogatory to the committee of which he [Mr. K.] had the honor to be a member, and injurious to the character of the Secretary of War. The chairman stated in substance that the Secretary of War had written a letter to the committee asking for 1000 men, while he had indirectly applied through the members for 1500. This was certainly incorrect, so far as it regarded himself, and so palpably so, that his honorable friend and colleague from New York, also a member of the committee, too little versed in the party politics of the House, and too honorable to subject any man to unjust asucation, had disavowed it at the time, which he should himself have done could he have got the floor.

Mr. W. THOMPSON said that he repeated to the fullest extent what he had said on Saturday, and was in every way responsible for it. The Secretary of War had made a communication to the committee, (not in the regular way, through the House to the committee,) asking for an additional regular force of a thousand men, when he believed fifteen hundred men would be more desirable, and that this opinion of the Secretary was communicated to the committee by the member to whom he had expressed himself. This is what I said, and I should like to hear it denied.

Mr. MONROE said that he believed he could explain the matter in such a way that it would be satisfactory to both the gentleman from New York and the gentleman from South Carolina.

A proposition from the Secretary of War was under consideration by the Military Committee, proposing to raise a force of a thousand men for the war in Florida, to be armed and equipped in a certain way, provided for in the bill before the House. He

thought that the proposition came from himself to increase the number to sixteen hundred, as he did not believe that one thousand would be sufficient, and thus make four battalions instead of three.

He (Mr. M) saw the Secretary, and mentioned it to him; that officer concurred in the opinion that an increase of this corps would be advisable, but he did not ask for them, as he believed that Congress would not willingly grant an increased number, and feared that the number already asked for would be refused.

Mr THOMPSON said: Therefore I stand justified to the fullest extent as to what I did say. If the purpose of the gentleman [Mr. KEMBLE] was to prove that he was not the member alluded to, he has succeeded; if to exculpate the Secretary of War from the charge of not asking as large a force as he deemed expedient, he has failed.

Mr. KEMBLE stated that, as a member of the Military Committee, he had concurred in the increase proposed, not from any intimation on the part of the Secretary, but because he believed it to be far more economical to employ regular troops than mounted militia—the only description of force to which the Department could recur—the first cost of which, besides the waste, was, by the reports to this House of the last session, at least six for one, besides the loss of horses and waste of military stores, and the embarrassment caused in the movements of the army.

The dread of the Florida war was so great that recruits could not be found to fill the ranks of the army. This bill proposed certain bounties on enlistments for the war, but further than that no additional expense would be incurred, inasmuch as the officers would be temporarily drawn from the army.

Mr. K. would take advantage of the occasion to answer an inquiry of the honorable gentleman from Massachusetts—whether, if this bill passed, any further appropriation than what was asked for by the Committee of Ways and Means would be required to carry it into effect? He understood that such was not the intention of the Government; but should the bill not pass, a further appropriation would probably be required to meet the additional cost of a volunteer force of mounted militia.

Mr. K. would say a few words in relation to the armed occupation bill, which it had been his duty to report from the committee—that this bill was no novelty in the history of the country; that it was based on principles sanctioned throughout our whole history, and more particularly adopted in the settlement of Kentucky and Tennessee; with this difference, that we should supply the settlers with provisions and ammunition for a certain specified time, but incurring no other expense; and if by these means we could render the settlers as efficient in occupying the country, and thus wresting it from the Indians, as troops could do, it did appear to him, that the plan recommended itself by its economy as well as its efficacy.

Mr. McKAY alluded to the charge, made on yesterday against some of the Government officers in Florida, and contended that such a mode of attack was extremely unfair, as there was no opportunity for the persons accused to explain, or vindicate themselves in any manner whatever.

He contended that the Administration party in the House had in no instance refused to vote for a proper investigation into alleged abuses, when resolutions for the purpose were worded in a proper way. But sometimes such resolutions were so worded, that they could not be voted for by the friends of the Administration. For instance, there was the resolution recently offered by the gentleman from Virginia, [Mr. BOTTS,] in relation to the case of Lieutenant Hooe. Instead of that being a simple call for information, a long preamble was affixed to it, in relation to "Northern men with Southern principles," and much more such matters, so that, with such a preamble, no friend of the Administration could vote for the resolution, without censuring himself, and the party to which he belonged. If gentlemen would simply call for information without any such objectionable appendages, they would never have cause to complain of a want of co-operation on his part.

Mr. McK. then, at some length, took a review of all the circumstances connected with the increase of the army, and showed from documentary evidence, that propositions for the increase of the army, instead of coming from the Administration party, had been made by the Opposition themselves.

The remarks of Mr. McKAY will be given in full hereafter.

Mr. ADAMS inquired of the chairman of the Committee of Ways and Means [Mr. JONES] whether the sum of three hundred thousand dollars intended to be appropriated by this amendment was intended to apply to a bill (not yet before the House) authorizing the President to raise sixteen hundred men in addition to the present existing standing army?

Mr. JONES of Virginia could scarcely be heard in reply; but he was understood to say that there was a communication on this subject from the Secretary of War, which would give the information desired by the gentleman from Massachusetts. The communication was in the committee room, and could be sent for in few minutes.

Mr. ADAMS wished, he said, to have that question settled before deciding whether he could vote for this appropriation or not. The bill which authorized the President to raise sixteen hundred men contained no appropriation.

Mr. JONES could not see, he said, how an appropriation could be made in this bill for a force not yet raised, and to authorize the raising of which there was, as yet, no law in existence.

Mr. ADAMS said he then understood the chairman of the Committee of Ways and Means as stating that he did not understand that this sum of $300,000 was to be applicable to the law providing for an additional force of 1,600 men; that was to say, that if that law should pass, (containing, as Mr. A. had stated, no appropriation,) it must be provided either by the bill now before the committee, or there must be another appropriation made.

Mr. JONES understood this to be an appropriation of $300,000 to carry out existing laws of the land; and that whether the additional force contemplated in another bill were raised or not, this sum would be required for the particular service to which it was designed to be applied.

Mr. A. referred to, and read passages from the act of July, 1836, etc.

[Here the document above alluded to, from the Quartermaster's Department, in relation to the estimate required for services in Florida, was read.]

Mr. ADAMS was not yet satisfied, he said, that this sum of of $300,000 might not be expended in part by the President for this new corps. He did not, however, say that such was the design; but, in the uncertain shape in which the matter now stood, he should feel compelled to vote against it. This he would not do, if he could consider the appropriation as confined to expenditures which had been incured. The bill to raise the additional force he regarded as an act for the continuation of the Florida war; and if he had not entertained that opinion before, he should certainly have formed it after listening to the remarks made yesterday by the Delegate from Florida, [Mr. DOWNING.] He (Mr. A.) was not for carrying on that war; he was for bringing it to an end: and he believed the President had it in his power, with one quarter part of this appropriation, to close the war to-morrow, and the President had possessed that power every day and year since the war had first broken out.

Mr. A. then proceeded to speak of the two reports which had been made by the majority and minority of the Committee on the Militia; the latter, he said, he had read with pleasure, but not so the former. And he would proceed to give his reasons.

The CHAIRMAN having here announced the hour of half-past two,

The House took a recess until 4 o'clock.

EVENING SESSION.

After the recess

The consideration of the Army appropriation bill, was resumed in Committee of the Whole, the question being on the amendment appropriating $300,000 for the suppression of Indian hostilities in Florida.

Mr. ADAMS continued his remarks in favor of closing the war forthwith, which he contended the President could do if he chose, with one quarter of the appropriation asked for. He went at much length into an examination of all the circumstances attending the prosecution of the war, and concluded by urging the adoption of mild instead of forcible and vindictive measures.

Mr. BOTTS then took the floor, and moved that the committee rise.

On this motion tellers were ordered, when no quorum voting, the committee rose, and that fact was reported to the House.

Mr. WISE moved to adjourn, which motion was decided in the negative, by yeas and nays as follows—yeas 37, nays 105.

A quorum now appearing, the House went again into committee, and Mr. BOTTS commenced his remarks. He had not proceeded more than five minutes, when it being obvious that a quorum was not present,

Mr. TALIAFERRO moved that the committee rise, which motion prevailed.

Mr. STANLY moved to adjourn, which motion was negatived—yeas 31, nays 52.

Mr. DANA moved a call of the House; which motion was also negatived—yeas 44, nays 46.

The motion to adjourn was then renewed, and rejected as follows: yeas 39, nays 63.

Mr. DANA renewed his motion for a call of the House, and the yeas and nays being ordered, were, yeas 70, nays 39.

So the call was ordered.

Mr. WISE moved to adjourn, and the yeas and nays being ordered were, yeas 40, nays 75. So the House refused to adjourn.

The CLERK then called the roll, after which 124 members answered to their names.

A quorum now being present, all further proceedings in the call were dispensed with.

The House then went again into committee, and Mr. BOTTS resumed and continued his remarks until half past ten.

The committee then rose for want of a quorum.

Mr. WISE moved to adjourn; but the motion was negatived: yeas 24, nays 62.

Mr. THOMPSON of Mississippi moved a call of the House, which was ordered.

Mr. MONROE moved to adjourn, which motion was negatived by tellers, as follows—ayes 30, noes 62.

The roll was then called, when 103 members anawered to their names.

The doors were then closed, and excuses received for the absentees, until

On motion of Mr. WISE,

At half past eleven o'clock, the House adjourned—yeas 42, nays 40.

IN SENATE,

WEDNESDAY, July 15, 1840.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Wilfred Knott, asked to be discharged from the further consideration thereof; which was agreed to.

The following resolution, submitted yesterday by Mr. WILLIAMS, was considered and agreed to:

Resolved, That the Secretary of the Navy be directed to communicate to Congress, as early as may be at the next session, a list or the officers of the navy of the United States, denoting the periods of their admission into the public service, the dates of their present commissions, and the time of their actual service at sea, and at yards, stations, and hospitals, in separate columns, since January 1, 1824.

PENSION BILLS.

The following bills from the House, to wit: Acts for the relief of John England, Catharine Allen, Phebe Dickinson, John Keeler, Elizabeth French, John H. Genther, William A. Cudneback, Sarah Oakley, Reuben Murray, Jacob Adams, Joseph Bailey, John Latham, James Phelps, Conrad Widtig, Elizabeth Case, administrator and heirs of John Lindsey, administrator of Lamech Blanden, heirs of Michael Seitsinger, Ann Bloomfield, Benjamin Mitchell, James Deatly, David Mellon, Mary Hunter, Mathew Wiley, James J. Coffin, George Morriss, Peter Headrick, Job Wood, Fielding Pratt, Samuel B. Hugo, Levi Johnston, Neil Shannon, Martha Strong, Asenath Campbell, Thomas Wilson, William Poole, Myron Chapin, Joseph W. Knipe, Simon Knight, Robert Lucas, Wilfred Knott, John Davis, Samuel M. Asbury, James Bailey, William Sloan, Levy M. Roberts, Thomas Collins, Hiram Sauls, John H. Lincoln, Nathaniel Davis, Barton Hooper, Isaac Justice, Samuel Brown, Lieutenant John Allison, Jabez Collins, Hugh Davis, Elijah Foochee, Thruston Cornell, James Smith, Robert Whittel, Lyman N. Cook, Benjamin McCulloch, John Lybrook, Christian Brougher, John Piper, James Cummings, William Butterfield, John Brown, David Wilson, Isaac Austen, Elijah Blodget, Stephen Appleby, Isaac Boyd, William Glover, Nathan Baldwin, James Boylan, William Neil, Charles Risley, George Hommill, Helen Miller, Robert Frazier, James Fleming, which were severally reported by the Committee on Pensions unfavorably, were taken up, and their further consideration indefinitely postponed.

The bill for the relief of Josiah Strong, was laid on the table.

On motion by Mr. HUBBARD, the bill for the relief of Joseph M. Hernandez was ordered to be engrossed.

The bills for the relief of the following persons were taken up as in committee of the whole, and were ordered to be engrossed for a third reading, to wit: for the relief of William Rand, Jacob Beeker, Mary Snow, Mary Prettyman, Elizabeth Davidson, Margaret Jamison, Erastus Pierson, heirs of Leonard Smith, Philip Hartman, James Francher, William Andrews, Chauncey Rice, Seneca Rider, Sylvester Tiffany, Israel Parsons, Medad Cook, Peter W. Short, Ichabod Beardsley, Peter A. Myers, Daniel W. Going, William Bowan, Gideon Sheldon, Jared Winslow, Lyman Bristol, and Thomas Bennett, were considered as in committee of the whole, and ordered to be engrossed for a third reading.

The above bills were subsequently read a third time, and finally passed.

On motion by Mr. HUBBARD, the bill for the relief of Joseph M. Hernandez was read a third time, and passed.

The bill to incorporate the late banks of the District of Columbia was taken up on its third reading, and after some remarks from Mr. MERRICK, in opposition to the bill, and Mr. CLAY of Alabama in favor of it, it was lost—ayes 16, noes 20, as follows:

YEAS—Messrs. Anderson, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, King, Nicholas, Roane, Sturgeon, Tallmadge, White, Williams, Wright, and Young—16.

NAYS—Messrs. Allen, Benton, Calhoun, Clayton, Dixon, Henderson, Hubbard, Knight, Lumpkin, Merrick, Mouton, Pierce, Porter, Preston, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Tappan, and Wall—20.

Mr. PRESTON then moved a reconsideration of the vote by which the bill was negatived, and the motion to reconsider was advocated by Messrs. GRUNDY, WRIGHT, CLAY of Alabama, and ANDERSON, and opposed by Messrs. MERRICK, SMITH of Indiana, PHELPS, and DIXON.

Mr. BUCHANAN said he wished to make some remarks on this question, but as there was important Executive business, he would, with the consent of the Senate, move to postpone the further consideration of the subject till tomorrow.

The Senate then went into Executive session,

And afterwards adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, July 15, 1840.

After the journal had been read,

Mr. STANLY, pursuant to notice, moved to amend the same by inserting therein the reasons offered by him on yesterday morning, for asking leave to be excused from voting on the motion to suspend the rule for the purpose of receiving the resolution of Mr. CHAPMAN, in relation to the enlistment of colored persons in the army and navy.

After some debate of a colloquial character the, question was taken on the motion to amend, by yeas and nays, and negatived as follows—yeas 23, nays 120.

Mr. CHITTENDEN asked permission to make a report from a select committee, of which he was chairman; but it was objected to, and the House refused to suspend the rules for the purpose.

Mr. POPE asked the consent of the House to take up the bill regulating the mileage of members which had been returned from the Senate amended.

Objections having been made,

Mr. P. moved to suspend the rules for the purpose of considering said bill, and called for the yeas and nays, which were refused.

The question was then taken by count, and resulted—yeas 43, nays 114.

So the rules were not suspended.

Mr. J. W. JONES asked permission to lay before the House a communication from the Secretary of the Treasury, in relation to the present condition of the finances, for the purpose of having it printed.

Mr. PROFFIT objected, but subsequently withdrew his objection; when

The communication was laid before the House, and, without being read, was ordered to be printed. To which communication the following statement, showing the condition of the Treasury, was appended, viz:

Statement of receipts and expenditures from January 1 to July 1, 1840, as ascertained and compiled.

RECEIPTS.

From customs - - -	$6,940,000
Lands - - - -	1'680,000
Miscellaneous - - -	40,000
	$8,660,000
[Those for the last quarter are taken from the running account, and for June mostly estimated.]	
From the issue of new Treasury notes	1,836,009
Made available, and collected from indebted banks - - -	585,885
Aggregate -	$11,082,894

EXPENDITURES.

Excluding trust funds, the funded debt, post office, and redeeming Treasury notes	$10,036,364
Funded debt	8,233
Redemption of Treasury notes, including principal and interest, as carried on the books	2,964,710
Apparent aggregate	$13,009,307
Deduct amount of notes computed to be redeemed in 1839, but not carried on the books until 1840	460,000
Real aggregate as computed	$12,549,307

The difference between the actual receipts and and expenditures has been paid out of the available balance on hand at the beginning of the year.

SUMMARY STATEMENT.

Probable deficiency of receipts in duties in 1840, arising from continued suspension of specie payments and commercial embarrassments	$2,000,000
Probable deficiency of receipts arising from new judicial decisions on on the tariff	500,000
Probable deficiency in receipts from lands	750,000
Whole amount of deficiency	3,250,000
Add what is due from banks, being still contingent as to its payments, including principal and interest	2,900,000
Whole sum, in estimated receipts, considered doubtful	6,150,000
This may be met by the Treasury note bill to the extent of its means	5,000,000
Balance left	1,150,000
Add probable excess of expenditure out of old appropriations for Florida war, Indian treaties, &c.	1,750,000
Probable excess of new appropriations beyond annual estimates	1,500,000
Leaving to be provided for on all accounts	4,400,000
But if no excess of new appropriations is intended to be made, deduct	1,500,000
So, if the new appropriations shall be reduced below the estimates, to the extent of the balance, deduct	2,900,000

Leaving, in that event, no balance to be provided for.

The debts due from the banks being also equal to about the same amount, no new means furnished for that will probably be used, if the banks seasonably pay all which is due from them.

On motion of Mr. J. W. JONES the House then resolved itself into Committee of the Whole on the state of the Union [Mr. EVANS of Maine in the chair] resumed the consideration of the bill making appropriations for the support of the army for the year 1840; the pending question being on the motion of Mr. JONES of Virginia to amend the bill by adding thereto an appropriation of 300,000 for the suppression of Indian hostilities in Florida.

Mr. WISE then took the floor and spoke for three hours in a general review of the circumstances which, in his opinion, led to the commencement of the war in Florida. In the course of his remarks he replied to some portion of the speech of Mr. BUTLER of Kentucky, on Saturday last, in relation to the Swartwout Committee. Mr. W. also descanted at some length on the qualities of the blood hounds, which the people of Florida had procured from Cuba. In the course of his speech Mr. W. alluded to the purchase of negroes from the Indians in Florida, and in connection with that, referred to the permit given by President Jackson to General Call, in the application of the latter to trade for negroes.

Mr. W. THOMPSON rose only to do justice to a gallant and honorable man—Gov. Call. Although the gentleman from Virginia did not charge that gentleman with any thing wrong in relation to the permit which was granted by Gen. Jackson to purchase negroes from the Indians; yet such a construction might be put upon the gentleman's remarks. Gov. Call had no interest whatever in that transaction, nor any agency in it further than this: he happened to be in Washington, and on the application of two friends in Florida of as high character as any there or elsewhere, he obtained the permission for them to do what they had a right to do without such a permit.

Mr. T. further said, that the fact of claims for indemnity for fugitive slaves were not made before the fund for that purpose was disposed of, does not raise even a presumption that such claims were unjust, most of them being cases where the slaves have run away to the Indians since; and as to those of an anterior date, the country has been in all the confusion since of a state of war.

After Mr. WISE had concluded,

Mr. KEIM took the floor; and in the most pointed manner replied to the sarcasms of Mr. ADAMS on yesterday, in his attack and criticism on the report of the Committee on the Militia, some notice of which will be given hereafter.

The hour of half-past 2 o'clock having arrived, The House took its usual recess.

EVENING SESSION.

After the recess,

The Committee of the Whole resumed the consideration of the army appropriation bill; the question pending being on the amendment appropriating $300,000 for the suppression of Indian hostilities in Florida.

Mr. KEIM being entitled to the floor, resumed his remarks in reply to the illnatured criticisms of Mr. ADAMS on the report of the Militia Committee in favor of the plan of the Secretary of War for a reorganization of the militia.

Mr. K. after defending the language of the report as strictly correct, proceeded to notice more particularly an objection of Mr. A. to a certain Latin phrase used in the report. He proved to the member that in objecting to the words, he had been attacking Cicero himself, for the phrase in the report was a literal quotation from that illustrious man. Mr. K. then favored the hypercritical gentleman with the chapter and line where the words were to be found; and having done so, said he would leave him and Cicero to settle the matter between themselves.

Mr. K. then proceeded to say that he did not set himself up as a rhetorician. He was content with using plain language, and did not care so that it could be understood by those by whom it was designed to be read. He had never wasted his days and nights in abstract studies. He had never attempted to trample on any one, nor would he suffer any one to trample on him with impunity. He had no objection to any attack, provided it was done on the principle of courtesy, and in accordance with those rules which characterize order. But when the attack assumed the appearance of malignity, he would repel it in the manner which it deserved. After some further remarks, Mr. K. in a very severe manner, proceeded to show that the language of the report was correct, by a reference to the work of Mr. ADAMS himself on rhetoric. (Mr. A. to all appearance, did not listen to this cutting reply with much patience, for he was constantly asking to explain, and kept jumping up and down like the key of a piano.)

Mr. K. was shorty afterwards called to order by the CHAIR, on the ground that a reply to literal criticism was not relevant to the subject before the committee.

Mr. K. submitted to the decision of the CHAIR, but thought it strange that the gentleman from Massachusetts had not been called to order when he was making the attack.

Mr. ADAMS then made some brief remarks, by way of rejoinder, in the course of which he gave Mr. K. full credit as a gentleman of high literary standing, and was glad that the affluence which the gentleman enjoyed was so liberally devoted to the patronage of the fine arts.

Mr. TRIPLETT then took the floor, and made some general observations in relation to the plan of the Secretary of War for a reorganization of the militia.

No other member rising to speak, the question was then taken on the amendment appropriating $300,000 for the suppression of Indian hostilities in Florida, and was agreed to.

Mr. CARTER of Tennessee moved to amend by inserting an appropriation of $10,000 for the construction of a brass bomb howitzer, or the principle of the invention of J. W. Cochran, under the direc-direction of the Secretary of War.

The question being taken, the amendment was rejected.

Mr. A. McCLELLAN moved to amend by inserting the following: "For indemnifying John L. Cline for the amount of a judgment recovered against him for acts performed in the execution of his official duties, while in the service of the United States, $642 07.

Mr. McCLELLAN observed, that the reason this claim had been delayed so long was, that a promise had been made by the chairman of the Committee on Indian Affairs, to report a bill for the satisfaction thereof. As that gentleman had omitted it, he (Mr. McC.) conceived it his duty to offer it as an amendment to the present bill. He then gave a detailed statement of the circumstances of the case, and trusted there would be no objection to its reception.

The CHAIR, however, ruled the amendment as out of order.

On motion of Mr. JONES, the committee then rose and reported the bill to the House with two amendments.

Mr. RAMSEY then rose, and said, that however anxious he would otherwise have been to speak on this bill, the advanced period of the session admonished him that there was no more time for debate. He therefore moved the previous question.

The call for the previous question was then seconded, put, and carried, and the main question ordered to be now taken.

Mr. MASON of Ohio asked that the question might be taken separately on each amendment; which was ordered.

And the first amendment—to wit, that which appropriates the sum of $19,765 for repairs of arsenals damaged by storm and fire—was concurred in.

And the question then being on concurring with the Committee of the Whole on the state of the Union in the amendment appropriating 300,000 dollars for the suppression of Indian hostilities in Florida—

Mr. MASON of Ohio asked the yeas and nays, which were ordered, and beng taken, were—yeas 123, nays 23, as follows:

YEAS—Messrs. Alford, Hugh J. Anderson, Andrews, Atherton, Banks, Baker, Beatty, Beirne, Blackwell, Boyd, Briggs, Albert G Brown, Burke, Bynum, Calhoun, William B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Clark, Clifford, Connor, Mark A. Cooper, William R. Cooper, Cross, Cushing, Dana, John Davis, John W. Davis, Dawson, Dellet, Doan, Dromgoole, Earl, Eastman, Ely, Evans, Fine, Floyd, Fornance, Galbraith, James Garland, Rice Garland, Goggin, Hand, John Hastings, Hawes, Hill of Virginia, Hillen, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Lewis, Lucas, McCarty, McClellan, McKay, Mallory, Marchand, Miller, Monroe, Montgomery, Newhard, Nisbet, Osborne, Parrish, Parmenter, Paynter, Petrikin, Prentiss, Ramsey, Reynolds, Rhett, Robinson, Edward Rogers, Russell, Ryall, Saltonstall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Stuart, Sumter, Sweney, Taliaferro, Taylor, Francis Thomas, P. F. Thomas, Jacob Thompson, Triplett, Trumbull, Turney, Underwood, David D. Wagener, Peter J. Wagner, Warren, Watterson, John White, Jared W. Williams, Henry Williams, Joseph L. Williams, Wise, and Worthington—123.

NAYS—Messrs. Adams, Bond, Coles, Cranston, Edward Davies, Edwards, Gates, Giddings, Goode, Wm. S. Hastings, James, Lincoln, Mason, Calvary Morris, Rariden, Ridgway, Simonton, Slade, Tillinghast, and Lewis Williams—23.

So the amendment was concurred in.

And the question then recurring on ordering the bill (as amended) to be engrossed for a third reading—

Mr. LINCOLN said that, having voted against the amendment, and being disposed to vote for the bill notwithstanding he had done so, he would ask the yeas and nays; and they were ordered, and, being taken, were yeas 150, nays 0.

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JULY 21, 1840. VOLUME 8.....No. 34.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 33.

So, having been ordered to a third reading,

The bill was read a third time and passed.

On motion of Mr. JONES of Virginia, the rules were suspended, and the House again resolved itself into Committee of the Whole on the state of the Union, (Mr. DROMGOOLE in the chair.)

Mr. EVANS moved that the committee proceed to the consideration of the bill to provide for the expenses of making an exploration and survey of the Nort eastern boundary.

[Mr. E. under leave, said the bill would not occupy five minutes.]

Mr. JONES of Virginia moved that the committee proceed to the consideration of the bill making appropriations for the current expenses of the Indean Department, and for carrying into effect the treaty stipulations with certain Indian tribes.

The question was first taken on the motion of Mr. EVANS, and, by ayes 72, noes 73, it was rejected.

The committee then took up the bill commonly known as the Indian Appropriation bill; which was read by sections.

The chairman of the Committee of Ways and means [Mr. JONES] introduced a number of incidental amendments from that committee; which were agreed to without debate.

Mr. CUSHING moved an amendment appropriating $5,000 for the purpose of holding treaties with the Lake and other Northwestern tribes of Indians to procure the cessation of subsidies annually paid to said Indians.

After some remarks from Messrs. CUSHING and VANDERPOEL,

Mr. JONES of Virginia raised the question that the proposition was not in order—not being to carry out any existing treaty or law.

The point of order was not pressed; and, the question being taken, the amendment was rejected.

Mr. WICK offered an amendment (based, he said, on an estimate furnished individually to him by the War Department) appropriating $3,000 to pay the expense of holding a council with the Miami tribe of Indians, with a view to the extinction of the great Miami Reservation in Indiana—the amount to be expended or not according to the discretion of the President.

Some remarks were made by Messrs. WICK, PROFFIT, RARIDEN, and others, when the amendment was rejected.

Mr. JONES also moved an amendment, to come in at the end of the bill, appropriating $45,000 to defray the expenses of removing the Winnebago Indians from Wiskonsin over the Mississippi, and for the erection of a gristmill, &c.

This amendment was debated by Messrs. JONES, EVANS, and BELL, the latter of whom, at 8 o'clock, not being willing to address the few members who had not left the hall, moved that the committee rise; which motion prevailed, and the committee rose.

Mr. CAMPBELL, the chairman of the Committee of Elections, asked leave to present the report of the committee on the New Jersey contested election case, with a view of having it printed.

Messrs. PROFFIT, STANLY, BELL, WISE, and others, objected; and after several ineffectual attempts by Mr. CAMPBELL to explain that the reception of the report would not occupy more than two minutes, he moved to suspend the rules.

Mr. WISE moved to adjourn; which motion was negatived—yeas 38, nays 61.

After an ineffectual motion for a call of the House,

Mr. WISE appealed to the chairman of the Committee of Elections as to the propriety of postponing the presentation of the report until to-morrow.

Mr. CAMPBELL replied that he could not consent; and at the same time expressed his surprise at the opposition to the reception of the report, as in one-twentieth part of the time wasted on motions to adjourn, etc. it might have been received and ordered to be printed.

Mr. LEWIS WILLIAMS then renewed the motion to adjourn; and it was negatived.

Mr. STANLY moved a call of the House, which was not ordered.

The motion to adjourn was then renewed, but without success.

Mr. WISE said, as the House persisted in its refusal to adjourn, he would renew the motion for a call of the House. It was evident that Miss Fanny Elssler was far more popular with the majority than the business of the country; and if the call were ordered, he would suggest that the Sergeant-at-Arms be directed to go to the theatre, where, no doubt, the delinquents would be found.

The question on ordering the call was then taken by tellers, and resulted—ayes 40, noes 46.

So the call was not ordered.

Several members then simultaneously moved an adjournment, which motion prevailed; and at 9 o'clock,

The House adjourned.

IN SENATE,
THURSDAY, July 16, 1840.

Mr. NICHOLAS presented resolutions of the council of the third municipality of the city of New Orleans, against the extension of the limits of the port of New Orleans, which was laid on the table and ordered to be printed.

On motion by Mr. LINN, the Committee on Private Land Claims,

On motion by Mr. DAVIS, the Committee on Commerce,

On motion by Mr. LUMPKIN, the Committee on Manufactures,

On motion by Mr. PIERCE, the Committee on Military Affairs, and

On motion by Mr. BUCHANAN; the Committee on Foreign Relations, were severally discharged from the further consideration of the various subjects heretofore referred to and not acted on by said committees.

Mr. DAVIS, from the Committee on Commerce, to which was referred, on the 24th December last, a report from the Secretary of the Treasury, on the the daily employment of the persons connected with the collection of the customs, reported the letter of the Secretary, and an abstract of the amount of tonnage entered in each district, with a request that they might be printed; which was ordered.

[The report was made in compliance with the following resolutions, submitted by Mr. DAVIS, and passed by the Senate April 19, 1838:

Resolved, That the Secretary of the Treasury be instructed to cause, for the term of one year, each officer employed in the collection of the customs, to keep a daily account in writing of the time he is actually employed in the public service, each and every day, and what his employment each day is, stating the same so much in detail as to exhibit a clear and intelligible account of all his services from day to day.

Resolved, That such memoranda as is made by each and every officer shall be quarterly sworn to, as a full, just, and complete account of the services actually rendered, and the time actually spent by him in public employment.

Resolved, That the memoranda of each district be embodied together for the use of Congress, and that the Secretary add to it the amount of tonnage entered, cleared, or owned in such district, with the amount of revenue collected therein, and the expense of collecting the same, showing what each officer receives for all such services.

Resolved, That where any officer discharges, or claims to discharge, the duty of more than one office, his services in each shall be distinguished as well as his compensation.

In regard to the report, the Secretary says: "It comprises at least twenty thousand pages foolscap written matter. Is is estimated they would fill 16,000 octave pages, or 20 volumes of 500 pages each, printed. In manuscript they will fill six boxes, containing on an average six to eight cubic feet each."

The resolution to print the report of the geological and mineralogical survey of the mineral region of Iowa and Wiskonsin was taken up, and

Mr. TAPPAN spoke in favor of the printing.

Mr. DAVIS said that, although he had not examined the subject thoroughly, he had looked at it enough to know that the printing would be a pretty heavy job. The report itself was voluminous, and lithographing the drawings would be very nearly, if not quite, as expensive as engraving. The whole expense, Mr. D. had been told, would probably be $15,000 or $20,000. And within the last two days there had been a proposition to supply the Treasury with $4,000,000, in addition to Treasury notes already granted. Under all these circumstances, he hoped the Senator from Missouri would consent that this should lie over till the next session, especially as many more important objects must so lie, from the state of the Treasury.

Mr. LINN admitted that there was much force in the statements of the member from Massachusetts, [Mr. DAVIS,] but the estimate he made of the sum of money necessary to have this work published, was certainly much too high. Instead of its costing fifteen or twenty thousand dollars, he did not think it would require as many hundreds. But even if it did, and much more, it would be the cause of bringing into the Treasury hundreds of thousands of dollars, from the knowledge it would give to the world of the great mineral wealth of these public lands, and the consequent enhancement of their value. Mr. L. said that he had an opportunity of conversing often with gentlemen engaged in mining operations, both in this country and in Europe, who said, with great emphasis, "prove to us that the geological structure and mineralogical affinities of your mineral country are the same, or similar to the great lead region of England, and we will have the greatest confidence in its resources, and without fear invest capital in your mines." It is a little remarkable that Mr. Owen's report proves conclusively this resemblance; and with permission of the Senate, he read the outlines of the report, as given by Mr. Owen himself.

1. An inspection of the chapter on the "geological character" and on the "lead mines" of the svrveyed district, will show its close resemblance, both in the character of its rocks and in its geological position, to the celebrated mining district of the north of England, the most productive lead region in the known world.

2. The chapter on the "Statistics of the lead mines" affords proof that even under the numerous disadvantages to which this American lead region has hitherto been subjected, it probably produces, at this moment, nearly as much lead as the whole of Europe, with the exception of Great Britain alone; and that it has indisputable capabilities of producing as much lead as all Europe, Great Britain included.

3. The chapter on copper ore, and the appended analysis, prove that the copper ore of Wiskonsin is richer and more valuable than the copper ore of Cornwall, the greatest copper district in Europe or the world; exceeding that ore in its yield, by from one fifteenth to one-third; and that this ore is found in abundance and can be raised with the same expense as lead one.

4. That zinc is also abundant, and the zinc ores of excellent quality.

Thus, that the materials for the manufacture of brass exist in profusion over the district.

5. That iron ore, equal in quality to the Tennessee ores, is found throughout the district in such quantity that iron works to any desirable extent might profitably be established there.

And, upon the whole, that the district surveyed is one of the richest mineral regions (compared to its extent) yet known in the world.

The chapter on soils also shows that, unlike most other mineral regions, it is fertile, and capable of

yielding to the farmer a liberal reward for his labor.

This report of Mr. Owen, was made in pursuance to a resolution of the House of Representatives passed on the 6th of February of the last session, and is in the following words:

Resolved, That the President of the United States be requested to cause to be prepared and presented to the next Congress at an early day, a plan for the disposal of the public mineral lands, having reference as well to the amount of revenue to be derived from them and their value as public property, as to the equitable claims of individuals upon them; and that he at the same time communicate to Congress all the information in possession of the Treasury Department relative to their location, value, productiveness and occupancy: and that he cause such further information to be collected, and surveys to be made, as may be necessary for these purposes.

In pursuing the wishes of the House, considerable expense had already been incurred, which would be lost unless this document was given to the world. Mr. Owen had pursued the subject with ardor, zeal, and with a critical and scientific eye. He with much care collected, arranged, and marked specimens of the various ores found on the public lands surveyed by him. So that a person desirous of commencing mining operations can call on the Commissioner of the Land Office and find the quarter section marked on the ores; this will greatly facilitate him in him in his researches, made with a view to a perminent location. The publication of this report will unfold one leaf of the vast volume of wealth the God of heaven had bestowed upon the magnificent valley of the Mississippi, and pay back to Europe a small portion of the great literary debt we owed that continent. It would be republished there, and sought for by the scientific inquiring and emigrating portion of the community. He said he was aware of the embarrassed state of the Treasury, and was admonished by it of the necessity of economy in the public expenditures.

But the printing this document, he believed most sincerely, would have the effect of replenishing, instead of exhausting it. He hoped, therefore, the Senate would order its publication, and give the superintendence of it to the Commissioner of the General Land Office, as he was very desirous to have it made public for the benefit of the country and national domain.

Mr. HUNTINGTON said he had great confidence in the views and opinions of the Senator from Missouri. But there appeared to be no certainty of the extent of the expenditure. One Senator set it down at $15,000 or $20,000; another at so many hundreds; and a third at not more than considerable. Under these circumstances, and considering that the Government was compelled to resort to paper money of its own, Mr. H. expressed the hope that the resolution would lie over till the next session.

Mr. ALLEN spoke in favor of now adopting the resolution, and insisted that the wants of the Treasury was a strong argument in favor of it, for it would bring money into the Treasury.

Mr. LINN read the resolution of the House of Representatives, by which this survey was ordered. The Commissioner of the Land Office, he said, was often called on for this kind of information, and it was important that he should be able to present it in a ready and convenient form.

Mr. WALKER said he had examined the document with some care, and he had risen from its perusal with feelings of pride, astonishment, and delight. No document could be more useful, and it would be published and republished throughout Europe. It was due to the West that it should be published.

Mr. DAVIS again urged that the delay till the next session would be short, and that, considering the state of the Treasury, it ought to lie over. He moved its postponement till the next session.

Mr. CALHOUN also spoke in favor of postponing it, and of rigid economy in every department.

Mr. KNIGHT said: Having had some experience in the examination of the cost of engraving maps and drawings, I have come to a different conclusion as to the amount of the cost of engraving than that expressed by the Senator from Missouri. I am of the opinion that it will cost nearly as many thousand dollars as the Senator supposes it will cost hundreds. But if it is to be printed, we should leave it with the Secretary of the Senate to make a contract for the engraving on such terms as he shall deem best. By so doing we shall save a large sum that otherwise will be expended.

I should like to have a greater number of copies printed for the use of the Senate than the resolution proposes, so as four or five copies might be distributed to each Senator for the purpose of diffusing the information it contains more generally among the people. If the document contains the valuable information represented, we ought not to hide it under a bushel, but publish it for the use of our citizens. As to the want of money in the Treasury that has been suggested, I conceive it to be of little consideration. We can issue a few more Treasury notes, and print it now as well as at the next session.

Mr. LINN admitted that the privilege of printing had probably been abused, and he would aid in correcting it at the next session, by reducing the printing of memorials, reports, &c. many of which ought not to be printed. But he thought this work ought to be published.

Mr. DAVIS's motion to postpone the subject till the next session was negatived as follows:

YEAS—Messrs. Brown, Buchanan, Calhoun, Clayton, Davis, Huntington, King, Lumpkin, Merrick, Nicholas, Phelps, Prentiss, Roane, Ruggles, Smith of Indiana, Strange, Tallmadge, and White—18.

NAYS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Knight, Linn, Mouton, Norvell, Robinson, Smith of Connecticut, Sturgeon, Tappan, Walker, and Wall—18.

Mr. DAVIS moved to amend the resolution by requiring that the work should be done under the direction of the Secretary of the Senate, (as usual,) and on the most favorable terms.

This amendment, after a few remarks from Messrs. TAPPAN, DAVIS, and LINN, was rejected as follows:

YEAS—Messrs. Clayton, Davis, Dixon, Huntington, King, Knight, Lumpkin, Merrick, Phelps, Porter, Prentiss, Ruggles, Smith of Indiana, Tallmadge, White—15.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Mouton, Nicholas, Norvell, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Wright—24.

Mr. DAVIS now moved to lay the resolution on the table, and it was so ordered as follows:

YEAS—Messrs. Brown, Buchanan, Calhoun, Clayton, Davis, Dixon, Huntington, King, Knight, Lumpkin, Merrick, Nicholas, Phelps, Porter, Prentiss, Roane, Ruggles, Tallmadge, White—19.

NAYS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Mouton, Norvell, Robinson, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall—17.

RETROCESSION OF GEORGETOWN AND ALEXANDRIA.

Mr. MERRICK, from the Committee for the District of Columbia, reported a bill making provision for ascertaining the wishes and will of all the people of the District of Columbia, not within the limits of the city of Washington, in regard to their being retroceded to the States of Maryland and Virginia respectively: read, and ordered to a second reading.

BUSINESS OF CONGRESS.

Mr. LINN, by consent, introduced a joint resolution (and obtained its immediate consideration) providing that, after six days in the second session of any Congress, now and hereafter, the bills, &c. acted on and decided by either House, and remaining untouched or unfinished on the table of the other House, should be deemed so far valid, and should be acted on precisely as if there had been no adjournment.

This resolution was opposed by Messrs. BENTON, CALHOUN, and GRUNDY, and advocated by Messrs. LINN and HUBBARD; and laid on the table.

FLORIDA WAR.

On motion of Mr. BENTON, the bill providing for enlisting 2,500 volunteers to serve for two years in the Florida war, was considered, and ordered to be engrossed.

EXCHANGE OF FOREIGN BOOKS.

On motion of Mr. TAPPAN, the joint resolution providing for the exchange of extra copies of books in the Congress Library, and of public documents, for those of foreign countries, was taken up and considered.

Mr. RUGGLES, from the Committee on Commerce, moved to amend the resolution by an appropriation of $500 to effect an exchange of certain weights and measures with England, France, Russia, and Holland. Negatived by ayes 9, noes not counted.

The resolution itself was then rejected by ayes 9, noes not counted.

DISTRICT BANKS.

The Senate again proceeded to consider the bill to continue the corporate existence of certain banks in the District of Columbia, the question being on Mr. PRESTON's motion to reconsider the vote by which the bill was rejected.

Mr. BUCHANAN addressed the Senate at length in favor of the motion, and was replied to by Mr. MERRICK.

After some further remarks by Messrs. PHELPS, GRUNDY, MERRICK, WALKER, HUNTINGTON, and DAVIS, the question was taken on reconsidering the vote, and it was negatived—ayes 18, noes 21, as follows:

YEAS—Messrs. Anderson, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Grundy, Henderson, King, Nicholas, Roane, Strange, Sturgeon, Tallmadge, White, Williams, Wright, and Young—18.

NAYS—Messrs. Allen, Benton, Clayton, Davis, Dixon, Hubbard, Huntington, Knight, Linn, Lumpkin, Merrick, Norvell, Porter, Phelps, Robinson, Ruggles, Smith of Connecticut, Smith of Indiana, Tappan, Walker, and Wall—21.

Mr. WRIGHT, from the Committee on Finance, reported the bill making appropriations for the army for 1840, with sundry amendments; which were ordered to be printed.

The bill providing for the enlistment of 2,500 volunteers to serve in Florida, was read a third time, and passed.

Mr. MERRICK presented a remonstrance of citizens of Washington to the passage of the bill for the renewal of the charter of the city of Washington; which was ordered to be printed.

Mr. WHITE moved to reconsider the vote by which the joint resolution for the exchange of documents was defeated.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, July 16, 1840.

Mr. CAMPBELL of South Carolina asked the consent of the House to make a report from the Committee of Elections in relation to the New Jersey contested election.

Mr. LEWIS WILLIAMS objected to the reception of the report.

Mr. CAMPBELL moved a suspension of the rules; and on that motion demanded the yeas and nays.

The CHAIR informed the gentleman from South Carolina [Mr. CAMPBELL] and the House, that the question pending when the House adjourned on yesterday evening, was the motion to suspend the rules for the reception of the report.

Mr. EVERETT inquired of the CHAIR what was the regular business in order during the morning hour.

The CHAIR replied that reports would be in order.

Mr. BELL said he had not the slightest objection to the reception of the report in its order; but he did object as proposed.

Mr. PETRIKIN said it was the object of gentlemen to suppress the report in the hands of the committee; and it was with that view they opposed

the reception. If the rules were not suspended, some other report would be interposed, and a debate would be gotten up for the purpose of staving off the reception of this report, and thereby to defeat any action upon it this session. That was the real intention of gentlemen of the Opposition, whatever might be their professions.

Mr. RIVES said he hoped the gentleman from Tennessee, [Mr. BELL,] and the gentleman from Vermont, [Mr. EVERETT,] would withdraw their objection, as it was merely the wish of the committee that the reports should be received and ordered to be printed, and made the special order for a future day.

Mr. PETRIKIN rose to a point of order. He contended that the report should be received as a matter of right. It was a privileged question: one involving the right of members to seats, and the rights of a sovereign State to be represented on this floor. It was therefore in order to report at any time.

The SPEAKER was of the opinion that it was not a privileged question. It was a regular report of a Committee on Elections, and could not be received out of its order, except by a suspension of the rules.

Mr. CAMPBELL of South Carolina said he differed with the SPEAKER, and coincided with the opinion expressed by the gentleman from Pennsylvania, [Mr. PETRIKIN;] and, notwithstanding he had moved a suspension of the rules for its reception, and wished that motion to be decided, he did not wish to be understood as yielding the opinion of his right to make the report as a question of privilege; and should the House refuse to suspend the rules, he would then insist on the question of privilege.

The SPEAKER said the question would be taken on the motion to suspend the rules.

Mr. CRAIG demanded the yeas and nays on that motion; which were ordered.

Mr. L. WILLIAMS moved a call of the House, and on that motion he asked the yeas and nays, which were ordered; and, being taken, were, yeas 53, nays 87.

So the House refused the call.

The question then recurred and was taken on the motion to suspend the rule, and resulted as follows: yeas 115, nays 64.

[The Whig party voted against the suspension of the rules for the reception of the report; or, in other words, to suppress the report, and thereby evade the vote on the question this session.]

So (there not being two-thirds voting in the affirmative) the rules were not suspended.

Mr. DROMGOOLE then obtained the floor, but yielded it to

Mr. CAMPBELL of South Carolina, who said that he had two reports from the Committee of Elections, involving the rights of members to seats on this floor, and he submitted that the question was one of privilege, and that, as such, it was entitled to precedence over all other business.

The SPEAKER decided that a report from the Committee of Elections was *not* a question of privilege; and supported his opinion by reference to the case of contested election from the State of Mississippi, which occurred at a former Congress, by which it would be seen that the House could not have so considered it a privileged question, as it was determined that it required a vote of two-thirds to make that case the special order for a particular day.

From this decision Mr. CAMPBELL of South Carolina took an appeal.

Mr. STANLY made some remarks in opposition to the reception of the report—a report of a description which nobody, he said, cared any thing about.

Mr. McKAY hoped the gentleman would withdraw the appeal, and a majority of the House could refuse to go into committee; and if the gentlemen of the Opposition did not interpose questions which would give rise to debate, the report would be reached in the course of the day.

Mr. CAMPBELL said his duty to the country and a respect for the rights of the claimants, would not permit him to take any course which might delay or defeat action on the subject.

The appeal was spoken to briefly by Messrs. CAMPBELL, STANLY, McKAY, and CUSHING.

When Mr. TURNEY moved the previous question, which was seconded.

Mr. PROFFIT asked the yeas and nays on ordering the main question, which were ordered; and, being taken, were—yeas 124, nays 66.

[The Whigs voted against ordering the question to be put; and thus staving off the question.]

So the main question was ordered to be now taken.

Mr. STANLY raised the question of order, whether certain members from New Jersey, whose names he had heard read, (Messrs. DICKERSON, &c.) had a right to vote. In the early part of the session it was decided that members from New Jersey could not vote in their own case.

The CHAIR was understood to reply that they had the right to vote on the appeal.

The question then recurring "Shall the decision of the CHAIR stand as the judgment of the House?"

Mr. PROFFIT asked the yeas and nays, which were ordered.

And the Clerk having called that portion of the roll which includes the names of members commencing with C—

Mr. STANLY again rose, and inquired whether certain members from New Jersey had a right to vote.

The SPEAKER said the proper time to raise the question would be when the call of the roll was completed.

The roll having been called through—

Mr. STANLY raised the question of order, whether Messrs. DICKERSON and Co. were entitled to vote?

The SPEAKER said that this was a mere preliminary question of order as to precedence of business, and not a question affecting the personal rights of the members alluded to.

Mr. STANLY. Does not this question of order affect their rights?

The SPEAKER said that the interest which the New Jersey members had was, whether they were entitled to seats or not. The question now before the House was a mere question of precedence of business; and the CHAIR, not seeing that they had more interest in that than any other, was of opinion that the gentlemen were entitled to vote.

Mr. STANLY appealed from the decision, and submitted to the CHAIR that the House had already decided this question.

The SPEAKER asked the gentleman to specify when.

Mr. STANLY said he did not exactly know.

Mr. ADAMS. There was such a decision. The question was raised during the time that I was in the chair. I decided then that the members from New Jersey had a right to vote, the question of interest, as I expressly stated at the time, being, not their individual interest, but the interest of their constituents. The House reversed my decision, and the gentlemen were not permitted to vote; and now, whether this be a preliminary question or not, when I am called upon to vote, I shall vote according to the principles I then assumed, and not according to the decision of the House.

Mr. BRIGGS inquired of the CHAIR whether the result of the vote would be changed by the admission or rejection of the votes of these gentlemen?

The SPEAKER replied in the negative.

Some delay took place in looking for the record of the decision, during which,

Mr. STANLY expressed himself willing to waive his right to the floor, if the chairman of the Committee of Ways and Means would consent to go into Committee of the Whole on the state of the Union.

Mr. JONES (though the question was one of great importance, involving the rights of a sovereign State, and rights of members to seats, and did not wish to procrastinate action) did not yield to the suggestion.

After a few moments—

Mr. ADAMS said that there must be a record of the decision.

The SPEAKER said that the Clerk stated he could not find such a decision as the gentleman had reference to. It was probably before the organization of the House, when it was decided that neither party were entitled to vote.

Mr. ADAMS. I am not responsible for the making up of the journal at that time, or any other. I state the fact, however, that such a decision was made.

Mr. STANLY inquired whether, if he waived the question now, with a view to go to the regular business of the country, he could bring it up to-morrow.

The SPEAKER replied that it would be too late.

Mr. STANLY then said he must insist on the decision of the appeal at this time. After a few remarks, in which Mr. S. expressed his own opinion to be that these gentlemen ought to vote, but said that he was desirous that the House should abide by its own decisions, he asked the yeas and nays on his appeal; which were ordered.

Mr. VANDERPOEL demanded the previous question; and there was a second.

And the main question was ordered to be now taken.

And the main question, "Shall the decision of the CHAIR stand as the judgment of the House?" was then put.

Previous to the announcement of the vote,

Mr. DAVIS of Kentucky rose and said that he had at first voted in the affirmative—but that he would change his vote on the ground that these gentlemen were no more entitled to seats in this House than any other person. If he could consider them so entitled, he would sustain the decision of the CHAIR. As it was, however, he could not do so.

Mr. MONROE rose and said that for the same reason he would change his vote.

And the votes of both gentlemen were recorded accordingly.

The SPEAKER then announced the vote to be: yeas 125, nays 38.

So the House sustained the decision of the CHAIR, by which it was declared that Messrs. DICKERSON and Co. were entitled to vote.

The SPEAKER then announced the vote on the original appeal taken by Mr. CAMPBELL of S. C. to be: yeas 88, nays 95.

So the House reversed the decision of the CHAIR. And it was thus declared that the question of a report from the Committee of Elections was a question of privilege, and entitled to take precedence over all other business.

Mr. CAMPBELL of South Carolina then made a report in the case of the New Jersey contested election—moved the printing of the report, evidence, &c. and that it made the the special order of the day for Saturday next. And Mr. C. demanded the previous question.

The report of the minority of the committee concluded as follows:

"Thus it appears the result of this investigation has been to increase the majority of the five claimants who received the greatest number of votes from the whole State, and the committee recommend the adoption of the following resolution:

Resolved, That PETER D. VROOM, PHILEMON DICKERSON, WILLIAM R. COOPER, DANIEL B. RYALL, and JOSEPH KILLE, are entitled to occupy, as members of the House of Representatives, the five contested seats from the State of New Jersey.

Mr. SMITH of Connecticut, on leave, presented a report from the minority of the said committee, and moved the printing.

[The minority report was of great length. The minority believe that three of the Whig contestants were (from testimony which they produce in their report, and which the majority of the committee did not believe competent testimony) entitled to seats, though they conclude their report without recommending by resolution any action on the conclusions to which they came.]

Mr. PROFFIT inquired of the chairman of the Committee of Elections [Mr. CAMPBELL] whether the evidence was a part of the report.

Mr. CAMPBELL was understood to say of course it was so.

Mr. PROFFIT. Then I call for the reading of

the majority and minority reports, and all the testimony. [It would have taken the Clerk three days to read all the testimony which the committee had acted on, and which formed the basis of the conclusions in the report, and which was already printed, under the direction of the committee, by authority of the House.]

Mr. CAMPBELL submitted, as a question of order, to the CHAIR, that the gentleman had no right to have these papers read on a question of printing.

The SPEAKER said he would decide that point after having ascertained whether there was a second to the demand for the previous question.

Mr. FILLMORE suggested to Mr. CAMPBELL to include in his motion to print, the journal of the committee.

The suggestion having been acquiesced in, (though Mr. CAMPBELL remarked that the journal had already been printed,)

The SPEAKER put the question on the demand for the previous question. And there was a second.

And the main question was ordered to be taken.

Several members of the Opposition here objected to making the resolutions accompanying the report the special order for any day, when

Mr. FILLMORE asked that the question might be taken separately—first on that part of the motion which proposed to print the two reports—and, secondly, on that part of it which proposed to make the subject the special order for Saturday And the division was ordered accordingly.

Mr. DROMGOOLE also asked for a separate question on the motion to print the journal; which was also ordered.

Mr. PROFITT then inquired of the CHAIR if it was in order now to call for the reading of the paper?

The SPEAKER said that it was.

Mr. PROFFIT. Then I call for the reading of every word, syllable, and letter. I am ready to take the responsibility of the motion. But I first make the offer to the chairman of the Committee of Ways and Means to waive the matter for the present if he is willing to go into comm t ee to resume the consideration of the appropriation bill; or take up any other public business which the chairman might prefer.

Mr. JONES returned no answer, and several Administration members objected. They were opposed to suppressing the printing of the report, and opposed to the attempt to get rid of the question by indirection. The reading progressed for about half an hour, when

Mr. BOTTS said if the reading of the testimony was persisted in, no other business could be done this session.

Mr. DAWSON of Georgia proposed to go into committee on the Indian appropriation bill.

Mr. PROFFIT assented. But a number of Administration members, again objecting, said that they were opposed to sacrificing the rights of a sovereign State, and to suppressing the truth.

Mr. STANLY rose to inquire who objected, in order that the country might know which party was responsible for the delay of public business.

Mr. BEATTY of Pennsylvania rose and said he objected; and, speaking in an angry tone, said the gentleman could turn his notice to him. He wished the people of the country to notice which party wished to smother the truth; which party it was that called for the reading of a mass of printed testimony for the purpose of consuming the time of the House, and thereby defeat the motion to print the reports to which this testimony was appended, the reading of which was called for by a Whig, and the reading of which was insisted on by a Whig, unless the Administration party would so far forget right and justice as to agree that it should not be printed, and that no action should be had upon it this session. If the gentleman wished to save the time of the House, why did he not agree to the motion of the chairman of the Committee of Elections, to lay the reports on the table for the present, for the purpose of having them printed, and to make the subject the special order of the day for Saturday, when the members will then have read the report and testimony, and be better prepared to act upon the question, if indeed they are not sufficiently informed from what has been already read.

Mr. STANLY made some reply of an offensive character.

The reading proceeded for some time longer.

Mr. HAWES appealed to the gentleman from Indiana to withdraw his demand for the reading of the volume, and let it be printed; but the appeal was in vain.

At fifteen minutes past two o'clock, Mr. FILLMORE rose and appealed to the gentleman from Indiana [Mr. PROFFIT] to dispense with the further reading. This was no time to go into this matter.

Mr. PROFFIT said he had not forced this question upon the House; the House had done so by its own decision. He wished the reading to proceed.

Mr. MEDILL, in the course of the reading of the report of the minority, was surprised at its extraordinary character; said it had never been submitted or read to the majority in committee, and that it contained falsehoods.

The CLERK proceeded in the reading of the reports until 2½ o'clock, at which time the House took a recess.

EVENING SESSION.

After the recess,

The CLERK resumed and concluded the reading of the majority and minority reports of the Committee of Elections in relation to the New Jersey contested election; when

Mr. CAMPBELL, the chairman of the committee, wished to inquire of the SPEAKER whether he could not modify his original motion, so as to print only the majority report and the journal. He had, in the morning, at the request of a member, included the minority report in his motion to print; but after hearing it read, he could not sanction the printing of such a document with his name. It contained things which were not matters of fact—were untrue.

The SPEAKER said that the gentleman had the right, provided the gentleman from Indiana, [Mr. PROFFIT,] on whose motion the reading was ordered, yielded the floor.

After some debate of a conversational character, Mr. PROFFIT yielded the floor.

Mr. CAMPBELL then modified his motion as above, not being willing to sanction the printing of such a document as the minority report, by his name; and the question being on the printing, on which the previous question had been ordered,

Mr. ANDREWS wished to know—

Several members here called Mr. A. to order.

Mr. ANDREWS in a very loud voice exclaimed, "I am in order."

(Cries of hurra; well done ANDREWS.)

Mr. CLARK of New York made some remarks, in which he complained that the chairman of the Committee of Elections had first entrapped the House into ordering the previous question, under a motion to print both reports, and having secured the previous question, he now wished to leave out the minority report.

Mr. MEDILL, with much vehemence of gesture, rose and repelled the charge that the House had been "entrapped" in any way. The House had not been entrapped, and the charge was a vile slander upon the House and the majority of the committee.

Mr. ANDREWS moved to reconsider the vote by which the previous question had been seconded; which motion was rejected.

Mr. PROFFIT having withdrawn the motion to read the volumes of testimony accompanying the reports,

The question then being on the motion to print the majority report and the journal of the committee,

Messrs. RICE GARLAND and FILLMORE made each a speech on what they termed tyranny on the part of the CHAIR in applying the question of reconsideration on the second to the previous question, instead of the previous question itself. It subsequently appeared, however, that the CHAIR had been misunderstood.

The question was then taken on a motion of Mr. G. to reconsider the motion by which the previous question had been ordered, and was negatived by yeas and nays, as follows: yeas 65, nays 80.

The question then recurring on the modified motion of Mr. CAMPBELL to print the majority report and journal,

Mr. DAVIS of Kentucky, in a very violent manner, was proceeding to give his reasons why he wished to be excused from voting, and denounced the modification of the motion, etc. as fraud and chicanery; when he was loudly called to order by the SPEAKER, and by members from various parts of the hall.

The CHAIR said the gentleman's language was an imputation upon the House, which was out of order.

Mr. CAMPBELL desired the member from Kentucky to know that such language would not be permitted *out* of the House, neither would it be suffered in the House. The character of the report of the minority was not known when he consented to include it in his motion to print.

(Much confusion here arose, and it was sometime before order could be restored.)

Mr. HOLMES appealed to the House, in the name of fifteen millions of freemen, to know whether such proceedings should be suffered.

Mr. RICE GARLAND said Mr. HOLMES did not represent fifteen millions of freemen.

Mr. HOLMES rejoined, that he was sure, in condemning such disorderly proceedings, he was speaking the sentiments of every lover of decorum in the country.

The question then being taken on the first branch of the motion of Mr. CAMPBELL, viz: on printing the majority report, it was agreed to, as follows—yeas 172, nay 1.

The question then being taken on agreeing to the second branch, viz: the printing of the journal of the committee, it was decided in the affirmative—yeas 154, nays 18.

Mr. FILLMORE then moved the printing of the minority report.

Mr. RAMSEY demanded the previous question, which was seconded, and the main questisn was ordered.

The question was then taken on the motion to print the minority report, and decided by yeas and nays, as follows—yeas 102, nays 68.

So the minority report was ordered to be printed.

Mr. JAMESON then moved the adoption of the resolution accompanying the majority report, as follows: see preceding column:

Mr. J. then moved the previous question.

Mr. FILLMORE wished to inquire whether, when the House was acting in its judicial capacity, the operation of the previous question would be to prevent the contestants from speaking at the bar of the House on their case.

The SPEAKER was understood to say that the operation of the previous question would be the same in this as in all other cases.

Mr. BRIGGS moved a call of the House, and on that motion made some brief remarks in favor of allowing the contestants an opportunity of being heard at the bar of the House.

After some vehement vociferation on the part of Mr. MONROE, which set the House in a roar of laughter,

The question was taken on the motion of Mr. BRIGGS for a call of the House, and it was negatived—yeas 68, nays 75.

Mr. BOTTS wished to know if it would be in order to submit a resolution permitting the claimants to appear at the bar of the House.

The CHAIR replied in the negative, as such a resolution could not be entertained until it should be ascertained whether there was a second to the demand for the previous question.

Mr. CAMPBELL of South Carolina wished the gentleman from Missouri would withdraw the motion for the previous question, and let the report be made the special order for Saturday or Monday.

Cries of No, no, from many; the question has been discussed for months; every one understands it. The interest of the people requires that the House should act without delay. If the subject were discussed for months, no gentleman could come to a more correct conclusion than he has already arrived at. There is no time for delay. The

reports of the two committees have been read to the House. The committee have been for months examining the testimony and determining upon the same. Their report is right.

Mr. JAMESON would not withdraw the motion for the previous question.

The previous question was then seconded, and the main question ordered to be put—yeas 101, nays 85, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Bynum, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Craig, Crary, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fisher, Floyd, Fornance, Galbraith, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Hook, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rives, Edward Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Wick, Jared W. Williams, Henry Williams, and Worthington—101.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Bell, Bond, Botts, Briggs, Brockway, Calhoun, John Campbell, W. B. Campbell, Carter, Chinn, Chittenden, Clark, J. Cooper, Mark A. Cooper, Crabb, Cranston, Crockett, Curtis, Cushin, Garret Davis, Dawson, Deberry, Dennis, Dellet, Edwards, Evans, Everett, Fillmore, Rice Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Green, Grinnell, William S. Hastings, Hawes, Hill of Virginia, Hopkins, Hunt, Kempshall, Lincoln, McCarty, Marvin, Mason, Mitchell, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Osborne, Palen, Pope, Profit, Randall, Rariden, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and C. H. Williams—85.

The question now recurring on the adoption of the resolution appended to the report of the majority,

Mr. ANDREWS, for reasons assigned by him, asked permission to be excused from voting; and the question being on granting leave, it was decided in the affirmative.

Mr. EVERETT asked to be excused, for reasons which were read to the Hous; and on that motion he asked the yeas and nays; which having been ordered, were—yeas 70, nays 100.

So the House refused to excuse him.

Messrs. BRIGGS, ADAMS, LINCOLN, L. WILLIAMS, DAWSON, MONROE, WADDY THOMPSON, POPE, CAMPBELL of Tennessee, BOND, SERGEANT, CUSHING, POFFIT, CALHOUN of Massachusetts, BELL, SALTONSTALL, SLADE, DAVIS of Kentucky, STANLY, EVANS, ALFORD, BOTTS, HILL of Virginia, RARIDEN, OGLE, JOHNSON of Maryland, and FILLMORE, successively rose, and asked to be excused, or said that they would refuse to vote for various reasons, such as that they had not heard the volume of testimony read; that the parties had not been heard at the bar of the House; and that they could not sufficiently understand the merits of the question from the reading of the reports of the minority and majority of the committee. The House refused those who made such a request, and did not compel those who said (regardless of the rules) that they would not vote. The excuses are of too great length for this day's paper.

Mr. CAMPBELL of South Carolina said, as the burden of the excuse seemed to be that the gentlemen did not sufficiently understand the subject conscientiously to vote, he would, to afford gentlemen an opportunity to read the reports which had been read at the table, and ordered to be printed, move that the House adjourn.

Mr. PROFFIT and many of the Whigs objected, and Mr. P. demanded the yeas and nays; which were ordered, and were—yeas 34, nays 107, as follows:

YEAS—Messrs. Boyd, A. V. Brown, William O. Butler, Bynum, Calhoun, John Campbell, Chapman, Coles, Curtis, Dana, Davee, Davies, Dawson, Edwards, Fornance, Galbraith, John Hastings, Hook, Hopkins, Lewis, McKay, Marvin, Montanya, Petrikin, Starkweather, Stuart, Sumpter, Taylor, Francis Thomas, Jacob Thompson, Underwood, David D. Wagener, Warren, and Christopher H. Williams—34.

NAYS—Messrs. Alford, H. J. Anderson, Atherton, Banks, Beatty, Beirne, Bell, Blackwell, Bond, Botts, Briggs, Albert G. Brown, Burke, Carr, Casey, Chinn, Chittenden, Clark, Clifford, Connor, Craig, Cranston, John Davis, John W. Davis, G. Davis, Dennis, Dellet, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Evans, Fillmore, Fisher, Floyd, Rice Garland, Gates, Goggin, Graham, Green, Grinnell, Hammond, Hand, William S. Hastings, Hawes, Hawkins, Hill of Virginia, Hubbard, Hunt, Jackson, James, Jameson, Joseph Johnson, William Cost Johnson, Nathaniel Jones, John W. Jones, Kemble, Kempshall, Leet, Lucas, McClellan, McCulloch, Mallory, Marchand, Mason, Medill, Morgan, Newhard, Ogle, Osborne, Parrish, Parmenter, Parris, Paynter, Pope, Prentiss, Profit, Ramsey, Rariden, Reynolds, Ridgway, Rives, Edward Rogers, Russell, Samuels, Sergeant, Simonton, Slade, Truman Smith, Stanly, Steenrod, Swearingen, Sweney, Philip F. Thomas, Toland, Triplett, Trumbull, Turney, Edward D. White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, and Worthington—107.

[It will be perceived, by reference to the yeas and nays above, that, although the Whigs complained that they could not vote, because they had not been afforded an opportunity to read the testimony, (which was printed, and ready to be laid on the table,) they voted against the adjournment. That is, all those who voted for the adjournment, (which would have afforded an opportunity to read the testimony,) with the exception of ten, were Democrats. The motion to adjourn compelled the House to vote immediately on the adoption of the resolution.]

Mr. HAWES and Mr. TRIPLETT asked to be excused, but the House refused to excuse them.

The question now being on the adoption of the resolution reported by the majority of the committee, (declaring those who were now holding seats as Representatives from New Jersey, were entitled to said seats,)

Mr. EVANS demanded the yeas and nays; which, having been ordered, were—yeas 101, nays 22; just a quorum, as follows:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Bynum, John Campbell, Carr, Casey, Chapman, Clifford, Coles, Connor, Craig, Crary, Dana, Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holleman, Holmes, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leonard, Lucas, McCulloh, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Ramsey, Reynolds, Rhett, Rives, Edward Rogers, Samuels, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Watterson, Wick, Jared W. Williams, Henry Williams, and Worthington—101.

NAYS—Messrs. Botts, Briggs, Carter, Chinn, Chittenden, Mark A. Cooper, Cranston, Fillmore, Goggin, Green, Hawes, James, Mason, Morgan, Ogle, Osborne, Pope, Ridgway, Truman Smith, Thomas W. Williams, and Joseph L. Williams—22.

So the resolution was adopted.

Before the result was announced,

Mr. McCLELLAN of Tennessee said he had, a few minutes before the vote was taken, stepped out of the House, and did not return until after his name was passed. He asked permission of the House to allow him to vote. He wished to vote for the adoption of the resolution. Several members objected, and Mr. M. was not allowed to vote.

[It would be proper to state that when the roll was first called, several of the Whigs only voted, and finding that the Democratic vote was not sufficient to constitute a quorum, some of those who said that they could not vote for or against the resolution, without doing injustice to one set of claimants or the other, or doing violence to their conscience, recanted for the purpose of making a quorum, and voted against the resolution, viz: Messrs. POPE, OGLE, HAWES, FILLMORE, BOTTS, and BRIGGS.]

On motion, the House, at a quarter past nine o'clock, p. m. adjourned.

IN SENATE,

FRIDAY, July 17, 1840.

Mr. WALL asked the unanimous consent of the Senate to introduce a bill, entitled "An act to remove restrictions upon discounting notes, and other securities in the the District of Columbia."

Perhaps it was not generally known to the public, or even to Congress, that there exists a prohibition in the laws of Congress, against any *unchartered* banking company, or any association, partnership, or company of *individuals*, within the District of Columbia, discounting any notes, or other securities, for the payment of money, under a penalty of not less than $100, and not more than $500; and all such, discounted contrary to the provisions of the said act, are declared utterly void. This extraordinary annihilation of the rights of the many for the benefit of the few, is to be found in the 29 and 31st sections of "An act to incorporate the subscribers to certain banks in the District of Columbia and to prevent the circulation of the notes of unincorporated associations within the said District," approved March 3, 1817. This law takes away the rights of the whole, to give privileges to a few to found a monopoly. This monopoly has fallen by the expiring of the law. This abridgment of the rights of the whole, can no longer aid the defunct banks. They can no longer discount as a chartered company. Why then should individuals be prohibited within the ten miles square, from doing what individuals every where else may do? Why should they be deprived of using their money or funds as they may see proper in discounting notes, or other securities for the payment of money? In my opinion, the prohibition should fall with the monopoly. It was designed for the benefit of the banks, and rights were taken from natural persons, to vest them in artificial persons. The artificial persons are now dead, so far as relates to the exclusive privilege of discounting. Is it not just and proper that those rights, thus taken for a purpose which no longer can be reached, should be restored to those from whom they were taken? I therefore ask the unanimous consent of the Senate to introduce a bill to repeal this extraordinary abridgment of the rights of the natural being, for the benefit of the artificial being. The bill which I have the honor to submit to the Senate merely repeals this odious, extraordinary and injudicious prohibition. I think the subject demands immediate action.

By unanimous consent the bill was introduced; and, having been read,

Mr. WALL asked that it might have its second reading at that time.

Mr. SMITH of Indiana asked if the secon reading was required merely for reference.

Mr. WALL said that the provisions of the bill was so simple there could be no necessity for reference. He therefore desired that the Senate would read it a second time now for the purpose of consideration.

Mr. SMITH of Indiana objected to this, and the bill was read a second time, and referred to the Committee on the Judiciary.

NORTHEASTERN BOUNDARY.

Mr. WILLIAMS, on leave, introduced a bill authorizing the President, and appropriating $25,000 to explore and survey the Northeastern boundary between Maine, New Hampshire, and the British Provinces. Read twice by consent, and ordered to be engrossed: subsequently read a third time and passed.

Mr. SMITH of Indiana offered the following:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to hold a council with the Miami Indians for the purpose of treating for the purchase of the reserves held by them in the State of Indiana, should he deem it expedient to hold such council.

Mr. S. said he would make a word of explanation. It was desirable that a treaty should be held as contemplated in the resolution; and as the Senate had decided that an appropriation by law to hold the same should precede the convention of the council, he had brought the matter to the consideration of the Senate in the proper manner. He desired the question to be submitted to the Committee on Finance, for the purpose of enabling that committee to make an amendment to the bill from the House on the subject of Indian appropriations, which would shortly be before it. He hoped the resolution would be acted upon now. The committee, he had no doubt, would give the subject its consideration at the proper time.

The resolution was agreed to, and the accompanying papers referred.

On motion of Mr. MOUTON, the Committee on Private Land Claims was discharged from the further consideration of sundry memorials, heretofore referred to the Committee on Agriculture, and not acted on by them.

The adverse reports of the Committee of Claims on the memorials of citizens of Jackson county, Alabama, and of other citizens of Alabama, were taken up and agreed to.

On motion of Mr. DAVIS, the Committee on

Claims were discharged from the further consideration of the petition of Alexander Jones and of a Senate resolution of inquiry as to improving the harbor of St. Louis.

EXCHANGE OF FOREIGN BOOKS.

The Senate took up the joint resolution (the rejection of which had been reconsidered on motion of Mr. WHITE) providing for the exchange of extra books in the Congress Library, and of public documents for those of foreign countries.

Mr. DAVIS asked if the amendment offered yesterday from the Committee on Commerce for the exchange of certain weights and measures would now be in order?

Mr. RUGGLES said he had learned that the amendment would not be requisite to the object proposed.

The resolution was ordered to a third reading, and subsequently read a third time and passed. The vote ordering its engrossment was as follows:

YEAS—Messrs. Allen, Benton, Calhoun, Davis, Dixon, Fulton, Grundy, King, Knight, Linn, Lumpkin, Merrick, Mouton, Phelps, Porter, Prentiss, Robinson, Ruggles, Smith of Connecticut, Southard, Strange, Surgeon, Tallmadge, Tappan, Walker, and Wall—26.

NAYS—Messrs. Brown, Buchanan, Clay of Alabama, Hubbard, Nicholas, Norvell, Pierce, Roane, Smith of Indiana, and Williams—10.

CHARTER OF WASHINGTON.

Mr. NORVELL, in accordance with a notice which he had given some days since, moved to take up the bill to alter and continue the charter of the city of Washington.

Mr. MERRICK objected to the taking up, that the changes proposed were very important, involving a vast amount of rights and property, and there could not be time at this session to give them the consideration which they demanded.

Mr. NORVELL was surprised to hear these objections fall from the lips of the honorable Senator from Maryland. The subject had been before that Senator and his committee for several months. And whose fault was it that it had been so long delayed? The changes proposed in the charter of the city of Washington were few and simple, and would require very little time for their consideration. The first and most important was the extension of the right of suffrage to all free white male citizens of the United States who had resided twelve months in the city immediately preceding the election. The adoption of this principle was demanded by a due regard to the equal rights of our fellow citizens, whether they possessed property or not. It had been called for by a large and respectable number of the citizens of Washington, of whom many were wealthy property holders, such as Mr. Travers, Mr. Boyle, and others. Of three or four hundred petitioners, whose names were on the memorial which he held in his hand, he had understood that two hundred and thirty were owners of real estate. The idea, however, that property alone was affected by the proceedings of a city corporation, was preposterous. The liberty, interest and personal safety of every man within its limits, were liable to be affected by them. No principle was more sacred that that of equality in the right of suffrage. It did not rightfully belong to property. It attached to persons. It was the right of every citizen. It was too late in the day to claim property qualification as necessary to entitle the citizen to vote, whether in States or municipal corporations. This was not with him a party question. It was a fundamental principle, and rose above all mere party views. The election by the people of magistrates and constables was another change proposed in the charter. This mode of appointing such officers had been successfully tried in several States. It secured better officers, and a greater and more efficient responsibility in the performance of their duties. All property qualifications in the mayor, aldermen, and members of the common council, were also abolished. The power to assess and levy a poll tax, limited to one dollar per annum, was given in the charter, but not as a qualification for voting. The charter was limited to ten years, subject to repeal or modification at any time by Congress. He moreover proposed to modify the bill so as to authorize the division of the city into any number of wards, not more than ten, nor fewer than six, to secure as near an approach to equality in the population of each ward as possible. He should move another amendment, prohibiting the enrolment and registry of citizens with a view to the determination of the question who was or was not entitled to vote. We had all seen the wanton abuse of that power elsewhere for party purposes.

The motion to take up the bill was carried by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Smith of Indiana, Strange, Sturgeon, Tappan, Walker, Wall, and Wright—24.

NAYS—Messrs. Davis, Dixon, Knight, Merrick, Phelps, Porter, Prentiss, Ruggles, Southard, and Tallmadge—10.

Mr. MERRICK remarked, as the Senate had determined to take up the bill and apparently pass it, after what he had said, he should take no further notice of the bill or the amendments.

Mr. TAPPAN: I am sorry that we are under the necessity of getting through this bill without the aid of the Senator from Maryland. Without his valuable services, I fear that we shall make but lame work of it; but we must get on as well as we can.

Mr. T. then offered an amendment, which was agreed to, requiring the elections to begin at 9 o'clock, a. m. and close at 7 p. m. and that the commissioners should declare the result of the vote before separating; and if the two boards should fail to appoint a commissioner, the electors should choose three *viva voce*, to conduct the election.

Mr. DAVIS spoke strongly against passing the bill at this session, on account of the great importance of the questions involved, and the want of time to consider them. Mr. D. did not know enough about them; and his only alternative at this time was, therefore, to vote against the bill. He alluded to and deprecated the general disposition at this time to regulate the affairs of the District.

Mr. NORVELL having replied briefly,

Mr. ALLEN said that the proposition was to continue the charter of the city of Washington, with two or three amendments, the principal one of which is to extend the orbit of the elective franchise; and the question was, whether a portion of the citizens who are now disfranchised, should have extended to them those rights which they are now deprived of by a property qualification. Now the action on this proposition would demonstrate one fact to the country: that if in the ranks of the Democracy there prevailed some diversity of sentiment in relation to the mode and extent of bank reform, yet on the great and fundamental question of the right of suffrage, there was perfect unanimity—there was but one feeling—and that was to extend to every citizen the right of participating in the choice of those who were to make the laws by which he was to be governed.

The amendments proposed by Mr. NORVELL were all agreed to.

Mr. MERRICK asked that the memorial of the corporate authorities of Washington, remonstrating against the passage of the bill, be read.

Mr. WALKER hoped that it would be read, and fully considered, and particularly that portion of the memorial which opposed the right of suffrage, and advocated the government of the city by property alone.

Mr. CLAY of Ala. merely wished to mention the fact that this was a remonstrance by the corporate authorities of the city of Washington, whose charter was to be amended. They were protesting against several amendments which extended the right of suffrage, and modestly proposed to Congress not to give the people power to oust them from the power which they now hold. The only provision which seemed to be so very objectionable to them, was that giving to the people, on whom the laws operate, the power of choosing who are to make them. This bill did not deprive these corporate authorities of any rights, but it conferred on the people at large rights which they did not hold under the late charter. The principles embodied in this bill were such as he had ever been in favor of, and such as he would maintain as long as he continued to live.

Mr. MERRICK then moved to lay the bill on the table; and, after some remarks from Messrs. ALLAN, MERRICK, and CLAY of Alabama, the motion was rejected—yeas 12, nays 26, as follows:

YEAS—Messrs. Clayton, Davis, Dixon, Huntington, Knight, Merrick, Phelps, Ruggles, Smith of Indiana, Southard, Tallmadge, and White—12.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Williams, and Wright—26.

Mr. KNIGHT said if Congress should frame a form of Government for the city of Washington, it was the proper business of the citizens to investigate it, and adopt it for themselves. This model, if passed, should be exhibited to them, and thus Congress should ascertain whether it would be acceptable to them. Let them all vote even on the liberal scale provided for by this bill, and if a majority were then against it, it ought not to be forced upon them. But if the majority were in favor of it, Mr. K. would say amen to whatever they would say.

Mr. NORVELL replied that the remarks of the Senator would be entitled to some weight, if we were about to form a new and fundamental constitution for the government of a people. In the present case, Congress were the legislators and rulers of the people of this District, made so by the Constitution of the United States. The proposed bill was nothing more than an amended charter for the city, and had no reference to the great principles of government, so gravely and tritely urged by the Senator. The essential principle embraced in the amendments, was the extension of the right of suffrage; and upon that subject he should consult nobody. He could not mistake the rights or the wishes of any free people on that point.

The bill was now ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Smith of Connecticut, Strange, Sturgeon, Tappan, Walker, Wall, Williams, and Wright—25.

NAYS—Messrs. Clayton, Davis, Dixon, Knight, Merrick, Phelps, Ruggles, Smith of Indiana, Southard, and White—10.

RETROCESSION OF ALEXANDRIA AND GEORGETOWN.

Mr. MERRICK moved to take up the bill authorizing the President to ascertain the opinions of the people of the District of Columbia, not within the limits of the city of Washington, as to their being retroceded to Virginia and Maryland respectively.

Mr. GRUNDY spoke strongly in opposition to the motion.

Mr. MERRICK said the object was only to ascertain the wishes of the people.

Mr. GRUNDY was opposed to any action on the subject.

The bill was taken up by the following vote:

YEAS—Messrs. Allen, Benton, Clay of Alabama, Davis, Dixon, Fulton, Henderson, Hubbard, King, Knight, Linn, Lumpkin, Merrick, Nicholas, Norvell, Phelps, Porter, Roane, Ruggles, Smith of Connecticut, Southard, Sturgeon, Tallmadge, Tappan, Walker—25.

NAYS—Messrs. Brown, Grundy, Pierce, Smith of Indiana, Strange, Wall, Williams, Wright—8.

Mr. ROANE spoke with great earnestness against the bill. It was a question even whether Congress had the constitutional power to pass it.

He spoke of the great anger and excitement which had recently been manifested in the District, and which was known to all, and said the public mind ought to be allowed time to settle down before proceeding at all on a measure of this kind.

Mr. MERRICK said this measure was not the mere result of anger or excitement. It had been stated here, by a member on the other side of the House, [Mr. WALKER,] and it is well known that Georgetown had a year ago sent in her cool petition to be retroceded.

Mr. ROANE said he had alluded alone to the present perturbed state of the southern portion of the District. The retrocession, it was true, had been several times proposed, but was promptly put down; and he believed it did not agree with the sober second thought of the people of the District. Alexandria, in her cool moments, would not receive the proposition, hampered and overwhelmed as she was in debt.

Mr. WALKER again urged the importance of the retrocession to the Government itself, and insisted that without it the seat of Government would be removed.

Mr. GRUNDY again spoke earnestly against the bill.

Mr. WRIGHT moved to lay the bill finally on the table, and it was so ordered, as follows:

YEAS—Messrs. Anderson, Benton, Brown, Dixon, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Pierce, Porter, Roane, Ruggles, Smith of Indiana, Southard, Strange, Tallmadge, Tappan, Wall, White, Williams, and Wright—25.

NAYS—Messrs. Allen, Calhoun, Clay of Alabama, Davis, Henderson, Knight, Merrick, Norvell, Phelps, Robinson, Smith of Connecticut, Sturgeon and Walker—13.

DISTRICT BANKS.

Mr. MERRICK presented the memorial of Messrs. Kurtz, Van Ness, and Bradley, presidents of the Metropolis and Patriotic Banks, and of the Farmers' and Mechanics' Bank of Georgetown, praying the continuance of their banking powers, and that of other banks, on the condition of their resuming and continuing specie payments, and concluding with the form of a joint resolution, which, if passed by Congress, would be acceptable to them.

Mr. WRIGHT moved that it be referred to the Committee for the District of Columbia.

Mr. ALLEN, with great emphasis, characterized this presenting of the form of a joint resolution to be acted on by Congress as an insult on the country represented in this Senate. He moved to lay it on the table; which motion was negatived as follows:

YEAS—Messrs. Allen, Linn, Lumpkin, Pierce, Porter, Ruggles, Smith of Connecticut, Tappan, Walker, Wright—10.

NAYS—Messrs. Brown, Clay of Alabama, Clayton, Davis, Dixon, Fulton, Grundy, Henderson, Huntington, King, Knight, Merrick, Mouton, Nicholas, Norvell, Phelps, Roane, Robinson, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, Wall, White—25.

Mr. TAPPAN asked if a question which had been twice decided could be presented again?

The CHAIR. Yes, half a dozen times.

Mr. WRIGHT renewed his motion to refer the memorial to the District Committee, (Mr. MERRICK remarking that this was equivalent to laying it on the table;) and it was so referred.

ARMY APPROPRIATIONS.

The Senate, on motion of Mr. WRIGHT, proceeded to consider the bill from the House making appropriations for the support of the army for the year 1840.

Mr. W. proceeded to offer, severally, and explain various amendments from committee, some of the first of which having been agreed to without dissent—

The appropriation ($12,000) for the purchase of an island in the Mississippi, near Fort Snelling, was debated by Messrs. CALHOUN, WRIGHT, TAPPAN, BUCHANAN, and BENTON, and agreed to by ayes 18, noes 17.

The provision by committee, authorizing the President to suspend certain works at his discretion, was opposed by Mr. SOUTHARD and advocated by Mr. WRIGHT till the recess.

EVENING SESSION.

Mr. WRIGHT explained the object of the 3d section of the amendment—which was that, in case the means of the Treasury, from any cause, should not be sufficient to meet all the appropriations made by Congress, the President should be authorized to postpone the expenditures for repairs and improvements at the Springfield armory; for repairs and improvements at the Harper's Ferry armory; for the purchase of saltpetre and brimstone; for continuing the barracks, quarters, &c. at Fort Leavenworth, at Fort Wayne, at Fort Smith, at Plattsburg, and at Fort Jesup, or such and so many of them, or such portions of each, as, in his judgment, after careful examination and inquiry, the condition of the Treasury shall demand and the public interests will best permit; such postponements, in each case, to be merely temporary, or until the close of the next session of Congress.

Mr. SOUTHARD opposed this amendment in a speech of considerable length. He was willing to make the appropriation for whatever might be necessary; but he was utterly opposed to allowing the matter to depend on the Executive will. It was in short transferring the powers of Congress to the hands of the Executive. It would be a step unknown to the legislation of any country, and was without precedent and utterly uncalled for.

Mr. HUNTINGTON expressed his regret that his health would not allow him to enter into this subject as fully as he desired. He condemned the amendment as virtually transferring to the President a power which ought never to be entrusted to any Executive. He did not mean to insinuate that the President would abuse it; but it was not proper to trust such irresponsible power with any man, however virtuous or exalted he might be. It was a temptation too strong. It gave the power to the President to select favorite objects, and at such spots as best suited his inclination. For that reason, he considered it both dangerous and, under the circumstances, unnecessary.

Mr. LUMPKIN took a different view. The discretion was limited to an intervening period, in case the money should not be in the Treasury. He could not see any alarming features in the measure.

Mr. WRIGHT defended the amendment at length, declaring the committee had no other alternative than to make it discretionary with the President, who could best tell, from the information in his possession, where the expenditures might be suspended with least injury to the public service.

Mr. SOUTHARD spoke for near an hour against the amendment in all its phases, and replied to the arguments of Mr. LUMPKIN and Mr. WRIGHT. The readiness with which gentlemen were willing to give discretionary power to the Executive was matter of regret to him. "There is no danger," (say gentlemen.) That was the same siren song sung in Athens and Rome until liberty was lost.

Mr. HUNTINGTON followed in some remarks explanatory to Mr. WRIGHT.

Mr. BUCHANAN said: It seems we are in a most delicate crisis, and that the Republic is on the very brink of ruin. We are on a precipice and are just about to tumble into the yawning destruction beneath. We have arrived at the very point in our career, according to the opinion of my friend from New Jersey [Mr. SOUTHARD] where the Republics of Athens and Rome perished; and it would therefore be presumptuous in us to expect to survive much longer. He has informed us that the principle involved in this amendment is that which destroyed Athenian liberty and deprived Rome of her free Government. Whilst the Republic was thus threatened with ruin, strange to say, the Senators in fatal security sat unconcerned, reading their newspapers and writing their letters, utterly insensible of danger.

And what is this great danger. I have heard ruin to the Republic often predicted since I came into the Senate; but never with more force and earnestness than upon the present occasion. But is not all this "ocean into tempest wrought, to waft a feather or to drown a fly?" What is the question now before the Senate? Unfortunately we are very much in want of money, and our Treasury presents "a beggarly account of empty boxes." In this state of affairs, it will depend upon contingencies to which I need not advert, whether there will be sufficient money in the Treasury to pay all the appropriations for which we have provided. If there should not be, what will be the consequence? Unless this amendment shall be adopted, the President will have unlimited discretion over all the great objects of appropriation, and he may select or reject which of them he pleases. The amendment then is an express limitation, not an extension, of Executive discretion. We take up the general list of appropriations and select from it what we deem to be the least important objects: and we said to the President, if you have not money to pay all our appropriations then you shall withhold it from these designated objects alone. Your discretion shall be limited, and Congress, not you, will decide how the money must be applied in case the revenue should prove insufficient to meet all the appropriations. Let human ingenuity turn and twist this question as it may, this is the result: The amendment is an abridgment of Executive discretion. We may not have money enough to accomplish all the objects provided for by law; and in such an event we say to the President that we will designate those objects with which we are willing to dispense.

And this is the whole amendment! And this is the vast stretch of Executive power which may destroy the Government! The President, for example, in case of a deficiency of money, is directed to dispense with the appropriations "for barracks, quarters, and storehouses," and for the purchase of "saltpetre and brimstone," and for other objects, which I need not enumerate, and which are not of great and pressing importance. Does not the Senator from New Jersey perceive that this is an express limitation on Executive power? Without it, if there should not be money in the Treasury sufficient to accomplish all the objects for which we have provided, the President will have the unlimited power of dispensing with any appropriation which he may please. But we choose to exercise this dispensing power ourselves, and not to confer it on the Executive.

It is true that we might borrow more money; but we think it is wiser to reduce our expenditures than to increase our debt. If we cannot make all the improvements we desire, we will not trust our Executive agent with the discretion of roaming over the whole list, and rejecting such as he pleases. We perform this duty for ourselves by the present amendment, and give him his instructions.

The Senator from New Jersey, with all his ingenuity, cannot make more than this out of the amendment. The President cannot expend more money than there is in the Treasury. If there be not money enough for all the objects designated in our laws, without the amendment, he could divert this money from any one of them; and apply it to another. But we say, and say very properly, that he shall not exercise this power. It is much better that we should adopt this course, than either to borrow money or trust to the unlimited discretion of the Executive.

Mr. HUBBARD spoke for some time, and with much zeal, in defence of the amendment. He alluded to the bill which had passed at a prior session, where, at one sweep, discretion was given to the President to raise 50,000 men and 10,000,000 dollars, and yet nothing had then been said about discretionary power.

Mr. SOUTHARD drew a wide distinction between the time when the country was threatened with a war with one of the most powerful nations of Europe, and discretionary power granted in time of peace, when there was no necessity for it, and when it would be setting a dangerous precedent. Mr. S. said he had two distinct acknowledgments from the Senator from New Hampshire, [Mr. HUBBARD:] 1st. That the Treasury might be incompetent to meet the expenditures; and 2d. That these items were not indispensably necessary. If, (said Mr. S.) that is the ground on which the Senator stands, I put it to him and the whole Senate whether it would not have been wiser to have stricken out those items than to leave the matter to Executive discretion? The money was in the Treasury, or it was not. If it was not, why make the appropriation? They had no right to throw the responsibility on the President—it belonged to Congress.

Mr. BUCHANAN did not profess to have any wit, nor did he believe he had any; but if he had, he should be very sorry either "to burn or drown" the Senator in it. His acquaintance with ancient history was not such as to inform him where, when, or how either Cæsar or Alcibiades had destroyed the liberties of their respective countries by a provision similar to this amendment. That might be owing to his own ignorance, which he hoped the Senator from New Jersey would condescend to enlighten.

The Senator, said Mr. B. has replied to what he calls my wit, but not to my argument. He has wisely passed the latter over. What is the amendment but this? I have an estate on which I desire to expend $100,000 in the course of the year. I employ an agent to direct and superintend this expenditure. It depends, however, upon the ability and will of a bank which is indebted to me, whether I shall be able to place the whole amount of this sum in his hands. Under such circumstances, what would a wise man do? He would say to his agent, you shall not exercise the discretion of deciding what particular improvement you will arrest in case I am not able to furnish the whole $100,000. This discretion I shall exercise for myself: and in case of a deficiency of means to accomplish the whole, you shall apply none of my money to such and such improvements, which, although important in themselves, must yield to others of more pressing necessity and greater utility. And, sir, this is the true nature of the amendment now before the Senate; and yet, strange as it may seem, it is strongly urged that it is an extension of Executive discretion! This is the whole amendment; and human ingenuity may be defied to make any thing more of it. What do we say by the amendment, to the President? If sufficient money should come in, you shall apply it to all our appropriations; but if it should not, you shall not expend any of it upon those objects of minor importance which we have designated. It is a clear limitation, not an extension of Executive discretion.

The amendment was then adopted.

Mr. TALLMADGE offered the following amendment, and urged the importance of it to the unobstructed navigation of the Hudson river, and the preservation of the public works:

Fifty thousand dollars, to be expended under the direction of the War Department, in continuing such part of the public works already commenced as may be most indispensable, for the improvement of the Hudson river above and below Albany; in dredging and removing obstructions formed in said river near such works; in making necessary repairs for the preservation of the existing public works on that river; and in providing for the care and preservation of the machinery and other public property connected with the said works.

Mr. WRIGHT said he did not wish to be understood as recriminating upon his colleague; but his position as a member of the committee would compel him, whatever might be his feelings on the subject, to vote against the amendment. He was aware of the importance of this improvement, and of the deep interest felt in it by the people of his State; and were this amendment proposed to a bill making appropriations for works of a kindred character, he would most cheerfully give it his support. But the bill now before the Senate was one making appropriations for the support of the army for the year 1840; while the improvements on the Hudson were of that class of works usually provided for in the harbor bill. Were this to be adopted by the Senate, he could not but anticipate that a multitude of similar amendments would be proposed, which would weigh down this important bill, and finally sink it. Had his colleague been aware of the pertinacity with which applications for similar appropriations had been resisted in the committee, he thought he would not have placed him in the unpleasant position of being compelled to vote against an improvement of so much importance to his State, and one in which his constituents felt so deep an interest.

The amendment was rejected.

Mr. BUCHANAN moved to amend the bill by inserting an appropriation of $6,000 for an outfit for the Minister resident at Constantinople.

Mr. CLAY of Alabama opposed it. He said it was distinctly understood at the time when Com. Porter was raised from a Charge that there was to be no outfit, and he hoped that it would not be introduced in this bill.

Mr. BENTON and Mr. WALKER both advocated it.

Mr. SOUTHARD did not like the idea of making outfits years after the post of resident Minister had been created. If the Senator from Pennsylvania would move to place Com. Porter on the same ground with other Ministers, he would cheerfully give it his support. He thought, at the present juncture, it was all-important to have a competent Minister at the court of the Sultan.

Mr. BUCHANAN spoke from personal knowledge of the inadequacy of the salaries to maintain ministers in foreign countries.

Mr. CLAY of Alabama called for the yeas and nays, when there appeared for it—yeas 19, nays 15, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Cuthbert, Fulton, Grundy, Linn, Norvell, Smith of Indiana, Strange, Sturgeon, Tallmadge, Tappan, Walker, Wall, and White—19.

NAYS—Messrs. Clay of Alabama, Clayton, Davis, Dixon, Hubbard, King, Knight, Lumpkin, Nicholas, Phelps, Porter, Robinson, Southard, Williams, and Wright—15.

Mr. TALLMADGE now offered the following amendment:

"That $6,000 be expended under the direction of the Secretary of War, in making the necessary repairs for the preservation of the public works on Hudson river, above and below Albany, and providing for the care and preservation of the machinery and other public property connected with said works."

Mr. T. again pressed on the Senate the necessity of the adoption of the amendment.

The question was taken by yeas and nays, and rejected, as follows:

YEAS—Messrs. Buchanan, Clayton, Davis, Dixon, Knight, Merrick, Phelps, Robinson, Smith of Indiana, Southard, Tallmadge, Walker, and White—13.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Calhoun, Clay of Alabama, Cuthbert, Grundy, Henderson, Hubbard, King, Lumpkin, Nicholas, Norvell, Pierce, Porter, Strange, Sturgeon, Tappan, Wall, and Williams—21.

Mr. STRANGE moved to amend the bill by appropriating $5,000 for the purchase of a town lot adjoining the site of the arsenal at Fayetteville, in North Carolina.

The question having been taken on the amendment, it was negatived.

Mr. CLAY of Alabama moved to insert an appropriation of $12,000 for the purchase of an island at the confluence of the St. Peter's and Mississippi rivers.

This motion was debated at some length by Messrs. BUCHANAN, HENDERSON, CLAY of Alabama, WALKER, and others.

The motion was adopted by a vote of 16 to 13.

The question was here taken on agreeing with the committee in vesting the discretionary power in the President to postpone certain expenditures, and adopted.

Mr. STRANGE here renewed his motion to amend the bill by inserting the appropriation of $5,000 for the purchase of the site adjoining the United States arsenal near Fayetteville.

Mr. S. said, so far as appropriations were concerned, it would seem that North Carolina was scarcely known to the Union. On this motion he should demand the yeas and nays.

The question was taken by yeas and nays, when there appeared for it 16, against it 16; so the motion was lost.

The question was then taken on the engrossment, and carried.

The private calender was taken up, and the following bills were considered in committee of the whole, and ordered to be engrossed for a third reaing, and were subsequently read a third time and passed.

An act for the relief of Cornelius Tiers;

An act for the relief of Ebenezer Lobdell;

An act for the relief of certain settlers on the Salt Lick reservation in the western district of Tennessee;

An act for the relief of Pierre Molaison, the widom of Pierre Richoux, Alexander Comeau, Alice L. Foley, the widow of John Foley, and Francis Martin, of the State of Louisiana.

An act for the relief of the children of Stephen Johnson;

An act for the relief of William Marbury;

An act confirming the claim of Augustine Lacoste to a tract of land therein named;

An act for the relief of Mary Sroufe;

An act for the relief of John L. Bowman and Enoch J. Noyes;

An act for the relief of Oliver Welch;

An act for the relief of John A. Faunce and Oliver Perrin,

An act for the relief of the widow and heirs-at-law of the Lewis Grant Davidson, deceased;

An act for the relief of Boggs and Thompson, Robert and Thomas Hutchinson, and others;

An act for the relief of Thomas Latham;

were severally read three times and passed.

A joint resolution directing the transfer to the State of Maryland of the stock in the Chesapeake and Ohio Canal Company, standing in the name of the United States, upon certain conditions, was passed and sent to the House for concurrence.

An act from the House for the relief of the sureties and heirs and representatives of Melancton W. Bostwick, deceased, was, on motion of Mr. BENTON, amended by adding a section for the relief of Mary W. Thompson, widow of Col. Alexander Thompson, and ordered to be engrossed for a third reading, and subsequently read a third time, and passed.

The following bills were considered, and laid on the table:

A bill for the relief of Eliza Causin, daughter and heir of John H. Stone, deceased;

A bill making provision for the adjustment of the title to a site for a light-house on the Roanoke marshes, in North Carolina;

A bill granting to the county of Kent, in the State of Michigan, the right of pre-emption to a quarter section of land;

A resolution authorizing the purchase, for the use of the United States, of the banking house of the Bank of Alexandria;

A bill granting to the State of Illinois the right of way through the public lands of the United States, and for other purposes;

A bill to relinquish to the State of Indiana the title of the United States to eight acres of land,

A bill for the relief of James McCrory;

A bill for the relief of the heirs of Frederick Seigle; and

A bill for the relief of the legal representatives of John Jordan, deceased, late a captain in the continental line of artillery artifices.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, July 17, 1840.

After the reading of the journal,

Mr. STANLY moved an amendment of the journal of Thursday, giving his reasons why he did not vote for the resolution submitted by Mr. CHAPMAN of Alabama, proposing to instruct the Committee on the Judiciary to report a bill to prevent the admission of negroes into the naval service.

After some conversation between Messrs. STANLY, DROMGOOLE, and the CHAIR,

Mr. DROMGOOLE objected to the entry of reason for votes on the journal. It was unprecedented, and would lead to bad practices.

Mr. STANLY moved to suspend the rules, and on that motion demanded the yeas and nays; which, having been ordered, were—yeas 99, nays 69.

So the House refused to suspend the rules for the purpose.

Messrs. BOTTS and PROFFIT proposed amendments to the journal; which were agreed to.

Mr. CAMPBELL of South Carolina, from the Committee of Elections, in the case of the con-

tested election from Massachusetts, reported the following resolution:

Resolved, That the Committee of Elections be discharged from the further consideration of the petitions of certain electors of the 6th Congressional District of the State of Massachusetts, alleging that Osmyn Baker, the sitting member from that district, was not duly elected a member of the House of Representatives; there being no evidence produced to the committee in support of the allegations of the petitioners, and the time limited by agreement of parties and the authority of the committee, for completing the taking of the same, having expired on the 4th Monday of May last.

Mr. CAMPBELL said this was a unanimous report of the committee, and he therefore moved the adoption of the resolution, and on that motion moved the previous question, which received a second, and the main question having been ordered, the question was put, and the resolution was agreed to.

Mr. FILLMORE, from the Committee of Elections, made a report from the majority of that committee, in relation to the seat of CHARLES NAYLOR from the third Congressional district of Pennsylvania, which was contested by Charles J. Ingersoll. Said report was accompanied by the following resolution:

Resolved, That CHARLES NAYLOR was duly elected a member of the House of Representatives for the Twenty-sixth Congress, from the Third Congressional District in Pennsylvania.

Mr. MEDILL, from the minority of the Committee of Elections, submitted a report of the views of the minority on the said contested election.

On motion of Mr. FILLMORE, both reports were ordered to lie on the table and be printed.

Mr. GRAHAM of North Carolina (the rules having been suspended for that purpose) made a personal explanation in relation to certain speeches of Dr. DUNCAN, which he alleged on the authority of a paper in North Carolina, had been sent to his district under his frank. Mr. G. said it was a fraud which he could not account for, and disclaimed having franked any such speeches.

[A few days ago some of the Democratic members were franking, as they thought, public documents to their constituents; but they accidentally discovered that, instead of the packages containing public documents, they contained the lives of Harrison and Harrison pictoral Almanacs, which, no doubt, had been inadvertently done in the folding room of the Capitol by the boys. It was, in all probability, in the same manner, that Mr. GRAHAM franked those speeches.]

On motion of Mr. JONES, the House then resolved itself into a Committee of the Whole, Mr. DROMGOOLE in the chair, and resumed the consideration of the

INDIAN APPROPRIATION BILL.

The question pending was on the amendment offered by Mr. JONES, appropriating $45,000 for the removal of the Winnebago Indians from Wiskonsin to the neutral ground beyond the Mississippi, the creation of a grist mill, etc.

Mr. BELL opposed the amendment, and at some length gave his reasons therefor.

Mr. JONES explained, and produced letters from the Governor of Wiskonsin and other sources, showing that the removal of the Winnebagoes was essential to the safety of our citizens in that quarter.

Mr. EVERETT moved to amend the amendment, by striking out $45,000, and inserting $100,000, which would provide for the protection of the Winnebagoes after their removal.

Mr. JONES objected to the amendment of Mr. EVERETT, on the ground that sufficient provision was already in contemplation for their protection.

After some brief remarks from Messrs. CRARY, and CHAPMAN of Iowa, the amendment to the amendment was negatived.

The question then being on the amendment of Mr. JONES, it was agreed to.

Mr. JONES then moved to amend by inserting $36,265 40 for carrying into effect a treaty with the Stockbridge and Munsee tribe of Indians, made September the 3d, 1839, and ratified May 16th, 1840.

Mr. PROFFIT commenced a speech in which he censured the Secretary of the Treasury for not inserting this appropriation in the annual estimates at the commencement of the session.

Mr. JONES asked the member how it was possible for this appropriation to be contained in the annual estimates, when the treaty was not ratified until May the 16th, several months after those estimates were given in?

Mr. PROFFIT then resumed and concluded his remarks on another issue.

Mr. MASON of Ohio followed, and gave his views in opposition to the amendment; and the hour of half past two o'clock having arrived,

The CHAIR [Mr. DROMGOOLE] rose, and begged most respectfully to inform the gentleman from Ohio, that as the time had arrived when it was customary for the House to take a recess he would be pleased to suspend his remarks.

The Hous accordingly took the usual recess.

EVENING SESSION.

After the recess,

The consideration of the Indian appropriation bill was resumed in Committee of the Whole, Mr. DROMGOOLE in the chair.

The question pending was on the amendment offered by Mr. JONES, appropriating $36,265 40 for carrying into effect a treaty with the Stockbridge and Munsee tribes of Indians, made September the 3d, 1839, and ratified May the 16th, 1840.

After some remarks from Messrs. DAVIS of Kentucky, BARNARD, EVANS, RICE GARLAND, McKAY, VANDERPOEL, RHETT, COOPER of Georgia, MASON, BIDDLE, and BELL, with explanations by Mr. JONES, the amendment was agreed to.

Mr. BELL moved to amend, by inserting the following: "for holding a treaty with the Cherokee Indians, including all the different interests and divisions which exist among them, upon the basis of their right to adopt any form of government which they, or a majority of them, may think proper, to elect their own officers or chiefs, and establish any law or regulation they may deem best for their welfare and happiness, provided they do not conflict with the Constitution and laws of the United States, applicable to their affairs, five thousand dollars."

Mr. BELL commenced a speech in support of his amendment, when it being obvious that no quorum was present, on motion, the committee rose, and that fact was reported to the House.

A motion to adjourn was then made simultaneously by several members; and it was negatived—yeas 26, nays 70.

Mr. DROMGOOLE moved a call of the House, which was ordered, and the roll being called, 109 members answered to their names.

By general consent all further proceedings in the call were then dispensed with, and the House again resolved itself into a Committee of the Whole on the Indian appropriation bill.

Mr. BELL resumed his remarks, and at great length gave a detailed history of all the circumstances relating to the obligation between the Government and the Cherokee nation.

He was followed by Messrs. EVERETT, SHEPARD, POPE, and others, who gave their views on the policy of the Government, as pursued towards the Cherokees.

The question then being put on the amendment, it was discovered that not more than fifty members were present, half of whom were asleep.

It being now about eleven o'clock, and those present not being willing to re-enact the farce of spending seven or eight hours in procuring a quorum, were understood to consent that the amendment should be considered as agreed to, reserving the right to vote upon it when the bill should be reported.

Several amendments involving private claims were then moved and rejected.

At 1 o'clock the committee again rose.

Several ineffectual motions to adjourn were made.

Those who voted in favor of an adjournment, then, by way of retaliation, refused to vote for a call of the House, and thus much time was consumed in such motions—the House refusing to adjourn, and also refusing to order a call.

By general consent, the House went again into committee.

At half past one, Mr. BOTTS said it was evident the bill could not be reported at that time. Besides, he was not willing that so important an appropriation bill should be decided by thirty members, one half of whom were asleep. He therefore moved that the committee rise.

The vote on this motion being taken, no quorum voted.

The committee then rose, and that fact was reported to the House.

After some debate of a desultory character on the fate of the bill, should it be deferred until to-morrow,

At a quarter before two o'clock,

The House adjourned.

IN SENATE,

SATURDAY, July 18, 1840.

Mr. MERRICK presented the memorial of several hundred citizens of Alexandria city and county, praying that they might be receded by Congress to the State of Virginia. The memorial was in two forms; one of them simply asking a retrocession, the other assigning as a reason for it the oppressions of the Government, under which they were now suffering. Read, laid on the table, and ordered to be printed, with the aggregate number of names.

Also, the memorial of the stone-cutters on the new Treasury building, asking to be remunerated for the two months' time which they were out of employ, for the alleged want of an appropriation by Congress. After a few remarks by Mr. MERRICK and Mr. GRUNDY for, and by Mr. HUBBARD against the petition, it was referred to the Committee on the Public Buildings.

Mr. DAVIS presented the petition of John Ross, in behalf of certain Indian warriors, and praying pensions for them. Mr. D. also obtained leave for Mr. Ross to withdraw the papers heretofore presented on this subject.

On motion by Mr. DAVIS, the Committee on Commerce were discharged from the further consideration of a great variety of subjects, the repeal of the act of March, 1837, buoys and a harbor in Delaware Bay, light-house on Brandywine Shoals, fog bells near Boston, etc.

EXTRA ALLOWANCES.

Mr. KNIGHT, from the Committee on the Contingent Expenses of the Senate, reported a resolution, proposing to make various extra allowances to the officers, messengers, and other attendants of the Senate.

Mr. FULTON having proposed to amend the resolution, by adding the Secretary, clerks, and various other officers employed in and about the Capitol, and discussion ensuing thereon—

Mr. LUMPKIN said: Mr. President, as a member of the Committee on the Contingent Expenses of the Senate, I consider it my duty to state that I do not consider myself in the slightest degree responsible for the report of the committee just made to the Senate. Indeed, sir, (said Mr. L.) I entirely dissent from that report. Moreover, sir, I feel it to be my duty to state that the report is directly adverse to the agreement and principles laid down by the committee, when in conference yesterday on this subject.

I have, sir, fully examined this subject, and have been surprised to find the loose and careless manner in which the contingent fund set apart for the expenses of the Senate is applied, so far as the payment of officers, messengers, and other persons in the employ of the Senate, is concerned. And whatever of impropriety there may be in this matter, I consider justly chargeable to the Senate, and to no one else. The officers, messengers, and others, in the employ of the Senate, have salaries and per diem pay, fixed either by law or resolution, which appears on your statute book, in plain and explicit terms; but, sir, this practice, now proposed to be continued, of giving extra allowance and gratuities, by the introduction of a resolution, at the close of each session of Congress, has wholly changed the real amount of salary and compensation received by these officers and messengers.

Their *nominal* pay, and *real* pay, is altogether different.

My desire was, and still is, to give to these persons a reasonable and adequate compensation for their services, and to fix and define that compensation by law, and leave nothing to the uncertainty and confusion of such a moment as the present. It is known to every Senator present that on the near approach of the adjournment of Congress, it is exceedingly difficult to obtain that due consideration and strict attention which is always desirable to a proper discharge of the important duty of fixing salaries, and appropriating the public money. I have no disposition to withhold from any person connected with the service of the Senate a just and equitable compensation; and I consider the most certain mode of ensuring this object, is to leave nothing to uncertainty. I consider my plan the best calculated to ensure the ends of justice, both to the Government and the individuals whose interests are involved in this subject. But, sir, I do protest against the practice of giving to salaried officers and per diem agents and messengers of the Government, extra allowances and gratuities. It is our duty to investigate and determine the value and amount of services rendered the Government by each officer and agent, and fix the compensation accordingly. We should not veil or mask appropriations of money in a vague or ambiguous manner. Salaries and compensation should be in reality what they appear to be. Under the system now in practice, in regard to the payment of persons in the employment of the Senate, it is difficult to ascertain what is the amount of pay of any one of these individuals.

From a paper which I now hold in my hand, and which exhibits the facts, names, and items, it may be seen, that the clerks, officers, messengers, and others, in the service of the Senate, from the 1st of December, 1838, to the 1st of December, 1839, inclusive, in every instance, not only received allowances for extra services, but gratuities of from two to three hundred dollars each—making an aggregate in gratuities of about five thousand dollars in one year to these persons. The principal clerk in the office of the Secretary of the Senate is allowed by law a salary of $1,800; yet, in the last year, he actually received $2,700. The Executive clerk's salary is $1,500; whereas he actually received $2,200. Four other clerks, whose salaries are $1,500 each, received, during the last year, $1,700 each. And in a similar proportion will be found the allowances made to the messengers, and others.

Mr. President, how can we justify this mode of distributing the public money? Sir, if you employ persons to do your own private work or business, do you not have some definite understanding upon the subject of wages? and when the work is completed, are you in the habit of seeking for pretexts and excuses to add to the pay and compensation of those who have done your work? Do you put your hand in your own private pocket, and hand out your money, by hundreds and thousands of dollars, as extra allowances, or gratuities? No, sir, none of us act thus in regard to our private concerns. How, then, can we justify ourselves in taking the money of our constituents for such purposes?

For myself, I can take no such liberty or latitude with the public purse. I repeat again, sir, that I am ready and disposed to give to each and every person employed by the Senate ample and adequate compensation. I entertain kind and respectful feelings to the whole of these persons. I have no complaint against any one of them. I have uniformly found them all disposed in a becoming manner to discharge their respective duties. I entertain kind feelings to these persons, in consideration of their uniform attention to every call which I have found it necessary to make for their services. My greatest objection to this annual call for extra allowances and gratuities, is mingled with mortification at the indelicacy of such discussions as we are now engaged in, while no consideration shall intimidate me from exposing what I consider improper practices in disbursing the public money. Yet I feel a becoming reluctance, when a faithful discharge of duty urges upon me the necessity of dwelling, as I am now doing, upon what I consider the abuses in any department of the public expenditures. I feel, sir, that the character and dignity of the Senate, as well as the respectability of the persons concerned in this investigation, should induce the Senate to fix definitely the amount of compensation, which may be deemed proper for every person in its employ; and hereafter avoid discussions on this subject of granting extra allowances and gratuities at the close of every session of Congress.

Mr. President, let us avoid this humiliating scramble for increase of pay. I am disposed to mete out justice to all, without special favor or partiality to any individual. If you continue these extra allowances for the present session, I protest against the proposition of extending it to one portion of the persons in your service, while you exclude another portion not less faithful and meritorious; and persons too, who are more important to the interest and service of the country, so far as the legislation of Congress is concerned.

Sir, I consider the office of the Secretary of the Senate, and the clerkships subordinate to, and connected with that office, of great importance to the country. It should never be held by any person, who is not possessed of high qualifications and character. It is an office, the duties of which cannot be well discharged by persons of ordinary qualifications. I am pleased to say, sir, that office, in all its branches, is discharged with great ability and fidelity to the public interest. I therefore, sir, feel great reluctance in lending my aid or sanction to any measure which may serve to discriminate between the present Secretary of the Senate and his clerks, and those persons who are in the subordinate employ of the Senate, to the disparagement of our Secretary or his clerks.

Sir, if the extra allowances are to be continued to most of the persons who are in the employ of the Senate, I will not consent to withholding from the Secretary and his clerks the same justice and liberality which we extend to all others.

Opposed as I am to the whole system and practice of extra pay, yet I will not consent to increase the evils of such a practice, by a partial application of liberality, which is calculated to disparage merit, and subject the Senate to the imputation of the exercise of a partial system of arbitrary favoritism.

Mr. President, it is the duty of the Senate to systematize this whole business. The duties of the Sergeant-at-arms and Doorkeeper, and of his assistant, with all their subordinates, ought to be defined, and their several compensations fixed by law. And, sir, should it be my lot again to have the duty assigned to me in part to attend to these matters, I shall persevere in my efforts to correct the evil of *complexity* which in many cases exists in regard to public expenditures. And if I am not connected with this service, I hope it may be confided to abler hands, and I shall content myself with having brought the subject to the attention of the Senate.

Messrs. KNIGHT, FULTON, GRUNDY, CLAY of Alabama, DAVIS, MERRICK, TALLMADGE, and CALHOUN, thought that the present period, at the close of a very protracted and arduous session, during which the officers of the Senate had distinguished themselves by fidelity to their duties, was an inauspicious time to commence reform in a practice heretofore sanctioned by the Senate.

The amendment was agreed to—ayes 33, noes 7; and the resolution, as amended, was adopted—ayes 31, noes 8.

CHARTER OF WASHINGTON.

The bill to alter and continue the charter of the city of Washington having been read a third time,

Mr. NORVELL said, that he asked the unanimous consent of the Senate to propose an amendment which had been rendered necessary by the omission of a clause in copying the original charter. He had not, in reading over the manuscript copy, particularly compared it with the book containing the old charter. The fault was his in letting this error escape his detection He was bound to take it upon himself, because it was his duty to have been more particular in his examination of the copy. He believed, however, that the omission in transcribing, had been accidental. The omission related to the summary power vested in the corporation to punish servants or slaves in certain cases. He regretted the necessity of suspending the progress of the bill even for a moment; but if the Senate would consent to the proposed amendment, the bill would be at their disposition, and he should have discharged his duty.

Mr. N. then sent the following amendments to the Secretary's table:

In section 11 of the printed bill, line 67, after words "meetings of," insert "slaves;" after "mulattoes," insert "and to punish such slaves by whipping, not exceeding forty stripes."

In same section, line 98, after word "marriages," insert "to punish corporeally any colored servant or slave for a breach of any of their laws or ordinances, unless the owner or holder of such servant or slave shall pay the fine in such cases provided."

Mr. MERRICK would not object, if there was an understanding there should be no attempt to pass the bill; but he proceeded to remark on the great haste with which this bill had been pressed forward, in spite of the earnest remonstrances of himself, Mr. DAVIS, and others. After the bill was in this manner ordered to be engrossed, it was found that there was an extraordinary omission of a portion of the bill. Mr. M. made these remarks simply for the purpose of showing, *a fortiori*, that if so great and palpable an omission could get through the Senate in its hurry of proceeding, how much more might wrong, important, and intricate provisions thus get through without due consideration, even if they were discovered at all.

Mr. NORVELL said that the progress of the bill had been characterized by no haste, nor by any thing unusual. It had been printed and laid on our tables a month ago. He was astonished at the remark of the honorable Senator with regard to what he was pleased to call the extraordinary omission in the bill. Things of that kind often took place. No one could more deeply regret such an omission than he did on the present occasion, as it might afford a pretext for the postponement of the bill. But after the explanation which had passed between himself and the honorable Senator on the subject, he considered his remarks as uncalled for. No one who knew his sentiments could doubt the probity of his course on the point under consideration. The charge of indiscretion on the part of the Senate in its proceedings on the bill, was also entirely gratuitous. It was not founded in any correct view of the subject.

Mr. CLAY of Alabama said he was fearful that time enough did not remain to perfect the bill at this session, and to secure its passage in the other House. He was anxious for its success; and he hoped that no objection would be made to the amendment proposed by his friend from Michigan.

Mr. DAVIS objected to the reception of any amendment.

Mr. CLAY of Alabama then said, as the objection of any Senator was fatal to this bill in its present stage, he should have to move to lay it on the table. But he gave notice that early in the next session its friends would renew it, and endeavor to effect its passage.

The bill was laid on the table.

The bill to amend the act to grant certain relinquished and unappropriated lands to the State of Alabama for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers, having been read a third time,

It was discussed at some length by Messrs. GRUNDY, CLAY of Alabama, and CALHOUN, and, on motion of Mr. GRUNDY, laid on the table for further amendment at the next session.

CHESAPEAKE AND OHIO CANAL.

The Senate, on motion of Mr. MERRICK, took up (by yeas 22, nays 13) the joint resolution to cede, on certain conditions, the stock of the United States in the Chesapeake and Ohio Canal to the State of Maryland.

Mr. MERRICK explained and advocated the re-

solution, remarking on the existing delay in the progress of the work, and urging the great desire of Maryland that it should be completed, and the probability, or rather certainty, that the United States would appropriate no more money, and could receive no profit from the work without such appropriation.

Mr. CALHOUN said it was too late in the session to act upon this bill, but, at the next session, Mr. C. would be in favor of a relinquishment by the Government of all rights of this kind.

Mr. MERRICK said Maryland was $7,000,000 in debt, and must lose the interest on this sum unless the canal should be completed. The interest of that sum for one year was to her very important, and if Congress should now pass this resolution, the Government of Maryland would forthwith convene the Legislature, they would comply with the terms, the completion of the work would be hastened, and Maryland saved from very heavy losses.

Messrs. TAPPAN, SMITH of Connecticut, WALKER, and ALLEN, spoke in favor of the immediate relinquishment of the stock by the United States, as that which would yield them no profit; and by them ought never to have been possessed.

Mr. BENTON was ready to act upon the question now: with him there was no reason for a postponement to the next session. His mind had long been directed to the character and progress of this canal. He was one of the few who voted against the United States subscription of a million of dollars to its stock fifteen years ago. He then thought the United States ought not to engage in the work, and he now thought they ought not to continue in it. As a general proposition, he thought it was wrong for the United States to engage in these undertakings; consequently, as a general proposition, he thought it right to get out of them. In this point of view, he had advocated all the propositions to sell out the United States stocks of all sorts, whether in a National Bank or a national road, or in canals. He had been in favor of selling the United States stock in the Bank of the United States; and that stock was sold in good time—when it was at 16 above par, instead of being, as it is now, at 30 below it. He had been in favor of ceding the Cumberland road to the States through which it passed; and the cession was made—not a sale, but a cession. He was in favor of dissolving the connection between the United States and all companies or corporations, and with all State undertakings. Acting on these general principles, he was in favor of dissolving the connection between the United States and the canal in question; and the only question was as to the terms. Does the joint resolution, said Mr. B. propose a cession, or a sale at the market price?

[Mr. MERRICK answered, it proposed a relinquishment of the interest of the United States in the canal to the State of Maryland, on certain conditions, &c.]

Mr. B. said he believed there was no practical difference between a sale and a relinquishment. If sold, it could only be at the market price; and if bought, it could only be by the State of Maryland. Now the market price, he presumed, was nothing. He supposed that, in the present condition of the canal, its stock would have no market value, and, therefore, that any attempt to make sale of the stock held by the United States would be nugatory and idle. If, therefore, it was desirable, as he believed it to be, for the United States to become disconnected from the work, he saw no way to do but to follow the policy adopted in the case of the Cumberland road, and make a cession. Mr. B. believed that there were several peculiar reasons for this cession in the present case. The United States had subscribed a million of dollars to the work, and thereby encouraged the State to go on with it, and to enlarge and augment it. This million was now worth nothing, and if it becomes valuable, it must be made so by expenditures and sacrifices on the part of Maryland; she must resuscitate it; for it was quite certain the United States would make no further subscription to it. He was, therefore, in favor of the cession. It will strengthen the State—it will encourage it—it will increase its inducements to prosecute the work. In our hands it is of no use to the United States, or to the State; in her hands it will be of some use to her immediately, and to the United States eventually.

The resolution was ordered to be engrossed.

On motion of Mr. ALLEN, the bill for the issue of certain general land warrants was considered and ordered to be engrossed.

The joint resolution from the House, authorizing the sending of certain bills between the two Houses, was received and agreed to.

The joint resolution reported from the Committee on Public Buildings, to provide compensation for the stone cutters on the public buildings, was taken up, and, after being so amended as to include "other workmen," was ordered to be engrossed.

On motion of Mr. MERRICK, the joint resolution ceding the stock of the United States in the Chesapeake and Ohio Canal to Maryland, on certain conditions, was read a third time and passed.

The Senate then took up the bills from the House on the general orders and disposed of the same.

Mr. MERRICK now moved to take up the joint resolution which had been ordered to a second reading, chartering the banks of the District for one year, on condition of their paying specie, &c.

Mr. TAPPAN said he objected to taking up the time of the Senate, which could be more profitably employed than in discussing the chartering of broken banks. These institutions seemed determined not to take "*No*" for an answer, but had again thrust themselves forward to plague the Senate with their importunities. He thought it a very strange course of proceeding.

Mr. MERRICK said the subject had been fully discussed before, and he would not again trouble the Senate with any remarks. He was extremely desirous, for the sake of the interests of the people of this District, that the resolution should be passed on, and he really hoped the Senator from Ohio would not object to its being taken up and disposed of.

Mr. TAPPAN. I ask the yeas and nays on the proposition to take it up.

The yeas and nays being granted, there appeared for it 22, against it 13, as follows:

YEAS—Messrs. Anderson, Clay of Alabama, Clayton, Crittenden, Davis, Dixon, Grundy, Henderson, Knight, Merrick, Phelps, Porter, Preston, Roane, Ruggles, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, Williams, and Young—22.

NAYS—Messrs. Allen, Benton, Calhoun, Hubbard, Linn, Lumpkin, Norvell, Pierce, Robinson, Smith of Connecticut, Tappan, Walker, and Wall—13.

Mr. ALLEN moved to amend the resolution by striking out all after the enacting clause and inserting the bill which had been ordered to be engrossed and afterwards rejected by the Senate. [It made the stockholders liable, prevented the banks from paying other than their own notes, and provided for redeeming all their liabilities in specie, &c.]

Mr. MERRICK made an explanation in relation to the subject.

Mr. GRUNDY gave his reasons why he should feel himself bound to vote against the proposition of the Senator from Ohio. He regarded the whole as a mere temporary measure for the relief of the people of the District.

The question was debated by Messrs. ALLEN, SOUTHARD, and HENDERSON,

When the question was taken on the adoption of Mr. ALLEN's substitute, and decided in the negative: Yeas 9, nays 21—as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Hubbard, Lumpkin, Sturgeon, Tappan, Walker, and Wright—9.

NAYS—Messrs. Anderson, Clay of Alabama, Crittenden, Davis, Dixon, Fulton, Grundy, Huntington, King, Knight, Merrick, Nicholas, Norvell, Phelps, Porter, Ruggles, Smith of Indiana, Southard, Tallmadge, White, and Young—21.

Mr. TAPPAN here moved to strike out those sections in the bill relating to the restrictions of confining the power to issue notes to the banks.

Mr. T. made a long and able speech in favor of the principles of free banking, but the motion was lost by a very large majority.

Mr. ALLEN then moved to add a provision to the bill making stockholders liable for the debts of the banks.

On this proposition a long debate ensued, Mr. ALLEN contending for its propriety, and Mr. SOUTHARD denouncing it as unjust to make widows and others who were stockholders, liable beyond their contracts.

The question was here taken on Mr. ALLEN's motion, and negatives—yeas 13, nays 21.

The question was now taken on ordering the joint resolution to a third reading, and decided in the affirmative—yeas 21, nays 12, as follows:

YEAS—Messrs. Anderson, Clay of Alabama, Crittenden, Davis, Dixon, Fulton, Grundy, Henderson, King, Merrick, Phelps, Porter, Preston, Ruggles, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, White, and Young—21.

NAYS—Messrs. Allen, Benton, Calhoun, Hubbard, Linn, Lumpkin, Norvell, Pierce, Tappan, Walker, Wall, and Wright—12.

Mr. WRIGHT asked to take up the bill from the House making appropriations for the support of the navy for the year 1840. Mr. W. said the House had thought proper to strike out the amendment of the Senate making an appropriation of $30,000 for the survey of the Southern coast from Appalachicola to the mouth of the Mississippi river, because it was prohibited by a rule of that body from attaching appropriations to any bill that had not been recommended by the Department.

The motion pending was, that the Senate recede from said amendment.

On this motion a very warm and animated discussion ensued, in which Messrs. HENDERSON, SOUTHARD, WALKER, and others, insisted that the Senate ought not to recede.

The debate lasted to a very late hour, when the question was taken on receding and decided in the negative—yeas 10, nays 18, as follows:

YEAS—Messrs. Allen, Hubbard, Linn, Pierce, Robinson, Ruggles, Smith of Indiana, Sturgeon, Tappan, and Wright—10.

NAYS—Messrs. Anderson, Calhoun, Clay of Alabama, Crittenden, Dixon, Fulton, Henderson, King, Lumpkin, Merrick, Nicholas, Norvell, Porter, Preston, Southard, Walker, Wall, and White—18.

The House bill making appropriations for the current and contingent expenses of the Indian Department having been reported from the Committee on Finance without amendment, was read a third time and passed.

Mr. MERRICK moved that the joint resolution relating to the banks of the District have its third reading now.

Mr. ALLEN. I object. [The rule being imperative, the resolution could not be read.]

Mr. MERRICK asked to introduce a resolution suspending the 16th joint rule so far as to allow the resolution to be embraced under its provisions.

Mr. TAPPAN here objected, when

Mr. MERRICK gave notice of his intention to call the question up on Monday.

At a very late hour, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, July 18, 1840.

Mr. HOPKINS asked the general consent of the House to offer a resolution, which was read for the information of the House, as follows:

Resolved, That the CLERK of this House be and he is hereby authorized and requested to pay to each messenger and page in attendance on the House, the usual allowance for extra services.

Mr. McCLELLAN objected.

Mr. HOPKINS moved to suspend the rules, and on that motion demanded the yeas and nays; which were not ordered.

Mr. HOPKINS spoke of the immense labor which those pages and attendants had performed; and had read from the CLERK's table the following statement:

'I have the honor to transmit the following folding-room statement, in reply to your note of the 17th inst:

From the commencement of the session to April 1st, according to the best estimate I am able to make, there were

folded, of papers of different kinds, at least - - - - -	800,000
The packages containing seeds, books, &c. will amount to about - -	20,000
There have been folded, sealed packages, which were extra documents ordered by the House, about -	70,000
Speeches, addresses, &c. since April 1st have amounted to - -	1,330,000
Supposed to have been folded in other parts of the Capitol, and at the members' rooms . - - -	250,000
	2,470,000

J. R. QUEEN.

[Of the above aggregate, the probability is that more than two-thirds were Whig documents—such as the life of Harrison, of four kinds, to be sent to the four sections of the United States, and Harrison pictorial almanacs; and Whig speeches in Congress.]

The question was then taken, and the rules were suspended.

Mr. HOPKINS moved the previous question on the adoption of the resolution; which received a second, and the main question was ordered to be put.

Mr. McCLELLAN called for the yeas and nays on the adoption of the resolution; but they were not ordered; and the resolution was then agreed to.

Mr. CAMPBELL asked the general consent of the House to offer a resolution, which was read for the information of the House, and was in substance as follows, viz: that the Committee of Elections be authorized to pay out of the contingent fund of the House to J. M. Carlisle, clerk to said committee, per diem allowance at the rate of $5 per day for his services.

Mr. CAMPBELL stated, in reply to an inquiry, that the clerk was now allowed $4 per day; but, owing to his arduous duties, the committee thought him entitled to a larger sum.

Mr. PETRIKIN objected.

Mr. CAMPBELL moved to suspend the rules to admit the resolution.

Mr. PETRIKIN called for the yeas and nays on that motion; which, having been ordered, were—yeas 34, nays 99. So the rules were not suspended.

Mr. SMITH of Connecticut asked the general consent of the House to offer a resolution, which was read for the information of the House, as follows:

Resolved, That the Clerk of this House pay to Messrs. Ayerigg, Maxwell, Halstead, Stratton, and Yorke, the same compensation per diem and mileage that is allowed to members of Congress, computing the per diem from the commencement of the session until the 7th day of July instant.

Mr. PETRIKIN objected.

Mr. SMITH said it was the usual resolution, and he moved a suspension of the rules to enable him to submit it, and on that motion demanded the yeas and nays; which, having been ordered, were—yeas 81, nays 59.

So the rules were not suspended.

Mr. RAMSEY asked the general consent of the House to submit the following resolution, viz:

Resolved, That the Clerk of this House pay to Charles J. Ingersoll the same compensation per diem and mileage that is allowed to members of Congress, computing the per diem from the commencement of the session until the 17th of July instant.

Objection having been made,

Mr. RAMSEY moved that the rules be suspended to enable him to submit the resolution, and on that motion demanded the yeas and nays; which, having been ordered, were—yeas 49, nays 86.

So the rules were not suspended.

Mr. ADAMS asked that the House would agree to take up the bill of this House, originally reported from the Committee on Manufactures, which had been returned from the Senate, with amendments, entitled, "An act to ensure the more faithful execution of the laws regulating the collection of duties on imports," for the purpose of having it referred to the Committee of the Whole House on the state of the Union, to consider those amendments.

Mr. A. said the bill had been passed by both Houses by a large majority, and he did not believe it would occupy the committee five minutes.

Mr. PETRIKIN objected to the motion, as being out of order.

Mr. ADAMS repeated that his only object was to have the bill and amendments referred to the committee.

Mr. PETIKIN withdrew his objection; and

Mr. CRABB renewed it.

Mr. ADAMS moved to suspend the rules, to enable him to make the motion above indicated.

Mr. CRABB demanded the yeas and nays; which were ordered, and, having been taken, were—yeas 90, nays 64.

So the rules were not suspended.

Mr. J. W. JONES moved to suspend the rules, and that the House would resolve itself into Committee of the Whole House on the state of the Union.

Mr. TILLINGHAST said this was private bill day, and he hoped the chairman of the Committee of Ways and Means would not press his motion, but that he would withdraw it, and thereby enable the House to consider the private bills.

Mr. UNDERWOOD asked the general consent of the House to consider the motion he submitted a few days ago, for printing 5,000 extra copies of the report of the Select Committee upon the subject of steam boilers. The document was now in type, and, unless the printing was ordered immediately, it would cost double as much at another time.

Mr. R. GARLAND objected. There had been an extra quantity of these documents printed last year, some of which were on hand.

Mr. U. did not press the motion to print.

INDIAN APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole House on the state of the Union, (Mr. HOPKINS in the chair,) and resumed the consideration of the Indian appropriation bill.

The question pending was the amendment to the bill appropriating $35,327 for carrying into effect a provision of the treaty of New Echota, in 1835, in reference to the removal of the Indians.

Mr. L. WILLIAMS inquired of the CHAIR whether the amendment was in order.

The CHAIR decided that the amendment was in order.

Mr. RUSSELL said the appropriation was not authorized by existing law, and that it was for the satisfaction of a mere private claim; and he appealed from the decision of the CHAIR.

Mr. JONES of Virginia explained that it had been called for from the War Department, as necessary to carry into effect the treaty which had been ratified.

A debate ensued, in which Messrs. RUSSELL, TILLINGHAST, EVERETT, COOPER of Ga. THOMPSON of South Carolina, and EVANS, participated, in opposition to the decision of the CHAIR and to the propriety of the amendment, and by Messrs BANKS, BROWN of Tennessee, and WATTERSON.

The question was taken, and the decision of the CHAIR was reversed.

Mr. CHAPMAN of Alabama proposed an amendment appropriating $1,126 for the payment of the claim of a company of Alabama volunteers, ordered out under Capt. Snodgrass of Alabama, to aid in the removal of the Indians.

Mr. THOMPSON of South Carolina said the claim had received the unanimous approbation of the Committee on Military Affairs.

The question of order was raised; when it was ascertained that a bill was pending before the House for the payment of this claim, and, in consequence,

The CHAIR ruled the amendment out of order.

On motion of Mr. MARVIN, the committee then rose and reported the bill to the House; and the question being on concurring in the amendments of the committee, and reading the bill a third time,

Mr. CAVE JOHNSON moved the previous question, which received a second, was put, and carried.

Several amendments of the committee having been concurred in, and the question being on concurring in the amendment appropriating $10,175 for the payment of balances due on account of the removal of the Creek Indians, was disagreed to.

The question being on concurring with the committee in the amendment, in the following words, viz:

For payment of the claim presented by the Alabama Emigrating Company, and allowed by the accounting officers, $38,646;

Mr. L. WILLIAMS called for the yeas and nays; which, having been ordered, were—yeas 79, nays 66.

So the amendment was concurred in.

The question was then put, that the House do concur in the eighth amendment of the committee to said bill, which is as follows:

For expenses attending the removal of the Winnebago Indians from their present residence in Wiskonsin to the neutral ground across the Mississippi river, estimating the number at 4,500, to cost $10 each, $45,000.

Mr. L. WILLIAMS called for the yeas and nays on concurring; which were ordered, and were —yeas 81, nays 57.

So the amendment was concurred in.

The question now being on concurring in the ninth amendment of the Committee of the Whole House to said bill, in the following words:

Insert in the bill the following item: "To carry into effect the treaty of the 3d of September, 1839, with the Stockbridge and Maumee tribe of Indians, ratified the 16th May, 1840, $32,265 40;"

Mr. BARNARD demanded the yeas and nays; which having been ordered, were—yeas 77, nays 57.

So the amendment was concurred in.

The question being now on concurring with the committee in the 10th amendment, in the following words, viz: Add to the bill the following words: "For holding a treaty with the Cherokee Indians, including all the different interests and divisions which exist among them, upon the basis of their right to adopt any form of Government which they or a majority of them may think proper; to elect their own officers or chiefs; and establish any law or regulations which they may deem best for their welfare and happiness, provided that they do not conflict with the Constitution and laws of the United States, applicable to their affairs, $5,000;

Mr. BOYD demanded the yeas and nays; which having been ordered, were—yeas 60, nays 77.

The bill was then ordered to be engrossed for a third reading, and having been engrossed, was read the third time and passed.

Mr. R. GARLAND moved to amend the title so as to read "A bill to encourage hostilities with the Cherokee Indians," but subsequently withdrew his motion.

Mr. R. GARLAND and Mr. STANLY warned the House that, unless a different course were pursued in rejecting the amendment proposed by Mr. BELL as above, bloodshed would ensue, and war be kindled up along our Southwestern frontier.

Mr. STANLY, under this conviction, moved a reconsideration of the vote by which the bill had been passed.

The motion was sustained by Mr. W. THOMPSON and Mr. CROSS of Arkansas, in very earnest speeches, appealing to the House against the responsibility it incurred by refusing this pitiful amount of $5,000, at the imminent hazard of an Indian war

Mr. STANLY withdrew his motion.

Mr. CROSS renewed it.

Mr. DAVIS of Indiana moved the previous question; which was seconded, put, and carried; when the reconsideration was negatived by yeas and nays as follows: yeas 71, nays 74.

On motion of Mr. ATHERTON, the joint rule of the two Houses which forbids bills being sent from one House to the other during the last three days of the session, was suspended in relation to the Indian bill, the bill for the military academy, for fortifications, for mileage, and for all territorial bills.

On motion of Mr. PICKENS, the House went

into Committee of the Wole on the state of the Union, (Mr. RUSSELL in the chair,) and took up for consideration the bill appropriating $25,000 for the expenses of the exploration and survey of the Northeastern boundary of the United States.

Mr. ADAMS moved an amendment to include the establishment of four stations for meteorological and geological observations. He explained the object of the amendment, and argued in its favor, but it was rejected.

Mr. PICKENS moved that the committee rise, and report the bill to the House.

Mr. DAVIS of Indiana hoped the committee would not rise, but that the bill would be laid aside in order to be reported, and that the committee would agree to take up Senate bill 141, entitled An act to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie canal which lies between Tippecanoe river and Terre Haute, and for other purposes. Mr. D. was going on to show the great importance of the bill to the State of Indiana, but was arrested by

The CHAIR, who stated that the question must first be put on rising, before the gentleman's motion could be entertained.

The question was then taken on the motion that the committee rise, which was agreed to; and the bill was accordingly reported to the House.

Mr. ADAMS then renewed his amendment to the bill which was rejected in committee, in the following words, viz:

"*And be it further enacted*, That the sum of twenty thousand dollars be, and the same are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the establishment of five several stations, at suitable distances from each other, for making observations of terrestial magnetism and meteorology for three years; the said sum to be expended under the direction of the Secretary of War for the fulfilment of those purposes; he to account for the expenditure thereof to the Treasury of the United States."

Mr. A. wished to have his vote recorded in favor of the amendment, and called for the yeas and nays; which were ordered.

After a few remarks by Messrs. ADAMS and STANLY,

Mr. DAVIS moved the previous question on the bill and amendment, which received a second; and the main question was ordered to be put.

The question being first on the adoption of the amendment of Mr. ADAMS,

Mr. KEIM called for the reading of the amendment; which having been done,

Mr. KEIM moved to amend it by striking out the word "*are*," and insert the word "*is*," instead.

[This motion, on the part of Mr. KEIM, caused a great deal of merriment. It will be recollected that, a few days ago, Mr. ADAMS entered into a criticism of the *diction* and grammar of the report of Mr. KEIM on the militia, and this motion to correct the grammatical error of Mr. A. was considered a fair hit. Mr. A. responded in relation to this error, that it was the same principle of construction as the sentence "that our sufferings '*is*' intolerable."

The question was then taken by yeas and nays on the amendment of Mr. A. and disagreed to—yeas 34, nays 96.

The bill was then read the third time, and passed.

The House then, at 2½ o'clock, took its usual recess.

EVENING SESSION.

Mr. JONES moved that the naval appropriation bill, as amended by the Senate, be taken up, with a view of considering the said amendments.

The several amendments having been read by the Clerk,

Mr. JONES said he hoped there would be no objection to the immediate consideration of the amendments.

Mr. ANDREWS said he had no objection to the bill; but he did object to going on without a quorum.

Mr. JONES replied that he did not desire to proceed without a quorum, and, after some conversational debate, Mr. J. agreed to withdraw his motion until a quorum should appear.

Mr. ADAMS asked leave to take up the bill to ensure the more faithful execution of the revenue laws, as amended by the Senate.

Mr. HOLMES objected, and the bill was not taken up.

In the mean time, while the Senate's amendments were read, Mr. LINCOLN wished the time occupied, till a quorum should appear, in receiving the reports of committees to whom Senate bills had been referred.

After a desultory conversation,

The question was put on Mr. JONES's motion, and the votes were—ayes 67, noes 20. No quorum voting.

Mr. LINCOLN moved a call of the House which was ordered. Ninety-six members responded to their names.

The absentees having been called, 122 members were found to be present.

Mr. JONES moved to dispense with further proceedings in the call, and it was agreed to.

Mr. CHAPMAN of Iowa made a strenuous effort to get territorial business taken up. He raised a question of order, that inasmuch as the House on the 8th inst. by a vote of two-thirds, set apart the first day after the passage of the appropriation bills, for the consideration of territorial business, to take precedence over all other business, the motion to consider amendments of Senate to bill No. 6 was not in order, and the first order of the day was on territorial business, seeing that the appropriation bills had been passed.

The SPEAKER decided that the appropriation bills could not be considered as passed as long as they were pending by amendments or otherwise; and that consequently the motion of the gentleman from Virginia [Mr. JONES] was in order.

From this decision Mr. CHAPMAN appealed, and debated that appeal, showing what injustice would be done the Territory if the business he proposed was not taken up.

After a few remarks by Mr. W. C. JOHNSON on the appeal—

Mr. RAMSEY moved the previous question on the appeal, which received a second, and the main question was by order put, and the decision of the CHAIR was sustained.

And the question recurring on Mr. JONES's motion to take up the Navy bill and amendments, it was agreed to.

Mr. JONES moved that the House do concur in all the amendments of the Senate; and on that question he demanded the previous question.

Mr. R. GARLAND remonstrated.

But Mr. JONES refused to withdraw the motion.

Mr. R. GARLAND moved a call of the House.

On this motion Mr. L. WILLIAMS demanded the yeas and nays; which were ordered and taken, and resulted as follows—yeas 44, nays 82.

So the House refused to order a call.

The previous question was seconded, and carried by yeas and nays as follows—yeas 78, nays 54.

The main question then recurring on concurring in the amendments of the Senate, the yeas and nays were ordered.

Mr. R. GARLAND asked that the question be divided, and put on each amendment separately.

The question being put on the following amendment of the Senate,

"*Provided*, That no more of the several appropriations last mentioned for the improvement and repair of the navy yards shall be expended previous to the 4th day of March next, than shall be found by the Secretary of the Navy, upon inquiries made for the purpose, to be absolutely necessary for the preservation of the public works, the security of the public property, and the preservation of the public business at the respective yards."

The yeas and nays being demanded by Mr. R. GARLAND, were taken, and resulted as follows: yeas 93, nays 62. So this amendment was concurred in.

The next question was on concurring with the Senate in the following amendment:

Strike out of the second section the words, "a violation of existing contracts, and insert, "impairing the ability of the Navy Department to make payment under existing circumstances prior to the 4th day of March, 1841."

The question on concurring in the above amendment was agreed to by yeas 91, nays 51.

The question was next on concurring with the Senate in the following amendments, viz:

Strike out from the second section of the bill, "which provided for reimbursing the fund for the gradual improvement of the navy, which had been authorized to be expended in building steamships," and insert the following:

"And the residue of the said sum of $340,000 shall be, and is hereby, appropriated, and shall be paid of any money in the Treasury not otherwise appropriated."

The question was taken on concurring with the Senate in the above amendment, and agreed to—yeas 93, nays 49.

The question now being on concurring with the Senate in striking out the sixth section of the bill in the words following:

"SEC. 6. *And be it further enacted*, That the sum of $60,000 be and the same is hereby appropriated out of money in the Treasury, not otherwise appropriated, for the preparation and commencement of the third steam vessel of war, authorized by an act of March 3d, 1839, in addition to any materials which may be on hand suitable to such vessels."

The question was taken, and the above amendment was concurred in—yeas 84, nays 54.

The question was next on concurring with the Senate in the seventh amendment, viz: Strike out from the seventh section of the bill, which reappropriates unexpended balances of former appropriations the following item: "For the purchase of a site and the construction of a dry dock for the naval service in the harbor of New York, as authorized by the act of March 3d, 1835—$95,063 61."

The question was taken, and the amendment concurred in.

The question was next on concurring with the Senate in the following amendment as an additional section to the bill, viz:

"SEC. 7. *And be it further enacted*, That there be appropriated from any money in the Treasury, not otherwise appropriated, for the immediate survey of the coast from Appalachicola bay to the mouth of the Mississippi river, for the ascertainment of the practicability of establishing a navy yard and naval station, which shall best subserve the protection of the commerce of the Gulf of Mexico, the sum of $30,000 to be taken from the appropriation already made for the survey of the coast of the United States."

The question was taken on concurring in the above amendment, and it was disagreed to—yeas 64, nays 89.

Mr. JONES moved to go into Committee of the Whole on the state of the Union; which motion prevailing, the House went into committee accordingly, (Mr. CLIFFORD in the chair,) and took up the Senate's amendments to the army appropriation bill.

A discussion arose on an item in these amendments for the outfit of a Charge to Texas, as being incongruous to the character of the bill.

Mr. ADAMS raised the question whether the Senate should send amendments such as were not permitted by the rules of the House; this subjected every member of the House to the will and power of the Senate; against which he protested.

The CHAIR deciding the amendments to be in order,

Mr. ADAMS took an appeal; which was argued by Messrs BANKS, ADAMS, EVANS, BRIGGS, RAMSEY, and FILLMORE, and finally withdrawn.

The amendment was concurred in.

Another discussion arose on an amendment allowing for the outfit of a Minister resident at Constantinople, in which Messrs. EVANS, STANLY, PICKENS, McKAY, RAMSEY, DELLET, CRAIG, PROFFIT, and TILLINGHAST participated.

When, the question being taken, the vote was—ayes 46, noes 49. [No quorum voting.]

The question was taken by tellers, and resulted as follows—ayes 58, noes 49.

No quorum voting, the committee rose and reported the fact to the House.

[It was now a quarter past 8.]

Mr. TRIPLETT moved a call of the House.

It was suggested that a quorum was present; whereupon

The SPEAKER counted the House, and reported that 108 members were present.

The call was then ordered—ayes 62, noes 59.

But it being discovered by the vote that a quorum was present, the call was dispensed with.

The House having returned to committee—

The subject of the outfit to Commodore Porter was resumed.

Mr. PICKENS explained.

Mr. LEWIS WILLIAMS opposed the appropriation.

And it was further discussed by Messrs. GRAVES, DAWSON, and MONROE.

A communication from the Senate was received, announcing the passage of certain resolutions, one relating to the transfer of certain stock in the Chesapeake and Ohio Canal to the State of Maryland, and the other to the pay of workmen.

Mr. JENIFER pressed for having this taken up, but Mr. GRAVES objecting, the House returned into committee, and resumed the subject of discussion, which was debated by Messrs. RANDOLPH, McKAY, CUSHING, GRAVES, and PICKENS, when, the question being taken, the amendment of the Senate was non-concurred in.

The next item was for certain repairs in the custom-house at Philadelphia, $3,200.

Mr. WHITE of Louisiana moved to amend this item by adding $10,000 for completing the construction of the Mint at New Orleans.

Mr. JONES considered this amendment as not within the rules of the House.

The CHAIR deciding it out of order,

Mr. GARLAND of Louisiana took an appeal.

But, after some discussion, the decision of the CHAIR was sustained: ayes 75, noes not counted.

The Senate's amendment was then concurred in.

The next item was for running the boundary line of Iowa Territory, $1,096, and it was concurred in.

Several other amendments having been concurred in without debate, the following additional section to the bill was next taken up:

And be it further enacted, That in case of a deficiency of receipts of revenue from customs or lands, or other sources, or of a failure on the part of the late deposite banks, or of the Bank of the United States of Pennsylvania, to pay the debts due from them, or to become due in the course of the present year, or if from any other cause the means of the Treasury shall not be sufficient to meet all the appropriations made by Congress, the President of the United States shall be authorized to postpone the expenditures under the following heads of appropriation in this act, viz: For barracks, quarters, and storehouses, &c.; for the national armories; for armament of fortifications; for the current expenses of the ordnance service; for ordnance stores and supplies; for arsenals; for repairs and improvements at the Springfield armory; for repairs and improvements at the Harper's Ferry armory; for the purchase of saltpetre and brimstone; for continuing the barracks, quarters, &c. at Fort Leavenworth, at Fort Wayne, at Fort Smith, at Plattsburgh, and at Fort Jesup, or such and so many of them, or such proportions of each, as in his judgment, after a careful examination and inquiry, the condition of the Treasury shall demand; such postponements to be merely temporary, or until the close of the next session of Congress, as the Treasury will warrant, &c.

Mr. BARNARD inquired how much the appropriations amounted to which the Executive was thus allowed to postpone?

Mr. JONES said he could not tell at the moment with perfect accuracy, but he believed the amount to be about $1,200,000.

A debate arose, in which Messrs. BARNARD, CALHOUN of Massachusetts, PROFFIT, WADDY THOMPSON, MORGAN, and EVERETT opposed the amendment, and Mr. SMITH of Indiana advocated it; when

Mr. BRIGGS, adverting to the fact that it was now near 12 o'clock, and expressing his hope that the House would respect the Sabbath, moved that the committee rise.

The motion prevailed, and the committee rose accordingly, and reported progress.

And then the House, at five minutes before 12 o'clock, adjourned.

IN SENATE,

MONDAY, July 20, 1840.

The following resolutions were submitted, considered by consent, and agreed to:

By Mr. BENTON: A call on the Secretary of the Treasury for a statement, at the commencement of the next session, of the annual and total amount of goods imported from each foreign State since the 30th of September, 1833.

By Mr. CALHOUN: A call on the President, if not inconsistent with the public interest, to present to the Senate, at the commencement of the next session, the correspondence and documents with any of the British authorities in regard to certain allegations against Mr. Consul Trist, in connection with the slave trade.

By Mr. DAVIS: A call on the President for a copy of the report of Captain Perry, of the United States navy, on lights and light-houses, to be sent to the Secretary of the Senate, and to be printed for the use of the Senate.

On motions by Messrs. WRIGHT, WALKER, ROBINSON, WALL, LINN, YOUNG, and DAVIS, the Committees on Finance, Public Lands, Post Office and Post Roads, the Judiciary, Indian Affairs, Roads and Canals, and on Commerce, were respectively discharged from the further consideration of all subjects on which they had not already reported.

On motion by Mr. DAVIS, from the Committee on Commerce, the bill for the relief of the owners and crew of the schooner Buffalo was indefinitely postponed.

A resolution making the whole amount of the salary of the postmaster of the Senate $1,000, was debated at some length, and agreed to by yeas 25, nays 10.

DISTRICT BANKS.

The joint resolution to revive and continue as they were the charters of the banks in the District of Columbia, till March 4, 1841, on condition of their resuming and continuing specie payments, having been read a third time, and the question being on its passage,

Mr. ALLEN moved to recommit the resolution, with instructions to substitute for it the bill lately rejected by the Senate on this subject. This motion was negatived, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Hubbard, Linn, Lumpkin, Robinson, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, and Wright—13.

NAYS—Messrs. Anderson, Clay of Alabama, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Henderson, Huntington, King, Merrick, Nicholas, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, Strange, Tallmadge, White, Young—23.

Mr. ALLEN now moved to recommit the bill, with instructions to make all stockholders in the banks subject to all liabilities of the banks to the amount of their stock respectively. If the resolution was passed in its present shape it would exhibit the humiliating spectacle of the Senate passing a law which was sent here by the banks in the shape of a memorial—the only difference between the memorial and the law being that in place of the signature of the President of one of these banks, there would be that of the President of the United States, and in the place of the signatures of the Presidents the two other banks, would be that of the President of the Senate and the Speaker of the House of Representatives. To avoid this humiliating spectacle he submitted the motion to recommit the bill for the purpose of amendment.

The motion was negatived—ayes 14, nays 23, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Hubbard, Linn, Lumpkin, Norvell, Robinson, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, and Wright—14.

NAYS—Messrs. Anderson, Clay of Alabama, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Henderson, Huntington, King, Merrick, Nicholas, Phelps, Porter, Prentiss, Preston, Ruggles, Southard, Strange, Tallmadge, White, and Young—23.

Mr. BUCHANAN said, his chief purpose, throughout the whole time which had been occupied in the discussion of this subject, was to grant these banks all proper indulgence for a limited period, but to render it absolutely certain that they should be compelled to wind up their affairs, under the provisions of the act which we had passed for that purpose. This latter was his main object. He had, on a former occasion, stated his reasons at length why these six little banks should not be permanently rechartered within this District of ten miles square, under any circumstances, and why another bank, or banks, under proper restrictions, should be substituted in their stead. He feared that the present resolution would interfere with this principle. It enabled the banks to delay their resumption of specie payments, until the very day before the 4th of March next, if they thought proper, and then, upon resumption, they were to be restored immediately to all their banking privileges. No reference whatever was made in this resolution to the law now in existence for winding up these institutions; and whether this law was not altogether repealed by the resolution, might be a serious question. In any event, these banks would come here before the 4th of March next, having all resumed specie payments, in obedience to your resolution, on some day, however distant, previous to that time, and ask, almost as a matter of right, for an extension of their charters. He desired that this resolution might pass, on the express condition that, after the 4th of March next, they should immediately commence winding up their affairs, and that they might have no pretext whatever to claim any further extension of their privileges from Congress. He proposed the following amendment, and said that, under all the circumstances of the case, if this should prevail, he would vote for the resolution:

And provided further, That nothing herein contained shall be so construed as to relieve the said banks or either of them from the provisions of the act entitled "an act to continue the corporate existence of certain banks in the District of Columbia for certain purposes," approved July 3d, 1840; but they and each of them shall proceed to wind up their affairs under the said act, immediately after the said fourth day of March next.

Mr. CLAY of Alabama hoped no one would object, as such was the actual intention of the friends of the resolution.

Mr. TAPPAN said that for the purpose of ascertaining whether the Senate of the United States would pass a law for the benefit of the banks of the District, in the precise terms prescribed by those banks, he would avail himself of every legal privilege to prevent any alteration in its form. He therefore objected to the amendment.

Mr. CLAY of Alabama desired that it might be particularly noticed that this objection came from no man who wished to continue these banks at all, on any conditions.

Mr. TAPPAN thought there would be no difficulty in ascertaining the position he occupied in relation to these banks.

Mr. BUCHANAN's amendment could not be considered without recommitment, which was not moved.

The resolution was passed by the following vote:

YEAS—Messrs. Anderson, Clay of Alabama, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Henderson, King, Merrick, Nicholas, Phelps, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, Sturgeon, Tallmadge, White, Young—23.

NAYS—Messrs. Allen, Benton, Buchanan, Hubbard, Linn, Lumpkin, Norvell, Robinson, Smith of Connecticut, Tappan, Walker, Wall, Wright—13.

Mr. ALLEN moved to amend the title of the resolution by calling it a resolution to charter six banks in the District of Columbia. Negatived without a count.

Mr. BUCHANAN said his object would, in some degree, be accomplished by amending the title. He moved, therefore, to strike out the present title of the resolution and insert the following:

"A resolution supplementary to the act entitled 'an act to continue the corporate existence of certain banks in the District of Columbia for certain purposes,' approved July 3d 1840;" which was unanimously adopted.

On motion of Mr. MERRICK, the sixteenth joint rule was suspended, on the part of the Senate, in regard to this joint resolution, and it was sent to the other House for concurrence.

Mr. ALLEN moved the printing of the bank memorial on this subject, to show, as he said, that the Senate had humbled itself so much as to pass this measure under bank dictation, and in the very form which the banks prescribed.

Mr. MERRICK said it differed in several particulars.

Mr. CLAY of Alabama said the memorial would show that the banks came here as humble petitioners, and he therefore desired to have it printed as much as any body.

The printing of the memorial was accordingly ordered without dissent.

NAVY APPROPRIATIONS.

A message was received from the House, announcing that the House insisted on its rejection of the amendment of the Senate, (an appropriation of $30,000 for a survey on the Gulf of Mexico, and asking a conference by a joint committee, the House having appointed the committee on their part.

On motion of Mr. WALKER, the Senate futher insisted on its amendment, and agred to a conference, authorizing the President *pro. tem.* to appoint the committee on the part of the Senate.

The bill from the House, to refund certain duties paid by John M. Jacquelin, an importing merchant at New York, was discussed at some length by Messrs. RUGGLES, HUBBARD, DAVIS, CALHOUN, and WRIGHT, and laid on the table without dissent, on the ground, alleged by Mr. WRIGHT, that the Committee on Finance had at this session rejected all claims of this kind.

On motion of Mr. WALL, a Senate resolution, relating to Colt's firearms, (very indistinctly heard,) was taken up, debated, and agreed to.

On motion of Mr. SOUTHARD, the joint resolution authorizing the purchase of Colt's repeating rifle for the use of the navy, was taken up, discussed, amended, so as to extend to other rifles, and ordered to a third reading by yeas 16, nays 12.

A message was received from the President of the United States, with a report from the Commissioner on Indian Affairs, in pursuance of a Senate resolution, relating to the purchases of Indian lands since the establishment of the Government. Laid on the table, and ordered to be printed.

Mr. HENDERSON submitted a resolution, calling on the Secretary of the Navy for information as to the protection afforded and intended to be afforded to the commerce of the Gulf of Mexico.

Mr. WRIGHT objected, and observed that if the resolution proposed only to inquire into what had been actually done by the Navy Department, he would agree to it; but he could not consent to call on the Secretary to inform the Senate what order was contemplated by the Department.

Mr. HUBBARD observed that if the gentleman would address a letter himself to the Secretary of the Navy, he would answer for it that he would get a satisfactory answer.

So the resolution was laid over for one day.

The bill for the support of the army for the year 1840, was received from the House of Representatives, stating that the House had agreed to all the amendments of the Senate, with the exception of the second and fifth, viz: the appropriation of six thousand dollars for an outfit to the resident Minister at Constantinople, and the appropriation of twelve thousand dollars for the purchase of an island at the confluence of the St. Peters and Mississippi rivers.

Mr. WRIGHT reported back this bill from the Committee on Finance, observing that the nature of these amendments had been understood by the Senate, having been debated at some length on the previous evening. He felt constrained to move that the Senate recede from the amendments; they were not pertinent to the bill, and had been stricken out by the House, after a long and animated debate. He hoped, therefore, the Senate would recede from its amendments, and suffer the bill to become a law.

Mr. WALKER hoped the Senate would not recede. He thought not to comply with the contract for the purchase of the island might be attended with consequences injurious to our interests and our relations with the Sioux Indians. Important, however, as was this amendment, yet it was not as much so, in his estimation, as the outfit to Commodore Porter. The services of that gallant and distinguished man were known to every Senator, and was the American Senate prepared to make *him* the only exception to an outfit? He hoped not, and that the Senate would not recede. He thought there was nothing to be apprehended for the bill, and, in any event, a conference might be had as the last resort.

Mr. WRIGHT was not aware that there was any ground of compromise by the conference. Where could they point out a middle ground on which to stand? The amendments must be passed or rejected—and one or the other House must yield! The simple question was, whether the Senate should recede from its amendments, or, by adhering to them, send the bill back to the House at this late hour. He could see no good object likely to follow a disagreement with the other branch, as he thought it would not be likely to yield.

Mr. DAVIS agreed with the Senator from New York that the Senate ought to recede from its amendments. Neither of them were matters of such great moment, as should induce them to run the risk of delaying or defeating the bill. He presumed a delay of a few months could work no great injury to Commodore Porter, and as there appeared a general feeling on the part of the Senate to vote the appropriation, he thought the matter could then be postponed until the next session, and the Senate at once recede from its amendment. There was no ground for compromise on which committees of conference could act.

Mr. HUBBARD said, by the rules of the Senate, if the bill was not signed by 12 o'clock, it could not become a law: the rule was positive that no bill should receive the sanction of the President on the last day of the session: and who could suppose that the bill could go back to the other House and be received here by that time? Besides, there was no sort of probability that the matter could be compromised, and it was safer and better at once for the Senate to yield.

Mr. WALKER insisted there was ground of compromise, and he would suggest a very fair one at once: they could abandon one, appropriate and retain the other: this would be giving the House one item, and the Senate one; and he was disposed to abandon the island and adhere to the outfit. [Mr. WRIGHT, in an under tone, "I am for the island."] Mr. W. then spoke of the justice of placing Com. P. on the same footing with other diplomatic agents, and the vast expense to which he has been subjected when acting as Charge. Mr. W. thought there was no occasion to abandon either of the appropriations—the Senate ought to adhere to both.

Mr. HUBBARD read the vote in the House to show that it was decisive, and that there was little chance that that body would yield: the vote on the outfit was 54 ayes, 84 noes, and on the purchase of the island 44 ayes, 99 noes.

Mr. WALKER then contended that the *outfit* stood on the strongest ground, and that the island was voted down by two to one.

Mr. BUCHANAN would not rob Peter to pay Paul. He had introduced the amendment granting the outfit; but, if there was to be any sacrifice, he would prefer that the appropriation for the island should be retained. And he declared in his place that very serious consequences might grow out of the refusal to conform to the contract as made by the Secretary of War.

Mr. PRESTON said, when the subject was discussed at a prior session, he had suggested an outfit, but that suggestion did not seem to have been backed at the time by the friends of the measure. It was said that Commodore Porter came here for the purpose of being made a resident Minister. It was then said by some of the friends of the movement that he only desired advanced rank, by which he could approach the person of the Sultan, as other ministers had the privilege of doing. The advanced rank was given, and with it the additional salary, and nothing further was said. With regard to the island, there was some doubt about the title, and the compensation for it was four times too much; nay, he might say, ten times too much.

Mr. BUCHANAN said the Senator from South Carolina [Mr. PRESTON] was much mistaken in his estimate of the value of this island; and if he had examined the documents on the subject which had been presented to the Senate when he was absent from his seat, his opinions of its value would have been very different.

Mr. SMITH of Indiana gave his reasons for voting in favor of receding. It was not from any objection to the outfit, for which he had voted on another occasion.

The vote was then taken on receding, and decided in the affirmative as follows:

YEAS—Messrs. Allen, Calhoun, Clay of Alabama, Clayton, Davis, Dixon, Fulton, Henderson, Hubbard, Huntington, King, Lumpkin, Nicholas, Porter, Preston, Robinson, Smith of Connecticut, Smith of Indiana, Southard, Tappan, Wall, White, and Wright—23.

NAYS—Messrs. Anderson, Benton, Buchanan, Linn, Norvell, Sturgeon, Tallmadge, Walker, and Young—9.

The question was then taken on receding from the other amendment, and carried without a count.

Mr. SOUTHARD submitted the following:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to publish monthly the number and date of all Treasury notes issued or redeemable in pursuance of any of the provisions of the laws now in force, and also the number and amount of all drafts upon the agents of the Treasury, and the amount outstanding and unsatisfied, specifying, in regard to both notes and drafts, the number and amount of each under the sum of $100; also under $200, and for every additional hundred.

Mr. SOUTHARD asked to have it considered, but it having been objected to, it was ordered to lie over one day.

Mr. MERRICK submitted the following, which was adopted:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate at the next session, a statement showing what portion of the public lands have been subject to entry at private sale for 5 years and less than 10 years; for 10 and less than 15; for 15 and less than 20; for 20 and less than 25; for 25 and less than 30; for 30 and less than 35; and for 35 and upwards, designating the States and Territories and land districts in which said lands are situate; and what quantity of land has been entered after it had been subject to entry at private sale 35 years and upwards, and within what years, and within what land district said land was entered.

Resolved, That the President of the United States be requested to cause to be prepared and transmitted to the Senate, in the first week of the next session of Congress, a statement of the number and value of the public lots in the city of Washington given by Congress to citizens and charitable institutions, and what rule was adopted in selecting and valuing such lots; also, of such as have been sold and otherwise disposed of since the passage of the act to enlarge the powers of the several corporations of the District of Columbia, and for other purposes, showing the authority under which sales and dispositions of the public lots have been made, the means of making such sale, the number of lots and squares disposed of, the time of sale, the price per foot at which, and the name of the person or persons to whom, each lot was sold, the amount of proceeds arising from such sales, to what purpose applied, the authority for such application, and the amount, if any, remaining in hand.

Several other bills of a private nature were voted on, and the Senate, after taking an Executive session, adjourned at twelve o'clock.

HOUSE OF REPRESENTATIVES,

MONDAY, July 20, 1840.

After the journal had been read,

Mr. RAMSEY, on leave, offered a resolution making extra allowance to sundry officers of the House, and demanded the previous question upon it, which was seconded, put, and carried. And the main question being on the adoption of the resolution, the yeas and nays were ordered, and were—yeas 38, nays 141. So the resolution was rejected.

Mr. TOLAND moved to reconsider the vote just taken, in order that the resolution might be modified so as not to include in the extra allowances the salaried officers of the House.

Mr. CAVE JOHNSON moved to lay the motion on the table, and demanded the yeas and nays; which were ordered, and resulted as follows: Yeas 91, nays 62.

So the motion to reconsider the resolution was laid on the table.

On motion of Mr. JONES, the House took up the Senate's amendments to the Navy appropriation bill.

Mr. EVANS moved that the House insist on its disagreement to the amendment of the Senate, (viz: for the survey of the Apalachicola bay, in reference to the establishment of a naval station,) and appoint a committee of conference. Mr. ADAMS moved that the House adhere. Mr. JAMESON, that the House recede from its disagreement; and he demanded the previous question; which was seconded, put, and carried, and the question being on receding, it was decided by yeas and nays as follows, viz: Yeas 80, nays 91.

So the House refused to recede.

Mr. ADAMS withdrawing his motion to adhere, and the question recurring on the motion to insist upon the disagreement, it was agreed to; and a committee of conference was ordered to be appointed.

The following private bills on the Speaker's table having been returned from the Senate with sundry amendments, were taken up, and the amendments were concurred in, viz:

An act for the relief of Thompson and Boggs, and Robert and Thomas Hutcherson, and others;

An act for the relief of Gilbert A. Smith and Nathan Stark;

An act for the relief of William Marbury, of Louisiana;

An act for the relief of the sureties and heirs of Melancton W. Bostwick, deceased, &c.;

An act granting a pension to the heirs of Leonard Smith;

An act for the relief of Thomas Latham;

An act for the relief of Thomas Bennett;

The following bill was then then taken up, the question being on concurring in an amendment of the Senate:

An act to continue in force the first section of an act entitled "An act to extend the time of fulfilling Virginia military land warrants, and returning surveys thereon to the General Land Office."

Mr. CRAIG, who was entitled to the floor, moved the previous question on coucurring in the Senate's amendment.

Mr. L. WILLIAMS objected to the consideration of this bill out of its order; the consequence was, that the bill failed.

Mr. JONES moved that the Committee of the Whole be discharged from the consideration of the Senate's amendments to the army appropriation bill at half past two o'clock, (unless sooner reported.)

The yeas and nays were ordered, and, being taken, resulted as follows—yeas 120, nays 44.

Mr. JONES afterwards modified his motion so as to take up the bill in the House at 4 o'clock. On the resolution thus modified, he demanded the previous question, which was seconded, put, and carried, and the main question being on adopting the resolution, the yeas and nays were demanded, but the House refused to order them. The resolution was then carried—ayes 111, noes 31.

On motion of Mr. JONES, the House then resolved itself into Committee of the Whole on the state of the Union, (Mr. CLIFFORD in the chair) and resumed the consideration of the

ARMY APPROPRIATION BILL.

The question pending was on the amendment of Mr. EVERETT to the amendment of the Senate, restricting the action of the President in suspending certain appropriations in the bill, so as to require him to pursue the order in which the appropriation stands in the bill.

After some brief explanations by Messrs. PROFFIT, and SMITH of Indiana, in relation to some remarks by the latter on Saturday,

Mr. STANLY took the floor, and made some remarks in relation to the state of the Treasury.

He was followed by Messrs. BELL, WISE, CUSHING, TILLINGHAST, DAVIS of Kentucky, and BARNARD, when the question being taken on the amendment of Mr. EVERETT, it was rejected—ayes 32, noes 57.

No quorum having voted, tellers were demanded, and the vote being taken, stood as follows: ayes 55, noes 76.

Mr. CALHOUN moved to amend the amendment of the Senate by striking out so much of it as authorized the suspension of appropriations for the Springfield and Harper's Ferry armories.

Mr. COST JOHNSON made some brief remarks in support of the amendment.

The question then being put on the amendment of Mr. CALHOUN, resulted—ayes 33, noes 64; no quorum; and the hour of 2½ o'clock having arrived,

The House took a recess.

EVENING SESSION.

After the recess, there being no quorum present,

Mr. LINCOLN suggested that, until a quorum appeared, the standing committees should be permitted to report Senate bills referred to them.

Some desultory conversation arose, when Mr. L. said he would not press the subject.

A quorum having soon arrived,

On motion of Mr. JONES, the House proceeded to execute the order by which it had been directed that, at 4 o'clock, the House should resume the consideration of the

ARMY APPROPRIATION BILL.

The question pending was on concurring in the amendments of the Senate.

Mr. JONES moved the previous question; which was seconded, put and carried.

The main question on agreeing with the amendments was then divided, and put successively on the several amendments separately.

On that allowing an outfit of $6,000 to the Minister resident at Constantinople, the yeas and nays were ordered, and being taken, were—yeas 54, nays 84. So the House refused to concur.

On the next amendment for the purchase of an island in the Mississippi, at the confluence of the St. Peters, near Fort Snelling, the yeas and nays were ordered, and were—yeas 49, nays 100. So the amendment was not concurred in.

On the last amendment (which empowers the President to suspend a certain amount of the appropriations, in case of a deficiency of receipts from customs, lands, etc. or a failure on the part of the United States Bank and the late deposite banks to pay the debts due from them,) the yeas and nays were ordered, and resulted as follows—yeas 102, nays 76. So the amendment was concurred in.

Mr. EVANS, from the Committee of Conference on the part of the House, relating to the disagreement of the two Houses on the appropriation of $30,000 for a survey of the coast at Apalachicola bay, made a report. The report recommended a new appropriation of $10,000, in a shape different from the proposition in the bill, but for the same object.

The report was agreed to.

After some debate as to what business should next be considered,

On motion of Mr. JONES, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. UNDERWOOD in the Chair,) and took up the bill making appropriation for the support of the

WEST POINT ACADEMY.

The bill was read, and being considered by sections,

Mr. KEMBLE, from the Committee on Military Affairs, reported an amendment, making some slight alteration in the internal relations of the academy. Mr. K. explained that the amendment would make no increase in the expense, and therefore hoped there would be no objection.

The amendment was then agreed to.

Mr. CURTIS, from the Committeee on Commerce, moved to add an amendment, re-enacting a provision regulating the salaries of collectors, naval officers, surveyors, and the custom-house officers.

Mr. HOPKINS contended that the amendment, under the rule of the House, was not in order, it having no connection with the bill.

The CHAIR ruled the amendment out of order.

Mr. CURTIS appealed.

The appeal was debated by Messrs. CURTIS, HOPKINS, EVANS, DAVIS of Indiana, SALTONSTALL, and ADAMS, when the decision of the CHAIR was sustained, and the amendment declared to be out of order.

Mr. C. H. WILLIAMS of Tennessee then moved to amend, by striking out all after the enacting clause, and substituting a new bill, proposing a different arrangement for the military instruction of cadets and officers, and providing that military students shall be taken from the ranks of the army, etc. etc.

Mr. WILLIAMS then advocated his substitute with much earnestness, and contended that by its adoption the army would be supplied with a greater number of good officers, and the President be enabled to make a selection from the whole country, instead of from a single institution. He contended that the country required a system of free instruction in military science, and that the present institution ought to be abolished.

Mr. MONROE replied with ardor in defence of the Military Academy, insisting on the necessity of scientific cultivation to ensure success in war to the highest gallantry. He presumed no gentleman would vote for the substitute; but if the gentleman from Kentucky would bring forward his plan next session in time to have it discussed, Mr. M. would be happy to meet him.

Mr. POPE followed on the same side, and remonstrated against such an attempt to destroy an institution which had existed nearly half a century, and which was an ornament to the country. The substitute, strictly considered, was not in order; but, it were, he must protest against such a scheme.

Mr. CAMPBELL of Tennessee expressed himself as decidedly opposed to the school, and would vote against the whole bill. He approved of the substitute, and so did many others, and so gentlemen would find. Mr. C. then went into a speech of considerable length, and much earnestness against the Academy.

Mr. REYNOLDS of Illinois denounced the institution as establishing a distinct order in the community. He was in favor of a reasonable and strict construction of the Constitution, and this school, viewed in that light, was unconstitutional. Besides, on the same principle, the judges of our courts and members of Congress ought to be educated at the public expense; and, said Mr. R. if we look at some of their speeches, they want education bad enough, Heaven knows.

The debate was further continued by Messrs. HUBBARD, COOPER of Georgia, W. B. CAMPBELL of Tennessee, and C. H. WILLIAMS, against the continuance of the present institution, and by Messrs. DAWSON, EVANS, MUNROE, and POPE, in favor of its continuance on the same plan as heretofore.

In the House, the amendments were read and agreed to. The bill, as amended, was then ordered to a third reading by yeas and nays, as follows—yeas 176, nays 41.

It was then passed and sent to the Senate.

Mr. W. COST JOHNSON moved to suspend the rules, in order to receive a joint resolution from the Senate on the District banks, and demanded the yeas and nays; which being ordered, were taken, and resulted as follows—yeas 73, nays 53.

There not being two-thirds, the rules were not suspended.

Mr. JONES then moved to suspend the rules to go into Committee of the Whole on the state of the Union; which motion prevailed, and the House went into committee accordingly, (Mr. CAVE JOHNSON in the chair,) and took up the

FORTIFICATION BILL.

The bill was read through, and then considered by sections.

The sections having been read, and some inquiries having been answered,

Mr. JONES moved, as an additional section, a provision empowering the President, in case of a deficit in the Treasury, to postpone until the close of next Congress, unless Congress shall sooner act

CONGRESSIONAL GLOBE.

26TH CONG.....1ST SESS. TUESDAY, JULY 21, 1840. VOLUME 8.....No. 35.

BY BLAIR & RIVES. ——WEEKLY—— PRICE $1 PER SESSION.

Continued from No. 34.

on the subject, such of the works provided for in the bill as he might deem the state of the Treasury to require.

Mr. WISE, in a speech of some length, contended that there could be no fear of any disappointment as to the payment of the bond of the United States Bank.

Mr. COOPER of Pennsylvania followed on the same side, attacking the amendment, and lauding the United States Bank to the skies. He called it "a patriotic" institution, which had never failed to meet its engagements with the Government. He said the amendment was an unjust attack on that Bank, and charged Mr. JONES with acting unworthily of himself in becoming the instrument of such a design.

Mr. SMITH of Maine replied, and spoke in vindication of the amendment and of the chairman who introduced it. He was astonished at the hardihood of any man who would stand up here in defence of an institution guilty of a violation of law, and Constitution, and every principle of right and justice, and even common honesty. Was it sacrilege to doubt the solvency or the integrity of such an institution? Though a man might always have paid his notes, yet it was unreasonable to doubt he would continue to pay, if, in the mean time, he had failed? It *might be* that the Bank would pay the Government: all Mr. S. knew was, that the stock was greatly below par.

Mr. JONES said the amendment was the result of the deliberations of the committee, and not his own individual proposition. In reply to Mr. COOPER, he observed that there were members on that committee who would at least compare with that gentleman in intelligence, honor, truth, dignity, and every quality that adorns the character of man. As to the remarks personal to himself which that gentleman had, rudely, thought fit to make, he held them in contempt, and disdained further to notice them. Mr. J. then spoke in reply to the remarks of Mr. WISE. The estimates on which the appropriations in this bill were founded, had been made when the revenue was expected to reach twenty millions, but now there had been a falling off, and it appeared possible that it might fall short to the amount of four and a half millions. But if the appropriations should be kept within the estimates, and if the State banks and the Bank of the United States should pay what they owed the Government, there would be no deficiency, and consequently the whole amount appropriated might be applied, and the discretion granted to the amendment need not be exercised. As to the so much dreaded power of the President, the former practice of the Government appropriated a gross sum for the fortifications in general, and the President had then the discretionary power to apply the whole sum.

Mr. COOPER made a brief rejoinder, which proved how deeply he felt the rebuke of Mr. JONES.

Mr. GRINNELL inquired of the Chairman of the Committee of Ways and Means, whether the Bank of the United States had not already paid in advance a great portion of the bond which was said to be due on the first of September next.

Mr. JONES was understood to say that he had no information which would enable him to reply in the affirmative, beyond what he had heard from members.

Mr. GRINNELL then said that as Mr. J. was unable to reply in the negative, he, [Mr. G.] would undertake to say that such was the fact. He then went on to denounce the Administration for coming before Congress and speaking of a debt as doubtful, when a great portion of that debt had already been paid. He concluded by denouncing the document of the Secretary as a manifest design to deceive.

Mr. HOLLEMAN desired to say a word. He denied that the payment referred to had been made before or at the time when the document was issued by the Secretary. Mr. H. proceeded to say that, about ten days ago, he was at the Treasury Department, when he understood that arrangements were in contemplation to pay a portion of the bond. He understood, merely, that gentlemen were making arrangements to pay, but did not know that a single dollar had been paid.

Mr. GRINNELL resumed, and, notwithstanding the explicit avowal of Mr. H. that he did not know of the actual payment of a dollar, proceeded to denounce the Administration party with double deceit, in suffering a paper to be printed which spoke of this debt as doubtful and contingent. For his part, he had always been brought up to tell the truth, and fear no man.

Mr. JONES here rose and said, does the gentleman intend to charge that I have spoken any thing other than the truth?

Mr. GRINNELL disclaimed any such charge, but he did charge the Secretary with sending false and disingenuous documents, and he was surprised that the Committee of Ways and Means should place any reliance upon its assertions.

Mr. EVANS then took the floor, and canvassed at large the whole fiscal affairs of the country, and in defence of the United States Bank.

Messrs. CLARK and LEET made some brief remarks, but chiefly relating to local matters in Pennsylvania.

Mr. COOPER of Georgia spoke with much severity in reply to the attack of Mr. COOPER of Pennsylvania, on the character of the members of the Committee of Ways and Means.

After some remarks from Messrs. WADDY THOMPSON and WISE, in further opposition to the amendment, and in which the latter moved further to amend by striking out that portion of the amendment in relation to the non-payment of bank debts,

Mr. WICK said he had often been much puzzled to comprehend the drift and object of debate in this House; but never more so than on the present occasion. The chairman of the Committee of Ways and Means (said he) has proposed an amendment to the bill under consideration, plain, simple, explanatory, and precautionary, and in no respect dangerous, or obnoxious to objection; and lo! it has been made an occasion to get up a regular set-to upon the old party theme—the United States Bank—and of a last, a final Congressional charge upon the Administration. At first, said he, I did not know—as it is now the witching hour of night—but that my friends of the Administration party were dreaming, and had seen the ghost of the defunct monster stalking through the hall, accompanied by witches and warlocks, and long nebbed things. But a moment's reflection satisfied me that, in stopping at this conclusion, I was more smart than WISE, (bowing to Mr. WISE of Virginia,) for I remembered that the United States Bank was not only dead and buried, but that my Administration friends have, by the passage of the Independent Treasury bill, turfed over its grave, and laid its ghost in the Red sea. Then, sir, said he, why, at this late hour of the session, have we been called upon to sit here patiently under the infliction of a regular attack, and defence of that old concern—to as dull prosy details about it as we have ever heard, here or elsewhere—to another and another attack upon Martin Van Buren and Levi Woodbury? Why have we witnessed sundry manifestations of what must here, I suppose, be called chivalry, but which, in the hoosier State, the boys would call *gostration*?

Is not the Administration yet demolished? Have we not heard it proclaimed in this House, at our lodgings, and in every street, by the gentlemen of the Opposition, that the Administration is bodaciously used up, tetotaciously exfluctified? That in a few weeks Levi Woodbury is to absquatulate to New Hampshire, Martin Van Buren to go to Kinderhook, to trundle cabbages, and that the friends of old Hickory will find him smoking his pipe in the deserts of Arabia? Why, then, tomahawk the slain? Why bring declamation to bear upon the Administration? Why pummel and beat over again that which is already beaten to a jelly, jelly, jammed into a cocked hat, and flung into the middle of next week? Surely the gentlemen of the Opposition do not wish to labor in vain. Sir, I have thought of two reasons for all this flourish First, it has occurred to me that the Opposition party, being a little scant of doctrine, a personage, called General Mum, has seen proper, at the precise close of the session, when the new issue cannot be met and exposed, to let it leak out, through his friends here, in a modest kind of way, so that it may be understood by the knowing ones, but not by the farmers, or the honest hearted old Jackson men, who stood by the old chief in his battle with the monster, that he (Gen. Mum) is not hostile to a United States Bank.

But as this does not fully account for the tone of this evening's debate, I have looked around the hall for its exciting cause. I could surely find no cause in an attentive audience on this floor, for scarce a member has paid any attention to a word which has been said. Every one has been talking at the top of his voice. The din has been such, that one has had to think by feeling, like one walking in a dungeon.

But, sir, I have looked further and higher, and there! and there! and there! (pointing to the galleries, crowded with ladies,) I find fifty or an hundred good and beautiful reasons for making a splash on this floor. Sir, it is time to quit speaking; voting will be more appropriate.

Mr. JONES here rose and stated that, pending the debate, he had despatched a messenger to the Secretary of the Treasury for information as to whether any portion of the United States Bank bond had been paid or not. The messenger had just returned, and he (Mr. J.) conceived it his duty to state that the letter from the Secretary, in reply, apprised him that the United States Bank had paid the Government $400,000 on its bonds due in September. Also, that the money was paid a week or ten days after the communication had been sent in.

The question then being taken on the amendment of Mr. WISE, it was rejected.

The amendment of Mr. JONES was then agreed to.

Mr. DELLET moved to amend by inserting an appropriation for the improvement of the Mobile harbor.

The CHAIR decided the amendment to be out of order.

Mr. DELLET took an appeal; but the decision of the CHAIR was sustained.

Mr. HAND wished to offer an amendment, making an appropriation for the erection of a fort at the outlet of Lake Champlain, but the CHAIR said it would not be in order.

Mr. HAND said, he supposed the amendment was not strictly in order, as there was no existing law. But as the bill came from the Committee of Ways and Means, all the members of which admitted the importance of the works, and as he found that the bill reported by the Committee on Military Affairs would not be reached, he earnestly entreated the committee to allow this amendment to be appended to the bill then under consideration.

Objections being made, the amendment was not received.

The committee now rose, and reported the bill to the House, with the amendment.

In the House, the amendment having been read,

Mr. SMITH of Maine demanded the previous question, which was seconded, put, and carried; and on the main question, being on concurring with the amendment, the yeas and nays were demanded, but the House refused to order them. The amendment was concurred in, the bill ordered to a third reading, read a third time, and passed.

Mr. RUSSELL of New York now moved that the calender of Senate bills, which had been referred to a Committee of the Whole, be transferred to a

Committee of the Whole on the State of the Union.

Mr. STEENROD moved an adjournment.

The yeas and nays were demanded and ordered, and being taken, resulted as follows—yeas 79, nays 63.

So the House, at a quarter past 12 o'clock, Adjourned.

IN SENATE,

TUESDAY, July 21, 1840.

The residue of the standing committees were discharged from the further consideration of the subjects remaining before them, and leave granted to certain individuals to withdraw their papers.

FORTIFICATIONS.

The bill making appropriations for certain fortifications for the year 1840, was received from the House, read twice, and referred to the Committee on Finance; reported from the committee without amendment, considered by consent, ordered to a third reading, and read a third time, and passed.

Mr. RUGGLES submitted a resolution calling on the Secretary of the Navy for statements as to the number of seamen and marines in the United States navy; distinguishing American citizens from foreigners, and those that had not been from those that had been bred in the fisheries. Objection being made, the resolution was lost.

The bill from the House making appropriations for the Military Academy at West Point, for the year 1840, was read twice, and referred to the Committee on Finance.

The Senate concurred with the House in suspending the 16th joint rule, so as to allow the final passage of the bill for the relief of Chastelain and Ponvert, and for other purposes, and the joint resolution providing for the remuneration of the workmen on the Treasury building for loss of time.

On motion of Mr. HUBBARD, the resolution offered by Mr. SOUTHARD was taken up, amended on motion of Mr. H. (assented to by Mr. SOUTHARD,) so as to exclude information already possessed by the Senate; and in this form it was agreed to.

Mr. WRIGHT, from the Committee on Finance, reported the bill making appropriations for the Military Academy at West Point, for the year 1840, without amendment.

The bill was then taken up, considered as in committee of the whole, and ordered to a third reading, read a third time, and passed.

The Senate concurred in the joint resolution from the House for appointing a joint committee to wait on the President of the United States, and inform him that Congress, unless he had some further communication to make, were now ready to adjourn; and the President *pro tem.* was authorized to appoint the committee on the part of the Senate.

Mr. HUBBARD, from the joint committee on the part of the Senate, reported that it had waited on the President to receive any further communications he might be pleased to make, was informed by the President that he had no further business to communicate, and wished each Senator a happy return to his home.

Mr. PHELPS introduced a resolution, which was carried unanimously, thanking the President *pro tem.* for the able and impartial manner in which he had discharged the duties of his station.

Mr. TAPPAN then moved that the Senate adjourn *sine die.*

The PRESIDENT *pro tem.* having resumed the Chair, addressed the Senate as follows:

GENTLEMEN OF THE SENATE: Our very protracted session has drawn to a close. Whether our time has been employed in a manner most conducive to the public interest, is not for me to determine. But I take this occasion to say, and I do it with much pleasure, that if censure attaches any where, this House is not justly liable to any portion of it. Here business has met with no improper or unusual obstruction. Every subject of a legislative character which has reached us from the other House, has been finally disposed of—our duty has been faithfully performed. The course pursued by this honorable body during this session, agitating and exciting as it has been, is well calculated to raise it still higher in the esteem and confidence of the people throughout this wide-spread land. Decorum in debate has characterized its proceedings; and a proper self-respect and dignity of deportment has marked the conduct of each honorable Senator. I must be permitted, gentlemen, to return you my sincere thanks for your unanimous expression of approbation of my official conduct. To the best of my ability I have discharged the duties; and the impartiality accorded to me by each honorable Senator, is a source of heartfelt gratification. My object has ever been to enforce the rules, to preserve order, but to inflict pain on no one. If, however, I have on any occasion wounded the feelings of any Senator, I take this public occasion to express my deep regret, and to ask his pardon.

May you return, gentlemen, in safety to your homes and families; and may prosperity and happiness be the lot of you and yours. I bid you, one and all, a kindly farewell.

The motion to adjourn was then put and carried; and

The PRESIDENT *pro tem.* announced that the Senate of the United States stood adjourned *sine die.*

HOUSE OF REPRESENTATIVES,

TUESDAY, July 21, 1840.

Mr. CARR, from the Committee on Revolutionary Pensions, reported the following bills; which were twice read, committed to the Committee of the Whole House, and made the order of the day for to-morrow:

A bill for the relief of John Sidman of N. Y.

A bill for the relief of Amos Hunting of Conn.

A bill for the relief of Leah Tenure of N. Y.

Also, Senate bill, No. 19, for the relief of Saml. White—recommend that it do not pass.

Mr. C. from the same committee, upon motion, was discharged from the further consideration of the following petitions:

The petition of Diana Moore of Kentucky; of Margaret Smith of Kentucky; of Julia F. Gibbs of Connecticut; of Ephraim Owen of New York; of Sarah Hall of Vermont; of Perris Morgan of Mass. of Mary Lord of Connecticut; of Barbary Moyer of Pennsylvania, of Anna Garrington of Connecticut; of John Smith of Virginia; of Lydia Moody of Massachusetts; of Polly Pratt of Tennessee; of Susan Foster of Kentucky; of Martha Dameron of Virginia; (general bill reported,) of Moses Dusenbury of New York; of E. Todd of Massachusetts; of Sally Day of Massachusetts; of Nancy Peters of Kentucky; Susanna Barker of Illinois; of Sarah ——— of Kentucky; of Prudence Windzor, Wm. Meriwether, Mary Allen, and Jane Buford.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the graduation of the price of public lands, which, after some desultory debate as to whether any reports from committees should be received at all, was laid on the table.

The SPEAKER suggested to the House the propriety of discharging all the standing committees from the consideration of the subjects before them, and that they be permitted to hand in their reports to the Clerk; but objection was made.

Mr. SMITH of Connecticut asked the general consent of the House to offer a resolution, which was read for the information of the House as follows:

Resolved, That the Clerk of this House be and hereby is directed to pay to Messrs. Aycrigg, Maxwell, Halsted, Stratton, and Yorke, the same compensation per diem and mileage that is allowed to members of Congress, computing the per diem from the commencement of the session to the 16th day of July instant, inclusive; and to Mr. Charles J. Ingersoll the same compensation during the session.

Objection having been made,

Mr. SMITH moved to supend the rules to enable him to present the resolution; and, on that motion, demanded the yeas and nays; which were ordered, and were—yeas , nays .

So the rules were not suspended.

Mr. BRIGGS asked the general consent of the House to offer a resolution, which was read for information, as follows:

Resolved, That the assistant clerks of this House, the postmaster, the chaplain, the draughtsman, the carman, the hostler, the police of the Capitol, the keeper of the western gate of the Capitol, and the lamp-lighter, be allowed the same rate of extra compensation as has been paid by the Senate to their officers and attendants, the same to be paid out of the contingent fund.

Objection having been made—

Mr. BRIGGS moved to suspend the rules, and on that motion the yeas and nays having been ordered, were—yeas 105, nays 26.

So the rules were suspended; and the question being on the adoption of the resolution—

Mr. JOHNSON of Maryland called for the previous question; which received a second; and the main question was ordered.

Mr. COOPER of Georgia called for a division of the question, so as to except the chaplain, and to have a separate vote on that part.

Mr. McCLELLAN of Tennessee moved to lay the resolution on the table; and demanded the yeas and nays on that question, which having been ordered, were—yeas 32, nays 104. So the House refused to lay the resolution on the table.

Mr. CAVE JOHNSON called for the yeas and nays on the adoption of the resolution, which were not ordered.

The question was then taken on the first division of the resolution, and it was agreed to; and then on the second branch, including the compensation to the chaplain, and agreed to.

The SPEAKER, by general consent, laid before the House a report from the Commissioner of the General Land Office, in compliance with a resolution of the House of Representatives of the 6th of April last, giving the names of each of the soldiers to whom patents were issued for land lying in the military bounty land district, in the State of Illinois, &c.

On motion of Mr. CASEY, ordered to lie on the table and be printed.

Also, a communication from the Secretary of the Treasury, transmitting a report of F. R. Hassler, superintendent of the works of standard weights and measures; which was, on motion of Mr. CASEY, ordered to lie on the table, and be printed.

On motion of Mr. ADAMS, the usual extra quantity of said document was ordered to be printed for the use of the superintendent.

Also, a communication from the Treasury Department, in compliance with a resolution of the 26th of May last, accompanied by a statement showing the amount paid in money and scrip on account of Revolutionary claims subsequent to the year 1794. On motion of Mr. CASEY, ordered to lie on the table and be printed.

Also, a message from the President of the United States States, transmitting a statement from the Secretary of the Treasury, in relation to tranfers from one head of appropriations to another, made from the commencement of the present year. On motion of Mr. BELL, ordered to lie on the table and be printed.

Also, a communication from the Treasury Department in relation to the mode of paying members of Congress, and pointing out certain difficulties in keeping such accounts, &c. On motion of Mr. STANLY, ordered to lie on the table and be printed.

Mr. BELL asked the consent of the House to make a report from the Committee on Indian Affairs, in relation to the proceedings had under the first and second clauses of the fourth article of the treaty of the 1st November, 1837, with the Winnebago Indians, with a view of having the report and evidenee printed, and the committee discharged.

Mr. CAVE JOHNSON said he would have no objection to the reception of the report; but, if it was to be received, he would insist on the reading of the report, before he would consent to have it printed.

Mr. BELL moved to suspend the rules for the purpose indicated above, and on that question demanded the yeas and nays; which, having been ordered, were—yeas 84, nays 48.

So the rules were not suspended.

On motion of Mr. CHAPMAN of Iowa, the last hour of the session was set apart for the consideration of territorial business.

Mr. ADAMS made an effort to get up the joint resolution authorizing the payment of the workmen on the public buildings, during the time the work on the same was suspended, previous to the last session of Congress.

Mr. DAVIS of Indiana objected.

Mr. MORGAN said he rose to a privileged question. He wished to move the following resolution, viz:

Resolved, That the Clerk of the House of Representatives pay to the witnesses examined in the New Jersey case, $2 per day, while engaged in the examination.

Mr. CUSHING objected, on the ground that it was not a privileged question.

The CHAIR said it was not a privileged question; and the resolution was not pressed.

Mr. ADAMS said the objection of the gentleman from Indiana [Mr. DAVIS] to the consideration of the joint resolution for the payment of the workmen on the public buildings, had been withdrawn; he therefore moved that the resolution be taken up; which motion having been agreed to, the resolution was taken up, read the third time, and passed; and subsequently the 17th joint rule, which prohibits the presentation to the President for his approbation, on the last day of the session, any bill or resolution, was so far suspended as to permit the presentation of the above.

Mr. JENIFER moved to suspend the 16th joint rules, which says that "no bill that shall have passed one House shall be sent for concurrence to other on either of the three last days of the session," so far as to receive from the Senate the joint resolution which passed that body, supplementary to the act extending the corporate existence of the banks in the District of Columbia.

Objection having been made,

Mr. JENIFER moved to suspend the rule to enable him to make the motion.

Mr. BURKE demanded the yeas and nays, which, having been ordered, were—yeas 81, nays 51; so the rules were not suspended.

Mr. JONES of Virginia moved to suspend the 17th joint rule, so as to permit the bill making appropriations for certain fortifications to be presented to the President for his approbation.

Mr. BRIGGS moved to amend the resolution, so as to include all bills that may be passed before the adjournment; and, on the question being put on the amendment, there we—yeas 56, noes 49. No quorum having voted,

Mr. BRIGGS withdrew the motion to amend.

The original resolution was then agreed to.

Mr. RUSSELL asked the general consent of the House to offer a resolution from the Committee on Claims, which was read for information, as follows:

Resolved, That the Speaker of the House designate one member on the Committee of Claims, whose duty it shall be, during the recess of Congress, to attend at the seat of Government, and examine all petitions, memorials, bills, and resolutions committed to that committee, and not acted on at the present session, and to prepare reports thereon for the action of the Committee on Claims at the next session of Congress.

Mr. R. said it was in consequence of the bad condition of the private claims that the Committee on Claims had been induced to present this resolution to the House. It was unanimously agreed to by that committee, and he hoped it would pass.

Objection having been made to the reception of the resolution,

Mr. RUSSELL moved to suspend the rules for the purpose.

The CHAIR said there was a motion to suspend the rules now pending.

The question was then taken on the motion of Mr. JONES of Virginia to suspend the rules, and that the House resolve itself into Committee of the Whole House on the state of the Union, and agreed to; and the House accordingly went into Committee, Mr. CASEY in the chair.

On motion of Mr. JONES, the committee took up the bill for the relief of Chastellain and Ponvort, and for other purposes, which had been returned from the Senate with numerous amendments, making appropriations for various objects; all which amendments were concurred in, except the appropriation of $20,000 for the payment of Clarke and Force, for the second and third volumes of the Documentary History of the Revolution, and after a few remarks explanatory of the amendment by Messrs. JONES of Virginia, CAVE JOHNSON, STANLY, UNDERWOOD, and EVERETT, the amendment was agreed to.

Mr. DAVIS of Indiana moved to lay the bill aside to be reported to the House, for the purpose of considering the bill from the Senate, entitled "An act to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie Canal which lies between Tippecanoe river and Terre Haute, and for other purposes."

But the motion was objected to by several; and

The question was taken on the motion to report the omnibus bill to the House, and agreed to.

The bill having been reported to the House, and the question being on concurring with the committee in the amendments of the Senate,

Mr. TURNEY demanded the yeas and nays; which were not ordered.

The question was then taken, and the amendments were concurred in; and, on motion of Mr. EVANS, the seventeenth joint rule was so far suspended as to permit the bill to be presented to the President for his signature.

Mr. DUNCAN gave notice that he would, some day during the next session of Congress, ask leave to introduce a bill to authorize and require the President of the United States to make a present to the King of Muscat of a sloop of war, for reasons which he would then name in a preamble to the bill.

Mr. HOLLEMAN asked the House to take up Senate bill regulating the pay of the pursers in the navy. The bill was of great importance.

Objection having been made,

Mr. H. moved to suspend the rules for the purpose, which the House refused to do.

Mr. RUSSELL again asked the consent of the House to enable him to report from the Committee of Claims the resolution in relation to claims, reported above; but objection being made,

Mr. R. moved to suspend the rules for the purpose; on which motion the yeas and nays having been ordered, were—yeas 40, nays 106.

So the rules were not suspended.

Mr. STANLY moved to take up the bill regulating the pay of pursers.

Mr. WISE objected. He wished that bill to lay over till the next session. It was too important to be passed upon at that late period.

Mr. GENTRY asked the House to take up the bill regulating the mileage of members of Congress.

The CHAIR said it would require a vote of two thirds to accomplish that object. Consequently, Mr. G. did not press his motion.

The bill on the SPEAKER'S table, returned from the Senate with amendments, entitled an act for the relief of Hyacinth Lasselle, was taken up, and the amendments were concurred in.

Mr. JAMESON moved to take up the bill from the Senate, entitled an act creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said State. Objection having been made,

Mr. JAMESON moved to suspend the rules, for the purpose, and on that motion demanded the yeas and nays, which having been ordered, were—yeas 72, nays 51.

So the rules were not suspended.

On motion of Mr. HAND, it was resolved, that a committee be appointed to join such committee as may be appointed on the part of the Senate to wait on the President of the United States to notify him that unless he may have other communications to the two Houses of Congress, that they are ready to adjourn.

Mr. HAND, from the joint committee appointed as above, subsequently reported that that committee had performed their duty, and received for answer that the President had no further communi- to make to the House, except to express his wishes for their health, and safe return to their constituents.

Mr. JENIFER gave notice that if by the 1st of January next, the duties and restrictions upon our tobacco in Europe are not modified, he should ask leave to introduce a bill laying countervailing duties.

FRENCH SPOLIATIONS PRIOR TO 1800.

Mr. CUSHING gave notice that at the beginning of the next session of Congress he should call up the bill making indemnity to claimants for spoliations committed by France, prior to 1800, and solicit the action of the House thereon, there not being any opportunity to act on the bill at the present session of Congress.

Mr. R. GARLAND asked the consent of the House as a last request to take up a bill, which he said had passed seven years in succession, the title of which the reporters did not distinctly hear. The request was refused.

On motion of Mr. CHAPMAN of Iowa, the hour of one o'clock having arrived, the House proceeded to execute the special order, by resolving itself into Committee of the Whole House on the state of the Union, (Mr. CASEY in the chair,) for the purpose of considering territorial business.

Mr. DOWNING moved that the committee take up Senate bill entitled "An act to authorize the President of the United States to raise one thousand five hundred men to serve against the Florida Indians."

Mr. L. WILLIAMS objected, on the ground that it did not come within the special order.

The CHAIR so decided that it did not.

Mr. DOWNING appealed from the decision of the CHAIR; and the question was put, "Shall the decision of the CHAIR stand as the judgment of the committee?" and it was decided in the affirmative.

Mr. CRABB moved to take up the bill to admit Florida into the Union; which motion was disagreed to without a count.

On motion of Mr. CHAPMAN of Iowa, Senate bill (220) entitled "An act to amend the act entitled 'an act for laying off the town of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Dubuque, and Peru, in the county of Dubuque, Territory of Wiskonsin, and for other purposes,'" approved March the 3d, 1837, was taken up, read, and there being no motion to amend, the bill was laid aside to be reported to the House.

On motion of Mr. DOTY, the bill for the protection of the commerce on Lake Michigan was taken up, and there being no motion to amend, the bill was laid aside to be reported to the House.

On motion of Mr. CHAPMAN, Senate bill entitled an act to cause the reserved lead mines belonging to the United States in the several States and Territories to be sold as other public lands, was next taken up; and the bill having been read through,

Mr. JOHNSON of Maryland moved to strike out the enacting clause of the bill; and after a few remarks by Mr. J. in favor of that motion, and Mr. CHAPMAN in opposition to it, the question was put, and the motion was agreed to—ayes 68, noes 53.

House bill to establish post routes in the Territory of Iowa was next taken up, and there being no motion to amend the bill, it was laid aside to be reported to the House.

On motion of Mr. DOTY, the bill in relation to the Neenah and Wiskonsin rivers was next taken up, and there being no motion to amend the bill, was laid aside to be reported to the House.

On motion of Mr. CHAPMAN of Iowa, the bill to authorize the Legislative Council of Iowa to increase the jurisdiction of justices of the peace in said Territory, was next taken up, and there being no motion to amend the bill, it was laid aside to be reported to the House.

Mr. DOTY moved that the committee rise, and report the bills to the House.

Mr. CHAPMAN of Iowa protested against that motion, and complained that the mover had not acted honorably in making the motion before the bills were acted on.

The question was put on the motion, and agreed to; and the committee rose and reported the bills to the House.

The question being on concurring with the amendment of the committee, striking out the enacting clause of the bill authorizing the President of the United States to cause the lead mines to be sold, the question was put, and the amendment was concurred in.

Mr. CHAPMAN made some remarks in opposition to the amendment before the question was put.

Senate bill (220, as noticed above,) which was reported from the committee, was then read the third time and passed; but the joint rule was not suspended which prohibited its presentation to the President for his signature, and the bill was in consequence lost, notwithstanding it passed both Houses.

The bill appropriating $55,000 for the protection of commerce on Lake Michigan, [by the construction of harbors on that portion of the lake bordering on Wiskonsin,] came up on its engrossment for a third reading.

Mr. TURNEY demanded the yeas and nays on that question; which, having been ordered, were—yeas 70, nays 55.

The bill was then read the third time, and the question being, "Shall the bill pass?"

Mr. THOMPSON of Mississippi spoke of the profession of economy of the Whig party, the most of whom belonging to it had just voted in favor of this enormous measure. He hoped it would not pass.

Mr. MARVIN moved the previous question on its passage; which, having received a second, and the question being, "Shall the main question be now put?"

Mr. THOMPSON of Mississippi demanded the yeas and nays; which, having been ordered, were —yeas 70, nays 70. The SPEAKER voted in the negative, and the House determined that the main question on its passage should not be put.

The hour of two o'clock, the time fixed by the joint resolution for the closing of the present session having expired before the roll was called through on the question above,

The SPEAKER announced that the House was adjourned till the first Monday in December next.

REPORT

OF THE CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

In compliance with the act to authorize the appointment of additional paymasters, and for other purposes, passed July 4, 1836.

OFFICE HOUSE OF REPS. U. S.
July 21, 1840.

In obedience to the 6th section of the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836, which requires "the Secretary of the Senate and Clerk of the House of Representatives, as soon as may be after the close of each session of Congress, to publish a statement of all appropriations made during the session; and also a statement of the new offices created, and the salaries of each; and also a statement of the offices, the salaries of which are increased, and the amount of such increase," the Clerk of the House of Representatives submits the accompanying statements.

H. A. GARLAND,
Clerk of Ho. of Reps.

Statement of appropriations made during the 1st session of the 26th Congress of the United States of America, specifying the amount and object of each.

1ST SESSION 26TH CONGRESS.

H. R. No. 2. *For the support of Government in part for the year* 1840.

Pay and mileage of members of Congress and Delegates	$400,000
Pay of the officers and clerks of the Senate and House of Representatives	25,000
Stationery, fuel, printing, and all other incidental and contingent expenses of the Senate	25,000
For the same for the House of Representatives	100,000
Arrears of printing, lithographing, and engraving,	50,000

H. R. 8. *For the civil and diplomatic expenses of the Government for the year* 1840.

For pay and mileage of the members of Congress and delegates	268,944
For pay of the officers and clerks of the Senate and House of Representatives	18,400
For stationery, fuel, drinting, and all other contingent expenses of the Senate	50,000
For stationery, fuel, printing, and all other contingent expenses of the House of Representatives	100,000

The two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose;

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General	60,000
For salary of the secretary to sign patents for public lands, per act of March second, eighteen hundred and thirty-three	1,500
For clerks and messengers in the office of the Secretary of State	20,300
For the contingent expenses of the Department of State, including publishing and distributing the laws	25,000
For the superintendent and watchmen of the northeast executive building	1,500
For contingent expenses of said building, including fuel, labor, oil, and repairs	3,350
For compensation to the clerks and messengers in the office of the Secretary of the Treasury	16,450
For compensation to the clerks in said office, per act of the twenty-third June, eighteen hundred and thirty-six, entitled "An act to regulate the deposites of the public money"	3,600
For compensation to the First Comptroller of the Treasury	3,500
For compensation to the clerks and messengers in the office of the First Comptroller	19,300
For compensation to the Second Comptroller	3,000
For compensation to the clerks and messengers in the office of the Second Comptroller, including the compensation of two clerks transferred from the office of the Fourth Auditor	12,250
For compensation to the First Auditor of the Treasury	3,000
For compensation to the clerks and messengers in the office of the First Auditor	15,900
For compensation to the Second Auditor of the Treasury	3,000
For compensation to the clerks and messengers in the office of the Second Auditor	17,900
For compensation to the Third Auditor	3,000
For compensation to the clerks and messengers in the office of the Third Auditor	29,650
For compensation to two clerks employed on claims under the act of the eighteenth January, one thousand eight hundred and thirty-seven	2400
For compensation to the Fourth Auditor	3,000
For compensation to the clerks and messengers in the office of the Fourth Auditor	16,950
For compensation to the Fifth Auditor	3,000
For compensation to clerks and messengers in the office of the Fifth Auditor	9,800
For compensation to two clerks in the office of the Fifth Auditor, according to the act of the seventh July, eighteen hundred and thirty-eight	2,000
For compensation to the Treasurer of the United States	3,000
For compensation to the clerks and messengers in the office of the Treasurer of the United States	10,750
For compensation to the Register of the Treasury	3,000
For compensation to the clerks and messengers in the office of the Register of the Treasury	24,200
For compensation of the Commissioner of the General Land Office, per act of fourth July, eighteen hundred and thirty six	3,000
For compensation of the recorder, solicitor, draughtsman, and assistant draughtsman, clerks, messengers, and packers, in the office of the Commissioner of the General Land Office	95,500
For compensation to the Solicitor of the Treasury	3,500
For compensation to the clerks and messenger in the office of the Solicitor of the Treasury	3,950
For translating foreign languages and for receiving and transmitting passports and sea letters, in the office of the Secretary of the Treasury	300
For stating and printing public accounts	1,400
For stationery, printing, and all other contingent expenses of the Treasury Department, viz:	
For the office of the First Comptroller	2,000
For the office of the Second Comptroller	1,500
For the office of the First Auditor	1,200
For the office of the Second Auditor	1,000
For the office of the Third Auditor	2,000
For the office of the Fourth Auditor	500
For the office of the Fifth Auditor	1,000
For the office of the Treasurer of the United States	2,000
For the office of the Register of the Treasury	3,000
For the office of the Solicitor	1,000
For eighty-three thousand pieces of parchment and printing, books and stationery, advertising, and contingent expenses of the General Land Office, and for books and blanks for the district land offices	18,417
For compensation of the superintendent and watchmen of the south-east executive building	2,100
For contingent expenses of the building occupied by the Treasury, including fuel, labor, oil, carrying the Department mails, and sealing ships' registers, in one thousand eight hundred and thirty-nine and one thousand eight hundred and forty, &c.	12,000
For compensation to the clerks and messengers in the office of the Secretary of War, including the messenger in the bounty land bureau	13,350
For contingent expenses of the office of the Secretary of War	3,000
or books, maps, and plans for the War Department	1,000

For compensation of extra clerks, when employed in said office - 3,000
For compensation of the Commissioner of Indian Affairs - 3,000
For compensation of the clerks and messenger in the office of the Commissioner of Indian Affairs - 16,400
For contingent expenses of said office - - - - - 2,000
For compensation of the Commissioner of Pensions - - 2,584 57
For compensation of clerks transferred from the office of the Secretary of War to the office of Commissioner of Pensions - - 4,800
For compensation to clerks and messengers for the office of the Commissioner of Pensions, authorized by act of ninth May, eighteen hundred and thirty-six - - 13,450
For contingent expenses of said office - - - - - 3,000
For compensation to clerks and messenger in the office of the Paymaster General - - - 7,100
For contingent expenses of said office - - - - - 800
For compensation of clerk and messenger in the office of the Commanding General - - - 1,500
For contingent expenses of said office - - - - - 300
For compensation to clerks and messenger in the office of the Adjutant General - - - - 7,650
For contingent expenses of said office - - - - - 1,600
For compensation of clerks and messenger in the office of the Quartermaster General - - - 7,300
For contingent expenses of said office - - - - - 1,000
For compensation of clerks and messenger in the office of the Commissary General of Purchases - 4,200
For contingent expenses of said office - - - - - 800
For compensation of clerks and messenger in the office of the Commissary General of Subsistence - 4,300
For contingent expenses of said office - - - - - 3,200
For compensation of clerks and messenger in the office of Chief Engineer - - - - 5,650
For contingent expenses of said office - - - - - 1,500
For compensation to clerk and messenger in the office of the Surgeon General - - - - 1,650
For contingent expenses of said office - - - - - 500
For compensation of clerks and messenger in the Ordnance office - 8,650
For contingent expenses of said office - - - - - 800
For compensation of clerks and messenger in the Topographical Bureau - - - - 2,500
For contingent expenses of said bureau - - - - - 1,735
For compensation of the superintendent and watchmen of the northwest executive building - - 2,250
For contingent expenses of said building, including rent of bounty land office, for labor, fuel, oil, and repairs, and for contingencies of the fire engines and apparatus - 4,700
For compensation of the clerks and messengers in the office of the Secretary of the Navy - - 12,850
For contingent expenses of said office - - - - - 3,000
For compensation of the Commissioners of the Navy Board - 10,500
For compensation of the Secretary of the Navy Board - - 2,000
For compensation to the clerks and messenger of the Navy Board - 8,450
For contingent expenses of said office - - - - - 1,800
For salary of superintendent and watchmen of the southwest executive building - - - 1,250
For contingent expenses of said building, including fuel, labor, oil, repairs of building, engine, and improvement of the grounds - 3,350
For compensation to three Assistant Postmasters General, per act third July, eighteen hundred and thirty-six - - - - - 7,500
For compensation to clerks and messengers in the General Post Office - - - - 48,600
For topographic and additional clerks in said office per act of March 3d, 1839, and a clerk to keep the appropriation account - 11,600
For contingent expenses of said office, including four thousand dollars for rent and fuel for the Auditor's Office - - 8,000
For compensation of two watchmen 600
For compensation to the Auditor of the Post Office - - 3,000
For compensation to clerks and and messengers in said office 55,000
For eleven additional clerks in said office - - - 13,200
For contingent expenses of said office, including the expense of quarterly books, stationery, printing, and pay of laborers - 4,700
For compensation of the Surveyor General northwest of the Ohio 2,000
For compensation to clerks in his office, per act of ninth May, eighteen hundred and thirty-six - 6,300
For compensation to the Surveyor-General for Illinois and Missouri 2,000
For compensation to clerks in the office of said Surveyor-General, per act of May ninth, eighteen hundred and thirty-six - 3,820
For compensation to the Surveyor-General of Arkansas - 2,000
For compensation of clerks in the office of said Surveyor-General 2,800
For compensation of the Surveyor-General of Louisiana - 2,000
For compensation to clerks in the office of said Surveyor-General, per act of May ninth, eighteen hundred and thirty-six - 2,500
For compensation of the Surveyor-General of Mississippi - 2,000
For compensation of clerks in the office of said Surveyor-General, per act May ninth, eighteen hundred and thirty-six - - 5,000
For compensation of the Surveyor-General of Alabama - 2,000
For compensation of clerks in the office of said Surveyor General, per act ninth May, eighteen hundred and thirty-six - 2,200
For compensation of the Surveyor-General of Florida - 2,000
For compensation of clerks in the office of said Surveyor-Goneral 3,500
For compensation of the Surveyor General of Wiskonsin - 1,500
For compensation of the clerks in his office per act twelfth June, eighteen hundred and thirty-eight 1,600
For compensation of the late Surveyor-General of Illinois and Missouri, to the twenty-sixth September, eighteen hundred and thirty-six - - - - 478 26
For compensation of the Surveyor-General of Wiskonsin, for payment of his salary for the fractional part of fourth quarter of eighteen hundred and thirty-eight - 198 97
For extra clerks and draughtsmen, in the offices of the Surveyors-General, in addition to the unexpended balances of former appropriations, to be apportioned to them according to thn exigencies of the public service - 9,000
For extra clerks in the office of the Surveyors-General to transcribe field notes of survey, for the purpose of preserving them at the seat of Government, in addition to the unexpended balances of former appropriations, viz:
Office of the Surveyor-General northwest of the Ohio - - 4,500
Office of the Surveyor-General of Illinois and Missouri - - 2,200
Office of the Surveyor-General of Arkansas - - - 1,000
Office of the Surveyor-General of Mississippi - - - 550
Office of the Surveyor-General of Wiskonsin - - - 1,000
For compensation to the Commissioner of Public Buildings in Washington, - - - 2,300
For compensation to three assistants to the Commissioner, as superintendent of the Potomac bridge, including oil for lamps, fuel, and repairs, - - - - 2,990
For compensation to the officers and clerks of the Mint - - 20,400
For pay of laborers in the various departments of the Mint, - - 23,000
For incidental and contingent expenses, including the wastage of gold and silver, fuel, materials, stationery, water rent, and taxes - 16,000
For new machinery - - 3,000
For specimens of ores and coins to be reserved at the Mint - - 1,000
For compensation to the officers and clerk of the branch Mint at Charlotte, North Carolina - - 6,000
For pay of laborers in the various departments of the same - - 3,500
For wastage of gold, and for contingent expenses of the same - 2,500
For compensation to the officers and clerk of the branch Mint at Dahlonega, Georgia - - - 6,000
For pay of laborers in the various departments of the same - - 3,500
For wastage of gold, and for contingent expenses of the same - 2,000
For compensation to the officers and clerks of the branch mint at New Orleans - - - - 12,900
For pay of laborers in the various departments of the same - - 22,000
For wastage of gold and silver, and for contingent expenses of the same 17,100
For compensation of the Governor, Judges, and Secretary of Wiskonsin Territory - - - 9,100
For contingent expenses of said Territory - - - - 350
For pay and mileage of the members of the Legislative Assembly, pay of officers of the councils, printing, furniture, stationery, fuel, and other incidental expenses - - 34,075
For compensation to the Governor, Judges, and Secretary of the Territory of Iowa - - - 9,100
For pay and mileage to the Legislative Assembly, pay of officers, printing, furniture, stationery, fuel, and all other incidental expenses - 27,050
For defraying the expenses of an extra session of the Legislative Assembly of said Territory - - 7,000
For the payment of the printing the laws and other contingent expenses of the Legislative Assembly of the Territory of Iowa, being a deficiency in the appropriation made for year eighteen hundred and thirty-nine - - - - 14,000
For compensation of the Governor,

Judges, and Secretary of the Territory of Florida - - - 13,500
For contingent expenses of said Territory - - - - - 350
For pay and mileage of the members of the Legislative Council of said Territory, pay of the officers of the Council, printing, furniture, rent, stationery, fuel, and all other incidental and miscellaneous expenses 29,325
For compensation of the Chief Justice, the Associate Judges, and District Judges of the United States - 93,900
For compensation of the Chief Justice and Associate Judges of the District of Columbia, and of the Judges of the Criminal and Orphans' Courts of said District - 12,700
For compensation of the Attorney General of the United States - 4,000
For compensation of clerk and messenger in the office of the Attorney General - - - - - 1,500
For contingent expenses of said office - - - - - 500
For purchasing law books - - 1,000
For compensation to the reporter of the decisions of the Supreme Court - - - - - 1,000
For compensation to the district attorneys and marshals, including those in the several Territories - 14,450
For defraying the expenses of the Supreme, circuit, and district courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the year eighteen and forty and preceding years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safekeeping of prisoners - - - - - 300,000
For the payment of annuities and grants by special acts of Congress 900
For survey of the coast of the United States, including the compensation of the superintendent and assistant - - - - - 100,000
For compensation of two keepers of the public archives in Florida - 1,000
For salaries of registers and receivers of land offices where there are no sales - - - - - 3,500
For expenses of surveying and marking the boundary between the United States and Texas - - 10,000
For salary of the Commissioner of said survey - - - 2,500
For the salary of the surveyor - 2,000
For the salary of the clerk - - 1,200
For buildings and machinery for the branch Mint at Charlotte, North Carolina, being a balance due to the commissioner appointed to superintend the erection of the buildings - - - - - 12 20
For discharging the balance due to the contractors for building the branch Mint at Dahlonega - 10,000
For allowances to the law agent, assistant counsel, and district attorney under the acts providing for the settlement of private land claims in Florida - - - 5,000
For the support and maintenance of light-houses, floating-lights, beacons, buoys, and stakeages, including the purchase of lamps, oil, wicks, buffskins, whiting, and cotton cloth, transporting oil, &c. keepers' salaries, repairs, improvements, and contingent expenses - 431,987 26
For continuing the construction of the New Treasury Building, including the arrearages due for materials furnished and labor performed on the said buildings, certified by the Commissioner of the Public Buildings, to amount, on the fifteenth of April, eighteen hundred and forty, to the sum of fifty-three thousand one hundred and ninety-four dollars and six cents - - - - 105,000
For continuing the construction of the New Patent Office Building, including the arrearages due for materials furnished, and labor performed on the said buildings, certified by the Commissioner of the Public Buildings, to amount, on the fifteenth of April, eighteen hundred and forty, to the sum of forty-two thousand four hundred and eighty-one dollars and eighty-three cents - - - - 100,000
For continuing the construction of the New General Post Office Building - - - - - 125,000
For alterations and repairs of the Capitol, and incidental expenses - 1,551
For lighting lamps, purchasing trees, shrubs, and compost, for keeping in order the public grounds around the Capitol, the iron water pipes, and wooden fences - - 6,860
For attendance at the western gates of the Capitol - - - 547 50
For salary of the principal gardener 1,200
For alterations and repairs of the President's house and furniture, for purchasing trees, shrubs, and compost, and for superintendence of the grounds - - - 3,665
For payments to the artists engaged in executing four historical paintings for the vacant panels of the rotunda of the Capitol - - 8,000
For payment to Luigi Persico and Horatio Greenough for statues to adorn the two blockings, east front of the Capitol - - - 8,000
For the support and maintenance of the penitentiary of the District of Columbia - - - 14,503 50
For payment of the expenses of the sixth census, including the enumeration and returns, necessary blanks, clerical services, &c. - 740,000
For surveying the public lands, to be apportioned to the several surveying districts, according to the exigencies of the public service, in addition to the unexpended balance of appropriations - - 215,000
For closing the surveys of the public lands in the State of Mississippi, chiefly relinquished contracts, at a rate not exceeding eight dollars per mile for township lines - - 18,610
For retracing certain old surveys in the State of Mississippi, at a rate not exceeding six dollars per mile for section lines, and eight dollars per mile for township lines - 17,200
For completing the surveys of unfinished portions of townships, islands, lakes, &c. in Florida, at a price not exceeding five dollars per mile - - - - 10,000
For surveying in the State of Louisiana, at a rate not exceeding eight dollars a mile, and to be applied, if hereafter found expedient, for retracing and correcting certain old surveys in said State - - 10,000
For completing the custom-house building at New York, - - 118,743
For the construction of the new custom-house at Boston - - 121,000
For repairing the public works at Staten Island - - - 29,720
For repairs of the custom-house building at New Bedford - 500
For repairs of the custom-house building at New London - 1,700
For repairs of the marine hospital at Norfolk - - - - 4,000
For the payment of expenses incurred by the collector of New York, under the act of seventh July, eighteen hundred and thirty-eight, to remit the duties upon certain goods destroyed by fire at the late conflagration at the city of New York - - - - - 1,350
For salaries of the Ministers of the United States to Great Britain, France, Spain, Russia, Prussia, Austria, and Mexico - - 63,000
For salaries of the Secretaries of Legation to the same places - 14,000
For salary of the Minister Resident of the United States to Turkey - 6,000
For salaries of the Charges des Affaires to Portugal, Denmark, Sweden, Holland, Belgium, Brazil, Chili, Peru, New Granada, Venezuela, Texas, Naples, and Sardinia - - - - - 58,500
For contingent expenses of all the Missions abroad - - 30,000
For outfits for a Minister to Russia, and of Charge d'Affaires to Sardinia - - - - - 13,500
For salaries of the Consuls of the United States at London and Paris - - - - 4,000
For the expenses and salaries of diplomatic agents, to be employed under the direction of the President of the United States in attending to the tobacco interest of the United States in Europe - 12,000
For the relief and protection of American seamen in foreign countries 40,000
For clerk hire, office rent, stationery, and other expenses in the office of the American Consul at London, per act of January nineteenth, eighteen hundred and thirty-six 2,800
For interpreters, guards, and other expenses incident to the consulates in the Turkish dominions - 5,500
For the salary of the principal and two assistants Librarians, pay of the messenger, and for contingent expenses of the Library - 4,387 50
For the purchase of books for the Library of Congress - - 5,000
For compensation of William Gibbs McNeill, being an excess of expenditure over and above the appropriation for surveys made under his direction, of the East pass of the Apalachicola Bay - - 150 29
For the payment of certain certificates, being part of the balance of a former appropriation for that object, carried to the surplus fund December thirty-first, eighteen hundred and thirty-nine - - - 50
For the service of the General Post Office, for the year eighteen hundred and forty, in conformity to the act of second of July, eighteen hundred and thirty-six - - 5,126,000
H. R. 5. For an outfit for a Charge d'Affaires to the Republic of Texas 4,500
For repairing the roof to the public store at the custom-house in the city of Philadelphia, or for new roofing the same with copper, as shall be directed by the Secretary of the Treasury, after causing careful surveys of the condition of the said building to be made, a sum not to exceed - - - 3,200
For the pay of the commissioner appointed by the Governor of the Territory of Iowa to act on the part of that Territory, in conjunction with the commissioner appointed by the United States, in ascertaining, running and marking, the southern boundary line of the

said Territory, in conformity with the act of Congress of the eighteenth of June, eighteen hundred and thirty-eight, the sum of - 1,096

For the payment of expenses incurred under the direction of the Joint Committee on the Library, in the erection of shelves and book cases in the committee rooms of the Capitol, for the reception of books and documents to be transferred from the Library to the several committee rooms, a sum not to exceed - - - - 1,250

For the purpose of enabling the Secretaries of the War and Navy Departments to place in a state of safe preservation the specimens of natural history which are now deposited in their respective offices, or which may be brought there, resulting from surveys of the unexplored portions of our own country, or from the exploring expedition now in the South Seas, by the authority, and at the expense of the United Ssates, or otherwise, a sum not to exceed - - 500

To ascertain and designate the boundary line between the State of Michigan and the Territory of Wiskonsin - - - 3,000

H. R. 27. For the payment of a balance due toJohn Mitchell and Benjamin F. Fox, contractors for the erection of the Branch Mint at New Orleans, as admitted by and recommended from, the accounting officers of the Treasury - 8,588 55

To Auguste Davezac, late Charge d'Affaires of the United States at the Hague - - - - 989 08

To William D. Jones, in full for diplomatic services rendered to the United States at the Government of Mexico - - - - 11,360 95

In part payment for the expense incurred by Matthew St. Clair Clarke and Peter Force, and for work done by them in publishing the second and third volumes of the Documentary History of the American Revolution, and for collecting materials for publishing said history - - - - - 20,000

For repairing two cupolas, on the North wing of the Capitol - 300

For removing two cupola sashes over the principal stairway and vestibule leading to the hall of the House of Representatives - - - 392

For prepairing pannels of the Rotundo with curtains for the reception of the paintings - - - 542

For repairing chimney stacks of the Capitol - - - - 250

For cost of preparing suitable foundation for supporting the colossal Statue of Washington, in the centre of the Rotundo of the Capital - 2,000

To enable the Postmaster General to comply with the resolutions of the House of Representatives passed twenty-third of June, eighteen hundred and forty - - - 1,500

S. 397. For the exploration and survey of that part of the Northeastern boundary line of the United States which separates the States of Maine and New Hampshire from the British Provinces - - 25,000

H. R. 27. For the payment of Charles Gerdon, agreeably to the certificate of the Committee on Public Lands, for services rendered by him in making maps - 2,100

$10,325,113 63

H. R. 5. *For the support of the army for the year one thousand eight hundred and forty.*

For the pay of the army - - - - $1,172,028
For subsistence of officers - - - - 514,489
For forage of officers' horses - - - 114,571
For payments in lieu of clothing not drawn in kind 80,030
For subsistence, exclusive of that of officers - 515,492
For clothing of the army, camp and garrison equipage, cooking utensils, and hospital furniture - 425,635 67
For the medical and hospital department - - 38,000
For the regular supplies furnished by the Quartermaster's department, consisting of fuel, forage, straw, stationery, and printing - - 271,000
For barracks, quarters, and storehouses, embracing the repairs and enlargement of barracks, quarters, storehouses, and hospitals at the several posts; the erection of temporary cantonments and gun houses for the protection of the cannon at the forts on the seaboard; for the purchase of necessary tools and materials, and of the authorized furniture of the barrack rooms; rent of quarters for officers; of barracks for troops where there are no public buildings for their accommodation; of storehouses for the safekeeping of subsistence, clothing, and other military supplies, and of grounds for summer cantonments, encampments, and military practice - - - 173,000
For transportation of officers' baggage when travelling on duty without troops - - - 65,000
For transportation of troops and supplies, viz: transportation of the army, including the baggage of troops; freight and ferriages: purchase or hire of horses, mules, oxen, carts, wagons, and boats for the purpose of transportation or for garrison use; drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay department; expense of transport vessels, and procuring water at such posts as from their situation require it; transportation of clothing from the depot at Philadelphia to the stations of the troops of subsistence from the places of purchase and delivery under contracts to such points as the circumstances of the service may require, of ordnance, ordnance stores, and arms, from the foundries and arsenals to the fortifications and frontier posts, and of lead from the mines to the several arsenals - - 287,000
For the incidental expenses of the Quartermaster's Department, consisting of postage on public letters and packets, expenses of courts martial and courts of inquiry, including the compensation of judges-advocate, members, and witnesses; extra pay to soldiers under act of March second, eighteen hundred and nineteen, expenses of expresses from the frontier posts; of the necessary articles for the interment of the non-commissioned officers and soldiers; hire of laborers, compensation of clerks in the offices of quartermasters and assistant quartermasters at posts where their duties cannot be performed without such aid, and to temporary agents in charge of dismantled works, and in the performance of other duties; expenditures necessary to keep the two regiments of dragoons complete, including the purchase of horses, to supply the place of those which may be lost and become unfit for service, and the erection of the necessary stables - 121,000
For contingencies of army - - - - 7,000
For extra pay to re-enlisted soldiers, and for contingent expenses of the recruiting service - 47,163 27
For national armories - - - - 360,000
For the armament of the fortifications - - 150,000
For the current expenses of the ordnance service - 100,000
For ordnance, ordnance stores, and supplies - 100,000
For arsenals - - - - - - - 150,000
For repairs and improvements at the Springfield armory - - - - - - 10,500
For repairs and improvements at the Harper's Ferry armory - - - - - - 50,000
For the purchase of saltpetre and brimstone - 40,000
For the expense of preparing drawings of a uniform system of artillery, and for other supplies in the ordnance department - - - 3,000
For continuing the barracks, quarters, &c. at Fort Leavenworth - - - - - 30,000
For continuing the barracks, quarters, &c. at Fort Wayne - - - - - - 20,000
For continuing the barracks, quarters, &c. at Fort Smith - - - - - - 50,000
For continuing the barracks, quarters, &c. at Plattsburg - - - - - - 20,000
For continuing the barracks, quarters, &c. at Fort Jesup - - - - - - 10,000
For repairs of arsenals damaged by storms and fire, the sum of - - - - - - 19,766
For preventing and suppressing hostilities in Florida, to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth March, and the second of July, eighteen hundred and thirty-six and the acts therein referred to, viz: For forage for the horses of the mounted volunteers and militia, and for the horses, mules, and oxen in the service of the trains: for freight or transportation of military supplies of every description, from the places of purchase to Florida; for the purchase of wagons, harness, boats, and lighters, and other vessels, of horses, mules, and oxen, to keep up the trains, tools, leather, and other materials for repairs, transportation within Florida, including the hire of steamboats and other vessels for service in the rivers and on the coasts, and the expenses of maintaining the several steamboats and transport schooners connected with the operations of the army, hire of mechanics, laborers, mule drivers, teamsters, and other assistants, including their subsistence; for miscellaneous and contingent charges, and for other arrearages in eighteen hundred and thirty-five, eighteen hundred and thirty-six, eighteen hundred and thirty-seven, eighteen hundred and thirty-nine, and eighteen hundred and forty - - - - - 300,000

H. R. 27. To defray the expenses of the calling into service Captain Snodgrass's company of Alabama volunteers to serve as a guard in accompanying a party of emigrating Cherokees from Bellante to Waterloo, in the State of Alabama - - - - - - 1,126 57
For the payment of balances due for military and geographical surveys west of the Mississippi, and north of the State of Missouri, made under the direction of the War Department, and the accounts for which are now before the proper accounting officers for settlement - - 16,000
For an award made by the proper accounting officers of the Treasury in favor of the owners of steamboats Stasca and Dayton, for services rendered under an agreement with Major Charles Thomas, Quartermaster, for the transportation of supplies, laborers, and other things, for the use of the works at Fort Smith, Arkansas, in the year eighteen hundred and thirty-eight - - 13,350
For the payment of an account of Henry Lucas and A. P. King, of the State of Alabama, for the loss and injury sustained by them by the impressment of their teams and wagons into the service of the United States by D. H. Baldwin, Quartermaster General of the Florida militia, in the year eighteen hundred and thirty-six, a sum not to exceed - - - - - 6,050
For the payment of an account of Hart and Bosworth, merchants of Irwington, Alabama, and of John Hart, merchant of the same place, for stores, arms, and ammunitions, taken for the use of the troops in the service of the United States, by the order of General William Irwin, commandant of the fifth division of the Alabama militia, during the Creek campaign of May, eighteen hundred and thirty-six, a sum not to exceed - 2,311 90
For the payment of an account of John H. Craddock, of Alabama, for property of his destroyed by the order of Colonel J. T. Lane, an officer in the service of the United States, in the month of September, eighteen hundred and thirty-six, the sum of - - - - - - - 164 63

$5,283,677 04

H. R. 6. *For the naval service for the year one thousand eight hundred and forty.*

For the pay of commissioned, warrant, and petty officers and seamen - - - - $2,250,000
For the pay of superintendents, naval constructors, and all the civil establishments at the several yards - - - - - - - 74,620
For provisions - - - - - - 620,000
For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission - 1,000,000
For medicines and surgical instruments, hospital stores, and other expenses on account of the sick 75,000
For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire - 20,000
For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts - 17,000
For improvement and necessary repairs of the navy yard at Brooklyn, New York - - 18,000
For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania - 5,000
For improvement and necessary repairs of the navy yard at Washington - - - 20,000
For improvement and necessary repairs of the navy yard at Gosport, Virginia - - - 17,250
For improvement and necessary repairs of the navy yard near Pensacola, - - - 13,000
For ordnance and ordnance stores - - 66,000
For defraying the expenses that may accrue for the following purposes, viz.. For the freight and transportation of materials and stores of every description; for wharfage and dockage; storage and rent; travelling expenses of officers and transportation of seamen; house rent for pursers, when duly authorized; for funeral expenses; for commissions, clerk-hire, office rent, stationery, and fuel to navy agents; for premiums, and incidental expenses of recruiting; for apprehending deserters; for compensation to judges advocate; for per diem allowance to persons attending courts-martial and courts of inquiry, or other services authorized by law; for printing and stationery of every description, and for working the lithographic press; for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery; for the repair of steam engines in navy yards; for the purchase and maintenance of oxen and horses, and for carts, timber-wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for taxes and assessments on public property; for assistance rendered to vessels in distress; for incidental labor at navy yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil for the use of navy yards, and shore stations, and for no other object or purpose whatever - 450,000
For contingent expenses for objects not herein before enumerated - - - - 3,000
For pay of the officers, non-commissioned officers, musicians, and privates, and subsistence of the officers of the marine corps - - 175,050 40
For provisions for the non-commissioned officers, musicians, and privates, serving on shore, servants and washerwomen - - - 45,054 99
For clothing - - - - - 43,662 50
For fuel - - - - - - 16,274 12
For keeping barracks in repair, until new ones shall be erected, and for rent of temporary barracks at New York - - - - 6,000
For transportation of officers, non commissioned officers, musicians, and privates, and expenses of recruiting - - - - 8,000
For medicines, hospital stores, surgical instru-

ments, and pay of matron and hospital stewards	4,140
For military stores, pay of armorers, keeping arms in repair, accoutrements and ordnance stores, and flags, drums, and fifes	2,300
For contingent expenses of said corps, viz: for freight, ferriage, toll, wharfage and cartage; for per diem allowance for attending courts-martial and courts of inquiry, compensation to judges-advocate, house rent where there are no public quarters assigned, per diem allowance to enlisted men on constant labor, expenses of burying deceased marines, printing, stationery, forage, postage on public letters, expenses in pursuit of deserters, candles and oil, straw, barrack furniture, bed sacks, spades, axes, shovels, picks, carpenters' tools, and for the purchase of a horse for the messenger and keeping the same	17,930
For coppering the roof of the hospital building at New York, and for other necessary expenses upon the same, and its dependencies	9,500
For necessary repairs of the hospital building at Norfolk, and its dependences	3,500
For furnishing hospital number three at Pensacola, and for building a stable, and other necessary appendages, and for current repairs on the other buildings	7,800
For the necessary repairs to the asylum at Philadelphia, and its dependencies	4,250
For distribution as prize money among the officers and crew of the private armed brig General Armstrong, per act of thirtieth of June, eighteen hundred and thirty-four	2,975 20
For the immediate survey of the coast from Apalachicola Bay to the mouth of the Mississippi river	10,000
	$5,033,557 21

H. R. 260. *For certain fortifications of the United States for the year one thousand eight hundred and forty.*

For the repairs of Fort Niagara	$27,000
For rebuilding and repairing the old fort at Oswego	20,500
For repairs of Fort Preble	3,200
For repairs of Fort Scammel	3,400
For repairs of Fort McClary	750
For repairs of Fort Constitution	3,671
For repairs of Fort Independence and sea wall of Castle island	100,000
For Fort Warren	150,000
For Fort Adams	80,000
For fortifications of New London harbor	25,000
For Fort Schuyler	80,000
For repairs of Fort Hamilton	20,000
For repairs of Fort Lafayette	30 0
For repairs of Fort Columbus	8,662
For repairs of Castle Williams	5,735
For repairs of south battery, Governor's island	3,500
For repairs of Fort Monroe	50,000
For rebuilding bridge over Mill creek near Fort Monroe	5,000
For repairs of road from Fort Monroe to said bridge	1,000
For purchase of land in the vicinity of Fort Monroe	1,000
For Fort Calhoun	50,000
For Fort Caswell	5,000
For Fort Sumter	25,000
For repairs of Fort Moultrie	10,000
For Fort Pulaski	44,000
For fort on Foster's bank, Florida	14,000
For Fort Pickens	8,000
For repairs of Fort Barrancas	15,000
For repairs of Fort Morgan	10,000
For repairs of Fort Pike	5,000
For repairs of Fort Wood	3 580
For repairs of the battery Bienvenue	2,500
For repairs of Tower Dupre	400
For repairs of Fort Jackson	20,000
For repairs of Fort St. Philip	3,300
For Fort Livingston, Grande Terre, Louisiana	15,000
For contingencies of fortifications	10,000
For incidental expenses attending repairs of fortifications	50,000
	$878,198

H. R. 25. *For the support of the Military Academy for the year 1840.*

For pay of officers, cadets, and musicians	$59,923 00
For subsistence of officers and cadets	40,001 00
For forage of officers's horses	3,93 00
For clothing of officers' servants	390 00
For defraying the expenses of the Board of Visiters at West Point	2,000 00
For fuel, forage, stationery, printing, transportation, and postage	12,931 45
For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, and fences	7,787 50
For pay of adjutant's and disbursing officer's clerks	950 00
For increase and expenses of the library	1,000 00
For binding books injured at the fire in February, eighteen hundred and thirty-eight, and imported stitched	300 00
For miscellaneous items and incidental expenses	726 25
For the department of engineering	500 00
For the department of philosophy	715 25
For the department of chemistry	724 75
For the department of drawing	338 75
For the department of tactics	240 00
For the department of artillery	310 00
	$132,061 95

H. R. 3. *For the payment of the Revolutionary and other pensioners of the United States for the year 1840.*

For the Revolutionary pensioners under the act of 18th March, 1818	$112,132
For pensions to widows and orphans, under the act of 4th July, 1836	23,676
For five years pensions to widows under the act of 7th of July, 1838	863 540
For half pay pensioners	10 000
For arrearages	1,500
	$1,010 848

H. R. 4. *For the current expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year one thousand eight hundred and forty.*

For the current and contingent expenses of the Indian department, viz:	
For the pay of the superintendent of Indian affair- at St. Louis, and the several Indian agents, as provided by the acts of June thirtieth, eighteen hundred and thirty-four, and of March third, eighteen hundred and thirty-seven	16,500
For the pay for sub agents, authorized by the act of June thirtieth, eighteen hundred and thirty-four	13,000
For the pay of interpreters, as authorized by the same act	11,300
For presents to Indians, authorized by the same act	5,000
For the purchase of provisions for Indians, at the distribution of annuities, while on visits of business with the superintendents and agents and when assembled on public business	11,800
For the necessary buildings required at the several agencies, and repairs thereof	2,000
For postages, rents, stationery, fuel for offices, and other contingencies of the Indian Department, and for transportation and incidental expenses	36,500
For the salary of one clerk in the office of the superintendent of Indian affairs, south of the Missouri river	1,000
For carrying into effect the stipulations of certain Indian treaties, and the laws connected therewith, viz:	
For the Christian Indians	400
For the Chippewas of the Mississippi	35,000
For expenses incurred by the Commissioner in examination of claims under the third and fourth articles of the treaty of July, eighteen hundred and thirty-seven, with said Chippewas of the Mississippi	300
For the Chippewas of Saganaw	5,800
For expenses attending the examination of claims against said Chippewas of Saganaw under the fourth article of the treaty of January, eighteen hundred and thirty-seven	3,350
For the Chippewas, Menemonies, Winnebagoes, and New York Indians	1,500
For the Chippewas, Ottawas, and Pottawatomies	34,290
For the Choctaws	55,475
For the Creeks	63,940
For the payment of the claim presented by the Alabama emigrating company, and allowed by the accounting officers	38,646
For the Chickasaws	6,000
For the Cherokees	7,640
For the Delawares	10,344
For the Caddoes	10,000
For the Florida Indians	9,610
For the Iowas	7,875
For the Kickapoos	5,500
For the Kaskaskias and Peorias	3,000
For the Kanzas	6,040
For the Miamies	52,678
For expenses of the commission to examine claims under the fifth and sixth articles of the Miami treaty of eighteen hundred and thirty-eight, in addition to the appropriation of last year	1,500
For assistance in agriculture, stipulated in the fifteenth article of the treaty of October sixth, eighteen hundred and eighteen	200
For the Eel Rivers	1,100
For the Menomonies	31,830
For the Omahas	4,740
For the Ottowas and Chippewas	62 465
For the Ottoes and Missourias	5,640
For the Ossages	34,406
For the erection of houses for smiths, under the second article of the treaty with the Osages, of eighteen hundred and thirty-nine	800
For expenses attending the examination of claims under second article of the treaty with the Osages, in addition to the appropriation of eighteen hundred and thirty-nine	1,100
For the Ottowas	4,300
For the Pottawatomies	20,200
For the Pottawatomies of Huron	400
For the Pottawatomies of the Prairie	16,000
For the Pottawatomies of the Wabash	20,200
For the Pottawatomies of Indiana	17,060
For the Piankeshaws	800
For the Pawnees	9,600
For the Quapaws	4,660
For the Six Nations of New York	4,500
For the Senecas of New York	6,000
For the Sioux of the Mississippi	42,510
For the Yancton and Santie Sioux	4 300
For the Sacs and Foxes of the Missouri	7,670
For the Sacs and Foxes of the Mississippi	54,640
For the Sacs, Foxes, Iowas, Sioux, Omahaws, and Ottoes, and Missourias	3,300
For the Shawnees	7,180
For the Senecas and Shawnees	2,660
For the Senecas	2,660
For the Wyandots	6,840
For the Weas	3,000
For the Wyandots, Munsees, and Delawares	1,000
For the Winnebagoes	92,860
For the expenses of the Commission appointed to examine claims under the treaty with the Winnebagoes, in lieu of the same sum appropriated last year for the Sioux erroneously	5,500
For expenses attending the removal of the Winnebago Indians from their present residence, in Wiskonsin, to the neutral ground across the Mississippi river, estimating the number at four thousand five hundred, to cost ten dollars each	45,000
For the erection of a gristmill for the Winnebagoes, as stipulated in the sixth clause of the fourth article of the treaty with them of November first, eighteen hundred thirty-seven	3,000
For expenses of breaking up and fencing in ground after the removal of the Winnebagoes, as per seventh clause of fourth article of the same treaty	10 000
To carry into effect the treaty of the third September, eighteen hundred and thirty-nine, with the Stockbridge and Munsee tribes of Indians, ratified sixteenth May, eighteen hundred and forty	26,265 40
For payment of a balance due for supplies furnished to the Creek Indians and medical services rendered to those Indians, after the commencement of the disturbances in the Creek country and before and during the removal of the said Indians west of the Mississippi, which accounts were incurred under the direction of the proper officers or agents of the Government	7,741 44
For the payment of the expenses of a division of the lands of the Brothertown Indians among the members of the tribe, in obedience to the act of Congress of the third March, eighteen hundred and thirty-nine, entitled, "An act for the relief of the Brothertown Indians in the Territory of Wiskonsin," the duties having been performed and the accounts presented	1,830
	$1,039,125 48

PRIVATE.

H. R. 30. Ebenezer Lobdell	1,075 39
Do. 34. James W. Taylor	110
Do. 37. Gamaliel E. Smith	500
Do. 40. Cornelius Tiers	1,200
Do. 46. John T. Addoms	100
Do. 47. Capt. John Downes	723 60
Do. 50. Meigs D. Benjamin	200 46
Do. 54. George Willis	80
Do. 57. Robert Milnor and John Thompson	3,757 28
Do. 59. Nathan Levy	378
Do. 65. James Brewer	100
Do. Mathew Lyon's heirs	1,060 96
S. 56. Alvarez Fisk and Thos. P. Eskridge	4,750 45
Jno. H. Jacocks	439
	$13,466 09

RECAPITULATION.

Civil and diplomatic list	10,325,113 63
Army	5,283,677 04
Navy	5,003,557 21
Fortifications	878,198
Military Academy	122,051 95
Revolutionary and other pensioners	1,010,848
Indian Department, treaties, &c.	1,039,125 84
Private	13,466 09
	$23,686,037 76

Statement of the new offices created and the salaries of each; and also a statement of the offices the salaries of which are increased, and the amount of such increase, during the first session of the Twenty-sixth Congress, made in pursuance of the sixth section of the act of the 2d July, 1836, to provide for the appropriation of additional payments, and for other purposes.

By the act to amend the act "to provide for taking the sixth census or enumeration of the United States, approved March 3d, 1839:

Superintending clerk per annum	$1,500
Recording clerk	800
Assistant clerk	650
Packer and folder	650
By the act to carry into effect a convention between the United States and the Republic of Mexico:	
Two commissioners, each to receive at the rate of $3,000 per annum	6,000
Secretary, at the rate of per annum	2,000
By the act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue:	
Four receivers' general, viz:-	
One at New York, salary	4,000
One at Boston	2 500
One at Charleston	2,500
One at St. Louis	2,500
Clerks not exceeding ten, whose aggregate compensation shall not exceed	8,000
By the act to continue the office of Commissioner of Pensions, and to transfer the pension business heretofore transacted in the Navy Department to that office:	
A commissioner of pensions at the annual salary of	2,500
The offices the salaries of which have been increased, with the amount of such increase:	
Treasurer of the branch mint at Philadelphia, for additional duties imposed by the act "to provide for the collection, safekeeping, transfer, and disbursement of the public money"	500
Treasurer of the branch mint at New Orleans, for additional duties imposed by the same act	1,600
	$35,100

Commissioner of Public Buildings to equal the Commissioner of Patents.

☞ This number completes the eighth volume of the CONGRESSIONAL GLOBE.

APPENDIX

TO THE CONGRESSIONAL GLOBE.

IN SENATE,

TUESDAY, December 24, 1839.

A message was received from the President of the United States, by A. VAN BUREN, esq. his private secretary.

PRESIDENT'S MESSAGE.

The annual message of the President to the two Houses of Congress was then read by the Secretary of the Senate, and was as follows:

Fellow-Citizens of the Senate and House of Representatives:

I regret that I cannot on this occasion congratulate you that the past year has been one of unalloyed prosperity. The ravages of fire and disease have painfully afflicted otherwise flourishing portions of our country; and serious embarrassments yet derange the trade of many of our cities. But, notwithstanding these adverse circumstances, that general prosperity which has been heretofore so bountifully bestowed upon us by the Author of all good, still continues to call for our warmest gratitude. Especially have we reason to rejoice in the exuberant harvests which have lavishly recompensed well directed industry, and given to it that sure reward which is vainly sought in visionary speculations. I cannot indeed view without peculiar satisfaction, the evidences afforded by the past season of the benefits that spring from the steady devotion of the husbandman to his honorable pursuit. No means of individual comfort is more certain, and no source of national prosperity is so sure. Nothing can compensate a people for a dependence upon others for the bread they eat; and that cheerful abundance on which the happiness of every one so much depends, is to be looked for nowhere with such sure reliance as in the industry of the agriculturist and the bounties of the earth.

With foreign countries, our relations exhibit the same favorable aspect which was presented in my last annual message, and afford continued proof of the wisdom of the pacific, just, and forbearing policy adopted by the first Administration of the Federal Government, and pursued by its successors. The extraordinary powers vested in me by an act of Congress, for the defence of the country in an emergency, considered so far probable as to require that the Executive should possess ample means to meet it, have not been exerted. They have, therefore, been attended with no other result than to increase, by the confidence thus reposed in me, my obligations to maintain, with religious exactness, the cardinal principles that govern our intercourse with other nations. Happily, in our pending quesuons with Great Britain, out of which this unusual grant of authority arose, nothing has occurred to require its exertion; and as it is about to return to the Legislature, I trust that no future necessity may call for its exercise by them, or its delegation to another department of the Government.

For the settlement of our Northeastern boundary, the proposition promised by Great Britain for a commission of exploration and survey, has been received, and a counter project, including also a provision for the certain and final adjustment of the limits in dispute, is now before the British Government for its consideration. A just regard to the delicate state of this question, and a proper respect for the natural impatience of the State of Maine, not less than a conviction that the negotiation has been already protracted longer than is prudent on the part of either Government, have led me to believe that the present favorable moment should on no account be suffered to pass without putting the question forever at rest. I feel confident that the Government of her Britannic Majesty will take the same view of this subject, as I am persuaded it is governed by desires equally strong and sincere for the amicable termination of the controversy.

To the intrinsic difficulties of questions of boundary lines, especially those described in regions unoccupied, and but partially known, is to be added in our country the embarrassment necessarily arising out of our Constitution, by which the General Government is made the organ of negotiating, and deciding upon the particular interests of the States on whose frontiers these lines are to be traced. To avoid another controversy in which a State Government might rightfully claim to have her wishes consulted, previously to the conclusion of conventional arrangements concerning her rights of jurisdiction or territory, I have thought it necessary to call the attention of the Government of Great Britain to another portion of our conterminous dominion, of which the division still remains to be adjusted. I refer to the line from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods, stipulations for the settlement of which are to be found in the seventh article of the treaty of Ghent. The commissioners appointed under that article by the two Governments having differed in their opinions, made separate reports, according to its stipulations, upon the points of disagreement, and these differences are now to be submitted to the arbitration of some friendly sovereign or State. The disputed points should be settled, and the line designated, before the Territorial Government, of which it is one of the boundaries, takes its place in the Union as a State; and I rely upon the cordial co-operation of the British Government to effect that object.

There is every reason to believe that disturbances like those which lately agitated the neighboring British Provinces will not again prove the sources of border contentions, or interpose obstacles to the continuance of that good understanding which it is the mutual interest of Great Britain and the United States to preserve and maintain.

Within the Provinces themselves tranquillity is restored, and on our frontier that misguided sympathy in favor of what was presumed to be a general effort in behalf of popular rights, and which in some instances misled a few of our more inexperienced citizens, has subsided into a rational conviction strongly opposed to all intermeddling with the internal affairs of our neighbors. The people of the United States feel, as it is hoped they always will, a warm solicitude for the success of all who are sincerely endeavoring to improve the political condition of mankind. This generous feeling they cherish towards the most distant nations; and it was natural, therefore, that it should be awakened with more than common warmth in behalf of their immediate neighbors. But it does not belong to their character, as a community, to seek the gratification of those feelings in acts which violate their duty as citizens, endanger the peace of their country, and tend to bring upon it the stain of a violated faith towards foreign nations. If, zealous to confer benefits on others, they appear for a moment to lose sight of the permanent obligations imposed upon them as citizens, they are seldom long misled. From all the information I receive, confirmed to some extent by personal observation, I am satisfied that no one can now hope to engage in such enterprises without encountering public indignation, in addition to the severest penalties of the law.

Recent information also leads me to hope that the emigrants from her Majesty's Provinces, who have sought refuge within our boundaries, are disposed to become peaceable residents, and to abstain from all attempts to endanger the peace of that country which has afforded them an asylum. On a review of the occurrences on both sides of the line, it is satisfactory to reflect, that in almost every complaint against our country, the offence may be traced to emigrants from the Provinces who have sought refuge here. In the few instances in which they were aided by citizens of the United States, the acts of these misguided men were not only in direct contravention of the laws and well known wishes of their own Government, but met with the decided disapprobation of the people of the United States.

I regret to state the appearance of a different spirit among her Majesty's subjects in the Canadas. The sentiments of hostility to our people and institutions, which have been so frequently expressed there, and the disregard of our rights which have been manifested on some occasions, have, I am sorry to say, been applauded and encouraged by the people, and even by some of the subordinate local authorities, of the Provinces. The chief officers in Canada fortunately have not entertained the same feeling, and have probably prevented excesses that must have been fatal to the peace of the two countries.

I look forward anxiously to a period when all the transactions which have grown out of this condition of our affairs, and which have been made the subjects of complaint and remonstrance by the two Governments respectively, shall be fully examined, and the proper satisfaction given where it is due from either side.

Nothing has occurred to disturb the harmony of our intercourse with Austria, Belgium, Denmark, France, Naples, Portugal, Prussia, Russia, or Sweden. The internal state of Spain has sensibly improved, and a well grounded hope exists that the return of peace will restore to the people of that country their former prosperity, and enable the Government to fulfil all its obligations at home and abroad. The Government of Portugal, I have the satisfaction to state, has paid in full the eleventh and last instalment due to our citizens for the claims embraced in the settlement made with it on the third of March, 1837.

I lay before you treaties of commerce negotiated with the Kings of Sardinia and of the Netherlands, the ratifications of which have been exchanged since the adjournment of Congress. The liberal principles of these treaties will recommend them to your approbation. That with Sardinia is the first treaty of commerce formed by that kingdom, and it will, I trust, answer the expectations of the present sovereign, by aiding the development of the resources of his country, and stimulating the enterprise of his people. That with the Netherlands happily terminates a long existing subject of dispute, and removes from our future commercial intercourse all apprehension of embarrassment. The King of the Netherlands has also, in further illustration of his character for justice, and of his desire to remove every cause of dissatisfaction, made compensation for an American vessel captured in 1800 by a French privateer, and carried into Curaçoa, where the proceeds were appropriated to the use of the colony, then, and for a short time after, under the dominion of Holland.

The death of the late Sultan has produced no alteration in our relations with Turkey. Our newly appointed Minister Resident has reached Constantinople, and I have received assurances from the present Ruler that the obligations of our treaty, and those of friendship, will be fulfilled by himself in the same spirit that actuated his illustrious father.

I regret to be obliged to inform you that no convention for the settlement of the claims of our citizens upon Mexico has yet been ratified by the Government of that country. The first convention formed for that purpose was not presented by the President of Mexico for the approbation of its Congress, from a belief that the King of Prussia, the arbitrator in case of disagreement in the joint commission to be appointed by the United States and Mexico, would not consent to take upon himself that friendly office. Although not entirely satisfied with the course pursued by Mexico, I

felt no hesitation in receiving in the most conciliatory spirit the explanation offered, and also cheerfully consented to a new convention, in order to arrange the payments proposed to be made to our citizens, in a manner which, while equally just to them, was deemed less onerous and inconvenient to the Mexican Government. Relying confidently upon the intentions of that Government, Mr. Ellis was directed to repair to Mexico, and diplomatic intercourse has been resumed between the two countries. The new convention has, he informs us, been recently submitted by the President of that Republic to its Congress, under circumstances which promise a speedy ratification; a result which I cannot allow myself to doubt.

Instructions have been given to the Commissioner of the United States under our Convention with Texas, for the demarcation of the line which separates us from that Republic. The commissioners of both Governments met in New Orleans in August last. The joint commission was organized, and adjourned to convene at the same place on the twelfth of October. It is presumed to be now in the performance of its duties.

The new Government of Texas has shown its desire to cultivate friendly relations with us, by a prompt reparation for injuries complained of in the cases of two vessels of the United States.

With Central America a convention has been concluded for the renewal of its former treaty with he United States. This was not ratified before the departure of our late Chargé d'Affaires from that country, and the copy of it brought by him was not received before the adjournment of the Senate at the last session. In the mean while, the period limited for the exchange of ratifications having expired, I deemed it expedient, in consequence of the death of the Chargé d'Affaires, to send a special agent to Central America, to close the affairs of our mission there, and to arrange with the Government an extension of the time for the exchange of ratifications.

The commission created by the States which formerly composed the Republic of Colombia, for adjusting the claims against that Government, has, by a very unexpected construction of the treaty under which it acts, decided that no provision was made for those claims of citizens of the United States which arose from captures by Colombian privateers, and were adjudged against the claimants in the judicial tribunals. This decision will compel the United States to apply to the several Governments formerly united for redress. With all these—New Granada, Venezuela, and Ecuador, a perfectly good understanding exists. Our treaty with Venezuela is faithfully carried into execution, and that country, in the enjoyment of tranquillity, is gradually advancing in prosperity under the guidance of its present distinguished President, General Paez. With Ecuador, a liberal commercial convention has lately been concluded, which will be transmitted to the Senate at an early day.

With the great American Empire of Brazil our relations continue unchanged, as does our friendly intercourse with the other Governments of South America—the Argentine Republic, and the Republics of Uruguay, Chili, Peru and Bolivia. The dissolution of the Peru-Bolivian Confederation may occasion some temporary inconvenience to our citizens in that quarter, but the obligations on the new Governments which have arisen out of that Confederation to observe its treaty stipulations, will no doubt be soon understood, and it is presumed that no indisposition will exist to fulfil those which it contracted with the United States.

The financial operations of the Government during the present year have, I am happy to say, been very successful. The difficulties under which the Treasury Department has labored from known defects in the existing laws relative to the safe keeping of the public moneys, aggravated by the suspension of specie payments by several of the banks holding public deposites, or indebted to public officers for notes received in payment of public dues, have been surmounted to a very gratifying extent. The large current expenditures have been punctually met, and the faith of the Government in all its pecuniary concerns has been scrupulously maintained.

The nineteen millions of Treasury notes authorized by the act of Congress of 1837, and the modifications thereof, with a view to the indulgence of merchants on their duty bonds, and of the deposite banks in the payment of public moneys held by them, have been so punctually redeemed as to leave less than the original ten millions outstanding at any one time, and the whole amount unredeemed now falls short of three millions. Of these the chief portion is not due till next year, and the whole would have been already extinguished could the Treasury have realized the payments due to it from the banks. If those due from them during the next year shall be punctually made, and if Congress shall keep the appropriations within the estimates, there is every reason to believe that all the outstanding Treasury notes can be redeemed, and the ordinary expenses defrayed, without imposing on the people any additional burden, either of loans or increased taxes.

To avoid this, and to keep the expenditures within reasonable bounds, is a duty, second only in importance to the preservation of our national character, and the protection of our citizens in their civil and political rights. The creation, in time of peace, of a debt likely to become permanent, is an evil for which there is no equivalent. The rapidity with which many of the States are apparently approaching to this condition, admonishes us of our own duties, in a manner too impressive to be disregarded. One, not the least important, is to keep the Federal Government always in a condition to discharge, with ease and vigor, its highest functions, should their exercise be required by any sudden conjuncture of public affairs—a condition to which we are always exposed, and which may occur when it is least expected. To this end, it is indispensable that its finances should be untrammelled, and its resources, as far as practicable, unincumbered. No circumstance could present greater obstacles to the accomplishment of these vitally important objects, than the creation of an onerous national debt. Our own experience, and also that of other nations, have demonstrated the unavoidable and fearful rapidity with which a public debt is increased, when the Government has once surrendered itself to the ruinous practice of supplying its supposed necessities by new loans. The struggle, therefore, on our part, to be successful, must be made at the threshold. To make our efforts effective, severe economy is necessary. This is the surest provision for the national welfare; and it is, at the same time, the best preservative of the principles on which our institutions rest. Simplicity and economy in the affairs of State have never failed to chasten and invigorate Republican principles, while these have been as surely subverted by national prodigality, under whatever specious pretexts it may have been introduced or fostered.

These considerations cannot be lost upon a people who have never been inattentive to the effect of their policy upon the institutions they have created for themselves; but at the present moment their force is augmented by the necessity which a decreasing revenue must impose. The check lately given to importations of articles subject to duties, the derangements in the operations of internal trade, and especially the reduction gradually taking place in our tariff of duties, all tend materially to lessen our receipts; indeed it is probable that the diminution resulting from the last cause alone, will not fall short of five millions of dollars in the year 1842, as the final reduction of all duties to twenty per cent. then takes effect. The whole revenue then accruing from the customs, and from the sales of public lands, if not more, will undoubtedly be wanted to defray the necessary expenses of the Government under the most prudent administration of its affairs. These are circumstances that impose the necessity of rigid economy, and require its prompt and constant exercise. With the Legislature rest the power and duty of so adjusting the public expenditure as to promote this end. By the provisions of the Constitution, it is only in consequence of appropriations made by law, that money can be drawn from the Treasury; no instance has occurred since the establishment of the Government in which the Executive, though a component part of the Legislative power, has interposed an objection to an appropriation bill on the sole ground of its extravagance. His duty in this respect has been considered fulfilled by requesting such appropriations only as the public service may be reasonably expected to require. In the present earnest direction of the public mind towards this subject, both the Executive and the Legislature have evidence of the strict responsibility to which they will be held; and while I am conscious of my own anxious efforts to perform with fidelity this portion of my public functions, it is a satisfaction to me to be able to count on a cordial co-operation from you.

At the time I entered upon my present duties, our ordinary disbursements—without including those on account of the public debt, the post office, and the trust funds in charge of the Government—had been largely increased by appropriations for the removal of the Indians, for repelling Indian hostilities, and for other less urgent expenses which grew out of an overflowing Treasury. Independent of the redemption of the public debt and trusts, the gross expenditures of seventeen and eighteen millions in 1834 and 1835 had, by these causes, swelled to twenty-nine millions in 1836; and the appropriations for 1837, made previously to the fourth of March, caused the expenditure to rise to the very large amount of thirty-three millions. We were enabled during the year 1838, notwithstanding the continuance of our Indian embarrassments, somewhat to reduce this amount; and that for the present year, 1839, will not in all probability exceed twenty-six millions—or six millions less than it was last year. With a determination so far as depends on me to continue this reduction, I have directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service. They will be found less than the expenditures of 1839 by over five millions of dollars.

The precautionary measures which will be recommended by the Secretary of the Treasury, to protect faithfully the public credit under the fluctuations and contingencies to which our receipts and expenditures are exposed, and especially in a commercial crisis like the present, are commended to your early attention.

On a former occasion your attention was invited to various considerations in support of a pre-emption law in behalf of the settlers on the public lands; and also of a law graduating the prices for such lands as had long been in the market unsold, in consequence of their inferior quality. The execution of the act which was passed on the first subject has been attended with the happiest consequences, in quieting titles, and securing improvements to the industrious; and it has also, to a very gratifying extent, been exempt from the frauds which were practised under previous pre-emption laws. It has, at the same time, as was anticipated, contributed liberally during the present year to the receipts of the Treasury.

The passage of a graduation law, with the guards before recommended, would also, I am persuaded, add considerably to the revenue for several years, and prove in other respects just and beneficial.

Your early consideration of the subject is, therefore, once more earnestly requested.

The present condition of the defences of our principal seaports and navy yards, as represented by the accompanying report of the Secretary of War, calls for the early and serious attention of Congress; and, as connecting itself intimately with this subject, I cannot recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States.

In conformity with the expressed wishes of Congress, an attempt was made in the spring to terminate the Florida war by negotiation. It is to be regretted that these humane intentions should have been frustrated, and that the effort to bring these unhappy difficulties to a satisfactory conclusion should have failed. But, after entering into solemn engagements with the Commanding General, the Indians, without any provocation, recommenced their acts of treachery and murder. The renewal of hostilities in that Territory renders it necessary that I should recommend to your favorable consi-

deration the plan which will be submitted to you by the Secretary of War, in order to enable that department to conduct them to a successful issue.

Having had an opportunity of personally inspecting a portion of the troops during the last summer, it gives me pleasure to bear testimony to the success of the effort to improve their discipline, by keeping them together in as large bodies as the nature of our service will permit. I recommend, therefore, that commodious and permanent barracks be constructed at the several posts designated by the Secretary of War. Notwithstanding the high state of their discipline and excellent police, the evils resulting to the service from the deficiency of company officers, were very apparent, and I recommend that the staff officers be permanently separated from the line.

The navy has been usefully and honorably employed in protecting the rights and property of our citizens, wherever the condition of affairs seemed to require its presence. With the exception of one instance, where an outrage, accompanied by murder, was committed on a vessel of the United States while engaged in a lawful commerce, nothing is known to have occurred to impede or molest the enterprise of our citizens on that element where it is so signally displayed. On learning this daring act of piracy, Commodore Reed proceeded immediately to the spot, and receiving no satisfaction, either in the surrender of the murderers or the restoration of the plundered property, inflicted severe and merited chastisement on the barbarians.

It will be seen by the report of the Secretary of the Navy respecting the disposition of our ships of war, that it has been deemed necessary to station a competent force on the coast of Africa, to prevent a fraudulent use of our flag by foreigners.

Recent experience has shown that the provisions in our existing laws which relate to the sale and transfer of American vessels while abroad, are extremely defective. Advantage has been taken of these defects to give to vessels wholly belonging to foreigners, and navigating the ocean, an apparent American ownership. This character has been so well simulated as to afford them comparative security in prosecuting the slave trade, a traffic emphatically denounced in our statutes, regarded with abhorrence by our citizens, and of which the effectual suppression is nowhere more sincerely desired than in the United States. These circumstances make it proper to recommend to your early attention a careful revision of these laws, so that, without impeding the freedom and facilities of our navigation, or impairing an important branch of our industry connected with it, the integrity and honor of our flag may be carefully preserved. Information derived from our Consul at Havana, showing the necessity of this, was communicated to a committee of the Senate near the close of the last session, but too late, as it appeared, to be acted upon. It will be brought to your notice by the proper department, with additional communications from other sources.

The latest accounts from the Exploring Expedition represent it as proceeding successfully in its objects, and promising results no less useful to trade and navigation than to science.

The extent of post roads covered by mail service on the first of July last, was about 133,999 miles, and the rate of annual transportation upon them 34,496,878 miles. The number of post offices on that day was twelve thousand seven hundred and eighty, and on the thirtieth ultimo, thirteen thousand and twenty-eight.

The revenue of the Post Office Department for the year ending with the 30th of June last, was four million four hundred and seventy-six thousand six hundred and thirty-eight dollars—exhibiting an increase over the preceding year of two hundred and forty-one thousand five hundred and sixty dollars. The engagements and liabilities of the Department for the same period are four million six hundred and twenty-four thousand one hundred and seventeen dollars.

The excess of liabilities over the revenue for the last two years has been met out of the surplus which had previously accumulated. The cash on hand on the thirtieth ultimo, was about $206,701 95, and the current income of the Department varies very little from the rate of current expenditures. Most of the service suspended last year has been restored, and most of the new routes established by the act of 7th July, 1838, have been set in operation at an annual cost of $136,963. Notwithstanding the pecuniary difficulties of the country, the revenue of the Department appears to be increasing; and unless it shall be seriously checked by the recent suspension of payment by so many of the banks, it will be able not only to maintain the present mail service, but in a short time to extend it. It is gratifying to witness the promptitude and fidelity with which the agents of this Department in general perform their public duties.

Some difficulties have arisen in relation to contracts for the transportation of the mails by railroad and steamboat companies. It appears that the maximum of compensation provided by Congress for the transportation of the mails upon railroads is not sufficient to induce some of the companies to convey them at such hours as are required for the accommodation of the public. It is one of the most important duties of the General Government to provide and maintain for the use of the people of the States the best practicable mail establishment. To arrive at that end it is indispensable that the Post Office Department shall be enabled to control the hours at which the mails shall be carried over railroads, as it now does over all other roads. Should serious inconveniences arise from the inadequacy of the compensation now provided by law, or from unreasonable demands by any of the railroad companies, the subject is of such general importance as to require the prompt attention of Congress.

In relation to steamboat lines, the most efficient remedy is obvious, and has been suggested by the Postmaster General. The War and Navy Departments already employ steamboats in their service, and although it is by no means desirable that the Government should undertake the transportation of passengers or freight as a business, there can be no reasonable objection to running boats, temporarily, whenever it may be necessary to put down attempts at extortion, to be discontinued as soon as reasonable contracts can be obtained.

The suggestions of the Postmaster General relative to the inadequacy of the legal allowance to witnesses in cases of prosecutions for mail depredations, merit your serious consideration. The safety of the mails requires that such prosecutions shall be efficient, and justice to the citizen whose time is required to be given to the public, demands not only that his expenses shall be paid, but that he shall receive a reasonable compensation.

The Reports from the War, Navy and Post Office Departments will accompany this communication, and one from the Treasury Department will be presented to Congress in a few days.

For various details in respect to the matters in charge of these departments, I would refer you to those important documents, satisfied that you will find in them many valuable suggestions, which will be found well deserving the attention of the Legislature.

From a report made in December of last year by the Secretary of State, to the Senate, showing the trial docket of each of the Circuit Courts, and the number of miles each judge has to travel in the performance of his duties, a great inequality appears in the amount of labor assigned to each judge. The number of terms to be held in each of the courts composing the ninth circuit, the distances between the places at which they sit, and from thence to the seat of Government, are represented to be such as to render it impossible for the judge of that circuit to perform, in a manner corresponding with the public exigencies, his term and circuit duties. A revision, therefore, of the present arrangement of the circuits seems to be called for, and is recommended to your notice.

I think it proper to call your attention to the power assumed by Territorial Legislatures to authorize the issue of bonds by corporate companies on the guarantee of the Territory. Congress passed a law in 1836, providing that no act of a Territorial Legislature incorporating banks should have the force of law until approved by Congress, but acts of a very exceptionable character previously passed by the Legislature of Florida, were suffered to remain in force, by virtue of which bonds may be issued to a very large amount by those institutions, upon the faith of the Territory. A resolution intending to be a joint one passed the Senate at the same session, expressing the sense of Congress that the laws in question ought not to be permitted to remain in force unless amended in many material respects, but it failed in the House of Representatives for want of time, and the desired amendments have not been made. The interests involved are of great importance, and the subject deserves your early and careful attention.

The continued agitation of the question relative to the best mode of keeping and disbursing the public money, still injuriously affects the business of the country. The suspension of specie payments in 1837, rendered the use of deposite banks, as prescribed by the act of 1836, a source rather of embarrassment than aid, and of necessity placed the custody of most of the public money afterwards collected in charge of the public officers. The new securities for its safety, which this required, were a principal cause of my convening an extra session of Congress; but in consequence of a disagreement between the two Houses, neither then, nor at any subsequent period, has there been any legislation on the subject. The effort made at the last session to obtain the authority of Congress to punish the use of public money for private purposes as a crime, a measure attended under other Governments with signal advantage, was also unsuccessful, from diversities of opinion in that body, notwithstanding the anxiety doubtless felt by it to afford every practicable security. The result of this is still to leave the custody of the public money without those safeguards which have been for several years earnestly desired by the Executive; and as the remedy is only to be found in the action of the Legislature, it imposes on me the duty of again submitting to you the propriety of passing a law, providing for the safe keeping of the public moneys, and especially to ask that its use for private purposes by any officers entrusted with it, may be declared to be a felony, punishable with penalties proportioned to the magnitude of the offence.

These circumstances, added to known defects in the existing laws, and unusual derangement in the general operations of trade, have, during the last three years, much increased the difficulties attendant on the collection, keeping, and disbursement of the revenue, and called forth corresponding exertions from those having them in charge. Happily these have been successful beyond expectation. Vast sums have been collected and disbursed by the several Departments with unexpected cheapness and ease; transfers have been readily made to every part of the Union, however distant; and defalcations have been far less than might have been anticipated, from the absence of adequate legal restraints. Since the officers of the Treasury and Post Office Departments were charged with the custody of most of the public moneys received by them, there have been collected sixty-six millions of dollars, and, excluding the case of the late collector at New York, the aggregate amount of losses sustained in the collection cannot, it is believed, exceed sixty thousand dollars. The defalcation of the late collector at that city, of the extent and circumstances of which Congress has been fully informed, ran through all the modes of keeping the public money that have been hitherto in use, and was distinguished by an aggravated disregard of duty, that broke through the restraints of every system, and cannot, therefore, be usefully referred to as a test of the comparative safety of either. Additional information will also be furnished by the report of the Secretary of the Treasury, in reply to a call made upon that officer by the House of Representatives at the last session, requiring detailed information on the subject of defaults by public officers or agents under each Administration, from 1789 to 1837. This document will be submitted to you in a few days. The general results, (independent of the Post Office, which is kept separately, and will be stated by itself,) so far as they bear

upon this subject, are, that the losses which have been, and are likely to be, sustained, by any class of agents, have been—the greatest by banks, including, as required in the resolution, their depreciated paper received for public dues; that the next largest have been by disbursing officers, and the least by collectors and receivers. If the losses on duty bonds are included, they alone will be threefold those by both collectors and receivers. Our whole experience, therefore, furnishes the strongest evidence that the desired legislation of Congress is alone wanting to insure in those operations the highest degree of security and facility. Such also appears to have been the experience of other nations. From the results of inquiries made by the Secretary of the Treasury in regard to the practice among them, I am enabled to state that in twenty-two out of twenty-seven foreign Governments, from which undoubted information has been obtained, the public moneys are kept in charge of public officers. This concurrence of opinion in favor of that system is perhaps as great as exists on any question of internal administration.

In the modes of business and official restraints on disbursing officers, no legal change was produced by the suspension of specie payments. The report last referred to will be found to contain also much useful information in relation to this subject.

I have heretofore assigned to Congress my reasons for believing that the establishment of an Independent National Treasury, as contemplated by the Constitution, is necessary to the safe action of the Federal Government. The suspension of specie payments in 1837, by the banks having the custody of the public money, showed in so alarming a degree our dependence on those institutions for the performance of duties required by law, that I then recommended the entire dissolution of that connection. This recommendation has been subjected, as I desired it should be, to severe scrutiny and animated discussion; and I allow myself to believe that, notwithstanding the natural diversities of opinion which may be anticipated on all subjects involving such important considerations, it has secured in its favor as general a concurrence of public sentiment as could be expected on one of such magnitude.

Recent events have also continued to develope new objections to such a connection. Seldom is any bank, under the existing system and practice, able to meet, on demand, all its liabilities for deposites and notes in circulation. It maintains specie payments, and transacts a profitable business, only by the confidence of the public in its solvency; and whenever this is destroyed, the demands of its depositors and noteholders—pressed more rapidly than it can make collections from its debtors—force it to stop payment. This loss of confidence with its consequences occurred in 1837, and afforded the apology of the banks for their suspension. The public then acquiesced in the validity of the excuse; and, while the State Legislatures did not exact from them their forfeited charters, Congress, in accordance with the recommendation of the Executive, allowed them time to pay over the public money they held, although compelled to issue Treasury notes to supply the deficiency thus created.

It now appears that there are other motives than a want of public confidence under which the banks seek to justify themselves in a refusal to meet their obligations. Scarcely were the country and Government relieved, in a degree, from the difficulties occasioned by the general suspension of 1837, when a partial one, occurring within thirty months of the former, produced new and serious embarrassments, though it had no palliation in such circumstances as were alleged in justification of that which had previously taken place. There was nothing in the condition of the country to endanger a well managed banking institution; commerce was deranged by no foreign war; every branch of manufacturing industry was crowned with rich rewards; and the more than usual abundance of our harvests, after supplying our domestic wants, had left our granaries and storehouses filled with a surplus for exportation. It is in the midst of this, that an irredeemable and depreciated paper currency is entailed upon the people by a large portion of the banks. They are not driven to it by the exhibition of a loss of public confidence, or of a sudden pressure from their depositors or note-holders, but they excuse themselves by alleging that the current of business, and exchange with foreign countries, which draws the precious metals from their vaults, would require, in order to meet it, a larger curtailment of their loans to a comparatively small portion of the community, than it will be convenient for them to bear, or perhaps safe for the banks to exact. The plea has ceased to be one of necessity. Convenience and policy are now deemed sufficient to warrant these institutions in disregarding their solemn obligations. Such conduct is not merely an injury to individual creditors, but it is a wrong to the whole community, from whose liberality they hold most valuable privileges—whose rights they violate, whose business they derange, and the value of whose property they render unstable and insecure. It must be evident that this new ground for bank suspensions, in reference to which their action is not only disconnected with, but wholly independent of, that of the public, gives a character to their suspensions more alarming than any which they exhibited before, and greatly increases the impropriety of relying on the banks in the transactions of the Government.

A large and highly respectable portion of our banking institutions are, it affords me unfeigned pleasure to state, exempted from all blame on account of this second delinquency. They have, to their great credit, not only continued to meet their engagements, but have even repudiated the grounds of suspension now resorted to. It is only by such a course that the confidence and good will of the community can be preserved, and, in the sequel, the best interests of the institutions themselves promoted.

New dangers to the banks are also daily disclosed from the extension of that system of extravagant credit of which they are the pillars. Formerly our foreign commerce was principally founded on an exchange of commodities, including the precious metals, and leaving in its transactions but little foreign debt. Such is not now the case. Aided by the facilities afforded by the banks, mere credit has become too commonly the basis of trade. Many of the banks themselves, not content with largely stimulating this system among others, have usurped the business, while they impair the stability, of the mercantile community: they have become borrowers instead of lenders; they establish their agencies abroad; they deal largely in stocks and merchandise; they encourage the issue of State securities until the foreign market is glutted with them; and, unsatisfied with the legitimate use of their own capital and the exercise of their lawful privileges, they raise, by large loans, additional means for every variety of speculation. The disasters attendant on this deviation from the former course of business in this country, are now shared alike by banks and individuals, to an extent of which there is perhaps no previous example in the annals of our country. So long as a willingness of the foreign lender, and a sufficient export of our productions to meet any necessary partial payments, leave the flow of credit undisturbed, all appears to be prosperous; but as soon as it is checked by any hesitation abroad, or by an inability to make payment there in our productions, the evils of the system are disclosed. The paper currency which might serve for domestic purposes, is useless to pay the debt due in Europe. Gold and silver are therefore drawn, in exchange for their notes, from the banks. To keep up their supply of coin, these institutions are obliged to call upon their own debtors, who pay them principally in their own notes, which are as unavailable to them as they are to the merchants to meet the foreign demand. The calls of the banks, therefore, in such emergencies, of necessity, exceed that demand, and produce a corresponding curtailment of their accommodations and of the currency, at the very moment when the state of trade renders it most inconvenient to be borne. The intensity of this pressure on the community is in proportion to the previous liberality of credit and consequent expansion of the currency; forced sales of property are made at the time when the means of purchasing are most reduced, and the worst calamities to individuals are only at last arrested, by an open violation of their obligations by the banks, a refusal to pay specie for their notes, and an imposition upon the community of a fluctuating and depreciated currency.

These consequences are inherent in the present system. They are not influenced by the banks being large or small, created by National or State Governments. They are the results of the irresistible laws of trade and credit. In the recent events which have so strikingly illustrated the certain effects of these laws, we have seen the bank of the largest capital in the Union, established under a National charter, and lately strengthened, as we were authoritatively informed, by exchanging that for a State charter, with new and unusual privileges—in a condition too, as it was said, of entire soundness and great prosperity—not merely unable to resist these effects, but the first to yield to them.

Nor is it to be overlooked that there exists a chain of necessary dependence among these institutions which obliges them, to a great extent, to follow the course of others, notwithstanding its injustice to their own immediate creditors, or injury to the particular community in which they are placed. This dependence of a bank, which is in proportion to the extent of its debts for circulation and deposites, is not merely on others in its own vicinity, but on all those which connect it with the centre of trade. Distant banks may fail, without seriously affecting those in our principal commercial cities; but the failure of the latter is felt at the extremities of the Union. The suspension at New York, in 1837, was every where, with very few exceptions, followed, as soon as it was known; that recently at Philadelphia immediately affected the banks of the South and West in a similar manner. This dependence of our whole banking system on the institutions in a few large cities, is not found in the laws of their organization, but in those of trade and exchange. The banks at that centre to which currency flows, and where it is required in payments for merchandise, hold the power of controlling those in regions whence it comes, while the latter possess no means of restraining them; so that the value of individual property, and the prosperity of trade, through the whole interior of the country, are made to depend on the good or bad management of the banking institutions in the great seats of trade on the seaboard.

But this chain of dependence does not stop here. It does not terminate at Philadelphia or New York. It reaches across the ocean, and ends in London, the centre of the credit system. The same laws of trade, which give to the banks in our principal cities power over the whole banking system of the United States, subject the former, in their turn, to the money power in Great Britain. It is not denied that the suspension of the New York banks in 1837, which was followed in quick succession throughout the Union, was produced by an application of that power; and it is now alleged, in extenuation of the present condition of so large a portion of our banks, that their embarrassments have arisen from the same cause.

From this influence they cannot now entirely escape, for it has its origin in the credit currencies of the two countries; it is strengthened by the current of trade and exchange, which centres in London, and is rendered almost irresistible by the large debts contracted there by our merchants, our banks, and our States. It is thus that an introduction of a new bank into the most distant of our villages, places the business of that village within the influence of the money power in England. It is thus that every new debt which we contract in that country, seriously affects our own currency, and extends over the pursuits of our citizens its powerful influence. We cannot escape from this by making new banks, great or small, State or National. The same chains which bind those now existing to the centre of this system of paper credit, must equally fetter every similar institution we create. It is only by the extent to which this system has been pushed of late, that we have been made fully aware of its irresistible tendency to subject our own banks and cur-

rency to a vast controlling power in a foreign land; and it adds a new argument to those which illustrate their precarious situation. Endangered in the first place by their own mismanagement, and again by the conduct of every institution which connects them with the centre of trade in our own country, they are yet subjected, beyond all this, to the effect of whatever measures policy, necessity, or caprice, may induce those who control the credits of England to resort to. I mean not to comment upon these measures present or past, and much less to discourage the prosecution of fair commercial dealing between the two countries, based on reciprocal benefits; but it having now been made manifest that the power of inflicting these and similar injuries, is, by the resistless law of a credit currency and credit trade, equally capable of extending their consequences through all the ramifications of our banking system, and by that means indirectly obtaining, particularly when our banks are used as depositories of the public moneys, a dangerous political influence in the United States, I have deemed it my duty to bring the subject to your notice, and ask for it your serious consideration.

Is an argument required beyond the exposition of these facts, to show the impropriety of using our banking institutions as depositories of the public money? Can we venture not only to encounter the risk of their individual and mutual mismanagement, but, at the same time, to place our foreign and domestic policy entirely under the control of a foreign moneyed interest? To do so is to impair the independence of our Government, as the present credit system has already impaired the independence of our banks. It is to submit all its important operations, whether of peace or war, to be controlled or thwarted at first by our own banks, and then by a power abroad greater than themselves. I cannot bring myself to depict the humiliation to which this Government and people might be sooner or later reduced, if the means for defending their rights are to be made dependent upon those who may have the most powerful of motives to impair them.

Nor is it only in reference to the effect of this state of things on the independence of our Government or of our banks, that the subject presents itself for consideration; it is to be viewed also in its relations to the general trade of our country. The time is not long past when a deficiency of foreign crops was thought to afford a profitable market for the surplus of our industry; but now we await with feverish anxiety the news of the English harvest, not so much from motives of commendable sympathy, but fearful lest its anticipated failure should narrow the field of credit there. Does not this speak volumes to the patriot? Can a system be beneficent, wise, or just, which creates greater anxiety for interests dependent on foreign credit, than for the general prosperity of our own country, and the profitable exportation of the surplus produce of our labor?

The circumstances to which I have thus adverted appear to me to afford weighty reasons, developed by late events, to be added to those which I have on former occasions offered, when submitting to your better knowledge and discernment the propriety of separating the custody of the public money from banking institutions. Nor has any thing occurred to lessen, in my opinion, the force of what has been heretofore urged. The only ground on which that custody can be desired by the banks, is the profitable use which they may make of the money. Such use would be regarded in individuals as a breach of trust, or a crime of great magnitude, and yet it may be reasonably doubted whether, first and last, it is not attended with more mischievous consequences, when permitted to the former than to the latter. The practice of permitting the public money to be used by its keepers as here, is believed to be peculiar to this country, and to exist scarcely any where else. To procure it here, improper influences are appealed to; unwise connections are established between the Government and vast numbers of powerful State institutions; other motives than the public good are brought to bear both on the Executive and Legislative departments, and selfish combinations, leading to special legislation, are formed. It is made the interest of banking institutions and their stockholders throughout the Union to use their exertions for the increase of taxation and the accumulation of a surplus revenue; and, while an excuse is afforded, the means are furnished for those excessive issues which lead to extravagant trading and speculation, and are the forerunners of a vast debt abroad, and a suspension of the banks at home.

Impressed, therefore, as I am, with the propriety of the funds of the Government being withdrawn from the private use of either banks or individuals, and the public money kept by duly appointed public agents; and believing, as I do, that such also is the judgment which discussion, reflection and experience have produced on the public mind, I leave the subject with you. It is, at all events, essential to the interests of the community and the business of the Government, that a decision should be made.

Most of the arguments that dissuade us from employing banks, in the custody and disbursement of the public money, apply with equal force to the receipt of their notes for public dues. The difference is only in form. In one instance, the Government is a creditor for its deposites, and in the other for the notes it holds. They afford the same opportunity for using the public moneys, and equally lead to all the evils attendant upon it, since a bank can as safely extend its discounts on a deposite of its notes in the hands of a public officer, as on one made in its own vaults. On the other hand, it would give to the Government no greater security, for, in case of failure, the claim of the noteholder would be no better than that of a depositor.

I am aware that the danger of inconvenience to the public, and unreasonable pressure upon sound banks, have been urged as objections to requiring the payment of the revenue in gold and silver. These objections have been greatly exaggerated. From the best estimates we may safely fix the amount of specie in the country at eighty-five millions of dollars, and the portion of that which would be employed at any one time in the receipts and disbursements of the Government, even if the proposed change were made at once, would not, it is now, after fuller investigation, believed, exceed four or five millions. If the change were gradual, several years would elapse before that sum would be required, with annual opportunities in the mean time to alter the law, should experience prove it to be oppressive or inconvenient. The portions of the community on whose business the change would immediately operate, are comparatively small, nor is it believed that its effect would be in the least unjust or injurious to them.

In the payment of duties, which constitute by far the greater portion of the revenue, a very large proportion is derived from foreign commission houses and agents of foreign manufacturers, who sell the goods consigned to them, generally, at auction, and after paying the duties out of the avails, remit the rest abroad in specie or its equivalent. That the amount of duties should, in such cases, be also retained in specie, can hardly be made a matter of complaint. Our own importing merchants, by whom the residue of the duties is paid, are not only peculiarly interested in maintaining a sound currency, which the measure in question will especially promote, but are, from the nature of their dealings, best able to know when specie will be needed, and to procure it with the least difficulty or sacrifice. Residing, too, almost universally in places where the revenue is received, and where the drafts used by the Government for its disbursements must concentrate, they have every opportunity to obtain and use them in place of specie, should it be for their interest or convenience. Of the number of these drafts, and the facilities they may afford, as well as of the rapidity with which the public funds are drawn and disbursed, an idea may be formed from the fact that, of nearly twenty millions of dollars paid to collectors and receivers during the present year, the average amount in their hands at any one time has not exceeded a million and a half; and of the fifteen millions received by the collector of New York alone during the present year, the average amount held by him, subject to draft during each week, has been less than half a million.

The ease and safety of the operations of the Treasury in keeping the public money, are promoted by the application of its own drafts to the public dues. The objection arising from having them too long outstanding, might be obviated, and they yet made to afford to merchants and banks holding them an equivalent for specie, and in that way greatly lessen the amount actually required. Still less inconvenience will attend the requirement of specie in purchases of public lands. Such purchases, except when made on speculation, are, in general, but single transactions, rarely repeated by the same person; and it is a fact, that for the last year and a half, during which the notes of sound banks have been received, more than a moiety of these payments has been voluntarily made in specie, being a larger proportion than would have been required in three years under the graduation proposed.

It is moreover a principle than which none is better settled by experience, that the supply of the precious metals will always be found adequate to the uses for which they are required. They abound in countries where no other currency is allowed. In our own States, where small notes are excluded, gold and silver supply their place. When driven to their hiding places by bank suspensions, a little firmness in the community soon restores them in a sufficient quantity for ordinary purposes. Postage and other public dues have been collected in coin, without serious inconvenience, even in States where a depreciated paper currency has existed for years, and this, with the aid of Treasury notes for a part of the time, was done without interruption during the suspension of 1837. At the present moment, the receipts and disbursements of the Government are made in legal currency in the largest portion of the Union—no one suggests a departure from this rule; and if it can now be successfully carried out, it will be surely attended with even less difficulty when bank notes are again redeemed in specie.

Indeed I cannot think that a serious objection would any where be raised to the receipt and payment of gold and silver in all public transactions, were it not from an apprehension that a surplus in the Treasury might withdraw a large portion of it from circulation, and lock it up unprofitably in the public vaults. It would not, in my opinion, be difficult to prevent such an inconvenience from occurring; but the authentic statements which I have already submitted to you in regard to the actual amount in the public Treasury at any one time during the period embraced in them, and the little probability of a different state of the Treasury for at least some years to come, seem to render it unnecessary to dwell upon it. Congress, moreover, as I have before observed, will in every year have an opportunity to guard against it, should the occurrence of any circumstances lead us to apprehend injury from this source. Viewing the subject in all its aspects, I cannot believe that any period will be more auspicious than the present for the adoption of all measures necessary to maintain the sanctity of our own engagements, and to aid in securing to the community that abundant supply of the precious metals which adds so much to their prosperity, and gives such increased stability to all their dealings.

In a country so commercial as ours, banks in some form will probably always exist; but this serves only to render it the more incumbent on us, notwithstanding the discouragements of the past, to strive in our respective stations to mitigate the evils they produce: to take from them as rapidly as the obligations of public faith and a careful consideration of the immediate interests of the community will permit, the unjust character of monopolies: to check so far as may be practicable by prudent legislation, those temptation of interest and those opportunities for their dangerous indulgence, which beset them on every side, and to confine them strictly to the performance of their paramount duty, that of aiding the operations of commerce, rather than consulting their own exclusive advantage. These and other salutary reforms may, it is believed, be accomplished with-

out the violation of any of the great principles of the social compact, the observance of which is indispensable to its existence, or interfering in any way with the useful and profitable employment of real capital.

Institutions so framed have existed and still exist elsewhere, giving to commercial intercourse all necessary facilities, without inflating or depreciating the currency, or stimulating speculation. Thus accomplishing their legitimate ends, they have gained the surest guarantee for their protection and encouragement in the good will of the community. Among a people so just as ours the same results could not fail to attend a similar course. The direct supervision of the banks belongs, from the nature of our Government, to the States who authorize them. It is to their Legislatures that the people must mainly look for action on that subject. But as the conduct of the Federal Government in the management of its revenue has also a powerful though less immediate influence upon them, it becomes our duty to see that a proper direction is given to it. While the keeping of the public revenue in a separate and Independent Treasury, and of collecting it in gold and silver, will have a salutary influence on the system of paper credit with which all banks are connected, and thus aid those that are sound and well managed, it will at the same time sensibly check such as are otherwise, by at once withholding the means of extravagance afforded by the public funds, and restraining them from excessive issues of notes which they would be constantly called upon to redeem.

I am aware it has been urged that this control may be best attained and exerted by means of a National Bank. The constitutional objections, which I am well known to entertain, would prevent me in any event from proposing or assenting to that remedy; but in addition to this, I cannot, after past experience, bring myself to think that it can any longer be extensively regarded as effective for such a purpose. The history of the late National Bank through all its mutations shows that it was not so. On the contrary, it may, after a careful consideration of the subject, be, I think, safely stated, that at every period of banking excess it took the lead; that in 1817, and 1818, in 1823, in 1831, and in 1834, its vast expansions, followed by distressing contractions, led to those of the State institutions. It swelled and maddened the tides of the banking system, but seldom allayed, or safely directed them. At a few periods only was a salutary control exercised, but an eager desire, on the contrary, exhibited for profit in the first place; and if, afterwards, its measures were severe towards other institutions, it was because its own safety compelled it to adopt them. It did not differ from them in principle or in form; its measures emanated from the same spirit of gain; it felt the same temptation to overissues; it suffered from, and was totally unable to avert, those inevitable laws of trade, by which it was itself affected equally with them; and at least on one occasion, at an early day, it was saved only by extraordinary exertions from the same fate that attended the weakest institution it professed to supervise. In 1837 it failed, equally with others, in redeeming its notes, though the two years allowed by its charter for that purpose had not expired, a large amount of which remains to the present time outstanding. It is true, that having so vast a capital, and strengthened by the use of all the revenues of the Government, it possessed more power; but while it was itself, by that circumstance, freed from the control which all banks require, its paramount object and inducement were left the same—to make the most for its stockholders, not to regulate the currency of the country. Nor has it, as far as we are advised, been found to be greatly otherwise elsewhere. The national character given to the Bank of England, has not prevented excessive fluctuations in their currency, and it proved unable to keep off a suspension of specie payments, which lasted for nearly a quarter of a century. And why should we expect it to be otherwise? A national institution, though deriving its charter from a different source than the State banks, is yet constituted upon the same principles; is conducted by men equally exposed to temptation; and is liable to the same disasters; with the additional disadvantage that its magnitude occasions an extent of confusion and distress which the mismanagement of smaller institutions could not produce. It can scarcely be doubted that the recent suspension of the United States Bank of Pennsylvania—of which the effects are felt not in that State alone, but over half the Union—had its origin in a course of business commenced while it was a national institution; and there is no good reason for supposing that the same consequences would not have followed, had it still derived its powers from the General Government. It is in vain, when the influences and impulses are the same, to look for a difference in conduct or results. By such creations, we do therefore but increase the mass of paper credit and paper currency, without checking their attendant evils and fluctuations. The extent of power and the efficiency of organization which we give, so far from being beneficial, are in practice positively injurious. They strengthen the chain of dependence throughout the Union, subject all parts more certainly to common disaster, and bind every bank more effectually, in the first instance, to those of our commercial cities, and, in the end, to a foreign power. In a word, I cannot but believe that, with the full understanding of the operations of our banking system which experience has produced, public sentiment is not less opposed to the creation of a National Bank for purposes connected with currency and commerce, than for those connected with the fiscal operations of the Government.

Yet the commerce and currency of the country are suffering evils from the operations of the State banks which can not and ought not to be overlooked. By their means, we have been flooded with a depreciated paper, which it was evidently the design of the framers of the Constitution to prevent, when they required Congress to "coin money and regulate the value of foreign coins," and when they forbade the States "to coin money, emit bills of credit, make any thing but gold and silver a tender in payment of debts," or "pass any law impairing the obligation of contracts." If they did not guard more explicitly against the present state of things, it was because they could not have anticipated that the few banks then existing were to swell to an extent which would expel to so great a degree the gold and silver, for which they had provided, from the channels of circulation, and fill them with a currency that defeats the objects they had in view. The remedy for this must chiefly rest with the States from whose legislation it has sprung. No good that might accrue in a particular case from the exercise of powers, not obviously conferred on the General Government, would authorize its interference, or justify a course that might, in the slightest degree, increase, at the expense of the States, the power of the Federal authorities—nor do I doubt that the States will apply the remedy. Within the last few years, events have appealed to them too strongly to be disregarded. They have seen that the Constitution, though theoretically adhered to, is subverted in practice; that while on the statute books there is no legal tender but gold and silver, no law impairing the obligations of contracts, yet that, in point of fact, the privileges conferred on banking corporations have made their notes the currency of the country; that the obligations imposed by these notes are violated under the impulses of interest or convenience; and that the number and power of the persons connected with these corporations, or placed under their influence, give them a fearful weight when their interest is in opposition to the spirit of the Constitution and laws. To the people it is immaterial whether these results are produced by open violations of the latter, or by the workings of a system of which the result is the same. An inflexible execution even of the existing statutes of most of the States, would redress many evils now endured; would effectually show the banks the dangers of mismanagement which impunity encourages them to repeat; and would teach all corporations the useful lesson that they are the subjects of the law and the servants of the people. What is still wanting to effect these objects must be sought in additional legislation; or, if that be inadequate, in such further constitutional grants or restrictions as may bring us back into the path from which we have so widely wandered.

In the meantime, it is the duty of the General Government to co-operate with the States, by a wise exercise of its constitutional powers, and the enforcement of its existing laws. The extent to which it may do so by further enactments, I have already adverted to, and the wisdom of Congress may yet enlarge them. But, above all, it is incumbent upon us to hold erect the principles of morality and law, constantly executing our own contracts in accordance with the provisions of the Constitution, and thus serving as a rallying point by which our whole country may be brought back to that safe and honored standard.

Our people will not long be insensible to the extent of the burdens entailed upon them by the false system that has been operating on their sanguine, energetic, and industrious character; nor to the means necessary to extricate themselves from these embarrassments. The weight which presses upon a large portion of the people and the States, is an enormous debt, foreign and domestic. The foreign debt of our States, corporations, and men of business, can scarcely be less than two hundred millions of dollars, requiring more than ten millions of dollars a year to pay the interest. This sum has to be paid out of the exports of the country, and must of necessity cut off imports to that extent, or plunge the country more deeply in debt from year to year. It is easy to see that the increase of this foreign debt must augment the annual demand on the exports to pay the interest, and to the same extent diminish the imports; and in proportion to the enlargement of the foreign debt, and the consequent increase of interest, must be the decrease of the import trade. In lieu of the comforts which it now brings us, we might have our gigantic banking institutions, and splendid, but, in many instances, profitless, railroads and canals, absorbing to a great extent, in interest upon the capital borrowed to construct them, the surplus fruits of national industry for years to come, and securing to posterity no adequate return for the comforts which the labors of their hands might otherwise have secured. It is not by the increase of this debt that relief is to be sought, but in its diminution. Upon this point, there is, I am happy to say, hope before us; not so much in the return of confidence abroad, which will enable the States to borrow more money, as in a change of public feeling at home, which prompts our people to pause in their career, and think of the means by which debts are to be paid before they are contracted. If we would escape embarrassment, public and private, we must cease to run in debt, except for objects of necessity, or such as will yield a certain return. Let the faith of the States, corporations, and individuals, already pledged, be kept with the most punctilious regard. It is due to our national character, as well as to justice, that this should on the part of each be a fixed principle of conduct. But it behooves us all to be more chary in pledging it hereafter. By ceasing to run in debt, and applying the surplus of our crops and incomes to the discharge of existing obligations, buying less and selling more, and managing all affairs, public and private, with strict economy and frugality, we shall see our country soon recover from a temporary depression, arising not from natural and permanent causes, but from those I have enumerated, and advance with renewed vigor in her career of prosperity.

Fortunately for us, at this moment, when the balance of trade is greatly against us, and the difficulty of meeting it enhanced by the disturbed state of our money affairs, the bounties of Providence have come to relieve us from the consequences of past errors. A faithful application of the immense results of the labors of the last season will afford partial relief for the present, and perseverance in the same course will, in due season, accomplish the rest. We have had full experience, in times past, of the extraordinary results which can, in this respect, be brought about in a short period, by the united and well directed efforts

of a community like ours. Our surplus profits, the energy and industry of our population, and the wonderful advantages which Providence has bestowed upon our country, in its climate, its various productions, indispensable to other nations, will, in due time, afford abundant means to perfect the most useful of those objects, for which the States have been plunging themselves of late in embarrassment and debt, without imposing on ourselves or our children such fearful burdens.

But let it be indelibly engraved on our minds that relief is not to be found in expedients. Indebtedness cannot be lessened by borrowing more money, or by changing the form of the debt. The balance of trade is not to be turned in our favor by creating new demands upon us abroad. Our currency cannot be improved by the creation of new banks, or more issues from those which now exist. Although these devices sometimes appear to give temporary relief, they almost invariably aggravate the evil in the end. It is only by retrenchment and reform, by curtailing public and private expenditures, by paying our debts, and by reforming our banking system, that we are to expect effectual relief, security for the future, and an enduring prosperity. In shaping the institutions and policy of the General Government so as to promote, as far as it can with its limited powers, these important ends, you may rely on my most cordial co-operation.

That there should have been, in the progress of recent events, doubts in many quarters, and in some a heated opposition to every change, cannot surprise us. Doubts are properly attendant on all reform; and it is peculiarly in the nature of such abuses as we are now encountering, to seek to perpetuate their power by means of the influence they have been permitted to acquire. It is their result, if not their object, to gain for the few an ascendency over the many, by securing to them a monopoly of the currency, the medium through which most of the wants of mankind are supplied—to produce throughout society a chain of dependence which leads all classes to look to privileged associations for the means of speculation and extravagance,—to nourish, in preference to the manly virtues that give dignity to human nature, a craving desire for luxurious enjoyment and sudden wealth, which renders those who seek them dependent on those who supply them—to substitute for Republican simplicity and economical habits a sickly appetite for effeminate indulgence, and an imitation of that reckless extravagance which impoverished and enslaved the industrious people of foreign lands; and at last, to fix upon us, instead of those equal political rights, the acquisition of which was alike the object and supposed reward of our Revolutionary struggle, a system of exclusive privileges conferred by partial legislation. To remove the influences which had thus gradually grown up among us—to deprive them of their deceptive advantages—to test them by the light of wisdom and truth—to oppose the force which they concentrate in their support—all this was necessarily the work of time, even among a people so enlightened and pure as that of the United States. In most other countries, perhaps, it could only be accomplished through that series of revolutionary movements, which are too often found necessary to effect any great and radical reform; but it is the crowning merit of our institutions, that they create and nourish in the vast majority of our people, a disposition and a power peaceably to remedy abuses which have elsewhere caused the effusion of rivers of blood, and the sacrifice of thousands of the human race. The result thus far is most honorable to the self denial, the intelligence, and the patriotism of our citizens; it justifies the confident hope that they will carry through the reform which has been so well begun, and that they will go still farther than they have yet gone in illustrating the important truth, that a people as free and enlightened as ours, will, whenever it becomes necessary, show themselves to be indeed capable of self-government by voluntarily adopting appropriate remedies for every abuse, and submitting to temporary sacrifices, however great, to insure their permanent welfare.

My own exertions or the furtherance of these desirable objects have been bestowed throughout my official career with a zeal that is nourished by ardent wishes for the welfare of my country, and by an unlimited reliance on the wisdom that marks its ultimate decision on all great and controverted questions. Impressed with the solemn obligations imposed upon me by the Constitution, desirous also of laying before my fellow citizens, with whose confidence and support I have been so highly honored, such measures as appear to me conducive to their prosperity—and anxious to submit to their fullest consideration the grounds upon which my opinions are formed, I have on this, as on preceding occasions, freely offered my views on those points of domestic policy that seem, at the present time, most prominently to require the action of the Government. I know that they will receive from Congress that full and able consideration which the importance of the subjects merit and I can repeat the assurance heretofore made, that I shall cheerfully and readily co-operate with you in every measure that will tend to promote the welfare of the Union.

DECEMBER 2, 1839. M. VAN BUREN.

When the message was read, Mr. ALLEN rose and said:

Mr. PRESIDENT: Courtesy has, I am aware, made it the custom for a Senator representing the State from which the President comes, and agreeing with him in political sentiments, to move the printing of his annual message; yet the Senator from New York will, I believe, excuse the deep feeling which prompts me thus to rise, and in the exultation of renewed hope, excited by this paper, for the future security of our institutions and welfare of the people, submit that motion myself.

If, standing in this place, the friend of all, the enemy of none, I may be allowed to address a single request to the whole body of my countrymen, it is, that each man of them will deliberately consider this message, and that part of it, especially, which relates to corporations, banks, and the currency.

To guaranty forever the rights, the happiness of individual man—to protect the feeble against the rapacity of the strong—the whole against the combinations of the parts, by an equal distribution of burdens and of blessings among all—was the cardinal object of our civil institutions. But, notwithstanding this these rights have been violated—this happiness perilled—this rapacity allowed—these combinations formed—and this equality destroyed. These things have been done, and that, too, under the authority of law. Corporations innumerable freckle the face of the land. Corporations which, not content with absolute power over the currency—over the property—over the labor of the entire people, now seek to render themselves immortal, and their dominion complete, by political associations. Hence has arisen the paper system, with all its complexity of fraud and oppression; hence the pending strife between man and monopoly; and hence it is that the world now beholds this nation struggling, like the fabled Laocoon, to disengage its own body, and the bodies of its sons, from the fatal coil of a serpent, whose convulsive energies have compressed those bodies well nigh unto death.

When, in 1837, after the universal crash of the banking system, the President recommended its severance from the Government, and the Government's restoration to its ancient policy, the people, unprepared alike for the ruin around them, or the remedy proposed, remained, for a moment, equally confounded by both. State after State reeled from its perpendicular and slid from his support; politician after politician fled for safety or for succor to the arms of his foes; yet he, almost alone, amidst the general consternation, amidst the desertions of the venal and the shrieks of the timid, stood unappalled—confiding, as he ever has, does, and ever will, in that "sober second thought" of his countrymen, which is "never wrong, and always efficient." And now, sir, sustained by the matured judgment of a grateful people—grateful to him, because he was faithful to them—faithful, even at a time when that very fidelity was at the hazard of their displeasure—the President presents again to his fellow-citizens a chart of principles, by which, if with skill we steer this our political ark, freighted as it is with our hopes and our destinies, it will bear us onward in safety and in peace, however violent the storm of exasperated passions.

Mr. A. concluded by moving that fifteen hundred copies of the message and documents, and five thousand additional copies of the message, be printed for the use of the Senate.

The resolution was unanimously agreed to.

DEBATE ON THE NEW JERSEY QUESTION.

HOUSE OF REPRESENTATIVES,

MONDAY, December 9—*In continuation.*

The House having under consideration the appeal of Mr. VANDERPOEL from the decision of the CHAIR touching the votes to be counted from New Jersey, and the immediate question pending being as to permitting Mr. DUNCAN to read certain documents—after several gentlemen had addressed the House, as heretofore published—

Mr. COLQUITT of Georgia said, although he did not flatter himself that, at this advanced stage of the debate, he should have it in his power to say any thing new or interesting, he had concluded that, if the process of organization must here be arrested, and their time be occupied by *speech making*, they had as well at least have variety. Talented gentlemen had time and again addressed this body, and, unless they had been unfortunate in their positions and arguments, from their frequent reiterations of the same sentiments, they certainly, by this time, understood their opinions. If, therefore, said Mr. C. the House is not to be organized, and our time is to be occupied in debate, I trust every gentleman who has not spoken will induct himself in his seat by making *a speech*. I have a few remarks to make, which I hope will be received with indulgence. In these remarks I have here no party friends to propitiate; I have no political enemies to abuse. I stand here untrammelled by the bonds of party organization—uncontrolled by any consideration, save such as may best comport with the credit and respectability of this body and the honor of our common country. It is surely time that some definite step should be taken. This discussion has continued long enough for the naked purposes of party. An honorable gentleman has said, matter is here to be served up for the people. I protest against the continuance of this discussion, at this time, for any such purpose; and, if enough has not been done and said to excite popular prejudice, and satisfy party management, let gentlemen resort to their party presses, whose managers are ever ready, able, and willing to be the channels of communication to the country; but let it not be done at public cost, and at the expense of our characters as Representatives. It is a pity that this controversy could not have been settled by the contending members from New Jersey among themselves; they ought best to know what should be the ultimate determination. Not having done so, and still unwilling to do so, it is to be met by us. I would ask gentlemen, in all candor, whether, in our present unorganized condition, we possess any powers, either legislative, executive, or judicial? Are we now prepared to pass laws? No member sworn, no quorum formed, no House organized? And can you exercise a still more solemn and important function of a legislative body, by hearing, judging, and determining questions? Surely not. No tribunal has yet been organized competent to pass upon the rights of these claimants. Suppose that you proceed now with the testimony; that you give it a patient and impartial hearing—scrutinize the law of the case—hear attentively every argument—arrive at a just conclusion, and then pronounce your judgment. To what will it all amount? Sir, it will amount emphatically to nothing. You have no power to enforce your decision but by the sword. We have no more right, in our present situation, to adjudicate this question, than any other body of citizens who might assemble on the Capitol Hill. Why, then, read the testimony? Why play off a farce, by going through the form of a trial? We have not taken

the oath under the Constitution; we are not yet in office, empowered to decide judicially. Is it assumed that, because we have been elected in our respective States, and have our commissions in our pockets, therefore we have the right to decide that our evidence is good as to our eligibility, while other gentlemen, presenting the same evidence, we declare to be bad? The argument is preposterous—the assumption unjust and arbitrary. Present this question in as many different aspects as you please, and at last, the only sound solution is, by recognising *prima facie* all who exhibit the testimonials of their States, under the laws of their States, that they are their Representatives. It had never occurred to the framers of the Constitution that party spirit would ever be so excited as to question, before organizing the House, such commission as the State should by law give its members. Such certificates of membership, in accordance with the laws of the States respectively, place all who possess them upon equality. But is is said that it is proper that such as have their seats contested, should stand aside until this question is determined. This opinion frees us from none of the difficulties which now embarrass this meeting. The mere contesting a member's seat cannot, surely, lessen *prima facie* the validity of the commission which he has received under the law. The certificate or commission which he holds by the law of his State is certainly valid and of force under the Constitution, until, by legal process, it shall be vacated or set aside. And how can this be done until a constitutional tribunal shall be organized? Each House shall be the judge of the elections, returns, and qualifications of its own members. But, by virtue of our elections, and having assembled at the place appointed for the meeting of Congress, are we, before taking the oath of office, constituted judges, with power to vacate and set aside the commissions which are held by State authority? As well might a judge of one of your courts, who had received his appointment, undertake to determine a cause at law before he had taken the oath of office. I regret to hear gentlemen, whose professed sentiments are in accordance with my own on constitutional questions, and with whom, on many subjects, I have expected to act, advance doctrines equally at war with precedent and law, and declare in favor of tearing loose from their trammels, in order to carry out their notions of the popular will.

We must arrive at our rights by legal means, and any assumption or usurpation of power is dangerous, and should be discarded, although it may sometimes happen that we suffer a temporary loss by delay. In the case now before us, if you establish the principle contended for by those who oppose the New Jersey members in taking their seats, the practical result will be that the next Congress must recede and abandon the principle, or this will be the last Congress that will ever be held. High excitement may induce the minority party, chagrined and maddened by defeat, by concert of action, to prepare the means, concoct the plan, and execute their purpose of having the returns of every election in the Union contested; whether well founded or capricious, no judgment could be made, for, as the seats of all would be contested, no judges would be left to decide, and consequently no House could be formed. The necessity exists of recognising such members as are commissioned by the authorities of their respective States, as primarily entitled to their seats. Organize the House, and you have then formed a tribunal competent to collect testimony, examine witnesses, and decide such seats as may be contested; and every such judgment and decision would be the law of that particular case, and capable of being executed and enforced. Until these regular steps are taken, no body or assemblage of men can tear a member's commission from his hands, or deny him the privileges granted to others. Such a contest as the present may not often arise. The equal division of parties, connected with the members gained or lost by the decision now to be made, arrays gentlemen under their party banners, resolving to fight over every inch of ground which may be made available in the contest. As I belong to neither of the great parties that divide the Hall, I am prepared to aid either in carrying out such principles and measures as I may think consistent with the laws and the Constitution. But it is urged that permitting gentlemen to take their seats who, after examination, shall be found to have been rejected by the people, may do great injustice by participating in some of its most important business. This is true, and against which I would raise my voice by way of caution, and beg of gentlemen for their own sake, for the sake of the House, and for the sake of the party of which they are members, to make no feigned issue, to exercise no technical advantage, claim no honors of which investigation will strip them, take no seat of which they may be ultimately deprived to their mortification and disgrace. No party should be so anxious for power as to press the claims of those who are not the choice of their constituents, and such advantage now would of necessity result to its injury in the end.

This fear of injury from a false step or improper position is ordinarily of sufficient force to prevent imposition, and it is all that is recognised under our form of Government. The adoption of any other principle or organization than the receiving such as were commissioned under authority of law, would leave us without a guide. The honorable gentleman from New York [Mr. VANDERPOEL] insisted upon the propriety of reading other testimony, of introducing the polls, and then stopping the inquiry. He asserts that the clerks held back the returns for fraudulent purposes, and that the returns give a majority of the votes to the contesting members. Examine the position that he occupies, and see the result. We must take his word that the clerks, the Governor, and the commissioned delegates are all of the same politics—into this matter we can make no inquiry. We must take his word that the clerks fraudulently held back the returns, in order to defeat the election of the contesting members, and no testimony can be introduced, if any such exists, to show that they added to the polls after the election, that the returns were held back for the aid and benefit of the contesting members. The gentleman desires to go behind the commission by producing the poll book, and yet granted we could not purge the ballot boxes. Do you not perceive, sir, that this system would be unjust? If we commence the trial, we should go through with the trial; which, for the reasons I have already given, we are incompetent to do in our present condition. If the clerks and the Governor have practised a fraud upon the people, and by trick and management have commissioned delegates against their will, the party whose members are thus defeated may console themselves by knowing that the people know it, and will speak a language to those public servants that they will be compelled to understand. Go on with organizing the House; let the constitutional tribunal be erected; then exhibit the proofs, and if it be such a case as has been represented, I will, by pen, vote, and speech, aid in their expulsion. But shall it be that, regardless of precedent, regardless of the Constitution, and regardless of law, the mere force of numbers shall march on to the accomplishment of their wishes, determine questions important in their bearing, upon *ex parte* and garbled testimony, and by superior force have their determinations executed? If this be what is understood by *Democracy*, I, for one, desire to be saved from it. These are not the published opinions of the Democratic party; this is not the faith they profess to believe. Majorities, in no Government, need any protection; laws are in their way; forms, technicalities, and special pleadings, are but cobweb restraints to the arm of power. But they afford the only protection to minorities—their safety consists in holding on to the moral force of the law, in fighting behind the bulwarks of the Constitution, and shielding themselves by all the fixed principles of Government. A majority can move on to the attainment of its purpose, disregarding all these little restraints, and ever and anon, as in their strides they trample down the laws and the Constitution, cry out *the people*, we are *elected* by *the people*, we are the *people's friends*. It is one of the reasons why majorities are usually the most corrupt—they substitute their wills for the law, and scorn the few and feeble, who urge barriers to interrupt their success. Honorable gentlemen have said that necessity imposes upon us a law. Agreed. But are not the precedents of the House the results of this law of necessity ever since the formation of the Government? And when any body of men urge the law of necessity as a rule of action, they will surely grant that the law ceases with the necessity. This House is in the process of organization. What then is necessary for the completion of this purpose? No more than simply to examine the credentials presented, and see that they are in due form of law; that they have the testimony recognised by the laws of the respective States.

The power necessary to organize surely does not warrant the examination of witnesses and a mock trial before we ourselves have been sworn. The calling the names by the CLERK, commencing at Maine, was for the sake of order, and to prevent confusion. In point of legal right one State had no preference over another; nor one gentleman a greater right to demand that he should first be sworn than another. It is true that, in the rush to the CLERK's desk for qualifications, stronger competitors might crowd me from the aisle—some man more muscular than myself might trample me down; but none would have the right, by virtue of his commission, to say, Stand back; I am worthier than thou. But, in whatever condition as to position I might be found, I could hold up the commission—the authority of my State—and none could dare deny but my authority was as valid as his. It has been said that the certificate of election under the authorities of the State is not *prima facie* evidence of election, but that "we must go to the polls." If this doctrine be recognised as true, how many gentlemen here can exhibit *prima facie* evidence that they are entitled to occupy seats on this floor? Sir, have you the polls? Have you? or you? Who has the ballot boxes in his pocket? None; and yet, to suit the New Jersey case, it is insisted that this alone is *prima facie* evidence. The Governor of New Jersey has been abused. And why? Because he has felt himself constrained to carry out the law of his State. As to the facts in this case I am not yet informed, nor do I intend to be, until I am constituted a judge under the law. It is extremely indelicate, if not unjust, for those before whom a case is to be tried to prejudge its merits, and approve or condemn before hearing all the proofs. The Governor may strictly have discharged his duty under the law, notwithstanding the contesting members may have received a majority of the votes polled at the election. I will mention a case that occurred a few years ago under the laws of the State of Georgia; and I mention it because those gentlemen who are inclined to speak harshly of the Governor of New Jersey will not, dare not, question either the ability or integrity of him who filled the Executive chair at the time of its occurrence. The Hon. John Forsyth was the Governor of Georgia. When, among others, George R. Gilmer was elected a member of Congress, no doubt existed as to his election—it was officially proclaimed; and yet, by the law of Georgia, it was necessary that the member elect should signify his acceptance within —— days. Mr. Gilmer was absent from the State, and, deeming this requisition a mere matter of form, neglected to comply. The Governor, in pursuance of the law, declared the seat vacant, and ordered a new election. This House was not troubled with a contest; a new election took place, when Col. Henry G. Lamar was elected. The Governor, owing his allegiance to his State, and sworn to execute her laws, in the discharge of his duty may thwart the wishes of partisans and excite their ire, when he must receive the approbation of the calm and reflecting. I repeat, sir, that, first of all, let the House be organized in the usual way; then ferret out and expose fraud, if it exists. And should it turn out that the Governor of the State of New Jersey has loaned his high trust to effect the dirty work of party, and prostituted his office to accomplish selfish purposes, the decision that we make and the verdict that we render will tell out, in language that shall burn, our feelings of contempt and indignation.

Mr. NISBET of Georgia said that the importance of the principles involved in this debate was his apology for the remarks he was about to present to the consideration of the House. In the unorganized state of the body, (said Mr. N.) it appears to be necessary that those who address you, Mr. Chairman, should exhibit unquestioned authority to speak. I am one of the delegation from Georgia, sir. I mention this fact, not because I claim for my State any paramount excellence, but because I am solicitous that she should declare here the position she occupies. Strangers as are most of her members in this Hall, it would seem well enough that she be announced. I speak, then, by authority of one of the sovereign States of the Confederacy. I exhibit to you, sir, as my colleague did a few days since, the evidence of her will. I hold in my hand the commission of her Governor, with the great seal of State appended. That seal speaks of her sovereignty—it announces me one of her Representatives. Upon its face is the escutcheon of the State. Her motto is Wisdom, Justice, and Moderation. And, although what I may say, sir, may not be stamped with much of wisdom, yet I trust it will be characterized by justice and moderation.

An honorable gentleman asked, the other day, "Where will the State of Georgia stand upon this question?" He was pleased to say the mangnanimous State of Georgia. He made the inquiry with pride, as I thought, in the character of the State. I am sure I felt an honest pride in hearing my noble State thus designated. The inquiry, sir, thrilled through my spirit. I will tell you, sir; I will tell the gentleman from Maryland where she stands. She stands where her State Rights politicians have planted her in times gone by—she stands upon the ramparts of the Constitution. She stands where she stood when you, sir, administered the Federal Government; when her own great Troup resisted successfully Federal bayonets bristling upon her borders, and Federal usurpation assailing her rights. She stands where she stood when one of her most eloquent sons, now a high officer in the Government, announced upon this floor that "he was ready for trial." She stands now, and I trust will ever stand, the defender of the rights of the States guarantied to them under the Federal Constitution.

Passing over the merely incidental question now more immediately before the House, I shall proceed to consider those points of controversy which have been so much canvassed. From the State of New Jersey, then, it has been announced to us by the CLERK that there are two sets of applicants for the right and honor of representing her in the Congress of the United States. Ten claimants for five seats in this Hall. Both of these contending New Jersey delegations have laid upon the table of the CLERK evidence of elections. One of them exhibit the commission of the Governor of New Jersey, under the seal of the State; the other has evidence, which has not been read, but which, we are told, establishes the fact that they did receive the majority of votes polled by the freemen of New Jersey. This state of facts, sir, involves, to my mind, two inquiries.

First, what is the legal and constitutional rule by which, in this stage of the House, the rights of those conflicting claimants to the honor of representing New Jersey shall be determined?

Second, what is the *mode* of action to be adopted in making that rule operative? Upon an inquiry made of you, sir, the other day, you, as Chairman of this body, determined that those delegates from New Jersey, holding the evidences of election according to the Constitution of the United States and the laws of New Jersey, should vote upon a question then depending. You thus pronounced a rule by which not only the right of the claimants to seats in this Hall should be ascertained; but also one by which this House should regulate its action. I agree with you, sir, that this is the only safe rule. The proposition is true—legally, constitutionally true, and is in accordance with the principles of Government which I have been taught to honor and revere. In the mode of applying this rule, I shall differ with you. The Constitution of the Union is in this case paramount, authoritative, and commanding; it speaks in the voice of injunction. By that instrument it is provided that the States shall by law prescribe the time, place, and manner of holding elections for members of the Congress of the United States. It also provides for a power in the Congress of the United States to alter by its own legislation the time, place, and manner of electing Representatives. And in all cases where the laws of a State, prescribing the time, place, and manner of electing her Representatives, have not been repealed by Congress, those laws are as obligatory upon all the departments of the State and Federal Governments as the Constitution itself. By failing to exercise the repealing power, Congress and the Constitution do actually confirm, adopt, and ratify those laws. The right of the State to enact them and to have them enforced, becomes thus as perfect as any other right secured to her by constitutional grant or prohibition. The right of selecting her own Representatives, and that, too, in her own way, is a sovereign right, which you, sir, and I, and all others, are bound by all the sanctions of the Federal compact to respect. You will observe, sir, that the States are clothed with power to determine the *manner* of electing. The *manner* of electing, sir, must mean the form of certifying and commissioning the elect when the polls are closed, as well as other things. If, then, the laws of New Jersey do declare that the result of her Congressional elections shall be declared, published, and ascertained by the commission of her Governor, under the great seal of the State, such commission, so authenticated, is as obligatory upon us, upon all, as any provision whatever of the Federal Constitution. It, therefore, follows to my mind demonstrably true, that you were right when you announced to the House that those who have the evidence of election according to the Constitution and laws of New Jersey are entitled to sit and vote upon this floor until the House is fully organized, and the equity of the polls of New Jersey have been ascertained by the committee of the House.

But, Mr. Chairman, this rule being conceded, there must be some plan of action by which it may become practically available; otherwise, it is but an ideal abstraction—a name without power—a judgment without a process or a ministerial agent. We are not men, sir, spell-bound with constitutional fatalicisms. We are practical men. Our system of Government is eminently practical; its provisions are designed for use—not for admiration—for deification. The system must work, and thus far, sir, in the main, it has worked well. It was contended in the outset of this debate that the CLERK, the then agent, was bound to respect the Governor's commission, and proceed at once to the call of those men who held it. So thought I. But it will not surely be asserted that he had then the power and authoritative control over this matter, and that there was no power in the House to object to the judgment he might pronounce. You, sir, it seems to me, occupy to the House the same relative position that the CLERK occupied before your nomination to the Chair. You are both but the mere agents of the body who chose to use you, acting only by derived authority—having in yourselves, by virtue of your appointments, no inherent or legal ability to determine conclusively any thing. Would it be contended for a moment that the agent has a power greater than his principal—that, sitting as you do in the very presence of those who appointed you, you can bind them irreversibly by your determinations? Surely not. The CLERK did make a decision, or rather he declined to call any of the claimants from New Jersey—thus in fact rejecting the whole.

It was said that he was bound imperiously, by his oath of office, by the Constitution and laws, to proceed with the call of the Jersey Whigs. He thought differently, and upon that thought he acted. What, then, sir, was to be done? Stand still? We did stand still, and rather ignominiously still. We presented a strange spectacle—the vast machinery of Government of this great empire blocked by the decision of an anomalous officer, for whom no powers have been claimed but those merely ministerial. What not this the time at which the voice of the Constitution became but a creature of the mind? According to the opinion of those who deny to the House the power of acting, were not the Constitution and laws then silent—not in *arms*, but in *peace*, silent? The CLERK refused even to put a vote, and by this refusal all the departments of the Government were at rest, for there is in fact no Government whilst a co-ordinate department denies to itself even the power of preliminary organization. So, sir, you determined that those who hold the Governor's commissions should vote. Was your decision imperatively controlling? You pronounced, as I believe, a constitutional truth. But, sir, under your decision, you yourself, with a power above and beyond the House, pronounced judgment under the Constitution and laws; or you clothed your tellers, upon a division of the House, with authority to determine who did in fact hold the evidence of election from New Jersey. From your decision an appeal was taken, and the House, as I believe rightfully, took this matter into its own hands.

But the power to determine at all in the case before us is denied. It is asserted that no man has a right to question here the commission of the Governor of a sovereign State given in conformity with her laws. Sir, I admit the latter proposition, but I contend that there must rest somewhere a power to judge and determine *who does, in fact, hold the commission of New Jersey's Governor, given in conformity with New Jersey's laws.* And I hold that those who present themselves here as the uncontested Representatives of the States are clothed with that power; and that, so far as this election is concerned, this is the only power with which they are clothed. This is the tribunal to judge of that one fact—to declare and record its judgment, and, when pronounced, the judgment is final. What, sir, if the tribunal determine wrongfully? Suppose it does not pronounce in favor of right and law? Why, sir, those who thus wrongfully determine—who infract the Constitution, and disfranchise a sovereign State, are amenable to conscience, to God, to the Union, and to mankind. Such, sir, I understood your opinion to be the other day, when you so earnestly exhorted the House to organize. Such seems to have been your opinion when, at the last session of Congress, you offered a resolution to meet the contingency which has now occurred. This opinion came to us with the sanction of your great age and great character. You spake as one having authority. It is the opinion of one, around whose venerable head cluster thickly the laurels of politics and of literature. For one, I believed the opinion correct.

I do not claim for the House, in its inorganic state, plenary powers over this contested election. It cannot go behind the evidence upon your table. It cannot purge the New Jersey polls. When organized, by the Constitution it is made the judge of the elections, returns, and qualifications of its own members. Then, sir, it can sift the polls, rectify all mistakes, and enforce, in fact, the voice of the voting power. This has been demonstrated by several gentlemen, but by none with more conclusive force than by my friend and colleague [Mr. COOPER.] Who are we? The Representatives of the people, elected under the Constitution of the Union and the laws of the States from whence we come. By State and constitutional mandate we are here, and, when our rights to seats are not questioned, we are, in truth, the House of Representatives, clothed with all powers necessary to full and final organization. The Constitution declares that the House of Representatives shall be composed of members *elected* by the several States, &c. And, by constitutional presumption, we are elected when no one questions it. Think you that the Constitution, or, rather, its framers, contemplated for one moment the assemblage of a mob, claiming to be the House of Representatives? No more so than it contemplated any other act of rebellion or of usurpation. The Constitution further provides that the Congress shall assemble, &c. Its language is mandatory. Its command is to assemble, and *ex vi termini* to organize. How, assemble as an organized body? No, for that is an impracticability. That would be to assume, most absurdly, that to be done, which we are commanded to assemble for the purpose of doing. In all the

sessions of both Houses of Congress there is a point of time intervening between the assembling and the organizing of the body—that is the time being. There is also a state of political being, in which we live, and are vital for certain purposes, but are still the inorganic embryo of full maturity. Such is our present state. In this state we must proceed to throw off our chrysalis attributes. Otherwise, we are doomed to perpetual embryo—else we shall remain forever inchoate, and shall continue throughout all time *in transitu*. The truth is, sir, disguise it as we may, unless we have the power of organization, the Government is dissolved. One of the things to be done, and which is necessary to organization, is to determine who, in case of conflicting claims, are entitled to sit; or, in other words, who, in fact, have the highest and best *prima facie* evidence of being elected, according to the Constitution and laws of the State from which they come. Do you not perceive, sir, inasmuch as we can do nothing—can discharge none of our appropriate duties until organization—that, therefore, we are necessarily clothed with power to organize? It seems to follow as a matter of course. The law being silent as to the manner of organization, we are left to take such course as enlightened reason, drawing her conclusion from the Constitution by necessary inference, may suggest. We are not yet a House for the asual and great objects of our assembling. We can receive no message from the Executive. We can hold no intercourse with the Senate. We can organize no committees, and cannot perform a single act of legislation. At the threshold stands the obligation to organize. We must do so by electing an officer described in the Constitution as Speaker. We dare not, sir, deprive the State of New Jersey of her right, coequal with that of Georgia, or any other State, to vote in the election of that officer. We have no power thus to disfranchise her. Hence, before that officer is elected, we must determine that somebody does, in fact, for the time being, represent her. From the State of Pennsylvania, I understand, there are two gentlemen claiming seats in this Hall, both bringing with them the commission of a Governor of that State, under her great seal. This is a case not of fancy, but of fact. Upon this case we shall be compelled to act, and that, too, before the House is organized. Upon the assumption of gentlemen, that no vote, no act can be had by us, when the commission of a Governor with the seal of the State appended is presented, both these gentlemen must come in. It is a requirement of the Constitution, say they. Now the Constitution in the case put, commands as much in favor of the one as the other of these gentlemen. What shall be done? Exclude both? No, for then the key-stone of the arch is disfranchised. Admit both? No, for then that great State will have one more Representative than the Constitution gives her. The alternative left is for the members present, constituting a quorum of the whole House, whose seats are uncontested, to determine which of these commissions, and which of their seals is, in truth, according to the laws of Pennsylvania. What I demand is, that the very same determination be made in relation to the contested seats of the New Jersey delegation. Which, sir, of these claimants, has the evidence, *prima facie* in its character, of election? This is the only inquiry which we have now the power to make, and that we have this power I have endeavored to show.

The most plausible objection which I have heard made to this view of the subject is, that it will always be in the power of parties, by capricious objections to the seats of a quorum of the whole House, to prevent its organization. It has, sir, more of speciousness than of force. In answer, I say, that an extreme possibility is no well founded objection to any course of reasoning. The supposition presents a case when the Government would be in the act of revolution. Against such a possibility neither law, constitutions, nor religion, can wholly guard. The case *might* occur; so also, then, *might* arise a Cromwell in our midst, to dissolve the Congress of the Union by military force. But that such a case will occur, both the restraints of law—the moral sense of the people—the love of liberty, the strongest passion of the American people—and the holy sanctions of Christianity, do, and will, I trust, through the ages that are to come, forbid.

Then, sir, the *mode of action* is for this House to declare and register the judgment of the Constitution and the law. When pronounced, it needs no further enforcement. It stands self-executed. For who shall deny—who modify—who reverse it? Upon this House falls the stern mandate of the Constitution. Upon this House falls the sovereign requirement of New Jersey. Upon this House State Rights principles make their equitable requisitions. Is the Constitution mandatory to *you*, sir, to admit the Whig delegation from New Jersey? So is it to the House. Are its requirements obligatory, according to the reasoning of the gentleman, upon the CLERK? So are they upon this House. And, whilst I maintain the positions here assumed, I at the same time assert and enforce the principles which my colleagues and others have promulgated.

Mr. Chairman, whilst I assert the right of New Jersey to be heard by her vote in this House, I do not mean to be understood as admitting that either set of applicants can vote in their own case. This is the only question upon which New Jersey cannot be heard. To me, common sense, which is an instinct of our nature, denies to all persons the privilege of voting in a case where their personal or representative rights are concerned. The question is as to the right of A and B to vote. And does it not involve an absurdity upon *that* question to permit A and B to vote, and thus adjudicate their own privileges? It surely does.

The rules of the House which we have adopted, and all parliamentary usage, so far as I am informed, exclude them. It matters not that they present themselves in a representative character, for it is their rights *as such* that are to be determined.

Much, sir, has been said in this debate about the sovereign rights of the people. It is claimed that the will of the people of New Jersey shall prevail. Yes, sir, let it prevail. How prevail? Through the agency of her organic law—and *here* no otherwise. They have spoken through no other voice. They have not spoken in their primary elementary character. They have held no convention. I listen, but I hear not the rattling thunders of popular sovereignty. The Jews of old heard the artillery which pealed around the summit of Sinai, and the sound of a trumpet waxing louder and louder; but in all this they heard not the Godhead; it spake in the still small voice.

So, sir, it is only in the still small, yet clear and steady voice of *the law*, that I can hear upon this floor the speaking of New Jersey. The organized forms of Government do express the popular will; the people have made them their organs. The laws of the State and the Constitution of the Union are the restraints which the people themselves have placed upon their elementary sovereignty, and are so to be respected until they are repealed or modified. I do not assert that the great seal of New Jersey is the depository of her sovereignty—that the acts of her Governor make him sovereign—but these acts and that seal are the evidence and the expression of the sovereign will. Suppose, sir, that he who, with unsurpassed ability, represents in the Senate of the United States the descendants of your own heroic pilgrim ancestry, should there exhibit the authoritative seal of Massachusetts and the commission of her Governor, who would there venture to assert that he came not in the name of a sovereign State? Or, if he who in that body represents alike the genius, and virtue, and sovereignty of Carolina, should at her bar exhibit the seal of that State, "always prepared, in mind and means," adorned with its chivalric palmetto blazonry, would there be one *there* so bold as to deny him entrance? So no one *here*, I trust, will deny those delegates having the highest evidence to enter and sit as the Representatives of New Jersey.

Mr. Chairman, I am unlike the distinguished gentleman from South Carolina, who addressed you the other day, born insensible to fear. I fear many things. I fear to do wrong; but I do not fear the trammels of party, or the vengeance of the popular will. In the discharge of duty, the people will scarcely hold me a fit subject for their wrath. Should this House fail to accord seats to the regularly authenticated members from New Jersey, there will have occurred a case of nullification reversed. This has been held a remedy for the States against the Government, but if we abrogate the laws of New Jersey, then does nullification appear in its most odious form. She will then start, in her forays upon the Constitution, from the citadel of the enemy; and an unorganized branch of the Congress of the United States, itself but a co-ordinate department of the Government, will have abrogated, in the House of the people, the laws enacted by the people.

I could but remark, Mr. Chairman, when you addressed us on yesterday, how studiously you avoided recognising the States in their sovereign character—insisting on the rights of the people. And I thought that, contrary to the law which obtains both in morals and physics, extremes had for once met; and that the nationalism of your day was much the same as the dogmas of this.

Mr. BLACK of Georgia begged leave to occupy the attention of the House for a short time, and, before he proceeded, he owed perhaps an apology to the House and the gentleman from Maryland for the manner in which he had for the first time presented himself to its notice. He meant no disrespect to any one here; he had only claimed the right for his colleague [Mr. COLQUITT] to be heard, when other gentlemen, who had spoken repeatedly, were wandering from the incidental question before them, and addressing themselves to the merits of the main proposition. He again asserted the position had had assumed in his claim to the floor, upon the ground that, although the question immediately before the House might be *new* in its mere *form*, yet that it was substantially the same that then had been debated for seven days before that body, in proof of which, he referred to the speech just delivered by the gentleman from New York, [Mr. VANDERPOEL,] and to the reply thereto by the gentleman from Vermont, [Mr. EVERETT,] both of which had been addressed to the *merits of the original question*. In continuation of that debate, the gentleman from Maryland had risen, and, although there could be doubt but that he believed himself rightfully entitled to the floor, as speaking to a *new question*, yet (said Mr. BLACK) the gentleman be mistaken—innocently so, without doubt—but not the less so on that account, as he thought he had conclusively shown by reference to the character of the present discussion.

Mr. BLACK said that he, like his honorable colleague [Mr. COLQUITT,] begged leave to exhibit to the House the commission by virtue of which he stood here. It so happens that my credentials of election, and my rights consequent upon that election, are not disputed. So far as he was informed, no man was prepared to dispute them; but, if the rule which has been attempted to be enforced here is ultimately established, he did not know how soon he may be arrested in his Representative capacity, and compelled to go back to Georgia, to gather up the poll books, to ascertain the competency of the presiding officers of election, and the qualifications of every man who had presented himself at the polls and participated in the election, before he would be permitted to take his seat.

The ostensible question now before the House is, whether the gentleman from Ohio [Mr. DUNCAN] shall be allowed to proceed with the *testimony* in behalf of those gentlemen from New Jersey who are claiming their seats here in opposition to the members elect from the State, who have in their possession the commission of the Governor. To such a proposition he must answer in the negative. A grave and important question—one involving the rights of the States and the people of the States in the high and momentous privilege of the elective franchise—is now submitted. To whom it is submitted? To a mere assembly of citizens—to men who, although they may be ultimately entitled to their seats upon this floor, have not as yet produced even the *prima facie* evidence of their election! State the case as you may, turn it and twist it as you will, "to this complexion it must come at last" Shall we (said Mr. B.) hear testimony, either on one side or the other,

before we are *constitutionally qualified* to act on it? Will you hear the merits of the case before you are in a condition to decide upon it? Who and what are we? (asked Mr. B.) Admit, sir, for the sake of argument, that we *are* the Representatives of the people. To whom can that fact, at this stage of our existence, be known, save to those gentlemen alone who have their credentials in their pockets: admit that we have no other contest here but that to the seats of the members from New Jersey. I put it to your wisdom, sir, to say whether we are *yet organized* in accordance with the Constitution and the law? And whether we can take cognizance of any matter, either in our judicial or legislative capacity, until we are organized? Will you try a case of such high concern before you empannel and *swear* your jury? By virtue of what authority and under what solemn sanction do we appear here as judges in a matter of such interest to the parties? By virtue of our commissions; by virtue of the authority of the sovereign States we represent; and the sanction under which we should act is to be found alone in the oath which, under the Constitution, we are imperitatively required to take. Let us, then, who are thus delegated as State Representatives, and by virtue of State authority, proceed to ORGANIZE ourselves, in order that we may be constitutionally qualified to hear and decide this question. If we are to arrive at that point of our legislative existence at which our powers as members of the General Government begin, we must take the only practical course, and that is, the usual and ordinary one heretofore pursued by the House. Let your CLERK call the roll of members, beginning, if he pleases, with the State of Maine, and going on in geographical order until the whole roll is completed, and then let the members thus called take the oath of office prescribed by the Constitution. Until we do this, we have no power to do any act in our representative capacity.

Mr. Chairman, to the "*House of Representatives*" alone belongs the exclusive right to adjudge and determine this question. That House is made by the law paramount of the land, "the judge of the elections, returns, and qualifications, of its own members." Of what, then, is the House of Representatives composed? Of members chosen every second year by the people of the several States; not only so, sir, but *a majority* of the members so chosen must be sworn into office before they can "do business" as a body recognised by the Constitution of this country. The only practical way in which this organization can be effected is, as I suggested before, to call the roll of members, and to swear them, or a majority of them, if no more present themselves, into office, upon the *prima facie* evidence alone of the commission issued by the States which they may severally represent. This is the only way in which we may hope to put an end to this most disgraceful state of things. Upon this *prima facie* evidence of my election—my commission under the great seal of the State of Georgia—you permit me to take my seat; and when the gentleman from New Jersey, who hold in their hands precisely similar evidences of their election, present themselves to be sworn, reason, justice, the Constitution, and the laws made in pursuance thereof, require that you should extend to them also the same privileges you accord to me.

We have been here now seven days, wasting the time and money of the people, and have not yet arrived at the only material point—that of *organization*. All the debate that has hitherto occurred was idle and unprofitable. He, himself, was then speaking by the mere courtesy of the House; every member who had spoken had been listened to only by the same courtesy; and (said Mr. BLACK) until we can organize, and place ourselves in a condition to act definitely, all our debate will be mere talk. In order that we may arrive at that point, permit me to address myself to the majority—the numerical majority—on this floor. It is said that one of the great political parties that now divide the country has that majority here; if that be the truth, the whole responsibility for the waste of the time and money of the people will ultimately fall upon them. The *minority* here, as elsewhere, can do nothing; the majority—which is said to be an Administration majority—are all powerful. If they refuse to act—to organize the House upon proper principles, and to dispose of this question—they, and they alone, will be responsible to the great body of the constituency. Go on, therefore, I beseech you, gentlemen of the majority—relieve us from the extraordinary position in which we are—terminate the scenes of disorder and confusion which have been constantly occurring here since we first assembled—and place us in such a state of constitutional existence as will enable us to decide upon this question thus prematurely thrown before us.

If the friends of the Administration can thus command and direct the action of this House, and they are disposed to be governed in their course by motives of policy, I put it to them to say whether the odds will not be fearfully against them if they continue to stand out doggedly against the organization of this House? Reflect what may be the opinion entertained of you if you *arbitrarily* exclude these five New Jersey members from their seats from fear that, if they are admitted, you may not be able to elect an Administration Speaker. If, on the other hand, the Whigs are admitted to their seats in order to form a House, and upon subsequent investigation they are ousted, you may then well claim the merit of having sacrificed your political predilections and *party interests* for the purpose of removing obstructions which otherwise would have clogged the wheels of Government, and threatened the existence of the Union itself. And, if the Whig votes from New Jersey, thus admitted, should be made the instrument of placing an Opposition Speaker in the Chair, his tenure of office would rest solely on the validity of the votes that elected him, and the House, if the Whigs from New Jersey are ultimately rejected, would vacate the CHAIR which had been filled by the instrumentality of spurious votes, and instantly proceed to a new election. Such a course would secure to you, not only the enviable consciousness of having done your duty to the country, but will ensure your success in the election of a Speaker upon the only grounds on which any party ought to succeed—upon the strength of the legitimate and *majority members* of the House of Representatives.

Mr. BLACK said he had as yet only spoken on the preliminary question; and as to what might be his opinions, and what his votes, in regard to the *ultimate right* of these claimants to the seats from New Jersey, when that question should come properly before him, he was prepared to do what law and justice required. After the House should be organized, he was willing to open that case; he would be willing to hear the evidence on both sides, to examine the facts as to who had the majority of legal votes, and then finally decide who are the rightful Representatives of the State of New Jersey. But before we can achieve "a consummation so devoutly to be wished," we must form ourselves into a "House of Representatives."

In conclusion, said Mr. B. permit me to say, we have heard much during this wide and desultory debate, of the rights of the people—the voice of the people—the *potential voice* of the people—and the great Democracy of the country, as contradistinguished from the regularly organized and constitutional authorities of the STATE GOVERNMENTS. I know nothing of such a distinction. The people of Georgia are democratic, republican, *sovereign;* but the *potential voice* of the sovereign people of Georgia is always heard through the regularly constituted organs of the Government which the people themselves have instituted. Any other expression of that voice, except when the people are in their original convention, would be but the ravings of a mob, and the howlings of anarchy.

He hoped that the gentleman from Ohio [Mr. DUNCAN] would see that, until the House had organized itself, and placed itself in a constitutional attitude, he could not be permitted to go into the merits of the case.

REMARKS OF MR. RHETT,
OF SOUTH CAROLINA,

In the House of Representatives, Thursday, December 12, 1839—The New Jersey question being still under consideration in the House—

Mr. RHETT of South Carolina, rose and spoke as follows:

Mr. CHAIRMAN: It has become personally important to me, although it may be of no consequence to the House, that I should express my views on the subject now before it for consideration. Always uttering frankly and freely my opinions to all who desire to know them, it is not surprising that, in conversations with different individuals—viewing only detached portions of this subject at a time, and those tinged with the hue of previously formed opinions, or feelings strongly entertained—I should be misapprehended or misrepresented. Whatever the cause, however, an equivocal position on this or any subject deeply affecting the rights and interests of any member of the Confederacy is one which, neither as a member of Congress, nor as an individual, I can ever consent to occupy. Briefly, but freely, then, I propose to express my opinions.

There are but two sets of papers on your table, with respect to the seats claimed in behalf of the State of New Jersey. The claimants on the one side rest on the commission from the Governor of New Jersey, under the great seal of that State. The claimants on the other side rest on the proofs contained in certain documents, showing that they received a majority of the votes cast, by some hundred and forty votes. It will not be necessary, in the views I shall take of this subject, to consider the character of these documents; as, for instance, whether the Secretary of State had any right to take the returns of the elections, of which it is alleged he received the custody merely as clerk of the Privy Council, and, by putting them into the State office of New Jersey, give them the character of official records under the seal of State. I take the papers according to their purport; and they raise the question, which of those two sets of documents, in this our inchoate transition state, shall we recognise as best entitling the claimants under them to participate in the organization of the House? It is not a question of final right; for all concede that in the House, after it is organized, that right must be ultimately considered and determined. Far short, then, of a full investigation, of any investigation, beyond the papers on your table, whom shall we recognise as members of Congress for the purposes of organization?

On the one hand, it has been contended that the Governor's commission is conclusive, and ought to be unquestioned and unquestionable as to membership on this floor. To this proposition I cannot assent. The commission of the Governor is impugnable, and ought to be impugned and set aside, in many cases which can be supposed. Forgery, for instance, or the case of the two contestants from Pennsylvania, which we considered and adjudicated but yesterday. We ought to hear, I think, any impeachment of the Governor's commission presented to us in good faith, and pass judgment on its validity; but, with the House before us, where we can alone, in almost every case, fully and properly ascertain the facts, we should be very slow in discrediting the commission; and, on the other hand, it has been contended that the Governor's commission is a mere return of the election, and that we ought, therefore, to put it on a parity with any other returns made by other officers or agents of the elections; and if, from a comparison of testimony, we find the Governor in error, we ought forthwith to rectify his return, and give the seats to those who seem to have the majority of votes in the election. Neither to this proposition do I assent.

It is always necessary, Mr. Chairman, if we intend to have any precision in our reasoning, to understand the terms we use. What is a return, and what is a commission? A return is a statement of what has been done; it is nothing but an account rendered, and is usually from an inferior to a superior, as in the very case before you is required by the laws of New Jersey, from the judges of elections to the clerk of the county court, and from the clerk of the county court to the Governor and Privy Council. What now, on the other hand, is a commission, signed by a Governor, with the great seal of the State attached? Sir, it is a title, and nothing less than a title, either to property or a franchise, as the case may be. It is a title to property,

when conveying away any portion of the State's domain. It is a title to a franchise, when inducting into an office, or establishing an agency. Can gentlemen make it less? It is by signature and seal, according to the common law of the whole land, inherited from our wise and free progenitors, that property passes from one man to another, from a corporation to an individual, from a State to a citizen. The paper, it is true, is rags, and the seal a bit of wax; but beneath these sneered at, but powerful emblems, rest in security, in the hands of individuals, the vast territory of this vast Confederacy, and all the offices of trust, emolument, or honor, by which the whole machinery of our free Government is so happily carried on. Their power is in the law; their omnipotence as great as the sovereignty which created those laws, and can only be slighted and disesteemed by those who are ignorant of our forms of Government, or who are prepared to overthrow them.

But it is objected, if the Governor's commission gives a title to a seat in Congress, then the Governor makes the member of Congress, and not the people. The answer is plain. The Governor is a mere agent of the people, and, when acting in obedience to the Constitution and laws of the people, his acts are their acts. What are all our systems of Government, State and General, but vast agencies established by the people for their government? The sovereignty is with the people. Sovereignty is the supreme ultimate authority and power in a State. In Great Britain it is said to be in the King, Lords, and Commons: in Russia, in the Autocrat. But with us, it is in the people of the States; and all our systems of representative Governments are only agencies by which they rule themselves. All legislative, judicial, and executive acts, performed by their agents in pursuance to the Constitution and laws they have established, are emanations of their sovereign will; and to defy or deny them is to outrage their supremacy. When, therefore, the Governor of New Jersey, in pursuance to the laws of New Jersey, gave a commission to certain gentlemen as members of Congress to represent that State, his act was the act of the people of New Jersey; and it comes to us with all the power and solemnity sovereignty can confer. It is no answer to this position to affirm that the majority of votes cast at the polls was against those commissioned. If the laws of New Jersey are defective, or her agents faithless, let her reform them. The people went to the polls, not in an elementary capacity, but in the ordinary course of an election, in obedience to the laws and constitution they had previously established for their self-government. By these laws their election was held, their votes received, the returns made, and the members of Congress commissioned. In all of these acts, and in one not more than another, the sovereignty of New Jersey was in actual operation; and when the final result is communicated to us by the only official organ designated by her laws, in the form of a positive commission, under the seal of State and the signature of the Governor, we are bound, as we respect one of the sovereign members of the Confederacy, to regard it with the highest consideration.

Mr. Chairman, there is but one way by which gentlemen can obviate the effect of these positions; and that is, by maintaining, as has been done, that the laws of New Jersey, by which the Governor is directed and empowered to commission members of Congress, are unconstitutional, and therefore void. This is taking the subject up to high principles worthy the attention of statesmen. If a member of Congress be an agent of this Government and not of the State he represents, then, undoubtedly, the State cannot commission him; or if he be the agent of all the people of the Union in the aggregate, it is equally clear that a State cannot commission him. Whose agent is he?

I turn to the second section of the first article of the Constitution of the United States, and I find it ordained that "the House of Representatives shall be composed of members chosen every second year by *the people of the several States*." And further on, in the same article, prescribing the number of Representatives, it says: "The *State of New Hampshire* shall be entitled to *choose* three, Massachusetts eight," &c. Now, here a member of Congress is to be chosen "by the people of the *several* States:" "*the State* of New Hampshire" chooses him. Is he not the agent of those who choose him—the States? If not, whose agent is he? That the Representative is an agent—that he is the agent of those who choose him—no hardihood of construction has yet denied. And, if he is the agent of the several States, how can the conclusion be avoided that the States have a right to commission him? Has a man a right to act by an agent, and can he not give him a power of attorney? Has a nation a right to treat with other nations, and may she not commission her ministers to make treaties? To state such propositions is to show their fallacy. Members of Congress are agents of the States, responsible to them alone, and ought to be commissioned by them in their most imposing sovereign form; and such has been the practice of the States, with but few exceptions, from the origin of the Government to the present day. The commission is the title of a member of Congress to his agency—the evidence of the high authority by which he claims his seat.

I go, sir, one step further. With the Constitution in my hand, I maintain that the Governors of the States are the proper designated organs through whom this House communicates to the several States concerning its members; and they ought, therefore, to be the only organs through whom the States communicate to this House. When a vacancy occurs, from death or any other cause, in a seat on this floor, by whose instrumentality is it filled? The answer is made in the first article of the Constitution. "When vacancies happen in the representation of any State, *the Executive authority thereof* shall issue writs of election to fill such vacancies." Now, why should the Executive authority of a State be called into requisition to fill a vacancy in this House? Because a member of Congress is an agent of the State, representing her highest interests; and the same organ and authority which put him in his seat should be invoked to supply the vacancy. It is far otherwise when a vacancy occurs in any of our State Legislatures, or in the Parliament of Great Britain. There, the Speaker issues the writ of election immediately to the people. Why? Because there is no sovereign power, like the States, interposing between the House and the people. In these instances, the House and the people are in immediate relation. A member of Parliament represents the whole realm. A Representative in our State Legislatures represents directly the people of the State. The Speaker of the House, therefore, issues the writ. But the Speaker of the Congress of the United States is elected to his chair by the agents of sovereign States. When a vacancy, therefore, occurs, he cannot order an election; he can only acquaint the States who filled the seats, and to whom they belong, that a vacancy has occurred in this body; and the Governor of the State, representing her high Executive sovereignty, issues the writ, and is the organ employed by the Constitution to supply the vacancy.

This argument gathers redoubled force when we turn to the manner in which vacancies in the Senate of the United States are supplied. There, the whole State is represented but by two agents; and, when a vacancy occurs, the Governor is not only the organ for communicating the fact of the vacancy, and the agent through whom the people send up the representative, but he has, in certain emergencies, the power, representing the whole sovereignty of the State, of filling the vacancy himself. Whenever the State Legislature is not in session when the vacancy occurs, (which is the case in by far the greater number of instances,) the Governor appoints and places the Senator in his seat. Now, under all these instances of express constitutional regulation, by which the Governors of the States are not only recognised, but ordained to be the sole organ of communication between the House and the States, by whom seats are to be filled on this floor—under the long and unbroken practice of the States, from the first origin of this Government—with the powerful constitutional reasons by which this practice has been maintained—it does appear to me amazing that any man, much less a State Rights man, should gravely assert that it is a violation of the Constitution for a State to order, or a Governor of a State to give, a commission by which a member of Congress should be entitled to his seat on this floor.

An argument has been brought forward from the fourth article of the Constitution. By that article it is ordained that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators." The argument from this section is this: that "the times, places, and manner of holding elections" is a grant of power to the States; and the States, therefore, have no right to go beyond this grant, in their legislation, and require their Governors to give commissions to members of Congress.

Mr. Chairman, I am a State Rights man; and, however few in numbers and humble in power, upon the doctrines these statesmen maintain I believe the existence of the Union and the happiness of the Confederacy mainly depend. According to these doctrines, the Constitution is to be construed strictly, and all the powers not granted by the Constitution are reserved to the States. Now, no one will doubt, upon these principles, that if this clause had not been inserted in the Constitution, as the States were to elect the Representatives to Congress, "the times, places, and manner of holding the elections" would have been amongst the powers reserved to the States. How, then, can this clause be said to grant a power which the States had before, and would now have, if it did not exist? The truth is, it is no grant of power to the States, but is a grant of power to be exercised if deemed necessary to the General Government. It contains a mere injunction on the States to do that which they had the power to do so; whilst the power is granted to Congress, in case the States should decline prescribing "the times, places, and manner of holding elections," to make such provisions for bringing the people to the polls as may be necessary for its existence and perpetuity. If, then, this clause contains no grant of power to the States, of course the argument deduced from it, that the States are restricted to the grant, falls to the ground. The States have not only the power to prescribe "the time, place, and manner of holding elections" for members of Congress, but they hold, by virtue of their reserved rights, all other powers and privileges, with respect to these high agents, not taken from them. Those who contend that the States have no right to commission members of Congress by their Governor, must show that this power has been taken away. Who has ventured to show this?

Another argument is deduced from the first clause of the fifth article of the Constitution. As "each House shall be the judge of the elections, returns, and qualifications of its own members," it is contended that neither the Governor of a State, nor any other officers of the State, have any right to judge at all, under any circumstances, of the votes, or the qualifications of voters, after their votes are received. Again, sir, I must refer to fundamental State Rights principles. What is not granted is retained to the States. The clause does not say that Congress shall be the sole judge. It only gives the House the power of judging of the elections, returns, and qualifications of its own members—a power absolutely necessary to its independent existence. It is a revisory power, by which it can review the polls, the acts of the election officers, and go behind and set aside the commissioner of a Governor himself. But is this revisory power inconsistent with the exercise of the same power, in conformity with State laws, by the officers of the States? On the contrary, as a member of Congress is the agent of the States, does it not necessarily follow that the States, through their officers, must, in the first instance, determine who this agent is to be; and does not this involve the right of judging and rejecting votes—of judging of returns and qualifications? Without such a power, it would be impossible for the States to ascertain their own agent; whilst the exercise of such a power does not at all infringe on the power of this House to cor-

ject any errors or frauds in the elections or returns It has been conceded in the argument that the managers of elections might reject the vote of one disqualified by the State laws *before* it is put into the ballot or taken *viva voce*. Well, is not this an act of judging? But it is contended that the managers cannot reject the vote if it is once received, however fraudulent or illegal. Here, then, is a great constitutional power resting on a matter of time. If the fraud is detected *before* the vote is received, it is constitutionally condemned; if *after*, it is constitutionally above repudiation. Suppose, sir, that, in counting out the votes, three of them are found rolled up together, or more votes are received than voters: must not the judges of the election judge of such frauds upon the polls? Suppose the name equivocal or illegible, or the vote is a blank: must they not determine whether it shall be counted? And in many of the cities where the names of the voters are registered, and those for whom they vote are recorded, a fraudulent or illegal vote can as well be determined after as before an election. I am surrounded by members of Congress from every part of the Confederacy, and I ask them whether, in every State in the Union, the managers and judges of elections have not, from the organ of our Government, exercised the power of purging the polls in all cases of discovered frauds? Whilst, therefore, I maintain, in its broadest latitude, the power of this House to judge of "the elections, returns, and qualifications of its members," and to revise the conduct of all the election officers, I do not think that these powers are, in the first instance, denied to the State authorities.

Some gentlemen, however, unable to deny that the Governor had a right, under the laws of a State, to give a commission to a member of Congress, nevertheless contend that the commission is nothing but a return of the election, and that, for that purpose, the Governor is a returning officer of this House. I think, if the commission is a mere return, the argument is not far from being right. But in what a degrading position does it place the sovereign States of this Confederacy! If the commission is a return of the elections, and the Governor of a State is an officer of this House, of course he must be amenable and responsible to this House. May he not be dragged here, and punished for any imputed fraud in his returns? And where would be the pride and sovereignty of the States in the operation of so monstrous a position? If a law were passed by Congress making the Governors of the States our returning officers, under the pretext of the power of "prescribing the time, place, and manner of holding elections," what State in this Union, from the largest to the smallest—from New York to Delaware—would submit to it? Sir, I hold in my hand the commission of my membership to represent the State of South Carolina on this floor, under her seal of State, and the signature of her Governor. Do you think I hold it to be on a parity with the returns of the inferior agents of the elections, and to carry with it no more dignity and power than the certificates of such ignoble and contemptible instruments (if reputation does not belie them) as figured at Millville and South Amboy? Is this commission, with its proud motto blazoned upon it, a usurpation—a mere nullity—or worse than a nullity—a foul instrument, by which the high Executive of South Carolina is made amenable to this House? Would life itself be worth such dishonor?

I will now, Mr. Chairman, briefly recur to the conduct I have pursued in carrying out the principles I have here supported. I did not vote for the resolution of the gentleman from Virginia, [Mr. WISE,] declaring that the roll should be called in the usual order of States, and that the gentlemen from New Jersey, who hold the commission from the Governor, should take their seats, for *three* reasons, which were covered by the resolution I had given notice I should present as a substitute. In the first place, if this course had been pursued, these gentlemen would have been inducted into their seats; and thus have been empowered to vote in their own cases, on any subsequent investigation. The House will bear in mind that so soon as you, sir, were installed in that chair, the question arose whether these gentlemen had a right to vote on the matter of these contested seats, in which they were interested. I called to your attention the rule of the House which I thought disqualified them from voting. You determined, however, that they had a right to vote, and that their interest in their seats was not personal, but representative—the interest of their constituents. From this decision there was an appeal, and I voted against their right. I could not, with the least consistency, vote for a resolution which, without any change of circumstances, overruled what had been done, and gave the very right of voting I had denied. In the second place, the resolution of the gentleman from Virginia is in direct conflict with a principle I have avowed, and which I deem exceedingly important in this controversy. It is that principle, so ably exposed and advocated by the honorable gentleman from Kentucky, [Mr. UNDERWOOD,] that we have a right to recognise, and a right to refuse to recognise, each other as members of Congress; and upon a refusal to recognise any member of Congress, he should stand aside until all who recognise each other had taken their seats. A judicial tribunal would thus be organized of those whose seats are uncontested, to determine upon those whose seats are contested. Now, the resolution from the gentleman from Virginia, if adopted, would have been a denial of this important principle. Without any tribunal organized from the members whose seats were uncontested—without the right of setting aside those whose seats were contested—in direct conflict with the right of members to refuse to recognise any claimant as a member of Congress, it proposed at once to induct the gentlemen from New Jersey, who had the Governor's commission, into their seats. Having already voted against such a course, I had no alternative but to act so still. The third reason for my voting against the resolution of the gentleman from Virginia was, that it did not affirm the power of the House, at this stage of its organization, "to judge of the elections, qualifications, and returns of its members." The whole case—all the testimony on your table, was not laid before us; and to give a judgment short of the broadest exposition of facts before us might give the inference that we did not think we had a right to have them exposed for our judicial determination. Maintaining, as I do, that this House is the House of Representatives of the Congress of the United States—as fully competent now as at any future time to "judge of the elections, returns, and qualifications of its members," I did not deem it consistent with such a position to vote for a proposition which did not distinctly affirm this right. To settle and establish right principles is far more important than to do justice to any man; because in such a case justice to the individual may be the precedent for the grossest wrong to others.

I have thus, Mr. Chairman, briefly assigned my reasons for voting against the resolution of the gentleman from Virginia. The propositions which these reasons establish are all contained in the resolution I proposed as a substitute; which has been adopted by the House. Whilst agreeing in the result with those who maintain that those who hold the Governor's commission should have the contested seats, I could not, consistently with my previously expressed opinions and conduct, go with them in their manner of obtaining it.

I voted for the gentleman from Pennsylvania [Mr. NAYLOR] taking his seat, because, from the terms of the law of Pennsylvania, the proclamation of the Governor, declaring who were members of Congress to represent that State, was to be issued within a certain number of days (twenty days, I think) after the election. The Governor of Pennsylvania (at that time Governor Ritner) did, within the time prescribed by law, issue his proclamation, declaring Mr. NAYLOR a member of Congress. The subsequent proclamation of Governor Porter, declaring Mr. INGERSOLL elected, was without the time prescribed by law, and was, therefore, wholly unauthorized. In the New Jersey cases, now before us, we have the commission of the Governor. We have this commission impugned upon grounds of fact; and we have these facts denied by those holding the commission. We cannot, now, sir, in this stage of our organization, go into an elaborate consideration of these facts; and nothing short of a full and elaborate consideration of them would be dispensing justice. The Governor's commission is a title, to be set aside only upon the clearest proof of fraud in its creation; but when the alleged fraud is disputed and denied, upon what principle of justice, which has ever obtained in judicial or legislative bodies, can you stop short at the allegation of fraud, and not allow the allegation to be disproved? We have the alternative, then, presented to us, of stopping at the commission, or of going, at this stage of our organization, into the merits of the whole case. If we go into the merits of the whole case, send for persons and papers, hear testimony, and hear arguments, will gentlemen tell me when the investigation will end? I doubt not the power of the House to go into the investigation; but the argument *ab inconvenienti* against such a course appears to be irresistible. There are other matters before the country, of grave importance, besides the seats of these five gentlemen from New Jersey. We should admit, I think, those who have the Governor's commission, in the organization of the House; and, when the House is fully organized, refer the whole matter to the committee of privileges of elections. In the mean time, we shall have put an end to the angry and disgraceful struggle in which we are now engaged, and the business of the people will go on.

Mr. Chairman, I have thus, as briefly as the subject would permit, stated my opinions on some of the questions before you, and my reasons for the course I have pursued and shall pursue. They throw me into co-operation with those to whom I have generally been opposed; and they separate me from those with whom I have usually acted. The position is far from being agreeable; but it appears to me, after the most careful examination, to be the necessary consequence of those great principles with which I began my political life, and expect to end it. Probably, very few who hear me—not one—agrees with me in the opinions I have expressed. What then? Are we to be the mere reflectors of the opinions of others, or surrender our principles because they are opposed? or, what is baser still, abandon them, in a spirit of mean malignity, because our political opponents espouse them? I know, sir, that I am but a man, and not above the influences of party association; and amidst the fierce surges of party contention, I shall not be exempt from their spray. But, by deep retirement and careful self-examination, I trust I shall never be swept off into the dark abyss of party subserviency; and through whatever scenes of strife and difficulty I am destined to pass, I shall not be unrewarded and without consolation if I am able to preserve untainted, if not unsuspected, my political integrity.

REMARKS OF MR. SHEPARD,
OF NORTH CAROLINA.

In the House of Representatives, December 18, 1839—

On the resolution submitted by Mr. WISE, that Messrs. AYCRIGG, HALSTED, MAXWELL, STRATTON, and YORK, are not entitled to be sworn as members of the House.

Mr. SHEPARD of North Carolina, observed, that this debate had been extended for two weeks, and though he did not believe that he could throw any light on a subject on which the best talents had been employed in the course of the debate, yet as the course which he had thought it his duty to take had been somewhat different from that expected by most gentlemen, he deemed it but justice to himself to make a brief explanation of it. When we assembled here, said Mr. S. some weeks ago, certain gentlemen from the State of New Jersey appeared with certificates that they had been elected as Representatives from that State, similar to the one which I possess; and on referring to the laws of New Jersey, I found that the Governor of that State was authorized to receive from the judges of the elections the returns of all the votes given, to count them up, and to give commissions to those persons who received a majority of the votes. Sir, said Mr. S. these gentlemen who claim to be ad-

mitted to their seats here, have the certificates of the Governor, stating that they were duly elected; and it seemed to him they were entitled to take their seats, and to participate in the organization of the House by the election of a Speaker. It seemed to him, then, said Mr. S. that he had no more right to refuse to associate with them as members of this House, and to impeach the validity of their credentials, than they had to refuse to associate with him, and to impeach the validity of his. The Governor of New Jersey is the officer charged with making of the returns of election, and though not appointed by the Federal Government, his statements of the returns are as binding as if he acted under our authority. The commissions which he gave were in conformity with the usage which had always prevailed in this country, and in the country from which our institutions were derived; and in both countries the act of the returning officer was always considered valid and binding until proved by good and sufficient testimony to be wrong or fraudulent. This was the view which he took at the first, and which he took now. He would not go into an argument to show the truth of this position, for it had been already so ably argued that he had too much respect for the House to consume their time with repeating arguments that had been so often used. But some gentlemen contended that fraud had been committed in giving these returns. Admit that this were the fact; yet it seemed to him that they had no right, according to parliamentary law and usage, to inquire into it at that time. The gentlemen whose seats were contested had as much right, as he believed, to inquire whether fraud had been committed with regard to his credentials, as he had to inquire with regard to theirs. Indeed fraud might be committed on all hands. The certificates of the Secretary of State of the State of New Jersey, contesting the verity of these returns, might themselves be the result of fraud; and, therefore, in the preliminary stage of their proceedings, he thought they could not go into an examination of them. These reasons, and many others, which he would not trouble the House with reciting, induced him to give his votes in favor of the right of these gentlemen to take their seats. He thought they were entitled to have their names on the roll, and he therefore voted for the first proposition of the gentleman from Virginia, [Mr. WISE] which was lost. Another resolution was offered by the same gentleman, affirming that they were entitled to take their seats, and leaving the question of ultimate right to be decided by the House, after it was organized. For this resolution he also voted. On Saturday last, the gentleman from Virginia introduced his third resolution on the subject; and on the motion to lay it on the table, he voted in the affirmative; and he had now risen more for the purpose of explaining his vote on that occasion, than to enter into an argument on the present question. When the motion to which he had referred was made, it seemed to him that they had already consumed too much time on the various questions connected with the subject, and that no good could result from keeping it any longer before the House. He thought it was time to lay aside this vexed question, and proceed at once to the organization of the House, and to the despatch of the public business. There was, therefore, no inconsistency in the two votes he had thus given. He voted according to the dictates of his best judgment, and subsequent reflection had convinced him that he had acted correctly. It seemed to him that the question had been settled by the preliminary meeting, that these gentlemen should not take their seats, and participate in the organization of the House, and that it would therefore be better to have the controversy to be decided in the ordinary way by the House, upon its merits, after the action of the Committee of Elections. He must take this occasion to say that he had voted for the two resolutions of the gentleman from Virginia, with the greatest reluctance. In what he was about to say, he begged to be understood as not wishing or intending to impeach the motives of the gentlemen from New Jersey, who came here with the Governor's certificates; nor did he wish to impeach the conduct of the Governor himself. But he must say, that when he heard the evidence read at the Clerk's table, impeaching the validity of these returns, in which it was conclusively shown that the gentlemen who contested the seats had received a majority of the votes given at the elections—when he heard the evidence read that the clerks of two counties, Millville and South Amboy, had suppressed the vote given at these counties, and when he heard the evidence that the Governor himself admitted both these important facts, and, regretting that the technicalities of law prevented him from giving the returns to those who had received a majority of the votes, consoled himself with the belief that the House would do justice to all parties—when he had seen a proposal made last summer in the public papers, by the gentleman commissioned by the Governor, to throw up their commissions, and go again into a new election, thus admitting a doubt of their own rights, he could not avoid entertaining the suspicion that gross fraud had been practised. It seemed to him, Mr. S. said, that throughout the whole contest here, one party had made use of the forms and technicalities of law to cover up a mean and despicable fraud, while the other party had attempted to break down all the forms of law, in order to attain abstract justice; and being a law-loving and law-abiding man, he had voted to preserve the laws, though injustice might be the consequence. These things, Mr. S. said, were not uncommon in private life. A man often held possession of a tract of land to which he was not justly entitled, and which the law would take from him upon a legal investigation and trial of his title; but the forms of law must be preserved, and the tenant in possession must retain the land until the courts decide that another has a better title to it. He would pass over other matters, (Mr. S. said,) and come down to the proceedings of yesterday; and he confessed he never was more surprised in his life than he was when, shortly after the Speaker had taken the chair, and after his administering the oath to the members of the House, he saw these five New Jersey gentlemen walk up to the table and ask to be sworn. He did not, as he said before, mean to impeach their motives; they had a right to take their own course; but he thought that motives of delicacy, as well as of expediency, should have induced them to wait for the regular action of the House. Now, did not every man see that the contest has, all along, been for the purpose of electing a Speaker, and that these gentlemen and their friends were contending for their right to participate in that election? But (said Mr. S.) the right has been violated by decisions of the House again and again, and it is too late to rectify it. The House has been organized, and the Speaker has been elected, without the participation of these gentlemen, and they can, therefore, have no good reason for insisting on taking their seats without an investigation into their right to hold them. You, sir, [addressing the SPEAKER] have been elected as an impartial man; you and I voted to give these gentlemen their seats in the first instance, and you will doubtless deal justly and impartially in your appointment of a Committee of Elections. Then why not let this question of right be referred to that committee to be investigated on its merits, in order that the House, with a full knowledge of all the evidence connected with it, may decide on it calmly, justly, and impartially. No injury or inconvenience would result to these gentlemen or their party by the delay. No great question would probably come before the House, in which their votes might be necessary before the decision of the House on their case. He, for one, would agree that all the great questions which were expected to come before them, should be postponed until that decision was made; yes, sir, said Mr. S. the great financial question, on which I shall go with the Executive, and the fate of which will probably depend on the decision of these contested election cases, may be laid over until the House shall decide who shall take their seats as Representatives from the State of New Jersey. He had merely risen, Mr. S. said, to explain the course he had taken. If any harm has been done by preventing these gentlemen from participating in the election of a Speaker, it is too late now to apply the remedy. The act has been done, and done forever, and let the country and posterity judge of its correctness. A great deal had been said about the States Rights doctrines that were involved in this question. Sir, said Mr. S. the question has as much to do with States Rights as it has with the Egyptian hieroglyphics. No man wishes to disfranchise the State of New Jersey. The only question is, who shall take their seats as members from that State? There was no intention of depriving any one of his rights; on the contrary, the sending this matter to a committee, and bringing it to a thorough investigation upon its merits, was the surest way of doing justice to all. The argument had been used in the preliminary stage of the proceedings, that the House, in an imperfect state, and without a Speaker, could not enter into an examination of the evidence connected with the subject, nor try it on its merits. That difficulty was now removed. The House was now organized—a Speaker was elected, and the members were sworn. He hoped, therefore, there being no longer any obstacle in the way, that the House would take this course.

Mr. THOMPSON of South Carolina here took the floor, and replied at length to Mr. DROMGOOLE, citing various precedents to show that the gentlemen who presented themselves with the certificates of the Governor of New Jersey, were entitled to take their seats without further question; and that the House had no right to go behind these returns, or, at this stage of its proceedings, to go into an examination of the testimony contesting their validity.

Mr. WISE obtained the floor and moved an adjournment.

Mr. SHEPARD asked that the gentleman would withdraw the motion, so that he might have an opportunity of saying a few words in reply to the gentleman from South Carolina.

Mr. WISE could not withdraw the motion unless it was understood that he should have the floor afterwards.

Mr. ADAMS hoped the House would permit the gentleman from North Carolina to make an explanation.

Mr. WISE then withdrew the motion to adjourn.

Mr. SHEPARD then said that he had been a humble member of the House of Representatives for the last two years, and in his course on that floor he had endeavored to be actuated by what he believed to be his duty to himself and the people he represented. He knew that, on various occasions, he had taken a course unpalatable to some gentlemen, and they had shown their disapprobation of that course by various circumstances and means. He would, however, now say to them, that he was not responsible to them, or to any body else, except the people who sent him there, and the country at large; and he hoped that, in the discharge of his duty in that House, he was as far from fear as any other member on the floor. He would neither yield to flattery on the one side, nor to bullying on the other. When he rose a few moments ago, he did not rise to make an apology for his vote—he owed no apology to any body; but he rose to put himself right before his constituents and the country at large, because he knew that the party organs, which were spread throughout the country, were always disposed to hold up a public man to odium. The people do not understand the rules of order in this House; and when gentlemen act differently from the views of partisans, it is easy for them to be misrepresented. And notwithstanding the remarks of the gentleman from South Carolina, he felt satisfied with the propriety of his course, and he believed that every person, untrammelled by party prejudice, would justify his conduct. He would now briefly state what he had said. He had said that when we first met in this House, he believed that those members from New Jersey who had the Governor's certificates were entitled to take their seats and participate in the election of a

Speaker; but he stated further, that he had strong suspicion that those men had come here through a fraud. The gentleman from South Carolina himself had strong suspicion that they came here through a fraud, if he had not misunderstood him on another occasion. He thought in the first place that they had the right to participate in the election of a Speaker. They however were deprived of that right by the House, and they did not vote for a Speaker. Then, so far as the principle was concerned, it was violated by prohibiting them from voting in the election of a Speaker; and if they had at any time a right to participate in the organization of the House, that right had been trampled upon, and it was gone forever. Then, after all this was done, was it not the proper course, as a Speaker had been elected who would immediately appoint committees, to let the whole matter be brought up before a committee, and be examined, and properly decided? Last week, the argument was, that we must give faith and effect to the certificate, because the House was not organized, because there was no Speaker, no committee to examine, and collate facts. Now, sir, the case is different. You have been elected by the gentleman and his friends, because of your justice and impartiality. You can immediately appoint a committee, that will investigate the whole matter—that will bring to light the dark parts of this transaction, and do equal and full justice to all. Let the House take up the subject, and decide upon the whole question of right, now that these men have been deprived of taking seats in the first instance. Was there any inconsistency in his wishing to pursue this course? Would the gentleman from South Carolina desire to give men seats here who, upon examination, in a few days, it might be found, were not entitled to them? This was his position, and these were his views, expressed with all due respect to the great legal talents of the gentleman from South Carolina.

Sir, said Mr. S. the gentleman from South Carolina, in the conclusion of his remarks, had said that his relations with me were not such as would permit him to speak of me as he would of his honorable colleague. Although, sir, I do not fear that gentleman's lance, in any contest, I know that he is possessed of talents far superior to mine The gentleman seemed to know that he is much my superior in age, in learning, and in eloquence, but why did he not think of this before he commenced his attack? Why did he not attack his friend from South Carolina, who had voted with me on all these questions? That would have been more consistent with the gentleman's vaunted chivalry, which he is eternally talking about. [Laughter.] But the gentleman further says, that I had held that these men had a constitutional right to participate in the organization of the House, and contends that because they once had a constitutional right, I act inconsistently in not supporting their admission to seats at the present moment. In this matter, the gentleman himself is in no enviable position. The gentleman came into this House a Nullifier, opposed to a National Bank and a high tariff; still we find him always acting with that very party which goes for a National Bank, for a high tariff, and for all those measures which he has declared to be most odious to him. If it is inconsistent in me to pursue the course I have, is it not doubly inconsistent in the gentleman to pursue the course which he pursues? If I am inconsistent, he is still more so; and how can he justify himself to his constituents? How is it that he is struggling to get that party in power which would adopt all those Federal measures which he himself pretends to be absolutely opposed to?

In pursuing the course which I desire to pursue, I do not see that any harm can be done to any party, for I will be willing to postpone all the great questions which this House has to act upon, until the matter of this New Jersey election is finally decided upon, which can be done in a short time, as the House can proceed to it at once, and act upon it in a legal and constitutional manner.

REMARKS OF MR HOLMES,
OF SOUTH CAROLINA,

In the House of Representatives, December 12, 1839—

The following resolution, offered by Mr. PICKENS, being under consideration, viz:

"*Resolved*, That the committee to be raised on the New Jersey election be confined to the question who is entitled to 'the returns' of election for the Twenty-sixth Congress."

Mr. HOLMES of South Carolina rose and addressed the House as follows:

I know not, Mr. Chairman, how you or other gentlemen upon this floor may feel, but I do confess, for my own part, that when I consider how many days have elapsed since we assembled in this Hall; how ineffectual have been our movements, save, like the fingers of that clock, to mark out the progress of time; how, in a crisis and at a period when the eyes of a whole nation and the hands of a suffering people are imploringly turned towards us, we have been vacillating instead of acting, debating instead of organizing, running a great circle and remaining still at rest—I feel that I could bow down my head in shame, and, returning to my constituents, ask of them forgiveness.

This question has been misstated throughout the whole of this debate. It is thus propounded: "Are not the gentlemen from New Jersey who have the Governor's certificate members of Congress, and are they not entitled to their seats by *prima facie* evidence?" This, however, is not the question; for no one doubts that the Governor's certificate, under the laws of New Jersey, was the only evidence in the first instance. The true question is: Shall this House, with the election returns and the Governor's certificate both before them, go into an examination of their distinct evidences of title, and decide upon their merits? I contend not only that you may, but that you ought to investigate this whole matter; that you are required so to do by the fifth section of the first article of the Constitution, which requires you to judge of the elections, returns, and qualifications of the members.

My first proposition is, that this House has the materials before it; that *here* are the parties litigant, and that we are bound to decide; that the evidence before us consists of the appointment by the voters, in the shape of election returns, and also of the certificate of the Governor, professing to be based upon those returns; that the appointment, and not the commission, creates the member; and that, if the appointment was evidenced by any public act other than the commission, such act will give the right to the commission, or enable the parties to perform their duties without it. Properly to test these propositions, we should consider who we are—how constituted—the mode of proceeding heretofore adopted—and then take our departure with the lights which experience throws upon the pathway before us. Let me say that we commenced in error, and that in error we progressed, until we organized this House by the selection of a chairman from amongst ourselves. It is essential that every member should be convinced of the error; for upon the proper organization of the House must depend the legality of its proceedings.

Our first error was the attempt to invest the Clerk of the House with the attributes of Speaker or Chairman; and in the perseverance of this course for four days we uselessly consumed that exact amount of time. Gentlemen on the other side were confirmed in the continuance of this error by the very ingenious speech of the member from New York, [Mr. BARNARD,] whose effort, although his first upon this floor, I trust will not be his last, as it evinced much acumen, clearness in stating his premises, and logical skill in the deductions. That member contended that, inasmuch as the Clerk was elected by the last House of Representatives, and that House had terminated its existence on the 3d of March last; whilst it was admitted, both by the rules of the common law, generally applicable to officers, and the particular rule regarding this functionary, that he did not cease to exist when the life of the parent that gave him birth had expired; therefore he (the Clerk) had a separate and independent existence; was an officer of the Government, sworn to the performance of his duty, and recognised as occupying his proper place here, and, in the absence of a Speaker, invested with enlarged powers until the election of a Speaker. That, consequently, under him we might progress to a proper organization, the Clerk putting questions to the House on any matter which it was competent to entertain. Now, to all this I answer that, although the Clerk did not cease to be Clerk when the last Congress expired, yet the fact of his living over invested him with no new function, and that the deduction from the premises in a complete "*non sequitur;*" his being sworn, or his remaining Clerk during the recess, could give him no new title, invest him with no privileges beyond those originally acquired by his election as Clerk. He was, when first appointed, and is now, only an instrument of the House, and is no part of the House itself; his existence is the result of the action of the House—a mere consequence—and therefore cannot be a portion of the thing creating him. The Clerk is no more a constituent portion than the pen with which I write is a part of my body. He surely had functions to exercise when the members of Congress first assembled; but they were exactly those of the crier of a court; his duty was to call upon the parties to assemble, who were essential to form or constitute the House, and, when this was accomplished, he was *functus officio*, and his successor was to be appointed. The error in which the House suffered itself to fall was this: that it proceeded to discuss the right of the New Jersey members without any person being in the Chair competent to put questions, or to decide upon the mode of proceeding according to parliamentary rules. This error, after many days—and after many ineffectual efforts to proceed with the work of organization—was admitted, and another and proper mode was suggested: "that of organizing by the appointment of one from amongst ourselves to preside over the deliberations of the body" We are now generally admitted to be properly organized. This organization, however, is said, by the honorable member from Vermont, [Mr. SLADE,] to result, not from any law, but from necessity, in consequence of the Clerk's refusing to put questions. The gentleman is wrong. The Clerk had no right to put a question; and the House is now organized upon the only legitimate basis it could have been. The question then recurs, is that organization perfect? For, if it be merely inchoate, as gentlemen contend, then its acts are of no validity. But if it be perfect, it can forthwith proceed to pass upon the whole case, examine the returns and qualifications, and decide upon the claims of the parties contending before us for seats upon this floor. My proposition is, that the organization is perfect, and I sustain it thus: The body is constituted according to the law of its creation, and that law is to be found in the Constitution of the United States, which provides that "the House of Representatives shall be composed of members chosen by the people of the several States." The law of organization of the Senate is distinct. It is composed of two Senators from each State, and the Vice President of the United States. Its organization, or composition, requires something more than its own members. The organization of the House of Representatives is complete, when made up of its own members. What follows? Why, clearly this: that the "*disjecta membra*" being brought together, and united under a head, the body is complete—complete for all the purposes of proper organization—capable of examining into the several parts of which it is composed—of comparing the relation and fitness of the joints, and of compacting them into the best form, for long and protracted exercise. When thus properly adjusted, the whole body will be prepared to run the career set before it—to legislate, to appoint, to adjudicate. I admit that, in its present condition, it cannot perform a judicial function. The gentleman from New York seems struck with the frankness of this admission. But let me tell the gentleman it involves no inconsistency, because we are not called upon, in deciding upon the claims of the gentlemen from New Jersey, to exercise any judicial function. Let us inquire what is meant by judicial function, and the exercise thereof? I de-

fine it to be the action of one body upon another distinct body, according to some law or rule of action. Now what is it we are called upon to do? Not certainly to act upon another distinct body; neither is there any prescribed mode of action by which we shall determine upon the premises. We are called upon to do this and no more: by an inspection of the muniments of title, to determine in the first degree who shall compose the House, with a view to the action and performances of that House. This case may be likened to a contest between two militia companies for rank in line. The adjutant, in forming the regiment, is bound to decide between the contending parties; but will any one pretend that his decision upon the commissions submitted to him by the officers claiming rank creates judicial action? It is merely a previous arrangement fo the several limbs, essential to the just action of the corps; a harmonious adjustment of the parts to the completion of a system whose operations are to be fully developed when properly completed. It is thus apparent that no judicial action is intended. When the House is formed, by the election of a Speaker, its judicial function will be brought into exercise; it will then be called to determine in the last resort; it will send for persons and papers, swear its witnesses, or examine upon interrogation. At present it is only called upon to protect itself, to guard its own integrity, to prevent the abuse which might creep in under color of title, to prevent the letter of a law from destroying its spirit, by interposing between the existence of a fact and the evidence of that fact. We are not now, for the first time, to learn the awful fact that it is the letter of the law which frequently kills, whilst the spirit makes us free. Who does not know that the rights of a people have been destroyed more by the forms of the law than by the sword of the conqueror? And does it require a prophet to tell us—should the doctrine be recognised that a certificate of election is to give a title to a seat in Congress, superior to the election returns upon which it professes to be based, superior to the votes of the electors, who are the appointing power—that, in times of party excitement, certificates will be manufactured contrary to the return, and against the express will of the sovereign, which speaks through its majorities? Let us, then, not by a disregard of certificates—not by a resort to suppression of technicalities—not by a disregard to the certificate of a Governor or the broad seal of a State; but, by virtue of and in obedience unto that law, which New Jersey herself, as a sovereign State, enacted, and by which she claims to be represented, and to which she has affixed her broad seal, (the Constitution of the United States,) proceed, as commanded, to judge between the qualifications, elections, and returns of the members claiming to be Representatives of a co-ordinate State. Let us perform the task assigned us in spirit and in truth. All sovereignty enjoins it upon us—the sovereignty of the States as as expressed in the sacred instrument of our Confederation—the sovereignty of the people of New Jersey, as demanding justice at our hands against usurpation of its Executive—the sovereignty of justice, whose reign is coeval with time, and whose decrees are as eternal as the Rock of Ages. If we hesitate to proceed, we violate all these injunctions of duty; if we advance with spirit to the work set before us, we soon put the Government in motion, and perfect the great objects we were sent to execute. What hinders us? Forms and technicalities, say the gentlemen opposed to the Administration. We have the certificate, and we are entitled. I deny that any forms are in the way; and I am prepared to show that, in the present state of the case, your certificate confers no title superior or equal to the returns themselves. I further contend that the returns are before us, and that the parties contending are as much within our jurisdiction as they will ever be. Now, whom have we before us? Messrs. AYCRIGG & Co. on the one part—on the other, Messrs. DICKERSON & Co. The first set claiming by virtue of the Governor's certificate, which professes to be an exemplification of the returns—the second set claiming by virtue of those very returns as recorded in the office of the Secretary of State of New Jersey; which Secretary was the clerk of the very Council who assisted the Governor in verifying the returns and advising upon the certificate. Here, then, are before us two sets of paper titles, and here we are brought to the point of action. Let it be remembered that I concede, in the first place, priority of the Governor's certificate on the returns. That priority was granted, and it has served its purpose. It conferred upon the gentlemen the privileges, and surrounded them with the immunities of membership from the time they left the borders of their own State until this House was organized to act upon the qualifiations and returns. This House is now so organized, those qualifiations and returns are before it, and we are now called upon to decide.

Yielding as much authority to the sign-manual of the Governor—paying as much respect to the broad seal of a State as gentlemen claim for it—let us now proceed to decide upon the documents before us. The documents are in number only two; they can easily be compared, and their relative merits adjudicated. What do these documents purport to be? 1st, a Governor's certificate; 2d, an election return. The first paper gives the seats to the first class of claimants. The second paper, if true, and properly before us, will give the seats to the second class of claimants. The question arises, have you a right to decide upon the election returns, and upon the Governor's certificate? No member denies it, provided they both be properly before us, and the time contemplated by the Constitution, in the fifth section of the first article, be arrived. It is then incumbent upon me to show that these two conditions precedent have been complied with—the time arrived, and the papers properly before you. The papers are, in fact, before us. But how did they get before us? I answer, in the only mode they could properly come before us—brought by the gentlemen who contest the right to seats as conferred by the Governor's certificate. The Constitution called upon you to decide between the parties. Is it not the duty of the party contesting a title to produce into court the muniments upon which he contests and sets up his claim? If you are to judge, you must have the materials for judgment. Upon what are you to judge? The Constitution says the qualifications, elections, and returns. Is it not then the duty of the parties evoking justice to produce their qualifications and returns? It appears that they have done so. Why, then, are the papers not properly before you, as contended by the Opposition? Is there any prescribed mode of bringing them up? If so, let gentlemen show it. And if there be not, then they must show that in the nature of the case there is some defect—the onus is upon them. The fact of the papers being here, and admitted by the gentlemen from New Jersey to be genuine, throws the weight of disproving the legal admissibility upon the other side. Now, if you have not these papers legally before you, the illegality must arise either from the law of Parliament, or the Constitution, or the law of Congress. Let gentlemen point us to these laws; and when they do, I will confess the papers are not properly before us; until then, as there is nothing in the papers themselves which excludes them, I shall insist that they are properly before us. Will it be pretended that the mere sending a mandate to bring up a paper imparts to that paper, when thus brought up, a legal significance which it had not before? And if the mode of bringing up the paper does not affect its admissibility, is not the only question to be determined that of jurisdiction over the paper when before the court? But the Constitution specifies the very paper before us. It is, therefore, within our jurisdiction, and we must decide.

Gentlemen should remember, when talking about sovereign power, that this House likewise has a supreme power over this whole subject, and can be circumscribed in the mode of exercising that power by no laws but her own. In the absence of any such laws regulating the mode of bringing the papers, her jurisdiction attaches to the papers the very moment they are produced and read; otherwise, it would be guilty of the absurdity of issuing process to enforce the production of testimony already in its possession. The papers, then, being before us, and no law prescribing the mode of production, they are legally before us, and we can judge of the contents. The gentleman from New York [Mr. BARNARD] says we cannot proceed to judgment until we are first sworn; but we cannot be sworn until we have a Speaker, and therefore we cannot, at this stage of the matter, proceed to judgment. The whole of this argument of the honorable gentleman was based upon the presumption that we were about to perform a judicial act. I have already shown that we are not called upon to perform a judicial act, and therefore it is not requisite for us to be sworn. Thus, the foundation of the argument being removed, the argument falls with it. Gentlemen will not pretend that an oath is essential to our organizing the House, and the Constitution recognises us as a House before the Speaker administers the oath, for it says the House shall elect a Speaker. But the Constitution does say that the House may decide this question, and it fixes no precise time for it to decide. Therefore, it follows that, as soon as we become a House, we may decide. Now, we are a House at this moment; our members are assembled, our Chairman presides, rules of the Congress are adopted for our government, our acts are recorded on the journal, and our compensation, no doubt, will be demanded. This, then, is the proper time for decision. Parties and papers are before you, and the States whose Representatives you are demand of you to decide. Gentlemen, however, say, let us send for person and papers, and decide finally on this great matter. Do gentlemen seriously intend to suspend the action of Government until this controversy is finally settled? Do they not know that if this whole matter be referred to a committee, it will occupy that committee for weeks and months? Why, sir, in the present state of parties, that committee will sit *de die in diem*, and the rest of us might as well return to our homes, or travel through the States. No, sir, let us decide upon the evidence before us, not finally, but upon the admission or exclusion of the members in the first instance. We have the right, and it is our duty. I have shown you that there is nothing in the nature of the work we are about to perform which requires of us an oath—nothing in the law of our being which enjoins it; that now is the time, and the appropriate time. It is due to our constituents, it is due to the dignity of this body, it is due to the nation. You are bound to examine these returns. What are these election returns? They are records in the office of the Secretary of State of New Jersey. They are evidence of a higher nature than the mere certificate of these returns given by the Governor. The difference is that between an exemplification of a record and the record itself. Will any gentleman tell me, if an exemplification of a record, with the seal of the Governor certifying its correctness, was produced in a court, and, when there, the record itself was afterwards produced, and upon comparing them they were found to differ, that the record would not prevail over the certificate? And if it would in a court of justice, is there any reason why it should not prevail in this House? Is there any difference between the cases? And, if there be none, do we not fulfil all the requisitions of sovereignty, of the Constitution, of justice, when we accord to the record a superior validity to the certificate of that record? Let gentlemen meet this argument in the spirit of candor, anxious to do right, and fearing to do wrong; let principles, and not temporary expedients, prevail. The expediency of the day passes with the sun which sinks to rest, but principles are eternal, and in their beautiful operation upon the systems of Governments shine more and more as time rolls on. And now, may I be permitted to make an appeal to this House? Who are we? Delegates assembled from every part of this great nation. Delegated for what? To decide first upon our organization, but not to remain for weeks deciding to organize for action; to put forth that energy with which we are invested; to extend that relief which is imperiously demanded. At what time and in what crisis are we called upon to administer the Government of this great Republic, this vast empire, extending over so many lands, embracing so

many people, and circumscribing so many and conflicting interests? At a time and under circumstances which demand all our resources to be brought into action, all our wisdom to be put in requisition, all our firmness to be displayed, and all our virtues to be exercised. The cities are distressed; the country habitations are no longer the residence of tranquillity; commerce is paralyzed; credit it is ruined; and your finances are disordered. Around you and within you there is danger, distress, bankruptcy; in your land there is war; on your borders there are rumors of war. In the East there are portentous signs; the line is but barely marked across which the border hordes are ready to mingle in conflict. One error, one false step, a breath, a stir, may precipitate this country into the dark gulf beneath. In the South, those citizens who are peculiarly under you care—the inhabitants of your territory—are at this moment writhing beneath the merciless inflictions of savage barbarity, and loudly crying unto you to extend your arms and rescue them from death. In the West—the far West is not free from apprehension. You have driven the Indian tribes from the valley of the Mississippi to the base of the Rocky mountains. But did you first infuse into their bosoms the charity of the Gospel—good will towards men? Did you send them forth with hearts attuned to the melody of the angles' song, "Peace on earth?" Oh no! You acquired their lands by treaties which they never signed; by seals which they never made. You drove them from the homes of their fathers, from the graves of their warriors; and think you that suffering humanity will not vindicate its rights? Think you that that vengeance which is the Indian's virtue will not rouse up the several tribes, and bid them send forth the battle cry of their nation over the vast prairies and rock dells of the remotest States? The signs are much to be mistaken if they are not already concerting the scheme of a general and connected, a leagued and covenanted opposition to you and your institutions. They have learnt their strength in alliance; they are merging the hatred of each tribe in one uncompromising hostility to the whites; and unless you prepare quickly—unless you make appropriations to sustain the system you have formed for their government, the fruitful, the glorious West may become the field of slaughter for your citizens, and the encamped plains of a barbarous and triumphant foe. With such numerous, such accumulating, such fearful difficulties surrounding us, shall we stand lingering here, mocking the hopes of an expecting, a confiding people? In the name of humanity, in the name of justice, in the name of that God who wheels his throne upon the rolling spheres as He passes over the nations to call them to account, and their rulers to judgment, I invoke you to press forward to the decision of this case, to the assertion of your prerogatives, to the organization of your body, to the doing of the people's work, to the advancement of righteousness and the glory of the nation.

REPORT ON THE FINANCES.

REPORT FROM THE SECRETARY OF THE TREASURY ON THE FINANCES.

TREASURY DEPARTMENT,
December 3, 1839.

The undersigned respectfully submits to Congress the following report on the finances, in obedience to the "Act supplementary to the act to establish the Treasury Department."

It is gratifying to be able to state, notwithstanding the embarrassments of the present year, that the revenues of the General Government have been increased, the expenditures diminished, and most of the Treasury notes redeemed.

Revenue and means for 1839, exclusive of trusts and the Post Office.

The balance in the Treasury on the 1st of January, 1839, which could be considered available for general purposes, was - -	$2 466,961 95
The receipts from customs, the first three quarters, as appearing on the Register's books, are	$18,328,393 50
This includes about two millions and three-fourths collected last year in Treasury notes, but not carried on his books till 1839. From this cause the actual receipts in this year will, to that extent, appear larger than they ought.	
Receipts from lands the first three quarters, including also some collected last year in Treasury notes - - - -	5,417,286 31
Miscellaneous receipts - -	125,208 78
Estimated receipts for the fourth quarter from all those sources -	5,700,000 00
Receipts on some of the debts against banks not available on 1st January, 1839, but since paid - - - -	1,322,686 60
From the third issue of Treasury notes under the act of March 2, 1839 - - - -	3,857,276 21
Aggregate means - -	$37,217,812 75

Expenditures for 1839, exclusive of the Post Office and trusts.

Civil, foreign, and miscellaneous, for the first three quarters -	$3,649,508 23
Military, for the first three quarters - - - -	10 791,799 21
Naval, for the first three quarters	4,713,701 57
Estimate for all, during the fourth quarter - - -	5,600,000 00
Funded debt for year - -	14,658 98
	24,769,667 99
Redemption of Treasury notes in the first three quarters, interest as well as principal - -	9,891,759 83
This includes two millions and three-fourths paid in for duties and lands last year, but not carried on the Register's books till 1839. From this cause the expenditures on that account will appear larger by that amount than they actually have been within those quarters.	
Estimated amount of notes redeemed in the fourth quarter -	1,000,000 00
Aggregate payments -	35,661,427 82
Leaving an available balance of money in the Treasury on the 31st of December, 1839, of -	1,556,384 93
	$37 217,812 75

The funds computed to be not available, nor applicable to public purposes, at the commencement and at the close of the present year, can be seen in the table before mentioned.

Public debt and Treasury notes.

The condition of the small remains of the funded debt has not materially altered since the last annual report. A statement of it, with the several payments made within the year, is herewith exhibited.

Though incommoded by repeated pressures in the money market and suspensions of specie payment by the banks, within the last three years, the interest and all the principal due on that debt, as well as on Treasury notes, have been punctually paid in specie whenever desired.

Not more than one fourth of a million of the first and second emissions, and two millions and a half of the third, will probably remain outstanding at the close of the year. The former emissions have been for some months redeemable, but the last one does not begin to be till March, 1840, except as previously offered in payment of public dues. The aggregate of two millions and three-fourths of principal is therefore all that it is computed will be unpaid of nearly twenty millions, which were issued since October, 1837, in consequence of indulgences granted to the merchants on their bonds, and the banks on their deposite debts. At no one time has the amount of notes outstanding been allowed to exceed ten millions, and the present very reduced aggregate, unredeemed, is less than the sums still owing from the banks that suspended specie payments in 1837, and from the Pennsylvania Bank of the United States on its bond due in September next; and might with ease have been paid during the present year, had the money been received on those claims.

Exports and Imports within the commercial year 1839.

The exports during the year ending September 30, 1839, are computed to have been $118,339,004. This is $9,872,368 more than those in the year 1838.

Of the whole exports only $17,408,000 were of foreign origin, and of the excess in exports over 1838, only about five millions were domestic produce.

The imports during the same year were about $157,609 560, being the very large excess of $43,892,356 over those during the previous year. This may be a solution of a portion of the pressure in the money market. The difference between the imports and exports, being $39,250,556 in favor of the former, is larger than in any year, except three, since 1789, and is much larger than any difference in the valuation of the same articles with the profits in the foreign trade added. It must, therefore, except so far as reduced by an unusual quantity of goods consigned here from abroad, and yet in store unsold, be a very decisive evidence of an increased indebtedness by this country to other nations. And except so far as this new indebtedness may consist of stocks sold and the proceeds returned here in merchandise, it must furnish another proof of one immediate cause of the present pecuniary pressure.

The history of our commerce during the twenty years from 1818 to 1838, presents a singular change in the last half of that period, which tends strongly to illustrate the correctness of these suggestions. During the first half of it the excess of imports over exports was only about seventy-five millions of dollars, or in the proportion of near seven millions and a half annually on an average.

But during the last ten years of it the excess was near two hundred and twelve millions, or over twenty millions annually; and thus more than two hundred and fifty per cent. greater than it had been. Supposing that the seven and a half millions were composed principally of the fair profits and difference in valuation, the excess over that rate in the last ten years must constitute a debt, either mercantile, State, or corporate. It equals near one hundred and thirty-seven millions before 1839. The debt thus computed to have been created abroad, by stocks and otherwise, within that period, will, with the amount of previous indebtedness, form an aggregate quite as large as has been estimated by many from other data.

Further particulars, possessing a general interest and relating to this subject during the last six years, are exhibited in the statement annexed. Additional information of some importance concerning our exports and imports, from the commencement of the Government to 1838, inclusive, has been prepared, and is subjoined in other tables. These tables are intended to be in a form convenient for a reference, and are calculated, by easy as well as extensive comparisons, to throw new light on several subjects of commerce and other branches of industry connected with the finances. They exhibit not only the whole exports and imports in each year, but the consumption of the latter, and the changes in the whole aggregate value of each principal article, whether exported or imported, and the progress of our foreign trade to and from each State separately, as far back as is practicable, and to and from each country of much commercial importance abroad. A few of the most striking results are condensed in a note.

Estimate of the Receipts and Expenditures for 1840.

For reasons hereafter to be explained, the receipts into the Treasury, the ensuing year, cannot be estimated so high as in 1839.

From the best information possessed by this department, it is computed that the aggregate of them, available for public purposes, will not exceed $18,600,000, viz: from

Customs - - - -	$15,000,000
Lands - - - -	3,500,000
Miscellaneous - - -	100,000
Add to these the balance available	

and applicable to other purposes, which it is supposed will be in the Treasury on the first of January, 1840 - - - - -	1,556,385
The efficient means in that year will then amount, in the aggregate, to	20,156,385
If Congress should make appropriations to the extent desired by the different departments, the expenditures for 840, independent of the redemption of Treasury notes, are estimated at - - -	20,000,000
Including all the Treasury notes to be redeemed, the aggregate expenditure would be about - - -	22,750,000
This would leave a deficit in the Treasury at the close of the year, amounting to - - -	2,593,615
But there will be due from the United States Bank, in September next, on its fourth bond, about - -	2,526,576
The principal now due on the Treasurer's deposites in other banks, which suspended specie payments in 1837, is - - - -	1,149,904
Should all these claims be collected in 1840, they would prevent a deficiency, and leave an available balance in the Treasury of nearly -	1,082,865

It is not, however, considered prudent to rely exclusively on the collection of these debts.

One mode, then, of obviating any difficulty from that circumstance, will be to reduce the aggregate of new appropriations, by postponing some and lessening others, so that the means probably available will be sufficient to meet all calls upon the Treasury, and leave in it an average balance of about two millions.

It is believed, for reasons enumerated hereafter, that such a reduction is possible without essential injury to any useful object, and that this balance is the smallest, which is adequate to secure promptitude and good faith in public payments, so heavy in amount as ours, so unexpected at times in the demands for them, and so dispersed over a wide territory. If the appropriations are not thus reduced, it will be wise to provide seasonably in some other way for the amounts of the contingent deficiency, and of such a balance.

According to the opinions of the different departments, as to the sums of money proper for each, and which constitute the basis of the estimates submitted to Congress, the new appropriations required for the next year will equal the sum of - - - $18,280,600 55

Viz:

Civil foreign intercourse and micellaneous	$4,981,344 19
Military services, pensions, &c.	8,213,610 74
Naval service,	5,085,645 62

Besides these, the permanent appropriations, which, by existing laws and the modification of them recommended, first become chargeable on the Treasury in 1840, amount to $1,586,000. They are, in the War Department, $1,236,000; in the Navy, $340,000; and public debt, $10,000. The principal on Treasury notes falling due will be about $2,750,000 more. The appropriations already made and chargeable, which will remain uncalled for at the end of the present year, are estimated, by the different departments, at the further sum of $11,827,371, though that is considered by the undersigned as likely to be about two millions too small. Of these they compute that nearly $8,270,793 will be required, in order to accomplish the objects contemplated by them. It is proposed to apply $3,014,711 to the service of the ensuing year without re-appropriation, and the residue of about $541,866, not being required in order to accomplish these objects, will go to the surplus fund. It therefore follows, if all the new appropriations called for are made, that the whole charge upon the Treasury in 1840, exclusive of the Treasury notes outstanding, will amount at least to $31,152,106, of which, as previously observed, it is computed that $20,000,000 will be expended within that year for ordinary purposes, or two millions and three-fourths more, including the redemption of Treasury notes. From these statements, it must be perceived that our condition in relation to the deposite of another instalment of public money with the States remains much the same as at the close of the year 1838. Consequently, the views then expressed by the department have continued to govern its course.

This state of the finances renders it also unnecessary to submit any remarks upon the impolicy of providing for the additional deposite or distribution of surpluses not likely to occur, or for any donation of the proceeds of the public lands, while they are all needed to defray the ordinary expenses of the General Government.

Besides the further objection to some of these measures, arising from their apparent conflict with constitutional principles, it must be manifest, that if the proceeds of the lands should be given away when needed to discharge appropriations, the deficiency must be made up by the unpleasant alternative of a resort to loans or increased taxation.

Explanations concerning the estimates of receipts.

The estimates of receipts from duties and lands during the next year have been made lower than for 1839, for the following reasons:

A further reduction of certain duties, amounting to nearly $800,000, will take place after the close of the present year. It likewise happens that, subsequent to a large importation and a fall of prices in the articles exported, as in 1839, the amount of imports often declines for one or two years. After 1825, it declined uninterruptedly for six years.

The contractions and expansions of our paper currency have at times proved another striking indication of the reduction and increase in importations. Without dwelling here on the intimate connection between them as cause and effect, by means of the foreign exchanges, and the necessity, after overtrading and overissues by the banks, of drawing on them and adjusting large balances in specie, it may be observed that a diminution in the circulation of paper has been going on for several months. Hence a diminution in the imports has already commenced, and is confidently expected to continue for some time.

The country is also supposed to be supplied with foreign merchandise in greater abundance than it was a year ago. This will lead not only to a reduced demand for the importation of more goods, but to a greater export of what is already here, to other and better markets, and thus, by increased drawbacks, as well as diminished imports, materially lessen the net receipts from customs.

The price of some of our principal articles of exports being lower, the same quantity will likewise furnish less ability to make purchases abroad, and, where the quantity is larger, the commercial embarrassments both there and here will tend to prevent buying, on either side of the Atlantic, much beyond what is needed for early consumption. The greatly increased liabilities on the part of many corporations, and States, for the payments of interest and dividends on their stocks owned by foreigners, will still more sensibly affect the revenue. Those payments must require millions of exports either in produce or specie, which will lead to no returns in additional imports. It is believed that within a few years past an annual tax or drain on this country has thus been created, equal to twelve or thirteen millions of dollars.

This is a new and important element, besides overbanking and overtrading, to disturb the industry, the commerce and finances of the Union. Its rapid growth has been accelerated by the distribution of the surplus in deposite among the States, tempting them in several instances to new and unprofitable enterprises, and stimulating delusive hopes of still further distributions. Its influence for evil has been aggravated by a few other causes, some of them temporary in duration and limited in extent, but others diffused in a degree over considerable portions of the civilized world, and presenting some singular anomalies in credit, currency and trade. But without enlarging on the consideration of them here, the following conclusions may be regarded as inevitable.

Should the States not speedily suspend more of their undertakings, which are unproductive, but, by new loans or otherwise, find means to employ armies of laborers in consuming rather than raising crops, and should prices thus continue in many cases to be unnaturally inflated, as they have been of late years in the face of a contracting currency, the effect of it on our finances will be still more to lessen exports, and consequently the prosperity and revenue on our foreign trade. It will also impede the sale of the public lands, by diverting labor from the soil to works which, for some time, must be wholly without profit. Circumstances like those, with the scarcity of money and high rate of interest abroad produced by them and other occurrences, not necessary to be now repeated, have already diminished the income in the present year below what it otherwise would have been, and will probably manifest their power much more in the year to come.

The estimates for revenue from lands have been reduced the most in proportion, because, besides the diminution of sales, which will probably be caused by the present and prospective scarcity of money and fall of the prices of produce, the amount received from them during the present year has, as was anticipated by the department, been much increased by the temporary power of the late preemption law.

The unusual quantity of land newly advertised during the year 1839, and the consequent large receipts connected with that cause and the pre-emptions, are circumstances not likely to recur in 1840. It is believed, therefore, that the low estimates submitted as to lands will prove sufficiently high, unless a graduation bill should pass. The effect of such a bill, judging from reason and from analogy to the graduated prices, under which lands are now selling, on account of the Chickasaw Indians, at Pontitoc, much more freely than elsewhere within the same State, would be to add considerably to the revenue for a few years.

Explanations of the estimates as to expenditures and of some further reductions in them.

The estimates of expenditure for ordinary purposes in 1840 are in the aggregate about five millions less than what it is computed will be spent in 1839. This great reduction has been proposed, although the expenses of 1839 will be quite six millions less than those of 1838, and those of 1838 were somewhat less than the expenses of the previous year.

The various items of new appropriations asked for are, as usual, in the amounts requested by the different departments having charge of the different subjects. If any omissions or miscalculations occur in them, they must, therefore, happen from inadvertence by those officers best acquainted with the business within their own peculiar province.

But, in the present condition of the country and the finances, it is not expected that much necessity will arise, either in the opinion of those departments or of Congress, to make important additions to the sums now requested. On the contrary, it is confidently hoped that some reductions from them can be effected without material injury to any great national interests.

It is difficult in a young, growing, and enterprising community, to restrict public expenditures within reasonable limits. Certain exigencies also occasionally occur requiring extraordinary sacrifices. When patriotism and honor demand large pecuniary contributions, the latter are richly repaid by their tendency to impart vigor and security to the former. But, an expenditure of twenty millions of ordinary purposes, though much reduced from the aggregate during a few years past, is believed by the undersigned to be more, instead of less, than sound policy justifies, while the present unusual embarrassment in moneyed affairs shall continue. Indeed, strong doubts exist, if it be not more than the real necessities of the General Government usually require. The reasons for this conclusion are briefly these: It is true that such an expenditure, equalling only a dollar and a fourth per head of our population, is not a very large one to sustain a Confederacy with such widely extended duties as this. If reduced to the amount of imposts, which are the

whole real burden, and if compared with the taxes elsewhere, equalling sometimes fifteen dollars per head, under political institutions of different forms and less frugality, the pressure from that source here would seem to be remarkably light.

But it should be remembered that the people of the United States are obliged to defray a large amount of other public expenses imposed upon them by State authorities, and, at the same time, that their forms of government, among various excellencies, have been preferred particularly for their economy. Hence the true question with them, in respect to expenditures, is, not how large burdens can be borne, but how much can be dispensed with. It is not what is splendid, but what is useful and necessary—not how much can be collected from them without suffering, but how much can be left with them, both of money and power, and insure all the benefits of the social system.

As the interests and wishes of the people formed the Government, they should control it.

Considering these circumstances, and the severe simplicity and frugality befitting a republic, what amount of public expenses is necessary?

In 1831, it was calculated that the ordinary expenses of the General Government need not exceed fifteen millions of dollars. The undersigned expressed an opinion four or five years afterwards, that sixteen or seventeen millions would then be sufficient; and he still believes that, notwithstanding the continued increase of our population and wealth, they might, with prudence, be limited to eighteen millions in 1840, and, perhaps, after the expiration of most of the present pensions, and the removal of the rest of the Indians, be for some time diminished still lower.

Indeed, in point of fact, so recently as 1834 and 1835, the whole yearly expenses were only seventeen and eighteen millions, independent of the public debt. Though the amount has since been increased by wars, pensions, Indian removals, and other peculiar causes, deemed at the time, in most cases, sufficient to justify the appropriations by large, and often unanimous votes in Congress, yet a reduction has been going on during 1838 and 1839, and all the ordinary expenditures would not in the present year, but for the pension list and Indian disbursements, exceed the smallest sum last mentioned. The whole increase, however, has not been confined to these two items, nor could the whole reduction safely be, which, in the opinion of the undersigned, sound economy appears to require.

In the inquiry as to the amount of expenditure which should be considered necessary, light may sometimes be obtained by adverting to the increase of population and wealth. Looking to those, if the expenditure, independent of the public debt, was reasonable in magnitude during the first eight years of our present Government, the sum of seventeen or eighteen millions annually would not now be greatly disproportionate, nor probably be found either much deficient or very unnecessary. It would be nearly five times the average amount about half a century ago, while our population, since that time, has undoubtedly increased more than four fold, and our wealth and resources have probably increased in a ratio still larger. The last remark, however, is a matter of inference from various data, more or less accurate in themselves; such as the average importations, which have only doubled in the last forty or fifty years; the foreign tonnage, which has increased but in a like ratio; the exports of domestic produce, which have quadrupled since 1792; and the whole tonnage, including domestic as well as foreign, which has also quadrupled, and become more than proportionally efficient by introducing into it over eight hundred steam vessels.

Other data, less accurate, but not less sure indications of a still larger increase in wealth, are to be found in the vast extension of agriculture, manufactures, the mechanic arts, and various useful applications of steam, as well as in opening roads and canals, building up flourishing cities, enlarging our territory, diffusing practical education, and multiplying, by ways too numerous for repetition, the comforts, advantages, and powers of a great and prosperous people.

But such general considerations, though beneficial in comparative examinations, are usually better tests of the ability to pay than of the propriety of the expenses themselves. A scrutiny into the principal items of the latter, and their amounts at this time, compared with those from forty to fifty years ago, will aid much, in connection with the considerations before mentioned, in forming a more accurate judgment on the propriety and necessity of most of the present expenditures. It will show what branches have since sprung into being, and what, from their character, should or should not be longer continued.

Some suggestions were submitted on this subject in the last annual report, and its importance must be the excuse for adding more on this occasion. The expenditures nominally connected with foreign intercourse have increased least. Those connected with the War Department have increased most. The civil and miscellaneous charges continue comparatively moderate. But several of our heaviest burdens, such as the navy, the pensions, Indian disbursements, and a class consisting of light-houses, fortifications, roads, and improvements in harbors and rivers, have augmented very largely since the first eight years of the Government. Some of them have increased more than fifty fold.

On a careful examination it will be seen that various vindications, more or less plausible, have been made for these additions at different periods; but they cannot be now applicable for the continuance of them all.

Thus, the enlargement of our naval expenses from less than half a million yearly before 1795, to more than six millions now, was in some degree justified, from time to time, as an efficient aid to foreign intercourse with semi-barbarous people, and for the protection of our commerce and citizens against injustice or rapine whether in remotest Asia, or nearer quarters of the globe. The increase of pensions from only forty or fifty thousand dollars yearly at first, and only eighty thousand as late as 1811, to nearly four millions now, was defended on various grounds. But in most cases it was considered less as a liberal charity than as a payment of the Revolutionary debt to a patriotic soldiery, who advanced arduous services in the field rather than money, and endured sufferings in the the establishment of our liberties, which a grateful posterity should endeavor to remunerate. The Indian expenditures, enlarged from a few thousands to three or four millions of dollars, have been regarded as the most efficacious means of improving permanently the condition of the aborigines, as wisely extending the boundaries of civilization over the new States, and, in a fiscal view, as profitable advances of money, soon to be fully repaid by the sales of lands, to which the Indian title has thus been amicably extinguished. The other group of items, for forts, light-houses, roads, harbors, and rivers, some entirely new, and the whole augmented from fifty thousand dollars to three and four millions, have, on several occasions, and to a proper extent, been considered as prudent precautions for national defence and useful aids to the extension and security of commerce. Some expenses of smaller magnitude may have swollen quite as fast as these; others with less rapidity; and others still have been wholly created since 1797. Part of them have apparently become a permanent charge on the Treasury, and part undoubtedly may be, as others have been, properly discontinued. But, without time now to go into the consideration of details as to any except those four enumerated classes, it may be added that these are, when united, nearly quadruple all the other ordinary expenditures; and either of those four classes alone amounts yearly to a sum about equal to all the other ordinary expenditures, and more than the whole of every kind except the public debt, each year, from 1789 to 1797.

The precise periods when the greatest increases happened, and the ratio of them, have not kept an uniform pace with the progress of population and wealth. In many respects the ratio has not been nearly so great during the last ten or twenty years as in some previous terms. Thus, the whole expenses of the Government in 1793, with the exception before mentioned, were about three millions yearly; and in 1818, after the lapse of a quarter of a century, had increased, though in a period of peace, to fifteen millions of dollars, or five fold, while our population in that people had only doubled. But, during the next sixteen or seventeen years, as in 1834 and 1835, the expenses had enlarged not twenty-five per cent. while our population had advanced at least sixty-six per cent. During the present year, though in intermediate periods, chiefly from Indian wars and removals, considerably higher, they will not exceed the amount of 1818 more than sixty-six per cent. while our population has since increased more than eighty-four per cent. Again, take the progress in the ordinary civil expenses, which include those of the Executive, Legislative, and Judicial departments, miscellaneous and foreign intercourse; all of them united were but a little over half a million of dollars in 1793; while in 1818, they had increased to nearly four millions, or eight hundred per cent. though our population had augmented only one hundred per cent.

But since the last date, that class of expenditures has not enlarged forty per cent. having been not over five millions and a half in either 1837, 1838, or probably 1839, while our population has advanced eighty four per cent. or more than double that rate. All can thus perceive where, when, and and in what, the greatest increases have occurred—the principal reasons, whether sufficient or otherwise, assigned for several of them, and the ample opportunity which still exists for further retrenchments, so far as the public interests are supposed by Congress to require them, in any or all of these large burdens on the public Treasury.

As some encouragement to hope for a continued reduction in several of them, without injury to any of the important establishments of the country, it may be observed that portions of these items of expense, and several smaller ones, must cease for ever with the temporary occasion for them, and others will not, when once completed, require renewal soon, if ever. Such are numerous special donations and grants: durable public buildings of all kinds, dry-docks, improvements at navy yards, forts, arsenals and arms, roads and harbors constructed, obstructions in rivers removed, the manufacture of weights and measures, the survey of the coast, much of the removal of the Indians, the extinguishment of Indian titles, and most of the existing pensions. But unpleasant as is the task of reduction, it may also become necessary to go farther, and diminish on a general *pro rata* scale or otherwise, the compensation to all officers, civil and military, executive, judicial and legislative. It is surely much better to do this, so far as the public exigencies may require and justice sanction, than to expose the Treasury to bankruptcy, by continuing to make appropriations beyond the certain means provided for the payment of them, or to resort, in a period of peace, to the spendthrift and suicidal policy of effecting permanent loans to defray ordinary expenditures. Peace is the time to pay rather than incur debts, and it would be wiser for any nation even to hoard during peace than to borrow largely, and thus encumber still more those energies and resources which are naturally crippled by war, but whose whole vigor is so conducive to its success.

The preceding remarks are applicable to ordinary expenditures. But for extraordinary ones, such as, within a few years past, the expensive removal of the Creeks and Cherokees, the Black Hawk and Florida wars, while equal caution may well be exercised in deciding on their necessity, yet, when once that is admitted, less objection exists to temporary measures for relief, like Treasury notes or short loans, provided a permanent increase of taxation is not likely to be required in the end.

In voting for extraordinary charges, as well as in sanctioning, from sympathy or justice, unexpected appropriations towards large private claims and interesting local objects, it often happens that heavy payments are imposed on the Treasury for purposes not contemplated in the ordinary estimates.

And the obvious propriety of generally making

at the same time some new provision of means adequate to the discharge of such additional burdens, is sometimes unfortunately overlooked. But, when acting on these or other cases, if Congress cannot, consistently with its views of duty to the country, adopt the course suggested, and restrict the amount of appropriations, whether ordinary or extraordinary, to the certain current revenue, the only remaining courses which seem defensible are these: either to provide for recalling portions of the public money now deposited with the States, or establish an adequate system of direct taxation, or at once resort to the contingent power contemplated in the existing laws concerning the tariff when changes become necessary for purposes of revenue, and restore the duty on several articles of luxury now free.

On some permanent safeguard under fluctuations in receipts and expenditures.

Much has at times been wisely done by Congress to supply means for meeting unexpected deficiencies. But all legal provisions heretofore adopted for that purpose having expired, our financial operations will be constantly exposed to danger, unless some permanent safeguard under contingencies is established.

These circumstances must constitute an apology for once more explaining some of the grounds in favor of such a measure, and earnestly asking speedy legislation concerning it.

The principal sources of our present revenue are sensibly affected by fluctuations not only in commercial prosperity, but in the crops, the banking policy, and credit systems of even foreign nations. The influence of these causes seems to become yearly more changeable and more uncertain in its extent.

Numerous illustrations in support of these views have been referred to in former reports. Some of them show a sudden and great falling off in the regular receipts, though during peace, as the duties in 1816, from nine millions in one quarter, to only three in the next; and as the sales of public lands, from twenty-four millions in 1836, or an amount over half of all received in the previous forty years, to less than three millions in 1838. But the returns from the districts in some States during the last two years present additional facts equally striking on this subject.

In Michigan, for instance, the sales of public lands in 1836 exceeded five millions of dollars. They fell in 1838 to only $154,284; and in Mississippi, where, in 1835 and 1836, they exceeded three millions each year, they fell in 1838 to only $96,636. As before intimated, a portion of such extraordinary fluctuations results from the vacillating character of the sources from which our revenue is derived. But most of them are evils inseparable from the periodical contractions and expansions incident to the present defective system of banking, in a country so full of enterprise as ours, with such freedom in pursuits, such facilities of intercourse, and such strong temptations to rash speculation.

The fluctuations, however, are not confined to the receipts. The expenditures, which may be sanctioned by Congress annually, are very uncertain in their amount, as well as doubtful in the proportion of them, which will be called for within the year, or in any particular portion of it.

All these, and similar considerations in favor of some permanent provision on this subject, apply with still greater force than they have heretofore. The available balance in the Treasury to facilitate its operations, is much smaller than has formerly been usual. The receipts on the debts still due from banks, after two previous disappointments as to some of them, must be regarded with increased doubt, and if they should be paid within the coming year, the outstanding Treasury notes become redeemable in the first half of it, and must be discharged some months before the bond of the United States Bank falls due in September.

The introduction of steam in voyages across the Atlantic, besides the great revolution it must produce in other respects, will so expedite orders and imports, as to produce a sensible departure from the former more uniform periods of laying in stocks of certain kinds of merchandise in advance, and must thus add to the irregularity in our receipts from imports, as well as to the uncertainty in previously estimating their amount.

The practice of incurring expenses in certain cases, sometimes legislative, and sometimes military, or of a different character, in anticipation of appropriations, and occasioned by unexpected necessities or unusual delays, seems to be increasing. It augments the risk of a temporary deficiency, because large sums thus become payable in a mass, and forthwith from the Treasury, when most of the members of Congress, at the time of making the appropriations, expect that the burden will be spread somewhat equally over the whole of the ensuing year.

Why, then, should not a constant safeguard, or some permanent remedy under such irregularities, be provided? The omission to do this can hardly be considered the true check on extravagant expenditure, as that check would seem to consist rather in a forbearance to make unnecessary appropriations, than in a refusal to provide ample means for paying with promptitude, under all probable contingencies, what has already been appropriated, and has thus received the deliberate sanction of Congress. The national pride, no less than its honor and credit, appears to be concerned, in adopting some measure on this subject, stable, efficient, creditable to free institutions, and possessing a paramount influence to preserve unspotted the public faith.

The States now possess, separately, quite as deep an interest in such an arrangement as the General Government, since a blow on the credit of the latter would, like an electric shock, be felt through the whole of them, and inevitably depreciate still more their immense amounts of stocks.

It is hoped that an actual failure to furnish means to make prompt payment, under all contingencies, and thus producing the very violation of good faith so much to be deprecated, will not be necessary to awaken its guardians to the urgent importance of some such remedial provision; a measure, without which, in the shape of an investment, or large balance on hand, or authority given to postpone certain classes of appropriation, when the revenue proves insufficient for the whole, or some power to borrow money, or issue, on interest, when necessary, drafts or exchequer bills, no financial system in any enlightened country has been, or can be, long administered with safety and honor.

In our system, the provision on this subject was very uniform and permanent, till the extinguishment of the national debt in 1835. Previous to that time, a large balance beyond the expenses for ordinary purposes was generally collected, and being kept on hand till near the close of the year, so as to assist in any contingency, was then, if not thus wanted, applied towards the payment of the debt.

After that time, the first resort, in the event of fluctuations, was temporary, and consisted of the accidental and unexpected accumulation which immediately followed. When parts of that accumulation were expended, and the residue was divided among the States, instead of being invested, and held to meet deficiencies, the recall of it, as fast as needed for the latter purpose, was still sanctioned by Congress, and constituted the next permanent remedy. But this power of recall was afterwards taken from the Treasury Department, and, instead of it, the payment of one instalment was postponed, and a very limited authority given to issue Treasury notes for aid in any contingency. That authority also expired in June last, and while in force, contained requisitions immediately to receive those notes in payments when offered, and at the same time preventing the reissue of them, which proved to be exceedingly inconvenient and hazardous—which have already rendered two additional acts of Congress necessary, and which, in a moneyed crisis like the present, not only endangers all fiscal operations, but would have stopped some of the most important of them, if not obviated in a degree, by seasonable arrangements, made in anticipation of difficulty.

The Department, therefore, is now without any resort, temporary or permanent, in case of material deficiencies, and considering all the circumstances before mentioned, with the dangerous liability in law to have the whole outstanding Treasury notes paid in at any moment for public dues, without a power remaining to issue others in their stead; considering also the present revulsions in the commercial world, which affects so seriously the receips from both duties and lands; considering the disasters which are befalling the banks and rendering our collected funds in some cases wholly unavailable, and the advances necessary to be soon made for the large payments of pensions, and Treasury notes falling due in March, the earliest attention to new legislation on this subject seems highly prudent, if not indispensable, for the effectual security of the public credit.

The manner of keeping the public money, with the proper guards against losses.

During the present year, the public money has been kept in the following manner. Where suitable banks could be obtained, in conformity to the act of June 23, 1836, it has been placed in them, in general deposite. When such could not be obtained, and the amounts were likely to be permanently large, or were not collected by any public officer, the money has been placed in banks, in special deposite, either in the modified form, as explained last year, or under particular stipulations in writing. In other cases, where it was small in amount, or likely to be wanted immediately for public use, it has remained with those collecting it till drawn for.

Only two banks are now employed as general depositories, under the act of June, 1836.

In respect to the system at present in use, it is not proposed to add much to the comments, which have been submitted on its defects, in former reports. The failures among the banks within the last few months have again strongly illustrated those defects.

Without further legislation, this system cannot be made, and it certainly is not now the most safe and convenient one, whether Congress intend to continue a system of banks, or adopt one independent of banks, or employ a mixed one composed of both. But it is a system forced on the Department, by the peculiarities of the existing laws and the present condition of our banking institutions. It is believed to be the best one possible, consistent with them. Under the present arrangements no eventful losses are supposed to have been sustained, which are properly attributable to this mode of keeping the public money. Any small ones, which are likely to happen, appear to be the result of the usual risks incident to the mere collection and disbursement of the money, without reference to the manner of keeping it, and these kinds of risks are inseparable from any system heretofore in force on this subject, whether consisting of an United States Bank, or State banks, or either of those mixed with individual officers.

An exclusive use of bank corporations for collecting and disbursing, as well as keeping all the public money, could alone dispense with the employment of individual officers for the two former purposes, which has prevailed from the foundation of the Government. Such an innovation has been proposed by some, and more especially in the large seaports. But it would create a radical change in the whole theory of all our collection laws. It would subject the Government in most of its fiscal concerns to an entire and humiliating dependence on moneyed corporations. And should the latter, though increased so much in power, not aspire more to misuse it, yet a wider door would thus be opened to sinister influences as well as to great fiscal derangements and ultimate losses. Recent events have evinced the dangers of these so strikingly as to justify all in being more mistrustful, and to render the further consideration of such a plan unnecessary.

The chief difficulty under the old systems need only be understood clearly to be duly appreciated. It has not been in making large payments or large transfers, when using for deposite either the State banks or the United States Bank. Receivers and collectors have also in many places effected payments with promptitude and to great amounts, and almost every trouble in transfers by them would be obviated by the authority heretofore asked for

t e Treasurer, to receive money for lands in advance at points mutually convenient to the purchaser and the Treasurer. But the greatest defect in any former system, connected with this disturbing subject, has always been of a different character. It consists in a want of an absolute prohibition to employ the public money for any private purpose whatever, and in the want of severe penalties to enforce such a prohibition, and of other adequate checks and guards, possessing a preventive operation on both the minds and acts of officers, sufficiently powerful to diminish defalcations.

This defect has exposed the Treasury to constant losses, from the foundation of the Government, and under all systems hitherto in use. It can be effectually remedied by no official regulations, as these have neither the extent, respect, nor force of laws, but only by such new legislation, both penal and prohibitory, as has been repeatedly recommended by this Department, and as experience in most other countries has shown to be indispensable to check peculations in the most effective manner.

The correctness of the statement as to the existence of these losses under all systems and all administrations of them, which have prevailed since the present form of Government went into operation, has been shown generally from official records in reports made to Congress within the last two years, and they will appear more in detail in a reply, soon to be presented, to a resolution of the House of Representatives, calling for particulars concerning defaults in "each administration," from 1789 to 1837.

It is not proposed to enter here into minute particulars concerning the results as contained and exhibited in that reply. But a few general statements from them will throw light on the topic under consideration.

Losses appear to have occurred from defaults among officers in every "administration" or Presidential term, from the formation of the present Government. Thus, among disbursing officers, they are found in every term since 1789; among collecting officers in each since 1793; and among deposite officers, or banks, in all since 1817.

The largest amount of loss from each class, within the period described, has been by deposite officers, consisting of banks, and including, as the resolution requires, the depreciation on such of their notes as were taken for public dues. The loss by this class, at the lowest estimate, has exceeded six millions and a half of dollars; and, adopting a computation made by a committee of the House of Representatives, in 1832, would equal thirty-five millions. The next largest amount of loss, as ascertained and computed by the proper bureaus, has been by disbursing officers, and has been a little under five millions. And the least loss has been by collecting officers, not much exceeding two millions. The aggregate of all these losses, taking the lowest estimate for banks, is about thirteen millions and a half. If, in connection with this subject, were considered the losses in collecting the revenue by the non-payment of bonds for duties, on which credit was given to merchants, something over seven and a half millions of dollars must be added, increasing the aggregate to more than twenty-one millions. The proportionate losses by these classes have been thus: Those by the banks and by the duty bonds amount to more than two-thirds of the whole. The losses, either by the banks alone, or the merchants' bonds alone, have been nearly as great as by both disbursing and collecting officers united; and either is more than threefold as great as by collectors and receivers, and several millions more than by them, not only from 1789 to 1837, but from 1789 down to the present moment.

The particular losses in each Presidential term being also desired by the resolution, they have been ascertained; and, as they furnish a striking solution of some of the general causes of those losses, the periods in which the largest and some of the smallest ones happened among each class of public agents may be usefully designated here. Among the banks, the largest losses were from 1813 to 1817, then consisting entirely of depreciation on notes taken, and next from 1821 to 1824, consisting then chiefly of deposites; while from 1829 to 1833, and from 1833 to 1837, they were smaller than in any period since 1813. Among disbursing officers, looking to the amount disbursed, the largest losses were from 1821 to 1825, next from 1817 to 1821, and next from 1809 to 1813; and they were smaller from 1829 to 1833, and 1833 to 1837, than in any other term whatever, except from 1789 to 1793. The loss on each $100 from 1829 to 1833 was only nineteen cents, and from 1833 to 1837 only twenty-six cents; while in some previous terms it was as high as two dollars and sixteen cents. In this class the most numerous losses, compared with all in office, were from 1817 to 1821, next from 1821 to 1825 and next from 1813 to 1817. The smallest proportion in this respect, except during the first two terms under the Constitution, was from 1829 to 1833, and except those and the third term, the next smallest was from 1833 to 1837.

Among collecting officers, if looking to the amounts collected, the largest losses were from 1797 to 1801, next from 1809 to 1813, next from 1817 to 1821, and next from 1805 to 1809. The most numerous defaults, compared with the whole number of that class in office, were from 1809 to 1813, next from 1805 to 1809, next from 1821 to 1825, next from 1817 to 1821, and next from 1825 to 1829. The ratio of them from 1829 to 1833, and 1833 to 1837, was not one-fourth as large as in some of the periods just enumerated. Indeed it was less than in any previous terms from the foundation of the Government, except four, and the number of such defaulters was less than in any Presidential term since 1804.

The accounts of the Post Office establishment being kept separately, and its officers acting in the capacities both of collecting and disbursing, are not included in the above results, but will be given in the special report in distinct tables.

On a careful review of these data it must be obvious, that in the absence of any penal prohibition to use the public money for private purposes, and of other adequate securities against misconduct, the increased losses during some of the terms mentioned must have happened more from the strong temptations to misuse the money, combined with the calamities incident to war, extraordinary expansions and contractions in the currency, and great speculations and convulsions in trade, than from any peculiar rapacity among those then in public trust, or any special neglect on the part of those who were then either accounting officers, or possessed of the power to appoint and remove unfaithful agents.

Thus, in 1831, 1832, and 1833, prosperous but not speculating years, in the interior scarcely a single loss is supposed to have happened among receivers, though some were then reported for suit on previous defaults; and the same may be said of collectors then, and in 1835, prosperous but not speculating years on the seaboard. But, in more calamitous periods of trade, like 1797 and 1798, 1808 to 1813, 1818 to 1821, and 1837, sometimes succeeding others of rash speculation, the defaults multiplied among collectors, as well as disbursing agents. So, in similar periods in the interior, like 1818 to 1821, and 1836 and 1837, they increased among the receivers and the banks much in a ratio with the inordinate thirst for hazardous investments, and the overwhelming disasters which ensued from them and overissues of paper money.

Another very strong illustration of this is to be found in the periods of the greatest losses on merchants' bonds, compared with the whole amount of duties collected. These losses were the highest, from 1825 to 1829, of any term since the commencement of the Government, doubtless in a great measure growing out of the excessive mercantile speculations and failures of that period; and the next largest were from 1821 to 1825, resulting probably from like causes; while from 1829 to 1833, a period of comparative regularity in trade, the loss was smaller than in any other term since 1809, and less than even from 1793 to 1797, and 1797 to 1801.

On the other topic, as to the feasibility and utility of additional checks and penalties against defalcations, the illustrations referred to, as drawn from examples abroad, are these: Out of twenty-seven Governments, in respect to which accurate statements have been obtained, and which include almost every important civilized country in the world, twenty-six seem to prohibit any private use of the public money, either by collecting or disbursing agents. In six cases only do the deposite agents appear to be allowed the use of public funds, and that is only when those agents are banks, and the money is placed with them in general deposite. In a great majority of these Governments, the employment of public funds for private purposes by any agents whatever, is not only prohibited, but punished by severe penalties, such as imprisonment or the galleys, the penitentiary, and in some instances death. More minute checks and guards also are introduced in most of them, and less is left to discretion or regulation, even in monarchies, than here.

That course of making full and explicit statutory provisions on all these important points, and duly restricting Executive discretion, so liable to degenerate into tyranny, has before been repeatedly urged by the undersigned, from a regard as well to correct political principles as to an increase of the public security, and a diminution of the difficulties and responsibilities he has of late years been compelled to pass through, in a period of such immense collections and disbursements, accompanied by so severe revulsions in commerce, and such harassing bank suspensions.

Dwelling no longer now on this topic, he is convinced, not only that the measure for increased security in the collection and disbursement of the public money, but all the other provisions heretofore recommended, in the establishment of an Independent Treasury, for keeping and transferring it, should be early adopted. Prominently among these last, is the separation between the banks and the principal fiscal operations of the Government. That would be likely to produce many advantages, which have been explained so fully on former occasions that only a few of them need here be adverted to, and this very briefly. It would render a bankruptcy of the Treasury impossible, by a wide if not general suspension of specie payments. To the loss, vexation and discredit of this, the Government has already been more than once subjected, and a United States Bank, judging from experience abroad and analogy at home, would form no more effectual guarantee against it, than State banks during periods of extraordinary convulsions in trade, if administered under the present imperfect system of banking; or, in other words, under similar defective charters, and occasionally similar false banking principles. Such a separation would relieve both the banks and the Government from any further exposure to mutual impotunities, embarrassments and criminations. Both, and doubtless beneficially to both, would be left more to their own resources and less to dependence on each other's favor, whether instigated by cupidity on the one hand or political ambition on the other. Instead of increasing, it would diminish, Executive power; for the latter would be stripped of all bank influence, and be allowed in its stead neither the use nor possession of the public money, except under agents not selected by itself alone, as in case of the banks; little increased in number, guarded by additional securities, and forbidden by the severest penalties to use a dollar of it for any private purpose. It would tend to check improvident paper issues, that in some degree deteriorate the exchangeable value of specie itself as well as of paper, and it would secure the best possible currency in the present state of the Constitution and laws. In fine, it would remove all inducements to hoard what could not be used for profit, to delay payment of what could not be otherwise employed, to augment taxes or tariffs for deposites that can yield no emoluments, and to indulge in reproaches or suffer inconveniences, as banks now do, at being deprived, by public drafts, of funds which, under the proposed system, would only add to the risk and responsibility of the depositary instead of his gains, and would therefore be gladly parted with.

Condition of banking institutions generally, and the kind of money receivable for public dues.

The condition of the banking institutions generally in the United States is always a topic of some

financial interest. But it now possesses less with the General Government than it did when the connection between them was more intimate and extensive.

It is regretted that space remains on this occasion for but little more, concerning their condition, than a reference to the special report which will soon be submitted from the last authentic returns that can be obtained.

In the mean time, however, it may be inferred from returns not very extensive, and from some general data, that since the first of January last the circulation of those banks now paying specie has probably, on an average, been curtailed quite one-third, or between sixteen and twenty millions; that the circulation of most of the others had not been increased at the time of their late suspension: that the aggregate amount of specie in all of them is not reduced more than than eight or ten millions; and that, since the fall in foreign exchange, these institutions, with a few exceptions, originating in gross departures from correct banking principles, by embarking in trade and by making large investments and long loans, often not to business men, nor for common business purposes, are as able as ever to sustain specie payments, provided they felt disposed to exercise their former forbearance and indulgences towards each other, and the community towards them. It is a source of much satifaction to add that the recent suspension has caused far less embarrassment, delay, and probable loss to the Treasury, whether by deposites in banks or the possession of their notes, than have occurred heretofore on similar occasions.

Two reasons exist for this. The banks have of late been employed and their notes taken to a less extent than was before customary, and the suspensions among them have been less general, by not reaching, it is computed, over one-third of the whole number in the United States, though including, perhaps, more than half of the whole banking capital. Of those suspending, fortunately only three of four held any considerable amounts of public money deposited with them since 1837, and they, as well as the rest now in public employ, have made commendable exertions to meet with fidelity their engagements to the Treasury.

The admonitions, however, which the late suspension has given in respect to the importance of some new legal provisions connected with the keeping of the public money, have not been slight, and have already been sufficiently noticed.

They appear to be equally strong in favor of some new legislation or additional regulations as to the kind of currency which should be received for public dues.

In relation to this last point the Constitution and laws are now explicit enough concerning what constitutes money.

But the practices under them, in receiving other things than gold and silver as money, or rather as a currency and substitute for money, have continued so long and been at times so loose as to create much danger and difficulty. The views of the Department on all portions of this subject were so fully explained to Congress on previous occasions, and more particularly in September, 1837, as to render it unnecessary to repeat them here.

But some illustrations and confirmations of those views, contained in the transactions of the present year, are new, and are as follows:

In sundry instances banks, as well as individuals, holding the Treasurer's drafts, have insisted on specie in payment, and refused to accept the current notes of specie paying banks.

This they had an undoubted right to do, and thus the idea has been strongly corroborated, that, however much both public and fiscal convenience may be promoted by the use of a paper currency, for either large or distant payments, yet the receipt of any thing short of specie, or the notes not only of specie paying banks, but such as are convertible into specie on the spot, and at par, can never effectually protect the public credit. The practical importance of this question under our present system will be the more obvious when it is understood that near twenty millions of the twenty-five expended this year, for ordinary purposes, have been, or will be paid by drafts drawn directly on collectors and receivers, and must therefore be met, not only by them, but in specie or its equivalent. It seems impossible, also, that eventual embarrassment and occasional losses by bank failures and suspensions should be obviated, if any thing but specie is long kept on hand by public agents of any description. Nor can any system operate as a check on overissues by banks, restrain the tendency to gambling speculations, and aid gradually in improving the currency of the country, as well as preserve in purity the true constitutional standard of value, unless the notes received are speedily paid over for public debts, when acceptable to creditors, and, at brief intervals, any of them left on hand are returned for specie to the institutions that issued them.

It appears that the effect which such a course would produce in the currency at large, by permanently withdrawing specie either from banks or from circulation, would, in ordinary times, be much less than many persons have apprehended. In the collection and payment of the above twenty millions by collectors and receivers, the whole amount on hand with all of them, at any one time, has seldom exceeded one million and a half.

At New York city, where nearly two-thirds of the customs of the whole Union are collected, and where the gross receipts this year will exceed fifteen millions of dollars, the amount on hand at any one time has not averaged half a million of dollars.

As an illustration of the system of drawing for this money speedily, it may be added, that the amount left at the close of each week, subject to drafts, has seldom equalled one-twentieth of a million.

At the recent suspension of specie payments, most of the funds in the custom-houses were composed of bank notes; but nearly half of those in the land offices consisted of specie. Though the notes on hand were issued by banks paying specie, and in good credit at the time they were taken, yet even a part of them, suddenly becoming irredeemable, has caused some inconvenience, several protests, and a few injurious delays, with both receivers and collectors. At the former suspension, as specie was the only currency then allowed to be taken by receivers, most of these difficulties were obviated with them, and were confined chiefly to the deposite banks, and large collectors. The great amount of specie which the receivers then possessed, contributed much, also, to the general relief of the Treasury, and especially furnished most opportune means for making legal, as well as satisfactory payments of the heavy Indian annuities, soon afterwards falling due in the West.

Some considerations we e intend d to be next presented on the permanent deficiency apprehended as likely to happen in the revenue after 1841, under the operation of the present tariff. But the length to which this communication has already extended, and the doubt whether Congress may deem it advisable to legislate so long beforehand in anticipation of an event which possibly, but not probably, may be avoided, have induced the Department to postpone, for the present, any particular remarks on a topic involving considerations of so difficult and agitating a character.

Miscellaneous.

Some of the leading changes which this Department, during the last five years, has thought proper to urge as material in connection with the finances may, before closing, be summarily and perhaps usefully condensed, and presented together to the consideration of Congress.

They are as follows:

A new organization of the Treasury Department in such respects as to ensure a more appropriate division of labor, a stricter accountability, and a closer supervision over the collection of the revenue by officers exclusively devoted to it.

An increase of the checks and securities against defaults in all officers, whether collecting, keeping, or disbursing public money, and more especially by prohibiting its use for private purposes under severe penalties.

Some provident fund, to be formed when any occasional and accidental surplus happens to be in the Treasury, (but never designedly raising one by taxation,) which shall be employed to meet contingencies and fluctuations instead of our being compelled frequently to resort to loans or increased taxes; and, in the absence of such a fund, a permanent authority to be given for the procurement of means, when needed, under unexpected deficiencies.

A reduction in the ordinary expenditures, so as for several years not to exceed seventeen or eighteen millions of dollars annually, unless, when the revenue is abundant, the great national works, which it is intended to complete in any event, should be hastened more, and, when the revenue is smaller, be proportionably retarded.

The passage of occasional pre-emption and graduation laws as to the public lands, under judicious limitations concerning the quantity sold in any one case, and for the prevention of frauds and partialities.

To reduce the tariff, whenever the amount of revenue justifies the measure; and always regulate its provisions with a paramount regard to finance, discouraging articles of luxury, and encouraging useful and necessary ones only as incidental objects in tariff legislation.

In connection with this policy of protecting freedom of trade, to resist monopolies and exclusive privileges, whether in banking or commerce.

The exclusion of small bank notes from circulation, so as to enlarge the quantity of specie within the country; increase the use of it, and especially of gold, for common purposes, and thus protect as well the banks against runs or panics, as the laboring classes from losses and depreciations incident to every paper currency, like ours, not founded on a specie basis as broad as the paper itself. And finally, the rapid extinguishment of any national debt, and the creation of no new one of a permanent description in peace.

A prominent feature in the policy which has thus been recommended as to our fiscal affairs, has been to leave to State legislation all matters of doubtful jurisdiction, as well as all clearly of a domestic and State character, whether connected with the revenue or the currency, the exchanges and commerce, or some other exciting interests of the country less intermingled with the immediate business of this Department. The undersigned takes pleasure in acknowledging that several of those enumerated measures did not originate with him; yet they have all received his earnest official support, and he is gratified that steps have already been taken by Congress, insuring, in part, the success of some of them.

The rest, as well as those, are again respectfully commended to favorable consideration, hoping that the scrutiny of longer discussion and reflection may have satisfied its members that the full adoption of them all would promote the durable prosperity of the finances, and at the same time be in harmony with the Constitution, and favorable to most of the great interests of the country.

In respect to several remaining matter connected with the finances and the duties devolved on this Department, it is proposed to postpone the consideration of most of them to special reports to Congress, and separate communications to suitable committees.

Among the latter is a mass of questions, chiefly connected with the public lands and the custom-house establishment. Among the former are the state of the light houses; the progress in the interesting survey of the coast; the manufacture of weights and measures; the condition of the Mint and its branches; the situation of our trade with the British provinces and West Indies; the disposition made of our deposites with the several States; and various other subjects of minor importance.

In a note annexed are explained briefly a few topics still different, and some of them more urgent in their character, such as the exclusive employment of one of the present Comptrollers as a commissioner of the customs; a revision of the number and compensation of officers in the customs, and especially their pay during the past year; the requirement of official security from district attorneys; a change in the commencement of the fiscal

year, making also the commercial the same as the calendar year; appropriating, in certain cases, for five quarters, and keeping and publishing all accounts and returns by quarters as well as years; new provisions concerning papers in whale ships and in vessels on the coast of Africa; a declaratory act as to the duties on silks and worsteds; and the further extension of the laws for the relief of insolvent debtors.

Within the present year, the business as to the French indemnity has been closed by distributing the additional interest obtained on the first four instalments. The sixth payment due from the kingdom of Naples has also been received and divided among the claimants.

The annual exhibit of the condition and business of the General Land Office usually accompanies this report; but from its length and importance, it will be presented separately in a few days. The very successful progress made in bringing up the arrears of business, and in the despatch of the enormous amount of current duties devolved on that office by the unprecedented sales in 1835 and 1836, deserves special notice. It has enabled the Commissioner to dispense with the employment of nineteen of his former clerks. Disagreeable and embarrassing as the discontinuance of official services usually is, a strong sense of its propriety in an economical view has led to the measure on this occasion without any special direction by Congress. It is also again urged as a proper topic for legislation, and without which it cannot be effected, that the number and consequently the expense of the old land offices be reduced, by uniting several with others adjoining, where the quantity of business has become much lessened. A similar course as to some of the collection districts on the seaboard has before been recommended, and is still considered worthy the attention of Congress. In all these, as well as in larger savings, economy is undoubtedly true wisdom.

Respectfully,
LEVI WOODBURY,
Secretary of the Treasury.

Hon R. M. JOHNSON,
Vice President of the United States,
And President of the Senate.

REPORT OF THE SECRETARY OF WAR.

WAR DEPARTMENT,
November 30, 1839.

SIR: I have the honor to submit to you the following report upon the several branches of the public service confided to my charge.

The army, as will be seen by the accompanying report of the Commanding General, has been kept on active duty during the past year. In Florida, on the western, northern, and maritime frontiers, the troops have been constantly and usefully employed. The experience of the last summer has confirmed the opinion, always entertained by the Department, that great and decided advantages may accrue to the service from keeping the troops together in as large masses as the circumstances of the country will permit. The camp of instruction at Trenton, and the concentration of the regiments of some few of the posts on the northern frontier, were attended with most salutary effects, and it affords me the highest gratification to be able to bear testimony to the exertions of the superior officers, and to the zeal and industry evinced by those of every grade in their camp and garrison duties, and in drilling and instructing their men. On this occasion, as well as in the field, the deficiency of company officers was apparent, and the injury to the service from taking so many staff officers from the line was sensibly felt. Indeed, it is manifest that the army cannot be efficient under its present organization, and that the staff ought to be separated from the line. Some further legislative enactments are required to prevent improper recruits being received into the military service, and to punish persons who knowingly and wilfully swear falsely when taking the oath required by regulations to be administered to them. Minors not unfrequently impose themselves upon the recruiting officer, by swearing that they are of age, or by producing false certificates of the consent of their parents and guardians to their enlistment, and after receiving their clothing, and otherwise putting the Government to expense, claim to be released on the plea of being under age. The commission of this crime is of so frequent occurrence as to call for a remedy. It is perjury, and ought to be so regarded and punished. Experience at some of the recruiting stations where boys have been taken into the service, with the consent of parents and guardians, as drummers and musicians, convinces me that a plan similar to that so advantageously carried into effect in the navy, might be adopted with great advantage in the army; and I recommend an extension of the law of March 2, 1837, providing for the enlistment of boys for the naval service, to embrace the army and ordnance.

The works directed by Congress to be constructed on the northern frontier, have been commenced and are in progress. It is to be regretted that, owing to some misunderstanding, the appropriation asked for to enable the Department to fortify the outlet of Lake Champlain, was struck out of the bill for the defence of the country. This work is deemed of essential importance, as likewise one at or near old Fort Covington, and barracks at Black Rock, and in the neighborhood of Detroit. Hopes are entertained that Congress will not again withhold the necessary appropriations to enable the Department to commence these works, and to complete those already begun with as little delay as practicable. The disturbed state of the Canada frontier, and the absolute necessity which exists to keep upon that line as large a force as can be spared from other points, will require the erection of permanent and comfortable barracks. One of the principal causes of desertion is to be found in the crowded and uncomfortable condition of the soldiers. I speak from my own knowledge, when I say that our soldiers are better paid, fed, and clothed, than any troops in Europe; but an equal regard to truth forces me to acknowledge that they are worse lodged. Indeed, I feel compelled to state that the comfort of the soldiers, in this respect, has been totally neglected. It is essential to their health, their morals, and their discipline, that good barracks should be constructed wherever the troops are to be permanently quartered, and that they should be decently furnished and supplied.

The causes which call for the speedy completion of the chain of posts upon the western frontier have been so often stated, that it appears unnecessary to repeat them here. But it is proper for me to add, that these dangers have become more imminent from the presence there of the Seminoles and Cherokees, who lately emigrated under circumstances not calculated to render them friendly to the whites. The turbulent and ambitious character of some of these chiefs, and the cold blooded and cruel murders, committed by their orders, upon their unoffending countrymen, whose only crimes were their friendship for the whites, their love of peace, and their devotion to the best interests of their nation, may lead to fatal consequences, in spite of the prudence and forbearance of the public authorities. In virtue of the stipulations of the treaty, and in pursuance of our duty as guardians of the red men, and of our obligations to see the laws of the country duly executed, (for one of these chiefs was murdered with circumstances of savage barbarity within the boundaries of the State of Arkansas,) orders have been issued to demand the murderers, and to take measures to extend the protecting arm of Government over the unfortunate men who signed the treaty of New Echota, and who are proscribed and outlawed by the willing instruments of the vengeance or ambitious projects of John Ross and other chiefs of the nation. It is, therefore, of the last importance that the fortresses on that frontier should be completed and the force strengthened.

The solicitude felt by you at the close of the last session of Congress on the subject of the defences of the country on our maritime frontier, led to a still closer examination into their condition. They were found, as had been before stated, unfinished, unarmed, and totally inadequate to protect the harbors they are intended to guard from the attacks of a comparatively small force. This conviction, forced upon my mind by the reports of the chief engineer, has since been confirmed by personal inspection in every instance, where it has been in my power to visit the works. Our principal cities on the seaboard are at this time exposed to be laid under contribution, and our navy yards to be destroyed, without the possibility of defending them. When the works, now in progress in Boston harbor, are finished, that place will be perfectly secure; and a small addition to those at Newport will deprive an enemy of that fine roadstead; but Portsmouth is entirely defenceless—Pensacola exposed, and the important city and harbor of New York are still very ineffectively protected, and will remain so even after all the works now in progress shall be completed and armed. It is obvious that the entrance of that harbor at the narrows cannot be defended by the works on Long Island alone; but that the opposite shore, on Staten Island, must likewise be fortified. The State of New York, in whose possession the land still remains, has erected some works there which are so entirely inefficient, that their existence in their present condition is calculated to deceive the ignorant, who might attempt their defence, and even afford facilities to an invading force in its efforts to enter the harbor. Philadelphia, Baltimore, Charleston, Savannah, and the ports in the gulf, all require further protection to render them safe from attack. In a report, preparing in reply to a resolution of the Senate, calling for information on this subject, I shall enter into all the details connected with it; but I cannot refrain from remarking here that a due regard for the security and honor of the country, requires that an effort should be made with as little delay as possible to place our exposed frontiers in a perfect state of defence. Intimately connected with this subject is the organization of volunteer corps in the immediate vicinity of the forts. The policy and even necessity of this measure have been stated in my preceding reports, and are almost too obvious to need repetition. Even under the former very defective system of keeping the regular forces in garrison within the forts along our whole line of frontier, they are insufficient for their defence. But if the army of the United States is to be rendered efficient and its discipline preserved, it must be kept together in masses, and the garrison duty be performed by small detachments, aided in case of need, by the neighboring militia. Accompanying this report is a minute detail of the number of troops required to man the forts upon the maritime and inland frontiers. These must be drawn chiefly from the people, and to be effective in war, they must be drilled and taught their military duties in time of peace. A plan for this purpose was submitted to Congress in 1837, and again recommended the following year; but not acted upon. Having understood that the chief objection to its adoption consists in its being limited to a comparatively small body of men, and that it was the desire of Congress, as well as of the nation, that a plan for the organization of the militia of the United States should emanate from this Department, I have thought it my duty to make the attempt, and although I entered upon the task with reluctance and great diffidence, I feel confident that the project herewith submitted is practicable, and that while it will diminish the burden of personal service now exacted from the citizen, it will ensure the prompt and efficient application of the national force to the national defence.

It is proposed to divide the United States into eight military districts, and to organize the militia in each district, so as to have a body of twelve thousand five hundred men in active service; and another of equal number as a reserve. This would give an armed militia force of two hundred thousand men, so drilled and stationed, as to be ready to take their places in the ranks in defence of the country, whenever called upon to oppose the enemy or repel the invader. The age of the recruit to be from twenty to thirty-seven. The whole term of service to be eight years; four years in the first class, and four in the reserve. One fourth part, twenty-five thou-

sand men, to leave the service every year, passing, at the conclusion of the first term, into the reserve, and exempted from ordinary militia duty altogether, at the end of the second. In this manner, twenty-five thousand men will be discharged from militia duty every year, and twenty-five thousand fresh recruits be received into the service. It will be sufficient for all useful purposes, that the remainder of the militia, under certain regulations provided for their government, be enrolled and be mustered at long and stated intervals; for in due process of time, nearly the whole mass of the militia will pass through the first and second classes, and be either members of the active corps, or of the reserve, or counted among the exempts, who will be liable to be called upon only in periods of invasion or imminent peril. The manner of enrolment, the number of days of service, and the rate of compensation, ought to be fixed by law; but the details had better be left subject to regulation; a plan of which I am prepared to submit to you.

Congress having expressed a desire that an attempt should be made to terminate the war in Florida by pacific measures, and appropriated a sum of money for that purpose, the Department, early in the spring, despatched Major General Macomb to open a communication with the Indians, and, if possible, to treat with them. He succeeded with difficulty in obtaining an interview with some of the chiefs and head men, and made an arrangement which it was hoped might put a stop to this long protracted war. Its only result, however, has been the loss of many valuable lives. Our people fell a sacrifice to their confidence in the good faith and promises of the Indians, and were entrapped and murdered with all the circumstances of cruelty and treachery which distinguish Indian warfare Composed, as the Florida Indians are, of the remnants of tribes that have taken refuge there and acknowledging no common head, no treaty stipulations that are not sanctioned by each and every tribe can be regarded as binding; nor can the Government consider the country pacified until there has been a general submission of all the chiefs of the various tribes of Indians inhabiting the peninsula. The experience of the last summer brings with it the painful conviction that the war must be prosecuted until Florida is freed from these ruthless savages Their late treacherous and cruel conduct is too generally known to require a repetition of the revolting recital. It has been such as is calculated to deprive them of the sympathy of the humane, and to convince the most peaceable of the necessity of subduing them by force. With this view the regular forces have been augmented in Florida as much as the circumstances of the country will permit, and orders have been given to change, for the present, the theatre of operations. The frequent murders committed in West and Middle Florida, show that there are still small bands of Indians lurking there, and it is the determination of the Department, in the first place, to drive them from that portion of the territory and free the settlements from further molestation. In the mean time, the posts on the Atlantic and the Gulf will be maintained, in order to protect the passing trade, in which effort it is expected the navy will co-operate. For this purpose, the vessels hitherto employed on the coast have been transferred to that Department.

Until the operations of the campaign were interrupted in the attempt to negotiate with the Indians, they were conducted with vigor and ability under that zealous and indefatigable officer, Brigadier General Taylor, who accomplished all that could be expected with the very limited means at his command, spread out as they were over so extensive a field of operations. Throughout the whole of this disastrous war the officers and men engaged in it have endured fatigue and privations, sickness and suffering, without a murmur or complaint, and have, on all occasions, exhibited the qualities of brave and good soldiers. With untiring perseverance they have opened roads through the swamps in pursuit of the enemy, and whenever they could bring him to battle, displayed the utmost coolness and intrepidity; in every instance driving him from his fastnesses. But all these exertions and sacrifices have proved unavailing. Heretofore the Indian population of our States and Territories has been expelled by the gradual increase and advances of a superior race. Whereas, in Florida the attempt has been made, for the first time, to drive the aborigines from the unsettled wilderness, or, what is still more difficult, to catch them for the purpose of transporting them beyond its limits. If the Indians of Florida had a country to retire to they would have been driven out of the Territory long ago; but they are hemmed in by the sea, and must defend themselves to the uttermost, or surrender to be transported beyond it. To reduce them to that extremity, spread, as they are, over a space of at least forty-five thousand square miles of country, abounding in provisions suited to their habits, defended by a climate, benign to them, but deadly to the whites, and presenting difficulties to the march of armies, that have been often described and cannot be exaggerated, will require great exertions, and probably, other means than those hitherto tried.

The passage of the bill introduced in the Senate during the last session, and partially acted upon in Congress, for the military occupation of Florida, would, it is believed, be attended with beneficial effects; and I further recommend that authority be given to the Executive to raise one thousand men to serve during the war in Florida, who shall receive the pay of dragoons, and, upon its termination, a bounty in land. These men it is proposed to arm and equip and drill in a manner to render them equal to the Indian warrior in vigor and endurance, and to employ them in active operations during the ensuing winter. The exigences of the service at this particular juncture compel me to ask this additional force. It will be seen that the state of the western frontier requires the forces there to be increased rather than diminished, and the condition of the Canada frontier will not allow the withdrawal of the troops at present stationed there It was believed that the citizens of the United States upon that border had been convinced of the impropriety of interfering in the concerns of their neighbors, and of the criminality of violating the laws of the country; and notwithstanding the alarming information communicated through the Department of State of the existence there of new combinations and conspiracies against law and order, hopes are entertained that no real danger exists of any further outrages being perpetrated by our fellow-citizens on that frontier. If, contrary to our just expectations, those persons who have sought refuge within the territories of the United States should themselves commit any acts of violence upon the persons or property of her Majesty's subjects in Canada, or persuade others to do so, and renew the disgraceful scenes enacted upon that frontier during the last season, it may become necessary that the wisdom of Congress should devise some means of effectually restraining them from further violating the laws of the country which has afforded them an asylum.

Having twice brought to your notice the importance of establishing a national foundry, I feel some reluctance to speak of it a third time; but the necessity of our possessing an efficient train of field artillery, and an ample armament for the fortifications, is so urgent, that this defect in our system is constantly forced upon my notice. In a country situated like ours, and governed by a policy which seeks the greatest good to the greatest numbers, warlike preparations ought to be chiefly, if not altogether, defensive, and a numerous and well appointed artillery, combined with the skill and character of our light troops, together with the extent of our means to compel an enemy to keep together in masses, will constitute the most effective elements of defence throughout every portion of the United States. In attaining this end, which has been kept steadily in view for the last two years, the Department has encountered great obstacles from the want of a national establishment where experiments can be made and perfect models constructed. The small arms manufactured, or rather those which will be made henceforth in this country at the private as well as national armories, will challenge a comparison with any in the world. This desirable end has been brought about by improvements begun and perfected in the national armories; and, by requiring the same improvements in their machinery, equally good arms will be obtained from the private contractors. But we have no means of pursuing the same method in founding cannon, and the result has been an uncertainty in their manufacture, which may be attended at some future period with the most fatal consequences. There would likewise be very great economy in having a national manufactory of gunpowder, and at all events an appropriation ought to be made at the present session to enable the Department to lay in a stock of materials of the manufacture of this necessary article. In answer to its inquiries on this subject, the Department learned, with great anxiety, that there was not a sufficient supply of saltpetre or sulphur in the country, at the close of the last session of Congress, for three months' supply of our armies in case of war. This deficiency has been partially remedied; but the War Department ought to be authorized to keep on hand at least a twelve months' supply of these necessary articles, which may be stored for any length of time without risk of destruction or deterioration.

While speaking of the wants of the ordnance, it affords me great pleasure to be able to state that there has been lately an improvement in the organization of that branch of the service, combining economy with greater efficiency, and that the board of ordnance officers which I was authorized to employ last year, has been assiduously engaged and has made great progress in reducing to a system the mode of fabricating all kinds of ordnance stores and in fixing their patterns, forms, and dimensions. The construction of war rockets has been commenced, and experiments are in progress to test their effects; while those which have been tried in firing hollow shot from howizers of the largest calibre, have been entirely satisfactory. The new buildings authorized by Congress for arsenals, magazines, and depots of arms, are in progress of construction, and the works generally have been pressed on as far as the funds would permit.

At the risk of being importunate, I must again urge the expediency of selling the mineral lands. Experience has confirmed the views formerly presented on this subject, and proves conclusively that no benefit whatever results to the United States from the present system of leasing them while the advancement of that portion of the country is sensibly retarded, and the product of the mining operations much diminished by it.

The duties of the Quartermaster's department have been performed with an ability, integrity, and promptitude, which reflect the highest credit on all its officers, and their accounts have been rendered with commendable despatch and accuracy. Its present organization is sufficient to enable it to discharge all the duties which may devolve upon it in peace or war; and while it has contributed essentially to the efficiency of the service, it has introduced great economy in the administrative branches of the army.

The works under the direction of the Quartermaster General, have been carried on as rapidly as circumstances would permit. The southern section of the great western road, extending from the Red river to the Arkansas, (one hundred and forty miles,) has been completed. The middle section, extending from Fort Leavenworth to Marias de Cyzne, seventy-two miles, has also been finished, and measures have been taken to continue the work to Spring river, eighty-six miles further. One hundred and twenty-eight miles will then remain of the route to Arkansas, which will be worked upon the next season. The survey of the route from Fort Leavenworth to Fort Snelling has been completed; but as the country presents an open prairie, that may be traversed in all directions without difficulty, I shall not do more than mark out the most direct route, unless otherwise instructed by Congress.

The difficulty of obtaining laborers at Fort Smith has retarded the progress of that work. The defences projected on the Illinois river, west of the boundary of Arkansas, have been commenced by a detachment of dragoons under Lieutenant Colonel

Mason, and will be prosecuted vigorously the next season.

I beg once more to call your attention to the subject of paymasters, and to repeat my recommendation that two of the present paymasters should be appointed assistant paymasters general, with the pay and emoluments of lieutenant colonels, who, in addition to their present duties, should have the superintendence of such officers of this branch of the service as serve with armies in the field; and, further, to renew my application in favor of allowing paymasters, employed in paying volunteers and militia, in active service, a small per centage, to cover unavoidable losses and disallowances in the settlement of their accounts.

It will be seen by the report of the Surgeon General, that the medical staff of the army has been actively and steadily employed during the past season. The officers of that important branch of the service deserve great credit for the manner in which they have discharged their laborious and responsible duties. The disposition they manifest to avail themselves of every opportunity to collect facts which may afford useful contributions to science, is justly appreciated by the Department, and will be encouraged. The extensive disbursements of the medical officers render it necessary that the bureau here should be able to exact the strictest accountability from them, and to examine and revise the accounts, so as to close them monthly, if possible. Owing to the want of proper assistance, they had been suffered to fall into arrears, and have only been brought up by keeping in the bureau an officer of the corps from important duties in the field. I recommend, therefore, that the office here be allowed an additional clerk.

The extensive system of river and harbor improvements, involving, as it does, a very large expenditure of public money, requires revision, both in regard to the principle upon which such improvements ought to be authorized, and the manner in which they ought to be conducted. It is apparent that too many of these works have been authorized without that detailed examination which is necessary to determine either their extent or general usefulness, and commenced without inquiring whether the advantages to result from their completion are commensurate to the cost of their construction. Many of the artificial harbors, therefore, are altogether too small for the trade they are intended to shelter. Some of them are misplaced, while others, again, have been commenced with so little judgment, that it would prove a cheaper process to move the town to a convenient position, than to remove the obstacles which obstruct the channel of the river that leads up to it; and yet large sums of money have been expended in the latter attempt. The already important and daily increasing trade of the great lakes and estuaries which encompass and indent the United States, demands the fostering care of the Government; but in order that its interference may be effectually and constitutionally exerted, it ought to be confined to such works as are of general utility, and not extended into every creek or inlet where a favored village may require easier access for a market boat. This abuse, which is calculated to bring the whole system into deserved disrepute, can only be remedied by directing a previous examination to be made by this Department into the nature of the proposed work, and a full report on the proper method of obtaining the object contemplated, setting forth the public, not partial, advantages likely to result from it, as well as the probable cost of its completion.

I beg leave, through you, to offer my objections to the restrictions sometimes imposed by Congress on the manner of conducting works of internal improvement. The appropriation is frequently accompanied by directions to expend the money according to a given plan. Now, it not unfrequently happens, that when the plan to which the Department is confined, comes to be well examined, it is found to be inapplicable, and, heretofore, large sums have been thrown away in attempts to carry them out, because the engineers did not think themselves authorized to alter or amend them in any particular. On the coast and on navigable waters, gales of wind or floods may affect, so materially, the structure of the place to be worked upon, as to require a total change of plan; or improvements may be discovered or suggested, which never occurred to the original projector, and which may require an entire alteration in the mode of conducting the work, in order to secure efficiency and economy in its execution. The light-house projected on the Brandywine shoal, is an example of the pernicious effects of this restriction. To execute this work, according to the plan adopted by Congress, will require so much more than the sum appropriated, that it has been deemed prudent not to begin the work at all until the whole estimated cost is placed at the disposition of the Department; the situation of the site rendering it very hazardous to leave a half finished work exposed to the fury of the winds and waves. Whereas, it is possible, if the Department were left at liberty to act, that the object might be attained at much less expense.

The report of the Chief of the Topographical Engineers, containing a more than usually detailed statement of the history and progress of the works under the immediate superintendence of that officer, will be presented in a few days; together with detailed estimates of the probable cost of each work, and of the sums required from year to year; the same course will be pursued with respect to the improvements and civil works under the superintendence of the Chief Engineer, so as to present to Congress, at one view, the whole subject of internal improvement. The plan of direct and general inspection and supervision, by superior officers of topographical engineers, lately adopted, seems calculated to ensure the faithful execution of the works under their charge. Many officers of this corps, have been actively employed during the past summer, in the discharge of their military duties, rendering services which justify the expectations entertained by the Department, when it was incorporated into the service. Some few works of internal improvement remain under the superintendence of the Chief Engineer, and an account of their progress will be found in the annexed report of that officer. It is highly gratifying to me, to be able to speak from my own personal observation, of the activity, order, and good management which reign throughout the works, both military and civil, which are conducted by the officers of this corps.

The present condition of the Military Academy at West Point, is very satisfactory. The importance of this institution to the character of the army, is fully understood by the Department, and its interest will be watched over with vigilance and care.

I cannot refrain from again calling your attention to the condition of the barracks at this post. The objections urged to the miserable accommodations of the soldiers, apply to the quarters provided for the cadets. A proper regard for the health, morals, and discipline of the corps, requires that a more spacious and commodious building should be erected there. I recommend to your favorable consideration, the suggestions of the Chief Engineer, in relation to the practical instruction of the cadets in field engineering, and the creation of a body of sappers and miners. No army can be considered complete, and in a condition to take the field, without a corps of well instructed engineer soldiers; which, to be effective, must be taught their important duties in time of peace. The services of such men will be highly useful and economical at all times, not only as aids to the instruction of the cadets, but in the preservation of the fortifications, when they are, as at present, stripped of their garrisons by the exigencies of the service.

Finding some deficiencies in the dragoon service, as to its regulations and details, with your permission, three young officers of the first regiment have been sent to the cavalry school at Saumur, to be followed the next year by an equal number from the second regiment. Every facility has been afforded by the French Government to carry out this arrangement.

Recent examinations of the proceedings of courts martial have convinced me of the necessity of some further legal provisions and fixed rules to render them efficient, as well as fair and impartial tribunals. Justice to the public and to the army requires that this should be done with as little delay as possible. From the want of power to compel the attendance of citizens as witnesses, of a proper guide, and a well instructed judge advocate to aid the officers composing the courts, their decisions are uncertain, frequently loose and contradictory, and too often conflict with those of preceding courts. I beg leave, therefore, respectfully to recommend that a written system for the direction of courts martial be prepared, which may be framed so as to be made applicable to the land and sea service, and that a judge advocate be appointed.

From the report of the Commissioner of Pensions, it appears that the number of invalid pensions has not diminished, but increased, during the last six years. In November, 1833, the number of invalid pensioners was 3,875. It now amounts to 4,236. This increase is to be attributed, in a great measure, to the hardships and dangers to which the troops, both of the army and militia, have been exposed during the campaigns in Florida. The number of pensioners inscribed on the rolls under the act of March 18th, 1818, for Revolutionary services, has gradually decreased from about 20,000 to 8,215. Under the act of June 7th, 1832, the number of applicants amounts to 34,918. Of this number, 31,668 have been pensioned. The lists of pensioners under this law have been reduced to 24,086. The number of persons who have applied for the benefits of the law of May 15th, 1828, which was intended solely for the relief of certain officers and soldiers of the continental army who served to the end of the war, amounts to 2,156. Those who were pensioned amounted to 1,186, of which 624 are yet on the roll. The number of widows' claims, exhibited under the act of July 4th, 1836, is 4,771, of which 3,094 have been admitted; and of this number who were pensioned, only 2,512 are now on the rolls, and supposed to be living. Under the law granting five years' pay to the widows of Revolutionary officers, soldiers, seamen, and marines, who were married prior to 1794, the number of claims amounted to 6,267, and 4,456 of that number have received the benefits of the law. During the last year few claims have been admitted under the act of July 5th, 1832, entitled "An act to provide for liquidating and paying certain claims of the State of Virginia;" a considerable number, however, yet remains unsettled. The sums paid during the past year, under that law, amount to $8,910 22. The whole amount expended the last year, under the several pension laws, is $3,090,664 69.

Great inconvenience is experienced from being obliged to intrust the payment of pensioners to corporations and individuals, who receive no compensation for transacting the business. The only inducement of the agents to continue in office, is the hope that Congress will pass a law allowing them some compensation. Should Congress, however, think proper to adopt the plan recommended by you for the safe keeping of the public money, the establishments for that purpose might be charged with the payment of pensions without any further cost to Government.

The period fixed by law for the duration of the office of Commissioner of Pensions expires in March, 1840, and I respectfully recommend that it be continued for such term of time as shall be deemed most expedient by Congress.

I cannot avoid again adverting to the very serious inconvenience inflicted upon the poorer class of pensioners, by the law of the 6th of April, 1838, which fixes the period of eight months for the return to the Treasury of unclaimed pension funds. The present operation of the law is unnecessarily burdensome to the officers charged with its execution at Washington, and very harassing to the pensioners, who frequently, after taking long journeys in the hope of receiving the sum awarded to them by Government, return to their homes disappointed and destitute.

The beneficent intentions of Government, in appropriating large sums for the education and civilization of the Indians, have, from some cause or other, been frustrated, or at best, but partially

realized. If we expect to extend among these people the blessings of knowledge, civilization, and Christianity, we must establish schools within their own country; and begin by teaching their children what will be practically useful to them in after life. Having herefore dwelt fully on this topic, I shall con ent myself with referring you to the full and practical view taken of it by the Commissioner of Indian Affairs in his report, and recommending the early adoption of the plan proposed by him for the education of the Indian youth of both sexes.

I abstained from carrying into full effect the treaty with the Winnebago Indians this year, because I was willing to give them time to deliberate on the expediency of at once removing to the country southwest of the Missouri; a measure which, while it would be advantages to the Government, would prove highly beneficial to the Indians. From causes already stated, the neutral ground, to which they are to be removed, unless they consent to cross the Missouri river, cannot be regarded as their permanent place of residence. It is now the hunting and battle ground of two warlike nations, the Sioux and Sacs and Foxes, to whose incursions, if not active hostilities, they will be exposed; and it is enclosed within the limits of a great territory, destined, at no distant period, to become a State, from which the General Government will be expected, by friendly negotiations, to remove the Indian population. Their existence in the country they now inhabit is attended with such serious and increasing inconvenience to the white population, which encircles and hems them in on every side, that their removal will not be delayed beyond the ensuing spring. If the efforts to obtain their consent to establish their permanent residence southwest of the Missouri should unfortunately fail, they will be required to take up their line of march for the neutral ground early in the spring.

I approve and recommend to your favorable consideration the plan suggested by the Commissioner of Indian Affairs for the future disbursement of Indian funds. From my experience of the management of the pay department of the army, and from the similarity of the duties these officers now perform with those proposed to be imposed upon them, no doubt rests upon my mind that the scheme unites, in a high degree, economy, security, and efficiency.

As the period is fast approaching when the States will be altogether relieved from their Indian population, which presented so serious an obstacle to their advancement, and the Indians themselves be removed to a permanent and peaceful home, far from the causes which led to their degradation and were rapidly producing their ruin and extermination, it becomes a subject of grave consideration and deep anxiety to determine on the most eligible and practical mode of providing for their government. Many projects for the better government and civilization of the Indians have been presented to Congress, and one of them partially acted upon. The refusal of some of the tribes to assent to its provisions occasioned its failure, which is scarcely to be regretted. A confederation of dissimilar tribes, a majority of them utterly barbarous, might have been dangerous, and certainly would have been productive of much confusion. The experience, however, of the last summer, convinces me that something must speedily be done to prevent the Indians assembled west of the Mississippi from destroying each other. We have lately seen a council, composed of the most civilized portion of a tribe, whose long residence among the whites had, it was hoped, taught them the elements of self-government and the first principles of religion and justice, assembled together to license the most atrocious crimes, and sending forth from its bosom a gang of desperadoes to murder their peaceable and unoffending brethren; an order which was executed with circumstances of savage barbarity. The motive for this cruel deed was to inflict vengeance upon those who signed the treaty of New Echota in 1835. A new decree has since gone forth, outlawing others who have, in like manner, offended the party in power, and they are condemned to be hunted down and destroyed like wild beasts. Treaty stipulations call for the interference of the Government in all such cases; but some permanent provision is required to prevent a recurrence of similar excesses. Tribunals in the country for the prompt trial and punishment of crimes would, perhaps, prove the most efficient method of restraining these people from treacherously murdering each other. The fear of retribution might prevent a tyrant chieftain from sending forth assassins to wreak his vengeance upon those who refuse to humble themselves before him, and the certainty of punishment deter them from executing such orders. Such tribunals would contribute most essentially to ameliorate the condition and to civilize the Indians by preventing unprincipled men from introducing among them spiritous liquors and gambling tables, and otherwise seeking to take advantage of vices they themselves have fomented.

The exploring party to which I alluded in my last year's report, has, during the last summer, visited and examined with care the great valley of the river Jagues, and that of the Mayennes, which discharges its waters into the Red river of the north, as likewise the rich and fertile table land which separates these two valleys. Their researches extend to Devil's lake, situate between the 48th and 49th degrees of north latitude, which was found to be between forty and forty-five miles long, and, in places, half that width; its shores well wooded, and its waters, which are as salt as those of the ocean and abound in fish, interspersed with numerous islands, likewise covered with wood. These physical characters are common to several other smaller lakes that are found in this region of country, where salt is so abundant that in many places it effloresces on the surface of the earth. From Devil's lake the party proceeded east to the great valley of the North Red river, making a *reconnoissance* of the streams which fall into it on the western side. This, with the northern slope of the great prairie, is represented to be a country of surpassing fertility and beauty. The slope rises to a fine table land, about nineteen hundred feet above the level of the sea, and is watered by frequent streams abounding in fish, that, after swelling two small lakes, form at their confluence the river St. Peers. The soil of this table land is very rich, and will support a numerous population, that would enjoy the advantages of inhabiting one of the most beautiful and healthy regions of the far northwest.

When the calculations of the observations made this summer shall be worked out, the Department will possess all the materials necessary to enable it to construct a physical and topographical map of this portion of our country, which, added to that already in our possession, from the same hand, of the sources of the Mississippi and North Red river, will present, at one view, the vast region of country comprehended between the 87th and 100th degree of longitude, and 40th and 49th degree of north latitude. It is believed that these explorations, cautiously and slowly conducted, will prove much more useful in their results, both as regards the geography and natural history of that portion of our country, than the great expeditions which have preceded them, and which could not devote the time necessary to acquire the accurate information now sought for. They have been carried on steadily for the last three years; and it is believed that an equal term of time will be required to complete them, by extending our researches over the Rocky mountains to the shores of the Pacific ocean. Hopes are entertained that Congress will continue to view this enterprise favorably, and enable the Department, by an early appropriation, to despatch the exploring party in due season.

I have asked for an appropriation for surveys connected with the military defences of the country. One object of this request is to enable the Department to commence hydrographical surveys of the lakes. The great and increasing commerce of these inland seas demands the attention of Government. There exists no correct chart of them. Navigators are constantly exposed to encounter unknown dangers, and the annual loss of life and property is very great. This important work ought not to be longer delayed.

J. R. POINSETT.

REPORT FROM

THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT,
November 30, 1839.

SIR: In the performance of a duty annually devolving on this Department, I have the honor to submit the following report:

The squadron now employed in the Mediterranean comprises the Ohio ship of the line, the frigate Brandywine, and the sloop of war Cyane—the whole commanded by Commodore Isaac Hull. No interruption to our commerce has occurred in that sea since my last report; and by the answers of the respective consuls of the United States, resident at the principal ports, to the queries or our commanders, copies of which have been received at the Department, it appears that no obstacle is thrown in its way by the authorities of any nation on its borders.

At the date of my last annual report, the force in the Pacific, under Commodore Ballard, consisted of a ship of the line, two sloops of war, and two schooners. The ship of the line and one of the schooners have returned to the United States; the other schooner is now on her way; the two sloops of war have been ordered home, the period of their cruise having expired, and may be expected early in the spring.

To supply the place of the force thus withdrawn, a frigate of the first class, under Commodore Claxton, who succeeds Commodore Ballard, sailed from New York in May last, with instructions to land our Minister, Mr. Ellis, at Vera Cruz, and thence proceed with all diligence to her destination. She has been followed by a sloop of war and a schooner, and the squadron now consists of a frigate, a sloop of war, and a schooner, all of which, it is presumed, are now on the station. By the latest accounts, affairs in that quarter continued in a state of great confusion and uncertainty. Revolutions of rulers rather than principles still agitate these regions so favored by nature, and the commerce of neutrals continues to require the protection of a competent naval force.

Commodore Claxton has been directed to employ one of his vessels in cruising within the gulf of California, and along the northwest coast of America; and, if circumstances will permit, to despatch another to visit the Sandwich and Friendly islands, with a view to afford countenance and protection to vessels of the United States employed in the whale fisheries.

The squadron on the Brazilian station, under Commodore Nicolson, comprises a razee and a sloop of war; the brig Dolphin having been ordered home for repairs, and to convey to the United States the seamen whose term of service had expired, or was about to expire. The frigate United States, under Commodore Ridgely, appointed to succeed Commodore Nicolson, is fitting out for the purpose, of relieving that officer, and is now on the eve of sailing.

The sloop Marion has preceded the United States, and the brig Enterprise is also destined for that station. The squadron will consist of a frigate, a sloop of war, and a brig, and will be increased as occasion requires.

Internal dissensions still agitate the states bordering on the river La Plata, apparently with increasing violence; the novel system of a war of blockade, so vexatious to neutral commerce, continues to be prosecuted by France, and the necessity for a naval force in that quarter is increased rather than diminished.

The squadron operating in the gulf of Mexico and the West Indies, was reinforced by two sloops of war, and the whole placed under Commodore Wm. B. Shubrick, appointed to succeed Commodore Dallas, who retired from the command. The misunderstanding at that time existing between Mexico and France having since been adjusted, and the latter having relinquished the blockade of the ports of the former, two sloops of war and a schooner, which were ordered to the north for repairs, have not been replaced by others.

The schooner, after undergoing the necessary repairs, was employed on special service. She

has since returned, and is now destined for a cruise on the coast of Africa.

Subsequently to the withdrawal of these vessels from the West India station, a third sloop of war, requiring extensive repairs, was ordered to the North, and has arrived at Norfolk. The squadron now comprises a frigate and four sloops of war, which may be increased should circumstances indicate the propriety of such a measure.

The force employed in the Indian and China seas consists of the frigate Columbia, and corvette John Adams, under Commodore Read, who arrived at Macao the 28th of April last, and continued there, by the last accounts, at the earnest solicitations of the American consul and citizens resident at Canton, who considered themselves in a somewhat critical position, in consequence of the decisive measures taken by the Chinese Government for the suppression of the illicit trade in opium carried on by English residents at that place. These apprehensions were, however, subsiding, and it is presumed that Commodore Read has long since proceeded in fulfilling his general instructions.

While at Columbo, having received information that a daring act of piracy, accompanied by the murder of two American citizens, had been recently committed by the inhabitants of Muckie, in the island of Sumatra, Commodore Read, acting under his general instructions, promptly proceeded to the scene of outrage. Here having vainly sought redress by the restoration of the plundered property and the surrenderer of the murderers, he inflicted a severe and merited chastisement on the barbarians.

The South Sea Exploring Expedition left the island of Madeira on the 28th of September, 1838, and arrived at Rio Janeiro on the 23d of November following. After replenishing his stores, and refreshing his crews, Lieutenant Wilkes then proceeded, in the execution of his instructions, to survey the mouth of Rio Negro and its neighboring coasts. Thence he proceeded to Terra del Fuego, where, leaving a portion of the squadron and scientific corps to prosecute their researches, he stretched into the Southern ocean, between the 105 degree of west longitude on the western coast of Palmer's land; returning, he joined the vessels left at Terra del Fuego, and arrived at Valparaiso on the 15th of May, 1839. During the passage, the squadron separated in a severe gale, and did not join company till the 25th of March.

A portion of the squadron penetrated to the 70th degree of South latitude, where it encountered vast masses of ice, and narrowly escaped being frozen up. Lieutenant Wilkes became satisfied that, owing to the lateness of the season, it was impossible to make any further progress, and the undertaking was relinquished with the intention of resuming it at a more favorable time of the year.

The expedition, with the exception of the Sea Gull, which separated in a gale, arrived at Valparaiso on the 15th of May last; left that port for Callao the 6th of June, and sailed thence for the Sandwich islands, since which time no despatches have been received from the commanding officer.

Thus far the expedition has not been without benefit to commerce, having ascertained beyond all reasonable doubt, that various shoals and obstructions laid down in charts have no existence.

The officers, whether employed in professional duties or scientific pursuits, are stated by Lieutenant Wilkes to be ardent and indefatigable in their exertions; and there is reason to believe, that if no new discoveries are made of unknown lands or islands, it will be because none exist in that region of the globe.

The steam frigate Fulton has been employed during the past season under Captain Perry, who is charged with their superintendence, in prosecuting various experiments with Paixhan guns, a circumstantial report of which is daily expected. There is little reason to doubt that the results will be highly interesting and important.

The surveys directed by acts of Congress have been prosecuted to the extent of the means placed at the disposal of the Department. Under the act of the 3d of March, 1837, the United States schooner Experiment, and steamer Engineer, loaned by the War Department, have been employed under the direction of Lieutenant Glynn in surveying the harbors of Beaufort and Wilmington, North Carolina. These surveys have been completed, and will be laid before Congress at the present session.

The United States brig Consort is now fitting out under Lieutenant Glynn for the purpose of completing other surveys, directed by the same act, which were relinquished in consequence of the sickness of his officers. It is confidently anticipated that the whole will be completed and a report made to Congress previous to its adjournment.

In compliance with the provisions of the second section of the act making appropriations for the naval service of the year 1839, two steam frigates have been commenced, one at New York, the other at Philadelphia. The engines and boilers have been contracted for, and are now in progress. These two vessels will be built on the same model, one to be propelled by vertical, the other by engines on an inclined plane of the same power, with a view to test their respective advantages and disadvantages, there being a great diversity of opinion on this question among practical engineers. The third steam frigate authorized by the act aforesaid, has not yet been put on the stocks, it being in contemplation to adopt a model presented by a distinguished officer of the navy to be propelled by a different description of machinery.

By your direction, the schooner Grampus, under Lieutenant Paine, sailed from Norfolk in September last, for the coast of Newfoundland, with instructions to inquire into the nature and causes of the seizure and condemnation of certain American vessels engaged in the fisheries. Lieut. Paine has returned, after performing this duty in a satisfactory manner, and reported the result of his cruise.

The frequent and increasing violations of the laws for the suppression of the slave trade on the coast of Africa, by vessels owned by foreigners, but prostituting the flag of the United States to their nefarious purposes, induced you to direct that two fast sailing vessels, of the smaller class, should be fitted out, for the purpose of arresting these violations of our laws and of the rights of the people of Africa. One will probably have sailed before this report is received, and the other is only waiting the completion of some necessary repairs to follow with all practicable despatch.

Navy pension fund.—The number of invalid pensioners is 456, and the sum annually required to pay them is $38,844 74. The number of widow pensioners is 330, and the annual amount of their pensions is $62,064. The number of minor children pensioners is 115, and the amount of their pensions is $14,314; making an aggregate of 901 pensioners, and $110,122 74.

The amount of stocks to the credit of the Navy pension fund, 1st of Oct. 1839, was	$390,832 25
On the 1st of October, 1839,	251,139 00
Difference - - - -	$137,693 25

Which sum was applied to the payment of pensions granted by acts of Congress, and accounts reported by the Fourth Auditor and Second Comptroller.

About $55,000 will be required to pay pensions, which will become due the 1st of January, 1840, and to meet arrearages as they may be reported.

The whole amount of the fund having heretofore been invested in bank, State, and corporation stocks, which are now greatly depreciated, the sum above stated cannot probably be realized by the sale of less than $80,000 or $90,000 of stocks. In the hope that they may in some degree recover from this state of depression, and unwilling to make so great a sacrifice, I would suggest that the subject be brought to the early attention of Congress.

On the 3d of March, 1837, the capital of the navy pension fund was $1,115,329 53; and previously to the act of Congress of that date "for the more equitable administration of the navy pension fund," the annual interest and dividends were sufficient to defray all the expenditures. Under this act the navy pension fund has decreased with increasing celerity, a large portion of the pensions granted in conformity with its provisions involving arrearages commencing many years anterior to its passage.

The pensions to invalids now on the list are for life, and not during the continuance of disability, as was the case before the passage of the act of the 14th of July, 1832; those to widows until they shall marry or die; and those to children until they attain the age of twenty-one years. It is therefore certain that at the end of two years, at farthest, the navy pension fund will be exhausted. Under the existing laws there is not the least prospect of any decrease in the number of pensioners or the amount of their pensions; and, consequently, Congress will be called upon to redeem the pledge contained in the ninth section of the act of 23d April, 1800, to make good any deficiency in the navy pension fund arising out of its own legislation.

The first section of the act of 3d March, 1837, provides that pensions to widows or children shall be paid from the date of the demise of the husbands or fathers. The only condition is, that the demise shall have happened in the naval service. No distinction whatever is made in regard to the cause of manner of death, or the period of service of the deceased; all are placed on the same footing, and all alike partake of the national bounty.

Arrearges of pensions for more than thirty-seven years, in one instance involving the payment of more than $20,000, have been paid under this section, which has mainly caused the rapid diminution of a fund originally constituted for the sole purpose of providing for officers and seamen only, disabled in the naval service.

A claim has been presented on account of an individual who died in 1800, about a month after his entry into the service, and if allowed, a large sum will be required to pay it. But not being certain that this first section was intended to authorize such profuse expenditure of the navy pension fund, I have suspended the payment, and now refer the claim for the decision of Congress.

The second section of the same act provides that "pensions which may have been granted, or which shall hereafter be granted to officers, seamen, and marines, in the naval service, disabled by wounds or injuries received in the line of their duty, shall commence from the time when they were disabled." It has been found impossible to discriminate, with any degree of accuracy, in cases occurring at such remote periods, as to the precise time at which the disability commenced, and the date of the wound or injury has necessarily been assumed, as that of the commencement of the pension, although, in many cases, there were strong circumstances indicating that the disability did not occur until long afterward. It may also be remarked that under this section of the act of 3d of March, 1837, in connection with the 8th section of the act of 23d April, 1800, persons wounded, or otherwise injured, thirty or thirty-five years ago, may receive pensions, commencing from the time when the injuries were sustained, although they have remained in the service ever since, in the enjoyment of full pay, and must continue to do so until Congress shall otherwise direct.

Under the liberal construction given to the navy pension laws of the United States, it has been heretofore assumed that full pensions and full pay may be allowed at one and the same time, to the same persons; and sometimes it has not been considered necessary, or even discretionary, in executing these laws, to exclude persons afflicted with diseases and infirmities, to which mankind are subjected in every situation, and under all circumstances of life. It is at all times difficult to discriminate between disabilities occasioned by hereditary or constitutional predisposition to disease, and those that are the direct and immediate consequence of the peculiar exposures incidental to the naval service.

A similar difficulty occurs in cases of disabilities occasioned or aggravated by habits of intemperance and dissipation. Yet all these seem equally comprehended in the various provisions of the pension laws; and no matter what may have been the term of service, whether years, months, or days, all claim a share of the navy pension fund during life, under a liberal construction of the statutes. It is true that these laws declare that the proof must be satisfactory to the head of the Department. Yet, what may satisfy one man, may not operate in like manner

on another differently constituted; and hence has arisen much diversity of practice under the administration of different persons.

Accompanying this report is a document exhibiting a statement and analysis of the various public acts of Congress, in relation to navy pensions and the navy pension fund. The multiplication of these laws, and the various constructions placed upon them at different times, seem to indicate the propriety of adopting a less complicated system. I would also take the occasion to state, that whatever disposition may be made of the subject, it has become necessary to relieve the head of the Department from the labor and responsibility of this portion of his duties.

Almost every application for a pension involves the necessity of a close and critical examination of testimony, together with a reference to various laws, and the time required to do this as it ought to be done, materially interferes with other and indispensable avocations.

The act of 3d of March, 1837, on which I have thought it my duty to offer these remarks, has been the principal source of the decline of the navy pension fund. Under its operation, that fund has sunk, in little more than two years, from $1,115,329 53, to $253,139; and, as I have before stated, about $55,000 will be required to meet demands, which will become due on the 1st of January, 1840.

I again take occasion to invite your attention to the appropriation for a dry dock at New York.

The sum of $100,000, assigned in the year 1835 to that object, having, with the exception of a small amount for surveys, been no part of it expended, in consequence of difficulties in the selection of a site, has reverted to the Treasury. I earnestly recommend its reappropriation.

The discovery of a new and more capacious entrance into the harbor by Lieutenant Gedney, which, if ever known, had been long since forgotten, has removed the only plausible objection hitherto urged against the expediency of a measure which appears to be recommended by so many considerations.

The central position of this port, the facilities resulting from its two entrances and outlets, at a great distance from each other, and the ample means the city affords for repairing, manning, and supplying vessels of war, all point it out as a station deserving peculiar attention. As an additional reason, it is proper to state that two ships of the line are now lying at the navy yard in a state of rapid decay, which cannot be repaired without going into dock, and cannot be removed without almost a certainty of total loss. A very few years will place them beyond the reach of recovery, and they must be either broken up, or sink where they now are.

I deem it proper, also, to bring to your notice an abuse of great importance to the interests of the service. Numerous instances occur of the enlistment of minors; and it is obviously impossible to discriminate between those who are, and those who are not, of legal age.

After receiving the advance of pay, and becoming, perhaps, indebted to the purser in addition, they apply to a lawyer or magistrate, procure a *habeas corpus*, and obtain their release without any legal obligation to pay the debt thus contracted. The instructions to recruiting officers authorize them to cause an oath to be administered in cases of doubt; but it has been decided that its violation does not subject the offender to legal punishment. Cases analagous to these frequently occur in the enlistment of apprentices authorized by act of Congress. They are occasionally presented by persons claiming to be their parents or guardians, and received accordingly. After remaining until they are sufficiently educated, and capable of being useful to their real parents, the latter come forward, prove the whole case a fraud, procure a *habeas corpus*, and release the apprentice after he has been maintained and educated at the public expense.

I would, therefore, respectfully recommend the passage of a law authorizing recruiting officers to cause an oath to be administered to persons offering for enlistment in cases where their majority is doubted, and, in every case, to parents or guardians presenting boys as apprentices to the navy, the violation of which should be declared a perjury, and subject the offender to legal prosecution and punishment.

Should this system of apprenticeship be carried to the extent of which it is susceptible, I look forward to it as a source of great and lasting benefit to the navy. There is every reasonable prospect of its becoming a nursery for the supply of petty officers, one of the most important constituents in the service, nor can I doubt but that it may be made the means of supplying a large number of capable, intelligent seamen, more strongly attached to their country by the benefits she has conferred on them.

The result, thus far, has been highly encouraging. A spirit of excitement and emulation prevails among these boys; their conduct, with rare exceptions, is correct and exemplary; examples of profligacy and cases of desertion seldom occur; commanders of vessels of war are, without exception, anxious to have at least one tenth of their crews composed of them; and the reports from receiving ships give uniform testimony to their general deportment, their habits of order and industry, and their capacity for the acquisition of those branches of learning, and that practical knowledge of their profession, which fit them for future usefulness.

I have endeavored to call the attention of magistrates, parents, and guardians, to the means afforded by this system, of providing for that large class of unfortunate children which has become so numerous, most especially in our large cities, and which is without the means or the prospect of a comfortable maintenance, or of acquiring even the rudiments of education. If, instead of permitting them to live in idleness, exposed to every temptation, and plunging prematurely into every vice, they were apprenticed to their country, they would receive such an education as benefits their station, and acquire those habits of sobriety, honesty, order, and industry, which would go far to render those who are so apt to become the bane of society, efficient supporters of the honor and interests of their country.

Under the act of Congress which directed a revision and extension of the rules and regulations of the service, approved 19th May, 1832, a board of naval officers was convened by the Department, and their proceedings communicated to Congress. No action, however, was taken by that body, in consequence, and as by the provisions of the law, those regulations were not to be carried into effect until they had received its sanction, they have remained ever since a dead letter, never having been promulgated.

Believing, however, that a revision of the old regulations, with a view to their adaptation to laws subsequently passed, and for the purpose of taking advantage of the results of experience, would conduce to the good of the service, the Department has directed the Board of Navy Commissioners, under the authority of the act by which it was constituted, to attend to that duty. The board is now engaged in its performance, at such intervals of leisure as the multiplicity of its other labors will permit. This revised system will probably be laid before Congress before the expiration of their present session, and it is believed that, with some modification of the law "for the better government of the navy," passed in the year 1800, the whole will form a system, which, if administered with a firm, steady, temperate perseverance, will, so far as its influence extends, sustain the navy of the United States on that eminence which it has attained in the estimation of all nations.

I feel confident, however, that the only sure and effectual means of maintaining the character and discipline of the service, is to keep in commission as many vessels, and employ as many officers in active duties, as is compatible with the resources of the country. This, after all, is the vital principle of professional excellence, and it is on this I rely as the only solid basis for a naval establishment, not formidable from the number of ships in ordinary or on the stocks, but for its experience, its discipline, and habits of hardy endurance. For this reason no diminution of the force in commission has been contemplated in the estimates herewith presented. All the retrenchments will be found in other branches of expenditure, and the current service of the ensuing year has been left untouched and undiminished.

The estimates of the Board of Navy Commissioners, for the naval service of 1840, have been made with every regard to economy deemed compatible with the great interests of the country. Whenever variations occur between the present estimates and the preceding ones, short explanatory notes are appended, giving the reasons for the change.

I take this occasion respectfully to recommend the passage of a law, for bringing under one general head all the special acts which authorize the building or rebuilding of particular vessels, as well as those relating to their repairs. A bill for this purpose was reported during the last session of Congress, and is presumed to have failed to become a law in consequence of inability to reach it in time. I conceive it will be highly advantageous to the service by placing materials for building, repairing, and equipping vessels generally, at the disposal of the Department for all such purposes, at the precise period they are wanted, and before they deteriorate by time and exposure.

Another advantage would be, greatly simplifying accounts at all the naval stations by disbursing officers, and at the Treasury.

These, and other minor results of convenience and economy, in my opinion, all unite in recommending the measure.

Should the further sum of $340,000 be transferred from the appropriation for the gradual improvement of the navy, towards completing the two steamers as proposed in the estimates, the remainder of that appropriation, amounting to $410,000, which would become available in 1840, by the existing laws, will not, in all probability, be necessary, as the balance on hand will be sufficient to meet all expenditures under that head for the ensuing year. That portion of the appropriation may, therefore, it is believed, be postponed until 1841, without injury to the service, should it be thought expedient, provided the whole amount of transfers is eventually returned.

It will be perceived that the Board of Navy Commissioners has again submitted an estimate for additional clerks, which are daily becoming more indispensable to the prompt discharge of the public business committed to its superintendence. The multiplication of records, the labor of investigating past transactions, so often necessary to refer to, and which increases with the lapse of time, combined with the progressive expansion of the country, and growth of the navy, all call for additional labor and additional means for its performance. The plan for a reorganization of the Department, prepared in pursuance of a resolution adopted at the last session of Congress, contemplates such addition to the number of clerks, as is deemed essential to carry it into operation should it be adopted, and will render any further action on this point unnecessary.

Believing that the creation of a higher grade of rank, than is now recognized in the navy, will be advantageous to the service, for reasons which have been too often presented to require repetition, I again offer the subject to your consideration.

Respectfully submitted,

J. K. PAULDING.

To the PRESIDENT of the United States.

REPORT FROM THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
November 30, 1839.

SIR: The post roads of the United States covered by mail service on the 30th day of June last, were, as nearly as can be ascertained, 133,999 miles in extent. The rate of annual transportation on that day was about 34,496,878 miles, and its cost $3,285,622, viz:

	Miles.	Cost.
By horse and sulkey	11,447,147	$964,569
By stage and coach	19,653,676	1,980,453
By steamboat and railroad	3,396,055	520,602
Total,	34,496,879	$3,285,622

This is exclusive of transportation by steamboats and other vessels, under the fifth and sixth sections of the act of 1825, which costs about $16,300 more.

The lettings of the year have generally been at lower prices than for some preceding years, but not so low as the same routes were let four years ago.

Most of the service which was last year suspended has been restored; and the new routes established by the act of 7th July, 1838, with few exceptions, have been put in operation.

The speed of the ordinary mail having been so increased as to reduce the time of transit between New York and New Orleans to nine days, the express mail, which ran in seven, has been discontinued, and the southwestern branch, which yielded but a small portion of its cost, fell with the main trunk.

It is possible that the recent suspension of specie payments by the banks, in a large portion of the Union, may again check the increasing revenue of the Department so as to make retrenchments necessary; but, in any event, they will be inconsiderable.

On the 30th June last, the number of post offices was 12,789, showing an increase of 261 during the preceding year. The number established was 601, and the number discontinued was 340. The number of postmasters appointed, including new offices, was 2,838.

The number of post offices this day is 13,028.

The number of mail contractors in service during the last year, was about 1,838. Of this number, 489 have been fined, or had deductions made from their pay, for sundry delinquencies. The aggregate of fines is $57,738 64, and of deductions $22,066 04, excluding remissions, the whole amounting to $79,804 68.

A great majority of the contractors have performed the service with the most exemplary punctuality.

The revenue of the Department for the year ending the 30th June, 1838, was -	$4,235,077 97
The expenditures were - -	4,621,837 16
Excess of expenditures - -	$386,759 19

This excess was made up by surplus funds of preceding years.

The revenue of the year ending on the 30th of June last, was - - -	$4,476,638 56
The engagements and liabilities of the Department for the same year, were - - - -	4,624,117 86
Excess of engagements and liabilities - - - -	$147,479 30

The surplus still on hand has prevented embarrassment.

The cash on hand, according to the latest reports of postmasters, is $206,701 95. There is also remaining in banks $33,453 72, of which only $2,907 03 is available. More than half the available funds on hand will be required to pay balances due for the services of the last quarter.

Compared with preceding year, the revenue has increased about 5½ per cent. and the aggregate increase was $241,560 59.

From a comparative statement, embracing the returns of post offices yielding over $100 per quarter, it appears that the revenue of the quarter ending the 30th September last, exceeded that of the corresponding quarter of last year about 8¼ per cent. It is feared, however, that in consequence of the derangement produced by the suspension of payment by so many banks, this rate of advance will not be maintained through the year.

The accounts of postmasters are rendered with a promptitude which can scarcely find a parallel in the business of mankind In a list of so many thousand post offices, there are necessarily many incidents, such as sickness, deaths, resignations, absences, removals, changes in mail routes, &c. &c. which prevent the regular rendition of accounts, the new appointments alone averaging last year 722 per quarter. Most of the accounts are forwarded to the Department by the first mail after the termination of the quarter, and out of a list of 12,780 post offices, for the quarter ending 30th June last, there were but 217, the accounts of which were not received before the termination of the next quarter; and of this number about 40 had been very recently established, or had not been supplied with mails.

The moneys received by the postmasters are, in general, paid over with equal promptitude. It is believed that about 11,000 of the whole number paid over the proceeds of each quarter to contractors within two weeks after its close. Of that class of postmasters, the proportion of delinquents is remarkably small. The draft offices in general pay, when drawn upon, with equal punctuality. Two cases have occurred, within the year, indicating the necessity of further legal restraints upon postmasters intrusted with large sums of money.

When it is extensively inculcated as a principle, that the public money, instead of being retained for the public service, ought to be made use of in private operations, it is not surprising that some of the postmasters, notwithstanding the utmost efforts of the Department to prevent it, should practise upon the precept. Nothing is likely to make them all duly sensible of the heinousness of the offence but an act of Congress, declaring it to be a crime, punishable according to the magnitude of the sum thus applied.

Congress have heretofore fixed the maximum of compensation to be paid for the transportation of the mails upon railroads at $300 per mile. It was obviously their intention, that, where the maximum of compensation is given, the railroad companies shall afford the public, in return, the best practicable mail accommodation.

Under existing arrangements, the great mail for the South and West is detained six to eight hours in Philadelphia. Desirous, in the renewal of the contracts to take effect in January next, to put an end to this detention, the department offered the Philadelphia, Wilmington, and Baltimore Railroad company, the maximum of compensation allowed by law, on condition that they would carry two mails a day, one connecting with the night line from New York, and the other with the morning line. It is the night line which brings on the great mail, and to carry it forward without interruption, it would be necessary for this company to leave Philadelphia not later than one o'clock, a. m. This the company declined doing for the compensation offered, and were willing for the $300 per mile, only to continue the present service, running one daily mail, and that at hours most convenient for their other business. Deeming it essential to the interest of the public that a connected mail line should be had on this great thoroughfare, I have not felt myself at liberty to accept any service which would longer admit of the present injurious delay at Philadelphia. Minor considerations it was proposed to waive; but without effect. The consequence is, that the Department may be deprived of the use of that road for the next contract term.

Railroads cheapen travel and the transportation of produce and merchandise, and no reason is perceived why they should not also cheapen the transportation of the mails under the same circumstances. When the mails are carried in stages or on horseback, the Department exercises an absolute control over the hours. But the proposition of the company in question more than doubles the ordinary cost of such service, and denies to the Department the control of the hours. If even the sum demanded were not the highest the Department can lawfully pay for any railroad service, it would for these reasons be deemed much too high for the service propored.

Nor is the sum of $300 per mile deemed too small a compensation for the service required. The travel would still go with the mails as it does now, and many passengers who do not travel at all, or take the Pennsylvania lines to the West, would leave New York in the evening, if this company would convey them to Baltimore by the next morning, there to take the established lines to the South and West. The Department, therefore, asks them to do only what it is believed to be their interest to do.

Experience has proved that travel is increased in proportion to the reduction of its cost. This has been illustrated on steamboat routes. But railroads have an advantage over steamboats, because they can reduce the cost of travel without reducing their own charges. By running in connection with each other, and enabling travellers to proceed on their way by night as well as by day, they save tavern bills to the traveller, and greatly reduce his expenses. A great increase of travel is the certain consequence. In this close connection, therefore, consists their highest interest. All railroads in connection with each other, will ultimately find their profit in considering themselves parts of one system, in submitting to the inconveniences of their respective positions, and in so arranging their hours of running as to make connected travelling lines, and not impose on travellers the necessity of stopping at intermediate points in their journey. And it is this close connection, most favorable to railroads in reference to travel, which the Department requires for the transmission of the mails. Ought the companies to ask, or the Department to pay, exorbitant sums for that which it is their own interest to render?

Certain it is, that if the demands of railroad companies are to be satisfied, most of whom are not willing to serve the public as they serve individuals, and seem to think that the Government is bound to make their investments profitable, there will be little left of the means of this Department to pay for the conveyance of the mails on other lines, much of the interior of the country must be deprived of them altogether, and the rates of postage, instead of being reduced, must be increased.

Hopes are entertained, however, that the company in question will yet accept the provision which Congress has made. It appears to be so obviously their interest to avail themselves of the additional travel which a well connected line would bring them, and to prevent the withdrawal of a large portion of the western travel which would inevitable follow the organization of a line for the conveyance of the great western mail upon the Pennsylvania roads, that perseverance in their refusal cannot reasonably be expected. In the mean time, the Department is proceeding to make the best arrangements it can, for the mail service, without reference to the use of that road, and with the determination in no event to make any contract with the company which shall not secure a close connection with the mail from New York. If circumstances should hereafter require it, this matter will be made the subject of a special report.

A difficulty somewhat similar has arisen upon the steamboat route between New York and New Haven. Formerly, the mail was carried six times a week on that route, for $4,000 per annum. At the last regular letting in that section, it was let for daily service at $6,000, with a proviso that if the company should be dissolved, the contract should be at an end. Last spring they gave notice of dissolution to the Department. Their successors refused to continue the service for less than $30,000 per annum. The Department offered $6,000 for six times a week service, and $8,000 for daily; but the new company would only reduce their exorbitant demand to $15,000, with the privilege of selecting their own hours for the service. The Department then withdrew its propositions, and made an arrangement for the transportation of its mails by land.

Subsequently, a temporary arrangement was made with a gentleman of great energy to charter boats and put on another line for the purpose of conveying the mails. After making several efforts, he reported to the Department, that although boats could be procured for any other service, so great was the fear of the principal owner upon the New Haven line, or so extensive a combination existed, that no suitable boat could be chartered on any terms, to run on that line in opposition.

The Department is consequently powerless, under existing laws, to give the country the best practicable mail service in that direction, without submitting to palpable extortion. Rather than submit to the latter alternative, I have deemed it my duty to continue the mail upon the land route, and refer to Congress for a remedy.

In these days of combination and monopoly, that which exists on one steamboat route may be expected on others of more importance, unless prevented by timely precautions. An effective remedy in this case, and a preventive in all others of a similar character, may be found in putting it within the power of the Department to run steamboats temporarily in such emergencies, to be discontinued as soon as reasonable contracts can be secured. The case in question shows that the Department cannot rely upon chartering suitable boats. The only effective means appears to be, to authorise the Postmaster General to purchase, or build, two or three boats suited to the service, or direct the War or Navy Department to add a few such boats to their present force, with a view to aid the Post Office Department when occasion may require it. The existence of the power and ability of the Department to put on a line of steamboats in cases of attempted extortion, would undoubtedly avert the necessity of its exercise.

Great difficulty is found in bringing to justice mail robbers in some cases, on account of the inadequacy of the present laws to secure the attendance of distant witnesses. The compensation allowed to them is not sufficient to pay their expenses, without reference to the value of their time. Cases of extreme hardship have been presented to the Department, and allowances asked for out of its funds, but in cases where the process of the court could reach them, it has been decided that the Department could not lawfully add to the allowance provided by act of Congress. It seems but just, that men who are required to devote their time to the public, should be paid not only their actual expenses, but a fair compensation.

The radical change in the rates of postage on letters, recently adopted in Great Britain, has attracted much attention in the United States. To enable me to furnish Congress with information on that subject, and all others connected with the post establishments in several of the most considerable European countries, I have despatched one of the special agents of this Department to Europe with instructions to visit them in person, and furnish me with minute details of their organization and operations. Many documents, and some interesting particulars, have been received from him, but he has not as yet been able to prepare himself to make a detailed report. As soon as such a report shall be received, it is intended to submit to Congress all the information it may contain, for their consideration.

With the highest respect,

AMOS KENDALL.

To the PRESIDENT OF THE UNITED STATES.

SPEECH OF MR. RANDOLPH, OF NEW JERSEY.

In the House of Representatives, December 6, 1839—On the attempt to organize the House of Representatives, by excluding five of the New Jersey claimants.

Mr. RANDOLPH said that it was not his intention, originally, to have participated in this discussion. He knew that the case from New Jersey presented a fair subject for a contested election, and he had supposed that it would have been permitted to take the ordinary course of such matters, when, upon full investigation, he could, with more satisfaction to himself, and perhaps more dispassionately, have endeavored to perform his high and responsible duties, as well to his colleagues and to the gentlemen claiming their seats, as to his constituents and to the country. But we have, from the extraordinary state of affairs here, been hurried into a premature debate, in which an effort has been made to place the constituted authorities of New Jersey in a most unjust and unenviable attitude before the nation, and I therefore claim, as a duty which I owe as well to myself as to the people of New Jersey, whose sole *acknowledged* Representative it seems I am, to be heard now before the assembled Representatives of the nation. Various propositions, sir, have been made during this discursive debate, which now lie on your table, and which, according to your decision of incapacity to put questions, they must continue to lie. The commissions of my colleagues having been read, it was proposed to read the law of New Jersey and the certificates of the gentlemen contesting their seats. I am in favor of both, and will endeavor to dispose of those propositions before I sit down. It is also proposed that you, sir, [the Clerk] be permitted to make a statement of your reasons for not calling the members from New Jersey. Of this, too, I am in favor, if you simply desire to make *your* statement and give *your* reasons; but if, as I understand, your friends ask that you, under a permission to make *your* statement, are to read to us a long and labored document, prepared in anticipation of the present state of affairs, not *by* you, but *for* you, by a certain committee sitting in this city, after weeks of investigation, I am opposed to it. Your friends may find some other mode of communicating it to the public than by placing it on the journal of the House.

But, sir, there is another question before us of great, of vital importance, which is not, as some honorable members seem to suppose, whether my colleagues shall ultimately, after all the evidence has been heard, be entitled to their seats, but whether now, at the first call of the members, they shall be recognised as members, presenting, as they do, commissions from the Executive of the State, made out pursuant to its law. This, sir, is a grave question, and for the first time raised in this country, or, as I believe, in any other. Sir, the Constitution has reserved to the States the power of prescribing "the times, places, and manner of holding elections," and has directed that the "*House* shall be the judge of the elections, returns, and qualifications of its members." The election laws of New Jersey have given the mode of holding elections and making returns, which is by commission from the Governor, under the great seal of the State. If my colleagues have presented such a commission, then are they entitled in the first instance to their seats on this floor, and the investigation of the contest cannot be had until after the House is organized. The Constitution gives that power to the *House*, not to the unorganized members who are to constitute the House. When Representatives assemble for the purpose of organizing a House, they must, from necessity, adopt some rule by which they are to recognise each other in order to organize themselves, else they must continue disorganized. That rule hitherto has been to recognise the individuals holding the regular return, made out under the State laws, and in no instance to go behind that return, until after the House is organized and it proceeds to try the matter of contest; any other rule must lead to inextricable confusion, fraud, and revolution. It was formerly the doctrine that even the House, after organization, could not go behind the State returns, on the ground that it would be impairing a State law, made under the Constitution. Under this rule the New Jersey case, in the first Congress, was decided. In that case the Governor's commission was based on the returns received from twelve counties, leaving out the county of Essex, which came in too late to be counted; a petition was presented after the House was organized, setting forth the facts, and it was solemnly decided that the State law and the regular return under it was sacred, and the House could not and did not go behind it; and this was the settled law of the House of Representatives until the case of *Spaulding* vs. *Mead*, which arose in the 9th Congress, in 1805. Mead had the regular commission from the Governor of Georgia, under the laws of that State, which are almost identical with those of New Jersey; Spaulding petitioned the House after it was organized, setting forth that the votes of three counties had not been taken into the account by the Governor in consequence of their being detained after the time by a hurricane; the facts were admitted, and Mead and his friends put the case solely on the sanctity of the State law, and the return under it; but it was decided that the House, in trying the matter of contest, might go behind a regular return, and that has ever since been the rule. But there is not a solitary case to be found in the records of Government, or, as I believe and am informed, of the State Legislatures, or the British House of Commons, where the individual holding the regular commission or return has not been permitted to take his seat in the first instance, no matter what was the ground of contest to be tried after the House was organized; and the person contesting the seat has always been compelled to petition the House after it was organized, instead of walking in and taking his seat at once. Twice only has this question been mooted in this House. The first time, in the case of *Letcher vs. Moore*: the former had a majority of votes, evinced by the poll books, presented, and a certificate from two of the five sheriffs; the latter had a certificate from three of the five sheriffs, alleging that he had a majority in four of the five counties in the district, and the proclamation of the Governor; neither party had the legal return, but the Clerk, conceiving that Moore had the better return of the two, placed his name on the roll; this the friends of Letcher resisted, in the first call of the House, and they all took the ground that, although Letcher had a majority of votes, yet, if Moore had a return made out according to the laws of Kentucky, he must, in the first instance, take his seat. On the other side, it was contended that Moore should take his seat on the return, such as it was; and in the arguments of distinguished gentlemen on that side, authority may be found for almost every section in the Union. For the benefit of the honorable members from Indiana, I will read from the speech of Mr. Lane, of that State, who "contended that the question before the House was not who had or who had not received a majority of the votes given, but who had produced the best *prima facie* evidence of his right to a seat." Mr. Beardsley, of the empire State, "maintained that the question was to be settled solely on the face of the certificate." Governor Polk, of Tennessee, argued in favor of Moore's taking his seat, and cited various precedents. And for the benefit of the honorable members from New Hampshire, I will read from Mr. Hubbard, who contended "that the *only authority* by which the House should be guided must be *the return* itself." He considered Moore's sufficient. In consequence of an agreement of the parties, the House made no decision. The next was the case of Claiborne and Gholson, in the last Congress. Their election was unconstitutional and void, yet, having the regular return, I voted with a large majority of the House for their taking their seats in the first instance. In New Jersey, there have been numerous cases of contested elections, but in none of them did the party contesting come into the House until a decision had been made in his favor. The idea of a person contesting a seat going into either House of the Legislature and taking possession of his seat at once, was never dreamed of there, and would never have been endured. In the case of Cox *vs.* Reynolds, in 1814, Stafford township made her returns for *James*, instead of for *Thomas* Cox, and it being thrown out, of course, by the clerk under the statute, Reynolds got the certificate, took his seat, and was qualified. Afterwards, Cox petitioned the organized House, and was subsequently admitted to his seat, and Reynolds ejected therefrom. In 1815, Board and Lydecker petitioned the Assembly after it was organized for the seats occupied by Colefax and Van Houten, who had the certificate, on the ground that the returns of Franklin having come in after 3 o'clock, p. m. were not counted by the clerk. They were admitted, I believe, unanimously. Franklin, it will be observed, was rejected for the same grounds, in part, that Millville was, and Board and Lydecker had as much right to take their seats at once as the contesting gentlemen have in this case. In 1817, Reid and Pierson got the returns to the Legislature, in consequence of the certificate of a special election of an inspector in Hanover township not having been filed within three days, according to the statute—the same reason, in part, why South Amboy was rejected. Nugent and Stockton had a majority of the votes, and *petitioned* and got their seats. It will be observed that the last two cases turn on grounds similar to Millville and South Amboy, only that in the former cases there were no frauds or illegal voters, as in the two latter. In the Cumberland contest, decided by

the Legislature last year, arising out of the rejection of Millville at the same election now under consideration, counting Millville, the gentlemen on the Administration ticket had a majority, but, it being rejected for fraud and irregularity, their opponents received the return; the other gentlemen petitioned for seats, two of whom, on purging the polls, obtained them. They were aided on that occasion by the ablest counsel that their political friends could obtain. An honorable Senator in the other end of the Capitol labored incessantly for them. He knew all their rights, and, knowing, dared and did defend them, and yet they never attempted to take their seats until the contest was decided in their favor. One other case from New York, and I have done.

About the year 1814, a case similar to that of the New Jersey members occurred in that State. A dispute arose between two persons, each claiming to represent the county of Ontario in the Assembly. It may be recollected that under the Constitution of that State, as it then existed, all the officers of the Government were chosen by a council of appointment, selected by the Assembly from the Senate. Under this regulation, the party having a majority in the Assembly had, of course, the power of filling all the State offices with their own partisans. Among the candidates for Assembly, in Ontario, at the period referred to, were Henry Fellows, Federalist, and Peter Allen, Democrat.

By the law as it then stood, the inspectors of election were to make return to the town clerk of the number of votes cast for each candidate; and that officer was to make return to the county clerk, whose duty it was to add up the votes returned from the several towns, and give a certificate of election to the candidate or candidates having the greatest number. In fact, Henry Fellows, (Federal,) was elected by a heavy vote over Peter Allen, (Democrat;) but the clerk of one of the towns where Fellows had a large majority, in making his return to the county officer, abbreviated the christian name of the Federal candidate, and returned so many votes for *Hen.* Fellows. The clerk of the county, under the advice of Mr. Van Buren, then Attorney General of the State, refused to count the votes thus returned, and, rejecting the votes from that entire town, declared a majority for Peter Allen, to whom he presented a certificate of election. The vote of Allen gave the Republican party the preponderance of one in the Assembly, and of course prevented the Federalists having the same majority. Allen and Fellows both appeared, and, at the organization of the House, claimed the seat. Mr. Van Buren, the Attorney General, had the management in the affair on behalf of the Republicans, and the late Elisha Williams acted for the Federal party. Mr. Van Buren claimed that, as Allen was the *certified* member, he was entitled to his seat in the first instance, and that Fellows, even if the rightful claimant, could only obtain it by a vote of the Assembly *after* it should be duly organized. This, the correct constitutional doctrine, prevailed. Mr. Allen took his seat—assisted in choosing a council of appointment, *by which Mr. Van Buren retained the office of Attorney General*, and then was *ousted*, Mr. Fellows's right being conceded by the unanimous resolution of the House. Here, then, is a weight of authority which cannot be overcome.

The next question then, sir, arising in this case is, have my colleagues the regular commission or return? The statute of New Jersey requires that the Governor shall "commission, under the great seal of the State, to represent this State in the House of Representatives of the Congress of the United States," "six persons." He has done so—here are the commissions given to my five colleagues and to myself. It will not be proper, sir, at this time, to go behind them to investigate any questions that may have arisen before the Governor and Council; when that time shall arrive, I shall be prepared to sustain the Governor and Council in all their positions. The commission then, sir, is given pursuant to law by the Executive of the State, under its great seal, the only means by which the people of a sovereign State can communicate with another State or with the nation. This seal, sir, is dear to Jerseymen, as well from its Revolutionary reminiscences as from its being the medium through which the people send forth their authority or speak their will. Twenty-six times has it been affixed to the commissions of Representatives to this House, and never before has its validity been questioned; never before have the sons of New Jersey, and, least of all, those who had been honored with the keeping of that great seal, been placed in a situation to deny its authenticity. Sir, these commissions are made out in due form. I hold in my hand an authority which cannot and will not be denied by the gentlemen claiming seats—it is my commission, sir, as a Representative to the Twenty-fifth Congress—literally a transcript of the present commission of my colleagues: it has affixed to it the same seal and the same Secretary's name; but the signature of the Governor is "*Ph. Dickerson,*" one of the gentlemen claiming seats on this floor; and this, sir, has been the uniform practice of the State for more than half a century. But, sir, the honorable member from Virginia [Mr. CRAIG] intimates that there is some fraud here that he wishes to get at. Sir, if that honorable gentleman's information is derived from the source I fear it is, I wonder not that he suspects fraud. The great *Upas* of the Government has spread its poisonous vapor throughout the nation. For more than a year it has been mystifying and misrepresenting this case. Not satisfied, sir, with misrepresenting my State and constituents through the ordinary channels of political communication, the cloak of literature also has been sought to cover its deformity. I allude to an article published in a certain Review, and circulated in pamphlet form through this Hall. Sir, I know that pamphlet well; it was but lately circulated throughout New Jersey; but the people of that State have passed their judgment on it merits. I know not, sir, the author. I hope and trust he is no Jerseyman, for a baser attempt to misrepresent a case was never conceived. The law is misquoted, the facts are misstated, and the entire production is a gross perversion of the whole matter. I have much charity, sir, for honorable gentlemen who derive their information from such sources. But, sir, the honorable member from Virginia is correct; there has been fraud, base fraud—not, though, where he suspects, but at the ballot-box. There, sir, where the most evil could be done with the least liability of detection, was the attempt made to sap the foundation of free government. The ballot-box, sir, the palladium of liberty!—preserve that pure, and we are safe. The overgrown power and corruption of the Government can only be tried and humbled there. Corrupt the ballot-box, and all is lost; and if ever, sir, our political Eden is subverted, there, sir, there the destroyer will enter. The honorable gentleman and myself agree, then, to discountenance the fraud; but he would jump at it at once upon mere suspicion, where it does not exist. I would wait till we get proof where it does; he, sir, would investigate it now, when we have no evidence—when we are powerless, and can get none. I would wait till we are organized, when we can send the Sergeant-at-Arms for witnesses to prove the fraud. But another honorable member [Mr. VANDERPOEL of New York] says my colleagues are claiming their seats by a mere technicality. Sir, did not that honorable gentleman hear my friend and collegue [Mr. MAXWELL] say yesterday on this floor that he would scorn to hold his seat by a technicality, or by any other means than a majority of the legal votes? I appeal to all who know my colleagues here if they can conceive them capable of such conduct. Sir, high and honorable as is a seat on this floor, rather than to hold it by a technicality or a majority composed of illegal votes, I would suffer my right arm to perish from its socket. Sir, is the holding the regular commission from the Executive of the State, made pursuant to its law, backed by the conscious belief, sustained by evidence, that they have a majority of the legal votes polled—is this claiming by a technicality? Is the voice of a sovereign State, speaking through its constitutional organ, the "small *squeaking* voice of technicality?"

But sovereignty, says another honorable member, [Mr. PICKENS of South Carolina,] is in the people, not in the Governor and Council. Sir, I agree with that honorable member, that sovereignty is in the people; but how, let me ask him, with due respect, is that people to manifest the acts of their sovereignty? Are they to proclaim it like the Democracy of Athens, or through its Executive? Sir, I should like to know whom that distinguished member considers the people of a sovereign State? Is it her citizens only, or does he include *aliens* also, and every *inhabitant*, without distinction? An effort was made some years since by an emissary of a foreign prince to draw the distinction between the people of this country and the Government of the people; but his distinction met with little encouragement then.

[Here Mr. PICKENS rose to explain, and was understood to say he meant to draw no such distinction, or to give any opinion on the case from New Jersey; but simply to insist that the House had a right to go behind the Governor's commission, and investigate the allegations of the parties.]

I understood the honorable member to go further; but if by the House he meant the organized House of Representatives, then the gentleman and myself agree. Much has been said by that honorable member about technicalities and forms; I think, sir, that I have as much contempt for *mere* forms and technicalities as any member on this floor, but, sir, it is only through the forms of the Constitution and the law that liberty itself can be preserved; if necessity can be urged to abolish one form, "to-morrow, and to-morrow the fatal precedent will plead," until the Constitution itself is frittered away, and we are at sea, without chart or compass. Sir, it is this very observance of forms—the sanction of the law—that is our watch by day or guardian by night; it converts the peasant's hut, though wretched and shattered it be, into a castle that the strong arm of the Government cannot enter; in solitude, it is our security; our panoply abroad; and in every situation and relation of life, our protection and reliance. And what is it, sir, that guides us here? Not the few officers of the House, but the sanction of the law and its forms, that surrounds us, like an invisible wall, and protects us in the discharge of our high and responsible duties. The honorable gentleman from South Carolina told us about the "thunders of Heaven from an indignant people." Sir, I have heard in New Jersey much about the indignation and the thunder of the people, but as yet, sir, it has been but mere *brutum fulmen;* and here stand my colleagues, "unawed, unsubdued, unterrified;" and there sit the Governor and Council, unscathed by the lightning, and unmoved by the spirit that rode upon and directed the storm.

[Here Mr. VANDERPOEL rose, and inquired if the Administration had not a majority of the aggregate votes in New Jersey at the late election.]

Mr. RANDOLPH said, the Government paper says so, and lest one statement should not be believed, it has given them all, all of which are fallacious and false, and based upon a comparison of the majorities, carefully concealing the actual votes, of this year with those of the last, when, in every county except one or two, where the Administration have increased their majority, or decreased that of their opponents, it has been done with fewer votes than they polled last year; and the aggregate vote was near 10,000, or almost one-fifth short of last year. In the counties having large majorities either way, no effort was made. Sussex only polled about 1,000 votes, and yet it can give 1,500 Administration majority; the contest was for doubtful counties, and the Legislature; we carried all the former, including the counties which embrace South Amboy and Millville, decreasing the majorities in both of these townships; the Legislature, and the whole power of the State we carried by an increased majority; the Administration vote is near 5,000 short of last year.

But, Mr. Clerk, I would ask you, sir, why have you received my commission, and enrolled my name, and rejected the names and the fac simile commissions of my colleagues? Why have you thus distinguished me? You have put upon me too much honor, for which I thank you not; and my constituents and my country will not thank you. Sir, the people, kind as they have been to

me—much above my merits, I confess—never intended thus to distinguish me above my colleagues; I came here but their compeer; have always so considered myself; and when they proposed to their competitors to resign, and let the people try this contest, I too craved the honor to be equal with them in that also, and was only prevented from joining in the proposition by the advice of friends who had a right to influence my acts. Why have you, then, drawn the envious distinction? Why been so unkindly kind? Why receive my commission, and reject theirs? Was it the Secretary's certificate? That, sir, is no legal evidence; the Governor himself, and not the Secretary, is the certifying officer of the acts of the Governor and Privy Council; and yet this high functionary has undertaken to certify—what? That this paper is a copy of an original on file in his office? No; but that he, James D. Westcott, the high and potent Secretary, has examined the papers which he says the Governor and Council examined, and he, forsooth, has come to a very different conclusion from what they did; and therefore certifies the result of *his calculations*, and he adds to it the votes of the two rejected townships, which he certifies the Governor *told* him to file; from all which he very modestly informs the House that the Governor and Council were all wrong, and that Messrs. Dickerson and Co. and not Messrs. Ayerigg and Co. were elected; and this, too, in the face of his own official signature to the commissions of my colleagues, and his very polite letters, informing myself and colleagues that he transmits our "commission as a Representative of New Jersey in the House of Representatives of the United States of the Twenty-sixth Congress." Was there ever such official insolence! Was there ever such a Secretary of a *Privy* Council! Was there ever such strange evidence! Why, sir, this certificate would not be evidence in the lowest court of New Jersey. The certified copies from the county clerks would be evidence as far as they go, but they would disclose the fact that their townships were rejected for illegality and fraud; but, by the certificate of this very accommodating Secretary, that matter is concealed. Yet this is to be the evidence to overrule the decision of the highest constituted authority in the State, authenticated in the highest manner known to the law, and that, too, before any House is organized to try the matter! Sir, your course was a plain one. If no returns were filed, then you would place on the roll the names of such as, by universal consent, were admitted to be elected. If returns were filed, then it was your duty to ascertain which of them were made according to law; if neither were so made, you might perhaps either do as the Clerk did in the case of Letcher vs. Moore, take the best return as the *prima facie* evidence, or do as you have done now, refuse to recognise either, and state the fact to the House; but if either of the returns or commissions was according to usage and requirements of law, as you have recognised those of my colleagues to be by receiving mine, then, sir, you had no discretion—you were bound by law, common sense, and universal practice, to place the names of my colleagues on the roll. But you say that it is a delicate question, and not for you to decide. Sir, under this plea of false delicacy, you have decided the matter—you have rejected the commissions of my colleagues—the highest evidence known to the law—the exclusive evidence—till after the House is organized. Your have reversed the judgment of the Governor and Council before the appeal is filed. And gentlemen who would confirm your decision would settle the whole matter before a jury is sworn to try the cause; and this, too, upon evidence only, such, too, as I have shown it to be, which should be referred to the Committee of Elections.

Sir, where will you decision lead you? Any member's seat on this floor may be contested; and if the individual contesting only files with you an affidavit or a mere certificate from any unauthorised source that he claims the seat by virtue of a majority, sir, according to your logic, you must disregard the legal return, and place neither member on the roll; and how many or how few you would place there, time and the exigencies of Government might determine. Sir, the Government would always desire a majority in this House, and your principle would always give it to them. File with you, sir, affidavits or certificates for contests of the seats of five, ten, or twenty members, according to the requirements of Government, and, sir, you leave off so many names from the roll of members, and place the Government at all times in a majority of those that are left, who are not only to organize the House, appoint you or some other person Clerk, who may at the commencement of the next Congress, and so *ad infinitum*, play over the same game, but who are also to be the judges of the contested seats. And thus, sir, you first create a majority, and then, sir, they have the power to perpetuate that majority, your own office, and the power of the General Government. Saying nothing of your motives, your decision presents the strongest coalition to perpetuate office and power that the wit of man ever devised, and desperate, indeed, must be the affairs of the Government that requires to be sustained by such measures. Sir, if I may use a figure without profanity, (and no one who knows me will accuse me of that,) I would say that the entrance to this House was like the way to Heaven; there is but one road to either, there is no breaking into either, no leaping over the battlements or scaling the walls; all must go through the straight gate, or go not at all.

Sir, of what effect is this certificate of the Secretary? No gentleman has pretended that it can givet seats to the persons holding it, and by your setting it up in opposition to the regular commission of my colleagues it is only claimed to have the effect to deprive New Jersey of five-sixths of her representation, and you thereby place your friends in the unenviable attitude of the dog in the manger. There is a case in point—the decision of Solomon respecting the dead and the living child. We say, destroy not the representation, vacate not the seats; give it to my colleagues, if their commissions entitle them to it; if not, give it to their competitors—let the representation be full. But this, sir, is said to be a very peculiar case, and therefore, as the argument would seem to say, the ordinary rules of practice and common sense are not applicable to it. Why, say honorable members, the commission of the Governor and Council is on one side, and the alleged majority of the people on the other; and was there ever a case of contested election, in which the parties did not stand in that position? Is not that the very ground of contest? Can gentlemen imagine a case in which the party claiming a seat alleges he has fewer votes than he who has the certificate?

In the case of *Turner, jr.* vs. *Baylies*, a large number of votes were given for Turner without the Jr. and, not being counted by the returning officer, Baylies got the certificate, took his seat, and held it for a long time, till it was finally awarded to Turner on petition. So in the cases of *Wright, jr.* vs. *Fischer*; *Williams, jr.* vs. *Smith*; *Huguenin, jr.* vs. *Ten Eyck*; and *Guion, jr.* vs *Sage*. In the latter, Sage, though he held the certificate, never came forward or claimed his seat; and, by writing under his signature, acknowledged Guion's majority and right, yet Guion had to petition, and did not get his seat in six weeks. If ever there was a case where a man claiming a seat might walk into the Hall and take it at once, that was one; but no such case has been cited or can be found any where. The universal practice has been for the person claiming to petition the House after it is organized; a contrary course would lead to confusion and revolution. In the case of *Root* vs. *Adams*, the former was elected by near three hundred majority; yet, because his name had been spelled *Rott* on a large number of tickets, he lost the certificate and was compelled to petition for his seat. And so in the case of *Spaulding* vs. *Mead*, formerly referred to; the Governor of Georgia receives the returns from the counties as the Governor of New Jersey does, but, in consequence of a violent storm, the returns from three counties did not reach him in time; the commission was accordingly given to Mead. Though Spaulding had the decided majority, yet he did not come in and take his seat, but petitioned the House for it, and there being no fraud or illegal votes, it was awarded to him. It will be borne in mind, too, that these and all the New Jersey cases are where the majority has been set aside for mere informality or irregularity: how much stronger then is this case, where there are not only informality and illegality, but fraud, and a sufficient number of illegal votes to change that majority? Why, then, sir, have you made the distinction between this and all other cases? Sir, the country will hold you and your friends responsible for every evil that may result from your extraordinary course. I know that your seat is to be filled, and that other seat beyond and above you is still vacant, and that another individual desires to plunge his arm deeply into the Treasury. But, sir, what are these—what to us is the election of a Speaker, on which your friends seem to place the very continuance of their power—what is the momentary triumph of a party, compared with the great principles you would sacrifice? Is it for this you would degrade my State—destroy the validity of her records—tear from her her broad seal, and wrest from her her sovereignty? And who are to do this? Is it the chivalrous sons of Carolina, who erected the Palmetto flag in defence of State sovereignty? Or is it the sons of old Virginia, where the principles of State Rights originated? Is New Jersey to be thus struck at and disgraced, and deprived of that which I, as the acknowledged Representative of the whole people, ask not as a boon, but demand as a right? I trust not—I trust not.

REMAKS OF MR. SLADE, OF VERMONT.

In the House of Representatives, Tuesday, December 10, 1839—The question pending being, who should be allowed to vote from the State of New Jersey on a motion to lay on the table a resolution involving the right of claimants from that State to seats in the House—

Mr. SLADE rose and said that the question before the House bore such a relation to the general question touching the organization of the House, which had, in various forms, been agitated during the last seven days, that he felt justified in asking the indulgence of the House to a few general remarks.

I have (said Mr. S.) sat here seven days, patiently waiting for the moving of the waters. I ought, perhaps, to say, rather, watching the *moving* of the waters, for they have, indeed, moved, and moved in every possible direction. Instead of approximating, in the arduous labors of a week, to any practical conclusion, we seem to have been constantly receding from it—plunging ourselves into new difficulties, and becoming entangled in the web of unanticipated perplexities.

It may be useful to pause for a moment in the midst of the wild uproar that reigns in this Hall, and review the history of our proceedings, and survey the position to which we have arrived.

We assembled here nine days ago for the purpose of organizing the Twenty-sixth Congress. The CLERK, having prepared a roll of the reputed members elect, proceeded, according to usage, to call it, for the purpose of ascertaining the presence of a quorum, necessary to be assembled for the purpose of organization. Having arrived at the the State of New Jersey, and called one of its Representatives, he stated that, as to the five remaining seats to which that State was entitled, there were ten gentlemen present claiming to hold the appropriate evidence of title to them; and that he was unable to determine which five of the ten ought to be enrolled as members of the House; and thereupon submitted the matter to the decision of the gentlemen present. Seventy-nine Representatives, only, had been called, being forty-two less than a quorum. The commissions of five of the claimants were thereupon read, when it was moved that the credentials under which the remaining five claimed seats, together with the election law of New Jersey, should be also read. Hereupon the question arose, whether any evidence of a right to membership should be submitted in behalf of any body, inasmuch as there did not appear to be a quorum present to which any question touching such right could be put for decision.

Thus the progress of the call was impeded by a discussion of motions growing out of the conflict-

ing claims to seats, while it most effectually arrested by the impossibility of putting questions on those motions, for want of a quorum competent to decide them.

I need not recapitulate the history of the four days, during which the meeting (it could not then be called a House of Representatives) struggled ineffectually to relieve itself from this extraordinary and unprecedented embarrassment. The wisdom of the wisest was tasked to devise the means of extrication. Proposition followed proposition, and resolution was piled on resolution. But it was all to no purpose, so long as there was no quorum competent to act. Such quorum could not be ascertained by a call, without either calling the Representatives from New Jersey in the usual order, or omitting that State, to proceed to the call of the remaining States. The former was prevented by the alleged inability of the CLERK to decide who ought to be called from the State of New Jersey; the latter, by his declining to take the responsibility of passing New Jersey, and calling the remaining States, without a direction which, there being no ascertained quorum present, it was impossible should be given.

I thought then, and still think, that the CLERK should have placed upon the roll, and called, the names of the five gentlemen from New Jersey holding commissions from the Governor of that State. In not doing it I think he greatly erred, because I regard those commissions, admitted, as they are, to bear the genuine signature of the Governor, and seal of the State of New Jersey, to be the only legal "returns" of Representatives from that State. His error consisted in regarding the certificate of the Secretary of State, produced by the opposing claimants to seats, as a "return" which should place the individuals in whose favor it was given upon the footing of an equal claim to seats with those holding the commissions. The certificate seemed to conflict with the commission, when, in fact, regarded in the light of a "*return*" within the meaning of the Constitution—in which light only should the CLERK have considered it—it did not thus conflict. But the CLERK, holding the certificate of the Secretary of State to be a "return," and exercising, as he must of necessity do, his own judgment, however erroneous, in deciding which of the claimants, under what he deemed conflicting returns, should be called, came to the conclusion that he could not decide, and therefore called neither.

Thus were we placed in the predicament of being able of our own will to move neither forward nor backward. A knot had been tied by the CLERK which it seemed impossible to untie. For this I do not, however, *censure* him so much as do some gentlemen, however much *I* may be censured for declaring it. It is my duty, as it is my inclination in this, as in all other cases, to award the merit of purity of intention until I have the clearest evidence to the contrary.

The knot thus tied by a most unprecedented concurrence of circumstances, the CLERK might have *cut* by taking the responsibility of going forward with the call until all the States, with the exception of New Jersey, should have been completed. I told him, here in my place, some days ago, that he should do this, and get us out of the difficulty by the ascertainment of a quorum which should be competent to act on the questions then pressing upon us. I thought he should either do this, or place on his roll the names of one or the other set of claimants. To do neither left us in the condition of a mighty, shapeless, unorganized mass, containing, in fact, the elements of power, but yet, to all practical purposes, as powerless and motionless as the marble pillars by which we were surrounded.

Thus situated, there seemed but one mode of extrication left us. It was to *assume* that there was a quorum present, and proceed to act accordingly. It was to cut the knot which we had been long laboring in vain to untie. This you did when you rose and addressed the assembly as "fellow-citizens and members elect of the twenty-sixth Congress," and proposed a resolution for its action. What you thus begun was completed by the vote which carried you to that chair, and gave us an officer to preside over our deliberations.

When you, sir, ascended to that seat, we fondly hoped, in the ecstacy of our joy in having escaped from the toils in which we had been for four days entangled, that full and complete deliverance was immediately before us. But a little experience convinced us of our error. We soon found that we had cut one knot only to tie another. Formerly, the great difficulty that met us at every turn was, that no question could be *put*; now, the difficulty was soon found to be, that no question could be *decided*; and that is the difficulty which now presses upon us, and seems destined indefinitely to embarrass our proceedings.

The great questions directly before us are, shall the names of the gentlemen holding the commissions of the Governor of New Jersey be called and they be enrolled as members of the House of Representatives? Or shall the roll, in the first instance, be made up of undisputed members from other States, leaving the question of the right of the gentlemen from New Jersey to membership to be afterwards decided?

Now, sir, the difficulty is, that, instead of meeting these questions directly, we are perpetually drawn off upon the collateral question, *who shall* vote upon these questions? Thus, for example, upon the question on the resolution of the gentleman from Virginia, [Mr. WISE,] that the CLERK be directed to call those gentlemen from New Jersey holding the Governor's commissions, the question arises, shall *they* be permitted to vote? The CHAIR, on the question being propounded to him by the tellers, decides that they may vote. From this decision an appeal is taken; and, upon the question whether the decision of the CHAIR shall stand as the judgment of this House, the question again arises, shall the gentlemen from New Jersey be permitted to vote? Now, supposing that the CHAIR again decides that they may vote, or if he reverses his former decision, and decides that they may not vote, in either case there may again be an appeal. And thus it is easy to see we shall be driven on from decision to appeal, and from appeal to decision, *ad infinitum*, while the great question, who shall be called and enrolled from the State of New Jersey, is left at an almost sightless distance behind us!

The CHAIR has been complained of with, as I think, a very captious and unreasonable severity by the gentleman from New York [Mr. VANDERPOEL] for undertaking to decide who should be counted. It has been termed with much harshness an act of *gross usurpation;* but who called upon the CHAIR to make a decision in this case? Who but the gentleman from Virginia, [Mr. DROMGOOLE,] who uniformly votes and acts with those who have denounced you as an usurper? Would the gentleman from New York have thus censured you if you had decided that the votes of the New Jersey gentlemen should *not* be counted? And yet he might as well call that an act of usurpation as the one he has so liberally denounced.

But, sir, what would have been the difference, as to the result, between your deciding whose votes should or should not be counted, and declining, as I think it would have been most prudent for you to have done, to make any decision? In the latter case, if, on the count by tellers, it should be ascertained that the gentlemen from New Jersey had voted, the question might immediately arise, shall their votes be counted? and, on *that question*, the question would again rise, shall the votes of the gentlemen from New Jersey be counted? If you should again decline to decide, and, on counting, it should be again found that the gentlemen from New Jersey had voted, then might the question again be started, shall their votes be counted? And thus we might be again driven on from the giving of disputed votes to the question whether they should be counted, and from that to the giving again of disputed votes, *ad infinitum*. Thus, sir, take it which way we will, we are perpetually moving in a circle—going forward in a process that is, from its nature, *never ending;* while the *great question* is left undecided.

Now, Mr. Chairman, what shall be done? How shall we escape from the net in which we are thus entangled? How come directly to action on the great question, who shall be called and enrolled as members from the State of New Jersey? There are, it seems to me, but two ways in which this may be accomplished. The most direct and ready of these is, for the New Jersey members, whose seats are contested, to decline voting on any question affecting their right to seats here. The endless process which I have described would be thus arrested, and we might be brought to a direct vote upon the question whether their names shall be called, and they admitted to take their seats on this floor.

Now, sir, I am not the conscience-keeper of these gentlemen, and do not think it becomes me to volunteer any advice to them in regard to this matter. If the case were my own, I should not be long in deciding what it became me to do. It is for them, however, to say what they will do on this occasion.

If the question is to perpetually recur, whether they may rightfully vote, then is the great question, in its direct form, perpetually thrust from before us, and we tread an endless round in the pursuit of that which will forever elude our grasp.

But is there no other remedy? Must we remain in our present position? Is "confusion worse confounded" to maintain perpetual empire in this Hall? Mr. Chairman, was there ever a deliberative body in a worse condition than this? Here, sir, are we, like a ship in a storm, without sails, rigging, masts, compass, chart, or helm, rolling and tossing among the angry billows; sometimes one end foremost, and sometimes the other; now trembling on the summit of the mountain wave, and now plunging as if to ocean's fathomless depths. One moment we are struck by a sea on one side, and at the next we meet in the recoil a heavier sea on the other. The *wind*—of which surely we have *enough!* blows in all directions; and, what is not a little extraordinary, often at the same moment!

There seemed, indeed, about a week ago, to be at one time a little hope of reaching a safe harbor. It was when the gentleman from Virginia before me [Mr. WISE] offered a resolution proposing that the CLERK should be directed "to call the names of gentlemen whose rights to seats are not contested;" and that, on the appearance of a quorum, it should, before proceeding to the choice of a Speaker, "hear and decide upon all credentials, certificates, or commissions or persons claiming seats" on this floor. When I witnessed the manner in which the annunciation of this resolution was received on all sides of the House, I thought we were upon the point of entering port, and congratulated myself that I should soon be permitted to place my feet once more upon *terra firma*. But, sir, I was doomed to disappointment, for, a contrary wind at that moment springing up, there soon blew a gale from *the northwest*, which drove us again into the open sea. The gentleman from Virginia finally yielded, and withdrew his resolution; and, from that time to this, "*neither sun nor stars in many days appearing*," have we been rocked by the whirlwinds, and lashed by the surges of this tempestuous sea.

Now, sir, I again ask, what shall be done? Is there no deliverance—no escape from the perils of our present condition?

Sir, if the gentlemen from New Jersey feel it due to themselves and their State not to decline voting,* so that we shall continue to find ourselves obstructed by the recurrence of the question, who shall vote? we may well despair of ever getting what may properly be called a *roll of the House* by the ordinary process, and shall, therefore, hope in vain to arrive at an organization in the usual way. What we want is a HOUSE OF REPRESENTATIVES that can *act*. That is the great desideratum. Now, though, from necessity, assuming to act as a House, we are, in truth, not a House. We are a mere informal meeting of supposed members elect of the Twenty-sixth Congress, there being, as yet, nothing placed on record—for there is yet no *recorded* roll—by which evidence is furnished that we have recognised each other as members. In this condi-

*They subsequently declined. The House was brought to a vote on the main question, and the roll called.

tion, the constitutional right of one-fifth of the members present to demand the yeas and nays cannot attach to us, for without a roll the yeas and nays cannot be called. None of our votes can, therefore, be recorded, and none of us are, or in our present condition can be, sworn.

Now, sir, how shall we get a House? We have been trying in vain these many days to get one by calling a roll. But is the *calling* of a roll essential to the formation of a House? Nearly a week ago, before you were placed in that chair, I suggested to the CLERK that he might extricate us from our embarrassment by ascertaining, *without* a call, who of the members elect were actually present; and thereupon, if a quorum of undisputed members was found to be here, to announce the fact, record their names, and declare his readiness to put to them any question that might be proposed for their decision.

This course you may now take as a last resort, directing the Clerk to record the names of members ascertained by you to be present, whose right to seats is uncontested. It would be again *cutting the knot;* but, if there is a knot that *must* be cut, that you are the man who will not shrink from the responsibility of performing the operation, especially in such an emergency as this, we have a sufficient pledge in the fearlessness with which you rose in your place, on a late emergency, and said, "fellow citizens and members elect of the Twenty-sixth Congress of the United States, I address myself to you, and not to the CLERK in the chair, under a painful sense of my own duty."

If the course I have suggested is unprecedented, so is the occasion which demands it. And, sir, if the members elect from New Jersey, whose right to seats is contested, are not to vote on the question of that right—as it is evident they cannot do if it is ever to be decided—what difference will it make to them that a House of Representatives is formed in the manner I have suggested, provided the question of their title to seats shall be determined, as it should, and doubtless will be, before order shall be taken by the House on another business?

Having been thus enrolled and announced as members elect of the 26th Congress, present at the time and place appointed by law for its meeting, let the oath or affirmation be thereupon administered, as provided in the Constitution. Without the taking of such oath or affirmation, by which the Constitution (art. 5th) declares that Senators and Representatives "*shall* be bound," it seems to me that we cannot rightfully proceed a single step in the performance of our duties.

I am aware that the law of 1789, referred to the other day by the gentleman from New York, [Mr. BARNARD,] provides that the Speaker shall, immediately upon his election, administer the oath or affirmation to the members. But does it, therefore, follow that it cannot be administered before such election? By what authority is the oath, prescribed in the same clause of the Constitution, administered to the President by the Chief Justice of the United States? By some, except the general authority of that functionary to administer, in virtue of his judicial office, all oaths provided for by the Constitution of the United States. The law of 1789 provides for the swearing of the members after the election of a Speaker, but who does not see, who, indeed, does not now know, that the House of Representatives may be called on to exercise some of its most important and responsible functions before the election of a Speaker?

Let, then, the Chief Justice of this District, who has authority to administer all lawful oaths within its limits, be invited to take his stand at that table and administer the oath to support the Constitution of the United States to the members whose names shall have thus been enrolled. Then, sir, shall we be a House, competent to act in the execution of the high trust which the people and the Constitution have committed to us.

But what shall we then have a right to do, touching the question which has agitated this body for the last eight days? Sir, we shall have a right "to judge of the elections, returns, and qualifications" of the members chosen or supposed to be chosen, to represent the people on this floor. That right we shall have derived from the Constitution of the United States, which declares that "each *House* shall be the judge of the elections, returns, and qualifications of its own members." "Each House." What is a "*House*," within the meaning of this clause of the Constitution? Let the Constitution itself answer. The second section declares that the "House of Representatives shall be composed of members chosen every second year by the people of the several States." It has been said on this floor that there cannot be a House competent to make any decision on a question involving a judgment as to the right of members to seats, until it shall have been organized by the election of Speaker and Clerk. But such is not the language of the Constitution. A Speaker and Clerk are not essential elements in the composition of a "House," for the Constitution declares that it shall be *composed* of *members* chosen by the people. When the Representatives elected, or a quorum of them, have come together at the place appointed by law, and recognised each other as members, *then* is there a House of Representatives, organized and competent, having taken the oath, "to judge of elections, returns, and qualifications." A presiding officer, of some name, and a Clerk, are indeed necessary for its efficient action; the one to receive and propound questions, and the other to record the proceedings on them. But they are not necessary to make a House of Representatives. They do not give it its power, but are themselves the creatures of that power; for the Constitution declares that "the House of Representatives shall choose their Speaker and other officers;" manifestly implying that it is a House of Representatives before such choice is made.

And, sir, it is not only a House of Representatives before the choice of its Speaker and Clerk, but it is *organized*, in the most important and essential meaning of that term. To organize, is, according to the best lexicographers, "to construct [bring together] so that one part may co-operate with another." Thus the Representatives of the people do not, before they assemble, constitute a *House* of Representatives, organized in any sense, for they are but the scattered elements of which it is to be "composed." But as soon as they are brought together, at the time and place provided by law for their assembling, and have recognised each other in the character of Representatives, then may all the parts "co-operate." They become an organized body, capable of concentrated action, and may proceed, being sworn, to judge of the elections, returns, and qualifications of those whose rights to seats shall be contested.

But it has been said by the gentleman from Georgia before me, [Mr. COOPER,] that the Constitution authorizes the House to judge of the elections, returns, and qualifications only of its "own *members*," and therefore that it cannot judge in the case of the New Jersey members elect, until they shall have taken their seats *as members* of the House. His language was: "Without being in his seat, exercising his rights, the member elect is no member;" from which he drew the conclusion that, inasmuch as the House could "judge" only in the case of its own *members*, the gentlemen returned from New Jersey must, in the first place, be admitted to seats as members before the House could act upon the question of their right to *be* members.

Now, sir, if this reasoning proves any thing, it seems to me it proves too much. Does it not bring us to the conclusion that the question whether a seat shall be *taken* by a claimant to it can never be considered by the body of which he seeks to become a member, until he has *actually taken his seat*, and thus precluded the possibility of action on the question whether it *shall* be taken? This is the inevitable conclusion from that construction of the Constitution which makes a man a member *de facto*, in order to give the House jurisdiction of his case. And can any thing be more preposterous and absurd than this?

With great respect for the logical acumen of the gentleman from Georgia, as well as for himself, I must be permitted to say that he has carried his favorite doctrine of strict construction to the extent of a rigid adherence to the *mere letter*, in opposition to the *manifest meaning* of the Constitution. Thus he gave emphasis to the word "*own*" in the expression "each House shall be the judge of the elections, &c. of its *own* members," when it is manifest that that word was introduced, not to give emphasis to the supposed idea of *actual* membership, but as a natural and necessary expletive, in speaking of the membership—in whatever sense that word might have been used—of one House, in distinction from that of the other.

In common parlance, those who are elected as Representatives are denominated members of Congress; yet nobody understands that they are any thing more than members elect until admitted to seats on this floor. In strictness, they can, until admitted to seats, be denominated only Representatives to represent the people in the Congress of the United States, and cannot be called members, since *membership* necessarily implies organization, which cannot take place until the Representatives elect are brought together and embodied so as to form a House.

The evident meaning of the Constitution is, that the House shall be the judge of the elections, returns, and qualifications of its own members elect. Indeed, the gentleman from Georgia seems himself, after all, to regard membership in such a light as to give countenance to this construction, and overturn the whole argument he had based upon the assumption that there must be actual membership; that is, "being in his seat, exercising his rights," in order to enable the House to judge; for he afterwards says, "they (the New Jersey claimants under the Governor's commission) were members before you or I assembled here." Now, sir, if, according to the gentleman's declaration, a person elected as a Representative is a member before the assembling of the Representatives, and, of course, before he shall have taken his seat, may not the House, according to his own reasoning, judge of the elections, returns, and qualifications of such member before he takes his seat? He makes the power of the House to judge depend upon the fact of membership, and then declares that such membership exists before the Representatives assemble. Plainly, then, the limitation of the judicial power of the House to the case of "its own members" does not, as the gentleman contends, make *actual* membership a condition precedent to the exercise of the power.

But it is said that the House has no power to entertain the question whether the gentlemen bringing commissions from the Governor of New Jersey shall take seats on this floor, because the State of New Jersey has herself adjudged upon this question, and the returns of the Governor of that State, in the form of commissions, are conclusive evidence of that judgment. But to what conclusion will this lead us? If there is any force in this suggestion, who shall limit its application? Does it not apply with equal force to the general power of the House of Representatives to judge of the *elections* of its members? May it not be said, at *any* stage of the proceedings, that the State has adjudged upon the question of the right of the claimants holding its commission? And is not, in effect, *all* power over this subject thus taken from the House of Representatives?

If, as I think I have shown, a quorum of undisputed members of the Twenty-sixth Congress, being sworn, will have power, before the election of a Speaker, to judge of the elections, returns, and qualifications of those who shall not have been admitted to seats, the question will next arise—To what extent should the power be then exercised? Obviously, it seems to me, only to the extent of judging of the "*returns*" of the members. To go behind them, at that stage of its organization, would in most cases, and certainly in the present case, involve a delay in the permanent organization of the House which would be ruinous to the public interests. Who is willing to keep the wheels of Government at a dead stand until the whole merits of the New Jersey election shall have been investigated and decided? Who does not see that an entire month will not suffice for that investigation, reaching, as it will, the ballot boxes, and inquiring, as it may, into the validity of perhaps two or three hundred votes deposited in them?

A judgment upon the "returns" only will involve an inquiry of a comparatively short duration; but, whether shorter or longer, we are clearly bound to enter upon it, and come to a decision before any permanent organization shall be made, or any other bussiness done. While I would not give to a Governor's commission the conclusive effect for which some have contended, I would give to it, emanating as it does from the highest and most directly responsible of the State authorities, the effect of placing a member in his seat, and enabling him to hold it, until the most searching and thorough scrutiny into the whole process that preceded its execution, beginning at the ballot boxes, should have clearly demonstrated that it did not embody the expressed will of the people by whose agent, constituted by that people for that very purpose, it had been executed.

I have said that the House should, before proceeding to any other business, judge of the *returns* of the members. But what are *returns* of members? Is the certificate of the Secretary of the State of New Jersey, which has been read at the CLERK's table, a return? By what law was it made such? How is it invested with an official character, in which character alone it can have force and effect any where? If it is sought to establish facts supposed to be pertinent to this case by the declaration of the Secretary of the State of New Jersey, let them be put into the form of a deposition, and let the oath be administered to him that they are the truth, the whole truth, and nothing but the truth. But would this constitute a "return?" Clearly not.

But what, I again ask, is the *return of a member?* It is that by which his *election* is *certified to us* by the authority constituted for that purpose by the State from which he comes. This is the return, and the only return contemplated in the clause of the Constitution now in question. It is true that, in the process of ascertaining who is elected, there are used the returns of votes by the judges of the election to the county clerk, and the return of the county clerk to the Governor. But neither of these, in this case, is a return of the *member* supposed to be elected. The language of the grant of power to the House is, "Shall be the judge of the elections, returns, and qualifications of its own members." It is the *return* of the *member*, then, of which, under that part of the grant having reference to "returns," the House is to judge, and not the returns of votes by the judges of election to the county clerk, or the returns of those returns, summed up, by the county clerk to the Governor. These are not a return of the *member* or *the election* of the member. *Such* a return can only be made to this House by that functionary which the State law appoints for that purpose; and it is of such a return only that we are authorized to judge under the authority given us to judge of "*returns.*" When we come to judge of the "*election,*" the whole case is then opened, and we may judge of every thing touching the qualifications of voters, or the reception and returns of their votes by the officers appointed for those purposes. But this would be a very different thing from judging of the *returns* of *members.*

In judging of the return of a member, we are to judge, in the first place, whether it is genuine and authentic; and, in the next place, whether the functionary by whom it purports to have been made was authorized by the laws of the State to make it.

But I shall be asked, may we not also inquire into the grounds on which it has been made? If there have been fraudulent returns, or omissions of returns of votes to the Governor, may not these frauds be inquired into? Certainly they may. But when? Whenever it is proper to go behind *the return* in our investigations. But when that is done, when we go beyond the point of deciding upon the genuineness of the return, and the authority of the functionary who makes it, who shall stop us, who ought to stop us, till we get to the very bottom of the ballot boxes? If we are to go into the question of fraud, what fraud touching the election shall we leave unprobed? None. Justice, and honor, and fairness, cry out—*None!*

The gentleman from New York [Mr. VANDERPOEL] says, let us have the voice of the ballot boxes. So say I. The voice of the ballot boxes! They have already spoken to us through the only organ appointed by the laws of New Jersey to speak to *us*; and we are bound to hear and regard that voice, until there shall come up from the deepest recesses of the ballot boxes a voice that shall tell us whether fraud and falsehood have found a lurking place within those sacred repositories of the evidence of the people's will.

The gentleman from New York affects to regard the illegal returns of certain judges of elections as the voice of the ballot boxes. But, sir, the voice of the ballot boxes is, to all the purposes of determining who shall *take* seats as members of this body, *that* expression from them, and that alone, which the people of New Jersey have by their laws determined. The ballot box has no power of itself to speak; it can utter no voice but through those who have its custody, and are appointed by law to certify its contents. If a judge or inspector of elections has been illegally or fraudulently appointed, and that, perhaps, for the very purpose of admitting illegal votes, or making false returns, shall his certificate be taken as the voice of the ballot box? Is he competent to speak in its name? No, sir. If you would get the voice of the ballot box in that case, you must get it by testimony which shall carry you *back of all returns.* But the taking of this testimony is not proposed by the gentleman from New York; it is, evidently, what he does not want. I understand the gentlemen holding the Governor's commissions as desiring to take this testimony, and thus go to the bottom of the whole matter. But the appropriate time for doing so, we all know, has not arrived. Such an investigation, at this stage of the proceedings, is utterly impracticable; and yet it, obviously, must be gone into, if we go back of *the return* which the people of New Jersey have determined by their election law shall be made *to the House of Representatives of the United States.* To stop in this backward process till we get quite beyond the judges and inspectors of election *into* the ballot box, every body can see would be improper, and might work great injustice. Indeed, if there is any reason why we should go back of the Governor's return, for the purpose of examining the grounds on which it has been made, that reason operates with equal, if not greater, force, to carry us back of the judges' and inspectors' returns, to examine the true grounds on which they were made. The gentleman from New York would carry us at once back of the Governor's return to the illegal returns, but there he would stop! Though no law of the people of New Jersey has authorized the judges and inspectors of election to speak to *us* on this subject, yet we are to take their *unofficial* statements (unofficial, because not made according to the law of New Jersey (as conclusive against the right of the returned members to take their seats on this floor. If the statements of the judges and inspectors of election are to be used at all here, they must be verified by oath—we cannot regard them as official returns. The judges and inspectors of the townships in question in this case, have never made any legal returns to any body; and if we are to take their affidavits in proof that the Governor's return is not what it ought to be, then must we take testimony touching the question whether the pretended returns of the judges and inspectors were what they ought to have been. In other words, we must go into the *whole case*, which we all know to be impracticable now; and, what is more, which those here who are contending against the right of the returned members, do not want to go into now. They want we should go half the way, and there stop. The bottom of the ballot boxes is what, if I can understand their movements, they dread to see.

I have thus, Mr. Chairman, adverted to the extraordinary embarrassment in which we are placed, and suggested what appeared to me the only modes of escape. I have considered what would be the constitutional power of a recognised quorum of the members elect of the Twenty-sixth Congress, present in this place, without a Speaker; maintaining that it extends to the full measure of the grant of power to the House of Representatives to judge of the elections, returns, and qualifications of its members, though practically limited, from the necessity of the case, at the opening of Congress, to a judgment on the "returns" only. I have spoken of the nature of the "returns" which seem to me to be specially intended in the clause of the Constitution which gives the House of Representatives the power of judging; while I have expressed my sense of the clear and undoubted claim which the returns, or commissions from the Governor of New Jersey, give the gentlemen who bear them, to seats on this floor.

But, sir, undoubted as I regard the right of these gentlemen to seats here, it is equally clear to me that the question of the validity of that right is subject to the judgment of the House of Representatives, from the moment it becomes a House, by the presence of a quorum of undisputed members; and that its power of judging extends as well to the claim to *take* seats, as to that of *retaining* them after they are taken. It seems to me a great error to assume that gentlemen bearing returns, even of the most unquestionable validity, may take their seats *at all events*, without submitting their returns to the judgment of the body to which the Constitution has expressly given the power of *judging* of the returns of its members. If the House cannot judge of the right to *take* a seat under a return from a State authority, with what propriety can it judge of the right to retain a seat after it is taken? If the exercise of the power of the House to judge in the first case conflicts with "*State rights,*" does it not equally so in the latter? If "consolidation" is connected with one, is it not equally with the other? If one is liable to abuse, is not the other also? If the Executive, as has been suggested, can influence a subservient House to deny to a Representative the seat he is justly entitled to take, may he not, through the same influence, thrust him from a seat which he is justly entitled to hold? Does it follow, from the possible, or probable, or even certain, abuse of power, that it does not exist? What power has been more grossly abused than the Executive power of removal? And yet, who denies its existence? Is it possible for the Executive to thrust his influence into the House of Representatives more directly and flagrantly in the case of a contested election than he has in controlling its action in the exercise of its admitted powers of legislation, either by his direct influence on its members, or by the control he has exercised, through his official dependants, upon the elections? If the non-existence of power is to be inferred from its possible or actual abuse, of what power supposed to be conferred on Congress or the Executive may they not stripped, until they become a mere shadow? Sir, the question of power in no branch of this Government is subject to such a loose, sliding rule of construction as this.

Mr. Chairman, if the doctrine be correct that the House of Representatives has no power, under the Constitution, to judge of the right of an individual to become one of its constituent parts, then is the whole question resolved into the law of force. Like every other case where there is no *tribunal* to decide, the law of physical strength must govern. The doctrine against which I am contending gives to the States a complete and unqualified independence in regard to this matter, and leaves the whole question as to who shall *take* seats in Congress to be decided by *negotiation!*

But let me not be misunderstood. The States have the right, as we all know, under the Constitution, to prescribe the times, places, and manner of holding elections; though Congress may, at pleasure, "make or alter such regulations." Congress has never legislated on this subject; and therefore the whole matter of the elections of Representatives to Congress is left to State regulation. The qualifications of the electors—the mode of voting—the custody of the ballot boxes or the poll books—the supervision of the elections—the return of votes to the officer or officers appointed to count them, and the manner in which the result of the election shall be certified, are all prescribed by the laws of the several States. The House of Representatives of the United States are to take all these regulations as they find them; and, instead of undertaking to repeal or modify them, are to make

them the rule of judging of the elections and returns of members.

Thus, for example, in the case before us, the law of the State of New Jersey provides that the Governor, with the assistance of the Privy Council, shall *cast up* the whole number of votes received from the several counties for each candidate, and determine the six persons who have received the greatest number of votes from the whole State for Representatives in Congress; of all which the Governor is made the certifying officer. To this law the House of Representatives are to give full effect; but yet they must "*judge*" what is its full effect. This is *their* province. They may misjudge, but yet they must judge—right or wrong. Thus, in the case before us, there is a question of fact and a question of law for the House to decide: of fact, namely, whether the signature and the seal attached to the returns or commissions are *genuine;* and of law, whether they are made in the form, and certified by the officer, and verified by the seal, prescribed by the laws of the State of New Jersey. If the genuineness and legality are shown or admitted, then do they become evidence to the House of Representatives of the fact that the persons named in them have been elected by the people of the State of New Jersey to represent that State in the Congress of the United States; and the evidence, too, which the State of New Jersey has determined shall be the verification, here, of their right to *take* their seats as Representatives of the people of that State. The House has no right to say that this shall not be evidence. The State of New Jersey has decided that it shall be, and the House is to receive it as evidence, and "judge" accordingly. New Jersey has determined what shall be done to furnish to the House of Representatives evidence of the election of members, but the House must judge whether it *has been* done as the State has, by law, provided.

Thus, Mr. Chairman, are the rights of the States fully recognised, while the indispensable power of the House of Representatives to judge remains unimpaired.

I need hardly add, for I have already sufficiently indicated, my full conviction that the returns by the Governor of New Jersey of Mr. ARCHER and his associates as members elect of the Twenty-sixth Congress are in accordance with the laws enacted by the authority of the people of that State; and that the House of Representatives, when formed, will be bound so to adjudge, and to admit them accordingly—leaving the questions of the legality of the returns of the judges of election, of the proceedings at the polls, and of the votes deposited in the ballot boxes, to be afterwards decided, as such questions have been heretofore uniformly decided, upon a discussion of the case, as it shall be reported, after investigation by a standing committee of the House.

While I think that a decision by the House, that the gentlemen bearing the Governor's commissions are not entitled to take seats on this floor, would be no infringement of State rights, I am equally clear that to refuse them seats would be gross injustice to them, and a flagrant disregard of the laws of the State whose people they claim to represent.

Of their right finally to retain the seats to which they are now entitled, I do not intend, as, of course, it does not become me, now to speak. That question is to be settled when the appropriate time arrives for going behind the "returns," or commissions, from the Governor of New Jersey. Whenever that shall be done, there is no place where I would stop, until the bottom of the ballot boxes should be reached, and the will of the legal voters of the State of New Jersey fully disclosed.

Mr. EDITOR: I perceive that I am liable to be misunderstood in the last paragrah but one of my speech, published in your paper of yesterday. It does not clearly express what I intended.

There may seem to be a contradiction between saying that a decision by the House that the gentlemen bearing the Governor's commissions are not entitled to take seats would be no infringement of State rights, and saying, as at the close of the same paragraph, that to refuse them seats would be a flagrant disregard of the laws of New Jersey. What I meant was, that it would be no *usurpation of power* for the House thus to adjudge and decide. Deeming such judgment to be within its *competency*, the errors of that judgment, whatever they might be, would, in strictness, be no infringement of State rights, though, in exercising its power of judging, the House might disregard, or not give sufficient weight to, the laws of New Jersey.

Respectfully, W. SLADE.
December 18, 1839.

REMARKS OF MR. SALTONSTALL,
OF MASSACHUSETTS.

In the House of Representatives, December 13, 1839—The question being on Mr. PROFFIT'S motion to reconsider the motion of Mr. SMITH, of Maine, to go at this time into the election of Speaker—

Mr. SALTONSTALL (it being late in the evening) assured gentlemen that it was no part of his object to "speak against time," but as one opportunity was yet afforded him, he must, before the final vote should be taken, occupy a few minutes in bearing *his solemn testimony* against what he feared was about to be perpetrated against the constitutional rights of the State of New Jersey. I do not (said Mr. S.) say this with any view to fan the flame of party excitement in this House—far from it; on the contrary, I sincerely wish I could allay that fell spirit, which should never enter this hall of legislation. It is deeply to be regretted that party names and appeals to party should ever have been introduced here, as though we were assembled as representatives of political parties, and not of the whole people. I should consider that man a great benefactor to his country, who should cause to be established and enforced a rule which should put an end to this practice. It lessens the dignity of debate, leads to personalities, and tends to excite passions inconsistent with the correct discharge of our duty.

Mr. Chairman, I thank the gentleman who moved the reconsideration. The question before us is one of the most important which has arisen under this Constitution. It is not a question which concerns merely the five members from New Jersey, or that State alone. It is a question of vital importance to all the States in this Union—to the people of the whole country.

I repeat, sir, my chief object in rising is to *bear my* TESTIMONY against the exclusion of the returned members from New Jersey. I believe their right to seats upon this floor to be as good as ours. I believe that they come with as high authority—that the evidence of their right is perfect, and that their rejection by us will be *against all precedent—all usage—all authority—all constitutional law and order.* This is strong language, sir; but we profess still to live in a free Republic. This is the House of the people's Representatives, and I feel it to be my duty to speak the truth with plainness.

From some remarks of the honorable gentleman from South Carolina [Mr. PICKENS] and the views he expressed, I am persuded that this subject is not yet fully or correctly understood by all members; and I think that his construction of the Constitution, by which he would have this House, *before its organization*, go behind the returns, and, in effect, decide upon the election, admits of a satisfactory answer in a few words. I shall endeavor to make it, in the course of my remarks, and should have replied more fully, had I been able to obtain the floor at the time.

One word, sir, about the *delay* of which we now hear so much. It is very true—too true—that we have been here eight or ten days without effecting an organization of this body, and that the whole country is looking in this direction under great anxiety and excitement. But who caused this delay? I acknowledge no responsibility for myself or my friends. We have not produced nor sanctioned the existing state of things. We have opposed no obstruction to the organization of the House in the usual mode. Those are responsible, and those only, who have leagued and gone together against unbroken usage, against plain principles of justice, and against the settled course of proceeding, from the earliest period of this Government.

It is not necessary for me to go at large into the consideration of questions which have been so long under debate: but I hold that there are some few principles, well settled, and some facts not disputed, which lead irresistibly to the conclusion that those gentlemen who have been regularly returned according to the laws of New Jersey have a constitutional right to their seats here, and this notwithstanding this proposition has not been maintained by a vote of the majority. I know not whether the New Jersey members are now in this hall; I trust they are. Had I been so returned—and I now address the members of this House, and entreat them to divest themselves of party feeling and prejudice, and say whether I do not express their own feelings—had I been so returned, and had come up to this place bearing in my hand the commission of my State, under its great seal, I should feel bound, notwithstanding the vote you have passed, or any vote you may pass, not to recede from the House; but when the other gentleman, admitted to be a Representative from my State, upon a commission precisely similar, should be called up to be qualified, I should go forward and demand to be sworn. I would hold up my commission, refer to the Constitution of the Union and the laws of my State, and I should say to this body, assembled upon no higher or better authority than mine, "This Constitution authorizes the States to legislate on the subject of elections, to determine how they shall be holden, and how the result shall be returned, unless superseded by the legislation of Congress. My State has legislated—she has prescribed *the time, place, and manner of holding elections of Representatives*, how the votes shall be returned and examined, and how her Representatives shall be commissioned. Her laws have not been altered by Congress. I have been duly commissioned, according to law. Here are my credentials—I am ready to be sworn. I claim a right which has never been denied to my predecessors, holding similar returns, from the beginning of this Government—nay, from the beginning of the old Confederation of the thirteen States, whose efforts and sacrifices won our independence." To such a demand what answer could be given? Could he who shall fill that chair—could this House reject me? No. No man has ever come into this House before, bearing such a document, to whom it has been said, "stand aside!" Let us, then, pause, before we take the final, I may almost say the fatal, step.

Mr. Chairman, I have said there are some principles and some facts in this case, which may be considered as settled. I will state them to the House, because, to my mind, it follows from them, as clearly as a conclusion ever follows from established premises, that the returned members from New Jersey *are members of this House of Representatives.* It is settled by the Constitution itself (section 4) that, until Congress shall establish regulations on the subject, each State has a right to prescribe her own mode of holding elections for Representatives, of determining the result, and of the credentials to be given to the persons elected; and the elections must be held, and the subsequent proceedings had, according to such laws. New Jersey has done this—her law has never been altered by Congress; and it has been shown, by a reference to her statutes, how the returns of her elections are to be made; how, and by what authority, they are to be examined, and the result determined; and how the commissions of her Representatives are to be given. All this is not denied. It cannot be. The commissions of the five (I will not yet say *rejected*) members, have been spread upon your table—they have been read again and again, and no man has questioned their genuineness, or pretended to deny that they are in exact conformity with the laws of New Jersey. Some other things are very clear. It is not denied to have been a settled principle in this Government, founded on invariable usage, that persons coming here with regular returns from their States were entitled thereon to take their seats in this hall, and to act as Representatives, until, upon full examination, it shall appear that they had not been duly elected. This has been admitted and practised upon from the beginning

Never, until now, has any one, with such a commission in his hand, been rejected; on the contrary, such persons have always been qualified and taken their seats, although at the time it was perfectly well known that there were claimants who would insist before the House that they, and not the commissioned individuals, had been legally elected, and *ought to have been returned.* Let an instance be produced to the contrary. There never was one. Among all the cases of contested elections no exception is to be found. No one ever *moved* that persons holding returns should be recognised as members; they were admitted of course. Why, then, this new proceeding? Here is no conflict between returns. Who pretends that the *claimants* hold credentials according to the laws of New Jersey? I call upon their friends to show *their* commissions. They cannot be produced. They do not exist; and although the resolution of the gentleman from South Carolina, [Mr. RHETT,] making it the duty of this House to decide who are entitled to seats, is still in force, no one will now rise in his place and say that they ought to be admitted. No one moves it. Why not? Because they are not regularly returned. They have no legal evidence of their right to seats. Although gentlemen have marched up to the point of rejecting men who hold the regular legal returns, there they stop; they cannot bring themselves to take the one step further, and admit persons who have no returns to show. Still we have seen these claimants coming into this hall, (the first time the attempt was ever made) We have seen them come within this bar, put their names upon seats in this House, and occupy them during the debate. Nay, we have seen them go forward and vote! Yes, we have seen ten or eleven persons vote as Representatives from a State entitled, under the Constitution, to but six! This is in violation of all usage; and if it is hereafter to be followed as a precedent, we have seen enough to satisfy us that it must produce the utmost embarrassment and confusion.

Mr. Chairman, I contend that it clearly follows, from the principles and the facts I have stated, that the gentlemen who present themselves here with commissions from the Executive authorities of New Jersey, issued in pursuance of the laws of the State, *are, at this moment, members of this House Representatives.* Their commissions are not now merely *prima facie* evidence; they are *conclusive* as to their present right to seats. I ask, then, by what authority can we reject them? I know it has been said that there is a circumstance which differs this case from others, but I have not been able to see it. What is it? Why, forsooth, that the evidence in favor of those contesting the seats has been handed to the Clerk of this House; whereas, in preceding cases, tha was never done. And why not? Because it is a settled principle of parliamentary law, that a claimant who disputes the right of a returned member must come here by petition. He must come, as a gentleman from Pennsylvania, who had taken a seat on this floor, but who has been dismissed very unceremoniously, will come. There is no dispute as to the practice. The rule of this House is founded upon it. What is the meaning of this rule? Let us see it: "It shall be the duty of the Committee of Elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all *such petitions* and other matters touching elections and *returns* as shall or may be presented or come into question and be referred to them by the House." This rule is the law of the House on this subject. It is made the duty of the committee, appointed after the House is organized, to examine and report upon petitions touching elections *and returns.*

This rule, and the practice under it, account for the loose manner in which the roll has been made out—from newspapers, private letters, or personal information. There being but one regular return from a district, and contested elections being examined by committees upon petitions from the claimants, no confusion will ordinarily arise.

The invariable usage as to contested elections is the only correct, indeed, the only practicable mode of proceeding. I believe the House is now satisfied of this.

The expediency of the usual course has never been questioned. No attempt to alter the rule was ever made. Then, if certain gentlemen hold the official returns, with the usual attestation of the State authorities, I hold that their right to be qualified as members is perfect. I go with the gentleman from South Carolina [Mr. RHETT] in his doctrine that legal commissions from a sovereign State confer *a title* to seats in the first instance. If this is State Rights doctrine, I am a State Rights man. It is sound constitutional doctrine. What! when the Constitution has settled the number of Representatives to which each State is entitled; when it has conceded to them the power of legislating on their own elections and returns, can it contended, for one moment, and that, too, by *State Rights men*, that persons producing legal returns shall not be recognised as her Representatives? A few days ago, I should have said this was impossible. But we have seen commissions under the great seal of a State, embodying all the authority of a State, held up to ridicule! We have heard it asserted, in this debate, that a subordinate officer, wholly unauthorized by law, may furnish a certificate, *under his own seal*, entitled to as much, and in this case to more, respect than that of the Chief Magistrate, who, and who alone, is empowered by law to grant commissions to Representatives. All this—these returns with the formalities of law, the highest evidence known to the law, are said to be mere *technicalities—forms of law!* The gentleman from New York [Mr. VANDERPOEL] rejoices that we have cast aside these trammels of the law. He calls them technicalities—special pleading! Sir, if such doctrine is to be sanctioned by our decision, I shall consider it as one of the most melancholy events in the legislative history of this country. I say it more in sorrow than in anger. I solemnly believe that nothing has occurred since the adoption of the Constitution which inflicts so deep a wound on all precedent, on the authority of constitutional law and usage, and on the rights of the States and the people, as will be inflicted if we deprive New Jersey of her representation in Congress. I rejoice, therefore, that the question has been brought again under consideration, and I would fain hope that gentlemen will consent to adjourn, and take a *sober thought* before they consummate that act on which they appear to have resolved. The intervention of one night more before the final decision can surely make no great difference; yet it will allow space, I will not say for *repentance*, but for *reflection.* And I believe that, when we shall have left this scene of excitement, and shall be in the quiet of retirement—when we shall look back upon the history of our proceedings, none of us will regret this night's delay.

So strong is my conviction of the right of the returned members to seats, that I cannot believe that there is a constitutional lawyer of any reputation in the country who could have hesitated in coming to an opinion in their favor, unless his mind had been pre-occupied by some deep, controlling party prejudice. Yet the gentleman from New York congratulates the House and the country on the failure of the resolution of the gentleman from Virginia, (although it was not lost by the vote of a majority, but by a *tie vote.*) "The people have obtained their rights—we have thrown off the fetters of technicality and the forms of law!" Let me ask that honorable gentleman what he means by the *forms of law?* Throw off the forms of law! Why, sir, are not the *forms of law* the great security of our rights? Are they not safeguards, set around us to protect all that is dear to us? By way of illustration, let me refer that gentleman to the 4th article of the amendments to the Constitution:

"The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and *no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or thing to be seized.*"

First the principle, then the forms of law provided to render it effectual. Here is our security—the forms of law provided in this article, which the people deemed important enough to add to the Constitution. Sir, under these *forms of law* we rest securely. No man can touch our persons, or seize a thing belonging to us, or enter our dwellings, unless upon a warrant made in conformity with these *forms.* What is to save us, in times of high party excitement and commotion—times which may come upon us, as they have upon other nations—what, in such times, is to save us from such outrages as were committed every day and every hour amidst the bloody scenes of the French Revolution, but a sacred regard to settled forms and usages, which are indeed the settled *principles* of law? Would the gentleman congratulate the country on having the article I have read struck from the Constitution—cast off as *mere technicality*—special pleading? Sir, forms of law, legal evidence of the highest character under which the members from New Jersey demand their rights to-day, may be the only security of yourself, of myself, or the gentleman from New York, to-morrow.

I might go on and illustrate the enormity of his position, by referring to other parts of the Constitution and to our laws; but I will not take up the time of the House in establishing or illustrating what is so plain and obvious.

I might refer to civil processes—these are all forms of law. A *deed* also. Why should such effect be given by law to a *private* seal? Why must a contract for real estate be in writing to be valid? Why must a will, to operate on real estate, be attested by three witnesses? These are all forms—mere forms! But I will not enlarge. The gentleman quite sneered, also, at any reference to precedents. He talked of "mere precedents"—"the usage of this House." They were also "forms of law." Mr. Chairman, what are precedents? That question was admirably answered by the gentleman from Virginia, [Mr. WISE.] "They are the very definitions of the law." What are *usages?* Are they not the foundation of almost all our law; nay, of our Constitution itself? The British Constitution, too. Where will he go to show me that celebrated system of Government? He will admit, I suppose, that there is such a thing as an English Constitution, and that it is well understood and defined; but where will he find it set forth in terms? Nowhere. It rests on usage alone. We boast that we have a written Constitution; but if, for mere temporary or party purposes, we go on changing usage after usage, the British Constitution, though unwritten, will, ere long, be more certain and better understood than our own.

Let me ask gentlemen from New York (for I understand he is a lawyer) what is the common law but a venerable succession of usages? What is it, I ask, but a series of precedents, which have become settled principles? And yet our fathers considered it of some value. They claimed it as their birth right. They rose as one man in its defence. What right is held more sacred than the trial by jury? But what is it? Where is it defined? Where do you find of how many a jury shall consist, or what shall be a valid verdict? Not in the Constitution or the Statute Book. You go to the records of judicial decisions; in other words, to usage—to precedents.

And where do you find our own Constitution, as practically understood and administered? In this little book? No. A very small part only is here? It is to be found in judicial decisions, legislative proceedings, and, unfortunately, of late, *in Executive constructions*—constructions sometimes given without much regard to decisions, either legislative or judicial. To illustrate in one instance: The power of removal, that tremendous power, which has rendered this Government one great Executive unit—which has thrown the Executive chain around the entire Confederacy—where do you find that power? Not here. Is it not expressly granted in this instrument. Is it found only (if at all) in the construction given to the appointing power—a construction, the correctness of which is not admitted by many of our most eminent statesmen. If the gentlemen will throw away usage, and trample on precedents, he will find it difficult to main-

tain the favorite power of him who was recently his favorite Chief Magistrate. No; forms and usages are not to be disregarded, sneered at, as mere technicalities. They are substantial things. And, in contending that the usages of this House, in the process of its organization, ought to be observed—that we are bound to respect that evidence of membership which has never been questioned, we are contending for *rights*, the dearest and most sacred rights of the sovereign States of this Union, both now and for all time to come.

The gentleman from South Carolina [Mr. PICKENS] says that, as the Constitution provides that each House shall be the judge of the returns of its own members, we may now look at the papers on the Clerk's table, and, without any further hearing or examination, decide who are entitled to the returns, and admit them at once. His position is, that those who received a majority of votes were entitled to be returned to this House, and that we may set aside the returns made, and admit them. Now, on that principle, if we are to disregard returns made in returns made in pursuance of the laws of the States, I ask why he does not offer a resolution that the five claimants who, he is satisfied, received a majority of the votes, are entitled to seats in this House? What is the difficulty? The difficulty is here: we cannot, in our unorganized state, set aside regular, formal returns. We cannot *make* valid returns. There is no mode pointed out by law for doing it. Difficulties have met us at every step since we departed from the *good old way*. We cannot go on. It is impracticable.

But there is a greater difficulty. We have no legal right to reject persons holding such returns. We ought not to look beyond commissions which conform to the laws of the State; but as an opinion has been given that they were erroneously issued, without the slightest disrespect I would ask that gentleman whether he has examined the laws of New Jersey on this subject? And I ask whether he listened attentively to the evidence, as it is called, which was read, *not as evidence*, but as part of a speech? Had he done so—had he examined the laws of New Jersey and those papers, I am very sure he would have adhered to his first opinion. As a State Rights politician, he would have stood by the laws of the State. As a lawyer, he would have come to the conclusion that the Governor of New Jersey, who has been stigmatized here as a corrupt tyrant who has been carrying on a war against the people for miserable party purposes, has done his duty, has done precisely what he ought to have done—neither more nor less. He has obeyed the will of the people as embodied in their laws. He and his Council have made the return they were bound by law to make. They had no option. They could not have done otherwise without a flagrant violation of duty. This may be called strong language; but I trust it will yet be the language of this House. The ground I take is, that the Executive authorities of the State of New Jersey were bound to examine the returns ("lists") legally made to them, and to give credentials to those who *appeared by them* to be legally chosen. They could not go beyond them. They could not resort to evidence not provided for by law. One would think there could be no doubt upon this subject. I might appeal to the experience of members, for I suppose the practice is the same in every State in the Union. Let me refer to my friend and colleague, [Mr. LINCOLN,] who honored the gubernatorial chair of our own State for nine successive years. Ask that honorable member whether he and his Council did not always proceed in the same manner the Governor and Council of New Jersey have done?—whether in deciding who were entitled to returns to this House they ever looked beyond the returns made according to the laws of the State? Who ever heard of such a thing? What a door would it open to fraud? And yet we have been called upon to revise and reverse the course taken by the Executive of New Jersey! What, sir, has it come to this? Is this Government so consolidated—I ask the gentleman from South Carolina—has it become so consolidated that this House, now, before its organization, can overleap the laws of New Jersey, and throw aside her official returns, sealed with her seal, to which full faith and credit are to be given by the very terms of the Constitution, and inquire and decide to whom commissions ought to have been given? There is not, I will venture to say, a State in the Union where the practice has been different from that in New Jersey since the foundation of the Government. How is it, sir, I ask again, in old Massachusetts? There the law requires that the votes shall be sorted, counted, &c. and that a return shall be signed by the selectmen, and sealed up, in open town meeting. There never yet was a time in that State, sir—(we know not how soon it may come if this new doctrine is to prevail)—but there never yet was a time when returns not conforming to the requisitions of the law would be counted. Suppose a case should happen in which no return is made, (and there have been many such,) what, I ask, would be thought of the Governor, should he put off expresses to procure affidavits, *ex parte* or otherwise, to prove that a town meeting was holden, and how many votes were given to each candidate, and should add them to the regular returns? Would it be tolerated? Would it be attempted? I trust not—I trust not, sir, in our State. If such things are to be done—and it has been contended that they ought to be done—what, I ask, are our State laws worth? What is to become of the liberties of this young, this glorious Republic? How long will they stand, in times of high party excitement? If an Executive can pass over the law of his own State, and, instead of examining only the returns duly made, can determine in such manner as he may think expedient the result of elections of which no returns have been made, on what can we rest as settled or secure?

The law of New Jersey points out every step the Governor is to take, and if he takes any other, it is illegal, and invalid. I did not intend to take up your time in reading it but it may be well to do it. Let me stir up your minds by way of remembrance on this subject.

The 4th section prescribes the manner in which the votes in the townships shall be certified, sealed up, and transmitted to the clerk of the county, "who shall attend at the court-house of the county on the Saturday next after the day of election, for the purpose of receiving the same; which list shall be delivered to him before five o'clock in the afternoon of said day; which said clerk shall *then* proceed, in a public manner, to make one *general list* of all the candidates voted for as aforesaid, together with the number of the votes received for each of them, and shall transmit the same, at the expense of the State, to the Governor, or person administering the Government, *within seven days* thereafter."

Sec. 5. "The Governor shall, within five days after receiving the said list, lay the same before a Privy Council, to be by him summoned for that purpose, and after *casting up* the whole number of votes from the several counties for each candidate, the said Governor and Privy Council shall *determine* the six persons who have the greatest number of votes from the whole State for Representatives in Congress of the United States from this State; which six persons the Governor, or person administering the Government, shall forthwith commission, under the great seal of the State, to represent this State in the House of Representatives of the Congress of the United States."

Now, with this law in his hand, how can any man for one instant hold it to have been the duty of the Governor to send off and hunt up the votes of Millville and South Amboy? He did precisely his official duty. He gave the same construction to the law his predecessors had given, and among them one of the claimants, [Mr. DICKERSON.] How can any other construction be given to it? In quiet times it would not have occurred to any man—much less would it have been maintained on this floor.

This, then, is, after all, the ordinary case of a contested election. It is not to be distinguished. Certain persons come here with regular credentials; let them be received, and let the case be hereafter carefully examined on the applications of the claimants. But let not the commissioned member petition. No; if we drive them from their seats—if we expel them from this hall—I trust they never will come again and knock at our door, and ask our leave to go before our committee with their commissions in their hands to satisfy them that they are entitled to seats here. Let New Jersey rather remain unrepresented in this House.

In that law the Governor's duty is prescribed. He has no discretionary power. I carefully listened to the protest offered to the Council of New Jersey on the part of the claimants, and in my judgment the reply by the committee of the Council, upon this question, was complete, conclusive.

But the gentleman from South Carolina says that the Governor mistook his duty—that he ought to have looked beyond the lists; and it has been said that the regulations provided by law are *cobwebs*—mere cobwebs! And this, although the law of New Jersey (Congress not having legislated on the subject) has all the force, and is entitled to the same respect here, as if a statute had been enacted by Congress containing the same provisions. Legal provisions are mere cobwebs! I believe they are with some, when they stand in the way of favorite purposes.

But the gentleman denies that the Governor and Council had a right to reject votes because they were illegal, and argued as though they had done this. Who that has attended to this subject ever contended for such a power, or has suggested that any votes returned in the lists were rejected? There is no pretence for it; it is a mistake of the fact. And yet it has been asserted here and elsewhere, and not always from ignorance, or without design; and I fear that false impressions have been spread abroad upon this subject. The Governor of New Jersey never did any such thing. He never instituted any inquiry as to the legality of any votes returned. All he did was to receive the returns legally made; to compare them with the laws which he was bound to administer, and "determine the six persons who had the greatest number of votes." This he did, and it was *determined*, in the language of the law, that the six gentlemen who hold commissions under the great seal of the State were duly elected to represent that State in this House of Representatives. Why, then, are they not entitled to take and to hold seats until they shall be vacated, if at all, according to the usual course of proceeding under the established rules of this House?

Who ever heard of an instance in any State Legislature in which one regularly returned has been excluded, or his right questioned, until after the organization of the House? I appeal to the experience of members, most of whom have, no doubt, holden seats in their legislative assemblies. No; it has been the law of all representative bodies from time immemorial. It had its origin in the necessity of some such regulation, and has been continued because its convenience has received the test of experience.

The Constitution authorizes this House to judge of *the returns* of its members, and it has been contended that this authorizes the House now to consider and determine who are entitled to returns. We may adjudicate by way of appeal from the decision of the Executive of New Jersey, and reverse it and admit at once those who are not returned. Is not this going behind the returns? Will it not be examining into the elections, and deciding now who were duly elected? The true construction of this clause appears to me to be simple and obvious. This House may judge of *the returns*—that is, they may examine them, and see whether they are formal and according to the laws of the States. We cannot go a step further, without going into the elections. If we go beyond the commissions and inquire who were entitled to them, we must go back to the polls, and inquire who were duly elected. This will lead to the whole subject of illegal votes, and upon the whole case of the contested elections. Is this House prepared to delay its organization until this can be done? The intention, if it was ever entertained, is abandoned.

Mr. Chairman, I have, I perceive, occupied much more time than I expected, though much less than I might have done at an earlier stage of the debate. Other views of this important subject occur to me; but I will not proceed. If gentlemen are exhausted, I am not less so. I again repeat, my object has not been merely to consume time,

that the question might be brought up to-morrow under more favorable circumstances. The subject is one of the utmost importance, and I was desirous of expressing my views and feelings. I have arrived, sir, at a period of life when my interest in questions involving constitutional rights arises much more from consideration for my children, those who are to come after me, and for the future destinies of my country, than for myself or the present time. I was born before the adoption of this Constitution; and when I hear gentlemen speak as they have in this debate of long settled usages, and a train of precedents extending back to the beginning of this Government—nay, to the beginning of any deliberative body—when I hear them talk of breaking the fetters of mere technicalities, and the forms provided by law to secure the purity and freedom of our elections, I confess to you, sir, I tremble for the future! I consider it as the first step in a course which may lead to our ruin. We do, indeed, live in an *age of experiment*. With some politicians, experiment, nothing but experiment, deserves attention. The history of the past is nothing. All the experience of all nations, for all ages, is nothing—it weighs not a feather. No. We are to begin anew, and to new model and rebuild the structure of society, from its very foundation. Sir, it will be a fearful experiment; and nothing but the blessing of that good Providence which has thus far so often and so wonderfully interposed for our preservation, can rescue us from that fate which we seem ready, for the purposes of a day, with rash and guilty hands, to pluck down upon the heads of ourselves and our children. Oh! let us adhere to constitutional usages—let us preserve inviolate our glorious Constitution. I trust in God that better days are in reserve for us and our children, when these poor contests for the triumphs of party shall have passed away—triumphs always transitory—triumphs in which the victor is as much a loser as the vanquished—triumphs purchased at too dear a price, when, to secure them, the Constitution must be sacrificed.

REMARKS OF MR. BYNUM,
OF NORTH CAROLINA,

In the House of Representatives, December 24, 1839.—On the resolution of Mr. DAWSON of Georgia to suspend the order of the House to go into an election of Printer to the House of Representatives for the Twenty-sixth Congress.

Mr. BYNUM said, if the House would go into an election of Printer at this time, he would forbear making any remarks. If not, he would go on and say what he was about to say. [Cries of "Go on."] Sir, said Mr. B. if the American people could have been assembled in this hall, and could have witnessed the proceedings of this House for the last three weeks, they, with the change of a single name, would have exclaimed, in the language of the Roman orator, "*Quousque tandem abutere, Catilina, patientia nostra? quamdiu etiam furor iste tuus nos eludet?*" &c. He said it had been twenty years since he read this, and he might have erred in the quotation, but it was applicable to the occasion. This was the language of Cicero, when speaking of the Catalinean conspiracy. If the American people had been present in our galleries since the commencement of our session, they might vary this quotation, and say, how long, O! Whig men, will you continue to abuse our patience? How long shall your madness outbrave our justice, and continue to insult our understandings, and procrastinate this idle debate, at an expense of hundreds of thousands of dollars to the Government; at the sacrifice of every interest that is near and dear to us as American freemen. Why, sir, I would be willing to stake all I have in this world, ay, sir, I would be willing to stake my salvation, that there has been more money spent by the party which professes to desire a retrenchment in the expenses of the public printing, in idle, unnecessary debate, and in motions after motions to delay, procrastinate, and embarrass the business of this House this session, than the whole profits of the printing of Congress will be in the next five years. These debates have already cost the people of this country more than $100,000, if not $500,000. We are here in the fourth week of the session of the Twenty-sixth Congress, and there has not yet been the first step taken towards proceeding to the discharge of the high duties for which we assembled. The House has as yet been but partially organized. We have not yet elected a Printer, and the standing committees have not yet been appointed; and, sir, whose fault is it that this has not been done? What party in this House has prevented the action and organization of the body? What is it that has been struggling, day after day, to *stave off* the action of this House upon the matters which the majority desired to decide? And who is it that has introduced propositions time and again, which the House had previously decided, and called upon the House again to decide these questions? These questions will all be examined into by the people, and they will be able to point to the party which has occasioned all this delay and embarrassment to the business of the nation. Do gentlemen suppose that the people are to be duped and misled? Do they suppose that the freemen of this country are too ignorant to discover who it is that has piled motion upon motion in this House, in order and out of order, and consumed week after week in useless debate, when the business of the country was left untouched, and the public service suffering? Do gentlemen suppose that by their superior talents they can dupe and impose upon the people of this country by their cry of retrenchment, while they are thus squandering the public money in worse than useless debate, and leaving the public business untouched? Does the gentleman from Ohio, the gentleman from the Chillicothe district, I mean Mr. BOND, suppose that the people of this country are so easily imposed upon? Sir, even the people of that unfortunate district cannot be imposed upon by that gentleman longer, for the Administration is fast gaining ground even there; and if the people of that district cannot be longer imposed upon, how can the gentleman expect to deceive the people at large? No gentleman of understanding can take a serious view of this whole transaction, and compare it with what has heretofore taken place, without pronouncing it one of the most farcical and ludicrous exhibitions ever attempted to be played off on the American people. I am not here permitted to speak of the motives of gentlemen, because it is not in order; but if it was, I might say that we would hear none of this cry of retrenchment, if the election of this officer was to benefit a certain press, owned by a *monster Bank*, which is owned, in a great degree, by foreign capitalists, and which has always been hostile to the interests and rights of the people of this country. The course of honorable gentlemen might be very different on this occasion, if we are to judge from what has transpired on a previous occasion of a similar nature. It has been again and again decided by the American people, that this British Bank was of the most deadly hostility to the rights and the liberties of the people of this country; and the people have elected a majority of Representatives to this House at every session for many years, who were opposed to this Bank; yet, for the last two years, that Bank has had the benefit of the public printing of this House, through its agents, Messrs. Gales and Seaton. In fact, strange as it may appear, the Bank of the United States was the Printer of this House for the last two years; and no man could deny this assertion, so far as its emoluments are concerned.

Sir, the people have been humbugged too much on this subject—to borrow a favorite expression from the Opposition—and it is time that they knew the whole truth in relation to this matter. When the election of a public Printer was about to take place two years ago, the United States Bank was not strong enough to obtain the work without other aid, and a combination was entered into here to secure to it the benefit of this election. In the first place, a resolution was submitted by a gentleman, whose name I will not mention, as my relations with that gentleman are of a delicate character, showing the combination on its face. The resolution was as follows:

"*Resolved*, That the Clerk of the House be, and he is hereby, authorized to employ the editors of the Intelligencer, and the editor of the Madisonian, equally, to execute the printing of the House upon the joint resolution of 1819, until the first Monday in December next."*

This was a direct proposition, but it could not be carried, because some gentlemen were afraid they might be called to account by their constituents for voting for such a proposition; yet precisely the same proposition was carried by a secret agreement between these parties, as every body thought at the time. The Whigs and Conservatives, at that time, in consequence of this agreement, united upon one Thomas Allen, and he was elected, nominally, public Printer for that Congress. I stated to this House then, that it would require an outlay of some thirty or forty thousand dollars to prepare a printing establishment to do the printing of this House; and I stated further, that Mr. Allen, being a young man just commencing business, was unable to purchase an establishment to do this printing, and it was a ridiculous proposition to elect him principal Printer for the House. He, however, was elected, and the people were deceived. The people understood that a certain Thomas Allen was elected, and was to do the printing of Congress. Well, did he do it? No, sir: he never did the first page of printing for this House, virtually. It was all done by Messrs. Gales and Seaton, with an establishment notoriously belonging to the United States Bank. These gentlemen could not be elected, because certain gentlemen could not vote for them and represent the wishes of their constituents; yet by an agreement, or, as the old story is, by whipping the devil around the stump, they enjoyed the benefit of the printing of the last Congress; while the people were induced to believe that Mr. Allen alone enjoyed the benefits and profits arising from the printing of that Congress. Yes, sir, the whole history of that transaction is without a parallel in the proceedings of any legislative body in this nation, if not in the world. A bargain, proposed, consummated, and executed here in this body, to effect the grossest imposition on the American people that had ever been attempted before to be perpetrated in this country; by which means the Bank of the United States was made virtually the Printer to the American Congress, with all its foreign affinities and hostilities to the free institutions of our country; and it is, too, done by a party who have the boldness, I had like to have said effrontery, to stand up here now, and speak of corruption.

Are gentlemen so deluded as to think for a moment that these things are incomprehensible to the people, or that the great mass of the people have not mind enough to retain a just recollection of the history of these transactions? And is it to act over this disreputable transaction to elect the Bank of the United States printer of this Congress, that this most extraordinary course has been resorted to by the Opposition to embarrass and delay the indispensable business of this country.

I shall now read a few extracts from the journals of the proceedings of the House in relation to that election, for the benefit of the gentleman from Ohio, and some other gentlemen on this floor. If I understand the motion now before the House correctly, it is a motion of the honorable gentleman from Georgia [Mr. DAWSON] to suspend the election of a public Printer at the present time, for the purpose of instituting an inquiry in relation to the prices of printing; and I intend to show what that gentleman's course was at the last session, when a similar motion was made. On the second day of the extra session of Congress, two years ago, "Mr. PATTON of Virginia moved a resolution that the House proceed to the election of a public Printer for the Twenty-sixth Congress, which was agreed to. The House then proceeded to ballot, and after five or six ballots were taken, it was found that there was no election. The House then adjourned to the next day, (Wednesday,) when Mr. BRONSON, a gentleman whose Democracy had never been doubted in this House, moved the following resolution:

'That the further balloting under the resolution of the preceding day should be suspended until the third Monday in December, and that the

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*Offered by Mr. WISE of Virginia. See the journals of the Extra session of 1837.

Clerk be directed to employ some person or persons to do the necessary printing of the House on the same terms it had been done at former sessions."

A motion was made by Mr. GRENNELL to lay Mr. BRONSON'S resolution on the table, and very fortunately the yeas and nays happen to be recorded on that subject; and how do they stand? Why, sir, we find recorded, in favor of laying this resolution on the table, [Mr. B. reading from the journal,] the names of Messrs. ADAMS, ALLEN, AYCRIGG, BOND, HOFFMAN, MASON of Ohio, DAWSON, &c. It went through the whole Whig alphabet, from JOHN QUINCY ADAMS to THOMAS JONES YORKE. Now, sir, (said Mr. B.) the resolution that I have just read, introduced by Mr. BRONSON, a member from New York, was in substance identically such a resolution as is now proposed by the honorable member from Georgia, [Mr. DAWSON,] whose patriotism has been so inflamed upon this occasion, and which has been advocated with so much warmth by his honorable friend from Ohio, [Mr. B ND,] against which stands recorded the names, for all time to come, of these two most honorable and consistent gentlemen. But, sir, why should they alone be rebuked, when their names are accompanied with nine-tenths of their party?

Yes, sir, the resolution of Mr. BRONSON, identically the same in substance as Mr DAWSON'S, was voted down by a unanimous Whig vote; but Mr. DAWSON'S is now, by the same party, to be voted up, under similar, if not precisely the same, circumstances; displaying an inconsistency, the inevible result of all parties that act without the least regard to principle. These things should not be. No party can or should long endure, that would thus attempt to practise on the credulity of mankind.

At that time, the Whig and Conservative parties in this House were thirsting for some of the spoils, as they now call it, and voted to get rid of every resolution or proposition to suspend the election of a public Printer for any period. Now, however, the times are changed, and gentlemen necessarily change their action with them. If these gentlemen had the same prospect, by any combination, of electing their Printer, which they had at the last Congress, they would be the last men to postpone or thwart an election of public Printer; but now that there was a probability that another Printer would be elected, they used every means within their power to stave off the question by distracting and embarrassing the business of the House by every means that ingenuity could invent. But, sir, there was another favorite proposition of these gentlemen, submitted at the time Mr. BRONSON'S resolution was under consideration. Mr. PICKENS at that time moved an amendment, "that the printing of the House be given out by contract," and on this proposition the names of the gentleman from Massachusetts, [Mr. ADAMS] and of the gentleman from New York, [Mr. HOFFMAN,] were recorded in the negative, and others, now of the Opposition.

[Mr. HOFFMAN explained that he had voted against this amendment because he believed then as he now believed, that the House could not give out their printing by contract until the resolution of 1819 was repealed]

Mr. BYNUM. The gentleman's explanation is perfectly satisfactory; but how was it with regard to some ten or a dozen of his friends who voted in the same way with Mr. JOHN C. CLARK at their head? I admit that a majority of the Administration party voted with these gentlemen, and they did so because they believed it impracticable to enter into an investigation of so important a matter, while they were in the act of balloting for a Printer, and when the important business for which they had been called together was pressing upon them. This was a matter which required time and careful scrutiny, and the House was then unprepared to go into it, as it is now unprepared to do so. It was impossible for the House now after, it had spent a month of the session in idle, useless debate, to go into this matter and put off the important business of the country for another month; and if gentlemen are serious in regard to this matter, let them wait until the House is organized in the regular and usual way, and the elections gone through with, and then introduce this matter in the shape of a resolution or bill direct. It is a question which requires time for investigation and reflection. I myself am not now prepared to say how I should vote on this question when it is properly brought up. Several years ago, I voted for Mr. PICKENS'S resolution. I offered a similar one the other day, and I did it as a kind of peace offering. I would now, after the election is gone into, and carried out, renew that resolution honestly and in good faith. As at present impressed, I think I should vote for a separation of the Government from the political press; but I have not examined the matter sufficiently in detail to enable me to speak positively on the subject. But I want a cool, deliberate, and honest investigation of the subject; and if it can be discovered that good will result from a separation of the Government from the political press, I will go for it. But, sir, I do not desire to intermix trifling with serious matters, because, not having the talents of some gentlemen on this floor, I am unable effectually to mystify these questions before the public and the world; and if I was to attempt to do so, I should be exposed, as I ought to be, to the indignant frowns of an honest people. Sir, my constituents are too honest and discerning to tolerate for a moment such an attempt.

I shall now say a few words in reply to the gentleman from Ohio, [Mr. BOND] with regard to the petition of Francis P. Blair. On that subject, too, if I am not egregiously mistaken, I think I shall be able to show the most reckless want of all regard for consistency, I will not say principle, by that honorable member and his consistency loving party. I will show that the latter part of the resolution, now proposed by the honorable member from Georgia, was then entertained, growing out of the petition of Mr. Blair, and a motion for a select committee, for a reference of the whole matter, was resisted almost unanimously by the self same party; and I think that the journals will show that these same gentlemen then resisted the reference of this identical proposition to a select committee of this House. He would read the resolution as it was finally referred:

"*Resolved*, That so much of the memorial of Francis P. Blair, as invites scrutiny of all his accounts for work executed for Congress and the public offices, be referred to a select committee, with instructions to inquire into the manner in which the public printing for Congress and the Executive Departments has been executed; whether the same has been done conformably to law, and whether any, and what, change can be made for the public good."

That subject came before this House, not in a questionable shape, as the gentleman from Ohio would have it, but in the shape of a petition; and the humblest American free citizen, he trusted, would ever have the right to petition this body for a redress of grievances, and to ask for such measures of legislation as would do them justice if they were wronged. And would the gentleman from Ohio spurn the right of petition on this floor, in the capitol of this free Republic, and in defence of oneself for personal wrongs? But to the votes upon the presentation of this memorial of Mr. Blair. A motion was made by the gentleman from North Carolina [Mr. MCKAY] to refer this memorial, together with a resolution to go into an examination of the whole matter of public printing, and although the yeas and nays were not called on that question, all gentlemen on this floor that were here then, knew that the Whigs voted against this reference. The question was afterwards taken by yeas and nays directly on the reference of this petition to a select committee: we find the Democratic members voting for the reference, and the Whig members against it. Yes, sir, we find recorded in the negative on this question, [Mr. B. here read from the journals] the names of "Messrs. ADAMS, ALLEN, BOND, DAWSON," &c. This was the course of these gentlemen at the last session, who are now so anxious for an examination into the subject of the printing of the House, and so desirous to have it given out by contract. Oh, consistency, "what a jewel!"

With regard to this matter of giving out the printing by contract, I beg gentlemen to recollect this one fact, that there are but two establishments in this city at present which could possibly do the printing of this House. It required, as he had been informed, an expenditure of some thirty or forty thousand dollars to prepare a printing establishment to do the printing of the House, and no establishment can do the printing for th House but one of the two estensive establishments in this city; either it must be done by Messrs. Blair and Rives, or by Messrs. Gales and Seaton, and he hoped in God the Bank of the United States would not again have the benefit of the printing of this House. It was idle to talk in good faith of electing others at this time, whatever might be our feelings of friendship towards them.

If gentlemen were disposed to go into this investigation in good faith, after the House was organized, he was willing to go with them; but when he found them turning and twisting about as they had been, he was unwilling to trust them. Their course has been so refractory and impracticable, not to say factious, that I cannot now think of acting with them. Their efforts all seem to have been to resist the majority of the House, and set at nought the well established principle in this country that the majority shall rule. The principle that the majority shall rule is a well established principle in this country; and I warn gentlemen not to carry too far their violent resistance to this principle. Sir, if gentlemen carry out their resistance to this principle too far, they will find that the people will rise in their strength, and resist them. The people will not, and cannot much longer bear this resistance of the express will of the majority of the nation, as we have daily witnessed. But why this struggle for the existence of the United States Bank? Does the party with which it is identified depend upon this election of Printer of the House of Representatives to sustain their dying, sinking fortunes. No, no, gentlemen, this would avail you but little; *your* doom is fixed.

Sir, there is another matter which I desire to notice. An appeal has been made to a party in this House, called the Nullifiers. The Whigs are now under the necessity of appealing to that party, and their cry is, "help us, Cassius, or we sink." Sir, I make no appeal to any high minded and honorable men, as I know the members of this party of Nullifiers to be, for I know they will treat with scorn and contempt all such appeals to them. I know them to be a high minded and honorable set of men, and all these appeals are but insults to their understanding. I know the character of the constituents that they represent, and their feelings would revolt at the idea of giving countenance to such appeals; they know their duty, and will dare do it. The gentleman from Ohio has said that the petition of Mr. Blair came into this House in a very questionable shape. In reply to this, I may say that this proposition of the Opposition has come into this House in a very questionable shape. Let us, sir, go into a history of this thing What has been the history of this country for the last two years? Have we not heard it proclaimed in every quarter of this Union, that the party denominated the Whig party, have been anticipating a triumphant victory? Sir, have we not seen, that for several years that party had a triumphant majority in the Senate of the United States; yet during all that time they never brought forward any of those measures of retrenchment and reform in this department just now attacked by the party here. Sir, why did they not support these measures two years ago, when they were brought to to the notice of this House? Why, they did not support them, because they all knew that, by a union of the Whigs and Conservatives, their party would have a majority in this House, and they could elect their favorite public Printer. If there was now the same chance of electing the United States Bank, through its agents, Messrs. Gales and Seaton, Printer of this House, you would not hear, doubtless, the first whisper from them of retrenchment and reform in this department, if we are to judge from their conduct for the last two years. If there was a chance, by any combination that they could effect, to elect their candidates, all this

loud vociferation would be hushed up, and you would hear no more from them of retrenchment in the expenditures with regard to the public printing. I judge so, sir, from what has taken place here, before our eyes, within the last two years.

Sir, I call the attention of the American people to the condition of this Congress and to the proceedings which have taken place here during the present session. Let the people examine for themselves, and see who it is that has delayed the business of Congress by a thousand little motions to stave off the public business. Let the people examine, and see who it is that has made motion after motion for adjournment, and repeated motions that had been again and again decided, and kept the House until the fourth week of the session without being organized. Let them scrutinize the journals of the present session up to this time; let them see that nineteen-twentieths of such motions have been made by these economical, time-saving gentlemen.

My friend from Georgia [Mr. DAWSON] had made this motion to postpone the election of a Printer, for the purpose of going into an investigation in regard to a retrenchment in the expenses of printing. My friend was a member of the last Congress, and was silent as the tomb upon this subject then. Now, I am not disposed to impeach his motives; but the world might say that he was silent last year because his friends were receiving the benefits of this printing, and he comes forward for retrenchment this year, because his friends were not likely to obtain it. I hope such are not the facts, but they will look so to all impartial men.

Sir, why do gentlemen endeavor thus to procrastinate debate, and stave off the business of the country? Have they not yet been sufficiently rebuked; and that, too, by their own friends, for such a wanton course? Have not honorable and high minded men of their own party become disgusted with their course, and declared on the floor that they would not act with them, if they endeavored longer thus to *stave off* questions? Did not the gentleman from Alabama, [Mr. CRABB,] and the gentleman from Georgia, [Mr. ALFORD,] rise in their places and tell their party, that they would no longer act with them if they did not come to an election of a Speaker? Has not the gentleman from Georgia made a similar declaration at a subsequent period? And are gentlemen waiting for another rebuke of this kind, from their own friends, before they proceed to the election of a Printer? They have been told that they were not sent here to act as a faction, and, I believe, by one of their own party; and will they, in the face of the disgust of their own party, continue such a course? The gentleman from Ohio [Mr. BOND] has referred to the character of the memorial again sent in by Mr. Blair; but he had very judiciously kept out of sight the most important item of that memorial. Messrs. Blair and Rives had paid every dollar of the money in which Mr. Blair was held as security for Mr. Crockett, the Kentucky postmaster, and the memorial prayed for an examination into the matter, with a view of adjusting it. The memorialist did not ask that the money which had been paid should be paid back by the Government to him; but as there were certain funds coming to this postmaster from the Government, in the shape of a pension, the memorialist desired that this money should be retained, as an offset to the money which he had paid, if it could be done consistently with law.

[Here Mr. BOND rose to explain.]

If gentlemen were disposed to debate this proposition, and would fix a day for proceeding to the business of the country, we would meet them in an argument of the question. But I hope they will agree to let us proceed with the business of the country as speedily as possible. Let the House come, I intreat it, to a vote on this question, and let somebody be elected Printer of the House. If the United States Bank was the strongest candidate, let it be elected; if not, let it be given to Messrs. Blair and Rives; but I hope the country will never be duped, as it was duped at the last election, by the election of a man who never did and never could do the public printing. In every part of the country, sir, we learn that the public business is suffering for the want of the action of this House.

Sir, gentlemen, in my humble apprehension, mistake themselves, if they think they can effect any thing more, by keeping up this game of confusion, disorder, and procrastination, than a most unprofitable consumption of the time of this House, and an enormous waste of the treasures of the people. If there is any doubting character in this House that the party is after, I should like to know him; better that he were not here. I hope there is none such in the party to which I have the honor to belong, and I know of none in the other. No, sir, there are none amongst them; they keep their party too well drilled for that. Or can it be with a hope of some new combinations being formed, that this election is thus fought off with such pertinacity? It is time, sir, that every eye in this nation should be called to the proceedings of this House, that have transpired within the last four weeks, to judge how far they have been disreputable to the character of our Government, and how far they have been calculated to impair the confidence of mankind in the excellency of the free form of our Republican institutions. Sir, no intelligent patriot can contemplate such scenes, without alarming apprehensions for the downward course of this glorious and mighty Republic.

Gentlemen, in this hurricane of excitement, cannot be aware of what they are and have been doing, in their continued efforts on this floor to resist the sovereign will of this great people, as expressed through their Representatives here. I implore gentlemen to reflect, that when we refuse obedience to the sovereign will of a majority of the freemen of this country, the next step to be taken, is to decide our controversies by the strength and supremacy of arms, to which their course here is continually inviting us. Are they prepared for this, in this early state of the Republic? Have they lost, so early in the history of our country, all confidence in the decisions of a majority of our people, or does their thirst for power blind them to the train of calamities that would await us? Are they willing to return, or to force others to fly to that arbiter of violence and arms, to adjust a mere difference of opinion in relation to political principles, a thing that the wisdom of our fathers was so studious to avoid, on any and every occasion? Do honorable gentlemen here believe for a moment that the free people of this country are so benighted as to tolerate such a course, or that they have art and talents enough to conceal their conduct on these subjects here, from them on their return amongst them? Will there not be those amongst them, the people, who will point to the journals of this Congress for the last four weeks to show the number of motions to adjourn made by one party of this House, besides others of equal, if not of a more, frivolous nature? And are they ignorant how a just, not a factious, people will appreciate such conduct? Sir, I would say to them, in this wild, maddened career, it is time, if they have not given up all future hopes, to pause in the further prosecution of this reckless course, and respect more the just understanding of their countrymen.

As often as they have deceived themselves in undervaluing the intelligence of the people, it does seem that the lessons taught them within a few years and months since, should induce them to heed a language that has been so often spoken to them by whole States of this Union; or is it that voice, in the day of their political *mania*, that they are mostly disposed to treat with disdain and contempt? Sir, I would invoke gentlemen once more to discard these idle dreams of embarrassing the business of the country here for political effect abroad, and let us go to work and discharge the duties we owe as Representatives—that we owe to our constituents, ourselves, and the country; every department of the Government requires it—the necessities of the nation demand it.

SPEECH OF MR. BARNARD,
OF NEW YORK,

In the House of Representatives, December 18, 1839—

Mr. BARNARD having the floor, asked for the reading of the resolution now under the consideration of the House, and it was read by the Clerk, as follows;

"*Resolved*, That Messrs. John B. Aycrigg, William Halsted, J. P. B. Maxwell, Jharles C. Stratton, and Thos Jones Yorke, are *not* entitled to be sworn as members of this House from the State of New Jersey."

Mr. BARNARD then proceeded as follows:

Mr. SPEAKER: The question which the resolution just read proposes for the consideration of the House is, in itself, one of exceeding simplicity. It is, whether the members from New Jersey, appearing here upon their regular and legal returns, and now actually in their seats, by virtue of these returns, shall or shall not be admitted with ourselves, to the oath prescribed by the Constitution, it being understood that their seats on this floor are, or are to be, contested. This is the plain question for the House to pass upon. Simple, however, Mr. Speaker, as this question is in its terms and in its primary import, it involves, nevertheless, many and serious and weighty considerations; affecting not merely the success or triumph of party here or elsewhere—not merely the due organization of this House of Representatives—but affecting the integrity of the Constitution itself, and touching, it may be, in the end, the very existence of the Government under which we live.

Sir, a few days ago, I had the honor to offer a few remarks to my fellow members of the Twenty-sixth Congress upon the novel and interesting questions growing out of the contest for places in this House from the State of New Jersey, and I then presented and discussed two general propositions. One was, that no question whatever was presented for our consideration, or to be passed upon by us, supposing we had the power to do this, in regard to the returns of the members who were in their seats from New Jersey. That as returns they were complete in every particular; they were in strict conformity to law, and were wholly unimpeached by any body in the House or out of it. The other was, that the question of ultimate right between the return members from New Jersey and those who claimed their places was a question which was referred by the Constitution, in clear and explicit terms, to the judgment of the House of Representatives, when that House should be fully organized by the election of a Speaker, and when, all the members appearing and entitled to seats having assumed the prescribed and necessary oath, it should become a legal and constitutional tribunal, competent to act in a high judicial capacity. And I insisted that the body of Representatives then assembled without a Speaker, and without oath, had no power to entertain that question, and could only do so by an assumption of authority, which would make the proceeding, if attempted, essentially revolutionary.

These positions, sir, I believed then to have been sound. And I have the more reason to think them sound now, since, after ten days' continued discussion in the House, on the same general subject, I think I may be allowed to say without arrogance or vanity, that they remain, if not unassailed, at least unshaken.

Now the views which I propose to present to the House this morning, by its indulgence, in the somewhat altered state of this body, will be found to bear a strict relation and analogy to those formerly offered by me, built, indeed, to some extent, upon the points just referred to, and, at any rate, strengthened and supported by them.

The case of the New Jersey members is now presented to us as a body partially composed and organized in a constitutional way. We have now, at least, a constitutional head—we have a Speaker elected, and sworn by a member, and the members themselves, in turn, are in process of being sworn by the Speaker, as directed by law. Having all taken the oath except the return members from the State of New Jersey, those members, rising from their seats on this floor, which they occupy of strict right, present themselves, and demand that, like us and with us, they be sworn, as the Constitution requires, by the Speaker. Upon this it is moved by resolution that they be *not* sworn.

On this resolution I offer to the consideration of the House two distinct propositions:

First. That the only point which either the Speaker or the House has any right now to co

sider on this demand of the members from New Jersey to be sworn is the fact, whether, like us, they are here upon their regular and legal returns; and, on this point, no question has been and none can be made.

Second. That the question of ultimate right between the return members and the claimants, or petitioners, who may contest the right, is one resting wholly on proofs out of and beyond the returns; and that, without those proofs—the whole of them—the House, even when fully composed and organized, cannot rightfully or legally judge and determine either the whole case or any part of it.

For myself, Mr. Speaker, I am satisfied that much of the error which seems to prevail in various quarters on the matter before us, arises from the failure to mark the distinction which exists, and which is preserved in the Constitution, between the "returns" of members and their "elections." "Each House," says the Constitution, "shall be the judge of the elections, returns, and qualifications of its own members." What are returns, as the term is here employed? The word is one of legal and parliamentary import, bearing a distinct meaning, which it acquired, as I suppose, from its use in the parliamentary practice and proceedings of England. In that country, according to my understanding of the matter, when elections to Parliament are to be held, writs are issued out of the principal court of the kingdom, directed to the sheriffs of counties, each of whom, in person, or by his bailiff, under authority of the King's precept, holds and conducts the election as the presiding officer and judge, ascertains the result, which he certifies in due form of law, and which, together with the writ, is *returned*, and becomes matter of record in the court from which the precept issued. The officer holding the election is the *returning* officer; his official certificate of the result, as he has ascertained it, is the *return*; and the person thus declared to have been elected is the member *returned* to Parliament. Once returned as elected, the person chosen is in office, and entitled to all the privileges and immunities of the office. "Every man must," says the *Lex Parliamentaria*, "at his peril, take notice who are members of either House, returned of record." Upon the meeting of the Commons, the return member takes his place in that body, not by the leave of his fellow members, but as a matter of right, by virtue of his election and return. No man, and no number of men, not the whole power of the kingdom, can rightfully prevent him.

Strictly analogous to all this, with some necessary changes in the forms of proceeding, are the legal provisions in this country for holding the elections for Representatives in Congress, and ascertaining and certifying the result. Each State, by the express direction of the Constitution, until Congress shall see fit to perform this duty itself, prescribes the times, places, and manner of holding its elections. The elections are held by or before certain officers designated and appointed for that purpose. The duty of "holding" elections naturally involves the duty of administering, for the occasion, the law by which the qualifications of the electors are determined and ascertained; and it also involves the duty, in some proper mode, of ascertaining and certifying the result. And such is believed to be the general scope of the legal provisions on the subject in every State of this Union. Such, at any rate, are the legal provisions on the subject in the State of New Jersey. The elections are held according to law; the votes of the electors are received in the several towns and precincts; the count is made in each case, and properly verified before some legally constituted returning officer or board, whose duty it is to ascertain and declare the general and final result. This result, thus ascertained and declared, becomes the "return" of the member elected, according to the Constitution; it is the instrument, be it in the form of a certificate or a commission, by which the fact of his election is verified according to law, and it is the record or paper evidence of his title to office. Armed with this "return," he is in office from the moment when his constitutional term commences, against all the world; and so to remain until the decision of the returning officer or officers shall be reversed by the only tribunal competent to review it—the organized House of which he is a member. Armed with this "return," he may claim, peremptorily, all the personal privileges and immunities belonging to his office; and, when the proper time comes, he may walk boldly into this hall, asking no man's leave, and here, the equal of equals, demand, in the name of the Constitution and the law, that all his rights, both personal and representative, shall be acknowledged and respected. For himself, the "return" is the legal paper evidence of the franchise which he possesses of his office, and the property he has in it; while to the House, of which he is a member, it is the mandatory precept of the law, which the House is bound to obey, in the first instance, without questioning, by a full recognition of all his rights and privileges.

But the Constitution, in a very proper manner, makes this House the judge of the "returns" as well as of the "elections" of its members. Yet it will not, I trust, be impertinent to the business in hand to remark that, so far in the history of parliamentary proceedings, whether in England or in this country, experience goes to show that it must be rare indeed that any question should arise, at least that any serious embarrassment should arise upon questions in regard to these returns, as such. I have not looked for precedents on this point, because I did not expect to find them; but other gentlemen have looked for them, and have presented precedents, with some pomp and circumstance, as if they were cases really to the purpose, and proved something. Sir, they prove nothing, except, indeed, when understood, they are, every one of them, authorities directly against every position which they were cited to sustain.

A little reflection will enable us to see at a glance that when members appear and claim to enter on their official duties by virtue of their returns, their fellow-members can seldom, perhaps never, be seriously embarrassed with doubts or difficulties—and this, whether before or after the election of Speaker and the due organization of the House. There is not much danger in the first place, that they will be troubled with questions of personal identity, or with questions in regard to the genuineness of the return. It is possible, certainly, in the progress of corruption and politics, that such impudent frauds may be attempted as the claiming of a seat temporarily on this floor, by means of a forged return, or a personification of the true member; but cases of this sort, it must be confessed, are not very likely to occur. The regularity of the return; its due conformity to the requisitions of the law, which, after all, is simply a question of fact—a question of return or no return—is a point on which doubts may arise; but this point—this question of fact—has never yet, so far as I know or have heard, occasioned—no, not in one solitary instance—any serious difference of opinion in any body of representatives whatever.

In the case of Moore and Letcher, so often referred to in the course of this debate, both parties claimed, but neither party had the regular and complete returns, as prescribed by the laws of Kentucky; nor can I discover that either party, or any friend of either party, personal or political, in the House or out of it, pretended any such thing. Neither gentleman was a return member of Congress, and neither, therefore, was in office of right, and by virtue of a return. The whole embarrassment in the case, and the whole debate—I mean as the case was first presented—grew out of an attempt to make the House prematurely entertain a question on the "election," when the only question was the mere matter of fact, whether there was, or was not, in the case, a legal and valid return. Take the long list of cases, too, so elaborately quoted yesterday by an honorable and learned member from Virginia, [Mr. DROMGOOLE] quoted, indeed, for another purpose, mainly, to which I shall take the liberty to advert very soon. In none of these cases was a question made upon the return of any member, or on the right of any member, having a valid return, to take his seat upon it, notwithstanding a contest raised in the mean time in regard to the election. Mr. Lanman's case, occurring in the Senate, and so strongly insisted on by the gentleman from Virginia, presented nothing else, as I believe, than the sole question whether the Governor of Connecticut, under the circumstances, had the constitutional authority to appoint a Senator to Congress.

Sir, it is a little remarkable that the very first case, so far as I know or believe, whether here or in Great Britain, where a question strictly upon a return, as such, ever came actually to a vote, has occurred in this body, and since we came together to form the House of Representatives of the Twenty-sixth Congress; a case which shows that, though as yet bold, open, and gross attempts at high-handed frauds in popular and representative rights are not likely to be successful, still the time has already come when such attempts are and may be expected to be made. We had associated with us on this floor a member from Pennsylvania [Mr. NAYLOR] who, like ourselves, was here upon a regular and legal return. And, at the same time, there appeared here an individual [Mr. INGERSOLL] who professed to challenge the right of Mr. NAYLOR to his seat. This individual had been beaten in the canvass before the people by a majority of six or seven hundred votes; but, at some twelve months, I think, after the election, and after his competitor had received from the proper authority the official documentary evidence of his having been chosen, this person, as it seems, succeeded in obtaining from a pliant Governor, not in office at the period of the election, and having no power by law in the case, but who was induced, ignorantly I hope, to prostitute his high station to this unhallowed use—he obtained a formal recognition or return, as if he had been actually elected a Representative in Congress. With this document from the Governor in his hand, this individual dared to come here, to offer himself to our notice as an elected Representative of the people from the State of Pennsylvania; to violate the sacredness of this legislative hall with his presence on this floor, and insult and degrade, as far as in him lay, the dignity of the representative character by mingling with this body, by attempting to take the floor in debate, and by actually voting upon a division of the House! Sir, I know not how it may strike others, but, to my mind, this was the highest and most indecent outrage ever offered by any one person to the Government and institutions of the country. And it is not the least odious or alarming feature in the case, that his monstrous pretensions were tolerated, and even countenanced, for several days together, by members of this body. But the question upon his pretensions was finally brought to a vote, when not one was found—no, sir, not one—even of those who had given him the right hand of faith and fellowship—not one was found to interpose a negative to the common and united voice with which he was pronounced a usurper and intruder, without even the shadow or the color of right to justify or excuse him. Sir, it was, in my opinion, a great error, and a precedent of pernicious example, that a vote should have been taken at all in the case. It was a case of unwarrantable intrusion and disturbance, and was fit only to be handled by a Sergeant at-Arms. The intrusion of persons on this floor from the State of New Jersey, not having regular returns, was as little to be justified by precedent or principle as that of Mr. INGERSOLL; though this is to be said of their case, that it was one in which it was possible for men of honest and fair, but ardent minds, to fall into unintentional error.

Mr. Speaker, I have referred to these cases, and others occurring in parliamentary history, in order to show that, if we could bring our minds to believe that an unformed and unsworn House of Representatives was, or could be, clothed with any portion whatever of judicial power, such as is indicated by the Constitution when it declares that the House shall be the judge of the "returns" of its members, yet that, in point of fact, no case has arisen, and none is likely to arise, of any the least difficulty, calling for the exercise of any such power by such an unformed House. My own impression certainly is, and has been from the beginning, that the whole of this power of judgment committed to the House of Representatives over the returns of members, as well as over their elections and qualifications, belongs exclusively, by

the very nature and necessity of things, to the House when fully formed, organized, and sworn. When a new Congress meets, and a new House of Representatives is to be formed, the duty of members, meeting for that purpose, towards each other is plain and simple. They meet as equals; every one of them is in office by virtue of a regular return, if he have such return, and all are bound to respect the personal privilege and representative character of all. "Every man," says the established law of Parliament, "must, at his peril, take notice who are members returned of record;" and this obligation is no less strong upon members themselves in regard to each other than upon the world beside. The return is a title, a title to office, a title to a franchise, to a property in actual possession, and is good against all the world till the right is disproved, and the possessor, upon proof, and by a regular trial and judgment, is ousted. An assembly of men, standing in such a relation to each other, and meeting to form themselves into a House of Representatives, can never, I feel sure, find any the least difficulty, if only they meet disposed, one and all, to obey and follow the simple injunctions of the Constitution and the law.

And, Mr. Speaker, is this body now, in its present state, and before all, each and every one, appearing simultaneously with the rest, and bearing the legal authority and evidence of membership, shall be admitted to the oath—is this body now in any better condition to enter into a *judicial* investigation touching the returns of members? It seems to me that still nothing is offered, or can be for the consideration either of the Speaker or the House, but simply the fact, whether these gentlemen from New Jersey are here upon their legal returns. If they have such returns, a fact which nobody questions, then their right is equal to ours, or to yours, sir. The House of Representatives cannot be composed without them, according to the Constitution. You are bound to take notice that they are members, and to administer to them the oath which they demand to take.

But, sir, the position assumed by that portion of this body which opposes the admitting of the members from New Jersey to the oath, so far as I can learn or understand it, is this: that now, if not before, we have a House of Representatives capable of entering on any business assigned to such House by the Constitution and the law; that they understand and believe that the right of these members from New Jersey is impeached by persons standing ready to contest their seats; and that, until that contest shall be decided in the legal and regular way, neither the return members nor their competitors ought to be, or shall be, admitted to seats on this floor. This is the position of one portion of this body; and I propose to examine this point, and to show, as I believe I can, to these gentlemen themselves, who stand on this ground, that they are acting in a great error—a great error; and one which, when exposed, should, if it do not, frighten them from this dangerous position.

Supposing, for the sake of the argument only, that now, though with a portion of its return members on the spot, and necessary to its composition, not yet qualified to act with us, as they demand to be—suppose the House is competent to take the whole case of the New Jersey members into consideration, and adjudge upon it—admitting this, let us see what it is that is proposed to be done under the resolution now before us.

The question of right in regard to the alleged contest for seats from the State of New Jersey is one which rests of course on proofs. It is a case for judicial investigation and trial; and it is essential to a judicial proceeding that the judges should hear and consider, as well as determine and adjudge; and it would seem to me to comport at least with decency, if not with common justice, that the whole case should be heard and considered before either the whole case, or any part of it, should be decided. Now what I desire to say, and what I charge in the most distinct and explicit manner in this case, is this: that, by passing this resolution in the affirmative, the House will give a solemn decision on one highly important feature of the case, making an essential part of that final judgment which the House may pronounce after a full hearing, but which cannot, and no part of which can, with either sense or decency, be anticipated in such a manner. It will be literally a judgment first, and a proposed hearing afterwards.

Sir, let gentlemen consider for a moment what will be the process of hearing and judgment on the merits of the New Jersey question. A committee must be appointed in the usual way, who will take the case into consideration, and hear all the proofs and allegations of the respective parties. First, we may suppose, will appear the members holding the Governor's commission—that is to say, the returns; and this will be enough for their purposes, in the first instance. Then will come the claimants, with their proofs to establish the fact, if it be so, as they are understood to allege, that, when the poll lists are all examined, and a correct count is made, the majority of votes actually cast will be found to have been given to them; and here they will rest their case. The burden is then again upon the commissioned members, and they will proceed to present their proofs to show, as they allege they can, that the poll lists must be purged of so many fraudulent and illegal votes given against them as to turn the scale of legitimate numbers once more in their favor, and give them the election. On this latter point, undoubtedly, the whole case must eventually turn; for nobody, I suppose, doubts, after all that the country has heard on the subject, that a large number of persons, chiefly foreigners, voted at this election in New Jersey, by direct and dishonest procurement, who were no more entitled to a voice in the election than would have been the maimed skeletons of all the Hessian mercenaries slain on the soil of that tried and suffering State in the conflict of the Revolution, if the trump of party could have been sounded loud and deep enough to bring up the those skeletons for this purpose from their dishonorable graves.

The proofs being closed, and the parties having been heard before the committee, the next thing in order would be the report of the committee; and with this in possession of the House, the case would stand for judgment. Now it must be remembered that no suggestion whatever is made, nor is it pretended in any quarter, that a choice was not actually effected in the New Jersey election. Five gentlemen, besides the one now in his place from that State, were elected, of the one party or the other; and the judgment of the House must be finally entered accordingly. That judgment, then, will be—supposing one entire set or the other to be found to have been chosen—in substance, either that Mr. Aycrigg and his associates are entitled to their seats, and that Mr. Dickerson and his associates are not; or, that Mr. Dickerson and his associates are entitled to their seats, and that Mr. Aycrigg and his associates are not. It is the latter alternative, out of all doubt, on which it is expected by those who oppose the present admission of the return members, that the decision of the House will finally rest. Suppose it shall be so; I then ask, and I put the question solemnly home to gentlemen, how much of the judgment of this House, implied in the resolution that Mr. Dickerson and his associates are entitled to seats on this floor, and that Mr. Aycrigg and his associates are not—how much of this judgment are you ready and willing now to pronounce? How much of it dare you anticipate without any hearing or proofs whatever, by a present decision? Sir, it is in terms precisely one equal half of this judgment that gentlemen are now about to anticipate and declare by their present refusal to admit Mr. Aycrigg and others to the oath. Once pass such a resolution, and you have given a direct decree against these gentlemen of exclusion from their seats. It is in vain to say that it is a mere refusal to *admit* them to their seats, and that for a limited time. It is not in your power to *admit* them. They are in office, and in their seats, without your aid, and in spite of you. If you refuse them the oath, they cannot act, because they must be sworn before they can act, by the direction of the Constitution and the law; and this is equivalent to an ejectment. You turn them out, you expel them, by a direct substantive act, and you could do no more after a full hearing of the case. The hearing had, and the conclusion I have supposed found, you may pass your fiat for the admission of Mr. Dickerson and others; but the excluding of Mr. Aycrigg and his fellows from the House will have been done already, and nothing will remain to you in regard to them but to confirm a judgment solemnly rendered by you before the trial commenced!

But this is not all. It will be something more than half the judgment in the case which will be rendered before trial; it will lack little in substance and fact of being the entire judgment which will thus be rendered beforehand. Upon what ground is it that you can try, or inquire at all into the right of the return members to their seats? Is it not merely upon the claim set up by their competitors? Could you, if parliamentary usage were observed in the case, ever hear of an impeachment of their right but through the petition of the claimants? You dispense with the petition, and you receive the claim—and what is that claim? Why, that they, the claimants, have a better title to the offices in question than the incumbents have. The latter have possession, and the others are trying to get possession; one party is in, and the other is endeavoring to get in. What is the settled and universal rule in such cases? Why, that the party who is out and seeking to come in must show a better title before possession shall be disturbed. It is only because of that better title, first shown affirmatively, that the incumbent can be dispossessed. He is removed, not upon the weakness of his own title, but solely to make room for another who establishes a good title. What, then, is the act of dispossessing the incumbent but a distinct recognition of the better title of the claimant? How far short does this come of a judgment to that effect?

It is no new or extraordinary thing that the legal right to an office should be litigated between a claimant and the incumbent; and there is nothing in this tribunal which should change the common principles of justice applicable to such cases. Was it ever heard, in any court, that a claim being set up, the incumbent was first dispossessed, and the right of the claimant heard and determined afterwards? A man is in peaceable possession of his estate, his dwelling, or his farm; and one claiming to have a better title brings his action of ejectment to recover the possession; it would a little astonish, not lawyers merely, but all men, I think, to hear that the first order of the court should be to turn out the occupant, and leave the premises vacant, to await the judgment of the court on the right of the claimant when a hearing and trial should be had. And yet this is precisely what is proposed to be done in the case before us. You would not entertain a question in the case but upon the claim of those who profess to set up a better title, and, upon a full hearing, you could not legitimately determine and adjudge that the party who is in must go out, but by finding that the party who is out is entitled to come in; and this you are now about to do, not after a full hearing, or after any hearing, but without hearing, or proofs, or trial, or any pretence of any such thing. You are about to decide and adjudge, in substance, upon the whole case, on its merits; you, constituting the grandest judicial inquest and tribunal in the nation, you are about to do this before trial and without trial; and you then propose to go on afterwards with the solemn mockery of a hearing, with nothing left for you to do at the end, if the case turns out as you hope and believe it will, but simply to adopt some mere formal recognition of your own foregone and recorded judgment.

Honorable gentlemen, with a show of great moderation and candor, have been free to confess that, in their opinion, these claimants of seats ought not themselves to be admitted until they have made out their case upon the trial. Really! But, in the mean time, you think it perfectly just and proper to begin the process with turning out the return members. Now, do you not see that you do not, and cannot, take such a course, upon the supposed weakness of their title? That their title, indeed, is not only not weak, but that it is perfect, unimpeached, and positively unimpeachable, except by supposing that their adversaries have a better title, and were themselves elected? Upon

this supposition—this faith, this foregone conclusion—and this only it is, that you entertain even a suspicion of the title of the return members, and that you are willing to aid in ejecting them from their places. And therefore it is that I now invite you—I now call upon you, to be consistent, and take courage enough to go on, and act the doctrine out. Your judgment is, if it mean any thing, that the party who is out, according to the present prevailing inclination and faith of your mind, has the better title—has *the* title; and of course, that the party who is in has none. Now, I say to you, be men, and execute the whole of this judgment, if you really mean to execute any part of it. If you turn out one party, put in the other—do it; for I tell you, you have not the shadow of pretence or excuse for turning one party out, but because the other party has a right to come in. Put them in, then—do it! Do not be alarmed for the result or the consequences. If your present foregone conclusion shall turn out to be right upon the facts, the whole judgment is already executed to your hand. For form's sake, you may then recognise and confirm it. And if it be otherwise—if the facts in the case shall perversely fail to bear you out—why, what will it matter? It is but the reversal of a judicial decision after hearing, which it was convenient to you to pronounce before hearing—if it must come to that, which there are many chances of your avoiding, after all; and, in the mean time, the present is safe enough. Five party votes against you are got rid of, and five party votes for you are secured, for two, or three, or six months, as the case may be; the present is made sure—let the future take care of itself. Do it, then, I invite and advise you—do your whole will in the case, and not merely the half of it—do it!

Mr. Speaker, an honorable and learned member from Virginia, [Mr DROMGOOLE,] in the remarks with which he favored the House yesterday on this case, argued to us, with much sincerity and earnestness, that a House of Representatives, once organized and qualified according to the Constitution, has the power and right to go into evidence, on a question of contested election, out of or behind the return. Sir, nobody, I believe, at this day, doubts or disputes that proposition; and the honorable member might have spared himself the pains of quoting so many authorities and precedents to prove it. But it is one thing to show that your court has competent jurisdiction and power to try and determine a great judicial question, and quite another thing to maintain that that court may adjudge and execute first, and hear and try afterwards. And this is what gentlemen here propose that this tribunal shall do; nay, this is what the honorable member himself maintained, in substance, that this House ought to do. We have before us, said the honorable gentleman, some evidence in the case touching the point of the contested election, and we may now act upon that, so far at least as to exclude the return members from their seats, until the whole case shall be heard. Upon what principle of justice or right will you do this? And does not the gentleman now see that this same evidence if sufficent to exclude the return members until the whole case shall be heard? is sufficent also to put the claimants in their places until the whole case shall be heard? Indeed, does he not see that there is no evidence whatever to impeach the title of the return members, except that which goes to establish the adverse title of the claimants? That, in truth, the validity of the adverse title is *the* conclusion to be drawn from the evidence, if any can be, and that the failure of the other title is merely an inference from that conclusion? The argument of the gentleman proves too much—much more than he intended, I think; for I have not yet understood that he is prepared to go at once for the admission of the claimants, though he is prepared to go for the exclusion of the members who are in their places. But upon what principle, I ask again, will he venture to adjudge and decide upon any part of this case? By the very terms of your proposition, you admit that a part only of the evidence, and not the whole, is before you; and you, sitting as a judge, with the oath of Heaven upon you, will decide now, and hear the rest of the matter afterwards! You will decide, as I say, the whole case now, or, as you must admit, at least a principal point in the case, and afterwards—yes, afterwards—proceed regularly to the trial! But, besides, you talk of evidence, as if really there was any evidence whatever yet in the case. Sir, there is none—not a particle. Do not tell me of the certificate of the Secretary of State of New Jersey. Another man—any other man—had as much legal right to make that certificate, for the uses to which it is here attempted to be put, as he had; nay, there is not a poor beggar in the streets, betwixt this and Trenton, who has not as much right, legally, to certify the members returned from New Jersey out of their seats, in this summary way, as this Secretary of State had. Evidence, indeed! Judicial minds, methinks—judges—should demand something very different from this when they would have evidence.

Sir, the proposition of the gentleman from Virginia, that we should receive and act now upon what he calls the evidence before us, is identical, in this particular, with that offered a few days ago by an honorable member from South Carolina, [Mr. PICKENS,] and in which that member was ingeniously supported by an honorable colleague of his, [Mr. HOLMES;] but it should be said, in justice to these gentlemen, that they would have made this "evidence" cover the whole case; they would not have rested with the exclusion of the members who were in, but they would have brought in the claimants upon it to fill the vacant places.

The position of the honorable member [Mr. PICKENS] was briefly this: that it was competent for a body of Representatives, without any organization whatever, not, indeed, to go into the question of contested election, but to determine upon evidence who of the parties contesting seats "were *entitled* to the return;" and he thought that the evidence before us, in the present case, was sufficient to settle that question conclusively in favor of the claimants. It would be difficult, I think, to find another instance where an ingenious mind was more entirely deceived and misled by a mere form of words. What did the honorable member mean when he proposed that we should look into the certificate of the Secretary of New Jersey to see "who were *entitled* to the returns?" He admitted that we could not, in the state we were them in, go into the merits of the election, and yet we might decide who were "entitled" to the returns. I pray to know, sir, who were ever, at any time, strictly entitled to the returns but those who were actually elected? The State officers furnish to the members, and through them to us, according to law, and by a power expressly confided to them under the Constitution, their decision, in an authentic form, as to who were "entitled" to the returns; and this is conclusive, until the House of Representatives, duly organized and qualified, shall revise and reverse this judgment, upon proper proof and due deliberation. When that is done, then there is a new judgment as to who are "entitled" to the returns; but this is a judgment upon *the election*, and nothing less. And when the honorable member proposed, therefore, that we should undertake to ascertain who were "entitled" to the returns, it was only proposing, though not himself, I dare say, aware of it, that we should try the election question on its merits, and try that question, too, upon evidence that evidence was none, or, at any rate, upon evidence that was known and acknowledged to be partial and defective. The proposition itself, in terms, was presented with the knowledge of the fact that the evidence, such as it was, could only carry us forward to a certain point in the case, and there it would leave us. In short it would bring us to this notable conclusion, standing uncontradicted, that the majority of votes actually cast in the New Jersey election, counting all, good and bad, legal and illegal, legitimate and fraudulent, were given for the claimants; and upon this finding we must admit the said claimants as being "entitled" to the returns. The allegation of fraudulent and illegal votes in the case, and a great many of them, is distinctly made, and nobody pretends to question the fact; and yet we are to go on and decide, in a judicial way, that those gentlemen are "entitled" to the returns, and to their seats here, who had succeeded at the polls in securing for themselves the greatest number of these fraudulent and illegal votes.

And why must this flagrant and foul injustice be done, and why must we do it? Verily, because this is now found to be the Constitution and the law! It is now discovered, after a necessary and uniform practice to the contrary for fifty years, that though the State laws, passed in obedience to the requirements of the Constitution, may authorize State functionaries to "hold" elections for Representatives in Congress, yet these functionaries can have no constitutional power to judge, even in the first instance, of the qualifications of electors, or of the result of a canvass. Their duty is to receive the votes that are offered—all of them, bad and good, and count them all up, and there irthe duty ends. They cannot ascertain and certify any result; they cannot make a return, or, if they do, such return is to go for nothing. It is the business of the House, according to this new doctrine, as a preliminary measure, before any organization whatever, getting at the facts as best it may, to cast up the votes which have been given, find where the majority falls, and thus determine and ajudge who, in the first instance, are "entitled" to the returns, reserving the important business of purging the poll-lists of the frauds with which they may be tainted, to a later and more convenient season. And this new doctrine is found, we are told, after a careful analysis of the Constitution, by which a prevailing confusion of ideas on the subject is dissipated! And there is no confusion of ideas in supposing that to judge of the "returns" of members is to determine who are "entitled" to the returns, and that to determine who are "entitled" to returns is not to judge of the "elections;" no confusion in supposing that a body of gentlemen should come together to form a House of Representatives, not one of whom has any right or title to sit and act as a member until the House, not yet composed, as it cannot well be without members, has passed upon his pretensions, and determined that he *is* entitled; no confusion in supposing, as the gentleman did, that though the Consitution requires the members to take an oath, yet, as it does not specify when that oath shall be taken, the injunction will be well obeyed if the oath *be* taken, without regard to the time when—in other words, it may as well be taken in June or July as in December, as well on the last day of the session as on the first; and, in the mean while, a positive statute prescribing that the oath shall be taken "before the transaction of any other business," need not be brought into the account at all; no confusion, in short, in supposing that you may have a House to judge without members; that judges may as well be sworn after judgment, as before; that a judicial tribunal may have power expressly given it, by the Constitution, to decide a cause upon hearing one-half the testimony, and that half authenticated in no legal manner whatever, at a time, too, when it has no constitutional authority to hear the whole evidence—in other words, may have power to do a great wrong, but no power to do right except by accident; and, finally, that the House of Representatives is directly instructed by the Constitution to admit to their seats, in the first instance, those persons, in all cases, who shall have received, in the elections, the greatest number of votes, counting all, the bad and the good together, and to admit such persons, therefore, as should have been, or should be, by themselves or their friends, most unscrupulous and most successful in practising a gross fraud and outrage on the sacredness of the elective franchise and on the purity and majesty of the laws! In all this there is no confusion of ideas, all this is the result of a careful analysis of the Constitution.

Mr. Speaker, the honorable gentleman from South Carolina goes with the rest for excluding the return members from New Jersey from their places on this floor: let the House, let the country judge, if he offers a better reason for the measure than the rest. To my mind it all comes to the same thing. Gentleman agree well enough in their conclusions, though some may travel a long road, while others take a short cut to get at them. They agree that

the members from New Jersey, as much in office as themselves, must be excluded. Judgment must be pronounced, and execution had now, and by and by there shall be a regular and satisfactory trial.

Perhaps, sir, the briefest mode of arriving at this same practical and necessary result which has been suggested by any body, was that presented yesterday by another honorable and distinguishable gentleman from South Carolina, [Mr. RHETT.] He suggests that the resolution now before us contains a proposition, if now identical, equivalent to one already passed upon and decided, and which is of binding force and effect upon this House. His position is, that the proposition is "*res judicata,*" that it has been decided, and that the decision was in the negative; that this House has pronounced its judgment against the admission of the return members to their rights and privileges on this floor as the Representatives from New Jersey—at least until the point of ultimate right upon the election shall be determined.

It must be remembered that upon the former resolution to which the honorable member refers, the members, when the resolution was put to the vote, were found to be equally divided. Of course, says the gentleman from South Carolina, it passed in the negative.

Now, in the first place, I must deny, in a manner the most solemn and explicit for me to do, that a vote of a tribunal acting judicially, in a matter affecting either personal or representative rights, ever had, or ever can have, the legal effect of a judgment where the members are equally divided in opinion, whatever may be the form of the question. Nothing is, or can be, decided in that way. The matter stands as if no vote had been taken. The House of Representatives acting judicially, can no more put a man out of office, or put a man in—can no more change the incumbency of an office, temporarily, or permanently and finally, without a vote, affirmative in effect, whatever form it may assume, by a majority of voices, than any other judicial tribunal, any court of competent jurisdiction in the land, could do the same thing without such majority of voices.

But, sir, while I make this denial in regard to the effect of a divided vote in the case referred to, I will take leave to recur for a moment to the resolution which has been supposed to be so identical with that now under consideration. That resolution did not embody a simple proposition; is declared, first, that the credentials of certain persons from New Jersey were sufficient to entitle them to take their Seats in the House. And, second, that the question of contested election ought to be left to be decided afterwards. Such were the affirmative propositions stated in this resolution, and the resolution was voted upon entire. What, then, was the converse of these two propositions taken together, and which, it is contended, was established and decided by a negative inference? Why—to present the converse in a reverse but proper order—that the question of contested election ought to be decided now, and before the members from New Jersey should be admitted to their seats, and therefore they should not take their seats, upon their credentials alone.

Mr. RHETT here rose and asked for the reading of the resolution referred to; and it was read as follows:

"*Resolved*, That the credentials of the following members, John B. Aycrigg, John P. B. Maxwell, Wm. Halsted, Chas. C. Stratton, and Thos. J. Yorke are sufficient to entitle them to take their seats in the House, *leaving the question of contested election to be afterwards decided by the House.*"

Mr. BARNARD proceeded. Such was the resolution, Mr Speaker; and such, I repeat, as I have explained, was the plain converse and negative of the propositions contained in it. This converse and negative, says the honorable gentleman, was established and decided by the body which passed, by a vote, upon the resolution. In short, then, that body decided that before the return members from New Jersey should be admitted to their seats and allowed to act in the appropriate business of that body, the House, as then constituted, would go on, and, in its own way, determine the question of the contested election.

Mr. Speaker, if the *inorganic* body of Representatives—I use the term advisedly, sir—did thus resolve, then, whether binding on this House or not, at least it would seem it must to have been binding on themselves. What did that body do? How did they regard the position in which they found themselves after the vote on that resolution? How did the gentleman himself and his friends, the political majority in that body, conduct themselves under that decision? Sir, that decision, if made, threw the House back upon the precise position it had occupied a short time before, when a prior resolution, moved by the honorable gentleman himself, had been put to the vote, and passed by a clear majority. A brief recital of events will show what that position was, and what was done under it.

This House was thrown into its original embarrassment in regard to the New Jersey question by the refusal of the Clerk of the House to perform the plainest ministerial duty which was ever imposed by Constitution and law on a public officer. He refused to call five members returned from New Jersey. Upon this, after a delay of some days, it was proposed, in the form of a resolution, that the Clerk should proceed to call the roll of members returned as elected to the 26th Congress in the usual way. This resolution was laid on the table, on the motion of the gentleman from South Carolina, [Mr. RHETT.] And thereupon, it was moved by the same gentleman that a proceeding, equally unusual and extraordinary, should be adopted. A resolution was adopted, on his motion, first, that the Clerk should proceed to call those members whose seats were not contested; and then, that such members, being a quorum, should, before the election of Speaker, proceed to hear and adjudge upon the elections, returns, and qualifications of other persons claiming seats in the House. The roll of members occupying uncontested seats was then called, and a quorum was formed; and it then remained to carry the latter part of this order of the body into effect. And so it was actually attempted to be done. A resolution was offered, and carried, that a committee should be raised for this purpose. Yes, carried! And honorable members were actually casting about, some of them, at least, to make their ticket, preparatory to the election of that committee! But, sir, that solemn farce—no, sir, that solemn revolutionary proceeding—was suddenly arrested. Gentlemen were appalled at the position in which they had placed themselves. They had gone as far on that road as they dared to go, or could go. The Constitution and the laws began to thicken and darken in the way before them. It was obstructed, absolutely blocked up. The end could not be seen; night, thick night, was brooding over it; there was not left a solitary, distant star to twinkle on that new, untrodden path. They hesitated; they retreated; they returned. By a unanimous vote, the resolution for the appointment of a committee was reconsidered; and then was presented that resolution offered by the gentleman from Virginia, [Mr. WISE,] upon which the *tie* vote which has been referred to was taken.

Now, sir, recurring to that resolution, we see what it was that body, by plain inference—if the position of the gentleman from South Carolina as to the effect of the vote upon it be correct—resolved to do. By a double obligation, having passed two separate and distinct resolutions to the same effect, that body determined, in substance, that they would proceed to hear and adjudge, before the election of Speaker, on the returns, elections, and qualifications of all persons claiming contested seats in the House. This was what was deliberately and twice resolved to be done. And now, how did that body act on their own resolutions? How did they follow up and obey their own orders? Did gentlemen then go on, and make another effort to try the New Jersey question on the merits? No, sir, they had enough of that. To permit the members returned from New Jersey to occupy their seats, as they were clearly entitled to do, was not to be thought of for a moment; and to enter into any investigation of the case was as little to be thought of. It was easy enough to resolve to investigate, but not so easy to do what was resolved should be done. There was an ugly knot in the case, and, as it could not be untied, it was cut. In the face of their own order, twice given, and binding upon nobody but themselves, gentlemen turned short round, and resolved to proceed without further delay to the election of Speaker. This resolution was executed, and a Speaker was chosen, the votes of five members from New Jersey having been early in the canvass refused and omitted in the count.

And now, what is the proposition of the gentleman from South Carolina, [Mr. RHETT?] Why, simply, that a resolution of that body, which had had an anomalous existence here before the election of a Speaker—a resolution which the gentleman himself, and his friends, composing a majority, declined and omitted to regard as having any binding force or effect, in one of its most important features, even on themselves, by whom it had been passed—that resolution shall, in another feature of it, at least, be considered as revived and in full force, and binding on the House of Representatives now, at least partially organized by the election of a Speaker. With what kind of face can the gentleman ask us now and here to consider a resolution in force, which he himself, and a majority of the House with him, have heretofore, and when, if ever, it should have been deemed obligatory, repudiated in the most distinct and explicit manner?

But I have another objection to make to the *res judicata* of the gentleman from South Carolina. I plead to the jurisdiction. I do not recognise any authority in that body which passed, by vote, upon the resolution referred to, over this House of Representatives. The gentleman asked, with some emphasis, if not with an appearance of triumph, when arguing for the identity of this body with that which existed here before any organization—the gentleman asked: Does the election of a Speaker make a House of Representatives? I answer, sir, if it do not, yet you cannot make a constitutional House for the transaction of business without a Speaker. A House of Representatives, under the Constitution, is composed of members and a Speaker. Each constituent is essential to the other. It is just as necessary to have a Speaker as it is to have members. The Speaker of the House of Representatives is an officer of the Government, receiving his appointment indeed from the members, but deriving his powers from the Constitution and the law. Let gentlemen ask themselves what the members can do without a Speaker to perform his part in the business of the House. Can the House in the first place, hold, or begin to hold, its daily sessions, without a Speaker to take the chair? By the general parliamentary law the Speaker is to appoint committees, unless the House, by a positive act, take the power out of his hands; and how can the House take power away from a functionary who has no existence? By the same general law, the Speaker decides questions of order, with which the House does not interfere, except by way of appeal. Can the members receive an Executive or any other official communication, without a Speaker to receive the messenger or organ of communication? The members may pass laws, but the Speaker must sign them. They may order an arrest, or imprisonment, but the Speaker must issue the warrant, or commitment. They may order witnesses to be sent for, but the Speaker must issue the subpœna. In short, gentlemen will find that members, without a Speaker, are members, but not a House for the transaction of business; and if there were no other reason for it, it is sufficient that, by the express terms of an existing statute, there can be no House for business without an oath, and there can be no oath without a Speaker. For myself, therefore, sir I cannot consent to regard any order or resolution of a body of Representatives, assembled but not yet organized, without a Speaker and unsworn, as having any force or authority whatever over a House of Representatives composed and organized for business, as this is now claimed to be, according to the Constitution and the law. No, sir, there is no *res judicata* in the case. Even after

you shall have voted now, in your present state, by a majority, as I suppose you will, against admitting the members from New Jersey to the oath, and by which you mean to exclude them from their seats, the case will be no more *res judicata*, in my opinion, than before. You will have done an act by the physical power of members, and the effect may be just what it would have been if you had had the constitutional authority to do it; but I tell you that an arbitrary and lawless decree—a decision before trial and without a hearing—is no judgment in legal acceptation, that it wants all the sanctions of a judicial determination, and is to be submitted to just so far as submission is compelled, or may be politic, without compulsion, and no further.

Mr. Speaker, the honorable gentleman from Virginia, near me, [Mr. DROMGOOLE,] in the conclusion of his speech, demanded why it was that we *must* have the members from New Jersey in the House, so long as it was known to every body that their ultimate right was at least dubiful. Why must we have some body—why need we have any body to fill contested seats on this floor? Why not wait till the contest should be decided? Sir, my answer is a plain and direct one. We *must* have these members, because they *are* members, by the law of the land, as much as we are; and because we cannot form a constitutional House of Representatives without them. They are here, in office, by the same tenure and the same authority by which we hold; they are here as early as ourselves, and ready to unite with us in composing the House. The Constitution gives to New Jersey the right to have them here, and if you can form a House, under the Constitution, without them, you can, by the same rule, form a House after lopping off as many more of us as may suit your sense of propriety or convenience, taking care only to leave a bare quorum.

Besides the point on which you rely to justify this proceeding is that you are advised that the seats of these members will be contested. The rule, then—a rule, so far as your precedent and example can go, which is to be established law hereafter—the rule is that the House being informed, however informally, that the seat of a return member is to be contested, such member stands aside, by order of the House, till the contest shall be determined. I ask gentleman to look seriously and steadily at the monstrous evils they are about to introduce by such a rule. Who does not see how easy a thing it must always be to get up claims to the places of return members, and very plausible claims too? Nothing is more common, from one end of the country to the other, than elections decided by a very close vote between the candidates, and nothing is easier than to make allegations of fraud or mistakes in such cases, or indeed in any other cases. But according to this rule, it is the mere setting up of claims, with or without foundation, which is to deprive members of their seats. Facts cannot be inquired into, because it is not possible to try the question in a preliminary and summary way. There is nothing for it but to take the mere allegations of the party making the claim, as enough to decide the matter. Denials must go for nothing. Members of the House, regularly commissioned and accredited, must be thrust out of their places, as many and as often as there can be found men, honest and dishonest, to set up a claim to their seats. With what a tremendous power are you here clothing any unscrupulous party which may at any time be found occupying seats within this Hall! Such a party need give itself no trouble to secure a majority here through the popular elections; it may create that majority for itself on the spot. Finding itself short by a dozen votes or so, it has only to procure claims to be set up for the seats of an equal number of obnoxious members, when the seats of such members become vacant of course, and the whole thing is done. And then we have only to get one step further, and, in the progress of incoming political corruption, suppose two great parties to meet here, both equally unscrupulous, and of nearly the same numerical strength, when, under the operation and cover of this very rule which you are now about to establish, they will go on, *pari passu*, decimating each other's numbers, and neither yielding in profligacy or obstinacy to the other, until no quorum shall be felt, and the House, if not the Government, be *ipso facto* dissolved.

Sir, I trust that no man respects more than I do that feeling, wherever it may be found, which revolts at the violation of the popular will, whenever that will is legally and constitutionally expressed. I can readily understand, without imagining any thing sinister or improper, and I can therefore pardon something of that zeal and that pertinacious adherence to a mistaken and fatal line of conduct, of which we have seen so much on this floor; for I do not doubt that many gentleman came here believing, seriously and in good faith, that the people of New Jersey were likely to have their will trampled upon and violated by the admission here of the return members from that State. The mistake in the case is, in taking for granted what remains to be proved, and what can be proved in only one way, and that is a way provided and clearly marked out by the laws of the land. So far as the fact has yet been legally ascertained, these members are the persons, and the only persons, to represent the popular will of New Jersey; and if the truth be otherwise, it will be found in time—just in the time and the mode appointed by law—and then the proper correction will be made. And I would take leave to remind gentlemen, such as honestly make much of the popular will, that ours is a Government of Constitution and laws, as well as a popular Government; and I know of nothing, no, nothing fraught with higher danger to such a Government, than that the Constitution and laws should suffer encroachment and violation, under the pretence of serving or preserving the ascendency of the popular will. I say to gentlemen, preserve your Constitution, and your Constitution will preserve and maintain the true sovereignty of the people. But once depart from the Constitution and laws, once give them up, once let slip the cables and drop off these anchors into the great deep, and we are adrift, with our last and only security gone. The moment this is done, this Government becomes a government of men; ay, a government of the strongest. Occasionally, indeed, reason may lift her feeble voice, and be heard; but the certain end will be confusion, anarchy, and blood. Strike out the Constitution, in any one essential feature of it—do this and you strike out the sun from our political firmament, and you leave all those ponderous bodies, the States, the planets of our system, to wander on in illimitable space, without any thing to keep them within their wonted and proper spheres, and with nothing to prevent or preserve them from those dreadful and destructive collisions which will inevitably follow.

Sir, if this House, or the country, need a commentary or a warning in regard to the course of proceeding in case of a contest for seats here such as has been and is proposed to be adopted on the present occasion, they have that commentary and warning in the history of the present House of Representatives. What is that history? We are now in the middle of the third week of an attempt to organize the House, and the organization is not yet completed. What has produced this extraordinary and dangerous delay? Sir, on the first day of the session, the Clerk of the House, acting no doubt, as he was advised and instructed, having a plain and simple duty to perform which should have embarrassed nobody, suddenly came to a dead stand midway in his call of the roll of members returned here as Representatives. The position on which he rested was identical in substance with that which the majority of the House now seemed disposed to adopt and maintain. It was, that in all cases where members returned to this House are followed here by claimants with the avowed purpose of contesting the seats of such members, whether with reason or without reason, on good grounds or on no grounds at all—nobody, of course, can tell—in all such cases, such members are to be excluded from their seats until the question of ultimate right shall be decided. In the conduct of the Clerk, then, a mere ministerial officer, who arrests a high public proceeding, and for the time brings the Government itself to a pause we see the first practical effect of this novel and dangerous doctrine. And what has followed this bold and unfortunate beginning? For four days the body of Representatives here assembled went on without a head, unless the Clerk might for some purposes be so regarded, preserved from confusion and violence only by an extraordinary exertion of mutual forbearance and moderation. An important change in the condition of the House was then effected. Pressed by a strong necessity, and a common sense of danger, the House resolved to escape, while it could, for the delicate and hazardous position in which it was placed. A venerable member from Massachusetts, [Mr. ADAMS,] fitted by his age and his superior merits for the occasion and the office, whose long and eventful life had been one of devotion to his country and to mankind—who had once been called by the confidence of his countrymen to preside over and guide the destinies of the nation—he was named, almost by acclamation, as the proper individual to preside over and preserve the order of the House, and was conducted accordingly to the chair.

And now a new spectacle was exhibited to the country and the world. We, the assembled Representatives of the nation in Congress, unable as yet to compose and form a constitutional House, had now resolved ourselves into a body, organized, indeed, in our own way, yet inorganic as a House of Representatives, because without organs known to the Constitution and the law—a body of Congressional Representatives, with an extra-constitutional organization, drawn up in formidable and imposing array, with an extra-constitutional head, and standing, not on the platform of the Constitution, but standing without, at the portals of that great edifice of Government founded and reared by our fathers, with no flag waving over us but one that we may be said to have borrowed for the occasion, that we might seem to belong to a country and a Government, and to be acting in their name. Fearful condition for ourselves and for the country—this body, this extra constitutional body, lasted for ten days or more, and until, indeed, all felt and saw that its existence could not be protracted much longer, while the way of escape seemed only to grow more and more doubtful and difficult. A dark, mysterious, and impenetrable future was before us; and what man among us had courage to look over the precipice on which we stood, and peer into the deep, deep, fathomless gulf which yawned beneath our feet? Sir, the boldest shrunk back. The hope of escape to which all clung, though none could tell how that escape was to be effected—this hope, and the efforts it inspired, finally saved us; and let us, one and all, thank God devoutly for our deliverance.

Now, I appeal earnestly to gentlemen, shall not the past suffice? I beseech, I implore them, by the difficulties we have just encountered, by the appalling dangers we have just escaped, not to pursue their doctrine and policy further; not to go on, and, by a solemn and deliberate decision, establish a precedent for a course of proceeding which has been found productive of nothing but difficulty and peril in its first practical workings, and which, if persisted in now, bids fair to rise up before the assembled Representatives at the meeting of the very next, and every new Congress, to produce a repetition of the delays, embarrassments, and dangers which we have experienced, and to end, finally, nobody can tell in what disaster and ruin. For the sake of peace—for the sake of order—for the sake of the country—for the sake of freedom, of constitutional, American freedom, and freedom all over the world, I beseech gentlemen to pause. Let them pause. Let them not tread one step further the perilous way they have attempted. Let them return to the plain and pleasant ways of the Constitution and the laws; and then, and then only, shall they, or we, or the country, be safe.

EECH OF MR. CLAY,

OF ALABAMA,

In Senate, January 8, 1840—On the bill for the armed occupation and settlement of that part of Florida overrun by hostile bands of Indians.

Mr. CLAY, of Alabama, said that when he made the motion for adjournment yesterday, it was not his intention to address the Senate on this subject to-day; but, on reflection, he had determined that he would now submit some views, which he hoped might not be wholly unworthy of consideration.

The Senator from South Carolina [Mr. PRESTON] who addressed us on yesterday, said Mr. C. now occupies a position very different from the one in which he stood, and utters sentiments very much at variance with those he seemed to entertain, about eighteen months since, when the bill making appropriations for the further prosecution of the war in Florida was under consideration. At the time referred to, he not only censured (with very few exceptions) all who were in any manner connected with the management of the war, but declared substantially, that before one cent more was appropriated for its further prosecution, an investigation ought to be instituted, as to the prodigal expenditure of the public treasure, which, he said, had already then taken place, and also as to the causes of the disgraceful failures of former efforts to subdue the enemy. Now, sir, what is the Senator's present position? He not only considers this bill wholly inefficient and unequal to the accomplishment of the object intended by its passage, but he is now willing to vote for an army of any number, —say ten thousand—fifteen thousand—nay, the gentleman went so far, if I am not mistaken, as to profess a willingness to vote for an army of twenty thousand men; and this without any investigation, and notwithstanding all his charges and complaints of extravagance, in relation to the manner in which the war has been heretofore conducted. He (Mr. CLAY) was constrained to consider these views of the Senator from South Carolina, as wholly inconsistent, and irreconcilable with those which he formerly entertained and expressed. Why, sir, (said Mr. C.) the Senator has represented to us that the expenses of the Florida war, from its commencement to the present time, amounts to some twenty or twenty-five millions of dollars, which he very properly considers enormous; yet, almost in the same breath, he professes his readiness to raise an army that would exceed his highest estimate in a single year. When the Administration proposes the expenditure of more money to effectuate the objects of the war, it is all wrong; too much has already been expended; and when the Administration proposes to economise, to stay the hand of prodigality, as the Senator formerly characterised it, and pay for the conquest of the country in a small portion of the land, it is still all wrong; the measure is entirely inefficient; the gentleman would now have us pour out the public treasure, to the amount of millions, more than has ever before been expended! So frequently do the views and sentiments of the Senator change, that it may be well questioned whether the Administration can devise any measure that will meet his approbation.

But the Senator from South Carolina not only abuses the Administration for the manner in which the war in Florida has been directed, but also reflects censure on the military officers who have been engaged in it.

[Mr. PRESTON explained. He said directly the contrary. He had said that some of the officers had behaved with great gallantry, and instanced Generals Scott, Clinch, and perhaps General Taylor.]

Mr. CLAY resumed. He said he was aware there were some exceptions from the Senator's denunciations; but, he said, he certainly felt justified in saying the Senator from South Carolina did reflect on the conduct of some of the officers, and more particularly that of General Jesup. The gentleman alluded unfavorably to that officer's conduct in the Creek nation, and to the manner in which he had been made to supersede General Scott, and to the unfortunate results of his operations, while commanding in Florida. Mr. C. also said he recollected that the Senator had arraigned his conduct on a former occasion, and had represented it as not worthy of an American officer. Mr. C. said he would take that occasion to say of General Jesup, what the Senator himself might have known, if he had looked back into the history of those matters, that, before he left the command of the army in Florida, he had requested a court of inquiry into his conduct, which, however, was deemed unnecessary, and declined by his superiors. I will go further, (said Mr. C.) and say that General Jesup is now willing, and at all times prepared, to defend his character and justify his conduct in that war, and, indeed, his whole military course in the South, before any court of inquiry that may be instituted here or elsewhere; or before a committee of the Senate, should the gentleman think proper to move an investigation of that character, or should the Senate think proper to appoint one for that purpose.

But the Senator from South Carolina has taken occasion to bestow much commendation on the course pursued by General Scott, and insists that, if he had not been removed from the command, in all probability, not more than another campaign would have been necessary to terminate the war. Now, (said Mr. C.) what are the facts? Did not General Scott begin the war with what every one deemed a competent force? He had the regular troops, which had been under the command of General Clinch—the troops brought into the field by General Gaines—and, if I mistake not, had authority to call, in his own discretion, upon Georgia, Alabama, and some of the adjacent States, for any additional volunteer militia force he might deem necessary. He did have troops from both the States named, and probably from some others. The Indians were then concentrated, or, at least, in large bodies, and, Mr. C. believed, generally ready to give battle. Mr. C. said he would not pretend to speak with much confidence as to what might or ought to have been done under the circumstances stated; but he might be permitted to speak of results, and from them gentleman would be able to form some opinion, as to the accuracy of the Senator from South Carolina. Gen. Scott formed his own plans, for aught Mr. C. knew, very judiciously; he marched his army through the country in various directions, exhibiting an imposing force, fighting battles whenever the occasion offered, and, no doubt, always ready to give battle; but was the enemy subdued? No—so far from the fact, or any indications of it, on the part of the Indians, they fought his volunteer troops out of the Territory at the close of the campaign, on their return march, at least those from Alabama, and Mr. C. was under the impression those from Georgia also. Yes, said Mr. C. when the volunteer regiment from Alabama were on their return to Tampa Bay, from a fort then called Alabama, (now, he believed, called Fort Foster,) about thirty miles distant, to embark for their homes, they were attacked by the Indians in great force at Clonotasassa, and fought one of the hardest battles of the whole campaign, which continued about an hour and a quarter; and, although we had a glorious victory, it resulted in the loss of many valuable lives. Such, sir, were the indications of a speedy and triumphant close of the war, at the end of the first campaign. Then what ground is there for saying that Gen. Scott (from whose reputation, as an officer, Mr. C. said he had not the slightest wish to detract) would have terminated the war in another campaign? Several campaigns, under the direction of other commanders, have since taken place, and the objects of the war have not yet been attained—consequently, when the gentleman from South Carolina insists that Gen. Scott would have accomplished those objects in one more, if he had not been recalled, he indirectly casts censure upon other officers equally skilful and meritorious. At all events, said Mr. C. let the gentleman show what would have been done by Gen. Scott, that his successors in command have not done.

Sir, said Mr. C. some allusion has been made by the Senator from South Carolina, to the conduct of the Creek war; and as I happen to know, personally, many of the circumstances under which General Jesup acted on that occasion, I feel it my duty to refer to them. If they had been fully known to his commanding General, I have little doubt they would, as they should, have called forth commendation instead of censure.

Had General Jesup been disposed to take up the line of march from Tuskegee, the head quarters of the Alabama volunteers, with any undue haste, he might have done so four or five days sooner than he did. He had a sufficient number of troops in the field to have fought every Creek Indian then in arms against us; he had arms, munitions, subsistence, and the means of transportation. Independent of seven or eight hundred Alabama volunteers, then under his immediate command, and a still greater number at Irwinton, he had secured the co-operation of the powerful chief Hopoth-le-Yoholo, with some fifteen hundred friendly warriors; and knew he would be joined on his march by an additional battalion of mounted men then on their way. His troops had been some time in camp, were in danger of becoming sickly, impatient for active service, and liable to that discontent which long delay universally produces with the best citizen soldiery. In the mean time he had ascertained from a source that merited the highest confidence, that Tuckabache-Hadjo, a popular chief, was vascillating as to his course—balancing between a union with the hostile Creeks or the whites, and that, if he had joined the enemy, he would probably carry over with him some two thousand warriors. This chief was a brother of Nea-Micco, a principal chief, who was already at the head, and encamped with a portion of the war party. Such an union was greatly to be deprecated; it would have rendered the enemy formidable indeed, and would very naturally have rallied against us much the larger portion of the fighting men in the nation. Under such a state of things, not a moment could have been justifiably lost; it became the duty of Gen. Jesup to take such steps as would strike terror into the enemy, already in the field, and deter others from augmenting his force. Fortunately for the country at large, but more especially for Alabama, Gen. Jesup promptly determined on the proper course. There were two routes leading from Tuskegee to Irwinton, whither, Mr. C. believed, Gen. Jesup was ordered to march and join Gen. Scott, the most direct of which led near the encampments of the enemy. During this march Gen. Jesup captured Neamathla, the life and soul of the war party, with his son. The celebrated chief alluded to was the master-spirit, who had raised the storm, and he alone was able to ride in and direct it. This well-timed and most fortunate capture struck terror and dismay into the hostile party, and at once terminated the war. In a few days afterwards they were all captured or subdued; the white inhabitants restored to their homes, and pursuing, in safety, their usual avocations. Suppose it had been contrary to orders, (which, however, Mr. C. denied to be the fact, so far as he was informed,) is there any Senator present who would not be ready to justify a departure from the prescribed line of march, under such circumstances, when it was certainly to be followed by such happy results? By this fortunate and prompt movement, a war, which had been commenced with one of the most powerful and warlike of the Indian tribes, was terminated without bloodshed, (after the troops were in the field,) which might otherwise have cost thousands of valuable lives, and have been as protracted, and have cost as many millions of dollars as that with the Seminoles. Sir, said Mr. C. it was my fortune to be at the headquarters of the Alabama troops, on the occasion referred to, and, knowing the state of things, as I did, I not only advised, but urged Gen. Jesup to adopt the course he did; and, so far from meriting censure, his conduct entitles him to commendation and gratitude.

Mr. C said he did not think it necessary, or proper, on this occasion, to pass on the relative merits of those two officers. Their deeds were recorded in our history, and known to their countrymen. They had both distinguished themselves in some of the hardest fought battles on our Northern frontier, during the late war with Great Britain. And he would not have made the remarks which had fallen from him, but for the wrong done to Gen. Jesup, under circumstances with which he (Mr. C.) was familiar, and because he desired that justice might be awarded to that meritorious and distinguished officer.

But, said Mr. C. the gentleman censures the Ad-

ministration for the results of the Florida war. On what ground? Had the Administration been remiss in furnishing men, or the most ample means for prosecuting the war? Did any person imagine, at its commencement, that the force under General Scott was insufficient? He had, perhaps, as effective an army as any that has since been in the field. His requisitions were all met. He had regular troops and militia—infantry and artillery. He had not only those under his own command, but the unexpected aid brought into the field by the veteran, General Gaines, who had hastened to the scene of conflict, without awaiting orders, the very moment he had heard of the war-cry of the enemy; and, who, it is believed by some, whose opinions are entitled to weight, would probably have terminated the contest at one blow if he had had three hundred mounted men. Who but the commanding general directed and controlled the operations of the army? Not the President—nor, Mr. C. presumed, the Secretary of War Then, if blame is to be attached to any, in regard to the first campaign, it should not fall on the Administration.

The same, Mr. C. supposed, might be said of all the campaigns which had followed it. The Administration had sent officers of established courage, known experience, and high reputation, into the field; and had furnished men, arms, munitions, and subsistence in the greatest abundance. What more could be desired? Did such facts warrant the imputation of imbecility, impotence, or inefficiency, so far the as the Administration was concerned? Mr. C. said he was willing to leave this question to be answered by the good sense and justice of the country.

One thing, Mr. C. said, was certain, that notwithstanding the many hard fought battles—in not one of which, he believed, had there been a single instance of cowardice, either amongst the regular troops, or volunteer militia—notwithstanding the number of lives that had been sacrificed, and the millions that had been expended; and although we had killed, or captured and removed some three thousand Indians or more, the war was not yet over—the savage warwhoop still resounded in Florida—the unrelenting tomahawk and scalping knife were still rioting in the blood of men, women, and children, indiscriminately; and whilst the number of the enemy had been reduced, there appeared to be no diminution of the ferocity and persevering desperation of his attacks. The plan of operations hitherto pursued, Mr. C. said, had entirely failed to bring the war to a close, nor could he see, if it should be continued, that its purposes would be accomplished in any definite period. Such doubts, uncertainty, and discouragement, were not only felt here, but, he believed, amongst our fellow-citizens every where; and even the officers and soldiers of the regular army were dispirited and desponding.

Mr. C. said if the Senator from South Carolina would examine the report of the Secretary of War, which accompanied the President's late annual message, he would find that even General Taylor, who was now, and had been commanding in Florida ever since the return of General Jesup, (and whom the Senator had lauded, no doubt very justly, for his chivalry and known ability)—yes, sir, even General Taylor despairs of success, by continuing hostilities as we have heretofore done. After a most melancholy account and gloomy detail of his operations during the last year, General Taylor adds the following remark:

"And should the war be renewed, (*which I most sincerely hope may never be the case,*) the only way to bring it to a successful issue, in my opinion, is to cover the *whole* country, so as to prevent the enemy from hunting and fishing."

This, sir, said Mr. C. is the very language of despair. He deprecates its continuance, and *sincerely hopes it may never be renewed.* Yet, sir, all this is right as regards General Taylor, in the judgment of the Senator from South Carolina, [Mr. PRESTON.] No blame is to be ascribed to the present commanding General, but it is to the inefficiency of the measures of the Administration we are to ascribe all our failures. Now, sir, said Mr. C. while I will not cast censure upon others, with my limited means of information as to the mode of conducting the late campaign, I beg leave to invite the attention of the Senator from South Carolina, and others, to the facts as contained in the official report of the Adjutant General, with the sanction of the General "commanding-in-chief." He said it would be found in the "Return of the Army employed in Florida against the Seminole Indians, under the command of Brevet Brigadier General Zachary Taylor," there were the following number:

Second regiment of Dragoons -	10	companies.
Third regiment of Artillery -	9	"
First, second, sixth, and seventh regiments of Infantry, ten companies each, making -	40	"
Aggregate of regulars - -	59	"
Besides Florida mounted militia	10	"
And making a grand aggregate of	69	"

[Here Mr. PRESTON asked the Senator from Alabama to give the general result in numbers.]

Mr. C. said he would readily comply with the Senator's request; and, turning to another column of the return, said 3,991, or, in round numbers, an army of 4,000 men, consisting of dragoons, mounted volunteers, infantry, and artillery. Mr. C. here asked, was this an inefficient force to fight the Seminole Indians now in Florida? He said he could not pretend to estimate the number of the enemy with accuracy, but the Senator from South Carolina had represented the number of warriors at about *three hundred.* If this calculation be correct, (said Mr. C.) the army might have been divided into eight parts, and either would have been able to have fought successfully the entire force of the Indians; for each eighth part would have been as five hundred to three hundred. Now, it did not appear to Mr. C. that an army more than *thirteen times as strong* as the enemy to be encountered, could be regarded as *a very inefficient force.*

But, Mr. C. said, General Taylor seemed to suppose, if the war should be renewed, the only way to bring it to a successful issue, in his opinion, is to cover the *whole* country, so as to prevent the enemy from hunting and fishing. This seemed to justify an inference in favor of the plan proposed by the bill under consideration, which, though not proposing to cover the whole country literally, approached that plan as nearly as practicable, as it contemplated establishing bodies of men in all parts of the theatre of war. To cover the whole country by a standing army, Mr. C. supposed could not be intended, for if it were even as numerous as that proposed by the Senator from South Carolina, amounting to 15 000, the Territory being 45,000 square miles, there would not be more than one man to every three square miles. Nor, from the experience we had had, did Mr. C. think there would be much good done by marching an army of that number through the country. The Indians might then, and no doubt would, dispersed as they were, in small bodies, retire as our troops approached, conceal themselves in some neighboring hammock, and, thus eluding them, be as secure as ever.

But, sir, said Mr. C. whatever may be the opinion of General Taylor on this subject, there can be no doubt of the approbation of the Secretary of War. It will be found, by reference to his report, that he gives it his express sanction. The following is the passage to which I allude:

"The passage of the bill introduced in the Senate during the last session, and partially acted upon in Congress, for the military occupation of Florida, would, it is believed, be attended with beneficial effects; and I further recommend that authority be given to the Executive to raise one thousand men, to serve during the war in Florida, who shall receive the pay of dragoons, and, upon its termination, a bounty in land. These men it is proposed to arm and equip, and drill in a manner to render them equal to the Indian warrior in vigor and endurance, and to employ them in active operations during the ensuing winter. The exigencies of the service at this particular juncture, compel me to ask this additional force. It will be seen that the state of the Western frontier requires the forces there to be increased rather than diminished, and the condition of the Canada frontier will not allow the withdrawal of the troops at present stationed there."

The Secretary not only recommends the passage of the bill, but he, at the same time, states facts which are, of themselves, a powerful argument in its favor. He says: "It will be seen that the state of the Western frontier requires the forces there to be increased rather than diminished; and the condition of the Canada frontier will not allow the withdrawal of the troops at present stationed there." Yes, sir, and he might have referred, also, to the state of the Northeastern boundary, where, in my opinion, we should also have a strong military force, prepared to act as exigencies may require. But, sir, he has said enough to show that all our regular army, not already in Florida, has sufficient employment elsewhere. Whence, then, is the Senator's army of fifteen or twenty thousand men to be drawn, admitting we were willing to increase our expenses some thirty or forty millions of dollars? Will the gentleman increase our regular army to that amount, or will he raise them from the militia? Mr. C. presumed the Senator intended from the latter, and he had no doubt it could be done. For, said Mr. C. I know the mass of our citizens, who constitute the militia, are ever ready to rally around the standard of their country whenever she needs their services, and are always brave and efficient when their operations are skilfully conducted by officers who are worthy of their confidence. But, sir, experience has demonstrated that they are the most expensive class of troops. Besides, such calls are extremely annoying and injurious to our citizens, breaking in upon their accustomed avocations and pursuits. He said they had already fallen heavily on Alabama. She had already furnished three regiments for the Florida service; and whilst it was true that, stimulated by laudable pride and patriotism, they were all volunteers—not a man having been coerced into service by draft—yet it had resulted ruinously to many of them, whose claims for property lost in the public service were now lying in the Third Auditor's office, unadjusted and unpaid, after the lapse of nearly two years. Such treatment was calculated to cool the ardor of the most patriotic citizens, and render them less cheerful in obeying the call of their country in future emergencies. Mr. C. said the calls for citizen troops, to fight the Seminole Indians, had not been confined to Alabama. Georgia, Tennessee, and some of the other States had felt the burthens of this service. It would be unreasonable to expect them to furnish the immense additional force that seemed to be contemplated by some gentlemen, and which, or even more, would be necessary to meet the views of Gen. Taylor.

Mr. C. thought the provisions of the bill were the best calculated to terminate this long protracted war. The other plans had been tried with all the advantages of gallant troops and skilful officers, and had failed. [Mr. C. then read and commented on provisions of the bill.] At the conclusion of the war, and when the Seminoles had been removed west of the Mississippi, and not till then, each settler would receive his three hundred and twenty acres. Well, suppose the whole number provided in this bill would go; but for himself, he did not believe the whole number would—it was not necessary—a less number would answer—but suppose all should go, it would require about 3,200,000 acres of land, which at the ordinary price of our public lands, would amount to $4,000,000. If economy be the object, this plan is better than any other proposed. If it should accomplish the purpose in view, it will only cost us the land, and one year's subsistence and clothing—if it shall fail, or the Indians are not removed, the land will not be given to the settlers; they can claim no other reward for their services under the provisions of the bill.

Mr. C. said there were more than 26,000,000 acres in that portion of Florida occupied by the Indians, of which we propose to give three and a quarter millions to those who have to conquer it all for us, before they will have a right to possession. Do gentlemen see any better mode of conquering and removing the Indians from Florida? All the large bodies are captured and dispersed, and there only remain small straggling parties or individuals, which it is impossible to "catch," as proposed by the Senator from South Carolina, by merely marching an army through the country. Such a purpose is not to be attained by a transient force; it can only be accomplished by a stationary, or permanent body of men. The bill proposes that the settlements shall be in stations, designated by the commander of the United States troops in Florida, according to a general plan, to be approved

by the President; not less than forty, nor more than one hundred settlers to be at each station; that each station shall be protected by block-houses and stockades, to be put up by the settlers, with the aid of the United States troops; and that special military protection shall be given to each company of settlers, while putting up their block-houses, and a general protection afterwards, by military force kept in the country. In such block-houses the settlers, and all others in their vicinity, would find protection at all seasons, as the experience of the Western country had proven. Indians do not use artillery, nor understand its use; and one hundred men could efficiently protect themselves within these wooden fortifications, against 1,000 Indians. It would be the interest of the settlers to get the lands into their possession as soon as possible, to watch the marauding Indian, and capture or destroy him whenever he put his head out of his hammock. Let it not be supposed that if this bill is passed, there will be any difficulty in finding men in sufficient numbers, of stout hearts and willing hands, who will be ready to close with its offers. The West and the South still contain men enough who are willing to undertake, and able to accomplish, like deeds of noble daring as distinguished their ancestors in days gone by in their conflicts with the savages. Yes, sir, many of the descendants of the hardy pioneers of the West would gladly embrace this opportunity of acquiring a freehold. In my own State, when a regiment of volunteers was asked for of two battalions—for one of those battalions to consist of five companies, eleven companies presented themselves at the place of rendezvous within ten days from the date of the order requiring them, though many of them travelled more than an hundred miles; and for the other battalion, four or five companies more than could be accepted offered themselves. Although these troops returned not altogether pleased with the manner in which things were conducted, a single county had since furnished two full regiments, and were still ready to volunteer, on terms much ess favorable than those offered by this bill. There were a great many hardy and industrious men residing in the States of Georgia, Alabama and Tennessee, who were not possessed of freeholds, who would avail themselves of the terms of this bill to acquire them, and defend themselves by the strength of their own arms. He said three hundred and twenty acres of such soil as that represented to be in this portion of Florida by the communication of the Surgeon General, which was before us at the last session, would lay the foundation for an ample competency for an industrious man and his family. A bounty so liberal, to be obtained, probably, by one or two years' honorable military service, at intervals, (for it was not intended that they should be continually in service throughout the year,) would hold out strong inducements to the bold and enterprising; and he would not be surprised to see battalions or regiments going forth, almost in bodies, to secure its advantages.

Mr. C. said he could not doubt that the plan proposed by the bill was practicable, and that it would be carried into effect. He said it was in this manner that a large portion of the Western country had been settled and reclaimed from the occupancy of hostile bands of Indians, and with less aid and protection from Government than was offered in this bill, as many who were now living could attest. He was unwilling to believe that we had so far degenerated in courage, tact, or energy, that the present age was unequal to the achievement of victory and conquest over, comparatively, a handful of savages, cut off, as they were, from the assistance of any other people.

But, said Mr. C. if the prospect of success were less encouraging, the plan is worth an experiment. If it should fail, it will cost a comparatively trifling expenditure. We have tried all the ordinary modes of warfare without subduing or expelling the enemy. We have had all our principal officers there, and all their efforts have resulted unsuccessfully. The officer who has commanded them during the last campaign, and who has been so highly extolled for his gallantry and skill, is opposed to a renewal of the war on the system heretofore pursued. Shall we submit, ingloriously, to a mere remnant of a paltry tribe of Indians, and suffer them to remain masters of a valuable portion of our territory, perpetrating their savage cruelties, and marauding upon our fellow-citizens with impunity, and without restraint? Or shall we incur the expense of the enormous addition to our military establishment which has been suggested by the gentleman from South Carolina? Or shall we adopt the measure now under consideration? Mr. C. said he could not hesitate in giving his decided preference to the latter; believing it would result in the conquest of the country, and the removal of the only tribe of warlike Indians now east of the Mississippi.

Under similar circumstances, and with such views, the bill received his support at the last session of Congress, when it passed the Senate. He would again vote for it, and trusted it would now receive the support of a majority of the Senate.

The bill was then ordered to be engrossed for a third reading.

SPEECH OF MR. DUNCAN,
OF OHIO,

In the House of Representatives, January 9, 1840—On the subject of the New Jersey election for members of the Twenty-sixth Congress:

Mr. DUNCAN said, he had been rather a looker on than a participator in the scenes that have been acting from the time since we have assembled; and but for some charges that have been made against the Administration he thought it his duty to support, and the party to which it was his duty and his pride to belong, as well as some doctrines that have been advanced, which he thought pernicious and dangerous in all their bearings and tendencies, he would not now attempt to detain the body in its struggle, either for party ascendency or the establishment of the rights of the people of New Jersey; and before he progressed, to oppose the former, or sustain the latter, he hoped he would not be considered out of order, if he responded to some of the charges made and some of the positions taken by the Opposition, not directly bearing on the question really before the House.

The first charge that he would attempt to meet was that which every Opposition member, who had addressed the House, had made against the Democratic party, viz. the consumption of the *people's* time and the *people's* money. Sir, we have fallen far short of the people's expectations in the time which has been occupied in the organization of the House. But, sir, I think the Democracy of this House have but little to fear from the people in this struggle. They have been maintaining the principles they were sent to maintain. I mean the free institutions of our country, and the purity of the elective franchise. The rights and dear bought suffrage of the freemen of a sovereign State have been violated and trampled upon by a corrupt party Governor and a corrupt party Council, and the sovereign will of the the people sacrificed at the shrine of party ambition and love of power. It is their wrongs we are endeavoring to redress. We have nothing to fear from the people, though we remain in this struggle till doomsday. No frowns or popular indignation await us. We expect to and will receive their smiles and approbation for our efforts on this occasion. Let those who attach more weight and character to the certificate and *broad seal* of a Governor, and the dictation of a Privy Council, than to the voice of the freemen of a sovereign State, meet the consequences and responsibility of this shameful and disgraceful waste of "*public time* and *public money*."

But, sir, how have the "*public money and the public time*" been wasted by speeches; and who is it that has thus wasted the "*public money* and the *public time*," by speaking? My diary will show, which I was induced to keep in consequence of the charge of the waste of the "*public money and the public time*," made upon the Democracy by the *time and money saving modern Whigs!*

On the first eleven days of the session there were:

	Whig speeches.	Dem. speeches.
First day,	21	5
Second day,	15	7
Third day,	13	6
Fourth day,	9	1
Fifth day,	15	12
Sixth day,	31	18
Seventh day,	10	1
Eighth day,	31	14
Ninth day,	19	12
Tenth day,	18	12
Eleventh day,	18	6
	200	94

The journals will show that nearly all the motions made and the questions of order raised to consume time, and stave off the organization of the House, were made and supported by the Whigs.

This carries us up to the close of the eleventh day of the session, and the result shows that the money and time saving *Whigs!* of this House have made two hundred speeches, and the Democrats who have been charged hourly with wasting the "*public money and the public time*," have made ninety-four speeches. I thought it my duty to make this expose to counteract the effects of a charge, as unfounded as the object for which these speeches have been made is corrupt, at least in their tendencies, if not in their intent. Why all this unexampled strife on the part of the Opposition; and why this wreckless sacrifice of time which should have been devoted to the country's business? The world will understand the answer. It is to smuggle in five Whigs to seats on this floor, who have about as much right here as the remains of the cabal who disordered the administration of Charles the Second. I mean John B. Aycrigg, John P. B. Maxwell, Wm. Halsted, Charles C. Stratton, and Thomas Jones Yorke men whom the sovereign freemen of New Jersey have pronounced through the ballot box, in the proper legal and constitutional manner, politically unworthy, and unqualified longer to hold seats on this floor. Sir, those who are supporting the usurpers, or the *certificated* members, had no expectation that they could hold their seats longer than the time when a committee could report upon their pretensions. The object was to smuggle them in, that they might have an opportunity to vote in the organization of the House, or, in the language of the gentleman from Louisiana, [Mr. CHINN,] that they might cast their votes for JOHN BELL. Yes, sir, this was the object. The right of suffrage is to be trampled upon, the purity of the elective franchise must be violated, and the voice of a sovereign State treated with contempt, to the end that JOHN BELL might be Speaker of this House. Sir, such an attempt is not more idle than it is vain. JOHN BELL will never be Speaker of this House while his name is JOHN BELL, nor will these usurpers get seats in this hall again, until the voice of New Jersey shall pronounce them entitled to them. But more of this hereafter.

Mr. Chairman, I think I have seen a disposition manifested here to carry, by violence, the unjust and assumed claims of the Whig New Jersey pretenders. When all other means should fail, violence seemed to be the intended resort. Questions of order have been raised, involving nothing but quibbles, the most contemptible to the most ordinary understanding. When I was addressing the House the other day, I was arrested (or the Clerk, while reading the evidence upon which I was predicating my remarks, was) by the gentleman from New Jersey, [Mr. RANDOLPH] The evidence which I was causing the Clerk to read, was the certificate of the Secretary of State of New Jersey, certifying that Messrs. DICKERSON, VROOM, KILLE, RYALL, and COOPER, have a majority of all the votes polled, and were duly elected members of the Twenty-sixth Congress; also certificates of the election officers, and affidavits of others having a knowledge of the case. While the reading was going on, Mr. RANDOLPH objected to the reading of the papers, for the reason that *these* papers were never before the Governor and Privy Council. The gentleman from New York, [Mr. VANDERPOEL,] said that he was authorized by Messrs. DICKERSON and VROOM to say that they *were* before the Governor and Council. The gentleman from New Jersey, [Mr. RANDOLPH,] said they were not. The gentle-

man from New York [Mr. VANDERPOEL] rejoined that these papers were copies. Does the gentleman from New Jersey [Mr. RANDOLPH] mean to deny that the original papers, of which these are copies, were never before the Governor and Privy Council of New Jersey? The gentleman from New Jersey, [Mr. RANDOLPH] dropped his head and said, "*No, sir.*" Sir, such a quibble is too contemptible for this place. It is unworthy of the gentleman himself; it is unworthy of this House and this body; it is alone worthy of the most pitiful seventh-rate pettifogger. Sir, I trust I shall not again be interrupted by a question of order involving such a quibble.

It is the strongest evidence of a bad cause, when it must be maintained by low quibbling.

But, sir, gentlemen will find blustering threats and boisterous denunciations as ineffectual as *quibbling*. They will find, when such means are resorted to to carry measures over the Democracy here, that they are barking up the wrong tree, or, what may be worse, that they have not treed their game at all. There is too much of the Revolutionary blood flowing in the veins of the Democracy here to quail or wince for a moment at all the blast and bluster that can be paraded in this dying struggle of Federalism. It will all be regarded as "*sounding brass and tinkling cymbals*"

As the floods rush from the mountains of Ethiopia, to the overflowing of the Nile, and to the enriching of the valleys and plains of Egypt, so has been the torrent of public sentiment and approbation through the medium of the ballot box, in favor of the leading measures of this Administration, and the glorious and hallowed cause of Democracy and the people. Sir, with the Revolutionary blood and patriotism of our ancestors, backed by the thundering voice of approbation by millions of freemen, are the Democracy to be awed or intimidated by the threats or frowns of a conquered and dying party in their last spasmodic agonies? No, sir; its effect is but to produce the sneer of contempt and derision. As it is common here for gentlemen *Whigs* to give their young friends (new Whig members) advice, so I will volunteer some advice to my young friends; and that is, to treat with contempt and scorn, all the blasting, blowing, blustering, and bullying displays they may see here or elsewhere, though the fiercest Federal lions be turned into this hall, and though their "shaggy tails be erect, and their jaws bedaubed with human blood," they really have no terrors; the people have extracted their teeth; they can do nothing but shake their manes and growl; approach them, lay your hand upon them, they are tame; they are like Daniel's lions; the hand of God rested on them; the hand of the freemen of this country rest upon the Federal lions and bullies of this day. When I first entered this hall, I entered with some trepidation—such is the Whig system of puffing by the lean, lank dogs, in the character of penniless letter writers, who beset this Capitol by throngs, and whose hungry yelp is never out of your hearing. I expected to see men gigantic in body and intellect; such is the effect puffing has upon the mind of objects at a distance; but when I came to mingle with them, I found few of them whose bodily altitude exceeded that of my own and; when I surveyed them, I saw nothing in them, mentally or physically, to be feared; I found them just such creatures as surrounded me at home every day; I saw nothing here at which a well corn and pork fed Western Buckeye would not douce his woolhat, throw of his linsey hunting shirt, roll up his sleeves, and "*walk right into.*"

We have heard the tempest of party howl; we have felt the rain fall in torrents from the party elements; we have been pelted by the hail; we have seen the lightning flash; and we have heard the thunder peal and roll over our heads; but we have not been stricken down or riven by its bolts; and all this, too, when foul Federalism had reared its crest to its greatest altitude—to the threatening of the overthrow of our simple Republican institutions. What now have we to fear, when it sneaks to hide its guilty face, and is ashamed of its very name. It writhes under the feet of our free institutions as the reptile squirms under the heel of man.

Sir, as if to prepare the Opposition for a contest of violence, the New Jersey usurpers have been advised not to jump out of the windows, as was the case at Harrisburg. The Democracy of this House have manifested no disposition to maintain their principles by bowie knives, or carry out their measures with brickbats. The admonition was gratuitous and uncalled for. Nor was it the Democratic members of the Legislature of Pennsylvania who threatened violence to the corrupt usurpers who claimed seats in that hall. It was the honest, hard-handed Democracy, who rallied to the standard of their country when their legislative halls were to be corrupted by usurpation and fraud. It was the kind of men who maintain and support your country in peace, and defend it in war. They were the kind of men, and governed by the same political principles, who were called plebeians in the republican days of Rome, who, when Anthony offered Cæsar the crown, threw up their sweaty caps and clapped their hard and chapped hands, at his refusal to accept it. Anthony persisted, and offered it again. Cæsar refused it; they threw up their caps, shouted in token of approbation, and clapped their chapped and hard hands; but the patricians groaned and hissed. Again Anthony offered him the crown; but again Cæsar passed it with his hand from his head. The patricians groaned and hissed; but the plebeians *continued* to throw up their sweaty caps and clap their hard and chapped hands. These were the kind of men who filled the streets and crowded the legislative halls of Harrisburgh. They saw that their liberties were in danger, and they rallied to the defence of their institutions and the purity of the elective franchise. Such men do not crowd the streets and avenues of Washington city and overflow the legislative halls of this Capitol. No, sir; the usurpers in this case have nothing to fear from the populace here. Sir, with many honorable exceptions, our streets and avenues are crowded with blacklegs, political jugglers, hungry expectants, lounging, lean lazaroni loafers, bank vassals, and Federal minions, congregated from all parts of the Union. Dandies, coxcombs, and liveried drones, whose subsistence depends upon theft, begging or fraud, or upon the "*glories of the credit and banking system.*" Hence it is that you hear from your galleries shouts of approbation and joyous applause, when you gain any thing like a temporary Whig victory over the cause and principles of Democracy, however contemptible and pitiful that victory may be. Sir, I think I can give the userpers assurance that they are on the right side for safety here; but I could not insure them from decapitation if they were to present such claims in the Capitol of Harrisburg. Sir, as usual, we have heard the success of the cause of Democracy attributed to corruption, Executive influence, usurpation, base vassalage, party slander, and servile submission. Yes, sir, the Administration and all its measures; the Harrisburg Convention; the election of General Harrison, and the success of the Federal party; and the contest for party ascendency in the next Presidential election, have all been drawn into the vortex of discussion, on the simple proposition of the New Jersey election returns; and free drafts in that discussion made from the columns of the most slanderous and degraded Federal sheets of this day of political strife and reckless turmoil, to abuse the Administration and its measures, and the Democratic party. I meet and face the whole in my weak way.

Such charges are in bad time, and from a quarter which should blush to name them. This Administration is emphatically an Administration of the people—its leading measures float upon an overflowing tide of public approbation—its enemies are the enemies to free institutions, equal rights, and human liberty. To denounce it in such terms, is but a reiteration of the high toned Federal and aristocratic doctrine, which constitutes one of the fundamental principles of that party who deny an intelligence and virtue to the people, sufficient for the purposes of self-govenment. What Executive influence, usurpation, or control, I ask, was made to bear upon the great body of the American people, even if they were subjects of corruption, so as to secure the support which the Administration and its measures have received other than the correctness of the Administration, and the purity of the measures themselves? Has it been done through the influence of Federal officers? No, sir; they may have done their part in the support of the Administration and its leading measures, as they were and are bound to do; those, I mean, who are from principle attached to it; but there is an antagonist principle sufficient to counteract all their influence. More than one half of all the Federal officers of this Government, from the heads of bureaus in the Department of State here, down to the most petty postmaster in the country, are hostile to this Administration, its measures, and the Democratic party and its principles, who exert themselves, to the extent of their personal and official influence, to prostrate the Administration and subvert the Democratic institutions. Is it the newspaper presses through the country favorable to the Administration and its measures, to the Democratic party and its principles, that have produced it? No, sir. They may have done their part as they were and are bound to do; and they, no doubt, have exerted themselves to the extent of *their* means. It is due to them to say, that they have done much. But there is an antagonist principle, which, to a great extent, neutralizes their efforts and their influence. There are more than three newspaper presses in this Government opposed to this Administration and its measures, and to the Democratic party and their principles, to one that is favorable; and I might ask the man who charges slander and detraction to the Democratic newspapers, O! shame, where is thy blush! Look at your Federal sheets, sir, from your base, bought up, corrupt vassal sheet, the Courier and Enquirer, down to the most contemptible rag that bears the cognomen of a Whig newspaper sheet. What are they, sir, but a tissue of foul channels and corrupt and filthy sewers, through which the vilest slanders and basest falsehoods are communicated to the public mind, not even the *misnamed National Intelligencer!!!* excepted. No, sir: the great principles of reform, which are on their march to the prostration of Federalism and the downfall of bank dominion and bank dictation, are the result of the examination, intelligence, and patriotism of the freemen of this country; they are the result of the "*sober second thought of the people,*" which is never wrong. Yes, sir; the cry of Executive corruption is yelped by a party, with many honorable exceptions, I am proud for my country to say, who are sustained as a party by, and feed upon, the putrid carcass of corruption itself. I wish to be understood as speaking politically. The cry of Executive influence is yelped by a party, whose prospects, pecuniary and political, are lighted up and cheered by the smiles of the banks and the credit system, and cast down and overshadowed by thick dark clouds of dismay at the frowns or disappointments of either or both. The blush of shame, and the sacred cause of truth, should save the Democracy from such charges from such a party! Against whom, or what, is this interminable war directed? Who is it intended shall drink this inexhaustible cup of slander and detraction, even to the dregs of bitterness, and *bonds* of iniquity? The *men* of the Administration, think you? No, no! It is not against *men* that all this unceasing and unmeasured torrent of calumny, detraction, and falsehood, is directed. No, sir: it is not intended for the men who administer this Government, and those who support them. It is against the cause of Democracy, and the free institutions of our country. Men are used merely as instruments of illustration; men are the mere mediums through which the great principles of equal rights and civil liberty are to be overthrown. No, sir: when the party tempest howls the loudest, and when the storm of faction rages highest, and beats the hardest upon our plain, simple, Republican institutions, the *men* who support them and their bitterest assailants, are on terms of intimacy and friendship. Yes, sir; and even those who are the most unmeasured in their abuse of the President and all his leading measures, are the men who are to be found most frequently at the table of his bounty, and who drink deepest from his wine goblet. And all this is right: these men have no per-

sonal hostility to Mr. Van Buren. It would be worse than folly to tax the purse, the head, the heart, and pollute the tongue with a warfare fraught with such cost, such iniquity, and such foul slander, merely to prostrate the earthly tabernacle of frail men, who, by the immutable laws of nature, must in a few short years, perhaps months, perhaps days, return to their great mother earth; become the food of worms, and mingle with the dust. No, sir; it is not against *men* this warfare is waged: I repeat, that the object is to overthrow the Republican institutions of our country. When will this warfare cease? When the *men* who administer this Government, and those who act with, and support them, pay the debt of nature, think you? No, no. The termination of their existence will be no signal to cease hostilities. They never will cease until the Federal aristocratic prediction is fulfilled, "*that man is incapable of self-government. That the people have not the intelligence and stability to govern themselves*" This war will cease when the reins of Government shall be surrendered by the many to the hands of the wise, the wealthy, and the great few—when "the *common herd*" shall become the vassals of a few "*exclusives*"—when the many shall become "hewers of wood and drawers of water" to the few—then, sir, will this war upon human liberty cease, and not before.

But, sir, have the Opposition no other object in pushing the fraudulent claims of the Whig pretenders, than the maintenance of the abstract rights of New Jersey? Yes, sir, I have named one, (the election of a Whig Speaker.) But that, in itself, is but a collateral object.

The great object is to prop and support a rotten, tottering, sinking cause. One last dying, desperate effort is to be made to prevent the overthrow, downfall, and final ruin of the once great and powerful Federal faction. This desperate effort to trample in the dust the voice of New Jersey, is a practical demonstration of what we may expect as to the mode and manner by which the political warfare is to be conducted in the approaching contest for polical ascendency. It is a concert of action with the proceedings and result of the Federal National Convention which has just closed its operations at Harrisburg. Can any man doubt, for a moment, that the choice of a candidate for the Presidency, made by that convention, is but the tocsin of war to rally the contending factions, of all denominations, from the remotest parts of the Union, to the conflict against the common cause of Democracy and human liberty. Virtue, patriotism, and good order, are all to be sacrificed at the shrine of Federal ambition in this great contest. The man has been selected around whose standard Antimasonry, Abolitionism, *National Republicanism*, Federalism, and every other ism under the sun except Democraticism, may rally. Open fight, secret ambuscade, fair play and foul play, and every other mode of warfare known to the nations of the earth, civilized and savage, is to be adopted and used in this war. All missiles and weapons, common and uncommon, broadswords narrow swords, long swords, short swords, straight swords, and crooked swords, are to be used in fighting under this ring-streaked and speckled banner. Falsehood, fraud, and corruption, will be in market for the highest bidder. Every venal Federal sheet will teem with foul slander, base detraction, and unblushing falsehood, and the tool of faction who can lie most, will receive the highest price for his occupation. Yes, sir, the zeal and Christian patriotism which were exhibited on the plains of Palestine, in defence of the Holy Land, were nothing to compare to the zeal which will be displayed in the conduct of this war upon the simple institutions of freedom. The untiring efforts of the monk Peter to rally the Christian nations in defence of the holy cause, will sink into insignificance, when compared with the efforts wich will be used by the Federal demagogues to rally the mercenary factions to this war against the common cause of Democracy. But to use a common Dutch maxim, it will be all *nix cume rous*," or it will be applicable to a more classic maxim, "*montes parturiunt, et ridiculus nascitur mus.*"

Yes, sir, a convention of the contending factions of this Union, opposed to the cause and principles of Democracy and equal rights, has been held at Harrisburg; and the farmer of Tippecanoe has been nominated for the Presidency! And the result of that convention will be about as it was in 1836, when, for the purposes of sectional division, General Harrison, Judge White, and Daniel Webster, were put upon the track. But they were all distanced: so it will be in 1840. Old Tecumseh and Kinderhook will distance Tippecanoe and the man of the Old Dominion, the first heat. If I were capable of giving General Harrison and his friends advice, it would be to just put their entrance money in their pockets, and leave the field; and if they have forfeitures up, let them go: that will be the saving game.

But, sir, perhaps these predictions may be considered impious, for I see in the reported proceeding, that the Rev. Mr. Sprecker pronounced a benediction upon the convention. Now I am going to animadvert a little upon that benediction, and let no man impugn my motives, or attach irreverence to me; for if I have one feeling of grateful recollection for a Reverend father and a pious mother, both of whom now inhabit the narrow house, it is the recollection of the religious and pious precepts and principles which they taught me in sincere piety from my youth to manhood; and although shamefully loose in their practice, yet when I forget them, or fail in filial gratitude to those who taught them, may God forget me. If there is one book on earth that I reverence, it is the sacred word from which I am about to recite a few passages from recollection. If there is any one of the great causes which operate more than another to the perpetuity of our Government, the stability of our religious and civil institutions, the peace of man here and a happy and glorious immortality hereafter, I believe it to be the glorious cause of Christianity. The Rev. Mr. Sprecker may be a righteous man—I hope he is; and according to the weight and authority here given to "*prima facie evidence*," I am bound to believe so, for he presents that evidence in his *title*; and we are told in holy writ that "*the prayers of the righteous avail much.*" But if I do not much mistake the import or meaning of that biblical maxim, it is of importance to the success of even the prayers of the righteous man, that the object of his prayer should be worthy of Divine approbation. Holy writ furnishes us with many consoling evidences of the powerful and miraculous effects of prayer, when made at the throne of Divine mercy; evidences which show not only the duty and importance of prayer, but also the power, mercy, and goodness of Him at whose throne every knee is bound to bend.

The Almighty heard the prayer of Abraham, and healed Abimelech, his wife, and his maid servants, of the barrenness with which he himself had cursed them, in consequence of Sarah, Abraham's wife. The Jews under Moses complained. The anger of the Almighty was kindled, and he sent consuming fire into every part of their camp. Moses *prayed* for them, he was heard, and the hand of Divine vengeance was stopped, and the fire quenched. The Jews were visited with fiery serpents, on account of their sins. The serpents bit many of them, and they died. The people came to Moses and confessed their sins, and asked him to pray for them that the Almighy would take away the serpents. Moses prayed for them; his prayer was heard—and the Almighty directed him to prepare a serpent of brass, resembling in appearance the fiery serpents, and to lift it upon a pole. He did so; and if any man thereafter was bitten by a serpent, he looked upon the provided remedy and lived.

While Moses was in the mount receiving the tables of the law, the people, with the assistance of Aaron, prepared a golden calf. When Moses returned, he found them engaged in idolatry; he threw down the tables. The anger of the Almighty was kindled and burnt against Aaron and the people; Moses fell down and prayed for Aaron and the people for forty days and forty nights; and such was the effect of his prayers, that, instead of the Almighty blotting out their names from under heaven as he threatened, he hearkened unto Moses and spared them.

Again: the Shunamite's son fell sick and died. The afflicted and pious mother laid him in the prophet Elisha's bed, in a little room which she had prepared for him; she went for the prophet. He sent his servant, who laid Elisha's rod upon the face of the child, and he awoke not. But when the prophet shut the door, and prayed, and laid upon the child, he sneezed seven times, opened his eyes, and he delivered the child alive to his mother.

In the days of the prophet Baal, there was a drought for three years and six months. The fountains were dried, and the rivers were drank up, and famine and desolation dwelt upon the land. Elijah went up to the top of Carmel, and prayed for rain. A little cloud instantly arose out of the sea, like a man's hand, and soon the heaven was black with clouds, and there was a great rain.

Job prayed for his friends, and such was the effect, that the Almighty turned his captivity, and blessed his latter end more than his beginning.

When Hezekiah prayed in his sickness, and turned his face to the wall and wept, the Almighty heard his prayer, and added fifteen years to his life.

Here, sir, we have evidence of the highest character of the omnipotent effects of prayer. But it must be remembered that the prayers here presented were not only the prayers of righteous persons, but the objects prayed for were worthy of and met Divine approbation. It is not only necessary that those who would be heard in prayer and answered, should not regard iniquity in their hearts, but the subjects of their benediction should be in favor with the Almighty, and their objects and pursuits in conformity with the cause of justice, right, and his Divine will. Was such the case with the Harrisburg convention? Sir, the men that they are endeavoring to place in office, and the principles they are endeavoring to establish, are at war with the spirit of our Constitution, human liberty, the duration of our free institutions, and the principles which we have undoubted reason to believe are in favor with Him who sways and controls the destinies of nations, from the fact that he led the patriots of the Revolution to battle and to victory. He "withheld the battle from the strong and the race from the swift." The light of his wisdom and the strength of his power have since defended our institutions from the hand of violence from abroad and the corruption of factionists at home. Then, sir, I undertake to predict that the prayer of the Rev. Mr. Sprecker, however righteous he may be, will fall to the ground unanswered—the objects of the convention being unfavorable to the Divine will and *His* favored *people*.

But, sir, there are some other difficulties that present themselves to the success of the assembled factions and the election of the nominee of the Harrisburg Convention. Is it supposed that Mr. Clay will quietly submit to the indignity offered him and the neglect with which he has been treated? No, sir: disappointed ambition is not so easily calmed. He has been a distinguished leader of a great party for many years. He has worn a life nearly out in its cause; and although I think he knew too much of the character of the American Democracy to believe, for a moment, that he ever could be President of these United States, still it was his pride to *live at* the head of his party, and it was his hope, it would be his glory, to *die* at the head of his party. Of this hope, the only reward for his long and toilsome services, his party have deprived him. Now that he is worn down, he is turned upon the commons to shift for himself, as the Romans used to turn their worn out slaves upon an island in the Tiber. Think you, sir, he will bear this treatment with impunity? No, sir: prudence may at first induce him to bear the neglect and ingratitude with *apparent* forbearance. He *may* smother his wrath for a time, but, sir, he will rave like the disappointed political lunatic; he will growl like the hungry hyena; he will bellow like the hunted buffalo; he will roar like the lanced lion; he will do more; he will disband his troops; his sentinels scattered over the Union, who have watched with fidelity on the towers, ready to do any thing at his bidding, will throw down their arms, and take their banners from the "*outer wall*," and will deny

obedience to their new commander. Murmurs, seditions and tumults will be heard throughout the camp among his troops. We have already heard some whimpering, and seen some evidence of disaffection here. I hold in my hand a paper which contains a Whig dialogue, that speaks the voice of thousands. It is short, and I will read it:

"*Good morning sir.*"
"*Good morning to you, sir.*"
"Have you heard from the Harrisburg Convention?"
"No."
"*General Harrison is nominated.*"
"*You don't say so!*"
"Yes I do!"
"Oh!!"

Another:

"Good morning, sir."
"Good morning, sir."
"Well, the Harrisburg Convention have shot their granny."
"No, they hav'nt—I wish they had."

Yes, sir, disappointment, confusion, and dismay, brood in the hearts, dwell upon the tongues, and perch upon the countenances of the Clay ranks, attempt to conceal it as they may.

But to the New Jersey election. But before I go into that investigation, permit me to say a word in relation to party and party feelings, and their effects. No Government, since the civil organization of society, or the establishment of political institutions, has ever been without parties. There *never* has been a Government without parties; and the great principles constituting the basis of party, are the free exercise of all natural privileges and powers, on the part of the individual community, not incompatible with the general good, and a general participation in making, adjudicating, and executing the laws, either personally or representatively, on the one hand, and a usurpation of power, in the hands of the few to the exclusion of the many, on the other hand. There may be factions or subdivision of parties; but when the great principles come to be acted upon, the rank and file of every faction and subdivision, with their leaders at their head, banner in hand, will be seen to rush to the standard of their first principles, regardless of their peculiar notions about minor matters, as you will see the factions of all names and hues rally to the standard of Federalism in the coming contest; and although each faction may pretend to march after its own banner and wear its own uniform, yet each individual of each faction will be known by one badge, which he will wear in his heart, if not on his hat—I mean the black cockade.

Sir, I say every Government has two parties, and every honest man in the community belongs to one or the other. Show me a man that belongs to no party, and I will show you a man without principle. Show me a man who has no party feelings and predilections, and I will show you a fool or a knave—a man who needs a keeper, or one who will steal your horse. The proper place for such a man is the poor-house or the penitentiary. Avoid such a man; if you meet him, he will either beg your purse, or rob you of it. Party is the salt of the nation. It establishes a watchfulness and wholesome guardianship over the institutions of our country; it checks and restrains the reckless ambition of those in office, and never fails to expose the nonfeasance, misfeasance, or malfeasance of those in power. But it is possible for party feelings and party practices to run too high, and thereby produce the very evils which they are so well calculated to suppress. When party feelings run so high as to submerge political morality, the worst of evils are to be apprehended. Party feelings and party ambition may become so reckless, as to overflow the best prospects of our country, prostrate the free institutions which constitute the basis of civil and religious liberty, and subvert the Government itself in their desolating sweep; and, I must confess, that I have some fearful apprehensions that we now border on such a state of things. Let us examine the New Jersey elections which involve the present contest. The examination of the question will show whether my fears are well founded, or whether they spring from a timid heart or a distempered head.

On the first Monday of last month, which was its second day, we, the supposed members of the Twenty-Sixth Congress, assembled in this hall, and at the usual hour (12 o'clock) the Clerk of the House of Representatives for the previous Congress, in conformity with his official duty as established by custom existing from the foundation of our Government, and under the solemnity of the oath he had taken at the threshold of his duties, commenced making out and calling the roll of members who, he had been informed and believed, were elected to the Twenty-Sixth Congress. As has been the custom, he commenced, geographically, the call of members from the State of Maine, and proceeded through New Hampshire, Connecticut, Vermont, Massachusetts, Rhode Island, New York, and to the name of JOSEPH F. RANDOLPH, a Representative from the State of New Jersey. Here the Clerk was arrested with the cry of "*Pass over New Jersey!*" He stated that the election of five of the New Jersey members having certificates of election, and claiming seats thereby, were contested, and there were conflicting evidences in his possession, and submitted to the House whether he should pass the State of New Jersey until the members from the other States should be called. Here the game was blocked. Here the proceedings to organization were arrested; here the controversy commenced, all on that simple and respectful statement and submission of the Clerk. Those opposed to the Democratic party and the Administration insisted that the names of the certificate members from New Jersey should *now* be called. The friends of the Administration were in favor of the Clerk's suggestion, to the end that the conflicting claims might be examined, and justice be done. The result has been many days of moderate, warm, angry, violent, and tempestuous debate, at an immense expense to the American people, when there was really no question involved except as to the propriety of *postponing* the call of New Jersey until the other States should be called, to the end that *justice* might be done. I might here ask what can be the motive which has superinduced this unexampled array of hostility to so respectful and rational a proposition made by the Clerk. I have before hinted at a reason; others will be developed as the history of this contest is unfolded. But a word in defence of the course of the Clerk in this controversy, and the reasons which governed him. I have said that it was a part of the official duty of the Clerk to make out a roll, and call the names of the *members* of the Twenty-sixth Congress. This he was to perform under the solemnity of an oath, for the faithful performance of which he is answerable at the bar or his country, and at the throne of eternal justice and Divine accountability. What was his duty under this solemn responsibility? Was it any part of his duty to enrol and call the names of men who were *not* members of the Twenty-sixth Congress! He stated at the outset, and he continues to state, that there are conflicting evidences in his possession as to the members from New Jersey, and that he does not feel warranted in taking the responsibility on himself of calling and enrolling the names of men—which call may entitle them to seats in this hall—whom he has good reason to believe have not been returned by the people. Sir, his course has been in conformity with the duties of his station, his obligation to his conscience, his God, and his country; and any other course would have been a violation of his oath, and his religious, moral and political duty. His course has been just, manly and dignified, and will meet the approbation and support of every man in the community untainted and uncorrupted by party poison. But what has been his reward here? Day after day contumely, abuse and derision have been poured upon him in an unceasing torrent. No names have been too degrading to use upon him; no motives too corrupt to attribute to him. He has been charged with being the catspaw of a party, and driven to the stand he has taken as the reward he is to receive in the renewal of his station. Sir, I have never conversed with the Clerk upon the subject, but I take the responsibility upon myself to deny, in unqualified terms, that he has ever been flattered, driven, bribed, or hired to the course he has taken. I throw back the charge upon those who make it. I can maintain what I say. Now, sir, I present the copy of the certificate of the Secretary of State for the State of New Jersey. Here it is. I ask that it may be read from the Clerk's table, together with all documents on his table going to show that Messrs. DICKERSON, VROOM, KILLE, RYALL, COOPER, and RANDOLPH, were the six candidates who received the greatest number of votes for the Twenty-sixth Congress of the United States in the State of New Jersey, and are, and of right ought to be, the members returned—all of which I intend to incorporate with, and make a part of, my speech.

The Clerk read as follows:

STATE OF NEW JERSEY, ss.

I, James D. Westcott, Secretary of State of the State of New Jersey, do hereby certify, that upon a careful examination of all the returns made by the several clerks of the respecti counties in said State, and filed in my office, and also of returns of votes given in the townships of South Amboy, in the county of Middlesex, and of Millville, in the county of Cumberland, verified by the affidavits of the several township officers of election in said townships respectively, which township returns were not included in the returns of the clerks of said counties of Middlesex and Cumberland, and which were directed to be filed by the Governor, and now remain on file in my office, of the election for members to represent this State in the House of Representatives of the Twenty-sixth Congress of the United States, held on the ninth and tenth days of October, anno Domini one thousand eight hundred and thirty-eight, it appears that Philemon Dickerson received 28,453 votes, Manning Force 28,314 votes, Peter D. Vroom 28,492 votes, Daniel B. Ryall 28,441 votes, William R. Cooper 28,455 votes, Joseph Kille 28,426 votes, John B. Aycrigg 28,294 votes, John P. B. Maxwell 28,383 votes, William Halsted 28,337 votes, Joseph F. Randolph 28,427 votes, Charles C. Stratton 28,396 votes, and Thomas Jones Yorke 28,321 votes, and by which it appears that, at said election, Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, Joseph Kille, and Joseph F. Randolph received a majority of the whole number of the votes given in the State of New Jersey for Representatives of said State in the House of Representatives of the Twenty-sixth Congress of the United States.

In testimony whereof, I have hereunto set my hand and affixed my seal of office at the city of Trenton, in said State, [L. S.] this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and thirty-nine, (1839,) and of the Independence of the United States the sixty-fourth.

JAMES D. WESTCOTT.

This, sir, (said Mr. D.) is the certificate of the Secretary of State, an office as old as the State itself. Created by its Constitution, its responsibility is of the highest character; its duties of the most sacred nature, and its importance not inferior to that of the Governor. This officer is elected by the Legislature, as the Governor is, and responsible both to the Legislature and to the people. His duty involves the care of the archives of the State—the care of the files and the records. Here is an official document given from under his hand, with his seal of office affixed, and under the resonsibility and solemnity of an oath which he took at the entrance upon his official duties. Here, sir, you have *prima facie evidence* of the fact that the *certificate* members are *not* entitled to seats in this hall.

Before I proceed, give me your attention for a few moments while I give a short history of the manner in which *Congressional elections* (for I have nothing to do with any other in this case) are conducted in New Jersey, for the benefit of those who may read me. By the laws of New Jersey, the election for members of Congress and the State Legislature is held at the same time, except when electors of President and Vice President are chosen. The time is the second Tuesday of October, and the day following. One poll is held in each township. The election is by ballot; and the votes for all the candidates are put in the ballot box in the several townships. The assessor and the collector of the township, with a judge of election chosen for the purpose at the annual township meeting, preside over and act as judges and inspectors of the election, and the township clerk officiates as the clerk of the election. The time of opening and closing the poles is the same in all the townships, and is established by law. The candidates for Congress are nominated in the several counties on the first Monday of September. The county clerks transmit the names of the persons nominated to the Governor of the State. The Governor prepares and transmits a true list of all the persons nominated, to the clerk of each county in the State. It is the duty of the county clerk of each county to transmit a copy to each township clerk in each county. It is the duty of each township clerk to put up copies for the information of all, and the election is made from the persons thus nominated.

This is the history, now for the law. The law provides that after the polls are closed it shall be

the duty of the judge and inspectors, and the clerk of the election, to proceed immediately

"To take an account of, and cast up, the votes given for each candidate, make a list of the same, which list they shall sign, certify, seal up, direct, and transmit to the clerk of the county, who shall attend at at the court house of the county on the Saturday next after the day of the election, for the purpose of receiving the same, which list shall be delivered to him before five o'clock in the afternoon of said day, which said clerk shall proceed in a public manner to make one general list of all the candidates voted for as aforesaid, together with the number of votes received for each of them, and shall transmit the same at the expense of the State, to the Governor, or person administering the Government, within seven days thereafter, having first caused a duplicate thereof to be filed in his office, together with the lists from the said township."

The law further provides and makes it the duty of the Governor, that,

"If the certified lists of votes given for Representatives in Congress shall not be received from the clerks of any of the counties of the State, by him, within seven days after the time prescribed by law for casting up the same, &c. by the clerks, as aforesaid, forthwith to send express to the clerk of the county or counties, from which such certified lists have not been received, and to procure the same at the expense of the State."

And it is further made the duty of the Governor,

"Within five days after receiving the said lists, to lay the same before a Privy Council, to be by him summoned for that purpose; and after casting up the whole number of votes from the several counties for each candidate, the said Governor and Privy Council shall determine the six persons who have the greatest number of votes from the *whole* State, for Representatives in Congress of the United States from this State, and forthwith commission them," &c.

This, sir, is "*the law and the prophets,*" and substantially all the law that bears on the case. And now for the facts: By the laws of New Jersey, her members of Congress are elected the year preceding the Congress in which they take their seats. The second Tuesday, and the day following, of October, 1838, were the days on which the election was held for the members of this Congress. Two sets of candidates were nominated, as provided by law. Messrs. DICKERSON, VROOM, RYALL, COOPER, KILLE, and FORCE, were the Democratic candidates; Messrs. AYCRIGG, MAXWELL, HALSTED, YORKE, STRATTON, and RANDOLPH, were the Federal candidates, six Representatives being the number to which New Jersey is entitled. The polls were open at the legal hour in the different townships. The elections were conducted in a fair and proper manner; legal votes were received, and spurious ones were rejected. The polls were closed at the proper hour. The voice of the sovereign freemen of New Jersey was expressed, and that expression deposited in the ballot boxes. All that remained to be done was the public promulgation of that voice through the mediums provided by law. Those provisions were carried into practice, in conformity with the *spirit* and *meaning* of the law, and according to its letter, except in the cases which I shall name hereafter. The township election officers made their returns to their respective county clerks. The several county clerks made their returns to the Governor; and the returns made and now on file of office, in the office of the Secretary of State, and in his possession, show that the Democratic candidates had as follows:

Philemon Dickerson has	-	28,453 votes.
Peter D. Vroom	-	28,492 "
Daniel B. Ryall	-	28,441 "
William R. Cooper	-	28,456 "
Joseph Kille	-	28,427 "
Manning Force	-	28,314 "

The Federal candidates had as follows:

John B. Aycrigg	-	28,294 votes.
Jno. P. B. Maxwell	-	28,383 "
Wm. Halsted	-	28,366 "
Charles C. Stratton	-	28,396 "
Thomas Jones Yorke	-	28,321 "
Joseph F. Randolph	-	28,427 "

Consequently, by the practical operation of the simple rule of subtraction, it is reduced to a mathematical certainty that

Mr. Dickerson's majority over Mr. Aycrigg is 159 votes.

Mr. Vroom's majority over Mr. Maxwell is 109 votes.

Mr. Ryall's majority over Mr. Halsted is 105 votes.

Mr. Cooper's majority over Mr. Stratton is 60 votes.

Mr. Ryall's majority over Mr. Yorke is 106 votes.

Mr. Randolph's majority over Mr. Force is 113 votes.

Mr. Randolph, one of the Federal candidates, ran over his party strength, and Mr. Force ran behind his party strength. Consequently, the tables which I exhibit show Mr. Randolph to have a small majority over Mr. Force. The statement which I have now exhibited, is true as holy writ; and I will prove it as clear as the unclouded sun at noonday, to every man in this Union, who is not as blind with party poison as a copper-head in dog-days. As a part of that proof, I have exhibited the certificate of the Secretary of State, with his official signature, and his seal of office annexed; and I have shown the importance of that office, and the responsibility of that officer. I now proceed to exhibit further evidence, to show the correctness of the conclusions to which I have arrived, and to establish the truth of the assertions I have made; evidence which is indisputable, and that which no man will deny, who regards his reputation for consistency, truth, and sincerity. I proceed to show, as well the fact that Messrs. Aycrigg, Maxwell, Halsted, Yorke, and Stratton, are not elected to this Congress, or that Messrs. Dickerson, Vroom, Ryall, Cooper, and Kille, are, and the evidence which shows the latter to be elected, shows the former not to be. I now exhibit the return of the clerk of the county of Middlesex, as made at first, in which the township of South Amboy is omitted:

The following is an accurate copy procured from the proper authority:

"*A List of Votes taken in the County of Middlesex on the ninth and tenth of October, A. D. 1838, for Members of the Twenty-sixth Congress of the United States, as received at the Clerk's office from the Judges and Inspectors of the several Townships, pursuant to law.*

| Townships. | | |

The matter stands thus: By the whole returns of the State, except the townships of South Amboy, in the county of Middlesex, and Millville, in the county of Cumberland, is, (average vote) for Messrs. Aycrigg, Maxwell, Halsted, York, and Stratton - - - - - 28,150
For Messrs. Dickerson, Vroom, Cooper, Kille, and Ryall - - - 27,951

Which gives Messrs. Aycrigg and Co. a majority of - - - - 199

But when we read the votes of the township of Millville and South Amboy, the tables are turned. There they are—look at them.

The following table exhibits the result of the election, had the votes of the townships of Millville and South Amboy been counted.

	Gen. list.	Millville votes.	S. Amboy, do.	Total.
Dickerson,	27951	206	296	28453
Force,	27813	205	296	28314
Vroom,	27990	206	296	28492
Ryall,	27939	206	296	28441
Cooper,	27954	206	296	28456
Kille,	27925	206	296	28427
Aycrigg,	28150	100	44	28294
Maxwell,	28239	100	44	28294
Halsted,	28192	100	44	28383
Randolph,	28283	100	44	28427
Stratton,	28252	100	44	28396
Yorke,	28177	100	44	28321

By this table it is seen that Mr. Dickerson's whole vote is - - - 28,453
Mr. Aycrigg's - - - 28,294

Mr. Dickerson's majority 159

Mr. Vroom's whole vote - - 28,492
Mr. Maxwell's " " - - 28,383

Mr. Vroom's majority 109

Mr. Ryall's whole vote - - 28,441
Mr. Halsted's " " - - 28,336

Mr. Ryall's majority 105

Mr. Cooper's whole vote - 28,456
Mr. Stratton's " " - - 28,396

Mr. Cooper's majority 60

Mr. Kille's whole vote - - 28,427
Mr. Yorke's " " - 28 321

Mr. Kille's majority 106

This expose brings us to the indisputable and incontrovertible fact that I asserted when I commenced this investigation, as set forth in the table which I before exhibited, viz:

That Mr. Dickerson's majority over Mr. Aycrigg is 150 votes.

Mr. Vroom's majority over Mr. Maxwell is 109 votes.

Mr. Ryall's majority over Mr. Halsted is 105 votes.

Mr. Cooper's majority over Mr. Stratton is 60 votes.

Mr. Kille's majority over Mr. Yorke is 106 votes.*

I have shown that an election was held in the State of New Jersey for the election of Representatives to the Twenty-sixth Congress; that it was held at the proper time is not denied; that it was held in the proper manner, as prescribed by the Constitution and the laws of New Jersey, is not denied; that the officers of election for the several townships were legally and properly qualified to officiate as such is not denied; that the polls were opened and closed at the legal hour is not denied; that the election, so far as the reception and record of votes by the election officers of the several townships, was fairly conducted, is not denied; that voters who voted were qualified and entitled to the elective franchise is not denied, (except for the mere purposes of quibble,) and that the returns by the township clerks to the county clerks, and from the county clerks to the Governor, has been made in conformity with the *meaning* and *spirit* of the Constitution and laws of New Jersey. And by these returns I have shown that Messrs. Dickerson, Vroom, Cooper, Kille and Ryall have a majority of all the votes given at the election. And why are they not now occupying their seats, and taking a part in the discharge of their duty as Representatives from the *State of New Jersey?* Sir, I will go on to expose the reasons, and I undertake to say that the development will unfold more fraud, foul iniquity, and barefaced villany than has been practised, or attempted to be practised, in any place or at any time since the formation of this Government, to prostrate the right of suffrage, and violate the purity of the elective franchise; and this in open violation of law, which the actors had taken a solemn oath to sustain, and which it was their official, political, and patriotic duty to have sustained, without regard to that oath? I proceed to disclose: It is said that the returns from the townships of South Amboy and Millville, not having been made to the clerks of their respective counties in due *form*, within the proper *time*, ought not to have been counted by the Governor and Council; and upon this miserable, diminutive, and squeaking quibble, rest the claims of the usurpers. What are the facts, as disclosed by the evidence on your table, and which has been read to this body?

I read from the Democratic Review, a faithful work, which ought to be in the hands of every Democrat in this Union:

The South Amboy return was made up in due form, except that it was not signed by the clerk of the election, and that no certificate of the election of James M. Warne, as one of the inspectors, he having been duly elected to that office on the morning of the first day of election, was sent with the return. The return was delivered to the clerk of the county on the twelfth of October, by Mr. Wood, the clerk of election; he states, under oath, that he delivered it on that day to Mr. Booraem, and "asked the said Nicholas Booraem if it was correct, so that if it was not it might be made correct, to which the said Nicholas Booraem replied, as this deponent believes, that *it was all right*, and proceeded to take down the votes for members of Congress from off the said certificate along with the returns of other townships, before deponent left the office." And the fact is that he did, in the first official list prepared by him, include the South Amboy return, for Mr. Steele has deposed that Booraem showed him the official list, with all the townships in it, on the *fifteenth*, in the clerk's office.

The first return from Millville was informal in two or three particulars; but the only objection to the *second* was, that it was received *six hours* after the appointed time, though *four days* before the county clerk actually made up his return for the county. For the second return for Millville was delivered to the clerk at 11 p. m. on Saturday, the thirteenth of October, and his return to the Governor is dated the seventeenth.

The grounds, therefore, upon which these returns were rejected are:

1. For want of the signature of the clerk of election; and
2. For want of a certificate of the election of an inspector in South Amboy; and
3. Because received six hours after time in the Millville case.

The e are good grounds for refusing to count the votes of Millville and South Amboy! But you dive to the depths of research and you can find no other reason to justify the reason why they constitute *good ground* for refusing to count them than that they return a *Democratic majority*; and so say virtually the Governor and Council.

For upon examination of the official returns from all the counties on file in the Secretary of State's office in New Jersey, it appears that no certificate of the election of the person who acted as judge in Dover township, *Monmouth* county, was received in time, and that no lawful certificates of the election of either judges or inspectors in Shrewsbury or Dover townships, were ever received by the county clerk. In *Burlington* county the returns of the townships of Burlington, Washington, Chesterfield, New Hanover, and Little Egg Harbor, were neither of them signed by the clerks of election; the return from Mansfield township was without the signature of the clerk and one of the inspectors; and that from Chester township was received open and unsealed; and in Somerset county no certificate was ever filed with the clerk of the election of William Parker, who appears, by the returns, to have acted as one of the inspectors in Franklin township.

Yet the returns from all these townships, though accompanied with the evidence of these informalities, were received and counted.

Shrewsbury gave a Federal majority of				63
Dover	"	"	"	246
Burlington	"	"	"	17
Washington	"	"	"	138
Little Egg Harbor	"	"	"	65
Mansfield	"	"	"	9
Chesterfield	"	"	"	52
New Hanover	"	"	"	34
Chester	"	"	"	18
Franklin	"	"	"	207
Making a total of				849

Thus, while the township returns of South Amboy, giving a Democratic majority of two hundred and fifty-two, were rejected for want of the signature of the clerk, and the certificate of the election of an inspector, and the returns of ten Federal townships, giving a Federal majority of eight hundred and forty-nine votes, though all wanting one or both the requisites adjudged vital in the Amboy case, or some other equally important, were received and counted.

Here, sir, you have fraud in its naked deformity, unsophisticated and unburnished; political corruption and robbery perpetrated in open day, while the sun is at meridian, and in the wakeful face and staring countenance of all living. Yes, sir, open-handed, unblushing, and unconcealed treason, of the most alarming and dangerous character, and which would justly hang its perpetrators by the neck until they were dead, dead, dead, in any other time than when the political atmosphere is distempered and poisoned with party ambition, an indomitable love of power, and moral depravity. My language is strong, and, perhaps, offensive; but the crime I am exposing is stronger, and more offensive. It is no less than a bold, depraved, and open attempt to prostrate the elective franchise, and thereby subvert the Constitution and overthrow the Government. Can any language be too strong to denounce such a desperate, daring, damning attempt? "*But the returns were not made in time.*" Why were they not made in *time?* The law which I have read specifies no *time* when the Governor and Council shall proceed to count up the votes, etc. other than that they shall proceed, etc. within five days after *receiving* the lists, etc. The Legislature of New Jersey, with reason, contemplated the possibility that the clerks might not send up the returns within the times specified by law. They therefore wisely defined no *time* when the Governor and Council should proceed to cast up the votes, etc. other than the time, viz: "*within five days*" after the *time when* all the lists should be returned. But the Legislature further contemplated the possibility that not only the lists might not be returned within the *time* defined by the law, but also that the clerks might fail to make the returns at all. The law, therefore, provides that if the clerks shall fail to make returns within the *times specified*, it shall be the duty of the Governor to send *forthwith*, at the expense of the State, for the returns so neglected to be made; and yet, it is urged as a reason that the votes of South Amboy and Millville should not have been counted, because the returns were not made in *time*, when the very reason that they were not made in *time*, has its foundation in the failure of the Governor to do what the law commanded him to do, and what his office and oath bound him to do, and in refusing to do which he violated both.

Sir, there is no means left for the Governor or his partisans to get him out of the difficulty and disgrace in which his conduct has involved him, except ignorance of his *duty* or the *law*, which he was *bound* to know. Ignorance or fraud is the horn of the dilemma on which he dangles, make the best you can of it: both inexcusable and unpardonable in a political, legal and civil sense. And this he virtually admits himself, in the following communication, which I now ask leave to read, and to which I shall have occasion to refer hereafter. In the Governor's opinion to his Privy Council, he says:

"What does the law direct the Governor to lay before the Privy Council? *The said lists*, referring manifestly to the lists transmitted by the county clerks, which has been mentioned immediately before. What are the Governor and Privy Council to do with the lists thus laid before them? They are to cast up the votes. When this is done, what are they to determine? Who are entitled, under all the circumstances, to the seats in Congress? No, but they are to determine 'the six persons who have the greatest number of votes.' No language can be plainer. Was it ever intended by our laws to make the Governor and his Privy Council the arbiters of an election? There is no power conferred on us to examine a single witness, to send for persons or papers, or to take one step towards a judicial investigation. If we may go behind the returns of the county clerks to those of the township officers, why should we stop there? We may, by the same authority, and with equal reason, undertake to examine the proceedings of those township officers at the polls. Who has ever dreamed of a Governor and Privy Council of New Jersey setting themselves up to decide on any of these matters? They always have been, and from the very words of the act must be, confined to the clerks' returns, and to the duty of *casting up* the votes.

"But it will be asked, with force and propriety, is a candidate to lose his seat in Congress because a county clerk does not make a return of the votes? Certainly not. If, through inadvertence or by design, any votes have not been returned by the clerks, it is in the power of the House of Representatives, in their discretion, to allow those votes and give the seat to the person who, with those votes, may be elected. All representative assemblies possess and continually exercise the right of

*No notice is taken in this estimate of the votes of Mr Force, the Democratic candidate, or Mr. Randolph, the Federal candidate. It is given up that Mr. R. was elected by a small majority over Force.

deciding who is entitled to a seat in them. We give the certificates to the persons who may appear, by casting up the clerks' returns, to have the greatest number of votes; we are, by law, obliged so to do; but the House of Representatives may go further, and inquire whether any votes have not been returned and counted, and if such be the case, may allow them in their discretion. Our laws evidently contemplate such a state of things, for they require the township officers to make out a duplicate certificate of such election, and to file the same with the town clerk, 'to be used as occasion may require.' It would be to me a most painful reflection, were I to believe that the restraints under which we are placed by the law, of not going beyond the certificates of the county clerk, would deprive any candidate of his ultimate rights. I declare here my earnest wish, that before the proper and constitutional tribunal for deciding the matter, each candidate may have the full benefit of every legal vote he may have received at the election."

Let it be remembered when the above expose was made, and the admissions therein submitted, it was more to allay public indignation, which was howling round him like a tempest. In the first paragraph of this expose, which is devoted to defining the duties of the Governor and Privy Council, it will be perceived in relation to elections, that one of the most important duties that devolves on the Governor, viz. that of sending for the polls when the clerks fail to send them up within the time specified by law, is not hinted at, which he failed to discharge in this case, and which, if he had performed, would have saved all the trouble of this hypocritical and metaphysical definition of duty, and Messrs. Dickerson, Vroom, Cooper, Kille, and Ryall would now be in their seats, representing the "*sovereign State of New Jersey*," in conformity with the voice of her freemen, as expressed through her ballot boxes on the "*second Tuesday and the day following* of October, 1838." I say it is the withholding of this duty in the above definition; and whether it was the fault of stupid ignorance or corrupt design, perhaps his friends can answer.

But, sir, the returns *were* before the Governor and Privy Council, and were acted upon by them; but were set aside, not because they were not made *in time*, merely, but because they were not made *formal* in *time!!* All this objection for want of time and formality in the returns of Millville and South Amboy would have been regarded as a quibble worthy of a contemptible pettifogger, if, when opened, they had displayed the glorious intelligence of a Whig victory. Yes, sir, all such objections would have been scouted and sunk into nothingness; but as they unfolded the astounding and prostrating intelligence that a Democratic victory had been gained; that Federalism was overthrown, and routed horse, foot and dragoons, the objections were insurmountable in the eyes of the *conscientious Governor* and his partisan Privy Council, and of this we have proofs in the reception of the informal returns of the Federal townships, to which I have referred. Sir, I am done with the history and the facts of this case, only as I may have to refer to them incidentally. I have stated no fact in its exposition, in which I have not been sustained by proof indisputable and incontrovertible, and there is no reason why Mr. Dickerson and his associates should not *now* take their seats; no substantial reason exists why they should not have taken their seats at the commencement of the session. The Constitution of the United States, the laws of New Jersey and the policy of this Government, which secure the election to the man or set of men who have the greatest number of votes in an election, shall be the member or members returned, shall be entitled to be sworn, and take his or their seat or seats. Mr. Dickerson and his associates are these men. Sir, much complication has been thrown around, and much perplexity interwoven in this question, whereas there is but one simple, plain proposition involved, and that is the question of *return*. Who has the State of New Jersey returned to the Twenty-sixth Congress of the United States? Is it Mr. Dickerson and his associates, who have received "*a majority of all the votes in the State*," and who have now on our Clerk's table indisputable evidence of the fact, and who were the favorite candidates of the *people*, or is it Mr. Aycrigg and his associates, who have received a minority of all the votes in the State, as the proof on our Clerk's table shows conclusively, and who are but the favorite candidates of a corrupt Governor and a Federal partisan Privy Council, who claim seats here merely by virtue of a Governor's certificate and a *broad seal*. The question I say is a question of return merely, and involves no other principle.

The Constitution of the United States, art. 1, sec. 2, declares that "the House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." "No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen." It also declares, in section 4, that the times, places, and *manner* of *holding elections* for Senators and Representatives, shall be prescribed, in each State, by the Legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators." And, in section 5, that "each House shall be the judge of the elections, returns, and qualifications of its own members." This is the whole of the provision of the Constitution of the United States on the subject.

I repeat, that no question but that of the returns is involved; none other claims our consideration for a moment. The fifth section of the first artiele of the Constitution here read, provides that each House shall be the judge of the election, returns and qualifications of its own members. A question might present itself in which the returns, qualifications, and elections might all be involved. But in this case no such question is presented. The *qualifications* of the members presenting claims are not doubted; they all come up to the standard of the Constitution. The mode and manner in which the election was conducted came up to the standard of the laws of New Jersey; there is no real objection on that subject. So there is no question of "*election*" involved. It is the returns alone upon which this House is called upon to act. Strip the subject of all the complication in which it has been unnecessarily involved, and the question simply turns upon the power of the Governor's certificate, with the *broad seal* annexed, and the power of the ballot box. If the verity and power of the Governor's *broad seal* and certificate convey with them more political, constitutional, and legal omnipotence than the voice of a majority of the freemen in New Jersey, then is Messrs. Aycrigg and company entitled to seats in this Congress. But if the voice and suffrage of the people are to prevail, then give Messrs. Dickerson and company their seats. We have been read many loud and long lessons on the importance, value, and power of the broad seal of New Jersey, and the precedents in favor of the verity and solemnity attached to the broad seal, and of the vast importance of strict and unyielding adherence to precedent in support of the regard due to the *broad* seal. This stuff has been hammered into me until I am benumbed. *Fundamental law, fundamental principles, common law, usages, customs,* and *precedents* have been harrowed up from the rust and ashes of antiquity back to the dark and barbarous ages of the Norman conquest, and arrayed in support of the vast, omnipotent and divine importance which is made to attach to Governor Pennington's certificate and the *broad seal* of New Jersey. Now, sir, all the thanks that I have to return for all the labor of mind and body spent in this behalf, is, that I have a most sovereign and indignant contempt for common law, fundamental law, *broad* seal, precedent, and company; only as they go to support the plain principles of common sense—the principles of right, justice, and political freedom. Sir, I have the candor to acknowledge, that if I can maintain the character of possessing common sense, and an intention to do justice, it is the height of my ambition. I will never tax my brain with the investigation of abstruse, abstract, and fundamental principles, common law, precedent, &c. If the effect of such an investigation is to force upon me such conclusions and principles as have been advanced in this contest, I will leave such an investigation with those who smother and trample under foot the voice of sixty thousand freemen, by the omnipotence attached to a Governor's certificate and a *broad seal*. If the effect of such kind of learning and metaphysical research is to so far corrupt the heart and distemper every patriotic feeling, as to induce him who possesses it to prostrate the Constitution, nullify the spirit and meaning of the laws, and overthrow the freedom of the elective franchise, I beg to be excused from such learning and such research.

But we are asked how we can look behind the Governor's certificate and the broad seal? Are we going to blot out the State of New Jersey from the Federal Union? Are we going to pluck out one of the stars from the political firmament of this Government? Are you going to annihilate one of the old thirteen States of this Union, who poured out her blood like water in the Revolution? which you will do, if you disregard her *broad seal*, which is the evidence of her sovereignty? Sir, this is all flummery and fog. The sovereignty of New Jersey does not consist in Governor Pennington, his *broad seal*, or his certificate; nor is either of them, or all put together, in this case, evidence of her sovereignty. The certificate is a fraud and a falsehood, and the broad seal is but the evidence of the official character of him who perpetrates the one and asserts the other. Our effort is to maintain the sovereignty of New Jersey and her elective institutions, and the voice of her freemen, by preventing all from being sacrificed at the shrine of Federal corruption and the love of power. When, from absolute necessity, General Jackson declared martial law in the city of New Orleans, and suspended the writ of *habeas corpus*, and thereby saved the city from pillage, plunder, slaughter, and destruction, the Federal yelp was raised, loud and long, that it would have been better that New Orleans had fallen into the hands of the enemy, and Louisiana sunk, than that martial law should have been declared. It was a stroke of military despotism more dangerous and fatal in its character to the free institutions of this country and this people, than to have sunk New Orleans and Louisiana with her! What is the attempt we now see by the same party? no less than to overthrow the suffrage of sixty thousand freemen, to the end that credence may be given to a *broad seal*, evidencing nothing but the official character of the manufacturer of a false certificate! But we are told that the Governor's *certificate*, with his *broad seal*, is "*prima facie evidence*" that those who have it are truly elected, and we are bound to admit them as members until the converse is proven. What do we care about *prima facie* evidence, when we are in possession of the evidence itself. We have had read to us, and now have in our possession, the best evidence—evidence that proves conclusively that those who possess the *prima facie* evidence of their election were not elected. Of what value would be a certified copy of a record as evidence in a court of law, if the court were in possession of the original record itself? It would be the first and highest evidence; and such is the evidence *we* possess to support and prove the fact that Mr. DICKERSON and his associates are members of this Congress. But in the face of all this, the *prima facie* evidence is urged upon us.

The reasoning of gentlemen of the Opposition, reminds me of a small book I saw and read when I was a boy; it contained a system of logic. I never studied logic; I am ignorant of it as a science; and thought but little of this book at the time I read it; but the whole course of reasoning of the *learned party*, comes precisely up to the standard of the logic of that little book; and, indeed, there has been no other illustration of logical principles in this discussion on the part of the certificate, *broad seal* and Pennington men, than was illustrated by the work in question; and if the author's logic was not good and sound, it has, at least, the advantage of being popular.

The author reasoned thus: "*Gentlemen wear boots. Mr. A. B. wears boots, therefore Mr. A. B. is a gentleman.*" "*Ladies wear corsets. Miss A wears corsets, therefore Miss A. is a lady.*" Now, sir, gentlemen of the learned party here reasoned thus in this contest—members of Congress have a Governor's certificate, with a broad seal. Messrs. Aycrigg and company have certificates with the *broad seal*, therefore, Messrs Aycrigg and company are members of Congress. Now, sir, I deny the soundness of the logic. The reasoning is unsound, and the conclusions are false. I know men who wear boots who are not gentlemen; and so very common is it for every description and character of men to wear boots, that *boots* no longer afford even *prima facie* evidence of a gentleman. I know girls and women who wear corsets that are not ladies, and, indeed, it is so common for women to wear cor-

sets, that corsets are no longer *prima facie* evidence of a lady; and, sir, I have even known ladies to be without corsets.

I know men who have a certificate with the *broad seal* who are not members of Congress; and, indeed, so common is it becoming, that a certificate with the *broad seal* is no longer *prima facie* evidence that he who bears it is a member of Congress.

But we have been told more than a thousand times this is a *broad seal*—"*the broad seal of New Jersey.*" This seal is not the track of a calf's foot; no, sir, it is the track of an ox's foot. When it is slapped down, it makes a splash like the elephant's foot in a wet day. Sir, it must be as broad as the foot of Milton's devil, when he was cast out of heaven, which covered ten acres of ground; yes, broader, for Governor Pennington's certificate and *broad seal* covered the whole townships of South Amboy and Milliville, and nullified the entire vote of both, the surface of which I take to be equal to that of the original surveyed townships of the West, which I believe are each six miles square, which would be a surface of seventy-two square miles. This is going the whole in nullification. But, sir, we are implored to the support and defence of the *broad seal*, because it had its origin in ancient times, and has in its character the solemnity of antiquity. Sir, in my estimation, its power and character diminish by its antiquity. I believe the kind of seal in our use can be traced no farther back than the close of the Norman conquest, and if that is the time of its beginning, its antiquity is but a poor recommendation in its behalf. It had its invention and origin in the days of darkness, ignorance, and barbarity, when human ingenuity was concentrated upon the invention of arms, and when the most valuable human requisitions consisted in the skilful and dexterous use of those arms, and the most skilful and successful mode of carrying on a barbarous warfare; when letters were unknown, and science and philosophy were held in contempt. This was the origin of the *broad seal*. It was used to signify the intent to confirm a contract, and convey real estate in fee simple, for a time, or in trust; and the seal itself consisted in making a scrawl on parchment, which was not unlike the mark on paper which a spider would make in its escape from the contents of an inkstand. So much for the antiquity and invention of the *broad seal*, upon the solemnity and sacred preservation of which depends the preservation of the *sovereignty* of New Jersey, and without which her government must be overthrown, and she blotted out of the Federal Union! But, sir, I am unwilling that the broad seal shall enjoy the benefit of the character for antiquity which the learned party here are disposed to attach to it. I think the antiquity of the *broad seal* will have to commence with the reign of the Prince of Orange, who assumed the administration of England on the abdication of the throne by King James. Soon after James the Second came to the the throne he manifested a disposition to patronise and support, by his royal influence and revenue, the cause of the Roman Catholic, to the prejudice and exclusion of that of the Protestant religion, and to such an extent did he carry his measures that the nation became alarmed and commenced operations with a view to put a stop to those innovations upon their civil and religious liberties; and such was the general feeling and indignation manifested that King James, fearing a civil revolution and the loss of his head as well as his throne, in turn became alarmed, and gave his Government and throne "leg bail" for security; and it seems that he attached the same kind of consequence to the *broad seal* gentlemen here do, for he took it with him in his flight to France and cast it into the river Thames, thinking thereby to submerge the English Government, and with it all her political, civil, and religious institutions; so that if it is intended that the *broad seal* shall enjoy the benefit of antiquity from the close of the Norman conquest, gentlemen will have to devise some means to procure it from the bottom of the Thames, otherwise they will have to commence its antiquity with the abdication of King James. But the reasoning of King James in relation to the effect of the loss of the broad seal was about as fallacious as the reasoning of gentlemen here in relation to the effect upon the sovereignty and institutions of New Jersey, by a violation of her *broad seal*. The English Government was not submerged either by throwing the *broad seal* into the Thames or the abdication of King James. All the civil institutions in the Government continued their operations. The judicial functions were continued, civil magistrates and ministerial officers continued to discharge their duties. Little or no change was effected, or violence perpetrated; some few Roman Catholic institutions were prostrated, and Feversham disbanded the troops in the immediate neighborhood, without either paying them or disarming them; and these were about the consequences. The bishops and peers, who were then in town, being the highest remaining authority in the State, (for the *Privy Council*, composed of the king's minions, and his creatures, was totally disregarded and held in contempt,) assembled; they chose the Marquis of Halifax their Speaker. They gave directions to the judicial, civil and ministerial departments to continue in the discharge of their several duties. They reunited the army, and issued orders, which were obeyed, to the fleet, the army, and all the garrisons, and at the same time placed the Prince of Orange, the next of the blood royal, on the throne, and the Government went on as before. And this is all the effect that both the loss of the *broad seal* and the abdication of the throne had on the Government of England. What disastrous consequences have we to fear, then, to the sovereignty of New Jersey, when our course is to secure justice to her citizens, and stability and freedom to her institutions.

Such fanatical and superstitious attachment to the *broad seal* is worthy the slavish land of precedents, aristocratic customs and despotic dogmas. When in the reign of George III the broad seal of England was stolen from the high Chancellor, a question was entertained and discussed, whether the thief who stole the *broad seal* was not the King, *de facto*, of England, and George III merely King *de jure*; nor is the *broad seal* of New Jersey entitled to the solemnity which gentlemen here attach to it, from antiquity. If I mistake not, history authorizes me to say that the Governor of the colony of New Jersey was a tory in the Revolution, fled his country, and bore the broad seal with him; so gentlemen must limit the antiquity of this broad seal to the State organization of New Jersey. This is not the first time the *broad seal* has been used for the base purposes of fraud. The Earl of Essex, in the reign of Elizabeth, counterfeited the *broad seal* of England, and thereby seized many large estates, which he enjoyed for some years before the fraud was discovered.

Sir, during a part of my remarks on the *broad seal* of New Jersey, and the fanatic attachment of the learned of this House to it, a gentleman, who sat in the gallery, made notes of what I said; he turned a portion of those remarks into rhyme, and presented it to me—here it is. To the end, that some future use might be made of it, I was desirous to prefix a tune to which it might be sung. Finding my own poetical and musical abilities insufficient (for I have no poetical talent, nor have I any turn for music, save that I sometimes draw the horse's tail across the catgut, and squeak out a little music for my own amusement, not for any other person's,) I applied to my little son Thomas, (a boy ten years old,) who is a musician, and I fear has a talent for poetry, (I fear so, for I have seldom known a native musician and poet that was good for any thing else) to assist me. He took hold of the paper, and, counting the syllables of the first two lines of the verse, instantly applied the

AIR—"*Jim Brown.*"

When England's Third George madly ruled o'er the land,
A thief stole his seal from the Chancellor's hand;
And quibblers in crimson, and vicars in lawn,
Asked, who was the King, when the broad seal was gone?
And some were so simple—ay, passing belief—
As to say that the sovereignty lodged with the thief;
That George was a sovereign—*de jure*—alone,
While the thief with the seal was, *de facto*, the *Throne*.
But, excepting this time, since the days of King James,
When he threw the great seal in the midst of the Thames,
No child e'er conceived, tho' his sire was an ass,
That sovereignty lived in a circle of brass;
That Liberty nestled in lumps of red wax,
Affixed to dead leather from *bellweather backs*,
Till Pennington's seal, with its *plough* and its *steer*,
Was shown as the *presence of sovereignty* here.

Yes, yes: it was left for the wise of our time,
To *second* an *error* so grand and sublime.

True, Essex the Earl, in Elizabeth's time,
Counterfeited the seal of his sovereign for crime,
And many a broad belted Earldom he gained,
And with the strong hand of a noble retained;
But at last Gaffer Time, that old mar plot, revealed
What Essex so long from the nation con-*cealed;*
And back to the owners the lands were returned,
While the records were crossed, and the title deeds burned.

The seal of New Jersey, tho' good in its way,
Is not half so ancient as many folks say.
When a province, and during the Third George's reign,
A tory her Governor long did remain;
But finding, at last, revolution was brewing,
And fearing the quid they designed for his chewing,
He cleared, with the seal in his pocket—oh, fie!
And left *its antiquity—all in my eye.*

Illustrious seal! thou art bigger, by half,
Than the head of a cat, or the foot of a calf.
An ox could not cover thee over, 'tis plain,
Milton's devil, to do it, would labor in vain.
He covered ten acres with only one foot,
But you covered Milville and Amboy to boot.
Yes, Milville and Amboy, and, sorrowful fate,
You palsied the popular will of a State.
But softly, my muse, thou art fast in thy zeal;
The lovers of freedom have palsied the seal.

Yes! spite of thy mighty defenders—Oh! brass
Impressed in red wax on the skin of an ass—
Thou art left for thy own sovereign people to scorn,
Though lovely art thou with thy *field of ripe corn;*
Thy ox and thy *husbandman* blush to be shown,
Declaring a fact which the people won't own;
Thy presence is evidence, only, that men
Can do with thy face what they do with a pen,
That is, they can use thee to solemnize frauds,
As wedding rings often are given to bawds;
But simpletons only will swallow for truth,
What apes would reject in the days of their youth.

Once, gentlemen, only, wore ruffles and boots,
And lovelocks and dickeys and superfine suits;
And ladies, alone, in tight corsets were seen,
In dancing saloons or in walks on the green;
And members of Congress, alone, were revealed,
By writings on parchment, by Governor's sealed;
But now many loafers in boots walk the street,
And woman—not ladies—in corsets we meet;
And men claiming seats in the halls of the land,
With sovereignty *waxed* in the gripe of the hand,
Whose rights to the same scarcely equalled the brutes
Who furnished them parchment and wool for their suits.
But reason looks down from her mountain top throne,
And passing the boots, takes the decent alone;
And throwing the corsets and signets behind,
Takes ladies for ladies and members in kind.
Then hey for the age, when the mark of a dolt,
Though broad as an ox or as small as a colt,
Is passed by the free, for the facts of the case,
And parchment and wax to the people give place.

But, sir, in all these arguments and conclusions in favor of the rights of the *people* of New Jersey, to the exclusion of her *broad seal*, which has been on this occasion used to prostrate them, we are met with the all omnipotent objection of PRECEDENT. Sir, we have been hammered with precedent! precedent! until we are all beaten into stupidity. Sir, I hold in my hand the Constitution and its amendments, and the whole put together is not larger than a child's primer, and its easy comprehension resembles the contents of the book it in size represents. Its brevity depends upon the simplicity and clearness of its provisions and propositions, and the whole most happily displays the powerful minds and clear comprehensions of those who framed it. Every sentence in it shows that its authors meant what they said, and said what they meant, and no more. Hence it is that the Democracy of this country, entertaining this view of the Constitution, deny to the Federal Government the right to exercise any power not expressly authorized by the Constitution. And yet, simple and plain as it is, adapted, as it is and as it was intended to be, to the most common unlettered understanding, not a question can come up here that has any connection, mediate or immediate, with the Constitution, but we are led into the labyrinths and mazes of antiquity for precedents to illustrate it. We have our uncomplexed Constitution; we have, what we suppose to be, our plain, simple, and well understood maxims, customs, and institutions, that all are supposed to understand, and all of which have an analogy to our Republican Government, by which we live and by which we hope to die. But, I repeat, that a question can hardly be raised here, but what we are driven, for its illustration, into the dark, damp, winding labyrinths of antiquity for precedents, which, when found, only serve to involve us in the fog and the mazes of metaphysical jargon. Sir, I, as an American citizen, hold myself bound by none of them, only as they illustrate truth and maintain justice. Our gallant ancestors,

by a bravery and patriotism which shall ever be the subject of shout and song, threw off their allegiance to the throne and Government of Great Britain. They broke the chains and burst the shackles that bound us to an order of despotic dogmas and a set of aristocratic maxims; and I hold that all obligations have been cancelled, and we are now free. But gentlemen say, "No: we are bound by precedents." Sir, we might as well be under the mandates of her Britannic Majesty, as to have all our own free and simple institutions overthrown by the aristocratic precedents common to England. To little effect did our ancestors battle for independence, and to as little effect did they ply their patriotism and skill to rear a Government of free institutions, if the divine right of *king precedent* is to dictate laws, and enforce his despotic *usages* upon us, to the exclusion of our own Constitution and laws, and in the teeth of common sense, and the plain principles of justice. Why, sir, one would be led to believe, from the vast consequence attached by gentlemen in this discussion to precedent, that it is the prerogative of *precedent* to not only control the civil action of the living, but to judge the dead. Sir, such dogmas may suit such as occasionally amuse and delight themselves in pronouncing eulogies, such as did the gentleman from South Carolina, [Mr. THOMPSON,] the other day, on the Government and institutions of England. We always have had a party in this country who have been a little more attached to the political institutions of England than those of their own country. For my part, sir, I have no love for the concern. I look upon their Government and all their political institutions as a rotten, corrupt, and despotic establishment, at war with every true native principle of human liberty; and most of their maxims and precedents incompatible with the simple institutions of our country. Their corrupt policy has bankrupted the nation, fastened shackles of slavery on their people, that will never be broken, and filled their continent with hungry, pinching, and naked beggars. Yes, sir, tombs of despotism and antiquity have been torn open, and the rotten and half decayed volumes of other ages and other centuries paraded forth to prove to the American people that the apostolic reverence due the worm-eaten carcass and gray locks of *precedent* demand that Governor Pennington's certificate and the broad seal of New Jersey, in the face of justice and truth, staring us in the teeth, and in the violation of the voice of a majority of sixty thousand freemen, entitles Messrs. Aycrigg and company to seats in this hall. As I have before said, the great question seems to rest in this simple inquiry, whether Governor Pennington's certificate and his *broad seal* shall secure to Messrs. Aycrigg and his associates seats in this Congress, or whether evidence, indisputable and now in our possession, of the fact that Messrs. Dickerson and his associates have had a majority of all the votes in New Jersey, shall entitle them to seats. The Opposition go for and sustain the certificate members, and we, the Democracy, believe in and support the force and power of the poll-books; that is, we go for and support the claims of the members elected by the *people*. The Opposition rely upon precedent to sustain their position, as I have before said. Now, sir, although no advocate for precedent farther than it will support justice and confirm right, I will, for the benefit of some gentlemen here, recite a few cases of precedent, which I think, from the character of their authority, will have a becoming weight, at least with those who are the authors of some of them. We go, I say, for the *polls*, and we were opposed to either of the contesting members participating in the organization of the House until we were in possession of the proper amount of evidence to decide upon their claims. And now for the precedents (modern, not ancient.) The first case of precedent I will present in favor of our position, is the case of Moore and Letcher of Kentucky, which occurred in 1834—a case involving precisely the same question and principles that this does, only that Moore, the *certificate* member, was a *Democrat*.

Mr. Aycrigg and his associates in this case are Whigs; and in *that* case neither of the parties were permitted to participate in the *organization* of the *House*. So far we are sustained in our refusal to permit Messrs. Aycrigg and his associates to participate in the organization of the House. But here comes the Whig opinions in that contest. Mr. DUNCAN read:

Mr. ALLAN, it will be seen, opened the question by objecting "TO THE RECEPTION OF THE RETURNS TRANSMITTED BY THE GOVERNOR OF KENTUCKY, AS BEING ILLEGAL AND NULL;" and the ground upon which he declared the certificate illegal and null, was one which did not appear on the face of the certificate itself, nor in any official document of the Governor of Kentucky, but which does appear in an official communication of the Governor of New Jersey in regard to the certificates given by him to the minority candidates there. It is "THAT THEY [the returning officers] HAD NOT COUNTED ALL TH; VOTES."

Mr. CHILTON of Kentucky, another Whig member, said that "THE SOLE QUESTION WAS, WHETHER THE CERTIFICATE WHICH HAD BEEN PRODUCED WAS OR WAS NOT OF A LEGAL CHARACTER." He insisted it was not, because the law had not been "COMPLIED WITH"

Mr. MARSHALL contended that the certificate was void, "BECAUSE IT DID NOT CONTAIN EVIDENCE OF THE MAIN FACT—WHAT WAS THE CHOICE OF THE PEOPLE OF THE DISTRICT. THIS WAS WHAT THE HOUSE WANTED, AND THIS COULD BE OBTAINED FROM THE LEGAL RECORD—THE POLL BOOKS—CERTIFIED COPIES OF WHICH ARE NOW ON THE CLERK'S TABLE."

Mr. ELLSWORTH (another Federalist) took the position "that the House would be governed by THE ACTUAL STATE OF THE BALLOT BOX," not by the Governor's certificate.

Mr. ADAMS assumed that "THE DIFFICULTY HAD ARISEN IN A FRAUD," and upon that question he "WAS PREPARED TO SIT AND VOTE UNTIL IT SHOULD BE SETTLED."

Mr. D. remarked that the doses that he now was administering were bitter doses. They nauseated the stomachs and sickened the bowels of gentlemen to whom they were administered. They were technically called drastic doses, by knights of the lancet; but sickening as they were, he hoped gentlemen would take them in confidence and good faith, as they, perhaps, would have the effect to cure that most dangerous and malignant disease with which they are affected, he meant the disease of *inconsistency*—a disease most calculated of all others to subvert the moral faculties, destroy every pretension to truth and justice, and overthrow a reputation for candor and sincerity. This disease has both its remote and proximate cause in a dropsical overflow of the foul waters of Federalism, and these were the best doses for such a malady. Moreover, the prescription is made by a regular built physician, not one who boasts of his professional skill at all, but one who has the *prima facie* evidence of his profession; that is, he has the parchment with the appropriate certificate, and that, too, in classic language, with all the diplomatic flourishes; the blue riband, and, what is of vastly more importance, the *broad seal* of a regularly and legally authorized and established medical college, of the good *old* orthodox order; none of your new fashioned root, vegetable, botanical, electromagnetic, Thompsonian, No. 6 institution. Then, sir, according to the doctrines advanced here, and the omnipotent consequence attached to *certificates* and *broad seals*, gentlemen must take in good faith the prescriptions of any one who has the *prima facie* evidence of the medical profession, though he be the greatest empiric that ever disgraced the order of the *lancet*. With his explanation, sir, I proceed to prescribe, and with the best hope of success.

Mr. BINNEY (another Federalist and lawyer of eminence) laid it down as a principle, that "THERE IS SOME WEIGHT IN THE POLLS, AND UNLESS IT WAS COUNTERACTED BY EVIDENCE, THE POLLS MUST STAND."

Mr. LINCOLN maintained the same principle. But the speech of Mr. BANKS, (one of the most honest, enlightened, and respected Federal members,) which was made upon a motion of his own to give Mr LETCHER the seat, after the first resolutions, given above, had passed, assumed the highest ground, and we think the true ground, after the House had rejected the Governor's certificate as not corresponding with the polls. He said, "THE MAJORITY OF VOTES DOES ENTITLE THE PERSON TO WHOM THEY ARE GIVEN TO HIS SEAT. MR. LETCHER SHOULD, THEN, IN OUR OPINION, BE CONSIDERED IN THIS TRIAL AND DISCUSSION AS IN POSSESSION OF HIS SEAT."

Mr. CHILTON of Kentucky said the sole question in the case was, whether the certificate which had been produced, was or was not of a legal character. The duty of the sheriffs was plainly pointed out by the law, and all to be decided was, whether they had complied with it or not. He then reviewed the certificate, and insisted that it was palpable that they had not. Not could he admit, as had been concluded, that though the evidence furnished by such a paper might be incomplete, yet it was the next best that could be obtained in the case, and therefore ought to be received. Would it be admitted in a court of justice, in a case where there were two witnesses to a fact, one of them competent, credible, and disinterested, and the other of an opposite character, that, if the first could not be obtained, the testimony of the interested witness must be admitted, because it was the next best? Surely not.

Mr. C. dwelt upon the dangerous consequences that must grow out of the reception of such a paper to the purity of elections, and the safety of the elective franchise.

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Mr. MARSHALL of Kentucky went into an examination of the certificate on which Mr. MOORE claimed, and insisted that no court of justice in the country would receive it as evidence under the law of Kentucky. The paper did not contain evidence of the main fact in the case, viz: what was the choice of the people of the district in question? This was what the House wanted, and this could be obtained from the legal record, the poll books; certified copies of all which were now on the Clerk's table. The certificate was only a substitute for these, admitted out of convenience; but if it was defective, then resort must be had to the records themselves—which were the very best possible evidence in the case.

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Mr. ELLSWORTH presumed that if either of the claimants could satisfy the House what had been the actual state of the ballot box, the House would be governed by that fact, and decide accordingly. This was not one of those cases where a majority of sheriffs could act for the whole. Had they certified that A B had been elected according to the votes of one county, could that be deemed sufficient? Surely not. Suppose they had certified the same according to two counties, would that be admitted? or of three? why then of four, when five counties had voted? would a certificate be admitted that a certain paper was the record of a court, *except one page*? This was just such a certificate.

In the House of Representatives, Wednesday, June 11, 1834, the case of the contested election of Messrs. MOORE and LETCHER being under consideration—

Mr. ADAMS said: There was no difficulty in the question; or, if there was, the House had already surmounted it, by deciding on all the questions of principle involved. What remained was easy; and if the House would only proceed as it had been occupied, they would arrive without difficulty at a just result. And he, for one, was prepared to sit and vote till it should be settled. *The difficulty had arisen in a fraud.*

Mr. BINNEY of Pennsylvania, remarked: Were the votes illegally received or illegally rejected? That was the first question. There was some weight in the polls; and unless it was counteracted by evidence, the polls must stand. If evidence was brought to counteract them, that evidence must be judged of as it was elsewhere—as it was daily judged of in the courts of justice; and when it had been weighed on both sides, the scale preponderating must be allowed to preponderate.

Mr. LINCOLN repudiated the idea of the decision being impracticable, or even difficult. All that was to be done was to lay down a just principle, and then try the items of evidence by it. A great outrage had been committed on the people and laws of Kentucky, and it was the duty of the House to vindicate those rights. Would the House consummate the very object in view of that sheriff who had fraudulently withheld the poll book! Would they become instruments to effect his purpose which was to defeat the election of Mr. Letcher? The House was bound to teach a lesson on that subject, which should prevent the repetition of such an outrage.

Extracts from the remarks of Mr. BANKS, *in the House of Representatives, May 20, 1834, on the contested election of Messrs. Moore and Letcher, of Kentucky.*

In my judgment, the majority of the votes entitled Mr. Letcher to the certificate of election. The certificate, *which was given for Mr. Moore, and forwarded to the Secretary of State, was not only irregular, but absolutely void.* It was not signed by all the sheriffs: it appeared, on the face of it, that all the votes given in the district were not compared and added up. It was proved that the Lincoln poll was withheld from the computation, in fraud of the law, in fraud of the rights of the electors of the district, and in fraud of the rights of Mr. Letcher. The certificate was signed but by three out of the five sheriffs in the district. It is a principle of law that we should presume that officers had done their duty, in absence of proof to the contrary. But this presumption cannot be made in favor of what is irregular on its face; much less can it be made in favor of that which is found to have been done in open violation of law and public duty. Nor, in my opinion, does this certificate derive any additional force from the fact that it was sent by the sheriff to the Secretary of State, and that it has been forwarded here. This does not cure the defects; this gives it no additional authenticity. It was, in the first instance, void, and, in my judgment, is still void. I do not think that it entitled Mr. Moore to his seat, and I believe a large majority of the members of this House entertain the same opinion.

The production of *a legal certificate* entitles the person in whose favor it is, to his seat, in the first instance. In the absence of this certificate, the polls are as high, if not the highest, evidence of the person elected in the first instance, subject, however, to be impeached. The majority of votes actually given entitles the person to a certificate. If no certificate is given, then the majority of votes does entitle the person to whom they are given to his seat. Mr. Letcher should, then, in my opinion, be considered, in this trial and discussion, as in possession of his seat, and Mr. Moore should be held to prove that the majority of legal votes was given to him, and not to Mr. Letcher. This he should do, by clear and satisfactory evidence.

This appears to be the obvious course which should be pursued. This puts the parties in the position in which the electors of the district have placed them.

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Here are Whig precedents and Whig opinions for you! Here, sir, are precedents and opinions from the learned heads and honest hearts of the Whigs in 1834—in a contest, I repeat it, involving precisely the same question, and no other than this does. Then the *polls* were all powerful and omnipotent, and the Governor's certificate and the *broad seal* of the sovereign State of *old Kentuck* nothing. But now the tables are turned; now Whigs hold the certificates, and the *broad seal* is all *powerful*, and the *polls nothing*. Yes, sir; the saddle is on the other *horse*. So, it seems, precedent works two ways; or, like the juggler's card, it has two faces. The jack of clubs is presented, and at the order, "*presto change*," instantly the beautiful queen of hearts appears. So we go in these times of moral

depravity and political corruption. But, sir, as precedents are in such high demand, we will exhibit a few more. It has been iterated and reiterated, over and over, that the whole table of precedents, ancient and modern, is in favor of receiving the certified members in this case. Sir, I am not going to risk my carcass and health, by going into the damp, unwholesome vapors of the tombs of antiquity, fit only for a toad or a snake to inhale, and mingle with the spirits of the dead, to hunt up precedents; but I will exhibit what I have found above ground, and those of modern times. I hold in my hand a book, containing all the cases of contested elections since the organization of this Government, worth recording. It is a large book; it contains one thousand and twenty-five pages. I have turned over every page of this big book. It is full of contested elections. I have examined the points upon which every case it contains turns, and the principle upon which each case has been decided; and I now assert, that there is not a decision between its lids that will warrant the reception of the certificate members to their seats, and I challenge successful contradiction. It is full of precedents that either expressly or impliedly sustain the claims of those members with the certified poll books, showing that they have a majority of the votes. I will read one or two. The first to which I will ask your attention is the case of Spalding against Meade, p. 157. The point upon which this case turned is:

"Congress is, by the Constitution, the exclusive judge of the elections and returns, as well as the qualifications of its members, and the returns from the State authorities are *prima facie* evidence *only* of an election, and are *not* conclusive on the *House.*"

I will ask your attention to another. It is the case of Mallory against Merrill, p. 328. The point upon which the decision turned in this case is:

"Votes fairly given to a party may be counted in his favor, though they have *never* been returned to the proper *State authorities;* the default of a return not being chargeable upon such party."

One more case, sir, if you can have patience, and I will trouble you no more with precedents. It is the case of Biddle and Richard against Wing, p. 504. In this case it was decided that:

"The officers of the different election districts must certify the result to the commissioners, and *they* must certify to the Governor. They are all ministerial officers, and error committed by any of them, either through mistake or design, is to be corrected by the *House.*"

One more, sir, strikes my mind that is in point: Messrs. Dickerson and his associates present you the certificate of the Secretary of State, showing that they have the majority of all the votes polled at the election of which they claim to be elected; but this is contended not to be sufficient evidence. Messrs. Claiborne and Gholson, members from Mississippi for the Twenty-fifth Congress, appeared at the commencement of the extra session of that Congress, and claimed their seats. It was objected that the *evidence* of their election was not sufficient. (I think they had the certificate of the Secretary of State.)

Mr. MERCER of Va. offered the following, viz:

"*Resolved*, That sufficient evidence has not been afforded to this House that John F. Claiborne and Samuel J. Gholson are lawfully entitled to seats therein."—*Jour. Ex. Ses. p.* 4

The resolution was debated. The question was laid on the table by an overwhelming majority, and Messrs. Claiborne and Gholson took their seats. So, sir, here is an admission of members on the certificate of the Secretary of State, and here ends the chapter, with me, on *precedents.*

But, sir, we have been told, in tones of triumph, that New Jersey has confirmed the fact that Messrs. AYCRIGG and company were elected at the October election in 1838, by electing a Whig majority to both branches of the State Legislature in 1839; and this fact is paramount evidence that Messrs. AYCRIGG and company are entitled to their seats in this Congress. Yes, this is the highest evidence that can be demanded that Mr. DICKERSON and his associates are not the choice of a majority of the people of New Jersey. Sir, when I received the news of the Federal victory in New Jersey last fall, I rejoiced at it. Such was the overflowing tide of Democratic success over every part and portion of the Union, that I feared the consequences. I dreaded that apathy which never fails to seize the unsuspecting Democracy upon universal victory. I was afraid that they would be overtaken and overthrown by an enemy that never sleeps, before they could be awakened to a sense of their danger. Knowing, as I did, that the whole power of Federalism, with all its means, will be brought to bear upon the contest now commenced, I felt rejoiced that we had met with a temporary defeat, which could do no *serious* injury to our cause, but which would serve to keep, at *least*, our sentinels from sleeping at their post. I thought and reasoned as did Philip of Macedon, when he heard, in the space of one hour, of his success in the chariot races in the Olympic games, the victory of his troops in a great battle, and of the birth of his son Alexander. The Pagan raised his eyes and his hands towards heaven, and prayed, "Oh, ye gods! send me some slight misfortune, that I may not be overcome with this overflowing torrent of good news, and, lest some great misfortune overtake me." These were my feelings and my reflections when I heard of the Whig victory of New Jersey. But, sir, we have seen the fatal effects of political apathy by successive victory, in our own time and country. History furnishes us with many fatal disasters, both of a political and military character, from the same cause. The immortal Hannibal was successful in his long and arduous march from New Carthage to the Rhone. He was successful in its perilous passage, and in conquering those who were prepared to contend against him. He was successful in ascending the Alps, whose snow-covered tops seemed to reach the skies, and in routing the Gauls who defended their passes. His cavalry successfully fought and routed the Roman horse on the Ticenus. The fields of Trebea yielded him victory; the Roman troops of Thrasymine fell before him or fled like the timid hind. Cannæ proclaimed him victor, and the plains of Italy were his. The walls of Rome shook, and her citadel trembled at his name. But now the fatal effects of unchecked success and unmixed victory seized him. Now, said Maharbal, is our time to take Rome; her gates will open to us. I will think of that, said Hannibal. Lulled by a mistaken security, which sometimes besets the most vigilant in successful career, he took his winter quarters in Capua, where his troops rioted in the fashionable indulgences of that opulent city, on the rich spoils of the conquered enemy. But when the spring campaign opened, they were no longer the hardy soldiers of Hannibal; their bravery and invincible courage, and their capacity for toil and fatigue, were exchanged for softness and effeminacy, the offspring of idleness and luxury, and their love of order and subordination for contemptuous mutiny, supineness, and irregularity; and, with all these, sunk the power of ever taking Rome—the glory of Hannibal tarnished, and his name made less immortal. Such, sir, is the fate of those who rest in security upon success and victory. I repeat, I thought and reasoned as did Phillip when I heard of the Whig victory of New Jersey. But, sir there was no Whig victory.

Sir, I deny the position in fact and in principle. I deny that the fact that the Federalists have a majority in the present Legislature is any evidence that a majority of the people of New Jersey are in favor of the *certificate* members, and I deny that a majority of the voters of New Jersey have placed a Federal majority in the Legislature. I acknowledge that there is a Federal majority in the Legislature, and I will account for it. Members of Congress in New Jersey are elected by general ticket. Members of the Legislature and of the Council are elected by counties and districts.

The Federalists have had the ascendancy in the State Legislature for two years, and it is a well known fact that no small part of their time and ingenuity have been devoted to districting the State so as to favor their party, and always secure a Federal majority in the Legislature; and so well have they succeeded that a Federal Legislature may be, and has been, elected by the present district system, while there is a large majority of Democratic voters in the State. Sir, as I have not taken a position, nor asserted a fact, but what I have or can maintain, so I proceed to maintain this, viz: that so far from the Governor being sustained in his corrupt course, an overwhelming majority of the people of New Jersey have expressed their disapprobation and indignation at it. Sir, the increased Democratic majority, of the recent elections, over the Democratic majority of 1838, is near two thousand votes. Here is the proof; here are the facts and figures; read for yourself. Here is a table which shows the Democratic majorities and Whig majorities in the several counties, in 1838 and 1839. Here they are; you can run and read:

	1839.		1838.	
	Dem maj.	Whig. maj.	Dem. maj.	Whig maj
Bergen,	351		225	
Passaic,		106		254
Essex,		1015		1561
Morris,		154		224
Sussex	1033		1639	
Warren,	2375		955	
Hunterdon,	2226		934	
Somerset,		168		150
Middlesex,		76		268
Mercer,		245		289
Monmouth,	515		228	
Burlington,		325		525
Gloucester,		273		505
Atlantic,	230		162	
Salem,	144			
Cumberland,		29		
Cape May,		125		265
	6874	2516	4179	4041
	2516		4041	
	4358		138	
Democratic majority in 1838			-	4179
" " " 1839			-	6874
Showing a gain in favor of 1839 of				2675

There may be some errors in the published returns, from which these abstracts are taken, but none to vary the estimated majority materially. But farther, sir, in many of the counties having large minorities of Democratic voters no test was made; the Whig candidates were not opposed, and of course, the Democratic votes not polled. It is justly presumed, that if there had been opposing candidates in every instance, the popular Democratic majority would have been over four thousand. What has become of your vaunted assertion, now, sir, "*that the people of New Jersey in their recent elections have sustained the Governor and his Council.*" These tables show.

Sir, the Governor in his so called opinion to the Privy Council—though it better deserves the cognomen of a paltry, whining, pining, hypocritical apology to the community, for the fraud he has practised upon them—I say, in that opinion, he submits and answers the following proposition: "But it will be asked with *force* and *propriety*, is a candidate to lose his seat in Congress, because a county clerk does not make a return of the votes? Certainly not. If, through inadvertence, or by design, any votes have not been returned by the clerks, it is in the power of the *House of Representatives*, in their discretion, to allow those votes, and give the seat to the person who with those votes may be elected," &c. Now, sir, it will be remembered that the Governor, in another part of his opinion, says that he can act only on the returns that are made in *time*. He cannot look behind the clerks' returns, etc. but recommends the contestors—whom, he admits, have "*a majority of all the votes in the State*," and that he has the returns before him, which show the fact, but he can only act on those that have been made in *time*—to apply to the House of Representatives for relief, etc. Well, sir, the contestors are here, and make the advised application; and how have they been me? Why, sir, the Opposition, taking the cue from the Governor, say, we can do nothing for you; we can't look *behind* the Governor's *certificate*. What incomparable stuff! what superlative sophistry! The only respect due to it is to treat it with the contempt it merits, and that is *silence*. Sir, I think New Jersey is "*sold to the Dutch.*" No, not to the Dutch—I wish it was—the Dutch are Democratic. Swamped in the vocative! Heels over head in the Federal mire! The State districted so as at all times to secure a Federal majority in the Legislature and Council. And now for the

powers of the Legislature. What are they? Why, by the Constitution of New Jersey, the Legislature makes the Governor, and to them alone is he responsible; the Legislature makes the Judiciary; the Legislature makes the county clerks, and the Council, or so many of them as the Governor may see proper to select, (not less than three,) makes the Governor's Privy Council. What prospects have the Democracy of ever raising their heads, though their majority at this time of the popular vote perhaps is not less than four thousand.

A Federal Legislature will always make a Federal Governor; a Federal Governor will always expend his patronage on Federalists; a Federal Governor will always select a Federal Council; a Federal Council will always advise the advancement of Federal men, Federal measures, and Federal institutions; a Federal Legislature will make all their appointments of judges and county clerks from the creatures of their own party, and *they* will never fail to carry down the principle to appointments within *their* gift. What have you left *now?* Why, you have but one standard around which you can rally—one loop on which to hang a hope—the name of but one State official Democrat to dwell upon your lips, and that name is James D. Westcott, Secretary of State; and just as soon as his time expires, he will walk the *chalk*, for he, too, is elected by the Legislature. The only remnant of practical franchise you have left, is the power you have to elect by general ticket your Representatives to Congress. But do not be flattered with this hope; it is an idle dream, a vain delusion, and will avail you nothing; for if you succeed in giving your Democratic candidates "*a majority of all the votes,*" a Federal county clerk will refuse to make returns in *time*, a Federal Governor will, in violation of the law, refuse to send for them, and they not being returned in *time*, he will not act on them. "*He cannot look behind the clerk's returns.*" He will give the certificates to the Federal candidates, who have a majority of votes returned in *time*. Your Democratic candidates who may have "*a majority of all the votes,*" in conformity with your constitutional rights, will attend with certified copies of the poll books, showing that they have been elected by a clear and undisputed majority; but they will be met at the threshold of this hall, and told—gentlemen, go home, we can do nothing for you, we cannot look behind the Governor's certificate and the *broad seal*. Democrats of New Jersey, have you really thought of your situation? If you have not, it is time for you to wake up and do yourselves justice—it is due to yourselves that you should do so. It is due to the services and memory of your ancestors; but above all, it is due to those who will come after you, that you transmit to them the freedom of the elective franchise, as pure and unembarrased as it descended to you.

Sir, had I the voice of thunder, I would speak in peals, to the ear of every lover of human liberty in New Jersey, to rally to the standard of his constitutional and equal right, and nerve himself to the overthrow of Federal despotism, that is now overshadowing the free institutions of his State, and corrupting the fountains of the elective franchise.

Sir, appeal after appeal, and appeals upon appeals, have been made to the State *rights* party here; and they asked, in pretended and hypocritical patriotic tones, if *they* will stand by and see the *broad seal* of a State mutilated, and her sovereignty dishonored. The State Rights party has been vociferated already, until it has become a hackneyed phrase. I suppose the State Rights party are to be the jacks upon which every demagogical trash is to be packed during this session. Sir, I have given some little attention to the subject of State Rights doctrines, and my application has led me to the conclusion,

1. That the Federal Government can exercise no power not expressly authorized by the Constitution.

2. That the States can do every thing (not morally wrong) which is not expressly prohibited by the Constitution.

3. That the Government has no power to raise a revenue to the amount of one dollar over and above what is wanted for the support of the Government, in the exercise of the powers for which it was created.

4. That the Federal Government was formed for the purposes of national defence, as well to the suppression of internal dissensions as foreign invasion, and for no other.

5. That, in the formation of laws for the purposes of revenue, the strictest principles of equality should be sacredly observed; and no system should be established which would, in its operations, benefit one part of the Union to the injury of another.

6. That whatever powers the Federal Government possesses were surrendered by the States, and are limited within the letter of the Constitution, which is the evidence of that surrender.

7. That whatever powers were not so expressly surrendered, were reserved to the people and the States.

8. That a violation of any or all of these principles, is a violation of the Constitution—an infringement of the rights of the people, and a subversion of the free institutions and sovereignty of the States *affected* by such violation.

9. That the sovereignty of a State consists in the full enjoyment on the part of the people of all powers, civil and religious, not surrendered to the Federal Government; and more especially the free exercise and full benefit of that most valuable and sacred of all principles, the freedom of the elective franchise.

10. That, in the constitutional exercise of power by this House, over the returns, qualifications, and elections of its members, the inviolable preservation of free sufrage should be its first and highest object, as the only means by which the rights of the people can be secured, in the exercise of their sovereignty. And these, sir, are Moses and the ten commandments, which I have extracted from the sacred book of State rights.

Now, sir, if these are State Rights doctrines I am a State Rights man; and I hereby attach my hand, and affix my seal, and swear upon the altar to maintain them. But I have yet to learn that the sovereignty of a State, and the freedom and independence of her people, have their existence in the *certificate* of a Governor, which is no more than *prima facie* evidence of a fact, sometimes of a falsehood, and his *seal*, which only evidences his official *character*. This is a new and late addition to the doctrine of State Rights, and I undertake to say not recognized as orthodox by the party; and, sir, calls upon the State Rights party to sustain such a doctrine as this, will be as vain as the call of Dives upon Lazarus. They will be unanswered by every State Rights man who properly understands the creed of his profession, and whose doctrines are not in market.

Sir, the deadly stab that the free suffrage has received by the hand of Governor Pennington and his Privy Council is not confined in its operations and withering effects to the people and the institutions of New Jersey; it is general and wide in its operations; it spreads pestilence, sickness, death, and desolation to the elective franchise and free institutions of other States and other people. So interwoven and identified are the principles, political and civil, of all the States and people of this broad spread Union, and such is the uniformity of principle upon which they are based, that a violation of any one native or political right or privilege of a fundamental character never fails to have a corresponding effect upon the whole, and more especially when so important and vital a principle as that of the elective franchise receives a wound, the whole political frame, Federal and State, is for a time palsied. Why is it that we have a volcanic agitation here, whenever any order is attempted to be taken in behalf of modern Abolitionism? It is not because gentlemen who represent the South or the slave States feel an abstract interest in favor of the perpetuity of slavery in the District of Columbia, or the bondage of the enslaved population within it. No; I have no doubt but what their private and individual feelings are against both; but it is because they look upon the effort to abolish slavery in the District as an officious intermeddling on the part of those who are attempting it, incompatible with the reserved rights and sovereignty of the States, and a direct effort of the people of *other* States to overthrow the institutions of *theirs*. They look upon it, and not without reason and just suspicion, as an entering wedge to the introduction of other innovations, and the exercise of other powers, that may control and prostrate the institutions of the South which may not be *fashionable* in the North; and if entertained here, they have no where to look for security but in their own strength. God knows, and my readers know, who have read me, that I am no friend to slavery, but I am a friend to the duration of this Union; and knowing, as I do, and as all know, that this Union can be perpetuated in no other way than by a strict adherence to the letter of the Constitution, the narrowest possible exercise of Federal powers, the broadest security of State sovereignty, and the most sacred observance of the conditions upon which this Government was established, I must ever feel my highest duty to sustain the latter, while I have only the right and the feeling to deplore and lament the former. Whenever it is the expressed wish of the people of the District of Columbia to abolish slavery within its limits, it will gratify the most noble feeling of my heart to do my part to carry out that wish; but, until then, I believe we have about as much right to interfere with slavery here as we have to legislate on the miserable condition and slavish bondage of the serfs of Russia, or the boors of Denmark.

Yes, sir, the causes that give rise to the watchful jealousy of the South, in relation to the workings of modern Abolitionism, illustrates the medium through which the elective franchise, throughout this Union, has been wounded by the stab given by Governor Pennington and his Privy Council.

But softly, gentlemen of the South—you of the *modern* Whig order. Your hurricanes on the introduction of Abolitionism must come down to gentle winds and soft showers. Your late Harrisburg Federal National Republican Whig Convention has imposed on you, if not an *Abolition* candidate for the next Presidency, a *candidate* of the *Abolition* party, and with them you are ranked to fight shoulder and elbow; so if it is your desire to conquer, you must be moderate and yielding with your *new friends*.

Mr. Speaker, ours is a Government of the people. That is to say, the people govern. They govern by their representative, their judicial, their ministerial, and their executive officers. The officers of these different classes are but the political and public servants of the people, and the people are their sovereign principals or political masters. Prior to the establishment of our Goverment the capacity of man to govern himself, in a political sense, was a great problem, which had never been fairly and fully solved. The Republics, as they were called, of Carthage, of Greece, of Rome, and some others of the old world, were, in a republican sense, of but a limited character.

The right of suffrage was not enjoyed to its full extent. There were various despotic and aristocratic restraints, checks, and balances thrown *around* and *interwoven* in *all* their political institutions, incompatible with a free government of the *people*. Under the governments of the old world, there were no people who maintained longer their free institutions, such as they were, than did the Carthaginians. None were better balanced and secured with checks than were the political institutions of that Republic. Yet their constitutions, customs, and laws contained within themselves the seeds of destruction, and the principal of these were the restraints upon the freedom of the elective franchise and the circumscribed right of the people to hold offices. The possession of property constituted the qualifications in both cases.

The consequence was, that patriotism, talents and virtue were disregarded or overlooked, which was sufficient of itself to seduce and corrupt the whole community, and prostrate whatever national freedom they enjoyed. It was the abuse of the elective franchise, and the restraints thrown around it, that finally subverted the Government. It was the same restraints, and the same abuse, which enabled the overgrown nobles to oppress the public liberty of Athens, Syracuse, Corinth, Thebes, and overthrew Rome itself, under Scylla and Cæsar. Rome long struggled with the powers of wealth,

bribery and corruption practised by the patricians, and those in power and those striving to obtain power. But at last, by reckless ambition, and regardless violation of that palladium of liberty, the elective franchise, she was overcome and sacrificed at their shrine. Her death struggle survived four hundred years. What must have been her strength in her vigor of health? Our gallant and brave ancestors, who founded this Government upon their own victories, gained on fields of blood, were not ignorant of the history of the world of man, and of the subversion and downfall of all the Republics that had ever existed before them. They were familiar with the melancholy tale that disclosed the fatal effects of a limited suffrage and the abuses of the elective franchise by the boundless and reckless ambition of those in power, and those in pursuit of power.

They established a free Government of the people with a trembling hand and fearful apprehensions. Hence the apostolic, paternal and patriotic care with which our political fabric is framed; hence the jealous care with which all its parts are guarded; and none were intended to be guarded with so much vigilance as that of suffrage, and the free exercise of the elective franchise—knowing, as they did, and as experience will prove, that the duration of the work of their hands, and the perpetuity of the human liberty they had purchased with their blood and toil, must depend upon the sacred and inviolate preservation of that franchise in its pristine purity. Sir, a due reverence for the Revolutionary spirit that walks (though unseen) amongst us—a reverence for the memory of the patriots of that Revolution which overthrew the crown, and broke the crosier that enslaved the body and imprisoned the soul—a proper regard to our own highest interests, and above all, that sacred obligation that rests upon us to transmit to those who are to come after us uncontaminated the boon which has been transmitted to us—imperiously demand that we should suffer no violence to that most sacred of all our institutions, the elective franchise. But, sir, in the face of these obligations, which we have no power to cancel at our own will, we have seen fearful and alarming innovations as well upon the domains of the Constitution as upon the freedom of the elective franchise. Sir, we have seen this Government shaken with earthquake violence, from its centre to its circumference, and our free institutions reel and totter like a drunken man, by a reckless disregard of the sanctity of the Constitution, and violating the freedom of the right of suffrage. Avarice, ambition, and a love of power—which in their nature are reckless as to every other interest except their own—have been the instruments by which all Republics that have gone before us have been prostrated and consigned to the dust.

Sir, at the formation of our Government, there was a party who denied to the people the integrity, intelligence, stability, and virtue necessary for self-government. Sir, such a denial is a slander upon the human family, and degrading to him who makes it; but such was the fact. And the same party have, from the commencement of our national career, to this time, been unsparing in their efforts to carry out in principle, what they had not the power to establish in practice, viz: anything but a Republican Government, free institutions, and equal rights. It was said by the same party, that all the Republics had been overthrown by the seditions of the people, and ours would share the same fate; and such would be the fate of every Government of the many. Not so, sir; they have all been overthrown by the ambition, avarice, and love of power of the few—for want of a sufficient portion of the control of Government in the hands of the many. Sir, that same aristocratic spirit which has ever characterzied a want of confidence in the virtue and intelligence of the people, and a disregard for their political rights has been boldly manifested in this contest, in the unexampled and desperate effort to secure seats in this Congress, to the members of Governor Pennington, and his Privy Council, to the exclusion of the members of the sovereign people of New Jersey.

Mr. Speaker, I am no advocate for capital punishment. I have been disposed to doubt the right of any Government, or any political human establishment or association, to inflict it. I have been induced to give much weight and character to that dixit of the Almighty, by the mouth of his prophet, that "*vengeance is mine.*" But if there is any crime of which man is capable, for which death ought to be inflicted, it is that of treason against his Government; and if there is any grade or comparison in treason, it seems to me that a wilful and corrupt violation of the elective franchise is *superlative* treason. If there is any one crime against the Government involving a principle of treason more alarming and dangerous than another, it is such a violation. If there is any one crime of treason that more deserves the curse of God, and the universal execration of man, more than another, it is the treasonable crime of violating the purity of the elective franchise, and trampling in the dust the voice of a free people.

Mr. Speaker, since the organization of our Government there never has been so flagrant an abuse of the elective privilege presented for the consideration of this House, or any other legislative body. It is the right of this body to take such order as the extremity of the case demands. It is the duty of the House, as far as possible, to prevent the repetition of such a case hereafter. The workers of this base iniquity should receive the brand of infamy that should point them out to all living, as execrable outcasts, while they are permitted to linger out their degraded lives, and stamp their memory indelibly with infamy through all time to come, as an example to the reckless wretch who might so far forget his sacred obligations as to be disposed to perpetrate a like treason. Our duties to the injured, insulted, and outraged people of New Jersey, demand that we should take such an order. The obligations we owe to ourselves, in common with those we represent, and those who are to follow us, demand it. The Constitution, and the solemn oath we have taken to support that Constitution, and defend it inviolate, demand it; and, above all, the obligation of patriotism, religion, and morality, which we have made uncompromising by our approach to the throne of eternal justice and divine accountability, when we took the solemn oath, in the presence of God, and confirmed it with uplifted hands or the kiss of His holy word, binds us to take such order as shall forever again protect the hallowed cause of the elective franchise from the polluted footstep of the betrayer of human liberty, and corrupt and reckless demagogue. Let us, therefore, this time, divest our skirts of that party spirit which seems to have overshadowed the brightest prospects of our country, and swallowed in its vortex those religious, moral, and patriotic obligations, upon the sacred observance of which alone rest the duration of our Government and the stability of our free institutions, and with one voice and with one action meet the case, and dispose of it as the highest interest of our common country demands.

SPEECH OF MR. DROMGOOLE, OF VIRGINIA,

In the House of Representatives, December 14, 1839—On the New Jersey disputed election, in reply to Mr. SERGEANT, of Pennsylvania.

Mr. DROMGOOLE observed that he had not, at any preliminary stage of the proceedings on the subject of the New Jersey election, gone into the merits of the controversy, because he believed that the whole discussion heretofore had been premature, and could have no other effect than to prejudge the matter in dispute, and to forestall the opinions of the House and of the public, before the evidence was submitted to a regular and impartial examination. His opinion had been, from the first, that they ought to go into an investigation of this question of disputed right to seats in this Hall by a committee, who should make report of the facts and the evidence adduced in support of them. That then both parties—both sets of claimants should be permitted to appear at the bar, should be heard in defence and vindication of their respective claims—according to the language used in the British House of Commons, should deliver their cases, *ore tenus;* after which this House should solemnly and impartially exercise the power conferred by the Constitution of judging of the *elections, returns,* and *qualifications.* But gentlemen on the other side seemed desirous to jump over all inquiry, to reject from their view and their consideration all conflicting and adversary testimony, and arbitrarily restricting themselves to the commissions of the Governor of New Jersey, to decide that those who held them should take their seats as a matter of course, and without question. They were called upon to decide that these commissions were *conclusive,* as to the right of the gentlemen to *take* their seats, and that, therefore, the right to *qualify* and *take* seats cannot be controverted. And gentlemen had also urged, in all the previous discussions, the imperfect state of the organization of the House, as a reason why it could not enter into any examination affecting the validity of these commissions. It was boldly assumed that, although assembled here in our appropriate place of meeting, at the time prescribed by the Constitution and the law, and that although the House is to be composed of members chosen by the *people* of the several States, yet that *any person* holding a commission or return, in the form prescribed by the law of the State to be given to those elected by the people, may, of right, conclusive and unquestionable, *take* his seat, and participate in the organization; and that after, and not before the organization, may you inquire how this certificate or commission was obtained, and whether it has been truly given, according to the result of the election.

But gentlemen can no longer avail themselves of the difficulty arising from want of organization. We are, said Mr. D. organized; we have a Speaker to preside over our deliberations; we have taken the oath prescribed to us by the Constitution; and surely there would seem to be no obstacle to prevent us from making a full examination of all the evidence, and of deciding the case upon its merits. Although fully convinced that it was competent for the House to decide immediately, dispensing with the intervention of a committee, yet he believed that such a course would be premature, and not so well calculated to promote fairness and impartiality, as to await an examination into all the facts and evidence by a committee, and their report thereupon. With such impressions of the proper mode of action, Mr. D. said he would not then go into an examination of the whole question; but some of the propositions of the learned gentleman from Pennsylvania, [Mr. SERGEANT,] were, to his mind, so abhorrent to the principles of the Constitution, and so contrary to the current of precedents, that he felt constrained to meet them at the threshold. He understood that gentleman to maintain that he could only look to the State of New Jersey, in this instance, acting in its corporate or organic capacity. Now he utterly denied that the doctrines of the gentleman were in accordance with the Constitution, and he called upon him to look into that instrument itself to see what authority it gave for that assumption.

Before, however, going into an examination of this part of the gentleman's argument, he would premise a few remarks, in order that they might arrive at a better understanding of the subject. We often, said Mr. D. avoid much confusion, and reason with more precision, when we understand alike the terms which we use, and, in the course of debate, attach to them the same meaning. It was known to the Speaker, who, from his infancy, had been educated in the political school of the State Rights party, who had ever, with them, maintained that the *States* are parties to the Federal compact—that this term, "State," is used in three different senses. He would respectfully refer gentlemen to the celebrated report of Mr. Madison, made to the Legislature of Virginia, in explanation and vindication of the resolutions which had, at the previous session, been offered by John Taylor, of Caroline. The term "State," said Mr. D. sometimes meant the territory comprehended within certain geographical limits. We speak of the boundaries of a State, and we speak of going into Virginia or Maryland. It sometimes meant the whole machinery of the State Governments,

through the agency of which the affairs of the State, or political community thus organized, were conducted and administered. It also meant the people composing the political communities within their respectively defined limits. The *people*, within the territorial limits, respectively, constitute an independent political community. In this sense, this political community is a sovereign State, and in this sense, each sovereign State is a party to the Federal compact. The term "State," therefore, was sometimes applied to territory; sometimes to the organized State Government, (and then we view it acting in its organic form,) and sometimes to the people, in their high and sovereign character. The State Governments, as such, the States in their organic forms, whatever they might have been under the articles of Confederation, are not parties to the compact, from which are derived all the powers of the Federal Government. The States of New Jersey, Virginia, and the other members of this Confederacy, in their sovereign capacity, the people, who inhabit certain defined territories, who compose free and independent communities, are parties to the Federal compact, which they, in the exercise of their sovereignty, adopted and ratified.* Do not tell me then [said Mr. D.) that we are opposed to State Rights, when we contend that the organic form of a State shall not be substituted for its real sovereignty; when we maintain that the operations of the machinery of the State Government shall not be employed to defeat or misrepresent the will of the sovereign people, in cases, in which this House, by a solemn compact, between all the parties, is constituted sole judge.

With these distinctions in view, he would respectfully invite the attention of the distinguished gentleman from Pennsylvania to the identical language employed by the Constitution: "The House of Representatives shall be composed of members chosen every second year." By whom, sir? By the States, acting as organic bodies—known to us only in the capacity of organic bodies? No, sir: but "by the *people* of the several States." And now, sir, take this provision of the Constitution in connection with the passage read by the gentleman, [Mr. SERGEANT:] "The number of Representatives shall not exceed one for every thirty thousand, but each *State* shall have at least one Representative; and, until such enumeration shall be made, the *State* of New Hampshire shall be entitled to *choose* three, Massachusetts eight," &c. Here, then, it is said that the "*States*" shall *choose* Representatives; and in the passage which he (Mr. D.) had previously cited, it is declared that the members shall be *chosen* by the *people* of the several States. The term "State," therefore, is not used, as is contended by the gentleman, to denote a mere organic body; but the term "State" (in speaking of the representation to which it is entitled) means the people composing the political society, in their highest sovereign capacity—in that capacity in which the "State" became a member of the compact, and, as a member of the compact, under its terms and provisions, became entitled to its apportionment of representation. With respect to the Senate, the Constitution says "The Senate of the United States shall be composed of two Senators from each State, chosen by the *Legislature* thereof," &c. Here (said Mr. D.) is shown the distinction between the two bodies. The House of Representatives is based upon the doctrine of popular representation—a direct and immediate representation of the people. This branch of the Legislature therefore constitutes a popular feature in the Federal Government, which, nevertheless, in its character, is mainly federative. But, in bestowing on it this feature of popular representation, the distinction of separate State sovereignties is still preserved, for the members are to be chosen "by the people of the *several* States;" thus, even in a direct popular representation, carefully excluding the idea of consolidation. He saw his venerable colleague (alluding to Mr. TALIAFERRO) smile; he hoped it was the smile of approbation, for, in former times, (said Mr. D.) he fully concurred in these great doctrines of the State Rights party.

In looking into the "returns" of the New Jersey elections, even if we should go behind the great seal, we shall be guilty neither of a violation of the Constitution, nor of the rights of the State of New Jersey; but, on the contrary, in contending for the right of the people to elect their Representatives, and in denying the power of the Governor, by virtue of commissions, even with the broad seal attached, to substitute in their stead those not "*chosen*," we are vindicating the rights of the State as a sovereign member of the Confederacy, and are carrying out the Federal compact in its fullest extent, and according to its true interpretation. We inquire, whom have the people elected to represent them—whom have they "*chosen*" as "members" of this House? and whether the persons, thus chosen as members, have been duly returned? And, in so doing, we commit no encroachment upon a sovereign State, but we exercise, on our part, a clear Constitutional power, to prevent its rights from becoming a sacrifice to the ignorance, mistakes, or frauds of returning officers. He should like to know (said Mr. D.) from the learned gentleman from Pennsylvania, [Mr. SERGEANT,) or from any other member, where it is that any authority can be found to sustain the assumption that the House of Representatives cannot go behind the commissions of the Governor of New Jersey with the great seal of State, in deciding upon the elections, returns, and qualifications of its members. He wholly denied that there was any such authority in the Constitution or laws, or in precedents found in parliamentary practice. He contended that the word "returns" was general in its import; that it embraced *all* the returns throughout the State, and carried with it every question properly connected with them. We have, said he, as much right to inquire into the returns of the votes of Millville and South Amboy, which were suppressed by the clerks, as into the commissions granted by the Governor. If gentlemen doubted this, he would cite for them abundant and satisfactory authority from precedents of this House. Mr. D. here referred to the case of Spalding and Meade, a case of contested election from the State of Georgia, decided in the first session of the ninth Congress. In this case, under the laws of the State of Georgia, the votes were required to be returned within a limited time. The votes of three entire counties were not returned within the time prescribed by law, and the Governor felt it to be his duty to sum up those actually returned, and to give the certificate of election to Cowles Meade, who had obtained a majority. The seat was contested by Thomas Spalding, who based his right upon the ground that it was the duty of the House to go back to the returns of the votes of Tatnall, Liberty, and Camden, which had not reached the Executive in time to be counted; that they were not precluded from so doing by the Governor's certificate, because it was not *conclusive* evidence, but *prima facie* only. The House maintained the right of Spalding, adjudged him the contested seat, because he had obtained a majority of all the votes given in the district, which fact was made to appear by procuring the returns or evidence of the state of the polls in the omitted counties. The House therefore decided that they were not restricted to the final return of the Governor, but that, under the power to judge of the "returns," they had jurisdiction of the whole subject of returns, the primary and intermediate returns as well as the ultimate. All the returns are links in the same chain; they are component parts of the whole. The laws of New Jersey require "*returns*" to be made from the different precincts to the county clerks. They require the county clerks to make "*returns*" of the aggregate vote of each county; and they require the Governor to sum up all the "returns," and to grant "commissions" of election to the persons having the majority of the whole number of votes. The House, as we have seen, gave Spalding the seat, counting the votes held back, and holding that it was their right and duty to do so, and that it was immaterial whether the omission of the State authorities was caused by the act of God, or was the result of fraud, accident, or any thing else.

In conformity with this precedent, this House will go back and look into all the "*returns*" from the precincts, trace them through the county "*returns*" into the Executive chamber, and inquire if all have been transmitted, if they have been correctly summed up, and if those having, in fact, received a majority of votes, have also received the Governor's commission.

Mr. D. also referred to the case of David Bard of Pennsylvania, decided in the first session of the Fourth Congress. It does not appear that his seat was contested; but there was an investigation into the facts of the case. The judges of elections failed to meet and make their return in November, as required by law; but they did meet in May following and make return of Bard; "held that this irregularity did not vitiate the election or return;" and the committee state, "that, in consequence of the informality of the said return, it being the 1st May, instead of the 15th November, the committee have called for and obtained the several county returns, on which the district return was founded, and have made an estimate of the votes, as they appear from those returns." According to the estimate made from those *primary returns*, it appeared that David Bard had the greatest number of votes; and the House sustained the report of the committee, declaring that he was entitled to his seat. Here it was decided that the failure to make return in due time does not affect the right to a seat; and that resort may be had to the primary returns to ascertain the *fact* of election.

Mr. D. next referred to the case of John Richards of Pennsylvania, which also occurred in the first session of the Fourth Congress. Amongst other things, it was settled in this case that "the returns of votes, though not made within the time required by the State law, are not on that account to be rejected, provided the opportunity has been allowed the State authorities to act upon them." Now, sir, (said Mr. D) according to this case, if the returns of the votes given at Millville and South Amboy ever reached the Executive of New Jersey before the time at which he was required to cast up the votes and issue his commissions, although after the time prescribed to the county officers to make return, they "ought to have been received and estimated with the other returns." And if the Governor has failed *thus* to receive and estimate votes, and in consequence of such failure or omission, refuses or neglects to grant a certificate to those who, by such estimate, would have been entitled to it, their rights, according to the principles of the case just cited, suffer no prejudice.

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*Since the delivery of the above remarks, recourse has been had to Mr. Madison's Report, and an extract is here subjoined containing the commentary upon that part of Taylor's third resolution which expresses that the States are parties to the Constitution or compact. "The other position involved in this branch of the resolution, namely, 'that the States are parties to the Constitution or compact,' is, in the judgment of the committee, equally free from objection. It is indeed true, that the term 'States' is sometimes used in a vague sense, and sometimes in different senses, according to the subject to which it is applied. Thus, it sometimes means the separate sections of territory occupied by the political societies within each; sometimes the particular governments, established by those societies; sometimes those societies, as organized into those particular governments; and lastly, it means the people composing those political societies, in their highest sovereign capacity. Although it might be wished that the perfection of language admitted less diversity in the signification of the same words, yet little inconvenience is produced by it, where the true sense can be collected with certainty from the different applications. In the present instance, whatever different construction of the term 'States' in the resolution may have been entertained, all will at least concur in that last mentioned; because, in that sense, the Constitution was submitted to the 'States;' in that sense the 'States' ratified it; and in that sense of the term 'States,' they are consequently parties to the compact from which the powers of the Federal Government result."

Mr. D. also referred to the case of Mallory and Merrill, which occurred in the first session of the Sixteenth Congress. And in that case, amongst other matters, it was settled that "votes fairly given to a party, may be counted in his favor, though they have *never* been returned to the proper State authorities, the default of a return not being chargeable upon such party."

Mr. D said that he took no pleasure in speaking harshly of the Governor of a sovereign State; that he would forbear any minute examination of the duties or conduct of Governor Pennington; and that he should refrain from all censorious comment. He should admit, for the sake of argument—and gentlemen, in argument, were welcome to make the most of this admission—that the Governor, under the law of New Jersey, could not have acted otherwise, and that he was constrained to give the commissions upon an estimate made of the returns, excluding the votes of Millville and South Amboy. But he would emphatically ask, if it was not both the right and duty of this House to count the votes so excluded? There were, he supposed, at least forty cases in which it had been decided, that all the returns might be examined, and that votes regularly taken at the time, place, and in the manner prescribed by law, ought to be estimated *here*, although not returned in time by the State officers, or indeed not returned at all. And was it ever seriously maintained that this exercise of the power of judging of the returns was disrespectful to the States, and an encroachment upon their sovereignty? Why, the House, in such cases, interposes its constitutional power for the purpose of giving efficacy to the laws of the State and of preventing them from being disregarded. The Constitution declares that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

Now, it is readily conceded, that Congress, not having made or altered the regulations for choosing Representatives, this House is bound to observe whatever statutes may have been enacted in the several States as to the *time*, *the places*, and the *manner of holding* elections for Representatives. When the qualified voters have, at the *times* and *places* prescribed by law, attended and given in their votes, in the *manner* prescribed by law, you have then reached the point at which State legislation, in reference to elections, ceases to be absolutely binding, when it loses its character of *conclusive* obligation.

After the votes have been thus *received* according to the laws of the State, the election is completed; and it remains to ascertain the result, to learn who has been, in fact, elected. Here, then, commences the unrestricted Constitutional power of the House "to judge of the *elections*, *returns*, and qualifications of its members"—a power conferred by solemn compact between the several States, to be exercised for the purpose of preserving inviolate the right of the *people* of each State to choose members every second year, having the qualifications required by the Constitution. The regulations of the States in reference to returns are not enjoined by the Constitution, but are voluntary directions, on their part, for the transmission of information to this House. This House will pay a voluntary, a cheerful respect, to such regulations; and will not permit a partial or entire failure to comply with them, by State officers, to defeat an election.

It was perfectly competent for this House, said Mr. D. in *judging* of the "returns," to examine *all* the returns—*all* the "*returns*" of officers *holding* elections—to compare them together—to sum up and estimate all the various "returns" embraced in the election—to inquire if the State officers have accurately summed up and estimated these various returns, and whether the ultimate certificate or return or commission conforms to the very fact, to the result as ascertained and derived from a careful examination of the votes received and counted at the various places, at the prescribed time, and in the manner prescribed for holding elections, by persons duly authorized.

Sir, said Mr. D. I think I have succeeded in showing that it is the right and duty of this House, under its power to judge of "returns," to examine and decide whether these certificates or commissions of the Governor, with the accompanying broad seal, conformed to the fact, as disclosed by an accurate and full estimate and addition of the "returns" made by officers *holding* the elections at the time, in the place, and in the manner prescribed by law. If so, then have I shown that it is not conclusive and sufficient that these certificates or commissions, with broad seals attached, should be merely in the form prescribed by law, "letter for letter, and comma for comma," but it is requisite, also, that they should embody the whole truth—the *entire* result of all the "*returns*" of all the votes received and counted by proper officers.

If, from the act of God, from the fraud, negligence, or mistake of State officers; if, from any cause, this ultimate certificate or commission does not coincide with the result of *all* the returns of all the votes received and counted according to law, then may *we* impeach it, not for want of form, not for failing to agree, "letter for letter, and comma for comma," with the requisite form, but for want of *verity*, for a failure to conform with the *fact* apparent from an accurate aggregation of *all* the votes duly received and counted. If the laws of New Jersey have not been observed by her own functionaries; if all the votes have not been returned by the proper officers within the time prescribed by law; if the Governor, entrusted with and required to procure all the returns of all the votes, has failed or neglected to do his duty, or has innocently misconceived it, or has been prevented by defect of law, then his commission is a misrepresentation of the fact, is not in accordance with all the laws of New Jersey, and may be fairly set aside by this House, the judge of the "returns," may be declared defective and insufficient, or may be amended at the pleasure of this supervising and controlling tribunal.

Mr. D. next adverted to the argument of the gentleman from Pennsylvania, [Mr. SERGEANT,] that this commission, with the broad seal, was "*conclusive*" evidence of the right to *take* a seat on this floor. He would be glad to know where that gentleman found the authority that these commissions of the Governor of New Jersey were *conclusive* as to the right of those persons receiving and bringing them *here* to take their seats without further question.

Where was the precedent for it? All the decisions of this House are against it. In the case of Spalding and Mead, to which reference had been before made, it was expressly decided that "the returns from the State authorities are *prima facie* evidence only of an election, and are not *conclusive* upon the House." Mr. D. said he would not fatigue the House by reading the numerous cases of contested elections, in which either the same principle was decided, or distinctly recognized as the basis of the procedure. It must necessarily be so; for if the "return" be *conclusive*, the House is estopped from exercising its constitutional power of judging, and that provision of the Constitution becomes a dead letter. In vain is it urged that this *prima facie* evidence of an election confers a *conclusive* right to *take* the seat. The right to take and hold a seat on this floor, depends upon the fact of having been duly chosen; it is consequent upon election, and therefore must necessarily be affected to the same extent and in the same degree by the same species of evidence? Who ever heard (said Mr. D.) that mere *prima facie* evidence of a claim gave a conclusive and indisputable right to the thing claimed? He deemed it unnecessary to attempt the refutation of such an absurdity.

Mr. D. said he would not, at that time, pretend to give an exact definition of the phrase "*prima facie* evidence;" he had not very recently consulted the law books. He was grossly mistaken, however, if it meant any thing else but evidence at the first blush, on its first appearance or introduction; and was good only in the absence of other testimony, sufficient to controvert and overthrow it.

If there be no opposing testimony, then *prima facie* evidence is sufficient; it prevails as a matter of course, and without controversy. But when adversary testimony is introduced, this *prima facie* evidence *cannot be conclusive* of right, until both shall have been considered and weighed, and decision made by the competent tribunal. In the absence of all conflicting testimony, or upon decision of its insufficiency to counteract and defeat, *then* this *prima facie* evidence, in the language employed by some of the writers on this subject, "obtains a conclusive quality." You cannot, then, when there is clear, strong, impartial testimony staring you in the face, disregard it altogether, and *conclude* that this *prima facie* evidence is sufficient, without violating every principle of justice, as well as the Constitution of the United States. This House is the judge of the matter in dispute; this matter in dispute is the right to seats here. On one side *prima facie* evidence is introduced—on the other side, it is proposed to rebut it by counter evidence. Those who offer the counter evidence, cannot be *concluded* from an examination into its sufficiency, or from a hearing of their case, without a violation of our duty to judge, without a palpable departure from the long established rules of law and evidence, and without a gross act of injustice to one set of claimants.

One word, said Mr. D. in reference to the certificate of the Secretary of State of New Jersey. In two instances, in the case of Spalding and Meade, was the certificate of the Secretary of State of Georgia received as good and sufficient evidence in relation to the election returns received and preserved in his office. He believed that this was the first time that it had ever been maintained that the official certificate and seal of an office of record was not sufficient evidence touching matters on record in said office. If there be no express statute directing such certificate, or prescribing its form, yet he thought, upon general principles, that it resulted, *ex virtute officii*, that the formal certificate of the officer, with his known and established seal, was evidence sufficient to prove the existence of records in his office, or of documents and papers on file.

The very learned gentleman from Pennsylvania [Mr. SERGEANT] attempted to prove that these five gentlemen holding the Governor's commission were now actual members of this House, and had been so for a long time before the commencement of this session. Now he (Mr. D.) could not understand that there was any thing in the Constitution or laws to justify this position. Did he understand the argument of the gentleman to be, that, because these five New Jersey gentlemen, on their way here, might be discharged from arrest, under color of their privilege, that, therefore, they were members? The judge might decide, and very properly decide, that these five gentlemen were "going" to Washington to attend the session of Congress as members, and that they therefore came within the *designation* of persons privileged from arrest. Where did the gentleman find that the decision of a judge, State or Federal, upon a question of privilege, was proof of membership in this body? Mr. D. utterly denied that the decision of the Chief Justice himself, in connection with all his associates, was any, the slightest authority, to bind or influence this House in deciding questions of membership. This House would not permit the Judiciary, were that department so inclined, to wrest from it indirectly its own constitutional power to decide the question of membership. Why, sir, the decision of a judge granting a discharge from arrest, upon the ground of privilege, is a judgment *inter alios;* and, according to the well known principles of law, such a decision could not be even read as evidence upon *this* trial of contest.

But, said Mr. D. I deny that *actual* membership of this body does or can commence before the time of assembling and forming. He then referred the House to the case of Hammond and Herrick, from the State of Ohio. This case was decided at the first session of the Fifteenth Congress. Samuel Herrick, who was the sitting member, was elected to Congress in October, 1816, being then in commission as district attorney of the United States; on the 29th November, 1817, he resigned his office of district attorney, and on the 1st day of December following, took his seat in Congress. The Four-

teenth Congress expired on the 4th March, 1817. On the 8th day of December, 1817, a memorial was received from Charles Hammond, of the same State, contesting the right of Herrick to be a *member* of the House, in consequence of having held the said commission after the 4th March, 1817; which memorial was referred to the Committee of Privileges and Elections. Mr. Hammond ranks, and deservedly, too, among the ablest jurists of the country, and had presented the question in a strong and forcible point of view; and it was understood that the rights of several other members to seats would be affected by the decision in this case. On the 10th of December, Mr. Forsyth, then a member from Georgia, now Secretary of State, offered the following resolution, which was adopted:

"*Resolved*, That the Committee of Elections be instructed to inquire and report what persons, elected to serve in the House of Representatives, have accepted or held offices under the Government of the United States since the 4th day of March, 1817; and how far their right to a seat in this House is affected by it."

It is a constitutional provision that "no person holding any office under the United States shall be a member of either House during his continuance in office." It was decided that Herrick "was not rendered incapable of being a member of the House, by reason of his having held the said office after the 4th March, and until 29th November, 1817." And so decided, because it was held that his membership did not commence on 4th March, immediately, and at the instant of the expiration of the 14th Congress, but commenced with the session of the 15th Congress. He would particularly refer gentlemen to the very able report made in that case by Mr. TAYLOR of New York. He presumed it was JOHN W. TAYLOR, for some time a distinguished member, and well known to the country as a learned and able man.

In connection with this idea, that a person can be an actual *member* of this House, "for a long time" before it meets, and before he attends, and is received and recognized as such, the gentleman maintains that there is no interregnum in the House of Representatives, that it is a perpetual body—and therefore he would seem to suppose that the Representatives elect of each Congress succeed each other as members of a corporation. This he, Mr. D. denied. One of the first distinctions he had learned was that the Senate was so organized and constituted as to preserve its existence perpetually; but that the House of Representatives had a limited existence; was restricted to a particular period, which it was not permitted by the Constitution to survive. On the 4th of March every second year the term of all the members expires, and in point of *fact* absolutely ceases to exist, notwithstanding any contrary *theory* which may be entertained. If the Twenty-fifth Congress had never met—if the House of Representatives had never met, or, indeed, had never been elected from 4th March 1837 to the 4th March 1839—still the present House of Representatives would be perfect in its existence and in its functions. Every second year there is, as every body knows, an entire new House of Representatives, who, together with the Senate, which has remained in existence, constitute and commence a new Congress. Members are to be chosen every second year by the people of the several States. Suppose *all* the States, as many do, were not to choose their Representatives until after the lapse of several months succeeding the termination of a Congress, what then becomes of your perpetual succession of membership without intervention of time, without interregnum? Mr. D. declared that he no more believed in the continuous and unbroken existence of the House of Representatives, than he did in the unbroken succession of the Popes from Saint Peter down to the present time.

Mr. D. said, gentlemen expressed great veneration for State authorities, and seemed to manifest great fear of going into conflict with State laws. He had before shown that the members do not represent the State as a mere organized government, but that they represent the people directly. When Representatives have been "*chosen*" according to the Constitution and laws, it is our duty solemnly to interpose our right of judgment to give efficacy to the popular choice, and to protect it from the frauds or blunders of State officers, and even from defective and unconstitutional State legislation. Here Mr. D. quoted the case of Barney and McCreery, which occurred at the first session of the Tenth Congress. The Legislature of Maryland enacted, in 1802, that Baltimore town and county should constitute the fifth Congressional district, and should elect two members, *one of which shall be a resident of Baltimore county, and the other a resident of Baltimore city.* Nicholas P. Moore, a resident of the county, was elected by a large majority. William McCreery, also a resident of the county, obtained the next highest vote. Joshua Barney, a resident of the city, had the next highest vote, and contested the election of McCreery for want of residence, in conformity with the law of Maryland. It was held that the Legislature of Maryland could not superadd qualifications to those required by the Constitution, and the House interposed its unrestricted power of judging of the qualifications of its members; sustained the right of the people to elect McCreery, in the face of the law of Maryland, and protected that choice against the unconstitutional enactment. It is better, sir, when it unfortunately becomes unavoidably necessary, to go into conflict with a State law, or with State authority, than to concur with them in a conflict with the Constitution, and with popular rights. If, as gentlemen contend, these certificates and seals are conclusive of the right of those who hold them, then the question of the right to a seat is settled by the form of a return prescribed by law, and the House is precluded from judging of the elections and returns, as it is solely empowered to do. Surely gentlemen perceive the absurdity to which their principles conduct them. If the doctrine of the gentleman from Pennsylvania, [Mr. SERGEANT.] as to the conclusive and unimpeachable character of the Governor's certificate, be a correct exponent of his opinions of State Rights, then it would seem that he maintains a species of nullification, which Mr. D. presumed could hardly obtain the sanction of his State Rights friends. The Nullification party, as he understood, (appealing to Mr. PICKENS, of South Carolina,) contended for the interposition of the States' sovereignty to arrest an unconstitutional enactment of Congress; but this nullification of a provision of the Constitution by a State enactment, as the gentleman would now have it, is going much farther than any Nullifier, of whom he had ever heard, was disposed to go. Mr. D. flattered hims If that, if true to their own principles, we should have the co-operation of all the State Rights men in preserving the constitutional powers of this House, and the constitutional rights of the people of a sovereign State from all Legislative or Executive infringement. Such a course would be in accordance with their professed doctrines, and Mr. D. said he should insist upon holding them to it.

Gentlemen had asserted and maintained that some persons must qualify and take their seats as members from the State of New Jersey, before the House can decide this controversy. Suppose this position be granted, that there must be a qualification *interim*, does not the question still remain for decision, who shall be permitted *thus* to qualify? Shall those holding the Governor's commission have this privilege, to the exclusion of those who, from an estimate of *all the returns* appear to have a majority of the votes received by the proper officers, and must, therefore, according to established principles, be presumed to have been fairly and legally chosen until the contrary shall be made to appear in due course of investigation?

I should like, said Mr. D. for gentlemen to produce some authority for this assumption, that there must necessarily be a qualification of some body, before there can be a decision properly made. I should like to know when or where it has been decided that a member must take his seat before it can be decided whether he is entitled to take it. He said he would lay it down as a rule of action, *that when the question of a right to take his seat had been raised and presented to the House before qualification, it had been settled before qualification.* He had not been able to find a single instance of a departure from this course in either House of Congress.

He referred to the case of Benjamin Edwards, of Maryland, wich occured in the second session of the Third Congress. It does not appear that his seat was regularly contested upon the ground of an adversary claim. A question was raised as to the sufficiency of the proof of Mr. Edwards's election. After debate, the letters on which Mr. E. relied to sustain his claim, were referred to a committee. The committee made an adverse report. Pending the subject, the Speaker informed the House that he had received a letter from the Governor of Maryland, enclosing the regular certificate of Mr. E's election. *This certificate was signed by the Governor of Maryland, and under the seal of the State.* A question again arose, whether the claimant should be permitted to qualify. Qualification was still denied; and the certificate, with the broad seal, was referred to the committee to whom their previous report was recommitted. Afterwards, the committee reported a resolution in favor of Edwards, in which the House concurred; and then "Mr. Edwards was qualified, and took his seat in the House." Now if, without an adverse claim, a question being raised *before* qualification, the House will insist to decide it *before* qualification, for much stronger reasons ought this course to be adopted in cases of contest, the question being raised and presented to the House before the qualification of either party.

Mr. D. next introduced the case of John Richards, of Pennsylvania, which occurred in the first session of the Fourth Congress. James Morris and John Richards had been the candidates for election in the district composed of the counties of Bucks, Northampton, and Montgomery. "The circumstances of this election were such as to make it doubtful to the mind of the Governor whether either party was duly elected, and he appears, therefore, to have declined deciding upon the legality of said election." Mr. Morris dying before the meeting of Congress, of course never appeared to claim the seat. On the 10th December, 1795, Richards, by memorial, claimed the seat. A committee reported, and, after debate, their report was recommitted. On the 13th January, 1796, they made a further report. After debate, it was resolved, on the 18th January, 1796, "that the said John Richards was entitled to his seat in the House;" and he was admitted accordingly. Here qualification was withheld, and the district suffered to be unrepresented from the 10th December until the 18th January following.

In this case, there was an example of delicacy and moderation, on the part of the Governor of Pennsylvania, which well deserved the imitation of the Governor of New Jersey. The latter must have known that he had not summed up *all* the votes which had been cast in the election, and, without a performance of this requisition, how could he and his council undertake to declare who had the *majority* and were, consequently, elected? If it were *impossible* for him to comply with this part of his duty, then he would have stood excused and justified, before an impartial public, for giving the commission to neither, not knowing who would be entitled to it, if *all* the votes had been summed up. Nor would he, by such forbearance, have done injustice or prejudice to the claims of either party. Both would have the same rights they now possess of claiming to qualify and take seats—upon which claims this House only can decide—and (said Mr. D.) I repeat that this book (holding up the volume of the reports of contested elections) is full of cases in which the House has counted the votes, either when the authorities of the State refused to count them, or when they were returned too late to be counted under the State laws. Mr. D. next referred to the case of Willoughby and Smith, from the State of New York, which occurred in the first session of the Fourteenth Congress. Willoughby had been, in fact, elected; "but, by reason of a clerical error of certain inspectors, in returning certificates of votes to the office of the county clerk, Gen. Smith was declared duly elected, and a certificate of election was accordingly delivered to him." From the general tenor of the argument in the present case, it would have been

necessary for Smith to have qualified before his right to the seat could be regularly contested, because he held the regular return in the form prescribed by the laws of the State of New York. But, sir, Smith never claimed the seat—his right to a seat, by virtue of a regular and formal return, never attached—his certificate never had the force of a judgment operating until it had been superseded or overruled by some competent authority. According to the present doctrines, Willoughby, although certainly elected, could never have claimed the seat until Smith had qualified and the regular certificate had thereby spent its force. It does not appear, from the report, that Smith ever informed the House that he had relinquished his claim under the certificate; still, on the ninth day after the commencement of the session, without appearance and without a hearing, he was declared not entitled to the seat, and Willoughby was declared entitled to a seat; whereupon the said Willoughby appeared and took his seat.

Mr. D. said that he had briefly, and in a desultory manner, touched on the principles and questions, which he thought involved in this case, not for the purpose of endeavoring, at this time, to produce any *decided* impression in favor of either party, or with a view of declaring, on his part, any fixed and unalterable opinion as to the result of the contest; but for the object of persuading the House to deliberate, and not to resolve, with inconsiderate, he would not say, indecent haste, that they would not even look into the important testimony impeaching these commissions, and of impressing on their sense of justice the propriety of basing their decision upon a full knowledge of all the evidence belonging to the case. He was for going regularly into the examination, and for approaching it in a tangible form. He was for permitting both parties to be heard in defence of their respective claims, before the House passed judgment upon them.

Believing this to be the course required, both by expediency and justice, he would not, at this stage of the case, even if his mind had strong convictions in favor of either party, vote for the right to take seats; for it would not have the appearance of fair and equal justice to both; but would look like prejudging the matter, before ascertaining all the facts connected with the returns. He hoped, therefore, that it would be the pleasure of the House to have the case fairly brought before them, and then, having heard both parties, would proceed, if necessary, to discuss it calmly and deliberately, and to decide it impartially, with a full understanding of its merits.

Mr D. said, he thought that the examination should be had, in the first instance, through the medium of a committee, both for the sake of convenience, and because all the evidence could be more distinctly, and with better arrangement, brought to the view of the members. This would be in conformity with the precedent, adopted, after much debate, in the famous case of Letcher and Moore. In that case, both parties appeared in the House, and claimed to qualify; the House referred the matter to a committee, and, until that committee should report, "*Resolved*, that neither Thomas P. Moore nor Robert P. Letcher shall be qualified as the member from said district." Here the House distinctly and unequivocally exerted the power of refusing to permit either party to qualify until the matter had been examined by a committee. It is said, however, that this resolution was the result of an agreement between the parties; but it was expressly disclaimed in debate that it was placed upon the ground of confirming a compact between the parties. No agreement between the pasties, as every body will admit, could confer a power on the House which it did not possess under the Constitution. He believed that, without a single exception, where gentlemen present themselves to qualify, and objection is made, the matter is referred to a committee, who report upon the matter referred before further action by the House. In the Senate, he believed, it had been the invariable practice. This book of reports abounds with such cases; and he felt quite confident that gentlemen, with all their industry and research, and all their ingenuity in the application of cases, would not be able to find a single one of a contrary character. He found cases where the Governors of States had commissioned members of the Senate in due and regular form, where there was not even a contest for the seat, but a question being made by some member, they were not permitted to qualify before their credentials had been referred to a committee. None of the cases of persons holding the regular credentials, having qualified of course, and subsequently having their seats contested, are in point. In those cases, *no question is made and presented to the House before qualification*, and therein consists the distinction and dissimilarity. It is again readily admitted, that persons bringing the *prima facie* evidence of a regular return, if no question be raised, and no conflicting testimony be brought to the notice of the House, are permitted to qualify as a matter of course; but it is still maintained, that where objection is made, and the question of right raised before qualification, that it is the invariable practice for the qualification to await the decision.

Mr. D. here introduced the case of Mr. Lanman, in the Senate of the United States, in March, 1825, by which it appears that objection being made to Mr. Lanman's credentials, he was not permitted to qualify, but the matter was referred to a committee.

Mr. WISE here inquired what were the objections to Mr. Lanman's credentials.

Mr. DROMGOOLE. Not that they were informal; not that they were not signed by the Governor; not that they were not accompanied with the broad seal of a sovereign State; but that the Governor had no legal or constitutional right to grant them. In the case of Mr. Lanman, a motion was made that he be permitted to qualify, which was rejected. The credentials were referred. A debate arose, not only on the proper mode of proceeding, but on the *rights* of Mr. Lanman, under his commission, with the broad seal, *previous* to a decision, "by which it appeared to be the sense of the Senate that Mr. L's seat was *vacant* until the *pending question* should be decided in his favor." Mr. Lanman, by resolution, was permitted to be heard at the bar of the Senate, on the question of his right to a seat. The decision was adverse to his claim.

There was, he said, a long list of cases of individuals appointed and commissioned by Governors, in some of which, no question being raised, qualification was permitted as a matter of course—in others, questions being raised, no qualification was permitted, until they were decided—and the decisions were sometimes for and sometimes against the claimant. He would not consume time by a recital of all of them, but would conclude this array of authority and precedent by quoting the case of Stanly Griswold, from Ohio. He appeared on the 9th June, 1809; his credentials were referred to the Committee of Elections; and on the 15th June, the committee having reported favorably, he was admitted to his seat. These are cases produced from the Senate, in which the Governor is not made a mere returning officer, but in which he had the power of appointment or election, and the constitutional right to grant commissions; and yet these commissions, although unexceptionable in form, have never been regarded conclusive of the right to qualify and *take* a seat.

Mr. D. said, that if these doctrines, for which gentlemen contend, that certificates in due form, signed by the proper officer, no matter how obtained, will confer a conclusive right to a seat, should prevail, you will strike a fatal blow at the freedom of elections and the purity of Representative Government. It is the conviction of the people, that, by the invention of Representative Government, and by the choice of Representatives for themselves, by the exercise of the elective franchise, they can virtually accomplish the objects of self government, which renders them happy and contented. It is the firm belief, that through the agency of election and representation the Democratic principle may be carried out; that through them the popular voice may direct the legislation of the country; that through them those rights are secured and enjoyed which pertain to them in their character of sovereignty, and which, but for our free institutions, could only be exercised in primary assemblies; it is this belief which ensures attachment to the Government, induces a willing submission to the laws of the country, and constitutes a strong security for the peace and good order of the great body of the citizens.

But, said Mr. D. if you establish the doctrine that the credentials given by the State authorities, no matter how fraudulent, no matter how much at variance with the will of the people of the States, as expressed in their elections legally and constitutionally made, shall nevertheless conclusively prevail, you convert the elective franchise into a mockery, you inflict a vital stab upon the sacred principles of free Government, and you substantially defeat that glorious system of representation, which renders Democracy lovely and practicable. Will you expect patient acquiescence under such a system of thwarting the public will? Can tame submission be expected to a wilful and wanton violation of the most inestimable rights? And if a spirit of resistance against official impositions shall be awakened, and if, in its progress, seeking redress for injuries inflicted, and panting for the recovery of lost privileges, it shall prompt the people to turbulent impatience, or seditious deportment, on whom, I ask, will the sin be justly chargeable?

Mr. D. in conclusion, denied that requiring the claimants from New Jersey to wait until the House could examine the credentials, and other testimony, and decide understandingly who had been chosen, was disfranchising that State. A necessary and unavoidable delay in making a decision, certainly can never be construed into a denial of justice to individuals, or a disfranchisement of a State. If her members present credentials, which are impeached upon substantial grounds, and not upon slight and frivolous pretexts, if the returns of elections have been partially suppressed, or imperfectly reported, it is the fault of her officers—it is the misfortune of the people of New Jersey; but still this House must exercise the power vested in it by the Constitution over the controversy, although some time must necessarily be consumed in the investigation, and some delay consequently ensue. But is not delay preferable to an erroneous decision; to the admission of those who, upon inquiry, may be found not entitled to hold the seats? If (said Mr. D.) you decide that we must, *ex necessitate rei*, admit the gentlemen holding commissions, and it shall afterwards turn out that they are not entitled—that they have not been "chosen" members—that New Jersey has been falsely represented—that votes have been given in repugnance, and not in obedience, to her will—that through their agency laws have been passed detrimental to other States of the Union—he would ask, how could you atone to New Jersey, and to the other injured States, for the wrongs inflicted on them? You will have perpetrated irreparable mischief. Is it not the part of wisdom, as well as of safety, to let all these gentlemen wait, until, after a fair, calm, and impartial examination, the House can satisfactorily decide upon their claims? He would indulge the hope that, if the House were disposed, of which he would not doubt, to do equal justice to both parties, to New Jersey, and to the rest of the Union, they would not decide upon this matter with such inconsiderate haste, as to disregard all the evidence, and to overlook the important principles at issue.

NOTE.—The case of Spalding and Meade, is of such frequent reference, and is deemed in many particulars so applicable to the present case, that it has been considered, by the author of the foregoing remarks, not inappropriate to append to them the entire able and conclusive argument, by which the proceedings of the House in said case was defended and sustained.

The friends of the report remarked that the power of the House on this subject, was vested by that part of the Constitution which declares that "each House shall be the judge of the elections, returns, and qualifications of its own members;" and that this power was distinct from that which gave ultimately to the Legislature, in case they saw fit to exercise it, the power of determining the time, place, and manner of holding the elections. The words "judging of returns," were comprehensive, unrestricted and inclusive of every step incidental to making returns. The power could not be confined to the mere judging of the authenticity of the certificate of the returning officer, as that would be nugatory. It must likewise include the manner in which the votes were counted in districts; the manner in which they were transmitted; the place appointed for receiving them; and the ascertaining their aggregate number. It had been truly said that where the business of election ceases, that of the returns begins; which, therefore, must be considered as embracing every thing, after the votes were given. As soon as an election terminates, the candidate is elected; the only thing remaining is to ascertain the result, and this is done by the

returns made. What, then, is the right of this House to judge? According to gentlemen, they have not a right to judge of the certificate of the officers of Georgia; they have not a right to judge how the votes are transmitted; but of all this the Governor is to judge, under the law of Georgia. But such a law would be a mere nullity, as it would be in direct opposition to the words of the Constitution, which give to this House the right of judging of the returns of its members. The fact was, that the law of Georgia could only be considered as constituting the Governor the organ of information to this House, which is the only tribunal to which the returns can ultimately be made. So considering the subject, there was no reason for the remark that the principle contained in the report went to set aside the law of Georgia. Should the power of the House, in this case, be denied, it would prevent us from investigating any case, however characterized by fraud, and would prostrate at the feet of an Executive officer the power so guardedly bestowed on each House. It is inquired whether we will set aside the law of Georgia, by the decision we are about to make; but it does not follow that the adoption of the report will have this effect.

The law of Georgia says that the Governor shall count the votes received at a certain day; but it does not say that the House shall not count those received afterwards. We, in fact, then, carry into effect the law of Georgia as far as it goes, and only in case of a failure supply the deficiency. Could there be a doubt of the principle assumed in the report, it would be removed by a denial of it, giving the power to any petty officer of the State by suppressing the votes to deprive the member legally elected of his seat. Would this be a just principle? Is it not our principle, that a majority shall govern? And is it not strange to say that a State shall have the right of violating such a principle? With regard to a return it might imply two things, the original certificate of the presiding officer in each election district and the general certificate of the whole election, the several parts of which were held in different places. It was necessary that these several certificates should be examined by some general authority.

As a matter, therefore, of necessity, some authority must reside in the States to count up the whole number of votes and to certify the persons elected. This power was vested in different ways in the several States; whoever exercised it, could be considered only as the certifying officer, whose certificate was not a decision, but simply a return, subject to the control of this House, which is made, by the Constitution, the judge of it. The Constitution says, the House are to judge of the returns. Can those returns, therefore, be conclusive, and binding upon the House? If so, the power of judging is altogether nugatory. If we cannot go out of the returns, and judge of any thing not in them, we cannot be said to possess any power over them. But the words of the Constitution are precise, giving the unrestricted power to judge. The House, then, may receive other evidence to satisfy them, than that founded on the face of the returns, and on such evidence may either allow that which is not in them, or disallow that which is. A case has been put of votes received in contravention of a State law, after the time fixed for receiving them, (see the case of David Bard of Pennsylvania,) and it has been said that these votes ought not to be received. Why? Because the *time* for holding elections being expressly vested in the State Legislature, in the first instance, and Congress not having changed the prescribed time, the State regulation must prevail. But let the case be pursued further: suppose such votes are not only received, but included in returns made to the Governor; he is not to judge of the legality of the votes given; the State law only directs him to count up the votes returned; whether they ought or ought not to be received, he cannot judge; of this, the House is the judge. He cannot receive evidence out of the returns; he, therefore counts up the votes, proclaims the person having the highest number, and the returns are forwarded to this body. They are in due form; but votes appear to be admitted, which, by the law of Georgia, ought not to have been admitted. Is the House *concluded* by this return? Are they not, on the contrary, empowered to go out of it, and receive evidence of the fact, that such improper votes were admitted? None will deny it. Further, suppose the presiding officer to have refused votes offered in time; suppose he had refused all the votes given for a candidate in several counties, the Governer could not pay any attention to these votes, for his certificate must be founded exclusively on the votes returned to him; he would be obliged, therefore, to certify as duly elected the person having the highest number of such votes, although it might be proved that the suppressed votes, if counted, would have given the highest number to another candidate. Could not the House, in this case, go out of the returns of the Governor, and allow the votes fairly given to be counted? Is the election to be effected by such omission or neglect? Clearly not. In the present case, the votes in question, according to the law of Georgia, were lawfully given, and ought to have been returned. Had that law been observed, they would have been returned. In one respect only was there a neglect of it. Can that, then, be said to be a violation of the law of Georgia, which consists in giving effect to its provisions where they have failed to be observed. The great principle in judging of elections ought to be, that the will of the people, fairly expressed, shall govern. And that construction of the Constitution and laws of the United States ought to prevail, which consists in giving effect to good votes, rather than destroying them. This is the principle of the report.

The adoption of a hostile principle would be to sacrifice the substance of election to its mere shadow. The suggestion that the principle of the report is calculated to alarm the jealousy of the States, is ideal. The judging of the election of members is a joint authority, residing in the States in the first instance, and ultimately in this House. If the controlling power does not reside here, it resides nowhere; there is a blank in the Government. It cannot reside in Georgia, for the power is not concurrent; and if not here, the States must inevitably submit to every irregularity that may be practised by subordinate agents. It has been said that the law of Georgia is in force, but it can have no force at the expense of the constitutional power of the House. But was that law complied with? If so, the present contest would not exist. It was true that the general principle is a sound one, which separates executive, legislative and judicial power. This might be an argument for the institution of a special tribunal for the trial of contested elections; but it is an abundant answer to show that this has not but that, on the contrary, the Constitution of the General Government, as well as the Constitutions of the several States, have made the legislative bodies judges of the elections of their members. The resolution that C. Meade is not entitled to his seat, was then passed by a vote of 68 to 53; and Thomas Spalding admitted by a vote of 66 to 52.

REMARKS OF MR. NISBET, OF GEORGIA,

In the House of Representatives, December 27, 1839—The question being on a motion to reconsider the vote of the House concurring in the resolution of the Senate for the appointment of a Chaplain,

Mr. NISBET rose and addressed the House as follows:

Mr. SPEAKER: Convinced that the motion before the House involves matter of serious moment to Christianity and the country, I beg leave to offer a few reflections. I confess, although informed of the opinions of my colleague, [Mr. COOPER,] I have been taken by surprise by the debate now in progress. I certainly did not expect it this morning. I must say that I differ with my honorable colleague in the views he has exhibited. And although his searching and accurate mind, in its investigations after and elucidations of truth, rarely errs, yet I believe that he is now wrong. I know, full well, and justly appreciate, his motives. No one is to Christianity a more sincere friend than himself, and no one illustrates its precepts in practice more fully than he does. He, by sustaining the motion, intends to maintain both Christianity and the Constitution. Such are my own wishes. We differ in the mode of accomplishing the same ends.

It certainly would be to my mind a melancholy result should the House of Representatives of this great nation resolve certainly that it would not elect a chaplain—a minister of the gospel, called to throw around the legislation of the country the hallowed influences of piety—a result which would strike with alarm and apprehension the whole people of the Union; apprehension, not so much for religion or the Constitution as for that conservative influence which it exerts upon the principles of free government.

What, sir, does not liberty owe to Christianity? The history of the Colonies proves that we are indebted, in a great degree, for those noble principles of free government engrafted upon our Constitution and in our laws, to that freedom of thought and action which brought our Pilgrim and Huguenot ancestry to our shores. They fled from the religious bigotry and political intolerance of the old world for conscience sake. They came hither to worship God in freedom. And upon the shores of a new world they planted the standard of religious, and, with it, of civil liberty. That independence of mind which they asserted in matters of conscience made them alike independent as to all rights. Freedom of service to Heaven, by a very necessity of our nature, constrains men to think and act freely in matters of less consequence. The free spirit of the pilgrim impressed itself upon colonial governments, and some of the best features of our most admirable system are traced to colonial parentage. I make these remarks to show, sir, that civil liberty is too largely indebted to Christianity to permit us to endanger the former by abandening even the forms of the latter. It influences ought to pervade, and do now pervade, all the departments of Government, more or less. Into our courts of justice, our Executive offices, and our halls of legislation, it ought to send, and does send, a sanative power. It gives a healthful tone to public sentiment, and purifies the fountains of legislation. In this country it is necessary, it seems to me, to maintain, in the forms of legislation, the external ceremonials of religion. What though it is sometimes desecrated, and its ministers false? What though it seem to some to be but part of Congressional pageantry, empty, vain, and a lie? Yet still the very form of service maintains the ascendancy of morality. Those forms are the emblems of its essential purity. Blended, as they are, with the procedure of Congress, they themselves become vital. Destroy, sir, the external manifestations of Christianity, and you weaken its influence and endanger its vitality. You should observe even here, sir, the form of prayer. The voice of praise should hush for a brief moment, at regular intervals, the noise of party war, and say to the troubled waters, "Peace, be still."

The appointment of a Chaplain to this House is a declaration, by the nation itself, that the Bible is true. It is the practical recognition of its obligations. Is this no advantage? Is this not bearing evidence to Christianity? Is it not the voice of the Confederacy? Does not this act proclaim, through the length and breadth of the land, that, according to the belief of the American Congress, God reigns in Heaven and upon earth? The statesman, therefore, should not withhold this evidence. In all we do, it seems to me, we should recognise the sanctions of Christianity, and should maintain the purity both of the Church and the State by a decent regard, in our public acts, even to the forms of piety.

The manifestation of regard to religion, in the election of a Chaplain to this House, is due to the convictions and moral sensibilities of the constituency of this body. It is a just response to the requirement of that moral feeling which pervades the States. No less than this, I will venture to assert, is required by the people, whether professors or not. It is a tribute of respect to that religion which makes sweet the homes of the thousands who dwell beneath the fostering care of American legislators, and in the peace of an unobtrusive yet sustaining faith. Let it not be said that the Twenty-sixth Congress has declared of record that it will dispense with the services of the ministry. Conceding, for the argument's sake, that the power to appoint a Chaplain, under the Constitution, is doubtful, yet I know it will not be denied that a failure to appoint would shock the country. It will do violence to that fervid piety which lives and breathes and burns in the great heart of the notion.

The service with which it is now proposed to dispense, has been maintained here for years. The wise and virtuous and patriotic of other days exercised the power, and believed in its expediency. It is hoary with accumulated years. The first Congress that assembled under the Constitution, elected a Chaplain. We are scarcely wiser or better than that august body of men. They mingled worship with politics. Most of the State Legislatures, I believe, sir, do the same.

It has been objected that the worship conducted here is insincere—a form and a mockery. Admitting this to be true—and I lament that, in part, it must be conceded to be true—yet, still the general good is accomplished, and the general evils averted to which I have before referred; and these general ends are paramount; they outweigh particular objections. In all assemblies there are insincere worshippers; men will bring the cares and thoughts and feelings of the world into the sanctuary. I do not know that this body, being professedly political, is, on that account, the less devout. That distraction of mind awaits him who mingles in the stormy strife of this House, is true; and on that account it is well to bring hither the soothing, softening influences of charity and love. But I think, Mr. Speaker, that there is in this House not only a sacred regard for Christianity, but also a strong feeling of piety. Beneath the surface of ordinary emotion lie imbedded the fountains of moral sensibility. There flows through this assemblage of men an under current of piety, invisible, it is true, under ordinary circumstances, but which occasionally flashes and sparkles in the light of day. This is obvious, in the eloquent words and thoughts of the gentleman from Virginia, [Mr. WISE.] He gave utterance to the irrepressible feeling of respect for moral things, which, doubtless, he imbibed in his earliest formation of character. Nor can I permit myself to doubt that there are many here who meet these services with all that solemnity of manner and feeling which becomes the occasion. My colleague, and also the gentleman from Louisiana, [Mr. GARLAND,] find a reason against electing a chaplain, in this, that they are paid—that they pray and preach by contract, and that they make this temple a place of merchandise, selling alike their consciences and their services. I find myself nothing wrong in religious or political principle in rewarding the minister. It is a volun-

sary contribution by the House to the necessities of those whom they invite to officiate for them. It is not a pension for the clergy, by law or from constitutional necessity, but a donation to the man. Reward, to my mind, does not necessarily demoralize and secularize the preacher, else there were no ministry—no temple—no worship. Shall not the priest live by the altar? And is not the laborer worthy of his hire? That some who wear the priestly robe have come hither, trading upon the stock of their ministerial character, and vending for a consideration the sacred ministrations of our holy religion, is perhaps true—but not all have so come. It may be conceded at once, without weakening the obligation to elect a chaplain, that there are false professors of that religion. In its purest and earliest state, among the twelve who listened to the words, and saw the works of God himself, there was one traitor.

I cannot concur, Mr. Speaker, in the apprehension expressed by my honorable friend and colleague, that the act to which he objects may ultimately lead to a union of Church and State. I think that our whole political system, as also the state of religious opinion in our country, makes such a union an utter impracticability. Such a thing could not be without an entire change in the essential elements and actual organization of the frame of Government. The very freedom of religious opinion and action guarantied to the people must operate as an insurmountable bar to such a union. I should as soon, nay sooner, look for a despotism in place of our constitutional liberty, as the result which gentlemen apprehend. The recollections of the past, the interests of the present, and the expectations of the future—religion, which seeks its its own perpetuity in the maintenance of its purity—all forbid it. Our denominational divisions constitute a system of sleepless and enterprising vigilance over the encroachments of the church. Protestant Christians have long ago ascertained, from history written in the blood of martyrdom, that their rights of conscience depend upon free Government. They are committed to maintain the separation of the Church and the State by the instinct of self defence, and by the precepts of their own faith. I think I am not mistaken when I say that the church herself would be the last to seek an unholy and self-destroying alliance with the State. Piety would die in the embraces of Government. No, sir, Protestant Christianity must stand aloof from political associations, by the law of her own existence. A loss of liberty might, perhaps would, necessarily corrupt the church; whilst liberty remains, the church will maintain its purity. Keep pure the church in our land, and the Constitution is defended with impregnable bulwarks.

In England we know, sir, that the church is part of the Government—that the articles of the established religion are held to be parcel of the common law—that the sacrament is a condition precedent to the tenure of office—that rich governmental revenues sustain the sacred aristocracy—that lands and franchises and political power, by the very principles of the British Constitution, (if Constitution Britain has, which I very much doubt,) appertain to the church; not to Christianity, sir, but to our form of church organization. Not so here. That aid which the Government can here give the church is alone in a freewill offering to the principles it professes, protecting all creeds and names equally by its tolerant and equal legislation. For myself I can conceive of no abomination more offensively abhorrent than a union of the Church with the State; and I would resist the very first approaches towards it with the sternest and most relentless hostility. But, sir, there is a union which is already, in some degree, consummated, which I hope I shall not live to see dissolved: I mean, sir, the union of *religious principle* with political conduct.

The leaven of moral principle should lighten the whole lump of the body politic. We should be cautious lest we divide things so happily and usefully united. We should be careful lest we invite into our legislation, and adopt as rules of conduct, the *philosophy* of a merely human *faith*. No gentleman, I know, would give his vote directly or indirectly to unhinge Christianity or in any way lessen its influences. I beg not to be understood as so charging. I only mean to say that the result at which they now aim may, in my opinion, produce that effect. The politicians of France desecrated the temples of God—burned the Bible—endowed the goddess of Reason with the attributes of Deity—and soon, very soon, the foundations of society were broken up, and anarchy reigned triumphant. The vine-clad hills and fertile plains, and crowded streets of France flowed down with blood. To a public relaxation of moral obligation, I have no doubt, may be traced those startling horrors which preceded and followed the French Revolution.

SPEECH OF MR. RAYNER,

OF NORTH CAROLINA,

In the House of Representatives, December 18, 1838—On a resolution that the commissioned members from the State of New Jersey are *not* entitled to be sworn as members of the House.

Mr. RAYNER said he had not intended to have taken any part in this debate. Having but lately taken his seat upon that floor, he had hoped that nothing would have transpired to change the resolution which he had formed—that of being a listener instead of a talker in this controversy. I am well aware (said Mr. R.) that this is no place, neither is this any time, for apologies. We all meet here with equal privileges and under equal responsibilities, and one has as much right to express his views here as another. But being a new member here, and in the presence of what *ought to be* the congregated wisdom of the nation; and feeling that diffidence which must necessarily result from such a position, I will claim it as one of my rights on this floor, to offer an apology for the remarks which I design to make; and that apology is, that if I say nothing which may be worth the attention of this House, I shall only be following the example which has been set me by several others. For, in the scope of this debate, the discussion has not been confined to those, only, who have approached it with calmness and discretion; but in the political battle which has been fighting here for the last two weeks, soldiers of every grade have entered the lists, from the hardened veteran to the raw recruit—from those who have wielded the sword and the battle axe, to those who have contended with bulrushes and straws. And besides, the great principles at stake in this matter, and the important consequences likely to grow out of its decision, admonish every one who feels an interest in it, to speek out fully, freely, and frankly in regard to it. And when it is borne in mind, that the rights and privileges of a sovereign State are involved in the decision of this question, I insist that it behooves every State to speak out through a portion of her representation on this floor, and to enter her protest against the attempt which is making to disfranchise New Jersey.

Sir, disguise this matter as you may, distort it as you please, still the real question is, whether the Constitution and the laws, or violence and brute force, are hereafter to prevail in the organization of this House and the legislation of this country. What sort of a spectacle do we exhibit to the people of this country? For better than two weeks have we been here, unorganized, in disorder and confusion, and the majesty of this Hall violated by the presence of men who have no more right to a seat on this floor* than had the fish-women of Paris in the National Assembly during the excesses of the French Revolution. Sir, the eyes of an anxious, an excited, and an indignant people are upon us; an awful responsibility rests some where, and I wish it to rest where it properly belongs. I do not hold the Clerk responsible, but those who advised him. I do not attach to his course that importance which has been assumed in this debate. He is nothing more than a ministerial officer, and his *dicta* are only binding so far as they reflect, and are in accordance with, the views of a majority here. What he says, or what he does, is authoritative so far only as it meets with the sanction, either express or implied, of the body whose officer he is. He cannot make or unmake members of Congress, by his willingness to call the names of some, or his refusal to call the names of others. And although we cannot but be indignant of the dogged obstinacy and party devotion which he has evinced, still I think entirely too much importance has been attributed to his conduct, when it is recollected that he is only the mere instrument through which this act of party tyranny is attempted to be perpetrated upon us. Suppose that the Clerk, after calling the name of Mr. RANDOLPH, had proceeded to call the names of the other regularly commissioned members from New Jersey, think you he would not have been interrupted and objection made to those gentleman's names being inscribed on the roll? If the Clerk *had done* his duty, think you that those gentlemen would have been permitted, without objection, to vote in the organization of this House? and to have taken the oath required by the Constitution, preparatory to their taking their seats as members of this House? Suppose, when the Clerk was advised, nay, required, to take the course which he did, he had replied, "Gentlemen, I am the officer of the House of Representatives, and not the mere tool of a party; I have taken an oath faithfully to perform my duty; one portion of that duty is to make out and call over the names of the members elect on the first day of the assembling of Congress; the duty which I owe my country, and the oath I have taken, prevent my compliance with your demand:" I say, suppose this had been the manly and noble response of the Clerk, when required to do as he did, think you this scene would not have taken place? No one who has been an observer of the party organization which exists here, the dictation of party leaders, and the inflexible determination which exists to carry their point at all hazards, can for a moment doubt upon the subject. The course of the Clerk only presented an issue a moment sooner, which would have been presented, even if he *had* performed his duty as a faithful officer. And as soon as objection had been made, discussion would have ensued, and after discussion, as soon as it had been necessary to test the sense of the members upon any distinct proposition, the same question would have arisen which has given us all this difficulty, viz. who should be entitled to vote? So, no matter what course had been pursued by the Clerk, "to this complexion it would have come at last" Why really, sir, from the debates which have taken place here, one would suppose that all this storm had been raised by the Clerk, and, that he had the power to allay it whenever it suited his good pleasure. If one unacquainted with our Government, and uninterested in our institutions, had heard the pathetic and eloquent appeals which have been made to the Clerk to proceed in his duty, he would have supposed that the Clerk, from his elevation there, was as omnipotent in this Hall as Jupiter on Olympus, and that upon his nod hung not only the future existence of this body, but the destinies of this nation. No such thing, sir; it is not the mere call of the Clerk that constitutes the person called an integral portion of this House; but it is the tacit acquiescence of the other members present, in recognising as a fellow-member, him who presents himself clothed with an authority as potent as theirs, which recognition they are bound in duty as well as courtesy to give.

I have made these remarks for the purpose of presenting the point which I wish to make—that the blame should attach to those who have only used the Clerk as a mere instrument, for the purpose of screening themselves from responsibility. One thing is certain, we shall be arraigned before the great tribunal of public opinion; and I wish it now to be distinctly understood that it is not the Clerk, but a band of partisans on this floor, who have prevented the organization of this House, and kept it in an uproar and excitement for fourteen days. Yes, sir, I call upon this House, and upon the people of this country, to bear witness, that while we—and when I say we I mean the friends of the Constitution and the laws—have been strug-

*It will be recollected that the contesting gentlemen from New Jersey marked their names at, and occupied seats in the Hall, without obtaining permission, during the discussion on the question.

gling and striving to organize this House, according to the requirements of that Con titution and those l ws, we have made thwarted in every attempt and frustrated in every movement, because we will not agree to depart from that course which is sanctioned by the Constitution, and hallowed by immemorial usage.

The fourth section of the first article of the Constitution declares that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but that Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." Here the Constitution has entrusted the entire regulation of the elections in each State to the Legislatures thereof, until otherwise ordered by Congress; and Congress never having passed any law on the subject, the matter rests under the control of the States. Well, who made that Constitution? The people of the United States, in their character as States, each State acting and deciding for itself. The people of New Jersey, in the adoption of that Constitution, which is a part of their fundamental law, entrusted to their Legislature the enactment of all laws and regulations touching the elections in that State. In pursuance of that authority, the Legislature of New Jersey, a body which also emanated from the people, passed a law in 1807, (here Mr. R read from the law of New Jersey,) which after requiring the clerks of the several counties "to make one list of all the candidates voted for," in their respective counties, as Representatives from that State in the Congress of the United States, "together with the number of votes received for each of them," which they shall "transmit" "to the Governor" "within seven days thereafter," goes on to declare, in the fifth section, that "the Governor, or person administering the Government of this State, shall, within five days after receiving the said list, lay the same before a Privy Council, to be by him summoned for that purpose, and, after casting up the whole number of votes from the several counties for each candidate, the said Governor, or person administering the Government, and Privy Council, shall determine" "the six persons who have the greatest number of votes from the whole State for Representatives in the Congress of the United States; which six persons, the Governor, or person administering the Government, shall forthwith commission, under the great seal of the State, to represent this State in the Congress of the United States. Here, then, the people of New Jersey, through their Legislature, in pursuance of a right guarantied by the Constitution, have pointed out the mode through which their will is to be known in regard to those who are to represent them on this floor. They cannot all come here, and say to you in person, whom they wish to represent them here, but they declare to you, through their organic law, that those who present themselves with the commission of the Governor, certified under the great seal of the State, are they whom they wish to represent their rights, their interests, and their wishes here. This is a high and important trust, which they have confided to their Government, on his own responsibility; and, whether he abuses that trust or not, is a question in which we cannot inquire until we are a tribunal competent to decide—which we are not, until we are constitutionally organized, and have had the evidence on both sides of the question. And, let it be borne in mind, that the States of this Union, in the adoption of the Federal Constitution —which guaranties to each State the regulations of its own elections—have pledged themselves, each to the other, and all to each, that those credentials which each may have declared to be the evidence of its choice, shall be faithfully and implicitly respected by all the others. Well, have the members from New Jersey exhibited such credentials? We have heard their commissions read from the Clerk's table, and it is unnecessary to insist that they are in due form as required by law, for that is admitted on all hands.

But it is not only in conformity with the Constitution and the law that those members having the regular certificates should take their seats here, as a matter of right, and assist in the organization of the House, but it is also in conformity with that e tablished usage, which has become a law of Parliament, an i which has always prevailed from the origin of the Government down to the present time. It has been the invariable usage, not only in the Congress of the United States, but in the Legislatures of all the States; and although gentlemen on the other side have been called on again and again to cite a single instance in the history of American legislation where a different course has been pursued, yet no such case has been mentioned. The case mentioned by the honorable gentleman from Virginia [Mr. RIVES] is not a case in point, for there both the claimants held certificates, which were valid according to the law of that State—one being signed by the sheriff, and the other by the deputy sheriff; whereas in the case before us no one will pretend that Messrs. Dickerson, Vroom, and others have exhibited any evidence of election which is recognized by the laws of New Jersey. The case of Moore and Letcher has been alluded to, but that furnishes no precedent which is applicable to this case; for it is established, as well by the history of that case, as by the repeated declarations of gentlemen during this debate, who are conversant with all the facts connected with it, that the certificate of Moore was defective on its very face, and not in conformity with the law of Kentucky. Moore's certificate was defective by the admission of his friends; the certificates of the gentlemen from New Jersey, Messrs. Aycrigg, Halsted, and others, are made out according to law, by the admission of their enemies. That is just the difference between the two cases. And, what is passing strange, and only to be accounted for from the rabid influence of party, some of the very men who are now most prominent in leading this crusade against the rights of New Jersey, (as has been proved by a reference to their speeches,) then insisted that you could not go behind the return before organization, but that the certificate of election gave the holder a *prima facie* title to his seat. This principle is as sound now as it was then. It is a principle which, in common with all our ideas of free legislation, we borrowed from England, where it has been the law of Parliament ever since the rights and privileges of the House of Commons have been placed beyond the control of the Crown—ever since that House has been the depositary of the rights and freedom of the citizen. The authority read to us the other day by the honorable gentleman from Pennsylvania [Mr. BIDDLE] places this matter beyond controversy. I have that authority now before me, and, with the permission of the House, I will read it again, as it ought to be conclusive upon all who acknowledge the force of precedent and law. I read from Jacob's Law Dictionary, under the head of "Parliament," vol. 5, page 79:

"If two or more sets of electors make each a return of a different member, (which is called a double election,) that return only which the returning officer, to whom the sheriff's precept was directed, has signed and sealed, is good, and the member by him returned shall sit until displaced by petition."

In reading further, I find, on the same page, the following:

"In the year 1640 it was ordered, that when some are returned by the sheriff, or such other officer as by law hath power to return, and others returned *by private hands*, in such case those returned by the sheriff shall sit until the election is quashed by the House."

In the case before us the certificate of the Secretary of State of New Jersey, exhibited on behalf of Messrs. Dickerson and others, is, as it were, *by private hands*; he is not known to the law so far as regards the issuing of certificates of election; and his certificate, in the absence of any provision by law, is entitled to no more authority than the letter of a private gentleman.

But I have another authority, which was pointed out to me by a friend this morning, and which is more conclusive, if possible, than either of those I have read. I read from *Lex Parliamentaria*, page 229:

"If a sheriff shall return one for Knight of the Shire who was unduly or not at all elected, yet he that is returned remains a member of the House till his election be declared void."

Now will any one attempt to evade these authorities, by saying that they are English precedents, and therefore not applicable to our country? Sir, I have heard of some pettifoggers who, after hearing cited by the opposite counsel an authority which they could not controvert, attempt to delude an ignorant jury by telling them that it was an authority from England, a country where they had a King, and not applicable to a free country; and that in rendering their verdict they ought not to recognize its validity. Will any one use that argument here? I challenge any member on this floor to rise in his place, and stake his reputation, either for intelligence or candor, by saying that these authorities are not binding upon us because they are English precedents. Will any one do it? No one will—for every one here *ought* to know, if he does not, that the parliamentary law of England, whenever applicable to the nature of our Government, has always been recognized by the jurists of our country as entitled to the same respect and possessing the same authority as the common law; which was the national inheritance we received from our fatherland, and which, in fact, is the common source of all our free institutions.

If, then, the members from New Jersey produce the credentials which the Legislature of their State has provided by law, and if that provision of their Legislature is in pursuance of a right guarantied by the Constitution of the United States, why will this House refuse them a participation in all the rights and privileges, as well those which are incident to organization as to legislation afterwards? If it has been the established usage, from the origin of the Government, to admit to their seats those having the certificates of election required by law, why will you now, for the first time, violate this settled principle, and innovate upon a practice which has become the parliamentary law of all free legislation? But, sir, how have the authorities which have been adduced, and the arguments which have been made, in defence of the Constitution and the laws, been met on this occasion? Have they been received and been replied to with courtesy and candor? No, sir. Gentlemen, after having received authorities which they could not controvert, and arguments which they could not answer, have attempted to evade them by sneering and ridicule. They tell us they will not be fettered by precedent, or trammelled by the forms and technicalities of the law. And I, for one, was sorry to hear that doctrine avowed on this floor. I think it must be the first time that that destructive, jacobinical principle has been promulgated in this Hall. I was aware that that doctrine had its advocates among the wretched rabble that infest our Northern cities; but never did I expect to see the day when an American Representative would openly avow it on this floor. The avowal of such a doctrine I consider to be an outrage upon the sanctity of this Hall. Yes, sir, this Hall, which was consecrated to freedom; which was designed as an ark to preserve inviolate the Constitution, amid the deluge of political strife which is sweeping over the land; this Hall, which was expressly intended to perpetuate the power and majesty of the law, has been desecrated—yes, desecrated—by the avowal of doctrines which, if carried fully out into practice, would not only sap the foundations of our free institutions, but would, in its levelling career, raze to the ground the fair fabric under whose dome we are now assembled. Yes, I repeat it, and I call upon the American People to beware, that their institutions are in danger, when it is openly declared on this floor that the forms and technicalities of the law are not to be regarded when they interpose an obstacle between a majority here and the attainment of a favorite object. And this declaration is the more alarming when it is recolleted that it comes *ex cathedra*; that it is made by one who has been pointed out to me as the leader of his party in this House, [Mr. VANDERPOEL, of N. Y.;] and who, I must say, has indulged in a strain of denunciation and slang that ought not to have been permitted by the senior members of this House. Why, what are those technical rules and

useless forms of which the gentleman from New York has spoken? They are, so far as regards all the purposes for which they were designed, the supreme law of the land. What are your rules of order for your government here? They are the most technical of all technicalities, and yet they speak the commanding language of the law, and are as imperative and binding in their nature, and as much entitled to respect, as though you kept an army at your doors ready to enforce them. What lends the sanction of majesty to our courts of law? It is the formal and technical manner in which justice is administered. What invests the constable's staff with a power as terrible as the tyrant's sword? It is a mere technical procedure of a few moments in compliance with the forms of law. But, says the gentleman from New York, in the fury of his party zeal, the forms and quibbles of the law are not to be regarded when the rights of the people are in danger. Now, it is absurd, it is paradoxical, to talk about the rights of the people conflicting with a law which they themselves have passed, in pursuance of a right which they have reserved to themselves in the Constitution; for it is the object of the Constitution to define those rights, and of the law to enforce them. If, then, the gentleman from New York is such a friend to popular rights and to the people of New Jersey, let him prove that his professions are sincere by aiding to carry into operation the laws which the people of that State have passed for the protection of their rights. Now, I understand, the gentleman from New York is himself a lawyer; and is it possible that he, who belongs to a profession that has, in all ages, stood up for the rights and sanctity of the law against the encroachments of those in authority—a profession that has, in all ages, included in its numbers the guardians and protectors of liberty, and the defenders of the rights of man; is it possible, I say, that he will now become the derider and contemner of that very law for whose omnipotent power he is daily in the habit of contending?

But, says the gentleman, my object is to take care of the people's rights, and I will not be arrested by the forms and technicalities of the law. Now, sir, I am not to be deluded by this cry about the people and the people's rights. As to all the slang which we have heard upon that subject, I look upon it as too contemptible for notice. It has always been the language which cunning and corrupt men have used for the purpose of concealing their treacherous and sinister designs. It has always been the language of despots, when the law has interposed a barrier to their ambitious projects. Tyrants have always contended that their object was the good of the people, when violating those very laws that the people themselves may have made for their own preservation. It was the language of Cromwell when, under the garb of sanctity, he clutched at unlimited power. It was the language of Robespierre when, from a pretended hatred to tyrants, he deluged France in the best blood of her sons. It is the language of fanaticism in our own day, when whetting the knife for our thoats, and kindling the torch for the destruction of our homes. It is the language of the gentleman from New York in framing a pitiful excuse for trampling on the laws and Constitution of his country. Why, sir, I again ask, what are the forms and technicalities of the Constitution and the laws, which the gentleman from New York has so much derided? It is they whose unseen power is always in operation, and which keeps the wheels of Government in motion, not only whilst we are sitting here, but whilst we are reposing in our beds. It is they whose magic power brought us all here together on a given day—which protects us in the exercise of our duties here, and which invests with a sort of sanctity in the public eye, all our proceedings. It is they which arm your Sergeant-at-Arms with a power as "terrible as an army with banners"—which reconcile us to our labors and detention here, under the assurance that our homes and our fire-sides are protected against the assaults of rapine and violence. It is they whose "still small voice," to use the language of my eloquent friend from Georgia, [Mr. NISBET,] "speaks in a language as terrible as the thunders of heaven." It is the technical operation of the Constitution and the law which give us our existence as a representative body, and which will strip us of our power at the appointed time. It is to them that the gentleman from New York himself owes the privilege of a seat on this floor—for, without the forms of law, his constituents could not have sent him here—and the opportunity which he has had, of sneering at, deriding, and contemning the very power which clothes him with his representative character.

But, sir, we are not only bound by the Constitution and the law of Parliament to admit the members having the legal returns, but reason and common sense must suggest that we cannot depart from that course wihout becoming involved in inextricable difficulties. Before organization we can do nothing except what is incidental to organization; it is only by the act of organization that we become invested with a representative power, able and capable of enforcing our decrees. Is it not evident, then, that, upon assembling together, reason and convenience both require that no obstacle should be presented which is calculated to embarrass us in the act of organizing? I think the position has been properly taken and forcibly illustrated here, that, before we are organized, we can exercise no power except what is necessary to organization; the reason of which is perfectly plain, since the Constitution requires that we should exercise no power, either legislative or judicial, except under the sacred responsibility of an oath. And we disregard the Constitution altogether if, before we are organized—or even afterwards—we prejudge the case without hearing the evidence on both sides. In either case we constitute ourselves into a revolutionary tribunal for the purpose of disfranchising men who come here armed with the same power and clothed with the same authority that we do. The confusion and inconvenience resulting from the adoption of any other course than that of allowing the members having the lawful certificates to take their seats, was urged upon us at the very commencement of this difficulty; it was predicted by the distinguished gentleman for Pennsylvania (Mr. SERGEANT,) who, in the forcible language of eloquent truth, foretold the very difficulties which have since taken place; and whose clear and logical mind, on yesterday, placed this matter in so clear a point of view that "he who ran might read." His argument has not been answered, and never will be answered. It will stand as an enduring monument not only of his patriotism and his intellect, but of his devotion to the rights of the States. Yes, strange as it may seem, that honorable gentleman—who, as he told us, has never been over-zealous in his advocacy of State rights—has on this occasion stood forth as their champion; while others, from whom we had a *right* to expect it, have deserted the post of duty.

The course insisted on by the other party will, at any time, place it in the power of a factious and turbulent minority to control the action of a majority; in fact, it will place the destinies of this Government at the mercy of unprincipled and partisan agitators. Suppose, for instance, that parties are pretty nearly balanced in this House at any time hereafter—what an easy matter will it be for a few factious partisans of the minority party to get up a pretended contest against just enough members of the majority, who, being set aside, will throw the majority the other way. And think you it will not be frequently done if the precedent is now set? And, in times of high party excitement, to what length will not this disorganizing spirit be indulged? Suppose, for instance, at some time hereafter in the history of this country, a corrupt and profligate Administration shall, by fraud and bribery, have fortified themselves in the strongholds of power; suppose that the people of this country, after having long suffered all the evils of tyranny and misrule, shall have aroused themselves, and, by a mighty effort at the ballot-box, shall have returned to this House a majority opposed to the reigning dynasty; suppose, too, this shall happen at a session previous to the Presidential election; suppose the party in power shall have become alarmed at the prospect of a system of investigation which is to drag to light their miserable corruption and hypocrisy, and expose to an indignant people the system of peculation and plunder by which the very life-blood of their prosperity has been exhausted; ay, sir, suppose that a Speaker is to be elected, and that in the election of that Speaker are involved consequences of awful import to the party in power; we will go a little further, and suppose that a partisan Clerk is to be rewarded for his compliant disposition—does it require the spirit of prophecy to foretell what is to take place, if the precedent is now set, that the contesting a member's seat is sufficient cause for excluding him from all share in the organization of the House? Who does not see that in such a case no member of the party opposed to that in power, could be sure of his seat without a contest? The only question would be, who should be sacrificed to appease the demon of party. Establish this precedent, and where is it to end? It places the majority in the power of a factious and corrupt minority. It is a bribe and a lure held out to hypocrisy and corruption; for, whilst one party might refrain from these pretended contests from a sense of propriety, all the advantage would enure to those who would not be restrained by any such correct motive. Establish the precedent that the mere contesting his seat, is sufficient ground for setting aside any member, and depriving him of all share in the election of Speaker and in the organization of this House, and I fear the time is not far distant when no one who is opposed to the tenant of the White House at the other end of this city, will ever be allowed to take his seat quietly in this Hall. Establish the principle that he is to be unceremoniously deprived of his right upon the mere complaint of some pretender, and you will soon have to provide some extraordinary power to enforce your decrees. For, I assure you, that whenever this system is attempted to be carried fully out, you will find that there are some stubborn and unbending spirits in this country, who will defend their rights at the hazard of their lives, and who will only surrender them with their heart's best blood. Establish the precedent, that party malice is to be gratified, and party vengeance satiated by this vexatious and tyrannical process, and you may as well at once organize a corps of bandits, to enforce your savage and despotic orders. Yes, sir, I fear the time is fast approaching when every friend of the Constitution and the laws who presents himself for admittance here, will be compelled to march up to that table with his commission in one hand and his dagger in the other. I say not this in idle bravado; it is forced upon me by the scene I witnessed on Friday last. When the Constitution and the laws are dethroned, violence and faction must usurp their places; and in that case there is no other alternative left the oppressed but tame and quiet submission, or a resort to physical force.

The precedent proposed to be set will not only empower a minority to overrule and control a majority, but it will enable them to prevent the organization of this House altogether. Suppose, for factious purposes, a majority of the seats on this floor should be contested on the assembling of the members. What sort of a spectacle do you then exhibit? According to the rule insisted on here, all those whose seats are contested must stand aside. And there you are; the minority cannot organize, according to the Constitution, for they would not constitute a quorum; and thus the Government is suspended, and the future existence of this body dependent on the whims and caprices of a meager minority here. What could be done in such a case? A minority could not constitutionally elect a Speaker; they would be equally impotent to pass judgment upon any of the contested seats. And you have already decided that those whose seats are contested should not vote in what you are pleased to call their own case, although the rights and interests of their constituents, and the sovereignty of the States they represent, might be involved in the issue. So you see, that as soon as you depart from the Constitution and the laws—as soon as you depart from the established usage of parliamentary proceeding—you become lost in a labyrinth of difficulties, from which the ingenuity of an Ariadne can afford you no clew of escape. And, as has already been proved in the course of our

proceedings, the further you proceed the more you become involved, till finally, for the purpose of extricating yourselves you are compelled to overleap "all law, all precedent, all right."

But, say gentlemen on the other side, the fraud in this case is so palpable and evident that we must go behind the return. Well, if there be a fraud in this case—and, by the bye, I deny the fact, until it is proven—we cannot *now* remedy the evil; we cannot *now* do justice to the injured, or punish the offender; because we are not competent to try the case until the House is fully organized, until the subject has undergone investigation before a committee and all the facts reported, and until we are a jury regularly empanelled to sit upon the trial of the case. If wrong has been done, let New Jersey herself inflict the punishment where it belongs, and let it come from the source whence it ought. These gentlemen who present credentials here, come here as the representatives of the people of New Jersey. The people of that State have entrusted to their Governor the power to declare in his official character who may have received a majority of the popular vote; he is responsible to them, and if he *has* acted fraudulently and in bad faith, let them visit their vengeance upon him. Let it be recollected that it is the people of New Jersey, and not a mere faction in that State, whose rights are involved in the decision of this case; they have prescribed the manner in which their choice is to be expressed; they have prescribed the evidence which is to inform you of that choice; and if gentlemen here sit themselves up as the guardians and protectors of the rights of the people of New Jersey, they are bound to respect the evidence which their laws declare to be conclusive as to their choice. If you are the friends of New Jersey, do not disfranchise her on this floor, but prove the sincerity of your professions by your conduct; respect her institutions and her laws, which declare to you the credentials by which her representatives are to be known. But it is said there was fraud practised upon the people by the Governor and Council. If there was, and you as private individuals, had satisfactory proof of the fact, you certainly cannot now, when sitting in your representative character, recognize as proper evidence that information which you may have received, and by which you may have suffered your opinions to be influenced, as private men. But what evidence have you that there was fraud? Do you arrive at that conclusion from the *ex parte* statements of scurrilous and pensioned newspapers? Will you sit in judgment upon the case, before you have heard the evidence and the counter statements on the other side? If you suffer yourselves to be prejudiced by one sided statements, how can you approach this subject hereafter with the calmness and discretion which its importance requires? I warn gentleman now, that, by prejudging this case, they will be incapacitated from sitting in trial upon it hereafter. After pursuing this course, will they be able to say that they are ready to try the case upon its merits, free from all prejudice and bias of opinion? Certainly they cannot; and I call upon the House, and upon the country, to bear witness that if gentlemen pass judgment upon this matter now, without hearing and comparing the evidence on both sides, that they will be estopped, as well by a sense of delicacy as of justice, from sitting upon the case when it comes up for final action. For, in that case, they will be a packed jury; they will have prejudged the case; they will have formed and expressed an opinion; that opinion will be a matter of record; for the sake of consistency they will not recede; and when pride and prejudice are both aroused, what chance will feeble justice stand? None, none whatever.

But there is another objection to excluding these members from New Jersey, who come here with the legal certificates—an objection which, with me, is paramount to all others. It is trampling upon the rights and setting at defiance the laws and institutions of a sovereign State. In regard to this matter, I am well aware of the delicacy of my position; and it is in a measure owing to that, that I have been induced to trouble the House on the present occasion. I belong to that small number in the South who claim, *par excellence*, to be State Rights men, and who were for a long time placed under the ban of proscription by both the great leading parties in this country. And I am, moreover, one of those who stood firm and steadfast by their principles and the Constitution, when our great leader and captain went over to the enemy. And according to my view of State rights, I should prove recreant to all the principles of that school, if I could stand quietly by, and see the laws of a sovereign State passed in pursuance of a right reserved in the Constitution, disregarded and set at naught. Why, sir, what is State rights, as expounded by the fathers of our faith? It is, that all those rights and privileges reserved to the States in the Constitution are sacred and inviolable; that all laws passed in pursuance thereof are as imperative and binding as the decrees of Federal power, when backed by an army of mercenaries to enforce them; and, to carry the principle fully out, that the States "not only have the right, but that they are in duty bound, to interpose for arresting the progress of the evil," whenever those rights are wantonly violated. If I understand it, this is State rights; this is the great conservative principle of our system, which is equally well calculated for arresting the headlong career of that rabid Democracy which is sweeping over the land, as for checking the slow and cautious progress of Federal usurpation. Well, how stands the application of this principle to the case now before us? The Constitution guaranties to New Jersey, in common with the other States, the regulation of her own elections; and the Legislature of that State, in pursuance of such right, did pass a law, which I have read, declaring what sort of commissions should be evidence of election on this floor. An election has been held according to the regulations of that law; the members who present themselves produce commissions which are made out according to all the requirements of that law, and how do you treat them? Instead of treating them with proper respect, instead of recognizing them as equals—which you are bound to do, if you respect the reserved rights of New Jersey and the laws enacted in pursuance of those rights—you tell them to stand aside; you attempt to drive them contumeliously from this Hall; and some here have gone so far as to insult them, by calling them the Governor's representatives Now, if this is State rights, then I must confess I have studied the subject to but little purpose.

Really, sir after hearing this discussion, if it were possible to endue an abstract principle with the power of speech, well might State Rights exclaim, "Save me from my friends, and I will take care of my enemies." For strange as it may seem, the rights of the States, during this debate, have found advocates where they had no right to expect them; while those who were bound by every consideration to defend them, have been aiming a deadly blow at their very existence. But, says the honorable gentleman from South Carolina, [Mr. PICKENS,] sovereignty resides in the people, and not in the Governor and Council. I presume that gentleman is not likely to gain any additional credit for sagacity by this discovery; he will find no one to moot that point with him; every one will admit that sovereignty resides in the people—no one will insist that it is in the Governor and Council. But, it is an attribute of sovereignty to define the manner in which that sovereignty is to be exercised. The people of New Jersey have said that it is through the Governor and Council that their will is to be made known on this floor. And if the people of New Jersey are sovereign, as admitted by the gentleman from South Carolina, their regulations in regard to their elections, when constitutionally made, are also sovereign. The Governor is the agent whom the people of New Jersey have selected to inform this House of the choice; he is their lawfully constituted attorney; his *power of attorney* is registered in the statute law of their State; and that maxim of the common law, that "what one does through another he does of himself," is as old as English liberty itself.

Sir I must confess I felt mortified and disappointed at the course pursued by the honorable gentleman from South Carolina. In fact, when I think of the gallant stand which that gentleman and his compeers have heretofore made in defence of the rights of the States—when I think of the time when the chivalry of South Carolina stood up here, almost unaided and alone, battering against the legions of despotism, and now behold her sons leagued with the very men who were then urging a tyrant to put them to death— I say, when I see this, I am ready to inquire, "Is it fancy, or is it fact?" But if evidence is lacking to remove all doubt, go to the record, and there behold the names of that gentleman and his colleagues, with one saving exception, associated with the very men, a contact with whom, a short time since, he would have avoided as a pestilence. A comparison of the events of a few by gone years, with those of the present time, are sufficient to convince the most sanguine of the fading nature of human glory, and the instability of the human mind. Compare South Carolina now with what she was a short time since. When I reflect that but a few years ago that gallant State seemed to be the only place in this Union where freedom had a resting place—that in her temples alone the sacred fire of liberty seemed to be kept burning—when I think of the sublime moral spectacle she presented to the world, when, having planted her banner on the ramparts of the Constitution, she bid defiance to a world in arms—I say when I think of that time, and now behold her united with the very men who were then thirsting for her blood—and that, too, for the purpose of trampling upon the rights of a sovereign State—I am ready to exclaim, in the language which Shakspeare has put in the mouth of Cassius, when lamenting the degeneracy of his country—

"Age, thou art shamed:"
Carolina, "thou hast lost the breed of noble bloods."

I mean no disrespect to South Carolina, or those who now control her destinies. I have a right, if any one has, to allude to her position, and to speak out fully and freely upon this subject; for the time once was, when "clouds and darkness" hung upon her borders, that the sound of the first gun would have been the signal for my departure, and the first drop of blood would have cemented my destiny to her's for weal or for wo; with her I would have marched on to victory and to glory, or else I would have bleached her hills with my bones.

Why, sir, the time has been when, if this attempt had been made to trample upon the rights of a sovereign State, the honorable gentleman from South Carolina [Mr. PICKENS] could not have been kept chained to his seat. He would have sprung to his feet like a tiger from his jungle, and the tones of his eloquent indignation would not yet have been done ringing in this Hall, nor the minions of power yet been done quaking beneath their thrilling influence. But "a change has come over the spirit of his dream;" and he, who once bore aloft in this Hall the tattered banner of the Constitution, undismayed by power and unseduced by the glitter of place, is now found doing "good service" in the ranks of the very men who were then for hanging him on a gallows as high as Haman's. I presume it is too late, or I would even now, unknown and obscure as I am here, make one last appeal to that gentleman. I would appeal to him by the recollection of those scenes that once bound together every *true* friend of State rights in the South "with hooks of steel;" I would appeal to him by the common dangers which threatened us, and the common odium which we incurred—by the chivalry of his own nature—by the fame which he has acquired, and the glory which once encircled his State—by all these I would appeal to him, to return once more to the defence of the Constitution and the laws, and to give us once more, in the struggle we are making, the aid of his powerful arm. I beseech him to turn his back upon his new political associates, who will seduce him not only to the destruction of his own fair fame, but to the destruction of the free institutions of our common country. I beseech him to quit the worship or those false idols, by which he has been seduced from the pure faith of his fathers, and return once more to worship in the temple of that faith, whose gospel is the Constitution, and whose commentary is the law,

If this deed is consummated, then, in the sincerity of my soul, do I believe that State rights will have received a wound from which they will never recover, till the States shall have arisen in the majesty of their power, and remodelled the Government upon the original basis planned and designed by the fathers of the Republic. What little vitality was left in them by the proclamation and force bill will then have been extinguished forever. A precedent will have been set, which will be appealed to in after times as justifying any outrage, no matter how flagrant soever it may be. And what is the most melancholy reflection attending this whole transaction is, that the very men who a short time since were threatened as the victims to appease the wrath of a tyrant, who sought to gratify his vengeance by the overthrow of all the barriers which the Constitution had erected around the rights of the States, are now about to officiate as the priests of the sacrifice. Carry out your contemplated object, consummate this outrage upon the privileges of the representatives of freemen, and this violation of the rights of a sovereign State and the degradation of your country will be complete. You will then have committed an act, equalled only in depravity and party malignity by a scene which took place but a few short years since in the other end of this building, when a subservient Senate, crouching like hounds beneath the lash of their master, defiled, nay, destroyed, the very record which they had *sworn* before their God and their country to "keep" sacred and inviolate. There is a striking similarity between the two cases. In that case, the records of the country were *expunged* to gratifiy the malice of a tyrant; in this case, it is proposed to *expunge* the representation of a sovereign State merely to effect a temporary party triumph. In this case, as in that, eloquence and argument have pleaded, and pleaded in vain. But the oracles of party have spoken, the mandate hath gone forth, and the sacrifice must now be made, even though it require the immolation of the Constitution itself. Do the deed, and the expungers will again raise their shame-stricken heads; they may then stalk in triumph through this Hall, and taunt us by saying, "You are now no better than we." I, for one, wash my hands of this business. And, as the representative in part of one of the sovereign States of this Union, I now enter my most solemn protest against it. I protest against it in the name of our common country, whose honor and dignity will be compromised by such an unparalleled act of party madness. I protest against it in the name of the Constitution, which is not only the bulwark of our national freedom, but the only guarantee of our civil rights. I protest against it in the name of those established usages which come down to us sanctified by the test of time, and the example of a glorious ancestry. I protest against it in the name of New Jersey, and of my own State, which may, perhaps, fall the next victim to this insatiate appetite of party voracity. And, in conclusion, I appeal to this House to reflect upon the act they are about to commit. I appeal to them in the name of our common country, which has such claims upon our devotion; in the name of that Constitution which was purchased by the blood and treasure of the Revolution; in the name of those time-honored usages which we received from the hands of our fathers; in the name of New Jersey—her achievements in science and in arms, the glory which rests around the names of her sons, the blood which she shed at Monmouth, at Princeton, and at Trenton; and, finally in the name of that God who will not look unangered upon injustice and fraud; by all these I appeal to you to pause, and do not stain the escutcheon of your country with a blot which time will never *expunge*.

NEW JERSEY ELECTION.

SPEECH OF MR. STARKWEATHER,

OF OHIO,

In the House of Representatives, January 10, 1840—On the resolution of Mr. CAMPBELL of S. C. that all memorials and papers in the possession of the House relative to the New Jersey elections be referred to the Committee of Elections.

Mr. STARKWEATHER said it was, perhaps, embarrassing, under any circumstances, to make an apology to the House for claiming its attention; yet he must confess, that though he rose with much embarrassment when he first addressed the Chair, he was still more embarrassed now, in consequence of the interruptions to which he had been subjected. He would endeavor, however, to get back to the position he assumed when he was first up. He had then said that the question before this House was, can the Governor of New Jersey elect members to Congress? or what, in fact, amounts to the same, can he furnish evidence of an election behind which this House cannot go? He had then said that it had been proven by testimony read before this House—that it was part of the history of the country—that it had been admitted by the gentleman from New Jersey, [Mr. RANDOLPH,] that Mr. AYCRIGG and his associates, who brought with them the certificates of Governor Pennington and the broad seal of the State, had not received a majority of the votes of New Jersey, but that Mr. DICKERSON and his associates had; and now (said Mr. S.) I plant myself on the first clause of the Constitution, which declares that every second year the *people* of the several States shall choose members of the House of Representatives. That was the position he assumed; and, in examining the Constitution, he found no authority to give to the Governors of the States the power to elect Representatives in the Congress of the United States; he found no authority which gave to the Privy Council of a Governor the power to elect them, and he found no authority which gave such power to the clerks of the county courts. I assume (said Mr. S.) that the Constitution means what it says: "that the House of Representatives shall be composed of members chosen every second year by the *people* of the several States;" but perhaps I may be met here by the arguments of the gentlemen from Virginia, Pennsylvania, and Massachusetts, [Messrs. BOTTS, SERGEANT, and ADAMS,] that they did not contend that the Governor or the Privy Council, or the county court clerks of New Jersey, had the power to elect Representatives, but that they only could furnish the legal evidence of election. I ask them, then, triumphantly, by what authority are Messrs. AYCRIGG, MAXWELL, and their associates here. It is admitted, on all hands, that they are not here under the authority of an election by the people, as the Constitution requires—that the suffrages of the people were given to others; and by what authority then, I ask, do they present themselves here? I assume (continued Mr. S.) that the power of election is vested in the people, while the gentlemen say that it is vested in the Governor and Privy Council. Let us test that question for a moment. Has the Governor of a State the power to elect representatives of the people in this House? That is the point. If he has, where are your free institutions? and what value is there in your elective franchise? Has he the power to make the evidence by which the right of membership shall be determined? Gentlemen contend that the certificate and broad seal is the only evidence. Then, I ask, where is the authority given him in the Constitution to make this evidence? If he has it, of what value is the elective franchise, and for what purpose should the people assemble together to choose their representatives? If he can exclude those elected by the authority of the people, I ask what is the elective franchise worth? Gentlemen say that this House, in determining the right to seats in it cannot go beyond the certificate and broad seal, and that if it does, it will run into inevitable error. One gentleman says that it is conclusive evidence; another [Mr. WISE] that it is *prima facie* evidence, behind which you cannot go, contending that if you do not give the members holding it the seats they claim, you can never organize. They tell you that the members of this House elected by the people, and whose rights no one disputes, are not competent to act until they are qualified by the solemnity of an oath; while the member from Pennsylvania [Mr. SERGEANT,] tells you that from the moment an individual receives his certificate from the Governor of a State, he is clothed with all the privileges, all the rights, and all the immunities of a member of Congress. He tells you further, that a court of justice cannot go behind the broad seal, but must admit the individual possessing it, no matter how he came by it, to all the rights and privileges of a member of Congress. Let me state that question, in order to see the extent to which the doctrine of the gentleman would lead. Suppose the Governor of New Jersey, instead of giving his certificates to six members, had given them to twelve, and that all of them, starting in the same stage for Washington, should be arrested on their way, and should be brought up before a judge on a habeas corpus. The learned gentleman from Pennsylvania would say that the judge cannot go behind the certificates; and when he has released six of them, the gentleman would bring up the seventh and demand his release on the ground that he possessed the certificate and broad seal of a Governor, behind which he could not go; and thus get the discharge of every citizen of New Jersey, to whom the Governor might choose to give a certificate. This is precisely what the doctrine of the gentleman would lead to. The gentleman lays great stress also on their possession of the franking privilege. Is it so, that the Governor of New Jersey can give the franking privilege? That is not found in the bond—it is possessed by none but those to whom the Constitution and the laws have given it—members elected by the *people*.

I contend, said Mr. S. that this House must go behind the certificate of the Governor when it is necessary to do so, or this Government is dissolved. Let me, said he, test that position. The Constitution provides that this House shall be the judge of the elections, returns, and qualifications of its members; but gentlemen say they cannot judge until they have taken the oath prescribed by the act of 1798. So say the gentlemen from Virginia, from Massachusetts, and from New Jersey, [Messrs. WISE, ADAMS, and RANDOLPH;] and the gentleman from Virginia, in elucidation of his position, recounted the anecdote told of the late John Randolph, that on being questioned by the Speaker whether he was qualified in regard to age, shook his long skinny finger at him, and answered: "Go ask those who sent me." Suppose, then, that Governor Pennington, in the plenitude of his power and his corruption, had given to six of the sable sons of Africa his certificates of election; or, said Mr S. I will take the highly intellectual and civilized tribe of the Hottentots—suppose he had given his certificates to six of this tribe, and they had presented themselves here, demanding to be sworn as members—the gentleman from Massachusetts [Mr. ADAMS] would no doubt be willing to receive them, while the gentleman from Virginia [Mr. WISE] would have called upon the Sergeant-at-arms to have them removed. Observe the predicament in which the gentleman from Virginia would be placed. These distinguished sons of Africa would have shaken at the gentleman the Governor's certificate and broad seal, with as much display as Mr. Randolph did his skinny finger at the Speaker, and told him, in his own words, that he could not go behind it; while he would have looked at it with as much reverence as the Jews of old did on the Ark of the Covenant, and in despite of "*hide, hair, and complexion*," have permitted them to take their seats. I have said, continued Mr. S. that this House must go behind the Governor's certificates, or this Government is dissolved—and, feeble as I am in argument, I challenge contradiction. If the certificate of the Governor of New Jersey is of such sanctity that you can neither go behind it, nor around it, nor pass over it, I presume that the certificate of the Governor of New York is equally binding. The Governor of New York might send on here forty representatives from the distinguished tribe of the Flatheads—no, not the whole forty, said Mr. S. for I never yet heard of a Whig Governor who refused to give his certificates to Whig members—but he gives certificates to a sufficient number of Flatheads to fill the seats of the Democratic members. These certificate members then come here, with just as much right as did Mr. AYCRIGG and his associates, and the gentleman from Virginia says that we can neither go behind, nor beyond, nor around their certificates and broad seals, and

they must take their seats. According to the gentleman's doctrine you must go on in this way until you get a sufficient number of foreigners, aliens, and Whigs, to give a majority of this House; and until the Speaker is elected, and the committees appointed, you can do nothing—you are bound hand and foot—they elect their own Speaker, appoint their own committees, and then they have all that they want to continue themselves in power for the whole Congress. The time may come when there will be three candidates for the Presidency, and the votes will be so distributed as to bring the election into the House. These certificate and unconstitutional members will then make for the people of the United States their President—will make for them their laws—and for the simple reason that we cannot go behind the certificate of a Governor till the House is organized; and when it is organized, and with such members, I inquire of the gentleman from Pennsylvania how you can ever oust them and organize again.

Again, say gentlemen, you cannot go behind the broad seal until the House is organized; you cannot adjudicate until the Speaker is elected, and the oath administered, because there is no precedent to sanction it, from the organization of the Government to the present day. In the case of Moore and Letcher a certificate was produced from the proper returning officer, and no principle is better settled than that the return of a legally constituted officer is good until the contrary be shown. But in that case, say gentlemen, the House, before organization, adjudicated only as to the legality of the certificate, and determined that it was informal. But here, the certificate is in exact accordance with law; it is word for word, letter for letter, and comma for comma. If the House, before organized, could adjudicate as to the law of that case, why cannot we, in this, adjudicate as to the fact? The case of Moore and Letcher is an exact parallel in principle.

But, sir, suppose there is no precedent to be found, authorizing us, before organized, to judge of the "election, returns, and qualifications of members," and that precedent is the other way, is that conclusive evidence why it should not be done now? Are we to be bound down by precedents, when by following them, we bring inevitable ruin upon the country, and deprive the people of their dearest constitutional rights—the right of suffrage? When precedent points to truth, I would follow it; when it leads to errror, I would abandon it. Sir, I have none of that holy reverence for precedent that some gentlemen seem to have. Had not the precedents and usages of the Jews been broken down, by what they termed a new and strange doctrine, the first whisperings of the Gospel would have been lost in the wilderness of Judea, and the grave would now be to us an eternal night, without the hope and consolation that we shall hereafter rise from it to light, to life and glory. Where would be the wonders achieved by the mighty power of steam? Where the triumphs of the immortal Fulton, to whose inventive genius the winds and tides and ocean surrendered up their precedents? Where the Declaration of our Independence? Where our Constitution and our Republican form of Government, had we adhered to old systems, for fear of breaking down established precedents. Sir, I repeat that when precedents are based on truth, I respect them, when founded on error, I disregard them.

The gentleman from Pennsylvania, I know not for what purpose, as well as the gentleman from New Jersey, and the gentleman from Massachusetts, [Messrs. SERGEANT, RANDOLPH, and ADAMS,] have appealed to the sympathies of this House, and eloquently discoursed on the deeds of noble daring done on the plains of New Jersey in the days of our Revolution. But I would submit to the logical mind of the gentleman from Pennsylvania, that all this does not prove that Messrs. AYCRIGG, MAXWELL, HALSTED, STRATTON, and YORKE, were elected by the people of New Jersey. For what purpose was such an appeal made? Was it addressed as an argument to this House, or was it an argument addressed to the galleries? I admit that it was eloquent in the extreme; and the gentleman, with his fervid eloquence, bore me with him over the battle fields of New Jersey. It was there I heard, or thought I heard, some remnant of '76 discoursing with his children's children. "Here," says he, "I flung my banner to the breeze; its motto was the *right of representation.* For that right I took part in those perilous scenes. Here the hand that grasped it was struck off. Swinging it with the other, I bore it into the very face of the enemy. Then I sunk; and the last words I uttered were, *the people shall elect their representatives.* But here, even in New Jersey, has, for the first time, been violated this sacred right, for which I fought?" And, as he said this, the eye that had grown dim with age kindled, and the sinews that had been worn out in his country's defence, swelled with indignation. Sir, it was for the right of suffrage, the right of representation, that the best blood of the Revolution so freely flowed.

If I recollect aright, the gentleman from New York [Mr. BARNARD] delivered a very severe philippic against Mr. DICKERSON and his associates, and said that they were yet polluting this Hall with their presence. Let me reply to him that those gentlemen claiming seats under the certificate and broad seal of Governor Pennington, have been rejected by the people of New Jersey—that they come here and are rejected by the House; they then come and demand to vote in their own case, and they are yet the second time rejected, and yet he third; and when the House is organized, and the members legally elected are sworn, they are found dragging their polluted political carcases up to the table, demanding to kiss the truth—I have not said to betray it. I wonder if they use stationery. I heard it said by the gentleman from Tennessee, [Mr. BELL,] that Messrs. DICKERSON, VROOM, and their associates, had a daily supply of stationery from the Clerk, and he severely took them to task for their presumption in using it. Rejected by the people of New Jersey, rejected by this House, and rejected by common sense, I inquire of these men of wax, Messrs. AYCRIGG and Co. if they use stationery.

The gentleman from North Carolina, whom I do not see in his seat, says that the party who sustain the right of Messrs. DICKERSON, VROOM, and their associates, are not competent to act, because they have prejudged the case. Sir, I did vote that the certificate members *should not* take their seats, and, if I remember rightly, that gentleman voted that they *should*. Then has *he* not prejudged the case? Truly, sir, a Daniel came to judgment.

Sir, there was a question propounded to you yesterday, and propounded to you as a judge. The gentleman from Virginia [Mr. BOTTS] asked you, if he was in possession of a piece of property, under a legal deed, which another person claimed, and you were sitting as a judge in the case, whether you would first turn him out, and then inquire into the validity of his title? Sir, the gentleman begged the question in the case supposed by him. We say, facts say, and history says, that the New Jersey certificate members never had the possession, or the right of possession. The people, who alone had the right to give it, never gave it to them. But let us suppose a case more applicable to the gentleman himself. Suppose you were seeking for your rights, and he was the judge.* You commit your case to him, and the first thing you find him doing, is being engaged in an angry debate, showing that you have no legal right—he the judge, and you the petitioner. Would you believe, sir, that he entered into that angry debate for the purpose of doing you justice? No, sir; you would rather suppose that he had prejudged the case, and therefore was not competent to sit on it. I had supposed that it was the duty of a judge and jury to act impartially, and that they should not decide upon a case till they had heard all the evidence belonging to it. Sir, the same gentleman has said that he did not charge the responsibility of this transaction on the Clerk. I rejoice that he has done so; for I have demanded, and still do demand, to take my share of this responsibility. It is a responsibility that I glory in—it is taking the part of the people in opposition to those who would deprive them of their dearest rights, and render the elective franchise a solemn mockery; and I am ready to justify it any and at all times. But still I believe that when my memory, and that of the gentleman from Virginia shall be forgotten, the memory of the Clerk will live; live in the hearts of a free people. He set himself up in opposition to the oppressions of a tyrant, on the rights of a free people, and they will hold him in grateful remembrance for the firm and manly stand he has taken in their behalf. I did vote to exclude Governor Pennington's certificate members, and I claim my part of the glory in so doing.

Mr. Speaker, I have detained this House longer than I intended when I first took the floor, but I have but merely glanced at an error here, and an error there in the various arguments of gentlemen opposed to me, that have been addressed to the House during a six weeks' discussion; and in attempting to expose those errors, if permited to borrow an idea, I would compare myself to some ancient mariner, who returns from his voyage, bringing home with him a shell from this shore, and a pebble from that, as specimens of what compose the mighty deep, and pave her thousand shoals.

*Mr. BOTTS is on the Committee of Elections.

ARMED OCCUPATION OF FLORIDA.

DEBATE IN THE SENATE,

TUESDAY, January 7, 1840.

The bill for the armed occupation and settlement of that part of the Territory of Florida overrun by hostile bands of marauding Indians, being the special order, was taken up.

The bill having been read, Mr. BENTON rose and explained its provisions, and enforced the necessity of adopting it. He said it was the same bill, with some slight alterations in details, which had passed the Senate at the last session, and that it came now recommended as one of the measures of the Administration for the pacification of Florida. From the Report of the Secretary at War he read as follows:

"The passage of the bill introduced in the Senate during the last session, and partially acted upon in Congress, for the military occupation of Florida, would, it is believed, be attended with beneficial effects; and I further recommend that authority be given to the Executive to raise one thousand men to serve during the war in Florida, who shall receive the pay of dragoons, and, upon its termination, a bounty in land. These men it is proposed to arm and equip and drill in a manner to render them equal to the Indian warrior in vigor and endurance, and to employ them in active operations during the ensuing winter. The exigences of the service, at this particular juncture, compel me to ask this additional force. It will be seen that the state of the Western frontier requires the forces there to be increased rather than diminished, and the condition of the Canada frontier will not allow the withdrawal of the troops at present stationed there."

Mr. B. said that armed occupation was the true way of settling a conquered country; it was the way which had been followed in all ages, and in all countries, from the time that the children of Israel entered the promised land, with the implements of husbandry in one hand, and the weapons of war in the other. From that day to this, all conquered countries had been settled in that way. The Northern nations bore down on the South of Europe in that way; the settlers of the New World—our pilgrim forefathers and all—settled these States in that manner; the settlement of Kentucky and Tennessee was effected in the same way. The armed settlers went forth to fight, and to cultivate; they lived in forts first, and emerged to separate settlements afterwards; and in every instance, an interest in the soil—an inheritance in the land—was the reward of their toils and dangers. The peninsula of Florida is now prepared for settlement; the enemy has been driven out of the field. He no longer shows himself in force, or ventures a combat; but, dispersed and solitary, commits individual murders and massacres. The country is prepared for armed settlement.

Mr. B. said it was the fashion to depreciate the services of our troops in Florida; to speak of them

as having done nothing; as having accomplishpo no object for the country, and acquired no eredit for themselves. This, he said, was a great error. The military had done an immensity there; they had done all that arms could do, and a great deal that the axe and the spade could do. They had completely conquered the country; that is to say, they had driven the enemy from the field; they had dispersed the foe; they had reduced them to a roving banditti, whose only warfare was to murder stragglers and families. Let any one compare the present condition of Florida with what it was at the commencement of the war, and see what a change has taken place. Then combats were frequent. The Indians embodied continually; fought our troops, both regulars, militia and volunteers. Those hard contests cannot be forgotten. It cannot be forgotten how often these Indians met our troops in force, or hung upon the flanks of marching columns, harassing and attacking them at every favorable point. Now all this is done. For two years past, we have heard of no such thing. The Indians, defeated in these encounters, and many of them removed to the West, have now retired from the field, and dispersed in small parties over the whole peninsula of Florida. They are dispersed over a superficies of 45,000 square miles, and that area sprinkled all over with haunts adapted to their shelter, to which they retire for safety, like wild beasts, and emerge again for new mischief. Our military have then done much; they have done all that military can do; they have broken, dispersed, and scattered the enemy. They have driven them out of the field; they have prepared the country for settlement, that is to say, for armed settlement. There has been no battle, no action, no skirmish, in Florida, for upwards of two years. The last combats were at Okeechobee and Caloosahatchee, above two years ago. There has been no *war* since that time; nothing but individual massacres. The country has been waiting for settlers for two years; and this bill provides for them, and offers them inducements to settle.

Besides their military labors, our troops have done an immensity of labor of a different kind. They have penetrated and perforated the whole peninsula of Florida; they have gone through the *Serbonian bogs* of that peninsula; they have gone where the white man's foot never before was seen to tread; and where no Indian believed it could ever come. They have gone from the Okeefekonee swamp to the Everglades; they have crossed the peninsula, backwards and forwards, from the Gulf of Mexico to the Atlantic ocean. They have sounded every morass, threaded every hammock, traced every creek, examined every lake, and made the topography of the country as well known as that of the counties of our States. The maps which the Topographical officers have constructed, and the last of which is in the Report of the Secretary at War, attests the extent of these explorations, and the accuracy and minuteness of the surveys and examinations. Besides all this, the troops have established some hundreds of posts; they have opened many hundred miles of wagon road; and they have constructed some thousands of feet of causeways and bridges. These are great and meritorious labors. They are labors which prepare the country for settlement; prepare it for the 10,000 armed cultivators which this bill proposes to send there.

Mr. B. said he paid this tribute cheerfully to the merits of our military, and our volunteers and militia employed in Florida; the more cheerfully, because it was the inconsiderate custom of too many to depreciate the labors of these brave men. He took pleasure, here in his place, in the American Senate, to do them justice; and that without drawing invidious comparisons—without attempting to exalt some, at the expense of others. He viewed with a favorable eye—with friendly feelings—with prepossessions in their favor—all who were doing their best for their country; and all such—all who did their best for their country—should have his support and applause, whether fortune was more or less kind to them, in crowning their meritorious exertions with success. He took pleasure in doing all this justice; but his tribute would be incomplete, if he did not add what was said by the Secretary at War, in his late report, and also by the immediate commander, General Taylor. The honorable Secretary says:

"Until the operations of the campaign were interrupted by the attempt to negotiate with the Indians, they were conducted with vigor and ability under that zealous and indefatigable officer, Brigadier General Taylor, who accomplished all that could be expected with the very limited means at his command, spread out as they were over so extensive a field of operations. Throughout the whole of this disastrous war the officers and men engaged in it have endured fatigue and privations, sickness and suffering, without a murmur or complaint, and have, on all occasions, exhibited the qualities of brave and good soldiers. With untiring perseverance they have opened roads through the swamps in pursuit of the enemy, and whenever they could bring him to battle, displayed the utmost coolness and intrepidity; in every instance driving him from his fastnesses. But all these exertions and sacrifices have proved unavailing. Heretofore the Indian population of our States and Territories has been expelled by the gradual increase and advances of a superior race. Whereas, in Florida the attempt has been made, for the first time, to drive the aborigines from the unsettled wilderness, or, what is still more difficult, to catch them for the purpose of transporting them beyond its limits. If the Indians of Florida had a country to retire to they would have been driven out of the Territory long ago; but they are hemmed in by the sea, and must defend themselves to the uttermost, or surrender to be transported beyond it. To reduce them to that extremity, spread, as they are, over a space of at least forty-five thousand square miles of country, abounding in provisions suited to their habits, defended by a climate, benign to them, but deadly to the whites, and presenting difficulties to the march of armies, that have been often described and cannot be exaggerated, will require great exertions, and probably, other means than those hitherto tried."

Such is the merited eulogium pronounced by the Secretary at War; Gen Taylor thus speaks of the men and officers under his command:

"The exertions made, the labor performed, and the privations endured by our troops, although not successful in bringing the enemy to battle, have been unparalleled. By reference to the map and accompanying report of Captain Mackay and Lieutenant Blake, topographical engineers, the length of new roads and bridges constructed, the numberof posts built or rebuilt, &c. may be seen. Besides what has been done around the Okeefenokee, and of which I have no official knowledge, it will be observed that fifty-three new posts have been established, eight hundred and forty-eight miles of wagon road, and three thousand six hundred and forty-three feet of causeway and bridges opened and constructed.

"Besides which, every hammock and swamp between Fort Mellon and Tallahassee, quite across the country, has been thoroughly searched by detachments from the several columns. The troops have been constantly and actively employed, performing their duties with the utmost cheerfulness, so long as the most remote hope existed of forcing the enemy to battle.

"The volunteers, under General Floyd, made every possible exertion to dislodge the enemy from the Okeefenokee and limits of Georgia. His report has been furnished the Department and published, from which it will be seen that the regulars under Major Loomis, 2d infantry, had their full proportion of the labors and privations of the campaign.

"After the expiration of service of General Floyd's command, a battalion of mounted Georgians was called into service under Brigadier General Nelson, acting as Major, which, together the troops under Major Loomis, have succeeded in giving entire protection to the Georgia frontier.

"A few companies of Florida militia have also been called into service, from time to time, and have aided in quieting the alarm on the frontiers.

"Whether or not the campaign was judiciously planned or properly executed, my superiors must decide; but certain it is, both officers and soldiers, of regulars, volunteers, and militia, have done their duty.

"I believe those who have been with and near me, during the whole or part of the time I have had command in Florida, will bear evidence to my zeal and exertions to carry out, in the most the prompt and effectual manner, the views and instructions of the Government."

Mr. B. repeated, that the military had done their duty, and deserved well of their country. They had brought the war to that point, when there was no longer an enemy to be fought; when there was nothing left but a banditti to be extirpated. Congress, also, had tried its policy—the policy of peace and conciliation—and the effort only served to show the unparalleled treachery and savageism of the ferocious beasts with which we had to deal. He alluded to the attempts at negotiation and pacification, tried this summer under an intimation from Congress. The House of Representatives, at the last session, voted $5,000 for opening negotiations with these Indians. When the appropriation came to the Senate, it was objected to by himself and some others, from the knowledge they had of the character of these Indians, and their belief that it would end in treachery and misfortune. The House adhered; the appropriation was made; the Administration acted upon it, as they felt bound to do; and behold the result of the attempt! The most cruel and perfidious massacres plotted and contrived while making the treaty itself! a particular officer selected, and stipulated to be sent to a particular point, under the pretext of es ablishing a trading post, and as a protector, there to be massacred! a horrible massacre in reality perpetrated there; near seventy persons since massacred, including families; the Indians themselves emboldened by our offer of peace, and their success in treachery; and the whole aspect of the war made worse by our injudicious attempt at pacification. But let the negotiator himself speak; let General Macomb give the history of this savage treachery, and show how the plan of a diabolical massacre was laid in the very provisions of the treaty itself. This is what he says, taking up the narrative, at the conclusion of the treaty:

"Matters being thus arranged, I made them some presents in token of the good feeling of Government towards them; they expressed themselves greatly gratified and understood distinctly wha they promised to perform. *Chitto Tustanuggee signified a wish that there might be a trading house established on Pease creek, for the accommodation of the Indians, so that there would be no necessity for going beyond the limits assigned them, to exchange their peltries and other commodities for articles essential to them, and requested that Lieut. Colonel Harney might be appointed to establish a fort and trading house accordingly, which was all promised.* Chitto Tustanuggee, with his friends, under the *protection of Lieut. Colonel Harney*, returned to Cape Florida, and all the others departed, on the 23d, to their respective destinations, apparently with good feelings.

"This state of things continued until the 23d of July, when a treacherous attack was made, on the detachment stationed on the Caloosahatchee river, which had been sent there to establish the trading house and post agreeably to the terms of the agreement made, on the 18th of May, at Fort King. The fulfilment of this part of the agreement was, as requested, intrusted to Lieut. Colonel Harney. Lieut Colonel Harney reports, that on the day preceding the attack, he arrived at the establishment on the Caloosahatchee, intending to remain several days; on his arrival, he found that all the chiefs who were to have met him there, had not arrived. He therefore, took the opportunity to run down to Sanybel island, at the mouth of the river, where he was actively engaged in hunting wild hogs, for the subsistence of the detachment, that he returned to the camp late at night, much fatigued, and threw himself on his couch, and fell asleep. Having no commissioned officer with him, he intrusted the post to the charge of a sergeant, in whom he had great confidence; he was awakened about daybreak, by the firing and yells of the Indians, who had got possession of the camp, and killed the

sergeant and more than one-half of his men. Eleven soldiers and five citizens were killed; eight soldiers and two citizens escaped. Seven of the soldiers, taking refuge in a small sail boat, then lying off in the stream in which the two citizens fortunately had slept that night, as soon as possible weighed anchor, and favored by a light breeze, slipped off unperceived by the Indians. The colonel himself escaped with great difficulty, and after walking fifteen miles down the river, followed by one soldier, came to a canoe, which he had left there the evening previous, and succeeded, by this means, in getting on board the sail boat, where he found those who had escaped in her.

"The Indians had exhibited the utmost friendship immediately previous to the attack, but Lieutenant Colonel Harney had, nevertheless, given orders to the sergeant to take the same precaution as if he doubted their sincerity; he returned to the camp on the night of the day of the attack, but found no one living; he remained, however, at the mouth of the river until the evening of the second day after the attack, in hopes of picking up some of the party who might have escaped, but in vain.

"On Lieutenant Colonel Harney's arrival at Key Biscayne, six days after, he found Chitto Tustanuggee there with his family, waiting to be conveyed to the Caloosahatchee. Chitto Tustanuggee asserted that he had no knowledge of the hostile intentions of the Indians at the Caloosahatchee, and no participation in their deeds; and after an interview with Apiaka, declared that they would have blood for blood, to revenge the outrage. Since these occurrences, however, events have taken place, which show that these professions were of no avail."

Mr. B. said that here was an instance of treachery, of which there was no parallel in Indian warfare. With all their treachery, the treaty ground is a sacred spot with the Indians; but here, in the very articles of a treaty itself, they plan a murderous destruction of an officer whom they solicited to be sent with them as their protector; and, to gratify all their passions of murder and robbery at once, they stipulate to have their victims sent to a remote point, with settlers and traders, as well as soldiers, and with a supply of goods. All this they arranged; and too successfully did they execute the plan. And this was the beginning of their *execution* of the treaty. Massacres, assassinations, robberies, and house burnings, have followed it up, until the suburbs of St. Augustine and Tallahassee are stained with blood, and blackened with fire. About seventy murders have since taken place, including the destruction of the ship wrecked crews and passengers on the southern extremity of the peninsula.

The plan of Congress has, then, been tried; the experiment of negotiation has been tried, and has ended disastrously and cruelly for us, and with greatly augmenting the confidence and ferocity of the enemy. It puts an end to all idea of finishing the war there by peaceable negotiation. Chastisement is what is due to these Indians, and what they expect. They mean to keep no faith with the Government; and henceforth they will expect no faith to be reposed in them. The issue is now made; we have to expel them by force, or give up forty-five thousand square miles of territory—much of it an old settled country—to be ravaged by this banditti.

The plan of Congress has been tried, and has ended in disaster; the military have done all that military can do; the Administration have now in the country all the troops which can be spared for the purpose. They have there the one-half of our regular infantry, to wit, four regiments out of eight; they have there the one half of our dragoons, to wit, one regiment; they even have there a part of our artillery, to wit, one regiment; and they have besides, there, a part of the naval force to scour the coasts and inlets; and, in addition to all this, ten companies of Florida volunteers. No more of our troops can be spared for that purpose; the West and the North require the remainder, and more than the remainder. The Administration can do no more than it has done with the means at its command. It is laid under the necessity of asking other means; and the armed settlers provided for in this bill are the principal means required. One thousand troops for the war, is all that is asked in addition to the settlers, in this bill.

This then is the point we are at: To choose between granting these means, or doing nothing! Yes, sir, to chose between the recommendations of the Administration, and nothing! I say, these, or nothing; for I presume Congress will not prescribe another attempt at negotiation; no one will recommend an increase of 10,000 regular troops; no one will recommend a draft of 10,000 militia. It is, then, the plan of the Administration, or nothing; and this brings us to the question, whether the Government can now fold its arms, leave the regulars to man their posts, and abandon the country to the Indians? This is now the question; and to this point I will direct the observations which make it impossible for us to abdicate our duty, and abandon the country to the Indians.

In the first place, it is our constitutional duty to extend protection to the people of Florida. They are a part of our Confederacy—a portion of our Union—and are entitled to protection under the provisions of our Constitution! Defence and protection were the great objects of the Union. These objects are placed in the front of the Constitution, and extend to the people of a Territory as well as to the citizens of a State. The people of Florida have a clear constitutional right to demand protection from Congress—to demand it as a right, not solicit it as a favor. The inhabitants of the five depopulated counties are in the most deplorable condition. Driven from their homes, their houses burnt, their fields destroyed, many families massacred, and this the case for four full years past. Where is the instance of such devastation—of such desolation—in almost any civilized country? There is scarcely a civilized Government in the world which has witnessed such an event; it is humiliating and mortifying to us. It is a state of things which our Constitution forbids, and which it is the bounden duty of Congress to terminate. It is the bounden duty of Congress to restore these people to their homes.

In the next place, independently of constitutional duty, we owe assistance and protection to these people from humanity and compassion. They are white people and Christians. They are of our own race; they have suffered every extremity and every horror known to Indian warfare. The mother and the babe, the father and his children, the husband and his wife, the slave and his master, all, all, have been doomed to one undistinguished massacre. No prisoner has ever been made in this war! Let that fact be remembered. Let it be remembered that, while in every Indian war which ever took place before, some prisoners were made—some lives were spared, yet, in this case, there have been none. Every thing has perished that fell into the hands of the Indian. I know that, according to the pseudo-philanthropy of the day, while people have but a poor chance for compassian against negroes and Indians. Modern compassion is too often *black* and *yellow*, not *white*; the tears and sorrows of many are for the Indian that massacres a family, and not for the victims of his cruelty. I know this; still I hope, that the white Christian race wil still find sympathizers in their sufferings, and the protection to which they are constitutionally entitled.

In the third place, the interests of commerce require the peninsula of Florida to be cleared of marauders, covered with an orderly population, and subjected to regular Government. Every body knows the dangers of navigation, especially at the season of the equinoxes, round that peninsula; and every body knows that the great commerce between the Gulf of Mexico and the Atlantic ports and Europe, passes that way. Every fall we hear of shipwrecks in that quarter, and since these Indians have been hostile, we know that every person wrecked, who speaks our language, is put to death. Yes, death to an American citizen to speak his own language in his own country! We want a population to succor, not to murder, distressed crews. We want our light-house rebuilt at Cape Sable, which has been destroyed for years. We want law and Government there to drive off the pirates, now disguised as Indians, who make that ground their haunt, and carry on their murders and robberies under the disguise of Spanish Indians. In the name of COMMERCE, I demand the passage of this bill as the means, and the only means, of protecting vessels and their crews at that cape.

In the fourth place, the interest of the whole South, and the military and naval defence of the gulf coast, and of the gulf itself, all require the peninsula of Florida to be settled. That peninsula is the salient angle of the South: it projects five degrees beyond the general frontier line of the South; it goes down to the neighborhood of Key West; and approaches the British possessions in the Bahama islands. No military eye can look upon a map of the South without seeing in this peninsula the point of attack, and defence, for all that region. Unoccupied by us, and it will be occupied by our enemy in time of war; and there the lever would find its fulcrum which is to raise the black population of the South. It is by that means only that we can have a land communication with our naval station at Key West. In a military point of view, then, the possession of this peninsula is indispensable to us. It is a link in the chain of the national defence. It is in vain to say that we are ready for a war with any foreign power until this tongue of land is occupied by us, and fortified and defended by us.

I assume it then as a point granted, that Florida cannot be given up—that she cannot be abandoned—that she cannot be left in her present state. What then is to be done? Raise an army of ten thousand men to go there to fight? Why, the men who are there now can find nobody to fight! It is two years since a fight has been had; it is two years since we have heard of a fight. Ten men, who will avoid surprises and ambuscades, can now go from one end of Florida to the other. As warriors, these Indians no longer appear; it is only as assassins, as robbers, as incendiaries, that they lurk about. The country wants settlers, not an army. It has wanted these settlers for two years; and this bill provides for them, and offers them the proper inducements to go. And here I take the three great positions, that this bill is the *appropriate* remedy; that it is the *efficient* remedy; that it is the *cheap* remedy, for the cure of the Florida difficulties. It is the appropriate remedy; for what is now wanted, is not an army to fight, but settlers and cultivators to retain possession of the country, and to defend their possessions. We want people to take possession, and keep possession; and the armed cultivator is the man for that. The blockhouse is the first house to be built in an Indian country; the stockade is the first fence to be put up. Within that blockhouse, and a few of them together—a hollow square of blockhouses, two hundred yards apart, and enclosing a good field—safe habitations are found for families. The faithful mastiff, to give notice of the approach of danger, and a few trusty rifles in brave hands, make all safe. Cultivation and defence then goes hand in hand. The heart of the Indian sickens when he hears the crowing of the cock, the barking of the dog, the sound of the axe, and the crack of the rifle. These are the true evidences of the dominion of the white man; these are the proof that the owner has come and means to stay; and then they feel it to be time for them to go. While soldiers alone are in the country, they feel their presence to be temporary; that they are mere sojourners in the land, and sooner or later must go away. It is the settler alone, the armed settler, whose presence announces the dominion of the white man.

It is the most efficient remedy. On this point we can speak with confidence, for the other remedies have been tried, and have failed. The other remedies are to catch the Indians, and remove them; or, to negotiate with them, and induce them to go off. Both have been tried; both are exhausted. No human being now thinks that our soldiers can catch these Indians; no one now believes in the possibility of removing them by treaty. No other course remains to be tried, but the armed settlement; and that is so obvious, that is difficult to see how any one that has read history, or has heard how this new world was settled, or how Ken-

tucky and Tennessee were settled, can balk, or hesitate about it. Three hundred and twenty acres of land, to be selected by the settler, and the other inducements in the bill, will attract to the country the stout hearts, the strong arms, and the enterprising spirits of the States. In no way can a young man, or a man with a family, do as much for himself, by his own means, and without capital, as by becoming a settler under this bill.

Finally, this is the cheapest mode of getting the Indians out of Florida. It will cost less money than any other mode; and that is a consideration not to be neglected at any time, and especially at the present time. The main cost will be in land, which land is now useless to us, and must remain so until the Indians are removed. The peninsula contains 26,000,000 of acres; 3,200,000 of that quantity will pay the debt which we contract to the settlers. They conquer it before they get it, and at the same time they conquer six times as much more for the United States as they get for themselves. Compare this to what it must cost to undertake to cover the country with troops under pay until the object is accomplished. Twenty millions of dollars are supposed to have been expended in military operations; and that has brought things to the point where military can do but little more. They have broken, dispersed and scattered the enemy, and cannot get a fight out of them. In two years there has been no fight—none since the affairs of Okeechobee and Caloosahatchee. There has not been an Indian killed or taken by our troops, the treacherous visiters who were detained being excepted; in two years there has hardly been an Indian killed, taken, or removed. Now how long will it take, and what will be expense, of clearing the Territory at this rate? Let any one look at what has been done for two years past, and even look at the expense of these two years, and then say how long it will take, and how much it will cost, to finish at the same rate? The fact is, the military have done their part; they have finished their part; they have accomplished what it is the part of arms to do. They have cleared the field; they have broken up, and broken down, the enemy; they have whipped all they could find; there is no longer a military operation to be performed. They have also made roads and bridges, and established many posts. The country is ready, and has been ready for two years, for settlement and occupation—armed settlement, and armed occupation—for the settlement which begings in blockhouses and stations, and afterwards spreads to farms and neighborhoods. This is what the country is now ready for; and what we have to do is to offer inducements to the exiled families to return, and to new settlers to go. Five counties have been depopulated; the inhabitants of five counties have been driven from their homes; this bill is intended to induce them to return, and others along with them. The inducements are liberal; they ought to be effective, and probably will be. Such inducements have been effective in all ages, and in all countries, and can hardly fail in this instance. Armed occupation, with a donation of land to each settler, is the appropriate way of settling new countries. It is the way this whole continent has been settled. In the present case, it is the only remaining way to be tried. Armies and troops have done their part, and prepared the country for the return of its exiled inhabitants, and for the coming of new ones.

The placing 10,000 armed settlers in the country will reverse the character of the contest. Now the contest is to drive out the Indians; then the struggle will be to drive out the whites. The burthen is now upon us; it will then be upon them. They will have to go to work to dislodge our 10,000 settlers; and this they can never do. This, then, is a master stroke. It reverses the character of the contest; it reverses the labors of the parties; it puts all the labors of the contest on the shoulders of the Indians. It gives them that to do which they cannot do; and under the full sense of the impossibility of doing which, they must soon despair and give up.

Mr. B. concluded with reminding the Senate of the Roman maxim, when a colony was in danger, and the mother country wasting time in deliberating upon the means of relief. *Deliberat Roma, perit Saguntum*, was their expressive maxim. Saguntum perishes while Rome deliberates; and this is truly the case of Florida. That beautiful and unfortunate Territory, a prey to savage Indians and to legalized plunderers, is in the most deplorable and calamitous condition. It is, truly, the empty and bloody skin of an immolated victim.

Mr. TAPPAN rose and said:

Mr. PRESIDENT: I am in favor of the object of the bill for "the armed occupation and settlement of Florida," and deem some such measure necessary to put an end to the protracted war with the Seminoles; but while I am in favor of the object of this bill, I do not approve all its details, or believe that it will be effectual for its object without considerable change in those details.

The bill proposes to establish military posts of armed settlers, to be aided by regular troops—fortified posts with from forty to an hundred settlers in each—and to keep up and maintain these posts in such number as to require ten thousand settlers to be distributed in them over Florida, and to retain possession of them until the close of the war; that is, until they shall have exterminated or driven out the present Indian inhabitants. For this service, after the war shall be ended, and after the land shall be surveyed and land offices established, the settlers may have, as a gift, three hundred and twenty acres of land; a small pittance for such services. But, sir, be that as it may, you will not get good men for it; such men as you ought to invite and encourage to settle Florida. The men you will probably obtain, under this law, will be the idle and worthless population of our large cities; men who will accept your offer for the subsistence it offers them, and not men hardy and vigorous, who will possess and till the soil with arms in their hands; they will remain in your stockades, fattening on their rations, instead of clearing the forests and ploughing the prairies.

My friend from Missouri refers to the manner in which the land of Canaan was conquered, as an example of the manner in which he wishes Florida to be conquered. Neither the gentleman's exploration of ancient history, or mine, goes back to the first settlement of that country; but if he will revise his reading as to the Israelitish conquest, he will find that it was not precisely as he proposes to occupy and conquer Florida, that that conquest was achieved.

That conquest was made like the later conquests of Timour; it was a sweeping inundation of barbarian hordes—invading and exterminating, not a few scattered savages, hiding in the hammocks and everglades of Florida, but a civilized people inhabiting walled towns, and cultivating the whole of their fruitful land like a garden. The conquerors, in reward of their service, took immediate possession, and divided out among themselves *all* the lands and buildings, the silver, the gold, and every convenience and commodity which their slaughtered victims had left.

You may raise an army of settlers who will conquer and hold Florida, if you will but let them fight for, and possess their own land. How this has been done, we may learn from the history of our own country. When the Pilgrims landed on the rock of Plymouth, they parcelled out the land within their first rude fortification into small lots, and divided those lots amongst the heads of families; each family had its own house and fireside to defend, and each man had allotted to him a few acres, say five or six, around the stockade, to hold as his own property, and cultivate, for his own use, beyond this circle of *home lots*. Larger tracts were allotted for wood land and pasturage, as well as for grain. When the population increased, or disagreed, a new town was begun at a suitable distance, in the same manner; and so the whole country was occupied and settled by men, who, in warring against the natives, were not warring for a gift in land or money, to be paid after the natives should be expelled or destroyed, but for lands and buildings, for fields and orchards, in possession and enjoyment. You may get the same kind of bold and hardy men to conquer and settle Florida, as conquered and settled New England; but you must hold out sufficient inducements for such men to undertake its conquest and settlement. It is not the idleness and rations of a stockade which will do this, but the immediate possession and ownership of a liberal portion of the soil they combat for and conquer.

I hope, sir, that this bill will be amended so as to give the settlers a part, if not the whole, of the land you design for them, as soon as they can take possession of it; and I will then support it as a measure both useful and necessary.

Mr. PRESTON said, undoubtedly, as had been urged by the chairman of the Military Committee, it was very important that this Government should place Florida in such a condition that it might be securely occupied by the white inhabitants of the United States, and it ought long ago to have been done. It was incumbent on this Government to remove the Indians from the whole of the Territory of Florida, so as to rescue the people of the United States from their depredations and murders. No one more than Mr. P. deplored the attainment of this object, and no one more deplored the inefficient and impotent measures which had been resorted to to effect the purpose proposed. And he hoped he would be permitted to say that one great reason of the lagging condition of the Florida war, and a main cause why it had cost so much money and blood, was the want of the proper attention of Congress to the subject.

Mr. P. would have been happy as a Senator if Government had performed this duty. But they had not done it, and he believed that Congress were to a great extent in fault for the failure. He believed that the interference even of Senate, in the proper manner, might enable the South to settle Florida. He believed that, if the attention of the Senate had been given sufficiently to the subject, the Florida bill of the last session would not have passed, but some more efficient measure would have been devised. Congress, he thought, ought, above every thing else, to have demanded the attention, and excited the energy, of the War Department towards this object. This war had now been continued five or six years, with an expenditure equal to the whole amount which the United States had paid for the territory of the South and West. There had been bloodshed, and treachery, and a vast waste of money, which could not have occurred if Congress had given the subject that attention which it deserved. And this want of attention on the part of Congress had chiefly occurred because the subject had been neglected by the Administration of the country. This Mr. P. said more in sorrow than in anger. The Administration, when the war broke out, and the people generally, and especially those who were well informed, regarded this contest as a trifling affair, that would soon be terminated. It was thought that the few straggling warriors would yield at once to the mere demonstration of force by the Government. Under this delusion, the late Administration terminated, and the present Administration came in; and this war came into its hands under the expectation that the Indians would soon be captured or driven out. But the war still continued, and it would do so, unless Congress should give it their attention, and call on the Department for new determination and energy. Mr. P. believed that the dilatory progress of this war, not to say the disgrace of it, was chiefly owing to the impotence of the head of the Department. It was not at all the officers and soldiers of the army to whom this failure was to be ascribed, but the want of energy in the Department; and it was incumbent on Congress to point out the course and arouse the energy of the Department. But Mr. P. believed, and he trusted he would be able to show, that the present measure was a mere measure of delay; while they were called on, session after session, to pour out the money of the country on wild and visionary projects. The Florida war had already cost $20,000,000 or $25,000,000. Besides, the Government had originally given Texas for Florida, and they were now throwing away the country itself, for all practical purposes, and had been doing so for four or five years. Mr. P. believed that, if the late Executive could only have foreseen what was to happen, he would have dragged the whole Territory as with a net, and swept the Indians to a man beyond

the Mississippi. And Mr. P. now demanded that this war should be prosecuted effectually, and terminated at once. It was demanded by the South, by the interests of commerce, and by all the duties which we owe to humanity and civilization, that it should be done at once, with the whole force and power, if necessary, of the United States.

This bill was a proposition for military colonization; for the settlement as well as the armed occupation of Florida. The conquest was to be made, not by an army, but by settlement. Mr. P. was averse to such a principle. The conquest of the country should be made at once by an adequate force, or the war should be terminated by treaty. Congress had not the power to make armed settlements. Certainly it was not to be found in the war power of Congress; and therefore, if they had a right to make armed settlements, they had an equal right to make unarmed settlements. Mr. P. believed the bill itself to be inefficient, and worse than inefficient; but, even if it were not so, was it within the power of Congress to pass it, or to provide for the armed occupation and settlement of any portion of the country? If it was so why should they not extend the principle? Why not draw a cordon of military settlements all round the frontier? The Senator from Missouri had estimated that it would cost about $4,000,000 thus to settle the Territory of Florida. Were the Senate prepared to decide that they would terminate their purely military system, and grant, in lieu thereof, one-eighth of the territory of the United States to military occupants? If this was done for Florida, Mr. P. saw no reason why it should not be done elsewhere; and he would, moreover, show that every argument which had been used by the Senator from Missouri applied not at all to Florida, but to other portions of the country.

This country had been generally settled by hardy emigrants, carrying the rifle in one hand, and the hoe in the other. Government had protected them as far as it might by its purely military powers, and had occasionally waged war on their account, The whole West had been obtained from the savages, either by war or by treaty, and the Indians, under military coercion, were compelled to observe the faith of treaties. This very practice was going on every day; and one of the heaviest items of expense to the Government, was the subsidies to the Indians for the relinquishment of their lands.

But mark the condition of Florida now, in comparison with that of the whole Western frontier. Florida lay in a low southern latitude, chiefly below thirty or thirty-one degrees. It was mostly covered with swamps and sand banks, with small intervening portions of land fit for cultivation, low and dangerous to the health of the Anglo-Saxon blood, and inviting only to those who had slaves to perform their labor. Now mark the difference between this and the Northwestern country. When settlements were made in that region, it was done by farmers, a man and his wife, who would take possession of a small productive farm for making breadstuff more than for profit. But it was not so in Florida. Who was it that would go to that country? It was not those who were willing to defend their handful of ground, and fight for it inch by inch, but those who had large property in slaves; men of wealth, who would neither have the will nor the power to defend and fight for their extensive possessions. But, in the Northwest, each family settled on a half or quarter section of land. The settlements were thus made compact, and their practice and their habits made them hardy, daring, resolute men. This was the sort of men with whom to make military settlements, if they should be made at all. But those who would go to Florida were speculators, men expecting a bounty rather than desiring to make permament settlements; and Mr. P. would now venture the prediction that if this bill should pass, a thousand even of such could not be obtained in ten years.

What, then, could be expected from a measure of this kind, and in what time could it be carried into effect? And suppose you should now call for settlers, how many (said Mr. P.) would you get within the year? You would not get five hundred. What is become of those who had gone there already? Sir, five or six counties have been deserted and desolated. And why? Because they would not hazard themselves and their moveable property in that country. Estates that were bringing in $10,000 and $12,000 a year have been abandoned, though they had the United States troops to protect them. And those who were fit to go there would not go to such a scene of robbery and murder. But if you could advertise for such a war in the West—proclaim, for instance, that Ross and his men were to be driven out by military settlers, and you would find the tide of emigration quite rapid enough to take possession of that country, while nothing in this way could be done in Florida. It would languish under a system not adapted to it, while other portions of the country were rapidly settling.

Sir, to prolong the time of effecting this object is a matter of the highest consideration. Will any one say that Florida cannot be conquered? If the head of the War Department will say so, very well. So let it be; and we can then devise some method of settlement. But I believe that it can be conquered, and that it can be done now. And I will go further. If Congress had taken the right course at the last session, the result would now have been otherwise. And if the gallant General who figures so lagely in the pacification of this contest—I believe if he had not been sent on his errand of peace and mercy, peace and security would have been now restored. But no one, says the gentleman from Missouri, proposes any other than this measure, and it is, therefore, this or nothing. Sir, I believe this is nothing, and worse than nothing, because it will serve as a pretext for avoiding more vigorous measures.

General Scott was first sent into that country; but there was a gentleman who superseded him, and that gentleman, having operated in his own way for some time, at length came to the conclusion that the original project formed by General Scott was the true and only one which could be effectual. And I believe the people generally fell into the notion that if Scott had not been superseded, the war would have been terminated at most by one or two campaigns. His plan was the establishment of a multitude of posts, with flying squadrons, who should hunt up and drive the Indians from the country. And I believe this is the true and only effectual plan. Those Indians are now, and they have been always, more or less subject to no particular chief, or to no order or discipline. They are now, especially, dispersed, and subject to no particular chief. They are irregular bandits, and the object, therefore, is to clear from these bandits a country of difficult access. A campaign can last only from October to April, and this time is to be taken advantage of, and they are to be cleared from the country as were the bandits of Italy.

Sir, I will not go so far back as the Senator from Missouri, for I am not so well versed as he or the Senator from Ohio in the history of the Jews But I have known a case of more modern date, in which the bandits of Italy were driven out by Bonaparte. He beat up the Pontine marshes, and every man of them fled, or was captured. This is what ought to be done in Florida.

General Taylor adopted the plan of posts and marching squadrons; and was apparently on the point of success, when our General-in-chief was sent with the olive branch. He had forty posts north of the head waters of the St. John's, and they had possession of the whole of that country. The plan thus devised had been adopted by the Administration, and it was arrested only by the mission of General Macomb. And it is the only method that can successfully be resorted to by the United States. It is not for me to make suggestions, except such as appear on the face of the proceedings in that country. This plan was once adopted; and no one can say that it has failed, for it was arrested by General Macomb. Let it be again adopted, and if there is not force enough, send on ten, fifteen, twenty thousand men, and it will cost but a tithe of what this system requires. Put them under the command of an efficient General, Taylor or Clinch, or the General-in-chief; send him there, and, instead of the forty posts taken by General Taylor, let him establish two hundred if necessary, with marching squadrons. Place such a cordon of posts across the peninsula of Florida, and the country would be swept by ten thousand men, so that there would not be an Indian left in the Territory. And this would permanently be the case, if, in addition to these, there should be some in the rear kept up with small forces.

These fastnesses of Florida are now filled by a strange intermixture of negroes and savages. It is an asylum for runaway negroes; and do you propose to send a slave population there, who will have every inducement to join the Indians? Sir, you must first clear the country as with a military net, and then will settlements be made, and not till then; and I believe, if 10,000 men were entrusted to Generals Taylor or Clinch, this project would be immediately carried through.

Sir, I am disposed to infuse energy into this enterprise, and assist it to the utmost, by the whole country, if necessary. I am willing to aid the Department in any way. I believe this measure did not originate with the Department; but, wherever it originated, it is too inefficient. Having already spent from $20,000,000 to $30,000,000, let us now put an end to it, at whatever cost. I would have humanity extended to the Indians in the utmost degree that is compatible with the interests of the country. Our object is not to kill, but to catch them. This process must be gone through; and if lands are to be given, it is better to give them somewhere else, to those who will catch these Indians.

Mr. P. concluded with the declaration that he did not oppose this bill as giving too much power, but as inefficient and impotent. He was sorry now that this bill was rejected at the last session, for otherwise its inefficiency would, by this time, have been practically proved.

RED RIVER RAFT.

IN SENATE, Jan. 8, 1840.

The bill making appropriations for the removal of the raft in Red river, was read a third time; when

Mr. CRITTENDEN was understood to object to the bill that the measures heretofore reported to for the destruction of this raft had been very inadequate. Only a very narrow channel had been made, and consequently new obstructions were continually occurring.

Mr. SEVIER said that he would reply to the Senator, [Mr. CRITTENDEN,] and he hoped to be able, in a few words, to satisfy him that this bill should pass. The Senator labors under many mistakes in regard to this work. It is not, as he supposes, a small affair, a narrow and a short channel. The original length of the raft was about one hundred and fifty miles; and the whole of it has been removed, and that, too, at an expense to the Government of some two or three hundred thousand dollars *only*.

What has been the consequence of this removal of the raft? That river has been made navigable for steam boats of a large class. The Government has been enabled to supply their military post at Towson in the Indian nation, at a saving in the item of transportation of supplies alone, of more than the whole cost of the work. That post, sir, can never be abandoned. It protects our citizens against Indian aggressions on the one hand, and against the lawless citizens of a foreign power on the other. And any officer of this Government who should manifest so utter a disregard to the public interest of this country, as to recommend an abandonment of that post, let it cost what it might to support it, could never atone for his madness and folly. Sir, that garrison must be kept up at *any expense*. And I am happy to state on this occasion, that this military post is deemed as important to the public interest by the Secretary of War as it is by me. And before I take my seat, I shall ask to have his communication to me upon this subject read to the Senate. By that communication you will learn that he urges Congress to pass an appropriation immediately to remove the late formations in Red river, at the head of the raft, and states that the expense of supplying the post with provisions, &c. this spring, by land, will cost the Government more

than it will require to remove this raft. Unless the raft is removed, he will have to supply the post by a land transportation of 140 miles, and to do this, he estimates the cost at $45,000, and he urges the appropriation to be made without delay. And why? Because if not done immediately, the sum of forty-five thousand dollars will have to be expended in hauling the supplies by land from Fort Smith, on the Arkansas, to Towson, on Red river; and the Senate will please bear in mind that this expenditure of forty-five thousand dollars is only for one delivery of supplies. A similar expenditure will be required annually, unless the raft is removed.

The Senate will also recollect that, the river being choaked up by drift wood at the head of the raft, every log which floats down that river will add so much more to the expense of removal. The annual increase of the raft is from one to three miles. We must also recollect that the raft is in a southern latitude, and after the month of April or May you cannot get hands to work in the water. Such work, at a late period of the year, invariably produces disease and death.

As I before remarked, the whole length of the raft is about 150 miles, and, of this distance, nearly the whole of it has been opened as wide as the bed of the river. Where it has been thus opened, the navigation is good, and there are now no longer any impediments to the navigation; and all of it would have been opened as wide if the engineer had had money enough. He opened it as wide as he could with the means he had at his disposal. And has the Government lost any thing by this enterprise? Far from it. In consequence of the removal of the raft, you have reclaimed from inundation at least 1,500,000 acres of the best cotton land in the world—land which, before the removal, you could not have touched with a ten foot pole, has been drained, sold and settled. The returns from your land offices will show you that you have received, from the sales of this reclaimed land, upwards of a million of dollars; which goes to show that this is one of the few works of internal improvements which has been a source of profit to the United States.

Sir, in the midst of the raft, one of the most flourishing towns in the State of Louisiania has grown up, containing now, I have understood, a population of several thousands. This town is Shreeveport. Sir, this is not all. The removal of the raft has enhanced the value of all the lands above it, and where there was before but a sparse population, we have now dense settlements of the wealthiest citizens of my State.

They, sir, are interested in this work as well as the Government; so much so, that when this narrow channel at the head of the raft, of which the Senator speaks, was first obstructed with drift wood, they raised and advanced, as he tells you in his report, seven or eight thousand dollars, to enable him to remove it, so far as to enable four steamboats, which was then ladened with their cotton above the raft, to get back through it. And, sir, with the money thus raised, the Government boats, ladened with supplies below the raft, were enabled to get up to the garrison and back again.

Since then, sir, which was last spring, this narrow channel has again filled up; and has, in a manner, cut off supplies to our troops, and prevented my constituents from getting their cotton to market. I hope, sir, with these hasty explanations, that the Senate is now satisfied.

The bill asks an appropriation of $85,000—the sum estimated by Capt. Shreeve, which is to be found in our documents. A part of this, say $11,000, is to reimburse the expenditure of that sum over and above the last appropriation, being the $7,000 advanced by my constituents, and $4,000 by the superintendent himself; the sum of $5,000 to repair the boat, &c.; and there are several thousand more for tools, and for stopping bayous, &c. to render the work permanent. A detailed estimate of all these doings will be found in the report to which I have referred.

In conclusion, sir, I will ask for the reading of the letters of the Secretary of War, and of Generals Jesup and Gibson.

[The letters were read.]

Mr. PIERCE said he did not rise to oppose the bill, but he desired information. When the appropriation was made in 1838, he certainly understood that it was to finish the work, and such was the language of the act. Still, if that was not sufficient, more should be appropriated. The removal of the obstructions in that river was of vast national as well as local importance, and he desired to see the work completed in such a manner as to make the improvement permanent, and secure the greatest utility. But how long were appropriations to be asked? What amount was to be expended there? Either the original estimate was singularly erroneous, or it would be difficult to render a satisfactory account of the amount already expended. If gentlemen would turn to the report of the Committee of Ways and Means of the House of Representatives, on harbors and rivers, made at the first session of the Twenty-fourth Congress, they would perceive that "a careful examination of the part of Red river which includes the raft," was made during the summer of 1829, and the cost of the removal estimated at $25,000. That sum was accordingly appropriated. In 1832, there was another appropriation of $22,628. In 1833, fifty thousand dollars more was appropriated; in 1835, fifty thousand more; and on the 30th day of September, 1835, the excess of appropriations beyond the original estimate was $122,688. In 1836, forty thousand eight hundred dollars was appropriated. The estimate must have been very accurate then; they regarded even hundreds; but in 1837 they came back to round numbers, and the appropriation was sixty-five thousand dollars. In 1838, there was appropriated seventy thousand dollars "*for the complete removal of the great raft in Red river.*" Thus upon a work, the original estimate for the completion of which was twenty-five thousand dollars, there has already been expended three hundred and seven thousand four hundred and twenty-eight dollars; and now, at the expiration of ten years, after the expenditure of this enormous sum, eighty-five thousand dollars more was demanded. With regard to the past, Mr. P. had nothing to say, except to state the facts. What was the prospect for the future, he was curious to be informed. It would be no satisfaction to him to be referred to the engineer's estimates. All experience proved that they could not be relied upon. To support this assertion, he referred to every river and harbor for the improvement of which appropriations had been made, from Plymouth beach, Mass. to Red river raft, La. The difference between the *estimated* and *actual* expense of the last named work would be found to be a fair sample of most of the others. He had not taken the trouble to ascertain by whom these various surveys and estimates had been made, but a clever Yankee would guess better than these gentlemen had estimated, in many instances, from their surveys. That the interests of the Government, to say nothing of the region of country where the raft is situated, required that something should be done in this case, was sufficiently obvious; and he thought it equally clear that an inquiry ought to be instituted into the causes of the very extraordinary discrepancy between the estimated cost and actual expense of the twenty-five different works named in the document before him. The reports, so far from having served as a guide and a safe basis of action, had been calculated only to mislead.

Mr. SEVIER said he would say in reply to his friend from New Hampshire, [Mr. PIERCE,] that he had never had occasion to examine in detail, to ascertain whether, generally or always, the cost of completing works of internal improvement exceeded the estimates. These examinations more appropriately belonged to committees, to which it had never been his honor to be a member. They might, or might not be, as he stated, so far as he knew, and there might, or might not be, good reasons for the discrepancies, if any existed. But in regard to the performance of the work now under consideration, he would say, if he would allow him the privilege of a Yankee, that he would *guess* that this appropriation would be large enough to make the work permanent. The timbered part of the river above the raft, was short; about 400 or 500 miles. The river above this run generally through immense prairies, where there was little or no timber. The timber on the banks of the river was disappearing every day in the progress of settlement. The settlements are made upon the bank of the river, and the timber which adjoins the habitations of the settlers is used by them for houses, rails, fuel, &c. and, of course, the timber used for any of these purposes so far diminished the quantity of timber that can descend the river. The settlements are rapidly forming, and will in a few years be contiguous to each other, and then the timber will measurably disappear. But, sir, should I be mistaken in this, I tell my friend now, and will tell him again, that so often as the navigation of Red river is obstructed, that I, sir, shall rise here in my place and ask for money to remove the obstructions. Do not let him, or any other Senator, suppose that I accept this appropriation in full of the demands upon the Treasury for this purpose, should a further sum be required. I make no such bargains.

Mr. MOUTON said that the appropriation also made provision for the constant employment of a boat, wite adequate means to keep the raft from forming.

Mr. KING said he entirely agreed with the Senator from New Hampshire that the estimates had failed of accuracy in both Houses of Congress, and they had been led into vast expenditures in consequence of false estimates. In general, that Senator would find Mr. K. with him in endeavoring to save the public money. But in regard to this work, no correct estimate could be made at the commencement. It was necessary to feel the way. The engineer was asked how the work could be done, and at what expense; and his first success had astonished the country, had opened the commerce of the river, and greatly increased the value of the land. But the channel having been narrow, it was difficult to keep it open, and the raft had also extended higher up. Mr. Shreeve was now about to attempt to make the opening permanent, and the estimate before the Senate for that purpose was $70,000, including a reimbursement for what had been done by private enterprise.

In addition to clearing away the raft, perhaps they would stop up the bayous to help the river to force its way. The whole estimate, including this, might be set down at $85,000. The committee had reported the bill under the full conviction that the work could be made permanent at this expense.

Mr. DAVIS said he was not in committee when the bill was accepted; but he had no objection to it. He had, however, understood that the last appropriation would complete the work; and he now hoped this would do it. The matter had been well explained by the Senator from Arkansas, and Mr. D. hoped, when the subject of the Lakes should come up, he would make as good an argument for them as he had done for his own river.

Mr. D. stated that he had four years ago moved a call on the Department on the subject of the public works, and a document had consequently been published, showing the estimates and expenses from year to year. From this it appeared that some were below, and some vastly beyond, the estimates. But Mr. D. regarded as the principal cause of this, that the estimates had often been made by one set of engineers, and the work performed by another; the original plans having often been altered and made more expensive. Mr. D. was also understood to say that the Secretary of the Treasury had objected to any restraint on the Department on this point. The views of engineers differed very greatly, and it was doubtless sometimes best to modify the original plan.

After a few more remarks to the same effect by Messrs. PIERCE and DAVIS, the bill was passed.

SPEECH OF MR STRANGE,
OF NORTH CAROLINA,

In Senate, Friday, January 10, 1840—On the bill for the armed occupation and settlement of that part of Florida overrun and infested by marauding bands of hostile Indians.

Mr. STRANGE rose and addressed the Senate as follows:

Mr. PRESIDENT: I do not know that I should envy the stoicism of one who could address this august body with perfect composure. For my own part, it is one of the severest trials I am ever called on to encounter. It is especially so on the present occasion, formally called upon, as I have been, by the honorable Senator from South Carolina.

When that Senator did me the honor to make his special call, he doubtless supposed that I was an opponent of the bill. The expectation of the Senator was not groundless. I shall be compelled to vote against the bill solitary and alone, I fear, so far as the friends of the Administration are concerned; and, I greatly fear, with the whole body of the Opposition. Under circumstances so appalling, I trust I shall be excused for trespassing a short time upon the Senate.

For a man to find himself in some vast *terra incognita*—some wide, dense forest—some dark, unfathomable cave—might excite some feelings of apprehension; but to be suddenly surrounded by a body of men, in whose principles he had no confidence, and on whose benevolence he had no claim, would excite emotions in the stoutest bosom; and one anticipating such an event, might be excused should he forearm himself. I refer, of course, to the political principles of the gentlemen of the Opposition; neither my convictions nor my politeness would allow me to go further.

It is always distressing to find one's self voting against his friends and acting with his enemies; and on such occasion explanation is necessary. I am not ambitious to be found an actor in a politico-dramatic representation of a scene which is said to occur in heaven over a sinner that repenteth. Nor would I have my friends suppose that I am posting to that half-way house, the pathway to which, like that to the lion's den, exhibits footprints but in one direction. Why, then, it may be asked, have I not fallen into the current, and united with my friends in support of the bill? I answer, that I feel but little responsibility in opposing it, believing, as I do, that it will pass without my vote; and should the experiment succeed, I think I shall not be denied a participation in the family jubilee; and no one will enjoy the triumph more than myself; and should it fail, as I believe it will, I shall enjoy that privilege for which many are willing to participate in ruin produced by the plans of others—a privilege gilding, like a rainbow, the cloud of adversity of every opposition—the glorious privilege of saying, "I told you so." But were it otherwise, and my vote would defeat the bill, I should tremblingly assume the responsibility, and consign it to that capacious tomb where the Capulets repose.

My reasons are sufficient for self-justification, and I will submit a portion of them for the judgment of others.

Surprise is confessed on every hand at the duration of the war in Florida; and all acknowledge with a sigh that a stain has fallen on the national glory. Florida, that beautiful land, whose name is music, and which calls up so many poetical associations, has, for four years past, been swept by the besom of destruction. Millions of money have been expended, and thousands of noble hearts have bled to arrest the plague. It still rages with unabated fury, and the inhabitants of middle Florida, though far removed from the scene of war, dwell in precarious safety. Our feelings have been harrowed day after day with some new tale of cruelty and blood. The unsuspicious settlers are broken in upon—the cradled infant is torn from its repose—its little neck is writhed by savage hands, or its brains scattered abroad in fragments. The heart's blood of the mother is poured out on her own hearth-stone; the gallant father hath already perished in a fruitless effort to bar the entrance of the intruders, while the savage retires to his lair deriding the power of the United States.

Has the bird of heaven lost the lightning of his eye, or the strength of his talons, that a loathsome reptile should creep to his nest and devour his offspring, even beneath the shadow of his broad wing? He seems hardly conscious of his bereavement—his plumage is scarcely ruffled with indignation, and the gorged reptile is suffered to glide away in safety.

It was not always thus—some sad change has come over us—the atmosphere is infected—it is unfit for respiration—and patriotism gasps for existence. What is this pestilence—this *malaria*? It is luxury and the love of gain; these have ever driven out valor, honor, and patriotism, where they have entered. The downfall of Sparta takes its date from their introduction by Agis the first. In Athens, Pericles enjoys the bad eminence of having fully introduced these evils with their train of consequences.

A learned commentator, on the history of that people, has written what I beg leave to read to the Senate:

"There is no mark which so surely indicates the reigning manners of a people at different periods as that quality or turn of mind which happens to be the reigning object of public applause." * * * * * "Thus, in the infancy and rise of the Grecian Republics, when necessity of self-defence had given a manly and warlike turn to the temper of the people, and the continuance of the same necessity had fixed it into a habit, the love of their country soon became the reigning object of public applause. As this reigning object consequently became the chief object of desire to every one who was ambitious of public applause, it quickly grew to be the fashion. The whole people in these States glowed with the generous principle of public virtue to the highest degree of enthusiasm. *Wealth* had then no charms, and all the bewitching pleasures of *luxury* were unknown or despised."

How descriptive of the former and present condition of our own country!

The same causes operated on the decline of Rome, which may be dated from her conquest over Antiochus the Great. Upon this subject the same commentator, to whom I have before referred, remarks:

"Public virtue and the love of their country, which had raised the Romans to the empire of the universe, were extinct. Money, which alone could enable them to gratify their darling luxury, was substituted in their place. Power, dominion, honors, and universal respect, were annexed to the possession of money. Contempt, and whatever was most reproachful, was the bitter portion of poverty, and to be poor, grew to be greatest of all crimes in the estimation of the Romans."

Alas! how rapidly are the people of the United States hastening from the former to the latter state of public sentiment.

In modern history Spain, chivalric Spain, presents a sad picture of the debilitating effects of wealth on patriotism and public virtue.

John Taylor of Caroline, (one of the greatest American statesmen who has ever lived, and whose works should be in the hands of every youth in the country, and for a republication of which Congress had better make an appropriation, than for many less worthy objects,) speaking on this subject, has prophesied a similar destiny for our country, as the fruits of our funding and paper system, the only hope of defeating the fulfilment of which prophecy, is in arresting its cause. But it is not merely the effects of effeminacy and indolence, flowing from luxury and the love of wealth, of which I speak. Those effects are as numerous as the forms which Proteus could assume. The most important effect of luxury and eagerness for wealth, is a perfect monopoly by the latter of the public mind, whether that mind exists among the people at large or in the Government. The acquisition of wealth engrosses the mind of each individual, and all his powers, both physical and intellectual, are tasked to work to the best advantage that mighty engine, the paper system.

At an early period of its history, the Government was called upon for assistance by those for whom the machine did not operate to their entire satisfaction. They called upon Hercules, and like its good natured prototype in heathen mythology, the Government came to their assistance. Its gigantic muscles were exercised for their benefit until they began to insist that, neglecting all other business, it must devote itself exclusively to their service. Even in this Chamber it has been urged that one of the most important duties of Government is to provide a sound paper currency. For many years the Government kept on *tinkering*, as some would call it, with the currency until it began to find that it was only benefiting a few brokers and shavers, to the injury of itself and the people at large; and that if a sound paper currency was ever formed, it could never be by any joint operation between itself and individuals or corporations. It then attempted to withdraw itself, but had become so entangled in the complexities of the machine that this was found impossible. It had caught a Tartar, and however willing to let its captive go, found itself, in turn, a prisoner. With a wise and valiant spirit, however, it continued the effort, and during the whole period of the Florida war the chief business of the Government has been to disengage itself from the embraces of the paper system with as little injury as possible to the community. What wonder, then, that with all its powers and resources so fully engrossed, many important matters should have been totally neglected or badly executed?

In connection with this, was the tendency of these causes to centralization. In the eager pursuit of wealth, and the regulation of the paper system, both individuals and the Government naturally looked chiefly to those places where money most did congregate. The monetary pole and the pole of the earth pointed in the same direction. Like some huge animal, the United States, stretched out from north to south. In the former direction was its head, and from thence extended southwardly its vast chest, vitals, and bowels.

Whatever danger might threaten these, or seem to threaten, excited at once his sensibility, and put him in the attitude of defence. From thence far to the southward, stretched out a long insensible tail. It might be trodden upon—it might be wounded, or even cut off, and the only indication of suffering exhibited, would be a groan, or at most a surly snarl.

He would not rise from his recumbent posture, lest the delicate operations of the credit system might be incommoded.

These influences were felt among all classes of people, and paralized the heart and the limbs of the nation. They affected alike the Government and its agents, and it was not to be expected that the army should escape its influence.

"It is a far cry to Lochow," is a saying among the highlands of Scotland, by which is signified their security in the remoteness of their mountain fastnesses from the vengeance of the Lowlander, for deeds of violence. It is a far cry to Florida—it dies away in the distance, ere it can reach the national sensorium, under the lethargic influences to which I have referred. No voice reaches to inform us of the real state of affairs, and every one was evidently laboring under a gross delusion at the beginning of this war. It was believed to have had its origin in the insubordination of a single savage, and to depend for its continuance upon his skill and valor. Could Oceola be either slain or taken, it would terminate at once, was the general impression. When the idle Athenians anxiously inquired, "is Philip dead?" some one would reply, "No; but he is very sick." Then would the indignant Demosthenes exclaim, "What avails it to us whether Philip be either sick or dead? Were Philip dead to-morrow, your own folly and supineness would quickly raise up another Philip." And such has been the illustration in our own story. Oceola has been long since dead, and leader after leader has sprung up, until every naked savage among the wilds of Florida is an Oceola!

Yes, Oceola is dead, and in his death has disclosed another of the fatal effects of the paper system, imparting a fierceness to party strife, and severing in twain the different portions of the nation, and so arraying them against each other, that when the traitor, crimsoned with the blood of our women and children, is taken, and dies in confinement, he is mourned over in this hall as a patriot and hero, the victim of perfidy and oppression. How can the soldier fight when his arm is thus held back—when he is kept halting, as it were, between two opinions, doubtful whether it is his duty to retreat or advance upon the foe; conscious that if he strikes and is successful, he will be charged with perfidy and cruelty; and if he does not, he will be accused of indolence or cowardice. Similar to this has been the condition of the Government. If supplies are called for to carry on the war, the Government is charged with extravagance and profligacy. If supplies are not called for, it is accused of incompetency or disregard to the groans of the dying, and the welfare of the living.

All these things cannot fail to produce their ef-

fect on the army. It is composed of men who must, consequently, be subject to all those influences by which men are affected. It cannot be denied that the war in Florida has reflected discredit on our arms. The Seminoles ought to have been conquered. No adequate cause presents itself for such entire failure, without reflecting some discredit on those who have been engaged in the war. My friend from New Hampshire, [Mr. PIERCE,] has referred to similar occurrences in La Vendee and Circassia. But those cases appear to me to be totally dissimilar to the one under consideration. *La Vendee* was a fine, thickly settled province of France, containing people civilized and intelligent, regularly organized in military bodies, and boasting of La Roche, Jacquelin, and others, among the most distinguished leaders in France. The war against that people was simply to subdue, not to destroy or remove. Our own Revolutionary war has shown how difficult it is for a greatly superior force to subdue men determined to be free, unless actual extermination is resorted to. To use a homely phrase, you may whip them, but they will not stay whipped. Our assault on Florida ought not to have been for the mere purpose of subduing; it was a war of defence. There was no reason why it should not be carried to extremity. We have no purpose to suffer the Indians to remain in the country. Our design was to drive them out alive, or drag them out dead; and the work, once effectually accomplished, required no repetition.

The Circassians inhabit a peninsula, it is true, somewhat resembling Florida, but they have defended themselves by presenting an impregnable breastwork at the very entrance of the peninsula, and driving back their enemies, or retiring merely to rally, but never permitting the foe to gain a foothold behind them. Thus their internal affairs have been conducted with but little interruption. Far different has been the case with the Florida Indians; they have fled before us, and suffered us to traverse the peninsula at pleasure. Their mode of warfare has borne a much stronger resemblance to that of the ancient Scythians than any other. They have exposed our troops to perish by the climate and by natural causes, rather than by their arms. Yet the difference between ourselves and those who made war on the ancient Scythians is very striking. The difficulties with which they had to contend were real; ours are almost imaginary. The Scythians led their pursuers through interminable deserts, where there was nothing to sustain existence, being themselves prepared, by long habit, to endure almost incalculable privations, by the half of which their adversaries perished. The climate, too, was one to which their pursuers was altogether unaccustomed, and were, therefore, ill able to bear.

In Florida, the country, it is true, is difficult to pass, but not impenetrable; it is neither desert nor destitute of food; its climate is such as is embraced in a part of our own land, but a degree or two further south than other portions of our country, which have long been inhabited. The climate may be unfriendly to the health of our troops, but there is no reason why it should be considered fatal. It is far from my purpose to cast any unjust censure upon the army or its officers, but it is my duty to treat this subject boldly and plainly. I would not willingly wound the feelings of man, woman, or child. But this matter must be honestly probed, and, as far as possible, the cause of the disease laid open. And I cannot but think, and, therefore, cannot but say, there has been some gross mismanagement on the part of those who have been engaged in this war. A partial apology may be found in the total ignorance of the country in which it was to be waged, when the war commenced. But that apology is daily losing its force. The main cause of failure I believe to exist in the unsuitable character of the force employed.

This has not been a war for regulars; it should, in my judgment, have been conducted by undisciplined, or but partially disciplined, volunteers. Our whole experience seems to me to be in favor of this position. Nearly all our successes against the Indian tribes have been by militia forces. Going back as far as Braddock's defeat at Fort Duquesne, the superior fitness of militia to regular troops for Indian warfare, was exhibited; and you, Mr. President, well remember the effective character of volunteer troops at the battle of the Thames. In support of this opinion, I am fortified by conversations with intelligent men from Florida, both in and out of the army; and I have a letter to the same purport, received from a quondam member of Congress early in this session. It is very obvious that this must be the case. Each class of troops is fitted for its peculiar field. The Macedonian phalanx in ancient times, presented to a foe an impregnable front on level ground, but was totally inefficient among hills and valleys.

I have thus glanced at some of the causes of the existing evils, preparatory to a consideration of the remedy. It is a classical maxim, "Happy is the man who is able to discover the causes of things." I may be wrong in my view of the subject, but I believe the paper system, paralyzing the heart and limbs of the body politic, has given rise to secondary causes which have produced the sad effects we have so long deplored. But a glorious light is breaking in upon us, and the clouds are dispersing. The Government will have soon disengaged itself from the paper system; the political atmosphere is returning to its native purity, and patriotism will once more breathe freely. Gulliver has nearly succeeded in breaking the threads by which the Lilliputians have bound him to the earth. Sampson is disengaging himself from the embraces of Delilah, and rising in his strength. Separated from the maddening influence of pecuniary interest, party spirit will become calm and rational. The golden apple of discord will no longer be found in this hall to disturb our councils, and prevent their efficiency. We shall come to the calm consideration of the interests of the people at large, and pursue it with undivided aim. Let us, then, seize the first moment of this auspicious era for adopting the most effectual means for the relief of Florida. Let us give to the matter the most earnest examination; and, having considered it in all its bearings, decide promptly and wisely. The bill under consideration presents to us one plan; and the first question to be decided is, shall we adopt it? To those who believe it is the best within our reach, I would say at once, give it your support; but believing, as I do, that it is not only not the best, but will be totally ineffectual, I should be a traitor to my country, and a traitor to my party, were I to give it my support.

The bill, I confess, meets me with a prejudice against it. My constituents, I believe, are opposed to donations of the public lands in every form; and it would be difficult to convince them that this was not, in fact, a donation. But the people, whom I have the honor to represent in part, are a generous and patriotic people, and would be willing to surrender not only the public domain, but their private fortunes, and even their very lives, rather than an insulting foe should be permitted to maintain his footing on their country's soil.

Passing by, then, this matter of prejudice, I come to others more important in the consideration of this bill—its efficacy and its economy.

If it is not the most economical, unless it be decidedly the most efficient, it should not be adopted. And unless the most efficient, however economical, under existing circumstances, it should receive no favor. For my own part, I fear it is neither economical nor efficient. In the first place, I am led to doubt its economy, because the title of the United States to the lands proposed to be settled, is at least doubtful. That whole country, to use a common phrase, has been shingled over with Spanish titles. Some of them have already been tried, and all of them so tried, have, as far as my information reaches, been decided against the United States. The Alagon title, I believe, covers the very land particularly described in the bill; and as I wish to have no concealments, but am perfectly willing to lay open my heart, that every one, if possible, may see the springs of its action, I, frankly confess that I have myself a small claim under the Alagon title. This has made it my interest to give that title some examination, and I must say that I am unable to perceive its defects. My impression may be erroneous, but I believe, on examination, it will be found that the United States has no title to the land covered by the Alagon grant.

In this state of things, the price we may be paying to armed settlers, is exceedingly doubtful; the period at which the title may be settled, is uncertain, and no one can say what at that time may be the value of each settler's location.

Whatever it may be, the United States must warrant to him its possession, or will have failed to fulfil her engagement with him. Who can say what sums the settler may have expended in its improvement? And all these he must be reimbursed, or injustice will be done him. He will justly exclaim, you have put but a barren sceptre in my gripe, and cheated me with promises, which you have not fulfilled, unless he is fully indemnified for the increased value of the land he may lose, and the expenditures he may have put upon it. Again: The measure is not an economical one, if the Senator from Alabama [Mr. CLAY] is right, as I believe he is, in saying the conquest of the country can be achieved upon much better terms. I believe with him that there are plenty of gallant spirits in his own, and others of the Southern States, who would obey the call of their country, and drive out the Indians for no other rewards than those of glory, patriotism, and the consciousness of having performed their duty.

The measure further strikes me as being deficient in economy, inasmuch as it preserves no just proportion between the service rendered and the compensation paid. There is no means of computing the duration of the war,. It may terminate immediately, or, like the maroon war in Jamaica, may continue for three quarters of a century. In the one case, the compensation will vastly exceed the labor and privation to which the settler would be subjected; in the latter, it would fall incompably short of it. Economy consists in some just apportionment between labor and compensation. A spirit of gambling must be the inevitable result of the uncertainty of the labor and privation by which a certain reward is to be gained. And that is the very spirit which our country has every reason to deplore, as poisoning its political and moral health. Lastly, upon the score of economy, I fear, if this measure succeeds at all, it will only be through the aid of an army, as large and expensive as would be sufficient to drive out the Seminoles without it.

But, as I said, if the measure is the most efficient let us adopt it without much regard to its economy. But I fear, even in this particular, it will be found grossly deficient. That it will prove efficient is an affirmative proposition which he who lays it down should prove. I have listened to the Senator from Missouri in his effort to establish this position, but he has failed to convince me. I have too often witnessed his powerful array of facts and figures, to be unconscious of his capacity of supporting his cause when on the side of truth. I have too often sat by and looked with triumph at the sturdy blows he has dealt on the heads of his enemies and mine, to underrate his reasoning faculty. When, then, with his effort and his powers, I have not been convinced, I am satisfied that nothing convincing can be said on that side of the question. Nor is this all. With all my deference and respect for the opinions of that Senator, when I find him standing almost alone against the rest of the world, I am forced to doubt the firmness of the ground he occupies. It is true others vote for this bill, but no one else seems to urge its claims to favor with much confidence. Out of this chamber I have conversed with many intelligent men, and I have heard no one express the belief that it would prove efficient. Many have expressed a belief to the contrary; and this very morning I have received a long letter from a gentleman in the army to the same purport. But I am told it has received the approbation of the Administration, and is recommended by the Secretary at War. This, I confess, would be with me a strong argument in its favor. No one in this Chamber has a higher respect than myself for the talents and patriotism of that officer. But, as I read his notice of this measure, I rather take it as an authority against than for it.

"The passage of the bill introduced in the Senate during the last session," says the Secretary, "and partially acted upon in Congress, for the military occupation of Florida, would, it is believed, be attended with beneficial effects." If this is to be taken as an endorsement of the bill, I must say that it appears to me to be in characters so faint, that they are scarcely legible; and should an attempt hereafter be made to hold the Secretary liable for the success of the measure, it would, I think, be exceedingly difficult to establish the handwriting. Had he heartily approved the plan, or reposed much confidence in its success, we should have seen more of his characteristic zeal and firmness in its advocacy. But he has, as it were, damned it with faint praise, and withheld from it the decided sanction of his name. In this he has acted wisely, for the measure is obviously an experiment, which, so far as I know, has never before been tried during the history of the world. With great deference to the Senator from Missouri, it is, I think, altogether unlike the case of the Jews, or the former settlements in our own country. The case of the Jews can never fairly be drawn into precedent. They were emphatically a peculiar people. God himself was their leader, and with his own arm drove out the heathen from before them, as he had previously promised. Their successes were not the ordinary results of human means. So far, however, as human means were used as secondary agents, they were, according to my understanding, very different from those proposed by this bill. The whole Jewish nation proceeded *en masse* in their conquests; and, as was remarked by the Senator from Ohio, [Mr. TAPPAN,] they found houses ready built, and fields and vineyards cultivated, (and such grapes, by the way, have never since been seen,) of which they took possession. By the command of Heaven the former inhabitants of the land were destroyed, and a curse fell upon whomsoever was backward in the work of destruction. One tribe only who, by subtlety, obtained assurance of safety, was permitted to live. But even that tribe fell under the curse of Heaven, and was made slaves to the Hebrews. After taking possession of their land, the Jews dwelt like other nations, pursuing the ordinary occupations of life. Not in armed husbandry, but frequently called upon, like other people in early times, to defend their land against invasion, returning again when they had driven off their enemy to their fields and vineyards.

There is, perhaps, more resemblance in the case of our Western settlers. But even there the difference is great. The face of the country in which our Western settlements were formed, was very dissimilar to that of Florida. There continuous and boundless extents of fertile lands stretched out, and settlements could be formed compact and of any size. The necessaries of life grew almost spontaneously—at least very little labor was required to produce them. There was no desire to capture the natives, or to destroy them; all that was wanting was to keep them at a respectful distance. This was readily enough done, for there was a vast country behind upon which the savages could fall back, and very willing were they to avail themselves of it. The white men, wherever they came, spoiled their hunting grounds, and it required no force to induce them to go where game was more abundant: Thus rolled back, like the successive ocean waves; the natives were but little in the way of the advancing settlers. The reverse of all this is the case in Florida. That country, if I am correctly informed, consists of swamps, hammocks, and poor pine ridges. The former of these require draining, at considerable expense, ere they can be made useful, and I do not know that it has been ascertained that they are sufficiently fertile to repay this expense. The hammocks, the only land certainly valuable, are, I am told, not sufficiently large to admit of any considerable settlement in one body, and that, besides this, the timber is so thick and heavy as to defy the efforts of any single laborer to place the land in a state of tillage in the course of one season; so that, so far from being able to fight, and feed himself, too, it would be more than the laborer could accomplish to draw from his land a lean support with the utmost toil. The remaining lands or pine ridges would not, I suppose, of themselves, hold out temptations to any settlers. The object of invading Florida is not to occupy and maintain it in the face of the natives, but to force them out of it—a very different operation from inducing them to fall back. The latter would be impracticable if it was desired, for there is no country for them to fall back upon; no choice would be left them but victory or death, by famine, or the sea surrounding them on every hand. It is this, probably, which already renders them so ferocious, and causes them so frequently to break in upon the settlements. Nothing short of forcing them from the country would answer any purpose, or at least the great purpose in view—the safety of the present white settlements.

But if the proposed plan could succeed at all, it will be altogether too slow in its operation. It would take months, in the first place, to procure the necessary number of settlers, and several more to get them to the scene of operation; and many more, I fear, under the most favorable view of the subject, before the anticipated effect would be produced of forcing the Indians to capitulation and removal. In the meantime, Middle Florida would continue as now the scene of alarm and butchery. Your posts would still be passed by ways known only to the savages, and plunder and bloodshed be visited upon the settlements. What we want is an immediate remedy for the pressing evil. Some plan that will keep the Indians constantly engaged in their own defence, so as to leave them no time for rapine, until their overthrow is completed.

I may be asked, why not give the plan proposed a trial? If it can do no good, it may be said, it will do no harm. That is what I cannot admit. No plan will now, in my judgment, prove entirely neutral. It is a maxim in philosophy, that no two bodies can occupy the same space at the same time. And if this plan is attended with no other evil, it will serve, to some extent at least, to displace a better. It will consume, in an experiment, precious time that should be energetically devoted to the deliverance of Florida.

There is a certain mode which I believe cannot fail, and I am therefore for adopting it at once. It is the good old plan of opposing thews and sinews to thews and sinews. I am no friend to expedients. I have been opposed to substituting paper for gold and silver; and I have no confidence in any substitute for the usual *materiel* of war. I am for employing at once a sufficient military force to explore the country, and pursue the Indians into every nook whither they may fly for refuge. This, I believe, can be done. Our soldiers may plant their footsteps wherever they shall plant theirs. I have no idea that they possess any faculty of travelling without leaving a trace by which they may be pursued. They have no such powers as the Scythians would intimate for themselves to Cyrus, (I think it was,) when pursuing them, by sending him a frog, a bird, and a mole—signifying that unless he could swim like the first of these animals, fly like the second, and burrow like the third, the pursuit of them would be vain. But I would employ in this pursuit volunteer militia. Regulars, as I have said, I do not think adapted to this service, for reasons which it would be tedious to explain. The maroon war in Jamaica more nearly resembles that in which we have been engaged with the Seminoles in Florida than any that occurs to me, of which we have any account in history, whether we look to the character of the persons against whom, or the circumstances under which, it was waged. An interesting account of that war is furnished by Mr. Edwards in his History of the West Indies.

"In the year 1655, (says that writer,) Jamaica was conquered from the Spaniards by the English, under the command of Amiral Penn and General Venables. The Spaniards are said to have possessed about one thousand five hundred slaves, who escaped and retreated to the mountains, from whence they made frequent incursions to harass the English. Major General Sedgewick, in a letter to Secretary Thurlough, predicts that these blacks would prove a thorn in the side of the English. He adds that they give no quarter to his men, but destroyed them whenever they found an opportunity, scarce a week passed without their murdering one or more of them; and as the soldiers became more confident and careless, the negroes grew more enterprising and bloody minded. Having no moral sense, and not understanding what the laws and customs of civilized nations mean, we know not how to capitulate or treat with them. But be assured they must either be destroyed or brought in upon some terms or other, or else they will prove a great discouragement to the settling of the country."

How much does this seem like a picture of our case, and how apposite is the conclusion to which Gen. Sedgewick comes to our circumstances. These Maroons, (or as the word signifies, these hog hunters) continued to annoy the British settlers in Jamaica for upwards of forty years, during which time forty-four acts of assembly were passed, and £240,000 in money expended, and lives without number sacrified. And here allow me to remark that this is a sufficient answer to such of the English as choose to flout us with the great duration of the Florida war. About this time were fought two battles:

"Which (says the historian) so reduced the strength of the Maroons, and filled them with terror, that they never afterwards appeared in any considerable body, nor dared to make any stand; indeed, they had never once ventured a pitched battle, but skulked about the skirts of remote plantations, surprising stragglers and murdering whites by two or three at a time, and when they were too few to make resistance. By night, they seized the favorable opportunity that darkness gave them of stealing into the settlements, where they set fire to cornfields and outhouses, killed all the cattle they could find, and carried the slaves into captivity. They knew every secret avenue of the country, so that they could either conceal themselves from pursuit, or shift their ravages from place to place, as circumstances required."

How like, in all respects, the conduct of the Seminoles! In 1733, a new mode of warfare was adopted against them. Troops were employed to scour the roads and mountains and destroy the provision gardens and haunts of the maroons. "Every barrack *was also furnished with a pack of dogs, provided*"—by whom do you think? By the *church-wardens*—"*provided by the church-wardens of the respective parishes*"—it being foreseen that these animals would prove extensively serviceable, not only in guarding against surprises in the night, but in tracking the enemy. This was a decided improvement upon their former mode of fighting; but the settlers had not yet discovered the most effectual plan of warring with these savages. "About the year 1737, the assembly resolved on taking into their pay two hundred of the Musquito Indians, to hasten the suppression of the maroons." These troops, with others of the same description, made it a practice to observe the most profound silence in marching on the enemy's quarters, and when they had once hit upon the trail, they were sure to discover the haunt to which it led. "They," says the historian, "effected considerable service, and were, indeed, the most proper troops to be employed in that species of action which is known in America"—by what name do you suppose?—'*bush-fighting*" Within one year after this bush-fighting was introduced, the Maroon war was over; the Maroons "were reduced to so miserable a condition by famine and incessant attacks, that they afterwards declared that, if peace had not been offered them, they had no choice left but either to be starved, lay violent hands on themselves, or surrender to the English at discretion." Thus it is I am for assailing the Seminoles in Florida. Following the light of history, I am led to this course; and even those who may differ with me cannot deny that I speak upon good authority. The only way of bringing such a foe to terms, is by constant and ceaseless pursuit; giving them neither time for rest nor for the gathering of food, while, at the same time, you deprive them of opportunity for rapine and destruction. This can only be done by scouting parties, accompanied by dogs. Without these, the whites may almost pass over them as over a partridge in the heather, without perceiving them. But the dog destroys their conscious security, and his instinct is ever exposing them to their pursuers. Yes; I am for resorting to the *bush fighting* volunteers, and for employing the dogs also. And I go still farther. When I had assembled my volunteers and my dogs, I would make proclamation that every Indian warrior who came in by a certain day should be spared, humanely treated, and transported to the land originally promised beyond the Mississippi; but that all taken afterwards should be hung upon the gibbet. This threat should be executed. I am aware there is a mawkish sensibility prevailing upon this subject, entitled, in my opinion, to but little respect. Thus, when the gallant Hernandez captured Oceola, sensibilities were felt in this Chamber, not for the victims of the ruthless Indian—the women and children he had butchered—the widows and or-

phans newly made by his murders—but for himself and his comrades, who had providentially fallen into the pit they had digged for others. When will men learn to look at things as they really are, and not suffer themselves to be carried away by mere prejudices and unmeaning distinctions? One great name will mislead a thousand unthinking followers; and I doubt not that the Earl of Chatham has given currency to many false notions of humanity in conducting war, by his famous speech upon the employment of Indian allies against us in our Revolutionary struggle. For his opposition to that measure, the noble lord merits the gratitude of every American; and had he been a little more consistent in other acts with his virtuous indignation on that occasion, would have justly challenged the admiration of the world. But even Lord Chatham, in that celebrated speech, so far from urging any thing against the employment of bloodhounds against the Indians, rather, I think, furnishes me with an argument in its favor:

"Against your Protestant brethren, (said he,) to lay waste their country, to desolate their dwellings, and extirpate their race and name with these horrible hellhounds of savage war—*hellhounds, I say, of savage war.* Spain armed herself with bloodhounds to extirpate the wretched natives of America, and we improve on the inhuman example of even Spanish cruelty; we turn loose these savage hellhounds against our brethren and countrymen in America."

Lord Chatham considers the employment of Indians by the British, against their Protestant brethren, an improvement upon the use of bloodhounds by the Spaniards in pursuit of the harmless natives of America. The Indians he describes as hellhounds, and places them in ferocity far beyond the bloodhound. He could not, of course, object to the employment of the bloodhound against the hellhound, laying, as he does, the stress of his argument, in his appeal to his countrymen, on the savage cruelty of the Indians, classing them with the inhabitants of the infernal regions. But we have not only the argument, but the example of Lord Chatham for the employment of what he considers worse than the bloodhound, when occasion requires. In a note to his Statesmen of the Times of George III, Lord Brougham remarks:

"A circumstance attended Lord Chatham's eloquent invective against our employment of the Indians in the American war, which we have not handed down to us along with it, but which could hardly fail to be noticed at the time. The very same thing had been done in the former war carried on in Canada by his own authority and under his own immediate superintendence; the French had arrayed a tribe of these savage warriors against us, and we, without scruple, arrayed another against them. This he thought fit to deny in the most positive manner, although the ministers offered to produce documents, written by himself, that proved it, from among the papers in the Secretary's office. A warm debate ensued, and at length Lord Amherst, the General who had commanded our troops in that Canadian war, was so loudly appealed to on all sides, that it compelled him to rise and most unwillingly (for he greatly respected Lord Chatham) falter out a few words; enough, however, to acknowledge the fact—a fact admitted generally, and even assumed by the Lords who spoke afterwards. Upon hearing what had passed in the House of Lords, Lord Bute exclaimed with astonishment, Did Pitt really deny it? Why, I have letters of his still by me, singing *Io Pæans* over the advantages we gained through our Indian allies."

Thus it is abundantly proved that Lord Chatham employed means on one occasion which he denounced on another, and I do not know that there was any reprehensible inconsistency in his so doing; and I doubt not that those who now profess a sickly sensibility upon the subject of means to be employed against the Seminole Indians might easily be placed in circumstances to prove themselves just as inconsistent. But Lord Chatham's denial of the fact is without explanation and without apology.

How absurd is it for one who has witnessed the cruelties inflicted upon the unoffending inhabitants of Florida, the destruction of their property, and the murder of their women and children, to object to any mode of protecting them, from a sickly apprehension that the mode proposed might bring his humanity in question. Every species of warfare is cruel, and can only be justified upon the great principle of self-defence, and the justification extends to every case where the principle applies; and never was the principle of self-defence more strictly applicable than in the case under consideration. Indeed, judging by experience, I am much inclined to think that the use of dogs may be advocated upon the very ground that it is the most humane mode of warfare under the contemplated circumstances—the least productive of suffering and death. In proof of this, I will resort again to the Maroons. In 1795 another Maroon war broke out in Jamaica. The Assembly naturally set about devising the most speedy mode of bringing it to a termination.

"It was natural for them [says the author which I have before cited] to recur to the experience of former times, and to inquire into the measures that had been successfully adopted in the long and bloody war which, previous to the treaty of 1738, had been carried on against the same enemy. The expedient which had been resorted to, of employing dogs to discover the concealment of the Maroons, was recommended as a fit example to be followed in the present conjuncture."

He proceeds to say that they determined to engage a sufficient number of Spanish dogs and huntsmen from the island of Cuba. The author remarks, that

"The Assembly were not unapprized that the measure of calling in such aid, and urging the canine species to the pursuit of human beings, would probably give rise to much observation and animadversion in the mother country. Painful experience on other occasions had taught them that their conduct in the present case would be severely scrutinized with all the *rigid* and *jealous* circumspection which *ignorance* and *hatred*, and *envy* and *malice*, and *pretended humanity* and *fanaticism*, could exercise."

To this it was replied, that the safety of the island, and the lives of the inhabitants, were not to be sacrified to the *perverse misconstruction*, or the *wilful misrepresentation*, of the mother country. Mr. Paley, the great moral philosopher, was cited, who declares:

"If the cause and end of war be justified, all the means that appear necessary to that end are justifiable also. This is the principle which defends those extremities to which the violence of war usually proceeds; for since war is a contest by force between parties who acknowledge no common superior; and since it includes not in its idea the supposition of any convention which would place limits to the operations of force, it has naturally no boundary but that in which force terminates, the destruction of the life against which force is directed."

It was, therefore, justly concluded, that humanity was no way concerned in the expedient proposed, or in any other by which the enemy could be most speedily extirpated. The enemy was not an unarmed, innocent, and defenceless race of men, but a banditti of assassins, and tenderness towards them was cruelty to all the rest of the community: a reasoning, by the way, which seems conclusive in the case now under consideration. The dogs were sent for, which being known among the Maroons, such was the terror it inspired, that within a very few days afterwards, and before any of the dogs were actually employed, the Maroons all surrendered at discretion, and were shipped to Halifax, as we propose to do the Seminoles to the westward of the Mississippi. And thus was an expedient, denounced as cruel, made a second time instrumental in putting a termination to war and bloodshed. I would adopt it again, in connection with the volunteers and martial law, and I have no question but it would prove effectual. In the execution, or rather the threatened execution, of all the warriors taken after the proclamation, I have much confidence, as I understand the Indians, in common with ourselves, have a special horror of that mode of death.

This is a general outline of the plan I should devise; the details and the number of volunteers to be employed, I leave to the proper department in which I have every confidence. My province is not that of a general, or the head of a Department. I speak as an American statesman—an humble one it is true; but the duties of that station have devolved upon me, however incompetent I may be for their fulfilment. In an effort to discharge those duties, I express my belief that the bill under consideration will not serve for the relief of Florida, but that a plan, something like the one I have suggested, will. But I call upon my country to do something. Adopt the bill under consideration if you think it best; but if not, adopt some other, and that speedily. Let the wounds of bleeding Florida be staunched. And let it not be said in the language of the Senator from Missouri, "*deliberat Roma perit Saguntum,*"—while Congress deliberates, Florida perishes.

ARMED OCCUPATION OF FLORIDA.

IN SENATE,

THURSDAY, January 9, 1840.

The bill for the occupation of Florida by armed settlers being again under consideration,

Mr. CRITTENDEN rose and said: The Florida war has become a matter of distinguished importance, and the measure which is now under consideration is therefore entitled to our soberest and most deliberate regard. In the various disappointments which have been experienced of our hopes of the termination of these hostilities, we have cast about our minds for the reasons of this protracted hostility, and for the means by which it might be brought to an end. Notwithstanding these disappointments, I had indulged the hope at one time of the quiet settlement of the Territory by some means within the usual and legitimate powers of this Government. But from this measure I do not believe that there is one good result to be anticipated, and I think the bill ought not to pass.

Mr. President, every consideration of economy, of humanity, and of honor, requires that this war should be speedily terminated by the most effectual measures within the power of this Government; and there will be very great danger that ineffectual or slow measures will have a tendency to prevent the adoption and prosecution of measures more effectual. The adoption of an inefficient measure, therefore, would be unfortunate, not only on account of its positive uselessness, but on account of its diverting the Government of the country from means which might be used successfully to terminate the war.

How far, then, Mr. President, is this bill calculated to effect the attainment of this object? An invitation is here to be sent out to 10,000 settlers able to bear arms, and they are to occupy—what? Is it the forests, the hammocks, the paths, or even the most secure portions of the country in its natural state? No, sir; they are to occupy places of defence; they are to put up in block-houses, and even there they are to be aided by the military forces of this Government. They are to receive, even in these garrisons, the protection of the military of the United States. The number of settlers in each garrison is not to be less than 40 nor more than 100. Suppose you get 5,000 settlers; it will require one hundred garrisons and fastnesses to be occupied by them; and they are to construct these defences by the aid of the troops of the United States, with special protection from them at first, and general protection afterwards. You are first to bring these companies of armed settlers into existence; then you are to construct 100 fortifications for them by the aid of your military, and you are to protect them by means of the military. Sir, can all this be done in twelve months? To effect this measure, therefore, the war must be suspended for one year, while you prepare the means of fortresses and garrisons, and carry on the war after that. Heretofore, the military have acted to protect the frontiers of the settlements. Now, in the heart of the settlements, you are to build 100 fortresses. And what military will it require? Will the whole be more than is necessary? You have devoted their services to a new object altogether. Will it require the whole force now to guard the settlers shut up in garrisons?

By the first section of the bill these individuals are called settlers. But in what sense? They are required by the terms of the bill to inhabit garrisons, and to carry on a savage warfare under the protection of your military, in perfect security, in impregnable fortresses, with the addition of a military force. And they are thus to remain in idleness and security—till when? Till the termination of the war. And the whole time they are to be fed and clothed at your expense. And to do what? Nothing; absolutely nothing. They are to be given the free use of the land adjacent for cultivation. But to what extens will they cultivate it? What is the inducement for them to labor even without danger? Sir, you have taken away the only inducement which civilized men ought to have. You have agreed to feed and clothe them, and for what else will they labor? Will you send them into a dangerous wilderness, and hold out to them the inducements of merely raising productions for a profitable market? What motive to action have you left to such a settler? You feed and clothe him, for which he is required to perform no service. Sir, will he fight? Will he pursue the savage either to catch him or to drive him out? No, sir, no, sir; they will all occupy their garrisons, receiving as a gift their food and clothing, and there

they will do no hing till the war is ended. They will remain under a consciousness of perfect security. They are required to do nothing. Why then should they seek the Indians? They will not be required to do so by the law, and why should they do it? If they do it at all, it will be from a mere spirit of voluntary adventure.

Sir, it appears to me that we should make a great miscalculation if we should suppose these garrison citizens of yours to resemble, in any degree, the hardy and resolute pioneers of the West. They drove out the savages; but what was the inducement there? In the first place, while receiving no bounty or supply from the Government, with a determined spirit, they entered the wilderness, with wife and children, without any means of subsistence but the rifle and the plough; and if they cleared and cultivated fields, it was necessary to war with he savage even beyond their bounds. In that way, with the rifle and plough together, they subdued and settled that great wilderness. But you have not therefore any right to expect that men secured in garrisons, shut up and protected, fed with public provisions, clothed at the public expense, taken care of by the public arms, and even with the hopes of reward for all this passive security and sustenance—sir, you have no right to expect from them any thing like the efficient services and gallant achievements of the pioneers of the West. You throw away at the outset all the inducements which led to such results, and you have therefore no right to expect them. Sir, I believe in my heart that this measure will fail to accomplish any useful and patriotic object.

Sir, whoever was the author of the bill, it will naturally tend to the results which I have named. It may be a question, indeed, whether any thing effectual can be done for the prompt and quiet settlement of Florida. Perhaps it cannot be settled as the West was settled; but whether it can be, or not, I am perfectly persuaded of the inefficiency of this measure. It is far worse than idle and useless. The inducements which you hold forth for settlers are such as will address themselves most strongly to the most idle and worthless classes of our citizens. And when you get them there, you cannot, by the method you propose, alter their character, except for the worse. What men of industry and enterprise will engage for twelve months, with the hope of clothing and food, to be collected into squads, to be immured in garrisons, shut up from all those salutary influences which arise from good order and morals in society? Sir, what can you expect from those that are brought together by such inducements, and to live such a life? There is more reason to believe that they themselves will be converted into savages, than that they will drive the savages from the Territory.

Sir, I would not exaggerate; I would utter nothing from party prejudice. But what do you expect from this measure? Let gentlemen ask themselves this question; and then let them ask further, do you expect any service from these men adequate to the expense? If to be shut up in garrisons, to be fed and clothed twelve months at the public expense—if this is public service—then public service will doubtless be done. And what are you to pay for it? You are to give to each of these men 320 acres of land at the conclusion of hostilities; and, if there are 10,000 of them engaged in this sedentary service, their whole compensation will be 3,200,000 acres of land. And what will be its value? Will it be less than from five to ten millions of dollars? Sir, the privilege of selecting 3,000,000 from 30,000,000 acres of land—is not this itself a privilege worth $10,000,000? Is this the best way to apply the public property? If it is not, you ought not so to apply it. You are the guardians of the public interests; and you are therefore called upon to decide whether this is the best way to apply this amount of property.

But let me take another view of the subject. If this bill could be carried out, and if each of these men would make a settlemen on his land as his resource and future home, there would be at least some consolation for this loss of the public property. We might, at least, thus help in raising up useful and respectable citizens. But do you remember, sir, that in your last war with Great Britain you offered as a bounty to each of your soldiers 160 acres of good land, all fit for cultivation, to be surveyed and laid off at the expense of Government? And what became of the land? Did your soldiers after the war retire to the homes you had thus provided for them? Did they become freeholders, converting their arms into ploughshares? Did they go to work on their bounty lands? No, sir; every gentleman here knows that almost the whole of this portion of the public domain was squandered and given away by these prospective settlers, through speculation and fraudulent bargains, from one end of the country to the other. These claims were to be had in any number you pleased, at any of the auctioneers' or brokers' shops in this city, at from $20 to $50 each. That was then the result, and depend upon it, these 320 acres which you are to give to each settler in this case will be swallowed up in the vortex of exactly the same sort of speculation. Had we not then better adopt another mode? Let us pay them as we pay our regular soldiers. The pay in money is fixed and certain; but here you give land which is uncertain; and, in the mean time, the soldiers, or rather the speculators, will, on the whole, always get the advantage of us. Why then, adopt this mode? Are you unable to raise money for this war? Can you get enough neither of the constitutional currency nor of Treasury notes to keep up a strife with 600 or 700 miserable savages? Is that the condition to which we are reduced? Sir, if this system is adopted, and these men must be paid, without any service in return, let them be paid in money; it is but equal justice to them and to the rest of your soldiers; and you will know then what you are giving, which now you do not. On this plan, one settler may get what ten more will not get. And the measure is unjust to the Republic, because the expense will, on the whole, be more than if paid in money. It is unjust, further, because it will result in an advantage to the monopolists of land. While your own lands are settled at the usual price, these 3,000,000 will be within the grasp of speculators for some $40 or $50 or $100 a patent for 350 acres.

The Senator from South Carolina [Mr. PRESTON] has said nearly all that can be said on this subject. I believe, with him, that this measure will not be successful in the termination of the war. The war has been now in progress four years, and to this day there is no end of it to be seen; and unless this, like all things earthly, must end, we might say that we are now as far from the end of it as ever. Yet we have already spent $25,000,000, and how much of life and blood I cannot sum up. During the whole period, Congress has done every thing that has been called for. Sir, has the Department made a single demand of money or of men which has not been granted? Of money and of military no amount has been asked for that has not been promptly granted. Under these circumstances, has not the nation a right to ask whether the war shall still go on at yet more than this disgraceful length? We have given all that the Executive authorities asked, as much and as soon as they asked it. Why, then, have they not finished the war? Have the troops failed to maintain their character in the view of the country, or to perform their duty to the Government, through want of spirit, bravery, or perseverance? Can you attribute this failure to the troops? Sir, no country ever had a braver soldiery, and braver have never been in the American service. Distant, inglorious, and obscure as is the scene of action, they have gone on through difficulty and danger; not a murmur was heard; and they have endured and died in your service without a groan, cut off by the climate and the enemy; falling unknown and unheard of, obscurely swallowed up in that vortex. Your soldiery now and heretofore have done and endured enough to weave a laurel worthy of the brow of this Republic. They have there shed their blood and deposited their bodies on the soil; and what do we find for such a sacrifice? Where are now the public laurels? Are there any of them? Not a leaf. and what is the reason? If we have given all that has been asked; if the soldiery have well and bravely done their duty, where are we to look for the responsibility for all this disgrace? Who is accountable for this disastrous war—for this long-protracted public ignominy? Sir, I know of no other than the Secretary of War. We are not competent to determine on the movements and operation of the war, or of the skill of this or that manœuvre, or of the qualifications and conduct of one and another General; and we cannot look to them; we must look to the head of the Department, who manages and regulates all. I look not to this or that action, or the army or the particular year; but I look at the general aspect and progress of the war; and I look to the Secretary of War as responsible for these general results. In his hands we have placed the means of the war, plenty of men and money; he has had the Treasury and the whole military power of the country at his command for four years. And what has he done? Look at the report of the Secretary of War. He there says 45,000 miles of your territory is in the possession of the savages, and the enemy retains it after a four years' war. You are staggering, exhausted, under what will not bear the name of a war—a skirmish with 600 savages. And are the means not enough? If they are not, why not ask for more? If the means are insufficient, we ought to have known it; it is a matter which not we, but the Secretary of War is to determine. If four or five thousand men were ineffectual, was it not his business to know it? If 20,000 men were wanted, we ought to have known it from the Secretary of War. Why, then, did he not call upon us? Would not the expense have been less in a few months, with 20,000 men, than to continue thus feebly and ineffectually to squander your treasure? Sir, I speak of this as a national misfortune, not unmixed with shame and dishonor, which never existed to such a degree since we were a nation. This war is unexampled in point of expense and bloodshed, with an enemy so small, and not only with no glory, but public disgrace. I desire that the whole history of this war may be given, so that it may be shown whether there is any apology for the Secretary of War; and, if it should appear that his conduct is justified by the circumstances, give him at least that advantage. There is no nation that would not do it. But we ought to weigh this matter well before we take it into our own hands, and out of those of the Executive, to relieve him of the disgrace and responsibility, and bring them upon ourselves. If the Secretary of War has regarded this matter as a trifle for four years, is he now awakened to a consciousness of his past error? And is he now prepared with plans to put an end to it?

And what are those plans? Sir, his explanation of them is about equal to the war itself. He says, before the war is brought to a conclusion, it may require other means than have yet been tried. But what are they? Under this vague communication what does the Secretary propose? Has he yet any definite idea on the subject? Or, by his ambiguities and oracular mysteriousness, does he mean to keep the way open for other schemes and other means, which he fears must yet be tried before the war will end? In that conclusion we will all concur with him; but we should like to have known what those other means are. Sir, I would not dictate what he is to do in this war, but I demand his plan, and I say the nation has suffered enough by these vague and irregular proceedings. What is his plan? And how many men and how much money does he want to carry it into execution? Let him take them, and be responsible for the results. This is the way in which all Governments proceed.

His other means are yet locked up as the arcane of state. There is, indeed, a suggestion in the message, that he will want 1,000 more men. But these are not other means. He says, furthermore, that from this bill he expects very beneficial results. And that is all. Beneficial results! and he wants a thousand more men, and other means may be raised!

Sir, believe me that it affords me no pleasure to make imputations on any person; but I do not hesitate to make them where it seems to be required. Still I would rather now deal with the subject than with the Secretary. But we can look only to the Secretary for the loss of $25,000,000, for the great amount of national character that is gone, and for the much blood that has been shed. Sir, the Se-

cretary tells us that 45,000 miles of our territory is in the enemy's possession; and so far from our making any encroachment upon them, they ravage and ruin our settlements, with murder and fire, along the whole frontier. Is not this a disgrace? And ought we not to wipe it out as soon as possible? I believe this bill is not the most adequate means of doing it. The exigency demands other means, which we ought to apply. I will not say but it would be better to adopt the mode of catching, instead of killing; and, in that case, I would advise you to offer $1,000 reward for every one of the Indians that shall be taken as a prisoner. That would be an inducement; and, though I pretend not to prophesy, I am not afraid to venture that such a measure would be very effectual. Men would then engage in the enterprise of the exact character required. They would inhabit no garrison; they would not sleep in peace and security, furnished at the public expense with provisions and clothes. They would hazard their lives to seek the enemy, and their whole object would be to find them, without which their whole labor and peril would be lost. And, if they caught them all, it would be at a public expense of only some thousands, instead of millions.

Sir, I beg pardon of the Senate for the time I have occupied on this subject; but I have been impelled to it by a sense of duty; and I have spoken from no personal spirit of asperity toward any human being, but merely out of feelings of sorrow and regret at this unhappy and unfortunate warfare. We are all equally intent to adopt the best mode of ending it, the friends of the Administration no less than others. They were almost simultaneously commenced, and almost the whole of Mr. Van Buren's term has been consumed upon this war. And those who regard this Administration like a bright luminary, shining on the footsteps of those who have gone before, must at least admit that this Florida war is a black and bloody spot upon it; nay, that it surrounds it like a black line, blotting it out, according to the doctrine of some—a consummation which the friends of the Administration will think is most devoutly to be avoided. I therefore think it best to call on the Secretary of War for his plan as to this war, and let him tell us how many men and how much money are wanted, and thus leave the matter to the proper Department, taking the just degree of responsibility by suggesting a plan and asking for the means to carry it into effect. I think it the more appropriate and judicious course.

Mr. PIERCE said: Having determined to support this bill, not without some hesitation, it was my intention, after the full and minute exposition made by the chairman of the Committee on Military Affairs, [Mr. BENTON,] to give a silent vote; and I should have done so, but for the extraordinary course of argument pursued on the other side, and the sweeping denunciations of the Executive in which gentlemen have chosen to indulge—denunciations which I cannot but regard as wholly unwarranted and unjust. If Senators will withdraw their thoughts from these general charges of a want of zeal, forecast, and energy on the part of the Executive—lay aside all prejudices which such charges may be calculated to engender—and consider for a few moments the nature of the territory in which our troops have operated, and must continue to operate—the character of the foe—our present means, and the condition of that country—they will be more likely to do justice to the distinguished individual now at the head of the War Department, whose conduct in relation to the operations on that ill-fated peninsula, I have, during this debate, heard censured for the first time, and much more likely to adopt those legislative measures which the exigencies of the case, with a full view of all the difficulties and embarrassments with which it is surrounded, may require. There is much truth in a remark of Gen St. Clair in the introduction to the history of his own disastrous Indian campaign. He says: "In military affairs, blame is almost always attached to misfortune; for the greatest part of those who judge (and all will judge) have no rule to guide them but the event." Now, sir, in this country, there has never been a case where the event of military operations was so much calculated to lead the mind to erroneous, unjust, and uncharitable conclusions as those which we are now considering. That the Florida war has, in all its aspects, been most disastrous and melancholy, many of us feel—all are ready to admit. The blood of our patriotic citizens has been poured out there like water, the lives of many of our most able officers and faithful soldiers have been sacrificed, and the resources of the nation have been drained in a hitherto fruitless attempt to remove cruel, artful, and treacherous bands of savages, whom no treaty obligations can bind, and whose tender mercies are manifested in the deliberate and indiscriminate murder of helpless infants and defenceless mothers. Now that portions of our army, varying from four to ten thousand men, should have been, during the last five years, within our own territory, in a conflict with remnants of savage tribes, not embracing at any time, it is believed, more than twelve or fifteen hundred warriors; and that, with the exception of the roads and improvements which have been made, the geographical knowledge that has been acquired, and the experience gained, which, I trust, we shall not be disposed to disregard, we are in a condition hardly better than that which called our troops there in the first instance, is certainly very extraordinary upon the face of it; and yet, if gentlemen, here and elsewhere, will carefully examine this map, make themselves acquainted with the topography of the country, and notice the fact that, below a line drawn from Tampa Bay to a point near New Smyrna, nothing was known to any white man of this immense territory; that it was wholly unexplored except by the savage, who was familiar with all its recesses and fastnesses; that in almost every direction it was impassable for troops, and especially for baggage trains; that for long distances together a column could not advance, without constructing corduroy roads; that, in consequence of the deadly climate, the active campaigns could only be continued from October to April; that the foe would show himself but at places where he could not be reached, except at the greatest disadvantage; and that his force has always been divided and scattered over this extent of 45,000 square miles, their wonder at this want of success will cease. They will see that it has arisen from natural causes, from causes which no human sagacity could foresee, turn aside, or overcome. The Senators on the other side, I have been pleased to notice, have done justice to the officers and soldiers who have served in those campaigns. Never was commendation better merited. Never were men sent into such a deadly climate, upon such disheartening, thankless service. There is, and has been, nothing to stimulate individual ambition, and the dangers of the climate alone have equalled all the dangers of active campaigns under ordinary circumstances. Still the spirit of our countrymen has not been wanting, even there. A single instance of shrinking from duty or from danger; a single instance where the fight has not been sought when there was a prospect of bringing on an engagement; a single instance, in a word, where a soldier's duty has not been performed in a manner becoming a soldier of the Republic, has not come to my knowledge. No, sir: surrounded by disadvantages, and environed by circumstances chilling to military ardor, there has been on all occasions an exhibition of bravery, of cool, determined courage and patient endurance, not surpassed in the history of any warfare Here, at least, we concur in ascribing no fault, in passing no censure.

It would have been gratifying to me if Senators could have regarded the conduct of the Secretary of War in a similar spirit, because, to any generous mind, it is painful to be forced upon subjects of censure; and in this instance, I believe the foundation of the charges to be entirely imaginary. If the Secretary is to be held accountable for the disasters of that war, it is important to him and to the country that these denunciations assume a form somewhat more specific; that the charges be made so definite as to admit of a definite answer. Now, sir, I call upon the Senators from South Carolina and Kentucky [Messrs. PRESTON and CRITTENDEN] to inform us where they find the evidence of the Secretary's impotence and want of energy; where and on what particular occasions has it been manifested. From the date of his first official letter to General Jesup, in March 1837, to the present time, do gentlemen find any thing to censure in the instructions given to the different commanding officers in Florida? If so, what instructions? Do they object to the suggestions of the Secretary in his various reports, except that in relation to the measure now under consideration? If so, let them be indicated. We shall then have something to direct our inquiries, something upon which the judgment can rest. But now we can only meet these general charges by as broad and general denials, and support such denials by calling the attention of the Senate to what the Secretary has done. To this, without reading copious extracts from the documents on your files, I shall briefly advert.

Soon after he entered upon the duties of his office, he received from General Jesup intelligence that the war in Florida was over, unless renewed by the imprudence of the inhabitants. This hope proved like similar hopes previously indulged—illusory. In the August following, propositions were again made by several of the chiefs for peace; but the Secretary, as the correspondence and public documents abundantly show, was not turned aside for a moment from his purpose of terminating the war in the campaign of 1837-'38, if a strong force, abundant supplies, munitions promptly furnished, and all the facilities for prosecuting the campaign with vigor and effect, could accomplish the object. As early as September, arrangements had been made for six hundred volunteers from Tennessee, six hundred from Louisiana, six hundred from Missouri, with three hundred riflemen, spies, and an Indian force to co-operate with the Florida militia, and the strong regular corps of artillery, infantry, and dragoons, already at the disposal of the Commanding General.

Although the Secretary had always manifested the strongest desire to spare the further effusion of blood, and to save that deluded, faithless, and cruel people from extermination, he still declared, from the first, that his only hope was in an active and vigorous prosecution of the war. When the Cherokee delegation went to Florida, with the avowed purpose of persuading the Seminoles to the treaty terms, General Jesup was expressly advised that the mission was not to delay for a moment military operations. There was, on the part of the Secretary, no procrastination, no delay. Munitions of war were transmitted in season; supplies were forwarded in abundance, and the troops were in the field, ready for active operations, at the time proposed. General Jesup was at the head of about ten thousand men, and his force was certainly sufficiently diversified in character. There were regulars and militia, artillery, infantry, dragoons, marines, and riflemen, spies, and Indians; and with this strong, and, as was at that time supposed, well appointed force, the General commenced his campaign, to the event of which the country looked with hope and confidence. He attempted, as the Senator from South Carolina would express it, to drag the Territory as with a net; and with what success? Our hopes withered, and our hearts sickened at the result. The commanding General, I believe, put forth all his energies, and his troops furnished to him no ground of complaint; but he shared the fate of his predecessors. The foe was neither caught, conquered, nor killed. I institute no comparisons between the different Generals who have commanded in Florida. They have been alike triumphant whenever they have met the foe, and alike unsuccessful in expelling him from the country. These failures are, and will continue to be, attributed to different causes. I find the paramount obstacles in the climate, the nature of the country, and the character of the enemy; and my belief is, that unless you make Florida passable in every direction, and can march a column extending from the Gulf on the one side, to the Ocean on the other, this process of sweeping the Territory as with a net must prove fruitless. It is a very easy thing to discourse here of sweeping a country, embracing forty-five thousand square miles, situated in the tropical regions, with a climate genial to the savage, but deadly to the white man—portions of it, still

unexplored, abounding in provisions suited to the habits of the Indian, and furnishing secure retreats, known and accessible to him alone—but to do it is an *impossibility*. Experience proves it to be so; it has been tried again and again, with regular troops, with militia, with infantry, with mounted men, with Indians, and with one uniform result. Twenty thousand men, for such a purpose, in the then state of the Territory, would have been no more effectual than five hundred. But gentlemen will perceive, by glancing at the face of the country, as delineated on this map, that, although all has not been accomplished, much has been done to make the provisions of the bill under consideration operative and effectual. You will observe that our troops, at different times, under the different Generals, in various columns, and in almost every direction, have marched the entire length of the peninsula, from Okefenokee swamp to the Big water, at the head of the Everglades; but while they were passing down, the Indian was sleal hily threading his way up; and while they were beating up the marshes and searching for his trail in the region of Kissimmee river, murder and rapine announced his presence in the fertile and settled Alachua country. At the close of 1838, such had been the results. The Secretary of War had tested the inefficiency of mounted men—they could not operate in that country; the enormous expense of the militia had been abundantly demonstrated, and the total failure of the whole was painfully obvious. Under these circumstances, what were the duties of the head of the Department? This is a question which I shall answer only by stating, further, what was his action, and leave the country to judge of its propriety. When Gen. Jesup was permitted to return to his appropriate staff duties in this city, all the troops which could be spared from our exposed and unsettled frontiers in other quarters were left in the Territory under the command of that vigilant, energetic, and able officer, General Taylor. In prosecuting any campaign, it is well known that much must, of necessity, be left to the judgment and military genius of the commander, to be exercised on the spot. In October, 1838,* the Secretary gave General Taylor general instructions as to the manner in which the succeeding campaign should be conducted. In these instructions the protection of Middle Florida against the incursions of the Seminoles was made the first object. To attain this, the establishment of an interior and exterior line of posts, to extend across the peninsula from the Gulf to the Ocean, was recommended. These and various other suggestions, contained in the letter of the Secretary of October 8, 1838, formed the basis of General Taylor's instructions for that campaign. Unfortunately, the great and first object of the Secretary was not secured, and the exposure encountered, and the immense labor performed by the columns of the army, under the direction of General Taylor and Colonel Davenport, were crowned with no better success than that which had attended similar attempts before. In the mean time, the *wisdom* of Congress interposed. Military operations were suspended, and negotiations substituted in their place; not upon any suggestion of the Secretary, be it remembered, but against his known and expressed opinions. The result of the negotiation is written in blood. The obligations of the treaty were not regarded for a moment; they were not intended to be observed on the part of the Indians at the time of its execution, as is proved by the burnings, robberies, and murders that immediately followed—some of them within four miles of one of the oldest, if not the oldest town within the limits of the United States.

Such is the very brief and imperfect outline of what the Secretary of War has done, and for his full, complete, and triumphant vindication against the general charges preferred, I refer to the public documents and correspondence upon your files, embracing the details of the history to which I have thus cursorily adverted. The eye of the Secretary could not be expected to reach where it is not given to mortal vision to penetrate. He could not be expected to accomplish that which it is not given to man to achieve. I believe, with all the difficulties of the case, he has made the best of the means in his power. In considering the measure now proposed, it is material to remember not only the failure of the large armies, with the immense expense incurred, and the disastrous terminations of every attempt at negotiation, but also to bear in mind the very important fact that there is no war in the Territory, and has been none for a long time, in the proper acceptation of the term. There has been no fighting for more than two years. The Indian force now remaining does not probably exfrom three to five hundred men, scattered in small bands over this extended area. That they should be expelled as soon as practicable, by all reasonable means, is universally conceded; but the Secretary who would sanction a recommendation to saddle this country with the expense of an army of twenty, fifteen, or ten thousand men, as has been suggested, to *hunt* these three hundred savages, would not only find little support for his recommendation here, but less before the people, who are wisely and justly jealous of large standing armies. To expel the last vestige of these banditti, and to give peace and security to the whole of that peninsula, must be the work of time. In the meanwhile, the settler in his home, and the shipwrecked mariner upon the coast, must find protection in our arms, and feel that there is security from Indian barbarity. To attain these objects, the instructions already given for the disposition and employment of the force now there, and the legislative measures we are considering, are well adapted, and, in my judgment, sanctioned by sound policy, drawn from past experience and present knowledge. Troops are now stationed along the Atlantic coast for the protection of commerce at New Smyrna, St. Lucie's Sound, at Jupiter Inlet, and other convenient and commanding points. Protection, too, is afforded on the Gulf. By the exertions of Gen. Taylor's force, now actively employed, as I notice by a letter of the 11th ult. the settled portions of the Territory will soon be relieved from every individual of this murderous race. What more, then, is proposed to be done? For the protection of the coast, as we have seen, provision has already been made. That the settler may cultivate his fields by day, and repose in peace with his family at night, a cordon of posts, at short distances from each other, is to be established from the mouth of the Withlacoochee, by Fort King, to a point near New Smyrna, connected by good roads, when necessary, and the intermediate spaces guarded by constant patrols. In addition to this, the Secretary, in his report, asks that the Executive may be empowered to raise one thousand men, who are to be *armed, drilled, and equipped expressly for this service, and to serve during the war*. Judging from the spirit of liberality recently manifested on the other side, I anticipated no objection to this recommendation. With the regular army stationed on the coast, and at the cordon of posts before indicated, such a body of men can hardly fail to prove, in the highest degree, serviceable in their active operations between Fort King and Cape Sable. They will, undoubtedly, in conjunction with such regular troops as can be spared from the posts, be able to keep some of the small bands of marauders in constant motion, and so to harass them, by pursuing their trails, and disturbing them in their places of retreat, as to make emigration, which they so much dread, preferable to such a life. The Indians will soon learn that, while they are effectually shut out from the coasts and the white settlements, this is a force which is to be permanent—to remain there as long as they remain, and to be constantly in motion. To carry out, to a certain extent, Gen. Taylor's idea of "covering the whole country," this bill proposes ten thousand armed settlers, instead of the armed force of mere soldiers, which has been tried and failed. As was intimated at the opening of my remarks, I cannot indulge the sanguine hopes with which some of the most ardent friends of the bill seem to be inspired; but there are, undeniably, many strong considerations by which it is recommended. The expulsion of the savage must, at best, be the work of time. The establishment of ten thousand hardy settlers, considering the geographical position of the peninsula, and its vast importance in any future war to all the southern country as a point of attack and defence, would, in itself, be an object richly worth the 3,200,000 acres of land provided for the whole number, should so many settlers be obtained. The bill is well guarded, both for the Government and the settler. An important provision is, that the pay is to depend upon the success of the project. The bounty is not to be granted until the work is performed.

Now, sir, I take our own experience in this war as my guide. It is idle to go abroad for illustrations to enforce our peculiar views. The Senator from South Carolina, [Mr. PRESTON,] to show what may be done with a competent force in Florida, called the attention of the Senate to the expulsion of the formidable banditti from Italy by the energetic measures of Napoleon; but the gentleman should recollect that the arms of the conqueror, which could easily and effectually beat up the narrow Pontine marshes, could have done nothing in the unexplored, impenetrable hammocks and deep morasses of our broad peninsula. I might ask the Senator what was the success of the French arms in their own district, La Vendee? Were they equally triumphant there? No, sir. Notwithstanding that peculiar country of yet more peculiar people presented a most terrible and sanguinary theatre of war, literally covered with fire and blood, they rose, as it were, from every conquered field with new energy and fresh power of resistance; and although, in December, 1793, the Vendeans were apparently left to perish in a body between Savenay, the Loire, and the marshes, by the bayonets of the French soldiers, the war was not terminated, but broke out afresh in the following spring. It became merely a war of devastation. The whole insurgent country was enclosed by the camps of the Republican armies, under the command of General Turreau, from which incendiary columns were sent forth to burn the woods, the hedges, the copses, and frequently the villages themselves; they seized the crops and drove away the cattle. And yet we are informed that the Vendeans resisted this kind of warfare in a manner to render it everlasting. Now, sir, where was the secret spring of power on the part of these people to resist this vastly superior numerical force? It was in the country, in its configuration, and in their skill and courage to profit by it.

Look at the interesting country of Circassia, the fervid patriotism and wild gallantry of whose people are now attracting the attention and wonder of the world. It presents at this moment the astonishing spectacle of a free population which has preserved its independence and its individuality in an almost barbarous state, though surrounded by more civilized nations.

Russia has exerted its enormous military power

* Extract of a letter from the Secretary of War to General Z. Taylor, dated October 8, 1838.

"At the same time, it will be necessary to secure the frontier of Middle Florida against the incursions of the Seminoles. I would suggest that this may be done best by the establishment of an interior and exterior line of posts. The first immediately in advance of Col Gamble's plantation, which is, I understand, the extreme settlement which has not been abandoned; the second to extend from the Withlacoochie to the Atlantic, at or near New Smyrna. In establishing the latter, every encouragement should be held out to the former inhabitants of the Alachua country to return to their settlements, receiving them into the service of the United States, and forming them into battalions for the defence of the line; each battalion having a central depot on which they can rally. Let these men be employed partly in cultivating their fields in corn and other crops, for the subsistence of themselves and the troops, and partly in patrolling from post to post. In pursuance of this plan, it is my intention to propose to the President to ask of Congress authority to offer land to settlers, upon condition of military service until the Territory is pacified: but in the mean time something may be done by holding out inducements of a ready market and certain protection to those proprietors of the soil who have been driven from their settlements by the dread of the savage incursions of the Indians. Such portions of the line as cannot be defended in this manner, must be protected by posts placed as near to each other as circumstances will permit, and connected together by good roads. After these preliminary arrangements are made, the disposable force may penetrate to the lower part of the peninsula, in as many columns as you may deem it safe to break it into. A similar line of settlements and posts as that proposed to be established from the Withlacoochie to New Smyrna, may be made as low down as the nature of the country, and your success in driving the Indians into the narrowest compass, will admit; but too much ought not to be attempted at this time; and it will be wiser to secure all the country north of the country indicated, from the danger of future invasion, than to overrun a great space, which will have to be abandoned on the approach of summer. It appears to me of the last importance that the posts should be so situated that the entire chain across the peninsula may be preserved unbroken during the whole year; and for this purpose they should be garrisoned, in part, at least, by the inhabitants of Florida or Georgia, who are acclimated in the low country of the South."

to reduce these tribes, inhabiting the borders of the Black Sea and the strong defiles and fastnesses of the Caucasian mountains, without ever gaining any considerable advantage. The war upon the Circassians cannot have been sustained by the Russian Government at an expense of less than from five to ten thousand men annually since 1805; and yet they not only defy the Russian power, but, if recent reports are true, are signally victorious over the Russian armies.

Sir, to what do you attribute the success of the wild people upon this isthmus in maintaining their independence? Not surely to their means of warfare, nor yet to their numbers, but undoubtedly to the singular topography of the country and the daring bravery and indomitable fortitude of its hardy and fierce population. I make these references in reply to the Senator from South Carolina, remarking, at the same time, that I place no reliance whatever upon the historical authorities introduced in the course of this debate, either for or against this bill. The cases are not parallel. If you will determine what a given military force can accomplish, you must take into the calculation the circumstances by which they are to be surrounded, and the obstacles they are to encounter, the topography of the country in which which they are to operate, its climate and productions, and the character of the enemy to be subdued. In all these particulars Florida stands by itself, and a *large* force having proved unavailing, I am disposed to try a smaller one, to be raised expressly for this service, and the armed settlers.

Mr. PRESTON said: I am very glad, Mr. President, that the attention of the Senate has been called to this bill, and from that fact at least I hope good will result. We are all anxious, and I am happy to say it with great sincerity as to myself, to bring this war to a satisfactory termination, that Florida may be open to quiet settlement by the white inhabitants of this country. Sir, I have no other views whatever than to effect this object; and I would not oppose any measure, even this, if I believed in its success, or merely in its harmlessness. But this measure cannot but result in injury, which we are all anxious to avoid. It tends to an entirely different purpose from that assigned, and to an indefinite protraction of the war, involving new measures to be adopted at a distant time, with an expenditure of more money.

Mr. President, the project is for the settlement and armed occupation of Florida, thus gradually taking possession of the lost territory. But let us reflect on the peculiar attitude of affairs in that country at the present moment. We have been at war there since December, 1835, to protect our frontier and drive out the Indians. At that time Florida had long been a territory, with settlements advanced far into the interior, and at that time it was necessary for the Government to remove the Indians out of the way of the progreesive settlement of the territory, which was pressing on the Indian territory in East Florida. It was on this occasion that the war broke out, and it consequently became necessary to employ the military force of the United States to protect the settlers. A cordon of posts of United States troops was established to protect your actual settlements, all round the northern frontier of the Indians. Sir, did your project succeed there? Did all your military power prevail in protecting the settlers? So far from that, the irruptions and ravages of the Indians expelled the inhabitants of the Territory, so that the Indians conquered Florida in spite of the United States. So far from that, the Indians of that Territory conquered even that portion of the land which the United States had sold and settled, and expelled our citizens who were actually in possession of it. Sir, this is a melancholy commencement of the settlement of that country by individuals by whom the land had been purchased and paid for, and whom you guarded to the utmost extent, or at least ought to have done it; and now you propose a project for settlements, though those settlements were all broken up. Though those settlements could not be maintained, or at least were not, yet it is now supposed you can conquer that country by settlements.

The gentleman from Alabama, [Mr. CLAY,] with whom I do not concur in this measure, has fallen into some mistakes which I consider of consequence. There has been a good deal of military experience in that country, by men of worth, whose opinions are entitled to great weight. One of them is General Taylor, in reference to whom, as well as others, the gentleman has mistaken me. The truth is, Taylor is an authority on whom I rely; and so far was he from recommending this blockhouse plan, this war in disguise, mixed up of the sword running with the ploughshare and the ploughshare with the sword—

Mr. CLAY, (interrupting.) I did not say that he recommended the plan of the bill; that was not Taylor's plan; but I said it was his opinion that the war ought not to be renewed as heretofore.

Mr. PRESTON. Taylor was not in favor of the post (agricultural) plan, but entirely against it. And it is a fact, as far as I can ascertain, that, by all the gentlemen who have been actually engaged in Florida, military or civil, a plan of this kind would not be deemed efficacious; and many of them assure me that it is utterly delusive. I am aware that there are opinions in favor of it; but I have not known of one individual in Florida, who thinks that it would be attended with success, unless it is attended with other measures; for example, it may be efficient, if with all the power of the Government we scour that country; and when this is done by the army, there may be protection for those who are settled in Florida. Such is Taylor's opinion, who says: "If the war is renewed, which I do not hope, the only way to bring it to a successful issue is, in my opinion, to cover the whole country so as to prevent the Indians from hunting and fishing." As the war is to be renewed, it is therefore his opinion that the only way to a successful issue is to cover the whole country so as to prevent the Indians from hunting and fishing. And this is precisely the project which I have proposed. It sounds largely, this covering the whole country; and yet I believe it may be done without any great display of military force. And why has it not been done? The Senator from New Hampshire [Mr. PIERCE] asks for specifications against the Secretary of War. I will now give them. This war is disastrous at the end of five years. And what power had the Secretary of War to prevent it? I will now tell you. He has had every thing that the Department has asked for. This is my answer. And it is a matter of charge against the Executive Department that, having all the power of the Government to accomplish this end, it is not accomplished.

The gentleman from New Hampshire says, and says truly, this has been a most disastrous war, with a vast expenditure of treasure. And has Congress ever refused any amount of means? It has opened its doors wide enough for any power, and here has been a war of the whole United States from Maine to Missouri; a war of 15,000 000 prosperous people against a miserable band of naked savages; a war of the whole territory, army, and military of the Union, against a few bandits in Florida, and with all this the war is disastrous. It may be that the Department is not enlightened as we are, and has not foreseen these results. But what is the Department for but to foresee? And whose fault is it that the war is not terminated?

It has been said that we can only estimate measures by the result, (a method censured by Mr. PIERCE and General ST. CLAIR.) And what other means have we here? He who has small means is, perhaps, not to be censured for failing in great achievements. But where there is a command of all and adequate means, then this method of judging is a test of all such matters. And what, in this case, caused the failure? Was it the want of physical or moral power, one, or both? They have had $25,000,000, and with that sum the Territory might have been filled with roads and forts. And I believe, by an appropriation of $5,000,000, rightly applied, the war might be entirely extinguished. If the Secretary would adopt more enlightened measures, I believe the Territory would be swept entirely clean of the Indians at that expense; and if men and money can do it, they would be given by us.

Mr. President, General Taylor, in his report, says he hopes the war would not be renewed; and I now ask gentlemen, is this a measure of peace or war? Which is it? If it is of war, we are not capable of projecting plans of that sort. But if it is a measure of peace, let gentlemen say so, and that we are not called on but for a pacific measure. [Mr. P's voice was here lost to the Reporter, but he was understood to refer to the case of a Frenchman who accompanied some nostrum with calomel and the lancet to make it effectual.] Such, he said, was the exact case with Florida. Accompany this measure with a military force of 10,000 men, and this measure might then be very clever if it should induce some settlement on the land. But who are those settlers? The gentleman from Alabama says that they can send hardy and resolute men to that country, and that these men, cultivating the ground with arms in their hands, will be always ready to pop down on the Indians. But who are they that are thus suddenly to pop down on the appearance of an Indian? Sir, does the settler kill the Indian, or the Indian the settler? The settler is at his plough, and it is he who is killed, and the soldiers are drummed out in a vain pursuit of the runaway murderer. And is not this a matter of every day experience in Florida? But my view of the subject, expressed the other day, is not answered. Ours is a slaveholding population, of rich and extensive planters, and Florida will be cultivated only by slaves. And is it expected that slaveholders will, for a bounty, fight the Indians and free negroes? The supposition is preposterous. How has it happened that an individual most distinguished has failed to verify this supposition? The land was given up by General Clinch, who was a settler there, as well as by others of respectability; all fled; and these are the only kind of individuals who make settlements in Florida. [Mr. P. here stated some facts to show that Florida, like South Carolina and the South generally, could, from its staples, cotton and rice, and from its generally low and unhealthy character, be cultivated only by slaves, and not by small landholders, depending on their labor for the direct means of support.] And what, said Mr. P. is now demanded is to put the country in a condition to be settled by Southern men. And we have the right, having stipulated for the land, to say to the Government, you shall give us the land and prepare it for that kind of population by whom alone it can be cultivated.

Mr. P. proceeded to show that the arable lands of Florida were of such a character that they would generally be purchased, not by poor men, of whom he admitted there were some in the South, but by those who thought the land worth more than $1,25 per acre for the production of rice and cotton. He further stated that nearly the whole of the public land there now in the possession of the United States was covered by Spanish grants, which poor men could not run the risk of contesting, and which would therefore go into the hands of rich men and speculators. He objected also that good public land, with an undisputed title, could not be found in Florida to carry this bill into effect, so that, when the land should be thus prepared for settlement, there would be no more to be settled. And all that would be settled by this measure Mr. P. would venture to say would go to an idle population, instead of good, useful, and respectable citizens.

Mr. P. also further objected to the length of time which this measure would require. He thought it would require five or seven years. Instead of this, he insisted that the South had a right to demand, and did demand, that all the power of the country, if necessary, should terminate the war at once, and open the Territory for settlement.

He also objected to the bill, that men with families would, in the mean time, have no means of supporting and taking care of their families. The project of paying for military service in land, he thought had been fully proved to be the worst and most expensive. Soldiers were a class of men who would be better satisfied with a less amount of ready money; and few of them, after all, would settle on the land. He further insisted on the plan of General Taylor as the best and most efficacious,

and urged anew the propriety and expediency of throwing the whole responsibility on the Department.

He condemned, in unqualified terms, the proposition to hunt, in the Spanish manner, the Indians with blood hounds. He would be severe in any case only for the sake of humanity, killing, in no case, women and children, but making salutary, and even humane, though severe, examples of marauders and murderers.

Mr. PRESTON having concluded, and Mr. STRANGE expressing his desire to speak on the following day,

The Senate adjourned.

SPEECH OF MR. BENTON, OF MISSOURI,

In Senate, January 6, 1840—On Mr. BENTON's resolutions against the constitutionality and expediency of assuming, or providing for the payment of the State debts, or diverting the land revenue to that object, viz:

"*Resolved*, That there is nothing in the Constitution of the United States which can authorize the legislative power of the Union to assume the debts of the States which have been contracted for local objects and State purposes.

"2. That the assumption of such debts either openly, by a direct promise to pay them, or disguisedly by going security for their payment, or by creating surplus revenue or applying the national funds to pay them, would be a gross and flagrant violation of the Constitution, wholly unwarranted by the letter or spirit of that instrument, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

"3. That, besides its flagrant unconstitutionality, such assumption would be unjust, unwise, impolitic, and dangerous, compelling the non-indebted States to incur burthens for others which they have refused to incur for themselves; diverting the national funds from national objects to State objects, and thereby creating a necessity for loans or taxes, or issues of Federal paper money to supply the place of the funds so diverted; prostrating the barriers of economy, moderation, and safety, in the creation of State debts by separating the function of contractor from that of payer of the debt, extinguishing the sense of responsibility in the contractor, and making the Federal Government the ultimate payer of all the obligations contracted by the States for their own purposes; establishing a dangerous precedent which must soon be followed up by new debts on the part of the States, and new assumptions on the part of the Federal Government; invading the rights and mortgaging the property of posterity, and loading unborn generations with debts not their own; creating a new national debt of large amount at the start, and of a nature to increase continually its own amount, and to perpetuate its own existence; begetting a spirit in Congress which must constantly cater for new distributions by preventing necessary appropriations, and keeping up unnecessary taxes; laying the foundation for a new and excessive tariff of duties on foreign imports to fall unequally on different parts of the Union, and most heavily on the planting, grain growing, and provision raising States, to their manifest injury and propable great discount; involving disastrous consequences either to the Union itself or to its members, as tending to the consolidation of the States, and their ultimate abject dependence on the Federal head as the fountain of their supplies; or, tending to the annihilation of the Federal head itself by stripping it of all its means of national defence and self-support, and reducing it to the hepless imbecility of the old Confederation; giving a new impulse to the delusive career of the paper system, already in a state of dangerous overaction; ensuring the establishment of another National Bank; and, finally, begetting a passion for periodical distributions of lands and money, and extensions of Federal credit, which could find no limit to its demands until the national domain was exhausted, the Federal Treasury emptied, and the credit of the Union reduced to contempt.

"4. That the debts of the States being now chiefly held by foreigners, and constituting a stock in foreign markets greatly depreciated, any legislative attempt to obtain the assumption or securityship of the United States for their payment, or to provide for their payment out of the national funds, must have the effect of enhancing the value of that stock to the amount of a great many millions of dollars, to the enormous and undue advantage of foreign capitalists, and of jobbers and gamblers in stocks, thereby holding out inducement to foreigners to interfere in our affairs, and to bring all the influences of a moneyed power to operate upon public opinion, upon our elections, and upon State and Federal legislation, to produce a consummation so tempting to their cupidity, and so profitable to their interest.

"5. That foreign interference and foreign influence, in all ages, and in all countries, have been the bane and curse of free Governments; and that such interference and influence are far more dangerous, in the insidious intervention of the moneyed power, than in the forcible invasions of fleets and armies.

"6. That to close the door at once against all applications for such assumption, and to arrest at their source the vast tide of evils which would flow from it, it is necessary that the constituted authorities, without delay, shall RESOLVE and DECLARE their utter opposition to the proposal contained in the late London Bankers's circular in relation to State debts, contracted for local and State purposes, and recommending to the Congress of the United States to assume, or guaranty, or provide for the ultimate payment of said debts."

The resolutions having been read,

Mr. BENTON rose and said:

MR. PRESIDENT: I am an enemy to abstract resolutions, and if those which I present were of that character, I should not have offered them to the Senate. They appear to be abstract, but they are not. They appear to be mere declarations of principles; but they are, in reality, so many issues presented on great questions now occupying the public mind, destined soon to occupy the legislative halls, and the prompt decision of which is necessary to our successful action on other subjects.

The assumption of the State debts contracted for State purposes has been for a long time a measure disguisedly, and now is a measure openly, pressed upon the public mind. The movement in favor of it has been long going on; opposing measures have not yet commenced. The assumption party have the start, and the advantage of conducting the case; and they have been conducting it for a long time, and in a way to avoid the name of assumption while accomplishing the thing itself. All the bills for distributing the public land revenue—all the propositions for dividing surplus revenue—all the refusals to abolish unnecessary taxes—all the refusals to go on with the necessary defences of the country—were so many steps taken in the road to assumption. I know very well that many who supported these measures had no idea of assumption, and would oppose it as soon as discovered; but that does not alter the nature of the measures they supported, and which were so many steps in the road to that assumption, then shrouded in mystery and futurity, now ripened into strength, and emboldened into a public disclosure of itself. Already the State Legislatures are occupied with this subject, while we sit here, waiting its approach.

It is time for the enemies of assumption to take the field, and to act. It is a case in which they should give, and not receive, the attack. The President has led the way; he has shown his opinions He has nobly done his duty. He has shown the evils of diverting the general funds from their proper objects—the mischiefs of our present connection with the paper system of England—and the dangers of foreign influence from any further connection with it. In this he has discharged a constitutional and a patriotic duty. Let the constituted authorities, each in their sphere, follow his example, and declare their opinions also. Let the Senate especially, as part of the legislative power—as the peculiar representative of the States in their sovereign capacity—let this body declare its sentiments, and, by its resolves and discussions, arrest the progress of the measure here, and awaken attention to it elsewhere. As one of the earliest opposers of this measure—as, in fact, the very earliest opposer of the whole family of measures of which it is the natural offspring—as having denounced the assumption in disguise in a letter to my constituents long before the London bankers' letter revealed it to the public; as such early, steadfast, and first denouncer of this measure, I now come forward to oppose it in form, and to submit the resolves which may arrest it here, and carry its discussion to the forum of the people.

The resolves which I offer, six in number, are not the decrees of a party, or even the result of a council, but the opinions of an individual Senator. I speak for myself in these resolutions. They contain the declaration of my sentiments on the momentous points to which they refer; and I am not authorized to say that they speak the sentiments of any other Senator. This declaration I think it proper to make, in order to exclude erroneous conclusions, and to prevent undue importance from being attached to my proceeding.

Let no one suppose that I am premature—that I begin too soon—and should wait until the friends of assumption shall bring forward their measure, and show us the shape and form they intend it to wear. If any one should so think and intimate, I must answer as I did to a similar objection ten years ago. I must answer as I did when it was objected that I had brought in my resolution too soon against the renewal of the charter of the Bank of the United States. Many Senators then thought me premature, and objected to entering upon the question until the stockholders should present their memorial and ask for an extension of their privileges. I refused to yield to this objection. I then said, if we waited till the Bank presented her application, we should wait till we were defeated; that she would never apply until she had organized victory; that she would see her majority before she asked for the vote—and would be ready to gallop through her bill for the recharter the day that she presented it. This is what I then said; and subsequent events proved its correctness. The country was saved, and barely saved, from the dominion of that institution, by beginning the contest when we did—by giving instead of waiting to receive the attack; by carrying the question to the people, and rousing up the public mind, and preparing it for the contest which soon began, and which seven long years have hardly seen terminated. So of this assumption, disgused as it may be with a proposition to divide the land revenue among the States. Immediate discussion, direct issues, and prompt action, is what we want. The assumption party will not bring on the question, except at a time, and under a form, to favor their own wishes. They will not move here until they have first acted elsewhere. The State Legislatures will be the selected theatres of their operations; and anticipated judgments will be the object of their policy. This will be their course; ours should be the reverse. What we need is public discussion, prompt action, and a reference, before decision, to the judgment of the people. The adoption of the resolutions which I have brought in will give us these advantages; they will give us the advantages which we secured by precipitating the contest with the Bank of the United States.

This is one reason for prompt action in this case; but there is another of great weight, and which some experience in the business of legislation requires me to present, and to commend to the deliberate consideration of the Senate. It is the effect which a measure proposing to divert the land revenue from the current service, (for that is the form, I apprehend, which the assumption will take)—it is the effect which this proposition will have upon the legislative action of Congress upon other subjects. Assuredly its pendency will have a most pernicious influence on other bills; on the bills for the national defences, for the pacification of Florida, for the reduction of the price of the public lands, for granting pre-emptions, for abolishing the salt tax; and, generally, on all the bills which go to make adequate appropriations for national objects, or to get rid of unnecessary and burthensome taxation. The diversion of some annual millions from the Treasury will prescribe stinted appropriations for essential objects, the sacrifice of others, the retention of all our present taxes, and the speedy imposition of new ones. This is the language both of foresight and of experience. It is what a reasonable degree of forecast authorizes us to look for, and what the experience of our own body enables us to recollect in our past history. We have experience on this subject, bitter and recent experience, of the effect which the pendency of distribution projects exerts upon our legislation. I speak of the long session of 1835–'6, when two bills for distribution passed this body, one of which became a law; and when, in a session of seven months, the current bills for the public service were still lingering on the calender, and many of a most important character were totally lost. As late as the 18th of June, in the session of 1835–'6, we had done little more than growl and wrangle for the spoils of the Treasury. On that day I felt it to be my duty to present to the Senate a view of the mischievous effects upon legislation which the distribution spirit had brought upon us; and this I did in the following words:

"Thus it is already; distribution has occupied us the entire session. A proposition to amend the Constitution, to enable us to make the division, was brought forward in the first month of the session. The land bill followed and engrossed months, to the exclusion of all national defence bills. Then came the deposite scheme, a variation of the former, which absorbs the remainder of the session. For nearly seven months we have been occupied with distribution, and the Senate has actually passed two bills to effect the same object and to divide the same identical money. TWO bills to divide money while ONE cannot be got through for the great objects of national defence named in the Constitution. We are now near the end of the seventh month of the session. The day named by the Senate for the termination of the session, has actually passed by; the day of adjournment agreed upon by the two Houses is close at hand The year is half gone, and the season for labor is half lost; yet what is the state of the general, the national, and the most essential appropriation bills? What is their state? Not a shilling is yet voted for fortifications—not a shilling for the ord-

nance—nothing for filling the empty ranks of the skeleton army—nothing for the new Indian treaties—nothing for the continuation of the Cumberland road—nothing for rebuilding the burnt down Treasury—nothing for the custom-house in New Orleans—nothing for extinguishing the rights of private corporators in the Louisville canal, and making that great thoroughfare free to the commerce of the West—nothing for the Western armory—nothing for arsenals in the States which have none—nothing for the extension of the circuit court system to the West and Southwest—nothing for improving the Mint machinery—nothing for keeping the Mints regularly supplied with metals for coining—nothing for the new marine hospitals—nothing for the expenses of the visiters now gone to the Military Academy—nothing for the chain of posts and the military road along the Western and Northwestern frontier. All these, and a long list of other objects, remain without a cent to this day; and those who have kept them off now coolly turn upon us, and say the money cannot be expended if appropriated! that it has become too late to use it, and that, on the first day of January next, it must fall into the surplus fund, and be divided! So much for the bills not passed. Of those passed, many of the most essential character have been delayed for months, to the great damage of individuals, and to the injury of the public service. Clerks and salaried officers have been borrowing money at usury to support their families, while we, wholly absorbed with dividing surpluses, were withholding from them their stipulated wages. Laborers at Harper's Ferry armory have been without money to go to market for their families; *and some have lived three weeks without meat*, because we must attend to the distribution bills before we can attend to the pay bills. Disbursing officers have raised money on their own credit to supply the want of appropriations. Even the annual Indian annuity bill has just got through! the Indians even—the poor Indians as they are wont to be styled—even they have had to wait, in want and misery for the annual stipends solemnly guarantied to them by treaties. All this has already taken place under the deplorable influence of the distribution spirit; but this is not *all* that has taken place," &c.

This is history, copied from the facts. This is the experience of the Senate itself of the baleful influence of the distribution bills on the legislative action of Congress. While such bills are depending, all others are suspended, and many are sacrificed. They are a *veto* upon our legislative faculties. This we have seen and suffered; and this we must see and suffer again, unless assumption, in all its forms and disguises—assumption of State debts, which is the fruit of the policy, and the consummation of the policy, of tempting and seducing the States with distributions of public money—all this we must see again, and worse than this, unless assumption is rebuked and repulsed, and its fell spirit exorcised from our legislative halls. The first step towards doing any business, is to expel this intruder—to drive off this bird of evil omen—to chase away this harpy, which is come to flap its foul wings over our Capitol, and to croak its glutton notes for the spoil of our Treasury. This is our first duty. When we have got rid of this intrusive monster, we can then go on with the public business; until that is done, we can do nothing but growl and wrangle for the spoils of our country.

I trust, Mr. President, that I have now shown sufficient reasons for proceeding at once upon this subject—for moving thus early, and bringing in broad and direct resolutions; and for pressing the Senate to speedy and final action on the momentous subject of assuming or providing for the payment of the State debts. I feel that this preliminary point is made clear. What I next wish to show is, that I myself have some little right to take a lead in this business—that I am the earliest and most steadfast opposer, on this floor, of the policy out of which this crowning measure of mischief has grown—and that, in now opposing ASSUMPTION, I am only opposing the CHILD of DISTRIBUTION, which I was the first to oppose here, and that on the first day of its appearance in this chamber; and have continually made head against it since, regardless of personal popularity, and undismayed by the small minorities in which I was often left. This assertion, sir, is no poetical license; it is no rhetorical flourish; it is no fictitious or assumed self-commendation; but a history of the facts of the case from the journals of our proceedings. It is now twelve years, less one month, since a Senator from New Jersey, no longer a member of this body, brought in a bill for distributing money from the Federal Treasury among the States. On my motion, and the instant the author had resumed his seat, that bill was laid upon the table, there to lie during the remainder of the session. The ensuing session it was brought in again, and I was then one among several Senators who took the floor, and spoke against it. In company with the Senators HAYNE, BRANCH, BERRIEN, SMITH of Maryland, JOHNSTON of Louisiana, MCLANE of Delaware, and KANE of Illinois, I spoke against that bill; and the temper of the Senate was then such that it was easily disposed of, and without the test of a vote upon its merits. I deem it material to the present state of the question to look back to this origin of the distribution policy—to see the original naked bill for that purpose—and to mark how easily there has since been accomplished, under a disguised form, what could not then be countenanced in a naked proposition. This is the bill brought in by Mr. DICKERSON at the session of 1826–7, to distribute among the States a part of the revenue of the United States.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be authorized and required, under such regulations as he may think proper to prescribe, to divide annually among the several States of the Union, in the ratio of direct taxation, all moneys in the Treasury, not otherwise appropriated, on the first day of June next, and on the first day of June in every succeeding year.

"SEC. 2. *And be it further enacted*, That, of the annual sum of ten millions of dollars, appropriated to the sinking fund by the second section of the act of the third of March, one thousand eight hundred and seventeen, entitled '*An act to provide for the redemption of the public debt*,' five millions be appropriated to the fund to be divided among the States, as by the first section of this act, annually, after the year one thousand eight hundred and twenty-nine; and that so much of the residue of the said annual sum of ten millions of dollars, as shall not, on the first day of June of any year, have been applied to the redemption of the public debt, shall be appropriated to the fund to be divided among the States as aforesaid."

In the brief debate to which this bill gave rise, I took part, not in a formal speech—for I was then, comparatively, a young member—but in a few remarks, which I propose to read now, for the double purpose of showing what my sentiments were then, and also to show, from history, the disastrous consequences of the funding system, now adopted by so many of our States, in creating debts for posterity to pay, and to exhaust, with annual interest, the resources both of the present age and of unborn generations. These were my remarks:

"Mr. BENTON rose, not to make a speech, but to read some extracts from a debate in the British House of Commons, about one hundred years ago, on a proposition of the same kind as that which now occupied the deliberations of the Senate. England then had a small debt, not much larger than the debt of the United States was at present; she had a sinking fund also, under the operation of which her debt was annually melting away; and she enjoyed a season of peace—the long peace under the timid administration of Sir Robert Walpole, in which the debt might have been paid off. The circumstances of the two countries, with respect to their debt, were as alike as possible; that is to say, the condition of England one hundred years ago, and that of the United States now. In these circumstances, Sir Robert Walpole made a motion to divert £500,000 from the English sinking fund, as the Senator from New Jersey [Mr. DICKERSON, who Mr. B. was sorry to name in company with Sir Robert Walpole] now proposes to divert five millions annually from our sinking fund. The motion of the English minister was supported by all the common place arguments in mitigation and in favor of the public debt, as, that a debt increased the wealth of a country, and gave stability to the Government; that the then debt of England was inconsiderable, and might be paid at any time; that the public creditors were in no hurry to receive, and that the money, for the present, could be used more beneficially for other purposes. The opposition members, however, from whose speeches I propose to read extracts, were opposed to all these doctrines These members were the Iron Barons of the day, such as Lord Chatham afterwards contrasted with the Silken Barons of a later period. They had the best of the argument, and their prophecies, unhappily for their country, have become its history. But the minister had the best of it at voting, and his motion prevailed. He succeeded in violating the sinking fund—in diverting one-half of its amount from its proper object, to objects of transient interest and subordinate importance. The consequence were such as had been foretold by the Iron Barons.

The season of peace passed away; the long and timid administration of Walpole itself passed away; the debt was unpaid; successive wars came on; and the debt, which was then made so light of by the minister, rapidly grew up to a frightful amount; soon overwhelmed the country with taxes, and banished all idea of ever seeing it paid. The example, Mr. B. hoped, would not be lost upon the United States, the child of England. The experience of the mother, he humbly trusted, would not be lost upon the daughter, as the experience of parents too often is lost upon their children. History was said to be philosophy teaching by example; he hoped this moral and sublime teacher would not lavish her lessons in vain upon the American Senate.

Mr. B. joined in the wish expressed by the Senator from South Carolina, [Mr. HAYNE,] that the debt of the United States might be paid off under the ensuing Administration. He concurred] with that Senator in the measure of the new fame which such a consummation would confer upon General Jackson.

Observing some Senators to smile, Mr. B. spoke up with animation and vehemence, repeating what he had said, and even going so far as to say that the new President would have as hard, or harder work, in baffling the enemies to the payment of the debt, than he had in vanquishing the British at New Orleans; for there he had his enemy in front, and saw what he was at, but here he would have his opponents on his flank and rear, covered up in masks and disguises, laboring to accomplish what would not be avowed. No one would now stand up and say, 'a public debt was a public blessing,' but many would practise upon the maxim, and endeavor to perpetuate ours, by withholding the means of paying it; by abolishing duties beforehand, and preventing the acquisition of revenue, or by squandering it upon all sort of objects.

Mr. B. then read the following extracts from the debates to which he alluded:

SIR WILLIAM PULTENEY.—"The Sinking Fund, that sacred deposite for extinguishing the duties and abolishing the taxes which lie so heavy on the trade, and on the people of this nation, ought never to be touched; no consideration whatever ought to prevail with us to convert that fund to any use, but that for which it was originally designed. It has, of late, been too often robbed—I beg pardon, sir, robbing is a harsh word, I will not say robbed—but I must say, that, upon several occasions, there have been considerable sums snipped away from it."

SIR JOHN BARNARD.—"The creditors of the public are, perhaps, at present unwilling to be paid off, because they have a greater interest for their money from the public than they can have any where else. But, let their inclinations be what they please, it is certainly the interest of the nation to have them all paid off; the sooner it is done, the happier it will be for the nation, and, therefore, no part of what is appropriated to their payment ought to be converted to any other use. Their unwillingness to receive payment is so far from being an argument against paying them, that, on the contrary, it shows that they have a better bargain from the public than they can, in the same way, have from any other person."

SIR WILLIAM WYNDHAM.—"The Sinking Fund is a fund I have always had the greatest veneration for; I look on it as a sacred fund, appropriated to the relieving the nation from that load of debts and taxes it now groans under. * * * * * * I have, indeed, been always afraid that some enterprising minister might be tempted to seize upon it, or some part of it, in time of war; but I little dreamt of seeing any attempts made upon it in a time of the most profound tranquillity. It is to me a melancholy consideration to think of the present vast load of the national debt—a debt of no less than forty-five millions and upwards, and that all contracted since the Revolution, (1688.) This must be a melancholy consideration to every gentleman that has any concern for his country's happiness; but if the motion now made to us shall be agreed to, how dismal will this consideration be rendered, when we reflect upon the little appearance there will then be of this debt's ever being paid. Is the public expense never to be lessened? Are the people of England always to pay the same heavy and grievous taxes? Surely, sir, if there is ever a time to be looked for of easing the people of this nation, the present is the time for doing it. * * * * * * To this the motion now made is directly contrary; for, the not paying off an old debt is the same as contracting a new one, and subjects the nation to the same expense with respect to the payment of the interest."

Mr. TAYLOR, member for Petersfield, observed, "That there are some people in the nation, who, the more they owe, the greater advantage they make, and the richer they grow—such are the bankers; that by the motion made to the House, one might imagine that some gentlemen took the case of the nation to be the same; but, for his part, he could not think so, and, therefore, differed from the motion."

I repeat it: I read these brief remarks, made so many years ago, for a double purpose—for the purpose of showing my early opposition to public debts, and to distributions of public money, and to show the extreme danger of permitting a public debt to take root in the policy, and fasten itself upon the resources, of a country. Both the States and the United States have need of this admonitory lesson at present; the former, to check them in their flying career of debt; the latter, to warn it from encumbering itself with the new debt, which is sought, under a British lead, to be thrown upon it.

I now proceed to the consideration of the resolutions which I have submitted, and shall pass over the first one, which declares the unconstitutionality of the Federal assumption of State debts which have been contracted for State purposes. I shall pass over this resolution, and dispense with all argument upon the proposition which it contains, because naked assumption is not the form in which we shall have this danger to meet. It is disguised assumption we shall have to encounter. It is the national domain which is to be made the cloak for the operation; and this is what I declared to my constituents, in the month of June last, in a letter written three hundred miles beyond the Mississippi, and six months before the letter of the London bankers had revealed the scheme to the American public. This is an extract from the letter:

"I have many other objections to this unconstitutional, demoralizing, debauching, and oppressive scheme of dividing the proceeds of the public lands; too many for bare enumeration in a letter, and I can only mention one of them; namely, *that it is a disguised assumption of the State debts!* Unfortunately, eighteen States of the Union have gone one hundred and seventy millions of dollars in debt, principally to England, under the delusive idea of clearing the interest by banking and railroad making, and with the unjust view of throwing the payment of the principal upon posterity. If this immense sum had been received in gold and silver, I should still deem it an unfortunate business for most of the States, especially for all the new ones. But it has not been so received. It has been received (generally) in British dry goods, which are worn out and gone; and in Eastern credits and paper money, which last about as long as a summer's snow. The bonds are usually sold to Eastern banks for British capitalists. Drafts are drawn upon those banks, and sold to merchants, who pay for the draft in current paper, and receive the amount in British dry goods in Eastern cities, which are sold to the people and worn out. This is the general history of the sale of State bonds; a mere delusion as to borrowing money and obtaining capital; a sad reality as to loading the State with debt. The thing borrowed is gone; the State debt, and its exhausting interest, remain; *and now this distribution project is a disguised assumption*

of those debts. When General Hamilton proposed the assumption of the debts of the indebted States in 1791, he did it openly, and arrayed the two parties (Federal and Republican) upon it, and carried the measure by an open bargain in Congress, (in locating the permanent seat of Government.) Mr. Jefferson has described that transaction in colors which should make every Republican shudder; but here is a disguised attempt at the same thing, without one single extenuating circumstance which was then pleaded. But I pause. I quit this subject until I shall meet it in Congress."

This is what I wrote six months ago, and now we are in the presence of the danger which I then announced. Disguised assumption is the enemy we have to combat. Breach of the Constitution by elusion and circumvention, not by direct invasion, is the danger that threatens us. Both forms of violation are equally viticus and reprehensible, and the former far the most common and successful. Of this we have signal and recent instances in our own body, and on the very subject which now occupies our attention. When a Senator of New Jersey, fourteen yeas ago, brought in a bill for a direct and naked distribution of public money among the States, it received no manner of countenance, and was quickly, and almost unanimously, disposed of. When the same object was afterwards proposed in the shape of a land revenue distribution bill, it made its way through both Houses of Congress, and was only arrested by the firm hand of President Jackson. Finally, when the self-same scheme made its appearance in the garb of a deposite bill, it not only passed both Houses, but passed the President's hand also, and became the law of the land. Thus elusion and circumvention are the most common, and far the most successful, mode of getting rid of constitutional inhibitions. They are, besides, far the most ancient. As far back as history goes—as long as fundamental laws and constitutions have been known—just so long the practice of evading them has been familiar and notorious. Majorities have been found in all ages and in all countries to elude what they could not attack, and to circumvent what they could not surmount. Of this the history of the Athenians furnishes the finest example that I have any where seen. That ingenious people were able to excel in many things, and, among the rest, in the art of trampling under foot their most sacred laws, while professing towards them a derisory fidelity and a mock respect. The instance to which I refer is that of the admission of Demetrius, the son of Antigonus, into all the degrees of the Eleusynian mysteries in a single day, when the laws required a whole year for the consummation of the admission. Demetrius demanded to be admitted in a day; the laws prescribed a year; so that here was a great difficulty. To satisfy the Prince, then all powerful in Greece, and to comply with the sacred laws which they were sworn to observe, seemed to be impossible; but, by an ingenious conception, the difficulty was evaded, sacrilege avoided, and Demetrius gratified. The invention was simply to change the name of the month at each successive degree of the initiation. This was done. Twelve months were compressed into a few hours; the admission became legal; and the happy inventor of the expedient received from the poets of the day the significant title of *Chronos-porthetes*, which signifies, I believe, *time-expunger*. Plutarch, in his Life of Demetrius, thus describes the operation:

"When Demetrius was preparing to return to Athens, he wrote to the Republic that, on his arrival, he intended to be initiated, and to be admitted immediately not only to the less mysteries, but even to those called intuitive. This was unlawful and unprecedented; for the less mysteries were celebrated in the month Anthesterion, and the greater in the month Boedromion; and none were admitted to the intuitive till a year at least after they had attended the greater mysteries. When the letters were read, Pythodorus, the torchbearer, was the only person who ventured to oppose the demand; and his opposition was entirely ineffectual. Stratocles procured a decree that the month Munychion, which they were then in, should be called Anthesterion; after which Munychion was changed again into Boedromion. By these means Demetrius was admitted to the greater mysteries, and to immediate inspection."

It was thus, Mr. President, that Athenian ingenuity, some two thousand years ago, by a transposition of names, disembarrassed a sacred college of its constitutional difficulties; but it required Athenian ingenuity to contrive an expedient so delicate and intellectual. Nothing so refined and spiritual can be expected in these prosaic and money-making times, and in this country, where so much of the genius of the age is directed to the literature of banking, and to the accurate descriptions of the alternate "*tightness*" and "*looseness*" of the money market. We can expect nothing like Athenian wit here. The nearest approach that I have seen to it was in this enlightened chamber, and on a recent occasion, when a division of the public money among the States being admitted to be unconstitutional undert he word *distribute*, that word was gently deposed, and the word *deposite* enthroned in its place; after which the division of the money took place in the same manner as if the change of words had not been made.

I repeat, Mr. President, we are not to expect Athenian wit in our attempts to get rid of constitutional difficulties. Compared to their refined and spiritual inventions, our contrivances must appear coarse and bungling; and such, in fact, in too many instances, they have actually been. We have often bungled most clumsily in our attempts to circumvent our Constitution, and we can expect no better in future; and, of all the rude attempts of this kind which I have witnessed, none are more awkward and clumsy than that of undertaking to substitute a distribution of the *land* revenue among the States, for a distribution of the revenue *generally*, or for an open assumption of the State debts. It is all the same thing, and all ends in the same result. Sir, this whole scheme of dividing the public land revenue among the States is an indirect assumption of their debts. It is disguised assumption; and it is only another move on the chessboard of that distribution policy which has haunted our councils for so many years, in such a variety of forms, and which found its first success in the passage of the act to *deposite* the surplus revenue, as it was called, with the States of the Union.

The scheme which now occupies the capitalists, bankers, and stockjobbers of London, Paris, Amsterdam, Philadelphia, and New York, to obtain from the Federal Government the assumption, or a provision for the payment of the State debts, is the natural offspring of the distribution policy which infested this chamber for fourteen years, and finally succeeded, in the form of a deposite of surplus revenue with the States. In company with a small minority of half a dozen Senators, I made head against distribution in the disguise of a deposite, and delivered the history of the transaction, on the passage of the act, as accurately as it can be written now. I then said:

"At the end of some years, the nominal transaction will be rescinded; the certificates will all be cancelled by one general, harmonious, unanimous vote in Congress. The disguise of a deposite, like the mask after a play, will be thrown aside, and the delivery of the money will turn out to be, what it is now intended to be, a gift from the beginning. This will be the end of the first chapter."

This is what I said on Friday, the 18th day of June, 1836, the day on which the deposite act passed—*dies infaustus*, as the Romans would call it—unhappy day which witnessed the immolation of the Constitution, and the consummation of a policy big with the fate of this federative Union. I then said the nominal transaction of a deposite would be rescinded; the month of September, 1837, saw it rescinded. The deposite has become in form what it was from the beginning in substance—a gift of the money; and this conclusion is, what I called in my speech against it; the end of the first chapter. Assumption is the beginning of the second one; and here I am, standing on my old ground, to make head against the offspring of the measure which I opposed, in its seminal principle, fourteen years ago, and have continued opposing it ever since in all its successive stages, and in all its modifications of form.

I come at once to the point, and say that disguised assumption, in the shape of land revenue distribution, is the form in which we shall have to meet the danger; and I meet it at once in that disguise. I say there is no authority in the Constitution to raise money from any branch of the revenue for distribution among the States, or to distribute that which had been raised for other purposes. The power of Congress to raise money is not unlimited and arbitrary, but restricted, and directed to the national objects named in the Constitution. The means, the amount, and the application, are all limited. The means are direct taxes—duties on imports—and the public lands; the objects are the support of the Government—the common defence—and the payment of the debts of the Union; the amount to be raised is of course limited to the amount required for the accomplishment of these objects. Consonant to the words and the spirit of the Constitution, is the title, the preamble and the tenor of all the early statutes for raising money; they all declare the object for which the money is wanted; they declare the object at the head of the act. Whether it be a loan, a direct tax, or a duty on imports, the object of the loan, the tax, or the duty, is stated in the preamble to the act; Congress thus excusing and justifying themselves for the demand in the very act of making it, and telling the people plainly what they wanted with the money. This was the way in all the early statutes; the books are full of examples; and it was only after money began to be levied for objects not known to the Constitution, that this laudable and ancient practice was dropped. Among the enumerated objects for which money can be raised by Congress, is that of paying the debts of the Union; and is it not a manifest absurdity to suppose that, while it requires an express grant of power to enable us to pay the debts of the Union, we can pay those of the States by implication and by indirection?

Sir, our Constitution grew out of a want of money; it grew out of the want of money for general and national purposes; and it contains no grant of power in relation to receipts and expenditures, except to raise and expend it for such purposes.

I meet the danger in its disguise of distribution, and repeat, there is no authority in the Constitution to raise money for distribution, or to distribute that which had been raised for other purposes. This results not only from the plain words of the Constitution, and the known purposes of forming the Federal Union, but also from the total silence of the Constitution upon a rule of distribution. There is a rule in the Constitution for raising money—none for dividing it. The Constitution has provided for the equality and uniformity of the levy; there is no provision for the equality and uniformity of a distribution: "*All duties, imposts, and excises, shall be uniform throughout the United States. ** No capitation, or other direct tax, shall be laid, unless in proportion to the census, or enumeration herein before ordered to be taken. ** No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over another.*" Such are the injunctions of the Constitution in relation to the levy of money; such its care to provide for the uniformity and equality of the levy. But where is the rule for distribution? And what becomes of the equality of the levy, if that which is equally levied is unequally partitioned out? There is no rule given for the partitioners to go by; and that is a proof, among the many others, that no partitions of revenue—no partitions of any kind, money, land, or other property—was ever intended to be made. The framers of our Constitution were not bunglers, but skilful workmen—they were not apprentices, but master workmen. They did not close up their work upon one side, and leave it open upon the other. They did not commit the absurd and egregious folly of permitting that to be unequally divided which had been equally collected. If they had contemplated divisions of money or property, they would have given the rule to regulate them; not having done so, is clear proof they never contemplated such a thing; and we all know that any Constitution providing for such an event would have been scouted and scorned by every State in the Union.

No, sir; there is no rule in the Constitution for the distribution of any thing—money, lands, or goods. The framers of that instrument doubtless looked for no division of its effects in the lifetime of the Union. They doubtless expected the Union to die first; and, as that was an event which they intended to be remote, they made no provision for the contingency even then. They did not provide for the descent of the estate, much less for its partition in the lifetime of the owner. There is no rule to divide by; and, consequently, every mover of distribution has had to provide a rule of his own. The Senator from New Jersey, who brought in the first bill for this purpose, took the rule of the Constitution in the case of direct taxes; he would di-

vide in the ratio of direct taxation. The land bills which followed took Federal numbers, but qualified with a preliminary distribution, of sometimes ten, and sometimes twelve per cent. to the new States. The deposite bill, differing from all these, took the vote of the States for President, and gave them shares of the money in proportion to the number of their Presidential votes. Such was the diversity among the bills Finally, the rule agreed upon was such as found its sanction in the will of the majority for the time being. The will of the actual majority fixed it; and the principle which regulated that will was the acquisition of the precise number of votes which was necessary to carry the bill. That was the rule they went by—acquisition of votes enough to pass the bill. This acquisition was either seductive or coercive. An increase of the distributive share was allowed to some, and their support was thus conciliated; the favorite bills of others, such as the graduation and pre-emption bills, and others for the benefit of particular States, were seized upon and crammed into the distribution bills, and their authors thus compelled to support them in these bills, or to vote against their own measures. This we have seen; this Senate has seen it; and we have seen the ratio for dividing the spoil become the subject of huckstering arrangement on this floor, and altered and changed in the face of the Senate, until the requisite number of votes could be conciliated, or coerced, to pass the bill through.

But it is contended that the land revenue stands upon a different footing from the custom-house, or direct tax revenue; and that Congress may do with one what it cannot do with the other. This is a fallacy and absurdity which will not bear the touch of inquiry. There is no more rule for dividing land revenue than any other revenue; and there is no difference in law, or in fact, between the different branches of the public income. When the land is sold, the money received is revenue, and is Federal revenue, and is in the Federal Treasury, and cannot be taken from that Treasury, except by an appropriation law; and that appropriation law is nothing more nor less than the application of so much money to some constitutional object. The appropriation law takes what it finds in the Treasury. No law of Congress can discriminate between the different receipts; no human touch can tell what dollars were received for lands, and what for customs and direct taxes. The discrimination is impossible as a mere matter of fact; it is unconstitutional as a matter of law; it would be a mockery if inserted in the law. Distributions are not *expenditures*, neither in common parlance, nor in the meaning of our Constitution; and no money can be drawn from our Treasury except for an *expenditure*.

The clause on which the distributionists relied, and in which the assumptionists must follow them, is that in which Congress is authorized *"to dispose of the territory and other property of the United States"* The power of disposition is granted; but it is only for national purposes—for objects known to the Constitution—that Congress can dispose of this territory and of this property. Congress received it for national purposes, of which the first was to pay the debts of the Union. The early legislation of Congress declared this intent by pledging the lands to the redemption of the debt, and constituting the whole of the revenue receivable from it a part of the sinking fund for that object. The public lands have never fulfilled this destination. They have never paid the public debt, nor a shilling of it—not even its interest, or one shilling of its interest. They have been so managed, by waiting for inferior land to rise to the price of the first quality, that they have not met the expenses of purchases and management. Instead of paying any part of the public debt, they are themselves in debt to the custom-house revenue for money taken from that source to assist in their acquisition and management. The public lands have cost the United States one hundred and twelve millions of dollars; they have brought into the Treasury one hundred and four millions; and of that sum twenty-eight millions have been distributed among the States under the deposite act. Deducting this amount, and they lack thirty-six millions of paying for themselves. They are in debt that amount to the customs; and the whole burden of the public debt has been thrown upon the customs also. The lands, by being held up at a fixed price, the bad and the good all at the same rate, have been so little productive as not even to pay for their purchase and management. The custom-house revenue has borne all the burthens; and to make it do so, enormous has been the sum obtained from it. Few people have an idea of the enormity of this sum, and that it amounts to seven hundred and thirty-one millions of dollars; and that after paying its own expenses. Seven hundred and thirty-one millions is the clear revenue from customs; and of that amount, no less than four hundred and thirty millions have gone to the public debt, Treasury notes inclusive, and its interest. Here is a table which exhibits the annual receipts of the Government from lands and customs, and the annual payment from lands and customs, and the annual payments on account of the public debt, and purchases of land, and which verifies the statement which I have made.

This is the table in detail, (showing a large sheet,) but I only state the gross amounts under each head. They are:

For principal and interest of the public debt - - -	$421,496,000
Receipts from customs - -	731,295,000
Receipts from lands - -	104,000,000
Purchase of lands - - -	112,000,000

Three great errors, Mr. President, prevail in relation to the public lands; two of them errors of fact, one an error of constitutional law. They are fundamental errors, and lead to all the erroneous notions, and to all the erroneous movements which are now taking place, in Congress and elsewhere, in relation to the disposition of the public domain. These errors are, *first*, in supposing that the territorial cessions of the States were gifts of the soil to the Federal Government; *secondly*, in supposing that the cessions so made have fulfilled their destination in paying off the public debt; *thirdly*, in supposing that Congress is free from any constitutional restraint in disposing of these lands. These are radical and fundamental errors, leading to erroneous action in legislation; and they deserve the clear exposure which will utterly explode them. So far as fulfilling their destination in the payment of the public debt is concerned, that error is fully exploded. It has already been shown by authentic tables that the customs paid the public debt; that they both supported the Government, and paid the national debt; that the lands, in fact, have answered no part of their destination, not even having paid the expenses of their own acquisition and management. This makes that error clear the other two shall be as fully cleared up.

These are great points in the case, and I mean to make them clear both in the fact and in the argument. It is an error to say that these lands, any part of them, were donations to the Federal Government—that they were gifts from the States. This is what is commonly said, but it is a mistake, and an error of fact; and upon this error the whole argument of the distributionists, and their offspring, the assumptionists, has been built up. The United States have purchased all the lands they hold. They have paid the money, and a great price in money for them. No gifts, no donations, no gratuitous cessions of lands have been made to this Government; but with money from her Treasury has she bought and paid for the whole; and paid out for them more than they have yet paid back. This is my assertion, and here is the proof:

Purchase of Louisiana - -	$15,000,000
Interest paid thereon - -	8,329,353
Purchase of Florida - -	5,000,000
Interest thereon - - -	1,480,000
Paid to Georgia - - -	1,250,000
Same purchase in Mississippi stock	1,832,000
Extinguishing Indian titles - -	72,000,000
Survey of public lands - -	3,250,000
Salaries and expenditures in the General Land Office - -	1,250,000
Land offices and officers - -	3,300,000
	$112,691,353

This is the purchase money paid; and it is all that I propose to count in this argument; for it is sufficient for the argument, though not all that belongs to the argument. The value of other lands given in exchange, and the cost of getting possession, both belong to the argument, and far exceed in amount the totality of the purchase money paid. Thus Florida cost, in money, $6,480,000; but to this must be added Texas proper, and the country between the Red river and Arkansas which was given in exchange, and the cost of getting possession of Florida, which already three times exceeds the price of the country, and the possession not yet obtained. So of other purchases upon a smaller scale.

The whole amount of money received from the sales of lands, as I have shown heretofore, is but one hundred and four millions of dollars; so that here is a clear deficiency of eight millions of dollars under the head of paying for themselves. Add to this the twenty-eight millions distributed among the States, and the deficiency is thirty-six millions. And if to this we should still add, as we fairly might, the value of the lands given in exchange to Spain and the Indians, and the cost of getting possession of our purchases after we had made them, and the deficiency is many hundreds of millions. But I limit the argument to the sums paid out for purchases, and received back for sales.

Thus the lands are proved to have answered no part of their destination—to have paid no part of the public debt—not even to have defrayed the expenses of their own acquisition and management—and that they are at this time largely in debt to the customs. This is a charge upon them which they ought to pay; and it constitutes a strong objection to their alienation from Federal, and application to local, purposes. It is a strong objection, but not the strongest, to this alienation. A far stronger one is found in the fact that all the lands held by the United States have been purchased; that they are PURCHASES, and not GIFTS; and have all been acquired by giving money for them. Now it is agreed that this money could not have been divided among the States before it was given for the land; and if so, is it possible that we can effect the division after it has been given for land by the simple process of reconverting the land into money? If so, then have we found out a most facile and flexible method of getting rid of Constitutional obstructions!

In round numbers the sum of one hundred and twelve millions have been paid for the public lands, and the largest part of that sum for those which are called donations. To the Indians there have been paid seventy-two millions of dollars, and this to extinguish their titles to the lands *presented* by the States to the Federal Government; and this independent of the annuities yet to be paid, and which represent a capital of several millions. These Indian purchases have cost far more than Louisiana and Florida put together. They result from the cessions of the States—cessions which have generally been treated as donations of the land, when they were nothing but a transfer of the right to purchase them from the Indians. The States did not own the soil; the Indians were the acknowledged owners. All that the States claimed in the soil was the right of purchase from the Indians, and that right they ceded to the United States. Some States would not cede that right, as Massachusetts and Connecticut; and these have held on to the soil, and have sold, or are selling it, for their own advantage. Massachusetts and Maine now derive an annual income from the sale of their lands. Connecticut has received a large sum from hers. It was Virginia and Georgia that made the largest and most effective cessions, which ceded the right of purchase to the most extensive territories; and dearly enough has the United States paid for the privilege of buying the Indian titles to what they ceded. Almost the whole of the seventy-two millions paid to Indians has gone for the extinction of their titles to the Virginia and Georgia cessions; a mere fragment of it has gone to the Indians of Florida and Louisiana. The Indians of the Southern States, and of the Northern West, have received almost the whole; and besides this, Georgia received in money and Mississippi land scrip $3,082,000 for

her cession, besides the obligation to extinguish the Indian title to their lands within her limits for her own benefit. Thus it is clear that the cessions from the States were not donations of land, but cessions of jurisdiction; with the transfer of the right to acquire from the Indians the soil within their ancient colonial boundaries, and which, in regard to the limits of the State, were generally ex territorial. The sum paid to the Indians, and that paid to Georgia, make about seventy-five millions of dollars which the purchases of the Indian titles have cost us; while the purchases from France and Spain, the interest included, barely amount to thirty millions. The expense of managing the whole has amounted to about eight millions; making a total for the cost and management of the lands of about one hundred and twelve millions of dollars.

I have gone over these details to establish a fact, and which fact is vital to the argument, that the whole of the lands owned by the United States are purchases, not donations; that they represent money drawn from the Treasury and invested in land, and now wearing the shape of acres in the woods instead of dollars in the Treasury. This is a fact now established. Here, then, are one hundred and twelve millions of dollars laid out for land, and now represented by land. Here are one hundred and twelve millions of dollars converted into land; and this brings us to the great constitutional error on this point. Before it was so converted, every one admits that it could not have been divided among the States. Every one admits that. Now, the question is, can we divide the land? or, reconvert it into money, and divide the dollars? Can we cheat the Constitution by this transmutation? Can we cheat ourselves, and the country, by such specimens of legislative alchymy and political juggling? If so, we have discovered a very facile way of helping ourselves to all that the Treasury contains. We may begin with the one hundred and twelve millions at once, and then proceed, converting and reconverting, buying land and selling land, until we have bought and divided that billion of acres, estimated at a billion and a quarter of dollars, which figured so largely in the debates on the land bills when they were first introduced, and when the national domain was presented as a bait to national cupidity.

This would seem to be enough; a billion and a quarter would seem to be enough; but it is only the beginning of what may be done under this new process of converting, and reconverting, the Federal revenues, and then dividing them. It is the beginning only of what may be done in this new school of alchymy, with our Constitution in its crucible. The transmutation may be made to reach all other property owned, or to be owned, by the United States; for the same clause which gives Congress authority to dispose of the territory, also gives it authority to dispose of all other property, belonging to the United States. Here then is a new and boundless field for obtaining money for distribution. Forts, arsenals, armories, magazines, arms, and munitions of war; fleets, ships, docks, navy yards and naval stores; barracks and hospitals; public edifices of all kinds, including the Capitol in which we sit; light-houses; bank stock, canal stock, road stock; every thing, in fact, which comes under the name of property, and which we now possess, or may choose to acquire: all this may be thrown into the legislative crucible, transmuted from an unconstitutional to a constitutional subject of distribution, and forthwith partitioned out among the States. Bills to divide the proceeds of the sales of "*other property*" may then become as familiar to our legislation as bills to divide the proceeds of the public lands now are; and instead of limiting our distributions to the States, what is to prevent us from extending the favor to corporate bodies, to individuals, and to the children of meritorious parents? Once descended from the safe and elevated mark of national objects, where is the limit, where the boundary which is to arrest the downward course of the application of the national funds? Once admitted that Congress is free from all constitutional control in disposing of the "*territory*" and "*other property*" of the Union, and what is there to guard the application of unbounded means, directed by unbounded power? What is there to prevent largesses and benefactions, in the shape of national gratitude and national munificence, to warriors, statesmen, poets, sculptors, musicians? What to prevent hereditary provision for the support of families, in the shape of hereditary pensions to successive generations for ancestral services? We touch the confines of an hereditary pension list at this moment; having already an ancestral list which 41,000 names now encumber; and let it be granted to Congress to do what it pleases, uncontrolled by the Constitution, with the territorial domain, and all the other property of the Union, and from that instant a pension list of forty-four thousand names, and three and a half millions of dollars, will quickly be extended and increased, and stretched into the ranks of posterity. No, sir, no. There is no constitutional way to assume these State debts, or to pay them, or to endorse them, or to smuggle the money to the States for that purpose, under the pretext of dividing land revenue, or surplus revenue, among them. There is no way to do it. The whole thing is constitutionally impossible. It was never thought of by the framers of our Constitution. They never dreamed of such a thing. There is not a word in their work to warrant it, and the whole idea of it is utterly repugnant and offensive to the objects and purposes for which the Federal Union was framed.

Sir, I repeat it: The Federal Constitution grew out of the want of money for the uses of the Federal Government. It grew out of that want, and nothing else; and it contains no grant of power in relation to the collection or the application of money, except for the uses and purposes of the Federal Government itself.

Having established the constitutional objection to assumption, naked or disguised, and shown that here was no difference between diverting land revenue and any other Federal revenue to State purposes, and having especially exploded the three vulgar errors, that the lands were donations from the States, that they have fulfilled their destination in paying the public debt, and that the power of Congress is absolute and arbitrary over them; having done this, I proceed to the secondary class of objections; namely, the evils of the measure. These evils are in themselves so great, so hostile to the general good, and so big with destruction to the Federal Union, that even if there was no constitutional impediment in the way, this measure of assumption, or provision for State debts, should be utterly rejected for its baleful consequences alone. And here it is proper to pause, to reflect, to look back upon the page of our own history, and to consult the experience of our own ancestors in relation to paying State debts, before we rush into the same business. We have had one assumption in our country, and that in a case which was small in amount, and free from the impediment of a constitutional objection; but which was attended by such evils as should deter posterity from imitating the example. It was in the first year of the Federal Government; and although the assumed debts were only twenty millions, and were alleged to have been contracted for general purposes, yet the assumption was attended by circumstances of intrigue and corruption, which led to the most violent dissension in Congress, suspended the business of the two Houses, drove some of the States to the verge of secession, and menaced the Union with instant dissolution. Mr. Jefferson, who was a witness of the scene, and who was overpowered by General Hamilton, and by the actual dangers of the country, into its temporary support, thus describes it:

"This game was over, (funding the soldiers' certificates,) and another was on the carpet at the moment of my arrival; and to this I was most ignorantly and innocently made to hold the candle. This fiscal manœuvre is well known by the name of the assumption. Independently of the debts of Congress, the States had, during the war, contracted separate and heavy debts, &c. * * * * * * This money, whether wisely or foolishly spent, was pretended to have been spent for *general* purposes, and ought therefore to be paid from the *general* purse. But it was objected, that nobody knew what these debts were, what their amount, or what their proofs. No matter; we will guess them to be twenty millions. But of these twenty millions, we do not know how much should be reimbursed to one State or how much to another. No matter; we will guess. And so another scramble was set on foot among the several States, and some got much, some little, some nothing. * * * * * This measure produced the most bitter and angry contests ever known in Congress, before or since the union of the States. * * * * * The great and trying question, however, was lost in the House of Representatives. So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met and adjourned from day to day without doing any thing, the parties being too much out of temper to do business together. The Eastern members particularly, who, with Smith from South Carolina, were the principal gamblers in these scenes, threatened a secession and dissolution. * * * * * But it was finally agreed that whatever importance had been attached to the rejection of this proposition, the preservation of the Union, and of concord among the States, was more important; and that, therefore, it would be better that the vote of rejection should be rescinded; to effect which, some members should change their votes. But it was observed that this pill would be peculiarly bitter to the Southern States, and that some concominant measure should be adopted to sweeten it a little to them. There had before been propositions to fix the seat of Government either at Philadelphia, or at Georgetown, on the Potomac; and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (White and Lee, but White with a revulsion of stomach almost convulsive) agreed to change their votes, and Hamilton undertook to carry the other point; and so the assumption was passed, and twenty millions of stock divided among the favored States, and thrown in as a pabulum to the stockjobbing herd. * * Still the machine was not complete; the effect of the funding system and of the assumption would be temporary; it would be lost with the loss of the individual members whom it had enriched; and some engine of influence more permanent must be contrived while these myrmidons were yet in place to carry it through. This engine was the Bank of the United States."

What a picture is here presented! Debts assumed in the mass, without knowing what they were in the gross, or what in detail—Congress in a state of disorganization, and all business suspended for many days—secession and disunion openly menaced—compromise of interests—intrigue—buying and selling of votes—conjunction of parties to pass two measures together, neither of which could be passed separately—speculators infesting the halls of legislation, and openly struggling for their spoil—the funding system a second time sanctioned and fastened upon the country—jobbers and gamblers in stocks enriched—twenty millions of additional national debt created—and the establishment of a National Bank insured: Such were the evils attending a small assumption of twenty millions of dollars, and that in a case where there was no constitutional impediment to be evaded or surmounted. What, then, must be expected when the assuming process is to begin with hundreds of millions—is to reach a billion—is to cover, in the end, all sorts of State debts, and is to be attended with flagrant breaches, or derisory evasions, of the Constitution?

With this retrospective view of the mischiefs of a former assumption, in a case so much more mitigated, I proceed to the evils of the new one, disguised as a distribution of land revenue among the States, and a provision for the payment of their internal improvement debts. In taking up this class of objections, it is proper to show, in the first place, the nature and amount of the State debts for which the Federal aid or guarantee is claimed—the purposes for which they were created—their present value at home and abroad—and the proportions in which they are distributed among the several States. And here I avail myself of the valuable and authentic information collected by an eminent citizen of New York, the Comptroller of the State, Mr. Flagg. As late Comptroller, it became his duty, under the general banking law of the State, to issue circulating bank notes to banking companies on receiving from them pledges of State stocks. The proper execution of this duty required him to become acquainted with these stocks; and for this purpose he applied to the fiscal authorities of each State, and received the answers which he afterwards embodied into the document which now constitutes the magazine of information from which we all obtain our knowledge on this subject. His report showed the astounding sum of one hundred and seventy millions of debt contracted or authorized by eighteen of the States, (in reality by sixteen, as two of them owe but a trifle,) and that without counting the twenty-eight millions received on deposite from the Federal Government. This was above a year ago; and, taking into the calculation what may have been incurred since, with the Florida debt of five millions, and some other species of debt, the whole may now be estimated at more than two hundred millions of dollars. But con-

fining my remarks to the amount which appears in the tables of Mr. Flagg, and it is seen that this large amount of one hundred and seventy millions of dollars of debt was found in the States of Maine, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina, Alabama, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Missouri, Mississippi, Arkansas, and Michigan. Eight of the States of the Union, namely, New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, Delaware, North Carolina, and Georgia, enjoy the proud and enviable distinction of not finding their names on the indebted list. Maine and Missouri are only nominally on the unhappy list; the former having created but half a million of debt, and the latter having sent out her bonds too late to be sold, and a good portion of them remaining yet in the power of the State to recal and cancel. Sixteen may be taken then as the number of the indebted States, and 170 millions the amount which they owe; but of these sixteen, only thirteen are involved in the species of debt now proposed to be provided for, namely, the internal improvement debt.

We now take up the tables of Mr. Flagg.

The objects to which these 170 millions are applicable, and the amount for each object, are these:

For banking - - -	$52,640,000
For canals - - -	60,201,551
For railroads - - -	42,871,084
For turnpikes and McAdam roads -	6,618,958
For miscellaneous objects - -	8,474,634

The proportions among the different States are:

Maine - - - -	$554,976 00
Massachusetts - - -	4,200,000 00
New York - - -	18,262,406 84
Pennsylvania - -	27,306,790 00
Maryland - - -	11,492,980 73
Virginia - - -	6,662,089 00
South Carolina - -	5 753,270 12
Alabama - - -	10,800,000 00
Louisiana - - -	23,735,000 00
Tennessee - - -	7,148,166 66
Kentucky - - -	7,360,000 00
Ohio - - - -	6,101,000 00
Indiana - - -	11,890,000 00
Illinois - - -	11,600,000 00
Missouri - - -	2,500,000 00
Mississippi - - -	7,000,000 00
Arkansas - - -	3 000,000 00
Michigan - - -	5,340,000 00

The detail of the debt, with the amount incurred by each State, for each object, is this:

STATES.	For Banking.	For Canals	For Railroads.	For Turnpikes.	Miscellaneous.	Total.
New York	-	$13,316,674	$3,787,700	-	$1,158,032	$18,262,406
Pennsylvania	-	16,579,547	4,964,484	$2,595,992	3,166,787	27,306,790
Massachusetts	-	-	4,290,000	-	-	4,290,000
Maine	-	5,700,000	5,500,000	-	554,976	554,976
Maryland	-	3,835,350	2,128,900	354,800	292,980	11,492,980
Virginia	-	1,550,000	2,000,000	-	343,139	3,893,139
South Carolina	-	6,101,000	-	-	2,203,770	8,304,770
Ohio	$2,000,000	*2,619,000	350,000	2,400,000	-	5,369,000
Kentucky	3,000,000	*900,009	7,400,000	-	300,000	11,600,000
Illinois	1,390,000	6,750,000	2,600,000	1,150,000	-	11,890,000
Indiana	3,000,000	*300,000	3,730,000	118,116	-	7,148,166
Tennessee	7,800,000	-	3,000,000	-	-	10,800,000
Alabama	2,500,000	-	-	-	-	2,500,0 0
Missouri	7,000,000	-	-	-	-	7,000,000
Mississippi	22,950,000	50,000	500,000	-	235,000	23,735,000
Arkansas	3,000,000	-	-	-	-	3,000,000
Louisiana,	-	2,500,000	2,620,000	-	220,000	5,340,000
Michigan						
	$52,640,000	$60,201,551	$42,871,084	$6,618,958	$8,474,634	$170,866,177

*Whole or part for improvement of river navigation.

The proportionate increase of the whole debt, in successive periods of five years and three years, from 1820 to 1838, is this:

From 1820 to 1825,	$12,790,728
" 1825 to 1830,	13,679,689
" 1830 to 1835,	40,002,769
" 1835 to 1838, (say 3½ yrs.)	108,223,808

Such are the amounts, and the distribution among States and objects, and the progressive increase of these State debts. Having seen these particulars—having viewed the debt in its gross and in its detail—the next thing I propose to examine is to see what the States received in return for such enormous liabilities; what it is that represents these debts now at home; and what the debts themselves are worth in the stock market of foreign countries. And here I can say in grief, and with sorrow, that almost the whole amount of what the States received was British dry goods—mere British dry goods—not even groceries. I say it with grief, and with sorrow, that almost the whole amount of what the sixteen States received for their sterling bonds, bearing a sterling interest which will not be less than ten per cent. to the people who pay it, was British dry goods, which have been sold for paper money to construct roads and canals, and to build up paper system banks. This is what we have got for 170,000,000 of sterling debt. The process was about this: The bonds were sold for bank credits in Europe or the Atlantic cities; bills of exchange were drawn upon these credits in favor of merchants who took up the amount in dry goods; the bills of exchange were paid for by the merchants in paper money; and this paper money, after some time, returned to the banks from which it came. Thus, the whole operation was a circle of paper, going round and round in paper, and ending in its own extinction, and never emerging from the paper circle but once, and then to effect importations of British goods. The goods are worn out; the paper money has returned to the place from whence it came; the operation is over; and nothing remains of the transactions but the 170,000,000 of debt, its devouring interest, and the banks, canals and roads which represent it. The whole of these banks have failed once, and most of them twice, in two years; the greater part of the roads and canals are unfinished, and of those finished several are unproductive. And this is the history of the *State debts*, the burthen of which it is now proposed to cast upon the shoulders of the Federal Government. But the whole of these debts are not even the direct debt of the State, but a security debt incurred for companies, corporations, and individuals to whom the State credit, that is to say, the State bonds, have been lent to enable them to build banks, and make improvements, or engage in some speculative undertaking, for which they had no means of their own. A part of the State debt is in this form; and that part becomes doubly objectionable to me from its intrinsic unworthiness, and inherent vitiousness. I have yet to discover, in the Constitutions of such of the States as I have examined for the purpose, the power by which the Legislature undertakes to lend the credit of the State, that is to say, the labor and property of the people, to companies, corporations, and individuals, for their private advantage, and to make the community stand security for the success of their undertakings. I question the power in the States; I deny it where the authority cannot be shown; and I utterly deny it in the Congress of the United States. As to the wisdom of such loans and securityship, that may be seen in many instances, and especially in some Southern banks, and above all, in a certain railroad project in Florida, where the Legislative Council first granted a charter for the road, and then furnished the bonds to build it, and wherein the corporators sold the bonds in Europe for iron, then obtained a remission of the duties from Congress, then sold the iron on their own account, and afterwards demanded more bonds for the commencement of the road. This, though an extreme case, is not the only instance which time will develope of the improvidence of such loans and securityships. Like many other lenders, the State may lose; like many other endorsers, she may have to pay. The undertaking may fail in many instances; and a wasteful prodigality in spending the money so obtained must be expected in all. Yet these constitute a part of the State debts for the payment of which Congress will be called on to provide.

Such are the representatives of the State debts. These are what the States have realized in exchange for their sterling bonds and sterling interest. The best of the banks are doing but little; the best of the roads and canals are hardly paying repairs, management, and interest. The mass of these institutions and works may be thus characterized: Barren banks, which cannot lend; suspended banks, which will not pay; broken banks, which cannot pay; unfinished roads and canals, which are useless; finished ones, which are either bringing their owners in debt, or barely paying the expense of repairs, the cost of management, and interest upon the outlay. This is their condition. Their value at home is shown by the thermometer of the stock market, where they range at all the degrees below par, down to the freezing point of zero. In Europe, although backed by the credit of States, they rate from one-half to three-fourths of their nominal value; and this is the stock which the Federal Government is to be called upon to raise to par, or above it, for the benefit of the holders in Europe, while the representatives of this stock in America—the banks, the roads, and the canals—are to remain as they are, or to be galvanized into a new fit of ephemeral animation, by the battery of new debts, contracted abroad. It is for this that the assumption is to be claimed—no, not the assumption—that word will not be used here. The pen of Mr. Jefferson has stamped upon it an immortality of infamy, and it will not be repeated here. The public lands will be invoked for that purpose; and, by this indirection, the national domain will virtually be presented as a gift to the capitalists of Europe; and not to the capitalists only, but to the stockjobbing fry also—that pestilential spawn of the funding and paper systems—which, having so often mastered the Parliament of Great Britain, are next to try their hand on the Congress of the United States. A diversion of the national domain to the payment of these debts, would immediately raise them far above par—would be a present of 50 or 60 cents on the dollar, and of 50 or 60 millions in the gross—to the foreign holders, and, virtually, a present of so much public land to them. It is in vain for the bill to say that the proceeds of the lands are to be divided among the States. The indebted States will deliver their portion to their creditors; they will send it to Europe; they will be nothing but the Receivers General and the Sub-Treasurers of the bankers and stockjobbers of London, Paris, and of Amsterdam. The proceeds of the sales of the lands will go to them. The hard money, wrung from the hard hand of the Western cultivator, will go to these foreigners; and the whole influence of these foreigners will be immediately directed to the enhancement of the price of our public lands, and to the prevention of the passage of all the laws which go to graduate their price, or to grant pre-emptive rights to the settlers.

Let us now take a rapid view of the evils of this assumption, disguised as it may be with the cloak of the national domain revenue for distribution, or with the drapery of a surplus revenue for division, or deposite, among the States. I have already grouped into a single assemblage of features the more prominent and palpable of these evils, and shall not stop to dilate minutely upon them now. The bare presentation of the picture is enough to fill the mind with the most painful and disquieting apprehensions. What more revolting than to compel the non-indebted States to incur burthens for others which they have refused to incur for themselves? What more shocking than this? Yet such is the proposition, disguise it as you may, which is to be brought before us. Fourteen of the States only are indebted for internal improvements; for four of those whose names are on the indebted list owe nothing on that head. Maine, Missouri, Mississippi, and Arkansas, owe nothing for roads and canals, to which Louisiana might be added; for she owes but a trifle on that head, little more than half a million of dollars. Here, then, are thirteen States which are in debt for internal im-

provements, the only kind of debts now proposed to be provided for, and thirteen which are not; and the proposition will be to make them all even by plunging the whole into the same degree of debt. It would be rather too monstrous to require the thirteen non-indebted to assume the one-half of the debts of the other thirteen. That would be rather outrageous. A different turn must, therefore, be given to the scheme; and the non-indebted States seduced into debt to an equal amount with the others, and then the whole of the States made payma ter for the whole of the debts. This is the fine scheme which is now to occupy us, and a national debt of three hundred millions created at once (for that is the sum computed to be wanting) to equalize the condition of the States in point of indebtedness. That which is now one hundred millions on thirteen of the States, is to be made three hundred millions on the whole; and these three hundred millions are to constitute the starting point of a new national debt, and the kernel of the new National Bank. Truly, we are but at the commencement of the "CREDIT SYSTEM."

What can be more obvious than that diversion of the land revenue from national to State purposes, will create a necessity for loans, or taxes, or issues of Treasury notes, to supply the place of the funds so diverted? The lands now produce six or seven millions annually, and, with a reduction of price, will produce an increased sum to meet the deficiencies of the custom-house revenue in the two last years of the compromise, which are now at hand. Both lands and customs barely meet the demands of the Government at this time; what then must be the state of the revenue in 1841 and 1842, if thrown exclusively upon the customs, then undergoing their last reduction, and sunk to an ad valorem duty of 20 per cent.? Doubtless the revival of a heavy tariff must ensue; and this is so obvious to every observer, that it must be assumed to be one of the objects of diverting the land revenue from Federal to State purposes.

What can be more demoralizing, more ruinous, and more destructive, not only to our Federal political system, but to the social and moral system itself, than to allow the States to create debts for their own purposes, and then club together and throw the payment of these debts on the Federal Government? What more fatal than this? The restraint upon the creation of debt is the obligation to pay it. Remove that restraint—separate the characters of contractor and payer—and all the barriers of economy, moderation and safety are broken down. The States are stimulated into debts which the Union is to pay; and the precedent once set, must be rapidly followed up by new debts on the part of the States, and new assumptions on the part of the Union. We begin with providing for internal improvement debts; quickly those incurred for banks are added. Then follow all those contracted for "*other purposes*," even the security debts incurred by loans of credit to companies, corporations, and individuals, no matter how unwisely incurred, how extravagantly applied, and how wastefully squandered.

Touch these State debts in any way, no matter how—put your hand to the work in any form that you please—and from that moment you are in for the whole; from that moment you assume the ultimate payment. Thus it was with the debt of this District, incurred for the Chesapeake and Ohio Canal. We passed an act in 1828, to enable the District to borrow the money. The sagacious men of this body—Mr. Macon, Mr. Van Buren, and others—opposed the act, upon the ground that the agent of the District would go abroad with that act in his hand, and show it to foreign capitalists; and although it contained no promise on our part to guaranty the payment, yet the United States would become involved in the transaction, and ultimately have to pay it all; and thus it happened. That debt, interest, and all, is now assumed by the United States. I was one of the few who opposed it, thanks to my association with Macon and Randolph, from whom I learnt my leading principles in political economy. I opposed that act, giving authority to this District to borrow money for the canal, on the ground that it would involve us in the transaction, and ultimately make us liable for the whole; and now I oppose any connection, disguised as it may be, with the State debts, on the same ground. Touch them, and we embrace them; put our finger to the work, and the shoulders follow; give them the proceeds of the public lands, and from that moment you have given the whole revenues and the whole credit of the United States. You have given all, in giving any thing; for all the rest would follow. Custom-house revenue and Treasury notes would soon be called in to supply the deficiency of the land revenue; and new debts would swallow up the whole resources of the Union.

What more unwise and more unjust than to contract debts on long time, as some of the States have done, thereby invading the rights and mortgaging the resources of posterity, and loading unborn generations with debts not their own? What more unwise than all this, which several of the States have done, and which the effort now is to make all do? Besides the ultimate burthen in the shape of final payment, which is intended to fall upon posterity, the present burthen is incessant in the shape of annual interest, and falling upon each generation, equals the principal in every periodical return of ten or a dozen years. Few have calculated the devouring effect of annual interest on public debts, and considered how soon it exceeds the principal. Who supposes that we have paid near three hundred millions of interest on our late national debt, the principal of which never rose higher than one hundred and twenty-seven millions, and remained but a year or two at that? Who supposes this? Yet it is a fact that we have paid four hundred and thirty-one millions for principal and interest of that debt; so that near three hundred millions, or near double the maximum amount of the debt itself, must have been paid in interest alone; and this at a moderate interest varying from three to six per cent. and payable at home. Some of the States, on the contrary, engage to pay six or seven per cent. in London, which must require a levy of nine or ten per cent. from their citizens to raise and remit to the place of payment. The States counted on seeing this interest paid, and the debt itself ultimately redeemed, by the profits of the banks, the roads, canals, and jobbing companies, and projectors, for which and for whom they were contracted. Vain and illusory expectation! A few of the works may yield a profit, and realize the calculation made upon them; but as to the mass of these undertakings, they must sink upon the hands of the States. As to the banks, most of them must rot down on their foundations before the bonds are due upon which they were built; and as to the jobbers and projectors to whom the State credit was lent, most of them, when they have squandered the money for which the bonds were sold, will quietly leave the State to pay both principal and interest. Such is the improvidence of lending State credit, and contracting debts upon long time, and throwing their payment upon unborn generations. And this is what sixteen of our States have been doing, and what it is proposed to make the whole twenty-six now do. The British national debt owes its existence entirely to this policy. It was but a trifle in the beginning of the last century, and might have been easily paid during the reigns of the first and second George; but the policy was to fund it, that is to say, to pay the interest annually, and send down the principal to posterity; and the fruit of that policy is now seen in a debt of four thousand five hundred millions of dollars, two hundred and fifty millions of annual taxes, with some millions of people without bread, while an army, a navy, and a police, sufficient to fight all Europe, is kept under pay, to hold in check and subordination the oppressed and plundered ranks of their own population. And this is the example which the transferrers of the State debt would have us to imitate, and this the end to which they would bring us!

What can be more plain than that, in providing for these debts of the States, we beget a spirit which must constantly cater for the means of new distributions, by keeping down necessary appropriations, and keeping up unnecessary taxes? Of this we have experience for our instruction, as well as theory for our guide. The land distribution bills a few years ago, and the deposite bill of 1836, begat such a spirit in Congress, that all the fortification bills were lost for several years, and one of them actually sunk between the Houses, after passing the Senate, by having a new deposite bill fastened upon it; and a bill for the repeal of three millions of dollars of taxes, including the salt tax, was also lost, while the complaint of the Treasury was an excessive revenue, and a surplus for which there was no use!

Who cannot see that the diversion of the land revenue from the Federal Treasury is to be attended with the immediate revival of the high protective tariff, falling unequally on different parts of the Union, and most heavily on the planting, grain growing, and provision raising States? and who does not see that the revival of that tariff is to give the highest discontent to the overburthened parts of the Union, and excite in their bosoms a deep and just degree of dissatisfaction?

Who so blind as not to see the disastrous consequences of bringing the States to the foot-stool of the Federal Government, to receive supplies from the public Treasury? Wasteful extravagance in their expenses, with ultimate abject dependence on the Federal head, with consolidation in its train, is one alternative of the consequences which presents itself; annihilation of the Federal head, by the loss of its revenues and property, which might be devoured by the States, is the other alternative of the same disastrous consequences. It may be a question which would occur—whether the States would be swallowed up by the Federal head, or whether the Federal head would be devoured by the States; most probably the latter; but one of them inevitably; and the result would be the same to our present frame of Government, be it which it might. We have encountered and surmounted many dangers; we have gone through many perils which tried the strength of our federative system; but of all the dangers we have surmounted, of all the trials we have gone through, there are none, in my opinion, which can compare with the perilous experiment of supplying the States out of the Federal Treasury.

Who does not see the new and fearful impulse which the assumption of the State debts, or a provision for their payment out of the general funds, must give to the delusive and destructive career of the paper system? Already in a state of frightful overaction, the votaries of that system deem nothing done while the Federal Government is free from its vortex. With nine hundred banks to emit paper money; with six hundred millions of authorized bank capital; with more than one thousand millions of stocks of all sorts; with five hundred banks in a state of suspension; with one hundred millions of depreciated bank paper, including post notes; with two hundred millions borrowed by eighteen States from Europe; with twenty-eight millions received on deposite from the United States; with a mammoth bank of thirty-five millions, chartered for thirty years, the identical personification of the credit system, with its two bankruptcies in two years, its first duty to foreigners and its last to its own country, exporting ship loads of specie to these foreigners while refusing shillings to those who chartered it; with all this we are still at the commencement of the paper credit system. A national debt and a national bank are the two pillars of that system; and to obtain that debt and that bank is now the main object of pressing the State debts upon the Federal Government. Let that object be accomplished; let a new national debt be created; and the new national bank grow out of it, and the credit system will quickly produce the fruits here which it has already borne in England, and where, in less than a century and a half, it has raised a national debt from twenty-one millions five hundred and fifteen thousand seven hundred and forty-two pounds thirteen shillings eight pence and two farthings, to nine hundred millions sterling; the annual taxes from four millions to forty-five millions sterling; the National Bank from one million two hundred thousand pounds, to fourteen millions; and, as a consequence of the whole, has filled the country

with millionaries and beggars, with palaces and poorhouses. Give the credit system the new impulse which it seeks here, and it will soon supply our America with the fruits which it has borne in England.

The effect of all this policy in begetting a passion for periodical distributions of land revenue, or surplus revenue, or extensions of national credit, will be to put the people of this Union into that road which the Romans entered when they commenced a distribution of grain from the public granaries, and ended with putting up the consulship to sale, and the diadem of empire to auction. It is a passion which grows on what it feeds, and becomes insatiate in proportion to what it devours. On this point we have the instruction of our recent experience to guide us, as well as the suggestions of an enlightened forecast to warn us. I have already said that assumption is the child of distribution—the child of the projects and speeches for the distribution of land revenue or rurplus revenue—which have excited and tantalized the public mind for so many years past. I have said it was this which stimulated the States into improvident undertakings, rushed them headlong into heavy debts, and turned their eyes upon the national domain, and the Federal Treasury, for succor and relief from their premature burthens. This is what I have said; and now look at the proof in the table of the progressive growth and increase of the State debts which I have already mentioned to you. Here it is. See it. From 1820 to 1825, when none of the distribution schemes had been thought of in Congress, the amount of State debt incurred was only twelve millions and three quarters, in five years—barely two and a half millions per annum—and this confined to the old and populous States, whose resources were adequate to their undertakings, and whose means were equal to the payment of their contracts. In the next period of five years, from 1825 to 1830, the increase of the State debts was still in the same slow and moderate proportion, and confined to the same class of States. Mr. Dickerson's bill for the distribution of the surplus revenue was brought forward during this period; but its instant and peremptory condemnation by the Senate counteracted its influence, and prevented it from having the least effect in stimulating the expenditures of the States, or exciting the spirit of speculation; and the State debts, in these five years, only advanced thirteen and a half millions of dollars; being still at the moderate rate of little more than two and a half millions per annum. The third period from 1830 to 1835, was filled with bills and speeches for the distribution of land revenue, and majorities were found in both Houses of Congress to countenance the projects, and to inflame the passions which they engendered. Then it was that speculation and State debt received a powerful impulse, and the debts of the States made the gigantic stride of forty millions in five years; being at the rate of eight millions of dollars per annum. What was worse, some of the young States began to be infected with the heresy that State debts were State blessings, and rushed into undertakings for which they were not ripe, and for which the credit system had to furnish the means. The fourth period—for I still quote from the invaluable tables of Mr. Flagg—the fourth period only embraced three years and a half, from 1835 to 1837, and a part of 1838; but it covered the period of the cluster of bills for the distribution of the surplus revenue, as it was called, the seductive speeches in their favor, and the dazzling tables of distributive shares, which then filled this chamber, and which took the ultimate form of a deposite with the States. The State debts, in that delusive period, advanced one hundred and eight millions of dollars! counting the twenty-eight millions received from the United States, and the total advance was one hundred and thirty-eight millions! the progressive rate of increase being close on forty millions of dollars per annum. This frightful career of debt involved in its course even the youngest and weakest States, and some of the Territories; and the result of the whole was a larger debt contracted in that brief period by about one-half of the States, than the whole Union owed at the highest point of our national debt for all its wars, and acquisitions of territory—the Revolutionary war, the Louisiana and Florida purchases, all inclusive!

This is what came from stimulating the appetite of the States for public distributions; this is what came from turning their eyes upon the national domain and the Federal Treasury for the payment of their debts. This is the fruit of our land bills, our distribution bills, and our deposite bills; and this is what I said would be their fruit, and a great deal more, during the many years that, almost "*solitary and alone*," I made head against them on this floor. This being the result of our experience, what must be the effect of now surrendering the national domain to the payment of these debts? Certainly to start the States again in a new career of debts, to excite them into extravagance, under the conviction that they are not to pay, and to bring them periodically upon Congress, with fresh demands, until the national domain shall be exhausted, the Federal Treasury emptied, and the credit of the Union reduced to contempt.

I am willing to speak as gently as possible of this deposite act. I wrote its history in advance when I spoke against it at the time of its passage—my friends, all except five, joined in passing it. I denounced it as a disguised distribution, as a mock evasion of the Constitution, and as a curse to the States which were to commence the practice of receiving supplies from the Federal Treasury. It is not my purpose to repeat what I then said, by way of self commendation, but it is pertinent and profitable at present to look to the actual effect of this deposite act upon the States, how it inflamed some with the notion of inexhaustible supplies from the Federal Government; rushed them into debts for unnecessary, or unwise undertakings; engendered a spirit of wasteful extravagance; and, instead of relieving the States from taxes, has largely augmented the burthen of taxation. The States, most of them, are, beyond all comparison, infinitely worse off now than they were before they received their unfortunate distribution from the Federal Government. So I declared it would be when the act passed; so I declare it will be again, and worse, if we go on to supply them out of the Federal Treasury. Their relief is in the resort to their own resources, and in the ECONOMY which such a resort begets and enforces.

Such are the faint outlines of the mischiefs of this assumption, disguised and covered up as it may be with the cloak of distribution, or deposite. They are frightful and appalling, and must fill with apprehension the bosom of every friend to the harmony and duration of this Federal Union. But, frightful as they are, there is still another feature to be added to the picture, to increase its deformity, and to perfect its title to unmitigated horror and detestation. That feature is the crowning mischief of foreign interference and foreign influence! Every one knows that these State debts are due in Europe, where they constitute a stock which is sold from hand to hand, and which is greatly depreciated. The elevation of this stock to par, or above, is an object of the first magnitude with the present holders; and the way to elevate it is to extend its basis, and make it the debt of the whole, instead of a part, of the States. Many private letters arriving from Europe had suggested this movement. Many agents, or emissaries, in the interest of the foreign holders, had suggested it here. The whole of our citizens who visited Europe, especially those in public station, were sounded and consulted about it. Finally, things were ripe for a public revelation, and the authentic proposition for the assumption appeared, emanating from one of the most respectable banking houses in London, the head of which is the present Chancellor of the British Exchequer, and a peer of the realm of Great Britain. The house is that of the well known Messrs. Baring, Brothers and Company, and the part of their letter which particularly relates to the assumption is this:

"But if the whole scheme of internal improvements in the Union is to be carried into effect on the vast scale, and with the rapidity lately projected, and by the means of foreign capital, a more comprehensive guarantee than that of individual States will be required to raise so large an amount in so short a time. A national pledge would undoubtedly collect capital together from all parts of Europe; but the forced sales of loans made separately by all the individual States in reckless competition, through a number of channels, render the terms more and more onerous for all, lower the reputation of American credit, and (as reliance is almost exclusively placed on the London market) produce temporary mischief here, by absorbing the floating capital, diverting money from regular business, deranging banking operations, and producing an unnatural balance of trade against this country. It would seem, therefore, as if most of the States must either pause in the execution of their works of improvement, or some general system of combination must be adopted."

Such are the terms of this important letter; very delicately expressed, the proposition hypothetically predicated, and the object handsomely veiled with the seductive show of an accommodation and favor to the United States. Nothing could be more unceptionable than the language in which these bankers have brought forward their scheme; but it is for us to look at the object distinctly, which they faintly disclose This object is nothing more nor less than for the United States to become bound, in any way they please, for the payment of the debts of the individual States. It is a great object with these bankers, and with the capitalists of London, Paris, and Amsterdam. The debts are of great amount; they are greatly depreciated; and they are due from parties which present the anomaly of being neither sutable nor coercible, though able to contract, and morally bound to comply with their contracts. The sources of the expected means of payment, namely, the profits from banking, road making, and canal making, must fail with many; and while eventual and full compliance with their bonds may be expected from all, yet a literal and punctual discharge of their obligations must fail on the part of some. All this is known, seen, and felt in Europe: hence the depreciation of the stocks, and hence the natural desire to obtain the guarantee of a party, less anomalous in character, more abundant in means and more perfect in credit. The object is great; the party interested in the application is powerful; success to them is worth many ten millions of dollars; and to have success, they must operate upon the public opinion, and upon the legislation of this country. They must go to the press, to the elections, to the State Legislatures, and to the Congress of the Union. They must operate at all points, upon the individual citizens, and upon the constituted authorities; and they must operate by the means, and the only means, known to the moneyed power. Here then is a case of foreign interference in our affairs, and of foreign influence in our councils, more dangerous to the purity and stability of our institutions, and more to be dreaded by us, than the forcible invasion of our country by foreign fleets and armies. It is a case in which an ass, loaded with gold, is more to be dreaded than the war-horse, whose neck is clothed with thunder.

I do not dilate upon the evils of a foreign influence. They are written upon the historical page of every free Government, from the most ancient to the most modern; they are among those most deeply dreaded, and most sedulously guarded against by the founders of the American Union. The Constitution itself contains a special canon directed against them. To prevent the possibility of this foreign influence, every species of foreign connection, dependence, or employment, is constitutionally forbid to the whole list of our public functionaries. The inhibition is express and fundamental, that "*no person holding any office of profit or trust under the United States shall, without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.*" All this was to prevent any foreign potentate from acquiring partisans or influence in our Government—to prevent our own citizens from being seduced into the interests of foreign powers. Yet, to what purpose all these constitutional provisions against petty sovereignties, if we are to invite the moneyed power which is able to subsidize kings, princes, and potentates; if we are to invite this new and master power into the bosom of our councils, give it an interest in controlling public opinion, in directing Federal and State legislation, and in filling our cities and seats of Government with its insinuating agents, and its munificent and lavish representatives? To what purpose all this wise precaution against the possibility of influence from the most inconsiderable German or Italian prince, if we are to invite the combined bankers of England, France, and Holland, to take a position in our legislative halls, and by a simple enactment of a few words, to convert their hundreds of millions into a thousand millions, and to take a lease of the labor and property of our citizens for generations to come. The largest moneyed operation which we ever had with any foreign power, was that of the purchase of Louisiana from the Great Emperor. That was an affair of fifteen millions. It was insignificant and contemptible, compared to the hundreds of millions for which these bankers are now upon us. And are we, while guarded by the Constitution against influence from an Emperor and fifteen millions, to throw ourselves open to the machinations of bankers, with their hundreds of millions?

It is not the Constitution only, but the whole early history of our Government which is full of this jealousy and precaution against foreign influence. Our Government went into operation with a contest upon this point, and with a division of political parties upon it. The Federalists and the Democracy divided upon it; the former headed by General Hamilton, the latter by Mr. Jefferson. To impose upon us the funding system, the paper system, the banking system, the credit system of England, was the aim of one of the parties; to prevent these impositions was the aim of the other. One party pushed all these systems, with a national debt and a National Bank for their basis; the other labored to preserve the hard money Government which had been made by hard money men; and to prevent that imitation of the British systems, and that connection with these systems, and dependence upon them, which must end in subjecting us to the pecuniary as well as political influence of the English. The Federalists prevailed. The genius of Hamilton, and his position at the head of the Treasury, gave him the victory. The British systems were all imposed upon us, and the result has been precisely what was foreseen by the Democracy forty-five and fifty years ago. We have become the victims of those whose institutions we copied; and thirty years' convulsion of our moneyed system attests the miserable subjection to which we have been reduced. The infamous and traitorous sentiment *that our first duty is to foreigners*, has become the sentiment of enough to make it the action of the country, and to make the Federal Government, the State Governments, and the people, the victim of its treasonous consequences. From this sentiment it results that our banks are to be broken just as often as it is necessary to break them, to save the banks in England; that our gold and silver must be exported, and our Government and our citizens deprived of specie for marketing, for postages, for travelling expenses, or for taxes, just as often and just as long as the English require our hard money to be sent to them; that all our moneyed operations must be made to depend on the news which the next English steamer may bring out; and that the price of property, labor, and produce, must be made to rise and fall all over the United States precisely as ordered and directed by the moneyed power in London. Our President has faithfully depicted this state of degradation, subjection and injury, in that part of his message in which he says that our our money system has its centre in London; that all our banks are linked together by a chain of dependence which ends there; that not only the great cities, but the remote villages of the interior, are linked to this chain; that the establishment of a new bank in the most distant village of our Union immediately places the business of that village within the influence of the money power of England; and that the result of the whole is the periodical convulsions and bank suspensions to which we are subject, and the establishment of a dangerous foreign influence in our bosom. These are the declarations of the President; and these declarations we all know to be a faithful history of what we suffer. We know the curse of our country at this moment, its broken banks, depreciated paper money, and sickening demoralization, is the effect of our subjection to the moneyed oligarchy in England; and that subjection is the fruit of our copying her delusive systems—her paper system and funding system—near fifty years ago. Since the revival of the Democratic party, we have been endeavoring to throw off this subjection, and return to the hard money system created for us by the hard money men who framed what they intended to be a hard money Government. We have made some progress towards this return to the true principles of our Government, when we find ourselves beset by the danger of falling into greater subjection than ever. About one-half of the States have linked themselves to the chain

whose end is in London; and the moneyed power in London seizes the opportunity to increase the strength and weight of the chain, by linking all the rest of the States to it. This is the struggle that is now before us, and in which foreign capitalists must find so great a temptation to interfere, and in which they count on the aid of the indebted States to involve the others, and the whole Union, in their own unfortunate condition.

To make head against all these evils, while we are able to do so; to stifle foreign interference in its cradle; to repulse the insidious approach of assumption in the disguise of a land revenued distribution; to enable ourselves to go on with the appropriate business of Congress, I think it right to anticipate the attack, and to put an end to hope and future efforts, by adopting resolutions of the tenor and character which I have had the honor to offer.

Mr. President, in conclusion, permit me to turn one word towards myself for the sake of doing justice to others. Among those events of my life for which I have reason to be thankful, was the circumstance of being admitted into the intimacy and friendship of Mr. Macon and Mr. Randolph at my entrance into this body. I lived in the same house for many years with these two illustrious sages and patriots, and from them I learnt to abhor the paper system of England, fastened upon us by General Hamilton, and to venerate the hard money Government framed for us by our ancestors, and taken from us by the Federalists of near fifty years ago. Our Constitution was pushed from her foundations as she went into operation; she was pushed off the solid rock of hard money, where our ancestors anchored her, and plunged into the tempestuous ocean of paper. It has been tossed near fifty years in that ocean; but is now settling back to her old foundations. The administrations of JACKSON and VAN BUREN are bringing her back; and all my labors now—all my labors for many years—have been directed to that consummation, and to the relief of our country from its degrading, ruinous, and demoralizing dependence on the destructive and delusive paper system of Great Britain. To break the chain which now binds us to the footstool of the moneyed power of London—at all events to prevent that chain from being made heavier and stronger—is one of the objects of submitting these resolutions; and I invoke for them, and for what I have said in their support, the candid consideration of the Senate and the country.

The question being on the adoption of the resolutions,

Mr. GRUNDY thought that the question should be taken on each proposition separately, and asked for the yeas and nays, which were ordered.

Mr. LUMPKIN rose and said:

Mr. PRESIDENT: I am prepared, here or elsewhere, to express my concurrence in the doctrines and principles embraced in the resolutions of the Senator from Missouri, [Mr. BENTON,] and I have listened to the Senator's speech with much interest and general approbation.

I consider the movement of the Senator upon this subject well-timed; it meets at the threshold a dangerous and unnatural connection, which has been anticipated in certain quarters, between the Federal and State Governments.

Sir, in the language of the first resolution, I believe "that there is nothing in the Constitution of the United States which can authorize the legislative power of the Union to assume the debts of the States which have been contracted for local and State purposes." Sir, said Mr. L. the value, the beauty, the harmony and the perpetuity of our good form of government depends upon a rigid and strict adherence to the letter and spirit of the Constitution of the United States.

Let the States as well as the Federal Government move on in their respective spheres of constitutional action, without encroachment on either side, or creating connections and relations, the tendency of which will eventuate in weakening and diminishing the power and sovereignty of the States. Let the States, in the management of their State policy and local concerns, look to and rely upon their own resources, and never, from any temporary consideration or embarrassment, be induced to supplicate this Government for pecuniary aid, which will result in impairing that lofty spirit of self-reliance and independence which is absolutely necessary to high self-respect. Sir, the magnitude of the danger of that policy which it is the object of the Senator from Missouri to guard against, can scarcely be exaggerated.

If it be once conceded that the Federal Government has the right to levy and collect money from the people, for the purpose of distribution amongst the several States, then, indeed, is the power of this Government unlimited; nothing will be left to the States worth contending for. Such a measure would inundate our whole system. Instead of this Government deriving its power of taxation from the States, the States, under such a system of distribution, would become the mere suppliants of this Government, and at the same time the organs to tax, harrass, and oppress the people. I trust that the people of the United States will never be tempted or deluded with the idea that the Federal Government can or ought to meddle with State debts in any manner whatever. An assumption of the State debts by the Federal Government, either as principal or endorser, I should consider the harbinger of all the great evils so ably set forth by the Senator from Missouri.

But, sir, while I so cordially approve of the doctrines embraced in the Senator's resolutions, yet, as regards the argumentative form given to the resolutions, I entertain opinions and feelings which incline me to desire some modification of these resolutions, before the vote of the Senate shall be recorded on their passage. I am not prepared or disposed to controvert the correctness of the reasoning embraced in the resolutions. Nevertheless, I think the more appropriate action of the Senate would be an expression of opinion on the subject matter of the resolutions, which will be found in the first two, and omit passing upon the references and conclusions drawn from the subject matter. Therefore, sir, I shall move to lay these resolutions on the table for the present, in order to afford time for reflection on the subject.

In making this motion, said Mr. L. I will repeat my decided approval of the general views and principles of the Senator from Missouri, as embraced in both his resolutions and speech, and assure him of my hearty co-operation in all measures calculated to restrict the legislation of Congress to its proper constitutional sphere.

REMARKS OF MR. RHETT,
OF SOUTH CAROLINA,

In the House of Representatives, December 17, 1839—On the New Jersey election, and in reply to Mr. WISE.

[The subjoined sketch of the remarks of Mr. RHETT, in reply to Mr. WISE, on the New Jersey case, on the 17th December, have been in our hands ever since that time, but hitherto withheld from publication until Mr. WISE's speech, to which they replied, should have had its place in our columns. Mr. WISE's regretted indisposition having prevented his yet finishing the revision of his speech, it is thought best no longer to withhold from our readers the following:]

[*National Intelligencer of yesterday.*

Mr. RHETT entered at large into a course of recrimination towards Mr. WISE, and in defence of his own course. He had, a few days ago, inquired of the Chair whether the ordinary parliamentary rules were of force in the House; and, upon being answered in the affirmative by the Chair, he referred to the rule, as applicable to this case, which prescribes that, when a question is lost, no question substantially the same can be submitted at the same session. Neither the rule nor its applicability to the present case had been denied by any one, excepting upon the ground that, when the previous resolution of the gentleman from Virginia [Mr. WISE] had been lost, we were no House of Representatives, and, therefore, the determination of it was of no effect. The gentleman from Massachusetts [Mr. ADAMS] had, indeed, quoted the case of Claiborne and Gholson, in which, at a subsequent session of Congress, the decision of a previous session had been overruled. This is very good parliamentary law, but it has no application to the case. The question is not whether Congress, at one session, can overrule the decision of a previous session, but the question is, can the judgment of the House, once pronounced, be overruled at the *same* session? If it can, then no question at all can be considered as settled in its course of business; and the same question can be made as often as the temper or caprice of individuals may suggest, to the total interruption of the whole business of the country.

But the gentleman from Massachusetts [Mr. ADAMS] says that, not to vote for a resolution, if we deem its principle right, because it has been previously rejected, is totally indefensible on any moral principles—it will be countenancing or aiding wrong. Of course, every gentleman will act upon his own views of morality and justice. But, he would ask, was it immoral to observe parliamentary rules? and was it no wrong to others—to the thousands of claimants who are ready to petition this House—to the whole body of the people, whose Representatives we are, to be entertaining, again and again, to the exclusion of far weightier matter, a question already decided by the House? The propriety of refusing to aid any longer in the agitation of this subject will depend on the fact whether we were competent to decide the question when we did. Were we then the House of Representatives? If we were not, gentlemen are put into the strange absurdity of having agitated this subject for three weeks before a tribunal which had no authority to decide it—of having invoked its judgment again and again; and, in the act of invoking these judgments, terming it "the House of Representatives." Even in the resolution on which the question was at last decided, we were termed "the House of Representatives"—the whole body of the Opposition, with himself, voting for it. How is such a course reconcilable with the supposition that these gentlemen believed that we were not a House until a Speaker was elected, and the members were sworn in? They must have believed, in common with himself, that we were the House of Representatives; not competent, indeed, to pass laws, but as competent as we ever could be to determine who were our members, for the purposes of organization. In pursuance of such powers, the whole House—both parties—acted. One gentleman [Mr. NAYLOR] was admitted to take his seat; five others from New Jersey were refused their seats. It is an after-thought—that we were not the House of Representatives—arising in the minds of gentlemen, under new party aspects. Mr. RHETT said that, in the first instance, by the resolution he had proposed, which was adopted by the House, he had asserted that we were the House of Representatives, and should "hear and adjudicate" upon the claims to the contestants of seats upon this floor. In pursuance of this resolution, the House did "hear and adjudicate" upon the claims of the five New Jersey gentlemen claiming their seats by virtue of the Governor's commission. He voted for their taking their seats. If any wrong is done them, he had no agency in the deed; but now he would not sustain any further agitation on the subject. He would act upon the principle of the parliamentary rule. We were now organized. A Speaker capable of appointing committees, by which the whole subject could be investigated, was in the Chair. Why should not the whole matter be referred to the Committee of Privileges and Elections, which will, in a few days, be appointed, and the business of the country be allowed to go on? Indeed, this was the course implied in the very resolution of the gentleman from Virginia, [Mr. WISE,] on which they were refused their seats. The resolution is in the following words:

"*Resolved*, That the credentials of the following members, John B. Aycrigg, John P. B. Maxwell, William Halsted, Charles C. Stratton, and Thomas Jones Yorke, are sufficient to entitle them to take their seats in this House, *leaving the question of contested election to be afterwards decided by the House.*"

Now here it is proposed to determine the present rights of these gentlemen, and that *afterwards* the question of contested election should be determined in the House.

Mr. R. said he voted for this resolution, under the faith that the present occupancy of the seats was to definitively settled, and, as to the rest, it was to be a matter "of contested election in the House." This is the plain meaning of the resolution. But what was the course of gentlemen? Why, so soon as we elect a Speaker, and are in the House organized, a question, not "of contested election," but of immediate membership, is raised, by proposing that the gentlemen from New Jersey who hold the Governor's commission should be sworn in as members of the House. This course is not only contrary to parliamentary rule, but is directly contrary to the faith of the resolution, by which their rights were determined. He would not follow wherever others choose to lead. He would stand to the resolution.

The gentleman from Massachusetts over the way, [Mr. BRIGGS,] continued Mr. RHETT, had charged him with inconsistency in expressing the opinion that, according to parliamentry rule, the question of the New Jersey seats being determined, although the same question could not be submitted again, yet the matter could, nevertheless, be referred to the Committee of Privileges and Elections. If the gentlemen had only recollected the resolution

for which he voted, he would not have made this charge. By that resolution, although proposing to determine for the time that the gentlemen holding the commission from the Governor should take their seats, there was an express reservation that, as a "question of contested election," it should be considered in the House after it was organized. If there had been no such reservation, undoubtedly, accordingly to the parliamentary principle he had laid down, the matter, if then fully determined, could not have been referred in the House. There would then have been inconsistency in saying that it could be referred to the Committee of Privileges and Elections; but with the resolution before him, for which the gentleman voted, and which he ought to have known, the charge of inconsistency is without the least foundation.

ARMED OCCUPATION OF FLORIDA.

In Senate, Monday, January 13, 1840—In reply to the objections of Messrs. CRITTENDEN, PRESTON, and STRANGE.

Mr. BENTON, in reply to the various gentlemen who had spoken against the bill, and in conclusion of the debate, said that he would begin with removing some brush and rubbish which had been collected and piled up before him to obstruct the progress, and to impede the passage, of the bill. He alluded to the three large grants to the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, which had been brought into the discussion by the Senators from the two Carolinas, who had spoken against the bill, [Messrs. PRESTON and STRANGE,] who had invoked the ghosts of these grants, and represented them as valid titles, now owned by American citizens, covering all the good land in the peninsula of Florida, who would turn our settlers out of possession after they had pacified the country, and bring the whole of them upon the Treasury of the United States for indemnity for their lost lands. All this was brush in the path, which Mr. B. would clear away before he proceeded to more serious work. All these grants, with their sinistrous consequences, were paraded before us to impede our march; but they are nothing but scarecrows—nothing but the skins of dead crows, stuffed and hung up to alarm the vision and shake the nerves of the living birds. These grants, sir, are all dead! Dead many times over. Dead by treaty—dead by national law—dead by inherent fraud—dead by impossible conditions—dead by transfer to parties incapable of holding them. These are pretty comprehensive and bold assertions; but not more comprehensive than the facts admit, nor bolder than the truth requires. The grants are dead in every form in which they can be viewed; in every aspect under which they can be contemplated. The 8th article of the treaty with Spain for the cession of the Floridas, contains, in the English translation, these words:

"All grants made since the said 24th of January, 1818, when the first proposal, on the part of his Catholic Majesty, for the cession of the Floridas, was made, are hereby declared, and agreed to be, null and void."

This is the English translation, as found in our version of the treaty. The Spanish text is still stronger, and runs in these words:

"Todas las concesiones posteriores al 24 de Enero, 1818, en que fueron hechas les primeras proposiciones de parte de Su Magestad Catolica para la cesion de las dos Floridas, convienen y declaran las dos altas partes contratantes que quedan anuladas y de ningun valor."

"*Do remain annulled, and of no value.*" Such are the terms of the annulling clause in the treaty, and they are more than equivalent to our "*null and void.*" But either are sufficient; and we now come to the application of this clause to the grants; and that application is made by an operation in the exact sciences, being nothing but an exhibition and comparison of figures—figures, not of rhetoric, but of arithmetic. The annulling clause vacates all grants made after the 24th of January, 1818. The dates of the grants in question are:

To the Duke of Alagon, February 6, 1818.

To the Count of Punonrostro, February 6, 1818.

To Don Pedro de Vargas, April 9, 1818.

Thus all three of the grants are posterior to the 24th of January, 1818; and, in the language of the Spanish text, remain annulled, and of no value.

This would be sufficient, but it is not all; the royal ratification of the treaty returns to the same point, specifies these identical grants as the ones intended to be annulled by the eighth article, and declares them to remain invalid in the hands of the grantees, or their assigns. This is an extract from the King's ratification:

"Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the eighth article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor: I think proper to declare that the said three grants have remained, and do remain, entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner; under which explicit declaration the said eighth article is to be understood as ratified."

Such is the ratification of the King, Ferdinand the Seventh; and precisely conformable to it is that of the Senate and President of the United States. The ratification of the Senate, and the proclamation of President Monroe, refer to the special ratification of his Spanish Majesty, and bottom their act upon his. Such is the treaty, and the ratifications of the treaty, under which these grants are to be set up in Florida, and to take some fifteen or twenty millions of acres of land Such are the grants which are to be enforced in courts of justice! the judges in which are sworn to support a Constitution which declares a treaty "*to be the supreme law of the land.*"

Dead by treaty, these grants are also dead by national law, and for inherent fraud. On the 24th of January, 1818, the King of Spain proposed to cede the Floridas to the United States; and, in the months of February and April following, and before the cession is consummated, he cedes away the whole of the vacant land which the Floridas contain. Now, if not a word in the treaty had been said on the subject, the whole of the grants so made would have been void for fraud; and the King of Spain would have stood before the world as having committed a fraud—as selling with one hand what he was secretly giving away with the other. But the King committed no fraud. He signed the grants to some gentlemen of his household; but he revealed and annulled them. He did not leave it to the world, to the judiciary, to the municipal law, to declare his grants null and void. He did himself what honor and law required; and rebuked, at the same time, the insult offered to himself in the consideration pretexted to be given for the grants; for they all contained this false pretext: "It being the interest of the *crown* that the uncultivated lands should be given to great capitalists, in order that they may be peopled and cultivated, from which flow the advantages pointed out by all politicians." The crown had no longer any interest in peopling and cultivating the Floridas; and so the consideration suggested was false and fraudulent.

Doubley dead, the grants are dead again upon their conditions which were impossible, and, with us, unconstitutional. A part of those conditions were to people and cultivate the country, and to promote agriculture and commerce; and for that purpose to import negroes, and to import them free of duty: an importation which cannot be made under our Constitution. This is a clause in all the grants:

"And in order that the said Duke of Alagon may forthwith carry his plans into execution, in conformity with my beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defence and security of the coasts, he giving regular accounts of his proceedings; it being understood that the introduction of negroes, which the same cession comprehends, ought, so far as relates to the traffic in them, to be subject to the regulations prescribed in my royal cedula of the 19th December last,"—(which makes the importation of slaves free from tax.)

Here a part of the conditions are impossible for any grantees to perform; such as peopling, cultivating, and defending the country; and part are unconstitutional, and against laws and treaties, such as importing negroes: and the whole are false and fraudulent pretexts, because the cession of the country was depending, and was soon consummated.

Three times dead in the hands of the grantees, these grants have another death to undergo in the hands of the present claimants. They have all been transferred, and transferred to aliens. They were transferred, probably for little or no consideration, from Spanish subjects, in whose hands they were nullified, to American citizens, who would be incapable of receiving the transfer if they had remained in full force. All countries, except with a few special exceptions, have fundamental laws against the capacity of aliens to hold lands within their limits. Almost all nations have these laws: above all, Spain has them, and has inflexibly applied them to her American possessions. These possessions she has guarded from foreign intrusion with *Cerberean* vigilance; and a fundamental law of the Indies forbids the alienation of the soil, even by the King himself, to any but a Spanish subject and a Catholic. Even if valid then in the hands of the grantees, these grants would be invalid in the hands of their American claimants.

Such is the invalidity of the grants which are paraded here to prevent a bill of national importance from passing; such the scare-crows which are to frighten the Senate from an act of useful and almost indispensable legislation. But I am not done with these grants yet. Invalid as they are, they contain monstrosities which make them abhorrent to our judgment They were calculated to take all the vacant land of the two Floridas; to sweep every acre which had been left by former concessions; and to convey to the grantees not merely principalities of territory, but to include bays, creeks and inlets; the mouths of great navigable rivers; large extents of sea coast; and a vast number of islands both in the Atlantic and in the Gulf of Mexico. Such was the extravagance of these grants; and to justify this description of them, I will read their boundaries, and the rights which they proposed to convey.

The Duke of Alagon was to have:

"All the uncultivated land not ceded in East Florida, which lies between the rivers Saint Lucia and Sant John, as far as the mouths by which they empty themselves into the sea, and the coast of the Gulf of Florida, and the adjacent islands, with the mouth of the river Hijuelos, in the 26th degree of latitude; following the left bank up to its source, drawing a line from Lake Macaco, thence descending by the way of the river St. John, to the Lake Valdes; crossing by another line from the extreme north of the lake to the sources of the river Amariima, following the right bank as far as its mouth in the 28th or 25th degree of latitude, (*por los viente y ocho, u viente y cineo de latitud,*) and running along the sea coast, with all the adjacent islands, up to the mouth of the Hijuelos; in full property to him and his heirs; allowing them also to import negroes, for the labor and cultivation of the lands, free of duties."

The Count of Punonrostro was to have:

"All the waste lands not heretofore ceded in Florida, lying between the river Perdido, westward of the Gulf of Mexico, and the rivers Amaruja and Saint Johns, from Popa to the point where it empties into the ocean, for the eastern limit; and for the northern, the boundary line of the United States; and to the south, by the Gulf of Mexico, including the desert islands on the coast."

Don Pedro de Vargas was to have:

"From the mouth of the river Perdido, and its bay in the Gulf of Mexico, following the sea coast, to ascend by the bay of Buen Socorro and of Mobile, continuing by the river Mobile till it touches the line of the United States, and descending by that in a right line to the source of the river Perdido, and following the river Mobile in its lowest part, and the bay of that name, returns by the seacoast towards the west; comprehending all the creeks, entries, and islands adjacent which may belong to Spain at the present time, till it reaches on the west the line of the United States; then returning by their northern line, comprehending all the waste land which belongs, or may belong, to Spain, and are in dispute or reclamation with the United States, according to the tenor of the treaties; and also all the waste land, not ceded to any other individual, which is between the river Hijuelos, in East Florida, and the river Saint Lucia, drawing a line from the source of one river to the source of the other, and following by the coast of Mexico from the mouth of the river Hijuelos to the point of Tancha; and, doubling this by the coast of the Gulf of Florida, to the mouth of the river Saint Lucia, with the islands and keys adjacent."

Such are the extents of these grants—such their boundaries—such the comprehensive rights proposed to be conferred on the grantees. There is no occasion to look on a map to trace these boundaries. One grant joins another; and the three together cover every inch of ungranted land in the two Floridas! They were to take all—to take it clean, from the Mobile bay to the Atlantic ocean; from the Southern boundary of the United States to the Gulf of Mexico; from St. Mary's to Cape Sable; with all the adjacent islands of the gulf and the sea. It was an attempt to eviscerate the two Floridas—to disembowel them of every acre of vacant land they contained—on the eve of selling them for an immense price—for five millions of dollars, and all Texas besides—to the United States. Supposing the King of Spain to have concealed

and upheld these grants, and it would have involved him in a fraud of the most scandalous character; but he did not so conceal and uphold them: he proclaimed and cancelled them; and in so doing, approved his good faith and saved JUSTICE the task of annulling them.

Annulled in Spain, no Spaniard daring to invoke or to avouch these fraudulent grants, they become the spoil of American speculators, who were incapable in law of receiving them, and who probably gave but a nominal price for them. Our countrymen are full of enterprise; and these large grants properly divided—made into a sort of Yazoo stock—and distributed to influential men in various parts, might become the means of worrying Congress into a compromise, and thus obtaining some millions of dollars, or millions of acres, for division among the shareholders. This is the form which the enterprise of some part of our citizens take. It is now twenty-two years since the grants were made and cancelled; it is almost a quarter of a century since they were killed and buried; a generation has grown up, to whom their history is a stranger; and now, for the first time, they make their appearance in Congress, forbid the National Legislature to touch them, affirm their validity, and threaten to ruin us at law if we grant them to our military colonists! Such is the manner in which these enterprising citizens, with their dead, rotten, and putrid grants, stand up before us to arrest our legislation! Sir, I proclaim that this bill for the armed occupation of Florida, is intended to take these identical lands; and I say, what every Senator knows to be true, that no member of Congress, claiming under these grants, can vote against this bill. Our rules forbid such a vote; and the Senator from North Carolina [Mr. STRANGE] has acted worthily and justly, by stating his interest, and making known the relation in which he stands towards them. Far from being arrested by the opposition and the menaces of these claimants, that opposition and menace is a reason for proceeding with the bill—it is a reason for energy of action, both to rebuke and silence the claimants instanter, and to create adverse and meritorious claimants under the Government. I am for breaking down such vast fraudulent claims; I am for distributing the soil of the country in moderate proportions among its citizens; I am for the cultivator against the speculator—for the military colonist, against the avoucher of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas; I am for the country, against these enterprising gentry; and, therefore, I shall push this bill with the more vigor since they oppose it.

Having cleared away this rubbish—having removed this brush out of his path—having shown that these Spanish grants were nothing but scarecrows, Mr. B. proceeded to answer the objections which Senators had made to the bill. And first, he wished to remark upon the term WAR, which was constantly used in this debate; and the use of which term seemed to carry along with it the idea of actual war—the idea of campaigns and battles between two powers; and from this idea flowed all their notions of the legislation, and Government action, appropriate to the occasion. Certainly there was no such thing as *war* in Florida. There were no battles or campaigns there. There had been none such for two years; none since the affairs of Okeechobee and Caloosahatchee in December and January, 1837 and 1838. These were the last of warlike operations in that country. Since then, the Indians, broken and dispersed—driven totally out of the field—have prowled about in small bands, committing murders and robberies by treachery and stealth; never facing our arms, and flying and hiding, so that it was impossible even to find them. This is the state of things in Florida; no war, nor any thing like it. Yet Senators use the term incessantly; to which I should have no objection if merely used as a term descriptive of an unsettled state: but they attach grand ideas to it; they attach the idea of campaigns and battles to it; and upon this erroneous idea are clamoring for 10,000 regulars, or 10,000 militia, to be sent to the seat of these imaginary hostilities; when the three to five thousand which are already there, have not been able to get a fight, a skirmish, or hardly a foot race, in two years. I object then to the term *war*, with the idea of *war* attached to it; I wish Senators to look at the scene as it is—the warlike operations actually finished since two years—and the country waiting for that species of settlement which all countries have received in a like condition; waiting for armed colonists, who will associate first in block-houses and stockade stations, for mutual support; and who will find their inducement for thus settling in receiving from the Government a home and a farm in a country which their arms have defended and their enterprise explored.

Senators talk of covering the whole country with troops; they blame the Administration for not so covering it. Do gentlemen make any calculation of the number of militia and regulars it would require to make this cover? Do they bring the exact sciences to bear upon this question, or do they content themselves with flying and floundering in the regions of fancy and imagination? Cover the whole country with troops! Why, sir, at the rate of one man to the square mile—and certainly that would be a thin cover—at the rate of one man to the square mile, it would require 45,000 soldiers to cover the country. This is what it would require; but to make sure of 45,000 men to stand on the ground, about four times that number would have to be authorized; for such are the casualties of the service, that one-third or one-fourth present for duty is more than any authorized establishment of troops has yet presented in Florida. Do Senators read the reports and returns; and especially do they look over the arrays and columns of figures which the tables present? If they do, they will see that the present legal establishment of regulars in Florida, of six regiments, was only half full; that 2,700 recruits were wanting to complete the regiments, of which only about 500 were in march to join their corps, and the rest to be obtained; that only about 2,000 were present, instead of the 5,000 which the establishment implied; and of those present, after deducting the sick, the arrested, the otherwise employed, only about one-half were present for duty. If Senators look at the tables, they will see these things; and that, at the last return from General Taylor, his force for duty, leaving out commissioned officers, was only about 1,200 men, namely, 95 sergeants, 97 corporals, and 894 privates. This is all that a legal establishment of 5,000 men presents for duty; and yet the gentlemen talk of covering the whole country with regulars and militia! They talk of it; but it is all talk. They will make no motion to that effect; and if we did, they would oppose us, and would have good reason for opposing us. Instead of covering the country with soldiers, we wish to cover it with inhabitants. We wish to induce the exiled inhabitants of five counties to return to their homes; we wish to induce 10,000 other settlers to go there; we wish these to station themselves all over the country, at least as far as they will go, for they are hardly enough; and to these we add the six regiments now there; the one thousand more which we ask for, if they can be obtained; and, with all these, we hope the country will be so occupied by our settlers, and so scoured by our troops, as to drive out the banditti, and prepare the whole Territory for general settlement on farms and plantations. This is our plan; and one great advantage of it is, that all the military will be disposable for active operations. They will be released from garrison duty. The settlers will occupy and defend the stations. At an average of 50 men to a station, 10,000 men will occupy 200 stations. They will defend all the stations; and leave all the soldiery, fit for duty, disposable for scouring the country and hunting the banditti. In this way they will powerfully aid the military operations; and they will aid it still more powerfully in another form; they will join in every pursuit of Indians that they can hear of. They will go out themselves to hunt the enemy; they will go out to hunt game and to search for good land; and in doing that they go out to fight the enemy; they will visit from station to station, and they will travel from their own station to the depots of provisions and ammunition, to obtain their supplies; and every such travel would be a military expedition, for they must carry their arms, look out for the enemy, and defend themselves if attacked. This is our plan, and how much more cheap and efficient, and how much better adapted to the genius of our inhabitants, and the republican character of our Government, than the levy of an immense army to bristle the country all over with the bayonets of a regular soldiery.

Senators have thought proper to speak for absent officers, and to array their opinions against this bill. The Senator from South Carolina [Mr. PRESTON] has so quoted and arrayed the commanding officer in Florida; whether with or without his consent, I know not; but I should presume the latter, as it is not usual for officers in the field to oppose in the councils the measures of the Administration. The Senator says a large majority of the officers oppose this bill: he speaks for the great body of them, and say they condemn it. I regret extremely that he has thought proper to press the hearsay opinions of absent officers into this debate, and to array them against the measures of the Administration. I do not at all dispute the correctness of what he says; but it lays me under the necessity of making a statement which, otherwise, I should not have adverted to. I happen to know the opinions of the officers, generally, upon this subject; and to know that these opinions, with few exceptions, divide politically. A few years ago it was exultingly said on this floor by the then head of the Opposition party, that the army and navy *were sound;* inuendo, that they were opposed to the Administration. In the mass, and as a general proposition, this is so; the great majority are so opposed; and in questions of opinion divide against the Democracy. This is the case in relation to the measure in question. The Federal, or, if they like it better, the Whig officers, generally condemn it, because they expect nothing good from the people; the Democratic officers generally approve it, because their principles lead them to expect much good from the people; and, as the former are much the most numerous, so, much the larger number condemn a bill which is based upon the assumption of a good result from the injection of ten thousand citizens into Florida. I say the Democratic officers generally approve this measure. I could name them if I thought it becoming and proper to do so; but not having their authority for the step, I choose to forego the advantages which might result from quoting their names and opinions. But while I sacrifice to propriety in this self-denial, I am not left without opinions to be opposed to those which have been quoted. I happen to be in possession of opinions, coming from those most able to give good opinions, diametrically opposite to those quoted by the Senator from South Carolina; given under circumstances to make them authentic and responsible, and free for citation and comment here: I allude to the message of Governor Call, the letter of General Jesup, and the letters of the Surgeon General, Dr. Lawson, and General Hernandez, and the memorial of the Florida Legislature to Congress, all communicated to the Senate at its last session, printed by its order, and made a part of our legislative documents. All these are now open to our use; and I propose to quote some passages from them to show the opinions of these most competent judges, and to show their reasons for their opinions. I begin with Governor Call, and read from his message to the Territorial Legislature of Florida, in January, 1839. He says:

"Convinced by three years' experience in prosecuting the war against the Seminoles that they cannot be subdued by the plan of operations heretofore pursued, the Secretary of War has wisely resolved on a change of policy. The plan which he has judiciously recommended for the protection of the frontier settlers, by encouraging the return of those who have been driven from their homes, and organizing the whole force along our exposed borders into companies and battalions for the defence of the inhabitants, and the energy and activity with which he proposes to prosecute the war to a successful termination, is calculated to give strength to the frontier and confidence and security to the people of every part of the Territory. * * * * Connected with this plan of defence, is an important measure which has been recommended to Congress. It is proposed to grant a portion of the public land to those citizens who will obligate themselves to settle and improve them. * * * * My observations on the result of the measures heretofore pursued for the removal of the Indians, have brought me forcibly to the conclusion, that it cannot be done without a change of policy. The forest must be subdued before the enemy can be finally conquered. Every inch of ground taken from him must be firmly held by permanent settlers who will cultivate the soil and make the wilderness their home. Under this system, the savage would gradually retire before the approach of the civil-

ized man. * * * * Under this encouragement to emigration, it is confidently believed that 10,000 permanent settlers might, in a few months, be located in the enemy's country, and in a short time the whole peninsula would be so completely occupied as to leave no lurking place for the enemy. The adoption of this plan, while it would most certainly bring this protracted and harassing war to a successful conclusion, would save millions of public treasure, and thousands of valuable lives. * * * Another important advantage would result from this policy: it would give us population, wealth, and influence, and would forever put to rest the question of your right of admission into the Federal Union!"

Such are the opinions of Governor Call, responsibly expressed to the Territorial Legislature of Florida. They bear the impress of too much sound sense and practical knowledge to require any comment from me. I proceed to the letters of the three gentlemen mentioned; and shall begin with that of the Surgeon General, Dr. Lawson, as being first in point of date, and referred to by those of General Jesup and General Hernandez, and as coming from a gentleman who served long in Florida, joining the exercise of the military to the medical profession, and with difficulty induced to quit the head of a partisan corps, and the care of the sick, at the farthest extremity of Florida, to take the office of Surgeon General of the army of the United States in this city. The doctor says, (addressing himself to me:)

"I have, like yourself, arrived at the conclusion that the war with the Seminole Indians can be terminated in a shorter time, and at less cost, by an armed occupation of the country, than by the continuance of a regular mode of warfare. Our armies have been for years engaged in hunting up, pursuing, and killing a few Indians in each campaign; and, judging from the success we have already had, it will take five or ten years longer to kill off those that still remain, and seem determined to remain in the country. The establishment of military colonies, on the other hand, will change the system of warfare. Instead of the white men fighting the Indians in their natural fortresses, the Indians will have to come out and attack the settlers within their lines of defence, and where the skill and intelligence of the civilized man will have its influence. We shall act on the defensive; and experience teaches us that we are better at repelling an invasion than in making a conquest. The Indians will certainly attack our settlements; and in each conflict, and in each succeeding year, will lose more than have fallen before our heavy columns marching through the country.

"This is the way that the Western country was won from the savages of that region. The pioneers to the West pitched their camps and built their block houses through the country, and then fought a little, and worked a little, until the Indians, finding that they could not dislodge the white man, pulled up stakes themselves, and retired beyond the Mississippi. And so will the Seminoles act; for they cannot abide in the same country with the white man. As soon as they have found that the white men have sat themselves down near their favorite haunts, and are determined to hold on to the country through summer and through winter, and forever, they will, after repeated unsuccessful attempts to destroy, or drive off the settlers, in submission to their destiny, surrender to the white man, and ask to be removed to the West.

"The proposed system of operations will have the advantage, too, of settling the country while the war progresses; and by the time that the Indians have retired from the country, it will be under cultivation, and in a state to admit at once of a great influx of population. Whereas, under the present order of things, the immediate theatre of action will be rendered still more desolate as the war continues; and the adjacent districts being also drained of their resources, the country will not be in a condition to receive a body of emigrants for twelve or eighteen months after the Indians have been cut off, or have been removed to their new home beyond the Mississippi."

I will next quote the opinions of General Hernandez, who is personally known to most of the Senate, who has commanded much and honorably in this war, who is a native of East Florida, and has served in Congress with great credit as a delegate from that Territory. In a letter to me he says:

"Respecting the armed occupation and settlement of that part of Florida now overrun by the Indians, as proposed by the bill which you were pleased to put into my hands, (with the accompanying letter from Dr. Lawson,) and upon which you do me the honor to ask my views, I beg leave to state that the plan is one, in my opinion, eminently calculated to accomplish the objects intended. But permit me to say that, before that law can be promulgated and carried into effect, it will be too late for the settlers to clear land for cultivation this year. I, therefore, respectfully beg leave to suggest that, at first, they should be located immediately contiguous to the present exposed frontier settlements within the Alachua country, near Fort King, and on either bank of the river St. Johns and south of St. Augustine, to New Smyrna, and thence gradually along the Atlantic coast to Cape Florida. There are a number of plantations with extensive clearings in Alachua county; on the banks of the St. Johns; at the head of the river Mataugas; at Tomoka, on the river Halifax; at New Smyrna, and also some few settlements on New river, and near Cape Florida; which, in consequence of this protracted war, remain unoccupied. It is believed their proprietors would not object to have them cultivated by the settlers, who might thereby secure provisions for the ensuing year. * * Flint or gourd seed corn can be planted in Florida as late as the middle of April; and that of Cuba, which is a heavier corn than either of the others, and of quicker growth, admits of being planted as late as the middle of June. Seed of the last description of corn could be imported and furnished to such of the settlers as might be late in commencing their planting operations. * * * * I would also respectfully suggest, that the allowance of sugar, coffee and soap be added to the rations proposed to be furnished; and that these be extended to the members of the family and laborers which each settler may bring with him. * * * * The objects of the bill would be much advanced if transportation was provided for the settlers—say from St. Marks to the several stations which may be established on the western side of the peninsula along the Gulf of Mexico; from the depot on Black creek to those posts established on the St. Johns and its tributaries; from the depot at St. Augustine to the posts which may be established to the head of the river Mataugas, and thence to Cape Sable. * * * * The importance, and, indeed, necessity of occupying the Atlantic board must be obvious to all. The Indians have ever been in the habit of resorting to it in the spring and autumn in search of wrecks, which are of frequent occurrence on that coast. The counter currents setting in from the Bahamas, and the contracted gorge of the Gulf, in calms, as well as in boisterous weather, baffle the skill of the best navigators. Our lighthouses are insufficient; and vessels are driven, or drift, on that shore, and the unfortunate mariner becomes the victim of savage revenge and cruelty. From these wrecks the Indians obtain supplies of those articles required to carry on the war. Besides this, they derive a principal source of livelihood from fishing in the lagoons and waters which run parallel with the coast. * * * * I also beg to be permitted to say that every effort has been made by the inhabitants who were driven from their homes to return and resume the cultivation of their fields: but the effort has invariably been attended with disastrous consequences and great sacrifice of life; which must inevitably continue to be the case until efficient protection is extended to them. * * * * *The mere occupation of posts garrisoned by artillery or infantry, will not afford that protection. There were more murders committed last year, when, by the close of the previous campaign, the Indians had been reduced to about the one-fifth of their original number, than during the whole previous period of the war.* * * I am also persuaded that unless the frontier is placed in a state of defence, and the Atlantic side of the coast is occupied, the scenes of last year will be re-enacted. * * * * * I cannot close this letter without observing that I can bear testimony to the willingness of the inhabitants to contribute all in their power in aid of any measure which may have for its object the close of this disastrous war, the continuation of which adds every day so much more to the serious calamities to which they have been innocently subjected."

So far for General Hernandez. I next quote from General Jesup, that officer selected for incessant vituperation here, and for disadvantageous comparison with others; when the fact is, that during his command he effected the removal of 2,200 of these Indians, which is three or four times more than the number of all the killed, wounded, taken, and removed Indians, by all the other Generals put together. General Jesup says:

"If the plan which you propose can be carried out, the Indians may be gradually destroyed, or forced to submit; and I know of no other measure likely to rid the country of them, unless, by following the example of the British Government in their war with the maroons (runaway negroes) of Jamaica, we employ the blood-hound. The only doubt I entertain as to the complete success of the plan, arises from the apprehension that, south of the 28th degree of north latitude, the quantity of good land is not sufficient to induce settlers to occupy it. North of that degree, the country is generally equal to the southern counties of Georgia and Alabama; but south of it, the good land is confined to a few detached spots along the coast, on both sides of the peninsula. * * * * I would advise that the planters and farmers be urged to return to the plantations which they have abandoned, and that the whole country north of Tampa Bay be settled as soon as possible. * * * * There should always be a sufficient force in the neighborhood of each settlement to serve as a rallying point to the settlers, and to unite with them for the purposes of protection or pursuit. * * * * * The coasts of Florida afford as valuable fisheries, in proportion to their extent, as the banks of Newfoundland; and although the country south of Tampa Bay affords but little inducement to the cultivator, yet a population sufficient to confine the Indians to the interior, might find, near the coast, abundant support, by combining fishing with cultivation. * * * * * * * I have read the letter of the Surgeon General Lawson, and agree with him generally in his views. As to the war which we have carried on in Florida, it differs not only from any war before waged by this country, but from any other of which we have an account in history, unless the maroon war in Jamaica be an exception. The object has been, and is now, not to beat and compel the enemy to make peace, but to catch them. No force employed against them, either in the former or present Seminole war, no matter by whom commanded, has ever been able to catch them; and my decided opinion is, if they ever be caught, it must be with their own consent; and that consent will hardly be given until they find the white man in their way. * * * * Let them be crowded by settlers, and that which has invariably occurred throughout the whole history of our settlements will occur again; they will not only consent to remove, but will desire it as the greatest benefit the nation can confer upon them."

Mr. B. said he would conclude this array of opinions with quoting from the memorial of the Legislative Council of the Territory of Florida, addressed to the Senate and House of Representatives of the United States, dated Feb. 8, 1839, and presented to this body on the 18th of the same month. The memorial says:

"The people of the Territory have hailed with the highest approbation the plan proposed by the honorable Secretary at War in his annual report, both for the defence of the frontier, and for the repulsion of the Indians. The confidently believe that, if carried into execution, both will be successful; that those who have been driven from their homes will be reinstated in their possession; that the hardy defenders of the frontiers, who have so long maintained their posts in the presence of the enemy, exposed to every peril, will be enabled to cultivate their fields in peace, and sleep without the apprehension of being awakened by the midnight yell of the savages. They are equally confident that by proper encouragement to emigration and settlement, every portion of the peninsula susceptible of cultivation will, in a very short time, be permanently located by enterprising emigrants, who will seek the enemy in his lurking places, and relieve the country from his presence. Your memorialists believe this the most efficient plan by which they can be relieved from the disastrous results of this sanguinary and protracted war. * * * * Your memorialists have read and attentively considered the bill which has been introduced into the Senate for the accomplishment of this desirable object; and while they admire the liberality of its provisions, and are gratefully impressed for the feelings by which it was dictated, they believe that, although it may ultimately effect the purpose designed, that this may be more certainly and expeditiously achieved by an amendment, which they beg leave most respectfully to suggest; (for a military organization and pay from the United States.) * * * * In anticipation of such a system, your memorialists are informed that thousands of the hardy mountaineers of Tennessee and Georgia, under enterprising leaders, are now organising, and ready to march at a moment's warning, to fix their destiny in the peninsula of Florida."

Such are the opinions, continued Mr. B. which I have to array against those which have been quoted against the bill. Compare them together, and see how they stand in point of number, of authenticity, of experience, and of official origin. On one side, the hearsay opinions of Gen. Taylor and some nameless officers; on the other, the opinions of the Governor and Legislative Council of Florida, and of the Generals Jesup and Hernandez, and the Surgeon General of the army of the United States. All these concur in the necessity of charging the mode of operations—of injecting armed settlers into the Territory—of inducing the exiled inhabitants to return—and in the policy of giving land to the settlers: in short, with some little diversity about details, they unanimously concur in relying upon this identical bill for the pacification of Florida; and they agree in predicting the continued inefficiency of our operations, and the continued ravages of the Indians, if the bill is not adopted: predictions which the twelve months which have elapsed have wofully verified!

I proceed now to answer some other objections to the bill, and particularly to the clause granting land to the settlers, and to which the objections made are both numerous, various, and inconsistent. It is called a donation, and treated by gentlemen as a gratuity; when, in fact, it is the inducement to carry men to Florida, and pay for remaining there, and defending the country. In the present state of things settlers will not go without inducement; they will not go to risk life, and encounter privations, without adequate inducement presented to them; and that inducement is an interest in the soil—a right to a part of the land which their courage defends, their enterprize explores, and their industry improves. It is then as pay, and not as a gratuity, that land is to be given them; and this is precisely in accordance with the policy of Mr. Jefferson on the acquisition of Louisiana. He then proposed that land should be given to the first thirty thousand settlers, able to bear arms, who should go to the country, and remain there. The fact of going and remaining was a rendition of military service, for which he would give land instead of money.

Senators object to the efficiency of the plan, upon the ground that the land in Florida is too worthless—too sterile and valueless—to induce any person to go to it. They say the plan will fail, and fail because there is no good land to be had—nothing but pine barrens, alligator swamps, palmetto jungles, and watery everglades. This is a great error, and will be met by the proof which shall explode it. I have taken care to have the authentic testimony of competent witnesses on this point; and here it is, in the same letters of Dr. Lawson, General Jesup, and General Hernandez, from which I have already quoted. These gentlemen were particularly desired to give their opinion of the value of the land which the settlers could obtain, and that under all the aspects of fertility of soil, salubrity of climate, variety and value of productions, and facility of subsisting both men and animals. They answered accordingly, and this is what they said.

Dr. Lawson says:

"There is an extensive range of country and of very good land between the cove of the Withlacoochee and Silver Spring branch, at the head of navigation on the Ocklawaha, and there are many good tracts between these two rivers, extending to the Indian settlement called Pilaklikaha, where there is another body of good land.

"This section of country is capable of supporting several thousand inhabitants; there is a plenty of game in it, and the rivers and lakes in the vicinity afford fish in abundance; and

withul, it has the advantage of water communication by the Withlacoochee with the Gulf of Mexico, and through the Ocklawaha and the St. Johns river with the Atlantic. In addition to these considerations, there are several healthy points in the country, particularly in the vicinity of Fort King; and here a large settlement should be made, as it will be the barrier between the Indians and the white settlements, and constitute the base of operations.

"There are some good lands on Talakchopko, both near the head of the river where it is called Pease Creek, and on the lower banks near the head of Charlotte's harbor.

"There are three or four good tracts on or near the banks of the Coloosa-Hatchee, particularly in the vicinity of Fort Thompson, at the great crossing of the river. Fish and game abound, I believe, in this region. I am not so satisfied as to the healthfulness of this section of the country; but it should be occupied at all risks, as it is on the line of the nearest practicable route between the Gulf and the Atlantic side of the peninsula.

"A few good tracts can be gotten on shores, and on the islands within Marcus sound, near Cape Roman.

"There is a beautiful tract of land on Pavilion river, ten or twelve leagues southeast of Cape Roman, and some parcels of good land may be found on the banks of Shark river, and on the shores of Lake Manitou, ten leagues still farther east.

"At Cape Sable there is a beautiful spot for a military post and a depot for a colony, which should be established on a prairie, running east and by north from that cape along the coast towards Cape Florida. This prairie runs immediately on the sea shore for thirty-five miles, then turns a little north and to the interior of the country. From what I saw of the products of the land on the cape and the islands in the vicinity, I am induced to believe that the soil of this prairie will produce in great perfection grain and vegetables of every kind, with sugar cane, cotton, &c. &c. Through the prairie there are numerous clumps and groves of trees, which will afford both fuel and building timber for the settlers. The keys and sand-bars in front of the cape make an excellent harbor for steamboats and vessels drawing from six to ten feet water. The waters along this coast are full of turtle, and fish of every kind, and the prairie and woods around abound in game.

"The immediate site of Cape Sable is evidently healthy, as are almost all situations directly on the sea board; and I have no doubt that healthy positions can be gotten on the prairie, as the climate is delightful even in the summer season, from the prevalence of the sea breeze, or trade winds.

"There are also good tracts of land on New river, and a great body of it on Indian river, both on the Atlantic side of the peninsula; and near this last river, on St. Lucie's sound, another settlement should be made. This section of country, being within the influence of the sea atmosphere, should be healthy; fish abound in the rivers and sounds about, and game perhaps is plenty in the country."

General Hernandez says:

"I have read, with much interest, the letter of the Surgeon General, Dr. Lawson, and I was much pleased to find that he does not think the country as unhealthy as it has been represented. Coming from so disinterested a source, his statements cannot fail to to remove impressions not less erroneous than prejudicial to the country. His description of the country around Cape Sable will doubtless attract attention, and I hope many of our citizens, who are looking to Texas and other foreign climes, may see it, and be induced to seek in Florida a residence where they will find a soil and climate equal to the best, and a country just as easy of access.

"Here I beg leave to say, that the country east of the Suwanne river, is capable of sustaining an immense population, and must, in the political order of things, eventually form a State separate from that of Middle and West Florida, and greatly to their advantage and that of the country. In this part of Florida, exclusive of the extensive hammocks and very productive pine lands, there are great bodies of savanna, swamp, and meadow lands, composed of the richest soil, to wit: alluvial, clay, and marl, much of which, when properly reclaimed, will, south of St. Augustine, produce two crops of grain each year.

"On two hundred acres of reclaimed swamp lands, I made an average of thirty-six bushels of Cuba seed corn per acre, while at the same time, a crop of sugar cane was growing on the same two hundred acres, the manufacture of which was prevented by the war.

"This is the only portion of the United States possessing a tropical climate. The advantages which, I believe, will grow out of the adoption, by Congress, of this measure, for the occupation and settlement of it, will soon render us, in some degree, independent of the West Indies, except in the article of coffee, which, I think, cannot be there raised, owing to the blighting winds of autumn passing across the narrow peninsula. Sugar, Cuba tobacco, and all the other staples and fruits of those islands, I believe will be cultivated in great abundance in Florida. These articles, together with the orange of the country, which is more highly valued than that of other places, with the aid of steamboats and railroads, can be sent to the Northern and Western States in full perfection.

"That Florida is also destined to be a great silk producing country is placed beyond a doubt."

General Jesup says:

"Between the mouth of the Withlacoochee and Tampa Bay, there is a considerable body of excellent land; there is also good land near Tohap Kilaga, and between the Ocklawaha and St. Johns rivers. I have no doubt healthy situations for stations or residences might be found; and, as to the country north of the Withlacoochee, it is quite as healthy as the greater portion of the Western and Southwestern States; and the whole seaboard is as healthy as any part of our Atlantic seaboard south of the Delaware. I would advise that the planters and farmers be urged to return to the plantations and farms which they have abandoned, and that the whole country north of Tampa Bay be settled as soon as possible. The coasts of Florida afford as valuable fisheries, in proportion to their extent, as the banks of Newfoundland; and though the country south of the Tampa Bay affords but little inducement to the cultivator, a population sufficient to confine the Indians to the interior might find near the coast abundant support by combining fishing with cultivation. A fresh supply of water could be obtained from the adjacent islands.

"There is a small body of good land on New river, also on the Miami river, near Cape Florida, which was occupied previous to the war. Two or three hundred inhabitants might support themselves comfortably on that portion of the Territory. No part of the United States is more healthy. A light-house is necessary in that neighborhood; and so valuable is the commerce that passes that part of the coast, and so numerous the wrecks in consequence of the difficulty of the navigation, that, to protect the crews and property cast on shore, the country should be settled, and military posts be established on New river, and near Cape Florida.

"There is a body of excellent land near Cape Sable, the most southerly point of the peninsula, which would support several hundred inhabitants. This it would be highly advantageous to occupy as soon as possible. A military post should be established and maintained at the Cape. Posts will be necessary at Indian river inlet, at the head of Indian river, at New Smyrna, and at one or two other points between the latter post and St. Augustine. A post should be established at Punta Rasa, south of Tampa, and at one or two points between Tampa and the mouth of the Suwannee; those points of course to be determined by the settlements that may be made on or near the coast."

This is the character of the country; this the character given of it by gentlemen who speak from their own knowledge, and whose honor and intelligence places their statements above suspicion. They show this decried Florida to be a fine country; almost an island, as the word peninsula imports, (*pæne insula;*) and partaking, especially towards its southern extremity, of the calcareous and rocky formation and salubrity of climate which belong to the Bahama islands, of which it is almost a part.

Such is the inducement which the country presents to enterprising settlers. It presents the opportunity of obtaining, without the payment of money, and as a reward for services, three hundred and twenty acres of good land, in a soft climate, open to the sea breezes, healthy, and capable of producing the most valuable tropical productions. Extending five degrees further South than New Orleans, this peninsular will far surpass the coasts of the lower Mississippi in its capacity to produce sugar, cotton, oranges, and other valuable products; and it is here that, without the outlay of a shilling, an industrious man—any youth, in fact, of seventeen or eighteen years old, able to bear arms—may go and choose his own home, and become a holder of rich land in a climate and soil adapted to the richest productions. This should be inducement enough to carry the 10,000 settlers to Florida, and that in emulous contest with each other to arrive first, for each one is to choose his land in the order of his arrival, first comers having first choices. In this the bill conforms to the wise and just principles of the pre-emption laws.

But a reward in land, valuable as that is, is not the only inducement which the bill holds out: it presents other, and large inducements to the enterprizing settlers. In the first place, they are to receive rations for one year, by the end of which time they will have raised provisions for themselves, and the country will be almost, if not entirely, quieted. The ration which they receive furnishes the elements of abundant, comfortable, and wholesome subsistence; with the game, fish, turtles, and oysters, and spontaneous vegetables of the country, the ration will be enough for two or three persons. Its component parts are: three-fourths of a pound of pork or bacon, or one and one-fourth pounds of fresh or salt beef; eighteen ounces of bread or flour, or twelve ounces of hard bread, or one and one-fourth pounds of corn meal; and, at the rate of four pounds of soap, one and a half pounds of candles, two quarts of salt, four quarts of vinegar, eight quarts of peas or beans, or, in lieu thereof, ten pounds of rice, six pounds of coffee and twelve pounds of sugar to every hundred rations. In the next place, the settlers are to have an allowance for clothing for one year, payable half yearly in money; the clothing being rated at thirty dollars fifty cents per annum. Then they are to have arms and ammunition, which cannot be less than thirty dollars more. Then they are to have medicines, and medical attendance in the military hospitals when sick. In addition to all this, they are to have transportation to their stations; the use of the public ground to cultivate for their own benefit, and seed grains for the first year. The United States troops are to aid in putting up the block houses and stockades—to give a special protection to the settlers while engaged in these erections—and to extend to them a general protection afterwards. These are the inducements over and above the three hundred and twenty acres of choice land; and the whole together certainly present the happiest opportunity for enterprizing men to improve their condition, and to advance to comparative wealth, *without the outlay of a shilling*, which this country, or any country, now presents to the acceptance of its inhabitants.

The Senator from South Carolina [Mr. PRESTON] further objects to the grants of land to the settlers, upon the ground that they will waste and squander it—will sell their claims for a trifle—and will derive no benefit from them; and he instances the case of the soldiers of the late war who sold their claims for twenty or thirty dollars each. Granted that such was the fate of the soldiers' bounty land, and granted that such would be its fate again, under a similar grant to regular soldiers; and yet nothing could be more absurd than to infer the same of these settlers. In the first place, the Florida settlers are to be—not soldiers, but cultivators; the land they are to receive is not a bounty for enlistment, but the pay which they are to receive at the end of their service. It is the object for which they labor; it is reward which is to compensate them for their toil and risk. They go to the country to get the land. They stay there until they get it. They choose it themselves; and when they choose it, they are to live upon it. How different was the case of the soldiers from all this. They had no choice of their land; it was distributed to them by lot; and tens of thousands of the grants were not worth a cent; the soldiers were at an immense distance from the land—at a thousand miles or more from it—they knew nothing about it—in many instances were not able to get to it; they were beset by temptations and discouragements, and gave up for a trifle what they knew nothing about. A most defective law permitted evasions; and the sales, though nominally declared void before the patent issued, were easily made to assume a valid form. All this is different in this bill. These settlers will not be, like disbanded soldiers, scattered through the towns and cities, a prey to speculators; but they will be at their stations in Florida—in their blockhouses among the Indians—where no speculator will ever come. Instead of a lottery drawn by a boy to distribute unknown lands among unknown men, every settler, if alive, must make his own choice, and, if dead, his heir at law, and not a purchaser; must make it for him. The entry cannot be made by a purchaser, assignee, attorney, or any body whatever, but the settler, if alive; and, if dead, by his heir at law. After the entry is made, there can be no alienation of the land, even by judicial sale, until twelve months after a patent issues; and if attempted to be alienated, a ready, perfect, cheap, easy, and certain method is provided for invalidating such alienations. In this respect, the bill before the Senate differs from all that have preceded it, so that there is not the least danger that these settlers will squander their lands. They are not soldiers, but tillers of the earth; they are cultivators, and therefore will hold on to their share of the earth. They do not take their land by lot, but by choice; and therefore they know what they get. They are not a thousand miles off, but at the spot, and ready to enter on their rights. They must make the entry, or the land cannot be had. They cannot alienate for a year after the patent issues, when they will know the full value of their property. For all these reasons, the objection of the Senator from South Carolina can have no application to these settlers, however just it might be in relation to regular soldiers.

Mr. B. then read the sections of the bill which related to the grant of land to the settlers, to corroborate the statements which he had made; and called upon the Senate to mark the effectual manner in which they secured his rights.

The following were the sections read:

"SEC. 2. *And be it further enacted*, That at the return of peace and removal of the Indians, each settler who shall have complied with these conditions, or his widow and heirs at law in the event of his death, shall be entitled to a bounty of three hundred and twenty acres of land, to be selected from any of the public lands in the district in which he settled, in the peninsula of Florida, or east of the Suwannee river, or adjacent keys and islands; the said selection to be made by the settler according to priority of settlement, so that first settlers shall have first choices; but when two or more settlers in the same district shall have settled on the same day, priority of choice between them shall be decided by lot."

"SEC. 4. *And be it further enacted*, That as soon as the surveys can be safely commenced, all the public lands east of the Suwannee, and also in the peninsula of Florida, and in the neighboring keys and islands, fit for cultivation, shall be surveyed;

and land offices shall be opened for receiving, in addition to their other duties, the entries of the settlers who can prove a compliance with the conditions mentioned in this act; and to aid such proofs, copies of the book containing the names of the settlers shall be deposited in such offices.

SEC. 5. *And be it further enacted*, That one land office shall be opened in the district of country north of the latitude of the mouth of the Withlacoochee; another in the district south of that line, and north of a line drawn across the peninsula from the southern extremity of Tampa Bay; and a third in the district south of that line, and including the remainder of the peninsula; and the settlers within these respective districts shall each be confined to his own district, in selecting and entering his bounty land.

"SEC. 6. *And be it further enacted*, That the bounty lands hereby granted shall be free of taxes, and unalienable, even by judicial sale, until the patent issues, and also for one year thereafter; the said patent shall issue to the original settler, if alive, and if dead, it shall then issue to his heirs at law, and widow, if he has left a widow, to be held and divided by them according to the laws of Florida; and every alienation of any such bounty land, even by judicial process, made before the issuance of the patent, or within one year thereafter, shall be null and void; and the intrusive possessor, by virtue of any pretended sale, lease, devise, gift, or transfer, contrary to this act, may be turned out of possession at any time by an action of ejectment in the name of the original settler, or of his widow and heirs at law, or any one or more of them, or in the name of any subsequent purchaser, after the said land becomes legally alienable; and full damages shall be recovered in the same suit against the intrusive possessor as a trespasser and disseizor."

Having read these sections of the bill, Mr. B. appealed to the Senate to say if the objection of the Senator from South Carolina was not entirely inapplicable. The case was wholly different from that of the soldiers of the regular army. What happened to these soldiers cannot happen to the settlers under the bill. They would not sell their lands for a trifle if they could, and they could not if they would. The widow and the heirs at law, or the settler himself, or any subsequent purchaser, after the land was alienable, can easily set aside the sale, and that without limitation of time, and recover in the same suit all the intermediate rents and profits. If the soldiers' bounty lands of the late war had been placed under the same guards, and they had been required to go and make their own selections and their own entries, they would never have been squandered away for a few dollars in hand.

Objections are taken to the character of such settlers as may go; it is said that the climate and soil require large slaveholders; and that, on the contrary, none but the poor and indolent will settle under this bill. I dissent from these opinions, both as to the character of the settlers which the country requires, and the character of those which may actually go. I look at that peninsula under a military aspect—as the salient angle of the South—as the exposed point of that quarter of the Union—as the *pointe d'appui* of an enemy in time of war—as the tongue of land which runs far down towards the British West Indies, and constituting a bridge for the ingress of the black regiments which a cruel policy, in time of war, may direct against the Southern States. Looking at the peninsula under that aspect, and I consider large slaveholders as the most inappropriate population which could be placed there. Such a population would contribute nothing towards the defence of that salient point. By their large landed possessions they would prevent a dense population of white men; by their numerous slaves they would tempt aggression, instead of repelling it; and in case of actual invasion, would find in flight the only means of saving themselves and their slaves. And thus it is at present. The five depopulated counties of Florida were the seat of large sugar and cotton plantations; large slaveholders were settled in them. They fled before the Indians. They had to fly, and are still exiles from their homes, waiting for others to clear the country of the Indians before they can return to it. And so it will be again, and worse, with the same description of settlers who may go further down into the peninsula. No, sir, no. It is not the large slaveholder, but the small landholder—the yeoman—the three hundred acre man, that is wanted in that peninsula. We want there the man of muscle, nerve, and of labor—the cultivator, with the weapons of war in one hand, and the implements of husbandry in the other: we want such as the thirty thousand whom Mr. Jefferson proposed for Louisiana when it was first acquired.

The bill is calculated to carry such men there; and, to say nothing of more remote States, the Southern States themselves contain the kind of population which the occasion requires. It is a mistake to suppose that the Southern States contain nothing but large slaveholders: they contain many who own few, or no slaves—who labor with their own hands, and who have the muscle and bone—the sinew and the nerve—which a life of labor so largely contributes to strengthen and develope. Besides other parts of the Southern States, the whole South, from the Potomac to Georgia—from Georgia to Louisiana—contains a broad belt of land sprinkled over with a population of this kind. I speak of the pine lands which lie below the strip of red land which skirts the eastern base of the Blue Ridge and the foot of the Appalachi mountains. It is a broad belt, and more than a thousand miles in length, counting from the Potomac to the Mississippi; and very convenient to the proposed point of occupation in Florida. Throughout this extensive region is scattered a peculiar population; poor and laborious; owners of cattle and stock, with few or no slaves; healthy and active; cultivating an ungrateful soil of sand and gravel; and, for want of good land, finding it impossible to advance themselves in the path of wealth and honors. A bare subsistence, from generation to generation, is the scanty reward of a life of toil, of temperance, of economy, and of frugality. Few who remain where they were born, are able to emerge from the humble condition which a "pine woods" habitation, in the Southern latitudes, announces and imposes. As emigrants, and possessors of fertile land, a spirit of enterprise developes itself in these hardy and frugal men when they change their clime; and they are the kind of people whom this bill will invite into Florida, and which the public interest requires to be there. They will occupy small farms; they will work themselves; they will keep arms, and will use them. To every one his house will be his castle; and the defence of the whole peninsula will be the business and the object of all. Sir, I look upon this bill as having a peculiar recommendation in the precise fact that it is to people that exposed angle of Florida, with small landholders instead of large slaveholders.

Another objection to these settlers is the supposition that they are to do nothing; that they are to render no service to the country in return for the benefits which they receive. This is an error—an error of fact—which an inspection of the bill will expose. The settlers are required to render service, and great service to the country; and cannot have the benefits to be conferred unless the services are rendered, and proved to be rendered. 1. They are required to be able to bear arms, and actually to bear them. 2. They are to live in stations, not more than 100 nor less than 40 in a station. 3. They are to defend these stations when attacked. 4. They are to remain at their stations until the Indians are pacified, or removed. 5. They are to assist in putting up the blockhouses and stockades. 6. They are to cultivate the ground. 7. They are expected, by the provisions of the bill, to make pursuit and search after Indians. 8. They occupy posts, and they leave the regulars free to scour the country. 9. They will engage in such pursuit and search; for they will go forth to hunt, to fish, to visit other stations; to draw rations and ammunition at the military depots; and, above all, they will search every acre of land in the country in search of good land for their locations; and every going forth of this kind will be a military expedition, prepared to meet the Indians, and to fight them. And fight them they will. Prevented from fighting, they cannot be. The American of the United States is among the bravest of the brave; he is among the bravest of the race of man. Courage—that courage which toes the mark to conquer, or to die—is his: and this, not the prerogative of the few, but the characteristic of the mass. No mass of our Americans—no matter how collected together—no matter how included by a diagram—no mass of them can be found which, as a body, is not brave, and among the bravest of the brave. This is a fact which their history attests; and which philosophy accounts for from their descent, their residence in a new country, the freedom of their institutions, the abundant means of good living, the boundless fields of their enterprise, and the consequent energy of mind and body, and fire of spirit, which all these circumstances beget and engender. No, sir. Let all dismiss their fears. The men who may go to Florida under this bill, will be like the rest of their countrymen: they will be as brave as Cæsar, and as generous as brave. They will fight the armed enemy: when they have disarmed him, they will spare him: when they have taken women and children, they will give them food, raiment, and shelter. Thus it is now in Florida. Our soldiers spare the helpless, and bring in the little *papooses* on their backs, and give them "*goodies*."

Inefficiency of the bill is the main and the incessant objection of its opponents. They object to the efficiency of this measure without offering another in its place. They declaim against its efficiency, taking care all the while to speak as if the Administration intended nothing else for Florida but the settlers of this bill. Surely Senators forget that there are six regiments of regulars in that Territory at this time, implying a force of above five thousand men; that besides these, a part of the naval service is constantly employed on the coasts of Florida; and that, so far from intending to diminish that force, the Secretary at War, in his official report, expressly asks for an additional temporary and local force, confined to Florida, and limited to the war. Thus the settlers are only a part of the plan for the pacification of Florida. It is a part only, though attacked as the whole; and, since the Indians are driven from the field, it becomes that important part which is to retain possession of what the military conquers; and, by remaining in stations, free the regulars from garrison duty, and leave the whole of them disposable for active duty.

No, Mr. President, it is not because of their inefficiency, but for their efficiency, that these settlers are so much opposed. They will be too efficient! They will drive off the speculators as well as the Indians. They will receive and retain the lands which the Alagon, the Punonrostro and the Vargas *birds* now flap their wings over, and expect to settle down upon as soon as the Indians are driven away. These birds wish us to employ soldiers, not citizens. They wish us to send ten thousand soldiers, not ten thousand settlers; and the reason is, that they want the lands themselves. Give as much money as you please, but no land. This is the plan of the speculators and the large slaveholders. They want all the good land themselves, but do not want to fight for it; and this is an additional reason with me for pursuing the plan of this bill, and placing meritorious cultivators upon the soil to defend it both from Indians and speculators. The plan is efficient, cheap, humane, and framed on a principle to insure success, and to cost nothing if it does not succeed. It is efficient, because the ten thousand men will go. It is cheap, for the men are to be paid out of the land which they conquer, and will take but four millions out of twenty-six millions which they will conquer. It will insure its own success, for the settlers are to get no land until the country is pacified. It is to cost nothing if it does not succeed; for, unless the men go, they get no rations; unless they remain until the country is pacified, they get no land. It is the most humane, for it relies upon the plough and the axe to come in aid of the sword and the gun. It is a good plan, and only asks for a fair trial, accomplishing every thing if it succeeds, and costing nothing if it does not.

It is a good plan; I may call it a master plan; for I am going to celebrate it in the point which the sound practical sense of the Surgeon General, Dr. Lawson, illustrated in his letter which has been read. It is a plan which REVERSES the position of the parties in Florida—which makes US the possessors of the country, and leaves it to THEM to expel US. This alone changes the character of the contest—puts that labor upon their shoulders which is now upon ours—and gives them a work to do which they can never perform. This alone is a grand and striking recommendation of the bill—one which no military eye can overlook—which no military mind can undervalue.

The Senator from Kentucky [Mr. CRITTENDEN]

says it will take a whole year to build these blockhouses. That is a declaration which astonishes me, coming from a Western man. It would hardly be expected from a city gentleman, who never saw a blockhouse. He and I, as Western men, as coming from States where these blockhouses were the refuge of every family, in their early settlement; he and I should know better. We ought to recollect that a few neighbors would meet together, and build it in a day—build it from the stump; cut the logs, haul them, put them up: and the next day cover it in, and close it up. A blockhouse is nothing but a green log house, of two stories; the second story projecting a couple of feet over the first, and resting on a floor of split logs; the loopholes for firing being in the upper story, both in the sides, and in the floor, and in the projections. A dozen men will put up such a house in a day, and cover it in the next day; and four or five men, with six or eight rifles, or muskets with buckshot cartridges, and one good woman to load for them, would defend the house against all the Indians in America. This is the history of such buildings! A year to build blockhouses, indeed! Why, sir, a young cadet from West Point, brim full of science and book learning, could not discover the means of spending a week upon such a job; while an old frontier officer, like Col. Twiggs, would undertake to put you up a house a day, if the occasion required it, for every twelve men that he could employ on the work.

Besides objections to the bill, we have attacks upon one of the officers lately employed in the conduct of the Florida war. General Jesup is still the selected object of attack, and of disadvantageous comparison. Not content with extolling to the skies the officers of his own political complexion, the Senator from South Carolina, [Mr. PRESTON,] in order to enhance their praise, must incontinently draw contrasts, and sink some one as much below their level as he had raised his Federal or Whig heroes, above theirs. Now, sir, to all this praise bestowed upon the officers of his own political complexion, I have no manner of objection. He may make demigods of the whole of them; but I object to his making demons of Democratic officers. I object to his instituting disadvantageous comparisons; and giving the disadvantage in the comparison to him who has the advantage in merits. This is what has been done with respect to General Jesup. He is put below all others, when he has done more than all the others put together. In the year and a half which he commanded in Florida, he removed 2,200 of these Indians from that peninsula to the west of the Mississippi; all the rest of the generals put together, in the three years and a half in which they had the command, counting all their successes in killed, wounded, taken and removed, did not get rid of the one-third part of that number. He removed 2,200 of the hostile Florida Indians in a year and a half, and that is three times as much as all the other commanders together have done in three years and a half. Besides that, he removed 26,000 Creeks, in the summer of 1836, in six weeks, and at an expense which is but a fraction of what the removal of other Indians have cost. This is the historical truth due to General Jesup, assailed, and unjustly assailed, as he is here. He is the only commanding general who brings a scar from Florida; he has done three times as much, in half the time, as all the rest put together have done in that Territory. Yet he is the only one selected for attack: he is the only one assailed and disparaged by unjust comparison. Is it the complexion of his politics—is it his friendship for General Jackson, and some others of the Democracy, which brings these assaults upon him? If they are, it may be that a repetition of the assault may bring forth the details which will vindicate his title to the pre-eminence which I have assigned him. Sir, this is a business which I dislike. I heartily dislike the business of invidious comparison. Our officers, military and naval, without regard to politics, fight and die for their country. They do their best; and I wish to sustain all who do their best for their country. I wish to give support and applause to every one who stakes his life for this sacred mother of us all, whether fortune is more or less kind to him in giving him the opportunities which gild his banners with success. This is my disposition with respect to all; and I do hope and trust that no more disadvantageous comparisons shall be instituted here to call forth my vindication of the injured, and, by implication, to lower the exalted.

I have now gone over, and fully answered, the ostensible and public objections to this bill; but I should illy discharge my duty if I did not also advert to the real and occult objections to it. These are, *first*, that it will make a slave State; *secondly*, that it will make a Democratic State; *thirdly*, that it will take land which the Spanish grants to the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, call for. These are the real objections; and it becomes me to say a few words in regard to each. And first of the slave State objection. I hold in my hand, Mr. President, a little book (showing it) entitled the Anti-Slavery Almanac, for 1840. It is covered all over, and find filled all up, with pictures, such as white people of the South branding slaves—hunting slaves with dogs and guns—cat-hauling slaves—shooting slaves—old Kentuck setting his dogs on slaves—lawless burning of slaves in St. Louis—chopping up living slaves with an axe, and throwing the chopped off parts into the fire; with many others of the same character, and all accompanied by figured representations and detailed explanations of the scenes they represent. At page 45, of this little book, commences a chapter headed, in large capitals, with these words:

"Will you make Florida a slave State?"

In this chapter there is a paragraph dedicated to the particular bill which is now under consideration by the Senate, and of which I will read a part:

"After this war had been carried on (the Florida war) by a succession of the foulest crimes, from from January 27, 1835, till the beginning of 1839, the United States Senate passed a bill for the armed occupation of Florida; which, in the language of a Senator (of the Opposition) was to establish a corps of citizen soldiers, grant them four millions of acres of land, and give them liberty to kill when, where, and how, and whom they pleased, without any earthly responsibility. Allen, of Ohio; Buchanan, of Pennsylvania; Hubbard and Pierce, of New Hampshire; Lyon and Norvell, of Michigan; Niles and Smith, of Connecticut; Robinson and Young, of Illinois; Wall, of New Jersey; and Wright, of New York, voted for the murderous bill."

This is what I find in the Antislavery almanac; and the whole Abolition press sings to the same tune. From the first day that the armed occupation bill was introduced, the black and fell spirit of Abolition pounced upon it. That spirit has been at work ever since to defeat it; and since Abolitionism has become strong enough to dictate a nomination to the two highest offices in the Republic, let no one despise its influence in the halls of legislation. It is strong here; it is strong abroad. It works incessantly to obstruct Southern measures, and to pull down Southern men and their friends. See its labors against this bill, because it will cause Florida *to be settled*; see its denunciation of the Democratic members of Congress from the non-slaveholding States which support it. From A to Z—from ALLEN, of Ohio, to YOUNG, of Illinois—all, all, are denounced, pursued, persecuted, and marked out for the assaults of fanaticism. Abolitionism is at the bottom of the opposition to this bill; but it has two strong allies, namely, Spanish grant speculators, and anti-Democratic politicians; and to these I proceed.

Another of the real objections to this bill, and which I have often heard stated, though it is not yet embodied in an almanac, is, that it will make Florida a DEMOCRATIC STATE. These three hundred acre men, it is said, will all be Democrats; their little freeholds will make them Democratic; they will support the Democratic cause, and make another Democratic State in the South. This is wormwood and gall to the Federal party, now called Whigs. They cannot stand it. Another Democratic State in the South! perhaps two more there to come in, with two Democratic States in the Northwest! it is intolerable and terrible. It is worse than gall and wormwood; it is hemlock itself; it kills poor Whigery, kills it dead; and unless these Democratic States can be stifled in embryo, all is lost, and the ghost of Federalism must flit from the stage. Here, then, is the root of a violent opposition to the settling of Florida with small landholders, instead of large slaveholders.

The last of the real objections which I shall mention is, that it will spoil the game of the Spanish grant speculators. These gentry are now in great force, owing to the vast extent of the grants under which they claim, and the broad basis which they have given to their interest by the wide diffusion of shares in the claims. They constitute an active, subtle, and powerful *corps* in opposition to this bill. They wish the country conquered. They are willing to have armies raised, and millions upon millions of money lavished on the conquest. But no land! oh, no! They want all the land themselves! Pay in any thing but land. Above all, do not send these ten thousand settlers there, with their pre emptive privileges, to pick and choose for themselves, and to take up all the best tracts in satisfaction of their own rights. These speculators, and for this reason, are among the most formidable objectors to the bill.

I have now finished the examination of all the objections, ostensible and real, which are made to this bill; and persuade myself that the propriety of passing it is only made more apparent by the arguments adduced against it. I have done with my replies to the remarks of the Senators who oppose it; and a few observations will close what I have to say. In one thing, I concur with the Senator from South Carolina, [Mr. PRESTON,] namely, in the opinion that Florida has been too much neglected. I concur in the justice of the remark, but not in the sense in which he intends it. He intends it for the Administration; I intend it for Congress. I intend it to apply to our neglect—I say ours, for I mean to take a full share of the blame to myself—in neglecting the supervision of the Florida legislation! in not even reading the acts of the Legislative Council, which it was our duty to supervise before they became laws! The Territory is buried under corporations, and under debts, which the organic law referred to our inspection, and of which we knew nothing until the acts were consummated. The debts are void; for a Territory is not a State, and has no power but that which is granted to it by Congress; and Congress has not granted to its *police government* in Florida the privilege of contracting five millions, or any number of millions, of debt. The corporations, from what I have seen of their absurd and monstrous privileges, are either void or voidable. Congress has neglected its duty in suffering these debts, and these corporations, to be created in the first instance, and to remain so long unarraigned at our bar. Add to these the neglect of our domain, pounced upon, wherever the Indians permit, by the assignees of the three great fraudulent and nullified Spanish grants. In all these things, Congress has neglected Florida; but neglect is now to cease, and the affairs of this Territory—the civil as well as the military—are to receive their due attention. The President, in his noble message, has called our attention to the civil abuses there, especially to the power "*assumed*" by the Territorial Legislature to authorize the issue of bonds by corporate companies on the guarantee of the Territory. Under this call we cannot sleep; and henceforth the bonds, the corporations, and the Spanish grant speculators, must receive our attention as well as the Seminole Indians.

Mr. President, this is a large measure—this armed occupation bill—and both national and Southern. It is a large national measure, and one of constitutional obligation upon us to adopt. We have made our campaigns, and fought our battles in Florida. The military have done their part. For two years they have had the field clear of the enemy; for two years the enemy have been broken up, dispersed about, and driven into lurking holes and hiding places. For two years the country has been ripe for armed settlement—for settlement in stations—for military colonists; such as the Romans planted in the conquered countries after the legions had destroyed the armies, and captured the fortresses which defended them; and which colonists were rewarded with grants of land in the country which they occupied and held in subjection. This bill is on the same plan; and goes to accomplishing the great national object of terminating an expensive

contest, pacifying a distracted territory, restoring exiles to their homes, and extending the *ægis* of the national protection to an integral part of the Union.

Every interest, national and Southern, civil, military, commercial and agricultural, requires the passage of this bill. Commerce requires the settlement of this peninsula. The wrecks of vessels, and the massacre of crews, loudly demand the re-establishment of our light houses in that quarter, the extension of law and government to it, and the peopling of it with an orderly, industrious, and law-abiding population.

The national defence requires its settlement. There is no plan of defence for the Southern frontier—no plan of naval defence for the Gulf of Mexico—which can omit the settlement, fortification, and strong occupation of this tongue of land which runs down almost to our naval station at Key West, and to the British possessions in the Bahamas. It is a strip of land—a long bridge—which must be the avenue of entrance to the enemy—to the black regiments of their cruel policy—unless occupied, held, and defended by us with a strong arm and iron hand.

Agriculture requires it, for it is the only part of our territory which approximates to the tropics, and can give us the rich tropical productions for which we now pay so much to foreigners. The orange, the lemon, the lime, the fig, the pine apple, the plantain, the cocoa, all grow there. The most delicious grapes, rivalling the Malaga, are found there. The famous Cuba tobacco, so sought for in the shape of Havana cigars, is at home in that peninsula. Cotton and sugar there approach five degrees nearer to the sun than in any other parts of the United States, and, consequent y, are five degrees nearer to their natal clime. Besides these more eminent productions, are many indigenous plants and roots, valuable as articles of subsistence, abound in that region. Of these, the wild potatoe, the cabbage tree, the brier root, the arrow root, and the palmetto, are the most considerable. The most valuable timber is found there, of which the live oak, so essential to our navy, is the chief. The forests abound with game, the seas with fish; and it is the opinion of General Jesup that the fisheries of this region, in proportion to their extent, will prove as valuable as those of New Foundland. In addition to all, such is the mildness of the climate, and the length of the growing season, that two crops of many classes of the products may be expected in the year. As to the silk worm, three crops of cocoons—the labors of three generations—are expected from him annually. Such is the interest which agriculture has in the settlement and cultivation of this country.

Sir, it is a great Southern object: the whole South is interested in the pacification, settlement, permanent, and strong occupation of this peninsula. It is a large Southern measure—the largest which has been seen for a long time—the largest which we now see. The Northern Democracy stands by the South in this great object. They stake themselves upon the contest, disregarding the infuriate howlings of Abolitionism, now reinforced by a powerful ally, and bravely expose themselves for what is RIGHT for the SOUTH, without regarding what might be PRUDENT for themselves. Never was the saying of Mr. Jefferson, that the Northern Democracy was the natural ally of the South, more signally verified than on this occasion.

ABOLITION PETITIONS.

REMARKS OF MR. COOPER,

OF GEORGIA,

In the House of Representatives, January 16, 1840—On the resolution of Mr. WADDY THOMPSON to amend the rules relative to the reception and disposal of Abolition petitions.

Mr. COOPER of Georgia rose and said: I voted yesterday on this question, to suspend further debate. The House had refused the previous question, and thereby indicated a disposition to hear. If, however, the House is indisposed to hear discussion, I am more than content to desist. If this be the pleasure of gentlemen, it is now in their power to give that direction. It is only necessary to give the intimation, and I will put the subject in such a shape as to accomplish their wishes. [Here Mr. C. made a short pause.] Without such a desire expressed, it will not be considered a trespass on the time to proceed with what I have to say on a subject of fearful import.

It would be my purpose, touching this matter, to make no move, to call for no action, but to sit with folded arms, resolved to leave it to those who bring such firebrands here, to propose such course as, in their opinion, the House should adopt. It is to be regretted that my friend from South Carolina [Mr. THOMPSON] has felt it his duty to present a proposition. If I could flatter myself that a request of mine could prevail with that gentleman, I would ask him to withdraw his amendment.

[Mr. THOMPSON of South Carolin arose and said, that rather than have any difficulty with his friends, he would withdraw his proposition.

Mr. BIDDLE entreated the gentleman from South Carolina not to withdraw his resolution. He appealed to his generosity, and implored him to allow him an opportunity of explaining his views on this matter; an opportunity he had been seeking for in vain, for the last two years.

Mr. BLACK hoped the gentleman from South Carolina *would* withdraw his resolution, unless every gentleman on the floor who desired to address the House on this subject, should have the same opportunity of doing so.

Mr. THOMPSON, of South Carolina. Then I do not withdraw it.]

Mr. COOPER resumed: Two days ago, Mr. Speaker, when a question of reception was propounded on presentation of Abolition petitions, a well informed gentleman stated to us that, on a direct vote, less than one fourth of the members would be found voting to reject them. If at a crisis like the present such a result could obtain, let it be made known. Upon this, as upon all questions, it is the duty of the United States Congress to act with perfect frankness. An open and manly course is due to its own character, and that alone is calculated to exhibit its true sentiments to the people we represent. We should march directly up to the point, and pronounce, unequivocally, what we think is expedient and right in regard to the reception of these petitions. Any other policy on this occasion, argues either disrespect for the petitioners, or a fearfulness of responsibility, unworthy of a member of Congress. This plain, direct, and upright course, is demanded by the wishes of those who petition, as well as by the interests of those who are to be aggrieved by the petitions.

Sir, the welfare of the State of Georgia requires that you should pronounce an opinion rejecting these petitions; or if you would not reject them, that you should make it known. She has no party interests to serve by this. These are considerations too light, too trivial, too pitiful, to enter into her estimate at this time, and on this occasion. The same influences which bring these petitions here, and the same arguments which are invoked in behalf of the petitioners, have carried and sustained an open attack upon her domestic relations, and upon the rights of property held by her citizens. It is, therefore, she claims of you, by the obligation of duty you owe to her, to reject this class of petitions, saying to the petitioners, you are endangering the Government, and destroying the peace and harmony of the States. If you will not deal thus candidly with them, and are of opinion they ought to be received, let the South understand you. The State of Georgia may then, with prudence, safety, wisdom and efficiency, adopt her own policy in respect to matters about which she is deeply concerned.

I desire to disembarrass this subject of the party trammels that have been thrown around it. The ground on which you fight is sacred—rendered so by the Constitution. The people, affected by your political bandyism, are, by that instrument, urging on you the obligations of duty; are claiming the repose of peace and quiet. The football, which is the instrument of your sport in this game, wounds us at every impulse you give it. It is a weapon which, placed in the hands of either, deals death-blows to all around—death to us and our interests, or death to your Government. Sport on, therefore, if you must, and strive which shall receive most pleasure, or suffer least pain; in the wind up, your pleasure will turn to pain, and your joy into sorrow.

The subject before us is the reception or rejection of Abolition petitions—petitions praying the abolition of slavery in the District of Columbia and the Territory of Florida. We complain of these petitions as an evil. I propose to examine into

The nature, source, and extent of this evil;
Our duty in regard to it; and
The remedy.

The proposition of my friend from South Carolina, now on your table, is not the proper one, being at best, ambiguous, uncertain, and indirect. I desire a rejection of the petitions.

I proceed, however, to consider the first point, the nature, source, and extent of evil in these petitions. Here, sir, I am advised by some, the argument was exhausted on some former occasions, before another Congress. I will, nevertheless, offer the reasons which, as I conceive, in your wisdom should control this subject. I desire to do it dispassionately and deliberately, that the truths which I may utter may not be lost in a tempest, being ascribed to rage. I desire to do it without the aid of declamation. In its loftiest effort, the gravity of those truths would sink them beyond our view.

What I shall say is intended for this House, if it please to hear; for those especially who bring and advocate here these petitions; for them and *their* constituents, not for mine. When I address my constituents, I prefer to be near to them, and meet them face to face.

Before I proceed, sir, it is indispensable that I exact of gentlemen a concession of one point, without which, no argument can be maintained, no truth tested. What is that? It is this: The Constitution as adopted and written, shall prove the truth of our position, and form the sole measure of our right and wrong. Without this, we are thrown back on first principles. Each State stands for itself, and this Government is dissolved. You admit, then, the Constitution is the only rule and measure of our obligations and powers. That every assertion of power, every claim of right, or declaration of duty, is tested by its provisions. That no higher test can be referred to, to correct or overrule politically a decision, made by the application of its principles.

The gentleman from New York, [Mr. GRANGER,] after expressing his contempt of local opinions and sectional interests, has pointed us to the "*corrected opinion of mankind, the enlightened philanthropy of the age*," to put us right on questions here involved. Sir, I have elsewhere heard of "obligations paramount" to the Constitution by which to test these political relations. This error is radical, strikes at the foundation of our Government, and prostrates the whole fabric. The States have created no such obligations, acknowledge none such politically, and will have none such forced on them. Such opinions are disorganizing and revolutionary. They give a death blow to all constitutional freedom, will establish the Church, and make the Pope supreme on earth.

The Constitution, then, is the true rule of our political faith, the sole test of rectitude in practice. It was made by the States, whose people had pre-existing political relations. It was made for them, according to these established connections. By these, the beings forming the subject of these petitions had no citizenship, but were as verily property as your lands. Is this denied? If so, the argument is exhausted, and the Union dissolved.

This instrument, rendered practical by agents appointed for that purpose, is the Government, and is formed for the States that made it, and for the people of those States, who then possessed a political relation to each other, and for no other; and for *them* in no other relation.

The *rights* and *privileges* then existing, not thereby surrendered or forbidden, with those which were by it created, were the objects to be secured to those for whom the Government was

established. The right of property was one; yes, the right of *property in slaves*. Does any one deny it here? I pause for reply. Not one! (Sir, it has been denied elsewhere by high authority.) Without that, this Union would not have been formed. Is this denied? I pause for reply. It is admitted.

Among those privileges is the *quiet and peaceful* enjoyment of this *right*. Another is the freedom of speech, "the freedom of the press, and the right peaceably to assemble and to petition the Government for redress of grievances." All of these, however sacred or inviolate, are in some sense more or less restricted, limited, and deniable in the exercise—the "right of petition" or freedom of speech, not less so than the right of property. This results from the fact that, as between the several States, or the citizens of each, the one has rights and privileges equal with the other; wherefore the Government cannot be administered, or long exist, unless *you* decline the exercise of a mere *privilege* when it destroys a right of property; the "freedom of speech," for instance, when it would rob me of reputation; the "freedom of the press," when the effect is the same, or to destroy the peace of a whole community.

This is *right*, too, on the plain principles of that "natural justice" which is such an idol in your worship. To speak, to write, or petition, in a matter that does not immediately interest you, with which you are not personally connected, and lies not at your door, if a *privilege* at all, is a mere naked privilege, the benefits of which results not to yourself particularly, but to "mankind at large." Do you not perceive it? Is not this going beyond the Constitution? And what is this but a second crusade? Sir, it wants but the armor, the military parade, and the battle array to make it literal.

Let it be remembered that it is the pride and glory of these States to have instituted the novel experiment of a written Constitution, *without* which, and *beyond* which, there is no *power* and no government; without that we have no rule of political action, and dare not express a political opinion. The "*universal opinion of mankind*" is not our rule; half of them have not seen or heard of our Constitution.

Now, sir, suppose the exercise of this mere naked privilege, which benefits another, not yourself, the loss consequent on which exercise falls not on you, but on another, whose rights you have not only pledged, but sworn to respect and defend, shall tend to take from me my property in person or thing? Have you a right to such *exercise*? By the Constitution, you must say no; by those "eternal principles of right" which these petitioners worship, for which they run rough shod over the charter of our liberty, and subvert the Union, you will answer, no.

Suppose again, under such circumstances, you refuse to receive petitions—is that a denial of the "right peaceably to assemble and to petition the Government for a redress of grievances?" If so, how do you check debate here? how does one man rise and speak whilst all are made to sit? how do you chain the slanderer's tongue, tie the hand of the libeller, or hang a man for inditing treason?

This privilege, or right of petition, in the cases before you, is inferior to my right of property, and the enjoyment thereof under the compact. The latter is greater, the former less, and must yield. Is this not so? Most certainly. If so, then the refusal to receive these petitions, which is made the false pretext for exciting the sympathies, and inflaming the passions of men, women, and children, is not only right, but becomes your duty, under the most solemn of all obligations. Duty to us requires it; that we may peaceably enjoy the rights that belong to us. Duty to them demands it; that they may turn their thoughts on themselves and perceive their error. And if you owe any thing to the opinions of mankind, to "justice," or religion, duty to all requires it; that men may not be "inquisitive about other men's matters, nor become railers nor disturbers of the peace;" that you may not do injustice, without warrant, to let what you call "*natural justice*" be done; and that this "opinion of mankind" may be corrected, by reference to your rule, of which they are ignorant.

Under our Government, there are not only mutual rights, but *reciprocal duties*. Your Government is under the same obligations, if not greater, to respect and maintain the rights of Georgia, than she is to obey your lawful enactments. So of these petitioners, and the people of Georgia. Having admitted our right of property, it is your duty not to move by petition or otherwise. This is true, whether the effect of your petitions be to destroy my property contrary to my will, or to lessen its value, by indirect means, beyond my control. If this be not so, what right have you to complain of your neighbor, who puts a torch to his own dwelling, which, by possibility, may communicate to yours?

There is one other political and historical truth I wish observed, for, in tracing the evils that surround us to their source, we shall illustrate, that a failure to notice this has led most of the Abolitionists into dangerous errors. It is this: Your Government was not made for negroes or slaves. If, in forming it, you had attempted that, it would have failed. Those who come here with petitions claiming *justice* need not startle at this; and if, in your excursions through Europe, you blush to be told of it, hide your blushes, come home, upset your Government, and form a new one. Do not hold us to the old one; and set up the "opinion of mankind," gathered in Europe, as the rule of our political action. *Our* people are about as ignorant of that rule as *you*, and half of *Europe*, are of the Constitution. We seldom go to Europe, because we pay you to go for us; hence, we do not suffer the infliction of that "opinion" as you do; but if that is your "*grievance*," you may stay at home and let us go.

This Union was formed for the States—the people of the States—that people who then had their respective constitutions and laws establishing their political, civil, and domestic relations. Negroes had no band in it, here or at home, and were not referred to when you proposed "to establish justice," and "secure the blessings of liberty to *ourselves and our posterity*." Do you think so? If so, speak out.

Now, sir, having presented these undeniable truths, with a view to trace existing evils to their source, I proceed to inquire, who are they that petition thus? Are they the owners of the property in slaves? Not so. Are they citizens of slaveholding communities? No. They are citizens of Massachusetts. Very well; as a general rule, we admit the right of Massachusetts citizens to petition.

To whom do they petition? To Congress, composed of members from slaveholding, as well as non-slaveholding States. By the same general rule, it is granted to be the duty of Congress to receive petitions.

When are these petitions offered? True, it is at the call of Massachusetts, but happens to be very prejudicial to very important money claims of my constituents, as well as those of other gentlemen, and possibly to the prejudice of still larger interests; and therefore it would have been better to have kept them back for a few weeks. Still it was their day, and no objection can rightfully be urged on that ground.

For whom do they petition? For themselves? No. For Europe, or Asia, or Africa, or the citizens of either? It is not so represented; and if it were, it must be admitted that they, as individuals, could not petition you. For whom then? It need not be disguised; these petitions are for, and on behalf of, the negroes or slaves of this District, and the several States. Yes, these petitioners have placed themselves by the side of the slaves of the South, inciting them to rebellion; aiding them to wage war with their masters; presenting petitions for those who have no right to ask any thing of you; joining an issue with their masters, which to make or join at home, and under the laws governing master and slave, is death; doing and saying that, which, being done and said within the jurisdiction of a State here represented, is incendiary, insurrectionary, and felonious. All this is done and said here to those who are deputed specially to represent the great interests of the South. And we, it is contended, are bound to receive all this, to bear it, and submit. If this be true, then do your worst, and you can only take one step farther under the banner of a "sacred right of petition:" that will be, to look a little closer into our domestic circle, and petition that our children quit their parents, and our wives have permission to leave their husbands. Where is the philanthropist who can insist on the reception of such papers; or where the Christian, with all the light before him, who can pray for such results? What true Republican can support such startling doctrines?

But for what do they pray? "For the abolition of slavery and the slave trade in this District and the Territories." This you have no power by the Constitution or laws to do. Why? The reasons are at hand.

Grant, for argument sake, that your Government has all the power in this District and the Territories, which the States have in their limits; you still have no power to do it, since it would deprive individuals of their property without their consent.

Government is made to protect and defend the rights of property, not to subvert them. There would be wanting even the pretext that the property was for public use. By numbers and the aid of the sword, you might effect your object; but the history of the last seventy years has proved that freemen will fight for much less cause.

Is it pretended that this Government has a "public use" for this property? Quite the reverse. What, then, do you do with that clause of your Constitution which says: "Nor shall private property be taken for public use without just compensation?" And let it be remembered, this taking "for public use" is an exception to the broad provision that it shall not be taken at all. And what shall we do with our oaths to support such items?

But it is denied that Congress has the same powers here and in the Territories which the States have in their respective limits. Why? Because its powers are defined and limited, both as to the objects and purposes for which, and on which it may act. The "exclusive power to legislate in all cases whatsoever" in this District, is subject to corresponding limitations and restrictions laid on its powers in other respects, and must be consonant thereto, otherwise this grant of "exclusive power" would operate to subvert every right of the citizen here. Not only so, Congress is under obligations to Virginia and Maryland, as well as to all the slaveholding States, not to abolish slavery here or in the Territories. The existence of such obligation, is neither more nor less than, in other words, to assert a want of power to do what it is obliged not to do.

Consider these petitions in reference to their practical effect, and what is it but to ask you to rob us by form of law, to subvert our institutions, burn our dwellings, stir up civil war, and commit murder and rapine? Sir, we ask not your protection at home, we do not need it. If we we need it, it is against your ignorance of our rights or your wilful disregard to them, and to your solemn obligations of duty.

It follows then that there is no power to grant such petitions, that if there was, it would be manifestly unjust, as much so as to receive a petition from me to burn the dwelling of the gentleman from New York, [Mr. GRANGER.] Wherefore then the obligation to receive? In truth, is there not a positive duty to reject them?

The Abolitionists are not that worthless, disreputable, and unimportant class of people they are sometimes represented to be. And here I beg to correct the honorable gentleman from South Carolina [Mr. THOMPSON.] In the large commercial cities, comparatively few respectable and intelligent citizens are found to be Abolitionists. There is an interest felt in those commercial communities, which bears down this spirit of fanaticism. But go into the country, the interior villages and towns; there you will find the soul and spirit of that body called Abolitionists; and they are far from being low, mean, or contemptible; they are sober, industrious, religious, and intelligent, on all matters pertaining to their own interests—most ignorant of our Constitution and laws, and our rights under them,

Unfortunately by education and habit they are confiding, and readily yield to the lead of those whose interest it is to have them follow. They have a fanatical zeal for this Abolitionism, and nothing causes them to pause but a conviction that the Government will be dissolved if they persevere. Knowing this, their leaders persuade them there is no danger. You have only to satisfy them that disunion results from Abolition, and they give it up. Am I right, or am I wrong? Two summers, spent north of this, have taught me that. I have it not from politicians, but from the unsophisticated farmer, having conversed with him in his fields. You, therefore, who represent this body of men, will allow us, through you, to address a word to your constituents. Do now what you have failed to do heretofore. Examine *strictly* your rule of *political* truth. Read our Constitution and the history of its formation. Call on your editors, lecturers, and agents, to disseminate, utter, and publish tracts on those subjects without comment; ponder well your duties and obligations under them—the respect you owe to our rights; compare the force of these with your sense of duty, merely to petition for Abolition.

Have you made no pledges to us in that instrument by which we united as States? As Christians, can you be insensible to the obligations of your promises? After you shall have answered these questions, and made the examinations demanded of you, then remember that among other *grievances* enumerated by the colonies during the Revolution, and published in your Declaration of Independence, *inciting your slaves to insurrection* was one. How can you expect us to cease to burn with indignation, whilst you, under the pretence of "*a sacred right of petition*" pray upon us the very *grievance* your fathers fought to revenge? You are inveigling and enticing our slaves, seducing them from the path of obedience, and inciting them to insurrection.

Sir, I call on the gentlemen from New York, from Maine, and from Massachusetts, when they go home, to give their constituents light on these points. Ask the Governor of New York what are his opinions? Are you prepared, with him, to deny this right of property? If so, let us all know it. Will you join issue with him—then publish his error to the four winds. Is not all personal property a subject of theft and larceny? But I forbear. One item of recent history strikes me here; it is this: "Larceny of a slave is no crime in the Empire State"—the obligations of your Constitution notwithstanding—since the Governor of that State—

[The SPEAKER here interrupted Mr. C. and informed him that it was not in order to allude to the Governors of the States.

Mr. BARNARD begged that the gentleman might proceed.]

Mr. COOPER continued. Mr. SPEAKER, it appears to me that a very large and respectable portion of this Union overlook, disregard, and habitually disparage the rights and interests of another portion. I refer to the North and South. So habitual is the disregard of the former for the latter, that they induce us to believe they consider this Government as existing almost exclusively for themselves. One would suppose, that to be tributary to their railroads, canals, and turnpikes, their fortifications and light-houses, their foreign and domestic commerce, their manufactories and banks, and, thereby, to their splendid cities, their farms and country seats, would suffice, and we might be permitted peacefully to use and enjoy a portion of the means that enable us to make contribution. But not so! So they petition loud, numerous, and strong, that we be compelled to give up that also; and if we deny their right so to petition, this denial of an undue exercise of a right of petition is the foundation of clamorous appeals to the "law of nature, "eternal justice," and the "opinion of mankind," which are claimed to be of higher obligations than the Constitution itself.

Idleness and a fanatical zeal for natural liberty, regardless of law, form the source of all the mischief those people are working through the country. Your Abolitionists have a "zeal without knowledge," which, being wrought upon by editors, hired, lecturers and agents, ends in wickedness. These, being otherwise out of employment, fan the flame whereby numbers are added, and contributions increased. Abolition excitement, therefore, is made the nucleus of a party that gives employment to the otherwise unemployed; clothes the naked, and feeds the hungry. Politicians watch the movement, and by leaning to them, or openly advocating them, ride into power. A few men of wealth, influence, talents and education, filled with the vanity of future fame, have thrown themselves in the attitude of leaders. So controlling have they already become in New York and Maine, that it has become a matter of interest and rivalship with the local parties, to address themselves more and more near to their views. It is not to be disguised that the two great parties in this House consider this subject more with reference to party effect, than the principles of your Constitution. One party, as a whole, is by profession and practice somewhat more friendly to our interest, on this question, than the other, resulting mainly from their respective positions; but either seem hitherto to have fixed limits short of what our rights and the Constitution authorize them to go.

How then are we to stay an evil that is sweeping the North, springing from the wants and necessities of men, being identified with the labor of the country, and fed by religious fanaticism; which is the theme of poetry and romance; the subject of lectures, sermons, and prayer meetings; which is cradled with infancy; instilled by education; caricatured in print shops; directed and lauded by an unrestrained press; which is addressed to and received by the beggar and the lordling; the male and the female, in city, town, and country; which is advocated by lawyers and doctors, judges and jurors, priests and laymen; is admitted to control politicians, Governors and State Legislatures; affects the Presidential controversy, influences this House, divides North and South, unites with Church and State, and now shakes the Union? How shall we arrest it? Ours is an awful responsibility. But the country requires us to take it; posterity will hold us accountable.

You have the remedy in your own hands, if you choose to apply it. Tell these petitioners this is a subject they ought not, cannot petition for. And when you return, meet them at their firesides, and in their fields; plant yourselves on the charter of our freedom; summon fact and reason; fail not to tell them, they are injuring their neighbors, and dissolving the Government.

Failing to apply this remedy here, sir, the South must take the alternative; yield her rights, permitting you to *use* the Government for your own benefit, and *abuse* it for our injury—or dissolve. Failing to do your duty here, Georgia, one of your confederates, willing to hear advice, but entitled to act for herself, must do what her interest and happiness requires. In her controversies connected with this subject, she cannot admit your power to decide for her—she cannot ask it—Maine could not submit to it—if she does—

[The SPEAKER here interrupted Mr. C.]

Mr. COOPER continued. I was going to say that if the power was claimed here and asserted, and your judges, marshals, posse, or army were ordered out to force Maine—

[The SPEAKER again interrupted.

Mr. EVANS and Mr. SMITH, of Maine, hoped the gentleman would be permitted to go on.]

Mr. COOPER said it was not his intention then, or ever, to violate order; he thanked the SPEAKER for his kindness in enforcing order, and the House for its courtesy in wishing him to go on. The reference to Maine and to New York, was made with the sole view of illustrating the propriety of applying a rule here, calling for a non-reception of these petitions, which might avert a more disagreeable alternative.

Gentlemen have said this is the way to multiply Abolitionists, and the gentleman from Tennessee [Mr. GENTRY] says receive, refer, and report on them, and the Abolitionists will be satisfied.

Sir, this subject was urged by petitions as early as 1790, by a most worthy and intelligent community of people, *the Quakers*. Georgia had her Baldwin and Jackson then to oppose them; a reference and report was made. Such, with little variance continued to be the course, till the object of the Abolitionists changed, and the honorable gentleman from New York, [Mr. GRANGER,] will permit me to correct him. In 1834–5, and before 1836, the excitement began to run high. Respectful treatment, reception and reports, only strengthened them, until, on this floor, honorable gentlemen asserted a power in Congress to abolish slavery in the States, and declared that slaves had a right to memorialize this body. Have gentlemen forgotten the course of Mr. Pinckney, the same now urged by the gentleman from Tennessee, [Mr. GENTRY.] He had a reference and a report. Did that satisfy or check Abolitionism? No, the causes have continued to operate, and the effects to increase. Wherefore, then, do Southern men wish a reference again?

I have trespassed on your patience longer than I intended. The importance of the subject, and the interest of my constituents, is the apology. Sir, I leave this unpleasant subject with you; unpleasant it is in the extreme. Here—at home—throughout this Union—look at it in all its aspects, it is fearful to the North and the South. The issue is at hand, and you are bound to speak the language of truth and sincerity to the North and the South, to cease on this question your party movements, and tell us what you think. Reject these petitions through regard to the constitutional rights of the States—quiet the South, and let the North understand that the Government is tottering. Do this, and you effect much to avert the storm and silence the commotion of the elements. But let the influences that drive these documents here move on, yield yourself to them—and, we say, talk not to Georgia of her obligations to a Constitution trampled by others under foot. She is an humble, submissive instrument at the footstool of power, or she will rise and defy those who would "incite her slaves to insurrection."

REMARKS OF MR. WATTERSON, OF TENNESSEE,

In the House of Representatives, January 16, 1840—On the subject of Abolition petitions.

MR. SPEAKER: Differing as I do from a portion of my colleagues upon this subject, I feel that it is my duty to state some of the reasons which influence my course. I did hope, sir, that on the exciting and important question now under consideration, it would be my good fortune to battle, arm to arm and shoulder to shoulder, with all the Representatives from the State of Tennessee. It is to me a source of deep mortification that any Southern man should hesitate a moment in regard to the proper disposition of Abolition petitions, much less pursue a course which, in my judgment, is playing into the hands of those miserable fanatics. The resolution offered by the gentleman from Louisiana, [Mr. CHINN,] proposing to receive and refer to a committee all memorials and petitions relating to the abolition of slavery in this District, in the Territories, or in the States, concedes every thing the Abolitionists are contending for at *this time*, and I must be permitted to express my great astonishment at the source from which it originated. Coming as he does from one of the largest slave-holding States in the Union, I regard the move as extremely unfortunate; but not more so than the zealous and able support which it has received from some of my colleagues and others of the same political party, who hail from the South. Sir, are not the votes of every Abolitionist in the House recorded upon the journal in favor of suspending the rule, for the purpose of adopting it? Did not the distinguished gentleman from Massachusetts, [Mr. ADAMS,] when a similar proposition was suggested by one of my colleagues, [Mr. BELL,] arise in his place and declare that *it was all he desired*? Well do the Abolitionists know that the goal of universal emancipation cannot be reached, but by degrees—that the ramparts of the Constitution cannot be torn down in a day nor a week; and hat if they can gain a single point at a time, they may ultimately succeed in eradicating slavery, not in the District of Columbia alone, but in the several States—and at the same time sunder the cords that bind together this glori-

ous Union. Sir, I would rather these conspirators against the perpetuity of this Republic, and the rights and tranquillity of its citizens, should prate about grievances, which, if they exist at all, cannot affect them, to the end of time, than to acknowledge by my vote, that I am bound to receive, refer, and treat with common respect their petitions, which ask me to violate the Constitution of my country, which I have solemnly sworn to support. If we are to have peace upon such terms only, I, for one, am against peace. But have we so soon forgotten the past? Does not every gentleman upon this floor recollect, that the same argument was used in 1836, in favor of the reference of these petitions to a committee—that then, as now, it was contended, that such reference would be the most effectual mode of tranquilizing the public mind, and staying all further agitation of the subject on the part of the Abolitionists? Under this delusive hope, such a committee was raised, on the motion of a distinguished gentleman from South Carolina, [Mr. Pinckney.] That committee went to work, and made an able report against the prayer of the petitioners, and what was the effect? Was the voice of Abolition hushed? Did their insulting and infamous petitions cease to pour into this House? Were the rights and feelings of the South any more respected? Let your journals for the last three years answer. Session after session are we called upon to repel their assaults against our domestic institutions, our homes, and our firesides. Instead of allaying, as it was alleged would be the case, it has increased their exertions. Shall we, then, resort to an experiment, which has already so signally failed? To do so would be nothing but downright madness. Better, far better, to stand firm like men, and give way on no part of the ground. If we once commence retreating, they will never cease their demands, until they have accomplished their unhallowed purposes. But the Abolitionists and their apologists contend that to refuse acting on these petitions is a violation of that article in the Constitution, which prohibits Congress from passing any law abridging the "right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This I deny. Have we passed any law, or are we called upon to pass any law, abridging this right? Surely not. The people are at liberty to "peaceably assemble" at any time, and to petition upon any subject; but when it is presented here by an honorable member, by the rules of the House which we have adopted for our government, *he has to state its contents;* and after hearing such statement, are we not prepared to say whether it is of such a character as would justify us in *rejecting* it at once? By way of illustration, suppose the fanatics of Massachusetts, or any other State, should take it into their heads to send petitions to the Legislature of Tennessee, asking them to pass a law authorizing and empowering our slaves to cut all our throats by a given time, would it be a denial of the right of petition not to receive and refer them? Again: suppose the hot-headed Southerners, believing that the venerable ex-President, who sits across the way, was most essentially deranged upon the subject of slavery, and that by his course in this House their lives and their property were endangered, should ask Congress to enact a law, sending him to some *place* of confinement the remainder of a long and eventful life, would not the gentleman himself admit, that this was an abuse of the right of petition; or, in other words, that we would not be bound to receive and consider it? Gentlemen declare if we will only receive and refer Abolition petitions, it is all they wish; the House can then put the "broad seal" of condemnation upon them as soon as they please. Such declarations resolve themselves into this: that to refuse to receive and refer their petitions, is a gross insult; but the moment after reception and reference, we may commit them to the flames, without offence! Most logical and happy thought, truly! But I am not willing to trust them. Let us mark our indignation at the objects they have in view, by a prompt and decisive vote at the threshold. Let us say to them that we have no power to legislate on the subject; and if we had, it could not be exercised, without tearing down the fairest fabric that human wisdom ever reared, and spreading havoc and ruin where there is now peace and prosperity.

Mr. Speaker, by refusing to receive these petitions after we have heard their contents stated by the introducer, or by laying them on the table without any further action upon them, we avoid debate on this distracting subject. Sir, every debate here may kindle the fires of insurrection in the South. Let me ask, how can debate be prevented, if we receive, and refer them to a committee? The moment that *reference* is made, a member rises in his place, holds up a resolution in his hand, and demands its adoption. What is it? It is a resolution *instructing* the committee to report *in favor* of the prayer of the Abolitionists. He has the floor; no other member can get it in order to move the *previous question;* and he proceeds for hours, if not days, to plead the cause of these incendiaries. Every word he utters, through the secret agency of the Abolitionists, finds its way to the ears of the slave population of the South, and may excite them to rebellion and massacre. But, sir, suppose you succeed in applying the previous question at the close of this speech; cannot another member, and another, and so on, until the whole number is exhausted, bring forward resolutions of the like kind, and in that way keep up an everlasting debate in this House, and an everlasting disturbance out of it? This must be the inevitable result of *receiving* and *referring* such papers to a committee. Unlike my two colleagues, [Messrs. GENTRY and BELL,] I can never consent to such a reception and reference. It must lead to interminable discussion; and discussion here, I fear, will lead to the most direful consequences.

The gentleman from the city of New York [Mr. MONROE] has declared that the battle of Abolitionism must be fought at the North. Must be fought in the North, and by whom, sir? The political party (Whig) to which he is attached? If so, I have solemn apprehensions that our rights will be in peculiarly bad keeping!

Sir, were they fighting the battles of the South, when they were supporting a notorious Abolitionist [Mr. Bradish] for Lieutenant Governor of New York, when they gave him about nineteen thousand votes in the city, and near one hundred and fifty thousand in the State? Were they fighting the battles of the South, when they were rallying around the black standard of an Abolitionist for Governor of Pennsylvania in 1838? I mean Joseph Ritner, who received the full Whig vote in that State; and will any member present deny it? If so, let him speak. I hold in my hand a message which he delivered to the Legislature, December, 1836, and would ask leave to read a short extract from it. After speaking of the "base bowing of the knee to the dark spirit of slavery," he said:

"Opposition to the admission into the Union of new slaveholding States, and *opposition to slavery in the District of Columbia*, the very hearth and abode of the national honor, have ever been, and are the cherished doctrines of our State. Let us, fellow-citizens, stand by and maintain them unshrinkingly and fearlessly."

Here are "cherished" Abolition "doctrines" for you! But, sir, the voice of the ballot boxes, in tones of thunder, declared, that this message contained foul slanders upon the sound Republican principles of Pennsylvania. Ritnerism and Abolitionism were overthrown, and the banner of Democracy again waved its broad folds over that ancient Commonwealth.

Were they fighting the battles of the South, at the late Harrisburg Convention, when they nominated a candidate for the Presidency, who is in favor of appropriating the surplus revenue to the emancipation of slaves? Only hear him:

"Should I be asked if there is no way by which the General Government can aid the CAUSE OF EMANCIPATION, I answer that it has long been an object near my heart, to see the WHOLE OF ITS SURPLUS REVENUE APPROPRIATED TO THAT OBJECT."

Were they fighting the battles of the South, when they elected Abolitionists Governor and Lieutenant Governor of Vermont? Sir, I regret to say, that I have seen the success of these men trumpeted, even in my own State, by the Whig newspapers, as a Whig victory. "Vermont erect!" "Vermont ever true to her principles!" and like joyful exclamations, have frequently graced their columns, on hearing of a Whig Abolition triumph in that State. Heaven save the Democracy from all such triumphs!

In the State of Ohio, I understand, there was a line of Abolitionists from the Ohio river to the Lakes, who aided the slaves of Kentucky to escape into Canada. So frequent were the complaints on this score, that the Legislature of Kentucky sent commissioners to the Legislature of Ohio, asking them to pass a law punishing in future all such kidnappers. Accordingly, such a law was promptly enacted, in conformity with the wishes of Kentucky and the principles of common honesty. I believe it was termed the "Fugitive act." But mark ye: in the House of Representatives there were twenty-three votes against the bill, all of whom were Whigs, "good and true." In the Senate, there were fourteen negative votes, and not a Democrat amongst the number. Now, I would ask the gentleman from New York, [Mr. MONROE,] if these thirty-seven leading Whigs were fighting the battles of the South?

Were the Whig party fighting the battles of the South, when they were passing, and endeavoring to pass, Abolition resolutions in the Legislatures of New York, Massachusetts, Pennsylvania, Vermont, Connecticut, and several other States?

Was the present Whig Governor of Connecticut fighting the battles of the South, when in his very first message he thundered his denunciations against Southern institutions?

Was his Whig Excellency, Governor Seward, of New York, fighting the battles of the South when he recently refused the demand of the Governor of Virginia for three fugitives from justice, charged with having "stolen and carried away from the State of Virginia a negro slave, the property of a citizen of the borough of Norfolk?" Was he afraid of offending his Abolition friends, who published a circular immediately before the New York election, in 1838, to the "Anti-Slavery electors" of that State, urging them to cast their votes for him and against Governor Marcy, the Democratic candidate? Here it is. Let the South make their own comments.

CIRCULAR

TO THE ANTI-SLAVERY ELECTORS OF THE STATE OF NEW YORK.

We ask the privilege of brethren to set forth briefly, but frankly, the reasons which constrain us to cast our votes for William H. Seward for Governor.

1. Mr. Seward is the candidate of the party which, on the floor of Congress, nobly vindicates the inestimable right of petition, and as nobly asserts the freedom of debate; of the party, also, that sustain John Quincy Adams and William Slade; of a party whose views are liberal and tolerant.

2. Mr. Seward is the candidate of the party which, in our last Legislature, passed resolutions *against* the admission of Texas into the Union; against Patton's gag resolutions; *in favor* of the right of petition; and *in favor* of granting trial by jury to persons claimed as fugitive slaves. Instead of the denunciations and revilings with which our petitions were treated in years past—instead of threatening us with penal enactments, *the Whigs* received and treated petitions and remonstrances with that respect and comity due to their constituents.

3. Mr. Seward is the candidate of the party that opposes the re-election of a President who stands pledged to veto any bill abolishing slavery in the District of Columbia.

4. Mr. Seward is the candidate opposed to Governor Marcy, who, in his messages to the Legislature, has manifested, in sentiment and sympathy, the bitterest hostility to our cause; and who, as the presiding officer of a public meeting, while he was Governor of the State, recommended the passage of laws authorising a violation of the mails, and inflicting pains and penalties upon those who were disseminating intelligence and truth.

5. The re-election of Gov. Marcy would go very far towards the re-election of Martin Van Buren, whose measures and policy are so hostile to the cause of *human liberty*.

And, finally, because our knowledge of Mr. Seward lead us to confide in the general soundness and integrity of his principles. We view the great question of a Sub-Treasury, a National Bank, or the currency, of minor importance, compared with the great subject of *human liberty;* and believing that the election of Mr. Seward, and the defeat of Governor Marcy, will best promote the great cause of *universal emancipation*, we shall vote for him ourselves, and recommend our Abolition friends to do the same.

We are, respectfully, your fellow-citizens,

JEFFERSON MAYELI,
President Albany Young Men's Anti-Slavery Society.
CALVIN PEPPER, Jr.
Vice President.
JOHN WILSON,
Corresponding Secretary.
H. CARPENTER,
First Vice President.
WILLIAM GIBSON,
One of the Executive Committee Young Men's Albany Anti-Slavery Society.
NORMAN FRANCIS,
Chairman of the Executive Committee of Young Men's Albany Anti-Slavery Society.

S. A. HASTINGS, A. McCLURE, J. McCLURE, FORDYCE SYLVESTER, JAMES E. McCLURE, S. B. HALL, CHARLES E. BURTON, PETER M. McELROY, DAVID MARTIN, S. T. RICE, S. V. R. WATSON.

I come now, Mr. Speaker, to the journal of the House of Representatives for the last session of Congress, and will show by the yeas and nays how certain members voted upon a resolution, against the right of Congress to abolish slavery in the District of Columbia and in the Territories, with a view to its abolition in the States. But, before I proceed, I would make a single remark in regard to the author of these resolutions, [Mr. ATHERTON, of New Hampshire.] His course has been denounced by the gentleman from New York, [Mr. GRANGER,] who charged him with being influenced alone by the strong tie of party and party drill. Sir, judging his motives from his acts, he was governed by a much higher consideration—a desire to stand fast to the Constitution, though he might fall in the conflict. Instead of meriting the censure, he deserves the gratitude of the whole country. In the name, and on behalf of my constituents, I tender him my heartfelt thanks. Would to Heaven we had more such men from the North.

I find, upon examination, that fifty-two Representatives voted against the second of the following resolutions. I shall read them both, because the latter refers to the first:

Resolved, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia, or the Territories, as a means, and with the view, of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith upon which they entered into the Confederacy.

Resolved, therefore, That all attempts on the part of Congress to abolish slavery in the District of Columbia, or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, *with the views aforesaid*, are in violation of the Constitution, destructive of the fundamental principle on which the union of these States rests, and beyond the jurisdiction of Congress.

Out of the fifty-two votes that were given against the last resolution, forty-eight were Whigs, embracing nearly the entire Whig strength from the non-slaveholding States in this House at that time. I give their names, and the States which they respectively represented:

MASSACHUSETTS WHIGS.—John Quincy Adams, Nathaniel B. Borden, George N. Briggs, William B. Calhoun, Caleb Cushing, Richard Fletcher, Geo. Grinnell, jr. William S. Hastings, Levi Lincoln, John Reed, and Leverett Saltonstall.

PENNSYLVANIA WHIGS.—Edward Darlington, Edward Davies, Thomas Henry, Thos. M. T. McKennan, Charles Naylor, and David Potts, jr.

VERMONT WHIGS.—Heman Allen, Horace Everett, Hiland Hall, and William Slade.

NEW YORK WHIGS.—John Edwards, (Con.) Millard Filmore, Henry A. Foster, (Con.) Abraham P. Grant, (Con.) Richard P. Marvin, Charles F. Mitchell, Luther C. Peck, David Russell, Mark H. Sibley, Timothy Childs, and Harvey Putnam.

OHIO WHIGS.—James Alexander, jr. Joshua R. Giddings, Pattrick G. Goode, Sampson Mason, and Calvary Morris.

NEW JESSEY WHIGS.—John B. Aycrigg, William Halsted, John P. B. Maxwell, and Charles C. Stratton.

INDIANA WHIGS.—George H. Dunn, William Herod, and James Rariden.

MAINE WHIGS.—George Evans, Joseph C. Noyes, and Edward Robinson.

RHODE ISLAND WHIGS.—Robert B. Cranston, and Joseph L. Tillinghast.

Might I not, Mr. Speaker, again ask the gentleman from New York, if these Whig leaders were fighting the battles of the South, when they were declaring by their votes, as I have shown, that they believe Congress has the power to legislate on the subject of slavery in this District and in the Territories, to the end that it may be overthrown in the several States? Sir, should ever the practical administration of the Government unfortunately get into the hands of men holding to such principles, I awfully fear that the days of this Republic are numbered.

Mr. Speaker, it is certainly an alarming state of affairs, if it has become necessary for one of the great political parties to favor the views of the Abolitionists to any extent, in order to receive their aid in the election of a President. I would hope it is not so. But when I reflect upon the causes which operated in favor of the late Harrisburg nomination, I must confess that I am not without my doubts. It is a fact which cannot be successfully denied, that, had it not been for the influence of the Abolitionists, another distinguished gentleman (Mr. CLAY) would have been the Whig candidate for the next Presidency. Let it be borne in mind, let it never be forgotten, that Gen. Harrison did not receive a single vote in the Harrisburg Convention from a slaveholding State; and is it not marvellous, that, while every Southern delegate in the Harrisburg Convention opposed the nomination of Harrison, now, when it is known his nomination was effected by the influence of Abolitionism, against the will of the South, the whole Southern Federal delegation in Congress have embraced him as their candidate? When the nomination reached New York, what joy pervaded the ranks of the Abolitionists! The Emancipator could not restrain its feelings. It sounded this note of triumph in the excess of its rhapsody:

"THE HARRISBURG CONVENTION.—Well, the agony is over, and Henry Clay is laid upon the shelf; and no man of ordinary intelligence can doubt or deny that it is the Antislavery feeling of the North which has done it, in connection with his own ostentatious and infamous pro-slavery demonstrations in Congress. Praise to God for a great Antislavery victory! A man of high talents, of great distinction, of long political services, of boundless personal popularity, has been openly rejected for the Presidency of this Republic on account of his devotion to slavery. Set up a monument of progress there. Let the winds tell the tale. Let the slaveholders hear the news. Let foreign nations hear it. Let O'Connell hear it. Let the slaves hear it. A slaveholder is incapacitated for the Presidency of the United States. The reign of slaveocracy is hastening to a close. The rejection of Henry Clay by the Whig Convention, taken in connection with all the circumstances, is one of the heaviest blows the monster slavery has received in this country."

Such was the language of a leading Abolition paper, published in the city of New York. But I have more evidence of the same character, showing the manner in which Harrison's nomination was received by the Abolitionists. The Boston Liberator, edited by the notorious and infamous Garrison, came out with a similar article. Hear him:

"NOMINATION OF GENERAL HARRISON.—The National Whig Convention, assembled at Harrisburg on the 6th instant, nominated William Henry Harrison for the office of President of the United States. On the first and second ballot, the vote stood for Henry Clay, 103; for Harrison, 94; for Winfield Scott, 57. On the third ballot, the vote was for Harrison, 148; for Clay, 90; for Scott, 16 *All the slave States went for Clay.* We regard this as another important sign of the times—*as a signal defeat of the slaveholding power in this country.* Had it not been for Abolitionism, Henry Clay would undoubtedly have been nominated. *We have faith to believe that no slaveholder will ever again be permitted to fill the Presidential office in this Republic.*"

Sir, if it were necessary, I could introduce evidence upon evidence, proving to a demonstration that Abolitionism done the *work* at Harrisburg; that Henry Clay was "laid upon the shelf," in consequence of the anti-Abolition sentiments which he avowed in a speech during the last session of Congress.

Mr. Speaker, I rejoice that whilst this dark cloud of Abolitionism is hanging over the country, that we have a pilot at the helm of state, whose views are so sound upon the subject, that he has been denounced upon this floor and elsewhere, as a "Northern man with Southern principles"—by which I presume it is meant that he is a Northern man, with Republican principles. If so, I yield to the justness of the denunciation.

Sir, I assert that no man can be a Republican and an Abolitionist. The two terms are totally inconsistent, as much so as those of Democrat and Federalist. Gentlemen may specify a scattering Abolitionist, here and there, who occasionally co-operates with the Democratic party, from local causes, but all his principles, feelings, and sympathies incline him towards the Opposition. Moreover, the Democratic party, as a party, have repudiated the doctines of the Abolitionists. Look at the inaugural of the President, who stands pledged to veto any bill interfering with slavery in this District. Look at the address of the Democratic members of Congress to the people of the United States. Look at their votes in the various State Legislatures. Look at their resolves in their conventions, and in their primary meetings, and you will find abundant evidence of the truth of this assertion. Well did Mr. Jefferson remark, that the "Democracy of the North are the natural allies of the South." Sir, I am proud of that alliance. We fight in one common cause, and under one common banner. That cause is the Constitution of our country. That banner the same, which has so proudly waved over the Republican party, from the foundation of this Government.

APPENDIX AND PROOF.

In Mr. STANLY's reply to Mr. WATTERSON, he read a publication of Mr. PARMENTER, a Democratic Representative from the State of Massachusetts, which he thought committed him to the cause of the Abolitionists.

Mr. PARMENTER did not know if he understood precisely what the gentleman from North Carolina meant by an Abolitionist. I should like to hear him refer to any remark or writing of mine on that subject, or to any vote I have given, other than for the reference to a committee.

Mr. STANLY said he should like to know what the gentleman himself considered an Abolitionist, and read a letter written by Mr. PARMENTER, in which he gave his opinions on the subject of abolition.

Mr. PARMENTER said that, in the State of Massachusetts, it was essential to the quality of an Abolitionist that he should wish Congress immediately to adopt measures to abolish slavery in the District of Columbia and the Territories, without any regard to the consequences. It was true that he, in common with a very large portion of the people of Massachusetts, believed slavery to be a very great evil; and would be glad if it could be abolished without disturbing the peace and harmony of the Union, or violating the rights of others. Mr. P. added that the letter read by the gentleman from North Carolina, was not considered to be in accordance with the views of the Abolitionists, and accordingly they all voted in a body against him.

Mr. STANLY went on with his remarks, and spoke of a number of distinguished members of the Democratic party whom he stigmatized as Abolitionists. Mr. S. read some extracts from an address of Mr. Morton, whose recent election as Governor of Massachusetts, the Democratic party hailed as a triumph, to show that he also was an Abolitionist.

Mr. PARMENTER wished to make one remark in relation to Mr. Morton, the Governor elect of Massachusetts. The gentleman had read some extracts where Gov. Morton spoke his sentiments very strongly against slavery. But the gentleman did not draw the distinction between anti-slavery and Abolitionism. The one was a mere matter of belief, while the other was an intention to carry its objects into effect without any regard to the consequences. He would make another remark. The Abolition paper printed at Boston opposed the election of Governor Morton, and recommended it to the Abolitionists to support another candidate. Mr. P. wished the gentleman would define his ideas of Abolition more distinctly.

Mr. STANLY said he wished the gentleman would define his.

Mr. PARMENTER said he would define what he considered to be the views of an Abolitionist. It was a desire that Congress should abolish slavery in this District, and in the Territories, without regard to the rights of others, the peace and tranquillity of a large portion of the country, and the safety of the Union.

In addition to Mr. PARMENTER's remarks, I would state that there were four trials in his district before he was elected. Levi Farwell was the candidate of the Abolitionists, and Nathan Brooks the Whig candidate. Before the fourth trial, Mr. Farwell declined in favor of Mr. Brooks. Whereupon the Abolitionists issued a circular to their friends, urging them to vote in favor of Mr. Brooks. I subjoin the circular, as well as Mr. Farwell's letter.

TO THE ABOLITIONISTS.

Pause and consider, we beseech you, before you again throw away your votes. The District must not, cannot, go unrepresented. You cannot choose a candidate of your own. Of course Mr. Brooks or Mr. Parmenter will be eventually elected, and can you hesitate a moment for which of them to vote? Mr. Parmenter is pledged to the support of Mr. Van Buren, who has thrown himself into the arms of Southern slaveholders, and he is irrevocably pledged to war against abolition every where and at all times. Mr. Parmenter and his party revile and abuse you. They regard abolition as a "DISEASE," and contemptuously call it "NEGROPHOBIA," and declare it to be "*decidedly worse than hydrophobia.*" From them the poor slave has nothing to hope but "*stripes and fetters*," and you nothing but sneers and abuse.

Will you not avenge yourselves by giving your support to Mr. Brooks, whose votes in the Senate prove him to be the slave's true friend, and who, in the opinion of the Hon. Samuel Hoar, and Hon. Levi Farwell, and many other respectable Abolitionists, is worthy of your entire confidence. If, by doing so, you can effect his election, would not your votes be "*emphatically votes for liberty?*" Your former pledges to scatter your votes have been thrice redeemed, and are no longer binding on you. Follow the example of the Abolitionists in other towns, who are determined "nobly to maintain principle," and cast your votes as patriotism and humanity dictate.

Read the following letter, and then pause, before you give your votes for *slavery!!!*

MR. FARWELL'S LETTER.

CAMBRIDGE, March 20, 1839.

GENTLEMEN: Inasmuch as, at your former session, you have seen fit to propose my name as one of the candidates to be voted for at the Congressional election, you will, I trust, excuse me in requesting that my name may not again be used for that purpose; first, because that, under no circumstances likely to occur, could I undertake to serve the district in that capacity; and secondly, because, from my long acquaintance with Mr. Brooks, and from his acts in the Senate of Massachusetts, I cannot but

feel that his sentiments on the subject of slavery are such as to entitle him to the entire confidence of Abolitionists.

Very respectfully, your obedient servant,

LEVI FARWELL.

To the Abolition Convention sitting this day at Concord.

The following is the article from the Liberator, (alluded to by Mr. PARMENTER,) calling upon the Abolitionists to support the Whig candidate for Governor, Edward Everett, at the late election for Governor in Massachusetts.

TO ABOLITIONISTS!

We recommend to the attention of our Abolition brethren the following paragraph, which is a literal copy of the whole of an editorial paragraph in the last Liberator, written by Mr. Garrison:

EDWARD EVERETT.

The Governor of this Commonwealth has answered unequivocally in the AFFIRMATIVE to the questions, whether he is in favor of the immediate Abolition of slavery in the District of Columbia, and the slave trade between the several States. Edward Everett now speaks the language of a patriot, a Republican, and a Christian. We believe it is the real language of his soul. When, a few years since, he took opposite ground, he did violence to his convictions of right, and committed a grievous error. We are disposed to obliterate all that has gone before, and to commend him for his present honorable course. To refer individually to what he said when public sentiment was deeply corrupt, would be ungenerous; to charge him with being insincere at the present time would be unjust; to accuse him of seeking popularity would be equally uncharitable It is not yet a popular thing for the Chief Magistrate of this Commonwealth to avow himself in favor of immediate emancipation; and until he shall prove recreant to his present professions, it is to be taken for granted that he means just what he says. In our opinion, he ought to receive the undivided support of the anti-slavery voters of this Commonwealth; nay, they have pledged to him their support, inasmuch as he has declared himself to be in favor of their principles and measures.

We likewise recommend to the attention of our Abolition brethren the following unmutilated and literal extract of a communication in the same paper, by "A Member of the Massachusetts Anti-Slavery Board."

GOV. EVERETT'S LETTER IS SATISFACTORY. His endorsing Mr. Alvord's report does not weaken his answer, but strengthens it, for that report was full of the soundest Abolition doctrines. THE GOVERNOR SHOULD RECEIVE THE VOTE OF EVERY ABOLITIONIST. Some, who call themselves such, but whose hearts are more with their party than with the slave, may still go back to Edward Everett's old misdeeds. Let me tell them this is unfair. In the circumstances of the case, it is almost treacherous. Mr. Borden asked Governor Everett's opinions, not as an individual, but as representing the Abolitionists generally. The Governor answers at once and unequivocally. Is it for *us* to turn round, and charge him with insincerity? This would be a gross outrage. Why did we ask him if we did not mean to judge him by his answer?

Judge Morton's and Mr. Willis's letters are very much alike. *They give no information. They do not answer the simplest of all possible questions, so that a plain man can tell what they mean.* Judge Morton refers to a letter written two years ago, which, when you look at it, is no more of a reply than the present. That letter contained some very handsome and flowing periods about his detestation of slavery, &c. It, perhaps, served its purpose pretty well in its day; what would do for 1837, will not do for 1839. These vague professions of Judge Morton amount to just nothing at all. There is nothing in them you can put your finger on. If the Abolitionists are to be satisfied with such unmeaning generalities, let me tell you, the politicians will never give them any thing else.

Mr. STANLY also read a letter of Mr. WILLIAMS, of Massachusetts, in which strong opposition to slavery was expressed. Whether MR. WILLIAMS is, or is not, an Abolitionist, I know not. But I have it from a source which cannot be questionedthat his Whig opponent for Congress (Nathaniel B. Borden) was an active member, if not President of an Anti-Slavery Society, and was supported by Garrison's Liberator, in Boston, the organ of the Abolitionists in that State, which opposed Mr. WILLIAMS, and did not consider him as coming up to their views. Moreover, I find, by reference to the journal of the last session of Congress, that Mr. Borden voted against Mr. ATHERTON'S resolutions throughout—even against that resolution which declares that Congress has no power to do that indirectly, which it cannot do directly.

One of the largest Democratic conventions ever held in the State of Ohio, was held at Columbus on the 8th of January, instant. Among other resolutions which were unanimously adopted, I find the following in regard to Abolition. They go the full length in support of Southern institutions:

Resolved, That, in the opinion of this convention, Congress ought not, without the consent of the people of the District, and of the States of Virginia and Maryland, to abolish slavery in the District of Columbia; and that the efforts now making for that purpose, by organized societies in the free States, are hostile to the spirit of the Constitution, and destructive to the harmony of the Union.

Resolved, That slavery being a domestic institution recognised by the Constitution of the United States, we, as citizens of a free State, have no right to interfere with it, and that the organising of societies and associations in free States, in opposition to the institutions of sister States, while productive of no good, may be the cause of much mischief; and while such associations for political purposes ought to be discountenanced by every lover of peace and concord, no sound Democrat will have part or lot with them.

Resolved, That political Abolitionism is but ancient Federalism under a new guise, and that the political action of Anti-slavery societies, is only a device for the overthrow of Democracy.

Before the New York elections in 1838, the black Abolitionists of the city of New York held a meeting, at which they adopted resolutions "*earnestly*" requesting their "*colored brethren*" to vote the "WHOLE WHIG TICKET." Their proceedings are subjoined.

ALL MEN ARE BORN FREE AND EQUAL!
TO THE COLORED CITIZENS OF THE CITY AND COUNTY OF NEW YORK!

At a respectable and numerous meeting of the colored freeholders of this city, held at Wilberforce Hall, Mr. John Fort was called to the chair, and William Johnson was appointed secretary.

After the minutes of the previous meeting was read, Mr. Fort, the chairman, moved that the minutes be so amended as to read, "that the colored citizens of New York be earnestly requested to vote the

WHOLE WHIG TICKET

Nominated at Masonic Hall;" which, after considerable discussion, was adopted. It was then moved and adopted:

1. That WM. H. SEWARD, having, in his letter to the committee of Abolitionists, shown himself more friendly to the abolishment of all distinction, as far as regards COLOR, than the candidates of the Democratic party, we agree to give him our unanimous support.

2. That LUTHER BRADISH has shown himself the unqualified friend of human rights, and, in consequence, shall receive the votes of every colored citizen in this city.

3. That the Congress and Legislative ticket of the Whig party shall also receive our support.

The following gentlemen were then appointed a Vigilance Committee:

THADDEUS SILAY,	JOHN PIPER,
JOHN BONSER,	GEORGE DOUGLASS,
TERENCE SAMPLE,	HANNIBAL ALLEN,
JOHN BLAKE,	CATO SMITH,
PARKER DOWNING,	WM. JOHNSON,
CÆSAR MOTT,	JOHN SMITH.
ANTHONY MOORE,	

JOHN FORD, President.

WM. JOHNSON, Secretary.

The Vigilance Committee will be in attendance at this place during the three days of the election. Our friends who were not at the meeting will please provide themselves with tickets by calling on the members of the Colored Whig Freeholders Vigilance Committee.

The following confidential circular was also sent to the Whig Abolitionists, by Arthur Tappan, previous to the New York elections in 1838.

DEAR SIR: Enclosed you have a list of the publications by this Society, to which you will please direct any of our Whig friends who may desire a knowledge of the truth. I am gratified that our Abolition friends are to be found on the Whig side rather than the Loco Focos; for the cause of the country and of humanity ought to go together. ☞IF WE CAN RIVET OURSELVES FIRMLY ON ONE OF THESE PARTIES, WE CAN GAIN OUR OBJECT. Be careful.

I am yours, etc. per Arthur Tappan.

Nov. 1, 1838. B. LEROY.

To P. W. WESLEY, jr.

In the House of Representatives of the New York Legislature, in 1839, the Whig party had a majority. They introduced a preamble and resolutions denouncing the resolutions of Mr. ATHERTON in the strongest terms; and they passed that body by a strict party vote—the Whigs voting for them, the Democrats against them. They went to the Senate, where the Democrats had a majority, and were referred to a committee, of which Col. Young, a leading Democrat, was chairman. He made an able and eloquent report upon the subject, accompanied with a resolution recommending their rejection, which report and resolution were concurred in—the Democrats voting unanimously in the affirmative, the Whigs in the negative.

MAINE.

In 1838, John Fairfield, then a member of Congress from Maine, was nominated as the Democratic candidate for Governor. Mr. Fairfield was one of that gallant band from the non-slaveholding States, who had nobly sustained and defended the constitutional rights of the South upon the question of slavery. He had voted for the resolutions of Mr. Patton, of Virginia, touching petitions for the abolition of slavery, and subsequently for those of Mr. ATHERTON, of New Hampshire, upon the same subject. A letter was addressed to him by a committee of an Abolition society, propounding several interrogatories, which were replied to by him in the same bold, honest, and straight forward manner, which had distinguished his course in Congress. He was, of course, denounced by them and the whole Whig party, without any exceptions, mainly and principally on account of his votes upon those resolutions, and his answer to the aforesaid interrogatories.

Mr. Edward Kent was the candidate of the Whig party. A letter, similar to that addressed to Mr. Fairfield, was sent to Mr. Kent by the same committee. His answer to it was such as to conciliate and command the support of the whole Anti-slavery Abolition party of Maine. In the course of his answer he took occasion to denounce, in the most violent manner, those who had voted in Congress for the resolutions of Mr. Patton.

The whole Federal press in Maine were particularly abusive of Mr. Fairfield for his votes in Congress against Abolition petitions; but he was triumphantly sustained and elected by the Democracy of that State, with a full understanding of his opinions upon the subject of Abolition.

At the last election in the State of New Hampshire, held in March, 1839, John Page was the Democratic candidate for Governor and James Wilson the Whig candidate. John Page was decidedly opposed to the Abolitionists, whilst James Wilson answered their interrogatories to their entire satisfaction, and was supported in their papers as the candidate of the Abolitionists. Mr. Page was elected by over six thousand majority.

The Democratic candidates for Congress at the same election, were all opposed to the Abolitionists, and most violently abused and denounced by the Abolition papers—and yet they were all elected by an average majority of about six thousand votes over the combined forces of Whigery and Abolitionism.

Extract from the letter of James Wilson in reply to the interrogatories of the Abolitionists.

Congress has, in my opinion, power to abolish slavery in the District of Columbia and in the Territories; and the slave trade there and between the States. *I am of opinion Congress ought, without delay, to exercise the power that body has over the subject.*

Mr. Wilson was also a prominent member of the late Harrisburg Convention.

In August, 1838, the distinguished Senator from Pennsylvania [Mr. BUCHANAN] made a speech at Lancaster, in that State, in which he showed conclusively that Joseph Ritner, the Whig candidate for Governor, was an Abolitionist, and urged the friends to the Union to vote against him, and in favor of the Democratic candidate, David R. Porter. Standing, as Mr. BUCHANAN does, at the head of the Republican party of Pennsylvania, his opinions on the subject of Abolition, may be regarded as the opinions of his political friends; and on that account, I introduce a short extract from the speech referred to:

Should Joseph Ritner be elected, the people of Pennsylvania will have declared, in a voice of thunder, that Florida shall not be admitted into the Union, because it will be a slaveholding State; that the question of abolishing slavery in the District of Columbia, shall again and again be agitated to disturb the repose of the Union; and that the doctrines of Abolition, from which these are but emanations, shall be maintained, no matter what may be the fatal consequences. Whilst his election will be hailed as a victory by the Abolitionists everywhere, it will be felt to the extremities of the Union as a most portentous omen of its dissolution.

I have studiously avoided producing any proofs that Joseph Ritner is an Abolitionist, except from his own solemn message, the doctrines of which have been recently reiterated in his letter to the Anti-slavery Society of Pittsburg. It is true I might have cited the efforts made by his political friends to obtain the hall of the Legislature as a place of meeting for the Abolition Convention; the cordiality with which he received its members, and the spirit thus infused into them by his countenance and conversation; his preference for leading Abolitionists, in making some of his most important appointments; and numerous other circumstances, tending to establish the same fact. I have thought it best, however, to confine myself to his own official declarations. That he is sincerely an Abolitionist, I do not doubt; and he deserves the merit of firmly adhering to his opinion, which would have been a great virtue in a good cause.

I might here, also, proceed to illustrate the effects of the triumph of this doctrine. What would be your situation, fellow-citizens, if negroes were admitted to an equality of political and social rights with white men and white women? You have already had a foretaste of it, in the scenes which were exhibited at Pennsylvania Hall. The subject is too disgusting, and I recoil from it.

Go, then, to the polls, and by your votes in behalf of the Democratic candidate, David R. Porter, declare to your sister States, and to the world, that Pennsylvania will be again, as she had ever been before Governor Ritner's election, the strongest and firmest pillar of the Union.

In connection with Mr. BUCHANAN'S speech, I would call attention to the following resolutions, which were unanimously adopted at a Democratic convention, held at Reading, Pennsylvania, Sept. 10, 1838, and composed of more than three thousand delegates. Where can the Whigs point to a resolution against abolition which has ever been passed in any of their conventions? I would add that Reading is in Berks county, *the strongest Democratic county in the United States.*

9. *Resolved*, That the constitutional obligations due by the non-slaveholding to the Southern States, imperiously require the most rigid abstinence from any and every interference with their domestic institutions; that the subject of emancipation belongs to the latter, and ought to be agitated but by themselves.

10. *Resolved*, That the agitation in the free States of the

question of abolishing slavery, is an impertinent and wicked interference with the constitutional rights of our brethren of the South; that it is one which cannot by any possibility lead to good, and but too well calculated (and we fear *intended*) to work mischief; that we have yet to learn in what manner the slaveholding States have intermeddled with *our* affairs; and that, in forbearing to encroach upon *theirs*, we are exercising no spirit of forbearance which is entitled to peculiar commendation, but pursuing merely that line of strict duty, to which every consideration of propriety, of respect for the feelings of others, and of regard for the national character and the common welfare, calls on us to adhere.

11. *Resolved*, That the abolition of slavery in the District of Columbia, which forms the great present effort of the Abolitionists to accomplish, we believe to be regarded by them as an *entering wedge*, through whose instrumentality they hope to be enabled to strike, hereafter, more easily and effectually at the tranquillity of the Southern States, thereby leading to the horrors of civil and servile wars, the arraying of one section of this Confederacy in embittered hostility against the other, and the ultimate, inevitable, and ineffable wretchedness of *disunion*.

12. *Resolved*, That it would be highly inexpedient and dangerous to abolish slavery in the District of Columbia, without the consent of Virginia and Maryland—inasmuch as it would but serve to convert the said District into a city of refuge, to which fugitive slaves would not fail to hasten in crowds, and holding out to them temptations to seek its sanctuary—and would also furnish a convenient central magazine, wherein the zealots and incendiaries of Abolition would establish themselves to perpetually annoy and distract the deliberations of Congress; to fire their trains upon the surrounding Confederacies; and hurl their firebrands with sure and terrible aim.

13. *Resolved*, That, supposing Congress to possess the *right* to abolish slavery in the District of Columbia, its *exercise* would nevertheless be, so long as the institution exist in the Commonwealths of Virginia and Maryland, a gross and monstrous abuse of power, and a flagrant violation of the implied national faith: That the said District having been ceded to the nation by two slaveholding States, it must necessarily have been with the understanding that its people would be permitted to remain in the unmolested enjoyment of those rights of property which, as citizens of Virginia or Maryland, they would have retained.

14. *Resolved*, That the manly and patriotic stand taken by the President of the United States upon the question of Abolition, in his inaugural address; in which, after referring to his previous avowal that "he must go into the presidential chair the inflexible and uncompromising opponent of every attempt on the part of Congress to abolish slavery in the District of Columbia, against the wishes of the slaveholding States; and, also, with a determination equally decided, to resist the slightest interference with it in the States where it exists;" he adds: that "no bill conflicting with these views can ever receive his constitutional sanction," commands our cordial and unqualified approbation.

15. *Resolved*, That as Pennsylvanians, we regret to be compelled to contrast with the bearing of President Van Buren, referred to in the preceding resolution, the temper and spirit of that distinguished local functionary who has not scorned to prostitute the influence of his high office to aid in fanning into a devouring flame the evil passions of the disciples of the Thompson and Garrison school; and who has stooped to vilely traduce the character of the glorious Keystone State, because her Senators and a majority of her Representatives in Congress would not "*basely bow the knee*" to the mad and dark designs of the Abolitionists.

16. *Resolved*, That it is deeply mortifying to the pride of every Pennsylvanian, having aught of regard for the honor, and jealous of the reputation, of the Commonwealth, that the leader of the Abolitionists, and head and front of their incendiary faction, should be the Governer of this State; that the evidences of his approval of, and adhesion to, the dangerous creed of that school have been too lavishly furnished, and are of too grossly odious a character, to permit the eleventh hour denials of his alarmed satellites to impose upon the intelligence of a justly incensed people.

On the 6th of July, 1838, the Democratic members of Congress issued an address to the people of the United States, in which they set forth their political principles. The part which relates to Abolition is in these words:

The subject of Abolition has assumed a character so formidable in its appearance, and so destructive in its tendencies, as to call for a brief exposition of our views.

The existing relation of master and slave between the two races inhabiting the Southern portion of the Union, existed when the Constitution was formed, and is recognised in the apportionment of members in the House of Representatives, as well as in the imposition of direct taxes, and the clause guarantying the delivery up of persons held to service or labor in one State and escaping into another.

It is manifest that the power over this subject is one of those not delegated to the General Government, and, of course, is one of the reserved powers; as such, it is under the entire control of the respective States, within whose limits the institution may exist, and within which neither this Government, nor that of the other States, nor their citizens, have any more right to interfere, directly or indirectly, than with the existence of slavery in Cuba, or any other foreign country.

From this it follows that any such interference on the part of this Government, would be without authority, and a manifest breach of the Constitution. It would, in truth, be more than a simple breach of that instrument; it would be destructive of the primary object for which the Government was instituted, which was to preserve and protect more effectually the domestic peace and tranquillity of the States, and their citizens.

It also follows, that such interference on the part of other States, or their citizens, would be in violation of the national compact, which they mutually pledged themselves to each other to preserve inviolate on entering into the Union.

It also follows, that the States, separately and individually, where slavery exists, are alone responsible for it, either for good or evil; and the impression that any other State or its citizens are responsible, in any way, for its existence, originates in the gross and mischievous Federal conception, that ours is a great national consolidated Government, where the whole is responsible for the parts, just as the States are for counties, instead of a Federal Republic, composed of sovereign and independent States, united together for their mutual advantage, tranquillity, and security.

Such, and so formidable, are the barriers against an interference with this dangerous subject, within the limits of the States. Nor will those against an interference by the General Government, in any manner, in this District, be found less formidable, when duly considered.

We hold, in the first place, that, to attempt to abolish slavery in this District, as an intermediate step to abolishing it in the States themselves, by this Government, or the non-slaveholding States, or their citizens, would be as clearly and manifestly liable to all the objections, in their full force, to which a direct attempt to abolish it in the States themselves would be. It is the *motive* and *object* intended, and *not the means*, that determine *the character of the act*. There is no code of morals which justifies the doing of that indirectly which is forbidden to be done directly. If it be unlawful to burn our neighbor's house, it would be equally unlawful to fire another, or even our own, with the intention of burning his. If there be a difference, the latter, by adding craft to guilt, is of a deeper die.

We also hold that, however may be the individual opinions of public men as to the character of the domestic institutions of the slaveholding States, they have no right, when acting in public stations under the Federal Government, by any of their acts, to discriminate between their institutions and those of the other States. It must be borne in mind that ours is a Federal Republic, as has been already stated, formed by sovereign and independent States, for their mutual security and happiness; and that they instituted this Government, and clothed it with powers to carry into effect these important objects. Such being the character and object of our system, it is clear that this Government can have no right whatever to give a preference to the institutions of one portion of the Union over those of another, or to use its power to abolish one or establish the other; and to do so, be the pretext what it may, would be directly subversive of the object for which it was established, by destroying that which it was intended to protect. Instead of preserving peace and tranquillity, it would become an instrument in the hands of the stronger portion of the Union, for assailing the institutions of the weaker, and engendering thereby the bitterest feelings of hostility, which, in the end, would destroy the Union itself.

Resting on these broad and incontrovertible principles, we hold it to be clear, beyond dispute, that Congress has no right to abolish slavery in this District, with a view of abolishing it in the States, or to exercise any of its powers with that intention. Nor do we deem it material, in coming to this conclusion, to inquire what is the extent of its powers over this District; be they what they may, they are all conferred for special purposes, to be exercised, like all such powers, in subordination to the known objects for which they were granted. To pervert them to any other purpose inconsistent with the object of the grant, would be a violation of the Constitution, not the less dangerous because not expressly forbidden.

Thus regarding the powers of the Government, it is sufficient to sustain the conclusion at which we have arrived—that the Government has no right to abolish or interfere with slavery in the States, or to use its powers to give a preference to the peculiar institutions of one portion of the Union over those of another; this admitted, and the conclusion follows as a matter of course. It is on this broad and deep foundation that we bottom the course which we think ought to be pursued by the Government on this agitating and dangerous question. Here and there only, can a stand be made to arrest its progress, give peace and quiet to the country, and permanency to the Union. If this be surrendered, on no other ground can a stand be made; and we call on all who love the country, and value peace, harmony, and union, to take their stand on it, regardless of all minor differences.

In addition to what we have said, we should remind our country of the plighted faith of this Government to the States of Virginia and Maryland, of the sacred rights of property possessed by the inhabitants of this District, when they were surrendered by these States to the protection of Congress. We would also ask an attentive consideration to that state of anarchy and confusion which must exist at the seat of the General Government, when this District shall become the receptacle of the fugitive slaves from all the neighboring States. Some of us have witnessed, and others have heard, with deep regret, the deteriorated condition of the slaves, produced by this disturbing question; and in the name of the Union, we ask our fellow-citizens to forbear its further agitation.

DEFERRED REMARKS.

IN SENATE, TUESDAY, JANUARY 4, 1840.

INDEPENDENT TREASURY BILL.

The VICE PRESIDENT having announced as the special order the bill to provide for the collection, safe-keeping, and transfer of the public money,

Mr. CLAY, of Kentucky, said: I rise, Mr. President, to make a suggestion to the honorable chairman of the Committee on Finance. The importance of this bill no one will contest; the great extent of its consequences no one can doubt. In addition to the occurrence in this body yesterday, (the resignation of Mr. WHITE) the Senate is now wanting five of its members. This, I believe, is without example in the history of this Government. Five legislative bodies have not elected and returned their members to this House. And we know enough to know that in no instance has it been the fault of the people, and in every instance it has been because the legislative bodies of the States, who were charged with the election of Senators, have been unable to agree as to the election of Senators. Of these States, three are among the most important in the Union, and one of them so important as to obtain the denomination of the Empire State, which last will send a Senator fresh from the people, and expressing the wishes of the people of that State, and we hope it will be so from the others who will send members here.

These, sir, are the facts; and the want of Senators from five of the States, the importance of the measure itself, the necessity of a full consultation, and the benefit to be derived from those counsels, those lights on the subject which are all-important to portions of this body, seem to recommend that the bill should not be considered at this time, even if we did not know that the other House is in a condition which imposes no necessity of action here on an important measure. If this bill should be passed to-morrow here, it would be weeks before it could be taken up in the other House. Taking all these circumstances into view, I trust that the honorable chairman of the Committee on Finance, and the Senate generally, will acquiesce in the postponement of this measure.

Sir, I am quite sure the Senator from New York must be most desirous that his colleague may be with him on this occasion, that he may have the aid and counsel of his colleague, coming as he does from the people which they both represent. I trust, therefore, he will not now press the consideration of this measure. There are three or four of the States which, there is a high degree of probability, will in eight or ten days have elected their Senators, and they will be on their way here. Indeed, that event to which I have alluded as likely to give great pleasure to the chairman of the committee, will doubtless take place this week, or early in the next. At all events, I hope I shall have the concurrence of the chairman and of others in the suggestion, for I will not now make the motion, that the consideration of this bill be postponed to Monday week.

Mr. WRIGHT said he had no personal desire to press the action of the Senate on this bill; and, if at liberty to consult his own inclinations in this matter, his course would probably be what the Senator from Kentucky had so kindly intimated it ought to be. As a member of the committee which had reported the bill, his action on it was already discharged. He must, in candor, say to the Senator, he could make no motion to postpone, nor was he at liberty to vote in favor of any postponement. It was for the Senate to determine, in accordance with what they deemed to be their duty, on the course to be pursued in relation to the suggestion of the Senator from Kentucky. This is the fourth session of the Senate, stated and special, since this measure was presented here; and I cannot forget, that, though it had twice passed this body, it had failed to receive, practically, any consideration in the other branch of the Legislature. That body at present, from peculiar circumstances, is a full month behind its usual advancement in legislative business. As to the vacancies in the Senate alluded to, he had not calculated the number of the friends or opponents of the measure, but from the Senator's own enumeration, he thought there would be little change in their comparative strength, if the vacancies were all filled. In three days he was induced to believe, he would have the consolation—and he hoped he might be permitted to say to the Senator that it would be a consolation—of having a colleague on this floor, who would, doubtless, intend to represent truly the views and wishes of their common constituents on this measure. The final action of the Senate on the bill would not be had until after his arrival. Mr. W. said, that under instructions from the committee, when the bill was reported, he had given notice that he would call it up yesterday. Why it was not then taken up, is well known to the Senate. Whether they will now call it up rests with Senators to determine.

Mr. CLAY. It gives me great pleasure to bear testimony to the fairness of the course of the chairman of the committee, and it is every way worthy of him, and highly reputable to him as chairman of the Committee on Finance. I now understand him to say that, without the possibility of his concurring in the postponement, he now submits it to the Senate, as suggested by me, and he adds nothing that can seriously oppose the proposition for delay. Five of the States, and three of them most important, are now unrepresented here, and this fact is unprecedented, as far as my knowledge ex-

tends in the history of the country. It is very true, as the Senator says, that this bill has not been fully discussed; and it is very true, also, as stated by him, that the usual business of Congress is back by one month. Still the considerations remain which I first brought up; and no urgency here can accelerate the movement of the bill in the other House.

And while I am up, I will make another suggestion. In the course of two years past there has been a reversal—a change—a very great change—and not an unimportant one, as it respects the origination of important measures. Prior to that time all such measures originated in the House of the people, and they ought to do so, for the election of that House by the people ought to be a restriction on us, and we ought to aim at augmenting and strengthening the power of that body, and that peculiar power which belongs to the people, or ought to belong to them, and would, if the Government were duly administered, of guarding the public Treasury. We ought, I think, to see the propriety of such bills originating with them. But if we now delay the consideration of this measure, I believe it will be for the benefit of the whole States, five of whom are now not fully represented; and I trust the Senate, to whom the chairman of the committee has, with so much propriety, referred the question, will concur in the motion which I now make, though only suggested before, that the consideration of this bill be postponed till Monday week. I am happy that the chairman of the committee will enjoy the company of his colleague earlier than I anticipated, and I hope the two other great States will be represented on this floor, and the Senator from Michigan may be here before passing the bill, if it should be postponed till that time.

I have one remark in reply to the honorable chairman. It is not essential only that his colleague, as well as other Senators, should be here simply to record his yea or nay on the passage of the bill, but he ought to be here during the whole discussion and the consideration of the amendments. In this, I trust, the Senate will concur with me.

Mr. WRIGHT said he had nothing more to say in reference to the time when the bill is to be brought under consideration. But he would reply to one remark of the honorable Senator in reference to the introduction of the bill into this body. I am bound to say that I concur fully with him in the change, the great change, which has taken place in the last ten years in the legislation of the two Houses of Congress, and I agree with him that this change is to be regretted. But he did not think that the Committees on Finance were responsible for the innovation. This is not even an appropriation bill. There is a small appropriation for carrying it into effect, but not touching in any way the raising of revenue. But, at the first session I was here, and it was a short session, two most important bills were passed, one for the distribution of the proceeds of the public lands, and the other the so-called compromise bill; one of them with an appriation most important, and the other came at least very close on a bill to raise revenue. Both these bills were introduced here by the Senator from Kentucky, and I believe that was one great step to the change of which he complains. I do not say this in the way of censure, but to defend the committee from the charge of originating the innovation alluded to. The circumstances in which the other branch were at present, and the course which had prevailed for some years past, were, in his estimation, a sufficient justification of the committee for departing from this rule.

Mr. CLAY. In the first place, the honorable chairman is inaccurate, though he did not intend it, in regard to the character of this bill. If I am not mistaken, the first section of it makes an appropriation to an indefinite amount.

Mr. WRIGHT. There are two or three small appropriations to carry the bill into effect.

Mr. CLAY. But I am extremely indebted to him for this opportunity to show the origin of those two measures, so important to the country—the land bill and the compromisee bill. Sir, how did that land bill originate? Has the Senator forgotten how it was thrown upon a committee, and the motives under which it was thrown—on a committee of which I was a member?

Mr. WRIGHT. That was before I was here.

Mr. CLAY. The history of it was this: The Committee on Manufactures, in which interest I now take, and have ever taken, a most lively concern, was raised; and some gentlemen entertained the extraordinary notion that the sale of the public domain was a tax, and, being so, was a subject appropriate to the Committee on Manufactures, and should be referred to that committee. Against this I expostulated, protested, and implored that they would not send it to that committee, of which I was a member. And what was the result? The political friends of the honorable chairman, uniting to a man, and apparently with a view to my personal embarrassment, threw the subject on the Committee on Manufactures. I then said, gentlemen, since you have thrown this matter upon me, I will off coat and go to work; and so I did; and the bill to distribute the proceeds of the public lands was the result. That was not a measure voluntarily assumed, and it was not in violation of that spirit of the Constitution which I am happy to find the Senator regards as myself. The measure was thrown, literally forced upon me, and it was passed by this House, and by a majority of more than two thirds of the other House, sent to the President, and (said Mr. C. striking repeatedly and emphatically on his pocket) you know what became of it afterwards.

In regard to the other, the compromise bill, look at the state of the country at that time. A civil war was then threatening the country, and every measure had failed of accommodating the unhappy difficulty in which it was involved. The House of Representatives was at a stand, in a perfect balk, incapable of motion. In that state of things I proposed the compromise bill. But was it a revenue bill? Was it to raise or augment the tariff? No; but to reduce, to cut it down. But I waive this point. A majority of the Senate decided that it was not a revenue bill, such as must originate in the other House. But to trace that bill in its progress and final passage, while we were disputing it here, the House brought it up as an original bill on their part, in its very words, passed it by acclamation, and when I first heard of it I was here upon my feet. It was then concurred in by the Senate, approved by the President, and became a law of the land. Such is the simple history of the land bill and compromise bill, and if the Senator can make any thing out of it affecting the argument or course which I now adopt, he is welcome to the whole benefit.

Mr. WRIGHT. The Senator seems to consider what I said as a matter of charge against him.

Mr. CLAY. Not at all.

Mr. WRIGHT. I spoke of these things as matters of reference, and though they refer to the other body of Congress, the only time that I was ever called to order in my life was by the Senator from Kentucky for referring to that body. If it is now proper so to refer to it, the Senator will agree with me that in its business progress it was never more effectually tied up than now.

Mr. WALKER said it was, he believed, at least so far as his experience was concerned, the first time that the Senate was asked to postpone the consideration of an important measure, because some five Senators are not present, in consequence of the failure of certain State Legislatures to discharge their constitutional duties by filling every vacancy in this body. The motion of the Senator from Kentucky [Mr. CLAY] was to postpone the consideration of this bill till Monday week. Now, if the object of every Senator, was to have the presence and aid of every Senator, in commencing the consideration of this bill. This could not be effected by the motion of that Senator. The venerable Senator from Tennessee [Judge WHITE] had resigned but yesterday, and it was impossible that this vacancy could be filled, and his successor be here on Monday week. But why postpone the consideration of this bill? The consideration of the bill involves no vote upon it; and if it be considered proper to postpone a final vote here, to await the contingent and uncertain action of several States in filling every vacancy, this motion can be made at a future period, and constitutes no reason why we should not now consider and discuss the measure. But, sir, why delay our action here, because every vacancy in this body is not now filled? Two, at least, of the States, unrepresented in part on this floor, had declared in favor of the present measure; and no delay to discharge our duties would change the final vote, nor was it pretended that any such result would follow. Was it not known that not only a majority, but two-thirds, of the States of this Union, had, at their most recent elections, declared in favor of this measure, and that it will be adopted here, if the will of the people of the several States is respected, whether the vacant seats be filled or not? But the Senator from Kentucky objects to the origination of this and other important measures respecting the public revenue in this body, as a violation of the spirit of the Constitution, and an innovation upon ancient usages, and that such measures formerly originated in the House of the people, as it is called by that Senator. But why the House of the people, more than this body? Does that House more truly represent the will of the people of the several States, in that most important attitude, as confederated, coequal, and sovereign States? Was that most important State Rights feature of the Constitution to be disregarded, and are we to sit here, refusing to perform our constitutional duties, refusing to introduce here important measures, because they have not originated in the House? The Constitution makes it our right, and therefore our duty, to originate all measures here except bills to tax the people by raising a revenue. This is not alleged to be such a bill. It is not alleged that the Constitution forbids its introduction here; but that, as an important measure, it is an innovation upon former usages to introduce it in this body. Sir, if this be an innovation upon former usages, Mr. W. rejoiced that such innovation had been made, and that the States, as States and sovereignties, through their representatives on this floor, had asserted all their rights, had maintained the confederate principle of the Constitution, and originated all measures, however important, in this body, the origination of which here was not prohibited by that instrument. If any Senator felt disposed to abandon the constitutional rights of the States, by refusing or delaying to originate important measures in this body, Mr. W. was not disposed to follow any such pernicious example, or to consolidate more power in the other House than had been delegated by the Constitution. It had been truly stated, however, that the Senator from Kentucky had himself introduced important bills in this body, and bills deeply affecting the public revenue, namely, the land bill, and the tariff bill. But the Senator says, the land bill was forced upon him by a vote of the Senate, on the reference of the question to the Committee on Manufactures. But if it be a violation of the spirit of the Constitution to introduce important measures in this body, why did not the Senator leave this violation of the Constitution to some other member of the Committee on Manufactures, or why violate the spirit of the Constitution, either voluntarily, or by the compulsory instructions of other Senators? But this vote of the Senate in 1832, would not excuse the subsequent action of the Senator from Kentucky in regard to this land bill. Did not we all know—did not the journals of the Senate prove that the Senator from Kentucky had voluntarily, and without any vote or action upon the subject in either House, introduced and originated this very land bill, not at one session only, but for the last six years in this body? If, then, the Senator had done wrong in 1832, why had the Senator from Kentucky repeated that wrong, by introducing and originating that measure here for the last six years? And was not that land bill a most important measure? Did it not materially affect the public revenues? Was it not an appropriation bill? Yes; the largest appropriation bill ever proposed in this House, or in this country. By the official returns of the Secretary of the Treasury, now on the files of the Senate, this land bill of the Senator from Kentucky appropriated fifty-seven millions of dollars of the public revenue for distri-

bution among the States; and, although not a tariff or tax bill in name, it was so in fact; for if a distribution of twenty-seven millions, already made under the deposite act, had involved the country in a debt not yet extinguished, the distribution of thirty millions more, as proposed in the land bill of the Senator from Kentucky, must have created a national debt, now due, of thirty millions, and rendered inevitable an augmentation of taxation and the tariff. It was, in fact, a tariff bill in disguise; and yet, for the last six years, the Senator from Kentucky had, at every session, voluntarily introduced into this body this important measure, involving so vitally the great interests of the country, appropriating in one bill fifty-seven millions of money, creating a vast national debt, and rendering an augmented tariff inevitable; and, as regards the tariff, the compromise act of 1833, originated by the Senator from Kentucky in this body, was not that a most important measure? did it not impose new duties on imports? did it not raise a revenue from the people? and if so, could it be introduced here? and was it any answer to the objection, that in some cases, but not in all, it reduced the duties? Reduced duties, by creating increased imports, might actually augment the revenue; and if so, was it constitutional to originate that measure in this body? Yet all this had been done by the Senator from Kentucky; and yet, now he would have no important measure, however constitutional its introduction, originated in this body; but we must wait the action of that other House, so lately denounced by the Senator from Kentucky as a servile body. Mr. W. never had, or would, denounce that House as a servile body, but yet he did not believe that there was any thing in their organization or superior wisdom, or greater despatch of the public business, that should induce us to refuse to introduce here all measures, however important, that could constitutionally originate in this body.

The question was now put on Mr. CLAY's motion to postpone the bill to Monday week, and decided in the negative by yeas and nays as follows:

YEAS—Messrs. Bell's, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, Merrick, Phelps, Prentiss, Preston, Robinson, Ruggles, Smith of Indiana, Southard, and White of Indiana—16.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Reane, Sevier, Smith of Connecticut, Strange, Tappan, Walker, Wall, Williams, Wright, and Young—26.

REMARKS OF MR. BUTLER,
OF SOUTH CAROLINA,

In the House of Representatives, January 21, 1840—On the resolution of Mr. WADDY THOMPSON to amend the rules relative to the reception and disposal of Abolition petitions.

Mr. BUTLER, of South Carolina, rose and said:

Mr. SPEAKER: It has not been the habit of Southern members, and particularly from South Carolina, to discuss the subject now before the House. Nor, sir, do I intend, on the present occasion, to discuss the constitutional right to hold slaves, the moral influence of slavery, or its expediency. No Southern man will ever condescend to debate these questions on this floor, and if they are forced upon us, another field must be the arena of discussion. We do not fear the issue of such a discussion before an honest and enlightened world. We could show that slavery was coeval almost with the existence of the human race; that it was fully recognised under the Old and New Testament dispensations; and that to us it is a political blessing, instead of an evil. But, sir, no one has a right to coerce us into these matters, and no power on earth shall move us from our position. We cannot, however, sit tamely by and see these constant, repeated, and ceaseless attacks upon our institutions, and insults upon our characters, without feeling indignant and excited. It is to repel charges thus reiterated that I rise.

It has been alleged against the South that we are sectional in our prejudices, and slaves to local opinion. This allegation comes with with a bad grace from those who are bound down by prejudices, the most wilfully blind and pernicious. *Slaves* to local opinion! What, sir, could induce members of Congress, gentlemen of intelligence and character, to present Abolition petitions to this House, and demand their reference to a committee, but being slaves to local opinion? What but this could influence the course which Northern gentlemen take, in irritating the South, without profit to any section of this Confederacy? So far as I am individually concerned, I have always endeavored to allay sectional prejudices, and to look upon this Union as one great family of brethren. The gentleman from New York [Mr. GRANGER] asks why we of the South are now so excited at the presentment of Abolition petitions, when history proves that they have been presented for the last twenty-five years. He, sir, has furnished us with an answer. Abolition petitions, until within the last half dozen years, were confined to a few ignorant, weak, and misguided fanatics; but now they have wealth, political and local influence, talents, well organized and increasing societies, and numerous presses, devoted to their cause. Their baneful influence is felt and exercised every where in the free States, and political parties dread their opposition and court their favor. Members here cower before this local feeling; and, what is still worse, avowed Abolitionists are, on this floor, the advocates and eulogists of these fanatic incendiaries. Can it be thought wonderful, under these painful reflections, that the South should be deeply agitated? We should be less than men, if we could fold our arms, and patiently submit to these indignities. But, sir, the gentleman from New York [Mr. GRANGER] says that the South seems to forget that other portions of this Union are to be heard and respected here. The South claims no such distinction, and how, let me ask, stands the case? When a protective tariff is to be imposed, onerous and unjust in its operations, who reaps the benefit? The North. When canals are to be opened, harbors surveyed and improved, roads to be built, and any other extravagant appropriations, for internal improvements, who share the "spoils?" The North. When a great National Bank is to be chartered, with capital and power sufficient to control all other banking institutions in the country, where is it to be located? In the North. National legislation has always been partial to the North, and although the South has deeply felt the injustice of it, she has sought for no selfish protection; the only protection she demands, is to be let alone in the management of her local concerns. It is said that we are ultra, upon the subject of these petitions, because we fear the effect it would have have upon our elections at home. This is a mistake; we stand upon higher ground than such pitiful considerations. We are defending our constitutional and unalienable rights; we are battling for the security of our firesides, and the sanctity of our domestic regulations; and, sir, let me tell gentlemen, for one, that if the course which they advise would put a stop to incendiary petitions, I would freely become the victim, if my constituents demanded a sacrifice. God forbid that for so ignoble a purpose, a single man could be found so base as not to render himself a willing sacrifice on the altar of his country. We are told, sir, that our course is ministering to the wishes of the Abolitionists, and our true policy would be to unite with Northern gentlemen in referring these petitions to a committee, and that a calm and temperate report would arrest the evil of which we complain. How plausible is this argument, yet how delusive and untrue. If such would be the result now, why has it not had that effect heretofore? In 1829 these petitions were referred to a committee, and a report was made against the prayer of the petitioners. Again, in 1836, they were referred, and Mr. Pinckney, chairman of that committee, made an able and lengthy report. Did this stop the evil—did it retard it for a moment? On the contrary, your table has, from that period, literally groaned under the weight of Abolition memorials, from men, women, and children. Sir, the movement which that gentleman made on that occasion (I do not impeach his motives) was unwise and impolitic, to say the least of it, and the irreparable mischief which followed, I fear, is not speedily to be cured. It opened the doors of this Hall to Abolitionists, and invited them to come in and prosecute their unhallowed purposes, and well have they improved the opportunities thus afforded them. Think you, sir, in the face of these facts, that any Southern member can be found on this floor, or elsewhere, so utterly regardless of his own interest, and so forgetful of his duty to his constituents, as again to be caught aiding and abetting the worst enemies of his country? Why, sir, no man here can believe that reception, reference, report, and all, would satisfy and quell the movements of men goaded on by a fierce and fanatical resolution to accomplish their ends or rend the Union asunder. They have the sagacity to see that they have advanced a step, at an early stage of their operations, much beyond their most sanguine expectations; and nothing, no, sir, nothing can now arrest their onward course but the adoption of some such rule as the resolution before you proposes. Pass that, sir, and you give us quiet and an assurance that you really mean to uphold our constitutional rights; reject it, and you prove to us that upon ourselves alone depends protection.

The "sacred right of petition" is said to be involved, and gentleman cannot come up to our proposition because their people will not sustain them. No one wishes to invade the right of petition; but do not, under color of this right, send memorials here of and about things in which the petitioners have no interest. I grant, sir, that all and every citizen of this country have a right to be heard here, by petition, upon such matters as immediately pertain to themselves; but does it follow that they are officiously and offensively to thrust themselves into other people's concerns, totally distinct and unconnected with them? Are we to be told, because the right of petition is guarantied by the Constitution, that citizens in the Northern States are authorized to petition Congress for the redress of imaginary grievances under which their Southern neighbors are laboring? Shall other portions of this Union impudently and arrogantly assume to themselves the duty of enlightening us upon subjects in which we are alone interested? Shall they become our *kind guardians*, and point out to this Legislature the blindness, the evils, and turpitude incident, as they allege, to our situation? If upon ordinary subjects, and there was no other objection, the very impudence of the thing would excite our indignation and contempt. But, sir, when we see systematic and ceaseless attacks made upon our institutions, our property, and our security, from those who have no earthly interest in the matter, we can but feel it as an outrage. Suppose the South was to imitate the North in this abominable crusade, organize societies, send out missionaries, erect presses, and load your table with petitions, to hang all Abolitionists, to pass laws compelling the free white and free black of the North to intermarry, or to do any thing else equally wrong and improper, and in what did not immediately affect us—would all this be tolerated by Northern gentlemen in their zeal to support the constitutional and sacred right of petition? Would such petitions be received, considered, referred to committees, and treated as in ordinary cases? I apprehend not; "circumstances would alter cases" with gentlemen, and those who are now so vociferous for this right would say to us, as we now say to them, these petitions ought not to be received. The gentleman from Vermont [Mr. SLADE] has broadly admitted that Congress has the right to reject petitions of a mischievous tendency. Well, sir, this is conceding all I contend for. And is there no mischievous tendency in Abolition petitions? If to break down the barriers of constitutional rights, to produce discord and division in this nation, and ultimately to dissolve the Union, can give them that character, so they are to be regarded. That gentleman, as well as every intelligent man must see, from the unanimous feeling of the South, that such is their inevitable tendency; and if he has any

regard for consistency, I would ask him, Abolitionist as he is, to pause before he goes farther.

I regret, sir, that gentlemen have thought it necessary, in this discussion, to offer highly wrought eulogiums upon Abolitionists. It is a melancholy proof to me that their mad and ferocious projects are more formidable than persons are willing to admit. Their presses teem with the grossest and foulest slanders upon Southern slaveholders, and they openly avow their intention to be immediate and uncompromising emancipation. Scarcely a mail comes from the North that does not bear me some of these vile publications, filled with the most barefaced and reckless falsehoods. Pictorial representations of cruel and unheard of punishments, are paraded in their sheets with all the apparent sanctity and semblance of truth. The slaveholder is denounced, both in body and soul, as the cursed of God. In fact, no lie is too enormous, no falsehood too flagrant for these publications to disseminate. Without descending to the disgusting details of these sinks of pollution, falsehood, and slander, I demand to know how it is, that gentlemen can rise in their places, and in the face of this nation become the apologists and panegyrists of such vile calumniators and incendiaries. The answer is too readily found in that *slavish*, *local* opinion and *sectional* prejudice, so much deprecated by gentlemen in theory, and so little observed in practice.

The gentleman from Vermont [Mr. SLADE] is the especial advocate of Abolitionists, and, I suppose, is to be regarded as the exponent of their views on this floor. He has taken great pains to inform us that these people are the wisest and best Christians in all the land; that they are mild and harmless, and do not mean, just *now*, to abolish slavery any where but in the District of Columbia. I suppose we of the South ought to be grateful for this extreme act of mercy. But, sir, whom am I to believe, the gentleman or his compeers, in this officious, audacious, intermeddling in the affairs of other people's business? Their newspapers and other publications call for immediate and total emancipation, and denounce any of their tribe who do not go with them. That gentleman himself contended that the inevitable tendency of things was to this consummation. Who does not see through the flimsy guise, which is attempted to be thrown around their real designs? They have been permitted to come into this Hall, and have been heard; and as an entering wedge to all their schemes, they first desire to operate upon the institution of slavery in the District of Columbia, under the belief that it would be the prelude of their grand entry into the Territories and States of the Union. The first may be attained, though I do not believe it; the latter never, so long as a free white man lives in the South. The gentleman from Vermont [Mr. SLADE] manifested great sympathy for his black brethren. Let me ask him if his benevolence is so limited as to be confined to this class alone? Has he any peculiar ties to that race, that would make him forget the direful calamities which may and will grow out of the movements of Abolitionists, if not arrested by the good sense of the country? While his pity is so ardent for one race, let me beg him to extend his *kindness* to another portion of the human family, whose skins, although not black, are nevertheless entitled to a portion of philanthropy so *comprehensive* as his. If the gentleman cannot find sufficient subjects for his tears in this slaveholding vicinity, I would advise him to make a pilgrimage to the Northern cities, and visit the haunts of the miserable, squalid, and starving free blacks, which are to be found every where there, that he may shed tears to his hearts content.

Mr. Speaker, the true issue has not been presented to this House and to this nation. The true question is not, whether the right of petition has been infringed; but whether the Union shall be preserved or dissolved, and I earnestly entreat the honest and honorable of all parties to go home and tell their constituents, that the real issue made now is one of Union or disunion. Tell them, that the South, though justly excitable on this subject, is long "forbearing and suffering." Tell them, if slavery is an evil, upon us rests the consequences; if there be guilt in it, on us is the responsibility. Assure them that the whole South firmly believe that it is a political blessing, and with this consciousness resting upon us, a new and craven generation must arise, and fill our places, before emancipation can be effected. Let them know that the South will become one great cemetery of freemen, and the abode of slaves only, before their designs can be accomplished. The South, sir, loves and values the Union, and she cannot forget, in a brief half century, that common toils, and common dangers, secured to us all, this great and glorious Republic. We cannot so easily tear from our memories, that our blood commingled in our Revolutionary struggle, and that the bones of our ancestors repose together on the fields of Eutaw, Yorktown, and Camden. Sir, we should deplore, as the greatest calamity, the sad and awful necessity which should render a separation of necessity; but rather than yield our dearest rights and privileges, we would see the Union scattered to the winds, and hold those who are now are brethren "enemies in war, in peace friends."

I have thus, Mr. Speaker, discharged a disagreeable duty; I have endeavored to do so in fairness and honesty, and while I am on this floor, I will recur to another subject, upon which South Carolina Nullifiers have been so often taunted. It has been asked of the small party with whom I act, how we could support the measures of an Administration, that, some years ago, hurled denunciation against us.

Sir, I do not, according to the fashion of the day, undertake to "define my position." I shall let my position define itself by my acts; but I have not the slightest objection to answer these repeated queries. In former days the present Chief Magistrate may have dealt some hard blows on the heads of the Nullifiers, but he gave us no blow which was not returned with interest. Our quarrel of that day is over, and the occasion which gave rise to the excitement has passed away, and we find ourselves still a part of this great Confederacy. We are in the National Legislature, where there are two great parties—the Democrats and Whigs. If we vote at all, we are compelled to take sides with one of these two great divisions; and we are so unsophisticated in the ways of the world as really to believe we ought to act with those who sustain us, and maintain our doctrines upon national subjects. Is there any thing unaccountable in this? The Democratic party, with the President, are opposed to protective tariffs; so are we: they are inimical to splendid schemes of internal improvements by the General Government; that is our doctrine: they are in favor of, and advocate a total separation of the finances of the Government from the control and direction of banks; they are opposed to a United States Bank; and last, though not least, they are opposed, and give us practical proof of their opposition, to the whole project of Abolition. These are our views and opinions; and shall we desert them because we find others maintaining them? No, sir, we support any party that is politically right. We are not, nor do we intend to become the partisans of the Administration, to be led and driven as party hacks; we shall act as our judgment dictates, although we do support its leading measures. Sir, if we had felt doubts as to the propriety and correctness of our course, when we first assembled here, they would have been dispelled by the events of the Harrisburg Convention. We believe the nomination of Gen. Harrison was effected by a combination of Abolitionists, and other factions, of which the first was predominant; for how otherwise could the pre-eminent claims of the gifted, and, I will add, patriotic Senator from Kentucky be set aside for one so far below him in all the qualifications for the Presidential office.

Mr. Van Buren had declared to the world, in terms which admit of no doubtful construction, that Congress had no constitutional right to touch slavery in the States, and that we believed it highly inexpedient to interfere with that subject in the District of Columbia, and boldly assumed the ground that he would resist, by his veto, such attempts, under as strong a sense of obligation as if such a clause was in the Constitution. He was no "non-committal" on that occasion, and, if words are capable of conveying any definite meaning, he has said all that the South could reasonably expect from a Northern President. His declarations have exposed him to the wrath and fury of Abolitionists from that day to this, and will continue to do so. Is there an Abolitionist on this floor that is so fiercely opposed to him? Is there one any where? The Democratic party throughout the Union, so far as I know, assume the same ground. In proof of what I say, I beg leave to read an extract from a paper which I hold in my hand. It is part of the proceedings of a great Democratic convention, held at Columbus, Ohio, on the eighth of this month, said to consist of at least three thousand persons.

Resolved, That, in the opinion of this convention, Congress ought not, without the consent of the people of the District, and of the States of Virginia and Maryland, to abolish slavery in the District of Columbia; and that the efforts now making for that purpose, by organized societies in the free States, are hostile to the spirit of the Constitution, and destructive to the harmony of the Union.

Resolved, That slavery, being a domestic institution, recognised by the Constitution of the United States, we, as citizens of a free State, have no right to interfere with it, and that the organising of societies and associations in free States, in opposition to the institutions of sister States, while productive of no good, may be the cause of much mischief; and while such associations, for political purposes, ought to be discountenanced by every lover of peace and concord, no sound Democrat will have part or lot with them.

Resolved, That should there be any members of this convention who do not subscribe to the principles contained in those resolutions relating to the subject of Abolition, they be hereby requested to leave their names with the publishing committee, to be published with the proceedings of this convention.

Now, Sir, here is sound, correct; patriotic doctrine, emanating from an assemblage in Ohio representing every county in the State. Their resolutions go to the full extent, that any Southern man could or would ask; and I am authorized to say, not one man of that vast assembly dissented from these glorious and noble resolutions. They deserve, and will receive, the thanks of the whole country, for this timely and decisive movement upon a subject of such paramount importance and interest. Here are, also, two resolutions, passed by the Democratic Legislature of Ohio, on the fourteenth of this month, which I also beg leave to read to the House.

Resolved by the General Assembly of the State of Ohio, That the subject of slavery, as it exists in particular portions of the United States, was settled and adjusted at the formation of the Federal Constitution.

Resolved, That in the opinion of this General Assembly, the interference of citizens of our State in the internal regulations of another, is highly censurable and improper, and that we view the unlawful, unwise, and unconstitutional interference of the fanatical Abolitionists of the North, with the domestic institutions of the Southern States, as highly criminal, and that it is the duty, obligatory on all good citizens, to discountenance the Abolitionists in their mad, fanatical and revolutionary schemes.

Such are the indications manifesting themselves in the Democratic party of the non-slaveholding States, and I sincerely wish I could see such manifestations from the Whigs in the same quarter.

The nominee of the Harrisburg Convention, however distinguished as a soldier, and entitled, as I willingly admit he is, to the gratitude of the country for his military and civil services, has given no such pledges, nor do I think he will. As late as 1833, he held this language:

Should I be asked, is there no way by which the General Government can *aid* the cause of *emancipation*, I answer, it has been an object near my hear, to see the whole surplus revenue appropriated to that object. With the sanction of the States holding slaves, there appears to me to be no constitutional objections to its being thus applied; embracing not only the colonization of those that may be otherwise freed, but the purchase of the freedom of others. By a zealous prosecution of a plan, founded upon that basis, we might look forward to a day, not far distant, when a North American sun would not look down upon a slave.

Are these views and opinions favorable to the constitutional rights of the South? Have they ever been repudiated or explained by their author? I know, in his Vincennes speech, he does maintain that Congress has no constitutional right to touch slavery in the States, but that does not go far enough, particularly under the suspicious circumstances of his nomination. If this distinguished individual is really disposed to resist all attempts of Abolition, any where in this Union, I should be unaffectedly rejoiced to hear it. It is matter of history that, on the eve of the last Presidential election, public calls were made upon General Harrison, touching this very subject, and he refused, or, at least, neglected, to set the public sentiment at rest. Why, sir, is it not known to every

body, that Abolition papers did claim his nomination, over Mr. Clay, as a triumph of anti-slavery feeling? I cannot tell what amount, or kind of testimony, gentlemen require to establish a proposition, but adding all these facts together, I draw the conclusion that General Harrison is the favorite candidate of the Abolitionists, and, if so, this ought to deter every consistent State Rights man of the South from supporting him. I repeat my desire to do him justice; for I wish to see no man seeking the highest office in our Republic who would, for a moment, countenance the schemes of those who are plotting the dismemberment of the Union.

NOTE BY THE EDITOR.—Subsequently to the delivery of these remarks, a resolution has passed the House by a vote of 114 to 108, which conclusively demonstrates the correctnes of the positions assumed in the above remarks.

ASSUMPTION OF STATE DEBTS.

IN SENATE,
FRIDAY, January 31, 1840.

Mr. GRUNDY, from the Select Committee, to which was referred the resolution submitted by Mr. BENTON, and the resolution submitted by Mr. LUMPKIN, on the subject of the assumption of the debts of the States by the Federal Government, made a report thereon, which was read.

A motion was then made to print the usual number of copies for the use of the Senate, which having been opposed by Messrs. CRITTENDEN, PRESTON, and SOUTHARD—

Mr. GRUNDY remarked that he could neither be persuaded nor provoked to go into a discussion of the merits of the report, upon a mere motion to print. The object of the present motion is to have the report printed, and laid upon the table of each member, that he might examine it, and be enabled to act upon the subject understadingly. Instead of adopting this course, which was the usual one, gentlemen had thought proper to assail the report, which it was impossible for them to understand by hearing it read at the Clerk's table. If his suggestion had prevailed, then the knowledge of the contents of the report would precede the discussion, and Senators would not run the risk of ascribing to the report matters not contained in it. His purpose was not to go into an argument in support of the report; he would only reply to a few of the remarks which had been made in opposition to it. He intended, at the proper time, to give his views at large on the whole subject. He might profit (said Mr. G.) by some of the kind advice volunteered by the Senator from South Carolina, [Mr. PRESTON,] but a portion of it he could not adopt. That Senator had taken exception to the report because we did not, when speaking of the State debts, also state the means of payment possessed by the different States. Mr. G. said he could not engage in the business of taking an inventory of the effects of a sovereign State of this Union, for the purpose of showing its ability to discharge the liabilities it had incurred. So far from this, whenever one of the United States had given a bond or obligation for the payment of money, he looked no farther; he took it for granted the money would be paid; and if Senators would look into the report, they would see that no idea is conveyed to the prejudice of the credit of any State; so far from it, neither the ability nor willingness to discharge their bonds is questioned in the slightest degree. Still gentlemen insist that the report will weaken the credit of the States, and depreciate their bonds. The credit of the States cannot be weakened by a declaration, by this body, that the General Government will not assume the payment of these bonds. If the credit of the States can be affected by such a measure, it was of a much weaker texture than he had supposed. For his own part, he considered the credit of the States as standing on a firmer basis. It has been stated by the Senator from South Carolina, [Mr. PRESTON,] that the report does injustice to some of the States in this; that a large aggregate amount of debt is stated, and the amount of the indebtedness of each State is not specified. This shows that the course gentlemen are pursuing is erroneous. If the report was printed, such mistakes could not be committed; there is no aggregate amount of debt stated; it is spoken of as *a very large debt*; but no sum is named. It is true, in the original report, the debt was supposed to be about two hundred millions of dollars; but a question arising upon the propriety of considering certain contingent liabilities, as constituting a debt against a State, the committee, upon a revision of the report, struck it out, and have assigned their reasons why no precise amount can be stated. They say that the bonds issued by the States have not all been sold; a part have been hypothecated for partial advances on them, and others are now in the foreign markets.

He presumed no one would say that the aggregate of the debts of the States would not constitute a very large debt; he at least thought so, and the committee so considered it; but be the debts large or small, it did not affect the principles or argument contained in the report. Why is the printing of the report objected to? If there be errors in it, there is intelligence sufficient in the community to detect and expose them; and the authors of these errors, if they exist, will suffer in public estimation. He was willing to abide this test. There is the report; let it go forth among the people; let them see it and judge of it for themselves, and let not their opinions be formed of it, from mistaken representations made of it here. Gentlemen need not deceive themselves; this report would be published, and read with more avidity, on account of the efforts made to suppress it and prevent its publicity.

It is charged on the committee that they have gone beyond their duty, because the matters reported on were not properly before them, no application having been made to this body for an assumption of the State debts. The committee, said Mr. G. have acted under the authority and order of this body; they were directed, by the reference of the resolutions of the Senators from Missouri and Georgia, to investigate every subject embraced in the report; both the assumption of the State debts, and the distribution of the revenues arising from the public lands. Nor would the committee have discharged its duty to the Senate, had they omitted to do so.

Entertaining the opinions he did, he did not choose to stop at a vindication of the committee. He thought the whole proceeding was a proper one. Wise men would see danger at a distance and provide against it; and he considered this measure, when introduced by the Senator from Missouri, of that description. He viewed it as a judicious precautionary step, calculated to guard against great impending danger. Should public men, whose duty it is to give warning to their countrymen of every movement injurious to their interest, wait until they are encompassed and hedged in, so that the power of resistance is lost? When the schemes of their adversaries are matured, then resistance will be unavailing. He was therefore in favor of a prompt and full discussion, and a declaration of opinion on the part of the Senate, upon all the subjects treated of in the report. He was himself perfectly satisfied that this course would do no injury to the credit of the States. The committee had no design to impair their credit, nor is there a single expression in the report calculated to produce such an effect. The efforts to suppress this report, and prevent its publication, would, he believed, be more likely to injure the credit of the State bonds, than all the committee have said or done. He did not, however, think the credit of the States would be seriously affected by either. That credit was based upon their means of payment, which were known to be ample, and their character for good faith; and this sensitiveness which is manifested about their credit, is calculated to injure it more than any thing else.

It is urged that no one has applied to this body for an assumption of the State debts; and therefore, all action on our part is premature and uncalled for. It is true, no direct application has been made, but an influential portion of the press has made the proposition, and is urging it upon the consideration of the public for its adoption. Two or three days since, the resolutions of one of the States (Vermont) were presented to this body, asking for a distribution of the revenue arising from the sale of the public lands. It appeared in a newspaper of this city, published several days before the committee reported, that an honorable member of the other House [Mr. GENTRY of Tennessee] had given notice that he would, when in order, introduce a bill providing for the assumption of certain debts of the States, and appropriate the proceeds of the public lands for that purpose. There was assumption directly proposed; not, to be sure, a general assumption, but a partial one; the extent of which he could not define. But of one thing he felt confident: if this plan was commenced, it would end in a general assumption. He would not repeat the argument contained in the report of the committee, which, to his mind, proved conclusively that it would be as competent for Congress to take the moneys arising from imports, as the revenue arising from the sales of the public lands, and apply them to the payment of the debts of the States.

Mr. G. said he would now proceed to show that this project of assumption was not confined to our own country; that the largest capitalists in England—the very men who owned and traded most in these State bonds—had made a proposition plainly and distinctly in favor of the assumption, which the report of the committee combats. In the circular of the Barings, Brothers, and Co. there is the following language:

"But if the old scheme of internal improvements in the Union is to be carried into effect, on the vast scale and with the rapidity lately projected, and by the means of foreign capital, a more comprehensive guarantee than that of individual States will be required to raise so large an amount in a short time."

"A national pledge would undoubtedly collect capital together from all parts of Europe; but the forced sales of loans, made separately by all the individual States, in reckless competition, through a number of channels, render the terms more and more onerous for all, lower the reputation of American credits, and (as reliance is almost exclusively placed upon the London market) produce temporary mischief here, by absorbing the floating capital, diverting money from regular business, deranging banking operations, and producing an unnatural balance of trade against this country. It would seem, therefore, that most of the States must either pause in the execution of their works of improvement, or some general system of combination must be adopted."

Here, continued Mr. G. is a paper, which cannot be misunderstood. No more money can be had upon the bonds of individual States. "A more comprehensive guarantee will be required;" "a national pledge would undoubtedly collect capital together from all parts of Europe" Yes, make a national debt, to be paid by the General Government, and then all Europe will contribute her money for the purpose of increasing the debt. Will gentlemen say this is no proposition for the assumption of State debts? It was, to Mr. G's mind, not only a proposition, but one made to the American public, made to the indebted States, and those having State bonds not yet disposed of, in an especial manner. It is, in part, saying to them, you must obtain a guarantee from the General Government, or your improvements must be arrested.

Mr. G. said, other Senators may imagine there is nothing in all this; that an influential portion of the public press advocating the assumption; that some States asking for a distribution of the revenue arising from the public lands; that the proposition, in the other House, to assume certain debts of the States; and the direct proposition of the London bankers for an assumption, should not be noticed by this body. He, however, was of opinion, that they would not act the part of faithful watchmen over the true interests of the country, were they to be silent, and not give warning of the impending danger. For his part, he thought he saw much to be feared in

regard to a national debt; much in regard to an increased and oppressive tariff; much in regard to the general prosperity and welfare of the country. Mr. G. remarked that he had transcended the limits he had prescribed to himself when he rose to address the Senate; he had intended to confine himself to the question of printing the report of the committee. If that were done, gentlemen would not have to conjecture respecting its contents; they could then base their arguments upon its true contents, and not subject themselves to those mistakes and errors which had been made concerning what was contained in it. A word or two only in relation to a past transaction. He was rebuked, because he had made a report now, when he would not make, at a former session, a report upon a portion of the President's message, respecting the bankruptcy of banks, which was referred to a committee of which he was chairman.

Mr. G. remarked, he had, in that instance, acted according to the convictions of his own mind. He differed from the President in the case alluded to, and a majority of the committee concurred with him in opinion; therefore no report was made upon the subject, and the committee was discharged from its further consideration on his motion, which was according to the usage of the Senate in similar cases. In the case now before the Senate, a majority of the committee, including himself, concurred in the general objects of the original resolutions, and had made the report now on the table of the Senate accordingly.

Reference is still had to the report first presented to the Senate, in which the debts of the States were said to be estimated at two hundred millions of dollars. Mr. G. remarked that he was by no means convinced that the estimate was too high. He wished it might turn out that he was mistaken, although, taking the report of the late Comptroller of New York, with the knowledge that several agents from different States had, in the course of the last summer, been in Europe selling these bonds, he apprehended the amount would not fall much, if any, short of the sum named in the first form of the report. He would probably, at a proper stage of this proceeding, give his views at large on the subject. At present, he considered it improper to do so. He should, therefore, forbear to say more at present.

REMARKS OF MR. HUBBARD.

Mr. HUBBARD remarked that he was desirous to say a few words upon this subject, and they should be but few at this time; as he might probably, on some future day, should the Senate afford the opportunity, address the Senate upon the resolutions which the committee had reported. He rose merely to call the Senate back to the consideration of the real questions which were now before them. It seemed to him that gentlemen had travelled out of the record; that they were attempting to make up a false issue before the country; to prejudge this whole matter; to present a course of reasoning based upon this report, which a fair examination of the report itself would not justify. They refuse to print; they will not consent to give publicity to this document; and yet make expositions of it, in their speeches, which, in his judgment, the report could not sustain. All he asked was, that the report and the resolutions should be printed, that every member of the community might have the opportunity to examine and to judge for himself. He asked this as an act of justice to the committee, to whom this subject had been, by order of the Senate, referred. He asked it as an act of justice to the Senate, which has seen fit to take cognizance of this matter, as a subject worthy of their consideration. He asked it as an act of justice to the whole country, that this report, word for word, letter for letter, should be given, without delay, to the public. He could not but feel a degree of astonishment and suprise that the printing of this report, as moved by the chairman of the select committee, should be denied; that it should even be delayed—that the deliberations of the committee—the result of their doings upon a subject, which, by the order of the Senate, had been committed to them, should be refused the usual and customary courtesy. But so it is. And he must therefore, as well as he could, present the true issue to the public. He could not, as a member of the committee, permit the sentiment to go forth *uncontradicted*, that by this report the States were arraigned for their prodigality, denounced and rebuked for their extravagance in expenditure, and that their indebtedness was put forth in such terms as to affect their credit at home and abroad.

He unqualifiedly denied these positions; and he felt assured that any fair and candid examination of the argument of the committee would show most satisfactorily that there is no foundation for such allegations.

He hoped the Senate would not lose sight of the true questions presented by this report. What were they? *Would it be just? would it be expedient? would it be constitutional for this Government to assume and undertake to pay the debts of the debtor States?* These were the only questions; and disguise it as you may, they are the questions. The argument, and the whole argument, of the committee, is based entirely upon those very propositions; and the conclusions to which the committee have arrived, are distinctly set forth in the resolutions accompanying their report. The arguments which have been offered upon the other side, seem to be grounded upon the supposed fact, that the report of the committee treats of the indebtedness of the States in such a way and manner as to imply censure to those sovereignties; to charge upon them extravagant and wasteful expenditure of the money of their people; that the report of the committee, according to their version, is but a bill of indictment preferred against the States for their prodigality. *The report speaks no such language.* It alludes not to the particular indebtedness of particular States, nor does it speak of the aggregate indebtedness of all the States. It may speak of the indebtedness of some individual States in the illustration of a principle; but not in the language of fault-finding or censure. It has scrupulously avoided discussing the subject of State indebtedness. It did not even occur to the committee, that the subject of State indebtedness was necessarily to be discussed, while executing the important duty confided to them; and, notwithstanding the course of remark on yesterday, and notwithstanding the remarks which have been reiterated this morning, the report will be found to run clear of all such objections. It will be found to be limited to a fair, full, and free discussion of the subject referred to the committee: and again, he would ask if there could be any possible doubt what that subject was?

The very first resolution submitted by the Senator from Missouri leaves no room to cavil, as to the extent of the power and jurisdiction of the select committee, to whom that resolution, with others, was referred. The resolution is as follows: "*That there is nothing in the Constitution of the United States which can authorize the legislative power of the Union to assume the debts of the States, which have been contracted for local objects and State purposes.*" The other resolution, offered by the Senator from Missouri, declared, in the most direct and unqualified terms, the injustice and inexpediency of any such assumption. These, then, were the subjects plainly and intelligibly referred by the order of the Senate itself, to the consideration of its committee. And what has that committee done? Have they departed from the subjects committed to them? Have they undertaken to discuss new matters? Or have they confined themselves exclusively to the consideration of the subjects referred? Examine the report; let that speak for itself. He asked for no man's commentary upon it; he asked merely for its publication; and he hazarded nothing in saying that it would be perceived that the committee had confined themselves to their own jurisdiction. They had, according to their best ability, discussed, first, the *palpable injustice* of an assumption of the State debts by the General Government—secondly, they had discussed the inexpediency of such a project—and thirdly, they had discussed the unconstitutionality of the measure. And what are we told by Senators in the Opposition? That we have gone out of our way to attack the credit of the States, by exposing to the public the amount of their indebtedness; and by a gratuitous declaration that this Government would not become, under any circumstances, the endorsers for the States. He must, in reply, say that these allegations were entirely *gratuitous*. As he had before remarked, the report contained *no attack upon the credit or the character of the States.* No such attack was ever designed by the committee. Nothing could have been further from their thoughts; and no such attack has been committed upon the States. Is the debt of Pennsylvania, or the debt of Louisiana even stated, or is the debt of any other State of the Confederacy stated in a way to affect the credit of any such State? The debt of no particular State is mentioned at all in the report, except it be that of New York and Illinois. Why then this sentiveness upon the matter? We heard no complaint made from the States of Louisiana and Pennsylvania, against the terms of the committee's report. And we hear no complaint made of the report from the Senators of New York and Illinois. There is no just ground of complaint. But, nevertheless, it has been said, and said over and again, in argument, that the committee have *gratuitously*, and that they had, in truth, without right and without authority, made this report; that it was uncalled for; that no State had applied to Congress to have the General Government assume its debts. *That may be true.* But had the committee no authority for their action? Did they assume to make this report without right? It is not necessary that any corporation or that any one State should make a personal application to Congress to assume its debts, in order to give jurisdiction to the Senate over this subject. It is every day's practice for Senators to rise in their places, and to offer abstract propositions, and to ask the consideration of the Senate upon them. This may be done by a direct action of the Senate upon them, or through the agency of a committee appointed for the purpose. And will it be said that if the Senate elect to call in aid the services of a committee, that that committee are precluded from treating the subject in such a manner as to them shall seem most fit and expedient? A Senator rises in his place, and offers a resolution instructing a committee to inquire into the propriety of making a distribution of the proceeds of the sales of the public lands among the States, for the purpose of internal improvement, or for any other purpose. Would not the committee to whom the subject should be referred, be fully authorized to discuss the injustice, the inexpediency, and the unconstitutionality of such a project? Would they not be authorized, from the very nature of the reference, to treat the whole subject as they should think proper? Would not such a committee, under such a reference, be fully authorized to report resolutions for the action of the Senate, declaring the injustice, the inequality, the unconstitutionality of any such distribution? *There can be no doubt upon this point.* Let us, then, examine and ascertain what was referred to this select committee, and see whether they have acted gratuitously and without authority, or whether the charge is not made against *them* without the shadow of justice or of right. Whether the Senator from Missouri were wise or unwise, reasonable or unreasonable, in bringing forward his resolutions, he should reserve for future consideration. Suffice it to say, they were presented, and presented upon the responsibility of that Senator—a responsibility which the Senator will not seek to avoid. The resolutions were before the Senate; their introduction and the course of proceeding thereon is now matter of record. They were in the following words:

"*Resolved*, That there is nothing in the Constitution of the United States which can authorize the legislative power of the Union to assume the debts of the States which have been contracted for local objects and State purposes.

"2. That the assumption of such debts either openly, by a direct promise to pay them, or disguisedly by going security for their payment, or by creating surplus revenue or applying the national funds to pay them, would be a gross and flagrant violation of the Constitution, wholly unwarranted by the letter or spirit of that instrument, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

"3. That, besides its flagrant unconstitutionality, such assumption would be unjust, unwise, impolitic, and dangerous, compelling the non-indebted States to incur burthens for others which they have refused to incur for themselves; diverting the national funds from national objects to State objects, and thereby creating a necessity for loans or taxes, or issues of Federal paper money to supply the place of the funds so diverted; prostrating the barriers of economy, moderation, and safety, in the creation of State debts by separating the function of contractor

from that of payer of the debt, extinguishing the sense of responsibility in the contractor, and making the Federal Government the ultimate payer of all the obligations contracted by the States for their own purposes; establishing a dangerous precedent which must soon be followed up by new debts on the part of the States, and new assumptions on the part of the Federal Government; invading the rights and mortgaging the property of posterity, and loading unborn generations with debts not their own; creating a new national debt of large amount at the start, and of a nature to increase continually its own amount, and to perpetuate its own existence; begetting a spirit in Congress which must constantly cater for new distributions by preventing necessary appropriations, and keeping up unnecessary taxes; laying the foundation for a new and excessive tariff of duties on foreign imports to fall unequally on different parts of the Union, and most heavily on the planting, grain growing, and provision raising States, to their manifest injury and propable great discount; involving disastrous consequences either to the Union itself or to its members, as tending to the consolidation of the States, and their ultimate abject dependence on the Federal head as the fountain of their supplies; or, tending to the annihilation of the Federal head itself by stripping it of all its means of national defence and self-support, and reducing it to the hepless imbecility of the old Confederation; giving a new impulse to the delusive career of the paper system, already in a state of dangerous overaction; ensuring the establishment of another National Bank; and, finally, begetting a passion for periodical distributions of lands and money, and extensions of Federal credit, which could find no limit to its demands until the national domain was exhausted, the Federal Treasury emptied, and the credit of the Union reduced to contempt.

"4. That the debts of the States being now chiefly held by foreigners, and constituting a stock in foreign markets greatly depreciated, any legislative attempt to obtain the assumption or securityship of the United States for their payment, or to provide for their payment out of the national funds, must have the effect of enhancing the value of that stock to the amount of a great many millions of dollars, to the enormous and undue advantage of foreign capitalists, and of jobbers and gamblers in stocks, thereby holding out inducement to foreigners to interfere in our affairs, and to bring all the influences of a moneyed power to operate upon public opinion, upon our elections, and upon State and Federal legislation, to produce a consummation so tempting to their cupidity, and so profitable to their interest.

"5. That foreign interference and foreign influence, in all ages, and in all countries, have been the bane and curse of free Governments; and that such interference and influence are far more dangerous, in the insidious intervention of the moneyed power, than in the forcible invasions of fleets and armies.

"6. That to close the door at once against all applications for such assumption, and to arrest at their source the vast tide of evils which would flow from it, it is necessary that the constituted authorities, without delay, shall RESOLVE and DECLARE their utter opposition to the proposal contained in the late London Bankers's circular in relation to State debts, contracted for local and State purposes, and recommending to the Congress of the United States to assume, or guaranty, or provide for the ultimate payment of said debts."

It will also be recollected that the proposed substitute for the aforegoing resolutions, moved by the Senator from Georgia, in the language following,

"That the assumption by the General Government of the debts of the States, contracted for local purposes, whether it shall be a direct assumption, which would make the General Government responsible for said debts, or indirect, by a distribution of public money among the States, to enable them to pay their debts; or a pledge of public lands for the said purpose or otherwise, would be impolitic and dangerous, unjust and unequal, among the members of the Union, and wholly unauthorized by the letter or spirit of the Constitution,"

was in like manner before the Senate; and upon debate, upon full discussion, after the defeat of a motion to lay the whole subject upon the table, all these resolutions were referred to a select committee, of which the gentleman upon his right [Mr. GRUNDY] was the chairman. But it is said that the honorable Senator moved the reference himself That is true, but does that circumstance tend to abridge the powers of the committee? Does that fact tend to lessen their jurisdiction? The Senator did move the reference, and it is equally as true that the presiding officer of the Senate did, as he was in duty bound to do, appoint upon that committee a majority friendly to the very object contemplated by the resolutions of the Senator from Missouri. This was parliamentary, it was but an act of common justice; and it must have been known, therefore, to those who now make war upon this report, *that the committee would act upon the subject referred to them*, and would return to the Senate their argument and their resolutions as the conclusion of their argument for the action of the Senate. Will gentlemen read the resolutions referred to the committee? If they will, can they then come forward and express a doubt as *to the power conferred, or as to the duty of the committee*? Will they, then, assert that the committee have transcended their powers—gone away from the strict line of their duty? What is the sum and the substance of the resolutions of the Senator from Missouri, and of the substitute proposed by the Senator from Georgia? It is this, and it is nothing more and nothing less: *Would it be just, would it be expedient, would it be constitutional, for this Government to assume the State debts? Would it be just or constitutional to divide the proceeds of the sales of the public lands among the States, or to apply any of the national funds for that purpose?* Such, he undertook to say, was the length, and breadth, and depth, of the resolutions of the Senator from Missouri; and a consideration of these subjects, by a reference of the resolutions themselves, was necessarily committed to the charge of the select committee. And for what purpose were they so referred? To avoid action? to pass them away from before the Senate? to bury them in oblivion? No, sir: the Senate had refused to lay these resolutions upon the table. They, by that act, expected, and by the reference demanded, their consideration. They required, at the hands of the committee, a report; and it seemed to him that, whatever might be the conclusions to which the committee should come, the Senate had a right to expect that the committee would justify their conclusions by a full and deliberate argument upon the subjects.

The committee themselves entertained no doubt as to the course proper for them to pursue. They considered themselves called upon to present plain, definite, and distinct propositions for the action of the Senate. *This they have done*—they considered themselves called upon by self respect, and by a sense of duty to the Senate, to state fully and fairly the reasons which had induced these conclusions. *This they have done.* The report is but the reasoning, the argument of the committee. The resolutions are but the conclusions of that argument. Whenever this report shall be laid before the public—*if such a destiny awaits it*—it will be found to contain nothing more or less than an argument upon the propositions whether it would be just, expedient, or constitutional, for the General Government to assume the debts of the States, or whether it would be just or constitutional to set apart the avails of the public lands for such purpose? And the resolutions themselves tell plainly to what conclusions the committee have come. But notwithstanding the avowal just made by the chairman of the committee, *gentlemen will have it*, that such a report was uncalled for; that it is unjust to the States; and if given to the public, would be most mischievous to State credit. There is not, sir, one paragraph in this whole report which can have such a construction, or which gives evidence of any such design. He denied that the credit of the States could be injured, or in any respect assailed, by the publication of this report. What does the report say? *That the United States cannot, according to the principles of equal justice, assume the debts of the several States.* Is this position controverted by any one? If so, he had not heard it avowed here. How, then, can this deliberate declaration of the opinion of the Senate, unfavorably affect the credit of the States? Have the debtor States entertained the idea that at some favorable moment the United States would assume their debts? Have the creditors of the States—the money-lenders of Europe—entertained such an idea? If so, the Government owes it to itself to declare, in the most unequivocal and unqualified terms, its deliberate opinions. If the States have entertained no such sentiment, and if the money-lenders have imbibed no such opinion, it was difficult for him to see how the credit of the States could be unfavorably affected by the publication of the report, and by the adoption of the resolutions. It has been said, and with perfect truth, that the money-lenders can have no other and no better credit than the faith of the States. He fully concurred in the sentiment. The States were able to pay, and, beyond all question, will promptly meet every liability. There is not a letter or word in that report that contradicts the assertion. So far from it, the report speaks forth in high commendation of the ability and of the integrity of the debtor States. How, then, can the report, if published, in any way affect the credit of the States? It proposes no interference with their operations; it recommends no measure which can, by any possibility, embarrass the States in the prosecution of their works of internal improvement. The bankers of Europe have made advances to cities and corporations and States, upon their credit, and upon their credit alone.

The report does not seem to distrust the relations subsisting between the States and their creditors. He could not well conceive how a declaration on the part of the Senate—that it would be unjust to the Union—that it would be inexpedient, and in violation of the letter and spi it of the Constitution, for the General Government to assume the payment of State liabilities—could in any way affect negotiations between the States and their bankers. Can such a declaration tend, in the slightest degree, to lessen the resourses of the States, to augment their liabilities, or justly to alarm their creditors? Can such a declaration tend to reduce the income of State canals, or of State railroads, for the prosecution of which works this foreign capital has been mainly obtained? *Not so.* The States will go into the money market of our own country, or of England, or of France, or of Holland, just as well after as before the declaration. It is idle to say that the capitalists, at home or abroad, do not perfectly well understand the liabilities of particular States, as well as their resources. If Louisiana, for instance, should send her bond to the bankers of England for discount, will any Senator for a moment pretend that any accommodation would be granted, ignorant of the full extent of her indebtedness, and of her means? Such information is within the reach of every individual, and is, beyond all question, possessed by those dealing in stocks. There is annually given to the public, in the reports of State comptrollers and State treasurers, the exact condition of State finances. There could be no fraud practised, even if there was a disposition to fraud.

How, then, is the publication of this report to affect the credit of the debtor States? The extent of the indebtedness of each State is known at home and abroad. The true character of the works of internal improvement in the respective States, completed and progressing, is also perfectly well understood. In short, the liabilities and the means of the States is as well understood by the Barings and the Rothschilds of Europe, as they are by the States themselves. It is, then, in his judgment, idle to contend that you are doing an act of great injustice to the States, by giving publicity to this document. It is due to the debtor States themselves, at this eventful crisis; and it is most emphatically due to the States, unembarrassed by debt, to make their unqualified declaration of the opinion of this Senate upon this all important subject. It is due to the bankers of England and of the world, according to his sense of morality, to make this declaration, and to make it now. This is the accepted time, and for this reason; that there is abroad in the land, *to some extent*, a sentiment touching this subject, which favors the idea of assumption—a sentiment which cannot be tolerated by the independent States of America. He did not speak without authority upon this subject. There had already been given to the public, in our own State journals, alarming doctrines. And for one, he tendered his thanks to the honorable Senator from Missouri, in behalf of his own State, for having brought this subject thus early before the Senate.

It is a subject of deep and vital importance to this Union, and to the States respectively. He was perfectly satisfied that the people of his own State, from recent indications, were not indifferent to the action of the Senate upon this subject. He represented, in part, a State unembarrassed by any existing debt. She had never asked a dollar at the hands of this Government for any local purpose; and from her early history to the present moment, New Hampshire had never, received a dollar (to which she claims title) for any purpose of State policy. Her works are her own, and better means of intercommunication exist not in any State; her roads have been wrought by the hard hands of her industrious yeomanry; her canals and her railroads have been accomplished by individual enterprise. Such had been the influence of popular opinion, within the limits of his own State, that he was not aware that any movement had ever been made to accomplish any local object upon her credit. And should any such movement have

been made, most resolutely and most triumphantly would her Legislature have resisted every attempt to pledge the faith of the State for the accomplishment of any local object. She has even refused to give authority to her town corporations to borrow money upon the credit of the town, for any purpose not expressly warranted by existing statutes. Such was the present condition, and such, he was happy to say, had been the policy of his own State; and New Hampshire may well congratulate herself upon her entire freedom from debt; and as one of the Senators from that State, he rejoiced that this subject was now engaging the attention of the Senate. New Hampshire asks no distribution of the avails of the public lands. She now holds in safe deposite the proportion awarded her of the twenty-eight millions deposited with the several States, under the act of 1836 That deposite she will honestly return to the public Treasury, if a return should be required. He could not well conceive what more equal benefit the States could desire from the proceeds of the sales of the public lands, than to have those proceeds constitute a part of the public revenues to be appropriated for the just support of the Government. The States are interested in the public revenues of the country, according to their representation. And if direct taxes are to be imposed for any public object, New Hampshire would have to bear her proportion to the whole amount, as her representation bears to the whole representation of the country. And if there were now to be a distribution among the several States of any particular sum, as the proceeds of the sales of the public lands for any one year, the State he represented would get, as her share, such a part of the whole sum to be distributed, as her representation bears to the whole representation of the Union. The proceeds of the sales of the public lands are but a portion of the public revenues; and there would be no more justice in setting apart that part of the public revenues for distribution, than there would be in setting apart that portion which arises from imposts. It cannot be questioned that, at a time like this, the Government stands in need of all its resources.

The revenue arising from imposts, as well as from the avails of the public domain, is now required for public use, and as a measure of expediency, then, there would be no more propriety in yielding one branch of the public revenue than the other, and no justice or constitutionality in yielding either. The public domain is the property of the whole Union—purchased with the means of the whole Union—and all he desired in behalf of his State was, that the proceeds of the sales should be appropriated, in common with the other means of the Union, for the just and economical support of the Government; and should the time ever come when more revenue shall be collected than shall be required for such an object, he would at once reduce that revenue, by saving the people from indirect taxation. These were his views; they were the sentimeats of his State, as will distinctly appear from the resolution of her Legislature, which had been by his colleague presented to the Senate at this very session:

"That our Senators in Congress be instructed, and the Representatives from this State be requested, to oppose every attempt which shall be made to divide the proceeds of the sales of the public lands among the several States, or to make any other disposition thereof, except for the constitutional purpose of providing for the common welfare and general defence of the United States."

The injustice and unconstitutionality of any distribution of the proceeds of the sales of the public lands had been discussed by the committee, and they had offered to the Senate, for its action, a distinct resolution upon that subject. And again, he said, he could not but regard this as a fit time, and an appropriate time, for the consideration of these momentous questions. And, from what had come to his knowledge, if the Legislature of his own State could have been assembled, after the promulgation of the resolutions which passed the Assembly of Vermont at its last fall session, and which have recently been presented to the Senate; could his own Legislature have assembled after the circular of the English bankers had been given to the public; they would have expressed their opinion, in the strongest possible terms, against the assumption of the State debts by the General Government, in any form or under any circumstances, either by pledging the credit of the Government direct, or by dividing the public domain, or by setting apart the proceeds of the sales of the public lands, or any description of the national funds, for any such purpose.

He could not mistake the sentiment of his own people upon this subject—a sentiment founded upon the principles of immutable justice.

Delegates direct from the people of his State have recently held their customary primary meetings preparatory to the annual election; and they had passed resolution upon resolution as expressive of their feelings and of their opinions. In his own county, the following resolution was introduced, and with entire unanimity adopted:

"That we disapprove of the assumption of the State debts by the National Government, either openly by a purchase of their bonds, or by becoming surety for the same, or *disguisedly* by setting apart the public domain, or any of the other resources of the National Government for that purpose, as a measure wholly unauthorized by the letter and spirit of the Constitution, and deadly hostile to the Union itself."

And in other parts of his State, resolutions, corresponding in feeling and in sentiment with the one just read, have been also adopted.

The people, then, of his State, he unhesitatingly believed, were most sensibly alive to the importance of this subject. They had moved forward, and unsolicited, unasked, had voluntarily expressed their convictions; and, uninfluenced by any consideration, save the vast importance of the measure itself, had spoken in a manner which he could not misunderstand. And was there nothing in the signs of the times calculated to excite the suspicion, or to alarm the fears, of a people jealous of their rights? He firmly believed that the opinion had gone forth, was now honestly entertained by some, and openly avowed, that this Government would, at some future time, assume the debts of the several States; that the importance of the great works of State policy now in progress, called for the assumption. Can it be doubted that this very sentiment has already been suggested on the other side of the Atlantic? And from what had already come to the knowledge of the Senate, he, for one, fully believed that this purpose had been suggested by one of the great bankers of England, to produce its effect here within the States, and made, too, in the belief that a response would be given. The language of the Messrs. Barings, Brothers, and company, is of no doubtful character. They say:

"But if the whole scheme of internal improvements in the Union is to be carried into effect on the vast scale, and with the rapidity lately projected, and by the means of foreign capital, a more comprehensive guarantee than that of individual States will be required to raise so large an amount in so short a time. A national pledge would undoubtedly collect capital together from all parts of Europe; but the forced sales of loans made separately by all the individual States in reckless competition, through a number of channels, render the terms more and more onerous for all, lower the reputation of American credit, and (as reliance is almost exclusively placed on the London market) produce temporary mischief here, by absorbing the floating capital, diverting money from regular business, deranging banking operations, and producing an unnatural balance of trade against this country. It would seem, therefore, as if most of the States must either pause in the execution of their works of improvement, or some general system of combination must be adopted."

In this short paragraph, it is very distinctly set forth that a national pledge—that is, the faith of the General Government—is required to collect together capital sufficient to carry into effect the whole scheme of internal improvement in the Union. Here is a distinct avowal by one of the great bankers of England, that the pledge of the General Government is necessary. That letter, it will be recollected, found its way into the public journals of the country just before the meeting of Congress. Was it not designed to call the attention of the American public to this subject? For what other earthly purpose could this circular have been written and published, at the time it was written and published? And it little accorded with his notions of right and with his sense of morality, to play dark upon this matter—to make any concealments; but plainly, directly, and unqualifiedly, to declare to the bankers of Europe, and to the States themselves, the gross injustice and unconstitutionality of such an assumption—to put the public mind at rest upon this matter. He, therefore, could not but regard the present time as the most appropriate and accepted time for the full discussion and consideration of this subject, and he rejoiced that it was now before the Senate, and that the opinion of this branch of Congress, at least, would be expressed.

He fully coincided in the sentiments of the report upon the table. It was but a temperate, candid, and free discussion of the questions submitted. These was no language used calculated to disturb the feelings of the debtor States. What he most anxiously desired was, that this subject might soon be disposed of. It is a fact well known, that State bonds are now in Europe; and, in his judgment, it was ardently wished, if not confidently believed, by the great money lenders, that this Government would endorse the paper of the States—would pledge its faith for the ultimate payment of State bonds. Does any man in this Senate doubt this? Is it not perfectly plain to the understanding of all? else why the circular of the Barings? else why this official declaration that a national pledge would be necessary in order to collect sufficient capital to perfect the great projects of internal improvement now in progress. What, then, is to be done? What should be done? What does duty demand? Keep silence, with this circular upon our tables? Lead the bankers to suppose, as they would by such a course, that this Government might come, ultimately, to the aid of the States, as it had, on a memorable occasion, to the aid of the District of Columbia? No, sir, this was not the course which, in his judgment, a sense of justice suggested. He would be frank, open, undisguised. He would declare to the world the sentiments of the Senate upon this matter. Let this be done, and done speedily. The British Queen has not yet arrived. Should the action of the Senate be delayed until after her arrival and departure; should there be no expression of the sense of this body upon this subject; should the sentiment be entertained in England that the United States might ultimately assume the State liabilities; it would lead to great speculations in State securities, with no benefit to the States, but with advantages only to the speculators themselves.

The credit of the States rested upon its own solid basis—*their resources, and their honor.* With such pledges the States could not fail to obtain all pecuniary accommodations, upon fair terms, necessary to aid them in the prosecution and perfection of their local objects. He would not interfere with State policy. He would do nothing to impair State credit. He would not hesitate, on all occasions, and at all times, to declare the entire ability and integrity of the States. He would do all this. And let it not be suppposed by any one, that the report now upon the table infringes either one of these positions. But he most earnestly appealed to the justice of the Senate to let the report be printed. He would not ask for an extra number until its true character shall be known; but let the usual number be printed for the use of the Senate. And he would only say, in conclusion, that it would be found to be a most forcible, if not *convincing* argument, showing the injustice, the inexpediency, and unconstitutionality of this Government, in any way or in any manner, directly or indirectly, assuming the debts of the States.

REMARKS OF MR. WRIGHT.

Mr. WRIGHT said he found himself compelled, from the course of remark of the honorable Senator from New Jersey, [Mr. SOUTHARD,] to make an explanation of an explanation. That Senator was proceeding to blame the committee, and charge them with error, in their statement of the amount of the debt of the State of New York. Feeling that, if error or blame were chargeable any where, for that statement, the charge should be against him, and not the committee, he asked leave of the Senator to explain, which was courteously granted. He had intended, in that explanation, to state the truth. He had said that he was called on by the honorable chairman of the committee, before the report was first made, to examine it upon this point; that he had told the chairman he thought their statement of eighteen millions, as the amount of the debt of New York, excessive, but that he believed he had the means of accurate ascertainment; that he referred to the annual report of the Comptroller, the fiscal officer of the State, made to the

Legislature during its present session, took the amount of the debt, as he understood it to be, from that document, and, according to his recollection, himself erased the sum stated in the report of eighteen millions, and interlined, in his own hand writing, the words "about fifteen and an half millions;" and that this was done before the report was first made to the Senate.

This explanation he had made to exempt the committee from the charge of having stated that debt at eighteen millions, when their report was read in the Senate, and of having altered the sum after the recommitment on yesterday, as well as to exempt them from the charge of error at all, in the statement as it now appeared. In the alteration of the sum stated in the report, as well as in his explanation of it, he had intended to give the truth; and yet the subsequent remarks of the Senator had been made to show that he was in error.

[Here Mr. SOUTHARD rose, and inquired if Mr. WRIGHT supposed he intended to charge him with intentional error.]

Mr. W. said, certainly not: certainly not. He beged the Senator to be assured that he had made, and intended to make, no ill natured remarks. His object was, what he had declared it to be, in reference to his alteration of the report and his former explanation of that act, to arrive at the truth, and to give that to the Senate and the country upon this point at least.

Could he have obtained the floor when he first made the attempt, and so as immediately to have succeeded the honorable Senator, he should have confined himself to a more full explanation in relation to what he supposed to be the true amount of the debt of the State of New York, and the authority upon which he had assumed it to be what he had stated. He might now extend his remarks to a few other topics, but a severe cold made it laborious for him to speak; and, as well as the late hour of the day, would prevent him from being very tedious. And he would first complete his explanation in relation to the debt of the State he had the honor in part to represent here.

The honorable Senator [Mr. SOUTHARD] had produced and read from a document emanating from the State, to show that the amount of the debt was much less than the sum stated in the report of the committee, and, by necessary consequence, that he (Mr. W.) had misled the committee upon that point. He did not complain that the gentleman had produced the document, or of the use he had made of it. It was a document proper to refer to for the purpose for which the Senator had made the reference. It was the message of the Governor of his State; a document which ought to carry authority with it, and especially to his honorable colleague and himself. It was the document to which he first referred, after the inquiry in reference to the amount of their State debt was made of him by the honorable chairman of the committee. He remembered that their Governor had given a statement of the debt in his message, and there he first sought for the true amount. An examination of the document, however, was unsatisfactory to him. It spoke of certain deductions, without giving the amount of the items, and some of them were clearly parts of the existing debt of the State. An acquaintance, somewhat extensive, with these matters, in years past, satisfied him that the true amount of the State debt was not to be learned from the message of the Governor; and, having recently received copies of the annual report of the Comptroller of the State, the officer who keeps the books and accounts of the State, and whose duty it is, in this report, to show its true fiscal condition, he had recourse to that document for the information sought by the committee from him.

The report was made to the Legislature of the State on the 13th day of the present month; and appended to it, as exhibits connected with the fiscal condition of the State, he found two tables, marked H and I. The tables he now held in his hand, and the entire document from which they had been taken, was laying upon the desk before him. The first mentioned table, H, had this caption:

"Statement showing the amount of canal and general fund stocks outstanding on the 1st January, 1840, the rate of interest, and when redeemable."

Then followed the various amounts of stock, arranged under various heads of expenditure, and there was carried out in the last column a general aggregate, the footing of which was $13,697,931 03. The table I, printed upon the same sheet, had the following caption:

"Statement of stocks issued to incorporated companies on the faith of the State, and the amount authorized to be issued."

The table contains the names of the companies which have received portions of these stocks, a reference to the acts of the Legislature authorizing the emission, the amount of stock already issued to each company, and the further amount authorized, but not issued, with the aggregate of both. The table is, therefore, clear and intelligible, not confounding stock authorized to be issued with that actually issued, and constituting an existing debt, and from it the amount actually issued is shown to be $1,847,700, while that authorized and not yet issued is $2,762,300 more.

To answer the committee, then, Mr. W. said he took the first two sums above named as the existing debt of the State, and, adding them together, he found their amount to be $15,545,631 03, and from data of that authority, he had inserted in the report of the committee the words "about fifteen and a half millions" as the amount of the actual and existing debt of his State, instead of the eighteen millions previously written by the committee. Had he given the committee the true sum? Or had he led them into error? Had he done injustice to the State he ought truly to represent, and brought merited censure upon a committee of this body, by the same act, or had he told the truth without regard to consequences?

These were the inquiries which suggested themselves to his mind, and the inquiries he wished, so far as it was in his power, to enable the Senate to answer. The honorable Senator had shown to us the message of the Governor of the State, giving the amount of its debt, as stated by the Senator, at a sum not far different from $9,000,000. He (Mr. W.) had given the amount of that debt to the committee, and now gave it to the Senate, at $15,500,000, or about that sum, and had rested himself upon the official report of the fiscal officer of the State, and the political, and, he supposed, personal friend of the Governor. The difference of amount was most material, considering the sums given by either party. A mistake, or error, of six millions, in fifteen millions, is no inconsiderable variance from the truth, whoever may have made it.

Of the authority which ought to be ascribed to the respective documents which had been adduced, it did not become him to speak further than he had done. For their accuracy he certainly could not endorse, further than to give the official responsibility of the authors. Still he would venture to believe that no one, here or elsewhere, would be found attempting to impeach the accuracy of the tables appended to the report of the Comptroller, to which he had referred. Did their statements and results necessarily conflict with, and contradict, the statement of the Governor, as to the amount of the State debt? To the casual reader the difference was, unquestionably, wide and important. Here he thought that might not be found to be true; and indeed he was not prepared to say that, here, the errors and discrepancies might not be charged to him, instead of the author of either document.

Had he not listened to the debates in this body, on yesterday and this day, he could not have believed that, with all the facts before us, we could have differed about the amount of the debt of a given State. Yet those debates had shown him that this difference of opinion did exist among the members of the Senate, and that the point in controversy had a direct bearing upon the question, what was, in fact and in truth, the debt of his own State?

He referred to the position taken yesterday by several Senators, that the stocks, or other liabilities, of the several States—call them by what name you please—incurred for the benefit of incorporated companies and associations, or individuals, are not, properly speaking, debts of the States; and that, in speaking of the indebtedness of the several States, these liabilities should not be considered. He would not now consider this doctrine any further than it had particular application to the debt of his own State; though he hoped, before this debate should close, to have an opportunity to give his views upon it at length, and to expose what seemed to him to be its dangerous character and tendency, as it respects the credit of the States, the fiscal affairs of the States, and the people of the States.

What, then, was its application to the point in dispute—the amount of the debt of the State of New York? He had given to the committee the sum of fifteen and a half millions as about the amount of the true debt of his State, and he had now shown that the fiscal officer of the State had given it, on the first day of the present month at $15,545,631 03. In this amount, however, was included $1,847,700 of debt incurred for canal, navigation, and railroad companies; and should this sum have been so included? Was it, in truth, a part of the State debt? The Governor of the State had not so considered it, and had excluded it from his statement, which accounted for so much of the difference between himself and his comptroller. He, Mr. W. considered it a part of the debt of the State, and therefore included it in the sum given to the committee as the aggregate of that debt. Who was in error? What are the facts? The public stocks of the State have been issued for these amounts in the same manner as for any other debts of the State; these stocks have been sold in the market as the stocks of the State, not as the stocks of the companies, or associations, to which they were issued; they are, at this moment, in the markets of the world as the stocks of the State, without reference at all to the companies, or associations; they bear the same price in those markets as any other stocks of the State, having the same time to run, and drawing the same interest; and the holders and purchasers rely as confidently, and as exclusively, upon the State, for the payment of both interest and principal upon them, as do the holders and purchasers of any other of the stocks of the same State. Indeed, Mr. W. said he could not say whether there was any thing in the form, or upon the face, of these certificates of stock, which would distinguish them to a stranger from the certificates of stock issued for the exclusive benefit of the State itself.

It was true that the companies and associations had made certain pledges to the State for the payment of the interest upon these stocks, and the final redemption of the principal; and the theory of the transactions unquestionably was that these pledges were sufficient to indemnify the State against its liability. It was true, too, he believed, with a single exception, and that trifling in amount, that the companies and associations had, as yet, met the payments of interest. There was one case, however, where the payments, even of interest, had ceased almost with the issuing of the stock, and the State had been compelled to make those payments since, without any other hope than to be forced to redeem the principal without any indemnity. He hoped this was not a sample case for these liabilities, but a solitary exception. Yet was he, was the honorable committee, whose report was under discussion, at liberty to disregard these stocks, when giving to the Union and the world the amount of the debt of the State of New York? Were they permitted to proclaim to the holders of these stocks, and to future purchasers, that the State does not owe them; that they constitute no part of its debt? And were they to do this, to sustain the credit of the State in the markets of the world? He could not draw such conclusions from such premises.

There were other grounds upon which the Governor and Comptroller of his State differred, in their respective statements of the amount of its public debt. The Comptroller has given the exact amount of the solemn obligations of the State, outstanding and unpaid. The Governor has given the amount which the State would owe, in case all these pledges of the canal, navigation, and railroad companies, were actually redeemed, and certain money of the State, said to be on hand, were actually applied to the payment of its debts.

The state of facts in relation to one portion of the money spoken of in the message of the Governor, is this. The Erie and Champlain Canal fund, protected and pledged in the Constitution of the State for the payment of the debt contracted for the construction of those canals, has afforded revenue more than sufficient to meet the respective portions of the debts, as they become payable. The inconvenience and risk of accumulations of money constitutionally pledged to a particular application, have induced the State officers, having charge of this money, for several years past, to offer strong pecuniary inducement to the holders of these stocks to bring them in for payment before their maturity. These efforts for the final extinguishment of that debt, have failed as to a large amount of the stocks, they being principally five and six per cent. stocks held in Europe, and not redeemable until the year 1845. The amount thus outstanding is given in the report of the Comptroller referred to, at $2,167,558 94. For the payment of this portion of its debt, the State had done what he hoped it would always be able and disposed to do—had accumulated and was keeping the money to meet the debt when it should become due, or when it should be presented for payment. Yet were these stocks, in the hands of bona fide holders, less a debt of the State, because the money to pay them was provided? And could the debt of the State be truly given by this committee of the Senate, without including this portion of it? If the Federal Government were, upon this day, to assume the debts of the various States of this Union, should we be at liberty to say to the State of New York, we will not pay this part of your debt, because you had money enough in your treasury to pay it when we agreed to pay your debts? These stocks are in the markets of the world: and can the State, in justice to itself, to its credit, or to the holders of this portion of its responsible paper, say it is no longer our debt, because we have once prepared the money to meet it before it was legally payable, and before you could legally demand it? He had not been able to satisfy himself of the truth of any of these positions, and therefore he had included this amount as a part of the debt of the State in the sum furnished by him to the committee.

A single other ground of difference between the amount of the State debt as given by the Governor and the Comptroller would be noticed, though he did not hold himself particularly responsible to reconcile their statements. His Excellency states that nearly a million of dollars of the money borrowed to be expended upon two of the works named has not been expended, but is yet on hand, and this money he deducts from the debt of the State. The stocks, by which this money has been obtained, have been issued, and are now in the hands of *bona fide* purchasers, or are offered in the public markets as safe transferable securities for money. And are they no part of the debt of the State? Could the amount of that debt be truly given, excluding these stocks? To him it seemed not, and therefore this amount also was included in the sum given to the committee as the true amount of the State debt. Would the honorable Senator [Mr. SOUTHARD] differ from him in his conclusions upon these points? He would give him a familiar case to illustrate his views. Had he borrowed, or should he borrow, of the gentleman, one hundred dollars, and execute to him his promissory note for the amount, payable at a future day, with interest, would that note cease to be a debt in favor of the Senator, and against himself, because he should keep the same or some other hundred dollars of money in his pocket? He was very well aware that the hundred dollars in hand, if he chose so to apply it, would prove his ability to pay the debt, but it would be none the less a debt against him, until the application was made, payment perfected, and the evidence of indebtedness destroyed or cancelled. He was as well aware that it had been ingeniously attempted upon the other side to show that the mention of these State debts by the committee, and by the friends of the report in argument, was an insinuation of the inability or want of intention on the part of the States to pay, and in that way to introduce the doctrine for which they seemed to contend, that the disposition to pay the debts, and the ability to pay them, was equivalent to actual payment, and should abrogate the debts themselves in the statements of the report. Who had attempted to impugn the faith, or question the means of any one of the States to meet the debts it had contracted? No such idea or suggestion had met his ear as he listened to the reading of the report, and he challenged gentlemen to point out any such sentiment upon its face. Who had pretended to question, here, the willingness or ability of the State of New York to pay its debt, whether it should be called nine or fifteen millions? Certainly no one had, unless that inference was to be drawn from the attempt to show that the State does not in fact acknowledge as a debt, those transferable stocks which have been issued in pursuance of its laws, and sold in the market upon the strength of its faith and credit.

[Mr. CLAY of Alabama here inquired if Mr. WRIGHT would not give way to a motion that the Senate proceed to the consideration of Executive business.]

Mr. W. said he was spending more time in this explanation than he had intended, and he would leave it. He desired, however, to make a very few remarks further this evening; was sorry to find he was exhausting the patience of the Senate; and would hasten to a conclusion.

What was the subject presented to the Senate for its action by the report of the committee under consideration? Was it the amount of the State debts, or their security in the hands of the holders of the stocks and bonds? Was it the soundness of the positions or the clearness and correctness of the reasoning of the report itself? It was none of these things. The resolutions presented by the committee were the only subjects upon which the Senate was requested to act, or could act. The report was nothing more than the argument of the committee to sustain their conclusions, which were given in the resolutions. What were they? Simple, concise, and intelligible declarations that it would be unjust, inexpedient, and unconstitutional for Congress to pass a law assuming the debts of the States, and charging their payment upon this Government. The amount and the existence of the debts of the States are mentioned in the report for no other purpose than that of argument and illustration to establish the conclusions to which the committee have come. Still the report, and not the resolutions, had been made the subject of the debate for two days. References to it as the argument of the committee to support their conclusions were manifestly proper, and refutations of their positions and reasoning was a fair mode of combating the conclusions based upon it. Had the debate hitherto seemed to have had that object? Did there appear to be any difference of opinion among the members of the Senate in relation to an assumption by this Government of the debts of the States?

The committee, it was true, had been called upon to say by what authority they acted at all in this matter? How it was that they had assumed to present to the Senate a long argumentative report and various resolutions, against a proposition which no man had made or contemplated? They had answered that they acted by special order of the Senate; that they were constituted a select committee of the body solely to consider and report upon this subject; that it had been referred to them in the form of resolutions submitted by a Senator not a member of the committee; that they were in no way responsible for bringing the matter before the Senate, and had acted upon it under the express order of the Senate, according to their best judgments, and in the conscientious discharge of what they believed to be their public duty. These answers of the committee had not appeared to be satisfactory, and the complaints against them for having acted at all upon the subject were continued, while all seemed to express astonishment at the very idea of an assumption of the State debts by this Government. This he understood to be the spirit and tendency of the remarks of the honorable Senators from Kentucky [Mr. CRITTENDEN] and Massachusetts, [Mr. WEBSTER,] yesterday, of the honorable Senator from South Carolina, [Mr. PRESTON,] on both days, and of the honorable Senator from New Jersey, [Mr. SOUTHARD] to-day.

[Mr. WEBSTER here rose to explain. He said he did not express astonishment at the idea of the assumption, but at the manner in which the subject had been brought before the Senate, without the application of a single State in the Union, or even of any individual citizen.]

Mr. W. said he asked the pardon of the Senator. He certainly did not intend to misrepresent him. He had listened attentively to his remarks, addressed to the Senate on yesterday, and had inferred from them that he was distinctly opposed to the assumption, and astonished that the matter should be treated as one in the serious contemplation of any body. If he and his friends were in favor of the assumption, he had wholly misapprehended them, and was glad to be corrected, as he would not designedly misrepresent their opinions upon this, or any subject.

[Mr. WEBSTER rose again in explanation. He said he had not declared himself in favor of the assumption; and he called upon the Senator to refer to any thing he had said which constituted such a declaration.]

Mr. W. said he was again at fault, but certainly unintentionally. He had quoted the honorable gentleman as against the assumption, and was corrected. He had now spoken of him as for it, and was again corrected. It was evident, therefore, that he did not understand his position, and he would leave its explanation to himself. He had been felicitating himself that there was no division of sentiment in the body in relation to the resolutions tendered by the committee; but in that, too, he was probably mistaken.

He was very properly reminded by a Senator near him, that the question now depending was simply upon printing the report and resolutions. Upon that question he had not one word to say. He had followed the course of the debate hitherto, and if he had wandered from the proper point for remark, that had led him away.

He must follow it one step further, which should close what he had to say at present. This report had met a resistance, upon its very entrance into this chamber, which had been offered to very few papers of any character since he had had the honor of a seat here. The principal matter of the charge, too, had surprised him quite as much as the time and manner of it. What was the great and grave objection which had been rolled with so much force and energy from this to the other side of the hall? It was that the report was an attack upon the sovereign States of this Union; a violent infringement of State rights; a servile war upon them. A proper regard for the rights of the States, as members of the Confederacy, was said to be one of the professed doctrines of the party to which he belonged, and yet a flagrant violation of every principle of it was supposed to be proclaimed in this report. For himself, he could say, as did the honorable Senator who sits before him, [Mr. CRITTENDEN,] he had never made much pretension upon this point, but he believed he regarded the principle and the duty of preserving the State sovereignties in our system, as deeply as most public men. Yet he was bound to say the danger to them from the paper presented by this committee, and now upon the table of the Secretary, was not so perceptible to him as it seemed to be to those who had not even professed to belong to the State Rights school.

What was the violation of right complained of, and whence the danger apprehended? Giving the amount of the debt of a State was the violation of its sovereign right, and talking about that debt was to be the destruction of its public credit? Talking about it how? Suggesting the inability of the State to pay? No: for no such suggestion is contained in the report, or has been made in debate. Impeaching its faith and intention to pay? No: for no such impeachment is put forth, or even insinuated, in or out of the report. Talking, then, of the debts as existing, of their amounts, of the revenue arising to the States from the objects of expenditure for which the debts have been contracted, and of the impolicy of separating the one from the the other, and of leaving the revenues to the

States, while the debts, interest, and principal, are thrown upon this Government for payment. This is the manner in which the report speaks of the State debts, and here, if any where, must be found the support for the grave charges which are made against it.

Mr. W. said he would take his own State for an example. The report assumed to state the amount of its debt. It was apprehended that the statement was excessive, and yet the report declares that the revenues annually accruing from the objects of expenditure are more than sufficient to meet the interest upon the amount of debt given. Is the statement of these facts, in a report to the Senate by one of its committees, an infringement of the sovereign rights of that State? Are the facts stated calculated to destroy its credit at home and abroad, and thus to bring unmerited injury upon it? In short, Mr. President, said Mr W. is the credit of any one of the free and proud States of this Union so frail and feeble, and sustained upon so unreal a basis, that the simple truth, told in relation to its pecuniary liabilities, will destroy it? Will any man in these seats claim the fact to be so as to the State he represents here? Will any one assert or believe it as to the State from which I come, and of the financial affairs of which I suppose I am permitted, at all times, here and elsewhere, respectfully and truly to speak? Sir, she has hitherto paid her debt faster than it has fallen due, and so long as wisdom shall guide her councils she will continue to do so. She has the means to preserve her faith and her credit, without depending upon the ignorance of the world as to her liabilities; and if the time shall come when she shall be willing to pledge the former, or to send forth the latter for a market, relying upon such a dependence, that will be the time when the truth should be known, regardless of the consequences to her.

Take her debt, sir, and who believes it unjust to her to urge the inexpediency of separating it from her rich revenues, and throwing it upon this Government for payment? To her it is light, because, in the course of its contraction, she has laid the foundation for permanent revenues, more than sufficient to meet the accruing interest. Transfer it here, without those revenues, and it becomes a dead weight. So with the debts of all the other States. They, too, must be separated from the revenues, which have been made consequent upon them, if they are assumed by this Government; and in such a general arrangement, the existing burdens of New York could not be lessened, while they might be fearfully increased. Her proportion of any debt of this Government would rest as directly and as heavily upon her people, as an equal amount of her own debt, while the interest would be met, and the principal redeemed, not by her revenues, set apart for the purpose, but by the heavy operation of the taxing power here.

Think you, sir, she will call upon you, under such circumstances, and with such prospects, to assume her debt? I confidently hope and believe not. She has been to you once. I believe she was the first to ask your aid for objects of internal expenditure. You refused her rightly then, and I pray she may be the last to invite another refusal.

Let the States manage their own affairs in their own way, in reference to their local expenditures, and the debts to be contracted for them. They will have the revenues to be derived, and let them meet the payments to be made, not separate the one from the other, and tie the debts, with the weight of a millstone, about the neck of this Government.

INDEPENDENT TREASURY BILL.

DEBATE IN THE SENATE.

THURSDAY, January 16, 1840.

Mr. BENTON moved to strike out from the 19th and 20th sections of the bill the clauses which permitted the reception and disbursement of Federal paper; and read the sections to show how they now stood, and what would be the effect of the proposed amendment, if made. The sections were in these words:

SEC. 19. *And be it further enacted*, That from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty, the resolution of Congress of the thirtieth day of April, in the year one thousand eight hundred and sixteen, so far as it authorises the receipt in payment of duties, taxes, sales of public lands, debts, and sums of money, accruing or becoming payable to the United States, to be collected and paid in the notes of specie paying banks, shall be so modified as that one-fourth part of all such duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, shall be collected in the legal currency of the United States; and from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-one, one other fourth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-two, one other fourth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-three, the remaining fourth part of the said duties, taxes, sales of public lands, debts, and sums of money, shall be also collected in the legal currency of the United States; and from and after the last mentioned day, all sums accruing, or becoming payable to the United States, for duties, taxes, sales of public lands, or other debts, and also all sums due for postages or otherwise, to the General Post Office Department, shall be paid in gold and silver only, (*or in such notes, bills, or paper, issued under the authority of the United States, as may be directed to be received by law in payment of the public dues.*)

SEC. 20. *And be it further enacted*, That, from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-three, every officer or agent engaged in making disbursements on account of the United States, or of the General Post Office, shall make all payments in gold and silver coin only, (*or in such notes, bills, or paper, issued under the authority of the United States, as may be directed to be received by law;*) and any receiving or disbursing officer, or agent, who shall neglect, evade, or violate, the provisions of this and the last preceding section of this act, shall, by the Secretary of the Treasury, be immediately reported to the President of the United States, with the facts of such neglect, evasion, or violation, and also to Congress, if in session, and, if not in session, at the commencement of its session next after the violation takes place.

Mr. B. said that these two sections constituted the specie feature of the bill; but as they now stood they were very far from being what the act of 1789 was, and to which act he wished to carry back the fiscal action of the Federal Government. That act, made as it was by the framers of the Constitution, and immediately after they had framed it, declared that the revenue should be collected "*in gold and silver coin only;*" and these two sections, after repealing the same enactment to take effect on the 30th day of June, 1843, went on to add an exception in favor of Federal paper money, which ran in these words: "*or in such notes, bills, or paper, issued under the authority of the United States as may be directed to be received by law.*" The act of '89 contained no such exception as this; and it was very clear that, leaving this clause in the two sections, and the whole currency of the Federal Government might become paper—its own paper—and not a shilling of hard money be received or paid out by the Federal Government. I know very well that the Finance Committee, which reported this bill, does not mean to defend this clause. The two sections which contain it, were copied from the bill as it passed at the extra session of 1837; and were part of the amendment then offered by a Senator not of the committee, and adopted by the Senate. At that time an issue of Treasury notes, receivable in payment of public dues, was a part of the policy of the Government; and an exception in their favor seemed to be necessary. But that necessity no longer exists. The last of the Treasury notes now out would be redeemable on and before the 30th day of June next; and trusting that no more of these notes will ever be issued in time of peace, I am for closing the door upon them with the expiration of the present issue, and cutting them off from Federal payments and receipts as soon as the specie clause takes full effect. This will not be until June, 1843; that is to say, until three years after they cease by the law of their creation to be receivable in payment of public dues. As the interest will cease upon them in June next, it is probable that none of these notes will be outstanding three years after that period. If they are, they can be paid in gold and silver at the Treasury; and it would be too much, for a contingency so improbable, and for an object so inconsiderable, to mar a main feature of the bill, by making any provision for their reception. But the clause, as it now stands, goes entirely beyond the receivability of present outstanding Treasury notes: it is not limited to the present issue of these notes, or even to Treasury notes themselves; but extends to the general and permanent reception and disbursement of the "*notes, bills, or paper*" issued by the authority of the United States, and directed to be received by law in payment of public dues. This is opening the door, not merely to present Treasury notes, or even future ones, but to every species of Federal paper money whatsoever; and consequently is, in my opinion, opening the door to an unconstitutional and most dangerous practice, totally at war with the idea of a hard money Government.

I am opposed to Federal paper money just as much as I am to bank notes, either local or national. So far as mischief is concerned, I consider Federal paper money the most dangerous which our country could see; for I consider the mischiefs of paper money to be in proportion to the power and irresponsibility of the issuer. The greater that power, and the more irresponsible, so much wider will be the sphere of its paper circulation, and so much the more helpless its holders, in the event of the catastrophes to which all paper money is subject. This was the case with the paper money of the Continental Congress. Their issues at first were moderate, and their bills were equal to gold and silver; but, having no superior to check them, they went on with their issues, until they amounted to two hundred millions of dollars, and the whole fell dead upon the community. The men who did that were as honest, as patriotic, and as wise as their posterity can ever be. They were among the best and greatest which the history of the human race has revealed to our view. They deserve the applause and the gratitude of the latest generations; yet, in the irresponsible issue of paper money, and its dreadful effects, they have left us an admonition never to adventure upon it, if we had the power. But we have not the power. The illustrious sages and patriots who, in their dire necessity, and in the throes and convulsions of our national birth, had recourse to the expedient of paper money to save the life itself of the country, took care to interdict their posterity from the same dangerous resort. They gave them a Constitution for their guidance; and in that Constitution they adopted gold and silver as the only legal currency of the land, and utterly prohibited the legal tender of any thing else. This is what they did to save us from the misfortunes into which they fell; and regardless we must be, both of constitutional obligations, and of the warning voice of history, if we do not profit by their care to save us.

The two sections which I have read are intended to restore the fiscal action of our Government to the standard of the Constitution; and, as far as bank paper is concerned, they do so; but this exception in favor of the "*notes, bills, and paper,*" issued under the authority of the United States, is a sad and ruinous qualification of "*the specie clause.*" It repeals that clause in toto! It subjects the Government to become, not a hard money Government, but a mere paper machine, doing all its business in paper, and making our sub treasuries mere warehouses of paper. It recognises the habitual use of Treasury notes; that most easy and seductive mode of going into debt, and that entering wedge to the paper system, and stepping stone to a depreciated currency! I detest these Treasury notes; in time of peace, I abhor, detest and eschew them. In time of war only are they fit to be thought of; and if the Federal Government can do its duty in relation to the currency, there will be no occasion for them even in time of war. Our hard money currency has risen, in eight years, from twenty millions to ninety millions; and may be increased in a few years more to such an amount as to enable the expenses of the most extensive war to be defrayed exclusively in gold and silver coin. The Great Emperor raised the currency of France from *all paper* to *all specie*, in six years. In 1799, when placed at the head of affairs as First Consul, he found the currency a mass of ruin—nothing but *assignats* and *mandats* depreciated a thousand per cent; yet in six years thereafter, when called to celebrate the immortal days of Austerlitz, Jena and Friedland, when the gigantic wars, the internal ameliorations, the national defences, and the almost fabulous magnificence of the imperial court, had carried the annual Government expenses to eight hundred million of francs—one hundred and sixty millions of dollars—the whole was paid in gold and silver! and the same precious metals

constituted the exclusive common currency of the forty millions of souls which constituted the population of the empire. This is what one man did in six years; and can we not, in three or four years more, increase our specie from ninety millions to as much as will defray all the expenses of our Government in any war in which it can be involved, and furnish the common currency of our population besides? Surely we can; and nothing but the errors of vicious legislation can prevent us from doing so; and thus save a recourse, even in time of war, to the perilous resort of Treasury notes.

Sir, these sentiments which I now express in relation to Treasury notes, are not new conceptions with me. They are old principles, deep seated in my bosom, and often declared on this floor. Often have I declared them; and, not to fatigue the Senate with multiplied quotations, I will limit myself to the citation of some part of what I said three years ago, at the called session, and when the Government found itself reduced, in consequence of the deposite of its money with the States, to the deplorable necessity of proposing an issue of these notes. I then said:

"I will now say a few words on the policy of issuing Treasury notes in time of peace, or even in time of war, until the ordinary resources of loans and taxes had been tried and exhausted. I am no friend to the issue of Treasury notes of any kind. As loans, they are a disguised mode of borrowing, and easy to slide into a currency; as a currency, it is the most seductive, the most dangerous, and the most liable to abuse, of all the descriptions of paper money. 'The stamping of paper (by Government) is an operation so much easier than the laying of taxes, or of borrowing money, that a Government in the habit of paper emissions would rarely fail, in any emergency, to indulge itself in the employment of that resource, to avoid, as much as possible, one less auspicious to present popularity.' So said General Hamilton; and in that, all the fathers of the Republican church—Jefferson, Madison, Macon, Randolph, and all the rest—concurred with him. These sagacious statesmen were shy of this facile and seductive resource, *so liable to abuse, and so certain of being abused.* They held it inadmissible to recur to it in time of peace, and that it could only be thought of in time of war; and that after exhausting the direct and responsible alternatives of loans and taxes. Bred in the school of these great men, I came here at this session to oppose, at all risks, an issue of Treasury notes. I preferred a loan, for many and cogent reasons," &c.

This was my language in relation to Treasury notes three years ago; it is my language now. No earthly consideration could now induce me to vote for an issue of these notes, even a single issue, confined to a special occasion, and limited to a particular amount. How then could I vote for these sections, with this clause in them, which goes to recognise as an habitual practice, the issue of "***notes, bills, or paper***" by the Federal Government, and to make this indefinite paper the ordinary medium of payment in the receipts and disbursements of the Federal Government. Limited to the reception of the Treasury notes, actually now out, and it might pass without strenuous objection; but there is no necessity for such limit even, for the reasons I have before given. Limited to these, and the clause might stand without exciting a strenuous objection; but unlimited and indefinite as it now is, and going to recognise and invite an issue of all sorts of paper by the Federal Government, the clause becomes unconstitutional and indefensible, and directly at war with our hard money professions. But it will not stand. The committee which reported the bill, and retained this clause, because it was adopted by the Senate in 1837; this committee will not defend it; and I believe I know enough of the mind of the Senate to say that it will be rejected by an almost unanimous vote.*

I believe it will be almost unanimously rejected, and the two sections thus brought to a precise conformity with the great act of 1789—that act which required the revenues to be paid in gold and silver coin only. Yes, sir, in these coins only! or, as I might say it in the old English idiom, one-ly; for our only is a contraction of the old English one-ly; which is more expressive than the contraction, and plainly imports integrity and individuality—the one thing by itself. The clause will be struck out; the act of 1789 will be re-established; that act which General Hamilton repealed and reversed by construction, and to prevent any future Hamilton from doing which a penal sanction is now added to the section. The twentieth section of the bill, after providing for this restoration of the act of '89, goes on to guard it from future violation in these words: "*And any receiving or disbursing officer, or agent, who shall neglect, evade, or violate the provisions of this and the last preceding section of this act, shall, by the Secretary of the Treasury, be immediately reported to the President of the United States, with the facts of such neglect, evasion, or violation; and also to Congress, if in session; and if not in session, at the commencement of its session next after the violation takes place.*" This is the penal sanction to prevent the future violation of the great act of 1789, restored to its original force by this Independent Treasury bill. The violator of the act is to be reported to the President, who, as sworn to see the laws faithfully executed, will well know what disposition to make of the offender. If the President should fail in his duty, the two Houses of Congress will have the information which will bring the case before themselves.

Mr. President, this is a great point in the great measure before us; it is one out of the two great points which the Independent Treasury system presents. That system presents but two points, namely, *first*, the exclusive use of gold and silver coin by the Federal Government; *secondly*, the exclusive keeping of its own money by its own officers. These two points constitute the system; all the rest is detail; and this system effects the total divorce between Bank and State; and not only between Bank and State, but between the State on one side, and the whole paper system on the other. I am now employed upon one of these points—the first one of the two. The motion which I have made, and the speech which I am making, go to the first point; and in the success—the probable success which awaits it—I see the consummation of a long and cherished object, at which I have faithfully labored for ten years—labored as long as the siege of Troy lasted. In the very first speech which I delivered against the rechatter of the Bank of the United States—a speech delivered in the session of 1830–31—I took the ground of a hard money currency for the Federal Government, and its total disconnection from the paper system. I had seen the evils of a resort to local bank paper by the Federal Government. I had seen the error—the great and grievous error—of those who terminated the first Bank of the United States, and left the Union without any *national* currency, either paper or metallic. I had seen the evils of that error in the deplorable state of our finances and currency during the war of 1812–15; and, in laboring to terminate the existence of the second Bank, which was born of the error committed in relation to the first one: in laboring to terminate this second Bank, I aimed at avoiding the error of my precursors of 1811, and to provide a national currency of gold and silver in place of the national currency of bank notes. I was determined to avoid the error of 1811—to eschew the use of local bank paper—and, in escaping from the arms of the great monster, to take good care not to fall into the claws of the little ones. This was disclosed in my first speech against the Bank, delivered on the 2d of February, 1831; and here is an extract from it, which establishes what I say:

'I am willing to see the charter expire, without providing any substitute for the present Bank. I am willing to see the currency of the Federal Government left to the HARD MONEY mentioned and intended in the Constitution; I am willing to have a HARD MONEY GOVERNMENT, as that of France has been since the time of *assignats* and *mandats*. Every species of paper might be left to the State authorities, unrecognised by the Federal Government, and only touched by it for its own convenience when equivalent to gold and silver. Such a currency filled France with the precious metals, when England, with her overgrown bank, was a prey to all the evils of unconvertible paper. It furnished money enough for the imperial Government when the population of the empire was three times more numerous, and the expenses of Government twelve times greater, than the population and expenses of the United States; and, when France possessed no mines of gold or silver, and was destitute of the exports which command the specie of other countries. The United States possess gold mines, now yielding half a million per annum, with every prospect of equalling those of Peru. But this is not the best dependence. We have what is superior to mines, namely, the exports which command the money of the world; that is to say, the food which sustains life, and the raw materials which sustain manufactures. Gold and silver is the best currency for a republic; it suits the men of middle property and the working people best; and, if I was going to establish a working man's party, it should be on the basis of hard money; a hard money party against a paper party."

Thus, Mr. President, near ten years ago, I disclosed my sentiments on this subject. I then proposed the restoration of the gold and silver currency of the Constitution to the Federal Government, and the total disconnection of the Government from the paper system. This plan I have kept in view from that day to this; and have faithfully labored to accomplish it. Three years ago, believing that the time had arrived for executing the plan which I had so long meditated, I brought into the Senate a bill entitled "*to re-establish the currency of the Constitution for the Federal Government*," the enactments of which were consonant to its title. It proposed the gradual disuse of paper, and the progressive return to the hard money standard; and was both in its mode of operating, and in the time it would require to attain its object, the exact substance of the two sections before you—the exact substance of what they will be when the amendment is made, which I have just had the honor to propose. That bill was in these words:

"*A bill to re-establish the currency of the Constitution for the Federal Government.*

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That bank notes and paper currency of every description shall cease to be received, or offered in payment, on account of the United States, or of the Post Office, or in fees in the courts of the United States, as follows: Of less denomination than twenty dollars, none shall be so received after the third day of March, eighteen hundred and thirty-eight; of less denomination than one hundred dollars, none after the third day of March, eighteen hundred and thirty-nine; of less denomination than five hundred dollars, none after the third day of March, eighteen hundred and forty; of less denomination than one thousand dallars, none after the third day of March, eighteen hundred and forty-one; and none of any denomination, from and after the third day of March, eighteen hundred and forty-two.

"SEC. 2. *And be it further enacted*, That any person holding an appointment under the laws of the United States, and any bank employed to keep public moneys, which person or bank shall neglect, evade, violate, contravene, or in any way elude, or attempt to elude, the provisions of this act, shall be guilty of an offence against the laws; and the person so offending, shall be liable to be dismissed from the service; and the bank so offending shall, on satisfactory information, be discontinued as a depository of public moneys."

This was my bill; and now, Mr. President, behold the workings of time, and the results of experience. When that bill was brought into the Senate, it stood here, so far as my knowledge and information extends, without a solitary supporter except its author! Solitary and alone he stood at its back: in a minority of *one* he ran the chance to be left in any vote which should be taken upon it. Then it was that I had an opportunity—one out of many which a friendly intercourse of near twenty years has afforded me—to test the goodness of the heart, and the kindness of the feelings, of the Senator from Pennsylvania who sits over the way, [Mr. BUCHANAN.] That Senator saw the predicament of my bill: he saw it would get no support. He had seen me solitary and alone on many occasions; and rightly judged that a public man might be disparaged in the public estimation, who appeared habitually without supporters in a public body. He came round to me from the seat where he now sits, to the place where I now stand; and, after a suitable introduction, to prepare my feelings for the catastrophe, he proposed to me to ask leave to withdraw my bill, or to have it laid upon the table, as the means of extricating myself from the solitary exhibition which awaited me. Now, it so happened that I had not the least objection, so far as I was personally concerned, in standing alone in support of that bill. I had fully committed myself for it by bringing it in; I looked ahead and saw the day that I might be proud of it: but, deference for the kind feelings of my friend, and to show him that his intimations were taken in the sense in which they were intended, I agreed to have it quietly dropped, by being laid upon the table: and another friend, [Mr. WRIGHT, of New York,] with the concurrence of the author, moved to lay it upon the table. It is a gentle motion—something equivalent to backing out—and is rarely opposed; but on that occasion it was opposed, and some little effort was made to hold the bill up for a vote; but the Senate permitted it to go down upon the table. It went down without noise. No yeas and nays were called upon it; and thus I lost the honor, in 1836, of voting alone for a measure which, in 1840, will command the unanimous vote of my party. The day has come which I foresaw. Time, and its events, have accomplished what my endeavors could not effect; and two suspensions of the banks in three years have brought the Democratic party to the point I was at many years ago,

*It was so rejected: the vote being thirty-three against, six for the clause.

The bill which I proposed in 1836, and the nineteenth and twentieth sections of the Independent Treasury bill (when amended as they will be) are identical. They propose the same end, approach it in the same gradual way, arrive at it at the same time, and guard it with the same sanctions. They are both to re-establish the currency of the Constitution for the Federal Government; and this re-establishment of that currency is *one* out of the *two* principles which constitute the Independent Treasury system.

My motion now is to strike out certain words from the specie feature of this bill, and thereby to make it conformable to the words, spirit, and meaning of our Constitution, and to the great act of 1789. My motion is, in effect, to restore that act, and to restore it completely, by excluding Federal paper money as well as bank paper money from the receipts and disbursements of the General Government. Sir, this is a great point in the case, and I mean to make it clear. My assertion is, that the act of 1789—the first act for the collection of Federal revenue—made gold and silver only receivable in payment of the public dues—that General Hamilton, then Secretary of the Treasury, nullified and reversed that act by construction—and that the specie clause in this bill is intenced to restore the act of 1789, and to prevent any future Hamilton from construing it away. This is my assertion; and the proof is for hcoming to sustain it. At page 27, vol. 2, of the laws of the United States, (Duane's edition,) being the 30th section of the first revenue law ever passed by Congress, is found these words: "*The duties and fees to be collected by virtue of this act* SHALL BE RECEIVED IN GOLD AND SILVER COIN ONLY." This is the act—these the words of the fundamental act, for the collection of the Federal revenue. The bare reading of them establishes the fact that the first Congress which ever sat under the Constitution, and composed, in great part, of the men who actually framed that instrument, the bare reading establishes the fact that this first Congress enacted an exclusive specie currency for the Federal Government. This point being established, the next inquiry is, how came the Government to slide off immediately into a paper money currency, and to remain ever since involved and enthralled in the miseries and losses of the paper system? The answer to this question is, that the then Secretary of the Treasury, General Hamilton, took upon himself to nullify the act by construction, and to construe the words "*gold and silver coin only*," to signify bank notes; and upon this construction, ordered these notes to be received, and thereby involved the United States in the banking and paper system, which has continued to the present day, and from which it is the object of the present bill to extricate us. Upon this point Gen. Hamilton shall have the benefit of his own words; and I will read to the Senate the report which he made to Congress on his construction of this act, and which contains his argument in vindication of his conduct. He says:

"This section (the 30th of the act of 1789) provides for the receipt of the duties in gold and silver coin only. The Secretary has considered this provision as having for object, the exclusion of payments in the paper emissions of the particular States, and the securing the immediate or ultimate collection of the duties in specie, as intended to prohibit to individuals the right of paying in any thing except gold and silver coin; but not to hinder the Treasury from making such arrangements as its exigences, the speedy command of the public resources, and the convenience of the community, might dictate; those arrangements being compatible with the eventual receipt of the duties in specie. For instance, the Secretary did not imagine that the provision ought to be so understood as to prevent, if necessary, an anticipation of the duties by Treasury drafts receivable at the several custom-houses. And, if it ought not to be understood in this sense, it appeared to him that the principle of a different construction would extend to the permitting the receipt of the notes of public banks, issued on a specie fund. * * * * * Such were the reflections of the Secretary with regard to the authority to permit bank notes to be taken in payment of the duties. The expediency of doing it appeared to him to be still less questionable. The extension of their circulation by the measure is calculated to increase both the ability and the inclination of the banks to aid the Government. It also accelerates the command of the product of the revenues for the public service, and it facilitates the payment of the duties," &c.

This was the reasoning of General Hamilton, that eminent and bold man, who was the great founder of the Federal sect. To nullify express words by construction—to judge a constitutional question by its expediency—to sacrifice gold and silver to paper—to marry the Government and the banks together—and to make the former dependent upon the aid of the latter; this was his conduct and his policy; and this has been the conduct and policy of the sect which he founded for the fifty years which it has existed.

This was the reasoning of General Hamilton; this his argument, to show that gold and silver coin only signified bank notes! Certainly nothing more fallacious—not to say audacious—ever fell from the lips of man. It was an insult to the understanding, and a contempt for the spirit of those to whom it was addressed. But it was addressed to a Congress of Federal members; to a Congress in which the Democracy had no weight, and the majority of which immediately proceeded to chain the whole Federal Government to the British paper system, by chartering a National Bank with British stockholders, funding the soldiers' certificates, assuming State debts, and creating a stockjobbing interest to feed and fatten upon the credit and revenues of the Union—to rule its politics, and to consider the administration of the Government as wholly subordinate to their own schemes of wealth and aggrandisement. This was the Congress to which General Hamilton made his report, and which received it with the submission and acquiescence which might be expected from such a body. They shut their eyes upon the mockery which was made of the law, and they submitted to the insult to which the excuse implied to themselves. This was fifty years ago; and now, at last, after half a century's suffering from the effects of that violation of law, and after the glorious revival of Democracy under the administration of General Jackson, a Congress sits to do the work which ought to have been done by the Congress which received General Hamilton's report. That Congress ought to have rebuked his conduct, re-enacted its hard money clause, and guarded it with penal sanctions from future violations. This is what they ought to have done. It is what they did not do; and it is what we are now doing for them. The Independent Treasury, with its specie clause, is to do this; and the contest upon this bill—the division of parties for and against it—is the contest, and the division, of the Hamiltonian Federalists and the Jeffersonian Democrats of fifty years ago.

Believing this point to be now sufficiently established, and that this enactment will be looked upon in its true light, as a mere restoration of the fiscal action of the Government to its primitive and constitutional course, I proceed to the more general observations, connected with the second feature, and the general policy of the bill. The second feature of the bill is, that the Federal Government shall be the keeper, and the exclusive keeper, of its own money. The heavy losses in the revenue, twice in three years, from employing banks to keep our money, have opened the eyes of almost all to the folly and impolicy of employing such keepers. The impolicy of it is given up by almost all: the Federal party only wish for a National Bank to be employed as the keeper. The Democracy refuse the custody of the public money to all banks: they go back to the Constitution, which required it to be kept in the Federal Treasury, and not to be drawn out of that Treasury, except by a Treasury warrant founded upon a law of Congress. The Constitution is express, that, *no money shall be drawn from the Treasury but in consequence of appropriations made by law.* This is the Constitution; and its mandate is clear that the United States shall have a Treasury, which Treasury shall contain all our money, and from which no money shall be taken except on a Treasurer's warrant, founded on a law of Congress. All this is clear; and conformable to it was the first action of the Federal Government. There was no National Bank when the Constitution was made, nor for some years after; there were but three local banks then in the whole Union; the public moneys, in the first years of Washington's administration, remained chiefly in the hands of the receiving officers, whence it was drawn out upon the Treasurer's warrant. The revenues were in the custody of the Government officers, subject to the warrants of the Treasurer. This continued until General Hamilton got his banking system into operation; and then the public money went into banks, to be kept by bank officers, subject to be drawn out of the bank like the private money of the institution, and to be used at the discretion of these bank officers, not only without a law of Congress, but without its knowledge or consent. This is what General Hamilton established, and permitted to be done; and now the intention of the Independent Treasury bill is to go back to the Constitution—to define and establish the Federal Treasury—to have the public moneys put into it—and to keep them there, untouched by any hand, until a Treasurer's warrant, founded upon a law of Congress, goes to demand them. This is the second, and the remaining feature of the Treasury bill. It is merely to reform the action of the Government, and to restore it to the constitutional intention. It is a reformation, and not an innovation. It is giving a practical operation to the words of the Constitution. It is the correction of General Hamilton's second great perversion of the Constitution; and as such divides now, as it did fifty years ago, the two great political parties of the country.

The reasons for establishing an Independent Treasury are now too apparent to require argument here. Two suspensions of the banks in three years, shows that they cannot be relied upon by the Federal Government. Besides, our whole banking system is a dependency of the British system; its centre is in London; its masters are there; and, in addition to its own inherent dangers, great enough, in all conscience, it is also subject to the misfortunes, and to the orders, of the mother system in England. It must shut up, and blow up, as ordered, or suffered there; and thus the Federal Government, in keeping its money in our banks, is virtually keeping it in London, subject to the orders of Englishmen, and to the wants, or policy, misfortunes, or crimes, of their own paper system. Surely it is time to break such a dependence.

Mr. President, it is now twenty years that I have meditated, and ten years that I have been acting, on the subject matter of this bill. I came into this body at a time, and in a state of the country, calculated to make those *think*, and seriously think, who were elevated to the high function of national legislation. I was elected to this body in the year 1820, when the hollow and delusive paper system was undergoing one of its habitual and disastrous convulsions; and when my progress to this place—my journey from the Mississippi to the Potomac—was one long ride amidst the crashings and explosions of banks, and the cries and lamentations of a deceived and plundered people. The National Bank was then in the third year of its age; and, so far from affording a remedy for the evils, it was itself the mother of the evils, and notoriously bankrupt, except for the credit and revenues of the United States, which were lent and extended to save it. I saw with my own eyes that a National Bank was no remedy for the evils of the banking system—that it was itself the greatest and most potential author of all these evils. I saw a vast ruin overspreading the land, and I had my opinion of its cause, and of its remedy; but I was a new Senator, and a young man—*novus homo*, as the Romans would say of one who had appeared for the first time in the public affairs—and I was here a long time before I could act on this subject, or on any one of general and national importance. The election of General Jackson was the signal gun for the commencement of operations. With that great man in front to lead me on—with his great power behind to back me in the contest—I commenced at once the system of measures which I had so long meditated and carefully planned. It was, indeed, a SYSTEM, and a large one, and of many parts, but all tending to one object, and to one end. I commenced with a map of the whole work before me—with a financial chart spread out—on which was placed every object to be attempted, and every consequence to be deduced. Finance and commerce were placed together, according to their natural and indissoluble connection; and each were considered in relation to the other. The extinction of the national debt; the termination of the National Bank; the revival of the gold currency; the increase of the silver currency; the suppression

of small bank paper; the re-establishment of the currency of the Constitution for the Federal Government; the total divorce of the Federal Government from the paper system; no surplus revenue; and the principle of reciprocity in foreign commerce: these were the objects laid down upon my map; and which, together, constituted the system at which I was to labor.

I proceeded upon a plan, consisting of many parts, but coherent in all its parts. All that I did in relation to financial, commercial, and currency questions, was subordinate to this plan, and tending to the result which I had proposed to myself. I was always moving upon my plan, howsoever detached and even insignificant the motion might seem to be; for I am not a man to act by fits and starts, sporting crude or vagabond conceptions, without regard to utility, and without consulting the auspices of propriety and effect.

Here, indeed, was a great work carved out—a large work to be performed—a great deal to be pulled down and cleared away, before any new erections could be commenced. The Bank of the United States was the centre and the citadel of the existing order of things. It was to be got rid of before any thing else could be attempted. It was the corner stone and the pillar of the paper system; and besides its general capacity to sustain that system, it was in possession of the two precise faculties which were incompatible with the existence of an Independent Treasury. It enjoyed the chartered privileges of paying the public dues in its own notes, and of keeping the public moneys in its own vaults. Now the Independent Treasury system required the Federal dues to be paid in the constitutional currency, and the Federal moneys to be kept by Federal officers. It is evident, then, that the Bank privileges must be got rid of before we could begin to build up an Independent Treasury. All this I saw from the beginning, and therefore labored to get rid of one before I began with the other.

All these objects were began; some have been pursued to success; some are on the point of being accomplished; and some even yet but inceptively presented to the public mind. Of the latter, were my anti-surplus revenue resolutions of 1828, and my commercial reciprocity resolutions of 1831. These two latter may justify a moment's elucidation at this time, so far as to show what they were; as the time is at hand when action will be attempted upon them again.

1. My anti-surplus revenue resolutions. They were brought in at several different times, and were intended to effect the repeal of the law which authorised a surplus of two millions beyond the appropriations to be permanently retained in the Treasury, to meet the contingencies of a deficient revenue. The proposition was to abolish this law; and, in lieu of keeping surplus money on hand to meet contingencies which might rarely occur, to invest the Government with contingent authority to borrow two millions or less, if, in the recess of Congress, there should be a deficiency in the Treasury to meet the demands of existing appropriations. The subject is as important now as it was then, and must command the attention of Congress sooner or later. The Secretary of the Treasury has repeatedly asked for legislation on the subject of these contingent deficiencies, and we cannot get over this session without considering his request.

2. The commercial reciprocity, and anti-public debt resolutions, are too elaborate, inferential, and argumentative to be paraphrased; and I will, therefore, give them in their own words. They stand thus on our journals:

IN SENATE OF THE UNITED STATES,
February 26, 1831.

Mr. BENTON submitted the following resolutions; which were read, and ordered to be printed, and laid on the table:

Resolved, That the powers conferred on Congress by the States to lay and collect duties, and to regulate commerce, are distinct and incontrovertible powers, aiming at different objects, and requiring different forms of legislative action; the levying power being confined to imports, and chiefly intended to raise revenue; the regulating power being directed to export, and solely intended to procure favorable terms in foreign ports for the admission of the ships and products of the States.

2. That the power to lay and collect duties on imports was solicited by the founders of the present Federal Government, and granted by the States, for the express purpose of paying the public debt, and with the solemn and reiterated assurance that the duties levied for that purpose should cease the moment the debt was paid; which assurance was given in answer to objections from the States, and to quiet the apprehension expressed by some of them, that the grant of power to Congress to raise revenue from the commerce of the States, without limitation of time or quantity, and without accountability to them for its expenditure, might render Congress independent of the States, and endanger their liberties and prosperity.

3. That the public debt will (probably) be paid off in the year 1834, and the amount of about twelve millions of dollars of revenue will then be subject to abolition, and ought to be abolished, according to the agreement of the parties at the establishment of the present Federal Government, and in conformity to the present actual condition and interest of the States.

4. That an abolition of twelve millions of duties will be a relief to the people from about sixteen millions of taxes, (estimating the retail merchant's advance upon the duties at one-third;) and that the said abolition may be made without diminishing the protection due to any essential branch or pursuit of domestic industry, and with manifest advantage to most of them.

5. That, for the purpose of enabling Congress to determine with entire safety to every interest, and with full satisfaction to the public mind, what branches and pursuits of domestic industry may be entitled to protection, and ought to be guarded from the injurious effects of foreign competition, a joint committee of the Senate and House of Representatives ought to be appointed, to take the examinations of practical men (producers, consumers, and importers,) in all doubtful cases, and to report their evidence to the two Houses of Congress.

6. That the said committee ought to be appointed at the commencement of the next stated session.

7. That the power to regulate foreign commerce was granted to Congress by the States for the express and sole purpose of enabling Congress to obtain and secure favorable markets abroad for the exports of the States, and favorable terms for the admission of their ships, and to effect these objects by establishing an equitable system of commercial reciprocity, discrimination, and retaliation, which should measure back to every foreign nation the same degree of favor or disfavor which itself measured out to the commerce and navigation of the United States.

8. That the power to regulate foreign commerce, although one of the first of the enumerated powers in the Constitution, and the inducing cause to its adoption, has never yet been exercised by Congress.

9. That the approaching extinction of the public debt, and consequent obligation to abolish, and advantage in abolishing, about twelve millions of annual revenue, will enable the United States to receive a large portion of her foreign commerce, say the one-half thereof, free of duty; and that the fair principles of a just reciprocity, the dictates of obvious policy, justice to the States, and the constitutional duty of the Federal Government, already too long deferred, will require this Government to demand equivalents from all nations which may wish to be admitted to a participation in the enjoyment of this great amount of free and unrestricted trade.

10. That the free importation of the following articles (among others) may be admitted into the United States without compromising the prosperity of any branch or pursuit of domestic industry, and with manifest advantage to most of them; namely, linens, silks, wines, coffee, cocoa, worsted stuff goods, several descriptions of woollens, several qualities of fine cottons, several kinds of spirits, &c. &c.

11. That the free importation of the said articles ought to be offered to all nations which shall grant equivalent advantages to the commerce and navigation of the United States, and will receive the products of their industry; namely, fish, furs, lumber, naval stores, beef, bacon, pork, grain, flour, rice, cotton, tobacco, live stock, manufactures of cotton, leather, wood, and silk, butter and cheese, soap and candles, hats, glass, and gunpowder, lead, shot, and sugar, spirits made of grain and molasses, &c. &c. or some adequate proportion thereof, either free of duty, or upon payment of moderate and reasonable duties, to be agreed upon in treaties, and to continue for a term of years, and to no other nations whatever.

12. That there is nothing in existing treaty stipulations with foreign powers to prevent the regulation of our commerce upon the foregoing principles.

13. That all commercial nations will find it to their advantage to regulate their commerce with the United States on these principles, as, in doing so, they will substitute a fair and liberal trade for a trade of vexations, oppressions, restrictions, and smuggling; will obtain provisions for subsistence, and materials for manufactures, on cheaper terms and more abundantly; will promote their own exports; will increase their revenue, by increasing consumption and diminishing smuggling; and, in refusing to do so, will draw great injury upon themselves in the loss which will ensue of several great branches of their trade with the United States.

14. That the agriculture, manufactures, commerce, and navigation of the United States would be greatly benefitted by regulating foreign trade on the foregoing principles: first, by getting rid of oppressive duties upon the staple productions of the United States in foreign markets; secondly, by lowering at home the price of many articles of comfort or necessity, imported from abroad.

15. That the safest and most satisfactory mode of regulating foreign commerce on these principles would be by combining the action of the legislative and treaty making powers, Congress fixing, by law or joint resolution, the articles on which duties may be abolished, and the Executive negotiating with foreign nations for the grant of equivalents.

16. That to be in readiness to carry this system of regulating foreign commerce into effect at the extinction of the public debt, it will be necessary for Congress to designate the articles for abolition of duty at the next stated session.

I do not stop to make any remark upon these resolutions; the time is at hand when it will be proper to renew them, and to discuss them; and the important report from the Secretary of State, (Mr. Forsyth,) called for by the Senate, at its last session, on my motion, and now in the hands of the printer, will furnish us with the means of discussing them to advantage. For the present, I will only remark, that if the principle of these resolutions had been adopted, instead of enacting that *Procustes-bed* act, commonly called the compromise act, whereby high duties were to be cut down, and low ones stretched up, and many abolished in toto, without equivalents; and all without "*rhyme or reason*," or the slightest regard to any constitutional principle or national interest—I say, if the principle of these resolutions had been adopted, in lieu of such anomalous legislation, we should not now have to lament an importation of fifty millions of free goods, without equivalents, and from countries which load our exports with taxes, and fetter them with restrictions.

I return from this digression, and proceed with the subjects immediately connected with the bill before the Senate. My financial map presented a large work; and it required time, and patience, and much labor to conquer success. To prepare the public mind for such changes—for so much pulling down, as well as building up—was the first step in the herculean undertaking; and, to do this, many speeches were to be digested and delivered; and speeches of a different kind from those which the rhetoricians teach us to pronounce. We live in an age of intelligence and activity, and when the public mind is powerfully directed to objects of utility. In speaking to such a people, I concluded that, of the six parts of the regular oration, four parts might be thrown away: that I could dispense with all except the facts, and the application of the facts, cemented and enforced by reason. Upon this plan I spoke. My speeches were stripped of ornament, stinted of phrases, and crowded with material. They were brimfull of facts and reasons; and this was a compliment to the intelligence of the age in which I lived. The compliment was not misapplied: the intelligence of the age was not overrated. The event has proved that it was not. At the end of some years the public debt was paid—the National Bank was laid in the tomb—the gold currency was revived—the silver currency was vastly augmented—a return to the constitutional currency for the Federal Government became a measure of the Democracy—the separation of the Government from the paper system became equally their measure: and political parties, returning to the debate and controversy of original principles, exhibited themselves on the respective grounds of Federalism and Democracy which they stood upon in the early days of Hamilton and Jefferson.

Besides preparing the public mind for great changes, the means and machinery of the changes were also to be prepared; and this led to an almost infinite number of propositions offered at different times, in detached parts, by instalments as it were; but all tending to the same end, and to the same ultimate object, of re-establishing the hard money Government of the Constitution. It would be tedious, and in fact, impossible to detail all these propositions at this time; but a few of them, selected from the mass, and in different years, will show the steadiness of the pursuit, and the earliness of my action on the subject. I have already shown that as far back as the 2d of February, 1831, in my first speech against the Bank of the United States, I raised the hard money standard for the Federal Government, and denounced its total separation from the paper system. Following up the plan therein indicated, I brought forward in the winter of 1833–34, namely, on the 2d day of January, 1834, specific propositions to correct the gold standard—to legalize the circulation of foreign silver—and to repulse from the Federal Treasury all bank paper of less denomination than twenty dollars. In a speech against the Bank of the United States which I then delivered, I gave the notice for these resolutions, and pledged myself to bring them in, and follow them up to a decided issue. I will here read an extract from that speech which will verify what I have the honor to say. This is the extract:

"The reform of the gold currency, Mr. B. said, was a part of his original plan in opposing the renewal of the United States Bank charter. It was still the darling object of his heart—the splendid vision of his midnight dreams, and mid-day thoughts; and, with the leave of the Senate, he would read, as a part of his present speech, and in illustration of his sentiments on the currency, a set of resolutions which he had *long since drawn up*, and only awaited the proper occasion of victory over the Bank of the United States, to lay before the Senate, and claim their action upon them. He would read them, without offering them at this time for consideration:

Reform of the gold currency.

"*Resolved*, That it is the true intent and meaning of the Constitution of the United States that the Federal currency of the United States shall consist only of gold and silver coin; and that there is nothing in the present state and condition of the country, to justify any supposed plea of necessity for departing from that plain intent of the Constitution, by issuing, or permitting any corporation to issue, any species of Federal paper currency whatever.

"*Resolved*, That the quantity of gold derivable from foreign commerce, and from the Carolinas, Virginia, Georgia, and Alabama, and the quantity of silver derivable from foreign commerce, are amply sufficient to supply the people of the United States with hard money, if not expelled from the country by unwise and erroneous laws, made by Congress.

"*Resolved*, That the value now set upon gold and silver coin, both foreign and domestic, by the laws of the United States, is erroneous, and prejudicial to the country, and has (with the aid of a Federal Bank) occasioned the total expulsion of gold coins, and the partial expulsion of silver *dollars* from circulation; and that it is the bounden duty of Congress to restore these coins to circulation, by restoring them to their true value, refusing to recharter the Bank of the United States, and discountenancing and rejecting from receivability in payment of Federal dues, all bank paper of less denomination than twenty dollars.

"*Resolved*, That it is the true intent and express meaning of the Constitution, that foreign gold and silvercoins shall circulate in the United States as freely as domestic coins; and that to comply with such intent of the Constitution, it is expedient that foreign gold and silver coins, (of the principal commercial nations,) and of approved fineness, recent coinage, not clipped or fraudulently reduced in weight, should be authorized by law to pass current in the United States, by count, and not by weight like the coins issued from our own mint.

"Having read these resolutions, Mr. B. pledged himself to the American people, in the face of the Senate, to attempt the reform of the gold currency, if some more competent hand did not anticipate him, the moment Congress was disembarrassed of the great contest for power and supremacy between the people of the United States and the Bank of the United States, which was now raging so furiously in both Houses of Congress."

It was in the month of January, 1834, that these resolutions were read in the Senate; in the month of March following, they were offered; and have since been followed up by the measures which were necessary to give them effect, and to lead to the accomplishment of the great object on which we are now engaged. The mint was branched, both to increase the coinage and to serve at New Orleans and Philadelphia as depositories of the public money; the gold standard was corrected; foreign silver was admitted to a legalized circulation; small notes under twenty dollars were cut off from the receipts and expenditures of the Federal Treasury; the Treasury Order was issued, and remained in force two years. All these measures, with ten years of discussion—the increase of our specie from twenty to ninety millions—two explosions of the paper system in three years—the inability of the Bank of the United States any longer to sustain the Opposition, and to deceive and distress the country; all these events have prepared the public mind for the adoption of the Independent Treasury system; and made it, as I believe it to be, the most popular political measure of the times in which we live.

The bill re-establishes an exclusive metallic currency for the Federal Government; it does no such thing for the State Government or the people. It establishes no exclusive metallic currency for them; and all the harangues to that effect—all the affected alarms about the fall of prices—the decline in the value of produce and property—the reduction of wages—the ruin of labor, and so on, are nothing but a new edition of the old panic speeches; and a fresh crop of the woful vaticinations of the United States Bank prophets years ago. The Independent Treasury bill will have no direct action upon the currency of the State Governments and the people; it will only act upon it indirectly, and incidentally, and that to improve it by infusing a larger portion of gold and silver into it.

The effect of this great measure upon the Government and the country, cannot be otherwise than beneficial. It will give the Federal Treasury a hard money currency; and in that will save it from the loss and degradation of using depreciated paper. It will give it the keeping of its own money; and in that will save it from the loss of its revenues as often as the banks chance to blow up, or choose to shut up, either in consequence of their own misconduct, or in obedience to orders, or an impulsion from London. In supplying the Federal Treasury with hard money, it also supplies the people with it; for the Government does not eat the money it receives, or export, it; but pays it out in return for services or purchases; and the whole goes back to the people as fast as it comes from them; and will not require as much in a year as the Bank of the United States ships to England in a few months. It will keep up the specie standard in the country; it will keep up a supply of specie; it will enable the community to obtain the gold and silver which is indespensable to their safety and prosperity.

The Independent Treasury will not require as much specie to be collected from the people in a year, as the Bank of the United States ships to England in a few months; with this great difference, that, what the Government collects, is immediately returned to the people; what the bank ships is lost to the country forever! Not less than scores of millions have thus been shipped by this Bank, counting all it has sent away, both in its original and in its metamorphosed state. Mr. CLAYTON's committee in 1832, showed it had extracted from the States, chiefly of the South and West, up to that time, forty-two millions of dollars, and shipped nearly the whole. No committee has since been permitted to examine the "Great red Harlot," and to discover the subsequent amount of her exactions and exportations; but the custom-house books, and the boastings of her parasites, show them to be immense; and they probably exceed, since 1832, the operations of any given number of years before that time. The Legislature of South Carolina, at their last session, made a report upon this point, as it concerned that State alone, founded upon the testimony of the late president of the United States Branch Bank in Charleston. The result was startling, and showed the abduction of specie from that State, by this institution, to have been enormous and ruinous. Certain it is, the Bank of the United States has abducted from the States, and exported to England, *to be lost to this country forever*, not less than sixty or seventy millions of dollars, while the Independent Treasury system cannot take out of circulation more than four or five millions at a time; and every shilling of it to be returned to the people, from whom it came, through the daily expenditures of the Government. And yet it is this Bank and its orators, and paragraphists, who affect alarm, and are actually trying to hatch another little panic, on the ground that the Independent Treasury will deprive the country of its specie! Oh, truth! where is thy signet? Oh, shame! where is thy blush?

If any one asks when it was that I began to labor for the establishment of the Independent Treasury, I answer, that I began this labor on the day in which I began my labors to terminate the existence of the Bank of the United States. That Bank was in the possession—in the chattered possession—of the two precise privileges which would constitute the new system; the privilege of paying the public dues in her own notes, and the privilege of keeping the public moneys. Now it is evident there could be no Independent Treasury until these bank privileges were abolished; and to abolish them the Bank itself must be brought to a close. So long as there was a National Bank, that bank would have the keeping of the public moneys in its own vaults, and the payment of the public dues in its own paper. It was necessary, therefore, to get rid of that institution before we could begin to erect the Independent Treasury. Demolition was to precede erection; and for seven long years I labored at the preliminary work. Those who defended the Bank during that time, fought seven years against the Independent Treasury system; those who attacked the Bank fought for the system. They were antagonist systems, and one must be got rid of before the other could be adopted. True the transit was not direct from one to the other. There was a half-way house between them! as indispensable to be stopped at, and tarried in a while, in going from a National Bank, as in returning to one. This half-way house, as every one understands, was the State bank deposite system. We stopped in it three years—from 1834 to 1837—when it blew up, and we escaped. Congress aided to blow it up by the State deposite act of 1837, which called for thirty-six millions of dollars, which we knew this half-way establishment had lent out, and could not return, in the prescribed time, without ruin to itself or its debtors. It blew up, and we left it; and the Democratic party then took the decisive ground of going the whole distance, and erecting the Independent Treasury; basing it upon the two pillars of KEEPING its own money, and USING nothing but HARD MONEY. This system had been presented before, but at periods of time not propitious to its adoption. A member of the House of Representatives from Virginia, [Gen. Gordon,] presented it in that body in 1834. It was opposed by the Democratic party, and if I had been in that body, I should have opposed it with them; for, although right in itself, it was wrong timed, and would have caused a reaction in favor of the Bank of the United States. In that light it was seen by both political parties, and each acted accordingly. The public mind was not ripe for the step; the half-way house was still the lodging place; and it would not do to pass it or quit it, until its insufficiency was ascertained. Two years after, and before this half-way establishment had failed, I made two experiments in the Senate to see if we could gradually get out of it. Both these experiments failed—signally failed—and left me without hope until that catastrophe should arrive, which I foresaw, and stated to be at hand. The first of these attempts was made on the 6th day of January, 1836, and took the form of a proposed instruction to raise a select committee on banks and currency in the District of Columbia; and, among other things, to inquire:

"Into the necessity, if any, for banks of circulation in the District of Columbia, in contradistinction to banks of discount and deposite; also, to inquire how far banks of any kind are wanted for the uses of the Federal Government in this District; and wherefore the Treasurer of the United States may not act as KEEPER and PAYER of the public moneys within the District of Columbia, and drawer of checks or drafts in favor of those who chose to receive their money elsewhere."

This was a gentle attempt at the experiment of an Independent Treasury here, at the seat of Government, where we have a Treasurer and a Treasury building, and officers enough to keep and pay out our money. It was a gentle attempt to sound the Senate upon the subject; but it did not get as far as to sound them. As it was read, its fate was determined; and when it was finished being read, it was laid upon the table upon the motion of an Opposition Senator, without debate, without yeas and nays, and without a division.

The next attempt was six months later, to wit, on the 13th of June, of the same year; and took the shape of an amendment to the famous Deposite act; so as to allow public moneys to be transferred from the deposite banks to the mints, for the two fold purpose of supplying metal for coining, and for safekeeping. On this occasion the Senate was sounded: its sense in relation to the commencement of the Independent Treasury system was ascertained; and as the circumstance is an era in the history of that system, I will read what our journals present in relation to it. I read from page 430, of the session 1835–36:

"On motion by Mr. BENTON to amend the reported amendment by inserting, at the end of the twelfth section, the following proviso: '*Provided*, That it may be lawful for the President of the United States to direct transfers of public money to be made from time to time to the Mint and branch mints of the United States, either for supplying metal for coining or for safe keeping.'

"A division was called for by Mr. BENTON; and being taken on the first division thereof, ending with the word 'coining,' it was determined in the affirmative—yeas 22, nays 17. The YEAS were: Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, King of Alabama, King of Georgia, Knight, Morris, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, and Wright. The NAYS were: Messrs. Calhoun, Clay, Crittenden, Ewing of Ohio, Goldsborough, Kent, Leigh, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Swift, and Webster.

On the question to agree to the residue of the purposed amendment, viz: '*or for safe keeping*,' it was determined in the negative—yeas 13, nays 28. On motion by Mr. Grundy, the yeas and nays being demanded by one-fifth of the Senators present, those who voted in the affirmative are, Messrs. Benton, Brown, Ewing of Illinois, Grundy, McKean, Morris, Nicholas, Niles, Page, Robinson, Ruggles, Walker, and White. Those who voted in the negative are: Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, King of Alabama, King of Georgia, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Rives, Robbins, Shepley, Swift, Tallmadge, Tomlinson, Webster, and Wright."

Thus ended the second attempt to begin the great work of establishing an Independent Treasury for the Federal Government. It ended discouragingly enough. No more than 13 Senators voted for including the mints in the list of the public depositories: but I was not discouraged, and looked ahead for the forthcoming of an argument which would convince the nation. That I was not

discouraged, and did not mean to give up the ship, I happen to have some higher evidence to prove than my own assertion could now be: I happen to possess a letter, dated in September of the same year, and addressed to Mr. Wm. M. Gouge, of this city, so well known for his meritorious writings on banks and banking. It was written in September, 1836, and was in answer to a detailed plan for a Sub-Treasury system, which he addressed to me where I then was, namely, among the Virginia Springs. I kept no copy of my letter, but have lately obtained one from him; which, with his answer to my request for the copy, I will read, both in justice to him, as one of the early and steadfast friends of the separation of Bank and State—justice to General Jackson, as one of the early approvers of the plan—and in justice to myself, as not despairing under defeat—as being fully impressed with the impending dangers of the paper system, determined to compromise nothing, relying upon the people, and fully anticipating future success—actually anticipating the very measure, even to its form, which we now have before us. His letter to me, sending the copy of my own, is this:

WASHINGTON, January 9, 1840.

DEAR SIR: Enclosed is a copy of your letter to me from Warm Springs.

It may not be amiss to mention, that on the 4th of March, 1836, (the day on which the charter of the United States Bank expired,) I addressed a short letter to General Jackson, signifying my intention, if it should be acceptable to him, to address him at length on the subject of entirely separating banking and fiscal concerns. Having received a favorable verbal reply, through a mutual friend, I set about the task, but, through press of business, could not complete it till August of that year. The address filled nine foolscap sheets, and the substance of it was published immediately after the Bank suspension in 1837, in pamphlet form, under the title of "An Inquiry," &c. My letter to you, which filled three foolscap sheets, was an abridgment of my letter to Gen. Jackson.

Very respectfully, yours,

WM. M. GOUGE.

Hon. T. H. BENTON, United States Senate.

And this was my letter to him:

WARM SPRINGS, Vir. Sept. 22, 1836.

DEAR SIR: Your esteemed favor of the 2d inst overtook me at this place, and I am very sensible to the importance of all you say. The people are with us; the politicians, even of our own party, are mostly against us. I shall, however, have no compromises; and work on with those who will work with me. I am fully impressed with the impending dangers of the paper system, and wish to see the Federal Government wholly disconnected from the local banks. The disuse of their paper, and the disuse of their vaults, are both desirable to me; and I had looked upon the mints and branch mints, with a few additional ones, as places of deposite for the public moneys. A modification of your plan of sub-treasuries, so as to connect them with the mints, seems to be feasible; and I shall be glad to talk with you on the subject at Washington, and, in the meantime, to hear from you as often as convenient. I go to Lexington in this State. Yours truly,

THOMAS H. BENTON.

WM. M. GOUGE, esq. Washington City.

Mr. President, these are tedious details, and both minute and individual in their bearing; but now that the end has crowned the work—now that the Independent Treasury system has become the leading policy with the Democratic party, and is supported by an immense majority of the American people—at such a time there is something more than selfish gratification—there is justice and utility in looking back to its humble commencement—its slow and doubtful progress—and to review the labors of those who were its friends when it had so few.

The catastrophe of 1837, was preparing; and I saw it as distinctly before it happened as afterwards. In the winter of 1836–7, I pointed out this catastrophe to the then President elect—the now President—of the United States. I invited him into the Finance Committee room of the Senate in the winter '36–37—four months before the banks exploded—and made known to him my opinion of the coming danger. I spoke to him in his high character of President elect, and to warn him of the tempest which was to salute his nascent Administration. I should not mention this, if it was not that the President himself well remembers it, and often mentions it. I had no more doubt then of the coming explosion, than I had after the nine hundred banks of the Union had actually shut up. My opinion was not guess work; but a conclusion of reason and judgment, formed from a view of facts, and as demonstrable as a proposition in Euclid. I judged from these facts: 1. That the Bank of the United States, the mother of the paper system, was rotten and wicked, and would fall, and would draw down the rest with her. 2. That the whole paper system was distended to the bursting point. 3. That the smaller class of our deposite banks were ready for bankruptcy, many of them having from twenty to thirty, and even forty dollars of liabilities for one dollar in specie. 4. That the deposite act, requiring thirty six millions to be deposited with the States in nine months—from the first of January to the first of October—in addition to furnishing nearly as much more for the expenses of the Government—that this act must compel the large deposite banks to choose between crushing their debtors, or closing their doors. These were the facts I went upon; and while the three first were sufficient for the event, the fourth insured it. Of this I was so certain at the time of the passing of the act, that, denouncing it as a *consequence*, I also demanded if it was an *object* of that act? This is what I said—one passage, among a thousand similar:

"Now what is the *object* of all this? Is it the *object* to take all the money for the purpose of distribution, and leave none for the defence of the country? Is it the *object* to break all the deposite banks? Is it the *object* to distress the country, by making the deposite banks call in all their loans in six months? Is it their *object* to ruin the currency, by enabling the Whig States to draw their distributive shares in specie, and compelling the banks to stop payment, and then calling for the Bank of the United States as the only remedy for the evil? Whether all this is the OBJECT, it will be the effect; and to do all this, it is necessary to reach back three years to find money in the Treasury which is not there, and thus make a larger sum for distribution than the deposite banks can pay."

This is what I said—a little of what I said—on the 13th day of April, 1836, while the deposite act—that child of many fathers, was still in the chrysalis state—still struggling amidst the confused embraces of its contending progenitors—each of whom saw, or thought he saw, the honors of the Republic awaiting the brows of the fortunate man who should impress his name and his features on the babe. I, on the contrary, saw nothing in it but woe and shame—mischief to the country, and humiliation to its authors.

The catastrophe came; the bank explosion of 1837 came; the month of May, 1837, saw it arrive: and, at one stride, the Democratic party stepped up to the place where I had been standing "*solitary and alone*" for seven long years. The catastrophe came; the President, in a noble message which approved him the worthy successor of Jackson, and the worthy choice of the American people; this calm, sagacious, firm, patriotic President hung out the banner for the divorce of Bank and State—for a return to the Constitution, and the act of '89, in the establishment of an Independent Treasury for the exclusive keeping of the people's money, which money was to be the exclusive gold and silver currency of our wise and venerated Constitution. The President did his part; the people backed him; but their Representatives faltered; and a second explosion of the paper system had to add itself to the argument before the minds of the doubting could be convinced, and the spirits of the wavering confirmed. The second suspension came, and the argument was conclusive.

This also was an event foreseen, and foretold by me. The Senate will bear with me if I go into some personal details. I am no *ex post facto* prophet; I am no ambiguous oracle. I neither prophesy after the fact, nor ambiguously before it. I speak beforehand; speak plainly, and to the point, and write it down; and here is what I wrote down, beyond the Mississippi, at different periods, and in different letters to my constituents, during the twelve months which preceded the second suspension, that of October, 1839.

To the Democratic citizens of St. Louis, under date of the 25th of October, 1838—twelve months before the event—I wrote:

"Since the veto session of 1832, the political part of the banks and their confederates have convulsed the country with alternate expansions and contractions of the paper currency, to make the people cry out for a National Bank; and they are now preparing for another convulsion of the same kind. New banks are created, paper money is forced into circulation, small notes are multiplied, a vast quantity of bills of exchange is accumulating upon New Orleans and New York; and while this preparation for another catastrophe is going on, we hear it unanimously repeated by all the initiated of the party, that the resumption of specie payments was premature and unsafe—that it cannot last—and that there can be no lasting and permanent resumption until a National Bank is established. This is what is going on, and this is what is said by those who have had the power, heretofore, to make good their predictions, and have charged all the mischief they create upon some act, no matter what, of the Administration. But the next suspension may not be so easy a job as the last. The process of resumption has developed a division among the banks. We have seen a resumption and non-resumption flag; in the next attempt to close vaults we shall see a suspension and non-suspension flag. The business banks will resist the suspension; the political ones will force it if they can; and in this division the community and the laws will find an auxiliary in the non-suspending banks which may enable them to prostrate the machinations of the architects of mischief.

"The bank suspension (which was a contrived piece of business, and one of the objects of the distribution law) was fully counted upon to restore the Federal party and its tutelary deity, the Bank of the United States, to full power; but it was made at the wrong time. It was a master stroke, but wrong timed. It should have been made in the *fourth*, instead of *first*, year of Mr. Van Buren's administration. It was premature. Its authors did their best to make it last until the next Presidential election; but the Democracy of the New York banks forced the resumption; *and now there is no alternative but to make a suspension for the elections of* 1840. It is a bad chance, but it is the only chance. They are dead without it; and accordingly all the preparations are now in full progress for that catastrophe. The preliminary steps are already taken. An expansion of the paper currency has commenced, *to be followed at the proper time by a sudden contraction*, and the consequent stoppage of the banks, and the general derangement of the business of the country."

To the Democratic citizens of Calloway county, one hundred and fifty miles beyond the Mississippi, and under date of the 10th of November, 1838—eleven months before the event—I wrote:

"The United States Bank notes received are themselves remitted to the East as Eastern funds; and thus the State loses both the specie which it had, and the notes which it received for them. In fact the notes are sent out to capture specie, and to return with it. This is the case with the Eastern notes which are imported; not so with the Western and with the miserable post notes! these are retained for domestic consumption, and sent into the country, and perseveringly pushed into the hands of the farmers; and in a little time, if these operations are allowed to go on, there will be nothing but this trash in their hands. The State will then be ready for *the new suspension, the new panic, and the new distress;* which will be charged, of course, to any thing that Mr. Van Buren may do, or say, or no matter what, about that time."

To the Democratic citizens of the Ozark Mountain, two hundred and fifty miles beyond the Mississippi, and under date of the 1st day of June, 1839—four months before the event—I wrote:

"The present paper system of the United States cannot stand, even if there was no pecuniary or political object in blowing it up every three or four years. A thousand banks issuing small notes and post notes, and doing business upon each other's paper, could not stand, even if all hands were in favor of saving them; but this is not the case. Many are in favor of periodical explosions of the banks, both for pecuniary and political objects, and especially to cause a resuscitation of the National Bank; and these will accelerate the event, which would come of itself in a few years; and thus periodically afflict the country with a broken bank currency." * * *

"I look upon the establishment of the Independent Treasury system as an event which sooner or later must take place; but it may be that another '*suspension*' must be added to the argument before it can be carried."

To the Democratic citizens of Howard county, near two hundred miles beyond the Mississippi, and under date of July 5, 1839—three months before the event—I wrote:

"Certain I am that there is a clear line of distinction between the different classes of banks of the United States—a line that was drawn at the time of the resumption, and which separated the commercial and business institutions, which were in favor of resuming and doing the best they could, from the political and gambling banks, which were against resumption, and in favor of perpetuating the evils of an irredeemable currency. I traced the line in March, 1838, two months before it was developed to public view. It exists now, and the latter class of banks are as intent upon another suspension now, as they were against resumption. Unhappily, they are able to make the mischief which they predict and wish, and the vast gambling operations in which they are concerned, in cotton and stocks, may accelerate the event which is so essential to their designs. I look upon the banks which are engaged in the great cotton and other speculations as no more worthy of credit that the gambler whose whole fortune is nightly staked at the faro table."

This is what I wrote—a part of what I wrote—to put my constituents on their guard against the second suspension; and guarded they were: for, when the blow came, they were prepared for it, and nailed the specie flag to the mast, and repelled the British-Bank-born imp, SUSPENSION, from all their borders.

This would seem to be prophecy enough in relation to this second suspension; but the citation would be incomplete if I did not add one more instance, though not of a written character. It so happened that, in the month of April last, just before I left this place for the Great West, I met the President on horseback near the lower bridge in Georgetown; it was soon after the day of the *exit* of an old, and the entrance of a new president, through the portals of a certain marble banking house in the city of the loving brothers—Philos adelphos—and when that shifting of characters naturally led to a certain topic. I then said to the President, what he has done me the honor to remind me of since, that the second suspension would take place before we met again; but that it would

not be a total eclipse—only about half on the southern limb of the sun.

Yes, it has come! The second suspension is upon us, but in diminished terror and mischief; to the former, as the whelp to the lion—as Hyperion to the Satyr. The fatal Bank, of foreign ownership and foreign impulsion, was the chief agent in contriving them both, and proudly lorded it over the first ruin it had inflicted; but now, no longer proudly eminent, or standing like a tower, it

"*Peeps through the horizontal misty air,*
Shorn of its beams; and, from behind the moon,
In dim eclipse, disastrous twilight sheds
On half the STATES."

It has come! and with it the demand of an immense majority of the American people for the instant and total divorce of Bank and State, and the permanent establishment of a National Treasury, to be the exclusive keeping place of the exclusive money of the people. And here I will close this chapter of predictions past and fulfilled, with making one more, whose event is yet in the womb of time; and that is this: That, if the Independent Treasury is not now adopted, it will be established after the next general election with perfect ease, and in a stronger and better form.

Mr. President, I approach the termination of a long and toilsome work. The financial map which I spread before me ten years ago, sees the last of its objects on the point of consummation. I have a right to the pleasures of retrospect—to the joys of an honest exultation—at the successful conclusion of so much labor. For seven long years, under the lead of the hero President, and backed by a few friends, I battled on this floor against a combined political and moneyed power, which was able, during all that time, to counterpoise the weight of the Government and the people; and, to crown its audacity, by dragging the MAN *of the* AGE to the bar of the Senate, and branding him with a sentence, which the JUSTICE OF THE PEOPLE has REVERSED, and ordered to be EXPUNGED from our records. This once powerful combination is now dissolved and broken; the political part limps over the field; the moneyed part lies in the dust—a mass of ruin, of infamy, and of crime. No more the object of hope or fear to any, its enemies pepare for it the tomb and the winding sheet; faithful history prepares for it an immortality of odium and abhorrence; and its friends, they—like the table familiars of Timon—

"*From its ruined fortunes,*
Slink all away."

Mr. President, a faint attempt is made here to resuscitate the ghosts of the panics which have acted so formidable a part in our politics for many years past. It is sent forth that this bill is to impose an exclusive hard money currency upon the people and upon the States; that it is to cut down the price of all labor, produce, and property, to a specie standard; that all debtors are to be ruined, and all laborers beggared. This, sir, is what is sent forth; but it is a mere experiment on the public credulity—a mere assault upon the nerves of the timid. The bill will have none of these effects, but the contrary. It only applies to the receipts and expenditures of the Federal Treasury; and its only influence upon the general currency will be to improve it, by infusing a larger portion of gold and silver into it. The country need not be alarmed. After triumphing over so many great panics, it may look with contempt on this starveling affair which begins so faintly in this chamber, and which the moneyed power is no longer in a condition to patronize. Without the patronage of that power, a panic is impossible. It takes money to make one; the want of money, the application of money, and the extraction of money. Politicians, with their alarm speeches, can do nothing in such a case without a mammoth bank, and its iron screws. This they have not now; and I predict a total failure in the present attempt to alarm and terrify the country. Far from having an exclusive metallic currency, the danger is that we shall have an exclusive paper currency. Twice in two years it has been exclusively paper, once over the whole Union, now over the half of it; and the friends and authors of this exclusive paper, and depreciated paper, affect an alarm for too much specie! They accuse others of meditating this specie currency, while they themselves, twice in three years, have actually imposed an exclusive, universal, and broken down paper currency upon the people, and now have it upon half the Union. No, sir. It is not danger of specie, but danger of paper, that we have to dread. That is the evil which has afflicted us for thirty years. It is the evil which now afflicts us, and which will continue to do so until the Federal Government returns to the specie medium in all its own transactions; and, in supplying its own wants, occasions the wants of the country to be supplied at the same time.

What is the Indpendent Treasury? and why is it called independent? Certainly because it is to relieve the Federal Government from dependence on a fragile bank currency, and to relieve it from dependence on fragile banks to keep its money. It is now dependent on both; and experience proves that it is leaning on a broken reed. It is to make this great Government—the world's last hope for republican liberty—to make it independent of petty corporations, themselves the helpless dependents of others. Sir, what is the banking system of the United States but the tail, the fungus, the excrescence of the British paper system, to be cut off and sacrificed every time that the mother system in England requires it to be immolated for her preservation? What is it but this? Look at it in all its parts—in the aggregate as well as the segregate—and see what it is—how weak in itself and how dependent upon others. The banks of the South and West, built upon the sandy foundation of borrowed paper, are dependent upon those of the Northeast; those of the Northeast are dependent upon the paper fabric of England: and this frail work of lawn and gossamer is itself dependent upon the generosity of Holland and France. The whole banking system of the United States has its centre in London! its masters are there! All the business of our country is linked to a chain whose fast end is in London. And shall the Government of the United States remain dependent upon a system whose masters are in London? Shall it remain linked to a chain whose fast end is there? The enemies of the Independent Treasury say it shall; its friends say it shall not; and this is the question now to be tried. If the bill passes, this Government becomes independent of the paper system whose masters are in London: if it fails, we remain subject to them; and, just so often as their wants require it, or their policy dictates it, this Government is to be deprived of its revenues, reduced to the use of broken bank paper; and its citizens denied shillings for the post office, or the market, while ship loads of gold and silver are despatched to our masters in England.

Mr. President, I have been accustomed for a long time—for years past—to hear our paper system orators attack and deride hard money, and stigmatize as barbarians the nations which use it. To listen to them, and a hard money currency is the very badge and evidence of barbarism. Asiatics, Africans, and savage Indians, are their exemplifications of such nations; and to the level of these would they reduce all the people who prefer gold to paper. This is a fine compliment to the hard money men who framed our Constitution, and believed they had conferred the greatest blessing upon us in giving us a hard money Government. It is a fine compliment to our English ancestors, who had no paper currency until the forepart of the last century. It is a fine compliment to those Greeks and Romans to whom we are accustomed to look for all that is great and beautiful in the human race, and who never had a conception of paper money. It is a fine compliment to France, which now has a specie currency of five hundred and fifty millions of dollars, and no bank note less than five hundred francs. It is a fine compliment to all these people and nations. But, letting that pass, I should be glad to stop a moment with these paper orators in the little kingdom formerly republic, of Holland—that ancient *Batavi*, where Julius Cæsar found the bravest of the Gauls, and ask them what they think of the barbarism of the country which has produced such statesmen as the De Witts, the Barneveldts, and some of the princes of Orange; which has produced such generals as Tromp, de Ruyter, Prince Maurice, and Winter? Such admirals as Van Tromp, who sailed up the Thames with a broom at his masthead, significant of his having swept the channel and the ocean? Such physicians as Boerhaave—such theologians as Gomar and Arminius—such scholars and civilians as Erasmus, Grotius, Lewenhoeck, Heinsius, Gronovious, and Swammerdam, such painters as Rembrandt? I would like to know what these orators think of the barbarism of the country, which has produced such men as these; and which, besides, was the birthplace of the agriculture, the commerce, and the manufactures which now enrich and adorn England, France and so many other countries? What they think of the country which gave to Europe and the world, the telescope, the microscope, the pendulum, and the thermometer? that country which, before the American Revolution, was the asylum and the refuge of the persecuted in religion, in politics and in literature? that country in which Bayle composed his great work, and where Peter the Great worked at the ship-carpenter's trade? that country which was the home of printing, the resort of scholars, the seat of renowned universities, the mother and the patroness of the fine and the useful arts; and which, for a long time, was regarded as the Eye of Europe, as Athens had been called the Eye of Greece? According to the reasoning of these orators, and their test of barbarism, this Holland must have been a savage place; for she had no bank notes all this while, nothing but hard money and the commercial bill of exchange. According to them, the very badge and evidence of barbarism was upon her. Her rank, in the scale of civilization, was that of Africa, Asia, and our Indian tribes!

Sir, there is nothing more humiliating in the whole circle of political economy than the speech of a paper system orator in praise of paper money and bank credits, and in abuse of hard money and ready pay. All his notions are drawn from England—drawn from her since she became a paper money country. This modern England is the object of his study, the example of his imitation, the idolatrous subject of his worship. All his notions of finance and currency must be drawn from that source, where the banks have been in a state of suspension exactly the one-half of the last fifty years; while France and Holland, whose currencies have remained unshaken amidst wars, invasions, rebellions, and changes of dynasty, and which are the SAVIORS of England from her own false system, are overlooked and despised. Yet France and Holland present the two highest models for the study of currency which the history of the world affords. At this very moment we see the Bank of England and the Bank of the United States going to France and Holland to seek relief from impending destruction; yet we study and copy the examples of these mendicant seekers after relief, while those who save and relieve them are overlooked and despised! In consequence, we have the basest currency in the world—one which makes the South and the West the slave of the Northeast, while the Northeast itself is the slave of England, while England herself is a victim to her own vicious system, and only saved from periodical destruction by the generosity of Holland and France.

France has tried both paper and gold, and the study of six years of her history—the study of it from 1799 to 1806—from the exclusive depreciated paper currency of the Republic to the exclusive specie currency of the Empire—will teach all nations the easy way to reform a ruined currency, and to recover the solid one, which is the only sure basis of public and private—of national and individual, prosperity. When Bonaparte became First Consul, in 1799, the currency of France was far worse than that of Michigan or Mississippi at this moment. Neither the Government, nor the people, had specie; nothing but assignats and mandats, wholly inconvertible and ruinously depreciated; yet, in six years, that great man had chased away paper, and brought in above five hundred millions of gold and silver; enough to revive industry, to sustain prices, to reward labor, to defray the expenses of wars and of the Imperial Court; to make

roads, canals and docks, and to build a navy; enough, in a word, for the habitual currency of the forty millions of souls who constituted the population of the Empire.

Holland is another subject for the study of the American statesman. A small territory of eleven thousand square miles, lying below the level of the sea—drawing fifty feet water as Hudibras rhymes it—and walled in to keep the sea out; a soil of clay, sand, and loam; a disadvantageous climate; without a mine, a fossil, a stone, a mineral, or a *forest tree*: this little country, so small in itself, and so little favored by nature, besides the pre-eminence which it attained in agriculture, manufactures, and commerce; in military and naval warfare; in learning and in science; in the useful and in the fine arts; besides all this, this little country constituted itself the SPECIE WAREHOUSE OF EUROPE AND AMERICA! lending gold to all nations; to emperors, kings, and princes; to cities, states, and corporations; to this city even, which, with its six millions of chartered bank capital, was unable to pay back either principal or interest; and must have been sold upon thirty days' notice at public auction, if the United States had not assumed the debt. This is Holland; a country which has no paper money banks, but which has merchants who are able to save the Bank of England, and the Bank of the United States, from breaking like glass; merchants who are able to lend gold by the million at four per centum per annum, while we give two per cent. a month for depreciated paper; who are able to purchase every dry goods store in such a State as Missouri, (St. Louis included,) pay down for them in gold, then set fire to them and burn them up, and never know that they had lost any thing except by the change of figures at the foot of the balance sheet. This is Holland, and her merchants, who never saw a bank note; and yet we have dry good merchants in Missouri, whose store a real strong man could run a stick through, and hang over his shoulder, and walk off with; and who undertake to persuade people that they can do no business at all—can credit nobody, and must sue every body—unless they have a branch of the United States Bank to accommodate them with paper credits.

Yes, sir; this is Holland, the specie magazine of Europe and America; the meadow and the garden of Europe; the happy home of a rich, moral, and tranquil population of 200 to the square mile; and which has made itself what it is, not by building paper credit banks, and borrowing money on the resources of posterity, but by INDUSTRY, ECONOMY, HARD MONEY, and SHORT CREDIT.

Holland is the country for our statesmen to study; but if she is too distant, let them cross over to the island of Cuba, and there see a population of less than one million and near one half of them slaves, carrying on an immense commerce, building a commercial city second only to New York in the New World, paying twenty-one millions of dollars annually in direct and indirect contributions to the Government; paying high for wages, produce, and property; and doing the whole upon gold alone and the commercial bill of exchange! I say, and repeat, upon gold alone, and this bill of exchange; for a bank note of any kind, and a piece of silver, except of twenty-five cents and under, for change, is not to be seen upon the island.

To our Southern States—to the whole cotton, rice, tobacco, and sugar growing region—now so grievously afflicted with the curses of the paper system; to all this region I would say, study the financial history of Holland, France, and Cuba. Follow their example! emulate their solid currency. Imitate them! and in a few years you will not only be lifted from the misery, degradation, demoralization and ruin of a depreciated currency, but you will have a superabundance of real money; gold enough for all your own uses, and to lend to all America besides. You will become the specie warehouse of the commercial world; to which all nations will resort to borrow gold, and which will return to you the instant they have borrowed it. Your hundred millions of exportable productions, and augmenting every year, will quickly produce this magic change, if, emerging from the Serbonian bog of paper money in which you are now sunk, you plant yourselves on the solid rock of gold and silver. To the other States I would say, do the like; and the like results, to a less extent, will be your reward and your blessing. At least imitate France, and eschew all paper below one hundred dollars. But this is their own affair. As things now stand, it belongs to them to afflict or to bless themselves. To the Federal Government it belongs, as the preservation of the sacred fire belonged to the Roman vestals—to this Government it belongs to preserve the sacred currency of the Constitution. To this Government it belongs to do this; and to a long series of measures pursued for this purpose, for the last ten years, the establishment of the Independent Treasury now comes in as the crowning act to seal and consummate the whole.

Mr. WRIGHT said he thought it his duty to notice this motion to amend the bill, that the Senate might understand its effect. For himself, he did not consider it of the least possible importance to retain the words which were proposed to be stricken out. They were intended as a rule, requiring the Treasury to receive such paper as was issued by and under the responsibility of this Government. The bill, as it was now, would come into operation on the first of July next; on the thirtieth of June next the last Treasury note, issued on the authority of Congress for the last two sessions, would become redeemable, so that Mr. W. was not aware that, when the bill would come into operation, one dollar of Government paper would be afloat. But, supposing Congress at any future time should pass laws making paper receivable, it must be then receivable, by such laws, or this clause would not make it so. There was no objection, therefore, to the striking out the words, and yet there could be no great practical mischief in retaining them. It was of little consequence either way.

Mr CALHOUN was understood to concur entirely in the views of Mr WRIGHT.

Mr. CLAY, of Kentucky. I would ask the Senator from from New York what is his understanding of the operation of the bill in a case of this kind: The Secretary of the Treasury of the United State issues a warrant in the course of his disbursements on the receiver-general at New York, and the holder of the warrant is perhaps in Philadelphia, or Boston, or Charleston, or New Orleans; would he not be authorized with his bill or warrant to make payment of his dues on importations at the custom-house where he happens to be, or must he go to New York to the receiver-general to dispose of his warrant?

Mr. WRIGHT. I do not suppose the amendment or the bill, as it is now, would affect that matter at all. They now take such warrants at the Treasury, or in any part of the country.

Mr. CLAY. Then I understand the construction of the bill by the chairman to be, that, the collector at Charleston, or elsewhere, to whom a warrant is tendered, drawn on New York, while he is not compelled to receive it, yet is not prohibited from receiving it by this bill in either form.

Mr WRIGHT. Precisely so.

Mr. BENTON said he believed he should have a unanimous vote in favor of his motion to strike out. He would consider this an indication of the sentiment of the Senate against the future issue of Federal paper money. That this might appear on the record, he called for the yeas and nays, which were ordered.

Mr. NORVELL said that, in giving his vote to strike out the provision of the bill, which admitted the reception and disbursement of bills or Treasury notes issued under the authority of the United States, he wished it to be distinctly understood that he did not vote in contemplation of the fact that this Government should, in no exigency, and upon no occasion when its necessities might require it, emit bills of credit to meet the emergency. Occasions would arise on which the use of Treasury notes, or some similar paper by the Government, would be indispensable. He had made this declaration because of the intimation that the decision of the Senate on this motion might be produced against any proposition to issue Government paper hereafter, if our necessities require it.

Mr. CALHOUN said that he, like the Senator from Michigan, [Mr. NORVELL,] would not permit, by his silence, the mover of the amendment to draw an inference from his vote not intended. He would vote for the amendment, because he considered it, under existing circumstances, perfectly immaterial; and thus thinking, he was ready to accommodate any member who preferred the bill without the words proposed to be struck out, and not because he thought that the Government ought never to resort to the use of its own credit in its fiscal operations. He thought no such thing, but, on the contrary, he believed it would be often convenient, and sometimes indispensable, to make the resort. He felt called on to make this declaration, to repel the intended inference, as far as his vote was concerned.

Mr. WALKER said: I vote for the motion, with a view to consummate the divorce of the Government from the whole paper system. During the late canvass in Mississippi, the clause now proposed to be expunged, was designated by our opponents as creating Federal paper money, and that if this clause did not at once organise a Government bank, it was inserted with a view to the future establishment of such an institution. I wish, therefore, by excluding this clause, to silence all such objections, and render the divorce as complete from a Federal, as from a State paper system.

Mr. CLAY, of Kentucky. I would give my vote on the yeas and nays to accommodate almost any body. But if the object now is to prevent the issue of all paper by Federal authority, and the establishment of a Government bank, there must be a great many more things done than this striking out; two things more at least; that is, sundry other amendments must be made, and the bill must declare that no future Congress shall authorize the issue or the receipt of paper money in the country. If the object is, as the Senator last up has stated it, there should be a prohibitory clause to that effect.

But the case I will now put is this. A man comes to Washington and gets a $500 Treasury warrant, which he wishes to transfer to A B or C, and he does so transfer it, say to the hands of a merchant at Charleston. And there what is its value? It is there worth just as much more in specie as the difference in exchange; and if that is one per cent. the warrant is worth one per cent. more than the specie. Can there be a doubt that the collector would receive it? Or, take the opposite side of the Union, and suppose a Treasury warrant drawn on New York is transferred to Boston. There it is at par. At one place a Treasury warrant on New York commands a premium, at another it is at par, and it is nowhere below par. Now if you want to prevent the issue and use of such paper, you must, at least, do the two things which I stated: first prohibit such issue and use, and then you must insert a clause declaring that no future Congress shall very from the requisition of the bill in this respect.

Mr. ALLEN. This bill itself will be an act of Congress when it is signed, and no more; and it can, therefore, have no more force than any future act of Congress. I have, therefore, risen solely to say that this Congress has not the power of binding any future Congress whatever.

Mr. CLAY. The Senator from Ohio has not heretofore remarked me as saying that this Congress has the power of binding a future Congress. Sir, I believe there is a Government bank lurking in this bill. Gentlemen say no: we do not mean to have a Government bank; we will have nothing but specie. So the Senator from Missouri moves to strike out a certain clause inserted by his friend from South Carolina, [Mr. CALHOUN,] which admitted the receipt of paper of certain kinds. And I say, the gentlemen will not accomplish their purpose by this alone, if they would have nothing but specie. The paper will be out. Supposing payment is to be made for land; is it your purpose to prevent the drawing out of specie by means of Government paper? Sir, I stated an impossible case, (binding a future Congress,) to show that either that which is impossible must be done, or this may lead to a Government bank. Gentlemen may make their own bed as they please, but they will find thorns and thistles enough in it when they come to lie down. I understand the Senator from South Carolina, though he had yielded to the striking out, now objects both to the striking out and to the insertion of a clause prohibitory on any future Congress. [So the Reporter understood Mr. CALHOUN, but heard him indistinctly.] Sir, if this bill

is simply a hard money bill, and there is to be no Government bank——but [striking the bill with emphasis] there's the bank.

Mr. CALHOUN. It is said that extremes sometimes meet, the truth of which we have an illustration in this case, in which the avowed opponent, and the avowed friend, of the credit system, object to the Government using its own credit; the one to the use of Treasury notes, and the other to the use of Treasury drafts. I, as the friend of the final and complete divorce of Government and banks, am opposed to the views of each extreme. It is my conviction, that if the Government should have the blindness to repudiate the use of its own credit, it would go far to defeat the policy of this bill, by restoring, in the end, the very union it is intended to dissever. The reason is obvious. Paper has, to a certain extent, a decided advantage over gold and silver. It is preferable, in large and distant transactions, and cannot, in a country like ours, be dispensed with in the fiscal action of the Government, without much unnecessary expense and inconvenience; the truth of which would soon be manifest, if the Government should assent to dispense with the use of Treasury drafts. But that is not the only form in which it may be convenient or necessary for it to use its own credit. It may be compelled to use it for circulation, in a more permanent form, as the only means of avoiding what I regard a great evil, a Federal debt. I am decidedly opposed to governmental loans. I believe them to be, in reality, little better than a fraud on the community, if made in bank notes, and highly injurious if made in large amounts in specie. I saw enough in the late war to put me on my guard against them. I saw the Government borrow the notes of insolvent banks, the credit of which depended almost exclusively on the fact, that they were received and disbursed by the Government as money. I saw the Government borrow these worthless rags, but for the credit it gave them at the rate of eighty for one hundred; that is, for every eighty dollars it borrowed of these notes, it gave one hundred dollars of its stock, bearing six per cent. interest. Still worse: I saw the Government, with the view of conciliating the banks, which were fleecing the community, permit them to discredit its own paper, by refusing to receive its Treasury notes at par, though bearing six per cent. interest, for their own worthless trash, without interest; and thus degrading and sinking its own credit below that of insolvent banks. All this I saw.

Now, sir, I hold that it is only by the judicious use of Government credit, that a repetition of a similar state of things can be avoided, in the event of another war. It may be laid down as a maxim, that without banks and bank notes, large Government loans are impracticable, and without some substitute, such loans, in the event of war, would be unavoidable. The only substitute will be found to be in the direct use, by the Government, of its own credit. Now, as I regard the borrowing from banks not only as one link in the connection between Government and banks, but as inevitably leading to the use of bank notes in the collection and disbursements of its revenue, I also regard the use by the Government of its own credit, in the form of Treasury notes, or some other and better form, as indispensable to the permanent success of the policy of this bill. If the Government had relied on its credit, instead of loans from banks, in the late war; if it had then refused to receive and pay away bank notes, as this bill proposes, or had but the manliness to refuse to receive the notes of banks that refused to receive its notes at par, I venture little in saying, that the expense of the war might have been reduced forty millions.

For these reasons, I cannot assent that the Government should repudiate the use of its own credit, nor do I believe that such is the sense of this body. Should there be any one of a contrary opinion, let him submit a direct proposition to prohibit the Government from the use of its credit. I would be glad to see the vote on such a proposition. Instead of being unanimous in its favor, as the mover of the amendment would have us believe, it is far more probable it would be nearly so the other way.

But, I am told, that the provision now proposed to be struck out, was in an amendment that I moved at the extra session, containing what is usually called the specie feature. That is true, but is easily explained. It was then known that there was a large temporary deficit in the revenue, which I preferred meeting by the use of our own credits to a loan from the banks. But now we are told that there will be no deficits, and, of course, that reason does not apply. I must, however, say, that according to my impression, there will be a deficit before the end of the year of some millions, without the most rigid economy; and one of the motives I have for acquiescing in the proposed amendment, is to enforce such economy, by increasing the difficulty of providing for the deficit should there be one. In that case, it is clear there will be a conflict between the advocates of loans and of Government credit, in which, if it should come, I need not say on which side I shall be found.

Mr. WALKER said it might be dishonest to refuse to redeem any outstanding Treasury notes; but the provisions of this bill, in this particular, did not go into effect until two years after all these notes fell due, and when, of course, they would all have been redeemed; but if, by any accident, any portion of them still remained outstanding, they could be liquidated in specie by the Government, although not receivable for Government dues. As to the proposition that we are or are not to declare that we will never, under any circumstances, issue Treasury notes, it was wholly unnecessary to make any such declaration. Perhaps, in the emergency of a war, Treasury notes might again be issued, but in time of peace, I would always prefer a loan, if practicable, in case of any deficiency in the Treasury, for a loan was more direct, and it would render us more economical than would a resort to the more easy but perilous expedient of issuing Federal paper money. But my objection is still deeper than this. I am against the whole paper system, and believe that an expansion of a paper currency, whatever form it may assume, except for distant exchanges, is greatly injurious to the prosperity of this country, and this, whether such a currency be nominally convertible, or inconvertible, depreciated, or at par. A depreciation augments the injury, but it is great even before the paper becomes irredeemable. The result is this, that during the expansion there is a great nominal rise in the price of property, real and personal, excepting exports and in the wages of labor, and nothing can be raised or produced in this country for sale abroad, except at an expense so enormous as almost to annihilate all profits. Let us but contrast the condition of the island of Cuba, upon our very borders, with that of our own country. In Cuba, the currency is entirely metallic; her population only about nine hundred thousand, one-third of whom, as has been truly stated, are slaves; and yet, with a prosperity almost unexampled, with agriculture and commerce flourishing, and an annual import and export of forty-three millions of dollars, whilst distress and embarrassment here are almost universal, even in those States possessing the richest soil and staples, with natural advantages much greater than Cuba, and with the great additional advantage of a free Government. Why, then, this difference? It is the contrast between the result of the metallic and paper currency. In Cuba, they have no periodical revulsions, and, from their currency, the expense of raising their products is so small, that the profit is great even at a limited price, and they can export, at a profit, throughout the world. From 1816, until 1836, whilst the duty on brown sugar was at three cents a pound, have not the Cuba planters introduced their products into New Orleans, into the heart of our sugar growing region of Louisiana, and undersold us in our own market; and that, too, after paying the duty on foreign sugar of three cents a pound, and at least one cent a pound additional for freight, insurance, and other charges; and this, too, when, during part of this period, brown sugar commanded at New Orleans but six cents a pound? If, then, from this price received, of six cents per pound, we deduct the four cents, before specified, for the duty and other charges of freight, &c. but two cents per pound will have been actually received here by the Cuba planter for his sugar; and if we allow one cent per pound for profit, the expense of raising the article, including the annual interest on the original investment, would have been but one cent per pound. This may or may not be the exact expense, but still all will perceive the wonderful difference in the cost of production in the two countries. But suppose you inflict upon Cuba the curse of the paper system, and fill the island with banks and an expanded currency, what will be the result? Why, you will double, or quadruple, as the case may be, the expense of raising her products; she cannot export them for sale at a profit, as heretofore, throughout the world; her imports would increase, her exports diminish, her paper system explode, as it ever has done wherever introduced, and ruin and embarrassment would be substituted for wealth and prosperity. And is not the contrast equally great as to the increased expense of raising cotton, superinduced here by our paper system, whilst that cotton sells for no more in Liverpool, than a similar article, raised at one-third the expense in other countries, where there is no paper money. This difference in the expense of raising the staples of the South, is the tax imposed upon the planter by the bank paper system, and it can and shall be demonstrated, at the proper time, that nearly an equal tax is imposed in the same manner, by the same system, upon the manufacturing and navigating interest. In truth, the rate of profit upon all the capital invested in all the branches of industry, is the surest barometer of the annual increase of national wealth, and that profit is vastly diminished by the bank paper system. Being, then, opposed, upon these principles, to any paper money system, State or Federal, I shall vote to strike out the clause which would seem to countenance the future issue of Government paper.

Mr. CLAY, of Kentucky. I will not embark on the subject of the tariff except so far as I must that I may not be misunderstood. But I would call the attention of the Senate to the different positions of the friends of the bill. Some of them are against all paper; they would as soon have the hydrophobia. Another (the Senator from South Carolina) would have paper; but, then, it must be his paper, that is, a Government paper. Still, he would use a certain measure of paper. That is the situation of the friends of this bill; and, sir, I will tell you what will come. Before the Congress terminates, these gentlemen will have the opportunity of showing their attachment or their aversion to the Federal paper system; for I have no doubt that the Secretary of the Treasury, long before this session is over, will have in a proposition for Trasury paper. He has already hinted it in a manner sufficiently intelligible, especially taking into view the manner used in expressing himself, by the head of the Treasury, whose perspicuity is known so well every where in the public and political world. Yes, before this session terminates in June or July, you will find the Secretary of the Treasury asking for paper to meet the expenses of the Government. That will bring the mark as to what course these friends of specie will take on the subject. And what course will they take when such a proposition comes for Treasury notes?

Mr. CALHOUN. If we must use credit, I would infinitely rather use our own than that of banks. But as to the currency, I concur almost in every sentiment which has been uttered by the Senator from Mississippi, [Mr. WALKER.] He could not do better than to contrast our own state with that of Cuba. Cuba is now in a flourishing condition, while the State of Mississippi is in a state of extreme distress. That Senator cannot push the specie currency further than I, if the country were out of debt. I wish simply, if there must be a temporary credit, that the Government should use its own credit.

Mr. CLAY. If the Senator from South Carolina is for using the credit of the Government, and is opposed to notes and to Treasury notes, in what form would he use the credit of the Government?

The question was then taken on Mr. BENTON'S

amendment, and it was carried—ayes 33, noes 6, as follows:

YEAS—Messrs. Allen, Benton, Betts, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Davis, Fulton, Hubbard, King, Linn, Lumpkin, Merrick, Mouton, Norvell, Phelps, Pierce, Prentiss, Preston, Roane, Robinson, Ruggles, Sevier, Smith of Connect cut, Strange, Tappan, Walker, White, and Wright—33.

NAYS—Messrs. Dixon, Henderson, Nicholas, Smith of Indiana, Williams, and Young—6

Mr. WALKER then moved to strike out that portion of the bill which provided for the use of the vaults of banks by officers of the Government. He was opposed to acknowledging that, in any contingency, was the use of these corporations necessary for the purposes of the Government.

The amendment was agreed to.

And the Senate adjourned.

SPEECH OF MR CLAY,
OF ALABAMA.

In Senate, Monday, February 3, 1840—On Mr. GRUNDY's report in relation to the assumption of the debts of the States by the Federal Government.

Mr. CLAY rose and said:

Mr. PRESIDENT: this debate appears to me to be singular and extraordinary, in several points of view. It seems to me ill-timed and unprecedented in the present stage of the business. It will be borne in mind that certain resolutions, involving various principles and propositions, were introduced at an early period of the session by an honorable member, [Mr. BENTON,] and, after lying on our table some time, were taken up, and somewhat discussed. We were favored by the honorable mover himself, with a full and able exposition of his views and purposes; and, almost without objection to the propriety or expediency of the course proposed, on motion of the Senator from Tennessee, [Mr. GRUNDY,] the whole subject was referred to a select committee, to consist of seven members. That committee took the resolutions under consideration, and, after ample time for that deliberation which their importance demanded, they had, through their chairman, [Mr. GRUNDY,] submitted an able report. But no sooner had the report been made—before there had been time to understand its contents—without suffering it to be printed—which Mr. C. believed had heretofore been the universal practice, before any attempt at discussion—objections had been raised, rather to the reasoning, than to the conclusions, of the committee; and an argument on all the important matters supposed to be involved, thus forced upon us. Mr. C. insisted that a discussion of such grave questions of constitutional law, and of policy and expediency, affecting the interest and welfare of the nation, at the present time, and under such circumstances, was altogether premature. He said it was unjust and illiberal toward the committee thus to enter upon the merits of their report before it was printed, and before it could possibly be read and understood by those who were called upon to award judgment upon the matters it contained. Mr. C. said it was even unfair toward the other members of this honorable body, to call for their votes upon the report without an opportunity for investigation. One objection, which had been urged with great apparent earnestness, was, to Mr. C's mind, most singular indeed; that was, in effect, that the subject-matter of the report was not properly before us—that it was, as the lawyers express it, entirely *coram non judice*. Now, (said Mr. C.) if we are to be bound by technical rules, it is altogether too late to take such an objection: a plea to the jurisdiction ought to be filed before pleading to the merits, and before an imparlance, if he correctly remembered the doctrine. The proper time to have made it was when the resolutions were offered; those opposed to them on the ground stated, should then have objected to receiving them, or, as soon as they were read, have moved, without further action, to lay them on the table definitively. So far from this having been done, the reference is made and acquiesced in on all sides. Moreover, (Mr. C. said,) the course pursued on this occasion was destitute of that courtesy which usually distinguished this body, both toward the chairman and the other members of the committee. After propositions had been regularly submitted, and clearly entertained by the Senate, and referred to a committee, did it not become their imperative duty to investigate and report upon them? Most unquestionably it did. Then, how unjustifiable, in any member of the Senate, to charge the committee with having travelled out of line of their duty, and assumed unwarrantable powers, when they have only done what we commanded them to do! Why, sir, gentlemen have charged the committee, in terms not very respectful, to say the least, with "impertinent intermeddling with the affairs of the States"—and it has been contemptuously demanded of my venerable friend from Tennessee, the honorable chairman, [Mr. GRUNDY,] "Who authorized you to inquire into the indebtedness of the State?" "Under what authority did you examine into the character and objects of State stocks?" The honorable chairman responded very happily, and with great promptitude. He spoke truly when he said, "You authorized me, the resolution of the Senate required me, to make the investigation alluded to." Sir, (said Mr. C.) what sort of justice or magnanimity would there be in those who possessed and exercised the power to command an agent to perform a given duty; and who, when the duty had been truly and faithfully performed, would turn upon him, and insultingly demand, "By what authority have you done this thing?" Why, sir, would it not be downright mockery? Is such treatment the just reward of obedience and fidelity?

But, sir, (said Mr. C) I have had some reflections upon the character of this debate, in another point of view. The gentlemen who have resisted printing this report assume to be conservators of the rights and dignity of the States, which, they allege, are infringed by its matter and argument. Why, sir, really if the friends of State rights—more especially as they are understood in the quarter of the Union whence I come—know the *dramatis personæ*, as I do, they must smile (I will not say incredulously) at this new recruit of friends. Who are these new State Rights champions, who now manifest so much sensibility lest the rights of the States be touched or impugned? Those who have manifested the most zeal and excitement on this occasion, are the two Senators from Kentucky, [Mr. CRITTENDEN and Mr. CLAY,] the Senator from Massachusetts, [Mr. WEBSTER,] and the Senator from New Jersey [Mr. SOUTHARD!!] Why, sir, when we hear those gentleman declaim so eloquently of State rights, and see them so extremely sensitive on the subject, is it not enough to excite "our special wonder?" When did they become converts to this doctrine? Always, heretofore, they have been regarded, as I thought, in favor of the very broadest constructions of the Federal Constitution—whereas the friends of State rights are well known to favor the most strict construction. It must be generally known, that all the gentlemen alluded to have heretofore advocated the power of the General Government to carry on a system of internal improvements within the States, to create a protective tariff, to establish a National Bank; and one of them, at least, [Mr. WEBSTER,] if I mistake not, holds it to be not only a legitimate power, but even the duty of this Government to create and furnish a paper currency. How much astonished, and, perhaps, gratified, then, must be the friends of State rights, to witness this new and powerful accession to their ranks—to see gentlemen, who have heretofore always indicated, by their acts and expressions of sentiment, such faith in the potent influence of the terms "general welfare," now suddenly espousing their cause with such warm enthusiasm. But, sir, said Mr. C. to treat this branch of the subject more seriously, I think the intense feeling manifested by our opponents, on this occasion, may be very rationally accounted for; the able report under consideration may be regarded as the sword of truth, which must cleave asunder and cut down error, whithersoever it is sent—"the wounded pigeons may be always known by their flutterings"—hence all this show of extraordinary excitement in the quarter referred to.

Sir, said Mr. C. I think it may be easily demonstrated that the whole argument on the other side, and all the objections urged against this report, are predicated on assumptions of fact, wholly unfounded. Why, sir, it is, in substance, assumed that none of the propositions discussed in the report are properly before the Senate; that the committee had no right to take cognizance of the matters embraced by it; and it has been asked, in a tone of triumph, that ought only to result from a conviction of the truth, "how came the subject here?" "Has any State proposed any thing like an assumption of her debts by the General Government?" Sir, said Mr. C. we shall presently see. I propose to set the facts, so far as I have been able to collect them, before the Senate, and before the country. And, in the first place, I beg leave to recall your attention to some of the resolutions brought in by the honorable Senator from Missouri, and upon which the report is grounded.

[Mr. C. here read the first two resolutions of Mr. BENTON, as follows:]

"*Resolved*, That there is nothing in the Constitution of the United States which can authorize the legislative power of the Union to assume the debts of the States which have been contracted for local objects and State purposes.

"2. That the assumption of such debts either openly, by a direct promise to pay them, or disguisedly by going security for their payment, or by creating surplus revenue or applying the national funds to pay them, would be a gross and flagrant violation of the Constitution, wholly unwarranted by the letter or spirit of that instrument, and utterly repugnant to all the objects and purposes for which the Federal Union was formed."

Sir, said Mr. C. I will not detain the Senate by reading the remaining resolutions; they but amplify and enforce the principles distinctly laid down in those already brought to your view. The first resolution marches directly up to the question of constitutional power in this Government to assume the debts of the States, which have been contracted for local objects and State purposes; and plainly and emphatically denies the existence of any such power. To meet the same question, if presented in the more insidious and dangerous form of indirect assumption, the second resolution denies the constitutional power of this Government to assume such debts of the States "either openly, by a direct promise to pay them, or disguisedly by going security for their payment, or by creating surplus revenue or applying the national funds to pay them;" and affirms that such a proceeding, in any of those forms, "would be a gross and flagrant violation of the Constitution." The remainder of the resolutions go on to specify the various injurious, corrupting, dangerous, and ruinous tendencies of the policy referred to; and intended to be met and counteracted by the action of the Senate. As before intimated, these resolutions were, at an early day of the session, introduced, printed, and laid upon our table. Ample time was given for examination and reflection. They were taken up and debated by the mover, and some others. Did any one then protest against the power or expediency of acting upon them? No, sir; on the contrary, the gentleman themselves acquiesced in this course, at least by their silence. Nor, during all this time, was it pretended that the subject was not properly before us, or that we were intermeddling in matters that did not pertain to our business. The resolutions were taken up, after a full explanation of their intended bearing, and of the objects and inducements with which they had been brought forward; and, upon the motion of the honorable Senator from Tennessee, they were referred to a select committee of more than the usual number of members, for more careful and deliberate examination. Now, under all these circumstances, is it not most extraordinary, that gentlemen should insist, so vehemently, that the subject is not legitimately before us, and that the committee have acted unwarrantably in making their report? Your first command your servants to perform a duty, and, when they have done so, censure them for their obedience. Sir, said Mr. C. this view of the subject is altogether an afterthought. The principles it sets forth and maintains, with so much power and ability, do not suit the taste, and do not correspond with the favorite policy of those who have assailed it with such unusual virulence, and poured forth such torrents of indignation against its author: otherwise we should have heard none of the complaints and objections

now made. Indeed (said Mr. C.) one of the gentlemen [Mr. SOUTHARD] has virtually admitted this, by avowing his expectation, when the reference was made, that the Senator from Tennessee would decline making any report on this, as he had done on another subject, at a former session.

But, sir, said Mr. C. no matter when the objection to its consideration might have been made, I maintain it is within the power and duty of the Senate to discuss and deliberate upon any subject of legislation connected with the rights and interests of the nation, and more especially upon one which involves questions of such vital importance to the welfare of our constituents, and even the permanency and purity of our institutions. The time has been when certain gentlemen did not feel so much squeamishness and delicacy in reference to the power and duty of the Senate. The time was, when some of those who now express so much alarm, and profess so much abhorrence for transcending the supposed limits of our authority, could, and did, without any apparent qualms of conscience, vote a virtual impeachment against the late President of the United States, in this body, though expressly restricted by the Constitution to judicial power alone over such questions, and when it was well understood no such proceeding had been, or was intended to be, instituted against him by the House of Representatives, where the exclusive power of impeachment existed, under the Constitution. He said he would leave it for others to decide with what grace such professions of scrupulosity, in the exercise of power, now came from that quarter.

But, sir, said Mr. C. if it were even doubtful whether a question of the constitutional power of Congress, or of the expediency or inexpediency of legislation on a given subject, could be properly raised in the Senate, in the mode adopted by the Senator from Missouri, there is another ground on which the subject must be admitted fairly and fully before us. The distribution of the proceeds of the public lands, as I shall show more fully hereafter, is one form of assumption of State debts by the General Government; and, although it is not so open and undisguised in its character, it is not the less dangerous on that account. Not to go back to the numerous similar propositions, which have been presented here for a number of years past, the resolutions of the Legislatures of no less than four States have been presented here on the same subject, *pro and con*, during the present session of Congress. On the 31st of December last, and some eight or ten days before the appointment of the select committee on the resolutions of the Senator from Missouri, the resolutions of the Legislature of New Hampshire were presented by the honorable Senator before me, [Mr. PIERCE,] and similar resolutions of the Legislature of Missiouri were presented, on the same day, by the honorable Senator from that State, farthest from me, [Mr. LINN.] Subsequently, and as well as Mr. C. recollected, on the 13th of January, the late colleague of the honorable chairman presented the resolutions of the Legislature of Tennessee—one of which was upon the same subject of distribution. Still subsequently, but before the report of the Select Committee was made, resolutions of the Legislature of Vermont, on the same subject, were presented by one of the honorable Senators from that State, [Mr. PHELPS.] Now, sir, said Mr. C. with all these facts before us, is it not astonishing that honorable gentlemen will rise upon this floor, and say the subject has not been brought here.

It is true, sir, that the three States, first named, protest against the proposed distribution of the proceeds of the public lands, and instruct their Senaters, and request their Representatives, to vote against any such proposition; while the last named State is as decidedly in favor of that measure. But, sir, does that make any difference as to the question at issue, whether the subject has been brought before the Senate, by any State, or otherwise? Certainly not. It is not alone by affirmative propositions that a subject may be properly presented here. When the Legislature of a sovereign State of this Union has examined, and made up a deliberate opinion, upon any great question of constitutional power, or of national policy, and has expressly required it to be presented here, although it might assume a negative shape, it seemed to Mr. C. to demand some action on our part. According to his opinion, in such cases, whether a State advised or protested against a measure of so much magnitude, it would be more respectful toward her for us to take the subject into consideration, and respond to her views in respectful terms, whether we agreed or differed with her in sentiment or doctrine. He thought it indisputable that a State opposed to a measure—more especially one of such importance as this, which had probably been discussed in the Legislatures of all the States, and had been agitated amongst the people throughout the Union for the last eight years—was at least as much entitled to be heard, and have her views patiently and well considered, as one in favor of its adoption. He thought every gentleman who had *had* much experience in matters of the kind, would agree that there was always more danger of too much, or over hasty, legislation, than too little. Mr. C. said, for his own part, he had always regarded this as a maxim never to be lost sight of, from his first entrance into political life.

Independently of what he had already noticed, Mr. C. said he might maintain, with great propriety, that the question of the assumption of State debts by the Federal Government had been kept steadily before the Senate, and before the whole country, by a distinct and well known measure, for the last eight years. He alluded to the "bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States," commonly called the "Distribution bill," which had been reported from the Committee on Manufactures, as long ago as April, 1832, by the Senator from Kentucky farthest from him, [Mr. CLAY of Kentucky,] and which had been ever since introduced, annually, he believed, by the same Senator. Sir, said Mr. C. that bill has steadily brought up, and kept before us, and before the whole country, this same question of the assumption of State debts by this Government, at least to the extent of the amount of the proceeds of the public lands. Although it might not have gone the full length of the assumption of the entire amount of those debts, he said he would presently make it manifest, that it was precisely the same measure in principle, and might justly be regarded as its origin. Mr. C. said he would only occupy the time of the Senate by reading a single section of the bill, to which he alluded. It was in the following words:

SEC. 2. *And be it further enacted*, That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the nett proceeds of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December next, shall be divided among the twenty-four States of the Union, according to their respective Federal representative population, as ascertained by the last census, to be applied by the Legislatures of the said States to such objects of education, internal improvement, colonization, or reimbursement of any existing debt contracted for internal improvements, as the said Legislatures may severally designate and authorize.

Sir, said Mr. C. passing by, with a mere glance, other objectionable "objects" of appropriation, designated by the bill, amongst which were "education," "internal improvement," (without even a restriction to those of a national character,) "colonization," (a subject which had never entered the imaginations of those who framed the Constitution,) this clause is added: "or reimbursement of any existing debt, contracted for internal improvements, as the said Legislatures may severally designate and authorize." Now, sir, is not this an express assumption of the "existing debts [of the States] contracted for internal improvements?" Yes, sir, it must be admitted on all hands that it is not only an undertaking, but assumption and payment, both together, as far as the funds arising from the sales of the public lands would go.

Mr. C. said he well remembered the first introduction of the bill he had just noticed. It was brought in originally, pending the animated contest for the Presidency in 1832, when its distinguished author was one of the candidates for that most responsible and exalted station. It immediately became a subject of exciting and general attention throughout the country. Estimates were soon made, and almost universally circulated through the public press, exhibiting the amount that each State would be entitled to receive, under its provisions, making the highest amount ever received from the public lands, in any one year, the basis of calculation. The sum thus held out to each State, as a boon from the General Government, if the measure succeeded, was highly fascinating. Mr. C. said, having been, at that time, a member of the other House, from one of the new States, and perceiving at once the blighting influence such a measure must have upon their growth and prosperity, his anxiety and apprehensions were intensely excited. It was well understood by all who knew the constitutional opinions of the distinguished man then in the Chief Magistracy of the nation, that he could never consistently approve, much less recommend, such a measure; and he could not entirely suppress the fear that a measure, apparently so captivating, would give to his competitor, and its author, considerably the advantage. In a word, (said Mr. C.) I had strong apprehensions that the hundreds of thousands of dollars, offered annually by this bill to some of the older and most populous States, might "seduce them from their propriety." But, thanks to the intelligence, virtue, and devotion to the Constitution, which have ever animated the American people, on the most trying occasions, the contest resulted in the triumphant re-election of the then incumbent. Mr. C. said he had at first supposed that the measure originated with the occasion, and that, having failed to accomplish any desired change in public sentiment, it would be abandoned. But, not so, (said Mr. C.) it was brought forward again, at an early day of the succeeding session; and so far as he had been able to trace its history, it had been introduced, session after session, ever since, perhaps with a single exception, substantially in the same form. He said he knew of no instance of any other measure having been pressed for such a number of years, with such unyielding pertinacity and such untiring perseverance. Why, sir, (said Mr. C.) even at the last session, when it had not been introduced as an independent measure, while the bill to graduate and reduce the price of that portion of the public lands which had been offered at public sale and remained unsold, was pending, the Senator from Kentucky [Mr. CLAY] moved to strike out all of that bill after the enacting clause, and to insert, in lieu of it, all the principal provisions of his distribution bill. Even since the commencement of the present session, it would be recollected, the same Senator had alluded to it, and had expressed his sympathies for the indebted States with much apparent feeling. And, sir, (said Mr. C.) shall we now be told, after these frequent and persevering efforts to carry a measure, one of whose principal features is not only to assume, but to pay, pre-existing debts of the States, contracted for State and local objects, that we are travelling out of our way when we take up and discuss the question of assumption? Does the right of discussion belong exclusively to the advocates of that peculiar measure? And whilst they are continually presenting it to the country in the most alluring form, and lauding it in terms of the highest commendation, must those who see its unconstitutionality and ruinous tendencies remain inactive and silent? Mr. C. said, representing as he did, in part, one of the new States, he should feel that he was recreant to duty, and merited the execrations of those who had so often honored him with their confidence, if he were to remain mute and passive under such circumstances.

Let not gentlemen attempt to escape the restraints of the Constitution, said Mr. C. on the ground that there is any difference in favor of the power of Congress over that portion of the public treasure derived from sales of the public lands, and that derived from customs, or any other source. He said any man who would examine the subject, without prejudice, either with reference to the compacts between this Government and the States which had ceded territory, or under the Constitution, must become satisfied that no such power existed. The language of the Virginia act of cession (which embraced much the largest portion of ceded territory) was explicit; "that all lands within the territory so ceded to the United States, and not reserved for, nor appropriated to, any of the before mentioned purposes, or disposed of in bounties to

the officers and soldiers of the American army, shall be considered *a common fund* for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or Federal alliance of the said States, Virginia inclusive," &c. The language of the act, by which Georgia ceded to the United State the territory comprised within the limits of Alabama and Mississippi, is no less explicit. It declares that the land so ceded (after paying Georgia, and satisfying certain grants of her own) shall be considered as *a common fund* for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." This act, it would be remembered, passed in 1802, long after the adoption of the Constitution of the United States; and the land ceded was received by this Government, according to its terms. Now, said Mr. C. it is impossible for ingenuity to torture the language here employed, into a meaning to answer the purposes of the Opposition: they can never make the words, "common fund," mean twenty-six several sums, for the separate and distinct purposes of the different States of the Union. Sir, said Mr. C. it is at variance with the whole history of the Constitution, which was intended to remedy the defects of the Government, under the articles of confederation, for general purposes—to "provide for the common defence, to promote the general welfare"—and to sustain and regulate a National Government, leaving the States to regulate their own affairs. We all know the chief solicitude of our Republican ancestors was to confine the General Government to such objects, and limit its operation to powers expressly granted. So determined were they in this purpose, that they never paused in their exertions till they obtained the adoption of the tenth article in the amendments, which declares, "That powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Where, then, sir, is the power "delegated to the United States by the Constitution," to divide the proceeds of the public lands amonst the several States? Can any advocate of the measure point us to the clause? No, sir; we may defy the advocates of this power on this ground. If this view be correct, in regard to that portion of the public lands ceded to the General Government by the States, how much more conclusive is the argument against such an appropriation of the proceeds of the lands which have been purchased from France and Spain? Louisiana and Florida had been bought and paid for out of the National Treasury. It was now generally admitted, that money could not be appropriated from the National Treasury to defray the expenses of State and local improvements. Would it change the principle, for money to be first laid out in land, and then reconverted into cash? Did the money which had been paid out for those Territories, when brought back into the Treasury, by a sale of the lands to individuals, assume any new quality, that gave us any new power of appropriation? He said he could not conceive any such magic influence, to be wrought by the simple process of paying out money, and receiving it back.

But, sir, said Mr. C. I am occupying your time unnecessarily, in the discussion of this question, on the present occasion. I desire no better argument to go forth to the people of the Union, than that which is to be found in this report. It presents the subject with so much clearness and ability, from its origin, both in reference to the articles of confederation, and the Constitution, that I believe no man who will read and understand it, can come to any other conclusion, than that any such measure would be a breach of good faith toward the States which ceded territory, as well as a violation of the plain letter and spirit of the Constitution.

That such a measure would, Mr. President, not only now be inexpedient, but that it would have been so, in the highest degree, heretofore, if it had been adopted, is perfectly demonstrable. By recurring to the documents of this body, of the last session, it will be found, by a report of the Secretary of the Treasury, then made, responsive to a resolution of the Senate, that if the act entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States," [Mr. CLAY'S Land Bill,] which passed both Houses of Congress, had received the approbation of the President, and had been acted upon up to the 30th September, 1838, the nett proceeds, which would have been divided among the States, would have amounted to $51,011,732. It further appears, from the same document, that had such distribution been made on the 1st of January, 1839, it would have left a deficiency in the receipts of the Treasury, to meet the current demands upon it, amounting to $49,246,389 64—say, in round numbers, $50,000,000! Yes, sir, such would have been the effects of the measure, so often and so pertinaciously pressed upon Congress, if it had become a law; and we should now have had a national debt of that amount, unavoidably created, or we should have been compelled to tax our constituents to have prevented it.

And, sir, can it be pretended, if it were merely a question of expediency, without any constitutional doubt or difficulty, that in the present situation of the country—that now, when it has been intimated by those opposed to the Administration, and feared by some of its friends, that we might again be compelled to resort to extraordinary means to meet the current demands upon the Treasury—I repeat sir, will it be insisted by any one that in the present state of things, we should distribute the proceeds of the public lands for the purposes contemplated; or, in other words, assume the payment of State "debts contracted for internal improvements," to the amount received from that source? Sir, (said Mr. C.) I have no hesitation in declaring it as my opinion, that such a proposition would, in effect, be assuming the expediency of an increase of the tariff to the amount of six or eight millions of dollars annually. The receipts from the public lands, now contributing to the support of the Government, may be considered equal to that average, which, being withdrawn from that object, would result in the necessity, absolute and inevitable, of a corresponding increase of taxation in some form. Can we believe that the country is prepared to acquiesce in a measure even of that limited extent?

But, sir, said Mr. C. independently of the inducements to examination and action on our part, which I have already noticed, we have seen the broad proposition for the assumption of the whole amount of State debts by the General Government plainly enough made in the circular of those well known and celebrated English bankers and stockjobbers, Messrs Baring, Brothers and Co. which has already been brought to the view of the Senate. As it was no doubt the principal cause which gave impulse to the advocates of this bold scheme, on this side of the Atlantic, the Senate will pardon me for again calling their attention to the insidious form in which the plan was originally sent forth. The paragraph to which I have special allusion, is in the following words:

"But if the whole scheme of internal improvements in the Union is to be carried into effect on the vast scale, and with the rapidity lately projected, and by the means of foreign capital, a more comprehensive guarantee than that of individual States will be required to raise so large an amount in so short a time. A national pledge would undoubtedly collect capital together from all parts of Europe; but the forced sales of loans made separately by all the individual States in reckless competition, through a number of channels, render the terms more and more onerous for all, lower the reputation of American credit, and (as reliance is almost exclusively placed on th London market) produce temporary mischief here, by absorbing the floating capital, diverting money from regular business, deranging banking operations, and producing an unnatural balance of trade against this country. It would seem, therefore, as if most of the States must either pause in the execution of their works of improvement, or some general system of combination must be adopted."

Here allusion is artfully made to the internal improvements of this country—a subject known to be of absorbing interest in almost every part of the Union—and we are told, in substance, that this "scheme" cannot "be carried into effect on the vast scale, and with the rapidity lately projected, and by the means of foreign capital," without "a more *comprehensive guarantee* than that of individual States." They then set forth more distinctly what they mean by *a more comprehensive guarantee*, by saying "a national pledge would undoubtedly collect capital together from all parts of Europe;" and they reiterate, in the closing sentence of the paragraph, that "the States must either pause (that is, stop) in the execution of their works of improvement, or some general system of combination (meaning a "national pledge") must be adopted." What arrogance and insolence! Is not this saying to the States engaged in internal improvements, too plainly to be misunderstood, "we (the Messrs. Barings) no longer have confidence in your individual good faith and solvency, and therefore we will let you have no more money, unless you give us the General Government, or a combination of the States, as securities?" Yes, sir; they say to the sovereign States of this Union, "We cannot trust you without a 'national pledge' that you will maintain your good faith." Yet, sir, this vile imputation, coming from foreign bankers and stockjobbers, against the honor and responsibility of the States, does not seem to excite the ire of those who have assumed, on this occasion, to be the peculiar guardians of their rights and dignity; but they pour forth their indignation upon us, who would repel such insolent interference in our affairs, and who would rebuke the attempt to dictate what should be the policy of the National Government. It is very well, in their opinion, for those who control the European stock market to say to the States, "You are not able, nor willing, to meet your liabilities;" and, if we say, "We will not degrade the States, nor violate the Constitution, by acceding to their unwarrantable demands," we are accused of warring against the credit of the States. Save us, kind Heaven! from such new-fangled State Rights doctrine!

Sir, said Mr. C. whether this plan of the London bankers, impeaching the good faith and solvency of the States, and demanding security for the redemption of their obligations, emanated from any consultation, or pre-arrangement, with those of our own country, who are interested in the rise of stocks, and the profits or speculation consequent upon such rise, I am unable to say. It is not to be presumed that there will ever be any precise development of all the circumstances which may transpire in reference to any such movement. Brokers and stockjobbers are too shrewd to make their secret plans of operation known to the public. You might as well expect a juggler to disclose the secret of the deception and imposture by which he earns his bread. However the fact alluded to may be, there is certainly a remarkable coincidence between the tone of the (so called) Whig press in this country, and that of the "money changers" in England.

No sooner had the circular of the Barings reached this country, than you find, said Mr. C. all the leading Whig presses responding to its proposition in tones of the most cordial approbation; and, so far as he had observed, there was not one dissenting voice amongst them. He presumed the gentlemen of the Opposition would acknowledge, with pride and pleasure, that the New York Courier and Enquirer was one of the principal organs of Whig sentiment. Whether they did or not, Mr. C. said it would be well recollected by the whole country, that if its editor (who had certainly become very notorious, if not distinguished) had not presided as *accoucheur* at the birth of the universal Whig party, he had, at least, officiated as grand high priest, in performing the baptismal ceremony of conferring upon that party, with general acquiescence, their present cognomen, when they were in the lamentable condition of having worn out all their former cognominal distinctions. He said that editor should be regarded not only as the organ of the political, but of the monetary branch of the Whig party. Every one would recollect his "fair business transaction" with the late president of the United States Bank, and would appreciate the high claim it gave him to the confidence of all who felt an interest in the pure character of that institution. The New York Herald, another Whig paper, in November last, thus introduces and comments upon the views of the Courier and Enquirer upon this important subject:

This plan is so far matured by the leaders of the Whig party as to be officially promulgated in the Courier and Enquirer of yesterday morning. The following extract conveys, *in petto*, the skeleton of the scheme:

"Let the Government of the United States—which means the people's immediate representatives in both Houses of Congress—create three hundred millions of stock, bearing an inte-

rest of four per cent. per annum, and let this be apportioned among the States, on the principle of Mr. Clay's Land bill—that is, *pro rata*, according to the number of their Senators and Representatives in Congress—and let the proceeds from the sales of public lands be set aside and sacredly pledged as a sinking fund for the redemption of this stock. Let the Secretary of the Treasury, or some other suitable person, be appointed to exchange so much of this stock as may be the portion of any State for the stock of such State now issued; and after a certain period—say six months—pay over the balance to the respective States. Most probably the holders of some State stocks would not be willing to make such exchanges; and, if so, the State would receive its entire portion, and from the interest annually received on the United States stock, and sales of it from time to time, as their necessities required, be in a situation to progress at once with all its public works, whether commenced or only in embryo United Stated stockwould then immediately fill the space at present occupied by about two hundred millions of State stock; the remaining one hundred millions would be deposited in the State treasuries, and would only be offered for sale as their public works or other necessities required, and which the capitalists of Europe and America would gladly purchase at a premium."

In illustration of this great scheme, the Courier goes at length into its popularity, economy, and means of escape from direct taxation which the several States must submit to if the present system continue. With every view taken on these points we cordially concur. It is the only and efficient system of relief for the financial troubles of the age. A new National Bank is as frail as a fair one of the third tier. We have been the *coup de grace* given to the rotten fair one in Philadelphia. Free banks are equally worthless and numerous. Safety Fund can hardly cover their nakedness. There is no place, no scheme, nothing short of a miracle from Heaven, can save the great credit system, except it be the plan now proposed.

Now, Mr. President, said Mr. C. it will be perceived from this article, that the editor of the Courier and Enquirer, estimates the present amount of State stocks at "about two hundred millions" of dollars—so far as I know, without any complaint of extravagance, or over-estimate, either by editors or politicians of his party, though it was considered very censurable in the select committee who submitted this report, to make precisely the same estimate; and, by way of satisfying the non-indebted, as well as the indebted States, he proposes that the Government of the United States shall create stock to the amount of "three hundred millions" of dollars! This stock is to be "apportioned among the States on the principle of Mr. CLAY's (Distribution) Land bill; that is, *pro rata* according to the number of their Senators and Representatives in Congress, and let the proceeds from the sales of the public lands be set aside, (that is, abstracted from the receipts into the Treasury,) and sacredly pledged as a sinking fund for the redemption of this stock." Mark the perfect coincidence, the identity of principle, between this plan and that so long heretofore urged upon Congress, for the distribution of the proceeds of the public lands. The only essential difference is, that, under the late plan, the Government is to issue stock, or give its bonds, besides giving a mortage upon the public lands. The editor of the Herald furnishes proof of the authorship of this scheme, which is worthy of consideration. Speaking upon that subject in November last, he says:

"This plan is so far matured by the leaders of the Whig party, as to be officially promulgated in the Courier and Enquirer of yesterday morning."

He also adds:

"With every view taken on these points we cordially concur. It is the only and efficient system of relief for the financial troubles of the age."

The New York Commercial Advertiser, another leading Whig paper, on the 22d of November last, in publishing the same circular of Baring, Brothers, and Co. expresses its views in the following language:

"There is a suggestion in the preceding extract, upon which we have been pondering for weeks, and which deserves the profound consideration of the American people, of the State Governments and of the National. We refer to the proposition for a pledge of a national faith to sustain the credit of the States; or, in other words, an assumption of the State stocks now oppressing both the European and American markets, by the United States, and the issue of a national stock in lieu thereof. The suggestion, we doubt not, will startle many a reader; but we cannot help that. The subject is one of very great and very grave importance, and the position of many States of this Union is such that we cannot shut our eyes to their condition if we would. Nor indeed should we. The States of this Union are bound together by no common ties. They are all one family—it is a great and a rich family—and what, though several of its members have, imprudently, certainly, and perhaps rashly, involved themselves in pecuniary difficulties, from which, singlehanded, they cannot well recover—shall the other members of the family allow them to sink—to be crushed—and their credit destroyed—or rather, like a wealthy parent, able to protect the credit of his whole family, shall not the National Government interpose, and by some equitable arrangement with the embarrassed States, assume their liabilities, and thus afford timely relief to them, and at the same time, to the whole country?"

Sir, (said Mr. C.) I might go on with extracts from other Whig papers, exhibiting wonderful harmony of sentiment upon this subject, but it is unnecessary. I will only add, that the Evening Star, the New York American, the Journal of Commerce—indeed, so far as I have noticed, the whole Whig press of New York, approved the plan of assumption. Nor, sir, were these views confined to the Whig press in the great commercial emporium—they were echoed west of the Alleghany. To prove this, I will only call your attention to a brief extract from the Cincinnati Gazette, one of the ablest Whig papers in that region. Speaking of the embarrassments of the States and the adoption of this remedy, the editor remarks:

"But it will be objected the Federal Government has no constitutional rights to assume the debts of the State; and farther, that it cannot be done without creating another national debt. We grant that the letter of the Constitution confers no such power, unless it is to be found in the "*general welfare*" clause, and that clause was rendered inoperative by the successive vetoes and usurpations of President Jackson. But there is yet a method by which the constitutional difficulty can be obviated, and the credit of the States sustained, by means which are already justly and truly their own. Had not Mr. CLAY's bill for the distribution of the proceeds of the public lands (passed by a triumphant majority of both Houses of Congress) been defeated—not by a veto, for that would not have arrested its passage, since a majority of both Houses were awaiting such a message to vote it down—but by an infamous act of the President, who thrust the bill into his pocket, and furtively carried it away from the Capitol—every State in the Union would have already been in the possession of ample means, not only of sustaining their credit as to existing obligations, but of completing their works.

"Now, then, let the great legislator of the West renew the land bill, with the necessary modifications, dividing the proceeds of the public lands among the several States, conditioned that those proceeds shall be applied to the payment of the debts of the debtor States respectively. Let the Federal Government issue a national stock, bearing, say, four per cent. interest, in exchange for the State stocks—the holders of which would gladly enough make the exchange—and let the proceeds of the public lands be attributed to the redemption of the said stock. The fund is ample for the ultimate redemption of every dollar—a large saving annually would be realized—every State in the Union would be enriched, and the honor of the country redeemed.

"As to the other objection, the creation of a new public debt, it has no terrors for us. But we reserve the discussion for another day."

Here we find the questions of constitutionality, and the creation of another public debt, alluded to—but neither the one nor the other is regarded as any serious obstacle. The editor surrenders the constitutionality of the power "unless it is to be found in the "general welfare clause"—but he imagines that difficulty can be easily obviated by the bill for the distribution of the proceeds of the public lands. Upon that question, it is unnecessary to repeat what I have already said. And, as to the creation of a new national debt, it has no terrors for a Whig politician.

Nor, sir, said Mr. C. has the leading organ of the Opposition in this city been silent upon this subject. I allude to the National Intelligencer, in whose columns a communication was published, at least with the silent acquiescence of its editors, as long ago as the 28th of October last, proposing that the proceeds of the public lands should be set apart for the redemption of State debts. And again, within the last few days, they transferred a communication which had been published in the Pennsylvania Inquirer, to their own columns, in which, amongst other things, the writer says:

"I think, therefore, as a matter of *sheer justice*, that the United States should pass a law to relieve the States. The late distribution act was an apportioning of the moneys resulting from the sale of the public lands; and all that is required now is, that a portion equal to the State debts should be set apart as a sinking fund. The lands need not be sold on the instant. They will be reserved for a convenient season. By this arrangement, the old States will start fair, unencumbered, and free from an onerous burden of taxation; and the gentlemen who have this subject in their hands for adjustment, will find, if they do not accede to this proposition, that they will be swept from the stations they now occupy. I confess I should want no better lever to upset them in oppressed and encumbered Pennsylvania, than a vote against the payment of her debt out of the public lands, that in part belong to her, and which *her costly improvements* have increased in value equal to the amount of her debt."

In the close of his letter, the writer repeats emphatically:

"*The people will pay their State debts out of the public lands. Let this Congress look to it*, or they will not find their seats in the next Congress."

To these views the National Intelligencer gave its sanction, in the following introductory paragraph:

"In the argument of the subjoined article, which we met with in reading over our mail papers yesterday, it must be admitted by every body that there are strong points, if it be not conclusive, in favor of such a distribution of the public lands, or the proceeds of the sale of them, as shall ensure to each State its just proportion of the benefits accruing from a property which, since the redemption of the debt for the payment whereof it was pledged, must be considered as a trust held by the United States for the common benefit of all the States. We understand the writer, of course, to contemplate such a distribution as shall secure to each State its due proportion of the proceeds, without any consideration of its being in debt or out of debt, for its expenditures on roads and canals, public schools, or analogous objects. Each State will of course be at liberty to employ its particular share in whatever manner it pleases."

Now, sir, said Mr. C. after this hasty review of the emanations of the Opposition press, without one jar of discord; when we see it was distinctly announced by high authority, and without contradiction from any quarter, that "the plan" had been "so far matured" by the leaders of the Whig party, as to be officially promulgated in the Courier and Enquirer;" when it has been declared, in the article just quoted from the Intelligencer, to be a powerful electioneering theme—"a lever to upset" the Democratic party in one of the largest States of this Union, is it not astonishing that gentlemen will rise here, and contend with such apparent earnestness, that we, a branch of the National Legislature, which their friends allege is not only competent, but bound, to carry the proposed policy into effect, have nothing to do with it?

Sir, said Mr. C. let us no longer hear that this is not a proper subject for inquiry and consideration by Congress, when a powerful party are maturing and organizing their plans to involve us in a new national debt of *three hundred millions of dollars!* "Eternal vigilance is the price of liberty." When we see a conspiracy forming to plunge us into a debt of this amount, with all its attendant evils, are we to sit by with folded arms and sealed lips? On the contrary, it should arouse us to action and energy. It behooves us, under such circumstances, to be up and doing, and, in the language of my friend from Tennessee, not to be too much afraid of danger either to understand or meet it. When an insidious enemy is about to make war against me, I prefer to be first in taking the field, and not to sleep upon my post until, by a stolen march, I am surprised and captured. As faithful sentinels, it is our duty to sound the alarm at the first approach of the enemy. It is our business to meet, and defeat, if we can, this attempt to violate the Constitution, and to warn our constituents of a conspiracy to fix upon them another enormous national debt

But the gentlemen on the other side are extremely sensitive on the subject of State credit. The Senator from New Jersey seems to have a peculiar sensibility on this subject, lest the value of State stocks should be depreciated. He contends that this report is calculated not only to degrade the States, but to impair their credit. Now, said Mr. C. in my humble opinion, Mr. President, this apprehension is wholly founded in error. If I understand the doctrines of the report, you will not find any thing in it which may either conflict with the ability or good faith of the States. It does not increase the amount of their debts, nor does it attempt to raise a doubt of their solvency. So far from impeaching their ability or readiness to meet their engagements, I understand it to maintain the very converse of the proposition. It professes to discuss the question of constitutional power, and the question of expediency, involved in the proposition to assume the debts of the States. Suppose we determine it to be both unconstitutional and inexpedient—as I trust we shall—does that imply a want of confidence on our part that the States are both honest and able enough to meet their own liabilities? If I do not think proper to pay the debt of my friend, does that prove that I consider him either insolvent or dishonorable? Sir, I should be sorry to entertain such an opinion; and I trust none of the States which have issued stocks, are in a condition so very pitiable as the argument to which I am replying would presuppose.

Mr. C. said this subject might be viewed in another aspect, which might account for the extraordinary sensibility which had been manifested. These stocks were owned, he believed, principally by certain large corporations in this country, and by foreign capitalists. If he was not mistaken, an agent of the largest institution amongst us was now in Europe for the purpose of selling these bonds to save it from bankruptcy. If the General Government were to assume their payment, or if the idea could be created that such a measure was likely to succeed, those stocks would sell promptly, and pro-

bably rise in value some twenty or thirty per cent. and consequently advance the interest of the holders in that ratio. To adopt the report would be to defeat the hope of such a speculation, and would naturally excite some feeling—some nervous irritability—amongst those interested. But, sir, it cannot affect the interests of the States; they are not now the holders of these bonds, except to a very limited extent. They have sold the greater portion of the bonds issued by them; and I am glad to see that some of the States are about to withdraw from the market, and to cancel such as have not been sold. Nor have the holders of these stocks any right to complain of the States on account of our refusal to pay them; no such pledge or inducement was held out when they became purchasers. They took them on the faith and credit of the States alone, not upon those of the General Government. Then what right have they to ask our endorsement? What right have they to complain if we decline giving it? We do not impair the guarantee under which they purchased—it remains the same.

No, sir, said Mr. C. none of the States, which have issued stock, stand in need of the securityship of the General Government to meet their engagements; and, to urge the necessity or expediency of such a measure, is much better calculated to excite distrust and want of confidence in their honor and credit, than any discussion or vote in this body, on the resolutions submitted by the committee. I cannot believe that a single one of them is obnoxious to a doubt, or suspicion, that should depreciate the value of her bonds. The State which I have the honor to represent, in part, is one of those indebted—yet it never entered my head to suppose that her character, or interest, was jeopardied by any part of the present proceeding. Her resources are known to be ample—her character for good faith is untarnished—she has nothing to fear from fair discussion, here or elsewhere. So far from desiring the aid of this Government to pay her debts, she is one of the protesting States, against the distribution scheme of the Senator from Kentucky, [Mr. CLAY;] and I do not believe one of her Representatives will ever be found voting in favor of that measure. For his own part, Mr. C. said, he was opposed to the whole doctrine of distribution of any part of the revenue of this Government, amongst the States, in every form. In his opinion, no better plan could be devised to humble and degrade the States, and bring them to the foot-stool of Federal power, than to accustom them to come here for money to supply their wants.

Mr. C. said, entertaining such views as he had taken occasion to express, he had felt surprise that any opposition should have been made to this report; but that a motion to print it, merely for the use of the Senate, should have met any resistance, appeared still more extraordinary. It would be recollected that he had made a proposition to print the usual number, merely to supply Senators; yet it was thought to be of such dangerous tendency that gentlemen would not agree to print fifty copies, lest the credit of the States should be injured. He said he would now repeat his proposition: let the report be printed in the usual manner. If it be deemed objectionable, let gentlemen meet it with their arguments, and send forth the antidote with the bane. And should it even be thought proper to express the confidence of the Senate in the good faith and ability of the indebted States to meet all their engagements, let a resolution to that effect be introduced, and he would give his vote in its favor.

SPEECH OF MR. BUCHANAN,

OF PENNSYLVANIA,

In Senate, Wednesday, January 22, 1840—On the Independent Treasury bill, in reply to MR. CLAY of Kentucky.

Mr. BUCHANAN rose and said: MR. PRESIDENT: It is not my purpose, on the present occasion, to go very much at length into a discussion of the provisions of this bill. I intend, in a great degree, indeed almost exclusively, to confine myself to a reply, or at least to an attempt to reply, to the remarks of the Senator from Kentucky [Mr. CLAY.]

In all discussions, if we desire to arrive at a satisfactory conclusion, it is absolutely necessary that we should distinctly understand what is the question to be discussed. Then let me ask, what is the nature and character of the Independent Treasury bill now before the Senate?

Since the origin of the Government, our own responsible officers have always collected the public revenue, and have always disbursed the public revenue. Heretofore, during the intermediate space of time between its collection and its disbursement, it has been deposited with banking corporations. The object of this bill is to provide that our own responsible officers shall be substituted as depositaries, instead of these banking corporations; and that these officers shall hereafter not only collect and disburse the public money as they have always done; but that they shall also have the custody of it between its collection and disbursement.

Under the provisions of this bill, every officer throughout the United States who receives public money is constituted a depositary. But there are certain points where very large sums of public money are collected, or are disbursed, or both; and at these points, both the security of the revenue and the public convenience required that there should be depositaries distinct from, and independent of, the collecting officers. These points are Philadelphia, New Orleans, New York, Boston, Charleston, and St. Louis. Accordingly, the bill proposes to convert the Mint at Philadelphia and the Branch Mint at New Orleans into places of public deposite, and entrusts the custody of the public money to the treasurers of these institutions respectively; and it creates sub-treasuries, each to be under the control of a receiver-general, at New York, at Boston, at Charleston, and at St. Louis.

Thus far, sir, it will be perceived that this bill makes no change in the settled policy of the country, except merely to provide that the public money, in the intermediate time, between its receipt into the Treasury and its disbursement, shall be entrusted to our own responsible officers, instead of irresponsible corporations.

In addition to these provisions, the bill contains what has been commonly denominated the specie clause. This section provides that one-fourth of the dues of the Government shall be collected in gold and silver, after the 30th June, 1840, one-half after the 30th June, 1841, three-fourths after the 30th June, 1842; and after the 30th June, 1843, all the revenue of the Government shall be collected and all its disbursements shall be made in gold and silver coin.

Now, sir, when separated from the details necessary to carry these principles into execution, this is the bill, the whole bill, and nothing but the bill which has excited so much unnecessary alarm throughout the country.

In discussing this bill, the Senator from Kentucky has divided his remarks into two general heads. He has first considered the bill according to what its friends say it is; and in the second place, has discussed it according to what he himself believes it to be. In my reply I shall invert this order; because it is necessary first to prove that the Senator himself has entirely mistaken the nature and effects of the measure, and that its friends entertain a just conception of its character.

The Senator held up the bill triumphantly to public view, and declared that it contained within its provisions a great Government Treasury Bank. Now, if I cannot make it manifest as the light of day, that in this proposition he is entirely mistaken, I shall then agree to surrender the whole argument. The Senator has had an unsuccessful chase, through the provisions of this bill, after the lurking monster. Had he succeeded in dragging him into light, I should have been one of the first men in the country to assist in putting him to instant death. But,

> "He must have optics sharp, I ween,
> Who sees what is not to be seen."

This, I think, has been the case with the Senator from Kentucky.

Now, sir, what is a bank? According to the usual acceptation of the word, in our country, it performs three offices. It receives deposites, it loans money upon discounts, and it issues a paper currency. I acknowledge that, in order to constitute a bank, it is not necessary that it should perform all these three functions. There are banks of discount and deposite merely, and there are also banks of deposite and issue only; and this latter class of banks are the most secure of any in the world, when the deposites are confined to the precious metals, and the issues, in the form of certificates, do not exceed the sums actually deposited. Such was the Bank of Amsterdam, and such is now the Bank of Hamburg. It would be difficult to form an idea of a bank of issue alone, without deposites or discounts, although I know, from the utter inability of the Bank of England to regulate the paper currency of that kingdom, the question has been seriously considered whether one bank of issue ought not to be established, and whether all other banks ought not to be prohibited from emitting paper currency. It is certain that, at the present moment, a bank of issue, purely as a bank of issue, does not exist on the face of the earth. Now, sir, this bill does not authorize the public depositaries to receive money from individuals on deposite; and it not only does not authorize them to loan the public money entrusted to their care, but it makes such an act a felony, punishable by fine and imprisonment. This bill, then, clearly does not create a bank either of deposite or of discount, and the Senator has not contended for any such proposition. He has confined himself to prove that it will create a bank of issue; and I shall examine this proposition a little more in detail.

And, in the first place, if there be a bank lurking in the bill, then we have had a Treasury bank in full operation ever since the origin of the Government, without having the least idea of its existence until the Senator from Kentucky made the discovery. There has been no period of time, since General Washington was first inaugurated in 1789, until the present day, when the Treasurer of the United States did not draw his warrants, either on banks or receiving officers, in favor of disbursing officers or creditors of the Government. Without this power the Treasury department could not exist. Debts could not be paid to individuals, neither could the public revenue be applied to accomplish the objects contemplated by the Constitution. There is no other conceivable mode of conducting this branch of the public business. The bill makes no change whatever in this ancient and necessary practice, except to impose an important limitation upon it which has never heretofore existed; and yet, according to the Senator from Kentucky, it creates a bank of issue; and the drafts drawn by the Treasurer on the public depositaries in favor of public creditors and disbursing officers, are to be the paper currency which it will throw into circulation. This is the sum and substance of his whole argument on this point. He might with the same reason contend, that, if an individual in extensive business had deposites in several banks, and was in the habit of paying his debts and advancing money to his agents by drawing drafts upon these banks, that, therefore, he himself had established a bank of issue. The cases are precisely analogous.

In what part of this bill has the Senator discovered the charter of his bank? He has referred to one, and only one clause, for the purpose of proving its existence. This is to be found in the tenth section of the bill, and, as it is very brief, I shall read it to the Senate. It is as follows:

"And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interest, or to the convenience of the public creditors, or both."

There, sir, is the charter; and what is it but a mere recognition of the power which I have just been describing, and which has existed, and must necessarily have existed, ever since the origin of the Government. It requires the Treasurer of the United States to consult both the public interest and the convenience of the public creditor, or both, in selecting the depositary on which to draw his warrant. This he has al-

ways done. In the first place he must select a depositary with whom there is an amount of money sufficient to meet the draft; and among such depositaries he must, unless the public interest forbids, draw upon that one where it will be most convenient for the public creditor to receive his money. Why, sir, this clause, so terrific to the imagination of the gent'eman, might be stricken from the bill altogether, without producing the slightest inconvenience. The practice which it prescribes, is that which must necessarily be pursued in paying the debts of the Government. And yet this simple and necessary power is the only part of the bill on which the Senator relies to establish his great Treasury Bank!

But I said that this bill contained an important limitation which had never heretofore existed. This was introduced at the special session of 1837, upon my own suggestion. It was then apprehended that the holders of these Treasury warrants might not present them for payment within a reasonable time; and that a large amount of them might remain outstanding, and be used as bills of exchange. As these outstanding drafts would necessarily represent an equal amount of gold and silver in the hands of the depositaries, it was apprehended that, unless they were speedily presented for payment, a mass of them might continue floating in the community, and thus produce an accumulation of specie in the hands of the depositaries which might prove injurious to the banks. To prevent this evil—to render the draft upon the banks for specie as light as possible—and to cause the gold and silver to flow out of the Treasury into general circulation, as rapidly as it had flowed into it, this amendment was adopted. It now constitutes the 23d section of the bill, and is as follows:

"SEC. 23. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper. But in all those regulations and directions, it shall be the duty of the Secretary of the Treasury to guard, as far as may be, against those drafts being used, or thrown into circulation, as a paper currency or medium of exchange."

One might have supposed, from the extreme horror of the gentleman lest this bill might contain a Treasury Bank, that he would have been delighted with the provisions of this section. Not so. On the contrary, he has declared, in the most solemn manner, that it confers a tremendous power on the Secretary of the Treasury, to which no people, jealous of their liberties, ought to submit. The Senator is hard to please. He first denounces, in the strongest terms, the tenth section of the bill, because the Treasury drafts issued under its authority will, in his opinion, become the circulating medium of his Treasury Bank; and almost at the very next breath, he denounces, in terms equally strong, the very section which renders it impossible that they ever can become such a circulating medium.

And what is this tremendous power vested in the Secretary of the Treasury by the 23d section? Independently of postmasters, there are perhaps a hundred and fifty receivers of public money in the United States. These are scattered from Maine to Georgia, and from the Atlantic to the far West. Some of them are at the distance of fifty miles, and others are a thousand miles from Washington. From the nature and necessity of the case, the discretionary power is conferred upon the Secretary to regulate "the speedy presentation" of these drafts, according to the different distances of the depositaries from the seat of Government; but even this is to be done in such a manner as to prevent them from being thrown into circulation as a paper currency or medium of exchange. And yet this is the tremendous power so much to be dreaded! No other provision could have been made. It would have been a work of endless and unnecessary labor to have attempted to enumerate each of the depositaries in the bill, and to have prescribed the time within which drafts on each of them should be presented for payment. This is a mere matter of detail which must be yielded to the discretion of the Secretary.

And now what, in plain English, is this Government Bank? It is no other than the power which has always been exercised by the Treasurer of the United States, to pay the public creditors, and to advance money to the disbursing officers by means of drafts on the public depositaries; with a new restriction, however, imposed upon the holders of these drafts, requiring their speedy presentation, for the express purpose of preventing the possibility of their ever becoming a circulating medium. Any man who can distinguish between a hawk and a handsaw, can discriminate between this simple provision and a great Government Treasury Bank.

The Senator, feeling that he has no foundation on which to erect his Treasury Bank in the bill, as it is, has taxed his fancy—a never failing resource—to alarm our fears as to what it will become hereafter. He leaves the present far behind, and looks forward to the future. He predicts that in less than three years necessity will compel us to change the Independent Treasury into a bank of issue. Having given his fancy the reins, he tells us how this will be performed. The Secretary of the Treasury, instead of giving single drafts on the depositaries for the amount due to public creditors, and the sums to be advanced to disbursing officers, is to have drafts prepared upon bank paper, in the likeness of bank notes, of the denomination of twenty, of fifty, and of a hundred dollars. These drafts he is to pay out like bank paper. The restriction is to be repealed requiring their speedy presentation to the depositaries. They are to become the general circulating medium of the country. In less than ten years the receivers-general are to have between forty and fifty millions of gold and silver in their vaults, to be represented by the same amount of Treasury drafts in circulation, and in the possession of the banks. The Government then calculating that the demand upon these depositaries will not require them to keep this amount of specie on hand, will draw it out clandestinely for their own purposes, as was formerly done from the bank of Amsterdam; and that some future President will, by means of this stolen money, subvert the Government, and destroy the liberties of the people.

Now, sir, is not this the merest fancy picture that was ever sketched? It is all the offspring of the Senator's own prolific imagination. It is all prophecy, and no fact. Even by his own showing, there is no foundation for it in the bill. On the contrary, every precaution has been used to prevent the possibility of any such occurrences.

And what reason has he to predict that the friends of this measure will change all their principles and purposes in less than three years, and by new legislation convert the Independent Treasury into a Government Bank? Has not every Senator perceived the holy horror with which my friend from Missouri [Mr. BENTON] was inspired at the bare idea that the Government might ever issue "notes, bills, or paper," receivable in payment of the public dues? His lynx-eyed jealousy seized hold of these general expressions, in the 19th and 20th sections of the bill, and although there was nothing on the face of the earth on which these words could operate, unless possibly on some straggling Treasury note which might remain unredeemed long after it became payable, yet he had them stricken from the bill. "He snuffed the tainted breeze" from afar; and although there was no present danger, yet he saw a possibility that these words might have a meaning hereafter; and that in future years the Government might be willing to issue "notes, bills, or paper," and therefore we all united with him in voting for his amendment. This was, in the phrase of the lawyers, the exclusion of any conclusion which might by possibility be drawn from these general words in favor of Government paper.

But again: did not the Senator from Kentucky perceive with what alacrity the friends of the bill supported the amendment of his colleague, [Mr. CRITTENDEN,] imposing it upon the Secretary of the Treasury as a solemn duty, to take care, in his regulations for the speedy presentation of Government drafts to the depositaries, that these drafts, as far as may be, shall never be used as a paper currency or medium of exchange?

Suppose it were possible that the Secretary of the Treasury, without authority, and in the very face of the provisions of this bill, and the known and avowed opinion of its friends, should, as the Senator supposes he might, circulate these Government drafts in the form of bank paper, and of the denomination of twenty, fifty, and a hundred dollars; what do you think would be the consequence? He would instantly be deprived of his office for this daring violation of law, and would be justly held up to public execration. In justice to that officer, I ought to say that I am not one of those who consider it possible that he could ever dream of pursuing such a course, without the express authority of Congress: and I may venture to predict, with unerring certainty, that such an authority will never be conferred upon him by the present party in power. But even if he should thus violate his duty; whilst the 23d section of this bill shall remain in force, these drafts never could become a general circulating medium: and, therefore, there could never be, as the Senator supposes, an accumulation of forty-five or fifty millions of dollars in the hands of the depositaries. But even if this miracle should be accomplished, and a future President should attempt to embezzle this money, for the purpose of subverting the Government, there would still be one most unpleasant obstacle in his way. He would then, under the provisions of this bill, be guilty of felony, and would be transferred from the White House to the penitentiary. The truth is that "these hydras, gorgons, and chimeras dire," exist only in the Senator's imagination.

The Senator, in a triumphant tone, exclaimed that, by the passage of the bill, the union of the purse with the sword will be consummated in the hands of the President. This, if true, would indeed be fearful. It would be the death knell of civil liberty in this country. Wheresoever the power over the purse and the sword is united in the hands of one man, there the Government is despotic. If any Executive Magistrate, be he King, or be he President, possess the sole power to declare war, to raise armies, to impose taxes, and to expend the public money at his pleasure, there must be an end of civil liberty in that country. This, and this alone, is what I understand to be a union of the sword and the purse. But under our Constitution and laws, the President neither has, nor ever can have, the power over either. Can he declare war? No, sir; the Constitution expressly confers this power upon Congress. Can he enlist soldiers? No, sir; he could not raise a single company to go to Florida, because Congress alone have the power to raise and support armies. Can he impose taxes upon the people, or borrow money? No, sir; Congress is exclusively vested with the power of laying taxes and borrowing money. But after this money shall have reached the Treasury, can he apply a dollar of it to any use, public or private? No, sir; no money can be drawn from the Treasury, but in consequence of appropriations made by Congress. Nay, more; if the President were so far to forget the duties of his high station, as to enter into a collusion with any of the depositaries, and draw one dollar of public money out of their possession, he would, like any other citizen, subject himself to fine and imprisonment. And this is the union of the purse and the sword, which the Senator has so feelingly described! This phrase, I thought, had had its day, and had passed into oblivion; but the Senator has again conjured up the spectre, for the purpose of alarming our fears.

The Senator tells us that he has been warring in vain for the last seven years, against the extension of Executive power and influence. Now, sir, if he had informed us that he had been warring against the Executive, but in favor of an increase of Executive power and influence, in my humble opinion he would have come much nearer the mark. It is, perhaps, the strangest spectacle which has ever been presented on the face of the earth, that in this war between the Executive and the Senator's political party, he has been endeavoring to deprive himself of power, whilst they have been struggling to prevent him from making this self sacrifice.

Let me remind the Senator of a few instances; and first, in regard to internal improvements, I

happened to be a member of the other House during the administration of Mr. Adams. I do not intend now to cast any censure upon that administration. I speak merely of historical facts. In those days, by virtue of an act of Congress, the President exercised the discretionary power of making as many surveys for internal improvements as he thought proper, all of which, it was hoped by those interested, would, at some future day, be constructed by the General Government. Splendid projects of such improvements were presented to dazzle the fancy, and excite the cupidity, of almost every man in the country. Our engineers were constantly traversing the Union from east to west, and from north to south; and before they were arrested in their career, the estimated cost of completing the improvements which they had surveyed or projected, if my memory serves me, amounted to more than one hundred millions of dollars. Here was a vast field for Executive influence and power. The fat jobs which might have been bestowed on favorites; the actual expenditure of immense sums of money, and the alluring hope presented by the mere survey of any railroad, turnpike road, or canal, in which masses of people felt an interest; all, all contributed to swell the tide of Executive influence. Now, sir, was there ever a lure more tempting to Executive ambition than this power of pouring out the public treasure to benefit, and, in their estimation, to bless a large proportion of the people of this country? What was the conduct of the old Roman in regard to this question? For the good of his country, he sacrificed all this power and all this patronage. His veto of the Maysville road bill arrested the whole system; and, strange as it may seem, a portion of the gentleman's seven years' war against the Executive, consisted in denouncing this voluntary surrender of Executive power and influence, as ruinous to the best interest of the country.

Again: the very bill now before the Senate, against which the gentleman has been warring, is one of the strongest proofs which the present Chief Magistrate could give, that he is willing to abandon a large portion of Executive influence. In 1837, there were between eighty and ninety Government deposite banks, scattered over every State in the Union. What an immense political power might have been exercised by the President through the agency of these banks! We know, from letters read at the called session, that they were not very scrupulous, "where thrift would follow fawning." Affiliated as they were, if the President had been disposed to exert an improper influence over them, they might have been used with prodigious effect to accomplish his purposes. The selection of these depositaries—the amount of the public money which they should receive—how long they should retain it, and in what manner they should conduct their business—all, all was left to Executive discretion. What a boundless field for Executive influence is that which the present President now desires to abandon! And yet the Senator, both at the called session, and the session succeeding it, warred in favor of compelling him to retain in his hands this unbounded source of political patronage and power. He preferred then, and, such is his detestation for the present bill, would, I presume, even now prefer, the deposite bank system to the Independent Treasury.

Can any man, in sober earnest, compare the influence which the Executive will acquire, under this bill, by the appointment of four receivers-general of public money, with that over this affiliated league of State banks, which he now desires to abandon? Think ye, sir, that if any of the leading officers of Government, or any of the favored minions of Executive power, had desired a loan from one of these banks, that he would have asked in vain? Under the Independent Treasury bill, such favors can never be extended without subjecting both the officer granting them, and the recipient, to punishment in the penitentiary.

The Senator complains that the power of removal from office should exist in the President, and says that he is not at all satisfied with the argument in the first Congress on which it was rested. This power has been exercised, without interruption, ever since 1789. It is not, then, a recent usurpation. The first Congress of the United States which ever assembled, by their construction of the Constitution, solemnly declared that the power of removal was vested in the President; and many of the members of this Congress had themselves been members of the Federal Convention. Since the gentleman addressed the Senate, I have examined the debate, and particularly Mr. Madison's remarks upon this subject, and I think they ought to prove satisfactory to every mind. He sketches the argument in favor of the power with a master's hand.

How could the President execute the laws at all, if this power did not exist? Suppose he should discover that one of the receivers-general created by this very bill was applying the public money to his own use—if he were deprived of the power of removing him from office, he might be obliged to look patiently on and suffer him to embezzle millions. Suppose a foreign minister were violating his instructions, and betraying the best interests of his country abroad—what is to be done? Without the exercise of this power, the President would be compelled to wait until the mischief might be entirely consummated—until the country might be ruined—before he could recall this corrupt or wicked minister. I might present a hundred similar instances. This power is essential to the performance of the duty imposed upon the President of seeing that the laws are faithfully executed. Without it, he would be deprived of the necessary means of executing this high trust reposed in him by the Constitution. It is, therefore, wonderful how the existence of this power could ever have been seriously contested.

If this power of removal did not exist in the President, it would follow as a necessary consequence that the Senate must remain in permanent session for the purpose of sanctioning removals from office, as they might become necesary, throughout this vast and growing country. The public interest imperiously demands that some power should always exist competent instantly to remove all officers the moment they are discovered to be betraying their trust. But the Constitution never contemplated that the Senate should be in session permanently. Heaven forbid that this should ever be the case! After having been in the political atmosphere of Washington for six months, it is necessary that we should go home to mingle with our constituents and to breathe the pure air of the country. The American people never will consent, and never ought to consent, that our sessions shall become permanent.

Having now replied to all the arguments adduced by the Senator under his second general head, and having, I think, demonstrated that the bill contains no Government Treasury Bank, I shall proceed to reply to those which he urged under the first general head. It will be recollected that this was to consider the bill according to the construction placed upon it by its friends, which, I have endeavored to prove, is the true construction.

Before I address myself directly to the Senator's argument, allow me to indulge in some general observations.

What has been the financial history of this country for the last twenty-five years? I can speak with positive knowledge upon this subject during the period of eighteen years since I first came into public life. It has been a history of constant vibration—of extravagant expansions in the business of the country, succeeded by ruinous contractions. At successive intervals many of the best and most enterprising men of the country have been crushed. They have fallen victims at the shrine of the insatiate and insatiable spirit of extravagant banking and speculation. Starting at the extreme point of depression of one of these periods, we find that the country has been glutted with foreign merchandise, and it requires all our efforts to pay the debt thus contracted to foreign nations. At this crisis the banks can do nothing to relive the people. In order to preserve their own existence, they are compelled to contract their loans and their issues. In the hour of distress, when their assistance is most needed, they can do nothing for their votaries. Every article sinks in price, men are unable to pay their debts, and wide spread ruin pervades the land. During this first year of the cycle, we are able to import but comparatively little foreign merchandise, and this affords the country an opportunity of recruiting its exhausted energies. The next year the patient begins to recover. Domestic manufactures flourish in proportion as foreign goods become scarce. The industry and enterprise of our citizens have been exerted with energy, and our productions have liquidated the foreign debt. The third year, a fair business is done. The country presents a flourishing appearance. The banks, relieved from the drains of specie required for foreign export, begin once more to expand, and tempt the unwary to their ruin. Property of all descriptions commands a fair price. The fourth or the fifth year the era of extravagant banking and speculation returns, again to be succeeded by another ruinous revulsion.

This was the history of the country up till 1837. Since then we have travelled the road to ruin much more rapidly than in former years. Before that period it had required from three to six years to get up an expansion and its corresponding explosion. We have now witnessed the astounding fact that we can pass through all these changes, and even from one suspension of specie payments to another, in little more than two years.

It is curious to observe with how much accuracy you can read the ever changing condition of this country in the varied amount of our importations. The year 1836 was one of vast expansion, and produced the explosion and suspension of specie payments in 1837. The imports were greatly diminished in 1837, being less than they had been in 1836, by nearly fifty millions of dollars. In 1838, they sunk down to twenty-seven millions less than they had been in 1837, and nearly seventy-seven millions less than they were in 1836. In 1839, we had another expansion, and our imports were forty-four millions of dollars greater than they had been in 1838. This expansion preceded the explosion and suspension of specie payments in the month of October last. Thus we have become such skilful architects of ruin, that a single year was sufficient to prepare the late explosion.

There never has existed a nation on earth, except our own, that could endure such rapid and violent expansions and contractions. It is the buoyancy of youth—it is the energies of our population—it is the spirit which never quails before difficulties—which enables us to endure such shocks without utter ruin. Yes, sir, a difference in the amount of our imports, between the years 1836 and 1838, of seventy-seven millions of dollars, is sufficient to excite the astonishment of the world.

What causes chiefly operated to produce this speedy recurrence of the second explosion and the second suspension of specie payments? Three may be mentioned. In the first place, after the bank suspension of 1837, every person who was friendly to well regulated banks, if such a thing be possible under the present system, ardently desired that the different State Legislatures might impose upon them some wholesome restrictions. It was expected that they would be compelled to keep a certain amount of specie in their vaults in proportion to their circulation and deposites; that the foundation of a specie basis for our paper currency should be laid by prohibiting the circulation of bank notes at the first under the denomination of ten and afterwards under that of twenty dollars; that the amount of their dividends should be limited; and, above all, that upon the occurrence of another suspension their doors should be closed at once, and their affairs be placed in the hands of commissioners. The different Legislatures met. Much indignation was expressed at the conduct of the banks. They were severely threatened; but at last they proved too powerful for the people. Indeed, it would almost seem as if most of the State Legislatures had met for no other purpose than to legalize the previous suspension of specie payments. No efficient restrictions were imposed; and the banks were thus taught that they might thereafter go unpunished—unwhipped of justice. Past impunity prevented them from reducing their business and curtailing their profits in such a manner as to render them secure in the day of trial. They

have fallen again; I fear again to enjoy the same impunity.

In the second place, the immense amount of money loaned to many of the States in England, a large portion of which was brought home in the form of foreign merchandise, afforded great facilities for overtrading, or rather overbuying.

And in the third place, the conduct of the Bank of the United States greatly tended to produce these excessive importations. That institution became the broker for the sale of all State bonds in Europe. It endeavored to monopolize the entire cotton trade of the country; and it drew bills of exchange on England, most freely, at moderate rates, against the proceeds of these bonds and of its cotton. Every temptation was thus presented to speculations in foreign merchandise.

These three causes combining, have occasioned a second suspension of specie payments within two years after the first, and produced that bloated credit system, from the wreck of which our country is now deeply suffering.

I most heartily concur with the Senator from Kentucky in one of his positions. We certainly produce too little and import too much. Our expanded credit system is the great cause of this calamity. Confine it within safe and reasonable bounds, and this disastrous effect will no longer be produced. It is not in the power of Congress to do much towards a consummation so desirable. Still we shall do all we can; and the present bill will exercise some influence in restraining the banks from making extravagant loans and emitting extravagant issues.

What effect has this bloated system of credit produced upon the morals of the country? In the large commercial cities, it has converted almost all men of business into gamblers. Where is there now to found the old fashioned importing merchant, whose word was as good as his bond, and who was content to grow rich, as our fathers did, by the successive and regular profits of many years of patient industry? Such men were the glory and pride of commerce, and elevated the character of their country both at home and abroad. I ask, where are they? Is not the race almost extinct? All now desire to grow rich rapidly. Each takes his chance in the lottery of speculation. Although there may be a hundred chances to one against him, each, eagerly intent upon the golden prize, overlooks the intervening rocks and quicksands between him and it, and when he fondly thinks he is about to clutch it, he sinks into bankruptcy and ruin. Such has been the fate of thousands of our most enterprising citizens.

If the speculator should prove successful and win the golden prize, no matter by what means he may have acquired his wealth, this clothes him with honor and glory. Money, money, money, confers the highest distinction in society. The Republican simplicity and virtue of a Macon would be subjects of ridicule in Wall street or Chestnut street. The highest talents, directed by the purest patriotism, moral worth, literary and professional fame, in short, every quality which ought to confer distinction in society, sink into insignificance when compared with wealth. Money is equivalent to a title of nobility in our larger commercial cities. This is the effect of our credit system.

We have widely departed from the economical habits, and simple virtues of our forefathers. These are the only sure foundations upon which our Republican institutions can rest. The desire to make an ostentatious display of rapidly acquired wealth, has produced a splendor and boundless expense unknown in former times. There is now more extravagance in our large commercial cities, than exists in any portion of the world, which I have ever seen, except among the wealthy nobility of England. Thank Heaven, this extravagance has but partially reached the mountains and valleys of the interior. The people there, so far as their potential voice can be heard, are determined to put an end to this bloated credit system, which threatens to involve not only their private fortunes, but their political liberties in ruin.

After the revulsion in 1837—after the banks had blown up, and left the Government without a dollar, the President found it necessary to convene Congress. It then became indispensable to take a new departure. The course which ought to be pursued was the question. The banks had betrayed our trust; they had converted our money into rags, by a species of alchymy the very reverse of that which was attempted in former times, of converting baser things into gold. The President then recommended an absolute divorce between Bank and State, and his political friends in Congress cordially responded to this recommendation. We then gave our banner to the breeze, with the motto of an Independent Treasury inscribed upon it. Have we not firmly and immoveably maintained our position? Had we been the cormorants after office which our enemies have described us to be, we should have yielded our convictions, when we found one State after another abandoning our standard. Neither the love of power nor of place made us falter. We did not yield to the panic of the moment. We have ever since kept this issue distinctly before the people, honestly believing that a separation of the Government from banks was necessary to promote the best and dearest interests of the country. In the opinion of our political opponents, we stood self immolated. But the people have at length gloriously come to the rescue. The Senator is entirely mistaken in supposing this bill to be unpopular. In every instance, during the elections of the last year, when the question of an Independent Treasury was distinctly made before the people, the result has been either the election of the Administration candidates, or a greatly increased number of votes in their favor. Is it not certain, that if the Congressional elections in those States which elected their members in 1838, had been postponed until 1839, we should now be in a triumphant majority in the other House? The Whig party know this; and I am greatly mistaken in the signs of the times, if they have not determined that this bill shall pass. They will no longer give us the battle cry of an Independent Treasury. The bill is destined to become a law during the present session. I prophesy this result, and prophesy it solely upon my opinion of the sagacity of the Whig party. It is possible I may be mistaken, but if I should, I shall have one consolation in my disappointment. If my political existence depended upon the result, I should rather have the success of the Independent Treasury identified with the re-election of Mr. Van Buren, than any other argument which can be used in his favor. It alone would be sufficient to defeat the hero of Tippecanoe.

Now, sir, great changes have taken place in public opinion since September, 1837. The prominent arguments then urged upon this floor against the Independent Treasury bill have nearly all vanished away. We now hear no more of a system of well regulated specie paying State banks to act as Governmet depositories. The half-way house has been abandoned. The accommodations there are no longer good. It is in a ruinous condition, and can no longer shelter those who formerly took refuge in it. The banks have blown up twice within little more than two years, and thus blown this argument of their friends sky high. No statesman, after our recent experience, would now think of placing the people's treasure with the banks on general deposite for safe keeping.

Far different is the Independent Treasury. It presents every guarantee which can be afforded for the safety and security of the public money. It will be in the custody of officers appointed by the Government, responsible to the Government, and punishable as felons for every violation of their trust. In the day of danger, when the country is involved in war, the money will always be ready; and at such a crisis, the banks would almost certainly suspend specie payments. Besides, they are mere State institutions, over which we have no control; and they may, when they please, convert our money into rags, and then place us at defiance. They are beyond the reach of punishment under our authority. The Federal Government cannot justly be considered independent, if we must resort to State banks, or to any other power except our own, for the purpose of keeping the money raised from the people by taxation, until it can be applied to execute the great powers conferred upon us by the Constitution.

Again: public opinion has annihilated another argument against the Independent Treasury. The Senator from South Carolina, in March, 1838, [Mr. PRESTON,] in his tenderness towards the State banks, and for the purpose of enabling them to resume specie payments, propos d that we shou'd, for a limited period, receive their irredeemable paper in the payment of dues to the Government. Much eloquence was also formerly wasted upon the extreme cruelty of having one currency for the Government and another for the people. Thank God! we hear no more of all this. No person now contends that, under any circumstances, the Government ought to receive depreciated bank paper. Such fantasies have proved too light for earth. They have risen to the moon, where it is said the crude notions of speculative politicians are still floating about, and have a local habitation and a name.

The Senator charges us with having employed the State banks as depositories, and having commended their conduct in the highest terms. This was a grievous sin, and grievously have we answered it. The difference between him and us is this: that after they had shown themselves to be utterly unworthy of our confidence, we abandoned them; but at that moment he clasped them to his bosom. Admitting that there has been inconsistency on both sides, the state of the fact is this: we adopted the State banks; they betrayed us, and we cast them off forever. The Opposition denounced this system in the beginning, and prophesied that it would prove a failure; but at the very moment when their prediction was verified, they embraced these castaways themselves with all the ardor of lovers. These banks, as depositories of the public money, are now repudiated by all parties. Their day has passed, and we shall hear little more of them in connection with this subject.

All men are wise after the fact; but, to look back, it has often occurred to me as wonderful how we could ever have confided in the State banks as safe general depositories of the public treasure. Our system of banking is the very worst, and the most irresponsible that has ever existed on the face of the earth. The charters of these banks nowhere impose any efficient restraints upon the first instinct of their nature, which is to make as much money for their stockholders as possible. They will, therefore, always expand their credits and their issues in the day of delusive prosperity, without regarding the approaching storm. The immense deposites of the Government increased this fatal tendency; whilst the public money was freely loaned, and its security placed at hazard, for the benefit of their stockholders, but for the ruin of the country. The wonder, perhaps, ought rather to be that they held out so long, than that they should have finally exploded.

In 1836, the immense amount of these deposites had stimulated them almost to madness. The expansion was then at its height beyond all former example. Speculation raged throughout the land. The suspicions of the country were aroused against the Government, and the banks were charged with granting peculiar favors to men high in office, and to influential partisans of the Administration. They were denominated "the pet banks." Such was the general sense of the insecurity of the public money, in their possession, and such the jealousy which existed among the people, in consequence of their connection with the Government, that I verily believe the present Chief Magistrate would never have been elected, had it not been for the passage of the deposite bill. The adoption of this measure was a choice of evils; but it was a much less evil than to have left nearly forty millions of the public money in possession of the banks. Under the Independent Treasury system, we shall never again be placed in such a fearful dilemma.

I was very much astonished that we had no remily from the Senator against the specie clause of the bill. Even this seems to have lost much of its terrors. It is no longer the terrific monster which was to devour all the banks and establish a pure metallic currency for all the transactions of all the people of the United States.

There could be no Independent Treasury without this clause. If you were to receive bank notes in

payment of the public dues, and retain them in your possession, you would, in this manner, encourage the banks as much to make extravagant expansions, as though you placed the same amount with them on general deposite. Besides, you would thus confer a dangerous power upon the Secretary of the Treasury, enabling him to favor some banks and to ruin others; and even if this power should not be abused, suspicion would always surround its exercise. You must separate from the banks in every particular. Evils, both to them and to the country, will follow from the least connection with them. Besides, if you receive bank notes at all, to the extent of the amount which you hold on hand, you incur the very same risk of having them converted into irredeemable paper by an explosion of the banks, as if they held them on general deposite.

The Senator commenced his speech by presenting us the most gloomy picture of national distress. He predicted that this distress would continue to increase during the present year, and that it would affect all classes of the community. The suffering, he thinks, will be peculiarly severe during the approaching summer. I might say to him,

"Thy wish was father, Harry, to the thought."

I do not believe, however, he would desire that the people should suffer in order to accomplish any political purpose. But if, without contributing to this result himself, it should be the will of the powers above to involve us in pecuniary distress between this time and the Presidential election, he would doubtless bear the dispensation with Christian fortitude. It would furnish political capital for his friends, and might contribute greatly to verify his prediction, that General Harrison will take possession of the White House on the 4th of March, 1841.

In my opinion, the Senator has greatly exaggerated the extent of the existing distress. That all classes of the community have suffered in some degree is certain; but intense suffering has been chiefly confined to the large commercial cities, and those portions of the Union, such as the State of Mississippi, where the banks have so evidently ruined the people as to place all doubt of the cause at defiance. Where is there the country under the sun on which a bountiful Providence has poured out more blessings than on Mississippi? No population on the globe, in proportion to their number, produces a larger amount of wealth from the cultivation of the soil. And yet the bounty of Providence has been counteracted by her miserable banking system, and her people are now subjected to intense suffering. In this instance the effect flows so palpably from the cause, that every man sees and feels and knows it. What an astonishing fact was that stated by the Senator from Mississippi, [Mr. WALKER,] that in those counties of his State where banks do not exist, there is no suffering even at the present moment! If you wanted an illustration of the pernicious effects of the banking system, when it tempts farmers and planters to abandon their own proper business and embark on the ocean of wild speculation, you could not have one more striking than that presented by Mississippi at the present moment. I am not aware that there is much individual distress among the mass of the people in the interior of Pennsylvania. There it is chiefly confined to those who have been tempted, in the day of prosperity, to go beyond their means by the facility of obtaining bank accommodations.

But if I read the signs of the times aright, the crisis has passed, or rather is gradually passing away. We cannot return to a state of prosperity before the Presidential election; but the condition of individuals, generally, will not be one of intense suffering. The resources of this vast country are so great, and the productive classes are so industrious, that with two years of fair play, they can produce as much wealth as the speculators have been able to squander in one. There will be no great suffering during the next summer, unless it may be in our large commercial cities.

After presenting in glowing colors the distress of the country, the Senator asks what measure of relief have we proposed? I might ask him, in return, where he will find any clause in the Constitution conferring power upon Congress to regulate the banking and credit system of the respective States, and thus strike at the root of our calamities and embarrassments? The present Administration have not had the slightest agency in creating the existing distress, and can do but little to arrest it, or prevent its recurrence. This is a duty which devolves upon the States. Still we have proposed a measure which we believe will produce this effect to a limited extent. Our chief objects in adopting the Independent Treasury, are to disconnect the Government from all banks, to secure the people's money from the wreck of the banking system, and to have it always ready to promote the prosperity of the country in peace, and defend it in war. Incidentally, however, it will do some good in checking the extravagant spirit of speculation, which is the bane of the country.

In the first place, by requiring specie in all receipts and expenditures of the Government, you will create an additional demand for gold and silver to the amount of five millions of dollars per annum, according to the estimate of the President. A large portion of this sum will be drawn from the banks, and this will compel them to keep more specie in their vaults in proportion to their circulation and deposites, and to bank less. This, so far as it may go, will strike at the root of the existing evil. I fear, however, that it will prove to be but a very inadequate restraint upon excessive banking.

In the second place, this bill will, in some degree, diminish our imports, especially after June, 1842. I most heartily concur with the Senator in desiring this result. What is the condition of the importing business at the present moment? It is almost exclusively in the hands of British agents, who sell all the manufactures they can dispose of in other portions of the world, and then bring the residuum here to glut our markets. According to our existing laws, they receive a credit from the Government for the amount of its duties. They sell the goods for cash; and this credit becomes so much capital in their hands, to enable them to make fresh importations. The Independent Treasury bill requires that all duties shall be paid in gold and silver; and after June, 1842, the compromise law will take away the credits altogether. We shall then have a system of cash duties in operation, which will contribute much to reduce the amount of our importations, and to encourage domestic manufactures.

In the third place, this bill will make the banking interest the greatest economists in the country, so far as the Government is concerned. Their nerve of self-interest will be touched in favor of economy, and this will induce them to unite with the people in reducing the revenue and expenditures of the Government to the lowest standard consistently with the public good. They will hereafter abhor a surplus revenue, as much as they delighted in it formerly, when they used it for banking purposes. Any surplus which may exist in future, will be locked up in gold and silver in the vaults of our depositories; and, in proportion to its amount, will deprive the banks of so much of their specie. They will, therefore, become the partisans of reducing the revenue to the actual and necessary expenditures of the Government; so that the specie may flow out of the sub-treasuries with a rapidity corresponding with its influx. Nothing but a large surplus can seriously injure the banks. This was demonstrated to me by one of the most distinguished financiers which our country has ever produced, not himself, I believe, friendly to the Independent Treasury. These Treasury drafts, in the natural course of business, will find their way either into the banks at the very points where our depositaries are situated, or into the hands of individuals there having duties to pay to the Government. Take, for example, New York. A public creditor receives such a draft on the receiver-general in payment of his debt. Will he carry it to New York, receive payment, and transport the specie from that city? Such instances will be rare. He will generally deposite it to his credit in the bank with which he transacts his business, wherever that may be. This bank, if not in New York, will transmit it for collection to one of the banks there; and thus these banks will draw the specie from our depositary as rapidly as it is drawn from them for the payment of the public dues. Thus the equilibrium will be preserved, so long as the Government is without a large surplus. In other instances, these drafts will be sought after and procured by individuals having duties to pay, and they will be presented to the receivers-general, and accepted by them instead of gold and silver.

I now come to another and the most important portion of the gentleman's argument. If the President had taken the Senator from Kentucky under his umbrella, and wrapped his India-rubber cloak around him, and made him his Palinurus to steer the ship of State—

[Here Mr. CLAY said this was not a possible case.]

Mr. BUCHANAN replied, that all things are possible, and wonders will never cease. I admit that such an event is not very probable; but should it ever occur, true as the needle to the pole, the Senator would steer direct for a National Bank. This is the Senator's sovereign panacea for regulating the currency of the country and restraining the extravagance of the State banks. I admit that the true issue now before the country is between an Independent Treasury and a National Bank. "The Pet Bank" deposite system has been such an utter failure that another resort to it cannot be seriously contemplated by any considerable portion of the American people. I feel the utmost confidence in the success of the Independent Treasury, should the law be ably and efficiently executed; but should it fail, the next experiment will doubtless be another Bank of the United States.

Waiving, at present, the constitutional question on which I have often expressed my opinion before the Senate, I propose to take up the Senator's argument, and prove that such a bank would not regulate the currency if it could; and that even if it felt the will to do so, it would be entirely destitute of the power.

Would such a bank, then, if it could, control and regulate the loans and issues of the State banks? In the affairs of human life, if you expect one agent to restrain another, you ought to render their interests conflicting. This proposition is emphatically true, when such agents are banking corporations, intent upon declaring the largest possible dividends among their stockholders. Now a Bank of the United States, so far from feeling any interest adverse to the State banks, would have the very same inducements with them to make extravagant loans and issues. The duty of such a bank, as a regulator of the currency, would be directly at war with its interest as a banking institution. You cannot raise men above the selfish passions of their nature, by making them directors and stockholders in a Bank of the United States. When their interest as bankers conflicts with their duty as regulators of the currency, the history of mankind points you to the probable result. Like the State banks, they will always extend their loans and their issues, whenever they can do so without endangering their own security. This is the powerful instinct of self interest. It is absurd, then, to expect that the president and directors of a Bank of the United States will ever become safe and efficient regulators of the currency, in the very face of their own interest as stockholders. It would be easy for me to prove, from historical facts, that neither the former nor the present Bank of the United States ever did exercise a regular and efficient control over the issues of the State institutions. On the contrary, whenever their interest impelled them to extend their own issues, they have pursued this course; and thus, instead of checking, they have given loose reins to the State banks. Both the Bank of the United States and these banks have thus together rushed on, and with united forces have ministered to that spirit of overtrading and extravagant speculation which has so often desolated our country. Time will not permit me to do more than refer to the vast expansions of this Bank in 1817 and 1818, in 1823, in 1831, and in 1834. These produced ruinous contractions and universal distress. I think I may affirm, with perfect safety, that at each of these periods, instead of restraining the State banks, it took the lead. Has it ever preserved the State banking institutions in a sound condition? Let Mr. Gallatin answer this

quession. He says that one hundred and sixty-five of our banks broke between 1811 and 1830; and during the greater part of this period, we all know that the present Bank of the United States was in active existence.

My great object, however, at this moment, is to prove, from the present condition of the Bank of the United States, how hopeless it is to expect that any similar institution can ever be relied upon as a regulator of the currency. That Bank still exists, if its present condition may be called existence; and this is the first occasion on which I have ever known the Senator to be guilty of ungratefully abandoning an old friend in the hour of calamity. Before I take my seat, I shall endeavor to identify the gentleman and his party with this institution. "They were lovely in life, and in death they shall not be divided."

It is said that the Bank of the United States is now but a mere State institution. But is its character changed by changing the source whence it derives its charter? Is it not still the same institution that it ever has been, with the same capital, the same directors, the same stockholders, and, until very recently, has it not been governed by the same controlling will? Has it not been exultingly proclaimed by its former president, that it now has a much better charter from Pennsylvania than that which it had received from Congress? This is strictly the truth; for such a charter as that under which it now exists was never before granted to any banking corporation, either in England or this country. The United States, it is true, ceased to be a stockholder; but it enjoyed the privilege of selling their seven millions of stock, for which it could have procured, and doubtless did procure, a large advance.

From the very nature of things, this vast monopoly, with a capital of $35,000,000, could not have become a State institution. A single State, with more than a sufficient number of State banks already in existence, could not have furnished employment for its immense capital. It would have starved within such narrow limits.

Did it, in point of fact, confine its operations to Pennsylvania? No, sir; it aspired to regulate the currency and exchanges of the whole Union. This was the high political duty to the performance of which it proclaimed itself destined. To tell me that this Bank all at once changed its character and became a mere State institution, simply because it had received a charter from the Legislature of Pennsylvania, is to deny the evidence of our own senses. Was not the currency issued under the new charter, as well as that under the old, declared, in 1836, to be the best currency which the world had ever seen? Did not the new notes command the same premium, all over the Union, with the old ones; and would they not still continue to command the same premium if it had not fallen—fallen from its high estate?

Why, sir, it became, in fact, more a Bank of the United States after it received its Pennsylvania charter than it had ever been before. It bought up State banks and converted them into branches, in Louisiana and in Georgia; and it shot out its branch agencies over the whole Union. In New York it has established a branch bank, under their free banking law.

Since its new charter, not content with the whole United States as the theatre of its operations, it has established an agency in England, and aspired "to beard the lion in his den," and to become the rival of the Bank of England in London itself. It scorned to confine itself to banking operations alone; but has invaded the province of the merchant, and has attempted to monopolize and regulate the whole cotton trade between Europe and this country. And yet this Bank is now said to be a mere Pennsylvania institution!

Now, sir, how has it succeeded in the task which it imposed upon itself—of regulating the bank issues, and the foreign and domestic exchanges of the Union? In little more than one year after its charter from Congress had expired, whilst in all respects it was under the same government, and continued to pursue the very same course of policy that it had done before, it became insolvent, and suspended specie payments with less than one million and a half of gold and silver in its vaults, or less than one dollar for twenty-three of its capital, to meet all its immense liabilities. Their amount at the time I do dot recollect at present, nor have I the means of ascertaining it in my possession.

Now, Sir, I would ask the Senator, is there the least reason to believe that if this bank had continued to be the depositary of the public revenue until May, 1837, that its fate would have been averted, or that we should not then have had a general suspension of specie payments? Why, sir, the public deposites would only have added fuel to the flame; and would have tempted the Bank to engage in still wilder speculations. The overbanking and overtrading of 1836, which were conducted under its auspices, would have become still greater—the expansion would have been still more extravagant—the bloated credit system, which enabled us in that year to import foreign merchandise to the value of nearly one hundred and ninety millions of dollars, might have raised our imports up to two hundred and fifty millions; and the catastrophe which followed would have been still more dreadful.

In order to repair its fallen fortunes, true to the law of its nature, this Bank has since proceeded from one extravagance to another, until it is now almost a heap of ruins. Instead of controlling and regulating the other banks of the country, it has notoriously been the chief, nay, almost the only cause, of the existing suspension of specie payments. The glory of which its friends now boast is, that it has been able to borrow £800,000 sterling, at an extravagant rate of interest, from private bankers in England, to save it from immediate bankruptcy and ruin. Alas! how are the mighty fallen!

And it is by the creation of another such institution that the Senator seeks to regulate the currency, and control the bank issues of the country! Why, this is faith against fact; speculation against experience. This would be to adopt, as our grand regulator, an institution precisely similar to that which has been the great author of our vast bank expansions, and our bloated credit system; and which has fallen under the weight of its own extravagance. With all the experience which the people of the United States have had upon this subject, it will be long, I trust, very long, before they return to a Bank of the United States.

But I proposed to prove that, even if a Bank of the United States had the disposition to restrain the loans and issues of the State banks, it would not possess the power. I suppose a case for the sake of the argument, which can scarcely ever exist, because, as a regulator of the currency, it would have a duty to perform directly at war with the interest of its stockholders.

The only mode by which it has been thought that this object could be accomplished, was for the Bank of the United States, confining its own business within safe and proper limits, to receive the notes of the State banks on deposite and in payment, and to call upon them at short periods to pay the balances in specie. But, in the nature of things, it would be impossible for such a bank to receive the notes, and restrain the overissues of more than a very few of the eight hundred banks, which are now scattered over this country. Each of these banks has its own limited sphere of circulation, and they are not compelled to receive the paper of each other. In point of fact, this is not generally done; nor could any Bank of the United States be required to receive all the notes which these eight hundred paper manufactories are constantly pouring out upon the public. From the law which regulates currency, that which is the worst, has always the most extensive circulation. Individuals will always hold fast by the gold and silver, and pass away the bank notes; and of these notes, they will pay out the doubtful, and preserve those which are above suspicion. No Bank of the United States, however great its capital, and extended its powers, could ever reach the evil. It could never transact business with one bank in ten, I might say in twenty, of the whole number.

But it is in vain to speculate upon this subject. Experience is the best teacher. One fact is worth one hundred arguments. Independently of the adverse experience of our own country, the experiment has been tried by the Bank of England under the most auspicious circumstances, and it has utterly failed.

The real capital of the Bank of England is about seventy millions of dollars, and it has ten branches at the most commercial and manufacturing points of the kingdom. In 1836, the rate of foreign exchange was largely against England. The specie of the Bank was, therefore, gradually drawn from its vaults for exportation. It became necessary, for its own salvation, that it should make a vigorous effort to diminish the amount of the circulating paper medium, and thereby restore the equilibrium of the foreign exchanges. The bank credits and currency of England had become so inflated, and, in consequence, the prices of all articles had advanced to such a standard, that, to use the language of one of their own statesmen, it had become the best country to sell in, and the worst country to buy in, throughout the world. It was profitable, therefore, to import every foreign production which could be admitted to entry, and on account of the high paper prices of their domestic productions, their exports were greatly diminishhd. The consequence was, a continued and ruinous drain of specie from the Bank of England to adjust the balance of the trade against that country. The bank well knew that, if it could limit the amount of the paper circulation, it would reduce the price of their home productions in the same proportion, and thus render it profitable for foreign merchants to export British manufactures instead of specie. For this purpose it contracted its loans and issues, in the vain hope that the joint stock and private banks would be compelled to follow its example. In our slang, it put the screws upon them. What was the result? I shall not enter upon a detail of particulars. It is sufficient to say, that, as it contracted, the other banks of the kingdom expanded their loans and their issues; and that, too, in a greater proportion than its loans and issues were diminished. Prices still continued to rise, and bullion still continued to be drawn out of the Bank for exportation. The utter impotency of this grand regulator of the currency to control the other banks and keep the paper currency of the kingdom within such limits as to arrest the exportation of gold and silver, has thus been so clearly demonstrated, that many of the ablest British statesmen despair of accomplishing the object in any other manner than by restricting the issues of paper money to a single bank, and regulating their amount by the agency of the Government. Here, then, is an important fact incontestably established. If this be true, and there can be no question of its truth, I would ask the Senator how a National Bank, even with a capital of fifty millions of dollars, could regulate and restrain, within proper limits, the loans and issues of eight hundred State banks, scattered over the whole extent of this vast country? The thing is impossible. It could not be accomplished by such a bank.

And what is the condition of the Bank of England at the present moment? According to the testimony of Mr. Horsley Palmer, its president, given before the secret committee of the House of Commons, previous to its recharter in 1833, the principle on which it had proceeded in regulating its issues, was to keep as much coin and bullion in its coffers as amounted to a third part of its liabilities, including sums deposited, as well as notes in circulation. Experience had established the fact, that this rule of one for three of circulation and deposites was the safe proportion. Its necessities have compelled it to depart widely from this rule of its own creation. Instead of being able to regulate the loans and issues of other banks, it has with difficulty been able to save itself. It has been going down and down, until, according to the last quarterly statement of its condition which I have seen, it had not one pound sterling in bullion for seven of its circulation and deposites. In this respect it is in a much worse condition than many of the banks in our own country. In order to save itself from utter ruin, British pride has humbled itself so much, that the Bank of England became a suppliant to that of France for a supply of bullion, which was graciously, though condescendingly, granted. This fact

is the highest evidence it is possible to present of the advantages which a country, the basis of whose circulation is gold and silver, enjoys over another country, whose paper currency is greatly expanded. The Bank of England will probably never see the day, under its present charter, when its bullion will again be equal to one-third of its circulation and deposites. Indeed, one bad crop, in its present condition, would drain it of its gold and silver for the purpose of purchasing foreign grain, and compel it to suspend specie payments. Neither this bank, nor the Bank of the United States, can ever be relied upon as regulators of the loans and issues of the other banks of their respective countries.

The Senator from Kentucky would have "*a well regulated* Bank of the United States." He lays great emphasis upon the words "*well regulated.*" Does he mean to insinuate that the present Bank of the United States, under its charter from Congress, was not the best regulated bank which the world ever saw? I had thought, that, in his opinion, this Bank was perfection itself. The truth, however, is, that any regulations which you can prescribe in the charter of such an institution, will be disregarded, whenever a powerful interest dictates their violation. Like the strong man in the Scriptures, it will snap the cords by which it is bound, as if they were thread. It will calculate upon violating its charter with perfect impunity, because it well knows how unwilling Congress would be to inflict so much evil upon the country as would necessarily result from its sudden destruction. Once put such an institution into successful operation, and you can no longer regulate its motion by the restrictions of its charter. The present Bank was ever a lawless institution, up until the day when it fraudulently seized upon the entire circulation of the old Bank, illegal branch drafts and all, and compelled Congress to pass a law making it a penitentiary offence in its officers to reissue these "resurrection notes." Under its State charter, it has been true to its original character. Although it now has a charter such as no other banking institution ever had, it has already been guilty of several palpable violations of this charter, independently of having twice suspended specie payments. I shall not trouble the Senate with the enumeration of these violations. It is now at the mercy of the Legislature. It has pronounced its own doom under its own charter; and it now only remains for the Legislature or the Governor to carry this sentence into execution, through the agency of the judicial tribunals. Whether they shall enforce this forfeiture or not, is for them in their wisdom to determine, not for me. I shall not, in this place, attempt to interfere with their high and responsible duties, although I should consider it the greatest of all bank reforms, if this Bank could be blotted out of existence.

The Senator ridiculed the idea that the establishment of a new Bank of the United States could prove dangerous to civil liberty. Such a Bank, with a capital of from fifty to a hundred millions of dollars, with branches in every State of the Union, directing, by its expansions and contractions, when prices should rise and when they should fall, would be a most tremendous instrument of irresponsible power. It would be a machine much more formidable than this Government, even if the Administration were as corrupt as the fancy of some gentlemen has painted it. There is a natural alliance between wealth and power. Mr. Randolph once said, "Male and female created he them." Combine the moneyed aristocracy of the country, through the agency of a National Bank, with the Administration, and their united power would create an influence which it would be almost impossible for the people to withstand. We should never again see these powers in hostile array against each other. In the days of Gen. Jackson we witnessed the exception, not the rule. Give any President such a Bank as I have described, and we shall hereafter have a most peaceful succession. With all the power of the Executive, combined with all the wealth of the country, he would be the most arrant blockhead in the world if he were not able to re-elect himself and to nominate his successor. All the forms of the Constitution might still remain. The people might still be deluded with the idea that they elected their President; but the animating spirit of our free institutions would be gone for ever. A secret, but all-pervading, moneyed influence, would sap the foundations of liberty and render it an empty name.

The immense power of such an institution was manifested in the tremendous efforts which it made against General Jackson. Had he not enjoyed more personal popularity in this country than any man who ever lived, these efforts would have proved irresistible. As it was, the conflict was of the most portentous character, and shook the Union to its centre. Indeed the Bank, at one time, would, in all human probability, have gained the victory, had the election of President chanced to occur at that period; and we should then have witnessed the appalling spectacle of the triumph of the Bank over the rights and liberties of the people. The Constitution of the country and the Democratic party would then have been prostrated together.

On Friday last, when I very unexpectedly addressed the Senate, I stated a principle of political economy which I shall now read from the book. It is this: "that if you double the amount of the necessary circulating medium in any country, you thereby double the nominal price of every article. If, when the circulating medium is fifty millions, an article should cost one dollar, it would cost two, if, without any increase of the uses of a circulating medium, the quantity should be increased to one hundred millions." The same effect would be produced, whether the circulating medium were specie, or convertible bank paper mingled with specie. It is the increased quantity of the medium, not its character, which produces this effect. Of course I leave out of view irredeemable bank paper.

I do not pretend that, on questions of political economy, you can attain mathematical certainty. All you can accomplish is to approach it as near as possible. The principle which I have stated is sufficiently near the truth to answer my present purpose. From this principle, I drew an inference that the extravagant amount of our circulating medium, consisting, in a great degree, of the notes thrown out upon the community by eight hundred banks, was injurious to our domistic manufactures. In other words, that extravagant banking and domestic manufactures are directly hostile to each other.

I did not understand that the Senator from Massachusetts [Mr. DAVIS] contested the general proposition that an increase in the currency of any country, without any increase of the uses of a circulating medium, would, in the same proportion, enhance the price of all the productions of that country whose value was not regulated by a foreign demand. He could not have contested this principle. If he had, all history and all experience would have been arayed against him.

The discovery of the mines of South America, and the consequent vast increase of the precious metals put into circulation in the form of money, have greatly enhanced the nominal price of all property throughout the world. Indeed it is now a matter of curious amusement, to contrast the low prices of all articles three centuries ago, with their present greatly advanced rates. The Bank of England recognises, and constantly acts upon this principle, though often without success. When prices become so high, in consequence of a redundancy of paper currency and bank credits, that it is more profitable to export the precious metals from the kingdom than its manufactures, this bank constantly diminishes its loans, raises the rate of interest, and reduces its circulation, with the avowed object of reducing prices to such a standard as will render it more profitable to export merchandise than bullion. It is in this manner that the Bank seeks to regulate the foreign exchanges.

But why need we resort to foreign nations for illustrations of the truth of this position, when it has been brought home to the actual knowledge of every man within this country. Have we not all learned, by bitter experience, that when our periodical expansions commence, the price of all property begins to rise? It goes on increasing with the increasing expansion, until the bubble bursts; and then bank accommodations and bank issues are contracted, the amount of the currency is reduced, and prices fall to their former level. This is the history of our own country, and we all know it. A certain amount of currency is necessary to represent the entire exchangeable property of a country; and if this amount should be greatly increased, without a corresponding increase in the exchangeable productions of the country, the only consequence would be a great enhancement in nominal prices. I say nominal; because this increased price will not enable the man who receives it to purchase more real property or more of the necessaries and luxuries of life than he could have done before.

Let me now recur to the proposition with which I commenced; and I repeat that I do not pretend to mathematical accuracy in the illustration which I shall present. The United States carry on a trade with Germany and France; the former a hard money country, and the latter approaching it so nearly as to have no bank notes in circulation under the denomiaation of five hundred francs, or nearly one hundred dollars. On the contrary, the United States is emphatically a paper money country, having eight hundred banks of issue; all of them emitting notes of a denomination as low as five dollars, and most of them one, two, and three dollar notes. For every dollar of gold and silver in the vaults of these banks, they issue three, four, five, and some of them as high as ten, and even fifteen, dollars of paper. This produces a vast but ever changing expansion of the currency; and a consequent increase of the prices of all articles, the value of which is not regulated by the foreign demand, above the prices of similar articles in Germany and France. At particular stages of our expansions, we might with justice apply the principle which I have stated to our trade with these countries, and assert that, from the great redundancy of our currency, articles are manufactured in France and Germany for one-half of their actual cost in this country. Let me present an example. In Germany, where the currency is purely metallic, and the cost of every thing is reduced to a hard money standard, a piece of broadcloth can be manufactured for fifty dollars; the manufacture of which, in our country, from the expansion of our paper currency, would cost one hundred dollars. What is the consequence? The foreign French or German manufacturer imports this cloth into our country, and sells it for a hundred dollars. Does not every person perceive that the redundancy of our currency is equal to a premium of one hundred per cent. in favor of the foreign manufacturer? No tariff of protection, unless it amounted to prohibition, could counteract this advantage in favor of foreign manufactures. I would to Heaven that I could arouse the attention of every manufacturer of the nation to this important subject.

The foreign manufacturer will not receive our bank notes in payment. He will take nothing home except gold and silver, or bills of exchange, which are equivalent. He does not expend this money here, where he would be compelled to support his family, and to purchase his labor and materials at the same rate of prices which he receives for his manufactures. On the contrary, he goes home, purchases his labor, his wool, and all other articles which enter into his manufacture, at half their cost in this country; and again returns to inundate us with foreign woollens, and to ruin our domestic manufactures. I might cite many other examples; but this, I trust, will be sufficient to draw public attention to the subject. This depreciation of our currency is, therefore, equivalent to a direct protection granted to the foreign over the domestic manufacturer. It is impossible that our manufacturers should be able to sustain such an unequal competition.

Sir, I solemnly believe that if we could but reduce this inflated paper bubble to any thing like reasonable dimensions, New England would become the most prosperous manufacturing country that the sun ever shone upon. Why cannot we manufacture goods, and especially cotton goods, which will go into successful competition with British manufactures in foreign markets? Have we not the necessary capital? Have we not the

industry? Have we not the machinery? And above all, are not our skill, energy, and enterprise, proverbial throughout the world? Land is also cheaper here than in any other country on the face of the earth. We possess every advantage which Providence can bestow upon us for the manufacture of cotton; but they are all counteracted by the folly of man. The raw material costs us less than it does the English, because this is an article, the price of which depends upon foreign markets, and is not regulated by our own inflated currency. We, therefore, save the freight of the cotton across the Atlantic, and that of the manufactured article on its return here. What is the reason that, with all these advantages, and with the protective duties, which our laws afford to the domestic manufacturer of cotton, we cannot obtain exclusive possession of the home market, and successfully contend for the markets of the world? It is simply because we manufacture at the nominal prices of our own inflated currency, and are compelled to sell at the real prices of other nations. Reduce our nominal to the real standard of prices throughout the world, and you cover our country with blessings and benefits. I wish to Heaven I could speak in a voice loud enough to be heard throughout New England; because, if the attention of the manufacturers could once be directed to the subject, their own intelligence and native sagacity would teach them how injuriously they are affected by our bloated banking and credit system, and would enable them to apply the proper corrective.

What is the reason that our manufactures have been able to sustain any sort of competition, even in the home market, with those of British origin? It is because England herself is, to a great extent, a paper money country, though, in this respect, not to be compared with our own. From this very cause, prices in England are much higher than they are upon the continent. The expense of living is there double what it costs in France. Hence, all the English who desire to nurse their fortunes by living cheaply, emigrate from their own country to France, or some other portion of the continent. The comparative low prices of France and Germany have afforded such a stimulus to their manufactures, that they are now rapidly extending themselves, and would obtain possession, in no small degree, even of the English home market, if it were not for their protecting duties. Whilst British manufactures are now languishing, those of the continent are springing into a healthy and vigorous existence. It was but the other day that I saw an extract from an English paper, which stated that whilst the cutlery manufactured in Germany was equal in quality with the British, it was so reduced in price, that the latter would have to abandon the manufacture altogether.

The Senator from Massachusetts, after all our experience, doubts whether our currency has been inflated beyond the proper degree; and to prove that it has not been, he says that the rates of exchange upon England have often been below par. This fact does not tend to prove that our paper currency is not inflated at home. Our foreign exchanges are regulated by the specie standard of the world, not by the amount of our bank issues at home; and whether they are above or below par, depends upon whether we are the debtor or the creditor nation. We ought always to be, and would always be, the creditor nation, if it were not for our extravagant speculations in foreign merchandise, produced by the redundancy of our paper credits and circulation. Our immense exports of cotton ought always to produce a balance of trade in our favor; and yet this is rarely the case. There is generally a particular period, however, in the progress of each one of our expansions and contractions, when exchange is in our favor. This occurs after our cotton and other exports have paid the debt previously contracted to foreign nations; and before we have had the time and the ability to get fairly under way in a new career of extravagant importations. To say that this circumstance proves that our paper currency is not inflated, is an argument which I cannot understand. It proves nothing but that Providence has provided us a resource in our vast production of cotton, which enables us to repair the injuries which we suffer from our extravagant speculations. It does not touch my argument to show the pernicious influence which our expanded currency exerts on our domestic manufactures. If it were not for this cause, exchanges would not only be occasionally, but always, in our favor; and the Bank of England could not exercise that controlling influence over our banking institutions of which the Senator from Kentucky so loudly complains. This influence is derived solely from the fact that we are almost always the debtor nation, as we must continue to be, until our wild speculations shall be arrested.

In addition to the reason suggested why foreign exchange has sometimes been in our favor, notwithstanding our extravagant importations, I might add another which has operated with vast power during the last two or three years. This is the immense amount of money which several of the States have borrowed from England within that period. This money constituted a fund on which bills were drawn to a large amount, and consequently reduced the rate of exchange. The payment of the interest on this debt, particularly as we shall probably not soon increase the principal, will operate hereafter in a contrary direction, and will tend to raise, not reduce, the rate of our foreign exchanges.

But the Senator from Kentucky [Mr. CLAY] leaves no stone unturned. He says that the friends of the Independent Treasury desire to establish an exclusive metallic currency, as the medium of all dealings throughout the Union; and, also, to reduce the wages of the poor man's labor so that the rich employer may be able to sell his manufactures at a lower price. Now, sir, I deny the correctness of both these propositions; and, in the first place, I, for one, am not in favor of establishing an exclusive metallic currency for the people of this country. I desire to see the banks greatly reduced in number; and would, if I could, confine their accommodations to such loans or discounts, for limited periods, to the commercial, manufacturing, and trading classes of the community, as the ordinary course of their business might render necessary. I never wish to see farmers and mechanics and professional men tempted, by the facility of obtaining bank loans for long periods, to abandon their own proper and useful and respectable spheres, and rush into wild and extravagant speculation. I would, if I could, radically reform the present banking system, so as to confine it within such limits as to prevent future suspensions of specie payments; and without exception, I would instantly deprive each and every bank of its charter, which should again suspend. Establish these or similar reforms, and give us a real specie basis for our paper circulation, by increasing the denomination of bank notes first to ten, and afterwards to twenty dollars, and I shall then be the friend, not the enemy of banks. I know that the existence of banks and the circulation of bank paper are so identified with the habits of our people, that they cannot be abolished, even if this were desirable. To reform, and not to destroy, is my motto. To confine them to their appropriate business, and prevent them from ministering to the spirit of wild and reckless speculation, by extravagant loans and issues, is all which ought to be desired. But this I shall say. If experience should prove it to be impossible to enjoy the facilities which well regulated banks would afford, without, at the same time, continuing to suffer the evils which the wild excesses of the present banks have hitherto entailed upon the country, then I should consider it the lesser evil to abolish them altogether. If the State Legislatures shall now do their duty, I do not believe that it will ever become necessary to decide on such an alternative.

We are also charged by the Senator from Kentucky with a desire to reduce the wages of the poor man's labor. We have been often termed agrarians on our side of the House. It is something new under the sun, to hear the Senator and his friends attribute to us a desire to elevate the wealthy manufacturer, at the expense of the laboring man and the mechanic. From my soul, I respect the laboring man. Labor is the foundation of the wealth of every country; and the free laborers of the North deserve respect, both for their probity and their intelligence. Heaven forbid that I should do them wrong! Of all the countries on the earth, we ought to have the most consideration for the laboring man. From the very nature of our institutions, the wheel of fortune is constantly revolving and producing such mutations in property, that the wealthy man of to-day may become the poor laborer of to-morrow. Truly wealth often takes to itself wings and flies away. A large fortune rarely lasts beyond the third generation, even if it endure so long. We must all know instances of individuals obliged to labor for their daily bread, whose grandfathers were men of fortune. The regular process of society would almost seem to consist of the efforts of one class to dissipate the fortunes which they have inherited, whilst another class, by their industry and economy, are regularly rising to wealth. We have all, therefore, a common interest, as it is our common duty, to protect the rights of the laboring man; and if I believed for a moment that this bill would prove injurious to him, it should meet my unqualified opposition.

Although this bill will not have as great an influence as I could desire, yet, as far as it goes, it will benefit the laboring man as much, and probably more, than any other class of society. What is it he ought most to desire? Constant employment, regular wages, and uniform reasonable prices for the necessaries and comforts of life which he requires. Now, sir, what has been his condition under our system of expansions and contractions? He has suffered more by them than any other class of society. The rate of his wages is fixed and known; and they are the last to rise with the increasing expansion, and the first to fall when the corresponding revulsion occurs. He still continues to receive his dollar per day, whilst the price of every article which he consumes is rapidly rising. He is at length made to feel that, although he nominally earns as much, or even more than he did formerly, yet, from the increased price of all the necessaries of life, he cannot support his family. Hence the strikes for higher wages, and the uneasy and excited feelings which have at different periods, existed among the laboring classes. But the expansion at length reaches the exploding point, and what does the laboring man now suffer? He is for a season thrown out of employment altogether. Our manufactures are suspended; our public works are stopped; our private enterprises of different kinds are abandoned; and, whilst others are able to weather the storm, he can scarcely procure the means of bare subsistence.

Again, sir: who, do you suppose, held the greater part of the worthless paper of the one hundred and sixty-five broken banks to which I have referred? Certainly it was not the keen and wary speculator, who snuffs danger from afar. If you were to make the search, you would find more broken bank notes in the cottages of the laboring poor than any where else. And these miserable shinplasters, where are they? After the revulsion of 1837, laborers were glad to obtain employment on any terms; and they often received it upon the express condition that they should accept this worthless trash in payment. Sir, an entire suppression of all bank notes of a lower denomination than the value of one week's wages of the laboring man is absolutely necessary for his protection. He ought always to receive his wages in gold and silver. Of all men on the earth, the laborer is most interested in having a sound and stable currency.

All other circumstances being equal, I agree with the Senator from Kentucky that that country is most prosperous where labor commands the highest wages. I do not, however, mean by the terms "highest wages," the greatest nominal amount. During the Revolutionary war, one day's work commanded a hundred dollars of continental paper; but this would scarcely have purchased a breakfast. The more proper expression would be, to say that that country is most prosperous where labor commands the greatest reward; where one day's labor will procure not the greatest nominal amount of a depreciated currency, but most of the necessaries

and comforts of life. If, therefore, you should, in some degree, reduce the nominal price paid for labor, by reducing the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your paper circulation, would this injure the laborer? Certainly not; because the price of all the necessaries and comforts of life are reduced in the same proportion, and he will be able to purchase more of them for one dollar in a sound state of the currency, than he could have done, in the days of extravagant expansion, for a dollar and a quarter. So far from injuring, it will greatly benefit the laboring man. It will insure to him constant employment and regular prices, paid in a sound currency, which, of all things, he ought most to desire; and it will save him from being involved in ruin by a recurrence of those periodical expansions and contractions of the currency, which have hitherto convulsed the country.

This sound state of the currency will have another most happy effect upon the laboring man. He will receive his wages in gold and silver; and this will induce him to lay up, for future use, such a portion of them as he can spare, after satisfying his immediate wants. This he will not do at present, because he knows not whether the trash which he is now compelled to receive as money, will continue to be of any value a week or a month hereafter. A knowledge of this fact tends to banish economy from his dwelling, and induces him to expend all his wages as rapidly as possible, lest they may become worthless on his hands.

Sir, the laboring classes understand this subject perfectly. It is the hard-handed and firm-fisted men of the country on whom we must rely in the day of danger, who are the most friendly to the passage of this bill. It is they who are the most ardently in favor of infusing into the currency of the country a very large amount of the precious metals.

The Senator has advanced another position in which I am sorry I cannot agree with him. It is this: that a permanent high rate of interest is indicative of the prosperity of any country. Now, sir, a permanent high rate of interest is conclusive evidence of a scarcity of capital, and is indicative of any thing but prosperity. I think, therefore, it will puzzle him, with all his ingenuity, to establish his proposition. To render a country truly prosperous, capital and labor must be so combined as each to receive a fair reward. In England, when the rate of interest was very high, the country was not at all in a flourishing condition; but as capital gradually accumulated, and the rate of interest consequently sunk, she became more and more prosperous, though she did not reach her highest elevation until money yielded considerably less than five per cent. But this subject is so little relevant to the question under discussion, that it is scarcely necessary to pursue it. If it were, it would be easy to show that a high rate of interest, generally, if not universally, enters into direct conflict with the wages of labor, which the Senator is so anxious to maintain. Suppose, for example, that it required a capital of $20,000 to put and to preserve an iron manufactory in successful operation. In one country the interest on this sum at ten per cent. would amount to $2,000, whilst in another it could be procured at four cent. or $800. The difference would be $1,200; and, unless this amount can be saved either by a reduction in the wages of labor, or in some other manner, the manufacturer who pays the higher rate of interest cannot endure the competition. A high rate of interest almost always presses upon the wages of labor.

If the gentleman's theory be correct, Wall street must be a perfect paradise of prosperity. *There*, the rate of interest for a long time has been permanently high, varying between two and four per cent. a month, or between twenty-four and forty-eight per cent. per annum. Post notes of the Bank of the United States have been discounted freely at two per cent. per month. With these facts before him, Mr. Jeffery would not now declare, as the Senator informs us he formerly did, "that this country was the heaven of the poor man and the hell of the rich." He might probably reverse the position, though it would be equally extravagant one way as the other. A country in which a rich man can realize from twenty-four to forty-eight per cent. for his money, would certainly be any thing but a place of torment for him. But what is the condition of a poor man in such a country? When capital commands such an extravagant interest to liquidate commercial debts, it will no longer be used in the employment of labor; and hence poor men must necessarily be thrown out of employment. Such a condition is any thing but a heaven for them.

The Senator exclaims with holy horror, "the Stuarts are still upon the throne, and Charles the Second has succeeded Charles the First." He has, I think, been very unfortunate in this historical allusion, if he intended to compare our Andrew with the first Charles. The enemies of Charles cut off his head, whilst our Andrew, politically speaking, cut the heads off all his enemies; and many of them were in such terror of him, that they dreaded he might turn the metaphor into a reality, and cut off their heads in earnest. Charles the Second did not succeed Charles the First. My Lord Protector intervened. Although he and the Senator from Kentucky are as different in other respects as two able and brave men can be, yet whilst he was speaking, it struck me that there was one striking point of resemblance between them. And what, sir, do you think that was? My Lord Protector always began and ended every thing as the Senator has begun and ended his speech—*with prayer*. Then in regard to the second Charles, I have a little *to* say. Of all men, the Senator ought to be the last to disparage our Martin. I have read of a great conquered General, who always pronounced his conqueror to be a very able and brave man, because, as the historian observes, it would have lessened the merits of the vanquished to have been overcome by a fool or a coward. The Senator, in speaking of Martin, ought rather to exclaim,

"Great let me call him, for he conquered me."

If, in addition, the little magician should be victorious over the hero of Tippecanoe, in the great battle to be fought the approaching autumn, and I have full faith that such will be the result, then he will go down to posterity with all "his blushing honors thick upon him."

Thanking the Senate for their patient attention, I shall now resume my seat.

SPEECH OF MR. WALKER, OF MISSISSIPPI,

In Senate, Tuesday, January 21, 1840—On the bill to provide for the collection, safe keeping, transfer, and disbursement of the public moneys.

Mr. WALKER said: I am not certain that my voice is yet so entirely restored, after recovery from severe illness, as to enable me fully to discuss the important questions involved in this bill. I will, however, endeavor to reply to some of the remarks of the Senator from Kentucky, [Mr. CLAY;] and in doing so, that Senator shall be treated by me with all the respect which is due to his age, experience, and long services. The Senator has referred, in his speech, to the political complexion of this body; he has complained that further delay had not been granted in proceeding to the consideration of this measure, and had more than intimated that if all the vacancies were filled, and the public will respected, that this bill could not pass the Senate. Here, then, a question of political statistics was presented, in examining which it became necessary to review the recent elections in this country, and to contrast the vote of the people of the several States with the condition of their representation on this floor. In making this contrast, however, no reflection will be cast by me upon the course of any Senator; for all will, no doubt, give their votes for or against this measure, from conscientious convictions of duty. In investigating the action of the people of the several States upon this question, I will examine the result of their most recent Congressional elections, as presenting the best general exponent of their views and wishes. Upon this basis, then, the following States, by their most recent elections, had declared in favor of this bill: namely, Maine, New Hampshire, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Alabama, Mississippi, Tennessee, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan; in all, eighteen States, constituting not only a majority, but two-thirds of the States of this Union. If New Jersey be not counted upon either side, although the popular vote was clearly in our favor, still the result will be seventeen States for, and eight against the measure, being still a majority of two-thirds of the States. And if Michigan, since the last Congressional canvass, may have assumed the attitude of opposition in her last legislative and gubernatorial election, Georgia, also, one of the States not enumerated in our favor, has, by a similar election, pronounced most clearly for this measure. Indeed, the State of Georgia, even in her last Congressional election, may be truly claimed as having pronounced in favor of this bill; for, whilst the entire Union party in that State, and their candidates for Congress, had declared in favor of this bill, a majority of their opponents had also, it was understood, announced their determination to support it, and will faithfully redeem this pledge. Such, then, was the voice of the people of the several States; such was the declared will of two-thirds of these States; and such would be the vote of the Senate, if the will of the several States, in the absence of legislative instructions, should control the vote of every Senator upon this bill. In denouncing then, with so much violence, this bill and its advocates, the Senator from Kentucky should remember that he is, in fact, denouncing the people of two-thirds of the States of this Union. It is the people, emphatically, who have pronounced in favor of this measure, and that too after the most searching inquiry, the most deliberate investigation, and the fullest discussion here and throughout the country. This bill has been the question upon which the battle has been fought and won, and it is under the flag of an Independent Treasury, that we have been enabled to rescue this Administration from the overthrow with which it once seemed to be threatened, by the desertion of the timid, the treacherous, or venal. Sir, when at opening of the special session in September, 1837, I announced my determination to support this bill, both by my votes and speeches, and that, too, with the specie clause inserted, my expulsion from this body by legislative instructions was predicted as absolutely certain. For a time, Mississippi seemed to vibrate upon this question; but now, what is the result upon the fullest discussion? Why, a majority in favor of the measure greater than any obtained in any preceding canvass. The majority in favor of Mr. Van Buren in the electoral canvass, was less than three hundred, now the majority in favor of this measure, at the last election, is more than three thousand, and was believed to be augmenting every day by new accessions from the ranks of our political adversaries.

But this result the Senator attributes to party movements. He says the people were opposed to this measure, but that the party screws were applied, and that a few appalling shrieks have been extorted in favor of the bill from its agonizing victims. Sir, if it were (as it is not) in the power of any Administration, by mere party discipline, to rally a majority in support of a measure against the popular will, by what power is this mental torture applied to the opponents of the President? How could the party screws be applied to them; and yet have not very many of the strongest opponents of the President; have not many entire States, heretofore always arrayed against us, changed their entire front, and now yield to this great measure a cordial and sincere support? Whence this wonderful revolution in public sentiment, this abandonment of party prejudice, this great accession from the ranks of our adversaries? It is the result of the most fixed and deliberate conviction on the part of the people in favor of this great measure. I, too, Mr. President, have seen the screws applied; I, too, have seen the struggling victim writhing in agony; I, too, have heard his shrieks, piercing as those of the wild sea-mew; but these shrieks were extorted by no application of the party screws. No, sir, it was the banks that had applied the screws of incorporated and moneyed power. It was these that had tempted their victim, in an evil hour, from the path of industry into the mad career of wild and extravagant speculation; it was these that had placed the paper die within his grasp, that seduced him onward with dazzling visions of unbounded fortune, and then, when the hour of peril came, consigned him to hopeless bankruptcy.

The Senator had, in his speech, again indulged in the exercise of his prophetic powers. He has again predicted the overthrow of this Administration and the installation of General Harrison in March, 1841. The Senator had often, previously, predicted the overthrow of this Administration, as well as of that which preceded it; and, so lately as in 1838, he had foretold that the present Congress would open with a majority of two-thirds against the Administration. Thus far, not one of the predictions of that Senator has ever been realized, but a result directly opposite had always followed. So invariably had this been the case, that the prophecies of that Senator should be interpreted as dreams; that is, to set down a result directly the reverse of that foreseen in the vision; and thus, if that Senator foretold a defeat, we might always expect a victory.

The Senator from Kentucky had thought proper to compare General Jackson and Mr. Van Buren to the Stuarts, to the Charleses of England, two of the most licentious and despotic monarchs. But England was disgraced by a monarch yet more arbitrary and profligate than either the first or second Charles. It was a Henry. I shall institute no comparison between this monarch and the Senator from Kentucky. None such, in truth, can be made; and yet the resemblance is quite as striking as that of either of the Stuarts to the late and present Chief Magistrate. As little similarity, also, was there in the original to the picture drawn by the honorable Senator of the American President, driving through the rain with his umbrella and India rubber coat, reckless of the situation of his fellow-citizens. No doubt this portrait was

lready ina the hands of the lithographer, for a caricature, as it seemed to have amused so much the gallery friends of the honorable Senator. This faculty of exciting a laugh in the gallery is one of the humblest powers of the human mind, and rarely combined with great intellectual vigor. Sir, when I want to laugh, I will buy my ticket for the theatre, and go and listen to farce or comedy; but if I possess d the comic powers of Mathews himself, they should not be exerted in this tribunal; and those who possessed this laughter-exciting faculty, even in the most eminent degree, should s ill reflect, that it was a faculty in which every harlequin was their equal, and every circus clown greatly their superior.

The Senator from Kentucky has drawn a gloomy picture of the present condition and future prospects of the country, and attributes it all to the measures of this Administration. No such thing, he says, occurred prior to the war upon the Bank of the United States. Has the Senator forgo ten his speech in 1824, when the then existing condition of this country was represented by him in quite as gloomy colors as those with which he darkened the present picture? So close, indeed, is the resemblance between these two addresses, that the Senator's speech of yesterday may well be considered but as the echo of the speech of 1824—it was the same portrait, scarcely retouched by the same remarkable artist—it was the same tragedy, rehearsed upon nearly the same boards, with scarcely a change of parts, by the same distinguished orator. That the Senate may know the facts, I will read an extract from the speech of that Senator of the 31st of March, 1824, in favor of a protective tariff.

[Here Mr. WAHLER read the following extract from Mr. CLAY's speech of 1824, as published in Niles's Register of that date, vol. 26, pages 378, 387, as follows:]

"In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestible character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and barn yards for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by an universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation which has, on an average, sunk not less than about fifty per cent. within a few years.

* * * * *

"The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able bodied men vary from five to eight dollars per month; and such has been the want of employment, in some parts of the Union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different."

Now, this picture of distress and ruin was drawn by that Senator during the very climax of the power of the Bank of the United States; and yet all this seems to have been forgotten by him, and I now understand him as asserting that we were exempt from all such calamities during the existence, and under the regulation, of a Bank of the United States.

[Mr. CLAY here explained as not having asserted that no such distress as the present had existed, during the charter of the National Bank; but that never, during its existence, had this distress been attributed, as it now was, to the power over us of the banks and currency of England.]

Mr. W. said he had not so understood the Senator, but received with pleasure his explanation. One thing, however, was certainly proved by this speech, that, in 1824, during the existence and full operation of the Bank of the United States, there was greater and more universal distress—more stagnation of business—more laborers unemployed, and a greater reduction of wages, than at the present period. Wages, we were then told by the Senator, were at but "from five to eight dollars per month," being no greater than in England. And yet all this occurred when the Bank of the United States had reached the zenith of its power—when its late distinguished president (Mr. Biddle) presided over its operations—when it was in the eighth year of its chartered existence—when it enjoyed the Government patronage, and received on deposite all the public revenues, and when not a hand or voice was raised against it. Where, then, was its boasted regulating power? where its ability to have prevented, or even mitigated in any degree, the catastrophe which then overwhelmed us. And to what, among other causes, did the Senator then attribute the embarrassments of 1824? It was to the "*perilous use of paper money*;" and to the same cause may we just as truly trace the present disasters. Paper money was the fatal cause of all the disasters of 1824; it produced the explosion of 1814, of 1818–19, of 1837, and of 1839, and will continue to produce here, as it ever has done elsewhere, periodical revulsions, suspensions, and disasters, so long as the system is continued. Eradicate the paper system, and you will remove the great cause of all our evils; and any thing short of this will be but temporary expedients; resumption will be but the signal for another suspension, until these revulsions shall become annual, and the system die by its own hand, the death of the suicide; or expel all the precious metals, destroy the standard of value, convert bank paper into a legal tender, not merely to the Government, but to the people, and thus overthrow the Constitution, subvert the liberties of the country, and the rights of the people, and establish the reign of a bankocracy, more sordid, ruinous, and despotic, than that of any monarch, however absolute.

But the Senator now asserts, in his explanation, that although there may have been distress during career of the National Bank, yet never during its existence had we heard of our dependence upon English banks and currency, and the reaction produced here by their contractions and expansions. The Senator is mistaken. This same reaction of British power upon our prices and our prosperity, was heard of and described in this very year, 1824. Had I anticipated the assumption of this position, I could have encountered it by extracts from various speeches; but it will be sufficient to quote from a speech delivered in Congress in April, 1824, by the distinguished Senator from Massachusetts [Mr. WEBSTER]

Here Mr. W. read from Mr. WEBSTER's speech of 1824, as contained in Niles's Register, vol. 26, page 411, as follows:

"The paper system of England had certainly communicated an artificial value to property. It had encouraged speculation, and excited overtrading. When the shock, therefore, came, and this violent pressure for money acted at the same moment on the continent and in England, inflated and unnatural prices could be kept up no longer. A reduction took place, which has been estimated to have been at least equal to a fall of 30, if not 40, per cent. The depression was universal; and the change was felt in the United States severely, though not equally so in every part of them. There are those, I am aware, who maintain that the events to which I have alluded did not cause the great fall of prices; but that fall was natural and inevitable, from the previously existing state of things, the abundance of commodities, and the want of demand. But that would only prove that the effect was produced in another way, rather than by another cause. If these great and sudden calls for money did not reduce prices, but prices fell, as of themselves, to their natural state, still the result is the same; for we perceive that, after these new calls for money, prices could not be kept longer at their unnatural height.

"About the time of these foreign events, our own bank system underwent a change; and all these causes, in my view of the subject, concurred to produce the great shock which took place in our commercial cities, and through many parts of the country. The year 1819 was a year of numerous failures, and very considerable distress, and would have furnished far better grounds than exist at present for that gloomy representation of our condition which has been presented. Mr. Speaker has alluded to the strong inclination which exists, or has existed, in various parts of the country, to issue paper money, as a proof of great existing difficulties. I regard it rather as a very productive cause of those difficulties; and the committee will not fail to observe that there is, at this moment, much the loudest complaint of distress precisely where there has been the greatest attempt to relieve it by systems of paper credit. And, on the other hand, content, prosperity, and happiness are most observable in those parts of the country, where there has been the least endeavor to administer relief by law. In truth, nothing is so baneful, so utterly ruinous to all true industry, as interfering with the legal value of money, or attempting to raise artificial standards to supply its place. Such remedies suit well the spirit of extravagant speculation, but they sap the very foundation of all honest acquisition."

Many important admissions are here made by the Senator from Massachusetts. The disasters of 1824 are plainly attributed by him chiefly to our "systems of paper credit," and the reaction upon it of "the paper system of England." We are distinctly told that our paper system had produced here "artificial" prices and "extravagant speculation;" that the same system in England had there "communicated an artifical value to property," and when the shock took place in England, prices fell there, and the "change was felt in the United States severely." What change? Why, that change and fall of prices in England, which the Senator distinctly asserted was produced by "those great and sudden calls for money," arising out of the contractions of the English banks, which reacted upon our paper system, and finally produced here the same fall of prices and catastrophe with which England was first overwhelmed. Here, then, in this very speech of the Senator from Massachusetts, designed to be read by me for a different purpose, the position of the Senator from Kentucky is overthrown, and it is shown that, in 1824, during the climax of the power of the National Bank, the then existing catastrophe was distinctly attributed to the reaction upon our paper money and prices, produced by the curtailment of the British Bank, and the fall of prices first in that Empire. But as the Senator from Massachusetts is deservedly the highest authority with the Whig party of the Union, because possessing the greatest intellectual power, I have read this extract from his speech in 1824, to prove that, during the existence and pretended regulating power of a National Bank, he admitted that our *paper money system* was the "very productive cause of (all our) difficulties." Most truly did he then describe it as "utterly ruinous to all true industry," as "creating artificial standards" to supply the place of the "legal currency," as introducing "the spirit of extravagant speculation," and sapping the very "foundations of all honest acquisition." Such were the views of the Senator from Massachusetts in 1824; such were the causes to which he attributed the catastrophe of that period, and did not the same causes produce the same effects here in 1837?

At the special session, in September, 1837, in an humble effort made by me upon this floor, in favor of the Independent Treasury bill, with the specie clause, I asserted the following opinions upon this subject, which, in illustration of this topic, I will now read, as follows, from that speech, as then published:

"Yes, the creation of this great bank power, to become the ally of the British bank and bankers, is indeed a question not only affecting the forms of our Government here, but a question whether these States shall be recolonized—whether the English bank and its American allies, shall regulate all our commerce, and the price of all our products. It is now boldly asked, that England should have a vast circulation of gold and silver, but that we should have very little silver, and no gold, and substitute bank paper, controlled by the power which retains the metals. That money should be debased in value here, to enable England to control our business and circulation—that England may sell her imports here at our paper prices, whilst she gives for our exports the diminished price arising from a metallic or chiefly metallic currency. No nation could long stand the operation of such a system; but the exporting States, the price of whose staple depends chiefly upon the English market, and not the amount of American paper money, would soon be reduced to absolute bankruptcy. With the expansion of the paper money here, every article the planter desires to purchase would be enhanced in price, whilst his cotton, regulated by the English market and currency, would remain nearly stationary; till soon the expense of raising cotton would be so greatly increased, whilst the price of the article remained nearly the same, that little or no profit would be derived from the culture. It is not the nominal paper prices of property here that gives real prosperity to the planter, but the nett profit upon the staple he raises, in calculating which the expenses of raising the article, arising from the expansion of American paper money, is precisely so far a diminution of his profits. Upon the exporting States, then, is thrown nearly the whole burden of this system. They participate in all the evils of an explosion, and during the expanding process, whilst they give more for every article connected with conducting a plantation, their great staple experiences no correspondent rise, being governed by the less inflated European money market. To illustrate this position, suppose, from the absence of bank paper, the expense in Egypt, the East Indias, or Brazil, of raising cotton, including the interest on capital, was one cent per pound, whilst here, from the paper expansion, it was six cents per pound; how long could we withstand the competition, the cotton of all other countries bringing in Europe the same price as our own? Is it not evident that a few years more of expansion of the American paper system would reduce the exporting States to absolute bankruptcy, and the whole country to the most abject dependence on the money power of England, selling high her imports here by the false standard of our paper money, and purchasing low all our exports at the price regulated by her less inflated currency? In this way, England would vastly retard our actual increase of national wealth, by selling her imports to us at our paper prices, for a vast amount, and giving us a less price for our exports, estimated by her nearer approach to a metallic currency. Is it not seen, in this exchange of imports for exports, we get, for the same money,

fewer imports, and England more exports, by the precise ratio in which imports are raised in price here by our paper money, and exports depressed by being measured by a currency more nearly metallic; and thus the whole nation sustains a great loss?

"It would be most curious and instructive to compare tables from 1790 to the present period, representing the prices current of cotton, of domestic produce consumed wholly in the United States, and the amount of paper circulation. These tables I have neither had the time or opportunity to prepare; but this much must be known to every Senator, that as the paper money, before an explosion, rose in amount, domestic produce rose also, whilst cotton at the same period repeatedly fell, being regulated by the European money market. One fact alone will be conclusive evidence of the principle, that whilst from 1815 to 1825 the prices of our cotton, including Sea Island, averaged eighteen cents per pound, from the latter period to 1835, inclusive, the average price was less than twelve cents per pound, whilst, from 1815 to 1835, our paper circulation has nearly doubled. The price of our cotton then, instead of augmenting with the increase of our paper money, *has actually greatly fallen under the operation.*"

* * * *

"The continuance of such a system renders all the toil, and labor, and products of industry, perfectly useless, for, when the balance returns in our favor from abroad, even in gold and silver, it is only to find its way into the vaults of the banks, that these our paper masters may make these metals the foundation of new emissions—new overissue and new explosions. If any can doubt this last result, let them reflect upon this, which is a fixed law of the monetary system, that when great expansions of bank issues, *whether in the paper of National or State banks*, takes place here, prices of all products or articles consumed here rise also; exports remaining unaffected in price by this event. And what follows? Why the value of money being less here, and prices higher than in foreign countries, where no expansion of the currency has taken place, the course of exchange rises against us in nearly the ratio in which specie, the universal standard, will buy more in the foreign country than in our own; specie comes not here, for it is sunk here to the level of our yet convertible bank paper. But prices of almost every article being much higher here than abroad, vast importations, beyond the power of the country long to consume, necessarily ensue; our bank paper is forced upon the banks for redemption in specie, to be shipped abroad, where it is more valuable than here; and explosion soon follows. So certain and unerring is this rule, that instead of there being written on the face of all our bank notes a promise to pay in specie on demand, the promise should be, if truth were consulted, not to pay on demand in specie in the contingency above described, and shown to be inevitable."

And have not these views, in 1837, been all confirmed by the new crisis of 1839? Have we not had another suspension in the short period of two years? has it not been the result of our paper system and the reaction arising from the curtailments of the banks at home and abroad? and is it not now a question, whether these States shall be re-colonized—whether we shall burn the Declaration of American Independence, and for all the purposes of trade and commerce, and in all that concerns our industry, be reannexed to Canada, as a component portion of the British realm? And it ever has been, and will be, that, with equal advantages, the paper money country, will be the wretched dependent upon the hard money nation. The paper system of England is better than ours; their bank issues no notes under about twenty-five dollars, whilst we descend every where to five dollars, and, in many States, to one and two dollar notes, rendering the currency almost exclusively of paper. Our moneyed system then must, under these circumstances, ever be more tremulous and feeble than that of England, and hence her power to decree a suspension of our banks, and an overthrow of our business, whenever she thinks proper to do so. Hence, also, the fact stated by the Senator from Kentucky, that the Bank of England borrowed ten millions of dollars from the bankers of Paris. This is true, and why is it that England borrows from France, and America from England? It is caused by the difference of currency. France permits the issue of no bank note under about ninety dollars, England none by her bank under about twenty-five dollars, while we descend to one and two dollar notes England then begs from hard money France, and we from England. Yes, we beg from the beggar, and the hard money country being unembarrassed, will always be able to loan to the paper money nation; and thus it is, that Holland, with her gold and silver currency, loans to all the world, and we borrow from all the world to relieve us as a temporary expedient from the wretched effects of the paper system. Yes, the Bank of England, with its enormous capital, and backed by the use of two hundred millions of British revenue, became a mendicant for a loan in the streets of Paris, to save it from inevitable bankruptcy, whilst our Bank of the United States became a beggar from the beggar in the streets of London, but too late to save her from insolvency; and such will ever be the miserable and abject depencence upon foreign influence, arising from the paper money system. It is, in fact, a system by which we of America must forever tread upon a mine of gunpowder, the match for the explosion of which is held in England, and can at any moment be applied at her pleasure.

But the Senator said, he considered it as admitted by the friends of the bill, that its effect would be to reduce the wages of labor. No such admission was made by me; but I said that the real value of the wages of labor would be enhanced by the introduction of a metalic currency. There are two kinds of prices, real and nominal; and there are two kinds of sales, sales for cash, and sales upon credit. Under the paper system there are no sales for cash, but all upon credit; either the credit given to the purchaser for his own note, or the notes of a bank. The sale for bank notes was still but a sale on credit. If, on making a purchase, I give in payment the note of a third person, it is a sale on credit; and it is the same thing when I give the notes of a bank. The transaction is delusive; it is nominally a sale for cash, but in reality upon credit. By these sales upon credit, the nominal prices of the wages of labor are augmented, but not the real value of those wages. The real value of his wages to the laborer, consists not in the nominal price paid him, but in the value of that price. Thus, if one man in a paper money country receives for his monthly labor thirty dollars, and it costs him in that country, from the enhanced prices of all the necessaries of life, thirty dollars a month to support himself and family, the real value of his wages is not so great as that of the laborer who may receive, in a hard money country, but fifteen dollars per month, and can with twelve dollars a month support himself and family; and I contend that the expulsion of bank paper will enhance the real value of the wages of labor. It is denied, so far as my knowledge extends, by no writer on currency, that upon the introduction of a paper currency, wages are the last thing to advance, and in the least proportion. By then the change from a metallic to a paper currency, the real value of the labor of wages, is depressed; and if this be so, how can it injure the laborer to return from a paper to a specie currency? The reason given by some for this relatively slower and smaller advance in the wages of labor upon the introduction of a paper currency is this: that the capitalists who employ laborers, being fewer in number, and more wealthy and powerful, can more readily combine to prevent a rise in the wages of labor. But, although this might have some slight temporary effect upon the first introduction of bank paper in a country, it appears to me wholly insufficient to account for the general and permanent prevalence of this great principle. The true reason for the rule appears to me to be this: that the existence of only a specie currency in any country increases most in that country the amount of and demand for labor, by creating markets for its product, both at home and abroad. The amount of labor must depend upon the markets for its products. These markets are first the foreign, and secondly the domestic market. Let us examine the effects of a paper currency, first as regards the foreign market. This currency enhances so much the cost of producing and manufacturing in the country where it exists, as to decrease the amount of its exports, and, also, to diminish the profits from the sale of these exports in a foreign market. With an expanded paper currency, will any one contend that we can export, at a profit, any article to any hard money country, whose soil and climate permit it to raise or manufacture the same article; and in relation to all articles which cannot be raised in a country with a specie currency, and which we do export there, our profit on those exports are greatly diminished, by the increase of expense of raising them in a paper money country; and thus, also, subjecting us to the hazard of being driven out of the market, or undersold by other hard money countries, raising and selling abroad the same species of exports produced at a greatly diminished expenditure. Thus the effect of the paper money system here, is clearly to diminish exports, and to decrease the profit of all we do export. Now what is the effect of the paper system upon the domestic market? It is to deprive the domestic producer and manufacturer even of the home market, to a great extent, and thus to diminish the amount of the products of labor. Thus, under our paper system, countries having a better currency, and manufacturing at a cheaper rate, are enabled, even in the face of high tariffs, to monopolise, or nearly so, even the domestic market, for most of the important articles of manufacture, which they could not do, if we had only a specie currency. Nay more, England first purchases here, for instance, the article of cotton, paying a high freight and insurance abroad, and a considerable duty upon the import of the raw material. She sends, then, the manufactured cotton goods into this country, paying a new freight and insurance, and a new and heavy duty upon the import here, and undersells the American cotton manufacturer, as to most articles, even in our own market. What is the cause? It is our miserable paper system, so much worse than that of England, which so enhances here the cost of manufacturing, as to sacrifice the American to the foreign manufacturer. And here, again, the American cotton grower is greatly injured, as well as the manufacturer. If, with our augmented production of cotton, we desire it to maintain a permanent profitable price, we must extend the consumption of the manufactured fabric. That consumption will be greatly increased, by diminishing the expense of manufacturing the raw material, and thus cheapening the price, and thereby extending the use, of the manufactured fabric. Give us here a specie currency, and having but little, if any, freight or insurance, and no duties to pay for the raw material, we can supply the world with manufactured fabrics at cheaper rates than England could possibly afford to do. And when we take into view, also, the cheaper rates at which we could then manufacture, equip and sail vessels, we could put down all competition, and export abroad or sell at home, not merely one million eight hundred thousand bales of American cotton, but nearly all of this cotton, which is now chiefly manufactured abroad, would be manufactured to an infinitely greater extent at home, to the extent, in a few years, of at least one million of bales per annum; making thus an annual difference in favor of our own country of at least fifty millions of dollars. Yes, there is not a plantation or city in the South, not a seaport or manufacturing village in any of the Eastern, Western, Northern, or Middle States, that would not feel a new impulse from the adoption of this great system. We have the greatest natural advantages of any country upon the face of the globe. We have the most fertile soil, the best climate, the most energetic and intelligent people, and the freest Government on earth, and ought to be the most prosperous of nations. Why is it otherwise? It is our paper system, that prostrates the labor and industry of the nation, that taxes labor and its products, that taxes our foreign exports nearly one hundred per cent. on the increased cost of production, that taxes in the same manner the great manufacturing and navigating interest, that destroys the profits of national industry, that decreases our exports, deprives us of the foreign market for most of these exports, and diminishes the profits upon all, and surrenders the domestic market for almost every product or manufacture of foreign countries having a better and sounder currency than our own. And all for what? To increase the nominal fictitious prices of sales upon paper credit, even whilst the system endures without a shock; but producing over importation here, from our inflated prices and diminished exports, creating just as certainly a demand for the precious metals from abroad, to liquidate that balance, thus created there, for which our bank bills are not receivable, and producing periodical suspensions and convulsions, and widespread ruin. And to what end? Why, that a few bank stockholders, less than one to one hundred and fifty of the people, may reap in idleness enormous profits, by substituting their fictitious paper credit in place of the constitutional currency of gold and silver; and let it be remembered, that when one of these convulsions comes, the demand

from abroad for the precious metals strikes down at once at least two-thirds of the currency of the country—the bank expansion being at least as three to one of paper for every dollar of specie—and the contraction being of course required to be in the same ratio, to maintain the proportions of the system. And let me say to all who propose to remedy the evil by a high tariff, that they never can or will succeed, and if they did enact such a law, it could not and would not be endured; and if it were, the bank paper system would soon counteract to them all its supposed beneficial consequences. It would still further diminish our exports, still more seriously depress the profits upon their sale, and, by impoverishing the South, deprive the North of the only market to which, under the bank paper system, the North could look for the sale of their manufactures. If the North destroys the South, they will ruin their best, almost their only customers, and ultimately overthrow their own prosperity; but by abandoning the bank paper system, all the great interests of the whole country will be permanently and wonderfully promoted. This paper system is, in fact, a duty levied upon exports, for the benefit of no interest whatever; it is a duty in the increased expense of production, equal to the cotton planter, to a forcible seizure of at least thirty bales out of every one hundred of his crop, and is more pernicious even than the odious tariff of 1828, and with no corresponding advantages to any section of the Union, but deeply injurious to all. But the system of a sound and specie currency, embraces in its advantages, the whole Union and all its parts; it comprehends every section, and advances every interest. Adopt it, and you will soon overthrow all sectional jealousies, unite all interests by the inseparable links of reciprocal benefits, and render our glorious bond of union as enduring as the continent upon which it exists.

By the official returns upon the files of the Senate, it appears that, from the 1st October, 1789, to 30th September, 1839, the totality of our exports was $3 557,829,951, and the totality of our imports, during the same period, was $4,339,713 649, being an excess against us of imports over exports of $781,883,698; and this vast sum, approaching near one thousand million of dollars, is, in truth, but a part of the bounty paid to foreign industry by debasing our currency, and thus yielding up to it, to so vast an extent, both the foreign and domestic market. In addition to this vast sum, the diminished exports, the decreased profits upon their sale, and the decreased products of every kind, will make the national loss, from the bank paper system, at least two thousand millions of dollars. We have seen that the total excess of imports over exports, from 1st October, 1789, to 30th September, 1839, was $781,883,698, the whole of which, except $196,055,021, occurred from 1791 till 1811, and from 1816 till 1834, during the wretched career of the two Banks of the United States; and with the exception of $71,560,171, it may all be truly said to have occured during the dominion of a United States Bank, for the present United States Bank, under its new charter, has inflated prices, currency, and fictitious credit, fully as much as any of its predecessors. One thing, however, is certain, that it is all the result of our bank paper system. Another fact is also clearly proved, that the first Hamiltonian tariff, nor the tariff of 1816, nor that of 1824, nor yet even that of 1828, arrested this ruinous excess of imports over exports. No, sir; it is not a high tariff that we want, but the most limited revenue duties with a specie policy, that is to command for us our own, as well as foreign markets, that is to advance all interests, in every section of the Union, and make it the interest of all to encourage free trade. But for the bank paper system the products of our industry would be more than double what they now are, and our population wonderfully augmented; and we should, long ere this, have passed England in the race for wealth and power, and will soon overtake and pass her now, if we will but abandon the wretched policy of debasing our currency, by the bank paper system, and thus closing, to the products of our own industry, nearly every market at home and abroad. If gentlemen, from the data on the files of the Senate, will make out tables from every year since 1789, exhibiting for each year in separate columns, first, the excess of imports over exports; second, the years of the chartered existence of the two Banks of the United States; third, the total amount of paper currency; fourth, the years of bank suspensions; and, fifth, the rate of duties under the then existing tariffs, the result will prove, that neither a Bank of the United States, nor a protective tariff, ever have saved, or can save, the country from these ruinous annual excesses of imports over exports, and nothing but a specie policy will reverse the spectacle, and exhibit our exports invariably exceeding our imports, and with at least 30 per cent. of an additional profit from decreased expenditures in producing and manufacturing. And I say now to the Senator from Massachusetts, [Mr. DAVIS,] that these tables shall be presented for the consideration of his constituents, as well as mine, from which, as a merchant would from his books and ledgers, they may calculate the amount of national profit and loss; and if, to a small extent, the excess of unfavorable balance is for a moment checked by ruinous tariffs, it is only the more surely to inflate the paper system in fully an equal degree, and render the explosion certain. Indeed this alliance between the banking and tariff systems has been conceded in many leading Whig papers of the Northern and Middle States, and its re-enactment demanded, as indispensably necessary to sustain the bank paper system. This alliance between these artificial systems of bank and tariff monopolies is natural, but it is as fatal to national industry and national profits as was the first great coalition between Sin and Death to the happiness of mankind.

The true wealth of a nation manifests itself in the augmented demands for labor, in the increased products of industry, in the profits upon those products, and the ability to sell them at home and abroad. The nett annual profit upon the national industry, is the truest measure of the national gains, and these profits are almost utterly annihilated by the bank paper system. Let us then abandon that system, and advance our country to that high destiny which would then await her. Let us abandon that abject dependence upon the moneyed power of England. Let us take from her grasp that moneyed talent, more potent than all her arms or navies, with which she can now, at any moment, explode our paper system, and overthrow, at one blow, all our great and cherished interests. Is this a time for this miserable dependence upon British power? Is this a time, when that haughty Empire is threatening to dismember one of the sovereign States of this Confederacy, when she is seizing and occupying a portion of that soil, within our undoubted limits, acquired by the toils of the Revolution, and not an acre of which ever can be surrendered, so long as there is one true American heart beating within an American bosom? Is this a time, too, when that power is gradually seizing upon the rich territory west of the Rocky mountains, and when she seems, with the view to force the sale of her poisonous drugs, to be threatening, by iniquitous blockades, to expel our flag and commerce from the Chinese coast—is this the period to forge the paper chains which are to bind all our industry and all our commerce to the footstool of British power? No: let us exert all our native energies and overthrow that system which is delaying our onward march as a nation to greatness, wealth, and power, and let us antedate that period when our exports and products, requiring no tariff, but carried throughout the world, shall vastly exceed those of England; let us antedate that period, when, as compared with us, England shall be but a feeble second-rate power, and let us draw nearer and nearer to that happy hour, that even our eyes may behold the glorious spectacle when not an acre of American soil shall be polluted by British dominion, or degraded by imperial or despotic power.

If, at one moment of creative will, it had pleased the Almighty power to establish, in either ocean upon this globe, two mighty continents, each with equal natural advantages, each with twenty millions of an equally intelligent and industrious people, and each with a hundred millions of a metallic currency—then, so long as each adhered to that currency, their march to wealth and power would be equal, and the exports to either would be rare indeed. But if, whilst one of these nations adhered to its metallic currency, the other embraced the banking and paper system, what would be the result? Why, the paper money country, from inflated prices within its limits, would soon be overwhelmed with imports from the country which retained the metals; its industry would soon be prostrated, and its system overthrown, and periodically overthrown, so long as the two countries retained their relative positions as a hard money and a paper money country; and greater still would be the calamity, if half a dozen continents should exist upon the same globe, to not one of which could the paper money nation export one article that could be raised within the country which adhered to the metallic policy. Is it not then seen in this comparison, that a banking and paper currency adds nothing to the wealth and products of a nation? What is this bank paper? It is not labor, nor its products, nor wealth, nor capital, nor any thing of intrinsic value. It is not money, for it is merely a promise to pay money; and is nothing in fact, but circulating debts; and their issue and augmentation augments nothing but the debts of a country. Every bank note is only a debt due to the holder of the note, and in every loan of its paper made by a bank, it augments nothing but the debts of a country, first by creating a debt to it by the borrower to the amount of the loan; and, secondly, a debt by it to all the holders of its notes. The banks then are the great cause of all that vast load of debt which has almost weighed down the energies of this great nation.

But the able Senator from Massachusetts, [Mr. DAVIS.] whilst he distinctly conceded the benefits resulting from a specie currency to the exporting and cotton growing States, the prices of whose staples are regulated by a foreign market, contends that this augmented profit to Southern planters, is so much taken from the free laborers of the North, in the diminution of their wages. I have already shown that the wages of labor are of more value under a specie currency, than in the absence of it; and that there would be a greater demand for labor, because of enlarged markets for its products, at home and abroad, and increased profits. And, sir, this matter is well understood by the working classes, who are almost universally the advocates of a specie currency. The working-men of the city of New York, next, perhaps, to the patriot Jackson and the Senator from Missouri, may be justly considered the original Loco Focos and hard money men of the Union. They have long and faithfully contended for this doctrine against the Wall street brokers and speculators, and after many defeats, victory now perches upon the banner of the working-men and Loco Focos of the great city of New York. The banks advantageous to the working-men! Why they are their greatest oppressors. They raise and depress at pleasure the price not only of wages, but of every article the working-man is compelled to purchase for the subsistence of himself and family; and if they augment for a time the nominal price of wages, it is only to enhance, in a still greater proportion, the price of living and subsistence; and then to bring on, every two or three years, successive panics and convulsions, in which all industry is subverted, and the laboring men are left almost entirely unemployed, whilst the banks are engaged in the work of resumption. The working men have nothing to do with the management or profit of banks. They are neither directors, stockholders, or borrowers, but they participate largely in the losses arising from these institutions. They are compelled to receive in payment the money of the banks, and sustain great losses, arising from their suspension or insolvency, and the depreciation of their paper. Let the working-man be secured in the wages of his labor—let him be paid in gold and silver, let him have the steady, certain, and increased demand for labor here, arising from increased products, to supply both the foreign and domestic market, and he will be more prosperous and independent than when driven into or out of employment at the mercy of the banks,

and the value of his wages regulated at their pleasure.

The whole community is deeply injured in another mode by the bank paper system. It is by its monopoly of wealth and power and privileges in the hands of the few, and the consequent impoverishment of the many. The rights of property must not be impaired or weakened; but to equalize its distribution consistently with a due regard to these rights has ever been considered most important. To attain these objects, we have abolished here all hereditary titles, and all the laws of primogeniture and entailment. But the banking system was concentrating fortunes without labor in the hands of the few, at the expense of the many, with more fearfully increasing rapidity than ever was or could be accomplished by any system of hereditary or exclusive privileges. To illustrate this position, let us reflect upon the following facts. The amount due to all the banks of the Union, by their last and fullest official returns, including some omissions since ascertained, amounted to five hundred and thirty-nine millions of dollars, upon all which, at the average rate of seven per cent. the banks were receiving an annual interest of thirty-eight millions of dollars; being an annual interest exceeding the total amount of all their specie, according to their own official returns. These are the recorded facts as spread upon the files of the Senate, that the banks realize an annual income equal to one hundred per cent. upon their specie capital. It is true, that upon the nominal amount of stock, the dividend is greatly less, but then the stock that is not paid for in specie, is paid for in bank notes, so that the banks, as a system, derive the whole benefit of the operation. We have seen, too, that, as a general rule, the directory of the banks monopolize nearly one-third of the discounts In December, 1837, and in March, 1838, an examination of the sixteen banks of New Orleans was made by a joint committee of both branches of the Legislature of Louisiana, and the result, as reported by them, upon an examination of all the cashiers of these banks, was, that the total amount of all the discounts of the banks was $52,407,170; and that the total liability of the directory (172 in number) amounted to $17,875,592, or more than one-third of the whole amount. The proportion in Mississippi was much worse, and nearly as bad in Mobile, Alabama, so far as an investigation had been made. No complete return in all the States has been made on this subject, but from the returns already received, no one can doubt, that the bank liabilities of all the directors of all the banks of the Union has amounted to at least one hundred and fifty millions of dollars, concentrated in about six thousand individuals. The total amount of all the wealth of the people of the whole Union, was estimated in 1830 at twelve thousand millions of dollars, and may now be safely stated at not more than sixteen thousand millions of dollars. Now the amount of American bank stock is about four hundred millions of dollars; and if we estimate the other property, real and personal, of the bank stockholders, at three times the amount of their stock, the total amount of all the property of all the bank stockholders in the Union will be two thousand millions of dollars. Thus less than one hundred thousand bank stockholders, being less than one to one hundred and fifty of our whole population, already own one-eighth of the whole property of the Union, and this, too, collected by this system in little more than one generation. At this rate of increase, being, as we have seen, at the annual rate of one hundred per cent. upon their specie capital, will not the bank stockholders, in another generation, own three-fourths of the property of the whole country; and as we enrich the few, the many are impoverished. Yes, it is the laboring millions from whose unceasing toil this vast amount is accumulated in the hands of the few, not by labor or industry, but by being permitted to issue and circulate their debts in the shape of bank notes, as the only money to be used by a great and free people. They grow rich upon the interest of their debts, exacted from the whole community, upon which debts and promises of payment, struck off at the rate of a million in a day from a bank engraving, they pay no interest whatever. And what must be the inevitable effect, if this system of monopoly and associated wealth is perpetuated? Why, sir, it is not only the laboring men that will be converted into the serfs of the banking system; but all of us, and our children's children, will be but the wretched dependents upon the same resistless power.

And what would soon be the spectacle exhibited in this once great Republic? Why, whilst the impoverished millions should be scattered over a desolate waste, whose soil had been exhausted, and whose fountains had been drawn off into the great bank reservoirs, here and there, amid the surrounding sands, the palaces of the banks and their stockholders would rise up, like the ancient glittering cities of the desert, where the incorporated few should revel in more than Eastern pomp, and wealth, and power, and sloth, and luxury; whilst more than one American paper Lucullus should feed his guests from golden dishes, containing the tongues and brains of the costliest birds, whilst all were served from tables of pearl, and reposed upon couches of down and ivory. Yes, by no other possible means can princely fortunes be accumulated so rapidly as by this system of associated and incorporated wealth, making, and loaning, and recalling at pleasure, all the money of a country; and splendid wealth, exhibited in the hands of the few, ever has been, and must be, accompanied by squalid poverty on the part of the many. And is this the system which, as if in mockery of equal rights and privileges, Senators upon this floor would recommend to the honest and industrious working men of America? Sir, they will reject it every where with scorn and indignation.

Recent events have withdrawn the veil which had so long concealed the fatal consequences of the banking system, and the struggle between freedom and monopoly has indeed commenced; and let me assure my countrymen that now or never is the time to strike the great decisive blow in favor of equal rights and privileges. The people are rising to the rescue; the battle field is now before them; they have already gained a partial victory, and now or never is the day for final triumph; now or never is the day to decide whether they will be freemen indeed, or whether they will bind upon their own necks, and the necks of their children's children, the chains of a paper nobility, monopolizing nearly all the wealth and power of the country, manufacturing all its money, controlling all its Governments, State and National, and regulating all its pursuits and industry. Sir, if satisfied now with temporary expedients, we reorganize the system, with or without a mighty National Bank, under new regulations and restrictions, these will all prove, as they have ever done, but whisps of straw, made only to be broken; and this, the last and final struggle of freemen for their liberties, will have been made in vain; and here, as in down-trodden Poland, the bank paper Czars may announce to their subjects, "Order now reigns in Warsaw."

The Senator from Kentucky said that the bank paper system, whether for good or evil, is fastened upon us, and cannot now be eradicated, and that any one of the States, by issuing bank paper, can inundate with it any neighboring State, and thus compel there also the introduction of the system. Is not each State a sovereign upon this subject? and cannot any one State expel the paper of any other State from circulation within its limits? and has not this been done by several States? Is it not now done, to some extent, in Pennsylvania and in other States, and in this District, as to all notes under five dollars. Yes, each State has the power, if they will only refuse the advice of the bank paper advocates, and the most ample power, to expel all bank paper, either of her own or of surrounding States, from her limits; and that State which shall first adopt and persevere a short time in this system, will become so much more prosperous than any other State, that all will soon follow her glorious example; but if there be in fact any difficulty here, there is one mode by legal popular action, and another by constitutional amendment, if necessary, by which the object can be accomplished. Let us look at those States which have not adopted the paper system; Missouri, for instance, with but one bank, and that of but a very limited circulation; and she is now the most prosperous and unembarrassed State in the Union. And in looking at all the States, they will be found prosperous, or otherwise, with scarcely an exception, just in proportion as they have adopted or rejected the bank paper system. And this is not only true as to States, but even as to the relative condition of counties in the same State. Look at Mississippi: consult the dockets of the clerks of the several courts, and all other means of information; and, with scarcely an exception, you will find those counties in which banks are located, overwhelmed with embarrassments, and those counties, constituting two-thirds of the whole number, where there have been no banks, generally prosperous and unembarrassed. Yes, sir, throughout this Union, and throughout the globe, wherever you find the banking system to prevail, you will be sure to find periodical suspensions and revulsions, and wide-spread ruin. Explosion is inseparable from the system; and when you speak to me of well regulated banks of circulation, you speak to me of what never has been, or will be. You might as well speak to me of well regulated devils, whom even Almighty power found it impossible to regulate in any other manner than by casting in chains into billows of everlasting fire. And, sir, our bank paper system, if not abandoned, may yet be regulated in the all-consuming blaze of popular indignation. In using this strong language, I mean no attack upon individuals, for my assault is upon systems. I know that many honest, but, I think, deluded men, deluded as to the effects of the system, have been, and some still are connected with it. Among these is the late distinguished president of the Bank of the United States, whose great talents, varied acquirements, and integrity, have never been assailed by me, here or elsewhere; but the more virtuous and intelligent you prove to me to have been all former managers of the system, the stronger is the argument against the system itself. It is as though you would select the best engineers to conduct a steamboat safely with paper boilers, but they would explode; and the paper system is just as incompatible with the unerring laws of trade and commerce, and its inflation and explosion just as certain.

We have heard much, Mr. President, of a convertible currency. It is injurious, as I have shown, by inflated prices and diminished industry, even when convertible; but, to my mind, there is no greater delusion than this miscalled convertible currency. When or where convertible, and for what period of time, and for what amount, and in what age or country? Was it in England, when their great National Bank currency was inconvertible for a quarter of a century, namely, from 1797 till about 1822? Is it the currency of the same bank now, which, but yesterday, was saved from bankruptcy by begging from Paris a loan of ten millions to save her from immediate suspension? Is it the old notes of the old Bank, or the new notes of the new Bank, of the United States, continued under a stronger charter? Are these convertible? We know that they are not, nor do we know when they ever will be. Is it the notes of the State banks, with or without a Bank of the United States, that were inconvertible throughout New England in 1808, inconvertible almost universally from 1814 till 1816; inconvertible, with but few exceptions, from 1818 till 1825; inconvertible in 1837, and in 1839; and still, in 1840, utterly irredeemable throughout nearly the whole country? Sir, since 1792, when the first Bank of the United States went into operation, we have had, besides scattering bank failures every year, sixteen years of almost entire inconvertibility, and when resumption will again take place, no human foresight can determine, nor how long it will endure; but that suspension will again speedily follow, is absolutely certain; and thus the people are to be forever lashed around this miserable circle of disasters by their bank paper masters. And if the system has been bad for the past, what hope can be indulged for the future, now that the system has been weakened by so many fits of epilepsy—now that public confidence in these institutions, if not entirely extinguished, is as tremulous as the shadowy flame in its last dim and expiring flickering—now that

the mysteries of the system are unveiled, and its long catalogue of crimes and frauds are fully disclosed, and its demoralizing and anti-Republican tendencies developed, and its pernicious effects upon the national industry well understood. And, sir, not only does all experience condemn the system, but reason tells us that this paper never is, or can all be, convertible; that the specie is not in the country to redeem it; that its basis is a delusive confidence, and even if the banks should at all times be ready to empty all their vaults to redeem their paper, that two-thirds of it always is, and ever must be entirely inconvertible. When, sir, the banks and their advocates promise us a currency, at all times convertible, every day and hour and moment, into gold and silver, are they not aware that they promise that which they know they cannot perform, if the holders of their notes demand, as they have a right to do, their redemption in specie? Is not, therefore, the promise false, fraudulent, and deceptive, and should not all honest men awake from the delusion under which so many of them have so long labored, and join in the glorious work of abandoning an odious, immoral, and anti-Republican system? Sir, whatever delusion may have heretofore prevailed on this subject, we now know, with absolute certainty, that so far from these notes being always convertible, they are inconvertible from the inflated prices and over importations, and consequent demand for specie, which ever must and will ensue, upon the reorganization of the banking system. Let us then emancipate American industry from that torturing suspense, that constant change and revolution to which it must ever be subjected from the expansions, contractions, and convulsions of the paper system, and it will rise triumphant over all obstacles at home and abroad. Fatal is the mistake that this banking system is friendly to commerce. No, sir, it taxes and retards it by constant convulsions, bankruptcies, and usurious interest. American commerce, foreign and domestic, must depend upon the great products of all our industry, of all our agriculture, and all our manufactures, and our commerce will be most truly flourishing, when we raise and manufacture the greatest quantity of products for sale or exchange at home and abroad. Under the present system, the merchants are the slaves of the banks, and the banks the miserable dependants of a foreign moneyed dominion, more powerful than our own, because wielding a larger specie capital. The age of monopolies and restrictions is passing away, and we are beginning to learn that free trade—trade unfettered by artificial systems, by banks or tariffs, is the true American system. It is this that will render a tariff unnecessary, and in fact injurious to every section of the Union; it is that that will foster American industry and commerce in every State of the Union; it is this that will secure to us, not only all that we desire of our own markets, but it will be the golden key that will unlock, to our exports of every kind, the ports of the world. The navigating interest, especially, that glorious nursery of our navy, will feel a new and wonderful impulse, and our vessels, careering onward upon every sea, will carry into every port the glorious standard of our then truly independent, free, and happy country; and all the paper contractions and expansions, ruin and convulsions, which have overwhelmed our industry, upon an average, one year out of three, for nearly the last half century, will cease to harass us, and be remembered only as the visions of a frightful dream, never again to disturb our slumbers.

During the recent canvass in my own State, I called the attention of my constituents to the condition of the agriculture of Cuba, with in three days sail of our coast, as contrasted with that of Louisiana and Mississippi. And what is the result? Why, that Cuba, though laboring under the disadvantage of a wretched Government, still, with her exclusive specie currency, conquering the tariffs of Europe and America, filling the world with her exports, sold at a profit, and enjoying, through her great and prosperous cities, an annual commerce of forty three millions of dollars from a population of less than a million, and but little more half a million of whites. Sir, as a Mississippian, I will not draw the gloomy picture of our own embarrassments. But, sir, I will ask the cause of the difference. We have in Mississippi an infinitely better Government than Cuba, a much more enlightened and energetic people, a more fertile soil, and a richer staple. Why then are we thus embarrassed, whilst Cuba is so prosperous? No other cause can be assigned, than the bank paper system of the one, and the solid specie currency of the other. The able Senator from Massachusetts cited the example of Spain, as a depressed and impoverished, though a hard money country. Spain has been torn for years by foreign wars or intestine convulsions, driving the farmer from his plough, and the manufacturer from his workshop, and sacrificing, in a third of a century, the lives of at least two millions of her people. But if we will read the page of history, Spain furnishes the most illustrious warning against the delusive doctrine, that even a convertible or actual specie currency, *if superabundant*, is at war with the industry of any nation; and that it is superabundant, whether struck off upon a bank plate, or even obtained in specie, if not the result of the natural laws of trade, and of the products of industry. What are the facts as to Spain? She was once a most prosperous and powerful nation. This was during that portion of the reign of Ferdinand and Isabella, when she was not overwhelmed by a superabundant currency, and after she recovered from the shock. Sir, that most able historian, Prescott of Boston, (a distinguished Whig) in his History of Ferdinand and Isabella, says, speaking of the period when Spain had seized upon the silver mines of Mexico, poured them homewards almost without labor, and not in exchange for any product; and then, deeming a permanent increase of currency, by artificial means, most desirable, locked them up for a time within her limits, by laws against the exportation of specie. And what was the consequence? Why Mr. Prescott tells us that "the streams of wealth which flowed in from the silver quarries of Zacatecas and Potosi, were jealously locked up within the limits of the Peninsula." "The golden tide, which, *permitted a free vent*, would have fertilized the region through which it poured, now buried the land under a deluge which blighted every green and living thing. Agriculture, commerce, manufactures, every branch of national industry and improvement, languished and fell to decay; and the nation, like the Phrygian monarch, who turned all that he touched into gold, cursed by the very consummation of its wishes, was poor in the midst of its treasures." What a commentary upon the effects of a superabundant currency, even when not only equivalent to specie, but specie itself, when not introduced by the products of industry, and locked up by enactments against exportation, precisely similar, in all respects, to our paper currency, which cannot be exported abroad! The historian tells us, that in Spain prices became so high as to demand their reduction by legislative enactments, which all proved nugatory; and yet, in the face of these fictitious prices in Spain, then, as now in this Union, agriculture, commerce, and manufactures were greatly depressed. And when did the change take place? Why, when Spain changed her system, encouraged the exportation of the precious metals, and thus brought down her superabundant currency, brought down her artificial and inflated prices, and thus enabled Spanish industry to supply the markets of the peninsula and of the world. And what was the result of this change of policy? Why, the same distinguished historian, referring to it, says: "The precious metals, instead of flowing in so abundantly as to palsy the arm of industry, served only to stimulate it. The foreign intercourse of the country was every day more widely extended;" "the flourishing condition of the nation was seen in the wealth and population of its cities," &c. To this page of his history this accomplished historian appends the following note, from the great and philisophic Hume, in his Essays on Currency, part 2, essay 3: "The interval between the acquisition of money and the rise of prices, is the *only time* when increasing gold and silver is favorable to industry." Instead, then, of its being always desirable to increase the currency of a country, it is desirable in but one single contingency, and that is when, from the augmented products of industry, and increased prosperity of a nation, prices have commenced rising *before* any augmentation of the currency; and then, and then only, is it desirable to increase the currency, so as to maintain the relative proportion between prices and currency; and we are also told that this increase of currency will then just as certainly be introduced by the import of the specie, in exchange for the products of industry. But to augment prices by the mere artificial addition of a bank paper currency, is to produce an inflated system, which cannot last, and will overwhelm the industry of any nation. Sir, with these inflated prices, the nation resorting to the miserable system, will diminish her exports, and increase her imports, and destroy the markets, foreign and domestic, for her products, by disabling her from raising any thing at a profit for any market. All reason, then, and all experience, are against the system, even whilst the paper is convertible; and it ought to be safely and gradually, but ultimately entirely abandoned. Sir, in opposing banks of circulation, I do not object to banks of exchange, of discount, and deposite, issuing no paper currency. The bill of exchange long preceded all banks of circulation, and will as certainly survive their downfall. This useful instrument of commerce should be encouraged, and exists in the greatest perfection, and at the cheapest rate, precisely in those States in which there is only a specie currency, and is most embarrassed by a paper system; and if the system be bad for small notes, it is bad for all; but the evil diminishes in the ratio of the denomination of notes and limitation of the currency. For myself, I am opposed to investing in banks the power of manufacturing a paper currency. This power of creating a currency for a nation, is one of the highest and most important attributes of sovereign power, and more deeply affects all the diversified interests of society, than the exercise of any other power whatever. It is more important than coining money, for that must be preceded by the purchase of the bullion; but here is a power to manufacture paper money at pleasure, to constitute the currency of a State or nation—a power entrusted to the irresponsible directory of a bank, acting in secret, and whose chief interest it is to abuse their power. In proportion as a bank increases its currency, are its dividends and profits augmented, and hence the stimulus to over issues is irresistible; and especially is this the case where, as we have seen by the evidence before quoted, the very directors which manufacture the paper, loan out, as a general rule, more than one-fourth of it to themselves. This power, then, of issuing their paper as money, is truly fearful; and when united with the power of loaning at pleasure, in secret conclave, and to whom and for what purpose the bank directory may think proper, and of recalling it at pleasure, and of contracting and expanding as suits their caprice, is a power which few European despots would dare to exercise, and is utterly incompatible with the fundamental principles of a free Government. I am utterly opposed, therefore, to such a system; and having fairly and fully disclosed the principles upon which my opposition is based, I return to the Senate my sincere thanks for their patient and indulgent attention.

SPEECH OF MR. COLQUITT,

OF GEORGIA.

In the House of Representatives, January 17, 1840—Against the reception of Abolition petitions.

Mr. SPEAKER: The little experience I have had in your national councils has excited my fears that a spirit stalks in our midst, calculated to destroy the purest Government that has ever shed the sweets of social life upon the world. Every discussion tends to excite local prejudice; every debate to stir up political strife; every question to call forth the energies of party discipline; and every motion serves but to kindle the fires of individual animosity. Amid these conflicting, warring elements, the voice of reason is too often hushed, and the peace, the glory, and prosperity of the country, neglected or forgotten.

To me, therefore, it has been gratifying to witness the spirit that has been manifested by those who have hitherto taken part in this debate; a debate so well calculated to stir up the bitterest feelings of excitement. I, too, will gladly follow the generous example, by sacrificing upon the altar of my country my strong sectional attachments, and lend my aid to soothe the tempest that threatens destruction to the fairest edifice that human hands ever raised. I listened with delight to the eloquent strains of patriotism that fell from the lips of the gentleman from New York, [Mr. MONROE.] He spoke the feelings of a heart burning with love for the institutions of his country, and I can trust his sincerity. But, sir, while I approbate and cheer his well told regard for rights secured by the Constitution, I must beg leave to dissent from the mode he has recommended, as the one most likely to quiet this agitating question. We are invoked not to blend the question of Abolition with the right of petition! We are told it is best to receive the petitions and report upon them, and in this way sever the questions! We are told by another gentleman of New York, [Mr. GRANGER,] that by refusing to receive the petitions, we shall drive into the ranks of the Abolitionists many a gallant spirit! Sir, it is a mistake; honestly as the sentiment may have been uttered, it is a mistake. The blending Abolition with the right of petition is a subterfuge to which the Representative has fled, in order to compromise with Abolition constituents. He and they have made the feigned issue. The Representative, too well informed, or too much devoted to the Constitution of his country, is unwilling to vindicate the prayer of the petitioners; and yet, to win their friendship, and obtain their suffrage, he promises to advocate their pretensions, which he bases on the right of petition. Here he takes his stand, proudly claiming a high constitutional prerogative; passes an eulogy upon the motives and characters of the Abolitionists, while he confesses that the granting their prayers would be the overthrow of the Republic. *He* is opposed to trampling down the Constitution, and of bringing ruin on the country, while *they* are bent on carrying out *their purpose*, reckless to the consequence. The petitioners, yet too weak in most of the districts to elect a Representative who is willing to vindicate their project, must content themselves to yield their support to him who, in some slight degree, shall favor their cause. While they are too weak to elect, they are strong enough to be courted. The gallant spirits which it is said would be driven into the ranks of the Abolitionists, by refusing to receive the petitions, are those whose patriotism and integrity are too weak to resist the temptation to office. In those districts where the Abolition influence is strong enough, they send Abolitionists here, who stand prepared to plead for the prayer of the petitioners, and will vote to carry out their wishes. In those districts where they are not quite strong enough for this, they support such delegates as answer their present purposes; who deny being Abolitionists themselves, and yet, to retain the friendship of this class of their constituents, pronounce on this floor high commendations upon them. You, sir, [to Mr. MONROE,] with your worthy colleagues, coming from the proud city of New York, can speak a language much more bold than the gentleman who succeeded you in the debate. You can denounce the threatened ills to your country, and with a noble, generous spirit, throw yourself in the breach, and proudly say in the midst of the Representatives of the nation, that if the threatened work of slaughter shall proceed, if civil war shall be the result of the maddened efforts of fanaticism, that your sword will be drawn and your blood be spilt on the soil of Virginia, the place of your birth, battling for her rights. But can the gentleman who succeeded you [Mr. GRANGER] use language as bold! Think you he would dare, upon this floor, speak a language of rebuke to those misguided constituents who gave him their support, and tell them if they persevere in their madness, that his love of country will make him their unflinching foe? No, sir; true, he is *no Abolitionist*, but he passes an unwarrantable panegyric upon this favored class, says they are *intelligent*, they are *patriotic*, they are *brave*, and *chivalrous*; they are such men, if his eulogy be just, as friendship would covet, and the country need in the hour of her peril. Why this difference between you and your colleague? It is the proof of the remarks I have been making. Your constituency will sustain you in your proudest strains of patriotism; they send you, as you have declared, with the olive branch, and bid you tender it to the South; and if I may digress a moment, permit me to say, that such a tender, from such hands, sent by such a people as you represent, will meet the cheers of the South. It is what I could have expected from the generous citizens of the city from which you have come. Her merchants have mingled with our people; have shared our friendship; and have witnessed, in the stillness of our Sabbath morns, at the ringing of our church-bells, hundreds of well-clad little negroes, cheerfully assembling at Sabbath schools to catch lessons of piety from the fairest and best of our land. No shivering starveling to arrest your thoughts of devotion, by begging a pittance to satisfy his hunger. They know that there is more comfort, happiness, and religion, among the colored people of the South than the North. They know that the servile hireling of the North is a subject of deeper pity than slaves at the South. But other gentlemen cannot, dare not, speak a language so bold and patriotic as you have for yourself and associates. They represent a constituency who are ignorant of our people; who are deeply imbued with imaginative pietism, and they must needs court their favor to obtain their suffrage. The eulogy bestowed upon this portion of your citizens is unjust. They are pronounced intelligent, chivalrous, and patriotic. Sir, if they are enlightened, if they understand the Constitution of their country, if they know that the pillars which support their Government, are the confidence and affections of the people—then their efforts contradict the idea that they are patriots, and prove them reckless to the perpetuity of the Union. He is no patriot, no matter where he lives, no matter whether he claim to be Whig or Democrat, who disturbs the peace and tranquillity of the Government, wars against the rights secured by its Constitution, and labors with zeal for its total subversion. And he is scarcely less *contemptible* for his *folly*, if he is a *patriot*, than *criminal* for his *conduct*, if he be *intelligent*. Both he cannot be; it is a contradiction in terms. But we are charged with wishing to deny the right of petition! and that it is monstrous that an American Congress shall now publish to the world her denial of this constitutional right. Sir, it is a false issue; no such denial is made; no such law is offered; no such rule or resolution is proposed. The Constitution inhibits Congress from passing any law to prevent the citizens from peaceably assembling to petition Government. In other words, no *riot act* shall be passed, as in England, to be read by some officer of Government, compelling citizens to disperse, who may have assembled in peace, smarting under their wrongs, to petition for their redress. This is the spirit of the Constituion, the object plainly expressed by the article as amended. And yet we are told that, by refusing to receive the petitions, we violate this wholesome article of the Constitution. Is there any injunction that their petitions, when made, shall be received? If so, the same construction compels you to act; and if you act, compels you to grant the prayer of the petitioners. The reason urged for the constitutional obligation to receive is claimed as a consequence upon the constitutional right of petition. That the right of petition is vain, unless we receive! By the same process of reasoning, are we not compelled to act upon them when received, and to grant their prayers when we act? If it be useless to petition, unless the petitions are received, will it not be equally useless unless the prayers be granted? The Constitution is equally as imperative upon us to grant the things for which they ask, as it is in compelling us to receive. Would not the advocates for the constitutional right of petition feel fully at liberty to decline being the bearers of petitions, over which they felt satisfied that this House had no jurisdiction? Would they not feel it a duty to refuse being made the instruments of producing delay and vexation in our legislative council, by presenting petitions which they would not support, and which they well knew *would not* and *ought not* to be granted? So *might* and so *ought* each Representative on this floor to act, who regards the institutions of his country. Before I would be made the unhallowed instrument of introducing the brand of discord and the fierce fires of dissension into this Hall, threatening *dissolution and ruin*, this right arm should fall rotten from its socket. If each member, in his individual right, could refuse to receive these petitions, either denying jurisdiction, or from a more laudable impulse—the peace and safety of his country—how does it happened that we are charged with infringing a sacred right, if we do the *same act*, for the same reasons, in our congregated character. Does it add to the dignity of an American Congress to say, that it must receive for consideration every subject presented, no matter how fruitful of discord, anarchy, and insult? Do gentlemen flatter themselves that they are to be esteemed the high spirited champions of national honor, by forcing upon it *scenes* of outrage and *confusion*. No, sir, it is the folly of childhood; yea, more, it is the madness of lunacy, to sport with the peace, honor, and perpetuity of the nation, under the specious pretext of establishing the right of petition.

The people nowhere complain that they are interrupted in the free exercise of this constitutional right! They *complain* that the South does not *emancipate* her slaves. The Representative *insists* upon the *sacred right* of petition. They petition that Congress may *force* slaveholders to set their negroes free. The Representative only insists on the right of petition. Sir, it is an insult to the understanding of the House, that gentlemen should urge us to receive and act upon a subject, which they admit an unfit subject of legislation. They make this false issue to secure their elections, and warn us that if they be driven from this step stone to elevation, many gallant spirits will be driven into the ranks of the Abolitionists; that is, in plain language, these gallant spirits will sooner join the maddened yells of fanaticism, and raise a sublimated war cry against the perpetuity and peace of their country, than hazard the loss of their appointments. On their account, you must receive these petitions, and they will most cheerfully unite in a report setting forth their folly, and denying their requirements. I will not indulge my thoughts of detestation and abhorrence for this *mockery* of patriotism, and *hypocrisy* of morals. I am fully reminded of a few lines of doggeral verse, quoted, I think, by Bulwer, in some degree descriptive of our present position:

> Hark! in the lobby, hear a lion roar:
> Say, Mr. Speaker, shall we shut the door?
> Or, Mr. Speaker, shall we let him in,
> To see how quick we'll turn him out again?

The Representative from Pennsylvania [Mr. BIDDLE] asked my honorable colleague [Mr. COOPER] to furnish him with argument to combat the Abolitionists: that when he was laboring in the political harvest-field, endeavoring to mow down the noxious growth, that is, blasting the nation's prosperity, he was met by this declaration: if it be wrong—if it be unconstitutional—why does not Congress tell us so—why not declare by the voice of her resolutions the impropriety of our proceedings? which, he said, he could not answer; and begged now to be furnished with one. Sir, I listened with too much interest to the mellifluous accents of his winning oratory, to believe he was serious. He is too well informed to need the promptings of my colleague; he *can*, if he *dare*, base himself upon the pillars of constitutional rights, and with a voice, a manner, and utterance, that would still the turbulence of passion, tell his constituents that their inquiry is *answered*! He *can*, if he *will*, take in his hands the journals of Congress of 1790, when Georgia had a worthier and abler advocate of her rights, in the halls of Congress, her illustrious Baldwin, and point them to a report that tells them of their folly. He *can*, if he *will*, tell them, what his worthy partisan from New York [Mr. GRANGER] has uttered, that for twenty-five years past, have our illustrious predecessors received and acted on such petitions, and politely denied them. He *can*, if he *will*, tell them

that an able and conciliatory report was made as late as 1836, with the vain hope of quieting their exertions. He can, if he dare, go farther, and speak in arguments not to resisted, the wisdom of experience upon this subject. He can tell them that many deluded enthusiasts have ruined themselves and the objects of their philanthropy, by uprooting the order of society. He can tell them that Lycurgus gave laws, that Epaminondas and Scipio conquered, that Demosthenes and Cicero poured forth their strains of animated eloquence, in a land where slavery was recognised. He can tell them of the desolations of Poland, where Kosciusko and Sobieski battled for the cause of liberty, and yet slavery existed. He can tell them of the wars of our Revolution; of the patriots who penned our Independence; of the soldiers who stood side by side in the ranks of war; of the final victory achieved; of the framing and ratification of our Constitution; and that the institution of slavery existed, was acknowledged, and guarded.

But, sir, he prefers to come here with his argument, throwing a veil over the iniquity of the Abolitionists, and apologies for their mischief. Twenty-five years ago, what Governor of a State would have let down the dignity of his station, and have trampled upon the compact of union, offering the veriest quibble as a reason, relying alone for his support on the prejudices of the people? It is evidence that the spirit of fanaticism is stronger, or man's moral virtue weaker, than it used to be. The same arguments, as to forbearance and moderation, have induced Southern men, on many occasions, in the spirit of kindness and friendship, to receive these petitions. And what, let me inquire, has been the result? To-day it is quoted on us as an acknowledgment of the right to legislate upon this subject. The gentleman from Pennsylvania [Mr. BIDDLE] now proclaims that the South has has admitted its constitutionality, and here bases an argument. Sir, the South has been deluded by the insidious pretensions of their Northern friends; that rejection would increase the bitterness and acrimony of the Abolitionists; they have dared to made a peace-offering, by kindly compromising the claims of the Constitution, which is now seized on as an acknowledgment of right. I am unable to answer for former Representatives from Georgia; the little party, of which I am a member, has been doomed to defeat, battling in the Thermopylæ of politics, against Federal encroachment, but has arisen again; and I can now answer for my State, and answer for my honorable colleagues, and say, in the face of the nation's Representatives, that we deny the right! [So do we, so do we! from many voices.] And while I speak, all around me, the representatives from Alabama, South and North Carolina, and Mississippi, bid me, for them, deny the right. We are told the Abolition battle must be fought at the North; that we must deal kindly here, to afford a campus for their chivalry at home? Sir, these gallant men who now battle at the North for the protection of our rights, will soon sink by age, under the weight of their armor, or fall in the battle field by the superior strength of the foe. Their places will be filled by men, whose growth and strength were derived from the bosoms of fanaticism; whose dreams in childhood were broken by the frightful legends of a mother's superstition. There needs no spirit of prophecy to warn and direct us; no matter where the battle be fought, here or at the North, we must meet the foe upon the outposts of the Constitution. No admitting the incendiary torch within the holy citadel of our liberties. Every friend to his country, from the North and from the South, must stand firm upon the ramparts of the Constitution, admit no insidious foe, but resolve to brave the growing rage of that imaginative philanthropy, that is reckless of the peace, liberty, or union of the Republic. Every conciliatory measure has been adopted; prayers and entreaties have been offered, to prevent excitement and passion; discussion has been avoided; the voice of party friends has been regarded; still the tempest thickens and rages, and is beating with a success too fatal against the rock of our freedom. It is not a time to encourage the prospects of men infuriated with a blind enthusiasm; no time to hold out the meteor of hope, whose baleful light will lead to the overthrow of our country. Nothing is claimed here but the right of petition, which has never been denied. With this pretext, gentlemen labor with a zeal worthy of a better cause, to open a fissure in the Constitution, through which an incendiary follower may thrust the firebrand, calculated to burn asunder the connecting cords of the Confederacy. They are in fact pioneers, clearing up the way that others may pass in triumph to build the tombstone of the Republic. They are fixing a a powder train, that others may blow up the temple of liberty. I can pity and forgive the blind zealot and misguided religionist, who are ignorant of the structure of the Government; but the statesman, who knows that our free institutions are based upon the confidence and affections of the people, who dare not violate rights secured by the Constitution, deserves undying contempt, for he has not so much as the veil of opinion to cover the baldness of that desolation which threatens the land. We are told not to be rash; make ourselves easy; receive the petitions; treat them with respect; and by it our friends from the North will again be elected, and "all's well." The very entreaties that are uttered, and the strong appeals of party associates, which are made, are convincing proofs that they are courting the friendship of the Abolitionists for their votes. I am neither Whig or Democrat, and can be excused, therefore, from compromising our rights to secure votes for their friends. I will speak with boldness my thoughts, and deal out blows against the foes of constitutional right, no matter to which party they may belong. I propose to show that while these advocates for the reception of Abolition petitions are speaking in accents of tenderness and love, the Abolitionists themselves speak a language totally different. I will not detain the House, by reading from this anti slavery pamphlet, the scurrilous abuse they heap upon the South; I will not inflame the angry passions of gentlemen from slaveholding States, by reading the opinions here expressed of our morals, our religion, and our intellects. They are of a sort, with the repeated denunciations you have seen in their philanthropic prints, with which your desks have been weekly inundated since our meeting. But I will read a few extracts to show that our reliance for safety is on ourselves. I read from the annual report of the Anti-Slavery Society of Maine, thus:

"The free States possess a clear majority in Congress. Their several objects will therefore be accomplished, whenever the public sentiment in the free States shall demand it, and that sentiment properly represented in Congress. We are under solemn obligations, therefore, not only to diffuse through the community correct sentiments on the subject of slavery, but also to make all proper efforts to place in our National Legislature men who will use the power committed to their hands in accordance with our views."

Does this extract, I ask, show that the petitioners barely wish their representatives here to contend for the right of petition? But does it not demonstrate that they carry their principles to the polls, and force aspirants to Congress to *favor* or *support* their views? Sir, we are not to be deceived by yielding our rights, in order to accommodate gentlemen, in courting such votes to secure their election. Again I read:

"The District, then, is the spot where the first onset upon slavery is to be made—the battle ground where this great contest between liberty and slavery is to be decided. Not to employ our political, as well as all other resources, in the conflict, would be not merely wrong, but the very height of folly."

Where is the man, I inquire, so lost to sense or feeling, whose heart throbs with one solitary patriotic emotion, and who knows the South will maintain her rights, or be buried under their ruins, that does not shudder for the approaching downfall of the country? Who does not see that the insidious attempts to encroach one inch upon our rights, are the promptings of that influence which has for its object the tearing away the guards of our property placed by the Constitution? They only wait for strength to place men in power, who will not stop at the evasive argument now used about the right of petition, but who will labor to carry out their purpose. And while we are arguing and granting the right of reception, they are preparing heavier blows, inflaming the passions of the ignorant, the idle, and the young, to be poured forth like the lava of a volcano, to blacken and blight the peace and Government of the country. It is not a time for the Representatives of the South to be quiet. It is not a time for the lover of his country from the North to palter for office, and vainly imagine "all's well!" when the elements of dissolution are gathering like a frost about the heart pulse of the Republic. It is high time, if we expect to save the Union, to rebuke the madness of such deluded fanatics, as expect to *establish religion by their crimes*, and to *enforce philanthropy by the sword*. Sir, my heart thrilled at the spirited remarks made by the honorable mover of this amendment, [Gen. THOMPSON;] he spoke the language of the patriot and the voice of the South: and if every Whig and every Democrat felt the same sentiments, and would tear loose from the bonds of any party, no matter what their ties, that would dare cherish this spirit of discord, our institutions, civil and religious, would be safe. These modern reformers must be taught, that the South, with all her strong attachments to the Union, would sooner see the country riven asunder by an earthquake, and her fertile plains floating on the bosom of a tempest-tossed ocean, than be forced to surrender a solitary right secured by the Constitution.

I have heard criminations and recriminations made in party bantlings upon this floor; but I am satisfied there are Abolitionists of both parties; and *that* party which courts them most, is by the American people most to be blamed. In proof of which I will read again:

"So far as the two great parties of the day are concerned, we hold to no principles as Abolitionists, that both do not publicly profess. The object we desire to accomplish, does not interfere with any, at which either professedly aims. Let it then be distinctly settled, that no man, under any possible combination of circumstances, can receive the votes of Abolitionists, who will not go the extent of his constitutional powers for the abolition of slavery; and both parties will soon, either from policy or necessity, present candidates for public office for whom we may vote, in consistency with our party predilections, and in subserviency also to paramount duty to the slave."

Do we not find here sufficient cause to induce candidates for Congress, representing such a people, to favor or adopt their views in a close party contest? But, sir, these fanatics will not long be content with Representatives here, who are the mere advocates of petition; and their party policy here must induce gentlemen not to press this subject, for fear of injuring a partisan candidate at home. I will again proceed with their declarations, and I ask Southern men to give ear, and those from the North, who declare they are not Abolitionists, to listen, and then tell me if the contest is not most safely met at the threshhold of our rights. This is the language, they say:

"That we shall not again present the monstrous anomaly of petitioning Congress to use its acknowledged powers for the termination of slavery, while by your votes we help to send men there who we know beforehand will refuse our petitions."

There is no complaint in the language of the *right* of petition; they admit they *do petition*, and only *complain* that their petitions are not granted. I make no charges against either of the great parties, as to which is most committed in order to secure the friendship of the Abolitionists; and I would read a sentence more, but it might savor of party preference. [Read, read! from many voices.] With the avowal I have made, I will read:

"The day, we trust, has passed, that the slaveholder or the Northern apologist and defender of slavery can be elevated to the high place of power by the friends of the slave in Maine. Or, to illustrate our remarks by a particular case: Mr. Van Buren, we think, must abandon his 'Southern principles,' and Henry Clay, the eloquent advocate of South American and Grecian liberty, must emancipate his slaves, before either can receive the suffrages of intelligent Abolitionists in the pole star State—"

[Here he was interrupted by Mr. GRAVES, who inquired "whether Mr. COLQUITT had not read in the Emancipator that they would not support Harrison?"]

I may have done so; but I have not made a charge against General Harrison, and the vindication of him or Van Buren, I shall leave to those who wear their livery. Without regard to party predilections myself, my purpose was to prove that this body of men is sufficiently strong to be courted; that they have resolved to carry their principles to the polls, and that seeking their influence palsies our resistance here. And I confess that I have sought in vain for a *reason*, unless this *influence* be one, why Henry Clay, the favorite of his party, justly distinguished at the bar, in the Senate, and in the Cabinet, who

has served long, and still is in the service of his country, should have been pushed aside at the Harrisburg Convention, and an obsolete politician put in his stead. No matter whether the politician here acts from his convictions of duty or is moved by prejudice or passion, we are satisfied that our rights, yea, the Government itself is endangered, by sacrifices for party success. The statesman now that would dare stand forth to strengthen the bonds of union, and to exalt and perpetuate the institutions of his country, find himself fettered by the policy of his party, and is driven to abandon his purpose, or be branded as a deserter. Disappointed ambition, in its aspirations for power, grasps every instrumentality within its reach; fans the flames of faction and discord, and smiles at success, in the midst of the ruins of that Constitution which guaranties protection to the person and property of the citizen. Here lies the foundation of that paper built edifice of piety and philanthropy, which is destined at some future period to be the hall of legislation for a large proportion of the Republic. Here is the *nidus* in which is nestled, and bred and born, the corrupt vermin that feed and fatten upon the vitals of the Republic. Designing politicians strengthen their alliances, by bringing to their support the misguided zeal of religion, and the maddened feelings of philanthropy. The Christian minister and his flock are made the unconscious adjuncts of artful and designing partisans. Religion, forgetful of her high and heavenly calling, is made the polluted handmaid of intrigue and corruption. The disciple Christ, who hitherto fostered a meek and quiet spirit, who walked humbly in the fear of God, whose worship breathed the elevation of the skies, and spoke a sublimity that made us forget the imperfections of earth, now mingles his cries with the howlings of the mob, and converts the temple of the living God to a busy mart for political merchandise. The spirit engendered by this mixed and factious piety, is unfriendly to genuine religion, as well as to the State. It moves and prompts the same passions, which, in other times, have corroded, adulterated, and broken down the church. Frail men make *themselves* the standards of zeal, piety, and benevolence; pass judgment between themselves and their opponents; roll the thunders of intolerance over the heads of those who repudiate their opinions; and in the maddened wailings of annual petitions, virtually ask Congress to give them power to arrest the liberty of private judgment, and substitute in its stead their own faultless conceptions of duty. To these misguided people permit me to say that Christianity never has, nor never will, need the support of craft or despotism, the power of kings, or the arm of the law, to carry out its benignant precepts. And every votary of the cross, who seeks to enforce his notions of piety by the power of legislation, shrouds in darkness the bright banner of the gospel, and subjects in its stead the bloody standard of demonology. History and experience should admonish every friend of the church, if she is to exert a more general and beneficial influence upon the earth, she must breathe with her own lungs, speak with her own voice, and show the energy of a pulse and a heart exclusively her own. Every intermingling of her purity with secular interest, sullies her beauty and fetters her powers. The merchant of Mecca, who professed to penetrate the seventh heaven, and brought down a spark which set the ambition of Arabian bosoms in a blaze, might deem the sword the only instrument to be trusted for reforming the world. But the prophet of God deals with the souls, not with the bodies, of men; and wars with weapons not carnal, in contending with spiritual wickedness in high places. Madness and phrenzy might mingle in Moslem warfare, making the question of salvation or damnation lie on the ground between marshalled armies, to be fought for and carried by the stronger arm. But with us, Heaven is not won by those who breathe out slaughter against their brethren, though in the midst of carnage they should claim to be doing God's service. Upon the subject of slavery, Christians of every denomination, and of every grade of character and talent, differ in their opinions. Yet they read the same Bible, worship the same God, bow around the same altars, hymn hosannahs in the same temples, and, finally anticipate an entrance into the same Heaven. With these conflicting opinions, who shall determine the orthodox creed? Shall the deluded enthusiast, whose sum total of religion centres in one single act of imaginary devotion? Shall a few parchment disciples upon this floor, whose political power is enhanced by the creed they profess, shut themselves up in their little munition of spiritual pride—a city walled up to Heaven—and with formality unchristianize those with whom they differ? Do they outshine their opponents in solid virtues, or in amiable and heavenly dispositions? Are they more free from the common vices of life—more pure in spirit—more devoted in friendship—or more liberal in their charities, than those they denounce? No, sir: the South, the slaveholding, generous South, is the nursery for the poor of all the States; and her friendship and liberality are by-words in those very mouths that would fain teach her lessons of philanthropy. I will not descant upon this much abused term, philanthropy; I have spoken of religion; philanthropy is but its beam, radiating from its centre, God; it is but a fold of that mighty mantle of love, with which Christianity would cover the nakedness of the world. But, sir, perhaps these conceited defenders of the only true faith, have an apology for looking out from home for objects of pity and commiseration! Perhaps they have no poor in their midst—no widow's tears to wipe—no orphan's cries to quell—no child of sorrows to cheer—no wretchedness to alleviate—no afflictions to heal—no nakedness to clothe; but all, all, through this mighty channel of philanthropy—from this boiling fountain of benevolence—all have been made smiling, healthful, and happy. Having done so much at home, it is not so much wonder that the circle of their benevolence should widen. Millions of money may now be expended with profit, in compensating benevolent editors to trumpet forth virtuous heroism, to canvass the claims of candidates for office, and pour their *merciful* curses and *phrenzied* benedictions upon each and all who dare refuse to worship the image they have piously set up in the plains of Dura.

I am departing from my purpose; I have not designed to deal in panegyric or satire. I have no right to make myself the keeper of other men's conscience, for if they think it religiously a duty to hobble the chickencock, to keep him from gallanting the hens on Sunday, and to yoke the geese to keep them from going in washing in violation of the Sabbath; and I should differ with them, and think it no sin for the gallant cock to flap his wings and crow upon his dunghill, and the playful goose to wash and swim in the fishpond, neither ought to complain; for we are entitled, in this country, to our religion and our opinions. The most artful chain of despotism that was ever forged, was supported by false notions of duty, and enforced by those who were to profit by the cheat. There are multitudes of honest men who are not qualified to judge properly of their civil and political rights, and are too often content to surrender their reasoning powers to interested aspirants, superstitious fanatics, and pedantic knaves. I wage no war against those who may believe slavery a sin; but I pity their vanity and their folly, if they flatter themselves they alone are divinely illuminated that others are in darkness, and *must* have their instruction. We read of one who was very thankful to his Maker that he was not as other men, but especially the poor publican; and yet his opinion of himself was not confirmed by Him who knew all things. Yet I have no complaints to utter against the high opinion men entertain of themselves; but as a friend of the church, and as a friend to the peace and happiness of the country, I raise my hand and voice against enforcing any religious dogmas at the point of the bayonet, or by force of legislation. The evidence we have of the untiring efforts of the anti-slavery agents, their reckless determination to distract and ruin the country or carry out their purpose; the assiduity with which they are courted by political leaders, and the number of able eulogists they have in the halls of Congress, all speak, with unerring tongue, the nation's destiny. The fiery vapors of war and dissolution are fast gathering on the disc of our political horizon; no cheering rainbow foretells the abatement of the coming storm; but every moment the prospect darkens, and every patriot and every Christian trembles for the fate of the country and the temple of God. The public mind is in fearful commotion, and, like the sea, tossed by a tornado, wave mounts on wave, heightening and widening at every breath of the tempest. It is the high prerogative of a few master-spirits here, if they dared to will it, to bid these proud waves be still. To them I appeal; and in the name of the country, the whole country, invoke them to withhold their firebrands of discord and ruin. I appeal to the venerable Representative from Massachusetts, [Mr. ADAMS,] upon whose shoulders fell the mantle of a Revolutionary father, who won and wore, in younger life, the civic wreath, the highest honor a nation's confidence could bestow; I appeal to him to withhold the blow that is aimed at the life-pulse of the Republic, and not permit himself to be used as the unintentional instrument of his country's ruin. We know his sentiments; we have read his letters, and heard his speeches; but still, through his advocacy, this dissension is kept alive; a few more years of labor in this cause, and the last leaf of the the laurel the will wither from his brow; and should Heaven spare him many years, he may yet outlive the glory of his country. Your Abolition petitions will prove, in the end, to be the winding-sheet of the Constitution. No men, no body of men, could persuade me to bring into your midst an unfit subject for legislation, calculated to destroy the harmony of your councils, to excite sectional feelings, and threaten dissolution. Georgia, in whose borders I have been reared, my own home and the home of my friends, for whose honor and interest I would make an offering of my life, even Georgia could not force me, humble as I am, to trample upon my country's Constitution, and sow the seeds of discord and ruin through the land. My honorable colleague [Mr. COOPER] the other day, when supposed to be departing from the subject of debate, was illustrating the same feelings I have expressed. He adverted to the controversy of our State with the State of Maine, in which we should exemplify our strict adherence to the Constitution; and that, although our Legislature spoke by her resolutions, the humble supplicatory language of dependence, she had no representative here that would echo her voice; but that we should rely with proud confidence on a people that has never faltered, who know their rights, and will dare maintain them. I am alarmed for the Constitution and for the fate of the Republic, but feel no alarm for the honor of my State. The infatuated priest may change his mitre for a helmet, and lay aside his Bible for the torch of the incendiary, place himself at the head of an army of crusaders, as bloody as those of Languedoc, armed with all the authority Congress can give; and when he shall have completed the work of reformation, upon which his piety is set, nothing will be seen, to look out from the landscape—he has traversed but smoking ruins and a blood-sodden wilderness.

With this prospect before us, can any man say that this Government will stand unshaken? that the alarm cry is counterfeit? that this faction is powerless, courted and caressed as it is by aspirants for power? These deluded people, allured by imaginary good, look to no danger—they beat up, for recruits, the pulpit and the dramshop, the elite parlor and the dirty brothel—enlist their quota for the mighty work of reform. If the Constitution is to be saved—if the Union is to be preserved, there must be no giving back upon the part of their friends. The silken cord of affection, that binds the Confederacy, is fretted and weakened by insult. We are upon the eve of a struggle, that will bury the Government, and the church of the living God, under a mountain of cinders. Let no Southern man be deceived by the cry of forbearance. Let no political alliance induce you to compromise your rights. Reject the petitions, and count him only true to the South, and to the Constitution, who sustains us by his vote. Let none play false to his duty, false to the interest and honor of his State, rather than be obstacles to his associates in

party. Ask me not what harm to receive and lay them on the table! It is an implied acknowledgment of the right of jurisdiction; it is the evidence that the fire is not yet extinguished; its smouldering fumes are an annoyance; and none can tell how soon the breath of the faction may fan it to a flame. It is like subterranean fire; the more to be dreaded, as it may burst forth by surprise. If the isssue must be formed, let it be formed now; if the crisis must come, let us have it now. Let the South stand up as one man, denounced, as we are, for the want of patriotism and religion. The soft silken banner of the Gospel, and the broad stripes and bright stars of the country, both float triumphant in a southern sky. We represent a generous and gallant people, who have never yet trampled upon the rights of *others*, and will repel with indignation, and at every hazard, any unjust interference with their own.

REMARKS OF MR. REYNOLDS,
OF ILLINOIS,

In the House of Representatives, February 8, 1840.

Mr. DAVIS of Indiana presented a memorial of a convention of delegates from the States of Ohio, Indiana and Illinois, held at Terre Haute, in the State of Indiana, for the purpose of recommending such measures as may be best calculated to insure the final completion of the Cumberland road, with the least possible delay; and moved that the said memorial be referred to the Committee of Ways and Means.

Mr. CASEY moved that the committee be instructed to report a bill appropriating $150,000 for each of the States of Ohio, Indiana, and Illinois, to be expended on the National road in said States, in the year 1840, under the direction of the War Department; said appropriation to be subject to all the instructions and conditions of former appropriations on said road.

Mr. REYNOLDS rose and said: The State which I have the honor in part to represent on this floor, feel a deep interest in this measure; and were I to remain silent on this occasion, it might be supposed that I was indifferent to the question now before the House. On the contrary, I feel the most anxious desire not only to do my duty in this matter, but also to be instrumental, in some small degree, in the passage of this measure. It is one of the most interesting measures that appertains to the people of Illinois, and it is one in which they have the most entire confidence of its success.

This is the reason, Mr. SPEAKER, that I now appear before you and this House.

It is extremely unfortunate for me that, every time I rise to address the House, and that is but seldom, politics should be mixed up with the subject on which I feel bound to express my views. This was the case, the SPEAKER will recollect, when I had the honor to address the House on the *viva voce* system of election. I regret exceedingly that politics are now unnecessarily dragged into the discussion of this question, which is so interesting to the Western country.

I am not opposed to political discussions at their proper times and places. I am not at all unfriendly to stump speeches, made boldly and openly in the Western fashion; but I do not approve of the Eastern mode of bringing out candidates for office and then the candidates to remain, throughout the canvass as silent as wax figures. This seems to me to be a kind of mock modesty, that it is not necessary or proper to observe. Thus you see I am not for stifling discussion.

On a subject which is of such vast importance to the West, I would appeal to gentlemen to discard politics from it altogether, and discuss the measure on its merits alone. No political capital ought to be sought for by either party in the discussion; and I would suggest to my Western friends whether a measure they have so much at heart, should be injuriously effected by dragging it into the political arena. In fact, it would be good policy on my part to avoid a political discussion, for I am well aware that my remarks would appear light in comparison with the sound and eloquent speech you have just heard from the gentleman [Mr. BIDDLE] of Pennsylvania.

Mr. BIDDLE explained. He would assure the gentleman from Illinois that he would not have said a word on the subject, if it had not been for the remarks made by the gentleman from Indiana, who obtained the floor from the purpose of making a personal explanation, and then went to a defence of the Administration.

Mr. R. continued: I had not intended to say one word in complaint of the remarks made by the gentleman from Pennsylvania, for whom I entertain the highest respect. Although I have not had a personal *shake hand* acquaintance with that gentleman; yet I know well his character, and highly appreciate it.

What I intended to say was to show to the friends of this measure, the importance of keeping the question free from the political conflicts of the day; yet when I am on this subject, I feel free to remark, that I am not adverse to the call of proper and legitimate information from the President, or any of the appropriate departments. It is our duty to make the call, when it is to advance the objects of legislation, and in such cases, it will afford me pleasure to vote for such resolution.

I am not disposed to stifle or strangle investigation, when it is proper and necessary to make it for the public interest. And, I presume, the departments would be as ready to give, as we would be ask, all proper information.

But suppose, Mr. Speaker, that the appropriate departments of Government did not make the estimate for an appropriation to carry on the Cumberland road; are we, in that event, to fold our arms and sit still? Are we not bound still to do our duty, and press this measure on the consideration of Congress on its own merits.

Each department and each individual must be judged by their official conduct. The President and the Departments, as well as ourselves, will be judged by their acts; and although the Treasury Department may not have made the estimates for the Cumberland road, yet that is no excuse for us to cease our exertions in this good cause.

I ask, for the Cumberland road, an impartial investigation, and a discussion on its merits; and permit me to say that I am friendly to the doctrine that the National Government ought not to embark in a general system of internal improvements. I am clearly satisfied, in the main, that is the correct doctrine. But the improvement now under consideration manifestly forms an exception: all general rules have their exceptions, and the Cumberland road is one in this case.

The National road is the work of the most wise and talented men that our country has ever produced. In 1806, under the administration of Thomas Jefferson, the act of Congress, giving life and existence to this great and useful work, was passed.

The individuals who established this great improvement in the country exercised those enlightened and enlarged views of public policy that will do honor to them to the latest posterity. This public highway across the mountains, and through the valley of the Mississippi, will never cease to exist. It will last *forever*, I hope, as it is *now*, a monument to the honor and glory of the country.

I presume, at its creation, the rancor of party politics did not figure large or strong; but the public utility of the measure guided the councils of those sages that produced this great work; and in the same spirit of meekness and forbearance to each other must we expect to continue it.

That this measure is Democratic, the most scrupulous Democrat can not doubt. Jefferson and the Democratic party were its parents. It is a pure legitimate child, both conceived and brought forth in Democracy. There is no excuse that it is a mongrel or mule breed, and I hope no one will oppose it on this ground.

This work, having *this* constitutional parentage, was fostered and continued on from year to year, for more than thirty years, down to the present time. It had been the favorite of the Government through the administrations of the successive Presidents, Jefferson, Madison, Monroe, Adams, Jackson, and Van Buren, and it had in the successive events of peace and war, through this long course of time, the necessary appropriations to continue its construction.

Its friends, being wise and good men, and having united for such a great length of time in the favorable consideration of this road, must give to it that importance of character which will have great influence with the people. The reasons must be strong and cogent that will justify the abandonment of this improvement *at this time*.

The public utility of this work, during the experience of more than thirty years, has confirmed the anticipations of its most sanguine friends. No one doubts it, and no one, who has seen this road, pretends to object to its utility. It connects and cements together remote parts of the Union, and brings together the East and the West. It affords to all travellers, of every grade and description, an easy and commodious passage over the vast and stupendous Alleghany mountains.

It is useless to describe these mountains—you all know them. Before the construction of this road, it would appear to be almost impossible for any animal except the birds of the air to cross them.

These high mountains, precipices, and deep ravines, have yielded to the art and power of man, and at this time, there is a good road constructed over them, so that a team can convey across them seventy or eighty hundred in a wagon. This improvement is suited to the convenience and capacity of all to use it. There is no monopoly in it. is not confined to a company; but free and open to all mankind, on payment of a very small toll to keep it in repair.

Mr. Speaker, it would seem to me to be unbecoming this great nation, after commencing a work with serious deliberation, and in obedience to "the sober and second thought of the people;" and after carrying it on for more than thirty years, to abandon it. If the improvement were useless, give it up; but the contrary is proved to be the general sense of the community. In what situation will an abandonment place us? Can it be justified by saving a few dollars? Will not this course not only injure the substantial interest of the country, but also tarnish that character for wisdom and consistency, which this nation ought, and I hope will, sustain.

It seems to me the character and standing of the nation are pledged to carry out this important work. There can be no half way with a great and powerful people. When they decide on a measure and the same is good, they ought to carry it out.

Suppose the Government were to abandon the Florida war, would not our character suffer by it? I see no great difference in the cases. The country, in both instances, must be injured by an abandonment.

It cannot be urged that the Government have not the means to carry it on. The people of this Government have more wealth among them, at this time, than they had at any former period. The resources and true wealth are abundant in the country. The circulation of bank notes may not be as plenty as at some former periods; but they are not the true wealth of the people. This consideration can form no excuse, in my opinion, for the abandonment of this work, which is of such great public utility.

During the war with one of the most powerful nations on earth, we heard of no such excuse as the want of money to carry on this *same* work. The money and other means of the nation were exerted to the utmost in the vigorous prosecution of this war, yet the work on this road was not permitted to stop; and, therefore, let it not be said, at this day of prosperity of our country, that we have not the means to finish this road, as we contemplated.

The faith and character of the nation were pledged to construct this road through the new States, *as it was located*. The impression was established among the people, that it would be constructed where it was located, which caused many to settle near it, and thereby the sale of the public lands was accelerated, and the price enhanced.

I ask any candid man, under this view of the case, if the completion of the Cumberland road would not form an exception to the general rule,

that the Government ought not to embark in a general system of internal improvements.

Mr. Speaker, I will, with all due deference to the House, present another view of this subject for their consideration. The new States through which this road passes, have not the power to tax the public lands within their limits. They are prevented by contract, which we recognise to be valid and binding.

If you will give us the public lands within our borders, we will never again solicit an appropriation to continue the Cumberland road.

[Mr. HUBBARD of Alabama said he, for one, would give his right of the public lands to us in Illinois, if we will make the road.]

Mr. REYNOLDS continued. I feel thankful to the gentleman for his good will to us in Illinois; but he is laboring in his own State (Alabama) under the same vassalage as we do in Illinois, and therefore we have a fellow feeling for each other; but I can hear no such expression from gentlemen representing any of the old States.

Before we can recognise the doctrine of the States constructing their own improvements in the fullest extent, we must be placed on an equal standing with the other States. The new States through which this road passes, are debarred the right to tax a great portion of the soil within their limits, and thereby are deprived of the resources which appertain to the old States. If we were placed in the same condition with the old States, and had an equal standing with them, we would join them heart and hand in excluding all these things from the action of Congress. We would be foremost with the first to confine the action of the General Government to subjects purely national, and expressly recognised by the Constitution. It is the pure and legitimate doctrine to exclude from the halls of Congress all matters that can be transacted by the State authorities, and circumscribe the patronage of the President within the legitimate pale of the Constitution. I am free to grant and subscribe to all this doctrine; yet the National road, for various reasons which I have, and will present to this House, forms a marked and decided exception to this rule.

I am, Mr. Speaker, extremely well pleased to know, that the doctrine of confining the Congress of the United States to national action, is so well recognised and established at this time. In the new States, we are heartily tired of our vassalage to the General Government in respect to the public domain. We are crippled in our operations, and deprived of the high and equal stand in the Union with the other States. This situation is becoming *intolerable*, and the Government itself is tired of legislating for us in relation to the public lands.

It is no part of the legitimate or constitutional competency of Congress to retain within its sphere of action the subject of the public lands. It affords to the Government of the United States an undue influence over the new States, and over a subject which the State Governments can control better for the good of the people than the General Government can do. It will be hailed as a fortunate epoch in the history of the new States for the above *confining* doctrine to be applied to this subject, and thereby the new States emancipated from their *public land* bondage to the General Government.

In addition to the arguments I have already presented to the consideration of this House, I will be permitted to say, that the friends of this measure place it on the solid basis of a compact between the General Government and the new States through which the road passes. The contracts provide for a certain *per cent.* on the sales of the public lands to be applied by the General Government to the construction of this road; and that the sum arising from the sales has not yet been expended on the work. I have not the calculation before me, but confiding in the information given me by gentlemen in whom I have the utmost confidence, I presume the same is true.

This compact being made between the two Governments with that spirit of equity and justice that always has characterized the transactions between the State Governments and that of the United States, it remains to be consummated on the part of the General Government in the same spirit. The Government of the United States, by the implied terms of this agreement, became the *trustee* of the States, and in good faith ought, and I hope will, execute the contract according to the common sense meaning of the same.

The facts and circumstances, as they existed at the time the contract was made, must be taken into consideration in its execution. The money that was expended on the construction of this road before the contract was made, cannot be taken into consideration under the contract. The amount alone that was expended on the work since the contract was made, is the sum that comes under the provisions of the contract. In the application of this just and equitable rule to the amount of money expended on the work, it will be seen that a great sum was appropriated on it before these contracts were made; and, therefore, cannot be taken into the estimate. This view of the subject is so manifestly just and right, that to mention it is sufficient to convince all of its truth; and, therefore, I will urge it no farther on the House.

Mr. Speaker, I consider it my duty, in presenting this subject to the House, to say, there have been appropriated and expended by the General Government, this last year, upwards of thirty millions of dollars, and not one dollar was appropriated in or for the State of Illinois, or in the Western country. I am not complaining of this sum being *too large* for the legitimate purposes of Government. I have on many occasions defended these appropriations. I have no doubt the expenditures of the Government must be larger as the country and the necessities of the country increase. The war in Florida added greatly to the list of expenses. I am satisfied that Congress, when they were making these appropriations, acted with pure and patriotic motives, and for the best interest of the country, as they believed.

Under these considerations, the appropriations were made. But it seems extraordinary that the State of Illinois, or as far as I am informed, none of the Western States, received one cent of these appropriations.

I am not so inconsiderate as to expect an expenditure of money in the State of Illinois, on objects of no importance to the people, or the nation; and that merely for the sake of the disbursement of the money in the State. It would be idle and foolish in the extreme to expect it. But I would ask this House if the National road be not a legitimate object? It is of such character and importance, that the General Government ought to be bound to notice it. If there be a national improvement in this Union, it stands foremost in their front ranks. The Cumberland road is, therefore, a fit subject on which to equalize the expenditures and disbursements of the public money.

These are facts on which I ask the sober and serious consideration of the House. Upwards of thirty millions of dollars are expended in the United States, and of all that great sum of money, not one cent was disbursed in our State on the Cumberland road, or on any other improvement. We want in Illinois what the lawyers call a *retorno habendo* of some of this public money.

I am sorry I used this expression, as the gentleman from Pennsylvania, [Mr. BIDDLE,] dislikes so much to hear, what he calls, "scraps of dog latin." I agree with him in this. I dislike it also, and will not use it again.

It will be considered that the State of Illinois, with the other Western States, pay considerable of this money into the public Treasury by means of the purchase of the public lands. Every dollar that can be raised in our State is paid into the land offices, and they are expended in other sections of the Union. None is returned on the national road, or otherwise. The Government drains the country of money, and will not disburse any in it again, if this improvement be not continued.

In taking this general and hasty view of this subject, it seems to me to be just and proper, that the national road should be continued. There can exist no doubt in the mind of any one that is not national, and of great importance to the whole Union, and particular to the Western States. And there is as little doubt in my mind, that the good faith and character of the nation are pledged to continue this great and important work. Compacts entered into by the General Government with the new States, require its completion, and the public utility of the improvement itself, more than any other consideration, demands its continuation and final completion.

I may add, further, that the new States are prevented from raising a revenue, in the ordinary mode of taxation, and thereby they are deprived of the means and resources necessary to complete this road.

My friend on the right [Mr. PICKENS] was very anxious to have this subject laid on the table. He is, generally, a very liberal and accommodating gentleman; yet his course, in this instance, seemed to form an exception to his general character. He thinks the measure is brought forward a great deal too soon. The objections of gentlemen reminds me of those of a certain man in the West, who was very lazy, and therefore disliked to plant his corn. When urged by his neighbors to do so necessary and important a work, he would first cry, "it's too soon, it's too soon," and afterwards, when the season was so far advanced that he could not say this with any face, he would cry, "it's too late, it's too late;" so his corn was never planted.

This will be the case with many of these *too soon* gentlemen; they will not at any time, early or late, vote for this measure.

I would appeal to every member of experience in this House to sustain me in saying that there is such a scramble for the priority of business, that little is done towards the close of a session. It requires more phisical strength of body and lungs than any other qualification, for the successful prosecution of business in the House at the end of the session. Would that be the time to risk such an important appropriation? I would be fearful about the end of the session the gentleman from South Carolina [Mr. PICKENS] would think it too late.

Some object to the instructions to the committee, that the inquiry ought to be "into the expediency." This mode of proceeding had in it no efficiency or force, and would amount to nothing at all. There is nothing in this course disrespectful to the committee. If it goes at all to the committee, it would have with it the voice of the House, which will give to it respectability.

After a bill is reported to the House, time will be given for examination and discussion. It cannot be hurried through the House into a law, without the due and necessary time for deliberation, and reflection. In every point of view in which I am capable of examining this measure, I am satisfied it ought to receive the favorable action of this Government, as it has done for the last thirty years. I hope and trust it will.

REMARKS OF MR. BROWN,
OF NORTH CAROLINA,

IN SENATE, THURSDAY, JAN. 30, 1840.

Mr. GRUNDY, from the select committee, to which had been referred the resolution of Mr. BENTON, adverse to the resumption of the debts of the States, submitted a report in conformity thereto.

A motion was made to print this report, which was opposed, and the doctrines of the report denounced, by Messrs. CRITTENDEN, SMITH of Indiana, and SOUTHARD, and briefly advocated by Messrs. GRUNDY, BENTON, and BROWN.

Mr. BROWN rose to say a very few words, in reply to some of the observations which had fallen from gentlemen who had addressed the Senate, in opposition to the report and resolutions then under consideration. In what he was about to say, it was not his purpose to enter into a defence of the committee, against the severe animadversions which had been cast on them, for the manner in which they had deemed it proper to discharge the duties assigned them. He would leave that task with those to whom it more appropriately belonged, and who were, in every respect, so entirely competent to their own vindication.

The object which he had more particularly in view, was to notice the extraordinary arguments which had been resorted to, for the purpose of perverting the true character and objects of the report,

by gentlemen in opposition to it, and the dexterous attempts which had been made to sophisticate the whole question, in order to present it in an aspect before the country totally different from that which in reality belonged to it.

The gentleman from Kentucky, [Mr. CRITTENDEN,] whose example had been followed by the gentleman from New Jersey, [Mr. SOUTHARD,] had denounced it as an unauthorized interference with the rights of the States, and as calculated to destroy their credit, and bring about general embarrassment and pecuniary distress in the country. And, in the first place, he would ask how did it invade or affect, in the slightest degree, the rights of the States? Had the committee recommended any measure, or proposed any action, by which their rights were to be assailed? No, said Mr. B. nothing of the kind has been proposed by them, but a proposition directly the reverse of it. A proposition of inaction is recommended for the adoption of the Senate, by which, as a branch of the Legislative Department of the Government, it declares its unwillingness to an assumption of the State debts by the Federal Government.

So far, therefore, from invading or interfering with the rights of the States, its tendency was to protect them against the application of the public money, by this Government, to a purpose clearly unconstitutional, and which, if carried out into practice, would convert our federative system into a consolidated despotism. In other words, it opposes that scheme, which, with many other ingenious contrivances peculiar to the present day, has resulted from the modern credit system, and which seeks to obtain the aid of legislative authority to plunder the proceeds of honest labor and industry, and to transfer them to the possession of those who are not entitled to them.

But it has been alleged that the reference which has been made by the committee to the debts due from the different States, is an improper interference with the rights of the States. And from whom does this doctrine come? From a political party who advocate the distribution of the proceeds of the sales of the public lands among the States, which is but an indirect mode of assuming the State debts—from a political party, who vote to apply the public money to works of internal improvement on the soil of the States, and who have, under the policy of the American system, assumed to control and regulate the labor and industry of the people of this country.

It is very clear, said Mr. B. if these extensive powers claimed by gentlemen in regard to appropriating the public money be correct, that the power to assume the State debts by the same course of reasoning equally exists—a measure, the intention to bring forward which has already been announced in the other end of the Capitol, and which there is too much reason to apprehend will be pressed upon the consideration of Congress at a day not distant, by a powerful combination of political and pecuniary interests, acting in concert, to render the Government subservient to its purposes.

The very doctrine, therefore, that gentlemen contend for, in regard to distributing the public moneys arising from the sales of the public lands among the States, is essentially a recognition of the principle of assumption by the Federal Government. If, therefore, gentlemen advocate a doctrine which, to a certain extent, contemplates an assumption of State debts, and which will be probably followed by a still more extensive system, they surely ought not to complain that the Senate should inquire into the magnitude of the debts which they are thus to be led, step by step, to assume. This course results from the very doctrines of gentlemen themselves, and if there has been any inquiry into the pecuniary liabilities of the States, it has been invited by those who, on this floor, advocate measures that, if carried into effect, are but the commencement of a system of assumption of State debts by the Government of the United States.

It was true that gentlemen who had spoken in opposition to the report and resolutions, had disavowed the intention to support an assumption of the State debts, and had expressed their concurrence in the conclusions to which the committee has come in opposition to such a system of policy. If gentlemen were really sincere in their declarations—and it was not for him to question their sincerity—he must be allowed to express his surprise at their earnest opposition to the adoption of the resolutions.

The Senator from Kentucky and the Senator from New Jersey had denounced the course of the committee as tending to injure the credit of the States which were already indebted, together with those which had authorized loans that were yet to be effected, and had predicted that the adoption of the resolutions would produce a rapid decline in the price of State stocks, and would be followed by general pecuniary distress and bankruptcy. What had the committee said in their report, to justify such apprehension? They had not, in the most remote manner, called into question the entire ability of the States to redeem all the obligations which they had incurred. They had referred to the amount due from them, to show the magnitude of the sum which the Federal Government would have to assume, if it embarked in a scheme so mischievous and unconstitutional. Why this timid sensibility on the part of gentlemen, because this subject had been referred to? Did they suppose that the mere mention of the amounts due from States—amounts which were annually made public by the States themselves—could in any degree affect their credit? Gentlemen had not properly distinguished between great wealthy and flourishing States, whose credit rested on solid foundations, and banking corporations, whose capital was often fictitious.

If, said Mr. B. the credit of the indebted States is affected at all, it will be not by any thing that the committee has said in their report, but by the extravagant declaration of bankruptcy and distress, which gentlemen themselves had indulged in. They had indirectly impugned the credit of the indebted States, themselves, by asserting that a simple annunciation of this body, that it would not consent to assume their debts, would tend to discredit them. He believed, himself, that the credit of the States rested on no such precarious ground, and that they were both able and willing to meet their engagements.

Mr. B. said that, so far from perceiving any thing in the course of the committee to censure, he saw that in it which should command entire approbation. They had exhibited, with an ability which did them great credit, the pernicious consequences that would result to the country from the assumption of the State debts—a measure which he would say, if it should be at any time adopted, would not only be fraught with incalculable mischief to the country, but would prove dangerous to the existence of the Union itself.

SPEECH OF MR. JOHNSON,

OF MARYLAND,

In the House of Representatives, December 19, 1839—

After Mr. WISE concluded his main speech on the subject of the right of the New Jersey members to the seats claimed by them, at the end of which he had moved the *Previous Question* on a pending proposition—

Mr. WILLIAM COST JOHNSON said that he had given notice to the House this morning, when he withdrew his point of order, that he should take the earliest moment to renew it. He would read it again for the information of the House.

"The Speaker of this House is bound by the laws of the United States to administer the oath of office to each member who presents himself and has a regular certificate of election, attested in conformity with the laws of New Jersey and the Constitution of the United States."

[Several members here rose to a point of order, by stating that the motion for the previous question was not debatable.]

The SPEAKER decided that the previous question admitted of a limited debate, but not, however, so as to touch the merits of the main question.

Mr. JOHNSON said that he maintained that his question was one of privilege—a question always in order—one of the highest dignity, and rode over every other question.

The CHAIR said that he was reluctant to interpose, but felt bound to enforce the general parliamentary law.

[Much confusion ensued, and many members rose to points of order.]

Mr JOHNSON said that he had not yielded the floor, and that he could effect his purpose as well by raising a point of order in a varied form, which he had reduced to writing, and would now send to the Chair, and withdraw his first:

"A motion to take the previous question is not in order until rules for the government of the House are adopted; nor while there are members of Congress who desire to be sworn in.

Mr. JOHNSON maintained that a motion for the previous question was wholly inadmissible in the present incomplete organization of the House. No rules had yet been adopted for its organization. The previous question was unknown to the old parliamentary laws. It was a refinement of modern usage, and always a tyrannical exercise of power which a majority would use, and most frequently abuse, to oppress a minority. Rather than a rule of the general parliamentary law, it was an exception to the general law, and therefore could not be rightfully enforced in the present condition of the House. But he did not rest this point of order wholly on the inadmissibility of the motion for the previous question; but the point, he humbly conceived, could not be contested, that no business could be done, no question whatever could be taken, when there were members waiting ready to be sworn in. This was a question which went to the Constitution and the laws of the United States. No arbitrary rules of this body, or of the general parliamentary law, could be quoted to overthrow an institution which some of the members had sworn to support.

Mr. J. feared that John Randolph had spoken too truly when, with his sagacious mind, he had penetrated the future, by judging of the past, and said that the time was not distant when a member of Congress would be called to order for referring to the Constitution of the United State. What was prophecy is now sad reality and truth.

He maintained that it was incompetent for the House to consider any proposition whilst there were members waiting ready to be sworn.

[Several members here rose to points of order.]

Mr. CAMPBELL, of Tennessee, said that, to relieve his friend [Mr. JOHNSON] from the repeated interruptions of some members, he would move that he be permitted to proceed.

The SPEAKER then put the question; which was carried by a large vote without a division.

Mr JOHNSON resumed, and said that he returned his most cordial acknowledgments to the House for their manifestation of respect, and should not abuse their kindness by a long speech. The petty interruptions which he had received had annoyed the House quite as much as they had him. He saw how uneasy some gentlemen were when he alluded to the Constitution which they had sworn on the holy Word of God to support. His purpose was less to address the House than to address the Speaker, but he hoped he would have the attention of all.

Mr. JOHNSON said that he maintained that the resolution and motion of the gentleman from Virginia [Mr. WISE] was wholly out of order and inadmissible; that, by the long and uniform usage of the House, by the laws of the States, by the laws of the United States, and by the Constitution of the United States, the Speaker, he insisted, was bound to swear in all members who came to him to be sworn bearing evidence in conformity with the laws of their own States that they had been duly elected as Representatives in this House; that the Speaker had no discretion in this matter, under the high obligations he had assumed to the House, to the Constitution, and to the country, which he [Mr. J.] would endeavor to demonstrate.

He said that, before he would proceed to give his reasons for the position which he had assumed, he would take occasion to say that he wished to impute nothing improper to the course which the Speaker had taken. It was well known to him (Mr. J.) that the Speaker had been called unexpectedly to preside over this House. The thought of being elected had perhaps not occurred to him or

his friends until the day before his election. Called thus suddenly to discharge the high and important duties of that station, it could not be expected that he would be at once and ever ready to decide upon all the various questions and duties which would intervene in his multifarious and arduous labors.

Then, so far from censuring the Speaker for not having at once administered the oath of office to all the six members of the New Jersey delegation who presented themselves to be qualified, it was perhaps a mark of prudence and of wisdom for him to have paused, as he did, and to ask of the experience of the House what would be the course of propriety and of duty in this juncture of affairs. It was wise in this, at least: it gave him time to hear the views of others, and to allow the Speaker to examine the question for his final determination.

He did not understand the Speaker to say that he would take no action but what the House would indicate; but that his opinion was, that they should be sworn in, and that he would not have hesitated had it not been that the members of the House had voted on the question before they were organized, and that he now asked them what he should do.

Such a course is regular, precedented, and parliamentary. A Speaker, upon a vexed question of order, often refers to the House, oftener, perhaps, to experienced members, for their views, or to ask for precedents to guide his course. Nor is it unusual for judges on the bench to ask of the bar their recollection of the law, or the particulars of some former decison of the Court. So far as the rules of the House on points of order *under the rules* may be brought into question, it can never be unwise in the Speaker to refer the question of doubt to the solution of the House by its vote; for the rules are made by the House, and subject to its alteration as well as decision. But, so far as the present question is involved, he humbly conceived it one not for the action of the House at present, but for the deliberation and execution of the Speaker. It is a question of higher dignity than a question of parliamentary form and law; it is a question involving the Constitution, the laws of Congress, the laws of New Jersey—a question which goes to the very basis and foundation of the Government.

That the Chair should desire to listen to a discussion on the question, under the circumstances, in order to hear expounded the law for his final decision, he should most cordially commend; but this House has no power to make a law for the case, nor can it expound, in the present case, the law; nor can the Speaker be relieved from the discharge of his duties, however responsible or unpleasant they may be, however much confidence he may have in a majority of this House, by asking a vote of this House upon a question, not of the rules, but a question who shall be sworn in under the law, which law is beyond the reach and counter-influence of this House, which is only a co-ordinate and co-operating branch of the Government, and cannot make laws without the concurrence of the Senate and of the President of the United States. Mr. Speaker, (said Mr. J.) you have been elected Speaker of this House by a majority of voices. You have been sworn into office by one of its members, [Mr. WILLIAMS, of North Carolina.] The House elected you, it is true; but did the House decide that the Speaker should take an oath, and that a member should administer that oath to him? No, sir; it was a higher authority. The Constitution says you shall take an oath; the law of Congress defines the language of that oath, and that any member may administer it to you. Then, the moment that the Speaker is elected, and the oath of office is administered to him, he rises above the dignity of a simple member, and becomes an Executive officer of the Government for many purposes, armed with all the powers of the law and is bound to discharge the high and sacred trusts reposed in him by the law and the Constitution. The first Executive duty he has to discharge is to swear in *all* the members. If it should be asked who are members, the answer is of easy solution: those who have the credentials of their State, made out according to the laws of their State, as authorized by the Constitution of the United States. The Constitution and the laws will not authorize him to go behind the certificate made out in due form, with all the solemn sanctions of the law.

Are their seats contested, let those contesting them *petition this House after it is organized.* Is their claim a strong one, and one which can be quickly settled, refer it to the Committee of Elections; for, why have this House always heretofore organized a Committee of Elections, if nothing is to be referred to it, and if the House, before being fully organized, decide all contested elections without evidence of any kind? If the members who have been sworn in are not entitled to their seats, and the case is of easy solution, they can report in a few hours, or in a few days, and then this House can resolve itself into its high judicial capacity, and vote them in, if they have better claims than those whom you first swore in. Is the case one of difficult solution, the Committee of Elections can have the polls purged, the election returns examined; the State is represented in the mean time, and her other interests protected; and, when all the facts are made clear, the committee can report the result of their investigation and deliberation, and the House can then take order on the subject, with all the facts of the question before them. The law makes the duty of administering the oath of office imperative upon the Speaker, after he has been sworn in. It says, he "*shall*" administer the oath to "*all*" the members present.

The first clause of the fourth section of the first article of the Constitution declares that—

"The *times*, *places*, and *manner* of holding *elections* for Senators and Representatives shall be prescribed in each State by *the Legislature thereof*; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

The first clause of the sentence is now the active principle of the law, Congress never having passed a general law on the subject. In the absence of any general law, the law of New Jersey becomes the rule, the living law of the land, as much so as if it were really a part of the Constitution itself. For, in the absence of any general law of Congress, the Constitution would become inoperative and a dead letter, had not the States passed laws, in conformity with the provision of the Constitution, regulating "the *times*, *places*, and *manner* of holding elections for Senators and Represenatives."

By the law of New Jersey, enacted to carry out this provision in the Constitution, which was in force when the claiming members received their certificates, it is declared in the fifth section that—"The Governor, or person administering the Government, and Privy Council, shall also determine the six persons who have the greatest number of votes from the whole State for Representatives in Congress of the United States from this State; which six persons, the Governor or person administering the Government, shall forthwith *commission, under the great seal of the State*, to represent this State in the House of Representative of the Congress of the United States."

Mr. J. said that he would ask if it was in the power of human language to be more explicit—to express more clearly than the language of this law does who are the members from New Jersey? It is possible that there can be a mist or a shadow of doubt in the mind of any individual who are the members that should be sworn in?

If the law had named the individuals, their identity would not be more easy of recognition than those pointed out in the law who have the certificate of election *under the great seal of the State.* Has any one doubted the validity of this law? Has any one doubted the authenticity of the certificates which have been presented by the members from New Jersey? He would answer no. No one has made even an insinuation of doubt. Are not the certificates of the five members precisely like Mr. RANDOLPH's who has been sworn in? Where is the law which allows the Speaker to go behind the certificate? Where is the law which authorizes him to appeal from himself to a majority of this partially formed House—this inchoate body? I have searched in vain for such a law.

I have looked in vain for even a precedent. Where is the law which allows the Speaker to discriminate between two certificates precisely alike in every particular, to swear in one, and hesitate to administer the oath to the other? But the first law passed by the first Congress, after they had a quorum, was a law regulating the oath of office, and who should administer it. On the 7th page of the Journal of the first Congress, April 6, 1789, the following order was made:

"*Ordered*, That leave be given to bring in a bill to *regulate the taking the oath* or affirmation *prescribed by the sixth article of the Constitution*, and that Mr. White, Mr. Madison, Mr. Trumbull, Mr. Gilman, and Mr. Cadwalader do prepare and bring in the same."

The sixth article of the Constitution declares that—

"The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound *by oath or affirmation to support this Constitution;* but no religious test shall ever be required as a qualification to any office or public trust under the United States."

I will read the first part of the second section of the act passed to carry out the provisions of this article of the Constitution. It stands first on the statute book, and is entitled—

"AN ACT to regulate the time and manner of administering certain oaths.

"Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the oath or affirmation required by the sixth article of the Constitution of the United States shall be administered in the form following, to wit: 'I, A B, do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States.' The said oath or affirmation *shall be* administered within three days after the passing of this act by any one member of the Senate to the President of the Senate, and by him to all the members, and to the Secretary, and by the Speaker of the House of Representatives to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the Clerk: And in the case of the absence of any members from the service of either House, at the time prescribed for taking the said oath or affirmation, the same *shall be* administered to such member *when he shall appear to take his seat.*

"Sec. 2. *And be it further enacted*, That at the *first session* of Congress after every general election of Representatives, the oath or affirmation aforesaid *shall be* administered by any one member of the House of Representatives to the Speaker, and *by him to all the members present*, and to the Clerk, *previous to entering on any other business*, and to the members who shall afterwards appear, *previous to taking their seats.*"

What can be more mandatory, what more positive and unequivocal, than the language of this law? After the Speaker shall have been sworn in by a member, he *shall* administer the oath to *all* the members *present* previous to entering of any other business, and to those who afterwards *appear*, previous to their taking their seats.

Where in this law is any discretion left with the Speaker to postpone the discharge of this positive injunction? Where is any allusion made to the opinion of the House in its informal state, or its *quasi* organization, or in its full and complete organization? This is the binding, existing, paramount law of the land, and no vote by any majority of this House can either take from or add to its source. No vote of this body can add to or lessen the obligations enjoined upon the Speaker by this plain and important statue law.

No one now doubts its constitutionality. At the time of its passage there were some slight doubts raised, as will be found in Elliot's and Lloyd's Debates. I will read a few sentences from Judge Story's Commentaries on the Constitution, pege 704. The distinguished commentator says:

"As soon as the Constitution went into operation, Congress passed an act prescribing the time and manner of taking the oath or affirmation thus required, as well by officers of the several States as of the United States. On that occasion some scruple seems to have been entertained, by a members,

of the constitutional authority of Congress to pass such an act. But it was approved without much opposition. At this day, the point would generally be deemed beyond the reach of any reasonable doubt."

The question of its constitutionality is at rest; no one debates its binding force. This House can have no power to resist its execution, as it has been executed by every Speaker who has preceded you from the formation of the present Government to the present meeting of the members of this House.

With a knowledge of this plain law, which points out (as Mr. J. humbly conceived) the line of duty as plainly as if it were written with Promethean fire, can a justification be urged for its not being promptly executed, that a vote of a part of the members elected to Congress constituted themselves into an informal House of Congress, and by a tie vote declared that the five New Jersey members should not take their seats, because that informal assemblage of members were guilty of a usurpation of power and a direct violation of the Constitution and the laws of the United States? Will such wanton conduct relieve the Speaker from his duty to the country?

The informal body that gave that vote were not acting under oath, and were violating the law of the United States in attempting to either vote members in or out of their places; for the law of 1789 expressly declares that the Speaker shall administer the oath "to *all* the members *present previous to entering on any other business;* and to the members who shall afterwards appear *previous to taking* their seats."

So far as the informal body acted in order to extricate itself from the difficulty in which the vile profligacy of the Clerk had placed it, it was legitimate, because it was necessary for its very existence. So far as it proceeded to place itself in a condition to elect a Speaker, and to do nothing more, it was necessary and gravely important. But every act beyond that was usurpation, which outraged the law of the nation. The Clerk violated his duty in not following the established usages of the House in reading the list of members who had a certificate of election according to law. There is no positive law of the land which makes him the presiding officer of the House on its organization; it is usage—usage established under the old Confederated Congress. I find in the second volume of the Congress of 1777, page 305, that when President Hancock took leave of Congress, the following resolution was adopted:

"*Resolved*, That the Secretary officiate as President until a new choice is made."

The Secretary's list gives no positive right to a member to a seat. It is only called in order to furnish evidence that the members are in attendance. It is the certificate of election under the law, with all the solemnities of the law, that is evidence, and which alone is evidence, and which cannot be rightfully rejected upon the organization of the House. The Clerk well knew what had occurred in the case of Moore and Letcher, for it was well known that the then Clerk of the House placed the name of Moore on his list, although his certificate was informal and imperfect, by which he offended two members, friends of Mr. Letcher, who did not vote for him, by which he lost his re-election. The present Clerk, less honest, saw this question, not as a faithful officer, but as one who knew he would get his daily bread—and that was reason enough for him—by refusing to call the five members who had certificates of election, and that he would thereby secure his re-election, and subserve the political purposes of his party.

But how stands the question so far as the members whose seats are not contested have given an opinion in the mere informal organization of the House? By a *unanimous* vote they have declared that the contesting members are not entitled to the seats. That is a negative pregnant, and amounts to a direct affirmation that they believe, although they will not avow it, that other claimants are entitled to all the rights and privileges of their places. They have, by a *tie* vote, giving *no opinion* in relation to the members who have the regular certificates of election. And, it is well known to you and to all of us, that, had Mr. HAWES, of Kentucky, been in his seat at the time, he would have voted in the affirmative. Then you have the assurance, in the first place, that the members are unanimous in the opinion that the contesting members should not be sworn in, and you have a majority of the members who believe that the other five should be.

The only argument (said Mr. J.) which I have heard urged with any serious earnestness in the House before you were elected was, that, if the members who had the certificates were allowed to vote, a Speaker might be elected by their votes, and that afterwards it might possibly appear, upon examination of the election returns and of the whole case, that the other gentleman would be entitled to the seats.

The Speaker has been elected without their votes. Now, the argument is, that because members voted once to reject them wrongfully and in violation of law, and without having the oath of office administered, they must vote to reject them again. The morality of which is, that the latter outrage is justified by the former, and the essence of the logic is, that two wrongs will make one right.

Mr J. maintained that a more direct assault never was made upon the Constitution and the laws than the vote excluding the five New Jersey delegates. As ample as are the powers of the House of Lords of England, the members of this House have outstripped them in exercising power. When sitting in judgment, the peers do not give their decision on oath, as do the members of the House of Commons, but simply on honor. But every peer is bound to take the oaths prescribed by the laws of England, *before he takes his seat.* "Any peer voting before he has taken the oaths, renders his whole property liable to forfeiture." But a portion of the members of this House, with the imperative law of the United States before them, with the Constitution which enjoins an oath, and with the usage of all the civilized and Christian world which requires public functionaries to forbear to decide upon the rights and interests of others, without the fear of Heaven, in the most solemn form presented to them, and in the form of an oath, have evicted five members from their seats; and members from a State which furnishes her opinions in times past as well as present, that she requires an oath, not only of those whom she may appoint to represent her interest, but from all who may either directly or indirectly have to pronounce upon any matter touching her welfare as a member of this great Republican Confederacy. I will (said Mr. J.) read her opinions in her own language from the book I hold in my hand.

[Mr. RIVES here called Mr. JOHNSON to order.]

Mr. JOHNSON said that his evil genius had risen behind him to haunt him once more with his confused points of order.

Mr. J. resumed his remarks, and was about to read from the Journal of the old Congress, when

Mr. ATHERTON said he would call the gentleman from Maryland [M. JOHNSON] to order; he was wandering from the true line of debate.

Mr. JOHNSON replied that the gentleman had twice called him to order. The first time he had proffered the impatient member one of the books before him to read whilst he was progressing in his remarks to the CHAIR; but the gentlemen had thought fit to call him to order again. He must now be allowed to say, with becoming and profound sincerity to that distinguished member, that he did not adopt him entirely as his standard for taste or his model in debate; it was his misfortune and his fault. That learned and logical member argued as with intuitive induction; he [Mr. J.] sometimes reasoned by analogy. He had not, and he greived most sadly for it, that elegant and happy facility of giving language to his thoughts with that inimitable perspicacity which distinguishes the learned member from New Hampshire. He had often listened with perfect rhapsody, as had the House on many occasions, to the brilliant displays of the learned member. The gentleman had the most rare talent to collect all the resources of his gifted and richly cultivated mind, and embody them, with a facility peculiar to himself alone, in one elegant and sonorous sentence; and that sentence was—order, order.

After this explanation, which Mr. J. hoped would be satisfactory, he trusted he might be allowed to proceed without further interruption.

The paper which he was about to read was to be found in the Secret Journals of the Congress of 1778, and was in the first volume, page 374. It was one of the ablest papers of that day, and he would only read that part of it which was germain to his purpose and the subject he had under consideration.

THURSDAY, June 25, 1778.

"*To the United States in Congress assembled:*

"The representation of the Legislative Council and General Assembly of the State of New Jersey showeth: That the articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Deleware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, proposed by the honorable the Congress of the said States, severally, for their consideration, have been by us fully and attentively considered; on which we beg leave to remark as follows:

"1. In the fifth article, where, among other things, the qualifications of the delegates from the several States are described, there is no mention of any oath, test, or declaration to be taken or made by them *previous to their admission to seats in Congress.* It is, indeed, to be presumed that the respective States will be careful that the delegates they send to assist in managing the general interest of the Union take the oath to the Government from which they derive their authority; but, as the United States, collectively considered, have interests, as well as each particular State, we are of opinion that some test or obligation, binding upon each delegate while he continues in the trust, to consult and pursue the former as well as the latter, and particularly to assent to no vote or proceeding which may violate the general confederation, is necessary. The laws and usages of all civilized nations evince the propriety of *an oath on such occasions*; and the more solemn and important the deposite, the more strong and explicit ought the obligation to be."

Many of the framers of the Constitution were members of the Congress before whom the remonstrance of New Jersey was read and considered, and hence, very likely, that clause in the Constitution which enjoins upon members to take an oath or affirmation. And hence, too, most likely, that clause in the law of 1789 which enjoins upon the "Speaker" to administer the oath "to all the members present, and to the Clerk, *previous to* entering on *any other business*, and to the members who shall afterwards appear *previous* to taking their seats." The law of Congress adopts almost the very language of New Jersey. New Jersey that had thus early tried to protect her rights, to plant round herself, as it were, safeguards with all the binding force of law, and the solemn influence of religion, is the first victim on which this first infraction of the law has fallen. She sends her delegates here with all the authority of her law, with all that is required by any existing binding law, and you spurn them from the Hall. What higher proof can she give than the credential made out in conformity to her laws, impressed with her great seal of State? I will not (said Mr. J.) discuss her great seal. I will not inquire if a new one is made upon the election of every Governor. I will not ask if it is six inches in diameter, like the great seal of England, and, like that, is cut into four pieces upon every accession to the Throne, and placed in the Tower, and a new one of silver formed. These inquiries I will leave for the curious. Sufficient for us to know that it is the highest proof of her will, it is the most solemn evidence of her sovereign authority. It should every where be evidence both of her will and her authority.

When was the power of the great seal of a State questioned before? Go where you will but to this House, and it will not be disputed. Go to the courts of law, its presence will of itself speak its power.

I will refer to authority, for I fear argument will be less convincing.

In Baldwin's Reports, page 78, in the case of the United States *vs.* Wilson and Porter, in the Circuit Court of the United States, it was decided that "A pardon granted by a Governor of a State, under its great seal, is evidence, *per se*, without any further proof."

With all the investigation which has been bestowed, not a single case has been presented where the individual who has the legal evidence of his election has not been allowed to occupy his seat until the particulars of the election could be investigated. Not a single case can be found in this country or in England.

I will read a case from Jacob, which has not been read, and which meets the question before the House, and before you, Mr. Speaker, in every particular:

"In 1640, it was ordered (by the House of Commons) that where some are returned by the sheriff, or such other officer, as by law hath power to return, and others returned by private hands, (as has been done here,) in such case those returned by the sheriff, or other officer, shall sit until the election is quashed by the House."

What stronger proofs can be offered? What mind, unless it is predetermined, can hesitate a moment in declaring that the members from New Jersey who have the certificates should instantly be sworn in?

Mr. J. said he would not appeal to the members of this House, for he apprehended it would be useless. He could not appeal to those who, on former occasions, had so loudly advocated the rights of those who held the certificate of election, and who had so suddenly, on this occasion, reversed their former positions: it were useless. Nor would he appeal to some who were always dwelling on State rights. No; he would not; for State rights had become, with many, a catchword—they used it most when they most abused it. State rights would be (he said) in a deplorable condition if they rested upon some of their professed friends for support. He would not speak of the motives of any member, for it was neither his privilege nor his right to do so. He would, however, state that he generally adopted the rule laid down by Junius in his letter to the Rev. Mr. Horne: "To judge of the integrity of men by their conduct, and not by their professions." But he would say, if the New Jersey members were not received promptly as the Representatives—the ministers of their State—she could well consider herself as expelled from the Union, and she would have a perfect right to withdraw all connection from the Government. She would have a perfect right to send her agents to negotiate elsewhere. Had such treatment been inflicted on some of the states of the Union in times not long past, such would have been the result. But it is you, Mr. Speaker, that we look, to prevent this injustice to New Jersey, this infraction of the laws. You derive your power, Mr Speaker, on the subject, (he would repeat again,) not from this House, but from the law. The House but elects you. The law invests you with power, and power to execute the law. This House may elect you, as it has elected a President of the United States. He does not, for that reason, appeal to this body to ask its opinion upon his duties. He appeals to the Constitution and the laws as the rule of his conduct. The Constitution and the laws have defined your duties. The law—not this House—says you shall swear in the members who present themselves to be sworn in. The New Jersey members have presented themselves. I am authorized from them to say that they are now ready to receive the oath from you. The Constitution, the law of the United States, and the law of New Jersey, are for the time suspended. You can give them vitality and action. And I repeat, that the law of Congress, made in pursuance of the Constitution, and to carry the provision of the Constitution into full force, and the law of New Jersey, made, also, in pursuance of the Constitution and by its authority, to give it efficiency, are as binding upon you and the members of this House as if they had been written in the Constitution itself, and had been made a part of that organic law.

Mr. J. said that in concluding his remarks, which he had extended, he feared, to too great length, he would say that if the Speaker viewed this subject in the same light in which he did, he would not longer hesitate to administer the oath to the members from New Jersey. He hoped that the Speaker would calmly examine the law and its philosophy, and relieve the House from this protracted discussion. The unprecedented condition in which the House had been placed, and the country, required of the Speaker to exercise, rigidly and fearlessly, all the powers with which the Constitution and the laws had invested him. Say to the New Jersey members, come forward and receive the oath. Hold up to the country the laws and the universal usage, and you will receive the thanks of the nation. You will receive the respect and admiration, in a little while, of those who are now prejudiced by the warmth of partisan feelings. They will, in their calmer moments, be as ready as any to justify and commend the act.

Swear them in before the House take a vote on the question. If this question is decided not by the law and the usage, but by a vote of this House, the example will be mischievous, the precedent will be fraught with permanent and abiding evil. It will open a door in times to come, when parties are excited, and the nation convulsed, which will easily lead to the total overthrow of the Constitution and the Government. The crisis now requires moral fortitude, a firm and fearless reliance on the laws of the nation.

Sir, (said Mr. J.) when but a few years ago the question of nullification was extending from the South to the North, fast, wide, and wildly, many politicians, some with pure, others with designing motives, caused a dinner to be given in this city to forward the feeling, and to commit President Jackson to the doctrine. When, by the previous concert of a few leaders, toast after toast was offered, speech after speech was made from able men selected for the purpose from various points of the Union, when the feeling seemed to be spreading with electric contagion, when all eyes were directed to Gen. Jackson with the confidence of ardent hope, it was at that moment that he rose, with a firm and noble grandeur, and proclaimed amidst his devoted friends, "The Union—it must and shall be perserved." There was a moral sublimity in the act, which gave us much lustre to his character as his proud victory at New Orleans.

Administer the oath to the New Jersey Representatives, for you alone possess the power and the right, and you will heal the breach which has been made in the Constitution and the laws. Do this duty firmly and quickly, and (Mr. J. said) my life on it, the warm greetings of your magnanimous constituents will thank you, every friend of the Constitution every where will thank you, posterity will thank you.

SPEECH OF MR. ADAMS,

OF MASSACHUSETTS,

In the House of Representatives, Wednesday, December 20, 1839—After a long and somewhat stormy preliminary dispute on questions of order, and the priority of business—

Mr. ADAMS rose and addressed the House nearly in the following words. It is not my intention to trespass upon the patience of the House by occupying much time. The first point to which I go is this. It is the same in substance which was made as a point of order by the gentleman from Maryland, [Mr. W. COST JOHNSON,] namely, that this House can proceed to no other business whatever until all its members have been sworn. I began by reading out of time, for I had reserved it for another place, this law of the United States. [Mr. A. had quoted the statute of 1789, which provides as follows:

SEC. 2. *And be it further enacted*, That at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid shall be administered by any one member of the House of Representatives to the Speaker, and by him *to all the members present*, and to the Clerk, *previous to entering on any other business*, and to the members who shall afterwards appear, previous to taking their seats.]

I say that this law is now binding, but, preceding that, there are some provisions of the Constitution to which that law applies, and to which it will be necessary for me to refer. The first is this:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union; according to their respective *numbers*."

Then follows the manner in which the numbers shall be determined.

But, as I presume the words of the Constitution in this passage are in the minds of all gentleman, I will read no further, but will state that it was then declared that New Jersey should have four Representatives in this House; that a census should be taken from ten years to ten years; that each State should have a representation according to its numbers ascertained by the census; and that immediately after the last census of 1830—that is, on the 22 of May, 1832—an act was passed for the apportionment of Representatives among the several States, according to the fifth census, which provides that the House of Representatives shall BE COMPOSED of one Representative to every 47,700 persons in each State; and it goes on to specify, "that is to say"—and then follows the specific number of Representatives for each State, of which it declared that New Jersey shall have six. Now I say that the House of Representatives is not, in the sense of this act, "*composed*" until new Jersey have six Representatives on this floor. I set aside the act of God which has deprived my State of one of its most valuable Representatives; I set aside the act of God by which one of the Representatives from New York was prevented from attending here by a deep domestic affliction; and I set aside another act of God by which one of the members now in this city has been disabled by bodily indisposition to attend here in his place. And must I set aside another privation of five members? excluded, not by the act of God, not by the neglect of the people of New Jersey, but the arbitrary decision of less than a majority of this House, that five more gentleman who presented themselves here as five out of the six Representatives to which the law says that New Jersey shall be entitled in this House, have been virtually shut out and excluded from it. This is the Constitution. This is the law. I have read them both. The Constitution says that New Jersey is always entitled to have in this House a certain number of Representatives in proportion to her population. A law of the United States, unrepealed, and therefore still of binding force, says that after the year 1832 the House of Representatives shall be *composed* of a given number of Representatives, six of whom shall be from New Jersey; and I ask whether this House of Representatives is so composed? And, if it is not, whether it is a constitutional and legal House of Representatives till it shall be?

But in answer to this question it may be said, and it has been said, there are others who claim to be Representatives from New Jersey. Now the Constitution says that each House of Congress shall be the exclusive judge of the elections, returns, and qualifications of its own members; and the gentleman from South Carolina, [Mr. PICKENS,] a few days ago, with extreme ingenuity, (an ingenuity which I could not help admiring, whatever other sentiment it might have occasioned in my mind,) called on us to analyze this provision, and said that in it were contained three distinct rights: first, the right of judging on the election of its members; secondly, of judging of the returns of their election; and, thirdly, of judging of their qualifications. The course of the gentleman's argument it is not necessary for me now to follow; but in this clause of the Constitution there is one word of which he took no notice, but which I now ask him to analyze, and ask this House to analyze, and that is the word JUDGE. Now, in analyzing this word judge, I propose to ask, first, what it imports, and secondly, why it was inserted. And in the first place, I say that this word "judge," as

here employed in the Constitution, implies a trial, implies parties, implies a contest, implies evidence, and a law according to which the judge is to act. The Constitution of the United States has not said that the House of Representatives shall have arbitrary power to exclude or to expel any member from its Hall, and from all the rights of a member of the House. It does not say that the House shall possess the arbitrary power to do this, but it says that this House shall have power to *judge*. And how? Not by its mere arbitrary act; not according to the simple fiat of the majority. No. The authority conferred is a judicial authority. Now I ask, in the second place, how it has happened that such a provision is inserted here, in an instrument which is founded on the principle that the legislative, judicial, and executive powers of this Government shall be kept separate; that the legislative branch shall exercise no judicial or executive power; that the judicial branch shall exercise no executive or legislative power; and that the executive branch shall exercise no legislative or judicial power. That is the great, the high, and solemn principle on which this Constitution of the Union and all the Constitutions of the States are founded. Now, if in such an instrument we find one exception in which express judicial authority is conferred on the legislative branch of the Government, I ask, why has this been granted? Was it that this House might exercise its fancy, its caprice its party prejudice, its injustice, and thus expel any of its members at pleasure? No. The House must act a judicial capacity; it must proceed on a trial, in which there are parties, in which there is evidence, and solemn argument upon the evidence.

But there is another power conferred on this House by the Constitution, and that, I must admit, is in a considerable degree discretionary. The power is absolute in itself, and this Constitution has not said for what it shall be exercised. But when this power was given, did the authors of this instrument suppose it would be attended with no danger? Far from it. And the proof is found in the fact that, in this one instance, they dissolved that great and almost universal law which requires that legislative bodies shall decide by majorities, and have required the consent of two-thirds before this power can be exercised—I mean the power of expulsion. There must be two to one before any member can be expelled from this House. That is the caution and the guard under which alone the Constitution authorizes us to exercise a power so tremendous.

Now, then, let us for a moment inquire how this stands. In our proceedings within this Hall, when we were in an informal and unorganized state—when not a member had been sworn to the faithful performance of his official duty, less than a majority of this body, a mere tie, and that in a House not composed according to law, did decide that five members who were requisite to the composition of the House, should not be allowed to vote. What was the effect of such a decision? I say it was a virtual expulsion of those members. It was the same thing as if the House; by a simple majority, and not even that, had quoted that five of its members be expelled. Here, then, was an act done by less than a majority, for which the Constitution requires a vote of two-thirds. I say that the effect of this act of less than a majority is precisely equivalent to the expulsion *quoad hoc* of five members who formed a part of the composition of the House. I say it was an act which this House has no power to perform—that it was unconstitutional, illegal, null and void; and I vouch the Constitution and the laws of the United States to prove it. What is the next consequence which follows, if this be legitimate? It was this unformed, unsworn, unorganized body, not composing a House of Representatives which had in its hands a discretionary power to expel any one member who happened to be obnoxious to one-half of the members. I say, that body had no power to pass such a vote, and further I say, that this body has as little. What must be the consequence if such a doctrine be admitted? Supposing this body in its present state be a House of Representatives, which I say it is not so long as there are five members duly commissioned and claiming seats who are excluded from it—still the remainder has no power to declare that they shall not vote; it is unconstitutional. These men have the same right to vote which you or I have, or any other member of this House, and the House cannot divest them of that right. This House has no power to say A, B, C, and D, shall not vote. If it has the right to say so respecting these five New Jersey members, it may say the same respecting all others, for these stand on identically the same ground with all other gentlemen here. If you say you have a right virtually to expel them, you have the same right to expel any other member, and then we are come precisely to the case referred to yesterday by the gentleman from Virginia, [Mr. WISE,] and the account of which he read to the House—the case of Oliver Cromwell, when, by the agency of a clerk, he excluded from the House of Commons all the members of the Parliament of England except such as *he* esteemed the righteous and the godly. There is not a hair's breadth between that case and ours; and the tenant of the White House may, with the help of this precedent, send down to us a minute of those who, in his opinion, are the righteous and godly members of the House of Representatives, with an order to turn out the rest.

And now to come to the position I take, namely, that the five members appearing here with credentials from the Governor of New Jersey have the same right to sit and vote with every other member of this House; and in support of that position I refer again to the Constitution, to the law, and to immemorial usage without one exception. The question as to the first right of any member of this House to take his seat, subject to a subsequent inquiry and decision by the House as judges, is founded on the evidence which he produces of his membership. And what has been this evidence? It has been such as is prescribed by the laws of the several States; in general, it is the signature of the Governor of the State; the very highest authority known in all courts throughout the world; the very highest evidence of all documentary acts. I have heard much said here about the broad seal, and gentlemen have argued about the broad seal as if its virtue was in itself: we have heard of the great seal of England having been thrown into the Thames by James II, and that the conclusion is, *therefore*, no credit is due to broad seals—that is the logic. But it is not the broad seal itself, it is the principle which lies under it, that is to be looked at: which, by the laws of all States and nations, renders it the highest evidence known among men. The seal itself is nothing. The power which created can change or break it at pleasure; but its admission as authentic proof of record by the universal consent of all nations; this it is which gives it value. It is a question for the States whose seal is set aside. If, by any act, you show contempt of the seal, you show contempt of the power from which it emanates, and of the law of nations. That is the principle; a principle founded in reason, founded in humanity, and necessary between nations. I hope it is not to be affected by the sinking of the broad seal of England, or its being carried away by a tyrant. In this contempt for broad seals there seems involved the principle that, whenever images or statues are held sacred, the sanctity lies in the marble and not in the god represented by it. It is not a question here how many inches, or feet, or yards, or acres, a broad seal may cover; that is not the question: but the question is, whether, by your act, you will set aside the highest evidence any State or nation can produce. It is not a question of a broad seal; but it is a question whether the sovereign State of New Jersey, speaking in its own forms of law, in the most authentic form in which it can speak, according to the laws not only of this, but of all nations, shall be buffeted and kicked out of this House. That is the question. Now, I say that, by the Constitution, by the law, and by immemorial usage, not only between the States of this Republic, but among all civilized nations, these five commissioned members have produced to you the highest proof possible of their membership, and that you cannot reject them without rejecting the evidence they have produced.

Now, it is said against all this that there is a *suspicion!* a suspicion of fraud. Of fraud? Where? Of fraud in the application of the broad seal? Of fraud in the evidence? Of fraud in the act of the Governor of New Jersey? No; there has not been the slightest intimation of such a thing; but behind the commission there is a certificate of one who is not a certifying officer known to the law, a certificate not sworn to, that in the election there was fraud. That is a suspicion. Well, and is there not another suspicion? Is there not a suspicion that in that very majority which he certifies, there was fraud by the admission of illegal voters? And such fraud as will change the majority? Have the gentleman's suspicions settled between these two? No. I know there is too much justice here to settle on any such induction. That is to be settled when this House comes to act as a judge the proper time and place.

[Mr. DUNCAN here interposed. Has the gentleman any allusion to me? Loud and general laughter.]

None at all. Not the least. None whatever. [Here the Hall resounded with shouts of merriment.] For my own part, I do not know which of these suspicions is founded in truth, and which not, or whether both may not be. I cannot say whether there has not been fraud in the returns, or fraud in the voters. That we are hereafter to decide in our capacity of judge, and not by the preceding will and pleasure of the House. That is a question for hereafter; but, in the meanwhile, does that suspend the right of a member to be sworn? The principle and the practice in such cases have always been to receive those bringing regular returns of election according to the Constitution and the laws, to admit them in the first instance to their seats, and then, as judges, to decide upon the whole case. I commiserate the gentleman from Virginia, [Mr. DROMGOOLE,] who rummaged a large volume of contested elections, and in all that record could not find one single case which did not make directly against him, (as has since been fully proved) An authority has been read to us respecting the practice of the British Parliament from Jacob's Law Dictionary. I have a higher authority—the authority of Blackstone, speaking in his Commentary. In the chapter which speaks of the manner in which elections shall be held in England, Judge Blackstone says—

"The election being closed, the returning officer in boroughs returns his precept to the sheriff, with the persons elected by the majority; and the sheriff returns the whole, together with the writ for the county and the knights elected thereupon to the clerk of the Crown in Chancery; before the day of meeting, if it be a new Parliament, or within fourteen days after the election, if it be an occasional vacancy, and this under penalty of £500. If the sheriff does not return such knights only as are duly elected, he forfeits, by the old statutes of Henry VI, £100, and the returning officer in boroughs, for a like false return, £40. And they are besides liable to an action in which double damages shall be recovered by the latter statutes of King William, and any person bribing the returning officer shall also forfeit £300. *But the members returned by him are the sitting members, until the House of Commons, upon petition, shall adjudge the return to be false and illegal.*"

There is the law of England. The return cannot be set aside even when the sheriff has been bribed. The sheriff is punishable for his villany both to the public and to the individual who may suffer by it; but, nevertheless, the member returned is the sitting member till the House on trial shall adjudicate the return to have been false and illegal.

Here I rest my case—the case of our five associates who have claimed to be sworn at that table, and I here challenge and openly defy any and every member of this House to point me to one single principle of the Constitution, of the law, or of immemorial usage, which shows the contrary, and gives this House iota of right to deprive the people of New Jersey of their full representation in this House.

When the New Jersey case arose more than a year ago, and that became probable which has since happened, or rather when that was most

excessively apprehended which has since taken place, namely, that the election of a person to fill that Chair would depend on the exclusion of those five gentlemen from their seats, and the consequent sacrifice of their rights and of the rights of their constituents, I did conceive that there was a great question involved, to which there were two fair and equitable sides, and I came to the conclusion that this question should be adjudicated, not by caprice, not by arbitrary will or absolute power, but adjudicated according to law, before a Speaker should be chosen. I knew that this could not be done by the Constitution, by the law, or by immemorial usage; I knew that those who brought returns in legal form must be sworn and could not be turned out of their seats but by the adjudication of this House; and I saw at the same time how inconvenient, if not impossible, it would be for the House to spare the necessary time for the citation of the parties, for the examination of evidence, for solemn argument, and that entire process which rightfully belongs to a court of justice, and is necessary to a judgment in conformity with truth. I saw that very plainly; so did others, and I offered a resolution with a view to see whether this painful extremity could not be avoided. I believe a gentleman from Virginia [Mr. CRAIG] has offered the same or a similar resolution since we met.

[Mr. CRAIG. The resolution I offered was the very same *verbatim et literatim*.]

The resolution is now useless as respects this case, since the election of Speaker has been decided; and here I must be permitted to say that it seems, as if by a retributive act of Providence, that election has been decided precisely as it would have been if the five excluded New Jersey members had been admitted. Neither of the two great political parties into which this House is divided was able to carry its own candidate, and a gentleman has been placed in the Chair who would have been placed in it in that case, but with five more votes in his favor. Having a very high idea of the agency of Providence in drawing good from evil, I have not been able to avoid some suspicion that this is a retributive Providence on us for the great waste of time which has here taken place to no useful end whatever; for, after all the violent struggle having for its ultimate object the filling of that Chair, the self-same individual has been brought into it as would have been brought there if all the commissioned members of the House had been allowed to vote, and there had been no trampling on Constitution, law, and immemorial usage. But the principle of my resolution was, and of the gentleman's resolution from Virginia is, in my opinion——

[Here Mr. ADAMS was interrupted by Mr. F. THOMAS, of Maryland, who made a point of order, the discussion of which occupied the House for more than an hour, but which terminated in Mr. ADAMS being permitted to proceed.]

Mr. ADAMS proceeded. I am sorry, Mr. Speaker, and somewhat surprised, that the gentleman from Maryland [Mr THOMAS] should be so excessively uneasy at the few observations I have submitted, and that he should be so apprehensive as to the few which still remain to be made; and that he has thought proper to consume so much time upon what I consider to be an exceedingly frivolous question. As to the first part of the motion made by the gentleman from Maryland, [Mr. W. C. JOHNSON,] namely, whether the previous question is now in order or not, I have nothing to say. The subject is too small, too trifling, for me to consume time upon it. What I speak to is the second part of the motion. It is that which makes the point that, until the members from New Jersey are sworn, this House can, by the Constitution and laws, proceed to no other business. I say I was in order in speaking to that part of the motion, and that I can speak to it. Of course therefore, when the gentlemen from Maryland [Mr. THOMAS] moved that I have leave to proceed in order, according to his views of "in order," his motion was substantially that I should be gagged. If I am to proceed according to his notions of "in order," I had better take my seat, and say nothing. I am exceedingly happy that the House has come to the conclusion to hear *me*, and I will not abuse its indulgence by occupying very much more of its attention.

In the course of this discussion, it has appeared that it is exceedingly objectionable to some gentlemen here to hear appeals made to the Constitution and laws, and immemorial usage, for the purpose of securing to the people of the United States their right to a representation in this House. I can readily conceive that these are grating sounds on the ears of some gentlemen, and that to hear them once is enough; but to hear them time after time, as I think they ought, until they hear their effect, *that* is still more disagreeable, disgusting, and tedious. I am happy that that is not the temper of the House, but that we may still appeal to the Constitution and laws and immemorial usage, in remonstrating against that enormous encroachment upon them, the exclusion, the expulsion of five members from this House, who, by the Constitution, the laws, and immemorial usage, are entitled to their seats as much as any other gentleman here.

When I was interrupted by the exceedingly candid gentleman from Maryland, [Mr THOMAS,] who is willing to let me proceed "in order," according to his views of order, I was referring to a resolution which I offered in this House at the last session of Congress, and which, I believe, is now before the House in the shape of a resolution offered by the gentleman from Virginia; and I was proceeding to state that I did think there was a great and important question between the parties. I am now speaking to the duty of the Chair—to its duty to swear in the members from New Jersey before any thing else is done in this House; and I speak to it in order to express my conviction that that is a duty, to the performance of which he is bound by the Constitution of the United States, by the laws of the United States, by the immemorial usage of the United States and of the British Parliament; and that no resolution or vote of this House can interpose between him and the performance of that duty. I was about to proceed to say that that important question (which I did believe to be of very great importamce, and which I did hope this House would find some means of settling before we came together) has, in point of fact, lost all its importance; because the Speaker has been chosen, and because the question is no longer before the House. Now, I can conceive that a member of this House, with a high respect for the Constitution, the laws, and usages, while the question of Speaker was before the House, may still say there is, after all, behind that, a question as to the will of the majority of the people of New Jersey in the election of their members to represent them in this House. And, sir, I am willing to concede to the gentleman from Virginia, [Mr. DROMGOOLE,] who argued the point a day or two since, that this House had the power to proceed to try and adjudicate the question before the Speaker was chosen. I concede it to him; but then I say that, if they do so undertake to decide that question before a Speaker is chosen, they must do it upon the constitutional principle as judges, not by their will; but that they must act under the authority given to them by the Constitution to jugde of the elections, returns and qualifications of the members of this House. And I further say that, if they do it in that manner, they cannot do it without a trial, without hearing the parties, without receiving evidence, without hearing arguments, and that it must be a judicial act, and not an act of autocrats.

Well the House has chosen to do it otherwise; and that there might be no failure of any incident to stamp upon them the inconsistency of their act, that have done it with a resolution on their table, (not yet repealed,) which was offered by the gentleman from South Carolina, [Mr. RHETT,] that this House would proceed to try and determine the question before the election of a Speaker. That resolution is still before the House unrepealed. It has, to be sure, been violated. The election of Speaker *has* taken place. By an arbitary act, not by a judgment—for there has been no judgment, no trial, no hearing of parties, no reception of evidence—but by a naked autocratic act, it has been decided that the five members from New Jersey shall not be permitted to vote in the election of Speaker. Now, I say that that House unconstituted, or this House constituted, had no right to pass such a resolution; and I say this, that it is the duty of the Speaker, prescribed by the Constitution, prescribed by the law, prescribed by universal usage, to perform that duty, and that it is not competent for this House, by a unanimous vote, to release him from the performance of it. What is the alternative? What are we to suppose? We are to suppose that the power to voting to every member depends on the will of the majority, and not upon the Constitution and laws; for, upon the same principle, by virtue of the same process by which it was determined that the members from new Jersey should not vote—by the same authority, I say, my friend from Maryland [Mr. THOMAS] might have had a sure way to stop my mouth by moving that I should not be permitted to speak or vote; and then a tie according to the precedent, on the question whether I should vote or not, would have expelled me as it has expelled the five members from New Jersey; and as he could have done it to me, he could have done it to any other member: and thus one-half of the members might be made to hold their seats not at the pleasure even of a majority, but of the other half.

Now, it is that precedent against which I protest in this case; and I wish the House to take into consideration that which is so settled and determined, so fixed by the authority which I read a short time since, (probably the highest in the law of England,) namely that a member returned by a sheriff who has been bribed is yet entitled to take his seat in the House of Commons, until she ha been adjudged (not arbitrarily expelled, but *adjudged*) to have been illegally elected. At the time I offered the resolution alluded to, at the last session of Congress, a difficulty had occurred to me; and I think, if the gentleman from Virginia persists, as I hope he will, in calling for a decision on his resolution, that he will find, when he comes to discuss it, that the difficulty which I found will present itself to him also. When I offered that resolution, it was rather with a view to see whether, upon cool deliberation, some plan or device might not be found by which this adjudication should take place without consuming an unreasonable or unnecessary portion of time. This had led me to inquire in my own mind into the principle upon which is established the law, both of the British House of Commons and of this House. What is its principle? Every one will admit that it is an evil—that it is a wrong done to a portion of the constituency—that it is a great inconvenience to decide that a man who, after all, shall turn out not to be duly elected, should be admitted to vote until that determination is made. But how was the evil to be remedied? The remedy which had occurred to me was that which this House finally determined it would take; that is, that whatever time it might take, they would examine, try, adjudicate, and decide the case, before the election of Speaker. But there are great difficulties in this mode of proceeding. It is a choice of evils and inconveniences; and I must confess that I have not yet been able, satisfactorily to my own mind, to devise any principle (not an arbitrary proceeding or an autocratic act, but a *principle*) upon which these contested elections can be tried without consuming time before the election of Speaker. And hence I derive what I believe to be the principle of the establishment of the law I have referred to; that is to say, that it must be assumed, in the first place, that members regularly returned according to law, are *duly* returned. This, it seems to me, must be the principle; because the only alternative is to deprive the constituency of its Representatives. The moment you determine to take any other cause for the decision of this question, you not only turn a member out of the House, but you deprive his constituents of the Representative. Now that is a much greater evil of the two; and it appears to me to carry with it all the reason of another principle; that is, the principle of privilege—the right of privilege—the privilege of members of the House from arrest, from summons in a court of justice. Why, the privilege of a man

from arrest—from being brought to obedience to the laws—is a great evil and inconvenience. There are many individuals who suffer in consequence of it. The privilege by which no member shall be summoned to a court of justice as a witness, either in public, criminal cases, or in individual cases between man and man, is a great evil—a great inconvenience. But what then? The privilege here is established—it is established here by the Constitution. It is established to an infinitely greater extent in the Parliament of England, for privilege there is indefinite—determined upon principle to be so—and it has been carried to a most extravagant length.

But the principle upon which this privilege from arrest was settled is laid down in Jefferson's Manual by an opinion of the author of that book, and it is in terms extremely applicable to the present case. I will read it:

"This privilege from arrest, privileges of course against all process the disobedience to which is punishable by an attachment of the person; as a subpœna ad respondendum, or testificandum, or a summons on a jury: and with reason; because a member has superior duties to perform in another place."

That (continued Mr. A.) it is the authority given by the book which Jefferson cites. Now, what is his own opinion?

"*When a Representative is withdrawn from his seat by summons, the* 30,000 *people whom he represents lose their voice in debate and vote, as they do on his voluntary absence: when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does on its voluntary absence. The enormous disparity of evil admits no comparison.*"

There (continued Mr. A.) is the opinion of Jefferson in a case which I consider to be perfectly analogous. "The enormous depravity of evil admits no comparison." What is the evil on the one side? It is the special privilege of an individual, which may be injurious to the public or to individuals. What is the evil on the other side? It is, that the 30,000 [now 47,700) men whom he represents are deprived of their voice and vote in the representative assembly of the nation. Now, this principle gives me also the principle upon which it has been established, that in cases of contested election the members regularly returned shall be admitted to sit until the House shall have adjudged that other persons are entitled to the seats. I say that "the enormous disparity of evil admits no comparison."

What is the evil of the admission of members, upon the regular credentials or commission which the law has prescribed as the testimony alone admissible for giving them seats here in the first instance? What, I ask, is the evil? There are two points of view in which the evil is to be considered. The first is in a party point of view. The second is in a view as it respects the people, the constituency, the nation. Now, I bring this question to the precise case before us. I ask, what is the evil of admitting the five gentlemen here from New Jersey who have presented themselves, according to the law and the Constitution, and have asked to be sworn? What is the evil? Why, gentlemen very warm in their party feelings will say that the evil is enormous; upon all those party questions which may arise, it may give a majority to the party opposed. That is the answer of party, of party spirit.

What is the answer as respects the nation? In the present case we have been told that the gentlemen who demand admission would misrepresent the people of New Jersey; and that their competitors, the five others, would be the only true representatives of the people. What is the fact? The people of New Jersey, and, I believe I might say, the people of the United States, of almost every separate State in the Union, are precisely in the condition of this House which represents them. We all know it is so in New Jersey, for, in this very case, there were two tickets of these two parties—one member of one party elected on that ticket by a majority, and five others of the other party claiming to be elected on the other.

Now, what do justice and equity say? Are we to take the voice of the people (so divided that a spider's web could scarcely stand between the question) to be, that one portion is to be considered as the true representatives of the whole people of the State of New Jersey, or that the other portion is to be so considered? I say, for myself, in all candor, that I believe the State of New Jersey would not be misrepresented by either of the two parties. I believe that the people of New Jersey would be well represented by either. They are all respectable men. Those who claim seats here we know, they having been uncontested members of the last Congress. On the other side, we know that there are among the competitors two men who have recently received from the people of New Jersey the highest office in their gift. Of one of them I can say more. He has served here with me; served on one of the committees, in the business of which the great parties of this House were as much interested probably as in any other committee, and, on the great question of protection to domestic manufactures—one of the bones of contention amongst us—my word for it, not one of the members claiming would vote differently to what he did. These were the interests of New Jersey: and the great question of the tariff which divides the people of this Union, but most deeply interesting to the people of New Jersey, would be decided by the votes of both these parties in the same manner. Am I to be permitted to say that these two Governors, so recently chosen by the people, or that the three other gentlemen, equally respectable with them, would misrepresent the people? I say no such thing—I believe no such thing. It is not amongst my principles to do this. I cannot undertake to say, upon a mere political difference of opinion, however deep or important, between myself and another man—I cannot undertake to say that he, with the oath of God upon him, misrepresents his own constituents. I do not believe it. And, for every thing that relates to the interests of the people of New Jersey or to the interests of the people of the United States, I, for one, if this question is to be determined, not upon adjudication, or by judges, but by arbitrary power—I say I would rather that they who now declare that these five members shall not vote, would go to the end of their position, and say that the five others should. Infinitely rather would I have the five competitors securing to the people of New Jersey their representation for a length of time which none of us can foresee; for, if you exclude them now, you virtually expel them. If they are expelled, then their constituents, five-sixths of the people of New Jersey, are without representation here—nearly a whole State of this Union. And when my friend from Pennsylvania over the way [Mr. SERGEANT] reminded us that this was the State in which were located Trenton, and Princeton, and Monmouth—the State which braved the very crisis of the Revolutionary war—a State on whose soil you cannot step without treading on the grave of some sufferer in the cause of your independence—when I am reminded of these things, and when I see a proposition, wherever made, to deprive the people of that State of their rightful representation here, I cannot submit to it—I cannot cease to invoke in their behalf the Constitution, the laws, usage, and every law that ever was binding here, to let them in. And if you determine, by this arbitrary decision, that you will not admit the five who have the legal credentials, I say, in God's name, admit the others, because then at least you will not have violated the rights of the people of New Jersey.

I cannot forbear, in this case, to consider the people of New Jersey under the form of a single individual. One of the great dramatic writers of antiquity, in one of his plays, represents the people of Athens in the form of a single man named *Demos*. Demos is the people. It is in one of the plays of Aristophanes. Now, I consider the people of New Jersey here as one man. Then, to come to another dramatic representation. I think I hear the people of New Jersey say, "What is my bond? You have a right to cut a pound of flesh next to my heart out of my body—that is the bond; that is, according to the law of Venice." I do not know how it may be here, but, according to that law, the bond was so. There was the right, or at least the power, to cut out a pound of flesh next to the heart of the individual. And what was the final decision in that case—a decision devised by a woman? She allowed the man at last to cut out the pound of flesh. "You have a right to do it," said she; "the law says that your bond shall be carried into execution, if you insist. Take your pound of flesh, therefore, but be careful not to spill one drop of blood. If you do spill one drop of blood, your bond is forfeited, and your lands and goods are confiscated to the State." Now, I maintain that the people of New Jersey have a right to say the same thing. There is the pound of flesh; here are my five Representatives; they are a part of my corporation, of my body; cut out the pound of flesh if you will, but take care not to spill one drop of blood; for if you do——

[Mr. BYNUM here rose suddenly, and addressed the Chair, supposing Mr. ADAMS to have concluded. After very general laughter,]

Mr. ADAMS resumed. I have too much respect, Mr. SPEAKER, for the candor which the gentleman from North Carolina [Mr. BYNUM] has this day evinced, to deprive him much longer of the opportunity to present his views. I shall close my remarks very soon.

Sir, it has been said that this is *res judicata*—that this question is settled; and I think that the argument proceeds from a gentleman who, at the same time, declared that it was not according to his views of constitutional right. But it is *res judicata*, and, although he was against it, and though he thinks it was wrong for the House so to decide, yet, when he came to the question—

[Mr. RHETT asked leave to explain. He was understood to say that he had not taken the ground that the House could not judge the question. The ground he had taken was, that the House ought to go either on the commission, or should go elaborately into the whole case. He was opposed to going elaborately into the whole case; therefore, he went for the commission.

Mr. ADAMS referred to the resolution which the gentleman from South Carolina [Mr. RHETT] had himself offered, and which was still upon the journals of the House]

Mr. A. then proceeded. But the gentleman says the question upon the commission was decided by this House. Does the right of the people of New Jersey depend upon that commission? If so, the members coming here under it have a right to be sworn. If not, the House has no right to set it aside. That is my doctrine; and I must confess that I do not altogether understand the logic or the political morality of that principle which, in the first place, opposes a wrong, and, when the wrong comes to be carried into execution, supports it. I have read, in a certain book, something like this charge made upon a man, "When thou sawest a thief thou consentedst to it." I do not mean to say that the gentleman consented to thievery, or that there is any thievery in the case. But I hear him say that what is wrong, and what he has pronounced to be wrong, he will consent to; and, as it cannot be carried but through his vote, he will give a decisive vote for it.

[Mr. RHETT again rose to explain. He had never said what the gentleman attributed to him. If he (Mr. R.) recollected, what he had said was, that the House having decided this matter, he would vote for every proposition giving it the direction proposed by the resolution of the gentleman from Virginia, which was, to make it a question of election. He wanted to get rid of it, so that the House might go on with the greater matters before it.]

Mr. ADAMS resumed. The gentleman is at liberty, Mr. Speaker, to make as many explanations as he pleases; but the saying one thing and the doing another seem to me to be so inextricably involved in his two processes, that I cannot reconcile them together as logic. "To that complexion it must come at last." You say one thing and you do another—the one and the other directly and immediately succeeding. And that House—the body that now composes this imperfect and unconstituted House—agreed upon this proposition; they determined to go to trial, and ten minutes afterwards they determined to elect a Speaker without trial; not to adjudicate, not, as the Constitution authorizes them, to be judges of election, but to decide

the question, without trial, without evidence, without hearing the parties, upon their mere will and pleasure. Such was the action of that body.

And, as to the process of reasoning here, have we not upon the journals of the last Congress a most signal example of a case in which the *res judicata* was set aside by this House? What was the resolution in that case? It was not a resolution depriving the people of the States of their Representatives, but it was making Representatives for them. Two members came here claiming seats from the State of Mississippi, at what was called the special session—the first session of the Twenty-fifth Congress. Some inquiry—a very modest one—was made. One gentleman rose and said, that if his credentials were called for, he would call for the credentials of every man in the House; and I saw it boasted in an Administration newspaper, that this frightened the Whigs out of their senses, and that they agreed to let him in, because they had not got their credentials in their pockets. I say I saw it gloried in as a capital manœuvre. Well, these two gentlemen had credentials, which upon their face declared that they were elected for the called or extra session—from the time when the election was held (probably in June) until the next November, which was the time of holding the regular election in Mississippi. These gentlemen not only frightened the Whigs out of any question as to the validity of the credentials, but persuaded the Committee of Elections to report that they were elected for the whole Congress—yes, for the whole Congress, with credentials bearing upon their face that they were elected for the called session, or until the month of November. Such were the credentials; and the gentlemen never produced them, either to the House or to the Committee of Elections; and so good-natured were the committee, that they not only did not ask for them, but they reported that the two gentlemen were elected for the whole Congress. This is the history of the first decision, and this House decided accordingly.

The month of November came. The people of Mississippi, according to the laws of their State, elected two Representatives—other men, not those whom this House had thought proper to make their Representatives. These two others came here and claimed their right to represent the State of Mississippi. What did the House do? The House rescinded their resolution of the preceding session—the *res judicata*—by a majority, not by a tie—turning neck and heels out of doors the two gentlemen whom they had previously declared to be members; and then went on to make another decision as wise and just as the former; that is to say, that the members duly elected by the people of Mississippi were not elected, and that they must go back again. What was the consequence? Why, that the people of Mississippi had the trouble and expense and charge of a third election, in which they returned the same two individuals whom this House had refused to recognise, and this House was compelled to receive them. Sir, every decision of this House was a precedent to be avoided, and the only decision that was right and just and true was the final decision of the people of Mississippi themselves. But, in the mean time, the people of Mississippi had been here for four or five months without a representation at all. Still these decisions of the House were made by judges. There was an adjudication; it was a *res judicata;* but the House itself reversed its first *res judicata*, and the people of Mississippi reversed their second. I hope I shall not hurt the feelings of any who took part in that fabrication of Representatives for Mississippi. I do not mean such a thing; I speak merely of the decision of that Congress on these election questions as I think of them now, and as I thought of them then When first the question was taken, I told this House that the people of Mississippi would do themselves justice—that they had yet to go through *that* process, and I remonstrated against the assumption of power on the part of this House to make Representatives for the people of the United States. And, sir, I am happy that the people of the State of Mississippi ratified and confirmed the opinions I entertained. But I have brought this case to show that the *res judicata* in this House is not as it ought not to be, like the laws of the Medes and Persians, an absolute despotism, not to be altered or revoked under any circumstances. If this House goes one step beyond the bounds of the Constitution, by assuming power which does not belong to them, the best thing they can do for themselves, for the interests of their country, and for the rights of the people, is to retrace their steps.

SPEECH OF MR. CAMPBELL,
OF SOUTH CAROLINA.

In the House of Representatives, February 14, 1840.

"The SPEAKER announced the first business in order was the resolution reported from the Committee of Elections by Mr. CAMPBELL, chairman, asking the House to grant that committee the privilege to have all printing done which it deemed necessary to facilitate the investigation of the New Jersey disputed election.

"The question pending when the resolution was last under consideration, was the motion of Mr. CAVE JOHNSON to amend the proposition from the committee, by authorizing that committee to have printed all the evidence they had collected in relation to this election.

"Mr. CAMPBELL said he had been instructed by the committee to accept the proposition of the gentleman from Tennessee, [Mr. W. JOHNSON.]

Mr. CAVE JOHNSON then offered the following resolution as a substitute for his former proposition:

Resolved, That all the proceedings and papers before the Committee of Elections in relation to the New Jersey election, be reported to the House by the committee, with a statement of the names of the individuals who received a majority of all the votes given at the election for members of the Twenty-sixth Congress in that State, and that the same be printed for the use of the House, and the committee have leave to have such other papers and documents in relation to other contested elections, pending before them, printed by the public Printer of Congress.

Mr. CAMPBELL of South Carolina rose and said: It was a matter of some surprise, to him that the gentlemen from Tennessee, [Mr. CAVE JOHNSON,] when he had offered an amendment to a resolution reported from the Committee of Elections, and when that amendment had just been accepted as a modification of the resolution, should now shift his position, and offer for the consideration of this House a proposition so essentially different from the one he had first presented. Surely the gentleman is difficult to please. He first makes a proposition that all the papers in the possession of the committee in relation to the New Jersey case, whether relavant or not to its merits, should be printed, and no sooner is his proposition accepted by the committee as a modification to its own resolution, that he calls for a report of the names of those who received the greatest number of votes irrespective of irregularities in the conduct of the election, or of illegality in the votes.

Mr. C. felt that the gentleman's amendment now presented, calling for the names of those who had received the greatest number of votes, made it incumbent upon him briefly to state, with the indulgence of the House, the reasons why the committee had not, ere this, reported on the New Jersey case; and in doing so, he would endeavor to confine himself to a detail of such facts, not already in the possession of the House as were necessary to this explanation.

Previous to entering into an examination of the testimony submitted for its consideration, the committee adopted certain resolutions as the basis of its action, which, in his judgment, embodied the true principles of evidence applicable to the trial of this case. These resolutions were, in substance, as follows: That the credentials of the Governor of New Jersey are *prima facie* evidence that they who hold them are entitled to their seats; but their correctness being questioned upon the ground that all the votes polled were not counted, the committee would proceed to inquire who had received the greatest number of votes. That all votes received by authorized officers, acting in conformity with law, were *prima facie* legal; but it being alleged that pluralities had been obtained by the admission of illegal votes, and by frauds perpetrated on the ballot box, the committee would receive evidence as to the truth of these allegations, and inquire who had received the greatest number of legal votes, polled in conformity with the Constitution of the United States and the laws of New Jersey, and were, therefore, duly elected, and entitled to occupy, as members of the House of Representatives, the five contested seats from that State.

These resolutions, looking to a plurality of *legal votes*, and constituting them the basis of its final action, were adopted by a considerable majority of the committee. But we are now called upon by the gentleman from Tennessee to report to this House the names of those who received a majority of all the votes polled, irrespective *of frauds* in the conduct of the election, or of *illegality in the votes.*

After the adoption of the resolutions just referred to, a mass of testimony was examined, which appearing inconclusive, under the circumstances of this case, as to who had received a plurality of the *legal* votes, the committee, at the request of one of the parties, agreed to allow additional time for the procurement of testimony.

The time allowed was longer than Mr. C. thought was necessary—longer than, as a member of the committee, he was disposed to grant, but it was agreed upon by a majority of the committee, in opposition to his wishes; and although he felt strongly tempted, as a choice of alternatives, to advocate a preliminary report, to be made immediately, upon such testimony as was before the committee, or upon such as could have been procured in a few days, under the power to send for persons and papers, he did not, upon the whole, think that a difference in opinion as to time, was sufficient justification for him to abandon the position which he had at first taken, to make but *one report* upon this subject, and that that report should be upon *the merits of the election.*

Long, however, as is the time allowed, he doubted whether it was much longer than would be occupied in debate by this House upon a preliminary report, made by a divided committee upon testimony insufficient to establish the fact, (not as to who had received a majority of votes, for that could be easily shown,) but as to who were duly elected. So that, in reality, this apparent procastination may be the means of accelerating the final decision of this subject. For who can doubt, (continued Mr. C.) that had the committee made a divided report, stopping short of the merits of this election, we should have witnessed a revival of those scenes which so much distracted our deliberations in the early part of this session; and not improbably, after a long and excited discussion, the subject would again have been referred to the committee, with instructions to report upon its merits—scenes which will not improbably be revived, if the amendment proposed by the gentleman from Tennessee should be adopted by this House.

There was but one of two courses for the committee to have pursued. The one was to have made a preliminary report as to who should occupy the contested seats until the election was decided on its merits; the other was to suspend a report until after a full and thorough investigation, or such facts could be laid before the House as would enable it to come to a satisfactory and final conclusion upon the election.

Had the committee supposed that its duties were limited to collecting the returns, that had not been counted by the Governor and Privy Council, to the adding up and reporting who had received a majority of votes, as was now proposed, a very short time, perhaps a single day, would have sufficed; but such were not its limited duties. The present contest, he conceived, went beyond the returns, and involved the inquiry of who, under the Constitution of the United States and the laws of New Jersey, have been duly elected members of this House. No gentleman—not even the gentleman who moved the amendment—can deny that it is the voice of qualified voters only, expressed in conformity with law, that constitutes an election.

If the course adopted by the committee is destined to meet with the disapprobation of the House, said Mr. C. a full share of that disapprobation must rest upon me. When the committee was first organized, it stood eight to one in favor of a preliminary report—a true index of the House by which it had been created—four gentlemen, members of the committee, being in favor of a report upon the credentials, which had already, by no very equivocal expression of opinion on the part of the House, been repudiated,—four being disposed to report upon the examination of the testimony before us, who had received a majority of votes. I alone, of all the members of the committee, was disposed from the first to go into the

merits of the election; and, whether for good or for evil, the latter course has at last received the sanction of the majority, and is that which has been adopted. Had the committee determined upon a preliminary report in the abstract, which it might easily have done, I would have endeavored in good faith to have carried out its views. And, although I did not feel myself called on in committee to express my opinion of the basis on which such a report should be made, if made at all, I do not hesitate to say that, had a preliminary report been determined upon, and it had been left to me to decide between adopting the Governor's credentials and the majority of votes, as indicated by the poll books, I would not have hesitated a moment to have preferred the latter. But in deciding, not on a question of returns only, but of election, who can doubt that it is the voice of qualified voters only that should be respected? It could never have been the intention of this House to limit the power of the Committee of Elections to the collection of returns—to the mere duties of a returning officer—to the mere adding up of the votes. To deny to this committee the right to inquire into irregularities, or frauds, or illegality, would be in effect to deprive the House of its constitutional power to judge of the election of its members, and to prostrate the elective franchise at the footstool of every petty and unprincipled manager of an election.

When the committee was first organized—when eight out of nine of its members were favorable to a preliminary report—it was urged from every side, with much force and eloquence, that great injustice would result by the exclusion of five-sixths of the representation of New Jersey from this hall, until, after a thorough, and perhaps protracted investigation, we should have it in our power to lay before the House such facts as would enable it to come to a satisfactory decision as to who had been duly elected.

Sir, (said Mr. C.) I admit to its fullest extent the magnitude of this injustice—injustice that cannot be exaggerated by any language in which it can be described, an injustice that I would most willingly avoid, though the exclusion, instead of being applicable to almost an entire State for weeks and months, were applicable only to a single district, for a single hour. But it is not manifest to every gentleman, that with the difference of opinion that exists in this House, if the committee had made a divided report upon the question of returns only, the scenes which have alread taken place in this hall would have been acted over again; that upon the same testimony, with very immaterial additions, which the House has already had before it, the same changes would have been rung, and perhaps the House have again declined to any decision as to who were entitled to seats. In the mean time the investigation of the election would have been suspended, and the final decision upon its merits delayed.

It is certainly important that the people of every part of this Union should, at all times, be fully and fairly represented; and when they are not so, they do not enjoy an equality of privileges. But this is a great question of principle unmixed with expediency, and he would ask whether either the advantages of a representative Government, or the purity of the elective franchise, can be preserved by admitting gentlemen to seats in this House, who claim to be, but who may not in truth be, duly elected? Shall this House elect, out of doubtful claimants, the representatives of the people? Or, shall it confine itself to its constitutional right of deciding whom the people have elected? The former would be destructive of liberty, subversive of the Constitution, and an evil, at least as great as the exclusion of a portion of the Representatives from a State, until all resonable doubt is removed as to whether they were duly elected. Better it is that the voice of the people of any particular part of this Union should be silent for a short time in this hall, than that it should be falsely reflected by those who are not their chosen Representatives.

Upon the principle here advanced, and which may appear to be somewhat startling, this House has, except in its organization, invariably acted. The position is this: when an election is involved in reasonable doubt, except in case of a sitting member, a sufficient investigation to remove the doubt should precede the right of membership. So far has this principle been carried, that instances are numerous in our cases of contested elections, when, it being found impracticable to decide with positive certainty who was duly elected, the seat has been declared vacant, and so remained until after a new election. No longer ago than the last Congress, the State of Mississippi was without a Representative for nearly an entire session, in consequence of a decision declaring the seats vacant. The case under consideration is a very unusual one, and there is not, in the annals of our contested elections, one precisely parallel to it. The case of Letcher and Moore, in the Twenty-third Congress, approaches nearer to it, in all its features, than any other, and affords a precedent directly in point as to the course pursued by the committee. Mr. Moore claimed a seat on imperfect credentials; Mr. Letcher upon the majority of votes, as indicated on the poll books. Neither of these gentlemen was admitted to a seat in the organization of the House, and the subject was referred to the Committee of Elections. The majority of votes upon which Letcher claimed a seat was clear and undisputed, acknowledged in the first paragraph of the report of the committee; and yet, instead of being admitted to his seat as soon as that fact was ascertained, the committee passed a resolution postponing the trial, and allowing time to obtain additional testimony to try the election on its merits. [Mr. C. here read from a volume on contested elections.] Thus we see that notwithstanding Mr. Letcher claimed distinctly on the ground of an acknowledged majority of votes, the committee, instead of recommending that he be admitted to a seat, thought it incumbent upon them to investigate the ballot boxes. The result of the trial was unfortunate. It terminated not in admitting either gentleman, but in declaring the seat vacant, and sending the election back to the people.

Mr. C. said it would be uncandid in him not to acknowledge that he felt some apprehension of a similar result in the present case; and this consideration had much weight with him as to the expediency of the postponement of this case for additional testimony.

That the people of New Jersey had made an election substantially in conformity with law, he had no doubt; and no honorable man, no patriot, no Jerseyman of proper principles, would endeavor to set that election aside. The people of that State had exercised one of their highest prerogatives in making the election; and, if either set of claimants, for selfish, base, or unworthy purposes, would stifle the voice of that people, fairly expressed, they must be regarded as traitors to the Constitution—as enemies to the liberties of the people—as recreant to the principles of honor. Conduct so base could not fail to be unmasked; and they who, for selfish purposes, would attempt it, must sink abashed and confounded under the indignant scorn of that people whose liberties they would have violated, and whose rights they would have sacrificed. He had heard it suggested that such an attempt might be made; but he believed it not; for surely gentlemen selected as candidates by the rival parties of that gallant old State, as individuals to represent the national councils, cannot contemplate a design so flagrant—so contemptible. The blood of the Revolution, so freely shed upon her battle fields, would rise in judgment against such a prostitution on the part of those who have been selected, not as the instruments to tear down, but as the pillars to uphold, their institutions, for which that blood was shed. But even if such an attempt is made, its accomplishment is rendered difficult, if not impossible, from the following consideration. It is well known that parties in that State are thoroughly organized—so much so, that it is known to what party almost every individual belongs; and for one, I repudiate the idea that the mere fact of proving an illegal vote, should be allowed to operate in favor of the party to which the individual giving it belongs. In other words, the mere proving that an illegal voter voted, must leave a presumption that he voted for the party to which he belongs. However much, in some respects, an overweening devotion to party is to be deprecated, the spirit of party has, in many respects, a beneficial tendency; and among them is, that it excites watchfulness, and acts as a guard against attempted frauds, should such be attempted, in the investigation of an election.

He had heard it stated as an objection, that the procrastination of this trial on the part of the Committee of Elections, would be, indeed, that it was used for party purposes. He was at a loss to discover how it could thus be used. But to avoid the possibility of such a result, so far as he was concerned, he would take it upon himself to say, that there was evidence before the committee, received by it as competent, though its sufficiency has not yet been passed upon, showing that the Governor's credentials were based on imperfect returns, and that the gentlemen who claim, in opposition to these credentials, received a majority of the votes polled. If the committee had supposed that its duties were limited to the mere act of correcting the return, or to the adding up of votes polled, and reporting who had received a majority, without inquiring into illegalities or irregularities, that duty might have been performed, perhaps, in a single day. But that this was not the intention of the House, he thought was manifest from the following consideration, to which he would call the attention of gentlemen generally, and particularly the attention of the gentleman from Tennessee, who had offered this amendment. It is this: simultaneously with the reference of the papers on this subject, there was referred, by the House to the committee a mass of depositions *impeaching the validity of the election held at certain townships, and the legality of numerous votes that had been received.* Will any gentleman say that it was not the duty of the committee to have examined these depositions, thus referred, previous to making their report? The very act of looking into these depositions impeaching the legality of votes, was in itself the *commencement of an investigation into the ballot boxes.* And would it not have been a perfect mockery to have made a partial, and stopped short of a thorough, investigation? The very reference of depositions impeaching the legality of votes, produced a necessity of examination before reporting, and was equal *to an express order from the House that the ballot boxes should be investigated.*

But it may be said that the parties should have been ready for trial. This, he admitted, was a strong argument, and in most cases where due notice of contest had been given, would be regarded by him as conclusive. But this was a very unusual case. Neither party admit that they are the contestors; and all know that neither were the sitting members. This was an obstacle to timely preparation; and the gentleman who asked an extension of time for the procurement of additional testimony, alleged that it was not practicable for them to be prepared when this case was taken up. Taking this circumstance in connection with the fact that there is no regulation on the part of Congress for taking testimony in contested elections, and that there was no law in New Jersey at that time applicable to this case, the committee determined to postpone the decision of the question of ultimate right until a day certain; the parties employing the interval in the preparation of their testimony, and the committee expressly reserving the right to report the facts, with its opinion thereon, whenever it might judge it expedient to do so.

An investigation into the ballot-box was at all times an unpleasant and ungrateful task; and he was not surprised that high spirited gentlemen should object to traversing the country to search out illegal votes. But the importance of preserving purity in elections overrides all private considerations. The ballot-box lies at the foundation of our institutions. Preserve it pure, and you preserve the Government itself. Do not suffer the pure spirit of American liberty which is breathed throughout the ballot to be contaminated by an amalgamation with foreign principles. Do not allow those who do not acknowledge our institutions, but who owe their allegiance to other Governments, to corrupt the sources of our own laws

at the very foundation. He did not wish to be understood as making any allusion to either of the parties in the present case; for although but one of these parties had, to the best of his recollection, made allegations of illegal votes, yet in this, as in most other cases of highly excited election, it is not improbable that illegal votes have been received for both.

He could enumerate many evils attendant on the investigation of the ballot box, especially when the ballot is by secret voting; but all these objections sink into insignificance, when compared with the high and permanent importance of preserving our elections pure.

He would here merely allude to a circumstance that had taken place previous to the reference of this case, as indicative of the sense of the House at that time, as to what should be the course of the committee. To the resolution proposing the reference, there was an amendment offered, instructing the committee, in substance, to make a report as to who should occupy seats until the election was decided on its merits. The mover of the resolution distinctly refused to accept the amendment as a modification. The House did not adopt it, and the resolution passed in comprehensive terms, instructing the committee to inquire and report who were "entitled to occupy, as members of this House, the five contested seats."

Observing by the clock that the time had almost expired, allowed by the rules for the consideration of reports from committees, he would not detain the House longer than to express his thanks for the attention with which he had been heard, and to express his conviction that they whose claims are founded in justice, have but little to apprehend from a thorough investigation into this subject, but will ultimately take their seats in this hall the unchallenged Representatives of the freemen of their State.

SPEECH OF MR. DAVIS,
OF MASSACHUSETTS.

In Senate, January 23, 1840—The Independent Treasury bill being under consideration, and the Senate having evinced a determination not to adjourn without taking the question upon the final passage of the bill—

Mr. DAVIS said: I rise, Mr. President, with great reluctance at this late hour to address the Senate, fatigued as it is with an unusally long session, and exhausted by the debate; but, painful as it is, I must entreat their indulgence while I make a brief reply to the new doctrines which have been now, for the first time, published here, and come to us through channels that leave no doubt of their being the doctrines of the Administration. They involve and have drawn into this debate great and momentous considerations, affecting the most cherished interests of the people I represent, as well as of nearly the whole country. With the exception of a few incidental remarks made by me a day or two ago, no one from the North and East has addressed you during this discussion; and as some part of the debate has been pointed in its character, and directed to me personally, as if the positions assumed were incapable of refutation, I feel urged by an irresistible sense of duty—nay, I cannot reconcile myself to forbear from making some reply.

The Senator from Mississippi, [Mr. WALKER,] with his usual acknowledged ability, and the distinguished Senator from Pennsylvania, [Mr. BUCHANAN,] following in his track, have advanced the propositions that the embarrassments and distress with which the country has been grievously afflicted for several years past, and which now paralyze all its energies, are imputable to the pernicious influence of bank paper; that this bill contains the necessary corrective, as it will check importations of foreign goods, suppress what they call the credit system, and, by restoring a specie currency, reduce the wages of the laborer, once the value of property.

This is the character given to the measure by its friends; and, alarming as the doctrines are, I am gratified that they are frankly avowed. I have been anticipated, to a considerable extent, by the Senator from Mississippi, [Mr. HENDERSON.] In what I have to say, I shall, however, confine myself chiefly to the speech of the Senator from Pennsylvania, who has gone more in detail into the subject, for we all acknowledge his ability on this floor, and his capacity to do ample justice to the subjects which he discusses.

I do not propose to follow him through a very large portion of his elaborate argument to prove that Executive power has of late been shunned, instead of being sought after, or that the present and the old Bank of the United States are identical, and both National Banks. Enough has been said on these points. He has, however, asserted that we have abandoned all the arguments which we have before used against the Sub-Treasury, because the progress of events has proved them unsound. Not so; far from it. With others, I entered into that debate, which is before the public, and the arguments unrefuted stand as firm as ever; but it would be a profitless task to reiterate them here; and this is the reason why they are passed over in the discussion.

But, sir, I will not dwell upon any of these matters, but go to that in hand. The Senator says we labor under distressing embarrassments, and so we do; no one will have the hardihood to deny it, for all the country in sorrow bears testimony to it. We have, it is true, seen an occasional gleam of light, but it has been soon obscured, and we have been shrouded in a gloomy uncertainty. He says, further, that the cause is excessive issues of bank paper, speculation, and a bloated (I use his words) credit system. He lodges the guilt on the shoulders of the banks alone. It is neither just nor fair to hold them alone responsible, and I will make it manifest by showing that they were seduced into their errors by the Administration.

Before the late President (Jackson) seized the public money and took it into his own custody, in 1833, there was no complaint about the currency; all the people know this, for all, even the President himself in one of his messages, united in declaring, in substance, it was sound, and equal to that of any nation on earth. There was no complaint, no inconvenience, no embarrassment, from this source, in doing business; but contentment and satisfaction every where. About this there could be no mistake, nor will any one here attempt to refute the well known facts.

But from that act of the President, which was the first movement to reform the currency, to this day, there has been what the Senator is pleased to call "expansion, contraction, and explosion," in rapid and fearful succession; crisis upon crisis, pressure upon pressure, panic upon panic, have succeeded, till we have reached a state of suspicion and alarm that has deranged and almost suspended business. The storm in its fury has swept over the country, once and again uprooting the stateliest and firmest trees, and leaving in its track a dreary, desolate waste. Its marks are too deeply engraven, too distinct, too well defined to leave any thing uncertain—any thing equivocal. It fell upon us with such withering energy as to leave no doubt when, where, and how it began.

Gentlemen may tax their ingenuity, they may task their inventions, to discover other causes of distress—they may belabor and hold up to scorn and execration the banks as long as they please—they cannot change the facts, for they cannot obliterate history. Things were well, and every body knows it, till 1833. Then began the bank reform by the removal of the deposites—and then began the rapid series of "expansion, contraction, and explosion"—then followed crisis after crisis—then came the derangement of exchanges, and then the embarrassments which have overwhelmed the country—then came, too, the *nine hundred* banks of which the Senator speaks, though he has probably swelled the number beyond historical truth.

The Senator admits, what cannot be denied, that the Administration proposed and carried into effect the State bank deposite system. It was in this place and by them that State banks were taken into favor, petted, and boastingly held out to the country as affording a better and safer currency. Into them was the revenue put in enormous sums, and they were directed to deal freely upon it by the President for the accommodation of the people, and it was his pride and pleasure to make known to us that the public money was thus employed, instead of being *locked up;* a striking commentary upon the present plan of vaults and safes, Mr. President.

The Senator admits that this was the policy of the Administration, and that the disastrous consequences predicted by the Opposition have been verified. He might have gone further; for it is truth equally undeniable, that this policy sowed the seed of nearty or quite one-half of the whole number of banks—between eight and nine hundred—and of more than one-half of the capital; that it was the parent of the paper "expansion, contraction, and explosion," of which he has spoken in terms of just severity; that it is alike the parent of the bloated credit system which he affirms has made us all gamblers; and that the mad speculation which raged over the country, and has furnished the theme for declamation and denunciation in these halls for three years past, was begotten by it. Such are the facts; and on the projectors of this policy let the responsibility rest. We had had no "expansions, contractions, or explosions," for a long period, that did not fairly belong to the vibrations of trade; none that excited alarm, or seriously disturbed public confidence, till we came to this reforming policy; but since then the public mind has scarcely been tranquillized. In 1834 came the first fell swoop, which overturned and bankrupted thousands; and it originated here. In 35-6 came the great era of bank-making and trading upon the public money, then accumulated to sixty or seventy millions, as nearly as I remember, which threw the country into a feverish excitement, and even firm, well-balanced minds out of their adjustment. There was a rage for fortune-making and fortune-hunting such as had never been witnessed, and which nothing but this policy was capable of generating. The Senator might and ought to have limited the bloated credit system that made us all, as he affirms, gamblers, to this period, and left the offspring to stand beside its parent as a proof of the disasters of this policy, and of the fulfilment of the predictions of the Opposition; for go together they must, and live together they will in history; and no sophistry, no ingenuity can ever separate them. While the Senator admits this policy to belong exclusively to the Administration, and to have been strenuously opposed by us, and its melancholy consequences predicted, he now repudiates it as erroneous, and we must allow to him and his friends whatever credit belongs to an abandonment of it after it had literally exploded, and the mischief was accomplished. But, sir, he and they must be reminded that I could, if I would, read from the messages of the President, and from the successive reports of the Secretary of the Treasury, language of exultation, triumphing in the entire success of the policy, boasting that the currency was on a better footing than ever, that the exchanges were greatly improved, and that, too, at the very moment when the bloated credit was most expanded, and speculation was the most rife and rank. Such was the delusion that the madness which had seized multitudes was trumpeted forth as evidence of success and general prosperity. The Senator clearly reasons from false premises when he makes the banks the origin of our embarrassments, for they were only instruments in the hands of those who projected the measures that have made them what they are.

But the Senator goes further, and traces the evils of banks and bank paper into England, and alleges, without qualification, that from this cause business there is as badly paralyzed as it is here; and I am not about to make an issue upon that point, for I must hurry on to other matters. He makes an inference, however, which I must notice. He says that to this circumstance alone we owe our ability to manufacture goods. If England was a hard-money country, our mills and hammers would all be silent; but the paper system so raises the price of wages, and, consequently, the price of production, that she cannot send forth her goods so cheap as she otherwise could, or so cheap as they are made in hard-money countries, where wages are lower. And do we owe our success to this folly? Do we stand on such a slippery basis, having no foothold but upon an error of policy, stupidly persisted in? I desire to be informed how the hard-money countries, as they are called—Italy, Spain, Holland, France, and Germany—for they have all been put into that class, though not with strict historical accuracy—stand the competition of England, with her bloated credits? Yes, how, sir, do they figure in the competition? Who has supplied our markets and the markets of the world? If metallic currency makes production cheaper—if it gives vantage ground to a country in the general round of trade, how is it that these nations have not long since run England out of our market with their cheaper goods? How is it that we draw annually from England twofold more of imports than from all the residue of Europe? Why is it that they, especially France, shut their ports against most kinds of English goods, to protect their own manufactures? Why is the same policy pursued elsewhere? In these countries the hard money scheme has had a long, full, and faithful trial, and we know the result. England, without any advantages over them in our ports, has overwhelmed them with her competition; and so it is wherever trade is open to her upon a footing of equality with them.

Is it not, Mr. President, a surprising fact that the Senators who have spoken upon this subject have selected the two most free, most commercial nations—nations which, by their extraordinary enterprise and their unsurpassed knowledge of business, have carried their trade to the remotest parts of the earth, and excelled all others in the accumulation of wealth, and the enjoyments it brings with it—nations highly civilized, and standing among the most enlightened in the globe—as the examples of unwise, imprudent, and vicious government—so destitute of the first principles of political economy as to waste the products of their labor through the unseen and incomprehensible influence of bank paper?

There is no denying that they have outrun all others in prosperity while in the use of this paper, and yet, according to the theory of the Senator, they have all the time labored under a most oppressive policy, bloating wages and property, while it has been the happy lot of other countries to live under the auspicious influence of hard money. Spain, Italy, France, Holland, Germany, on the other hand, have become pattern nations, distinguished for their wisdom, and also for the happy condition of their laborers, who, doubtless, failing to realize their condition, escape, whenever they can, to this country or some other part of this continent.

But, sir, I must leave this topic and go to another. The Senator assures us that this paper brings with it this alarming attribute—as it expands and contracts, so property and wages rise and fall; thus making it the vital principle of the body politic, giving to it pulsation. In speaking of paper, I once and for all, wish always to be understood as meaning the paper of sound specie-paying banks, redeemable at sight, unless I otherwise specify. Is this a sound axiom of the Senator? Is bank paper the sole or chief regulator of the value of wages and property? If so, whenever there is a common currency there should be a uniform price. Let us see how the position is sustained in the United States, where, in all parts of the country, we have banks. The Senator from Mississippi [Mr. HENDERSON] stated that the services of an ordinary laborer, which would cost fifteen dollars in his part of the country, he had ascertained could be had at Pittsburg for a quarter, or less, of that sum, and in New England, as I understood him, for about half. Every body knows the vast difference in the expense of living between Boston and New Orleans, and between New York and any remote country town. But how is it with hard money countries? Expenses of all sorts are unquestionably fourfold greater in Havana than in Florence; and I might go on multiplying examples, for it is much more difficult to find two places that correspond than two that are at variance. Does it not not follow that currency, while it undoubtedly has an influence, is not even the principal cause of this diversity?

But, sir, I cannot dwell on this. The Senator contended, by an ingenious argument, that a reduction of wages would be beneficial to the laborer, because property would necessarily fall in the same ratio, and, in the fervor of debate, addressing New England through me, he appeals to her to embrace this alternative as a resource to rescue her manufactures from the ruin which lays in prospect. Embrace what, Mr. Mr. President? How will a corresponding fall of wages and property aid the laborer? How is his condition to be improved by it? The most that can be said is, that his relative condition is unchanged. But can he embrace the degraded condition of by far the larger class of laborers in England and Ireland, where the alms-houses are filled with paupers, and those who support themselves struggle for life? Can he descend a grade lower, to hard money Italy, where, as the authority read by the Senator from Maryland [Mr. MERRICK] will prove, but I will not stop to read it, wages are three pence a day? Is it an invitation to abandon the physical, moral, and intellectual comforts and enjoyments which surround the industrious man here, and descend to the deplorable condition of those who fly from their country to this as a place of refuge for the poor, the naked, and the hungry?

But, sir, as I have more to say of this in a more appropriate connection, I shall pass it for the present, with a single remark—if such are the advantages of other countries, why do the poor emigrate hither, and why do not our citizens emigrate thither?

I will now notice the effects upon the public policy which are imputed to this bill. We have always been told that it was a simple proposition to divorce the Government from the banks, so as to enable it to hold its own money, and, therefore, harmless in its character, as it would affect nothing else.

But, sir, the Senator from Pennsylvania, while he declares that he is not for an exclusive hard money currency, or, in other words, is not hostile to well regulated State banks, if they can be well regulated, as he expresses himself, argues that this bill will diminish importations, suppress credit, and stop speculation, by modifying the currency so far as to work out these extraordinary ends.

I am by no means satisfied that it is capable of producing all these consequences, but, as such a power is imputed to it by its warmest friends, and those who are in the councils and confidence of the Administration, who bring it forward, and no doubt bring it forward with this view and expectation, I shall, in this reply, confine myself to the position assumed. That it will do the country no good, I have never doubted; but I have never allowed myself to believe that it can exert that influence upon its affairs which is ascribed to it.

If it will diminish importations in the right way, so far it has my most hearty concurrence, for they have run into an injurious excess. This again is the result of a false policy, not imputable to paper, as the Senator supposes, even as a principal cause. It comes of encouraging foreign labor instead of

our own; of stimulating this trade under the persuasion that it is more beneficial to the country than to strengthen and foster our own industry, until it has reached a point of injurious excess, suspending our laborers from employment and taking from them their bread. We buy more than we sell, leaving a balance of many millions now due to Europe, which is to be paid out of the resources of the people; and it is time to retrace our steps. The President, who has been a promoter of this policy, complains in his message of this excess as a serious evil, and I rejoice at it; but he fails to indicate the remedy. He talks vaguely of economy, but is silent upon our great interests of the North and East. We must, sir, stand by our own laborers, and not suffer them to be overwhelmed by this process, and then appeal to them to lower their wages. Our duty is plain, and we must pursue it with manly firmness. The workshops of Europe must not be allowed to supersede ours. This is the remedy. But the bill will suppress *credit*—suppress bloated credit! What, sir, is credit? One would think it some new invention to defraud the public, by the manner in which it is spoken of; but it is co-existent with business, and wherever there is or has been business, there credit has always existed, and has been and will be abused to a greater or less extent. I cannot comprehend how commerce or trade can be carried on successfully without it! Abolish credit, and for what? Because the false policy of the Administration in 1835'-36 stimulated it to excess! Because, like the freedom of speech and of the press, it may be abused! I know of no other period against which any general and just charge can be brought. What would be the condition of the country if men were denied credit? Nothing more deplorable. The young man born to no inheritance now goes into the world with his character for honesty and integrity; this is his great and only resource, and by the faith placed in this he commands the funds necessary to go forward in business. And, Mr. President, it is one of the glorious characteristics of our institutions that this path is open to his enterprise, and the way to wealth, as well as to honor and fame, is clear of obstructions for the most obscure and humble individual. Shall we deny to such the only chance they have of success? Shall we trample on them, and grind them to dust with the iron heel of power? No, sir, I will espouse no such anti-Republican doctrines. I will vote for no law that declares to the poor that they shall remain in hopeless poverty, and to the rich that they alone shall have the enjoyment of property.

But speculation is to be put down. If the Senator means by speculation, unwise and hazardous traffic, it has always existed, and always will exist, where enterprise exists, unless he can uproot the desire in the human mind for the sudden acquisition of wealth. He might as well undertake to stop the emotions and passions of the human heart. The only way to make men prudent and sagacious in business—and it is very desirable they should be so—is to make them see far enough into the future to avoid ruinous hazards; but the rash, who often have a passion for wealth, will indulge illusive hopes and make ruinous bargains, unless the Senator can enlarge their understandings and increase their sagacity.

There is but one process by which credit and speculation can be suppressed, and that is, by denying the means and facilities of business, not to speculators alone, but to all; and that is exactly what the argument of the Senator tends to. He proposes to diminish the circulation, declaring that there is an inflation, when we are crippled down by the scarcity of money. He would diminish to a vast extent the resources and ability of lenders, when the public is in despair for want of circulation. He assumes that diminishing the currency will diminish wages and the value of property, and so it may be; but the first great and abiding result will be a diminution of business. His theory abolishes credit, and leaves nothing but a reduced currency to do business with, and no one can deny that a reduction of business must follow. Is the country prepared for this? Do we grow too fast? Is our enterprise too great? Do we labor too much? Have we too much to eat, drink, or wear? Are our comforts and enjoyments so multiplied that a sound policy requires they should be curtailed? What response will the people give to these inquiries? Let him who is willing to be pared down first stand forth and proclaim it. Wages are to be diminished by curtailing the demand for them; for that is the effect of reducing business.

The Senator, in his argument, seemed to forget that the evils of a contracting and contracted currency bear as oppressively upon the public, and more so, than those of expansion. The difference is this: in expansion, the weight of loss falls on the creditor portion—in contraction, upon the debtor portion: but in either case it is a grievous calamity. He cannot reduce the currency below what is necessary, without even more suffering than arises from too much.

The Senator from Mississippi [Mr. WALKER] goes for the abolition of paper. The quantity of specie in the country is not supposed to exceed about $60,000,000; the President put it at $35,000,000. This he argues would insure a great reduction of wages and of the value of property, which he insists will be beneficial. The Senator from Missouri [Mr. BENTON] is also for metal alone; and these gentlemen have bestowed the highest encomiums upon the policy of the hard money countries. The latter is enchanted with the fact that the Hollanders have grown rich and become great lenders of money, while we are borrowers; and I will solve for him this enigma upon his own principles. He imputes it to gold, and infers that we should be lenders if we had a metallic currency only. Who, Mr. President, are the lenders of Holland? Those individuals who have amassed millions who at one time owned most of this city, and who can buy up empires with their boundless wealth, having profited by a state of things which made the privileged few rich, while the many are left poor—while the laborer, as I can prove, gets but his 3d. and 4d. a day. This is the last policy we desire; the last that would be in harmony with the genius of our people or in unison with their true interests. It is diffusive wealth that we desire; a general prosperity among all; property scattered every where, attainable by all that deserve it; and thus invigorating a successful business, in which all may participate, instead of amassing it in the pockets of a few. We are borrowers; be it so. It is better, infinitely better, to borrow, and thus diffuse capital to excite industry and enterprise, than to amass it in heaps and become lenders to nations, with a nation of paupers at home.

But, sir, I fear I have dwelt too long on these matters, and will hasten to notice that for which I chiefly rose. Much has been said of labor, and what is it? I may say, without offence, it is a commodity bought and sold like merchandise in the market. A man has his skill and service to sell to whomsoever will buy them; and his anxious desire is to obtain the most liberal remuneration. The Senator says the value of it is regulated by bank paper. Not so, Mr. President, not so; but chefly by the amount in market, and the demand which exists for it: currency may, however, at times, have its influence. If the supply is great and the demand small, then wages are necessarily low; but if the supply be small and demand great, they are high. When business is flourishing, the demand is urgent, and wages rise; when it is depressed, the demand diminishes, and wages fall. Hence, too, in countries densely populated, the supply is necessarily greater, in proportion to the business, than in countries thinly peopled. Thus we see why wages in a great country, new and full of resources, like ours, are in quick demand, while in China, where there is a vast surplus population, the market is overstocked, and they are low. Hence, too, it is, that in such conditions of society we always find the greatest poverty, suffering, and degradation. Bank paper is obviously not the sole or chief cause which fixes the value of wages.

But, sir, let us pursue this subject a little further, as it is capable of further illustration.

There are three great classes of laborers: those who produce from the earth are agriculturists; those who convert the products of the earth into useful forms are manufacturers; and those who are engaged in transporting and exchanging the products of the other classes, are commercial. These great divisions of mankind are founded on no law but that of civilized, social existence. In our country at least, each and every person may pursue any or all kinds of business. But experience teaches us the necessity of those divisions, for wool, cotton, and flax are of little value till turned into cloth, but the farmer would find it difficult to run a mill to make cloths, or to build and sail a ship to take his produce to market. From this division, too, come our markets. We must have food and clothing, and we must obtain them by an exchange of the products of labor, but we cannot exchange a horse or a watch for a joint of meat, or for a pair of shoes; such property must first be broken into parts, and this is the peculiar office and almost the only use of money. It measures the value of property, and brings it into a form suited to our convenience. This is the relation which it bears to business, and no other; and while I admit its great importance, I deny that it lies at the foundation, and is the great regulator of the affairs of men, as seems here to be supposed. The friends of this bill, I know, assume that we have an inflation, and that money rules, guides, and regulates business; when, in truth, the inquiries ought to be, first, how much is necessary as a circulating medium, that we may know whether there is an excess; and, second, does paper necessarily create an expansion, or unnecessary enlargement of the currency, that we may judge whether it ought to be abandoned. These matters, which are assumed, are precisely what ought to be proved. The Senators assume as evident truth what is not apparent. They affirm that paper becomes redundant, excessive, inflated. But they do not attempt to establish the fact by any proof. Since the first of January, 1838, our circulation has not much exceeded one hundred millions; it may, at some periods, have reached one hundred and twenty, inclusive of metal and paper. Is this excessive? Has it reached a point above the urgent necessities of business for two years past? If it has, how much is enough? Some days ago I put this inquiry distinctly to the Senate, and it remains, and will remain, unanswered. If it can be proved that we have too much, it is not difficult to ascertain, with sufficient exactness, what amount is necessary. I desire Senators to make known the process by which they arrive at their conclusions in so vitally an important matter. They seem to take it for granted that there is no evil but expansion to fear, while nothing is more certain than that too small a circulating medium works out as great, if not greater, injuries, than one too large.

We have heard much declamation about bloated credit, gambling and speculation, but if the existence of all these were established at this moment by unquestionable proof, it would have little tendency to establish the fact of excessive circulation, for they have no necessary connection, but each may exist independent of the other.

Will the Senator maintain the proposition that paper cannot and has not circulated without inflation or excessive credits in trade generally? I go further, and ask him if excess is any thing more than an occasional occurrence, growing out of markets quickened into activity by events rather casual than permanent? Is there any excess of paper in the usual course of business from sound banks who redeem and are able to redeem their paper at sight, dollar for dollar, in metal? It is not easy to see how excess ever exists under such circumstances. I can go to-day into any bank in Boston or New York, and draw out a dollar with the same amount of paper, and that dollar is as good, and will buy as much, in France or Germany as any dollar there. The paper, then, is clearly worth as much as the silver, for it buys it. If the paper of banks is maintained at this value, and so redeemed at all times, it is not easy to comprehend how it is inflated, or that more is in circulation than is needed for use. The idea of inflation presupposes some unsoundness. All money, metallic as well as paper, does and will fluctuate in value, and, if this be inflation, then gold and silver is no more exempt from it than paper. It is by no means easy to determine which fluctuates oftentimes—money or property. Cotton is forty dollars a bale to-day, to-morrow it is thirty-five, and next day forty-five; it does not follow that the cotton alone has fluctuated, or that it has fluctuated at all; for gold and silver may be so abundant as to depress the value of property, or so scarce as to raise it. It is every day's occurrence to find gold and silver fluctuating in value, commanding at one time a premium, and then none; nay, under some circumstances, falling below good paper. No matter what we have for currency, there will be fluctuations in its value greatly affecting trade, as a circulating medium of uniform amount cannot be maintained any more than you can limit business to an exact amount.

This all proves what seems not to be well understood, or Senators would reaason differently—that there is but one way to determine how much circulation is necessary. It is impossible to ascertain how much money may be necessary for each member of the Senate for the current year, and it is equally impossible to anticipate the wants of the great public. The question is left, therefore, to be settled by the laws of trade, as all other matters of business. We learn how much flour and corn are required annually by the demand for them. Just so we learn how much money is required to carry forward business, by the ability of men to buy it. So much is necessary, be the amount great or small; and, in a growing country, it would be just as wise to limit the amount of produce as the amount of monetary capital. Surely nothing can be more absurd than to attempt to determine the amount, without reference to the exigencies of the country—to say that eighty millions, or any other arbitrary amount, is enough. There is no advantage to be gained by lowering the value of property, unless the same amount of labor, or the same amount of property, enables us to obtain more of the necessaries of life. This fact should, therefore, be first clearly established, for the process is necessarily attended with great sacrifices. The Senator from Pennsylvania seems to understand that reducing the circulation will reduce property and wages in the same ratio. If it does, in what is our condition bettered, even if we could reconcile debtors to it, who would be ruined? He seems to believe that our relations in foreign trade will be improved, but I shall show him his error, and that he ought to arrive at exactly the opposite conclusion, for his theory, if carried into execution, would inflict upon the laborer as well as the owner of property the most injurious and oppressive consequences. He solemnly affirms, and I give him all credit for sincerity, that he believes a reduction in wages and property would be beneficial. Let us see.

Suppose that wages and property will be reduced one-half by the bill—that is, if wages are now a dollar a day, they will be half a dollar; and if beef and mutton are now eight cents a pound, they will be four; and so of all the productions of the United States, and of all property created here. Upon this state of facts, as things are, the laborer would have, at the expiration of twenty days' labor, twenty dollars to provide supplies for himself and family. As they will be, he will have ten dollars. Now, sir, be it remembered that we buy and sell in foreign markets by their standard of currency, and that lowering wages and property here is to have no effect there, according to the reasoning of the Senator, as their currency must regulate the price of their wages and products; but cotton is to sell, and goods are to be bought, as if no change had taken place. Goods, therefore, will come into this country no cheaper. If, then, the laborer goes into the market with his money, as his wages are, he will have twenty dollars to expend in tea, coffee, sugar, and the thousand necessaries which come from foreign countries; but if he goes into it as they will be—ten dollars, under the operation of the new theory—it is plain, therefore, that with the same amount of labor, he can purchase but half as much foreign merchandise; in other words, it will in effect be doubled in price, while it is apparently the same.

But the Senator did not stop here, for he alleged that, while the laborer would be in a better condition, the exporter of produce—that is, cotton, &c.—would derive a greater profit, the measure of which would be the amount of reduction of wages and of property, as he would thus be able to produce so much cheaper. To make myself understood, I will proceed with the same supposition that wages and property are to be reduced one-half. Then his theory is, that the cotton-planter, for example, would produce his crop at half the present cost, by the saving in labor and the support of it, and consequently derive double profit. That he would produce cheaper is undeniably true; and if he should sell for the same price he now does, and bring home specie, he would realize double profits, provided his laborers are supported wholly on the products of the United States. This, however, is not the course of trade or of business. But from whence would the profits come? Not from foreign countries, for no change is to occur there, but from the pockets of every consumer of foreign goods in this country, for the change is wholly in the wages and produce of our own country. The idea is, that, if wages and property sink together one half, the relative positions of the laborer and the owner of property are the same, for the laborer can purchase as much with one half the money, and the same amount of property will purchase as much labor as before. But the laborer will, at the end of any given period, have but half as much money, and the same amount of property will be worth but half as much; consequently, all the surplus gains of the farmer, mechanic, manufacturer, and laborer, will be but half what they now are, in nominal amount. If property in foreign countries should descend in the same ratio, the most that could be said of our condition is, that it is no worse, for it is obviously no better. But if we descend while they remain stationary, and a profit is thence gained to the exporter, nothing is plainer than that such profit is drawn from the consumer of foreign merchandise, as it will take twice as much of our labor or products to buy it as is now required. If the theory establishes the fact that the exporter is to reap double profits for cotton, it establishes, beyond controversy, the fact also that that profit will be a tax upon every man that consumes a foreign article, and that it will be wholly drawn from their pockets. The Senator has led himself into an error by supposing that foreign productions are to come to us cheaper, while our exports are to keep up where they are. He thinks the importer sells in a market inflated by paper, and realizes an extraordinary profit. But he must perceive that the low and depressed state of the working classes in Europe is proof enough that no excessive profit is obtained here upon goods—none that can bear essential reduction; and that while raw cotton maintains its price, foreign goods must also maintain theirs. In the great competition of trade, this idea of excessive profit to the importer is fallacious; and as the notion of a reduction is founded on it, that is also fallacious.

To follow out the case I have supposed: The income of every man, except the exporter, is to be reduced one-half in the value of wages and property, while all foreign merchandise will cost the same, which will obviously, in effect, double the price, as it will take twice the amount of labor, or twice the amount of the products of labor, to purchase it.

I do not ascribe this power to the bill, but it is enough for me that its friends do. What response will the farmers, mechanics, manufacturers, and laborers make to such a flagitious proposition? Can they be reconciled to such a measure of oppression? one that extorts from them the fruits of their industry to professedly enrich the planter who now enjoys a prosperity unequalled in the rest of the country? No, sir, such plans of sectional aggrandizement, and such a disregard of the interests of the greatest and most powerful class of people in the country, can only excite their disgust and indignation. Thus, sir, I have traced the benefits of this bill, if it have any, as interpreted by its friends, to the rich and powerful. I have, if I mistake not, demonstrated that they are to be made richer by a tax upon their less fortunate, but more industrious and more necessitous fellow-citizens—a tax that they never can and never will submit to, so long as their power can be felt through the ballot-box.

But, sir, this is not all. While we are thus to have intolerable burdens loaded upon us, to add to the weight of our embarrassments, and to increase our sufferings; and while the debtor portion of the public are to be crushed and ground to dust between the upper and nether millstone of this process, the man of money is not only to escape unharmed, but to have his pr[illegible]

perty doubled. He who holds cash, or its equivalent in notes, bonds, or stocks, will be able to buy double the amount of property with it, and will therefore have its value doubled on his hands; for, while wages and property are to go down, money is to go up in the same ratio.

If the friends of the bill have given to it a true construction, it is a bill of privileges to the rich, but a scourge to all others.

What is the debtor portion of the public? Is it so insignificant as to be disregarded? Sir, I will venture to assert that the amount of existing indebtedness in any commercial country is nearly, if not quite, equal to the value of all property in that country, whether it be rich or poor, prosperous or unprosperous, and you cannot change, to the extent gentlemen have supposed, the relation of debtor and creditor, or thus diminish the resources of the debtors without a crash, a waste, and desolation such as has never been experienced. Suppose a man has purchased $10,000 worth of property at present prices, and given his bond for it; you reduce its value one-half, and it is worth $5,000. How is it possible that, with resources thus reduced, most debtors can ever pay?

But, sir, you cannot maintain a state of things such as has been supposed. You may embarrass and distress us as you have done, but this bill will, in the end, work out no such advantages as are anticipated for the planters. The theory contains in itself a principle that will defeat the end in view. Go on, sir, if you please, and so legislate as to bring to the cotton planters the extraordinary profits anticipated, at the expense of the other branches of industry; how long will it be before that pursuit will be overloaded with competitors, till the market will be inundated with cotton, and its price fall just in the ratio you have stimulated its productions? Down it will—down it must, by the laws of trade, come to a level with the fall of other productions. And what will be gained by the whole process? Nothing; absolutely nothing, except that it will take more of our labor and more of our productions to buy foreign merchandise; our gain will turn literally into a loss. This is capable, I think, of demonstration, if it does not already sufficiently appear; but I have no time to enlarge, interesting and all important as the subject is.

What motive can we have, sir, to reduce wages and the value of property? When did the sun ever shine upon a laboring people so blessed as those of our country have been? Where have they ever been able by industry to feed, clothe, and educate themselves so well? The history of the world proves nothing more certainly—nothing with clearer demonstration, than that where wages are lowest there is the greatest poverty and suffering; there the condition of the laborer is most forlorn and wretched; there is the least moral and intellectual culture; and there our race is sunk into the depths of political degradation, incapable of raising itself to that lofty elevation attained by a free enlightened people, capable of governing their own affairs. It tends to the opposite of every thing dearest to us, for the descent will carry with it not only wages, but all the high qualities which fit us to be what we are—free and independent. This is a sufficient answer to all that can be said upon the subject.

Such is the remedy for the disease which afflicts our country; and while its advocates shadow forth its evils far beyond any conception of mine, if the bill be carried into effect, as has been proposed here, I must confess that I see in it nothing to soothe or relieve the public—nothing to restore confidence, which is the great and desirable end—nothing to avert future panics—nothing to stop this scramble after the gold and silver going on between us and other countries—nothing that has healing power enough to revive and maintain prosperity.

But, sir, much as remains to be said, I must draw to a close, as my object was merely to notice some leading remarks of Senators, which have developed the new and extraordinary doctrines of this Administration. I was anxious to vindicate the rights of the great mass of the people, who acquire their support by labor, and whose interests, as laying at the basis of all prosperity, I have at all times and on all fitting occasions espoused and maintained with whatever of ability I possess. In this, sir, I have taken great and sincere satisfaction, believing it to be the great end of our free Government, and the only sure means of sustaining it. In the name and in behalf of that great, powerful, and enlightened class of my fellow-citizens of Massachusetts, whom I have the honor to represent, I enter my solemn protest against the doctrines here advanced; and if my voice could reach them in their dwellings, their shops, and on the decks of their vessels, I would exhort them not to be deluded by false theories leading them on to ruin, but to rouse up their energies, and, at the ballot-box, manifest their indignation at all attempts to oppress them by diminishing their business and taxing their labor to enrich others. I would entreat them not to sit still and be made such as they see the distressed and impoverished laborers of Europe and Asia.

NOTES.

The statistics referred to in the remarks of Mr. DAVIS are contained in Porter's Progress of Nations, and Wade's History of the Middle and Working Classes, two recent and respectable authorities, relying for the correctness of the facts contained in the following extracts chiefly upon the statictics collected by the British Government.

These developments show the farmer and all other working men the condition of the working classes in Europe, and upon what limited means they subsist. It is this class of men with whom they are to run the race of cheap production, and consequently of coarse and wretched existence; for the same causes which reduce them to hopeless penury will produce like results here. If a few pence a day will not support men there, it will fail to do it here. The intelligent working man of the United States will pause before he precipitates himself into such irretrievable wretchedness to cheapen the products of labor. He will inquire whether it tends to elevate or depress his race; whether the privileges and hopes of a freeman are utterly delusive, and end in retracing his steps to the degraded condition from which we all believed we had escaped. In his descent from his present commanding position, he may well carry with him these reflections, sit down in despair, and spurn all the dazzling theories of self-government as illusory, if they leave him to subsist on the humble diet, and to grapple with the sufferings of the most desolate portion of mankind.

Wages in France.—Calais common laborers 7½ per day, with board, and without dwelling; Boulogne, 5d. per day, do. do.; Nantes, 8d. per day, without board, and without dwelling; Marseilles, 4d. to 7d. per day, with board, and without dwelling. The food in some districts "consists in rye bread, soup made of millet, cakes made of Indian corn, *now and then* some salt provisions and vegetables, rarely, if ever, butcher's meat." In others, "wheaten bread, soup made with vegetables, and a little grease or lard twice a day, potatoes, or other vegetables, but seldom butcher's meat."

Sweden.—"The daily wages of a skilled agriculturist are 7d. or 8d.; while the unskilled obtain no more than 3d. or 4d. and board themselves. Agriculturists in the southern provinces live upon salt fish and potatoes: in the northern provinces, porridge and rye bread form their food."

Bavaria.—"Laborers are paid at the rate of 8d. per day in the country," without board.

Belgium.—"A skilled artisan may earn in summer 1s. 2d. to 1s. 5d.; in winter, from 10d. to 1s. 2d.; unskilled half as much, without board, live upon rye bread, potatoes, and milk." Agricultural laborers have less.

Germany.—Dantzig laborers 4½d. to 7d. per day, without board; Mulhburg, 7d. per day, do.; Holstein, 7d. per day, without board.

Netherlands.—South Holland laborers, 3d. to 4d. per day, with board; North Holland, 20d. per day, without board; Antwerp, 5d. per day, do.; West Flanders, 96s. to 104s. per year, with board.

Italy.—Trieste laborers 12d. per day without board; do. 6d. per day with board; Istria, 8d. to 10d. per day without board; do. 4d. to 5d. per day with board; Lombardy, 4d. to 8d. per day do; Genoa, 5d to 8d. per day do. and without lodgings; Tuscany, 6d. per day without either.

Saxony.—"In 1837 a man employed in his own loom working very diligenily from Monday morning to Saturday night, from 5 o'clock in the morning until dusk, and even at times with a lamp, his wife assisting him in finishing and taking him the work, could not possibly earn more than 20 groschen [about 60 cents] per week. Nor could one who had three children aged 12 years and upwards, all working at the loom as well as himself, with his wife employed doing up the work, earn in the whole more than $1 weekly."

Navigation.—Between us and England this is placed upon a footing of equality; all advantage to our navigators being abrogated. If any interest can bear direct competition, this is the one. But let us see the result as set down by Mr. Porter. "In 1821," says this writer, "the proportion of British vessels which entered the ports of the United States was 7 1-5 per cent. compared with the American tonnage employed in the foreign trade of the United States; while, in 1835, that proportion was increased to 39 per cent. The actual numbers in each of the years from 1821 to 1835 have been as follows:

Year.	British. Tons.	American. Tons.	Year.	British. Tons.	American. Tons.
1821	55,188	765,088	1829	86,737	872,949
1822	70,669	787,961	1830	87,231	967,227
1823	89,553	775,271	1831	215,887	922,952
1824	67,351	850,033	1832	288,841	949,622
1825	63,036	880,754	1833	383,487	1,111,441
1826	69,295	942,206	1834	453,495	1,074,670
1827	99,114	918 361	1835	529,922	1,352,653
1828	104,167	868,381			

The British increase is 860 per cent.; the American 77 per cent." This is the result of treaties and conventions called reciprocal.

PENSION BILL AND PENSION AGENTS.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 7, 1840.

The House then went into Committee of the Whole on the state of the Union, (Mr. LINCOLN of Massachusetts in the Chair,) and took up the bill making appropriations for the payment of certain Revolutionary and other pensioners of the United States.

Mr. R. GARLAND rose to reply to what Mr. SMITH of Maine had said, and proceeded to read the names of several of the pension agents, together with the amounts of money in their hands, as stated in a printed official return from the Department; among them were General Johhn P. Van Ness, of Washington; Isaac Hill, of New Hampshire; Mr. Brockenbrough, of Richmond, Virginia; and George W. Jones, of Wisconsin. He repeated the question he had put, in the House, to the chairman of the Committee of Ways and Means, viz. whether the pension agents had not the money appropriated by this bill already, in fact, in their hands, and whether such was not the practice of the Government?

Mr. JONES said that he thought he had already fully explained on that subject. He was not prepared to state positively or exactly what the practice of the Government in this respect had been, because he was not in possession of the requisite information; but he presumed that when provision was made to meet the payment of pensions, it was done in time to have the funds required at the several points where they were to be disbursed. He then went into the details of the estimates on which the present bill was founded.

Mr. BANKS, of Virginia, took the floor for the purpose of explaining in relation to Dr. Brockenbrough, of Richmond, whose name had been referred to by Mr. GARLAND. Mr. B. had no more to do with the investigation or payment of the claims of Revolutionary pensioners than the gentleman from Louisiana. His was a merely ministerial agency, in strict fulfilment of law. Mr. B. concluded by moving that the committee rise, and report the bill to the House.

Mr. MARVIN of New York addressed the House at some length on the evils of the existing mode of compensating pension agents, by an advance to them of public money before it was needed, that the use of it might be a remuneration for their services. Mr. M. referred to a debate on this same subject at a former session, and to the positions he had at that time assumed, and the returns which had been called for from the Department. The total amount of pensions annually paid being four millions, not less than two millions of it came into the hands of disbursing agents six months before it was needed. The pretext for this had been that these agents received no salary or pay of any kind; but so badly did the system work, that the Commissioner of Pensions had been continually applying to Congress for an alteration of the law, and the allowance to these officers of a fixed salary. He adverted to the honest exposure made by the late lamented Mr. MCKIM, of Baltimore; and to the fact that a certain agent in the State of New York, disbursed $400,000 annually, and had in his hands $200,000 for months at a time, sometimes four or five months, before it had to be expended. So notorious was the use of these funds by the agents holding them, that a letter had been published from one of them, who received less of these advances than he thought himself entitled to expect, actually complaining openly of that fact, and reminding the Department that the use of the money was the only compensation pension agents received for the duties they performed. Mr. M. never contended that these public officers should not be paid for their services; but so long as the law stood as it now did, it ought to be enforced, and not evaded. There was an express statute, passed in 1836, which provided that they should serve without compensation. The bill, as introduced, made provision for paying them; but, as it was urged that the United States Bank had done the very same duty free of charge, that clause was stricken out, and the duty required still to be performed, as before, free of cost to the Government. The present practice was wrong, and ought to be condemned by the people's Representatives. When this House passed laws, all Executive officers were bound to execute them according to their true intent and meaning, and not to seek modes of evading them.

Mr. M. went on to show that the practice of the agents as soon as the money in their hands under one head of pension was expended, though they might be full-handed under other heads, was immediately to write to the Department for more funds. By this means an agent had been known to keep $200,000 in his hands nearly the whole year round. The money was worth six per cent.; so that such an agent was in the receipt of little less than $12,000 a year—nearly one half the salary of the President of the United States! Was this right? A draft could go from Washington to Albany, where this man resided, in ten days at furthest: why must the money be sent him four, five, or six months beforehand?

Mr. HOLLEMAN said that, if the gentlemen who opposed the bill and complained of the present mode of remunerating pension agents had offered any amendments, or proposed any remedy, what they said would be more to the point. But, after all, what would it amount to? Did the Government lose any thing by the present arrangement?

Mr. GARLAND. Yes; the use of the money.

Mr. H. The money would be in the Treasury.

Mr. MARVIN. Had not we to issue Treasury notes and pay an interest on them of six per cent.? Was this losing nothing? [Cries of "order!"]

Mr. H. said that the Treasury notes had been resorted to because of a temporary pressure on the Treasury—money must be paid, and there was nothing in the Treasury to meet the demand. But as to this advance to the disbursing agents, where was the difference to the Government whether the money lay in the hands of those who collected, or of those who were to pay it out? The money was as liable to be used in the hands of the one as of the other. All the difference was, that one set of agents would gain by it in one case, and another

set in the other. The Government made nothing, and it lost nothing, by the present arrangement. Nay: there were some advantages attending it. It prevented a vast accumulation of money which would otherwise take place in the city of New York; now it was dispersed through the country. In the cities, gentlemen charged that it was used for bribery: besides, it was a positive gain to the Government, to the whole amount of the salaries which must otherwise be paid to these officers. Mr. H. however did not approve of the present plan; he would prefer some other mode. But if gentlemen complained, why did not they move an amendment instead of embarrassing the passage of this bill?

Mr. REED of Massachusetts agreed with gentlemen who had preceded him, in the opinion that the present mode of compensating pension agents was a bad one, and ought to be reformed. In practice, however, he supposed it would, just now, make little difference, for he presumed the Administration would soon come to the House and complain that they had no money. But still this was a proper occasion to explain the conduct of the Administration. Under the pretext of giving these agents no compensation, they paid them ten times as much as any salary they could receive by law. Very large sums of the public money were purposely left in their hands, and it was not to be expected that they would not use it. He was for paying these officers directly; then the people would know what it was they were paying; but now it was all secret. He hoped an amendment would be proposed, restraining the Government from making these premature advances of public money under the pretence of getting *ready* to pay pensions. He never would put it in the power of the Secretary of the Treasury to allow one man a salary of ten thousand dollars, and another of five, and another of two, just at his sovereign pleasure. Every body knew that if these men put their money in any bank, with a certainty that it would not be called for for four or five months to come, they could get four or five per cent. interest on it.

Mr. PETRIKIN said that this debate reminded him of the old proverb, "Much cry and little wool." The Opposition gentlemen were eternally harping on economy in little matters, but when matters of importance were brought forward, they always shoved themselves before the wheels, and prevented, if they could, the House from doing any thing. What was the secret of their objection to these agents? They wanted the business thrown into the hands of their beloved banks, who held in their hands thousands upon thousands of the public money, without paying either principal or interest. All this was well. No harm in this. But, when individuals held a few thousand dollars for a little while, what a tremendous shouting they raised! The House had heard nothing of all this uproar when the United States Bank was the disbursing agent of the Government, and held millions and millions of the public money. Complaint was made because these agents did not take money from one head of pension and apply it to another. But they dare not. The law would not let them. Did gentlemen suppose they could gull the people with all this noise? The people, he could tell them, had too much sense to be gulled in this way. But there was another matter he would call these gentlemen's attention to. It was to the perquisites they themselves received, over and above their eight dollars a day. Mr. P. to be sure, shared with the rest, but he did it openly; he did not approve the allowances, but, at any rate, he took them openly, and above board. He did not skulk away in the dark, and cry "thief! thief!" while he was doing the same himself. He was for giving these Government agents a fixed salary; but let it be remembered that they had ten times the responsibility which members of Congress had, yet they could get eight dollars per diem, and a good deal more in perquisites, and take it all very quietly. He hoped gentlemen were not going to object against this bill; he hoped they would let the poor old soldiers get their money. The banks did the very same thing that was now charged on those pension agents. Mr. P. had often gone to them to get the pension money for some poor old fellow, and been told that all the money under that head of pension was out. What! because a man was a Democrat, must he work for nothing? It was very hard times. But the people were not so gullible as gentlemen seem to think. They could see through all this fuss about saving. Still he thought it would be better to give them salaries at once. As for himself, if he had all the money they got, he could make no use of it; it would be idle in his chest; but there might be others who could, and if they could, why, he supposed they would. [A laugh.]

Mr. CRAIG made some remarks, at the conclusion of which he proposed an amendment, (handed to him for that purpose by Mr. R. GARLAND,) providing that no money appropriated should be placed in the hands of pension agents more than one month before the time for the payment of the said pensions.

To this amendment Mr. UNDERWOOD proposed an amendment, providing for an allowance to the pension agents of a certain per centage on the money disbursed by them, but limiting the total amount to be received for such services by each of said agents in one year to $1,500; and prohibiting any agent from using or loaning the public money entrusted to his hands, under penalty of imprisonment for not less than one nor more than five years.

Mr. CRAIG of Virginia said that his object in rising had been to congratulate the honorable gentleman from Massachusetts [Mr. REED] on the change of opinion which had happened to that gentleman, respecting the best mode of paying the officers of Government.

[Mr. REED. I have not changed my opinion at all. It is now just what it has always been.]

Mr. CRAIG resumed. I state, nevertheless, that the gentleman's opinion has undergone a radical change, and he himself is the witness to it, and that directly, not indirectly. How long has the gentleman held his present opinion? I will ask him what was the mode of compensation when the Bank of the United States was the general receiving and disbursing agent of the Government? What was the gentleman's opinion then? And what will it be if such a bank should again go into operation? If the gentleman complains so much on finding that a few thousands of dollars be here and there in the hands of disbursing agents, what will he say when we substitute for them a bank having in its hands the whole funds of the Government, on which to issue bills and earn discounts? Does not such an institution fleece the community to the amount of millions? Surely; the matter is as plain as the sun at noonday. And is not this paying our agents indirectly? If we may pay a bank in this manner, why may we not pay an individual? Is it not hard that the banks should work for nothing and find themselves? We must, therefore, give them the public funds and the public credit, and the consequence is, they fleece the community. This they have been doing, and this they will do, so long as they are permitted to stretch their arms around the whole community, and squeeze till they have pressed out all the blood from every pore.

But these remarks will be more pertinent when we come to discuss the Sub-Treasury bill. I shall then be delighted if the gentleman from New York, [Mr. MARVIN,] will come up to the mark. If he will then lend us his aid in throwing guards round about the public agents, I, for one, will give him the right hand of fellowship. For ages past, in all our reasoning on the banking system, we have inverted the pyramid of logical induction and tried to make it stand on its apex. We have always been reasoning backwards. Confidence was to be the basis, and banking was to follow; whereas the proper mode would have been, first, to show that the banks were worthy of trust, and then let confidence follow. Will confidence purchase us beefsteaks and pancake? Yes, confidence is produce money, and then money will buy the beefsteak. That seems to be the plan of some gentlemen.

[Mr. REED here rose to explain. The gentleman from Virginia, he said, had totally misunderstood him. He had changed no opinion, nor expressed any change; his doctrine was this, that whenever it was necessary for Government to employ agents, there ought to be an explicit agreement as to the compensation to be allowed them, so that the people might always know what it was they were paying. The gentleman from Virginia talked about the Bank of the United States as an exception to this rule; it was no exception. The Bank and the Government made an express bargain, in which the Bank paid a heavy bonus openly and explicitly for the use of the public money, besides agreeing to do all the duties of a receiving and disbursing agent free of cost. The party aim was plain and explicit, and every body could understand it. But what bonus did these agents pay? or what written bargain did they enter into? There seemed to be a tacit understanding that they were to have the use of some portion of the public money for some time before it had to be paid out—but how long or how much, was left altogether discretionary with the Secretary, and that officer could make a man's compensation ten thousand dollars a year, or one thousand, at his pleasure. The thing had been done, and the practice could neither be denied nor justified.]

Mr. CRAIG said that he did not deny himself to be the subject to party influence; he was in some respects a party man, but it was because he believed that the party with which he acted was founded and built up on the maxim that no party could long exist whose policy was not based on the principles of right; as soon as they shifted their ground, no matter how numerous or how strong they might be, they must ultimately fail.

Mr. C. after some further remarks, submitted (in behalf of Mr. R. GARLAND) the following amendment:

"*Be it further enacted*, That no money appropriated by this act shall be placed in the hands of pension agents more than one month before the day for the semi-annual payment of pensions."

Mr. STANLY made some remarks, in the course of which he spoke of the refusal of the Legislature of Pennsylvania to take away bank charters, or compel them to resume specie payments. Mr. S. alluded, also, to the proceedings which took place on the last night of the last long session of Congress, when the Sergeant-at-arms had been despatched to the railroad cars to bring back certain departing members, who refused to return. Among the number was the gentleman from Pennsylvania [Mr. PETRIKIN] who had spoken in a previous part of the debate, and to a portion of whose remarks Mr. S. replied.

Mr. BEATTY said he did not rise to reply to the remarks of the gentleman from North Carolina, [Mr. STANLY,] in relation to his colleague, [Mr. PETRIKIN,] for he believed him fully able to vindicate himself from any aspersions; but he got up for the purpose of inquiring of that gentleman from what source he derived his authority for saying that the Legislature of Pennsylvania had refused to compel the banks to resume specie payments.

Mr. STANLY replied, from the public journals.

Mr. BEATTY was understood to recommend the gentleman from North Carolina to have better authority before he made such statements. Every Democratic member had voted in favor of the bill providing for the resumption of specie payments on the 15th of February, and every Whig in the House voted against it. The journals of the Legislature would show further, that when the bill went to the Senate it was referred, in the usual way, to the Committee on Banks. He desired to contradict the broad statement that the Democracy of Pennsylvania refused to meet the responsibility of that measure. He denied it.

Mr. B. was understood further to say that he was present at the night session referred to, and that he had offered a resolution in relation to those members who refused to come back from the railroad cars.

Mr. SERGEANT then rose and addressed the House at some length, though heard at times by the Reporter very indistinctly. He said that what he considered the great evil in the present state (system he could not call it) of the management of this part of the monetary concerns of the United States was the fault in the general management.

The fault was not so much in the payment of pensions or of any other particular fund, as in the utter want of system and of accountability according to law. And here he would take occasion to ask the attention of the committee to this business, according to his recollections. If he should be in error as to any particular, he would be glad that any gentleman should set him right. There was a time when the whole moneys of the United States were under the immediate protection and custody of the law of the United States. There was a period from the year 1816, to the year 1833, or 1834, when the whole moneys of the United States were kept where Congress directed them to be kept. Congress made the laws, and Congress, in certain cases, unmade those laws; but whilst the public money remained as it was then, it was kept under the authority of law, and subject at all times to the authority of both Houses of Congress. This had ceased to be the case in relation to the moneys of the United States. They were no longer so. They were placed under the management of the Executive, and this great change in our money system had been accomplished by means to which he would not advert because they were now a part, a very memorable part, of the history of the country.

It had been said in the course of the debate that the giving to pension agents the advantage of having the money of the United States in their hands was only conferring upon them the advantages which the Bank of the United States formerly had. This was a mistake. The Bank of the United States had never received any advantage at all from the payment of the pensioners; and, if gentlemen would look into the history of the matter, they would find such to be the fact. The whole service of paying the pensions of the United States, with all the risk and labor which accompanied it, was performed by that institution without compensation, directly or indirectly. When Congress chartered the Bank of the United States, certain stipulations were agreed upon between the Bank and the United States. On the part of the United States it was stipulated that their treasure should be deposited in the Bank and its branches until there should be some reason to suppose that it was not safe. This was a fact familiar to all. Congress reserved to itself the power (if it should think proper to exercise it) of imposing an additional burden upon the Bank—that was, of executing the duty of commissioner of loans in any or all the States, transferring public moneys, &c. without commission. By the charter, the Bank was not bound to execute that duty, nevertheless, it did execute it, and without charge. Now what did the United States Bank get? Not a dollar, directly or indirectly.

[Mr. S's voice was here lost for a sentence or two.]

He would call the attention of he committee to another fact, which, in his judgment, would throw light upon this question, and would give it a bearing worthy the consideration of Congress. Before the removal of the deposites, according to his recollection, some one had felt a desire to be appointed pension agent in a State where there was a branch of the United States Bank; and the Secretary of War, supposing he had the power to order military pensions to be paid by any agent he might think proper, gave the United States Bank an order (in New Hampshire) to pass over the funds and books into the hands of an agent there. Upon looking at the act of Congress, it appeared conclusively that the Secretary of War had no such authority, and the thing was abandoned. There were individuals and institutions desirous to have those pension agencies. Why did they desire them if there was no advantage to be derived? An examination into the history of the matter would show presently what the advantage was. The United States Bank declared itself unable to comply with the order of the War Department above alluded to, because it was contrary to law; and, as he had said before, the thing was relinquished. Well, the United States Bank ceased to be the commissioner of loans, it ceased to be the payer of pensions, and it ceased to be the depository of the public moneys of the United States. What was the consequence? That, for all these purposes, the Executive had the selection of the agents; whereas, before that, they were selected by law, under the authority of both Houses of Congress—the Representatives of the people to whom the care of the public purse had been assigned.

What was the next consequence? That what had before been given by law was distributed by favor. Did people ask for these pension agencies without a prospect of emolument? No: and from the period when the management of the public treasure ceased to be thus controlled, up to this day, there had been no system proposed that bore the least evidence of a desire ever again to put the Treasury of the United States, as it was, under the care of the Congress of the United States. All these powers were now in the hands of the Executive. This was a fatal change in the money affairs of the nation, and, in his judgment, the people of the United States would never do themselves justice until they should restore the Treasury of the United States to the custody of their Representatives in Congress, where it once was.

Look at the consequences. No man would say that there was no advantage derived from being a payer of pensions. What was it? It was the possession at all times of a sum of money belonging to the United States; so that if a man were a pension agent for a length of time, he would know what sum he might depend upon always having in his hands. It had been avowed by a gentleman on the other side, that this was the compensation for the services; and thus the pension agents were placed in the same relative condition to the community as banks. What was the advantage of a bank? Its capital. It could lend out its money as an individual could; and, generally speaking, it could do no more. A bank also had its deposites. These varied from day to day; but, nevertheless, it could tell nearly on what it could calculate as its permanent deposites, and upon those deposites it would trade. And if money was placed in this manner in the hands of a pension agent, would he not have sufficient instinct of trade not to keep it unemployed? Could any man fail to see that if such a system were to prevail throughout the money affairs of the United States, the whole Treasury of the United States would be placed in the same situation, and there would be transferred to these depositaries of the public money all the advantages which the United States Bank is supposed to have had, and that, too, without the equivalent which the Bank gave, either in *bonus*, or its facilities for the distribution of funds? What, then, had been gained by taking it from one set of men or institutions, in order to give it to another?

Mr. S. proceeded to remark on the mode in which these matters were in fact managed at the present time, and to show that, under it, no man could tell how much pension agents might receive. That they received something, was agreed on all sides. Did they get it according to the amount they distributed? No; but according to the amount they had in their hands. There was great objection to the payment of compensation by unknown measures, or to unknown amounts.

Mr. S. alluded to the selection of State banks, or persons immediately connected with State banks, for the performance of these duties; by reason of which, particular banks had the advantage of the public funds to any amount to which they might be awarded to them. He spoke generally—not particularly as to the pension fund, though that was a part. The consequence was, that inducements were offered to trade upon the money of the United States. Were we not told, and had it not been proved, that from the year 1833 and 1834, down to this time, too much of this sort of stimulus had been employed? That we had gone from a state of sound and substantial health into a plethora, from which we were now shrinking away in a manner so rapid as to awaken the most serious apprehensions for the result? Had not our affairs changed so fearfully as to bring us (as was once said in the British House of Commons) within a few hours of the state of barter? How had this happened? By the State bank system. By overtrading with banks—by overtrading in the community, by means of the facilities of the banks. To some this might appear a small affair. In human affairs the greatest concerns of men, considered alone, were small. It was the combination of all these small causes that produced at last the great result.

There was a radical vice in the system which never would be removed until Congress should again take into its own hands the selection of the depositaries of the public money, and the direction and control of the public money, without the intervention of the Executive or any branch of the Executive. He felt it to be his duty on this and on all occasions to declare what appeared to him to be a great fundamental truth—that, as regarded the Treasury of the country, we were living without law, and that thence evils of the most frightful magnitude followed; and what evils were yet to come from the same cause, it would require more than human wisdom to foretell. One solemn truth was known to all—that, at this very moment, the country was in deep distress, and was covered with the gloom of deep apprehension. He declared that there was one great cure—a remedy which had never failed—and he appealed to the history of the country in proof of his assertion—and that was for the Government of the United States to take into its own hands, under custody of the law—not of the Executive, but of both Houses of Congress—as it formerly did—its Treasury, and thus have the regulation of the public funds. Things went well (concluded Mr. S.) when you had a system of that sort—and when you parted from it, things went ill, and have gone worse and worse from that day to this; until at last, upon this matter of pensions, no man can tell how much any pension agent receives—whether $1,000 or $10,000—nor in what way he receives it.

I will vote for a remedy for this particular evil. It falls far short of my idea of a remedy; still, so far as it goes, it is good.

Mr. UNDERWOOD had seen the operation of this pension agency system, and had seen its consequences. In the State of Kentucky there was only one pension agency, and that was located in Lexington, some 200 or 300 miles from the lower end of the State. He lived (the Reporter understood Mr. U. to say) some miles further west, beyond Lexington.

Some years since, in pursuance of a statute which they had, he applied to the Secretary of War for the establishment of a pension agency in his section of country; and stated to the Secretary that, through the instrumentality of the banks in Kentucky, the money of the Government could be disbursed to the pensioners in that State without costing one cent. No agency was established, even on these favorable terms; and, from that day to this, the pensioners in that section of country were put to a semi-annual expense of two or three dollars to obtain the pittance dealt out to them by the Government. Why was this? Let gentlemen look at some sections of country, and they would see that there were some States which had four, five, and even six pension agencies, while others had but one.

Look at the history of this pension fund. Reports from committees had been made here, year after year, calling upon the Secretary of War to establish agencies; he having, by the law as it now stands, power to establish an agency any where in the United States when the public service required it. Why was all this? The reason was plain. By the use of the large sums of money furnished to pension agents for some years, such a profit was attendant on its custody as to make the agencies desirable, and applications had been made for them until some States had six, whilst others had but one. What was the source of the evil? There was a sytem (if system it could be called) by which the appointments of these agents was left to the discretion of the Executive Department of Government, with power to appoint as many as might be deemed requisite. Mr. U. here entered into some calculations as to the profits derivable from the use of the public moneys thus left in the hands of the pension agents.

The President of the United States had denounced the use of the public money without authority as that which ought to be made a felony, and

punished as such by law. Now, was it either a good or a safe policy to tolerate the use of the public money for the purpose of giving profits to individuals? Was it not the best plan that could be adopted to induce men to become defaulters? The principle was one which ought to be abandoned, and the sooner it could be done the better. He was opposed, however, to the amendment of the gentleman from Louisiana, [Mr. R. GARLAND] These pensions were paid the 4th March and the 4th September. What would be the consequence if the amendment prevailed, which provided that no moneys should be placed in the hands of the agents until within a month of the time of disbursement? The direct and immediate consequence would be, that they could no longer use the money so as to make a profit, and that they would not accept an office, requiring time and labor, but yielding no emoluments. They would resign, and the pensioners might be thus left unpaid. We must, therefore, either allow the principle which all gentlemen seemed to discountenance, of permitting the agents to use the moneys for the purposes of profit, or we must provide by law some per centage on the amount disbursed by way of compensation for the labor. One of the two modes must be adopted. It might be said that there were three plans: the first was, to let the agents work for nothing; that would never do. The second was, to allow them to compensate themselves for the use of the public money. The evils of that plan were numerous and manifest; so much so as to render it unnecessary for him to dwell upon them. The third plan was the one he was about to propose; that was, to allow a per centage on the amount of the disbursements.

Mr. U. was anxious also to avail himself of a principle which had been recommended by the President of the United States, and wished to test the sense of the committee upon it. He desired to know how far the prohibitory principle in relation to the use of the public money by Government agents would meet with the sanction of the Representatives of the people.

Mr. U. then moved the following as an amendment to the amendment:

Each pension agent shall be allowed as compensation for his services —— per cent. on the amount of money disbursed by him: *Provided*, That no pension agent shall receive as compensation more than 1,500 dollars per annum.

Be it further enacted, That it shall be unlawful for any pension agent to use or apply to his own purposes, or to lend to any person or persons, or to suffer any person or persons to use, any part of the public moneys placed in his hands or subject to his control; and, if any pension agent shall violate the foregoing provisions of this section, he shall, upon conviction thereof before any court of competent jurisdiction, undergo and suffer imprisonment for a period of time not less than one nor more than five years, at the discretion of the jury convicting the offender.

The blank in the first part of his amendment, Mr. U. said, might be filled up in the House.

This, he thought, was the best plan that could be hit upon for the moment to supply the loss of that great system which had been so justly characterized by the gentleman from Pennsylvania, [Mr. SERGEANT,] which was the only safe system, and that to which we must return before the financial affairs of this country could be brought back to their former sound and healthy condition.

Mr. WADDY THOMPSON rose and said that there was one great error pervading the country, in the estimation formed of those who were at this time administering the affairs of the nation. It had been thought that they wanted *boldness*. Never had there been a greater mistake. It required boldness of the highest character, considering the principles upon which this Administration put itself before the country, to come here in the face of the world, and endeavor still further to impose on the credulity of the country, by offering a proposition directly at war with all the principles they had professed upon the leading measure of the Administration.

What was the proposition now made? He appealed to some gentlemen—to some of his colleagues, whom he saw in their seats, and who, he knew, were sincere in their opinions as to the Sub-Treasury, and he would ask them whether they could reconcile their opinions on that subject with the vote which they were now called upon to give? For popular effect, and he believed mainly, if not exclusively, for popular effect, without raising an eye to the great interests of the country, an habitual war has been carried on against the banking institutions of the country. And what was the condition of things in relation to the pension fund at this time? Banks were not appointed agents. None but individuals were appointed. But who are those individuals? For the most part officers, presidents or cashiers of banks, and receiving and discharging the trust, no one doubts, not for their own, but for the benefit of the banks.

Why appoint them? Was it that the benefit might enure to them, instead of the institutions with which they were connected? Did any body believe it? Here was one of those tricks which had so much characterized the practice of this Administration, and by which they accomplished their favorite objects without responsibility. In the first place, the public money was deposited in the banks —and what more? Why, the next branch of the subject was that over which an equal clamor had been raised—What right had the banks or individuals to the use of the public money? All said that there was no such right, unless the Government could thereby save money or make a better contract for keeping and disbursing its funds. And yet, in the face of this, the public money had been and was deposited with individuals, it is true, instead of banks—the profits, however, enuring to the banks, yet without giving to the public that security which the banks would furnish. If the money was deposited in banks, the whole stock of the banks was hypothecated as security. But how was it on the other hand? Could as sufficient security be procured from an individual who was needy enough to accept this agency? Or, in any event, could a security be procured equal to the hypothecation of the whole stock of the banks? Yet, still the cry was, the public money is not to be used. Oh! no—who had the right to use it? No one—neither a bank nor an individual; and yet it was openly avowed here, and by one of the party of the Administration, that that was the best mode of compensation for these disbursements. Give to these agents the use of the public money, although it cannot be done by law, that was the doctrine; and yet we were told by gentlemen speaking in behalf of the Administration, Give this money to the agents that they may use it, instead of giving them a fixed salary.

Now, if the policy here laid down was a just policy in relation to the pension fund, why was it not just, when applied to all others? Why should a *douceur* be given to private agents for the disbursement of this fund, by permission to have the money for their own profit, and not be given in every other case? If this was the best mode of compensation as applied to the pension fund, was it not so when applied to the keeping and disbursing of *all* the public money?

What was the great objection to the use of the public money? It was, that it was thereby placed in jeopardy; but if it was as safe when used, and as promptly forthcoming when wanted, and withal kept and disbursed without expense, what objection could there be? And what was there about this particular fund, that it should be deposited in the hands of individuals, and loaned out by them? Why should this fund be put in jeopardy, in danger of being lost, whilst all other of the public moneys is to be more scrupulously guarded? If there was one fund that, more than another, "had need the guard of dragon watch with unenchanted eye," it was this very fund, applied as it was to the wants, and, in many instances, to the necessities, of those who gave us all our institutions; and yet we are told that the cheapest, best plan, was to give it to private agents, that they might loan it out. Was there ever so monstrous a proposition asserted as this, considering by whom it is asserted? The President of the United States had recommended that it should be made felony for any Sub-treasurer or keeper of the public money to touch one dollar; and yet, so far from making it felony in this case, the agent was told that he must use the money, and that this was all the compensation which he would receive. Was there ever such palpable, impudent inconsistency? It was felony to touch any other moneys appropriated to pay the public creditors, because the money was thereby put in jeopardy. But not only was it not felony in regard to this the most sacred of all the funds of the Government, but the agents were absolutely instructed to make use of the money. And the House had been told by a highly respectable gentleman of the Administration party, [Mr. HOLLEMAN,] that this was the only compensation which the agents were to receive. With what grace could the President of the United States turn out of office a pension agent for doing that which he was instructed to do?

But what further? It was seen that this money was deposited in the hands of agents months in advance of the necessity for its payment; and now, at a time when the Government was literally living from hand to mouth, when it had not money to meet its ordinary expenses, these moneys were to be paid out months in advance of the time at which they were wanted. In other words, money wanted for severe present emergencies could not be got, yet money was to be raised and appropriated in advance for the payment of debts not yet due. And, in the mean time, what was done with the money? It was not even to be locked up in the nugatory and foolish manner proposed as to other moneys, to meet a debt due *in future*—to provide for the expenditures of the Government—but, what makes it worse than foolish and nugatory, it was thus to be raised, and interest paid upon it, that it may be given to agents to be used as they might think proper, and for their own benefit. At a time when the Government could not pay its own debts, it demanded money in advance to be let out for private purposes and individual profit, or, what was worse, the profit of banks.

Nor was this all. How was the money to be got? If any one thing was more disingenuous than another in the message of the President of the United States, it was the covert calls of the Administration for money. What had the President said in a recent message? He (Mr. T.) took some pleasure in the recollection that he had had the good fortune first to make an issue with the President of the United States as to the resources of the Government. It had been denied in the official organ that he, (Mr. T.) when he had made a direct issue with the President upon this point, had only said what every one knew, that there would be a deficiency in the Treasury. This statement had been made directly in the face of that part of the message which said that the resources of the Government for the next year would meet the current expenses of the Government without a resort to loans or taxes. Every body else knew better. No man who valued his reputation would deny it. But Mr. T. was willing to attribute the error to unintentional inaccuracy, but the Globe tells us that it is otherwise. He (Mr. T.) had said on a former occasion, that he knew they would be coming here before long, cap in hand, asking for money; and they would come sooner than was expected. And on what pretext have they come? Why, of unexpected judicial decisions against the Government. Were not those decisions known? Or in any event, might they have not been anticipated? And now they were told that it would be necessary to raise more money. How? Not by an increase of taxes, says the President—not by an increase of the tariff, which is the only means now by which money can be raised. No; that would not do. The tariff regions are to be humbugged by a show of increase, while the Southern section is to be amused by opposition to it. The same game was to be played as was now going on in regard to the Cumberland road. The President's friends in the West say that he is in favor of the road. The South is told that he is opposed to all such works, on constitutional grounds. The tariff was not to be raised—still money must be had—*some other means must be resorted to*, says the President. What other means were there, but to borrow money upon interest, which they would not do,

or to resort to the expedient of the poor spendthrift, who gives his note when he has spent his money; and whilst, with the recklessness and immorality of all spendthrifts, they have no expectation of being able to meet their notes, and no provision made, but must give other notes to pay those which were outstanding, for the sum total of the financial abilities of our American Necka is to give his note.

The matter, then, stood thus. The President wanted money, which was only to be got by borrowing, or by issuing Treasury notes, in either of which alternatives interest must be paid. If we had the money, it would be wrong thus to appropriate it before the occasion occurs for which it is required, with a view to its being loaned out by individuals for individual profit. But it is infinitely worse.

What is the proposition? Why was the House asked to act on this bill with such indecent haste? Were they not setting aside the ordinary business of the country, in order that they might make provision for the payment of a debt that was not due, by paying interest on the very money raised for the purpose? What would be thought in private life of an individual who thus conducted his affairs?

There were thirty or forty agents for the disbursement of the pension fund. The amount proposed to be raised is three millions. The average time which will be required is six months, giving to these agents nearly ninety thousand amongst them. Why, sir, it would be just the same thing to give them this 90,000 without the complex process of borrowing it to give to to them that they may loan it out again. If he (Mr. T.) was not greatly in error on all these points, and, if he was, let it be shown, this struck him as one of the boldest propositions he had yet had occasion to notice.

Mr. STANLY said the gentleman from Pennsylvania [Mr. BEATTY] had undertaken to correct him in a matter of fact. The gentleman had said that every member of the Democratic party had voted in favor of the resumption of specie payments on the fifteenth of the month. Mr. S. wished to inquire whether the Democratic Governor of Pennsylvania did not oppose the measure of resumption on the fifteenth, and if he did not get a majority of what he called Democrats, in both branches of the Legislature, to sustain the position he had taken? If so, Mr. S. was right in the assertion he had made in the first instance.

Mr. BEATTY, in reply to this interrogatory, reiterated the denial of the correctness of the assertions of Mr. STANLY; and further denied that the Governor of Pennsylvania opposed the resumption of specie payments. The only difference between the Governor and the members of the Legislature, was a matter of opinion as to the time proper to exercise the power to compel the banks to resume; and he could assure the gentleman from North Carolina, and his associates, who were chuckling so much about the movements of the Governor of Pennsylvania, and a supposed breach in the ranks of the great Democratic party of that State, that their joy on this occasion, like their rejoicings on all former occasions, over victories in embryo, will be of short lived duration. They will find, to their sad mortification and discomfiture, that the Governor has not gone over to the enemy or to the banks. Mr. B. said he should always feel it his duty to repel any reflections of the kind against the authorities of the State he in part represented, and to the best of his ability, vindicate them; and he deprecated the practice some gentlemen had of introducing into debates there, matters entirely irrelevant to subject before the House, and exclusively of a local character.

Mr. B. said he did vote for the Cumberland road bill at the time referred to, but he would not permit any gentleman there to question his right to vote as he thought proper. He was under no party trammels that would compel him to vote for or against a measure that he did not think was in itself proper at the time. He was not placed in the situation of many other gentleman on that floor. He had never yet been driven to the necessity of defining his position there; because it was well known both there and at home. He hoped he had given the honorable gentleman from North Carolina all the information that was necessary to keep him straight or within the bounds of propriety, when he attempts to call into question his votes, or to censure the course of the Governor or Legislature of Pennsylavania. After which,

Mr. SERGEANT rose and said he regretted that the affairs of the State of Pennsylvania had been referred to at all in this House. No man who had looked at the present posture of the affairs of that State could fail to see that she was in the midst of a very great crisis, a crisis which might issue in much good or in much evil, but one about which there could be no hesitation in admitting that the united wisdom and patriotism of her whole people ought to be rallied to one deliberate and calm effort to carry her through it. And (continued Mr. S.) I believe that they will be so. I think I see the evidence of it in the movements which have already taken place, and in those that are now going on. I believe that extreme positions will not be taken, or, if taken, that they will be abandoned for the sake of the public good, when those who take them, like the members of the Legislature of Pennsylvania, shall be convinced they have been in error.

As to the Governor, I have nothing to say. I do not know that he has ever taken any position adverse to that which he now occupies. In relation to him, therefore, I have nothing to say. But in relation to the members of the House of Representatives of that State, (for I have seen nothing yet of the proceedings of the Senate,) in relation to them, I say that the course they have just adopted is in the highest degree honorable to them; that it is, in my judgment, the best augury for a wise administration of the affairs of that State that they have come forward as they have done; that the light which has been thrown upon the subject having convinced them that they were in some respects in error, they are now proceeding wisely to correct those errors, without abandoning any thing which they conceive to be essential. It is unfortunate that this discussion should have been introduced here. Pennsylvania has a Legislature and an Executive of her own; and I, as a citizen of that State, do not feel myself at liberty to enter here upon a discussion of those topics which are to be discussed there, and in regard to which, as I said before, I am happy to see the prospect of a just and wise disposition. My desire, as a member of the Congress of the United States, would be to let them alone—to leave their affairs to their own management—to let the Legislature decide, within the scope of their duty, what is due from them to the people of the Commonwealth, and to all the interests of the people of the Commonwealth, in whatever shape they may present themselves. I do not know that, in the Legislature of Pennsylvania, at this time, and on the question now before it, there is such a thing as a party line. If I understand correctly the debates and proceedings there, as I have read them, the discussion there has been conducted on the grounds of broad justice and liberal patriotism—not on the narrow ground of making or unmaking a President, or of making or unmaking a Governor; but it has been directed to the question of what would or would not contribute to the permanent prosperity and happiness of the Commonwealth; and I trust in God that the Legislature will go on, not mixing up with her deliberations any extraneous matters until they have arrived at the result that will best contribute to those ends. That they will arrive at such a result, I entertain the most certain hope.

Mr. LEET of Pennsylvania rose and said: I take occasion to say, Mr. Speaker, without having three minutes' warning that I should be called upon to take any part in this, to me, unexpected debate, that I sincerely believe that the sentiment which my honorable colleague [Mr. SERGEANT] has expressed, is nothing more than what is due to the Legislature of the State of Pennsylvania. If you recur a moment to the causes which have produced the present state of things in that State, you may readily satisfy yourselves that the future prospects of General Harrison or of our present Chief Magistrate, Mr. Van Buren, have had nothing at all to do with the condition in which the Legislature is now placed. In the early part of the session of the Legislature, I think on the 23d of January last, a law was passed authorizing the Governor to negotiate a permanent loan of $870,000, and also a temporary loan of an equal amount, in anticipation of the permanent loan, for the purpose of meeting the interest that would full due on the 1st of February.

The Executive of that State made an effort to procure a loan to pay this interest on her debt; but, owing to the existing condition of our monetary affairs, as to the causes of which gentlemen may conscientiously differ, the money was not to be procured. Such, sir, is the simple fact: it could not be obtained. The question then arose, what was the Governor to do? And what did he do? It is true that, in the House of Assembly, in accordance with what was believed to be public sentiment and feeling, a bill was passed by one of the most decided majorities that has ever been known in that body on a question of currency—the vote standing 69 to 24—fixing the 15th of February (the present month) as the day on which all the banks were to resume specie payments, under a penalty of summary forfeiture of their charters in case of non-compliance. That bill was sent to the Senate. The first of February came, and there was no money to pay the interest of the debt. What, then, was the great question which naturally suggested itself to the Governor? It was, that the honor and faith of the State must be preserved at all hazards, so far as that object could be attained without a compromise of honesty or principle. I cannot say that the Governor was wrong. The Governor then communicated the fact to the Legislature, that on that day the interest on the debt would fall due, and that he was unable to negotiate a loan or to procure the money, and that he could not therefore redeem the faith or comply with the pledges of the State; and recommended the immediate adoption of a joint resolution, authorizing the issue of State stock to meet the interest owing by the State, as an earnest that the State faith would be preserved untainted. Now, sir, I am free to say that the course which suggested itself to me was, that the Executive should have communicated the facts and correspondence with the several banking institutions on the subject, and that he should then have left it to the Legislature (many of the members of which I happen to be acquainted with, and esteem as patriotic men) to determine what course should have been pursued under the circumstances, and what the exigencies of the State demand d. But being, as I well know him to be, anxious to serve the State in the best manner he could, the Governor suggested his belief that, if the fifteenth day of the present month were fixed upon, or any other immediate day, for the resumption of specie payments, it would be out of the power of man to prevent disastrous consequences. And here I must remark, in regard to this suggestion, that although, in the first instance, I was struck with the idea that the Governor had erred, yet he has, I think, upon reflection, compromised no principle—because it was a mere *question of time*. Probably, the more judicious course would have been, that the Legislature (and I say so with great deference to that body) should have raised a committee to inquire into the condition of all the banks.

[The SPEAKER here interposed, and said that the gentleman was going too much into detail. But, in obedience to loud cries from many parts of the Hall of "Go on—go on—proceed," &c.]

Mr. LEET proceeded as follows: I say, that if the Legislature of Pennsylvania—who, as some gentlemen assert, have receded, and receded at the instance of the Executive, (which I do not admit, because, as I said before, the question was merely one of time)—if the Legislature had appointed a committee to inquire into the condition of the banks, to have ascertained the nature and extent of their resources, together with all other necessary facts, I say that their *position* would have been precisely what it is now in regard to the resumption bill. Sir, Pennsylvania is as independent a State as any in this Union. It is the State in which I was born, and where all my ancestors have lived. In moral, intellectual, and physical resources, she

is inferior to none; and I trust that she will *never* mix up with the party politics of the day a momentous question involving her credit and honor. I say that the Legislature of Pennsylvania is not justly open to censure from any quarter, because they have done that which a sense of duty as representatives of the people, bound by their oaths of office, constrained them to do. If I had the honor of a seat in that body, and upon a certain day the pledges of the State were to be redeemed, what would be my course? Should I look remotely to the election of a President? Should I look remotely to the election of a Governor? Or should I look to the great interests of the State which I represent; that is, should I comply with the engagements of the State? Certainly; and that I conceive to be the noble principle which has actuated them—that is what they mean to do.

Mr. Speaker, I have spoken according to the best information I possess in relation to the present condition of the affairs of Pennsylvania. I hope those affairs will not unnecessarily hereafter be dragged into discussion in this House. The Representatives from that State, of all political parties are ready, I hope and believe, to vindicate her credit and honor. Let us not bring her concerns into discussion here, when there is no sort of reason for it. She can manage her own affairs. She has made vast and magnificent improvements, and she is saddled with a heavy debt, but she is also possessed of great, aye, of inexhaustible resources wherewith to meet it. The people of that great Commonwealth are too honest and too enlightened ever to give countenance to a violation of public faith.

I feel deeply obliged to the House for its kind indulgence extended towards me in making these few hasty remarks, perhaps somewhat out of order; and should not have obtruded myself upon its attention had not the debate taken the peculiar turn it did.

Mr. BEATTY then rising to address the Chair—

Mr. MONROE moved, with all due deference, he said, to the State of Pennsylvania, that the further consideration of the affairs of that State, now under discussion, be postponed until Monday next, and be made the special order for that day.

Mr. BEATTY expressed his regret that the affairs of Pennsylvania had been introduced, and his determination to vindicate the honor of his State on all occasions, so far as his feeble abilities would permit him to do.

Mr. JONES of Virginia thought that the propositions of the gentleman from Louisiana, [Mr. GARLAND] and the gentleman from Kentucky, [Mr. UNDERWOOD,] could have no other effect than to embarrass the bill now under consideration, especially when it was recollected that a bill must shortly come up embracing a general system, and imposing restrictions of the severest character on all public officers into whose hands the public moneys should go. That bill would be open to discussion. The present was merely a bill appropriating money, under existing laws, to individuals entitled to receive their respective amounts.

Mr. BELL wished to inquire of the chairman of the Committee of Ways and Means whether the Treasury Department had any information which was in his [Mr. JONES's] possession, as to the present ability of these pension agents to pay the funds hitherto deposited with them, or whether applications had been made from any quarter for indulgence or time?

Mr. JONES said that he was not aware that the Secretary of the Treasury had any such information in his possession.

Mr. BELL. Then I understand that these agents have perfect ability to pay out all the funds now in their hands.

Mr. JONES. If any person is not able to pay out the funds placed in his hands, it is a fact which is not within my knowledge.

Mr. CURTIS hoped the chairman of the Committee of Ways and Means would consent to lay this bill aside without taking the question, in order that the House might be placed in possession of information which, judging from the course of his remarks, the chairman was not now able to give. Mr. C. desired the gentleman to be able to state distinctly whether there were funds enough in the hands of the pension agents to meet the demands.

Mr. JONES said it seemed to him that the information sought by the gentleman from New York [Mr. CURTIS] was already in the possession of every gentleman. There was a statement before the committee showing the amount of moneys appropriated for the several objects of the bill at the last session of Congress. There was also a statement showing the unexpended amounts under each head, and it clearly appeared that, for three classes of pensioners provided for in the third section, there was not enough by one or two hundred thousand dollars. This information was derived from the Commissioner of Pensions.

Mr. CURTIS. Then he gives me the information which is contained in this bill—which is——

[Mr. JONES. No: there is the information contained in the estimates accompanying the bill.]

Mr. CURTIS. And no other. This book (holding up the estimates) showed that there was no present necessity for an appropriation of more than two or three hundred thousand dollars; and the bill proposed to appropriate about three millions.

Mr. C. well remembered the course of this bill last year, and he well remembered the remarks made by one of his colleagues. When the bill came in two years ago, the then chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] at a late hour, proposed that it should be taken up out of its order, as it had been on the present occasion—and that it should be forthwith passed; because, as he said, there was no money to pay the poor soldiers. The Revolutionary soldiers and officers, he said, were daily demanding payment, and there was nothing to give them.

His (Mr. C's) attention had at that time been drawn to the subject, and he had felt bound to call the notice of that gentleman to the state of the documents from the War Department, which had the control of this fund, and he (Mr. C) had been able to allege, as the result of his examination, that there was, at that time, the sum of two millions of dollars in the hands of pension agents. This statement was roundly denied by the gentleman [Mr. CAMBRELENG] in the way so peculiar to himself. It was denied also by a very respectable gentleman from Baltimore, who, on the very next day, came here and stated that he had made a personal examination into the facts at the War Department and at the Pension Office. He then admitted that there was proof that nearly two millions of dollars were in the hands of pension agents, and he then proceeded to say that it was the practice of the War Department to put the agents in possession of funds from four to six months in advance of the time of disbursement; and he justified it, as gentlemen have justified it to-day, on the ground that it was proper, by way of compensation for the services rendered. The then chairman of the Committee of Ways and Means produced and had read several letters from pension agents; and he (Mr. C.) remembered that several of them were letters calling upon the Secretary of War for remittances of funds to their hands; and several of them went so far as to say that they would not hold the office unless more money was placed in their hands by way of compensation. One of these agents, residing in the State of Vermont, said that he understood there was a bill pending before Congress providing for the compensation of pension agents, and that, if no more salary was given than that which was contemplated, (which was fifteen hundred or two thousand dollars a year,) it was not worth while to keep the office. That particular agent failed the next week. The Government instituted suit against him, and, Mr. C. was happy to say, either had or would receive the the money. The Government had not been so fortunate in relation to a pension agent at Boston. Persons had sought the offices of pension agents on the ground that they could do the business as well as the United States Bank, and that they were willing to do it on the same terms. This was the commencement of these agencies in the United States. It had been urged here that they would do it on the same terms as the United States Bank—that they wanted nothing. He (Mr. C) would hold them to their bargain until some provision should be made by law in regard to these agencies. If the Government was under the necessity of issuing notes on interest, he was for saving that interest as much as possible.

Mr. C. combatted the idea which had been held out that there was no loss to the Government, and that the money might as well be placed in the hands of the agents. In doing this, he expressed his opinion that there was not at this time more than half a million of unappropriated money in the Treasury. He had seen the signs of what was to come in a paper read recently from the Clerk's desk. There was a great talk now about frauds on the revenue; a number of suits also had been been decided against the Government, and he wished the Treasury Department to show what the recent demands made upon it in relation to these suits were. He did not think that the statement would furnish any justification (so far at least as New York was concerned) for issuing Treasury notes. Whist the Government had to borrow money, he was for retaining it in the Treasury until it was wanted. If the chairman of the Committee of Ways and Means would bring in a bill appropriating so much as was proper and necessary to meet the actual demands on agents for the next six months, he would vote for it; but he would not vote for a bill the effect of which was to place two millions of dollars in the hands of agents for their own use.

Two years ago, in the course of a discussion on a similar subject, it was admitted that half of the whole amount appropriated for pensions was constantly on hand with the pension agents? What was the whole amount? About four millions of dollars. How much then did the agents use? Two millions. What was the lawful interest on this amount. One hundred and twenty thousand dollars. And this amount was distributed among the agents, who numbered some thirty or forty.

Mr. WHITE of Ky. desired to put a question to the chairman of the Committee of Ways and Means. If he had understood the matter correctly, an appropriation of two or three hundred thousand dollars would meet all the present demands upon the various pension funds. The present bill, as Mr. W. understood, appropriated one million of dollars. This would leave an excess of between seven and eight hundred thousand dollars after the entire demands for the 4th of March should be discharged; which sum of seven or eight hundred thousand dollars would remain in the hands of the pension agents for six months; that was to say, until the 4th of September next. Was this the state of the case?

Again: He would inquire whether this last named sum would be adequate to the demands for the 4th of September? It would not, be believed. Here, then, would be double legislation. The demand for the 4th of September would be, he believed, fifteen hundred thousand dollars; to meet which there would be this sum of seven or eight hundred thousand dollars. Why this sort of double legislation? He was the last man to refuse all requisite appropriations to meet all the various demands; but he would not appropriate money when there was no necessity.

Mr. JONES said he had a document before him, by referring to which the gentleman from Kentucky [Mr. WHITE] could, in a few moments, ascertain the exact amount of money appropriated at the last session of Congress to meet the claims for pensions intended to be provided for by this bill. Mr. J. could not, on the instant, say what the precise amount was, but a few moments' examination would inform him fully on that point.

The gentleman needed not to be under any apprehension as to the large amounts of money which he supposed were to be transmitted to those various pension agencies, because the mere passage of an appropriation bill furnished no funds to the Department with which to meet demands. They were to be looked to from other quarters.

Mr. J. knew it had once been urged here that the mere fact of passing an appropriation bill put so much money in the Treasury of the United States, while the real fact was, that the passage of the bill created a demand upon the Treasury, whilst it brought nothing into it. We were,

then, to look to other sources for the means; and if the conjecture of the gentleman from New York, [Mr. CURTIS,] were true, that there was not more than half a million of money in the Treasury, it would require more than ordinary ingenuity to show how one or two millions were to be taken out of it to be placed where it had been usual to place moneys for the payment of pensions. All that was asked here was the appropriation of an amount sufficient to meet existing demands under authority of law—the names and amounts being furnished. It would be a new doctrine to pass half the appropriation now, and to receive the appropriation for the other half until the month of September, when Congress would not be here.

Mr. WHITE of Kentucky said the gentleman, in his answer, was only throwing him back upon his own difficulty. He (Mr. W.) wished to know whether this bill provided for the payment of pensions coming due on the 4th of September?

Mr. JONES said that the amount intended to be appropriated by the bill (including the unexpended balances of last year for the same purposes) was intended to cover the whole demand upon the Government for the whole year. The bill provided only for those cases for which appropriations had not been made under other laws, and, as he had said, covered the expenses of the whole year. The doctrine had never been maintained that Congress should pass the one half of an appropriation bill at one time, and the other half at another; and, if such a course was to be pursued, two sessions of Congress in each year would be required. Mr. J. then read extracts from documents accompanying the annual estimates of the Secretary of the Treasury, showing the amount of unexpended balances on moneys heretofore appropriated, and which, he said, in addition to the amount asked by this bill, would complete the sum wanted for this service during the year.

Mr. WHITE of Kentucky did not wish to embarrass the chairman of the Committee of Ways and Means or this committee. All he wished was a plain statement of facts.

If he understood the chairman of the Committee of Ways and Means, the present bill provided for the payments coming due on the 4th of March, and also on the 4th of September—and the only necessity which existed for this speedy action was, that probably one or two of the pension funds might be deficient, whilst in others there was a large surplus; so that there was no necessity for immediate action, but for the fact that there might be a deficiency in one or two of the funds. Now, he would ask the chairman of the Committee of Ways and Means whether there was not a general law providing for the transfer of any unexpended balances in one of the funds to meet any deficiency which might exist in another?

Mr. JONES said there was a general law vesting in the President of the United States the power to transfer appropriations under certain other heads therein enumerated. His (Mr. J.'s) recollection did not enable him at this time to say whether this law was applicable to the pension fund or not. His recollection rather inclined the other way; but he would not say so positively. The law could soon be referred to.

Mr. WHITE of Kentucky. If we now have two million dollars of this pension fund, being five hundred thousand dollars more than is required for present purposes, why should there be action upon the bill at this time? Why increase the fund? If we have a general law providing for the transfer of unexpended balances, from one head of appropriation to another, why bring the bill thus prematurely up? I ask the committee to rise until inquiry can be made. If there is no necessity for the immediate appropriation of this money, I hope no man is ready to put his hands into the Treasury for it. I move that the committee rise.

And, that motion having been agreed to, the committee rose and reported progress.

Whereupon the House adjourned.

SPEECH OF MR. JENIFER,
OF MARYLAND.

In the House of Representatives, Friday, December 13, 1839—The question being on Mr. PROFFIT's motion to reconsider the resolution of Mr. SMITH of Maine, that the House at this time proceed to the election of a Speaker—

Mr. JENIFER said he understood the question before the Chair to be upon the motion of the gentleman from Indiana [Mr. PROFFIT] to reconsider the vote upon the resolution "That this House, at this time proceed to the election of a Speaker," for the purpose of enabling him to offer a resolution to carry into effect an express order of the House.

Mr. J. said he was gratified that the gentleman from Indiana had moved the reconsideration. It would afford gentlemen once more an opportunity of pausing before they committed an act in direct violation of the rights of New Jersey, of her Representatives upon this floor, and of the order of this House unrepealed, now on your table. It will be recollected that the House by a large vote had resolved "to hear and adjudge upon the elections, returns, and qualifications of all claimants to the seats contested upon this floor, *before a Speaker is elected.*" And now it is proposed to disregard this resolution by electing a Speaker without deciding which of the New Jersey claimants are entitled, and by refusing to permit either of them to vote. Mr. J. asked where are the pledges of gentlemen, that after the roll was called over, the rights of New Jersey should be decided on before they proceeded to the election of a Speaker? He called on honorable gentleman to fulfil their pledges; on that portion of the House which regarded their obligations, not to avail themselves of a trick by which they have deceived their opponents.

By a tie in the vote of this morning the question was lost—that J. B. AYCRIGG and his four colleages were entitled to their seats under the commission of the Governor of New Jersey; the vote stood 117 on both sides. Had the question been stated negatively instead of affirmatively, the decision would have been the reverse. And how was that vote accomplished? Gentlemen boast of having gained a victory by the vote of this morning. If it is a victory, it is a discreditable one; and if I show that it was effected by gross deception, the language which I use will not be considered too harsh to be applied to the perpetrators of it. Mr. J. said, when his friend and himself came here this morning, it was their desire and intention, as far as in their power, to settle the question of the New Jersey contest as speedily as possible, and proceed to the organization of the House. With that view, his friend from Virginia [Mr. WISE] had moved the resolution that J. B. AYCRIGG and his colleagues were entitled to their seats; and all that we desired was a fair expression of the vote of the members on the resolution. It was known that the vote would be a close one. It was known that Mr. HAWES, of Kentucky, although ill in his bed, could be brought to the House, if his vote were necessary. It was also known that one or two gentlemen of the Administration party had expressed their opinion that the members having the Governor's commission were entitled to their seats, and that they so intended to vote. In addition to which it was stated by a gentleman, now in my eye, that Mr. KEMPSHALL, of New York, the only absent member, had arrived in the morning cars. Under these circumstances, we did not desire to postpone a decision upon the New Jersey contested election, when every member elect of the 26th Congress was in the city of Washington, and, therefore, we united with the Administration party in demanding that the question be taken. Nor was it considered proper to risk the health of a fellow-member by bringing him to the House, when his vote was not indispensable. The House proceeded to take the question on the resolution that J. B. AYCRIGG, &c. are entitled to their seats; when it was ascertained that Mr. KEMPSHALL, of New York, *had not arrived*—that one, if not two, of the members who have pledged themselves to vote *for* the New Jersey claimants, who had the regular certificates of the Governor, contrary to their declaration, voted in the negative. Thus, by a palpable deception, the New Jersey members were excluded from their seats, when, had there been a fair expression of the voice of the House, there would have been a majority of two, if not four, in their favor. Notwithstanding which, gentlemen propose to go into the election of a Speaker at this hour of the night, and to effect, by stratagem, that which they cannot do by a fair and full vote of the House. And yet they proclaim here that they are actuated by conscientious motives!

[Here Mr. J. at the suggestion of Mr. GRAVES, yielded the floor for a motion to adjourn, which being decided in the negative, Mr. J. was about to proceed, when Mr. SMITH, of Maine, moved the previous question.

Mr. J. contended that his having given way for the motion to adjourn did not deprive him of his right to the floor.

Mr. SMITH insisted that the floor having been yielded, he had the right to move the previous question.

After some further remarks from Mr. GRAVES and Mr. WISE upon the point of order]—

Mr. JENIFER resumed, and said that he was not surprised that the member from Maine was unwilling for him to proceed; he could not but be restive under an exposition of such facts as these under this floor. The member has said that our object is to consume time. Mr. J. said we intend to take time to expose to this House and the country the means which have been resorted to deprive the State of New Jersey of her Representatives in this House. The truth must and will out, however unpalatable to the member of his friends. The call to order and for the previous question comes with an ill grace from that member, for it cannot have escaped notice that he has consumed more time, and been more disorderly, with, perhaps, the exception of one other near him, than any member on this floor. And his repeated calls for the previous question, after having spoken at length himself, show that he fears to afford an opportunity for reply. Mr. J. said it would be well to review the proceeding of the last ten days, for the purpose of seeing who have delayed the organization of the House, as well as to test the consistency of those who have taken the lead in the Administration ranks.

On the first day of the session, the Clerk commenced, as usual, to call over the names of the members elect from the different States, commencing with the State of Maine; and after progressing as far as New Jersey, and calling Mr. RANDOLPH, from that State, immediately stopped the call, read the certificate of J. B. AYCRIGG, and stated that there were four others of precisely the same tenor, and refused to proceed unless directed by the members present. Notwithstanding which, the official organ of the Government (the Globe) led off with a statement that the Clerk was interrupted in the call of the roll, and was not permitted to proceed; which statement although endorsed here upon this floor, every gentleman present knows not to be true. The Clerk had declined to call either of the members from New Jersey except Mr. RANDOLPH, and persisted in refusing, or to put any question to the House save that of adjournment. Days having been spent in this unprecedented state of things, the House, to relieve themselves from their embarrassed condition, indignant at the arrogance of the Clerk in taking his seat at the desk, calling such members as he deemed proper, and refusing to call the gentlemen from New Jersey who had regular certificates from the Governor, you, Mr. Chairman, were unanimously called on to preside. This step was hailed with general acclamation, and the surrounding galleries audibly proclaimed their gratification at a move which seemed to disembarrass us from the disgraceful position to which we had too long submitted. You had just avowed your opinion that it was the duty of the Clerk to call the names of such members as produced regular credentials, according to the laws of their State and the Constitution of the United States. You had, by an argument which was irresistible, awakened the members to a sense of their situation, and of their duty to organize the House of Representatives according to the uniform practice of our predecessors, and by giving proper credence to the constituted authorities and laws of their respective States. You had scarcely entered upon the duties assigned to you as Chairman, when you are called on by the gentleman from Virginia (Mr. DROM-

GOOLE) to instruct him which of the members from New Jersey were to be permitted to vote in the organization of the House. And upon your replying "*that the Chair conceived the rule to be that such persons as possessed commissions in conformity with the Constitution and laws of New Jersey were entitled to vote as members of this House, and that none others were entitled;*" for thus having responded to a call made on by one of the tellers, you were instantly charged by the gentleman from New York, [Mr. VANDERPOEL,] with having committed an "act of gross usurpation," and by my colleague [Mr. F. THOMAS] "of a monstrous usurpation," with similar denunciations from various quarters, equally at war with decorum and delicacy. Those gentlemen seem to have imagined that you, Mr. Chairman, had been placed there to act accordingly to their dictation; to obey their will; to further their illegal, unprecedented measures; that you were to be an automaton, to nod your head whichever way they thought proper to pull the wires. They have been disappointed. They have not found in you so pious a Clerk as to be too *conscientious* to discharge your duty.

[It was here proposed by several members to adjourn, it being past 8 o'clock at night]

Mr. J said, in obedience to the wishes of his friends around him, he would move an adjournment, and would conclude what we had to say in the morning; in doing which he would occupy the attention of the House but a few moments, or, if gentlemen were sincere in their professions in desiring the question to be taken on the resolution, he would waive his right to the floor, and permit it to be put at 12 or 1 o'clock to-morrow, when the members who were sick might be present, as also all others who desired to vote.

[The motion to adjourn being lost]—

Mr. JENIFER continued and said, it was now apparent that the object was not that the question should be taken speedily, but that it should be taken in the absence of members who could not vote to night in consequence of the dispensation of Providence. This is the consistency of gentlemen who express a desire that there should be a fair and full expression of the Representatives of the people.

Mr. J. said he would further test the consistency of some gentlemen. It has been argued that the New Jersey members should not vote in the organization of the House, because they are *interested.* What interest have they, not common to other members, in the ordinary transactions of the House? If that be a sufficient ground why a member should not be entitled to vote, let us see if we cannot find some direct interest in former members of Congress in giving their votes upon certain occasions, which were both countenanced and approved by gentlemen now and then present. What was the fact in relation to our present Minister to England? Did he not preside over this House for weeks, perhaps months, with a letter from President Jackson in his pocket, that he intended to appoint him Minister abroad—during which period many exciting and nearly balanced questions, in which the Administration felt deep interest, were decided in this House, and some by the casting vote of the Speaker—at the same time that arrangements were making to elect to the Chair the favorite of the President? Will any gentleman undertake to say, had Mr. Speaker Stevenson given a vote contrary to the wishes of the Administration, or refused to lend his aid in the election of his successor to the Chair, that President Jackson would not have instantly recalled his letter of promise to appoint? Was not here a direct interest? Did not the appointment depend upon the Speaker's vote and action? Had it not the effect of controlling both?

Mr. J. said there was another case in point still more recent, and which has been noticed on a former occasion—he meant that of the present Minister to Austria. At the extra session, Mr. Muhlenberg had evinced symptoms of dissatisfaction with the Administration, and at the meeting of the regular session of the 25th Congress, when this House stood so nearly divided upon certain measures of the Administration, that not a vote could be dispensed with, he kept entirely aloof—waiting to see where he could be most felt. His rival in Pennsylvania, Governor Wolf, had received a lucrative and high appointment in Washington, and his claims had been overlooked. Thus he stood with his arms folded; when the contested election between Claibone and Gholson, and Prentiss and Word, afforded another opportunity of evincing the domestic diplomacy of the Administration. The majority of this House depended upon the issue of that contest, and some two or three members were tantalized with the expectation of receiving this mission. By the casting vote of Mr. Speaker Polk, Prentiss and Word, returned here with a majority of 6,000 of the votes of Mississippi, were driven from their seats and sent back for a third election. Up to the moment the vote was taken in the House, Mr. Muhlenburg remained perfectly quiet; and when he gave his vote against Prentiss and Word, by which a tie was produced, great surprise was expressed by many members present, which, however, was dissipated, when on the next day he was nominated by the President of the United States to the Senate as Minister to Austria! Where could there have been a more direct interest in voting, than that by which a member of this House obtained an appointment of minister abroad? Had Mr Muhlenburg voted to retain Prentiss and Word in their seats, no matter how conscientiously he believed them entitled, no gentleman will undertake to say that he could have received the appointment. It follows then, as an indisputable fact, that it was not his diplomatic qualifications, or his knowledge of the Dutch language, to which he is indebted for his mission, but the penetration of the Executive in finding out his accessible points.

This reference to the Mississippi election calls to mind the ingenious defence which my colleague [Mr. F. THOMAS] had made against a charge of inconsistency as to his course in relation to that contested election and the New Jersey case. At the extra session he delivered a speech in favor of Gholson and Claiborne's right to their seats, and the principal ground upon which he based his argument was the right of the people to elect their Representatives, regardless of forms of interposition of Executive authority. The will of the people was then, as now, urged as paramount to all other considerations. Their voice should be heard and their wishes conclusive, and neither the Governor of the State nor judges of the elections should deprive the dear people of the Representatives of their choice. This was the Democratic doctrine then and now preached. Let us see the practice. At the regular session, after a regular election held in the State of Mississippi according to the laws and Constitution of the State, Prentiss and Word were returning to Congress by a majority of 6,000 votes over Gholson and Claiborne. What was the Democratic doctrine then? "*Res adjudicata*" was set up as a sufficient plea to deprive the people of Mississippi of their Representatives, and the people's voice was unheard by my colleague or his friends, and Prentiss and Word, with this undisputed majority, were denied their seats. But my colleague says he made no speech upon the case. No, he could not go that; because at the extra session, he had made one in favor of Gholson and Claiborne, which applied so directly to the sustaining of Prentiss and Word at the regular session, that he could not, except by taking directly opposite ground, oppose their right to seats. Yet, with his speech then fresh in his recollection, as it seems to be now, he *voted*—and how did he vote? To sustain the people of Mississippi in their expressed wishes? To give to their Representatives just chosen by a majority of 6,000 votes their seats upon this floor? To carry out his Democratic doctrine, that the voice of the people was paramount to all other considerations, and should be obeyed? No; he voted to disfranchise the State of Mississippi; he voted to send home Prentiss and Word with this overwhelming majority. And what was the consequence? The Administration party succeeded in their views here. But Prentiss and Word triumphed again at home, and were returned back by the people to take their seats in this hall, to the mortification of those who were accessory to such a flagrant disregard of the people's will. Then it was that the blush of shame should have come over the cheeks of those who had been the principal actors in working this injustice. Deep must have been their mortification to witness this rebuke from the people when these two gentlemen, a second time, came to claim their rights as the Representatives of their State.

Referring to this matter (Mr. J. said) reminded him of an impromptu which was sent him from the ladies' gallery whilst the gentleman from Kentucky [Mr. WHITE] was eloquently denouncing the inconsistent conduct of gentleman who were in the habit of professing one thing and practising another, when he exclaimed,, "Oh, shame! where is thy blush?"—which he was sure the House would pardon him in reading, as is so immediately applied to the present case:

Where is thy blush, oh honest shame!
Permit her then to speak:
Shame *would be shamed* to find her blush
Upon that member's cheek.

Such were the indignant feelings excited by an exposure of the political morality of members here in the breast of those who are always disposed to extend the utmost charity.

Mr J. said it was truly amusing to witness the ingenuity displayed by gentlemen in shifting their course, evading the true question, and their efforts to produce a false issue. The two gentleman from South Carolina [Mr. RHETT and Mr. PICKENS] who had been prominent in this debate, and who have taken directly opposite grounds in argument, come nevertheless to the same conclusion. Both of them advocate State rights and the will of the people; neither of them act, correspondent to his professions. They proposed to elect a Speaker without permitting New Jersey to have her vote, although it is unanimously admitted that she has present here her quota of legally elected Representatives. The first gentleman [Mr. RHETT] believes that Mr. AYCRIGG and his four colleagues are as much entitled to their seats on this floor as he himself from South Carolina is. The other, [Mr. PICKENS,] professing a great regard for the will of the people, repudiating the constituted authority of the State of New Jersey, disregarding the legal credentials furnished by the Governor, insists upon the right of Mr. DICKERSON and his four friends to seats, without any credentials whatever from the proper authorities, but upon a bare allegation that they have a majority of the votes of the State. And now, when a vote has been taken and lost, that Mr. AYCRIGG, &c. are entitled under the certificate of the Governor to participate in the organization of the House, the two gentlemen from South Carolina, one voting that Mr. AYCRIGG, &c. are, the other that Mr. DICKERSON, &c. are, duly elected, now shake hands together, and agree that neither are entitled to seats. The one has, therefore, yielded his principles; the other, with equal rapidity, has compromised his; by which it is expected to elect an Administration Speaker—for it may all be summed up in that irresistible argument. How can the gentleman from South Carolina [Mr. PICKENS] reconcile his present position to himself, if he were sincere, of which I will not permit myself to doubt, when he so elegantly defended the rights of the people of New Jersey against Executive interposition, and so strongly urged the claims of Mr. DICKERSON, &c. before the House had voted upon those of Mr. AYCRIGG, &c? How is it that the former were the legal Representatives before the latter were rejected, and now have no claims whatever? Where is the resolution he intended to offer, that Mr. DICKERSON and his colleagues are entitled to seats? Does he still believe them to be entitled. If so, and he and his friends who have a majority in this hall to-night permit a Speaker to be elected without New Jersey participating in the organization of the House, they will do rank justice to that State; they will have mocked the people of it, and have wilfully deceived Mr. DICKERSON and the other four Representatives who stand here prepared to enter upon their duties; or are they willing too to stand off and see New Jersey and their constituents kept at bay until the party have accomplished their object? If the gentlemen from South Carolina and the New Jersey claimants have compromised to waive her right to be represented until a Speaker

is elected, then let us hear no more of State rights, and a respect for the will of the people; attempt no longer to dupe them, or deceive us; do not longer "hold the promise to the ear, and break it to the hope." The time was when State rights were respected—when this Executive influence, which has been so vehemently denounced, was warring against those rights—when that gallent State (South Carolina) stood united and almost alone in defence of what she defined as State rights; and however much many of us differed with her in the extent to which she carried her doctrines and mode of redress, still there was a feeling throughout the country of admiration at her moral and political courage, in defending herself against the Union, when she believed herself oppressed. All minor considerations of political differences were merged in the common cause, and the State of South Carolina presented an undivided front. She did not pause to inquire whether the inpending conflict originated in the imprudent zeal of her leaders, or in the abuses of the powers of the Federal Government; it was sufficient for her that her citizens were threatened with the bayonets of the Federal army—that President Jackson, by his proclamation, had denounced them as rebels. She nailed her Palmetto to the mast head, and recreant would have been that son who would not have bared his breast to defend her from such pollution. And can it be that, in so short a space, the advocates of State rights shall now be found enlisting under the banners of consolidation? And that this House in its unorganized condition, shall have the right to disfranchise a sovereign State, deny her Representatives a participation in our measures, and place her emphatically without the Union? If this be the State rights principle for which South Carolina has been contending, then is it indeed a political *humbug*.

It is however refreshing to look around and see how Georgia stands. Represented here as she is by gentlemen of adverse opinions upon the great political questions in relation to the General Government; coming, too, as some of them do, with their prepossessions in favor of the Administion; still upon a question involving a more vital State rights interests than any ever yet agitated in this body, they cannot consent to abanden those principles, even to elect an Administration Speaker. What a contrast does Georgia present to South Carolina! She goes for the rights of the States, and not for the benefit of a party, when their measures are adverse to those rights; whilst others who appropriate to themselves all the chivalry of the land, and who boast of first unfurling the banner of State rights, and planting themseves under the Palmetto standard, have this day united with the crusaders in trampling down the rights of a sister State.

Mr. Speaker, in this crisis of our affairs, in this House, and in this country, South Carolina has assumed a heavy responsibility. But a short time since, and her talented sons upon this floor, and in another part of this Capitol, were making their voices heard and felt in effective denunciation of Executive patronage, of Executive abuses, of Executive control over the Legislative branches. But now, these voices have been hushed. The tariff, internal improvement, extravagant expenditures, and all those measures which were the groundwork of opposition of the Administration, have ceased to create alarm. The sentinels upon the watch-tower have grounded their arms and demanded a parley. Have those abuses become less odious from long and continued endurance, or has familiarity with them rendered them more palatable? If a closer connection with the actors so effectually strip their measures of their burdensome tendency, it were well to inquire "where the benefit is to enure." The present Administration have ample cause to congratulate themselves. Pursuing, as they have done, the same course which they commenced; going on, step by step, to increase their patronage, and extend their influence, without abating a particle of extravagance, they have made converts of their opponents, and now number them in their ranks.

By what magic process this has been accomplished has not yet been fully developed. Time will demonstrate the means by which that patriotic zeal which spurred on a gallant band, with such fearful odds, to resist the abuses of the Federal Government, has been quenched. Time was when South Carolina needed no aid to assert her principles, or to defend her rights. She could have stood alone against the whole United States. Now so weak as to have fallen in the arms of the Administration!

SPEECH OF MR. PICKENS,

OF SOUTH CAROLINA,

In the House of Representatives, February 13, 1840—On the two per cent. fund, the Cumberland road, and the power of the Government to make internal improvements.

Mr. PICKENS rose and said:

Mr. SPEAKER: When I moved yesterday that the House adjourn, (the first time I ever made such a motion,) I did it not with a view to protract this debate, or to enter into a lenghty discussion of the subject, but with a desire to present the reasons which influenced me in making the original motion, and the accompanying remarks which I submitted a few days ago. And, sir, I should not now have entered particularly into this debate, if I had not been pointedly alluded to by several gentlemen on both sides, and who have thus made it almost imperious on me to trespass, for a few moments, upon the attention of the House. I confess, Mr. Speaker, that I listened, with pleasure, to the well-turned periods and mellow voice of the gentleman from New York, [Mr. HOFFMAN,] who always seems to strike those chords which vibrate through this House with more perfect delicacy than any other gentleman on this floor. Yes, I must say that I listened, with great pleasure, to the eloquent gentleman from New York—an ornament to his great and noble city: I mean a noble city, because she is rich in resources, and rich in commercial enterprise. But, in other respects, she presents to my mind a most singular spectacle, producing, probably, the greatest compound of interests of any city on this continent—a collection of *novi homines*—from the proud and princely merchant, who rolls in his coach and four, to the Loco Foco that sleeps in the market and lives upon bone-soup—presenting a heterogeneous mass of contradictory combinations, which remind me of nothing so strongly as Shapspeare's allusion to

> "Liver of blaspheming Jew,
> Nose of Turk, and Tartar's lips,"

All mingled together—

"Chaldron boil and bubble—double, double, toil and trouble."

A most extraordinary, and, upon the whole, interesting city!—and of which I take pleasure in saying, the gentleman is the ornament and the pride.

Yet, Mr. Speaker, I must, at the same time, confess that I listened with regret to some of the partisan remarks in which the gentleman thought proper to indulge. Upon this question, and upon all others connected with the fiscal action of this Government, I have higher objects in view than to stoop to party discussion. I will not even stop to pluck the barbed arrow from the sides of the Executive, even though it should be shot from the "loud-twanging bow" of Achilles himself. I have higher objects in view. The strongest solicitude I now feel on all public questions, is directed to the realization of the firm hope and belief that the Constitution of my country is to be raised from the dust and ashes, where it has too long been trampled upon, and made the sport of party and of party interests.

Sir, we have arrived at a very peculiar juncture in public affairs. It is probably the first time, since the year 1789, that we have had a fair opportunity of placing the Government of our country on a true Republican tack We have been more or less involved, directly or indirectly, with great interests, which rendered it next to impossible that we could place the Government where the framers of the Constitution intended it to be; and in the present juncture of our affairs—*with no national debt*—with a system of taxation approaching to free trade, and a reasonable hope of peace, there can be no reason, no pretext, why we should not set about this great work at once, and start the Government upon those just and forbearing principles, compatible with the genius of our institutions, and which alone can give quiet and *permanent union* to a turbulent and excitable people. It is in connection with this view of the subject, that I feel a deep interest in the question now pending before the House; not that I am particularly opposed to the Cumberland road, or to the supposed interest which the States of Ohio, Indiana, Illinois, and Missouri, may happen to have in it; but because it involves great and vital principles; vital to the Constitution; vital to the purity of this Government and the Union of these States. I am opposed to it because it is well calculated to form a precedent which is hereafter to be held up and quoted, as it was quoted yesterday by the gentleman from Indiana [Mr. HOWARD,] in his eloquent speech, as a precedent for future Congresses—a precedent which, in my judgment, rides over the Constitution, and transfers to the majority on this floor the power to make the Constitution what they may suppose that their interests call upon them to make it.

Before I go into the general subject, I beg leave to refer, for a moment, to the remarks submitted a day or two ago by the gentleman from Ohio, [Mr. MASON,] who placed the obligation to make this appropriation on the ground of a specific contract. Yes, sir; that gentleman, whose eloquence, "like mine Uncle Toby's," seems to consist *in its pauses*, dwelt upon the contract. He claims the *bond*. He stands up for the bond even stronger than Shylock; and he demands, not only the pound of flesh, but the blood too. He placed the matter on a special contract, and, with great parliamentary courtesy, proclaimed that those who differed from him upon this subject were "ignorant, narrow, contracted," and, to use his own classical expression, "niggardly." Now, let us examine what this contract is; and if it should turn out that there is a special trust fund set aside by the very acts which the gentleman himself has quoted, and that we are made a trustee under those acts, then I say it is sound law that, when the trust fund is faithfully exhausted, you can no longer claim execution of the contract; or, in other words, if you file a bill in chancery for the specific performance of the contract, and it is set forth and proved that the trust fund is exhausted, nay more, exausted five times over, according to that great rule that he who asks equity must first do equity, a decree would be rendered against the complainant, and he would have to refund. If I show this by incontestable record, I humbly submit to the gentleman that his special contract, must of necessity, fall to the ground. I shall demonstrate this before I take my seat, beyond the possibility of refutation or denial.

In the first place, then, and in order to be certain of the terms of the contract, I will refer to it. The first act which we have on the subject, was passed in the year 1802. It was the act by which Ohio was admitted into the Union, and the provision bearing upon this point is in the following words:

SEC. 7. "That one-twentieth part of the nett proceeds of the lands lying within the said State, sold by Congress, from and after the thirtieth of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same; such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass."

The next act bearing upon the point, was passed in 1803. By the act I have just read, one-twentieth part of the nett proceeds of the public lands in the State of Ohio, was set apart for purposes of internal improvement. In the year 1803, that provision was somewhat altered by the following:

SEC. 2. "*And be it further enacted*, That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of the receivers of public moneys of the several land offices shall be settled, pay *three per cent.* of the nett proceeds of the lands of the United States, lying within the State of Ohio, which, since the thirtieth day of June last, have been, or hereafter may be, sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the Legislature of the said State to receive the same; which sums, thus paid, shall be applied to the laying out, opening, and making roads within the said State, and to no other purpose whatever; and an annual account of the application of the same shall be transmitted to the Secretary of the Treasury by such officer of the State as the Legislature thereof shall direct; and it is hereby declared that the payments thus to be made, as well as the several appropriations for schools, made by the preceding section, are in conformity with, and in consi-

deration of, the conditions agreed on by the State of Ohio, by the ordinance of the convention of said State, bearing date 29th of November last."

It will be seen by this clause, that Congress so far altered the act which set aside one-twentieth part of the proceeds (which is equal to five per cent) as to appropriate *three-fifths of the same* to the State itself, to be managed and laid out according to its own views of its own local interests, leaving *two per cent.* of the fund undisposed of. In the year 1806, we had the first act making a specific appropriation to the Cumberland road, and the clause of the act which relates to the point I am now discussing, is in the following words:

SEC. 6. "*And be it further enacted*, That the sum of *thirty thousand dollars* be, and the same is hereby, appropriated, to defray the expense of laying out and making said road [Cumberland road.] And the President is hereby authorized to draw, from time to time, on the Treasury, for such parts, or at any one time, for the whole of said sum, as he shall judge the service requires, which sum of $30,000 shall be paid, first, *out of the fund*, of *two per cent.* reserved for laying out and making roads to the State of Ohio, by virtue of the 7th section of an act passed on the 30th day of April, 1802, entitled 'An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a Constitution and State Government, &c. and for other purposes;' *three per cent.* of the appropriation contained in said 7th section, being directed by a subsequent law, to the laying out, opening, and making roads within the said State of Ohio: and secondly, out of any money in the Treasury not otherwise appropriated, chargeable upon, and *reimbursable* at, the Treasury, by *said fund of two per cent.* as the same shall accrue."

That was the first specific appropriation; an appropriation of $30,000 to the survey and commencement of the road; and if it should be paid out of any money in the Treasury not otherwise appropriated, provision was made for the reimbursement back to the Treasury, out of the *two per cent. fund.*

We have thus seen that the gentleman from Ohio [Mr. MASON] is correct in stating that there was a specific fund. I have quoted the provisionary clauses which bear upon and define it; and to show how remarkably guarded Congress has been, I will now quote two other other acts passed more recently, indicating that Congress did consider this as a trust fund, and intended to appropriate at different periods so much money and no more. And no ground can be raised directly or indirectly upon which to rest the demand for this appropriation, except upon the principles laid down by the gentleman from Indiana, [Mr. HOWARD,] who, I must say, put himself upon much higher ground than that of a specific contract; knowing, as he did, that it was too weak to carry him through, he paid little or no attention to it. Sir, the gentleman was right. Rest the case upon that contract, and it must fail before any court of chancery in the civilized world.

But I proceed to show how guarded Congress has been, and with this view, I quote from an act passed June 24, 1834, for the continuation of the Cumberland road:

SEC. 4. "That, as soon as the sum by this act appropriated, or so much thereof as is necessary, shall be expended in the repair of said road, agreeably to the provisions of this act, the same shall be surrendered to the States respectively, through which said road passes: and the United States shall not thereafter be subject to any expense for repairing said road."

I now quote another clause from an act passed March 3, 1835:

SEC. 3. "*And be it further enacted*, That before any portion of the sum by the second section of this act appropriated, shall be expended in the repair of said road east of the Ohio river, agreeably to the provisions of this act, the same shall be surrendered to, and accepted by, the States respectively, through which said road passes; and the United States shall not thereafter be subject *to any expense* in *relation to said road.*"

By this it will be seen that it was expressly intended that the Federal Government should not be subject thereafter to *any expenses* in relation to this road; and here it is to be remarked, that if gentlemen put the appropriation on the ground of contract, they must take the whole contract, as indicated at different times, and not a part of it.

But I proceed now to show, on the authority of documentary evidence, that this *trust fund*, thus set aside by the first acts which have been referred to, has been *exhausted more than five times over.* With this view, I will read the estimates of the amount expended on the road, as reported to this House, in document No. 350, from the Treasury Department, April 23, 1838:

1st. The aggregate amount of the three per cent. fund actually paid to the States of Ohio, Indiana, Illinois, and Missouri, is -	$1,459,467 28
This is the three-fifths of the five per cent. fund.	
Aggregate amount of two-fifths of five per cent - - -	972,978 20
Aggregate amount of the five per cent. - - -	2,432,445 48

This, then, is the whole of the *trust fund*, so far as the land is sold. Let us now see what has actually been expended at different times upon this road. The same document will show what has been appropriated for the Cumberland road, its continuance, repairs, &c. to the 31st of December, 1837:

For the Cumberland road, east of the Ohio - - -	$1,657,325 20
For the repairs of the Cumberland road, east of the Ohio -	1,126,686 82
	$2,784,012 02
For the Cumberland road in Ohio -	1,943,461 95
For the Cumberland road in Indiana	985,000 00
For the Cumberland road in Illinois	596,000 00
For the survey of the road from Wheeling to the Mississippi -	10,265 85
Aggregate amount appropriated for the Cumberland road - -	$6,318,739 82
Aggregate amount of two-fifths of 5 per cent on the nett proceeds of land sold in Ohio, Indiana, Illinois, and Missouri, up to the 31st of December, 1838 - -	972,978 20
Difference between the two aggregates - - - -	$5,345,761 62

Thus, sir, from the documents, it appears that $,972,978 20 is the trust fund of *the two per cent.* set aside, according to the acts of 1803 and 1806, by which this Government was made a trustee for the faithful administration of the same. And I have shown you that the fund has been exhausted, and more than exhausted, by $5,345,761 62. With what face, then, can gentlemen now call upon us to appropriate again, at this time, $450,000, and claim it as due from the trust fund? It cannot be maintained. Let us now see what lands remain yet to be sold in Ohio, Indiana, Illinois, and Missouri, to which the Indian title has been extinguished, excluding the lands which have been sold and otherwise appropriated:

1. In Ohio - -	2,150,588.07	acres,
2. In Indiana - -	5,629 093.90	"
3. In Illinois - -	21,123,161.64	"
4. In Missouri - -	33,497,055.77	"
Aggregate - -	62,399,899.38	"

I think I can show (if it were necessary now) that our public lands heretofore have not yielded more than *twenty-eight cents per acre* to the public Treasury, if we deduct all expenses, extinguishment of Indian titles, purchases made by treaties, donations, &c. But suppose that the above sixty-two millions of acres (much of which is refuse lands) should hereafter yield one dollar nett per acre, then this would give us about $62,000,000; and calculate the 2 per cent. fund out of this, and it would be $1,240,000; and the whole 5 per cent. fund would be but $3,100,000. Yet I have shown you, that we have already expended $5,345,761 62 more than the 2 per cent. fund now paid in; and all that, in any probability, can come in hereafter, is $1,240,000. But take the whole 5 per cent. from lands yet to be sold, and, probably, it will be less than $3,100,000; which, taken from the $5,245,761 62 already in excess, will still leave a balance in favor of this Government of $2,245,761 62. Juding from the past, however, it may be safely calculated that the public lands to be sold, will not yield half the sum estimated above, which, of course would reduce the 5 per cent. estimate in like manner. Thus, I trust, I have forever put to rest this flimsy pretext, as to the famous *two per cent fund;* and that no one will ever again urge upon us this appropriation from the obligations of a special contract. The gentleman from Indiana [Mr. HOWARD] was too good a lawyer to rest upon this; he well knew that he could not carry this appropriation upon any principle of law or equity connected with the 2 per cent. fund. He did not rest it entirely upon this, but took higher grounds of national interest and expediency connected with our public policy.

As for my own part, rather than to be harassed here year after year, as we are, for specific appropriations for this object, to be made out of the National Treasury, and thus making every thing subserve local interests, I would prefer at once, if we are to be compelled to carry on this work, that we should give to each of the States absolutely five out of every 105 sections of land unsold for their own disposal, provided we were never to be asked for an appropriation again upon this subject.

Do you suppose that the men who, in the years 1802, 1803, and 1806, passed the first acts to which I have referred, could have contemplated that six millions of dollars were to be drawn from the Treasury in the short space of thirty-three years for this object? They would have hesitated long before they would have set a precedent which is now appealed to as having the authority of law. The first appropriation, as I have shown, was $30,000; and that sum, no doubt, was thought to be considerable, because we then enjoyed the blessings of an economical Government. But they would not have passed it if they had supposed that, to this amount, they were to add the sum laid down in the estimates upon our tables, and by which it will be seen that a sum approaching to eight millions of dollars, over and above the amounts already appropriated, will be required to finish this road to Jefferson, in Missouri. It will appear from the report from the War Department, communicated to the Senate 27th January, 1840, No. 122, that the estimated cost for the completion of the Cumberland road hereafter, over all expenses heretofore, is as follows: in Ohio, $638,166 26; in Indiana, $3,144,250 21; in Illinois, $2,448,838 52; in Missouri, $1,664,790 45; and the total estimated cost is $7,896,045 44. Are we prepared for this heavy expenditure? This amount, added to what has already been expended, will make $14,214,785 26. Do you suppose that the framers of these first laws would have been prepared to meet such extravagant drafts out of the public funds? Were they prepared to set such a precedent by appropriating at first only $30,000; which appropriation they specially guarded by declaring that the amount should be paid out of the two per cent. fund? Would they have suffered themselves thus to be drawn into a measure which was to lay the foundation for such heavy appropriations? And it is to be remembered that the sum of seven millions eight hundred thousand dollars here mentioned, is only the estimate. We all know the character of these estimates—that they are the mere theoretical estimates of gentlemen in their bureaus—but come to the actual amount and you will find it to be nearer sixteen millions than eight; for, in every such estimate, the amounts actually called for exceed almost double the amount first estimated. Well may the gentleman from Indiana [Mr. HOWARD] speak of this as a *magnificent* enterprise. Well may the gentleman from New York [Mr. HOFFMAN] call it the Appian way. It may be the Appian way; it may be a magnificent enterprise—*but who is to pay for it?* Is it an enterprise within the provisions of the Constitution? Is it an enterprise within the limits of a Republican and economical Government, involving, as it does, in all human probability, appropriations to the amount of twenty or thirty millions of dollars? And if the gentleman from Indiana is right in the bright prospects which he drew of the future; if that road is finally to lead, as he says, to the shores of the Pacific, then *two hundred millions* of dollars will not cover the expenditures. And this is the species of argument which is employed to induce a Republican Government to adopt measures that are to involve the country in such enormous extravagance!! It may be an Appian way, as the gentleman from New York says, but I would remind him that the Appian way which led from Rome to Brundusium, became the great highway of *emperors* who marched along it, waving the *imperial eagles over prostrate slaves and an oppressed and ruined country.* Is the Appian way to be cited

here as an example to us? First go and make your Government as splendid and despotic as that of imperial Rome became in the progress of time. What was it that broke down republican Rome? It was this very system of partial, unjust, and corrupting legislation; a system in which conquering generals brought back spoils from sacked cities and devastated provinces, to be divided among "*Roman citizens*," and to pamper an *arrogant and agrarian people*.

That was the cause of the downfall of Rome—it struck a deep blow at her purity and freedom. And when the gentleman asks us to follow examples of that kind, let him first go the banks of the Ohio and the Mississippi and establish granaries for the collection of public corn, that it may be given to the people. Let him spread out his banner and call upon his followers to come in and divide the plunder. Make this Government what Rome was, agrarian in all its principles, and bring the country down to the same of ruin, corruption, and prostration, which characterized the Roman republic. You may make this Appian way—you may make this great Government road, but it will be a road that will pass through the very vitals of the Constitution. I say, you may make such a road; you may make another in the South, and another in the North, and you may call them by what names you choose; but rest assured, that the principle upon which you act strikes at that equal justice which should ever be the basis of a republic. It not only strikes at that, but at the Union of these States. There can be no *permanent union* except by generating those kind and cordial feelings between the various sections of this confederacy, which can alone result from a Government dispensing *equal benefits and equal burdens*. You cannot preserve twenty-six independent States in union, unless by means of a Government which *does* actually dispense equal burdens and equal favors. And when it is supposed that we oppose such appropriations from mere sectional prejudices, injustice is done to the people of that persecuted region which stretches from the Patapsco to the Mississippi, and which has been denounced as particularly sectional in its views of public policy. I say it is unjust to that people. In taking the ground which they have taken in opposition to such measures, they have planted themselves on the great principle of the Constituion, and sound national policy. They ask that your Government shall be equal. They do not come and ask at your hands favor or bounty; they ask for a Government that may be *just* and *forbearing* in peace, so that it may be strong in war, because strong in the affections of a devoted and loyal people. These views are no Southern views alone, but views affecting deeply the permanent liberties of a Republican people every where, in the North and the South, in the East and the West. We do not ask for particular favors or appropriations to us. Yet we are denounced as sectional, because Southern interests are spoken of. But let us reflect what these Southern interests are. All that we ask is a strict construction of the Constitution as it regards all portions of the Union, and that the local interests of all may remain untouched by Federal legislation. We desire that nothing shall embarrass the free internal intercourse of the States, and that no sectional interests may be touched so as to disturb their harmony. We ask that the Government shall be external in its operations, conducting our intercourse with foreign nations so as to command their respect and regard. These, sir, may be Southern views, but they are views which I hope are not confined to us alone, for they justly belong to a free Republican people in every portion of this Union, who are interested in preserving our Government what it was designed to be—a Government of limited powers, all to be exercised for the benefit of equal and independent States.

This may be any thing but a national view; but I tell the gentleman from Indiana, that the speech which he has made on this occasion, will hereafter be held up to him as containing doctrines by which it is proposed to set up precedents as law; and, in his own language, the mere "beaten track of legislation," as the Constitution of the land. I warn the gentleman that it will be so; and that it is reserved for him, if he expects to remain a Republican, to realize the profound wisdom of that wise man, who exclaimed "Oh, that mine enemy would write a book!" To say the least of it, sir, the gentleman can never again lay claim to the title of a strict constructionist.

Mr. Speaker, I was rejoiced to hear the remarks which fell the other day from the gentleman from Maine, [Mr. PARRIS,] and if proof were wanting that this is not a proposition which the South alone opposes, and that our opposition does not rest upon exclusive sectional feelings, we may find it in the argument which that gentleman made. He comes from the extreme North; and I listened to him as if it were to the voice of one from the tomb of the Constitution, proclaiming its life and regeneration, in regions where it has been permitted too long to slumber uncherished and unnoticed. I return the gentleman my most cordial thanks. He has placed this question where it ought to be placed, on the great principles of the Constitution, and he has shown that the North as well as the South were deeply interested in maintaining a limited as well as an economical Government.

The gentleman from Indiana [Mr. HOWARD] spoke of making this a National Government. I should be glad to know what the gentleman means by a *National* Government. If by the term he means that discretion which would give a majority in Congress the right and power, under the broad shield of "the general welfare," to which he had alluded, to make *appropriations of money* for any and every object that a majority may decide to be within the scope of the general welfare then it is precisely the doctrine of Alexander Hamilton, and comes within the range of those vast constructive powers advanced by Chief Justice Marshall—a man whose name is never to be mentioned save in profound respect and veneration for the purity of his character, and the simple dignity and power of his intellect. Let us see what is meant by the term "general welfare."

The word is first used in the preamble to the Constitution, thus:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the *general welfare*," and so forth.

We next find the term in the clause which declares that

"Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and *general welfare* of the United States."

It is very clear that the term, thus used and twice repeated, was designed as a mere declaration of extreme caution, and that the true intent and meaning of those who used it was, that it should be a limitation to the apparently absolute and uncontrolled power given in the same clause "to lay and collect taxes;" that they should not use this power wantonly or in caprice, but should strictly consult the "general welfare," and carry out the same only by confining its full exercise to objects specially enumerated in that instrument, and which are thereby delared to be *national*; that it was not intended to apply to sectional objects or local interests in any particular State, but to those great national objects which were specially declared by grants of power to be within the jurisdiction of the Government. It is not contended but that the Government is one of limited powers, and that the Constitution is intended to define those powers. The gentleman [Mr. HOWARD] claims that the Government should be national—I say so too. But it is national only on those objects specifically defined and granted in the Constitution. By merely assuming that it is national, you cannot effect objects not enumerated, or essentially necessary to those that are. The convention has precisely defined the objects or powers that are national, and Congress surely cannot legally undertake to declare that we shall also be national for other purposes. To do so is to do nothing more nor less than claim, that Congress shall set up its own discretion as to the objects of "general welfare," instead of confining its action to the specific, enumerated powers of the Constitution itself. If the "general welfare" be the only limitation to the discretion of Congress, why, then, any enumeration of powers at all? All power was at once given, and the judgment of Congress was thereby declared to be the Constitution of the land. What right have we to set aside the judgment of the convention? They chose, by enumerating the powers, to show what were intended to be national objects; and the very enumeration excludes the idea of legislation upon objects not enumerated. The taxing power is what gave vitality to the Constitution. Under the Confederation, Congress had power to collect revenues from the States, and not from the people of the States. The great object of the Constitution was to change this power, so as to enable this Government to collect directly from individuals instead of States. Congress may have power to "lay and collect taxes" for the "general welfare," as intended to be defined by the enumerated grants; but it can only appropriate money thus raised upon the specific objects defined by the instrument itself. It was wisely agreed upon in convention, that the subjects for legislative action should be specifically settled. Discretion in the powers of Government, whether in one or many, is the law of tyrants. In all civilized countries, the line which limits the power of Government, is the line that defines enlightened liberty.

But the power to make these appropriations has has been claimed under that clause in the Constitution which declares that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with Indian tribes." Let us examine this for a moment. At first it would seem to be a general and absolute grant of power; but when we reflect as to its nature, we find it is not such. It does not say that Congress shall have power to regulate commerce, but "commerce "*with foreign nations*." The other part of the clause, "and among the several States," would seem also to be absolute and uncontrolled; but this is not the fact: for I will demonstrate that the *instrument itself* has two express limitations upon this very power. First, in section 9, it is said, "no tax or duty shall be laid on articles exported from any State," and "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties, in another." Now it is clear, that that which at first appeared to be absolute, is positively a restricted and limited power; and the wisdom of the instrument can only be appreciated by reading all the parts, and blending them in harmony. The whole scope and meaning of the clause were, that there should be free and unrestricted commerce between the States. It was a limitation upon the power of this Government, and in favor of perfect freedom in trade, and running in the same spirit with that clause which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." If a State were to monopolize, as a State, any branch of trade, so as to appropriate it to herself under restrictions operating upon others, then Congress would have power to regulate such "commerce." For instance, if Virginia were to monopolize for herself the tobacco trade; or if Pennsylvania were to monopolize her coal mines and control their exportations, then the power of Congress would attach. Barter, trade, intercommunication between citizens of different States, were intended to be free and unembarrassed. Commerce, as a public matter between State and State, might be regulated; but trade private, between individual and individual, was to be beyond the interference of Congress. Yet, under this general power, having a plain and palpable object, it is claimed to create works of internal improvement. Under the limited power "to regulate commerce with *foreign nations* and among the several States," you claim a separate, positive, and substantive power. That which is clearly an independent power, you claim as incidental. Under the power to "*regulate*" one thing, you claim the power to *create* another. Regulation of commerce does not give the power to create commerce or destroy commerce. To demand that Government shall create internal improvements, and force commerce upon them, under the power to regulate commerce, is the same thing as to claim that Government shall build our steamboats and ships, to transport our produce across the Atlantic. If you

can do the thing in the one case, you can in the other. It is the same thing, as to power.

I know that this appropriation has been claimed under the inducement to favor commerce, and the power maintained under the clause to which I have referred. But has not the day passed, when such an argument can have weight? Those who first projected this national road had two great objects in view: the first was, to promote commerce between the States—to promote union and intercourse; the second was, national defence, and the protection of our remote and frontier settlements, which were subject to imminent danger. These, I say, were the great objects which induced Congress to make the first appropriations. Now, I submit to gentlemen, whether the circumstances of the country are not so entirely changed, as to render these great intentions no longer of weight. What was the situation of the West in the year 1802? It was comparatively an unknown region; a region surrounded by Indian tribes, and in imminent danger of invasion from Great Britain. They then looked to the old States for protection and defence. But is such the state of things now? The Western country, which at that time was an infant colony, has now sprung up into national existence; and the talented gentleman from Indiana, spoke to us of the day, when they of the West would dictate their own terms to this Union; when they would have command of this, and of all other great questions affecting the condition and welfare of the Republic. And is it right for us now to say, that this appropriation is to be make to keep up the defence and protection of the West? Suppose a war were to break out with Great Britain to-morrow. The first tocsin that sounded would proclaim the Canadas emancipated from colonial vassalage. Could we be invaded through that section? Have we not already a yeomanry force settled on the Ohio and the Mississippi, capable of meeting the legions of England without any assistance from us? Do they ask this as an appropriation to a weak, infant colony, just in the first stages of its settlement? That great Northwestern Territory, which in the year 1802 had less than one hundred thousand people, has now nearly three millions; a population equal to that of the whole Union, at the commencement of the Revolution. And for them now to come and claim an appropriation, under the origional objects of the first grant, reminds me of a full-grown boy, just stepping into manhood, with ruddy cheeks and joyous eye, asking to be dandled on his mother's knee, and whining to draw milk from his mother's exhausted breast. Such is the state of things. The reason for the original appropriation exists no longer. Instead of being weak, powerless, subject to invasion, the people of the West come here now, and through their Representatives tell you, that after the next census, they will defy your power and trample upon your authority: that they will do it by force of law, and the triumphant power of numbers.

Is this appropriation to be made for the purpose of facilitating commerce? What was the state of the country in the years 1802, 1803, and 1806? They were then a scattered, weak, and remote people, with no means of communication. They had not felt the glorious and quickening influences of the noble invention of steam power—that power which has given life, and wealth, and greatness, to a slumbering wilderness; and for the blessings of which, Ohio, Illinois, Indiana, Mississippi, Kentucky, and Tennessee, ought to erect a monument to its inventor. Yes, sir! Columbus may have discovered a continent, but the genius of Rumsey has made it a fit inheritance for freemen. They ought to raise a monument to his memory at the junction of the Ohio and Mississippi, before which, all who pass might bow with respect, in remembrance of the man who subdued the mother of waters.

It is said of an ancient king, that surrounded as he was by servility and flattery, and as if to illustrate its allusion, he attempted to chain the ocean, and said to the waters, "Thus far shalt thou come, and no farther." Vain and idle as this was, in the days of mere physical power, yet, sir, we have literally seen, in our day, the genius of man giving to the world an invention by which intellect has been made to triumph over the waves of the ocean and the winds of heaven.

It is that invention which has changed the whole commerce of the West; which has brought into existence, as it were, a nation from the wilderness, and quickened it with sudden life and vigor. We have seen State after State spring into existence, as powerful and perfect as one divinity sprung from the brain of another, in ancient days. And yet they come in and claim this appropriation, for the purpose of facilitating commerce! and tell us that if we do not grant it, they will be deprived of the advantages to which they are entitled, and will be crippled in their resources! Sir, you might as well attempt to bind down the lion in his strength, by throwing cobwebs over his mane, as to cripple the energies of the West. The journey from Pittsburg to to New Orleans may be performed in as many days, under the operation of the steam power, as, in the year 1806, it took months. And yet the appropriation is claimed to facilitate commerce! Look for a moment at the map of this country. On one side you have the Ohio, running for 500 miles parallel to this road; and on the other you have those great inland seas, furnishing on both sides the finest commercial intercouse of any inland country upon the face of the globe. What more can be done? The puny efforts of this Government sink into contempt before the majestic works that nature herself has thrown around this magnificent country. If you must do something, do it for a country that needs your appropriation. Sir, the great objects for which this appropriation was originally made, of facilitating commerce, binding the Union, and for the purposes of defence, no longer exist. If the Congress of 1806 had good inducements to make these appropriations, the Congress of 1840 have none; and it is the height of folly and of madness to continue to make appropriations originally based on a different state of circumstances in the country, when the whole country itself has changed. Does Ohio, or Indiana, or Illinois, ask this appropriation because the Government has been a hard parent to them, or because we have neglected their interests? We have given them the richest soil on the globe for little or nothing—cheaper than it could be purchased in any part of the civilized world. We have given them all the fostering care of a kind and indulgent Government. I know nothing that they have asked which we have ever refused; and yet they come and demand these extra appropriations. I know they seem to think that what they have paid for land is a naked tax. Has it been a tax wrung from labor? Do they receive nothing in return? Have we not given them a full equivalent? Is the purchase of property a tax? Have we not given them a *quid pro quo*? Is there a man among them who will now sell his land for the price at which he bought it?

Now it is said that we have forbidden these States to tax our lands within their several limits, and for five years after their purchase from Government. This was done at the solicitation of the States themselves, because it was supposed that it would hold out additional inducements to emigration and settlement, to be exempt from taxes; and what was supposed to be for their interests, is now said to affect their resources. I will repeal the exemption to-morrow, if they will take it as an equivalent. The true resources of a State consist in the income of its citizens—in their capacity to meet public demands upon that income. It is population, labor, income, that give true resources to a State.

The taxing power of the State extends without limit over its citizens. If they have cheap lands, and exempt from taxes, their income ought to be greater. The aggregate income of the people of Ohio constitutes the true resources of the State. And, as far as capacity to bear taxation is concerned, these new States have as complete power and as great resources, according to their population, as has the States of Kentucky, Tennessee, or any other State in the Union. Their capacity to raise taxes is in exact proportion to their income and the number of their citizens. This objection, then, that we have forbidden the exercise of the power of taxation over our own lands, is nothing more than theoretical; and, therefore, the position assumed that we are bound to appropriate this money, because we have crippled the resources of these States, cannot be maintained. It is idle to talk of our cramping the resources of States that have outstripped the Atlantic frontier; that are almost able to purchase out their richest Atlantic sisters. Sir, there is no justice in demanding this appropriation.

I proceed now, Mr. Speaker, to present a few views upon this question, considered merely as a fiscal question, and with reference to the resources of the country at the present time. According to the estimates received from the Treasury Department, it will be seen that our resources for the next year will probably amount to about twenty-two millions of dollars; and, as a part of this estimate, we must take into the calculation a debt of about two and a half millions that will be due from the Bank of the United States, and about one million due from the deposite banks. And then we have the estimate of what appropriations are necessary, and from which it will be seen that, with very great prudence and economy, we will be barely able to meet just demands upon the Treasury. I doubt whether the income will not be, in fact, short of the demands. Now, I put it to those who have rallied themselves upon the late able message of the President in favor of economy and retrenchment—I put it to them, whether it is proper, under the existing circumstances and embarrassments of the country, to vote an appropriation of *four hundred and fifty thousand dollars* for this road? I put it to them, whether it is proper to vote this amount, with the certainty that you must either borrow money or issue Treasury notes? Is the contry prepared for this? Where will you borrow money? How will you raise the funds? It is reported that there is a universal derangement, a general pressure, in the money market, from one end of the country to the other; and I take it for granted, that the idea is not to be entertained that the Government is to borrow money to meet its exigencies. Well, are you prepared to issue Treasury notes? Here let me say that, last session, I voted against the issue of these notes. I did so on the ground of expediency; not because I had constitutional objections against the measure, but because I regarded it as a dangerous precedent, and because its tendency was to profligacy in expenditures. There ought never to be an issue of such notes, except it be upon ASCERTAINED FUNDS, belonging to the Treasury, but not immediately available at the then, to be done under extreme caution and guards, and only when absolutely necessary. The Government has, undoubtedly, a right to borrow, and to use the form of Treasury notes instead of bonds. moment, although certain at a future time. It ought, But when gentlemen come and ask me *to vote four hundred and fifty thousand dollars* for an object which I believe to be beyond the Constitution, and unnecessary, and with the certainty that, according to the *estimates on our table*, we will be called upon to appropriate nearly eight millions more to the same object, I, for one, raise my protest against it; and when gentlemen shall ask me to give them support for Treasury notes, I say to them, that, if they pass such appropriations as this, I will trample upoy the ties of party with contempt, and refuse mn vote. I know my duty to the country and to my constituents better than to submit to the sympathies of party, so far as to give my vote for an issue of Treasury notes to meet appropriations which are both unconstitutional and unnecessary. Are gentlemen prepared to make such disbursements at present? It is probable that the income of the first two quarters of the year will fall behind, and that the Treasury will not be able to meet the appropriate and necessary demands upon it. I very much believe this may be the case; and I believe that the income of the last two quarters, with proper care, will rather exceed the necessary expenditures: that is to say, if Congress is prepared to come down to economical and necessary expenditures only. And if a Treasury note bill is introduced here with a view to render those expenditures commensurate with the income, and to equalize the demands with the revenues for the whole year, and with that view only, placing out of sight

all unnecessary or unconstitutional appropriations, I might, under the necessity of the case, give such a bill my support But pass such appropriations as these, sir—pass appropriations in the teeth of the Constitution, and of the pressing interests of the country, and that, too, at a time when we are so deeply embarrassed—embarrassed as individuals—embarrassed as States—embarrassed as a national Government—and I pronounce it here, as I will do every where, the height of profligacy, madness, and tyranny.

Sir, I confess that some of the remarks which fell from the able gentleman from Indiana [Mr. HOWARD.] made my blood run warm. I confess that I felt a deeper emotion of the heart, when he spoke of the rising strength of the West—of the numbers they would include under the next census; when he spoke of their power and ascendency; and when he said that they would "remember their friends, and visit their enemies." Sir, this remark of the gentleman may have been full of Christian charity and forgiveness; but if it was, it created different feelings in my bosom. I felt that the gentleman had arrayed these increasing numbers on one side, to show to the ambitious and the aspiring of this House, the *temptations which lay in the future.* The people of the West would "remember their friends, and visit their enemies!" Sir, I know not how I am to be visited. I know not whether I am to be viewed as a friend or an enemy; but I know my duty to the Constitution; I know my devotion to the great interests of the country—not to the interests of a particular section, or of a few States—but to the interests of the whole country; and, knowing my duty, the language of the gentleman has neither terror nor temptation for me. I have no aspiration higher than that of a conscientious discharge of my duty to the Constitution; and I know of no temptation, either from power on the one hand or flattery on the other, which can ever swerve me from the direct path of honor and independence. I have opposed this appropriation because it is unnecessary, particularly in the present emergency of the country; and because the great objects which induced Congress originally to make the appropriation, exist no longer. It is inexpedient, because it will array against each other sectional interests and feelings. I oppose it, because I believe that the Constitution of our country breathes forth a spirit of just forbearance and equality; and that it was principally intended to give us protection and defence against foreign enemies, and not to create struggles and contests for particular internal works, either in one section or the other. I am aware that these views may be regarded as "narrow, contracted," and, once more to repeat the classical language of the gentleman from Ohio, [Mr. MASON,] "niggardly;" but they are the views which I have been taught from the book of the Constitution itself—from the history of the convention which framed it, and from what I believe to be the true, the solid, the permanent interests of all parts of the Confederacy.

The gentleman from Indiana [Mr. HOWARD] asked, significantly, why appropriations are constitutional on the Atlantic frontier, and not in the interior? I do not exactly know what class of appropriations the gentleman may refer to; but if he alludes to that profligate class embraced under the general "harbor bill," by which Congress has appropriated money under the power to regulate commerce where none existed, but to make and create commerce, I hold all such to be against the genius of the Constitution, a gross and profligate perversion. It is a fraudulent perversion of the internal improvement power to make such appropriations under a bill nominally for harbors. Since the famous veto on the Maysville road bill, appropriations for internal improvement have taken that direction; but if the true intention is to protect and "regulate" our commerce, where commerce exists, then such objects come directly within the provision of the Constitution, which declares that "Congress shall have power to regulate commerce with foreign nations." The perversion of this power, of late years, has produced appropriations to dig out and make harbors where there were no towns and no commerce, and where nature never intended there should be any. To protect a harbor connected with national defence is a different thing from this. But the gentleman asks why appropriations "are constitutional upon salt water and not upon fresh?" I will tell the gentleman: it may be because they are connected with the national defence of the country. It is upon salt water that we are to be attacked. The next great contest that is to come—and I believe it *will* come, sooner or later—will be decided on the ocean, and decided, too, by steam power. But appropriations, under existing circumstances, considering the great change in the world, and the prospect of almost a total change in modern warfare, even to fortifications, which, in the years 1816, 1818, and 1820, were deemed necessary and proper, I consider, at present, useless and inexpedient. Appropriations for fortifications at leading points, where they may be necessary for the protection of the navy, I entirely approve of; these, however, ought to be confined to a few great points. Naval power, connected with steam, will hereafter decide the fate of empire among civilized nations. Appropriations to protect commerce, to prevent the invasion of territory, to defend those places where our battle are to be fought; all these things are included under a general class of appropriations for *national defence.* But the interior West does not require such appropriations. And why? Because, by the blessings of Nature, they are removed from all danger of invasion; they inhabit a country remote from any foreign nation. That day is passed when Great Britain is to invade us successfully through the lakes. If, unfortunately, a rupture should ever take place between us, Canada could never be retained in colonial subjugation.

There is a bold and hardy population on the lake frontier always capable of defending itself from the remote possibility of any impotent invasion. They are not in a situation to be attacked. But if our country is to be invaded, it will be either in the Northeast or the Southwest. It will be in the gulf of Mexico or in some part of the Southern Atlantic, that you will be called upon to defend the honor and rights of the country. There your coast is extensive and unprotected, and open to the intercourse of the world. There your commerce is richest and presents the greatest temptations to invasion. Appropriations upon such points are strictly national, under enumerated grants of power in the Constitution. And here lies the reason why appropriations are constitutional in one case, and not so for roads or canals in the interior. Surely the people of the interior West want no appropriations for their defence, except upon the Indian frontier.

I know that their proud spirit and independence would repudiate the idea of asking any thing for protection. Do they want a gratuity—a bounty? Are appropriations claimed for the States of Ohio, Indiana, and Illinois, because we have been an unkind and hard parent to them, and they need appriations?

Go and see what you have done for Kentucky. How was she settled? By the hardy enterprise and courage of her own citizens, who went on "conquering and to conquer" the wilderness, amid blood and the universal cries of murder. She has made herself a great State without appropriations from this Government; and this is one great cause of her spirit of independence. She does not come here and bend her knee for favor.

But, sir, it is said that Ohio, Indiana, and Illinois, need this to facilitate commerce and to give them national defence! On these points what do they differ from Kentucky and Tennessee? There is no justice in this system.

It may be supposed, Mr. Speaker, that I have a particular feeling of opposition in regard to this particular appropriation. The only feeling I have towards it is, that it is connected with a system of measures—with a precedent, which is hereafter to be quoted, as it now is, as being a part of the Constitution—a precedent, upon the strength of which eight millions of dollars are hereafter to be asked, and probably eight millions upon that. You will be asked to run the road into Arkansas; you will be asked to run it into Louisiana. It will be demanded, as the gentleman from Indiana [Mr. HOWARD] intimated yesterday, that it shall run to the waves of the Pacific, even at the cost of $100,000,000 It is to avert this thing in its progress—it is on account of the future consequences to the country, that I enter my protest here. Sir, I have no hostility to the particular States interested. On the contrary, I am in favor of a measure that will redeem that whole region of country from its colonial vassalage to this Government. Rather than be harassed year after year—rather than have the whole system of corrupting patronage which is connected with the public lands, through public agencies of all kinds, remain as it now is—rather than see such power and patronage wielded under Executive influence and dictation, I will vote to cede the public lands to the States in which they lie, on certain conditions, reserving a portion of the nett proceeds, at least equal to what they have yielded us heretofore, and let the State incur the expense of sales, &c. and control all the patronage incident to their management—the minimum price to be fixed by this Government. I would do this, because I anticipate the result which the gentleman from Indiana has spoken of, when the overflowing population of the West will come here, asking no favors, but dictating terms by force of habitual legislation. Under the existing system, the Executive chair of this Government is to be put up and bid for every four years. The power is to be conferred on him who will make the greatest promises to local and sectional interests; and the remarks of the gentleman from New York [Mr. HOFFMAN] presented to my mind conclusive objections against the whole system of Executive influence as connected with internal improvements, and other local objects. But this Executive influence never can be controlled, if you give to him disbursements upon sectional interests—if you give to him power over local objects—if, in short, you divert the Constitution from the great ends which it was intended to accomplish. Under unjust and illegal legislation, the Executive becomes omnipotent. All usurpation of power by Congress over and above the grants of the Constitution, necessarily accrues, in the progress of events, to Executive influence. It is that power which your Executive holds over the new States which has always sustained him, and which will continue to do so as long as a majority here vote such appropriations. I would prefer to make the Executive independent of these things—to place him upon the high grounds of the Constitution, and to make him look to the true and solid interests of his country. He would then be prompted to court fame, rather than power; and it is with that view I would vote to-morrow that the unsold lands should be ceded to the States in which they lie. I believe it is a measure that would regenerate this Government; and I prefer the independence of those States, and the independence and purity of this Government, to any imaginary profit which might accrue by a different course. Besides, the Treasury might, under such a system, receive a greater nett revenue than under the present, with its drawbacks and expenses.

Sir, I am not the opponent of the West. I rejoice in its true prosperity; but I abhor the idea of dragging here, before us, high minded and brave men as annual mendicants upon your Treasury: it is a subservient spectacle at which my mind revolts I desire that their interests should be promoted on proper principles. Fix upon a comprehensive and enlightened system, compatible with the genius of our institutions, and the interests of separate and independent States—not a policy suited to the infancy and weakness of the new States, but suited to their growth, their wealth, and their numbers—a policy which will harmonize the new with the old States, and produce a more perfect and permanent Union—and such a system shall receive my cordial support. Connected with your sectional appropriations, your whole system towards the new States is one of temporary and miserable expedients. Its tendency is to engender ill-will, hostility, and bitter feeling, and is fast destroying the equilibrium of the Confederacy. Stop these sectional appropriations, and pursue a just and liberal policy, and there can be nothing to retard the triumphal progress of this Republic to fu-

ture greatness and power. I confess I feel my heart glow with a warmer emotion, when I look forward to the day when State after State shall rise from the unknown regions of the "far West," and add star after star to the banner of our Union. I rejoice to think of the day when the cottager upon the banks of the Rio Roxo, and the fisherman who casts his net even upon the waters of Arabasca, shall feel and know that they are brethren—citizens of one *common and united Republic.* Sir, when that period arrives, we can then, in truth, say that the star of empire casts its blaze westward. Then will the American Eagle exultingly snuff the distant Pacific, and take a higher and a bolder flight, with redoubled vigor in his wing and brighter glory beaming from his eye.

But, pursue a contrary system, and you will reduce this people to heart-burnings, hostility, and jealousy. You never can satisfy them. They will look upon you as a hard and close Government, and, finally, they will defy your power and trample upon your laws.

Our relations to the new States and Territories constitute our *quasi* colonial system. I would rather adopt a mild and benignant policy towards them, such as the ancient Governments adopted towards their colonies. Their policy was to settle them, to see them prosperous, and to rejoice in their prosperity—to have a fostering care towards them: not to levy taxes, not to make them sources of permanent revenue; but to make them friends in peace and allies in war. This was the wise system of antiquity. Modern nations have substituted a *despotic, avaricious, grinding,* and base system, in the place of this generous and enlightened policy; and the consequence has been that England, France, Spain, and Portugal, are in a sure way to lose entirely their colonial possessions, simply because they have made them the objects of taxation, the sources of revenue to the mother country. It is this which has deprived them of their colonies, and which must finally result in a loss of all, with engendered feelings of bitterness and hostility.

I am in favor of pursuing an enlightened and generous system, adapted to the condition of the States, and the *palpable and pressing emergencies of a rising and powerful country. Be sure, whatever you do, to make them friends in peace and allies in war.* Any other course will be fatal. You will lose more than you will gain.

If the public domain is to be used as an object of an eternal revenue, and you are to calculate only how much you can force from a reluctant people, it is vain to disguise it, you will produce ill-will, rivalship, deep and bitter hatred; and all the Cumberland road, or other roads, which you can run from here to the Rocky mountains, will never keep us a united and happy people.

Mr. Speaker: these views, which I have barely glanced at, when the proper time arrives, will give rise to some of the most complicated and beautiful questions of constitutional law that belong to our philosophical system of Government. I may admit that Virginia constructively holds the freehold in the unsold lands northwest of the Ohio. I shall maintain that she has made this Government a trustee of the State, which trust-power is to be exercised for the benefit and permanent interests of all the States. The cession from Virginia, of the 20th of October, 1783, it is true, has the words, "for the use and benefit" of the States, &c. "Virginia inclusive, according to their usual *respective proportions,* in the general charge and expenditure," &c. This was passed under the confederation, when this Government apportioned out to, and collected revenue from, *the States as States,* when "their usual respective proportions in the general charge" could be known and ascertained. By the ratification of the Federal Constitution, Virginia herself has changed this mode, and given power to this Government to collect revenue directly from the people of the whole Union, instead of States. She has thereby created a general treasury, in common, from all the people. And if there be any change in the powers and duties of this Government, she herself has assented to it. As to the territory purchased by treaty, the freehold is in the States conjointly, and this Government is their common trustee, and there can be no question as to power. There can be no freehold in this Government, and grants run from it as trustee. It has no sovereignty itself, but is used to exercise the conjoined sovereignty of the States. I forbear to open up these great questions. They will form a chapter in the future. The time is coming when they will be pressed for decision. The time is coming when we must pass over these local appropriations of $450,000 this year, and $500,000 the next. The people will no longer bear it. The West itself will demand, and justly demand, a different state of things.

Mr Speaker, as to the instructions moved upon your table, ordering positively the Committee of Ways and Means to bring in a bill appropriating $450,000 for this road, I have only to say, that if they are carried, it will change the mode and manner of doing business in this House. You will have instructions moved upon all other sectional subjects, and the consequence will be, we shall be forced into a vote upon propositions which ought to be moved first in Committee of the Whole. I have moved my amendment with a view to allow the committee merely to inquire into the expediency of reporting a bill. And if my amendment prevails over the positive instructions, then I can vote against the proposition even as amended. This course is perfectly parliamentary. It is a mere matter of expediency, and does not commit me to any thing except a preference of mine over positive instructions. I shall vote, finally, against all instructions.

SPEECH OF MR. CALHOUN,

OF SOUTH CAROLINA,

In Senate, Wednesday, February 5, 1840—On Mr. GRUNDY's report in relation to the assumption of the debts of the States by the Federal Government.

Mr. CALHOUN said:

When I have heard it asserted, again and again, in this discussion, that this report was uncalled for; that there was no one in favor of the assumption of State debts, and that the resolutions were mere idle, abstract negatives, of no sort of importance; I could not but ask myself, if all this be so, why this deep excitement? why this ardent zeal to make collateral issues? and, above all, why the great anxiety to avoid a direct vote on the resolutions? To these inquiries I could find but one solution; and that is, disguise it as you may, there is, in reality, at the bottom, a deep and agitating question. Yes, there is such a question. The scheme of assuming the debts of the States is no idle fiction. The evidence of its reality, and that *it is now in agitation,* burst from every quarter, within and without these walls, on this side and the other side of the Atlantic; not, indeed, a direct assumption, for that would be too absurd; and harmless, because too absurd; but in a form far more plausible and dangerous—an assumption, *in effect,* by dividing the proceeds of the sales of public lands among the States.

I shall not stop to show that such distribution, under existing circumstances, with the deep indebtedness and embarrassment of many of the States, would be, in reality, an assumption. We all know, that without such indebtedness and embarrassment, the scheme of distribution would not have the least chance for adoption, and that it would be perfectly harmless, and cause no excitement; but plunged, as the States are, in debt, it becomes a question truly formidable, and on which the future politics of the country are destined for years to turn. If, then, the scheme should be adopted, it must be by the votes of the indebted States, in order to aid their credit, and lighten their burden; and who is so blind as not to see that it would be in truth, what I have asserted it be in effect, to that extent, an assumption of their debts.

Here, then, we have the real question at issue, which has caused all this excitement and zeal—a question pregnant with the most important consequences, immediate and remote. What I now propose is, to trace rapidly and briefly some of the more prominent which would result from this scheme, should it ever become a law.

The first, and most immediate, would be to subtract from the Treasury a sum equal to the annual proceeds of the sales of the public lands. I do not intend to examine the constitutional question whether Congress has or has not the right to make the subtraction, and to divide the proceeds among the States. It is not necessary. The committee has conclusively shown that it has no such power; that it holds the public domain in trust for the States in their Federal capacity as members of the Union, in aid of their contribution to the Treasury; and that to denationalize the fund, (if I may use the expression,) by distributing it among the States for their separate and individual uses, would be a manifest violation of the trust, and wholly unwarranted by the Constitution. Passing, then, by the constitutional question, I intend to restrict my inquiry to what would be its fiscal and moneyed effects.

Thus regarded, the first effect of the subtraction would be to cause an equal deficit in the revenue. I need not inform the Senate that there is not a surplus cent in the Treasury; that the most rigid economy will be necessary to meet the demands on it during the current year; that the revenue, so far from being on the increase, must be rapidly reduced, under existing laws, in the next two years; and that every dollar withdrawn, by subtracting the proceeds of the public lands, must make a corresponding deficit. We are thus brought to the question, what would be the probable annual amount of the deficit, and how is it to be supplied?

The receipts from the sales of the public lands, I would suppose, may be safely estimated at five millions of dollars at least, on an average, for the next ten or fifteen years. They were about six millions the last year. The first three quarters gave within a fraction of five and a half millions. The estimate for this year, is three and a half millions; making the average of the two years but little short of five millions. If, with these data, we cast our eyes back on the last ten or fifteen years, we shall come to the conclusion, taking into consideration our great increase of population and wealth, and the vast quantity of public lands held by the Government, that the average I have estimated is not too high. Assuming, then, that the deficit would be five millions, the next inquiry is, how shall it be supplied? There is but one way; a corresponding increase of the duties on imports. We have no other source of revenue, but the Post Office. No one would think of laying it on that, or to raise the amount by internal taxes. The result, then, thus far, would be to withdraw from the Treasury five millions of the proceeds of the sales of the public lands, to be distributed among the States, and to impose an equal amount of duty on imports, to make good the deficit. Now I would ask, what is the difference, regarded as a fiscal transaction, between withdrawing that amount for distribution, and imposing a similar amount of duties on the imports, to supply its place, and that of leaving the proceeds of the sales of the land in the Treasury, and imposing an equal amount of duties for distribution? It is clearly the same thing, in effect, to retain the proceeds of the public lands in the Treasury and to impose the duties for distribution, or to distribute the proceeds and thereby force the imposition of the duties to supply the place.

It is, then, in reality, a scheme to impose five millions of additional duties on the importations of the country, to be distributed among the States; and I now ask where is the Senator who will openly avow himself an advocate of such a scheme? I put the question home, solemnly, to those on the opposite side, do you not believe that such a scheme would be unconstitutional, unequal, unjust, and dangerous? And can you, as honest men, do that in effect, by indirect means, which, if done directly, would be clearly liable to every one of those objections?

I have said such would be the case, regarded as a fiscal transaction. In a political point of view, the distribution of the proceeds of the sales of the land would be the worst of the two. It would create opposing and hostile relations between the old and new States, in reference to the public domain.

Heretofore the conduct of the Government has been distinguished by the greatest liberality, not to say generosity, towards the new States, in the administration of the public lands. Adopt this scheme, and its conduct will be the reverse. Whatever might be granted to them, would subtract an equal amount from the sum to be distributed. An austere and rigid administration would be the result, followed by hostile feelings on both sides, that would accelerate the conflict between them in reference to the public domain—a conflict advancing but too fast by the natural course of events, and which any one, in the least gifted with foresight, must see, come when it will, would shake the Union to the centre, unless prevented by wise and timely concession.

Having shown that the scheme is, in effect, to impose duties for distribution, the next question is, on whom will they fall? I know that there is a great diversity of opinion as to who, in fact, pays the duties on imports. I do no not intend to discuss that point. We of the staple and exporting States have long settled the question, for ourselves, almost unanimously, from sad experience. We know how ruinously high duties fell on us; how they desolated our cities, and exhausted our section. We also know how rapidly we have been recovering as they have been going off, in spite of all the difficulties of the times, and the distracted and disordered state of the currency. It is now a fixed maxim with us, that there is not a whit of difference, as far as we are concerned, between an export and import duty—between paying toll going out, or returning in—or going down to market, or returning back. If this be true, of which we have no doubt, it is a point of no little importance to us of the staple States to know what portion of the duties will fall to our lot to pay. We furnish about three-fourths of the exports, with about two-fifths of the whole population. Four-fifths of five millions is four millions, which would be the measure of our contribution; and two-fifths of five millions is two millions, which would be our share of the distribution; that is to say, for every two dollars we would receive, under this notable scheme, we would pay four dollars to the fund from which it would be derived.

I now ask, what does it amount to, but making the income of the States to the amount of five millions annually, common property, to be distributed among them according to numbers, or some such ratio, without the least reference to their respective contribution? And what is that but rank agrarianism—agrarianism among the States? To divide the annual income is as much agrarianism as to divide property itself; and would be as much so divided among twenty-six States, as among twenty-six individuals. Let me admonish the members opposite, if they really apprehend the spirit of agrarianism as much as might be inferred from their frequent declarations, not to set the fatal example here, in their legislative capacity. Remember there is but one step between dividing the income of the States, and that of individuals, and between a partial and general distribution.

Proceeding a step farther, in tracing consequences, another question presents itself—on what articles shall the duties be laid? On the free or the dutied articles? Shall they be laid for revenue or for protection? Is it not obvious that so large an amount as five millions, equal to one-third of the present income from that source, and probably not much less than one half what it will be at the end of two years, cannot be raised without rousing from its slumber the tariff question, with all its distraction and danger? Should that, however, not be the case, there is another consequences connected with this, that cannot fail to rouse it, as I shall now proceed to explain.

The act of distributing the sales of the public lands among the States, of itself, as well as the amount to be distributed, will do much to resuscitate their credit. It is the desired result, and the leading motive for the act. Five millions annually, (the amount assumed,) on a pledge of the public domain, would, of itself, be a sufficient basis for a loan of ninety or an hundred millions of dollars, if judiciously managed. But suppose that only one half should be applied, as the means of negotiating loans abroad, in order to complete the old, or to commence new, works of improvement, or other objects. I ask, what would be the effect on our imports, of negotiating a loan in England, or elsewhere in Europe, of forty or fifty millions, in the course of the next year or two? Can any one doubt, from past experience? We all know the process. Very little gold or silver is ever seen in these negotiations. A credit is obtained, and that placed in bank there, or with wealthy bankers. Bills are drawn on this country, and then sold to merchants. These are transmitted to Europe, and the proceeds returned in goods, swelling the tide of imports in proportion to the amount. The crash of our manufacturers follow, and that, in turn, by denunciations against over-importing and over-trading, in which those who have been most active in causing it are sure to join, but will take special care to make not the least allusion to the real source whence it flows. Is not that the case at this moment? And can it be doubted, that with the increase of the cause, the clamor for protecton will increase, until, with united voices, the friends of the system would demand its renewal. If to this we add, that, under the compromise act, the tariff must be revived and remodelled, who can look at such a concurrence of powerful causes without seeing that it would be almost impossible to prevent the revival of the protective system, should the scheme of distribution be adopted? I hazard nothing in asserting that the renewal would certainly follow; and, as this would be one of the most prominent and durable consequences of that scheme, I propose to consider it fully, in its most important bearings.

One of the most striking features of the system is its tendency to increase. Let it be once recognised, and let the most moderate duties be laid for protection; but put the system in motion, and its course would be onward, onward, by an irresistible impulse, as I shall presently show, from past experience; and hence the necessity of vigilance, and a determined resistance to every course of policy that may by possibility lead to its renewal. This tendency to increase, results from causes inherent and inseparable from the system, and has evinced itself by the fact, that every tariff for protection has invariably disappointed its friends in the protection anticipated, and has been followed periodically, after short intervals, by a demand for another tariff with increased duties, to afford the protection vainly anticipated from its predecessor. Such has been the result throughout, from 1816 to 1828, when the first and last protective tariffs were laid, which I propose now to show by a very brief historical sketch of the rise and progress of the system.

The late war, with the embargo, and other restrictive measures that preceded it, almost expelled our commerce from the ocean, and diverted a vast amount of capital, that had been employed in it, to manufactures. Such was the cause that led to the sytem. After the termination of the war, there was, on the part of Congress and the country, the kindest feeling toward the manufacturing interest, accompanied by a strong desire so to adjust the duties (indispensable to meet the expenses of Government, and to pay the public debt) as to afford them ample protection. The manufacturers were consulted, and the act of '16 was modelled to their wishes. They regarded it as affording sufficient and permanent protection, and I, in my then want of experience as to the nature of the system, did not dream that we would hear any more of tariff, till it would become necessary to readjust the duties, after the discharge of the public debt. Vain expectation! Two years had not passed away before the manufacturers were as clamorous as ever for additional protection; and to meet their wishes, new duties were laid, from time to time, with the same result; but the clamor still returned, till 1824, when the tariff of that year passed, which was believed on all sides to be ample, and was considered, like that of '16, to be a final adjustment of the question. It was under this impression that the South acquiesced (reluctantly) in the very high duties it imposed. The late General Hayne, then a distinguished member of this body, took a very active part against it; and I well remember, after its passage, that he consoled himself with the belief that, though oppressive, it would be the last. His expectation proved as vain as mine in '16. Before two years had passed, we were again besieged with the cry of the inadequacy of the protection; and, in the summer of 1827, a large convention of manufacturers from all parts was held at Harrisburg, in Pennsylvania, to devise a new and more ample scheme of protection to be laid before Congress at the next session. That movement ended in the adoption of the tariff of 1828, which, in order to make sure work, went far beyond all its predecessors in the increase of duty. The duties were raised on the leading articles of consumption from forty to fifty per cent. above former duties, as high as they were. I speak conjecturally, without any certain data. In less than three years, even that enormous rise proved to be insufficient, as I shall presently show, and would certainly have been followed by new demands for protection, had not the small, but gallant, State I represent, arrested its further progress—no, that is not strough enough—brought the system to the ground, against the resistance of the Administration and Opposition—never, I trust, to rise again.

The fact disclosed by this brief historical sketch is, that there is a constant tendency to increase in the protective system; and that every increase of duty, however high, requires periodically, after a short interval, an additional increase. This, as I have stated, is not accidental, but is the result of causes inherent in the system itself, in the present condition of our country. It originates in the fact, that every increase of protection is necessarily followed by an expansion of the currency, which expansion must continue to enlarge till the increased price of production in consequence shall become equal to the increased duty, and when the importation of the articles prohibited may again take place with profit. That is the principle; and as it is essential to the peace and prosperity of the country that it should be clearly understood, I intend to establish its truth beyond doubt or cavil; and for that purpose, shall begin with the tariff of '28, the last and by far the boldest of the series, with the view of illustrating, in its case, the operation of the principle. I entreat the Senate to give me its fixed attention. The principle, well understood, will shed a flood of light on the past and present difficulties of the country, and guide us in safety in our future course.

To give a clear conception of the operation of the tariff of 1828, it will be necessary to premise that it comprehended all the leading articles of consumption that could be manufactured in our country; amounting in value to not much less than one-half of the whole of the imports; that the duties on these articles were increased enormously, as has been stated—say not less than forty or fifty per cent; that the average domestic exports at the time was not much short of sixty millions of dollars, and the imports for consumption about the same; that the revenue from the imports was about half that sum; and that of the exports, about three-fourths consisted of the great agricultural staples of the South. What, then, with these facts, must have been its necessary operations on the currency of the manufacturing States? We export to import. It is impossible to continue to export for any considerable length of time, without a corresponding return of imports. It would be to give away our labor for nothing. Our exports, then, continuing at an average of sixty millions, in what, under the operation of the tariff of 1828, must the corresponding imports to the same amount return? Not, certainly, to the same extent as before its passage, in the articles on which it had so greatly increased the duties? Its object in raising them, was to give our manufactures the home market, by excluding the foreign articles of the same description. If it failed in that, it failed in accomplishing any good whatever, and became an unmixed evil, without benefit to any one. The return, then, of imports, must have been principally in articles on which the duties were not raised, as far as the consumption of the country would warrant, and the balance, after paying what was due abroad, in gold and silver. The first effect, then, must have

been to turn the foreign exchange in our favor; a most important consequence connected with the increase of gold and silver in relation to the currency. The next must have been to turn the domestic exchanges still more strongly against the staple States, and in favor of the manufacturing. To understand this portion of the operation, I must again repeat that the object of the tariff was to cut off the consumption of the foreign articles, in order that they should be supplied by our own manufactures. The necessary consequence of this must have been to diminish the demand abroad, and to increase it in the manufacturing States, and thereby to turn the influx of gold and silver to that point, in order to purchase the supplies there, which we have been in the habit of obtaining from abroad. These causes combined, must have had the effect of adding greatly to the capacity of the banks in that quarter to extend their discounts and accommodations, and with it the circulation of their notes. With a growing supply of specie, and the exchange favorable in every direction, as must have been the case, there is no limit to the business of banks, nor are they slow to perceive or to act on such favorable circumstances. Nor must we overlook another powerful cause in operation, the fiscal action of the Government, through the operation of which the vast sums collected under such high duties, was transferred to the same quarter, to be applied in discharge of the public debt, and disbursed on the innumerable objects of expenditure there.

Under the operation of such powerful causes, there could not but be a vast and sudden expansion of the currency where they were in such great activity, and with that expansion a corresponding increase of prices and the cost of production. Nor could this state of things cease till the increased cost of production become equal to the duty imposed for protection. At that point, and not before, must specie cease to flow in, and the exchange to be favorable; but when reached, the tide must turn, importations of the protected articles would recommence, specie flow out, and exchanges become adverse. This must be so obvious, that it would only darken to attempt to make it more clear. With the turn of the tide the banks must contract, and pecuniary embarrassment and distress follow. Such, under the operation of the causes assigned, must be the result, for reasons which appear to me irresistible. But, sir, I do not mean to leave so important a point to the mere force of argument, however clear and certain. I intend to prove by incontestable authority of documents, such was, in fact, exactly the result. I intend to place the principle laid down, as I have said, beyond doubt or cavil.

The first authority I shall adduce, is from the* report of a committee of the other House, made in February, 1832, by Campbell P. White, the chairman, then a member from the city of New York. The report is evidently drawn with great care, and by one familiar with the subject; and has the advantage of being on another subject, (the currency,) without any reference to the tariff or protective system, and evidently without any knowledge of its operation. Hear, then, what the report says:

"The recent export of specie has swept away the delusive coloring given to the actual result of production *in* 1829, 1830, *and the early part of* 1831. Real estate appreciated greatly; local stocks commanded unheard of prices; warehouses and dwellings were improved and embellished, and money was so abundant, that it could readily be obtained to any amount, upon promissory notes. How changed is the general aspect of things within a few months? All our solid possessions and means of industry remain, land continues to be equally productive, labor is recompensed with its usual reward; the seasons have not been unfriendly. Whence, then, this lamentable change in our affairs? Why this great scarcity of money; depreciation in value of all commodities, and of all property; great commercial distress, and absolute impossibility with many solvent persons to discharge their just debts; so speedily and grieviously succeeded the gratifying and prosperous picture which was so lately presented?"

What a confirmation of the deductions of reason, both in the swelling tide of prosperity, and the turning ebb of adversity. The sketch of the latter is not unsuited to the present time; good seasons, and productive years, and every element, apparently, of plenty and prosperity, and yet deep and wide spread distress; though, at that time, there had been no removal of deposites, nor had the Sub-Treasury been heard of, to which gentlemen are now disposed to attribute all the calamities which afflict the country.

The author of the report could give no satisfactory answer to his question, whence all this sudden and unlooked for calamity; but he has furnished us with the means of tracing it clearly to the tariff of 1828. It went into operation on the 1st of September of that year, and the next year felt the swelling, but delusive tide of an expanding currency; the exchange turned in our favor; gold and silver, following the impulse, flowed in; banks began to enlarge their discounts and circulation. It continued to swell with a stronger and stronger current, through all the subsequent year, and the first part of the next, nearly three years, according to the usual period, when it began to ebb; and then followed the reverse scene, so feelingly described by the author, and which to him appeared so unexpected and unaccountable. It was at this point, had not the movements in the South arrested the farther progress of the system, that there would have been another clamor for additional duties. The distress, as usual, would have been attributed to over-importation, and that to the want of adequate protection, and in 1832, (the usual period of four years having intervened,) another protective tariff would have been inflicted, to be followed by the same train of consequences, and with equal disappointment to its authors.

Now, sir, to show that the flowing in of the precious metals, in consequence of the tariff of '28, is not a mere assumption, I have extracted from the public documents, for the years 1829 and 1830, the imports and exports of gold and silver, which I hold in my hand. The import in '29 was $7,403,612, and the export $4,311,134, making an excess of imports over exports of $3,092,478; and for 1830, $8,155,964 against $1,241,622, making an excess of imports of $6,914,342; making, in the two years, an excess of imports of $10,006,810. By turning to the report already cited, it will be seen that the estimated amount of specie in the country on the first of January, 1830, was but $25,000,000, of which $5,000,000 were in circulation, and $20,000,000 in the vaults of the banks; so that the addition to the specie in the two years was forty per cent. on the whole amount.

It now remains to be shown what was the effect of this great proportional increase of specie, and the favorable state of the exchange which it indicates, had on the banks in the manufacturing States. The report will furnish the information, not fully, but enough to satisfy every reasonable man. It gives the following statement of the amount of bank notes in circulation in 1830 and 1832, respectively, in the States of Massachusetts, Rhode Island, New York, and Pennsylvania, including the Bank of the United States, which will show the vast increase in the short space of two years.

Here Mr. C. read the following statement:

	1830.	1832.	Rel. increase of circ'n in two years.
Massachusetts,	$4,730,000	$7,700,000	65 per ct.
Rhode Island,	670,000	1,340,000	100 "
New York,	10,000,000	14,100,000	40 "
Pennsylvania,	7,300,000	8,760,000	20 "
Bank U. States,	15,300,000	24,600,000	67 "
	$38,000,000	$56,500,000	

These are, it will be borne in mind, the principal manufacturing States. In the period of two years, we find their bank circulation, taken in the aggregate, expanded from thirty-eight to fifty-six and a half millions of dollars, making an increase of sixteen and a half millions, equal to forty-four per cent. But this falls far short of the actual increase. The year 1829 is not included. It must have been one of great expansion, as the import of specie greatly exceeded its exports; which, with the favorable state of the exchange implied, must have greatly increased the business of the banks and the circulation of their notes. The reverse must have been the case in 1832, which is included, as we know by the report itself, that year and the latter part of the preceding, was a period of severe contraction. If a return could be had of 1829, '30, and the early part of '31, I venture nothing in asserting that we should find the comparison, compared with 1828, the year of the tariff, far greater in proportion.

That there is no mistake in attributing this great expansion to the tariff, might be farther shown, if additional proof were necessary, after such conclusive evidence, from the fact that it is impossible to assign any other adequate cause. As far as can be seen, there was no other cause in operation, political or commercial, that could have produced the results. It was a period of profound peace, and the exports and imports of the country steady to an unusual degree.

Should doubt, however, still remain in the mind of any one after all this accumulation of evidence, I will next call the attention of the Senate to a fact which must be conclusive with all disposed to receive the truth. By turning to the table showing the extent of bank circulation in '30 and '32 in the four States already referred to, it will be seen that the expansion was greater or less, just as the States, respectively, were more or less manufacturing. It will not be doubted that Rhode Island is the most manufacturing of the four, and we accordingly find there the greatest expansion; and that for the simple reason, that there the causes assigned must have been in the state of the greatest activity. Her bank circulation doubled in the short space of two years, as appears by the table. Massachusetts is the next; and we find hers is the next highest, being sixty-five per cent. New York is still less so, and hers is but forty per cent.; and Pennsylvania, the least of the four, had, excluding the Bank of the United States, increased only twenty per cent. If the statement had extended farther South, and taken in the staple States, I venture little in making the assertion that, instead of expansion, their bank circulation would, for the same period, have been found in the opposite state, for the reverse reason. It will be seen the Bank of the United States had expanded sixty-seven per cent. This great increase, compared to the local banks of Pennsylvania, may probably be attributed partly to loans negotiated farther East, and not improbably because her accommodations were somewhat enlarged, from causes connected with her efforts, at the time, to obtain a renewal of her charter.

I trust that I have now established to the entire satisfaction of the Senate, the truth of the great principle which has been laid down—that every increase of protective duties is necessarily followed, in the present condition of our country, by an expansion of the currency, which must continue to increase till the increased price of production, caused by the expansion, shall be equal to the duty imposed, when a new tariff will be required. Assuming, then, the principle as incontrovertible, it follows that the natural tendency of the protective system is to expand, in seeking to accomplish its object, till it terminates in explosion. It would be easy to show, from what has already been stated, that this tendency must continue till the exports shall be so reduced as to be barely sufficient to meet the demands of the country for the articles not included in the protection; as it must be obvious, so long as they exceed that amount, so long must specie continue to be imported, and the exchange to be in our favor, till the protection is broke down by the expansion of the currency.

The consummation, therefore, of the system, must be one of two things: explosion, or the reduction of the exports, so as not to exceed the amount of the unprotected articles; but either termination must prove disastrous to the system; the former by a sudden and violent overthrow, and the latter by the impoverishment of customers and raising up of rivals, as they ceased to be customers. To have a just conception of its operation in this particular, it will be necessary to bear in mind, that the South and the West are the great consumers of the products of the North and East; and that the capacity of the South to consume, depends on her great agricultural staples almost exclusively; and that their sale and consumption depend mainly on the foreign market. What, then, would be the effect of reducing her exports to the point indicated, say to forty or fifty millions of dollars? Most certainly to diminish her capacity to consume the

*Document 278, House of Representatives.

products of the North and East in the same proportion, followed by a corresponding diminution of the revenue, and the commerce and navigation of the country. But the evil would not end there, as great as it would be. It would have an equal or greater effect on the consumption of the West. That great and growing section is the provision portion of the Union. Her wide and fertile region gives her an unlimited capacity to produce grain and stock of every description; and these, for the most part, find their market in the staple States. Cut off their exports, and their market would be destroyed; and with it, the means of the West, to a great extent, for carrying on trade with the Northern and Eastern States. To the same extent, they and the staple States would be compelled to produce their own supplies, and would thus, from consumers, be converted into rivals with the other section.

How much wiser for all would be the opposite system of low duties, with the market of the world opened to our great agricultural staples? The effects would be a vast increase of our exports, with a corresponding increase of the capacity to consume on the part of the South and West, making them rich and contented customers, instead of impoverished and discontented rivals of the other section. It is time that this subject should be regarded in its true light. The protective system is neither more nor less than a war on the exports. I again repeat, if we cannot import, we cannot long export; and just as we cut off or burden the imports, to the same extent do we, in effect, cut off and burden the exports. This I have long seen, and shall now proceed to prove, by reference to the public documents, that my assertion is sustained by facts. The table of exports shows that during the seven years from 1824 to 1831, our domestic exports remained nearly stationary, notwithstanding the great increase of our population during that period. Your statute book will show, that during the same period, the protective system was in its greatest vigor. The first relaxation took place in December, 1830, under the act of the 20th May, of the same year, which made a great deduction in the duties on coffee and tea. I shall now turn to the table, and give the exports of domestic articles for those years, beginning with 1824:

Here Mr. C. read the following statement:

In 1824	the domestic exports were			$50,649,500
1825	"	"	"	66 944 745
1926	"	"	"	53,055,710
1827	"	"	"	58,921,691
1828	"	"	"	56 669,669
1829	"	"	"	55,700,193
1830	"	"	"	59,462,029

If we take the average of the first three and the last of the these yearss, we shall find the former is a million and a-half greater than the latter, showing an actual falling off, instead of an increase, to that extent, in our exports.

With 1831, the reduction of duties commenced on the articles mentioned; and in December, 1833, the first great reduction took place under the compromise act. I shall turn to the same table, beginning with 1831, and read a statement of the exports for the eight years under the approach to the free trade system. It is but an approach. I invite especial attention to the rapid rise, after the great reduction in December, 1833.

In 1831	the domestic exports were			$61,277,057
1832	"	"	"	63,137,470
1833	"	"	"	70,317,698
1834	"	"	"	81,034,162
1835	"	"	"	101,189,082
1836	"	"	"	106,916,680
1837	"	"	"	95,564,414
1838	"	"	"	96,033,821

How rapid the rise just as the weights are removed! The increase, since the great reduction in 1833, has nearly doubled the average exports, compared with the average of the seven tariff years preceeding 1831, and would have quite doubled them, had not the expanded and deranged condition of the currency, and the consequent embarrassment of commerce, prevented it.

But what will appear still more extraordinary to those who have not reflected on the operation of the protective system, is the great increase of the exports of our domestic manufactures, as the duties go off, following, in that respect, the same law that regulates the exports of the great agricultural staples. It is a precious fact, that speaks volumes, and which demands the serious consideration of the manufacturing portion of the Union. I well remember the sanguine expectations of the friends of the system, of the great increase of the exports of domestic manufactures which they believed would follow the tariff of 1823. Well, we now have the result of experience, under that act, and also under that of a partial approach to free trade, and the result is exactly the reverse of the anticipations of the friends and advocates of protection. So far from increasing, under the tariff of 1828, the exports of manufactured articles actually diminished, while they have rapidly increased just as they have gone off.

But the table of exports shall speak for itself. During the four years, under the tariff of '24, that is from that year to '29, when the tariff of '28 went into operation, the exports of domestic manufactures gradually declined from $5,729,797, in the year '25, to $5,548,354 in the year '28. From that time it steadily declined, under the tariff of '28, each succeeding year showing a falling off compared with the preceding, till '33, declining, throughout the period, from $5,412,320 in '29, to $5,050,633 in '32, and showing an aggregate falling off, during the whole tariff regime of eight years, from '25 to '32, of nearly $700,000. At this point, we enter on the relaxation of the system, and there has been an onward move, with but little vibration, throughout the whole period, till the present time. The last year we have is '38, when the exports exceeded any preceding year. They amounted to $8,397,078, being an increase, during the six years of the reduction of duties, of $3,346,445, against a falling off, in the preceding eight years of protection, of $700,000—an increase of 65 per cent. in six years, and this in the midst of all the embarrassment of commerce, and expansion and derangement of the currency, and, let me add, what has been so much dreaded by the friends of manufactures, the mighty increase of the exports of our great agricultural staples, during the same period; a clear proof that, under the free trade system, the one does not interfere with the other. Let no friend of manufactures suppose that this interesting result is accidental. It is the operation of fixed laws, steady, and immutable in their course, as I shall hereafter show.

Now, sir, I feel myself, with these facts, warranted in asserting that if the deranged state of the currency had not interfered, the great manufacturing interest would have gone on in a flourishing condition during the whole period of the reduction under the compromise act, proving thereby, to the satisfaction of all, the fallacy of the protective system. Any supposed loss, from the reduction of duties, would have been much more than made up by the increased ability of the South and West to consume, and the rapidly growing importance of the foreign market.

But I have not yet done with the system. It has additional and heavy sins to answer for. The tariff of '23 is the source in which has originated that very derangement of the currency, which has so greatly embarrasses, at this time, the very interest it was intended to protect, as well as all other branches of industry. Bold as is the assertion, I am prepared to establish it to the letter.

It has already been proved that the great expansion of the currency in '29, '30, and '31, was the immediate effect of the tariff of '28. It remains to be shown that the cause of the still greater and longer continued expansion which has terminated in the overthrow of the banking system, and the deep and almost universal distress of the country, may be clearly traced back to the same source. To do this, we must return to the year '32, and trace the chain of events to this time. In that year, the public debt was finally discharged. The vast revenue which had been poured into the Treasury by the tariff of '28, and which had accelerated the payment of the public debt, could, after its discharge, no longer be absorbed in the ordinary expenditures of the Government, and a surplus began to accumulate in the Treasury. The late Bank of the United States was then the fiscal agent of the Government, and the depository of its revenue. Its growing amount, and prospects of great future increase, began to act on the cupidity of many of the leading State banks and some of the great brokers of New York. Hence their war against that institution; and hence, also, the removal of the deposites. The late President I believe to have been really hostile to the Bank on principle; but there would have been little or no motive to remove them, had it not been for their growing importance, and the hostility which the desire of possessing them had excited. They were removed, and placed in the vaults of certain State banks. To this removal and deposite in the State banks, the members over the way are in the habit of attributing all the disorders of the currency which have since followed. Now I ask, in the first place, is it not certain, if it had not been for the surplus revenue, the deposites would not have been removed? And, in the second, if there would have been a surplus had it not been for the tariff of '28?

Again: is it not equally clear that it was the magnitude of the surplus, and not the removal, of itself, that caused the after derangement and disorder? If the surplus had been but two or three millions, the ordinary sum in deposite, it would have been of little importance where it was kept; whether in the vaults of the Bank of the United States, or those of the States; but involving, as it did, fifty millions and more, it became a question of the highest importance. I again ask, to what is this great surplus to be attributed, but to the same cause? Yes, sir, the tariff of 1828 caused the surplus, and the surplus the removal and all the after disasters in the currency, aggravated, it is true, by being deposited in the State banks; but it may be doubted whether the disaster would have been much less, had they not been removed. Be that, however, as it may, it is not material, as I have shown, that surplus itself was the motive for the removal. We all remember what occurred after the removal. The surplus poured into the Treasury by millions, in the form of bank notes. The withdrawal from circulation, and locking up in the vaults of the deposite banks, so large an amount, created an immense vacuum, to be replenished by repeating the issues which gave to the banks the means of unbounded accommodations. Speculation now commenced on a gigantic scale; prices rose rapidly, and one party, to make the removal acceptable to the people, urged the new depositories to discount freely, while the other side produced the same effect, by censuring them for not affording as extensive accommodations as the Bank of the United States would have done, had the revenue been left with it. Madness ruled the hour. The whole community was intoxicated with imaginary prospects of realizing immense fortunes. With the increased rise of prices began the gigantic speculations in the public domain, the price of which, being fixed by law, could not partake of the general rise. To enlarge the room for their operations, I know not how many millions (fifty, I would suppose, at least, of the public revenue) was sunk in purchasing Indian lands, at their fee simple price nearly, and removing tribe after tribe to the West, at enormous cost; thus subjecting millions on millions of the choicest public lands to be seized on by the keen and greedy speculator. The tide now swelled with irresistible force. From the banks the deposites passed by discounts into the hands of the land speculators; from them into the hands of the receivers, and thence to the banks; and again and again repeating the same circle, and, at every revolution, passing millions of acres of the public domain from the people into the hands of speculators, for worthless rags. Had this state of things continued much longer, every acre of the public lands, worth possessing, would have passed from the Government. At this stage the alarm took place. The revenue was attempted to be squandered by the wildest extravagance; resolutions passed this body, calling on the Departments to know how much they could spend, and much resentment was felt because they could not spend

fast enough. The deposite act was passed, and the Treasury circular issued; but, as far as the currency was concerned, in vain. The explosion followed, and the banks fell in convulsions, to be resuscitated for a moment, but to fall again from a more deadly stroke, under which they now lie prostrate.

I have now presented, rapidly, the unbroken chain of events up to the prolific source of our disasters, and down to the present time. In addition to the causes originating directly in the tariff of 1828, there were several collateral powerful ones, which have contributed to the present prostrated condition of the currency and the banks, but which would have been comparatively harmless of themselves. Among these was the important change in the charter of the Bank of England, at the last renewal, about the time our surplus revenue began to accumulate, by which its notes were made a legal tender in all cases, except between the bank and its creditors. The obvious effect of this modification was to diminish the demand for specie in that great mart of the world, and, in consequence, must have tended powerfully to keep the exchange with us in an easy condition, while the tide of circulation was rapidly rising to a dangerous height. But there was another cause which contributed still more powerfully to the same result: I refer to the great loans negotiated abroad by States and corporations. To these I add the operation of the United States Bank of Pennsylvania, the direct object of which, in some of its more prominent transactions, was to prevent the exchange from becoming adverse to us.

By the operation of these causes combined, the exchanges were kept easy for years, notwithstanding the vast expansion which our circulation had attained, from the powerful action of the more direct causes to which I have adverted. The stroke was delayed, but not averted, and fell but the heavier and more fatally, because delayed. And where did it fall, when it came, most heavily? Where the measure which caused it originated; on the heads of its projectors. Behold how error, folly, and vice, in the ways of an inscrutable Providence, turn back on their authors.

It is full time for the North, and more especially for New England, to pause and ponder. If they would hear the voice of one who has ever wished them well, I would say that the renewal of the protective system would be one of the greatest calamities that could befall you. Whatever incidental good could be derived from it, you have already acquired. It would, if renewed, prove a pure, unadulterated evil. The very reverse is your true policy. The great question for you to decide is, how to command the foreign market. The home market, of itself, is too scanty for your skill, your activity, your energy, your unequalled inventive powers, your untiring industry, your vastly increased population, and accumulated capital. Without the foreign market, your unexampled march to wealth and improvement must come to a stand. How, then, are you to obtain command of the foreign market? That is the vital question.

The first and indispensable step is a thorough reformation of the currency. Without a solid, stable, and uniform currency, you never can fully succeed. The present currency is incurably bad. It is impossible to give it solidity or stability. A convertible bank currency, however well regulated, is subject to violent and sudden changes, which must forever unfit it to be the standard of value. It is by far the most sensitive of all to every change, commercial or political, foreign or domestic; as may be readily illustrated by reference to the ordinary action of foreign exchanges on such currency. For this purpose, let us assume that our ordinary circulating medium, when exchanges are easy, amounts to $100,000,000, consisting, as it does, of convertible bank paper. Let us suppose that it is all issued by what are called sound specie paying banks, with a circulation of three dollars of paper for one dollar in specie, which is regarded as constituting safe banking. Next, suppose exchange abroad turns against us, to the amount of $10,000,000. Is it not clear, that instead of reducing the circulation by that amount, that is, to $90,000,000, which it would do if it consisted only of specie, it would be reduced three times the amount; that is, to $70,000,000? Let us now suppose the exchange to turn the other way, from this point of depression, and to be kept flowing in that direction till it came to be $10,000,000 in our favor, instead of that amount against us. The result would be, under the operation of the same law, not to increase our circulation to $110,000,000 only, which would be the case if consisting of specie, but to $130,000,000; making a difference between the extreme points of depression and elevation of $60,000,000—more than equal to one-half of the usual amount of circulation by supposition, with a corresponding increase of prices—instead of $20,000,000, equal only to a fifth, and with but a proportional effect on prices. A change the other way, from the extreme point of elevation to that of extreme depression, would cause the reverse effect. I hold it certain that no honest industry, pursued with the view to moderate and steady profit, can be safe in the midst of such sudden and violent vicissitudes—vicissitudes as if from summer to winter, and from winter to summer, without the intervention of fall or spring. Such great and sudden changes in the standard of value must be particularly fatal with us, with our moderately accumulated capital, compared to the effect on the greater accumulation abroad, in older countries. In stating the case supposed, I have assumed numbers at random, without pretending to accuracy as applied to our country, simply to illustrate the principle. The actual vibration may be greater or less than that supposed, but in every country where bank circulation prevails, it must be greater and greater, just in proportion to the extent of its prevalence.

For this diseased state of your currency, there is but one certain remedy—to return to the currency of the Constitution. Read that instrument, and hear what it says. "Congress shall coin money and regulate the value thereof; no State shall emit bills of credit, or make any thing but gold and silver a legal tender." Here are positive and negative provisions; a grant of power to Congress, and a limitation on the power of the States, in reference to the currency. Can you doubt that the object was to give to Congress the control of the currency? What else is the meaning "to regulate" the value thereof? Can you doubt that the currency was intended to be specie? What else is the meaning "*to coin money?*" Can you doubt, on the other hand, that it was the intention that the States should not supersede the currency which Congress was authorized to establish? What else is the meaning of the provisions that they shall not issue bills of credit, or make any thing but gold and silver a legal tender? Can we doubt, finally, that the country is not in the condition that the Constitution intended, as far as the currency is concerned? Does Congress, in point of fact, regulate the currency? No. Does it supply a coin circulation? No. Do the States, in fact, regulate it? Yes. Does it consist of paper, issued by the authority of the States? Yes. Is this paper, in effect, a legal tender? Yes; it has expelled the currency of the Constitution, and we are compelled to take it or nothing. Well, then, as the currency is in an unconstitutional condition, the conclusion is irresistible that the Constitution has failed to effect what it intended, as far as the currency is concerned; but whether it has failed by misconstruction, or the want of adequate provisions, is not yet decided. Thus much, however, is clear; that it is through the agency of bank paper that it has failed, and the power intended to be conferred on Congress over the currency has been superseded. But for that, the power of Congress over the currency would have been this day in full force, and the currency itself in a constitutional condition. Nor is it less clear, that the Constitution cannot be restored, while the cause which has superseded it remains; and this presents the great question, how can it be removed? I do not intend to discuss it on this occasion. I shall only say, that the task is one of great delicacy and difficulty, requiring much wisdom and caution, and in the execution of which, precipitation ought to be carefully avoided; but when executed, then, and not till then, shall we have the solid, stable, and uniform currency intended by the Constitution, and which is indispensable, not only to the full success of our manufactures, and all other branches of productive industry, but also to the safety of our free institutions.

The next indispensable step to secure to the manufacturers the foreign market, is low duties and light burdens on productions; yes, as low and light as the wants of the Government will permit. The less the burden—the freer and broader the scope given to the products of our manufactures—the better for them. Above all, avoid the renewal of the protective system. It would be fatal, as far as the foreign market is concerned.

Its hostile effects I have already shown from the table of exports; and shall now, by a few brief remarks, prove that it must be so. Passing by other reasons, I shall present but one, but that one decisive. It has been shown that the effect of the protective system is to expand the currency in the manufacturing sections, until the increased price of production shall become equal to the duty imposed for protection, when the importation of the protected articles must again take place; that is to say, that its effects are to enable foreign manufacturers to meet ours in our own country, under the disadvantage of paying high additional duties. How, then, with that result, would it be possible for our manufacturers to meet the foreign fabrics of the same description abroad, where there can be no duty to protect them? There can be no answer. The reason is decisive.

I do not wish, in what I have said, to be considered the advocate of low wages. I am in favor of high wages; and agree that the higher the wages, the stronger the evidence of prosperity; provided (and that is the important point) they are so naturally, by the *effectiveness of industry*, and not in consequence of an inflated currency, or any artificial regulation. When I say the effectiveness of industry, I mean to comprehend whatever is calculated to make the labor of one country more productive than that of others. I take into consideration skill, activity, energy, invention, perfection of instruments and means, mechanical and chemical; abundance of capital, natural and acquired; facility of intercourse and exchanges, internal and external, and, in a word, whatever may add to the productiveness of labor. High wages, when attributable to these, is the certain evidence of productiveness, and is, on that account, and that only, the evidence of prosperity. It is easily understood. Just as such labor would command, when compared with the less productive, a greater number of pounds of sugar or tea, a greater quantity of clothing or food, in the same proportion would it command more specie, that is, higher wages, for a day's work. But, sir, here is the important consideration: high wages from such a cause, *require no protection*—no, not more than the high wages of a man against the low wages of a boy, of man against women, or the skilful and energetic against the awkward and feeble. On the contrary, the higher such wages the less the protection required. Others may demand protection against it—not it against others. The very demand of protection, then, is but a confession of the want of effectiveness of labor (from some cause) on the side that makes it; but, as a general rule, it will turn out that protection, in most cases, is a mere fallacy; certainly so when its effects are an artificial expansion of the currency. So far are high wages from being the evidence of prosperity, in such cases, or, in fact, whenever caused by high protection, high taxes, or any other artificial cause, it is the evidence of the very reverse, and always indicates something wrong, and a tendency to derangement and decay.

Having arrived at this conclusion, I will now hazard the assertion, that in no country on earth is labor, taking it all in all, more effective than ours; and especially in the Northern and Eastern portions. What people can excel our Northern and New England brethren in skill, invention, activity, energy, perseverance, and enterprise? In what portion of the globe will you find a position more favorable to a free ingress and egress, and facility of intercourse, external and internal, through the broad limits of our wide spread coun-

try—a region surpassed by none, taking into consideration extent and fertility? Where will you find such an abundant supply of natural capital, the gift of a kind Providence; lands cheap, plenty and fertile; water power unlimited; and the supply of fuel, and the most useful of metals iron, almost without stint. It is true, in accumulated capital, the fruits of past labor, through a long succession of ages, not equal to some other countries, but even in that, far from being deficient, and to whatever extent deficient, would be more than compensated by the absence of all restrictions, and the lightness of the burden imposed on labor, should our Government, State and General, wisely avail itself of the advantages of our situation. If these views be correct, there is no country where labor, if left to itself, free from restriction, would be more effective, and where it would command greater abundance of every necessary and comfort, or higher wages; and where, of course, protection is less needed. Instead of an advantage, it must, in fact, prove an impediment. It is high time, then, that the shackles should be thrown off industry, and its burden lightened, as far as the just wants of the Government may possibly admit. We have arrived at the manhood of our vigor. Open the way—remove all restraints—take off the swaddling cloth that bound the limbs of infancy, and let the hardy, intelligent and enterprising sons of New England, march forth fearlessly to meet the world in competition, and she will prove, in a few years, the successful rival of old England. The foreign market once commanded, all conflicts between the different sections and industry of the country would cease. It is better for us and you, that our cotton should go out in yarn and goods, than in the raw state; and when that is done, the interests of all the parts of this great Confederacy—North, East, South, and West—with every variety of its pursuits, would be harmonized; but not till then.

If the course of policy I advocate be wise as applied to manufactures, how much more strikingly so must it be when to the other two great interests of that section, commerce and navigation? I pass the former, and shall conclude what I intended to say on this point, with a few remarks applicable to the latter. Navigation (I mean that employed in our foreign trade) is essentially our outside interest, exposed to the open competition of all the world. It has met, and met successfully, the competition of the lowest wages, not only without protection, but with heavy burdens on almost every article that enters into the outfit, the rigging, and construction of our noble vessels, the timber excepted. If, with such onerous burdens, it has met in successful rivalry the navigation of all other countries. What an impulse it would receive if the load that bears down its springs were removed! and what immense additions that increased impulse would give, not only to our wealth, but to the means of national influence and safety, where only we can be felt, and in the quarter from which only external danger is to be apprehended!

I have now, Mr. President, concluded what I proposed to say, when I rose to address the Senate. I have limited my remarks to the prominent consequences, in a pecuniary and fiscal view, which would result, should the scheme of assumption be adopted. There are higher, and still more important, consequences, which I have not attempted to trace: I mean the effects, morally and politically, as resulting from those which I have traced, and presented to the Senate. This, I hope, may be done by some other Senator, in the course of the discussion. But I have said enough to show that the scheme which these resolutions are intended to condemn, ought to be avoided as the most fatal poison, and the most deadly pestilence. It is, in reality, but a scheme of plunder. Let blood be lapped, and the apetite will be insatiable.

But the States are deeply in debt, and it may be asked what shall be done? I know that they are in debt—deeply in debt. I deplore it. Yes, in debt, I am not afraid to assert it, in many instances, for the most idle projects, got up and pursued in the most thoughtless manner. Nor am I ignorant how deep pecuniary embarrassments, whether of States or individuals, blunt every feeling of honest pride, and deaden the sense of justice; but, I do trust, that there is not a member of this great and proud Confederacy, so lost to every feeling of self-respect and sense of justice, as to desire to charge its individual debts on the common fund of the Union, or to impose them on the shoulders of its more prudent associates; or, let me add, to dishonor itself, and the name of an American, by refusing to pay the foreigner what it justly owes. Let the indebted States remember in time, that there is but one honest mode of paying its debts; stop all further increase, and impose taxes, to discharge what they owe. There is not a State, even the most indebted, with the smallest resources, that has not ample resources to meet its engagements. For one, I pledge myself; South Carolina is also in debt. She has spent her thousands in wasteful extravagance on one of the most visionary schemes that ever entered into the head of a thinking man. I dare say this even of her; I, who on this floor stood up to defend her almost alone against those who threatened her with fire and sword, but who now are so squeamish about State Rights as to be shocked to hear it asserted that a State is capable of extravagant and wasteful expenditures. Yes, I pledge myself that she will pay punctually every dollar she owes, should it take the last cent, without inquiring whether it was spent wisely or foolishly. Should I in this be by possibility mistaken—should she tarnish her unsullied honor, and bring discredit on our common country, by refusing to redeem her plighted faith, (which I hold impossible,) deep as is my devotion to her, and mother as she is to me, I would disown her.

REPEAL OF THE SALT TAX.

IN SENATE.

FRIDAY, February 14, 1840.

Mr. BENTON, from the Committee on Finance, to which had been referred the following documents connected with the duties on salt and fishing bounties:

1. Thirty queries on the salt trade, and salt manufacture in the West, addressed to his constituents by Mr. BENTON of Missouri, with their answers thereto, showing the monopoly, adulteration, deficient bushel, districted allowance, stinted quantity, and extortionate price, of salt in Missouri, and the necessity of the free admission of foreign salt.
2. A communication from the Democratic State Convention in Missouri; from the Hon. Mr. Miller of Missouri; from the Hon. Mr. Chapman of Iowa; from Judge King of Missouri, shewing the monopoly, adulteration, extortionate price, and other abuses in the salt trade; and the connection of several banks with the said monopoly and abuses.
3. A general statement of the salt manufactories in the United States and their products, and cost of their salt at their works; with a particular account of the salt works in New England, in New York, at the Konawha, and on the Holston, in Virginia, and of the import of foreign salt at New Orleans.
4. Statistics of salt, showing its localities, diffusion, abundance, and universality; its various forms, both liquid and solid; its different qualities; its manufacture; its cheapness of first cost; its uses in the animal economy, in agriculture, in different branches of rural economy, and in the useful arts; its vast consumption; the tendency of monarchical governments to tax it oppressively, both in ancient and in modern times; the repugnance of the people to the tax in all ages; its final abolition in many countries; compiled from English, French, and American Encyclopedias, and other authentic sources.

Reported the same back to the Senate with a motion that they be printed.

Mr. TAPPAN said that, as the documents appeared to be somewhat voluminous, and as it was almost impossible for Senators to read all the matter that was ordered to be printed, he would like to hear something as to their character and value, before he gave his vote for printing.

Mr. CLAY of Kentucky said if it was not more valuable than the bundle of trash printed at the last session on the same subject, he should vote against the printing. A more wasteful expenditure of public money had never been made by any legislative body, than was sanctioned by the Senate in ordering that document to be printed.

Mr. CLAY of Alabama expressed his surprise at the opposition made to the motion of the Senator from Missouri. He, as the organ of a standing committee of this body, asks that certain papers, which had been referred to them, might be printed for the use of the Senate. When a committee ask for the printing of matter in relation to a subject which they have before them, it is ordered as a matter of course; and it was very unusual, if not unprecedented, to oppose it. In regard to the salt document which was ordered to be printed at the last session, he considered it as one of great value; one which opened up to a large portion of the community much valuable information, which, before its publication, was beyond their reach. The number of that document which fell to the share of each Senator was about two hundred, and these he had readily distributed among his constituents, and he could have distributed many more with advantage.

Mr. DAVIS made some remarks in opposition to the printing. As to one portion of them—those relating to the fishing bounties—he would, when the subject properly came before the Senate, show that they did not depend on the duty on salt, but rested on other considerations of great public interest.

Mr. BENTON said the object of printing these papers was apparent from a statement of their contents; it was to enable the Senate to act with effect on the great subject of getting rid of the salt monopoly in the West, and reducing the fishing bounties and allowances in proportion to the reduction of the duty on salt on which they were founded. The salt monopoly of the West was the offspring of the salt tax, and was an injury of several millions of dollars per annum to the agriculture and rural economy of the West; the fishing bounties and allowances now amounted to $320,000 per annum, almost the whole of which was unduly drawn from the Treasury, and much of it illegally. He was almost the only—perhaps the only—member of Congress, who had arraigned this abuse, and he begged for a clear stage and fair play. He wanted his facts printed, and he would answer for the result. He said the fishing bounties and allowances had taken seven millions of dollars from the Treasury: they had received forty-six millions of bushels of salt free of duty, while the Western people suffered a cruel monopoly in that article, which led to extortionate prices, false measure, adulterated quality, stinted quantity, and every conceivable abuse; and all this connected with banking. He joined issue with the Senator from Massachusetts, [Mr. DAVIS,] on the salt tax and the fishing bounties and allowances; and would show that they were founded upon the salt tax, and ought to fall with it; and that they were not granted as an encouragement to a seaman's nursery.

Mr. TAPPAN said he had long been satisfied with the necessity of a repeal of the duty on salt, and would go as far as any Senator to effect it. His purpose in objecting to the printing of these papers was to get some information as to their character and value, and he was now satisfied that they ought to be printed. No man estimated more highly the services of the Senator from Missouri, not only in relation to this subject, but many others of great importance to the people of this country, than he did, and none felt higher admiration for the talents and energies which he had devoted to their accomplishment.

Mr. ALLEN said that the salt document formerly printed by order of the Senate, undoubtedly contained, as has been stated, some matter which enlarged its size, without a corresponding increase of its value. Yet, it certainly embraced much important information, before unknown to the country. I do not now remember what number of it was allotted to each Senator, but, on my return home, I was astonished to find that it had already so generally excited the attention of the people, and their desire to obtain it, that those received by me were insufficient to supply the demand. I shall, therefore, vote for the printing of these papers, being, as they are, of a kindred character. But, sir, I regret not this opposition to the motion, inasmuch as it has drawn from the mover [Mr. BENTON] a speech fraught with information, extracted, in advance, from the papers, and which will the better prepare the public mind for the papers themselves.

Of two things, sir, no doubt can exist: first, that salt is, to the whole body of the nation, an absolute necessary of life; and secondly, that its production and sale are monopolized by companies of men, in many sections, if not throughout the Union, who stint the quantity produced, in order to en-

hance the price to the people and the profit to themselves. This results from a double, indeed, a triangular, monopoly. In the first place, these companies enjoy a monopoly of bank facilities which enables them to purchase or rent the whole salt-water region—to close as many of the existing wells as their interest may require, and to prohibit the opening of others. Thus the monopoly of facilities to purchase, gives them a monopoly of the source whence the article is drawn, and to these they add a monopoly of its sale, in the first instance, to the retail merchant, who must pay the price the companies fix, as they alone can supply his demands. In this manner, an article which enters into the daily bread of every man, is taxed to an extent limited only by the rapacious pleasure of heartless combinations. And what, sir, is the character of these monopolies? They are associations formed to suppress, not to develope, the natural resources of the country, formed to rebuke nature for the abundant bounties she offers to necessituous man. What would be thought of the result, if companies of men should band themselves together, obtain exclusive control over the whole iron region of Pennsylvania and of the Union, strike down half the furnaces and forges now in operation, prevent the erection of others, reduce the quantity, monopolize the whole, and increase the price of iron from six to twenty dollars per hundred? Would this state of things be endured by the people? And would they justify Congress in keeping up a tariff to exclude this article from abroad, and to foster its ruinous monopoly at home? No; and yet, so stands the fact, with regard to salt.

Sir, if there be in our language one word which, better than any other, describes the exact idea of despotism, that word is *monopoly*. Within itself are contained all the essential elements of oppression. When, during her reign, the English Queen Elizabeth, had granted to her courtiers monopolies of almost every branch and article of commerce, the just complaints of her plundered subjects roused the House of Commons to revolt against the cruel extortions thus practised upon them. Her authority was absolute over Parliament, and Parliament was obsequious to her will. But to all authority, and to all obedience, necessity prescribes a limit. These monopolies were no longer to be borne, and when the Minister, being called upon in the House, read over the list of the articles monopolized, a member indignantly exclaimed: "Is not bread among the number?" So palpable were these outrages upon the people, that the minister was required and compelled to give the royal pledge that they should be diminished; and diminished they were.

Well, sir, how stands the matter with us? A Senator presents documents from citizens of his own and other States, containing evidence of this salt monopoly, of the injustice and oppression it inflicts upon the people. He asks the printing of these papers preparatory to the repeal of the duty on foreign salt, by which these grievances are fostered. And how is he met? The monopoly stated in the papers, no Senator denies; the injustice of the burden thus imposed upon the people, all must admit; yet this motion, which looks to the remedy of an evil so great, is resisted on the plea of expense, so small as it is known that expense must be. And by whom? With what propriety is this resistance made? It is made by Senators who, on former occasions, themselves moved and voted the printing of large and numerous volumes of documents, and that, though each document was but the duplicate of the other, and all but little else than the mere registers of names. They were printed at a cost fiftyfold greater than this now proposed, and at a time, too, when we were told by the same Senators that bankrupcy and despair, both individual and national, were alone to be found in the land. But these, sir, were bank documents, bank petitions, bank memorials, not asking relief for the people against monopolies, but demanding the people's public treasure, the deposites, for the benefit of banks, and with them a renewal of charters, to enable these corporations still longer to prey upon the people. It was to print such documents as these, for such objects as these, at such an expense, that those Senators, at such a time as that, one and all, from day to day, moved, spoke, and voted. But now the case is changed. It is proposed to print papers with a view, not to increase the powers and profits of monopolists, but to relieve the people, the farmers, the mechanics, the laborers, against their rapacity: and to this it is answered, that these grievances, great though they be, must nevertheless be borne, because it will cost some dollars to remove them. Sir, the truth is, and it shall be told, that Congress has become so habituated to receive and obey the dictates of banks and monopolies—so little accustomed to hear or to heed the suggestions and grievances of the farmers, the mechanics, and the laborers of the land—the real people of this country—they whose toil constitutes its prosperity in peace, whose valor its defence in war—that whenever they complain of wrong and injustice, as but seldom they do, their complaints are received with utter indifference, the very evidence of their truth being denied the favor of printed publicity; yet let but a bank stalk into their chamber, and Senators spring to their feet, and hurry to embrace it, as if, with a monopoly of the currency, it enjoyed likewise a monopoly of all their affections.

I look, sir, upon this move of the Senator from Missouri, as a measure of relief for the real people of this country—the great agricultural and working community; and as such, I will vote for the printing of these papers, to any reasonable number.

Mr, CLAY of Kentucky replied to Mr. ALLEN with much animation. He said he rose to mark the Senator from Ohio, who had just taken his seat. He rose to mark the disorganising and revolutionary tendency of his remarks. All this about monopoly was but a new form of attacking the rights of property. A man may not use his property in what form he pleases, even if sanctioned by the laws of the community in which he lives, without being denounced as a monopolist. If this company in the western part of Virginia are great monopolists, is not the State of New York, with her extensive salt works, a still greater monopolist? He had for the last few years purchased salt for his own use which had been manufactured at the New York works, and he had got a good article at what he considered a fair price. Suppose such charges as were contained in these papers were made against that State, would her regresentatives on this floor sit quietly under them, and permit their publication to the world? But we are told that the object is to effect a repeal of the duty on salt—a repeal of this miserable duty of six cents per bushel! And how will that prevent the manufacturers from getting, what every man has a right to get, the highest price for his productions? But, sir, the whole tenor of the gentleman's remarks were in conformity with that agrarian spirit, which I regret to be compelled to say has of late years been so prevalent, and which is rapidly increasing: that levelling spirit which is at war with the institutions of the country: which first attacked the United States Bank, then the local banks, and now it is endeavoring to lay violent hands on the fishing bounties. But, he would ask, what right have you to interfere with the citizens of a sovereign State, and denounce them as monopolists, who are pursuing their avocations under the protection of the laws of the State? If this company has transcended its charter, and abused the powers conferred upon it by the Legislature of Virginia, send your complaints to Richmond, and they will be investigated, and, if there is any truth in them, they will be redressed. What right have you to arraign the Old Commonwealth at the bar of this Senate? If the Senator wishes to complain of monopolies, let him go home to his own State. Go to Columbus with your levelling sentiments, and see how they will be tolerated. He protested against the doctrines of the speech of the Senator from Ohio, as detestable in their nature and abominable in their consequences.

Mr. ALLEN replied. I am, Mr. President, by no means surprised at the inflamed feelings, so inflammably expressed by the Senator from Kentucky [Mr. CLAY.] No, sir; for I was well aware that no man could here lift his finger against the abuses practised by privileged monopolies, however obvious those abuses or ruinous their effects upon the people, without incurring the prompt displeasure of Senators on the other side of this chamber. And why? Is the existence of these monopolies disputed? Are the evils resulting to the community denied? Not at all; neither the one or the other. Their existence is justified, and the evils excused, on the sole pretence that both are beyond our reach, and within the exclusive jurisdiction of the States. We are, therefore, forbidden to speak of these things as burdens upon the people, although our avowed object in doing so is to show that these monopolies are fostered by an existing law of this Government, which it is proposed to repeal. If the facts exist—if they are the resulting consequences of our law, should not the law be repealed? Should we not give some reason for the repeal? And, if so, how can the reason be given without speaking of the facts, which themselves constitute that reason?

But, sir, monopolies are in question, and monopolies will never want friends and defenders. If their abuses cannot be openly justified, they will nevertheless be slyly drawn under the protection of some general principle, broad and terrible enough to afford them impunity, and to affright the timid, who might otherwise be inclined to expose them. Thus it is in the present instance. The production and sale of one of the common necessaries of life are, throughout the country, monopolized by combinations of men, who, aided by an existing law of this Government, are enabled to extort the most unreasonable prices from the people. Well, sir, I spoke of this public evil as a reason for repealing the law by which it is aggravated; and this it is that the Senator from Kentucky denounces as an attack upon property; as if these companies had the right of property in a public law, that rendered it intangible to the law-making and law-revising power. It is this that he declares an assault upon private rights; and it is for having thus complained of these abuses, and proposed a remedy, that the Senator rose, as he said, to mark me—to mark the principle I advanced, as tending to the destruction of property, to a system of levelling and public confusion. And what, sir, is this principle of levelling? Does it consist in defending the rights of the people, and the proceeds of their toil, against the insatiate rapacity of these monopolies—monopolies which have already taken every form and shape—which subsist upon taxes drawn from the people, against their will—which have utterly destroyed the political equality of men, in a Government designed to render all politically equal, and which, in every part of the land, now lift themselves above the surrounding multitude, as the numberless mounds upon the plains of the West, rise above the uniform level? If, sir, an honest resistance to this prevailing tendency of every thing, in our age and country, towards monopoly—towards the concentration of all business, of all property, and of all power, in the hands of chartered combinations—towards the extinction of the individual man and the erection of privileged orders, as the sole constituent elements of the political system—in a word, towards the establishment of an aristocracy founded in fraud and nurtured by pillage—if, sir, resistance to this tendency of things—if a defence of the rights of men, as sincere as it is fearless, against every effort to plunder and oppress them—if a deep and a generous sympathy with my countrymen in all their sufferings and in all their joys—if a desire to see all happy, no mortal miserable, and if a firm determination to do the duty of a good citizen to effect these ends—if these things constitute a leveller, then a leveller am I.

Sir, every law of nature is a law of equality. Upon that basis was this Government formed. By its fundamental law each citizen stands upon a political level. From that level he starts, alike unaided and unrestrained by Government, to rise or to sink in the social scale, to whatever point his virtues, his abilities, his industry, his economy, or the want of these qualities, may fix as the mark of his merit. Protected in all the rights he pos-

resses, restricted only by the rights of others, he is left to determine for himself his own social rank and fortune in life. But whatever this rank or fortune may be, politically, he never leaves that level. And, sir, it is because, in the nature of things, law cannot discriminate in favor of one man, without, by the same act, discriminating to the prejudice of another, that free institutions refuse to discriminate at all. Thus it is, that political equality, by making the gratification of each man's hopes depend alone upon himself, stimulates every faculty, discourages every vice, and produces, in the end, a greater aggregate of virtue and of happiness, than any other form of Government allows. These, sir, are the reasons of nature; they were the reasons of those who founded our institutions; and these are the sentiments which the Senator from Kentucky denounces, as an assault upon property; as tending to level society. Yes; level, leveller—these were his words; and now sir, I demand to know by what authority in this Government that Senator presumes to lift himself above the common level of his countrymen? Leveller! What friend of liberty—what man of justice and magnanimity desires to be otherwise. Sir, it becomes not me to speak of myself; but since the Senator from Kentucky rose, as he said, "to mark the Senator from Ohio," I, in my turn, rise to tell that Senator that I would utterly disdain to accept any political discrimination in my favor, over the humblest, the poorest citizen, who lives by my side. No; I would spurn it, if for no other reason, because the pride of my soul would never acknowledge a natural inferiority, requiring such discrimination to render me the equal of any man.

But again: these sentiments, it seems, assault private rights—tend to public distraction. For this argument, the Senator merits not the glory of originality. No: It is as old as the world. It was the first, it is the last, the only argument of despotism against popular government. Every defence of the rights of man, every effort for civil liberty has ever been, and ever will be, denounced as tending to the insecurity of property, and, by consequence, to public anarchy. The *jure divino* right of kings to rule, in absolute despotism, over mankind, is claimed as a resulting necessity from the danger to which, it is alleged, private rights and public order are exposed by free institutions. This principle of absolute, irresponsible power, so revolting as it is to human reason, so odious to human justice, has long been scouted out from the southwestern portion of Europe. It flourishes in full maturity only in the oriental world, whilst in the North, and in a part of central Europe, it lives in a form now so modified as to indicate its approaching total decay. But wherever it is found, and in whatever form, it stands upon the same inveterate argument. And, sir, if Prince Metternich, its ablest defender in Europe, at this day, were now asked the question, "Can popular institutions permanently exist?" his answer would be, No. In support of this answer, he could but repeat the reasoning of the Senator from Kentucky. He would tell you property is insecure; the unbridled will of an unbridled people, tends to reduce men and things to an uniform level, and must, therefore, result in anarchy and ruin. Such ever has been, ever will be, the argument of its enemies, against civil liberty. Sir, the sentiments we have heard, the efforts we have seen this session, in the Senate, portend to this country a gloomy future, if these sentiments and efforts prevail. Public grievances exist, yet the people are to be told, told by the Senate, their own Senate, that they are not allowed to see the evidence of these facts. Such is the case, not only in the present instance, but such was likewise the course, but a day or two ago, in relation to the committee's report on the debts of the States. Then, as now, an effort was made to withhold from the people the facts and the reasons upon a subject of the most vital importance to every man in the Republic. But, sir, I regret not this course of Senators. Their hostility to the publication of that report, and of these documents, will whet the public curiosity to see them; and thousands who might otherwise have remained indifferent, will now seek them with avidity. For, sir, there is in our nature a principle esistance to restraint, which prompts us to do whatever we have a right to do, for no other reason than that we are forbidden, by those who have no right to forbid.

A word more. The Senator from Kentucky tells me, if I wish to complain of these salt monopolies, to go home to Columbus, to the Legislature. That Senator, on a former occasion, told me to go home. I did so—not at his bidding, but at my own volition. There, sir, I saw the sovereign people face to face; we talked to each other; I speak not of results. But, sir, I shall not retort this command on that Senator, and tell him to go home. No, not I; I want him here. I would not that he should leave this body for any amount of the best coin my friend from Missouri ever proposed to circulate. So long as that Senator continues here, the people will understand the principles of his party, and that is all we desire. Long, therefore, may he remain; and, as an individual, long may he enjoy health and happiness.

Mr. PRESTON said he was in favor of a repeal of this duty; and when the question came before the Senate, he should vote for the repeal. It was one of the absolute necessaries of life, and he was in favor of so raising our revenue, as to make it fall principally on articles of luxury. But he could not permit the remarks of some Senators who had participated in this debate, to pass without notice. He thought their tendency was mischievous in the highest degree. He thought these appeals to the passions of the people, which were becoming so frequent of late, should not receive the countenance of the body. Such appeals had been the means used by demagogues, in all ages, to enslave the people, whose name they invoked in their inflammatory appeals. The atrocities of Danton, of Marat, and of Robespierre, were all perpetrated in the name of the people, who were massacred in myriads, and whose blood was shed upon a thousand scaffolds, under the orders of these monsters in human shape. Gentlemen, by their remarks, would lead us to believe they intended to advance the position that this was a Government of the people, which would be entirely subversive of the principles upon which it is based. This was a confederate Government, composed of sovereign States. We are the representatives of sovereign States, and the representative of a State with one hundred thousand inhabitants is equal, on this floor, to him who represents a State with a million of inhabitants.

He regretted to see the prevalence of such disorganising and levelling doctrines, which were of the Fanny Wright school of politicians, and were as destructive of the rights of property as they were contrary to the principles and spirit of our institutions.

Mr. BENTON was well pleased that the Senator from South Carolina [Mr. PRESTON] would vote for the abolition of the salt tax; it would be a good vote, and would offset his speech against printing. He was sorry to hear the old monarchical cry against attacks on property. It was an old cry, beginning with the origin of monopolies, and continued down to the present day. There were but two parties in politics, and never had been, and never would be. They had existed always, and might be seen in the Bible—in first Samuel—as well as in all profane history. One of these parties, after getting undue advantages, formerly by force, now by corporations and monopolies, always raise the cry of attacks on property when any of their undue acquisitions were in danger. This old cry had long been worn out. It was actually used up by the Federalists about forty years ago. And with what face invoked now? A parcel of salt monopolizers who rent furnaces and wells to be idle—who hire owners of salt water not to dig for it—who poison their salt by adulteration—who stint the supply to the community—who district the country and allowance it, and allow it not half enough; these monopolizers, by their defenders on this floor, cry out that their property is attacked when we propose to prove their monopoly, and its abuses, and to repeal the salt duty which, by impeding the importation of foreign salt, enables them to monopolize all that is made at home.

Mr. B. said, who objects to the printing of this testimony, showing the salt monopoly in the West? Who objects to the printing? The very party, and the very persons, who printed six large volumes of panic memorials and petitions for the Bank of the United States, during the panic session of Congress! These are the gentlemen who object to this printing. We have evidence, drawn from nearly thirty counties in Missouri, signed by several hundred citizens of known character; and objection is made to printing their testimony, and made by those who printed six volumes of panic petitions for the Bank of the United States, signed by the retainers of the Bank, and by unknown persons, and, as was said at the time, by the dead! for it was said that the names of the dead were upon them, and that many of the petitions looked like they had got their names from the tomb stones.

Mr. B. said, here was a new attempt at a panic; but it could not succeed. The attempt now is to make people believe that property was attacked! It was a weak attempt, and would end ridiculously. The time had gone by for these successful assaults on the nerves. Without the aid of the Bank of the United States, no panic could be made in this country; and that institution had now got too weak and too low to be able to make alarm and distress. Far from attacking property, it was monopoly which was attacked; and the only effort was to prove the salt monopoly and abuses, and to withdraw from it the aid and support of the Federal Government. The Government aided this abuse by its tax on foreign salt; and the only application was to withdraw the aid, by abolishing the tax.

Gentlemen said the tax was a trifle—only six or eight cents. Did these gentlemen know that that was a tax of near one hundred per centum on Turks Island salt; and upwards of one hundred on Portuguese and Spanish salt; and near two hundred per centum on Italian and Adriatic salt? If they knew this, they should not call the tax a trifle; if they did not, let them vote for printing the papers presented, and they would learn it. They would learn that the price of alum salt, the import price, was from eight or nine cents a bushel down to two and a half and three cents a bushel.

Mr. B. said, if the tax was nothing, why did the monopolizers wish it to be kept up? If it answered them no purpose, why object to its suppression? Their language was one thing, and their conduct another. They know that a duty of one cent is just as good for them as a duty of twenty cents. All they want is a duty—no matter how small—any thing that will compel the importer to go to the custom-house, and procure American security for the payment of the tax. The credit on the salt duty is nine months; but American security must be given; two American citizens must be got for security. This throws the foreign salt into the hands of those who make it a business to furnish this security. This creates a barrier to the free importation of salt, and enables the monopolizers and their associates to get possession of the foreign salt at New Orleans; and possession is all they want. One cent duty is as good to them as twenty; and, therefore, they struggle as hard to keep up a duty of six or eight cents, as they did to keep up a duty of twenty cents. Any duty will answer their purpose; and, therefore, they struggle as hard for the smallest duty as for the largest. In this they were like the Bank of the United States, which struggled as hard for a six years' charter, or for a twelve years' charter, or for an elongated charter, as it had done for the full term of twenty years: and why? Because any charter which prolonged it a few years would prolong it forever! This it knew, and, therefore, worked violently for the shortest term—no matter how short. So of these salt monopolizers. Any duty which throws the importer of salt upon their agents or accomplices, for American security, will answer their purpose. They will be satisfied with one cent duty.

Mr. B. scouted the charge of attack upon property as being equally stale and unfounded, and said that no false issues should go from the chamber. The attack was upon an odious, infamous, and diabolical monopoly; a monopoly which would cover its authors and defenders with blushes, if the papers which he offered could be printed. Mr. B. then read several extracts from the papers to prove the monopoly and its great abuses in suppressing the

manufacture of salt—in adulterating it—in raising the price—in giving false measure—and in districting, allowancing, and stinting the Western country.

Mr. B. said that combinations to raise the price of a necessary of life, was a crime by the laws of all civilized countries, and was punished as such; yet here, on the floor of the American Senate, such a combination was not merely defended, but to ask the United States to cease to aid and encourage it, was called an attack upon the property of the monopolizers! Such is the perversion of judgment and feeling which even penetrates this chamber in this age of monopolies and chartered privileges! He said it was nearly as bad now as it was in John Law's time, under the Regent Duke of Orleans—the Mark Anthony of modern times—when monopoly was the order of the day; and when dukes, counts, and marquises, were engaged in monopolies of soap, grease, hay, oats, sugar, spices, coffee, &c. &c. &c.

Mr. B. said it was curious to see the parallel between the present times and those of John Law. He was the father of the credit system, as it is called, that is to say, the system of fictitious and baseless credit—credit which has neither property nor character to rest upon—nothing but the impudence of the *creditee* and the credulity of the *creditor*—and the success of the *creditee* in multiplying his funds by ten. This was the whole credit system of Law. *Decupler* was his word. Multiply by ten was his game. With a capital of a hundred thousand, do business for a million, and draw profit upon the million; this was his plan, and it is the plan now followed in the United States; and with the same results in all things, and especially in the business of monopolies. Every thing is now a subject of monopoly in the United States, all aided and engendered by the bank monopolies. Beef, bacon, pork, butter, eggs, flour, salt; all, all, fall into the vortex of monopoly; and the most odious of these, that of the salt monopoly, is aided and fostered by our duty on foreign salt.

Mr. B. said he never felt more hearty in any cause than in this attack upon the salt tax, its monopoly and abuses. Not even in the case of the most glorious expunging resolution, did his feelings and judgment go more ardently together. He was an enemy to a salt tax by itself, and to a monopoly by itself; but here both the tax and the monopoly went together; the two abuses were united, and produced unmeasured mischief to the community; and he pledged himself to the Senate and the people to make battle against these abuses until they were abolished, or until his capacity for battle ceased. What he now said was nothing. When he got the papers printed, he should bring out the facts, which would be worthy of the public attention. In this nineteenth century, the facts and the reasons were all that was wanted. Regular built orations were now nothing.

Mr. B. returned to the question before the Senate, which was—not the repeal of the salt tax—but the printing of the papers to show that it ought to be repealed. One thing at a time was enough. When the question of repeal came on he would go into it with a spirit to go through it, and would thank the friends of the tax for their custom. For the present, he wanted the information printed, which would show the injury done to the country by the duty on foreign salt, and the injury done to the Treasury by the fishing bounties and allowances. The Salt Document printed last spring had done great good; it had killed the salt tax as far as it went! He believed no one read it without being convinced that the tax ought to be repealed. The wrath of the friends of the tax against this document, showes its value to the country. They denounce it for the harm it does their cause, and the good it does ours. So of the present papers; they oppose the printing, because it will complete the work which the other document began. They oppose these papers for the same cause they opposed the others.

Mr. WRIGHT said he rose to ask what was the question before the Senate? The debate had taken so wide a range, that the real question was likely to be lost sight of. What was it? Simply to print the papers referred to in the motion of the Senator from Missouri. Those papers had been presented by that honorable Senator to the Senate; had been, on his motion, referred to the Committee on Finance, and were now reported back by that member of the committee, with instructions to ask for their printing. The motion to print was now before the body, and was the only question presented for its action. Would any one who had listened to this debate, without a knowledge of these facts, have supposed this to be the question under discussion? Would they not rather have supposed that the bill for the repeal of the duty on salt, or some measure having for its object the punishment of monopolies and frauds in the dealers in salt, was now before the Senate, and about to receive its action? It seemed to him that no other conclusion could have been formed by the impartial listener to the discussion. Yet no such proposition as either of these had been presented by the Committee on Finance.

It was true, a bill had been introduced by the honorable Senator from Missouri, proposing to repeal the duty on salt, and that bill had been referred to the Committee on Finance; but it was also true that the committee had not yet even taken up that measure for consideration, much less made any report upon it. It remained in the hands and possession of the committee, wholly unacted upon, and was not in the possession or within the reach of the Senate for its action. Still the debate would have compelled a hearer to suppose that the committee had reported back that bill, had recommended its passage, and were now urging the Senate to final action upon it. Not only so, but the further impression would be produced that the Committee on Finance of the Senate had originated and presented to the Senate penal enactments against those who had attempted to govern the price of salt in various parts of the country, by associated monopolies.

It was his duty, standing as he did, in relation to that committee, to correct impressions so erroneous, and so certain to follow wherever a report of this debate should go. The committee, as he had already said, had not even considered the bill to repeal the duty upon salt. They had not, so far as he knew, formed any opinion in regard to that measure. Certainly they had not, as a committee, expressed any opinion upon it. Much less had they attempted to assert the right in Congress, to punish monopolies and mischievous associations in the States of the Union, of any character. They had simply recommended the printing of certain papers referred to them by an express order of the Senate, touching the subject of the salt bill, and the fishing bounties, though he did not himself consider a portion of the papers as relating very directly to any of the provisions of the bill before the committee. Yet that portion of the papers was, as he thought, and as the committee thought, well worthy of publication. They disclosed facts deeply interesting to every inhabitant of the whole country, to every interest connected with the essential article of salt.

He was not very familiar with the contents of the papers. They were voluminous, and the committee had not thought it necessary to detain them for minute examination, in their manuscript form, after they had seen enough of their contents to render the printing, in their judgments, proper. He could not, therefore, speak particularly of the information proposed to be furnished to the Senate and the country by the printing. He would make one or two general references to parts of it, and to those parts less relating to the salt bill, and he would make the practices at the Kanawha salt works the basis of his statements, because he thought he recollected more particularly the history given in the papers of the fraudulent and mischevous practices there. He would be corrected by the honorable Senator from Missouri, who was perfectly familiar with the whole testimony, if he should err in his facts.

One of the practices to which he alluded, was that of forming an association to monopolize the whole of those extensive works in the hands, and under the control, of a single company; then to limit the supply of salt for the country depending upon those manufactories for the article, and thus to raise the price most exorbitantly to the consumers. The process was to possess themselves of a small number of the manufactories for actual use, and to pay a stipulated annual rent to all the others to remain idle, and make no salt; then to district the country to be supplied with salt; to appoint a selling agent for each district; to send all the salt for each district to that agent, and to him only; and to give him, from time to time, a limit, or minimum of price, below which no salt should be sold in his district. To such an extent had this system been carried, that of some hundred and sixty manufactories at Kanawha, but forty had been worked for the year, the remaining one hundred and twenty being hired to remain closed, while salt to the consumers, dependent upon these works for their supply, had been raised to the enormous price of three dollars; and he believed sometimes even much higher, for the bushel of fifty pounds weight.

Another practice was also disclosed, not less reprehensible, and perhaps infinitely more injurious to the public. This was the practice of adulterating, by system and design, the small quantity of salt made, and thus sparingly dealt out to the community under the arrangements for extortion before described. The adulteration was effected by using chemical agents to retain in the salt impurities held in solution in the water, and which, without being thus retained, would be principally, if not entirely, separated and excluded by the simple process of boiling. Tallow was said to be the principal agent thus employed, and such was the effect described to be, that, while the salt made would have a more rich and white and beautiful appearance to the uninstructed eye, one hundred pounds of tallow was considered equivalent to the ordinary rent of a manufactory for a season, or about five thousand bushels of salt.

Mr. W. said he would go into no further detail as to the contents of these papers, nor would he stop to consider the pertinency of the facts he had stated to the salt bill in the hands of the committee. It was enough for his purpose that the statements were made, that they were laid before the Senate and the committee as facts, that they rested upon responsible authority, and that they were deeply interesting to the whole country. These considerations were sufficient to induce him, as a member of the committee, to recommend the printing, and would induce him, as a member of the Senate, to vote for it.

The charges against the manufacturers of, and dealers in, salt, are grave and particular. Are they founded in truth? If so, the public ought to have full possession of them. Are they false? They ought to be made known that they may be met and refuted. Why then should we refuse to print the papers? Upon what grounds was the motion opposed? Strange as it might seem, principally upon the ground that the printing would be an infringement of the rights of the States!

An infringement of the great State Rights principle, in our system, for the Senate to order the printing of these papers? Papers, if true, developing the most wicked system of frauds and impositions, in reference to one of the necessaries of human and animal life, which has ever been developed to an intelligent people? And how is this objection to the printing sustained? By a reference to his own State! He is told here that she is the greatest monopolizer of salt in this Union, and that the printing of these papers will damnify her important interests in the article. Is this so? No, sir; no. Her interests in her extensive and useful salt works are not to be injured by developing the frauds and impositions practised elsewhere. On the contrary, her direct interest is to have these papers printed, and the truth known in reference to the whole matter, and especially that she may thus show the superiority of her system of police upon this subject. She has not submitted the manufacture of salt, at her works, to speculators and monopolizers, so far as the purity of the article is concerned. That power she has retained in her own hands. Every drop of water boiled, or evaporated, is supplied by State agents and under the supervision of State officers, and every bushel of salt made is carefully inspected by a competent State officer, and its purity thoroughly tested, before it is per-

mitted to seek a market among the consumers. Without fraud and perjury in these officers, or smuggling on the part of the manufacturers, no imposition can be practised upon the public in the quality of the New York salt. The same police is a perfect defence against the monopolies complained of in these papers. They could not exist without the knowledge of the officers referred to, and they would be faithless to their duty to suffer them to exist for a day without being made known to the whole State and to the whole country. This obligation would arise from their moral duties as public servants; but there is another obligation upon them more direct and immediate. The State imposes a duty per bushel upon the salt made, and to guard and protect and foster that revenue, is the especial duty of these officers. Any association, therefore, to diminish the quantity of salt made, would be, to the same extent, a conspiracy to diminish the State revenue, and would, in that way, come within the especial jurisdiction of those officers, and call upon them for prompt exposition.

It is not new to the experience of that State that great frauds may be practised in the adulteration of the salt made, nor is it that extortion in the price of the salt may be attempted by the manufacturers. Hence the retention by the State of its minute control over the whole matter, and its constant and continued efforts to furnish a pure and wholesome quality of salt. It is not enough, upon this point, that frauds and intended adulterations are guarded against. Expense must be incurred, the nicest processes of manufacture must be adopted, and the extremest vigilance used to expel from the water its impurities, and make it yield a pure salt. To these points the constant attention of the State inspectors have been directed, and the results, within the last twenty years, have been triumphant.

Is that State, then, to be told that her interests depend upon secresy in these matters?—that her revenue is to be destroyed by the publication of these papers, and the exposition of abuses such as he had pointed out, existing elsewhere? Are her dignity and sovereignty to be infringed by such a publication, a proclamation of frauds connected with other salt works in the country, similar to those which her experience has taught her would exist at her own, but for the vigilant supervision which she has been wise enough to retain over them?

No, Mr. President, (said Mr. W.) New York has no such fears to entertain from this harmless motion. She has, however, a direct interest in the publication of these papers. Her salt is a pure article. It goes into the market without combinations to raise the price. Her works can supply any quantity for which a fair market can be found, and her revenue is graduated by the quantity manufactured and sold. If, then, it be shown that, in consequence of frauds at other salines, she can furnish a better and cheaper article to their customers, her interests are promoted by the development. What is the fact now stated by the honorable Senator from Kentucky, (Mr. CLAY?) That he has, for the last year or two, obtained his supply of salt from the New York works, and that he has received a pure article, at a fair price. Where are the Kanawha works, compared with those of New York, in reference to him? And if the New York salt can descend the Ohio to the point required to supply the honorable Senator, what portion of the country is there, accustomed to depend upon the Kanawha works for a supply of salt, which cannot be supplied from Onondaga? Let the facts be known, then. Let it be understood that a wide and open market exists for pure salt within the reach of the New York works, and he would be responsible for the injury to her interests, her feelings, or her sovereignty, from the publication of the fact.

Suppose, sir, that the charges contained in these papers were directed against the New York salt manufactories. Would it be my duty to rise in my place here, and resist their publication? No, sir. Whether true or false, that State would exact no such duty from her Representatives here. It has never been her practice to conceal any attempts at fraud, connected with her extensive and rich salines. On the contrary, she has always sought to give to every imposition upon the public the most extensive publication, and she will not require of those who represent her here to attempt to make secrets of that information in relation to others, which she invariably makes public in relation to herself.

Another objection to the printing of these papers is urged, not less singular than that which has just been considered. It is said that the motion savors of agrarianism; that the attempt to expose these monopolies and frauds here, by a publication of the proof of their existence and extent, is acting upon a principle which, carried out in practice, would lead to the distribution of property, and the other levelling doctrines of the agrarians. Mr. W. said it would be difficult to make any distribution of property by which he should not be benefited in a pecuniary sense, but it was nevertheless a doctrine which he repudiated, and he should be compelled to vote against the motion, if he could see that principle in the order to print. He could not, however; and he was surprised to hear the opinion advanced. No legislation is proposed, and all that is asked is the simple publication of most important information upon a subject of universal interest. If the statements contained in the papers be true, he was sure no one would attempt to justify the practices complained of. Should they not then be made known?

Suppose it were charged here, with the authenticity of this testimony, that a number of farmers in Western New York had combined to raise and control the price of provisions, and that to accomplish their object, they had hired three-fourths of the farmers of that fertile wheat growing region not to cultivate their farms for a given season. Would it be his duty, as a Representative of the State here, to resist the publication of the fact? No. It would be his duty as well to his State and the people he represented, as to himself, to give it publication, to proclaim it to the world, and thus do all that it is in our power to do to arrest the intended evil.

The honorable Senator from South Carolina [Mr. PRESTON] had said that we do not represent the people here; that we are the representatives of the sovereign States, not of the people of the States; that one Senator may represent a million of population, and another one hundred thousand, and yet we are all equal here. This is true; and yet where rests the sovereignty of the States, but in the people? Who are the sovereigns of the States but the people? And would he have those of us who represent populous States forget our increased obligations growing out of the increased interests committed to our charge? Would he make us unmindful of the fact that we represent millions instead of thousands, and of the interests, the wishes, and the safety of those millions?

[Here several Senators, among whom the voices of Mr. WEBSTER and Mr. CLAY were heard, said "Yes, that is the rule; we ought to represent the people of our respective States."]

Mr. W. said he thanked the gentlemen for reminding him of the tendency of his remark. It would save him a future explanation. He had said upon that point precisely what he intended. He held it to be his duty truly to represent the wishes and interests of the people of the State which had honored him with a seat here, and he should continue to govern his acts and votes by what he believed to be those interests and wishes, unless arrested in his course by the command of another and a controlling voice. He hoped this explanation would satisfy the gentlemen upon the other side of the House, who had manifested so kind an interest in his faithfulness to his constituents.

Mr. WEBSTER said he had no objection to the printing of these papers. The time is coming when this subject will be dispassionately considered, and at that time, though he would throw out no challenge, he would endeavor to prove that the present moderate duty on salt was necessary to keep the article at fixed and uniform prices, and that it had no tendency to produce or aggravate the high prices which were complained of.

Mr. CALHOUN said, that as the question was about to be put, he desired to make a few remarks on the motion, before he gave his vote. In the first place, he wished to know from the chairman of the Committee of Finance [Mr. WRIGHT] whether the proposition to print these papers at this time, is intended to have any practical bearing; or, in other words, is it the intention of that committee to report the bill now before it, to repeal the duty on salt, for the action of the Senate this session?

[The answer of Mr. WRIGHT not being very definite, Mr. C. continued.]

I understood from the declaration of the Senator who introduced the bill, [Mr. BENTON,] that it was intended to press the passage of the bill this session.

[Mr. BENTON said, yes.]

Well, then, I shall vote against the printing, because, among other reasons, I am opposed to the repeal, or any other action on the subject, at this time. According to my view of your finances, we shall have not a cent to spare. The most rigid economy will scarcely be sufficient to carry us through the year without borrowing, or, what is the same, in effect, resorting to our own credit; and if the duty on salt should be repealed, the deficit would have to be made up by laying a corresponding duty on something else, or to borrow money to make good the deficit, to either of which I am opposed. I ask the chairman if my impression as to the state of the Treasury, and what must be the consequence of a repeal of the duty, is not correct?

[Mr. WRIGHT assented.]

I now ask the Senators from that portion of the Union, for whose benefit it is proposed to make the repeal, and through which the Cumberland road passes, whether they are prepared to vote the burden off their shoulders, at this time, and to ask us, in the next breath, to borrow money to carry on that road for their accommodation? I hope not; and, if not, that they will add their vote against the useless expenditure, at this time, of printing these papers.

But, sir, this is not my only objection to the repeal, even if it should be found to be expedient when the question comes fairly before us, as it must in a short time. The compromise act is taking off the duty on salt as rapidly as the interest of commerce and the community will permit. It is now about six cents the bushel, and will be reduced, in the course of the next two years, to two cents the bushel, making the reduction, at the end of the period, compared to what it is at this time, equal to 100 per cent. per annum, which is sufficiently rapid, one would suppose, to satisfy the warmest friend of repeal; and certainly as rapid as is consistent with sound commercial principles. I need not tell the most ignorant of the laws of trade, that all sudden transitions are ruinous to the regular and fair trader, as well as injurious to the general interest of the community, and ought to be carefully avoided, even where the change is, in the end, expedient.

There is another decisive objection, not only against the repeal at this time, but the agitation of the subject itself. It is well known that there must be a general revision of the duties on imports at this or the next session, under the compromise act, which ceases to operate in 1842. It is vastly important that the adjustment to be made should be such as will place the system of duties on the most equal and permanent basis, looking to the general interest of the country in the broadest light. To do this, we must come to the great work calmly and dispassionately, with the whole subject before us, free from previous sectional agitation or commitment as to the articles in regard to which the several portions of the Union may be particularly interested. It is thus only that the whole subject may be fairly considered, and satisfactorily adjusted. Every one, who knows any thing of the difficulty of the task, must feel and acknowledge the correctness of these views; and I would now ask, is it fair for any one portion of the Union to ask to be relieved of its burden, in advance of the rest? Would it not give it an advantage, when the general adjustment comes under consideration? And is the West disposed to seize on such advantage at this time? Would it be either right or manly in her to ask this concession from the other portions of the

Union at this time? We must not deceive ourselves. If salt is to be exempt from duty, some other article must bear an additional tax; and, as a Southern man, deeply interested in this question, I would wish to know, when it is taken off salt, on what other article it is to be laid. Is it to be laid on iron, or cotton bagging, or some other articles as objectionable at least as that on salt, as objectionable as it is to us? These questions, so deeply interesting to us, can be answered, practically and satisfactorily, only on a general revision, to which time, justice, equity, and fairness, demand that the subject should be postponed. The delay can be no serious injury to any interest, more especially as the duty is going off as fast as it ought, on sound principles.

But it may be said that the information contained in these papers is calculated to throw light on the necessity of repealing the salt duty, and that they ought to be printed, to enable us to act with intelligence when the general subject of revision shall come up. Admit that they are so calculated, I still object to their printing, even it that view, at this time; because it is plainly an attempt to forestall public opinion, on a single article, said to be particularly oppressive in one portion of the country, in order to give it an advantage over all others, when we come to the general discussion. I am, sir, against all forestalling as unfair and injurious, whether it be forestalling of public opinion as to the repeal of the salt duty, or the forestalling the article itself, of which the mover so loudly complains. Of the two, the former may prove by far the most exceptionable and injurious, if it should contribute to prevent a fair and satisfactory adjustment of the duties.

But, sir, if I had no other objection to the printing of these papers, there is one, growing out of their character, if I understand their contents correctly, which, with me, is decisive. I know nothing of their contents, except as drawn from the statement of the Senator himself. I infer from it that a large portion consists, of correspondence and other evidence, calculated to show that the manufacturers of domestic salt, who supply the West with the article, are guilty of the most odious monopoly, fraud, imposition, and oppression, for which reason it is proposed to repeal the duty on the imported article. I confess I do not see how the repeal of the small duty still remaining, and the still smaller that will, after a short period, can have the effect intended; but, be that as it may, I utterly oppose the principle on which it is proposed to place the repeal, and cannot give it the countenance which the voting for the printing of the papers would give. The principle involved, according to my conception, is precisely the same as that contained in the bill of the Senator from Kentucky, which was condemned by so decided a vote of this body at the last session. What did that bill propose? That the President should dismiss Federal officers who should interfere in elections. And on what principle was it voted down? That the right of suffrage was a reserved right, left by the Constitution, under the regulation of the States respectively, and that it belonged to them, and not to us, to say who should and who should not vote, and under what regulations they should vote, and that it was not for us to supply any supposed defect, or omission, on the part of the States, in the exercise of their power. This was the solid basis on which we rested our objection to the bill, and on which it was voted down by so strong a vote. Now, sir, if we turn to this case, we shall find, if I mistake not, the same principle apply with equal force. The salt works, with their production, and those employed in them, are under the exclusive legislation of the States within which they lie, and are exclusively subject to their regulation, as is the right of suffrage. This no one will deny. If, then, there be monopoly, fraud, imposition, or oppression in their management, it belongs clearly to the States, where the works are, to correct the abuse, and not this Government. None will deny this. In fact, the Senator himself acknowledged this, when he asserted that the State was competent to make the acts of which he complains, and which he proposes to establish by these papers, a felony. I now ask what greater right have we to assume in this case that the States have neglected or omitted to do their duty, than in the case of the right of suffrage; and, on that supposition, to modify our legislation so as to remedy the evil, and punish the supposed delinquents? Can any one point out any distinction in the two cases? How, then, could we reconcile our vote at the last session with a vote that would give countenance to the principle proposed to be established by these papers? I protest solemnly against an act that could lead to such an inference. If the duty on salt ought to be repealed on financial principles, or considerations of general expediency, let it be repealed. In that case, these papers would not be worth a farthing. But if not—if the repeal is to be placed on the supposed defect, or omission of duty, on the part of the States, a more dangerous and unconstitutional ground could not be assumed. It would make this Government the supervisor of the State Governments. If these papers have any value at all, they ought to be sent to the Legislature of Virginia, now in session, which only is competent to correct the supposed abuses of the salt establishments on the Kanawha and elsewhere within her limits, and which constitute the main object of their attack. As great as would be the unconstitutionality of ordering them to Richmond, to be laid before the Legislature of Virginia, I would consider it far less so than to make them the basis of our legislation.

With a few remarks on a single point, I shall close what I intend to say. It is proposed, with the repeal of the duty on salt, to repeal the fishing bounties, which, it is alleged, originated in the former. I do not intend to enter into that question; I leave it to others to decide on their origin. I place my refusal to a repeal of these bounties, at this time, on a wholly different basis. The great navigating, like the planting interest, has felt the heavy hand of your protective system. It has had, like the planting interest, to meet foreign competition abroad, not only without protection, but under the weight of oppressive duties, many of which still remain. I, for one, whether the fishing bounties are right or wrong in the abstract, will not agree to repeal them till you are prepared to do justice to that great interest. Take off your duties on iron, on hemp, and on lead, which fall so heavily on it, and then I shall be prepared to consider the expediency of repealing those bounties, but not before. Justice and equity are higher considerations than expediency. I stand up for them. While I insist on justice for the interest I represent, I would be ashamed to stand by and see injustice done to any other; and in this, I feel assured, I but speak the sentiments of those I represent.

Mr. BENTON could answer the question put to the chairman on Finance [Mr. WRIGHT] with more precision than he had done it. He held in his hand the answer of the Secretary of the Treasury to the question; for the Secretary had been applied to for information as to the operation of the Salt bill on the finances. The answer shows it will save money—that it will save the Treasury from loss. The bill is to repeal the salt tax and the fishing bounties and allowances founded upon them. Now, the question is, what is the product of the tax, and what the amount of the bounties and allowances; and the answer is here, (holding up a sheet of paper.) The answer is, that for this year the tax exceeds the bounties and allowances only by 110,000; and after 1842, when the compromise act takes full effect, will fall short of these bounties and allowances about the one half! This was an effect of that act, passed through Congress without leave to amend it; and by which duties are reduced without a corresponding reduction of drawbacks and allowances founded upon them. But he would not go further into that subject at present: the time was at hand when he should show, with the proof in hand, the operation of that act, which was made out of doors, and rushed through Congress without allowing an *i* to be dotted, or a *t* to be crossed. Mr. Verplanck's bill to reduce and regulate the duties was baffled for months, that the Administration should not have the credit of settling the question which the Presidential election had already decided; and while that bill was baffled in the House, another was concocted out of the House, which was not a settlement, but an adjournment of the tariff question—which adjourned it from the time when the country was ready to settle it, to a time when they will not even be thinking about it! That compromise act expires in June, 1842; and is the South and the West even thinking of the renewed contest to which it is to give rise? That act was a master stroke for the high tariff party! It took the question away—laid it by to recruit—and plunges us again into it in 1842. It conducted the tariff to a point at which it cannot remain—from which there will be reaction. Every interest will be dissatisfied, and there will be a general union of all interests, to renew the high duties.

Mr. CALHOUN. I rise simply to correct the erroneous statement of the Senator who has just taken his seat. He affirmed, as a fact, that the two extremes united to defeat the bill to reduce the tariff, introduced by Mr. Verplanck, in the session of 1832-3—meaning the advocates of the protective tariff and the State Rights men of the South. Now, sir, I hold the journals of that session in my hand. I hastily turned to votes on the bill while the Senator was making his remarks. I have looked at two decided votes, in which the yeas and nays were called, on that occasion, the only ones that I had time to examine; and I find that Mr. McDuffie and my other friends, as far as I have had time to examine their names, voted with Mr. Verplanck himself, and I will leave it to the Senate to decide whether he opposed his own bill or not.

The truth is, the bill failed in spite of our support; and its failure, notwithstanding the urgent necessity of avoiding civil conflict at the time, is proof conclusive, let who will say to the contrary, that nothing short of the means resorted to by South Carolina would have brought to the ground the odious and oppressive system against which it was pointed.

On motion of Mr. WALKER, the Senate adjourned.

MONDAY, FEB. 17.—The question recurring on the motion to print certain documents in relation to the salt duties, Mr CLAY and Mr. DAVIS withdrew their opposition, and they were accordingly ordered to be printed.

SPEECH OF MR. SEVIER,
OF ARKANSAS,

In Senate, Thursday, February 20, 1840—On Mr. GRUNDY's report in relation to the assumption of the debts of the States by the Federal Government.

Mr. SEVIER addressed the Senate as follows:

Mr. PRESIDENT: The resolutions of the Senator from Missouri, upon the subject of State debts, though modified by the committee to whom they were referred, are resolutions wholly of a negative character. Neither the originals or the amendments contemplate any legislation; but, on the contrary, the objects of both are avowedly to prevent legislation. These resolutions, though negative, unusual, and extraordinary, lead us into the consideration of the policy and condition of the States; their wisdom, solvency, integrity, and, I will add, their capability of managing with prudence their own local and private affairs. They lead us, also, into the consideration of banking and internal improvements, as now existing in, and carried on by, the States; and of the consequences, past, present, and future, of such systems upon the general affairs of the States, as well as the influence they are calculated to have upon the policy and welfare of the whole Union.

The first resolution presented for our consideration, is, shall we pay those debts of the States, (or which is the same thing, shall we assume them,) which have been contracted by them exclusively for local and State purposes? I answer, *No*. I answer, that I am unwilling to agree to any such measure. I answer, that we have no such power conferred upon us by the Constitution; that no such measure was ever contemplated by the framers o that instrument, and that no such power was ever exercised by Congress. The two cases put in this debate, the one of the assumption of the debts of

the States by Congress, shortly after the adoption of the Federal Constitution; and the other, of the deposite of the surplus revenue with the States in 1836, are not such cases, in my estimation, as warrant the just conclusion that Congress ever did assume or pay the debts of the States, or any of them which were contracted for local purposes. In regard to the first of these, I will state that if I have properly understood the nature of those debts, they were debts of that character which Congress would now pay, with perhaps less division of sentiment than there was upon that question at the time it was done. These debts were contracted, not for local or State purposes, not for private banking or local internal improvements, but for the common defence. They were contracted by our ancestors in the prosecution of the war of the Revolution; they were contracted by them in resisting the tyranny of George the Third, after they had manfully thrown off their allegiance, and boldly defied his power. They were contracted in sustaining themselves in the sanguinary struggle which ensued, in warring against his troops, his tories, his foreign mercenaries, and savage allies; they were contracted for such purposes as these, out of which have sprung our political and religious freedom, our greatness and glory, and our beloved country itself. There were debts not of a local character, nor were they paid in violation of either the letter or spirit of the Constitution.

In regard to the deposite of the surplus revenue with the States in 1836, or of a distribution of the surplus revenue with the States, at any time, (which I concede with the Senator from Missouri, for all practical purposes,) to be one and the same thing, I have to say that I consider the deposite, or distribution of the surplus revenue with the States in 1836, was neither a payment by Congress of the debts of the States, nor was it so intended, nor was it unconstitutional. And this leads me to consider the nature of the relations subsisting between the State and Federal Governments.

The Federal Government is not, as has been alleged in this debate, the parent, but is the child, or offspring, of the States. The Federal Government has no progeny over whom to exercise its solicitude, its sympathies, or its cares. It is a trust Government, whose objects and powers are defined and enumerated in the Constitution; and for many valuable purposes, for the benefit of all the States, this Government has been invested by the States with valuable incomes; and among these are the revenues arising from the customs, and from the sales of the public lands. Well, sir, should it so happen, that this trust or Federal Government shou'd, from these sources, or from any other, get into its possession more money than was needed for the full accomplishment of every object entrusted to it by the Constitution, and should have a surplus remaining in its possession, after those objects were consummated, what shall be done with this surplus? Whose money is it? Shall the agent fob it, or return it to its principals, from the pockets of whose peop'e it was received? Sir, in a case of this sort, it seems to me that justice and common honesty alike require that it should be returned, in the most equitable manner it could be done, to those from whom it was received; and in doing this, I can see no violation of the Constitution; no germs of consolidation, or destruction to State sovereignty or independence. No, sir; I can see in this no such hideous monsters, so much to be dreaded. But, sir, I am arguing an extreme case—a contingency, to say the least of it, which I consider very remote and improbable; and one, I will add, which I hope never to see existing in this country. I hope never to see existing in this country the absurd, expensive, and ruinous policy of raising a surplus by collecting taxes from the people, with the intention of paying those taxes back to the people again. Whatever may be the specious reasons urged in its justification, I would prevent this; I would avoid it, by giving to the Federal Government not a farthing more than was absolutely necessary for the consummation of the great purposes for which it was created. If I saw too much money accumulating in its vaults, I would lower the impost duties, and the price of the public lands; and if necessary to accomplish this object, I would abolish duties to the proper extent, and give away the lands. I would remedy the evils of a surplus in this manner; and if I failed to accomplish it, and, in spite of me, there would be a surplus, I would give it back to the States, to dispose of according to their will and pleasure—in making banks, or internal improvements, or in any thing else. I would give it back to the States unconditionally.

But, sir, we are not contending how we shall dispose of a surplus revenue, for we have none to dispose of. We are considering the propriety of raising a revenue for the purpose of paying the debts of the States, or of assuming them, which will produce the same result. And this leads me, Mr. President, to consider the manner and means of raising this revenue. How shall we raise it? Shall we raise it by direct taxation? Sir, that would be idle talk. No one among us is bold enough for such a proposition. Shall we raise it by increasing the price of the lands? No, sir: I fancy not. It is known to all of us, that such a proposition would be met and resisted at the threshold in the new States, with as much firmness and determination and perseverance, and, if necessary, to the same extent, that their ancestors resisted the stamp duties and the tea tax. What, then, remains from which we can raise this revenue? The tariff, that universal panacea for every pecuniary complaint; and are we prepared to increase the duties for such a purpose? Is the country ripe, in this period of universal embarrassment, for the renewal of high duties—of that odious and exploded system of traffic, plunder and oppression, which has proved so fatal to every interest of our common country; and that, too, for the sole purpose of dividing among the States?

What has the distinguished Senator from South Carolina [Mr. CALHOUN] shown you? He has shown the Senate, I think, most conclusively, that high duties are alike fatal to the agricultural, the shipping, the planting, and manufacturing interests. He has, to my mind, most satisfactorily accounted for our present and past difficulties, which we all grievously feel and have felt; but which many of us before were unable to trace, or correctly account for. A high protective tariff, he has most conclusively shown to be the main cause of our embarrassments. I will not weaken, by repeating his argument; but I refer to it, and, with his permission, will adopt its principles for my own. And here let me entreat every farmer, planter, navigator, merchant, manufacturer, and mechanic to read and understand that argument, and then tell me, if he is prepared for inflicting the scourge of a high tariff upon the country; and yet, Mr. President, it must be done if we assume the debts of the States. We can pay these debts in no other way that I know of.

And this brings me, Mr. President, to the consideration of the second question I propose to consider; and that is, ought we to divide the proceeds of the sales of the public lands among the several States? As well might we, Mr. President, as the Senator from Missouri has most truly stated, divide the proceeds of the customs. In my view, one of them is just as constitutional and as unexceptionable as the other. Wherever we have power to give land, we can give money also, and *vice versa*. I know of no distinction; and yet I might often be willing to give land where I would not give money; for the best of all reasons, because I might often have land to give, when I had no money to spare; but I can give neither, unless for a constitutional object. And to show the fallacy of this popular error, as I conceive it to be, about the lands, let us go back to the early history of our country, and we will find that so, early as 1777, a little over a year after the declaration of our Independence, the subject of the public lands claimed the earnest attention of the States, and presented a formidable obstacle to their harmonious action. The claim of Virginia to all the waste lands, lying between certain lines, extending from the Atlantic to the South sea, and of North Carolina and Georgia, from the Atlantic front to the Mississippi river; lands which were waste, uncultivated and unsettled, by any other than by Indian tribes, was a fruitful source of jealousy and discord to many of the States, and particularly so to Maryland, Rhode Island, and New Jersey. The complaining States saw and felt that if Virginia and the other States should hold all the lands they claimed, it would give to those large States, a preponderating and dangerous influence in the confederacy. They insisted, that their safety required that these large States should be restricted to proper and reasonable boundaries, and that all beyond should be made into free and independent States, were the same powers and privileges of the others. And these complaining States were right in their views; were justifiable in their jealousy, and are entitled to all praise for insisting upon their object, until it was finally accomplished. This was not all. The complaining States treated the high pretensions of the others with very little gravity. They represented the waste, unpatented, and unoccupied lands, as crown lands, and as such, subject to the hazard of the Revolution, and if conquered of the monarch to whom they belonged, should rightfully be considered as the joint spoil of the victors. I will not take up the time of the Senate in tracing this interesting subject, from 1777 to the first cession of these waste lands to the United States by New York in 1781, and by the several other States thereafter; for in this, I have been anticipated by my able friend from New Hampshire, [Mr. HUBBARD.]

I will only add to his remarks, that these several cessions were made expressly to produce harmony and tranquillity among all the States. To quiet all their apprehensions, Virginia ceded all her lands, northwest of the Ohio river, to the United States; and in doing so, she carved out the ceded country, according to the wishes of all, into separate parcels, so as to make not less than three, nor more than five, new States, and then stipulated, that the ceded lands "should be disposed of for the use and benefit of the United States according to their *respective proportions of charge and expenditure, and for no other use or purpose whatsoever*." All of these cessions, with perhaps the exceptions of Georgia and North Carolina, were made prior to the adoption of the Federal Constitution. And has that instrument altered the *terms* of these cessions in any respect whatever? The Senator from Kentucky [Mr. CLAY] has told us that the adoption of the Federal Constitution has changed the nature and terms of these cessions. He tells us that, prior to the adoption of the Federal Constitution, Congress apportioned out among the States the sums that were needed for the common defence, &c. and that these apportioned sums were raised by the States individually, by a direct tax upon their lands and improvements, and that, as that system of raising a revenue for the common defence, &c. was repealed by the adoption of the Federal Constitution, he argues, that the terms of the cessions were abolished, or repealed, also by the Constitution. In this we differ. I am no lawyer, or rather a very poor one, but it seems to me, that the constitution could not have changed the *terms* of the cessions made to the United States by Georgia and North Carolina, because those cessions were made to the United States by those States, subsequent to the adoption of the Federal Constitution; and that the terms used by those States, are precisely the terms used by Virginia in her cession prior to that period. But take the argument of the honorable Senator, and what does it amount to? It amounts to this, as I most humbly conceive: that, if the terms of the cessions of those lands were repealed or abrogated by the Constitution, they become public property, belonging to the United States, unhampered by conditions; or else, as hundreds have inferred from the Senator's premises, they become the exclusive property of the States, within whose limits the lands lie. Well, sir, if they have become the property of the United States, unhampered by conditions, by a repeal of the terms of the cessions, what right has the Senator to divide those lands, or their proceeds, which is the same thing, more than he has to divide among the States, any other public property or money that may be in the Treasury? None, that I can conceive of. Well, sir, suppose the terms of the cessions of those lands were repealed, as he contends they were, and the United States did not acquire an ex-

clusive right to those lands, by that repeal; whose lands are they? If this be true, I answer that those lands belong to the States where the lands lie, and as such, that we have no right to divide them out among the other States. We have no right to divide them in any view of the question. If the terms of those cessions are in force, we have no right to divide them, because we cannot do so according to the terms of our contract. If the terms of those cessions are repealed, the repeal is not partial, but total, and the lands revert back to those who ceded them; and if so, the other States have no right to a portion of them, or else they belong to the new States, where they lie; and, in that event, the other States have no right to any part of them.

These are the difficulties the Senator's premises would lead us into. And all these difficult es will be avoided by regarding them, as they have uniformly been regarded, as subject to all the terms of the compact. The only clause in the Constitution upon the subject of those lands is, "that Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory and other property of the United States; and nothing in this Constitution shall be so construed as to prejudice *any claims of the United States*, or of *any particular State*." As this is all that we find in the Constitution upon the subject of the public land, I infer that neither any claims to those lands by the United States, (which claims rest upon cessions to it by the States,) or of any claim upon them by any particular State, is not only not repealed, but is yet in full force and effect; and that no law of ours, violating in any manner either of those claims, can be either just or constitutional. And what is our compact? We agree to dispose of those lands for the common good—"according to the respective proportions of charge and expenditure, and for no other purpose." How else can we dispose of those lands for the common benefit, according to the charge and expenditure of the several States, but by selling the lands, and placing the proceeds of the sales in the common Treasury, and then by paying it out for the current expenses of the Government, and (as the honorable chairman has most truly stated in his report) in this way, lessen the general charge upon the people of the several States, in the exact proportions stipulated in the compact? Can you dispose of these lands in any other manner, without doing injustice to some one of the States? By adhering to the good old practice, which we have been following for fifty years, we shall do equal justice to all parties, give just cause of complaint to none, and at the same time comply with the letter and spirit of our contract. And where is the just ground of complaint against this system? Do we not all get our equal proportion of the proceeds of those lands in the way of an equal diminution of our common budrens? It is not so, says the Senator from Kentucky [Mr. CLAY.] He says that those residing on the Atlantic pay a great deal more into the Treasury than those residing in the interior. Now, sir, I will not wrangle with that distinguished Senator about this assumption. Admit his distinction, that a citizen of New York or Maryland consumes more of dutiable articles than a citizen of Kentucky or Ohio; does it follow from this that a citizen of the former State is less benefited by a reduction of duties than are the citizens of the latter States? I think not. If you, Mr. President, buy two coats, and I buy but one, off of the same piece of cloth, is it not right and proper that you should pay into the Treasury, for that privilege, double as much as I should? I think so. And if the duty on it is reduced one-half, are you not as much benefited by it as I am, being in the proportion of two to one? Certainly. Suppose we take from the common Treasury three millions of dollars, which the lands yield every year, and divide this sum among the States; would not this three millions have to be made up by a duty upon something else? Certainly. And pray, then, in what respect are the citizens of any State the gainers by it? Suppose Arkansas should receive twenty or thirty thousand dollars from the Federal Treasury, which would be her part of the proceeds of the public lands; does she not have to return it by way of duty or tax upon something else? This cannot be denied. What, then, has she gained by it? Nothing. And if she came out of this matter even and without loss it would not be so bad; but she would not. She would have to pay the expense of this transfer and retransfer, besides the risk of loss through faithless agents. To make my illustration still more clear: the Secretary has told us that he will require every dollar he can get into the Treasury from the customs and the lands, and all other sources, to meet the ordinary charges of the Government during the present year; and yet, in the face of this, we take from the Treasury three millions to divide among the States. Will not these three millions have to be made up by a taxation upon something? It is too plain for argument. I ask Senators, then, what we gain by it? If I pay a dollar into the Treasury, it is the same thing to me whether I pay it as a poll tax, a land tax, or a tariff tax. My dollar is gone for taxes, and that is enough for me to know; and I am unable to see why I should be under very great obligations to the honorable Secretary, by being informed by him, that out of a spirit of liberality to me, he will return me my poll tax dollar, which is considered an odious tax, and collect another dollar from me off of my land or cup of coffee.

Sir, the Senator from Kentucky [Mr. CLAY] says that he will not urge his bill to divide the land revenue among the States at this session, on account of the impoverished condition of the Treasury. And yet he thinks it might be safely done now, if proper retrenchments and reforms were made. And, with that boldness and frankness which ever distinguishes him, he comes out like a man, and does not, like many of his party, bellow about retrenchment and reform, without telling us what retrenchments and reforms should be made. He puts his finger upon the objects, and tells us what are the retrenchments and reforms which should be made. He tells us the army should be reduced, and particularly the two regiments which we lately added to it. He tells us that our diplomatic intercourse should be circumscribed, and that many of our foreign ministers or agents should be recalled. Sir, if the Senator had not told us what retrenchments and reforms he would have made, I confess that I never should have guessed the ones he has enumerated.

Sir, I am opposed to the retrenchments or reforms the Senator designates. I consider our army sufficiently small already, and would sooner vote for an increase than a diminution of it. We have an Indian frontier extending from Red river to St. Peters, from Texas to Canada, upon which we must keep up garrisons, if we would sufficiently protect our citizens in that quarter. I suppose nearly half the army of the United States are now stationed on that frontier, and I am satisfied that there is not a soldier too many in that quarter for an efficient peace establishment. We have a war now raging in Florida, and the Committee on Military Affairs have reported a bill, which is now on our table, asking us for one or two thousand more men to carry on the Florida War. We know that troops are required on the frontiers of Maine; and do we expect to take and keep possession of our possessions on the Pacific without troops or an army? Sir, of all things in the world which any honorable Senator would designate as a reform, I was the least prepared to hear, in these times of danger, on all sides, that a reduction of the army was considered as one of them; nor was I prepared for the other he has named; which is to recall some of our foreign ministers or agents, and leave our commerce, our ships, our sailors, exposed to loss or danger. And why, Mr. President, should these reforms take place? They should take place, that we might have the power to divide among the States a miserable, pitiful, land revenue. Sir, I fear that if we once embarked in this policy of dividing the land or any other revenues among the States, that a reduction of the army, and the destruction of our fleets, would not be the only reforms. We should see the number swelled at every session, until we should have nothing left which is worth preserving. But these are not the only ways and means by which the honorable Senator would be enabled to get at the land revenue for distribution among the States. He tells us he would lay a duty upon silks, wines, coffee, and other luxuries. Now, sir, I am not in the habit of hunting up and reading the speeches of honorable Senators, for the purpose of finding an unguarded expression to cavil at, or to find fault with him for using. I generally rely, for the occurrences of my own times, upon my memory; and unless that greatly deceives me, the anxiety of the Senator to get this land revenue for distribtion has changed his whole tariff policy. I was in the Senate, though not then a member of it, when the compromise act, as it is called, was discussed. And if I am not mistaken, the Senator was among the foremost in advocating a reduction of duties upon silks, &c. His leading wishes then were, to save our poor, but industrious worthy manufacturers. And if I remember aright, he then was for taking off the duty upon silks, that his countrywomen might be enabled to dress out in silks on Sundays. But now we hear nothing of the inviolability of the compromise act. Nothing of the poor manufacturers, nothing of silk dresses, &c. No, sir, the land distribution project, and an impoverished Treasury, have changed all these calculations. The compromise act is to be violated by its author, and his country girl is to give up her silks, and go back to her cast-off calicoes and domestics.

Sir, I will not take up the time of the Senate, in discussing, at this time, the propriety of laying on a duty upon silks, wines, coffee, &c. I will only say these are important interests of a great country, who purchase to a great extent the cotton of my constituents, and that I am for no hasty action upon these subjects, until I can clearly ascertain what effect these duties may have upon our treaties and upon the cotton trade.

Mr. President, I have been frequently asked why I was opposed to the land distribution policy, which was so beneficial to the new States, and particularly to the weaker and younger States. We propose, they say, to give you a great advantage in the division; say ten or twelve per cent. This, I confess, seems to be a pretty liberal offer; and as I am not generally in the habit of declining favors offered to my State, it is necessary that I should say something upon this apparently strange inconsistency; and I will not be so uncandid as to have the Senate believe that I decline this distribution on account of its inequality to the old States.

[Mr. BUCHANAN. No one will ever accuse you of that.]

Nobody would believe me if I were to assign such a reason, and, therefore, I will not urge it upon the Senate.

I decline the offer, because I consider the true policy of the new States consists in their rapid settlement and improvement, and that nothing will so greatly advance their ends as pre-emption rights, and a graduation or reduction in the price of the public lands; and that nothing I ever heard of, in my opinion, is so well calculated to retard the settlement and improvement of the new States as the distribution policy. Let that policy once be adopted, and we shall never after hear of pre-emptions and graduations. For where did we ever see an advocate for distribution that ever voted for a pre-emption or graduation bill? He who runs may read their course. They care less for the settlement, improvement and prosperity of the new States, than they do for the hard dollars they can wring from them for the lands. Let the distribution policy once become the settled policy of the country, and the old States will become the landlords to the new; and we should find them about as unwilling as other landlords are to make any allowances for sickness, or bad seasons, or short crops, when quarter day came round. We should have to raise the cash, or be driven into the woods. We should find the unrepealed, but obsolete, law of Congress enforced against us. We should find ourselves indicted if we cut a hooppole upon their hills, or shot a deer in their lordly domains. Now, sir, I am unwilling to place my constituents on any such condition.

Sir, we of the new States occasionally turn our eyes to the condition of our country, and to the proceedings of Congress, and we see that the citizens of the old States have had their burdens diminished, and that they are still diminishing, by

the reduction of duties upon imposts, and we anticipate equal reduction in our burdens by lowering the price of the public lands. Such a measure as this will be but meting out to us equal justice. And shall we look for these things in vain? We hope not. We have had many beneficial alterations made in the land system since it was first adopted. We have seen the size of the tract of land, authorized by law to be sold, reduced, first to 320 acres, then to 160, then to 80, and lastly to 40 acres. We have seen the price of the public land reduced from two dollars to one dollar and twenty-five cents an acre. We have seen Congress granting many donations to actual settlers, and have seen the passage of several pre-emption laws; and the most of these things we have seen before the tariff was reduced, even when it was going up, and our country deeply in debt. We have been waiting patiently upon the wisdom and justice of Congress, and hope we shall not have to wait much longer before our great burden is lessened in an equal degree with those who reside in the old States. The tariff has been reduced 40 or 50 per cent. and why should not the land bill of the Senator from South Carolina, which proposes something like an equal reduction, meet with the favorable consideration of the Senate? Is it because the old States want this public burden kept on, which they do not feel, that it may be divided? I pause for a reply.

Mr. President, it has been alleged in this debate that the lands are indebted to the customs. It is not important to my argument whether they are, or are not, in debt to the customs. I think it due to myself, however, to state that I do not subscribe to the correctness of the calculations made by several honorable Senators upon this subject; nor have I thought it important to distinguish between the lands held by cessions, or by purchase, as I consider them all alike the property of the United States.

Mr. President, how have the States got in debt, that we are under any obligations to raise a revenue to pay these debts? Or why should we divide among them the land revenue, or any other revenue, that they may pay their debts themselves? They have got in debt, we are told, in building up banks, and prosecuting works of internal improvement. And this brings me to consider these two important subjects, which, in these times, mingle themselves up in almost all our discussions of a general character. And first, of the banks.

The Senator from Ohio, [Mr. ALLEN,] as I do him the justice to acknowledge, (and if I did not believe he would be pleased with such distinction, I would not so distinguish him,) has ever been the most firm, consistent, and unwavering opponent of banks and all their interests, either in or out of this chamber, that I ever saw. Whenever a bank shows its hideous features in his presence, he rises to his feet for battle, with "his arrows drawn to the head;" and I do not blame him for it, for I should be an humble ally in his ranks, if I viewed them in the light in which he does, as the authors of "all our woe," or the authors of all the difficulties and distress under which the country is groaning; and as the authors of our debts, and embarrassments, and misery. And to illustrate his positions, and to show us that the banking system, as we have it, produces the same results in "every age and clime," he has taken us over the Alantic, and back to the reign of William the Third of England, whom he denominates the father of the Bank of England, and from which, he says, the banks of America have been modelled.

The Bank of England, he alleges, is the cause of the immense British debt. Now, sir, I do not profess to be familiar with the history of the Bank of England. But I have been taught to believe that it cannot be justly chargeable with that debt, but in a certain sense. I had ever understood it to be the cause of these debts in this way and in no other: the British debt grew out of her wars which she carried on in Europe, Asia, and America, and out of her acquisition of immense dominions upon each of these continents. Her principal debts were contracted in struggling for her existence as a nation against Bonaparte and his allies. The Bank of England mainly furnished her with the means of carrying on those wars; and but for the liberal aid of the bank, it is probable that Great Britain would have ceased to exist as a nation, and the island of Great Britain would now, in all probability, have been but an island of France. And does the learned Senator censure the Bank of England for loaning her means to her country in such fearful struggles? I think, myself, he ought not to censure that bank for these loans; although if the bank had refused its aid, it might have kept the British Government out of debt. And, while upon the subject of the Bank of England, I will add, (what will probably but show my ignorance of events in that country,) that I have never heard that the Bank of England was ever justly chargeable as the author of any of the discontents, or insurrections, or rebellions in that country. Nor was it ever, to my knowledge, considered as a grievance by our ancestors in 1776, when it was supposed that every prominent cause of complaint against the mother country was embodied by Mr. Jefferson in the declaration of our Independence. And I infer from this silence upon the subject, in both countries, that if the Bank of England had been the cause of debts or misery on either side of the Atlantic, that the wisdom of those times would have found it out, and at least have charged it with those sins.

But let us come near home, and see if the banks of this country have occasioned the debts of the States. During the existence of the first Bank of the United States, the States owed nothing; and we find, from the table furnished by the diligent Senator from Missouri, [Mr. BENTON,] that, up to 1830, which was fourteen years after the charter of the last Bank of the United States, the debts were trifling, and were confined to a few of the most wealthy and populous States. Those debts he considers trifling, up to that period; and I consider the honorable Senator good authority, at least, upon this subject. Here, then, we have an answer to the charges made against the banks by the Senator from Ohio. The charter of the second Bank of the United States expired in 1836; and so it had but six years left to embarrass and impoverish the States. And did it do all the mischief in the last six years of its existence? I think not. We find, from the table before alluded to, that the increase of the State debts, from 1830 to 1835, down to the period of the very close and termination of the Bank charter, that the State debts were increased from a very trifling debt, by the still trifling additional debt of forty millions. I refer to this official table as a complete refutation of the charges of the Senator from Ohio, that the United States Bank was the cause of all our embarrassment and misery; and if it was not the cause of these debts, what was the cause? I answer that the State debts mainly, have sprung out of the double vetoes upon the United States Bank charter and upon the Maysville road. I mention those vetoes out of my regard for truth, and not for censure. On the contrary, I approve, and most heartily approve, of both vetoes; I approve of the veto upon the United States Bank charter, on the ground that I consider such an institution too powerful and dangerous for the safety of the country; and I approve of the other, not so much for withholding an appropriation to the Maysville road, as for checking the operation of an expensive, partial system, which was running into the wildest and most extravagant excesses, and breaking down the salutary distinction between national and local works, and which, if left to go on without restriction, would have bankrupted the Government, without benefiting materially the great majority of the States who contributed the most of the means by which these works were executed. But to return from this digression.

So soon as the Bank of the United States was destroyed, and its days were known to be numbered, and its branches in the several States were being withdrawn, the States went to work to supply their places. They had no money to start their banks, and, from necessity, went into the market with their bonds to raise it. The ball, once put in motion, could not be stopped. If one city had a bank, another city must have one also; and if the cities had banks, the country villages must have them also. And in this way, the work was overdone, and too many banks were established; and as they were all banking upon borrowed capital, for which they were paying a high interest, it was necessary for them to make at least that interest, over and above their expenses. Each bank was driving at the same object; and to accomplish it, they were led into excessive issues of their paper, and we all but too painfully know the result. This is one of the causes of the State debts; and, to my mind, is clearly traceable to the veto upon the charter of the Bank of the United States.

The other grew out of the policy of the Government in arresting, in 1830, the system of internal improvements. Up to the period of the veto upon the Maysville road, the United States annually appropriated, for works of internal improvement, many millions of dollars; and while the Government was engaged in this work of internal improvement, the States generally gave themselves no concern about it. These appropriations being suddenly cut off, first by the veto, and afterwards by Congress, the partiality of the States for these works induced them to undertake it. They had no money for such purposes, and, in order to get it, went into the market with their bonds, and in this way obtained the money. Having once adopted the system, it could not be restricted or prudently confined to works of immediate profit, or of great utility. To get along with *any*, the States had to undertake *all* that the different sections of the States desired. More money was wanted, and more bonds were sold, and these bonds were bearing a heavy interest, which was payable semi-annually generally, and none of the works were finished, and it became, therefore, necessary to raise this interest by taxation, which was not always done, or else to take a part of the principal borrowed, to pay the interest, which was sometimes done. To avoid taxing the people to pay the interest of the State debts, and to avoid the still more exceptionable expedient, of taking a part of the principal borrowed, to pay the interest, prodigious efforts were made to complete the works, that the tolls might pay the interest; and these efforts required more money, and to obtain it more bonds were sold. In this manner the home market became glutted with State securities; money became scarce on this side of the Atlantic, and a market was sought for those securities on the other. Interest rose up to six per cent.; but such interest obtained the money, and then new difficulties presented themselves. The great demand for labor raised the price of labor, and, with it, the price of provisions and every thing else. I will not pursue these reflections any further. I have mentioned them for the purpose showing that the veto upon the Maysville road bill was one of the prominent causes—yes, I may say with truth, (and if there be any truth in the dates and tables of the Senator from Missouri,) the most prominent cause of the debts of the States.

Ought we to pay those debts of the States? I answer, as formerly, that we ought to do no such thing. The States are able to pay those debts themselves; and if this Government were to begin paying State debts, there would be no end of it. If we paid their debts which they have contracted for banks and internal improvement, our next step would be to pay their local taxes, their officers of government, and their tailors, butchers, cooks, and washerwomen. And a payment of either of such debts would, as I most humbly conceive, be about as constitutional and expedient as the other, unless, indeed, the magnitude of the expenditure in the one case, and the smallness of it in the other, should constitute a difference. The payment of State debts would destroy the pride, independence, and noble energies of the States. Relieve State authorities of the just responsibility to their tax-paying constituents, and there would be no limit to State debts.

Mr. President, we represent the most intelligent, thriving, and enterprising people on the face of the earth; and yet they must be checked in their fancies for new schemes and "projects wild," by the constant reflection that their own pockets must make good the issues of all their undertakings. But for this balancing and prudential consideration,

we should have more schemes and projects than the patent office would hold. Ours are a going-ahead sort of people, always in a gallop, and have at all times more things upon their hands than forty times their number could execute. They glory in motion and excitement, and do every thing in a minute, and change from one pursuit to another with the rapidity of thought. These are not their only peculiarities. It is indispensable to their happiness that they should at all times have an idol to worship, and a clown to laugh at, they must have occasionally a Sam Patch, a Morgan, an Abolitionist, or an Oceola, to marvel at and to talk about; they are often the victims of humbugery. The speculations in Merino sheep, in Arabian steeds, in English cattle, and Berkshire hogs, have had their day with them. The humbugery now is Espy's showers and the Morus Multicaulis; these are now "the flying Cynthias of the minute," and to-morrow they shall have something else. What will it be? Will it be that greatest of all other humbugs, the United States paying the debts of the States? We shall see.

Mr. President, it does not become me to decide whether the States have acted wisely or otherwise, in borrowing money to establish banks, or for carrying out a system of internal improvements. The States have done these things. We have seen the banks which they have established, violating their charters—inflating and deranging the currency to such an excess as to raise the price of labor and property to at least double its fair value. These evils have been seen and felt by every one. But the States are endeavoring to correct their banking institutions, and to profit in future by their past disasters and misfortunes. We then see them struggling for this point all around us; we see the banks, which redeem their notes in specie, doing little or nothing; we see those in a state of suspension rapidly curtailing their issues; we see the paper circulation brought down nearly to the amount of specie in the country. All this, I think, argues well for the future. We see many (nearly all) of the works of internal improvement unfinished, expensive, and unproductive. We know the States will have to borrow many millions more before they are completed; for to leave those works, in their present unfinished condition, would be sinking all that has been expended upon them, and impoverish the citizens of some of the States for years to come. We know and see all this; and yet I do not despair in seeing the States surmount all their difficulties, with honor and profit to themselves, without ever violating any of their engagements.

Mr. President, we are in a peculiar manner the representatives of the States: we have been sent here by them to protect their sovereignty, and defend and vindicate their honor, integrity, and perfect capability of managing with prudence their own affairs; and, as such, it becomes us, at all times and upon every fit occasion, to see that no injury is done to their credit, or to their lawful systems. I will never consent to destroy or cripple one or the other.

Mr. President, nearly the whole of the State debt is vested in banks and in works of internal improvement. These State debts were contracted by those who had a right to contract them; and the proceeds of those contracts have been invested by those who had a right to invest them. They were so invested by men not inferior to us in patrotism, in intelligence, or in a thorough knowledge of the local wants and resources of the States.

We have no ground for questioning the wisdom, prudence or purity of those proceedings. The interests of banking and of internal improvements are important and leading interests in the States; and so completely interwoven with all the other interests, that they cannot be overthrown, or arrested, without inflicting upon the States a deep, permanent, and lasting injury. The States calculate that the banks, and the public works, together, will discharge the debts incurred for them by the States; and who is here who doubts that they will do it? In what State will the failure occur? Sir, let the banks and the internal improvements of the States alone. Do not sink them into discredit, and there will be no occasion to fear that we shall ever have the debts of the States to pay, or ever be importuned upon the subject.

Have the States asked us to pay their debts? Some of them (not all, not even a majority of them, I believe,) have asked us to divide the land revenue. Some of them have asked, and do now ask us, to do so; and these petitions, upon this subject, are now before a standing committee of the Senate. And should we grant the prayer of these petitioners, how will the States dispose of this money? They will dispose of it in paying debts, in strengthening their banks, in completing their improvements; or, in other words, according to their will and pleasure. The land bill of the Senator from Kentucky, I believe, leaves, or it ought to do so, the disposition of the fund to the discretion of the States. This is the only proposition of any of the States, having the slightest analogy to the one for paying their debts; and as it is their only proposition, and is distinct and unequivocal in its terms, and opens widely and fully the questions we have been discussing, truth compels me to state that I regret our proceedings upon the subject of State debts, had not been confined to the consideration of this land distribution policy. By going farther than this, by passing by their petition, not even alluding to them, we are improperly placed in a false position before the public. We are made to appear by our adversaries, in this debate, as assuming a jurisdiction of the affairs of the States generally, which we have no right to assume. We are made to appear, by this false issue, in the despicable light of spies or eavesdroppers in the family affairs of the States, for the unholy purpose of filching their secrets to betray them. We are made to appear as holding up the States to the world—to the enemies of liberal principles and free government every where, at home and abroad—as bankrupt, prodigal, dishonest, and contemptible, and utterly incapable of prudently managing their own affairs. These are positions in which I have no ambition to be placed.

Sir, my State (Arkansas) has never yet presented herself at your footstool, in the humble and degraded attitude of a kneeling beggar, soliciting alms or charities from the Federal Treasury. Sir, she is above and beyond the reach of such humiliation. She regards alike your bequests, your sympathies, or your censures; and will ever be prepared to rebuke, in a becoming spirit, any of your officious intermedling in her private affairs. Sir, she is a sovereign, proud and independent, in the elasticity and vigor of her youth, and she knows and feels what is due to herself. She owes nothing for internal improvements. But she has loaned her credit for the benefit of her citizens, to the extent of three millions for the purpose of establishing two banks. She expects, and properly expects, that those three millions, will be paid by the banks, for whose fidelity she has vouched and bound herself. But should it turn out otherwise —should her banks disappoint her—she will foot up the bills herself and pay them—she will not murmur about it to you, or distress your sympathetic bosoms with her tears. Sir, could I do so, without compromitting her dignity by offering to respond to unauthorized and impertinent inquiries, I could, in a few words, satisfy the Senate, and satisfy the whole host of "the stockjobbing herd," that her trifling debt, if her debt it can be called, will be honorably and promptly paid at maturity. It is enough for me, on this occasion, to say that those who hold her bonds are content with the security.

Sir, I shall vote for all the resolutions, and with particular pleasure for that one which repudiates a distribution of the land revenue.

SPEECH OF MR. SALTONSTALL,

OF MASSACHUSETTS,

In the House of Representatives, Saturday, December 21, 1839—The House having under consideration the following resolution, moved by Mr. HOFFMAN, of New York, viz:

Resolved, That the standing rules and orders of the last House of Representatives, except the 11th rule, be adopted as the rules and orders of proceeding of this House for the ensuing ten days; and that the rules and orders be referred to a committee, with instructions to report such amendments of the said rules and orders as they may deem expedient; together with the following amendment thereto, proposed by Mr. CRAIG, of Virginia, viz: "strike out the words *except the 11th rule*"—

Mr. SALTONSTALL said he was as anxious as any gentleman in the House that its organization should be completed as speedily as possible. We were now on a question which, in the ordinary course of proceeding, would have arisen on the very first day of the session. The delay in the organization had been occasioned by the discussion of a great constitutional question. He had no regrets on the subject, except for the result. It was their duty to resist what they deemed to be a violation of constitutional right and usage at the threshold; and, although the decision had been contrary to his opinions and feelings, he believed the time had not been lost. The argument for the constitutional right (which had not been answered) would be productive of much good. I repeat, therefore, (said Mr. S.) this may be considered as the beginning of the session, and we are met by a question which, trivial as it may appear to some gentlemen, seems to me to be one of great importance—no less than whether, in the election of the officers of this House, we shall depart from a usage which has all the force of a contemporaneous construction of the Constitution. I am opposed to the new rule, because it is an innovation on the practice of this House, extending from the first meeting of the first Congress under the Constitution down to the last session. The election of the acting Clerk was the first instance in which an officer of this House was ever chosen by a *viva voce* vote. The rule "that in all cases of election by the House the vote should be taken *viva voce*" was adopted immediately afterwards, with little or no debate, under the application of the previous question. Is such a rule, adopted at the close of the last Congress, to be binding on this? Why should we depart from the long and well established usage of this House? Is there any necessity for it? We are told that the mode proposed *carries out the spirit of the Constitution*. Sir, these unnecessary innovations will *drive out* the spirit of the Constitution. In the only case in which the mode of voting is mentioned in the Constitution, it is expressly provided that it shall be *by ballot*, and that, too, in the very highest and most important of all elections—that of President of the United States. It must be *by ballot*, both in the College of Electors and in the House of Representatives, should the election be had there. How, then, can elections by ballot be against the spirit of the Constitution? Or how can *viva voce* voting be more in consonance with its principles? The great argument for the change is that we are mere agents, accountable to our constituents, and that they have a right to know for whom we vote in all cases. Surely, if in any election by Representatives or agents they are responsible to the people, those are so, in the highest possible degree, whose action controls the greatest political event which takes place under our Constitution—the election of the Chief Magistrate of the United States, the most important election, not only in this country, but, I may say, in the world. I admit our responsibility. But for what? For every exercise of incidental power? Are we any more agents of the people than those illustrious men who have preceded us here? Those who made the Constitution, and put it in operation? Did not they understand the extent of their responsibility?

We are responsible for the faithful performance of the trust committed to us. The Constitution places it in the power of one-fifth of this body to cause the yeas and nays to be recorded in our Journal, when in the discharge of our legislative duties; but it goes no further. It grants to each House the right to choose its own officers, but leaves the manner to their discretion. The election of our officers is analogous to elections by the people themselves, which all admit should be by ballot. The officers of this House are appointed for the more convenient and orderly performance of our legislative duties. Does our responsibility to our constituents require that their election should be *viva voce?* Did they understand it so? Did they

not suppose that it would be made in the long established mode? Have our constituents no confidence in us? Why have they sent us here? Surely because they have some confidence in us. But what sort of confidence can the people have in Representatives whom they are not willing to trust to vote at their own discretion, upon information obtained here, for a Clerk, or Printer, or Sergeant-at-Arms? It never occurred to them to hold their Representatives accountable, according to the doctrine contended for. They make no inquiries on the subject; but should my constituents ask, I shall never hesitate to tell them for whom I gave my vote. Did the people complain that the officers of this House were chosen by ballot? Where did the idea that a change was necessary originate? With the people? No; it originated here. It was conceived in this House, or in this city, and that very recently, and owing to then recent events, and for objects which have been stated by the gen leman from New York, [Mr. HUNT.]

The change will not be an improvement. It may carry out more perfectly the system of party organization; but the executive officers of this House ought not to be mere tools of party. It is contrary to the theory of the Government. It may be inconsistent with the proper performance of their duties. The Clerk, for instance—ought he to be an active partisan? No; he ought to go straightforward in the discharge of his duty, wholly uninfluenced by party considerations; he ought not to be a man who will permit his course to be dictated by party managers. Ought the press employed by this House to be a mere party engine? So the other officers—the Sergeant-at-Arms and the Doorkeeper—have important duties to perform, in the discharge of which they should know no party distinctions. A Doorkeeper, who is a mere tool of party, may carefully look up all of his own party from the lobbies and committee-rooms, when an important vote is taken, to the neglect of others. The duties of these officers should be discharged with strict impartiality.

I am opposed to it, because the *ballot* is the only mode to secure perfectly free elections. Gentlemen who have advocated *viva voce* voting have repelled the idea that any one would be afraid to acknowledge the vote he had given. If so, then there is no need of setting aside the old and most convenient usage, because the result of our election will be the same. But we are not all insensible to fear. Some are sensible to fear of one kind, and some of another. There may be gentlemen who would not shrink from any danger, from an open foe, in the open field, who might fear the arrows that fly in darkness—they might fear to incur the denunciations of their party, or to be stigmatized as *traitors* in the party press. And there may be influence of a different kind. We all have much intercourse with the officers of this House, and may have received many kind attentions and services from them, and may entertain towards them the most friendly feelings, and yet, in our opinion, the public interest may be promoted by a change. In such a case, to say the least, it would to some seem discourteous to stand up in their places and openly vote against their old officers. Coming from the State I do, I have been surprised to hear the *viva voce* called the only free mode of voting. I have been in the habit of considering the New England States to be as free and as purely republican in their institutions as any communities under Heaven. As to Massachusetts, it was originally a pure Democracy, in the strictest sense of that term—the Legislative Assembly being composed of all the freemen of the Colony. When it became necessary to establish a representative body, the *General Court*, it was composed of *deputies, agents* from the several towns or corporations. So it has been ever since. The representatives are holden to a strict accountability, and yet all elections in the Legislature, as well as among the people, have always been by ballot. *Viva voce* voting is a thing unknown. How is it in New Hampshire? I suppose gentlemen will admit New Hampshire to be a pattern of Democracy; but in that and all the other New England States the *ballot* is the only mode of voting known.

What fell from a member from North Carolina in his zeal for the new rule, satisfied me that the *ballot-box* is the only security for free unbiassed elections here. He would have us vote *viva voce*. Why? Because he tells us that there have been instances in which members of former Congresses were guilty of *treason!* Treason? Against whom? Against the people, he says—but, by the people, did he not mean the party? Here is the difficulty. Cases have happened in which some have not come "up to the chalk," in the language of another gentleman—have not *followed in the footsteps* of the party leaders, and that was treason! Why, sir, this is enough to convince me that if we are to act independently here, we must be protected *by the ballot*—not from the eyes of our constituents, but from the searching, the inquisitorial glance of inexorable party leaders.

On the whole, I see no reason for departing from the good old course of our forefathers. I believe it to be the safe course—the only way of obtaining the free, the true, the unbiassed opinion of the members of this House.

SPEECH OF MR. BELL, OF TENNESSEE,

ON THE SAME SUBJECT.

Mr. BELL, of Tennessee, rose amidst loud cries for the question, and said that he perceived and appreciated the impatience of gentlemen around him; but he trusted the House would excuse him in seizing the present opportunity to offer a few words—and they should be very few—in reply to what had fallen last evening from the gentleman from South Carolina [Mr. PICKENS.] I pledge myself (said Mr. B.) to this House that nothing was further from my intention or expectation than to excite such a debate as so suddenly sprung up in the House on the last night—nothing could have occasioned me greater astonishment. I repeat the assurance that nothing could have been further from my expectation than that the statement of one single point, to which I had then called the attention of the gentleman from South Carolina, would have had such an effect. I could not so much as have dreamed that the solitary remark I had made in regard to the influence of the Executive in this House would have created such a fluttering in the Administration camp. My sole object in referring to the matter at all was to bring the gentleman from South Carolina [Mr. PICKENS] to my aid, in establishing, as a principle in this House, the importance of resisting and breaking down the exorbitant and growing influence of the Executive; but no sooner had I referred to perfectly well known facts in the past political history of this country—without impugning the motives of a single gentleman on this floor, and without transgressing, in the slightest degree, the very strictest limits of parliamentary propriety—than I found that I had drawn down upon my head the wrath of gentlemen in all quarters of this Hall. A gentleman from Ohio [Mr. WELLER] immediately sprang up, and, if I comprehended the drift of his remarks, he was under the impression that I had intended to frighten him from the discharge of what he believed to be his duty. Then came the gentleman from North Carolina [Mr. BYNUM,] who in the strain of elocution so peculiar to him, scouted the very idea of any thing like Executive influence in the counsels of this body. And next rose a gentleman from Pennsylvania [Mr. PETRIKIN,] and attributed the remarks I had made to disappointed ambition; thus offering a gross personal allusion to me individually, in the face of the whole House. And last, though not least, the gentleman from South Carolina himself, to whom I had appealed in full confidence of his aid, because I was occupying the very ground which he himself had taken but a day or two ago, who tells me that I am the very last man in this House who ought to make an appeal on the subject of Executive influence.

[Mr. PICKENS here rose to explain. The gentleman from Tennessee had mistaken the point of his remarks. He had not said that that gentleman ought to be one of the last in this House to make an appeal on Executive influence, but the last to refer to the origin of this rule of the *viva voce* vote, considering that gentleman's position at the time the rule was introduced and adopted.]

Mr. BELL resumed. I am happy to find that I mistook the gentleman. I certainly did understand him as meaning to arraign my political consistency, but I am now gratified to learn from him that he did not.

The question is narrow, and I regret that time will not permit me to enter into as full a vindication as I could wish of the statement I made in relation to Executive influence. Referring to times that are past—for there has not enough of the present session elapsed to enable me to speak confidently of the time now present—but looking to the times that are past, I will say to the gentleman from North Carolina [Mr. BYNUM] that this House furnishes a most illustrious and extraordinary instance of exemption if the Executive exerts no influence among the members of this body. Alas! sir, such an exemption is never to be expected. I cannot form the faintest hope, when I look at the existing condition of human nature, that that time will ever come so long as the Executive of this nation continues to wield so enormous an amount of patronage as is now within his control. And I say further, that I consider this as a subject which ought very fully and very freely to be debated in this House. It ought, if we had time, to be discussed at large, as I trust it yet will be. And I say further to the gentleman from North Carolina, that I could point him to authorities which he will respect for the doctrine, that, if a certain policy should continue to prevail in this country, (the appointment of members of Congress to office,) which policy does now prevail in it, it could lead to but one result, namely, the lowest and tamest political subserviency. In reply to the appeal he made to me, saying that I ought, before now, to have seen that there is nothing in all these assertions about Executive influence, I tell that gentleman that I have seen much; that I have seen enough, and far too much, as it appears to me every man must have seen who has looked upon the political drama that has been playing in this country for years past. And, in addition to what I said last night, I will now declare what is my solemn belief, that no monarch in England, since the expulsion of the Stuarts, has exerted a greater influence, a wider sway, or has more efficiently controlled the measures and policy of that country than the Executive branch of this Government during the late and the present Administrations exercised over the affairs of our own. And I cite in proof of it the very fact which the House last night witnessed, namely that no man can rise here, and so much as mention Executive influence, without instantly exposed himself to remarks of the grossest and most offensive personality. What stronger sympton of such an influence can be exhibited? And I call upon gentlemen to mark the progress of it.

As to the remarks of the gentleman from Pennsylvania [Mr. PETRIKIN] as to disappointed personal ambition, I am at a loss to know to what he could possibly have alluded. Did the gentleman mean to refer to the fact that I have abandoned a certain portion of a great political party in this country with which I once was connected, and that I did so in consequence of having been disappointed in not obtaining the favors which I asked of that party while we acted together? If that is what he means, then I reply that all I ever asked or sought of my associates in that party was given me instantly, freely, and without hesitation; and when I speak of my associates, I refer to the entire Jackson party prior to the year 1834. To what other disappointed ambition of mine he intended to refer, I do not know and cannot divine.

Last night I stated only what I believed to have been the object in changing the ancient and long established mode of voting in this House. It was not my intention to go into the whole question. I might have alluded to party discipline and to the effectual control exerted over individuals by party machinery. Ay, sir, a control not over the votes of gentlemen only, but almost over their consciences. And in support of this view of the matter, I might have vouched the sentiments of the gentleman from South Carolina himself. He, as well as I, has long held and often declared that he influence of party in this House is too strong

for the good of the country; and it was with a view of freeing the members of this House from that iron despotism in which party had too long enchained them, that I advocated the vote by ballot. Many, I am sure, must have felt these chains, and under their galling pressure many, I know, have been compelled to act against their better judgment. This domination is not owing to the power of the Executive in his own person. Singly and alone, with all his patronage he would be comparatively powerless, but for his *headmen*, the executioners of his vengeance against all delinquents who dare to resist the edicts of a party caucus. The gentleman from South Carolina imputed it as an insult upon the House to affirm, or in the remotest degree insinuate, that gentleman here, when voting by ballot, would act differently from what they would do if giving their votes in the sight of all men; and other gentlemen considered it as disgraceful to suppose that any member of this House would be so timid, so cowardly, and mean-spirited as not to dare to speak his sentiments openly on all occasions; and the gentleman from Pennsylvania, if I rightly understand him, went so far as to insinuate that one ground of my opposition to the *viva voce* vote was, that I was myself afraid to come up to what I believe he called the "*scratch*." [Some on here said aloud that his language was "walk up to the *chalk*."] Yes, that was the gentleman's delicate and parliamentary phrase. Now, without inquiring whether, under some pressing emergency, I should or should not have courage to do this, admitting that I had not, and that it was true that I dare not, in the gentleman's phrase, "walk up to the chalk," does not that very fact furnish one of the strongest possible arguments on my side of the question? Does it not demonstrate that some of the members of this House require the protection of the law against those who hold the power to harass and to injure them? Without affirming that I myself possess that firmness of spirit which would enable me on all occasions to come forth and speak my sentiments with boldness before the world, I do say, from my knowledge of mankind, and especially from my knowledge of men who have held seats in Congress, that there are some of the most honest upright, exalted, patriotic men, and men too, possessing a physical courage which would carry them fearlessly to the cannon's mouth, who do not possess that moral hardihood which would enable them to brave the denunciations of the *party press*; and who, when that danger stared them in the face, never could be brought up the sticking-place. And it is my honest belief that is this very circumstance which keeps back many of the best men in the country from yielding their names as candidates for the suffrages of their fellow-citizens. They possess physical courage in abundance, but they shrink from the thought that the moment they refuse to follow a party, in all its requisitions—in *all* its measures, that moment they must deliver up their fair names to the demoniac fury of a party press, and be held up to public scorn as corrupt traitors and "bank bought deserters." It is party despotism like this which fits men for ultimate slavery. It is not then the fear of their constituents which induces gentleman to oppose the *viva voce* vote. No, sir, it is a fear of a very different description.

I might have brought many other arguments to my aid if I had intended to enter fully into this subject. An argument has often been urged with great ability that, as gentlemen of all parties are here brought to act together, under the same presiding officer, it is better that he should not know what particular individuals have and have not voted for his elevation to the chair, in order that he may not have it in his power, in administering the difficult and delicate trust committed to his hands, to discriminate between his friends and his opposers. As it was patriotically said the other day, in the impressive address delivered to us from that chair, the Speaker ought to be the Speaker of the whole House, and not the mere organ of a party. The Speaker of this House should emulate the conduct of a patriotic Speaker of the British House of Commons, (the immortal Speaker Lenthall,) who, when improperly questioned by his King, told him, on his knees, it is true, but with a spirit which has endeared his name to history: "I have no eyes to see, or mouth to speak, but by direction of the Commons of England." And so of our Clerk, or our public Printer. Can it be needful, or it is expedient, that we fill those offices with a heated partisan? What has he to do with the great and leading policy of this country? or what right has he to influence and move the great political parties into which it is divided? His duties are merely subordinate and ministerial, and gentlemen of all parties have an obvious interest that those duties be performed with impartiality. If ever there was an occasion when the vote by ballot is pre-eminently proper and necessary, surely it is in the choice of the ministerial officers of a body of this description.

And now, sir, a few words as to the course of the gentleman from South Carolina [Mr. PICKENS] last evening. I had said that I knew the origin of this recent rule for *viva voce* voting and I stated what its operation had been in practice, whatever might have been the motives of those who originated it. And the gentleman from South Carolina [Mr. PICKENS,] as I now understand, observed, in reply to an appeal I had addressed to him, "that I was one of the last persons in this House who should make an appeal respecting the origin of this rule; because he well remembered the period when the subject had first been mooted, and had seen, at the same time, the gentleman from Tennessee seated in that chair, as the organ and instrument of great and everwhelming Executive power. And therefore it ill became him to rail against the prevalence of such influence in this House." I do not know that I quote the gentleman's precise words, but I think I have stated his argument fairly. I speak not in ill-nature of the gentleman from South Carolina, and I pardon a great deal of the violence of his attack upon me, because, in the close of his remarks, he stated himself after all, to be a friend to the ancient, the long established, and, as I believe, the true Republican mode of voting. I pardon, I say, a great deal of his violence, as he is a coadjutor with me in the general effort to diminish Executive power. And I will not allude to certain other circumstances in that gentleman's own past history, which might be brought to show that, on the score of consistency, he should take care how he assails any gentleman here for his conduct during the last few years. But what I desire to say, and what has in fact called me up at this time, is this: that the remarks of the gentleman involved, as I understand them, an imputation on my own course when called by the House to administer the duties of that Chair. It does not become me to say much of the course I pursued when I had the honor of filling that high and distinguished station. I was elected to the Chair under very extraordinary circumstances; and such as made the duty of the station peculiarly delicate and arduous, as regarded the then existing state of parties in this House. But notwithstanding these obstacles, it affords me high satisfaction to state that, in my administration of the Chair, I was so fortunate—so happy—in steering between the opposite extremes, that no appeal by either party, from my decisions, was ever taken, nor was one of those decisions ever reversed, save in one instance, when it was done at my own request; and though the sittings of the House were very stormy, and the rules of its order had often to be enforced with a firm hand, yet, at the close of the session, I enjoyed the honor of receiving a unanimous vote of thanks. I cannot boast of any great ability in the discharging of my duty. I could not but be conscious of a want of skill for what was so difficult, but I flatter myself that in all my course, it was so manifestly my intention to act impartially and honestly, that no fault could be found by my most bitter enemies on this floor. I trust that thus much will be pardoned to me after all that has been said.

And as to the other insinuation of the honorable gentleman, that I sat there as the organ and instrument of a great and formidable and overwhelming Executive power; I beg leave to say that he must have drawn the ground of that statement from his own heated imagination. And it is most extraordinary that he should have referred particularly to the time when the famous Three Million bill was under discussion in this House; because at that time, I had the honor of acting in unison, as I supposed, with the gentleman from South Carolina in regard to the Presidential canvass. I know that many of his friends in South Carolina professed a lively interest in the success of the political movement in which I was then engaged. He and I were then of the same party, linked and bound together, and directing our joint efforts to the same object; namely, to resist Executive power, and, if possible, to save the Constitution. If in this statement I am mistaken, the gentleman hears it, and can set me right.

[Mr. PICKENS here rose to explain, and said that the gentleman from Tennessee was proceeding on an idea which he (Mr. P.) had not expressed. He had spoken of him as apparently at the head of a great and tremendous and overwhelming political party, whose influence seemed likely to overawe the decisions of this House. Executive power had been then at its very height, and the gentleman, seated in that chair, appeared to be at the head of the party. Such had been Mr. P's impression; in this he might have been mistaken, but he had judged from what he saw and heard.]

Mr. B. resumed: If the gentleman meant no more than that, his imputation was not very serious. But still I was placed by him, in his remarks last night, in the attitude of inconsistency. Whatever may have been the impression prevailing in any one section of the country, or with the gentleman, as to my being, at the period referred to, the organ of Executive will, my position was perfectly well understood in the country generally, and there could have been but few, very few public men who did not know that I was put into that chair in direct opposition to the wishes and dictation of the Great Chief who then occupied the Executive Chair, and ruled this country with almost absolute sway. Yes, sir, it is one of the proudest recollections of my life, that I had the moral courage to resist the wide-spread and overwhelming tide of Executive influence and favor which then threatened to sweep over the whole country; and it will be a consolation to me, whatever may be my future fortune, to reflect that I did throw myself, with a gallant little band besides, into the breach at that period, and there stood ready to become the victim, if need be, of Executive vengeance. Sir, it was the only apology I could make—it was the only explanation I could give to my generous and high-minded friends, at home and elsewhere, for having permitted my name to be run for the Chair in opposition to an apparent majority of the party with which I acted—that the President had interposed his authority, and menaced me with his denunciations if I dared to aspire to that high station—that I had been first calumniated by my enemies, and was then interdicted the place which you, sir, now fill, by the President himself. And, sir, I had the further gratification to find that my apology was ample, and that I had the approval of every high-minded and independent member of the party with which I had so long acted. And, whenever my private honor shall require to be sustained, there are gentlemen still in the ranks of the Administration who, I doubt not, will feel constrained by truth and justice to bear me witness, for they know that what I say is true. So far, then, was I from having been the *favorite* or the organ of Executive power while in that Chair, that I was elected to it in opposition to its most strenuous exercise. It was actually decreed that in no contingency should I be allowed to be Speaker; and the only solid objection, of a party character, that ever I could learn was made against my pretensions was, that I did not enter heartily into the support of the President in his war against the United States Bank, and that I could not or would not approve his removal of the public deposites. It is a part of the secret history of the times, that the Committee of Ways and Means were deterred from reporting a resolution *approving* the removal of the deposites by the stand I and a few others had taken upon that point.

This was the period when the propriety of changing the mode of voting in the elections of the

House came to be seriously and earnestly entertained; and the same reasons were urged then which we continue to hear advanced in favor of the *viva voce* vote. I will only add further upon this point, that, if the day shall ever come when the President shall have it in his own power, by patronage, by the application of the party *screws* or by any other means, to dictate the appointment of the presiding officer of this House, while we may retain the form, we shall have lost the substance of liberty.

The gentleman from South Carolina appears to have mistaken my position in every respect, both now and at the period alluded to in his remarks. He appears to labor under the impression that I have undergone a great change in my political principles since the time when he regarded me as the instrument and organ of an overshadowing Executive influence and power. The gentlemen is in great error in this point also. While it is true that I have changed many of my political associates since the time when I presided in that Chair, yet, sir, it is equally true, whatever may be said or thought to the contrary in any quarter, that I advocate and support at this time, both in and out of this House, the identical political principles which I then professed and supported; and, what is more, there is no one leading or cardinal principle which I professed and acted upon on the day when I had the honor first to take a seat as a Representative in this hall, now twelve years ago, that I have abandoned. No, sir, while I have changed my opinion of many of the leading men of the country, I have still adherred to my early principles, and my views of the true policy of the country are still the best and wisest in my judgment. I still stand by and advocate the principles avowed by General Jackson when he came into power. It is a little singular that the gentleman from South Carolina should have pointed to the proceedings in this House on the famous Three Million bill to illustrate his idea of my subserviency to Executive power, when the truth was, that, contrary to the wishes of every leading and supple instrument of Executive will in the House at that time, I appointed a committee of conference on the part of the House, in express reference to a compromise by which the diminished appropriation proposed by the Senate might be voted. And I well remember the arguments by which one of the gentlemen appointed on that committee was prevailed upon to act; but he did act, and in the most manly and decided manner. Still, however, the object was defeated by the chairman of the committee. It is also strange that the gentleman from South Carolina should have forgotten that Judge White, whom I am always proud to acknowledge as my leader, and whose name was then before the people for the Presidency, was denounced by the party press as a traitor for voting against the Three Million bill! At this period I had become the known and acknowledged opponent of the wishes of the then President in my choice of a candidate to succeed him. It was then, too, that I was generally understood to be marked out as a special object of Executive resentment, on account of the movement in favor of Judge White, for which I was held mainly responsible. And while I am upon this point, I may be allowed, I trust, to say a word or two to some of my present party associates, who still retain a portion of those feelings of dislike which they contracted while I continued to act with the Jackson party. Whatever may be the justice of those feelings which they occasionally manifest towards me, I have the proud satisfaction of knowing that by that act, by which I incurred the lasting hostility of the most powerful man in this country, and of all his devoted followers, I at the same time struck the manacles from *their* hands, and opened to them the first hope of deliverance from the iron rule to which they had been subject for years. Yes, sir, when the White movement, as it has been called, took place, the old opposition to Gen. Jackson had been reduced so low that it could only number some five or six States, as was manifest to the election of 1832

There is one other point which I feel bound to notice, in reply to what fell from the gentleman from South Carolina, relating to the discharge of the duties of the Chair while I had the honor to fill it. There was, during that period, sir, no correspondence or intercourse, direct or indirect, between the Executive and the Speaker on the subject of his duties, or as the manner in which he should discharge them. I felt and acted as independent of him in my station as he was of me in the discharge of his appropriate duties; and give me leave to say, sir, that in that respect I feel proud in the consciousness that I maintained for the Chair of this House its full measure of dignity and independence. But the gentleman from South Carolina was pleased to mention to me, in a private conversation last evening, his recollection of the indignant feelings excited against me while in the Chair, when I placed a friend of the Administration at the head of the committee on Foreign Affairs, and thereby superseded Mr. Everett, of Massachusetts, who stood second on the committee, before the vacancy occasioned by the resignation of his seat in the House by the former chairman. I presume this act of mine was referred to by the gentleman from South Carolina as an evidence of my subserviency to Executive power. Upon the subject of that appointment, I will state, for the information of that gentleman, and in justice to myself, that I did place a friend of the Administration at the head of the Committee on Foreign Affairs, and thereby set aside the high claims of the excellent, able, and amiable gentleman from Massachusetts referred to, and in doing so I knew that I might wound the feelings, and, for aught I knew, incur the displeasure of that distinguished gentleman and of his numerous friends; but, sir, I beg leave to add that I acted upon a sense of duty and upon the suggestion of my own judgment. I made that appointment of my own will and pleasure, without the slightest interposition of the Executive. I acted in conformity with a maxim which I remembered to have heard the distinguished and experienced gentleman from Massachusetts [Mr. ADAMS] lay down in one of the first speeches I heard him make on this floor, which was, that, in order to make this a *practicable* Government, the several departments of it must not be regarded as *co-ordinate* only, but in a due degree *co-operative* also. The Committee on Foreign Affairs has charge of a branch of the public interest and business of the country placed by the Constitution more exclusively within the control of the Executive than any other. I considered the appointment of a political friend of the Executive as the chairman of that committee not to be an act of mere liberality, but of patriotic duty. There are many reasons why the chairman of that committee should be also a private and confidental friend of the President. There is, perhaps, one other committee, which upon some of these grounds ought also to be conceded to the Administration—I mean the Committee of Ways and Means; but of that committee I had not the control when I was elected to the chair. I do not hesitate to say now, sir, that, had it been my fortune to occupy the station at this time which you fill, I would have acted, in regard to the appointment of the Committee on Foreign Relations, upon the same principles I adopted as the guide to my course upon the occasion referred to by the gentleman from South Carolina.

I hope the House will pardon these explanations in regard to my own course. I thought it necessary to say so much in my own vindication and defence against the gross misconceptions which appear to have prevailed with some gentlemen in regard to it.

SPEECH OF MR. HOWARD,

OF INDIANA,

In the House of Representatives, February 12, 1840—On the proposition to instruct the Committee of Ways and Means to report a bill appropriating $150,000 to each of the States of Ohio, Indiana, and Illinois, for the continuation of the Cumberland road.

Mr. HOWARD said:

Mr. SPEAKER: I regret extremely that this discussion has not been suffered to progress, according to the expressed wishes of the honorable gentleman from Ohio, [Mr. MASON,] who addressed the House on yesterday. He insisted, in the outset of his remarks, that the debate should not have a party cast—that the question under consideration should be taken up, and considered on its merits alone, without connecting it with the party politics that now agitate the country, from one side to the other. I repeat, sir, that I regret that others have departed from this course, and that subjects, foreign to the one before the House, have been drawn into the discussion. We have had a discussion, not only on the Cumberland Road, but on the general politics of the country. One gentleman, distinguished for his propriety in debate, and his knowledge of the rules of parliamentary proceeding, has favored us with a discussion of the merits of the Florida war. What has the Florida war to do with this great national highway? Sir, let us take up the Florida war, and discuss it at a proper time, and in its proper place, and let the friends of the brave officers and soldiers who have perilled all in their country's service, welcome their return from the dangers of a pestilential atmosphere and savage foe, without having their feelings outraged by the disgrace that has been attempted to be thrown upon them. We are told that this has been an "imbecile war," conducted disgracefully to the country; and when I see in the lobby of this hall the officers who have returned from it with shattered constitutions, and embittered feelings, I am reminded of another gallant army, which, having conquered treason, and cut off the traitor, "got themselves by stealth into the city," and instead of being allowed a triumph, as was due to a victorious army, retired from the gaze of him whose diadem they had saved. Instead of being welcomed home with honors and rewards, we see the Jesups, and other distinguished officers who have returned from the arduous campaigns of this war, treated as if they had returned in disgrace.

[Mr. BIDDLE here explained.]

Mr. H. continued. Mr. Speaker, I was not mistaken as to the language used by the honorable gentleman on that occasion, and he does me no more that justice when he says that I would not intentionally pervert his meaning. But what did he mean when he spoke of the "imbecile management of this war?" What is meant by that gentleman and others when they speak thus? And how do they expect to be understood by that remnant whose bones are not found bleaching on the fields, or wasting in the marshes of that country. It is true, gentlemen say to the army, "we don't mean you, when we make such charges; we know that your squares fell on the ground they occupied, as if you had been brave; we have been told that some of your companions even laid violent hands on themselves, because they could not overcome the obstacles interposed by the irresistible laws of nature. It is not you we mean; stand aside awhile, and suffer this implied disgrace, that we may charge home upon the Administration the disasters of this war; let us hide your victories, your sufferings, your battle fields, from the country for the present, and allow us to call it an "imbecile war." Such, sir, is the language implied by the course of those who call this subject into requisition, for the purpose of converting it into political capital.

Ought we not to cherish our army? Ought we to heap disgrace on them, because that country in which they have been employed has been a Parthia? If the well appointed legions of Rome were not able to withstand the mode of warfare practised by a foe far less active and subtle than the modern savage, and in a country not more suited for concealment and ambuscade, why should disgrace be heaped upon our army because they found a Parthia in Florida? I have read that when the legions of Rome went to the field where the army of Varro was slaughtered, they raised a loud wail of lamentation when they saw the field covered with the bones and the eagles of the slaughtered legions. And shall we, with such examples before us, in our eagerness for party advantage, bring into discredit our national arms? Surely we ought not to advance party purposes by detracting from the credit of those brave men who have perilled all in their country's service. When I heard the denunciations against them on this floor, I felt that if I had been one of them, I would have come to this Capi-

tol and cast down my armor, and have done that which I had never done before the enemies of the country—I would have turned my back upon the service. I ask, on behalf of these brave men, if the Administration is to be charged with imbecility and mismanagement, that gentlemen would do it directly; and not strike at it through them.

[Mr. BIDDLE here asked Mr. HOWARD to give way for an explanation]

Mr. HOWARD. I remember a colleague of mine, [Mr. WICK,] when he asked a similar indulgence, was shown no favor. He was told, "if you are not conscious of having abused the courtesy of the House, withdraw the motion," [a motion which he had made to lay the subject on the table;] and this expression, too, came from the amiable gentleman from Pennsylvania, [Mr. BIDDLE.] Though I have not the pleasure of an intimate personal acquaintance with that gentleman, yet I know enough of him to believe he regarded himself within parliamentary usage; but it must also be said that his conduct was parliamentary severity, especially when it is remembered that my colleague was on the floor for the first time. I shall leave the way open for the gentleman to obtain the floor, or I would yield it now.

I shall say nothing further on the Florida war, only to insist that we ought not incidentally to discuss those measures of the Administration which, from their nature and importance, are entitled to a direct consideration.

Before, however, I touch the principal matter now the subject of debate, I owe it to an honorable gentleman from New York [Mr. HOFFMAN] to pay a just respect to some remarks which fell from him, in reference to the recent elections in Indiana, for which he has kindly undertaken to account.

Mr. Speaker, why does that gentleman call in question the decision of Indiana in regard to her delegation in Congress? Has he the right to interrogate her on that subject?

I remember, sir, sometime since, a band of *Conservatives* here, who, when the President in his message referred to certain causes, as having led to political changes in New York, were thrown into paroxysms of indignation, because the President had chosen to speak of these changes of opinion, and their causes. Well: what have we now? A member of Congress questioning a sovereign State on the subject of her choice of Representatives. It may be that the people of Indiana ought to have chosen the friends of the gentleman, instead of those they have sent here. In truth, sir, he seems to be marvellously well acquainted with our domestic affairs. The names of village papers and their contents are as well known to him as if he had travelled through that region—better known to him than to myself, though I am recently from Indiana.

[Here Mr. PROFFIT said he had given the gentleman from New York his information.]

But the honorable gentleman from New York has kindly informed us that it was the Cumberland road on which the elections of that State turned; and that his friends failed on the ground of their supposed hostility to the measure, or their inefficiency in pressing the subject on the notice of Congress. Whilst I enter a *protestando*, as the lawyers say, against his right to inquire into this subject, I will say to him, that so far as one district of that State is concerned, his information is not well founded. In regard to other gentlemen, I pretend not to speak, having had a competitor that gave me as much as I desired to attend to, without looking into the canvass in other sections of the State. Rarely was the subject of the Cumberland road mentioned by either my competitor or myself. We discussed other topics: the Sub-Treasury; the United States Bank; the merits of the late and present Administrations, and especially the charges made against them of fraud, corruption, and extravagance. In seventy-five addresses which I delivered, these were the subjects I discussed. And here I would notice a remark of the honorable gentleman from Pennsylvania, [Mr. BIDDLE.] He charged the Executive with making an attempt to bring into public odium the Congress of the United States, by avoiding the responsibility of submitting estimates of expenditure, and then charging the extravagance of the Government upon this body. Sir, there is another view of this subject, which I will bring to that gentleman's notice. What has been the charge urged against the Administration in all the Opposition presses of the country, and by gentlemen on this floor? It has been that of extravagance and profligacy in expenditure, on the part of the Executive. The course which I took on this subject was not that now ascribed to the party to which I belong. I, sir, it is true, showed the estimates when this charge was brought against the Administration, during the canvass—but did I stop here? No, sir; I went into the details; showed the objects of expenditure, and that both parties had voted the appropriations in Congress. In this manner, sir, I defended the party to which the gentleman belongs, as well as the Administration. If I had stopped with showing the estimates, I would have been justly chargeable with being a demagogue, and unworthy of addressing a popular assembly. But, when the honorable gentleman is defending this body against public odium, why is he not also made sensible of another effort which must have fallen within his observation? Has he not heard of the "office holders' party,"—the "spoils party,"—and other similar expressions? Why, sir, if an assemblage of citizens, although it may consist of farmers, is held for the purpose of political discussion, or organization, and they happen to be favorable to the Administration, they go away branded in every Opposition print as the "spoils party,"—the "office holders' party,"—and with such other denunciatory epithets as are ever ever ready to drop from the lips of the partisan. Does the gentleman see nothing in all this calculated to array the people, as such, against the constituted authorities, and to bring into disrepute our institutions themselves? I would be gratified to find that these facts should make a suitable impression on the minds of honorable gentlemen here. But, sir, there is one consolatory reflection, and that is, that denunciation from any quarter does not pass with the people for truth. The mass of the people seek this on every great question, and he who goes before them for public favor, unless armed with truth, although he may have a temporary triumph, must ultimately fail. The honorable gentleman from New York seems, in his remarks on this subject, to have resembled a mariner whose bark had been thrown between the the counter currents of two contending seas. He would be pleased to favor this road, and yet he is unwilling to vote on this subject until he can hear "from the palace"—until he can learn the views of the President.

Sir, suppose this argument had come from some friend of the Administration—what would we hear? That its author was a "palace slave." It would be said that there was an effort to make this House subservient to the President upon the great subject of expenditure. We, Mr. Speaker, are the guardians of the public treasure; and in appropriating it our inquiry should be, not whether the President or Secretary has recommended the appropriation, but whether it is called for by the public service. In doing this, we act on our *own* responsibility; and I, sir, as one, will be found voting upon every question of appropriation, upon my own convictions of the necessity of the expenditure called for, without being governed by estimates.

In the progress of this discussion, my attention was attracted by some remarks which fell from an honorable gentleman from Maine, [Mr. PARRIS,] I am pleased to find that he has had the good taste not to include in his published speech all the remarks which were delivered by him on this floor.

[Mr. PARRIS explained. He said he did not write out his remarks, nor correct them, and had no wish to be answerable for his speech in any other form than that in which it was delivered.]

I regret it, sir, (said Mr. H.) for I had hoped that some of the offensive remarks made by that gentleman on yesterday, had been left out of the printed report by his direction. Did he know, when he was assailing the Western people, he was assailing his own countrymen? What were we told? "That those who come here to ask for this appropriation were squatters and pillagers of the public lands." If these expressions could be confined to these walls, I should not regard it necessary to answer them; but when I remember that epithets habitually applied to individuals or nations give character, I feel bound at once to meet the injurious imputations implied in the language of that gentleman. What is the idea of the foreigner when he hears the settlers of the West characterized as squatters and pillagers of the public domain? If I were to suppose what it would be, from the expressions of gentlemen here, I should conclude that an Eastern gentleman desirous of emigrating Westward, would esteem it necessary to provide himself with traps, snares, and the like, and when he should get there to use what, in the western part of North Carolina, they call a *dead-fall*, in order to catch and clear the country of squatters, and render it habitable for civilized man.

For the information of that gentleman, I will tell him that the squatters of the West walk erect, are possessed of the ordinary principles of humanity, governed and influenced by the like motives, principles and feelings, as ourselves, fearing but little else than the God that made them. They have not, nor do they pretend to have, all the polish of the older communities of the East; but there is a sterling integrity and manly energy about them, indicative of the excellence, and strength, and relative weight they are destined to possess as a part of this great empire.

Does the gentleman want to read their history? Let him go to the Rock of Plymouth. Why is it that New England performs her centennial pilgrimage to that spot, rendered sacred by the landing of the pilgrim fathers? They had no title to the ground on which they first pitched their tents. It was the soil of the red man—of the stranger. They came, actuated by the noblest feelings; they came in pursuit of liberty and equality; like the Western pioneer, they came to better their condition, and find that in the great West, that the Old World denied them.

Sir, it sounds strangely to hear a descendant of the pilgrim fathers speak disparagingly of the settlers of the West, who, like them, have gone to a new land to encounter its hardships, and its dangers, and open up the way to the onward progress of civilization, carrying along with them all our institutions. We are all pioneers, and the descendants of pioneers, and are governed by the same spirit. We want room, and we step westward; the huntsman to find game, and the cultivator of the earth to find whereon to raise the plenteous means of subsistence. In doing this, the settler has ever been the outpost; the guard of the interior settlements, and saved them from the tomahawk and scalping knife of the savage. The same principle which prompts—the same necessity which urges, the laboring man to find a home in the wilderness of the West, governs us all; men of all conditions and professions.

Mr. Speaker, I must be allowed to apply this principle to my own profession. A young man whose father has given him a good education, and good morals, sets out for the far West, having spent some time in acquiring a profession. He arrives at one of our county towns, with purse exhausted, and coat threadbare. He goes to a Western inn, and soon strikes a bargain with the landlord, the substance of which is, that he is to sleep under the tavern keeper's roof, eat at his table, and to pay him for these benefits, when he shall be able to make the money by his profession. He commences the practice of the law, and in a short time gains a strong hold on the affections of the people, and a still stronger on the good will of the daughter of some substantial farmer. He marries, becomes a useful citizen, and not unfrequently a squatter in this hall as a member of Congress. Sir, I see such men all around me.

But this occupation of the public lands is not only sanctioned by the conduct of our fathers, and our whole people: it has also the sanction of law. What has the Government done? I answer, it has done that which should command the approbation of all good men. For the last forty years, it has told the pioneers of the West to "Go on—occupy the lands—we will provide for you, and protect you in the enjoyment of the fruits of your labor."

I have some acquaintance with the character of those who, under these assurances of the Government, now occupy the public lands. I have travelled amongst them, partaken of their hospitality, and witnessed with emotion the comfort, the intelligence, and the virtue, to be found in every dwelling. We find there citizens from all quarters —Virginia, North Carolina, New York, Pennsylvania, New England; all have their representatives, besides individuals from most of the other States. One of the finest libraries that I saw during my canvass for a seat here, was in a neighborhood of settlers. It is there that I have seen the father becoming the priest of his household, his dwelling his only place of worship; and, with the Bible in the hands of his children, teaching them the evidence of its precepts—offering up in the spirit of devotion his thankgivings to the God of his fathers, and imploring, in Christian humility, the continuance of His blessings!

Sir, the pioneer has not yet performed his office. Do gentlemen desire to know when the settler will cease to press forward? I will tell them. When the labors of a Cushing, a Linn, and a Floyd of Virginia shall be crowned with success, by filling up the great valley of the Oregon with settlers—squatters if you please, of Anglo-Saxon blood—then, and not till then, will the tide of Western emigration cease to overspread the public domain. I could not, however, Mr. SPEAKER, but be reminded, when I heard the remarks of the gentleman from Maine in reference to the people of the West, of the expression of Cæsar, when he saw the dagger of his dearest friend raised against him. Coming, as that gentleman does, from a young and growing State, he cannot be ignorant of the claims of the pioneer to our regard.

I have made these observations for the benefit of those who do not understand the Western people. If gentlemen would travel on this Western road, stop at Wheeling, now a city but lately grown into importance, cross the State of Ohio, and see, on the line of this great thoroughfare, the cities, towns, and villages, the farms, schools, and all the variety of improvements that distinguish the age, they would cease to apply offensive epithets to us, and be proud to become one of us. It has not been my fortune to travel much in the East, having, for thirty-six years, drank the waters of the West; but I have seen very little in the East that will compare, every thing considered, with the State I have the honor in part to represent. In no country have I seen so much equality. We have no population rendered miserable by poverty, nor have we many who have overgrown estates. It may be said of us that there is universal competence, and its never failing concomitant, independence. I have thus, Mr. Speaker, felt myself called on to notice several topics, which have been introduced into this discussion, though not involved in the question before the House. I now proceed to briefly discuss that question. Gentlemen are greatly in error on this subject, when they state that Ohio has received, in the construction of this road, the sum of 6,500,000 dollars.

[Mr. PARRIS here explained that he referred to the three States of Ohio, Indiana, and Illinois, and that he was reported incorrectly as referring to Indiana alone.]

Mr. H. resumed. Mr. Speaker, I accept the honorable gentleman's explanation, but it makes the case no better for him. He is still in error. I may, perhaps, speak too positively, but if so, the gentleman can correct me by documentary proof. He can have that opportunity, and may furnish me, while I am addressing this House, with the documents; and I will add, that if he will do so, I will almost promise to vote against the proposition myself. Allowing the gentleman time to furnish the proof sustaining his position, I will not even stop now to state what has been expended, but will reply to that part of the argument of the honorable gentleman which interposes the Constitution as an insurmountable obstacle to the continuance of the Cumberland road. On this subject, however, it surely cannot be expected of me to open up and discuss this great question. It is not for me to attempt to do over again what has been performed by the ablest of our statesmen. This constitutional objection, sir, is a convenient resort, and is always found to be infallible. The doctrine of strict construction has come, at times, from every part of the Union. In 1807, it was a fashionable doctrine in the East, about the time of the embargo. Yes, sir; it was then thought that Congress had power to *regulate commerce*, which implied its *continued existence*, and that it was unconstitutional to *destroy commerce*, as it was said the embargo did. So we have had it from other quarters, at various periods, usually attended with circumstances which rendered the extreme of strict construction *expedient*, in promoting the interests, for the time being, of the particular section from whence it has been urged. So of the doctrine of *consolidation*, and of *latitudinous construction*. That, too, is a convenient doctrine at times, not for any one particular section, but for every section of the country, whose interests may render it necessary to resort to it. Is not our history replete with proof on this subject?

I, sir, in my humble career, have always endeavored to avoid running into extremes. The golden medium of truth is the ground on which I delight to tread. Well, sir, where is this to be found? On the one hand we find consolidationists; on the other, literal constructionists. I turn from these, and consult another able expositor, who has been long engaged in expounding the Constitution. What expositor is that? I answer, *It is the practice of the Government from its commencement to this time.* Gentlemen may talk to me about constructions of the Constitution, and tell me that if we depart from a limited construction, we endanger the rights of the States, or if we do not give it a liberal construction, we impair the powers of the Government for usefulness; but I leave these contending theorists to the enjoyment of their theories, and content myself with the Constitution as practically expounded by the current and concurrent action of the several co-ordinate branches of the Government. How, I would ask, can the Government be administered, or certainty and stability given to its measures, if mere abstract questions of power are never to be regarded as settled? Is nothing due to *time*, and *experience*, and the *concurring opinions of those who have gone before us?* Sir, the Government cannot be administered upon any other principle. To say that nothing is to be regarded as settled, so far as the mere abstract question of power is concerned, would be to make the action of the Government as variable as the shade, and as uncertain as the winds.

I might doubt the expediency of a measure, and be disposed to change the action or policy of the Government, but that is a very different question. The present is a question of *power*—of *constitutional power*—and, upon that question, the practical construction of the Constitution, by the constituted authorities, is enough for me.

How stands the question before the House? Has there been any concurrent action of the different departments of the Government with regard to it? I find that its action has been uniform for thirty-four years. It has been gradually progressing from 1806, down to the present time. More than this, we have had the sanction of Jefferson, that distinguished expositor of the Constitution, to whose opinions many of us are prone to bow, with the most unqualified deference. We have had the sanction of Madison, Monroe, the distinguished individual who succeeded him, now a member of this House, of Jackson, and our present Chief Magistrate. And here, sir, I would remark, in reference to the opinions of the President on this subject, without knowing any thing more than may be known to any other gentleman on this floor, that should a bill be passed, granting an appropriation to the Cumberland road, I have no doubt it would receive his sanction. Why do I say so? Because I look at his acts. He has already sanctioned two bills, and I infer from his past action what we may expect for the future.

But, sir, we have had a resort to authorities on this subject, and as it may gratify gentlemen, I will pay some attention to these authorities.

The *veto* message of President Monroe is rather brought to our notice than read. In the view the gentleman from Maine has taken of the opinion expressed in that message, I think he has misapprehended the meaning. It was not a simple appropriation of money to be applied to the construction of the Cumberland road that was *vetoed* by Mr. Monroe. It was a bill establishing toll gates on the road, with certain other provisions that would have given to the United States jurisdiction within the States through which it passed, incompatible with their sovereignty. In returning the bill, Mr. Monroe says: "It is with deep regret, approving as I do of the policy, that I am compelled to object to its passage," &c. He adds: "A power to establish turnpikes with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries; and if it exist as to one road, it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes, is a right to legislate for the other. It a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not *merely the right of applying money, under the power vested in Congress to make appropriations*, under which *power*, with the consent of the States through which the road passes, the work was originally commenced, and has been so far executed." Again he says: "For although they (the States) may assert the appropriation of money within their limits," &c. Now, sir, what will the honorable gentleman say? Will he let Mr. Monroe settle this controversy between us?

[Mr. PARRIS here remarked he would go with Mr. Monroe when he was right.]

The gentleman tells us he relies on these authorities when they are right, not when they are wrong. If he possessed that admirable quality, which at all times gives absolute certainty as to the right and the wrong of embarrassing questions, why trouble us; why take up the time of the House in reading the opinions of the great statesmen who have left the stage of action? I, sir, shall take care to cite no authority, which, if admitted, will not prove my position.

Mr. Speaker, the distinguished citizen who has retired to the Hermitage, has been mentioned in the course of this debate, and his opinions have been cited. It is not for me to speak in censure or praise of that extraordinary man. His actions are now in the hands of the historian, and I only refer to him for the benefit of his authority upon this question. In his veto on the Maysville road bill, he cites, evidently with approbation, the opinion of Mr. Monroe, "that Congress have an unlimited power to raise money, and that, in its appropriation, they have a discretionary power, restricted by the duty to appropriate to purposes of common defence and of *general*, not local, *national*, not State benefit."

It is thus we see the opinions of our Presidents, to which many more might be added, and the constant action of the Government corresponding to those opinions—the action of the Executive, of Congress, for more than the third of a century, all in our favor, and yet we are now met with the argument that Congress has no power to continue this great national work. Sir, if this is to be regarded as an open question, to what period shall we look for that regular and systematic action, under the Constitution, which shall fix it, implant it deeply in the minds and affections of the people? Sir, to substitute theory for practice, is to be guilty of the folly in the affairs of Government, which would characterize the physician who should throw aside the medicine that had cured its thousands, because it was opposed to some preconceived theory. I say, then, to the ultras on either extreme, that my ground is that whereon the Government itself must rest—its current, practical exposition of the Constitution by its legislative, executive, and judicial action.

But, Mr. Speaker, before I close my remarks, I must ask the indulgence of the House while I pay my respects to several gentlemen on this floor. First, sir, I have some curiosity to go with my

friend to Maine—not to fight the British, sir: I have no inclination to war—but to travel thither in imagination to look into the state of the public works. Why is it, I would ask the gentleman, that the United States have made seventy-five or a hundred miles of Macadamized road in Maine?

[Mr. PARRIS explained by saying that was a *military road*.]

The answer is quite satisfactory, sir; it is a military road, or rather it is called a military road, and that makes it constitutional! A name is sufficient to dispel all the apprehensions of Federal encroachment! Sir, is there a member in the hall that doubts as to the true reason why that gentleman is for this "military road?" Shall we voluntarily surrender our common sense—our experience—with respect to the motives andincentives to human conduct?

[Mr. PARRIS. I never voted for that road; it is a military road leading to the British, not from them.]

We are now told that the gentleman never voted for it. And why, sir? Because the question was never submitted to him. Suppose the difficulties of Maine should involve us in war, and we should hear the calls of that State, like the groans of the Britons in the decline of the Roman power, and the chivalry of Indiana should desire to go to her relief; would we stand in no need of a military road? But one more question, and I will leave that northern region. Suppose the gentleman were here, a member of Congress from the Hoosier State. Would he go for a limited technical construction, and, notwithstanding upwards of thirty years' action of the Government, vote against the Cumberland road? Of the two hundred and forty members composing this body, is there one who doubts what his vote would be? Sir, we all know what it would be. But it may not be uninstructive to look into other portions of the Union. We have *harbors* constructed at numerous commercial points, and it would gratify me to hear from several gentlemen how it is they prove the constitutionality of these works. Even light-houses might be made a proper subject of examination. One thing, sir, seems a little remarkable; and that is, that local interests seem to have a wonderful effect in neutralizing these constitutional scruples. How is it, then, that these things come about, that gentlemen can vote away millions of treasure on light-houses and harbors, and, for constitutional reasons, not a dollar to the Cumberland road? Is it the *salt water* that makes it constitutional to make harbors? Then our great inland seas of the North and Northwest, though covered with commerce, cannot be objects of national improvement. Sir, will it be said that the great lakes of Erie and Michigan cannot have harbors constructed by the General Government, when our whole Atlantic coast for thousands of miles is lined with harbors and light-houses?

An honorable gentleman from Alabama [Mr. HUBBARD] has urged his arguments with great force, in opposition to this measure; and will he now allow me to call his attention to some interesting facts on this subject? What made it constitutional for the United States to give Alabama 4 or 500,000 acres of land to make a canal round the Muscle Shoals?

[Mr. HUBBARD said he had not voted for that measure, and would be willing now to give the land back to the Government.]

Mr. Speaker, it is not for me to doubt the sincerity of gentlemen, and I hope the gentleman from Alabama may long represent his people on this floor, if he desires it; but I can tell him it will be for some other reason that they will send him here, than for his opinions on this subject.

[Mr. CHAPMAN of Alabama here asked Mr. HOWARD if a similar grant of land had not been made to Indiana?]

Mr. HOWARD. Certainly, sir: I am not an objector to these liberal grants to the new States. If I had been here, I should have voted for them, whether for Indiana or Alabama, and I should not now mention them if it were not to show how the *locality* of a measure may sometimes influence the conduct of gentlemen here. I hope gentlemen will bear with me, and not become restless, when the beneficial action of the General Government in reference to their particular sections, is mentioned. In turning from the Southwest, and glancing over the Southeastern portions of the Union, my attention is attracted by some favored spots in old North Carolina, and, by the way, sir, *I* cannot but allow my mind's eye to rest, for a moment, on that far-famed country, for which, it is said, so many speeches are made here: Sir, I mean no disrespect to that portion of the district of my honorable friend, [Mr. GRAHAM.] No, sir: it is the country that possesses more charms for me than any, than all others. I have run upon its mountains, and fished in its streams, and mingled with its noble, hospitable, generous-hearted inhabitants. I know them; and if gentlemen will make speeches for Buncombe here, they should prune them of every sordid sentiment, and adorn them with the language of simplicity and truth. But in the eastern region we see, what I would be pleased to bring to the notice of a gentleman from North Carolina, who has occasionally spoken of the Cumberland road, [Mr. STANLY.] When he shall come to discuss this question, I wish him to tell us how it becomes constitutional to give money for the improvement of navigation in a *swamp* called the Dismal Swamp—how it is so to apply it to the improvement of Tar river, Cape Fear river. Do the gentleman's constitutional scruples accompany him to that region?

[Mr. STANLY. Will the gentleman allow me to answer?]

Mr. H. No, sir; I prefer giving him time for reflection. Now, sir, in all seriousness, look at your line of sea coast, your harbors, lighthouses, rivers, upon which millions upon millions have been expended. Look at your roads, too, in various sections of the country, some finished and others in progress, and tell me what becomes of the argument against the power to prosecute this greatest of all our national works: a thoroughfare which, let politicians talk as they may, and resist it as they will, is destined to be carried to the foot of the Rocky mountains, and *through them*, if it cannot be constructed over them, and to terminate at some great mart on the Pacific, from whence our trade will be carried on with the WEST INDIES, not Cuba, Jamaica, &c. but the *West Indies*. We hear the Cumberland road spoken of as a *local* measure. Sir, it is the commencement not of an Appian or Emilian way, but of a prouder monument—one that is to connect two oceans—that even now embraces "in its ample span" almost half a continent. Yes, sir, oppose it as you please, but American money, American genius, and American enterprise, will carry it forward, and it will be travelled by the Representatives from the States of the Oregon, if the spirits of disorder and disunion shall not rend us asunder, and defeat that destiny which, as a united people, awaits us. It will not be a canal, frozen up in winter, nor a railway, that some Charles Martel, with a single blow, may render unfit for use, but a paved highway, over which our armies may march, our munitions of war be transported from one side of this vast continent to the other. Sir, our children will look with pride upon this work, and boast that it was the work of their fathers. I, sir, would be amongst the last to do violence to the Constitution; but both the instrument and its construction have been given to us by the statesmen who have passed away; and shall we now cease to make it that beneficial instrument, which, for an age, the action of the Government has made it?

There are other strong considerations favorable to the prosecution of this work. I have been in the State of Indiana for ten or eleven years, and travelled the road when I first visited the State. The lands were then taken up. The Hoosiers (and I am proud of the name) had expended, some one hundred, some two hundred dollars, in the purchase of quarter and half-quarter sections, in order to provide themselves with farms upon and near the National road. They all believed, it was on every man's lips, that the United States were to make a great national highway there. It was on the faith of this they bought the public lands at that early day, and poured the proceeds of their hard earnings into the Treasury. They looked to it as a thoroughfare for emigration, for commerce; and hence population has crowded upon it, cities have sprung up along its line, some of ten thousand, some of fifteen thousand inhabitants, on the finished parts of the work. Will you now, sir, check it, and leave the people in Ohio, Indiana, Illinois, and Missouri, to charge the Government with bad faith? Sir, the road is worse, in some parts of Indiana, than if there had never been a stroke struck upon it; patches of the graduation completed; a few miles of paving done in the vicinity of three towns; and the rest left worse than when it was in a forest. What will the people *say*? What will they *think* of the policy of a Government, of its wisdom, and its *faith*, if this work shall be abandoned?

It is true, sir, I did tell the people that I thought that Congress would give us an appropriation whenever the subject was mentioned. Why did I do so? Because I thought both Whigs and Democrats would unite in preserving the national faith. I have never regarded it as a party question, and do not now so regard it. It is not to political parties, but to the friends of the road, of all parties, that I look; and to them, as one of the Representatives of the great Northwest, will I feel the profoundest gratitude. I would appeal to the gentlemen from South Carolina, especially to one now in my eye, a native of the same neighborhood with myself, whether they think there is nothing in the just expectations of the Western people on this subject?

It is not long since that State took strong ground in support of their alleged rights. Will they allow us the credit of equal sincerity and equal determination? If they do not, they mistake us. We know our rights, sir, and will maintain them; not by violence, but by continuing to press our claims upon the constituted authorities of the American people. I confess that, if this appropriation fails, the people will be disappointed. They have a right to be; and I appeal, therefore, to gentlemen of all parties, in behalf of what I regard the redemption of a pledge given for the construction of this great work. It is not party feeling that brings us here in regard to this road. In relation to it we have in the Northwest but one party, one interest, one purpose. It gives me pleasure to observe the conduct (and to acknowledge it with gratitude) of many members of both parties. I have seen old Massachusetts, the cradle of the Revolution, coming to our support. Sir, I wish I could see the same union in our favor in the Old Dominion; but in the South I am sorry to find such harmony amongst Whigs and Democrats against us. But, in regard to this measure, I shall never be found troubling myself in examining the journals. It will be sufficient for me that the measure succeeds, and my feelings will be those of gratitude to our friends rather than of censure upon any quarter. Gentlemen may, however, suppose that this is an inconsiderable matter, and that these States are experimenting on this body. Sir, they are mistaken who suppose so. No State, no section, has ever been more determined in the pursuit of its rights, than the States of Ohio, Indiana, and Illinois.

Mr. Speaker, it has been asked whether we were to be bought by this appropriation? Sir, it implies an injurious imputation. It is true we have our price; but it does not consist of political or party considerations, nor is it dollars and cents. It is the price of patriotism; of virtue. But, sir, will it not not be the part of wisdom for the old States to do us justice now? Do you not think we will remember our friends? Look at that map, sir. Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, and Iowa. Contemplate the progress of empire westward—the millions that are to fill up that vast region, possessing facilities unequalled on the globe. Sir, the sceptre will depart from Judah. Is it not better for you to do us justice than to allow us to redress our own grievances, smarting under the sense of the illiberal, narrow policy of the old States towards us. Do gentleman suppose we will be unmindful of our friends?

Sir, it reminds me of an act of kindness I received from a man in my childhood. I knew him in after life, and whether I saw him in the church, the mixed assembly, or the court-room, I never saw him, without having his conduct to me in my in-

fancy brought fresh to my recollection. So it is with nations; so it will be with us. We will remmeber our friends.

Mr. Speaker, there are other gentlemen who desire to address the House on this subject; and although there are several topics I would be pleased to discuss, I shall leave them to gentlemen more able than myself to do them justice.

SPEECH OF MR. FISHER,

OF NORTH CAROLINA.

In the House of Representatives, February 25, 1840—On the resolution offered by Mr. JOHNSON of Tennessee, instructing the Committee of Elections to REPORT *forthwith* to the House which of the claimants for the five vacant seats from New Jersey have received a majority of the whole number of votes polled in New Jersey at the late election for Representatives to the present Congress; and also to report certain papers, to be printed, &c.

Mr. FISHER said: As the gentleman from New York [Mr. FILLMORE] declines proceeding with his remarks, I will take up the subject, and submit a few observations. And, in the first place, I must express my surprise at the efforts that are being made here to *stave off* this question, and evade coming to a decision on it—this, too, at a time when great complaints are heard from every quarter against the tardiness of our movements. In the next place, I must express my utter astonishment that there should be any objection whatever to the committee's reporting the fact who have received the majority of votes, or to the publication of the papers giving information on the subject. Are gentlemen unwilling to receive information? If they are unwilling to receive it for themselves, certainly they ought to suffer it to be spread before the people. If there be any lights before the committee, is it right to lock them up in the committee room—to hide them under a bushel? Why not bring them out, and set them on a hill, that all may see them? I think, sir, it is due to this House itself, to the people of New Jersey, and to the whole American people, that all the information before the committee should be brought out, and made public.

In the first place, it is due to this House itself. Why? This House refuse to permit the FIVE individuals who came here with the Governor's certificates to take the seats. For this decision we have been assailed in the most unqualified terms, and denounced by the Governor of New Jersey as having been guilty of "a monstrous usurpation." Now, sir, the FACTS ought to be made public, that the American people may judge whether this charge be TRUE or FALSE; whether it is this House, or Gov. Pennington and his pliant Privy Council, who have trampled on the Constitution and on the laws, and committed this "monstrous usurpation."

In the next place, it is in an especial manner due to the people of New Jersey that all the facts should be made public, in order that they may see why they have not their full representation on this floor. There are TEN individuals here claiming the *five* vacant seats, and yet neither set is permitted to occupy them. The people of New Jersey have a right to be informed why this is so. Five of these claimants have come out, and, *in advance*, charged the whole blame on the majority of this House. In their letter to the Governor of New Jersey, written no doubt for effect, and published every where, they characterize the proceedings of this House as an OUTRAGE—as a *disgrace* to a representative Government—as a *disgrace* to the body itself—as the exercise of a "lawless and revolutionary power;" and they charge that the MAJORITY disregard their "oaths to support the Constitution." Now, sir, these are grave charges, and the FACTS should be made public, that it may be seen whether this House be guilty—whether this House has committed perjury and usurpation in exercising a power expressly delegated to it; or whether these five claimants are not the culprits in trying to usurp seats on this floor, when they *know* they have not received a majority of the votes of the people of New Jersey.

There is yet another reason why nothing should be kept back, but all made public. The majority in the Legislature of New Jersey have taken up this subject, and have passed a series of resolutions, denouncing this House in the most unmeasured terms. They were not content to pass these resolutions, and circulate them in New Jersey, but they have sent them to all the other States in this Union, thereby inviting action on them.

Now, that the Legislatures of these States may be enabled to act understandingly on the subject forced on them by these resolutions, let us give them all the facts we can, lest, like his Excellency of Virginia, they may act on one-sided evidence alone. Perhaps, however, his Excellency may not have stood in need of light on the subject; he may know all about it by intuition. I hope, sir, these will be considered good reasons why the resolution should be adopted by the House in the form in which it has now been presented to us.

Mr. F. continued. It has been decided, sir, by the vote just taken, that it is not in order to quote what has been done in the committee; and yet, without referring to the proceedings of the committee, it is difficult to explain things as they ought to be. Much censure has been thrown on the committee from various quarters, and, for one, I wish that the whole proceeding may be made public; for, whatever may be the result, I feel that my skirts are clear. I do not, however, believe that the journal of the committee will reflect much light on the subject. I have no doubt it will be considered a great literary curiosity; for, in my opinion, it is the most extraordinary journal that ever has been kept since the keeping of journals first began. Sir, did you ever read in ancient fable of an unfortunate wight, who was condemned to roll a huge stone up hill all his life? how, after pushing, and pulling, and tugging, to get it up to the top of the hill, it would slip from his hands and roll down again? If you have, you may form some idea of the labors of the committee. Or, sir, did you ever read in ancient story the history the faithful Penelope, who spent the day in weaving her web, and the night in winding it out again? If so, perhaps you may form some idea of the labors of the committee. The object of Penelope was to gain time—

[Mr. F. was here called to order for referring to the proceedings of the committee; and, after some discussion on the points of order, he was suffered to proceed with his remarks.]

He continued. Sir, it is not my purpose to anticipate the publication of the facts, but I wish to disabuse the public mind on a few points.

No one on this floor, or any where else, has ever pretended that the certificate men received a majority of the votes polled at the late Congressional election in New Jersey. Nor has it been asserted here or elsewhere, that the others did not receive a *majority;* on the contrary, it has been so admitted. When, therefore, the certificate men came forward and claimed the seats, they did so, not on the ground that they had received a majority of the votes; but on the ground that they had received the Governor's certificate. On the other hand, the other FIVE claimed the seats on the ground that they have received a majority of the votes. The real and undisguised question, then, that was in the first instance presented to the House, and that is now before the House, is this—which set of claimants shall be admitted to seats here? those who have the Governor's certificates without having received a majority of votes, or those who have no certificate, but who have received a majority of votes? I am one of those who will never consent that the voice of the people shall be set aside by a Governor or by any one else. Judging from circumstances, it would seem that the five certificate men themselves did not believe altogether in the certificates—for, either through the want of faith in their certificates, or with some other view, they went to work last fall in hunting up illegal votes; and behold they lay before this House a list of 243 votes, which they say are illegal. This list of votes reputed to be illegal, has been extensively published throughout the country as a sort of set off to the majority admitted to have been received at the hands of their opponents; and it has been done, too, in such a manner as to make many believe that two hundred and forty-three illegal votes have actually been discovered. Now, sir, what is the fact? Why, they cannot shew, by duly authenticated papers, even one dozen of bad votes; their own competent papers show less than twelve illegal votes.

[Mr. F. was here again called to order for referring to papers in the committee, and, after some discussion on the point of order, the Speaker decided that he had a right to refer to papers that had been read in this House, though not now in possession of the House. From this decision, an appeal was taken, and the ayes and noes called for. The Speaker was sustained in his decision by the House, and Mr. F. was then permitted to go on.]

Mr. F. then proceeded to say; I wish, sir, to set the public mind right on another point. By turning to the list headed illegal votes, it will be seen that it is there charged that eight Whig votes were taken out of the box at Saddle river township, and eight Democratic votes were put in, and, of course, afterwards counted—thus making a difference of sixteen votes. Now, sir, what I wish to say is, that this charge has not been proven.

[He was then again called to order for alluding to papers not before the House, and, after a considerable interruption, was again permitted to proceed.]

As, sir, I cannot be permitted to refer directly to the papers, I must either stop altogether or do so indirectly. I will, however, first make a prediction or two. I will then predict, whenever the House examines the papers on this charge, they will find it wholly unsupported by proof as yet laid before the committee. The judges and inspectors of the polls held at Saddle river, are reported to be men of as fair character as any in the State of New Jersey. When this charge was first made, they not only gave it a flat denial, but they said if the charge was true, it was an indictable offence, and should be taken notice of by the law. They *challenged* their accusers to go before the grand jury, and have it investigated. They have not done so, nor have they made good the charge before any other tribunal whatever. Why have they not? It must be because they cannot; for, if they could, we have every reason to believe they would. And yet, sir, this Saddle river affair has been held up, here and elsewhere, as an established fact, that the ballot box was robbed.

But, sir, let us examine the grounds on which this Governor took on himself the right to set aside the will of the people, and to give the certificates to those who were rejected by the people. Where did he receive this power? Not from the Constitution of the United States, for that gives no such power to him, or to any body else; nor did he receive it from the laws of New Jersey, for the laws of New Jersey expressly requires that the Governor and Privy Council shall ascertain "*who have received the greatest number of votes from the whole State,*" and commission them accordingly. Where, then, did he get the power and right to throw away all the votes polled at South Amboy and Millville, which gave a clear majority of 458 in favor of the Democratic candidates? When all the facts are brought to light, it will be found that this Governor, who charged this House with "a monstrous usurpation," has himself trampled on all law, and committed a daring outrage on the rights of the people. In justification of his conduct, it is put forth every where, that the returns from South Amboy were not made in time by the judge and inspectors of the polls to the clerk of the county, whose business it was to send them up to the Governor. The fact is otherwise. The returns from South Amboy were delivered to the clerk a whole day before the time expired; but this clerk, without any authority of law whatever, undertook to set himself up as judge, and actually rejected the votes, on pretence that they were not "returned pursuant to law," and refused to insert them in the list sent by him to the Governor. Nevertheless, a full statement of these votes was made out, certified by the judge and inspectors, and delivered to the Governor in due time, but he and his Privy Council rejected them because they did not come to him through the clerk; and in this way the people were deprived of their sacred rights by the do-

ings of the clerk on the one hand, and a partisan Governor on the other. And here, let it be remembered, that, at the time of this transaction, not a word was said about illegal votes. Neither the clerk, nor the Governor, pretended to allege that the polls of South Amboy were thrown aside on account of illegal votes. No: the excuse of the clerk was, that the returns were not made "pursuant to law;" and the excuse of the Governor was, that they did not come to him *through* the clerk. The allegation of bad votes was altogether an after affair, and, without a doubt, got up to turn public attention off from the conduct of the Governor and the two clerks.

As to the returns of Millville, there it is true that the returns were not made to the clerk by 5 o'clock on Saturday evening, as required by the law of New Jersey, but they were made between 10 and 11 o'clock that night. Was this, however, a good reason for rejecting the votes of the freemen of New Jersey? If the returning officer fell four or five hours behind his time, are the people to be punished for his neglect? If he violated the law, punish him; but do not disfranchise freemen for his latches. Who before this ever heard of an instance where the people lost their votes, after having given them in according to law, merely because the returning officer did not do his duty? In New Jersey, at least, such a thing was never before heard of: there the practice has always been the other way. It is a remarkable fact, that in the year 1832, a case occurred in this very township of Millville precisely in point. In that year, the returning officers of the polls at Millville failed to deliver the returns to the clerk until 12 o'clock at night, whereas they ought to have been delivered by 5 o'clock. The clerk sent on his returns to the Governor, *omitting* the votes of Millville, because he did not receive them by 5 o'clock. He, however, soon after made out a certificate of the facts, and sent it up. The Governor and Privy Council received the votes, and counted them, and, what is more, these votes then turned the scale in the election, as the votes of the same place now do. This, too, was done by a Whig Governor, (Southard,) and by a Whig Council. But this is not all. At this same election of 1838, a contested election took place in the county of Cumberland, in which Millville is situated, and the irregularity of this return from Millville came before the present Legislature of New Jersey. The matter was referred to a committee, a majority of which was composed of Whigs. The majority and the minority both made reports. The Whigs, in their report, declare, "they will not suppose that the voice of the people, fairly expressed at the ballot box, if ascertainable, will be disregarded merely for the reason that the duty of making the certificate of election has been negligently, ignorantly, or even fraudulently performed, or omitted, by any of the officers upon whom that duty is imposed." Now is it not strange that these same Whigs of the Legislature of New Jersey, in the course of a few months, after adopting these just principles, should change about and denounce this House for acting on them? It only shows that party ambition is stronger with them than either a sense of consistency or the feelings of patriotism.

[Mr. F. was here interrupted for referring to the action of the committee.]

Mr. F. said I am very desirous to pursue this subject still farther, but it must be apparent to all, from the various interruptions I have received, the calls to order, and the questions of order, that it it will be next to impossible to do so. The moment I refer to a paper now before the committee, I am called to order. The moment I take up a pamphlet to read, a question of order is raised, and rather than proceed amidst this constant interruption, I will abandon this part of the subject for the present, and turn to another where I anticipate no interruptions.

Mr. F. continued, on the constitutional question of certificate and seal. I will now, sir, proceed to take, rapid notice of the *argument*, which on a former occasion was so much relied on in this case. I mean the great platform argument, on which all the speechs from one side of this House have been built. Without claiming to possess any constitutional learning, I will endeavor to test this argument by the rules of common sense, and plain reasoning. And that I may not do injustice to this famous argument, I will endeavor to state it in the very words of those who have advanced it here; from the very able and distinguished gentleman from Tennessee, [Mr. BELL,] to the humbler orators in this debate.

"That this House cannot go beyond the certificates of the Governor to inquire who are entitled to the seats; but that we must take the certificates in the first instance, as conclusive evidence that they who hold them, are entitled to the seats." Or, in other words, "that whoever presents himself here with the *certificate* of election, is *thereby* entitled to his seat on this floor."

Now, sir, to test this proposition, we must, in the first place, see what powers the Constitution gives to the House on this subject. The words of tee Constitution are as follows: "Each house shall be the JUDGE of the elections, returns, and qualifications of its own *members*." (Article 1, section 3.) "Shall be the JUDGE!" But if it be true that we cannot go beyond the certificate, to examine evidence, but must receive *it* as full and conclusive evidence that they who hold it are entitled to their seats, then it follows most clearly that the House is not the JUDGE. It is not the *judge*, because it can exercise no discretionary power whatever—it has no choice—it cannot look into facts, or law; but it is wholly passive, without the power to choose or reject. To JUDGE, implies the power to examine testimony—to hear both sides—to make up a judgment—and to decide according to evidence; but if it be true that we cannot look behind the certificate, then the House cannot examine either facts or law, and consequently cannot *judge*. Thus, by the argument of gentlemen, the Constitution is nullified, and this House is made a mere passive creature, without a single attribute of a judge.

But this is not all; for this argument of gentlemen not only makes a dead letter of the Constitution, which constitutes this House the judge: it goes farther, and makes the *maker* of the certificate sole and exclusive judge of all elections to Congress. In the present case it makes Governor Pennington sole and exclusive judge. Now let us see if this be not the consequence.

It will be admitted by all, that before Governor Pennington made out his CERTIFICATES, he had before him all the returns, including those from South Amboy and Millville, which, taken together, gave a decided majority to the Democratic candidates. It will be also admitted, that, with these papers before him, he had the power to decide in favor of either party. He did decide in favor of his political friends—the Whig candidates—and gave them his certificates. Now if it be true that we cannot go beyond this certificate, then, in admitting these five men to seats here, we do so, not because they have received a majority of votes in New Jersey, but because they have received the Governor's certificate; and thus, to all intents and purposes, you constitute the maker of the certificate sole JUDGE in the case. But, to make this conclusion more palpable, let us pursue it a little farther. Suppose Governor Pennington, with the papers before him, had given his certificates to the other five, as we contend he ought to have done, they having received a majority of the votes, *then*, according to the doctrine of gentlemen, the other five would have been the members. Why so? Not because they had received the majority of the votes, but because they held the *certificate*, thus making Governor Pennington not only sole *judge*, but likewise sole *elector!* He had the power to give his certificate to either party; and whoever holds his certificate, are to be hailed here as the true members. Now, sir, do you think that the Constitution ever meant to give to the Governor of a State a paramount power over the votes of the people of that State? a power to set aside the votes of the majority, and substitute his own will in their stead?

But, sir, let us examine this matter yet a little farther. Suppose this wonderful Governor, by way of showing what the great seal in his hands could do, had put aside both sets of candidates, and had given his certificates to five of his Privy Council; these five, with certificates in hand, had come on here, and taken seats, and, at the same time, the other claimants had come on, and made known to you the whole fraud—you understand it fully, and believe it all—yet, according to the argument of gentlemen, you can take no notice of it, but you are bound to receive these spurious member, place them in seats, act and vote with them, and do all this merely because they hold the Governor's *certificate* under the great seal of the State! There is no end to the absurdities into which this doctrine, that you cannot go behind the certificate, will involve us; and, gentlemen seeing this, have endeavored to extricate themselves by attaching some qualifications to it. Let us examine these.

They say, that although you cannot be beyond the certificate *in the first instance*, but must admit the holders of it to take seats and exercise all the rights of members; yet, *after* they have taken seats, and become invested with membership, *then*, and not till then, you may take up the case, look beyond the certificate, examine and judge, turn out the certificate men, and put in the others. Now, let us look at this view of the subject. If this argument be true, then it must stand upon two propositions, which it necessarily presupposes; but if these two propositions are false, then the argument itself must be false, for it rests on them alone.

The *first* of these propositions is this: that the House has more power after the certificate men take their seats than it had before; that is, that the House acquires power from the circumstance of the certificate men taking seats; for it is evident if the House *can* declare that the certificate men are *not* entitled to seats after we admit them, which we could *not* do before admitting them, then, of course, the House has gained power by the fact of their admission, since it can do, after they are admitted, what it could not do before. Now I deny that the House acquires any power by the circumstance of the certificate men taking their seats, and I disprove it by a direct appeal to the Constitution itself.

I disprove it in this way. We meet here under a *written* Constitution; we derive our existence and all our *powers* from it, and from no other source whatever. These powers, thus derived, are expressly laid down in the Constitution, and cannot be *increased* or *diminished* by any law, custom, or usage whatever; for this plain reason, that whatever modifies, that is, increases or lessens the powers derived from the Constitution, must be greater than the Constitution, and may entirely change or destroy it. But as there is no power greater than the Constitution, except the States in convention, then it is clear if this House acquires power by the fact referred to, it must be so in consequence of something expressed or implied in the Constitution. Now I challenge gentlemen to show any thing of the sort in the Constitution. If they cannot show it, then it will be because it is not there; and if not there, their assumption is false, and falls to the ground.

The second proposition that gentlemen must show to be true before their argument can stand, is this: That a man may be a legitimate member of this House before he takes a seat, who is not so after he takes it; or, in other words, that to-day you are bound to admit him *because* he is a legitimate member, and to-morrow you are bound to turn him out *because* he is not a legitimate member. This proposition is not only necessarily presupposed by the argument of gentlemen, but it has been expressly laid down by several speakers. The gentleman from New York, who is reputed to be an able lawyer, actually asserted it as a sort of political axiom, in his speech delivered on the New Jersey case several weeks ago. He then said:

"Whatever eventually may be the result, the certificate in the first instance, and for the time being, fully and absolutely invests him who holds it with the right of membership."

Now let us see if this proposition will bear the test.

WHO makes members of Congress? By the Constitution, the PEOPLE of the several States choose their members of Congress. Whoever receives a majority of the qualified votes given according to the rules of law, thereby becomes the member. *Mark* it—it is not the *certificate* of the

Governor, but the *votes* of the people, that make members.

Whenever, therefore, a man presents himself here, either with or without a certificate, this may be said of him as true—that he is either a member or he is not a member. He cannot be a member and not a member at the same time; he must be one or the other. If he is a member, then all admit that the House cannot rightfully divest him of his membership. If he is not a member, then it is equally clear that the House cannot make him one. The House cannot add to, or take away, in the smallest degree, the rights of membership, for, to say that it can do so, would be to say that it can modify the powers given by the Constitution, and consequently must be greater than the Constitution, and may change or destroy it at will. Now apply this argument to the five certificate men from New Jersey: they are either members or they are not. If they are members, they were made so by the votes of the people; but suppose they were not made so by the votes of the people—then by what authority is it that you admit them as members? Why, according to the argument of gentlemen, by authority of the Governor's certificate. Thus, then, it follows that the Governor's certificate empowers you to do what the Constitution gives you no right to do—to make members of Congress; and consequently, the certificate is greater than the Constitution; and thus, you see, the whole argument so much relied on by gentlemen, runs itself into a political absurdity, and falls to the ground with the false prop that held it up.

The sum of the whole matter is this: If this famous argument so much relied on be true, then the Constitution is a dead letter; but, as the Constitution is in force, and paramount to these potential certificates, then the argument itself is a political absurdity.

Mr. F. continued. I will take this occasion briefly to notice another most extraordinary argument that has been gravely advanced on this floor, and that has been seized on and acted on by the Governor of New Jersey and his party in the Legislature. The argument is this: "That the Congress of the United States is made up of members from the *twenty-six States*; that if any State is not represented here, it cannot be a Congress, and, of course, cannot do business. But you have excluded the certificate men from New Jersey, *ergo*, you have no Congress, and can do no business." This is certainly a new argument, and the distinguished gentlemen from Massachusetts and Pennsylvania [Mr. ADAMS and Mr. SERGEANT] are entitled to the honor of first discovery.

If this argument be true, then the 5th section of the 1st article of the Constitution must be inoperative; for if either House, by exercising the power there granted, excludes a single member from either body, such exclusion dissolves Congress, and renders all its acts unconstitutional. According to this new argument, there can be no Congress unless *every* State is *fully* represented. If this be not the meaning, then the argument does not apply to New Jersey, since New Jersey has now one representative on this floor, and two in the Senate; and, if it applies to New Jersey, then it must equally apply to every other State.

Now, let us look at the absurdities into which this construction of the Constitution will involve us.

Several States in this Union have but a single Representative in this House. Now, if, on any account whatever, either of these Representatives should be excluded from this House, then such exclusion acts as a dissolution of Congress, and all that is done must necessarily be unconstitutional.

But it is even worse than this; for, if you exclude even a single one of the forty members of New York, the same result takes place. If this doctrine be true, then I doubt whether there ever has been a real constitutional Congress since the Constitution was adopted; for I doubt whether there ever has been a session when every State in the Union was fully represented.

If this argument be true, then that section of the constitution which says—"a majority of each House shall constitute a quorum to do business"—means just nothing at all. If this doctrine be true, then it is in the power of any member to dissolve Congress at his will and pleasure. He has nothing to do but resign his seat, put on his hat, walk out, and Congress is at an end. Will it be contended that our wise ancestors in framing the Constitution, ever meant such a thing as this? It is absurd to suppose it. And yet, let it be known, that this famous Governor of New Jersey and his pliant majority in the Legislature, with the desperation of drowning men, have caught at this floating straw, and set it forth in solemn resolutions, and sent them to all the States in this Union inviting action on them; not only so, but sent them to you, and to this House, in a way and manner, insulting to both. But, sir, this is not the first time this game was played off in this country. We read, that during the Revolutionary war, one of the British commanders attempted the same thing with General Washington. In following the example of Washington you did well, sir. He returned the package to the British officer. You returned the paper to Governor Pennington. There let it rest with the argument that brought it forth.

Mr. F. in continuing his remarks, said, there is one other subject connected with this question on which I wish to make a few remarks. All of us who have refused to let the certificate men take their seats, have been charged with violating State rights. Now, sir, I am a States rights man, and repel the charge as wholly unfounded—particularly as coming from those who never, until now, showed any zeal for State rights. What are State rights? I will tell you: the Federal Government is a Government of delegated powers, that is, it has no power, but what are given to it in the Constitution. All powers not given to it by the Constitution, are expressly reserved to the States, and the people. *See the 10th article of the amendments.* These reserved powers are the *State rights.* The only way, then, in which this House, or this Government can encroach on State rights, is to assume and exercise powers not grated in the Constitution. Now, did this House assume an undelegated power in taking cognizance of this case, and excluding the certificate men from this floor? Certainly not, if there be any meaning in the words of the Constitution, "Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each House shall constitute a quorum to do business" From this it is perfectly clear, that in acting on this question, so far from assuming a doubtful power, we were only doing what the Constitution made it our especial duty to do, and what no other tribunal has a right to do. How, then, have we invaded State rights? So far from trespassing on State rights, this House, on the present occasion, has defend State rights and the rights of the people of New Jersey, from one of the boldest assaults upon them, that ever has been perpetrated in this Republic; an assault, which, if crowned with success, will soon prostrate the sacred rights of the elective franchise in the dust, and leave them to be trampled on by every petty partisan Governor who may happen to have in his keeping the great seal of a State.

Mr. F. said there were various other extraordinary arguments resorted to on a former occasion to justify the conduct of the Governor of New Jersey, which it would be out of time now to consider. Indeed he would not now have taken up the constitutional question at all, but for two considerations: the first was, that on a former occasion he was cut off by the previous question from saying a word on that question; and the next was, that on this occasion, he was prevented by constant interruptions, from pursuing the course of remarks he intended when he took the floor.

REMARKS OF MR. WELLER,
OF OHIO.

In the House of Representativ, Wednesday, February 26, 1840—On the New Jersey question.

Mr. WELLER said, it seemed to him that the question now beforce the House had already been fully discussed; and that every member upon that floor was prepared to vote understandingly in this matter; that gentlemen had been permitted, in the discussion of this resolution, to travel over the whole merits of the New Jersey election. He said, it struck him that this was not the proper time to enter into such a discussion. He thought it ought to be postponed until the committee, to whom the papers had been referred, submitted their report. When the House was called upon to decide upon the claims of these gentlemen, then the proper time had come for discussing the merits of the election. A committee had been appointed to report to us the facts, and he did think the discussion improper until that committee reported.

He did hope, when the papers connected with the claims of these gentlemen were submitted to the committee, that a report would be made at an early day, in order that the State of New Jersey might have her full representation upon that floor. That State, said he, under the Constitution, is entitled to six members. She has but one in his seat. Why is this? Gentlemen in the Opposition have told us it was because a majority of this House had violated the Constitution, and trampled upon the rights of a sovereign State! Yes, sir, said Mr. W. the gentleman from Connecticut [Mr. SMITH] has denounced with unusual violence the party to which I belong, because they would not suffer the Governor of New Jersey to manufacture Representatives for them. Sir, said Mr. W. I have never before listened to such miserable slang as fell from the lips of the gentleman from Connecticut—such contemptible stuff.

[The SPEAKER here called Mr. W. to order.]

Mr. W. said he had no disposition to violate any of the rules of that House; but when he, and those with whom he acted politically, were charged with having violated that Constitution, which they had solemnly sworn, in the presence of that House, and before their God, to support, he must be permitted to say a few words in his and their defence.

[Mr. CRABB insisted that, inasmuch as Mr. WELLER had been called to order, he should object to his proceeding, unless he would pledge himself not to demand the previous question.]

Mr. W. said the gentleman from Alabama had no right to say whether he should proceed or not. Nor could he recognise his right to prescribe to him the conditions upon which he should address the House. It is, said he, for the House to say whether he should proceed, and to their decision he would cheerfully submit.

[The SPEAKER then put the question to the House, whether Mr. W. should be permitted to go on, and leave was given.]

Mr. W. then said the gentleman from Connecticut had occupied three hours in denouncing those who differed with him in opinion on this subject. His whole speech from the beginning to the end was insulting to those who had refused to give the seats to the members holding the Governor's certificate. Sir, (said Mr. W.) it had been charged time and again, on this floor, that we have violated the Constitution for party purposes! It is, said he, a base slander upon the Democratic party, no matter by whom uttered. If gentlemen supposed he was to fold his arms, and sit quietly in his seat, and hear these unfounded declarations, they were mistaken. He, for one, intended, upon all occasions, to defend himself, and his principles. Satisfied of the correctness of the cause he had pursued, he should not shrink from the responsibility of his acts, and when gentlemen saw proper to denounce him for discharging what he conceived to be his duty, they must not expect him to sit quietly under their abuse.

So far from violating the Constitution, said Mr. W. we had been endeavoring to preserve it in its purity. That Constitution, said he, declares that the *people* shall elect their Representatives. His efforts, and the efforts of those with whom he was associated, had been directed to the securing of this right to the people of New Jersey. It has been admitted, said he, repeatedly admitted, that those gentlemen who hold the certificates of the Governor had not received a majority of the votes. Am I then, sir, said Mr. W. to be charged with violating the Constitution of my country when I refuse them seats in this hall? Shall I be told that I am trampling upon the rights of a sovereign State when I decline permitting men to legislate who

have been rejected by the people? If, sir, said he, in maintaining the right of the people to elect their own Representatives, I am violating the Constitution, then I stand convicted before the country.

I ask again, said Mr. W. why New Jersey has but one Representative on this floor? A proposition is now before us requiring the committee to report their proceedings, in order that we may be enabled to give her a full representation here. This proposition is violently opposed by gentlemen on the Whig side of the House. Who, then, are disfranchising the State of New Jersey? Who are the men who are depriving her of her representation? Efforts have been made, said Mr. W. both here and elsewhere, to prejudice the public mind against the course pursued by the Democratic party on this question; but the facts would ere long be spread before the people, and this base imposition would be exposed. He had no fears about the result.

Mr. W. said he always felt disposed to extend proper courtesy and respect to the Governor of a State, and to his official acts; but when that Governor invades the rights of the people, and assumes to himself powers not delegated to him by the Constitution, he would speak of him in the language his conduct merited. Yes, sir, said Mr. W. and when he attempts to silence the voice of a free and independent people, as expressed through the ballot box, he must be permitted to call him a bold usurper. This high-handed outrage, said Mr. W. upon the elective franchise, should excite the indignation of every honest man in the county. If, said he, the people of New Jersey tamely submit to such an outrage, they have lost the spirit and patriotism that characterized their fathers in the days of the Revolution; they have become the subservient slaves of a petty tyrant, and are no longer entitled to the appellation of freemen.

The party with which I act, said Mr. W. are anxious to give the seats to those who have received a majority of the votes of the people, and if to do this was a violation of the Constitution, then they were indeed guilty. But, said he, I have already detained the House too long. My object in rising was simply to demand the previous question, but as I have permitted my feelings to lead me to make some remarks on the conduct of the Opposition, I do not feel at liberty to do so. Having, said he, no disposition to take the advantage of any gentleman, he must, notwithstanding he had risen solely for that purpose, decline moving the previous question.

SPEECH OF MR. HUBBARD,
OF NEW HAMPSHIRE.

In Senate, Tuesday, February 18, 1840—On Mr. GRUNDY's report in relation to the assumption of the debts of the States by the Federal Government.

Mr. HUBBARD addressed the Senate as follows:

Mr. PRESIDENT: I regret that the Senator from Vermont, [Mr. PHELPS,] who was entitled to the floor, is not in his place. I did not myself expect to address the Senate this morning. It was my belief that the honorable Senator to whom I have referred, would have favored us with his views upon this subject, and I should have been much gratified to have heard him. As it is, although I regret the absence and the cause of the absence of Senator, I will not ask the Senate to stay the progress of the debate, but will at once proceed to present my own views, ill prepared as I am.

What are the resolutions which the select committee have presented to the Senate? And what is the substitute for those resolutions, which had been offered by the Senator from Kentucky? I will read them, and place them in connection with the remarks I shall make, that the people of my own State, who may feel any desire to read my speech, may understand the whole subject-matter.

1. *Resolved*, That the assumption, directly or indirectly, by the General Government, of the debts which have been, or may be, contracted by the States for local objects or State purposes, would be unjust, both to the States and to the people.

2. *Resolved*, That that such assumption would be highly inexpedient, and dangerous to the union of the States.

3. *Resolved*, That such assumption would be wholly unauthorized by, and in violation of, the Constitution of the United States, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

4. *Resolved*, That to set apart the public lands, or the revenues arising therefrom, for the beforementioned purposes, would be equally unjust, inexpedient and unconstitutional.

These are the resolutions proposed by the committee. The Senator from Kentucky offers the following as a substitute:

Resolved, That the debts of the several States, so far as they are known to the Senate, have been contracted in the exercise of the undoubted right and constitutional power of said States, respectively; and that there is no ground to warrant any doubt of the ability or disposition of those States to fulfil their contracts.

Resolved, That it would be just and proper to distribute the proceeds of the sales of the public lands among the several States in fair and ratable proportions; and that the condition of the States as have contracted debts is such, at the present moment of pressure and difficulty, as to render such distribution especially expedient and important.

It is true that other propositions have been submitted; but in my judgment, the amendment proposed by the Senator from Pennsylvania to the resolutions reported from the committee, and the amendment to that amendment offered by the Senator from Michigan, seemed to me wholly uncalled for, *having* no connection with the subject discussed by the committee. I admit, sir, that it has been repeatedly said that the report was a direct assault upon the credit of the States. This I deny. I cannot suppose that the Senator from Pennsylvania had any such impression; and I cannot well conceive why he has proposed an amendment so foreign from the subject-matter of the committee's report. It was the propriety of an assumption of the State debts which the committee had considered, and not the ability of the States to respond. There is not to be found within the range of the report, a single line, nor a single word, indicating the slightest distrust in the honor, integrity, or ability of the States; and yet it is proposed to amend the resolutions of the committee by incorporating a direct proposition of our full belief in the entire and undoubted responsibility of the States to meet their liabilities, and of their clear and constitutional power to incur such liabilities. I regret that the amendment has been offered; and, as at present advised, I cannot give to the proposition my support. I will not say that I shall vote against it, or against the proposition of the Senator from Michigan. One thing I will say, that I shall reluctantly pass upon either proposition. In a former speech, I expressed my full belief in the honor and responsibility of the State Governments and the implicit confidence which, in my judgment, should be reposed in their plighted faith. I did this in answer to the reiterated, but groundless, declaration, that the report of the committee was a direct attack upon their credit.

Mr. President, if my neighbor calls upon me and asks, as a favor, that I would endorse his paper, I reply no, I cannot do that, but I will give you a letter of credit; I will certify to the world that you had contracted your debt in the exercise of the soundest discretion, and in the prosecution of your lawful business, and that there is *no ground to warrant any doubt of your ability, or of your disposition, to fulfil your contracts.* My neighbor should go forth with this letter of credit in his hand, adding liability to liability, entering into new projects and incurring new debts. At last misfortune overtakes him; he becomes embarrassed; his contracts are not fulfilled; and the holder of this paper comes to me and says, I ask indemnity at your hands. Is there a court of equity in Christendom that would not make me answerable, if I had given such a general letter of credit with a full knowledge of the fact that his preinvestments had been made in the prosecution of the most unpromising and unproductive enterprises?

Mr. President, I would not say aught against the credit of the States. *I do not feel myself called upon to endorse that credit.* It is matter foreign to our subject, and I will merely add that, with a less guarded legislative proceeding on a former occasion, the Federal Government considered itself bound, in equity, to provide for the Holland debt which was then oppressing the District of Columbia. It was done. I will not, sir, give my sanction to any proposition which can, by the ingenuity of man, be construed into an obligation, on the part of this Government, at any future time, or under any peculiar circumstances, to assume the liabilities of the States. I would, therefore, avoid action. I would avoid the direct expression of the sense of the Senate upon the amendment of the Senator from Pennsylvania, or even upon the amendment to that amendment as proposed by the Senator from Michigan. I regard them equally without the pale of our jurisdiction; as having nothing to do with the report or resolutions of the committee; and, in truth, as a most gratuitous interference, on the part of the Senate, with a most delicate matter—*that of State credit.*

The resolutions just read, taken together, present two very distinct questions for the consideration of the Senate.

The first is, Would it be just, expedient, or constitutional, for the Federal Government to assume the entire debt of the States?

The second is, Would it be just, expedient, or constitutional, for Congress, by law, to distribute the proceeds of the sales of the public lands among the States, upon some given rate, either for the purpose of relieving them from their present indebtedness, (at this period of unlooked for pressure,) or for any other purpose?

These two propositions seemed to be necessarily involved in the resolutions now before the Senate. It is my design, in my way, and according to the lights I possess, and according to the suggestions of my best judgment, to discuss each of these propositions. I feel myself called upon to do this, after the stand the Legislature of my own State has taken upon this subject, and after the instructions she has sent up here for our guidance upon these momentous questions—which resolutions I intend to submit to the Senate before I close my remarks.

The great burden of the song of the Opposition from the beginning, has been that this whole proceeding is gratuitous, uncalled for by any one State of the Confederacy—that it is a dangerous and unjustifiable assault upon State responsibility—that this is the most unpropitious period for the discussion of these momentous questions—that the whole movement looked and seemed to be designed as an attack upon the debtor States. Let us see what foundation there is for these objections.

How came this subject here? It is true that no debtor State has directly asked in the suppliant language of petition for aid in her existing embarrassment. No State has come up here with a memorial for relief. But is there no other mode except upon petition, to act upon these great constitutional questions—questions involving the power as well as the justice of the Federal Government? Is it not one of those abstract propositions which should be entertained, discussed, fully considered and determined, uninfluenced by any memorial from any sovereign State or corporation? The action of the Senate should be free. The action will now be controlled by the great principles upon which rests this Government. This, then, is the appropriate time for action. The public mind has already been addressed upon this subject; not only by those who regard it as a matter of interest for the Government to come in aid of the States, but also through the public journals, by the communication of Executives to their State Legislatures. It cannot, for a moment, be denied, that this very question was engaging the public attention before the meeting of Congress, and it thus became our bounden duty, on coming together, promptly to meet and decide the question.

I have, Mr. President, made an extract from one of the leading political journals of the country, which I propose to read to the Senate; and I well recollect that about the time of the publication of this article, I saw published in other newspapers substantially the same opinions.

[Here Mr. CLAY of Kentucky said: Will the Senator from New Hampshire give the names of the papers to which he refers?]

I will answer the Senator, by assuring him that I will give the name of the paper from which I have made the selected extract. But as to the other papers, from which I do not purpose to read extracts in the course of my remarks, I will give to the Senator their names according to my recollection, at any private interview without the walls of this chamber.

The following is from the National Intelligencer of the 28th of October last:

"Among the bitterest fruits of the derangements of our money matters, is the distrust of ultimate ability on the part of the debtors to pay their responsibilities. This distrust has reached our State engagements, and the bonds of some of them are down to a very low price. I have heard divers insinuations against their payment, for divers reasons; but my own opinion is, that if the ways and means for discharging them were provided, they would stand as firm, perhaps more so, than any other securities. Most of these bonds have been appropriated for objects of internal improvements. Would it not be a wise provision if Congress were to set aside certain amounts of the public lands for their ultimate redemption?"

This, it is true, purports to be in the character of a communication. But it is the frank expression of an opinion truly alarming to the peace and perpetuity of our institutions, and that is put forth in the form of an inquiry. Speaking of the State debts, the writer remarks: "*Would it not be a wise provision if Congress* were to set aside certain amounts of the public lands, *for their ultimate redemption?*"

The ultimate redemption of what? The State debts. To set apart the revenues to relieve the States from their indebtedness. The writer of this article could not for a moment suppose that the annual proceeds of the sales of the public lands would ever extinguish State liabilities. They would not make a tithe towards meeting even the interest of the State debts. Nor is that the proposition of the writer. His suggestion is too plain to be misunderstood; and it is for a direct assumption of the entire debt of the States. It proposes to set apart certain amounts of the public land for their full and complete redemption. It is artfully drawn, but its meaning cannot be mistaken. It is to look into the Treasury, to count up the millions which have there been received from the sales of the public lands—*to set aside their amount to redeem the State debts*—and, if that should be found insufficient, to pledge the future proceeds of the sales of the lands, until the object shall be fully accomplished.

Similar views, according to my recollection, were circulated over the country, through the agency of the press. They had found their way into other public journals. And I beg the Senate to bear in mind that, from the plain reading of this paragraph, it is a proposition for an assumption—*an entire assumption, a complete assumption*—of the State debts; and it suggests the means for their final liquidation and payment.

But this is not all. To such an extent had the public attention been drawn to this subject, that the Governor of New York himself refers to it in his annual message to the General Assembly of that State.

Upon this self-same subject I have made an extract from the message of another Chief Magistrate to his Legislature, and it most clearly shows that the subject of assumption was agitating the public mind in various sections of the Union; that it was matter of debate whether the entire debt of the States should be transferred to the General Government. The message from which I propose to read an extract, could not have been induced by any action of this body. It was induced solely from a knowledge of an opinion, pervading, to some extent, our common country. The Governor says:

"The project now afloat of funding the State debts, and for their assumption by the Federal Government, cannot, and should never be adopted. *Congress has no right to take money from the Federal Treasury for such purposes; and, if attempted, the effort must shake the Union to its centre.* But even if successful in its adoption, the policy would be fatal to the independent character of the States. A precedent would be established, by which extravagant expenditures would be stimulated with the States, reducing them to the condition of mere stipendiaries on the favor of the Federal Government, increasing and encouraging their indebtedness to foreign powers, and ultimately making us, while we boast of our freedom, a nation of slaves."

Such sentiments are well worthy the source from which they emanated—sentiments evincing that love of liberty, that spirit of independence, which I hope never to see restrained in any one of the sovereign States of this Confederacy.

The time had come when, from an imperious sense of public duty, Congress was bound to act upon this subject; and we should not be deterred from doing that duty because no State has asked relief at our hands. We should rather be stimulated by that very fact to more prompt action in the performance of our *public trust*. But while this objection is sounded in our ears at every turn—while it is urged at every point—may I not be permitted to ask the Senator from Kentucky by what authority he has offered his second resolution? Has he the authority of any State to declare her indebtedness, and her pressing embarrassment? Has he the authority of any State to declare that, at this hour of distress and dismay, a distribution of any portion of the public revenue would not only be "expedient, but important." Has any State, corporation, or individual, asked the action of Congress in the way and manner, and for the reasons, suggested by the Senator from Kentucky. No, sir. The Senator has submitted his propositions upon his own responsibility.

The Select Committee have presented their report for the consideration of the Senate, upon their own responsibility. The very course of this debate cannot fail to remind us of the importance and necessity of definite and immediate action. The opinions promulgated by the money lenders in England; the opinions abroad in our own land; the resolutions before the Senate; all combine to remind us of the propriety and necessity of immediate action.

I am perfectly aware of the course which the debate has already taken. The connection between the subject before us and the currency of the country, has been most ably discussed by the Senator from Ohio. I am not disposed to take ground which has been pre-occupied. I know, also, full well, that the resolutions of the committee are fully justified by the report of the chairman, and that I can offer nothing which could more fully illustrate the positions taken by the committee; but coming as I do from a State free from, and wholly unembarrassed by, any existing pecuniary liability, I should be recreant in my duty to her, were I to keep silent on this occasion. I well know her sentiments on this interesting subject, in all its connections and consequences. They accord with my own; and it is my wish and my will to express them on this occasion.

It is my purpose, Mr. President, in the remarks which I may submit to the Senate, to confine myself to the consideration of the resolutions which have been reported from the select committee, and to the substitute which has been proposed by the Senator from Kentucky. I regard this subject, in all its bearings, as one of the deepest importance. And should the period ever come when this Government shall assume, directly or indirectly, the payment of the State debts, or should pledge its faith for the ultimate discharge of State liabilities, then will this Confederacy be dismembered and our happy Union dissolved. Such an assumption would not only be "repugnant to all the objects and purposes for which the Federal Union was formed," but utterly destructive of that harmony and unity of interests, so essential to its maintenance. There is not, in the broad range of subjects which can appropriately and legitimately claim the consideration of the General Government, one more fraught with danger than an interference with State purposes or with State policy. These sovereignties, independent of each other, ever look with great jealousy upon the action of the General Government, and he who is conversant with the events of our history from the Declaration of American Independence to the present moment, cannot fail to bear in mind the untiring vigilance of the States, their constant and deep solicitude against any accumulation or concentration of power, calculated to interfere with their rights, or to disturb their relations. Their powers and their duties are well defined, and the powers and the duties of the General Government are equally well set forth in the charter of our liberties. I repeat that the project of an assumption of the State debts by the Federal Government is full of danger—fatal to the peace and perpetuity of our institutions.

The effect would be to destroy the independence of the States—to change the character and the habits of the people—to break down the proud and generous feelings of freemen, and to substitute the miserable selfishness of suppliant dependants. It would destroy the well marked relations now subsisting between the Federal and the State Governments, by destroying the active energies of the latter, and making them the mere vessels of the former.

There is no point of view in which this subject can be contemplated, but what its gross injustice is made most strikingly manifest.

The father of his country has left to the American people a most invaluable legacy touching his matter:

"As a very important source of strength and security, cherish public credit. One method of preserving it, *is to use it as sparingly as possible*, avoiding occasions of expense, by cultivating peace; but remembering, also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, *not ungenerously throwing upon posterity the burdens which we ourselves ought to bear.*"

The contemplated measure, if carried into effect, will fasten a debt upon this Government which its ordinary means cannot discharge while this Confederacy shall last. It not only paralyzes the efforts of the present generation, but entails upon generations yet unborn all the evils of a national debt. If it be wise to assume any portion of the State debts—if it be just for this Government to come, in any degree, to the aid of the States—or if it be constitutional to make any such assumption—I would meet the expenditure by a direct taxation upon the property of the country. I would not ungenerously throw upon posterity the burdens which we ought ourselves to bear; but I would preserve public credit by using it as sparingly as possible. I cannot but regard the consequences which must follow from the adoption of this project, as most deleterious to the free institutions of the States.

I am, as I before stated, from a State free from debt. And what is, in effect, the proposition now submitted by the Senator from Kentucky? "That it would be just and proper to distribute the proceeds of the sales of the public lands among the several States, in fair and ratable proportions: that the condition of such of the States as have contracted debts *is such*, at the present moment of pressure and difficulty, as to render such a distribution especially expedient and important." Can any thing be more explicit? Is not the resolution, in itself, calculated to shake the confidence which the States repose in the General Government? Does it not most emphatically declare that, in this day of darkness and dismay, at a time of such pecuniary distress and difficulty, it behooves the General Government to put forth all its energies for the relief of the States—to take from your public Treasury a portion of your public revenue, and distribute it among the States, "in fair proportions," with the avowal that the indebtedness of the States renders such a distribution, at a time like this, especially "expedient and important?" When I last addressed the Senate, I ventured then to assert, what I verily believed, that the idea was entertained on the other side of the Atlantic, by the bankers and money capitalists of Europe, that this Government would assume the liabilities of the States. I believed it; but little indeed did I suppose, from what was then said, that such an assumption would thus early find an advocate on this floor. Little indeed did I suppose that a distinct proposition would be presented to this Senate, to distribute a portion of the public revenues among the States, and that such a distribution would be justified on the ground of State indebtedness, and on account of the pressure and severity of the times. But so it is. Here we have it, in language too plain to be misunderstood. Here is a distinct, well defined proposition, affirming the justice and propriety of distributing a portion of the public revenue among the several States, and that such a measure is especially expedient at this time, when some of the States themselves feel sensibly the weight of their embarrassments. Not content with voting against the resolutions presented by the select committee, wherein the justice and expediency of such a project is most unqualifiedly denied, the Senator from Kentucky proposes to substitute his resolutions, which as unqualifiedly affirm the justice, expediency, and, at this critical period, the all-importance of the measure. Sir, I did not expect this. I then believed, and I still believe, the money power of England was exerting all its energies to accomplish this object. But, Mr. President, I did not then suppose that its purpose would find open

and avowed friends in this body. Such have been the recent developments, that I trust every opponent of this scheme is now prepared to admit that the time had arrived when this Senate, and this Congress, should act, and act efficiently, upon this subject, so vital to the peace, harmony, and perpetuity of this Union. Yes, sir, the time had come; and the Senator from Missouri, with a proper forecast, saw enough in the signs of the times to induce him to move in this matter: he richly merits the thanks of the country for this act of patriotism.

The question recurs, would it be just, expedient, or constitutional, for this Government to assume the entire indebtedness of the States? What is the aggregate amount of those debts? If it be designed by this Government to assume the entire, or any portion of, the State debts, it becomes important to ascertain the sum of that indebtedness. But it has been said, by way of objection to this proceeding, that it would be most ungenerous to the States, and most prejudicial to their credit, to speak of their individual or of their aggregate indebtedness. This is mere fancy—an idle phantom of the imagination; it has no foundation to rest upon. How is this? Is not the public furnished periodically with the official reports of comptrollers and State treasurers, giving an exact exhibit of the liabilities of their respective States, and minutely stating the objects upon which the public money has been applied? Is not the information within the reach of every man, showing the extent of State indebtedness, and the causes of that indebtedness? Is not the whole system of State improvements perfectly well understood? Yes, sir; the bankers of Europe, as well as of our own country, must be, of necessity, familiar with the means and liabilities of States asking pecuniary accommodations. Certain it is that all these facts and details make up a part of the history of the times. There is no wrong done, and there can be none done, to the States, by speaking of their separate or of their aggregate indebtedness. I would not willingly do an act which could by possibility injure State credit. But when I am called on to act upon a project which looks to the assumption, by the Federal Government, of the entire debts of the States, I must be permitted to state the particular, as well as the aggregate, amount of the State debts. In my judgment, the whole sum of State liabilities at this time cannot fall short of two hundred millions of dollars.

The following table, showing the debts of the individual States, and of their gross sum, is substantially correct. In some instances the liabilities may be estimated too high, in others too low; but it is sufficiently correct in its details for my purpose, and gives good authority for declaring that the aggregate amount of the State debts can not fall short of two hundred millions of dollars. It is of no earthly importance to whom these State debts may be owing, or for what purpose they may have been contracted. If the debts are due to her own citizens, they are, nevertheless, debts. If the money has gone to constitute the capital of State banks, the liability of the States still exists. If State bonds have furnished the pecuniary basis of State corporations, and paper issues have been made for the benefit of the States themselves for the amount of that capital, what stands pledged for the redemption of that circulation but those very State bonds? Wherever there is an existing State obligation, the amount of that obligation, no matter to whom given, or for what, goes to fix, to that extent, the sum of State indebtedness. The table subjoined, is offered to show the amount of that indebtedness, and when contracted*

The aggregate of that indebtedness is shown by the table to be $174,382,868. I do not propose to add the stocks which have been created by the respective States, or the liabilities which have been incurred since the table was published. I have not the data at hand which would enable me to do it, but I do propose to add the twenty-eight millions of dollars deposited with the several States under the act of June, 1836. This addition to the sum above stated, will make an aggregate exceeding the sum I had assumed as the amount of the State debts. But it has been said, in the course of this debate, that this last item ought not to be added, to show the extent of State liabilities. So far from it, the Senator from Kentucky [Mr. CLAY] was understood to say that there was an unsatisfied debt now owing from the General Government to the respective States, growing out of this very deposite act of 1836—that the last instalment had not been deposited with the States—that they now had a claim upon the General Government for this nine millions of dollars. What is the law of 1836? Is there one line, or even a single word, in that act, which treats the sum placed with the States as a donation to the States? Was that act supported upon any such principle? No, sir; nothing could have been more foreign from those who sustained the bill, than the idea of a grant of the public money to the use of the States. But let us look into the act itself, and see what are its plain provisions. I have subjoined a copy of that part of the 13th section, which declares the character of this deposite with the States:

"That the money which shall be in the Treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their Treasurers, or other competent authorities, to receive the same on the terms hereinafter specified, and the Secretary of the Treasury shall deliver the same to such Treasurer, or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities as may be prescribed by the Secretary aforesaid, which certificates shall express the usual and legal obligations, and pledge the faith of the State for the safe keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury, beyond the amount of the five millions aforesaid."

Not only is the law itself free from all ambiguity, but the action of the State Legislatures themselves show in what sense they regarded this transfer of a portion of the public revenues. The document I hold in my hand contains the legislation of every State of the Union upon this subject. I shall merely transcribe the law of my own and the law of of the States of Kentucky, to show what the opinion of the States was upon this subject. Not one of them has ever treated this transfer of the public money as a public donation.

No, sir, his own State had, by her act, declared the terms upon which she would receive this deposite; and she had, by her Legislature, subsequently instructed us to oppose every measure intended to relieve the States from their liability to return to the public Treasury this deposite, when demanded. I shall not hesitate, when occasion requires, to carry into effect her instructions.

STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand eight hundred and thirty-six.

AN ACT to provide for the receipt of the public money of the United States which may be deposited with this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened*, That the Treasurer of this State be, and hereby is, authorized to receive from the Secretary of the Treasury of the United States the money which is directed to be deposited with this State, by virtue of an act of Congress, entitled "An act to regulate the deposites of the public money," approved on the twenty-third day of June, anno Domini one thousand eight hundred and thirty-six; and the Treasurer of this State is hereby directed and empowered to execute and deliver to the Secretary of the Treasury of the United States, certificates of deposite for said money, pledging the faith of this State for the safekeeping and repayment thereof, and in all other respects in conformity with the provisions of said act.

SEC. 2. *And be it further enacted*, That the Treasurer of the State, for the time being, is hereby authorized and directed to pay the said money which may have been received on said certificates of deposite, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, agreeably to the provisions of the act aforesaid; and if there shall not be a sufficient amount of moneys in the Treasury of this State to meet the requisitions of the Secretary of the Treasury, the Treasurer of the State, for the time being, is hereby authorized and required, on consent of the Governor, to borrow on the credit of the State such sums as may be necessary for the repayment of such deposites, in such portions and at such times as may be requisite and proper, at the lowest rate of interest at which the same can be procured, not exceeding six per cent. and the Treasurer, for the time being, is hereby authorized and required to pay such loans and the interest, when the same may become due or payable, out of any money in the Treasury not otherwise appropriated.

The following is the legislation of Kentucky upon this subject:

AN ACT providing for the receipt of the proportions of the surplus revenue to be deposited in this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Treasurer of this Commonwealth be authorized and required to receive from the Secretary of the Treasury of the United States, the proportions of the surplus revenue, which are required to be deposited in the Treasury of this Commonwealth, according to the provisions of an act of Congress, entitled "An act to regulate the deposites of the public money," approved on the 23d of June, 1836; and the said Treasurer is further authorized and required to execute certificates of deposite, containing obligations, on the part of this Commonwealth, in conformity with the requisitions of said act of Congress; and when said surplus revenue shall be received by the Treasurer, as hereby authorized and required, he shall cause the same to be passed to his credit in the deposite banks of this State, and remain in said deposite banks until otherwise disposed of by law.

Can there be, then, any "reason to doubt that the deposites with the States forms one item in the account of State liabilities?

I assume the sum of two hundred millions of dollars as the existing amount of the debts of the respective States. And let there be a general act passed by Congress, assuming all outstanding State liabilities; mark my word, that the aggregate of that assumption, without taking into the account the twenty-eight millions of dollars deposited with the States, would not be less than the two hundred millions, as stated.

This, then, is the sum to be provided for—but in order to liquidate the entire debt of the States, the largest existing State debt, having the least representation, must be taken into the account, in order to make an equal and just distribution among the other States. Let it be supposed then that the largest State debt is now twenty-five millions of dollars; and that the representation in both branches of Congress from that State consists of five. If the entire State debt should be assumed by the General Government, it follows that a public debt must be incurred to enable the Government to do equal justice to the other members of the Confederacy, of fourteen hundred and seventy millions of dollars. The eight non-debtor States, upon the ratio of distribution fixed in the deposite act of 1836, would receive three hundred and fifteen millions of dollars. That is, they must receive the money, or the credit or the General Government to that amount.

The other eighteen debtor States, upon the principle he had stated, would receive, including their present debts, such further sums as would make an aggregate of eleven hundred and fifty-five millions of dollars.

Upon this principle of distribution, New Hampshire herself must receive thirty-five millions of dollars from the General Government; the annual interest upon which, at six per cent. would amount to two hundred and ten thousand dollars; and if

*In June, 1838, the Comptroller of the State of New York addressed a letter to the different States, making inquiry what amount its laws authorized to be borrowed for internal improvements. The answers he received enabled him to make the following table:

STATEMENT showing the amount of stocks issued, and authorized by law to be issued, by the several States named below, in each successive five years, from 1820 to 1835, and from 1835 to 1838.

States.	1820 to 1825.	1825 to 1830.	1830 to 1835.	1835 to 1838.	Total.
New York	$6,872,731	$1,624,000	$2,204,979	$12,229,288	$22,931,048
Pennsylvania	1,680,000	9,300,000	16,130,003	3,166,787	27,306,790
Massachusetts				4,290,000	4,290,000
Maine	57,947	676,689	554,976	6,648,033	11,492,960
Maryland	1,030,000	469,000	4,210,311	4,132,700	6,319,060
Virginia		310,000	696,500	4,000,000	5,560,000
South Carolina	1,250,000	4,400,000			6,101,000
Ohio			1,701,000		7,369,000
Kentucky				7,369,000	11,600,000
Illinois			600,000	11,000,000	11,890,110
Indiana			1,800,000	10,000,000	7,148,000
Tennessee			500,000	6,648,000	10,800,000
Alabama	100,000		2,200,000	8,500,000	2,500,000
Missouri				2,300,000	7,000,000
Mississippi			2,000,000	5,000,000	23,735,000
Louisiana	1,800,000		7,335,000	14,600,000	3,000,000
Arkansas				3,000,000	5,340,000
Michigan				5,340,000	
	$12,790,728	$13,679,969	$40,022,769	$108,423,808	$174,382,868

This statement is confined to contracts authorized at the time of making it, say June or July, 1838. Since that time laws have passed authorizing a large increase for banks as well as public works. In Ohio, we know the debt exceeds fifteen millions of dollars.

that annual interest should be required to be paid by the population of that State, *per capita*, it would necessarily impose a direct annual tax of at least seven hundred dollars on every man, woman, and child, of that early, vigilant, and faithful member of the Confederacy. Take the State in which I reside, and let it be supposed, that through the great munificence of the Federal Government, she was to receive the sum of thirty-five millions of dollars. Such a donation would be regarded, as it should be, a public curse, instead of a public blessing. Should she appropriate it upon works of internal improvements, in constructing railroads and canals through every section of the State, it would unavoidably impose upon her a debt from which, in no time to come, could she be delivered. If she should appropriate the principal for purposes of education, the interest of that fund must be drawn by direct or by indirect taxation from the pockets of her own people.

Such a distribution would scatter the seeds of local jealousy, would produce a most disorganizing and disastrous influence upon State operations. Such a distribution is unasked by one, at least, of the non-debtor States. It would, in his view, be imposing upon her posterity burdens which we ought ourselves to bear. Such a distribution would not only distract the councils of the States, but would also destroy that peace and harmony, and love of union, which are the certain cements of the Confederacy. The all importance of preserving that Union inviolate, is most impressively described in an address to which the American people cannot too often recur:

"While, then, every part of our country thus feels an immediate and particular interest in union, all the parties combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger; a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same Government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter."

There would then be no justice or expediency in such a distribution, in such a division of the public revenue for such a purpose. I would not interfere with the policy of the States. I would not, by the power of this Government, *by the mighty influence of its means*, embarrass the enterprise of States or corporations. I would leave them to act freely within their spheres; and I would limit the operations of this Government to that line of action prescribed by the letter of the Constitution. I would assume no power—more especially I would not assume the power of distributing the public revenues among the States—the exercise of which power would prove so fatal to the permanency of the Government. Let the States carry on their works of internal improvement. Let them accomplish what they may, in conjunction with corporations or with individuals. I would not have the General Government connect itself with their operations.

With equal justice might this parental Government, as it has been called, assume the debts of the individuals composing the States, as of the States composing the Union. If this Government be the parent of the States, (which I most emphatically deny,) it follows that the citizens are but removed in one further degree in the lineal descent from the common stock; and with equal semblance of justice might it be contended that this Government should assume the debts of individuals and of corporations, as well as the debts of the States; and the monstrous inexpediency of the proposition is most forcibly presented, when we contemplate the true relations between the State and General Governments.

The States are the independent members of the Union, acting upon all questions of internal police as to them shall seem fit—accountable not to Congress but to their own Government, for their own actions. The General Government may be regarded as the great agent of the States, to perform, for the good of the whole Confederacy, certain duties, and to exercise certain powers, well defined and expressly delegated by the letter of the Constitution under which we live.

This very relation, subsisting between the States and the General Government, stands opposed to this project of assumption. Where is to be found the constitutional power to provide for the payment of the entire, or of any fractional part of the State debts? No such power is expressly conferred nor will it be contended that it is an incidental power, necessarily existing for the proper execution of the powers expressly delegated to Congress.

There is no such power on the part of Congress, expressed or implied; and it would be a most violent *assumption* of power for Congress to provide for the assumption of the State debts.

"Congress shall have power to lay and collect taxes, duties, imports, and excises, to pay the debts, and to provide for the common defence and general welfare of the United States."

It has power to borrow money on the credit of the United States; but this power to borrow money is only for the purpose of furnishing the requisite means for the common defence and general welfare of the Union. It has no power, under these clauses, to borrow money to give away in charity. It has no power to impose taxes or duties for the purpose of collecting revenue for distribution, for the exclusive benefit of the States.

The means of the General Government are its revenues, derived from imports, and from the sales of the public lands. These means can only be applied, *constitutionally*, for objects connected with the common defence or general welfare of the country.

If Congress has the power to assume the State debts, it may tax the people for any purpose. It may dispense charities, endow colleges, establish highways, and carry forward all projects for internal improvements.

If Congress, under the power to borrow money, can provide the means for the extinguishment of State debts, it can not only, with its taxing power, destroy the independence, but the resources of the States themselves. If Congress, under the taxing power, can transcend the limits expressly defined in the Constitution, it can impose any burden it shall please upon any members of the Confederacy, having no connection with the common defence, or with the general welfare of the United States.

If Congress can assume the debt of Illinois, it has power to take from the Treasury an equal sum and present to New Hampshire. If Congress has the power to assume the debt of any one State, it possesses the power to interfere with the internal police of the States, controlling their whole system of State local improvements.

No, Mr. President, there are no such powers delegated to Congress by the Constitution. And there are no such implied powers conferred. But if the State debts can be assumed by the General Government, how are the means to be provided. As I have before stated, the whole revenues of this Government are derived from imports and lands. Congress has the power to impose direct and indirect taxes; and I ask how are the means to be supplied to meet the unavoidable charges upon the Treasury, consequent upon such an assumption.

Would it be attempted to lay taxes, to impose duties, to draw from the pockets of the people, directly or indirectly, the entire sum necessary to meet the existing liabilities of the debtor, and to do equal justice to the non-debtor States? No, sir; such a proposition would find no favor here. Congress must borrow the money—must pledge the faith of this Government to foreign capitalists. This Government must bow down before the moneyed power of Europe, and supplicate relief for the States. This Government would then, indeed, assume a new attitude. Instead of these United States being free and independent, they would become the mere vassals of the money power of Europe, looking there for favor and for protection. This would then be the abject condition of the now free, sovereign, and independent States of united America.

"Against the insidious wiles of foreign influence, the jealousy of a free people ought to be awake, since history and experience prove that foreign influence is one of the most baneful foes of a Republican Government."

I shall now proceed to consider the second proposition involved in the resolution under consideration, and this was the main purpose I had in view in addressing the Senate.

Would it be just, expedient, or constitutional, to divide the public domain—*the property of the General Government*—among the several States, upon some fixed ratio? Or would it be just, expedient, or constitutional, to abstract annually from the public Treasury a sum equal to the proceeds of the sales of the public lands, for the purpose of distribution among the respective States, upon the same ratio? As I have stated, my main object in rising to address the Senate at this time, was to consider these questions; and I purpose to go into the history of our public lands, to show in what way they have been acquired—how much they have cost the Federal Government—and what have been the receipts into the Treasury from this source of revenue; and if I am not wholly mistaken in my examination—if I have not made most erroneous calculations—if I have not entirely been misled by results—it would be the most flagrant act of injustice to the Union—the most unwarrantable abuse of power, on the part of the Federal Government, to dispose of the public lands as contemplated by the second resolution offered by the Senator from Kentucky. Before, however, I proceed to state my views and calculations upon this branch of the subject, I will present to the Senate the resolutions which were adopted by the Legislature of New Hampshire. They exhibit the true constitutional doctrine. They furnish a valuable commentary upon this dangerous usurpation of power—upon this system of distribution of the public moneys:

Whereas Government was instituted for the common benefit, protection, and security of the whole community, and not for the private interests or emolument of any one man or class of men: And whereas all manner of unnecessary taxation, whether it have for its object *distribution*, the granting of protection to certain individuals only, or of certain kinds of manufactures, to the exclusion of all other individuals, manufactures, or trades, is highly detrimental to the best interests of the whole people: And whereas any system of direct or indirect taxation for the purpose of internal improvements, to benefit exclusively certain individuals, or sections of country, at the expense of other individuals, and other sections, is highly to be deprecated on account of its manifest injustice to the great mass of the community: And whereas any distribution of the surplus revenue of the General Government to the States, whether that surplus is an accidental one or otherwise, is contrary to the true spirit and meaning of the Constitution, and if the practice of taxing the people unnecessarily for that purpose is adopted, will tend towards the creation of a consolidated Government, and to the ultimate and complete dependence of the several States upon that Government: Therefore

Resolved by the Senate and House of Representatives in General Court convened, That all revenue arising from imports or direct taxation should not exceed the legitimate wants of the Government, and that any system tending to increase the revenue beyond that point is oppressive and unequal: therefore, any compromise made by the Representatives of the people tending to increase the same beyond that point, can have no binding moral obligation upon their successors.

And be it further resolved, That a system of internal improvements for the purpose of benefiting certain sections of the country at the expense of other sections, is not only unconstitutional, but highly oppressive to the great mass of community, and that such improvements should therefore be left to individual enterprise.

And be it further resolved, That any distribution of the surplus revenues of the General Government would be not only contrary to the spirit of the Constitution, but, if adopted, will tend to the establishment of a consolidated Government, degrading to the States, and reducing them to servile dependence upon the General Government.

And be it further resolved, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to use their exertions to procure such reduction of the tariff, having due regard to the general interests of the whole community, as to meet the actual wants of the Government, and such graduation of the prices, and limitation of the sales, of the public lands, as will best promote the settlement and actual occupancy of the same.

And that they be further instructed and requested to vote against any bill or resolution providing for the distribution to the States of any moneys which may hereafter be in the Treasury of the United States; or for the alteration or change of the laws now existing regulating the *deposite* of public moneys, so as to distribute or relinquish the repayment of the same; and that they be further directed to lay this preamble and these resolutions before both Houses of Congress.

Such are the resolutions which have been sustained by the friends of the Administration in my own State; such are the resolutions which her Legislature have most triumphantly adopted. They are the undisguised sentiments of a hard working, industrious community—*of men* whose brave ancestry had done much to achieve the independence of their country—*men* who are ready for any sacrifice to preserve unimpaired the great legacy of their Revolutionary fathers, who well understand the value of popular liberty, and who cannot fail to realize that the only sure mode of maintaining it in its original purity, is to adhere with rigid pertinacity to the well defined powers of the Federal Government.

These resolutions, in which I most fully con-

our, have an immediate bearing upon the subject before us; and coming, as they do, from the Legislature of my native State, I feel a pride and a pleasure in placing them before the Senate.

Before the Revolution, the right of soil to all the unpatented lands within the limits of the thirteen colonies, and within the extensive boundaries of the United States, as fixed by the treaty of peace of 1783, was claimed by, and was vested in, the Crown of Great Britain. All the public lands now claimed by the United States, have been acquired either by conquest, or by purchase. Some portion, it is admitted, has been acquired by purchase since the treaty of peace, from some of the States of the Union, and other portions have been acquired by purchase from France and Spain. It was, however, the common efforts, the united energies of the whole Confederacy—it was their blood and their treasure, freely applied in the prosecution of that glorious conflict, which resulted in the establishment of our country's independence—that divested from Great Britain her claim to the soil, and to the jurisdiction of united America. It was the result of the Revolution which secured to the Confederacy her title to a portion of the public domain. This acquisition of country was the reward of the combined means of the States. It was the fruit of their valor and of their virtue. By conquest, then, by the fortune of war, the United States acquired the clear and indisputable right to that portion of the public domain which was unsettled, unpatented, and, in my judgment, without the appropriate limits of any member of the Confederacy, at the commencement of the Revolution. It was by the success of our arms that our title to the ungranted land of the West was irrevocably established. The domain thus acquired, became the property of the whole Confederacy, and could only be appropriated for the common benefit. I am not disposed to question here the liberality, the patriotism, or the sense of justice, which prompted certain members of the Confederacy, by their deeds of cession, to transfer their claim of title to lands within their asserted boundaries, *to the Confederacy*. That was done, and done under the influence of high public considerations. They were acts on the part of those States, emanating from the love of peace, of harmony, and of union.

Nor am I disposed to question that the chartered limits of those States embraced not only the ceded territory, but immense tracts beyond the established boundaries of the Confederacy, as fixed by the treaty of 1783. But my reading has been altogether unprofitable, if the history of the times of the rise, progress, and close of the Revolution—of the causes and of the objects of the war—of the admitted rights, and of the pretended claims, of the respective States which formed the Confederacy, does not clearly and distinctly show, that this right of soil to the ungranted lands of the West was never universally conceded or admitted to be the exclusive property of any particular member of the Confederacy. But when, by the fortune of war, they became lost to the crown of Great Britain, they thereby became the rightful property of the United States.

It is true that the articles of confederation were reported to the continental Congress in the early part of the Revolution, and that mighty contest was carried on, and successfully terminated, by the States as a Confederacy; and it is equally true that the very history of that confederation shows that this relisquishment of the claim of the States to their right of soil, as expressed in their respective deeds of cession, was made to give quiet and tranquillity to the whole Confederacy, to excite a more united zeal, and a more determined purpose to prosecute the war to a satisfactory result. For there can be no doubt that, if New York had not made its deed of cession, and the other States had not signified their readiness to follow her example, the war could not have been brought to such a triumphant termination. I speak not without authority; the history of the times fully justifies my remarks.

This question of exclusive right (which was asserted by some of the States) to the unsettled and unpatened lands of the West, had engaged so much of the public attention, and other States had so strongly protested against the claims so made, that Congress, as early as the 6th of September, 1780, agreed to the report of its committee, upon this subject, and from which I have made the subjoined extract:

"That it appears advisable to press upon those States which can remove the embarrassments respecting the Western country, a liberal surrender of a portion of their *territorial claims*, since they cannot be preserved entire, without endangering the stability of the general Confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public peace and confidence; to the support of our army; to the vigor of our councils, and success of our measures; to our tranquillity at home; to our reputation abroad; to our very existence, as a free, sovereign, and independent people."

And on the 10th of October, 1780, Congress resolved:

"That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the *common benefit of the United States*.

If, then, the united means of the Confederacy acquired this portion of the public domain; if our right of soil was obtained by conquest, the property thus acquired enured to the common benefit of the United States; if the right were obtained by purchase, then, in conformity to the above resolution, the property thus acquired becomes the sole and exclusive property of the whole Confederacy, and can only be disposed for her common benefit.

I have remarked that the very history of the Confederation will show that this claim, made by some of the States to the ungranted lands, was not universally admitted. Those articles of perpetual union were reported to the continental Congress as early as November, 1777; and it was well known that the States of New York, Virginia, Connecticut, Massachusetts, and others, claimed as coming within their chartered limits the immense and unpeopled region of the West. These claims were not acknowledged; and hence we find that, as early as June, 1778, Massachusetts proposed an amendment to the ninth article of confederation by adding to the paragraph, "*That no State shall be deprived of territory for the benefit of the United States*" *the following provision:*

"That all lands within those States, the property of which before the present war, was vested in the crown of Great Britain, or out of which revenues from quit rents arise, payable to the said crown, shall be deemed, taken, and considered as the property of these United States, and be disposed of, and appropriated by, Congress *for the benefit of the whole Confederacy*."

The sentiments also of New Jersey, at that period of our history, are worthy of being repeated, and show what was the prevailing feeling of the country.

"The boundaries and limits of each State ought to be fully and finally fixed and made known. This, we apprehend, would be attended with very salutary effects by preventing jealousies as well as controversies, and promoting harmony and confidence among the States. If the circumstance of the times would not admit of this previous to the proposal of the Confederation to the several States, the establishment of the principles upon which the determination might be conducted, at a time more convenient and favorable for despatching the same at an early period, would be satisfactory. We are constrained to observe that the present war, as we always apprehended, was undertaken for the general defence and interest of the confederating colonies. It was ever the confident expectation of this State, that the benefits derived from a successful contest were to be general and proportionate, and that the property of the common enemy *falling* in consequence of a prosperous issue of the war, would belong to the United States and would be appropriated to their use. We are, therefore, greatly disappointed in finding no provision made in the Confederation for empowering Congress to dispose of such property, but especially the vacant and unpatented lands, commonly called the crown lands, for defraying the expenses of the war and for such other public and general purposes; reason and justice must decide that the property which existed in the crown of Great Britain previous to the present Revolution, ought now to belong to Congress, in trust for the use and benefit of the United States. They have fought and bled for it, in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distributed. Shall such States as are shut out, by situation, from availing themselves of the least advantage from this question, be left to sink under an enormous debt, while others are enabled, in a short period, to replace all their expenditures from the hard earnings of the whole Confederacy?"

Such was the state of public opinion upon this matter; such were the feelings which pervaded the country, that it required the most unceasing efforts on the part of the continental Congress to induce the States to agree to the articles of confederation. Nothing but a sense of common danger, growing out of any disunion; nothing but the cause of the whole country; nothing but the strong reasons urged in the circular from Congress to the States, induced ther assent to the confederation.

Permit us (says Congress) earnestly to recommend these articles to the immediate and dispassionate attention of the Legislatures of the respective States. Let them be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a consideration of the absolute necessity of uniting all our councils and all our strength to maintain and defend our common liberties.

This salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty, to safety.

It is true that, after such an appeal, most of the States came forward and signified their assent. But not until after the cession from New York; not until after the strong indication from Virginia that she also would cede to the United States her vacant lands, did Maryland yield her objections.

Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, may have induced some States to accede to the present Confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict that when those causes cease to operate, the States which have thus acceded to the Confederation, will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights, and securing their indepencence. We are convinced that policy and justice require that a country unsettled at the commencement of the war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as common property.

These were the prevailing sentiments of the country, and it was the force of public opinion that produced such salutary effects; for we find that, in 1780, the State of New York, by her legislation, declared that, "it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States, ought to be appropriated as a common fund for the expenses of the war," goes on further to assert that the territory which may be ceded as relinquished, shall be and enure for the use and benefit of such of the United States as shall become members of the Federal alliance, and for no other use or purpose whatever. At this time, it should be remembered that all the States had not joined the Federal alliance—had not assented to the articles of confederation—and the cession of New York then was intended to provide merely a commonn fund to meet the expenses of the war which might be incurred by those States, and those States only, which should become members of the Federal alliance—the very use which must have been made of them if there had been no conflict of title. And Massachusetts, also, by her deed of cession, did assign, transfer, and convey (the territory described) to the United States of America, *for their benefit*. And, in a report made to Congress, January 30, 1783, it is stated that, "among the steps taken by Congress to secure the debts incurred *for the common defence*, they must not omit to mention the recommendation of September 6, 1780, for a cession of a part of the western territory, *claimed* by particular States;" and adds, that in consequence thereof, New York has made a cession, accepted by Congress. Virginia and Connecticut have also made cessions. And for what purpose were these cessions made? I answer, to secure the debts incurred for the *common defence*. The terms of the cessions are somewhat particular, and somewhat variant, but they all purport to be cessions to the United States, and *for their common benefit*, and that benefit was to be enjoyed according to their usual proportion, in the general charge and expenditure, which would have been the degree of benefit enjoyed by the several States, if there had been no counter claim to, or any conveyance of, the territory, to the United States. That proportion of charge upon the States was distinctly defined in the eighth article of the confederation:

"All charges of war, and all other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land, and the buildings and improvements thereon, shall be estimated according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint."

This was the benefit which the several and respective members of the Confederacy would derive from the acquisition of this portion of the public domain, whether acquired by conquest or by purchase. No matter, then, whether the title was acquired by conquest or by grant, the result is the same. The effect is the same, if by conquest the lands enure *for the sole benefit of the whole Confede-*

racy; if by purchase or by grants from individual States, not only the resolutions of Congress, but the terms of the cessions themselves, show with equal certainty that the territory thus acquired was for the common benefit of the whole, and to stand particularly pledged to pay the debts and charges of the Revolution.

The lands then acquired, either by conquest or cession, were, according to the history of the times, distinctly set apart to meet the expenses of the war—to furnish the means for the extinguishment of the public debt of the Revolution; and, under the articles of confederation, it would not be contended that Congress possessed the power to make any other disposition of the public lands, except for public purposes, and for liquidating the charges incurred in the common defence. The following were the sentiments once expressed in this Senate by a member then at the head of the Committee on the Public Lands:

"It is admitted on all hands that, under the articles of confederation, Congress had no power to distribute the proceeds of the sales of the public lands among the several States, for local or internal purposes—to make grants to the new States, whensoever they might be introduced into the Union, or to make donations to individuals or to bodies corporate: nor, indeed, could any power be exercised, distinct from such as were contained in the deeds of cession."

And if Congress had then such limited powers, it will hardly be contended that, under the confederation, it had the power to abstract any portion of the public revenues for the purpose of paying the debts of the several States.

The public lands within the limits of the Confederacy at the treaty of peace, stood pledged for the redemption of the public debt—*the costs and charges necessarily incurred in their acquisition.*

Under the Confederation, then, Congress had no power to dispose of the public lands, except for the benefit of the whole. And what additional powers Congress now possess over this subject must have been conferred by the Constitution itself. And what are they? By the 3d section of the 4th article of the Constitution, it is provided "that Congress shall have power to dispose of, and to make all needful rules and regulations respecting the territory or other property of the United States;" And what is the plain meaning of that clause? That Congress shall have power to fix the price of the public lands, to prescribe the necessary rules for their disposal, and to sell and to convey the public domain, at such prices, and under such regulations, as shall have been prescribed, for the general welfare. It had no more power under the clause cited, to dispose of the public lands for any particular purpose, than it has to dispose of the other public property. The exercise of this power must be, according to the nature and fitness of things, necessarily limited to the furtherance of the public welfare. The lands and the other property belong to all the States, and they cannot, consistent with the true meaning of the Constitution, be disposed of, for the exclusive benefit of any one member of the Confederacy. They cannot be granted to a foreign power to the prejudice of our common country. Under this clause of the Constitution, Congress possesses no more power, in my judgment, to dispose of the public lands for local or sectional objects, than it had under the articles of confederation. These lands were acquired either by conquest or by purchase, and acquired for the common benefit. They could then, and they can now, be conveyed for the general good. I contend, then, Mr. President, that there is no express provision of the Constitution, giving to Congress the power to sell and convey the public lands to the States for any local purposes. No such power is expressed, or can be implied; and equally clear is it to my mind, that Congress has not the authority, under the Constitution, to distribute that portion of the revenue arising from the sales of the public lands, among the States, to relieve them from their indebtedness, or to aid them in the prosecution of their works of internal improvement. No such power is expressed, and no such power can be implied. But, for argument, let us admit that Congress possesses the *constitutional power to do all this.* Would it be just? Would not such a distribution be in total disregard of the terms of the cession? And would it not be wholly repugnant to the objects of the Government, in acquiring the title and control of the public, ungranted, and unsettled lands of the West? They were set apart to pay the debt of the Revolution. And has it been done by means derived from the lands? Has that been done? I admit that the debt has been extinguished. But how stands the account between the public lands and the public Treasury? Has the Government been supplied with the means for the extinguishment of the Revolutionary debt, from that source of revenue? No. The public lands have been, and still are, a charge upon the public Treasury. They have not contributed the first dollar towards the payment of the expenses of the Revolution. I remarked that that debt had been paid. Not precisely so: there still remains a portion of the debt of the Revolution unsatisfied. There still exists an annual charge upon the Treasury to meet the claims of that small remnant of patriots, whose services and sacrifices in the great cause of their country, have been in some degree requited by their descendants. The Revolutionary pensioners draw from the Treasury, year following year, a little less than four millions of dollars. Is not this a debt of the Revolution? And is it not most emphatically one of those debts for the redemption of which the public lands were pledged? If this be true, then, I add, that the revenue arising from the sale of the public lands should be sacredly reserved for the perfect discharge of this remaining debt of the Revolution.

The pensions now amount to nearly four millions of dollars annually, and the yearly avails of the lands, according to public estimates, amount also to about the same sum. Let, then, the receipts balance this expenditure. This would be right and consistent with the grants made by States to the Confederacy; and upon the principle of common justice, I would oppose the distribution, among the States, of this portion of the public revenue, while this charge upon the public Treasury exists. But, Mr. President, I am not driven to any such extremity. I will proceed to show, according to the means within my power, what has been the cost of the public lands from the foundation of the Government to the present time; what have been the receipts into the Treasury from the sales of the public domain. I will state the account current between the lands and the Treasury, and I shall then appeal to the justice of the Senate to decide upon the questions presented. In in pursuance of the following resolution:

That the Secretary of the Treasury prepare and report to this House, as soon as conveniently may be done, statements showing—

The entire cost to the Government of all the public lands to which the Indian title has been extinguished, and of the care and sale of the same, as near as the same can be ascertained and estimated, including the pay and compensation and expenses to the Government of all persons employed; the amount paid, and obligated to be paid, for the extinguishment of Indian titles, accounting annuities at such sums as, invested at five per cent. would produce them, and excluding the purchase money for cessions from foreign Governments; and the expenses of Indian wars; and the like amount, including the purchase money paid for the acquisition of lands and territories from foreign Governments.

The Commissioner of the General Land Office, on the 7th February, 1839, communicated to the House of Representatives the following:

Statement of the cost in the acquisition and management of the public lands, and of the receipts arising from the sale thereof, to the 30th September, 1838.

The whole expenditure under the head of Indian department, from the commencement of the Government to the 30th of September, 1838, as far as can be ascertained from the records of this office, amounts to - - -		$32,047,598 50
By the convention of France of the 3d April, 1803, the United States paid for Louisiana, in stock and money - - -	$15,000,000 00	
Interest on the stock, up to the time it became redeemable -	8,529,353 43	
		23,529,353 43
By the treaty with Spain of the 22d February, 1819, there was paid for the Floridas the sum of - - - -	$5,000,000 00	
Interest on the stock constituted per act of the 24th May, 1824, to provide for the awards of the commissioners under the said treaty, up to the time it was paid off - - -	$1,489,768 66	
		6,489,768 66
The payments to the State of Georgia on account of lands relinquished to the United States, including the value of arms furnished that State, amounted to - - -		1,250,000 00
Amount of Mississippi stock issued under the act of the 3d March, 1815, and redeemed at the Treasury, exclusive of the amount received in payment for lands - - - -		1,832,375 70
There has been paid for salaries and contingent expenses of the General Land Office - -		1,126,609 83
For salaries and incidental expenses of the several land offices, out of the proceeds of sales, while in the hands of the receivers - - -	$3,227,939 13	
For the salaries of registers and receivers, by warrants on the Treasurer of the Unted States -	92,903 39	
		3,320,842 52
For the salaries of surveyors general and their clerks, and of the commissioners for settling land claims, &c. - - - -		1,032,666 80
And for the survey of public lands - -		3,106,831 94
Cost including foreign cessions and expenses of Indians - - - - -		$73,736,047 38
The cost in the acquisition and management of the public lands, exclusive of the sums paid for cessions from foreign Governments, and expenses of Indian wars, for which specific appropriations were made, amounts to -		$28,484,056 65

Making the sum of $102,220,104 03, as constituting the aggregate of charge upon the Treasury, by the purchase and management of the public lands, up to the 30th of September, 1838. This is not all. It appears from a communication, which I have obtained from the Indian Department, that the Government has paid, and is liable to pay for the extinguishment of the Indian title, to February 7, 1839, the sum of - - - $84,549,254 81

And since that period, a treaty has been made with the Miamis, for their title to lands in Indiana, by which the Government obligated itself to pay - - -	335,680 00
And since that period, also, the Government has made treaties with the Iowas, Creeks, Osages, Stockbridges, and Munsees, not exclusively for the acquisition of territory, I admit, but of such a character as to warrant me in charging to the public lands the amount which the Government, by those treaties, is bound to pay, viz: - - -	1,089,118 03
These several items of charge for the extinguishment of the Indian title, amount to -	$85,974,052 84

In the foregoing exhibit, it has been my purpose to present an accurate statement of the costs of the public land, up to given periods; and I subjoin the communication I have received from the Commissioner of Indian Affairs, which gives the particulars, going to make up the aggregate of $84,549,254 81 paid, and to be paid out, for the extinguishment of Indian title to the public lands:

Statement showing the quantity of lands ceded by the Indian tribes to the United States, and the amount stipulated to be paid to them therefor, since the year 1794.

Date of treaty.	Tribes by whom ceded.	No. of acres.	Am't paid.
1795	Wyandots, &c.	11,808,499	$210,000
1801	Choctaws,	2,641,920	2,000
1802	Do.	853,760	2,000
1803	Delawares, &c.	2,088,400	4,000
1803	Kaskaskias,	8,911,850	12,000
1804	Delawares and Piankeshaws,	2,038,400	4 000
1804	Sacs and Foxes,	9,809,520	22,234
1805	Wyandots, &c.	1,030,400	14,500
1805	Delawares, &c.	1,572,480	5,000
1805	Choctaws,	4,142,720	105,0 0
1805	Piankeshaws,	2,076,160	4,100
1805	Chickasaws,	345,600	22,000
1806	Cherokees,	1,209,600	44,000
1807	Chippewas,	7,862,400	100,400
1808	Great and Little Osages,	50,269,444	60,000
1809	Delawares, &c.	3,257,600	18 000
1809	Kickapoos,	138,240	2 700
1814	Creeks,	14,284,800	120,000
1816	Ottawas, Chip's, and Pot's	1,418,880	12,000
1816	Cherokees,	1,3v5,200	65,000
1817	Wyandots,	4,907,680	561,830
1818	Pottawatomies,	1,109.760	59,600
1818	Miamies,	5,867,520	366,600
1818	Peorias,	6,865,280	6,480
1818	Weas,	not known.	2,000
1818	Quapaws,	50,690,560	24,000
1818	Great and Little Osages,	7,392,000	4,000
1819	Cherokees,	566,400	4,000
1819	Chippewas,	4,321,280	54,000
1819	Kickapoos,	3,173,120	13,000
1820	Chippewas,	10,240	
1820	Ottawas and Chippewas,	St. Martin's isl'd	
1820	Weas,	certain reservat's	5,000
1820	Choctaws,	4,500,000	lands in Ark
1821	Ottawas and Chippewas,	5,500,000	110,000
1823	Florida Indians,	unknown.	100,000
1824	Sacs, Foxes, and Ioways,	10,000,000	60,000
1824	Quapaws,	1,000,000	19,900
1825	Great and Little Osages,	65,299,680	437,400
1825	Kanzas,		

1825	Shawnees,	400 000	2,044,000
1826	Creeks,	4,132,480	5,938,000
1827	Pottawatomies,	737,280	202,330
1827	Miamies,	600,500	331,427
1828	Creeks,	1,221,120	42,491
1828	Eel River Miamies,	64,000	21,250
1829	Pottawatomies,	990 720	189,795
1830	Winnebagoes,	2,530,000	749,800
1830	Chippewas, Ottoes, Pot's,	4,160,000	396,601
1830	Delawares,	5,760	3,000
1831	Sacs, Foxes, Sioux, &c.	16,256,000	317,732
1831	Choctaws,	7,796,000	22,928,529
1831	Senecas,	40,000	163,400
1832	Creeks,	5,128,000	15,809,080
1832	Senecas and Shawnees,	39,680	111,600
1832	Shawnees,	92,800	162,500
1832	Ottawas,	49,917	47,500
1832	Wyandots,	16,000	24,400
1832	Menomonees,	3,000,000	285,687
1833	Pottawatomies of the Prairie,	1,536,000	460,346
1833	Pottawatomies of the Wabash,	2,626 560	658,412
1833	Pottawatomies of Indiana,	737,000	406,121
1833	Shawnees and Delawares,	199.680	50.950
1833	Kaskaskias and Peorias,	1,920	155,780
1833	Kickapoos,	2,018,000	1,132,100
1833	Appalachicolas,	5,120	13 0 0
1833	Piankeshaws and Weas,	160.000	214, 62
1833	Winnebagoes,	2,816,000	2,945,482
1833	Sacs and Foxes,	5,760,000	736,924
1833	Chickasaws,	6,422,400	3,046,000
1833	Ottawas,	32,000	32,640
1834	Semineles,	4,032,640	295,500
1834	Quapaws,	96.000	254,076
1-34	Ottoes and Missourias,	unknown	40,150
1-31	Pawnees,	do.	112,2 0
1835	Chipp's, Ottoes, Pot's,	5,104,960	7,624,289
1-35	Pottawatomies,	1,280	1,600
1835	Do.	2.560	2,560
1835	Do.	1,280	800
1835	Do.	3,840	2,400
1836	Caddoes,	1,000.000	86,800
1836	Cherokees,	7,882,240	5,677,212
1836	Chippewas of Swan creek,	8,320	*
1836	Wyandots,	39,200	*
1836	Pottawatomies,	6,400	6,559
1836	Do.	1,920	2,079
1836	Do.	23,040	23,040
1836	Ottowas and Chippewas,	13,734,000	2,309,451
1836	Pottawatomies,	2,560	2,719
1836	Do.	2,560	2,719
1837	Do.	14,080	14,080
1837	Menomonees,	4,184,320	620,110
1837	Pottawatomies,	6,400	8,000
1837	Do.	2.560	3,200
1837	Do.	26,880	33,600
1837	Sacs and Foxes,	256,000	195,993
1837	Miamies,	208,000	208,000
1838	Chippewas,	7,000,000	870,000
1838	Sioux,	5,000,000	1,00 ,000
1838	Sacs and Foxes,	1.250,000	377,000
1838	Winnebagoes,	5,000,000	1,500,000
		2,442,699,366	$84,549,254

*Nett proceeds of sales not known.

This is not all:

To this sum of $85,974,052 84, I add, according to a statement which I have received from the General Land Office, showing the amount of the two and three per cent. funds reserved out of the sales of the public lands, for the use of the new States, according to their charters, a further sum of $4,410,479 22.

This last statement is represented to be a correct account of the sums accruing to the several States, from the earliest period to the 30th of Sept. 1839.

If, then, I am correct, the charge upon the public Treasury for the purchase of the public lands, and for their management under the operations of the land system, may be stated as follows:

The costs in the acquisition and management of the public lands to the 30th September, 1838 - - -	$102,220,104 03
For the extinguishment of the Indian title - - -	85,974,052 84
For the fund reserved out of the proceeds of the sales for the use of the new States, &c. -	4,410,479 22
Making in all - - -	$192,604,636 09

It is true that this entire sum has not yet been drawn from from the Treasury; but portions of it are hereafter to be disbursed in accordance with Indian treaties. It nevertheless is a subsisting charge upon the Treasury; and unless it shall be shown that the receipts have been equal to that amount, the injustice of diverting that source of revenue, the proceeds of the sales of the public lands, to other purposes, would manifesily appear.

It will be observed that I have not included any portion of the costs and expenses of the Indian wars, which have grown out of negotiations for the extinguishment of Indian titles; but nothing could be more just, in my judgment, than to charge the public lands with the cost of the Indian wars, since the 1st of January, 1836, as they were unavoidable charges upon the Treasury, occasioned by the purchase of these Indian titles.

I am not disposed to make any wrong impressions upon this subject; but when a distribution of the revenue arising from the sales of the public lands is contemplated, it strikes me that the American people ought to know how stands the account between the public lands and the public Treasury. They ought to have presented before them the balance sheet. They ought to know whether we have not already made very liberal advances from the public Treasury on account of the public lands, and whether millions upon millions have not been drawn from the pockets of the people to carry on our land operations. If so, it would be monstrous to abstract from the Treasury the proceeds of the land sales, for distribution among the States—to keep up unnecessary indirect taxation—to impose and continue unnecessary burdens upon the people. *And for what?* To supply the Treasury with the means of paying Indian annuities. And whenever an Indian tract of land shall have been sold, instead of putting the money into the Treasury for public use, it is proposed to scatter and distribute the avails to the four winds of Heaven. This is the object contemplated. Is it wise—can it be just—to make such a disposition of the public revenues? I answer, no. *The people will answer, no.* It is our bounden duty to husband all our resources—to have this Government administered with economy—to avoid all unnecessary taxation, no matter what may be its form—take from the people all that shall be wanted for a faithful, just, and responsible discharge of our trusts, *and take no more.* Then will the people repose confidence in their rulers—then will they cling with steadfast hope to the Government of their choice.

I ought not, however, to argue the effect of this distribution, until I shall have made a full statement of both sides of the account. I have endeavored to state the costs of the public lands; but it has necessarily fallen far short of the reality. Not an Indian treaty is made without its containing specific obligations on the part of the Government for the erection of mills, mechanic shops, the supply of provisions and of artificers. These items of charge are necessarily excluded, and the expenses incurred in carrying on negotiations with the Indian communities have not been, and could not be, taken into the account. He, who is conversant with the history of our public expenditures, will know that these items have imposed a severe charge upon the Treasury. But I trust that I shall have shown enough to satisfy every man in the community how stands this account between the lands and the Treasury, and I will now proceed to state what have been, from the commencement of our land system, the receipts ito the Treasury from the sales of the public lands.

The following resolution passed the House of Representatives on the 11th of January, 1838:

Resolved, That the Secretary of the Treasury be directed to communicate to this House—

The whole amount of public lands belonging to the United States, sold since they were ceded to the United States; distinguishing the amount of sales in each year, exhibiting the nett proceeds, and distinguishing between those which have been sold within the limits of the different States and Territories.

In answer to this resolution, the Secretary of the Treasury communicated to the House of Reresentatives a report from the Commissioner of the General Land Office, containing the information called for. From that report it appears that from 1796 to the 30th September, 1837, the quantity of land sold was 75,025,055 50 acres, and that the actual amount paid by the purchasers was $106,245,656 88, and that during that period there was received into the Treasury for the land thus sold $94,637,946 81. This statement exhibits the amount of all the public land sold from the commencement of the sales in 1796 to the termination of the credit system, 30th June, 1820, and also including the amount received under the cash system from 1st July, 1820, to 30th September, 1837, which makes the aggregate of sales and receipts as above stated. The following table exhibits the same general results; but contains a particular exhibit of the lands sold in each of the States and Territories within the same periods of time, and the amount paid by the purchasers, and the actual sum paid into the Treasury; and it is thus made manifest, that from the earliest periods of the sales to the 30th September, 1837, the whole amount actually paid into the Treasury in cash, and in evidences of public debt, as the avails of the sales of the public lands, amount to $98,376,532 38.

Exhibit of the quantity of public land sold, the amount paid by the purchasers thereof, and the amount paid into the Treasury on account of the sales of public land, in each of the States and Territories, from the earliest period of the sales to the 30th of September, 1837.

States and Territories.	Quantity of public land sold. Acres.	Amount paid by purchasers.	Amount paid into the Treasury.
Ohio,	12,373,247.53	$21,277,692 95	$19,013,563 72
Indiana,	13,754,370.12	17,569,450 39	15,666,390 01
Illinois,	9,273,256 99	11,610,924 72	10,549,726 87
Missouri,	5,531,954.81	7,435.881 96	6,622,740 38
Alabama,	10,088,687.85	16.466 849 08	13,486,823 61
Mississippi,	9 235,945.26	12,538.606 13	11,577,422 46
Louisiana,	2.010,126.45	2,714,805 78	2.495,896 30
Michigan,	8 894,224.68	11,186,537 41	10.774,034 90
Arkansas,	2,127,695.53	2,686,775 86	2 341,585 07
Florida,	683,324.39	895.236 36	741.613 38
Wisconsin,	1,051,921.94	1,363,796 24	1,232,747 11
	75,025,055.50	$106,245,656 88	$94,496,543 81
Received by the Treasurer of the United States in 1836,			235,200 00
in 1837,			6,200 00
			$94,737,943 81

In addition to the amount paid into the Treasury, there has been received by Government, in payment of the public lands, as follows, to wit:

Certificates of public debt and army land warrants - - - - - -	$984,189 91
Mississippi stock - - - - - -	2,448.789 44
United States stock - - - - - -	257,660 73
Forfeited land stock - - - - - -	667,746 60
Military land scrip - - - - - -	1,678,992 33
	$6,037,378 01

It will be seen that I have not included in the estimate of receipts the sum of $2,448,789 44, the amount of the Mississippi stock received by the Government for the public lands—as I have not charged the public lands with a like amount of Mississippi stock issued in payment for lands purchased by the United States of the State of Georgia.

To this aggregate of receipts into the Treasury from the sales of the public lands, should be added what has been realized since the 30th of September, 1837; and from the document now upon our tables, this may be put down at $10,214,154, making the amount received into the Treasury from the avails of the sales of the public lands, up to 31st December, 1839, including the evidences of public debt taken in payment, the sum of $108,590,686 38. This sum, then, of over one hundred and eighty million of dollars, constitutes the aggregate which the Government has received, either in cash or in the extinguishment of its outstanding liabilities, from the sales of the public domain up to the close of the year 1839.

The whole costs of the public lands, including existing liabilities of the Government, on account of Indian treaties, if any reliance can be placed upon the official communications made from the public departments of our Government, may be put down at - - - $192,604,636 09

And the whole receipts into the Treasury, from the sales, amount only to - - - - - 108,590,686 38

Leaving a balance against the public lands of - - - $84,013,949 71

It will be at once seen that I have not credited the public lands with the special grants which have, from time to time, been made to States, to corporations, and to individuals, for various objects. Nor have I credited the public lands with the grants made as donations to the officers and soldiers of the Revolution, or to the soldiers of the last war, for the reason that the Treasury has not been enriched a dollar by these donations and grants. And it will be seen that I have not, in the estimate of costs, included any thing for the expenses of the land department, since the 30th September, 1838.

But my purpose has been attained. My object has been to go so far into this examination, as to ascertain, with sufficient certainty, the state of the account between the lands and the Treasury. I could not regard the proposition submitted by the Senator from Kentucky with any favor, independent of all constitutional scruples, if it

should appear that the Treasury has been taxed, rather than enriched, by the public lands.

If there is any truth in figures, the Treasury has been, and is liable to be, taxed over eighty millions of dollars for the costs and management of the public domain, beyond the receipts from that source of the public revenue. No matter whether the balance against the lands be eighty, or less than eighty millions. The fact is undeniable, that millions and tens of millions have been disbursed at the Treasury, on account of the public lands, beyond the receipts from the proceeds of their sales; and what is proposed to be done? Collect from the lands enough to discharge this balance at the Treasury? *No, sir;* with this amount charged upon the lands, it is now proposed to take away that source of revenue; to deprive the Treasury of the benefit of the usual receipts from the sales of the land; and to distribute those receipts periodically among the States for local objects, or to relieve them from their indebtedness.

I presume it to be the purpose of the Senator from Kentucky, should his last resolution be adopted, to follow it up with a bill having a retrospective operation, and thus to carry into effect, to some extent, the provisions of the land bill, which has, at former sessions, been before the Senate. In pursuance of the deposite act of 1836, the whole receipts into the Treasury, from the lands for that year, and nearly all for the year preceding, were placed with the States; and I trust that the Senator's bill will commence with the close of 1836, and will take from the Treasury the receipts from the lands of 1837, 1838, and 1839, making an aggregate of over fifteen million of dollars. This sum would thus be drawn from the Treasury by the retrospective operation of the project, and its prospective operation would continue so long as the Government itself should continue.

That portion of the public lands purchased from France, Spain, and the State of Georgia, amounting to more than twenty millions of dollars, has been paid for from the public Treasury. The means have been drawn from the people; the products of their labor have been taxed to meet the exactions of their Government for those objects; and every man in the community who has consumed a single article, paying duty, has been obliged to contribute to the wants of the Treasury. The people believed that all the disbursements required in the acquisition and management of the public domain would, in due time, be repaid to the Treasury by receipts from that source of the public revenue.

The man in the remotest corner of New Hampshire—he who lives in the fastnesses of her mountains, has contributed towards the purchase of the public lands. And would that man be benefited by a distribution to his State of her ratable proportion of the fifteen millions of dollars? *No, sir.* The three hundred and fifty thousand dollars to which New Hampshire would be entitled upon the principle of division adopted by the act of 1836, would not yield to him any pecuniary advantage, and could not be appropriated so as to afford an equal and just benefit to all. If the States expend the money upon local objects—if they expend it in the payment of debts contracted for local objects—the effect would be the same. But a limited portion of the community would or could derive any practical benefits from such a distribution. The yeomanry of the country; the great body of the tax payers, who live remote from railroads and canals, would find no relief from their taxation from any such distribution of the public revenues. So far from it, they would be forced to bear their present burdens, to enrich the capitalists of their own States. There can be no distribution to the States of portions of the public revenue, with the least semblance of equal justice. Such distributions will inevitably tend to increase the burdens of the many, for the exclusive benefit of the few.

Regarding this measure as I do, as at war with all the great objects for which this Government was formed—regarding it as an act of inevitable and manifest injustice to the great body of the tax payers of the country—I cannot give to it my support. I should be doing that which my own judgment would condemn. I should be inflicting an act of monstrous injustice upon my State, and an act of cruel oppression upon her people.

Mr. President, if the last resolution of the Senator from Kentucky shall be adopted—if there shall be a consequent legislation, by Congress, corresponding with its spirit, then, as I have before said, will the independence of the States be prostrated. If, in any form, there shall be a distribution of any portion of the public revenue for the purpose of carrying on and completing local objects, or for the purpose of paying State debts, the consequence to the States themselves would be fatal to their pride, and repugnant to their love of liberty—would paralyze those energies of character, and break down those habits of industry, for which the descendants of our Revolutionary fathers have been most truly distinguished. As I would reverence the independence and sovereignty of the States—as I would sacredly protect the rights and immunities of our State Governments—as I would preserve, unimpaired, the moral character, the energy and the industry of the American people, I would oppose this scheme and project in every possible form. I look upon it as tending to excite those passions and prejudices among the members of the Confederacy, fatal to the harmony, peace, and perpetuity of the Union.

If the proposition shall be carried out, the time cannot be far distant when profusion will take the place of economy in all public expenditures; when the lofty independence of the people would give way to cringing and abject servility; when the noble spirit of State power and of State sovereignty would be degraded and debased by the uncontrolled and omnipotent influence of money. As an American, I cannot contemplate this project in any of its tendencies, or in any of its bearings, with satisfaction. It would prove most injurious to national as well as to individual prosperity and character.

There can be, Mr. President, no practical benefit resulting to any State by the adoption of such a project. In the first place, the money cannot be spared from the Treasury. The wants of the Government will find use for all its means. The statements presented to us by the head of the Treasury Department, furnish clear and conclusive evidence, that if five millions only is withdrawn annually from the Treasury for distribution, that being the estimated amount of the annual revenue arising from the sales of the public lands, the same amount must be returned to the Treasury to meet the requirements of the Government. *There is no ambiguity in the exhibit of the Secretary upon this matter. It is clear as light, and perfectly intelligible to every man.* The Treasury then cannot annually, from the means within its control, furnish this sum for distribution, and be prepared to answer the usual appropriations made by Congress. This fact is undeniable. There is no surplus money, on hand, all the available means are wanted for public use. And does it not occur that such a distribution as is contemplated at a time like this, would work great injustice to the New England States. New Hampshire, for instance, upon the supposition that fifteen millions is to be distributed among the States in proportion to her representation in both Houses of Congress, would receive a fraction over three hundred and fifty thousand dollars. In same way a like sum would have to be returned to the Treasury. The only course which could be resorted to to supply the deficiency, would be to collect the sum thus abstracted, from imports.

In such an event my own State would be obliged to bear an unequal share of the burden, because it is known that her consumption of articles paying duty would exceed the average consumption of interior States having an equal representation. While, then, she would receive $350,000 as her share of the distribution, she would be obliged to pay back, by indirect taxation, fifty per cent. at least, in addition, to supply the deficiency occasioned by the distribution. And here we have a faint expose of the inequality and injustice which this measure would produce in practice. It cannot bear examination. Its gross and palpable partiality in operation must strike every man who will attentively consider it. It is, in my judgment, an imposition upon the intelligence of the people; while you propose to distribute with one hand to the *States*, with the other you take, indirectly, from the hard earnings of the *people*, the amount thus abstracted. It is, in short, but a proposition to collect a given sum into the Treasury, and to distribute that sum to the States, and then to turn round and draw from the people the same sum into the Treasury, subject to all the costs and charges of collection. Not only the direct influence which this measure would produce upon the character of States and communities should prevent its adoption, but there are considerations of public policy policy which should stay the progress of this project.

The inevitable effect of such a scheme, if carried into full effect, would be to augment and keep up the tariff—an effect which cannot be contemplated but with emotions of intense solicitude for the well being of our country.

A protective tariff seems to be among the heresies of the times. The doctrine does not find universal support from that class designed more especially to be benefited by such a policy. The manufacturer himself is prepared to admit that.]

"It is because the provisions and all other means of living, and the rate of wages, are lower abroad than they are in our own country; that foreign manufactures are afforded here cheaper than our own." The legislation of Congress hitherto, with a view to the protection of manufactures, has had no other effect than alternately to stimulate bank expansions, extensive foreign importations, and then, for self-preservation, to be followed with such extensive bank contractions, as inevitably to lead to the embarrassment, if not to the entire prostration of our manufacturing establishments. Legislation for the exclusive benefit of any one interest, is at war with the genius of our free institutions, and should meet the determined opposition of every patriot. Equal liberty, equal protection, equal privileges, equal and exact justice to all, favoritism to none, are maxims interwoven in every part of our Constitution. They are the pillars on which rests the superstructure of our Government. They should be the cherished sentiments of every friend of our country. For the purpose of showing the fluctuations and embarrassments of the manufacturers, which have, from time to time, occurred, I have subjoined the following table, which has fallen in my way, and which marks their rise and fall, their prosperity and adversity, and gives a sufficient reason for these alternations:

Year.	*Operation of Banks.*	*Imports.*	*State of Man'f'g.*
1817	Expansion begun—paper depreciated.	$99,000,000	Good times.
1818	Expansion till July, then a contraction, specie 10 per cent. premium.	122,000,000	First of the year good—last part grew dull.
1819	Further contraction.	87,000,000	Gen. suspension.
1820	Continued do.	76,000.000	Much depressed.
1821	Expansion begun in spring; speculation active in October.	63,000,000	Good times.
1822	Contraction from May through the year.	83,000,000	Operatives dismissed.
1823	Banks begin to extend.	72,000,000	Manufact'ing revives.
1824	Issues increased,	81,000,000	Good times.
1825	Paper increases till July—then begins a contraction—and banks break.	96,000,000	Manufact's stop.
1826	Contraction continued.	85,000,000	3,000 weavers of work in Ladelphia in
1827	Money plenty.	79,000,000	Good times.
1828	Money *very scarce* in May and September.	89,000,000	Great distress.
1829	Money scarce till July—then plenty.	74,000,000	Great distress till July.
1830	Money plenty.	71,000,000	Good times.
1831	Money plenty till October, then contraction.	103,000,000	Good times till October.
1832	Pressure.	101,000,000	Manf. distressed.
1833	Expansion, new banks.	108,000,000	Good times.
1834	PANIC.	127,000,000	Factories stopped from fright.
1835	Expansion.	150,000,000	Good times.
1836	Vast expansion, and the world mad in speculation.	190,000,000	Wonderful good times.
1837	Banks suspend, paper depreciates, and exchanges bad.	141,000,000	Manf. prostrate.
1838	Resumption in May and increase of paper.	114,000,000	Good times.
1839	Half the banks supended, exchanges bad.	158,000,000	Manf. embarrassed.

The progress of things, as shown by this table, for 22 years past, has been, with little variation, a bank expansion one year, increased importations the next, and bank contractions and prostration of manufacturers the year following. Thus

the expansion begun in 1817, and continued until July, 1818, was followed by an increase of imports from ninety nine to 122 million dollars, and this was followed by a universal overthrow of the manufacturing interest in 1819. These events have succeeded each other in the same order so invariably, that we are constrained to consider them as cause and effect. Increase of paper money raises prices, that leads to a large import of foreign goods, to profit by our high prices; this overstocks our market, and, aided by the bank contraction, which invariably takes place upon a large import, depresses the price of our manufactures below the cost of production. Hence embarrassments, breaking up of business, and bankruptcy.

The question involved is not whether we shall establish a protective tariff; but whether we shall have recourse to a tariff for revenue, and for revenue alone, and whether that revenue shall be collected for distribution, are the questions presented. Such a tariff, for such an object, the country would never bear: and I greatly mistake the indications of the times, if the country would sustain any such system of indirect taxation for any object.

Mr. President, I have said all I wish to offer, and will add, in conclusion, that, in my judgment, the true policy should be to keep down the tariff—to avoid all unnecessary taxation—to apply all our means for the legitimate uses of the Federal Government—*to grant no exclusive privileges—to sustain every class with equal justice—to encourage settlements upon our public domain*—to induce cultivators to become the owners of the soil. Thus we will add strength to our Government, by increasing the power, the virtue, and the intelligence of our beloved country.

NEW JERSEY ELECTION.

SPEECH OF MR. CLIFFORD,
OF MAINE,

In the House of Representatives, January 10 *and* 11, 1840—On the resolution of Mr. CAMPBELL, of South Carolina, proposing to refer all the documents and testimony in relation to the New Jersey disputed election to the committee on that subject; and Mr. BELL'S substitute therefor, declaring that the gentlemen without certificates should not be qualified.

Mr. CLIFFORD said, it was true that this subject had occupied most of the time of the House since the assembling of Congress; and it was also true that the time had been chiefly spent in listening to the speeches of gentlemen who sustain the claims of the members commissioned by the Governor of New Jersey. Thus far very little had bee said in reply, by those who oppose the pretensions of fraud, and undertake to uphold the rights of the Representatives elected by the people.

The first three weeks of the session, he believed, were entirely devoted to the subject; and he had supposed that, after the decision upon the final proposition of the gentleman from Virginia, [Mr. WISE,] the matter would have been suffered, without farther debate or delay, to go to the Committee of Elections, especially after that gentleman himself had proclaimed that the victory was with the party in the majority; that the battle had been fought, and that he and his friends had lost it. But, when the honorable chairman of that committee [Mr. CAMPBELL] proposed a resolution having that object in view, new obstacles were thrown in the way, in the form of embarrassing amendments, contravening the past action of the House, implying censure of the majority, and thus re-opening the whole merits of the controversy. He disclaimed interposing objection to any proper amendment or to the usual range of debate; but he had a right to complain when gentlemen pass by the question of reference—he would not say by subterfuge—but for the purpose of reviewing the course of the majority, especially as they had been permitted to indulge in severity of remark, while he and others, who have equal rights, had not yet had an opportunity of saying one word upon the subject. The gentleman from Virginia, [Mr. BOTTS,] and others who preceded him, had taken this course; and the gentleman from New Jersey [Mr. RANDOLPH] had been permitted, again and again, to occupy the time of the House in reiterating the same arguments, and reviewing the whole matter connected with the New Jersey election. Up to this time, Mr. C. said, he had contented himself with giving a silent vote on the various questions that had been presented in relation to this subject, taking care that the effect of every vote should be to protect the rights of the people; and he would still have continued to pursue that course, had it not been for some remarks of the gentleman from Virginia, who made it the ground of complaint that those opposed to him on this question had not entered sufficiently into the discussion, and insinuated that their silence was occasioned, not by a desire to avoid a useless consumption of time, but from a conscious weakness in the justice of their cause. Under these circumstances, and as the course of the House had been called in question, with very severe animadversion, he would ask its indulgence while he explained the reasons and motives which had governed him and his friends in the course they had taken, promising that he would not consume more time than was necessary, and that he would be as brief in the remarks he was about to offer as the nature of the subject would permit.

But, before he proceeded to the points he proposed to discuss, he would ask permission to do an act of justice to an individual who had been denied the usual privilege of speaking for himself. It was known to all that the official conduct of the Clerk had been repeatedly censured, and, as he believed, unwarrantably, during the pendency of the controversy growing out of the New Jersey contested election. It was equally true that he applied to the House to permit him to make a written statement, explanatory of his conduct, which courtesy was denied him; and, as it was now made a ground of attack, that the majority was not disposed to hazard their position by putting frth the reasons of their course, or by participating in the discussion, after having refused the Clerk permission to read his statement, he begged leave to do it himself, and if necessary to enable him to do so, he would read it, as a part of his speech, and he presumed no gentleman would object to it.

Mr. PECK objected.

Mr. CLIFFORD trusted that no gentleman on that floor would persist in the objection to his reading a paper which the CLERK had offered to the House in explanation of his conduct; which had so often been called in question by the most sweeping denunciations. He, Mr. C., did not claim to have much experience here, but he knew something of legislative proceedings, and he had never known this courtesy to be objected to but in two instances: one of which was a few days since, which was immediately overruled, and the other in the Legislature of Maine, where the request was denied, because the member was manifestly endeavoring to consume time unnecessarily.

Leave being granted—yeas 110, nays 68—

The CLERK read the following statement:

HOUSE OF REPRESENTATIVES U. S. Dec. 3, 1839.

Congress having adopted no general law to ascertain the title of those who claim a seat in the House of Representatives, nor any rule to organize the House itself, in the meaning of the Constitution, the following investigation is undertaken with the view of eliciting from former precedents, and past usage, those general principles of parliamentary law which should be received and acknowledged until modified by positive enactment.

The Commons House of Parliament, in Great Britain, from time immemorial, has been organized after the strictest mode of legal processes. Whenever a Parliament was to be called, the King gave warrant to the Lord Chancellor to summon the Lords spiritual and temporal, and to issue writs of election for the several counties, cities and boroughs, directed to the sheriffs of the same. By virtue of this authority the sheriffs sent their precepts to the election officers, commanding them to hold elections in those places entitled to representation in Parliament. Returns of the elections, in the form of indentures, were sent to the sheriff, and by him attached to the original writ, and forwarded to the Crown office, whence they originated, and were there filed. From these, in one authentic book, the names of all the knights, citizens, and burgesses were certified to the Clerk of the House of Commons. On the day the writs were returnable, (being the day for the meeting of Parliament,) the Lord Steward of the King's Household, in an ante-room, attended by the Clerk of the Crown, and Clerk of the Commons, with the rolls of such names of the Commons as were returned, commanded the rolls to be called, and those who answered to their names, received the oaths required by law. This ceremony completed, the members took their seats in the House, and waited a summons from the King to come into his presence. After hearing the King's speech, leave was then granted them to assemble in their usual place of meeting, and to make a choice of one from among themselves to be their *mouth and Speaker*. The nomination was generally made by one of the King's officers, and agreed to without a division. If, however, others were named, the House proceeded to the question, and directed the Clerk, "sitting at the board, (as the order is, before the Speaker be chosen,) to make the question."

From this mode of procedure, two important conclusions are to be drawn: First, that the Commons were regularly organized and constituted a House, capable of propounding and deciding questions, before the election of a Speaker. When the roll had been called, members had answered to their names, taken the oaths prescribed by law, and seated themselves in their *usual place of meeting*, there was then a House of Commons. The appointment of one to be their *mouthpiece*, was important for their own convenience, but not necessary to constitute a House. *There were Parliaments before Speakers*, is an ancient and significant phrase. Indeed we are told by historians that at first there were no Speakers; but some person was selected as "spokesmen" for each particular occasion—that then the same individual was nominated for the entire session, *qui avait les paroles pur les Communes;* and not until the time of Richard II, was he styled *parlour pur les Communes*, or Speaker of the Commons.

A memorable case occurred in the time of James II, 1678, when the Commons were without a Speaker for an entire week, and at last prorogued without having made an election. They at first had selected Sir Francis Seymour, and presented him to the King for confirmation, supposing the ancient usage in that respect to be a mere ceremony. But the King, wisking to test the strength of his prerogative, refused to sanction the nomination. They then returned to their own House, without any one at their head, Sir Francis not making his appearance. This occurrence was on Friday; and until the next Thursday the House was engaged in long and warm discussions on various subjects, adjourning at the same time from day to day. Propositions were made to appoint a chairman, and rejected. Committees were appointed to hold conferences with the King; others with the House of Lords; others, again, to search the records for precedents to guide their proceedings; and after a week thus spent in fruitless efforts, they were disbanded without coming to a conclusion among themselves, or an agreement with the King. This case is to be found in Grey's Debates, vol. 6th, page 404.

The old Colonial Assemblies, having the British Parliament as a model, were organized in the same way, and our present State Legislatures also, varying only in a few unimportant particulars. Whenever, at the time appointed, members presented themselves at the seat of Government, assembled in their *usual place of meeting*, took the oaths prescribed by law, and ascertained a *quorum* to be present by the calling of a roll, there was then duly constituted a House competent to entertain and decide all propositions touching the privilege of members, the claim to contested seats, and whatever else that might appertain to their more complete organization.

There are doubtless many gentlemen here present, who remember cases similar to the one referred to in the British Parliament, where their own Legislatures were engaged for days in discussing and deciding questions, before the election of a Speaker—that office being regarded, as it undoubtedly is, a mere instrument, a labor-saving machine to themselves.

The second conclusion to be drawn from an observation of the mode of organizing Parliament, is the extreme liability to fraud, and the imposition of spurious members. None but those whose names are recorded on some return filed in the Crown office, are permitted to take their seats. It is obvious, therefore, that two officers alone, or either one, the sheriff of the county who makes the return, and the clerk of the Crown who files it, have it in their power to make such returns as they please.

Perceiving the great advantage he possessed, the King, at an early period, attempted to interfere, and dictate who should be returned to the Commons. In 1603, Sir Francis Goodwyn was elected from the county of Berkshire; returns were made in due form, and sent to the Crown office. The King pronounced him ineligible, and ordered the Chancellor to issue a new writ; which was done. Sir John Fortesque, one of the King's council, was elected, the returns filed, and his name placed on the rolls of Parliament.

The sturdy and free hearted yeomanry of those old days promptly resisted this procedure; and in process of time succeeded in wresting from the King his assumed prerogative of interfering with the return of members filed in his office of chancery. Driven from this stronghold, he resorted to the next which proved to be the most vulnerable point. By means of secret agents and emissaries, he completely effected his object, in bribing and suborning the sheriffs and their assistants. The books of law, and the reports of parliamentary decisions, are absolutely filled with cases of defective and partial returns, double returns, and false returns, knowingly and fraudulently made by those who had taken an oath to act justly and impartially, but who could not resist the rewards or the threats of a monarch and his nobility. So thoroughly corrupt had Parliament become in consequence of the frauds practised on the returns of its members, a rule was adopted, in process of time, by which those returns were very little regarded. Perceiving that a rigid adherence to legal processes and technicalities had not only broken down the character and integrity of the Commons, but was fast becoming the means of undermining the liberties of the people, they soon learned to draw a just and obvious distinction between a *civil* and political process; holding that a strict interpretation of the one might screen the community from the grinding exaction of creditors, while a strict adherence to the other was only the means of corrupting public officers and of practising a fraud on the rights of the people.

So early as 1707, an order was adopted by the Commons, "that all petitions at any new Parliament, relating to elections and returns, be delivered to the Clerk of the House, and be laid by him on the table before the Speaker was chosen." And it was subsequently ordered that those cases should be considered before proceeding to any other business. In the mean time, those claiming the disputed seats, were not allowed to participate in the proceedings; indeed were prohibited by severe penalties.

Thus we see, that even in England, where the rights of the people are not regarded of paramount importance, the House of Commons in self-defence, to protect itself from corruption, and the intrusion of spurious members, was compelled to disregard the technicalities of law, to look beyond the mere formalities of a return, which was no longer *prima facie* evidence of membership, but an instrument of fraud, to pass by all those intermediate stages, so readily and constantly perverted, and look at the actual state of the case—the elections, as they really took place among those who had "the right of election."

In some of the States of this Union, a similar course is pursued, though their laws, if strictly interpreted, and rigidly adhered to, would place it in the power of the Executive to agur-

nise a Legislature in the first instance, after their own will; and thereby contravene the wishes of the people, and perpetuate the power in their own hands.

In Virginia, for example, a strict interpretation of the law would place the organization of the Legislature, in the first instance, in the hands of the Executive Council.

But they have never interpreted the law as conferring any power on them, merely to administer the prescribed oaths; they never examined the certificates of members, or took cognizance of their title in any way.

A high Executive officer of Pennsylvania, acting under laws not more rigid than those of England or the State above alluded to, but feeling it his duty to follow the minutest technicality in regard to returns, rejecting all those of a conflicting nature, and presenting to the Legislature those only he deemed official, was well nigh involving that ancient and patriotic Commonwealth in revolution and civil war.

Had the Secretary of State presented both returns from the county of Philadelphia, and explained the circumstances so far as they had come to his knowledge, he would have relieved himself from a very delicate position, thrown the responsibility of deciding the case where it properly belonged, on the House of Representatives and the Senate, and, in all probability, would have prevented those distressing scenes which followed the course he actually pursued. And much of the testimony given before a committee of the Legislature appointed to examine into the causes of the difficulties at Harrisburg, and many other recent events, all prove that, had he pursued the course above indicated, no difficulties would have arisen, and general satisfaction would have been given to the wise and candid of all parties.

Congress, however, both in regard to the return of its members and its mode of organization, is governed by no statute or prescribed rule of any kind. Originating, as it did, under circumstances altogether different from those of the Commons House of Parliament, it must necessarily, for its own guidance, have given birth to a set of principles entirely at variance from those of a Legislature, which sprung, in the first instance, from the will of a monarch, and was only enabled, after many generations of contest between their own privileges and the prerogatives of the Crown, to establish something like the independence and stability of a representative body.

Congress, as it is well known, took its origin in the conventions or assemblies of deputies sent by the Colonies to consult for their defence and mutual welfare in a time of common danger. The first that met in Philadelphia, in 1774, was composed of men possessing every variety of credentials. Some were deputed by the Colonial Legislature, others by popular assemblies, and others again by mere committees of safety.

Assembling, however, at the imminent hazard of their fortunes and their lives, the simple presence of any man was a sufficient guarantee of his honesty and zeal. Coming together for the first time, personally as strangers to each other, but well known as the bold defenders of a common cause, they forthwith, making no question of each other's authority, proceeded to elect a President to preside over their deliberations, and a secretary to record their proceedings. After they had formed themselves into a deliberative body, they then caused the credentials of those present to be read and approved. The Congress which assembled in May, 1775, was organized in the same way—not calling for the credentials of members until the House had been formed. After the articles of Confederation had been adopted, the mode of organizing Congress was varied. The credentials were first produced and passed upon, before they proceeded to the election of officers.

In the second Congress, which met under the articles of Confederation, the delegates produced their credentials in the first instance, which were read and referred to a committee "to report thereon as soon as may be." The committee reported the next day, and, all being approved, they then proceeded to the election of president and secretary. This preliminary examination by a committee, was never practised before or after the Congress which met in 1784. In 1785, they handed in their credentials, which were read without being referred, and then proceeded to their elections. At the next Congress, in 1786, the credentials were referred to a committee after the election of officers, but were not reported on until a late period.

The journals after the First Congress, which met under our present Constitution, run in these words. "The following members of the House of Representatives appeared, *produced their credentials*, and took their seats." And such is the tenor of every journal until a very recent date. Thus, it appears, that from the first time we had any organized system for the government of the States, some kind of credentials or evidence of membership, was expected and required before any one could participate in the deliberations of Congress. But the nature of those credentials, and the mode of determining their validity, have always been various, and to this day, are not directed by any general law. The Constitution has conferred on Congress the power of adopting a system of general regulations in regard to the elections and the returns. But this provision justly excited the jealousy of those who were friendly to the independence of the States. It was warmly resisted by many of the State conventions assembled to adopt the Constitution; and the point was only yielded on the promise that the Constitution should be amended in that particular so soon as it had been adopted. Accordingly, at a very early period in the First Congress, Mr. Burke, of South Carolina, moved the following amendment: "Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections of Senators or Representatives, except when any State shall refuse, or neglect, or be unable, by invasion or rebellion, to make such elections." It was argued, in favor of this amendment, "*that the clause of the Constitution conferring on Congress the power to regulate elections was obnoxious to almost every State; that it put it in the power of that body to establish a Government of an arbitrary kind. If the United States are desirous of controlling the people, they can do it by virtue of the powers given them in the 4th section of the 1st article; and whenever they choose to exercise those powers, then farewell to the rights of the people, even to elect their own Representatives. When did a confederated Government have the power of determining on the mode of their own election? In the order of things, that power should rest with the States respectively, because they can vary their regulations to accommodate the people, in a more convenient manner than can be done in any general law whatever.*" Such were the arguments advanced in defence of the amendment; but it was lost by a majority of five votes. So obnoxious, however, is any general law of elections, that though many arguments of convenience and expediency might be urged in its favor, none has ever been adopted; repeated attempts have been made, but always signally failed; and we may venture to say that none ever will be adopted, so long as the great and important doctrine of State Rights is regarded.

In the meantime, the mode of procedure in regard to the organization of the House, and the admission of members, seems to have varied at different times, and never controlled by any general parliamentary principle. Of late years, those evidences of membership, called credentials, are forwarded by very few of the States, and are rarely ever presented by members; so that the phrase found in the older journals—"presented their credentials"—has not been inserted for the last twenty years, because it expressed an untruth, none ever being presented.

It has now become a matter of vital importance to elicit from past experience and former precedents some general principle, governing all cases, and admitted as a sufficient rule by which the title of membership in the first instance shall be determined, and the House provisionally organized. And for this purpose, bearing in mind that this provisional organization is a mere incipient stage towards a more perfect legislative body, and always subject to the control of a majority, there can be no better rule than that which has been practised on by Congress from a time that the memory of man runneth not to the contrary. The rolls of the House of Representatives have always been made up from those names who, from common notoriety, and the general consent of all parties, were acknowledged to be members of Congress. Common fame and newspaper reports may appear to be a slender reliance for so important a matter; but, when further examined, will prove of highest and most trustworthy authority. The press has become a fourth estate in the Government of civilized society. All matters appertaining to elections, returns, and public characters, are thoroughly sifted, and made known to the whole world. Our country, too, ever has been, and ever will be, divided into two contending parties; these principles of hostility are implanted in the human heart, and, in some form, will ever exhibit themselves, and a wakeful jealousy will ever keep them observant of each other's conduct; so that by means of these opposing elements, with the aid of the press, the truth, and the whole truth, in regard to any political matter, may be as well known to those who live in the remotest parts of the Union, as to those who were eye witnesses of the transaction.

Our elections are not held in obscure boroughs, and by a few electors, as in England. Fifty thousand people are interested in the result of each election. An active and warm canvass commences between the contending parties for many days before the voting is commenced; the candidates in many States go from house to house, from village to village, discussing important questions, and setting forth their respective claims. In other States the same publicity is given to their proceedings through the press. When the election comes on, hundreds in open day press to the polls to give their votes. The progress of the election is watched from the beginning by suspicious, vigilant, and anxious partisans of the respective candidates.

The result, when announced, is known through the entire district, spread on the wings of the wind through the State, and soon becomes the subject of speculation and of interest to the intelligent portion of fifteen millions of people. It is obvious, therefore, that by this process it is utterly impossible for any fraud or deception to be practised without immediate detection. The precise state of the poll, the number of votes given, the exact majority, and all questions and disputes growing out of the elections, become the most prominent part of the history of the day; and no private papers, (as all credentials are,) however well authenticated, can enable the proper officer to make up a more complete and satisfactory roll of members than he can form from the current history of the times. He is made as well satisfied as he can be of any human event, by common notoriety and the consent of all parties, that certain men, (or more properly, as the individual may be unknown,) *certain names*, are elected as members of Congress; and the next most important point is to identify the name with the individual actually elected.

The mode pursued by Congress in this respect also, is a plain and simple one. When the day appointed by the Constitution and the laws for the meeting of Congress has arrived, and those who are members, or claim to be members, present themselves in their *usual place of meeting*; and when, at the appointed or usual hour, the officer to whom has been entrusted, by long and undisputed usage, the duty of making a roll of members on the principles above indicated, presents himself, announces that he is about to call the names of those who are members of the House of Representatives—when he actually calls a name, and one rises from his seat, or audibly answers to that name, there can be no question in the mind of any one that he is the individual actually elected and entitled to his seat. Under color of a piece of paper or parchment, which he can procure by fraud or bribery, and under protection of the secret ballot box, one might have the hardihood to present himself, go through the forms of initiation, and aid in doing infinite mischief—in subverting the Constitution itself—before he could be detected; and then, by aid of his own voice, might save himself from ejection and punishment.

But here no one can conceive the possibility of such a thing. It is not in the human heart to strain itself up to the practice of a fraud, surrounded by existing circumstances. Silence and secresy are essential to the perpetration of crime. But here are assembled, in open day, the Representatives of six and twenty States; and a vast concourse of people from all parts of the Union, anxiously watching the minutest procedure. Can it be possible that one would rise in such a presence, and answer to a name that is not his, and claim a seat to which he has no title? It is not in man to act so base a part. When, therefore, the roll has been called through, and a sufficient number have answered to their names to constitute a *quorum*, there is then a House of Representatives, as contemplated by the Constitution; for it says, *each House shall elect its own officers*. As there are Parliaments, so there must be a House of Representatives, before the election of Speaker. And there is no other way in which a House can be constituted, than the one just described. When that process has been completed, there is then a House of Representatives, competent to entertain and decide all questions touching the privilege of members, the claims to contested seats, and all matters appertaining to their more complete organization. They cannot enter on the ordinary business of legislation as prescribed and limited by the Constitution, because they have not taken the oath to support the Constitution: which, by some inadvertence, is required to be administered, not by a judicial officer, but by the Speaker himself after his election.

While thus engaged in the adjustment of preliminary questions, the House must be governed by the common law of Parliament, without which no deliberative body can exist. It is true they are not bound by the rules of a preceding Congress; but those rules, like statutes, do not create or destroy, but only limit and define a general principle. Take away the limitations, and the principle exists in its original force.

When thus constituted and organized into a House of Representatives, it is then the duty of the proper officer to lay before them all contested cases, and the evidence in his possession, that they may proceed, according to the Constitution, to decide on the elections, returns, and qualifications of those contesting. After the most laborious investigation into all the precedents, from the earliest times, both in our own country and in England, I have come to the conclusion that this is the only safe and proper course to be taken.*

Though long usage, and the necessity of the case, have imposed on the Clerk of the House the duty of making a roll of members, to be called at the opening of Congress, yet he has no authority whatever to interpose in doubtful cases, or throw any obstacle in the way of an immediate adjustment by the House. Where there are no difficulties, his course is plain; but in all matters of doubt, he is bound to present the evidence in his possession, and throw the responsibility of deciding, where it has been placed by the Constitution, on the Representatives of the people. No party can take exceptions, no individual can be aggrieved by this course It will be as much in the power of the House to act on them when called at the end of the roll, as if they had been called in the regular routine, according to past usage. And by the mode here proposed, one great advantage will be gained in having a House organized and competent to entertain and decide all questions touching the privilege of members, before any contested cases shall come before them for consideration.

Believing that Congress, originating in peculiar circumstances, and being a Government of confederated States, must necessarily be controlled by laws different from those of the House of Commons, or the State Legislatures exercising jurisdiction over a consolidated mass—believing that the present mode of testing and recognising members is more efficacious than any positive enactment can be made—that it is more open, impartial, and consistent with our federative system, and that it is less liable to be perverted, under color of law and strict technicalities, into an instrument of fraud—believing that when a roll, made up of the names of those who, by common notoriety and the general consent of all parties, were recognised as members of the House of Representatives, has been called through, and a sufficient number have answered to their names to constitute a quorum, that then there is a House of Representatives as understood by the Constitution, controlled by the common law of Parliament, and competent to decide all questions touching the privileges of members—and believing that then, and not before, all contested cases, with the accompanying testimony, should be laid before them for consideration, I feel it a solemn duty incumbent on me to proceed in this mode to organize the House, so far as necessity, and unbroken usage from time immemorial, have thrown that task on the Clerk of a preceding Congress.

Having made a roll of those names who, by general notoriety and the common consent of all parties, were members of Congress, I prepared a brief statement of the New Jersey contested case, in the following words, which it was my intention to lay before the House so soon as a *quorum* was ascertained to be present:

STATE OF NEW JERSEY.

DOUBLE RETURN.

There is, in my possession, commissions of the Governor of New Jersey, addressed to JOHN BANKER AYCRIGG, WILLIAM HALSTED, JOHN P. B. MAXWELL, JOSEPH F. RANDOLPH, CHARLES C. STRATTON, and THOMAS JONES YORK, esquires, of which the following is a copy:

STATE OF NEW JERSEY,

To JOHN B. AYCRIGG, of the county of Bergen, esquire, GREETING:

It appearing to the Governor of the State of New Jersey, and the Privy Council thereof, that you have been elected by the people of the State of New Jersey to represent the said State in the House of Representatives of the Twenty-Sixth Congress of the United States, you, the said JOHN B. AYCRIGG, are therefore commissioned to represent the State of New Jersey in the House of Representatives of the United States, during the Twenty-sixth Congress. In testimony whereof, &c.

[Signed.] WM. PENNINGTON.

By the Governor:

JAMES D. WESTCOTT, Secretary of State.

(The same in relation to the other five members.)

I have, also, in possession the certificate of the Secretary of State, of the State of New Jersey, of which the following is a copy:

STATE OF NEW JERSEY, ss.

I, James D. Westcott, Secretary of the State of New Jersey, do hereby certify that, upon a careful examination of all the returns made by the several clerks of the respective counties in said State, and filed in my office, and also of returns of votes given in the townships of South Amboy, in the county of Middlesex and of Millville, in the county of Cumberland, verified by the affidavits of the several township officers of election in said townships respectively; which townships returns were not included in the returns of the clerks of said counties of Middlesex and Cumberland, and which were directed to be filed by the Governor, and now remain on file in my office, of the election for members to represent this State in the House of Representatives of the Twenty-sixth Congress of the United States, held on the ninth and tenth days of October, anno Domini one thousand eight hundred and thirty-eight, it appears that PHILEMON DICKERSON received 28,453 votes, MANNING FORCE 28,314 votes, PETER D. VROOM 28,492 votes, DANIEL B. RYALL 28,441 votes, WILLIAM R. COOPER 28,455 votes, JOSEPH KILLE 28,426 votes, JOHN B. AYCRIGG 28,294 votes, JOHN P. B. MAXWELL 28,383 votes, WILLIAM HALSTED 28,337 votes, JOSEPH F. RANDOLPH 28,427 votes, CHARLES C. STRATTON 28,396 votes, and THOMAS JONES YORK 28,321 votes, and by which it appears that, at said election, PHILEMON DICKERSON, PETER D. VROOM, DANIEL B. RYALL, WILLIAM R. COOPER, JOSEPH KILLE, and JOSEPH F. RANDOLPH, received a majority of the whole number of votes given in the State of New Jersey for Representatives of said State in the House of Repre-

*It is, indeed, the course indicated by Congress as the proper one, in the famous Moore and Letcher case, when both gentlemen voluntarily retired in the first stage of the organization; and this act of theirs was afterwards approved and confirmed by a vote of the House.

sentatives of the Twenty-sixth Congress of the United States. In testimony whereof, &c.

[Signed.] JAMES D. WESTCOTT.

This to my mind is clearly a case of double return—a conflict between two authentic public documents. Which ought to have preference is not my province to decide. Each State has its own mode of conducting and publishing its elections. Some are content with the mere certificate of a sheriff, others adopt a more formal mode through the proclamation or commission of a Governor, but in either case there is nothing more than a mere ministerial function to be discharged. Whether a Governor or a sheriff, he is *pro hac vice*, only a *conduct pipe*, or medium through which the people convey their wishes to the individual elected, and the body to which he is accredited. If the Governor's commission amounted to more than that, it would lead to this absurdity, that one member of Congress would have a higher title than another to this seat. It would, also, lead to this consequence, that a Governor, by placing the commission under seal of the State in the hands of an individual, would make his title beyond dispute, and would finally place it in the hands of the State Executives, to return what members they pleased to Congress—a high prerogative claimed by the Kings of England, but indignantly rejected by the Commons at an early period.

I hold, therefore, that the Governor's commission or proclamation, like a sheriff's certificate, is nothing more than the *prima facie* evidence of an election, liable to be rebutted by other evidence of equal authenticity, as in this case by the certificate of the Secretary of State with the seal of his office, in which he certifies that "it appears that at said election, PHILEMON DICKERSON, PETER D. VROOM, DANIEL B. RYALL, WILLIAM R. COOPER, JOSEPH KILLE, and JOSEPH F. RANDOLPH, received a majority of the whole number of votes given in the said State of New Jersey for Representatives of said State in the House of Representatives of the Twenty-sixth Congress of the United States."

Not feeling it my duty to determine between an authentic document, which declares that certain men are elected members of Congress, and another document of equal credibility, which declares that certain other men have the majority of votes, I submit the case, with the evidence in my possession, to the consideration of the House

I prepared a statement, also, of the Pennsylvania case, in the following words:

STATE OF PENNSYLVANIA.

THIRD CONGRESSIONAL DISTRICT, DOUBLE RETURNS.

I have in my possession a certificate signed by three "judges of a general election, held at the several election districts, composing the Third Congressional district, on Tuesday, the 9th day of October, 1838," in which they "do certify that the following persons had the number of votes affixed to their respective names, to wit:

CHARLES NAYLOR had six thousand six hundred and sixty-nine votes - - - - - - - - - - 6,669

CHARLES J. INGERSOLL had five thousand eight hundred and ninety-four votes - - - - - - - - - 5,894

CHARLES NAYLOR having a majority of the votes polled, is elected a member of the twenty-sixth Congress," &c.

Accompanying this certificate, is a proclamation of the Governor of Pennsylvania, put forth on the 1st December, 1838, whereby it is published and declared "that CHARLES NAYLOR has been returned as duly elected in his Congressional District," &c.

In addition to these documents, and in conflict with them, I have a certificate signed by three other "judges of a general election held at the several election disctricts, composing the Third Congressional District of Pennsylvania, except the incorporated district of the Northern Liberties, which returns were rejected, on Tuesday the ninth day of October, 1838," in which they "do certify that the following persons had the number of votes affixed to their respective names, to wit:

CHARLES NAYLOR, three thousand three hundred and fifty-four votes - - - - - - - - - - 3,354

CHARLES J. INGERSOLL, three thousand nine hundred and fifteen votes - - - - - - - - - - 3,915

Accompanying this certificate, which was forwarded to the office of the House of Representatives on the 8th November, 1839, is a note, according to the law of Pennsylvania, addressed to the House of Representatives, by FR. R. SHUNK, esquire, Secretary of the Commonwealth, in which he states that, from the returns of a general election held on Tuesday, the 9th of October ,1838 ,in the Third Congressional district, "it appears that CHARLES J. INGERSOLL was duly elected to represent the said district in the 26th Congress."

At a subsequent period, to wit: on the 28th November, 1839, a proclamation of the Governor of Pennsylvania was received, which proclamation was put forth on the 25th of November, 1839, and declares "that CHARLES J. INGERSOLL, as aforesaid, has been returned as duly elected in the Third Congressional district, on the 9th of October, 1838, as a Representative of the people of this State in the Congress of the United States," &c.

Believing this to be a case of double returns, and that it is not my province to determine between the contesting parties, I submit it to the consideration of the House, which the Constitution has made the sole tribunal to judge of the *election, returns and qualifications of its members.*

Respectfully,

HUGH ALFRED GARLAND,
Acting Clerk of the House of Reps. U. S.

[Here, at the call of some member, the Clerk read an appendix to his statement, citing authorities in support thereof.]

Mr. CLIFFORD resumed, and said: It is no part of my intention to comment upon the paper just read, or in any manner to refer to the authorities appended to it, in support of its positions. The document is before the country, and my purpose is answered. It will speak for itself; breathing, as it does, the same spirit of conscious rectitude and manly independence which has characterized the conduct of the Clerk throughout. The argument is convincing and unanswerable, and the authorities full and explicit. It seems to me that every one not blinded by partisan feeling, and whose pride of opinion is not made inveterate by prejudice, must yield assent to its conclusions. But, whatever opinions may be expressed or entertained by the apologists of fraud, it is not going too far to say, that the author of the statement will receive from the candid of all parties the commendation due, and always accorded, to a faithful and unflinching discharge of duty, under circumstances involving high and delicate responsibility. It is true that public opinion, under the guidance of falsehood and misrepresentation, is sometimes severe, but the ultimate judgment of the people will do ample justice to every public servant, however elevated or humble his station may be.

It is not denied, and, if it were, immemoria usage has sanctioned the practice, as every one may know by examining the records of this House, that it was the duty of the Clerk to prepare a roll of the members, and to preside, in a qualified sense, during the first stages of organization, for it cannot be forgotten that he commenced the call of the States by general consent. But how should the roll be constituted? Of every one that makes claim to a seat? In double returns, the principle is inadmissible, and would work an outrage upon the Constitution itself, by increasing beyond limit the number of which the House is composed. In cases of controversy, shall the Clerk decide? This would be an assumption of power contravening the plainest principles of the Federal compact, and dangerous to the rights of the people of the several States, who have conferred no such power. What should be done? Why, to my mind, it is self evident that the roll should be made up of the undisputed names of the Representatives elect, and that contested cases should be referred to the House for decision. The ingenuity of man cannot devise any other course, in consonance with the spirit of the Constitution, without putting in peril the right of the people to choose their own Representatives.

But, sir, let me hasten to a more important inquiry touching the power of this House to ascertain its own members, before the election of "their Speaker, and other officers." It has been denied; and the best way to obviate the grounds of the denial, will be to know that it exists. During the three first weeks of the session, the gentleman from Virginia [Mr. WISE] participated largely in the discussion, with a determination and perseverance which deserve a better cause, though I infer, from recent events, that his friends have more confidence in his ability to execute than to plan a campaign. The substance of his positions, as they have impressed themselves on my mind, may be stated in a few words, without attempting to give his language. He maintained that the return or commission of the Governor was *prima facie* evidence, for the person holding it, to a seat; but that the House, in its then chrysalis state, as he called it, had no power to judge of the elections, returns, and qualifications of its members. Fully concurring that the return is presumptive evidence of right, I will attempt to prove that the House had the power coeval and coextensive with the assembling of the members, on the first Monday of December last, to judge of the constitutional element of which it should be composed. From necessity, saying nothing about expediency, which ought to have very little weight in determining a question touching the existence of constitutional grant, it must exist somewhere, else *prima facie* evidence, that is, on its face, or, in parliamentary language, *at first blush*, may constitute membership, by conferring a conclusive right in the first instance, even in cases of palpable fraud or gross corruption.

But where does the Constitution place it? Article first, section second, provides that "Each House shall be the judge of the elections, returns, and qualifications of its own members." Surely this provision has no qualifying phrase, but is as explicit as language can make it; and, in the absence of any restraining clause, it is a very sensible rule that the constructionist is compelled to believe that the Legislature intended what it has said. The expediency or inexpediency of law, much less of the Constitution, is not open to any right of construction; and if it were, it cannot avail for any purpose to those who sustain the claims of fraud against the rights of the people. The reason and justice of the thing are against them.

It is said, however, that the word "House" means an organized body of members, acting under the sanction of an oath; and this is called a limitation; and in one aspect it is, while in others it is a most latitudinous construction. It works a limitation of the power as to the time of its exercise, but at the same time is made to absorb the functions of another grant, which no one will deny is made by the use of the same word to which, if the same qualification be applied, the grant becomes nugatory, and neither power can be exercised. Thus: "The *House* of Representatives shall choose their Speaker and other officers." The election of a Speaker is the important ingredient of organization; but if the word "House" means an organized body of members, then organization must precede the election of Speaker; and if so, the provision is *felo de se*, for no organization can ever take place; and without it, gentlemen say there can be no tribunal authorized to canvass the elections, returns and qualifications of members. If so, the Government is at an end, and we are, in sober truth, in the midst of revolution. But, sir, the judicial tribunals never attempt to limit or extend the natural import of words, which are independent of any qualifying phrase, except to prevent fraud, or to protect individual rights. In such cases, as a dernier resort, a feeling of charity, if I may give it that name, induces the belief that the Legislature intended to advance the principles of natural justice. But it is scarcely charitable to believe that the framers of the Federal compact intended that any person, other than a Representative chosen by the people, should be permitted to participate in the deliberations of the popular branch of the Government, and especially not, as it is provided that the House of Representatives shall be chosen every second year by the people of the several States; and it is even less so, if possible, that they ever intended that the detail of that compact should be so contradictory and impracticable, that it would be impossible to carry one part into effect without nullifying another. The Constitution was formed by honest and consistent men, and its provisions, in my estimation, are consistent in themselves, and reconcilable with each other. Let this be explained, if it can be, consistently with the position assumed. It is not within the scope of my humble ability, nor do I believe that the people of the country will ever admit it; and let those who maintain it look well to the ground upon which they stand, "lest they fall."

But, if the right of ascertaining its own members is not expressly granted to this House before the election of Speaker, it is clearly and necessarily to be implied from the power of organization, which it is admitted is expressly conferred in the latter clause of article first, section second, before cited, that the House of Representatives shall choose their Speaker and other officers, which is the only organization contemplated or known in this branch of Congress. The right to elect Speaker is clearly an express grant. But how is the power contended for to be enforced? To this I answer emphatically, that it is properly an incident to the right of formation, and necessary to its execution, to prevent the minions of party from trampling under foot the most important element of a Republican Government—the sovereignty of the people. My language, sir, will inform you of the source from which my principles of construction are drawn. It is marvellous that any appeal should be made to the doctrine of State Rights, in the sense in which I have been taught to respect it, as a defence of one of the grossest attempts in the annals of the nation to prostrate the vital principle upon which the doctrine is based. State Rights! Let me refer to one of its founders: "Whenever, therefore, a question arises concerning the constitutionality of a power, the first question is, whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is properly an incident to an express power, and necessary to its execution. If it be, it may be exercised by Congress. If it be not, Congress cannot exercise it." —*Virginia Resolutions*, 1799, 1800.

The application is so apparent, that no comment

can give strenth to it. These rules, in my estimation, may be safely applied to every part of the Constitution, without, in any instance, hazarding the intention of the framers; and if they were more studied, more carefully adhered to, and less talked about, there would be greater safety to the country against any infraction of the fundamental law. Such are, very briefly, my views as to the true rendering of the Constitution; but I will take the liberty to remark, before leaving this branch of the inquiry, that the whole subject of construction is very elaborately considered in the resolutions to which I have adverted, as a sound exposition of the implied powers of Congress.

The doctrine of *casus omissus*, in regard to the element of which the popular branch of this Government is composed, or the right and power of perfecting that element into the form of a constitutional House of Representatives, cannot be admitted. It is too deadly in its consequences to receive favor, even for a moment. The framers of the Constitution could not have overlooked so important a matter, for it will be remembered that the foundation principle in the formation of this body, under the Constitution, is the right of the people to choose their own representatives. It is an important right, and one that gave birth to the Revolutionary scenes of our country, of which New Jersey may boast her full share, and to which the gentleman from Pennsylvania [Mr. SERGEANT] adverted with so much fervor and eloquence. It is one for which the patriots of that day contended with earnest solicitude, and when entreaty proved fruitless, and all peaceful efforts to secure it had failed, they did not hesitate, in the defence of it, to pledge their lives, their fortunes, and their sacred honor; and now, when it is amply secured, it should not be hazarded by construction, or defeated by fraud. The struggle to which the honorable gentleman alluded was not for "seals" or "stamps," nor even for the forms of law. The people of that day had enough of these ensigns of monarchy; the allusion is a *perversion* of history; they fought for liberty, and the right of representation.

Even in the British House of Commons, where this principle is less understood, and, consequently, less highly valued, from immemorial usage, in cases of double returns, both claimants are required to retire and refused the right to participate in the doings of that body, until their respective claims have been investigated, and decided by the undisputed members.

The right to decide implies a time to examine and consider. The necessity of decision upon a controverted right to represent, precludes the exercise of the right, if it may be called such, pending the necessary investigation, and while its existence is undetermined, unless it be better that the people shall be misrepresented in the councils of the nation, through the medium of fraudulent returns, than not represented at all. The foreign ambassador cannot be accredited, while his official character is in dispute. A decision cannot be expected upon any just principles, without a full investigation; controverted facts must be proved; time must be allowed to procure evidence, and to consider it, after it is produced; and whatever delay may be necessary to the prerequisites of a final determination may be fully justified by the authority which is expressly conferred to "judge." If the House may judge, it must first hear. The parliamentary usage which excludes the exercise of delegated power, while it is uncertain whether it has been conferred, is but the dictate of common sense, which pervades the general transactions of life. In matters of business, commercial men do not have transactions with an agent, while his agency is in dispute. No, sir, that enterprising and valuable class of our citizens are too provident in their dealings to entertain for a moment a principle so much at variance with common prodence, and so hazardous in its consequences.

If there was any ground to believe that the desire to be consistent could have any influence over the prejudice of party feeling, I would endeavor to convince honorable gentlemen of the minority that they are committed to the principles which I maintain, in reference to the subject under consideration, unless it be said that Kentucky is not now "in the line of safe precedents." But, however that may be, I propose to strengthen my position, that the power to judge of the returns is coextensive with the assembling of the members, by adducing a few authorities from the journals and decisions of the House, from which it will also appear that, as a party, they cannot escape the charge of inconsistency, though the fact may be ever so unavailing:

"On the first day of the meeting of the Twenty-third Congress, the House was, agreeably to usage, called to order by its acting Clerk, M. St. Clair Clarke, who proceeded to call the roll of the members by States, beginning with the State of Maine. Having proceeded as far as the State of Kentucky, before its members were called, Mr. Allan of that State rose and asked permission to address the House. He observed, among other things, that the State of Kentucky had been declared entitled to thirteen Representatives, but that, in casting his eyes around the Hall, he recognised fourteen gentlemen ostensibly claiming to be Representatives and members of the House. From the circumstances of the case it was obvious that the question of their right to a seat must be decided in the present stage of the proceedings. The question arising from these conflicting claims was one deeply interesting, not only to their own immediate districts, but to the State at large; so much, so that the delegates from the State had met together, and deemed it their duty to take the novel case under their most serious consideration."

The Federal delegation in that Congress, from the State of Kentucky, included in its number some of the ablest lawyers in the country, and were very competent to decide, after "a most serious consideration," at what stage of the proceedings it was obvious that the question of right should be determined. It has been well said that principles never change. What was obvious then, is equally obvious now, though a certain class of politicians may not be able to perceive it with equal clearness. The whole argument resolves itself into a mere question of expediency, or rather of inconvenience. Usage has been much relied upon as condemning the course of the majority. It may safely be admitted that the argument of inconvenience, as to the time of exercising the acknowledged power of the House over the election and returns of its members in ordinary cases of contested election, before organization, presses itself with much force. It may or may not be exercised as the magnitude of the question, and the circumstances out of which it has grown may seem to justify. The canvass must be had, but the members under the limit of a sound discretion, may determine at what period of the session it is expedient to enter upon its examination. Usually it is not expedient to do so in the incipient stages of organization. Hence the usage to which reference has been made. The case from New Jersey stands alone in the history of the country. It has no parallel. No one has undertaken to deny the expediency of investigation if we have the power.

In further prosecuting this inquiry, let me again refer to the case of Letcher and Moore, where the power contended for was distinctly maintained and admitted by the most talented men of both of the great political parties of the country, and solemnly affirmed by the House.

Mr. Allan, in the conclusion of his remarks, said that:

"*In order to enable the House to decide the controversy between these claimants*, he would ask the Clerk whether he had in his possession any certificates or other vouchers in relation to the election in the district from which both these gentlemen came, and if he had, he would call for the reading."

The papers were read, including the "*poll books, duly certified.*"

No one can deny that the facts of the two cases are precisely similar, as well as the course of proceeding. The authority of this case, in the aspect in which it is now presented, has not been assailed, but has been passed by in silence. It is impossible to escape it on the score of acquiescence, for up to this time the parties had made no arrangement, as will be readily perceived by the published debates to which I refer, as well as to what succeeded.

Mr. Wayne, of Georgia, an Administration member, said that—

The person claming to be substituted for the individual upon the roll, ought to produce his credentials, and say whether those were the papers on which he intended to found his claim to a seat. *If that were done, he would be ready to pass upon them.*

Mr. Allan, a Whig member, in his second speech, said that—

He understood himself to possess the right of rising, and presenting the question in this case to the House. This was a House; under the view of the Consitution it was competent to perform any act pertaining to the House of Representatives, and its first duty was to ascertain who were its own members. This was a representative Government, and the first question which demanded attention was, whether individuals claiming to be their representatives, were actually their representatives.

Mr. Burgess said—

The House ought to go behind that paper (the returns) to the poll books, to ascertain whether the electors did vote or not, and then leave the question of their right to vote, &c. to the election committee. He repeated, that in their decision the House were bound to approximate as closely as possible to the people, in order to the better understanding of the public will.

Mr. Archer, among other things, said, in the second stage of the proceedings—

He could not avoid expressing his unfeigned surprise at the observations that had fallen from several gentlemen who had addressed the House on both sides of the question. * * * * He contended, as we understood him, that the House ought at once to decide without referring it first to a committee, and that the course pursued by several honorable gentlemen who preceded him, went to abrogate the most important rights and privileges of that assembly. What did the Constitution say? Why, that the House was to be the sole "judge of the elections, returns and qualifications of its members." It would be derogatory to that legislative body to say aught against this doctrine. * * * * There was another view of the question, and one of great import, which should be considered, and that was, suppose a return was made, perfect in all its forms, and at the moment of presenting it, a gentleman were to rise and offer to prove, at the bar of the House, that the return was an imposition, would any honorable member tell him that the House was precluded from entertaining such an allegation? If a mere return were deemed a sufficient qualification, then any one producing a required form became at once a member of that House.

Mr. Jones of Georgia said:

Mr. Letcher [the Federal claimant] had produced his certificate, (the poll books,) in which it was certified that the majority of qualified voters, in the whole five counties, had given their votes in his favor. It had been argued, and correctly argued, that he who had such a majority was the member entitled to a seat.

Mr. Beardsley said:

"He conceived that gentleman were mistaken in supposing that it had been argued that the House had not the power of looking back to facts and circumstances connected with the certificate which had been offered by Mr. Moore at the table. The argument that he had heard, was that the *usual* mode of proceeding was not to go behind a certificate on a question as to its validity.

This disclaimer was made necessary by the evident mistake of the gentleman from Virginia who had preceded him, and is very strongly corroborative of the ground assumed that in the discussion of that case, both parties denied any limitation as to the power of the House to canvass the returns, and ascertain its own members.

At the close of the debate, the following resolutions presented by Mr. Hardin, a Whig member, were adopted with great unanimity, upon which no comment is necessary:

Resolved, That the Committee of Elections, when appointed, inquire and report to this House, who is the member elected from the Fifth Congressional District of the State of Kentucky, and until the committee report, as herein required,

Resolved, That neither Thomas P. Moore nor Robert P. Letcher shall be qualified as the member from said district.

Upon these remarks and authorities I will rest this part of the argument, assuming hereafter the power of the House to decide any matter necessary to be decided in order to form a constitutional House of Representatives, before that election is effected; and I do it the more cheerfully, without further consideration, as many who denied it under the counsel of the gentleman from Virginia, [Mr. WISE,] have virtually acknowledged their error, by abandoning their position.

It has now become important to consider the "black letter" position of the gentleman from Tennessee, [Mr. BELL,] that the commission of the Governor, as he calls it, is conclusive evidence to the person holding it to a seat in this House for all purposes of organization. That gentleman did not take part in the early discussion of this question, for reasons, no doubt, that were satisfactory to himself, and of which it does not become me to enquire, except for the purpose of making the change in the ground assumed in the debate. Before, it was said, and justly, I contend, in reference to the return or commission, that it was *prima facie* evidence of a right of membership. But, sir, this new doctrine gives it all the validity of an Executive commission, empowering the individual who holds it to take the seat, and to perform the high functions of a Representative of the people, by virtue of the paper title of the Governor. It is said the franchise is as effectually secured by the return, as the title to real property is by deed. No one can complain that the position is not sufficiently broad to cover the case. The analogy, however, is not just; but if it were, the mere formalities of a deed are often a very frail

reliance for the security of title. It is a familiar maxim, that no man can transfer to others rights more extensive than he possesses. If the grantor had no estate, nothing passes by the deed. In many cases, an agent duly constituted, acting in pursuance of his delegated authority, may transfer the rights of his principal; but if he transcends that authority, his acts are void. The Governor of a State, in the exercise of his Executive functions, represents the sovereignty of the people as in appointments to office, thus conferring power to act in the name and behalf of the sovereign authority itself. The right to appoint implies the right of selection, subject only to the constitution and laws of the State. It is no part of my intention to misstate the argument. It is not asserted, I admit, in direct terms, that the Governor of New Jersey has the right to appoint a member of Congress; but it is asserted that he may commission, and that his commission, in the first instance, gives a conclusive right; and if so, it is my object to prove that it is equivalent to the power of appointment.

The proposition was proclaimed without qualification, though the gentleman did not condescend to inform us why it was conclusive, or to define the boundaries of this divine right, nor when it would cease to possess this omnipotent character. All these matters were left by him to conjuctue, so far as I understood. The question, therefore, may still be asked, when will it cease to be conclusive? Another gentleman has said that the commission is conclusive, until the claim of the member has been investigated by the Committee of Privileges and Elections, and decided by the House, but the commentary, if possible, is worse than the text. If the paper is conclusive until decision, it is impossible to investigate or decide. There are some propositions so perfectly contradictory and irreconcileable with themselves, that the best answer that can be made to them is to repeat them. No authorities have been cited in support of this position, for the reason, undoubtedly, that none can be found; and no one, so far as I recollect, has condescended to give even his own reflections as to the grounds upon which a principle, entirely new in the history of legislative proceedings, is based. If the advocate of this new kind of estoppel had defined its boundaries, and given the source from whence it is deprived it would be less difficult to examine it. They say the commission is conclusive in the first instance, but they do not incline to give any information why it is so, nor by what process it is to be divested of its primary importance, so as to enable the House to canvass the elections and returns of its members.

In examining this new ground, assumed in behalf of these pretenders, it is important to understand terms, in order to apply them with precision. The certificate of the Governor has been denominated a commission, and regarded in the sense of a commission of appointment. This is error. What is a commission? Some of the best legal writers define it, "Letter patent, from porper authority, given to a person as his warrant, for the exercise of certain powers, in the sense of delegates with the civilians. What is the signification of letters patent? A writing executed and sealed, by which power and authority are granted to a person to do some act or enjoy some right. It is manifest that the certificate of returns, in this defined and legal sense, cannot be regarded as a commission, unless we are prepared to sanction the doctrine, that, to some extent, the constituent principle of representation on this floor is confided to Executive discretion. What is a return? In a few words, it is the rendering back or return of a writ, or execution to the proper office or court; or the certificate of the officer executing it, endorsed thereon. The language of the Constitution, which ought to have some weight, in my estimation, is the "RETURNS" of its members. But it may be said, as there is no writ so there can be no return endorsed thereon. In England, the election being closed, the returning officer of the borough returns his precept to the sheriff, with the names of the persons elected by the majority, and the sheriff returns the whole, together with the writ, which issued from the clerk of the crown in chancery to the office from which it emanated. The place of the writ in this country is supplied, and its offices performed, by the constitution and laws of the several States regulating elections, and prescribing the time, place, and manner of holding the same. Consequently, we have nothing but the return. The object of the writ in England is to fix the time, and in some instances, I believe, place of hilding of the election. Here, that is supplied by law. So that whether we use the word commission or return, it is merely a certificate of facts; and, I grant, when it is formal and legal, it is presumptive evidence of the truth of the facts which it certifies, and it is no more, no less.

Now, sir, every lawyer, as well as every man of common sense, knows that *prima facie* or presumptive evidence, from its very nature, may be controlled by opposing proof, when the presumption is not in accordance with the truth of the fact to be inferred. No principle of law is better settled or more generally understood. The application of this principle to the returns of members has never been denied or questioned in any decision of this House, but has been uniformly applied since the foundation of the Government, in every contested election, without a solitary exception; and upon this point I challenge contradiction. It is applied in the House of Commons and in the States of this Union, and must be applied here, if we have any regard for the Constitution or the rights of the people. The case of Spaulding and Meade is so eminetly decisive of this point, that no degree of ingenuity can possibly escape its application.

Now, (said Mr. C.) I will read one of the returns in dispute, the better to enable the House to understand what it purports to be on its face.

[L. S.] STATE OF NEW JERSEY.

To ——.

It appearing to the Governor of the State of New Jersey, and the Privy Council thereof, *that you have been elected by the people of* the State of New Jersey to represent the said State in the House of Representatives of the Twenty-sixth Congress of the United States, you, the said —— ——, are therefore commissioned to represent the State of New Jersey in the House of Representatives *during* the Twenty sixth Congress.

This paper is called a commission, though it does not, on its face, purport to confer any power independent of the fact of election by the people; but, if it did, like all the arguments on the other side, if it proves any thing it proves too much. If its language is to be taken literally, which no sensible man will pretend, the person holding it is commissioned during, or througnout the Twenty-sixth Congress; and it is no more a violation of any right to examine into the facts upon which it purports to be founded, on the first day of the session, than it will be on the last. But this paper is no more than a certificate of facts, certifying that the person holding it had been elected by the people, which certified fact is now ascertained to be a falsehood, and was equally well known to be so at the time the certificate was made; and yet, if the argument holds, good it is binding upon the deliberations of Congress for an indefinite period of time. I have before attempted to prove that it is a return, and not a commission in the sense of the Constitution and that its sufficiency must depend, in case of dispute, upon the truth of the fact which it affirms.

Much has been said about disfranchisement, State sovereignty, and the violation of State laws, as if it were impossible to investigate the legal pretensions of these claimants without in some measure, degrading or infringing the sovereignty of the people of New Jersey; but those charges are so undefined, and undefinable, that it is yet uncertain, in my own mind, whether I understand the precise grounds upon which they are attempted to be sustained; or, indeed, if they are expected to be regarded in any other light than as the merest appeals of party declamation to the passions and prejudices of the local feelings of the people; but, as they have been repeatedly put forth, for what purpose it is not necessary to inquire, it becomes important to give them a passing remark.

It is readily admitted that, in the absence of national legislation, it is the right of the States to prescribe the time, place, and manner of holding elections, and that State regulations in this behalf are of binding obligation upon the deliberations of Congress, and thus far there is no conflict of jurisdiction; and when this is admitted, nothing further can be claimed, as all must perceive, without necessarily bringing into collision the highly important power of both branches of Congress, in reference to the election of their members, with the laws of the several States. All State laws, therefore, upon this subject, which look to other objects than those to which allusion has been made, are enacted for the convenience of Congress, and subordinate to the Federal Constitution, which makes this House the sole "judge of the return of its members." It is a very poor compliment to the general intelligence of that patriotic State, to suppose that its citizens can be deceived by such shadowy denunciations, or imaginary wrongs, having no existence except in the distempered imaginations of violent partisans.

Without further remark, (said Mr. C.) upon this part of the case, I will ask a few moment's attention to the election laws of New Jersey, which are pertinent to the inquiry, and, also, to the facts of the case. Very ample provision is made against error or fraud on the part of the subordinate returning officers, with a view, as all will readily admit, to secure to the majority of the State the representation of its choice:

"To take an account of, and cast up the votes given for each candidate, make a list of the same, which list they shall sign, certify, seal up, direct, and transmit to the clerk of the county, who shall attend at the court-house of the county on the Saturday next after the day of election, for the purpose of receiving the same, which list shall be delivered to him before five o'clock in the afternoon of said day, which said clerk shall proceed, in a public manner, to make one general list of all the candidates voted for as aforesaid, together with the number of votes received for each of them, and shall transmit the same, at the expense of the State, to the Governor or person administering the Government, within seven days thereafter, having first caused a duplicate thereof to be filed in his office, together with the lists from the said townships."

The Governor is directed:

"If the certified lists of votes given for Representatives in Congress shall not be received from the clerks of any of the counties of the State, by him, within seven days after the time prescribed by law for casting up the same, &c. by the clerks as aforesaid, forthwith to send express to the clerk of the county or counties from which such certified lists have not been received, and to procure the same at the expense of the State."

The Governor is also directed:

"Within five days after receiving the said lists, to lay the same before a Privy Council, to be by him summoned for that purpose, and, after casting up the whole number of votes from the several counties, for each candidate, the said Governor and Privy Council shall determine the six persons who have the greatest number of votes from the whole State, for Representaties in Congress of the United States from this State," and forthwith commission them, &c.

The clerk of Middlesex county, in his return to the Governor enumerated the return from each township, except the township of South Amboy, in regard to which he appended in substance that he had received no return *made according to law*. The certificate on its face shows, beyond controversy, that some return had been received, and that the clerk had been guilty of an unwarrantable assumption of power, and in no way justified by the laws of New Jersey, and should have received with promptness the correcting hand of the Governor. In the case from the county of Cumberland, the return from the township of Millville was made to the clerk of the county, in due form of law, but was delayed about five hours behind the time required by law, and was rejected by the clerk, and omitted by the Governor. Both these returns, which had been improperly rejected by the subordinate officers, were immediately sent up to the Governor, and by him laid before the Privy Council, with the residue of the votes of the State, but were not included in the ultimate return now on the table, for the reason that those high functionaries had not received them through the medium of the clerks of the respective counties, although the law of New Jersey makes it the duty of the Governor, in all such cases, within seven days after the time prescribed by law for casting up the returns, forthwith to send an express to the clerks of the county or counties, from which such certificate lists have not been received, and to procure the same at the expense of the State; and the only way this plain duty is attempted to be obviated, and the only excuse put forth for its non-performance, is contained in the grave assertion that, as a return had been received, no matter how fraudulent, the Governor could not know that it was incomplete. This is special pleading of the most odious character. What are the "certified lists" of votes which,

in the contingency named, he was bound to procure, at the expense of the State? Are they partial lists? Certainly not. Are they fraudulent lists? No one dare assert it. What kind of lists? The answer is plain; full lists *of the votes of the whole State*, for the law requires the ultimate return to be based upon the majority of the votes of the whole State, and, regularly, it should certify that fact; and should not stop short, as in this case, with the unsatisfactory allegation that: "It appearing to the Governor that you have been elected by the people," &c. but should follow the law of the State, by averring that the person holding it has been elected by a majority of the votes of the whole State; and surely this House cannot be bound by a paper, which, in itself, is incomplete. Further, the townships of New Jersey, like the townships of New England, are created by a public law; and it has been well said, that the humblest citizen must, at his peril, take notice of the law, and that ignorance, in this respect, works no excuse. But this Governor cannot escape with this flimsy excuse, miserable, indeed, as it is: for the authenticated copies of the certified lists, which had been suppressed by the subordinate officers, were placed in his possession, before the meeting of the Privy Council, and he himself, submitted them to their consideration, and yet refused to include them in the ultimate return. It is, therefore, clear, that what he, in his official capacity, certified to be true, as a man he knew to be false. There might have been some semblance of justice in the course of the Governor, if the returns had been special, setting forth the facts in dispute, and leaving the whole subject to the determination of this House; but even this trifling concession from what he himself seems to have regarded as strict law, was stubbornly refused, or carefully neglected. It has now become necessary to understand the true meaning of the statute which provides for an express at the expense of the State, when the certified lists have not been received. The fundamental rule of construction is the intention of the Legislature; and if the judicial tribunals, upon which the duty of construction more generally devolves, are bound to give effect to the intention of legislative enactments, without any discretion to disregard it, no good reason can be assigned why the Governor of a State, in the discharge of a ministerial duty, should not be held responsible to the same wholesome rule. The intention of the Legislature may be usually gathered with unerring certainty, if the language is not contradictory, by considering the mischief which existed to which the remedy was applied, and the nature and character of the remedy itself. What was the mischief? Undoubtedly the failure of returns, through the errors or frauds of the subordinate returning officers. Fallacy cannot defeat this inference, nor argument give weight to it. The law which has been cited is the remedy, making it the duty of the Governor, in cases of omission or fraud, to procure them by express, at the expense of the State. It is, therefore, clear to my mind, that the Legislature never contemplated the narrow construction set up, the effect of which is to defeat the object in view, but that the remedy was intended to be as broad as the mischief which existed, and to cover the case of every failure of returns; thus securing, without possibility of mistake, the votes of the whole State. To this object all the election laws of the State point, in order to ascertain the constitutional basis of election—the majority of the votes of the whole State—by which to determine the six persons who have the greatest number of votes. These are remedial laws, intended to furnish security to the right of suffrage and of representation, against the peril of ignorance and the corruption of party; and, as such, should receive the most liberal construction. They do not affect life or personal liberty, as in the criminal code, where the letter, and not the spirit of the law should govern in favor of the accused, but are designed to increase the safeguards, heretofore found insufficient, around the first principle of republican freedom—the right of the people to constitute their own representation. It is impossible, in my humble opinion, for the State authorities of New Jersey to escape from the responsibility which they have voluntarily assumed.

No one can be less inclined to do them any injustice than myself; but let them stand upon the ground they have selected, and not attempt to make any new issue. It comes too late. If gentlemen will reflect but for a moment, they will perceive that, if Governor Pennington really believed himself so blinded by his station and the forms of law, that he could not take notice of the fact, which, as an individual he knew, and which I contend he was under every obligation to regard, that the votes of two townships had been suppressed in the returns of the clerks, in consistency with his principle, he could not know what still rests on rumor, that alien votes had been received at the polls; for if an individual attempts to excuse himself for the non-performance of duty, on the ground of error of judgment, and expects to be credited for sincerity, and to escape imputation of bad faith, he must be consistent in his error. In this behalf, if I am not greatly mistaken, the Governor of New Jersey, in the shiftings and windings of this debate, has had much occasion to exclaim, "save me from my friends."

Another ground of argument much relied upon in the early stages of the discussion deserves to be considered, for it is exceedingly plausible, and well calculated to make a wrong impression. It is substantially that the claimants holding the ultimate return are members, to some extent, without reference to the fact of election; because, by virtue of the return they are, of right, exempted from arrest, and, under the limitations of law, may exercise the franding previlege; and it is, therefore, insisted that they ought to have seats in this House during the organization, and, until investigation by the election committee, and final decision upon the merits. It is due to candor to admit that, for the moment, the argument made an impression; but, upon reflection, it occurred to me that it proved too much; for it is clear, in my judgment, that in cases of double returns, from necessity, each claimant must enjoy the right of appearing at the bar of the House, to prosecute his claim to a seat; and that the judicial tribunal cannot take cognizance of the dispute, or in any manner determine which his, or which is not, entitled to the exemption. It would be subversive of the power of both branches of Congress to "judge" of the matter in question, and might endanger the existence of Congress itself, by detaining the members of which it should be composed. After arrest, and application for discharge, if made dependent upon the actual right to a seat, and pending the investigation of the evidence of that right, the constituency would be unrepresented, saying nothing about the conflict of jurisdiction which must inevitably ensue. The doctrine is inadmissible. It is the right of the constituency, as well as the convenience of the member, which are the basis of the privilege of exemption from arrest. But, said Mr. C. as this whole subject was very fully discussed at the first session of the Fifteenth Congress, in the very able report of John W. Taylor, late Speaker of the House of Representatives, in the celebrated case of Herrick and Hammond, and settled by the House, I prefer to refer to the report, recommending it to the especial consideration of the gentleman from New York, [Mr. BARNARD] for whose more immediate benefit it is cited.

"Our rule, in this particular, (the appointment of committees,) is different from the House of Commons. It is also better, for it makes our theory conform to what is fact in both countries—that the act of becoming in reality *a member of the House*, depends wholly on the will of the person elected and returned. Election does not, of itself, constitute membership, although the period may have arrived at which the Congressional term commences. * * * * Neither does a return necessarily confer membership; for if he in whose favor it be made should be prevented from taking a seat at the organization of the House of Representatives, he might find, upon presenting himself to qualify, that his return had been superseded by the admission of another person into the seat for which he was returned. * * * * Several other cases might be cited, where persons were returned who never, in fact, became members; but where others because members who were not returned Neither do election and return create membership. These act are nothing more than the designation of the individual who, when called upon in the manner prescribed by law, *shall be authorized to claim title to a seat.* * * * * Yet it would be easy to state cases where he would not be permitted, for a moment, to occupy a seat, *notwithstanding the regularity of his election and return.* * * * * Each House of Representatives is a distinct legislative body, having no connection with any preceding one. It commences its existence unrestrained by any rules or regulations for the conducting of business, which were established by former Houses, and which were binding upon them. It prescribes its own course of proceedings, elects its own officers, and designates its own duties."

"The privilege of exemption from arrest, granted by the Constitution to Representatives before a meeting of the House, and after its adjournment, furnishes no argument in favor of their membership at such times. Exemption from arrest is a privilege as old as the Parliament of England. There it is extended, not only to members, but to their servants, horses, and carriages. Our Constitution adopts the very words of the common law, but restricts the privilege to members. In both countries the object is the same, not the benefit of the member, but of the public service. It is an essential incident to the right of being represented, and a consequence of that right. But that membership is not co-extensive with the enjoyment of that privilege, is manifest from the consideration that such a construction might make the members of one Congress continue in office, not only after the Congress has expired, but also after the next Congress was actually in session. This construction, therefore, is not only absurd, but it serves to illustrate the fallacy of that suggestion which fancies the Representatives of one Congress succeeding to the seats of their predecessers as members of the same corporate body.

"The privileges of franking letters, and of exemption from militia duty, are not granted by the Constitution They are established by law, and liable to be changed at the will of the Government. They have been extended, and my be restricted as public convenience shall require. Previous to the last Congress the privilege of franking was not enjoyed until after the commencement of each session. But as that does not prove negatively that persons elected to the House of Represeniaves were not members before that time; so the existing law does not prove affirmatively that they are. It is true that the words 'members of the House of Representatives' are used as descriptive of the persons to whom the privilege is granted, but if certainly was used without intending thereby to expresse an opinion, much less to decide, when membership commences and probably without in anywise adverting to that inquiry. The late war had created claims in every part of the country, which it was found convenient to send by mail to those who were elected to Congress in the several districts previous to their leaving home. The law was passed with a viewe to the convenience of these public claimants, as well as to that of the Representatives elected. We have seen that in England, this privilege is enjoyed before the commencement of membership, and probably for a reason similar to that above mentioned.

It is impossible to follow the debate on the other side into all its windings, for if there is any one characteristic which prevails thoughout it is the constantly varying and uncertain character of the positions which have been assumed, so much so that I despair of being able to do more than to what indirection you please, if it prevails, the right to represent emanates from the Executive, and not from the people.

The other branch of Congress is somewhat differeived, as conferring a conclusive right, during the organization of the House. It seems to me that any man capable of distinguishing between a "hawk and a handsaw," must perceive, at sight, that the provision cited has no reference, under any circumstances, to the proceedings of either branch of Congress, but applies solely to the public and judicial intercourse between the several States. I do not deem this point worthy of a more serious reply. It must have been made inadvertently, and without any consideration. All these various positions, when stripped of their verbage, and carried to their results, will be found to resolve themselves into one general principle as uncongenial to the genius of Republican institutions as monarchy itself. It is Federalism—it is vested right—it is estoppel. Give it would abrogate the most important powers of this House, and, in effect, repeal the Constitution itself. No one has denied the official character of the Governor, or questioned the authenticity of the seal of State; therefore, no one has contemned the public authority of New Jersey. The people of New Jersey will not be influenced by such flimsy appeals to local prejudice. They have too much discernment to be thus easily deceived. Driven from this position by its own inherent weakness, without scarcely waiting for a reply, the advocates of these pretenders undertake to entrench themselves behind that clause of the Constitution which provides that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State;" and it is, therefore, insisted that the return of the Governor must be authority of a sovereign State, I must be permitted to say that I scom mere declamation, "sound and fury," meaning nothing. The Governor, in making the return of an election, performs only a ministerial act, and not an Executive function. In the exercise of that duty, he is an officer of the law, and not of the Constitution; for, in many of the States, as in England, the return is made by the sheriff, and, in some instances, by his deputy. The seal of State proves that William Pennington is Governor of the State of New Jersey; no more and no less. It has reference solely to

the official character of the Governor, and imparts no verity to the facts set forth in the certificate. If the argument could have weight, like many others which have been adduced on the same side, it would prove too much; and, if carried out, glance at some of the most important. It forcibly reminds me of the maxim, that truth is simple, error complex. But the several propositions, irreconcilable and contradictory as they are, have a common object, to defeat or delay the just rights of the members who are entitled to seats from the fact of election. There is, however, one other argument, if it may be called such, which should not be passed by in silence; not because it possesses the virtue even of plausibility, but because it is supremely ridiculous. It is derived from the official sanctity of the seal of State. Disclaiming any intention to treat with indignity the public ferently constituted, and was intended to subserve many different purposes. Like the House of Representatives, it has legislative power; but, in many cases, it also exercises judicial and executive functions. It therefore became necessary, in the formation of the Government, to provide for its perpetuity—a characteristic which does not belong to the lower House, though consolidationists have attempted to maintain it. Consequently, when vacancies happen during the recess of the Legislature of any State, "the Executive authority thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

This case stands alone in the Constitution, and is an exception, growing out of necessity, to a rule otherwise universal, that the Executive of a State cannot constitute or appoint, directly or indirectly, a member of either branch of Congress. In such cases, the Governor appoints and commissions. The selection rests in his discretion, and the field is as broad and open to him as the Legislature. The authority of the Senator emanates from the Executive, through whom he derives power to represent the sovereignty of the State. In all other cases, the Senators are elected by the Legislature; but the return, like the return of a member, issues from the Governor. It may not be uninstructive to know the difference between the return, in case of an election, and the commission, in case of an appointment.

RETURN.

—— —— Governor of the State of Mississippi,

To all who shall see these presents, GREETING:

Whereas the Legislature of the State of Mississippi did, on the thirtieth day of January, anno Domini 1839, elect —— —— esquire, a Senator in the Congress of the United States for the constitutional term of six years, from the fourth day of March next. Now, know ye, that, in consequence thereof, and by virtue of the Constitution and laws, I do hereby certify that —— —— is duly elected Senator in the Congress of the United States, from the State of Mississippi, for the constitutioanl term of six years, from the fourth day of March next.

COMMISSION.

THE STATE OF MISSISSIPPI:

To all who shall see these presents, GREETING:

Whereas, a vacancy has occurred in the office of Senator in the Congress of the United States, by the resignation of the Hon. —— ——, of the State of Mississippi,

Now, know ye, that in consequence thereof, and by virtue of the Constitution of the United States, and the constitution and laws of this State, we do hereby appoint —— ——, of ——, Senator in Congress, to fill said vacancy, and empower him, the said —— ——, to execute and fulfil the duties of that office according to law, and to continue in office for the period prescribed by the Constitution of the United States.

In testimony whereof, I, —— ——, Governor of the State [L. s.] aforesaid, have caused these letters to be made patent, and the great seal of the State to be hereunto affixed.

But again: If the power contended for does not exist, the important limitations as to the qualifications ot members, or perhaps I should say the disqualification, of individuals, may often be defeated.

"No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

If the doctrine assumed on the other side be true, minors and aliens, as well as the citizens of a foreign State, may be enabled, by virtue of a return, to ride over these salutary restrictions. Further:

"No person holding any office under the United States, shall be a member of either House during his continuance in office."

The gentleman from Tennessee [Mr. BELL] has a very great horror of Executive influence upon the deliberations of Congress. In the ardor of his zeal to resist it, the shadow is mistaken for the substance. No retreat is so remote, no citadel so safe from its approach, that, in the lofty conceptions of his imagination, he does not see the strong arm of Executive domination held *in terrorem* over his head, and himself in danger of annihilation. Like the Indian in pursuit of his God, he sees it in the cloud and hears it in the wind. But, sir, disguise it as he may, if his construction prevails, the highest officers of the Government, civil or military, may have seats in either branch of Congress for an indefinite period; and the very Executive influence which he so much dreads may be exerted in the most direct, and, therefore, most dangerous form—to perpetuate the power unconstitutionally obtained—in utter prostration not only of the primary principle of representation, but the letter of the Constitution itself.

Permit me to suggest another difficulty. The personal identity of members must be ascertained, even in the call of the roll. The experience of this session proves conclusively to my mind that general consent will be always unattainable when any thing of importance is to be decided in a deliberative assembly. Identity itself is a question of fact dependent upon evidence in case of dispute, and cannot be determined except by a tribunal of competent authority. It has already appeared that the incidental powers of Congress are derived from a principle of necessity, growing out of an existing obligation to carry in o effect other powers, which are expressly delegated. Is it not necessary and proper to exclude a forged return the moment it appears in this Hall? The interrogatory speaks its own answer. The power of Congress over the returns of its members cannot be abridged without danger on all sides. The certificates would at once become negotiable in the election of the Speaker, and other officers, and members may vote by proxy with impunity.

It has been my desire to treat this subject fairly and with candor, and to come to a correct result. How far I have succeeded, must be left to the judgment of others. My own mind rests satisfied with these conclusions, that the ultimate return of the Governor is only *prima facie* or presumptive evidence of right, and, like all other presumptive evidence, is open to opposing proof; and that the proof exhibited is ample and plenary to control the *prima facie* presumption arising from the certificate; and that the power of this House to ascertain its own members, is coeval with the assembling of Congress.

Before I conclude, with permisson, will say one word to the gentleman from Virginia, who sits before me, with no intention to question thee propriety of his course. But as he has diverted to the new relation which he bears to this controversy, and as there is some analogy between the Committee of Elections and a jury of trials, he will permit me to relate to him an anecdote which took place in the courts of Maine. A gentlemen of great eminence at the bar, while addressing a jury in the defence, was interrupted by the foreman, durng the exordium of his remarks, in a manner to indicate that he had prejudge the cause. The counsellor heard him patiently, but immediately remarked, that as it was manifest the foreman had formed an opinion, he would address himself to his eleven fellows; and throughout the argument, whichwas convincing and unanswerable, was very careful to have it understood that he was speaking to the eleven jurors, who had formed no opinion. After the cause was committed, the jury retired, but in a few minutes returned into court with a verdict for the defendant. Curiosity was excited, as the law of the State requires unanimity in verdict. It was soon ascertained that the foreman, sensibly impressed with the impropriety of his course, had submitted the cause to the decision of his fellows, declaring his willingness to concur in the result. It is to be hoped the moral wil lbe lost

One word of politics, sir, and I have done. We have heard of the rising prospects of the Whig party—that a new impetus has been given to Whig principles—that they are sweeping over the land like fire in the prairie. Be not deceived; the hour is not yet come; but it will come, and, judging from the late victories in the South and West, on the one side, and from the more recent whisperings of discontent, jealousy, and disappointment on the other, it does not require the gift of prophecy to foretell that a brilliant victory awaits the friends of freedom and equal rights in the total overthrow of Federalism, with all its kindred evils, from which its supporters will not be able to recover during the next quarter of a century.

THE PROTECTIVE POLICY.

REMARKS OF MR. WEBSTER,

IN SENATE, MARCH 3, 1840.

The Report of the Select Committee on the assumption of the State Debts being under consideration—

Mr. WEBSTER said it was not his purpose, at present, to enter far into the wide field of debate which was opened by this discussion. Another opportunity would probably present itself for the expression of his opinions upon the general state of the country, and the measures which he thought to be called for by the crisis. My single purpose now (said Mr. W.) is to make a few remarks upon the speech of the honorable member from South Carolina, delivered some days ago, or, rather, upon some of the topics of that speech. I had not the pleasure of hearing the speech, but I have read it attentively, with the respect due to the subject and to the author, and the remarks which I propose to make upon it I desire to address to the honorable member himself, and his friends who think with him, as well as to the rest of the country. It is an able speech, showing much thought and reflection, as well as much acuteness, and exhibiting, on the whole, a spirit apparently not unkind towards all the great interests of the country. My remarks shall be in the same spirit.

1. In treating of protection, or protecting duties, the first proposition of the honorable member is, that all duties laid on imports really fall on exports; that they are a toll paid for going to market. This, certainly, is not very obvious, but he says it is the received doctrine of the South. He does not argue the point on this occasion; he only states it as the fixed belief of the South. I shall not argue it, but content myself with saying that I have never been able to agree to this doctrine. The question was debated with much ability some years ago between my honorable colleague and a distinguished gentleman from South Carolina—both being at that time members of the other House. The South Carolina doctrine was then called the "Forty-bale Theory;" and the result of the discussion certainly left most of us in the North still adhering to the old doctrine, viz: that when duties are laid upon imported articles, it is the consumer who pays; and of course, that each part of the country pays in exact proportion to what it consumes. We think that the trade outwards has little or nothing to do with the subject. We think the substantial question is, who consumes the taxed article? I can, indeed, conceive a possible case in which this general truth might be qualified. If one country exported to another a raw material which it could sell nowhere else, and which no other country could furnish, why then, so far as duties on imports affected the sale of fabrics manufactured from that raw material, or perhaps other articles imported into the country producing it as its equivalent in return, so far it might be true that the duties would have an influence to check exportation. But no such case exists with us. The South and the West sell their cotton both at home and abroad. But they are not the sole producers of cotton. They have competitors. There is a market on both continents; and in one of them they find the cotton of South America, Texas, India, and Egypt, in a struggle for prices with their own. Our Southern and Western States have a fair demand; nothing obstructs their sales; as in all other cases, the prices are regulated by the supply and the demand. The pay no duty on going out, and if they can produce as cheaply as others, they can afford to sell as cheap. Their commodity, sold in foreign markets, mingles with the commerce of the world. They have received their price for it, and their connection with it has ceased. Whether it

comes back here in a manufactured shape, or goes elsewhere, is no matter to them, as mere raisers and sellers of the article. If any portion of it comes back here, as doubtless it does, it is a portion which has been purchased in the general market of Europe, manufactured, and perhaps, mixed, in the very process, with the cotton of other countries, and reaches our shores as a foreign article for sale. Foreign labor and skill have become incorporated with it, and constitute its chief value. At our custom-house it is made subject to a duty, which is supposed to raise its price; and, it seems to me, if this be the effect of the duty, it is its whole effect. It reaches no further. I do not see how it acts back upon the original grower of the article in South Carolina. It no more affects the cotton grower in South Carolina, except so far as he is a consumer, than it affects the cotton grower in South America, India, or Egypt. The thread of causes and effects in this case, if there be any such thread, becomes quite too fine and attenuated to be felt or followed, from the higher price paid by the consumer, in consequence of the duty, back, through all the intermediate stages, to the influence of that higher price upon the original cost of the raw material. The same is true in regard to all imported articles not produced from the exported cotton. How is it possible to say that duties on such articles, iron, and woollen cloths, for instance, are a burden or discouragement on the raising of cotton?

But suppose I admit the South Carolina doctrine—suppose I admit that duties on imported merchandise really fall back, and become a charge on the exports of the country; and suppose I admit, what is true, that cotton grown in the Southern States constitutes a great portion of our exports—it does by no means follow from all this that the burden of these duties falls on the South, in proportion to the exports which leave its ports. And the reason is this: these exports are not altogether the result of the skill, labor, or capital of the South. Cotton, though it grows exclusively on Southern fields, is not, in truth, a mere Southern product. Much of the labor of the Middle and Northern States has mingled with it before it becomes an article of export. It is a joint production, to which many parts of the country contribute. The grain-growing States north of the Ohio help to raise and to export cotton, by furnishing provisions to those who cultivate and gather it. Kentucky and Tennessee do the same thing, by the cattle, horses, mules, and swine upon the foot, which they supply for the use of the cotton plantations. New England does the same by the clothing, furniture, utensils, and other manufactured articles, which she supplies for the like purpose. All these contribute to this export of cotton. So that, if it were true that duties at the custom-house on imported goods are a tax on exports, that tax would not fall exclusively on the South.

The value of this export, again, in the foreign market, is enhanced by the cost of transportation. Freight has become incorporated with it, and makes part of its price. At present prices, freight to Europe is probably equal to one-eighth of the cost of the article at New Orleans or Mobile. This freight is a Northern earning; and to this extent, therefore, the navigating interest contributes to the value of the exported article. So that duties, if they were a tax on exports, would not fall exclusively on the South, but would affect the grain-growing, the provision-raising, the stock-raising, the hemp-raising, the manufacturing, and the navigating interests.

But the more we trace this branch of the business of the country, or any other, through all its processes and all its ramifications, the more clearly we shall see, I think, that the old rule is the true rule, and that duties on imported goods are paid by different parts of the country, exactly in proportion to their consumption.

II. Another opinion of the honorable member is, that increased production brings about an expansion of the currency, and that every such increase makes a still further increase necessary.

His idea is, that if some goods are manufactured at home, less will be imported; if less goods be imported, the amount of exports still keeping up, the whole export being thus not paid for by the import, specie must be brought in to settle the balance; that this increase of specie gives new powers to the banks to discount; that the banks, thereupon, make large issues, till the mass of currency becomes redundant and swollen; that this swollen currency augments the price of productions, in our own manufactories, and makes it necessary to raise still higher the prices of their products, and this creates a demand for the imposition of new duties. This, as I understand it, is the honorable member's idea.

Now, it appears to me that there are several things worthy of consideration in regard to this supposed course and progress of things.

In the first place, it is far from being always true—I doubt much whether it be generally true—that importations fall off in consequence of carrying on some branches of manufacture at home. Our history certainly shows no such result, looking through the whole of it, for twenty years. If there be a large export, the return, if not made in one article, will generally be made in some other. It will usually happen in some way that, taking all branches of the trade of the country with all other countries together, the imports, in a series of years, will be about equal to the amount of exports, and the earnings of freights. We have now a list of free articles, of some of which the importations have been not only large but extravagant; quite large enough at any rate to absorb exports; and quite too large, in my opinion, for the good of the country.

The gentleman very properly admits that specie cannot, for a great length of time, set towards our country, from all others, to settle balances of trade, and to make up the deficiency of imports in relation to exports. Specie does, indeed, come to pay up an occasional balance in the trade between a particular country and the rest of the world, and it soon goes away again to supply a deficiency in the place it came from, or some other place. There are vibrations in trade, and gold and silver correct these vibrations. But there are other causes which sometimes operate with more violence. Disorders in the currency, and expected short crop, a political crisis, the fear of war, a panic of any kind; any of these things is able to disturb the natural course of commercial dealings, and to arrest gold and silver, while they are peaceably performing the common functions of trade. Hence, if we see a very large import of specie in any one year, it does not necessarily follow that our imports have, to that extent, fallen short of our exports. This import of specie may be owing to one or more of the extraneous causes above mentioned; and, in not alluding to these causes, I cannot but think the gentleman has overlooked a matter very important to be observed. In our trade with some particular countries, too, the return is in specie in a very great proportion. And, as this trade is very irregular, the quantities of specie received from it in different years are very unequal. Thus, in 1833, the whole import of specie into the country was 7,000,000; the next year, 1834, it was *seventeen* millions. In 1836, it was *thirteen* millions; in 1837, it fell to *ten* millions; and in 1838 rose up again to *seventeen* millions. Such fluctuations find no corresponding alternations certainly in the general balance between exports and imports. The general truth is undeniable, that the tendency of gold and silver, in the ordinary operations of commerce, is to flow to that country which has become a creditor country, by the excess of its exports over its imports; but then their general tendency is so often diverted or arrested by the interference of other causes, that the amount of importation or exportation of specie for a given year, is not a criterion by which the balance of trade, or the amount of exports compared with imports for that year, can be decided.

A great portion of the specie imported into the United States, comes from South America and Cuba, by way of New Orleans, and other ports, and is the return for provisions, and more largely for manufactured articles, shipped to those countries. This fact is important, and deserves consideration, in acting upon all subjects of this kind. It is undoubtedly true that the manufactures of the country bring into it a large supply of specie from South America and the West Indies.

The honorable gentleman, in maintaining his proposition that protection leads to an expansion of the currency, argues that the tariff of 1828 turned the balance of foreign trade in our favor; that this brought in specie; that the like cause turned the domestic trade in favor of the manufacturing States; and that the expansion of circulation, of which he exhibits tables, in those States, is thus distinctly traced to the effect of protection, as tending to bring gold and silver into the country. But all this, I think, admits of doubt. *Post hoc, ergo propter hoc*, is not received as good logic. It strikes me, this import of silver, and therefore the expansion, so far as it resulted from that import, is quite as likely to be referable to the other causes which I have already mentioned. The specie, it is said, was collected in masses in the North, and there the currency was expanded. But was it not expanded, too, in the South? The gentleman's tables only show four or five Northern States; but how was it, and how is it, in the cotton-growing States? Has there been no expansion in Mississippi and Alabama, or less expansion in those States than in Massachusetts and Rhode Island? It will be found, I think, that there was the least expansion, just where it is said the specie was thus brought in, by the course of trade.

The next stage in the gentleman's argument is, that this supposed expansion of the currency would increase the cost of producing manufactured articles at home. How increase this cost? In no way but by increasing the price of labor. Now I do not learn from him any facts showing that labor rose, *greatly*, in price, after the tariff of 1828. If it kept up to what it had been, I incline to think that was all. The object, and, I think, the effect, of the tariff of of 1828 was not so much to raise prices high, as it was to keep the market steady, to give some check to the extravagant amount of foreign importations, and some security that labor should receive a reasonable reward. That is all that was asked. But the great abundance of capital abroad, the low rate of interest, and the great sacrifices which were willingly made for the purpose of prostrating our establishments, called for some security and protection, or we were not likely to be able to maintain competition. And we are always to remember, that when our own manufactures shall be prostrated by the extremely low prices of imported goods, then we shall be immediately obliged to pay extremely high prices for those same imported goods. The fact undoubtedly is, that under the process of protection, the common price of cost of goods has become less. No one can deny that. Every body known that goods are better and cheaper. A man's labor will buy more for him than it would. This is the effect of competition. If we take out of the market the products of our own labor, who does not see that prices would rise enormously? Let this be tried on any article. Take away, for instance, all American made hats and shoes; would not the article be immediately doubled in price? Reasonable protection does not so much raise the price of labor, although it should raise it in some degree, as it diverges its uses, and multiplies its employments. It prevents any particular channel from being filled and choked up. One of the secrets of prosperity is, that there shall be a considerable variety in the pursuits and labors of men. I fear our Southern friends do not feel the full influence of this important truth. For my part, as a well-wisher to the South, I should be glad to know that there were manufactures, such as were suited to their wants, the value of their labor, and their general condition, in every county, from this place to the Gulf of Mexico.

There is still another point of view in which I wish to present the question to the consideration of the honorable gentleman. Suppose the Southern States to produce, every year, the same quantity of cotton. If more be manufactured at home, less will be exported. Now the honorable member seems to me to reason as if the whole true object or interest of the South was *to export*. But certainly this cannot be so. The object and interest of the cotton-growing States is *to sell*, not *to export*.

If they find a customer at home who pays a good price, their object is answered. The true question, therefore, in this respect is, not whether they export as much, but whether they sell as much, and at as good prices; and unless all the rules of trade are false, the fact of there being two markets for the sale of a commodity, instead of one, tends strongly to keep up and to keep steady the price of the article to be sold.

III. There is a third general idea of the honorable gentleman, upon which I would make a few observations.

It is, that the South and West are the great consumers of the products of the manufacturers of the North and East; that the capacity of the South to consume depends on her great staples; and that the sale of these depends mainly on a foreign market.

Now, I have already said that if the South can sell her cotton, or part of it, to New England, for the same prices, it is as well for her as to sell it all to Old England. Her income depends on the price, not on the place of sale. If an export of sixty millions is reduced to an export of forty millions, in consequence of there having been found a market at home for twenty millions, it is not only no worse for the South, but is in truth much better. This is perfectly plain; and I must confess it has always appeared to me to be the strangest thing in the world that our Southern friends should look with jealousy and ill will on a market, rising up in the North and East, for their own great staple—thus not only giving them the general advantage of another large market, which advantage is itself always great, but giving them the additional advantage of a nearer market, and a more certain and steady market, because not so liable to be disturbed either by the political events or the commercial contingencies of Europe. I have inquired much into this subject, and I find that intelligent merchants in New Orleans and Mobile regard the home market as of very great importance to the cotton planter. The Eastern demand, they say, comes in early, takes away the first part of the crop, and helps, therefore, to fix the price, and to fix it high. Some have estimated this advantage as equivalent to two cents on the pound of cotton. All must see, I think, that it is a clear and great advantage, and I wish the subject might be calmly considered and weighed by the honorable member from South Carolina and his friends.

But, at any rate, the fact that some portion of her annual product, instead of being exported, is sold at home, cannot possibly diminish the capacity of the South to buy and consume the manufactured articles of the East, or any other articles. The cotton planter sends his crop to New York; it is there sold, and all at the same price. How does it affect his income, or his ability to purchase what he wants, whether all his cotton so sold be sent to Europe, or part of it carried to be manufactured in Massachusetts?

But, now, look to the other side. Of what consequence is it to the North and East that the South is able to buy their productions, if overwhelming importations from abroad render them unable to sustain competition? If the cheaper labor of Europe underbids them in every thing—if these frequent inundations of foreign commodities break up their establishments, how are they benefited by the ability of the South to buy and consume? So that, turn it as we will, it all comes back to the steady price and security of labor. And all the theories lately started, and pressed with so much earnestness, go directly and necessarily to one point, and that is, the reduction of the price of labor. On this I might say much, but, at present, will confine myself to one or two remarks.

In the first place, when labor is employed, labor can consume; when it is not employed, it cannot consumer. Who buys the pork and the lard of the Northwestern States? Who takes the corn of North Carolina and Virginia, and the flour of the latter State? Is it not the North and the East? Virginia and Carolina have no better customer than Massachusetts. To say nothing of the amount of naval stores received from North Carolina, and used by the navigating interest of the East, let me only refer to breadstuffs. Two millions of bushels of corn and four hundred thousand barrels of flour have been imported into the single city of Boston in one year. Most of this corn is from North Carolina and Virginia, and much of the floor from Virginia. I find it has been estimated that upward of *six millions of dollars* have been paid by Massachusetts for breadstuffs imported in a single year. All this is consumed and paid for by employed labor. Take away employment from our labor, or drive it from its accustomed pursuits, and its power of consumption is at an end.

But not only does the protection of labor in the North and East enable it to buy the products of the South, but all protection of labor increases general consumption. Hence we find that the manufacture of many useful articles at home does not diminish the aggregate amount of importations. This is a very important truth, and all our history confirms it. I have looked at the tables of exports and imports, from the very first origin of this Government, and I do not find any thing to countenance the idea that imports, in the aggregate, fall off in consequence of protecting labor at home. There were quite as great fluctuations, forty or forty-five years ago, as there have been since the tariff of 1824. A well employed and prosperous community can buy and consume. An ill employed community cannot buy and consume. This is the solution of the whole matter, and the whole science of political economy has not one truth of half so much importance as this.

One word more. The experiment of low wages has been often tried. We see it going on now in Asia and many parts of Europe. My colleague has recently given us a list of the prices of labor in various countries. We know what those countries are, and the condition of the people is.

On the other hand, we have tried the experiment of high wages, and have we not made the best condition of society, for the general happiness of all classes, that has ever existed upon the face of the earth?

IV. A fourth sentiment of the honorable member is, that the removal of all duties increases the exportation of articles manufactured at home. I cannot conceive how this can be true. If foreigners can beat us in our own market, they can beat us elsewhere. The exports of domestic articles, in the years stated in the tables which the honorable gentleman has read, are not at all referable, I think, to any such cause as he supposes; that is to say, some natural cause, necessarily producing such a result. The truth is, that prices fell at that time, in consequence of excessive importations from Europe, and the holders of our own manufactured goods were obliged to get rid of them by exportation or otherwise, in the best manner they could. It is known that our exports of manufactured articles have been very variable and irregular. When importations have been great, and prices become reduced, then exportation has taken place. Our manufacturers have, in many instances, shown much skill in the fabrication or articles suited to foreign markets. For a while, they have been successful, in some degree; but the English have always been ready to imitate them, and profit by their example. If a particular article, manufactured in the United States, has been found capable of being sold to a profit in the Mediterranean, in South America, in India, or in China, the English manufacturer has immediately set himself to work to produce a similar article, and to drive the American article out of the market, by a like article afforded at a lower price, because the result of cheaper labor. These English articles have often been sold as *American* products. The stamp of "Lowell" and "Tremont Mills," or "Lawrence Mills," has been found in Asia and South America, on articles manufactured at Manchester.

V. Finally, the honorable member is of opinion that the whole system of protection was prostrated, and is prostrated, cut up root and branch, and exterminated forever, by the State interposition of South Carolina. He has often expressed this opinion before. I only take notice of it now, as he has expressed it very strongly, and, as it leads me to fear that I have been wrong in the expectation that I have been willing to cherish, that he himself would see both the justice and the political wisdom of giving moderate and reasonable protection, and of continuing it, so long as necessary, to some of the great, leading, and important branches of domestic industry.

I have only to add that I wish men, of all parties, who entertain the opinion that duties on imports fall heavily and unequally on the South, would calmly reconsider that opinion. Look to the great article of woollen cloths—where are they most consumed, because most necessary? Our laborers cannot, and must not, be left shivering under a Northern sky with the slight clothing which may be sufficient to protect the laborer of the South. They must have woollens, and they pay the price for them, and pay the price enhanced, if enhanced by the duties; and pay it willingly, for the sake of being secured in the hopes of a reasonable reward for their labor. This heavy article, one of those which pays most revenue, is consumed in the North, out of all proportion, more than in the South. Look to iron, another important article. The remarks applicable to woollens are applicable to this also; and the more so, as the manufacturing districts themselves are great consumers of iron. The same may be said of lead, and many other articles.

Sir, it is not my object to show that the South does not pay her part of the public contributions. I admit, most cheerfully, that she does pay her part; but my purpose has been to show, if I could, that she does not bear so unequal and unjust a portion of the public burdens as the gentleman has supposed. I am quite sure that a calm and dispassionate consideration of this whole subject by intelligent and enlightened men, on either side of the Potomac, would result in the conviction that there is really no such wide difference, in regard to what the interests of the different parts of the country require, as ought either to endanger the security of the Union or create ill-will. For myself, I fully and conscientiously believe that, in regard to this whole question, the interest of the North and East is entirely reconcileable to the real, solid, and permanent interest of the South and West.

REMARKS OF MR. CALHOUN,

IN REPLY.

It affords me pleasure to say, that the Senator has discussed the questions on which he has touched in a calm and liberal manner, worthy of their magnitude, and honorable to himself; and I sincerely hope that when the general revision of the tariff, which must come up at the next session, shall be under consideration, that the discussion shall partake of the same temperate character. I, for one, pledge myself to meet the question with the utmost candor and fairness, having a single eye to the common interest of the whole, as far as may be consistent with justice to the parts.

The first point which the Senator has made the subject of his remarks—that duties on exports and imports were virtually the same, as far as the staple States are concerned—was not advanced by me as an argument bearing on the portion of my speech relating to the protective system, to which he has confined his reply. It was connected with another and dissimilar topic, and advanced rather as the settled opinion of the South, than as argument; but it is proper to say, since it has been questioned on this occasion, that my conviction of its truth is deep, and that I shall be prepared to make it good whenever a suitable occasion offers. I do not regard the present as such, because its truth or error can have little bearing on the points now in discussion between us.

The next point which he made the subject of remark, is the position that, in the present state of our country, the effect of a protective tariff is to expand the currency in the manufacturing portion of the Union, till the increased expense of production, in consequence of the expansion, becomes equal to the protection, when protection ceases against foreign importation, and new duties are required.* I am willing to leave the argument on this important position where it now stands be-

* 'It is Mr. WEBSTER's second head in the report of his remarks. I have given the position, which he questioned, in my own language, as that in which he has couched it does not truly express the principle which I maintained.

tween the Senator and myself, and shall confine what I have to say to one or two points incidentally connected with it.

I, then, entirely concur with the Senator, that the imports and exports of a country, taking a series of years, and allowing for the profit and loss of trade, must be equal; but there is another position, the counter part of that which, though not less true, is not so generally seen or admitted: that the amount of the exports must, in the long run, be limited by that of the imports. None will deny that if we are not permitted to import, we cannot long continue to export; unless, indeed, we should be willing to give away the product of our labor.

So again, if we are not permitted to import more than a given amount in value, annually, say forty millions, our exports, on the same principle, in the end, will sink to the same point. Again, if the great and leading articles of consumption are prohibited, or admitted only on the payment of extravagant duties, so as to diminish the amount of the imports, it must have a corresponding effect on that of the exports. Now, I ask, what must be the effect of this principle applied to a protective tariff, in the present state of our export trade? Our export of home productions is about one million annually. Suppose an act should be passed prohibiting all imports except gold and silver. Such an act would not prevent the shipment of our great staples, cotton, tobacco, and rice. We make more than can be consumed at home, and the surplus must be sent abroad, however great would be the fall of price and the sacrifice, in consequence of such an act. Put down the full amount at one half, there would still be an importation of forty or fifty millions in specie; and what, I would ask, would be the effect of so large a supply, but a corresponding expansion of the currency and rise of prices. But suppose, instead of such an act, one should be passed prohibiting a greater amount of imports than one half of the usual quantity; would not a proportional expansion and rise of prices follow? And must not the effect be the same, if, instead of prohibition, high duties were laid, amounting almost to prohibition on most of the leading articles of consumption, equaling in value one half of the usual importation? And, finally, would not the specie, imported in consequence of such an act, centre in that portion of the country where such articles were manufactured, and be followed there by a corresponding rise of prices?

The argument, it seems to me, is irresistible, and, of itself, establishes the position which the Senator controverts. If, to this, the fact be added that the table of exports and imports, and the history of the protective system, corresponds in every particular with the operation I have deduced from it, as a necessary consequence, it appears to be conclusive. These tables will show, just as duties were imposed or repealed, the exports decreased or increased; so much so, that after the great reduction in 1833, the exports of the great staples nearly doubled in four years, and that of domestic manufactures rose sixty-six per cent. in six. In speaking of the exports of our great staples, although I referred to the exports to foreign countries, I might have shown that the increase was not at the expense of the home market; so far otherwise, if I am not greatly deceived, their exports North increased at the same time, but not in the same proportion.

The Senator seemed to doubt whether the tariff of 1828 increased wages. I had no means of ascertaining the fact from documentary evidence, but think it impossible that the vast increase of the currency which the tables shows, took place in the manufacturing portion of the Union, after that tariff could fail to raise prices generally there, including wages. I well remember that a former Senator from Pennsylvania, [Mr. WILKINS,] who resided in Pittsburg, informed me, in a conversation, that blacksmiths' wages were doubled there, in consequence of that measure.

I cheerfully admit, with the Senator, that the home market is preferable to the foreign. It has many advantages; and among them I would prefer it on the ground that whatever might be gained by converting our raw materials into goods, would accrue to our own brethren of the North, than to strangers, provided it be not done by sacrificing our interest. But how is this to be effected? Our great staples are too abundant to be consumed at home. Take, for instance, cotton. If every yard of cotton goods consumed in the United States was the product of our own manufactures, it would not take more than four hundred thousand bales to supply the home demand, that is, but one-fifth of the amount produced; while the amount produced cannot be less than two million bales, including what is consumed at home. What is to be done with the other four-fifths? We must cease to produce it, or it must be consumed abroad. The effect of a high tariff is to curtail the production; but that only tends to diminish our capacity to consume, by impoverishing us, and thus causing a conflict between our interest and the manufacturing portion of the Union. How is this to be avoided, and the interests of all parts reconciled? That is the great problem. I see but one way, and that is, for our manufactures to command the foreign market; when our cotton would be shipped in the shape of yarn and goods, instead of the raw state. This we would greatly prefer. But how is this to be accomplished, except by a sound, stable and uniform currency, and low duties, as I explained when I addressed the Senate when first up on this question? Such are my views, formed after much reflection. If I am in error, I am honestly so. Truth, and truth only, is my object, accompanied by an anxious desire to see the interests of this great country harmonized on just, fair, and liberal principles. It is impossible they can be on any other.

I agree with the Senator that currency is liable to be disturbed by many and various, and powerful cause, some more, and others less permanent. I do not think that it has yet recovered from the effects of the long and exhausting wars, which terminated in the overthrow of the late Emperor of France. At its termination, the currency of Christendom was in an unsound and unnatural state, particularly this country and Great Britain, in both of which paper had superseded gold and silver. We were the first to resume specie payments, which gave the precious metals a direction to this country. Great Britain resumed some years after, when it took an opposite direction; and hence the heavy exports of specie in '21, '22, and '23. The tariff of '24 checked that for a time, and that of '28 gave the currency a direction hitherward again; which was followed by the operation of other and powerful causes, down to the late suspension, as I have shown in my remarks when I first spoke on the subject; but I feel assured that the expansion which followed the tariff of '28 is truly to be attributed to it, not only because there was no other cause at the time to which it could be attributed, but because it was of itself adequate to produce the effect, and because its duration and modification, in every particular, were such as might be expected from it.

I agree with the Senator as to the great importance of uniformity of prices, but am firmly of the opinion that nothing short of the restoration of the currency contemplated by the Constitution, and a surrender of the protective system, can insure the uniformity which he so justly appreciates.

Passing over the other remarks of the Senator, which I am willing to leave, as it now stands between him and myself, I shall conclude by making a few observations on the objection he makes to the position that low duties are favorable to the exportation of articles manufactured at home. He thinks that the increase of the exports of such articles, after the reduction of the duties in '33, is not to be attributed to the reduction, but to the excessive previous importations from Europe, which compelled our manufacturers to get rid of their stock by seeking a foreign market. Without admitting or denying the fact of such excess of importation of the foreign articles, at this time, a decisive answer to the objection may be found in the explanationa afforded by the tables themselves. In the first place, the increase of the exports, as will appear by reference to the tables, was steadily progressive; each succeeding year being higher than the preceding, just as the duties went off, and the last year of which we have these returns, '38, the highest of all. In the next place, the falling off, under the tariffs of '24 and '28, followed almost as steadily the same law throughout the long period of eight years, making, for the two periods taken together, fourteen years, which clearly shows that the cause is not to be found in any accidental state of the market. But there is a third and conclusive reason, that the great staples of the country followed the same law through both periods, and to which the cause assigned by the Senator cannot apply. To this, if further proof be necessary, may be added the general argument already stated, that any limitation on the imports, whether by prohibition or high duties, must act as a limitation on the exports, and, which is equally applicable, to the staples, and the home manufacturers.

Let me now say, Mr. President, in conclusion, that I believe that we have reached the point of time, when the interest of every section of our wide spread country, North, East, South, and West, may be reconciled, and the industry of the whole be placed on the firmest and most durable basis. What we want is calm and deliberate discussion, with a spirit to seek the truth, and to do equal justice to all. I shall come to the question in that spirit myself, and if the discussion shall take a different character, the blame shall not lie at my door.

SPEECH OF MR. FULTON,

OF ARKANSAS,

In Senate, Tuesday, March 3, 1840—On the report of the Select Committee on the assumption of the debts of the States by the General Government.

Mr FULTON addressed the Senate as follows:

Mr. PRESIDENT: Through the kindness of my friend from Tennessee, an opportunity has been afforded me, to occupy a small portion of your time to-day. But, sir, I do not rise to go over the wide field of discussion, which has been indulged in by Senators, in the course of this debate. I have a few words to say upon the subject of State debts, and the application of the national revenue, whether derived from customs or lands, to their payment, and I intend to confine myself strictly to an explanation of my views and opinions upon subjects which I consider to be deeply interesting to my constituents. An imperious sense of duty to myself and to the State I have the honor in part to represent, will, I trust, excuse this trespass upon your already exhausted patience, and I hope that the Senate will indulge me, although it may not be in my power to present much that can be regarded as either new or original, upon the subject under consideration. It is said, sir, that the passage of these resolutions will affect injuriously the character and credit of the States. It therefore becomes peculiarly our duty, as Senators, to consider well our conduct before we take a step which may be calculated, in the slightest degree, to do such mischief as some Senators seem to think will result from adopting the resolutions and sanctioning this report. I have listened attentively, sir, to what has been said on both sides of this chamber; and I have heard nothing which has at all alarmed me, as to the effect these proceedings are calculated to produce upon State stocks and State credit, or which has induced me for a moment to doubt the propriety of voting for the original resolutions, or for those which have been reported to the Senate.

What, sir, is the object and purpose of this report and these resolutions? They are merely declarations that the Federal Government is incapable of assuming the payment of the bonds issued by the several States; and that such assumption, as also the appropriation of the proceeds of the public domain for that purpose, would be not only unjust and highly inexpedient, but would also be dangerous to the union of the States—unauthorized by, and in violation of, the Constitution of the United States, and utterly repugnant to all the objects and purposes for which the Federal Union was formed. Now, sir, I would ask how can such resolutions affect the character or

credit of the States? It is admitted on all hands that the States have sold their bonds to an amount of between one and two hundred millions of dollars, and that the bankers of Europe are now the principal holders of these bonds: that these bonds were purchased upon the faith and credit of the States; and it is to be presumed that the purchasers knew the full indebtedness of each of the States, at the time those purchases were made, and what were their resources and means of payment? If this is the true state of the case, how, I would ask, can the adoption of these resolutions affect the credit of the States?

The credit of the States would be small, indeed, if a mere statement of the amount of their indebtedness was calculated to injure them.

The Senator from Missouri, in bringing forward this subject, has shown his usual devotion to the best interests of the States; to the preservation of the independent action of the Federal and State Governments; and to the prevention of false hopes and expectations on the part of those who are ignorant of the peculiar construction of all the Governments of this confederated Republic. The special committee, too, to whom the subject was referred, through their distinguished chairman, the Senator from Tennessee, have ably done their duty, and have presented the subject in so clear a point of light as cannot fail to carry conviction to the mind of every reader who examines their report. Indeed, sir, no higher compliment could be paid to this report than has fallen from Senators who are opposed to these resolutions. They have found the first three propositions presented to be so ably and clearly demonstrated, that they have been led to call them self-evident truths, and to admit that it would be the height of folly to attempt to oppose them. To those who have attentively studied the structure of our Government, this may be true; but, I would ask, how many are there, both at home and abroad, who needed the light which this report has afforded, in order to the formation of a correct opinion upon the question? We owe, also, much to these resolutions for the able discussion which they have led to; and we are greatly indebted to many Senators here for the powerful and masterly efforts they have made in their support, as also for the talented exertions they have brought forth in opposition. It is the flood of light which this discussion has shed upon this subject, which I consider as invaluable to the country.

The first objection made is, that this proceeding has exposed the indebtedness of the States to an alarming amount. This objection is founded on a supposition of the ignorance of the purchasers of the State bonds as to the extent of State indebtedness, which, it is impossible to imagine, can have existed. Is it to be supposed that those who have dealt in hundreds of millions of State stocks—that those bankers, who may be said almost to command the wealth of the world, and whose operations in stocks can hardly be calculated—have been making their purchases of American securities without a thorough knowledge of the business? Such a supposition is totally irreconcileable with all our ideas of the thorough knowledge and perfect familiarity with all the monetary affairs of the world, which is possessed by the bankers and capitalists, who are alone able to loan upon interest. Or are we to suppose, sir, that the foreign purchasers have been tempting the States to sell their bonds to an amount beyond what they considered them as able to pay, under the belief that the Federal Government would assume the payment, or that they could force the United States to assume them? No, sir: all the bonds which have been sold, be it either one or two hundred millions, have been purchased fairly from the States who issued them. Their separate wealth was relied upon solely, both for the payment of the interest and principal; and no pledge, either of the public lands or of the national resources, was, or ought to have been, calculated upon as the inducement to the purchase. The purchasers, in every instance, had a full knowledge of the liabilities of each of the States, and of her prospects of reimbursement from the application of the funds realized from such sales. Would it not be in the highest degree wrong for one of the States of this Union to attempt to deceive a purchaser who is about to buy her bonds? The most public promulgation, therefore, of the whole indebtedness of all the States, cannot, and ought not, to be objected to by the best friends of the debtor States; and all that is said in this report, on that point, has been known—fully known—to *all* the traders in State stocks, both in Europe and America, for years past; and, no doubt, with the utmost exactness, as each successive sale has been effected.

When the bonds of the State of Arkansas came into the market, the purchasers not only required to know the whole indebtness of the State, but they required also to be fully satisfied as to her wealth and resources, and every thing calculated to inform them as to her ability to pay the whole amount of her existing and contemplated liabilities. And now sir, I ask, how are these bonds to be discharged? Those of the State of Arkansas, Louisiana, and a great many others, are employed most profitably; they are used for banking capital; and so far as the States themselves are interested, they will relieve the people from State taxation, and become a profitable stock, the dividend of which will make them always eagerly sought after by capitalists. Those which have been invested in internal improvements, which are completed, are also highly profitable; and the only unproductive portion are those which are vested in unfinished works. And, sir, in relation to these, what is the prospect which an anticipation of even twenty years presents? Why, sir, the millions which are yet to people the great valley of the Mississippi, even in that short time, and the rich productions, which the exuberant soil of that region must yield to the industry and labor of such a vast population; and the facilities of transportation, which the works for which these State debts have been contracted must afford for sending their large surpluses to market, cannot but make the stocks created for the construction of all their important works as valuable at least as those of the State of New York now are. Some of the States may have some difficulties to encounter before this great result is fully realized, but that such a result will be realised, notwithstanding the present suspension of some of these important works, I cannot permit myself to doubt.

It is a mistake to say that our declaration against the assumption will affect injuriously the sale of bonds yet unsold. Is it not known to all the world that the sale of State bonds has been for some time suspended, and that none are now selling? The foreign bankers have ample knowledge of the amount of bonds already sold; and therefore it is the further purchase has been stopped. Why have the foreign bankers ceased to purchase? Is it not because they have a perfect knowledge of the amount already sold? It is now their business to see that the debtor States are prepared to meet all their indebtedness. The foreign creditors are certainly too much interested, to permit the credit of the debtor States to be destroyed. Say the amount is two hundred millions; and is it not palpable how much it must be to the interest of the holders of the stocks to keep them from depreciation? No, sir; the scheme now is to force this Government to add greatly to the value of these bonds, by involving the United States as security. They know that the depreciation of the bonds already sold cannot injure the debtor States. Those States will not have any more interest to pay upon their bonds, nor will in any manner, increase their indebtedness. The State of Arkansas has found no difficulty in paying the interest upon her bonds with the utmost punctuality, and nothing should produce a depreciation of their value, but the necessities of the holders or the scarcity of money resulting in forced sales. It is true, sir, a depreciation will prevent the sale of new bonds, unless at a sacrifice. But, if the depreciation of the value of the bonds of some of the States, really proceeds from the fact that those States have created debts that are considered very large, is it not better for them to stop, than to run the risk of involving the people in greater liabilities? Some of the works of the States may be for a time suspended; but with so much enterprise, and such products as those States are annually sending to market, the utmost prosperity will soon be restored, and the ability of the States to finish, and the importance and necessity of the works, will soon became such as fully to justify, and lead to their completion, and to the consummation of all the advantages which these works were designed to accomplish. The friends of these resolutions have been unjustly accused of having assailed the credit of the States. The utmost indignation has been expressed at an imaginary charge of bankruptcy against some of the States. I know of no such charge as that having been made; and if it were made, it would be totally disregarded. It would be universally condemned as slanderous and unjust Why, sir, most of the States of this Union are better able to pay any amount of debt which they may choose to contract, than are most of the Governments of Europe, whose annual expenditures are nearly a hundred fold greater, and whose national debts have reached the most startling amounts. Some of the States may have anticipated their resources, and may find even the interest of their State debt somewhat onerous at present. This will, and must be, but temporary. All their leading improvements must, in time, become valuable By their important works, the brightest prospects have been revived in the older States, and the tide of prosperity has been turned again towards them; and the new States, advancing as they are with astonishing rapidity, to wealth and greatness, and acquiring an industrious population, which must lead to still more wonderful developments, we cannot now calculate the value to them of their great works of improvement.

But, sir, even if the charge of bankruptcy had been made against the States, what effect, I would ask, would such a charge have on their credit? It is known that the States are sovereign, and that they can so tax their citizens as to enable them to raise whatever amount of revenue they may require; and that, therefore, they will always be able to meet the payment of the interest on their debts, and to redeem the principal at the appointed time. Such a charge could have no effect upon the credit of the States. A similar charge has been often made against the United States; and even at the present session, the national bankruptcy has been, apparently with some exultation, proclaimed to the Senate and to the world; and it has been charged as the consequence of Democratic misrule, and extravagant expenditure. And yet, sir, what effect has this charge ever had upon the credit of the nation? And have we any reason to fear the effects it will hereafter have? No, sir, none! Our national resources are known to the world; and no matter who may say the United States is bankrupt, and that she has not a dollar in her chest, and no matter how widespread this charge may become, still will the credit of this Republic remain uninjured, and her debts be at all times regarded as more than equivalent to gold and silver. Are we not all American citizens, as well as citizens of our respective States? Why, then, sir, all this sensitiveness as to State credit, and by those, too, who appear so willing to proclaim that which might destroy the credit of the nation?

It is said that these resolutions are uncalled for, as we have no proposition before the Senate, either for the assumption of State debts, or for the distribution of the proceeds of the sales of the public lands, for the payment of those debts. Now, sir, what are the facts? From 1820, at which time the States had created no debts of any amount worth mentioning, to 1830, the States had contracted debts to the amount of only twenty-five millions of dollars; in five years thereafter, from 1830 to 1835, they had increased their debts to forty millions more; so that, in fifteen years, their debts were increased to upwards of sixty-five millions, principally for internal improvements and for banks. The State of New York had finished her great canal, and had opened a mine of wealth to her citizens, of the most inexhaustible and richest description, and the other States soon followed her example. Now, sir, let us look at what took place during the next three years, from 1835 to 1837, when the rage, not only for improvements, but for banks, also had spread all over the Union, and when the country was deluded by an artificial prosperity, produced by the wide-spread operations

of the Bank of the United States, in her powerful attempt to control the moneyed affairs of the whole Union, and when speculations of all kinds had grown up to such an alarming height. Why, sir, in that short time, the States created debts to the amount of one hundred and eight millions. Thus the States have become indebted, in eighteen years, for roads, canals, and for banking, to the amount of one hundred and seventy millions. And what, Mr. President, has been the result? Why, sir, a sudden stop has been put to the sale of State bonds. The bankers of Europe refuse to loan the States any more money; and some of these States, with their valuable and costly works unfinished, are refused the means of completing them, unless the United States will give her pledge for the redemption of *all* the State debts. This was the situation in which we found ourselves at the opening of the present session of Congress.

It is true, sir, the assumption of the State debts by this Government was not a mandate emanating from the crowned heads of Europe; nor was it intimated, that in case of refusal, that it would be a just cause of war. But, sir, the bankers of Europe, who are said to control the cabinets of Kings, through their great organs in London—the associates, if not the directors of British councils—have told us, in language not to be misunderstood, "that the States *must* pause in the execution of their works of improvement! unless a more comprehensive guarantee than that of the individual States" is given, and unless "a national pledge" is made to see that the State debts are punctually paid. And, sir, what was the effect produced when this authoritative mandate came across the waters? Was it treated with indignation, as an injurious imputation on the debtor States? Was it regarded, as it ought to have been, as an attempt to coerce them to make new terms with their creditors, and to force them to apply to the National Government for assistance? Was it regarded as an outrageous breach of that faith which was tacitly pledged to the States, by inducing them to borrow more than one hundred millions of dollars in three short years, upon their own credit alone, and for works and purposes which they must have considered as capable of yielding a fair profit?

No, sir, such was not the effect which the circular of the Barings and Co. produced in the United States. On the contrary, the proposition even met with favor in America; and immediately it was currently circulated that the public lands might be made available to meet this insolent demand, and insulting imputations cast upon the debtor States, by these foreign bankers. It will not do to say that this is the mere act of the brokers. Do we not already see and feel the effect it has produced? It was under these circumstances that this subject was brought before the Senate. It was in order that Senators who are the representatives here of sovreign States, might say to those foreign Governments whose subjects and bankers have loaned their millions to the States, that neither those Governments nor their subjects shall be permitted to exact new terms of payment, or other security than they have voluntarily taken from the States themselves; and to inform them that this Government has not the constitutional power to pay those debts. Under such circumstances, was it not, I would ask, our duty to ourselves, to the States, to the United States, as also to the people and Governments of Europe, that this subject should be fairly, fully, and ably brought forward, and decided upon? Should we sit quietly here, and see the credit of the States of this Union trifled with in this manner, by the great bankers of Europe, simply because they can, by their tremendous money power, sway and control the decisions of foreign Governments? No, sir: I trust the time will never come when the Senate of the United States shall fear to do its duty, lest it may give offence to the great money autocrats of Europe.

It is true, sir, it has been significantly asked, if, in case of a war with a foreign power, we would refuse to assume the debts of the States, if that were the sole condition upon which peace could be obtained? Why, sir, the very asking of such a question makes it incumbent upon us to place ourselves upon the true constitutional ground, in relation to this subject. These resolutions, sir, like Mr. Madison's resolutions in the Virginia Legislature, declare certain conclusions, and maintain certain great principles, essential to the preservation of national rights, the faith, sovereignty and dignity of the States, and the best interests of the American people; and, I think, ought to meet with the approving sanction of every Senator.

Let us look, Mr. President, at the tempting prize which these bankers have before them. They have induced the States of this Union to borrow of them between one and two hundred millions of dollars, at a high rate of interest. Now suppose, sir, that they should succeed in forcing the Federal Government to pay, or to assume the payment of, these debts. What would be the result? Why, sir, immediately would the value of these stocks become so much enhanced, as to place many millions in the pockets of these bankers. Now suppose that these bankers, under the false assertion of the insecurity of these State debts, should *force* the British Government to make the assumption, by the United States, of the State debts, a cause of war, and that this nation should, in this way, become involved in all the calamities of war on this account; would it, or could it, be justified, that the American Senate had tamely looked on whilst this great work of national money-making was deliberately planned and consummated, without ever thinking of placing the question in its true light before the world, or interposing its declaration of the want of power in the Federal Government to make the whole people of the United States liable for so large a national debt?

It will not do to permit the money power of Europe to continue to control the destinies of the United States. Look, sir, at the wide extended ruin which the money king in Europe, and his agent in America, have repeatedly spread through our land. We hear of the removal of deposites, of the specie circular, of the distribution of the surplus revenue, as the causes of the distresses which have afflicted the people of this Union for some years past. These measures, operating at the most only on a small amount of our accruing revenue, would not, and could not, have been felt, if the great money power had not *decreed* that he would make them the groundwork of the sufferings of the American people. Who can look back at the alternations of prosperity and adversity—of extravagance and suffering—the expansions and contractions in the money market—the high and low prices of property and commodities, and of labor—the plenty and scarcity of money—in a word, the distresses with which our people have been cursed, for a few years past, and not be willing now candidly to admit, that it was all the work of the great money powers in Europe and America.

But, we are told sir, that all this suffering has been the result of a war, waged by this Government against credit and money corporations. Now, sir, I would ask, who has waged this war on credit? Was it not the late Bank of the United States? Did she not, from the moment that Gen. Jackson, in his first message, intimated his doubts as to the propriety of granting her a recharter, commence a reckless system of electioneering? A wide-spread and ruinous enlargement of her accommodations, and an alarming amount of issue of paper money, (to say nothing of her lavish expenditures,) for the purpose of producing a powerful influence in her favor? In her efforts to gain popularity, was she not guilty of abuses, which her warmest friends have not been able to justify? Are there not, sir, thousands of individuals, who have heretofore supported a National Bank, but who have been forced to abandon the idea of creating another National Bank, after having witnessed the dangerous results produced by such a great moneyed institution becoming a partisan in our electioneering contests for political power? Yey, sir, it was the United States Bank who commenced this war on credit. She loaned out her millions, until she supposed she had got the country ripe for a recharter. Then, with all her plans well matured, several years before her charter was to expire, and just before a Presidential election, she asked Congress to renew her charter. The work had been done—the bill passed both Houses of Congress—and the late President must either disgrace himself, by approving the bill, or sacrifice his popularity by refusing it his sanction. Gen. Jackson met the crisis with that intrepidity which has always characterized him. He preferred to lose his election rather than his honor. He gave the Bank her quietus; he vetoed the bill which was thus prematurely passed; and his countrymen have sanctioned the act. Then it was, sir, that the Bank commenced her war upon the State banks, and upon credit. She first attempted to break down the State banks. She forced them to rapid settlements, and drew from them all the specie she could command; and this induced the late President gradually to withdraw the public deposites. This precautionary measure prevented her from accomplishing her first purpose; but she was not in this way to be foiled. It only afforded her an excuse to commence a war upon her debtors; and, sir, the ruin and suffering which she then spread over our land I will not now attempt to describe. She made a tremendous effort to destroy the late President himself; but the eyes of the people had been opened; and, as the incessant torrent of inflammatory speeches poured out in Congress, and throughout the country, produced no effect upon the public mind, the popularity of the President remained unshaken; and, as a last resort, the Bank obtained a charter from Pennsylvania. In a few short months after afflicting the country with so much misery, and without a dollar of public money to justify it, she again run up her line of discounts to a *greater amount* than she had ever before loaned to the community. She sold her branches, and bought State banks; expanded her issues to the utmost bounds, and for a time deluded the people with the idea of having produced the highest state of prosperity in the country. The State banks followed the lead—money became so plenty it was impossible to invest it. In two short years, near forty millions were expended in the purchase of public lands. The price of property and labor was nearly doubled. No transaction was considered worthy of being mentioned, unless millions were involved. Our importations of foreign merchandise were almost twice as large as a healthy state of trade would justify, and the spirit of speculation and extravagance was carried to a most alarming height. But a reaction had to follow; and it came upon us with all its terrors, and with consequences of the most calamitous character. Our merchants were protested in Europe to an amount stated at hundreds of millions; and the failures which took place in our commercial cities alone, were almost incredible. The banks suspended from one end of the Union to the other, with the Government funds in their hands; and thus were the friends of the Administration *forced* to conclude that all banks were unsafe depositories of the public moneys. The President, at the called session of Congress, recommended that the public deposites should no longer be used for banking purposes; and that the money ought to be kept from the time of its collection, until it is placed in the hands of disbursing officers, or otherwise expended under the regular appropriations, by persons employed by the Government for that purpose; and in safe places, belonging to the Government itself. This recommendation constitutes the height and front of the President's offending, and is the foundation of the charge of the war upon the credit of the country we have so often heard complained of. My own idea is, that its adoption, instead of injuring, will give stability to credit. For my own part, sir, I cannot see how individual credit has been or can be affected by this measure, if it shall become a law; and, besides the certain command, which it will afford the Government, of its means whenever they are required, I can only see in it, in prospect, that it will produce a wholesome restraint upon the issues of the State banks. I am one of those who wish to see the State banks well regulated by State legislation; and would rejoice if they could be restrained from issuing small notes, to the exclusion of gold and silver from circulation. But I am not one of those—and indeed I do not know that there are any such—who are at this time in favor of an exclusive metallic currency. The power to give banking privileges to corporations belongs exclusively to the States. It has been exercised by them, and they can-

not now be deprived of this power. The price of property should never be permitted to fall, if it can be avoided, below a fair and proper standard of value; and the wages of labor ought always to be proportioned to the price of the articles the laborer consumes. But, sir, all regulations on this subject belong to the States; and I think we will best consult the public good, by leaving to the States to determine what is best for the interest of their people.

But we are told by those who oppose these resolutions, that no one contends that the United States can assume the payment of the State debts, but that they do contend that the proceeds of the sales of the public lands may be distributed among the States, to be applied by them to the payment of their debts, if they think fit to do so. They admit the injustice of involving the States which do not owe any thing, for the purpose of paying the debts of those who are in debt. And yet there is no difference in reality between assuming in the one case, and paying in the other, excepting that, by paying the land revenue to the States, you divert so much of the public revenue, not only to make payments for the debtor States, but, also, for purpose of making proportional donations to all the other States. Every dollar thus draw from the Treasury, creates the necessity of raising a like amount off of the people, to meet the public expenditures. It is, in fact, taking the money of all the people to pay the debts of certain States, and also to give the people's money away to other States, who do not want it.

But, say they, the proceeds of the public lands belong to the States; and since the national debt is discharged, they have a legal right to claim all the land revenue as their own. Let us examine the correctness and the validity of this claim, which has been so pertenaciously set up for the States The public lands included within the bounds of the Union, established by the treaty of peace, made at the close of the Revolution, with Great Britain, became the property of the United States; first, by the States claiming the right of pre-emption, surrendering that right to the United States; and then by the subsequent extinguishment of the Indian title by the United States. And upon what terms, sir, did the States surrender this right of pre-emption? They stipulated for the complete payment of all their debts; and then provided that the proceeds of the sales of the lands should be applied to no other purpose *whatever*, except to the support of the National Government. It is said, that after the adoption of the Federal Constitution, that as the States no longer contributed, as States, to the support of the Government, but as its support is now drawn from the whole people, that therefore, the proceeds of the public lands have again become the property of the States. This ground cannot be maintained, when we take into view the objects and purposes, for which the surrenders were made. All the States claimed that the contributions of each should be proportionably lessened by the amount of the revenue derived from the sale of these lands; and it was in order that the tax upon the people of all the States might be thus proportionably lessened, that the States insisted that the title to the public lands should be vested in the United States. This was the compromise made by the confederated States. The express stipulation in their deeds of cession, that the proceeds were to be applied to the public expenditure, and to no other purpose whatsoever, absolutely forbids the idea that such proceeds can be lawfully returned to the States. Suppose that Congress should think fit to raise the revenue from direct taxation, and not from customs, and that the proceeds of the sales of the public lands were distributed to the States, would not the people of the non-debtor States have to be higher taxed than those of the debtor States, to raise the additional revenue which this distribution would necessarily give rise to? The money would be drawn from the pockets of the people to support the National Government, whilst the land revenue would be taken from them and given to the States? The objects for which the public lands were surrendered by the States which claimed them, remained precisely the same after, as before, the adoption of the Federal Constitution; and the change in the mode of raising the additional amount of revenue necessary for the support of the Government, did not, in the slightest degree, alter the provision that the sales of the lands should be applied to the public expenditure, and to no other purpose whatsoever. This land revenue belongs to the people of the United States, in their national character, and cannot be lawfully taken from them and given to the States. The Indian title has been extinguished by the money of the people of the United States, precisely as their money has been applied to the payment of the purchases of Louisiana and Florida. There is no difference whatever in the title of the people of the United States to the lands surrendered by the States, and to that purchased from France and Spain, except that the States imposed, in *their* case, the condition upon the Government, which the Constitution imposed in the other cases. Who can contend that the States are entitled to the proceeds of the sales of the lands purchased from France and Spain? As well might they contend for the proceeds of the sales of our national ships, or of the public buildings and grounds within this District. That portion, too, of the public lands not sold, within the limits of the country relinquished by the States, is now so inconsiderable that it is only when added to the undisputed land revenue that it becomes an object, or would yield an amount worth distributing; and as there is no prospect of a surplus revenue for several years to come, but, on the contrary, as there exists an absolute necessity for several millions of money to pay the annual national expenditures, more than will be yielded both from the customs and the lands, all the moneys derived from the lands relinquished by the States, will almost inevitably be applied to their legitimate purpose, before it can be hoped that such a state of things will exist as would justify even those who think the States are entitled to the proceeds of those lands, seriously to press the question of distribution. The Senator from Kentucky acknowledged that, partly on this account, he had declined to bring forward his distribution bill at this session. I believe, sir, that the States have no right to the land revenue, other than they have to the money derived from other sources. The new States have been forced to surrender their right to tax the lands of the United States within their limits, in order to gain admission into the Union. This surrender of State sovereignty places them upon an unequal footing with the other States. The old States have not only a right to all the public lands within their limits, but have also the undisputed right to tax, for their support, every foot of appropriated land. This, sir, is a most grievous inequality; and the only wonder with me is, that the new States were ever induced to submit to it. If they had the right to tax the public lands, as they have to tax those of their own citizens, and non-residents, the ownership of the Government over so much of their soil would not be as oppressive as it now is. The Federal Government contributes nothing to the support of their State Governments—nothing to the making of their roads and highways—nothing to their improvements, unless it be under contract, or as a voluntary donation—and nothing towards the opening and clearing of lands, and rearing up of magnificent towns and cities, and beautiful villages. And yet, sir, by all these means, and the labors and moneys of the citizens of the new States, are the public lands vastly enhanced in value, and made to be a great source of national wealth. It is true, sir, that, to lessen this great inequality, some lands have been given for school purposes, and in one or two instances for State improvements, when regarded as of national importance: but, sir, it is in spite of the oppressive ownership which the Federal Government exercises over the public lands within the limits of the new States, that they have grown up, and have now become the most flourishing members of the American Confederacy. Nothing could be more fatal to the interests of the new States, than the adoption of the principle of distributing the proceeds of the public lands. It brings the interests of the States, as *communities*, in direct conflict with the interests of the citizens of the new States. Those who are, or who desire to become, citizens of the new States, wish to get the lands they need for cultivation upon the cheapest terms possible. The easier the lands can be acquired, the larger will be the emigration, and the greater the population of the new States. Make it the interest of a majority of the States to keep up or to raise the price of the public lands, and you forbid forever all hope of the citizens of the new States to obtain pre-emption or graduation acts; and you cut them off from an increase of population, and from the hope of rendering all the lands available in the support of their State Governments.

For my own part, sir, I can see no difference between the land revenue and the impost revenue; and I consider the appopriation of either to the payment of the debts of the States, would be equally unconstitutional, dangerous, unjust, and inexpedient, and I have, therefore, felt myself called upon, by the highest considerations of duty, as well as from a sense of justice to the States, to the United States, and to foreign Governments, to submit these considerations to the Senate. I conclude, sir, by expressing a fervent hope that our free institutions may be always able to withstand the dangerous and insidious encroachments of that worst of despotisms, an aristocracy of wealth.

SPEECH OF MR. PICKENS,

OF SOUTH CAROLINA,

In the House of Representatives, December 10, 1839—

On the subject of the New Jersey disputed election.

Mr. PICKENS presented the following resolution, which was read, and which, he said, he offered as an amendment to the resolution of his colleague, [Mr. THOMPSON:]

"*Resolved*, That the committee to be raised on the New Jersey election, be confined to the question who is entitled to the 'returns' of election for the Twenty-sixth Congress."

Mr. PICKENS said he desired to state very simply the position he occupied. If the House, in its wisdom, chose to raise a select committee on this New Jersey election, he desired that it should be confined to some definite mode of action, and to a distinct question submitted by this House. He desired it should be confined to the question, who are entitled to the returns of election as members from the State of New Jersey to the Twenty-sixth Congress? He concurred in the remarks which had been made by his colleague [Mr. W. THOMPSON] in regard to the difficult position in which the House was now placed. He (Mr. PICKENS) had understood that the House would be thus involved, and therefore he had voted against the resolution of the gentleman from Virginia, [Mr. WISE.] He had voted against the resolution of his colleague, [Mr. RHETT,] which was adopted as the order of this House. He (Mr. P.) foresaw, or thought he foresaw, the very difficulty with which they were now about to contend; and he would here take occasion to say, that he had voted against the resolution of the gentleman from Virginia, because he [Mr. P.] desired a different mode of action. If he had been called upon to vote on that resolution on the first, second, or third day of the session, he would have voted in the affirmative. He did think, when he came here, that the certificate of the Governor ought to entitle the members holding it to be called, so as to be enrolled for organization. He thought so before this discussion had progressed. He desired that course of proceeding, simply that efficiency might be given to the organization of this House. The House, however, chose to pursue a different course. This was his open sentiment, and he had never disguised it. He thought it was due to the country—that it was due to order, that the House should have pursued that course. He thought it was due to the country that that triumphant party, denominated the Republican party, flushed as it was with victory, should have taken that course. He repeated this was his sentiment, and he had never changed it. But the House thought proper to take a different course; and it had been involved, day after day, in scenes which, to say the least, were of very little credit to the American Congress. It was to avoid these scenes that he desired the course he had spoken of should be taken. But the House thought proper to al-

low testimony to be brought forward. True, it was testimony not exactly formal, but such as entitled him, being a judge under the Constitution, to decide the simple question who were entitled to the returns. This was a question made under the Constitution itself, and he contended that this House had a right to decide that question, and could have decided it the very first day, if they had thought proper to do so.

Mr. P. here read the following clause from the Constitution of the United States:

"Each House shall be the judge of the elections, returns, and qualifications of its own members."

It will thus be seen (continued Mr. P.) that the Constitution itself makes three distinct subjects upin which this House can judge and decide, namely, the elections, returns, and qualifications of its members. I contend that these are, in their nature, distinct question. You may decide that a member, returned by the majority of votes, is entitled to the returns, and yet you may decide that he is totally unqualified under the Constitution. Suppose, for instance, that a majority of voters should return here a man under twenty-five years of age, or an alien. This goes to the qualification of the member; and I contend that if he held a majority of votes at the polls, he would be entitled to be returned, but that he would not be qualified to take his seat. And this illustrates the whole matter, that the questions are in their whole nature distinct and separate. So it was, he said, a man may have a majority at the polls, and yet may not be elected; and so the House might decide that a man was a member, and yet that he was not entitled to the returns. They are all separate questions.

Here, in the development and progress of this case, we have seen one notorious fact admitted by the papers, admitted by the gentleman from New Jersry, when questioned upon this point; that is to say, that the majority of the voters of New Jersey gave their votes to other members than those to whom the certificate of the Governor has been given. The gentleman [Mr. RANDOLPH] has admitted that there were a majority of votes on the other side, but says they were not legal? Now who has decided that they were not legal? Was it the local authorities of New Jersey? The Governer, the Clerk, or the judges of election? I lay down this broad proposition, and I challenge gentlemen to the argument; that there is no authority in any State officer to judge and decide upon the legality of votes after they have been deposited in the ballot box, or received at the polls. You may challenge a voter at the polls, and if challenged for good cause, his vote cannot be received. But if you go beyond this power, it would inevitably lead to confusion and fraud, and transfer the judicial power of this House to the local officers of States.

Mr. P. proceeded. The proposition I maintained is, that under the clause of the Constitution of the United States, which I have read, we are created sole and exclusive judges of the returns. I use the language of the Constitution, and I say that no State authority can interpose to purge the polls after the ballot has been deposited, or after the votes have been received, (*viva voce*, if you choose,) unless it be to carry out the local policy of the States as to qualifications. There is another clause of the Constitution, which shows that the voters for this House are intended to be of the same class of voters as those who are entitled to vote for members of Legislature. But upon the power to judge of returns and elections, there can be no concurrent jurisdiction connected with these questions, on the part of any State authority, without a palpable violation of the Constitution. Admit that, and what is the result? And here I will observe that, in reflecting upon this issue, I have been forcibly struck with the wisdom and philosophy of this noble instrument, (holding up the Constitution of the United States.) But suppose the contrary doctrine to be true; this House would be at the mercy of conflicting judgments in the States, as one party or another might, from time to time, be in the ascendency. It is in accordance with the very genius of the Government that this branch of it should be independent; and, in order to maintain its independence, it must be the exclusive judge of the returns. You cannot get over that plain and palpable provision of the Constitution. It is not pretended here that any local authority is given to the officers of New Jersey to purge the polls after the votes have been deposited. I did not understand that question to have been raised; but, I repeat, it is admitted that a majority of the votes were on the other side. That being so, I contend that it is for us to say who are entitled to the returns, and that that single question does not involve other questions in regard to the election.

I am not disposed to treat with disrespect the certificate of the Governor. This House has no right to pass censure upon him. He acted as a State officer, and, if he did not probably act with wisdom, still I do not doubt that he acted under a conscientious belief that he was a mere ministerial officer of the law. That may be. He may have supposed that he was doing his duty. He gave the certificate upon the returns made by the clerks, and announced that he could not look behind them. He looked upon himself as the mere ministerial register, and supposed that his certificate was to be viewed in that light, and in that light only. But other gentlemen may be entitled to returns, notwithstanding his certificate. And my proposition is this: that there is no authority in the State of New Jersey to judge of the legality of votes; and that, after the votes have been deposited, those who *received the majority are entitled* to the returns; and that we are made the sole and exclusive judges of the legality. I contend that there was vast wisdom in this provision of the Constitution, and that the framers intended us to be a co-ordinate branch of this Government, entirely independent, and that this House alone should decide upon the elections, returns, and qualifications of its members Without that provision, what comes of all our independence? I contend that the question is now before us in a tangible shape.

Some gentlemen say that the House is not constitutionally organized. I think there is some confusion of ideas here. The Constitution says:

"Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day."

That (continued Mr. P.) is the day appointed by the Constitution for Congress to assemble.

What is Congress? Analyze the idea. It is composed of members elected by the people of the States, who are chosen every other year under this constitutional provision, and who are entitled to assemble here as the Constitution directs. The Constitution then goes on to define what shall constitute the House of Representatives. "It declares the House of Representatives shall be composed of members chosen every second year by the people of the several States." It does not say of members and a Speaker, but of *members* chosen by the people. This constitutes a House of Representatives, in the definition of the Constitution. The same instrument declares "that the House of Representatives shall choose their Speaker and other officers." This presupposes the existence of a House competent, at least, to decide upon its own organization. Can the constitutional existence of the House be more clearly defined and demonstrated? It is chopping logic upon words to deny our legal existence. Now, gentlemen suppose we must take an oath before we can act, judge, or decide. Let us read that provision. And it is to be observed that it is a mere general provision.

"The Senators and Representatives before mentioned, and the members of several State Legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation, to support the Constitution." Now, (continued Mr. P.) I will ask, does the Constitution prescribe the time when this oath shall be taken? Does it say that it shall be on the first, second, or last day of the session? The law of seventeen hundred and eighty-nine prescribes and authorizes the oldest member on this floor to administer an oath to the Speaker, and then prescribes the mode in which the Speaker shall administer it to the members. But Mr. P. contended that the Constitution itself having fixed the day of meeting, the House of Representatives are a body on the first Monday of December, competent to decide on questions of returns; and, if we think proper, to go into the whole question of election. That, however, would be vastly inexpedient. But on a question of mere qualifications and returns—if an issue be raised, and it is objected that one class of members be falsely returned, we are then competent to decide that question, and we must, from necessity, do so. It is inherent in the power and the right to organize.

Now, let us disentangle ourselves from this confusion of ideas. The legal apportionment of Representatives gives this House two hundred and forty-two members, and the Constitution has, in expressed terms, made them exclusive judges on questions of "elections, returns, and qualifications." Suppose, instead of that constitutional provision, that it had been declared that A or B were to be exclusive judges on those questions, would there be any difficulty in deciding upon the point? The whole confusion arises from the idea of having two hundred and forty-two judges instead of only one. If only one judge had been created by the Constitution, there would be no difficulty in in deciding the whole question on the first day. Yet, as far as right and legal principle are involved, it is the same thing.

Viewing the subject in this light, and foreseeing the difficulties that must inevitably arise, I was disposed to confine the whole question to a question of returns, and I contend that we are the competent judges of that question whenever we think proper to take it. It is not only sound sense, but sound policy, to keep the question separate. If you decide that the mere returns of officers must, in all cases, conclude the judgment of this House as to who are entitled to their seats and to the returns, then you hold out the greatest temptations to bitter and contending parties to perpetrate fraud and injustice by false returns. The consequence will be, that when this House may be considered as equally balanced, and power and empire are at stake, the elective franchise will be at the mercy of obscure and irresponsible officers, and this House will be made anything and every thing that their profligacy and party bitterness may choose. It is of the very essence of our system that we should be the exclusive guardians and judges of our own creation and formation. Whether right or wrong, our judgment over returns, qualifications, and elections, must be exclusive and untrammeled. Any other doctrine must introduce imbecility and impotency into this, the very centre of vitality in our system.

In presenting these views to the House, I have acted entirely on my own judgment, and I have introduced a resolution to meet the precise issue, according to my conscientious conviction of the truth of the case. I believe that we are the judges—I believe, according to the developments which have been made on this floor, the gentlemen who have the certificate of the Governor are not entitled to the returns; and, so believing, I am prepared to meet the question. I was prepared to do so several days ago. I desire to decide it now, frankly, fairly, and boldly, before the world, without the trammels and the collateral issues that have been thrown around it by the technicalities of county court special pleading. I act here on my own responsibility.

I do not propose any thing which is the result of concert, of caucus, or of understanding entered into out of this House. I act alone upon my conviction of what I belive to *be true, and right, and just.*

Sir, we have seen too much party organization and party drill. If there is one evil of the present day, greater than another, it is that miserable party spirit, on both sides, which seems disposed to draw every member into humble subserviency to the dictates *of a few leaders.*

There is another sentiment which I entertain, and which I will here avow. It is this: that during the last Administration there has been two strong executive action in this Government; and it is time that the Representatives of the people should assert their independence, and trample on the ties of party—looking only to the good of the country, to the sanctity of the Constitution, and to the preservation of their own honor and independence. If there be one object *more dear to me than another*, it is, that I may see this House redeemed and regene-

rated—that I may see it break loose from its subserviency to that monster god of party, which is reared up on every side, and which claims from its victims a *base, devoted, and blind idolatry.*

Sir, I have proposed a resolution which I believe will meet the truth of the case. I believe that we are the exclusive judges of the whole subject-matter, made so by the Constitution itself, in language too plain to be misunderstood. The time and manner of deciding is a mere matter of expediency. I maintain, also, that there can be no concurrent jurisdiction upon this question by any State authority; and in maintaining this, I maintain the independence of this House, which I believe to be essential to the preservation of American liberty.

The propositions, then, which I desire to be decided, are, first; that this House is the supreme and sole judge of the elections, returns, and qualifications of its members. And secondly, that no State officer has a right to judge of the legality of votes, after they have been received; and that those who have received a majority of the votes polled are, by right, entitled to the returns. Upon that principle, I voted yesterday in the case of the gentleman from Pennsylvania, [Mr. NAYLOR.] It is precisely the case at issue. There you have different returns; one member is admitted to have a majority, but another gentleman assumes that they are illegal votes, and the judges assume to themselves the right to throw out the whole Northern Liberties. I maintain that they had no such right under the Constitution. Their acts were void, and the matter must be left to this tribunal only. It is this which shall govern my vote. When I come as a judge to decide on the merits of the election, then it may be different as to final judgment. It will depend upon the fact, whether enough, from those who received the majority of votes, shall be proved to be illegal, to violate the election. All votes deposited and received by the proper officers into the ballot box, must be presumed to be legal, until otherwise shown. This is sound sense as well as law. Upon these questions, I assert the power of the House to judge fully, but I deny the authority of the officers of the State of Pennsylvania, under the laws, to reject votes, after those votes have been deposited in the ballot box.

Standing upon this principle, I am ready to give my vote in the New Jersey case, and I am disposed at once to meet the question, (which may be as well decided now, as a month hence,) who are entitled to the returns. As far as ulterior objects are concerned, I know the supposed delicacy of my position at present; but I scorn to suppress my sentiments.

I would not wear the proudest diadem that ever glittered upon a monarch's brow, if I could not wear it unshackled and free. I would not turn to the right or left for political favor. I hold no sentiments in my closet which I will not avow to the world. In my opinion, it is due to the dignity of the House to meet this question calmly and decidedly. I am ready to vote. If you let the whole subject-matter go to a committee, you will involve us in questions which will not be decided this session. If you choose to confine them to the question of returns, you can do so, and we can have prompt action; but any other course will lead to confusion and delay.

SMALL BANK NOTES.

DEBATE IN THE SENATE.

WEDNESDAY, Feb. 26, 1840.

The following resolution, submitted on Monday by Mr. BUCHANAN, was taken up for consideration:

Resolved, That a select committee be appointed for the purpose of inquiring into the expediency of proposing to the States such an amendment to the Federal Constitution as will secure a larger specie basis for the circulation of the country, by prohibiting the issue and circulation of bank notes and other paper currency of denominations so low as to prevent the circulation of gold and silver in the ordinary transactions of business and in payment of the wages of labor.

Mr. WEBSTER said that he wished to treat the motion of the honorable member from Pennsylvania with perfect courtesy and respect, and felt reluctant to oppose it, as it proposed only a committee for inquiring into the expediency of a measure. Yet, with the opinion which he held on the subject to which it referred, he could not let it pass under circumstances from which his concurrence in it, in any degree, might be inferred. We had recently had experience of the evil consequences of dissenting, at the beginning, from things which must be opposed in the end.

His objections to the resolution were, first, that Congress already possessed full and adequate powers over the currency. What was wanted was the exercise of those powers. We had full power to regulate commerce, and currency, whether metallic or paper, as the great instrument of commerce; but had ceased to exercise this power. If we proposed to amend the Constitution, in order to get new powers, it would imply that we thought our present powers not ample. Now, he thought them ample. If we would only exercise them as they had been exercised successfully for forty years, we could accomplish, probably, all we desired. At any rate, we did not exercise them at all.

His next objection was, that there was not the least reason to suppose that any such proposed amendment would prevail. The States derived revenue from their banks. They were in favor of the circulation of small notes, and would not be at all likely to consent to the suppression of them; at least not so many of the States as would be required. Nor, indeed, did he see any reason to think that the constitutional majority of the two Houses of Congress could be obtained in favor of the proposition.

If, indeed, nothing else was to be proposed; if we were to do nothing, nor have any thing done, till the Constitution could be amended, as was now proposed, and until we found relief in the effect of such amendments, the condition of things, he confessed, was even more deplorable than he had yet been quite willing to regard it.

Mr. BUCHANAN said that, on this preliminary question, he should detain the Senate with but a very brief exposition of his views in presenting the resolution. Indeed, he had not anticipated any debate upon the subject, supposing that Senators would have waited until the report of the committee should be made.

In the first place, (said Mr. B.) no gentleman will deny the truth of the proposition, that it is desirable to infuse into the general circulation of the country a much larger proportion of gold and silver than exists at present. Every thing which we see, and hear, and feel around us, must convince us all that this is an object of the first importance. On this point, therefore, I shall offer no argument upon the present occasion.

What, then, is the only possible mode of accomplishing this purpose? It is a law of currency almost as universal in its operation as any law of nature, that paper and specie of the same denominations cannot circulate together. We all recollect the celebrated message sent by Mr. Burke to Mr. Pitt, in the year 1797 or 1798, that, if he consented to the issue of one pound notes, he would never see a guinea again. The subsequent experience of England had proved the sagacity of the statesman; and guineas and sovereigns were almost as completely banished from general circulation in that kingdom as if they did not exist. After a persevering struggle of many years, led by their most distinguished statesmen of both the great political parties, the five pound note policy, originally advocated by the celebrated Adam Smith, finally prevailed. One pound notes were excluded from circulation, and, in the course of a very few years, it was estimated that one-half of the currency of that country consisted of the precious metals. Their lowest bank note is now of the denomination of about twenty-four dollars. They have now about half and half of paper and specie.

What is the condition of our own country in this respect? Can our half eagles circulate together with five dollar notes? That they do not, must be admitted by all. Will eagles ever circulate generally in a country where there are ten dollar notes issued in abundance to take their place? In those States where one dollar notes are in general circulation, it is almost as rare a thing to see a silver dollar as it is in other States, where five dollar notes circulate, to find a half eagle.

If there ever was a question upon which there had appeared to be a unanimous, or an almost unanimous, opinion among our public men of all parties, it was in regard to the necessity of excluding from circulation all bank notes and other paper currency of a less denomination than twenty dollars. This, all admit, ought to be effected gradually, and in such a manner as to give no shock to the business of the country; but all agree in the ultimate object. It was a favorite principle with General JACKSON, and had found equal favor with the present President of the United States. My friend from Missouri [Mr. BENTON] had presented this question to the Senate some years ago, and, on his motion, we had adopted an amendment, with unexampled unanimity, prohibiting the officers of the Government from receiving or disbursing bank notes of a less denomination than twenty dollars.

The same principle had been adopted in the celebrated currency bill; and, under its provisions, after a certain period, the notes of no bank which issued notes of a less denomination than twenty dollars were to be received in the payment of the dues to the Government. The Senator from Virginia [Mr. RIVES] had, on that occasion, made the ablest speech he had ever heard him deliver on this floor, in favor of the principle of excluding from circulation notes under twenty dollars

Now, sir, can human ingenuity devise any mode of accomplishing this object so much desired by all, but by an amendment of the Constitution? If it can, I should adopt that course. I hold the Constitution in such reverence, that I would not offer to amend it without absolute necessity. I would apply the rule of epic poetry to its provisions—I forgot the Latin quotation—and say that the power of a divinity ought never to be invoked without absolute necessity. To use the phrase of the Senator from South Carolina, [Mr. CALHOUN,] I can see no mode under God's heavens of accomplishing the object but by amending the Constitution. If one State undertakes to make this reform, what is the consequence? Other States will not adopt it; and their five and ten dollar notes fill up the vacuum. Hence, in self-defence, those States which desire a reform are obliged to submit to the evils of the small note currency. There is no mode of reaching it but by proposing to all the States an amendment to the Constitution which will be alike binding on all.

If I concurred in opinion with the Senator from Massachusetts [Mr. WEBSTER] that Congress already possess the power of regulating the currency of the States, I certainly should not propose such an amendment. His sentiments are peculiar upon the subject, and I should be glad that he would point out the particular manner in which this can be accomplished. It is certainly not by the agency of a Bank of the United States; because, if such an institution should ever be re-established, and I trust it never may, you could only provide by its charter that it should not issue notes under twenty dollars. No man will contend that this would prevent the issue and circulation, under the authority of the States, of notes of smaller denominations.

Who doubts the utility of such a regulation to the banks themselves? At present, when there is a demand for gold and silver for exportation, and their vaults become exhausted, they have no mode of replenishing them. The specie necessary for this purpose is not in circulation in the country. Adopt this amendmint, and the difficulty will at once vanish. As the specie is withdrawn from them, the void will be supplied by their drawing upon the circulation of the country for the necessary amount. Let there be a general circulation of half specie and half paper; and the danger of suspensions of specie payments will be comparatively at an end.

But I promised that I should not detain the Senate long, and I shall not be drawn into a general discussion of the merits of the proposition at this stage, unless compelled to do so by the course of other gentlemen.

Mr. WEBSTER said that if there was any gentleman in the Senate who had, earlier than himself, suggested and urged the necessity of keeping steadily a considerable quantity of specie in the country by the disuse of small notes, he did not know

who that gentleman was. But things had taken a different turn. States which had not allowed the issue of small notes, had found it necessary to relax, and he therefore saw no reason to expect their concurrence.

He had before said that Congress possessed already possessed plenary power. And if Congress would proceed to exercise its powers, if it would begin with approved methods, if it would act judiciously, according to circumstances, adopting gentle, natural, and yet promising measures, if it should hereafter be found that any thing done under State laws was repugnant to the laws of Congress, why, then, it was clear by the Constitution that such State laws must be modified, or give way to the laws of Congress.

Mr. STRANGE said he would not object to the reference, if he entertained any doubt upon the question of expediency presented in the resolution. But he entertained none. He felt the clearest convictions that the agitation of this question at this time, was altogether unfortunate, looking to its immediate effects, either upon the political party to which he belonged, or its ultimate operation upon the welfare of the country. In a party sense he thought it highly impolitic, in the midst of a great political battle, to assume a new position. The ground we now occupy is an advantageous one, and the current of events is setting in our favor. The issue heretofore submitted to the people, after much misrepresentation, is now coming to be fully understood; we are clearly right in it, and we are certain of being sustained. In proposing something new at this juncture, even if our views upon it should, in the end, prove correct, we must expect to go through the same misty cloud of misrepresentation, through which we have already passed in reference to the Independent Treasury, and it is by no means certain that our explanations would reach the public mind in time for the approaching crisis. In the present organization of parties, and upon existing issues, there is no doubt of our triumph; but in dissolving the present elements of party and forming new combinations, which would probably be the effect of presenting new issues, he could not be answerable for the result. Whether the proposed amendment to the Constitution would be adopted, he thought exceedingly doubtful; but, if at all, it would be after a very long struggle, and the effects of that struggle were as uncertain as its result.

But if adopted, he thought its ultimate effect upon the welfare of the country highly pernicious. It would engraft expressly upon the Federal Constitution the present banking system. At present, happily, it had no place there except by construction; and he was altogether averse to giving it a solemn recognition in the body of that sacred instrument. He agreed with the Senator from Pennsylvania [Mr. BUCHANAN] that a broader specie basis for the issues of the banks was desirable; but he was unwilling to obtain it at such a price. While the connection existed by law between bank and State, he thought it wise to avail ourselves of that connection to compel the banks to widen their specie basis. But that connection by law was now dissolved, and he was not disposed to form it again by constitutional provisions. He believed the evils in the banking system are in a fair way to correct themselves. Public opinion is pushing them onwards in that direction.

He believed, as he stated among his first remarks upon the Independent Treasury, that public opinion was hastening to that point when our late banking system would be looked back upon with as much amazement at the folly of its dupes, as we do now upon the delusions of the cotemporaries of John Law. This resolution, instead of conducing to bank reform, as seems to be anticipated by the Senator from Pennsylvania, [Mr. BUCHANAN,] will revive the old abuses. They will put forth with renewed vigor; and should the amendment to the Constitution be made as proposed, to what use that amendment may be applied, no one can conceive. Aided by the principle of construction, so much admired on the other side, a Consitution, or a clause of it, like a piece of India rubber, may be stretched to an indefinite extent; nay, like beaten gold, a grain may be made to cover acres. Let the Opposition once get a constitutional connection established between the banks and the Government, and what they make out of it no man can foresee. So far from agreeing with the Senator from Massachusetts that we had already the constitutional power to act directly upon the paper currency of the country, he did not believe the framers of the Constitution contemplated its existence; he was confident they did not mean to give to Congress the power of regulating it further than the exercise of their power in relation to the coin might incidentally do so. And he was decidedly of opinion that it was not expedient that any such direct power should be possessed by Congress. For these reasons, he was not inclined to vote for the resolution.

Mr. BUCHANAN said that the Senator from Massachusetts [Mr. WEBSTER] had now made a distinct avowal of the mode by which he would restrain the issue and circulation of bank notes of the smaller denominations. He thought that Congress possessed the power of accomplishing this purpose by direct legislation upon the banks of the States. He would not, upon the present occasion, argue this broad question with the Senator; but should content himself by declaring that he was entirely opposed to any such construction of the Constitution. At the proper time, he should be ready to compare notes with him upon this branch of the subject.

The Senator had stated that it would be a vain effort to apply to the States for such an amendment to the Constitution; and in proof of this assertion had observed that several of those States which had prohibited the issue of bank notes under five dollars had fallen back, and now authorized the circulation of notes under that denomination. But what was the chief cause of this retrograde movement? It is not that these States believed it was vain singly to attempt the reform, when the only effect of their individual action was to substitute the small notes of other States instead of their own? For the want of such an amendment to the Constitution as is now intended to be proposed, several of the States opposed to the circulation of small notes, have felt themselves compelled, I think unwisely, to abandon the policy on which they had embarked.

If the proposed amendment be right in itself, it will eventually prevail. He had such an abiding confidence in the intelligence and patriotism of the people of the country, that he was convinced that, if the public interest demanded the measure, it would be finally adopted. So far as he was acquainted with the indications of public opinion in his own State, they were decidedly favorable. He was determined to bring the question fully and fairly before the people, so far as an humble individual could; and whatever might be the result of his present attempt, to pursue the subject with energy and perseverance, until success should crown his efforts, or he should discover that success was not attainable.

He would say a few words in reply to the Senator from North Carolina, [Mr. STRANGE] Mr. B. was a plain, practical man, and was content to consider human affairs as they were, not as gentlemen might think they ought to be, or would be, at some remote period of time. On this question, he feared there was a radical difference between the Senator and himself. There were twenty-six States of this Union, who had all, from their origin, exercised the power of creating banks. This power had been in uninterrupted operation for half a century. It was now too late to question its existence. No man now living would ever see the day when this power would be abandoned by the States. There it was, and there it would remain, in spite of all the Senator could do to destroy it. He acknowledged that the proposed amendment rested upon the assumption that these banks would continue to exist under State authority, in some form or other, and would issue a paper currency.

He had been no little surprised, therefore, to learn from the Senator that one ground of his opposition to the amendment was, that it would arrest the progress of public opinion, and enable the banks to ride out the present storm. His own fears differed very widely from those of the Senator. He was afraid, not that the banks would perish in the gale, but that the State Legislatures might act as they had done on a former occasion, and not impose upon them those wholesome restrictions necessary to guard the public against the evils of future suspensions. The Senator (said Mr. B.) mistakes my purpose in supposing that it is the same with his own, and that I desire to aim a death blow at the banks. It is in this respect that I fear he and I radically differ. Whatever might be my opinion of the question, were it now for the first time to be decided whether we should establish banks or not, I find them now in existence, and so interwoven with the habits and interests and feelings of the people that they cannot be destroyed. For good or for evil, they will continue to exist long after he and I shall have been gathered to our fathers. It is, therefore, my purpose, not to destroy, but radically to reform them; to deprive them of the power of doing evil, and to restrict them in such a manner as to make them useful agents of the public, instead of instruments ruinous to the prosperity of the people. Lord Liverpool had once said of the banking system of England, that "it was the most insecure, the most rotten, and the very worst of which it was possible to conceive." He would not apply such strong epithets to our banking system; though he would say that it was difficult for him to conceive how it could be much worse. The expansions and contractions and suspensions of specie payments to which, from the very law of its nature, it was subject, were ruinous to the best interests of the country. He believed that the States would eventually reform it, and, if that were found impracticable, would destroy it, and substitute another system in its stead. Still State banks, in some form or other, whether by special charter, or under free banking laws, or in some other manner, would continue to exist and to issue paper currency. Now, what was the greatest reform which could be made to any system of State banking which the human mind could devise? Was it not to increase the specie basis of the paper currency—was it not to secure the circulation of gold and silver in the ordinary transactions of life and in the payment of the wages of labor? This restriction alone would be the greatest practical bank reform and the greatest security against future suspensions which could possibly be devised; and it could never be accomplished without an amendment of the Federal Constitution. I can easily perceive why the Senator, with his views, is opposed to the amendment. Those who calculate upon the destruction of all the banks of the country, and indulge in the visionary hope that we are about to return to a pure metallic currency in all the business transactions of all the people of the United States, may consistently oppose every great reform in the banking system. They may hope that the more evils it inflicts upon the people, the shorter will be its duration. For myself, I indulge in no such expectations, and I desire to reform that which I know I could not, if I would, destroy.

In these remarks, I have studiously avoided all party allusions. This is a question which ought to be placed above party, because it is deeply interesting to every individual citizen of the country, whatever may be his political attachments, and I confess that mine are very strong.

Mr. STRANGE, in reply to Mr. BUCHANAN, said he was sorry to differ with the Senator from Pennsylvania, [Mr. BUCHANAN;] for when he did so, he always feared he was wrong. The Senator did himself great injustice in calling himself a plain plodding man, if his language was to be literally construed. But he believed he did the Senator no wrong in interpreting his language as he understood it. The Senator meant that he was himself a practical man, while he [Mr. STRANGE] was a visionary. Perhaps this was true; but of one thing he was very certain, that he had a perfectly clear vision of the tendencies of this resolution. He was sorry to hear the Senator adopt the cant so frequently used by the Opposition—that he was above the influence of party considerations. No public man commended himself to his confidence by saying that he was above party considerations. Parties consist, or should consist, of those who agree in politi-

cal principles, and upon every question which admits of two opinions, parties are inevitable. He was attached to his party because he believed it acted upon sound principles, upon principles essential to the well-being of the country; and whenever he ceased to believe so, he should cease to be of that party. The stability of the institutions of his country, he firmly believed to be identified with the success of those principles which his party advocated; and in warring for his party he was warring for his country. And he repeated, that he was opposed to making up a new issue, when the one already made up ensured the safety of both his party and his country. He was opposed to changing front in the face of the enemy, which might render doubtful the result of a battle, in which victory was otherwise sure. He thought there was no equivalent for the hazard. Public opinion is fast producing without it, all that you hope to accomplish by your resolution. Nay, you will, by its adoption, delay the attainment of the end in view. It will act as a breakwater, and curb the onward flow of the waves.

If we endorse the present banking system by making a constitutional declaration that it is highly useful, praiseworthy and necessary, and needs nothing but the certain restrictions in such amendments set forth, to render it altogether fair, safe, and useful, real reform will not accrue within the period probably allotted for existence either to the Senator from Pennsylvania or myself. He agreed with the Senator from Pennsylvania that the Legislatures of the respective States would not agree to relinquish their power of chartering banks. And for the same reason they will resist your claims for putting restrictions upon it. This proves my position, that this resolution is out of time. As a general rule, the Legislatures of the several States reflect pretty fairly the will of the people of those States; and if those Legislatures refuse to relinquish the power of chartering banks or the imposition of restrictions upon that power, you may safely conclude the people of those States are not prepared to make the surrender. And before the people of the States have reached the point to make such constitutional surrender or accept such constitutional restriction, they will have attained the more desirable point of forcing their Legislatures to exercise their present powers so that they will prove injurious to no one.

The resolution was then laid on the table for the purpose of taking up the special order.

THURSDAY, February 27.—The subject again coming up for consideration:—

Mr. CALHOUN said, that he rose simply to state the grounds upon which he was compelled to vote against this resolution. The amendment contemplated by the resolution would, if it should ever be adopted, engraft on the Constitution the banking system. To this I cannot give my assent, nor can I do any act that might imply it. According to my conception, long entertained, and openly expressed for the last six years, on all suitable occasions, it would be one of the greatest calamities that could befal the country.

Thus thinking, I cannot vote for the resolution; and yet I regret that I find myself placed in a situation to vote against a resolution of inquiry, which, by the courtesy of the body, is usually granted as a matter of course. But, as the resolution stands, it is impossible, with my conception, to extend it to the present case. If, however, the mover would enlarge it, so as to make it embrace a general inquiry into the expediency of so amending the Constitution as to place the currency on a solid and stable basis, it would remove my objection, and I should vote for it with pleasure. Unless the Senator did so, he must vote as he had indicated he was compelled to do.

Mr. PRESTON said this resolution contemplated to vest in the Government a specific power over the currency. He differed with the Senator from Massachusetts [Mr. WEBSTER] as to any power over the currency being already vested in this Government. The resolution contemplated an inquiry into the expediency of giving to Government the power of restraining the circulation of bank notes under a specified denomination, and this effected, there would be an end to its operation, and it could not counteract the various schemes that would be attempted to evade the law. In Virginia there are positive laws against the emission of notes of a less denomination than five dollars, and yet its object is defeated by circulating six, seven, eight, and nine dollar notes, which prevents the specie circulation from being much increased. This power not having been granted to the Federal Government, was, of course, reserved by the States, and any legislation on the subject is extra-constitutional.

If it were an original question, whether the power of regulating the currency should be given to the State Governments or to the Federal Government, he would have some hesitation in deciding, though he would have a strong disinclination to commit it to this Government while it was under the control of the present party in power.

Mr. HENDERSON said he should vote for this resolution. If he understood it, it proposed to inquire if it was not expedient to ask the States to yield a power over the currency which is now possessed by them. In the exercise of this power, the States have authorized the emission of bank paper of denominations of five dollars, and even under it, thus filling up all the channels or circulation, and substituting paper for coin in the wages of labor. That the bank paper in circulation is too redundant for the specie upon which it is based, was generally admitted. He did not believe that Congress had power to regulate the currency by its direct action. Though he believed, as he had lately stated in some remarks which he had delivered in this body, that Congress had the power to create a National Bank—he did not believe it had that power for the mere regulation of the currency. It had the same power to establish a National Bank as it had to form a Sub-Treasury or any other fiscal system. As a national system, he preferred a National Bank to any other, as it not only gave us as great facilities in collection and disbursement of the revenue as the Sub-Treasury, but in its incidental regulation of the currency, to some extent, was superior to it.

Mr. GRUNDY said, that from the moment the Senator from Pennsylvania had introduced this proposition, he considered it one of the wisest and most judicious that had been presented to Congress for a long period. What was the evil, which it was desirable should be remedied? Why, that, by the redundant issue of bank notes, the channels of circulation are filled with paper, and when a pressure comes in the money market, the banks who have the least means have to endure the greatest pressure. What is intended by Senators in their declarations that the Government have already the power over the currency. If it is intended by this to claim the power to control the State banks, it was the greatest stretch of Federal power that has ever been assumed. But the States are as thoroughly convinced as Congress of the evils of the present system, and may feel disposed to attempt a remedy, by conferring this power upon the General Government. By a general exercise of this power, the tendency of the banking system to excessive issues may be to a great extent repressed, and the evasions alluded to by the Senator from South Carolina, of 6, 7, 8 and 9 dollar notes, might be guarded against. I am not, said Mr. G. an advocate of an exclusively metallic currency. This I believe to be impracticable. I am in favor of a mixed currency, composed of coin and convertible bank paper. I am of opinion that such a currency —coin for the wages of labor, and convertible paper for mercantile operations—would best promote the interests and convenience of the community. I believe that banks should not be destroyed, but regulated. I am no destroyer, but would, if I could, be a reformer. I am for making banks specie-paying institutions; and if this cannot be effected, I am willing to permit them to go down.

Mr. CALHOUN said, if the Senator from Tennessee alluded to him, he was entirely mistaken. He had declared no war against the banks. They needed not his opposition, nor any other, to put them down. They were going down but too rapidly, and were destined to fall by self slaughter. Nor had he said one word about a metallic currency. That was a question not now before us.

Mr. BUCHANAN would not enter on a discussion of the merits of the measure then; but, as the Senator from South Carolina had spoken of *courtesy*, he would say a single word. He would acknowledge most cheerfully that the Senate had always treated him with uniform courtesy and kindness; so much so, as sometimes made him flatter himself into the opinion that he was a general favorite. If ever he had treated any Senator in any other mode, he was not aware of the fact. The subject of which the resolution treated, had attracted the attention of the whole country, and all classes of the community were more or less deeply interested in it. It was a matter of inquiry only, and had not assumed shape or form. The same rule would apply as well to courtesy as to morals, viz: of doing as we would be done by. When the Senator from South Carolina introduced his bill to cede the public lands to the States in which they lie, although he [Mr. B.] was as much opposed as any man could be to the provisions of that bill, yet he had never thought of opposing its introduction. Now all he desired was to present his views, after consulting an able committee on the subject. His opinions on this matter had not been taken up hastily; he had been seriously deliberating on it for years. If the Senate thought proper to indulge him, he should be gratified; but if they rejected it, why then he should take an opportunity of making a speech, instead of a report.

Mr. CALHOUN said he was much surprised that the charge of discourtesy should have been brought against him on this occasion. If there was any person who had a right to complain of a want of courtesy, it was himself. He had proposed to the Senator from Pennsylvania to enlarge the terms of his resolution, so as to avoid the insuperable objection he entertained against it, and the Senator had not thought proper to accede to his request. He found no fault with him for this. He, it was probable, had good reasons for his course; and so have I. I know where we tread, and I think I know where this resolution will carry us, and the momentous results that will follow. I would much sooner see a United States Bank again incorporated, than to engraft the present banking system on the Constitution. Holding these opinions, why am I particularly selected as betraying a want of courtesy? The Senator from North Carolina, the Senator from Massachusetts, and the Senator from South Carolina, all expressed their intention of voting against this resolution, and yet there is nothing said of their want of courtesy. But the Senator has alluded to his vote when I introduced the bill on the subject of the public lands. Now, I hold there would have been no discourtesy in opposing the bill at its introduction, and that would have been a very proper time to oppose it, with the opinion which the Senator entertains of that measure. But I make no opposition to the resolution; I simply state why I cannot vote for it myself. I have no objection to its passing with the votes of others, who think differently. I desire not to change the opinions of others in relation to it; and would have no sort of objection to standing alone in my vote against it; and there is no reason why there should be any feeling on the part of the Senator in regard to my course.

Mr. CLAY of Alabama expressed a wish that the Senator from Pennsylvania would adhere to the original phraseology, and not allow the subject to embrace a wider range than he originally contemplated. He was surprised that any idea should have gone forth that there was any thing like grafting a system on the Constitution by the adoption of a mere negative proposition.

Mr. STRANGE rose to relieve himself from imputation of discourtesy towards the Senator from Pennsylvania. None whatever was intended. The Senator has always been a favorite with me, and I hope he will not consider that he has ceased to be so.

Mr. DAVIS would say one word. It was well known that he had, on former occasions, expressed his opinions as to the necessity of a larger specie circulation; but, of late, some strange changes had grown up in relation to this matter from quarters where they were not anticipated. Some were now

for a mixed currency, that formerly expressed very different opinions. He had heard much in that body about the banks being mischievous in their character, and dangerous in their tendency.

Holding the same opinions on this subject as those just expressed by the honorable Senator from Tennessee, [Mr. GRUNDY,] he was glad to hear such remarks from that quarter of the Senate.

Mr. GRUNDY said he would thank the Senator to point out the time or the place in which he had ever expressed sentiments at variance with those he just made.

Mr. DAVIS. Far be it from me to say that the Senator ever had done so. I was only expressing my gratification to learn that there was not to be this general sweeping prostration which seemed to threaten us. The Senator from Pennsylvania [Mr. BUCHANAN] had his hearty concurrence in the matter before them. Let the inquiry go to the public from his learned pen, and give the public all the benefit of his able reasoning on the subject—he would cheerfully give his vote for it; but in giving that vote, he hid not mean to be understood asat all commiting himself on that or any other proposed amendment.

Mr. PRESTON rose to relieve himself of any charge of discourtesy towards the Senator from Pennsylvania, in opposing the resolution, and he would show himself in earnest by voting for the proposed inquiry.

The question was then taken, and the resolution adopted.

Mr. BUCHANAN then moved that the select committee consist of seven, and that it be appointed by the Chair, which having been agreed to, the following Senators were named: Messrs. BUCHANAN, GRUNDY, CRITTENDEN, WRIGHT, DAVIS, CLAY of Alabama, and HENDERSON.

SPEECH OF MR. THOMPSON,

OF SOUTH CAROLINA.

In the House of Representatives, Monday, December 30, 1839—The House having under consideration a motion to reconsider the vote by which 20,000 copies of the President's Message were ordered to be printed—

Mr. THOMPSON addressed the House as follows:

I am not willing to allow this message to go forth to the country without commentary or discussion. The annual message of the President is always a document possessing great interest, as the chart of the annual progress of the Government. This claims more than ordinary attention, from the importance, the vital importance of the topics which its discusses, and from the unquestionable ability with which they are discussed. Some of these topics involve the most thorough and deeply interesting changes which have occurred in our country, if not in modern times—changes amounting to a commercial and social revolution. They are discussed with more than usual ability. The message presents an argument upon the great financial measure, which it vindicates beyond all measure—the most able, artful, and seductive of any heretofore made upon that side. In saying this, I shall not be suspected of any disposition to conciliate. No, sir, my position will, in all human probability, continue, as it has been, in opposition, whatever may be the result of the present contest for power. I am opposed to the general political tenets and opinions on the one side, and still more opposed to the universal practices of the other—to its extravagance and profligacy, and faithlessness to all its professions.

But, sir, if I were disposed to go over, every one knows that no atonement, not even a repentance for past sins, however flagant—for past vituperation, however scornful or severe, is required. It is a most easy service—no sacrifices whatever are required except of one's conscience; and one of the rules I understand to be, that no questions are to be asked of applicants for admission.

The message, on its face and in its general statements of political doctines, is fair enough. It is State rights throughout—as much so, sir, as if it had been written by you, who were brought up at the feet of Gamaliel, and are of the straitest sect. Whilst reading it, I was forcibly reminded of that noble paper, General Jackson's message of 1832—that most masterly compendium of the State rights doctrines. I had, but a few days before the appearance of that paper, been appointed an elector of President—a position by no means a desirable one. The moral malaria of Jacksonism was then prevading the land in its wildest fury; not only the strongest safeguards of the Constitution, but the virtue and courage of the country, were destroyed in its progress. The charm of a great name was not then broken, nor attempted to be broken, in South Carolina. I gave the vote, and a very few days brought us the message. I felt that I was done up for life—that no man could stand in opposition to so good a State rights President as that. But, sir, it was only nine days, nine little days, when the Proclamation followed—a most consistent commentary upon the text of the message; just such commentaries as we have always had from the same quarter upon like professions of such principles; just such as I again anticipate. I most sincerely pray that it may not be so. I shall be gratified if the necessities of their position shall drive the Administration upon our principles—State rights principles—the principles of the Constitution; but I have not even a hope that it will be so. I want confidence, and I doubt the language of indignant scorn heretofore used by a distinguished gentleman in remarking upon similar professions from the same quarter: "I can but admire the audacity of the authors of the Proclamation and Force Bill claiming to be the guardians of State rights."

The currency question is of course the engrossing subject of the message. But, sir, there is another which is first touched, and which is not less important—more important, as it should be regarded by every Southern man; yes, sir, by every man who has the heart of an American beating in his bosom. I allude to the savage and in every way disgraceful war now raging in Florida. Is that war to rage forever? Is it further prosecution abandoned? Have the Seminoles reconquered their country? If so, acknowledge it—yield it to them by treaty, and give them the honor and the fruits of their victory. Do not keep up a miserable show of force there, lulling the people of the Territory into a false reliance upon a power perfectly impotent to afford any real protection, and exposing, for no possible good, a few of the most gallant men of your army to all the dangers of the climate and of savage war, and, what to such men is infinitely worse, to the certainty of constant failures and defeats.

I arraign this Administration for its worse than imbecile and impotent management of the Florida war. If there was no other cause for opposition for those in power, this itself is all-sufficient. Cannot the Administration, with all the resources of this great country, conquer this miserable band of savages? If so, let them surrender their powers to those who can. If they cannot, why have they not done it? Every drop of blood that has been shed, cries to Heaven against them. Individual atrocities and massacres, horrible as they are, I lose sight of altogether, when I look at the pressing importance of dislodging so dangerous an enemy from their fastnesses in the *vicinity of the West Indies*, and in the very centre of the South. Are gentleman aware that the Maine boundary question is far, very far from yet being even in a train of adjustment, and that the utmost discretion will be required on the part of both Governments to avoid a war at the end of that question? With even a possibility of that, is there any man who can look without indignation at so formidable an enemy being embodied in the very heart of the South, or at the miserable farce of a treaty which stipulated to yield to them a portion of the Territory? Sir, it is not the land that we want; we have too much of that already. It is the removal of the Indians, and that only, which will satisfy us. And what has been done to this end by this President of ours? This Northern man with Southern principles, and his Secretary of War, a Southern man with —(I am at a loss to say what principles, except John Randolph's celebrated "seven.") Why, sir, we have seen the larger part of the army withdrawn from the only point where they were really required, and engaged in an empty pageant at Trenton—an empty pageant made still more ridiculous by a review and inspection of the discipline and tactics by the President and his Secretary. Yes, sir, the army which should have been in Florida was encamped a thousand miles from the point where they were hourly required, when every morning's reveille was the news of the massacre of their fellow-soldiers, and of the women and children of Florida. Was it to remove them from the pestilential miasma of the swamps of Florida? That climate was deemed good enough for the gallant Taylor and Harney. Why was it not so far all? I am sure that there was none amongst the officers who would not have preferred to remain at the post of duty and of honor. Has such a thing ever before occurred? Generally we have seen troops concentrated upon the point of danger and of war—but here we see them removed from it, and the country left wholly exposed.

When I saw that the President referred us approvingly to the plan of the Secretary of War, which he was pleased to characterize as calculated "to bring that war to a successful issue," although I believed that "nothing good could come out of Nazareth," I eagerly turned to it to see what that plan was; and what, sir, is this notable plan "to bring this war to a successful issue?" Why, sir, it is this: 1. Depriving the Seminoles of all sympathy. I had not known before that there was any such sympathy. I knew of no one who has given any evidence of such a feeling, except the honorable Secretary. He certainly has been most tenderly and compassionately regardful of their lives. His second suggestion is the passage of Col. Benton's bill for the settlement of Florida, which I understand to be a proposition to give a certain quantity of land to every man who will settle there, and to furnish him rations and military protection into the bargain; the entering wedge (and I beg that the prediction may be remembered) to a system of grants for settlement, by which the whole of the Western lands are to be got from us. The third suggestion of the honorable Secretary is to raise a new regiment, and, of course, to let him appoint the officers. What has yet been accomplished by the 2d Dragoons, a regiment raised specially for this service? Nothing that I ever heard of. I would not object to raising one or more regiments if I knew who were to command them; if I could have any assurance that the command would be given to Gen. Floyd, of Georgia, or some other such man. I, however, know none such. But it will be given to no such man, but to some palace pet or noisy politician. These appointments have been, and will be, made not with a view to military, but political battles; not with a view to obtaining victories over the Indians, but votes at elections. When that regiment of dragoons was raised, many gentlemen in Congress interested themselves to procure an appointment for as gallant an officer as any in the army, who had been more or less engaged in Indian wars for the last twenty years, and who was then bleeding from more than one wound from the Indian rifles. He had no chance whatever. The appointment was given to one who, then or since, has never set a squadron in the field, and whose claims were not those of military talents, but political party services. No increase of your standing army is necessary; you cannot increase your army to a force adequate to this service, and, besides, regular troops are not the troops to fight Indians, and such has been our uniform experience. The only way to end that war is to establish abundant depots of supplies, and to throw into Florida fifteen or twenty thousand men. Let them act simultaneously and in concert, and the war will be ended in six weeks. I can tell the President that the present plan, or any other that ever will be suggested by his Secretary of War, never will bring that war to a successful issue, and that to rely or any such will be a criminal paltering with the lives of our people, and the character of the country.

The first passage of the message on the currency subject, which strikes me, is the following:

"The nineteen millions of Treasury notes authorized by the act of Congress of 1837, and the modifications thereof, with a view to the indulgence of merchants on their duty bonds, and of the deposite banks in the payment of public moneys held by them, have been so punctually redeemed, as to leave less than the original ten millions outstanding at any one time, and the whole amount unredeemed now falls short of three millions. Of these, the chief portion is not due till next year; and the whole would have been already extinguished could the Treasury have realized the payments due to it from the banks. If those due from them during the next year shall be punctually made, and if Congress shall keep the appropriations within the estimates, there is every reason to believe that all the outstanding Treasury notes can be redeemed, and the ordinary expenses defrayed, without imposing on the people any additional burden, either of loans or increased taxes."

Now, sir, I must be allowed, without the sightest intentional personal disrespect to the President, to say, that not a single statement contained in the above extract is true. I do not insinuate, because I do not believe the President capable of an intentional misstatement, but I do say that these statements are incorrect, and that he might have and ought to have known better. First: were these Treasury notes issued with a view to enable the Government to indulge the banks and merchants? The debt from both these sources was less than *six millions* at the period of the last issue of ten millions of these Treasury notes. How, then, can a debt of six millions be the reason and the excuse for issuing ten millions of notes? Although not so expressly stated, there are other passages of the message as well as of the Treasury report, which imply, and are no doubt intended to imply, that indulgence to the banks was the sole reason for this issue of an unconstitutional currency. How gross a misrepresentation this is, will be seen from the fact that, at the period of the last issue often millions, the banks owed less than two millions. I would here take occasion to say, in passing, that these deposite banks, which have been habitually denounced for their failures and frauds, have given evidence of a power to fulfil their engagements and a noble fidelity in doing so absolutely unprecedented, and beyond the hopes of the most sanguine, and which thoughout Europe is regarded with wonder and admiration. They have fullfilled, to a miracle, all their engagements, and besides that, have sustained the country under circumstances of difficulty and distress, where the boldest might have despaired. I know, sir, that these are unfashionable opinions and truths, unwholesome to brawling politicians—that despicable and pernicious class, whose only ambition is to rise from that obscurity to which a want of all talent and all virtue has destined them, by joining every popular clamor even against the best and most sacred institutions of society. I am not one of those "whose thoughts ever keep the road-way." I cannnot lend myself to injustice of any sort. What, sir, are the facts in relation to our connection with the deposite banks? The year before the suspension they held, on account of the Government, more than sixty millions of money. It was contemplated by the distribution bill to withdraw this sum in eighteen months. That itself was regarded by most men who were best informed, as a trial which the banks could not stand; but they did. Yes, sir, and more. The Secretary of the Treasury, instead of allowing eighteen months for this tremendous operation, actually executed it in six months. I will not say, as some of his *present friends* have said, that it was done to defeat the salutary effects of the measure. But he did it, and, to the astonishment of every one, the banks sustained themselves under this terrible trial, and paid over at once about forty millions. No man would, *a priori*, have said that it was possible. This is not all. At the period of the suspension, of 1837, the banks held on account of the Government twenty-three millions. Congress granted them indulgence for eighteen months. They paid all but about two millions in less than six months—refusing to avail themselves of your indulgence—and have secured, as the Secretary tells us, all the balance. If this be faithlessness and fraud, commend me to faithlessness and fraud for the balance of my life. I have shown that indulgence to the banks and the merchants was not the cause of the issue of these Treasury notes—an issue of a Government currency which, I have heretofore shown in an argument which no one has attempted to answer, was a gross and dangerous violation of the Constitution. The second statement is equally untrue—that the whole of the Treasury notes would have been extinguished if the Treasury could have realized the sums due from banks. The amount due from banks is less than two millions; the amount of Treasury notes outstanding is two millions and three-fourths, besides interest. The last instalment from the United States Bank is not due until next September. The third and last, and much the most important, is, that the resources of the Government for the next year will be adequate to its wants, without any increased burdens of loans or taxes. We were told the same thing in the last annual message, almost in the same words. I said then that it was not true. What was the result? Why, sir, a new issue of Treasury notes. So it will be now.

The President may not have known that this statement was incorrect, but I am very sure that no man on this floor who regards his character will venture to endorse this opinion. Why, sir, every body knows that it is not true. The Secretary of the Treasury very well knows it. Although he does not directly ask for a law to authorize the issue of ten millions more of Treasury notes, a whole column, and a separate subdivision of his report, is devoted to proving the necessity of providing some fund to meet a contingent deficiency. What fund does he mean? Why, Treasury notes and nothing else; the expedient of the spendthrift who has wasted his patrimony—to give his note. The President tell us that the resources of the Government will be adequate to its wants. I tell you they will not. The President has much better oppportunities of judging then I have, and is under the same obligations to disclose the truth to the country. Now, sir, mark the result, and see who is right. Before six months we shall be asked to issue ten millions at least of Treasury notes, or to make a loan in some other form. Why is the truth not now told us? For no other reason than the shame of the avowal, on the part of the President, that, coming into power in a time of profound peace and general prosperity, with a Treasury overflowing, he has in three years expended thirty millions over and above the accruing revenue, and caused an almost universal ruin and insolvency in the land. There was, when the President entered on the duties of his office, nine millions which was to be deposited with the States; five millions of surplus besides, and upwards of five millions due and which has been paid by the Bank of the United States, and there is now near three millions of Treasury notes outstanding, making twenty-three millions, to which add at least ten millions for the present year, and we have in; the three years of this economical Jeffersonian Administration an excess of expenditure over income of thirty-three millions. As to the futdre, I look to it with absolute dismay; no eye can penetrate the gloom of that future. We must pay to England alone next year, for excess or imports

over exports, and interest on State debts, not less than sixty millions. The same produce cannot pay this debt and also pay for goods from which revenue is to be derived; and when our produce fails, the debt can only be paid in specie, and the specie will be exported by laws of commerce, as fixed and certain as destiny itself. So certain, sir, am I of these results, that all other feelings are forgotton in a sympathy with the sufferings of the country; and if I had an enemy among the authors of this measure, I would desire for him no other punishment than that which awaits him in the wrath and indignation of an abused and deceived people. That day is coming, and is not far distant, and I shall have no other, if I desire no other, consolation than to be able to say to those who have confided their interests to me, that I have done all that I could to avert these calamities.

I see no human power now to avert the impending distress. This debt must be paid either with our productions—and then we cannot make our usual importations, and, of consequence, the demand for our cotton is cut off, and the article not only falls still lower in price, but cannot be sold at all—or else this debt must be paid in specie, and that, in the present condition of the country, will be ruin at once; not to the banks, but to the people. Not, I repeat, to the banks, but to the people. If the banks are forced to pay, the people, their debtors, must pay them. The banks owe the people one hundred and fifty millions, the people owe them five hundred millions. On whom will the bolt fall most heavily? It will be a golden harvest for shavers and usurers—they will fatten and grow rich upon the suffering and distress of the community. They, and they only, will be benefited. And, if I am not mistaken, it is this class, together with those who either owe no money, or, if they do, are beyond the reach of the law, and have no sympathy with those who do owe, who are the loudest advocates of this most vital and dangerous revolution in the monetary affairs of the country; men who have a most philosophical and praiseworthy indifference to the sufferings of every one else but themselves. No Government has the right to make such an experiment upon the happiness of its people—to carry out any theory, however plausible.

The debts of the country were contracted upon the faith of and with referencee to an existing state of things which no Government has the moral right to subvert all at once, upon the authority of any argument *a priori*.

One word more as to the nine millions yet to be deposited with the States. I like sometimes to look back as well as forward. It is often profitable to do so. We were told two years ago that the act was not repealed. Oh no! The payment was only postponed. And it was vaunted in my own State as a great achievement, to postpone the payment instead of repealing the law. When are we to get it, sir? Not, sir, until the day of judgment. Or, what is the same thing, until your present Secretary shall put an end to the Florida war. No, sir, I will freely forgive the balance of that debt, if the Government can only be kept along. I repeat, sir, no intelligent man will say that the resources for the next and succeeding years will meet our wants. These resources are greatly exaggerated, whilst the demands on the Treasury are underrated. From the excessive importation of the last year, and the universal pressure in the money market, added to our immense foreign debt, the revenue from imports for the ensuing year must be very small—less, I venture to say, than any one anticipates. very much less than the estimate of the Secretary of the Treasury. From the public lands I look hereafter for little revenue: First, because so much of the public domain has gone into the hands of private speculators, who will supersede the Government in the market, because they own the best lands, and can sell on credit and for paper money; and secondly because these lands are like to be used by political speculators, as the corn in the public granaries was used in the days of the decline of the Roman empire. No, sir, instead of reduced taxes, we shall be forced to raise the taxes, and, I believe, up to the extreme point fixed by the compromise of 1832.

By-the-by, sir, as to this tariff question: I was told by more than one who, I think, enjoy the the President's confidence, that the message would be up to the hub with the South on the tariff—that it would even be ultra. I was glad to hear it. I was glad to know that we were to get aid from so influential a quarter, from whatever motive; as I owe no such allegiance—party or personal—anywhere, and never will, as to prevent me from rallying to the support of those who rally to the support of just principles. I looked for the passage, but I looked in vain. I saw exactly the place for it, but it was not there. No, sir, it was not there; but in its place I found all those *ad captandum* arguments about rendering ourselves independent of the currency and commerce of England, which have heretofore been, and may be again, used in support of a protective tariff, more appropriately than they are used in the message for another purpose. Sir, it is degrading to the intelligence of our age and country to talk in this way. We had as well talk of rendering ourselves independent of the tides or the winds of Heaven. Why, let me ask, is this anti-tariff ground not taken in the message? I will tell you, sir. I have been given to understand that it is because a very important political event is to take place next autumn, and that the thoroughly tariff States, Pennsylvania and Ohio—States now doubtful, to say the least—will have an important influence upon that event, and that it may not be very discreet, at this particular time, to take ground against the tariff; and although he doubtless possesses all the other parts of valor, no one has ever denied to the President that better part of it, "discretion." Especially need he not do so when nothing is to be gained by it. The South is clearly his already, by deed and covenant duly executed; and it would be mere wantonness thus unnecessarily to risk Pennsylvania and Ohio. I have been told, however, to wait, and that in due time this ground will be assumed. In other words, I am to aid in cheating the tariff States out of their votes. What security have we that we shall not be deceived ourselves, as we have been already once on this very same subject, and by the very same person? No, sir: no great end was ever yet accomplished by such means. If no power is left me to resist the odious and dishonest operation of the tariff policy but fraud and trick, I have no confidence in them, and should not resort to them if I had.

It is due to the country that the opinions of the President should have been known upon a great and exciting question which must very soon come up. It is especially so, as he has set up the dangerous pretension of being (as repeated usurpations, not the Constitution, have really made him) "a component part of the legislative power." If he has one-half of the confidence in the judgment and patriotism of the people which he habitually professes, he need not fear to disclose his true opinions. Let him take one side or the other. He has no right to take both. I do not wish to cheat others, nor to be again cheated myself.

I have a word or two to say upon the great subject of the message—the currency question. Our worthy President seems to have a regular intermittent upon this subject. At the extra session the hard money fever was upon him, but at the last session there was a clear intermission of this fever; even, sir, a chill had supervened. He then said: "Like other State establishments, they [banks] may be used or not, in conducting the affairs of the Government." "When the Government can accomplish a financial operation better with the aid of the banks than without it, it should be at liberty to seek that aid," &c. The dangerous tendency of the connection of the Government with banks was then to be arrested, by giving to the Executive the undivided power and uncontrolled discretion to employ them or not. It was dangerous, in other words, to trust this power to the Executive and Congress, but perfectly safe to confide it altogether to the Executive

It is a melancholy truth that, whilst there is a party in this country who watch every encroachment of the Federal Government upon the rights of the States, we all seem to shut our eyes to the not less dangerous usurpations of the Executive upon the other and co-ordinate departments of the Federal Government. A more daring encroachment of that sort has never been made than in this—that it is dangerous to the public liberty to trust this connection with the banks to Congress—the immediate agents and Representative of the people; but that the discretionary power to use banks or not shall be given to the President. Brought up, sir, in the creed of the Republican party—the old, the true, the once respectable Republican party—one of my earliest and most fixed political opinions has been to look to the Executive department as the point of real danger, and to resist the smallest beginnings of Executive encroachment.

We were also told in the last message, of the beneficial results from receiving the notes of specie-paying banks, and the bill introduced as the Government measure did not contain the specie feature. I had some hopes that it was abandoned. I regret to see that it not only has not been, but that the mask is now thrown off, and the purpose distinctly avowed, not only to require Government dues in specie, but to do this with the view of driving out of circulation bank paper altogether, and to reduce the banks exclusively to offices of discount and deposite. Is the country prepared for this? I rejoice that the true purpose is at last avowed. I have known from the beginning that such was the purpose. I have been accused of of disingenuousness for saying so. I have, therefore, a personal satisfaction that I now stand vindicated; still more do I rejoice that this monstrous proposition is now exhibited in its naked deformity.

If any thing, in these times, was to be wondered at, it would be that State rights politicians should advocate this measure, not for its direct financial effects as to the Federal Government, but for its *indirect* influence upon State institutions—the banks. All admit the right of the States to charter banks; none will assert the right of the Federal Government to destroy or even control these corporations by direct legislation; but the power to do so is claimed, and by State rights men, under the *indirect* use of a power given for a wholly different purpose. If the revenue power may thus be perverted from its legitimate purpose, why may not the same revenue power be used for the indirect purpose of protecting manufactures? If you may use a granted power to effect, and *with the view* to effect a purpose for which it was not and never would have been granted, what is there to prevent the power of taxation from being used to effect abolition, by a tax say of fifty dollars for every person held in bondage? If you can control or destroy one State institution—the banks—why may you not do the same with another—domestic slavery? I defy any may to suggest the shadow of a reason for the one which does not apply with equal force to the other.

We are told that banks, *in some form*, will always exist in this country, and are urged to place these banks on the footing on which they exist in *some other countries*—that is, banks of deposite and discount, not of issue. "Credit currency and credit commerce" are denounced as the sources of all our troubles. Now, what does he mean by credit currency? Nothing. He can mean nothing but bank notes over and above the specie in hand, "dollar for dollar, and guilder for guilder." Here, sir, is a distinct avowal of a purpose to bring the country to an exclusively metallic currency. No one will say that there is any practical difference between a metallic currency and a paper currency representing gold and silver, dollar for dollar. If there is, in other words, fifty millions of specie in the country, we are to have only fifty millions of paper issued, and that not to be added to the specie but the specie to be withdrawn and locked up, and the paper only to circulate. So that, as to the amount of currency, no one will pretend that we shall have any more than if that currency were in gold and silver only. Is the currency prepared for that?

But, sir, is bank paper beyond the specie in the vaults any more a credit currency than that where there is specie, dollar for dollar? Not a whit; and none but very shallow thinkers, or those who know better, have said so. Is there no basis of credit but gold and silver? Is nothing else of any real value? is there no other property in the land? Is not the note of, John Jacob Astor for a thousand dollars good, and so regarded although it may be known that he has not fifty in specie? It is time that this absurd slang about specie should be exposed. Specie is not only not the sole foundation of the credit of bank paper—it is not even the principle foundation but the property of the debtors of the banks, and the stock itself is the chief foundation of that credit. Is it not so as to the credit of individuals? Is credit given because of a known amount of specie held by the debtor? Clearly not; for in that case he would need no credit, but would use his specie. No, sir; I repeat, it is property to which credit is given—that property of which gold and silver is the mere yard stick.

Is this not true? After the banks had suspended, and it was known that they had no specie, have we not only seen their notes passing, but passing at par for every thing else but specie? And as to that, it is not the fall in the value of the note, but the rise in the market value of the specie. Yes, sir, when in that condition, every one is willing to exchange the very best individual notes, drawing interest, for those bank notes drawing none. Why is this, if specie is the sole basis of their credit? I do not intend to be misunderstood. I am no indiscriminate advocate of the banking system, still less of its excesses and vices. I go further; I know that reforms, vital and radical, are required, and I believe that, if these reforms are not made, the system will be run down. I am no apologist for bank suspensions. I think the last one without excuse. Specie is necessary; it is the only measure by which we are to know when bank issues are excessive; but to bring the country, in its present condition, and with the paper system now prevailing almost throughout the world, to a metallic currency, is a project absurd and impossible. I have no apprehensions whatever of that; my fears are of a different character. I do not doubt that, by the swing of the pendulum, as natural in the moral as in the physical world, the reaction will be to reinstate the paper system in its utmost excesses, and most probably to establish a Government bank—an institution which I do not hesitate to say the public liberty will not long survive. No such tremendous revolution in the personal circumstances of men as that proposed ever can be effected but by the iron hand of despotism. It never will be done where the people have the power it their own hands. It is in the nature of man to disregard ultimate results in seeking present relief from pressing calamities, and there is no such calamity as a rapidly diminishing currency. My life on it, the people will not bear it.

Infinite as have been the losses, the sufferings, and the misery which have already resulted from this fatal experiment, we have not yet seen the worst. There has been a general forbearance; it cannot be always The advocates of this hard money policy well know it. There is no single state in the Union that would not instantly crush the experiment and the experimenters, if they were called on to pay direct taxes in specie. Is this denied? If it is to act beneficially on the banks by creating a practical drain for specie, that is a reason equally strong for demanding State taxes in specie. Why has no one ever had the boldness to propose this in any State Legislature? Why, sir, because those taxes are collected directly, and the people would not bear it; and yet we see anti tariff men, by the secret and unseen operation of that law, doing what they would not dare openly to propose.

The state which I in part represent is regarded as almost unanimous in favor of this specie policy. Its Legislature may be said to be so. I have for the intelligence and purity and patriotism of that people a respect and deference which I cannot here express, and I allude to these things for no unworthy or disrespectful purpose, but it is a fair illustration of what will be the result of this humbug every where.

A portion of our banks have suspended specie payments, some of them with twice as much specie on hand as they have bills out. A proposition was made to the last Legislature to coerce a resumption by these banks of specie payments. And what do you think was the result? It was rejected by a large majority. This was not all: we have a State bank, owned by the State exclusively. It was proposed at a preceding session to receive nothing for taxes but specie or the bills of this State bank—a very reasonable proposition surely. Did it pass the Legislature?—this sub-Treasury hard money Legislature. Oh! no, sir, but the tax collectors were *ordered* to receive the bills of all the banks—non-specie-paying bank rags and all. They did more; whilst inveighing against banks and the credit system, they doubled the chartered bank capital of the State, and have created a larger debt for the State than was done by all former Legislatures from the beginning of the Government.

A case still more striking is furnished by the recent action of the Administration party, a hard-money sub-Treasury Legislature, with the sanction of the hard-money Governor of the enlightened and patriotic State of Georgia. The Legislature of that State, which has just adjourned, has established a bank more thoroughly a paper bank than any that ever has existed in any country—a bank, sir, which would amaze John Law himself, if he could be allowed to see what is now going on. He, sir, would be shocked at this wild excess of the paper system. The Central Bank of Georgia, whose affairs at the last report stood thus—specie, $46,000; circulation, $86,000, and bonds and notes amounting to about $3,000,000—is ordered (not authorized, but ordered) to issue six millions of notes—double the currency of the State—and to loan the money in the respective counties according to population, on bonds due in twelve months. They issue six millions of paper on forty-six thousand of specie, and promise to pay specie on demand, when the debts to the bank are not due for a year. They cannot even pay bank notes for a year, and yet they promise to pay in specie on demand; and this, too, sir, when a draft of the State for three hundred thousand dollars has been recently protested, without any provision whatever being made to meet; but, on the contrary, stock which was hypothecated for its payment is ordered to be sold for other purposes. This law was signed on Friday, and the banks suspended the next Monday. These, sir, are characteristic signs of what will be the general feeling and the general results, in the end, of this most disastrous experiment upon the happiness, and fortunes, and business of the people. I rejoice, therefore, that the purposes of the Administration are at length avowed. If these objects are sanctioned any where, I shall be disappointed. If there is one man in South Carolina who is in favor of abolishing bank paper as a currency, I have never seen him.

We were told, when this measure was first brought forward, that it would especially benefit the South. That it was our staples which would be exchanged for specie, and that additional value would be given to those staples. Has this been so? Has indeed the amount of specie in the country increased for the last two years? It has not. Why not? We were told to drive out paper, and specie would take its place. One-half of the bank notes have been driven out—has their place been filled? No, sir; that place is literally "an aching void." I thought at first, and was confined in that opinion by the authority of such men as Dallas and Crawford, than whom this country has produced none abler or better, and they spoke not from abstract and delusive speculation, but from actual experience, that it would enrich New York, the great centre of commerce—the place at which, not from which, payments were to be made at the expense of all the rest of the country. Has it not so turned out? Gold and silver abound even to excess in that city, whilst every where else there is, amongst business men, dismay and despair. Benefit the South! Why, sir, it has been, and will be, a protective tariff in its worst form. Reduce, ours to a hard money country, and reduce prices accordingly and who does not see that the manufactures of the rest of the world where the paper system prevails cannot be sold here? and an absolute monopoly is given to the American manufacturer, at prices nominally cheaper, but actually and relatively higher—destroying our great market for Southern staples at a time when the supply of those staples must be enormously increased from suspension of works of internal improvement, and an immense amount of labor is about to be thrown again upon agriculture, to say nothing of other causes? In all

sincerity I say, sir, I tremble when I look to the future, especially in the South.

The President attaches much importance to the fact which he states, that there is never any large amount at any one time in the hands of collectors, &c Who did not know that? Who did not know that the profligate waste of the public money by this spendthrift Administration, at the same time that our revenues were greatly diminished, had forced the Government literally to live from hand to mouth? Nay, more, sir, to resort to the most despicable shifts to "raise the wind?"—no other phrase will so well express the idea. To do that which would irretrievably disgrace a private man—to draw for money when they knew they had none on which to draw? But, sir, this state of things, it is to hoped, is not to last always. If we should ever again have a full Treasury, the currency will be disastrously contracted, and, what is more, your sub-Treasurers, with large amounts of gold and silver on hand, may ruin at will every bank in the country. Will not this give a political power over those institutions which may well be dreaded?

I was very much surprised to see that so able and adroit a writer as the President should have been guilty of so gross an inconsistency as I find in the message. The great argument of the message in favor of the measure is not that it will give a good currency, gold and silver, for the use of the Government, but the effect that it is to have on the banks. To this end it is said that it will be all-powerful. How can it be so but by causing the banks, by reason of this constant drain of specie, greatly to restrict their issues? And yet we are immediately afterwards told that the sum required for the uses of the Government will be so very small that it will really hardly affect the banks at all—a very Hercules at one moment—as powerless as a sleeping infant the next.

I must apologize for detaining the House so long, but I felt it to be my duty to call the public attention to some of the points of this message, especially to the startling proposition to abolish, in effect, bank paper, and thus to operate on State institutions by the indirect use of a power granted for other and different purposes—a power which never would have been granted for the purpose for which it is now proposed to be used.

SPEECH OF MR. GRUNDY,

OF TENNESSEE.

Senate, March 4 and 5, 1840—In favor of the report of the Select Committee, against the assumption, by the General Government, of the States' debts, contracted for local internal improvements, and other State purposes.

Mr. PRESIDENT: The duty which lies before me is laborious, but, in my judgment, it is not difficult. So soon as I discovered the manner in which the report was treated by Senators on the other side when it was first presented, I resolved in my own mind that I would take some suitable occasion to answer all the arguments which should be urged against it. By pursuing this course, I am aware that much which I may say will be a dull, cold repetition of what has been better said by others; but the Senate will bear with me. I owe a duty to my country, to the committee whose honored organ I was, and to myself. My present purpose is to discharge all the obligations and duties which rest upon me *most faithfully*. This I will endeavor to do in a manner and in a temper becoming a Senator, who is not unmindful of what is due to that enlightened and elevated body of which he is a member. It is not, however, my intention to re-argue in a regular way the subjects introduced and discussed in the report. That document is now before the people of the United States, and whatever may be said for or against it here, will not materially affect the estimate which the public have already placed, or will hereafter place upon it. Whenever the people read a public document upon an interesting subject, they can and will form opinions for themselves, and those opinions they will carry out by their acts. Without intending it, our political opponents have secured for the report a very general perusal. Their opposition to its being printed, their effort to suppress it, and prevent its circulation, have excited public curiosity, and produced a desire to see it; and I doubt not that it will now be read by hundreds and thousands, whose attention might never have been turned to it, had it been treated in the ordinary way.

Mr. President, I have seen, as you know, much of public life. At times, circumstances have made me a more prominent actor in political scenes than I could have wished. I have been, and my sentiments have been, too often denounced for denunciation to carry any alarm or terror to me. The denunciation of my friends I should fear; but whenever I cease to receive the disapprobation and denunciations of my political enemies, I shall begin to doubt whether I have not lost my efficiency, and whether the best service I could render to my country, would not be my retirement to private life. Political opponents condemn and censure those who are most in their way, and interpose the most formidable obstacles to the attainment of their favorite objects. Therefore, in general, it is a safe rule to say that men and things most condemned by them, are best deserving the approbation of that portion of the public who are opposed to their views and schemes. I did not come into this honorable body, nor was I sent here, for the purpose of conciliating the favorable opinion of the Opposition. On the contrary, those who bestowed on me the high honor of a seat in this body, intended and expected that I would firmly pursue the same course which I had hitherto taken; that I would support the same principles I had heretofore uniformly maintained. Nor shall they be disappointed. Let denunciations come as they may, I shall not deviate in my principles or my course. I recollect that, in the other end of the Capitol, more than a quarter of a century ago, when our country was bleeding at every pore; when our armies were suffering for supplies which we had no money to purchase; when our ranks could not be filled because men of influence used all their power to prevent loans to the Government, and the enlistment of soldiers, I, in public debate, advanced the sentiment, that American citizens who thus acted and used their influence to prevent loans or enlistments, were guilty of *moral treason*. Then, sir, you remember how this sentiment was denounced in Congress, and by the whole Federal press. Nay, I did not even escape animadversion from the sacred desk. I then believed I was right; and I maintained my opinion with what little ability I possessed. And now how is it? Does any one now doubt the correctness of what I then said? If any one does so, he will scarcely venture at this day to avow a contrary sentiment. So I verily believe it will be with this report. The great principles it discusses will stand the test of the strictest examination; and even now, gentlemen who condemned the first and greater portion of it, will not controvert the soundness of its principles. If they disapprove it, why do they not do this; why do they not candidly and manfully discuss its principles? Instead of so doing, they pronounce it to be unnecessary—to be uncalled for, and calculated to produce no good. They seem afraid to meet the questions involved upon their merits. Every sort of evasion is resorted to. They demur; they plead in abatement; they resort to all the devices which skilful pleaders employ to get rid of a trial upon the merits of their cause. Such a trial is what they dread, and dare not meet. Pursuing this course of opposition, they assert that no such proposal as the assumption by the General Government of the debts of the States has been made here or elsewhere. We, on this side of the House, believe that such a proposition has not only been made, but made in the most formidable and imposing shape. This I will now proceed to prove. For this purpose, I shall use the extracts from the public papers which were read by my honorable friend from Alabama, [Mr. CLAY,] a few days since, when he addressed the Senate upon this subject. The New York Herald and the Courier and Enquirer are known to be papers of high Whig authority; they are situated in the great commercial emporium of the country, in the city where Wall street is, and where the agents of the British capitalists and the principal brokers of this country reside, and where more of these State bonds have been bought and sold than in all the rest of the Union. If these papers have advocated the assumption of the State debts by the General Government, it may fairly be inferred that a very serious intention exists to carry this scheme into effect. The New York Herald, in November last, introduced this subject into its columns, and used the following language: "This plan is so far matured by the leaders of the Whig party, as to be officially promulgated in the Courier and Enquirer of yesterday morning. The following extract conveys, *in petto*, the skeleton of the scheme." Here is the declaration of a leading Whig paper, published in the city of New York, announcing the fact that the "PLAN IS SO FAR MATURED BY THE LEADERS OF THE WHIG PARTY AS TO BE OFFICIALLY PROMULGATED IN THE COURIER AND ENQUIRER." Has this announciation ever been denied in the city of New York by any other Whig paper? Never, that I have learned. It is declared not only to be a Whig measure, but to have been matured by the leaders of that party. Now for the "plan" which the Herald says was "matured by the leaders of the Whig party." This is given in the Courier and Enquirer:

Let the Government of the United States—which means the people's immediate Representatives in both Houses of Congress—create three hundred millions of stock, bearing an interest of four per cent. per annum, and let this be apportioned among the States on the principle of Mr. Clay's land bill, that is, *pro rata*, according to the number of their Senators and Representatives in Congress; and let the proceeds of the sales of the public lands be set aside and sacredly pledged as a sinking fund for the redemption of this stock. Let the Secretary of the Treasury, or some other suitable person, be appointed to exchange so much of this stock as may be the portion of any State for the stock of such State now issued, and after a certain period—say six months—pay over the balance to the respective States. Most probably the holders of some State stocks would not be willing to make such exchanges, and, if so, the State would receive its entire portion; and from the interest annually received on the United States stock, and sales of it from time to time, as their necessities required, be in a situation to progress at once with all its public works, whether commenced or only in embryo. United States stock would then immediately fill the space at present occupied by about two hundred millions of State stock: the remaining one hundred millions would be deposited in the State treasuries, and would only be offered for sale as their public works or other necessities required, and which the capitalists of Europe and America would gladly purchase at a premium.

This is the scheme; this is the plan which the Herald says was matured by the "LEADERS of the WHIG PARTY!" and the editor puts down the State debts at about two hundred millions of dollars; and yet the committee has been rebuked, severely rebuked, for saying that they were estimated at about that sum. I wish the Senate to notice the nature of this proposition. It is not to divide the proceeds of the public lands among the States, but it is to create a national debt; to make United States stock to the amount of three hundred millions of dollars, which is to be exchanged for the State stocks, and the proceeds of the sales of the public lands are to be set aside and sacredly pledged as a sinking fund for the redemption of this stock. This proposition would not only embrace the revenue arising from the whole public lands; but, in case of a deficiency, it would have to be made up from other sources. Listen, further, to the language of the Herald; it says:

In illustration of this great scheme, the Courier goes at length into its popularity, economy, and means of escape from direct taxation, which the several States must submit to if the present system continue. With every view taken on these points, we cordially concur. It is the only and efficient system for the financial troubles of the age. A new National Bank is as frail as a fair one of the third tier. We have seen the *coup de grace* given to the rotten fair one in Philadelphia. Free banks are equally worthless and numerous. Safety fund can hardly cover their nakedness. There is no plan, no scheme, nothing short of a miracle from Heaven, can save the great credit system, except it be the plan now proposed.

Nor have these views been confined to the city of New York. The Cincinnati Gazette, the ablest Whig paper in Ohio, has taken and sustained the same ground. Am I not safe, then, in affirming that the leading organs of the Whig party, or at least many of them, have made the proposition spoken of in the report of the committee, and strongly urged upon the public mind the propriety of its adoption? But I stop not here. The bankers of England, Baring, Brothers and Co., who have traded more in these State stocks, and, perhaps, own more of them than all other individuals put together, in their circular, issued last fall, distinctly make the proposition, and declare:

But if the old scheme of internal improvements in the Union is to be carried into effect on the vast scale, and with the rapidity lately projected, and by the means of foreign capital, a more comprehensive guarantee than that of individual States will be required, to raise so large an amount in a short time.

A national would undoubtedly collect capital together from all parts of Europe; but the forced sales of loans, made separately by all the individual States in reckless competition through a number of channels, render the terms more and more onerous for all, lower the reputation of American credit, and (as reliance is almost exclusively placed upon the London market) produce temporary mischief here, by absorbing the floating capital, diverting money from regular business, deranging banking operations, and producing an unnatural balance of trade against this country.

It would seem, therefore, as if most of the States must either pause in the execution of their works of improvement, or some general system of combination must be adopted.

From this extract it is evident that an assumption of the State debts, or a guarantee of their payment, was not only proposed, but anxiously desired, by these vast traders in American stocks. In addition to all this, a member of the other House from my own State, [Mr. GENTRY,] gave notice

that he would introduce a bill to assume certain State debts, and appropriate the public lands for the purpose. That bill has not been introduced, and after what has passed in this body, it may not be; but it is evident, from the title of the bill, that an assumption was contemplated, though to what extent I do not know; and unless the bill be introduced, I probably never shall. The Senator from Kentucky, [Mr. CLAY,] who, I regret has been detained from his seat longer than I had expected, has said that he had seen no evidence of a design to offer such a proposition as an assumption of the State debts. All the answer I can make to this, is, that it seems to me he has not looked into this subject with his usual diligence and accuracy, and the evidence must have escaped his notice; for, to my mind, it is ample and conclusive. He says that he is against an assumption. No one will doubt this after the declaration he has made; but how far short of this is the measure he proposes? He will not assume; but does he not contend for a distribution of the revenue arising from the public lands among the States, to be applied by them to any purpose whatsoever? Now this, I admit, is not an assumption, nor the creation of a national debt; but it is furnishing the means of payment, so far as they may go, to the States. It is not an assumption of the States debts, but an actual payment of them, to the extent of the proceeds of the public lands. The same honorable Senator has remarked, that I am wrong in attempting to give warning to the public from this place upon this subject. If, sir, I err in this, this body sins every day in the same way. Why do we order extra numbers of reports and other documents to be printed? Why do the mail coaches daily groan under the weight of speeches delivered in this honorable body? I have always understood that these things were done and intended for the purpose of diffusing information among the people, and enlightening the public mind. Scarcely a day passes but we hear it declared on this floor that no expectation is entertained by the speaker of influencing the votes of Senators; but the public may be affected by what he is about to say; and he proceeds to deliver his sentiments. I think this remark of the honorable Senator has no force whatever in it.

We are asked emphatically, what right have we to notice the proceedings of the Legislatures of the States? My answer is, that the right to speak of their proceedings exists at all times; it should be exercised rarely, only upon great and important occasions. In this instance, as little has been said in the report as possible, consistently with the duty which had been assigned to the committee. But I entertain views upon the subject differing radically from those which have been expressed by some gentlemen. I do not consider the State Legislatures in any degree superior to the Congress of the United States. We are co-agents for the same people in the respective States The State Legislatures are supreme in all things not prohibited by their State Constitutions, and which have not been delegated to this Government: and this Government is supreme in all matters confided to it by the Constitution of the United States; but it must be recollected, that both are acting for the same people, and are the guardians of their interests. Hence the propriety, that the Governments, State and National, and their members, should give warnings to the people whenever a great sacrifice of their interests shall be attempted by either. In conformity with this view, the Governors of States, in their messages to their Legislatures, and the Legislatures themselves, upon occasions which they judge proper, are in the constant habit of treating of, and expressing their opinions upon, subjects which are intrusted by the Constitution to Federal legislation and action. I think this is all proper, nor do I even take exception to the proceedings of the Legislature of New Jersey, however much I may differ from them in opinion, in denouncing and condemning the proceedings of the other House of Congress in organizing itself without admitting either of the party claimants to their seats; and in calling upon the Legislatures of other States to unite in this condemnation. In my opinion, the right to speak and remonstrate exists, although I should not concur in the propriety of exercising it but upon important and interesting occasions.

I wish gentlemen would assign some reason why this right is not reciprocal. I believe it to be so, and, therefore, whenever a case occurs, which, in my judgment, demands it, I shall not hesitate to speak out and give warning to my countrymen of impending danger, let that danger arise from what quarter it may.

The Senator from Indiana [Mr. SMITH] insists that all proceedings, or expressions of opinion, upon subjects not immediately connected with legislation, are wrong; that the Virginia and Kentucky resolutions, passed upon the subject of the alien and sedition laws, have produced much mischief growing out of the different constructions placed upon them. That honorable Senator was too young to understand the matter of which he spoke. You and I, Mr. President, both know that these, and Mr. Madison's report upon the Virginia resolutions, were the great lever which elevated Mr. Jefferson to the Presidential chair, and expelled from power the Federal party, which at that time rule and governed this country. This I have always considered a great and beneficial result, growing out of the resolutions which he condems. If he thinks the effects produced were not advantageous to the country, then we may well differ, and shall continue to do so, because there is a radical difference of opinion between us.

The same Senator has made a practical commentary upon our right to speak of the State authorities in debate here, very different from the doctrines held by his party upon this occasion. In the course of his remarks the other day, he told us that the Governor of the State of Pennsylvania was now acting patriotically, but that there were a number of destructives in the Legislature of the State, who were determined to destroy him. Was not this speaking of high State dignitaries, of the legislative authority of a sovereign State, with a freedom not claimed, or attempted to be practised, by any friend of this report and its principles.

Having thus disposed, as I think, successfully, of these general objections to the course pursued by the committee, I shall proceed to show the correctness of the positions laid down and sustained in the report; and, with this view, I shall ask the attention of the Senate to the terms of the cession by Virginia of her public lands. Before doing so, however, I beg to advert to the langnage of the resolution of the old Congress, in pursuance of which this cession, and that of the other States, were made.

It was passed on the 10th of October, 1780, as follows:

Resolved, That the unappropriated lands which may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress, of the 6th day of December last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct Republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States.

From this resolu ion, it is apparent that Congress asked for the cessions of the vacant and unappropriated lands, not for the purpose of benefiting the States separately, but collectively, and the cession made by Virginia on the 1st of March, 1784, clearly conveys the same idea. The language is "That all the lands within the territory so ceded to the United States, and not reserved or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, or federal alliance of said States, Virginia inclusive, according to the usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

It should here be remarked, that this cession, and the deed made by Mr. Jefferson, Mr. Monroe, and others, in pursuance of it, reserve nothing, and contain no expression conveying the idea that a reversion, remainder, or limitation of uses, other than those expressed in the cession, was in the contemplation of the parties. The absolute fee was granted. It was known to the States, and to Congress, that a Federal Government then existed, which had to be supported by taxes upon the people of the States; and, also, that the expenses of the Revolutionary war had to be paid. No one at that day could have believed that the revenue arising from the ceded lands could support the Government and discharge the Revolutionary debt; and experience has proved it to be insufficient for either purpose. Therefore, it never entered into the minds of the grantors or grantee, that the revenue arising from the public lands was to be drawn from the general Treasury of the United States, and placed in the treasuries of the different States.

It is further objected to the report, that it states that the rule of contribution is changed under the present Federal Government, and yet the report alleges that the disposition now made of the proceeds of the public lands, is according to the letter and spirit of the cessions. Such, to my mind, is precisely the fact. If lands were sold under the Confederation, the proceeds were placed in the public Treasury, and drawn from it to defray the expenditures of the Confederacy—not one dollar went into the treasury of any State. Such also is the case at present. I think it therefore clear, that both the letter and spirit of the cessions are complied with in the present mode of appropriating the revenue arising from the public lands.

The Senator from Kentucky [Mr. CLAY] takes a further exception to the report, because, in a single sentence, or point, there is a coincidence in thought, and some similarity of language between it and a report once made by himself. I see nothing in this to which exception should be taken. It only proves that, in my judgment, he has thought correctly upon a single point in relation to this whole subject. But he says, although we agree on one point, we immediately separate and part again. Yes, sir, this is true. We habitually differ on political subjects, and have done so for nearly forty years, except for a few sessions, when we were in the other House of Congress. That Senator, sir, has referred on a former occasion, to the first subject of difference between us, which was respecting the first bank that was chartered in the State of Kentucky. I was a member of the Legislature of that State at the time this corporation was established. A bill was presented with the imposing title "to incorporate an insurance company," not a word was said in it respecting a bank; there was, however, a provision in it, that the company might issue notes payable to A B, or bearer; the bill passed without opposition, and I have never heard it said by any member of that General Assembly, that he suspected the incorporation of a bank was intended. It was, as the honorable Senator has stated, a fraud upon the Legislature. When I returned to the Legislature, I attempted to repeal it. The honorable Senator had then become a member, I believe, for the first time. I introduced a bill to effect my object. I relied in argument upon the fact that a fraud had been committed, and that the Legislature possessed the power to repeal it. The Senator, on the other hand, relied upon the sacredness of the charter, and the vested rights acquired under it. The repealing bill passed the House, of which we were members: it also passed the Senate; but the Governor exercised his veto power. It again passed the House of Representatives by the constitutional majority, but failed in the Senate by two or three votes. The bank went on, and I heard little more of it, having ceased to be a citizen of the State, until the year 1820, when I was sent by the Legislature of Tennessee as a commissioner to the Legislature of Kentucky, to aid in settling the disputed boundary between the two States. I then learned that a citizen of one of the Eastern States, perhaps Massachusetts, had arrived in Kentucky, and, by some means, had acquired a control over the institution, and had run off, taking the bank with him, without leaving funds to discharge its outstanding debts. Thus began and ended the first bank in the Western States. It came into the world by fraud, and went out of it by stealth.

The same honorable Senator said, when I made the report now under discussion, I did not even

stand the first fire. I have served in this body with that honorable Senator about ten years, and, according to my recollection, he has never before drawn upon the military science for any comparison, or figure of speech. This may have been owing to his dislike to "military chieftains;" but now that he has enlisted under the banner of a "military chieftain," he has added to his powers of rhetoric all the tropes and figures that can be gathered from that science. It seems to me, however, that I stood the first fire pretty well, under the circumstances. In the first place, I had no suspicion of an ambuscade; I considered myself in the Senate of the United States, where nothing was practised, but fair, open, manly warfare. It so happened in this case, that, upon the presentation of the report, the Senator from Kentucky [Mr. CRITTENDEN] commenced his fire upon me. I defended myself as well as I could. Then the Senator from South Carolina [Mr. PRESTON] opened his batteries upon me. Next in order came the Senator from New Jersey, [Mr. SOUTHARD.] Last, though not least, the distinguished Senator from Massachusetts [Mr. WEBSTER] came into the battle. The odds against me, in point of numbers, were certainly considerable; but, having truth and justice on my side, I did not feel that inferiority, which, under different circumstances, I might have experienced. At last my gallant friend from North Carolina [Mr. BROWN] came to my assistance, and, so heavy a fire did he open upon the enemy, that I then felt able to maintain the contest without yielding a single inch of ground. Late in the evening, when it was almost dark, the Senator from Alabama [Mr. KING] always judicious, retired us from the field, and the enemy took from us no spoils of victory. We carried with us the subject-matter of the war, and, on the following morning, we renewed the fight; and here we have been, day after day, ready at all times to do battle, and have even waited until the sick and wounded should recover, and the absent return and fill up the ranks of our adversaries. Sir, I delight to contend with Senators; there is something high and noble in it. If I am worsted one day, perhaps on the next, victory may perch on my standard; and if not, then it may at some future period; and if it should never come at all, the country may sustain no detriment, nor should I experience mortification or chagrin. But, sir, there is another species of attack about which I entertain very different sentiments and feelings. There is another class of men who have assailed this report in no measured terms. I mean those letter writers who are sent to this place by distant editors. These men I consider the basest and meanest of mankind: they misrepresent and falsify every thing that is done here; misrepresentation and falsehood are their vocation and livelihood, and I am told that some of them are so degraded as to write letters for both sides—that is, the same writer, in describing the same transaction, will say in a letter to a Federal paper, that "Mr. A, to-day, made a most splendid effort in the Senate of the United States. His eloquence was so powerful, that the whole of the Democratic Senators looked aghast, and were unable to open their mouths in opposition to his eloquent effusions," &c. So soon as he has sealed up this letter and directed it, he writes a letter to a Democratic paper, in which he announces, that "this was a proud day for the Democracy of the country. Mr. B, to-day, did himself immortal honor; he literally demolished the whole Federal phalanx of the Senate," &c. &c. As to this class of individuals, Mr. President, I have but a word to say. With them I will hold no controversy, and to them I say, *Procul, O! procul este profani!* Yes, sir, the farther off the better, for we can hold no communion together.

I come now to the discussion of a subject upon which, of all others, the Republican party has been most misunderstood and most misrepresented. We are charged with being in favor of an exclusive metallic currency. This is not so, so far as I understand the sentiments of the party. The President of the United States, in his letter to the Honorable Sherrod Williams, distinctly negatives this idea, so far as relates to his own opinions. In his late message to Congress nothing of the kind is intimated. So far from it, he declares that, in a country so commercial at this, banks will always exist. Reform, and not destruction, is the policy in regard to banks, which he recommends I know, full well, what course has been pursued upon this subject throughout the country. It is to charge us with holding sentiments which we do not entertain, and gravely urging on the people the danger of such opinions. I will now state what my own opinions are, and what I believe to be the sentiments of the party of which I am a member I am not in favor of an exclusive metallic courrency; I do not believe that a sufficient amount of gold and silver can be procured and retained in the country to supply an adequate circulating medium for the commerce, the wants, and enterprise, of the community; but I am anxious to see the circulation of small notes suppressed by those who possess the power to do so. We possess no such power; that belongs alone to the States. If small notes were banished from circulation, gold and silver would fill up the vacuum thus produced, and in this way specie would be introduced and used in ordinary daily transactions; while bank notes or other paper would be used in larger dealings. It is difficult to say how far this reformation should go, or how far it should be extended. I can only lay down the principle upon which I am willing to act, and leave to others, more skilled in the monetary and financial affairs, to furnish the details. If a sufficient amount of gold and silver can be procured to furnish a circulation for all sums under ten dollars, I am willing that all bank notes under that denomination should be banished from common use; I am willing even to go farther. If the amount of gold and silver be sufficient to furnish an adequate circulation under twenty dollars, I am willing to go to that amount. Were this done, the benefits arising from it would at once be apparent; all the laboring classes of the community would receive gold and silver for their labor; nor would they be liable to the frauds and impositions incident to bank paper. If gold and silver were in circulation, and a pressure made upon the banks, this circulation would be called to their relief, to a certain extent. The utility of a mixed currency, such as that of which I speak, is proved in England by the fact that, when five pound notes are the lowest that are issued, there is no want of specie for the common business transactions of the community. Further, I wish to see banks regulated through the agency of the State Legislatures, so as to compel them to be honest. In other words, I would place them under the empire of the laws, and whenever they ceased to answer the purposes for which they were created, they should cease to exist.

What I have said, relates to the general business of the country, not to the fiscal operations of the Government—what we desire is to see safe banking; that is, that the banks shall be so conducted and managed that the holder of a bank note shall be sure of his money when he wants or demands it. Neither is the Republican party against the credit system. We only wish a sound credit system. We do not wish to see the banks issuing fifteen or twenty dollars in paper for one which they may have in their vaults in specie; nor do we wish to see men subscribe for bank stock, and pay it in, and then take it all out on their stock notes, as has been frequently done; nor should banks, in our view, be engaged in cotton or mercantile speculations of any kind; all such adventures endanger their note holders, and render their creditors insecure. If they would confine themselves to their legitimate business, that is, loaning money or their notes, and purchasing and selling bills of exchange, their profits would be ample, although their discounts should be confined within proper and safe limits. Men skilled in banking say that, generally, a bank may safely loan two or three dollars for one of specie in its vaults. Is not this profit enough? For every hundred dollars specie in bank, twelve or eighteen per cent. may be received by the circulation of its bills; that is, if I loan a hundred dollars to my neighbor, six per cent. is all that I can receive according to the laws of most of the States, but if, instead of this, I vest it in bank stock, I will receive, so far as specie gives circulation, twelve, fifteen, or eighteen per cent. When such privileges are granted, surely honesty and punctuality should be enforced.

The measure now proposed is to give the revenue arising from the public lands to be used for improvements among the States; and unless some other means be resorted to, you must raise the tariff to make up the deficiency in the revenue. Now, I ask, is there a man in this country who is not for other reasons in favor of a high tariff, that will assent to this. The effect will be, as has been clearly proven by the Senator from New Hampshire, [Mr. HUBBARD,] that the people of the United States, in the States, will receive from this Government from three to three and a half millions of dollars, and then pay back the same amount, with the increase of the cost and hazard of collection; that is to say: for every dollar thus distributed, a dollar and twelve and a half, or twenty-five cents, will have to be returned. It is said, however, that we can make up the deficiency in various ways. The first which has been proposed is a duty on imported silks; this duty would be right, and I regret that the other House, which can alone originate a bill upon this subject, has not sent one to that effect to this body; for I am anxious to see this duty imposed; but my opinion is, that all that accrues from this additional source of revenue will be needed on account of the rapid reduction of the revenue from customs under the compromise act.

It is urged, in the next place, that a portion of the army, a part of the mounted men, which now consist of two regiments, might be discharged. This is not a time to reduce the military force of the country. The war in Florida is still going on, and if any portion of the troops should be withdrawn, the inhabitants of that Territory, the men, women, and children, will be more exposed to the rifle, the tomahawk, and the scalping-knife, than they now are. Besides, we have a very serious controversy with Great Britain respecting our Northeastern boundary; and the negotiations, so far as they have been made public, do not promise a very speedy and amicable adjustment of that difficulty. Further, we have on our western frontier, adjoining the States of Missouri and Arkansas, many powerful tribes of Indians, and we should be more savage than the savages themselves were we to fail in furnishing an adequate military force to repel and instantly put down any hostile movement which they might make upon that exposed frontier. This Government, in carrying out what I have always considered a wise policy, has concentrated upon the borders of these two States the Indian tribes that were scattered throughout the country. We have created this exposure to danger in that quarter, and are therefore bound, by every obligation, constitutional and moral, to protect the inhabitants against the danger produced by our own acts. So strongly do I feel the duty which rests upon the Government on this subject, that I am not only unwilling to disband the mounted men which were raised for their protection, but, whenever a reasonable ground for the apprehension of danger shall be shown, I am prepared to vote for any amount of force which may be deemed necessary to repel or remove all apprehension of danger. It is the duty of this Government to protect every portion of the country, but *this* frontier in a more especial manner.

It is further said that our diplomatic corps at foreign courts should be reduced. Our foreign relations have been so ably and so successfully managed, during the last ten years, that I should be unwilling to see any change, unless some agent were designated and shown to be unnecessary.

An argument is drawn in favor of the distribution of the revenue arising from the sales of the public lands, from the fact that a bill is upon the table in the Senate, giving to the new States the disposition of the lands within their limits, and surrendering to them one-half of the proceeds for their expense in making the sales, and for transacting such an agency. It is true that the Senator from South Carolina [Mr. CALHOUN] has introduced such a bill, and it is also true that it is free from the constitutional objection which attaches to the project of distribution; but whether it will meet with favor or not is yet to be ascertained. For myself, I am

inclined to think that it will not. My present impression is, that the system now in operation should be continued, with the variations which I will now mention—and I will observe that the opinions I am about to express are not of recent date, but those I have entertained ever since I have arrived at manhood, and that I urged them during the first session at which I took my seat in the Senate. I am an advocate for pre-emptioners and pre-emption rights By changing day-laborers and tenants into free holders, an operation is effected which makes each individual more of a man, and more attached to his country; it elevates him from a necessitous situation to a more exalted and independent station; he enjoys the benefits of the whole proceeds of his labor, and there is no division of his earnings between himself and a landlord or a task-master. What he makes is his own, and he can rear up his family in a free air, and with an independent spirit. So thoroughly am I persuaded of this, that I would be willing to hold out inducements to those who now reside in the old States, and are unable to acquire a freehold, to go to the far West, and obtain an independence at a moderate price. I should be inclined to say to all such as may settle on the public lands, and show by a continued residence a determination to be permanent settlers, that they should have the lands at fifty cents per acre, or even less. And I ask, why should we not be liberal to those who go to the far West to better their fortunes? They are bone of our bone, and flesh of our flesh; and if any of the citizens of Tennessee wish to go, I repeat the language which I used upon a former occasion: "Go and be happy, and may the God of all mercies protect and prosper you." I would graduate the price of the public lands; I would not continue the absurd practice of requiring as high a sum for poor as for rich lands. But let this plan of distribution prevail, and no settled need expect a pre-emption right, nor will the graduation of price ever be effected. In short, I consider this project of distribution as the deadliest blow that could be struck to the prosperity and advancement of the new States; therefore, if there were no other reason, I should oppose it.

Mr. President, I am not mistaken in my views upon this subject. I am a Western man; I was reared from my infancy among that description of men whose cause I advocate; I know their bravery in war, and honesty in peace. When our country needs soldiers, they are the men safest to be looked to; and, when money is needed, they will contribute what they have with a free good will.

The Senator from Kentucky [Mr. CRITTENDEN] asks, "What father would not give a portion of his property to save a member of his family from ruin?" I answer, none. But, in such case, the father gives his own property, which he has a right to dispose of at his pleasure; but we are asked to give property and money which we hold in trust for other purposes, and have no constitutional right to dispose of according to our will and pleasure.

The Senator from Vermont [Mr PHELPS] says that this report is confused and indistinct, introducing different subjects, and blending them together. Not so; the fault is not in the report, but in those who thus read it. The first part of the report has exclusive reference to the assumption of the State debts by the General Government; it has nothing to do with the public lands, or the revenue arising from them; and so it is with the resolutions: the first three relate exclusively to the assumption of the State debts, and the fourth to the public lands and the revenue arising therefrom. He asks, what is meant by the terms "*direct*" and "*indirect*" in the first resolution? My answer is, that a *direct* assumption is an absolute promise to pay; *indirect*, is a guarantee or a conditional promise, or any other form or mode of assumption, by which the United States might become ultimately responsible. He further says he cannot vote for or against the resolutions without subjecting himself to misrepresentation. All I can say is, that this misrepresentation will not grow out of the report or resolutions—they are plain, distinct, and easily understood; and I can tell the honorable Senator that, if he expects to escape misrepresentation, he will be more fortunate than most members of this honorable body. He, and the Senator from Mississippi, [Mr. HENDERSON,] both say that, if I will prove that this Government had the constitutional right to purchase and pay for Louisiana and the Floridas out of the proceeds of the public lands, they will then show that Congress can dispose of the public money according to their will and pleasure. These honorable Senators must excuse me for not attempting to show the power and the right to purchase Louisiana and the Floridas; I respectfully decline all argument on that subject. I will not attempt to prove that three sovereign and independent States are constitutionally among us; I will not offend the people of these States by an argument to prove that they are properly a part and portion of this Confedracy; I will not insult six honorable Senators by an effort to show that they are rightfully members of this honorable body. I feel astonished that the honorable member from Mississippi [Mr. HENDERSON] should join in this inquiry and suggestion: he and his State stand closely allied and connected with the subject of this inquiry. His State was also purchased, and so was Alabama, by the General Government. The only difference is this: that Louisiana, Arkansas, and Missouri, were purchased from a foreign Government; his State, and the State of Alabama, were purchased from Georgia, one of the States of the Union. He ought, therefore, to be careful how he raises questions of this sort, and asks for discussions upon them. For my part, I go upon the decision of the Government of my country; it has settled these questions long since, and being no agitator, I will not agitate them here.

I am at a loss to know why it is that this report has been treated with more severity than usual. It has cost the gentlemen on the other side of the Senate no labor: if any reputation is to be lost, it will fall upon its author, and the committee who approved it. It may, however, be that a favorite scheme or plan of operations is broken in upon, and defeated by it. I have lately seen in the National Intelligencer statistical tables, showing how much the States of Virginia and Maryland, and the different counties in each of these States, would receive under the distribution land bill; but, at the same time, not one word was said in that print, showing the effects that would be produced by such a distribution. Now this report fully and clearly, in my opinion, demonstrates not only the injustice, the inexpediency, and the unconstitutionality of the assumption of the State debts, but that if the cupidity of the honest, independent, and high-minded people of this country is to be appealed to (which was evidently the design of these publications,) even then the distribution of the land revenue would increase, instead of lighten, the burdens of the community.

The Senator from Kentucky, [Mr. CRITTENDEN,] in his commentaries on the report, asserts that we are for an exclusive metallic currency; and that we are making war upon the banks. I have already endeavored to show that in both these particulars, such accusations are unfounded. It is true we would, if we could, make banks honest; but the power to do so rests only with the States; they have created them, and they alone can regulate and control them. The same Senator asks what difference there is between borrowing money from the lords of England, and borrowing it from our own citizens? a dollar is a dollar, no matter where it comes from? To my mind the difference is very palpable. If money be borrowed from our own citizens, the annual interest remains in this country; it is still among us, and constitutes a part of the nation's wealth; but if it be borrowed in Europe, and the interest be annually sent to the foreign capitalists who loaned it, then the wealth of this country is diminished to that amount. If two hundred millions of State bonds be held by foreign capitalists, it will take ten millions of dollars annually, at five per cent. to pay the interest. And this drain is constantly made, year by year, from the productive industry of this country; in short, it is a tax upon the labor of the people of the United States, amounting to one-tenth of all their surplus productions. This I view as a very serious evil, and one that ought not to be encouraged or promoted.

Mr. President, I have learned from the newspapers, and with regret, that in another body, the subject of the Presidential election was brought into discussion. I did hope and expect that we, at least, should hear nothing of it in this honorable body; but I have been mistaken. It has been introduced here; and the Senator from Kentucky, [Mr. CRITTENDEN,] though he disclaims the character of a prophet, has ventured to predict, that the days of the present dominant party are numbered. I have often heard the same thing said before, but the prophecy has as often failed; and I have no doubt it will fail again.

This shows how equally happiness is distributed among men in this life. The Whigs, as they call themselves, are always victorious before the battle; the Republicans are so, when the battle comes; and from this time until November, we shall hear much of carousals, marching and countermarching, with banners displayed, throughout our country. They are happy in anticipation of success; the Republicans are so in actual success. Sir, the Whigs constitute the most hoping and hopeful party that ever existed in any country. They may well appropriate to their own use the idea, if not the language, of the poet:

> "Hope springs eternal in the Whig'sh breast;
> Whigs never are, but always to be, blest.'

But the same honorable Senator tells us that he sees a light rising in the West, which inspires him with hope. Sir, my dull optics have not seen that light of which he speaks; and if the honorable Senator will look, some time hence, he will discover that he has mistaken for a substantial luminary, a small transient meteor, which has exploded and left no trace behind. But I *have* seen a light arise in the West; and so brilliant was it, that it dimmed and obscured all the lesser lights around it; it ascended higher and higher, until it reached the meridian; there it remained stationary for a time; so effulgent was it, that it irradiated this whole continent; its rays crossed the Atlantic, and penetrated the courts and palaces of kings, and influenced their councils; it was seen and felt wherever civilized man dwelt. But that light is fast descending in the West; it has almost reached the horizon, and will soon be beyond the sight of mortals. Mr. President, you and I shall never see its like again; we are too old. Such lights do not visit our earth but at rare and long intervals. I need not say to the Senate, or to this audience, that the individual I have described, under the figure introduced by the Senator from Kentucky, is Andrew Jackson, the pride and glory of our country. When impartial history shall have faithfully performed its office, the aged men of after times will point him out to their children as a man to be imitated, but not be equalled.

I will now proceed to answer some of the remarks made by the Senator from New York, [Mr. TALLMADGE.] He says, this land was surrendered for the benefit of all the States—therefore the proceeds may be distributed to all. But this land was surrendered to the Confederacy of States, not to the States separately and individually. The right to impose duties on imports belonged to each State, within its own territory. This right was surrendered to the Federal Government; and the States could now claim, with the same propriety and reason, a distribution of the moneys arising from imposts, and the claim would be as well founded as that which is now asserted with respect to the public lands.

That gentleman says that the debt of the State of New York is over-estimated by the committee; and this he attempts to prove, by saying that the State has a fund set apart to discharge a portion of her debt, and good and sufficient security for another part of it. This is a novel mode of proving that a debt does not exist: the gentleman's statement only goes to show that means of payment are provided—not that the debt does not exist. If you, Mr. President, have my note for a thousand dollars, and I have money to the same amount locked up in my desk, with which I mean to discharge my obligation, am I not still indebted to you for a thousand dollars until I shall pay you? The Senator mistakes ability to pay for non-indebtedness.

I regret that he has made it necessary for me

to reply to some other remarks in which he has indulged. When he left us and joined the Opposition, I certainly never intended to reproach him for it. My impression was, that "he went out from among us because he was not of us" I felt neither mortification nor ill-will; and why that Senator should use the language towards me which I shall presently notice, is altogether unaccountable. I cannot participate with him in his denunciations of the present Chief Magistrate. I know too well the manner in which that officer discharges his public duties; that he has talents of the first order even his enemies admit—that he faithfully and industriously employs them to promote what he believes to be the best interests of the country I know. In all his intercourse with foreign nations, I have seen him careful and vigilant in guarding the national character, interest, and honor. In administering our internal affairs, the best energies of his mind have been constantly directed to the prosperity of our whole country. That he should be entirely free from error could not be expected, but that he intends all his measures for the general welfare, I confidently believe and affirm.

The Senator commenced his remarks by saying, in application to myself, that this was all a Quixotic proceeding. This comparison and remark has been so often used by every body that it has lost all its point, and its repetition has ceased to be the evidence of talent or genius. He says I have come into the Senate with two commissions. That is true, so far as relates to my declining to accept the first commission, and obtaining a second, upon a second election. But, what is there in this to disturb the Senator from New York? It cost him neither labor nor trouble; that fell upon myself and friends. I had constitutional scruples as to the propriety of my taking a seat under the first election; I resigned, and was re-elected. Even if I were mistaken, such respect was due, I think, to my own views, as to have precluded a reference to it here; and such has been the course of every member of the Senate (although I know some of them entertain an opinion different from mine,) until the Senator from New York took his seat among us. Those who scruple at nothing may reproach those who entertain scruples; those who feel them seldom will. I will state my views a little more at large upon this subject. I place but little value on a commission, except so far as it is evidence of what had preceded it, that is, the favorable opinion of my countrymen —that I highly prize. I will tell that honorable Senator how I obtained my first commission; the second was only a matter of course. It was not by solicitation; no expression of a desire to be elected had escaped me. No, sir, I did not traverse the State and make speeches denouncing my old friends; I formed no new political alliances; it was not the effect of a new-born zeal displayed in behalf of my ancient political enemies. I am here upon the free, unsought suffrages of my old political friends and associates. I will neither deny nor disguise the high gratification I experienced on my late visit to Tennessee, where I only remained a few days. When the old grayheaded men, who had stood by me for upward of thirty years, approached me, with joy glistening in their eyes, and, taking me by both hands, congratulated me upon my restoration to this honorable body; and when the young met me, in like manner, and talked of their father's friendship and mine: Oh! sir, in this there was a luxury of feeling which I would not exchange for all the huzzas and plaudits which a renegade ever received from ten thousand tongues of his old enemies, now converted into friends.

The Senator from Pennsylvania [Mr. BUCHANAN] and myself, the other day, expressed an opinion against an exclusive metallic currency. How were we treated by the Senator from New York? But I will first remind him that I have been a long time in public life, and, in the estimation of my friends, must have "rendered the State some service," or I should not have been continued until this period; and I submit to all candid and reflecting men, whether the language used by the Senator from New York can find a justification. What is that language? He says he has no doubt that at present we entertain the opinions which we express. "But a few lashes from the coachman (the President meaning) will put us in the traces." I would inquire whether this is a quotation from Shakspeare, as the Senator, the other day, said of the expression, "Ingratitude more strong than traitor's arms," when applied to the President of the United States. I presume this is no quotation from Shakspeare. That great judge of human nature never put into the mouths of his lowest characters such language in application to the Chief Magistrate of a free people and the representatives of sovereign States But were it a quotation—can he who uses a dagger excuse himself by the pretext that he has borrowed it from another? Whether the Senator from New York speaks from experience, as to the application of the Presidential lash, I know not. For any thing I know, he may have been so severely lashed as to make him break entirely loose from the coach. In that case, the danger is that he may be so maddened with rage as to injure himself. I recollect an occurrence which took place in Virginia some five or six years ago. I was travelling in the mail coach; we had stopped in a village late at night, and set out very early in the morning, and were to travel about twenty miles to another village to breakfast. We travel on very quietly and safely until we reached the *half-way house*, where an exchange of coachman and horses took place. So soon as we set out from there, one of the lead horses became very restiff and fractious; the coachman applied the lash with great severity; the horse became more furious, and at last broke loose from the coach, taking with him a part of what are now called "lead bars," but which, when you and I were young, Mr. President, and more conversant with such things than we are now, were called "swingle trees;" the coach was a very fine one and remained uninjured. We sent back to the half-way house, procured another horse, and moved on very safely to the breakfast stand. But before we reached that place what do you think we saw? The horse that had broken loose from the coach had broken his neck, and was lying dead by the wayside. I lectured the coachman for exposing the lives of passengers by running such a refractory and unmanageable horse in his coach. He excused himself by declaring that he was an old stage horse, and worked as quietly and safely for several years as any horse that ever wore harness—that it was only within a few weeks past he had become restiff and unruly—that the change was altogether unaccountable—but one thing was certain, *he would do no more mischief.*

I think I now see, by what is said by that Senator, why it is that the present Chief Magistrate has ceased to be as great a favorite in New York as he was formerly. Views are ascribed to him which he never entertained. His opinions are proved upon him by expressions which the Senator attributes to certain people in the city of New York, whom he calls Loco Focos; and this is the kind of logic by which he establishes his facts. The Loco Focos had resolved that all banks should be put down; they afterward voted for Mr. Van Buren; therefore the conclusion drawn the by Senator is that the President is in favor of putting down all banks. Or the Senator supposes that this might have been in consequence of some private assurance given by the President. That such assurance was given is only conjecture; there is no evidence of it; whereas we have the opinions of the President explicitly declared in his public and official acts.

The Senator concluded his remarks with a shout for the hero of Tippecanoe. This we shall constantly hear until late in the coming autumn; but when November comes—that gloomy month, when Englishmen cut their throats, and Whigs lose all their anticipated triumphs—then it will be a short tale, easily told; then all their joy will be changed into disappointment and grief: nor will any poet be needed to celebrate the deeds of their hero. By a small change of names, it has already been done by one of the best British poets:

"'Charge! Crittenden, charge! on! Tallmadge, on!'
Were the last words of Harrison."

Yes, sir, thus will end the political life of the hero, recently adopted as the leader of the Opposition physically, I hope he will live long to enjoy the emoluments of the respectable and profitable office he now fills, and to occupy that splendid mansion (not a log cabin) which he now inhabits. This will suit him better than the toils and troubles of a high political station, and, for the country, it will be far better.

I have finished the remarks I intended to make. Not on my own account, but for my country, I should regret exceedingly to see any other disposition made of these resolutions than their adoption. I do not mean that I should regret a modification in any form, provided the subject and objects be retained; that is all about which I feel any solicitude. I thank the Senate for the patient and continued attention with which I have been heard in defence of the report and the resolutions which, by order of the special committee, I presented to the consideration of this honorable body.

REMARKS OF MR. CRABB,
OF ALABAMA.

In the House of Representatives Friday, December 27, 1839—On motion to reconsider the vote of the House concurring in the resolution of the Senate proposing the appointment of Chaplains.

Mr. CRABB said that he could not have anticipated, when he made the motion to reconsider the resolution from the Senate proposing the appointment of Chaplains for that body and the House that it would give rise to so much discussion. He had made the motion to reconsider, not because he was opposed to the appointment of Chaplains; on the contrary, he fully approved the object of the resolution from the Senate, but he had done so at the request of his colleague, [Mr. LEWIS,] who had himself submitted the same motion for the accommodation of the gentleman from Georgia, [Mr. COOPER,] but, not having voted in the majority, was pronounced by the Chair incapable to submit such a motion in the present case. But, although he could not have forseen the consequences of his motion, and although it was the result, as far as he himself entertained any feeling on the subject, of that courtesy which he hoped ever to be inclined to extend to any gentleman on that floor, he could not say, with other gentlemen, that he regretted the motion had been made. No, sir, (said Mr. C.) there is much reason to be pleased that the question has come up. The resolution had passed silently through the House, and could be looked upon by the country as a mere compliance with precedent and form; there was nothing of substance in its adoption. But now it had, by the course pursued by him, given rise to a most interesting discussion—one that does high honor to both the hearts and heads of the participants in the debate; and therefore, instead of being deterred, had he foreseen what had transpired, it would have furnished him an additional motive for submitting his motion. If there was a majority in the House, or indeed, he would say, if there was a single individual, opposed to the adoption of the resolution, he, for one, desired to see an opportunity afforded for a plain manifestation of that opposition; if, on the other hand, there was, as he believed there was, a majority favorable to the resolution, that majority would record its judgment in a manner satisfactory to itself and obvious to the country. His motion, therefore, had had the effect of dispelling the mere form of the matter, and of giving solidity and substance to it, and, in addition to that, of drawing forth the opinions of honorable gentlemen in a most interesting and pleasurable discussion. He deemed it due to himself to say that, when he submitted the motion, he did not know the precise object of the honorable gentleman from Georgia, [Mr. COOPER,] for whose accommodation he had acted. He knew not but that gentleman desired to submit some salutary modification of the Senate's resolution. It might have been that he desired to provide against compensation to the Chaplains to be elected, thereby to conform the aspirations of candidates for those offices more nearly to the true spirit of that religion they profess to teach, which should ever be dispensed in the manner of its glorious Founder, "without money and without price." This, [said Mr. C.] he pre-

ceived from the emotions around him, was thought by gentleman to beimpracticable; but he begged to differ in opinion, as he surely did, from gentlemen on this point. He had known it done elsewhere, and believed there were in the city of Washington pious ministers enough who would willingly take the labor on themselves, without pay or the hope of pecuniary reward from the Government.

This course Mr. C. said he would favor if he saw any disposition to sustain him in it; but if the object could not be effected in that way, he was nevertheless in favor of the appointment of chaplains to that body. The course he had suggested would doubtless obviate several objections urged to the resolution. One was the constitutional objection of the gentleman from Georgia, that this House possessed no power to appropriate money to compensate for such services as are performed by chaplains. He ventured to assert, also, that if his suggestion were acted on, it would remove one of the objections of his friend from Louisiana, [Mr. GARLAND.] In that event, there would be no party aspirants seeking for the office of chaplain for the sake of the salary, but they would have clergymen officiating there in that holy office under the impulses alone of a pure spirit of Christianity.

Mr. C. said that it was true the present time was a very appropiate period of the year for every one to retrospect his life, and to make confession of the evil deeds done in the body; and, did he deem the present place a proper one for such an exposure, he doubted not he should have as great a weight of sin to confess and ask pardon for as any other member on that floor. But, believing that that was not a fit occasion for such a purpose, he should postpone it to a more convenient place, if not, like all other sinners, to "a more convenient season."

The gentleman trom Virginia [Mr. WISE] had spoken of the good effects of prayer in that Hall at the commencement of each daily round of business. He [Mr. C.] corroborated that gentleman's experience, and added his own testimony to support the assertion. The House, it was said, had grown no better of late years, and therefore it was inferred that chaplains were of no service. The consequence attempted to be deduced is not a legitimate inference from the premises. The House may have grown worse, year after year, and day after day, but not in consequence of its having a chaplain, but rather, it might seem, in spite of its chaplain, and of all that his best appeals to Heaven could effect.

Sir, it cannot be that this House will subvert at this day the ancient and well-founded custom of electing for itself a chaplain. It is not to be believed that there is even a large portion of the members in favor or such an abrogation of the good example of all our predecessors; for, although it is, perhaps, too true as to most of the Representatives here that they are sinners, which it is acknowledged is the case with the one now speaking, yet it is equally true, in the language of the honorable gentleman from Virginia, [Mr. WISE,] as applied to himself, that although we feel that we are vile sinners, yet we deny that we are not Christians.

In conclusion, (said Mr. C.) as all the advantages of my motion have been enjoyed, except a'one the vote thereon, and as it is not at all probable there is a majority of the House favorable to a reconsideration, and as he was not himself in favor of the reconsideration, he would at that time ask the permission of the House to withdraw it, unless some gentleman desired to record his vote against the resolution from the Senate.

DEFERRED DEBATE.

IN SENATE,

TUESDAY, February 25, 1840.

Mr. TALLMADGE presented certain resolutions of the Legislature of the State of New York, adverse to the Independent Treasury bill, &c.

Mr. T. went at much length into an examination of the policy of the Administration, and the course of the Executive in relation to the Sub-Treasury bill. When in was first broached in the President's message, in 1837, it was the whole subject of the message, and in the success of this single measure was involved the success of all the measures of his Administration. He brought forward no other proposition, and it was soon made known that those who could not support this Sub-Treasury bill could not support his re-election. He (Mr. T.) was in a peculiar and trying situation. It was the first question of moment with which he had differed with the President and the supporters of his Administration. The issue was made, and the people of New York decided against the policy of the Administration. This was not deemed conclusive, and they had again, in 1838, and yet again, in 1839, pronounced their condemnation of it. They had thus passed three several times on the policy of the Executive, and, after all these decisions, his colleague, [Mr. WRIGHT,] who was the sole representative of that State on the floor of the Senate when the Independent Treasury bill was before them, had voted for its passage. Had he (Mr. T.) been similarly situated, he would have felt it his duty to have regarded the expressions of public sentiment, and have acted differently. That his colleague was the only representative of his State for so long a period, was not his (Mr. T's) fault. The political friends of his colleague had prevented an election at the last session of the Legislature. At the present it was known that a majority in both branches were opposed to the Sub-Treasury bill, and of course it was known that they would send a Senator here who would represent their sentiments and those of the people of State on this subject. He regretted that under these circumstances the bill should have been hurried through this body before the State of New York had an opportunity of being heard. He saw by the newspapers how it had been hurried through on the last evening, and when the Senator from Maryland, at a late hour in the afternoon, requested the Senate to adjourn, the usual courtesy on such occasions was denied him. He thought that such a refusal, under such circumstances, was unprecedented, in the annals of the Senate.

Mr. BENTON said the Senator was mistaken; there had been similar refusals, and under much less excusable circumstances. During the Bank panic, when the Opposition had the majority in that chamber, they attempted to break him down by physical exhaustion; and to prevent it he was compelled to resort to the use of expedients, and this was done in a sultry day in June.

Mr. TALLMADGE. This occured before his time, and was probably during the exciting debates on the removal of the deposites; but he repeated, that under the circumstances, he regretted that the bill was passed so precipitately. His colleague was chairman of the committee who had the bill in charge, and had he requested some delay on the bill, it would have been granted, and he would not have been thought chargeable with a seeming want of courtesy. His colleague was aware of his election, and should he not have waited for his arrival here, so that his Legislature and State should have had an opportunity of being heard on the bill? Though these resolutions might not have been passed at that period, it was perfectly well known they would pass, and this, it might have been expected, would have had some influence on his colleague's course, and if he had not waited for his (Mr. T's) arrival, he might at least have waited for the expression of the sentiment of the Legislature of his State, especially as his colleague professes to be of that school of politicians who recognise the right of instruction. These resolutions explain the objections to the Sub-Tteasury: they oppose it because its effect will be to produce two currencies in the country—one appreciated, and the other depreciated. The better currency of gold and silver coin will be for the officers of the Government, and the baser, of depreciated bank paper, will be for the people. Add to this the doctrines recently put forth by those in the confidence of the Executive—that it is the policy of this Administration to bring down the wages of labor in this country to a level with that received by the paupers of Europe—and it will be seen there is just cause of alarm to the friends of our free institutions.

Mr. WRIGHT said he should not have felt called upon to participate in this debate at all, had not the remarks of his colleague, in relation to the passage of the Independent Treasury bill in this body, been made personal in their application to himself; but as they had been so made, it was necessary that he should make a more minute statement of the facts, and of his own course, in relation to the action of the Senate upon that measure, than he had done upon a former occasion, when called out from the same quarter.

Preliminarily, however, he was bound to confess, though he did not pretend to be very well schooled in questions of courtesy, it did appear to his mind as somewhat singular that he should be arraigned for want of courtesy as a Senator, by one who was not, at the time the transaction complained of occurred, either present, or a member of the body. The Senate, as then constituted, was the tribunal to which he was properly, as he was willingly, responsible for the propriety or impropriety of his conduct upon that and all other occasions, when he acted here. Those who were then Senators, and were present, saw and heard, and could judge. Upon their judgments he was willing to rest the matter. To them, and to them only, was he amenable for his course: and he would now tell his colleague, as he had told him upon a former occasion, that he would not discuss, on this floor, with him or any other man, the propriety of his acts within these walls, touching any matter transacted here when the complainant was not a member of the Senate. This, he hoped, would end this matter between him and his colleague here. If the gentleman chose to discuss this, or any other topic, touching his course and conduct, elsewhere, he was at liberty to do so. The choice of the time, place, and manner, were open to him. Elsewhere, he might have rights in the matter, and he presumed he would know how to exercise them wisely; but here, he could have none.

As, however, his course upon the occasions alluded to had been characterized as "precipitate and wanting in courtesy," it was due to himself, and to those who constituted the Senate at that time, that he should detail somewhat minutely the facts in relation to the action of the body upon the Independent Treasury bill, during the present session, that his constituents and the country might know with how much propriety this charge had been preferred. For this purpose he would ask the indulgence of the Senate for a few moments.

The Senate met and was organized on the 2d day of December last. Through the kindness of the honorable Senator who then occupied the President's chair, and the indulgence of the Senate, he had been honored with the same place upon the standing committees of the body which he had occupied for several previous sessions, bestowed upon him, as the then presiding officer could testify, without solicitation from himself. This necessarily placed before the committee of which he was a member the reference of that part of the annual message of the President which related to the finances of the country, and consequently which related to the Independent Treasury bill. Thus situated, if it had been his object to escape the influence of the powerful talents of his colleague in opposition to the measure, the charge should have been that he was dilatory, and not "precipitate;" for it was not until the 6th day of January, more than a month after the meeting of the Senate, that the bill was reported from the committee. On the following day, the 7th of January, the Legislature of his State was to assemble, and he could not fail to know that among their first acts would be the election of a Senator.

By the direction of the committee, it became his duty to report the bill; and by the same direction, he gave notice that its consideration would be moved on that day week. The day arrived, the 13th of January, and passed, and on the 14th the bill was called up. Some discussion was had in reference to a postponement for two weeks to give time for absent Senators to arrive, and for vacancies to be filled, and reference was made to the vacancy existing from his own State. He informed the Se-

nate that his action, thus far, had been under the order of the committee; that having discharged their order, he now cheerfully submitted the whole matter to the disposition of the Senate; that it would give him pleasure to have a colleague here before the bill should be finally acted upon, and that he should now be in the daily expectation of the news of an election and of the arrival of the person appointed to take his seat in the body; that he did not consider it proper for him to urge any course upon the Senate; nor should he, any farther than to give his individual vote upon the question of postponement. This course on his part called forth, at the time, expressions of approbation from a distinguished Senator of the Opposition, [Mr. CLAY of Kentucky,] not now in his seat. The bill was under the consideration of the Senate daily, from the 14th to the 17th of January, when the question upon its engrossment was taken. This was Friday of the week, and after the question was declared, he, in violation of the wishes and feelings of a large portion of his friends, moved that when the Senate adjourn, it adjourn to meet on Monday, instead of Saturday, thus deferring the question upon the final passage of the bill to the following week. The motion prevailed. He entertained not a single doubt then that he should have a colleague present by the Monday to which the Senate stood adjourned.

The Monday came, but not his colleague. The bill was again taken up, and the discussion upon its final passage was continued from day to day, until Thursday, the 23d of January, when the question was taken, and the bill passed. On that day an effort was made to adjourn the Senate to give further time for the Senator from Maryland [Mr. MERRICK] to discuss the bill; and when the question was taken upon the motion to adjourn, he purposely left his seat, and did not vote.

Now, as to his conduct towards his colleague, who had chosen to make himself the author of these charges of "precipitancy" and "want of courtesy." On the evening of Saturday, the 25th of January, two days after the bill in question had finally passed the Senate, the mail from the North brought him a letter, dated at the Astor House, in the city of New York, on the 23d, the day on which the final question upon the bill was taken here, signed by his colleague, giving the information that he was detained in New York by ill health, (that being the first information of that character which had reached Mr. W.) and requesting that the final question upon this bill might be postponed to await his arrival, which would be on the Monday after. But a few moments had elapsed, after the letter reached his hands, when he was informed that the same train of cars which brought the letter, brought also his colleague to the city.

Upon this state of facts, well known to the Senator by a former explanation here, he rises in his place and again makes the charge of "precipitancy and want of courtesy." To such a charge, under such circumstances, and coming from such a quarter, he had no reply to make.

His statement of facts had been made to justify himself to his constituents and the country; it had been made to those who were Senators when the transactions took place, and could judge of the accuracy of his account of the matter. To his colleague he owed neither explanation, nor reply, to this repetition of such a charge.

It would be seen that some time had been allowed, after the meeting of the New York Legislature, and before the final action of the Senate upon the bill in question, for the filling of that vacancy, and the arrival of the elected Senator to take his place in the body.

He would leave to his colleague the duty of informing the Senate and the country at what time his election had taken place; at what time the notice of the fact had reached him; what time was occupied by him in travelling from the place of his residence to the city of New York; what number of days ill health had confined him there; and all the other facts, which would account to their common constituents for his late arrival to take his seat in the Senate. He had not taken the pains to make inquiries into these facts, nor were they such as it became him to enlighten the Senate about. He did not doubt the ability of his colleague to give the information, which seemed to be called for before he should become an accuser of others; but it was at his option to give the information, or to withhold it. To him (Mr. W.) neither course had any importance, nor had he any desire upon the subject. The facts were within the reach of those to whom they owed a common responsibility; and they would make up no judgment upon either side, without giving them their true weight and consideration.

He had no disposition to follow his colleague into the discussion of the Independent Treasury bill upon this occasion. The subject was not new to either, and the views of both were fully known to their common constituents. He has further thought it proper to discuss again most of the subjects upon which we have differed since we became members together of this body. He (Mr. W.) would not follow him in this review. He had been, and continued to be, content with their first discussions, and would rest himself upon them.

His colleague has said, with some apparent feeling and triumph, that he, Mr. W. had, upon those occasions, proposed to refer their differences to their constituents, and not make them the subjects of debate and irritation here. He had done so; and he certainly had not regretted the reference. It was one which his duty, not less than his feelings, prompted him to make, and it was made to those who would take cognizance of them without their consent.

The Senator said their constituents had decided, thrice decided. Be it so. He had not questioned the assertion, nor was he to do so upon this occasion. He had not claimed to stand with the majority in his State, nor had he manifested any disposition, nor did he entertain any wish, to dispute the standing of his colleague in that particular. He felt no ambition to change places, or positions. He said now, as he had said before, leave our public acts to the determination of those common constituents, and not undertake to settle them here.

His colleague seemed to manifest peculiar anxiety to learn whether he would obey instructions from the Legislature of the State; a doctrine, he said, which originated in the school to which he, Mr. W. belonged. He was free to avow the doctrine of instructions as belonging to his school, but the present remarks of his colleague were the first intimation he had received that he too did not belong to that same school, upon this point at least. He was sorry to be compelled to infer that here again a difference was to grow up between them, as it seemed to threaten an entire separation in principle as well as practice.

He was aware that this answer had not exactly reached the object of his colleague, and that he desired him to speak particularly of the resolutions of their Legislature now before the Senate. This it was not his purpose to do at present, and the only relief he could give him now, was to inform him that when legislative instructions should call for it, he should be ready to act promptly and decisively.

Mr. TAPPAN said that the Senate had been repeatedly charged with precipitation and want of courtesy in relation to the passage of the Independent Treasury bill. He would not have thought these charges worthy of notice if they had only been made by those who were not members of this body when the bill passed; but as the same impression had been attempted to be made by others, he would briefly state the facts as they actually occurred. On the Thursday that the bill passed, after the Senator from Mississippi [Mr. HENDERSON] had spoken in opposition to the bill, and delivered an elaborate argument in favor of a United States Bank, I observed, said Mr. T. "that the Senate seemed tired of the debate; that I had intended to speak on that subject, and had made some preparation for that purpose, but was not prepared then to address the Senate; and from the little attention paid to the labored argument of the Senator from Mississippi, I should conclude that the Senate did not desire to hear any more speaking, but would prefer to take the question that evening. I said that it was my own opinion that we had spent time enough on the bill, and that we ought then to proceed to a final vote upon it; but if the Senate thought otherwise, and the debate was to be continued, I would, on to-morrow, take occasion to submit my views; that at present I would give way to any gentleman who desired then to address the Senate." The Senator from Maryland then took the floor, and after making a few remarks, moved an adjournment, which was not agreed to. He then proceeded to make a very strong speech against the bill, and when he had spoken long enough for a reasonable sized speech, he gave way, and the member from Indiana made a motion to adjourn. This was also negatived, and the Senator from Maryland then proceeded until he had finished his remarks. After him, the Senator from Massachusetts [Mr. DAVIS] addressed the Senate with much ingenuity in opposition to the bill, and when he had concluded, no other gentleman seeming desirous to speak on the subject, the bill was passed.

As to the remark of the Senator from Maryland, [Mr. MERRICK,] which was published several days since, and not disavowed by him, that he [Mr. T.] declined to address the Senate *at all* on the subject, he must say, without supposing it other than a mistake in the Senator, it was not true. He made no such declaration. But the Senator from New York seems to think that his State is the whole Union, and that the Senate should lay by, and not presume to transact any important business, until the State of New York was fully represented here. Now, he was as willing as any Senator to admit the claim of that great State to be treated with all proper respect; but if both her Senators were not here to participate in the transaction of the business of the nation with the Representatives of the 25 other independent States, it not the fault of this body, and he saw no reason why the business of this great Confederacy should be delayed on that account. But the Senator says "he has been in a peculiar and trying situation." Has he indeed been in a "peculiar and trying situation?" and, for that reason, could not get here sooner? What brought him into that situation? What was its peculiarity? What was its trying nature? He has not told us; on that we are left to conjecture. But the Senator's course has not been hidden from public view—it has been open to the world. Did the Senator suspect he could go through a complete transformation, and be insensible to the change? Why, sir, we are so constituted that we cannot choose but feel, and feel deeply, all great revolutions in our circumstances. If a man, with an apparent zeal and honesty, advocates any cause for a series of years, so as to make himself not only conspicuous among the advocates, of that cause, but one of the most honored, distinguished, and trusted of those advocates; if in this way he identifies himself with a great party, with the majority of his countrymen, and then, without any reason, or for reasons common sense scouts as frivolous and unmeaning, he abandons (I will not say his priciples, for such men have no principles) his party connections, all those he had professed to love and honor, joins his and their former enemies, and is the loudest and most unprincipled calumniator of his former associates, do you think he can do all this, without feeling that he has placed himself "in a peculiar and trying situation? No, sir, no; human nature is much the same in all; we are so constituted that we cannot decend from a life of honor and virtue to acts of base turpitude and wickedness, without feeling ourselves in "a peculiar and trying situation." Do you think, sir, that Benedict Arnold did not find himself in "a peculiar and trying situation," when he resolved to betray his country, to abandon his high and honorable station, as the gallant soldier of liberty, and sink into utter infamy? Undoubtedly he did; and although he burned and plundered the villages and towns of his countrymen with savage ferocity, to ingratiate himself with his new friends, if you could have heard the voice of his conscience, it would have told you that he found himself in "a peculiar and trying situation."

When, sir, a public man steers his course by the polar star of principle, he may be misunderstood; he may be misrepresented; he may lose his popularity; but he does not lose his honor, his self-possession and dignity. If public favor is withdrawn

from him, he retires to private life, and enjoys the calm and peace of a mind at ease, and conscious of rectitude; he is not reaching out his "itching palm," and whining about his "peculiar and trying situation."

And if, indeed, the Senator has chosen to place himself in so very peculiar and trying a situation, it gives him no authority to misrepresent the motives or actions of those with whom he had been associated, although it may entitle him to the pity of all men of honor and integrity.

Mr. MERRICK said that the Senator from Ohio, in the course of his remarks, had said that a particular statement in his (Mr. M's) published speech "was not true." He wished to inquire of the Senator whether, by this remark, he intended to charge him with an intention to misrepresent facts.

Mr TAPPAN said that he was a plain spoken man, and would say, with Martin Luther, that "he generally called a spade a spade;" but he did not say, or suppose, that the Senator intentionally misrepresented the facts: he only spoke of them as they were.

Mr. MERRICK then gave a brief history of the events previous to the passage of the bill. Having stated that it was half after five o'clock when he moved the adjournment.

Mr. TAPPAN said the Senator was mistaken in the hour; it was about a quarter past three o'clock.

Several Senators said that was about the time.

Mr. TALLMADGE appealed to the Senate, whether he had not, in all his intercourse with members, treated them with the courtesy which gentlemen owed to each other, and to the station they occupied. He was not in the habit of using harsh words there or elsewhere. He had no complaint to make of his colleague on this score. He would say that, as far as parliamentary and individual courtesy were concernee, no man carried it further than his colleague. It was his uniform manner, and he cheerfully awarded this to him But, said Mr. T. my colleague has misapprehended me if he understood me as saying that he belonged to a school which avowed the doctrine of instruction, while I belonged to a different school. I said no such thing. But when we see Senators, who are professedly great admirers of the right of instruction, quibbling for want of a technical word, our confidence in the doctrine was a good deal shaken. He did not say his colleague would do this, but there had been instances of it in the Senate. If I received instructions, I would at once carry out the wishes of my State, or give her an opportunity of filling my place with another who would represent her truly.

He was sorry that the Senator from Ohio had thought it his duty to intermeddle in this family affair; and he would leave it to the Senate whether it was done with parliamentary or individual courtesy. The term traitor had been applied to him by political slang-whangers, but he did not expect to hear it from one who had sufficient respectability of character to obtain a seat on this floor. Traitor to what? To principle? No: a traitor to party. And for a difference in political sentiment, am I to be branded as a traitor? to be compared to Arnold? The Senator talks of what he knows nothing about, and reminds me of a certain British lord's puppy, who did not get his eyes open until he was about to be drowned. But the Senator is the very personification of Loco Focoism. He professes to be one of the Simon Pures of that school. He also professes another principle, which is a very natural one for a Loco Foco. I have seen it stated in the newspapers, that when the news of the Southampton insurrection reached Ohio, the Senator expressed his willingness to furnish powder and ball to the negroes. This feeling was only carrying out the destructive doctrines of Loco Focoism. He represents me as saying that New York is the whole Union, and that all legislation must stop until she is fully represented. I said no such thing, and pronounce it a misrepresentation—unintentional no doubt. It is likely if that Senator had his way, one Senator would be thought sufficient for New York, provided he be always *right*. He would not follow the example of the Senator from Ohio, and invade her territory: there is one there already who is used to repel invaders, and he will take care of the gentleman. He calls me a traitor. If I am a traitor, then are the people of New York, whose representative I am, a traitor. Let him come within her borders and say this to her sons, and they will treat him with the scorn and contempt he deserves.

Mr. HENDERSON rose to a point of order. He would inquire of the CHAIR whether he considered the course of remarks now indulged in as being within the rules of order.

The CHAIR stated that he had avoided any interference, because he trusted to the Senate to preserve its own dignity and the order of the body. He relied on the sense of honor and decorum of the Senators to treat each other with that respect and courtesy which is alike due to each other as gentlemen and the station they occupied. Since the Senator from Mississippi, however, had raised the point of order, he would say that he considered the remarks of the Senator from New York as transcending the limits of parliamentary courtesy. He regretted to be compelled to say this, but it was a duty imposed upon him by the position he held as the presiding officer of the body, and when he knew his duty he could discharge it.

Mr. TALLMADGE approved of the sentiments of the Chair, and would endeavor to observe his injunctions. All he had said was to repel the rude attack of the Senator from Ohio. Mr. T. then went into a history of his difference with the President on the Sub-Treasury bill. He said his course in relation to that bill was taken by the advice and sanction of the highest political authority in his State; but since that time, these very men who urged him to the course, had denounced him as a deserter.

Mr TAPPAN. The Senator from New York charges me with "interfering between him and his colleague;" with "invading his State," with meddling with new York politics. The Senator rose in his place and uttered a long and rambling speech, in which he censured his colleague, and in no very moderate terms charged the majority of this Senate with having passed the Independent Treasury Bill precipitately, and with the dishonest purpose of preventing him from recording his vote against it. Was I to sit here, sir, a silent listener to his foul slanders of the majority of this body, with which I had acted? Are we bound to submit to all manner of contumely and reproach? No, sir, no; the Senator shall exercise no such privilege here without the rebuke he merits. I interfered not between him and his colleague; I invaded not his State; I meddled not with New York politics: but I informed the Senator that there were other States in this Union than New York, and other Senators here whose rights were to be regarded, besides him whom his file leader pronounced fresh from the people.

But the Senator complains that I apply "odious epithets to him." I have applied no epithets: I have supposed what might have been the cause of his finding himself in so "very peculiar and trying a situation" as he confessed he had been in for some time past. I did not say that his conduct and character were paralleled by the conduct and character of Benedict Arnold. It is the Senator's own conscience which adopts this parallel: it is *he* that makes the hypothetical case his own The Senator says he is always courteous in debate. What are his ideas of courtesy? He has made several speeches here since he took his seat; and what were they? The most low and vulgar abuse of all his old friends and associates, a tirade of newspaper slang and pot-house vituperation, with frequent and most complacent reference to "his speech"—a speech, when and where delivered, I neither know nor wish to know; but I can tell the Senator this: I never heard of "his speech" before, and, if it is as vulgar and abusive as the speeches he delivers here, he would do well to let it pass into oblivion without awakening a recollection of it, which can do him no honor. "Courteous in debate!" I submit to no such courtesy. In my life, sir, I have never heard any man speak in public who was more abusive, more calumnious, more careless, in his assertions; he must *become* courteous himself before he claims to be treated with courtesy by others. The Senator calls himself a Democratic Whig, and says I am a Loco Foco. I am indifferent what *he* calls me; my enemies cannot change my name; near fifty years I have belonged to a party devoted to the support of sound Democratic principles. We were called Democrats by way of reproach. What was intended as a stigma, we adhered to us an honor; we cherish the name; it designates principles. We do not change our name annually as the serpent changes his skin. I am a Democrat, simply and purely; not, thank God, a Democratic Whig, nor a Whig Democrat.

But the Senator has referred to a stale slander that he has picked up in some newspaper or other. I will not descend to answer a charge made on such authority. I would scarcely notice any charge on the authority of the Senator himself—much less the stories which he picks up out of Whig newspapers. No, sir; when a charge is brought against me, it must have an endorser, and a good and substantial endorser, and then I will answer it.

The Senator has asserted that the policy of the Administration tends to the establishment of "one currency for the Government and another for the people." One currency for the Government and another for the people! Who are the people? Are you, Mr. President, and is he not one of the people? Does the mere fact of his holding a seat in this body, raise a man above the level of the people? Sir, he may have a seat on this floor, and yet be in character and standing, among his fellow men, even below the average of the people of his own State. This has been an oft-repeated charge, that the Democratic party have established one currency for the Government and another for the people: that, while we pay ourselves in gold and silver, the great mass of the community are compelled to use a depreciated currency. He would admit that the fact exists of two currencies: one the constitutional currency, the other the currency of private companies; but whose fault is it? Did the Government or the Democratic party establish the State banks? The banks of all the States, except Ohio, south of New York, have refused to redeem their paper, and they are now fighting against resumption, and endeavoring to supersede the constitutional currency with their irredeemable trash. And we find the Senator from New York, [Mr. TALLMADGE,] and the party of which the Senator has become a member, associated with these banks, and giving them their countenance and support in their effort to suppress the circulation of the legal currency of the country. With a disregard of all truth and decency, the Administration are charged with causing this state of things. But I thank the Senator for his taunt, and I hope it will be remembered and profited by. The banks even in this District, where we have exclusive jurisdictions refuse to redeem their notes, and he (Mr. TAPPAN) hoped, when the subject came up for consideration, as it would shortly, that Senators would, so far as their legislation is concerned, relieve themselves from the odium of being instrumental in establishing "one currency for the Government and another for the people;" that they would sanction but one currency for the Government and the people, and that a good and substantial one. I have no more to say, sir; my object has been to repel an unjust and unprovoked attack; to let the Senator know that if he indulges himself in such attacks on me and my friends, he must expect to be answered plainly and promptly. I go no further; for, from my soul, I pity the man, who, to court the favor of new associates, finds it necessary to abuse and vilify his old ones.

On motion by Mr. WRIGHT, the resolutions were ordered to be printed, and laid on the table.

REPLY OF MR DAVIS TO MR. BUCHANAN.

On the third day of March, Mr. BUCHANAN, of Pennsylvania, entered into an argument, in the Senate of the United States, to prove that his views and opinions were misrepresented in a speech of Mr. DAVIS, of Massachusetts, delivered on the 23d of January last in reply to Mr. B. on the sub-Treasury bill.

The following is the reply of Mr. DAVIS to the charge of misrepresentation:

Mr PRESIDENT: The morning following the remarks made by the Senator from Pennsylvania [Mr. BUCHANAN] upon my printed speech in reply to a speech of his, I asked permission of the Senate to re-state my observations in reply, as I had reason to believe some of them had been misapprehended, and to add some further remarks, as I had then had an opportunity to run over the speeches and should endeavor thus to place the whole matter on a footing that could not be misapprehended.

The Senate being then anxious to proceed in the unfinished business of the day, signified its wish that I should embrace another opportunity, and I now seize the earliest moment which has presented itself to discharge that duty. This, I am aware, is a subject that ought not to occupy time in this place, and my apology is that I did not introduce it, and claim only the right of vindicating myself against the extraordinary statements of the member from Pennsylvania.

In order to a full understanding of the relation which events connected with this subject have with each other, I shall recall to mind the occurrences as they happened.

A few days before I replied to the member from Pennsylvania, I made some remarks upon several topics of interest which seemed to connect themselves with the discussion, and the Senator from Mississippi (Mr WALKER) and the Senator from Pennsylvania replied. I then rejoined that I understood, from what had been said, that opinions had been advanced that it would be beneficial to the country to reduce the value of property and wages, and that I might, in the course of the debate, make known my views upon the subject, if a suitable opportunity occurred. To this no response was made. Soon after the Senator from Mississippi [Mr. WALKER] delivered his speech. The Senator from Pennsylvania followed him, and was followed by the other Senator from Mississippi, (Mr. HENDERSON,) who spoke at large in reply to him upon the topic of wages. The Senator from Indiana (Mr. SMITH) next took the floor, and spoke also briefly to the same point. Mr. MERRICK, of Maryland, succeeded him, and went much into the subject of the reduction of wages, in reply to the Senator from Pennsylvania, as I understood him, reading the tables of wages, to illustrate what the laborer received where the cost of production was least. The Senator from Kentucky, (Mr. CRITTENDEN,) some days after, while another topic was under discussion,) replied to the remarks of the member from Pennsylvania on the same topic. To none of these speeches, or the comments of the debaters, did I hear any objection or reply, though I thought they understood the speech to which they made answer, much as I did.

When the Senator from Maryland closed his remarks, the day was far spent, but the Senate having manifested a determination to take the final question, by refusing to adjourn, late as it was, I rose and assured the Senate that, while I felt it to be a duty I could not omit, to reply to some of the arguments in which doctrines were advanced relating to great and momentous interests among those I represented, yet I should limit myself to a reply, and a reply only. I think it was well understood to what my attention was chiefly directed, and I thus gave distinct notice to all who felt any interest in what I might say, of my specific object.

I then proceeded, in the presence of the member from Pennsylvania, who sits near where I stood, and commented upon his arguments a large portion of the time I was speaking. He best knows whether he was in his seat all the time, but I saw him there much of it, and have reason to believe he was there, or near there, the whole of it.

He did not interrupt me in the progress of my remarks to correct any statement of his arguments, nor did he suggest that I misapprehended them or his sentiments, nor did he make any reply, though he had ample opportunity to do it when I took my seat. My remarks were upon his speech as delivered here, and as I comprehend it from that delivery. I spoke of his arguments as I understood them, being aided by some rough minutes noted down as he was speaking. This occurred on the 23d of January, and, in about a fortnight, my speech was published, having been thus delayed by the sickness of the Reporter. His appeared a little earlier. The speech I delivered is the same in every essential and material particular as that in print. The words cannot, I know, be entirely the same, but all else is. The arguments throughout are identical, and, Mr. President, as you were an attentive listener, as well as many others sitting here now, I appeal to you and them, if any variation has been detected, to make it known. The member from Pennsylvania has not ventured to suggest any. These are facts about which there cannot and will not be any controversy.

And here I repeat that I spoke of the speech delevered in this place as it fell from his lips, and could speak of nothing else, for it had not been published. I spoke of it as I understood it in the delivery, gathering his sentiments and reasoning from him as he proceeded. My comprehension of his views was the only guide I could have. In my reply I spoke of it in his presence, in yours, and in that of the Senate and the public—making every statement, every argument, as clear and distinct as I was able to do. No objection was made to any thing I said. What more could I do? What more can any one do? What other assurance could I have of my correctness, or of the acquiescence of the member from Pennsylvania in it? None whatever, unless the manuscript report had been submitted to his revision and correction. I could have no reason to believe that it was possible for me, under such circumstances, to mistake or misapprehend him. I had, on the contrary, as strong reason for believing, as we ever have in debate, that I was right; for it is the custom in this body to correct debaters on the spot by explanations—a rule belonging to all deliberative bodies, and to the justice of which no one yields a more cheerful obedience than I do, for I am willing that members should expound their own views. Under these circumstances, the speech went to the public, and I shall leave that public to determine with what justice a charge of misrepresentation can be sustained, or if there can be the slightest ground for complaint.

Yet, sir, six weeks after all this, his speech and mine having in the mean time been widely circulated and read, the Senator came into the Senate, and without the slightest previous intimation, direct or indirect, to me, of his purpose or dissatisfaction, rose and declared here his astonishment at the manner in which he was represented in my reply; and this he did in terms harsh and discourteous. I thought he might have pursued a course much more suitable to correct a misunderstanding, if there was one, and that was his only view. The lapse of time and the circumstances give to this movement an extraordinary character, and mark a deficiency in that decorum which signalizes the intercourse of the members of the Senate. I see nothing in my course in the slightest degree disrespectful to the member—nothing bordering upon injustice, or from which it is possible to infer the existence of a motive to wrong him; and there was none. But, sir, he has chosen his time and place. He came here, and not to me, for redress, and here he has made his appeal. If it could be his purpose to come upon me by surprise, he succeeded; for no one could have less anticipated any complaint or cause of complaint. If it could be his purpose to conceal his griefs, and make his attack so suddenly that I might be found with the subject dismissed from my mind, with neither his nor my speech by me, nor any thing to refresh my memory, or to enable me to compare facts, he accomplished his purpose, and had the full benefit of it; for I was indebted to the voluntary kindness of a friend for the copy of his speech, handed to me at the moment, from which I read some of his remarks. Such is the course chosen by the member. Here he has made his appeal, and here and in the country let the question as to his motives be judged of, and whether I can be justly chargeable with the slightest injustice towards him.

After many comments, when called upon so to do, the Senator pointed out two paragraphs in my speech to which he took exception. His remarks were so diffuse upon wages, labor, and other topics, that I was not able to ascertain with satisfactory precision of what he did complain, nor am I able now to comprehend it so distinctly as I could wish.

I will ask him if he has any objections to that part of my reply relative to the causes of distress in the country? We seemed to be agreed that it was owing to the derangement of the currency; but, in the cause of this derangement we differed. If he has any, I wish him to state it now, as I can reply more understandingly if better informed.

[The Senator declined answering.]

I commented upon the remarks of the Senator upon banking in the United States—upon excessive issues of paper—upon the amount of circulating medium—upon credit—upon speculation—upon excessive imports, and upon the increased cost of production and the rate of wages, said to be produced by banking. I understood the Senator to dwell upon all these matters in his speech—to speak of them as evils calling for correction. If there be any thing objectionable in my remarks, I should be better pleased to have it distinctly pointed now. In the course of his observations the other day in support of his complaint, he used this expression: "All I can say is, that I used no such arguments." I regret that he declines specifying his objections, because I was then, and am now, at a loss to understand what precise arguments he alluded to in that declaration.

I understand him to speak particularly and strongly of the manufacturing interest, ascribing its embarrassment to the cost of production, or, in other words, to high wages; for labor creates production, and the cost of production depends upon that of labor. Every laborer knows that, as a general principle, the cost of production cannot be diminished, except by lowering wages, and that wages and production go up and down together. I understood him to impute our want of success to the great cost of production, and to argue that we should succeed in obtaining possession of our own markets, and be successful competitors for the markets of the world, if the currency could be so reduced as to bring down the cost of production to the standard of prices throughout the world. I understood him that this was the corrective and the remedy for the manufacturers at least. I thought this a near approach to hard money alone; and how far it is consistent with his declarations of friendship to a mixed currency, others can judge as well as I can.

As the Senator has declined to specify, and as I am left to proceed by such lights as I have, I shall now read some parts of the printed speech of the Senator, and leave others to judge how far they sustain the view I took of his arguments.

[Here Mr. D. read several passages from the speech, showing the general current of argument upon banks, banking, and excessive issues of paper; also relating to credits, speculation, &c. which it is unnecessary to repeat.]

Sir, I cannot detain the Senate by reading further, and I have drawn attention to these paragraphs to show, what I am sure the member will not question, that he treated of banking as it exists in the United States as highly objectionable, and bringing upon the public evils which demanded a remedy.

I pass to another part of the printed speech, which I deem more material, as it relates to those matters which induced me chiefly to reply to him. The Senator said:

"Sir, I solemnly believe that if we could but *reduce this inflated paper bubble* to any thing like reasonable dimensions, New England would become the most prosperous manufacturing country that the sun ever shone upon. Why cannot we manufacture goods, and especially cotton goods, which will go into successful competition with British manufactures in foreign markets? Have we not the necessary capital? Have we not the industry? Have we not the machinery? And, above all, are not our skill, energy, and enterprise, proverbial throughout the world? Land is also cheaper here than in any other country on the face of the earth. We possess every advantage which Providence can bestow upon us for the

manufacture of cotton; but they are all counteracted by the folly of man. The raw material costs us less than it does the English, because this is an article the price of which depends upon foreign markets, and is not regulated by our own *inflated currency*. We, therefore, save the freight of the cotton across the Atlantic, and that of the manufactured article on its return here. *What is the reason* that, with all these advantages, and with the protective duties, which our laws afford to the domestic manufacturer of cotton, we cannot obtain exclusive possession of the home market, and successfully contend for the markets of the world? It is simply because we manufacture at the *nominal prices* of our own *inflated currency*, and are compelled *to sell at the real prices of other nations. Reduce our nominal to the real standard of prices throughout the world*, and you cover our country with blessings and benefits. I wish to Heaven I could speak in a voice loud enough to be heard throughout New England; because, if the attention of the manufacturers could once be directed to the subject, their own intelligence and native sagacity would teach them how injuriously they are *affected by our bloated banking and credit system, and would enable them to apply the proper corrective.*

"What is the reason that our manufactures have been able to sustain any sort of competition, even in the home market, with those of British origin? It is because England herself is, to a great extent, a paper money country, though, in this respect, not to be compared with our own.

From this very cause, prices in England are much higher than they are upon the continent. The expense of living is there double what it costs in France. Hence, all the English who desire to nurse their fortunes by living cheaply, emigrate from their own country to France, or some other portion of the continent. The comparative low prices of France and Germany have afforded such a stimulus to their manufactures that they are now rapidly extending themselves, and would obtain possession, in no small degree, even of the English home market, if it were not for their protecting duties. Whilst British manufactures are now languishing, those of the continuent are springing into a healthy and vigorous existence. It was but the other day that I saw an extract from an English paper, which stated that whilst the cutlery manufactured in Germany was equal in quality with the British, it was so reduced in price that the latter would have to abandon the manufacture altogether."

What do we gather from this? What is the obstacle to the success of the manufacturer, in the opinion of the Senator? What prevents him from obtaining exclusive possession of our market, and sharing those of the world in the sale of his productions? It is *the inflated paper bubble*; it is "because we manufacture at the nominal prices of our own inflated currency, and are compelled to sell at the real prices of other nations." Such, in his view, is the cause of our embarrassment and failure in success. Now, sir, what is the remedy proposed by the Senator? "Reduce (says he) our *nominal* to the *real standard of prices* throughout the world, and you cover our country with blessings and benefits." We are to take exclusive possession of our own market, and enter those of the world successfully—and by what process? By reducing the cost of our goods "to the standard of prices throughout the world;" by bringing wages down as low as those who manufacture cheapest; for by no other process can we enter the markets of the world in successful competition. The Senator shows us that England is carrying on an unsuccessful competition, in the manufacture of cutlery, with Germany, because of the paper money of England. Germany, he alleges, is a hard money country, and the costs of production or wages is lower, and she therefore manufactures cheaper. Now, sir, what is the standard of prices throughout the world? It must be a standard which will enable us to sell as low as others—to produce as low as the nation that produces lowest, or we cannot get the exclusive possession of our own market, and enter the markets of the world in successful competition. We must go down to the wages of France, Germany, and other countries that produce lower than our laborers, or those of England. If I can understand language, the paper bubble is to be reduced till this result is reached. The Senator says he is for a mixed currency, but goes for the reduction of it till it brings prices to this standard. Of what consequence is it, Mr. President, whether it shall be mixed or unmixed, hard money, or hard money and paper, if the reduction is to go on till this effect of coming down to the standard of prices throughout the world is produced? None whatever: and yet, so confident is the Senator in the soundness of his policy, that he exhorts the manufacturers to take the corrective into their own hands, and to bring this result about; and yet he complains of me as representing him as too much of a hard-money man. I supposed in all this the Senator looked really to hard money; but whether he did or not is of little consequence, as the effect on labor and business will be the same. I was led to this conclusion, for I thought he would not wish to be understood as viewing one currency as most useful to the manufacturers and another to the country. If there be confusion in the matter, I am not answerable for that, for I replied to such opinions as were advanced. It appeared to me that the evil complained of was the expansion of the currency, and the remedy proposed a reduction to this standard of prices throughout the world. I know the Senator has spoken much of his friendship for laborers; but it is his practical views of policy, his means to be employed to secure prosperity, that I examined. I did not consider the part of his speech from which he has read, and considers the foundation of unjust remark elsewhere, as an important or material portion of his reasoning. Such is the doctrine contained in the printed speech. It is before the world, and let them judge of it, and see whether I have brought the member nearer to being a friend of hard money than he brings himself.

But the Senator pointed out two paragraphs in my reply which he says do him injustice. If so, it was not my purpose. On the first page, he alleges that, in a general summary which I make, (not of his exclusive views, as the paragraph shows,) I impute to him an opinion that the Sub-Treasury will have a greater influence over banks and banking, and reduce the currency beyond what he ever thought or has contended it would do, notwithstanding I expressly state, in another place, when I speak of him alone, that he declares himself the friend of well regulated banks and a mixed currency. On this point, I shall only say it is the last on which I could have anticipated complaint, after all the reasoning of the Senator to prove the expediency of reducing the currency, because of the evils of banking. But the effect of the bill is matter that never entered my mind as of any moment. It was not the measure of influence which it would have that I discussed, or thought important, as I alluded to it only in a summary way. It was the opinions and doctrines advanced in the argument, the general scope of policy advocated by the member, upon which I commented, and to which I replied. I could not misunderstand him in expressing the opinion that the bill would have its influence, as a corrective, and I am indifferent what degree of influence is or may be ascribed to it.

The Senator laid hold of another isolated paragraph of my reply at the thirteenth page, and supposes I meant to assert that he and his friends contended that the bill would reduce the value of property and wages one-half. I assured him the other day, and now do it again, that such is not my meaning, nor does it seem to me to be the just or fair construction of the language. The language is this: "I do not impute this power to the bill, but it is enough for me that its friends do." What power? He alleges the power to reduce wages and property one-half. I say the power to reduce wages and property, and to improve our relations to foreign trade, without assigning any particular proportion of reduction. The Senator draws the the proportion from a hypothetical case stated by me in illustration of the general proposition under consideration, that a reduction of wages would be beneficial to the laborer. This I combated, and in the hypothesis assumed a case in which wages were supposed to be reduced one-half. Having gone through with this, which appears on the face of it to be, what it is, hypothetical, and not founded on propositions intended to be imputed to any one as used in argument, I return by a new paragraph to the bill, and use the language I have read, not intending to refer to the hypothesis, or the proportion of reduction in it, but to the general proportion under consideration. He therefore gives a meaning to my remarks never designed or thought of by me until I heard his construction. He does not read the speech as I understand it, and meant it should be understood. This explanation is the same I gave the other day, and is what the Senator called a disclaimer. It is a disclaimer of nothing but his construction of my language and meaning. If that is what he meant by a disclaimer, I am content with it, but I wish to be rightly understood. If you take the paragraphs alone which the Senator read, it may be understood as he represents; but that is not the inference as it appears to me from the whole text.

But the Senator went further, and read from my speech the next sentence, which is, "What response will the farmers, mechanics, and manufacturers made to such a flagitious proposition?" and, seizing upon the word flagitious, used in no sense offensively, not having the remotest personal application to him, but applied to the general proposition to reduge wages, &c. and not to the hypothesis or any thing contained in it, inquires of the Senate if he might not pronounce this statement a flagitious representation of his remarks? I wish him now to state whether in employing that language he meant to reflect on me personally? (Mr. D. paused a moment; and the Senator not making an answer, he added,) if he did, then I hurl back the imputation with the scorn and contempt language so unmerited and unprovoked deserves, and suspend further remarks till I hear the member.

SPEECH OF MR. STRANGE,

OF NORTH CAROLINA.

In Senate, Thursday, February 27, 1840—On the assumption, by the Federal Government, of the debts of the States, and in reply to Messrs. CLAY and CRITTENDEN.

Mr. PRESIDENT: I may say with honest Iago—but with much more sincerity than he did, "I do repent me that I did put it to you." I do most sincerely regret the rashness which has imposed upon myself a task to which my state of health is so inadequate—the undertaking to address the Senate upon a subject which opens and has already afforded so wide a field of debate. But the good humored assaults made upon me on yesterday by the Senator from Kentucky, [Mr. CRITTENDEN,] excited me to a degree that made me unmindful, for the time, of my weakness. Perhaps he brought me somewhat into the state of the Prince of Denmark when witnessing the extravagances of Laertes over the grave of his sister, he exclaimed, 'Nay, an thou'lt mouth, I'll rant as well as thou." His prophetic visions produced a correspondent delirium in myself, and tempted me to efforts to outprophesy him. Time must, as in other cases, disclose whether the four hundred who foretold success to Ahab at Ramoth Gilead, or Macaiah the son of Imlah, who prognosticated defeat, are the truer prophets.

But neither of us, I fear, can boast much of unction from above; and while it is forbidden to us to look even upon the shadows of coming events, we must be content to speculate by the pale light of reason, and to draw from the experience of the past, analogical deductions for the future.

When I said to the Senator from Kentucky [Mr. CRITTENDEN] on yesterday that I differed from him with less regret than I did with the Senator from Pennsylvania, [Mr. BUCHANAN,] I said it in no spirit of unkindness; indeed, had I done so, I should have misrepresented my own feelings. I am not one of those who cannot do justice to a political opponent. No one, I am sure, within this chamber, listens to that Senator with more pleasure than myself; no one more admires the dexterity with which he wields his blade, although myself may sometimes feel the keenness of its edge. But I cannot but regret that the same sagacity and skill with which he wields it are not displayed in the selection of the

cause in which to draw it. I should be happy to fight upon the same side with the Senator from Kentucky, did not sad experience convince me that if I ever do so, I must be content to take the wrong one.

As usual, the debate upon the report and resolutions submitted by the chairman of the Select Committee, the Senator from Tennessee, [Mr. GRUNDY,] has taken a very discursive range, and the whole field of party strife has been traversed as suited the tastes of the various speakers. Upon its first introduction, the report was met by the most extraordinary fusilade ever witnessed in this chamber, and the vigor of the attack plainly indicated the heart cherished value of the objects against which the report and resolutions were levelled. And yet the resolutions contain four simple propositions, which the report sustains by able and unanswerable arguments. The first three of these propositions are:

1. *Resolved*, That the assumption, directly or indirectly, by the General Government, of the debts which have been, or may be, contracted by the States for local objects or State purposes, would be unjust, both to the States and to the people.
2. *Resolved*, That such assumption would be highly inexpedient, and dangerous to the union of the States.
3. *Resolved*, That such assumption would be wholly unauthorized by, and in violation of, the Constitution of the United States, and utterly repugnant to all the objects and purposes for which the Federal Union was formed.

Neither of these propositions had any one the temerity openly to question, and with all the fearlessness ascribed by the Senator from Kentucky [Mr. CRITTENDEN] to American Senators, in the discharge of official duty, and justly, as I trust, no one here has been bold enough to dispute the truth of either of them.

But it is said their assertion in this form, and at this time, is irregular, unnecessary, and impolitic. Irregular, because no legislative action is proposed, either by the report or the resolutions. This is an extraordinary objection to come from a party who passed the resolution, condemnatory of General Jackson, through this body, by acclamation. It is true that resolution was subsequently expunged, but the ground of its expunction was not that it contemplated no legislative action. But is it true, that our duty here is confined to the mere passage of laws? Does the steerage of the vessel of State depend exclusively upon the passage of laws? And if not, is Congress to leave that steerage to other hands, and take no thought of the direction in which the vessel is tending? If, from the look out point which it occupies, it beholds rocks and shoals, and whirlpools, and quicksands lying before her, is no warning voice to be lifted up? Can there be a doubt that this is one of the most important duties which our constituents expect us to perform; that we should make diligent use of all the talents which God has given us, and of the advantages of our position, to search out political truth, keep it steadily in view, and proclaim it to our fellow-citizens? Does not the whole usage of the nation prove it to be so? In my opinion, sir, were we to neglect this, we should neglect the most important half of our duty. The report and resolutions then are not irregular, unless, as is further contended, they are unnecessary.

They are denounced as unnecessary because the assumption of the State debts by the General Government has never been contemplated by any one. Who that has looked upon the signs of the times can feel this security? Are not the newspapers of a certain class full of suggestions upon this subject, and have not the circulars of bankers been put forth indicating its propriety and even its necessity? But the Senator from Kentucky, who addressed us some days ago, [Mr. CLAY,] demands, with an appearance of scorn, if we are to pay any attention to newspaper suggestions or bank circulars? I answer, unhesitatingly, yes. He asks if our action is to be at all affected by them? Again I answer, yes. The day has gone by when the press is nothing, or money kings are to be despised. The latter great personages plant their feet upon the necks of those who control empires. How long has it been since the stamp of a banker's foot and his declaration that, if a certain war was declared, he would not be seen again for many months upon 'change, had an important bearing upon the measures of one of the first powers in Europe? This happened on the other side of the Atlantic; but are we without similar experience on this? Is it for us, yet panting after a struggle with one of these mammoth powers, to affect to despise them? Is it for us, who have lately witnessed bulletins and proclamations and letters issuing from the marble palace, agitating the vast political mass in our country, as the ocean is stirred up by the breath of the storm, to talk about being regardless of bankers' circulars? And when we hear the murmur of the coming tornado, are we to wait until it strikes us before we prepare ourselves to meet it in safety? When we see the opiates preparing for the people, and the chains being forged which are to bind them in endless slavery, is it our duty to wait until the drugs have been administered and the chains fastened not only upon their limbs, but around their hearts, till they are bound to the earth, manacled and fettered, before we warn them of their danger? No one contemplates assuming the State debts by the General Government! Did not the Senator from Kentucky, who addressed us the other day, [Mr. CLAY,] pour forth notes of lamentation over the hapless condition of the States, pressed down with debt? One might have almost fancied them the plaintive exclamations of the poetic King of Israel over the untimely fate of his son Absalom. Did he not speak of the intimate relationship existing between the States and the General Government? Were not the States commended to our sympathy, and spoken of as bone of our bone and flesh of our flesh? That if one suffers, all partake of the suffering? &c. And why was all this? From the fullness of the heart the mouth speaketh. Why speak to us of the woes of the States, and the sympathy due to them, if we were not expected to bring relief? Do men spend their breath in detailing their grievances, and appealing to the pity of those from whom they expect nothing? A politician, as old, and experienced, and skilful, as the Senator from Kentucky, speaks not without an object; and, to me, the inference is clear, that, like leaven, his words are cast into the mass to create a ferment in the public mind until it throws out some food for the cravings of the States, or rather of the British bankers. The objection, then, that these resolutions were unnecessary, is as groundless as the one that they are irregular.

And this is further conclusively proven by the third objection brought against them, to wit, that they are impolitic. How impolitic? Because, forsooth, they will injure the credit of the States. It cannot be the mere declaration that the States owe so much money that can injure their credit, because that was before a matter of public notoriety. The debts of Governments, and especially free Governments, can never be a secret to any one who desires to know the truth. They are contracted in the face of day, and are evidenced by records continually spread open in the broad light of the sun. What, then, is the discrediting matter? It is the declaration that this Government will not assume to pay them. But if it was known and believed before that this Government would not assume to pay them; if the conviction was firm and unwavering, would a declaration to that effect operate in any way upon any mind? Surely not. Suppose this Government were to declare that it would not assume to pay the debt of Great Britain; would that effect the credit of Great Britain? No! And no one imagines that it would. Why? Because the wildest visionary that ever lived, never for a moment imagined that the Government of the United States would assume the British debt. If, then, the public mind on both sides of the Atlantic were equally clear of the impression that the General Government would assume the debts of the States, as that it would assume the debts of Great Britain, could the credit of the States be any more affected by the declaration that she will not assume their debts, than would be the credit of Great Britain by a similar declaration? Surely not. The argument, then, that the credit of the States will be affected by the declaration that the General Government will not assume their debts, must be founded upon the supposition that such an expectation exists somewhere. Now, as it is admitted on the other side that no one ought to have the folly to contend for such assumption, it follows that such an expectation is erroneous. And is it right and just to suffer any one to remain under it? If no one entertains this expectation, the declaration that it is erroneous is at least harmless; and if any one does entertain it, it is but just to apprize them of their error.

But the secret that such an impression does exist somewhere, and the true origin of that impression, are disclosed farther by a metaphor resorted to by the opponents of these resolutions to show their impolicy. They speak of this Government being the father, and the States the children. From this figure the principle of consolidation is distinctly seen peeping out, and its fallacy ought to be at once exposed. Does the son beget the father, or the father the son? Is the procreator or the offspring anterior in existence? There can be but one answer to these questions. Now as the States made the General Government, and not the General Government the State Governments, and as the State Governments existed for years before the General Government, the General Government cannot be the father of the State Governments. But waiving the correctness of the figure for the present, for the sake of argument let it be conceded that the relationship does exist as supposed. Assuming this, the argument on the other side is, that it is impolitic and unkind for a father to proclaim the indebtedness of his children, and declare in advance that he will not assume their debts. But in this argument two important facts are overlooked in the case of the particular family spoken of, viz: in the first place that the indebtedness of the children is known to every one before the father speaks, and in the next place that the father cannot speak to his children without all the world hearing him. The question then arises whether such a father, knowing that his children were largely indebted, and that designing persons were endeavoring to persuade them that it was the duty of the father and the interest of the whole family that he should assume their debts, while he himself firmly believed that such a step would be ruinous to all, and unjust to many branches of it, he ought not to warn his children against listening to pernicious counsels—counsels tending to render them indolent and extravagant—and distinctly to apprise them that, according to his views of justice, expediency, and the family relationship, such a thing was totally inadmissible? So much for the first three resolutions.

4. *Resolved*, That to set apart the public lands, or the revenues arising therefrom, for the beforementioned purposes, would be equally unjust, inexpedient, and unconstitutional.

And here the gentlemen on the other side make their stand and fight against the resolution, and insist that it is both constitutional, just, and expedient, to distribute the proceeds of the public lands among the States. On all these points I take issue. 1. I say it is unconstitutional. Why? I assume it as a political axiom, disputed by no one, that this Government has no power to raise money for any other purposes than those set forth in the Constitution which gave that Government existence. I assume further, what I suppose no one will question, that distribution among the States is not one of those purposes. Does it not follow, as an inevitable conclusion of right reason, that whatever might be the constitutional power of Congress over a fund on hand, which it was evident could never be absorbed in the proper outlay of the Government, it would be a manifest breach of all constitutional trust to make such a distribution when the effect would be to create a necessity for raising further sums by taxation to supply the place of those so diverted by distribution?

But I understood the Senator from Kentucky, who addressed us the other day, [Mr. CLAY,] to consider a portion of these lands as a specific trust to be applied to certain purposes distinctly pointed out in the deeds of cession.

The following is the language used in the cession made by the State of Virginia, on the first day of March, seventeen hundred and eighty-four, to wit: "That all the lands within the territory so ceded to the United States, and not reserved or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or Federal alliance of said States, Virginia inclusive, according to the usual respective proportions in the general charge and expenditure, and shall be

faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever.

The language used in the deeds of other States is substantially the same. It is very obvious that distribution is not one of the objects of the trust, or it would have been set forth. The object, after certain reservations, is one, and that is "to be a common fund for the use and benefit of all the States, according to the usual respective proportions in the general charge and expenditure." It is well known that, at this time, our Federal Constitution had not been adopted, and that each State contributed by taxing and collecting from her own citizens so much to the general charge as Congress declared to be her quota. The object of the trust declared in relation to the public lands, was then manifest—that a proportion equal to what each State contributed to the general charge and expenditure, of the proceeds of the public lands, was to be applied towards her quota of such charge and expenditure, and diminish to that extent her necessity for self taxation. The words "use and benefit" exclude the idea of an actual surrender to the States; but imply an application by a trustee to the particular use declared. And as if to exclude any possibility of mistake, the deed goes on to declare that it shall be *faithfully* and *bona fide*, (appropriate words as applicable to a servant or trustee,) disposed of for that purpose, and no other use or purpose whatsoever. Nothing can be more specific and exclusive of every other use and purpose than contribution to the general charge and expenditure.

Thus matters stood anterior to the adoption of the Federal Constitution. But I understood the Senator from Kentucky, [Mr. CLAY,] to say that, after that, the execution of the trust became impossible, and the trust fund consequently resulted to the original grantors. That the States no longer contributed, by self-taxation, their proportions to the general charge and expenditure; but the levy of taxes was made by the General Government through imposts upon the country at large, and the measure of application, and the subjects of application were thereby annihilated. It is true that, in practice, after the adoption of the Federal Constitution, the States were no more called on to contribute their proportions of the public charge and expenditure, but this was a mere practical operation. Potentially, both the objects and measure of the application of the proceeds of the public lands, were preserved in the Constitution. In the first article, second section, and third clause of the Federal Constitution, it is declared:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, etc."

The whole revenue, then, if thought expedient, might be raised by direct taxation, (and would probably be the most equitable mode,) and if so raised, clearly the proceeds of the public lands ought, according to the terms of cession, to be applied in aid of the States in their respective proportions, to lighten the burden of direct taxation upon each. Then both the object of application and the measure of proportion would stand out in bold relief. Reasons of policy and convenience have induced the States to prefer taxation by imposts to direct taxation, but in neither form do they desire to be taxed beyond the public necessities; and to no farther extent, in either form, has power been conferred on Congress to impose taxes, and in neither form has Congress the right to impose farther taxes, while a fund remains on hand applicable to the public expenditures. The public lands, then, must be used to lighten the burden of taxation, in whatever form taxation is levied. Whether the fact be strictly so or not, taxation by imposts is submitted to, because it is supposed to approximate the same proportion in contribution by the respective States, with direct taxation. The trust, therefore, upon which the public lands were held, stands in its full force, and unchanged in its nature and objects. This is conclusively shown by the striking facts, that although the Federal Constitution went into operation in March, 1789, and North Carolina made her cession in December of that year, nine months after, and Georgia made hers in 1802, about thirteen years after the Federal Constitution went into operation, both these States preserved substantially the language used in the Virginia deed of cession, which, it is now contended, could then have no operative meaning, and thereby declared trusts which it was obvious, at the time they were declared, could never be executed. This is altogether too absurd to be supposed; and it must necessarily follow that it was well understood that the adoption of the Federal Constitution produced no change in the operation of these grants. This is further confirmed by the second clause of the third section of the fourth article of the Constitution, which declares that

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property belonging to the United States."

Now what territory was there belonging to the United States, other than the lands ceded by the States? And there is no evidence that any other territory, which could be called *property* of the United States, was in contemplation. So far from it, purchases of territory, since made, have been seriously questioned as breaches of the Constitution. It follows, then, that these public lands were deemed the property of the United States by the framers of the Constitution, and not that the trust had resulted for the want of power to execute it. It appears, then, that Congress holds this fund under the same trusts that it does other property of the United States; and the question recurs whether, if Congress cannot constitutionally raise money for distribution among the States, she can do so indirectly, by applying the money which she holds for the purposes of the Government, to distribution among the States, and thereby create a necessity for raising other money for those purposes to which the fund distributed ought to have been applied? Every fair mind furnishes a ready answer to this question.

And is it not equally obvious, that while the Government continues in operation, such must be the effect of every distribution, unless we can suppose the improbable (and certainly not now existing) case of the General Government holding funded debt or stocks yielding an annual interest sufficient to defray its current expenses. The enlightened and able Senator from South Carolina, [Mr. CALHOUN,] in his argument on the expediency of this measure, has put the case of the present state of the Treasury and the prospective revenue, showing that an abstraction of the proceeds of the public lands must render an increase of the tariff inevitable. But is it not equally apparent that if, as he and I both think, we have no right to lay a tariff for any other purpose than revenue, a distribution of money in the Treasury, which would have the effect of rendering a reduction of the tariff impracticable, would be liable to the same objections? Both would have the effect of causing taxation to supply money which had been distributed. I thus arrive at the conclusion, that a distribution of the proceeds of the public lands as far transcends the constitutional trust powers of Congress as the assumption of the State debts, a measure from the advocacy of which, as before stated, every body shrinks.

2. Nor is the injustice of such distribution less apparent. The truth is, the only thing which recommends it to the favor of any one is its injustice. What possible inducement could twenty-six gentlemen have to contribute a sum, to be immediately divided out among them in the same proportions in which they had contributed? None. Still less would they be in favor of such a measure, if they were required to pay some one for collecting and distributing the money. But if the distribution were to be in some different ratio from that in which the contribution had been made, then would it be inevitable that some of the parties must withdraw more than they contributed, and, consequently, others less. This might commend the arrangement to the favor of those who were to be gainers by the operation; and if it were uncertain which of the parties were to be the gainers, the gambling spirit to which every man is more or less subject, would probably commend it to the favor of all. But, yet the injustice of the scheme is apparent to every one; and if the distributor were authorized to obtain imperceptibly from the pockets of the twenty-six gentlemen sums of money, according to the cost of what each might eat, drink and wear, and then to divide the money *per capita*, would not the inequality of the plan shock a very blunt sense of justice?

3. As to the inexpediency of the distribution objected to by the resolution, what can any man say, after the luminous and forcible portraiture made of its effects, a few days ago, by the Senator from South Carolina? It is a vast subject, and I will not overtask myself and the patience of the Senate by going into it. I leave it as left by the Senator from South Carolina. I will not attempt to gild a sunbeam.

And here, sir, the subject would seem naturally to close; but the memory of man runneth not to the contrary of the practice on this floor of making every question of any magnitude to bear upon the strife of party raging in this land. Be it so: and if gentlemen will force them upon us, I, for one, am not for shrinking from such contests. I, for one, have such confidence in my political principles, as to be willing to see them sifted and examined at all times and in all places—ay, and to believe, too, that they can bear some misrepresentation, without endangering greatly their perpetuity.

"Truth, crush'd to earth, will rise again—
Th' eternal years of God are hers;
But Error, wounded, writhes in pain,
And dies amid her worshippers."

So may error ever perish, and, among other errors, those of Harrisonian Federalism.

The great difficulty of the cause to which I belong, in our party strifes, is the preservation of our own banner. Our adversaries are ever striving to throw matters into confusion, and, taking advantage of the tumult, to rob us of our banner, and to thrust theirs into our unwilling grasp. Our names are seized upon, and appropriated to themselves, and others fixed upon us, by which our forefathers never baptized us. Thus occasionally are our own brethren and kindred, men of the same political family, and sharing with us in the common inheritance of sound faith, made for a time to fight against us; and mischief is perpetrated, difficult to repair: for it is not every man "who knows the true prince by instinct," like the fat knight, of facetious memory.

I do not know a better service that a man can do to his country, than to hold forth, with a strong arm, to the public view, the glorious Democratic banner, in its unadorned simplicity, with its plain, pithy, intelligible mottoes. The theory of Government, which should be the plainest thing on earth, has been by artifice converted into a puzzle-fool, and its simple purposes mystified and defeated. The happiness of man, through its tendencies to render him virtuous, is its sole office, if it has any worth the trouble and expense that it costs. Its systems are various, but they may be reduced to two classes: that which addresses the reason of man, and withholds from him temptations to be vicious, and that which seeks to control him by his selfish passions, his hopes, his fears, his desire of gain. Very few Governments have been based upon the former principles—the mass have adopted the latter. Perhaps the earliest and rudest form of Government in which reason was overlooked, was that in which priestcraft usurped the control of every thing, and a god or gods supposed to be speaking through the mouths of men, dictated alike to individuals and nations. The most rigid exactions were made of the masses of mankind, and the most grinding oppressions imposed upon them, that the favored few might enjoy wealth and ease, and honor and renown. The treasures of the coffer and of the heart were alike wrung from their possessors, that the dominion of their oppressors might be absolute and unquestioned. Exactions were sometimes carried so far as to demand the fruit of the body to appease imaginary deities for imaginary sins, and the products of the toil of millions were surrendered, that a few might luxuriate in exhaustless abundance, and uninterrupted ease. This has been happily styled by the celebrated John Taylor, whom I so much delight to admire and quote, the age of Jupiter; he among the heathen gods who was most imperious and extensive in his sway. But his tyranny became so oppressive, that mankind could no longer endure it, and bold spirits penetrated his temples, and discovered and exposed the frauds of his priests.

Next came the age of Mars, and heroes, clad

in steel, controlled mankind. He is among the most noble of the heathen gods, and has about him a generosity of character which disdains to trample on the weak and defenceless, and scatters with liberality what he gathers by his power. Still he appealed not to the reason of mankind, but controlled them, through their fears, with the rustling banner and the bristling steel.

After him came Mercury, establishing dominion by addressing himself, through fraud and artifice, to the cupidity of mankind, or humbling them into submission by reducing them to poverty. Finally combinations were formed among all these powers, and the science of Government became complex and mysterious. It was supposed that there was no other way of correcting the evils, or rather to render them tolerable, incident to these principles of Government, than to resort to checks and balances, and to make the vices and passions of one man restrain the vices and passions of another. When Government became a mystery, it was supposed that it admitted but of three simple forms, viz: monarchy, aristocracy, and democracy, and that all Governments consisted of one or more of these elements, controlled by one another, or a combination of two or three, of the heathen deities, before mentioned.

Such was the state of things in the old world, but our sagacious forefathers saw the error of principles on which those Governments were based, and the battles of our Revolution were fought, that the whole heathen Pantheon might be dethroned with its cumbrous and expensive machinery, and that Governments might be established in the new world, formed upon moral principles That man might be restored to his native dignity—a self-governing being, disenthralled from the dominion of passions, and yielding to the sway of reason and conscience—a reason and conscience on whose tablets are written, by the finger of God himself, precious and noble truths, which can never be erased, but are refreshed by revelation from day to day. They believed that man retains much of the original image of his Maker; that something of His purity is enshrined in the breast of woman; that mercy, that most interesting of His attributes, beams forth from her eye in rays of tenderness, or gently distils in drops of sympathy. That in the bosom of man His sterner attribute of justice has a deep abiding place. Such were the principles upon which our beautiful system of governments were based. Corruption was excluded by avoiding accumulations of power; justice secured by establishing a perfect equality of rights among men; and happiness placed within the reach of all, by opening a fair field for virtue, and talent, and industry to reap their harvest, while vice, and ignorance, and stupidity, and indolence, were left to that curse to which a righteous Providence has seen fit to expose them.

But the devil came, as he has ever done to each earthly paradise, disguised as an angel of light, or in some unobtrusive form, little calculated to excite the alarm of those whose destruction he meditates. Connate with our Constitution were those who held to the old belief that honest disinterested reason was an unsafe governor, and that Jupiter, Mars, and Mercury—one, or all three, must be restored—hence an established religion, standing armies, vast navies, exclusive privileges and monopolies, and whole hosts of eleemosynary dependants upon the labor of others, had all their advocates. In all this we perceive what constitute the warring elements of party in our land. But constant association, even in strife, will assimilate men to each other, and one may gather moral contagion from another whom he hates—and thus have these parties been constantly varying in the intensity of their principles, so as even sometimes to render it doubtful which was which. The result has been that Jupiter, and Mars, and Mercury, have all been imperceptibly regaining in part their lost empire; and, although disavowed in our constitutions, have exerted substantial control in our public affairs. Of these, as might have been expected from his nature, Mercury has been by far the most successful. He has not only given tone to our Governments, but has enthroned himself in the hearts of our people, until, instead of increasing in virtue, and disinterestedness, and patriotism, an eager haste to be rich has become our distinguishing national characteristic. Hence every individual is pursuing riches as the chief good, and *money, money, money, currency, currency, currency,* is the continual cry in the country, in the city, in private conversation, and in the debates of this chamber. To all this the Governments have been contributing by example, and the stimulus of their measures, tariff, internal improvements by the General Government, lending revenues for banking purposes, and other kindred operations.

The Senator from Kentucky [Mr. CRITTENDEN] has represented the friends of the Administration as differing among themselves as to which of these causes have produced these effects. He will pardon me for saying there is no such difference among them—they all concur in believing every one of them the offspring of the same parent, and to have acted harmoniously in the accomplishment of his designs. Some may suppose one of these causes more efficient than the rest; others may have supposed another; but all agree that the whole responsibility is to be shared among them; and in what exact proportions it is not thought very material to inquire.

But what, after all, is the great evil they have produced? Is it any actual diminution of the resources of the country? This, perhaps, they have effected to a great extent; but that is little or nothing compared to the real evils. These are transferring by stratagem and fraud, from A to B, the hard earnings of the latter, not by a regular and slow process, but by the quick and unseen movements of a mountebank; defeating that tendency to equilibrium at which our institutions aim; leaving the one party overwhelmed in amazement and distress at a poverty which has rushed upon him like an armed man; the other panting with that feverish thirst for wealth which sudden success begets—the deepest curse of him who feels it—resembling in kind and intensity that of the fabled Tantalus; or wallowing in an ostentatious luxury, at war with our Republican institutions—provoking impotent envy in some; in others, less wealthy, ruinous efforts to vie in splendor. Individual and aggregate misery is the inevetable consequence. A man is fitted, by a gradual increase or reduction of his means, to bear the maximum or minimum with calmness, while sudden reverses either way bring in their train the loss of content, and, with it, happiness. In either case, the passion of avarice is stirred to madness. This is the real curse under which we are at present laboring. This is the agony through which we are passing, of which I speke yesterday. A picture, drawn by the hand of an ancient master, is not inapplicable to our times. Sallust, in one of his epistles to Cæsar, thus expresses himself:

> In process of time, the ascendency of wealth became complete. Its excellence was universally acknowledged, and power and honors followed in its train. From the same era, the decline of virtue may be dated. Poverty was now held as ignominious. Innocence of heart and simplicity of manners were interpreted into a satire on the times. Thus the youth, taught to look up to riches as the sovereign good, became apt pupils in the school of luxury. Avarice and pride supplied their precepts. Rapacity and profusion went hand in hand. Careless of their own fortunes, and eager to possess those of others, shame and remorse, modesty and moderation, every principle, gave way. All rushed into a profligacy that heeded no restraint, either divine or human.

And why, we are tauntingly asked on the other side, did we not prevent these evils? In turn, I will ask another question: Has not the Democratic party been striving against them—inefficiently, it is true, but still striving—from time immemorial? We read a parable in Scripture of a certain husbandman, who sowed good seed in his field; but, while he slept, an enemy came and sowed tares among his wheat. Would it not have been an aggravation of the wrong, had that enemy taunted him to his face, by asking him why he suffered tares to grow among his wheat? We are the descendants of those (politically, I mean) who sowed the good seed of Democratic principles in our constitutions, and yonder are the descendants of those who sowed the tares of Federalism among it; and now they ask us why we have not prevented their growth. They point exultingly to this and that bad measure, which they have themselves cajoled or forced us into, and laugh at us for not having avoided them, although, like struggling men, in attempting that which we would, we have been forced to do that which we would not. The State bank deposite system, they know well, we were pressed into by them in our efforts to escape from the more dangerous system of the United States Bank. It was to us a half-way house, as they have endeavored since to make it for themselves, between a United States Bank and a total disconnection of the Government from banking affairs.

But they ask us farther why we do not correct these evils, now that we are fully aware of their existence. Mark again the insulting cruelty of this inquiry. They bind a man's hands behind his back, and cast him into the water, and ask him to swim. Have we not been endeavoring to remedy these evils, and have we not encountered from *them* continual resistance? Yet the evils admit of no immediate remedy. The poison of avarice has seized on the heart of the nation, and that is a malady which admits of no radical cure during the present generation. Of him in whose bosom the serpent avarice has fixed its envenomed tooth, it may with truth be said, as Iago said of Othello:

> "Not poppy—nor mandragora,
> Nor all the drowsy syrups of the world
> Can ever med'cine thee to that sweet sleep
> Which thou ow'dst yesterday."

Yet, in talking of remedies, they always indicate to us such as consist with their mistaken notions of the disease, and are for administering those which must inevitably aggravate its symptoms. Still there is something we can do—something we have done, and something, I trust in God, we will yet do, if not to heal the disease, at least to prevent its spread. We may stand, like Moses, between the living and the dead, and prevent its extending to those who are yet healthy. And if we cannot hinder its extending itself through the whole living mass, we may prevent its transmission to posterity. This can only be done by successfully resisting the mad schemes of those who are continually administering fresh poison in the form of high tariff—United States Bank—connecting the Government with banks—distributing revenue among the States—assuming State debts, &c. This is all we need do. Let us perform our constitutional duty of furnishing the nation standards of weights and measures, and of the value of property; and freed from all distracting influences from ourselves, the States will be as certain to abide by all these, as that flowers succeed the showers of spring. You have no right to say to the States that they shall keep their accounts in dollars and cents; that they shall measure cloth with a yardstick, or their corn by the bushel, or weigh their bacon by the pound; but it is your duty to furnish them with standards, by which value weights and measures may be tested. You should perform this duty, and having performed it, ask for no more power in relation to these subjects. You have all that is needful for liberty, and more can only be desired by tyranny. The banking institutions, debts, and internal improvements of the States, will soon be brought within wholesome limits, if you will only let them alone. A bad currency is a curse to the community in which it exists, and the State Legislature will soon be forced, by a community which feels the smart, to apply the proper correctives; and States having no resources but those derived from direct taxation, to pay debts and carry on works of internal improvements, will become very chary in contracting the one, and quite prudent in conducting the other.

The Senator from Kentucky [Mr. CRITTENDEN] tauntingly reminds us that the present Administration, on coming into power, found the nation in a high state of prosperity; but the Senator well knows it was a deceptive prosperity; it was that state of pleasant delirium which some poisons produce. The raging madness had not then disclosed itself; lethargic prostration had not supervened.

The Senator from Kentucky [Mr. CRITTENDEN] presents, in glowing colors, the oft-drawn picture of the prosperity for which we are indebted to the credit system. Our numerous steamboats, canals, railroads, villages, and fast multiplying States, are all attributed to this credit system. In this argument the Senator, I think, falls into two fallacies; one, in attributing too much to the credit system, and another, in assuming that the friends of

the Administration are warring upon it. I will not say that the credit system has no share in the production of these great results, but I do say that they are mainly to be ascribed to the great national advantages which Heaven has vouchsafed our country—to that elastic spring which exists among the inhabitants of all new countries, but chiefly to our glorious free constitutions, founded on moral principles, to which men have flocked in crowds from other lands. To the credit system, I, for one, am no enemy; but I am for leaving it to the States, to be fashioned according to their fancy, and I am well satisfied that they will not much abuse it. I am for withdrawing, at once and forever, our awkward intermeddling with it. With us it is like bladders in the hands of boys—at one time we blow it up to its highest tension, and at another explode it with a great noise. Let us cease from this foolish and frivolous, not to say dangerous, employment. And in addition to this, let us cease by our vicious examples to perpetuate the false notions prevalent in the country, that show and wealth and pomp are the only elements of happiness, and that virtue and talents are worthless, except so far as they contribute to these. Let us, on the contrary, present abiding examples of economy and republican simplicity.

These, Mr. President, are my remedies, and I do not think it would be saying much for them merely to declare that they are far preferable to the one to which the Senator from Kentucky [Mr. CRITTENDEN] looks with such ecstatic devotion. I do not think this the proper place for discussing the merits of Presidential candidates; but are we to sit here from day to day and hear the President of the United States denounced on the other side of this chamber as utterly unfit for the station he fills, and other men "applauded to the very echo," as endowed with every quality which can fit a man to govern, and admit, by our silence, the truth of all that is alleged? As an American statesman—as a lover of my country, I feel that it is wrong, and that it is my solemn duty to put in a counter plea.

The Gheber looks to the East for his God, but the Senator from Kentucky [Mr. CRITTENDEN] looks to the West, and, as might be expected, his eye encounters a setting and not a rising luminary. Not a giant rising in his strength, and rejoicing to run his course, but a being worn out and exhausted, unfitted for action, and suited only for repose. And what is still more unfortunate, even this setting luminary is surrounded by no halo of glory, but, like the moon, described by Moore in his song, weeping "behind a cloud"—(I will not say "for the maiden's shame," because that might be supposed to have a sinister allusion, but) for shame that while a portion of his countrymen are lauding him to the skies as a sage, a hero, and a statesman, he is compelled to remember the old proverb, "Praise undeserved is censure in disguise." Reposing on his own estate, (not in a log cabin, as some have pretended, but in a splendid mansion, as I am told,) perfectly unconscious of any merit, his friends insist upon dragging him forth to dissolve, by his presence, the fanciful conceptions of his great qualities which they have conjured up in the public mind. There was a time when some of the leaders of the party who are now seeking to make political capital out of military fame, declared that the election of a military chieftain to the Presidency of the United States was the greatest curse that could fall upon the nation. Why have they now selected a military chieftain for their political leader? Is it because they believe what has been said of him, that "he is not general enough to hurt him?" Why, then, present him in the glare of military glory? Is it to dazzle the people as moths are said to be by the brightness of a candle?

But more in sorrow than in reproach, do I declare his military renown to be like the tinsel glitter of dresses at a theatre, got up for show, and for the occasion, which will not bear the light of day, or the scrutiny of examination. Alas! where shall we look for the evidences of the sagacity and heroism of William Henry Harrison? Are they to be sought for in that page of history which records the battle of Tippecanoe? Are they to be found in his surprise and agitation, when Joe Davis carried the white banner; not very high, it is true, nor yet as a flag of truce, but by necessity, and fought under it, or rather over it, with desperate valor, snatching in death a victory which had been thurst into the hands of the enemy by the want of skill (to use no harsher term term) of his chief? Are they to be found in the story of his consigning to the slaughter the chivalrous Croghan, with his handful of men, while the General himself, within sound of the well directed and effective fire of Fort Stephenson, stood with some thousands of stout Americans at his back, wringing his hands, and crying out "his blood be upon his own head?"

Are they registered in the page which tells of the battle of the Thames, where he reluctantly pursued a retreating foe, while bolder spirits, among whom you, sir, stand nobly conspicuous, pressed forward, and gathered wounds and laurels, dripping with the same blood? Are they to be found in the tragic story of the river Raisin? Are they found in his resigning his command in May, 1814, amid the very heat of the war, upon the acknowledged ground that detraction had breathed upon his name, and he not choosing to court an inquiry into the truth of the imputations? Are they furnished by the deliberate rejection of his name, when his country was bestowing the meed of approbation upon some of her sons who had earned it by deeds of valor? If these are his jewels, they are as worthless as the black diamond to the lapidary. Deeds like these shine like dark lightning. They will resound through the earth like silent thunder.

But the military fame of this new Messiah, who is "to bring peace upon the earth," is a mere make weight. It is as a skilful diplomatist, a profound politician, that he is to commend himself to the hearts of the people, and win from them the oaken chaplet on which so many look with a longing eye. As to his diplomacy, I have heard of but one opportunity afforded him for its display, and then I have learned that high authority pronounced him, in advance, utterly unfit for the station to which he was assigned, and that, in the event, he managed so dexterously as to have himself rebuked as an officious intermeddler with matters that did not concern him.

But as the great physician, who is to "purge the general weal," what may we conjecture will be his probable practice? Homeopathic, so far as administering the same drugs which have a tendency to produce the disease will make him so, but altogether wanting in the prudence of that practice, so far as the amount of the doses is concerned. As a black-cockade Federalist of the old stamp, he will, of course, oppose every thing approved by the Democratic party, and will deal largely in Federal nostrums, and must of course be very popular with the Northern and Western Democracy. As a juvenile member of an Abolition society, he will, in his old age, be particularly acceptable to Southern slaveholders, and more especially as he has avowed, in advance, his approbation of the benevolent design of converting the public domain into negroes, that an American sun may not shine upon a single slave. As the advocate of a tariff, which was not to be relaxed "*until grass should grow in the streets of Norfolk and Charleston*," he will doubtless prove a great favorite with the Southern people in general, and especially the Nullifiers. But not to be tedious, I will urge his political excellences no farther than merely to add, that as the advocate for selling free white men, who cannot pay costs, out of jail as bond servants, he is likely to be a Magnus Apollo—Æsculapius, if you please—all over the country with the "huge paws," as the laboring men of the nation have been contemptuously called by that party whose hopes of success rest upon a false estimate of their worth and good sense.

I have too much confidence in the people of these United States, to fear an elevation to the Presidency of such a man as this. They cannot prefer him to the present talented incumbent, who has wisely studied and eloquently described the disease preying on the health of the country, and who will give it none of the dangerous prescriptions it would be doomed to take from the hand of his rival. Like every wise physician, he has much confidence in the *vis medicatrix naturæ*—the medical power of nature, doubting at the same time whether diseases are often cured by men "who pour drugs, of which they know little, into stomachs of which they know nothing." He believes that nature needs but little assistance; and that, if not disconcerted by officious intermeddling, her works are commonly performed safely and efficaciously. Attempts may be made, and doubtless will be made, to deceive the people into the belief that there is no material difference in the political opinions of the two rivals. The people will easily detect the fraud, for an unerring index is furnished in the fact that the ardent and leading advocates of the one have ever been the ceaseless opponents and traducers of the other.

It is not the first time I have heard the shout of triumph from the Federal camp on the eve of a battle. I thank God I have seldom heard it after it was over. Did not the Federalists shout lustily in advance, their lungs would suffer for want of exercise. I scarcely know whether to attribute this premature boasting on their part to that blind confidence and enthusiasm so natural to an assailant, or to political cunning, in which they are so well versed, calculating thereby to confirm the timid of their own party, to induce the same class of ours to unite with them, and to decide in their favor the legions of the wavering. To this latter opinion I rather incline; but having so often failed in obtaining by it success, I would advise them to lay it aside, and adopt some other expedient.

And now, having undertaken to advise my Federal friends, I would warn them against another practice which, I verily believe, has often contributed to their defeat. I mean their custom of giving great political feasts with the hope of making a strong impression, and convincing men of the justice of their cause by tickling their palates and addling their brains. The practice springs out of their great radical mistake that man is more of an animal than an intellectual being. But upon their own basis they miscalculate. It is never the mass of voters who are invited to these feasts; it is the *elite* of the party, the favored few, and, as a matter of course, no one of opposing politics is there. What is the consequence? There is no fellowship between the ins and the outs. The mass of the people finding themselves excluded, together with the leading men of the Democratic party, cannot fail to perceive that a common destiny has visited both, and they are naturally drawn into association with those who have been excluded like them, and not with those who have been revelling in pleasures in which they have not been invited to participate.

But lest I may be casting pearls—I will not say before swine—lest I may be casting away good counsel upon those by whom it will not be justly valued, I will close my didactic strain.

A few words, in conclusion, to the people of my own State. The Presidential strife is not the only one going on at present. One is now raging in North Carolina in which my colleague and myself have a deep interest. At the last session of Congress, we presented on this floor resolutions containing the opinions of the Legislature of that State, of popular sentiment upon certain great leading questions. We then declined assuming for the Legislature a responsibility which, according to our understanding of the Democratic doctrine of instruction, (a doctrine which we received with implicit faith,) properly rested upon it. We took issue with the Legislature, as we had a right to do on its expressed opinion of popular sentiment; and to enable all parties to have the issue tried, and at the same time to put ourselves and our political principles fairly before the people of North Carolina, we avowed our determination to resign our commissions into the hands of the next Legislature, whatever political party might prove to be in the ascendant. That we may not be supposed to have forgotten the pledge, or to repent having made it, I now solemnly renew it. I hold my seat in this body but as a trust from the people of my State. As their wish that I should hold it has been questioned, to them I refer for the solution of the doubt. All I ask is, that they will have the

goodness, in their next legislative elections; to keep this question distinctly before them, and cast their votes accordingly; and to their decision, whatever it may be, I will bow with filial submission. It is not likely that I shall often again trouble the Senate until that decision is made; and in conclusion of what may be the last address I shall ever make it, I ask pardon of the Senate for having so long and so unprofitably occupied its time.

On the day after the remarks of Mr. STRANGE, Mr. TALLMADGE of New York addressed the Senate, and, in the course of his speech, was pleased to consider the observations of Mr. STRANGE upon the Federal practice of feasting a sarcastic allusion to the entertainments given to the President during his summer tour through his native State—indulging at the same time in some very coarse remarks upon the President, which were understood by Mr. STRANGE to charge the President with ingratitude to his native State, and of having played the traitor towards it.

In reply, Mr. STRANGE said: I should not have again so soon troubled the Senate, Mr. President, had not the Senator from New York [Mr. TALLMADGE] done me the honor to notice some of my remarks made on yesterday, perverting them to a far different sense from that in which they were used by me. He was pleased to suppose that I had some sarcastic allusion to the entertainments given to the President during his tour, last summer, through the State of New York. These entertainments were altogether different from the Federal feasts to which I alluded. The latter seem to be given for no object but to produce effect, and act upon elections; the former, were the mere rendition of courtesy and the outpouring of, good feeling towards a distinguished fellow citizen, upon his return after a long absence from his native State. They were due to the man, but still more to the Chief Magistrate of the nation; and I deeply regret that the political rancor of the Federalists should have caused these public demonstrations of good feeling to be confined to one political party. Of what ingratitude to his State, on the part of Mr. Van Buren, the Senator speaks, I am at a loss to understand. Does he mean to complain that he has administered the affairs of the General Government according to his sense of the true interests of the great body of the nation, and not in reference to the local interests and peculiar opinions of the people of New York? That he has not betrayed the confidence reposed in him by the whole American people by providing mainly for that State with which his own personal fortune and that of his kindred is identified? This I understand to be the complaint, and I must say it is just such an one as I should have expected, not from the personal, but from the political character of the Senator. And as for the word "traitor," which the Senator has seen fit to apply to the President of the United States, I wonder that the utterance of it does not palsy his tongue.

[Mr. TALLMADGE then endeavored to throw the blame of the indications of respect towards the President in the State of New York, at the time referred to, being confined to one party, upon the President himself, ascribing it to his addressing himself, on his arrival at the Battery, to his "Democratic fellow-citizens."]

Mr. S. again said: I am glad the Senator from New York has introduced this topic, as it affords me an opportunity to bear my testimony to the great unfairness with which the President has been treated on this subject, and altogether for political effect. Almost as soon as it was known that the President intended to visit New York, there were murmurings in the Whig ranks that there would be no enthusiasm in his reception; that it would be cold, and confined to a few office holders and devoted partisans. His response, at the Battery, to the address made him, was seized upon as a pretext to execute what had been long predetermined. It was said he had avowed himself the President of a party, by responding to his "Democratic" fellow-citizens. Had any other class of citizens addressed him, and thus entitled themselves to a response? Did not the orator who addressed him speak in behalf of his "Democratic fellow-citizens?" Was the President to deny to the orator the character he had assumed? And, if allowing him the character, could he do otherwise than respond to it? Suppose an orator had addressed him in behalf of his Masonic fellow-citizens: could the President do otherwise than respond to his Masonic fellow-citizens? If his Whig fellow-citizens really designed to show respect to the President, would they not have selected an orator to address him, or have united with the Democracy in the selection of a common spokesman? Not having done either of these, could they reasonably expect a response addressed to them from one to whom they had said nothing? The expectation would have been unreasonable. It was never entertained; and an event which every one must have foreseen has been spoken of with affected amazement, and perverted to the injury of one who does honor to his State and country, for party purposes.

NOTE.—When the foregoing reply to Mr. TALLMADGE was made, the speaker was under the impression that public entertainments had been given in New York, to the President, by his political friends. He was confirmed in that opinion by the Senator from New York, Mr. TALLMADGE,] who being from that State, was supposed to be cognizant of events transpiring there. He has since learned, from an unquestionable source, that the President positively declined the invitations given him to partake of public dinners. That he never accepted an invitation to a public dinner in his life, although he has been constrained frequently to participate in entertainments which, from the numerous attendance, assumed the appearance of a public dinner.

APPENDIX,

Containing some evidences of Gen. Harrison's heroic and political merits. The other incidents referred to in the foregoing speech, connected with his life, being well known matters of history.

In reference to his general political opinions, I believe the following to be authentic:

John Randolph of Roanoke, who despised both the Adamses, on the floor of the Senate of the United States in 1826, thus witheringly retorted on Gen. Harrison, for his black cockade doctrines in support of John Q. who was their President:

"Now, sir, the only difference between the gentleman from Ohio and myself is this—and it is vital: That gentleman and myself diff r fundamentally and totally, and did differ when we first took our seats in Congress—he as a Delegate from the Territory Northwest of the Ohio river, I as a member of the other House, from the State of Virginia. *HE WAS AN OPEN, ZEALOUS, FRANK SUPPORTER OF THE SEDITION LAW ADMINISTRATION*—and I was as zealous, frank, and open an opponent of the black cockade and sedition law Administration. We differ fundamentally and totally—we never can agree about measures or about men." In reply to this charge, what is the answer of Gen. H.? Does he deny it? So far from it he admits that "it is very probable he (Mr. R.) might have heard me express sentiments *favorable* to the then Administration—*I certainly felt them.*"

Extracts from the letter of General Duncan, Governor of Illinois, now a political friend of General Harrison, relative to the affair at Lower Sandusky, dated March 25, 1836:

About the 20th of July, 1813, General Harrison, then at Lower Sandusky, hearing that the British army had crossed Lake Erie to Fort Meigs, being about five thousand strong, immediately changed his head quarters to Seneca, seven or eight miles up the Sandusky river, where he assembled his forces then on the March from the interior, leaving Major Croghan with about 150 men to defend Fort Stephenson, with an understanding at the time that the fort, then in a weak and wretched condition, was to be abandoned, should the enemy advance with artillery, but if not, to be defended to the last extremity.

About this time General Harrison received information that the enemy had raised the seige at Fort Meigs, and had started in the direction of Sandusky and Camp Seneca. On receiving this intelligence, he determined to rereat from his position, and immediately sent an express to Fort Stephenson, which arrived about sunrise, ordering Major Croghan to burn the fort with all the munitions and stores, and retreat without delay to head quarters, giving also some precautionary instructions about the route, &c.

On receiving this order, Croghan instantly placed it in the hands of the officers, who were all present, and required them to consider, and express an opinion of the propriety of obeying or disobeying it. The board was formed, and on putting the question, beginning as usual with the youngest officer, it was ascertained that a majority of us were for destroying the order Croghan returned to the room, and being informed of our directions, remarked, "I am glad of it; I had resolved to disobey at all hazards," and immediately despatched an express to General Harrison, giving him that information. Immediately on the arrival of this express, Gen. Harrison despatched Lieutenant Colonel Ball, with his squadron of dragoons, with orders to arrest Croghan, bring him to head quarters, which was done, and sent another officer to take command. By this time, in consequence of his not arriving agreeably to his expectations and orders, the General abandoned all idea of a retreat, although his munitions and stores were piled up ready to be set on fire as soon as Croghan should reach Seneca; and it is not doubted that if Croghan had arrived according to orders, General Harrison would have retreated instantly, leaving the whole frontier, our fleet at Erie, and the stores at Cleveland—the destruction which was the object of the invasion and movements down the lake—at the mercy of the enemy.

McAffee, the historian of the late war, and Dawson, the biographer of General Harrison, have studiously kept out of the view that the object of the invasion was the destruction of our ships under Commodore Perry, at Presque Isle, and boats and stores at Cleveland. These were looked upon with solicitnde by the British—were reconnoitered, and, on one or two occasions, were attempted to be destroyed, by landing the force on board their fleet. They have also failed to account for the movement of the whole British forces down the lake, in the direction of Cleveland and Erie, before their defeat at Sandusky, which was attacked to satisfy their Indian allies, who demanded the scalps and plunder of the place. They had kept out of view the fact that General Harrison had determined to retreat to the interior, after burning all the supplies which he had collected—that he ordered Major Croghan to abandon and burn Fort Stephenson—that his refusal to obey, and failure to arrive at headquarters, prevented this retreat, and consequent destruction of our fleet, millions of public stores, and exposure of five hundred miles of frontier to the combined enemy.

Both have stated that General Harrison never doubted that Major Croghan would be able to repulse an enemy of near two thousand, and which they say he understood to be five thousand, with one hundred and thirty men; his effective force on the day of battle, one six pounder, with ammunition for only seven shots, and about forty rounds of small arms, when the fact was notorious that Gen. Harrison was heard to say, during the siege, when the firing could be heard in his camp, speaking of Croghan, "the blood be on his head; I wash my hands of it," not doubting for a moment, nor did any one with him, that the garrison would be cut off.

With great respect, your obedient servant,

JOSEPH DUNCAN.

Col. PRESTON, Mil. Com., Senate.

Upon the subject of his resignation, there is the following testimony from General Armstrong, late Secretary of War, supported by Gen. Harrison's own letters:

MESSRS. GALES and SEATON: Having recently seen, in an article published in the National Intelligencer, and entitled a biography of Gen. Harrison, a gross misrepresentation of my feelings and conduct towards that officer in the campaign of 1813, (evidently intended to to throw upon me the odium of having made necessary the General's resignation,) I have thought it incumbent upon me to disabuse the public on this head, and show that every thing asserted by the biographer, imputing to me hostility to the General in any form, or from any motive, is downright fiction, arising either from a total ignorance of facts, or an utter disregard to truth. The passage thus characterized is in the following words:

"The war having been thus gloriously terminated within the General's own district, he repaired to Erie, and there tendered his services to the army operating in that quarter. Unfortunately, the Secretary of War was there, who felt some old griefs unredressed, and being, moreover, envious of the laurels so dearly but justly worn by the General, and unwilling to see another added to the wreath, ordered him to repair to Ohio, where he had no further duty to perform, having already brought the war to a close in that quarter. The order was obeyed; he returned to his family, and immediately resigned his commission, declaring that he could not honestly eat the bread of Government when he was denied the privilege of rendering service in return."

To refute this compound of falsehood and calumny, it will but be necessary to exhibit the official letters which passed between the General and myself at the period, and on the occasion referred to:

General Harrison to the Secretary of War, Buffalo, October 24.

"Before this reaches you, you will no doubt be informed of the loss of your messenger, Captain Brown, with the despatches entrusted to him. Not, therefore, having received your directions, and being entirely ignorant of the state of our military operations in this quarter, I was much at a loss to know how to proceed; but, believing that General Cass, with his brigade, would be able to secure Detroit and our adjacent conquests, after having concluded an armistice with the greater part of the hostile tribes, I concluded that I could not do better than to move down the lake with the remaining part of the troops, which I shall bring immediately to Fort George, where I shall await your orders."

Secretary of War to General Harrison, Wilna, October 30, 1813.

"I have the honor to acknowledge the receipt of your letters of the 5th and 24th inst. The despatch, by Capt. Brown, and which, with him, was lost in Lake Erie, suggested, as an ulterior movement, your coming down to the Niagara river, and putting yourself on the right and rear of De Rottenburg's position before Fort George; while General McClure, with his brigade of militia, volunteers, and Indians, menaced it in front. The enemy seems to have been aware of this, or of some similar movement, as he began his retreat on the 9th, and did not stop till he had gained the head of Burlington bay, where, I understand by report, he yet is. This is his last stronghold on the peninsula; routed from this, he must surrender, or make good a retreat to Kingston: His force is estimated at twelve or fifteen hundred men—the capture or destruction of whom would give a glorious finale to your campaign."

The same to the same, Boonsville, Nov. 3, 1813.

"When I wrote you from Wilna, it was doubtful whether our attack would be made upon Kingston, or upon Montreal. Reasons existed for preferring the latter, and have probably determined Gen. Wilkinson *to go down the St. Lawrence. In this case, the enemy may have at Kingston,* besides his fleet and usual garrison, twelve or fourteen hundred men from the West. Had we not a sufficient corps in the neighborhood, they might do mischief, and even render insecure the winter station of our fleet. To prevent this, it is deemed advisable to draw together at Sackett's harbor a considerable military force. There are now at that post four or five hundred men of all descriptions—sick, convalescent, and effective. Col. Scott's detachment (about 700) is on its march thither; and it is barely

possible that Col. Randolph's (not arriving in time to move with the army) may also be there. This does not exceed 350. McArthur's brigade added to these, will make a force entirely competent to our object. To bring the brigade down the lake, you must have the aid of the fleet, which will be readily given by Commodore Chauncey. The officers of the several corps composing your division, as well as those at Fort George as those at Detroit, (not necessary to the command of the troops now in the field,) should be immediately detached on the recruiting service. I need not further invoke your attention to a subject so important to the early and successful opening of the next campaign, and to the extent and character of your particular command."

General Harrison to the Secretary of War.—Head Quarters, Newark, Nov. 16, 1813.

"Commodore Chauncey, with the fleet, arrived here yesterday, and informed me that he was ready to receive the troops, and carry them down the lake, and that the season was so far advanced (rendering the navigation dangerous to the smaller vessels) it was desirable they should be embarked as expeditiously as possible.

"As a very small part of the militia and volunteers had arrived, and the situation of Sackett's Harbor appearing to require immediate reinforcement, I did not think proper to take upon myself the responsibility of postponing the departure of the troops for the lower part of the lake, conformably to the directions contained in your letter of the 3d instant. The information I received yesterday, from two respectable citizens that were taken near to Fort Meigs in June last, and who made their escape in an open boat from Burlington, *confirms me in the propriety of sending them off.* These men state that the *British troops were hurrying to Kingston from York as far as possible*—the regulars going down in boats, and militia bringing the latter back.

"Our troops are now all embarked, and are under the command of Col. Smith, who is an officer in whose capacity and bravery the greatest reliance may be placed. I shall set out this evening for the seat of Government, and have the honor to be, with the highest consideration," &c.

Same to the same.—Head Quarters, Cincinnati, May 11, 1813.

"I have the honor, through you, to request the President to accept my resignation of the appointment of Major General in the army, with which he was pleased to honor me. Lest the public service should suffer before a successor can be nominated, I shall continue to act until the 31st instant, by which time I hope to be relieved.

"Having some reason to believe that the most malicious insinuations have been made against me at Washington, it was my intention to have requested an inquiry into my conduct from the commencement of my command. Further reflection has, however, determined me to decline the application, because, from the proud consciousness of having palpably done my duty, I cannot believe that it is necessary, either for the satisfaction of the Government or the people, that I should pay so much respect to the suggestions of malice and envy."

The preceding documents established the following facts:

1st. That the General, when arriving at Erie, was not from enmity or envy ordered to repair to Ohio, or otherwise prevented from giving his services to the army then on the Niagara, as asserted by his biographer.

2d. That, on the contrary, he was, without delay, put in command of the army, and assigned to a service which, had it been performed, would have justly entitled him to another wreath of laurel.

3d. That, by a second order from the Secretary, he brought down McArthur's brigade to reinforce the garrison at Sackett's Harbor—an order entirely approved and speedily executed by the General.

4th. That, on the 11th of May, six months after leaving Sackett's Harbor, he resigned the command of the district, and quitted the army—not, as his biographer asserts, because denied the privilege of serving the Government, and therefore ashamed to eat his bread; but, as he himself says, because he had some reason to believe that malicious insinuations to his disadvantage had been made at Washington.

JOHN ARMSTRONG.

February, 1840.

As to the refusal of his country to bestow on him a mark of approval.

In the tenth volume of Niles's Register, page 125, we read the following as a part of the proceeding in the United States Senate, to wit:

"The Senate resumed the consideration of the joint resolution directing medals to be struck, and, together with the thanks of Congress, presented to Major General Harrison and Governor Shelby, and for other purposes. After some discussion, Mr. Lacock moved to amend the resolution, by striking therefrom Major General Harrison. This motion was determined in the affirmative, by the following vote:

YEAS—Messrs. Gaillard, Gore, Hunter, King, Lacock, Mason, Roberts, Thompson, Tait, Jackson, Turner, and Varnum—12.

NAYS—Messrs. Barber, Barry, Condit, Horsey, Macon, Morrow, Ruggles, Talbot, Wells, and Williams—10.

In the 10th volume of Niles's Register, on the 414th page, is a letter over General Harrison's own signature, dated July 16, 1816, from which the following is an extract:

"A vote of the Senate of the United States has *attached to my name a disgrace*, which I am convinced no time or efforts of mine will ever be able to efface. Their censure is, indeed, negative; but it is not on that account the less severe."

ABOLITION.—In 1822, he wrote as follows:

"TO THE PUBLIC.

"FELLOW-CITIZENS: Being called suddenly home to attend my sick family, I have but a moment to answer a few of the calumnies which are in circulation concerning me. I am accused of being friendly to slavery. From my earliest youth to the present moment I have been the ardent friend of human liberty. At the age of eighteen I BECAME A MEMBER OF AN ABOLITION SOCIETY, established at Richmond; the object of which was to ameliorate the condition of the slaves, and procure their freedom by every legal means. My venerable friend Judge Gatch, of Clermont county, was also a member of this society, and has lately given me a certificate that I was one. *The obligations which I then came under I have faithfully performed.*"

"WM. HENRY HARRISON."

In 1833, General Harrison delivered a Fourth of July Oration at Cheviot, Ohio, in which he made the following declaration:

Should I be asked if there be no way by which the General Government can aid the cause of emancipation, I answer, that it has long been an object near my heart to see the whole of the surplus national revenue appropriated to that object. With the sanction of the States holding slaves, there appears to me no constitutional objection to its being thus applied, embracing not only the colonization of those that may be otherwise freed, but the purchase of the freedom of others. By a zealous prosecution of a plan formed upon this basis, we might look forward to a day, not far distant, when a North American sun would not look down upon a slave.

Upon the subject of selling out free white men, I have in my possession one of the printed journals of the Senate of Ohio for the year 1820, from which the following is a true extract:

Extract from the journal of the Senate of Ohio, Tuesday, January 30, 1821:

The Senate met pursuant to adjournment.

The Senate then, according to the order of the day, resolved itself into a Committee of the Whole upon "the bill from the House entitled an act for the punishment of certain offences therein named," and after some time spent therein, the Speaker, Allen Trimble, resumed the chair.

Mr. Fithian then moved to strike out the 18th section of said bill, as follows:

Be it further enacted, That when any person shall be imprisoned either upon execution or otherwise, for the non-payment of a fine or costs, or both, it shall be lawful for the sheriff of the county to SELL OUT SUCH PERSON AS A SERVANT, to any person within this State, who will pay the whole amount due, for the shortest period of service, of which sale public notice shall be given at least ten days, and upon such sale being effected, the sheriff shall give the purchaser a certificate thereof, and deliver over the prisoner to him, from which time the relation between such purchaser and the prisoner shall be that of MASTER AND SERVANT, until the time of service expires; and for injuries done by either, remedy shall be had in the same manner, as is, or may be provided by law in the case of master and apprentice. But nothing herein contained shall be construed to prevent persons being discharged from imprisonment according to the provision of the 37th section of the act to which this is supplementary, if it shall be considered expedient to grant such discharge. Provided that the court, in pronouncing upon any person convicted under this act, or the act to which this is supplementary, may direct such person or persons to be detained in prison until the fine be paid, or the person or persons otherwise disposed of agreeably to the provisions of this act.

And the yeas and nays being required, those who voted in the affirmative were, Messrs. Beasly, Brown, Fithian, Gass, Heaton, Jennings, Lucas, Mathews, M'Laughlin, M'Milton, Newcom, Robb, Russell, Scofield, Shelby, Spenser, Stone, Swearington, Thomson, and Womeldorf—20.

And those who voted in the negative were, Messrs. Baldwin, Cole, Foos, Foster, WM. H. HARRISON, M'Lean, Oswall, Pollock, Ruggles, Roberts, Wheeler, and Speaker—12.

REMARKS OF MR. CRARY,
OF MICHIGAN,

In the House of Representatives, Friday, February 14, 1840—The order of the day being the motion of Mr. CASEY to refer the memorial of the National Road Convention, held at Terre Haute, Indiana, to the Committee of Ways and Means, with instructions to report a bill appropriating $150,000 in each of the States of Ohio, Indiana, and Illinois, to be expended on the Cumberland road, and the substitute of Mr. PICKENS for said instructions, as follows:

"And that the memorial be committed to the Committee of Ways and Means, with instructions to consider the expediency of reporting a bill in favor of the measure."

And Mr. MARVIN's amendment to the original proposition, and substitute for Mr. PICKENS's amendment, as follows:

"And that the Committee of Ways and Means be instructed to report bills in accordance with the estimates contained in the reports from the Chief Engineer, and the Chief of the Topographical Engineers, to the Secretary of War, and communicated to Congress by the President, making appropriations for the year 1840, for the continuation of the construction or improvements of harbors and roads, and the navigation of rivers, for which appropriations have been heretofore made."

Mr. CRARY spoke as follows:

Mr. SPEAKER: I am aware that it has become a common custom to examine nearly all questions that come before us, with reference to constitutional considerations. It is not to be supposed, however, that the most rigid constructionist will call in question the power of the House to give efficiency to the amendment offered by the gentleman from New York, [Mr. MARVIN.] The General Government has jurisdiction over most of the navigable rivers in the country, and especially over those leading into the Mississippi and the St. Lawrence. The ordinance of 1787, for the government of the territory northwest of the Ohio, provides that "the navigable waters leading into the Mississippi and the St. Lawrence and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States and those of any other State that may be admitted into the Confederacy, *without tax, impost, or duty therefor.*" By this clause of the ordinance, these waters are the common highways of the whole Union. The United States have the jurisdiction over them, and have the right to improve their navigation. This improvement cannot be made by the States, if by such improvement those waters are deprived of their character of "*common highways.*"

The only question, then, Mr. Speaker, for our consideration, is, whether these improvements are necessary, and appropriations at the present time expedient. I am aware that the system has been charged with numberless abuses. If these exist, they should be corrected. But until they are pointed out, I am disposed to vote the appropriations, believing them necessary to give protection to the rich and increasing commerce of the West. Much of the cry of extravagance is without foundation. The expenditures have indeed, in the majority of cases, exceeded the estimates; but it is to be recollected that the estimates were made when labor and the products of labor were comparatively at a low price. A work estimated at $100,000 dollars in 1830 cost nearly double that amount in 1836, by reason of the great rise in prices, and the universal demand for labor. Many of the works have been made more permanent than was originally contemplated. Instead of piers of wood that must soon decay by the action of the elements, they have been built of stone, which often had to be transported from a distance. But the greatest cause of the excess of the expenditures over the estimates, is traceable to the action of this body. During our long sessions, we have been in the habit of delaying the appropriations to so late a period in the season that contracts for labor and materials could not be made to advantage. It often happened that works were suspended for six months in the year, awaiting the tardy and uncertain action of Congress; and were then recommenced in the midst of the summer months. This left only about three months for active operations, two of these the most unhealthy of the year, and the other a month of storms and tempests. Under such a system of appropriations, there must be waste and extravagance—but the fault was with the makers of the laws and not with those who executed them.

The expenditures for harbor improvements on Lakes Erie and Michigan amounts to about $1,500,000, and there has been constructed sixteen harbors into which vessels can run with safety, and two others are nearly completed. When, in 1827, the first harbor improvement on Lake Erie was authorized, there was upon that lake 4,453 tons of shipping. The steamboat and shipping tonnage on the 30th September, 1838, amounted to 36,385 tons. By a statement of the collector at Mackinaw, made in 1838, it appears that nearly 57,000 tons of shipping entered that port between the 14th of April and 25th of September of that year. This amount of tonnage is employed in the Lake Michigan trade, where a vessel often runs two hundred miles in a storm before she can find a harbor.

The gentleman from New York, last upon the floor, [Mr. BARNARD,] stated that the commerce on these lakes now exceeded 100,000 tons monthly. Allowing eight months of navigation annually, and it would, for that period, exceed 800,000 tons—equal to half the tonnage of the Atlantic States. Nearly one moiety of the Atlantic tonnage is registered and employed in the foreign trade. The vessels are fitted out for distant voyages, and after leaving port, are not exposed to the dangers of our own coast. On the lakes they were exposed daily and hourly, for they were constantly in sight of the shore, and liable to be driven upon it in every unfavorable gale.

It has been by means of the harbor improvements on the lakes that the whole of the public domain in the Northwest has been brought into market. When this system was commenced, the State that I have the honor to represent was supposed to be a bleak and barren wilderness—"a country of

sand hills, sometimes crowned with a few stunted trees and a scanty vegetation, but generally bare, and thrown by the wind into a thousand fantastic shapes"—a country unfit for cultivation, and so filled up with marshes, that enough of good land could not be found to supply the demands of the soldiers of the war of 1812. Such was Michigan, even after the close of that war; but its whole aspect has been changed by the expenditure of a few thousand dollars in harbor improvements.

More than 200,000 people have been induced to make this "*beautiful peninsula*" their home, and have been the willing instruments of causing more than $8,000,000 to flow into your Treasury since 1834. Nor has the influence of these harbors been confined to my own State. They have been the means of settling Northern Ohio, Northern Indiana, and Northern Illinois, and they are now filling up Wisconsin and Iowa with the enterprising and intelligent of the old States—with the men who carry with them the principles, moral and political, which inspired and animated the pilgrims of the Plymouth Rock.

These are some of the benefits that have accrued to the country from our improvements on the lakes. The question now before us is, whether these works shall go on to completion. By your past legislation, you have induced the settlement of a lake coast nearly 2,000 miles in extent, with all the country adjacent; you have persuaded thousands upon thousands of your population to go into the wilderness, and purchase your public domain, with the expectation that you will continue those improvements. Their continuance is demanded by the interests of commerce. Without them, we shall have no avenues by which the products of our industry can find a market. Without them we shall be isolated, be cut off from all the benefits of the Union, and be compelled to bear only its evils.

The gentleman from South Carolina [Mr PICKENS] embraced the opportunity yesterday to pass a high compliment to the energy, enterprise, and intelligence of the Northwest. He looked forward with pride and joy to the addition of new States to the Union. I am pleased at this expression of his broad and expanded views. I, too, Mr. Speaker, look forward to the time when State after State shall be embraced within the Union, when Representatives shall stand up on this floor, whose homes are on the shores of the great Pacific. An opportunity will soon be presented to test his patriotic professions; and when it comes, I feel an an assurance that he will not be found wanting in his deep devotion to the principles of liberty. Wisconsin will soon be here to take her place in the rank of States, and it will probably be the good fortune of many now here to assist in forming two or three States out of the present Territory of Iowa.

The gentleman from South Carolina objects to these appropriations, because they are not necessary for the common defence. He thinks that all our future battles are to be fought upon the Atlantic. In his opinion, the Canadas are to become free in any future contest with Great Britain, and are to be united with us in the bonds of a common Union. This, sir, may all happen, but not immediately. If a war comes out of the Northeastern boundary question, the grand theatre for military operations will be upon the lakes. There will be fought our battles, and there our arms will be covered with defeat and disgrace, or crowned with victory and with glory. Already is there a force in the Canadas of some eighteen thousand men, under experienced officers, and ready to invade us at any moment. The militia of those provinces are in a state of excellent discipline, and commanded by officers who have been in regular service. For three years the British Government have been fortifying along our whole frontier. They have rebuilt fort Malden, the key to the commerce of the upper lakes. They have fortified Bois Blanc island at the mouth of the Detroit river. Are all these movements necessary to preserve the peace of the Canadas? Must our whole frontier be lined with cannon to keep down the spirit of Canadian patriotism, and love of liberty? No, sir! In the event of war, these fortifications are designed to cut off our commerce with Lakes Huron and Michigan. But this was not all. British troops are stationed at every important point on that frontier, and British influence is concentrating the Indian tribes of the Northwest among the hundred islands of Lake Huron. Were all these fortifications, and all these armed men, necessary to preserve peace among British subjects? It may be, sir, but it tells a sad story for British misrule in her provinces, and such misrule as once justified rebellion and revolution. It is however to be recollected that we have a long line of boundary yet to adjust. On our part it is to be adjusted without compromise, without concession. We have declared for the boundary of the treaty of 1783. Does the British Government intend to adhere to that boundary? The late message of the Governor of New Brunswick shows no such intention. He talks of compromise, of concession. Are the gentlemen from Maine prepared for this?

[Mr. SMITH here replied, No: never!]

No: never, is the reply; and it is such a reply as should come from a Representative of the people of that gallant State. It is made in the spirit of the country. This House has declared for the line of the treaty, and we are bound to abide by that line. War is, indeed, to be avoided, but not at the expense of any portion of that territory which was won by the battles of the Revolution, and bequeathed to us as the inheritance of liberty.

Mr. Speaker, I have ever considered harbor appropriations as necessary for the defence of the lake frontier. They are necessary to protect our shipping from being destroyed by the enemy. A breastwork upon the piers, with a few cannon, and men to use them, will render almost any harbor secure from military incursions. In connection with this subject, it may not be improper to allude to the agreement entered into between the British Government and the United States in 1817, in regard to the armament of the lakes. By that agreement, neither Government was to emply more than two vessels on the upper lakes, each of 100 tons burthen, and armed with one eighteen pounder. If my information is correct, this agreement has been violated by the British Government, and they are now building two armed steamers on Lake Erie, ostensibly for the preservation of the peace of the Canadas, but in reality to maintain an ascendency upon those waters in the event of war.

Mr. Speaker, I do not understand the President to be opposed to appropriations for harbors. When his message, together with the report from the Treasury Department, was transmitted to this body, the operations of the Topographical Bureau and Engineer Corps, for the year 1839, had not been laid before the head of the War Department. Directions had been given that all our public works should be inspected by competent officers, and the result of their labors was not communicated until the 7th of January. The Bureau of Topographical Engineers reported on the 30th of December, 1839, and the Chief Engineer on the 7th of January, 1840. On the 8th of January these reports were laid before the President, and on the 9th of the same month, he transmitted the same to Congress "for their action and consideration." This document contains "a more than usually detailed statement of the history and progress of the works, together with detailed estimates of the probable cost of each work, and of the sums required for each year." It is a document that will enable Congress to legislate understandingly on all subjects of harbor improvement. It tells us that the works under charge of the Engineer Department will require the sum of $1,386,887 for 1840; and under the charge of the Topographical Bureau the sum of $1,807,424 for 1840. There are tables showing the whole amount that will be demanded to complete all the works in a permanent manner. There is also much valuable matter on the subject of the commerce of the upper lakes. No man can read it without coming to the conclusion that the fifteen hundred thousand dollars expended on the harbors of these lakes, has been the most profitable expenditure of this Government. It had been the means of creating a tonnage in ships, brigs, schooners, sloops, and steamboats, valued at $2,399,600. Since 1830, a commerce at the single port of Cleveland, had been created of the annual value of upwards of $50,000,000. Such was the character of the document sent to us by the President, and to which he invites "our consideration and action." Does this look like opposition to this system of improvements? Does it indicate a spirit of hostility either to the Cumberland road or to harbors? As the particular friend of the latter, I am glad of such opposition. It will do more than has ever yet been done to induce the country to urge these works to completion.

Those of the Opposition who are friendly to these improvements, were doing the President great injustice. He has sent to us the best report that ever came from the head of the Executive, and yet they are dissatisfied because the estimates were not to be found in the annual report from the Treasury. They are not there, because they were not completed when the Treasury document was made out. But they are before us now, and with the sanction of the President. What more do gentlemen want? What more would they have? It seems to me that they ought to be satisfied. But no; the President can do nothing that will satisfy them. If he includes the estimates for such works in the annual budget, he is forthwith charged with recommending extravagance, and with wishing to extend Executive patronage. If they are omitted in the budget, and sent up by the proper Department, according to the practice of the Departments, then comes the cry of opposition to all improvements. Sir, the spirit of opposition to this Administration rides over the best interests of the country.

I now come to that portion of my remarks which relate to the original proposition, as well as to the amendment. It must be well known to every member of the House that the expenditures of this Government are in a great degree confined to the Atlantic States. In those States, we expend $5,000,000 annually in creating and supporting a navy. We expend other millions on fortifications and custom-houses, and in giving protection to commerce. In those States, nearly all our munitions of war are manufactured, and there are paid out and expended the salaries of most of our public officers, civil and military. The great body of our legislation has been for the immediate benefit of these States. Congress seldom looks westward, except when some question in regard to the public domain is under consideration. This is a natural condition of things. The power of the House rests with the States of the Atlantic, but it will not be with them always. Another census will show, that

"Westward the star of empire takes its way."

There has been of late much speculation as to the probable effects upon our prosperity of the large indebtedness of the States. It has been said that the interest on a debt of $200,000,000 will drain us of our resources. There is no doubt that the payment of $10,000,000 of interest annually, to a foreign power, will have a sensible effect upon our prosperity. It will create a dependence upon foreign capitalists and foreign banking institutions; but this dependence will not be as great as that of the West upon the Atlantic States, by reason of the operations of this Government.

In 1834, the expenditures of the Government were $24,601,982; for the civil list, $4,404,728; the military, $10,061,427; naval affairs, $3,956,260; and for the payment of the public debt, $6,176,565. The receipts for the same year, were $21,701,935, of which $16 214,957 were from customs, and $4,857,600 from the public lands. The appropriations for that year, according to a report of the Secretary of the Treasury, were $1,111,000 in the States of Ohio, Indiana, and Illinois.

IN OHIO.—Special,	. . .	$282,000
Pensions,	. . .	125,000
Miscellaneous,	. .	40,000
Army,	. . .	145,000
Indians,	. . .	120,000
		$712,000
IN INDIANA.—Special,	. .	$163,000
Pensions,	. .	48,000

	Miscellaneous, .	10,000
		$221,000
IN ILLINOIS.—Special, . .		140,000
	Pensions, . .	18,000
	Army, ...	10,000
	Miscellaneous, .	10,000
		$178,000

Computing the population of the Union, for that year, at 15,000,000, and that of these States at 2,200,000, and there was paid into your Treasury, by these States, for customs, the sum of $2,378,193, being $1,267,193 more, for customs alone, than was expended in those States. In the same year there was paid into the Treasury from those States, for the sale of public lands, the sum of $1,346,989. Admitting that those States paid but one-half of the amount received for public lands within their borders, and they paid into your Treasury, for customs and lands alone, the sum of $3,051,687, being $1,940,587 more than was expended in those States. But the whole expenditure for the Union amounted to $24,601,982, which would give to those States the sum of $3,608,290, whereas they received but the sum of $1,111,000. So much for the receipts and expenditures for the year 1834, and their operation upon the States of Ohio, Indiana, and Illinois.

We come now to the year 1839, when the population of the Union may be estimated at 17,000,000, and that of Ohio, Indiana, Illinois, and Michigan, at 3,000,000. During the past year there were no special expenditures in either of these States, so that the whole of the appropriations resulting immediately to the benefit of these States could not exceed $1,000,000. The whole of the appropriations of the Government amounted to $37,217,812, which, if paid equally by all our population, would give to these four States, as their proportion, the sum of $6,567,849. In other words, they paid into your Treasury $6,567,849, and received from the same $1,000,000. But as this calculation may be objected to on account of the receipts from other sources than lands and customs, my remarks will be confined to the two latter. For the first three quarters of 1839, the receipts from customs were $18,328,392, and for the last quarter they may be estimated at not less than $2,500,000, giving the sum of $20,828,393 for the year. Of this sum the States of Ohio, Indiana, Illinois, and Michigan, must pay $3,675,600. There has been collected in these States for public lands, during three quarters of the year, the sum of $2,234,265; and supposing one-half this sum to be paid by citizens of those States, and there has been taken from their pockets, for lands during three quarters of the year, and for customs during the whole year, the sum of $4,792,732, and directly returned to them, in the form of appropriations, the sum of $1,000,000. Add this heavy balance to the interest which those States are paying to Europe on State indebtedness, and we have a sufficient cause for the derangement of their currency; for the low price of all the products of labor and for the general pecuniary distress which pervades that whole section of country. Without a national debt, these States are placed in the situation that the South and West were in 1820, when Mr. Crawford, in a report to the House of Representatives, on banks and currency, said:

> In the West and in the South, the complaints of a deficient currency have been most distinctly heard. In the latter, these complaints are of recent date. In both, they proceed in a greater degree from the disbursement of the public revenue, than from any other cause. The great mass of public expenditure is made to the east of this city. The revenue accruing from imports, though principally collected in the Middle and Eastern States, is paid by the great mass of consumers throughout the United States. That which is paid for the public lands, although in some degree drawn from every part of the Union, is principally paid by the citizens of the West and the South. The greatest part of the revenue accruing from the public lands, as well as that collected in the Southern States upon imposts, has been transferred to the Middle and Eastern States to be expended. The necessity of making this transfer, arises from the circumstance that the great mass of the public debt is held in those States, or by foreigners, whose agents reside in them; and from the establishments of dock yards and naval stations in their principal ports. This transfer will continue to be necessary until the public debt shall be extinguished, and until the other expenditures of the Government can, consistenly with the public interest, be more equally distributed.

Notwithstanding this sectional inequality in the appropriations, I am disposed, Mr. Speaker, to vote liberal supplies for the defences of the country, for the support of the army and navy, and the public works. Will the Atlantic States be actuated by a similar liberality? When the West brings forward objects for which expenditures are expedient, will those States give to them a consideration commensurate to their importance? Unless this is done, the Union will be, to the West, of little advantage. If that section is to be divested of its circulating medium from year to year, without any adequate return, it does not require the spirit of divination to foresee the consequences. There is glory in belonging to the Union; there is a feeling of pride in its associations. But all these may pass away, by the infliction of burdens grievous to be borne, by forcing one section to become hewers of wood and drawers of water, in support of a Government established "to provide for the common defence, and promote the general welfare." Sir, this is not spoken in a fault-finding spirit. I am not to be thus understood. But it is to be borne in mind that the West has contributed more than its full share to the funds of the Treasury; and in asking that a portion of these funds be returned to them, and expended on constitutional objects, they are governed by a sense of justice, and a desire for "a more perfect union."

It seems to be my misfortune, Mr. Speaker, to come from a State that gentlemen are in the habit of taking for illustration. The gentleman from Alabama [Mr. HUBBARD] has gone to Michigan to find materials for a speech, which materials could have been furnished from his own State. Hereafter he had better look at home, before going abroad to find fault with his neighbors. It has not been my habit to bring up and arraign the internal affairs of my own or any other State. Whatever the condition of politics in my own State, whether power be in the hands of Whigs or Democrats, it is my wish at all times to be the defender of her rights, and to promote her best interests. The movements of my political opponents at home will never be alluded to by me unless they are a legitimate subject for our consideration. If the time of the House is to be devoted to the party contentions of the States, we shall find ourselves upon an illimitable ocean, without helm or compass.

Mr. Speaker, I will take the liberty to assure the gentleman from Alabama that all the expenditures in Michigan have been confined to constitutional objects. All the roads were made when Michigan was a Territory. Most of them were military roads, and all of them have resulted to the great benefit of the United States. The road from Detroit to Fort Gratiot was a military road. That from Detroit to Chicago was of the same character; and also, that from Detroit to Saganaw. The latter road ought to be completed to Mackinaw. There is no way of reaching that post at present, but by Lake Huron; and yet it is the Gibraltar of Lake Michigan; and in the event of war, if well fortified and defended, will give security to the whole of Western Michigan, Northern Indiana, and Illinois, and Eastern Wisconsin. Is such a road unconstitutional? If so, all roads for military purposes are unconstitutional; for there is not a road in the Union of more importance for protection and defence. There are other roads in Michigan to which the gentleman has alluded. Some of them were constructed for military purposes, and others for the purpose of bringing the public lands into market, and giving them the value affixed by law.

An impression seems to have gone abroad that large sums of money have been expended in Michigan for internal improvements. The gentleman from Alabama has alluded to some 800 miles of road in that State, and to numerous harbor improvements, and intimated that all this had been done in a State that was a wilderness. We are not entirely a wilderness, as will be demonstrated on this floor after the next census, and as has already been demonstrated by the returns to your Treasury, from the sales of the public lands. From that State alone you have put into your Treasury $8,490,163, from 1833 to September, 1839, and $10,774,034, since your lands were first brought into market.

We have also, in common with the rest of the Union, paid our proportion of the revenue derived from the customs. And what have been the returns in the form of expenditures for legitimate objects of improvement? With a peninsular coast of seven hundred miles, there has been expended, to 1837, for internal improvement, $296,713. Let us now examine the account with Alabama. For internal improvement there is put down to that State $198,950, and for fortifications $1,358,764. Yes, sir, Alabama can have fortifications to defend her against an assailing foe, but Michigan must depend upon her stalwart arm alone for protection. Alabama had also received 400,000 acres of the public lands for the improvement of the Muscle shoals in the Tennessee river. That land is worth not less than$ 700,000. But the gentleman is willing to give up the avails of this land, and all that Alabama has received from the General Government, if we will only put an end to internal improvement. This is patriotism of a high order, and, if entirely disinterested, has my hearty commendation. But, in the present instance, there seems to be something of self-interest about it. On a map at the left of your chair, sir, is delineated the Tennessee river, Muscle Shoals, and the canal around the north bend of the shoals. Yes, sir, also a certain railroad on the south side of the river, running from Decatur to Tuscumbia, through Courtland.

The gentleman from Alabama, when at home, takes his letters and papers from the post office at Courtland. This may well account for his patriotism. It may also be accounted for on the supposition that his district is particularly interested in the railroad improvement.

[Mr. HUBBARD here said that he had opposed appropriations for such purposes long before the railroad charter was granted. That so far from the railroad interest operating in favor of his election, the contrary was the fact. He received a much larger vote in the counties where the canal was run than in those counties along the route of the railroad; not on account of the railroad or canal, but because there were more Democrats in the former counties and more Whigs in the latter. Those who sent him here would give up the donation if you would stop plundering them to carry on works of internal improvement. Yes; the State of Alabama could not only afford to surrender this donation, but give a million dollars in the bargain, if you would not take any more of their money.]

Mr. CRARY resumed. The patriotism of the people of Alabama is not to be doubted. They have accepted the donation, and they have thus given evidence of a knowledge of their true interests. I should like a similar donation for my own State; but it will not be made this session. Even a cession of the lands for a fair consideration, the favorite project of the gentleman from South Carolina, [Mr. PICKENS,] will find little favor with the House, as at present constituted. A change must come over us before "the sun and the moon and the eleven stars will make obeisance." "The arms of our hands must first be made strong," and honor and power must first be in our possession.

Mr. Speaker, I have thus far confined myself to the question. I have now something to say about men. Ever since the Harrisburg Convention, no speech has been delivered on this floor which has not some reference to the existing political relations of the country. This has not been in order. It is not our province to make Presidents, nor to waste the time of the House in making speeches in favor of the candidates of either political party; and yet this has been done, and to an extent that it would be almost out of order not to make a reply. I propose to reply, but not in the way that will be most agreeable to the Opposition. I shall indulge in no vituperation, and make use of no abusive epithet. These weapons belong to my political opponents.

The gentlemen from Indiana, [Mr. PROFFIT,] who occupied the floor yesterday, has brought before the House the hero of North Bend, not as he is in his old age, with mental infirmities fast thickening upon him, but as he was when in command of the

Northwestern army in the last war. That gentleman has applauded the Presidential candidate of the Opposition for three great exploits: 1st, the battle of Tippecanoe; 2d, being the first to suggest the armament of the lakes; and, lastly, for the battle of the Thames. I have a few words to say on each of these subjects.

Any one who will put himself to the trouble of reading the official account of the battle of Tippecanoe, will see that General Harrison performed no great act of generalship on that occasion. From the General's own confessions, the army was encamped in an exposed position, affording "*great facility to the approach of savages*," and at night was completely surprised by the Indians, and only escaped destruction by the gallantry of the brave Kentuckians, and a part of the old fourth regiment from Massachusetts. But I will confine myself to the official report, that will prove all that has been asserted. It will also prove that General Harrison was the greatest egotist that ever wrote in the English language. Other generals have awarded some merit to the God of battles, but not so with General Harrison. It was "*I*" that did all from the morning that "*I* commenced *my* march," until "*I* announced that *I* had no intention of attacking them (the Indians) until *I* discovered that they would not comply with the demands that *I* had made—that *I* would go on and encamp at the Wabash." "*I* halted," and "*I* resumed MY march." "*I* advanced," and "*I* rose at a quarter after four o'clock." "*I* mounted MY horse, *I* rode to the angle that was attacked, *I* reinforced every part of the line, *I* formed the body of dragoons, *I* meant to pursue the enemy in their flight, but," aye, BUT, "being engaged, *I* did not observe it *until it was too late*." Yes, this would be captain of captains, did not observe the flight of the enemy "until it was too late" to pursue them.

But, Mr. Speaker, I must return to the morning of the 6th of November, when this consummate General was within eleven miles of the scene of his subsequent exploits. A march of six miles is made through open prairies, "with the infantry in two columns of files on either side of the road, and the mounted riflemen and cavalry in front, in the rear, and on the flanks," when, coming to open woods, the whole army is formed in order of battle. A company of mounted riflemen formed the advanced guard; then came the United States infantry, flanked by two companies of militia infantry and one of mounted riflemen; then comes the baggage, covered by three companies of militia infantry; and lastly comes the cavalry. We ought now to expect a fight, for the whole army is "*in the order of battle*." But we are doomed to disappointment. The order is given to "break off in short columns of companies," and to move slowly and cautiously along, the several corps changing position "three times in the distance of a mile." At last a creek is approached, when the order for battle again passes from column to column.

Mr. LINCOLN here raised a question, whether it was in order to discuss matters not before the House.

Mr. OGLE said no friend of Gen. Harrison feared the discussion.

Several members expressing a wish for the debate to proceed, Mr. LINCOLN withdrew his motion.

Mr. CRARY resumed, and said he did not expect to be allowed to proceed. It was to him a matter of no consequence. He thought, however, he was indulging in no greater latitude of debate than was yesterday permitted to the gentleman from Indiana, [Mr. PROFFIT.] When Mr. P. was speaking, Mr. BRIGGS temporarily occupied the Speaker's chair. That gentleman had canvassed not only the merits of General Harrison for the Presidency, but called up the past political history of a member of the House, [Mr. WICK,] and yet no one rose and called to order, or pronounced the remarks irrelevant to the question. He was free to admit that such discussion was unprofitable; but if it was in order to make the attack, it ought also to be in order to make a reply. Were gentlemen prepared to allow of such a course of attack, and then prevent a reply? If so, evil would come out of it of no ordinary magnitude.

Mr. PROFFIT rose to explain. He appealed to the House, whether he said any thing disrespectful of his colleague. He did not intend to injure his feelings.

Mr. CRARY said he was aware that the feelings of his colleague [Mr. WICK] were not injured. But this did not justify the attack. Did the gentleman know that he would not hurt his feelings?

But, Mr. Speaker, to return to General Harrison, whom we left with his army drawn up in the order of battle. No enemy, however, appears; but, from certain indications of a hostile feeling, it is determined to encamp for the night. "Whilst *I* was engaged in tracing the lines for the encampment," information was received that the Indians "had answered every attempt to bring them to a parley with contempt and insolence." This was not to be borne. A refusal to answer by the Indians, caused the lines of a camp to be traced; but when they answered "with contempt and insolence," the camp lines are obliterated, the army moves forward, with "every man eager to decide the contest immediately." It moves about the width of an eighty acre lot, and then halts again, not to encamp, but to enable "*I*" to hold a parley with three Indians, one of them the particular friend of the Prophet. Well, what does this friend of the prophet say? Why, that an answer had been sent to Gen. Harrison's demands, but that the bearers "have unfortunately taken the road on the south side of the Wabash." What was this answer? The official report showeth it not. It only says "*I* answered that *I* had no intention of attacking them until *I* discovered that they would not comply with the demands which *I* had made." On a promise from this friend of the Prophet that no hostilities should be committed till the will of the President of the United States was explained, our hero resumes his march, and advances within one hundred and fifty yards of the town. Fifty Indians sally forth, and demand a halt. "*I* immediately advanced to the front, and caused the army to halt." "In a few moments the man (he friend of the Prophet) who had been with me before, made his appearance. *I* informed him that MY object, for the present, was to procure a good piece of ground to encamp on, where we could get wood and water. He informme that there was a creek to the northwest, which he thought would suit our purpose." * * * * "*I* found the ground for the encampment not altogether such as *I* could wish it." It was suited for regular troops, opposed to regulars, "BUT IT AFFORDED GREAT FACILITY TO THE APPROACH OF SAVAGES."

Here follows a description of the ground from the official report:

> It was a piece of dry oak land, rising about ten feet above the level of a marshy prairie in front, (towards the Indian town,) and nearly twice that height above a similar prairie in the rear, through which, and near to this bank, was a small stream, clothed with willow and other brushwood. Towards the left flank this beach of high land widened considerably, but became gradually narrower in the opposite direction, and at the distance of one hundred and fifty yards from the right flank, terminated in an abrupt point.

On this ground pointed out by an enemy, and "AFFORDING GREAT FACILITY TO THE APPROACH OF SAVAGES," were traced the lines of a night encampment, with the front and rear lines separated from each other about twenty-seven rods on the left, and fourteen rods on the right flank.

Mr. UNDERWOOD here inquired what authority Mr. C. had for saying the ground was pointed out by the enemy.

Mr. CRARY referred him to the official report, where he would find it under General Harrison's own sign manual.

But to return to the order of encampment. The front line was occupied by one battalion of United States infantry, flanked on the right by two companies of militia, and on the left by one company. The rear line was composed of the other battalion of United States infantry on the left, and four militia companies on the right. The left flank was filled up by two companies of mounted riflemen, and the right flank by one company. Two troops of dragoons were encamped in the rear of the left flank, and one troop in rear of the front line. These troops were all in single rank, and were defended by two captain's guards, consisting of eighty-eight men, and two subaltern's guards, consisting of twenty men. But as the report makes no mention either of a picket guard or of a common camp guard, it seems that this indispensable requisite of an army, encamped in an enemy's country, was entirely overlooked and omitted. This is evident, from the fact, that in the opening of the battle, some of the men were stricken down in the very doors of their tents.

We have here, sir, the camp of General Harrison when in an Indian country, and so apprehensive of an attack that "the order of encampment was the order of battle, and each man slept opposite to his post in the line." General Harrison says his order of march was "similar to that used by General Wayne." But was the order of encampment that of General Wayne, or that of any other General winning glory in Indian warfare? Did General Wayne ever encamp in an Indian country without first throwing up a breastwork either of wood or of earth? Was not this course pursued by all the early Indian fighters of New England? Such breastworks are often spoken of by her early writers, and Hubbard tells us of one case where a stone breastwork was thrown up in the midst of a fight. Did Colonel Johnson ever encamp, when in the midst of hostile Indians, without defending his camp by a breastwork? If he had, sir, his gallant little band of mounted men would never have covered themselves with glory at the battle of the Thames. In the Black Hawk war, did General Atkinson ever omit the barricade for a single night? Never. When it could not be made of wood, one of earth was thrown up. To General Harrison belongs the honor of encamping an army without breastworks, in sight of an Indian town, the inhabitants of which "HAD MANIFESTED NOTHING BUT HOSTILITY." Let the honor be his, and let his political friends write it on all their banners; but the hand writing should be one of blood—the blood of one-fourth of a most gallant and chivalrous army.

But, Mr. Speaker, I have not yet done with this camp upon "dry oak land," and surrounded by a "marshy prairie." It appears, from the official report, that the fires were built within the camp, and were burning at a quarter after four o'clock in the morning. "Our fires afforded a partial light, which, if it gave us some opportunity of taking our positions, was still more advantageous to the enemy, affording them the means of taking a surer aim." Under such circumstances, need we wonder at the slaughter that ensued? The fires were, indeed, extinguished after the battle commenced, but this proved that they should not have been built, if it proved any thing. Camp fires were necessary, but in Indian warfare they should be without the camp, if allowed to burn all night. They then gave no advantage to the enemy. On the contrary, on coming within their range, the enemy became the object of "a surer aim."

Sir, I pass over the movements of the General during the battle. I say nothing of his horseback ride in a camp with a right flank of fourteen rods; nothing of his order to Major Daviss to dislodge, with a party of *dismounted* dragoons, the enemy from some trees in front of four companies of United States infantry. Let others decide whether Indians could be driven from such a position by swords and pistols better than with muskets and bayonets. It is, perhaps, decided from this fact, that the dragoons were driven back with the loss of the gallant Major Daviss, and that the enemy were immediately dislodged by a company of infantry. I need not allude to the number of men engaged in battle, nearly one-fourth of whom were killed or wounded. The army, says an official letter of the 18th December, deducting dragoons, was but little over 700 men. Of these, 62 were killed, and 126 wounded. The Prophet's force amounted to 450. Of these, from 36 to 40 were left on the field. What official precision! From 36 to 40 were left on the field; but these did not comprise all the dead. The Indians were seen to take off not only the wounded, but the dead. Indians take their dead from the field in the midst of the battle! Such stories are often told, but they generally come from warriors who fight at a respectable distance, and make out their reports of the dead on supposition. In the present instance, the dead may have been taken away; for the report says, "several were

found in the houses, and one, of many graves fresh dug, was opened and found to contain three dead bodies." Could all this have been done in the presence of a victorious army? Not in civilized warfare. In such a war, the conquerors bury the dead. With these facts before them, the trusty followers of the Prophet might have claimed, at least a drawn battle, and in support of their position, have pointed to the dead taken from the field, and to the fresh graves in which they were buried. But the Indian account of this battle has not been given to history. If, however, you and I had been present, Mr. Speaker, at their next great war dance, we should have heard the songs of the braves of their nation, and listened to the recital of their deeds of renown.

I have done, Mr. Speaker, with the official account of the battle of Tippecanoe. It has been converted into a victory. Let it be so recorded on the page of history. But, for the honor of the country, let there also be recorded on the same page, deeds of more enduring fame—not indeed on the part of the officers and soldiers, for they fought like men; but on the part of the General, who, without intrenching his night encampment, without the ordinary precaution against surprise, exposed these gallant spirits to sacrifice and slaughter.

The gentleman from Indiana has given to General Harrison the credit of first suggesting the armament of the lakes, in the war of 1812. If I am correctly informed, that honor belongs to another. It was first suggested by Gen. Armstrong to Governor Eustis, then Secretary of War. The letter bore date the 2d of January, 1812, and says:

Resting, as the line of Canadian defence does in its whole extent, on navigable lakes and rivers, no time should be lost in getting a naval ascendency on *both;* for, *cæteris paribus*, the belligerent, who is the first to obtain these advantages, will (miracles excepted) win the game.

Again, the same letter says:

For western defence, employ western men, accustomed to the rifle and stratagems of Indian warfare. To their customary arms add a pistol and a sabre, and to ensure celerity of movement mount them on horseback. Give them a competent leader and a good position, within a striking distance of Indian villages or British settlements. Why not at Detroit, where you have a strong fortress and a detachment of artillerists? Recollect, however, that this position, far from being good, would be positively bad unless your naval means have ascendency on Lake Erie."

In "Armstrong's Notices of the War of 1812," at page 177, is a note on the subject of the armament of the lakes, in the following words:

No efficient measures were taken by the Government to obtain a command of the lakes until October, 1812 A letter written about this time by General Armstrong to Mr. Gallatin, was probably the means of recalling the attention of the cabinet to this important subject. In this letter the General stated the following facts: "That he was informed by Captain Chauncey that as early as the month of July, Captain Woolsey had requested twenty six-pounders, of which there were more than one hundred in the navy yard unemployed; that the intention of Woolsey was to arm such vessels of commerce as could be found on the Lake and at Sackett's Harbor, with the aid of which he would be able to get a complete command of the water."

On these facts Gen. Armstrong remarked that "the object was of the highest importance; that besides giving us the advantage of an exclusive and uninterrupted use of the lakes for public purposes, it would effectually separate Upper from Lower Canada, cut asunder the enemy's line of communication, and prevent Brock and Provost from succoring each other."

Now, sir, no letter is found from Gen. Harrison on this subject until the month of December following. On the 12th of that month, he wrote to the War Department, advising the employment of naval means; or rather saying, "if the Government would employ naval means, all these objects could be accomplished in the short space of two months in the spring." But this advice, if such it could be called, was substantially revoked in his letter of the 17th of March. At this time he says:

"If there is *positive* certainty of our getting the command of Lake Erie, and having a regular force of three thousand five hundred, or even three thousand, well disciplined men, the proposed plan of setting out from Cleveland, and landing on the northern shore, below Malden, would, *perhaps*, be the one by which that place and its dependencies could be most easily reduced."

After stating his ignorance of "the preparations that were making to obtain the naval superiority upon Lake Erie," and the utter impossibility of transporting a large and undisciplined army, the General proceeds:

Although the expense and difficulty of transporting the provisions, artillery, and stores for an army *round the head* of the lake, would be very considerable, the lake being possessed by our ships, and the heavy baggage taken in boats along its margin, the troops would find no difficulty "*in the land route.*"

Here, sir, are the views of a man who has been praised for being the first to suggest the armament of the lakes. Fortunately for the country, these views did not prevail. Time had lessened the influence of the General of the Northwestern army, and his suggestions were discarded. A new order was issued by the War Department for prosecuting the campaign on the plan given in March, which was, "to get command of the lakes."

But, sir, the plan of operations came near being defeated by a cautiousness amounting to timidity, I had almost said to cowardice. On the 21st of April, the General, after approving of the plan of operations presented by the War Department, says that he shall watch the movements of the enemy narrowly, "*but in the event of their landing at Lower Sondusky, that post cannot be saved*" The enemy did land, but not to fulfil this prophecy. The post was saved, but not by General Harrison. He had withdrawn the body of his army to Seneca, nine miles distant. Under command of the gallant Col. Croghan, a detachment of one hundred and sixty men resolved to defend the post, or die in the attempt. Sir, need I tell the result? It is written on the brightest page of our history.

Mr. Speaker, I will not allude to the determination of General Harrison to destroy his stores at Seneca, and retreat to Upper Sandusky, leaving the whole lake coast defenceless. Nor will I allude to his order to Major Croghan to abandon the fort and repair to head quarters. These I pass over; and I pass over, also, the General's official report, wherein it appears that he left this intrepid body of men to meet all the assaults of near two thousand of the enemy, and left them, too, with but "*one six-pounder, seven rounds of cannon cartridges, and forty rounds of small arms.*"

In April, the post could not be saved; on the last days of July, he ordered it to be abandoned and *burnt;* but, on hearing the cannonading, he made the discovery that any attempt to storm it could be resisted with effect. He therefore remained in his camp at Seneca, without making a solitary movement, until he was informed that the enemy were retreating. He then went towards the post as fast as the dragoons could carry him, but "not an enemy was to be seen." The General then returned to Seneca, and wrote the Secretary of War that he had before informed him "that the post of Lower Sandusky could not be defended against HEAVY cannon." He had informed him that the post could not be saved at any rate; and while the battle was raging, speaking of Croghan, he said, "*the blood be on his own head—I wash my hands of it.*"

In August the exertions of the War Department were crowned with success. Our squadron obtained command of the lakes, and, soon after, General Harrison crossed over to make an attack on Malden. When he arrived, Proctor had fled, and was not overtaken until he reached the Thames of Lake St. Clair. This happened on the 5th of October, when a battle was fought that closed the war in Upper Canada. Of late, the friends of General Harrison have claimed great honor for him on this occasion, but he does not deserve it. The glory of the victory was awarded at the time to Colonel Richard M. Johnson, and it belongs to him. His regiment of mounted men made the charge upon the British lines, and broke them to pieces. They also crossed the swamp, and fought against the Indians, without any aid from the rest of the army. The charge was suggested by Colonel Johnson; and all that General Harrison did was to give the order. I am aware that the official report gives us to understand that the plan of attack came from "a moment's reflection."

"While *I*," says the General, "was engaged in forming the infantry, *I* had directed Colonel Johnson's regiment, which was still in front, to be formed in two lines opposite to the enemy, and upon the advance of the infantry to take ground to the left, and forming upon that flank, to endeavor to turn the right of the Indians. A *moment's reflection*, however, convinced me that from the thickness of the woods, and swampiness of the ground, they would be unable to do any thing on horseback, and there was no time to dismount them and place their horses in security. *I*, therefore, determined to refuse my left to the Indians, and to break the British lines at once by a charge of the mounted infantry. The measure was not sanctioned by any thing that *I* had seen or heard of, but *I* was fully convinced that it would succeed."

This is the statement of General Harrison. Would any one imagine from it that the change in the order of battle was suggested by another? Yet such is the fact. Colonel Johnson says: "I requested General Harrison to permit me to charge." He did charge, and at such speed that the British had not time to discharge their third fire before they were totally routed.

Mr. COOPER here inquired of Mr. CRARY his authority for asserting that the order of battle was changed at the request of Col. Johnson.

Mr. CRARY referred to Armstrong's notices of the war of 1812, wherein was a letter asserting the fact, under Col. Johnson's own signature.

This battle put an end to the war in Upper Canada. In the following spring General Harrison tendered his resignation as Major General of the army. It was immediately accepted, and the vacancy filled with the name of Major General Andrew Jackson. I have seen it stated, Mr. Speaker, in a late publication of the friends of General Harrison, that this resignation was brought about by the War Department, from a spirit of malice and envy. This is a libel upon the reputation of an able, but much abused public servant. The then Secretary of War entertained no ill will towards the commander of the Northwestern army. He probably considered him an inefficient General, and was glad to supply his place with the name of him whose achievements as a warrior and civilian have filled the measure of his country's glory.

I am aware, sir, that my remarks militate against hundreds of certificates that have been produced to prove General Harrison an able commander. These certificates are entitled to consideration. But it is to be recollected that the great majority of them were given by officers over whom the General had authority. They are the evidence of witnesses under duress, and are to be received, *at least* with caution, before the high tribunal of the public. It is not common for generals of distinction—the heroes of battle fields—to go about the camp to obtain certificates of good conduct. At Austerlitz, and Jena, and Marengo, Napoleon needed no such endorsement of his fame; nor did Nelson, at Copenhagen, at Aboukir, and at Trafalgar. It was reserved for General Harrison to establish the precedent of obtaining certificates from subaltern officers to prove himself a warrior and a hero

Mr. Speaker, I have done with General Harrison. He is now the Whig candidate for the Presidency, and his friends expect to succeed by inspiring in his behalf a military enthusiasm throughout the country. They are doomed to disappointment. They may raise the pæan shout in glorification of their hero, but it will meet with no response from the hearts of the millions.

REMARKS OF MR LEET,

OF PENNSYLVANIA.

In the House of Representatives, March 20, 1840.—The bill for the relief of Sylvester Phelps and the heirs of Charles Landon being under consideration in Committee of the Whole, (Mr. DAVEE in the chair,) a motion was made by Mr. PETRIKIN to strike out the enacting clause.

Mr. LEET said: He desired to make a remark or two in reply to his friend and honorable colleague, [Mr. PETRIKIN.] He would not incline to do so, did he not suppose his colleague labored under a misapprehension in regard to the controlling and leading facts upon which the claim of the persons named in the bill was predicated. The report, it is true, has been read at the Clerk's desk; but, since that, and pending the remarks of the gentleman from Ohio, [Mr. GIDDINGS,] I have read (said Mr. L.) the report, and now have it before me. Mr. Chairman, I am free to say, that I am one of those who are desirous, and feel it a duty, to scrutinize all these private claims that come before Congress. It is right we should do so: no man will gainsay it. But I am utterly unwilling that my solicitude to protect the Government should prevent me from doing ample and full justice to individual claimants, who demonstrate before us that their demands are fair. If this claim be a just one, as I believe it is, I hold we are bound, by every principle that should govern men, or associations of men, to pay it. It is magnanimous, in a great and powerful nation, to see that justice is done to private claimants. It is, however, objected against this bill, that the claim is a stale one: the property, for the destruction of which, by the soldiery of the United States, as is alleged, indemnity is sought, having been destroyed as far back as 1815. Is this a valid objection? Shall it prevail? Ought it to prevail? I unhesitatingly say, no. Why, sir, it is well known to members of Congress—it is known to every man in the country, that it is an exceedingly arduous and tedious process to get a bill granting relief to individuals through both Houses of Congress. Many causes, which we cannot control, combine always to make the tediousness of the progress of a private bill in Congress heartsickening and discouraging to the persons to be benefited thereby, and their only consolation is, that *tardy* justice will sometime or other come. If bills that ought to pass do not become laws for a series of years, as is the case, I believe, in many instances, it is not the fault of the claimants. Where a claim has been regularly followed up from Congress to Congress, I cannot agree that the mere *lapse* of time shall constitute any reason against its ultimate liquidation. I do not conceive that the Government is bound by any law of limitations, either written or unwritten. The only proper inquiry is, is the demand a just one? I know of one claim that has been before Congress upwards of thirty years. It seems to me to be just, and I frankly confess that it never occurred to me that the circumstance of the great *lapse of time* since it ought to have been paid, constituted any sort of objection to the payment of it. But I shall say no more upon this point. What, Mr. Chairman, are the material facts in the present case? They are few, but strong and satisfactory. It seems that in 1815 the house of the persons named in the bill, was taken possession of by United States soldiers, in pursuance of an order of one of the United States officers, not only without the assent of the owners, but against their express wish; that during the occupancy of the house by the soldiers, an unusually large fire was made, and continued for some time. The heat became so intense as to communicate to the wood, and the house was burnt down. The fire, it is true, was not dis-

covered for ten or twelve hours after the soldiers had left. Now, sir, so far as this bill is concerned, the only and material question for our determination is, did this destruction of property occur from any wilfulness or negligence on the part of the owners, or was it the consequence of the doings of the United States soldiers? From the facts stated in the report of the committee, and I take them as correct, I think no gentleman will, upon due consideration, doubt as to how and by what means the burning happened. It was not mere accident; it was not a matter with which the owners appear to have had any connection whtaever; but was occasioned by the carelessness, to use the mildest phrase, of the United States soldiers. Under these circumstances, I am of opinion the bill ought to pass, and shall accordingly cast my vote for it.

REMARKS OF MR. PETRIKIN,

OF PENNSYLVANIA,

In the House of Representatives, March 6, 1840—In reply to Messrs. BARNARD and FILLMORE of New York, and Mr. POPE of Kentucky, on the appeal taken by Mr. FILLMORE from the decision of the Chair, declaring Mr. F. out of order in discussing a proposition growing out of the New Jersey contest.

Mr. PETRIKIN said:

Mr. SPEAKER: It may be thought a bold move in a plain, uneducated countryman like myself, to rise in opposition to two learned lawyers and one Governor. There is, indeed, a fearful odds against me, if I am to judge from the reputation which they have acquired among their own partisans; but, sir, silence would imply assent to their charges and opinions, and to leave them uncontradicted would be criminal. When duty dictates I am bound to obey; and shall therefore ask the indulgence of the House while I attempt to answer what has been said by those learned gentlemen.

The first gentleman from New York [Mr. FILLMORE] who addressed the House, had worked himself into a passion, and attempted to drive us from our position by a storm of epithets and hard words. He accused the majority of this House of *tyranny, despotism,* and *oppression*—scarecrows, which we have so often heard iterated and reiterated by that gentleman and the party with which he acts in this House, that we have ceased to be frightened. The gentleman particularly complained that I had been frequently instrumental in making him take his seat, by calling him to order, and says "if he expects to speak hereafter, he must ask my leave." I would have been much gratified if my calls to order had been successful in inducing him to cease violating the rules of this House and all the laws made to govern parliamentary bodies; but I regret that I am compelled to say that although my efforts have been backed by the decision of the Speaker, and that decision sustained by the majority of the House, I have been, so far, unsuccessful in my efforts. That gentleman rarely addresses the House in order; and often perseveres in his speech in defiance of the requests and commands of the Speaker and the decision of the House. Yet, in the face of all this, we hear him rise in his place and complain that he is gagged, and deprived of his rights as a Representative and a citizen. I appeal to every candid man who now hears me, and to the records of the proceedings of this House, in verification of the truth of what I assert.

The gentleman in his ardor to assert his own rights, always forgets that he is violating the rights of others. Is not every violation of the rules of order a violation of the rights of other members? Is not the occupation of the time allotted by the rules of this House for the consideration of the private claims of persons from every quarter of this Union, a violation of their rights? And yet the gentleman complains that his rights are violated. Does the gentleman suppose he can justify himself here, or before the country, in occupying yesterday and to day in making speeches for mere party purposes? Will the gentleman coolly and calmly ask himself whether he thinks he will be justified in his course of conduct, when he must know that its effect is to prevent hundreds of claims from being acted upon, about which there can be no dispute, and for which the individuals claiming have been praying Congress, every session, for years, to settle?

Mr. Speaker, the object I had in view, when I moved the question of order, was to preserve the time allotted for the consideration of private bills, many of which had been examined and reported by committees, as presenting claims, which were just beyond dispute. Not only has this been the case at this session, but many of them have been for years past presented to Congress, but neglected, because the time allotted for their consideration had been consumed in speech-making—in debate, which was worse than useless. We are now, Mr. Speaker, in the fourth month of this session, and not one hour has been devoted to the consideration of private bills. We see upon our tables, day after day, reports and bills for the relief of individuals, many of whom are now suffering, and who have been soliciting Congress for twenty years to pass upon their just claims; but now, when, for the first time this session, they are reached, we are prevented from acting on them by the gentleman from New York [Mr. FILLMORE] starting a question of no interest to any one—I will not say "*it is done for the vilest political purposes,*" as Mr. SMITH of Connecticut said of my political friends, but I will say for no other purpose than to enable him to occupy the time of the House in making a speech on the New Jersey contested election—a subject that he and the partisan lawyers in this body who act with him have each made one or two, and some of them three, speeches upon, going over the same story, without advancing one new idea, or eliciting or developing a single fact to elucidate or throw new light upon the subject in dispute. The gentleman being himself snug, warm, and comfortably fixed, and well fed with the good things of this world, forgets the hunger, cold, and other privations, which many of those are now experiencing, whose just claims are before the House, and the action on which is being delayed, in consequence of his course. It is too often the case that we forget, or do not think of, what we do not feel or see. If it were otherwise, our actions would often be very different from what they are.

Mr. Speaker, the gentleman from New York [Mr. FILLMORE] has been occupying the floor of this House at least one half of the session of yesterday and to-day, and yet, in the very face of this fact, complains that he is *gagged*, and not permitted to speak. I should like to know from him, if he calls this being gagged, what would be the consequence if his gag was removed? I suppose he would occupy the whole time of the House, and then complain that it was not sufficiently long to satisfy his loquacious disposition. So much for the first lawyer, and his windy war of words.

Now, sir, I will briefly notice the second lawyer, the gentleman from New York, [Mr BARNARD,] on my left, who endeavors, by a lengthy statement of what *he* calls facts, to get around the laws made for the government of this House. I am no lawyer, but I have some little knowledge of how exceptions are taken to opinions delivered by law judges, and must beg leave to object to the reception of the gentleman's statement, although it took himself and two other learned lawyers so long to concoct it. I appeal to every lawyer in this House, if ever they saw a string of facts embodied in a bill of exceptions to the opinion of a judge, delivered on a simple point of law, particularly where the pretended facts only existed in the fertile imaginations of the gentlemen who drew the bill. I must beg leave to protest against the lumbering of the journals with such stuff, or permitting such innovations on the long and established practice of this House.

I shall now give my attention to my third opponent, the Governor, [Mr. POPE of Kentucky,] who attacks us by dealing out "*soft sawder*" to the Speaker, which might do if the gentleman was selling wooden clocks to an old woman, but certainly can have little effect with the Speaker, to induce him to alter his decision in this case. I am satisfied that the gentleman himself was only carried away by his sympathy for, and zeal to help his party friend out of his difficulty, and get the GAG out of his mouth, of which he has so bitterly complained.

I know the gentleman from Kentucky will, when he reflects, see the impropriety of his political friends' interfering with the time set apart for the relief of claimants, such as wounded and disabled soldiers and seaman, or the widows and orphans of those who have died or been killed in the service of their country. I know him to be a person of humane and good feelings, and feel confident, when he coolly looks at this matter, that he will see that his friends are in the wrong, and that the gentleman from New York has no reason to complain of tyranny or oppression, but that those, the business of whom he prevents action upon, have a right to complain of him.

The gentleman from Kentucky also complains that I stop persons on the floor from speaking as often and as long as they wish. Now, Mr. Speaker, I would not be under the necessity of doing so, if those gentlemen would conform to the rules and orders of the House—if they would not be obnoxious to the charge of being out of order.

The gentleman from Kentucky complains because a majority in this House have used the gag law to prevent useless talking, and stop idle debate; but he forgets to say any thing about the gag law which his political friend from Kentucky, in another part of this building, wished to inflict on the country to gag freemen, and prevent their thinking, speaking, and exercising their constitutional privileges. That gag law would, in the estimation of him and his political friends, be right and proper, though it would bind the freemen of the country hand and foot to the car, and force them to gratify the sordid ambition of their political leaders.

O! yes; I have no doubt but those very persons who are now so vehement in their remonstrances and denunciations against gag laws, tyranny, and oppression, would be not only much gratified if the Kentucky gag law was passed, but as loud in praises of it as they now are in denouncing all restraints upon their lawless and disorderly course in this House.

The gentleman from Kentucky objects to the use of the previous question in this House, and particularly points me out as the most frequent mover of it. How the fact last stated is, I do not know. The previous question is essential to getting any business of the country done, and I consider it an imperative duty (not at all times a pleasant and agreeable one) to move it whenever I think it can be seconded; and I would inform gentlemen that threats, denunciations, sneers, ridicule, or epithets, will not cause me to shrink from what I consider my duty. I shall in all cases act as I deem right, regardless of the opinions of others.

I will not follow the gentleman to *Tippecanoe*, nor undertake to contradict him as to the matter which appears to be uppermost in the mind of every one of the party with which he acts, (if we are to judge by their introducing it into every debate.) I mean their attempts to palm Gen. Harrison on the people for a wise and brave man. It is not necessary for me, or any one else, to do so. History, and the facts on record, disprove all they assert on this subject, and the people are not so easily duped as they imagine, by their system of puffing.

I am at a loss to know what the gentleman from Kentucky means by the term "slang whang." If he means granting a request made of me by himself, I then undersand it. I have always found the gentleman kind and courteous in my communications with him, and I have always endeavored to be equally so in return, when I could do so without a violation of my duty as a Representative.

The gentleman from Kentucky begs the Speaker to reconsider his decision and reverse it. I can assure the gentleman it is too late for the Speaker to grant his request, however earnestly made, if he were even disposed to do so. The House has decided the question in part, and put it beyond the reach of the Speaker. I hope this will not be a fresh source of accusation against the Speaker as being "an instrument of tyranny and oppression;" an expression used, if I am not mistaken, by the gentleman from New York [Mr. FILLMORE] in his remarks on this question.

I will now briefly notice the question before the

House, and then conclude. I made the objections to the discussion of the question of reconsideration during the time allotted for private bills, with the view I before stated. I believed the decision of the Speaker was wrong or I would not have appealed. I never occupy the time of the House with frivolous questions, merely for the purpose of preventing the business of the country being done; nor will I, if in my power to prevent it, suffer others to do so. There is a difference between the question of order I brought before the House and that decided by the Speaker and sustained by the House some days since, on the appeal from the decision by a gentleman from New York. In that case there was no special order; nor did it interfere with the business allotted for any particular day. In this case the rules of the House particularly and specifically assign the Friday and Saturday of each week, after the morning hour, to the consideration of private bills, and that, I allege, cannot be dispensed with or set aside except by a motion to adjourn, or by a vote of two-thirds of the members present. I also think the Speaker is wrong in entertaining the point of order made by the gentleman from N. York, [Mr. F.] during the pendency of the question on my appeal before the House; and I consider a motion to lay a question of order on the table is not in order at any time, but particularly when the Chair has received two motions as points of order and two appeals from his decision. I do conceive that that the gentleman from New York, [Mr. FILLMORE,] is the last man in the House that ought to complain of the Speaker, who has treated him with great indulgence and courtesy, and only interrupted him after repeated calls to order from every quarter. With these remarks I shall leave the subject to the decision of the House.

REMARKS OF MR. BUCHANAN,
OF PENNSYLVANIA.

In Senate, Tuesday, March 3, 1840—On the speech of Mr. DAVIS of Massachusetts against the Independent Treasury bill.

Mr. PRESIDENT: I rise to perform a painful but imperious duty, which I owe to myself. The speech which I lately delivered in favor of the Independent Treasury bill has been made the subject of criticism and censure in another part of this Capitol; under what rule of order I confess I cannot comprehend. In some portions of the country, at public meetings and in the public press, I have been denounced as the enemy of the laboring man, and have been charged with a desire to reduce his wages, and depress his condition to that of the degraded serfs of European despotisms. Sentiments have been attributed to me, which I never uttered, and which my soul abhors. I repeat, what I declared in that speech, that if I could believe for a moment that the Independent Treasury bill would prove injurious to the laboring man, it should meet my unqualified opposition.

I had intended to embrace the first opportunity which presented of doing myself justice upon this subject. Business called me away, and I was absent whilst the Senator from Kentucky [Mr. CRITTENDEN] addressed the Senate on the resolutions now before it. I understood that he had referred to the wages of labor, in no offensive terms to me, however; but in such a manner as to have presented the opportunity which I so much desired. When the Senator from New York, [Mr. TALLMADGE] afterwards alluded to the same subject, the debate had assumed a personal character, and I was not the man to interfere against him in such a contest. He had said nothing which could excite any disposition on my part to pursue such a course.

Had I obtained the floor at any time during the last week, my explanation would have been short and simple. The means, and the only means, by which it was alleged that I had sought to reduce the wages of labor to the standard of the hard money despotisms of Europe, was, by the introduction of an exclusive metallic currrency into this country. Now, to such a radical change in our currency, I have ever been opposed. I have avowed my opposition repeatedly upon this floor and elsewhere; and never more distinctly than in my late speech in favor of the Independent Treasury. My motto has always been to reform, not to destroy the banks: and I have endeavord to prove—with what success, I must leave the public to judge—that such a radical reform in these institutions as would prevent violent expansions and contractions of the currency, and thus enable them always to redeem their notes in specie, would prove eminently beneficial to all classes of society, but more especially to the laboring man.

On Saturday evening last a message was sent me by a friend, requesting me to examine the published speech of the Senator from Massachusetts, [Mr. DAVIS] and suggesting that it contained an erroneous statement of the arguments which I had used in favor of the Independent Treasury bill. I examined his speech in the National Intelligencer, having never read it before, and I confess it struck me with the utmost astonishment. I found that, throughout, he had attributed to me arguments in favor of the bill which I never used; nay more, that the objections to the bill, which I had endeavored to combat, had been imputed to me as the very arguments which I urged in its favor.

I shall proceed to make some remarks upon his speech. In performing this duty, it is my sole purpose to justify myself, without feeling the slightest disposition to do him injury.

In my remarks I urged the passage of the Independent Treasury Bill, because it would separate the banks from the Government, and would render the money of the people always secure, and always ready to promote their prosperity in peace and to defend them in war. Great as are the advantages, direct and incidental, which the country will derive from the passage of this bill, I knew that it could accomplish little or nothing, towards reforming our paper currency, or restraining the banks within safe limits. This opinion I have declared upon all occasions, and never more emphatically than in my late speech. I stated that the additional demand for gold and silver which it might create would not exceed five millions of dollars per annum, according to the President's estimate; and that although this might compel the banks to keep more specie in their vaults in proportion to their circulation and deposites, yet that it would prove but a very inadequate restraint upon excessive banking. Nay, more; I plumed myself upon the fact that I had been the first to suggest the amendment requiring the holders of Treasury drafts to present them for payment to the depositaries with as little delay as possible, for the express purpose of saving the banks from the injury which might be inflicted upon them by locking up a large surplus of revenue in gold and silver in the vaults of the depositaries. And I endeavored to prove, not only by my own arguments, but by the authority of one of the most distinguished financiers that this country has ever produced, that the banks never could be injured by the adoption of the Independent Treasury bill, unless in the event of a large surplus revenue, which would not probably soon occur. I also stated that it would thus become their interest, as it already was that of the rest of the community, to prevent the accumulation of such a surplus. In referring to the blessings which would flow to the laboring man from the existence of a sound mixed currency, whose basis should be gold and silver, I expressly declared that the bill would exercise no great influence in producing this desirable result.

Again, in speaking of the effect which this measure would produce in reducing the amount of our imports—a consummation devoutly desired by all—what was my argument? That the bill would, *in some degree*, especially after June, 1842, diminish our imports; because we should then have a system of cash duties, which would operate as an encouragement to our domestic manufactures.

One of the great objects of my speech was to answer the objections which had been urged against the Independent Treasury bill, by proving that it would not injuriously influence the business of the country in the manner which had been predicted by its enemies; and especially that it would produce little or no effect upon the sound and solvent banks of the country. I thought I had succeeded. It certainly never entered into my conception that any person on the face of the earth could so far have mistaken my meaning as to attribute to me arguments in favor of the bill, as directly opposite to those which I urged as darkness is to light.

You may judge, then, Mr. President, of my astonishment, when, in the very second paragraph of the speech of the Senator from Massachusetts, I read the following sentence:

"The Senator from Mississippi [Mr. WALKER] with his usual acknowledged ability, and the distinguished Senator from Pennsylvania [Mr. BUCHANAN] following in his track, have advanced the propositions that the embarrassments and distress with which the country has been grievously afflicted for several years past, and which now paralyze all its energies, are imputable to the pernicious influence of bank paper, *that this bill* [the Independent Treasury bill] *contains the necessary corrective, as it will check importations of foreign goods, suppress what they call the credit system, and by restoring a specie currency, reduce the wages of labor and the value of property. This is the character given to the measure by its friends; and alarming as the doctrines are, I am gratified that they are frankly avowed.*"

Now, sir, I openly declare, in the face of the Senate and the world, not only that no such doctrines were ever avowed by me, but that these remarks of the Senator are palpable, I will not say intentional, misrepresentations both of the letter and spirit of my speech.

What! sir, to attribute to me the remark, that this bill, by applying the necessary corrective to the pernicious influence of bank paper," "and by thus *restoring a specie currency*," will produce the disastrous consequences which he has enumerated; when a considerable portion of my argument was devoted to prove that the bill would produce no injurious effect whatever upon the sound and solvent banks of the country. Nay, more, that it would exert but a very trifling influence, indeed, if any, even in restraining within safe limits their loans and issues. Now, sir, it may be very ingenious; but it is certainly not very fair to put into the mouth of a friend of the bill, as arguments in its favor, the strongest objections which have been urged against it by its enemies. These would be so many admissions of its fatal consequences, and they would be he stronger when converted into arguments in its favor by one of its friends. Against the whole current of my remarks—against my express and reiterated declarations, both upon this and former occasions, that I was no friend to an exclusive hard money currency, but was in favor of well regulated State banks, how could the Senator be so far mistaken as to sit down and deliberately write that I had urged in favor of this bill, that it would restore a specie currency, and thereby reduce the wages of labor and the value of property? I leave it for him to answer the question according to his own sense of justice towards a brother Senator who had never done him harm.

But the Senator does not stop here. Throughout his whole speech he imputes to me the use of such arguments in favor of the bill as I have stated, and dwells upon them at length—arguments which, if I had ever used, would prove conclusively that I was an enemy of the bill which I professed to advocate, and that scarcely even in disguise. This is the light in which he presents me before the world. Towards the conclusion of his speech, he caps the climax. He says:

"To follow out the case I have supposed: The income of every man, except the exporter, is to be reduced one-half in the value of wages and property, while all foreign merchandise will cost the same, which will obviously, in effect, double the price, as it will take twice the amount of labor, or twice the amount of the products of labor, to purchase it."

"*I do not ascribe this power to the bill; but it is enough for me that its friends do. What response will the farmers. mechanics. manufacturers, and laborers make to such a flagitious proposition?*"

And all this the Senator says in a professed reply to me. He thus charges me with having ascribed to the Independent Treasury bill the power of reducing the income of every man in the country "one half, in the value of wages and property." Had I contended in favor of any such power, well might the Senator have said it was "a flagitious proposition." He would almost have been justified in the use of a term so harsh and unparliamentary.

Self-respect, as well as the respect which I owe to the Senate, restrains me from giving such a contradiction to this allegation as it deserves. It would surely not be deemed improper, however, in me, if I were to turn to the Senator, and apply the epithet which he himself has applied to the proposition he

imputes to me, and were to declare that such an imputation was a "flagitious" misrepresentation of my remarks.

So far from imagining that the Independent Treasury bill would restore to the country a metallic currency, I believed that it would exercise but a slight influence in restraining the excesses of the banking system. Other and much more efficient remedies must be adopted by the several States to restrain these excesses and thus to prevent future suspensions. In my remarks, I stated distinctly what legislation would, I thought, be required to accomplish this purpose. In the first place, I observed that the banks ought to be compelled to keep in their vaults a certain fair proportion of specie compared with their circulation and deposites; or, in other words, a certain proportion of immediate specie means, to meet their immediate responsibilities. 2d. That the foundation of a specie basis for our paper currency should be laid by prohibiting the circulation of bank notes, at the first, under the denomination of ten, and afterwards under that of twenty dollars. 3d. That the amount of bank dividends should be limited. 4th. And above all, that, upon the occurrence of another suspension, the doors of the banks should be closed at once, and their affairs placed in the hands of commissioners. A certainty that such must be the inevitable effect of another suspension, would do more to prevent it than any other cause. To reform and not to destroy, was my avowed motto. I know that the existence of banks and the circulation of bank paper, are so identified with the habits of our people that they cannot be abolished, even if this were desirable.

Such a reform in the banking system as I have indicated, would benefit every class of society; but above all others, the man who makes his living by the sweat of his brow. The object at which I aimed by these reforms was not a pure metallic currency, but a currency of a mixed character; the paper portion of it always convertible into gold and silver, and subject to as little fluctuation in amount as the regular business of the country would admit. Of all reforms, this is what the mechanic and the laboring man ought most to desire. It would produce steady prices and steady employment, and, under its influence, the country would march steadily on in its career of prosperity without suffering from the ruinous expansions and contractions and explosions which we have endured during the last twenty years. What is most essential to the prosperity of the mechanic and laboring man? Constant employment, steady and fair wages, with uniform prices for the necessaries and comforts of life which he must purchase, and payment for his labor in a sound currency.

Let us in these particulars compare the present condition of the laboring man under the banking system which now exists, with what it would be under such reforms as I have indicated. And first, in regard to constant employment. What is the effect of the present system of bank expansions and contractions, and revulsions, in this particular? Is it not absolutely certain, has not experience demonstrated, that under such a system, constant employment is rendered impossible? It is true that, during the short period whilst the bubble is expanding and the banks are increasing their loans, and their issues, labor of every kind finds employment. Then buildings of all sorts are erected, manufactories are established, and the carpenter and the mason, and other mechanics, are in demand. Public works are prosecuted and afford employment to an immense number of laborers. The tradesman of every description then finds customers, because the amount of paper in circulation produces a delusive appearance of prosperity and promotes a spirit of extravagance. But, sir, under this system, the storm is sure to succeed the sunshine; the explosion is certain to follow the expansion; and when it comes—and we are now suffering under it—what is then the condition of the mechanic and the laboring man? Buildings of every kind cease, manufactories are closed; public works are suspended, and the laboring classes are thrown out of employment altogether. It is enough to make one's heart bleed to reflect upon their sufferings, particularly in our large cities, during the past winter. In many instances the question with them has not been what amount of wages they could earn, but whether they could procure any employment which would save them and their families from starvation. If our State Legislatures, which alone possess the power, would but regulate our bloated credit system wisely, by restraining the banks within safe limits, our country would then be permitted to proceed with regular strides, and the laboring man would suffer none of these evils, because he would receive constant employment.

In the second place, what is the effect of the present system upon the wages of labor, and upon the prices of the necessaries and comforts of life? It cannot be denied that that country is the most prosperous where labor commands the greatest reward; but this not for one year merely—not for that short period of time when our bloated credit system is most expanded—but for a succession of years; for all time. Permanence in the rate of wages is indispensable to the prosperity of the laboring man. He ought to be able to look forward with confidence to the future, to calculate upon being able to rear and educate his family by the sweat of his brow, and to make them respectable and useful citizens. In this respect, what is the condition of the laboring man under our present system? Whilst he suffers more under it than any other member of society, he derives from it the fewest advantages. It is a principle of political economy confirmed by experience, that whilst the paper currency is expanding, the price of every thing else increases more rapidly than the wages of labor. They are the last to rise with the expansion, and the first to fall with the contraction of the currency. The price of a day's or of a month's labor of any kind—the price of a hat, of a pair of boots, of a pound of leather, of all articles of furniture, in short, of manual and mechanical labor generally, is fixed and known to the whole community. The purchaser complains when these fixed prices are enhanced, and the mechanic or laborer, in order to retain his customers, cannot, and does not raise his price until he is compelled to do it by absolute necessity. His meat, his flour, his patatoes, clothing for himself and his family, mount up to an extravagant price long before his compensation is increased. It was formerly supposed that the productions of meat and flour were so vast in our extended and highly favored land, that a monopoly of them would be impossible. The experience of the last two or three years has proved the contrary. The banks, instead of giving credit in small sums to honest men, who would have used the money wisely, in promoting their own welfare, and, as a necessary consequence, that of the community, have loaned it to monopolists, to enable them to raise the price of the necessaries of life to the consumer. Have we not all learned that a million of dollars has been advanced by them to an individual, for the purpose of enabling him to monopolize the sale of all the beef consumed in our Eastern cities? Do we not all know that this effort proved successful during the last year in raising the price of this necessary of life to twelve and sixteen cents, and even higher, per pound. Now, sir, although the wages of the laboring man were then nominally high, what was his condition? He could not afford to go into the market and purchase beef for his family. If his wages increased with the increasing expansion of our credit system, aggravated in its effects by the immense sales of State bonds in Europe, still the prices of all the necessaries of life rose in a greater proportion, and he was not benefited. I might mention, also, the vast monopoly of pork produced by a combination of individuals extending from Boston to Cincinnati, which, by means of bank facilities, succeeded in raising the price of that necessary of life to an enormous pitch. What then did the laborer gain, even at the time of the greatest expansion? Nothing—literally nothing. The laborers were a suffering class, even in the midst of all this delusive prosperity. Instead of being able to lay by any thing for the present day of adversity, which was a necessary consequence of the system, the laborer was even then scarcely able to maintain himself and his family. His condition has been terrible during the past winter. In view of these facts, I said:

"All other circumstances being equal, I agree with the Senator from Kentucky that that country is most prosperous where labor commands the highest wages. I do not, however, mean by the terms 'highest wages,' the greatest nominal amount. During the Revolutionary war, one day's work commanded a hundred dollars of continental paper; but this would scarcely have purchased a breakfast. The more proper expression would be, to say that that country is most prosperous where labor commands the greatest reward; where one day's labor will procure, not the greatest nominal amount of a depreciated currency, but most of the necessaries and comforts of life. If, therefore, you should, in some degree, reduce the nominal price paid for labor, by reducing the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your paper circulation, would this injure the laborer? Certainly not; because the price of all the necessaries and comforts of life are reduced in the same proportion, and he will be able to purchase more of them for one dollar in a sound state of the currency, than he could have done, in the days of extravagant expansion, for a dollar and a quarter. So far from injuring, it will greatly benefit the laboring man. It will insure to him constant employment and regular prices, paid in a sound currency, which, of all things, he ought most to desire; and it will save him from being involved in ruin by a recurrence of those periodical expansions and contractions of the currency, which have hitherto convulsed the country."

Now, sir, is not my meaning clearly expressed in this paragraph? I contended that it would not injure, but greatly benefit the laboring man, to prevent the violent and ruinous expansions and contractions to which our currency was incident; and by judicious bank reform to place it on a settled basis. If this were done, what would be the consequence? That, if the laboring man could not receive as great a nominal amount for his labor, as he did "in the days of extravagant expansion," which must always, under our present system, be of short duration, he would be indemnified, and far more than indemnified, by the constant employment, the regular wages, and the uniform and more moderate prices of the necessaries and comforts of life, which a more stable currency would produce. Can this proposition be controverted. I think not. It is too plain for argument. Mark me, sir, I desire to produce this happy result, not by establishing a pure metallic currency; but "by reducing the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your paper circulation." The idea plainly expressed is, that it is better, much better, for the laboring man, as well as for every other class of society, except the speculator, that the business of the country should be placed upon that fixed and permanent foundation which would be laid by establishing such a bank reform as would render it certain that bank notes should be always convertible into gold and silver.

And yet this plain and simple exposition of my views has been seized upon by those who desire to make political capital out of their perversion; and it has been represented far and wide, that it was my desire to reduce wages down to the prices received by the miserable serfs and laborers of European despotisms. I shall most cheerfully leave the public to decide between me and my traducers. The Senator from Massachusetts, after having attributed to me the intention of reducing the wages of labor to the hard money standard, through the agency of the Independent Treasury bill, has added, as an appendix to his speech, a statement made by the Senator from Maryland, [Mr. MERRICK,] of the prices of labor in these hard money despotisms; and it is thus left to be inferred that I am in favor of reducing the honest and independent laborer of this glorious and free country to the same degraded condition. The Senator ought to know that there is too much intelligence among the laboring classes in this highly favored land to be led astray by such representations.

3. Payment of wages in a sound currency. Under the present unrestricted banking system this is entirely out of the question. Nothing can ever produce this effect except the absolute prohibition of the issue and circulation of small notes. As long as bank notes exist of denominations so low as to render it possible to make them the medium of payment for a day's or a week's labor, so long will the laboring man be compelled to accept the very worst of these notes for his wages. Unless it may be at periods of the highest expansion, when labor is in the very greatest demand, notes of doubtful credit will always be forced upon him. This was emphatically the case after the explosion of the banks in

1837. He could then procure nothing for his work but the miserable shinplaster currency with which the country was inundated. This he would not lay by for a rainy day, because he did not know at what moment it might become altogether worthless on his hands. The effect of it was to destroy all habits of economy. Besides, as a class, laborers suffer more from counterfeit and broken bank notes than any other class of society. In order to afford the laborer the necessary protection against these evils, he ought always to be paid, and would, from necessity, always be paid, in gold and silver, if the issue and circulation of small notes were entirely prohibited.

Thus, it will be perceived, that without the imposition of wholesome restrictions upon the banks, the laboring man can never expect to receive either constant employment, or steady and fair wages, paid in a sound currency, or to pay uniform prices for the necessaries and comforts of life, which he is obliged to purchase. Under our present system every thing is in a state of constant fluctuation and change. Prices are high to-day, low to-morrow. Labor is in demand to-day, there is no employment to-morrow. There is no stability, no uniformity, under our present system. Of all men, laborers are the most interested in such a wise regulation of the banking system, by the States, as would prevent the violent expansions and contractions in the currency, and the consequent suspensions of specie payments under which we have been suffering.

Why, sir, under our present system, we endure the evils both of an exclusive hard money currency and a bloated paper system, without experiencing the benefits of either. The one is the inevitable consequence of the other. At the present moment we have reached a point of depression in the currency which the Senator from South Carolina [Mr. CALHOUN] considers as low, or lower, than the hard money standard. Here we are, without credit, because no man, for the prosecution of his necessary business, can procure a loan from the banks. They are now in that state of exhaustion which is the inevitable consequence of their former highly excited action. The case which Senators supposed might exist, should we suddenly adopt a hard money currency, exists already. It is now fact, and not fancy. The man who purchased a property but one year ago, in the days of the highest expansion, for two thousand dollars, and paid half the purchase money upon it, could, at this moment of depression, scarcely sell it for the remaining one thousand dollars. This is one of the greatest evils of our present ever changing system; but such things must recur and recur again forever, unless some efficient remedy shall be applied.

But the Senator from Massachusetts has appealed to the ballot box in the most solemn manner, as the means of freeing the country from the calamities which he says I have admitted would flow from the passage of the Independent Treasury bill. I unite with him most freely in this appeal. His fear of the result in his own State is probably the best excuse which he could make for the manner in which he has treated my speech. The morning is not merely dawning upon old Massachusetts; but a beautiful and brilliant Aurora is now shedding her light upon it, and giving promise of a bright and glorious day. We have at least an equal chance with the friends of the Senator, of carrying Massachusetts.

MR WEBSTER. As good a chance as we have of carrying Pennsylvania?

Mr. B. said: before I take my seat I shall answer this question; but at present I am speaking of the Senator's State. I will not venture absolutely to predict success to the cause of the Administration in Massachusetts at the next election, although my hopes are high. Year after year the cause of correct principles has been gradually advancing in that ancient and renowned Commonwealth; and such a revolution in public opinion never goes backward.

The Senator appeals to the polls, and expects that the laboring men of the country will come to the rescue. In this I venture to predict he will be entirely mistaken. He will find it to be a Herculean task to persuade the laboring man that the party with which he is identified in friendly to him and to his interests. What have we heretofore witnessed in the Senate? When the pre-emption bill was before this body, the Senator from Maryland [Mr. MERRICK] attempted to deprive the poor man who had fled from the oppression of Europe to seek a home in the far West from enjoying its benefits unless he were a naturalized citizen. His proposed amendment was sustained by distinguished Whig members in debate; but was voted down by the friends of the Administration. Again, sir, what party is it which, with some honorable and distinguished exceptions, has always opposed these pre-emption laws? Is not the poor man who goes into the wilderness, settles upon the public lands, erects himself a cabin, and expects to maintain and rear his family by the labor of his hands, entitled to our protection? To permit him to purchase his quarter section of land on which he has settled, at the minimum price, in preference to all others, is but sheer justice to him, and experience has proved that it diminishes the receipts of the Government but two or three cents per acre. Which is the party that has ever opposed this equitable and just principle; and, by the course which it has pursued, would afford the speculator an opportunity of enriching himself, by purchasing the house and the home of this poor settler over his head, and thus depriving him of the fruits of his honest labor? No, sir, no: the laboring men of the country know too well which party is their true friends to be persuaded to enlist under the Whig banner by the Senator from Massachusetts.

The right of suffrage is the most sacred political right which the citizens of a free Government can enjoy. Like the right of conscience, it ought ever to be regarded as a question between the individual man and his Maker, with which no human power ought to interfere, unless by convincing the reason. This is the very foundation upon which our Republican institutions rest. All men are regarded as equal in the sight of the law; and they ought all, therefore, to be equally free when they approach the ballot box. I ask, has this principle been respected in regard to the laboring man in our extensive manufactories? Have they never been told that unless they voted according to the dictation of their employers, they should be immediately discharged? Have they never even been accompanied to the polls by their employer or his agent, to see that the tyrannical mandate should be carried into execution? The man who would act in such a manner, and thus abuse the little brief authority which his station has given him over his fellow men, is at heart a despot and a tyrant. These things I have never witnessed myself, but have often heard.

I now come to answer the question propounded to me by the Senator from Massachusetts [Mr. WEBSTER] in regard to the political prospects in Pennsylvania; and permit me here to say, that although I do not complain, I should not have been the first to introduce such topics upon this floor. Unlike some of my friends in the Opposition, I have made no predictions here which the result has not verified. I am, therefore, entitled to some little character as a prophet, which, small as it may be, I should be sorry to lose. The smoke which was raised by the late Whig National Convention has had time to vanish away; and we can now see objects in their true colors and just proportions. I have endeavored to view the party struggle in my own State in the light of truth, so as not to deceive myself or others; and I have had the best opportunities of acquiring correct information. I now declare that I firmly believe the Keystone State will remain true to her ancient political faith; and from present appearances, no future event can be more certain than that she will sustain the present Chief Magistrate and his principles, by a triumphant majority.

There is one circumstance which, in my opinion, renders the result absolutely certain. It was our misfortune to have been under Whig rule for a period of three years, during the administration of Governor Ritner. In what manner did that administration treat the laboring men employed upon the public works? No laboring man was permitted to remain in the employment of the State, unless he would pledge himself to support the re-election of Governor Ritner. He was deprived of the means of earning his bread by the sweat of his brow, unless he would abandon his right to feel and to think and to act, as a free and independent citizen of the Commonwealth. In many instances, the superintendents on our railroads and canals marched up to the polls at the head of numerous bands of the laborers, to enforce a compliance with the pledges which had thus been extorted from them, and to see that they voted for Governor Ritner. The election came, and Governor Ritner was defeated at the polls by a handsome majority. Immediately afterwards, it was announced from high official authority that this election should be treated as if it had never taken place. The attempt to carry this mandate into execution produced what has been most unjustly called the Harrisburg mob. A revolution was threatened, but the leaders fled from the fearful responsibility which they had assumed, at the first moment of fancied danger; and what had begun in tragedy, thus ended in broad farce.

Now, sir, I shall not say one word to the prejudice of General Harrison. It is his misfortune in Pennsylvania to be identified with the leaders of the party which I have just described. They are his chief and most prominent supporters, and were the most active and influential in procuring his nomination; and they are sufficiently heavy to drag down any candidate for the Presidency in Pennsylvania to whom they are politically bound. This very fact will lose General Harrison thousands of independent Whig votes in Pennsylvania. I trust I have now sufficiently answered the inquiry of the Senator from Massachusetts.

REMARKS OF MR. DAVIS,

In Senate, March 6, 1840—In reply to Mr. BUCHANAN.

When Mr. BUCHANAN had concluded his remarks,

Mr. DAVIS rose and said:

Mr. PRESIDENT: The member from Pennsylvania [Mr. BUCHANAN] is of opinion that I have not met one of his charges, and is pleased, in the exercise of his courtesy, to say I have evaded them, and made a false issue. Nothing can be more unjust—nothing more unjust, as I view the matter; and how far it becomes him to make such declarations, after declining to point out more distinctly his causes of complaint, you and others must judge. Sir, I have no cause for evasion or a false issue; the plain matters of fact are enough for me, and I will take care that the member does not escape from them by an issue varying much, as I think, from that made in the outset. If his opinions are scrutinized by the public—if they are found unpalatable, and the tide of public opinion rolls back upon him, he will not escape from his responsibility by turning upon me, and raising a controversy here about the influence of the sub-Treasury in introducing a hard money currency. Sir, I did not rise to retort the indecorous language of the member. Harsh epithet can add nothing to the force of truth, nor can violent language strengthen a feeble or false argument. They contribute nothing to the dignity of the Senator, are a violation of the rules of this body, and will be estimated by the public, as they are, unworthy of this place.

Why is this matter brought here at this late day? He does not question the identity of the speech I delivered here and the one in print. This he cannot do; but complains, among other things, of attacks made upon him in the public press. This is the secret of the whole matter. The country condemns his opinions on wages. The laborers are startled at the thought of being brought down to "the standard of prices throughout the world." This is the topic on which the press speaks, as far as I have met its language, and this the Senator has labored to explain by reading from his speeches; but he does not read the parts of his late speech to which I chiefly replied, and to which I have drawn his attention, but the public shall have an opportunity to read it, and judge for themselves whether it can have any interpretation but that given to it.

But the Senator now, for the first time, as far as I have heard, asserts that he did not hear the whole of my speech. Not hear it, when it was mostly a comment upon his remarks, and he present and near me! If he did not hear it all, why did he speak to me at the close as if he had? Why did he use complimentary language, which I shall not repeat in this place?

But, sir, what is the issue made now? It has dwindled down into this: The gravamen, as he expressed it, is, that I have put into his mouth words that he never used in regard to the influence which the sub-Treasury may have an introducing a specie currency. I have made him also, he thinks, too much of a hard money man. I do not, in stating his objections, pretend to use his words, for that is out of my power. In treating of this subject, he has reviewed his opinions upon banks, excessive issues of paper, a mixed currency, the reduction of the currency, and the effect on wages. Though he states the gravamen to be what I have described, yet he has thought it necessary to dwell on all these matters, and especially to labor to prove that he is in favor of banks and a mixed currency, and that he is not for coming down to hard money alone, or for reducing wages to the hard money standard. But, sir, he does not come to the point to which I have called his attention. I asked him more than once to tell me what he means in his speech, wherein, speaking of the failure in success of our manufactures and the remedy for that evil he says, among other language equally forcible: "*Reduce our nominal to the real standard of prices throughout the world, and you cover the country with blessings and benefits.*" This, he contended, is what the interests of the manufacturers require. Yes, sir, to reduce thus the prices of production and wages. I asked him what this standard of prices throughout the world was, and whether it was not hard money. But to this no

answer has been made. He does not meet the inquiry, but affirms he is for a mixed currency, and not for reducing wages to the humble pay of the serfs of Europe; but what is the meaning of this part of his speech? Has it none? or, if it has any, what is it? He is for reducing "the paper bubble," in other words, bank paper, to this standard; and this is "to cover the country with blessings and benefits." Sir, take this language in connection with what I read from the member's speech this morning, and who can halt or doubt as to the meaning.. If the sense be not that "*the paper bubble*" is to be reduced till the price of wages, and every thing else, comes to be as low as it is in hard money countries, then it has, in my judgment, no intelligible meaning. There is no qualifying or altering it; and yet I am charged with making him too much of a hard money man. Sir, the Senator is unconscious what language he uses about banks—a tone of severe reproof and denunciation runs through his speech against our system, which he affirms to be the worst in the world; and even now, in speaking of them, while he disclaims being a hard money man, he says they have hugged the manufacturers to death. Whatever else his printed speech contains, the parts which I read, when last up, cannot be perused without making the inference which I draw from it, and it will be so understood wherever it is read.

But, sir, the Senator, complains that I have put words into his mouth. What words have I put into his mouth? Where are they, and what are they? Is this a fair representation? I have stated his opinions, his arguments, and his views of policy, but, with the exception of one or two instances, about which I have heard no complaint, I have not pretended to use his words. This is apparent on the face of my speech, and yet he repeats that I have put words into his mouth.

He thinks I have not only made him too much of a hard money man, but have imputed to him an opinion that the bill will have a greater tendency to restrain the issues of bank paper, and to introduce hard money, than he contended for. He admits that it is to have some influence—how much does not appear. Have I not shown that he is in favor of a reduction of prices "to the standard of prices throughout the world?" Have I not shown that he contends for this as a wise policy, that we may obtain exclusive possession of our markets, and enter successfully with our manufactures and products the markets of the world, by selling as low as any country? Have I not shown that this standard of prices, as it is called, is identical, in all its effects, with the standard of prices in hard money countries? Have I not shown that this reduction in prices, both of wages and property, is proposed to be accomplished by reducing the amount of our currency till prices are brought to this standard? And have I not shown all this by the printed speech of the Senator, as put forth with his approbation? Is not the language and the conclusions irresistible? It will, it must, be so understood by all who read it.

After all this—after a delay of six weeks without complaint till the doctrine was condemned by the public, and after bringing the Senator to this point—after showing that he is in favor of German prices, and that he calls Germany emphatically a hard money country, he complains that I made him too much of a hard money man, and that I make him express the opinion that the sub-Treasury bill will bring things nearer to this result than the contended for, or believed it would. What if it should produce this result? What if it should go beyond his anticipations? What if there is a misapprehension by me of his views as to the extent of its influence—of what consequence is it? It will only carry out his views and policy more strongly than he anticipated—and that policy, he says, would "cover the country with blessings and benefits." He cannot seriously regret this, if it should turn out to be so. It is, sir, a small matter, and will be so regarded. For he will not deny that he is for a reduction of the currency, and that such a reduction, in his opinion, will reduce prices, and consequently the price of labor, for the reasoning of most of his speech goes to that point. Nor will he deny that, in his opinion, the bill tends to reduce the currency, and will thus carry out these views as far as its provisions can carry them. It is, therefore, part and parcel of this policy, and has been and is so understood every where. It is too late to come with such a complaint, as the Senator might have corrected and fixed the limit of influence he ascribed to the bill, if he had chosen to do it, on the spot, or he might have done it at this time, in unobjectionable terms, if that was his only purpose. Am I, under such circumstances, to be rebuked for inferring, that his arguments had some connection with the bill? The bill was the topic of discussion: and it is singular, when the speech was chiefly spent on banks, currency, and the reduction of prices, that we should infer that the arguments were designed to have some pertinent application to the subject? That they were designed to enforce and illustrate the policy to be introduced by the measure under consideration? If they were not urged for this purpose, for what end were they brought forward.

But, sir, my object in rising was announced in the outset to be limited to a reply to the doctrines and opinions of the Senator, and chiefly to those which related to manufacturing and labor. My attention was attracted by these, as my speech fully proves, and my object was to test their soundness, and not weigh or consider the exact influences of the bill in carrying out these doctrines and opinions. The power of the bill was a subordinate matter, and will be so considered by the public. It may answer to talk about here, but will be of little avail. Attention is and will be directed to the policy; to the reduction of wages and property advocated by the Senator. The public will be content, as I am, that he should limit the power of the bill where he pleases, while his arguments show its tendency is towards the establishment of his general policy. The doctrines and principles advanced will go out with it, and they must be subjected to scrutiny, as they cannot be shut out of view by a controversy about the probable degree of effect of the bill. The doctrines go to the German standard of prices; and at that point they will hold the Senator. But, in the opinion of the Senator, I make him a hard money man, contrary to my express admission that he is for a mixed currency. Not so. He makes himself such, against his own declarations. He takes both grounds, and I give him credit for it in my speech; and it is for him, and not for me, to harmonize the opinions.

The Senator has reiterated an isolated sentence of my speech, and again infers that I have represented him as arguing that wages and property will be reduced one-half. I have several times told him distinctly that such was not my meaning, nor was it the fair construction of the whole text. I argued simply that he was in favor of reduction, without intending to say how much. I assured him that my purpose did no go beyond that. This was due to him, for he gave a meaning to the language that was not designed to be conveyed. With this he is not content, but persists in his own construction, re-asserting it in acrimonious language. While he does this, he admits that if he had made such a proposition, it might have been justly characterized as flagitious. Now, sir, I leave you and all others to determine whether a reduction of wages and property to German prices, with labor at a few pence a day, is a descent of one-half; whether such a process reaches hard money, whether it will "cover the country with blessings and benefits," or be flagitious.

Sir, the Senator is of opinion that I would hold him and his friends up as enemies of the laborers. This again is a great mistake. I have spoken of his opinions, his statements, and his views of policy—not of his motives or feelings. I have traced his arguments out into their consequences, and left the matter there for approval or condemnation—but have neither held the Senator, or his friends, up as enemies of any body.

If I could be surprised at any thing, it would be at the tone assumed in this controversy. The Senator talks of my hectoring him, and one would think he considered me the aggressor. Sir, let all who have heard and witnessed what has passed, bear testimony to the unfounded character of such a suggestion, and to the manner in which the Senator proceeded to correct what at most could be no more than a misapprehension. The matter is unprovoked, and of the Senator's own seeking. Any misapprehension would have been cheerfully set right, if it had been pointed out in terms of courtesy. But the Senator chose to make this appeal in the way and manner in which it has been done, accompanied by language which is unparliamentary, ungentlemanly, and untrue; and let the tribunal to which he has appealed decide between us, and determine whether I have met his complaints, and whether there is the least ground to sustain his charge of misrepresentation.

IN SENATE,

TUESDAY, February 25, 1840.

Mr. TALLMADGE presented certain resolutions of the Legislature of the State of New York, adverse to the Independent Treasury bill, &c.

Mr. T. went at much length into an examination of the policy of the Administration, and the course of the Executive in relation to the Sub-Treasury bill. When in was first broached in the President's message, in 1837, it was the whole subject of the message, and in the success of this single measure was involved the success of all the measures of his Administration. He brought forward no other proposition, and it was soon made known that those who could not support this Sub-Treasury bill could not support his re-election. He (Mr. T.) was in a peculiar and trying situation. It was the first question of moment with which he had differed with the President and the supporters of his Administration. The issue was made, and the people of New York decided against the policy of the Administration. This was not deemed conclusive, and they had again, in 1838, and yet again, in 1839, pronounced their condemnation of it. They had thus passed three several times on the policy of the Executive, and, after all these decisions, his colleague, [Mr. WRIGHT,] who was the sole representative of that State on the floor of the Senate when the Independent Treasury bill was before them, had voted for its passage. Had he (Mr. T.) been similarly situated, he would have felt it his duty to have regarded the expressions of public sentiment, and have acted differently. That his colleague was the only representative of his State for so long a period, was not his (Mr. T's) fault. The political friends of his colleague had prevented an election at the last session of the Legislature. At the present it was known that a majority in both branches were opposed to the Sub-Treasury bill, and of course it was known that they would send a Senator here who would represent their sentiments and those of the people of State on this subject. He regretted that under these circumstances the bill should have been hurried through this body before the State of New York had an opportunity of being heard. He saw by the newspapers how it had been hurried through on the last evening, and when the Senator from Maryland, at a late hour in the afternoon, requested the Senate to adjourn, the usual courtesy on such occasions was denied him. He thought that such a refusal, under such circumstances, was unprecedented, in the annals of the Senate.

Mr. BENTON said the Senator was mistaken; there had been similar refusals, and under much less excusable circumstances. During the Bank panic, when the Opposition had the majority in that chamber, they attempted to break him down by physical exhaustion; and to prevent it he was compelled to resort to the use of expedients, and this was done in a sultry day in June,

Mr. TALLMADGE. This occured before his time, and was probably during the exciting debates on the removal of the deposites; but he repeated, that under the circumstances, he regretted that the bill was passed so precipitately. His colleague was chairman of the committee who had the bill in charge, and had he requested some delay on the bill, it would have been granted, and he would not have been thought chargeable with a seeming want of courtesy. His colleague was aware of his election, and should he not have waited for his arrival here, so that his Legislature and State should have had an opportunity of being heard on the bill? Though these resolutions might not have been passed at that period, it was perfectly well known they would pass, and this, it might have been expected, would have had some influence on his colleague's course, and if he had not waited for his (Mr. T's) arrival, he might at least have waited for the expression of the sentiment of the Legislature of his State, especially as his colleague professes to be of that school of politicians who recognise the right of instruction. These resolutions explain the objections to the Sub-Tteasury: they oppose it because its effect will be to produce two currencies in the country—one appreciated, and the other depreciated. The better currency of gold and silver coin will be for the officers of the Government, and the baser, of depreciated bank paper, will be for the people. Add to this the doctrines recently put forth by those in the confidence of the Executive—that it is the policy of this Administration to bring down the wages of labor in this country to a level with that received by the paupers of Europe—and it will be seen there is just cause of alarm to the friends of our free institutions.

Mr. WRIGHT said he should not have felt called upon to participate in this debate at all, had not the remarks of his colleague, in relation to the passage of the Independent Treasury bill in this body, been made personal in their application to himself; but as they had been so made, it was necessary that he should make a more minute statement of the facts, and of his own course, in relation to the action of the Senate upon that measure, than he had done upon a former occasion, when called out from the same quarter.

Preliminarily, however, he was bound to confess, though he did not pretend to be very well schooled in questions of courtesy, it did appear to his mind as somewhat singular that he should be arraigned for want of courtesy as a Senator, by one who was not, at the time the transaction complained of occurred, either present, or a member of the body. The Senate, as then constituted, was the tribunal to which he was properly, as he was willingly, responsible for the propriety or impropriety of his conduct upon that and all other occasions, when he acted here. Those who were then Senators, and were present, saw and heard, and could judge. Upon their judgments he was willing to rest the matter. To them, and to them only, was he amenable for his course: and he would now tell his colleague, as he had told him upon a former occasion, that he would not discuss, on this floor, with him or any other man, the propriety of his acts within these walls, touching any matter transacted here when the complainant was not a member of the Senate. This, he hoped, would end this matter between him and his colleague here. If the gentleman chose to discuss this, or any other topic, touching his course and conduct, elsewhere, he was at liberty to do so. The choice of the time, place, and manner, were open to him. Elsewhere, he might have rights in the matter, and he presumed he would know how to exercise them wisely, but here, he could have none.

As, however, his course upon the occasions alluded to had been characterized as "precipitate and wanting in courtesy," it was due to himself, and to those who constituted the Senate at that time, that he should detail somewhat minutely the facts in relation to the action of the body upon the Independent Treasury bill, during the present session, that his constituents and the country might know with how much propriety this charge had

been preferred. For this purpose he would ask the indulgence of the Senate for a few moments.

The Senate met and was organized on the 2d day of December last. Through the kindness of the honorable Senator who then occupied the President's chair, and the indulgence of the Senate, he had been honored with the same place upon the standing committees of the body which he had occupied for several previous sessions, bestowed upon him, as the then presiding officer could testify, without solicitation from himself. This necessarily placed before the committee of which he was a member the reference of that part of the annual message of the President which related to the finances of the country, and consequently which related to the Independent Treasury bill. Thus situated, if it had been his object to escape the influence of the powerful talents of his colleague in opposition to the measure, the charge should have been that he was dilatory, and not "precipitate;" for it was not until the 6th day of January, more than a month after the meeting of the Senate, that the bill was reported from the committee. On the following day, the 7th of January, the Legislature of his State was to assemble, and he could not fail to know that among their first acts would be the election of a Senator.

By the direction of the committee, it became his duty to report the bill; and by the same direction, he gave notice that its consideration would be moved on that day week. The day arrived, the 13th of January, and passed, and on the 14th the bill was called up. Some discussion was had in reference to a postponement for two weeks to give time for absent Senators to arrive, and for vacancies to be filled, and reference was made to the vacancy existing from his own State. He informed the Senate that his action, thus far, had been under the order of the committee; that having discharged their order, he now cheerfully submitted the whole matter to the disposition of the Senate; that it would give him pleasure to have a colleague here before the bill should be finally acted upon, and that he should now be in the daily expectation of the news of an election and of the arrival of the person appointed to take his seat in the body; that he did not consider it proper for him to urge any course upon the Senate; nor should he, any farther than to give his individual vote upon the question of postponement. This course on his part called forth, at the time, expressions of approbation from a distinguished Senator of the Opposition, [Mr. CLAY of Kentucky,] not now in his seat. The bill was under the consideration of the Senate daily, from the 14th to the 17th of January, when the question upon its engrossment was taken. This was Friday of the week, and after the question was declared, he, in violation of the wishes and feelings of a large portion of his friends, moved that when the Senate adjourn, it adjourn to meet on Monday, instead of Saturday, thus deferring the question upon the final passage of the bill to the following week. The motion prevailed. He entertained not a single doubt then that he should have a colleague present by the Monday to which the Senate stood adjourned.

The Monday came, but not his colleague. The bill was again taken up, and the discussion upon its final passage was continued from day to day, until Thursday, the 23d of January, when the question was taken, and the bill passed. On that day an effort was made to adjourn the Senate to give further time for the Senator from Maryland [Mr. MERRICK] to discuss the bill; and when the question was taken upon the motion to adjourn, he purposely left his seat, and did not vote.

Now, as to his conduct towards his colleague, who had chosen to make himself the author of these charges of "precipitancy" and "want of courtesy." On the evening of Saturday, the 25th of January, two days after the bill in question had finally passed the Senate, the mail from the North brought him a letter, dated at the Astor House, in the city of New York, on the 23d, the day on which the final question upon the bill was taken here, signed by his colleague, giving the information that he was detained in New York by ill health, (that being the first information of that character which had reached Mr. W.) and requesting that the final question upon this bill might be postponed to await his arrival, which would be on the Monday after. But a few moments had elapsed, after the letter reached his hands, when he was informed that the same train of cars which brought the letter, brought also his colleague to the city.

Upon this state of facts, well known to the Senator by a former explanation here, he rises in his place and again makes the charge of "precipitancy and want of courtesy." To such a charge, under such circumstances, and coming from such a quarter, he had no reply to make.

His statement of facts had been made to justify himself to his constituents and the country; it had been made to those who were Senators when the transactions took place, and could judge of the accuracy of his account of the matter. To his colleague he owed neither explanation, nor reply, to this repetition of such a charge.

It would be seen that some time had been allowed, after the meeting of the New York Legislature, and before the final action of the Senate upon the bill in question, for the filling of that vacancy, and the arrival of the elected Senator to take his place in the body.

He would leave to his colleague the duty of informing the Senate and the country at what time his election had taken place; at what time the notice of the fact had reached him; what time was occupied by him in travelling from the place of his residence to the city of New York; what number of days ill health had confined him there; and all the other facts, which would account to their common constituents for his late arrival to take his seat in the Senate. He had not taken the pains to make inquiries into these facts, nor were they such as it became him to enlighten the Senate about. He did not doubt the ability of his colleague to give the information, which seemed to be called for before he should become an accuser of others; but it was at his option to give the information, or to withhold it. To him (Mr. W.) neither course had any importance, nor had he any desire upon the subject. The facts were within the reach of those to whom they owed a common responsibility; and they would make up no judgment upon either side, without giving them their true weight and consideration.

He had no disposition to follow his colleague into the discussion of the Independent Treasury bill upon this occasion. The subject was not new to either, and the views of both were fully known to their common constituents. He has further thought it proper to discuss again most of the subjects upon which we have differed since we became members together of this body. He (Mr. W.) would not follow him in this review. He had been, and continued to be, content with their first discussions, and would rest himself upon them.

His colleague has said, with some apparent feeling and triumph, that he, Mr. W. had, upon those occasions, proposed to refer their differences to their constituents, and not make them the subjects of debate and irritation here. He had done so; and he certainly had not regretted the reference. It was one which his duty, not less than his feelings, prompted him to make, and it was made to those who would take cognizance of them without their consent.

The Senator said their constituents had decided, thrice decided. Be it so. He had not questioned the assertion, nor was he to do so upon this occasion. He had not claimed to stand with the majority in his State, nor had he manifested any disposition, nor did he entertain any wish, to dispute the standing of his colleague in that particular. He felt no ambition to change places, or positions. He said now, as he had said before, leave our public acts to the determination of those common constituents, and not undertake to settle them here.

His colleague seemed to manifest peculiar anxiety to learn whether he would obey instructions from the Legislature of the State; a doctrine, he said, which originated in the school to which he, Mr. W. belonged. He was free to avow the doctrine of instructions as belonging to his school, but the present remarks of his colleague were the first intimation he had received that he too did not belong to that same school, upon this point at least. He was sorry to be compelled to infer that here again a difference was to grow up between them, as it seemed to threaten an entire separation in principle as well as practice.

He was aware that this answer had not exactly reached the object of his colleague, and that he desired him to speak particularly of the resolutions of their Legislature now before the Senate. This it was not his purpose to do at present, and the only relief he could give him now, was to inform him that when legislative instructions should call for it, he should be ready to act promptly and decisively.

Mr. TAPPAN said that the Senate had been repeatedly charged with precipitation and want of courtesy in relation to the passage of the Independent Treasury bill. He would not have thought these charges worthy of notice if they had only been made by those who were not members of this body when the bill passed; but as the same impression had been attempted to be made by others, he would briefly state the facts as they actually occurred. On the Thursday that the bill passed, after the Senator from Mississippi [Mr. HENDERSON] had spoken in opposition to the bill, and delivered an elaborate argument in favor of a United States Bank, I observed, said Mr. T. "that the Senate seemed tired of the debate; that I had intended to speak on that subject, and had made some preparation for that purpose, but was not prepared then to address the Senate; and from the little attention paid to the labored argument of the Senator from Mississippi, I should conclude that the Senate did not desire to hear any more speaking, but would prefer to take the question that evening. I said that it was my own opinion that we had spent time enough on the bill, and that we ought then to proceed to a final vote upon it; but if the Senate thought otherwise, and the debate was to be continued, I would, on to-morrow, take occasion to submit my views; that at present I would give way to any gentleman who desired then to address the Senate." The Senator from Maryland then took the floor, and after making a few remarks, moved an adjournment, which was not agreed to. He then proceeded to make a very strong speech against the bill, and when he had spoken long enough for a reasonable sized speech, he gave way, and the member from Indiana made a motion to adjourn. This was also negatived, and the Senator from Maryland then proceeded until he had finished his remarks. After him, the Senator from Massachusetts [Mr. DAVIS] addressed the Senate with much ingenuity in opposition to the bill, and when he had concluded, no other gentleman seeming desirous to speak on the subject, the bill was passed.

As to the remark of the Senator from Maryland, [Mr. MERRICK,] which was published several days since, and not disavowed by him, that he [Mr. T.] declined to address the Senate *at all* on the subject, he must say, without supposing it other than a mistake in the Senator, it was not true. He made no such declaration. But the Senator from New York seems to think that his State is the whole Union, and that the Senate should lay by, and not presume to transact any important business, until the State of New York was fully represented here. Now, he was as willing as any Senator to admit the claim of that great State to be treated with all proper respect. The Empire State is a great and populous one; but she is not the only State in the Union. There are other States besides New York. In the west you may also see great and populous States, nearly equal to her in population, and on this floor entitled to as much weight and consideration. If both the New York Senators were not here to participate in the transaction of the business of the nation with the Representatives of the 25 other independent States, it not the fault of this body, and he saw no reason why the business of this great Confederacy should be delayed on that account. But the Senator says "he has been in a peculiar and trying situation." Has he indeed been in a "peculiar and trying situation?" and, for that reason, could not get here sooner? What brought him into that situation? What was its peculiarity? What was its trying nature? He has not told us; on that we are left to conjecture. But the Senator's course has not been hidden from public view—it has been open to the world. Did the Se-

nator suspect he could go through a complete transformation, and be insensible to the change? Why, sir, we are so constituted that we cannot choose but feel, and feel deeply, all great revolutions in our circumstances. If a man, with an apparent zeal and honesty, advocates any cause for a series of years, so as to make himself not only conspicuous among the advocates, of that cause, but one of the most honored, distinguished, and trusted of those advocates; if in this way he identifies himself with a great party, with the majority of his countrymen, and then, without any reason, or for reasons common sense scouts as frivolous and unmeaning, he abandons (I will not say his priciples, for such men have no principles) his party connections, all those he had professed to love and honor, joins his and their former enemies, and is the loudest and most unprincipled calumniator of his former associates, do you think he can do all this, without feeling that he has placed himself "in a peculiar and trying situation? No, sir, no; human nature is much the same in all; we are so constituted that we cannot decend from a life of honor and virtue to acts of base turpitude and wickedness, without feeling ourselves in "a peculiar and trying situation." Do you think, sir, that Benedict Arnold did not find himself in "a peculiar and trying situation," when he resolved to betray his country, to abandon his high and honorable station, as the gallant soldier of liberty, and sink into utter infamy? Undoubtedly he did; and although he burned and plundered the villages and towns of his countrymen with savage ferocity, to ingratiate himself with his new friends, if you could have heard the voice of his conscience, it would have told you that he found himself in "a peculiar and trying situation."

When, sir, a public man steers his course by the polar star of principle, he may be misunderstood; he may be misrepresented; he may lose his popularity; but he does not lose his honor, his self-possession and dignity. If public favor is withdrawn from him, he retires to private life, and enjoys the calm and peace of a mind at ease, and conscious of rectitude; he is not reaching out his "itching palm," and whining about his "peculiar and trying situation."

And if, indeed, the Senator has chosen to place himself in so very peculiar and trying a situation, it gives him no authority to misrepresent the motives or actions of those with whom he had been associated, although it may entitle him to the pity of all men of honor and integrity.

Mr. MERRICK said that the Senator from Ohio, in the course of his remarks, had said that a particular statement in his (Mr. M's) published speech "was not true." He wished to inquire of the Senator whether, by this remark, he intended to charge him with an intention to misrepresent facts.

Mr. TAPPAN said that he was a plain spoken man, and would say, with Martin Luther, that "he generally called a spade a spade;" but he did not say, or suppose, that the Senator intentionally misrepresented the facts: he only spoke of them as they were.

Mr. MERRICK then gave a brief history of the events previous to the passage of the bill. Having stated that it was half after five o'clock when he moved the adjournment.

Mr. TAPPAN said the Senator was mistaken in the hour; it was about a quarter past three o'clock.

Several Senators said that was about the time.

Mr. TALLMADGE appealed to the Senate, whether he had not, in all his intercourse with members, treated them with the courtesy which gentlemen owed to each other, and to the station they occupied. He was not in the habit of using harsh words there or elsewhere. He had no complaint to make of his colleague on this score. He would say that, as far as parliamentary and individual courtesy were concernee, no man carried it further than his colleague. It was his uniform manner, and he cheerfully awarded this to him. But, said Mr. T. my colleague has misapprehended me if he understood me as saying that he belonged to a school which avowed the doctrine of instruction, while I belonged to a different school. I said no such thing. But when we see Senators, who are professedly great admirers of the right of instruction, quibbling for want of a technical word, our confidence in the doctrine was a good deal shaken. He did not say his colleague would do this, but there had been instances of it in the Senate. If I received instructions, I would at once carry out the wishes of my State, or give her an opportunity of filling my place with another who would represent her truly.

He was sorry that the Senator from Ohio had thought it his duty to intermeddle in this family affair; and he would leave it to the Senate whether it was done with parliamentary or individual courtesy. The term traitor had been applied to him by political slang-whangers, but he did not expect to hear it from one who had sufficient respectability of character to obtain a seat on this floor. Traitor to what? To principle? No: a traitor to party. And for a difference in political sentiment, am I to be branded as a traitor? to be compared to Arnold? The Senator talks of what he knows nothing about, and reminds me of a certain British lord's puppy, who did not get his eyes open until he was about to be drowned. But the Senator is the very personification of Loco Focoism. He professes to be one of the Simon Pures of that school. He also professes another principle, which is a very natural one for a Loco Foco. I have seen it stated in the newspapers, that when the news of the Southampton insurrection reached Ohio, the Senator expressed his willingness to furnish powder and ball to the negroes. This feeling was only carrying out the destructive doctrines of Loco Focoism. He represents me as saying that New York is the whole Union, and that all legislation must stop until she is fully represented. I said no such thing, and pronounce it a misrepresentation—unintentional no doubt. It is likely if that Senator had his way, one Senator would be thought sufficient for New York, provided he be always *right*. He would not follow the example of the Senator from Ohio, and invade her territory: there is one there already who is used to repel invaders, and he will take care of the gentleman. He calls me a traitor. If I am a traitor, then are the people of New York, whose representative I am, a traitor. Let him come within her borders and say this to her sons, and they will treat him with the scorn and contempt he deserves.

Mr. HENDERSON rose to a point of order. He would inquire of the CHAIR whether he considered the course of remarks now indulged in as being within the rules of order.

The CHAIR stated that he had avoided any interference, because he trusted to the Senate to preserve its own dignity and the order of the body. He relied on the sense of honor and decorum of the Senators to treat each other with that respect and courtesy which is alike due to each other as gentlemen and the station they occupied. Since the Senator from Mississippi, however, had raised the point of order, he would say that he considered the remarks of the Senator from New York as transcending the limits of parliamentary courtesy. He regretted to be compelled to say this, but it was a duty imposed upon him by the position he held as the presiding officer of the body, and when he knew his duty he could discharge it.

Mr. TALLMADGE approved of the sentiments of the Chair, and would endeavor to observe his injunctions. All he had said was to repel the rude attack of the Senator from Ohio. Mr. T. then went into a history of his difference with the President on the Sub-Treasury bill. He said his course in relation to that bill was taken by the advice and sanction of the highest political authority in his State; but since that time, these very men who urged him to the course, had denounced him as a deserter.

Mr TAPPAN. The Senator from New York charges me with "interfering between him and his colleague;" with "invading his State," with meddling with new York politics. The Senator rose in his place and uttered a long and rambling speech, in which he censured his colleague, and in no very moderate terms charged the majority of this Senate with having passed the Independent Treasury Bill precipitately, and with the dishonest purpose of preventing him from recording his vote against it. Was I to sit here, sir, a silent listener to his foul slanders of the majority of this body, with which I had acted? Are we bound to submit to all manner of contumely and reproach? No, sir, no; the Senator shall exercise no such privilege here without the rebuke he merits. I interfered not between him and his colleague; I invaded not his State; I meddled not with New York politics: but I informed the Senator that there were other States in this Union than New York, and other Senators here whose rights were to be regarded, besides him whom his file leader pronounced fresh from the people.

But the Senator complains that I apply "odious epithets to him." I have applied no epithets: I have supposed what might have been the cause of his finding himself in so "very peculiar and trying a situation" as he confessed he had been in for some time past. I did not say that his conduct and character were paralleled by the conduct and character of Benedict Arnold. It is the Senator's own conscience which adopts this parallel: it is *he* that makes the hypothetical case his own. The Senator says he is always courteous in debate. What are his ideas of courtesy? He has made several speeches here since he took his seat; and what were they? The most low and vulgar abuse of all his old friends and associates, a tirade of newspaper slang and pot-house vituperation, with frequent and most complacent reference to "his speech"—a speech, when and where delivered, I neither know nor wish to know; but I can tell the Senator this: I never heard of "his speech" before, and, if it is as vulgar and abusive as the speeches he delivers here, he would do well to let it pass into oblivion without awakening a recollection of it, which can do him no honor. "Courteous in debate!" I submit to no such courtesy. In my life, sir, I have never heard any man speak in public who was more abusive, more calumnious, more careless, in his assertions; he must *become* courteous himself before he claims to be treated with courtesy by others. The Senator calls himself a Democratic Whig, and says I am a Loco Foco. I am indifferent what *he* calls me; my enemies cannot change my name; near fifty years I have belonged to a party devoted to the support of sound Democratic principles. We were called Democrats by way of reproach. What was intended as a stigma, we adhered to us an honor; we cherish the name; it designates principles. We do not change our name annually as the serpent changes his skin. I am a Democrat, simply and purely; not, thank God, a Democratic Whig, nor a Whig Democrat.

But the Senator has referred to a stale slander that he has picked up in some newspaper or other. I will not descend to answer a charge made on such authority. I would scarcely notice any charge on the authority of the Senator himself—much less the stories which he picks up out of Whig newspapers. No, sir; when a charge is brought against me, it must have an endorser, and a good and substantial endorser, and then I will answer it.

The Senator has asserted that the policy of the Administration tends to the establishment of "one currency for the Government and another for the people." One currency for the Government and another for the people! Who are the people? Are you, Mr. President, and is he not one of the people? Does the mere fact of his holding a seat in this body, raise a man above the level of the people? Sir, he may have a seat on this floor, and yet be in character and standing, among his fellow men, even below the average of the people of his own State. This has been an oft-repeated charge, that the Democratic party have established one currency for the Government and another for the people: that, while we pay ourselves in gold and silver, the great mass of the community are compelled to use a depreciated currency. He would admit that the fact exists of two currencies: one the constitutional currency, the other the currency of private companies; but whose fault is it? Did the Government or the Democratic party establish the State banks? The banks of all the States, except Ohio, south of New York, have refused to redeem their paper, and they are now fighting

against resumption, and endeavoring to supersede the constitutional currency with their irredeemable trash. And we find the Senator from New York, [Mr. TALLMADGE] and the party of which the Senator has become a member, associated with these banks, and giving them their countenance and support in their effort to suppress the circulation of the legal currency of the country. With a disregard of all truth and decency, the Administration are charged with causing this state of things. But I thank the Senator for his taunt, and I hope it will be remembered and profited by. The banks even in this District, where we have exclusive jurisdictions refuse to redeem their notes, and he (Mr. TAPPAN) hoped, when the subject came up for consideration, as it would shortly, that Senators would, so far as their legislation is concerned, relieve themselves from the odium of being instrumental in establishing "one currency for the Government and another for the people;" that they would sanction but one currency for the Government and the people, and that a good and substantial one. I have no more to say, sir; my object has been to repel an unjust and unprovoked attack; to let the Senator know that if he indulges himself in such attacks on me and my friends, he must expect to be answered plainly and promptly. I go no further; for, from my soul, I pity the man, who, to court the favor of new associates, finds it necessary to abuse and vilify his old ones.

On motion by Mr. WRIGHT, the resolutions were ordered to be printed, and laid on the table.

SPEECH OF MR. BYNUM,

OF NORTH CAROLINA.

In the House of Representatives, concluded January 25, 1840—On the resolution of Mr. THOMPSON of South Carolina, on the subject of *Abolition.*

Mr. BYNUM rose and said, he had much regretted the progress of the present discussion, now going on before the House, and exceedingly lamented the character it had assumed. It had been his object, at an early stage of the session, to have arrested it by a move which he had then made, but for which he had been rebuked, and read a lecture from a quarter that he had least expected. He, however, felt no disposition, at this time, to recriminate, and to wage war with those men who wore the profession of friendship to the South. The subject, to him, was of a magnitude too immense to involve in it even a personal consideration, and he should endeavor, if possible, to soar above all such.

So far, in his judgment, this discussion had been conducted entirely to the injury of one section of this country, and with the greatest injustice to one of the great parties in this House; for the complete and entire vindication of both of which, it would only be necessary to exhibit a plain statement of the facts and the history of the subjects involved, as they have transpired, both here, in this House, upon this floor, and elsewhere, within the last five or six years, which, at a proper time, it is my design, at present, to do before I take my seat, if my health and strength should sustain me in the effort. But before he proceeded to that part of the subject, he begged the House to excuse him, while he noticed several remarks that had fallen from different gentlemen who had preceded him on the opposite side.

The first of whom, whose remarks he would notice, were those of the very honorable gentleman from Massachusetts, [Mr. ADAMS.] That gentleman had taken bold grounds. The gentleman had said, in substance, that before the rights of the Abolitionists to petition upon the subject of slavery should be thwarted by this House, the whole people of the non-slaveholding States would rise *en masse*, to revenge an indignity so flagrant, and so violative of their constitutional rights. Now, sir, said Mr. B. before a right can be violated, it appeared to him that some evidence at least of its existence should be made to appear. If the venerable and honorable member means that the Abolitionists have any right to the slaves of the South, or interest in its existence there, then I would listen to his argument in demonstration of its violation by any action of this House. Sir, has he attempted, has he condescended to attempt, to show this? Then how has a right been violated, that never has existed? The whole of such arguments are founded upon assumption, and assumption alone; and what is such an assumption but a usurpation, or an attempt to usurp an interest, or the right in an interest, that never did exist, by purchase, acquiescence, gift, or contract? Sir, the whole idea of violating a right that never existed, is both utopean and ridiculous.

But, say gentlemen, the right is derived from the constitutional compacts. The Constitution, they say, has granted the right, by declaring that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or *the right of the people peaceably to assemble and petition the Government for a redress of grievances.*" Now, sir, is this the right to which they allude? If so, it is clearly no right at all, by a fair construction of that instrument: an impartial interpretation will not justify an inference so absurd.

The whole object of this clause was to remove the infliction of some grievance, either personal or political. That the grievances complained of by the petitioners are personal, no man has been bold enough yet to contend; that they are in any way personally affected by the existence of slavery, at a distance of hundreds and thousands of miles from them, it will hardly be contended. The grievance complained of, then, so far, is wholly imaginary, and totally unworthy of further consideration. So far as the police of slavery affects them politically, it is equally imaginary and remote; from which it is evident that no grievance from it has existed amongst, and been experienced from it by, the petitioners. The whole complaint of grievance, therefore, is merely ideal, and does not exist in fact. The framers of the Constitution were practical men, and their whole object was to form a practical Government, for the redress, not of *ideal, imaginary grievances*, but substantial, existing wrongs, directly affecting persons and communities. Such, sir, were the objects of those illustrious sages who were the architects of that glorious instrument, whose subversion is now sought, under the flimsy garb of the right to petition, whether for a redress of grievances or not, real or imaginary.

To indulge for a moment the idea that the patriots who formed the Constitution contemplated a redress of grievances, so remote and imaginary as that complained of by the whole brood fanatic, is a slander, if not a libel, on their memories.

The clause of the Constitution, then, to which repeated allusions have been made, refers exclusively to grievances, tangible, real, and substantial; and there cannot be a doubt of its framers having no other in contemplation at its formation. This, then, does not appear to me ever to have been one of those legitimate subjects of grievances entertained by the founders of the Government. The right of petition, then, sir, so far, may be well questioned, where there is neither interest nor grievance upon which to found the right to redress. It is manifest, therefore, that the right of petition is a relative one, and relates immediately to a redress of a substantial and direct grievance, and to none others, as a contrary supposition would involve a glaring absurdity and impracticability, to carry out which, there can be no practical, sagacious statesman that does not now see that this whole country will be deluged with the blood of its own citizens. Such a right, if it were possible for it to exist, is too obscure and remote to be yielded, without convulsing to the very centre of the entire Republic. No man will yield it; and all are ready now to resist it, at the hazard of all that can make life desirable: and he that could desire its discussion, under present circumstances, here, must be blind, and of the most obtuse intellect—one who cannot have one single honest feeling for the tranquillity, peace, and prosperity of our common country.

If ever the sacred compromise of the Constitution is rescinded, this will be the very question that will blow its sacred fragments into a thousand atoms. Yes, sir, it is to be the fatal *rock* upon which this mighty vessel of State, in which we have so triumphantly sailed for the better part of a century, will be wrecked and shivered into atoms: and any statesman, after reviewing what has transpired here within a few days past, is too blind to deserve a seat here, if he has not been able to perceive it.

The whole object of the petitioners is without license from the Constitution, and in opposition to the understanding of every member of the convention that framed that instrument. This has not, nor cannot, be denied even by the learned gentleman from Massachusetts, [Mr. ADAMS] But (says that honorable gentleman) his efforts are made in defence of a *form*—a mere *etiquette*, I suppose—which by him is placed far beyond the duties that we owe to preserve the Constitution and the Union. Sir, the idea is preposterous, and can receive tolerance only from bookmen, unpractised in the art of life, and who alone are familiar with the impracticable theories of the closet: and here let me say to gentlemen, the prayer of the petitioners is not only more unconstitutional than their grant would be inexpedient and impracticable. Then why, again I would ask, this agitation—this continued effort to disturb the peace and harmony of the country? The gentleman from Massachusetts [Mr. ADAMS] says, that the South have caused it—that they keep up the agitation. How monstrous! the South the cause of it! Who have regularly introduced the subject for the last six years by folios of petitions—the South? No, sir: the idea is ridiculous, no matter from what quarter it comes. The South have only begged to be let alone. Let her institutions alone, and this is all she asks; and this she never mentions, until you attempt here, on this floor, to invade her rights of property, and the safety and security of her persons. This is the agitation that the South is guilty of here, through her Representatives except a few, who play in the hands of the Abolitionists for political effect, regardless of their sacred allegiance to the South, and its vital interests.

Mr. Speaker, said Mr. B. I have been amused for the few days past at the declarations of gentlemen who have embarked here in the cause of the Abolitionists, while I have felt humiliated, at times, as a Southern man; and I doubt whether to attribute such declarations to arrogance, or to their want of a better knowledge of Southern men, and of Southern character. Gentlemen say, just let them take this matter in their hands, and they will manage it so as to quiet the Abolitionists, and to secure the peace of the country; we to the South do not understand this subject as well as themselves. Sir, this we have been told by the honorable members successively from Massachusetts, two from New York, and one from Pennsylvania, [Messrs. ADAMS, BIDDLE, GRANGER, and HUNT.] Most modest and high minded gentlemen! Sir, this is adding insult to injury. What! yield to you the right and privilege of settling for us and our constituents this momentous question. Heavens! what a request. Have you not, in this, impeached either our integrity or competence? Surely, gentlemen, you are dreaming. You settle this question for the South? Never! never! I deny your interest in it, and repel the implication of ignorance on the subject. Sir, I throw it back, not in retort, but as a fact which may be clearly demonstrated by your own declarations here, displaying a most entire want of knowledge: yes, practical knowledge not only of the subject before us, but an entire want of knowledge of the characters with whom you have to deal on the subject.

You settle this question for us, without one particle of interest in it, and without the most ordinary practical knowledge of it; and *we*, who have every thing near and dear to man at stake, to set by, as mere idle spectators of the scene? Surely, I say, Mr. Speaker, gentlemen have forgotten the theme on which they are disposed to speak. No, sir; this is a Southern question, exclusively so, and must be, and will be, settled by Southern men, until they become traitors to their country and themselves. But, says the honorable member from Massachusetts, [Mr. ADAMS.] they dread discussion coolly on this subject, and tells us that he is prepared to discuss the subject coolly and without agitation. Indeed, sir, what has the hono-

rable member at stake that should excite and agitate him on this subject? Is his house in danger of the incendiary's torch? Are his fireside and household deities in peril of midnight insurrection? Are his wife and children hourly at the mercy of the black assassins, who are instigated by these discussions to acts of murder? Has he so early forgotten the bloody scenes of Southampton, that have so recently passed in a neighboring State? Can he suppose, and will it be asked of them, that those who are daily subject to the reacting of such a scene on them, shall, like him, look coldly on these bloody consequences? Has the gentlemen, and others, given a moment's reflection on the incomparable difference in the condition of the parties whom he invites to this discussion? Have gentlemen condescended to compare the difference, in interest and feelings, which must of necessity exist between the two parties on this subject? Have they, will they, compare the enormous arrogance, and the tresspasses about being made by one party, with the humble attitude of defence assumed and resolved on by the other? Sir, on the one side every thing exists that can arouse, and excite, and inflame, a man of sensibility, or of honor; while, on the other side, there is nothing but religious superstition, ignorance, or wantonness, or a thirst for mischief, that should excite, agitate, or inflame any man, except the deep detestation of the attempts of a fanaticism, that is fraught with such incalculable disasters to the human race? Well may gentlemen on the other side, therefore, affect a serenity of temperament on this subject, unknown to those who are so much more deeply interested in the discussion than themselves.

But the gentleman from Massachusetts [Mr. ADAMS] contends that all this agitation and struggle is carried on merely for the right of petition. Can gentlemen be candid who make such assertions? For the right of petition! Why, sir, who denies that? Is there a solitary one in this House, either Whig or Democrat? No, sir! no sir! not one of either party, where the prayer could be granted and carried out in conformity with the letter, spirit, and requisitions of the Constitution. The entire rights that we exercise here as Representatives, are constitutional, and none others. Can we then justifiably entertain a proposition directly subversive of those rights, and remain faithful to the Constitution? I defy you to take the first step in the execution of the objects of your petitions, without blowing into atoms every fragment of that glorious instrument, under the authority of which we have alone convened here.

What, then, is it but *treason* to every article of that sacred compact, that you do in entertaining this subject, which, the most stupid is now ready to admit, must annihilate its very existence? Hence the inconsistency in the positions taken by the gentlemen on the opposite side, to me is wholly irreconcileable with every principle of reason, and equally so with any fair construction of your Constitution.

But, sir, I will not argue the right of petition further, as I will show before taking my seat, that it is used here, as well as elsewhere, as a mere *catch* and *humbug*, to amuse and delude the ignorant into toils of revolution and blood. No man believes here, nor any intelligent one abroad, that the right of petition is, or ever has been, in danger by the action of this House; and it is used only as a mere *platform* upon which the Abolitionists and their political friends wish to stand to hurl their firebrands of revolution and desolation at the sacred temple of your Constitution. It is a deception that they are attempting to play off upon the ignorant and credulous, to conceal the absurdity of their attempts and the enormity of their projects. No, sir, their object never has been to vindicate the right of petition. They do not say so in scarcely any of their reports or resolutions adopted by their different meetings; and it is used here to sustain them for want of any other plausible argument, and as the only one that gentlemen can excuse themselves by, for appearing here as their apologists. The whole attempt, therefore, I look upon as not less farcical than hypocritical, which has been clearly evinced to my mind, by the remarks of nearly every member that has addressed the House in favor of the petitions. Not a speech have they made, scarcely, after telling us that the object was merely to defend the right of petition, before they have launched out on the evils of slavery—the inexpediency of its existence, and the necessity of its entire abolition; with the vilest denunciations against our institutions, where it is tolerated, in which their whole feelings upon the subject have been satisfactorily, to my mind at least, developed; and I had only regretted that gentlemen had not the boldness to come out and declare their true positions upon the subject openly and freely.

The gentleman from Massachusetts [Mr. ADAMS] says that we should not only receive these petitions, but that they should be read, referred, reported upon, and discussed. Yes, all this to be done to observe a form, when it is admitted by all that it is impossible now to grant the prayers of the petitioners. Why such a sacrifice of substance to mere form? If our minds are perfectly made up on this subject, as all are ready to acknowledge; why, for the sake of this mere form, keep up this agitation, at the sacrifie of that substance, that can alone hold together an hour, the now freest Government on earth? Can such a course be sanctioned by any enlightened man living? But, say these gentlemen, our people (meaning Abolitionists) only wish to discuss this question with you. Where the reason for consuming time in discussing, when the minds of one party are irrevocably made up, of which, again and again, the other party has been told. This, too, however, is not what they say in their various resolutions, essays, and reports. They speak in them a very different language; they declare in tones of thunder, their object to be Abolition, and universal emancipation; when their instruments here declare, that they only contend for the right of petition, and desire discussion, showing a total variance in the declarations of their advocates here, and those set forth by themselves. There is mystery in this, not to be overlooked by those most interested in this subject, and is enough to create a suspicion, that there is something *foul* in these professions, in the breast of the most unsuspecting among us. Is there no stratagem in all this; first, to get this subject legitimately on this floor and the right of discussing it here acquiesced in; and, by discussing and debating it, the right of adjudicating it acknowledged by this House? Is it by this stealthy process, that the Abolitionists seek to insinuate their deadly poison within the walls of your Capitol? Is it by such means that they are to gain entrance, and get their right to abolish slavery acknowledged on the floors of Congress? Sir, I implore Southern gentlemen to mark the insiduous progress of this bloody cloud that is now rising, and threatens to pour out its unhallowed contents upon our devoted country.

We were told a few days ago by the honorable member from New York, [Mr. GRANGER,] and it was reiterated in substance by the gentleman from Massachusetts, that the North had rights, and dare maintain them. What, sir, was the meaning of this? What rights of the North have been threatened or invaded by the South? None, sir; none. The South knows too well its own rights and their value, to invade those of others. This, sir, was a most unfortunate declaration, coming from the source it does, and will have the effect to open the eyes of every Southern man in the nation. What rights have that gentleman's constituents to the South that they know or dare maintain? Is this the insinuation, at last leaked out, that he and his constituents have a right to the slave property in the South? Is this his meaning? Then I can only say in the language of a greater man, "Come and take them," and we will endeavor to give you a hearty welcome. Sir, the South wishes to meddle with no right of the North—she desires nothing but friendship and brotherly love, the preservation of our Union, and the continuance of a liberal intercourse between us; but if the contest is to come, that has been intimated by the honorable member, let me say to him, as brave, as gallant as may be his constituents, he will find spirits to the South as brave and as gallant as they dare be, and with a cause in defence of their homes and firesides so just, that infants would rise from their cradles to do battle to repel a plundering foe. If these projects are persisted in, "to this complexion it must come at last"—and the honest hearted people of each section of country cannot know it too soon, who little dream at this time that a dire project is on foot, by which they are to imbue their hands in their brothers' blood. Yes, sir, the actors in this scene would keep dark, until, by exciting one portion of your countrymen against the other, they gradually and imperceptibly prepare the minds of the most innocent and unsuspecting people of each section of country for the execution of their ruthless and diabolical purposes.

I will not reply to the remarks about the abuse that is poured upon us by the English periodicals and penny posts that has been alluded to by the honorable member last up, from New York, [Mr. HUNT.] Their abuses against our institutions, that recognise slavery, cannot be greater than it has ever been against the very *form* of our free Government, and our free Republican institutions; nor less than it is against our religion and morals. From the subjects and vassals of kings and despots, Americans should never look for compliments. Sir, they owe us no good will, and it is the height of folly, I have ever learned, to receive counsel from an enemy.

But if one thing can be more laughable than another, it is in the declaration of the gentleman [Mr. HUNT] who addres ed the House on this subject last. I had long listened at the remarks of that honorable member, as I had to all that had preceded him on that side of the question, in endeavoring to explain, if possible, what their real object was, and what they really desired to effect, by the course that they wished this body to pursue in relation to these petitions: who has, finally, after laboring nearly three hours, concluded by telling us that they, and the whole subject, ought to be given in charge "*of him*" of Massachusetts [Mr. ADAMS] to make such a report as he thought fit and proper on this subject. Yes, this is the novel idea, the modest request, that has just been made by an honorable member on the opposite side. Is it possible that any sane man can believe that the South could be thus cajoled into submission to such an act? Why not say place them in the hands of "*him*" from Vermont [Mr. SLADE] at once, and effect an entire surrender of every thing that is dear to a Southern man into the hands of those that they have long been taught to believe were their deadliest enemies on earth? Sir, I feel humbled that it did not meet with the deep detestation of every Southern man on its utterance. What man, who would assent to such a proposition here, would dare return to the South and meet the frowns of his insulted and betrayed constituents? Do gentlemen believe that a report from such a source, however satisfactory to Abolitionists, would be received as satisfactory to the South and the West? What! a report from a man, although he may be as pure as the icicles that are now hanging down from the domes of this magnificent edifice, or with a heart as spotless as the bleaching snow that now covers the purlieus of your Capitol, could produce nothing, at this time, after what has recently transpired here, that could be received without exciting the greatest distrust in the mind of every man south of the Potomac! A report from one who we have been taught, from earliest infancy, was the great natural enemy of every thing that is Southern, to be received by them as satisfactory, is a thing that proves conclusively, to me, that the gentlemen are entirely uninformed upon the subject on which they have spoken, and know but little, indeed, of the true characters of those whom they have presumed to instruct upon this great question of national policy.

The honorable member from Pennsylvania, [Mr. BIDDLE,] too, has come forward with great plausibility, and apparent candor, to advise and instruct those that have resisted the introduction and discussion of those petitions. He has given us a history of his last canvass, in which he has been pleased to inform us that he took ground against the Abolitionists, and sustained himself; but that the course we have pursued here, in refusing to

consider the petitions, is altogether erroneous; that it only increases their number, and keeps up the agitation of the subject. If, says he, you will receive, discuss, and report on them, you will put arguments in the mouths of those that oppose them, that will effectually silence their complaints.

With what truth this assertion is made, (without impeaching the gentleman's veracity, as I dare say he believes what he has said) I will show, by incontestable evidence, before I conclude. But that a gentleman of his distinguished talents could expect such a thing for such an object, is truly extraordinary. What, sir, does the gentleman ask? To give up a great constitutional question, in admitting the petitions to be received, debated, and decided on by this House for the mere experiment of putting arguments in the mouths of certain gentlemen who profess to be our friends, but never vote with us, to enable them to meet and silence the complaints of the Abolitionists at home? Was the gentleman aware of the price that it was to cost us to put arguments in his mouth by abandoning the grounds that we have so long and uniformly taken upon this most vital question? Was he aware that it amounted to a direct request to surrender to the Abolitionists the great constitutional grounds that we so long have contended for, and resolved on maintaining, at the hazard of life and fortune, and all that is dear to man upon this earth? Would it not virtually be placing the whole question in the power of Congress, at once, for an experiment, that I will show has already been tried and failed effectually? Such a course would be treasonable to every vital interest of the South. The admission of their right of action, which amounts to a jurisdiction of the question by Congress, is the first great point that the friends of the Abolitionists desire to effect here; and, sir, if this be the friendship of the gentleman, may the Lord deliver the South from such friends.

When the day arrives that this House attempts to assume the jurisdiction of this subject, and discuss it here, the days of the Republic will be numbered, and he who could desire to bring about such a discussion, can have but little love for the blessings arising from the freest Government on the earth, and it is a poor compliment indeed to the intelligence of any Southern man, to suppose that he could be induced, for a moment, to tolerate a proposition so monstrous.

I know, Mr. Speaker, and regret it most sincerely too, that there has been a resolution introduced by a Southern man,* [Mr. CHINN of Louisiana,] in the debate of the 31 January, at which the Abolitionists and their friends here have taken new courage, on which they build their greatest hope of success in entering this House. Such a proposition is all, I know, that the gentleman from Massachusetts [Mr. ADAMS] has been contending for here, for the last six years, and is all that the Abolitionists themselves expect to gain at present; but, sir, this unfortunate resolution cannot meet with the APPROBATION OF THE SOUTH.

I will now, sir, once more, and for the last time, IN this debate, pay my respects to the honorable member from Pennsylvania, [Mr. BIDDLE,] a gentleman, I confess, worthy of respect, both by the correctness of his deportment, and his distinguished talents. The gentleman informed the House that he had resolved to leave us; that he was done with public life, and had no motives to misrepresent any thing here. But, sir, as he retires, Parthian like, he forgets not to *hurl back*, as he flies, his *rankling javelin* at his unvanquished foes. He most adroitly, I will not say insidiously, has introduced in this debate, not for political effect, I hope, the opinions of the distinguished individual who is now at the head of this Administration. I saw, sir, the *chuckle* and smile of approbation that it created in a certain quarter, and I thought then how easy it would be, by a fuller statement of facts, to convert those smiles into lamentations and mourning. Now sir, I will not accuse the gentleman from Pennsylvania of wanting candor, but if he had read but a few paragraphs more, from the communication of the President to the Jackson committee, he would have deprived me of the trouble of doing it myself. He read, however, only enough of that document to place the President in a false position before the public, to the entire gratification of his enemies both here and abroad. Now I hold in my hand the same document, and will read more fully his opinions upon the subject referred to, and to show why they were received, as satisfactory to the South. In his reply to a committee of gentlemen, who addressed Mr. Van Buren on the subject, from the town of Jackson, North Carolina, under date, "Washington, March 6, 1836," he says:

Thus viewing the matter, I would not, from the lights now before me, feel myself safe in pronouncing that Congress does not possess the power of interfering with, or abolishing slavery in the District of Columbia.

Now, sir, so far the honorable member saw fit to read, and no farther, from this document, and here was he disposed to leave the subject of Mr. Van Buren's opinions to the edification of his enemies, both South and North; but I will supply the omission, and will commence with the very next word, and read the paragraph through, and to which I invoke the attention of every gentleman from the North and South. The next sentence after the word "Columbia," where the honorable member from Pennsylvania left off, begins thus:

But, whilst such are my present impressions upon the abstract question of the legal power of Congress—impressions which I shall at all times be not only ready, but disposed to surrender upon conviction of error, I do not hesitate to give it to you as my deliberate and well considered opinion, that there are objections to the exercise of this power against the wishes of the slaveholding States, *as imperative in their nature and obligations*, in regulating the conduct of public men, *as the most palpable want of constitutional power would be.*

This concludes the paragraph. Now, sir, how different is the inference from that made by the honorable member from Pennsylvania? What Southern man, uncontaminated by political prejudices, could desire more? Here Mr. Van Buren declares to the world, in language emphatic, that the reasons for opposing the exercise of the power to abolish slavery in the District even, (mark that,) are "*as imperative in their nature and obligations * * * as the most palpable want of constitutional power would be.*" Now does he not acknowledge in this, that the obligations on him are equally binding with any of a constitutional nature; and what more could an honest, honorable people desire? If he would not obey the one, he certainly would not the other. But I will read another extract to quiet, if possible, the consciences of gentlemen. From the same document, says he:

I prefer that not only you, but all the people of the United States, shall now understand, that if the desire of that portion of them which is favorable to my elevation to the Chief Magistracy, should be gratified, *I must go into the Presidential Chair the inflexible and uncompromising opponent of any attempt on the part of Congress to abolish* slavery in the District of Columbia, against the wishes of the slaveholding States; and, also, with a determination, *equally decided*, to resist the slightest interference with the subject in the States where it exists.

Here, again, we have a reiteration of the same declarations in substance: "I must go into the Presidential chair the inflexible and uncompromising opponent to any attempt on the part of Congress to abolish slavery in the District," &c.

Here is an additional confirmation of what I before read, but which the member from Pennsylvania did not read. And again I say, what more could have been asked? What further was necessary to be added to satisfy any man whose object was truth, in relation to this momentous subject. Had his declarations been all that he made then, they would have been sufficient for any inquirer after truth. But I will read further from the same. Said he:

I do, therefore, believe that the abolition of slavery in the District of Columbia, against the wishes of the slaveholding States, (assuming that Congress has the power to effect it,) would violate the spirit of that compromise of interests which lies at the basis of our social compacts; and I am thoroughly convinced that it could not be so done without imminent peril, if not certain destruction, to the union of the States. Viewing the matter in this light, it is my clear and settled opinion that the Federal Government ought to abstain from doing so, and that it is the sacred duty of those whom the people of the United States entrust with the control of its action, so to use the constitutional power, with which they are invested, as to prevent it.

Sir, could a position on this subject be more clearly defined? Could the South, if they ever intended to support a Northern man, expect to get one more explicit, more decided, more satisfactory? I submit it to every man of reflection, that has the least candor or honesty about him. "So to use the constitutional power as to prevent it." Can any man doubt the meaning of this? No, sir; no, sir; there are none who look to the interest of the South, and places this subject above his paltry party feelings. But let me tell gentlemen, long before the date of this letter, Mr. Van Buren expressed similar sentiments to the above, when he was not before the people as a candidate for their suffrages for the Presidency of the United States.

In a letter to Mr. Gwinn, of the State of Mississippi, in 1834, he used this language, in reply to one written to him on this subject:

My opinions on the subject of the power of Congress over slave property in the Southern States are so well understood by my friends, that I am surprised that an attempt to impose upon the public respecting them should be hazarded. The subject is, in my judgment, exclusively under the control of the State Governments; and I am not apprised, nor do I believe that a contrary opinion to an extent deserving consideration, is entertained in any part of the United States. The charge, therefore, to which you have had the goodness to call my attention, that I am in favor of an interference by Congress in manumitting your slave property, is destitute of foundation; so far from it, I do not see on what authority the General Government could interfere without a change of the Coustitution, even at the instance of either or of all the slaveholding States.

Here, sir, is an avowal of the same sentiments, without reserve, or equivocation. This letter was written two years before his election to the Chief Magistracy; yet with all this evidence before us, there are those so reckless, or ignarant, and desperate, as to charge his supporters at the South of having betrayed the interest of the South upon this great question of Southern rights for yielding him their support. But how has Mr. Van Buren acted since these declarations and pledges were given? Has he defaulted in the least in any one respect? No, sir. His very first act after his election, was to renew those solemn pledges in the face of the world. In his inaugural address, he embraces the very first occasion to declare himself on this absorbing subject. Here, sir, are his sentiments as delivered to the American people in that most valuable and celebrated address.

Mr. B. then read the following extracts:

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise, that in spite of every sinister foreboding, it never, until the present period, disturbed the tranquillity of our common country. Such a result is sufficient evidence of the justice and patriotism of their course; it is evidence not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as from every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection, that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included? Amidst the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and standing as I now do before my countrymen in this high place of honor and of trust, I cannot refrain from anxiously invoking my fellow-citizens never to be deaf to its dictates. Perceiving, before my election, the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood: at least, they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, '*I must go into the Presidential chair the inflexible and uncompromising opponent of every attempt, on the part of Congress, to abolish slavery in the District of Columbia*, against the wishes of the slaveholding States; and also with a determination equally decided to resist the slightest interference with it in the States where it exists.' I submitted also to my fellow-citizens, with fullness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in, by a majority of the people of the United States, including those whom they most immediately affect. *It now only remains to add, that no bill conflicting with these views can ever receive my constitutional sanction.*

Such, sir, are the sentiments contained in his inaugural address to the people of this country. "No bill," says he, "conflicting with these views, can ever receive my constitutional sanction." What equivocation, noncommittalism, or mental reserve, is here shown! What more, again I ask, can any true friend to the South desire on this subject? and how has Mr. Van Buren demeaned himself, since his elevation to the Presidency, upon

*Mr. CHINN demanded the yeas and nays, which were ordered.

Mr. C. said that, before the question was taken, he would ask that a resolution which he would send to the Clerk's table, and which he intended to offer in case of the rejection of the other, might be read for information.

The SPEAKER said it could only be read by leave.

The resolution was read as follows:

Resolved, That all petitions, memorials, resolutions, and addresses of every description, touching the abolition of slavery in the District of Columbia, or in the States or Territories, or in any manner relating to the existence of slavery or the slave trade in the United States, be referred, without debate, to a select committee, with instructions to consider and report thereon.

this subject? What pledge is it that he has not complied with, to the letter, that he has ever made to the American people? I defy calumny itself to point to one.

Such, then, is the evidence that the South has for believing him sound on this great and paramount subject Such is their justification for sustainining him without fear upon this subject. Such is the evidence in relation to his own personal and political course; and I here ask and demand to know, if any there are that now think it unsatisfactory? It will not do for them now to say that he does not deny the constitutional right to interfere in the District—when their idol, Mr. CLAY, is a fathom more deeply committed in its favor than Mr. Van Buren, who admits there are obligations equally binding on him against interference as his constitutional obligations would be.

Having considered what Mr. Van Buren has said and done on this subject, I will now show what his friends who sustain him have said and done. Yes, sir, and have been said and done on this floor, in the hall of the Congress of the United States. Yes, I will not, by denunciation, or declamation, endeavor to show, but will do it by an exhibition of the records of this House, that no man will dare dispute, what course has been pursued here in relation to this subject, by what their opponents have been pleased to call Van Buren Democrats. I will commence with the history of the subject since the formation of the present parties. up to which time, the subject of Abolition had never been considered, or seriously entertained by this body. But before I proceed with this exposition of the recorded facts, which have taken place here, before our own eyes, by the parties, many of whom are still present, and now with us, I must beg to notice one further remark made by the honorable member from New York, [Mr. HUNT.] who immediately preceded me in this debate; and here I will take the occasion to say, that the same *trick, disingenuousness, and hypocritical design*, seem to have characterized the speeches of nearly every gentleman, whether from the North or from the South, of that party, who have addressed the House on this subject. It seems to have been the settled plan of the party, or they have adopted it with a uniformity that excludes all supposition of its occurring by accident, of arraigning the Democratic party, and denouncing them for attempting to make, as they are pleased to call it, political capital out of the subject of Abolition, while, sir, there has not been one of them who has spoken on that side, who has not attempted to produce the impression that the Democrats were the Abolitionists, and the Whigs deserved great credit for the noble stand that they had taken on the subject. This, sir, was the intended SAUCE for our Southern *palate*, while, in the next breath, if he was a Northern Whig particularly, he would inveigh and rant most furiously against the denials by the Democrats to the North and South of the most holy and sacred right of petition. This, sir, was their *sauce* for the *palates* of the fanatics of the North. While this game has been carried on by the Abolitionists and their advocates on this floor, the Southern wing of the same party have invariably risen and denounced, in the most unmeasured terms, those Democrats of the North who have dared to come forward to take one step towards the maintenance of the rights of the South, by voting for such resolutions as the South might consider safe, while they pass unnoticed, and frequently with fulsome compliments, those very Northern Whigs and Abolitionists, from whom they cannot get a vote even for any one of their own propositions: not one step taken by them against Abolitionists. By such means have Southern Whigs endeavored to draw off from the support of such measures as the South felt disposed to adopt for her own security; and to excuse themselves to the South for such a course here, they profess to be in favor of the most ultra measures for Southern institutions; measures that they believed no man living, not in a slaveholding State, dare go for, and by this manœuvre (to make political capital themselves) draw off the only men who have dared to stand by the South at all, and confound them with the whole body of the Abolitionists—their own friends—the Whig party of the North. This is the game now played here, to the deadly injury of every Southern interest; a game that now has become as clear to the eye of every intellectual intelligent man as noonday; a sophistry and deception too flimsy, let me tell these gentlemen, to escape the penetration of any plain practical discerning man. Sir, so barefaced have these practices become since the recent events of a certain convention, (pointing towards Harrisburg,) that it is difficult for a Southern man to rise in his place here, and complain of the injustice done by these petitioners to their institutions, without getting around his ears a swarm from the southern wing of a certain party. Can it be that these men are so exceedingly blind, as to flatter themselves that by *bullying* and their *adroitness* in debate, they can excuse this conduct before an unseduced and uncorrupted people?

Sir, let me say to these gentlemen that such a course is at the sacrifice of the dearest rights and interests of the South; and if they ever succeed with their ultra measures, they will have to rely alone for that success on the votes of those very men of the North who are the daily theme of their bitter denunciation. And how then will they reconcile this course with the gratitude that every sincere friend of the South must owe this party—something of which I propose to show by the journals, before I dismiss the subject?

But to the gentleman from New York, whom I promised to notice once more. That gentleman, after repudiating all intention of making political capital out of this subject, before he concluded, endeavored to identify the Abolitionists with the Democratic party. And, sir, how? It is a fault common to his party, North, South, East, and West. By individualizing cases! When we speak of societies, communities, whole parties, and conventions, and other assemblages of men, we are answered, as the gentleman from New York [Mr. HUNT] has done, by telling us of particular individuals, who are Abolitionists, that are Democrats. The gentleman has told us that Gerrit Smith is a Democrat, and a man by the name of Woodel, if I mistake not. I understood him to say that this Smith had been put in nomination by the Democratic party for United States Senator. I have since understood, from the highest authority, that this was the act of one man alone, and was done entirely for ridicule—that the party never dreamed of such a thing. And this has been eagerly seized on here, by several—not to make political capital of; oh no!—but to mention it merely as a circumstance.

Mr. FILLMORE said he did not understand his colleague [Mr. HUNT] as saying that Mr. Smith had been put in nomination by the Democratic party. He understood him as saying that he had been put in nomination by a member from the county of Otsego, (who had been run as Speaker by that party,) and that that gentleman had moved that the name of Gerrit Smith be inserted in the bill as a proper person to be supported for United States Senator.

Mr. PRENTISS, by the permission of Mr. B. made the following explanation of the case referred to above. Mr. P. said Mr. HUNT, of New York, in his remarks of yesterday, referred to the fact that Mr. Levi S. Chatfield, who represents the county of Otsego, in the Assembly of that State, had moved to insert the name of Gerrit Smith, a leading Abolitionist, in a bill appointing a United States Senator, and spoke of it as an evidence that the Democrats of the North favored that interest, Mr. Chatfield being, he said, a prominent member of that party, and its candidate for Speaker of the body of which he is a member.

Mr. P. asked leave to say a word in reply to the imputation upon Mr. Chatfield of being an Abolitionist. He said that Mr. C. was one of his constituents, and that the gentleman from New York [Mr. HUNT] had spoken truly when he pronounced him to be a man of talents and influence. Mr. P. knew him well, and could assure the House that he was a Democrat; and one, too, who had been a uniform opponent of Abolitionism, not only in the county of Otsego, but in the Legislative Hall of his State, where the Democrats had sent him for the last two years to look after their interests. In the preliminary action of the Assembly on the question of appointing a Senator, Mr. Chatfield having been called on to nominate a candidate, named Eben B. Morehouse, who is a resident of the same town where my home is, and who has, on every suitable occasion, repudiated Abolition doctrines and sentiments; but in the further progress of the question, a bill was introduced for consummating the appointment, and Mr. C. finding that the Whigs were determined that no other name but that of Nathaniel P. Tallmadge should be inserted in it, and after the names of Albert H. Troy and Addison Gardner, two distinguished gentlemen of the opposite politics, had been rejected, moved that of *Gerrit Smith*, as a sort of burlesque upon the whole proceeding, which was carried on in such "hot haste" as to break over all the rules of legislation, the majority even refusing to print the bill which solemnized the marriage banns between Whigery and Conservatism.

Mr. B. said this had terminated just as he had expected when he heard it fall from the lips of the gentleman from New York. It was so perfectly in character with the statements which that party are in the daily habit of making upon every subject that they touched, that it never made the least impression on his mind, as to its truth. He was so accustomed to their idle and ridiculous statements that they seldom ever gave him much pain. The gentleman, too, contradicted himself before he got through with his story. He told us that Smith was stopped from his lectures in Utica by the Democratic mob, and he was compelled to retire to his own residence, some distance from the town, to effect his object; which showed, clearly, what a favorite he and his doctrines were with the Democratic party there. Now, he doubted very much if Smith himself was not a Whig; he had heard so, at least. Other instances might be cited of Abolitionists being in the Democratic party, he had no doubt.

Sir, I dare say there are hundreds, perhaps thousands of Abolitionists in the Democratic party. No man has ever doubted but that there were some; nor that there were Federalists in that party; and members of every other denomination; Quakers, Baptists, Methodists, Presbyterians, Episcopalians, Catholics, and Jews, if you please. This no man has ever undertaken to deny. Sir, there ever will be good and bad in all churches—backsliders and hypocrites; and it is the same with parties. But the characters of such churches, societies, and parties, are only effected seriously by such, until a majority of their members are proven to be of such materials, and in their proportion to the whole body. My design is not, therefore, to speak of individual instances, upon which so much stress is laid by the opposite party, not only here, but throughout the country, where they have attempted to confound the parties for political effect and deception; and which has rendered it so indispensably necessary (for a fair understanding of their position and relation) that the whole history of the course that each of the parties have pursued, as bodies, parties, and societies, should be exhibitedd, as it stands on the unalterable records and journals of the House. Sir, I will not stoop to deal in "as I am informed, and as I have heard." Such evidence does not become this, or any other deliberative body, upon so grave a subject. Up to the time of 1834, 1835, and 1836, this subject had produced but little excitement in any part of this country. The abolition of slavery in the West Indies, by the English, first put this ball in motion in this country, through those who so much admired English institutions, who readily seized on the religious fanaticism of our Northern brethren, who are known to be exceedingly inflammable, from the influence which their priests and ministers exercise over them throughout that section of country, in some parts of which, old England herself is not more *priest-ridden*; and I doubt much if the whole project is not of *English birth*, brought into this country, and nurtured through the affiliation of both the churches of England and America; and it is hence nothing more nor less than a covert *religious crusade*, against our Government, our Union, and our liberty. Look you, sir, at every petition in every public meeting or convention, and you will find the very "ear marks" of ministerial instrumentality nearly in every step and thing that has been taken and done on this subject; and who are now entering into the political arena of this country, and entwining themselves around one or the other of the great political parties of the nation. My whole object now, by reference to these facts, is to show by which party they have been most countenanced and sustained upon this floor; that the American public may be abused no longer by the most odious misrepresentations of partisan politicians and party presses. To these facts, I earnestly invite the attention of every member of the House, and every American citizen out of it, that would be informed on the subject. Here are the records, the resolutions, and propositions, and the names recorded, of those that sustained, and those that opposed them:

Twenty-fourth Congress, journals of the House of Representatives, January 6, 1836, page 141.

Mr. JARVIS [a Democrat from Maine] submitted the following, viz:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And be it further resolved, That in case any petition praying the abolition of slavery in the District of Columbia, be hereafter presented, it is the deliberate opinion of this House that the same ought to be laid upon the table without being referred or printed.

The resolution being read,

A motion was made by Mr. John Quincy Adams, that the resolution do lie on the table.

This motion was equivalent to a rejection, and was so understood by Congress.

And the question being put, it was decided in the negative—yeas 66, nays 133.

Mr. B. read the names of those in the affirmative. Of these 66, there were 13 Democrats, 53 Whigs, and not a Southern Democrat amongst them; of that number there are 12 Southern Whigs.

On the 13th of January, page 177,

Mr. Jarvis modified his resolution so as to read as follows:

Whereas any attempt in the House to agitate the question of slavery is calculated to disturb the compromises of the Constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country; therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia, ought not to be entertained by Congress; and it is further

Resolved, That in case any petition, praying for the abolition of slavery in the District of Columbia, be hereafter presented, it is the deliberate opinion of the House, that the same ought to be laid on the table, without being referred or printed.

A motion was made by Mr. CHILTON ALLEN, (Whig,) that the said resolution and amendments pending thereto, do lie on the table, and the question being put, it was decided in the negative—yeas 58, nays 155.

Of these fifty-eight, there were ten Democrats seven Southern Whigs, no Southern Democrats amongst them.

Page 235, January 25th. Mr. JOHN QUINCY ADAMS offered to introduce an Abolition petition, and moved that it be received.

A motion was made by Mr. MILLER, (Democrat,) that the motion that the petition be received do lie on the table, and the question being put, that the House do agree to the motion made by Mr. MILLER; it passed in the affirmative—yeas 149, nays 45.

Of these forty-five nays, there were but five Democrats, two Southern Whigs, and no Southern Democrat.

This was as near a rejection of the question of reception as could well have been, and answered all practical purposes. On 4th of February, Journal, page 280, Mr. Pinckney of South Carolina introduced this resolution:

Resolved, That all the memorials which have been offered, or may hereafter be presented, to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by the honorable member from Maine [Mr. JARVIS] with an amendment thereto, proposed by an honorable member from Virginia, [Mr. WISE,] and every other paper or proposition that may be submitted in relation to that subject be referred to a Select Committee with instructions to report—

That Congress possesses no constitutional authority to interfere, in any way, with the institutions of slavery in any of the States of this Confederacy; and that, in the opinion of this House, Congress ought not to interfere, in any way, with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions, as, in the judgment of the committee, may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States, and of the people of this District, and to establish harmony and tranquillity among the various sections of the Union.

A motion to suspend the rules of the House, to introduce these resolutions, was lost by a vote of 121 to 75. There not being two-thirds, the motion was lost. On the 8th of February, (page 305,) Mr. PINCKNEY renewed the motion to suspend the rules of the House, to introduce the same resolutions; and the question being put, the rules were suspended, two-thirds voting for it, yeas 135, nays 65. Of these 65, there were 9 Democrats.

[Mr. PRIGGS of Massachusetts said there were more than 9 Democrats.]

Mr. B. replied, there were, if the gentleman counted the Nullifiers; but at that time that party were acting against the Democrats; and of course he did not feel himself authorized to rank them with us. A motion was made to take the votes upon each separate proposition: the resolution to refer to a committee, passed by a vote of 174 to 48. I voted myself against the first resolution to refer to a committee, with 47 other Southern men. In reading Mr. B's own name, against this resolution, there was a considerable laugh. Mr. B. said, he thought at first, there must have been a mistake that he voted for the resolutions; but being informed that the vote was upon the first resolution for a reference to a committee that he was reading, he said then, that his name was recorded right—that he had always been opposed to referring these petitions, as an isolated proposition. He, however, had voted for the whole body of the resolutions.

Well, the next vote was on the second branch of the resolutions, in these words:

With instructions to report that Congress possesses no constitutional authority to interfere, in any way, with the institutions of slavery in any of the States of this Confederacy.

Against this part of the resolution there was but one Democrat and six Whigs.

Mr. B. called the particular attention of the House to the vote on the next division of the resolutions; and to it he invited the attention of every Southern man in this country. It developed a fact about which there could be no longer quibbling, and there was no other evidence that would place more clearly the parties in their proper positions in this House. The direct vote was upon the branch of the resolution, in these words:

That in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia.

Here sir, is a *direct vote upon the proposition*, that has so much distracted the people of this country, and is the first darling object that the Abolitionists themselves wish to accomplish; and it is needless for any man to tell me, who has voted against this *direct* proposition, that he is no Abolitionist, and that he does not lend himself to them. Upon this direct proposition, the question was, shall this part of the resolution pass; and votes were—ayes 163, nays 47.

Of these forty-seven, there were but five Democrats, leaving forty-two Whigs; amongst whom, there was not a man from any slaveholding State. [Cries from both sides, read their names, read their names; read them out; let us hear.] Mr. B. said that he would do so:

Page 213. Those who voted in the negative are:

Messrs John Quincy Adams, Heman Allen, Jeremiah Bailey, John Banks, William K Bond, Nathaniel B. Borden, George N. Briggs, Wm. B. Calhoun, George Chambers, Timothy Childs, William Clark, Thomas Corwin, Caleb Cushing, Edw. Darlington, Hamer Denny, George Evans, Horace Everett, Philo C Fuller, Francis Granger, Gideon Hard, Abner Hazeltine, William Heister, Samuel Hoar, Hiram P. Hunt, Joseph R. Ingersoll, William Jackson, Henry F. Jones, Abbott Lawrence,* George W. Lay, Levi Lincoln, Thomas C. Love, Sampson Mason, Jonathan McCarty, Thomas M. T. McKennan, Mathias Morris, *James Parker,† Dutee J. Pearce*, Stephen Phillips, David Potts, jr. John Reed, David Russell, Jonathan Sloan, *William Sprague, jr.* Samuel F. Vinton, *Taylor Webster*, and Elisha Whittlesey.

What should any impartial mind desire more to convince it of the position and tendencies of the parties now before the country than this vote upon the direct question between the South and the Abolitionists? Forty three Whigs out of forty-seven voting against this direct proposition, against the interference, by the Abolitionists, with the rights of the people of the South; and, sir, singular is it to tell, at that time that number constituted a large majority of the whole Whig vote from the non-slaveholding States in this House.

Such, sir, are the recorded facts on your journals. Can they be explained away by the brilliancy of talent, or the *cunning and ingenuity* of man? Here I might rest this subject; but there is more to come of equal force, and the whole facts relative to this matter are demanded, by every sacred interest, to be known, and I am determined, as far as I am able, to present them to the public. The next part of the resolution is in these words:

Because it would be a violation of public faith, unwise, impolitic, and dangerous to the Union.

For this proposition, ayes 127, nays 75. Of these 75 nays, there were 23 Democrats, 52 Whigs; among whom there is no Democrat from the South, and but 4 Southern Whigs.

The remainder of the resolution was in these words:

Assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation, to secure and maintain the just rights of the slaveholding States, and of the people of this District, and restore harmony and tranquillity amongst the various sections of this Union.

And passed in the affirmative—ayes 167, nays 6.

[Mr. HUBBARD of Alabama asked that the names of the six be read.]

Mr. BYNUM. Sir, I will do so.

Those who voted in the negative are—

Messrs. Heman Allen, George Evans, Stephen C. Philips, William Jackson, Abbott Lawrence, Jonathan Sloan—6."

All Whigs.

*Now eulogized by Southern men.

†Names of the Democrats italicized.

This closes the action of the House upon the adoption of the Pinckney resolutions.

On the 18th of May, page 846, Mr. Pinckney made his report from the select committee appointed under the resolutions I have just read. This report, after an able argument, concluded by recommending the adoption of three resolutions:

1. *Resolved*, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy.

2. *Resolved*, That Congress ought not to interfere in any way with slavery in the District of Columbia.

3. *Resolved*, That all petitions, memorials, propositions, resolutions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

The vote upon the first resolution was passed by only nine opposing it, beginning with JOHN QUINCY ADAMS and closing with WILLIAM SLADE—*no Democrat* among them. The second resolution, which brought up again the immediate question now before us, and which is in these words, as I have just read,

Resolved, That Congress ought not to interfere in any way with slavery in the District of Columbia,

Was passed by the following vote: yeas 132, nays 45, as recorded on page 881. The nays I will read for the information of the House and the country. Says the the journal:

Those who voted in the negative are:

Messrs. Heman Allen, Jeremiah Bailey, William K. Bond, Nathaniel Borden, George W. Briggs, William B. Calhoun, *John Carr*, George Chambers, Timothy Childs, William Clark, Caleb Cushing, Harmer Denny, Horace Everett, Philo Fuller, George Grinnell, Hiland Hall, Gideon Hard, Samuel Harrison, Abner Hazeltine, Joseph Henderson, William Heister, S. Hoar, Jonathan McCarty, Thomas M. T. McKennan, Mathias Morris, *James Parker*, Stephen Philips, David Potts, jr. John Reed, David Russell, William Slade, *William Sprague*, Samuel F. Vinton, Elisha Whittlesey, Hiram P. Hunt, Joseph Ingersoll, William Jackson, Henry F. Jones, *Benjamin Jones*, Daniel Kilgore, *Amos Lane*, Abbott Lawrence, *Joshua Lee*, Levi Lincoln, Sampson Mason."

Amongst these names, there are six Democrats; there may be one or two more, or less. My object has been to show the course that has been persued by the great body of the two parties upon this momentous subject. Now, sir, the Northern wing of the Whig party, at that time, never amounted to seventy representatives; I do not think there were more then than fifty-five or sixty. The majority of that wing then went invariably against every measure that was passed in opposition to the views and objects of the Abolitionists.

The third and last resolution, passed by a vote of 117 to 68, some of the Southern members voting against it, believing it admitted the right of reception—of the 68 there were 22 Democrats; the increase was caused by their hostility to the reception of the petitions. Thus concluded the action of this body upon the subject of Abolition in the first session of the 24th Congress; upon which I leave it to the American people and an impartial world to make the comment. Sir, what must be the verdict of the South and Southwest, in examining this evidence, who have been so much insulted and abused by the impositions and misrepresentations that have been so long played off on them, by their artful politicians and treacherous public presses? But it is for them to revenge the wrong, and apply the remedy.

I will now, said Mr. B., call the attention of the body to the proceedings of this House upon the same subject, at the 2d session of the 24th Congress. You will find, on page 231 of the journals, January 18, that Mr. HAWES, of Kentucky, introduced the following resolution—

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or to the abolition of slavery, shall, without being printed or referred, be laid upon the table, and that no further action be had thereon.

Mr. Hawes, before taking his seat, called the previous question, which cut off all amendments and debate; and the question being so taken on its consideration under the previous question, I voted against both, wishing myself to offer a further amendment, which was cut off, however, by the previous question. I then voted for the resolution in its present shape, and it then passed by the following vote—Yeas 129, nays 60.

Of these 69 that voted against this resolution, there were but 12 Democrats, as they then ranked.

Mr. B. again read over the names of those that

*Mr. Adams did not vote; perhaps he was absent.

voted in the negative on the adoption of the resolution, and begged to be corrected, if he had made a mistake.

Such is the evidence of the facts, at that session, as exhibited by the records of the House and the journals of that body. The adoption of this resolution put the subject to rest during that session, and we heard no more of it until the Twenty-fifth Congress. Sir, we have been amused, or rather entertained, with homilies and long dissertations about the right of petition, a right that no man here or elsewhere denies in its constitutional sense. It reminds me much of the barrel thrown out to amuse the whale while the vessel escapes with its freight. It is done to effect two objects: one to make a favorable issue with Abolitionists, the other to delude us while they strike for Abolition. It shows the arts of the old enemy, emanating from the craft family. To expose this duplicity and double dealing, I call the attention of the House and the American public to the journals of the third session of the Twenty fifth Congress, December 20, page 125, where they will find recorded, in these words, [reading from the journal,]

The House proceeded to the consideration of the memorial of Isaiah Stokes and two hundred and ninety-two other men, and of Rachael Frank and three hundred and four other women, of the town of Storksborough and its vicinity, in the State of Vermont, *praying* the abolition of slavery and the slave trade in the District of Columbia, presented by Mr. Slade on the 18th instant; and of the motion made by Mr. Slade on that day, *that the said memorial be referred to a select committee.*' When Mr. Slade modified said motion, as follows: That the said memorial be referred to a select committee, *with instructions to report a bill providing for the abolition of slavery and the slave trade in the District of Columbia.*

I pray every Southern man in this nation to look at this, and weigh well its authority. Here is a direct proposition to effect the desired object, coming immediately from one who, of all others, ought to know best of the objects of the Abolitionists; but, as others have done, he too may say he is no Abolitionist, as though to effect their object under another name. Now, sir, what becomes of this "*tub*" about the right of petition, that gentlemen have thrown out to us, and descanted on so learnedly? Here is their object and bantling, stripped by its own nurse, and presented naked to us, in all its native deformity, which it has been the indefatigable efforts of gentlemen on this floor so long to keep concealed, while they have made battle on us upon the more plausible issue of the right of petition, about which they dare not introduce a proposition, for fear it would command a unanimous support, if pressed in any constitutional form. But my present object is not comment, but the exhibition of facts, that are beyond contradiction.

During the pendency of this enormous proposition, you know well, Mr. Speaker, the extraordinary excitement that prevailed here. You must recollect, when the Representatives from the South left their seats, and resolved never to return, until the question was settled—when nothing was talked of by them scarcely but the immediate call of a Southern convention—when every paper was filled with rumors of an immediate separation and dissolution of this Government, and which resulted in the call of an exclusive Southern meeting, without regard to parties. Yes, they met in one of your committee rooms, and resolved on offering a certain resolution, which has since been denounced in this House as a Northern resolution. I allude to the resolution offered by Mr. PATTON of Virginia, under the instructions of an exclusive Southern meeting. Here is that resolution:

Journals of the House of Representatives, December 21st, page 127, second session, Twenty-fifth Congress.

Mr. Patton moved that the rules prescribing the order of business be suspended for the purpose of receiving and acting on a resolution in the words following, viz:

Resolved, That all petitions, memorials, and papers touching the abolition of slavery, or buying, selling, or the transferring slaves in any State, District, or Territory, of the United States be laid upon the table without being debated, printed, read, or referred, and that no further action whatever shall be had thereon.

After two preliminary votes taken upon suspension of the rules, both resulting in the affirmative, the main question was put in the following words, to wit:

Page 129. Will the House agree to the resolution? and passed in the affirmative—yeas 122, nays 74.

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*The same that was proposed by a gentleman from Louisiana [Mr. CHINN.

Here Mr. B. held up the journals and exhibited the yeas and nays there recorded, and said: Sir, amongst those 122 who voted in the affirmative I challenge any man to name one Whig from the North, or non-slaveholding States; a fact that will fall like a clap of thunder upon the ears of every Southern man that has heretofore acted in concert with that party; while amongst the 74 voting against this resolution, there is not the name of a man from a slaveholding State, and only 14 Democrats from the Northern States, of more than 80, leaving 60 Whigs, who voted against the resolution of Mr. Patton.

This resolution, Mr. Speaker, was of the mildest nature, when examined. It asked nothing—denied no right of petition, but simply determined not to act upon this most alarming and distracting question; against which, however, sixty Whigs voted, and for which, not one Whig from the non-slaveholding States voted. Here, let it not be forgotten, that by reference to the votes on the Speaker's election, that sixty votes constituted a large majority of the whole Whig vote, both from the North and South, at that time, added together in this House. Now, sir, as fact and figures cannot lie, here is an awful demonstration of feelings and sentiments, by their own recorded acts, of a majority of a party towards the sacredness of the institutions, the peace and safety of the entire people of one section of our country; and to it, I invoke the attention and serious consideration of every man, who has at heart the interest or safety of the Southern portion of this Republic. Sir, tell me—feed me no longer with empty professions in the teeth of these recorded facts.

Mr. Speaker, I have said before, that it was not individual cases that demonstrated the general characters of men or measures, that no denomination, church, society, community, state or nation, could be charged with being tainted, or with corruption, for having now and then corrupt individuals in them; but when it was evident that a majority of the members of a church or party were tainted or corrupt, then it was that the body of the members became amenable, and subject to the imputation of possessing and fostering the feelings and principles of that majority, and which gave to it its only true character.

But, sir, let us return to the journals of the next, the 3d, session of the 25th Congress. On the 11th of December, (page 51,) Mr. ATHERTON introduced a series of five resolutions, for the purpose of arresting the progress of Abolition petitions, which had been agreed on by the Democrats both from the North and from the South, in a meeting held by that party from both sections of the country. I will read each part of the resolution, and the votes on the separate divisions, and the House and the public may judge of their character. Page 58, the question was taken on the first resolution, which was in these words:

Resolved, That this Government is a Government of limited powers; and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the subject of slavery in the several States in the Confederacy.

Against this resolution there were but six votes, viz: yeas 198, nays 6—all *Whigs*.

NAYS.—Messrs. John Q. Adams, George Evans, Horace Everett, David Potts, David Russell, and William Slade.

On the 12th December, page 60, the question was put on the second resolution, which was in these words:

Resolved, That petitions for the abolition of slavery in the District of Columbia, and the Territories of the United States, and against the removal of slaves from one State to another, are part of a plan of operations set on foot to effect the institutions of slavery in the several States, and indirectly, to destroy that institution within their limits.

For it 136; against it 65.

Amongst these nays there are the names of but three Democrats, leaving sixty-two good and true Whigs, a considerable majority of that whole party, then members of this House, and but one Southern man, and he a Whig. Mr. B. read the names of the nays, and begged to be corrected if he erred.

Next came up the third resolution, which, being divided, the vote was taken on the first branch of the resolution, in these words:

Resolved, That Congress has no right to do that indirectly which it cannot do directly.

Yeas 170, nays 30.

Of these thirty nays, there is not the name of a single Democrat.

Then came up the remaining branch of the same resolution, which is in these words:

And that the agitation of the subject of slavery in the District of Columbia, or the Territories, as a means or with a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith on which they entered into this Confederacy.

Upon this the votes were: yeas 164, nays 39.

Among the thirty-nine, there is the name of but one Democrat; none from the South of either party.

The fourth resolution was then taken up, and a vote taken on its first branch, a division being called for, which first branch was in these words, page 64:

Resolved, That the Constitution rests on the broad principle of equality among the members of this Confederacy.

And passed in the affimative—Yeas 182, nays 26.

Of these 26, there is not the name of a Democrat—one Southerner, a *Whig*.

The House then voted on the 2d branch of the fourth resolution, in these words:

And that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

On this the yeas are 174, nays 26.

Among which 26 there is not the name of a Democrat.

The question then came up on the fifth and last resolution: a division being demanded, the vote was taken on the first branch, in these words:

Resolved, That attempts on the part of Congress to abolish slavery in the District of Columbia, or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the Confederacy and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principles on which the union of these States rests, and beyond the jurisdiction of Congress.

Which passed in the affirmative, yeas 149, nays 52. Of these 52, there were 5 Democrats, and no Southern man of either party. (Journal, page 68.) The question was then put on the second branch of the fifth resolution, which was almost identically a copy of the resolution of Mr. Patton, offered by him under the instructions of an exclusive Southern meeting, without distinction of parties, and in the following words:

And that every petition, memorial, resolution, or paper, touching, or relating in any way, or to any extent whatever, to slavery, as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid upon the table, without being debated, printed, or referred.

And the question being put on the proposition, it passed in the affirmative, yeas 128, nays 78. Of the 78 negatives, there were 9 Democrats, leaving 69 Whigs, of which 69, there were 5 Southern men.

Now, sir, I pray every Southern man to examine these resolutions, read them over and over again, one by one, and to say, if they were not sufficiently strong to secure every Southern interest; while they particularly forebore to encroach on the rights of any other portion of this Union; not an intimation about the denial of the right of petition is contained in them. They only claimed the right to dispose of them as the House thought proper, when presented, and which was by laying them on the table, &c. Now had the House no right to do this. If not, it had no right to reject the prayer of the petitioners; and if it could not do that, why not let the ignorant Abolitionists come in, and turn us out of the House at once, and take the matter into their own hands; and show at once the enormous absurdity that this Government has not the power of self-preservation? Sir, by those resolutions the right of petition was not invaded, unless, after their presentation here, we were bound to grant their prayer, and had not the right to treat that prayer, after presentation of the petition, as in the wisdom of this body, was best calculated to promote the interest, the peace, and safety of the Republic. Sir, deny this House that *power*, and, *instanter*, you dissolve the whole political body into original elements, and subject us to the reign of anarchy, confusion, bloodshed, and civil war.

The requisitions, therefore, of the Abolitionists, and their advocates on this floor, (their demands I might say,) as to what manner their petitions and prayers are to be treated by us, are monstrous and revolutionary, and will never be submitted to, while there is a freeman from the North or South to resist them.

Yet, these resolutions were denounced to the

North as the "gag" that prevented and obstructed the execution of the designs of these Abolitionists, couched, too, as they are, in the mildest and most respectful terms. But, sir, when have mild epithets ever proved satisfactory to the wild *Moloch* of fanaticism? Never, sir, never has it been satisfied, until it had surfeited itself upon the very blood it had spilled, and yawned over the crime and spoils with which it had afflicted mankind.

But what is strange, strange, still more strange to tell, Mr. Speaker, these resolutions, while they were denounced by the Abolitionists of the North, as being the most arbitrary, infamous, and tyrannical measures that ever had disgraced the halls of a legislative council, were denounced at the South at the same time by the Southern wing of a party, as "*dough-faced* Northern resolutions," introduced through treachery, to barter away the rights of the South, and to secure and protect the rights of the Abolitionists. Yes, sir, Southern men, acting in concert with the Abolitionists, *catering here* and elsewhere for them, have been found to denounce these resolutions for favoring the Abolitionists; while the Abolitionists denounce them to the North, for sacrificing their sacred rights as men.

Sir, was there ever such an anomaly before presented to the minds of intelligent freemen? Can the South, and will the North, longer bear this political shuffling with the rights and interests of each, as dear to them as life itself, and upon a subject, too, pregnant with more evils than were contained in the "box of Pandora." We have been told—the South has been told, that these were Northern resolutions, by men whose object was, perhaps, to decoy the South into the ambush of Abolitionists; while the Abolitionists were telling the people of the North that they were Southern resolutions, to decoy them there into the same ambush of the Abolitionists: the effects of the conjoint efforts of the two branches of this party, have been to give encouragement and strength to the Abolitionists, and to promote their unholy designs in every quarter of this Union. My God! sir, and will the South not understand this, until "Brennus knocks at the gates of Rome?"

Mr. Speaker, I see now, by their looks, that my Southern friends, though of an opposite party, begin to see the awful situation into which they have placed themselves by this extraordinary course.

[Here there was some interruption that took place in the House, which was in an under tone.]

Mr. B. said, if any gentleman was dissatisfied with the truth of his remarks, let him retire—not sit and interrupt him in an under tone; or, with the courage and honor of a gentleman, let him rise and tell him wherein he had offended. He surely had not intended to offend any gentleman, and never would do it except in self-defence.

He continued, the resolutions of Mr. ATHERTON had been pronounced to have been Northern resolutions by Southern men, and Southern resolutions by Northern men, and this has been kept up by the party to operate on the ignorant of both sections, and which, to a certain extent, has had its effect, by returning an additional number of Abolitionists from the North, and certain men from the South, to co-operate with them on the floors of Congress. These resolutions were the result of the most sober and grave deliberation of the whole Democratic party, both from the North and the South, and were originally drawn up by a Southern man, [Mr. RHETT of South Carolina,] a Southern man of stability, of influence, of worth, and with character to lose—*no bankrupt* without personal interest in any section of the country, but one who has a deep personal interest in the very subject at issue. He drew the original resolutions, and which, after some verbal alterations, were adopted by this House, and by a majority of the Representatives from both the slave and non-slaveholding States. In the series of the five resolutions, the one offered by Mr. Patton, under the instructions of an exclusive Southern meeting, without regard to parties, and adopted without a dissenting vote from the South at the last session, was inserted and contained in the fifth resolution, almost *verbatim*, in substance identical, against which, however, when introduced by Mr. ATHERTON, there were Southern men of the Whig party found to vote, and others to denounce, as Northern and hypocritical, and refused to vote on them. Mr. ATHERTON, sir, was nominated to introduce these resolutions by a Southerner, Mr. LEWIS from Alabama, whose fidelity to the South, treachery itself will hardly assume the boldness to doubt. Such was the character of these resolutions, which politicians of the South, who act with Abolitionists here, have pronounced hypocritical and Northern; while their Abolition friends at the North stigmatize them as a "gag law" to the Abolitionists, and a denial to them of the right of petition; and this has been the systematic mode pursued by both flanks of that party to effect their unholy purpose.

Before I leave the journals of the last session, there is one more fact that I wish to advert to, and to which again I must entreat the attention of every man of both parties, who desire the fact in relation to this matter; and to this fact I would particularly call the attention of the gentleman from Virginia, [Mr. BOTTS.] whose course differs so widely here from his predecessors upon this subject, and who, as a kind of apology, I will not say for the Abolitionists, but for his course in preferring the reception and a reference of these petitions, has said that there were not twenty Abolitionists in this House. I wish, sir, I could think with that gentlemen; but so far from it, I am compelled, from the following, and preceding evidence, to believe that his estimate is not more than a fourth or fifth of the number. On page 75 of the same journals, sir, you will find the following records:

A motion was made by Mr. Slade, that the rules in relation to the order of business be suspended, to enable him to move a resolution, which was read at the Clerk's table, as follows:

Whereas, there exists, and is carried on, between the ports in the District of Columbia, and other ports of the United States, and under the sanction of the laws thereof, a trade in human beings, whereby thousands of them are annually sold and transported from said District to distant parts of the country, in vessels belonging to citizens of the United States:

Therefore, to the end that all obstacles to the consideration of this subject may be removed, and a remedy for the evil speedily provided:

Resolved, That so much of the fifth section of the resolutions on the subject of slavery, passed by this House on the 11th and 12th of the present month, as relates to the removal of slaves from State to State, and prohibits the action of this House, and every petition, memorial, resolution, or paper touching the same be, and hereby is, rescinded.

And on the question shall the rules be suspended for the purpose aforesaid, it passed in the negative—yeas 56, nays 147.

Here are the yeas and nays, as recorded. Among the yeas there are but three solitary Democrats, of 56, leaving 53, then, a majority of the whole Whig party, who voted in favor of Mr. SLADE's resolution.

Here, sir, is a fact more striking than any heretofore referred to. Here is a vote upon a proposition direct—coming, too, from the leader of the party, whose Abolitionism no one will doubt, but a Southern Whig, whose object is to throw dust in the eyes of his own constituents, and to keep them blinded to the arts of the enemy, who seek to despoil them. Yes, sir; upon this vote every "*dough faced* Democrat" from the North, that voted, (except three,) is recorded with the South, against this Abolition resolution, offered by WILLIAM SLADE, of Vermont, one of the most renowned Abolitionists in America. Will it be contended that there was no Abolitionism in that resolution? Was it not as fair a test question as could well have been made in this House.

And strange, strange to tell, we have seen and heard denounced, in the vilest and bitterest terms, by a Southern man, these very "*dough-faced Democrats*" who had the patriotism and firmness to come up and vote down this resolution to rescue their country from the vortex of revolution and civil war. Will the South believe it, that there are men here, sent by herself to represent her interests, who are the first to rise in their places to denounce those who have dared to come forward to lend and rest their all, and give her their aid in rejecting these most obnoxious measures, while those that have brought forward and sustained these measures by their votes, receive daily their most fulsome compliments? Sir, this is no fancy—it is history. They are facts recorded, and subject to be seen by all who will examine. Is there nothing wrong in this? Is there in it nothing that should haunt the consciences of men? But upon this it is not my province to decide; it belongs to the people of the South, and to them I most cheerfully submit it.

We have at length travelled through your journals up to the present first session of the Twenty-sixth Congress, to the records of which I refer for the evidence I propose to exhibit to prove that the majority, not of the Northern wing of the Whig party only, but a majority of that party in this House, in spite of their assertions that they are no Abolitionists, have invariably acted, and do now act, with them on this floor, either as principals accessaries, or coadjutors. I find the following record of the proceedings on Monday, 13th of January, 1840. An Abolition petition being presented by Governor LINCOLN of Massachusetts, and the question of its reception being raised:

The question was then taken on Mr. CAVE JOHNSON's motion to lay the question of reception on the table, and decided in the affirmative—yeas 131, nays 68.

I will not read the yeas, as it is my purpose to show only the course of that party that has invariably favored the views of the Abolitionists here, and opposed the South upon every occasion. This is the first question on which the parties divided, in which the sixty-eight took their stand for the Abolitionists, as follows:

NAYS—Messrs. Adams, John W. Allen, Barnard, Biddle, Briggs, Brockway, Ansen Brown, Calhoun, Chittenden, Clark, James Cooper, Corwin, Cranston, Curtis, Cushing, Davee, Edward Davies, Edwards, Ely, Evans, Everett, Fillmore, Fletcher, Gates, Giddings, Goode, Granger, Grinnell, Hall, W. S. Hastings, Henry, Hoffman, Hunt, James, Charles Johnston, Kempshall, Lawrence, Lincoln, Lowell, Marvin Mitchell, Morgan, Naylor, Ogle, Osborne, Palen, Parmenter, Peck, Randall, Randolph, Rariden, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Simonton, Slade, John Smith, Truman Smith, Storrs, Tillinghast, Toland, Trumbull, Underwood, Peter J. Wagner, T. W. Williams, and Joseph L. Williams—68.

Of this number there is but one Southern man, (a Whig,) and only six Northern Democrats, leaving sixty-one good honest Whigs, well known to be a considerable majority of their whole party united in the House.

The next day, sir, January the 14th, Mr. COLES of Virginia introduced his resolution, which is nearly a *literal copy* of that of Mr. PATTON of Virginia, which I have before re-ferred to, and which originated in an exclusive Southern meeting of members here, without distinction of parties, and which was introduced by Mr. PATTON under their special instruction, and which, on its presentation and adoption, there was not a single Southern man of either party to be found voting against, as is shown by the records containing the votes on its passage.

Mr. B. then read as follows:

Mr. COLES said he believed it was now in order for him to move an amendment to the 54th and 55th rules; and he would therefore submit the following, which he hoped would receive the favorable consideration of the House:

All petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or the tranferring of slaves in any State, District, or Territory of the United States, shall, upon their presentation, be laid on the table, without being debated, printed, read, or referred, and no further action whatever shall be had thereon."

This resolution, originating in a Southern meeting exclusively, and introduced by Mr. PATTON under the instructions of that meeting, against which, on its adoption, not a Southern man voted, was now denounced by Southern Whigs, and on this floor, as hypocritical and treacherous, after, too, they had voted themselves for it.

I read from the proceedings of the House, said Mr. B.

Mr. THOMPSON of South Carolina moved to lay the amendment on the table with a view of offering a substitute.

Mr. CROSS called for the yeas and nays.

And after the remarks of several members, and motions on order, calls of the House, the vote was taken on Mr. COLES's resolution, offered as an amendment to the rules of the House, and it was rejected by Mr. THOMPSON's (Whig) motion to lay on the table.

The votes are as follows—yeas 102, nays 98:

YEAS—Messrs. Adams, Alford, John W. Allen, Simeon H. Anderson, Andrews, Baker, Barnard, Bell, Black, Bond, Briggs, Brockway, Anson Brown, Sampson H. Butler, Calhoun, Casey, Chinn, Chittenden, Clark, Colquitt, James Cooper, Mark A. Cooper, Corwin, Crabb, Cranston, Crockett, Curtis, Cushing, Davee, Edward Davies, Garrett Davis, Dawson, Dillett, Edwards, Ely, Evans, Everett, Fillmore, Fisher, Fletcher, Rice Garland, Gates, Gentry, Gerry, Giddings, Goode, Granger, Graves, Griffin, Grinnell, Habersham, Hall, W. S. Hastings, Henry, Hillen, Hoffman, James, Charles Johnston, Wm C. Johnson, Kempshall, Lawrence, Lincoln, Lowell, Marvin, Mitchell, Morgan, C. Morris, Naylor, Nisbet, Ogle, Osborne, Palen, Parmenter, Peck, Pickens, Pope, Proffit, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Russell, Saltonstall,

Simonton, Slade, Truman Smith, Stanly, Storrs, Stuart, Sumter, Waddy Thompson, Jacob Thompson, Tillinghast, Toland, Trumbull, Peter J. Wagner, Warren, John White, Thomas W. Williams, and Joseph L. Williams—102.

Of these 102 that voted down this resolution, the name of every Northern Whig is recorded who voted on the subject, making 63—9 Democrats, leaving out the State Rights men—and 30 Southerners; making 102 yeas. This resolution, then, it is seen, was voted down, at last, by an entire Abolition Whig vote, constituting, within a small fraction, two-thirds of those that opposed its passage.

Now, sir, let us examine the votes on the resolution of the gentleman from South Carolina himself, (Mr. THOMPSON,) to see how many of his good Whig friends sustained him. I will read only the nays, to show the character of those whom the gentleman voted with, against Mr. COLE's resolution. Here they are:

Mr. Thompson of South Carolina handed to the Chair the following resolution, which was read for the information of the House, and moved a suspension of the rules, to enable him to offer it:

Resolved, That upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or other paper touching that subject, the *reception* of such memorial, petition, resolution, or paper, shall be considered as objected to, and the *question of its reception* shall be laid upon the table, without debate, or further action thereon.

Mr. Everett asked for the yeas and nays on the question.

Mr. Adams moved the indefinite postponement of the motion to suspend the rules.

The CHAIR was of opinion that the motion of the gentleman from Massachusetts was not in order, because, if it prevailed, the effect would be that no motion to suspend the rules would be in order for the remainder of the session.

Mr. BLACK asked if the motion of the gentlemen from South Carolina, [Mr. THOMPSON,] to suspend the rules, should prevail, if it would be in order for him to offer an amendment to the resolution of that gentleman.

The CHAIR replied in the affirmative.

Mr. BLACK said, that in that case he would offer an amendment.

The question was then taken on the motion to suspend the rules, and it was lost, there not being two-thirds voting in the affirmative—yeas 128, nays 77, as follows:

YEAS—Messrs. Alford, Judson Allen, Simeon H. Anderson Andrews, Atherton, Banks, Beatty, Beirne, Bell, Black, Blackwell, Botts, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, S. H. Butler, Wm. O. Butler, Bynum, John Campbell, William B. Campbell, Carroll, Carter, Chapman, Chinn, Coles, Colquitt, Mark A. Cooper, Crabb, Craig, Crary, Crockett, Cross, Dana, John Davis, John W. Davis, Garret Davis, Dawson, Deberry, Dillett, Doig, Dromgoole, Earl, Eastman, Fisher, Floyd, James Garland, Rice Garland, Gentry, Gerry, Goggin, Graham, Graves, Green, Griffin, Habersham, Hammond, John Hastings, Hill of Virginia, Hill of North Carolina, Hillen, Holleman, Holmes, Hook, Hopkins, Howard, Hubbard, Jameson, Joseph Johnson, Wm. Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Leet, Leonard, Lewis, Lucas, McClellan, McCulloh, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Pettikin, Pickens, Pope, Rayner, Rives, James Rogers, Samuels, Shaw, Shepard, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Stuart, Sumter, Sweeny, Taliaferro, Francis Thomas, Philip F. Thomas, W. Thompson, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Warren, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, L. Williams, Christopher H. Williams, Sherrod Williams, and Worthington—128.

NAYS—Messrs. Adams, John W. Allen, Baker, Barnard, Biddle, Bond, Briggs, Brockway, Anson Brown, Calhoun, Casey, Chittenden, Clark, Clifford, James Cooper, Cranston, Curtis, Cushing, Davee, Edward Davies, Doan, Edwards, Ely, Evans, Everett, Fillmore, Gates, Giddings, Goode, Granger, Grinnell, Hand, William S. Hastings, Henry, Hoffman, Hunt, James, Chas. Johnston, Kempshall, Lawrence, Lincoln, Lowell, Mallory, Marvin, Mitchell, Morgan, Calvary Morris, Naylor, Ogle, Osborne, Palen, Parish, Parmenter, Peck, Prentiss, Proffit, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Russell, Saltonstall, Simonton, Slade, Albert Smith, John Smith, Truman Smith, Storrs, Swearingen, Tillinghast, Toland, Trumbull, P. J. Wagner, Thos. W. Williams, and Joseph L. Williams—77.

Here are 77 who voted to reject the motion of the gentleman from South Carolina, of which there are 62 good and true Northern Whigs, and 14 Democrats; not one Northern Whig voting for the motion of the gentleman from South Carolina; while it is sustained by the entire Democratic party, except 14. One Whig from the South voted with the Whigs of the North.

This motion is from an enemy of the Democracy of both the North and South; and, sir, how do they vote on it? They have marched up in a solid phalanx to sustain the gentleman's proposition on the subject of slavery, when not a single friend of his Whig brethren of the North has voted for his proposition, and he has had to rely solely upon the votes of the Democrats to carry his own proposition on this subject. Every Northern Whig vote, that voted at all, is recorded against the motion of the member from South Carolina; while every Democrat, except 14, of both the North and South, is recorded in its favor, that voted on the subject. Mark, sir, the coincidence: against the resolution of Mr. COLES there were 63 Whigs from the North that voted; against the resolution of the gentleman from South Carolina there are 62, and the other did not vote; the whole strength of the Northern Whig and Abolition party. Now, sir, can that gentleman want stronger evidence, or evidence more complete; that, though their bitter enemy, whenever he offers a proposition against the Abolitionists, he is compelled to rely for its support on the Democrats; yes, sir, and Northern Democrats too? There is the evidence before him; not one of his brother Whigs from the North has deigned to touch his proposition against the petitions of the Abolitionists, while the Democrats have come up like men, and sustained a proposition coming, as they knew it did, from their enemy. Had it come from a different source, my life on it, the proposition would have gotten a stronger vote. Will the gentleman communicate these facts to his constituents?

Now, sir, one word to that gentleman and his party to the South, who profess to be opposed to the movements of the Abolitionists. I ask them, if they are sincere in believing it a subject of vital interest to the South, paramount to all others, how can they longer, after the exhibition of such proofs, remain in the ranks of a party, a majority of which, it has been shown by the clearest and most incontestable evidence, is deadly hostile to the dearest interest of that people, whom they profess to represent here? Sir, I have shown the records; they do not lie. They will not, they dare not, be disputed. Then how can gentlemen get over them? What apology have they to make to their constituents of the South for acting with a party that has been so uniformly against them upon every question effecting so deeply their most vital interests, and would aid in the annihilation of the very institutions under which they live? What will that insulted people say to those who have stood up here, day after day, and abused, vilified, and denounced the only men from the North who had the courage to defy the Abolitionits, and come forward to rescue their country from revolution and civil war; while on the other hand, they were denounced here before our faces, when voting on Mr. COLE's resolutions, as white Southern slaves to the North, and were ordered to be brought in, and by an Abolitionist, too, sir, here, before our eyes, in the hearing of us all.

[Here a personal altercation took place between Messrs. BYNUM and PECK, out of which grew several motions and a debate, which several engaged in, as published before.]

After some further explanations by Mr. PECK, Mr. B. continued: I regret, exceedingly, having a personal difficulty with any gentleman; I had studiously avoided making a single personal allusion, until called on and forced into it by questions that had been propounded to me, and had hoped it had been put at rest, after what had transpired. Sir, the language upon which I had predicated my remarks which was taken to be offensive, I will read from the proceedings, as recorded in the reports of January 13th, and which has not been contradicted to this day: I find in them these words, viz:

Mr. PECK moved for a call of the House; there were some Northern slaves there, he said, whom he wanted to be emancipated. Mr. P. then called for the yeas and nays on his motion," &c.

Again:

Mr. PECK moved a call of the House, but subsequently withdrew it. We have, said he, some refugee *slaves from the North*, that I wish brought in.

Now, sir, can any man be at a loss to know to whom this language was applied? Was it not made directly to those patriotic Democrats, Mr. ATHERTON and others from the North, who had dared to vote with the South upon this great question of Abolition? and who have the moral courage to stand up against the denunciations of the Abolitionists, both on this floor and off of it?—stigmatized too, as they have been, by the most treacherous spirits of the South? Yes, sir, these are the men whom I have shown, by the votes of the House, that the South has ever had to rely on for support on this question, and who have come forward in a solid phalanx to our aid; while the entire vote of the Northern Whigs has been cast dead against us, without an exception, scarcely, on every occasion; without whose assistance (the Democrats, I mean,) the South could never have carried a single measure on this subject; and, sir, let the subject come up agan, in any *form* or *shape*, and, my life upon it, they will be the only support that we will get from the North. If they do not come to our rescue, the South is undone, so far as her rights are observed here; and a revolution, a bloody revolution will be inevitable. I then implore these gentlemen from the South to reflect upon the injustice they do their own section of country, in denouncing the only party in this House that they can expect the least assistance from; the want of gratitude that they are guilty of to them, and the *treason* that they commit by such conduct to the whole South; I will not say intentionally, but the ruinous and destructive effects of it will be identically the same.

Sir, the course pursued by the two parties on this momentous subject, is big with the fate of the Republic, and time, I fear, will but too soon demonstrate the fact. The great question at issue is beyond *party catering*, as its discussion is above all personalities; it looks to higher objects; and blink it as you may, if persisted in, must soon resolve itself into a question of *peace* or *war*—a war, perhaps, the most desolating that has ever afflicted the human race; and I now say to gentlemen, beware how you play with lighted torches over this magazine of gunpowder.

I have now shown, I think, to the satisfaction of every mind that is willing to be satisfied, that so far as the action of this House has taken place, the whole Whig party from the non-slaveholding States have acted and co-operated throughout, on every occasion, nearly, with the Abolitionists on this floor, and in fact, if they are not the Abolitionists or coadjutors of that party here, there are none such in existence; and if proofs plainer, more indisputable, more conclusive, are wanting to establish the fact, it is folly to attempt the production of further evidence to the human mind. Sir, I am ready to admit, I am unlike the honorable member from Virginia, who declared the other day that he did not believe that there were twenty Abolitionists on this floor, although it is a very different sentiment from what has heretofore fallen from that wing of the party. I am sorry to admit the fact, that my experience for years here has brought me to a very different conclusion. I am fully satisfied in my own mind, that in the Democratic party—and none are more sorry that it is so—there are from five to ten members here tinctured with Abolitionism, and from the same kind, though much stronger evidence, it is my conscientious and solemn conviction, that there are from 65 to 75 Abolitionists in the Whig party that now hold seats on this floor; and think I have shown, if deeds give character to men or parties, that a majority of that whole party in this House, from both South and North, if not open Abolitionists, covertly act with them upon every occasion. These are facts, I know, that are unpleasant to be known to some; but, sir, it is the duty of a faithful representative to make them known, and particularly at this time, to the Southern portion of the people of this country, who are alone so deeply interested in this subject. I should feel recreant, Mr. Speaker, and guilty of the highest treason to their interest, to conceal longer facts from them, so manifest, clear, and convincing to my mind, from any earthly considerations of a party nature. Hence it has been my sole purpose to present facts, and not arguments, that the people themselves might make their own commentary, and from which to draw their own conclusions. I now close the evidence founded upon the indisputable records of this House, and submit it to this House, the people of this country, and the world, to decide what party in this House, and how far they have identified themselves with the Abolitionists.

I will now proceed to show, from evidence external of this body, a further co-operation and identification of the Northern and Western branch of the Whig party with those of the Abolitionists, and will, in the first place, call the attention of the House to journals of the Senate, first ses-

sion, Twenty-fourth Congress, page 266. It is well known that the grounds upon which the admission of Arkansas in the Union was opposed, was in consequence of her recognising the institution of slavery in her Constitution. I find, on this page, April 4th, the proceedings in that body, body follows:

The bill for the admission of the State of Arkansas into the Union, and to provide for the execution of the laws of the United States within the same, and for other purposes, having been reported by the committee correctly engrossed, was read a third time.

On the question, Shall this bill pass? It was determined in the affirmative—yeas 31, nays 6.

On motion of Mr. BUCHANAN, the yeas and nays being desired by one-fifth of the Senators present, those who voted in the affirmative are:

Messrs. Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Mangum, Moore, Morris, Nicholas, Niles, Preston, Rives, Robison, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright.

NAYS—Messrs. Clay, Knight, Porter, Prentiss, Robins, Swift—all six Whigs.

The two Whig Senators from Massachusetts not voting—in fact, not a Whig Senator from New England voting for it, while every Democratic Senator from New England voted for the bill. Do these votes not import something of the character of parties more potent than arguments or professions? Sir, they are matters of record not to be denied; or shall we be told it was all the result of accident merely? No, sir; no sir; it is not the character of accidents to occur with such systematic uniformity. Hence, then, you find in both bodies a systematic co-operation of one party with all the plans and objects of the Abolitionists; and as systematic co-operation of the other party of the North with the South in opposition to them and their fanatic, ruinous, and destructive schemes. It is well known what interest the Abolitionists took, at that time, in having the admission of the State of Arkansas rejected, on account of its being a slaveholding State.

A corresponding move to this was made in the House of Representatives, June 13th, journals same date, page 1003, after a motion was made by Mr. LINCOLN of Massachusetts, May 26th, page 886, to amend a motion of Mr. ROBERTSON of Virginia, in these words: "and to receive memorials relating to the admission of Arkansas into the Union."

The bill passed, however, on the 13th of June, page 1002, by the following vote: yeas 143, nays 52. The nays, for the information of the House and the country, I will read, to demonstrate, if possible, still more conclusively, the uniform, systematic, co-operation and identification of that branch of the Whig party with the Abolitionists in all their combined attacks upon Southern institutions.

Those who voted against the bill are:

Messrs. John Q. Adams, Heman Allen, *Joseph Anthony*, Jeremiah Bailey, William K. Bond, Nathaniel B. Borden, George Briggs, William B. Calhoun, Timothy Childs, William Clark, Joseph H. Crane, Samuel Mason, Jonathan McCarty, Thomas M. T. McKennan, Mathias Morris, *James Parker*, *Dutee J. Pearce*, Caleb Cushing, Edward Darlington, Harmer Denny, George Evans, Horace Everett, Philo C. Fuller, George Grinnell, jr. Hiland Hall, Gideon Hard, James Harper, Abner Hazeltine, Stephen C. Philips, David Potts, jr. John Reed, David Russell, *William Shinn*, William Slade, Joseph Henderson, William Heister, Samuel Hoar, William Jackson, Henry F. Jones, *Benjamin Jones*, *John Laporte*, ABBOT LAWRENCE, George W. Lay, Levi Lincoln, Thomas C. Love, *John Thomson*, Joseph R. Underwood, Samuel F. Vinton, Elisha Whitlesey, Lewis Williams.*

Of the fifty-two who voted in the negative, there are but six Democrats, the remainder, forty-six Whigs, a majority of the whole party then in Congress, that voted. Upon the character of the parties in relation to this measure, of this and the other House, upon this evidence, I leave the country to judge.

I would now refer the House, in further corroboration of that for which I have contended, to the Senate journals of the first session of the Twenty-fourth Congress, page 400, June 3. It is well known that General Jackson, at the commencement of that session, in his message, called the attention of Congress to the circulation of incendiary publications through the mails. In accordance with which, Mr. GRUNDY, then Senator from Tennessee, brought in his famous bill to prevent the circulation of those incendiary publications, &c.; which, on the question, "Shall this bill be engrossed and read a third time," it was decided in the affirmative—it being a tie vote, 18 to 18, Mr. VAN BUREN, the then Vice President, voting in favor of the bill. Against this bill, be it known, every single Whig Senator from the non-slaveholding States voted, who voted on the question.

Page 416, June the 9th, this bill was taken up again, and put upon its final passage, and rejected by two Southern votes, (Whigs,) coming in and voting against it, (Messrs. Crittenden and Leigh,) and Mr. Goldsborough, (Whig,) who had voted for it before, changing his vote against it, who, with Mr. Clay, made four Whig votes from the slaveholding States that voted against the bill—enough to have carried it by a triumphant majority, had they voted with the South, notwithstanding there was not a Whig Senator from the North that voted for the bill. To these facts I earnestly call the most serious attention of every Southern man, whether he be Whig or Democrat.

Now, sir, if the South, which has been most egregiously abused by dissimulation and various misrepresentations on this subject, will but examine these facts, and weigh them, as it is their most solemn duty to do, it is impossible that they can be longer deceived. Here, but for the desertion in a certain quarter of the Southern representation, they could have obtained all the security they asked against the efforts of these incendiary fanatics, and the facts upon the records that I hold in my hand, must ever establish it, so long as the history of this glorious Republic is preserved. But I forbear a further commentary, as my object is the presentation of the facts, and leave it to the people, the country, the world, to make their own commentaries; and here will I leave the scenes and doings of the Senatorial chamber, however much more might be said in confirmation of the positions I have taken.

Mr. Speaker, it may be seen by the recent votes of this body how steadily the ranks of those who act against us here, in co-operation with the Abolitionists, have been increased, and I feel it my duty to ask your attention for a few moments to that part of this subject. Its history, sir, is perfectly clear and intelligible; and no man has marked its progress more than I have. Let it not be forgotten, when the House first took its stand upon this question, and there was a test made with those gentlemen who co-operated here with the Abolitionists, their numbers ranged from forty to forty-five. This number was about their vote on Mr. Pinckney's resolutions. The next session their vote on Mr. Patton's resolution was sixty. This increase was the result of Whig victories in Ohio, Indiana, New Jersey. Mr. Atherton's resolutions were decided on, by the same Congress, and with the same result, or thereabouts. In the present, which is the Twenty-sixth Congress, by the success of the Whig party in New York and Connecticut, by which they have gained seventeen members, notwithstanding their loss in Ohio, Indiana, and Illinois, amounting to some eight or ten, they have, by these Whig successes, increased their number in this Congress up to about seventy votes. Sir, it cannot be denied that the strength of the Abolitionists, or those that sustain them, has been increased precisely in proportion to the increase of the Whig party in the non-slaveholding States. Look, sir, at the votes already of the eleven additional Whigs from New York? Look at the six additional Whig votes from Connecticut? Have they been with us on a single occasion? No, sir, no; and, my life upon it, there is not one of them that will vote against your Abolition petitions in any shape or form. As yet, not one has attempted it.

Sir, this is the true and infallible history of this subject, that must and will be known to the people of the South. This is the secret that should alarm every man to the South or North, who can be alarmed, in relation to the course that may be pursued here on this subject. This it is that must give alarm to every man to the North, that has one sacred spark of love remaining in his breast for the holy union of these States, and the liberties of our people. This it is, and you can conceal it no longer with false professions here, that stimulates and gives encouragement to those fanatic spirits, to go on and persevere in their unholy crusade against the peace, the safety, and rights of our people.

Sir, I ask, and demand to know, what one Whig victory has taken place in any of the non-slaveholding States within the last six or eight years, that has not enured to the benefit of the Abolitionist? Not one—not one can be shown or pointed to: and can it be possible that any man can believe that the Abolitionists are not aware of these facts?

Every man, every American, should know immediately, and without delay, from what source this excitement is kept up by these fanatics—from what party their expectations emanate, and are cherished. It is due to all sections of the country that this thing should be known, and that these men should be exposed from the housetops, in the streets, and on the public highways. The question is assuming an attitude too awful longer to be dallied with, for the gratification, in the promotion of artful, designing, and treacherous politicians, and the creatures of men, who cannot look to results beyond an only petty personal aggrandisement.

But, sir, we have been told, and our understandings insulted, if the authors themselves knew better, that all this struggle is for the right of petition, and for the want of their being replied to. But for personal respect towards those honorable gentlemen who use such, I would say, how ridiculous the idea! when you take a view of the facts in relation to the whole subject! We are further told that they want reasons advanced to them, and they demand that their petitions be replied to. Sir, to a novice, such idle assertions might bear with them a faint plausibility, which must disappear instantly before the approach of the facts.

Now, Mr. Speaker, what are the facts in relation to such excuses for the requirement of the Abolitionists? Had we not an able and voluminous report made on this subject, under the celebrated resolutions of Mr. Pinckney? Had this House not that report published for the benefit of the country, and circulated by the members, who desired to arrest the progress of the incendiaries? Were not reasons and arguments set forth in those documents the most forcible and convincing, endorsed, too, sir, by a most overwhelming majority of Congress? Have I not shown, sir, the various votes upon the resolutions with which that report terminated? How, then, does this fact tally with the complaint that they have not been argued with and reasoned with, as a rational people? Sir, the whole complaint, let me tell gentlemen, is a mere fabrication, and is false in point of fact, as has been shown by your journals. The luminous and able report of Mr. Pinckney was made May 18th, 1836, of the first session of the Twenty-fourth Congress, report No. 691, which dispels at once the idle pretence that Abolitionists only want to be reasoned with to be satisfied of the enormity of their projects.

Again, sir, the speech of Mr. Calhoun, in the Senate, made April 12th, 1836, was replete with the most powerful arguments and reasons, setting forth the injustice and utter impracticability of the execution of the designs of these deluded fanatics.

Again: he made a report on the same topic, embracing the whole grounds of Abolitionism, and expostulated upon the madness and folly of their attempts—a report now to be found in Senate document 118, first session Twenty-fourth Congress, vol. 2.

How now stand the grounds taken here by the honorable gentlemen from Massachusetts and New York, [Messrs. ADAMS, MONROE, GRANGER, and HUNT?] How square their arguments with the facts that have occurred in relation to this matter? Not less baseless than a vision Sir, they have been argued with, remonstrated with, entreated and implored, to cease their unwarrantable and impracticable, though fiendish schemes against the peace and Union of these States; and no man can be guiltless, in fact, of the atrocity of their crimes, who would act here the part of their apologists. But it may be said that these arguments emanated from a source in which they had no confidence. Then, sir, I refer you to another, from a source in which, for many years, they have pro

* Democrats italicized.

fessed to have had the greatest confidence. Have gentlemen forgotten the speech of the distinguished Senator from Kentucky, made during the last session of Congress, and which was pronounced by his partisans to have been the most masterly effort of his life, which was published and republished in nearly every State in the Union? Will those who apologize and co-operate here with the Abolitionists, now say that there were no arguments nor reasons contained and set forth in that speech to them * Why, sir, to what have we arrived? In the very face of these most lucid and convincing arguments and addresses, which have not been attempted to be answered nor refuted, (for they are truly unanswerable and irrefutable,) gentlemen are found here, yes, sir, with courage, too, have they, of a kind, to tell us that the Abolitionists only want reasoning and arguing with; as yet they have not had arguments and reasons in answer to their petitions. Sir, can credulity itself confide in such declarations? Do gentlemen, who make them, believe in them? Or is it intended merely to soothe the way for the Abolitionists to screen them from the obloquy that attaches itself to their real designs? Or is it intended to lull to sleep those innocent men and women to the South, who have so much at stake in the issue now pending, not only before us, but the world.

But what to my mind is most singular, those who would apologize for the Abolitionists, advance reasons in extenuation of their conduct, the Abolitionists contradict by their own showing. While their friends here are trying to beguile the public, and get up a panic about the right of petition, (a thing about which I do not imagine any two men in the House differ in the main,) the Abolitionists themselves are putting forth very different doctrines at home Not a word about the right of petition do they speak; they know too well it is used only as an auxiliary, not as a principal object with them.

I hold in my hand the annual report of the Anti-slavery Society in Maine. I read from their proceedings. Hear them, and learn what *they say* they are contending for. They say:

Numerous petitions are now flowing in, praying the Legislature to pass resolutions, affirming the right of Congress to abolish slavery and the slave trade in the District and in Florida, and to prohibit the slave trade between the States; also, against the annexation of Texas or the admission of any new slave State into the Union.

The evils of slavery in a political and economical point of view, enormous as they are, are utterly insignificant, when compared with those of a moral and religious nature. The committee cannot, therefore, but regard with deep interest the movements of the different religious bodies in relation to the cause of the slave.

It cannot far a moment be doubted, that it is in the power of the Southern church, understanding by this profession the great body of professed Christians at the South, to bring about the speedy termination of slavery. We speak not in exaggerated terms when we say, that the Southern church holds in her hands the keys of the great prison house of American bondage. She may, when she pleases, open the doors, and break the chains of the captives.

As a general fact, Southern church members are holders of slaves. Yea, even from their own brethren in Christ, they withhold the lamp of life, deny them marriage as a legal right, consign them over to concubinage or indiscriminate prostitution, sell for gain the image of their Lord, and make merchandise of the purchase of His blood.

Southern Christians and Christian ministers stand in the front rank of the apologists of slavery, side by side with the Calhouns, Harpers, and McDuffies of the South. They come out, with their Bibles in their hands, for its defence. They torture the writings of the prophets and apostles in its support.

The solitary individual, who may, at the South, bear his testimony against its giant iniquity, may be laughed down as a poor deluded fanatic, as a miserable specimen of moon-struck humanity; or he may be subjected to the inflictions of the code Lynch, or, in accordance with Senator Preston's murderous threat, be hung upon the gallows. But this cannot be done with the whole church.

Here, sir, are some of their resolutions. See, sir, how much they complain of the right of petition, or of any trespass thereon:

1. Whereas God has said, loose the bands of wickedness, undo the heavy burdens, break every yoke, and let the oppressed go free; and whereas the chains which American slavery has forged, are bands of wickedness, the burdens this system has bound on men's necks are heavy, and the yoke it has put on men's necks is grievous to be borne; and as the Christian church is deeply stained with the blood of souls murdered by the demon of slavery,

Resolved, That it is the duty of the Christian church to purify herself from this foul blot, by discussing the subject, by petitioning Congress for its abolition, by praying fervently to the Father of mercies to crown these labors with success, by a firm, unyielding zeal, in every constitutional manner, to endeavor to correct public sentiment at the North, and convince the South of the evil of slavery, and the safety of *immediate and entire abolition* of this cruel system.

2. Whereas the Christian church constitutes that organized body, through which the light of heaven is reflected upon this dark world; Therefore,

Resolved, That it is the solemn duty of all its members, and especially of all its ministers, to cry aloud and spare not against the system of slavery as existing in the United States, a system of legalized theft, robbery, adultery, and murder; and that they should never hold their peace, till this foul blot is washed out of our American soil.

3. *Resolved*, That the house of God is a suitable and very appropriate place for the friends of weeping humanity to speak out for the dumb, and plead the cause of the oppressed; Therefore, we consider it anti-Republican and anti-Christian for any religious society or church to close their house of worship against the discussion of the heaven daring sin of slavery.

I pray those peace-loving gentlemen to give me their attention, while I read the following, and say whether, and how far, they are the coadjutors of those who put forth these doctrines. To this I invoke, too, the attention of the whole South, and ask them to weigh it. Says this report:

Whether the volcanic fires over which the South is now slumbering shall be quenched, the elements of a convulsion which may, at any moment, shake our social fabric to its foundations, be removed, the overflowing fountain of disunion and civil discord dried up—whether at the North we shall be released from our obligations to fight the battle of despotism at the South, and pour out our hearts's blood in a controversy, in which, in the language of Jefferson, the Almighty has no attribute that can take part with us—whether, as a nation, we shall be exalted by righteousness in the emancipation of our three millions of slaves, or presevering in oppression, perish, under plagues more intolerable than those that laid waste slaveholding Egypt, the star of our country's glory going down in oceans of blood—compared with this, the question of Bank or no Bank, Sub-Treasury or no Sub-Treasury, dwindles into utter insignificance.

What is mentioned about the right of petition in all this? These are declarations of the Abolitionists themselves, more honest even than their apologists here, who fabricate excuses for their conduct, that they make not themselves. Here they have told, in no equivocal terms, what they aim at, what they desire, and what they are determined to effect with their blood, their treasure, their all—and he who would longer conceal these facts from the South, is traitorous to every interest that she holds sacred upon this earth. Let all men look at his. This is the first declaration of their war. Let no man be deceived; it is in their own language, which admits of no equivocation or palliation.

But again hear them, in which they speak of the action of this House and its members, and how they speak of the right of petitition—not, however, as an object in view:

The evident failure of the, justly so called, infamous resolution of Mr. Patton, to effect the objects proposed in its adoption, had led to the hope, that a similar outrage upon the humanity of the country, and the sacred right of petition, would not again be repeated in Congress. This hope, however, has failed. On the 12th of December last, a series of resolutions were presented in the House of Representatives by Mr. Atherton, a Northern man with Southern principles, from New Hampshire, embodying some of the most objectionable principles of the pro-slavery resolutions adopted by the Senate at its session the preceding year, and terminating with a repetition of the gag resolution of Mr. Patton.

* * * * *

Up to this period, the South had been content herself to furnish the leaders, in the infamous war upon the Constitution and the rights of the citizens of the free States, in support of her peculiar institution. At the present session of Congress, however, her tactics were changed. Instead of her own Pinckneys, and Hawses, and Pattons, she pushed forward, as the ostensible leader in her nefarious enterprise, one of her white servants of the North, the *dough-faced representative from New Hampshire*.

Here is where the epithets of the *dough-faced Representative from New Hampshire* had its origin, which has been used so much to effect a common purpose by certain individuals to the South, to aid in killing off, by degrading them, the only friends that the South has had, who dare come forward from the North and take an open and bold stand in favor of the peace, the union of the States, and the rights of the South. This is the language of the Abolitionists, that Southern men have ever ventured to use here; losing sight of all respect for the South, by *mouthing* the language of her vilest enemies in denunciation of those who had dared to step forward in her defence, in common with our whole country.

In alluding to the resolutions of Mr. Atherton, here is what the Abolitionists themselves say. I commend it to Southern ears, who have denounced them in such bitter terms, and their authors:

The fifth resolution, to which others are merely preliminary, is the gag; and *is substantially the same with the corresponding one of* Mr. Patton. It declares that every petition, memorial, resolution, proposition, or paper, touching or relating, in any way or to any extent whatever, to slavery or the abolition thereof, shall, on presentation thereof, WITHOUT ANY FURTHER ACTION THEREON, BE LAID ON THE TABLE, WITHOUT BEING PRINTED, DEBATED OR REFERRED.

Yes, sir, this is what the Abolitionists themselves say of the resolutions introduced into this House, the last session, by Mr. Atherton, and which have been denounced *as Abolition dough-faced resolutions* by other gentlemen of the South, enough, sir, to make any Southern man blush, who has thus adopted the language of these Abolitionists.

But let us hear more from this source. Says that report, alluding to Mr. Atherton, and those Northern Democrats that voted with him:

The names of the recreant sons of New England, who responded "aye" to this infamous resolution, will be had in lasting remembrance—they will be remembered with the contempt due to their base servility, and violation of Republican principles, in the insane and wicked effort to prop up, for a little longer, the falling fabric of Southern despotism. Verily, they shall have their reward.

Such, sir, is the manner in which these men have been assailed by the Abolitionists, who have dared to step forward and save your Constitution—preserve your Union, and avert from your nation the heavy *curse* of a civil and desolating war.

Hear again their avowals:

It is due to the slave, that we sever at once this link of his chain; that we give to his cause all the benefit which may accrue from a free, unrestricted commercial intercourse with Hayti. It is due to ourselves, to spare no effort to prevent the powers of Congress from being longer perverted to the support of a system, which is at once our curse and our reproach.

The matchless resolution of Mr. Atherton failed to reach the petitions for the recognition of Haytian independence. This year, they are referred to the Committee on Foreign Relations, to be respectfully laid up in "monumental security." They will see the light at the next session of Congress, if Abolitionists are faithful to their high trust.

No occurrence in the history of the anti-slavery enterprise, has produced a deeper sensation, or sent more consternation into the ranks of our enemies, than the determination recently evinced by Abolitionists to carry their principles to the polls.

The effort to sustain slavery is the same, at the North and at the South. It is an effort to shut out light; to silence reason; to stifle conscience; to quench the living fire of sympathy in the human soul. It is an effort to stay the onward march of liberty, to arrest the progress of civilization, to frustate the plans and purposes of Jehovah for the intellectual and moral elevation of the whole great family of man.

In such a contest, who can doubt which way the victory will turn? Whatever advantages the slaveholding power may occasionally gain, its destruction is sure. The days of slavery, with its chains, its whips, its tears of blood, are numbered. To hasten its downfall, is worthy our highest efforts as men, as patriots, as Christians. Let us then consecrate ourselves anew to this great work.

Now, Mr. Speaker, how different are these sentiments coming from the Abolitionists themselves; from those that we hear on this floor; from their friends? What little is said, or seems to have been thought by them, of the danger of the right of petition?

They do not intimate even a design to confine their efforts to the District of Columbia. No: they take bolder ground; they strike at once at the States and their institutions, in defiance of your Constitution or your Union. Why, then, amuse us about your right of petion? Why this shallow pretence, this idle artifice, but to deceive and dupe the South, until you gain more strength to take higher grounds? Sir, I protest against your whole *batch* of false issues, either here or before the people of the North or the South. The whole object of the incendiaries is unconstitutional abolition, and which can be effected only by waging the most bloody civil war that the world ever saw. It cannot be done by deception or tricks practised on us by the *priesthood*. The age is too enlightened to yield to such arts; and to carry out their projects, men must cast up the costs, and prepare at once to meet it—the number of lives, the millions upon millions of treasures to be spent, and the rivers of blood that must flow before its accomplishment. But I will not indulge farther in calamities no less prospective than disastrous.

I now read from the same document a revelation that is portentous, to which I call the particular attention of Kentuckians, and which is as follows:

The effort of Mr. Van Buren to conciliate, by bowing down to the spirit of slavery, the vote of the South, has been met by the speech of Mr. Clay, delivered in the United States Senate since the presentation of this report. In this speech, Mr. Clay denounces the Abolitionists in severe terms; brings forward, in his peculiar and forcible language, the stereotyped objections against the antislavery movement, lays down the monstrous principle that "that *is* property which the law makes property," and upon the ground of necessity, the tyrant's plea, defends the eternal enslavement of the colored race in our land. On sitting down, after this effort for the perpetuation of a system of outrage and wrong, the most inexcusable, as well as the most detestable that the sun has yet shone upon, Mr. Clay re-

*See, also, an able report of Col. Young, in the New York Legislature, February 26, 1839.

aived the congratulations of the arch Nullifier and defender of "the most glorious institution," John C. Calhoun, for having given the deathblow to Abolition. If judgment is not turned backward, the blow will be death to his own *prospects of winning the splendid prize at which he is aiming; and to secure which he has, in this pro-slavery effort, fixed an indelible stigma upon his own reputation.* One thing is now certain, if there could have been a doubt before—the sacred cause of impartial liberty, the cause of three millions of the enslaved in our country, has nothing to hope from Henry Clay. He stands before the world its unblushing, uncompromising opponent.

Here, sir, is the *clue* to the late results at Harrisburg. Here, sir, is the delaration in advance, of the doom of that distinguished man of the West. Here is the prophecy—here the sentence passed; and has not the execution been inflicted? I am no partisan of Henry Clay, and have no complaints to make of any injustice that may have been done him as a politician—I myself am not aggrieved by it; but as a matter of history, connected with important events, I have a right, in common with all mankind, to speak of it in illustration of whatever facts may be connected with the transactions of the times, which I do in despite of the snarlings of the envious, or of the approbation or disapprobation of the treacherous.

But, I have said that the facts revealed by what I have just read, were portentous.

Mark, Mr. Speaker, this prophecy from this Abolition paper in alluding to Mr. Clay's speech against Abolition—"the blow will be death to his own prospects of winning the splendid prize at which he is aiming." Sir, what prize is here alluded to but the Presidency? Does any deny it? And why was this "death blow to his prospects of winning the splendid prize"—can there be a mistake in it? Because he was against Abolition. Let it be remembered that this declaration and prediction was made but a few weeks after the delivery of this speech. What has been the history of that sect since? Have they not persevered in the most systematic manner to bring about this "death blow to the prospects of winning the splendid prize?" Have you not seen them nominating their delegates to the Harrisburg Convention from every part of the country where a man of them is to be found? Have you not seen, in that convention, one of their leaders (James Wilson of New Hampshire) sitting as vice president to that convention? Is it not known that in that convention, then and there, through the instrumentality of the Abolition strength and influence, that this "death blow to the prospects of winning the splendid prize" was struck—most fatally and truly struck? By them it was inflicted with a premeditated design; for not one vote was thrown against Mr. Clay from a slaveholding State at first. And, sir, is there no moral to be drawn from all this? I entreat gentlemen to reflect on it; it alone is pregnant with a volume of commentary. I ask the members from Kentucky particularly to give their attention. I believe Kentucky is sound upon the subject of Abolition. She cannot be otherwise, from the nature of her institutions and her descent. I believe if her Representatives were even to give way here, that her people would still be sound on this subject. The last message of the immortal Governor Clark that I read with peculiar delight, which was placed in my hands by an honorable member from that State, [Mr. SHERROD WILLIAMS,] if not before, most satisfactorily convinced me of that fact; and but for one man, for whom she has seemed disposed to sacrifice her all, I believe, still, she would this day occupy a proud position in the front ranks of her Democratic brethren to whom she is so closely connected by nature and necessity. But I have digressed from my subject. Yes, sir, Henry Clay of Kentucky was rejected as the nominee for the Presidency of 1841, because he made a speech in the Senate of the United States adverse to the pretensions of the Abolitionists. That that speech sealed his fate with the Abolitionists no man of intelligence can, for a moment, entertain a rational doubt.

Hear what the leading papers of that party say of the result of this famous convention, immediately after the nomination of *William Henry Harrison* over Henry Clay of Kentucky was announced, and observe its regular correspondence with that prophecy and prediction that I have just referred to.

From Garrison's Liberator.

NOMINATION OF GENERAL HARRISON.—The National Whig Convention, assembled at Harrisburg on the 6th instant, nominated William Henry Harrison for the office of President of the United States. On the first and second ballot, the vote stood for Henry Clay, 103; for Harrison, 94; for Winfield Scott, 57. On the third ballot, the vote was for Harrison, 148; for Clay, 90; for Scott, 16. *All the slave States went for Clay.* We regard this as another important sign of the times—as *a signal defeat of the slaveholding power in this country.* Had it not been for Abolitionism, Henry Clay would undoubtedly have been nominated. *We have faith to believe that no slaveholder will ever again be permitted to fill the Presidential office in this Republic.*

Hear with what further acclamation it was hailed by the Emancipator, the organ of the Abolitionists in New York.

THE HARRISBURG CONVENTION.—Well, the agony is over, and Henry Clay is—laid upon the shelf. And no man of ordinary intelligence can doubt or deny that it is the antislavery feeling of the North which has done it, in connection with his own ostentatious and infamous pro-slavery demonstrations in Congress. Praise to God for a great antislavery victory. A man of high talents, of great distinction, of long political services, of boundless personal popularity, has been openly rejected for the Presidency of this great Republic, on account of his devotion to slavery. Set up a monument of progress there. Let the winds tell the tale—let the slaveholders hear the news—let foreign nations hear it—let O'Connell hear it—let the slaves hear it—a slaveholder is incapacitated for the Presidency of the United States. The reign of slavocracy is hastening to a close. The rejection of Henry Clay by the Whig convention, taken in connection with all the circumstances, is one of the heaviest blows the monster slavery has received in this country.

From the Le Roy Gazette

Very much like indeed! The editor of the Ohio paper abandoned the Whigs *becaus they nominated the Abolitionists, and joined the Loco Focos because they went for the dough-faces; while we left the Jackson party because it adhered to slavery, and united with the Whigs, because they supported abolition!*

This paper had been edited by Mr. GATES,* now a member on this floor.

Now, if Kentucky is true to her elf, true to her own institutions, and is unwilling to sacrifice her principles, her natural interests and relations, all, all, sir, at the shrine of party feelings, can she approbate and give her countenance to results brough about by influences that ninety-nine of every hundred of her citizens despise? Will she ever be *whipped* into measures, and *yoked* into the support of them, by party *discipline*, either here or elsewhere? Sir, in my opinion, she has long occupied an unnatural position towards those who were identified with her by natural affinities. I believe an overwhelming majority of her population are essentially Democratic; but they have been led by unnatural alliances and extraordinary influences of particular individuals, in direct opposition to both her real principles and natural interests. She is, from the nature of her position, from the character of her institutions, from the character of all her intercourse and commercial relations, bound eventually to act with the South and West. Even now, one single individual out of the way, and she would be foremost in this House in advocating and supporting, by her eloquence and her votes, those great measures of the Democracy with which her future destinies are so essentially identified.

The results of the last few months, brought about by the united action of the fanatics, is enough to open the eyes of the most blind, and make the dumb speak out. The triumph of such influences is enough to arouse and awaken every man in this Union, who is resolved to resist them.

Sir, it is idle, worse than useless, to attempt longer to conceal the perilous influence of Abolitionists, their designs, their strength, or preponderance. I have proved from the documents of this House that a majority of the whole Whig party (proper) of this House have, for the last six years, acted with the Abolitionists. I have produced names and dates, and referred to the pages, where all can examine for themselves; information, that I know, will be found most unwelcome to many; but it was due that the country should know it; and, sir, had this been the only evidence, there might have been some room left for doubt; yet how completely is this most important fact corroborated, if not most satisfactorily established, by the results at Harrisburg? Was it not proved there? Does not the result prove it beyond the power of contradiction? Prove that the Abolition influence did, and has, effectually preponderated in that body, composed, as it was, of the whole Whig party of the United States? How perfectly has it tallied and corresponded with the preponderating influence of that party in this House?

I knew that when I first ventured to assert the fact that a majority of the whole Whig party were acting with the Abolitionists here, that I was single and alone in the idea, and I confess I made it with some precaution and trepidation; but, sir, so powerful and irresistible are these facts that have proved it, that I am emboldened, the more and more I reflect on them, or refer to them. For, to me, the more I review them, the more conclusive and irresistible they appear.

How awful, then, must be the position of that wing of the party, from the South and Southwest, who represent slaveholding interests here! How perfectly at the mercy of their Abolition friends who now, in this House, constitute near two-thirds of their whole party! Take this fact, together with the fact of their having the preponderance in the Harrisburg convention, and does it not prove that they have attached themselves to a party who, if not Abolitionists themselves, *have*, and *are* now acting with them? That the Southern wing of that party is left (whom I accuse not themselves of being Abolitionists) in a small minority of the whole Whig party, it has been most conclusively shown, both from the votes of this House and the results of the Harrisburg convention. Now, sir, what have the people of the South to expect from the action of those who co-operate here with their worst of all political enemies at this time? Suppose they meet in *caucus* to determine on the selection of officers to this House who control, in a measure, the entire business of the nation, with little more than one-third of the whole number of that party, in which *caucus* the majority is to govern: can they expect to control that majority with their one-third? Do they suppose, for a moment, that so large a majority would be dictated to a moment, by such a minority? Sir, the idea is ridiculous. Let them read their fate in the result of the Harrisburg Convention, in which they can never have stronger claims to a preference? Or, do they think their feeble voice would ever be once heard amid the enthusiasm of the fanatics? Is it by the support of the Whigs of the South, then, that that party is to gain the ascendency in this House, and, consequently, in this Government? I conjure the Whig party from that section to pause long before they consummate the bans further by such an unholy, unnatural alliance! Let every man, woman, and child of the South, rise and forbid it! I ask them, in the name of our common country, to look at the character of the votes of this House, whether on a proposition coming from a Southern Whig, or Democrat, that conflicts in the least with the pretensions of the Abolitionists, and say, if their brother Whigs of the North have not in solid columns gone dead against them; and whether or not they have not themselves been compelled to rely for the support of their own measures (I mean those introduced by Southern Whigs upon that subject,) upon the votes of the Northern Democrats to carry them through; notwithstanding the efforts made here by Southern men to drive them into the ranks of the Whig Abolitionists? These facts cannot escape, sir, the discerning eye of the intelligent practical men of this country; and I entreat gentlemen after the flood of evidence that has been exhibited recently, both in and out of Congress, to weigh well these facts before they return again to their constituents of the South, to whom, and with whom, I now leave them to settle that question.

Mr. Speaker, said Mr. B. I will now notice some remarks that have fallen from different gentlemen who have addressed the House on this subject, who have taken the liberty to refer to the action of parties in this body to prove that the Democratic party, in a body, co-operated with the Abolitionists of the North; and as this seems to have been done for the purpose of imposing on the people of the South, whom, in part, I represent, I beg the further indulgence of this House while I present to their consideration some facts that have an immediate bearing on this case. If we look, sir, at the action of State Legislatures, we find where the Democrats have had the control, they have, in no instance, countenanced the Abolitionists.

*And is now edited, I am informed, by his friend and successor.

In Maine, sir, her present Governor Fairfield was one of those who sustained what Abolitionists called "Atherton's gag," which was used against him in the election for Governor of that State, and in which he was sustained triumphantly by the Democrats. That Legislature, whenever it has referred to the subject, has discountenanced the projects of the fanatics.

Sir, that little granite State, New Hampshire, the residence of "the dough-faced Democrats," as they have been denominated by Southern Whigs and Northern Abolitionists, as early as January 13th, 1837, passed in her Legislature the following resolutions, to which I solicit the particular attention of those Southern gentlemen who have been so bitter in their denunciation of the "*dough-faces* of New Hampshire:" laws of New Hampshire, page 288:

Be it resolved by the Senate and House of Representatives, in General Court convened, That we recognise the constitutional right of the several States of the Union to exercise exclusive jurisdiction within their own limits, on the subject of slavery.

Be it resolved, That Congress cannot, without a violation of the public faith, abolish slavery in the District of Columbia, unless upon the request of the citizens of that District, and by the States by whom that territory was ceded to the General Government.

Be it further resolved, That the union of the States can only be maintained by abstaining from all interference with the laws, domestic policy, and peculiar interests of every other State. The conduct of those who would coerce our fellow-citizens in other States into the abolition of slavery by the inflammatory appeals addressed to the fears of the masters and the passions of the slaves, is in the highest degree censurable, as tending to alienate one portion of our countrymen from another, and to introduce discord into our sister States, and as a violation of that spirit of compromise in which the Constitution was framed, and a due observance of which is necessary to the safety of the Union.

At the last session, the Legislature of the same State adopted, in addition to what I have read above, the following:

Resolved, That the relation of master and slave, as established by law within the jurisdiction of any of the States, is an institution for which the State, within which it is established, is alone responsible, and with which neither *this Legislature*, nor the *Legislature of any other State*, can rightfully interfere.

Resolved, That the adoption and prosecution of measures by individuals residing within one State, with the *avowed design* of overthrowing the institution of another State, by sending emissaries, scattering documents, pamphlets or papers, within that State, against the declared will of the same, as a disregard of that comity, and mutual respect, which should ever be cultivated among the States.

Resolved, That Congress *ought not* to interdict the slave trade between the States, or to abolish slavery within the District of Columbia, or the Territories of the United States.

Resolved, That the resolution adopted by the House of Representatives of the Congress of the United States, by which all memorials relating to the abolition of slavery, upon the presentation of the same, were ordered to lie on the table, without any further action thereon, was not an infringement of the *right of petition.*

Resolved, That the immediate abolition of slavery, by whatever means effected, without expatriation of the slaves, would be productive of calamities, moral and political, such as should be deprecated by every friend of humanity.

Yet, sir, these resolutions were passed by the party called and stigmatized here, and by Southern men, as "*dough-faced*" Democrats. Sir, I could not do it myself, without feeling my face crimson with shame, and blushing for the ingratitude, the unfeeling ingratitude, that I was subject to being charged with, by the whole section of country from which I come.

But the election for Governor, that has recently taken place in Massachusetts, has been alluded to. We have heard much about Governor Morton's being an Abolitionists. Now, sir, supposing it true, (which I am informed is very far otherwise,) what were the Democrats to do in choosing between him and Governor Everett? Of course, to select the least evil.

Here is the endorsement of Governor Everett's Abolitionism, by one whose authority I presume none will deny here. Here, sir, it is:

TO ABOLITIONISTS!

We recommend to the attention of our Abolition brethren the following paragraph, which is a literal copy of the whole of an editorial paragraph in the last Liberator, written by Mr. Garrison:

EDWARD EVERETT.

The Governor of this Commonwealth has answered unequivocally in the AFFIRMATIVE to the question, whether he is favor of the immediate abolition of slavery in the District of Columbia, and the slave trade between the several States. Edward Everett now speaks the language of a patriot, a Republican, and a Christian. We believe it is the real language of his soul. When, a few years since, he took opposite ground, he did violence to his convictions of right, and committed a grievous error. We are disposed to obliterate all that has gone before, and to commend him for his present honorable course. To refer invidiously to what he said when public sentiment was deeply corrupt, would be ungenerous: to charge him with being insincere at the present time, would be unjust: to accuse him of seeking popularity, would be equally uncharitable. It is not yet a popular thing for the Chief Magistrate of this Commonwealth to avow himself in favor of immediate emancipation; and until he shall prove recreant to his present professions, it is to be taken for granted that he means just what he says. In our opinion, he ought to receive the undivided support of the Anti-slavery voters of this Commonwealth; nay, they have pledged to him their support, inasmuch as he has declared himself to be in favor of their principles and measures.

We likewise recommend to the attention of our Abolition brethren the following unmutilated and literal extract of a communication in the same paper, by "A Member of the Massachusetts Anti-slavery Board:"

GOV. EVERETT'S LETTER IS SATISFACTORY. His endorsing Mr. Alvord's report does not weaken his answer, but strengthens it, for that report was full of the soundest Abolition doctrines. THE GOVERNOR SHOULD RECEIVE THE VOTE OF EVERY ABOLITIONIST. Some, who call themselves such, but whose hearts are more with their party than with the slave, may still go back to Edward Everett's old misdeeds. Let me tell them this is unfair. In the circumstances of the case, it is almost treacherous. Mr. Borden asked Governor Everett's opinions, not as an individual, but as representing the Abolitionists generally. The Governor answers at once and unequivocally. Is it for *us* to turn round and charge him with insincerity? This would be a gross outrage. Why did we ask him if we did not mean to judge him by his answer.

Judge Morton's and Mr. Willis's letters are very much alike. *They give no information. They do not answer the simplest of all possible questions, so that a plain man can tell what they mean.* Judge Morton refers to a letter written two years ago, which, when you look at it, is no more of a reply than the present. That letter contained some very handsome and flowing periods about his detestation of slavery, &c. It, perhaps, served its purpose pretty well in its day; what would do for 1837, will not do for 1839. These vague professions of Judge Morton amount to just nothing at all. There is nothing in them you can put your finger on. If the Abolitionists are to be satisfied with such unmeaning generalities, let me tell you, the politicians will never give them any thing else.

I hope, sir, this will forever set that question at rest, and that the South will no longer be amused with the presentation of individual instances, as set-offs to bodies, societies and communities, even where they are ever so true.

Let us now look at Vermont, that purely Whig State. What has she done?

STATE OF VERMONT,
JANUARY 21, 1839.

Resolved by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost efforts to prevent the annexation of Texas to the United States, and to procure the abolition of slavery and the slave trade in the District of Columbia, and the slave trade between the several States and Territories of the Union.

Resolved, That the adoption by the House of Representatives of the United States on the 21st December last, 1837, of the resolution by which "all petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or transferring of slaves in any State, District or Territory of the United States, were laid upon the table without being debated, printed, read, or referred," was a daring infringement of the right of the people to petition, and a flagrant violation of the Constitution of the United States; and we do, in the name of the people of Vermont, protest against the passage of the same, or any similar resolution, by the present or any future Congress of the United States.

Sir, what is she now doing? Has she not forwarded resolutions to this Congress from her Legislature nearly every session since this agitation commenced, in favor of the Abolitionists, and against the action of this House, whenever it has attempted to oppose their views? Is there not now a memorial and resolutions either before this or the other branch of Congress to that effect? There is! What a contrast, sir, not between two individuals, but between two sovereign States—one Whig, the other Democratic.

But, sir, I pass to New York, about which so much has been said here and elsewhere. I will not dwell upon the election of Bradish (a most celebrated Abolitionist) Lieutenant Governor by a union of the Whigs and Abolitionists, and seven Whigs to Congress, who have voted, on every occasion since they have been here, against every measure that in the slightest degree conflicted with the rights of the Abolitionists, supposing all of whom nearly voted against us on the e measures. I rely upon still higher evidence. Here it is:

POLITICAL ABOLITIONISM.

The following document shows that the Abolitionists are in the field as a political party:

CIRCULAR.

TO THE ANTISLAVERY ELECTORS
OF THE STATE OF NEW YORK.

We ask the privilege of brethren to set forth briefly, but frankly, the reasons which constrain us to cast our votes for William H. Seward, for Governor.

1st. Mr. Seward is the candidate of the party which, on the floor of Congress, nobly vindicates the inestimable right of petition, and as nobly asserts the freedom of debate; of the party also that sustains John Quincy Adams, and William Slade; of a party whose views are liberal and tolerant.

2d. Mr. Seward is the candidate of the party which, in our last Legislature, passed resolutions *against* the admission of Texas into the Union; *against* Patton's gag resolutions; in favor of the right of petition; *in favor* of granting trial by jury to persons claimed as fugitive slaves. Instead of the denunciations and revilings with which our petitions were treated in years past—instead of threatening us with penal enactments, the Whigs received and treated petitions and remonstrances with that respect and comity due to their constituents.

3d. Mr. Seward is the candidate of the party that opposes the re election of a President who stands pledged to veto any bill abolishing slavary in the District of Columbia.

4th. Mr. Seward is the candidate opposed to Governor Marcy—who, in his messages to the Legislature, has manifested, in sentiment and sympathy, the bitterest hostility to our cause, and who, as the presiding officer of a public meeting, while he was Governor of the State, recommended the passage of laws authorizing a violation of the mails, and inflicting pains and penalties upon those who were disseminating intelligence and truth.

5th. The re-election of Governor Marcy would go very far toward the re-election of Martin Van Buren, whose measures and policy are so hostile to the cause of human liberty.

And finally, because our knowledge of Mr. Seward leads us to confide in the general soundness and integrity of his principles. We view the great question of a Sub-Treasury, a National Bank, or the currency, of minor importance, compared with the great subject of human liberty; and believing that the election of Mr. Seward, and the defeat of Governor Marcy, will best promote the great cause of universal emancipation, we shall vote for him ourselves, and recommend our Abolition friends to do the same.

We are, respectfully, your fellow citizens,
JEFFERSON MAYELL,
President Albany Young Men's Anti-slavery Society.
CALVIN PEPPER, jr.
Vice President Albany Anti-slavery Society.
JOHN WILSON,
Corresponding Secretary Anti-slavery Society.
H. CARPENTER, 1st V. P.
WM. GIBSON,
One of the Executive Committee Young Men's Albany Anti-slavery Society.
NORMAN FRANCIS,
Chairman of Executive Committee of Young Men's Albany Anti-slavery Society.
S. A. HASTINGS,
A. McCLURE,
J. McCLURE,
FORDYCE SYLVESTER,
JAMES E. McCLURE,
S. B. HALL,
CHARLES E. BURTON,
JAMES BURTON,
PETER M. McELROY,
DAVID MARTIN,
S. T. RICE,
S. V. R. WATSON.

Men of the South, I now ask you to pause and reflect on this? Here is no individual case. It is a proposition made and accepted by a multitude. The deed was done—the act consummated—the bitter fruits of which we are about now to reap from the frightful contest now going on between Governor Campbell of the State of Virginia, and Governor Seward of New York, involving this identical subject of Abolition.

Sir, we have already done great injustice to this peaceable honest people of this country, as well to the East, North, and West, as to the South. The people of neither section have been made acquainted with the awful explosion that these parties are preparing, to blow into fragments the best Government that ever was conceived, heard of, or framed by the hands of man. No, sir, in my judgment, they are not prepared for the event—they do not, they can not, desire it, and little, as yet, have they dreamed of the plot that is on foot to drench our mother country with the blood of her own offspring.

Another of the results of this extraordinary combination, was the passage, in the lower House of Assembly of the State of New York, as soon as the Whigs and Abolitionists got the ascendency in it, of certain resolutions against those passed by Congress against the action of the Abolitionists and their petitions. The Senate, however, which still retained a majority of Democrats, rejected them, after presenting a most able, lucid, and voluminous report through its chairman, Col. S. Young, an extract from which I will now read to the House.

Report of Mr. Young, to the Senate of New York, on certain resolutions of the House of Assembly of that State, touching the subject of the right of petition, &c. made February 26, 1839.

The preamble and resolutions of the Assembly recites the substance of the resolutions of the House of Representatives of the United States adopted in December last, on the motion of Mr. Atherton, one of its members, by which the House of Representatives, by a very large majority, decided that every petition, memorial, &c. touching or relating to slavery, or to the abolition thereof, should, on presentation thereof, without any further action thereon, be laid on the table without being referred, printed, or debated; and the preamble and the resolutions of the Assembly pronounce that, by enforcing such resolution, the said House of Representatives have infringed upon the rights of the people of the State of New York.

The first resolution of the Assembly discloses that the resolution above referred to is a violation of the rights of the people of this State.

The third resolution of the Assembly solemnly protests against the resolution above referred to, and requests the Representatives in Congress from this State to use their best exertions to to cause the same to be rescinded.

After a most powerful, convincing, and irresistible argument in their report against the course of the Abolitionists and Whigs in the Assembly, Mr. Young continues:

If the committee have not deceived themselves, it will appear manifest to every reflecting mind, that the right of petition, as secured by the Constitution, cannot be infringed by Government, except by a law of Congress, and consequently the Atherton resolutions cannot be tortured into such infringement.

That a long and elaborate report having been made three years ago, under the direction of the House of Representatives, on the subject of Abolition petitions and Abolitionism, *that House is not bound, nor ought it to make another* reference, and cause another report to be made on the same subject.

And this able and masterly report then concludes with the following resolution, which was sustained entirely by the Democracy of that body:

Resolved, That the preamble and resolutions of the Assembly be, and they are hereby, rejected.

All which is respectfully submitted.

S. YOUNG, Chairman.

Here, again, I have presented, not individual cases, but the records of the proceedings of bodies of men, and that of the Legislature of the greatest State in your Union. What a striking contrast does it present to the declarations made here! This, sir, has been one of the fruits of the Whig victories in New York.

Here is an article from the pen of a Whig member of this House, from New York. It is from an Abolition paper, called the Leroy Gazette. It is in these words:

With very great unanimity, Abolitionists in the West, and we apprehend throughout the States, have conscientiously considered they were discharging their solemn duty to their country, and directly advancing the cause of human rights, by casting their votes for William H. Seward for Governor; a man and a candidate of a party who have ever treated the advocates of emancipation with consideration and respect, and standing opposed also to a candidate and a party who have not failed to treat them with hostility and the most supercilious contempt. This almost unanimous support of some 15,000 Whig Abolitionists of the State, despite the hypocritical cant of a prostituted, grovelling party press, and your own well intended warning, has overthrown a knot of aristocrats who have for years dictated the creed and faith of the State, and whose high behest has been law and gospel to hundreds of their adherents.

Mr. B. continued: hear, sir, again from the same,

On the one hand, therefore, our Whig friends would do well not to be so much elated with success, and to feel so confident of their power hereafter, as to attempt a warfare against Abolition, for they should remember that it is the fairness and liberality, with which as a party they have heretofore treated the Abolitionists, which has secured their general support, even despite the warnings of some of the principal Abolitionists in the State; and should they now be so foolish as to commence an attack on them, and change their course of conduct towards them, they will find to their sorrow that they will arouse an opposition which no party cords can control, and it will be the last election in the State they will carry.

Now, if that gentleman is present, I wonder if he will deny, too, that these are his sentiments, and that he is an Abolitionist.

[Here Mr. GATES from New York rose, and asked the gentleman from North Carolina if he alluded to him.

Mr. BYNUM said he did not know that gentleman by person, but if it was one Seth Gates from New York, he did allude to him.

Mr. GATES then said that he would answer the member from North Carolina, that the language he had read was his, and that he did not deny being an Abolitionist]

Then, said Mr. B. that member is the first who has had the candor to own his being an Abolitionist in this debate; and although I detest his principles, I cannot but admire his candor as a man; for, of all things, I have always been taught mostly to abhor a hypocrite, who would do me an injury while he proclaimed himself my friend.

While on this subject, he asked to be permitted to read another extract, from another distinguished Whig candidate for Governor of New Hampshire; it is in a part of the reply of General James Wilson, late one of the distinguished vice presidents of the convention at Harrisburg which nominated William Henry Harrison for the next President of these United States, and which is as follows:

Opposed as I am to slavery in all its forms, and believing that its continued existence in the District of Columbia and the Territories, and the slave trade there and between the States involves a national responsibility, I am of opinion that Congress ought, without delay, to exercise the power that body has over the subject.

The reply was to questions put by one of the Abolition societies of that State.

Now, sir, here is the reply of a Democrat, nearly at the same time, from the same State, who was then a candidate for Congress. It is the reply of the honorable gentleman who sits to my left, Mr. BURKE, of New Hampshire, in answer to similar questions from the same source. Yet, sir, we have heard him, too, denounced here as an Abolition Democrat. Here is the reply—

From the above you will be likely to come to the conclusion that I do not deem it necessary to give precise responses to the questions which you have propounded; but lest there may be a disposition to charge me with a design to evade responsibility by declining to give the specific answers required, I now, after full and mature deliberation, declare *my unqualified opposition to modern Abolitionism, in all its measures, phases, and policy.* I look upon it as a scheme fraught with *incalculable mischief and peril* to the union of the States and consequently to the best interests of the people of the republic; and as demanding the firm and decided, but moderate and lawful opposition of every true patriot and friend to our civil and political institutions.

What a contrast between the answers of these two individuals! Can there longer be a doubt as to the position assumed by these two parties in the breast of a rational man in existence? Sir, it is impossible!

I pass over the resolutions of the Whig Legislature of Rhode Island against the action of Congress relative to Abolition petitions, and come over to Pennsylvania. What has been the character of the parties in that State? Will any man deny, that Governor Ritner was an Abolitionist, who denounced with such bitterness, "*the black spirit of slavery*," as he chose to call it? None have, nor will deny it.

I will now, Mr. Speaker, refer to an extract from an address delivered by Governor Porter, the late Democratic Governor of the State of Pennsylvania, and successful candidate over Ritner, the Antimason Abolition Whig candidate of that State.

[Mr. COOPER of Pennsylvania here rose and asked Mr. B. when that speech or address was delivered.]

Mr. B. said he would refer the gentleman to his remarks when published, in which he would then specify both time and place.

Such was the language put forth then by Governor Porter in that address. Said he—

When the infant States of the Union united together in the Revolution, for the common defence, under the feeble bonds of the old Confederation: and when necessity drove us to form something more definite and binding, which brought about the Constitution of 1788, involuntary servitude was the subject of much discussion, arrangement, and concession. It was finally disposed of in the manner pointed out in the latter instrment. To agitate the question anew, when it was thus satisfactorily settled, is not only unwise and impolitic, but is a virtual breach of good faith to our brethren of the South; an unwarrantable interference with their domestic relations and institutions, and is calculated to do positive injury to the African race there held in servitude, for whom in her policy, and within her own borders, Pennsylvania has always shown a becoming sympathy. I can never, in the official station which I occupy, consent to countenance a course which may jeopard the peace and harmony of the Union, without answering any good purpose in the end. It shall meet with no encouragement at my hands.*

Such are the opinions of the Democratic Governor of that great and patriotic State, which has been so justly denominated the "keystone" in the arch of the temple of our republican States. Such sentiments are truly worthy of the Governor of a great State, who looked to the Union of our States, and peace of the country, and the prosperity of this united people, more than to the interest of a faction.

Here is another evidence of the feelings of the two great parties of that State: In the late convention to remodel its Constitution, on motion of Mr. Martin to insert, as one of the amendments, the word "*white*," so as to restrict the right of suffrage to the free white men of that State, which was supported by the Democrats, with a solitary exception, 77 in number, and was opposed by a vote of 45, 44 of whom, were Whigs. Now, sir, what higher evidence can be desired, as to the position of the parties in that State?

Let us now turn our eyes to the mighty West, and examine for a few moments what has transpired there in addition to the noble stand that her distinguished members have taken in both branches of Congress Ohio, that proud "buckeye" State, has taken the lead upon this subject. Her Democracy there have taken it in hand and spoken in a voice of thunder to the fanatics. (Well may they *despise* the Democracy.) Sir, she has spoken in a language truly worthy of the empress State of the Valley of the Mississippi.

Here are the resolutions recently passed by one of the largest and most numerous Democratic meetings ever held in that State, assembled from all sections thereof, preceded by a most powerful and unanswerable argument. This, sir, is the language of the Democratic party of the State of Ohio:

Resolved, That slavery being a domestic institution, recognised by the Constitution of the United States, we, as citizens of a free State, have no right to interfere with it, and that the organizing of societies and associations in free States, in opposition to the institutions of sister States, while productive of no good, may be the cause of much mischief, and while such associations for political purposes ought to be discountenanced by every lover of peace and concord, no sound Democrat will have part or lot with them.

Resolved, That political Abolitionism is but ancient Federalism under a new guise, and that the political action of Anti-slavery societies, is only a device for the overthrow of Democracy.

Resolved, That should there be any members of this Convention who do not subscribe to the principles contained in those resolutions relating to the subject of Abolition, they be hereby requested to leave their names with the publishing committee, to be published with the proceedings of this Convention.

Mr. B. continued: Sir, I have been informed, such was the unanimity of the Democratic party on this subject, that not a single name was left with the committee, to be published. In addition to this, the last papers from the Legislature of that magnanimous State, bring us the following accounts:

OHIO LEGISLATURE.

[*Reported for the Ohio Statesman.*]

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 14, 1840.

On motion of Mr. Flood, the House took up the resolutions relative to the subject of slavery.

Mr. Waddle called for the question to be taken on each resolution separately.

The first resolution was then adopted—yeas 48, nays 2, which reads as follows:

Resolved by the General Assembly of the State of Ohio, That the subject of slavery, as it exists in particular portions of the United States, was settled and adjusted at the formation of the Federal Constitution.

The question then being on the adoption of the second resolution, which is as follows:

Resolved, That, in the opinion of this General Assembly, the interference of citizens of our State in the internal regulations of another, is highly censurable and improper, and that we view the unlawful, unwise, and unconstitutional interference of the fanatical Abolitionists of the North, with the domestic institutions of the Southern States, as highly criminal, and that it is the duty, obligatory on all good citizens, to discountenance the Abolitionists in their mad, fanatical, and revolutionary schemes.

Let it not be forgotten, Mr. Speaker, that the Legislature of this State is now overwhelmingly Democratic, and let it be understood that these resolutions (unlike those of the Whig Legislature of New York) are "the fruits of the last Democratic victory" in the State of Ohio.

With this exhibition of evidence, showing the position and inclination of the present parties of this country, I shall remain content to abide the future decision of the people of this nation, with but a single reference more; which, sir, is to the petitions that have been introduced into this House in favor of the abolition of slavery.

It will, Mr. Speaker, astonish the people of the Whig party, who have confessed their opposition to Abolitionism, to learn that more than nine-tenths of these petitions have been introduced into the American Congress by members of the Whig party.

[Mr. GIDDINGS from Ohio (Whig) was understood to ask Mr. B. for his authority.]

Mr. BYNUM. The journals of your House, sir. I speak from an estimate made by your Clerk the session before the last; and, if my recollection serves me rightly, the disparity was greater than I have stated.

Now, sir, I should like to know if such a mass of evidence, as has been elicited upon this subject, during this debate, has ever been known before to be brought to bear upon any given question about which there did exist, in reality, a rational doubt; and if any man of the most ordinary mind, after reviewing these facts, can longer entertain one doubt as to what party has, or is, at this time, favoring the Abolitionists, that are threatening the dissolution of the fairest portion of this glorious Republic with fire and sword No, sir; none sir, none, except he who is wilfully blind or wilfully corrupt, and who would sacrifice our holy Union, the peace, safety, and prosperity of the fairest portion of our country, to the malignant, though blind, demon of party spirit.

* Inaugural address of David Porter, Governor of Pennsylvania, delivered in the hall of the House of Representatives, that State,) January 15, 1839.

But I will not delay the House further with any comment of mine on the evidence I have exhibited. I have offered it for the consideration of the House and the people of my country, hoping that they will adjudge its merits, without regard to the humble source from which it comes, or the party from which it may have emanated, asking, as I do, for it only an impartial examination of the facts, by all parties, before they presume to pronounce their condemnation.

I will now, Mr. Speaker, address myself more particularly to those gentlemen of the North who have reflected so much upon the wisdom of the South in relation to the matter before us, and will endeavor to show them and the world their greatest want of sagacity and statesmanship, in every step they have taken upon this momentous question. I say momentous, because it involves the very existence of our present Government; and in nothing more than this, is evinced their profunnd want of that knowledge of this great subject, that should characterize the statesman. Yes, sir, amid the agitation and excitement of fanaticism, they seem to have lost all sight of consequent events that must flow from their course here, and that of the Abolitionists, as certain as a cause precedes its effects, or as the light precedes the approach of that vertical sun. What! sir, they speak of statesmanship? Their very discourse here proves conclusively how far they are behind the time. I do not deny their learning and philosophy, and theory, if you please; but, in practical knowledge of man, of human nature, as it is now, and must exist under similar circumstances, they are at fault, and are falling more and more behindhand daily. It is that class of statesmen, throughout the world, that you now see falling into disrepute, and behind the age in which they live. To demonstrate this, I will not fly to Europe, when the most striking examples are here in my own country before me.

Sir, let us look to the East, and see what has been going on there for years? Let us look now at old Massachusetts, and see the bursting of fetters that has recently taken place there in the last elections of that State. Witness the flying fragments of antiquated and exploded systems, imposed on the herculean intellects of that people, by the antiquated theories of their *priests*, *bookmen*, and *scholars*, that are wont to ransack their ingenuity, to forge manacles of superstitious invention, to bind down and hold in subjection the enlightened practical mind of that enterprising people.

Sir, the whole contest that is going on there has been between practical and theoretical man. And in what age or nation, I ask, has this contest ever taken place, in which the former have not eventually and effectually overcome the latter. Upon this, history records but one decision: it is in favor of practical men, throughout the world. You may, sir, for a while, by inculcating and cherishing your superstition under the garb of religion, and your reverence for forms and theories unnecessary, and often mischievous and ruinous, keep in absolute subjection the most active, enterprising intellect; which, in all free Governments, will ever, sooner or later, be broken through by the free, unrestrained intercourse of man with his fellow man. Perhaps no State in the Union has had such means, or made such efforts, to bind down her people with superstitious observances, as that of Massachusetts—her presses, her wealth, both being in the hands of the few, backed by the superstition inculcated by her *priests*; upon whose heads will rest every *drop of blood* that must flow from the prosecution of this unholy *crusade* of Abolition, and who are, and should be, held responsible for every loss that is sustained by the honest, peace-loving people of the East, North, or West. Yes, sir, their handwriting is legible in every movement that has been made on this subject, from its commencement to its present stage. They seem envious of the infamous distinction of the "*crusaders of the East*," who depopulated Europe, and drenched a nation in blood; while they mean not to fight themselves, it is *theirs* to drum on others, but never to meet danger. By their statesmanship, and that of their coadjutors, they are now laying the foundation for the speedy dissolution of this Government; and for whose benefit? Sir, execute the first object of your shortsighted, unholy design, and that moment the cord that now binds us as a nation is broken into atoms. Have you any interest at stake? Do you anticipate no loss by this? Are your people prepared to abandon our entire Southern cost, and part forever with your trade and intercourse with us? Who consumes the products of your manufacturers? Your arts and every species of your mechanism? What becomes of your trade and commercial intercourse with the South? Your shipping, employment for your dense population, with whose weight in many places, the very earth groans as they move? Are you prepared to do all this? Have you honestly asked your people, if they are prepared for it? No, sirs, no sirs, you have deceived them! You and your *priests*, Stuarts, Garrisons and Tappans, have told them it all could be affected without. Oh! ignorant, shortsighted men!

But, sir, Boston, bound down as she is, and has been, from the influences I have stated, must awaken, from necessity, and shake off that gloom that binds her to the destinies of a short-sighted, ignorant priesthood and closetted book-men that she has taken for politicians, unpractised in the world, as it is, and as it moves onward. She, too, must meet this question practically in its face—whose very existence depends, and must of necessity depend, upon her trade and her commerce for her stores and supplies, and the returning equivalents for the products of her arts and manufactories. These are the questions that practical statesmen will look to; and, for the want of a proper knowledge, or a proper regard for which, in the present dynasty, that has so long ruled that State, the great revolution that is now going on there has been put in motion. Thay see, as all must see, to follow them longer in their projects of dissolution of the Government, it must result in the sacrifice of the greatest boons given them by Providence, arising from an association with their Southern brethren, and, in a return again to their old impoverished mother, England, to reconnect themselves again with the sterile barrens, snow-capped mountains and icy cliffs of Canada.

New York, too, must make up her mind to meet the consequences of this momentous question before the first blow is struck, for there is no State nor city in the Union that has so great a pecuniary interest at stake. She, too, in my honest judgment, has been deceived and imposed on in relation to this subject.

The mass of the people, I cannot be persuaded, are prepared for the consequences of the course of some of their Representatives here, and at home. Sir, they and their co-operators have studiously concealed from that honest people the fact, that the immediate question that they are now making with us, is a question (blink it as they may) of *peace* or *war*—a result as inevitable as that the light of Heaven falls from a cloudless sun!

Sir, have they told that people this, and of its train of disastrous consequences, the end of which no man here is young enough to see? No, sir: they and their Abolition comrades at home, my life upon it, have ever kept this result closely concealed from the poor objects upon whom they operate.

Let New York, I would say, beyond all other States and cities, pause and reflect upon these awful consequences, ere the hour be too late to apply the soothing remedy. Sir, let her read her fate in that of Tyre, Bagdad, and Babylon. Dissolve your Union, as a civil war must do, as it inevitably will do, and what becomes of the pride, the wealth, and grandeur, of the Empire city? Your magnificent buildings, your splendid domes, must in a few short years lie in one common pile of ruins, the mere haunts of the scorpion, the streaked lizard, and the hooting owl. Your trade broken up, your commerce abandoned, who will you find else to inhabit these piles of rotten ruins, but the crawling reptile, and the fowls and beasts of prey that prowl by midnight, to entrap their game, and to procure their food. Sad reflections, but not less true than sad, if history is a faithful chronicler of events, and cause and effect. Your shipping rotting in your ports—your seamen out of employment—your manufactories annihilated, and your trade and commerce destroyed, would present a scene of misery and pauperism perhaps without a parallel in the modern world. In such an event, who cannot see that the monumental city (Baltimore) or Charleston, if you please, would soon become the New York of the South and emporiums of the Southern world, and of that universal trade now supplied by the arts and labor of your people. Your manufacturing capitalists, sir, would take flight from the North to Richmond and Petersburg of Virginia; to Salisbury, Raleigh, Fayetteville, North Carolina; Camden, Columbia, York, and Edgefield, of South Carolina; Augusta, Milledgeville, Macon, and Columbus, Georgia, and other places equally and eligibly situated. And; do your politicians not see something in all this, to admonish them of the *self-immolating* course that they have pursued in uniting with the Abolitionists? But, sir, more to these shortsighted *priest-ridden and priest-terrified* politicians, who by such acts are calling down the vengeance of Heaven upon their own devoted land. Let me, sir, here make a suggestion to them, if they cannot see, nor will not take a hint. Do they know that there is a certain line called "Mason and Dixon's line?" Do they know that it extends from the Atlantic to the Pacific ocean? Have they heard of a certain Sabine river, and a new Republic recently called Texas? Do they know of a certain place called Mexico? Have they ever heard of a certain isthmus, called Darien? Do they not know that by drawing one breath—the utterance of one word to Texas—that country is ours, by alliance or by conquest, uniting us as one people, from the line of "Mason and Dixon," to the isthmus of Darien?

Yea, more: can they, Mr. Speaker, I mean the Abolitionists and their friends, present and absent, expect the co-operation of the great West, especially of those States of the valley, united to us in the indissoluble bonds of nature, by the great waters of the Mississippi? No, sir, this identity of interest and alliance has been formed by "nature and nature's God," which no man, nor set of men, can put asunder.

But, sir, in this severance and sectioning, what would Pennsylvania, that "arch-stone" State, say? the waters of whose Delaware wash the shores of a slaveholding State; on the one side, the waters of her Mononghahela is poured into the Ohio on the other, commingling with the Mississippi, that passes through the very heart of six slaveholding States, carrying with it, from her Pittsburgh, the richest freights of her manufacturers, industry and labor, to the ports of New Orleans, the great emporium of the South and Western world. Sir, have these mighty statesmen, (Lilliputian I should say,) or have their minds been so engrossed with their tender inward *consciences* as not to look abroad to those outward and external circumstances that are going on in this vast Republic? Have they condescended to trace from causes their inevitable effects? No, sir, absorbed in their moon-sickened philanthropy, they are perfectly blind to the commotions that must result from the folly and madness of their course.

Mr. Speaker, the South does not wish to assume the position that her Northern enemies seem determined to force her to take; she would greatly prefer continuing in the Union, enjoying the mutual blessings that it has so long bestowed on all; she has no desire to separate from her Northern brethren, and, when she is driven to it, it will be a matter of necessity, and not of choice: although I now say to all she would scorn to remain one hour longer in that Union than the sacred obligations are strictly observed, entered into by that sacred compact with our fathers. If, however, such an event should occur, let gentlemen not deceive themselves in believing, for a moment, that she has not every thing to hope, and but little to fear, upon this subject; they are perfectly prepared for the crisis, and, I am sorry to say, that there are thousands, from considerations I have before mentioned, who would court rather than avoid it.

Let me then, sir, again intreat those gentlemen, who are forcing upon us these sad alternatives, to pause and reflect once more upon the awful conse-

quences that the continuation of their visionary and mad schemes must bring down upon their country?

Let me conjure them to cease their *mockery* about the right of petition, which can deceive no longer any but the most ignorant; and return to their deluded, imposed on, and abused constituents. Speak to them in practicable and intelligible language, and tell them, though truly, plainly, the facts as they exist, as the God of nature has determined them—tell them honestly, tell them that the isfue that they are now making with their Southern brethren, involves nothing short of "the question of peace or war." That to effect their object, will cost the lives of one-third of their entire popoulation, and an amount of treasure beyond that which now can be commanded by both the powers of England and America. Tell them the ruin, the desolation, the misery, the pauperism, and universal havoc, that must overspread the land, before their designs can be accomplished. Point them to the fate of "the Crusaders to the East," who undertook a similar expedition, to take possession of the Holy Land. Let them learn in their fate the destiny that awaits them. Go home, gentlemen, and be honest with your constituents; put the question fairly to them, whether they are for "*peace or war*" with us? Whether they are prepared to encounter these awful disasters, sufferings, and privations; to make the attempt to effect their object—accomplish it they cannot. And tell them, also, that he who would deny these facts, and almost inevitable consequences, is too ignorant to represent a just and a virtuous people, and would be a ready and fit instrument to bring down upon the human family, a greater curse than ever emerged from the box of Pandora—a measure to be spurned, as more loathsome than the leper, whose pestiferous breath even, is not less contaminated with rottenness and death.

I have now, Mr. Speaker, concluded my remarks upon many of the most important subjects alluded to in this discussion, and shall feel perfectly satisfied for an impartial people to make up their decision upon the evidence and facts that have been brought forward by the contending parties. I have done only my duty to my constituents and my country, so far as my feeble capacity has enabled me to discharge it. I have passed over, unnoticed, the remarks of certain gentlemen from the South who made war upon me a few days ago for presuming to speak of the interests of the South, in opposition to Abolitionism; for I cannot consider him a good general, or a faithful soldier, who makes war upon his own army, and kills off his own men, when upon the eve of battle with a fearful foreign enemy.

Before concluding, I wish to make but a few remarks upon a subject that, in my opinion, has been unnecessarily drawn in this debate. This, sir, is no place to canvass Presidential qualifications; that belongs to the people whom we represent, and it is our duty simply to carry out their decree, not for them to be dictated to, to execute and carry out our decrees. Much has been said about the military fame of one of the Presidential candidates at this time. Now, sir, I do not believe in any man's fame which is derived from the puffs of Congressional partisans, and more particularly in the fame of a "military chieftain" which is given him, not at the field of battle, but by the eloquence of his learned Congressional friends; by documents, and speeches, and short histories of his life. When was it ever known before, that the fame of a great general had to be taught to the people twenty or thirty years after the great deeds he had performed had been passed over, and unheard of before? Sir, the idea, I will not say is contemptible, but is superlatively ridiculous. I have evidence here in my hand to show what General Harrison has been. I will show that he was denied the honors of a General or soldier, in the Senate of the United States, indirectly, and that he was pronounced a Federalist, once, by John Randolph, and a defender of the alien and sedition laws, and he did not deny it.

[The SPEAKER here said it was out of order to discuss the character of General Harrison in that debate, as it was not applicable to the subject before the House.]

Mr. B. said, sir, I am well aware of that; but as others have done it, I felt as though I possessed the same right, and was only disposed to exercise it. I am willing to pass it over, but give notice that I shall append as much as I see proper to the remarks I have made, if they are thought worthy of publication. One word, however, I will say, that does not apply exclusely to General Harrison. It is this: there is no inducement that shall ever make me, as a Southern man, the advocate or defender of Southern rights and Southern institutions, support directly or indirectly for any important office in the country, one who is so dependent, directly or indirectly, upon the party of Abolitionists for his election. Why, sir, if dependent on them for his election, would he not be equally dependent on them here to sustain him after that election in the station in which they had placed him? And could he do that, except by conciliating, yielding to them, and giving them a part in his Administration? Sir, would not they be one of the very pillars upon which his Administration would rest for its support? without which support, such an Administration could not sustain itself a twelvemonth, a month, a week, scarcely a day. Do not all see, then, the indispensable necessity there would be for such a President to court such an interest, and which can never be done without the most deleterious and pernicious results to every slaveholding State in this Republic? Should Martin Van Buren be placed in such a situation tomorrow, without reflecting on the course of others, I, sir, should feel myself guilty of nothing short of *high treason* to my country not to proclaim my implacable and uncompromising opposition to him and his Administration, from the housetops, and on every public highway in the country, if necessary. But in this there may be, with some, an honest difference of opinion existsting. May it be so.

But, sir, I have done, never, I hope, to address this House again upon the same subject, or upon one fraught with as much mischief.

Mr. Speaker, in concluding my remarks, I must here take the liberty of saying that I rose with a predetermined resolution not to let a personal reflection escape me; and whatever may have happened to induce me to depart from such a resolve, I assure you, sir, it has been done with no ordinary reluctance on my part, and nothing but a sense of self-defence could have ever prompted such a course. I am aware, sir, too, of the time that I have consumed in this elaborate discourse, which, I readily acknowledge, nothing would have justified, but the immense magnitude and thrilling interest taken in the subjects involved. The task that I assigned myself, in presenting these facts to you and my country, I have discharged, though feebly, faithfully. I ask no further boon from the people of my country, than an impartial verdict upon the facts and circumstances I have exhibited.

In conclusion, I must say to a part of the House that I feel most grateful for the kindness, indulgence, and attention, with which they have been pleased to honor me during the time I have consumed in trespassing thus long upon their patience.

Sir, I shall vote for the resolution of the member from South Carolina, to arrest the progress of this disastrous agitation, and to avoid the execution of those horrid consequences I have felt it my duty to portray.

APPENDIX.

Mr. WM. COST JOHNSON succeeded in reply:

Mr. J. on concluding, offered the following amendment to the amendment of Mr. Adams, striking out all after the word "resolved," and inserting as a substitute:

That no petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

Which Mr. Thompson then accepted for his.

This resolution passed by a vote of 114 to 108.

Of those who voted for it:

Southern Democrats, - - -	47
Southern Whigs, - - -	39
Northern Democrats, - - -	27
Northern Whig, - - -	1
	114

Against this resolution:

Southern Democrats—none.	
Southern Whigs, - - -	4
Northern Democrats, - - -	39
Northern Whigs, (all but one) -	65
	108

Now, if the Northern Democrats had voted with the Northern Whigs, we would, by taking 27 from the 114, have been left with only 87 for the resolution, which, added to 108 against it, would have made 135; from which taking the 87, leaves a majority of 48 against the resolution of Mr. JOHNSON. The vote was as follows:

YEAS—Messrs. Alford, Andrews, Atherton, Linn Banks, Beirne, Black, Blackwell, Botts, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, John Campbell, William B. Campbell, Carroll, Chapman, Coles, Colquitt, Conner, Mark A. Cooper, Crabb, Craig, Crockett, Cross, John Davis, John W. Davis, Garret Davis, Dawson, Deberry, Dennis, Dillett, Dromgoole, Earl, Eastman, Fine, Fisher, Fornance, James Garland, Rice Garland, Gerry, Goggin, Graham, Graves, Green, Griffin, Habersham, Hawkins, Hill of Va. Hill of N. C. Holleman, Holmes, Hopkins, Hubbard, Jameson, Jenifer, Joseph Johnson, William Cost Johnson, Nathaniel Jones, John W. Jones, Kemble, Leadbetter, Lewis, Lucas, McCarty, McClellan, McCulloh, McKay, Medill, Miller, Montanya, Montgomery, Nisbet, Parish, Patris, Petrikin, Pickens, Pope, Prentiss, Proffit, Ramsey, Rayner, Reynolds, Rhett, Rives, James Rogers, Samuels, Shaw, A. Smith, Stanly, Steenrod, Strong, Sumter, Sweeny, Taliaferro, Taylor, Francis Thomas, Philip F. Thomas, W. Thompson, Jacob Thompson, Triplett, Turney, Warren, Waterson, Weller, John White, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Sherrod Williams, Wise, and Worthington—114.

NAYS—Messrs. Adams, Judson Allen, John W. Allen, Hugh J. Anderson, Simeon H. Anderson, Baker, Barnard, Beatty, Bell, Biddle, Bond, Brewster, Briggs, Brockway, Anson Brown, Calhoun, Carr, Casey, Chittenden, Clark, Clifford, James Cooper, Cranston, Crary, Curtis, Cushing, Dana, Davee, Edward Davies, Doan, Doig, Duncan, Edwards, Ely, Evans, Everett, Fillmore, Fletcher, Floyd, Gates, Gentry, Giddings, Goode, Granger, Grinnell, Hook, Howard, Hunt, Hall, Hand, Wm. S. Hastings, John Hastings, Henry, Hoffman, Jackson, James, Charles Johnston, Keim, Kempshall, Lawrence, Leet, Leonard, Lincoln, Lowell, Mallory, Marchand, Marvin, Mason, Mitchell, Monroe, Morgan, Samuel W. Morris, Calvary Morris, Naylor, Newhard, Ogle, Osborne Palen, Parmenter, Paynter, Peck, Randall, Randolph, Rariden, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Simonton, Slade, John Smith, Truman Smith, Starkweather, Storrs, Stuart, Tillinghast, Toland, Trumbull, Underwood, Vanderpoel, D. D. Wagener, Peter J. Wagner, Wick, Jared W. Williams, Thos. W. Williams, and Henry Williams—108.

On this subject the Southern Whig members speak here, *and have written to the South* that the "Whigs *have gained a great victory*:" mark the word; "it was a test question." *Their victory.* Heaven! Out of 114 votes, by which the resolution passed, there are but 40 Whigs, all told; leaving 74 Democrats, by whose votes it passed—*still* their victory—leaving voting against the resolution, 68 Whigs, all good and true; an overwhelming majority of their party in the House of Representatives. Their candidates have blinded the people to the South heretofore, by the most positive statements that the Democrats were to the North and West, as much Abolitionists as the Whigs were, yea more; this vote, then, proves that statement only one-twenty-seventh part true.

On the arrival of the news of the passage of the resolution, JOHN A. KING (Whig) immediately offered a resolution, condemning in the bitterest terms, (in the House of Assembly of New York,) the resolution that we had just passed here against the Abolitionists, and which passed that body, forcing, by connecting it with other matters, many Democrats to go for it. Mr. MANN, (Democrat,) then offered this resolution to expose them, and which effectually did it:

Resolved, (if the Senate concur,) That this Legislature has seen with deep regret, and decidedly disapproves and condemns, the efforts of many misguided individuals in the Northern States, to interfere without right, and in violation of the principles on which the Constitution of the United States was established, with the domestic institutions of our sister States at the South; thereby disturbing the domestic peace of the States, weakening the bonds of our Union, and sowing the seeds of its dissolution.

The motion was seconded, the main question ordered, and, after a call of the House, the resolution was REJECTED by a party vote—ayes 41, (Democrats,) noes 57, (Whigs, all.)

So much for Whig Abolition.

As to General Harrison, to whose conduct I alluded in my remarks, I only intended to have referred to the following facts, to prevent a wanton abuse of truth and history for political effect, which I have seen published, and is yet without contradiction. In the Senate of the United States, John Randolph of Roanoke thus spoke of Gen. Harrison:

Now, sir, the only difference between the gentleman from Ohio and myself is this—and it is vital: that gentleman and myself differ fundamentally and totally, and did differ when we first took our seats in Congress—he as a Delegate from the Territory Northwest of the river Ohio, I as a member of the other House, from the State of Virginia. He was an open, zealous, frank supporter of the sedition law and black cockade Administration; and I was as zealous, frank, and open an opponent of the black cockade and sedition law Administration. We differ fundamentally and totally—we never agree about measures or about men—I do not mean to dictate to the gentlemen—let us agree to differ as gentlemen ought to do, especially natives of the same State, who are antipodes to each other in politics. He, I acknowledge, just now the zenith and I the nadir; but unless there is something false in the philosophy of the schools, in the course of time even these will change their places.

To which General Harrison replied, and acknowledged his support of the Administration of the elder Adams, thus:

He has been pleased to say, that under the administration of Mr. Adams, I was a Federalist, and he comes to that conclusion from the course pursued by me in the session of 1799—1800.

The gentleman had no means of knowing my political principles unless he obtained them in private conversation. As I was on terms of intimacy with the gentleman, it is very probable that he might have heard me express sentiments favorable to the then Administration. I certainly felt them, &c.

In an address to the people of Ohio, he says—

I have thus, fellow-citizens, endeavored to explain to you the principles upon which our Union is formed. I RECOMMEND TO YOU, HOWEVER, THE PROCLAMATION OF THE PRESIDENT OF THE UNITED STATES, ISSUED ON THE TENTH OF DECEMBER LAST, AND THE SPEECHES OF MR. WEBSTER, DELIVERED IN THE SENATE OF THE UNITED STATES AT THE LAST SESSION OF CONGRESS, IN ANSWER TO THE ARGUMENTS OF MR. CALHOUN, AS CONTAINING THE MOST ELOQUENT AND SATISFACTORY EXPOSITION OF THOSE PRINCIPLES THAT HAVE RECENTLY BEEN PUBLISHED. BY ISSUING THAT PROCLAMATION, I THINK GENERAL JACKSON HAS RENDERED A SERVICE TO HIS COUNTRY OF GREATER MAGNITUDE THAN HIS SPLENDID VICTORY AT NEW ORLEANS.

Head Quarters, Cincinnati, May 11, 1813.

I have the honor, through you, to request the President to accept my resignation of the appointment of Major General in the army, with which he was pleased to honor me. Lest the public service should suffer before a successor can be nominated, I shall continue to act until the 31st instant, by which time I hope to be relieved.

Having some reason to believe that the most malicious insinuations had been made against me at Washington, it was my intention to have requested an inquiry into my conduct from the commencement of my command. Further reflection has, however, determiued me to decline the application, because, from the proud consciousness of having palpably done my duty, I cannot believe that it is necessary, either for the satisfaction of the Government or the people, that I should pay so much respect to the suggestions of malice and envy.

In the tenth volume of Niles's Register, page 125, we read the following as a part of the proceedings in the United States Senate, to wit:

The Senate resumed the consideration of the joint resolution directing medals to be struck, and together with the thanks of Congress, presented to Major General Harrison and Governor Shelby, and for other purposes. After some discussion, Mr. Lacock moved to amend the resolution, by striking therefrom Major General Harrison. This motion was determined in the affirmative, by the following vote:

YEAS—Messrs. Galliard, Gore, Hunter, King, Lacock, Mason, Roberts, Thompson, Tait, Jackson, Turner, and Varnum—12.

NAYS—Messrs. Barber, Barry, Condict, Horsey, Macon, Morrow, Ruggles, Talbot, Wells, and Williams—10.

What do we make of this? Was not this a most *pointed rebuke* of Gen. Harrison? His name had been presented *with* Shelby's. A motion was made and carried to *strike his name out*. Could disrespect have been more strongly *marked*? Was it not singularly *invidious*? We will not say that it was a mark of *indelible disgrace* of Harrison as a military man—but we will give *Gen. Harrison's own opinion* of it. In the 10th volume of Niles's Register, on the 424th page, is a letter over Gen. Harrison's own signature, dated July 16, 1816, from which the following is an extract:

"A vote of the Senate of the United States has *attached to my name a disgrace* which I am convinced no time or efforts of mine will ever be able to efface. Their censure is indeed negative, but it is not on that account the less severe."

Now, we do hope that our political opponents will not accuse us of publishing General Harrison as a *disgraced* man, for we only quote *his own words*. It must be borne in mind that General Harrison *resigned* his commission in May, 1814, having lost the confidence of the whole army. Let it also be remembered that this was the most gloomy period of the war, when the country required the services of every man of military talents and firmness. The subsequent services of General Jackson and the unprecedented and brilliant victory of New Orleans, shows that there was work enough, and peril enough, for *all* in prospect, yet General Harrison *retired* to North Bend. The country got along without his services *then* and closed the war in a triumph of glory, and she *needs* not his services *now*.

Think of it, fellow-citizens, the *Senate of the United States* did not think that General Harrison merited a sword or the thanks of Congress for his *military services!—Hamilton Telegraph.*

REMARKS OF MR. PICKENS,

OF SOUTH CAROLINA,

In the House of Representatives, March 27, 1840—In the debate upon the Treasury note bill, after Mr. GRAVES concluded his speech at large, and Mr. BLACK had responded to some remarks made by Mr. GRAVES in the course of his speech,

Mr. PICKENS rose and said:

MR. CHAIRMAN: Why the gentleman from Kentucky [Mr. GRAVES] should have held me up as a point upon which to make his attack, I am at a loss to discover; but I will commence the very few remarks I intend to make by repeating the language of that gentleman, used in reference to myself, "that I mean nothing disrespectful or personal" in the short reply I shall make.

I understood the gentleman to commence his remarks in a manner rather complimentary. In this supposition, I believe I am not mistaken. [Mr. GRAVES nodded assent.] I understood him to put his attack upon public grounds, because of the position which I happen to occupy before the country. Upon these grounds I will meet him. The indication of such an attack was given last night it was heralded with a flourish of trumpets, and I was challenged to be in my seat. Sir, I remained here. I have waited this attack upon my public position—for I confine it to that—and I must say that amidst all this consequential air of mock dignity, and flourish, and fury, and noise, we have witnessed in the accouchment literally nothing more than the illustration of the old saying, "*Parturiunt montes, nascitur ridiculus mus.*" Yes, sir, and if the gentleman from Kentucky had in view the scenes which have passed upon certain memorable occasions, for two years past, in the other branch of Congress, and intended to hold them up that he might imitate the example and follow in the footsteps of others, I can only say that he reminds me too much of the fable of the toad and the ox, where the former attempted to swell himself out to the noble dimensions of the latter, and literally burst with his own inflation. Sir, when the gentleman undertook to arraign my course upon public grounds, I expected to have heard something serious; but when he attempted to discourse upon great principles, he reminded me strongly of Chief Justice Shallow in the play, who, when he was dealing with principles which he had not the ability to comprehend, always ended his disquisitions by exclaiming to his admiring audience, horum scorum rattlebangdorum, with a slapdashibus—*there, haint* I proved it?

Yes, sir, and what does the gentleman prove? What were the principles upon which I stood at the time to which he alludes? Is he aware that, in the session of 1834 and 1835, when the leaders of the then Administration party introduced into this House the famous pet bank system, and organized a league of banks from one end of the Union to the other to be connected with the Government by political principles, and for political purposes, I stood then precisely where I have ever stood, in opposition to it. And, at the same period, when a distinguished gentleman from Pennsylvania, [Mr. BINNEY,] distinguished alike for his talents and the integrity of his character, introduced his amendments on the other side, referring to the restoration of the deposites, and looking to the establishment of a National Bank, I stood between the two parties then, precisely upon the principles where I stood in the year 1837, at the extra session. A proposition was introduced in the form of a bill, in February, 1835, by a distinguished friend of mine from Virginia, (General Gordon,) which embraced precisely the Independent Treasury bill under which parties were organized at the extra session of 1837, upon the same principles which I believe to be identified with the best interests and the dearest rights of my country.

Yes, sir, I voted in the session of 1834 and 1835, upon the very same measure, almost verbatim, on which I voted in 1837. I then stood between the two great parties, in a minority of thirty-three. Where then is this change of principles? In a free country, it is upon the fiscal action of Government that all parties permanently divide; and am I to leave a position, embracing, as it does, fundamental principles in Government, because others choose to rally on it? It is true, I entered Congress while very young, with the deepest and most uncompromising hostility to the principles of the Force Bill and the Proclamation, and the measures and principles that followed them. Hannibal, at the age of nine years, is said to have been led to the altar of his country, and made to swear eternal enmity to Rome. Sir, at the threshold of early public life, I laid my hand upon the altar of my country, and swore eternal enmity to the principles of the Proclamation and the Force Bill. My State had been reviled and oppressed. It was under this feeling, and entertaining such sentiments, that I entered Congress, and delived the speeches from which the gentleman from Kentucky has thought proper to quote so liberally. In public life measures constitute one thing, and men another. Have I changed as to measures? No. And I now proclaim to him, and to this House, that, if I live long enough, and remain a member of this body, I shall, at a proper time, introduce a bill to repeal the odious measure to which I have alluded. I will make it a test question. I will demand its repeal as due to the country, and due to the Constitution. Sir, I defy the gentleman from Kentucky to point to the retraction of a principle I have ever sustained, or to the support of a measure I have ever opposed.

It is known to be the habit of my life to disguise no sentiment I entertain; but I should not have spoken thus of myself, if the gentleman had not asked me, if I could, to satisfy my God and my country as to the course I have taken. Sir, I can do so. I know where I stand. I stand upon the principles *of the State Rights party.* They need no defence from me. Go to the convention that framed your Constitution, and from that day to this their principles and their acts stand out as landmarks by which to bound and define Republican liberty. I know full well that the party to which the gentleman from Kentucky is allied, and with which he sympathizes, is deeply hostile to these principles—hostile, because they stand in the way to the attainment of the dearest objects of power. I stand with these principles—I intend to stand with them. I fight under their banner, and I belong to no man, or set of men, living. Here we have been for years a small, proscribed band upon this floor, and throughout this land; but, thank God, we stand upon the Constitution, and upon the rights of the country; and I hope and trust that the day is coming when our principles are about to be recognised. Under that banner I march. Our object is straightforward and onward—we turn neither to the right nor the left. When gentlemen choose to desert that standard, they will find in me a sworn opponent. We have hung our banner on the "outer wall!" We intend to plant it on the battlements of our country, and to triumph under it, or to perish in the conflict.

As to the position which I occupy as the chairman of the Committee on Foreign Affairs, to which the gentleman has thought proper to allude, as evidence of a disposition to court power, I owe that to no Executive favor. It was given to me freely, and without any previous solicitation that I know of, by the dearest public friend I have, the Speaker of this House, whose head I respect, and whose heart commands my deepest attachment. He gave it to me, I suppose, out of the esteem and friendship he entertained for me, and from my public position. I return him my thanks; but I owe no obligations to any other power on earth for it. Besides, it was from a Speaker chosen in part by the votes of the gentleman and his friends. If this is a crime, be it so; and if this is to furnish the groundwork of a charge against me, that I am pursuing the path of ambition—as was intimated, though not expressed, by the gentleman—let the country take it, and make the most of it.

One word, Mr. Chairman, upon another point, to which reference has been made by the gentleman from Kentucky, though rather by the way of supposition or inference. I allude to the charge that I had taken the course I have taken for the purpose of obtaining power, or with reference to the Speakership of this House. Sir, as it has been brought up, I take occasion to say here that I never sought that position, directly or indirectly, from any human being whatever. My name was placed before the public without consultation, and without my knowledge or consent. I can proudly say there are a hundred gentlemen on this floor who know that I never deviated to the right or the left to seek that office. When, at the commencement of this session, I was asked to be silent from

policy upon some questions deeply agitating and dividing parties in this House, did I follow the advice? While others were silent, did I suffer my mouth to be closed? No. I trampled upon the advice. Was there a question upon which I did not utter my sentiments openly? Who placed my name up for that office? I defy any man to point to a single condition that I ever made, in private or public, for it. I will not say what I could not, perhaps, with propriety say; but if the secret transactions in relation to that matter should ever be published to the world, I will say, at all events they will do me at least no discredit.

Sir, I scorn to ask any thing of any man, or any set of men, except my own constituents. I speak what many around me know to be the facts; and, so far from this being the basis of a charge, or rather intimation, against me, that I had deserted my principles and gone over to an Administration which promised me power by bending for it, I repel it as beneath my nature If I stand before the country upon certain great principles, which the Administration have thought proper to place themselves upon, be it so. They shall not be trammelled by any solicitations for favors on my part, but shall receive from me, on those measures, a cordial and disinterested support.

Mr. Chairman, I have to apologize for having trespassed even for so short a time on the patience of this committee. I intend only to repel the idea that I had ever *changed a principle* which I ever avowed. I stand now, where I have always stood, under the State Rights banner, and no other banner hall ever wave over my head.

SPEECH OF MR. CALHOUN,

OF SOUTH CAROLINA.

In Senate, March 13, 1840. The following resolutions submitted by Mr. CALHOUN on the 4th inst. were taken up for consideration:

Resolved, That a ship or a vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the State to which her flag belongs; as much so as if constituting a part of its own domain.

Resolved, That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the port of a friendly power, she would, under the same laws, lose none of the rights appertaining to her on the high seas; but, on the contrary, she and her cargo and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

Resolved, That the brig Enterprise, which was forced unavoidably by stress of weather into Port Hamilton, Bermuda island, while on a lawful voyage on the high seas from one port of the Union to another, comes within the principles embraced in the foregoing resolutions; and that the seizure and detention of the negroes on board by the local authority of the island, was an act in violation of the laws of nations, and highly unjust to our own citizens to whom they belong.

The resolutions having been read,

Mr. CALHOUN said: The case referred to in these resolutions is one of the three which has been for so long a period a subject of negotiation between our Government and that of Great Britain, without, however, receiving the attention which, in my opinion, is due to the importance of the principle involved. The other two were those of the Comet and Encomium. In order to have a clear understanding of the bearing of these resolutions, and the principles they embrace, it will be necessary to give a brief narrative of each of these cases.

The Comet is the first in order of time. She sailed from this District in the latter part of the year 1830, destined for New Orleans, having, among other things, a number of negroes on board. Her papers were regular, and the voyage in all respects lawful. She was stranded on one of the false keys of the Bahama island, opposite to the coast of Florida, and almost in sight of our own shores. The persons on board, including the negroes, were taken by the wreckers, against the remonstrance of the captain and owners, into Nassau, New Providence, where the negroes were forcibly seized and detained by the local authorities.

The case of the Encomium is in almost every particular similar. It occurred in 1834. She sailed from Charleston, destined, also, to New Orleans, with negroes on board, on a voyage, in like manner lawful, was stranded near the same place, taken in the same way, into the same port, where the negroes were also forcibly seized and detained by the local authorities. It so happens that I am personally acquainted with the owners of the negroes in this case. They were citizens of North Carolina, of high respectability, one of them recently President of the State Senate, and their negroes were shipped for New Orleans, with the view of emigration and permanent settlement in one of the Southwestern States.

The other is the case of the Enterprise, referred to in the resolutions. She sailed, in 1835, from this District, destined for Charleston, South Carolina, and, like the others, on a lawful voyage, with regular papers. She was forced, unavoidably, by stress of weather, into Port Hamilton, Bermuda island, where the negroes on board were, in like manner, forcibly seized and detained by the local authorities.

The owners of the negroes, after applying in vain to the local authorities for their surrender, made application to the Government for redress of injury: and the result, after ten years' negotiation, is, that the British Government has agreed to compensate the owners of the Comet and Encomium, on the ground that these cases occurred before the act for the abolition of slavery in her colonies had gone into operation, and refused compensation in the case of the Enterprise because it occurred afterwards.

Such are the material facts, drawn from the correspondence itself, and admitted in the course of the negotiation. What I propose, in the first place, is to show that the principle, on which compensation was allowed in the cases of the Comet and Encomium, embraces also that of the Enterprise; that no discrimination whatever can be made between them; and that in attempting to make a discrimination, the British Minister has assumed the very point in controversy, or, to express it in more familiar language, has begged the question. I shall rest my argument exclusively on the admissions necessarily involved in the two cases, without looking to any other authority. They will be found, if I do not greatly mistake, ample of themselves for my purpose.

What, then, is the principle necessarily involved, in allowing compensation in those cases? It will not be necessary to show that the allowance was not a mere act of gratuity to our citizens. No one will suspect that. It was, on the contrary, reluctantly yielded, after years of negotiation, only on the conviction that the rights of our citizens in the negroes could no longer be disputed, and, of course, the injustice of their seizure and detention. This brings me to a question of vital importance in this discussion, to which I must ask the Senate to give me its fixed attention; and that is, on what did this right of our citizens to the negroes rest? Not certainly on the British laws, either expressed or implied. So far otherwise, they expressly prohibited, in the broadest and most unqualified terms, persons from being brought in, or retained as slaves, under heavy penalty and forfeiture of property; declared the persons offending to be felons, and subjected them to be transported beyond sea, or to be confined and kept at hard labor for a term of years.* But one answer can be given to the question: that it rested on the laws of their own country. It was only by them they could possibly have a right to the negroes. And here we meet the vital question—how is it that a right resting on our laws should be valid and respected within the limits of the British dominion, against the express prohibition of an act of Parliament?

The answer can only be found in the principles embraced in the first and second of these resolutions. The former affirms the acknowledged principle that a ship or vessel, on the high seas, in time of peace, and engaged in a lawful voyage, is, by the law of nations, under the exclusive jurisdiction of the State to which her flag belongs; and the second, that if forced by stress of weather, or other unavoidable cause, into a port of a friendly power, she would lose none of the rights appertaining to her on the high seas; but, on the contrary, she, with her cargo and persons on board, including their property and all the rights belonging to their personal relations, would be placed under the protection which the law of nations extends to the unfortunate in such cases.

It is on this solid basis that the rights of our citizens rested. The laws of nations, by their paramount authority, overruled, in those cases, the municipal laws of Great Britain, even within her territorial limits; and it was to their authoritative voice that her Government yielded obedience in compensating our citizens for the violation of rights placed under their sacred protection.

Having now established the principle necessarily implied in the allowance of compensation in the cases of the Comet and Encomium, it will be an easy task to show that it equally embraces the case of the Enterprise. It is admitted by the British Minister, that there is no other distinction between it and the other two, except that it occurred before, and the others after, the act abolishing slavery in the colonies went into operation; and it must, of course, be equally comprehended in the principles embraced in the first and second resolutions, in virtue of which compensation was made, as has been shown; unless indeed that act had the effect of preventing it, which I shall now show it could not, according to the law of nations.

A simple but decisive view will be sufficient for this purpose. I have just shown that the act of Parliament, for abolishing the slave trade, although it expressly prohibited the introduction of slaves within the limits of the British territory, or detaining them in that condition, when brought in, so far from overruling, were overruled by the principles embraced in these resolutions. If that act did not overrule the laws of nations in those cases, how, I ask, could the act for the abolition of slavery in the colonies overrule them in a case in every essential circumstance acknowledged to be the same? Can a possible reason be assigned? The authority by which the two were enacted is the same, and the one as directly applicable to the case as the other. If, indeed, there be a difference, the one for the abolition of the slave trade is, of the two, the most applicable. That act directly prohibits the introduction of slaves within the British dominion, in the most unqualified manner, or the retaining them, when introduced in that condition; while the object of the act for the abolition of slavery in the colonies, was to emancipate those who were such under the authority of the British laws. It is true, it abolishes slavery in the British dominions, but that is no more than had previously been done, as far as slaves brought into her dominions were concerned, by the act for abolishing the slave trade. And yet we see that act was overruled by the law of nations, in the case of the Comet and Encomium. How, then, is it possible that of two laws, enacted by the same authority, both being equally applicable, the one, when applied to the same case, should be overruled by the law of nations, and the other overrule it? It is clear that it is impossible; and that if the one cannot divest the rights of our citizens, neither can the other; and, of course, that the principle on which compensation was allowed in the cases of the Encomium and the Comet, equally embraces that of the Enterprise. Both acts were, in truth, but municipal laws; and, as such, neither could overrule the laws of nations, nor divest our citizens of their rights in the case under consideration. In the nature of things, the laws of nations, which have for their object the regulation of the intercourse of States, must be paramount to municipal laws, where their provisions happen to come into conflict. If not, they would be without authority. If this be so, there can be no discrimination between the three cases, and all ought to be allowed; or, if not, none; and, in that case, our citizens would have no just claim for compensation in either. It follows, that the principle which embraces one embraces all. There can be no just distinction between them; and I shall next proceed to show, that, in attempting to make a distinction where there is no

* See act to amend and consolidate the laws relating to the abolition of the slave trade, 5th sec. 4 c. p. 113, 6 vol. Evan's Statutes.

difference, the British negotiator has been compelled to assume the very point in controversy between the two Governments. In doing this, I propose to follow his argument, step by step, and prove the truth of my assertion at each step.

He sets out with laying down the rule, by which he asserts that those claims should be decided, which, he says, "is, that those claimants must be considered entitled to compensation, who were lawfully in possession of their slaves within the British territory, and who were disturbed in their legal possession of those slaves by functionaries of the British Government." I object not to the rule. If our citizens had no right to their slaves, at any time after they entered the British territory—that is, if the mere fact of entering extinguished all right to them, (for that is the amount of the rule,)—they could of course have no claim on the British Government, for the plain reason that the local authority, in seizing and detaining the negroes, seized and detained what, by supposition, did not belong to them. That is clear enough; but let us see the application: it is given in a few words. He says: "Now the owners of the slaves on board the Enterprise never were lawfully in possession of those slaves within the British territory;" assigning for reason, "that before the Enterprise arrived at Bermuda, slavery had been abolished in the British Empire"—an assertion which I shall show, in a subsequent part of my remarks, to be erroneous. From that, and that alone, he comes to the conclusion, "that the negroes on board the Enterprise had, by entering within the British jurisdiction, acquired rights which the local courts were bound to protect." Such certainly would have been the case if they had been brought in, or entered voluntarily. He who enters voluntarily the territory of another State, tacitly submits himself, with all his rights, to its laws, and is as much bound to submit to them as its citizens or subjects. No one denies that; but that is not the present case. They entered not voluntarily, but from necessity; and the very point at issue is, whether the British municipal laws could divest their owners of property in their slaves on entering British territory, in cases such as the Enterprise, when the vessel has been forced into their territory by necessity, through an act of Providence, to save the lives of those on board. We deny they can, and maintain the opposite ground:—that the law of nations in such cases interposes and protects the vessel and those on board, with their rights, against the municipal laws of the State, to which they have never submitted, and to which it would be cruel and inhuman, as well as unjust, to subject them. Such is clearly the point at issue between the two Governments; and it is not less clear, that it is the very point assumed by the British negotiator in the controversy.

He felt, in assuming his ground, that the general principle was against him, according to which, the municipal laws yield to the laws of nations in such cases; and in order to take himself out of its operation, he attempted to make a distinction equally novel and untenable. He asserts "that there is a distinction between laws bearing on the personal liberty of man, and laws bearing upon the property which man may claim in irrational animals or inanimate things;" and concedes "that if a ship, containing such animals or things, were driven by stress of weather into a foreign port, it would be highly unjust that the owner should be stripped of what belongs to him, through the application of the municipal law of the State to which he had not voluntary submitted himself." Yes, it would be both unjust and inhuman; and because it would be so, it is contrary to the law of nations, which is but the rules of justice and humanity applied to the intercourse of nations; and therefore it is that it interposes in cases like the present, and places under its protection the rights of the unfortunate, even against the municipal laws of the place.

But he asserts that the principle does not extend to the cases in which rights of property in persons are concerned, (for such must be the meaning, or it is wholly irrelevant to the question at issue,) because "there are three parties to the transaction; the owner of the cargo, the local authority, and the alleged slave; and the third party is no less entitled than the first to appeal to the local authority for such protection as the law of the land may afford him." This is the position on which the British negotiator mainly rests his argument; and if this fails, the whole must fall to the ground. It is not difficult to see, from what he says of two parties appealing to the local authority, that he tacitly puts aside the law of nations, and assumes the parties to be under the municipal law of the place; and, also, that those laws, and not the law of nations, are the standard by which their rights are to be judged; but is it not manifest this is an assumption, in another form, of the point in controversy? Against it, unsustained and unsustainable, by authority or reason, I shall oppose what, to him, must be the highest authority—that of the British Government itself—in the cases of the Comet and Encomium, backed by unanswerable reasons.

If the distinction be true at all, between property in persons and property in things, or irrational animals, it was, to the full, as applicable to those cases as it is to that of the Enterprise. In them the right of property in persons was involved, and the three parties included, to the same extent, as in that. Nor was personal liberty less concerned. As far as British laws could affect the rights of our citizens, the negroes belonging to the Comet and Encomium were as free as those belonging to the Enterprise. An act of Parliament, as has been shown, forbade their introduction, and forfeited the rights of their owners, thereby making them free, with rights to maintain, as far as British legislation could make them so; and yet, after full and mature investigation and reflection for the space of ten years, it was admitted that the same rule applied to them, which, it is conceded, would apply in similar cases to property in things, or irrational animals. Now, I ask, if the act for the abolition of the slave trade, which directly forbids the introduction of negroes as slaves, and forfeits the rights of their owners, did not, as we have seen, justify the distinction in the cases of the Comet and Encomium, now attempted to be made between the two descriptions of property, how could the act for the abolition of slavery justify it in the case of the Enterprise? In the former, there were all the parties, with their respective rights, just the same as in the latter; and if the local authorities were not bound to recognise and protect the negroes in the one case, why, I ask, were they in the other? Can a satisfactory answer be given? And, if not, what becomes of the distinction, with all its consequences, attempted to be deduced from it?

The British negotiator, as if conscious of the weakness of the position, attempts immediately to fortify it. He says: "If, indeed, a municipal law be made, which violates the laws of nations, a question of another kind may arise. But the municipal law which forbids slavery, is no violation of the laws of nations. It is, on the contrary, in strict harmony with the laws of nations; and, therefore, when slaves are liberated, according to such municipal law, there is no wrong done, and there can be no compensation granted;" a position pregnant with meaning, as will hereafter appear, but I must say, like all his others, a mere assumption of the point at issue, expressed in vague and indefinite language.

If, in asserting that a municipal law abolishing slavery is not a violation of the laws of nations, it is meant that it is not a violation of those laws for a State to abolish slavery which exists under its authority, it may be readily admitted, without prejudice to the rights of our citizens in the case in question, though it is a little remarkable, that the British Government allowed compensation to their own subjects by this very act under which slavery was abolished—authority in direct contradiction to the assertion that no compensation can be granted, when the act is applied to the case of our citizens, forced, without their consent, into its territory.

But if, instead of that, it be meant that all municipal laws, not in violation of the laws of nations, are valid against those laws, when they come in conflict with them, how can the distinction, attempted to be drawn between the rights of property in things, or irrational animals, and in persons, be justified? or how can the allowance of compensation in the cases of the Comet and Encomium be explained? I put the question, Was the law for the abolition of the slave trade, a violation of the laws of nations? And if not a violation, as it certainly was not, how came compensation to be granted in those cases? Can an answer be given? And if not, what becomes of the distinction attempted to be taken?

But another meaning may be intended; that it was no violation of the law of nations to extend the act, for the abolition of slavery in the British territories, to cases such as the Enterprise. If that is intended, it would be like all the other distinctions which have been attempted—but an assumption of the point in controversy.

I have now stated, in his own words, every argument advanced by the British negotiator to sustain the distinction which he has attempted between the cases of the Comet and Encomium, and that of the Enterprise, and have, I trust, established, beyond controversy, that there is no rational ground whatever for the distinction. When again pressed on the subject by our Minister, who was not satisfied with his arguments, he assumed the broad ground that Great Britain had the right to forbid the recognition of slavery within her territory; and as our claim was inconsistent with such right, it could not be allowed, and on this closed the correspondence. It is easy to see, if she has such right, in the broad and unqualified sense in which it is laid down, and applied to the case in question, it extends to all rights whatever, whether it be right of property in things and irrational animals, or growing out of personal relations, whether founded in consent or not. All are either the creatures of positive enactments, or subject to be regulated and controlled by municipal laws; and she has just the same right to prohibit the recognition of any one or all of those rights within her territory, as the one in question. But who can doubt that such prohibition, if extended to cases of distress, such as the Enterprise, would be a most flagrant violation of the laws of nations, as understood and acted on by all civilized nations, and even as admitted and acted on by herself, in the cases of the Comet and Encomium?

To us this is not a mere abstract question, nor one simply relating to the free use of the high seas. It comes nearer home. It is one of free and safe passage from one port to another of our Union; as much so to us, as a question touching the free and safe use of the channels between England and Ireland on the one side, and the opposite coast of the continent on the other, would be to Great Britain. To understand its deep importance to us, it must be borne in mind, that the island of Bermuda lies but a short distance off our coast, and that the channel between the Bahama islands and Florida is not less than two hundred miles in length, and on an average not more than fifty wide; and that through this long, narrow and difficult channel, the immense trade between our ports on the Gulf of Mexico and the Atlantic coast must pass, which, at no distant period, will constitute more than half of the trade of the Union. The principle set up by the British Government, if carried out to its full extent, would do much to close this all-important channel, by rendering it too hazardous for use. She has only to give an indefinite extension to the principle applied to the case of the Enterprise, and the work would be done; and why has she not as good a right to apply it to a cargo of sugar or cotton, as to the slaves who produced it?

I have now, I trust, established, to the satisfaction of the Senate, what I proposed when I commenced; that the principle on which compensation was allowed in the cases of the Comet and Encomium, equally embraces that of the Enterprise; that no just distinction can be made between them; and that the British negotiator, in attempting to make a distinction, was forced to assume the point in controversy. And here I might conclude my remarks, as far as these resolutions are concerned; but there are other questions connected with this subject, not less important, which demand attention, and which I shall now proceed to consider.

It is impossible to read the correspondence be-

tween the two Governments without the impression that the question involved in the negotiation was one of deep embarrassment to the British ministry. The great length of the negotiation, considering the simplicity and paucity of the points involved, the long delay before an answer could be had at all, and the manifest embarrassment in making the distinction between the cases allowed and the one rejected, plainly indicate that there was some secret, unseen difficulty in the way, not directly belonging to the questions involved in the cases. What was that difficulty? If I mistake not, it will be found in the condition of things in England, and especially in reference to those in power. It is my wish to do the Ministry ample justice, as I believe they were desirous of doing us; but it is not to be disguised that there was no small difficulty in the way, from the state of things under which they acted, and which I shall next explain.

The present Whig ministry held, and still hold, their power, as is well known, by a precarious tenure. Their party is, in fact, in a minority, and can only support themselves against the powerful party in opposition, by such adventitious aid as can be conciliated. Among the subdivisions of party in Great Britain, the Abolition interest is one of no little power; and it will be seen at once, that the question involved in the negotiation is one in reference to which they would have no little sensibility. Like all other fanatics, they have little regard either to reason or justice, where the object of their enthusiasm is concerned. To do us justice, without offending such a party, in such a case, was no easy task; and to offend them, without losing the ascendency of their party, and the reins of Government, was almost impossible. The Ministry had to act under these conflicting considerations; and I intend no disrespect in saying that the desire of conciliating so strong a party, and thereby retaining place, when opposed to the demands of justice, could not be without its weight. The course, accordingly, taken, was such as might have been anticipated from these opposing motives. To satisfy our urgent claim for justice, compensation was allowed in two of the cases, and to avoid offending a powerful and zealous party, a distinction was taken between them and the other, the effects of which would be to close the door against future demands of the kind. I mean not to say, that deliberate and intentional injustice was done; but simply, that these conflicting causes, which it is obvious, from the circumstances of the case, must have been in operation, would, by a natural and an unseen bias, lead to that result.

But another question of far greater magnitude, growing out of the foregoing, presents itself for consideration: to what must that result finally lead, if Great Britain should persist in the decision which it has made? I hold it impossible for her to maintain the position she has taken. She must abandon it as untenable, and take one of two other positions: either that her municipal laws are paramount to the law of nations, when they come into conflict; or that slavery—the right of man to hold property in man—is against the law of nations. It is only on the one or other of these suppositions that the act for abolishing slavery can have the force she attributes to it.

The former she cannot take, without virtually abolishing the entire system of international laws. She could not think of assuming that her municipal laws were paramount, without admitting those of other States also to be so; which would be to annul the system, and substitute in its place universal violence, discord and conflict. This would force her on the other alternative, which, if it were true, would give her a solid foundation for the rejection of our claim, on the incontestable principle that the laws of nations would not enforce that which violates themselves. Nor are there wanting indications, in the correspondence, (to some of which I have alluded,) that the position she has taken in reference to the Enterprise, is but preliminary to the adoption of that alternative. There are, however, many difficulties to be got over, before she can openly take it.

It would require, in the first place, no small share of effrontery, for a nation which has been the greatest slave dealer on earth; a nation, which has dragged a greater number of Africans from their native shores to people her possessions, and to sell to others, and which forced our ancestors to purchase slaves from her against their remonstrance, while colonies, (not improbably the ancestors of the owners of those slaves to purchase the ancestors of the slaves, for which she now refuses compensation,)—it would, I repeat, require no small effrontery to turn round and declare that she neither had, nor could have, the right to the property she sold us, nor could we, without deep crime, retain possession. We all know what such conduct would be called among individuals, without, indeed, followed by a tender back of the purchase money, with ample compensation for damages; and there is no good reason why it should be called by a less harsh epithet, when applied to the conduct of nations.

But there is another difficulty. The avowal of the principle would place her in conflict with all the authorities on the law of nations, and the custom of all ages, past and present; and would bring her into collision with all nations whose institutions would be outlawed by the avowal, and what, perhaps, she would most regard, it would put her in conflict with herself. Yes, she who refused to compensate our citizens for property unjustly seized and detained under her authority, on the ground that she had forbade the recognition of slavery in her territory, had then, and has, at this day, hundreds of thousands of slaves in the most wretched condition, held by her subjects in her Eastern possessions; and worse, by herself. With all her boast, she is a slave holder, and hires out and receives hire for slaves. I speak on high authority—the Asiatic Journal for 1838, printed in her own metropolis.

Here the SECRETARY read the following extracts from pages 221:

"GOVERNMENT OF SLAVES IN MALABAR.—We know that there is not a servant of Government, in the south of India, who is not intimately acquainted with the alarming fact, that hundreds of thousands of his fellow-creatures are fettered down for life to the degraded destiny of slavery. We know that these unfortunate beings are not, as is the case in other countries, serfs of the soil, and incapable of being transferred, at the pleasure of their owners, from one estate to another. No they are daily sold, like cattle, by one proprietor to another; the husband is separated from the wife, and the parent from the child. They are loaded with every indignity; the utmost possible quantity of labor is exacted from them, and the most meagre fare that human nature can possibly subsist on is doled out to support them. The slave population is composed of a great variety of classes: the descendants of those who have been taken prisoners in time of war, persons who have been kidnappad from the neighboring States, people who have been born under such circumstances as that they are considered without the pale of the ordinary castes; and others who have been smuggled from the coast of Africa, torn from their country and their kindred, and destined to a more wretched lot, and, as will be seen, to a more enduriug cantivity than their brethren of the western world. Will it be believed, that Government itself participates in this description of property; that it actually holds possession of slaves, and lets them out for hire to the cultivators of the country, the rent of a whole family being two fanams, or half a rupee per annum"

But why dwell on these comparatively few slaves? The whole of Hindostan, with the adjacent possessions, is one magnificent plantation, peopled by more than one hundred millions of slaves, belonging to a company of gentlemen in England, called the East India Company, whose power is far more unlimited and despotic than that of any Southern planter over his slaves—a power upheld by the sword and bayonet, exacting more and leaving less by far of the product of their labor to the subject race, than is left under our own system, with much less regard to their comfort in sickness and age. This vast system of servitude carries with itself the elements of increase: not, it is true, by the African slave trade, but by means not less inhuman; that of organizing the subject race into armies, and exhausting their strength and life in reducing all around to the same state of servitude.

But it may be said, that the East India Company is but a department of the British Government, through which it exercises its control, and holds in subjection that vast region. Be it so. I stickle not for nice distinctions. But how stands the case under this aspect? If it be contrary to the laws of nature, or nations, for man to hold man in subjection individually, is it not equally contrary for a body of men to hold another in subjection? And if that be true, is it not as much so for one nation to hold another in subjection? If man individually has an absolute right to self-government, have not men aggregated into States, or nations, an equal right? If there be a difference, is not the right the more perfect in a people, or nation, than in the individuals who compose it? And is not the subjection of one people to another usually accompanied with, at least, as much abuse, cruelty, and oppression, as that of one individual to another? Is it possible to make a distinction which shall justify the one and condemn the other? And if not, what right, then, I ask, has Great Britain to hold India in subjection, if it be contrary to the laws of nature, or nations, for one man to hold another in subjection? Or, what right to hold Canada, or her numerous subject colonies, all over the globe? Or, to come nearer to the point, in what light does it place her boasted abolition of slavery in the West Indies? What has she, in reality, done there but to break the comparatively mild and guardian authority of the master, and to substitute in its place her own direct and unlimited power? What but to replace the overseer, by the army, the sheriff, the constable, and the tax collector? Has she made her slaves free? Given them the right of self-government! Is it not mockery to call their present subject condition freedom? What would she call it, if it were hers—if, by some calamity to her and the civilized world, she should fall under similar subjection to France, or some other power? Would she call that freedom, or the most galling and intolerable slavery?

But I approach near home. I cross the Atlantic, passing unnoticed subjugated Ireland, with her eight millions of people, and only ninety thousand voters, and placing myself on the boasted shores of England herself, I ask, how will the principle work there?

It was estimated by Burke, if my memory serves me, shortly before the beignning of this century, that the British public, estimating as such all who exercised influence over the Government, did not exceed 200,000 individuals. Since then it has, no doubt, greatly increased by the extension of the right of suffrage and other causes. Say that it has trebled or quadrupled, and, to be liberal, that it amounts to seven or eight hundred thousand. In this small portion, then, is vested the supreme control and dominion over the twenty-five millions, which constitute the population of the British isles. If, then, it be contrary to the laws of nature or nations for man to hold man in subjection, or one nation another, how can a small part or class of a community hold the rest? Or on what principle, according to that maxim, can these few hundred thousands hold so many millions? If the right of self government forbids the subjection of one man to another, does it not equally forbid that of a small portion of the community over the residue? And, if so, must not the maxim terminate in the utter overthrow of the present political and social system of Great Britain, and the rest of Europe?

What a picture is presented to the mind in contemplating the present state of things in England! We behold a small island, in the German ocean, under the absolute control of a few hundred thousand individuals, holding in unlimited subjection not less than one hundred and fifty millions of human beings, dispersed over every part of the globe, making not less than two hundred to each of the dominant class; and yet that class propagating a maxim, with more than missionary zeal, that strikes at the foundation of this mighty power! I would say to her

and other powers impelled by like madness, You are attempting what will prove impossible. You lay down a maxim which you would limit in its application, so as to suit your own safety and convenience. Vain hope in this inquiring and investigating age. You cannot make a monopoly of a principle so as to vend it for your own benefit. It will be carried out to its ultimate results, when its reaction will be terrific on your social and political condition. Already it begins to show its fruits. The subject mass of your population, under the name of Chartists, are now clamoring for the benefit of the maxim, as applied to themselves. They demand practically, in their case, the benefit of the principle you propagate at a distance; and for so doing, are cut down without mercy. My object is not to censure the course adopted towards them. It is not for me to judge what your safety may require. I am simply showing that the maxim on which you profess to act in relation to the West India colonies, and which you must apply to our case, in order to sustain your decision, begins to be applied to your own at home. It is only the beginning. Already it is passing into a higher and more intellectual class, who are applying it to the present social and political condition of Europe. A body of men, not inconsiderable either for numbers or talents, on the continent of Europe, and particularly in France, are busy in making such application. They are men not of a character to stop short, or be intimidated by final results Already they proclaim that social or political slavery—that which results from the subjection of the great mass of society to the small governing class, is worse than domestic slavery—that which exists within the southern portion of our Union, in its mildest and most mitigated form. In illustration, I will read an extract from the Paris correspondent of the National Intelligencer, said to be Mr. Walsh, taken from the work of the Abbe Lamannais:

"The Abbe exclaims, 'In good sooth, I am not in the least astonished that so many, viewing only the material side of things, and the present separated from the future, should, in the midst of our boasted civilization, regret the ancient domestic slavery. Thirty-three millions of Frenchmen, true serfs of this era, crouch ignominiously under the domination of two hundred thousand privileged masters, and supreme dispensers of their lot. Such is the fruit of our struggles for half a century. Slaves, arise and break your chains! let them no longer degrade in you the name of man! Eighteen centuries of Christianity have elapsed, and we still live under the pagan system.' "

To this I add another extract, taken from another of the public journals, which will give some idea what are the fruits of slavery in the form so vehemently denounced by the Abbe:

"ENGLAND AND IRELAND.—It's enough to make one's heart bleed, if all were true, in the winter pictures drawn of the starved, suffering condition of the peasantry in the bogs—their cabins inundated with rains and mud—the bodies of the laborers saturated with wet, sleeping on fireless hearths, and peat at the exorbitant price of a penny a sod—too exorbitant to cook the very few potatoes they may have. Parallel to these scenes the English operatives are stated to be reduced to dire extremity, and around these dark and gloomy spots, we have narratives of the luxurious and voluptuous life led by the favored few of the gentry and nobility."

If such is the condition of what the Abbe calls "the serfs of this era" in the most civilized country in Europe, well may our domestic slave, in the midst of plenty, and under the guardian care of a master, identified with him in interest, rejoice at his comparative happy condition. The exaggerated picture, drawn by the most infuriated Abolitionist, can find nothing in the whole region of the South to equal this picture of misery and want; and yet it is Great Britain, wherein such a contrast of wretchedness and voluptuousness exists, that wages such unrelenting hostility against domestic slavery! She wars against herself. The maxim she now pushes against others, will, in turn, be pushed against her. She is preparing the way for universal discord, within and without. The movement began with Wilberforce, and other misguided men like him, who, although humane and benevolent, looked at the surface of things, with little knowledge of the springs of human action, or the principles on which the existing social and political fabric of Europe rests; and, I may add, like all other enthusiasts, without much regard, as to the means employed in accomplishing a favorite object.

There never before existed on this globe a nation that presented such a spectacle as Great Britain does at this moment. She seems to be actuated by the most opposite and conflicting motives. While apparently actuated by so much zeal, on this side of the Cape of Good Hope, in the cause of humanity and liberty, she appears to be actuated, on the other side, by a spirit of conquest and domination not surpassed by Rome, in the haughtiest days of the Republic. She has just subjected and added to her vast empire in the East, the country between India and Persia; and is at this moment, if we are to believe recent accounts, preparing an extensive expedition against the oldest of nations, containing a population not less than a fourth of the human race—a nation that has lived through generations of nations, and which was old and civilized before the Governments of Western Europe came into existence; I need scarcely say I refer to China. Let me add to her other claims to respect and veneration, that, of all despotic Governments, it seems to me, (judging from the scanty evidence we have of a people so secluded,) it is the wisest and most parental. And for what, if we may believe report, is Great Britain about to wage war against this venerable and peaceful people? To force on them the use of opium, the product of her slaves on her Hindu plantation, against the resistance of the Chinese Government. And what is the extent and character of this trade? It is calculated it would have reached, the last year, had it not been interrupted, forty thousand chests, or more than five millions of pounds, worth about twenty millions of dollars, sufficient, by estimate, to supply thirteen or fourteen millions of opium smokers, and to cause a greater destruction of life annually, than the aggregate number of negroes in the British West India colonies, whose condition has been the cause of so much morbid sympathy. It is against the trade in this pernicious and poisonous drug, carried on by fraud and smuggling, that the Chinese Government has taken the most energetic and decisive measures, as it was called to do by the highest consideration of policy and humanity. Of all deaths, none is more wretched than that occasioned by this seductive but fatal drug. The subject slowly expires, with all the powers and functions of mind and body completely exhausted, a spectacle odious to behold.

Such is the trade which, it is said, the expedition is intended to enforce, against the decrees of the Chinese Government. The rumor, I hope, is groundless. I hope, for the honor of England—for the honor of modern civilization, and the Christian name—that its object is far different; and that, instead of enforcing a traffic so abominable, it is intended to co-operate with the wise and humane policy of the Chinese Government in suppressing it; and that, so far from aiding smugglers and ruffians, it is intended to seize and punish them, as they deserve. If, however, rumor should prove true, what a contrast it would exhibit between the conduct of Great Britain in that and this quarter of the globe? There, we find her extending her power and dominion, regardless of justice or humanity; while here, we find her in the depth of sympathy for a band of negroes, brought into our ports under a suspicion of murder and piracy, intermeddling in their behalf with our own and the Spanish Governments—and that, too, at the solicitation of an Abolition society of her own subjects! Strange as this may seem, it is true. I hold in my hand evidence of the fact, which I request the Secretary to read.

The Secretary then read the following:

"FOREIGN OFFICE, London, Dec. 23, 1839.

"SIR: With reference to the memorial of the Glasgow Emancipation Society, dated the 25th of October last, on behalf of the negroes who took possession of the Amistad, and were subsequently carried to New London, in the United States of America, I am directed by Viscount Palmerston to state to you, for the information of the above mentioned society, that his lordship has directed her Majesty's Minister at Washington to interpose his good offices in their behalf, in order that they may be restored to liberty; and his lordship has further instructed her Majesty's Charge d'Affaires at Madrid to call upon the Spanish Government to issue, immediately, strict orders to the authorities of Cuba, that, if the request of the Spanish Minister at Washington is complied with, the negroes in question may be put in possession of their liberties.

"Her Majesty's Charge d'Affaires at Madrid has likewise been instructed to urge the Spanish Government to cause the laws against the slave trade to be enforced against Messrs. Ruiz and Montez, and against all other Spanish subjects concerned in the transaction in question.

"I am, sir, your most obedient, humble servant,

"W. FOX STRANGWAYS.

"WM. P. PATTON, esq. &c. Glasgow."

Yes, strange ways, indeed, if it might be permitted, on so grave an occasion, to allude to a name. Strange ways—making millions of slaves in one hemisphere—forcing, by fire and sword, the poisonous product of their labor on an old and civilized people, while, in another, interposing, in a flood of sympathy, in behalf of a band of barbarous slaves, with hands imbrued with blood! I trust such officious intermedling will be met as it deserves. Has it come to this, that we cannot touch a subject connected with an African, without the interference of another Government, at the solicitation of a foreign society, instigated, no doubt, by a foreign faction among ourselves? I mean not a faction of foreigners, but of our own people, who, in their fanatical zeal, have lost every feeling belonging to an American, and transferred their allegiance to a foreign power.

In making these remarks, I have not been actuated by feelings of hostility towards Great Britain. My motive is far different. With all her faults I admire and esteem her for many and great qualities. My desire is peace. It is the wish of the civilized world; and I would regard war between the two kindred people as among the greatest of calamities. But justice is indispensable to peace among nations. Our maxim ought to be, neither to do, nor submit to, wrong—to ask for nothing but justice, and to accept nothing less; but never disturb peaceful relations till every means of obtaining justice has been tried in vain. I have, in this case, acted in that spirit. I believe, solemnly, that justice has been withheld. To prove that, has been my object. I trust I have done it to the satisfaction of the Senate. I also believe that justice has been withheld on grounds utterly untenable, and which, if persisted in, must lead, in the end, to the avowal of a principle, on the part of Great Britain, that must strike a fatal blow at the peace of the two countries; and, in its reaction, on the social and political condition of Great Britain and the rest of Europe. Thus believing, I have attempted to point to some of the disastrous consequences which must follow, with the view of rousing attention to the question at issue between the two Governments, in the case under consideration, in order to obtain redress of injury. If, in making my remarks, I have assailed her, it is because we have been assailed, as I conceive, in assuming the principle on which justice has been withheld.

The immediate object I had for introducing these resolutions was, to take the sense of the Senate on the subject to which they refer; and which embraces a principle vital to us of the South, and of deep interest to the rest of the Union. My conviction is strong, that we have justice on our side; and I wish to afford to our brethren in the other sections, an opportunity of exhibiting a proof of their attachment to the common interest, by sustaining a cause where we are particularly concerned, as we did, at the last session, by sustaining unanimously one where they were.*

I have no particular wish, as to the mode of disposing of the resolutions. All I desire is a direct vote on them; but I am indifferent, whether they shall be first referred and reported on, or be discus-

*Referring to the case of Maine.

sed and decided on without reference. I leave the Senate to decide which course shall be adopted.

Mr. GRUNDY said that as very important principles were involved in these resolutions, it would be proper that we should examine the whole ground before we vote upon them. He was himself prepared to vote now, having had occasion to examine the question some time since, but others very probably had not done so. The able speech of the Senator from South Carolina had thrown much light on the subject, and could not fail of attracting the attention of Senators to it. He would therefore prefer that it should be passed over informally for the present. As to the interference of the British Government in the matter of the Africans taken in the Amistad he thought it was decidedly wrong, and no good could result from it. It was a question which could only concern two Governments—the Spanish and American—both of which are perfectly competent to protect the rights of their citizens, and do justice in the premises. Under these circumstances he considered the unasked interference of a third power an intrusion. He wished to see what course the Executive would take in this matter, as in questions between foreign Governments and our own, he thought we should act nationally—that all the departments of our Government should act in harmony.

Mr. KING said he was fully impressed with the importance of the subject, as no one could fail of being who had investigated it, or who had listened to the remarks of the Senator from South Carolina. It was a question which, if not arrested and settled now, will lead to momentous and disastrous consequences hereafter. Viewing it in this light, and with a view to afford an opportunity for full investigation, he would, with the assent of his friend from South Carolina, move the reference of the resolutions to the Committee on Foreign Relations.

Mr. CALHOUN assenting,

The resolutions were accordingly referred to the Committee on Foreign Relations.

REMARKS OF MR. REYNOLDS
OF ILLINOIS,

In the House of Representatives, March 28, 1840—On the bill appropriating money for the relief of Thomas Fillebrown, jr.

Mr. REYNOLDS said:

Mr. SPEAKER: It is very seldom I address the House, and I would at no time attempt it, if I did not think it was my imperious duty to my constituents. I am clearly satisfied that a policy is about to be established in this House that will not be favorable to the interests of the people in "the far West," and particularly unfavorable to the district in the State of Illinois which I represent. And in order to try to convince this House that the *non-appropriation policy* is unjust and improper at this, or any other time, I came here into this part of the hall, among my political friends, and rise up in the midst of them to endeavor to convince them and others, that this is not the true policy of the country.

Every one who knows me, is satisfied I am not extravagant in my own case, and therefore would not wish the Government to be so. But it is better never to speak of one's self, and so I will decline any farther remarks on my private transactions.

The case now before the House is of the smallest consideration, and will consume more time in the discussion than the amount of money involved in it is worth.

It is not retrenchment or economy to delay the action of Congress from greater interests, and to prolong the session for months to come, by such discussion. When a committee have the subject before them, and give it, as they generally do, a full, fair, and impartial investigation, I generally acquiesce in this decision, and support it. Men must have, to some extent, confidence in one another, or the bonds of civil, as well as political, society, must be severed and destroyed. This would be ruinous to the peace and happiness of the people. We must, to some extent, confide in each other.

I know, Mr. Speaker, the Committee on the Public Lands, of which I am an humble member, investigate matters thoroughly. This is right. They give the subjects brought before them a fair, and impartial, and, I think at times, a rigorous investigation. They do nothing more than they conceive to be just and proper. But I can assure this House that any thing that comes out from that committee in relation to the public lands may be implicitly relied on. It will not need much more investigation; as every part of the public domain is measured over and over again, inch by inch, before any decision is given on it.

This, I suppose, is the case with other committees. I presume not to say that any one committee is better than another. I suppose the Committee of Claims give to the subjects before them such investigation as we may confide in.

I know not if the claim now before the House was investigated by the Hon. Mr. Whittlesey, the old chairman of the Committee of Claims. He is absent, and it will not be said to be flattery to his face, to say that he gave these claims that sober and searching investigation which resulted in the truth in almost every instance. There was no man in Congress, when I was a witness to his course, to whom was given more unlimited discretion in the adjustment of these claims. More money passed through his hands, on his own responsibility, than any other person in my knowledge. The present chairman is near me, and it is unbecoming, before him, to speak in his favor.

Politics have nothing to do in this matter. A Whig dollar is the same as a Democratic dollar. The only difference is, that sometimes the Whigs favor *shinplasters* more than the Democrats. But at this time shinplasters are not in fashion with either party. The conclusion I have come to in these small cases, is to pass them without losing too much time in their discussion. But it is the policy and course of action of both parties in this House, to prostrate and destroy certain measures and principles, that I rise to oppose, and throw my weight, no matter how small it may be, into the opposite scale. I do this at the expense of speaking a little out of order, and to the displeasure, in a small degree, of those who have commenced this crusade against necessary and proper appropriations. I do it for the sake of those whom I represent, and not for myself. Were I to remain silent and see this policy established, I would not be the representative of their interest, which they expected me to be. I would be derilect in my duty to my constituents.

The great and leading objections which are urged against these accustomed, and I think proper, appropriations, are the deranged state of the Treasury and the embarrassments of the country.

These are the grounds, first and last, and all the time, in the mouths of gentlemen that support this policy. Other gentlemen, who are opposed to some of these appropriations on constitutional grounds, think this a most favorable time to urge, with confident hopes of success, their principles and policy, and I am sorry to say, they seem to bid fair to obtain a complete triumph.

I deny not, that in some sections of the Union, money is scarce and difficult to obtain. The people may in some cases stand in need of money to satisfy *old* debts, and to relieve themselves from embarrassments of long standing; but I lay down this proposition, and will prove it—that the Government of the United States is at the present time in a more sound and solvent condition than it has ever been in since its formation. At no former period has it been so able to exercise such a vigorous and healthy action as it can at this time. If I do not prove this proposition to the satisfaction of all disinterested minds, I never will again address this House on this or any other subject.

The political axiom, "a poor Government and a wealthy people," will be denied by none, and recognised by all. That the Government is poor, is proved by the records, which, the lawyers and others would say, import "absolute verity." This is no disparagement to the Administration of the Government. It is in the situation all Republics should be—the Government poor, and the people in a sound and vigorous condition. I may also remark in this place, Mr. Speaker, that the Government is clear of any debt whatever, and is at peace with all nations. It must also be admitted that the population increases as heretofore, and that the great mass of people have turned their attention to business and habits of industry more than in former times.

I will freely admit that there is not near the quantity of bank paper in circulation in the Union as existed in 1834, '35, and '36.

Facts, "records," and the voice of the people, prove this assertion to the satisfaction of every one. And on this very consideration is the country in a better and more solvent condition than in those years.

If any great calamity had swept over the land; had we been visited by "war, pestilence, and famine," or any such disaster as to destroy the substance of the people, we would thereby be poor indeed. This is not the fact with us. The withdrawal of empty promises to pay will not injure the people. It is depriving them of no substantial wealth. The excess of bank issues is not the substance of the country, and it would be a blessing to the people if such excess would never again return among them.

These promises to pay are as light as chaff, and in many instances even want "a local habitation and a name." An excess of bank paper not only operates as an injury to the people, but is in fact a *fraud* practised upon the community. The quantity of bank paper in circulation, in 1836, was so great that the interest on it was twenty-eight or thirty millions of dollars *per annum*. This vast sum of money was paid as interest to the banks, for the use of their paper in circulation, and was a dead loss to the community. This amount of interest is surprising; but it is proved by correct calculations to be true. This sum would afford the annual support of the Government, and furnish means for the necessary appropriations to be made at each session of Congress.

It is not pretended that there is no interest paid at this time for the paper in circulation; but it is not near so much as heretofore. On this consideration, the Government is in a much better and more solvent condition, and better able to make appropriations than at any former period.

Giving this subject a candid and impartial investigation, we must recognise the principle, that it is a blessing to our country rather than an injury, that we have not, as heretofore, a great redundancy of bank paper in circulation. These empty promises are not a blessing, but rather a curse, to the community; and we ought to thank God and ourselves that we have got clear of the excess of paper circulation. The situation of the country is now of that sound and healthy character that induces the citizens to use reasonable exertions, and make corresponding expenditures. The people have abandoned all wild and chimerical speculations, and turned their whole energies to the ordinary and common avocations of life. We see no more wild and extravagant improvements commenced by State Governments, corporations, or individuals. The season of extravagance and speculation has, I hope, passed away forever, and the people again returned to their "sober second thoughts;" to useful and substantial improvement of the country, and other pursuits of equal and lasting benefit to themselves and the community.

Another advantage and great blessing we experience from this condition of the country is the failure to import into the United States the vast quantities of merchandise from foreign countries, as we did in the years of excessive paper circulation. We have, no doubt, a sufficient supply of the necessary articles from foreign markets, and of the *surplus* and *extras*, we are blessed to have none. This will teach the people economy, and at the same time urge the propriety to manufacture at home certain articles for themselves.

This course of policy will prevent the accumulation of a vast debt in foreign countries, with which we were heretofore embarrassed. If we collect no revenue from the importation of foreign goods, we are blessed with the exemption of any debt for them; and on this ground we are in a much better situation than we were in former times.

Our country is returning to the ways of economy and prudence, and doing without the useless articles from foreign countries, for which we have been cursed with a foreign debt. A considerable portion of the substance of the land was drained from the United States to foreign countries, to pay our debts. This policy was most ruinous and injurious to the people of the United States. I forced us to pay for useless articles—articles of luxury and extravagance—with our solid substance, which will never again return to us.

In this respect, our country is in a much better situation than in the years which were flooded with paper money. I do not pretent to say there is no individual embarrassment at this time in the United States. I know well there is, to a considerable extent, in some parts of the Union; but this is confined to a small number of individuals, and to particular sections of the country. It is not general throughout the country, so as to be sensibly felt in the operations of the General Government. These small embarrassments arise mostly from debts contracted in the years of paper excitement and speculation. It is the result of the bloated circulation, and of the intoxicated state of society at that time. We are now sobering down from it to labor and economy.

Mr. Speaker, the supposition must be admitted, that these debts were contracted for valuable considerations; and the party owing the debt had an equivalent for such debt, and should pay it. These debts are mostly due their neighbors, the citizens of the United States, and therefore the whole concern is with the Government. It matters not to the Government in whose hands the wealth and substance of the people are, if it be within the power of the Government either to levy a tax direct, or by way of tariff duties. This Government, like all free Governments should do, permits its citizens to carry on individual enterprise in the manner that may suit their own opinions of propriety; and if any should become embarrassed, he must lay the sin at his own door, and use the proper means to extricate himself from it. The General Government cannot interfere in individual cases.

The conclusion seems to me to be irresistible, that, although there may be some individual embarrassment, yet the nation—the aggregate whole—is not embarrassed. The wealth, the substance, and the vigorous enterprise of the people are better and greater than they have been in this Government at any time since its creation.

The real wealth and power of a nation is not alone its wealth on hand; it is not the substance in existence at the time; but it is the capacity of the people to produce, and not to consume more than necessary, that constitutes a vigorous and powerful Government. This is pre-eminently the fact with the American people.

Mr. Speaker, without pursuing this subject any farther, which might be carried down to a political demonstration, I will conclude with the utmost confidence, that the Government of the United States is, at this time, in a more sound, solvent, and vigorous condition than it has been in since its existence; and therefore more able and capable to make all necessary and customary appropriations of money for the necessary objects of Government.

[Mr. MARVIN of New York rose, and observed to the Speaker, that the gentleman from Illinois was out of order. At the same time many voices were heard in the hall, saying go on, go on.]

Mr. REYNOLDS, after a short pause, said, Mr. Speaker, it may be I am out of order; but the reason I have taken occasion, on this subject, to to address the House, is, that I had no opportunity before. I have the greatest respect for my friend, the chairman of the Committee of Ways and Means, and for the party with which I act, and as they were anxious that the Treasury Note bill would pass without delay, and without the friends of the Administration delaying it, I refrained from speaking on this subject, when that bill was in the Committee of the Whole. I did not wish to delay, but to expedite the legitimate operations of the Administration in this House. This is the reason I am now before you, Mr. Speaker. As I said before, I consider it my duty to throw my small drop into the bucket as soon as possible to arrest this *non appropriation policy*.

I am, Mr. Speaker, not at all for a wild and prodigal expenditure of the public money, nor for an extravagant and chimerical system of appropriations. This policy I conceive to be worse than too much retrenchment. I dislike the extremes in either case. A medium policy, which the Government has pursued since its creation, I think is the most wise and proper course to pursue at the present time. This is all I solicit for my constituents, for the Government to pursue the old beaten track, which it has been in since the first days of its existence. This seems to me to be so reasonable, that it is strange one would think to find a man against it.

Mr. Speaker, I have been frequently amused with the various opinions the State Rights party assume in this House. It seems to me that whenever any subject cannot easily be understood, or when it is necessary to have it misunderstood, the doctrine of State Rights is brought into requisition, and the question decided by the science of political *abstractions*.

As far as I can discover, almost every one in this House is of the State Rights party. There cannot be much difference of opinion amongst intelligent individuals on that plain common sense instrument, the Constitution of the United States If we had no written Constitution, we might honestly entertain a great difference of opinion; but it is impossible, in the case of our form of Government.

I am opposed to any latitudinous construction, which would give to the General Government more power and patronage than were intended by the Constitution; and I am friendly to a strict construction, confining the United States Government to national objects alone. I am a State Rights man, so far as to retain for the State Governments their legitimate power of action. But I am not for giving them all power, by construing the Constitution to death. I am utterly opposed to that construction which will destroy its efficacy and its usefulness, and place it, as a minor, in the cradle, under the exclusive guardianship of the State Rights party. Enlightened public opinion does not confirm this construction. For a series of years, the various tribunals of the country, composed of the first intelligence of the age, have given to this instrument a different construction, and such as will enable the Congress of the United States to make necessary appropriations to advance the commerce of the country, and to complete useful and important works. This construction is not of one or two years' standing; but for a long series, amounting to almost the whole time from the formation of our Government down to the present time. This would show a settled policy and construction, given by men the most wise and learned of that day. I might mention all the Presidents, from the beginning of the Government to the present time, and almost all mankind with them, who have given the power to the General Government, under the Constitution, to make these necessary appropriations. And, Mr. Speaker, will we now change that uniform decision, and abandon these appropriations? Are we become more wise and learned than our predecessors? I do not pretend to it, for my part.

Every individual who respects the peace and order of society, will be pleased at the stability and permanency of the laws, as it respects the right of private property. This is essential as to the value of property and the peace of society; but how much more important is it to have our political rights also made certain and permanent? The value and esteem we will entertain for our political rights will be very much impaired by changing them from time to time; we will be secure and certain in noting, and all things will be floating loose at the mercy of every popular breeze. This is not what the people contemplated, or expected, under a permanent and written Constitution, and a sound administration of it. And I hope they may not be disappointed in their views of a permanent Government.

Mr. Speaker, with this settled policy the country, for the last thirty or for years, has been identified, and has been interwoven with it for weal and for woe. All the political associations and feelings of the people in various sections of the Union have commenced with this policy, and have taken root in it, and have grown with it to the present time. Men have grown gray in the advocacy and support of these principles, and have witnessed the great prosperity of the country under the benign influence of this wise and constitutional policy. And are we, in the West, under our crippled condition, to raise a revenue, to be abandoned, our necessary and important works, to advance our commerce, to be forsaken, and left unfinished, to lose the money already expended on them? Is this the permanency we expected under a written Constitution and a wise administration of it? Are not the improvements of the Ohio and Mississippi rivers important and national works? Is it not important to the commerce of the Western country to purchase out for the Government, and make it free, the Portland and Louisville canal around the Falls of the Ohio? Is it not important to improve the Rapids on the Upper Mississippi, and remove the Red river raft? and many other necessary improvements in the West?

It was supposed to be good and wise policy to make and improve the harbors on the Northern Lakes. The Constitution is the same, and the necessity for the support of commerce is increased, and why not continue the work? The harbor at Chicago is of vital interest to the commerce on Lake Michigan, in the State of Illinois. The improvement has been commenced, and why abandon it? It is unwise and ruinous policy to arrest these useful and important works and let them moulder and decay, when the Government is more able to complete them than it was at any previous time since its creation.

The Cumberland road is also a work of this important character. It seems it was national and constitutional to make it while it was in the old States; but when it was carried west of the Ohio river, its constitutionality was suspected, and its parents are about to give it a stone, when its friends ask for bread to support it.

Mr. Speaker, will the people in the West be reconciled to this course of policy? Will they not expect the ordinary appropriations to complete these important works, as they have been accustomed to receive them for almost an age past? We have been led to believe that this course would be pursued, and have identified our notions and works with it.

I think it is unwise policy to indulge in this *rabid* and *ultra* retrenchment, to cripple and cradle the Constitution, and thereby to abandon the settled and wise policy of the country.

I think it my duty to my people, and to my political friends and others in this House, to present my views to them on this subject, and to know, in time to come, that I did my duty. I may again resume the subject at a proper time.

SPEECH OF MR. DUNCAN,

OF OHIO,

In the House of Representatives, March 26, 1840—In Committee of the Whole, on the bill to authorize the issue of Treasury notes.

Mr. CHAIRMAN: It was my intention to have let the Opposition do all the talking on this measure, but such has been the spread of misrepresentation of facts, prejudicial to the Administration and all its measures, for political effect, that it becomes my duty, in justice to myself, to make a few remarks, by way of defence. When the Administration is badly and unqualifiedly denounced in every Federal Whig speech made here, as the most corrupt of corruptions, and all its measures as leading to the overthrow of this Government and the destruction of the people's best interests, it becomes a duty—which every member here owes to himself, who is a supporter of the Administration and its measures and principles—to repel such charges. It is in the exercise of this duty I will ask your attention for a short time, as well as to discharge an obligation I feel myself under to the Administration.

The bill now under consideration is one for the relief of the Government. Its very title and the

necessity of its existence ought to rally every patriot to its support. What has superinduced its necessity? I answer, the unhappy connection of the Government with the banks. In May, 1837, the banks stopped payment with upwards of thirty millions of the public revenue in their possession, and left the Government without a dollar to perfom its fiscal operations. As a matter of necessity the President called Congress for the purpose of devising ways and means by which the wheels of Government might continue to roll. Congress met. What was to be done? The banks set the Government and all its laws at defiance. The Government held bonds against our importing merchants to the amount of fourteen millions; but no relief was found in this resource, for the banks owned the merchants. I say, what was to be done? Nothing but to use the credit of the Government. How was that to be used? But two plans presented themselves. The one was the issue of Treasury notes to the amount of the wants of the Government, or to apply to the moneyed aristocracy of Europe for a loan. The former was adopted—the entire Democracy voting for and sustaining it against the entire Federal party, who were in favor of the latter.

The act then passed to authorize the issue of Treasury notes, has once or twice been renewed since, from the same necessity, and that is the object of the present bill. I herewith submit an extract from the Treasurer's report, which will illustrate. The Treasurer says:

Thus, as to a permanent deficiency in 1840, the Secretary says:

"The efficient means in that year will then amount, in the aggregate, to	$20,156,385
If Congress should make appropriations to the extent desired by the different Departments, the expenditures for 1840, independent of the redemption of Treasury notes, are estimated at	20,000,000
Including all the Treasury notes to be redeemed, the aggregate expenditure would be about	22,759,000
This would leave a deficit in the Treasury, at the close of the year, amounting to	2,593,315

He then adds, that certain debts are due from the State banks and the United States Bank, which, if paid duly, will prevent a deficit; but that it is not prudent to rely exclusively on the payment of those debts, and hence that other modes of obviating or meeting it are proper. Thus he states:

But there will be due from the United States Bank, in September next, on its fourth bond, about	$2,526,576
The principal now due on the Treasurer's deposites in other banks, which suspended specie payments in 1837, is	1,149,904
Should all these claims be collected in 1840, they would prevent a deficiency, and leave an available balance in the Treasury of nearly	$1,082,865

It is not, however, considered prudent to reply exclusively on the collection of these debts.

One mode, then, of obviating any difficulty from that circumstance, will be to reduce the aggregate of law appropriations, by postponing some, and lessening others, so that the means probably available will be sufficient to meet all calls upon the Treasury, and leave in it an average balance of about two millions."

He then adds, afterwards:

"But, when acting on these or other cases, if Congress cannot, consistently with its views of duty to the country, adopt the course suggested, and restrict the amount of appropriations, whether ordinary or extraordinary, to the certain current revenue, the only remaining courses which seem defensible are these; either to provide for recalling portions of the public money now deposited with States, or establish an adequate system of direct taxation, or at once resort to the contingent power contemplated in the existing laws connerning the tariff, when changes become necessary for purposes of revenue, and restore the duty on several articles of luxury now free."

Thus the Secretary urges action on it in the first half of the year, and assigns his reasons for it:

"All these, and similar considerations in favor of some permanent provision on this subject, apply with still greater force than they have heretofore. The available balance in the Treasury, to facilitate its operations, is much smaller than has formerly been usual. The receipts on the debts still due from banks, after two previous disappointments as to some of them, must be regarded with increased doubt; and if they should be paid within the coming year, the outstanding Treasury notes become redeemable in the first half of it, and must be discharged some months before the bond of the Bank of the United States falls due in September."

In conclusion, he adds:

"The Department, therefore, is now without any resort, temporary or permanent, in case of ma erial deficiencies, and considering all the circumstances before mentioned, with the dangerous liability in law to have the whole outstanding Treasury notes paid in at any moment for public dues, without a power remaining to issue others in their stead; considering also the present revulsion in the commercial world, which affects so seriously the receipts from both duties and lands; considering the disasters which are befalling the banks, and rendering our collected funds in some cases wholly unavailable, and the advances necessary to be soon made for the large payment of pensions, and Treasury notes falling due in March, the earliest attention to new legislation on this subject seems highly prudent, if not indispensable, for the effectual security of the public credit."

But, sir, notwithstanding this plain, honest, and unsophisticated statement of the finances of the Government and the necessity of this measure, which is a part of the Secretary's report, and plainly hinted at in the President's message, the President and the Secretary have been charged, in the face of these facts, with attempting to gull and deceive the people by withholding, in the message and report, the real state of the finances. What is there too reckless for these modern Whigs to do? Sir, I have presented the expose of the Secretary of the Treasury. It is sufficient for my purpose to show the necessity of the issue of the amount of Treasury notes for which it provides. An intelligent community will appreciate the importance and necessity of the measure. It has been objected to on constitutional grounds. This objection I will leave to those who assume to themselves the peculiar and exclusive guardianship of the Constitution—to those whose political monomania is so well understood, that the Constitution has as little to fear from them as the community has to fear from the prophetic predictions of the lunatic pining in the last stages of refined metaphysical abstraction.

This bill has been in Committee of the Whole House for nearly two weeks. The chairman of the Committee of Ways and Means, at its introduction, made a short explanatory speech. Another of the committee [Mr. VANDERPOEL] made a short speech of the same character. These are all the Democratic speeches that have been made in its behalf. The balance of the whole time has been consumed by the Whigs.

In the discussion, every measure of the Administration has been seized on and made the subject of unmeasured abuse; to all of which I will not now attempt to respond. I will wait for the action of the House upon another measure shortly to be before it, (I mean the Independent Treasury;) and I will now confine my remarks to the subject of the Florida war.

In the remarks which I am about to make, I may use language which may be considered unbecoming this place; if so, it must be charged to the unlimited abuse and reckless denunciations which we hear every day and every hour from the Opposition, and which we, the Administration, and the whole Democratic party, are the subjects of; and this is all the apology I have to make.

But to the Florida war.

Mr. Chairman, I take it for granted that an attempt will be made to convert every measure of the Administration, now before the country, of a general character, as well as those of a special nature, more immediately connected with the Administration of the Government, into political capital. This, the Opposition have a political right to do. I suppose if I were a Federalist, and as hard run as they are, I would do so too. At a time when the financial circumstances of Sparta were greatly embarrassed, a person offered Callicratidas (her principal commander) 50,000 crowns, under such circumstances as Callicratidas thought dishonorable to Sparta, and he refused to accept it; upon which Cleander, one of his officers, said, "I would accept the offer if I were in your place;" 'and so would I if I were in yours," said Callicratidas. I suppose if I possessed the same principles that govern them, I would take the same means which they do to carry them out. If the Federalists have a *political* right to thwart the Administration in all its measures, right or wrong, and to use all means, fair and foul, to bring it into disrepute with the people at home, and dishonor and disgrace abroad, such a right is not exercised in patriotism, nor is it founded in honor or justice; and while *they* are exercising, in base and unmanly abuse, a privilege which finds a political right in the free institutions of our country, rather than in the pure principles of justice or manly and honorable resistance, I hold the friends of this Administration will find an apology with the people who support it, in using a part of *their time* and means in repelling the charges which constitute the political capital of the Opposition. Among the many measures furnishing charges (as is pretended) of corruption and profligacy against the Administration, none seems to be more fruitful than the Florida war. Every *Whig* in the country, however unacquainted he may be with the Florida war, its causes, its progress, the difficulties attending its management, or the means the Administration have or have not had to terminate it, takes the cue from this Capitol, and yelps extravagance, disgrace, imbecility, and profligacy. Yes, sir, the veriest coxcomb that ever strutted in buckram, or represented the brainless dandy, who never heard a musket shot, or saw an Indian, can chatter the failures of the Florida war, and pronounce sentence upon the Administration and the War Department, with all the pertness of a well taught parrot; and from this Capitol proceeds their lessson.

Well, sir, while the Opposition are denouncing the Administration in broad and unqualified terms, without defining causes, or giving reasons for the procrastination of the war, for the benefit of those who may read me, I will ask your attention a short time, while I briefly trace some of the difficulties which the Administration have had to encounter in Florida.

Florida is situated between the 25th and 31st degrees of north latitude. It is bounded on the south and west in its whole extent by the Gulf of Mexico, and on the east by the Atlantic ocean, in its whole extent on that side. It is near four hundred miles in length, and its average breadth is near one hundred and fifty miles. It presents a surface nearly level, made up of everglades, lakes, swamps, barren pine lands, and hammocks, with some good and well situated land; of each of these varieties nearly an equal quantity. The swamps are almost impassable, and the hammocks almost impenetrable to any human being, except an Indian.

Within the half century of the time when all Europe was waked up by the discovery of the New World, and when men dreamed of nothing but carving out provinces by the sword, of dividing the spoils of empires, plundering temples of their riches, riding upon the billows with loads of enslaved captives, and despoiling nations of their wealth and Governments, or "to plunder the accumulated treasures of some ancient Indian dynasty." I say it was about this time, or in 1512, that Juan Ponce de Leon, an adventurer of Spain, discovered Florida, and, in the name of Ferdinand, made Spain its owner. Ponce, as a reward for his discovery, was made its Governor, on condition that he would colonize it. Some time after this dignity was conferred upon him, he repaired, with two ship loads, to take possession of his new province, and select a site for a colony. He had not more than landed, when his crew were attacked by the Florida Indians, many of his men killed, and himself mortally wounded. He and the remainder of his men hastened to the ships, and sailed to Cuba, where he died of his wounds.

The next attempt to colonize Florida was made in 1528, by Pamphelo de Navarez. He entered Florida with three hundred men, some of whom were mounted. He was attacked by the Indians, and but five escaped, all the rest of whom fell a sacrifice to the Indians, pestilence, or famine. The love of discovery, plunder, and wealth, still raged, nor did all these disasters prevent another attempt to seek fortunes in Florida. Ferdinand de Soto, an ambitious courtier, embarked with seven or eight hundred troops (some of whom were mounted) and emigrants. No sooner were they landed than the Indians made them a sacrifice to their cunning, by leading them through swamps, everglades, and hammocks, scarcely passable or penetrable, in search of gold, until they were sunk with fatigue, and lost in the wilderness; but, stimulated with prospects, they were led still further, until they were beyond the province, and yet no gold; but the Peruvian prospects led them high in the regions of the Red river, but famine and pestilence compelled them to retrace their march to the Mississippi, where, when they arrived, scarce one third of their number were alive, and, with some frail and temporary boats of hasty construction, they reached the Gulf of Mexico, where they were accidentally picked up, and taken to Cuba.

Another attempt was made, with more religious solemnity, to settle Florida, in 1547. Through the influence of Philip, then heir apparent to the crown of Spain, Louis Caneello, a missionary of the Do-

minican order, gained permission to visit Florida, and attempt the peaceful and Christian conversion of the natives. All the Governors of the Spanish colonies were directed to favor the undertaking. All means that were calculated to advance the measure were advised. The slaves that had been taken north of the Gulf of Mexico were manumitted and restored to their country. A ship was fitted out, and the holy crew dismissed with more than usual solemnity; but Louis had no sooner landed, than he and a fellow priest, with several of his crew, were slaughtered. Florida was abandoned. It seemed as if Death made the avenues of Florida his abode, and guarded its shores. While Victory perched upon the Castilian standard every where else, the sands of Florida were perpetually wet with Spanish blood.

The French turned *their* attention to Florida, and planted a colony, by a commission from Charles IX. The squadron which bore them was commanded by John Rebault, a brave man, of maritime experience. They were landed, but remained but a short time, and, in their retreat, came near famishing on the ocean. After the treacherous peace between Charles IX. and the Huguenots, Coligny pushed his solicitations for the colonization of Florida. The king gave his consent; three ships were conceded for the service, and Laudonniery, who had been on a former voyage on the American coast, was appointed to lead forth the colony. Sixty days of favorable wind landed them on the shores of Florida. The benefits of the new colony of Huguenots was enjoyed but a short time, when the jealousy of Spain was aroused. Melendez was appointed and commissioned by Philip II, king of Spain, to invade Florida, and dispossess the Huguenots—and himself made Governor of the territory. He was accordingly fitted out with the requisite force, munitions and supplies. A tempestuous voyage landed him, with most of his forces, at the harbor of St. Augustine. Soon the Huguenots were attacked and massacred in a manner of which I shall not now shock humanity with a description, but which, for barbarity and cold blooded inhumanity, has not its parallel in the annals of savage or civilized warfare, except in the heart-sickening scenes of blood and indiscriminate slaughter which have marked the Florida war. This last invasion secured Spain in the possession of Florida, and her blood-stained troops, who intermarried with the natives, became her occupants. Their blood now flows in the veins of those with whom we were battling. The French court paid but little attention to that brutal and inhuman slaughter of the Huguenots. But the French nation and the Huguenots of France did not share in the apathy of the court. Dominic de Gourgues, a bold solder of Gascony, by his own means and some contributions of his friends, fited out three vessels, and with a force of one hundred and fifty, sailed for Florida. He did not expect with this force to occupy the country permanently; his object was revenge. He surprised two forts and took a number of prisoners, but finding himself unable to maintain his position, he hung his prisoners upon the trees and placed over them the inscription: "I do not this as unto Spaniards and mariners, but as unto traitors, robbers and murderers;" and hastily sailed for Europe. Some short time before the commencement of the Revolutionary war, an Englishman by the name of Turnbull brought a vessel loaded with Greeks to Florida, under a promise that they should be provided with a home, but who, as soon as landed, were reduced to slavery, and consigned to the sugar farms. A part of them made their escape into the interior, and found a safe retreat among the Indians, with whom they intermarried. A part of them were restored to liberty by the interference of Pilican, whose name a creek now on the Atlantic side of Florida bears. Florida has long been the retreat and asylum of negro slaves; they have long found protection by the Indians, with whom they intermarry, and their offspring now make a part of the savages of that Territory.

Spain, it is well known, was largely indebted to the United States for spoliations committed upon American commerce. Our claims were liquidated by a cession of Florida, by what is known to be the Spanish treaty, signed and confirmed July 10th, 1821, which is recognised substantially as follows:

"Whereas, by the treaty concluded between the United States and Spain on the 22d day of February, 1819, and duly ratified, the provinces of the Floridas were ceded by Spain to the United States, and the possession of the said provinces is now in the United States."

By this treaty, I say, Florida became a Territory of the United States; and by the provisions of the treaty the Federal Government was, and is, the exclusive owner of the soil, and holds the same in fee simple, except such portions as were owned and occupied by citizens, pursuing civilized cultivation; and they, by that treaty, became citizens of the United States, and were bound and protected by their laws. The kingdom of Spain had a right to occupy Florida by the laws of nations: and, having the right to occupy, had the right to convey, and did convey. The United States, by the laws of nations, had the right to purchase, and did purchase. The conveyance was full and unconditional, as appears by the whole treaty, and every part thereof; in consequence of which the United States forthwith extended her jurisdiction over the whole territory. But it is said and asserted by the Indians that the Spanish agent assured them, through their chiefs, that it was not the intention of the Spanish Government to cede any portion of Florida to the United States, except what was then occupied by those pursuing the occupations of civilized life, nor one acre "*on this side*" of the furrow of the plough share. Such an exception may have been made with the Indians; if so, it was a fraud practised on them by the Spaniards, or their agent; but, as they were no party to the contract, and the United States having had no part in the promised reservation, consequently their right to the exclusive jurisdiction to the whole territory and their freehold in the soil is absolute.

But the right of the United States to the freehold of Florida does not depend upon the cession of Spain, the right of occupancy by conquest, nor the arbitrary laws of nations. The Federal Government purchased from the Florida Indians, in 1823, upwards of three millions of acres, for which the sum of one hundred and six thousand dollars was paid; and in 1834, four million thirty-two thousand six hundred and forty acres, for which the sum of two hundred and ninety-five thousand five hundred dollars was paid.

The possession of the United States to the territory, and jurisdiction over it, seemed to be undisputed until 1835, when the supposed claims of the Indians were asserted by some of those barbarous outrages and cold-blooded murders which have signalized the Florida war from its beginning to this time.

Now, sir, I am prepared to respond to some of the charges made against the Administration, and particularly against the War Department, for the manner in which this war has been conducted, its procrastination, the millions it has cost the Government, and the alleged imbecility of some of the officers who have had charge of it. I have before stated, and I now say, that all these charges are made for political effect—made to blast the reputation of the Administration, to sink the cause of Democracy, and advance the Federal cause; and in character and concert with the never-ceasing torrent of slander and reckless abuse which has been poured upon every Democratic Administration, from the days of Jefferson to this time, and will be continued, while the Democracy sways the Government. I mean what I say, and I say what I mean. I will now ask your attention, while I present the history and practical operations of the Florida war; the nature of the country, which is its theatre; the character of the enemy with whom we are contending, and the embarrassments under which the Executive and the War Department have had to labor.

I have stated that the Florida war broke out late in 1835. It will be remembered, at that time we were threatened with a war with France. The time had arrived when our claims upon France for spoliations could no longer be deferred, without subjecting ourselves to the charge of national degradation and submissive cowardice. General Jackson, who then administered the Government, was compelled, in his message on that subject, to recommend reprisals on French vessels and French property, as the only means of redress left. This was a virtual declaration of war; a reciprocal declaration of war on the part of France, or a liquidation of our claims, was the only alternative left her. To her national honor, and the cause of justice, she chose and fulfilled the latter; but while she was contemplating the course she should take, war hung over our heads, and at the same time the Indian war was raging in Florida. The Administration was denounced from Maine to Florida by every corrupt Federal sheet and every Federal strut in the land, for not subduing the enemy in Florida, and for not defending the poor Floridians from the merciless tomahawk and the torch of the Indian—when it was well known by every intelligent man in the Union, and acknowledged by every honest one, that the safety and the interest of the nation demanded that the whole force of the American troops should be kept on the seaboard so long as the French war threatened us. What was the trying situation of the Administration then, sir? While every Federal demagogue and every bank pensioned sheet was denouncing it for not sending troops to Florida, the safety and dignity of the nation forbade it. The candid, though honest, acknowledgment of its inability to do so, was prevented by a laudable and necessary national pride; and the Administration was prohibited the exercise of a just and what would have been a triumphant defence against the vile calumnies of the times; for, had the Administration, or its supporters, acknowledged its inability to withdraw troops from the seaboard to defend our frontier from the barbarity of the Indians, it would have been a virtual acknowledgment of our inability to contend with France in the war in which we were about to embark, and which we ourselves had virtually declared; and France would not have failed to have taken advantage of our acknowledged weakness. Sir, I say if such an acknowledgment had been made by the Administration, our claims on France would be now unliquidated, and we would, at this day, in all probability, be in the midst of a war with her. But an acknowledgment, which was due in justice to the Administration.

Our Government is one of limited powers. The Executive of our Government is an officer, bound by limitations. He is not a Russian autocrat, with a standing army of six hundred thousand regular troops, and with power to order as many more, and with power to raise the means to maintain them. No, sir, our Constitution provides "that the President be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States." The power to declare war, raise armies, and to maintain them, belongs to Congress, and not to the President. So far as legislation is concerned, the President is but a co-ordinate branch of Congress, and his positive powers are confined to the signing of bills which may pass the Senate and House of Representatives—his negative powers consist in withholding his signature, and that power avails him nothing should a bill pass both popular branches of Congress by a vote of two-thirds of each branch. This is the amount of power the President has in raising and maintaining armies. What was the Administration to do at the time I am speaking? Threatened with war by France; actually involved in war in Florida, and the unstoyed tomahawk performing, in savage barbarity, the work of death; beset with slander and falsehood by every unprincipled, corrupt newspaper sheet, and every unprincipled Federal coxcomb demagogue in the land; without the power to preserve the country, or resist the enemy; and without the power (in prudent exercise) of justifying itself against the base slanders heaped upon it, by declaring its want of ability; what, I ask, was the Executive to do? Why, there was but one duty for him to perform; but one power for him to exercise; and that duty and that power was prescribed by the Constitution, as follows:

He (the President) shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

This duty and this power was exercised. The Executive, through the Secretary of War, early in 1835 made a communication to the Senate, in which he set forth the embarrassments of the country, with reference to our foreign dangers, and the war in Florida, and in which he urged upon Congress the importance and indispensable necessity of augmenting the army. This message was referred to the Committee on Military Affairs, of which the honorable R. M. Johnson was chairman. The necessity of the measure was properly appreciated by the committee and the Senate, and a bill to increase the army was reported, and passed by the Senate It went to the House, but did not receive its action. The same measure was urged upon Congress by the Executive at its next session; it was again referred to the Committee on Military Affairs, and a bill to augment the army reported; and passed by the Senate, but failed in the House. Thus was the Executive thwarted in obtaining the means by which the Florida war would, in all probability, have been instantly suppressed, and much innocent blood, and many millions of money been saved; and yet the reckless and demagogical cry of imbecility and extravagance is raised by one universal Federal yelp against the Administration, for that which Congress failed to put in its power to do.

I now proceed to expose the policy pursued in relation to the Florida war, which will account for the useless expenditure of millions, the procrastination of the war, and the heartsickening shed of blood, human slaughter, and destruction of property, and a policy, too at war, with every effort of the Executive and the War Department of this Government; an exposition which, I think, the intelligent reader will understand and appreciate, and will know where, and on whom, to lay the blame of all our failures and misfortunes in the Florida war.

As soon as our difficulties with France were settled, the United States troops were ordered to Florida, or so many of them as were not necessary to remain with our fortifications. But the number was insufficient. Congress had failed to augment the regular army. No other course was left for the Executive but to make drafts upon the militia for volunteers. This was done at a most frightful expense, and frequently resulted in little more than *marching* and *countermarching*—that is, marching *to* Florida and marching *back* again, such was the limited time for which they volunteered, and such the distance they had to march.

I will enumerate some of those marches.

In January, 1836, when the news of Dade's massacre reached New Orleans, General Gaines raised a corps of volunteers, and, united with a few regulars, marched them from Louisiana to Florida, where they served until the ensuing May, when they were marched back to their homes, and discharged.

In the month of February of that year, two armies of volunteers and militia, between three and four thousand strong, were raised by General Scott, one in South Carolina and Georgia, the other in Alabama, and marched to Florida, where they served about *sixty days*, and were then marched back and discharged.

In the month of June following, a brigade of mounted volunteers was organized in Tennessee, and put in march for Florida. It halted a while in the Creek country, and entered Florida late in September, where it served until December, when its term of service expired, and it then took up the line of march on its return to Tennessee, in the midst of the campaign then in progress.

The departure of the Tennessee volunteers for home at a critical period of the campaign, imposed upon the commanding General the necessity of calling upon Georgia and Alabama for another contribution; and accordingly, a corps of volunteers was again organized in each of those States, and marched from thence into Florida, where they served about *three months*, when *they* likewise commenced their return march to their homes.

In the fall of 1837, the Executive made a very energetic effort to close the war during the then approaching winter; and a large force of volunteers was drawn from Georgia, Alabama, Tennessee, Louisiana, and Mississippi, in the hope of effecting that object. They arrived in December, and served through the winter, when they were marched back to their remote homes, and discharged.

From this brief review, it is seen that as many as five volunteer armies, from first to last, have been raised, organized, and marched from distant parts to Florida, to serve two or three months, and then marched back to their homes. I have no means of knowing the precise number thus mustered into service, and then mustered out again, but from what information I have been able to gather, the whole number was not less than twenty thousand, exclusive of the Florida militia who were in the country.

Now, sir, when we consider that the expenses of militia and volunteers commence under the law, (see act of 20th April, 1818,) the moment they leave their homes, even while marching to the rendezvous, and continue until they are marched back again to the same place, I ask, can there be any wonder with the honest and reflecting mind, that such operations as I have described should have been expensive, more especially when it is considered that scarcely any but mounted volunteers can be obtained, and these, including their horses and forage, cost, I am informed, near six times as much as regular foot soldiers.

The commanding general is responsible for the expenses incurred by the operations of the army, after it is placed in the field under his command. The Executive is responsible for the judicious application of the means placed at his disposal by Congress to carry on war. But Congress is clearly responsible for the inadequacy or unfitness of those means, and for all the consequences resulting therefrom, especially if the recommendations of the Executive have been disregarded or overruled, as they have been throughout the Florida war.

If, then, it be true, as I think it is, and as every man will think who will examine the subject, that the heavy expenses of the Florida war have resulted chiefly from the employment of volunteers and militia, instead of regular troops, the responsibility for those expenses clearly attaches to Congress, rather than to the Executive, or to the subordinate officers acting under the Executive authority.

The army was increased in July, 1838, since which, there have been but few volunteers or militia employed, and none drawn from a distance. The consequences have been, that the expenses of the war have been greatly reduced, as an examination will show. The expenses of the last campaign have been any thing but extravagant, the force being nearly all regulars.

Sir, I feel myself bound here to speak of the services of Colonel T. Cross, who has had charge of the quartermaster department in Florida during the last campaign. That officer has distinguished himself in that capacity as he has in every other official station which he has held under the Government. It is due to him to say that he has been the practical agent, by which the system of reform, regularity and retrenchment, has been adopted in the conduct of the army in Florida, by which not less than from two to three hundred thousand dollars have been saved to the Government within the last year. I submit his circular, which I ask may be read, and I regret that its length will preclude its admission in my printed remarks. The plan contained in this circular, was the plan of the Executive and of the War Department, but he was the active agent who produced its practical results, that have and will save to the Government hundreds of thousands of dollars. I hope this circular may find its way in the columns of every honest newspaper in the country. I think it would have the effect to stop the mouth of many a barking Whig whiffet. It will be seen by this circular, as well as by its results, that every means have been adopted that could be adopted without impairing the efficiency of the service, to retrench expenditures and secure economy. Sir, it is almost incredible to those unacquainted with the almost entire destitution of resources in Florida, the expenses that the Government has had to incur in the conduct of the war. At the commencement of the war, and for some time thereafter, the Government was compelled to pay for the hire of a steamboat, per day, from three to four hundred dollars—and, I believe, in many instances, defray the expenses of the boat—and, I think, in some instances, had to pay as high as forty-five dollars a cord for wood. Steamboats were not used for any other purpose than the transportation of troops and munitions of war, and never for that purpose when it could be avoided; still, such were the pressing necessities for a speedy transportation of troops, that such expenses had to be incurred, and such means of conveyance adopted. Provisions, forage, and labor of every description, bore an almost corresponding price. But these, sir, are only some of the difficulties and embarrassments with which the Government have had to contend. I have more and greater to speak of, but I must first respond to some of the more special charges made upon the Administration, both in this and the other branch of this Capitol. Emphatic complaints are made of the want of energy in the War Department; and it is now urged upon Congress to adopt some decisive action to bring this war to a close, and that some more efficient means than that adopted by the Executive should have been adopted by the last Congress. Sir, I will agree that Congress, long before this, should have adopted "some more efficient means." Congress should have, in compliance with the recommendation of the President in 1836, increased the number of the regular army; but it was enough that it was a measure of the Administration to enlist the whole Opposition against it. But, sir, Congress did do something "*efficient*," and so efficient as to thwart the whole operations of the War Department; for it is well known that the most active and efficient measures had been adopted and were in operation by the War Department, and were in progress of execution in Florida when they were arrested by the action of Congress * If Congress had not interfered and directed that renewed efforts to pacify that country, and to reconcile the Seminoles, should be made, the military operations would have been prosecuted with vigor, and in all probability the murders and depredations which were the fruits of that injudicious attempt at negotiation, would have been avoided, so that the bloodshed and treachery which is so often charged upon the War Department, were the work, not of that Department, but the work of Congress, or were occasioned by the fact that the attention of those who make these charges were unfortunately "directed" to the war in Florida. Sir, to the constant cry of the Opposition, that this war has continued so long, and that it will still continue, unless Congress give it their attention, I would say it will still continue, unless Congress cease to give it their attention, and cease to interfere with the military operations by efforts to make peace, which will ever prove abortive. A member of the Senate [Mr. PRESTON] says: "It was thought that the few straggling warriors would yield at once to the mere demonstration of force by the General Government. Under this delusion the late Administration terminated, and the present Administration came in." That was not so: when the late Administration came in, the commanding general believed the war to be over, and so informed the War Department. The commanding general had good reason to believe so, and was justifiable in so reporting, as I will show before I am done. But he was soon undeceived by one of those signal acts of treachery which have distinguished the conduct of the Indians in Florida throughout the whole progress of this war. Upon the receipt of this news, preparations upon an extensive scale were immediately made to renew the contest, with greater means and energy than had been before adopted, or ever exhibited in the warfare of this country. In

* When General Taylor was actively and successfully engaged in scouring the country, and driving the Indians from the swamps and hammocks where they had concealed themselves, defeating, killing, and taking them prisoners, or dispersing them, wherever he found them, Congress arrested his operations by providing that *peaceable measures* should be adopted by the War Department, and Gen. Macomb was directed to proceed to Florida to carry into effect the direction of Congress; all of which resulted in a complete failure.

short, nothing within the power and means of the Executive, or the power of the War Department, was left undone. And it is said "that the dilatory progress of the war, not to say the disgrace of it, was chiefly owing to the impotency of the head of the War Department" Sir, such a charge can only proceed from a shameful disregard of truth, or an unpardonable ignorance of the facts and history of the Florida war on the part of him who makes it; and nothing but the obligations of order and decorum that govern the conduct of one branch of this Legislature towards the other, prevents me from alluding, by name, to the individual who made it †

Now, Sir, what are the facts? The officers who conducted the operations in Florida during the first and second campaigns, called, some for fifteen hundred, others for three thousand, men, as a force that would be required to finish the war; and General Scott thought it would require five thousand men, and he made his short campaign with that number; but when the War Department became aware that hostilities were to be renewed, the "*impotent*" head of that Department [Mr. Poinsett] thought it advisable to augment that force to ten thousand men. He never labored under the delusion "that the straggling warriors of Florida were to be subdued by a mere demonstration of force." He knew their strength, and was aware of the difficulties presented by the peculiar nature of the country, and of the climate. He at once determined to increase the forces to be employed in Florida above all former estimates. Ten thousand men were sent into Florida, and afterwards distributed by placing two thousand in posts, and eight thousand were employed in scouring the country; and no army in the world was ever better supplied and subsisted.

These were the the peculiar duties of "the head of the War Department," and they were most effectually performed on his part. It is said that the late President [General Jackson] would have dragged, as with a net, the Territory of Florida, if he had been been aware of the real state of affairs. General Jackson and all his measures, while he was in office, were as bitterly and as recklessly assailed, by the present Opposition, as Mr. Van Buren and his measures now are; and the compliment is only bestowed upon General Jackson for base and selfish party purposes, that Mr. Van Buren may be disgraced. The force which Mr. Poinsett put into Florida was not sufficient to drag a territory of more than forty-five thousand square miles, "as with a net;" but it proved sufficient to kill, capture, and send out of the country, more than three thousand of the enemy, and nearly all the negroes, who were the most active and formidable of their warriors.

The force sent to Florida that year by the Secretary of War, consisted of regulars, Indian warriors from the Northwest, hunters and guides, and the bravest of the brave from Missouri, Alabama, Georgia, and Tennessee, mounted men, the courage, activity, and chivalry of the country. They did their duty, and beat the enemy whenever they met them; and by the battle of Okochobee, totally changed the character of the contest. Since that action, the Indians have never made fight in masses. They were beaten and dispersed, and never again assembled in sufficient numbers to attack our troops. They continued, however, their murderous assaults upon our defenceless settlements; and, broken up into small parties, prowled over the country like beasts of prey, killing women and children, and destroying, by fire, houses and barns—marking their progress with devastation and desolation. In this stage of the contest, and in this state of the opposing forces, it is demanded by gentlemen here, in "powdered wigs," perfumed cologne, and white gloves, in the warm and secure halls of this Capitol, with the comfortable per diem of eight dollars, that "the war should be prosecuted effectually, and prosecuted at once;" and gentlemen here, who would, like Cleon, flee at the approach of the tomahawk, promise plans by which the Florida war may at "once be terminated." Well, sir, while gentlemen who are better qualified to stand by the toilet, or whirl the belle in the giddy waltz, than to stand by their country in danger, or perform the duties of a soldier in the swamps and hammocks of Florida, are preparing their *plan*, by which "an end may at once be put to the war." We will examine what has been done, and the probable reasons which induced the Secretary of War to change the manner of conducting the war, if war it can now be called.

From the opinion I entertain of the Secretary of War, and, I presume, the opinion generally entertained of him, from the distinguished manner in which he has discharged every official duty imposed upon him, if he supposed the war could be speedily terminated by bringing the whole force of the United States, he would have adopted that course, (did he control the means.) But he appears, on the contrary, to be convinced that to multiply the militia forces in that country, and to attempt to "*drag it as with a net*," would only result in exhausting the Treasury, (a much wished for event by some gentlemen here,) and entailing upon the Government interminable claims for losses and pensions. But it is said, "we owe it to humanity and civilization to close this war at once." None are more sensible of that than are the Executive and the head of the War Department; but they do not believe it is to be accomplished by covering the country with troops, unless every square mile were occupied, which would require over forty-five thousand troops. The Secretary of War believes it to be a work of time, and that it is to be wrought out by regulars, aided by a small militia force, and by a body of men trained as regulars and hunters. Every effort of the Executive and the head of the War Department has been marked with well directed judgment; and all the success that could be expected has been accomplished, from the means with which they had to act, the character of the enemy with which they have had to contend, and the face of the country which is the theatre of war. The Secretary of War, it will be seen, ordered General Taylor to direct all his efforts to protect the settlements in Middle Florida, and effectually clear the Indians out of that portion of the Territory, before he proceeded to scour the country south. General Taylor performed that duty; but it is thought he proceeded south too soon, and, on his march south, the Indians rose up, or passed into his rear, and committed murders and depredations there. He then returned, districted the country, and planted posts in each district, and was successfully prosecuting his operations, when Congress arrested them, as I have before described. The interference of Congress produced treachery and bloodshed, and paralyzed the movements of the army. After the interference of Congress proved abortive, that gallant army resumed, and is now engaged in hunting up the murderers, and driving them across the Suwanee, that the inhabitants of Middle Florida may cultivate their fields in peace. The country will then again be districted, posts again be established, and if the plan of the Secretary of War be adopted by Congress, one thousand men, armed, equipped, and drilled, for the express service, will be employed in scouring the swamps between the posts, and securing the settlers from invasion. In this manner, it is believed, the contest with these savages may be brought to a close. If unnecessary millions have been spent in this war, it has been done by attempting to carry out plans of Congress, both by its interference with the War Department, and by its failure to augment the regular army on the recommendation of the Executive, at a time when the Indians were strong in their own belief, when they were concentrated in large bodies, and when one or two battles, with an efficient force, would have decided the contest. But the policy of Congress has been otherwise, and the result as the Executive and the head of the War Department anticipated. There is no good reason why vast and expensive armies, to subdue what can now only be called an insurrection, should be raised, to subdue and conquer a few wild wandering savages, whom a single regiment could cut entirely off, in an open field fight, but whom to destroy at once, with their advantages of swamps, hamocks, everglades, and secret passes, in which they conceal themselves by day, but are almost inaccessible and impenetrable to civilized man, would require a force equal in number to every square mile of territory. The Secretary of War has discovered the errors in the plans suggested of bringing this contest to a close, and has wisely concluded that it can be better and more securely effected by the means he is now employing than by any other.

Mr. Chairman, I am aware in the coming political campaign, that every means will be used by the Opposition to turn what they please to call the failure of the Administration to terminate the Florida war, to overthrow the powers that be; misrepresentation and falsehood will be bandied by every Federal Whig, tapeseller, coxcomb, and pettifogger in the land; and every Bank pensioned sheet will teem with slander and abuse about the failure to put down the Indians in Florida. This must be expected. It is perfectly in character with the Federal party. It is the kind of game they have been playing ever since the commencement of the Government, to the end that Democracy may be prostrated, and its supporters put down, and Federalism established, and its advocates and supporters put into office. In this the Federalists of this country are not singular. It is the way with every faction in every country which has a Republican Government. Nor does the object of the Federal party here, differ from the enemies of human liberty elsewhere; the same motives govern them all over the world, and at all times. There is no course that the Administration could have taken, that would have saved it from the censure of a faction determined to be satisfied with nothing short of the downfall of the Democratic party, and the prostration of the Democratic institutions of our country. If the Administration had been successful in cutting off every Seminole murderer in Florida, and exterminating that barbarous race, whose whole course and conduct in this conflict have been marked in blood and indiscriminate slaughter, why, the Federal party would have instantly turned into a *humane* and "*peace*" party, as was the case in the last war with Great Britain, and the vengeance of God would have been invoked to avenge the blood that this Administration had brought upon this nation. If the Administration had been so successful as to have taken every Seminole Indian by capture, without shedding the blood of one, and transplanting them in the *far West*, why, sir, this land would now be filled with Federal tears and Federal mourning, at the sacrilegious crime of tearing the *poor* Indians from their native homes and their father's graves, as was the case when the Georgia Indians were moved west of the Mississippi, and many a fervent prayer would have ascended from the sacred altar to revenge the injuries and violence done the poor Seminoles. But as it is, there will not be a Federal parrot but will take its cue from the party orators here, and will be heard to prattle, "*the Florida war was begun in extravagance, conducted in weakness, and must end in disgrace.*" But, sir, the Executive and the head of the War Department are not the only officers whose reputations are to be blighted by the sirocco breath of foul faction and polluted Federalism. The distinguished and gallant Jesup must be its victim also. Sir, if we could see some of the popinjay Federal dandies, who undertake to prescribe the "*plans*" by which the Florida war is to be terminated, enter the swamps of Florida, and face a group of Seminoles, I think it would be a Cleon affair. At a time when the Athenians were hard pressed by the enemy at home, with whom they were then engaged, in addition to difficulties from abroad, the domestic tranquillity of Greece was disturbed by the ambition of Cleon and Bracedes, who were both advocates of war, and the former never failed to do whatever could be done to foment it. Cleon was desirous of war, because it served to screen his base immoralities and corrupt vices; Bracides, because it added new lustre to his reputation, as no general was more successful than he.

Cleon, like some of the demagogues of our day, was constantly in the habit of denouncing the officers of state and of the army as impotent and

† It is presumed Mr. DUNCAN here alludes to Mr. PRESTON, of the Senate.

unfit for the duties of the stations they held. All the failures in battle were attributed by him to imbecility and mismanagement; charges thus made against the commanding officers, brought upon him the indignation and contempt of many reflecting and valuable citizens, while it raised him in the estimation of others less reflecting. This difference of opinion of the character and conduct of Cleon, produced two parties. The friends of Cleon presented him as a candidate for General, to take charge of the troops. His party proved the strongest, and he was elected. He gained some credit soon after by taking Sphacteria, more by accident than either conduct or courage, which raised him prodigiously in his own estimation, and made him insupportably haughty. He was now to command the troops which were to oppose Brasidas, the Lacedemonian General, who commanded the city of Amphipolis. The time came when the city was to be attacked, and now the man was to be tried who had found the failure of every battle that the Atheneans had lost, in the weakness or cowardice of her generals. Cleon marched his troops near the city wall. Bracides neither showed himself nor did he even permit one of his sentinels to be seen. Cleon retired, exulting that Bracides was afraid to give him battle. The next day he marched his troops to the very gates of Amphipolis, when suddenly Bracides, with his troops, rushed upon the Athenean troops. Cleon took flight at the first approach of the enemy, and in his flight a soldier shot a dart into his back. He soon sunk and expired. Sir, I think if some of our modern Whig generals in buckram, were to go to Florida, we would hear of Cleons wounded in the back, if they should fail to have the heels of the Seminoles. But, sir, I will not ask my readers to take my word for the merits due to Gen. Jesup and others that I might name, for services in the Florida war. I have too much confidence in the intelligence and research of the American people to attempt naked assertions upon their credulity, without either reason, history, or facts. I know, sir, whole speeches are made up here of naked assertions and shameless exaggeration, and spread far and wide for political deception. Such a course may suit that class of politicians, one of whose fundamental principles is a denial of intelligence, stability, and virtue, to the mass of the people. Such efforts generally find their reward in the contempt of the public, whom it is intended to deceive.

I will, therefore, ask your attention while I specify some of the duties performed by some of the commanding officers who have had charge, from time to time, of the Florida war. This, I am aware, I shall do very imperfectly, for I am without the proper light upon the subject, there being no regular history of the Florida war. But while I know I shall fail to do *justice* to all, I will try to do injustice to none.

I have hinted at the cause of the Florida war. I have stated that it broke out some time at the close of 1835; or, this was about the time hostilities commenced.

General Clinch was ordered into service with a small force of two or three hundred regular troops, and four or five hundred volunteers. Major Dade marched from Tampa Bay to join General Clinch at Fort King with a small force, (something over one hundred and twenty men,) and was attacked by the Indians near the Wahoo swamp, defeated, and he and his men massacred near where there is now a fort called after that officer. In December, 1836, General Clinch marched from Fort Drane to attack the Indians with his regular forces and volunteers on the Withlacoochee river. At about thirty-five miles from his post, he met the Indians on crossing the river. The regular troops, and but 27 or 28 volunteers, had crossed the river with him. The time for which the volunteers had enlisted to serve had expired, and they refused, except the number I have stated. With this force he fought the Indians and drove them; but, not being sustained by the volunteers, he was forced to give back and recross the river, and he returned to Fort Drane.

At the time the news of Major Dade's massacre reached Mobile, where Major General Gaines then was, he with promptness repaired to New Orleans, where he, with creditable zeal, organized a force of regular and volunteer troops, amounting to about eleven hundred men, and proceeded, without delay, to Tampa Bay, where he arrived about the 10th of February, and, after making preparations for the field, marched on the Fort King road to Dade's battle ground, where he buried the meritorious dead with the honors of war, from which he marched to Fort King. He drew a small supply of subsistence from Fort Drane; he also received a small supply of ammunition, and immediately marched to the Withlacoochee river, where he arrived on the 27th, and encountered, the same day, the enemy across the river in a conflict of half an hour, when the troops withdrew for the night, after a loss of one killed and six or seven wounded. The next morning the troops marched down the river two or three miles, where it was supposed it could be crossed. There the advance of the army was fired upon, an action ensued, which lasted until the middle of the day, in which Lieut. Izard was mortally wounded. The troops kept their ground, encamped that night, and threw up a breastwork, and an express was despatched to General Clinch, or the officer commanding at Fort Drane. The next morning the enemy, in number between ten and fifteen hundred men, appeared and made an attack on three sides of the camp, which was kept up for more than two hours, when he withdrew, leaving one of his number dead on the field. Another despatch was sent to Fort Drane. From this time until the 5th of March, the enemy made several spirited attacks upon the camp, in which several conflicts the loss on the part of General Gaines's troops were, six or seven killed, and thirty-five or forty wounded.

On the night of the 5th March a proposition was heard from the woods by the enemy, and the next morning several Indians appeared at a distance with a white flag. Adjutant Barrow of the volunteers was sent to confer with them. They informed him that they did not wish to fight any more, but they wanted General Gaines to go away; upon which information General Gaines sent out Captain Hitchcock, with two or three other officers, to confer further with them. The Indians repeated to him their desire for peace, and stated that a great many of their men had been killed. While this conference was going on, the advance of General Clinch's troops fired on the Indians who were in the rear, when they, and the chiefs who were in council, fled and concealed themselves in the hammocks, and were no more seen until near the middle of March. The command of General Gaines's troops was turned over by him to General Clinch, who fell back upon Fort Drane, as I have before stated. This is a brief sketch of the part which General Gaines took in this war, in all of which he and his troops sustained themselves in a manner creditable to the American arms; I mean so far as their time and means would permit.

In January, 1836, General Scott was ordered to Florida to take charge of the war. He was unlimited as to means.—[See Senate doc. 224, pages 91 and 199.] He arrived in Florida soon after his order. He organized his force, and we find him at Fort Drane about the 14th of March, 1836. General Scott ordered one division of his army, (his left wing,) by the way of the St. Johns, to meet him on the Withlacoochee river, while he moved from Fort Drane, on the 26th of March, with a force of 1,968 men, regulars and volunteers, with eighteen days' provisions, as appears in Senate doc. page 97, and by his own statement. He arrived on the Withlacoochee on the morning of the 28th, and of course with subsistence for sixteen days, having been on the march but two days. He found the Indians embodied on the Withlacoochee; he attacked them and drove them into the swamp, but did not follow them more than four or five miles. It is believed no Indians were killed, nor were any prisoners taken. He then took up the line of march for Tampa Bay, where he arrived in eleven days from Fort Drane, and of course with seven days' subsistence. The left wing of his army, which had been sent to Volusia, on the St. Johns, moved from thence to Palaklekaha, where, according to General Scott's report, they found ponies and cattle in abundance, but were obliged to march to Tampa Bay for want of provisions. Where were the cattle which were in abundance? They arrived at Tampa Bay about the same time that General Scott, with his troops, arrived.

I wish it remembered that Gen. Scott was on the Withlacoochee, with sixteen days' provisions, where the enemy was embodied, with his right wing, consisting of nineteen hundred and sixty-eight troops, about the same time that the left wing of his army was at Palaklekaha, a distance of not more than thirty-five or forty miles from where Gen. Scott was on the Withlacoochee, and where the enemy was embodied. I wish it remembered, also, that there were abundance of cattle at Palaklekaha. Two days were sufficient to bring the whole force of the two wings of Gen. Scott's army, which would have amounted to near four thousand regulars and volunteers, to the spot where the almost entire Indians were embodied, and with subsistence (cattle) in abundance. These are facts which I wish remembered, as I will have to refer to them again. But, sir, we now find both wings of Gen. Scott's army at Tampa Bay, and with seven days' provisions, and not one Indian killed or taken prisoner, on the march that took them there. Gen Scott sent a detachment from Tampa Bay, under Gen. Smith, to Charlotte Harbor, south of Tampa Bay; but he found no Indians there. From this, Gen. Smith returned with his troops to New Orleans, at the expiration of their terms. Gen. Scott returned to St. Augustine, with his left division, by the way of Volusia. His right division returned to Fort Drane on nearly the same route by which it marched out; where, and when, the volunteers were discharged, and sent home, as also were the volunteers of the left wing at St. Augustine. Soon after Gen. Scott arrived at St. Augustine, he had leave to quit Florida, or remain, as he chose. He was directed, in case he should leave Florida, to proceed to the Creek country, to take charge of that war. He left Florida in May, 1836.

Thus ended General Scott's campaign in Florida, without killing half a dozen of Indians, and without taking a single prisoner, and left the Indians scattered over the country as hostile and untamed as when he found them, and with more confidence in their own strength, although his army was strong, his troops of the bravest character, and he unlimited by the War Department in his acquisition in means, with the Treasury open to his service.

I have collected most of the facts I have here stated, from Senate document No. 224, which is the journal and the report of the court of inquiry held at the city of Frederick, in Maryland—a court established to inquire into the causes of the signal failure of General Scott to bring the Florida war to an end; and all the evidence furnishing these facts is *ex parte* in its character, and furnished by General Scott himself. At the proper time I shall take some further notice of this gentleman and his conduct in the Creek war. At present I will leave him.

When General Scott left Florida, Governor Call had orders from the War Department to take charge of the Florida War. He took charge of the war. His forces at that time consisted of some regular troops and some volunteers; but what number of each, or what was the whole, I am unable to say; but I think not a very strong force, owing to the sickliness of the season. General Call spent the principal part of the sickly season in the defence of the frontiers. He killed some of the enemy, and took some prisoners. In November, 1836, it was understood that a part of the enemy were embodied in the Wahoo swamp, near the Withlacoochee. He marched from Fort Drane to that point, and arrived with five days' provisions. He attacked the enemy, had three successive battles, and defeated them in each—killed a number of them, and dispersed the remainder. His provisions being exhausted, and the enemy being dispersed, he marched to Volusia, where he turned over the command to General Jesup, who was ordered to receive it.

I will now leave Florida for a short time, to pay my addresses to General Scott, who is figuring in the Creek war, in Alabama, and on the western line of Georgia.

I have stated that General Scott had permission to leave Florida, and repair to Alabama, and take charge of the Creek war. The War Department had advice of his intention to leave Florida, but was also informed that his health was bad; and apprehensive that he might not be able to proceed to Alabama, or to take charge of the war, ordered Gen. Jesup (who was then in Washington city) to proceed to Alabama and take charge of the Creek war, should General Scott's health not permit him; or, if otherwise, to act under him. In compliance with this order, General Jesup proceeded to Alabama, and on his way met General Scott at Augusta, in Georgia, on the 30th of May, 1836, from which they proceeded to Columbus. General Scott directed General Jesup to the western side of the Creek country, in Alabama, or to the head quarters of Governor Clay, to take charge of the war in that quarter. I think the Alabama troops were quartered at Tuskegee. General Jesup's first exertions were directed to assembling the Indians who had not yet engaged with the hostile party, but were on a poise as to the side they should join. In this effort General Jesup was successful. He gained Opotheolo, the principal and most able chief of the Creek nation, and secured other chiefs, and about sixteen or seventeen hundred warriors. He then gave notice of his intention to move into the Indian country on the 12th June, and on the evening before, which was on the 11th, the principal hostile chief, Nekumeco, came in with about four hundred warriors, and surrendered. A part of General Scott's order to General Jesup was, after joining Governor Clay's head quarters, to move to Erwinton, south of the Creek country. From Tuskegee to Erwinton there were two roads; one that passed along the frontier of the white settlements, the other passed near the hostile camps. General Jesup took the latter, and arrived near the hostile camp on the night of the 17th, having on his way captured the chief who commanded it. The same night all the warriors of Opotheolo joined him. The next day he moved forward to the hostile camp with the volunteers, having previously sent the Indian warriors by a circuitous route on the other side of the camp, so as to prevent the flight or escape of the Indians. He then went forward, and entered the camp, but found it deserted; the Indians having fled a short distance at his approach. The Indian warriors made some prisoners, and prevented a general dispersion.

At this moment General Jesup received orders from General Scott to cease all hostile operations, and to march his troops, and encamp near Fort Mitchell, a distance of twenty-two or three miles.

General Jesup, unwilling to promptly disobey the orders of his superior officer, and more unwilling to permit the enemy to disperse, which he considered almost in his grasp, surrendered for the time his command to General Patterson, who commanded the division of Alabama volunteers, with orders to encamp the troops, and keep out strong detachments to prevent the enemy from escaping, and mounted his horse and repaired, with all possible speed, to Fort Mitchell, to report to General Scott the actual condition of the enemy, and to obtain his permission to go on and end the war, or to advise him (Scott) to take the command himself and finish it; but not finding General Scott at Fort Mitchell, he returned to the camp, determined to end the war. On his return to the army, he sent out some of the hostile chiefs, whom he had captured, to summon the hostiles to surrender. They did surrender; and, in place of sending to General Scott a notice of his compliance with his order to cease all hostile operations, &c. General Jesup sent him the following communication:

HEAD QUARTERS, June 23, 1836.

SIR: I have the honor to enclose copies of reports from Major General Patterson and Captain Parrot, by which you will observe that little remains to be done. Jim Henry is still out with about one hundred and fifty warriors; but my Indian warriors, who have halted and await my orders at the Big Spring, say they can take him. I have just received information that a Seminole chief, with a number of his warriors, is with Henry; the information comes from a negro taken last night.

I have the honor to be, General,
Your obedient servant,
THOS. S. JESUP
Major General Commanding.

Major General SCOTT,
Commanding Southern Army on the march.

See Senate document No. 224, 2d session 24th Congress, page 474, for this communication and others, showing the conclusion of the war by surrenders of the balance of the hostiles.

Here ended the Creek war, by the prompt and efficient conduct of General Jesup, in contradiction to the orders of General Scott. If the orders of General Scott had not been opposed by General Jesup, and at the precise time that they were, we would have had another Florida business of it: the Creek war, in all probability, would have remained undetermined for years, and would have cost the Government, like the Florida war, twenty or thirty millions—perhaps more. Had General Jesup complied with the order of General Scott, "ceased all operations, and marched his troops and encamped near Fort Mitchell," his volunteers would have abandoned him, and returned to their homes, cursing him for a coward. The warriors whom he had brought over would have dubbed him with the title of *squaw*, and would have dispersed and joined the hostiles. Yes, sir, all this would have been the result of obedience to General Scott's orders. But, I repeat, by the prompt, fearless and efficient discharge of his duty, an end was put to the war; more than a thousand prisoners were taken, and in a few days four or five hundred more surrendered, in all over fourteen hundred, who were, with many others that subsequently came in by the solicitations of the friendly chiefs, sent west of the Mississippi; I think near twenty thousand in all. I believe General Jesup had the superintendence of their removal. But, notwithstanding this gallant and successful conduct, General Scott severely censured General Jesup for disobeying his orders!!!

General Jesup's course met the entire approbation of the Executive, and the War Department. General Scott was recalled from Alabama, owing, I have little doubt, to the slowness of his movements and to a knowledge of the fact that General Scott's censure of General Jesup was unmerited. The Creek war being ended, General Jesup was ordered to proceed to Florida and take charge of the war. He proceeded some time in October, and to which we will now return with our history.

I believe General Jesup was directed to act with Governor Call, or to take charge of the war in chief, I do not know which I believe the latter. He went through a portion of Florida with a small detachment of mounted men, to join Governor Call; and on his way he surprised an Indian village, and took forty-two prisoners of Indians and negroes, from which he returned to Withlacoochee, and swept the swamps from the Fort King road to Fort Clinch, near the mouth of the river, in which he captured between eighty and a hundred of the enemy. But finding there was no body of the enemy in that section, he detached a part of his force, under Col. Foster and Major Nelson, of Georgia, to the swamps south of the Withlacoochee, on the Gulf of Mexico, and returned himself, with the remainder of his force, to Fort Armstrong, on the Fort King road. Soon after he pushed, with a force of one thousand troops, consisting of regulars, marines, Alabama volunteers, and Indian warriors, into the centre of the peninsula, where, it is said, a white man had never been before. On his way he sent a detachment against the village of Osuchee, which surprised the chief, Osuchee, killed him, his son, and two other chiefs, took a number of prisoners, (some of whom escaped,) after which the detachment returned and joined him. He proceeded with all his force to the neighborhood of the Lake Tohopkalegee. Here the advance of the army under Col. Henderson, came up with the enemy, attacked them, killed some, and took a number of prisoners. The result of this battle led to a conference with the Indian chiefs, and the conference to a suspension of hostilities. The chiefs agreed to, and did meet General Jesup a Fort Dade, and entered into a capitulation to leave the country and go west of the Mississippi. Two or three of the chiefs were retained as hostages for the fulfilment of the capitulation. Some time before this, General Jesup had ordered a detachment of troops, under the command of Colone's Fanning and Harney, with a quantity of provisions, up the St. Johns river to Lake Monroe, where they established a post. They were attacked by the Indians. The enemy, were repulsed, with the loss of twenty or thirty killed. Soon after this battle, the Indians heard of the suspension of hostilities, and a friendly intercourse was established. All this led to a general suspension of hostilities throughout the Territory, and a friendly intercourse with all; and, by an agreement entered into at Fort Dade, the chiefs being nearly all present, (and those who were not, sent in their adhesion.) The Indians were to assemble at Tampa Bay, in May, 1837, and, from there, start for the West. Here was a complete and successful termination of the Florida war, and it was accomplished in as short a time as any Indian war since the first settlement of our country.

In conformity with the stipulations, the Indians began to assemble in the latter part of May, and beginning of June, at Tampa Bay and Fort Mellon, to prepare for the West; but unfortunately the measles broke out among those at Tampa Bay. Safety to the army and humanity to the Indians required that they should be kept apart—to the army, that the contagion might not be spread in it, and humanity to the Indians, that they should be kept at a place, and in a situation, with respect to water and other advantages, to make the disease less fatal. The disease raged with great violence, and many whole families were swept off. The news of the disease reached Fort Mellon, where a large body had assembled, and many of them were furnished with provisions to take them to Tampa Bay. It was also reported at Fort Mellon that the smallpox raged among the Indians at Tampa Bay. All this prevented those at Fort Mellon, and many others, who had not yet assembled, from going to Tampa Bay. General Jesup was thus prevented by circumstances over which he had no control, from carrying the stipulations of the treaty into effect, by moving the Indians West, at the time when it was intended. While preparations were making to move the Indians from Fort Mellon to Tampa Bay, they became jealous of the intention of the army, and thought the object was to throw them all into a body where they might, or would, be swept off by the measles and smallpox—took the alarm, broke up, and dispersed in direct violation of the conditions of the capitulation.

It has been asked, why did General Jesup not retain and prevent the Indians from breaking up? why did he not pursue and overtake them, when broken up? The answer is, the efficiency of the army was greatly weakened by severe fatigue, long marches, and constant and severe exercise, and the horses were completely broken down. General Jesup did all that was in his power, and all that was left for him to do at that time. He called some fresh troops of Florida volunteers into action, the efficient troops which he had, and two volunteer companies from Georgia. They were put to the service of scouting and defending the frontier. This duty was continued until the following November, which may be regarded as the commencement of the next campaign.

The number of Indians killed or taken in the campaign which I have briefly described, by General Jesup, was over five hundred. I will not now detain the House with specific details of the military operations of General Jesup, for the balance of the time he had charge of the Florida war, but refer you to Senate document No. 507, second session of the Twenty fifth Congress, by which it will be seen he continued to defend the frontier, to scour the country far and wide, as his means and force would enable him, and to surprise, kill, and capture the enemy when and wherever he could find them; by which, also, it will be found that from the time he commenced operations, or took charge of the war in Florida, which was in December, 1836, until he withdrew in May, 1838, the number of Indians and negroes taken, with those who surrendered, amounted to near twenty-four hundred, over seven hundred of whom were warriors. Their villages were all destroyed—their cattle, horses, and other stock, with nearly all their other property, were taken or destroyed—the hammocks and swamps were every where penetrated, and the whole country was traversed from the Georgia line to the southern extremity of Florida. The small

bands of the enemy which were left, were dispersed over that extensive region, with little left but their rifles. Such was the condition of the war, and such the situation of the enemy, when Gen. Jesup surrendered the command.

Mr. Chairman, I have traced up the principal operations of the Florida War. I have done so for the purpose of presenting to the country the prominent facts, in order that it may be known how far the Administration or the Executive, and the War Department, are chargeable with any misfortunes or delay attending the prosecution of that war I have also done so for the purpose of placing the officers, who were the immediate active operators in the war, in a proper manner before the public, to the end that justice may be awarded to whom justice is due.

In relation to the Executive and the War Department no blame can or will be attached, if blame there is at all, and such will be the decision of an intelligent and generous community. The Executive was thwarted in his efforts to augment the regular army; hence the War Department was driven to the necessity of carrying on the war with volunteer militia, a mode both expensive and uncertain. Vast expense and delay has been the consequence, but the Executive could do no better. He was compelled to use such means as Congress furnished him, and for these alone is he responsible. All responsibility and all consequences must rest with Congress for the insufficiency of those means. Congress is also responsible for all the unhappy consequences that resulted from the untimely interference to which I have alluded, for the purposes of pacification, and by which the whole operations of the War Department were checked and thrown into confusion. I repeat that nothing that was in the power of the Executive and the War Department to do, was left undone. The best judgment has been exercised, and the best direction has been given to that judgment. I repeat, whatever failures or delay are connected with the Florida war, so far as the Executive is concerned, resulted from the want of more efficient means. I also repeat, that whatever inefficiency may seem to attach to the Executive, has its origin in the want of proper means. Lastly, I repeat, whatever failures or delay are connected with the Florida war, have their founda ion in the want of more efficient means, and are chargeable to *Congress* and the character of the country. But, sir, speaking with reference to the means with which the Executive has been furnished, I ask to present some other causes which have operated unfavorably, and must so continue to operate, to a speedy termination of that war. I have given a description of the face of Florida. The advantages which the swamps, hammocks, everglades, and morasses, give the savages, render all civilized modes of warfare ineffectual. The swamps are almost impenetrable except to the savages, who know their secret passes. The hammocks and everglades form a covering and hiding places for the savages, which render them impervious to the keenest eye and the most vigilant search. The first warning the pursuer has of the enemy is the crack of his rifle, or the effect of his shot. I am told that one of the officers of the Florida service has been shot at (and wounded often) fourteen times in various attacks, and never saw a hostile Indian, such is the security the enemy enjoy by the natural advantages which the face of Florida gives them. Add to this the extent or spread of territory which covers over forty thousand square miles, over which the enemy are dispersed in small banditis. Add to these the fact that, though Florida is destitute of resources for a civilized army, it abounds in natural productions, suited to an Indian. The wild potato, the coonti root, and the cabbage tree, are the substitutes for bread. The fish, with which the lakes and ponds abound, the gofer, the turkey, and the deer, which they know where to find, and how to kill, are their meat. It is entirely impossible, and must ever remain so, to starve them out, for nature feeds them without an effort, scarcely, on their part; and as to clothing, the climate renders that not only unnecessary, but, for three-fourths of the year, actually burdensome. A warrior disdains to encumber himself with garments beyond his buckskin leggins, moccasins, and breech-clout.

The Florida contest is really no longer a war of *fighting;* it is one of *hunting, finding, and catching*—the difficulties of which may be imagined, but can only be realized by those who have been practical observers of its operations. Nothing is more unfair and unjust than to compare this war with other Indian wars known to our country; for there is, in truth, scarcely one feature that will bear comparison. To drive the Indians from our frontier, to push them farther into the wilderness, and enlarge our boundaries, has been the common policy, as the history of our frontier Indian wars shows: but such is not the character of the war in Florida. The Indians would long since have abandoned that country, if they had had a place of retreat, as the Indians of the West have always had. But, surrounded as they are, by the Gulf of Mexico on one side, by the Atlantic ocean on another, and the inhabited States on the third, they are unable to recede from the country, even under the severest pressure. They are therefore reduced to the necessity of hiding themselves in the numerous covers with which the country abounds, and we to that of *seeking* for them. The operation of finding, running down, and catching, some twelve or fifteen hundred wild Indians, scattered over an area of forty thousand square miles of wilderness, covered with inaccessible retreats and fastnesses, will be found to be fraught with difficulties which have never been met with in this country nor surpassed in any other.

If the Indians would concentrate and fight a decisive battle, there is perhaps not a regiment in Florida that could not close the war forever by defeating them. But such is not their policy. They know their strength consists in dispersion, not in concentration. By scattering in small squads over that immense territory, they see that we can neither find nor effectually assail them. They, in fact, become intangible to military operations. Hence the war may linger through many years, with the utmost effort that *may* be used to terminate it, and it is the opinion of many most experienced in the progress of this war, that *time* is to be an important element in bringing it to a close, and that no better plan can be devised for that purpose than that now in operation by the War Department, and carrying out the provisions of the occupation bill now before the House.

Mr. Chairman, while I am willing that unprincipled demagogues, and brainless coxcombs, shall exercise full sway in their denunciations of the Administration for what they please to call the failure of the Florida war, I will ask the attention of an honest and intelligent community, while I present for their consideration some other wars in other countries, but answering the description of this, with the exception of the single change of names; in the progress and conduct of which they will find ample reasons for the delays of this—reasons which, with them, will be found amply sufficient to secure the Administration from disgrace, or even imputation, and the American arms from dishonor.

Darius, King of Persia, to satisfy an unbounded ambition, and extend his conquests, declared war against the Scythians. His brother, Artabanes, in whom he had great confidence, remonstrated against this expedition, and offered, among other strong objections, that the Scythians were separated from Persia by an immense distance of sea and land; and besides, the Scythians were a people that dwelt in wild and uncultivated deserts, having neither towns nor houses; no fixed settlements or places of habitation. * * * As they are accustomed to remove from place to place, if they should think proper to fly before you, not out of fear or cowardice, for they are a very courageous and warlike people, but only with a design to harass and ruin your army by continued and fatiguing marches; what will become of you in such an uncultivated and barren country, where you will neither find forage for your horses nor provisions for your men? * * * * Darius heard his brother in kindness, but no admonition was sufficient to drive him from his mad purpose. He commenced his march from Susa at the head of seven hundred thousand troops. His fleet consisted of six hundred ships, which were chiefly managed by Ionians, and other Grecian nations that dwelt upon the sea coast of As a Minor and the Hellespont. He marched his army towards the Thracian Bosphorus, which he passed upon a bridge of boats; after which, having made himself master of all Thrace, he came to the Danube, where he had ordered his fleet to meet him. As soon as the Scythians were informed of the march of Darius against them, knowing their want of strength to meet him, they applied to the neighboring people to join in their defence, some of whom gave in, but most of whom preferred neutral ground; but of this refusal they soon had reason to repent.

The first wise precaution taken by the Scythians was, to secure their wives and children, by sending them to the most northern parts of the country, and with them all their herds and flocks, reserving nothing for themselves but that which they could carry with them, and what was necessary for the support of the army. Another precaution which they observed was, to fill up all the wells, stop up all their springs, and consume all the forage in those parts through which the Persian army was to pass. The policy then practised was to march a short distance before Darius's army, and lead them first into the countries of those who refused to join them against the Persians, to the end that their substance might be consumed by so vast an army. This being accomplished, they led the enemy into barren regions, where there was neither water, provisions, nor forage—retreating but a short distance before, and leading him into such places as suited them best. Whenever the Persians manifested a disposition to attack them, they would quicken their march and lead them still farther into famine and thirst. At last Darius seeing no hopes of bringing the enemy to battle, and growing weary of long and fruitless marches, sent a herald to the king of the Scythians, whose name was Indirthyrsus, with this message in his name: "*Prince* of the Scythians, wherefore dost thou continually fly before me? Why dost thou not stop somewhere or other, either to give me battle if thou feelest thyself able to encounter me, or if thou thinkest thyself too weak to acknowledge thy master by presenting him with earth and *water?*"*

To this communication Indirthyrsus replied by the same herald: "*If I* fly before thee, Prince of the Persians, it is not because I fear thee. What I do now is no more than what I am used to do in time of peace. We Scythians have neither cities nor lands to defend. If thou hast a mind to force us to come to an engagement, come and attack the tombs of our fathers, and thou shall find what manner of men we are. As to the title of master which thou assumest, keep it for other nations than the Scythians. For my part, I acknowledge no other master than the great Jupiter, one of my own ancestors, and the goddess *Vesta.*" Darius was greatly enraged at what he regarded so insolent an answer, and pushed further and faster in his mad career. Just when his army was reduced to the last extremity, there came a herald to Darius from the Scythian prince with a bird, a mouse, a frog, and five arrows, for a present. The king desired to know the meaning of those gifts. The herald answered that his orders were only to deliver them, and nothing more; and that it was left for the Persian king to find out the meaning. Darius concluded, at first, that the Scythians thereby consented to deliver up the earth and water to him which, he supposed, were represented by the mouse and frog, as also their cavalry, whose swiftness was represented by the bird, together with their own persons and arms, represented by the arrows. But one of his lords expounded the enigma in a different manner. I know, says he to the Persians, that, unless you can fly away in the air like birds, or hide yourselves in the earth like mice, or swim in the water like frogs, you shall in no wise avoid the arrows of the Scythians.

The whole Persian army had now nothing before their eyes but ruin and famine. Instant retreat was all the salvation for the remainder of those

* The ancient method of acknowledging submission and servitude to the conqueror.

who survived the famine and fatigue of the Scythian campaign. Darius returned to Susa with scarce half his army. Such was the fate of the Scythian war; such was the failure of one of the most powerful nations on the face of the earth, with one of the most powerful armies that ever marched against an enemy, headed by a prince flushed with victory, and adorned with fresh laurels by the conquest of Assyria and the destruction of Babylon, in an attempt to subdue a small nation of half civilized wanderers; and such were the advantages which the face of the country and the extent of territory gave the Scythians—advantages in no respect superior to those enjoyed by the Seminoles in Florida for their defence. The Scythians defeated the Persian army by wandering, and not fighting. The Seminole Indians have it in their power to long prevent a termination of the Florida war by wandering, and not fighting, by the same advantages that the Scythians enjoyed.

In the year 1655 Jamaica was conquered by the English, and the Spaniards driven out. Soon after the English laws were established in the island, the inhabitants found themselves beset and plundered by some wandering robbers who issued from the mountains of Clarendon, situated in the interior of the island. These robbers were called maroons, and principally consisted of negroes and their descendants, who, from time to time, had escaped from their masters, and taken refuge in the mountains, or cockpits. The mountains of Clarendon are lofty, remarkably broken, consisting of rocks, covered, in some parts, with dense shrubbery, with narrow, deep defiles, leading to openings more expanded, called cockpits, and other hiding places, fit for secure retreats for robbers and plunderers. The earliest attention of the colonial Government was given to the security of the planters and herdsmen from the daily depredations of the maroons. Garrisons and posts were established, troops were stationed at suitable points to defend the frontier, but all to but little effect. Robberies, depredations on property, and murders, by the maroons, was a portion of every day's news. The attention of the colonial Government was called and directed more earnestly and urgently to the safety of the frontier and the reduction of the maroons; but all still to little effect—murders and depredations were but little abated—the work of surprise, plunder, and death, still went on. The attention of the British Parliament was called to the maroon war; but year after year passed away and the maroon war still raged. The British arms were called into active requisition, troops of rangers were sent to scour the mountain passes, defiles, and cockpits, but no maroons could be seen, with a few exceptions. Fresh trails would be made on purpose to lead the rangers into narrow defiles, when, on a sudden, the maroons would fire on them from their hiding places and cut off whole companies, without any other discovery than the report of the musket, the smoke from its muzzle, and the death which ensued. Sir, I have not time to detail this war and its bloody consequences. It is sufficient for my purpose to say that perhaps there never were over one thousand maroon warriors at any one time, and yet the war lasted near two thirds of a century, with but little intermission of confirmed peace. It is sufficient to say that such were the advantages that the inaccessible (inaccessible to any thing but a maroon) passes, narrow defiles, cockpits, and hiding places that the Clarendon mountains afforded the maroons, that a handful of them (comparatively speaking) were able to keep at bay the power of the British arms. While the British lion was prowling unscared over vast and wide-spread India, shaking the earth and making all creation tremble at his roar, he was compelled to shake his mane and sneak, in dismay and defeat, from the presence of a handful of maroons. Such were the natural advantages which the maroons enjoyed, owing to the face of their country. But, great as those advantages were, the Seminoles enjoy those that are equal for their mode of warfare, and against which the American arms have had to contend. The maroon war was finally closed in 1796, not before; nor would it yet have been closed, but for the importation of the Spanish chasseurs and bloodhounds, about which I will have to say something before I take my seat.

In that part of Asia, or, perhaps, more properly, in Asia in Russia, are what are called the Circassian mountains, which are inhabited by a people called after the mountains, or perhaps the mountains are called after them. Be that as it may, the people are called Circassians. The Government of Russia has owned that province of Asia for perhaps a century or more. Her arms and her laws have been extended to the subjection of all the tribes and nations within the limits of that province, except the Circassians, who have never been conquered to this day. Perhaps the description given of the Clarendon mountains of Jamaica may, to some extent, serve for a descriptions of the Circassian mountains, and the advantages of the one are similar to the other, for national defence. The Circassians, I believe rank with what is called half civilized people. think their concentrated military force has, at no time, exceeded one or two thousand warriors. The arms of Russia have been directed against that people, with but little intermission, from the time she has owned the province. Campaign after campaign has marched, with ten, fifteen, and upwards of twenty thousand troops, as brave as ever bore arms, or followed the Russian standard; and as often as they have been marched, so often have they failed, or been defeated. The Russian eagle, that hovers over, unscared, one half of the continent of inhabited Europe, has been compelled to flee from the presence of a handful of Circassians, in defeat and dismay. Ten thousand of Russia's bravest veterans have fallen in a single campaign before them. They are unconquered and unconquerable, so long as their scattered, small clans, remain united for the common defence of their country, and so long as the mountains stand, and the passes, fastnesses, and defiles remain; for these are the natural advantages by which they are enabled to contend against the almost unlimited powers of a Russian Autocrat; and yet the natural advantages that the Circassian mountains afford that people in the safety of their retreats, does not excel the advantages the everglades, swamps, and hammocks secure to the Seminoles in Florida.

The failures of the Persian army to defeat Scythia; the procrastination for more than half a century of the maroon war, and the total failure of all Russia to conquer Circassia, can all be accounted for by the honest, intelligent and candid world, and yet this Administration must be the subject of Federal derision, ridicule and denunciation, because the Florida war has not been terminated in the space of two or three years, with all the insurmountable difficulties that have their foundation in nature to contend with—limited means, a destitution in resources at the theatre of war, and the untimely and embarrassing interposition of Congress—all of which have conspired to make this war as complicated and as difficult of termination as those to which I have referred.

Sir, the spirit of persecution and demagoguism which has hunted the Executive and the War Department, as well as some of the officers, through this war, is worthy of, and in character with, the reckless demagogues of other times and other Governments, who are always prepared to sacrifice the highest interest of their country at the shrine of their ambition. It is worthy of the ingratitude and inhumanity of an Apries, when the Egyptians determined to shake off the yoke that bound them down in slavish bondage to Apries (Pharao Hophrah) they made Amasis their king, Apries in exasperation sent Paterbenis, one of his highest officers and principal lord of his court, to put Amasis under arrest and bring him before him. Paterbenis, faithful to his prince, did all he could to execute his master's order; but, for want of *power and means*, failed in his commission. The base and brutal Apries, as a reward for his fidelity, treated him in a most ignominious and inhuman manner, by cutting off his nose and ears, for failing to do that which he had neither the power nor the means to do.

It is in character with the base conduct and treachery of Hanno, and the vile faction he headed in Carthage, whose whole efforts were directed to the destruction of the immortal Hannibal, whose success in arms, and whose popularity with his people, were a constant source of mortification and disappointment to him. The management of the Government of Carthage, and the command of her armies, were Hanno's ambition; and, like the Federal demagogues of this day in our country, he preferred to see the proud name of Carthage wither, her arms dishonored, and her people sunk in infamy and sold in slavery, rather than fail of his object; and such aspiring demagogues have been the misfortune and curse of every Government and people, at all times. So says the history of the world and of man. But I will not now take time to illustrate by examples. The American people will be able to appreciate the motives that give birth to the base charges against the Administration in reference to the Florida war.

Mr. Chairman, I ask your attention, while I expose the inconsistency involved in the cry against the Administration for what is called the "mismanagement of the Florida war." The Executive and the War Department have been charged with impotency in its management, and General Jesup has been brought in for a large share of Federal abuse and Federal censure. Of the Administration I will say nothing more, farther than repeat, that all that has been done, has been done with the best directed judgment.

But of General Jesup I must say something, by way of contrast to the services of General Scott.

General Jesup served, I think, hardly a fortnight in the Creek war, and by his efficient means, and in violation of the orders, and contrary to the plans, of General Scott, he succeeded in terminating the war, and completed the arrangements by which near twenty thousand Indians were moved west of the Mississippi. For this, as I have before remarked, he received General Scott's censure.

General Jesup served in Florida, and had charge of the war a little over seventeen months, in which time he killed and captured of the enemy near twenty-four hundred, defended the frontier, established posts and fortifications, destroyed the enemy's property, burnt their towns, swept the swamps and hammocks, and dispersed the small remainder, and yet General Jesup has been abused and denounced in no measured terms by the Federal sheets of the day; he has been identified with the War Department in the charge of "impotency" and the "disgrace of the Florida war."

General Scott performed a campaign in Florida with near five thousand troops (the bravest of the brave) well supplied, in which he *may* have killed, it is said, five or six of the enemy, and yet, strange to say, General Scott, by the same men and the same party, is lauded for his bravery and his transcendent military services, and is held up as qualified for and entitled to the first office in the gift of the American people. Yes, sir, he was really a prominent candidate for the Presidency at the late Hartford Convention. (Pardon me, sir, I should have said Harrisburg. I am so in the habit of calling things by their proper names, that I sometimes violate the rules of courtesy. The fact that it was composed of men of the same party, governed by the same principles, and whose object was to effect about the same purposes as that of the Hartford convention, led me into the nominal mistake. I will be more careful hereafter.) Yes, sir, General Scott, who, of all the officers that had charge of the Florida war, with greater means and greater advantages, did the least, (except one whom I shall name shortly,) is held up by the Opposition as worthy and qualified for the Presidency!

Sir, if there is any disgrace attached to the conduct of the Florida war, or any failure in its management, that disgrace, and that failure, must attach to General Scott. If there was any thing left undone, which could or ought to have been done, in the Florida war, it was the failure of General Scott to fight, surround, and conquer the enemy, when they were embodied on the Withlacoochee river. At no time, during the war, were there so great a number of the enemy embodied as on the Withlacoochee, when General Scott met them. At no time were there so many efficient troops so contiguous, nor were the troops at any time so well supplied, as were the troops at that time under Gen. Scott. He had nineteen hundred and sixty men

in his right wing, immediately under his command, with sixteen days' provisions. His left wing was at Palaklakaha, consisting of the same number of men, and the same quantity of provisions, and with cattle in abundance, and only one or two days' march from where the Indians were embodied. Then was the time for a decisive battle, if such a battle could have been fought with the Indians at any time. If there was ever a time when an end could have been put to the Florida war by efficient and prompt action, that was the time. If ever there were circumstances which put it in the power of any commander in Florida to put, at one blow, an end to the war, these were the circumstances. What was the course of General Scott? It was, as I have remarked, to attack the Indians, who, without the loss of one man, retreated to the swamps. General Scott followed them but four or five miles, and then took up the line of march for Tampa Bay, where he arrived in eleven days from Fort Drane, with seven days' provisions, and where he met the left wing of his army, with a like quantity of provisions. Sir, one is naturally led to inquire why Gen. Scott did not send to Palaklekaha for the left wing of his army, secure a few of the enemy's cattle which were in such abundance, attack the enemy with his whole force, and at a blow put an end to the war. It has been confidently said by some officers of experience, that if General Gaines or General Jesup had commanded at that time at Withlacoochee, with the forces and provisions that General Scott had, an end would have been put to the war by a decisive battle. It is said that it was a great error in General Scott to permit the Indians to disperse. They never have since been so embodied, nor will they ever again be so embodied. I repeat, that there and then was committed the fatal error, if any error can be justly charged in the conduct of the Florida war. I charge this upon General Scott, and I defy his friends to get him from under the charge, unless they will maintain that owing to the character and face of the country and the advantages of the swamps, hammocks, and fastnesses the enemy enjoyed, it was impossible for him to find and defeat them; and such seems to be the case, and the apology upon which the court of inquiry decided, as set forth in Senate document 224, evidence furnished the court by Gen. Scott himself. I say, if the friends of Gen. Scott assign these as good reasons why he so signally failed in the Florida war, then must they cease their clamor against the Administration, and their charges of inefficiency and "*impotency*" upon the head of the War Department for not doing that which they must acknowledge was impossible to be done, or they must consent to let their would-be President stand charged with more inefficiency and greater error, than any one officer connected with the Florida war—no one having it so much in his power to end the war as General Scott.

I was amused to hear the gentleman from South Carolina, [Mr. THOMPSON,] when on this subject, (Florida war.) He asks:

"What has yet been accomplished by the Second dragoons, a regiment raised specially for that service? Nothing, that I have ever heard of. I would not object to raising one or more regiments, if I knew who were to command them; if I could have any assurance that the command would be given to Gen. Floyd of Georgia, or some other such man. I, however, know none such. But it will be given to no such man, but to some palace pet or noisy politician. These appointments have been, and will be made, not with a view to military, but to political battles; not with a view to obtaining victories over the Indians, but votes at elections."

He knows no such man as Gen. Floyd! Ought the gentleman not to have embraced Gen. Scott and the hero of Tippecanoe?

But, sir, who is Gen. Floyd? I may expose my ignorance by asking this question. If so, I hope I will find an apology in the fact that some of us in the West have no books to read but the Bible and old Tom Dilworth's Spelling-book. I do not make the inquiry with any disrespect to the gentleman, who seems to stand so high in the estimation of the gentleman from South Carolina, [Mr. T.] Gen. Floyd may have slain his thousands and tens of thousans. He may have fattened many a broad field with his slain. He may have planted standards of liberty in every quarter of the globe. Victory may perch upon his banner, and conqueror may be his name, but it so happens I know little or nothing of him. I believe he had the charge of a campaign in Florida. I think he was sent to do what Gen. Nelson had failed to do. And what did they both do? Senate document No. 507 informs us that Gen. Nelson, with a brigade of Georgia volunteers, was directed to secure the frontier of Middle Florida and the western part of East Florida. His operations covered the country west of the Fort King road, from the south point of the Annuttalega swamp to the Withlacoochee, and to the head of that river; thence to the Suwanee, and thence west of that river, and south of the Tallahassee road to Stein Hatchee, the whole distance on the coast being a continued swamp, extending from the Gulf of Mexico to the interior, from ten to thirty miles, and along the Gulf a hundred and fifty miles. He had several skirmishes with the enemy, and the result of his operations, so far as they have been reported, are six Indians killed, and fourteen prisoners. That is something. General Nelson is a Democrat, I am told.

Now, sir, I have told you I did not know what General Floyd has done, but I can tell you what he did not do. After General Nelson left Florida, General Floyd went on a campaign. His operations were confined to the southern part of Georgia, and northern line of Florida, near the Okeefenoke swamp. His force I think consisted of near one thousand Georgia volunteers and United States regular troops. His campaign continued probably three months. He returned without killing one Indian or taking a prisoner. This is what he did not do. I believe General Floyd is *a modern Whig!*

"The King of France, with forty thousand men,
Marched up a hill, and then marched down again."

But my friend from South Carolina knows no such man as General Floyd. He does not like pets of the white palace, and noisy politicians; I suppose he prefers bank pets. I take it for granted, if the charge of the Florida war could be put into the hands of the pets of the bank marbled palace and the friends of rotten corporations; the rag tag shinplaster currency and incorporated swindlers, they might make as much "*noise*" as they pleased in *politics*. Such generals would be to the gentleman's liking and the liking of his party, whether they would obtain "*victories over the Indians*" or not, so that they would "*obtain votes at the polls*."

But, sir, I wish it to be understood that I neither make the inquiry nor the expose which I have, in relation to General Floyd, through any disrespect to that gentleman, or to diminish any claims to chivalry, bravery, or good conduct, he may have achieved by his services in the Florida war. On the contrary, it is my desire that he shall enjoy all the credit to which his services entitle him. But when his friends are so imprudent as to extol him, at the expense, and to the exclusion, of all others who toiled with him in the scenes of Florida, a plain, unvarnished statement of facts is not only admissible, but demanded, in justice to those who may be affected thereby. And I am willing to admit that General Floyd did all that could have been done under the circumstances in which he served.

I have stated that the abused General Jesup ended the Creek war in ten or fifteen days, and sent near twenty thousand Indians west of the Mississippi; and that he killed, captured, and took prisoners, near twenty-four hundred of the enemy, in less than seventeen months, during which he had charge of the Florida war. How will these compare with other Indian campaigns and Indian wars.

General Wayne's Indian campaign commenced in 1792, and ended in 1795. Wayne's last battle was fought on the 20th August, 1794. The Indians did not come in for a year after, and, when all told, they did not amount to more than eleven hundred.

General G. R. Clark, who was considered one of our most successful Indian hunters, never took more than one hundred and fifty Indians; nor did he kill more than twice that number. Generals Scott (*not the would-be President*) and Wilkinson killed and captured ninety-nine Indians in their campaign, for which they received the thanks of General Washington.

In the surprise at Tippecanoe it is supposed fifty Indians may have been killed with the offset of one hundred and eighty of our troops killed and wounded.

So Gen. Jesup, in a seventeen months' campaign, killed and captured, and made prisoner, more Indians than all killed and taken by Wayne, Clark, Scott, Wilkinson, and Tippecanoe to boot; and yet the Administration, the War Department, and General Jesup, are charged with disgrace for failures in the Florida war, and General Winfield Scott must be made President of the United States. Monstrous!!! and Tippecanoe more monstrous!!!!

Mr. Chairman, I regret that my time and the limits of a speech will not permit me to take the notice I should of many of the gallant officers who served in the fatiguing and harassing war of Florida. If I had time and opportunity, it would give me great pleasure to annex the services of the gallant Smith, Taylor, Hernandes, Cawlfield, Harny, Fanning, and others, to their names.

I have a word to say, by way of conclusion, to the charge made upon the War Department of importing bloodhounds to hunt down the Seminole Indians.

This charge is made by the *humane* Federalists. Humanity is one of the noblest qualities of the human heart, but it sometimes requires the exercise of sound judgment, to give it a proper direction; and unfeigned humanity is generally blended with some regard for truth and veracity. We had a very humane party during our last war with Great Britain, in which we were struggling to maintain our liberty and independence. That was the Federal party who, for the time, styled themseles the *peace party*, and the same party whose eyes are now pumping, and whose hearts are bleeding, at the thought of employing bloodhounds to hunt the poor Seminoles. At the same time that the whole line of our frontier country was bleeding at every pore; when the heavens were illuminated by night with the torch of the savage and the conflagration of the frontier cabins along the whole northern boundary; when the crack of the deadly rifle was not permitted to die on the ear; when the red scalping knife and tomahawk were never permitted to dry; and when the work of death was the daily and nightly occupation of the enemy, many a loud and fervent prayer was sent to Heaven by the peace party to revenge, on our countrymen, the blood of an unholy and unjust war. And now, when the first intelligence of the morning is the indiscriminate slaughter of one or more families, the burning of one or more houses, by the Seminoles, we hear the same party petitioning men and Heaven against employing bloodhounds to trace the enemy to their lurking places and inaccessible retreats—for no other use is intended by them.

The Florida Indians are perhaps the most treacherous and inhuman savages that ever degraded the human name, or deformed the image of man. They are composed of every material that is vile and abominable in human nature and degraded in principle.

In the course of this war, they have not only placed themselves without the pale of mercy and humanity, by their inhuman and indiscriminate barbarity, but they have made themselves, by the laws of nations and of war, subjects of the gallows, by the violations of the capitulation solemnly entered into at Fort Dade, which I have before described; and this is the kind of enemy against which bloodhounds must not be used, for the purpose of ferreting out their places of concealment.

Every wind from Florida bears upon its wings the sickening intelligence of some innocent family falling a sacrifice to these plundering murderers. The intelligence of the parents of some family having their throats cut, their cabin fired, and their children's brains dashed out upon its burning logs, and the mangled bodies left to fatten the wolf, and feed the raven. But all this can be heard with cold indifference, while the pitiful whine is spread upon a thousand petitions against employing bloodhounds, to hunt the poor Seminoles. Sir, it is all the slang of the demagogue, and the cant of the hypocrite. I have in my possession an extract from Governor Reid's message to the Florida Legislature, which gives a description of one of those hor-

rible scenes of murder and burning. It is said that a pious and exemplary citizen, on seeing the mangled corpses and the smoking ruins of the dwelling, exclaimed, in feeling and horror, that he would employ hell hounds and devils against such an enemy.

But the Executive and the War Department have been assailed and denounced from one end of the Union to the other, for importing bloodhounds, to be used in the Florida war. Now, sir, I have to inform you that the whole charge is but one of the reckless, unprincipled, and vile slanders of the times, propagated and promulgated for the base purposes of party. Neither the Executive nor the War Department have had any hand in the importation of blood hounds. It is the work of the Florida authorities, a matter over which the Executive and the War Department have no control, except whether they shall be used as instruments of war in the hands of the United States troops, or, if permitted, in what manner they shall be used.

I present the reply of the Secretary of the War Department to a communication of the Hon. H. A. WISE to him on that subject, which I ask may be read by the Clerk, and which I shall make a part of my printed remarks.

The Clerk read as follows, Senate Document 187, 1st session 26th Congress, page 4:

On this letter I endorsed the following decision, which was communicated to General Taylor: "I have always been of opinion that dogs ought to be employed in this warfare, to protect the army from surprises and ambuscades, and to track the Indian to his lurking-place: but supposed, if the General believed them to be necessary, he would not hesitate to take measures to procure them. The cold-blooded and inhuman murders lately perpetrated upon helpless women and children by these ruthless savages, render it expedient that every possible means should be resorted to, in order to protect the people of Florida, and to enable the United States forces to follow and capture or destroy the savage and unrelenting foe. General Taylor is, therefore, authorized to procure such number of dogs as he may judge necessary, it being expressly understood that they are to be employed to track and discover the Indians, not to worry or destroy them."

This is the only action or correspondence, on the part of the Department, that has ever taken place in relation to the matter. The General took no measures to carry into effect his own recommendation, and this Department has never since renewed the subject. I continue, however, to entertain the opinion expressed in the above decision. I do not believe that description of dog, called the bloodhound, necessary to present surprise, or track the Indian murderer; but I still think that every cabin, every military post, and every detachment, should be attended by dogs. That precaution might have saved Dade's command from massacre; and, by giving timely warning, have prevented many of the cruel murders which have been committed by the Indians in Middle Florida. The only successful pursuit of Indian murderers that I know of, was on a late occasion, when the pursuers were aided by the sagacity of their dogs. These savages had approached a cabin of peaceful and industrious settlers so stealthily, that the first notice of their presence was given by a volley from their rifles thrust between the logs of the house; and the work of death was finished by tomahawking the women, after tearing from them their infant children, and dashing their brains out against the door posts. Are these ruthless savages to escape and repeat such scenes of blood, because they can elude our fellow-citizens in Florida and our regular soldiers, and baffle their unaided efforts to overtake or discover them? On a late occasion, three estimable citizens were killed in the immediate neighborhood of St. Augustine, and one officer of distinguished merit mortally wounded. It is in evidence that these murders were committed by two Indians, who, after shooting down the father, and beating out the son's brains with the butts of their rifles, upon hearing the approach of the volunteers, retired a few yards into the woods, and secreted themselves until the troops returned to town with the dead bodies of those who had been thus inhumanly and wantonly butchered. It is to be regretted that this corps had not been accompanied with one or two hunters, who, with their dogs, might have tracked the blood-stained footsteps of these Indians, have restored to liberty the captive they were dragging away with them, and have prevented them from ever again repeating such atrocities. Nor could the severest casuist object to our fellow-citizens in Florida resorting to such measures, in order to protect the lives of their women and children.

Very respectfully, your most obedient servant,
J. R. POINSETT.

Hon. HENRY A. WISE,
House of Representatives.

WAR DEPARTMENT, January 26, 1840.

SIR: It is understood by the Department, although not officially informed of the fact, that the authorities of the Territory of Florida have imported a pack of bloodhounds from the island of Cuba, and I think it proper to direct, in the event of those dogs being employed by any officer or officers under your command, that their use be confined altogether to tracking the Indians: and in order to insure this, and to prevent the possibility of their injuring any person whatsoever, that they be muzzled when in the field, and held with a leash while following the track of the enemy.

Very respectfully, your most obedient servant,
J. R. POINSETT.

Brig. Gen. Z. TAYLOR,
Commanding Army of the South, Florida.

I now ask to read the following resolution, which also shall make a part of my speech:

Mr. ADAMS submitted the following resolution:

Resolved, That the Secretary of War be directed to report to this House the natural, political, and martial history of the bloodhounds, showing the peculiar fitness of that class of warriors to be the associates of the gallant army of the United States, specifying the nice discrimination of his scent between the blood of the freeman and the blood of the slave—between the blood of the armed warrior and that of women or children—between the blood of the black, white, and colored men—between the blood of savage Seminoles and that of the Anglo-Saxon pious Christian. Also, a statement of the number of bloodhounds and their conductors, imported by this Government, or by the authorities of Florida, from the Island of Cuba, and the cost of that importation. Also, whether a further importation of the same heroic race into the State of Maine, to await the contingency of a contested Northeastern boundary question, is contemplated, or only to set an example to be followed by our possible adversary in the event of a conflict. Whether measures have been taken to secure exclusively to ourselves the employment of this auxilary force, and whether he deems it expedient to extend to the said bloodhounds and their posterity the benefit of the pension laws.

Mr. BOYD demanded the yeas and nays on the passage of the resalution; which were ordered.

Mr. ADAMS said, inasmuch as the yeas and nays were ordered, he would wish to explain before the question was taken.

The resolution, in consequence, was laid over under the rule.

Sir, if any other member than the venerable gentleman from Massachusetts had offered this resolution, I would have thought him a fit subject for the dark cell of a lunatic asylum. Or if his reason was evidently so as to prevent such a conclusion, and knowing that he had read the communication of the Secretary of War, (a document which has been lying on our desks for some weeks,) I would have thought he was wilfully, designedly, and maliciously, attempting to practice a base fraud upon the American people, and a vile slander upon the Administration.

I presume it is not the intention of the Secretary of War to enrol the Spanish bloodhounds of Florida with the pension soldiers of the Revolution. When the time comes that dogs must be enrolled with men, I can tell you a list on which they will be placed. I mean the black list. The list of those who violated the Constitution, trampled upon the sacred rights of the American people, and debased the purity of the elective franchise in 1824, by the appointment of a man to the highest and most responsible office known to our Government, who was not of the people's choice.

It is a principle in ethics and philosophy, that there is a time and place for every thing; and it is a principle in propriety that every thing should be in its place. If dogs are to be enrolled with men, let them be enrolled with those who have disgraced their stations and dishonored their Government. But let patriots be enrolled with patriots.

If the solicitude manifested on the subject of the employment of bloodhounds in Florida be not the result of morbid humanity and Christian sympathy, or the whining, pining, sniffling cants of hypocrisy and demagoguism, when had it its beginning?

I ask your attention while I read the conclusion of a proclamation of the pious Governor of Pennsylvania in 1764, and also the conclusion of the ordinance of the court, and the proclamation of his Excellency, William Shirley, Governor of the puritans of Massachusetts, still more celebrated for their piety, in 1744, at a time when piety held so high a seat that the man who would so far forget himself as to kiss his wife on Sunday, was subject to the payment of a heavy fine, and, for aught I know, corporeal punishment. But here are the extracts:

"AND WHEREAS, it is necessary for the better carrying on offensive Operations against our Indian Enemies, and bringing the unhappy war with them to a speedy issue, that the greatest Encouragement should be given to all His Majesty's Subjects to exert and use their utmost endeavors to pursue, attack, take and destroy our said Enemy Indians; I DO HEREBY DECLARE AND PROMISE, That there shall be paid, out of the Moneys lately granted for His Majesty's Use, to all and every Person and Persons not in the Pay of this Province, the following several and respective PREMIUMS and BOUNTIES for the PRISONERS and SCALPS of the enemy Indians, that shall be taken or killed within the Bounds of this Province, as limited by the Royal Charter, or in Pursuit from within the said Bounds; that is to say,

"For every MALE INDIAN ENEMY, above Ten Years old, who shall be taken Prisoner, and delivered at any Forts garrisoned by the Troops in the Pay of this Province, or at any of the County Towns, to the Keeper of the Common Gaols there, the Sum of ONE HUNDRED AND FIFTY SPANISH DOLLARS, or PIECES OF EIGHT.

"For every FEMALE INDIAN ENEMY, taken Prisoner and brought in as aforesaid; and for every MALE INDIAN ENEMY, of Ten Years old or under, taken Prisoner and delivered as aforesaid, the Sum of ONE HUNDRED AND THIRTY PIECES OF EIGHT.

"For the SCALP of every MALE INDIAN ENEMY, and above the age of Ten Years, produced as evidence of their being killed, the Sum of ONE HUNDRED AND THIRTY-FOUR PIECES OF EIGHT. And

"For the SCALP of every FEMALE INDIAN ENEMY above the age of Ten Years, produced as evidence of their being killed, the Sum of FIFTY PIECES OF EIGHT.

"AND that there shall be paid to every Officer or Officers, Soldier or Soldiers, as are or shall be in the Pay of this Province, who shall take, bring in, and produce, any INDIAN ENEMY PRISONER or SCALP, as aforesaid, ONE HALF of the said several and respective PREMIUMS and BOUNTIES

"Given under my hand and Great Seal of the said Province, at Philadelphia, the Seventh day of July, in the Fourth year of His Majesty's Reign, and in the reign of our LORD one thousand seven hundred and Sixty-Four.

JOHN PENN.

By His Honour's Command.
JOSEPH SHIPPEN, junior, *Secretary*.
GOD Save the KING."

So much for pious Pennsylvania; now for the puritans.

"On the 26th of October last the General Court of this Province voted, that there shall be paid out of the public Treasury, to any Company, party, or person singly, of his Majesty's subjects belonging to or residing within this Province, who shall voluntarily, and at their own proper cost and charge, go out and kill a male Indian of the age of twelve years or upwards, of the tribe of St. Johns or Cape Sables, after the twenty-sixth day of October last past, and before the last day of June, anno Domini one thousand seven hundred and forty-five, (or for such part of that term as the War shall continue,) in any place to the Eastward of a line to be fixed by the Governour and His Majesty's Council of this Province, somewhere to the Eastward of Penobscot, and produce his scalp in evidence of his death, the sum of one hundred pounds in bills of credit of this Province of the New Tenor, and the sum of one hundred and five pounds in said bills for any male of the like age who shall be taken Captive, and delivered to the Order of the Captain-General to be at disposal and for the use of the Government; and the sum of fifty pounds in said bills, for women; and the like sum for children under the age of twelve years killed in fight; and fifty five pounds for such of them as shall be take prisoners, together with the plunder.

And upon the second day of November instant, His Excellency, with the advice and consent of the Council, issued a proclamation for giving public notice of the said encouragement; wherein they have also fixed the line (to the Eastward of which the said Indians may be slain or taken, or made prisoners) which line is to begin on the sea shore at three leagues distance eastwardly from the Easternmost part of the mouth of Passamaquoddy river, and thence to run North into the country through the Province of Nova Scotia to the river St. Lawrence.

Sir, I would like to comment on these extracts, but I must leave that to those who may read them, for I have already consumed too much of the time of the committee. Permit me to conclude, by returning my sincere thanks for the patience and attention with which I have been heard.

SPEECH OF MR. RIVES,

OF VIRGINIA,

In the House of Representatives, February 26 1840—

In favor of the proposition of Mr. JOHNSON of Tennessee, to instruct the Committee of Elections to report, forthwith, which five of the ten individuals claiming seats from the State of New Jersey received the greatest number of votes at the election of 1838, and in reply to Mr. SMITH of Connecticut.

After Mr. SMITH took his seat,

Mr. RIVES rose and said:

Nothing, Mr. Speaker, but the importance of the subject under consideration, could induce me, under present circumstances—the House being fatigued, as it must be, by the elaborate remarks of the gentleman from Connecticut, [Mr. SMITH]—to detain it with any additional remarks; but I feel it a duty I owe, not only to myself, but to the people I represent, to let it be known what I have done, and also what I think we should do, in relation to the New Jersey case.

In order, said Mr. R. that we may not be led off from the plain subject at issue, I beg leave, in the first place, to state the circumstances under which we met here at the beginning of the session. This is done for the purpose of comparing with each other the principles and actions of the two parties which divide this House.

Long before the meeting of Congress, much was said throughout the United States about the "*election*" and "*returns*" of persons to represent the people of New Jersey in the present House of Representatives—it being charged, on the one hand, that the *return* was in conflict with the *election*; and on the other, that if such was the fact, "it could, and ought to be, corrected by the House, it being the judge of the elections, returns, and qualifications, of its own members." It was also said, prior to our arrival here, that an effort would be made by us to exclude the persons who were commissioned by the Governor, and to force into their seats persons who had no evidence of their election. Now, although we believed that the Governor had usurped powers that did not belong to him, and had, in

defiance of the Constitution of the United States and the laws of his State, returned persons to this House whom the people had refused to elect, what did we, the Administration party, do?

Fearing that we might be wrong, and fearing that we might be charged with sacrificing principle to party purposes, if we permitted the persons who claimed seats by virtue of their election by the people to come in as members of this House, and anxious to occupy ground that ought to keep ourselves above suspicion, we thought it best to adopt the course recommended, at the last session, by the gentleman from Massachusetts, [Mr. ADAMS,] which recommendation was in these words:

That every member of the House of Representatives of the United States ought, before taking his seat therein, to produce at the Clerk's table, or to deposite in the Clerk's office, the credentials by virtue of which he claims his seat; and in all cases of contested election, no member ought to be permitted to vote until the House, upon a report from the standing Committee of Elections, or by the vote of the majority of the members present, being a quorum of the House, shall have decided which of the claimants is entitled to the contested seat.

This course, we know, too, was sustained by precedent—Moore and Letcher having been required to stand aside till their case was acted on by the Committee of Elections.

However anxious we might be to elect a Speaker, Clerk, and Printer, whose politics might be in accordance with our own, believing that this was the safe course, and one calculated to keep us free from the charge that the Opposition made against us, we proposed that both parties should stand aside, though we thought the returns ought to have been founded on the election, and that if they were not so, they must be illegal.

For these reasons we took a course that has prevented New Jersey from having her full representation up to this time, believing, as we did, it would be better for her to have no representation than to be misrepresented.

But what was the course of the opposite party? Those men who received the certificates of the Governor, though no man ever said, here or elsewhere, (so far as I have heard,) that they received a majority of the whole number of votes cast by the people of the State—these men who succeeded in obtaining returns against the Constitution of the United States, against the laws of the State, and the wishes of the people, must have seats at all hazards. This was the course of the Opposition. But was there a man of the Administration party who was for giving seats, under the then state of things, to those who brought with them evidence of their having received a majority of votes? Not one. You recollect, Mr. Speaker, what was the astonishment of the Opposition after the House refused to let the "broad seal" men qualify, that we did not propose the qualification of those who came here on the return of the facts of the case. Not one of us, however, advocated such a measure, either in that case, or the one from Pennsylvania. In the latter case, we had before us double returns, and although the Whig candidate was not returned in the regular way, his political friends were for counting all the ballots that were in the ballot boxes, relying not on the return, but on the *votes, whether put in before or during the election*; and they succeeded, too, in having him qualified, by the aid of some three or four of our party, who were at the time induced to think the election had been fairly conducted.

Now, Mr. Speaker, it is my intention to examine somewhat into the course that has been pursued by the gentleman from Connecticut, and in doing this I intend to show that he has advocated the conduct of an officer who has acted in direct violation of the Constitution of the United States, and in conflict with the laws of New Jersey.

What does the Constitution of the United States say in relation to the election of Members of Congress? "That the House of Representatives shall be composed of members chosen every second year by the *people* of the several States." And that the "times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof." And, furthermore, that "each House shall be the judge of the elections, returns, and qualifications of its own members." Now let us see what New Jersey did under the authority given to regulate the "times, places, and manner of holding elections" in that State?

After fixing the times and places, and directing by law the mode of voting, and designating the officers who shall conduct elections, their law is, that,

After the poll is closed, the judge and inspectors shall, together with the clerk (township clerk) of the election, proceed, without delay, to take an account of, and cast up the votes given for each candidate, and shall make separate lists of the same; which list they shall sign, certify, seal up, direct, and transmit to the clerk of the county, who shall attend at the court-house of the county, on the Saturday next after the day of election, for the purpose of receiving the same, which list shall be delivered to him before five o'clock in the afternoon of said day, which said clerk shall then proceed in a public manner to make one general list of all the candidates voted for as aforesaid, together with the number of votes received for each of them, and shall transmit the same, at the expense of the State, to the Governor, or person administering the Government, within seven days thereafter, having first caused a duplicate thereof to be filed in his office, together with the lists from the said townships.

The same law makes it the duty of the

Governor, or person administering the Government and Privy Council, to determine the six persons who have the greatest number of votes from the whole State for Representatives in Congress of the United States from that State; which six persons the Governor, or person administering the Government, shall forthwith commission, under the great seal of the State, to represent the State in the House of Representatives of the Congress of the United States.

The laws of this State further provide:

That if the certified lists of votes given for Representatives of this State in the Congress of the United States, shall not be received from the clerks of any of the counties of this State, by the Governor, or person administering the Government, within seven days after the day prescribed by law for the casting up of the votes, making a list thereof, and certifying the same, by the clerks of the respective counties in this State, it shall be the duty of the Governor forthwith to send express to the county or counties from which such certified lists of votes have not been received, and procure the same at the expense of the State.

Now, Mr. Speaker, let us inquire whether the persons who were commissioned by the Governor, were "chosen by the people" of New Jersey. That being done, it can readily be decided whether the complaint should be against us, or against the Governor of that State, for not having on this floor a representation equal to her constitutional right. We contend that a return, unless it be founded on an election by the people, is not sufficient to entitle persons to occupy seats in this House as the Representatives of the people—that the returning officer of an election is nothing more than the instrument of the law, or the organ through which is conveyed to us the names of the chosen agents—that votes are better evidence of the popular will than returns, when the polls are introduced to falsify and invalidate the returns—that as one party came with the commissions, and the other with the facts of the case, and said to us, "judge of the elections and returns," it was our duty to do so. And hence it was, that we told them to stand aside until there could be an examination into the matter.

In committee, Mr. Speaker, we have had a most laborious time of it—not to settle the real issue, but to sustain a new issue; not to determine which party received the greatest number of votes, but to devise the plan by which the returning officer could be protected from exposure. The "broad seal" men found they held only the *shadow* of a claim; that the evidence proved they had been *appointed* by the Governor—not elected by the people—and although we had, in the first instance, committed, in the estimation of those men, such a "*palpable outrage on a sovereign State*," they have shrunk from the ground first occupied, and resorted to a scheme that was not heard of till last November, some thirteen or fourteen months after the election.

Sir, the member from Connecticut [Mr. SMITH] complains heavily of the amendment proposed by the gentleman from Tennessee, [Mr. JOHNSON,] which requires that the committee shall report forthwith which of the five persons received the greatest number of votes from the whole State. Why so much vehemence? Why resist the instruction with so much feeling, when he knows there is no dispute *now* about that fact; and the chairman, in whom he has so much confidence, has told the House that that duty can be performed in two hours? Is it because he is unwilling that the facts of the case shall be published to enable the community to see where the corruption lies? Does he desire that the various Legislatures to which the New Jersey resolutions have been sent, shall act in the dark, when, by reporting and printing, they will have light? So far from complaining myself, as a member of the committee, I rejoice at it, give the gentleman my thanks, and hope the House will adopt his amendment.

Print the papers, Mr. Speaker, and you will see that, by the agency of two *Whig clerks*, the votes polled in two townships were suppressed, in violation of the law I have quoted. Print them, and you will find the returns made by the township officers were filed in the offices of the e Whig clerks, and that they had the humiliating duty to perform of giving certified copies of them to the persons injured by the suppression. Print them, and it will be seen that the Governor *knew*, when he counted the votes, those cast at Millville and South Amboy had not been returned, and yet he would not "*send express for them*." Print them, and it will appear that, as these Whig clerks would not send them, the township officers sent them, and a portion of his council insisted on their being counted—but all in vain. Yes, Mr. Speaker, adopt the amendment we are considering, and you will soon see, by examining other townships returns, that, if Whig majorities had been given at Millville and South Amboy, they would never have been suppressed. Adopt it, and every one who is not wilfully blind must come to the conclusion that the Governor commissioned five persons, when he *knew* that five others had received a majority of the whole number of votes cast in the election.

I have, Mr. Speaker, many reasons for desiring speedy action on this subject, and a few more of them I will present to the House. Among other things, it has been said by the "broad seal" men, or *appointees* of this immaculate Governor, that by our act "we disgraced the history of a regular representative Government." This is said by men, too, who never had the audacity to deny the fact that other persons got a majority of all the votes cast in the election, and when—so conscious were they that they could not retain their seats—they had proposed to the adverse party that all of them should resign their respective rights to seats, and have a new election. Now, do you think, Mr. Speaker, that they were of opinion they could retain their seats, except by a "lawless and revolutionary power?" No; never would they have made such a proposition, but for their looking on it as a hopeless claim. Let the report come in, sir, I beseech the House, and have the corruption exposed to the world.

I am unwilling, for another reason, that this iniquitous conduct to which I have alluded shall remain locked up in the committee room till the 2nd Monday in April. When this outrage was first perpetrated on the people of New Jersey, the Governor said it was not in his power to repair the injury done by the two clerks of whom I have spoken; but it was the duty of the House of Representatives, and he hoped it would exercise its right of judging of the "election and returns," and do ample justice to the parties. We took on ourselves the discharge of this constitutional duty, as we were bound to do, and pray what does the usurper say now? In the most imperious manner, he says: "whether my decision in granting the certificates was right or wrong, Congress, at all events, is bound to receive the credentials thus furnished, as the mandate of the State," &c. And his arrogance did not stop here; he was not content with saying this to the Legislature of his own State, but advises an appeal to the several States to enter their solemn protest against the usurped powers of Congress. Sir, the boldness of the man is equalled only by the enormity of the crime he has perpetrated. Not only has he undertaken to abuse us for keeping his Whig friends out of their seats, but has assailed, in a most wanton manner, the Secretary of his State—and for what? Because, when called on by the persons who were elected by the people, for a copy of the papers that were before the Governor and on file in his office, he had the honesty to furnish them. If he had had an "approving conscience"—if he had supposed the facts of the case justified the return he made, is it possible that he could have desired a suppression of the facts on which he came to his conclusion? Never. He knew he had returned men—not because they had been *elected*, but because they were *Whigs*.

Again: the Governor and his appointees say, it was "*for party purposes*" they were kept out of their seats; and that charge, of itself, independently of all other considerations, would cause me to be anxious to have the papers printed, that the community may judge whether it was not the wish of one party to preserve the purity of elections, and of the other to invade the representative principle of our Government.

One party believe the people to be capable of self-government, and that it is the duty of this House to protect them in the exercise of that right, against invasion, from whatever quarter it may come. The other, however, disregarding the popular will, are willing to receive, as members on this floor, persons as Representatives when they know they have not been elected. One of these parties asks for light, with a view to a correct decision—the other prefers to give judgment in the dark. Yes, Mr. Speaker, party commenced this thing, and party must end it. Republicans elected Representatives, and a Whig Governor refused to commission them. In that situation the question reached us, and if there be more members in this House who are disposed to be governed by the Constitution and laws, than there are of those who disregard every moral, civil, and political restraint, New Jersey will soon have on this floor men who were "chosen by the people."

Sir, I have witnessed, with some degree of mortification, the political aspect of this question, not only in New Jersey and in this House, but in my native State. You have noticed, no doubt, that our Whig Governor, at the request of the Governor of New Jersey, has submitted the case to the Whig branch of our Legislature, with a request that condemnation may be passed on us. And pray, sir, what was the fate of a proposition of one of our friends, who desired to act understandingly on the subject, and, with that view, moved a call on the Governor of New Jersey for copies of all the papers that were before him and his Council at the time he made the return? Not one Whig, I believe, in that body, voted with him, although anxious, no doubt, to pass judgment on us for excluding both sets of claimants till the committee could examine into the truth of the case.

[Here Mr. RANDOLPH, the only member on the floor from New Jersey, enquired of Mr. RIVES whether a portion of the Administration party did not also vote against the resolution in his State Legislature.]

Yes, said Mr RIVES, some of them did vote against the resolution, believing, as they did, it was a subject with which they had no right to interfere, the House of Representatives being the judge, under the Constitution of the United States; and not believing it possible that any Governor in this Union would pay so little respect to the Constitution, the laws, and his oath of office, as to commission men to represent a State, when the people had not only not elected, but had, by a considerable majority, rejected them.

And here permit me to say, Mr. Speaker, that this act of Governor Pennington inflicts an injury on the character of the office he fills, and is calculated to lessen the confidence we have heretofore had in the acts of the Chief Executive officers of the States. We have been taught to give "full faith and credit" to the public acts of officers thus highly promoted; but this usurpation of power will cause us hereafter to look with distrust on the official acts of these officers. In this point of view, however much the lawless act we are discussing may be deprecated, it may turn out to be serviceable, as it is calculated to increase the vigilance of the people, and arouse them to the maintenance of their rights. It is, and has been for several years, the policy of one party, (that which claims the right of the Governor to appoint members of Congress,) to mystify and mislead the public mind. In this they frequently succeed for a while; but give the people time—give them light—and they invariably get right "in the long run."

I am anxious, for another reason, that a report shall be made *forthwith*, as is proposed by the amendment, and that the evidence shall be speedily printed. It is that a distinguished citizen of Virginia—I mean the head of "*the armed neutral party*," who has been an enemy in disguise for more than two years, has at length the manliness to come out in the open field and rank himself with the enemy of popular rights. He, too, has joined in the tirade against us for undertaking to protect the people in their representative rights; and as he was once the favorite son of Virginia, and may yet have some influence, I am anxious to disarm him, by a publication of the facts connected with this great constitutional question. He, just now, when the Whig convention is about to meet in Richmond to nominate electors for President and Vice President, has drawn aside the veil, and after many other things, says: "When to these, and to other evidences of contemptuous disregard for the rights and dignity of the States, to which I have already referred, we add the bold act of *party power*, by which the President's friends in the other House of Congress did not hesitate to *disfranchise* a sovereign State of the Union of her constitutional right of representation, in order to effect the election of a party Speaker—a disfranchisement which to this day is continued, and may be indefinitely prolonged—we may form some idea of the modesty, as well as justice, with which the President and his party have presumed to appropriate to themselves the name of *State Rights Republicans*."

Now, Mr. Speaker, although he has thus assailed *our* motives, and may thereby cause his new allies to see that he is trustworthy, it will not induce me to say what I think caused him, at this particular time, to lay aside his previous "delicacy," and become the champion of "*executive supremacy*," against law, Constitution, and the sovereign will of a majority of the people of a State. His abandonment of principles we thought he once possessed, and joining the Harrison party, will not induce me to say more, than that, when he sees the evidence, it is to be hoped his good sense will induce him to recant what he has said on this subject. For he cannot, will not, adhere to the odious doctrine now for the first time introduced into this country, that the House of Representatives has not a right to "judge of the elections, returns, and qualifications of its own members." His new born zeal has made him leap in the dark in his transformation from a "*no party*" to a "*party man*," and has caused him to forget in what "the sovereignty of a State" consists. He and I, Mr. Speaker, on a memorable occasion, when it was thought the Union was in danger—when so much was said about *sovereignty*, thought alike—"that sovereignty was in the *people* of the respective States." But how is it now? *I* adhere to that doctrine, and *he* believes, with his new allies, that the *sovereignty* of New Jersey is in the "broad seal" of Governor Pennington—that the sovereignty of the State is the will of one man, and not the will of the people.

We have been charged in various directions with having disfranchised a State, and our acts are nullities in the estimation of the madcaps who are writhing under the apprehension that justice is likely to be done to the people whose rights have been thus outraged.

Yes, Mr. Speaker, in our anxiety to keep ourselves above suspicion, and to do nothing that could seem to operate injuriously on either party, we did do wrong, and I am anxious to repair the injury without delay. Our error was this: being told that certain men had been elected by receiving a majority of votes, and the fact not being disputed by the adverse party, we ought forthwith to have disregarded the fraudulent returns, and have given the seats to the people's chosen representatives. Let me beg of the House to direct a report to be brought in—see the evidence—act on it, and give the seats to the true and lawful representatives. Do this—promulge the facts—expose the usurper—save the Constitution—quiet the people—and stand justified before all the friends of a representative Government.

Sir, connive at conduct like this, and the consequences will be direful indeed! Sanction conduct like this, and you will be justly chargeable with recreancy to the most sacred principle on which this Government rests. Approve this act of which I am complaining, and you withdraw from New Jersey the guarantee that she shall be secured in "*a Republican form of Government.*" Let this act go uncondemned, and you will have failed to protect this much injured people "*against invasion*" of their rights. Sanction this proceeding, and you do not protect the people of that State "*against domestic violence.*" Check this thing, Mr. Speaker, or you will see, before many years, civil wars in the place of peace and quietude, and mobs regulating the affairs of the nation. But let us abandon for a while these melancholy forbodings, and consider the subject in another aspect.

The gentleman from Connecticut [Mr. SMITH] has labored with a zeal worthy of a better cause, to prevent any report from the committee before the second Monday in April next, at which time the parties are to return with the evidence they are now collecting. I beg to remind him that the evidence they are procuring will not affect the present question; that will be confined to the ultimate right. The evidence is complete as to the question who received a majority of votes, and that fact only is contemplated to be reached by the amendment of the gentleman from Tennessee, [Mr. JOHNSON] They are separate questions, and I hope they will not be blended; for if the persons who were commissioned by the Governor received a majority of votes, they were properly returned, and ought to be occupying their seats.

If, however, they did not, they were illegally returned, and the *others* ought to have the seats. The Governor of New Jersey has appealed to the various Legislatures to sustain him in the return he made, and we desire to show that his right to commission did not authorize him to do so without the happening of something which the evidence proved did not occur. Bear in mind the argument (if argument it may be called) of the member from Connecticut. He says it would be gross injustice to the parties, for us to do any thing in their absence, as they left here under a belief that there would be no action on the subject before their return. A complaint of this sort, the gentlemen ought to know, cannot be founded on the facts of the case. For the committee, to prevent such a conclusion, adopted a resolution in which it is stated, "Nothing herein contained shall be construed to prevent the committee from making a preliminary report at any stage of its proceedings." But suppose what the member has assumed as true, had in reality been so, his remarks about "breach of faith," would not apply to me; for I wish it distinctly understood that we (the Republican members of the committee) made ineffectual resistance to the measure, on the ground that the committee had no right, under the authority given us by the House "to send for persons and papers," to send the parties home to take depositions; and it was my opinion, from the commencement of the investigation, that there was no law in New Jersey under which evidence could be taken to prove that illegal votes had been cast in the election. All that New Jersey had done to protect the ballot boxes against bad votes, was to state the necessary qualifications of voters, and to impose on her sworn election officers penalties, if they received illegal votes.

My doctrine is, that, whilst in all elections of member of Congress—whether the voting be *viva voce*, or by ballot, some will be given in that are not legal, they must be considered lawful, until they are proved to be illegal votes. In the one mode of voting, there is but little difficulty in proving votes to be spurious; but where the laws require, as is the case in New Jersey, that the *secret ballot* shall be used, and a fine of twenty dollars can be recovered of a person who attempts to vote without a right to do so, it must be exceedingly difficult to introduce positive evidence to establish for whom a man may have cast his vote.

Sir, I agree with my colleague, [Mr. BOTTS,] who, I regret to perceive, is not in his seat, "that the people of New Jersey have never contemplated such a thing." "In that State, (said he, on a former occasion,) they vote by general ticket, and by ballot; and the idea of canvassing a whole entire State, and taking testimony in every part of it, in a disputed election, never entered their minds as being reasonable or probable." Whilst, Mr. Speaker, I agree with the gentleman in this, I must insist on going further back in the inquiry than he

thought, at the time alluded to, we had a right to do. He said: "I say there is no contest here, and never can be one; the case has been finally and conclusively settled in the State of New Jersey. This is a question to which the principle of *res judicata* strictly applies; and there is no appeal from it, simply because there is no law on earth applicable to the subject, either State or Federal."

Sir, there is a law in that State which required that an election should be held on the 9th and 10th days of October, 1838; and the election was accordingly held. There is a law which requires that township officers, after having received the votes, shall make a return of them to the county clerks; and they did so. There is a law which makes it the duty of the county clerks to sum up all the votes returned to him from the township officers, and send a general list of them to the Governor of the State; and all except two did their duty. There is a law which requires the Governor to count the votes, and to commission the persons who may have received the greatest number of votes from the whole State, and the failure of the Governor to do so has produced a "contested election;" and, as the persons who received a majority of votes could not get their *commissions* in New Jersey, they have come to the constitutional judges to get their *seats*. The difference between my colleague's position and my own is this: He thinks, or rather once thought, we could not go legally behind the returns. I think it proper that we should go back to the elections, and that we are bound to judge of the "elections," that we may determine on the correctness of the "returns;" for, to say "that there is no appeal from the decision of the Governor, is the doctrine that the "King can do no wrong." In opposition to that, *we* say "election" *first*, and *then* the "return."

It gives me pleasure, Mr. Speaker, to allude to another remark made by my colleague, and give it my most hearty concurrence. After speaking of the situation of New Jersey, relative to her election laws, he says:

> But it happens, in this case, that there is no law upon the subject of contested elections, or, at least, was not at the time of this election, nor was there one for six months after; and that surely cannot apply to this case, it being, in the first place, an *ex post facto* law.

With a knowledge of this fact, I did not consider evidence that had been taken under it legal evidence, nor did I think the committee had power to order the taking of any under it. Consequently, I was opposed to sending the parties home for the purpose, and then voted against that measure. But the majority of the committee overruled us, and not only authorized that evidence should be taken under that law, but directed them to take it under a law which was about to be passed by the Legislature to enable their brother Whigs to get into the ballot boxes.

Mr. Speaker, I must notice one other portion of the speech of the member from Connecticut, that you may see the kind of scraps of which it is made. Recollect, the greater part of it was against any action until the month of April; and it would be most terrible treatment to give any one seats from New Jersey at this time. But before he closed, he said:

> Upon what principle did our fathers fight out the battles of the Revolution? They would not suffer their money to be taken from them by an Assembly in which they were not represented. I insist that if you attempt to take a dollar of the money of the people of New Jersey, they have a right to resist the imposition upon the fields of Trenton, Princeton, and Monmouth.

Now, sir, what is the amount of this? You must not give New Jersey her representation before the month of April next; and, in the mean time, if you appropriate any money, the people of that State "have a right to resist the imposition upon the fields of Trenton, Princeton, and Monmouth." This is truly sublime; to see the Governor with his minority at "Trenton, Princeton, and Monmouth," fighting us *here*, would indeed be a fanciful scene I presume, however, the gentleman had prepared a speech which he expected to deliver before the subject was referred to the committee; and that idea having occurred to him then as excellent, he concluded to-day it ought not to be lost, and has made a flourish of it, without regard to its applicability.

Mr. Speaker, I have heretofore adverted to the Governor of Virginia; and I now propose to take further notice of him. The gentleman from Connecticut, to prove the revolutionary character of our conduct, has quoted from Governor Campbell's message to the Legislature of Virginia, and says it is unanswerable. Now, as he was of the "*armed neutral party*," and has also joined the Harrison party in the clamor against the right of the people to elect their Representatives, and looks on the act of the House of Representatives as an improper interference with the "sovereignty" of the "*broad seal*," I beg leave to comment on the paragraph alluded to. It is this, if I am not mistaken:

> Should the practice obtain in the Congress of the United States, of which this case is believed to be the first example, of one portion of the members returned according to the laws of their State, undertaking to exclude other portions of members having similar and legal authentications of their membership from a participation in the organization of the House and the election of its officers, and from holding their seats until an adversary claim to them shall have been regularly adjudicated, *it is obvious to perceive that such a course has no limit or principle but force, and must ultimately result in revolutionary violence.*

This shows you the difficulties into which men get themselves by obtruding their opinions on the public without knowing any thing about the subjects they discuss. I say this, because the Governor either knows nothing of the merits of this controversy, or he has committed the offence of wilful misrepresentation. Not knowing the facts, he had to assume what was false to get to his conclusion in support of Governor Pennington. He expresses himself in such a way as to create the belief that persons "were *legally* returned," when, in fact, they were *illegally* returned. If persons had been returned who were elected, there would not have been any contest before Congress. The returns, however, not being founded on the election, but against the election, they are considered by us as nullities, and on that point only the entire merits of the question are to turn. It is true, this is the first case of the kind that has occurred in this country where the people of a State have been deprived of their representation by their own Governor—and as our Governor very justly says, "*it is obvious to perceive that such a course has no limit or principle but force, and must ultimately result in revolutionary violence.*"

The sin we have committed is of a most "damning character," and is calculated to produce "revolution." And, pray, what terrible act is it that is to produce the revolution spoken of? I must tell you, Mr. Speaker. Five Whigs were sent here to aid in electing a Speaker, a Clerk, and a Printer, and we would not let them do it. Because we were prompt in the discharge of our duty, and would not suffer them to to do *any mischief*, we are denounced by the Whig party in every portion of the Union. Till now, returns have not been looked on as very essential—election was the thing to control; but now we are told that even the sovereignty of a State is in the return—election is nothing. Mr. Speaker, let me ask you how you got into this House as a member? Was it by virtue of the return of our Governor, or by virtue of your election by the people? I, perhaps, know more on that subject than you are aware of; for I went to the Clerk's office the other day to see whether the "broad seal" of Virginia had been sent on, that it might be known that we were members of Congress; but it was not there, and we are in a perilous situation, in consequence of it; as we are resting on authority that is repudiated as being too old fashioned for the times. I hate to alarm any one, sir, but it is my duty to tell you, that you, myself, and eighteen of our colleagues, are here with no better evidence of rights to seats than VROOM, DICKERSON, and Co. have, for we are resting not on "broad seals," but on the *poll books*.

Before I dismiss our Governor, I desire to put a few cases to him to show the alarming tendency of his doctrine. In November next the great contest closes, and the commissioners of the respective counties, who may have been appointed by his Excellency in each of the counties of the State, to conduct the election of "electors of President and Vice President," shall, "within two days after the polls shall be closed, ascertain the number of votes given for each person, who shall be voted for as an elector."

This is the law, and they comply with it.

The said commissioners shall, within three days after closing the polls, as aforesaid, make out three copies of a return in a certain form.

That is the law, and they do it.

Which returns shall be sealed and subscribed by the commissioners holding the election. One of the said returns shall be delivered to some person among the twenty three, who shall have therein the greatest number of votes; another shall be filed in the clerk's office of the county electing; and the third shall be transmitted to the Governor and Council; all of which shall be done within fifteen days after the same shall be made out; and the Governor and Council shall proceed to ascertain from the said returns the twenty-three persons having the greatest number of votes throughout the State, and to advertise their names in such gazettes as they may think proper.

I wish it borne in mind, "*that advertising their names in such gazettes as they may think proper*," is "the broad seal;" and that the commissioners do "transmit to the Governor and Council" the returns. Now let me ask the Governor whether he would count all the votes, or would he presume some of them illegal, and refuse to count them? Would he, if informed by a political friend, that some "aliens" had voted in certain counties, reject all the votes polled in those counties? Would he, if certain commissioners were to refuse to send to him the returns from certain counties, and the clerks of those counties were to send to him certified copies of the returns made to their offices, showing the number of votes cast therein, refuse to count them? Would he, if the commissioners of certain counties refused to send the returns, and the clerks of those counties sent to him, properly authenticated, copies of the returns made to them by such commissioners, and that some one of the twenty-three persons who had received therein the greatest number of votes also presented his returns, showing they agreed with those sent by the clerks, refuse to count them? Would he, if there were a law requiring him "to send express," in the event of the failure of any of said commissioners to return all the votes cast in their counties, refuse to do so? Would he, because he desires the election of a Federalist in preference to a Republican, issue his proclamation declaring Federalists elected, when he knew that Republicans had received "the greatest number of votes throughout the State?" If he answers in one way, he ought to support the Governor of New Jersey; but if he answers the other way, he ought to sustain us. For I can assure our Governor, that if the Chief Executive officer of Virginia were to commission persons to vote for Harrison, when the people had chosen Van Buren men, his right to use the *great seal* would not protect him. He would have to make his "*tracks very thin*" to avoid the wrath of a people "who know their rights, and knowing, dare maintain them." They claim to possess the sovereignty of that State; and this new fashioned doctrine, in a representative Government, that the "*King can do no wrong*," will make them "buckle on their armor, and rise in the majesty of their strength."

Sir, if a Governor be permitted, with impunity, to do as Governor Pennington has done in the Congressional election, the same game will be played in Presidential elections. And it so happens that, in the State of New Jersey, the election of Electors of President and Vice President takes place at the times and places of holding elections of members of Congress, every fourth year. In November next, they come on at the same times and places, with the same officers to conduct the elections, and the same voters to choose "Electors," in the one case, and members of Congress, in the other.

Now, Mr. Speaker, let me call your attention more particularly to the dangers of this doctrine, advocated by the Federal party, than I have heretofore done.

The party of which I speak, you know, sustain the Governor, and thereby say he is not bound to count all the votes in a Congressional election. We deny that, and claim to be "judges of the elections, returns, and qualifications" of its members. In this case, there is a tribunal to which the people can and have appealed, to recover their right to representation in this body. If you sanction the doctrine in this case, you must sanction it in the election of Electors of President and Vice President; for votes that ought not to be counted for Congressmen ought not to be counted for the President.

Suppose, then, at the coming election in that State, enough of the township returns should be suppressed to defeat the popular will in the Presidential election. In that case, there would be no constitutional tribunal for them to appeal to for a redress of the grievance; and then would come the "tug of war," the worst sort of war—a civil war. Yes, Mr. Speaker, there would be battles more dreadful than those of "Trenton, Princeton, and Monmouth," during our struggle for independence against a foreign foe.

To prevent such a state of things from occurring in this country, I beseech the House to quiet the people of New Jersey by acting forthwith; for, up to this time, they have acted with great forbearance—wishing the judges, the constitutional judges, quietly to settle the controversy. Refuse to do it—refuse to condemn the usurper—and you enrage an already excited people, and thereby endanger the safety of the Governor himself. Do it, and you defend the Constitution, check usurpation, quiet dissensions, and protect your consciences against self reproach.

Sir, it may be thought that I show too much feeling on this subject. I do feel, and feel sensibly, the stab that has been aimed at the *living*—yes, the *vital*—principle, by which alone can be kept alive a Representative Government. It is, I hope, a proper feeling that animates me; that which should be felt by every American citizen who has any regard for a Republican Government. If the Governor of New Jersey had sent men here who had not been candidates, who had not been voted for at all by the people, the act would have been much more sufferable than sending the persons he did. The persons he sent were candidates; they were rejected by the people, and the Governor knew it. If he had sent individuals who had not been voted for at all, the ingenuity of man is such that some defence might have been attempted. In the case that did occur, the evidence is positive that the people did not only not choose, but absolutely rejected them; and none but the most reckless partisans will even talk about its propriety. If, however, he had sent men without being voted for, his friends could have had a presumption to stand on. They could have said they were very suitable, being talented, &c. and that, if they *had* been candidates, would certainly have been elected. I hesitate not to say, that I would much sooner attempt to sustain him in the supposed case than in the one that is now disturbing this whole nation. Sir, this subject increases in importance as you become acquainted with the circumstances attending it; and tyrants have trembled on their *thrones* for crimes far less offensive than this act of Governor ——.

Mr. Speaker, we ought to act, and that, too, without delay; for it has been said, out of this House and in it, that we cannot bind the people by acts that may pass during the disfranchisement of New Jersey; and it has also been said here, by how many I do not know, but I recollect the gentleman from Massachusetts, [Mr. ADAMS,] and my colleague, [Mr. WISE,] that *your* election took place, when we had no right to elect. I differ with such as entertain these opinions; but to remove all difficulties, let New Jersey be no longer disfranchised, have the seats occupied, and then if gentlemen choose, we will elect a Speaker, and pass constitutional laws.

Mr. Speaker, this is not only a legal, but a great constitutional question we are called on to adjudicate, and I regret my inability to do justice to it; and although I would like to say more, I feel it my duty to refrain from it, as there are many others who wish to follow me. But before I conclude, I will make an appeal to the party in this House to which I am politically opposed.

Now, I beg you, I implore you, for the sake of our common country, the Constitution and union of the States; for the sake of the laws, the purity of elections, and harmony of our constituents; for the sake of justice, peace, and quietude, give to New Jersey her "chosen" representation. Do that—rebuke the usurper, and let it be seen that patriotism rides over *the will one man*, in this hall, and we shall have nothing to fear from internal commotions. But if you suffer yourselves to be led by your party predilections in performing the duty of judges, and will not suffer persons who are "duly chosen by the people," to take their seats, scenes will occur that will be deprecated by every patriot of the land. Americans are sensitive on this vitally important question; and from what occurred at Harrisburg, you may form some idea of the length to which they go in defence of a right that is "inestimable to them, and hateful to tyrants only."

And before I sit down, I must address myself to the party with which I act—the Republicans of this House—and remind them, that *we* alone are charged with having deprived New Jersey of her just weight on this floor. It is true we have been tardy, but the evidence will show the falsehood of the charge; and it is our duty to renew our exertions to get it printed. I beg of you, then, to be at your posts, and if I had not spoken, would desire you never to leave your seats without requiring the committee to report. But as it is, I intreat you to come here in the morning, resolved never to sleep before the proposed instructions are given; for this is a case more singular in its character than any that has heretofore been exhibited in the annals of our country. It is a case in which injustice has been done to a majority, and we alone can settle the matter in a peaceful mode. Be assured, if we do not, and in a short time too, violence and disorder may be the consequence; for, unless the stock has greatly degenerated since the Revolution, Jerseymen are of such stuff, that "creeds, tests, and anathemas, might be tried; stripes, fetters, and dungeons, might do their best; racks, flames, and gibbets, might exhaust all their powers;" and every effort to deprive them of their right to "elect," would end in miserable disappointment.

SPEECH OF MR. LUMPKIN,

OF GEORGIA.

In Senate, Thursday, March 19, 1840—In Executive session, on the treaty with the New York Indians.

Mr. SEVIER (chairman of the Committee on Indian Affairs) having made a report and speech against the ratification of the treaty,

Mr. LUMPKIN rose and said:

Mr. PRESIDENT: In rising to advocate this treaty, and desiring, as I do, to reverse the report of the Committee on Indian Affairs, I am duly sensible of the magnitude and responsibility of my undertaking. The admitted ability, and great ingenuity, with which the chairman of the committee [Mr. SEVIER] has sustained his report in opposition to the treaty, and the indications of approbation manifested by Senators in every part of this chamber, to the speech and views submitted by the chairman, is well calculated to make me feel the full force of my position. Yes, sir, my position appears to be that of leading on a forlorn hope. But, sir, a sense of duty urges me on to the contest; and nothing less than my taking the lead will satisfy my friends in the Senate, who concur with me on this subject.

As a member of the Committee on Indian Affairs at the last session of Congress, (heavy as the task was,) I had examined this subject in all its parts and bearings, so far, at least, as I was capable of of investigating a subject so complex and difficult to be comprehended. At the present session I had not supposed it necessary to enter upon an entire reinvestigation of the subject, not deeming it necessary to go further back than to the action of the Senate on the subject at its last session. The Senate then expressed its sanction of this treaty, with the single proviso, that the President of the United States should first be satisfied that the assent of Seneca tribe of Indians had been given to the treaty, according to its true intent and meaning. And if we now sustain the views of the Senate, as expressed at its last session, our duty is narrowed down to the single question—has the assent of the Seneca chiefs to the treaty been thus obtained or not? This, sir, is the true issue now before the Senate, and the friends of the treaty should not suffer themselves to be diverted from that issue.

But, sir, the chairman of the committee, [Mr. SEVIER,] having occupied all the ground connected with this treaty, from the beginning, and especially every historical fact and circumstance connected with the subject, calculated to invalidate and bring it into disrepute, it therefore becomes the imperative duty of those who support the treaty, to travel over all the ground occupied by the Senator. The Senator from New York, [Mr. WRIGHT,] having yesterday replied to that part of the chairman's speech, in reference to matters antecedent to the treaty of June 11, 1838, I do not deem it strictly necessary for me to go further back than the President of the United States has done in communicating the treaty to the Senate. It may, however, be proper to state, very briefly, how it happens that we have such a variety of parties in interest, connected with this treaty. Well, sir, as stated by the chairman of the committee, the States of Massachusetts and New York, in the year 1786, in an adjustment of their conflicting territorial claims, finally agreed that while New York should have the jurisdiction and government of a certain district of country, being, in part, the country embraced in the present treaty, Massachusetts should have the right to the soil, subject, however, to the occupant rights of the Indians then inhabiting the same. The pre-emptive right to these lands were sold by Massachusetts to Robert Morris, of Philadelphia, on the 11th of May, 1791, and are now represented by Ogden and Company of New York. This, sir, accounts for the agency of Massachusetts in connection with this treaty, and will cause *me* to be understood hereafter, when I speak of General Dearborn as the agent of Massachusetts, superintending the negotiation of this treaty in connection with Mr. Gillett, who acted as commissioner of the United States in making the treaty.

And now, sir, in the language of the President of the United States in communicating this treaty to the Senate, let me express my decided conviction, that the treaty will be alike beneficial to all the parties concerned; to the Indians, to the State in which the land is situated, and to the more general interest of the United States in consummating her policy in relation to Indian affairs. Now, sir, if I can demonstrate that this treaty is beneficial, and a blessing to all the parties in interest, shall we still refuse to sanction it? If I prove that its rejection will be highly detrimental to the best interest of the Indians, to the State of New York, and to the United States, shall we still refuse to ratify it? Sir, when I consider the moral degradation of these Indians, and reflect that they cannot escape from the destruction attendant on their continuance in their present abodes, I cannot estimate the value of immortal beings by dollars and cents. I cannot be altogether as strict in my inquiry in regard to the propriety of the United States incurring some expenditure, in an object so essential to the preservation of a remnant of a once powerful race.

The President of the United States informs you in his message, that this treaty presents the only prospect for the preservation of these people. He says: "Surrounded as they are, by all the influences which work their destruction, by temptation they cannot resist, and artifices they cannot counteract, they are rapidly declining," and "that where they are they must soon become extinct." And, sir, this statement of the President is fully sustained by both the Senators from New York, as well as by General Dearborn and Mr. Gillett, and every other gentleman with whom I have conversed, who is acquainted with the present and true condition of these people. And yet, sir, we find persons professing all that is benevolent, pious, and good, who are unwilling to let these people go. This treaty is truly recommended by the liberality of its provisions to the Indians. It gives them 1,824,000 acres of land in the Indian territory West, and the sum of $400,000 for their removal and subsistence, for education and agricultural purposes, the erection of mills and other necessary buildings, and the promotion of the mechanic arts; besides some other minor, but advantageous provisions. From the enumeration of the specific objects to which this money is to be applied, it is proper for me to remark here, that I take it for granted, that while these provisions of the treaty are munificent and bountiful

to the Indians, that the expenditure must be gradual, and therefore cannot burden the Treasury.

It is believed, that ten thousand dollars will not be required from the Treasury in twelve months, to carry out the provisions of the treaty. A small sum only will be required at first, and will probably increase as the migration progresses.

In exchange, the Government obtains 435 000 acres of the best lands near Green Bay, lying on Fox river, and near the best port in Wiskonsin. This land is said to be in demand, and disconnects the white settlements which are already made in that country. The public interest would be greatly promoted by the early settlement of this 435,000 acres of land, with a white population; and if it could be brought into market, no doubt is entertained of its being readily sold and speedily settled by an industrious and enterprising population. At the Government price, (and it is believed that most of it would sell for more,) it would not only reimburse the Treasury for the necessary appropriation to carry out the treaty, but it would exceed it by one hundred and fifty thousand dollars. Indeed, it is believed that the demand upon the Treasury to carry out this treaty, might be supplied from these lands. It has been suggested by those opposed to the treaty that this land might be declared forfeited to the Government; but the supplement to the Menomonee treaty of 1831, gives no definite time for its occupation, and the President has prescribed none. Moreover, the New York Indians paid a large consideration for these lands, by their treaties with the Menomonees in 1821 and '22, which treaties were approved of by the President of the United States. But their purchase from the Menomonees amounting to about 1,500,000 acres, in regard to its justice and policy, being called into question, in the year 1831, treaties were made for the purpose of reconciling all the conflicting claims, by which the United States acquired the territory in dispute, giving the New York Indians, however, 500,000 acres of the disputed land, and the Menomonees $20,000 for their acquiescence—all of which may be seen by reference to the treaty with the Menomonees of 1831. Under these circumstances, the title of these Indians cannot be justly disturbed till another home is provided for them. And, sir, the tract of country set apart for the New York Indians, by this treaty, is not so serious a consideration to the Federal Government as gentlemen seem to contend. A territory west of the Mississippi has been procured, and sacredly set apart by this Government, amply sufficient for the location of all the remnant tribes of Indians which may be found remaining in all the States and Territories of this Union. It is the settled policy and wish of this Government thus to locate these Indians. And, sir, if these poor, perishing people were entirely destitute of all the necessary means to contribute to their own comfort and settlement in the slightest degree, the duty would become, in that case, the more imperative upon this Government to provide for them.

This Government has assumed the parental, and guardian care of the aboriginal race, and its duty and honor require that it should at all times stand ready and prepared to render a satisfactory account of its stewardship to a civilized and Christian world. The wise and enlightened policy of collecting, removing, and settling these remnant tribes in permanent homes in the West, and thereby relieve the States altogether of this perplexing incumbrance, and, at the same time, make a last, an honest effort, to save from extinction a remnant of the native race, has always had my warmest support and approbation. I have no claims to the honor of originating this plan. No, sir; this was before I was on my present field of public labor. The plan was first brought to my special notice by observing its recommendation by Mr. Jefferson, and has since been recommended and sustained, more or less, by all his successors. Mr. Monroe most earnestly recommended to Congress efficient action to carry out this plan of emigrating the Indians from the States, and settling them permanently in the West. The then Secretary of War, Mr. Calhoun, sustained the views of the President in a very able report on the subject. Not being a member of Congress at that time, (1825, I believe,) I was surprised that no member of Congress made a direct effort at legislation on the subject.

And in 1823, when a member of the other branch of Congress, I did not fail to bring the subject, in a formal way, to the consideration of Congress. And, sir, it will continue to be a source of gratification to me, that I was the first member of either branch of the American Congress, to urge this beneficent plan of salvation to the Indians, and relief to the States, upon the consideration of Congress. Mr. President, you well remember the violent opposition my first effort met with from various quarters; but that effort has perseveringly been followed up, and in its progress constantly gained friends and support. The history of its progress and success is known to the Senate and the country. And, sir, I consider it now, as I have done from the beginning, one of the most important measures connected with the history and character of our beloved country. Shall we then dally and falter, in the consummation of a policy which now, from experience, has forced itself upon the approbation of the wise and the good, not only of our country, but upon all who appreciate the blessings of civilization in every land.

Sir, we are Senators, representing the sovereign States of this Union. Not only our own States in a special manner, but all the States. And the people of New York very properly feel a deep interest in this matter. And the Federal Government, by its own policy and action, has become so connected with this subject, that we cannot honorably, if so disposed, abandon the connection which the Government has by its acts assumed in relation to this matter. The views of the Government in relation to these Indians have been too fully developed in various official acts, and also in the legislation of Congress, for us, at this late day, to stand justified in assuming the ground that this affair all belongs to New York, and that this Government has no concern in the issue now before us.

Shortly after the close of the Revolutionary war, the Six Nations of Indians, of New York, became convinced that the increase of the white settlements around them would make it necessary for them to seek a new home in the West; and, in council held by these people as early as 1810, they resolved, and did send a memorial to the President of the United States, inquiring whether the Government would consent to their leaving their habitations, and their removing into the neighborhood of their Western brethren; and if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained, in the same manner it had acknowledged it in those from whom they might receive it; and further, whether the existing treaties would, in such a case, remain in full force, and their annuities be paid as heretofore. The President answered by saying *their request should be granted;* and under this approbation, the treaty of 1831, between the New York and Menomonee Indians, to which I have heretofore adverted, was made and concluded. Under all these circumstances, is it not matter of surprise that any person who pretends to be acquainted with the history of these transactions, should now rise up and say the Federal Government has nothing to do with this matter; that it all belongs to New York and Massachusetts?

Sir, it has clearly and obviously become our legitimate duty to act in this matter; and, for one, I shall neither waive my right, or shrink from my responsibility Does not the interest of New York require that we should act in this matter? The answer is found in the following language from the President of the United States, in his message on this subject:

"The removal of the New York Indians is not only important to the tribes themselves, but to an interesting portion of western New York, and especially to the growing city of Buffalo, which is surrounded by lands occupied by the Senecas; and to this portion of our country the extraordinary spectacle is presented, of densely populated and highly improved settlements, inhabited by industrious, moral, and respectable citizens, divided by a wilderness, on one side of which is a city of more than 20,000 souls, whose advantageous position in every other respect, and great commercial prospects, would ensure its rapid increase in population and wealth, if not retarded by the circumstances of a naturally fertile district remaining a barren waste in its immediate vicinity."

And, sir, what does the President say in regard to those persons who are entitled to the reversionary right of these lands. His language is: "Neither does it appear just to those who are entitled to the fee simple of the land, and who have paid a part of the purchase money, that they should suffer from the waste which is constantly committed upon their reversionary rights, and the great deterioration of the land consequent upon such depredations, without any corresponding advantage to the Indian occupants." In, and out of the Senate, I have found persons strongly opposed to this treaty, because they seem to think it confers special favors on the individuals known as the pre-emptioners. These individuals seem to be viewed in the light of speculators, who are endeavoring to defraud the Indians out of their lands. Now, sir, nothing, so far as I can discover, can be more unjust to these injured individuals The quotation which I have given from the President's message, as well as the reports of General Dearborn and Mr. Gillet, United States Commissioner, together with all the mass of documentary evidence which we have printed on this subject: yes, sir, all go to establish the merit, good character, liberal conduct, and fair dealing of these pre-emptioners, and especially their agents, Messrs. Ogden, Fellows and Wadsworth. Gen. Dearborn says the gentlemen just named "have afforded me every facility for an agreeable and thorough discharge of my duties." That these pre-emptive owners of the lands should be desirous to hasten the time of going into the possession of their just rights, is altogether natural, right, and proper. They neither claim or desire any advantage which has not been fairly derived from the State of Massachusetts, and their good conduct and fair dealing has obviously secured to them the respectful consideration of many of our most distinguished public men and citizens, as may be seen by a careful examination of the documents which accompany this treaty. It is true that I consider the interest of these individuals but a minor consideration in the objects of the treaty, yet it is an interest entitled to some consideration.

To remove, however, unjust and improper prejudices, growing out of a want of correct information, against these pre-emptive claimants, and consequently against this treaty, I will, contrary to what I had intended to say, on this branch of the subject, enter more fully upon an explanation of the nature and merits of the history of these pre-emptive claims. It will be found, sir, by examining the records and history of the proceedings of the Federal Government, that the convention held in 1786, between New York and Massachusetts, which resulted, as heretofore stated, in a cession to the last named State of the territory since called the Genesee country: the right and sovereignty of jurisdiction being reserved to New York, was held under the sanction of Congress; and, by the deed of cession, Massachusetts is authorized to hold treaties with the native Indians, for the extinguishment of their title, and for this purpose to employ such armed force as should be necessary; also, to grant the right of pre-emption to others, with the like powers, but under a provision that purchases from the Indians, by the grantees of Massachusetts, should be made in the presence of a superintendent, and subject to the approval of that State. And the lands embraced in the treaty now under consideration were conveyed by Massachusetts to Robert Morris, and by him to what was called the Holland Land Company. Under these cessions and conveyances, Morris extinguished the Indian claim to the greater part of the territory which he had purchased. In 1810, the Holland Land Company sold and conveyed all the lands now occupied by the Seneca and Tuscarora tribes, to David A. Ogden, who afterwards sold them to the present pre-emptive owners. In 1826, these owners extinguished the Seneca claim to part of those lands, and to the residue they still hold a legal estate, in

fee simple, subject only to the possessory right of the native Indians.

For many years past, these claimants, or rather rightful owners of these lands, have been looking to this Government to carry out its policy, in the removal of all the remnant tribes still remaining in the States, to the permanent home provided for them in the West. And when, in the year 1837, a commissioner was appointed by the United States to hold a treaty with the New York Indians, these pre-emptive claimants procured the attendance, and at their own expense, of an agent on the part of Massachusetts, to superintend any sale growing out of a treaty which the Indians might be inclined to make. And this commissioner on the part of Massachusetts was General Dearborn, whose report has been, and will be again, adverted to, in support of the ratification of this treaty.

Mr. President, if I have succeeded in demonstrating the advantages of this treaty, to all the parties in interest, and that I have I think few will deny, why should I, then, longer dwell on this branch of the subject? For, sir, it is obvious to every one, that if the execution of this treaty be beneficial to all the parties concerned, its rejection will consequently be prejudicial to the interest of all. Let me, then, turn to another consideration connected with this treaty, by asking the question, Do these Indians wish to remove? This question is answered in the most satisfactory manner, by an attentive examination and consideration of the actings and doings of these Indians for the last thirty years. Their various efforts, with but little aid and encouragement from any governmental influence, either State or Federal, sustain the belief that they are unhappy, and very dissatisfied with their present abode, and are truly anxious to emigrate to the West. The inclination of the Indians in all the States, for many years past, when left free to the exercise of their own volition, has been a constant, earnest looking to the West for new homes, where they might be relieved from that thraldom of State legislation which deprived them of that unrestricted liberty, so congenial to the nature of the child of the forest. Yes, Mr. President, they have long desired a country where the white man might cease from troubling, and where the poor weary Indian might be at rest.

Mr. Gillet and General Dearborn both declare themselves to be perfectly satisfied, that were it not for the unremitted and disingenuous exertions of a certain number of white men, who are actuated by their private interests, to induce the chiefs not to assent to the treaty, it would immediately have been approved by an *immense* majority—an opinion which we find repeatedly reiterated by these gentlemen. The President of the United States expresses the opinion, that the same influence which was exerted in opposition to the treaty, if exerted with equal zeal on the other side, would show a large majority of these Indians in favor of emigration. But, sir, we will endeavor to arrive at a correct conclusion in regard to the wishes of the Senecas upon the subject of removal, by examining and scrutinizing the conduct and action of their chiefs, in connection with the subject of the ratification of this treaty. Well, sir, the commissioner for holding this treaty was appointed in the year 1837, and, attended by the superintendent on the part of Massachusetts, met the Indians in council.

And from the first commencement of the negotiation, we discover the interference of white men, assuming the character of friends to these Indians, strenuously opposing this negotiation, and greatly retarding its conclusion. Indeed, it appears that every art was employed to defeat the objects of the Government in effecting a treaty. The country beyond the Mississippi was declared to be unproductive, and the climate unhealthy. The prospects held out by the Government to the Indians, was declared to be delusive and deceptive; and in case of removal, they were told they might look forward to want, privations, and suffering.

These officious advisers were composed of white men, pretending to have influence with the Indians, and seeking to force themselves into the service of the pre-emptive owners at extravagant rates of compensation, but most of them deriving immediate advantage from a traffic carried on with these Seneca Indians; some in the sale of rum, tobacco, and blankets; others from the occupation of their lands at low rents; from the employment of saw mills on their lands, or from extensive contracts from the purchase of timber to be rafted and sent to market.

In addition to these, there were others who, possibly, were actuated by better motives—persons who had, for many years, been professedly engaged in endeavors to improve the condition of the Indians by religious and other instruction, and who, unwilling and reluctant to believe in the inefficiency of their labors, were loath to abandon the enterprise in which they had been so long engaged without any adequate success. Consequently this combined opposition to the treaty addressed every argument they could to the passions and cupidity of this ignorant people, to incline them still to be content in the continuance and indulgence of their accustomed habits; and such efforts, under such circumstances, could not fail to produce great effect. Even the more sober and sensible class of the Indians who had long desired a change of residence, with a view of relieving themselvese of the evils inseparable from their present position, were many of them, no doubt, brought to hesitate: while those opposed to emigration became more determined in their opposition, and more strenuous to defeat the treaty, regardless of the liberality of its provisions. However, after a tedious and protracted negotiation, characterized by extraordinary violence and opposition on the part of the opposing chiefs and their auxiliaries, finally a treaty was concluded on and signed by the Commissioner of the United States, Mr. Gillett, and all the tribes of the New York Indians. In June, 1838, the ratification of this treaty, although strenuously opposed by the the dissatisfied part of the Senecas, aided by a powerful combination of white men, was advised and assented to by the Senate, with certain amendments, designed, as is understood by me, to render its provisions more conformable to the policy and legislation of the United States; and this treaty, as proposed to be amended by the Senate, was sent back to all the tribes who negotiated the same, for their assent, which assent was duly and satisfactorily obtained, as will fully appear by the message of the President of the United States, to the Senate, of the 21st of January, 1839. The President says, "I transmit a treaty negotiated with the New York Indians, which was submitted to your body in June last, and amended." He adds: "The amendments have, in pursuance of the requirement of the Senate, been submitted to each of the tribes assembled in council, for their free and voluntary assent or dissent thereto. In respect to all the tribes, except the Senecas, the result of this application has been entirely satisfactory. It will be seen by the accompanying papers, that of this tribe, the most important of those concerned, the assent of only forty-two out of eighty-one chiefs has been obtained. I deem it advisable, under these circumstances, to submit the treaty, in its modified form, to the Senate, for its advice in regard to the sufficiency of the assent of the Senecas to the amendments proposed."

Mr. President, do you not perceive, is it not clear and obvious, that the only question presented to the Senate, in the message of the President, upon submitting this amended treaty, was to ascertain the opinion of the Senate, and obtain its advice upon the single point of the sufficiency of the assent of the Senecas to the amended treaty?

Sir, the President raises no question in this message as to whether a majority of the chiefs had signed this treaty or not. He could not do this, when communicating to intelligent men, who understand simple numbers; for he tells you that forty-two chiefs, out of the whole number of eighty-one, had assented to the treaty, and therefore no one could doubt the assent of a majority of the Seneca chiefs to this treaty. That majority being small, the object of the President was the advice of the Senate whether that majority should be considered *sufficient*. The Senate accordingly took into consideration the message of the President, and on the 2d of March, 1839, agreed to the following resolution: "*Resolved*, That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11th, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the Senate of June 11th, 1838, the Senate recommend that the President make proclamation of said treaty, and carry the same into effect." Now, sir, I have always thought, and still think, this resolution of the Senate, (no doubt well meant,) was inexpedient and injudicious, and that it unnecessarily laid the foundation for all the difficulties which we find ourselves this day involved in. If the Senate, at its last session, had taken upon itself the reasonable responsibility of responding yea or nay to the proper and respectful request of the President in regard to the *sufficiency* of the assent of the Seneca Indians, we should not now have found ourselves embarrassed with these difficulties of our own creation. And, sir, I commend the President for not permitting the Senate to excel him in diffidence, in modesty and courtesy, in deciding alone a question, the decision of which jointly devolves on the Senate as well as himself. I admit, sir, that we have no additional evidence that we had not, at the last session, to authorize the Senate to say now, what it declined saying at the last session, to wit: that the assent of the Seneca Indians is *sufficiently* evinced in favor of this treaty. But I believed then, and am the more confirmed in that opinion now, that a majority of the chiefs of the Seneca tribe have freely and voluntarily given their assent and signatures to this treaty. And whether they did so, in general council, at a town house, or whether it was done, in part, as is alleged, at other times and places, after the general council had been held, and the treaty fully and fairly explained, in the face of day, and to the whole people, as is fully and satisfactorily proven to us by the evidence now before us, I do not consider a matter of great importance. I can really believe that those who signed, after the adjournment of the council, are as justly entitled to our respect and consideration as meritorious chiefs and faithful representatives of the Indian people, as those who signed more hastily, and while the council was still in session. Indeed, sir, persons who are deliberate and slow in making up their opinions upon important matters, are generally more to be relied on than those who act more hastily.

Mr. President, I deem it important, for the satisfaction of such persons as are governed in the formation of their opinions in regard to the validity of this treaty, by the official dignity of the respective signers, to state a few facts, which I derive from an official communication of General Dearborn to Governor Everett. Well, sir, I find the Seneca tribe has eight great sachems, who are also chiefs. This title of sachem is the highest in rank of any known to the tribe; and the office is hereditary. General Dearborn gives the names of the eight sachems of the tribe, at the time of the signing of the treaty, and adds: "six out of eight of these sachems signed the treaty," and that half of them are Christians, and the others pagans. That an actual majority of the Seneca chiefs have assented to the amended treaty, seems no longer to admit of a doubt. The official and personal standing of Mr. Gillett and General Dearborn, who have certified to this fact, settles this question. I consider this question as heretofore settled by the action of the Senate.

In respect to the mode of the assent, I consider it altogether immaterial. The fact of assent I consider a matter of evidence; and, in the present case, that evidence is, to my mind, entirely satisfactory. That the chiefs who have subscribed to this treaty did so voluntarily and understandingly, is attested by General Dearborn and Mr. Gillett, whose testimony is unimpeached, and, I believe, unimpeachable.

I doubt, sir, whether the whole history of our country affords a solitary instance of an Indian treaty, which will bear the test of comparison with this much abused treaty, for fairness, liberality, honest execution, and requirements approaching to similar transactions, when conducted between equal

and civilized nations. But, sir, I would emphatically ask, what is the history of Indian treaties, from the first discovery of this continent, up to the present day? When and where have we required that more than a majority of the Indian chiefs should sign a treaty in open council, to give it validity? When have we required higher evidence than that of General Dearborn and Mr. Gillett, in respect to the number, character, and authenticity of Indian chiefship to a treaty?

The history and origin of Indian treaty-making on this continent, down to the present time, I consider one of the unpleasant, if not painful recollections to the high minded American citizen. In the early settlement of the country, our ancestors effected by artifice, in the form of Indian treaties, what they were unable to effect by force. This treaty-making system, originating in physical weakness, pretended and appeared to do nothing in acquiring the Indian lands, except by obtaining the voluntary assent of the Indians. Yes, sir, even under the government of that good man, William Penn, we find the same statute which made it a crime for any citizen to furnish an Indian with intoxicating drink of any kind, nevertheless allowed the commissioners of the Government to administer a prudent portion of intoxicating drink to Indians with whom they wished to form a treaty. But, sir, I forbear to enter further upon the history of Indian treaties. I cannot allow myself to dwell upon a subject so little calculated to elevate the character of my country.

But this much I will say: if any gentleman will take the time and labor which I have done to investigate this subject, he will rise from the task, fully satisfied that the treaty now under consideration is one amongst the most fair and honorable transactions of the kind which is to be found on our recorded history as a people. I assert, sir, that many Indian treaties have been obtained, ratified, and carried into effect, that were never signed by a majority of the chiefs of the nation in open council. Indeed, sir, with all my dislike to Indian treaties, while I am satisfied that most of them have carried on their face, forms which the facts of the case did not justify, yet I am not disposed, at this stage of our progress in treating with Indians, to insist upon requirements which are new and extraordinary, for the express purpose of defeating the objects of this particular treaty, admitted to be exceedingly advantageous to all the parties in interest, and especially so to the Indian people themselves, whose good we wish to promote by this measure. Sir, I have never had any agency in negotiating an Indian treaty. I have more than once had the offer of such commissions, but have uniformly declined the service. The official stations which I have from time to time occupied have frequently made it my duty to have much to do with the execution of these treaties. This connection with Indian treaties has caused me to reflect upon and investigate the subject in all its bearings; and the result produced upon my mind is a settled conviction that the several State Governments, as well as the Federal Government, have greatly erred in continuing the treaty-making policy introduced by our colonial ancestors, from necessity, after the Indian tribes in our respective limits and jurisdictions have become a conquered and subdued people, wholly dependent upon the will and power of those who have supplanted them. We have not, sir, even the poor plea of the tyrant—*necessity*—for still adhering to the farcical forms of diplomacy originating in causes and under circumstances which no longer exist. We should long since have supplied the place of Indian treaties by wise, liberal, and judicious legislation.

Whenever the Indians, in point of fact, become subject to the control, legislation, and jurisdiction of the Federal, or any one of the State Governments, it becomes the duty of such Government to exercise its rights directly. We should legislate for these unfortunate remnants in the same spirit of kindness and liberality that we would for the helpless and destitute minor or orphan, whose only friend was the Government of the helpless and destitute.

These, sir, are my views of policy and duty, in relation to these remnant tribes; and upon these views I have acted myself, as far as circumstances would permit.

I would now ask, Mr. President, how can any Senator expect to put the negotiations of an Indian treaty upon the principles and footing of similar transactions with civilized, enlightened foreign nations? Are not these Indians in a state of dependence and pupilage? Are we not in the place of parents and guardians to them? Shall we, then, overlook all the facts connected with the subject under consideration? Shall we imagine a state of things which we know has no existence? Has not all the difficulty in regard to the treaty been produced by interested white men? Is not every charge of fraud, urged against this treaty, refuted by the fact of the liberal and benificent terms of this instrument? A charge of fraud cannot be well sustained against a transaction which confers great benefits, and no injury whatever.

But, sir, we have no complaints that this treaty is to injure the Indians, or any one else. Indeed it is impossible they can sustain injury from this treaty, because if they do not choose to emigrate under its provisions, they have the right secured to them to remain where they are during life; and yet the ingenuity of interested white men has produced the impression upon the minds of many, for whom I entertain great respect, in and out of this Senate, that there is something very alarming and dangerous in the provisions of this treaty. The whole alarm and difficulty of those who are opposed to this treaty, seems to be based upon the *doubt* whether it has fairly received the assent of a majority of the Seneca chiefs; and the great importance which they attach to these chiefs making their *marks* to the treaty, in what is called *open council*. These are the questions which perplex the judicial minds of statesmen and Senators. Under the existing circumstances of these poor perishing Indians, and with a view to the history of these Indian treaties, which I have heretofore adverted to, I am entirely relieved from all these perplexities. Moreover, sir, I have no *doubt* in regard to the assent of a majority of the chiefs having been fairly obtained to this treaty; and the Senate of the United States settled that question on the 11th of June, 1838, when they ratified the treaty. It was the action of the Senate upon the treaty, *as a treaty*, and as the act of the Seneca nation. The Senate must have viewed the instrument as executed by a majority of the nation, or else have considered that a majority was not necessary for the purpose of making a valid treaty. Is it to be believed, that the President of the United States, Governor Everett, General Dearborn, Mr. Gillet, and various other public functionaries, who have had an agency in bringing this instrument before the Senate for confirmation, would have said and done all that we find in the documents which we have in our hands, if they had entertained opinions adverse to the fairness and validity of this instrument? No, sir; this treaty would never have reached this Senate if these public functionaries had considered it liable to the formidable objections which we have heard advanced on this floor.

Mr. President, much as I have said upon this subject, I have greatly abridged what I would have said, but for the confidence I feel in the ability and disposition of the distinguished Senators from New York, to supply all my omissions.

Allow me, sir, once more, in conclusion of my remarks, to advert to the bearing of this question, now pending before the Senate, on the destiny and lasting interest of this remnant of the aboriginal race. To me, sir, these people are a peculiar and interesting portion of the human family. I consider them human beings; I wish to treat them as such. I cannot in my conscience assign them a place, half way between man and beast. I wish to save them from destruction. Hence I urge their speedy removal from the degraded and demoralizing situation in which we now find them. Their unrestrained intercourse with the licentious portion of the populous cities and villages, by which they are surrounded, is prejudicial alike to the Indian and white population. Deprived as these people are, of the right to acquire and hold property in severalty, they are destitute of those incentives to industry and frugality, which animate and reward every white man in our happy country. Being debarred all political rights, they naturally consider themselves a proscribed and debased race, and the individual exceptions of worth and intelligence amongst them, while it serves to evince their capability for improvement under more favorable circumstances, and to become a civilized people, will not, however, shield them from becoming a nation of vagabonds and paupers in their present abodes. During forty years they have made no perceptible advance in the arts of civilized life, so that it is impossible longer to resist the conviction that their preservation from increasing misery and ultimate extinction, can alone be found in their separation from the white population, and by conferring on them those rights and privileges which, in all countries where they are enjoyed, have been gradually found to lead to civilization, and to prepare the way for the introduction of Christianity, with all its happy influences. It is a striking and most important fact, which I have observed amongst various Indian tribes, since I have advocated the emigration of the Indians to the West, that the most educated, the most moral and intelligent, who are inclined to embrace Christianity, the most sober, industrious, and thriving, are generally the friends and advocates of emigration, and it is resisted most by ambitious and selfish leaders, who carry in their train the most ignorant and degraded, and those who are least capable of appreciating the advantages of civilization.

In connection with the best interest of these Indians, Mr. President, let us also bear in mind the important interest which the State of New York has in this question. True, New York is already great and prosperous; the empire State of the Confederacy; but, sir, may we not all rejoice at her increasing strength and prosperity; are we not all Americans? Do we not all belong to the same Confederacy of sovereign States? Are we not members of the same great family? Shall we, then, hesitate in being coworkers together, to promote the interest of each, of all the States? And still further, sir, shall we forget that the great interest of all the States requires that the country now occupied by these unfortunate Indians should be densely populated by good white citizens. The geographical situation of the territory in question requires its settlement, in aid of the defence and strength of our common country. But, sir, I will not detain the Senate longer upon the subject of this treaty. I trust what I have said will induce those who have not already done so, to investigate this subject. And, sir, overwhelming as the opposition to this treaty has appeared to be, yet if it can have a full and fair investigation by this enlightened Senate, I still indulge the hope that impressions, not well based, may give way to the force of evidence and reflection, and that this treaty may yet receive the expression of the Senate's approbation.

REMARKS OF MR. FISHER,
OF NORTH CAROLINA.

In the House of Representatives, March 19, 1840—On the bill for issuing five millions of Treasury notes.

Mr. FISHER said: I do not rise for the purpose of delivering a set speech. It is now too late in the debate, and in the day, to do this, were I even so disposed. Nor shall I follow the example of some who have preceded me, and discourse about every thing except the one before us. I have no party criminations or recriminations to make; I leave this to those who take more delight in such warfare than I do. Above all, I shall not make a campaign against the Seminoles—for these campaigns, whether fought in this House or in Florida, as yet, have yielded no laurels. What I propose to do is, to make a few remarks on the subject before us, and in the shortest manner possible, give the outlines of the reasons why I shall vote for this bill. I proceed at once to do this.

However much gentlemen have differed on other matters, there is one point on which they all agree; *that the public Treasury is without money.* Owing to causes not necessary here to be stated, it is now

well understood that the revenue will not be sufficent to meet the expenditures of the present year; and WE are called on to supply the deficiency; otherwise the Government, for the want of means, must stop, as would a steam engine for the want of the propelling power. The question then presents itself, how is this to be done?

There is one way (said Mr. F.) above all others, by which I wish to see the *revenue* of the Government made equal to the *expenditures*; and that is, by reducing the expenditures down to the revenue. That this can be done at a single dash, I doubt; but the work should now be commenced, and steadily followed up until fully accomplished. I will go as far as any member in this House to bring about so desirable a reform; and though we may not be able to complete it at the present session, still if all sides would talk less, and act more, much might be done. But for two large items, we might at once equalize the revenue, and the expenditures; I mean the Florida war and the pension list. When these two items shall be cut off, or the one wholy cut off, and the other reduced, the INCOME of the Government will be more than enough to meet all legitimate demands. It is to be hoped that the Florida war will not last forever; but will end with the present year, and with it will end an annual expenditure of several millions of dollars. As to the pension list, it is every year becoming less and less. The relics of the patriotic generation of '76 are rapidly disappearing from among us to take their places in another world, and if we pass no new pension acts, this source of expense in a few years will cease to exist.

Still there is a deficiency for the present year, and if we cannot at this session bring the expenditures down to the income, it necessarily follows that we must in some way bring the income up to expenditures; *that is*, we must in some way or other supply the means to carry on the Government. The question returns, how is this to be done?

In casting about, I see but four ways in which we can possibly raise the money.

The *first* is, by increasing the impost duties; *that is*, by raising the taxes on the people.

The *second* is, by making a regular loan; that is, by beginning a new national debt.

The *third* is by calling on the STATES to pay back the surplus fund deposited with them.

The *fourth*, and last is, by the issue of Treasury notes, bearing a reasonable interest; the plan proposed by the bill now before us.

There is no other way than these, except direct and excise taxes; and now let us see which of these plans is least objectionable.

First, as to increasing the impost duties, the *tariff*. Shall we now now set to work, and raise the impost duties; thas is, impose new burdens on the country? Shall we revive the old tariff contest again; a contest which came so near breaking up this Government? I know that there are many here, and elsewhere, for doing so, but I hope no one seriously contemplates a movement of this kind at present. I doubt very much whether the manufacturers themselves would desire to see this experiment now attempted

They hardly wish to see this question so soon again opened, and their interests thrown adrift on the wide ocean of strife and uncertainty. Besides, they begin to understand that high protective duties are not what they had supposed them to be; they begin to see that incidental protection, with a sound and steady currency, is vastly more important to them than high duties with an inflated paper circulation, expanding and contracting in rapid succession. But even if it were otherwise—if the manufacturers were desirous to see the tariff now increased, you cannot do it. The Southern members, without distinction of party, will resist the attempt to the utmost. Then, as additional taxes are now out of the question, shall we resort to

The *second* plan—*that is*, to a regular loan. Shall we begin a *new national debt*? Many gentlemen, in debate, have warmly urged this scheme; and one gentleman has actually introduced a bill, by way of amendment, for this purpose; but for myself, I can say I am as much opposed to this plan as I am to new impost duties; and, if any thing, more so; for, if you once establish a regular national debt, it will soon lead to taxes, and none, that are now living, will see the end of it. The day in which this Government paid off her public debt, was a great and glorious day for our Republic. It should be long remembered, and celebrated by the American people. When the fact that the United States had paid off their public debt was first made known in Europe, it awakened astonishment, and was hardly believed. It attracted the attention not only of Government, but of the intelligent men of all classes. It made an impression on all Europe, and has placed our Republic on an elevation so high as to be seen by all. It has thrown around our Government a moral and political grandeur that we should not undervalue; it gives us advantages over other nations that we should carefully preserve. Is it not a just cause of exultation, while every Government in Christendom is staggering under the weight of a great national debt—while ENGLAND, our parent country, is almost crushed with her enormous taxes—that our republican Government stands disenthralled before the world? Shall we now be so unmindful of this glorious position as to give it up without urgent necessity? I hope not. In my opinion, nothing but the greatest exigency should force us to lay the foundation of a new national debt.

That the rich money holders in the great cities may wish to see another public debt begun, I can readily believe. Government stocks would be a safe investment for them, particularly in times like these, when confidence seems to be lost in every thing else. That the brokers may wish to see Government stocks in market again, I can well understand, as it would open a new field of speculation and profit to them. To these classes, a national debt may be a national blessing; but certainly no other class of men in the country can desire to see our Government, in time of peace with all the world, except a handful of Seminole Indians, commence another national debt, which would bring on the country new tariffs, high taxes, an increase of Government patronage, extravagance, and corruption. Sir, that party, be it which it may, that first begins a new national debt in this country, will not do it with impunity; they will furnish the weapon for their own destruction. I was highly pleased to see the sentiments of the President on this subject; they are worthy of the head of a Republican people. I hope his supporters, in this House and out of it, will faithfully and zealously stand up to them.

Then, sir, as it will not answer now, in time of peace, to contract a new national debt, shall we resort to the third alternative—that is, shall we call in a part or the whole of the surplus funds deposited with the State? I have heard no one, as yet, seriously propose this, and I think no one will. But suppose that this plan should be urged, I should like to be informed which of the STATES could meet the call in season for the present wants of the Government? Could Maryland, or Pennsylvania, or even New York, with all her resources, do it? Look at the condition of these States, and, indeed, of many others, and see if they could pay. No, sir; many of them could not pay a dollar, and none of them can pay without the utmost distress. I believe, sir, no State in this Union is in a better condition than my own State, North Carolina. She owes nobody on this, or on the other side of the ocean, except this surplus fund. She never sent agents out to hawk her credit over the world. She has no bonds in market; and yet I must say, she could not now repay the deposites without great distress to her citizens. This plan, then, is also out of the question, and we must, though necessity, resort to the last alternative set before us—that is, to the measure proposed by the bill before us, namely, the issue of five millions of Treasury notes. What solid objection can there be to this plan? None that I can see, as a temporary measure. It has, heretofore, oftentimes been tried, and always has answered the purpose well. But it is only as a temporary resort that I advocate it—I would deprecate it as a permanent measure of finance, and I presume no one intends it as such. But an objection has been raised which, if valid, would at once decide me against it, whatever might be its advantages in other respects. Some contend that it is unconstitutional. I have examined this objection as far as I am capable of doing, and I come to the conclusion that there is no force whatever in it. Those who urge this objection adduce, as authority, a quotation from the papers of Mr. Madison just published, in which the writer would seem to entertain this opinion. But this argument loses its force when we call to mind that Mr. Madison himself, while President, approved acts of this kind, under which millions of Treasury notes were issued. If he really believed this measure unconstitutional, would he have approved it, and carried it into execution? All who know the character of that great man will not feel at a loss how to answer.

In reality, these Treasury notes are but evidences of debt; and, it cannot be disguised, that by the issue of them we create a species of debt against the Government—a sort of *transient* debt, which we begin to pay as soon as we begin to contract. It is not a regular, *funded*, STOCK DEBT, having years to run, and which, on this account, is so exceptionable; but a debt that must be paid within the year. Still it is in the nature of a debt, and, as such, comes clearly within the provisions of the Constitution.

Mr. F. continued: I have already intimated that I go for this plan only because I think it less exceptionable than the others within our reach just now. As a permanent measure of finance, I am utterly opposed to it. I think, however, in the present exigency, it will not only relieve the Government, but also give considerable relief to the country, particularly in the business of exchanges. But, after all, the the only sure plan is to go right to work, and cut down the expenses of the Government so as to bring them strictly within the revenue. If we do this, there will be no necessity again to resort to such expedients; but if we neglect this, then all the expedients in the world cannot long keep off the evils of increased taxation. I therefore hope that the old and experienced members of this House, instead of consuming their time in this party warfare against each other, will turn their attention to the work of retrenchment and reform—a work so necessary to the stability of the Government, and for the prosperity of the country.

SPEECH OF MR. SEVIER,

OF ARKANSAS,

In Senate, March 17, 1840—In Executive session, on the treaty with the New York Indians.

Mr. SEVIER addressed the Senate as follows:

Mr. PRESIDENT: The treaty now under consideration is a complicated affair, and on that account, as well as on account of its importance to the Seneca Indians, to the State of New York, to the grantees of the State of Massachusetts, and to the United States, I hope, while I endeavor, in discharge of my public duty as chairman of the Committee on Indian Affairs, to explain it, that I shall be indulged with the patient attention of the Senate.

This is a treaty of much more importance than is generally supposed. It is one about which the Senecas and their friends feel, as they have felt for upwards of two years, (during all of which time it has been before the country, in one form or another,) a deep, intense, and an all-absorbing interest. The written appeals of a large majority of this tribe to the President, and to the Secretary of War; to the Senate, and to individual Senators, earnestly imploring a rejection of this treaty; the immense mass of testimony with which they have furnished us respecting it; the constant attendance of their delegates here, upon their own expenses, at a great distance from their homes, and at the sacrifice of an utter abandonment of their private pursuits, at all times, when this treaty was before the Senate; and their daily attendance in our galleries, to observe and to gather, if possible, something from our proceedings, show most abundantly the light in which this treaty is viewed by them.

On the other hand, the citizens of New York, and especially those residing about Buffalo, have their wishes and hopes and fears respecting its fate with the Senate. They have furnished us,

also, with testimony and memorials, and sage suggestions, upon the subject of Indian policy and Indian welfare. They, too, have had their lobby members and ambassadors here, consisting of both red and pale faces, for the purpose of urging this treaty through this body. Nor are these the only interested parties. Massachusetts seems to have, in this treaty, something more than a general interest; she seems to have an interest somewhat particular and identical, which I deem important first to consider and explain, that we may fully understand it in all its bearings.

Prior to 1786, Massachusetts claimed, as properly belonging to her, a portion of the State of New York. This claim New York contested; and this somewhat angry controversy was not finally settled, as we learn from the public journals of that day, until 1786. This dispute was then settled, by Massachusetts ceding to New York all her right and title to the *government, sovereignty,* and *jurisdiction* over the disputed territory; and, in consideration of this cession, the State of New York ceded to Massachusetts, and to her grantees, and to the heirs and assigns of her grantees, *the right of pre-emption of the soil of the native Indians* to the territory described in this compromise. The native Indians, occupying the territory to which Massachusetts thus acquired the right of pre-emption, were then, as now, the Tuscaroras and Senecas, of New York.

It was further stipulated, in this compromise, by New York, that Massachusetts might, at any time, by persons duly authorized by her for that purpose, hold *treaties* and *conferences* with these Indians *relative to a purchase of their lands.* And further, that Massachusetts should have the right to dispose of this pre-emption right to any person whatever. This compromise was approved of and sanctioned by Congress in 1787. A complete and full detail of this contract is to be found in the 4th volume of Journals of Congress of the year 1787, at page 788, to which I respectfully refer any honorable Senator who may desire to see it.

The right of pre-emption being thus secured to her, as well as the right to dispose of it, Massachusetts did afterwards, in 1791, sell this right of pre-emption to the Holland Land company, and that company to David Ogden, and Ogden to the present claimants. The present claimants being the grantees and representatives of Massachusetts, have the indisputable right to hold *treaties* and *conferences* with the native Indians, for the purpose of purchasing out the Indian right of occupancy; and in exercising this right, though courtesy might seem to require it, this company are under no obligations to consult either New York or the United States. I have not been able to lay my hands upon the contract between Massachusetts and her grantees, and am therefore ignorant of the terms of that contract. But, judging from the interest which Massachusetts invariably manifests upon the subject of the acquisition of these lands; and upon seeing her represented by an agent or superintendent, at every sale of them, I have concluded that she considers herself bound by her contract to either New York or her grantees, and probably to both, for the performance of her superintendency upon such occasions. How this matter stands I know not; but should such information be thought desirable by the Senate, I presume the distinguished Senators from New York and Massachusetts can give it.

Mr. President, in considering the various interests involved in this treaty—the interests of the Senecas, of the citizens of New York, and of the grantees of Massachusetts—the committee have thought it their duty to consider, in connection with those interests, the interest of a fourth party, which is that of the United States. And with a view to understand this complicated affair, the committee have endeavored to trace our relations with the Six Nations of New York, from their commencement up to this day, so far at least as the Senecas are concerned, for the purpose of discovering if there be on our part any *undischarged obligations* to either of the parties interested in the subject-matter now before us. The first treaty which I have been able to find with the Six Nations of New York, was concluded in 1784. That was a treaty of peace; a relinquishment of territory on their part, and a definition of their boundary lines on ours. In 1789, five year thereafter, a second treaty was made, which is, so far as I have been able to discover, but little more, if any thing, than a recapitulation of the former one.

The third and last treaty ever made by us with the Six Nations of New York, in their confederated character, (unless the one we are now considering should constitute a single exception,) was made in 1794. This was an important treaty, and has governed us in all our intercourse with them ever since. In that treaty, we acknowledged *separately,* to each of the tribes composing the Six Nations, their individual right and title to certain specific reservations of land; and we guarantied to them *separately* the possession and enjoyment of their respective reservations; and conferred upon them the right to dispose of their reservations respectively, in whole or in part, to any citizen or citizens of the United States, whenever and however they might choose; and for these rights, the Indians, on their part, engaged, in the same treaty, never to set up any claim to any other lands in the boundaries of the United States, than those granted in that treaty.

This was the last treaty ever made by us with those Indians, collectively or separately, from 1794 up to 1838; a period of more than forty years. From that time oward, to 1838, we acted in good faith, and permitted those Indiaans, according to the terms of the treaty of 1794, so far at least as the Senecas were concerned, to dispose of their New York lands as they chose. Since 1794, the Senecas have disposed of their lands on several occasions. In 1797, they were permitted to sell to Robert Morris of Philadelphia, a portion of their reservations. Afterward, in 1802, the same Senecas were permitted to sell another portion of their lands to Phelps, Bronson, and Jones; and again, in the same year, to Wilhelm Willick and others; and again, in 1823, to Grigg and Gibson. Each and all of those sales were made openly, freely, and voluntarily, and under the guardian care *only* of the United States on the one hand, and of the agent, or superintendent, of the State of Massachusetts on the other. These lands were transferred by the Indians to their granters, *not by treaty,* but by the ordinary deeds of conveyance; nor does the transfer of those lands to Ogden and Fellows, in 1838, vary in any degree, but in the prefixture of a preamble to it, from all the other deeds of conveyance which have been made by them subsequent to 1794.

Having then, as we have seen by the treaty of 1794, such ample power to dispose of these lands—a power so often and so satisfactorily exercised by them; and the United states having no interest whatever in these lands, and being constitutionally incapable of having any, and not being bound by compact, as in the case of Georgia, to extinguish the Indian title to those lands, it may well be asked, why have we interfered in this affair? Why have we attempted, with unabated assiduity, for more than two years, with our influence, with our agents, and means, and money, to barter with those Indians for their New York reservations? I will endeavor, sir, to unravel this mystery; it is a curious piece of intrigue and history, which should never be forgotten, as it may be of some service to the country hereafter.

As early as 1818, we find the agents of two small bands of New York Indians applying to Mr. Monroe, then President of the United States, for permission to purchase, *with their own means and upon their own account,* of the Menomonees of Green Bay, a portion of their lands. The files of the War Department will show that the grantees of Massachusetts were at the bottom of this simple, unpretending, and modest application; and, among other reasons, we find that religion, which is so often prostituted by the designing to cover up intrigue and sinister motives, was the argument used on that occasion to obtain this permission. It will be recollected that the United States will permit no Indian tribe, which they have any thing to do with, to dispose of their lands except to the United States. The authority, therefore, of the United States was indispensable to enable the missionaries, Williams and Hendricks, to make a valid purchase of the Menomonees. Mr. Monroe, not foreseeing the objects in view, and understanding distinctly, as their memorial expressly stated, that these two bands were to pay out of their own means for all the land they purchased of the Menomonees; and further, that they were to acquire, by such purchase, no other or better right than that held by the Menomonees—so understanding it, Mr. Monroe gave his assent to such a purchase. The assent of Congress, or of the Senate, to such an unusual arrangement, was neither asked or obtained. It seems to have been looked upon by Mr. Monroe as quite a small affair. Under his authority, thus obtained, the agents of these two small tribes, as *they alleged,* made a purchase, and paid for it, as they informed us, the sum of $12,000. This purchase, however, has ever been strenuously denied by the Menomonees, and the contract made between those Indians, whatever it was—if, indeed, there ever was any—is not now to be found where, surely, if in existence, it ought to be found—in either the Indian Bureau or in the War Department. As matters now stand, however, it is but of little consequence for us to know, (unless for the purpose of seeing in what manner we have been imposed upon,) whether such a contract ever existed or not. We all know there was a controversy about it between the parties, and that we were drawn into it. This controversy was settled by us in a treaty with the Menomonees in 1832. Thus we see that this small affair, which originally was to be confined to two small tribes, and which, on our part, was to have been nothing more than a mere naked assent, now loses its insignificance, and begins to swell into a matter of considerable importance. Here we find ourselves placed in a dilemma, which was brought about, as they doubtless anticipated, by the early intrigue of this land company. These small bands, under Mr. Monroe's permission, moved to Green Bay, and as the title to the lands they claimed by purchase was controverted, we were called upon to interfere, and, as we supposed, to benefit the Indians, did interfere and bought out the Menomonees for them, and gave them the lands. And there they are yet. This treaty does not disturb them. This is not all. We have paid back to them, not only the $12,000 they allege to have paid the Menomonees, but we have given them a great deal more. We have given them, besides the lands they claim to have purchased of the Menomonees, for their $12,000, the sum of $40,000; $5,000 to the St. Regis tribe, and $35,000 to the Oneidas, *as a remuneration to them for their purchase of,* and *removal to, the Green Bay lands,* under Mr. Monroe's permission. Now, let me ask, if it be not too late, why have we submitted to such imposition? Why have we bought land for these New York Indians, over whom we had no control or jurisdiction? Why have we made large advances to them, without any consideration? We have done so, for the double purpose of gratifying New York and this overgrown and grasping land company. We have thus seen Mr. Monroe's permission, of which I have spoken, first leading to an Indian controversy, and then ending in a settlement of it, by which we have had to buy land and advance thousands of dollars as remuneration (as it is falsely called) to these New York Indians, and all without the pretext of an obligation or consideration on our part.

I will now, Mr. President, take my leave of the Green Bay Indians, and return to the treaty of 1832. In that treaty, concluded in this city with a delegation from the Menomonees of Wiskonsin, we obtained of them, for the sum of $20,000, 500,000 acres of their lands, near Green Bay, for the future residence, not only of those small bands who emigrated under Mr. Monroe's permission, but for *all* of the New York Indians, then residing in New York. We obtained this land, so far as we were concerned, as a mere *gratuity,* and without any other consideration, so far as appears to me, than the wishes of New York and this land company that we should do so. New York desired this land secured, not so much for the residence of those then residing in Wiskonsin, for their welfare had ceased to interest her, but for the New York Indians then within her borders, in the hope that her Indians could be induced to move to them, and, in that event, that she would be rid of an Indian popu-

lation at the expense of the United States, she was most anxious to get clear of; and that the land company would be able, for little or nothing on their part, to get of them their New York lands, mainly, but indirectly, at the expense of the United States also. These were the calculations; and hence we find that, in that treaty, the New York Indians, although apparently so deeply interested, were not parties to it. And why were they not? I will endeavor to inform you, sir.

In the treaty of 1794, the New York Indians engaged to claim no other land within the boundaries of the United States than that particularly described in that treaty. They had modesty and honesty enough to know that there was no treaty ever afterwards made, by which we were pledged or bound to purchase land for them at Green Bay, or any where else. They knew they had no claim of any character upon us; and not desiring any other lands than those they were possessed of, and seeing no necessity for a treaty, they stood aloof, and had no participation in it. And in this same treaty the Menomonees disclaim any right or just claim of the New York Indians to the Green Bay lands. And this is not the only disclaimer. We find, in the printed documents now before us, at page 127, that the Senecas says that "the Senecas have no right or title to that country, (Green Bay,) as we have never accepted or paid for any interest there, nor do we at this time have any claim to that country whatever." And I will add, that, in a letter received last night, I am informed that the Senecas are now holding a council for the purpose of *retransferring* to you *this gratuity*, which, given to them in 1832, without their knowledge or consent, you seem determined to force upon them, and which they, on their part, seem disposed just as decidedly to reject—with a full knowledge that the New York Indians, then residing in New York, had no claims upon us for lands any where, and, on the contrary, when we knew they had solemnly engaged, in their treaty of 1794, to set up no claim for any other within the boundaries of the United States than those particularly described in that treaty, yet, with a full knowledge of all this, we made the treaty of 1832.

In that treaty, in which the New York Indians were not parties, it was stipulated, without their consent or knowledge, that they should remove to the lands we purchased for them at Green Bay, within three years thereafter, or else that their right to this 500,000 acres of land should be forfeited, and revert to the United States. This penalty was inserted, under a belief that it would not be disregarded by the Indians, but, on the contrary, would be considered of such consequence as to induce their emigration. If it was not so designed, why was a time fixed for their emigration at all? Of what consequence was it to us, whether those Indians emigrated this year or next year, or never? Sir, the Indians looked upon the whole of these proceedings, in which they had had no participation, with a provoking indifference and nonchalance. They cared nothing for these lands, or the forfeiture thereof. They considered they had comfortable homes in New York, and there they determined to remain. This temper of the Indians was soon found out by those desiring their emigration; and it was, therefore, necessary to get the time for their removal extended, so that the company could have time to apply the *proper remedies*, and bring about a conversion of the Indians to an acquiescence in their desired policy. Governed by such considerations as these, we were applied to to change this provision in the treaty; and, as usual, we permitted ourselves, like a nose of wax, to be twisted about by this company, and, to gratify them, did modify this provision, by a supplementary article to the treaty, so as to leave the time for their removal to the discretion of the President of the United States. So it stands now. Eight years have elapsed since that treaty was made, and yet the President has not required those Indians to move to their Green Bay lands, or notified them, if they did not, by a given time, that he should exact the penalty, according to the terms of the treaty. The reasons of the President for permitting those Indians to remain upon their New York lands, without exacting the penalty, are doubtless benevolent, humane, and praiseworthy. His forbearance upon this subject, thus far at least, is not considered by me just cause of censure. Yet I should consider it his duty, before a great while, to close up this contingent claim. I think if these Indians do not, within a reasonable time, move to these lands, that they should revert to the United States; and in this reversion they can have no just cause of complaint. Their title to these lands is *conditional—dependent entirely upon their removal to them.* It was a mere gratuity on our part, and cost them nothing, not even solicitation, or empty thanks; and now, if they will not accept of our proffered gratuity, if they will not occupy those lands, voluntarily tendered to them *on that condition*, there can be no injustice in exacting their forfeiture, on their failure to comply with the condition.

Mr. President, we purchased, as before observed, in 1832, 500,000 acres of land at Green Bay, for the future residence of the New York Indians. This purchase being on our part, as before stated, a mere gratuity, and, so far as appears from our records, without the knowledge or solicitation of the Indians, five years thereafter, in the year 1837, for what reasons, or at whose promptings, we are left to conjecture, it seems to have become suddenly, and all at once, a matter of vital importance for us to purchase out this gratuity, a gratuity which the Indians considered of so little consequence or value to them, that they would neither move to it, nor have it. But no matter for that: we determined to buy back from them what we had given them as a present five years before; and in furtherance of these views, in 1837 we appointed a commissioner to accomplish for us this all-important object.

A purchase of this Green Bay land was the *ostensible* object of this mission. The *real* object, as I shall show you in the progress of this discussion, was to obtain our influence, and our means and money, to *assist* a dozen or so of land speculators to purchase of the new York Indians their New York lands, for which they held, under Massachusetts, the pre-emption right. And, sir, we have already done so, to some extent. We have purchased out for this company, and for New York, five of the six tribes—all of the New York Indians, except the Senecas, and we have attempted to buy them out also, whether successfully or not, remains to be seen by a decision upon the question now before us.

In 1837, as before observed, we appointed a commissioner, with the ostensible object of purchasing of the New York Indians their Green Bay lands. So soon as this was known, we found much excitement and agitation among the Indians, growing out of their attachment for, and reluctance to leave, their native land. They understood very fully the object of the negotiation. They knew the Green Bay land was but a *pretext*, and not the *real* object of the commissioner. They understood all this. They knew the object of the treaty was to get from them, for the land company, their New York lands. To overcome these scruples, and to reconcile them to the measure, the agents of the land company went to work, and I will now show you, sir, in what manner.

"Articles of agreement, made and concluded this 29th day of July, 1837, between Heman B. Potter, of the city of Buffalo, of the first part, and John Snow, a Seneca chief, of the Buffalo Creek reservation, in the county of Erie, of the second part.

"Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the pre-emptive title of and in the four several tracts of land, reserved by the Seneca tribe of Indians, within the said State of New York, are desirous to induce the abovementioned tribe of Indians to accept, for their future and permanent residence, a tract of country in the territory west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring States, and are, also, desirous, by fair purchase, to extinguish the right of the said Indians in and to the lands in this State, so reserved by them:

"And whereas, in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorized negotiations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money as a permanent fund for the nation, and a compensation for their improvements; and have also deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals who are able to influence the said Indians to accept the offers so to be made to them:

"And whereas, the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient, in accomplishing the abovementioned object; and the said John Snow, the party of the second part, has agreed to contribute his influence and services in the premises; and in case of the extinguishment of the said Indian title to the said reserved lands as aforesaid, to sell to the said proprietors all and singular his improvements, of, in, and to the same:

"Now, therefore, it is mutually agreed by and between the parties hereto, as follows:

"First. The party of the second part undertakes and agrees to use his best exertions and endeavors to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the Government of the United States, in respect to their removal and future location; and on such *said* terms as the party of the first part, and his associates, in the name of the said proprietors, shall propose to sell and release, by treaty, their said reserved lands; and on all occasions to co-operate with and aid the said party of the first part, and his associates, as he may be, from time to time, advised, in talks and negotiations with the chiefs and other influential men of the said tribe; and in the active application of his whole influence at councils, and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

"Second. The second party of the second part hath sold, and hereby doth sell, to the said proprietors, all and singular his buildings and improvements on the lands so to be released by treaty, and agrees to accept compensation therefor in the manner hereinafter mentioned; said buildings and improvements in the meantime not to be leased, or in any manner disposed of by said party of the second part.

"Third. In consideration of such efforts, co-operation, and services on the part of the said John Snow, faithfully bestowed in the premises, and of the sale and release of all and singular his said buildings and improvements upon any of the lands aforesaid, without leasing or otherwise disposing of the same, as hereinabove stipulated, the said Heman B. Potter, on his part, and that of his associates, agrees to pay, or cause to be paid, to the said John Snow, the sum of two thousand dollars, within three months after notice of the ratification, by the Senate of the United States, of a valid treaty between the said tribes and the owners of the said pre-emptive title, or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished, in and to the said reserved lands; subject, however, to the following qualification and understanding: that in case the said treaty shall provide for the payment to individual Indians for their buildings and improvements, then and in that case the said party of the second part shall accept and receive, as part payment of the abovementioned sum of two thousand dollars, such sum or compensation as he shall or may be entitled to, by and under the provisions of such treaty, for his said buildings and improvements, and the balance of the said two thousand dollars which shall remain, after deducting therefrom such compensation as aforesaid, and that only to be paid by the said party of the first part, as above specified, within the time abovementioned, or as soon thereafter as the said balance can be ascertained; and in case said party of the second part shall be entitled, by and under the provision of said treaty, to the sum of two thousand dollars and upward, he shall receive the same as may be therein provided, and the said party of the first part shall be discharged from paying any part of said two thousand dollars.

"And the said John Snow shall also be entitled, at a nominal rent, to a lease from the owners of the pre-emptive title, or their trustees, of and for the lot of land actually improved and occupied by him, called the Whipple farm, near the old council house, on the Buffalo reservation, for and during his own natural life, determinable when and as soon as he shall cease to live on and occupy the same; said lease to be executed by the lessors as soon after said treaty as said lands shall have been surveyed and allotted, said lease having reference to said survey.

"This agreement on the part of said party of the first part, being expressly dependent upon a treaty, to be made and ratified upon terms, conditions, and stipulations, to be proposed and offered by the said party of the first part, and his associates.

H. B. POTTER, [L. S.]
his
JOHN x SNOW, [L. S.]
mark.

Witness:
his
GEORGE x JIMESON,
mark.

True copy: M. B. PIERCE.

"P. S. Marius B. Pierce, above named, is one of the chiefs who signed the Buffalo treaty."

"Articles of agreement made and concluded this 7th day of August, 1837, between Heman B. Potter, of the city of Buffalo, of the first part, and Samuel Gordon, a Seneca Indian, of the Cattaraugus reservation, in the county of Erie of the second part.

"Whereas, in conformity with the declared policy of the Government of the United States, the proprietors of the pre-emptive title of, and in, the four several tracts of land reserved by the Seneca tribe of Indians, within the said State of New York, are desirous to induce the abovementioned tribe of Indians to accept for their future and permanent residence, a tract of country in the Territory west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring States, and are also desirous, by fair purchase, to extinguish the right of the said Indians in and to the lands in this State so reserved by them:

"And whereas, in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorized negotiations to be opened with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money, as a permanent fund for the nation, and a compensation for their improvements, and have also deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them:

"And whereas the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient in accomplishing the abovementioned object, and the said Samuel Gordon, the party of the second part, has agreed to contribute his influence and services in the premises:

"Now, therefore, it is mutually agreed by and between the parties hereto, as follows:

"First. The party of the second part undertakes and agrees to use his best exertions and endeavors to dispose and induce the said Indians to adopt and pursue the advice and recommendation of the Government of the United States in respect to their removal and future location; and on such fair terms as the party of the first part and his associates, in the name of the said proprietors, shall propose, to sell and release, by treaty, their said reserved lands, and on all occasions to co-operate with and aid the said party of the first part and his associates, as he may be from time to time advised, in talks and negotiations with the chiefs and other influential men of the said tribe; and in the active application of his whole influence at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

"Second. In consideration of such efforts, co-operation, and services, on the part of the said Samuel Gordon, faithfully bestowed in the premises, the said Heman B. Potter, on his part and that of his associates, agrees to pay, or cause to be paid, to the said Samuel Gordon, the sum of five thousand dollars, within three months after notice of the ratification by the Senate of the United States, of a valid treaty between the said tribe and the owners of the said pre-emptive title or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished in and to the said reserved lands.

"This agreement, on the part of said party of the first part, being expressly dependent upon a treaty to be made and ratified upon terms, conditions, and stipulations to be proposed and offered by the said party of the first part and his associates.

H. B. POTTER, [L. S.]
SAMUEL GORDON, [L. S.]

Witness: O. ALLEN.

"It is understood and agreed that the sum of one thousand dollars is to be added to the within contract.

September 29, 1838.

O. ALLEN,
H. P. WILLCOX.

Their are six other contracts of a similar character, which I will not take up the time of the Senate to read. These eight have lately come to light. How many are yet behind, undisclosed, time will tell.

Here, Mr. President, we have a few illustrations, most liberal and honest and patriotic illustrations, of the means used by the agents of this land company, and under the authority of the proprietors, to induce the leading and influential chiefs to sell the lands of their unwilling constituents. Here we see, under the very nose of our commissioner, and at the moment of commencing his negotiation, *ostensibly* for the purchase of their Green Bay lands, the sum of *twenty-one thousand, six hundred dollars* in cash, besides leases, some for a term of years, some for life, some during occupancy, and one grant in fee simple, offered and promised in writing to eight leading and influential chiefs, by this land company, as rewards, or rather as *bribes* for serving this company *faithfully*, with their influence *in council, and in confidential interviews with the other Indians, so as to effect a treaty with the Government for their Green Bay lands, and so as to effect a release and relinquishment of the Indian title to the proprietors of their reserved lands in the State of New York; and in case of success in these double negotiations, and in the event of their ratification by the Senate of the United States, then these bribes were to be consummated, and not otherwise.*

By these dark and midnight transactions, the order of things was to be curiously reversed. The *emigrating party* were to stay in New York upon their leases, and the *non-emigrating party* were to be transported beyond the Mississippi. And are these contracts denied? No, sir; they are unblushingly and shamelessly admitted and justified! They are admitted and justified by Seneca White, one of the chiefs, in favor of the treaty and of emigration, in his speech to the Secretary of War last August. They are admitted and justified by N. Strong, another chief in favor of the treaty and of emigration, in his letter to the President, of the 9th of last March. They are admitted by Orlando Allen, a white man, and one of the active agents of the land company, and justified, in his letter to the President, of the 11th of last March. And pray what is the justification?

Mr. Allen tells us, in his testimony, which he communicated to the President last spring, "that he *has understood* (and believes the attempt was never made to conceal it) that provision was made for some of the chiefs, in accordance with all former usages among the Senecas." Yes, sir, Mr. Allen may well say *he has understood* that provision was made for some of the chiefs; for I find this same Orlando Allen, who, under oath, speaks so *doubtingly*, as though by hearsay only, is a subscribing witness to at least two of these contracts. But, as to his *belief* that there were no attempts made to conceal these contracts—contracts which were for *secret* influence and *confidential services*—we of the committee, who have travelled through this whole mass of testimony, will believe just as much of this part of his testimony as we please, and that is precious little of it, if any. While voluntarily furnishing a part of his testimony for the benefit of the President, he would have done but an act of justice if he had given him, in addition, that part of his testimony, taken on the same occasion, which was, that he was an agent of the company, and *directly interested* in the success of the treaty—Mr. Allen assimilates these rewards, promised and given to these chiefs, in this underhanded and clandestine manner, to the annuity given to Red Jacket, Corn Planter, and others. Sir, there is no similitude in these cases. What was given to Red Jacket, Corn Planter, and to the others he has named, was given in open day, in the presence of the nation, and with the knowledge and approbation of their tribes. But enough of all this, for the present at least.

Sir, the Indians being thus tampered with, and prepared by bribes, in advance, for the occasion, our commissioner entered upon the stage for the performance of his part of the drama. And, sir, not to be tedious, to pass over a thousand details, and to come at once to the result, I will inform the Senate that our commissioner, after a protracted negotiation, did actually succeed in purchasing for us the Green Bay lands. And he got these lands for us for the very trifling and frivolous consideration of $400,000 in cash, and 1,800,000 acres of land, west of and adjoining the State of Missouri. Here is a negotiation for you, which I am satisfied that nothing but patience and perseverance and skill and dexterity and adroitness, aided with good friends to "back his suit withal," ever could have achieved. This $400,000 in cash, 1,800,000 acres of land, is all that our commissioner agreed to give for 435,000 acres of land at Green Bay, which five years previously we gave these Indians gratuitously, and which gratuity they would neither move to, nor accept of us as a present!

Appended to this treaty we find an ordinary deed of conveyance from the Tuscaroras to Ogden and Fellows, of all their title to nineteen hundred and twenty acres of land; and from the Senecas, a similar deed of conveyance to Ogden and Fellows of all their title to one hundred and sixteen thousand acres of land, all lying in the State of New York, and some of it in the neighborhood of Buffalo, and making all together, from both tribes, in round numbers, about 118,000 acres of land, for which Ogden and Fellows agreed to pay the sum of about two hundred and eleven thousand dollars—not quite two dollars an acre. These deeds are honored with a preamble, and recite the important fact, that a treaty had been concluded between our commissioner and these Indians. These deeds are otherwise distinguished, by being *approved*, not only by the superintendent of Massachusetts, whose duty it probably was to approve them, but they were also approved of by our commissioner, not as a witness, but in his official capacity—and what is still more remarkable, when this treaty came to the Senate, in 1838, for ratification, these deeds came with it.

Well, sir, what next occurred? The treaty was read in the Senate, was properly referred, and then your committee went to work upon it. They found it so *essentially defective*, that it was out of their power to recommend its ratification. The objections to it were communicated, among others, to the Senators from New York. Some alterations in it were suggested by the War Department, and all agreed, without a dissenting voice in any quarter, so far as I recollect, that it could not be ratified in the form in which it was executed. We amended it, and so thoroughly, as to make nearly a new treaty out of it; and in these amendments the Senate concurred, and I believe with unanimity.

While this treaty was before the committee, we heard many complaints from the Indians and others, against the treaty. Fraud, unfairness, and bribery, of which, *at that time*, we had no evidence, were charged; and it was stated that a majority of the chiefs neither approved of nor had signed the treaty, although from the preamble it purported to have been executed in council, and properly assented to. To guard these charges, the Senate adopted the resolution of the 11th of June, 1838, which was recommended by the Committee on Indian Affairs, and which is as follows:

"*Provided always, and be it further resolved, two thirds of the Senate present concurring*, That the treaty shall have no force or effect whatever, as it relates to any of said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted, and fully and fairly explained, by a commissioner of the United States, to each of said tribes, or bands, separately assembled in council, and they have given their free and voluntary assent thereto; and if one or more of said tribes or bands, when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon those so assenting, although other or others of said bands or tribes may not give their assent, and thereby cease to be parties thereto. *Provided, further*, That if any portion or part of said Indians do not emigrate, the President shall retain a proper proportion of said sum of four hundred thousand dollars, and shall also deduct from the quantity of land allowed west of the Mississippi, such number of acres as will leave to each emigrant three hundred and twenty acres only."

Thus it appears that we sanctioned the treaty of the 15th of January, 1838, on the *express condition* that the treaty, as amended by us, should be approved of by a majority of the chiefs of each tribe, separately assembled in open council, and after it had been, by our commissioner, fairly and fully explained *in open council*, and by a majority of them freely and voluntarily assented to in open council.

Well, sir, what next? With the treaty, as amended, our commissioner was once more despatched to his red brethren, with whom he had previously been so very successful, to obtain their assent to the treaty in its amended form. He received his instructions on the 9th of July, 1838, and was at his post in the month of August following. He succeeded in obtaining the assent of all the tribes but *the Senecas*. These he found, as usual, a little refractory. He met them in council on the 17th of August, in a council house he had built for the purpose; and as many of the chiefs were absent, he, at the request of the Indians, adjourned the council for three days. On his return on the 20th, he found his council house *burnt down*—the work of an incendiary. He built him another, and then fully and fairly explained the treaty and the amendments made to it by the Senate. He found the Senecas decided, not upon the subject of selling us the Green Bay lands, but upon the subject of *emigration*, which to us was a matter of no consequence. He gives us the decisions in the tribe, in a very minute and satisfactory manner. He then tells us that

"It will be recollected that at the time of making the original treaty, providing new homes for these Indians at the West, and the means of removing and subsisting them, that another treaty was signed between this tribe and the pre-emption owners, under the supervision of a superintendent from Massachusetts, conveying the Indian rights to their several reservations in New York. That treaty of sale was ratified by the Governor and Council of Massachusetts. At the late council, it was the sale under this treaty, and not the advantages secured under the one negotiated by me, that formed the principal subject of consideration. The Government treaty was generally conceded to be liberal and advantageous; still there appeared to be a settled purpose on the part of some to misrepresent the value of the advantages secured under it, as one means of defeating the other."

Here, Mr. President, we have the whole story, fresh, full, and complete, from the lips of our frank and candid commissioner. *It was the sale to the land company*, brought about, as I have shown you, by bribery and corruption, that has occasioned the failure of our commissioner in perfecting, from this tribe, the purchase of their Green Bay land. Our treaty, he tells us, was considered liberal and advantageous, and with it no fault was found, and, I confess, it would have been passingly strange to me, if there had been any objections to it.

And now let me ask, if our *real* object had been to purchase the Green Bay land, why was our treaty embarrassed by negotiating with them for their removal beyond the Mississippi? Why not let them remain? they are not in our way. We are not bound, in any manner that I know of, to purchase their lands for these pre-emptioners. What have they done for "the State" that we should give them a million or so of dollars, in cash and land, to aid them in their speculations. Sir, our commissioner desired honor, and glory, and promotion; and he was taught to believe, and no doubt truly, that if, by negotiation, he could succeed in getting those Indians out of New York and over the Mississippi, at the expense of the United States, that glory, and honor, and promotion would be his reward.

Sir, the Green Bay lands, if ever the subject of *serious* discussion at any time, were all along considered but a trifling matter with either the Indians or our negotiator. But I proceed, for I have yet, sir, a good deal of ground to travel over.

The commissioner tells us, that, "at an early period of the council, that Marius B. Pierce, then an opponent of the treaty, in public council proposed to me the following questions:"

"1. If the amendments of the treaty were not now assented to, whether I could adjourn the council; and whether, if not adjourned, it could be again convened?

"2. Whether the Senate could recede from its amendments?

"I was also asked, at about the same time, by others in council, whether the deed to the pre-emptive purchasers, being ratified by the Governor and Council of Massachusetts, was obligatory upon the nation, without further action on the part of the nation? Also, whether the Senate of the United States had any legal jurisdiction over the subject?"

To those questions the commissioner declined giving any answer; and as he has not condescended to tell us why these questions were asked, I will endeavor to supply his omissions as I feel myself able to do, from the testimony before us. The first question was asked because the opponents of the treaty then had a majority in council against the treaty, and were able to vote it down, and he was apprehensive that the commissioner might keep adjourning the council from day to day, until a majority might be got *in some way or other* to assent to the treaty. He and his friends were then neglecting their private affairs; were poor, without money, and depended for their bread upon their daily labor. They wanted to see the council closed, that they might go home; they were unwilling that the council should be kept open any longer, or convened again, after it was closed. These were Pierce's reasons for asking the first question.

He asked the second, because he had been told, as an inducement for their agreeing to the treaty, that the Senate would, *if necessary*, recede from its amendments, and that the treaty would be ratified as originally made, and then, in that event, they would lose the *rewards* and *life-leases*, &c. which they then had it within their power to obtain from their friends, the generous and liberal minded pre-emptioners.

The third question was asked, because they were told the New York land was gone at any rate—that their deeds had been approved by the Governor and Council of Massachusetts. The commissioner also declined answering this question; but afterwards, "learning that General Dearborn had expressed a *different opinion*," (from that expressed by the head of the Indian bureau, and by Mr. Ward, a clerk of that bureau,) "I informed the council of it, and General Dearborn gave Governor Everett's reasons for his opinions. The Indians were then left to form their own conclusions on the question of title and probable action of the Senate. *I then informed the Indians that, if the interests of the Indians required it*, I believed I had the right, and should adjourn the council to some future day." Yes, sir; and he did adjourn the council. The opinions of Governor Everett, respecting the validity of the sale, produced this result. The pre-emptioners could no longer frighten them "with the scarecrow" that their lands were gone. This being the case, it became necessary for the pre-emptioners to change their mode of attack; and time was necessary to agree upon the *modus operandi*: and therefore the council was adjourned.

The next entertainment we have of the commissioner is as follows:

"Learning from the discussions in council, that many desired to remain longer than five years on their reservations, I induced the agent of the pre-emptive owners, on the 26th of September last to authorize me in writing, to say to the council that he would, on behalf of the pre-emptive purchasers, agree to allow them to occupy their farming lands ten, instead of five years. His proposition is marked No. 30. This offer did not, as *was anticipated*, produce unanimity of feeling. Some said it was their desire to remain for their lives; but that they were willing others might remove if they chose to do so. In connection with General Dearborn, I requested the agent to offer life leases, free of rent, to all who chose to remain. His offer to do so is marked No 31. Without consulting with a single individual, a chief in the opposition, by the name of Israel Jemison, rose and stated that he was authorized to say that the opposition *unanimously* declined the proposition. Knowing that no one had authorized him to speak on a subject but that moment named in council, I did not consider his statement entitled to any respect. No one of the opposition rising to set him right in such a case of palpable falsehood, I became satisfied of the truth of the allegation so often made, that many *dare* not speak their minds in council, and that compulsion was used to prevent chiefs from signing."

He talks of *fear* and compulsion! Why should they fear? Why should Indian warriors manifest a timidity which, in a virtuous cause, would disgrace even their squaws? They fear because they are in a minority, and know they are doing, *from base and mercenary considerations*, what a majority of their people disapprove of. Their fear is but the palpable evidence of a guilty heart! An honest man, red or white, fears nothing! Cowardice and trembling are the attributes of a guilty conscience!

He tells us that—

"Immediately after communicating and explaining the offer of life leases to all who desired them, I presented the manuscript copy of the amended treaty, to which I had attached a written assent. I informed the council that those who chose to do so could sign it there, and those *who from fear*, or *other cause*, preferred signing at my room in presence of myself, the superintendent from Massachusetts, the agent, and such other persons as might be present might do so. I then received sixteen signatures, and subsequently at my room, in presence of General Dearborn, thirteen, and two other signatures at the rooms of chiefs who were too unwell to attend council, making in all thirty-one chiefs."

Yes, sir, with all the bribery I have previously alluded to, with *life leases, free of rent, for all who chose to stay, embracing the whole tribe*, we yet find the commissioner unable to get, in *open council*, as he was required to do by the resolution of the 11th June, 1838, but *sixteen signatures of assent*, out of eighty-one, to the amended treaty; and, in addition to these sixteen, he obtained afterwards, *not in council*, but at his *private lodgings*, the signatures of assent of thirteen more, and at *their own residence* the signatures of two others, making, in all, but thirty-one, obtained, as before stated, out of eighty-one chiefs belonging to the Seneca nation. Finding this to be the case, he then, on the 2d of October, after laboring, if not praying and fasting, for upwards of forty days in the wilderness with the heathens, he informed the *agent of pre-emptioners, (not the Indians with whom he was negotiating,)*

"That he should adjourn the council, as there seemed to be no more disposed to sign the assent. A question having been raised, (he tells us) whether the assent had been sufficiently signed or not, (that is, whether thirty-one, if there had been no objection to the *manner* of obtaining their signatures, was a majority of eighty-one,) he (the agent of the land company) desired me to adjourn to a future day, and that, in the mean time, I could report to you."

He adjourned the Council to the 15th of November.

"On adjourning the council, I read them a talk, which is marked No. 39. The Indians who are opposed to emigration did not object to this adjournment, and, in making it, I did what I thought due to them and *to the purchasers*. If the assent is not sufficiently signed, it may be done at a future day, and the emigration party, who have listened to the advice of the Government, may be saved from the oppression which would otherwise await them. If there were not signatures sufficient to meet your approbation, and it should turn out that the legal title is in the purchasers, then the condition of the Senecas would be deplorable. They would be without a home, though one had been freely offered to them."

Poor Senecas! how stubborn and stiff-necked they are! Why will they not listen to the pathetic advice of the Government, so eloquently delivered, and save themselves from oppression? Why will they not see that if it should so happen that the title to their lands is vested in the purchasers, how deplorable will be their condition? Why will they not see (what no one else but the commissioner could perceive) that if the treaty should not be assented to, that they would be without a home—without even their Green Bay lands, which they refuse to sell us? What insanity! How unreasonable they are in desiring to retain their ancestral homes and fire sides! How cruel and hard-hearted they are, in refusing to gratify the *humane* and *benevolent*, and *Indian-loving*, and *God-serving pre-emptioners!* Oh, Senecas! Senecas!! How you astonish your grey-headed fathers of the Senate!

Mr. President, we now find our commissioner laying aside his poetry and his predictions, and talking mathematically. After stating the number of chiefs who signed the treaty, and their *manner of signing it*, he then puts the question to the Secretary of War to know if it be necessary to have the assent of all the chiefs upon the reservation.

"If so [he says] it was not sufficiently signed *in my presence*. [And he might have added it was still *less sufficiently* in *open council*, as it was required to be done by the Senate's resolution.] If not, need it be signed by more than a majority of all who, at any time, attended the council. [He then reminds us of what we would not otherwise probably have thought of, that] this is what is usually required in legislative bodies, and reasoning from analogy, the assent is sufficiently signed. If it requires a majority of all who may have been, from time to time, for short periods, at council, it is not in my power to give you the necessary facts whereon to decide."

Now, sir, our most worthy commissioner, (who is an ex-member of Congress, and who, on that account, should be presumed to be familiar with the proceedings of deliberative bodies,) has lost sight of one very important point in his analogy, which is, that the official acts of members of Congress, out of their respective houses, (alias, the councils,) are nugatory. Does he not know that if members of Congress were to sign their assent to the passage of bills, or if Senators to the ratification of treaties, at their private rooms or lodgings, as this Indian assent (in part) was signed, that it would be nugatory, nonsensical, and unconstitutional? I leave the question to himself to answer. Speaking of analogies, I will go a little farther, and as he has said it better than I can say it, I will avail myself of the remarks of Gov. Everett upon this subject:

"The treaty making power [says the Governor] is granted by the Constitution in general terms. No modification of its exercise, in reference to Indian tribes, is recognised, as it would certainly be unconstitutional for the President of the United States to attempt to treat with individual members of any foreign State or Government, (not duly authorized to represent such body,) or to attempt to obtain the ratification of a treaty by means of the assent of individuals of the Senate, not duly assembled and acting as such." "I remain of opinion that the constitutionality of attempting to obtain the assent of individual Indian chiefs to the amended treaty, in the manner in question, is doubtful."

Sir, were ever these old, safe, rational, and salutary rules dispensed with by our Government, in treating with any nation, foreign or domestic, civilized or savage? I know of no dispensation of those time-honored and customary forms in any case whatever. I hold, that if it be necessary to treat at all, that we should treat according to the ordinary and constitutional forms.

The commissioner concludes his report by telling us, what we could well have imagined, that all the expenses of the amended treaty had been defrayed by the United States; and thinks if any further expenses are to be incurred, that the pre-emption purchasers should pay *their part of it*. He ought to have said the *whole of it*, as it would all be for their private benefit.

The report of General Dearborn to General Everett corresponds, in the main, with that of Mr. Gillett, and therefore I shall not be considered, I hope, as treating that able State paper with disrespect, if I dispose of it very briefly.

General Dearborn tells us that,

"Among the numerous and very cogent reasons which were urged by the commissioner for inducing the Indians to assent to the amended treaty, during the progress of the long protracted deliberations, he observed that he had been directed by the officer at the head of the bureau of the Indian Department, to state, as his opinion, that the contract of the Indians for the sale of their right of possession to the Ogden company was complete, and might be carried into effect, whether the treaty with the United States was ratified or not.

"As this was the only statement made by the commissioner to which I did not fully concur, I informed the chiefs it became my duty to announce to them that the Governor of Massachusetts entertained a different view of the subject; and was authorized to state, that unless the amendments made to the treaty were assented to, he considered the contracts, for the sale of their right of possession, null and void; but that he did not undertake, peremptorily, to decide a question of such great importance; that it was one which required the most grave and deliberate consideration, and must ultimately be referred to the highest judicial tribunals of the country, if it should be insisted on by the pre-emptioners.

"It was, therefore, for the chiefs to determine how far their decision was to be influenced by the doubtful position in which the subject was placed, from these conflicting opinions; for if they should reject the treaty, and the contracts for the sale of their reservations were declared binding, they would be left without a home."

This disclosure needs no comment. The unfairness and reprehensibility, on the part of the commissioner, of the use of such terrible and unsound arguments to the ignorant Senecas, is obvious to all. The General also tells us, that

"The commissioner was induced to afford the last named accommodation, in consequence of having been informed that there were several chiefs who were in favor of emigration, but were afraid to sign the treaty publicly, as they had been threatened with fatal consequences if they did. Intimidation has been extensively used by the leaders and their partisans in the opposition, for the purpose of defeating the wishes of those who are desirous of removing to the West. The commissioner was informed by the chiefs of the Tuscaroras, that threats had been sent to them from the Tonawanda reservation, to deter them from ratifying the treaty.

"It had been repeatedly represented, during the last council and the present, that there were a number of Indians, and especially among the aged, who were desirous to remain here, and who often observed: 'Let the young go to the new country, beyond the great river, if they wish, but we are too old to begin new establishments; we had rather live and die where we have so long resided, on the land of our fathers.' To obviate this objection to the ratification of the treaty, the commissioner recommended to the pre-emptioners that they should offer to give again for life, free of rent, to such Indians as were anxious to

reman, and I concurred in opinion as to the propriety of that measure, believing that it would not only be just towards the Indians, but considered as beneficent, magnanimous, and liberal on their part, let the result be what it may; that I considered it important it should be done in open council, and made general in its operation, to preclude every ground of complaint or misrepresentation.

The pre-emptive agents having been finally induced to adopt that measure, a communication was made to the commissioner, for carrying it into effect, which he laid before the assembled chiefs immediately after he had concluded his remarks on the method in which the assent was to be given to the treaty.

"One of the chiefs, in behalf of those in the opposition, then rose and stated, that they did not desire to avail themselves of the offer which had just been made by the pre-emptive owners; and observed that they wished the council might be kept open, after those had signed the treaty who were present, as they desired to execute, in the presence of the commissioner of the United States and superintendent of Massachusetts, a written declaration of their dissent. The commissioner replied that he was not authorized to authenticate any document other than such as he had been specially directed to submit for their consideration, and therefore could not with propriety keep the council open for the purpose which had been stated.

"I was then reminded by another chief of the opposition party, that I had informed them on the opening of the council, although I was not instructed to advise them either to remain where they were or to emigrate to the Indian Territory in the West, I had been sent there by the Governor of Massachusetts to see that impartial justice was done to the Seneca nation of Indians, and that I had observed, on another occasion, I should not be deterred by the flash of the tomahawk or the crack of the rifle in the independent and honest discharge of my duty; and as I should be a witness to such of the chiefs as were in favor of emigration, who signed the treaty, 'MY HEAD WOULD NOT BE STRAIGHT' unless I also verified their proceedings; and then asked me if I would remain for that purpose.

"I answered, that I considered it my duty to comply with all proper requests, from any portion of the Seneca Indians, so far as it was in my power to do so; that I should, with great pleasure, remain and witness the signatures to the declaration which it was proposed to execute, after the commissioner of the United States retired from the council house.

"As many of the emigration chiefs were absent, only sixteen names were affixed to the treaty, in council, on the 28th ult.; and immediately after the adjournment, the written declaration of the chiefs opposed to emigration was produced and signed in my presence."

Here we find that our commissioner refused to receive the list of the names of the dissenting chiefs, or what they called their protest, which was tendered him *in open council*. But General Dearborn, who is a military man—a man of mettle—who is not, as he informs us, to be "deterred from a faithful discharge of his duty by the flash of the tomahawk or the crack of the rifle," did receive and witness this dissent, or protest; and he forwarded it, according to the request of the Senecas, to Governor Everett. This protest contained the names of *sixty chiefs*, out of eighty-one, and is to be found in our printed document, at page 174. Here ends my review of the reports of Messrs. Gillet and Dearborn, upon their first embassy. They had another, which I will briefly dispose of; but, before doing so, it will be necessary to notice the official action of the head of the Indian bureau, upon our commissioner's report. Let us now see how Mr. Crawford viewed this matter. Mr. Crawford says, in his letter to the Secretary of War, of the 29th of October, 1838:

"The only difficulty in the way of regarding the acts of the Indians as meeting the resolution of the Senate, that appears to me insuperable, concerns the assent reported to have been given by the Senecas. There are in this band seventy-eight chiefs. The assent of sixteen was obtained in council, of thirteen at the room of the commissioner, and of two others at their own quarters, making thirty-one; and, since the arrival of Mr. Gillet in Washington, he has received the written assents of five more, properly authenticated, making an aggregate of thirty-six. The commissioner reports that not more than sixty-one chiefs attended the council at one time, and that thirty-six is more than one-half of the number of chiefs that probably gave their attendance in council at all the meetings; two of the chiefs, it is said, hold a questionable authority, and two have removed from the country. Is this an assent of the tribe by the chiefs? The authority of the band resides in *all* the chiefs; and although uniformity in their views can scarcely be expected, at least a majority of the chiefs, not of those who appeared in council, but of all upon the reservation, it strikes should consent to constitute the "free and voluntary assent" *of the tribe*. Deduct the two who, it is represented, exercise a doubtful authority, and the two who have removed, and seventy-four chiefs of the Senecas remain, of whom, including the five whose assents were not attached to the modified treaty, but transmitted by mail, and we have thirty-six only. The last five, in my opinion, cannot be reckoned; but I have not noted more particularly the defective manner of their assenting, because it was, in the view taken, unimportant. Perhaps, too, it *was intended by the Senate that they should consent in council*. Mr. Gillet states in his report that a printed copy of the treaty and amendments was handed him, to which was affixed the signatures of thirty-five chiefs and one hundred and seventeen warriors, declaring their assent thereto. *This writing is dated six days before the assent in council was obtained, preceded, as I presume, the full explanations of the commissioner, and, although witnessed by James Stryker, United States sub-agent, and H. P. Wilcox, and no doubt fairly obtained*, (for it embraces the names affixed to the assent prepared by Mr. Gillet, and four additional ones,) *can scarcely, it seems to me, be considered as within the intent of the Senate*. If, however, you should think differently, the four chiefs added to the whole number first mentioned, would give forty assenting chiefs out of seventy-eight. Even if the legal right was as clear the one way as it appears to be the other, would it be expedient to act upon it? The Senecas are evidently divided into two very nearly equal parties, the one for and the other against the treaty, splitting on the subject of emigration, which is much to be regretted. Their own true interest and the liberal views of the Government they do not comprehend, and however desirable it is that they should leave New York, which would be the probable, but *not the necessary consequence of the ratification of the treaty*, one-half of them appear to be otherwise determined for the present. The report and accompanying papers show that much excitement prevails among them on the subject, and makes it too certain that but for bad advice they would accede to the proposed terms, which perhaps a renewed application might find them willing to do. For this last purpose the door is still open, as the council was adjourned to the 15th of November next."

This letter of Mr. Crawford construes, and *properly construes*, the Senate's resolution of the 11th June, 1838. Having submitted his letter to the Secretary of War, containing his opinions, &c. the Secretary advised upon the subject, and gave Mr. Crawford instructions for *future operations*, and these instructions Mr. Crawford embodied in his letter to Mr. Gillet, of the 30th of October, 1838, and which is as follows, viz:

"SIR: Your report and the treaty with the New York Indians, assented to as amended in the Senate of the United States, have been submitted to the Secretary of War. He is of opinion that the consent of a majority of *all* the Seneca chiefs must be obtained, but that, as you have heretofore met the requirement of the Senate, by full explanations to them in council, you may proceed to the Seneca reservations, *and there obtain the assent of such Indians as have not heretofore given it*.

"You are accordingly authorized and requested, at your earliest convenience, to proceed to the Seneca reservation in New York, and to carry out the above views. Your service among the people qualifies you fully for the discharge of this duty, and gives assurance of its fair, honest, and capable performance.

"Very respectfully, your most obedient servant,
T HARTLEY CRAWFORD.

"Hon. R. H. GILLET, now at Washington."

Here we have, sir, what I consider a false step in this negotiation, which was not warranted by the resolution of the 11th of June, 1838, nor sanctioned by usage or sound policy, in making treaties with any nation or Indian tribe whatever. Here, sir, is the red book, which contains all of our Indian treaties from the earliest period to the present day, and I boldly challenge any Senator to show me in it a single treaty ever made by us with an Indian tribe, which was not made with them *in council*, or else by delegates, duly authorized by the council to make such treaty. Sir, the McIntosh treaty, which was made at the Indian Spring, in Georgia, forms no exception to the principle I have here laid down. That treaty purported to have been made *in council*, and to have been assented by a majority of the chiefs, and to have been agreeable to a majority of the Creeks. These important, and leading, and controlling facts, were *vouched for* and *asserted* by our commissioner, on that occasion, in his report. Relying upon the truth of that statement, the Senate *ratified that treaty*—and what followed? McIntosh was murdered, and his followers were driven, for refuge and safety, out of the Creek nation into the white settlements. President Adams refused to carry that treaty into effect; and, at the following session of Congress, laid the *facts* of that treaty before the Senate—and what did the Senate do with it? The Senate investigated it, and, finding it had been made by a *minority* of the chiefs, and by bribery and unfair means, the Senate declared it *null and void*; and yet, sir, with a knowledge of the proceedings of the Senate upon that treaty, we find, by Mr. Crawford's instructions to Mr. Gillet, which I have just read, that our commissioner was authorized to proceed, for a third time, to the Seneca reservation, and there obtain "the assent of such Indians as had not heretofore given it."

This mode of hunting up Indians, and of getting their signatures, *out of council*, in the woods, or any where, wheresoever they may be found, seems not to have been very cordially approved of by General Dearborn; and upon ascertaining this fact, we find Mr. Crawford addressing another letter to Mr. Gillett, of the 19th of November, 1838, in which he says: "The instructions given you when here, it seems to me, *would justify your assembling of the Senecas*, should *you deem it necessary*. But to remove any doubt, I am directed by the Secretary of War to say, *that if General Dearborn desires it*, you are authorized, *at your discretion*, to hold such council."

Here we find it a *matter of doubt* whether Mr. Gillett's instructions would authorize him to convene a council, and is stated that *he is not to convene the council*, unless General Dearborn *should desire it*, and not even then, unless *at his discretion*. And he never did convene the council, although it will be remembered that, on the 20th of October previous, the commissioner had not closed the council which he was then holding, but had publicly adjourned it to the 15th of November. This public pledge, which we find *studiously violated*, seems to have given the parties concerned in it no sort of uneasiness, or to have needed any sort of apology. This violation of a public pledge by a duly authorized commissioner, is justified, though not avowed, on the ground, I suppose, that we are not bound, according to modern ethics, to keep faith with heretics or infidels; and we are called upon, as the high priests of the United States, on the alleged, but fallacious, pretext of *expediency*, to endorse this code of morality.

Mr. Gillet says, in his report upon this mission, that "*he visited such places on the reservations* as he was desired to by any of the chiefs. Eight of the signatures were received at *his room* in *Buffalo*—one at his former lodgings at Buffalo creek, and one at the residence of the sub-agent." These ten, added to the thirty-one before received, makes forty-one altogether, which is a majority of one, and then he insists that the treaty had been assented to; if not according to the resolution of the Senate, it was assented to according to the instructions of the War Department.

General Dearborn's report, in the main, varies but little from that of Mr. Gillett. He states, however, that he thought there ought to have been a council, but seems to have acquiesced in the other mode, as Mr. Gillett showed him the instructions he had received of Mr. Crawford of the 13th of October, by which he considered himself *prohibited from calling a council*. It is *denied* that Mr. Gillett said any thing to General Dearborn about his *subsequent instructions* of the 12th of November, 1838. As Mr. Gillett no doubt intended to avail himself of the *discretion these instructions* gave him, and finding the pliant New Englander acquiescing in his views of expediency, he never did inform General Dearborn of those instructions. General Dearborn, in his letter to Gov. Everett of the 19th January last, says, he *never saw or heard of the instructions of Mr. Crawford to Mr. Gillett of the 12th of November*, 1838, and yet the credulous General, after he had found out the existence of such *secret instructions* some time after the negotiation was ended, and after the whole proceedings were published, seems to take no offence at the circumstance, but states that he believes (a belief, to say the least of it, which shows on his part, a marvellous credulity) that his not seeing those instructions was *undesigned* and *accidental*.

Mr. Crawford, in his letter to the Secretary of War of the 15th of January, 1839, upon the subject of the last reports of Mr. Gillett and General Dearborn, says:

"That ten additional assents had been obtained, but that two of which are not manifested, by the *party appearing* and *signing in person*. The reasons given for their not appearing and signing in person the treaty as modified, are, that *one of them was absent*, and the other prevented from doing so by the acts of chiefs opposed to the treaty."

These are important details, and are not to be found in the printed report of Mr. Gillett, before whom these transactions occurred, and which probably accounts for the fact that several of the chiefs, whose signatures appear to the treaty, deny ever signing or assenting to the treaty, or of *authorizing any other person to do so for them*. I say important, because it will be observed that those two, signing by attorney, constitute what is claimed as a majority of the chiefs. Mr. Crawford concludes his letter by submitting the treaty, signed in the manner we have seen, by forty-one chiefs, for the consideration of the Secretary of War.

The Secretary of War reports upon this treaty to the President, of the 19th January, 1839, and recommends the President to submit it to the Senate. Here let me remark, that the President is authorized by the terms of the resolution of the Senate of the 11th of June, 1838, to promulge this treaty, without again consulting the Senate about it *whenever* he is satisfied that it has been assented to according to the true meaning and intent of the resolution of the 11th of June, 1838. The Presiden

deemed it advisable, for reasons set forth in his message to the Senate of the 21st January, 1839, not to promulge this treaty, but he submitted it again for our advice. By doing so, he has shown that our confidence had not been misplaced. He has shown, most abundantly, that though he appreciated the wishes and interests of New York and of Massachusetts, that he was, at the same time, not disposed to gratify even those two powerful States, at the expense and sacrifice of the just claims of even a small fragment of wretched and miserable Indians. He had the power to speak but a single word, and close up this controversy forever. But, sir, he wisely preferred adhering to the immutable and eternal principles of justice, to the pecuniary gains of Massachusetts or New York; he preferred preserving, with scrupulous fidelity, our national character, and honor and honesty, to the contemptible spoils and laurels which might be gathered in triumphing, by forced and unlawful means, over a handful of ignorant savages. Sir, he resisted importunities, and refused to promulge the treaty, and sent it back to the Senate, to his impartial constitutional advisers, for their consideration. And how did the Senate dispose of it? Let the report of the Committee on Indian Affairs of the last session, and of the resolution of the 2d of March last, founded upon that report, answer the question. What is the resolution of the 2d of March?

"*Resolved*, That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the Senate of the 11th June, 1838, the Senate recommend that the President make proclamation of said treaty, and carry the same into effect."

Sir, we adopted that resolution for the purpose of giving the parties interested another opportunity, which they desired, to get the treaty assented to by the Senecas. This was done on the 2d of March, the day before we adjourned the last Congress.

On the 7th of that month, four days after the adjournment, and before the treaty we had thus disposed of had left the Secretary's office, so far as I know, but certainly before it had left the War Department, we find Nath. T. Strong, a Seneca chief, in a letter to the President, misrepresenting the views and proceedings of the Senate upon that treaty, and urging him to ratify it. On the 9th of March, we find Mr. Allen, the agent of the land company, of whom I have before spoken, in his letter to the President, urging him to ratify the treaty, which the Senate had refused to do, but seven days before. He furnishes the President the same list of chiefs we had had before us, which he contended was a majority of the Senecas.

On the 11th, we find Mr. Wilcox, another prominent individual throughout the whole of this long protracted negotiation, in his letter to the President, urging him to ratify the treaty, and endorsing the truth of Allen's statement relative to the number of chiefs.

On the 11th, we find Mr. Stryker, the sub-agent, in his letter to the President, furnishing a list of the chiefs, with the same view.

On the 4th of April, we have a letter to the President, from the Ogden land company, with the same view; and on the 6th of March, two days after we adjourned, we find that two of our brother Senators, Messrs. TALLMADGE and NORVELL, furnished to this same Mr. Allen, for the purpose of showing (what they no doubt believed, and for which I attach no blame) that the requirements of the Senate, by the resolution of the 11th of June, 1838, that the treaty should be assented to in open council, was dispensed with by the resolution of the 2d of March. I can only say that that was not my understanding of the resolution of the 2d of March. What is that resolution? The resolution of the 2d of March authorized the President to make proclamation of the Seneca treaty *whenever* he should be satisfied that the amended treaty had been assented to, *according to the true intent and meaning of the resolution of the 11th of June*, 1838 And how was that resolution of the 11th of June construed? Let the report of the Committee on Indian Affairs answer. And how was it construed by the *commissioner*, and by the War Department, until it was found *expedient for them to give it a different construction*? Let the history of this negotiation, which the published documents fully furnish, answer the question. How was it construed by the President? Let his message of the 14th of January last answer the question.

Construing these resolutions as we did, the President refused to promulge the treaty, notwithstanding all the efforts made to induce him to do so. He despatched the Secretary of War, last August, to Buffalo, for the purpose of submitting the amended treaty to the Senecas, containing the views of the Senate, as re-affirmed by the resolution of the 2d March. He convened a council for this purpose, and what was the result? The Secretary has given us nothing but the speeches of himself, of General Dearborn, of the agent, and of the Indian chiefs, for and against the treaty. But the President, in the message of the 14th of January last, transmitting this treaty again, and for the third time, to the Senate, for *ratification*, has given us the result of the Secretary's negotiation in *three italicised* lines, (multum in parvo,) which is, that "*no advance towards obtaining the assent of the Senecas to the amended treaty, in council, was made, nor can a majority of them, in council, be now obtained.*"

I have now, sir, endeavored to give the Senate a full and impartial, though I fear a tedious, history of what I consider the important points of this whole matter, from the beginning up to this day; and in doing so, I have based my statements upon the official published documents emanating from the public agents and officers of the Government. I have not relied, because such testimony, however unjustly, in some instances, might be cavilled at, upon Indian statements and Indian affidavits. Nor have I relied, for any thing I have said, upon the written statements of the Quakers, who are viewed by some gentlemen as officious intruders and intermeddlers in this affair—not because I do not consider their statements as entitled to the fullest belief, but because I have not found such reliance necessary.

Now, sir, having wholly failed, after two years of expense and trouble, of trials and tribulations, backed by the potent influence of New York and Massachusetts, and of the *active members* of the land company and their *rewarded* chiefs, to obtain, in open council or otherwise, the voluntary assent of a majority of the Seneca chiefs to the very liberal treaty we are now considering—a treaty by which we agree to give to the Senecas, for their part of the Green Bay lands, their portion of the $400,000 in cash, and their portion of the 1,800,000 acres of land west of the State of Missouri—having failed in all this, what shall we do? Shall we throw our treaty in the fire, and *take by force* what we have been unable to accomplish by negotiation? It is a grave question for the Senate to decide. If history is to be credited, it is not an unusual occurrence for the weak and helpless to be robbed and preyed upon by powerful civilized communities *professing* Christianity. Sir, when Cæsar demanded the public treasure of Rome, he scorned the production of any other warrant than his sword. And if we *really* want the lands of the Senecas for our masters—for this huge and overgrown land company—we have but to use a similar argument, and no doubt it will be attended with similar success. Sir, if we decide upon such a step, let us accomplish our purpose in the bold spirit of the valiant highwayman, and not by the trick and trap, the shuffling and legerdemain of a spurious treaty? If we have determined to give up our honesty, I hope we shall at least preserve our reputation for courage.

By a census of the Senecas, which has been furnished us, it appears that not only a majority of the chiefs, but also, about fourteen-fifteenths of the whole population, are against the treaty, and opposed to emigration. This proportion, we find existing now among them, after all the influences I have before alluded to have been brought to bear upon them for upwards of two years. And, sir, what is more, after endeavoring, in addition to all this, to *starve them into submission*, by withholding from them until late in the summer of 1838, their annuity of 1837, I will read to the Senate, for their information, the letter of Mr. Harris of the 14th of March, 1838:

WAR DEPARTMENT,
Office of Indian Affairs, March 14, 1838.

"SIR: In regard to the inquiries contained in the honorable Mr. Marvin's letter of the 2d instant, referred by you to this office for a report, I beg leave to observe, that it is known here that the Senaca annuity for 1837 has not been paid. Remittances were made for the purpose in June last; but owing to various causes, among which were the absence of an exploring party to the West, *the pendency of a negotiation with the New York Indians*, and the engagement of the disbursing agent in the suppression of the hostile movements on the Canada border, the payment has not been made. *The sub-agent, now here, informs me that it is not desirable it should be made until the return of the delegation now in this city.*

Very respectfully, your most obedient servant,
C. A. HARRIS, Commissioner.

Hon. J. R. POINSETT, Secretary of War.

Sir, the Indians now are, as they have been from the beginning, agitated, excited, and unhappy, about this treaty; and I now hope that, on this day, the Senate will quiet their agonizing apprehensions by finally disposing of it—by ratifying or rejecting it.

I had thought the treaty an advantageous one to the Indians. I think so still. But I am not disposed to force upon them a measure, though calculated, as I believe, to redound to their advantage, which they *literally abhor*. Whenever they may manifest a disposition to go westward, I, for one, will be willing to give them a home. But, in any future treaty we may have with them, should this one be rejected, I hope we shall have nothing to do with the Massachusetts land company. Let this company extingussh their right of occupancy themselves. And I here call upon those Senators who are so opposed to monopolizing companies and corporations—so averse to paying State, or company, or corporation debts, with public money or public lands, for objects of State or company purposes *exclusively*, to stand by me on this trying occasion, and prevent such a conversion of the public treasure to such unworthy purposes—to local purposes in which we have not a shadow of interest.

We have had before us a great mass of testimony (*ex parte* always) upon both sides, criminating and recriminating each other. We have looked over it all; and we of the committee congratulate ourselves upon being able to make up our minds upon the merits of this treaty from the fullness of our official documents, without relying, in any great degree, upon this *ex parte* testimony.

I conclude, Mr. President, by expressing the hope that the Senate will adopt the resolution reported by the Committee on Indian Affairs, which is a resolution to reject the treaty.

REMARKS OF MR. BUCHANAN.

Mr. BUCHANAN said:

He had a few words more to offer, though he did not consider it necessary to prolong the controversy. He had already done himself ample justice, and placed himself in his true position before the country.

When, on Tuesday last, said Mr. B. I introduced my complaint before the Senate, I spoke of the Senator and his speech in a spirit of candor, and with no purpose whatever except that of defending myself. He then replied to my remarks, and the subject passed away without leaving behind one unpleasant feeling, so far as I was concerned. The Senator slept upon what he had said. It appears his friends had misunderstood him, and he deemed it necessary to renew the debate. I did not misunderstand him; and in preparing my remarks for the press, I should have carefully suppressed every expression which could have given him pain.

At his request, I have delayed to publish the remarks which I made on Tuesday last, until he could have an opportunity of being again heard in reply. He has now enjoyed that opportunity to the fullest extent, and what has been the result? My charge against him was, that he had over and over again asserted, nay, that he had made it the very foundation upon which a great part of his speech rested, that I had advocated the Independent Treasury bill, because it would destroy the banks of the country, introduce an exclusive metallic currency, prostrate credit, check importations, and reduce the value of property and the wages of labor. This was the character which the Senator said had been given to the measure by myself, and, alarming as these doctrines were, he was rejoiced that they had been frankly avowed. Has

he established the truth of any one of these assertions? No, sir; no. He has scarcely even made the attempt; but has endeavored throughout to evade this distinct issue. He knew perfectly well that it was impossible for him to maintain the allegations which he had made. I shall not enter into a woman's war of words with him. It is enough for me to have fixed upon him the charge of having, throughout his whole published speech, misrepresented my arguments. This charge will stick to him as closely as the poisoned shirt of Nessus. He will never be able to relieve himself from it.

But the Senator, well knowing that the ground which he occupied in his published speech would not sustain him for a moment, has attempted to slide off from it, and has seized, with a desperate grasp, upon a single sentence uttered by me, for the purpose of proving that I am the friend of an exclusive metallic currency. Even if he could establish this fact, which is impossible, that is no part of the question at issue between us. In order to establish his position, he must not only prove that, in the abstract, I am a hard money man, but that I contended that the Independent Treasury bill would convert this into a hard money country. I used the sentence to which he refers with no reference whatever to any effect which might be produced by the bill. It is contained in that portion of my remarks which relate exclusively to the fatal consequences to domestic manufactuces which flow from the enormous amount of our paper issues at the period of our greatest bank expansions. To what extent I was willing to proceed in reducing "our nominal to the real standard of prices throughout the world," I had over and over again explained. I had declared that it was my desire to reform, and not to destroy, the banks—to place them in such a condition as always to secure to the country a currency convertible into specie; and the extent of this reform was pointed out by me in the clearest and most distinct manner. I shall not again trouble the Senate with an enumeration of the reforms in our banking system which, in my humble opinion, ought to be adopted by the State Legislatures, who alone possess the power. A large portion of the framework of the Senator's speech consisted of his reiterated assertions that I had imputed to the Independent Treasury bill the fatal consequences which I have already enumerated; and he is now reduced to the necessity of escaping from these assertions by quoting a single sentence of mine, which, on its face, has no connection whatever with this bill. Such is his unhappy condition.

The Senator complains to-day that I did not state on Tuesday last the particular misrepresentations of my speech which I charged against him. In this he is mistaken. I stated them then as explicitly as I have done to-day. All the Senators who heard me on that occasion must recollect, that I then charged the Senator with having put into my mouth, as arguments in favor of the Independent Treasury bill, the very strongest objections which had ever been urged against it by its enemies. I specified the particulars of which I complained, and read extracts from the Senator's speech, to prove the truth of these specifications. I now cheerfully appeal to the Senate and to the world, to decide what ought to be thought of a Senator who has, over and over again, reiterated the assertion in his printed speech, that I had supported the bill on principles which I not only did not hold but had expressly disavowed.

The Senator says I complimented him on his speech after he had delivered it. What passed between us on the occasion to which he refers, was this, according to my best recollection. As I had not heard his speech, I asked him if he had done me justice in stating that I was not the advocate of a pure metallic currency, but was friendly to well regulated State banks. He replied that he had; and I may then have complimented him for this cause, because I then considered that he had acted towards me in a fair and candid manner. I am sorry that I have since been compelled to change my opinion of his conduct.

I regret, as much as the Senator can do, that I delayed so long to expose his misrepresentations; but I performed this duty, which I owed to myself, at the very first moment an opportunity presented, after they were brought to my knowledge. Until Saturday evening last, when I first read his speech, I was slumbering in security, not even dreaming that the misrepresentations of my remarks with which the country was filled, had proceeded from his published speech. If my speech had circulated with his; if the antidote could have accompanied the bane, there is no candid man in the country who who would not have done me justice. His speech, however, has been extensively circulated; and those by whom it has been read, and who have never had an opportunity of examining my speech, will believe that the arguments which he has attributed to me in favor of the Independent Treasury bill, were actually urged by me on the floor of the Senate. If I had suffered his misrepresentations to pass unnoticed, I should have done myself great injustice.

The Senator has to-day manifested a very bad temper and spirit. He has attributed to me "language which is unparliamentary, ungentlemanly, and untrue." I have but one word to say in reply to him; and that is, that his remarks, as applied to me, are "flagitious," and that he is unworthy of the courtesy which one gentleman owes to another.

I ask the pardon of every other member of the Senate for using such an expression; but I cannot ask that of the Senator from Massachusetts.

CUMBERLAND ROAD BILL.

DEBATE IN THE SENATE,

THURSDAY, March 26, 1840.

The bill for the continuation of the Cumberland road, in the States of Ohio, Indiana, and Illinois, was taken up for consideration; and the question being on the amendment proposed by Mr. NORVELL, making appropriations for other roads, harbors, and rivers,

Mr. NORVELL said, that when, the other day, he had submitted to the Senate the amendment now before it, the motion to print it and postpone the bill for one day had been inflexibly resisted by the Senators from Indiana [Mr. SMITH] and Illinois, [Mr. YOUNG] This course, on their part, was probably very natural. It was characteristic of gentlemen "feeling power and forgetting right." They felt conscious of their strength on the Cumberland road question; and their impatience, with regard to any obstacle which might be presented to the success of their exclusive demands upon the Treasury, was in due proportion to their consciousness of power. Another Presidential election was approaching; and always, on the eve of such an event, it was perhaps to be expected, that a few States, having interests in common, pursuing a common object, elated with the importance of their electoral votes to both parties, and aware of the anxiety of both to secure them, should combine to press, under circumstances so auspicious, a favorite measure to their section of country. It was to be anticipated that they would be unwilling to embark their fortunes with the kindred claims of other States, whose weight was not so commanding as theirs in the political scale, or who would not present so compact an object, so exciting an interest, for the appropriating patronage of the Government. In this view of the matter, they were not willing to extend the same measure of liberality to other sections of the country, which they so importunately claimed for themselves. He trusted, however, that the Senate would take a different view of the subject, and would act upon principles of a more enlarged and comprehensive policy. Another Senator from Indiana, [Mr. WHITE,] had indulged in expressions of strong disapprobation of all combinations for the purpose of carrying measures through Congress. That Senator had perhaps forgotten that the very measure which he, with others, was now pressing through the Senate with so much zeal, relied for its success, to a great extent, upon this principle of combination, and upon the artificial force which that combination brought to bear upon a great pending political question. A system of log-rolling, of combining interests, to effect an object, was no worse in principle, no more to be condemned in practice, than a system of scrambling, in which all the liberal feelings of the human heart were suppressed, and selfish, local and personal objects alone were sought to be accomplished, without regard to any other consideration, social or national. Society was founded upon combinations and a reciprocity of interests. Governments grew out of the mutual wants, necessities, and dependence of men upon each other. And he could perceive no reason for passing sentence of condemnation on legislative combinations for the promotion of various and extensive interests, legitimate and beneficent in their tendency, when that union and compromise were the principles which pervaded the whole social and federal compact. He could not see that one bill, containing large appropriations, could be more extravagant in effect than a number of bills embracing the same objects and the same amount of money in separate enactments. He considered suggestions of this sort to be but shallow devices to excuse the inequalities and injustice of local, sectional, and exclusive appropriations.

But, say the honorable Senators, the Cumberland road had always stood upon its own merits: it had always been kept separate and apart from other objects of appropriation. This assertion was a great mistake. He had examined several of the acts in which appropriations had been made to the Cumberland road. He had limited his examinations to a few years. These had been sufficient to disprove, in the most signal manner, the declarations of the Senators from Indiana and Illinois, and to serve as a warning to gentlemen against the loose assumption of things to be true, in the very face of recorded facts. By an act of Congress, passed in May, 1828, upwards of three hundred thousand dolars were appropriated for the improvement of harbors, piers, light-houses, and roads, and for surveys, and a continuation of the Cumberland road. By an act of the 31st of May, 1830, appropriations were made for roads in Michigan, roads and a canal in Florida, and for the further construction of the Cumberland road. By an act of the 3d of July, 1832, upwards of one and a quarter million of dollars were appropriated for harbors, rivers, the Delaware breakwater, and for the continuation of the Cumberland road. In June, 1834, the civil and diplomatic bill was loaded with the Cumberland road. As late as March, 1837, an act made appropriations for geological and mineralogical surveys in the Indian territories, for roads in Florida, surveys of the Atlantic coast, and a continuation of the Cumberland road. Here, sir, was not one instance only, in which this rickety child of the honorable Senator had been put out to nurse, but five several times, within a few years, it had to be sustained by incorporation with other objects, such as his amendment, now before the Senate, embraced. He had thus proved to demonstration the fallacy of the declaration that the Cumberland road had always stood upon its own merits, and was too strong and too sacred to be mingled with other objects more constitutional and national in their character. He had shown that often had that work been intruded into other company to prevent the termination of its existence. Frequently had it been engrafted upon other appropriations by Senators who were so pure, at times, as to revolt from the idea of associating even kindred subjects in the same act. All these pretences had been put to flight by a brief reference to the records of our legislation. They had not a platform left to stand upon. It was not, however, at this time, his intention to wage fresh war upon the Cumberland road. His object was to clear the way for his amendment, by showing that the only plausible consideration urged against its incorporation into this bill—that of its having always been kept by itself—was entirely destitute of foundation.

What was his amendment? It embraced no new work. It comprised works long in the progress of construction or improvement; works which had often been examined and re-examined by the most scientific officers; works, the estimates for which had frequently been subjected to the most rigid scrutiny by the appropriate committees. All affectation of objection, founded upon the absence of these examinations and scrutinies, vanished at the touch of truth. It was an objection interposed, to answer present purposes, by those who were at heart opposed to the improvements suggested in his amendment. It was a difficulty raised up by those unfa-

formed of the nature, geographical position, and value of the works, or started to excite the more determined opposition of the enemies of such improvements. The amendment, based upon official estimates from the War Department, had nothing complicated about it. The objects were familiar to every Senator who had ever turned his mind to the examination of such matters; and certainly every Western Senator, qualified for his duty, was bound to understand before he interposed difficulties and obstacles of a frivolous nature to such appropriations. By the amendment it was proposed to appropriate 48,000 dollars for examinations and surveys east and west of the Mississippi; 262,947 dollars for the improvement of roads other than the Cumberland road; 854,500 dollars for removing obstructions to the navigation of rivers; 200,000 dollars for the further construction of breakwaters; and 924,031 dollars for the continued improvement of harbors, principally upon the lakes and Western waters. The whole of the proposed appropriations amounted to 2,289,478 dollars. The sum was tolerably large, but not greater than the importance of the improvements would justify. Besides, he had separated the items for the purpose of taking the sense of the Senate upon each; and Senators who might favor one class of works, and not another, could vote accordingly. They could reduce the appropriations, or strike out such as they disapproved altogether. They might cut down the amount to one million, or to half that sum. For his part, as an American Senator, he considered himself bound, while looking specially to the interests of his own State, to extend his views over the whole Union. The co-States of Michigan were entitled to an equal consideration with her in our Federal legislation. In this amendment, however, she had a deep interest. It contained appropriations for the continued improvement, both of her roads and her harbors; and he should feel himself recreant to his duty to her, if he did not, upon all occasions, earnestly seek, by every lawful and honorable means, to promote those vital objects of improvement which, without embarrassing the Treasury, would so essentially conduce to her prosperity. His amendment was not a substitute, but an addition to the Cumberland road. To oppose it, on the ground of a collision between them, indicated nothing but a want of any correct and just knowledge of the course which things had taken here. At any rate, if he stood alone in his vote, he should insist upon taking the sense of the Senate on the subject, until he found that any further perseverance would be useless. The Cumberland road, after it left the river Ohio, had become a sectional, rather than a national improvement; and viewed, as it was, as a sectional measure, it had no special claim to the favor of a Michigan Senator. Its tendency was to facilitate immigration not into that State, but into the States south of her. It would promote their settlement and cultivation; and while he contemplated their march to prosperity with pleasure, he could not consider it the part of wisdom to hasten that march, while they continued to exhibit a disposition to withhold from his State the means of adding to her advances in agriculture, navigation, commerce, and population. He was not satisfied with professions; he wanted votes.

Many of the works embraced in the amendment, were dilapidating for the want of money to continue their improvement. The lakes and other navigable waters, which flow into the St. Lawrence and the king of rivers, were declared, as he had on former occasions said, to be the common highway of all the people of the United States. The States through which they passed would impose no impost, duty, or tax whatever, for their improvement. These provisions were to be found in the ordinance of 1787; an ordinance which had always, except in one case, to which he would not more specially refer at this time, been considered as sacredly binding on the parties to it. Sir, you are bound, solemnly bound, after declaring the lakes to be the free and common highway of the nation, and after inhibiting to the lake States all the means of rendering that common highway safe to the ships, commerce, and mariners that move upon their waters, to construct harbors, to build light-houses, and to do whatever else may conduce to that safety. How can you escape from the performance of this duty? You cannot, sir, without a sacrifice of some of the highest obligations which, as a Confederacy, you owe to the States more immediately concerned.

War was among the possibilities even of the present year. Your lakes and Northern frontier will be its principal theatres. There, on the great inland seas of this continent, has your navy, in squadrons, shed undying glory on your arms, bound your brows with the wreaths of victory, and emblazoned your national character with fresh lustre. There, on that frontier and on the lakes, your future battles will be fought with the colossal power which bestrides one half of the globe. There will you need harbors of shelter and protection for your public vessels and seamen; and there will you require, in winter especially, military roads for the conveyance of troops and munitions of war to the forts so important to the defence of the country.

After some remarks by Mr. CLAY of Kentucky, and Mr. DAVIS, in opposition to the amendment,

Mr. PORTER said: I feel extremely reluctant to detain the Senate by a participation in this discussion; but, in voting against this amendment of my colleague, which I intend to do, I wish, if possible, to place myself in a light to justify that vote, especially as many of the items of appropriation embraced in it purport to have for their object expenditures on public works, in which the people of Michigan have a deep and vital interest. I allude to the improvement of harbors on the great lakes. I shall vote against his amendment, sir, not because I am hostile to these appropriations, but because I am friendly to them. I am ready to do any thing that I can with honor to promote the great interets of Western trade, which I believe to be essentially interwoven with the fate of this *harbor* policy. I speak particularly with reference to the harbors on these lakes, because it is in respect to them I am somewhat minutely informed, and it is particularly my duty to speak. If my colleague is prepared to vote for all the items in this amendment, requiring appropriations to the amount of nearly two and a half millions of dollars, extending not only throughout our sea, gulf, and lake coasts, but to rivers in various parts of the United States, he has greatly the advantage of me in a knowledge of this branch of topography. I am aware, sir, that all these items are embraced in the estimates of the Topographical Bureau, (a fact, however, affording no evidence of their *exclusive* merit,) sent here in documentary form, as the result of surveys and examinations made by civil engineers, and that they have all heretofore been objects of appropriation in a greater or less degree. But for myself, sir, inasmuch as we have not the conclusions of a committee on this subject to enlighten us, and as I have enjoyed no means of being advised in detail of the merits of all these works, I am left to the inference which, in the absence of information I must draw, that there *may* be *some* for which further appropriations would not be demanded by high considerations of public utility. A suspension may be advisable as to some, and an entire abandonment as to others. I believe, sir, this want of information in detail pervades almost this entire Senate. I do not believe it is prepared to act advisedly on this complicated amendment; and this fact would of itself be fearfully portentous of the fate of the harbor bill, were it dependent alone on the vote about to be taken.

This Cumberland road bill, my colleague tells you, is a "rickety child," and he cites an instance in which it was itself once the subject of an amendment to a special appropriation bill to help it along. In my judgment, sir, this is a most unfortunate personification for my colleague. If the Cumberland road bill be indeed "a rickety child," I am unwilling to give it an opportunity of imparting any of its infirmity to the harbor bill. An inseparable union of the two will lead to a common fatality. They must go to the tomb of the Capulets together. Equally certain, too, for reasons I have stated, would be the doom of our favorite local policy, were his amendment to be pressed *now* as a substitute, and the vote on it to be final and conclusive.

I deprecate, sir, any course of legislation calculated to jeopardize the great interests of which I speak, by subjecting them to decision on a false issue. I wish the harbor bill (and as before, sir, I mean particularly the lake items of it) to stand on its merits alone; for I know not, at this time, of any internal policy with which it could be connected, in the process of legislation, that would be calculated to aid its passage through Congress. But how can it so stand, sir, with my colleague's amendment added to the original bill, on a final vote? We all know there are gentlemen in both Houses whose opinions in respect to the power of Congress to appropriate money for the Cumberland road are such as to forbid the hope that their votes can be had for its continued prosecution at the national charge. The naked question comes up, sir, for I take it as granted that the two per cent. fund is no longer a fountain at which constitutional sins may be washed away. The number of these gentlemen is by no means small; and, while the entire bill, with amendments, is sure to encounter their opposition on this ground, and while we are, by embarrassing the action of the Senate on the Cumberland Road bill, unnecessarily inviting the hostility of its immediate friends to our measure, in case theirs fails through our act, we have "the hope of despair" to look to, that Senators will vote for us in the dark (for they must do so, if they vote at all in our favor) on this voluminous, complex, *uninvestigated*, (except in the *figures* of the Topographical Bureau) amendment of my colleague.

Our harbor bill is not embarrassed by these *doctrinal* difficulties which beset the Cumberland road bill. The friends of the latter measure are our friends, and if we present claims to the liberality of Congress equally meritorious with theirs, which I believe we can do, we shall assuredly, at the proper time, have their support. I am willing, and I believe it safe, sir, to trust the policy of lake harbor appropriations to their sense of what is due to the great interests of Western commerce on the great lakes; and I am willing and desirous, too, that every item of appropriation for which we may ask should be subjected to rigid scrutiny. I desire the Senate to know what they are about (and they do not know now) when the subject is properly presented, either by themselves or through the able Committee on Commerce, of which my colleague is a member; and, if we then fail, I shall attribute the failure, not to a want of merit in the claims of the lake harbors, but to considerations arising out of the present condition of the public finances.

But, Mr. President, while this system of improvement—which I so ardently desire to favor—reaches, by immediate contact, the interests of six States and one territory of this Union, I can speak of it emphatically in view of those of my own State—even of the very city of my residence; although, as is well known, she asks nothing from Congress in the way of direct local appropriation, to add to her commercial facilities, so far as they are connected with navigation. Yes, sir, even Detroit is deeply interested in these lake works, and were I to look to her welfare alone, I could find abundant reason to deprecate any unfortunate step in the forms of legislation which should put the harbor bill to the extent of the interest I, in part, immediately represent in it at hazard.

The city of Detroit is regarded as one of the most eligible points on the great lakes, above the Falls of Niagara, for owning and controlling lake shipping. Occupying an intermediate point in this great chain of navigation—having a natural harbor of unsurpassed excellence and unlimited capacity—she adds the important advantage of being one of the first to be emancipated from the icy fetters of winter. The business of the season with the upper ports, both of Lake Erie and the lakes above her, she is among the first to participate in, and employment is, in many instances, for weeks, given to her shipping, while at other important points it is locked up with ice. And this feature in our position is becoming more and more important as the trade of the West increases. In proof of the real existence of these peculiar advantages,

I might add that, of the entire tonnage of all these lakes, about one-fourth is licensed and enrolled at the port of Detroit, and this, too, without her enjoying the benefits of being a terminating point of a far-reaching inland communication. The interest that Detroit then has, sir, in these harbor improvements, is not directly local as to herself. It consists in the security they will afford to her shipping, which is every where abroad upon and whitening these great inland seas, and to the lives, not only of passengers, but of her hardy, intrepid mariners, whose perils and hardships in the vernal and autumnal seasons are far greater than those encountered on the ocean.

But, of the local interests of the people in different parts of our State, it is unnecessary for me to speak in order that my line of duty may be apparent on this interesting subject. A glance at our map is sufficient to "define my position" here, sir, and I believe it will not be misunderstood. I speak of these interests as *local*, with a view to present object, which is, not to discuss the merits, in whole or in part, of the harbor bill, not now *as* a bill before us, but which I hope soon to see here, properly digested, as it doubtless will be, by the Committee on Commerce. When *that* shall appear, I doubt not my colleague will do it justice by a far more able elucidation of its *general* benefits than it will be in my power to bring to its aid.

I will take occasion, Mr. President, while I am up, to say to the friends of the Cumberland road, that I am with them. I shall vote for all *necessary* and judicious appropriations for its continuation, let them be what they may, unless objections I do not now anticipate shall present themselves. I regard it as a great national improvement. I admire the wisdom of its conception, and commend the zeal with which its friends have pressed, thus far, its onward march towards completion. I belong to that school of constructionists who believe in the power of the Federal Government, with the assent of the States whose territory is occupied for that purpose, to construct works of internal improvement of this character; and I cannot regard that work as "sectional" which, like this, will, in its completion, penetrate more than one-fourth of the States of this Union, and, by direct or indirect means, contribute to the common benefit of all.

I will only add, sir, that I do not believe the zeal of my colleague for these harbor appropriations to be less earnest and devoted than my own. We only differ as to the *time* and *mode* of presenting the subject to the consideration of the Senate, and, if I do not greatly mistake the indications around me, the vote about to be taken on this amendment will show that I have judged correctly.

The question was then taken on the first branch of the amendment proposed by Mr. NORVELL, and it was rejected.

Mr. NORVELL then said, that as he perceived an indisposition in the Senate to favor his amendment, he would withdraw the residue of it.

Mr. CLAY of Alabama then moved to strike out all of said bill after the word "dollars," in the 11th line, which is in the following words:

"Which said appropriations are made upon the same terms, and shall be subject to all the provisions, conditions, restrictions, and limitations, touching appropriations for the Cumberland road, contained in the act entitled 'An act to provide for continuing the construction, and for the repair of the Cumberland road,' approved the third day of March, eighteen hundred and thirty-seven."

Mr. C. said, the part of the bill which he had moved to strike out, referred to and proposed to continue the conditions, limitations, and restrictions, contained in an act making appropriations for the same road, which was approved on the 3d day of March, 1837. In order to understand those conditions, limitations, and restrictions, it would be necessary to refer to that act; and the most important would be found in the fourth and last section, which was in the following words:

"SEC. 4. *And be it further enacted*, That the several sums hereby appropriated for the construction of the Cumberland road, in the States of Ohio, Indiana, and Illinois, *shall be replaced by said States respectively, out of the fund reserved to each for laying out and making roads under the direction of Congress*, by the several acts passed for the admission of said States into the Union, on equal footing with the original States."

Mr. C. said the section he had just read had reference to what was commonly called the 2 per cent. fund, reserved by the compacts for the admission of the States named, *to be applied* to the making of a road, or roads, leading to the said States, under the direction of Congress. The clause of the bill, which he had moved to strike out, referred to this condition, amongst others, and declared, in effect, that the appropriation now about to be made, should be "replaced by the said States respectively, out of the fund reserved to each for laying out and making roads under the direction of Congress." This declaration distinctly implied, (Mr. C. said) that there existed such a fund, out of which this large appropriation could or might be "replaced," or refunded to the United States. Mr. C. said that any such assertion or implication was untrue; that it had no foundation in fact; and was, consequently, calculated to deceive, and impose upon the country. He said the Senate should take care that their records and laws should be founded in truth, and contain nothing false and delusive. Mr. C. said he was now prepared to demonstrate the correctness of the position he had assumed, by official documents.

He said he would, in the first place, bring to the notice of the Senate a report from the Secretary of the Treasury, responsive to a resolution he had offered some days before, which would show the amount of the two per cent. fund which had accrued upon the lands sold in Ohio, Indiana, Illinois, and Missouri, up to the latest returns; and would also furnish data on which to estimate the amount of the fund hereafter to accrue. The aggregate original quantity of public lands in those four States was 114,104,652 acres. Of that quantity 46,649,322.29 of acres had been sold; and upon the amount for which it sold, *the entire two per cent. of the four States on the nett proceeds was but* $1,096,012 18.

Now, said Mr. C. to ascertain how the account stands, let us inquire into the amount of appropriations which have been applied to making roads leading to those States. According to document No. 65, in the second volume of the Senate documents of 1835–6, there had then been appropriated by various acts $5,169,407 76, which was about four millions of dollars more than the amount of the two per cent. which had then accrued in all the four States. It might have been supposed, with the knowledge of such facts, further expenditures on this road would have been abandoned. But, he said, strange as it might appear, such was not the fact. Congress had been still going on, at every session except one, ever since, making large appropriations for the same object, and pretended to be reimbursable out of the same fund. By the act of 2d July, 1836, he said there had been appropriated the round sum of $700,000. By the act of March 3d, 1837, there had been appropriated $390,000. By the act of May 25th, 1838, there had been appropriated the sum of $450,000. All those sums, added to the amount which had been appropriated, up to January, 1836, make the grand aggregate of appropriations for the Cumberland road, at the present time, $6,609,407 76—and that grand aggregate exceeded the amount of the 2 per cent. fund of the four States, which has accrued up to the latest returns (and which alone was subject to be applied to making roads leading to them) by the enormous sum of $5,513,395 58!!

Now, (said Mr. C.) notwithstanding Congress has expended this vast amount in the construction of a road leading to and through the States named in the bill, over and above the amount stipulated by the several acts for their admission into the Union, we are again called on for further appropriations to the amount of $450,000, and the attempt is again made to keep up the delusion, that we are to be reimbursed from the two per cent. fund, when every man in the Senate knows that fund to be exhausted more than six times over, and that, from it, we never can be reimbursed one half the amount already expended, and, of course, not one dollar of this, nor of any future appropriation. Mr. C. said he was prepared to prove this, beyond dispute or doubt, by the same response of the Secretary of the Treasury, to his resolution, from which he had before quoted. That report, Mr. C. said, had been laid on the desk of every member, and he invited gentlemen to examine it, and they would find that the aggregate quantity of public land remaining unsold, in the same four States, was but 57,044,342 71 acres. What were the quality and value of those lands? He said it would be recollected that it had, again and again, been asserted and proved, year after year, for a long time past, that nearly all the unsold lands in those States had been offered at public sale, much had been subject to private entry for many years, and had found no purchaser at the *minimum price*, or $1 25 per acre. It had been shown, by a report of the Commissioner of the General Land Office, made some two years ago, that there were then about 8,386,772 acres of land remaining unsold, in the States of Ohio, Indiana, Illinois, and Missouri, which had been subject to private entry and unsold for twenty years and unwards; 11,590,623 acres, which had been subject to private entry, and had remained unsold for fifteen years and under twenty years; and 7,279,580 acres which had been subject to private entry, and had remained unsold for ten years and under fifteen years.

Without going further with the report, or showing the quantity that has been offered for sale, and remained unsold for a less period than ten years, we have already no less than 27,266, 976 acres (nearly one-half of all the unsold lands in the four States) that have been subject to private entry for a longer period than 10 years; and nobody will take them at $1 25 per acre. Besides this, a report from the General Land Office, made some years ago, carefully compiled from the reports of district land offices, represented (and he believed truly) that *millions of acres* of the lands then unsold, *were unfit for cultivation*. The truth of this report, too, had been confirmed on the floor of the Senate repeatedly, for some years past, perhaps by every member from those States. How often have we heard the expression, "refuse lands;" and how truly has that character been fixed upon them by the testimony of honorable Senators, as well as by official documents?

Then, sir, (said Mr. C.) is it not manifest, from this statement of facts, that we can never expect to realize the minimum price for the fifty-seven millions of unsold public lands in those States? He ventured the assertion, that no member of the Senate, however anxious he might be for the success of this bill, could, or would, say that he could ever obtain for those unsold an average price of $1 25 per acre. It was impossible, in the nature of things.

But, for the sake of the argument, said Mr. C. let us suppose that every acre of the unsold public lands in the four States, will command $1 25 per acre. To what would they amount? The answer is $71,305,428. On that sum two per cent. would only be $1,426,108 56. This sum, added to the two per cent. already accrued, would make in all, $2,522,120 74—less than one half the amount we have already appropriated! Is it fair then to say—nay, sir, is it true—as the section referred to by the clause proposed to be stricken out asserts, that the money appropriated by the bill "shall be replaced out of the fund reserved to each for laying out and making roads under the direction of Congress?"

No, sir, said Mr. C. it is *untrue*, deceptive, and fraudulent. Every gentleman who will turn his attention to the facts, and the figures, must know it to be untrue—must be conclusively satisfied, that the clause of the bill, in question, asserts in substance, *that the United States Government is to be reimbursed out of a fund, which has no existence now, and never can exist.*

Mr. C. said, it being, then, clearly established, that the idea of reimbursing the Government from the two per cent. fund which had accrued, or might hereafter accrue, in the four interested States, was wholly fallacious and unfounded; and going on the presumption that the Senate would not willingly place or leave upon its records, bills, or other proceedings, that which was at variance with the truth, he should expect his motion to be sustained. The naked question would then fairly come up, whether the General Government possessed the constitutional power to make internal improvements within the limits of the States? Upon that question, he said, as well as the expediency of exercising such a power, his mind had been long made

up, and he was prepared to meet it. He said, moreover, in the present state of things, when the National Treasury was exhausted, when we should be compelled to borrow the money which was to be expended on this road, and when, too, we saw the proposition distinctly made that we should hereafter add to the expenditures already made about $8,000,000 more, it was peculiarly proper that we should strip the subject of all disguises, and march up to the true question, and meet it with manly firmness.

The further consideration of the bill was postponed until to morrow.

FRIDAY, March 27, 1840.

After some remarks from Messrs. YOUNG and TAPPAN, in opposition to the amendment,

Mr. CLAY of Alabama said, before the question was taken on his amendment, he must ask the indulgence of the Senate for a short time, to enable him to reply to the Senator from Illinois [Mr. YOUNG.] He said the Senator to whom he referred had endeavored to elude the force of the facts which he (Mr. C.) had on yesterday brought to the view of the Senate, establishing the total exhaustion of the two per cent. fund, six times told, resulting from the sales of lands in Ohio, Indiana, Illinois, and Missouri, by a construction which was entirely new, and most extraordinary. The Senator from Illinois had insisted that, by the terms of the compacts between the United States and those several States, on their admission into the Union, the General Government was bound *to make*, that is, as Mr. C. understood him, *to complete*, a road leading to each. Mr. C. said such a construction was a palpable perversion of the meaning of the language employed in every one of those compacts, as could be shown by a moment's recurrence to them.

The first of the compacts was that with Ohio, on her admission into the Union; and the clause under consideration was in the following words:

"That one twentieth part (equal to 5 per cent.) of the nett proceeds of the lands lying within the State, sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, *shall be applied to* the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, *to the said State*, and *through the same*; such roads to be laid out *under the authority of Congress*, with the consent of the several States through which the road shall pass." By the act of Congress, approved March 3d, 1803, after Ohio had been admitted into the Union, and obviously with her consent, and on her own proposition, 3 per cent. of this fund was surrendered to her, to "be applied to the laying out, opening and making roads within the said State, and to no other purpose whatever," &c. The passage of this act left no other fund "to be applied" under the direction of Congress, except 2 per cent. of the nett proceeds in making a road, or roads leading to that State. To prove the correctness of this view of the subject, Mr. C. said it was only necessary to refer to the acts for the admission of other new States. For example, the corresponding clause in the act for the amission of Indiana, is in the following words:

"That 5 per cent. of the nett proceeds of the lands lying within said Territory, and which shall be sold by Congress, from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths *shall be applied* to those objects within the said State, under the direction of the Legislature thereof, and two-fifths [shall be applied] to the making of a road, or roads leading to the said State, under the direction of Congress."

Now, said Mr. C. can it be pretended that, under this agreement, Congress is bound to do more than faithfully "to *apply* two fifths to the making of a road" leading *to* either of those States? If it had been intended that Congress should *make the road*, that is, *complete* a road leading from the navigable waters of the Atlantic to either State, for what purpose was the amount to be expended, for that object limited to two per cent. of the nett proceeds of the public lands? The cost of such a work was wholly unascertained; and if it had been intended that it should be done, regardless of expense, it was altogether absurd to limit or name the amount to be expended.

Moreover, said Mr. C. it is a sound rule of construction, to take all laws, *in pari materia*, or on the same subject, into consideration, to ascertain the meaning of a legislative body. Pursuing this rule, I call your attention to the clause on the same point in the act for the admission of Illinois into the Union, which is in the following words: "two-fifths [of the 5 per cent.] *to be disbursed* under the direction of Congress in making roads leading to the State." Now, is not this manifestly a mere undertaking to *expend* the two per cent. in aid of, or toward, the construction of a road leading in the direction stipulated? The two-fifths are to be so "disbursed," and no more. If Congress had intended that such a road should be made at all events, according to the construction of the Senator from Illinois, the language should, and doubtless would, have been to this effect: and *so much of the nett proceeds as may be necessary to make a road leading to said State, shall be applied to that object, under the direction of Congress.* But, sir, it must be apparent to every one, who has paid the slightest attention to the subject, that all Congress ever intended to do, in this matter, was to aid in making roads leading to the new States, to the extent of two per cent. of the nett proceeds; and this has been faithfully done, and far more, as I shall show before I sit down. It is unnecessary for me to detain the Senate by reading the compact with Missouri; it is substantially the same with those which have been already examined.

But, sir, (said Mr. C.) the Senator asks, is the road which was contemplated made to Illinois? Is it made to Missouri? How much has been applied toward the fulfilment of the compacts with either of those States? And he insists, in substance, that the amount of the two per cent. fund, arising on sales of public lands, in either of those States, has not been applied by Congress, according to the terms of the acts for their admission into the Union. Now (said Mr. C.) I have gone through all the acts of Congress, making appropriations for this road beyond the Ohio, since the adjournment of the Senate on yesterday, and am prepared to prove, by *facts and figures*, that we have not only performed our duty, in good faith, toward those States collectively, but we have done so toward each separately.

Mr. C. said: I assume the position, as now well established, that the General Government was only bound *to expend two per cent.* of the nett proceeds of the lands sold after the adoption of their respective Constitutions, *in aiding* the construction of roads leading *toward* those States. He said it was, moreover, apparent that we were not bound to anticipate the two per cent. fund an hour, but only bound to "*apply*," or "disburse," it *as it accrued.* Now, sir, how stands the account with the four States collectively? Why, sir, (said Mr. C.) as I showed you yesterday, the aggregate amount of the two per cent. which has accrued to all those States, up to the last returns of lands sold within their limits is but . . . $1,096,012 18

We have appropriated for the Cumberland road, in all, east and west of the Ohio, ... 6,609,407 76

Balance in our favor on the general account, . . . $5,513,395 58

And, sir, [said Mr. C.,] that balance in our favor—that mere excess, over and above the fund, as far as it has accrued, as I showed yesterday, is more than double the sum to which the two per cent. can ever amount, if, contrary to all reasonable expectation, every acre of land, including mountains, swamps and morasses, could be sold for the minimum price!

Well, sir, (said Mr. C.) let me now direct your attention to the separate accounts of the several States. I will not consume your time by enumerating every distinct appropriation, although I have made out, and have before me, full statements. I will assume, (as I believe may be safely done,) that the whole sum of the various appropriations for the Cumberland road has been, in round numbers, $7,000,000.

Of that sum there has been appropriated for the road leading to the State of Ohio, about	$3,500,000	
Her two per cent. fund is - -	340,467 47	
The balance in our favor against Ohio - - - -		$3,159,532 53
There has been appropriated for the road leading *through Ohio to Indiana* - -	$1,648,650 00	
Her two per cent is	335,007 36	
Balance in our favor against Indiana - - - -		1,313,642 64
There has been appropriated for the road leading *through Indiana to Illinois* -	$1,085,000 00	
Her two per cent. fund is - -	259,587 88	
Balance in our favor against Illinois - - - -		825,412 12
There has been appropriated for the road leading *through Illinois to Missouri*, including expense of the survey -	$747,265 00	
Her two per cent. fund is - -	160,949 47	
Balance in our favor against Missouri - - - -		585,315 53
Making an aggregate excess of the whole two per cent fund, which has accrued to the four States of		$5,883,902 82

This, too, is without adding the interest on the appropriations made in advance, which would greatly augment the amount.

These calculations, said Mr. C. may not be precisely accurate. I have had time to go over them only once; but they are, in the main, correct, and must be regarded by all candid men as a conclusive answer to the allegations and complaints made by the Senator from Illinois. He trusted that gentleman would consider this response to his question, "how much has been appropriated to each of those States," entirely satisfactory, until he could show some other claim to the public treasure, than the two per cent. fund arising out of the compacts for their admission into the Union.

But, said Mr. C. the Senator from Illinois says this is a great national work, in which many States are interested. He denied this position in every particular. It was neither a national improvement, in the proper constitutional sense of the terms, nor were many States interested in its further prosecution. He said, if the Senator from Illinois meant that it was a great national work, because it was a long road, and much of the national treasure had been expended on it, he would agree with him. This, however, would not do; for upon those principles a road of equal extent, and equally costly, through any other part of the Union, would equally deserve the character of national, and in that way all roads might be rendered national. Such a position, he presumed, would be too absurd even for a friend of the Cumberland road to maintain. Mr. C. said he could imagine no road to be properly national, unless within the constitutional power of Congress; nor did he know how that could be the case, as there was no such distinct, substantive power granted us by the Constitution, unless it could be made an incidental one, necessary and proper to carry some delegated power into effect. He said he had supposed it might be incidental to the war power—that is, the power to defend the country against invasion—and that Congress might constitutionally appropriate the national funds to the construction of a road leading to some portions of our maritime or inland frontier, if considered so vulnerable as to render indispensable such facilities for the transportation of subsistence for our troops, and arms and munitions of war. He had thought he should feel himself called upon to vote for such a road as he had alluded to, if its necessity, or great utility, for such purposes, was clearly made out. But no such case is here presented. This road leads to no frontier, either bordering upon any Indian tribe, upon the possessions of any foreign Government, or to any point on the Atlantic, or Gulf of Mexico. After it reaches the Ohio,

that river, which runs a great portion of its distance nearly parallel to it, affords easier and cheaper transportation for troops and all the munitions of war, than the Cumberland road. No one would ever think of hauling along this road, through the interior of Ohio, Indiana, and Illinois, to the Mississippi, the articles necessary for the subsistence of an army, when the majestic Ohio river, with her hundred steamboats, runs along the Southern boundaries of those States the entire distance, and in the same general direction. Nor, said Mr. C. is it a commercial road, more than any other road that leads from town to town, through the interior of the country. Then how can it be called a great national work in any other sense than the amount of the public treasure that has been squandered upon it? And how *many States* are interested in it? *Four* out of *twenty six!* With the exception of Ohio, Indiana, Illinois, and Missouri—through the first three of which it passes, and leads to the last—it cannot be said to be used by, or even useful to the citizens, generally, of any other State. What interest have the States south of the Potomac and the Ohio in the Cumberland road, west of that river? As States, none whatever. An occasional traveller from some of them may pass over it, but no considerable number of the citizens of either of them What interest has New York and the six New England States in it? Just about as much as those of the South and Southwest. Yet, Mr. President, (said Mr. C) all the other States are to be taxed to make a great road for the convenience of parts of four only. The citizens of Tennessee, and Alabama, and Mississippi, and Louisiana, are to be taxed to raise a half million of dollars annually—it will probably soon be a million or more each year—to construct a great road, to run through a few counties in Ohio, Indiana, and Illinois, which does not lead in the direction of either, and will never be used by one out of a thousand of their citizens. Not one of the merchants of either of those Southwestern States will ever, in all probability, have a bale of their goods hauled over the Cumberland road, west of the Ohio. And, sir, the citizens of Virginia, the Carolinas, and Georgia, are to be also taxed, to keep up the expenditures upon this (to them) useless and extravagant work. They have even less interest in this road, if possible, than those of the four Southwestern States before named. Nor can the citizens of New York, nor the six New England States, derive any benefit from this expensive improvement. It has no connection with their trade, or commercial intercourse; and, even when they emigrate to the West or Northwest, instead of the tedious, laborious and expensive land travel, by way of the Cumberland road, they will take the more economical and expeditious route by way of the Hudson and Erie Canal, and the lakes. Yet, sir, they too are to be taxed to carry on this work, or, with the West and Southwest, contract a national debt, by borrowing money for the same object. Sir, said Mr. C. this is unequal, unjust, and ungenerous; it is not that equality and fairness which lies at the foundation of all our institutions. I protest against it, as not warranted by the letter or spirit of the Constitution.

But, sir, said Mr. C. the Senator from Illinois [Mr. YOUNG] has thought proper, by way of sustaining this unwarrantable and iniquitous measure, to attack my consistency. Mr. C. said he was not prepared to admit that his own consistency, or inconsistency, or those of any other person, had, legitimately, any thing to do with the merits of the question before the Senate. If he had ever pursued a course inconsistent with that he was now pursuing, it did not prove that such a measure was right; but he was willing to give the gentleman the benefit of whatever aid he could fairly derive from that source. Sir, said Mr. C. the Senator from Illinois asks, with a triumphant air, alluding to me, "Did not the Senator from Alabama vote for the Maysville road bill?" With all candor and frankness. I answer, I did. But let me state the considerations which influenced and determined that vote, before the gentleman shall either avail himself of its imagined support, or condemn me for inconsistency. Sir, I repeat, I did vote for the Maysville road bill; but remember, at that time, and even now, not one dollar of the two per cent. fund arising upon the sales of the public lands, either in Alabama or Mississippi, had, or has yet been appropriated to making roads, according to the terms of the acts for their admission into the Union. Each of those acts held the same language, "that five per cent. of the nett proceeds of the lands lying within" each territory, sold after a certain day, fixed in each, "be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said States, under the direction of the Legislatures thereof, and *two fifths to the making of a road or roads, leading to the said States, under the direction of Congress.*" Now, sir, although Mississippi had at that time been a State between twelve and thirteen years, and Alabama between ten and eleven years, and much of the public lands had, in the mean time, been sold in each, and although the two per cent. fund of each had become considerable, and was continually accumulating, yet no road leading to either had been made or commenced, by or under the direction of Congress, nor had one dollar of that fund been applied, according to the terms of the respective compacts. The Maysville road (commonly so called) was a link in the great road, proposed to be made from Zanesville, on the Cumberland road, by way of Maysville and Lexington, Kentucky, Nashville, Tennessee, and Florence, Alabama, to New Orleans, which, Mr. C. said, (if he was not greatly mistaken,) had been laid out, with the approbation of the then Chief Magistrate, by the engineers of the United States. From what he had stated, Mr. C. said, it would be apparent that the Maysville road was a part of the great road contemplated, which led to, and through, Alabama and Mississippi, to the city of New Orleans; and, as the whole 2 per cent. fund of Alabama and Mississippi which had then accrued, or might thereafter accrue, was unappropriated to any object contemplated by the compacts of those States with the General Government, he thought he was sustained and justified in the vote which he had given, and which had attracted the animadversion of the Senator from Illinois. However, (said Mr. C.) if the circumstances stated do not sustain my vote on that occasion, I have another answer to give, which ought to be satisfactory to every ingenuous mind—that is, *if not so justified, I frankly admit my vote was wrong*. He said he regarded a confession of error one of the best modes of atonement. But (said Mr. C.) does all this prove that the Senator from Illinois is right, in pressing upon us a claim for an expenditure of money so prodigal and unwarrantable? He would leave the Senate to decide.

Mr. C. said it was due to himself that he should say, that if the Senator from Illinois would look through the journals of the House, during the session of 1829-30, (at which the Maysville road bill had passed, and the first Mr. C. ever served in Congress,) he would find that he (Mr. C.) had voted against every other similar project; and, if not very much mistaken, that Senator might extend his search through the journals of both Houses, up to the present day, and not find his vote recorded in favor of another road of the kind This was some evidence, Mr. C. thought, that if he had sinned at all upon this subject, he was not a very great sinner.

However, said Mr. C. in the Senator's embarrassment, and want of grounds to sustain himself, he again charges that Alabama is to have her two per cent. a bill having passed the Senate to relinquish to her that fund, and, consequently, would have it inferred that Illinois, and her co-States in this business, must have all they may think proper to ask. He said this seemed to be singular reasoning; he would examine it for a moment. Is Alabama to receive, or have expended, her two per cent. fund before it accrues? Not so, said Mr. C.; so far from the fact, it has been accruing for more than twenty years, and now the bill, as passed, does not entitle her to receive all that has accrued at once, but only in quarterly payments, and as she may expend corresponding sums, derived from other sources, upon the contemplated improvement; and she can only receive the balance as it may hereafter accrue. Not one dollar of that fund is to be anticipated or laid out for her benefit until after it shall have been first received into the Treasury of the United States. How different with Illinois and the other Northwestern States! They have not only anticipated the receipt of every dollar of the two per cent. fund by appropriations before it accrued, but the General Government has expended for their benefit millions of dollars beyond the largest amount that ever can possibly accrue. Alabama has asked, and expects to receive, no other favor than the mere privilege of applying the amount of the fund (not one cent more) to making railroads connecting the Tennessee river, in the northern part of the State, and the Chatahooche, on her eastern boundary, with the navigable waters of Mobile bay, instead of making a road or roads leading to the State. To such a change, merely in the application of the fund, the General Government cannot object, because we ask no more money, and its interest or convenience cannot be affected. Nor can the interests of the adjoining States be affected: they will be more benefited by such an application, than if laid out according to the provisions of the original compact. A railroad, from the Tennessee river to the navigable waters of Mobile Bay, will open to all East Tennessee and a portion of Middle Tennessee, one of the finest markets in the world for all their rich and manifold productions. Even West Tennessee, up through the channel of that river to the Northern *terminus* of the railroad, may come in, and participate in the advantages of the same market. So the people of Georgia, from the country lying on the Chattahoochee, around and above West Point, will find ready and easy access to Mobile; and derive advantages from the railroad already in progress in that quarter, far greater than from the expenditure of the fund on a road within the limits of their own State. Those are the only States, that can be considered directly interested in the application of the two per cent fund of Alabama; and the Senators from neither of them have hitherto objected to the bill, to which the Senator from Illinois has alluded. If *they* do not object, and this Government is to give no money, and lose no advantage, who has a right to complain? Mr. C. said it must be apparent, that the bill to change the application of the Alabama two per cent. fund bore no analogy whatever to the bill now under consideration, and could not aid the gentleman in sustaining his claim to the appropriation which it proposed.

The Senate then adjourned till Monday next.

REMARKS OF MR. DANA,

OF NEW YORK,

In the House of Representatives, Friday, April 3, 1840—On the amendment offered by Mr. HAND to the bill for the relief of Bailey and Delord, proposing to pay a gross sum in full.

Mr. DANA said he wished to trouble the House with a few words on the subject of this claim; that he had no knowledge of the facts but what he obtained from the documents before the House. His attention was first attracted to the subject from finding the name of an old acquaintance among the witnesses; and on an examination of the documents, which he made in consequence, he became satisfied of the justice of the claim, and hoped to be able to impress on a majority of the House the same opinion. A part of the evidence had been submitted to a committee of the House in 1836, and the claim reported against. The additional documents presented at this session, it appeared, had not been sufficient to induce the committee to dissent from the former report. He deemed it unfortunate for the claim that the whole evidence had not been presented at once. The first report, made on a part only of the proof, may have been correct, and the additional proof might not be sufficient to require the committee to overrule the former report, and yet it might be very possible that the committee, uninfluenced by the first report, would have decided in favor of the claim. The error of the report is in considering Bailey and Delord as *sutlers*. They were not sutlers, but merchants, entirely unconnected with the army, except in the single transaction whence this claim arises. They made

their advances not on the credit of the soldiers, but at the request of the commanding officers, and on the credit of the Government. This clearly appears by all the testimony, and will not be disputed. The only question was, whether the officers in this case had a right to bind the Government. As a general rule, the officers of the army have not this power; it is only in cases of *necessity* that this power devolves upon them. That there were cases in which the Government was answerable not only for the contracts, but even for the torts of officers and soldiers, had been repeatedly decided by the House. Where the army was in want of quarters or of provisions, they might seize on either, and the Government would be responsible. Within a week or two, this House had passed a bill to compensate the owner of a dwelling which had been occupied as quarters by the troops, and burnt accidentally after their departure, by the fire left in it by the soldiers. Where a foraging party seize provisions, or a body of troops take possession of quarters, it could make no difference whether it was done with or without the consent of the owner. If the property of two persons were thus appropriated to the use of the public, one of whom generously and patriotically consented, and the other resisted, so that force was required to obtain possession, the consent of the one could not weaken, nor the refusal of the other strengthen, his claim to compensation. A different doctrine would proscribe patriotism, and offer a premium for selfishness. There are, then, cases in which it must be conceded that the officers of the army may bind the Government. *Necessity* confers the power, and the power must exist whenever the necessity occurs. In this case the exigency was pressing. By the default (not intentional) of the Government, the army was destitute of the means of subsistence; they were in a state of suffering. They were consequently mutinous; one corps had stacked their arms. To preserve the army it was necessary to obtain supplies. The officers appealed to Bailey and Delord to make advances, and assured them they should be paid when the money arrived to pay the troops. They did make the advances, and the army was thereby preserved; but before the money came, the troops were marched away and dispersed, leaving the claimants unpaid. If there can be a case in which necessity gives the right to bind the Government, this seems to be the one. There is another principle which, as between individuals, would give Bailey and Delord a legal claim. They paid the debt of the Government to the soldiers, at the request of the public officers; and if the Government, after notice, paid the debt again to the soldiers, they did so in their own wrong. The mere fact of payment, by consent and notice, would, as between individuals, create a liability; but as to the Government, the rule ought to be held, with many grains of allowance. Here, however, the payment was not merely by consent, but by the procurement of the officers of the Government, under such circumstances as to imperiously require it. This claim, therefore, appears to be just, and ought to be allowed and paid.

LOSSES SUSTAINED BY INDIAN WARS.

DEBATE IN THE SENATE,
MARCH 12, 1840.

The bill to provide for the payment of damages sustained by individuals in the wars with the Indian tribes since 1830, being taken up for consideration,

Mr. HUBBARD remarked, that when the bill was before the Senate on a former day, he discovered that its passage was to be opposed. He had therefore with much care, and with much attention, examined its provisions, compared them with the provisions of the act of 1816 and 1817, and he hoped to be able to satisfy the Senate that there was no new principle asserted in the bill now under consideration—that it was in truth a measure founded upon the great principles of immutable justice.

Before he proceeded to give an analysis of the bill, he would state, for the information of the Senate, that, at the last session of Congress, a member of the Committee on Claims, now no more, [General Tipton, of Indiana,] had, by direction of the committee, reported a bill substantially the same as the one now before the Senate. No action was had upon that bill during that session. At the commencement of the present session, that same bill was referred, by order of the Senate, to their Committee on Claims, and he had reported back to the Senate the bill, with sundry amendments. It will be recollected that individuals having claims against the United States for property lost during the war with the Seminoles, had preferred them here for allowance. These claims, if paid, according to the exhibits of the claimants themselves, would necessarily require the expenditure of a large amount of the public money. Many of their private claims had at a former, and have at the present, session of Congress, been horoughly examined by the Committee on Claims, and had received their favorable consideration. Bills for the relief of many of the claimants were reported to the Senate at the last, and the same bills, with some others, had been again favorably presented to the Senate at the present session. He had asked the early attention of the Senate to the general bill, which embraced the same, and no other principles, but what were distinctly embodied in the special bills to which he had referred. He had done this to the exclusion of those private bills, and he well knew that he had done it against the wish of those individual claimants. He had done this because a sense of justice demanded this general measure at the hands of Congress. They were claims of that character which required, in his judgment, more prompt action than experience shows would be bestowed by the uncertain and tardy operations attending the progress of private claims before Congress. They were claims of that character which should be examined by a tribunal constituted for that purpose. This was due to the claimants, and it was equally due to the Government. Having said thus much, he would now undertake to show what were the provisions of this general bill.

The first section declares "that any person who, since the year 1830, may have sustained damage by the destruction of his or her house or building, by the enemy, in the late wars between the United States and the Indian tribes, or any of them, in consequence of the same being occupied as a military deposite, for military or naval stores, or as barracks for the military forces of the United States, under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damages." Is there any thing wrong in that? Is it not right in itself? Is it not compatible with our notions of equal justice?

The section declares not only that the building should be destroyed by the enemy, but it particularly declares that the destruction should have been made *in consequence* of the same having been occupied as a military deposite for military and naval stores, or in consequence of the same having been occupied as barracks for the army of the United States; and that occupation, too, under the authority of an agent of the United States. The great and leading principle embraced in this section is, that individual property shall not be taken for public use, without making proper remuneration—a principle lying at the very foundation of a representative Government.

The owner parts not with his own voluntarily; he surrenders not his substance of his own free will. But the Government take it; it divests the proprietor not only of the property but of the possession, and disposes of it for the use and benefit of the United States. The Government says to the owner, this building is wanted for public purposes, for barracks for the army; it must be abandoned by him, and given up for the sole use, and subject to the exclusive control, of public authority. While thus used, the enemy lay it waste; while in the occupation of the American army, it is attacked; the occupants are driven, by the force arrayed against them, from their possession; and the torch is at once applied, until the whole is reduced to a pile of ruins. Shall the individual owner be compelled, by the stern and severe regulations of his paternal Government, to bear the loss, occasioned by no fault of his, but occasioned solely by the interposition of a power over which he had no control? For one, he would not be guilty of such flagrant injustice. Even should it require the last dollar in the Treasury, he would appropriate it for such an object. Nor is there any thing new in this principle—it is as old as our Government; and our legislation has heretofore been based upon this same great principle, that private property cannot be taken for public use without compensation. He had carefully compared that section with former acts of Congress upon like subjects, and he was most happy to add, that there was nothing new in principle in this whole bill. After the close of the last war, an act was approved on the 9th April, 1816, "to authorize the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes." The 9th section of that act provides that any person, who, in the time aforesaid, has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposite, under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damage, provided that it shall appear that such occupation was the cause of its destruction."

This was to provide for property destroyed on the Northwestern frontier during the last war with Great Britain; and here is an express authority for the bill before the Senate. The section quoted, is substantially like the first section of the present bill; but if those opposed to this measure should be of opinion that the committee had extended the provisions of the ninth section of the act of 1816, he would refer them to the act of the 3d of March, 1817, by which a legislative construction was given to the act of 1816, wherein it is declared to mean to extend to the very description of occupation as is set forth in the first section or the bill now before the Senate. The committee have used, in this section, the very terms of the act of 1817.

He thought, then, he had shown, most conclusively, not only the entire justice of the measure itself, but a precedent in terms for the bill, when Congress was attempting to make provision for property destroyed, in the manner specified, upon the Northwestern frontier.

This is all that he wished now to say with reference to the first section of his bill.

The second section provides that, where the property, having been in the occupancy of the troops of the United States, shall be destroyed by the order of an officer of the United States, the owner shall be allowed and paid therefor.

This section is equally founded in justice. The property is taken, without the consent of the owner, for public purposes, occupied as public barracks, the United States authority exercising absolute and exclusive control over it—and for public purposes it is destroyed, not by the act or neglect of the owner, but by the express order of an United States officer. In such a case, where would be the equity, the justice, the right, of withholding full compensation to the owner? There would be none. And in the cases embraced, as well in the first as in the second sections, the owners, in his judgment, would seldom, if ever, be made *whole* by any allowance they may obtain by the agency of Congress.

The third section of the bill also finds its warranty in the act of 1816. In the fifth section of that act a provision is contained precisely similar to the one set forth in the third section of the bill before the Senate. And this also seemed to him to have its foundation in justice and right. The first, the second, and the third sections rest upon the principle that private property is sacred—that when, and *when only*, the interest of the public demand, can it be invaded; and then it may be disposed of to meet public exigencies, or used to meet public purposes, provided that a full and adequate consideration shall be yielded therefor. He rested, then, this bill on that principle. It had been wisely and justly incorporated in the acts of 1816 and and 1817. He trusted that the present was a fit occasion for its re-enactment.

The other parts of the bill were mere details. The last section gave authority to the Third Auditor

to decide on all cases under this act. He had great confidence in the industry and faithfulness of that officer; but if Senators preferred a different tribunal for auditing these claims, he would not object. He felt well assured that the duty might safely and properly be confided to the Third Auditor—he would not say that it might not be as well confided to another. This was not the great matter with him. His object was to have the principles embraced in the first three sections of this bill, become the law of the land. Who should be charged with the examination and adjudication of the claims, was a secondary object. It will be recollected that the examination of the claims of a like character, under the acts of 1816 and 1817, were ultimately confided, by the act of Congress of 20th April, 1818, to this same officer.

He could not well conceive what objections would be urged. He was aware that the Senator on his right [Mr. GRUNDY] was prepared for battle. He was hoping that the distinguished Senator would lend him his aid in perfecting this bill; but he should wait and see what objections would be started. He would say in advance, that he was not tenacious for this particular bill. If any Senator could devise a better measure to reach the object aimed at, he should be most happy to adopt it.

The time had come when something should be done; the honor of the Government, as well as justice to the individuals concerned, demanded that something should be done, and done speedily.

Can it be possible that a single member of this Senate will vote against allowing an individual claim, if clearly brought within the provisions of the ninth section of the act of April, 1816? He trusted not. It may be again said, by way of objection, that the Senate had already passed a bill providing for the settlement of private claims, and that the passage of this bill was therefore uncalled for. It may be said, as it was said on a former occasion, that a different rule ought to prevail in the allowance of claims for property destroyed in a war with an Indian tribe from that which should govern Congress in passing upon claims for property destroyed in a war with a civilized nation; that the practice of an Indian enemy, it is alleged, is "an indiscriminate and wanton destruction of private property," and that the Government ought not to provide any more for the payment of property of individuals, taken for the use of Government, than for other property lost by the fate of war. He would examine briefly these objections. And first of all, he must say that the statement that it was the habit of an Indian enemy indiscriminately to destroy all property, was not correct in fact.

As to the first objection, Mr. H. said, it was true the Senate had already passed a bill for the establishment of a Board of Commissioners to settle private claims; and if that bill had passed the other branch of Congress, we shou'd not urge the passage of the present bill. But what is to be done? Is the Senate to wait until the last hour of the session, when they may be informed that the House have not concurred in the bill which has already been passed by the Senate, for establishing a Board of Commissioners, and when it will be too late to originate and perfect such a measure as is now before the Senate? No: the proper course is for the Senate to do its whole duty; pass the bill, send it to the House, and the effect may be to secure the passage of one or other of the general bills. He would not delay action, for the reason that the Senate has already passed one bill, which, if it becomes a law, might render this bill unnecessary. This objection would apply with equal force against taking up and considering any private bill upon the calendar. And what would be said by a Senator, who had a private bill, in the passage of which he felt a deep interest, to be told that there would be no propriety in acting on it, because the Senate has already passed a general bill providing for the adjustment of all private claims. He was of opinion that such a reply would be wholly unsatisfactory. Again, he would urge upon the Senate to do what it ought to do with all the bills, public and private, upon their calendar; and let the House act according to its own discretion and sense of justice. If the bill now before them should be passed, any further action upon this bill, and upon all private bills, will be unnecessary. Should that bill not find favor in that branch, it is to be hoped that this may. If both should be rejected by the House, then Congress is left to pass upon such private bills as in their judgment should be perfected.

There was another objection stated, which merits some notice. There was an error in supposing that, by applying the principles of the acts of 1816 and 1817 to a savage war, the committee had based their act on unsound principles, and had introduced into the bill a new principle. It will be seen by a reference to the act of 1817, that the provision of that act, and of the act to which that was an amendment, (the act of 1816,) "were extended to the cases of property lost, captured, or destroyed in the wars with the Indian tribes," &c.

Here, then, is direct authority for this very bill. The acts of 1816 and of 1817 were extended to property lost in Indian wars; but even if those acts did not embrace property destroyed or captured in wars with Indian tribes, he would ask where is there any semblance of justice in making the distinction? The United States, for public purposes, engage in a war with the tribe of Seminole Indians. In the prosecution of that war, they take private property for public use—they convert the dwellings of individuals into barracks for our troops, or into depots for military or naval stores; and in the progress of the war, this description of property is destroyed by the enemy. Its owner learns that, that while the houses of his neighbors have been saved from destruction, his own has been sacrificed by his country's enemy, in consequence of its military occupation by his country's troops. And it would indeed be a sorry comfort to him to be told, that for all this he can receive no remuneration, because the property was destroyed in a war with an Indian nation. The act of his Government is the same in both cases—the consequence to the owner the same in both cases. The property of individuals has been taken in both cases for public purposes; and in his judgment justice demands payment in the one as well as in the other. He would again say that he would not object to any change in the details of his bill, which would more effectually promote his object; but he would be better pleased to have the co-operation of friends, rather than of enemies, in perfecting this measure.

It may not be unprofitable to take a cursory examination of the cases which have come to the knowledge of the Committee on Claims, and which have induced them to recommend to the Senate the adoption of this general measure for the ultimate relief of suffering claimants.

What were the facts? What had taken place, calling imperiously upon Congress for legislative action? He would briefly state. The officers of the American army, during the present war with the Seminole Indians, and during recent hostilities with the Creeks, had taken possession of the houses and property of individuals, and disposed of them for barracks and for the other uses of the army; and while thus occupied, the property was utterly destroyed by the enemy. Are Senators acquainted with the facts as they transpired in the cases of General Hernandez, Gen. Clinch, and Jno. J. Bulow, jr.? cases clearly within the acts of 1816 and '17, which have already been cited. It had been his painful duty to make himself familiar with the history of these, as well as other cases of a like character. In one memorable case, not only was the dwelling and the house of the owner taken and converted into barracks for the American troops, fortified by a breastwork made from his own cotton bags, but he himself was impressed into the public service, and by reason of which his life was sacrificed. He alluded to the case of Bulow. Will the Senate refuse to do justice—full, ample, entire justice—to his heirs? *He could not believe it.* This is but one case. The evidence had all been detailed before the committee, and there was no room to question that property, thus taken, controlled and possessed by public authority, was destroyed, and became wholly lost to the owners by the act of the enemy, in consequence of such occupation. In other instances, provisions and personal property of other descriptions had been taken for the subsistence and necessary use of the army, for which no compensation was made at the time, or has ever been made since.

These were some of the facts presented to the committee, and they could not hesitate a moment to render what justice they could to the claimants. It is true that they have reported special bills, as well as the general bill now under discussion—so that if the latter should be rejected, the former, he hoped, might be passed. He did not believe that the amount which would necessarily be withdrawn from the Treasury, would be as large as many Senators had supposed. He had not, from the evidence, discovered any thing alarming in the amount. He was persuaded that if the act was faithfully executed, every claim coming within the provisions of the bill, might be satisfied within the amount specified in a report he had made to the Senate at the last session, which, if he rightly recollected, was less than one hundred and fifty thousand dollars. But the amount of the claims had no terrors to him, nor would it deter him from doing, what he believed, most conscientiously, to be his bounden duty.

It is a fact known to him, that some of these claimants had been reduced from independence to penury by the act of this Government, by the destruction of their plantations for public purposes. These were the very claimants who had long been knocking at the door of the Senate, and asking justice at their hands. Can the Senate turn a deaf ear to their petitions? No: every consideration of equal justice, of right, and of humanity, forbid it. He then would appeal to the Senate to pass this bill, which looks to a remuneration to these claimants for the loss, which they have, without their agency, been compelled to endure.

Mr. WRIGHT inquired whether the bill already passed by the Senate to establish a board of commissioners to hear and examine claims against the United States would not reach the cases alluded to by the Senator?

[Mr. HUBBARD said undoubtedly the bill would reach some of them.]

Mr. W. then thought that, if this bill were passed, it would be a kind of duplicate legislation. There was one bill already sent to the other House of a general character, and before that was acted on, here was another of a *general specific* nature, (if he might be allowed to use such a phrase,) which might have a tendency to embarrass the other.

Again: The same difficulty that had presented itself to his mind, when the bill for the relief of John J. Bulow was discussed, still existed, and he thought the committee had not based the report on sound principles when they sought to apply the recognised usages of civilized to that of savage warfare: they were diametrically opposed in every respect. In the one case, persons who had property were anxious to have the troops kept as far as possible from their domicils, lest the enemy might be provoked to destroy them; but in a war with savages, who destroyed indiscriminately, the case was entirely reversed, and it was at all times desirable to have the property occupied, that it might be guarded from destruction. In the instances before them, so far from the property being destroyed in consequence of occupation, it was protected so long as the troops had it in possession, and hence he was not disposed to lend his sanction to a measure that would make the Government responsible on principles so essentially opposed to each other. Mr. W. thought, too, that if such a principle as that laid down was once established, it might lead the way to other Indian wars, besides opening the doors of the Treasury to an almost indefinite extent.

Mr. CLAY of Alabama expressed his surprise and regret that the bill under consideration should be met by such opposition as it had encountered. He could not reconcile his mind to the idea that the amount of claims should be a bar to the passage of a law, when justice was on his side. Could it be admitted for a moment that a citizen of this country should not be paid the amount of a just claim, because the amount was large? Did the amount of a claim, whether large or small, have any thing to do with the question whether it was just? He could not agree to any such proposition.

Equity and justice should be the considerations to guide us in such matters.

The Senator from New York [Mr. WRIGHT] seemed to think that property destroyed by a savage foe could not come within the principles recognised in civilized warfare; but was such a doctrine correct, or could it be sustained? Should it ever be said that this Government would refuse remuneration for property destroyed when in the occupancy of our troops, or by the orders of its own agents, without the consent of its owners? He hoped never to see such principles recognised. Nor (said Mr. C.) does the bill under consideration involve any new principle; the Senator from New Hampshire [Mr. HUBBARD] has shown precedents for all its provisions in the legislation which followed the war of 1812.

Mr. C. then went into an examination of the several provisions of the bill, in order to show the several classes of claims which it embraced. The first section, he said, provided that "any person who, since the year 1830, may have sustained damage by the destruction of his or her house or building by the enemy, in the late wars between the United States and the Indian tribes, or any of them, in consequence of the same being occupied as a military deposite for military or naval stores, or as barracks for the military forces of the United States, under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damages."

Mr. C. said the language of this section was specific and guarded. To entitle the owner of property to compensation for damages, the injured property must have been employed, under the authority of an officer or agent of the United States, for military purposes—for purposes connected with the defence of the country, or the prosecution of the war in which she was engaged. The officer or agent of the Government must have occupied the house or building of a citizen "as a military deposite, for military or naval stores, or as barracks for the military forces of the United States"—that is, as a place for the preservation of your munitions of war, or the means of subsisting your army or navy; or for the protection of your troops, and the better defence of the country. And shall we be told that the property of a private individual shall be thus used for important public purposes, and if, "in consequence" of being so used, it is injured or destroyed by the enemy, no compensation shall be made to the sufferer? Why, sir, (said Mr. C.) such doctrine would not only be at variance with every principle of ordinary fairness and justice, but it would be in conflict with the spirit, if not the letter, of the 5th article of the Constitution, which, amongst other things, contains the guarantee: "nor shall private property be taken for public use, without just compensation." And, sir, (said Mr. C.) is there any difference in principle, when our officers or agents have so used private property for public benefit and convenience, whether the enemy who injures or destroys it belongs to an Indian tribe or a civilized nation? Has it been less useful or beneficial to the public, or will its loss or injury be less seriously felt by the individual owner, in one case than the other? Certainly not. The character of the enemy neither affects the right of the public to the use of private property, nor the claim of the individual to compensation. The only material question is, whether the citizen's property has been injured or destroyed in consequence of having been taken for public use. If that question must be answered affirmatively, the claim to compensation necessarily follows.

Mr. C. said the whole argument of the Senator from New York seemed to be directed against the first section of the bill. It certainly did not apply to either of the others; and he could not well imagine that any argument could be offered against the other provisions. What were they? The second section directed compensation for the destruction of a house or building, "by order of an officer of the United States, commanding in the wars aforesaid, or (as Mr. C. proposed amending it) by the occupancy of the same by the troops of the United States." Mr. C. could not suppose that any one would refuse to make satisfaction for an injury done to private property in either of those ways; and having heard no argument against the provision, deemed it unnecessary to consume time by further remarks upon it, at present.

The provisions of the third section, Mr. C. thought still less obnoxious to objection or cavil. It provides "that when any property has been impressed or taken by public authority since the period aforesaid, for the use or subsistence of the army, during the wars aforesaid, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof," &c. Now, it seemed to Mr. CLAY, that it was sufficient to state the proposition contained in this section, to secure the assent of every mind. Would the Senator from New York, or any other gentleman, contest the obligation of the Government to pay for property impressed, or taken without the consent of the owner, and which was "destroyed, lost, or consumed" in the public service? Mr. C. could not believe that any one would deny the justice of such a claim, or the expediency of paying the amount. He said that much the largest class of claims embraced by this section, would turn out to be for the subsistence of our troops, and the horses in the public service. Going into the enemy's country, long distances from the dense settlements and the means of supply, and often with very inadequate means of transportation, our officers and soldiers were compelled to suffer the greatest privations, and were sometimes in danger of starvation. Hence they laid hold of the means of subsistence for themselves, and forage for their horses, wherever they found it, to whomsoever it belonged, and with or without the consent of the owner. Nor were they to blame for so acting under such exigencies. And, Mr. C. inquired, could the justice of a claim for property, so consumed by an army, be denied? No, he said, the people of this country would revolt at the injustice of refusing payment in such a case.

But, Mr. C. said, he not only contended that the bill, in its present shape, involved no new principle, but he should endeavor to make it still broader in its provisions, by engrafting on it the principle of the law of 1802, regulating trade and intercourse with the Indian tribes. He could show, by reference to the law alluded to, that this Government had given a pledge of indemnity for injuries arising out of Indian hostilities, going far beyond the provisions of the bill as it now stood; and he should call on the Senate to redeem the public faith by the adoption of an amendment which he should presently offer.

[Mr. C. here read so much of the 14th section of the "act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved March 30th, 1802, as relates to indemnity for property destroyed by the Indians.]

Mr. C. then went on to remark, that it had been seen by the section of the act which he had just read, that complete indemnity was designed by its framers for all injuries and destruction of property "by any Indian or Indians belonging to any tribe in amity with the United States." The act intended to discriminate between injuries perpetrated by marauding parties, while their nation was at peace with the Government, and those resulting from a general war. In such cases the act of 1802 made it the duty of the citizen or inhabitant to make application to the superintendent, or such other person as the President of the United States should authorize for that purpose, whose duty it then became, under the direction of the President, to make application to the nation or tribe to which the offending Indians belonged, for satisfaction; and if the tribe or nation neglected or refused to make satisfaction, upon notice from the superintendent, the President was bound to take such other steps as might be proper to obtain satisfaction for the injury; "and in the mean time, [says the law,] in respect to the property so taken, stolen, or destroyed, *the United States guaranty to the party injured an eventual indemnification.*"

Here, then, said Mr. C. is the faith of the Government pledged, that "eventual indemnification" shall be afforded to any citizen whose property may be "taken, stolen, or destroyed, by any Indian, or Indians, belonging to any tribe in amity with the United States." Nor did the enactment stop here. In a subsequent clause of the same section, it is provided "that it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed, by any such Indians, out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong." Now, said Mr. C. all I ask of the Government is to redeem its pledged faith, by providing the means, and granting the indemnity, contemplated by the act on which I have remarked, for the same class of injuries. To accomplish this object the more certainly, Mr. C. said he had prepared an amendment, to come in as the fourth section of the bill under consideration, which he would then read for the information of the Senate. He then read the following section, as the amendment offered by him:

SEC. 4. *And be it further enacted*, That whenever it shall be made appear, by satisfactory proof, that any house, building, or improvement, or personal property within the limits of any State, has been destroyed since the said year 1830, by any Indian or Indians belonging to any tribe or nation, the Government, or majority of which, shall have been, at the time of such destruction, at peace with the United States, the owner or owners of such property shall be allowed and paid the amount of damages thereby sustained.

Mr. C. said it would be seen that his amendment corresponded substantially with the 14th section of the act of 1802. It was clearly within its principle, and differed in nothing material, except that it did not require an application by the injured citizen to the superintendent, or such other person as the President might authorize in the first place. He would briefly explain the reason of this departure from that feature of the act of 1802. It would be found his amendment contemplated satisfaction for the destruction or injury of property "within the limits of any State." It was intended to cover injuries perpetrated by the tribes once living East of the Mississippi, but now, carried West of that river; and more especially the losses sustained by the citizens of Alabama and Georgia, by the depredations of the Creeks and Cherokees, before the removal. Mr. C. said he did not know that there was any superintendent, of either of those tribes, to whom the application, contemplated by the act he had referred to, could have been made. It was known that, owing to state of things, existing before the removal of the Creeks and Cherokees, they had necessarily been hurried off in great haste, not affording time, then, for such a proceeding; and now there was no superintendent on this side of the Mississippi. Under such circumstances, Mr. C. said he had thought it better to omit that feature of the section; but he had obviated any good objection on that ground, by requiring that the injury "be made appear by satisfactory proof." Under such a requirement, with a competent officer to investigate and determine, it would hardly be possible that the Government could lose unjustly. In the mean time, he said, it would open the way for many meritorious and much injured citizens, whom we were bound to protect in the enjoyment of their rights, to come forward and obtain redress.

Mr. C. thought the claims of the citizens of Alabama to the proposed indemnity, were peculiarly strong. It would be recollected that the Government of the United States had purchased all the lands claimed by the Creek Indians, lying within that State, granting to heads of families, and chiefs, reservations, which they were authorized to sell in fee simple. The Indians sold their reservations, and the Government surveyed and sold the remaining lands; thus inviting a white population among the Indians, who were not removed, as they should have been, as fast as they sold out. Mr. C. said it must be admitted by all, that, by the circumstances to which he had referred, the Government was under increased obligations to protect those who had purchased and settled in the territory purchased of the Creeks. Instead of removing the Indians, as fast they sold their reservations—for they had no right to remain a day after such a sale, according to his view of the treaty—they had been permitted to remain, year after year, contracting all the vices of most profligate white men, until many had become dissolute and abandoned. Perhaps the goadings of want, as well as

the absence of all moral restraints, had led them to commit depredations on the property of our unoffending citizens. In the mean time the Government had kept no adequate military force stationed amongst them, to restrain them from the perpetration of trespasses or crimes, though repeatedly appealed to upon the subject, and urged to furnish the necessary protection. Now, sir, said Mr. C. can a just Government refuse remuneration for injuries, sustained by citizens, who were settled on land sold to them by you, or by your authority; and who were not only entitled to your guardian care, but who warned you of their danger, again and again, and claimed your protection? He said this was the question upon which the fate of his amendment turned; and, until compelled by a vote of the majority of the Senate, he could not lose confidence in the justice of his country.

Mr. GRUNDY did not object to the justice of the claim; on the contrary, he had no doubt that many of them were so; but he objected to the bill for several reasons. One was, that it recognised the principle that property destroyed in savage warfare came as much within the principle of the law of 1817 as though it were destroyed in civilized warfare, (if indeed there was any such thing as *civilized warfare*,) when it was a well known custom of the savage to destroy indiscriminately all within his reach, never asking whether it had been in the occupancy of regular troops or not. Another objection was, that the business was to be placed in the hands of the Third Auditor, thus adding to his duties, when the business of his office was already one or two years behindhand, and could not be brought up with all the force he possessed. He had every confidence in the Third Auditor, but not when he had no time to examine matters fairly. Again, it was opening the Treasury to be plundered by ex parte testimony. He was for paying what was justly due, and did not object on the score of amount; but the very magnitude of the claims ought to make them more careful, and compel them to act with caution and with judgment. The other bill, which had gone to the House, was general in its character, and he thought it ample in its provisions, and a better guard on the Treasury than the one before them.

Mr. HUBBARD was not tenacious of the second section, giving the business to the Third Auditor; that could be stricken out if the Senator could give it his support. That officer had been selected for his peculiar fitness, from his long and well known assiduity and care in settling claims.

Mr. LUMPKIN said, in reply to Mr. GRUNDY: Mr. President, my honorable friend from Tennessee, with his usual ability and ingenuity, has made many remarks calculated to disparage the merits of this just and salutary measure. Yes, sir, a measure so obviously demanded by every principle of equity and justice, that even its opponents are forced to admit on all sides that relief, in some form, ought to be extended to the claimants intended to be provided for by this bill. Allow me to say, sir, that the arguments of my friend from Tennessee, [Mr. GRUNDY,] and the mode and manner of his opposition, appear to me to be better suited to the lawyer than to the Senator. The Senator has criticized the phraseology of the bill, and attempted to show that its provisions could not be carried into effect without endangering the interest of the Government, as well as that of the individual claimants. He therefore seems to feel himself justified in opposing the measure in all its parts. Now, sir, this kind of opposition becomes the attorney, who is under obligations to his client to make the best of his case—who feels bound to lessen the liability of his client to the lowest possible amount of which the nature of the claim will admit. But, sir, I would respectfully ask, is this the proper course of a legislator, when applied to honest, fair claimants, who are admitted to have just demands against their Government—claims for the simple reimbursement of the value of their property, taken without their consent by the strong arm of the Government, for the purpose of aiding the Government in the execution of its legitimate measures of warfare against a savage foe?

The Constitution of the United States makes it the imperious duty of Congress to provide for and pay the claims of our citizens, for property taken from them for the use of the public service of the country; and it is such claims as these which our suffering citizens now present, and which it is intended by the friends of this bill to provide for.

If it be admitted that the bill, in its present shape, is imperfect, and susceptible of amendment—if it can be relieved of any supposed vagueness, or ambiguity of language, and the provisions for the faithful execution of the true intent and object of the measure can be improved—I would then, sir, invite and ask the aid of the Senator from Tennessee in effecting an object which is as desirable to the friends of the measure, as it can be to those who oppose it. We have a right, sir, to ask and claim the aid of every Senator in perfecting this measure, who makes the admissions which we hear from every speaker, to wit: that many just claims do exist, of the character contemplated to be provided for by this bill.

But, sir, without questioning the purity of the motives, or the acuteness of the comprehensions, of the Senators from New York and Tennessee, [Mr. WRIGHT and Mr. GRUNDY,] I must be permitted to say, that the course of their opposition to this measure, to my mind, has the appearance of hostility to these claims altogether. Their policy, according to my apprehension of its effects, amounts to a rejection of these claims.

What is the course of argument by these Senators? One of them, Mr. WRIGHT, in his lucid manner of communicating his ideas, draws distinctions between the claims of citizens for property in the occupancy of the army of the United States, as well as property taken for the public use of the army, when thus occupied and taken in a war with civilized and savage nations. He seems to think that the legislation of Congress in 1816 and 1817, providing for claims, precisely similar to those now under consideration, was all right and proper, because the United States incurred these liabilities while engaged in a war with Great Britain, a civilized nation: but when the property of a citizen is taken for public use, in aid of prosecuting a war against a savage people, the case is then altered and changed, and that similar legislation in the two cases is not demanded for the relief of the injured and suffering citizen.

I would ask, sir, are these distinctions reasonable; are they just? Shall we take private property for public use, and refuse, or even delay, to reimburse the suffering citizen? But, sir, the Senator from Tennessee, [Mr. GRUNDY,] and, I believe, the Senator from New York, [Mr. WRIGHT,] both admit the justice of some of these claims. They say they ought to be provided for, and whatever is right and just ought to be done. Yet, sir, the friends of this measure have thus far failed in every attempt to present these just claims in an acceptable form, to those who throw obstacles in the way of their speedy adjustment. When bills have been presented—restricted to individual claims—we have been told this was partial legislation. We have been advised to bring in a measure of a general character, which would place all the claimants on an equal footing. And, sir, I have been inclined myself to favor this suggestion. As the friend of equal political rights I have felt no disposition to give more speedy relief to claimants who are capable of presenting and prosecuting their claims, with the requisite intelligence and efficiency—persons who have public character, standing, and friends, here and elsewhere. No, sir, my object is, and has been, to administer equal and exact justice to all these claimants, regardless of their respective conditions in life. Therefore I now appear as the advocate of this measure, in preference to urging individual claims which have been confided to my care; and for the payment of which I feel much solicitude, as I have examined the evidence in support of the claims placed in my hands, and am fully convinced of the justice of a portion of them. But now, sir, that the honorable chairman of the Committee of Claims [Mr. HUBBARD] has presented to the Senate a general bill, which he has prepared with great care and consideration, and has supported and elucidated every thing connected with the subject, with an ability and perspicuity that leaves but little which is necessary to be added by his friends, who concur in his views, we are advised by some of the opponents to the payment of these claims, to introduce private bills for the relief of each individual claimant.

Others contend, that the bill which has already passed the Senate during the present session of Congress, and which has been sent to the House of Representatives for concurrence—"Establishing a Board of Commissioners to hear and examine claims against the United States"—amply provides for the settlement of the claims under consideration, and therefore the present bill is useless or superfluous.

Thus it appears, sir, clearly, that these suffering claimants are made the sport of various expedients. The hope of relief is held out in various forms, and the variety of the modes of relief is at the same time made the efficient means of delaying and withholding justice.

Now, sir, what we would claim, and what I think we have a right to expect in behalf of these claimants, is, not longer to delay the demand of justice. We are by no means partial to any specific form, over all others which may afford ample provision for the adjudication of these claims. We desire the payment of no doubtful claim. We ask only for even-handed justice.

A more meritorious class of claimants have never presented themselves to this Government than many whose names will be found on the present list of claimants—men who are patriotic, high-minded, honest, ever ready to make every necessary personal sacrifice upon the altar of their country's honor and interest. Shall we, sir, longer keep them in that harassing state of suspense which is even more than an arbitrary and prompt rejection of their just claims upon the Government of their country?

Mr. WRIGHT spoke at considerable length in defence of the positions assumed by him in his first remarks.

Mr. PRENTISS also spoke at some length against the bill in its then shape, and held that if the principles recognised by civilized nations did not apply to savage warfare, then the bill ought not to pass.

Mr. HUBBARD again defended the bill with much animation, replying at large to the objections urged against it.

Mr. KING held it to be the imperious duty of Congress that something like substantial justice should be done to these claimants, whether their property was destroyed through want of energy on the part of the General Government, or in consequence of occupancy by our troops. These claimants had not only lost their property, but had lost that which they never could be compensated for: their families had been broken up, their property and their prospects destroyed, and in many instances health, and even life itself, had been sacrificed, &c. He would not say that these claims should be allowed to the full extent of the sums claimed; but he would say that something should be done, and that promptly. When the bill was discussed on a prior occasion, for the relief of Bulow's heirs, he had thought it better to wait the operation of a general law; but he was now convinced of the propriety of acting at once on this measure.

The bill was passed over informally, and the amendments offered by Messrs. CLAY and HUBBARD were ordered to be printed.

And the Senate then adjourned.

SPEECH OF MR. WEBSTER,

OF MASSACHUSETTS,

In Senate, Monday, March 30, 1840—On the bill authorizing the issue of Treasury notes.

I regret, Mr. President, that the chairman of the committee is absent, as he might probably have made use of this occasion, not only to show the necessity of raising this sum of five millions, for the immediate use of Government by some extraordinary means, but also to state his opinions upon the public revenue, both in regard to its present state and its prospects for the future.

The sum and substance of the measure now before us is, to borrow five millions of dollars, for

two years, if necessary, and to pay therefor any rate of interest not exceeding six per cent. This borrowing is to be done by means of issuing Treasury notes, bearing interest; and, so often as they shall be received at the Treasury, they are to be reissued, so that the whole sum of five millions may be kept out. And the authority to issue and reissue is to last one year. The consequence of this is, that one year from the date of the bill, if the whole five millions be not then outstanding, the balance may be issued, redeemable in a year from that time. It is a power, therefore, to make a loan for five millions, with an authority to continue that loan, by borrowing to-day to repay the sum borrowed yesterday, and to continue this process, in effect, for two years. This is the substance of the bill.

Mr. President, at the opening of the session, the President of the United States informed Congress that the financial operations of the Government for the past year had been very successful.

The Secretary, too, in the very first paragraph of his annual report, stated, with much satisfaction, that the revenues of the Government had been increased, and the expenditures diminished.

That the resources of the country are abundant, no one can doubt. Its wealth, its activity, its commerce, and its freedom from burdensome taxation, render it able to raise, with entire facility, a revenue quite equal to all the just wants and necessities of the Government. But, notwithstanding these congratulations of the President and Secretary, I cannot but entertain a doubt whether, under the operations of provision now actually existing, and under the expenditurees which have been made, and are making, or are in anticipation, it is prudent to indulge in sanguine hopes of an overflowing Treasury This doubt receives countenance from the fact, that the bill before us is to authorize the borrowing of five millions, in the form of Treasury notes, and under such circumstances as leave no reasonable hope, as I think, of their redemption within this year. I do not oppose the bill, but I propose to say a few words on the state of the Treasury, and on the history of its receipts and disbursements, for the last three years.

We learn from the Secretary's annual communication that, at the commencement of this year, there was in this Treasury no more that a million and a half of dollars, available for the purposes of Government. I omit fractions, and use round numbers, for the sake of brevity. At the same time the Government owed, on outstanding Treasury notes bearing interest, two millions and three quarters, or two million seven hundred and fifty thousand dollars.

This was the State of the Treasury January 1, 1840, as near as the Secretary could estimate or ascertain it in December. It turns out, from the paper just read, that in fact there was a few hundred thousand dollars more in the Treasury in January than the Secretary's estimate, but from what funds or sources does not appear, and this circumstance does not effect the general view which I propose to take.

Let us now go back to January 1, 1837. In 1836, there being a great surplus in the Treasury, the deposite law was passed, by which five millions were to be reserved in the Treasury, in aid of accruing revenues, that should be in the Treasury January 1, 1837, to meet future demands, and the rest of the money divided, in deposites, with the States, by four quarterly payments or instalments

As the Secretary was obliged to make his calculation a little before the 1st of January, and could not say, exactly, what amount might be in the Treasury at that time, he made a safe allowance; and it happened, in the end, I think, that six millions and more were retained in the Treasury instead of five. At the commencement of 1837, then, the Government had on hand six millions; and it had before it the whole accruing revenue of the year. But the year was out, that is to say, in the September session, Congress suspended the payment of the last or fourth instalment, or fourth deposite to the States. This measure retained in the Treasury a further sum of nine millions, thus raising the reserved aggregate up to fifteen millions. Subsequently, the Treasury received from the Pennsylvania Bank of the United States five millions of dollars, as part of the property, or capital, of the United States in the former bank. This swelled the amount to twenty millions. So that since January, 1837, the Treasury has had full twenty millions of former receipts, as well as all revenues arising since.

Now, it is apparent that these twenty millions have been expended, within the three years, in addition to all the revenue which has accrued in the mean time; with one deduction, which I shall state. It is true that, in September, 1837, Congress suspended or postponed the payment of certain custom-house bonds; but the time of that postponement has long since expired, and the bonds have been paid. It is true, also that the deposite banks, in 1837, held certain sums belonging to Government, which they wished time to pay. But before the commencement of this year, these debts had been brought down to a million of dollars, or thereabouts. The true account, then, stands thus:

Reserved under the deposite act -	$6,000,000
Amount of fourth deposite held back from the States - - -	9,000,000
Received from Bank of the United States - - - - -	5,000,000
Borrowed on Treasury notes, outstanding January 1, 1840 -	2,750,000
	$22,750,000
Deduct amount in Treasury January 1, 1840 - - -	1,550,000
	$21,200,000
Deduct amount still due from deposite banks - - - -	1,000,000
Balance - - -	$20,200,000

Twenty millions two hundred thousand dollars, then, appear to have been expended in the three years, between January, 1837, and January 1840, besides all the receipts from the custom-house, and and offices, and all other sources.

If there be any error in this general statement, I hope that some gentleman will point it out, and I shall cheerfully make the necessary correction. My object is to be acurate as well as distinct. But if there be no error, if this statement be true, as I suppose, then the result certainly is, that for the last three years, the Government has expended almost seven millions a year beyond its income; and has supplied the deficiency out of funds previously acquired or received. The six millions reserved under the deposite law, the nine millions afterwards withheld from the States, the five millions received from the bank, all these were funds previously acquired, and none of them any part of the income or revenue of 1837, 1838, or 1839. All the income and revenue of those years have been expended, and these twenty millions more.

This general state of the Treasury, and the history of revenue and expenditure for the last three years, may well awaken attention. We have no twenty millions more in crib to go to. Our capital is expended. There will be two millions and a half due from the Bank of the United States in September, and there is a small balance still due from the deposite banks; both together not exceeding three millions and a half; and, for the rest, we are to rely on the usual sources, the custom-house and the land-offices.

Now, then, the important questions are, does the Administration expect an augmentation of income?

Or, does it expect such a reduction of expenditure as shall keep in within the income?

Or, does it contemplate loans, either in the form of Treasury notes or otherwise to make up deficiencies?

And, if the last, to what extent?

The present measure is to authorize the immediate issue of five millions in Treasury notes, for the purpose of being paid out to persons having claims on Government, or used as means of borrowing money for the necessities of the Treasury.

I do not propose to oppose the passage of the bill, because I think it quite clear that the money is needed, in order to carry on the Government. There are, indeed, objections to this form of borrowing money; for it is a borrowing of money, to all intents and purposes. The Secretary, indeed, in a recent communication to the Senate, does not call it *borrowing*. He avoids that word, and if he were afraid it would burn his mouth. He call it only "*exchanging Treasury notes for specie*" This falls under that form of statement now usually called *humbug* The Secretary receives money, gives for it his Treasury notes, payable a year hence, and bearing an interest of five or six per cent. But this, he thinks, is not borrowing money; it is only *exchanging his notes for money*; a sort of exchange, I believe, which most borrowers are obliged to conform to. The authority, and the only authority, under which he makes this marvellous "exchange," is a section of the law of 1837, which authorizes him to "borrow money."

I cannot say that I think the communication of the Secretary, to which I have referred, is a very full or clear answer, to the call of the Senate. But we learn from it, after all, what I was sure must have existed, and which it may be of some importance to show. He admits that deposites have been made, to the credit of the Treasurer, in certain banks; and that thereupon such banks have received Treasury notes to a corresponding amount. And the Treasurer, in a letter accompanying the Secretary's report, says that these funds are drawn for *as other funds and not specifically*. The Secretary says these deposites are *special*, and *in specie*. All that is *humbug* again; for all deposites in banks are regarded as specie deposites while banks pay specie, and the Treasurer, as I have remarked, says expressly that these sums, thus deposited, are drawn for, when needed, *in common with other funds*, and not specifically or separately. This idea, or this delusion, or this pretence, for it hardly deserves a respectable name, about special specie deposites, was sufficiently dissipated by the examination last year, into the conduct of the banks connected with the New York custom-house. When the banks pay specie, a special specie deposite is nothing but a deposite in specie or its equivalent; and the amount is paid out, on draft, in specie or its equivalent. And this is the case with all other deposites of money, unless it be left in kegs or bags, and not carried into the general account of the bank. Any one may see how this is, and has been, who will recur to the evidence of the cashier of the Bank of America, on the occasion which I have referred to. As I have already said, the Treasurer informs us that these deposites are mixed with other funds belonging to the United States, in the same bank. That is to say, they all stand together, to his credit, on the books of the bank, and he draws as he has occasion, just as is done by any other dealer with the bank. This is the whole of it. Special specie deposite is a nonentity.

Now, it is easy to see that this mode of obtaining money from the banks may be of very considerable profit to them. Suppose a bank deposites a million of dollars to the credit of the Treasury, and receives therefor a millions of dollars in Treasury notes, bearing an interest of six per cent. Interest immediately accrues to the bank, of course, on the whole of this sum; but it may be many months before it is all drawn out. The Treasury may give out its drafts slowly, and these drafts, when made, may be sent to distant parts of the county, and be some considerable time in reaching the bank. When they arrive, the bank will generally pay in its own notes; but, besides this advantage, it will make a clear gain, because it has been receiving interest on more money than it has parted with.

Under the law of 1836, the deposite banks were required *to pay interest* on Government deposites. The present system looks very much like making Government pay the banks interest on its own deposites.

There are objections, I repeat, to the use of Treasury notes as means of borrowing money. In the first place, the interest must be higher than on a loan contracted in the common manner. The greater part of all the Treasury notes issued since 1837 have borne an interest of six per cent. whereas my information is, and I have little doubt of the correctness of it, that United States stock, bearing 4½ per cent, interest, could be readily sold at par abroad,

not having any great number of years to run; or it could readily be sold at home, with a view of sending it abroad.

In the next place, Treasury notes, bearing a high interest, and redeemable at any time upon two months' notice, issued under the present circumstances of the country, are very likely to absorb a considerable portion of the money now so much needed for the relief of trade and commerce and the revival of business. It strikes me that the whole operation is likely to make money scarcer than it is already; since the Treasury is coming into the market as a borrower, offering a high interest.

Again. I am aware that a use may be made of Treasury notes which is quite opposed to the spirit of the Constitution; that is, to issue them without interest, or with a mere nominal interest, and to attempt to force them into circulation as money. Any such attempt ought to be strenuously resisted; being neither more nor less than an attempt to establish a system of Government paper money.

But Congress has sanctioned long ago, and under better auspices, the occasional issue of Treasury notes, and I do not feel at liberty, therefore, to withhold my assent on the present emergency from that mode of raising the sums which the state of the country requires, as no other mode is proposed. Both the President and Secretary would seem excessively anxious to distinguish the issues of Treasury notes from the creation of a debt; but I think this distinction is without a difference. A note issued, bearing interest, and payable hereafter, has created a debt as much as any form of stock could create it. A national debt was actually commenced at the very first session of Congress, under the present Administration, and it never has been paid, except as one obligation has been discharged by borrowing money on another. Like other debtors, we have renewed our notes, and renewed them often, sometimes paying high interest, but we have never extinguished the debt. The first Treasury notes were issued in the autumn of 1837. The amount outstanding January, 1838, was, I think, four or five millions; in January, 1839, it was also large; and in January, 1840, as I have already said, the Secretary states it at two millions and three quarters.

One object of the present bill is to enable the Treasury to pay off the unpaid part of these two millions and three-quarters by borrowing again. So that it is true that, from the first session of Congress under this Administration to the present day, the Government has been in debt for borrowed money, and has been, every hour, paying interest for such borrowed money. This is a *public debt.* What this debt may amount to by March, 1841, I cannot say. It depends on measures to be adopted by Congress, and on those changes and fluctuations in trade which cannot be foreseen. But if no new means of revenue are supplied, and Congress should make such appropriations, as it usually has done, and no great improvement in the state of affairs should take place, I cannot see how it is likely to fall short of eight or ten millions. But this is a mere estimate. Whatever the amount may be, however, in March, 1841, it will be a debt, created by the present Administration. I do not say unnecessarily created. I am not now speaking to that point. But I say it will be a debt—a public debt—a national debt—begun under this Administration—a debt existing in the least economical and the most inconvenient form—a debt bearing an interest, and a high interest—and a debt which, if cast on the Administration of 1841, whoever may be at the head of that Administration, must be provided for. I say this, sir, merely to preclude, *ab ante*, the idea that if a national debt shall be found existing after March, 1841, it will be the debt of the Administration of that time, and not of the present.

My real ground of complaint against the present Administration, and I think it a very just ground, is, that it has not come out in a manly manner long ago, and told Congress that there was a necessity to make further provision for revenue.

The President, in his message of the 2d December, observed that all the Treasury notes then outstanding would have been redeemed before that time, "if the Treasury could have realized the payments due to it from the banks." What banks? The outstanding Treasury notes amounted, at that time, to two millions and three-quarters. The deposite banks owed the Government only a million, or a million one hundred thousand dollars. The President must have included the bond of two millions and a half of the Bank of the United States. But that bond is not, by the terms of it, due till September next. There could have been no disappointment, therefore, in not realizing the payment of that bond before the date of the message. The President makes very just observations upon the impolicy and danger of commencing a public debt in a time of peace; of the fearful rapidity with which such debts are apt to be increased; and upon our duty to struggle against such debts at the threshold. But all this does not prove that money borrowed and still owed on Treasury notes is not a national debt. All this does not prove that we have not been borrowing money on the strength of the public credit, paying high interest for it, and having an immediate prospect of being obliged very considerably to increase its amount. I know no way of keeping out of debt but by bringing the revenue up to the expenditure, or bringing the expenditure down to the revenue. If we owe for borrowed money, it is puerile to talk about the form of our obligation, as if one form was less a debt than another. It would be much more wise to set ourselves at once about getting the means of payment. Good aphorisms, upon the subject of a national debt, should be followed, I think, by direct and responsible recommendations, to Congress of such measures as are necessary to prevent the evil.

Let us now, Mr. President, look to the Secretary's estimate of means and of expenditures for the present.

And, first, of the means. He thinks the receipts into the Treasury from custom, lands, and miscellaneous sources will not exceed eighteen millions six hundred thousand dollars, - $18,600,000 00
Amount in the Treasury, January 1, 1840, - - 1,556,385 00

20,156,385 00

Expected to be paid on United States Bank bond, - - 2,526,576 00
Due from deposites banks - 1,149,904 00

$23,832,865 00

But the Secretary does not deem it prudent to rely on the collection of these debts—and as to the receipts from the custom-house, the great source of expected income, I presume his hopes are not stronger now than they were at the commencement of the year.

Let us now turn to the other side of the account, and see the estimate of expenditures.

Now, on this head he says that if Congress should make appropriations to the extent desired by the different Departments, the expenditures of the year will amount to - - $20,000,000 00
Besides the payment of outsanding Treasury notes amounting to - 2,750,000 00

22,750,000 00

This would leave an apparent balance in the Treasury, at the beginning of next year of - 1,082,865 00

But this sum is less than the amount due from the deposite banks, the payment of which, he says, ought not to be relied on. If no part of that should be paid, the Treasury according to this statement, will be *minus* at the close of this year. Probably some part of it will be paid, but at best, and if the Secretary's hopes should all be fulfilled, it will be, upon his showing, a touch-and-go affair.

But as he does not rely on receiving these debts from the banks, what does he propose? He speaks always of Treasury notes as being a temporary expedient only, and that they are to be redeemed within the year? I do not think this, at all; but that is his ground. How then does he propose to provide for the deficiency, in case these bank debts shall not be collected?

Why, sir, he says very gravely that one mode of avoiding difficulty will be to reduce the appropriations by postponing some, and lessening others. We need no ghost to tell us that. But *what* appropriations will he reduce? Where shall the lessening take place? or where shall the postponement take place? On what head shall the blow fall? Shall it be in the civil list, or the army, or the navy? He says in a early part of his message, that he thinks a reduction can be made, without essential injury to any useful objects, "for reasons which will be afterwards enumerated." I have looked through the whole paper carefully, and cannot say that I have met with that enumeration of reasons. Perhaps the chairman of the committee, if he were here, could tell us where those reasons are to be found. He does say, indeed, in a subsequent part of his communication, that it may become necessary to diminish the compensation of all officers, civil, military, executive, judicial, and legislative. But he states no proposed rate of reduction; and, indeed he does not *recommend* reduction at all. He says it may become necessary. Does he think it has become, and is now necessary? Does he recommend it? Is that his reliance to eke out his ways and means? And what amount of reduction does he suppose such a process would accomplish? It is better to do this, he says, than to expose the Treasury to bankruptcy. Does he mean that the Treasury will be exposed to bankruptcy if this be not done? Does he mean to say that the Treasury will be forthwith bankrupt, unless the pay of the President, heads of Departments, judges, members of Congress, and military and civil officers, be immediately reduced? It is acknowledged that our finances are in this condition? If so, why not recommend the measure at once? Why not tell us, distinctly, what is necessary? Why leave Congress to grope in the dark, amidst many various, and sometimes inconsistent propositions and suggestions? When the report begins with such a flourishing paragraph about the great prosperity of the Treasury, one is not prepared to see the Secretary come to this complexion of bankruptcy quite so soon.

But, Mr. President, there is, at least, an apparent inconsistency between the President and the Secretary. The Secretary says the appropriations may be reduced below the estimates, so as to leave two millions in the Treasury at the beginning of next year. This will require a reduction of one million, if he reckon on collecting all the balances due from the deposite banks; or, if not, then a reduction of a million and as much more as shall equal what may remain unpaid of these balances. He supposes, then, that these estimates of appropriations may be safely cut down at least one or two millions. This would be a very important saving.

But what says the President? The President says that he "has directed the estimates of 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public services."

Now, sir, if his directions have been followed, if these estimates have been subjected to the severest scrutiny, and are limited to the absolute requirements of the public service, where is the reduction to be made? The Secretary, as I have said, specifies nothing, and recommends nothing directly. Where would he have us lop off? Will he spare us one or two millions from his own Department? Will the Secretary at War spare a million from his? Or the Secretary of the Navy from his? Why, I ask, should Congress, when called on to appropriate the public moneys, be left in such clouds and such darkness?

Sir, one word as to the manner of making estimates of expenditures for the consideration of Congress. It is a plain and simple business, though, from its nature, it cannot be very precise, and I cannot see any necessity for enveloping it in so much obscurity and uncertainty.

Appropriations are of three classes.

In the first place, there are certain existing or standing appropriations, which need not be renewed annually. Such is the sum of 200,000 expended every year for arming the militia; and such are some of the classes of pensions, and a few other small charges.

In the second place, there is the large class, in which the charge is created by law, but annual appropriations are required to enable the Treasury to disburse the sums necessary for its payment.

This includes the Army and Navy, the civil list, and a list of miscellaneous objects.

In the third place, there are, as we all know, many appropriations made by Congress for special objects, public or private, and these often amount to considerable sums. Private claims, roads and canals, building of light-houses, Indian treaties, many objects recommended by the Executive itself; all these require every year, a greater or less amount of money from the Treasury. The Secretary says that the expenditures of this description, which may be sanctioned by Congress annually, are very uncertain in their amount. This is true; but then, as these expenditures, in every year, amount to a considerable sum, and have done so from the very beginning of the Government, can any just or comprehensive view of the probable necessities of the Treasury be presented which shall leave all such out? It is quite impossible that some such expenditures should not be made. Now, in these estimates and recommendations, I find no provision whatever for any objects of this kind. The estimates are strictly confined to the Army, the Navy, and the civil list. I find no allowance for a single dollar which we might vote away here upon a private claim. Yet the Secretary tells us that, *if we will keep within the estimates, the means will hold out.* But he must know, I should have thought, that we cannot keep within the estimates. It is more than probable, judging from the past, that he himself, before the session is out, will call for appropriations not within the estimates. And does he mean, in that case, to throw the blame of any deficiency which may arise on Congress, by saying that Congress did not keep within the estimates?

If we may believe the President and if the Secretaries have fulfilled his directions, there is nothing in any of these estimates which is not required by the absolute wants of the Govenment. But we know, sir, that there are things, not in the estimates, in regard to which the wants will be absolute; for instance, the private claims, upon which we are passing here every day, and for many of which we must provide, if we mean to do justice. Besides, do we not see, and know, that in all human probability various other occasions of appropriation will arise? Will there be no contingencies for the war in Florida? No expense for Indian treaties? Is it not possible that events may arise on the Northeastern frontier involving heavy charges?

And again, sir, does the Administration abandon he Cumberland road? Here is no estimate for a dollar on that head of expenditure. Yet I trust an appropriation for that object will be made. I shall certainly vote for it myself. And harbors on the lakes—are provisions for those places of refuge and safety to lake mariners to be again postponed? They are not in the estimates. If no improvement of any other harbor, no new light-house, and nothing else, which the protection of Atlantic or inland commerce may require, to be undertaken or provided for? Or, since these things are not within the estimates, if Congress should provide for them, is Congress to be reproached for its conduct, and made answerable for deficiences?

I repeat, sir, that the Executive Departments must well know that, for some of these objects, appropriations will of necessity be made; and I repeat, therefore, that it seems to me to have been their duty to have presented such a plan for receipt and expenditure, as should have embraced them, and provided for them. The amount, I agree, could not be well foreseen. But it must have been foreseen—it could not but have been foreseen —that something would be necessary; and yet the estimates make allowance for nothing.

There is, sir, in all these Executive communications, a constant repetition of sound general maxims about the importance of economy. I hope the virtue will be practised as well as preached. But in my opinion there is no just economy in refusing appropriations to important, necessary, and use ul public objects. Let economy begin by cutting off useless objects, and diminishing the expense of accomplishing such as are useful. Let us push its reform to the reduction of the cost of collecting the revenue. Let is take care of expenditures, by trusting the public moneys to honest hands. Let it reduce offices, wherever they can be reduced. In all these, and other like things, let it exert its salutary influence. But is the Cumberland road to stop from an impulse of economy? Are the lakes to be without harbors, from considerations of economy? Are important contingencies in public affairs not to be reasonably provided for, from reasons of economy? What sort of economy would that be?

Sir, I take that great public virtue, true economy, to consist, not in an undistinguishable neglect or refusal to appropriate money, but in a careful selection of important and necessary objects of expenditure, in the frugal application of means to accomplish these objects, and in enforcing an exact and punctual discharge of duty by every officer charged either with the collection of mon y, or with any expenditure, great or small. This is my idea of wise and practical economy, such as it becomes us to exercise, and such as the country will approve. But it is of little value, or no value at all, that Executive communications should rehearse to us general economical maxims, un'ess they show us what objects of expenditure may be disregarded, or in what other way savings may be made. And it would be especially edifying if these general admonitions should be accompanied and enforced by some striking and brilliant examples set by the Heads of Deparments themselves. I presume that no injustice towards Congress is intended, but I must say that in many of these communications there are things which seem calculated to assert great merit for economy in the Executive Departments, and which are but too well calculated to throw upon us an apparent want of that virtue. If it be required of Congres to keep its approbations within the estimates of the Departments, these Departments ought, in their estimates, to comprehend all objects which they know or have reason to believe Congress must provide for.

Mr. President, I do not know the opinions of other gentlemen, and speak only for myself, but my opinion is, that our existing provisions for revenue are not adequate. I am aware that one branch of expenditure, that of pensions, is rapidly decreasing; but others are quite likely to increase, and we all know what a fall in duties is to take place, in no great length of time. Looking to the many useful and important objects, which I think ought to engage the attention of Congress, it seems to me to be time that further provisions for income should be made. And we have the means at hand. There are articles of import on which we might, immediately, in my opinion, lay a considerable duty. The first of these is silks. The importation of this article is enormous. In 1839 it exceeded twenty-one millions of dollars. Think of that. An annual consumption of an untaxed imported article, of mere luxury, of twenty-one millions of dollars! Those silks clothe no poor man, nor his wife, nor his children. The whole use and consumption is by the affluent. Is there a fairer subject of import duty in the world? Our table is loaded with petitions on this subject, by those who are attempting the making of silk among ourselves. This, itself, is a good reason for taxing the imported article. But, as a subject of revenue, nothing can be fairer or more proper. Good would come every way from a duty on silk. Suppose the importation should be a little lessened by it; that would favor the efforts of our people, and obtain revenue also. Suppose the importation should hardly be diminished at all, as perhaps it might not be; then we should receive the more revenue, and should collect it on an article of the merest luxury. Sir, if such a measure could originate in this House, I would move, this hour, to bring in a bill laying a duty on imported silks.

The next article is wine. Wines were imported last year to an amount exceeding three millions of dollars. Why should not wines pay a duty? I know, that in regard to French wines, we are limited, by the treaty with France, until 1842. But still, within those limits, we might lay a considerable duty on the wines of France. But I should have no desire to lay duties on the red wines, or the cheaper wines, of France. Such wines are consumed, extensively, in the South and West, are suited to the habits of the people, and supposed to be suited also to the climate. Until more necessary than at present to tax them, they might be received untaxed. But other, and costly wines, such as are regarded as luxuries only, might well be subjected to a reasonable duty.

I would lay no duty on tea or coffee, because they are very generally used, have become in some degree necessaries of life, and contribute largely to promote comfort, temperance, and happiness among all classes. I may add that the general use of these articles is one of the most striking things wh ch distinguish the laboring classes of of this country from the same classes in other countries.

Such, sir, would be my resort, if I could have my own way, for revenues, such as are necessary for the support of Government.

As to the public lands, I have been, and still am, in favor of dividing their proceeds among the States, upon fair and equitable principles. Perhaps this should not be done till the census, which is to be taken this year, be finished; as that will then be the surest means of making a just and proper division; but, at a proper time, I am for the measure. In addition to other reasons which have been so often urged, it may be said, with force, that the income from this source is too unsteady and fluctuating to be relied on as an essential branch of public revenue. But a few years ago, it amounted to twenty-four millions. For this year, it is estimated but at three and a half. I should, therefore, assign this income to the State, whatever it might be, and rely for our revenue on those others sources which I have mentioned. In addition to silks and wines, there are some articles, called the protected articles, such as woollen fabrics, on which in my opinions, the duties ought to be raised. I would not hasten, indeed, the discussion of the general tariff question, but that question is now before us, not far off, and must soon be upon us.

Mr. President, our imports, the last year, reached the unprecedented amount of one hundred and fifty-seven millions of dollars, exceeding by nearly fifty millions the import of the year before. Yet even this seems not to satisfy us all. Public men appear to have ruling passions or strong tendencies of preference towards particular objects. It seems to me that our Government, and many of our people, have imbibed an extravagant and morbid love of importation. They seem to judge of the prosperity of the country, and the happiness of its people, exclusively by the quantities of foreign merchandise which they annually consume. With all respect, the President himself, I think, has feelings with this tendency. I find this paragraph in his last annual Message:

"Our people will not long be insensible to the extent of the burdens entailed upon them by the false system that has been operating on their sanguine, energetic, and industrious character; nor to the means necessary to extricate themselves from these embarrassments. The weight which presses upon a large portion of the people and the States is an enormous debt, foreign and domestic. The foreign debt of our States, corporations, and men of business, can scarcely be less than two hundred millions of dollars, requiring more than ten millions of dollars a year to pay the interest. This sum has to be paid out of the exports of the country, and must of necessity cut off imports to that extent, or plunge the country more deeply in debt from year to year. It is easy to see that the increase of this foreign debt must augment the annual demand on the exports to pay the interest, and to the same extent diminish the imports; and in proportion to the enlargement of the foreign debt, and the consequent increase of interests, must be the decrease of the import trade. In lieu of the comforts which it now brings us, we might have our gigantic banking institutions, and splendid, but in many instances profitless, railroads and canals, absorbing to a great extent, in interest upon the capital borrowed to construct them, the surplus fruits of national industry for years to come, and securing to posterity no adequate return for the comforts which the labors of their lands might otherwise have secured."

Now, sir, I would ask most respecfully whether any one can mention any railroad or canal more profitless to the country than this enormous importation of foreign luxuries? Or, I would ask, what those imported comforts are, of which we get so much less than we ought to desire? Does our comfort require a greater importation of silks or wines? Or should we be better off by adding to the six or eight millions or imported woollen fabrics further to depress and distress our own manufactures? Or is the aggregate of one hundred and fifty-seven million of dollars, of imported merchandise, not enough, on the whole, to satisfy our eager appetite

for foreign productions? Inasmuch as we lay and collect no duties on silks and wines, we are likely to fall short of sufficient revenue; inasmuch as we are likely to fall short of revenue, we refuse all appropriations to the Cumberland road, and to harbors on the lakes. It would seem to follow, from this, that we deem silks and wines more a necessity of life than a good road through a new country, or ports and havens, in which ships, employed in useful commerce, can take shelter for the preservation of lives and property.

Mr. President, it is remarkable, that this spirit for importation should become so strong, just when our own occupations and employments are most depressed. The cotton manufactures, practically, are in a worse state than they have been for twenty years. It is supposed that at least one-half the woollen machinery in the United States has ceased to work, and many of the establishments might be purchased at one-third their cost. The iron trade and the coal trade suffer with the rest. If the condition of Eastern and Northern manufactures be as I have stated, I doubt whether one would receive much more favorable accounts, if he were to inquire into the condition of trade and business, at Pittsburgh, at Wheeling, or at Cincinnati.

Under the circumstances of the country, sir, I confess I do not comprehend how any man should desire to see a greater importation of foreign commodities.

The Secretary of the Treasury expresses sentiments, if not entirely like those which I have been considering, yet such as seem to belong to the same general system of policy. He says, in his annual report:

"Should the States not speedily suspend more of their undertakings, which are unproductive, but, by new loans or otherwise, find means to employ armies of laborers in consuming rather than raising crops, and should prices thus continue in many cases to be unnaturally inflated, as they have been of late years, in the face of a contracting currency, the effect of it on our finances will be still more to lessen exports, and, consequently, the prosperity and revenue of our foreign trade."

Foreign trade is here presented as the prominent object of national pursuit, and a reduction of prices at home clearly intimated as a measure of reform. These armies of laborers now employed on public works, it is here distinctly recommended, instead of thus consuming crops, should go to raising them. This, I think, is rather cold comfort, at the present prices of agricultural products.

Gentlemen around me know the prices at which wheat and flour are selling in the Northwestern States, and in Pennsylvania and New York. Carolina corn, I notice, is selling in Boston for fifty cents a bushel. I doubt whether any of the producers think these prices unnaturally inflated, or whether they will warmly sympathize with the Secretary in the opinion that there ought to be further reduction.

Mr. President, my own opinion of our condition and of our true policy is quite different from all this. I hope the States will be able to go on, and that they will go on, with their public works, unless in cases where the objects are plainly beyond the ability of the State. I hope they will keep good heart, use the strictest economy, persevere, and not lose the benefit of all they have done already.

I am for bringing about no reduction in the price of labor. On the other hand, I regard of high rates of labor as the surest of all proofs of general prosperity.

I have no desire to see a greater or a more unrestrained importation of foreign goods.

On the contrary, I am for laying a tax on imported luxuries, thus securing an adequate revenue to Government.

And with this revenue I am for defraying the ordinary expenses of Government, making reasonable provisions for unexpected contingencies, and for accomplishing important and useful works, for which we have been so much solicited, and which, in my opinion, the several parts of the country have a right to call on us not longer to neglect.

REMARKS OF MR. NORVELL,
OF MICHIGAN.

In Senate, Monday, March 24, 1840.—In Executive session, on the treaty with the New York Indians.

Mr. NORVELL briefly addressed the Senate: My honorable friend, said he, from Arkansas [Mr. SEVIER] is a candid man; but, with all his frankness, he is a great tactician in legislation. The conclusion of his speech upon this subject demonstrates the skill and address which he can bring into a debate in which his feelings and his judgment are enlisted. That Senator has very adroitly maintained that the sanction of this treaty involves the assumption of a State debt; and he has invoked the Senators who are opposed to the principle of assumption to resist every effort to carry the treaty into effect. I thought that I perceived the captivating impression which this argument made upon the mind of my distinguished friend from South Carolina, [Mr. CALHOUN.] This led me into an examination of its soundness. Sir, the argument has no foundation to sustain it. The treaty contains not the remotest bearing to justify the allegation that it assumes or pays a State debt. The simple provision of the treaty is, that, for the sum of four hundred thousand dollars, to be paid very gradually by the United States, the Seneca and other tribes of Indians resident in New York agree to leave their abodes in that State, and to remove west of the Mississippi, near the location of the Indians who have been removed to the same quarter from other parts of the Union. They surrender to the United States, in consideration of that sum, and of the grant to them of lands for their new homes, about four hundred and thirty-five thousand acres of rich and valuable land near the Fox river, a little above Green Bay, in the Territory of Wiskonsin. This property will more than reimburse the sum to be paid to the New York Indians under the treaty now before the Senate; and the sales of those lands will probably be effected before the money will be drawn from the Treasury in accordance with the provisions of the treaty. It is idle to say that the New York Indians have no claim to that land. Legally and technically, perhaps, they have not; but you will never take it from them. You will never, badly as you have always maintained your faith with the aborigines, so far forget all the principles of equity, all the feelings of humanity, as to divest the New York tribes of their Green Bay possessions, without granting to them, either in money or other lands, a fair equivalent.

But, sir, has the State of New York come here to ask you to assume any debt for her? Has she contracted any debt with these Indians? Is not this treaty your own act? Did she solicit you to make it? Sir, you have yourselves voluntarily treated with these Indians. You have pledged your faith to them. It is too late for my friend from Arkansas to object to this treaty, on the ground that it is a State affair. He himself, as a member of the Indian Committee, helped to bring in and supported, at the last session, the amended treaty now before you again. He has sanctioned, by his own act, the proceedings of this Government on this subject. He has drawn the Senate into this matter. He has foreclosed himself from the objection that this is a State interest. But, sir, suppose it to be so: has New York no right to expect your favorable regard? Did she not cede to you all her territorial claims in the Northwest at a trying crisis? Did you not, impliedly at least, guaranty to her, in accepting this cession, the clear and undisputed jurisdiction and sovereignty over all the territory which she reserved to herself within the limits of the State as she defined them? And what else, sir, has she done? By the construction of her great canal, connecting the Western waters with the waters of the Atlantic, she has opened a boundless market to your commerce. She has opened a market equally boundless for the sale of your public domain, West and Northwest of her limits. Besides, sir, the whole policy of the country has been to subject the Indians, the extinction of their titles to lands within the States and Territories of the Union, their removal, and their protection, to the direction and control of the Federal Government.

But the honorable Senator has discovered that the signatures to this treaty have been obtained by bribery and corruption. Sir, has not your whole system of Indian relations been marked by the same species of fraud, bribery and corruption, if you choose to call them so? Have you not always had to make presents of money and goods to their chiefs, at every treaty, in every treaty, which you have ever made with them? Sir, you sent your negotiators to make the original treaty with these Senecas. They agreed to its terms. It was brought here for ratification. You took the liberty to change its whole character. You gave them, without their previous consent, this amended treaty. You took from several of the chiefs the sums of money which, by the original treaty, you stipulated to pay to them. In consequence of this act, this breach of faith on your part, some of these chiefs have refused to affix their signatures to your amended treaty. They had signed the first treaty. You did not fairly and honestly ratify that treaty. And now, sir, having forced an amended treaty upon them, you complain that a majority of signatures have been unfairly obtained to it. You complain that bribery has purchased many of these signatures.

What is it, but the most splendid bribes, that induced the Cherokees and other southern tribes to remove west of the Mississippi? Sir, you had to pay John Ross one million of dollars to induce him to remove his part of the nation. To be sure, the money was given to him on the pretext of defraying his expenses in their removal. But it was a bribe on the largest scale. Millions have been paid to get rid of the Indians in the Southern States. And yet you talk of fraud, of bribery, and corruption, to a paltry amount, to induce the New York Indians to go where their nation may be preserved for ages.

In the acquisition of territory, money or violence must always be used. What, but money, acquired Louisiana for us? A brilliant bribe, paid to Napoleon, gave us that immense and valuable country. But for that, sir, we should never have had the pleasure of sitting in this hall with the Senators from Louisiana and Missouri. The same, sir, has occurred with regard to Florida. We paid to Spain a great bribe for that territory. We not only bribed her with money, but we surrendered, in the bargain, the province of Texas, a part of Louisiana, and a much more invaluable country than Florida. But this, according to the new fangled doctrine, was all fraud, bribery, and corruption! This virtuous indignation at bribery comes too late. You have swallowed the camel; do not strain at the gnat.

The sinister efforts perseveringly made by interested individuals, to prevent the Seneca chiefs from affixing their signatures to the amended treaty, and to induce those who have signed, to retract; the bribery which has been practised for that purpose; missionary and other foreign influences, so impertinently exerted to defeat this treaty, abound in the documents confidentially printed for our use. As much may be said against the conduct of the parties on the one side as the other. We have only, therefore, to look at the whole subject as the treaty itself presents it to us, without regard to the crimination and recrimination which have created all the difficulties in the case. We have only to inquire whether this amended treaty, having already been ratified by the Senate, has received the concurrence of a majority of the Seneca chiefs, and should by the President be carried into effect? He has submitted the matter to us for our judgment and advice.

It has been contended, that a majority of the Seneca chiefs must have signed the treaty in council before it can be considered as ratified on their part. Sir, this argument is not sustained by the resolution of ratification adopted by the Senate. The other New York tribes are admitted to have duly ratified the treaty. What says that resolution? It declares that the treaty shall have no force or effect, until the same, with the proposed amendments, *is submitted, and fully and fairly explained, to each of the tribes or bands, separately assembled in council,* "and they have given their free and voluntary assent thereto." Where, sir, must they have given their free and voluntary assent to the treaty? Surely, not necessarily in council, but any and every where, at whatsoever place they might choose to select for the purpose of affixing their signatures to the instrument. The amended treaty must have been submitted, fully and fairly explained to the Indians in council; but their assent to it could be given any where. This construction of the resolu-

tion is fortified, as regards the Senecas and other tribes, by the first resolution adopted by the Senate at the same time, which requires that the chiefs and headmen of the St. Regis Indians *should in general council accept and adopt the treaty as modified.* Here it was necessary that the St. Regis tribe should accept and adopt the amended treaty in general council. The other tribes were simply to have the amended treaty submitted, fully and fairly explained to them in council, and then afterwards, or at the time, as they might elect, give their assent to it. It is admitted that a majority, that forty-four out of about eighty of the chiefs, did actually sign the amended treaty. The testimony of Captain Pollard, a distinguished Seneca chief, confirms this fact, the only one necessary to give effect and validity to the amended treaty. Of this chief the United States Commissioner, appointed to negotiate the treaty, states that, "for bravery in war, wisdom in council, and honesty and integrity in all the transactions of life, Captain Pollard has no superior among the New York Indians, and probably not in any of the tribes on the continent." This Seneca chief, so brave, so wise, with such honesty and integrity of character, says, "We have resolved to go West, and settle where our homes will be our own, and where we shall be beyond the example and advice of bad men, who advise us for their own interest. They love their own interest better than they love us, and they have tried to prevent our agreeing to the amendments to our treaty. *A majority of the Seneca chiefs have now signed the assent. That is sufficient.*" Strong, a young Seneca chief, well educated, and highly respected by his tribe, states in substance, that the amended treaty was assented to by only one chief less than the number by which the original treaty was made; that six of the eight principal sachems have signed the treaty, and that nearly all the chiefs would have cheerfully given their assents, had it not been for the conduct of certain white men, and the danger they apprehended from the party of a few chiefs, adverse to a change. Gen. Dearborn, the Massachusetts Commissioner, states substantially the same facts.

Sir, by our resolution of the last session, the ratification of this amended treaty was to be proclaimed, whenever the President should be satisfied that the assent of a majority of the chiefs had been given to it. I know, for myself, that I voted for that resolution under the impression that it was not necessary that such assent should be given in council, but in any way which should satisfy the President that it had been given by a majority. I am prepared, therefore, to vote that the requisite assent has been given by a majority of the chiefs, and that the President ought to proclaim the ratification of the treaty. It is essential to the perpetuation and prosperity of these Indian tribes, and to the welfare of Western New York, that this treaty should be carried into effect, and that they should remove west of the Mississippi. There can be no less objection to all this, because such of the Indians as do not desire a removal can remain where they are for life. And I consider it a futile difficulty to say that the treaty ought not to be proclaimed, because a majority of chiefs have not assented to it, when at least two or three much more important treaties have, under similar circumstances, been carried into effect, and when, after all, we compel the Indians to do, upon all occasions, exactly as we choose to dictate to them.

SPEECH OF MR. ALLEN,
OF OHIO.

In Senate, Tuesday, February 11, 1840—On the report of the Select Committee in relation to the assumption by the Federal Government of the debts of the States.

Shall the Federal Government depart from the sphere of its limited powers—shall it intrude into the local jurisdiction of the States—assume the duties of State legislation—tax the people for objects of State concern—shall it thus eventually abolish the State Governments, and itself settle down into one consolidated empire? This, Mr. President, no less than this, is the question presented, negatively, by the pending resolutions, and affirmatively by the substitute proposed. It is the same fundamental question which, at the beginning of the Government, divided this nation into two great parties, impressed upon them an enduring cast, fixed their principles, and has ever pointed the course of all their measures. Thus far has the great struggle involving the ultimate form of our institutions, already progressed; and although our history has been brief, we are now approaching that juncture in our affairs, when strife must speedily terminate in decision. For, sir, by the powerful impulse with which the whole system of civilization is now driven onward, changes more thorough are wrought in governments within a single life time, than centuries could effect, before this era of furious activity. And hence it is that our Constitution, though on the fourth of the ensuing month it will have subsisted but fifty-one years, has even now developed all its latent principles, whether of harmony or of discord, of consolidation or of disunion; whilst, in the mean time, the population has swelled to a magnitude, and stretched over a circuit sufficiently large, to comprehend all the diversity of interests likely hereafter to provoke dissensions. As to these things, therefore, the future has no secrets to disclose. The present generation have now before them all the data essential to the discussion of the question, shall the Union of these States continue as it is, or shall the States sink into a common empire, exposing the people to the hazard of despotism?

Sir, there is no truth, calculated to shed over a generous heart a deeper melancholy than the fact, that, of all objects yet undertaken by the faculties of man, the solid establishment of free institutions has been found the most difficult. The human mind, in its pride and in its glory, ranges through the whole frame of nature, discerns with certainty the laws which hold the members of the planetary world to their appropriate limits, protecting each against the encroachments of the other; and yet, in its utmost efforts, it has been unable to discover like rules of human conduct, to effect the same results between man and man. Most of revolutions have been but changes in the forms of oppression. For there is, in its principle, an elasticity adapting it to every new condition of things, in spite of all the precautions suggested by experience. If driven from the external forms of government by the positive enactments of the fundamental law, it soon reappears in the interior of the social community, and employs that law, the very safeguard provided against it, to protect itself in wrong and outrage upon the people. Nor, sir, do I speak thus without motive; for, in all I have this day to urge, it shall be my object to illustrate this truth I have stated, not by abstractions barren of results, but by the actual progress of events and the present state of affairs in our country.

And now, to begin at the primeval source of these events, where is it to be found? Not in our own history, but in that of our English ancestors; for we are still linked to that country by a chain of social dependencies, although that of our colonial bondage has long been broken.

In the first place, then, the British revolution of sixteen hundred and eighty-eight, which resulted in the expulsion of James the Second, and the coronation of the Prince of Orange, as William the Third, was finally consummated by a solemn compact between the new monarch and the people. He held the throne neither by inheritance nor as victor. By this adjustment of the Constitution, the *jure divino* right of kings was, as a principle, expressly denied—the ultimate authority of the nation fully recognised—the regal prerogative of levying money, hitherto assumed, torn from the the crown—that power acknowledged to abide alone in Parliament, and the protection of the citizen made the condition of his obedience. Such were the guarantees which Englishmen thought they had obtained, after so many years and scenes of civil war. And why should they not so think? Could they have supposed that a monarch, just called to a throne made vacant by the usurpations of his predecessors, would himself begin with the repetition of crimes so fatal to them? No. The eyes of the nation were therefore turned to Parliament, as the only source of law; and to law, as the sole authority to prescribe the amount and apportionment of the public burdens. They thought of taxes in no other form; they apprehended oppression from no other quarter. But the Prince of Orange was not an Englishman by nativity or affections. His views and feelings were upon the continent. Without sympathies with the isle of his adoption—as a man, brave and sagacious in battle and in the cabinet—ever, and every where, inflexible of purpose—cold, abstracted, collected within himself—ambition domineered in his heart, to the exclusion of all other passions. He came to the throne by invitation, and seems to have thought that less a favor to him than his acceptance a favor to the nation. Regardless, therefore, as it soon appeared, of a compact that trammelled his will, it became the first of his objects to regain the lost prerogatives of the crown, and, first of all, that which brought all others with it—the power to levy exactions, at pleasure, upon the people. His schemes required money—more than he dared to demand, or Parliament to supply; for Parliament was bound to respect the forms of the Constitution, and he the forms of Parliament. Yet even these difficulties in his way, so far from restraining the desires of the Prince, served but to disclose the fearful secret, that the wants of ambition will ever suggest the means of their own gratification. There stood the compact, guarded by all the terrors of a recent revolution; and now, sir, it is to be seen by what process he obtained his object, and the consequences of his success, not to that country alone, but likewise to *this*.

But, first of all, it becomes important to observe, that of all the modes of levying contributions upon the people, borrowing is the most dangerous and oppressive. In this form, the community are taxed in anticipation—not by law, but by contract. The weight of interest is thus added to the burden of the principal, whilst every check upon Government, in its application, is withdrawn, inasmuch as the present benefit resulting from the immediate use of money obscures the remote oppression its payment may occasion. Thus it is, that public debt is augmented without control. Thus it is, therefore, that each generation struggles, not to diminish, but to roll on, the increasing burden upon its successor; and thus it is too, that despotism, in silence and security, fastens its grasp upon the people, because each additional loan obtained upon the public credit, strengthens the hand which receives, and enfeebles that which contributes.

It was, then, to this form of the taxing power—the power to borrow, at pleasure, to an indefinite amount, upon the pledged property and labor of his subjects, that the King resorted, to reinstate the crown in its former plenitude of prerogative. But to this end, it was necessary first to create a fund to be borrowed. How was this to be done? It could be effected in no other way, than by making it the interest of one class of his subjects to unite with the throne in the plunder of the others. For this purpose, the money capitalists were the only class to whom the sovereign could appeal. But inasmuch as that class had already suffered by advances made to Government, in the recent convulsions of the State, some equivalent beyond ordinary indemnity, could alone induce them to renew those advances. That equivalent was ready. It was nothing less than an absolute power conferred upon them, as a company, over the whole currency of the country; a power to substitute, for a metallic medium, valuable in itself and therefore capable of being the standard of all other values, a paper circulation of the company's promissory notes, in themselves valueless, and for that very reason incapable of measuring the value of any thing else. This power was conferred, and this change in the currency effected, in sixteen hundred and ninety-four, the sixth year of that monarch's reign, by the charter of the *Bank of England*.

And thus, for the first time in the world's history, were the due bills of an incorporated company forced, by Government, as money, upon a nation. For the first time, were the property and labor of an entire people thus placed under the absolute control of a company; and thus, for the first time, was

a counter revolution accomplished in Government itself, by a revolution in the currency—a revolution which, as far as Great Britain and the United States are concerned, has struck more profoundly into society—spread its effects more widely through all the minutest relations of life, than any other event of modern times. Yes, effects, of which, as I shall attempt to show, the matter of our deliberations this day are but the dreadful manifestations. For here, sir, it is that we are to look for the beginning of that succession of events, which has already imposed a debt of four thousand millions of dollars upon Great Britain, and enabled her to to throw two hundred million of the amount upon the States of this Union.

But in order to comprehend all the consequences, both social and political, resulting from the creation of the first English bank, it becomes essential to know the circumstances attending the transaction, as well as the motives and reasons. To these the British historian himself shall speak; and here I ask the strictest attention, that all may judge, whether, in our own history, there has any thing of a like character occurred:

"The scheme was founded (says Mr. Smollett) on the notion of a *transferrable fund, and a circulation by bill on the credit of a large capital.* Forty merchants subscribed to the amount of five hundred thousand pounds, as a fund of ready money, *to circulate one million at eight per cent. to be lent to the Government;* and *even this fund* of ready money bore the *same interest. When it was properly digested in the Cabinet, and a majority in Parliament secured for its reception, the undertakers for the court introduced it into the House of Commons, and expatiated upon the national advantages that would accrue from such a measure.* They said it would rescue the nation out of the hands of extortioners and usurers, lower interest, raise the value of land, revive and establish public credit, *extend circulation, consequently improve commerce, facilitate the annual supplies, and connect the people the more closely with the Government.* The project was violently opposed by a strong party, who affirmed that it *would become a monopoly, and engross the whole money of the kingdom; that, as it must infallibly be subservient to Government views, it might be employed to the worst purposes of arbitrary power; that instead of assisting, it would weaken commerce, by tempting people to withdraw their money from trade, and employ it in stockjobbing; that it would produce a swarm of brokers and jobbers, to prey upon their fellow creatures; encourage fraud and gaming, and further corrupt the morals of the nation.* Notwithstanding these objections, the bill made its way through the two Houses, establishing the funds for the security and advantage of the subscribers; *empowering their Majesties to incorporate them by the name of the Governor and Company of the Bank of England,* under a proviso, that at any time after the first day of August, in the year one thousand seven hundred and five, upon a year's notice, and the repayment of the twelve hundred thousand pounds, the said corporation should cease and determine. The bill likewise contained clauses of appropriation for the service of the public. The whole subscription was filled in ten days after its being opened; and the court of directors completed the payment before the expiration of the time prescribed by the act, although they did not call in more than seven hundred and twenty thousand pounds of the money subscribed."

Here, then, was the first entrance into the world of the banking system, as a source of paper currency. And mark the attendant incidents. In the first place, it commenced in the creation of a public debt, ever to be increased—never extinguished, but by the extinction of the Government itself. In the next place, it began with the corruption of the legislative power; for after being planned by ministers in the cabinet, it was withheld from Parliament, in order that the King might corrupt a majority to its support, before exposing it to the eyes of the public. And then, above all, mark the reasons assigned for the measure: "It would connect the people more closely with the Government." Yes; bind them more firmly within the spell of the throne—render them more tractable—less rebellious to oppression.

But what were the reasons urged against it by the patriots of the day? That it would become a monopoly—engross the whole money of the country—subserve the views of arbitrary power—strengthen the crown against the people—withdraw money from trade—produce swarms of brokers and jobbers to prey upon their fellow men—engender fraud—encourage gambling, and corrupt the general morals. And who so lost to truth—so insensible to crime, as to deny that those fears have been realized? There can be none.

But what, sir, is this I have said and described? Does it relate to the first Bank of England, or to the first *Bank of the United States*? Where, in the world's history, are two events to be found, more identical in all their incidents—their reasons—their consequences?

The capital stock, consisting as it did, exclusively of Government bonds for near five millions of dollars, advanced by the company to the king; the bank began to loan its promissory notes, issued as a currency, upon the sole security of the bonds, themselves but the evidence of debt. In this manner it was that, whilst the institution, with one hand, drew interest, through the Government, from the people, on the debt itself, with the other it drew interest from them, on its own due bills, issued upon the pledge of the debt. The value of a stock thus yielding, as it did, a twofold profit, invited, of course, all capitalists to make additional investments. From time to time, therefore, was the capital of the bank increased, its charter extended, and its powers enlarged, by acts of Parliament, obtained through the influence of the king, that the institution might be able to make still further advances to him, as often as his schemes of ambition required them. Thus, by the repetition of the same process through a succession of years, the whole moneyed wealth of the empire became eventually drawn within the common reservoir of the bank, and arrayed as a distinct interest, against every other species of property—against the landed and the laboring classes, on whom, by its discounts and circulation, the institution levied an enormous tribute. And thus, too, by this concentration of power in the bank, and its coalition with the king, he was enabled to employ the institution, instead of Parliament, for all the purposes of taxation. The process was plain. When money was to be raised, instead of resorting to the constitutional mode of assessment by law the monarch, had but to apply to the bank in the first instance, and with the means thence obtained, prevail, by corruption, on Parliament, to provide for the payment of the interest. By each successive operation thus augmenting the public debt; the burden of its interest; the capital, powers and profits of the bank; strengthening its connection with the king; increasing his influence over Parliament; diminishing that of the landed and laboring classes in the Government, and concentrating all power in the joint possession of the bank and the throne. I say, sir, the bank and the throne; for as to the two Houses of Parliament, they had, by this state of things, been rendered so notoriously corrupt, as to justify Mr. Walpole, at an after day, in laying it down as an axiom, applicable to English statesmen, that "every man has his price." And now, sir, for the results to that nation, of this paper banking system. A public debt of four thousand million of dollars; taxes intolerable; an inequality of property and condition, ruinous in the extreme; a resulting aggregate of human misery, so wide and intense, as to leave one-fourth of the population, and that the most laborious, with scarcely a shelter by night, without the certainty of daily bread on the morrow—misery driving them on from insurrection to insurrection, for means of appeasing the cravings of nature. Four thousand millions of debt, still accumulating, notwithstanding the enormous tribute annually drawn from an hundred millions of her East Indian subjects; drawn by the torch and the sword; by robbery and murder, by the devastation of the oldest and richest country of the globe; drawn, sir, by a system of complicated and exquisite cruelty, which Attila, at head of his Huns, or Tamerlane, with his Tartars, would have blushed to commit—cruelty reserved for Clive and Hastings—cruelty, at the bare recital of which, by Burke and Sheridan, all England shrieked with compunctious horror—still there stands the debt, undiminished; and that too, although British rapacity, insatiate by the plunder of India, has stretched to a neighboring isle its blighting hand—snatched the last bread from his lips—torn the last rag from the naked limbs of the famished Irishman—undiminished still stands the debt, although generation after generation of her own infant children are worked in factories to the very extremity of life. Yes, notwithstanding these crimes of inhuman enormity—this infant toil amounting to torture—there stands the debt! and England, with her exterior grandeur, her splendid throne, her nobility, her navy, commerce, and colonies, presents the melancholy image of a hospital, whose surrounding colonnade of architectural beauty serves but to mock the sobs of affliction—the cries of despair within.

These, sir, are the direful consequences inflicted by the paper system upon that country, and threatened to this. But when, how, by whose agency, and for what reasons, was it affixed to our soil? Who gave it a lodgement in this Government? The Anglo-Federal party of the United States. From their hands it received life and nutriment; and by them, from the beginning to the present moment, has it been sustained and defended in all its ravages upon the people—in all its tendencies to the destruction of the Government. These were the men; but what were their motives for introducing it? To know them, their principles must be known; and here again it becomes essential—first, to know what were the principles of their founder. For of parties, it is no less true than of Governments, that, at the beginning, they take their principles from the men who lead; and, afterwards, the leading men take theirs from the parties. Who, then, was the founder of that party, and what his principles? Alexander Hamilton was the man. It was he—a man whose mind, of the second order, had been cast in an English mould; was he who founded the party, who prescribed to his followers a class of principles and a line of policy, now and ever cherished by them with all the zeal of fanaticism. But what principles were they? What his scheme of measures to give them effect? These questions he shall answer for himself. Nor shall I do him the injustice to cite his language, incautiously used, on an occasion affording no reason for deliberation and care. No. But language, uttered under the most solemn responsibility that man can incur, the responsibility of organizing the Government of a nation. These, then, were the principles laid down by General Hamilton, and prescribed to his party, in the debate on the adoption of the Federal Constitution, on the nineteenth of June, seventeen hundred and eighty-seven. Thus he spoke:

"My situation is disagreeable, but it would be criminal not to come forward on a question of such magnitude. I have well considered the subject, and *am convinced that no amendment of the Confederation can answer the purpose of a good Government so long as State sovereignties do, in any shape, exist.*"

Again, on the same occasion, he declared:

"*I believe the British Government forms the best model the world ever produced, and such has been its progress in the minds of the many, that this truth gradually gains ground.* This Government has for its object *public strength and individual security. It is said with us to be unattainable. If it was once formed it would maintain itself. All communities divide themselves into the few and the many. The first are the rich and well born, the other the mass of the people.* The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the first class a distinct, permanent share in the Government. They will check the unsteadiness of the second, and as they cannot receive any advantage by a change, they, therefore, will ever maintain a good Government. Can a Democratic assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of Democracy. Their turbulent and uncontrolling disposition requires checks. The Senate of New York, although chosen for four years, we have found to be inefficient. Will, on the Virginia plan, a continuance of seven years do it? It is admitted that you cannot have a good Executive upon a Democratic plan. See the excellency of the British Executive. He is placed above temptation—he can have no distinct interests from the public welfare. Nothing short of such an Executive can be efficient."

And, in the same speech, proceeding to give his plan of Government, he said:

"*Let one body of the Legislature be constituted during good behavior or life.*

Let one Executive be appointed who dares execute his powers.

It may be asked, is this a Republican system? It is strictly so, as long as they remain elective.

And let me observe, that an *Executive is less dangerous to the liberties of the people when in office during life, than for seven years.*

It may be said this constitutes an *elective monarchy?* Pray, what is a monarchy? May not the Governors of the several States be considered in that light? But by making the Executive subject to impeachment, the term monarchy cannot apply. *These elective monarchs have produced tumults in Rome, and are equally dangerous to peace in Poland;* but this cannot apply to the mode in which I would propose the election. Let electors be appointed in each of the States to elect the Executive. [*Here* Mr. H. *produced his plan*]—to consist of *two branches; and I would give them the unlimited power of passing all laws* without *exception.* The Assembly to be elected for three years, by the people in districts. The Senate to be elected by electors to be chosen for that purpose by the people, *and to remain in office during life. The Executive to have the power of negativing all laws; to make war or peace with the advice of the Senate; to make treaties with their advice,* but to have the sole direction of all military

operations, and to send ambassadors and appoint all military officers, and to pardon all offenders, treason excepted, unless by advice of the Senate. On his death or removal, the President of the Senate to officiate, with the same powers, until another is elected. Supreme judicial officers to be appointed by the Executive and the Senate. The Legislature to appoint courts in each State, so as to make the State Governments unnecessary to it.

All State laws to be absolutely void, which contravene the general laws. An officer to be appointed in each State to have a negative on all State laws. All the militia and the appointment of officers to be under the National Government."

On the twenty-second of the same month, still intent upon his object, and, as if fearful that he had not yet been distinctly understood, he proceeded to say that,

"In all general questions which become the subjects of discussion there are always some truths mixed with falsehoods. I confess there is danger where men is capable of holding two offices. Take mankind in general, they are vicious—their passions may be operated upon. We have been taught to reprobate the danger of influence in the British Government, without duly reflecting how far it was necessary to support a good Government. We have taken up many ideas upon trust, and at last, pleased with our own opinions, establish them as undoubted truths. Hume's opinion of the British Constitution confirms the remark that there is always a body of firm patriots, who often shake a corrupt administration. Take mankind as they are, and what are they governed by? Their passions. There may be in every Government a few choice spirits, who may act from more worthy motives. One great error is, that we suppose mankind more honest than they are. Our prevailing passions are ambition and interest; and it will ever be the duty of a wise Government to avail itself of these passions, in order to make them subservient to the public good—for these ever induce us to action."

Yes: here, in language the most explicit, under responsibilities the most solemn, did the founder of the Anglo-Federal party pronounce the American people incapable of a Democratic Government of equal freedom. Here did he declare that they were not sufficiently honest—that they were vicious—governed by their passions, turbulent, changing, incompetent to judge or determine aright; that they, as all mankind, were naturally divided into two classes, the few and the many, the rich and the well born on the one side, the great mass, the poor, on the other; that the first of these classes should, therefore, control the Government, in order to check the turbulence of the second. For these reasons it was, as he boldly declared, that he preferred the English form of Government, with all its abuses, with its throne, its nobility, its union of church and State, its standing armies, banking system, its organized corruption, its enormous debt, its ruinous taxes, its opulence of the few, its pauperism of the many. It was for these reasons that he pronounced such a Government "the best model the world ever produced." For these reasons it was that he thought a like Government, if once established over our people, would possess power to maintain itself against their folly and turbulence. And therefore it was, entertaining these principles and opinions, that he proposed, in full convention, to establish, as far as practicable, the same system here, by abolishing the State Governments, and creating a Senate and an Executive for life, armed with all the powers of the King and Lords of Great Britain.

Such were the principles and views openly avowed by the founder of the party. And who can doubt that it was this manifest danger to public liberty, from the very presence of such a party in the country, which prompted the controlling majority of patriots to provide those safeguards in the Constitution against the indirect means to which that party might, in future, resort to accomplish their object? What were those safeguards? That the Federal Government, in all its departments, should originate with the people—be responsible to them—that its powers should be few, and those distinctly expressed, and cautiously guarded—that the general mass of power should remain in the States or the people—that certain rights of men, deemed more essential to liberty, should abide with them, as sacred and inviolable, by either the State or the Federal Government—that no titles of nobility should be granted—that no State should issue bills of credit, coin money, or make any thing but gold and silver a legal tender. These were the safeguards; and, above all, were those provisions so intended which relate to the currency; for, sir, the patriots of the convention knew full well what had been the political and social effects of the paper banking system in England. They knew the desires of the Anglo Federal party here; and, knowing these, could they for a moment doubt what effects would be wrought upon our Government by such a system, in the hands of such a party? But what precautions ever yet proved infallible against the prompting of insidious ambition? None. And here, sir, we have no example—a fatal example, of what I begun with stating—that there is, in the principle of oppression, an elasticity adapting it to every new condition of things, and that, if excluded from the forms of government by the fundamental law, it nevertheless takes its stand in the interior of the social community, and perverts that very law to its own defence, against the resistance of the people. And now mark the illustration of the fact, in the hurried, silent, insidious process by which the British banking system was transplanted into this Government—transplanted, not only in violation of all the constitutional safeguards intended to exclude it, but under the auspices and guarantee of the Constitution itself. Mark, too, the exact resemblance of every incident attending the origin of the Bank of England? And why? Because the author of its introduction here was but an imitator—had made the model of the British Government—("the best model the world had ever produced")—had made that, and the history of British abuses, the chief and favored objects of his study—because he had proposed that model in the convention—had been defeated there—still deemed it practicable—and saw that it could only be introduced by first introducing the paper system, upon which it rested in England.

What were the facts? This Government went into operation by the meeting of the first Congress, under the Constitution, on the fourth of March, seventeen hundred and eighty-nine. On the thirty-first of July, of the same year, the act to regulate the collection of duties was passed, and its thirteenth section provided:

"That the duties and fees to be collected by virtue of this act, *shall be received in gold and silver coin only*, at the following rates, that is to say: the gold coins of France, England, Spain, and Portugal, and all other gold coins of equal fineness, at eighty-nine cents for every pennyweight. The Mexican dollar, at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; and all other silver coins of equal fineness, at one dollar and eleven cents per ounce.'

Here, then, the whole revenue was to be received in gold and silver coin *only*. Such was the positive law of the land, passed in strict conformity to the Constitution. Thus, therefore, was the Government fairly launched upon the deep of time, without the beating of a wave or a wind to bear it from the course of its intended destiny. As yet, all was well; and so continued. But how long? To this question I will, in a moment, read the fatal answer.

On the second of September, of the same year, the act to establish the Treasury Department was passed, and on the eleventh of the same month, General Hamilton was appointed to that Department. Now mark the immediate consequences. On the twenty-second of that very month, he, as Secretary of the Treasury, issued to the collectors of the revenue an order in these words:

"TREASURY DEPARTMENT,
September 22, 1789.

SIR: In consequence of arrangements lately taken with the Bank of North America and the Bank of New York, for the accommodation of the Government, I am to inform you that it is my desire that the notes of those banks, payable either on demand or at no longer period than thirty days after their respective dates, should be received in payment of the duties, as equivalent to gold and silver, and that they will be received from you as such by the Treasurer of the United States.

This measure, besides the immediate accommodation to which it has reference, will facilitate remittances from the several States, without drawing away their specie; an advantage in every view important.

I shall cause you shortly to be furnished with such indications of the genuine notes as will serve to guard you against counterfeits, and shall direct the manner of remitting them. In the mean time, and until further orders, you will please to receive them, transmitting to me a weekly account of your receipts and payments.

The Treasurer of the United States will probably have occasion to draw upon you for part of the compensation of the members of Congress from your State.

These drafts you will also receive in payment of the duties, or in exchange for any specie arising from them which shall have come to your hand.

I am, sir, your obedient servant,
ALEXANDER HAMILTON,
Secretary of the Treasury.

OTHO H. WILLIAMS, Esq.
Collector of the Customs for Baltimore, Md."

Thus, whilst the law of the land commanded, in the most explicit words, that the revenue should be "*received in gold and silver coin only*," the Secretary of the Treasury makes arrangements with banks, neither known or recognised to exist by the Constitution or laws of this Government; agrees to receive the whole revenue in their promissory notes, even though not payable on demand, and orders the collectors so to receive them. This he did by this fatal order, promulgated on the *eleventh* day after his appointment to office, on the *fifty-third* day after the passage of the revenue law, in the very presence of the Congress which passed it, still in session; and in utter contempt, equally of the Constitution, the law, and the law making power. I say, sir, this *fatal* order; fatal, because it was the first open infraction of the Constitution, as well as the law, by an officer of Government; fatal, because it went unpunished, unrebuked; because it brought the legislative power under the control of the Secretary of the Treasury; fatal, because it first established the connection of banks with the Government; revolutionized the currency of the country, by opening a breach in the Constitution, for the first Bank of the United States; fatal, because it was the primeval sin, whose consequences, broad and deep, have accumulated upon us with each returning year, until the Congress of the United States have at last received, not an order from the Treasury Department, but a mandate from the bankers and brokers of England, not to take for revenue the notes of banks, but to guaranty the payment of debts we never contracted; debts due to those who command; and this we are ordered to do, on pain of public ruin, threatened to the States, if we dare to disobey. Yet, fatal as was this order, it was but the commencement of General Hamilton's system for the revolution of the Government. He was an imitator; and, as such, saw from the British example that, to displace one Government, and to substitute another, without noise or violence, some machinery more powerful than a Treasury order was indispensably necessary. Well, what machinery so proper as a National Bank? What foundation for a National Bank so solid as a National debt? What materials so handy for a national debt as the debts of the States? None. This the Secretary knew. His party in Congress, he also knew, might be prepared, in advance, for the deed. They had justified his Treasury order in violation of law; and this act of loyalty to him was an invitation to come forward with the balance of his schemes. Ambition needs no second call to usurpation. He took them at the word; and, like the minister of William the Third, presented his plans in full maturity to the pre-engaged favor of legislative servility. And how were they received? With distrust? How acted upon? With deliberation? No. But snatched from his hand, and, with the impatient trepidation of conscious guilt, hustled and hurried through both Houses of Congress. Mark the process.

On the 29th of September, Congress adjourned its first session. On the 4th of January, 1790, commenced its second; passed the act to *assume*, by the Federal Government, the Revolutionary *debts of the States*, on the fourth of the ensuing August; on the twelfth of that month, adjourned its second session; opened its third on the sixth of the following December—passed the act to *charter* the first *Bank of the United States*, on the 25th of February, 1791, and on the third of the ensuing March, adjourned its third and final session. So rapid did the Treasury order, the assumption of the debts, and the charter of the Bank succeed one another. For, though it required six years for the ministers of William the Third to create a national debt, to revolutionize the currency—to establish a bank in coalition with the Government, concentrating in the hands of the parties coalesced, all the elements of social and political power; yet, General Hamilton, with this example before him, could effect these objects in two.—And why? Because the British Bank was already made to his hand, and he had but to locate a branch in this Government. How, and by what means? In the first place, it was necessary to create a national debt, and to throw that debt into the hands of bankers and stockjobbers in England. To this end, therefore, the Secretary of the Treasury, still faithful in his affection for the British form of Government, proceeded, through his party in Congress, to assume twenty-one millions of State

debt, giving to the bonds an irredeemable quality, which he foresaw would, as it did, send them for investment to the money market of London There they accordingly went; and the Government being indebted, and that to foreigners, an excuse was furnished for providing the facilities of payment. How could it be paid without a bank? and how could a bank be introduced, without making this very debt the basis and body of its capital stock? No. These were the only means; the Secretary had so declared; his party in Congress were ready to act upon his judgment alone; and the thing was done. Done, sir, done, within the first two years of the Government—done by the very first Congress—done by the very same men who, but forty-two days before the Secretary came into office, had solemnly enacted, that all the revenues should be received "*in gold and silver coin only*"—done by men who were elected with no such view, and who, in the haste of their obedience to the Secretary, allowed the people no opportunity, by re-election, to condemn or approve the deed.

But why this hurry to found a national debt—to establish a bank upon capital held by Englishmen—to empower it to change the currency of the country—to receive its notes for all the revenue—to deposite the public money in its vaults—to confer upon the Secretary and his party the power, through the agency of English capital, over the whole property and labor of the country; and, in the end, the power to fix the forms of English Government upon *this people*? Why this hurry? Was it because they apprehended danger to their scheme from the alarm of the people, if they were allowed time to be alarmed? Was it because delay would concentrate the public affections upon the Government as it stood; or was it because age would give to the Constitution, now green and tender, that firmness and inflexibility with which it could not be bent, without the noise of a break—changed, without the tumult of revolution? Was it for these reasons that this succession of events was hurried along to consummation, in the first two years of the Government, without one word with the people? Let those who stand upon this floor to day—the faithful followers of Gen. Hamilton—they who on this and all occasions put forth their utmost energies to prop and defend these his maxims, and this his system—let them answer these questions to the country.

The debt was assumed, funded, held, by Englishmen—a branch of the English bank established in this Government upon it: I say a branch of the English bank; for what else was the Bank of the United States? Who owned its stock? Who received its profits? Who, by their agents, directed its affairs? Were they Americans or Englishmen? Were they here or in London? Let the Senator from Kentucky [Mr. CLAY] answer. No; he has answered already—answered upon his responsibility as a Senator—answered upon this floor, in eighteen hundred and eleven, when he thus spoke, on the question of renewing the charter:

"The power of a nation is said to exist in the sword and the purse. Perhaps, at last, all power is resolvable into that of the purse; for with it you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars; and if it be no more, one moiety is in the vaults of this bank. May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of the corporation, will be dangerous to our liberties? By whom is this immense power wielded? By a body who, in derogation of the great principle of all our institutions—responsibility to the people—is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this Government—would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven-tenths of its capital are in the hands of foreigners, and these foreigners chiefly English subjects. We are possibly upon the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English Premier would experience any difficulty in obtaining the entire control of this institution? Republics, above all other nations, ought most studiously to guard against foreign influence. All history proves that the internal dissensions excited by foreign intrigue have produced the downfall of almost every free Government that has hitherto existed; and yet gentlemen contend that we are benefited by the possession of this foreign capital! If we could have its use without its attending abuse, I should be gratified also. But it is in vain to expect the one without the other. Wealth is power, and, under whatsoever form it exists, its proprietor, whether he lives on this or the other side of the Atlantic, will have a proportionate influence. It is argued that our possession of this English capital gives us certain influence over the British Government. If this reasoning be sound, we had better revoke the interdiction as to aliens holding land, and invite foreigners to engross the whole property, real and personal, of the country. We had better at once exchange the condition of independent proprietors for that of stewards. We should then be able to govern foreign nations, according to the arguments of gentlemen on the other side. But let us put aside this theory, and appeal to the decisions of experience. Go to the other side of the Atlantic, and see what has been achieved for us there by Englishmen, holding seven-tenths of the capital of this bank. Has it released from galling and ignominious bondage one solitary American seaman, bleeding under British oppression? Did it prevent the unmanly attack upon the Chesapeake? Did it arrest the promulgation, or has it abrogated the orders in council—those orders which have given birth to a new era in commerce? In spite of all its boasted effect, are not the two nations brought to the very brink of war? Are we quite sure that, on this side of the water, it has had no effect favorable to British interests? It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty; and may it not have contributed to blunt the public sentiment, or paralyze the efforts of this nation against British aggression?

The Duke of Northumberland is said to be the most considerable stockholder in the Bank of the United States. A late Lord Chancellor of England, besides other noblemen, was a large stockholder. Suppose the Prince of Essling, the Duke of Cadore, and other French dignitaries, owned seven-eighths of the capital of this bank, should we witness the same exertions (I allude not to any made in the Senate) to recharter it? So far from it, would not the danger of French influence be resounded throughout the nation?

I shall give my most hearty assent to the motion for striking out the first section of the bill."

Seven-tenths of its capital stock owned by Englishmen, and they living at home—by men of whom many were, at the time, lords and officers of the British Government—by men connected in interest with the English Bank, and by principles, manners, and affections, with every thing English, with nothing American. Well, therefore, when he saw the Bank of the United States thus owned by Englishmen, thus established among us by a party here, openly declaring their want of confidence in the people, their attachment to the British forms of government—a bank in the hands of such a party collecting the whole revenues, its notes the whole currency, its word the whole law to the property and labor of the country; well, when he saw these things, did the Senator from Kentucky exclaim:

"May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation will be dangerous to our liberties? By whom is this immense power wielded? By a body, who, in derogation of the great principle of our institutions—responsibility to the people—is access ble only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this Government, would not the traitor first strive by force or corruption to acquire the treasure of this company?"

And again:

"Are we quite sure that, on this side of the water, it has had no effect favorable to British interests? It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty; and may it not have contributed to blunt the public sentiment, or paralyze the efforts of this nation against the British aggressions?"

These, then, were the statements, the fears, the sentiments, of the Senator from Kentucky. They were then true, so are they now; for the *truth* has *not* changed, though the *Senator has*.

Can it then, for a moment, be doubted, that the first Bank of the United States, was, in fact, but a branch of the English system?—that General Hamilton and his party, who introduced it here, still entertained their old affections for the forms of the British Government? Can it be doubted, that they yet cherished the hope of engrafting the substantial features of that Government upon our Constitution? Who doubts that they brought in the banking system with that view? And who, after looking to the principles and progress of the system, can doubt that its tendencies, one and all, are infallibly to that result? No! impossible! The very question now pending before us, is but a summary of all the results—a concentration of all the effects of the system, thus far in its progress.

Yet, sir, I will not come too abruptly up to the present period, but return back upon the line of events, to the point where the system made its entrance into our Government.

The Bank was founded upon a national debt, constituting almost the entire body of its capital stock; and why? The reason is obvious. It was devised upon political motive by the founder of a political party; and the party itself was to be organized permanently upon the basis of the institution, as the controlling centre of the paper system. It was, therefore, necessary that such an institution should rest upon a foundation both durable and political by its connection with the Government. The national debt, it was evident, would subsist form any years; and was doubtless intended by the party to become, like that of England, not only permanent, but impossible of payment. Here, then, was a solid basis upon which the party could stand whilst in power, and rally it expelled. Hence it was, that, when overthrown in 1800, the Anglo-Federalists, although in a minority, humiliated with shame, fell back, and, instead of a flight, securely concentrated upon the banking system. Hence it is that we now find them there, still warring for the empire of the few over the rights of the many; and hence it is, also, that we now behold that political phenomenon—a party, every political principle, every instinct of which, originates in, emanates from, and returns back into, the *single idea of money*; an idea to which, with them, Government itself is secondary; one form being preferred to another, only as one, more than another, may enable the few, "the rich and the well born," to subsist upon the unrequited toil of the laborious poor. Yes, "all communities divide themselves into the few and the many; the first are the rich and well born, the other the mass of the people." So spoke General Hamilton, the founder of the party and the paper system. Thus presenting the idea of money, no matter how acquired, as the fundamental principle of his politics, as the end of government, and government as nothing but the appropriate instrument of plunder. Whilst, on the other hand, his great antagonist, Mr. Jefferson, the illustrious founder of the ever glorious Democracy, with a soul sublimely elevated by an innate sense of justice—by an all-embracing sympathy with his countrymen—with a mind far-reaching to the future, beyond the forecast of the ablest of his age, took, nobly took, *liberty* as the basis of Government; equal freedom to all as the means of sustaining it, and the happiness of the whole people as its rightful object.

Money, then, being the fundamental principle of the Anglo-Federalists, the paper system the adopted means of making the Government subservient to this end; and the country thus drawn within the central influence of that system in England, can it be surprising that the most intense sympathies should have always subsisted between *this* party and *that* country? No: nor can it astonish any man that British instinct should prompt that people to send their capital here, in order to enlarge the paper system—to fasten its hold upon the Government and the country—to sustain a party which rests upon it, and to strengthen those sympathies of interest and affection.

And, sir, I ask, have they not succeeded? Has not the paper system, under the patronage of this party, and the stimulus of British capital, periodically applied, already expanded itself from one bank into a thousand? Has it not pervaded all the recesses of society, changed the whole currency of the country, excluded the constitutional medium, and taken its place, in spite of the Constitution? Has it not acquired control over all property, and all labor—made both tributary to its coffers—impaired the obligations between man and man—transferred the earnings of labor to hands that labor not? Has it not established among us corporate monopolies without number, and a privileged order of men, where equality of rights is enjoined by the organic law? But, above all, has it not secretly and slyly insinuated itself into all the forms of political power—diffused corruption through the whole frame and texture of our Government? Has it not, in thousands of those who claim the first rank in society, brought down every public—every individual virtue—every quality that ennobles and expands the human heart—patriotism, honor, truth, justice, courage, genius—every thing moral and intellectual in man; has it not brought down these, and all of these, in base subordination to avarice alone? Where, in these men, are now to be found that glow of patriotism, those noble sentiments, devoting the whole man to his whole country; that heat and energy of soul which fired their fathers onward to revolution and liberty? No where—no where. But bent beneath the stern despotism of a single passion, and that the lowest in the meanest breast, they prowl through life, servile to the power which enables them to plunder, and insolent to the victim people, who are plundered by them.

Nor yet is this all. Has it not paralyzed the manufacturing energies and resources of the country; countervailed the incidental protection of your tariff—rendered your factories incapable, even with the aid of law, not only of competing with British labor in the market of the world, but incapable, also, of competition on our own soil? Have not such been its effects upon the manufacturing interests, as demonstrated most clearly but a day or two since in the powerful reasoning of the ever-powerful Senator from South Carolina, [Mr. CALHOUN?] And whence, sir, but from this source, have originated our State debts of two hundred millions of dollars? Have not these, to the very last farthing, been incurred by advances made by Englishmen, not in money, but in the fabrics of British factories, to the almost total extinction of our own? But by what process has this been accomplished?

In the first place, the banks of the two countries being, as they are, but parts of the same system, the whole is made by the vital sympathy of the parts, to rest upon and receive its impulse from the central power. That power abides where the capital is aggregated, by which the system is stimulated into life and action. In London, then, the controlling power is found; and how is it connected? With the British Government—British manufactures—British commerce—British labor—British interests and policy—British ambition—with every thing British, and with nothing else. Every British instinct, therefore, necessarily prompts that people to enlarge the paper system among us, because, whilst that country holds the controlling power of the system, her influence over this, both political and commercial, must be proportionate to its enlargement. For this reason it is, that British policy and British capital have ever acted in concert with the Federal party, in multiplying banks, inflating the currency, and riveting the system upon us. For this reason it is, also, that British goods are so readily sent to this country in the form of loans, to be converted into bank capital—into State and company debts. And thus are we not only rendered tributary to them to the amount of the interest, but likewise, in the form of a profit-paying purchaser of manufactures, even beyond our wants, and which we are prohibited from making for ourselves, by the very power that chooses to make them for us. By these means, too, British influence over our public affairs is every hour expanding itself—entering more deeply, more fatally, into all our counsels. No wonder, then, that more than fifty out of the two hundred millions of State debt, incurred to English capitalists, by borrowing their calicoes and broadcloths, should have been invested in bank stock alone. For every additional bank contributes its issues and discounts to swell the paper currency—to increase the desire, and furnish the means, of buying still more British fabrics—to force men, companies, and States, still deeper into debt—to close our factories—to augment our tribute, and to draw this Government and people still more within the control of England. Yes: every new wave which rises upon the onward tide of a currency already redundant, drives still more men from labor to speculation—throws individuals into companies—presses those companies upon the law-making power, for aid to accomplish their objects—imparts the general delirium even to the States themselves, until, in the end, as we now behold, men, companies, States and all, yielding to the irresistible force, are propelled forward to the extremest verge of bankruptcy, when, in the agony of endangered honor, they implore their creditors for still more loans, to pay the interest on debts already contracted.

So far, therefore, as the currency, with all its mighty consequences, can be viewed, Great Britain and the United States are, by this system, consolidated into one people; the former controlling the destinies of both, by having in possession the central power of the system. Whether this state of things shall be allowed to progress, until it produces, in future, a corresponding conformity in the Governments of the two countries; recasting the American, as General Hamilton desired it, in the mould of the English form, must depend upon the sturdy patriotism and fortitude of this great Democracy. There is safety to be found for our institutions, for public liberty, in no other quarter. For such has been, such is still, the general tendency to that result; a tendency given to public principles and public measures, by the Federal party, armed, as they are, with all the vast and complicated powers of the banks, that nothing but the stern resolution of the patriot farmer and laborer of the soil and the shop can arrest that tendency.

And now, to the just judgment of the Senate I appeal. Is not every incident I have stated, throughout the long succession of events, from the beginning of the paper system in England down to the present time, strictly, indisputably true? Are not all the effects and consequences I have ascribed to these events, deducible, infallibly, from them? Is not the grand total of these effects presented in the very question now pending before the Senate? What but the influence of the British paper system, British capital, British policy, British opinions, British manners, British feelings; what but the concentrated influence of all these, acting with dreadful energy upon our country, ever brought this question before us? Nothing. How, otherwise, came it here? What but a British edict, commanding the Government to assume the debts of the States, has called forth these resolutions that we will not assume them? Yes, I say commanded; and are we not? Are not we, the representatives of a people whose ancestors, indignant at England's demand of tribute, rose in mass, and with the sword, instead of complying, cut one half of her empire loose from the other; are not we, the descendants of such ancestors, commanded, and that by English bankers; commanded, with a menace of ruin to the States, in case of disobedience; commanded to mortgage the whole public domain to those bankers; that domain which the valor of our fathers once wrenched from their grasp?

And how has this edict been received by a part of the Senate? Have they spurned it with that high indignation it should have excited? Did they spurn it at all? Have they joined in resistance when offered by others? Or have they, on the other hand, not only declined to condemn the mandate, but even proposed obedience to its utmost exactions, by the indirect pledge of this very domain to those bankers, through the agency of the debtor States?

When, some six weeks ago, the Senator from Missouri, [Mr. BENTON,] with that sagacity in public affairs, which has made him, among his countrymen, the man of men; when, sir, he saw the dangerous influence of England over our councils and our destinies, not only exerted indirectly through the paper system and its political party, but saw, likewise, this influence openly embodied and authoritatively put forth in the edict in question; when he saw the anxious efforts made by British interests and the friends and agents of those interests all around us, to temper and prepare our people and Government for obedience to this mandate; when he saw the danger of delay, and therefore submitted his resolutions—resolutions declaring the constitutional incompetency of this Government to assume these debts; the injustice, the fatal consequences of such assumption; when he enforced these, his views, at large in a speech; when the resolutions were, by the Senate, referred to a Select Committee, (for such was deemed their importance;) when these things transpired, what answer was made? None; none, save the indistinct uneasiness of a Senator or two, obscurely hinting their doubts and misgivings. But, on the contrary, silence, deep and dismal as the dead of night, reigned through the ranks of the Opposition; and so for weeks they continued. But observe the change. The committee now submitted their report, sustaining the resolutions against the assumption; and, at the same moment, the Senator from Massachusetts, [Mr. WEBSTER,] fresh from the purifying presence of the bankers and brokers of old England, makes his advent into the Senate. Now for the conflict. No sooner did the sound of the trumpet announce the presence of the herald, than Senators, hitherto in ambush, sprang to their feet, as if a lion had leaped in their midst. One and all now chimed in to swell the chorus of denunciation—of denunciation not of this presumptuous edict, but of the report of the committee advising disobedience to its mandates. It was the report they denounced—objected to its publication—denounced the resolutions themselves—denounced the whole proceedings—its principle and its object. And why this silence broken? Why this rage of denunciation? Under the cover of what pretext is this proceeding so violently assailed? The statement of the debts, and the refusal of this Government to pay them, might impair the credit of the States by depreciating their bonds, already in the hands of the bankers and brokers, by whom this edict is issued. This is the pretext for resisting a declaration by the Government that it will not obey this British mandate. And what, sir, I ask, if, instead of these Senators, those English bankers themselves were upon this floor, what would they, on this occasion, do and utter? They by whom these bonds are held—they from whom this mandate issued—they who seek to make this Government, which never contracted, nevertheless, assume these debts, and that in violation of its fundamental law—what would they do and utter? Would they not utter what these Senators have uttered, word for word? Would they not do all these Senators have done, deed for deed? Who doubts it? What else could they do or say? What other than these things would their interests require, or instinct suggest? Nothing: and if so—if these British bankers, thus seeking to control this Government for their own purposes alone—if they, under the same circumstances, would pursue the exact course which American Senators are pursuing, is it not time for these Senators to pause?

But where, in truth, is the pretext for the objection thus urged to this proceeding? Is it a fact that the credit of the States can be affected by the enumeration and publicity of their debts? Were not the debts created, in the first instance, by the public laws of the States? Have they not been annually reported to the legislative bodies, by the fiscal officers of the States; and by those bodies annually republished to the world? Have the States ever sought or desired to conceal them? No. It would be worse than ridiculous to suppose it. And can it be doubted that these English bankers themselves—they who hold these bonds, who traffic to the amount of many millions in them—they who have issued this mandate—can it be doubted that these men could have exhibited to the Senator from Massachusetts, when lately among them, an exact list and tabular statement of the debts, to the very last farthing—when authorized, how secured, at what interest, and when redeemable? For it is upon these data that the standard of appreciation is fixed, and the chances of profit calculated, in the purchase and sale. And, sir, if this be true, as true it unquestionably is, how then can the publication of facts already notorious, produce an effect which that notoriety did not?

But when did these Senators become the peculiar guardians of public credit? To preserve the faith of the General Government is an object not less essential to the honor of the people than to maintain that of the several States. He, therefore, is not less an enemy to the States than to the Federal Government, who seeks to impair the integrity of the latter, however clamorous he may be in sustaining that of the former.

How, then, did those Senators act, when, on a recent occasion, not only the credit, but even the very being, of this Government was involved? Who has forgotten it? What patriot ever will, ever can, cease to remember the insurrection of 1837? I say the insurrection, not of a few inconsiderate men, prompted by real or imaginary wrongs to lift their hands against public law, and social order? No; but the insurrection of a thousand banks, deliberately planned, and simultaneously executed, throughout the Republic; an insurrection against the whole body of the people, as well as against Government and law; an insurrection of corporations, not oppressed, but enjoying privileges—enjoying the possession and the use of the whole public revenues. The Government had resources, even beyond its immediate wants. Congress had made appropriations for the public service, abundant in every particular—all was in the custody of the banks as the confidential agents of the Govern-

ment and the public. Stood affairs; when, without a moment's warning, the banks, the whole country over, slammed their doors in the face of the people—refused to pay their notes—refused to deliver up one dollar of the public money—calling this infamous act of treason and rebellion by the soft name of suspension. Thus, in violation of every law, was every man in the nation, and every branch of the Government, openly defied. Thus was every appropriation made by Congress seized by the banks; and the Government, in the absence of Congress, left without a dollar to execute the laws. Congress was instantly called together by the President. The two Houses assembled—they found the banks, in whose vaults the law had deposited the revenue, had not only refused to pay it over for the public service, but still refused to refund, out of the millions on deposite, even enough to cover the compensations of the members themselves. These things were fully stated by the President. He advised that, in future, those corporations should not be trusted with the public money; and that, in the mean time, Congress should provide means, either by a loan direct, or by the use of Treasury notes, to execute the laws, and keep the Government alive. Without these means, it was evident the Government must cease, in all its functions; the mails stand still; the post offices be closed; the courts discontinued; the navy be recalled from the ocean; commerce be left exposed; the army disbanded; Florida given over to conflagration and murder; Congress be adjourned; and the whole structure of the Federal Union be brought in ruins to the ground. This, every man saw, must inevitably follow, if those means were not provided, and that without delay. And yet, in an hour so perilous as this, what did those Senators do? Did they condemn the insurgent monopolies? Did they propose punishment adequate to treachery so infamous? Did they hasten to rescue the Government from a danger so imminent. No, sir; no. But, on the contrary, whilst the Government thus hung upon the verge of ruin, whilst every good citizen expected to see the arm of the law making power quickly stretched forth to save it, here stood these Senators, denouncing, not the banks as traitors, but the Government as bankrupt. Yes, denouncing the Government of their country, and that, too, in a manner to render it contemptible in the judgment of the world, and odious in the eyes of the people. Public credit! Where was then their solicitude for public credit? Nor were they satisfied with this denunciation. From day to day their utmost efforts were exerted to obstruct every measure for the relief of the Government, and to reward the treachery of the banks, by giving them anew the custody and use of the public revenues in future. A bill was introduced to extend to the importing merchants more time for the payment of their bonds for duties to the Government. All voted for it, save the Senator from Arkansas, [Mr. SEVIER,] and he, I now believe, was the only Senator who voted correctly. Another was introduced to afford these deposite banks more time to speculate upon the public money before they refunded it, and this was unopposed. Nothing which favored the banks, however guilty, encountered the hostility of these Senators. Nothing which went to the relief of the Government, however indispensable, escaped their resistance. They the guardians of public credit, What better than such a course, at such a time, was calculated to dishonor the Government—to wound its integrity, both at home and abroad? And did they not—they who are now so sensitive about public credit—did they not then, have they not ever since, sought, by all the powers of denunciation, to depreciate the Treasury notes below even the paper of suspended banks; and for what but to debase the Government?

Truth, however, Mr. President, compels me to admit, that there is, in this proceeding, one feature which may go to discredit the indebted States; and that is the second branch of the substitute proposed by the Senator from Kentucky, [Mr. CRITTENDEN] These are the words:

"*Resolved*, That it would be just and proper to distribute the proceeds of the sales of the public lands among the several States in fair and ratable proportions; and that the condition of such of the States as have contracted debts is such, at the present moment of pressure and difficulty, as to render such distribution especially expedient and important."

Here then, whilst in the report and resolutions of the committee, no word is found to question the ability or readiness of the States to meet their engagements, even to the very hour and to the last dollar, this substitute solemnly resolves "that the *condition* of such of the States as have contracted debts is such, at the present moment of pressure and difficulty, *as to render*" the "*distribution*" of the proceeds of the public lands "especially *expedient* and *important*." Is such their "condition?" Is such their "pressure and difficulty," that it becomes "especially expedient and important" to pay their debts for them, if they are themselves able to pay? And who is it that makes this declaration? Not we, but the Senator from Kentucky; he who, as a friend of State credit, is alarmed when others merely speak of the debts, though they be already as notorious to the world, as the existence of the States themselves.

Yet, sir, it is for a reason higher than this, that I have read this substitute. I have read it, because it proposes, in the most unequivocal language, the indirect assumption of the debts, by this Government—the very deed we are commanded to do by the British bankers, in their menacing edict. However loudly, therefore, these Senators may have hitherto denied this to be their object, here, at last, when brought to the test, it is in effect openly avowed—avowed, and the reason assigned—that the "condition" of the States, "at the present moment of pressure and difficulty," makes this indirect assumption "especially expedient and important." What more than this have these English bankers ordered us to do? What more could they desire, than that we should thus mortgage to them, through the agency of the indebted States, the whole domain of the Republic? What more, than that the States of this Union should become their factors and brokers, to collect, by the officers of the Federal Government, and to transmit to them, the annual proceeds of a vast domain, larger than five times England itself? No. The British Government, arrogant and ambitious as it is, would desire no stronger hand in the Treasury of this Government—no stronger gripe upon the throats of these States—no better means to produce dissensions among us, than this measure, were it adopted, would afford.

And now, sir, what is the proposition contained in this substitute, but the resulting consequence of that succession of events I have sought all along to pursue? The British paper system, beginning, as I have shown, in a political coalition with the King against the people, founded, in the first place, their national debt; revolutionized the currency; expanded and perpetuated both the debt and itself; drew within its coil the whole moneyed wealth of the empire; imposed a destructive tribute upon all labor and all property, and thus continued, through each successive generation, to increase the inequality of condition and the aggregate misery among men, until, at the origin of our Government, it extended itself to our shores. Here the system assumed the same form, and took the same principle, as the basis of its new empire. It commenced here, as in England, in a coalition with a political party, and selected for its ally that party which affiliated, in feeling and principles, with the forms of the British Government. It founded itself upon a national debt; and, in order to complete its identity with the mother system in England, it transferred that debt to the hands of the same English brokers who controlled the system there. Being thus established upon British capital—under British influence, and in connection with a party who deemed the British Government "the best model the world had ever produced," the system began to effect the same social and political results here, that it had there already produced. It expelled the constitutional currency and took its place; made labor and property tributary to its coffers; expanded from one into a thousand banks; centralized within itself the whole moneyed wealth of the country; communicated English feelings and English manners, wherever it went; diffused its influence through all the forms of our Government; entered into our councils; plunged the States in debt two hundred millions of dollars to British bankers, who, conscious of their power through the agency of the system here, and its party connections, have commanded this Government to assume these debts; and now, sir, we have the result of the whole—we have the direct proposition to distribute the proceeds of the public lands, for that very purpose, made by the political friends of this system, in their place in the Senate. Such, I say, is the result of the paper system; and if, instead of resisting, we adopt the policy of this substitute, we shall soon have fulfilled the utmost wishes of General Hamilton and his party—the destruction of the State Governments, and the establishment among us, of an aristocracy upon the English model.

For is it possible for any thing to be more manifest than that a distribution of the money arising from the public lands is, in fact, a distribution of revenue generally? Who does not see that if, for instance, twenty-five millions of dollars be necessary to the administration of the Government; if, of that amount, five millions are brought to the Treasury from the public lands, and if this latter sum be withdrawn from the public service for distribution to the States, who does not see that you must impose an additional tax, to that extent, to supply the deficiency? Thus, therefore, in order that the Federal Government may, with one hand, distribute five millions to the States, it must begin by collecting, with the other, five millions from the people of these very States by increased taxation. Yes, more than five millions must be collected, because the expenses of collection, in the first instance, as well as those of distribution, in the second, are also to be paid. And what, sir, is the final consequence of this? It is that the Federal Government centralizes in its own hands the whole power of taxation for all objects, local and general. It taxes the people, not only generally for objects within its own competency, but enters the States, takes the place of State legislation, and taxes them anew for purposes solely of State concern. What then of existence, as sovereignties, would remain to the States? What would all their residuary powers be worth? What would they be but dependent corporations—dependent upon the imperial system, to whose centre all powers and resources had huddled together?

Adopt, therefore, the policy of distribution—obey this British edict—pledge the revenue to the payment of those debts—and you will have fulfilled the destiny of the paper system; you will have accomplished the views of General Hamilton and his party; you will have answered fatally for civil liberty; you will have answered *affirmatively* the question with which I began: "Shall the Federal Government depart from the sphere of its limited powers—shall it intrude into the local jurisdiction of the States—assume the duties of State legislation—tax the people for objects of State concern—shall it thus eventually abolish the State Governments, and itself settle down into one consolidated empire?"

BRANCH MINTS.

DEBATE IN THE SENATE.

FRIDAY, April 17, 1840.

The bill supplementary to the act entitled, "An act to establish branches of the Mint of the United States," approved March 3d, 1835, coming up on its third reading,

Mr. CLAY of Kentucky hoped that some reasons would be given why this bill should pass. Where was the silver bullion, which it is proposed by this bill to employ these mints in coining, to come from?

Mr. WRIGHT said, that, as the bill had been reported from the Committee on Finance, it was proper for him to make some remarks in explanation of the provisions of the bill as understood by the committee. Mr. W. then explained the provisions of the first section which were intended to remedy defects in the existing law. The second section authorized the branch mints to coin small silver change, if it was ascertained that it could be done with the machinery at present in operation, without material additional expense. In the mines of the South there is always found, in connection with the gold, a considerable portion of silver, and this has, at present, to be sent to Philadelphia to be coined; whereas it was represented to the com-

mittee that the silver might be coined with the same machinery used for the gold with a slight additional expense: as, for instance, the half and quarter eagle would answer for the quarter dollar and dime, with the substitution of new dies, which will occasion slight additional expense, as the engraver is employed at a fixed annual salary.

Mr. CLAY of Kentucky said that, in his opinion, instead of acts to involve us in additional expense for these branch mints, the only act which it was proper for us to pass would be one to abolish them. He considered that their establishment was wholly unnecessary, and a waste of public money, while the mint at Philadelphia was perfectly competent to coin all that the wants and the means of the country required. He recollected with great satisfaction that, when the bill for the establishment of these branch mints was introduced into the Senate, he had given it his most decided opposition; and the recollection of his course on no subject gave him more lively satisfaction. He considered their establishment a mere wasteful expenditure of public money. There were ample means to coin all the bullion of the country. The silver which is spoken of as being collected with the gold in the mineral region of the South, could be sent to Philadelphia, coined, and transported back again, at a less expense than if coined at these branch mints. They were a portion, and, as far as expense was concerned, no inconsiderable portion, of the gold humbugs which characterized the day of their origin. The remainder of these extravagant measures had disappeared, and he would be glad if these mints would follow. He should vote against the bill, and asked for the ayes and noes on its passage.

The ayes and noes having been ordered,

Mr. LUMPKIN said: Mr. President, the honorable Senator from Kentucky [Mr. CLAY] appears, from the remarks which have fallen from him, to have neglected to examine the provisions of this bill. This bill, sir, if I understand its provisions, will add nothing to the expenditures in sustaining the branch mints. It is intended to increase the business and profits of these mints, without at all increasing the expenses. By the provisions of this bill, additional labor, it is contemplated, will have to be performed by the existing officers of the mints; but no increase of officers or salaries is either intended or provided for.

The Senator considers these branch mints as a dead charge upon the Government, and worse than useless, and desires to know where the silver bullion is to be obtained for the coinage of the small coins, twenty-five cents and under, provided for by the bill. In regard to the expenditures which have been necessary to get these mints into operation, it is proper to remark that these expenditures upon the necessary erection of suitable buildings, and the necessary machinery and fixtures, is chargeable to the policy and act of Congress, creating and establishing these branch mints, and ought not now, in the second year of the operations of these branch mints, to be brought into the account of profit and loss, to exaggerate the ordinary expenditures in the operations of these establishments. This expenditure in outfit will not be necessary again for many years to come. And, sir, although the Senator from Kentucky [Mr. CLAY] has always been opposed to these branch mints, he has not yet been able, with all his admitted ability, to convince me, or that portion of the country which is most interested in this subject, of the inexpediency or inutility of this measure; and I am glad to have it in my power to add, that a majority of Congress have hitherto differed with the honorable Senator on this subject.

A more unfavorable time, to the friends of this measure, could not have been selected, than the present, to discuss the policy of establishing these mints. A variety of circumstances conspire at the present moment to disparage the utility of these branch mints. Nevertheless, sir, I think the closest scrutiny and investigation will but increase the friends of this measure. From the best information which I have been able to obtain on the subject, I feel authorized to express the opinion, that what is termed the mining region of the Southern States, affords inexhaustible mines, sufficiently productive in the precious metals, especially gold, to amply justify the establishment of these branch mints, and to sustain them for generations to come.

To a great extent the best of what is termed the *deposite mines* will, in a limited period, be measurably exhausted. But should the vein mines prove to be equal to what they are believed and represented to be by gentlemen of high character and intelligence, who have spent much time and labor in investigating and examining the value of these mines, there can be no doubt of the continuance and importance of the mining business in the gold region of the Southern States. I speak in reference more particularly to the gold region of my own State, (Georgia) from whence I derive the information upon which I rely most. Those who have perseveringly pursued the mining business in Georgia for the longest period of time, are the most fixed and settled in their convictions of it being a very profitable business.

Various causes have tended to divert labor from the gold mines of Georgia for several years past. The Indian wars and disturbances upon our borders and in Florida, has taken a great number of laboring men from the mines into the volunteer service of the country. Again, we have been rapidly progressing for several years past, in the construction of several important and extensive railroads, which has created an extraordinary demand for labor, and consequently raised the price of wages beyond what has heretofore been known in the country. Moreover, the very high prices of agricultural products of every description for the last few years have been sufficient to satisfy the industry and enterprise of that most valuable class of the community, the agriculturalist.

Are not these causes, sir, which I have adverted to, sufficient to account for the fact, that much of the labor and enterprise, heretofore attracted to the mining business, should be diverted to the pursuits of other employments, affording such unusual encouragement to labor. But, sir, a few of the past years have been too prosperous for us to indulge the hope of the uninterrupted perpetuation of such days A change has already overspread the whole country. High wages and high prices for our agricultural products are no longer the theme in any section of our wide spread country; but the reverse. The great cause of the distressing change of the times is a subject worthy of the profound consideration of every statesman, but this is not the time or the occasion for that discussion.

My object in adverting to these facts, is to show the probability that the day is not far distant when a much larger portion of labor and capital will be drawn to the mining business. Whatever objections may be justly raised against the mining business, yet it is a hard money, a cash business. And when the products of the country cannot be exchanged for money at a fair price, those who have it conveniently in their power to do so, will turn their attention to raising the precious metals from their beds of obscurity in the bowels of the earth. The profits of mining in Georgia are variously estimated, and I will therefore forbear to enter upon the details of information, which I now have in my possession, derived from highly respectable gentlemen, in whom I have confidence. Suffice it to say, I am well satisfied that no agricultural pursuit in our country affords a more certain or greater prospect of profit than the mining business, provided the investment in mining is conducted with the requisite skill, prudence, and perseverance.

Under all the disadvantages to which I have adverted, and which these branch mints have encountered thus far, yet we find, from the report of Mr. Patterson, the director of the mint at Philadelphia, that, during the past year, 1839, the branch mint at Charlotte, North Carolina, received deposites of gold to the value of $126,836. The amount of its coinage was $162,767 50, composed of 23,467 half eagles, and 18,173 quarter eagles. And the branch mint at Dahlonega, Georgia, received, during the same year, deposites of gold to the value of $113,035; and its coinage amounted to $128,880, composed of 18,939 half eagles, and 13,674 quarter eagles. And the Director adds: "These two mints are in a very satisfactory condition, and are fully able to execute much more work than has yet been required of them."

The director also states in his report, that the capacity of the mint and its branches is now abundantly sufficient for all the gold coinage necessary for the metallic circulation of the country, and recommends a repeal of the act of June 28th, 1834, as he presumes that the provisions of that act, making foreign gold coins a legal tender, is no longer necessary. If the views of the director be correct, and I think they are obviously so, the carrying out of these views would give additional work to our mints, by the recoinage of foreign coins. And, sir, whether their work and utility be increased in this way or not, these branch mints, if sustained by proper legislation, such as we propose in the present bill, will not fail in greatly increasing the metallic circulation of the country.

But, sir, I must not forget to reply to the question of the Senator from Kentucky, [Mr. CLAY,] where is the silver to be obtained for coinage at these branch mints? My reply is, that wherever mining operations are carried on in gold, some portion, more or less, of silver is found. I understand silver to be the natural alloy of gold. I am not prepared to state, with precision, what proportion or quantity of silver is usually found in the mining operations of the gold region of the Southern States; but I am impressed with the belief, that sufficient quantities are found to make it an object of importance to authorize the branch mints, as contemplated in this bill, to coin pieces of twenty-five cents and under. And, sir, I consider the coinage and circulation of these small pieces of great importance to all that range of the interior of the Southern States, where these branch mints are located. Sir, it is in that section of country that the people suffer most from the circulation of your *miserable, worthless, little shinplasters*. It is a part of the country far removed from your unsound banking institutions, and manufactories of paper money. The people being ignorant of the true condition and source from whence these paper tickets and shinplasters have issued, as often receive, by imposition, *illegitimate* as *legitimate shinplasters*. I wish to legalize and encourage the coinage of small silver shange, to supply the place of that *worthless trash*, called change bills. I have always been opposed to the circulation of these change bills, and once had a leading agency in my own State in driving them entirely from our circulation. One of the greatest evils connected with what has been the banking policy of our country, has been that of issuing small bills. The banking system might have survived for years yet to come, if there never had been an issue of small bills, by any banking institution—an issue bringing paper into circulation, in competition with the constitutional coins of the country. Experience has now demonstrated the impossibility of keeping up a specie circulation for use, in the every day small transactions of the business of life, while bills of like denominations with our coins are scattered throughout the country Coins, the better currency, will be hoarded by the banks, as well as individuals, and exported abroad when necessary to promote the interest of the holder; and the people of the country will be left to the use of depreciated bank bills, in the place of their own constitutional coins.

Mr. President I am not disposed to conceal from the Senate, that I consider the establishment of these branch mints a subject of deep local interest and importance to the interior of all the Southern States, embracing what is called the gold region, as well as to the adjacent and surrounding country. It is a section of country, sir, which, from its geographical position, derives but little benefit from the vast expenditures and disbursements of this Federal Government. It is a tax paying and not a tax gathering country. It is the country which forms an important portion of your *bone and sinew*, in peace and in war. These people look not to your Government for special and extraordinary favors in the form of bounties or protection. But, sir, God and nature having placed in the land of their residence and choice, inexhaustible mines of the most precious and valuable metal known to the world when used as the currency of a country; and you

having, with a view to the common interest of the whole Confederacy, established these branch mints, for the coinage of the precious metals, which they, with toil and labor, raise from the bowels of the earth, and thereby having taught them them the advantages of their location—I ask, sir, will you now, in the second year of your policy in relation to these branch mints, crush and destroy all the bright anticipations, which you, by your policy, have created? I confess, sir, I am surprised and astonished to hear gentlemen advocate the abolition of these mints—speak of selling out the interest of the Government in these establishments. Surely these propositions are made without due reflection and consideration; especially, coming as they do, from those who are the known advocates of encouraging various branches of domestic industry. During the present session of Congress, a great number of petitions, numerously signed by highly respectable citizens and from various sections of the country, have been presented to the Senate, asking encouragement and protection to the domestic silk interest of our country; and many of these petitions having been referred to the Committee on Manufactures, of which I have the honor of being chairman, has caused me to reflect much upon that subject; and although opposed to *protecting tariffs*, I am pleased to say that my feelings coincide with the sentiments which I have heard fall from the Senator from Kentucky [Mr. CLAY] in regard to this branch of agricultural industry. I am clearly of opinion, that a high *revenue* duty should be laid upon all foreign silks imported into the United States. But, sir, in reflecting upon this silk subject, I have come to the conclusion that no duty on foreign silk, or bounty on domestic silk, would so effectually advance the silk culture in our country, as would the establishment of a ready market, in every neighborhood, for the sale, at a fair price, of all the cocoons which could be produced by the industry and enterprise of our people. A market for all that can be produced, whether in large or small quantities. This, however, is not a work for the Government—it must be left to individual enterprise and capital to effect this object. My object in this digression, from *gold* to *silk*, sir, is to present to the Senate more clearly the great advantages of these branch mints to the people in the vicinity of their location. This gold region spreads over a great extent of country, and tens of thousands of the citizens of these States are directly or indirectly interested in the mining business. Since the establishment of these branch mints, every individual who can collect gold, in large or small quantities—whether rich or poor—can get a fair price for his gold, and that in good hard money, and in his own immediate neighborhood. It has established a fair and just trade in the precious metal. The frauds formerly practised by both buyers and sellers, are now rarely heard of.

The *Pigeon Roost*, and other kindred banks, no longer engross the advantages of the miner's labor. He takes his gold to the mint, and there receives for it a fair equivalent in coin. The amount of bullion received at the branch mints in North Carolina and Georgia the past year, (1839) and chiefly taken from the mines in their immediate vicinities, has afforded a coinage of $291,587; and, from causes which I have already explained, it is believed by those who are in the most favorable positions to the formation of correct opinions on the subject, that the increase of the present year will justify estimating the coinage at $500,000. Sir, this is no inconsiderable item in the circulation of a country which is threatened with the banishment of a sound specie currency. Mr. President, I am not in the least surprised that doubts and opposition should have existed, when the proposition was first presented to Congress for the establishment of these branch mints. But, to my mind, it is most extraordinary indeed, that any reflecting man can, at this time, favor the idea of abolishing these mints. Yet, sir, we find such a proposition before the Senate of the United States; and that, too, when the mints are in their infancy of only the second year; when the prospects of their utility to the country are every day increasing and developing themselves to all who are acquainted with the circumstances appertaining to the subject.

Now that capital and labor to a large extent has been invested in the mining business, improved and expensive machinery procured to carry on the operations, we find this effort introduced here to prostrate both the policy of the Government and the interest of a very numerous and meritorious class of citizens, by a sudden and unexpected abandonment of what was considered the settled policy of the Government.

The mining interest in the gold region is already reviving, and it is altogether reasonable to expect that the mines will be much more extensively worked than heretofore. The investigation of scientific men, aided by ample capital, has resulted recently, and in several instances, in making considerable investments in the mining business. This, in connection with the reduced price of agricultural products, and the increased value of gold, (which is at least seven per cent.) will, with the favorable indications presented by the mines themselves, both for richness and durability, give additional spirit and activity to the mining operations. Under these circumstances, sir, I cannot indulge the apprehension that Congress will fail to pass this bill, and continue to give its countenance and support to these branch mints, until a full and fair trial, at least, shall be made of the utility of their establishment.

Mr. BROWN said, that having introduced the bill, he deemed it his duty to say a few words in favor of its passage. He must be allowed to express the very great surprise which he felt that any gentleman should consider himself called on to oppose a measure so reasonable in itself, and of such obvious public utility.

If it were now a question brought before us for the first time, whether we were to establish these branch mints, then the remarks, which we had heard, in regard to the annual expense occasioned by them, would have been much more appropriately made, and would have formed a fit subject for consideration. They are now, however, in successful operation, and can be made to perform the additional duty of coining the smaller denominations of silver money at a very inconsiderable additional expense to the Government. Shall we not, then, said Mr. B. avail ourselves of a benefit of such acknowledged public utility, as that of increasing the supply of silver change, and especially when it can be done at so cheap a rate?

When gentlemen dwelt so much on the small additional expense which it would require, did it not strike them, that in any one of our large commercial cities alone, the annual loss on shinplasters and small notes, issued by insolvent individuals and corporations, if calculated, would be found to exceed the entire cost of these two branch mints?

The Senator from South Carolina had spoken in a tone of ridicule of the shock which he says the mere mention of the term shinplasters occasions in a certain quarter. It was not surprising that a public nuisance of so odious a character, and so demoralizing in its effects, should shock the moral sense of the community. He regretted that the sensibilities of gentlemen over the way should have been shocked at the mention of small coins. He could see very adequate cause why the former should produce this effect, but none why the latter should.

But we had been told of the gold humbug. That had at once solved the mystery of all this aversion and opposition to an increase of the metallic currency.

It was no longer a matter of doubt or of speculation, that the favorite credit and paper system of gentlemen, as it had been conducted in this country, was the real humbug in regard to currency. The practical lessons on this subject which had been taught by the last four years' experience, had outweighed all the sophisms of theorists, and had left a deep impression on the public mind in favor of greatly augmenting the proportion of metallic currency.

Mr. PRESTON had a very distinct recollection of the discussions, the result of which was the establishment of the branch mints. He was one of those who supported that measure, and though he did not now recollect all the particular reasons which were urged for and against it, he remembered that those in its favor preponderated. Mr. C. after referring to several gentlemen who took part in that discussion, and the arguments they advanced, said that the main argument, and the one which had the greatest weight on his mind, was that the increased production of gold in that region, led to the hope that at no distant period the mints would be profitably employed, and that that region would be a great gold producing country. There was great enthusiasm excited on this subject. The increase of production was then between forty and fifty per cent. per annum; and if it had gone on at that rate, there would have been, by this time, some forty or fifty millions of gold coin in the United States.

But these hopes had not been realized, and so far from the ratio of production having been increased, it had decreased. The enthusiasm on this subject had been passed by, and the gold mines from the Rappahannock to Georgia, had all decreased in their production, and many of them had been abandoned. Mr. P. referred to a convention which had been held in Georgia, which, after an investigation of the subject, had arrived at the general result that labor could be more profitably employed in the different branches of agriculture than in mining. He was very much of the opinion that, at the moment of organizing the branch mints, the most enlightened of those who thought on the subject feared that Congress had acted precipitately. Mr. P. expressed doubts whether the experiment had been successful; he doubted whether the establishments had been found profitable, and whether it would not be the best policy to discontinue them altogether. Mr. P. concluded by moving to recommit the bill to the Committee on Finance, with instructions to inquire into the expediency of discontinuing the branch mints.

Mr. CALHOUN hoped that whatever might be the proper course to be pursued in reference to these mints, the motion of his colleague would not prevail. If he understood the object of this bill, it was to superadd the power of coining silver, to that which the mints now possessed of coining gold. The expense to effect the object in view would be exceedingly small, for the bill contemplated that it should not be undertaken, if expense of any account was to be occasioned by it. His impression, upon a view of these facts, was, that there ought to be no opposition to the bill. There was a considerable portion of silver alloy in all the gold found in the gold region of the South, so that one objection that had been urged against the bill was here obviated. He hoped that his colleague would let the bill pass, and if he thought that the mints were not rendering an adequate service, compared with the expense of keeping them up, let him institute an inquiry, and then if the facts shall justify it, propose their discontinuance. It was not fair now to decide that the experiment of these two mints had or had not failed. When they were first established, gold was collected in considerable quantities, though the production was now very much reduced. He had some little knowledge of that region of country, and he ventured to say that the coinage of $120,000, the amount coined by the mint which had done the smallest business, was enough to justify the continuance of it. He believed that gold bullion had risen since the establishment of these mints eight or nine per cent.; which was a clear gain to the producer, who, previous to this, had to exchange his bullion for paper at a serious loss. As to the falling off of the production of these mines, it might be easily accounted for. The mines were divided into two descriptions—deposite mines and vein mines. The deposite mines, from their nature, would be soon exhausted; but the vein mines were scarcely yet begun to be understood, and from them a very considerable production might be expected. There had been powerful reasons why these mines had fallen off. Gold and paper were antagonists to each other. The paper circulation had swollen immensely—prices had consequently risen, and the depression of gold and silver followed. The increased cost of production which lessened the value of the gold with the rise

in the price of cotton, took away much of the capital that was employed in mining. He might add to this the demand for labor on the railroads in the progress of construction about that time. If the present state of depression should continue for any length of time, we should have an opportunity of knowing what effect the opposite state of facts would produce. In that event, he thought the products of the mines would be as great as ever. If an expansion of the paper currency again took place, gold would again sink.

There were a variety of opinions with regard to the capacity of these mines for producing gold in any considerable quantities. Some thought that it would turn out to be the richest gold region in the world, while others—scientific men—thought differently. This would be decided by time alone. He did not think, however, that any judicious decision could be made now. Mr. C. concluded by expressing the hope that his colleague would permit the bill to pass now; and, after having collected what information he deemed necessary from the Secretary of the Treasury, bring the subject before the Senate in a distinct form.

Mr. BROWN regarded the opposition to this bill, whatever might be the intentions of honorable gentlemen who made it, as calculated to prevent any increase in the circulation of a metallic currency, and to establish in its stead an exclusive paper system. He did not say that honorable gentlemen were actuated by these motives, but he must say that this would be the effect of the course pursued by them. It was well known by those who were adverse to the circulation of a metallic currency, that the coinage of every half or quarter eagle, or of every quarter dollar, is a sensible and visible argument addressed to the people against the depreciated paper currency, with which they have been afflicted; and hence it was, that those who favored the latter currency, viewed the operations of our mints with uneasiness and a arm. Yes, the coinage of every half eagle or quarter of a dollar was an irresistible argument addressed to the senses of the people against that miserable shinplaster currency, which was its antagonist.

The Senator [Mr. PRESTON] seemed to argue this question as if it was an original proposition—as if the question of establishing branch mints was now before the Senate *de novo*, forgetting the important fact, that these establishments were now in operation, and that the present bill called for but little additional expense, while it was only intended to authorize the coinage of silver change, which would add greatly to the usefulness of these institutions. The statement that the gentleman made with regard to the coinage and the expense of these establishments, he was very certain was incorrect. He begged leave to refer to the last annual report of the Superintendent of the Mint at Philadelphia, to show that it was so. By this report, it appeared that the amount of coinage within the last year, at the mint at Charlotte, North Carolina, was $162,767 50, in half and quarter eagles. Now, what was the annual expense of that branch? Why, only $12,000, it would be seen, was asked for in the appropriation bill for this year. About the same amount was proposed to be appropriated, also, for the branch mint in Georgia. Could honorable gentlemen, after this, get up and say that the cost of these mints overbalanced the advantages derived from them? By this document it appeared that the considerable amount which he had spoken of, had been coined in gold in the course of the last year at the branch mint at Charlotte; and he had no doubt that if the coinage of silver was authorized, the amount would be greatly increased.

When honorable gentlemen talked of the loss to the country, by keeping up these establishments, let them bear in mind that in each of our large commercial cities, there was a greater loss annually to their inhabitants, from the miserable shinplasters which had usurped the place of coin, than the whole expense thus incurred. He had no doubt but that the people of the United States had lost a half million of dollars annually, in consequence of the worthless trash, in the shape of paper currency, with which the whole country had been inundated. Yet gentlemen talked of the paltry expense of $12,000 a year, (for neither of the branch mints would cost more,) while they kept out of view the immense losses incurred by the people from their favorite paper system. When he heard gentlemen talk so eloquently about the currency in relation to a measure so important to the interests of the people, his mind reverted back to the expenses incurred by the Congress of the United States for matters in which the people had but little interest. Sir, said Mr. B. within the last five or six years there has been a half million or more of dollars appropriated to purchase useless books for the libraries of members of Congress, and for other purposes; and yet these appropriations were made mainly by the votes of gentlemen who now seek to cut off a trifling appropriation, for an object of great public utility. The cost of keeping up these two mints would be less than twenty-four thousand dollars per annum; but this the gentleman stigmatized as great extravagance, forgetting that the throwing into circulation a quantity of small coin would be the means of saving the people of the United States from the great losses they incurred by the circulation of worthless shinplasters.

Mr. B. saw no good reason for recommitting this bill. To delay was to defeat it. The Senate required no additional information on the subject. It had been under discussion for the last two sessions, and the public documents, now on file, contained all the information with regard to it that was necessary. The session was considerably advanced, and there was danger, if the bill was delayed now, that it would be too late to pass it through the other House.

Mr. BUCHANAN had a few words to say in regard to the bill under consideration; and he should speak from memory, rather than from any recent investigation of the facts. For one, when these branch mints were established, he had the misfortune to differ from a large majority of his political friends in the Senate; and he voted under the banner of the Senator from Kentucky, [Mr. CLAY,] and Governor HILL of New Hampshire, who was also opposed to them. He had seen no cause since to change the opinions he had then formed, though he hoped he might see abundant cause to do so hereafter. That, however, was not the question. These branch mints had been already established, and were now in operation; and the first section of the bill, if he was not greatly mistaken, was intended, not to increase, but to diminish the expense. Under the existing law, the superintendent was obliged to employ a separate class of laborers for each particular purpose of the institution; and at the mint in Philadelphia, he may easily do so without loss or inconvenience; but at these small mints, to confine the laborers employed to a particular branch of the business, necessarily obliged them to be idle for a considerable portion of their time. The object of the first section, then, was to enable the superintendent to employ the laborers at these small mints in different branches, and not confine them to one particular employment.

He would ask the Senator from New York [Mr. WRIGHT, the chairman of the Committee on Finance, who had reported the bill] if he was not right in saying that the first section was not to increase, but, as recommended by Mr. Patterson, was for the express purpose of diminishing the expense?

[Mr. WRIGHT here answered in the affirmative.]

The whole amount of the business done at these mints, heaven knows, has been little enough. He wished to give them some more employment, and the superintendent said that this could be done with very little additional expense; that the silver could be coined by the same machinery that was used for the gold coinage, and that the engraver was under a stated salary. The bill provided for no appropriation whatever, and it was not supposed that any additional expense, of the least consequence, would be involved. Under these circumstances he was willing to give the bill his vote, and at the same time he would say that if the Senator from South Carolina, [Mr. PRESTON,] or any other Senator, should introduce a resolution to inquire whether it was necessary to keep up these mints, he should also vote for it. He had conscientiously opposed these branch mints at the beginning. He believed that strong arguments could be adduced to show that there should be no other mint besides the one at Philadelphia. He should, however, vote for the bill, and if any gentleman would offer a resolution of inquiry, he would vote for it, also, and regulate his subsequent votes, in relation to the subject, by the information that might be thus elicited.

After some further remarks from Mr. PRESTON,

Mr. BROWN said he would quote one or two facts having an important bearing on the subject. The gentleman had been quoting from the official documents of 1838, by which it appeared that the coinage at these mints had been less in amount than the returns for the last year exhibited. Now the official documents received this session, represented the coinage of the North Carolina branch mint at $162,767 50, and that of the Georgia branch at $128,880, in gold, making together the sum of $291,647 50. He saw in the appropriation bill for the present year, only twelve thousand dollars appropriated for the branch mint at Charlotte, North Carolina, and eleven thousand five hundred for the branch in Georgia. The sums appropriated last year were, he presumed, greater, in consequence of some expense to complete these establishments, which would not be hereafter required. Thus, sir, we have had a coinage at these mints of near $300,000 within the last year, and yet this is considered by gentlemen a very small matter, too trifling to justify the expense of keeping up these mints. Why in Philadelphia, by the failure of a single individual, the community had lost about two hundred thousand dollars, by the worthless shinplasters which he had put in circulation, and never redeemed. Mr. B. then took a view of the great saving to the people of the South, which would be effected by having a sufficient supply of small change. The gentleman, in speaking of the State of North Carolina, understood him to say that that State had always had a larger paper circulation than any other State. This was not so. North Carolina, in proportion to her population, had a smaller circulation of bank paper than many of her sister States. There was no state in which there were fewer small notes in circulation, and none which had a greater proportion of silver change in circulation, having prohibited by law the issuing of notes of a less denomination than three dollars. The gentleman from South Carolina responded very promptly to the suggestion of his friend from Kentucky. Sell out the branch mints, he says. What, sir, sell out these mints when they are supplying an annual coinage of near $300,000? And who shall we sell them out to? To some bank corporation he supposed, or shaving establishment, to manufacture shinplasters in. This might suit the views of the gentlemen who opposed this bill; but it would not be so well received by the people at large.

Mr. PRESTON said he was not so much frightened by this cry of "shinplasters," by which a certain party in this country always attempted to answer the arguments used against them. He had showed that these mints cost twenty per cent. on the amount coined, and the answer of the gentleman from North Carolina was, "*shinplasters!*" When we speak of defaulters running off to Europe with the public money in their pockets, the answer is, "*shinplasters.*" Gentlemen have their imaginations tortured to death with these phantoms of paper currency shinplasters, and they conjure them up on all occasions, without sense or reason. When it is asked if these mints had added to the specie circulation of the country, it is answered, No—but, "shinplasters!" Have they involved an expense without an equivalent? Yes—but, "shinplasters." Have they added to the Government patronage? Oh, yes; but, "shinplasters." The gentleman from North Carolina [Mr. BROWN] says that his State is free from the circulation of shinplasters, and had smaller paper circulation than her sister States, in proportion to her population. He begged leave to differ in opinion with the gentleman on this subject. The notes of the North Carolina banks were pushed into the adjacent States, and were known as far as Georgia. With regard to the proposition he submitted, he had no other object in view but the public good. He thought that the portion of the property of this

country which had been invested in these mints was unprofitably employed, and he was not disposed, in consequence of a mere party slang, or a dread of bank paper, to impair the interests of the country by suffering it to remain so.

Mr. BROWN would say a few words in reply to the very temperate lecture of the gentleman from South Carolina. He regretted that the sensibilities of the Senator should be excited on this subject, whether by any remarks made by him casually in the course of the debate, or by the mere mention of the odious subject of a metallic currency, he should not undertake to determine. The gentleman, driven from the ground of his argument, driven from the positions he attempted in vain to establish, had endeavored to retreat, under a display of wit, and by ringing all the various changes upon the word "shinplasters." The gentleman possessed considerable powers as an orator and a writer, and he doubtless possessed musical and poetical talents of a high order. Now, he would recommend to the gentleman to turn these words into poetry, and set them to music, and he would then be able to give them more effect, when he wanted to display his wit at the expense of a metalic currency.

At a warmer period of the year, when the sun poured down its burning rays with baleful influence, he had heard of the prevalence of a disease called the hydrophobia, the characteristic of which was that both men and animals, when afflicted with it, were seized with a dread of water. Now, from witnessing the sensibilities of some gentlemen whenever the subject of a metallic currency was introduced, he should suppose that there was such a disease as the specie-phobia, and that those suffering under it are seized with a horror of gold and silver. Whenever it is proposed to adopt measures for increasing the supply of the gold and silver coinage, we are answered with the cry of "gold humbug." When we speak of the abuses of the banking system, and wish to counteract the effects of the bloated paper system, we are answered with the same cry of "gold humbug." When we are called on to prevent the banks from getting absolute supremacy over the affairs of the country, we are again answered with the magical cry of "gold humbug." There was a potency in this phrase that overcame all arguments in the estimation of honorable gentlemen; and he would now recommend to the gentleman from South Carolina, when he is setting his favorite song of "shinplasters" to music, that he will introduce the no less captivating phrase of "gold humbug" in the measure.

But the gentleman said that he did not introduce party politics into the discussion. Did I not, continued Mr. B. hear the words "gold humbug" used from the other side of the chamber? And have I not heard this slang, designed to dupe the ignorant and mislead the unwary, rung again and again, whenever any measure is in agitation to improve the currency of the country? But the gentleman had no design to introduce party politics into the discussion; his soul rises above every consideration connected with party feeling. Nothing of this sort was on his mind when he reminded us of those leg sub-treasurers who have absconded with large sums of the public money. But had the gentleman forgotten that within a very few days past, a bank sub-treasurer in a neighboring city (Richmond) has run off with half a million of dollars? Has he forgotten that other paper sub-treasurers have, in other parts of the country, very recently done the same thing? But when we talk of infusing a greater quantity of metallic currency into the circulation of the country, and preventing the banks from using the revenues of the Government to swell out their issues, we are met with such arguments as "gold humbug," "leg sub-treasurers," and other such phrases so common in the political vocabulary of a certain party.

But, said Mr. B. there was another word which the gentleman had eloquently harped upon, and he thanked him for it. That word was economy. He hoped that they would hereafter give a practical evidence of the sincerity of their professions in regard to economy. He had seen gentlemen voting for near half a million of dollars for books to supply themselves, and furnish profitable jobs to their political partisans, in the course of the last six or eight years; and yet they cannot vote this trifling expense for an object calculated to promote the convenience and interest of the people. When he came to reflect on this, he could not avoid coming to the conclusion, that gentlemen who were so fond of supplying themselves with books, at the public expense, were friends of the *paper system* out and out. The gentlemen talked about selling out these branch mints, and no doubt they were sincere. And he had no doubt, if they were set up at auction, that some bank would become the purchaser, for the purpose of flooding the country with its irredeemable paper; and we should again have some bank sub-treasurer fleeing from them with his half a million.

The question on a recommitment being taken, it was decided in the negative—ayes 11, noes 27, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Dixon, Knight, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, and White—11.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Roane, Robinson, Sevier, Strange, Sturgeon, Tappan, Walker, Williams, Wright, and Young—27.

The bill was then read a third time and passed.

DEFERRED DEBATE.

IN SENATE.

FRIDAY, February 28, 1840.

The resolutions, from the Select Committee on the assumption of State debts being under consideration, Mr. TALLMADGE addressed the Senate at length in opposition to the report. The following were his closing remarks, as reported in the Madisonian:

Mr. TALLMADGE said: Amidst the gloom and darkness by which we are surrounded, I can fancy I see the dawning of a brighter day. To those who have suffered by the folly and madness of this Administration, I would say, if my voice could reach them, be of good cheer—for the day of your political redemption draweth nigh. A few more revolutions of the moon, and the people will come to the rescue. The "Empire State" will be proud to lead the van in this great battle, if it should be assigned to her. She is already panting for the contest. Thrice has she condemned, in a voice which has reverberated from the ocean to the lakes, the destructive measures of this Administration. Thrice has she rebuked her once "favorite son," who has turned his back upon her interests, as well as the interests of the whole Union—who has raised his hand, as it were, against her who bore him—against her who cherished and nourished him, and gave to him all the consequence he enjoys—and whose overflowing kindness he has repaid by "ingratitude more strong than traitors' arms." Sir, she is tired of this Northern man with Southern principles—or rather this Northern man with no principles. She wishes to see an "honest" man at the head of this Government—one, too, who is "capable," and "faithful to the Constitution." And, let me tell the Senator from North Carolina, when she speaks a fourth time, it will be in a voice of thunder, in favor of the "HERO OF TIPPECANOE." The defender of his country in war, I trust he will prove her deliverer in peace. The Senator from North Carolina has given us some of his anticipations. Now, said Mr. T. let me give him some of mine. I anticipate that the 4th of March, 1841, will form an era in our political annals: that on that day, the wand of the magician will be broken: that on that day, he will retire to the peaceful shades of his own native village, heralded by the lamentations of those whom his administration has broken down and ruined. But he will not be forgotten in his retirement. The efforts of our waning commerce, of our ruined manufactures, of our suspended improvements, and of our unrewarded labor, will stand as lasting monuments of the imbecility and destructiveness of his administration; whilst the widows' and the orphans' tears, whose husbands and whose fathers have been sent to untimely graves, will rescue his memory from that oblivion to which the interests and the honor of the country would consign it!

Mr. STRANGE said: I should not have troubled the Senate, Mr. President, had not the Senator from New York [Mr. TALLMADGE] done me the honor to notice some of my remarks made on yesterday, perverting them to a far different sense from that in which they were used by me. He was pleased to suppose that I had some sarcastic allusion to the entertainments given to the President during his tour, last summer, through the State of New York. These entertainments were altogether different from the Federal feasts to which I alluded. The latter seem to be given for no object but to produce effect, and act upon elections; the former were the mere rendition of courtesy and the outpouring of good feeling towards a distinguished fellow citizen, upon his return after a long absence from his native State. They were due to the man, but still more to the Chief Magistrate of the nation; and I deeply regret that the political rancor of the Federalists should have caused these public demonstrations of good feeling to be confined to one political party. Of what ingratitude to his State, on the part of Mr. Van Buren, the Senator speaks, I am at a loss to understand. Does he mean to complain that he has administered the affairs of the General Government according to his sense of the true interests of the great body of the nation, and not in reference to the local interests and peculiar opinions of the people of New York? That he has not betrayed the confidence reposed in him by the whole American people by providing mainly for that State with which his own personal fortune and that of his kindred is identified? This I understand to be the complaint, and I must say it is just such an one as I should have expected, not from the personal, but from the political character of the Senator. And as for the word "traitor," which the Senator has seen fit to apply to the President of the United States, I wonder that the utterance of it does not palsy his tongue.

Mr. TALLMADGE was proceeding with some warmth of language to reply, when

Mr. HENDERSON rose, and expressed a hope that the VICE PRESIDENT would interfere, and preserve the order of the Senate.

The VICE PRESIDENT said, that as presiding officer of the body, he considered it was his duty to use all his influence, and all the means in his power, to preserve order in debate, and to sustain the dignity of the Senate; and for this purpose, to induce Senators to abstain from personalities in discussion, which must inevitably tend to disturb the harmony of their social intercourse, which it was so desirable to preserve. For himself, he had been the object of unmerited kindness and confidence on the part of all the members of the body, for which he would take this occasion to make his acknowledgments. He had reflected upon the question, how far it was his duty to declare a member out of order for language used in regard to the President, or to any other person who was not a member of this body, which would be deemed unparliamentary if applied by one Senator to another. It had been a matter of doubt with him whether it was proper or parliamentary for him to interferfere, however severe the personal animadversions of any Senator on the Executive, might be—although he was a co-ordinate and independent branch of the Government. For this reason, therefore, he had not called the Senator from New York [Mr. TALLMADGE] to order for personal remarks applied to the President of the United States, which would have been out of order if applied to any member of the body; nor the member from North Carolina [Mr. STRANGE] who had, in fact, retorted one of the offensive epithets. But having been called upon by the appeal of the Senator from Mississippi, he felt bound to say, that, in his opinion, the course of the debate was unparliamentary and out of order. It was his duty to submit this opinion to the Senate for its consideration, and for them to act as would, in their opinion, best comport with the honor and dignity of the body. He did not consider that any injury was done to the character or standing of

the President by any personal animadversions or unparliamentary language of members of this body, but he was prompted by a regard for the honor, the harmony, and the dignity of the Senate. It was with this object he had made these suggestions, and not from any personal or party bias; but he would say, that his position, which associated him politically with the President, had alone prevented him from making it a question for the Senate to decide, whether the language used by the Senator towards the President was parliamentary or not. It was very far from his desire to interfere with the freedom of discussion, nor could he interfere with it, even if disposed to do so; and he wished it to be distinctly understood, that no language could be used, however strong or harsh, when applied politically, and not personally, which would justify his interference. He had always confided to the high sense of dignity and decorum which characterized the members of the body as the best preservative of order, and his confidence had not been in vain.

Mr. TALLMADGE then made some remarks explanatory of the phrase excepted to, which he said was a quotation from Shakspeare. He intimated, in reply to Mr. STRANGE, that the reason why the indications of respect towards the President in the State of New York, at the time referred to, were confined to one party, rested upon the President himself, ascribing it to his addressing himself, on his arrival at the Battery, to his "Democratic fellow-citizens."

Mr. STRANGE said he was glad the Senator from New York had introduced this topic, as it afforded him an opportunity to bear his testimony to the great unfairness with which the President had been treated on this subject, and altogether for political effect. Almost as soon as it was known that the President intended to visit New York, there were murmurings in the Whig ranks that there would be no enthusiasm in his reception; that it would be cold, and confined to a few office holders and devoted partisans. His response at the Battery, to the address made him, was seized upon as a pretext to execute what had been long predetermined. It was said he had avowed himself the President of a party, by responding to his "Democratic" fellow citizens. Had any other class of citizens addressed him, and thus entitled themselves to a response? Did not the orator who addressed him speak in behalf, of his 'Democratic fellow-citizens?" Was the President to deny to the orator the character he had assumed? And, if allowing him the character, could he do otherwise than respond to it? Suppose an orator had addressed him in behalf of his Masonic fellow-citizens: could the President do otherwise than respond to his Masonic fellow-citizens? If his Whig fellow-citizens really designed to show respect to the President, would they not have selected an orator to address him, or have united with the Democracy in the selection of a common spokesman? Not having done either of these, could they reasonably expect a response addressed to them from one to whom they had said nothing? The expectation would have been unreasonable. It was never entertained; and an event which every one must have foreseen has been spoken of with affected amazement, and perverted to the injury of one who does honor to his State and country, for party purposes.

Mr. WRIGHT rose and said:

Mr. President, I cannot but feel the remarks which have fallen from the Chair as implying a reproof upon myself; a reproof, sir, I know, not intended, but necessarily following from the discharge of that unpleasant duty which the Chair has felt itself left to perform, to protect the absent from the consequences of language used in debate in the Senate. As a personal and political friend of the President of the United States I thank you, sir, for the manifestation of friendly feeling towards that officer, which you have now given; and my self-reproach arises from the conviction that you must have felt it to be much more the duty of the friends of that individual upon this floor, than of yourself, to interpose that interference, against harsh and unparliamentary remarks aimed at him, which you have found yourself constrained to make. As a Senator from the same State from which the President comes, you must have considered it my especial duty to shield him from such assaults emanating from a Senator from his own State.

I may, sir, have mistaken my duty. I have not been insensible to the delicacy of my position. Had my own feelings permitted that insensibility, the best of friends to the President and myself here have not suffered me to rest in unconsciousness of the impressions produced upon others. They have given me repeated admonitions, while these remarks have been in the course of utterance, that it was my imperious duty to correct the errors, and repel the imputations, with which they were so plentifully interspersed.

Even against these strong exterior influences, and, I must be permitted to say, against the stronger impulses of my own feelings towards a most valued, and esteemed, and abused friend, I must confess, Mr. President, I had made up my mind to preserve perfect silence. Your interference has unsealed my lips, and I now owe it to the Senate, to the respectable auditory present, and to the country, to explain the grounds upon which my determination to be silent was rested.

I doubt not, sir, that I treated the debate, in my own mind, too much as a State matter, as the course of remark of the speaker was calculated to induce me to do. In that sense I felt a confidence which amounted to unconcern. I could not bring myself to believe that the individual who now occupies the Presidential chair required defence from accusations made in the tone and temper to which the Senate was compelled to listen, and resting upon the authority which brought them before the body. The standing, and character, and public course of the President, during a long life of public services, were too well known to me to permit me to feel alarm for his personal or public reputation. Hence my determination to preserve silence, as his friend.

This occasion calls also for an explanation as to my own course. I need not ask the Senate to witness for me the reluctance I have manifested here, upon all occasions, to enter into these angry discussions with my colleague. That reluctance has become so evident to himself, that it has been made matter of charge against me upon this floor, and he calls it lecturing him upon forbearance, good temper, and good feeling. There are limits beyond which even such lectures should not be delivered; and I cannot disguise from myself that that limit, as between that Senator and me, is nearer than even he may suspect.

I shall not, however, follow him now a single step. My original purpose as to him, so far as this debate is concerned, shall be fully and faithfully preserved. I have not risen to reply to him, but to justify myself to you, sir, and to the body. You referred in your remarks to the epithet of traitor applied by him to the President. He answers by saying that the words were not his, but a quotation from Shakspeare. How far he can exempt himself from your strictures by such an apology, I am not disposed to examine. How far an ingenuous mind would feel relieved, after having applied offensive and unmerited epithets towards an individual, epithets confessed to be unmerited, by the apology that the words were quoted, and not original with the speaker, I will not inquire. It is enough for me to know and feel that I would never make such an apology for such an offence, where personal or public character and honor are concerned.

There was one other remark, sir, which you did not notice, and which I thought not less exceptionable. It related to the statement of a fact in the last annual message of the President, and the charge was that the statement was untrue, and that the President knew it to be untrue. Here, however, Mr. President, there was an apology for the assertion, by the way of a qualification to it; and what was that? It was that if the President did not know his statement to be untrue, he proved himself disqualified for the station he holds by making it. My reply to this omission of yours, sir, is, that when the President of the United States shall be under the necessity of appealing to the source of these remarks, either to establish his character for truth, or his capacity for his present office, he will be beyond my reach for defence or justification.

Will you, Mr. President, permit me to address one word to you in conclusion? I pretend to no learning in the rules and orders of a legislative assembly; but when the President of the United States shall be concerned, and my colleague shall be the accuser, I entreat of you, so far as you can possibly make it consistent with your sense of the duties of your position, not to interfere upon any future occasion. Leave to the friends of the President here his protection from assaults of this character and from that quarter.

The VICE PRESIDENT asked leave to submit a single remark. Although he was decidedly of the impression that it was unparliamentary and out of order to make personal attacks on the President of the United States, in debate, as having a tendency to bring members into collision, and produce criminations and recrimination, he should not hereafter feel it his duty to call any member to order, whatever might be the character of his remarks. He had discharged what he had considered to be his duty in submitting the subject to the consideration of the members of the Senate, who were equally interested in the preservation of its decorum and harmony. In answer to the suggestion that the rules of the Senate should not interfere with the freedom and latitude of debate, he would state that he fully coincided in the sentiment, and members might, if they thought proper, resort to the Greek, the Latin, the French, or the English, for phrases to add to the pungency or strength of their animadversions, and however harsh they might be, he would not interfere. In his opinion, however, it was of very little importance, when you inflicted a stab on the person or reputation of your neighbor, whether you inflicted it with your own weapon, or one borrowed for the purpose from another. In speaking of measures whose tendencies were despotic and tyrannical, no language would be objected to by him on account of its harshness. His principal, and his only object was to prevent personalities, which must always tend, in a greater or less degree, to produce disorder and unpleasant feelings among the members.

CUMBERLAND ROAD BILL.

DEBATE IN THE SENATE.

TUESDAY, March 31, 1840.

The bill for the continuation of the Cumberland road, in the States of Ohio, Indiana, and Illinois, was taken up for consideration; and the question being on the amendment proposed by Mr. CLAY of Alabama to strike out the two per cent. clause,

Mr. WRIGHT said he did not rise to debate the merits of the Cumberland Road bill. That duty he left to those who, from local position and more extensive acquaintance with the utility of the work, could better discharge it. Still he had, for some years now last past, given his vote for these appropriations, and he desired to do so now. He was anxious that the bill should retain its usual form, the characteristics which had distinguished appropriations for this road from those for internal improvements generally. This work was thus distinguished, from the peculiar circumstances which had led Congress to undertake it, and appropriations to continue it could have his support only upon the conditions that these distinctions were carefully and fully preserved.

From these remarks it would be seen that his object was to discuss, not the general merits of the bill, but the particular motion of the Senator from Alabama, [Mr. CLAY.] If that motion prevailed, the bill would be placed beyond the reach of his vote, and, as he had learned, of the votes of several other Senators. He hoped the motion would not prevail, and he must ask a small portion of the time of the body for an attempt to show to the friends of the measure that it should not prevail.

What was the motion? It was to strike out from the bill the following words:

"Which said appropriations are made upon the same terms, and shall be subject to all the provisions, conditions, restrictions, and limitations, touching appropriations for the Cumberland road, contained in the act entitled 'An act to provide for continuing the construction, and for the repair of the Cumber-

land road,' approved the third day of March, eighteen hundred and thirty-seven."

A reference to the act of 1837 would show the effect of this proposed amendment, by showing the "provisions, conditions, restrictions and limitations" contained in that act, subject to which the bill, in its present shape, proposes to make these appropriations, but from which the amendment, if adopted, will free them, and leave the appropriations open, general, and unconditional. He was satisfied, too, that this examination would prove that the proposition to amend was even broader than the honorable mover intended or desired; that there were "conditions and limitations" in that act, which even he did not desire to remove; from which he would not wish to relieve these appropriations, in case they were to be made.

What, then, were the "conditions, restrictions, and limitations" in the act of 1837, referred to?

The first was found in the 1st section of the act, in the following words:

"That the said road within the State of Illinois shall not be stoned or gravelled, unless it can be done at a cost not greater than the average cost of stoning or gravelling said road within the States of Ohio and Indiana."

This, he presumed, was a "limitation" which the honorable mover of the amendment, and those who would vote with him, did not desire to repeal.

The second was in the same section, and in the following words:

"That in all cases where it can be done, it shall be the duty of the superintending officers to cause the work on said road to be laid off in sections, and let out to the lowest substantial bidders, after due notice."

Here, again, was a "restriction" which he did not suppose the opponents of the bill would be anxious to remove.

The third "condition" was found in the 2d section of this act of 1837, in the following words:

"That the second section of an act for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, approved the 2d day of July, 1836, shall not be applicable to expenditures hereafter to be made on said road."

The section of the act of 1836 here referred to, requires that the moneys appropriated shall be so expended as to complete the greatest possible continuous portions of the road, "so that such finished parts thereof may be surrendered to the said States respectively." Should the amendment prevail, this section of the act of 1836 would be again restored and made one of the "limitations" upon these appropriations, from which the 2d section of the act of 1837 had relieved them. This would be in no way objectionable to him, though he supposed it would be to the more immediate friends of the work, inasmuch as the limitation, having been imposed in 1836, had been removed in 1837, at their instance.

These were the "conditions, restrictions, and limitations," which he supposed the honorable mover of the amendment had not considered, and some of which, at least, he presumed he would not desire to remove. He felt sure that some other Senators would be unwilling to part with the first two, as he well recollected they had been inserted in the act of 1837, after a severe struggle, and were then relied upon, by the honorable Senator who moved them, [Mr. CLAY of Kentucky,] and those who acted with him, as highly essential.

Yet it was not his object to discuss these points. He had simply referred to them, that Senators might not, unwittingly, adopt an amendment which should relieve these appropriations from conditions and limitations to which they had, upon former occasions, been strongly attached.

He was aware that the honorable mover of the amendment had another object, viz.—to get rid of the 4th section of the act of 1837, which was in the following words:

"That the several sums hereby appropriated for the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois, shall be replaced by said States respectively out of the fund reserved to each for laying out and making roads under the direction of Congress, by the several acts passed for the admission of said States into the Union, on an equal footing with the original States."

This is the real point of controversy involved in the amendment; this the "condition" which it is the object of the honorable mover to test by a vote; and this is the distinctive feature of these appropriations, which he (Mr. W.) wished to retain. To this point, therefore, this two per cent. fund, and the propriety of continuing to pledge these appropriations upon it, he should direct his remarks. He would be as brief as possible; but an examination of the origin of that fund, of the appropriations for the Cumberland road, and the present state of facts as to both, would be necessary to make his argument clear and intelligible.

The cession by the State of Virginia to the United States of the territory northwest of the river Ohio, contained, among others, the condition, that of that territory there should be formed not less than three, nor more than five, free Republican States, which under certain limitations prescribed, should be admitted into the Union upon an equal footing in all respects with the original States.

The State of Ohio first made application for this admission, and, on the 30th day of April, 1802, Congress passed an act entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes." Among other provisions in this act, Congress, by the 7th section thereof, offered to the convention of the people of Ohio, "for their free acceptance or rejection," three several propositions, intended for the mutual benefit of the State and the United States, and declared that, if accepted by the convention, they "shall be obligatory upon the United States." The third of these propositions is the one material to this discussion, and is in the following words:

"*Third.* That one-twentieth part of the nett proceeds of the lands lying within the said State, sold by Congress, from and after the thirtieth day of June next, (1802,) after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, *leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same;* such roads to be laid out *under the authority of Congress*, with the *consent of the several States* through which the said road shall pass. *Provided, always*, That the three foregoing propositions herein offered are on the conditions that the convention of the said State shall provide by an ordinance, *irrevocable without the consent of the United States*, that every and each tract of land sold by Congress, from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years, from and after the day of sale."

Here was a compact between this new State and this Goverment, for the convention of Ohio did freely accept the propositions and conform to their terms and requirements; and here was *the compact* which gave existence to THE CUMBERLAND ROAD, and threw it upon the hands of the United States.

A single step further will show the origin of the two per cent. fund, as contradistinguished from that five per cent. fund, or "one twentieth part of the nett proceeds of the lands," constituted by the compact last referred to, and devoted to the construction of roads from the Atlantic waters "to the Ohio, to the said State, and through the same."

On the 3d day of March, 1803, about eleven months after the passage of the act containing the propositions tendered to the convention of the people of Ohio, and which propositions that convention accepted and complied with, Congress passed an act, entitled "An act in addition to, and in modification of, the propositions contained in the act entitled," &c. being the act of the 30th of April, 1802, before referred to. This act conferred upon the new State, many other and further advantages, beyond those covered by the three propositions tendered to the convention in the former act; but the only one of its provisions affecting this discussion is that found in its second section. It was unnecessary to read the section, which was long. The substance of it was, that three per cent. of the five per cent. reserved in the ordinance which has been read, was directed to be paid over to the State, to be applied "to the laying out, opening and making roads within the said State, and to no other purpose whatever;" thus leaving but two per cent. of the nett proceeds of the lands to be expended "under the authority of Congress," in "laying out and making public roads leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same. This act constituted the two per cent. fund, by taking from the hands of Congress, and giving to the State for expenditure, three per cent. of the five reserved to Congress by the original ordinance.

Still the obligation upon Congress remained of expending the two per cent. in the "laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same;" and to discharge that obligation, this great, and troublesome, and expensive work, *the Cumberland road*, was commenced.

The chronological order of events would here call upon him to examine the first appropriations for the road; but he thought he should be able to accomplish the task he had undertaken with greater brevity, and make himself more perfectly understood, by following first the admission of the States, as far as that should be necessary for the question presented.

The next free Republican State admitted into the Union from the territory northwest of the Ohio, was Indiana, and the act of Congress for her admission was approved on the 19th day of April, 1816. The course pursued by Congress was very similar to that finally adopted with the State of Ohio, and it will not, therefore, be necessary to detain the Senate by the reading of either of the propositions submitted to the convention of the people of this State. It will suffice to say that, upon this point, they varied from the original propositions submitted to the convention of Ohio in three particulars, viz:

1. Two per cent. of the nett proceeds of the lands only are reserved to be expended under the authority of Congress, and that fund is to be expended in laying out and making roads *to*, and not *through* the State.

2. Three per cent. is reserved in the ordinance for and to be paid to the State.

3. The three per cent. is to be expended by the State in making roads, *or canals*, within it.

In all other substantial particulars the compact with Indiana was similar to that with Ohio.

The State of Illinois came next in the order of admission, the act of Congress for the purpose having been approved on the 18th of April, 1818. The compacts with this State differed, in some respects, from both the former, but a short statement should relieve the Senate from reading the propositions, which were long.

1. The two per cent. fund is reserved, as in the case of Indiana, to make roads *to*, not *through*, the State; but, as in the other two cases, is to be expended for that purpose, "under the direction of Congress."

2. The three per cent. is reserved for, and to be paid to, the State, but is to be "appropriated, by the Legislature of the State, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a College or University."

3. The equivalents are an exemption of military bounty lands from taxation for three years after patents issue, if they continue to be the property of the patentee, or his heirs, and a stipulation that lands belonging to citizens of the United States not residing in the State, shall never be taxed higher than the lands of resident citizens, in addition to the exemption from taxes of all Goverment lands for five years after a sale.

Two remarks seemed to be called for from the compacts with the last two named States. The first was that the two per cent. fund, to be expended "by the authority of Congress," or "under the direction of Congress," was reserved in both. The second was, that the three per cent. reserved for, and to be paid to, the State, was not reserved, in the last two cases, with any reference to the continuation of any road "leading from the navigable waters emptying into the Atlantic," to either of the said States, and consequently not to the Cumberland road, because, as to Indiana, the fund might be applied to the making of roads *or canals*, within the State, at its option; and as to Illinois, the Legislature was compelled, by the very terms of the ordinance, to apply it "for the encouragement of learning." The two per cent. fund, therefore, was relied upon for the roads mentioned in the various ordinances, to be made under the direction of Congress, whether they were to be continued *to* or *through* the States which were parties, and not the three per cent. which was reserved for the States, was to be expended by them, at their pleasure, or for works or objects of a character different from these roads.

He was now prepared to go back, in point of

time, and examine the appropriations for the Cumberland road, to see how far the action of Congress hitherto had conformed to the basis of these appropriations laid in the ordinances which admitted the three States into the Union.

On the 29th of March, 1806, the President of the States [Mr. JEFFERSON] approved an act of Congress entitled "An act to regulate the laying out and making a road from Cumberland, in the the State of Maryland, to the State of Ohio." This act gave existence to the Cumberland road, and an examination of its provisions will show, what its title so well imports, that it was an earnest beginning of the fulfilment, on the part of the United States, of that compact with the new State of Ohio which has been before recited; that it was the commencement of a road, "leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State." It was not material for his purpose to review the provisions of the act any further than to examine the appropriating section, and see whether it kept to the terms of the ordinances, and to the fund thereby reserved for the object. The sixth section of the act was this one, and was in the following words:

"SEC. 6. *And be it further enacted*, That the sum of thirty thousand dollars be, and the same is hereby appropriated to defray the expense of laying out and making said road. And the President is hereby authorized to draw, from time to time, on the Treasury, for such parts, or at any one time, for the whole of said sum, as he shall judge the service requires. *Which sum of thirty thousand dollars shall be paid, first, out of the fund of two per cent. reserved for laying out and making roads to the State of Ohio*, by virtue of the seventh section of an act passed on the thirtieth day of April, one thousand eight hundred and two, entitled 'An act to enable the people of the Eastern division of the territory northwest of the river Ohio to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes;' three per cent. of the appropriation contained in the said seventh section, being directed by a subsequent law to the laying out, opening, and making roads within the said State of Ohio. *And secondly*, out of any money in the Treasury not otherwise appropriated, *chargeable upon, and reimbursable at, the Treasury, by said fund of two per cent. as the same shall accrue.*"

Here we are shown fully the origin of this work, called the Cumberland road, the basis upon which its adoption by Congress rested, and the fund from which the expenditures were to be defrayed. In every respect the work was peculiar, as a work of internal improvement prosecuted by the authority and under the direction of Congress.

This very first act, too, as its terms fully show, adopted the principle of anticipating the avails of this two per cent. fund, by a general appropriation from the Treasury, charged upon the fund, and to be reimburseable out of it. It was not necessary for him to defend the wisdom of this policy at that early day. It was sufficient that it was then adopted, and was one of the expositions, by the then fathers, of the powers and duties of Congress growing out of these new and peculiar compacts with the new States. It was too late for him now to question the soundness of the principles upon which they acted, or the wisdom of the policy which guided their course. Nearly every Congress, from 1806 to the present time, had followed in their footsteps, and every President of the United States, from Mr. Jefferson to the present incumbent, had approved bills appropriating money for this road.

Had these bills followed the form of appropriation found in the law of 1806 above quoted? He had taken great pains to answer this inquiry correctly and truly, and, with two single exceptions, upon which he would particularly remark, he believed that every appropriation for the *survey* and *construction* of the road had been expressly, in the law making it, charged upon the two per cent. fund, and made reimburseable out of it. He had found some bills appropriating money for the repairs of those portions of the road which had been once called completed, which did not contain this pledge, as he thought they should not. These were mere appropriations for the preservation and security of the property of the United States, as this road when finished clearly was, until transferred to the States, or otherwise disposed of. It was It was barely possible that there might be some further exception of appropriations for survey and construction, but he could not think there were, as he had intended to make his examination full and accurate.

How, then, did the two exceptions stand? The first is an act of Congress, approved on the 15th of May, 1820, when Mr. Monroe was President. It is peculiar in itself, and perhaps ought not to be considered an exception to the rule under discussion. Its title is, "An act to authorize the appointment of commissioners to lay out the road therein mentioned." This will show that the whole object of the act was a survey. The act has a preamble, which is in these words: "Whereas, by the continuation of the Cumberland road from Wheeling, in the State of Virginia, through the States of Ohio, Indiana and Illinois, *the lands of the United States may become more valuable*," thus placing the legislation upon a ground separate from and independent of the compacts with the States and the fund therein provided. The act then goes on to provide for the survey of a road from Wheeling to some point on the left bank of the Mississippi river, between St. Louis and the mouth of the Illinois river, and appropriates ten thousand dollars generally, to be paid out of any unappropriated money in the Treasury, to defray the expense of the survey. The 2d section of this act contains this emphatic proviso:

"*Provided always, and it is hereby enacted and declared*, That nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to make, or to defray the expense of making, the road hereby authorized to be laid out, or of any part thereof."

Such was the first exception he had been able to discover, and he remarked again, that it was very doubtful how far it could fairly be considered an exception, within the proper limits of the discussion. The act was certainly *sui generis*, as a piece of legislation relating to the Cumberland road; but such as it was, he had felt bound to present it as an exception to the rule for which he was contending.

The second, and only other exception, which his research had enabled him to discover, was a bill approved on the 2d of March, 1833, at the close of General Jackson's first term. This was a plain case of departure from the rule of charging these appropriations upon the two per cent. fund, as the appropriations made in this law for continuing the construction of the road in the three States, separate from the appropriations for repairs, were direct in manner and heavy in amount He was happy, however, to be able to destroy the force of this exception as a precedent, upon the authority of the then President himself. He spoke from personal information from that distinguished individual, when he said that his approbation of that bill was an oversight, suffered in the hurry of business, at the close of a short session of Congress, when all who have been here know that a great majority of the bills of the session go to the President during the last evening. All who were here at the session of 1832, '3, will remember that it was one of the most exciting periods of our history, and that an unusual number of bills, of the deepest interest, finally passed the two Houses, and reached the President, within the last few hours of the session, which closed with Saturday, the 2d of March.

An examination of this bill will present a further and strong apology for the oversight of the President. Instead of being the usual and ordinary appropriation bill for the Cumberland road, it is an appropriation bill of an anomalous character, coupling harbors, rivers, roads, and a variety of other subjects in the same bill. Its title is a very imperfect index of its contents, and yet it is evidently made up of the substance of the titles of three or four originally independent bills. It is "An act making appropriations for carrying on certain works heretofore commenced, for the improvement of harbors and rivers; and also for continuing and repairing the Cumberland road, and certain Territorial roads." It embraces more than thirty separate and independent appropriations, which take from the Treasury more than one million of dollars. In such a bill, and reaching the President at such a period, it was not in the least surprising to him that the absence of this qualification to the Cumberland road appropriations was not noticed.

Still, whether the apology should be deemed sufficient or not, he was able to state the fact that this omission was not noticed, and that the bill would not have received the approbation of the then President, however important these and the other appropriations it contained, if the omission had been observed. So important did he consider the retention of the two per cent. clause, as it is called, as a principle upon which the appropriations for this road rest, and a marked characteristic to distinguish them from open and unrestricted appropriations for internal improvements.

He was aware it had been said, and would again be said, that the expenditures already made upon the road had more than consumed the two per cent. fund reserved and applicable to its construction, and therefore that the clause in the present bills was wholly useless. He wished to meet this objection to the clause, as he did all other points of this argument, fairly. He was therefore willing to admit that he did not expect the two per cent. fund of the three States would be sufficient to reimburse the Treasury for all past expenses upon this work; but that did not, to him, constitute a good reason for separating this essential feature from the bill, and passing it without it. The practice commenced with the commencement of the work, to anticipate the moneys which this fund was to yield, and if those anticipations had been pushed too far, it was no reason, to his mind, why we should abandon our hold upon that portion of the fund which remains.

All the three States yet embrace within their limits unsold lands, and consequently portions of this fund are yet to be collected from all. The amount too is considerable. He had been favored with an official statement from the General Land Office, brought down to the close of the third quarter of the last year, which showed that the unsold lands in the State of Ohio, Indiana, and Illinois, at that time, amounted to 26,835,234 acres. Even at the present minimum price of the public lands, the two per cent. from this quantity would, if he had made no error in the calculation, yield to this fund more than $670,000. If, as some suppose, the State of Missouri should be embraced in the estimate of future revenue to the fund, it would be more than doubled. There are 32,154,897 acres of unsold land in that State, and at the minimum price, that quantity will pay more than $800,000 to this fund. But when it is considered that the unsold land in all these States must become more valuable as settlements increase, and improvements in its vicinity are extended, who shall say what limit shall be fixed to this contingent fund? In any event it seemed to him a plain dictate of duty to secure whatever it is to yield to yield to reimburse the Treasury for this expensive work.

Shall we do this, if we pass the amendment now proposed, and thus, by our own act, release the pledge for the future? What is our daily experience now as to the other States? But a few days since the Senate passed a bill to pay this fund to the State of Mississippi. Another bill is now upon its passage, or has already gone to the House of Representatives, to make the same payment to the State of Alabama. These States have come here with demands for the money which we have not found ourselves able to resist. To Michigan and Arkansas, the whole five per cent. was yielded as one of the terms of their admission into the Union. Other new States will come, after these examples, and who can make himself believe that, if we strike out this clause, and thus release our hold upon the future accruing revenue to the fund from the States of Ohio, Indiana, Illinois, and Missouri, those States will not come, when their road shall have been completed, and tell us, up to 1840, you held and expended this portion of our two per cent. fund, but in that year you, by your own express act, refused longer to pledge it for the Cumberland road, and the money which has come into your Treasury, since that period, is ours, upon the principles which have governed your conduct towards the other new States? Who can convince himself that our successors will be able to resist such an application from these States?

To the unconditional opponents of this bill, he was aware that this reasoning would be unavailing; nay, that his very declaration of the impor-

tance of the provision to him would add to their anxiety to press the motion, that they might force him and others, who held similar opinions, to vote against the whole measure. Such he knew to be the condition of the honorable mover of the amendment. He was conscientiously opposed to the bill in any shape; and its defeat is the object of his motion. This was fair, and gave no ground of complaint. Any fair and open and manly opposition he had a right to practise; indeed, with his opinions, it was his duty to practise, and such was his present proposition for amendment.

To those, however, who were the friends of this road, who desired appropriations for it, he felt that he had a right to appeal with success upon this question. To them the pledge of this fund could not be objectionable, even if they did not consider it any longer useful. It could do no harm, if it was of no substantial service to the Treasury, and they certainly would indulge those who consider it essential, so long as they ask nothing more than what is looked upon as a nugatory provision. They will not bring the fate of the bill into jeopardy, rather than not discharge it from what they consider, at the worst, but harmless surplusage, and that, too, after they know that others, equally friendly, consider the provision proposed to be stricken out, one of essential, of vital importance.

He must be permitted to believe, therefore, that however far he may have fallen short of producing conviction upon the minds of either the foes or the friends of the measure, as to the importance of retaining the pledge of this two per cent. fund, the simple information that he and others so held it, would induce every friend to the Cumberland road to vote against the proposed amendment.

Mr. CLAY of Alabama claimed the indulgence of the Senate, that he might reply to some of the remarks which had fallen from the Senator from New York. He said the Senator from New York, [Mr. WRIGHT] with that adroitness for which he was distinguished in debate, had called the attention of the Senate to other conditions contained in the act of March 3d, 1837, than that which had been the chief subject of his (Mr. C's) remarks, in the previous part of this discussion, the benefit of which he said would be lost if the amendment prevailed. Seizing upon those other conditions and limitations which no one, who had before participated in the debate, had deemed of sufficient importance to be noticed, the Senator had apparently endeavored to deter other gentlemen from supporting the amendment, by remarking with portentous solemnity, that it went much farther than the mover (Mr. C) or others supposed. Mr. C. said, so far as related to himself, the Senator from New York was wholly mistaken—he knew perfectly all the conditions and limitations in the act referred to, and he presumed other gentlemen were not so uninformed as seemed to be supposed. He said the difficulty, suggested by the gentleman, was not so embarrassing or formidable as he seemed to imagine, as he would presently show.

Mr. C. said the most obnoxious condition in the act of March 3, 1837, proposed to be revived and continued by that portion of the bill which he had moved to strike out, was that which held out to the President and the country the false idea and delusive hope that the amount appropriated was to be replaced by the said States respectively, out of the fund reserved to each for laying out and making roads, under the direction of Congress, when no Senator had asserted, or could assert, that any such fund existed, or ever would exist. The Senator from New York himself, had distinctly admitted, with his usual candor, that the whole two per cent. fund which had accrued, or ever could accrue, on the sale of lands in the four States of Ohio, Indiana, Illinois, and Missouri, was already exhausted. Mr. C. said a knowledge of this fact, and a repugnance to see a bill passed through the Senate, containing a promise of reimbursement from a mere fictitious fund, and of course deceptive and fraudulent, had induced him, as he had before explained, to move to strike it out. If an individual were to draw a bill of exchange, or check, in favor of another person, on a banker with whom he had no funds deposited, and with no pledge that it should be accepted or paid, it would be held dishonorable. The pretence that the General Government was to be reimbursed the amount of this appropriation, when we knew it could not, he said was, in principle, the same with the case he had supposed. We were taking the money of the people, and, to reimburse them, drawing in their favor on a fund upon which we know we have already overdrawn. He appealed to Senators to say whether such a course was compatible with the fairness, candor, and dignity, which should ever be manifest in the proceedings of this body.

But, sir, said Mr. C. what are the other conditions, limitations, and restrictions of the act of '37, referred to in the clause embraced by my motion? They are, "that the said road, within the State of Illinois, shall not be stoned or gravelled, unless it can be done at a cost not greater than the average cost of stoning or gravelling said road within the States of Ohio and Indiana;" and "that in all cases when it can be done, it shall be the duty of the superintending officers to cause the work on said road to be laid off in sections, and let out to the lowest substantial bidder, after due notice." The act also contains a further provision, "that the second section of an act for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, approved the 2d of July, 1836, shall not be applicable to expenditures hereafter to be made on said road." Now, sir, said Mr. C. these several provisions may be necessary and important, and I have no objection whatever to them, if the bill should pass. Neither of them comes in collision with my object; and I am perfectly willing, if the money is to be appropriated, that it shall be applied under all those restrictions, and any others the Senate may deem salutary. Mr. C. said, if his amendment prevailed, a part of the bill would merely be stricken out; and how easy would it be, if the other provisions brought to the attention of the Senate were necessary, to have them inserted. This seemed to him to obviate the supposed difficulty entirely; and none would cooperate with the Senator from New York in effectuating that object more cordially than himself. After my motion prevails, said Mr. C. and the obnoxious clause is stricken out, let him move to fill the blank with the restrictions and conditions alluded to, and he will encounter no opposition.

Mr. C. said, the Senator from New York had again brought to the attention of the Senate the several compacts between the United States and Ohio, Indiana, and Illinois, which had been so often read or referred to in the course of this debate. He would not again read them, or pursue very closely the Senator's comments upon them. He certainly had not given any new views upon their proper construction, nor had he proved that, by the terms of those compacts, the General Government was bound to give those States more than the amount of the two per cent. of the nett proceeds of the public lands sold in each after their admission into the Union. On the contrary, he understood the Senator from New York to admit, distinctly, that we were bound for no more by those compacts, for laying out roads leading to the several States; and that the fund reserved for that purpose had long since been entirely exhausted.

But, Mr. C. said, the Senator had dwelt with much emphasis upon the surrender of those States, of the right to tax the lands of the United States, until five years after the day of sale. Mr. C. said, he was not accustomed to deny that such surrender of one of the rights of sovereignty by the new States (for the same had been required of, and assented to, by all of them) was a great sacrifice; nor should he on this occasion. It was true that the General Government had offered, and given to the new States, in exchange, and on the condition they would yield this right of taxing the public domain, until five years after its sale, the section numbered sixteen in every township, for the use of schools; the salt springs within them, with certain portions of the public land to aid in the use of working the same; three per cent. of the nett proceeds of public lands for making roads or canals in the States, and two per cent. for roads leading to them; two entire townships of land for the endowment and support of a seminary of learning; besides land for seats of the State Governments; but it was very questionable whether all these together would furnish an equivalent for the surrender of that single great right of sovereignty. Yet, he said, the new States had assented to these conditions, and made the several compacts, and were bound by them, however hard they might operate where the public land remained long unsold. But he thought it was not just or proper that three or four of those new States should be the continual and exclusive recipients of the national bounty and munificence. If the General Government had not been liberal enough to the new States—and Mr. C. frankly believed it had not, especially in refusing to graduate and reduce the price of the inferior qualities of land, in consequence of which they had not been sold for many years, and never would—let the Senator from New York bring in a bill to make up for all deficiencies, and placing all on an equal footing. Let Alabama, Mississippi, Louisiana, Arkansas, and Michigan, first be placed on an equality with the other four new States, by expending for their benefit as many millions of dollars, as had been literally poured out of the Treasury on the Cumberland road; and let your liberality be apportioned amongst the several States, in proportion to the amount which each has paid into the Treasury for public lands, and we shall have less cause to complain of injustice in your exercise of unauthorized power.

But the Senator has made the remarkable discovery that the first bill, which ever appropriated money for the Cumberland road, was approved by Mr. Jefferson, and that even that anticipated the accruement of the two per cent. fund. He then goes through the various bills making appropriations for this road, all of which, except one, anticipated the fund, and contained a clause for reimbursement out of it. The excepted bill, which wanted this clause, was approved by President Jackson; but the Senator does that distinguished patriot the justice to say that he alluded to it afterwards, and said the want of the reimbursing clause had escaped his attention, in the hurry of business, perhaps on the last night of the session, *or he should have withheld his approval.*

So it would have been, said Mr. C. with the long list of bills making appropriations for the same road, which the gentleman paraded before the Senate as having been approved by the same distinguished Chief Magistrate, if they had wanted the clause promising reimbursement. And so, he said, it would doubtless be with the present Chief Magistrate, if a bill were to pass for the same object, and be presented without such a clause; he, too, professing the same views of constitutional power, would feel bound to return it with his veto. To avoid this result, shall we send him a bill masked in fraud? Shall we send it to him, with the assertion on its face that the money "shall be replaced by the States respectively," out of a fund which has long ceased to exist?

Mr. C. contended that nothing favorable to the general power of making appropriations by this Government, for the construction of roads or canals within the limits of the States, was to be inferred from Mr. Jefferson's approval of the bills which had been alluded to by the Senator from New York for the construction of the Cumberland road. That venerated man never gave an opinion that any delegated power of the kind was to be found in the Constitution; all his principles were opposed to such a doctrine. The only provision of the Constitution, to which such a power could be considered incidental, Mr. C. said was to be found in the last paragraph of the 3d section of the 4th article, which declared: "the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States." This, with the exemption of the domain of the United States from taxation, justified the clause to be found in each of the compacts with the new States, upon their admission—that 5 per cent. of the nett proceeds of the public lands, afterwards sold, should be applied toward making roads within, and leading to, the States. It is very obvious that the construction of such roads would encourage and facilitate emigration, and accelerate the sale of the public domain; it might almost be regarded as

proper on the same principle that required the lands to be surveyed, and designated by sections, townships and ranges. Mr. C. said he could suppose this a very justifiable and expedient exercise of power, whilst the public domain was a wilderness, and the means of access to individual enterprise very difficult, or altogether impossible; but when those States had been settled from twenty to forty years, were in a high state of cultivation and improvement, with millions of inhabitants, and with numerous roads leading to and through them, how could it longer be pretended to have any necessary connection with the settlement of the country, or the sale of the public lands?

Mr. C. said the Senator from New York had also urged, as an objection to his motion, that, by striking out the clause of the bill, as proposed, we should release the two per cent. fund. He said the gentleman might dismiss his apprehensions on that score, when it had been, again and again, shown that we had already appropriated money, and taken *liens* on the fund, to the amount of more than four millions above the largest sum that could ever possibly accue. And the Senator from New York asks, what was the objection to this clause, with those who would vote for the bill without it? Mr. C. expressed his surprise at this question. He asked, in turn, is it no objection to a bill, which is to be sent to the President, to tell him, in effect, that this money is due by the compacts with Ohio, Indiana, Illinois, and Missouri, and that it is to be reimbursed from a particular fund, when we know it is not so due, and, moreover, know that we never can be reimbursed? Sir, such are the facts; and the Senator from New York has admitted them, by telling us he knew that we had already appropriated more money to the Cumberland road than had, or ever would, accrue from the two per cent. fund of the four States. Let gentlemen decide for themselves, whether, because they believe an appropriation constitutional, they can consistently attach to the bill an unfounded assurance to the Executive, and to the country, that the amount is due to us by contract, and will be refunded, when they know it is not due, and will not be refunded.

Mr. C. expressed his profound regret that any of those who supported the present Administration, and with whom he usually agreed, should support a measure of the character of the bill before the Senate. Having shown, as he confidently believed he had, that there was no existing fund of either of the States for whose benefit this road was to be made, out of which we could be reimbursed; and having established, beyond contradiction from any quarter, that no sufficient amount could ever accrue from sales of the public lands hereafter to be made in those States, it followed conclusively that the bill could not be sustained, or justified, under the compacts to which there had been such frequent reference. Under such circumstances, what was the naked question presented to the Senate? Mr. C. said, it was simply whether the General Government could make appropriations for the construction of roads within the States, consistently with the Constitution, or principles of sound policy. That was a question he had thought settled by the last Administration, and he was sorry to see it disturbed by any of those who professed to be friendly to its principles.

He said, it would be recollected that President Jackson, in his veto message on the Maysville road bill, and, in his subsequent messages, on similar measures, had laid down principles entirely unfavorable to the exercise of such power as that now contemplated. The Cumberland road, he thought, had been sufficiently shown to be a mere local improvement, in the proper sense of those terms. Although it ran through several of the States, it was wholly unconnected with any national object—it was entirely in the interior of the country, and could not be said to be necessary to, or even to facilitate, its defence. Not being national in its character, it was without and beyond the constitutional power of Congress; for all must admit that this Government was instituted *for national*, and *not for State*, purposes.

Mr. C. said, this was one of the great questions, of most vital interest in the quarter of the Union whence he came. It was well understood that his constituents, with the people of the Southern States generally, were in favor of a strict construction of the Constitution of the United States, and a rigid limitation of the powers of this Government to its legitimate functions. During the last Presidential canvass, when the present Chief Magistrate was a prominent candidate before the people of the Union, amongst the strongest objections urged against him in the South was, that he was latitudinous in his constitutional opinions, and would favor internal improvements by the General Government. This objection was met by his friends and supporters, with his pledge, that he would "follow in the footsteps of his illustrious predecessor"—by the resolution he offered in the Senate of the United States, in December, 1825, declaring that "Congress does not possess the power to make roads and canals within the States," and by his remarks, on various occasions, expressive of his opinion that Congress could not constitutionally exercise any such power. Mr. C. said he was amongst those who then, and still, believed the President a strict constructionist, and opposed to the exercise of the power in question. It was under this confident belief, that the present Chief Magistrate had received such a generous support in the Democratic States of the South. The Republicans of that quarter of the Union thought they were co-operating with brethren of the same political principles, and that, when successful, the Administration would be conducted accordingly. Mr. C. said he now entertained no doubt that, whenever a question involving and coming in conflict with those principles might be presented to the President, it would be met in a proper manner; he was firm and consistent, and would do his duty. He asked, was it fair, then, toward the President, and many of his friends, for another portion of them to unite with those who were opposed to us in constitutional opinions, in throwing around an appropriation (which could otherwise never meet his sanction) such masks and disguises that he could not see its true character? Were not those who pursued this course, in truth, opposing the acknowledged principles on which the Administration came into power, and bringing it into discredit with the Democratic party?

Mr. C. thought that, for a party to act long together, and remain united, they must entertain and act upon some common principles, and for common objects. He said it must be apparent that if one portion of a political party in this country were in favor of a strict, and the other a latitudinous construction of the Constitution—one portion in favor of an economical, and the other an extravagant and prodigal administration—one portion in favor of large appropriations to a certain class of objects in one quarter of the Union, and against such appropriations for like objects in another quarter, hey could not long act together harmoniously. He said the mass of our plain, honest, intelligent, but unsophisticated fellow-citizens, could never be made to understand why millions of dollars could be constitutionally appropriated for a road in Ohio or Indiana, Illinois or Missouri, while it was held to be unconstitutional to do the same thing in Tennessee or Alabama, South Carolina or Georgia. They could not be made to understand—he hoped they never might—that the Constitution meant one thing north of the Ohio, and another thing entirely different on the south side of the same river. They understood that the Constitution was intended to impose equal burdens, and dispense equal benefits and blessings throughout all the States of the Union. Equality of rights and privileges, burdens and benefits, amongst all the free citizens of this great and enlightened Republic, was the great principle which laid at the foundation of all our institutions. Disregard and destroy that distinguishing characteristic, and you jeopard the happiness and prosperity of this great people, if not the existence of the Government itself.

Mr. PHELPS followed in opposition to, and Mr. SMITH of Indiana in support of, the bill, when,

On motion of Mr. CLAY of Kentucky,

The Senate adjourned.

DEBATE IN SENATE,

MONDAY, March 30, 1840.

The bill authorizing the issue of Treasury notes was taken up at one o'clock, on the motion of Mr. HUBBARD, and, having been read,

Mr. HUBBARD remarked, that he regretted, and the Senate would regret, that his friend, the chairman of the Committee on Finance, was absent from his place. The charge of this bill would have devolved upon him had he been present. And not until within a few hours did he (Mr. H.) suppose that his honorable friend would not be able to be in his place. He was aware that the severe indisposition of a member of his family had occasioned his absence. The Committee on Finance had met this morning, and had assigned to him the care of this bill; and as they regard immediate action upon this measure of great importance, if not of indispensable necessity, they had instructed him to press this bill upon the consideration of the Senate, without any delay.

The bill which has passed the House, and is now before the Senate, provides—

"That the regulations and provisions contained in the act passed the twelfth day of October, in the year one thousand eight hundred and thirty seven, entitled 'An act to authorize the issuing of Treasury notes,' and the subsequent acts in addition thereto, be, and the same are hereby, renewed, and made in full force, excepting the limitations concerning the times within which such notes may be issued, and restricting the amount thereof as hereafter provided."

And the same bill further provides—

"That under the regulations and provisions contained in said act, Treasury notes may be issued in lieu of others hereafter or heretofore redeemed, but not to exceed in the amount of notes outstanding at any one time the aggregate of five millions of dollars, and to be redeemed sooner than one year, if the means of the Treasury will permit, by giving notice sixty days of those notes which the Department is ready to redeem; no interest to be allowed thereon after the expiration of said sixty days. And that this act shall continue in force one year and no longer."

As this bill, so essential to the public service, so intimately connected with the preservation of the public credit, had been opposed with so much determination, he felt himself now called upon to ask the candid attention of the Senate, while he went into a full examination of its provisions. And in the outset he must be permitted to say, that this measure is no bank in disguise; that it has no direct or remote relation to any such institution. It is simply a measure to borrow five millions of dollars for the use of the Government. It originated where such measures should originate, in the popular branch; and the bill is to be sustained, and sustained only upon that clause of the Constitution which gives authority to Congress "to borrow money on the credit of the United States." He should not attempt to sustain the bill upon any other principle. It was then, in his judgment, nothing more nor less than a bill to borrow a specified sum for the use and upon the credit of the United States.

As the first section of this bill seeks to revive the provisions of the act of the 12th of October, 1837, authorizing the issue of Treasury notes—and the acts having connection therewith, which were subsequently passed by Congress, he proposed to examine those acts with much particularity, in order to show that the character of this measure was such and such only, as he had given it.

The act which was passed on the 12th of October, 1837, was "an act to authorize the issuing of Treasury notes;" was an act, in other words, authorizing the issue of certificates of public debt. And the notes which were issued under and in pursuance of the act of October, 1837, were but the promises of the Government to pay the amount of money specified. And he was unable to distinguish between the issue of these notes by the Government, and the issue of notes for a like object, by individuals, so far as it went to give a definite character to the transaction. If an individual wished to raise money for his convenience, he issues his own written promise to pay. It is evidence of the debt of the individual, and it is evidence of the engagement of the same individual to redeem that debt. And precisely so with the Government; it wanted money; it issued in the mode required by law its evidences of debt, and its promises of payment. In both cases the want of immediate means for use induced the transaction. And as no doubt could be entertained that in the case of the individual it

would be a loan upon his credit—equally clear is it that in the case of the Government it would emphatically be a loan of the ten millions obtained under the act of October, 1837. The issue was made upon the credit of the Government; the means were procured upon that issue by the faith of the Government which was pledged for the redemption of the debt incurred. And if it so happened that these Treasury notes entered into the circulation of the country, that circumstance did not tend to change the character of the transaction. The negotiable paper of an individual, upon which he may obtain a loan, may enter into circulation; it may pass from hand to hand by assignment and delivery, but the original transaction is, nevertheless, the same.

By the first section of the act referred to, the President of the United States is authorized to cause Treasury notes, for such sum or sums as the exigencies of the Government may require, to be prepared and issued, limiting the amount of issue to ten millions of dollars—giving to that responsible officer of the Government, in other words, *the power* to borrow ten millions of dollars, if the exigencies of the country should demand it. The notes which were to be issued, signed, and countersigned, could not be regarded in any other light. And if they should get into circulation—pass from one to another—it may be answered that the certificates of the funded debt were alike assignable, and passed from one to another. By the second section of the act of the 12th of October, 1837, the true character is given to this transaction. It is there expressly provided that these notes shall be reimbursed and redeemed by the United States, at the Treasury, after the expiration of one year from the dates of the notes, respectively. The same section provides that the rate of interest shall be fixed by the Secretary of the Treasury, with the approbation of the President, and that they shall not draw interest after the expiration of said year—distinctly evincing the period of duration for this loan, and solemnly pledging the faith of the Government for the reimbursement of the notes issued, or of the loan contracted. The true character is here given to this transaction.

The exigencies of the country then required the use of ten millions of dollars. The President was authorized to make the loan in the mode prescribed. The faith of the United States was pledged for its redemption.

The third section of the act of October, 1837, designates the manner of executing these certificates of the public debt, and requires the Secretary to account for the notes delivered to him.

The fourth section repudiates the idea that this issue of Treasury notes was to be regarded as paper money, and unqualifiedly establishes the position before assumed, that the issue was but to carry out the loan which had been contracted by the Government. That section provides that the Secretary of the Treasury, under the direction of the President, cause a portion of said notes to be issued in payment of debts due by the United States to such public creditors as may choose to receive such notes in payment. And the Secretary of the Treasury is further authorized, with the approbation of the President, to borrow, from time to time, such sums as the President may think expedient on the credit of such notes. There seems to be no room left for cavil—it is as clear as light—that this emission of Treasury notes is not to constitute, by the act of the Government, any portion of the circulating medium of the country, but merely to enable the Executive to perfect the loan which, by the terms of the act, he is authorized to obtain, and to issue these notes as evidences of the debt, and as engagements to refund.

The fifth section, in terms, makes them of the same negotiable character as the old certificates of the funded debt, and makes them assignable like the negotiable paper of individuals.

These Treasury notes are made receivable for duties, taxes, and for public lands. The other portions of the act of October, 1837, need not be particularly quoted. They provide that the holder shall receive the principal and the interest specified. They give authority to the Secretary to purchase the outstanding notes. And the act further provides for the punishment of all persons who shall counterfeit said notes. And it requires the Secretary of the Treasury to cause a statement to be published monthly of the amount of all Treasury notes issued or redeemed in pursuance of the provisions of the act. It gives no authority to reissue the notes once issued, or to issue new notes in their stead.

By the act of May 21, 1838, the Secretary of the Treasury is authorized to issue new notes in place of such as have been or may be issued, under the authority of the act of October, 1837, and which have been, or which may hereafter be, paid into the Treasury, and cancelled. By the act of March 2, 1839, an authority is given to issue, at any time prior to the 30th of June then next, the remainder of the Treasury notes authorized to be issued by the act of May 21, 1838, to meet the current expenses of the Government.

Such has been the legislation of Congress heretofore in relation to this subject. And the bill now upon the table proposes to re-enact and revive for one year the pre existing legislation of Congress upon this same subject-matter. And he would address himself to the intelligence and patriotism of the Senate, whether the bill is objectionable in terms—whether the condition of the Treasury does not imperiously require the immediate adoption of this measure. He was sure he should not make this appeal in vain. He held in his hand a statement which had recently been received from the Secretary of the Treasury, and which went to exhibit the true conditiyn of the Treasury at the present time; and if this paper could be relied on, and he could not doubt that it merited our entire confidence, there was a necessity for immediate action upon the bill before the Senate.

Receipts and Expenditures since January 1, 1840.

RECEIPTS AND MEANS.

Balance in the Treasury and available on the 1st of January, near			$2,200,000
Received in January,	from customs, near	$1,250,000	
Do.	from lands	250,000	
Received in February,	from customs	1,510 000	
Do.	from lands	120,000	
Received in March,	from customs	1,400,000	
Do.	from lands	150,000	
Ordinary receipt			4,630,000
Collected since 1st January from indebted deposite banks, about			400,000
Aggregate means in first quarter			$7,280 000

EXPENDITURES.

In January,	$1,255,753
In February,	1,427.687
In March,	1,650 000
Aggregate for ordinary objects,	4,333,440
Since the 1st of January, redeeming Treasury notes, paid about	1,400 000
Available balance in Treasury, say	1,646,560
	$7,230,000

NOTE.—The above expenses include what has been actually paid for pensions, but would have been larger, if all called for had been advanced, by about $500,000

This amount has been postponed a few weeks.

If the usual appropriation bills had passed, there would have been due and paid under them more, by near 1,000,000

These two last amounts will soon be required, and, besides them and the ordinary expenditures in the rest of the year, almost one million and a quarter more will be needed to redeem Treasury notes falling due in May.

It will be seen, by a reference to this communication from the Secretary of the Treasury, that the amount in the Treasury on the 1st of January exceeded, by about seven hundred thousand dollars, the sum estimated to be in the Treasury by the Secretary, in his annual report upon the finances. The difference undoubtedly arose from the receipts from imports and from the sale of lands exceeding the estimate of the Secretary for the quarter ending the last December, 1839.

It may be said here, as it has been said elsewhere, why is this measure now called for? Why did not the Secretary, in his annual report, state distinctly and directly that this amount would be required? There has been a misapprehension upon the subject of that officer's annual report in relation to this very matter. It had been said, on the floor of the Senate, on a former occasion, that the Secretary had estimated the means and the expenditures for the current year, and had informed Congress that the former would enable him to meet the expenditures as estimated, and leave in the Treasury, on the 1st day of January, 1841, over a million of dollars.

This is true to the letter; and the Secretary has not, in his recent communication, retracted any part of the statement made in his annual report. In that official document, he distinctly stated, not only the aggregate amount of the available means in the Treasury, but he also officially transmitted to Congress an estimate of the expenditures of the year. This estimate of expenditures that distinguished public officer is in no way responsible for; it is made up at the several Departments, and the heads of those Departments inform the Secretary of the Treasury what sum will be necessary for the support of his own Department. The Secretary arranges these various communications, and, upon a proper classification, he reports to Congress what sums are estimated as the aggregate of the public expenditures for the current year; and his statement that there will be in the Treasury, on the 1st of January, 1841, a million of dollars, is predicated upon the fact that all the means he has estimated shall be available, and that the expenditures do not exceed the estimates. He could make no other report; and he would have been false to his trust, if he had given an honest account of the means, and a faithful exhibit of the estimated expenditures, and it should result, from such an expose, that the former would exceed the latter by a million of dollars, if he had said, *I want from Congress a still further sum of five millions of dollars.*

Such a course of conduct is not in accordance with the known vigilance, fidelity, and uprightness of that public officer. But let it not be supposed that the Secretary has made any concealments. What has he said in his report? After giving a detailed statement of the means with which the Treasury may be supplied in the course of the year, as follows:

"From the best information possessed by this department, it is computed that the aggregate of means available for public purposes, will not exceed $18,600,000, viz. from

Customs	$15 000,000
Lands	3,500,000
Miscellaneous	100,000
Add to these the balance available and applicable to other purposes, which it is supposed will be in the Treasury on the 1st of January, 1840	1,556,385
The efficient means in that year will then amount, in the aggregate, to	20,156,385
If Congress should make appropriations to the extent desired by the different departments, the expenditures for 1840, independent of the redemption of Treasury notes, are estimated at	20,000,000
Including all the Treasury notes to be redeemed, the aggregate expenditure would be about	22,750,000
This would leave a deficit in the Treasury, at the close of the year, amounting to	2,593,615
But there will be due from the United States Bank, in September next, on its fourth bond about	2,526,576
The principal now due on the Treasurer's deposites in other banks, which suspended specie payments in 1837, is	1,149,904
Should all these claims be collected in 1840, they would prevent a deficiency, and leave an available balance in the Treasury, of nearly	1,082,865

He adds, for the information of Congress, and most properly adds, that "it is not, however, considered prudent to rely exclusively on the collection of these debts." And in another part of the same report, the Secretary, after informing Congress of the aid which had been given to the Department in time of temporary embarrassment—by authorizing the issue of Treasury notes—had further added that

"The Department is now without any resort, temporary or permanent, in case of material deficiencies; and considering all the circumstances before mentioned, with the dangerous liability in law to have the whole of the outstanding Treasury notes paid in at any moment for public dues, without a power remaining to issue others in their stead; considering, also, the present revulsions in the commercial world, which affect so seriously the receipts from both duties and lands; considering the disasters which are befalling the banks, and rendering our collected funds in some cases wholly unavailable, and the advances necessary to be soon made for the large payments of pensions, and Treasury notes falling due in March, the earliest attention to new legislation on this subject seems highly prudent, if not indispensable, for the effectual security of the public credit."

In the extracts made from the Secretary's report, it is manifest that he has put Congress in possession of all the information which could be material for their action. And by more recent communications the same facts are repeated.

The Secretary says, in a report made by him to the President, under date of 15th of February, that "after the lapse of nearly three months, the views expressed in his annual report remain unchanged."

This bill is called for at this time not for the reason that the ordinary means coming into the Treasury will not be sufficient to meet the ordinary expenditures, but for the reason that the expenditures have been extraordinary in the month of March, and will be unusually large in April and May. The statement from the Secretary shows for what purposes the expenditures have been made up to this time. It is known also that there is now outstanding Treasury notes amounting to a million and a half of dollars. This sum must be paid in April and May. These considerations should induce the Senate now to concur with the House in the passage of this bill. It is a fact known to him that the Departments have been without pay for the last quarter; that our judges are without their quarter yearly salaries; our courts without the necessary means for their support.

It is true that the current appropriation bills have not passed the House, and owing to that circumstance the Treasury Department has been enabled hitherto to sustain the credit of the Government. And all he had to say in conclusion was, that he hoped the Senate would co-operate with him in now passing the bill before us. It is a measure called for by every consideration of public justice; by every feeling of patriotism; by the unavoidable expenditures of the Treasury Department which have recently taken place, and which are in prospect. It is not to be regarded as a permanent measure, but merely to afford that temporary aid and relief which an extraordinary expenditure of public money in the recent payment of pensions and in the extinguishment of a large portion of the public debt, has occasioned. He trusted, then, he should find the Senate prepared to carry this measure through without delay.

After some remarks from Mr. WEBSTER,

Mr. HUBBARD said:

Mr. PRESIDENT: I rejoice that the Senator from Massachusetts concurs with me in opinion that this bill ought to pass. I anticipated such an avowal, as we are both members of the Committee on Finance, and of course presumed to be acquainted with the present financial condition of the Government; and he, as well as myself, could not doubt, from what has been communicated to that committee, that the present wants and *necessities* of the Treasury called for the immediate passage of the bill before us. This fact was well known to me; and the knowledge of this fact must have led the honorable Senator to declare that he should make no opposition to this measure. In this, then, we agree: that the amount specified in this bill, at least, Congress is now bound to provide for the use of the Government. We also agree in another fact: that this bill is nothing more nor less than giving authority to the Administration to contract a loan upon the credit of the Government for five millions of dollars. I stated in my opening remarks, and I now repeat, that this bill can be sustained upon no other principle than as a loan. Under that clause of the Constitution, authorizing Congress "to borrow money upon the credit of the United States," I have heretofore defended measures similar to the bill under consideration. Under that same constitutional provision alone, I now sustain and defend this measure. I regard it as a loan, and nothing but a loan. It is of no earthly importance what are the peculiar terms of the bill, or what are its general provisions. *The object* is clearly set forth in the act of October, 1837; which act the bill before us seeks to revive; and, as I said when up before, that, from beginning to end, that act gave authority to contract a debt of ten millions of dollars; to borrow that sum upon the faith of the United States; to issue, in the form of Treasury notes of the denomination of fifty dollars and upwards, as the evidences of this debt, and pledged the faith of the United States for its ultimate redemption and payment. The present bill is substantially the same; of itself it contains no important provisions; it re enacts merely the law of 1837. True it is, that it proposes to borrow only five millions of dollars; but, in all other essential particulars, it is like, and is to be determined by, the act of 1837, and the subsequent acts of Congress upon this subject. With the Senator from Massachusetts, then, I entirely concur that this bill is merely a proposition for a loan; and, notwithstanding the character which has been formerly given on this floor to kindred measures, and the character which has been given elsewhere to this very measure, notwithstanding it has been violently assailed as a Government Bank, that it conferred the power to issue Government paper, and that that paper was designed to enter into the circulation of the country as money. Notwithstanding these attacks upon, and these objections to the bill, I cannot but regard them all as without foundation. I have endeavored to examine well this whole matter; I have, with much care, looked into the former legislation of Congress, and I have come to the conclusion that such attacks were wholly unwarranted; that such objections were wholly unsustained; and I have not been able to come to any different result than the one expressed by the Senator from Massachusetts, that the bill gave authority to contract a loan for the use of the Government. All its other provisions were but mere details to carry into effect the object in view. I not only regard the measure before us as a proposition for a loan, but I regard the mode and manner of contracting this loan with great favor. It comes strongly recommended to my mind. I have reflected much upon the objections which have, time and again, been urged against this particular mode of making a loan, and I must say that it is, in my judgment, greatly to be preferred to the usual and customary mode of contracting loans by the Government. The mode pointed out in the bill upon the table avoids all the delays necessarily incident to the other. There are no public advertisements; no circumlocution; no opening of books for subscription to the loan; no carrying our wants abroad; no humiliating appeal to the moneyed power of Europe; no seeking accommodations from the bankers of England, Holland, or France—all this is avoided. The amount wanted is named in the bill, the Treasury notes or certificates of debt are at once issued of every denomination of fifty and exceeding fifty dollars, and an appeal is at once made by our own Government to the subjects of that Government. Every individual of the community has the opportunity of contributing to its aid and relief. Experience has already shown that this mode of negotiating temporary loans has been most successful. The local institutions of the States; individuals in the interior sections of the country, as well as the capitalists of our cities, have, with alacrity, come to the relief of the Government with a strong and controlling feeling of patriotism; they have advanced their means as the exigencies of their country demanded. It is for such considerations that I have an abiding predilection for this mode of negotiating and perfecting a loan. In time of peace, in my judgment, it should be invariably adopted. As unforeseen and unanticipated expenditures may be necessary, as deficiencies in the Treasury may arise, as there may be for a time a want of immediate means to carry on the operations of the Government, and to sustain the public faith, in all such events, I would resort to this mode of pledging the public credit, in preference to others, in order to relieve the Treasury from such temporary embarrassments. In no point of view, therefore, is this mode of raising money for public purposes objectionable, in my judgment. I would invariably resort to it to meet such an exigency as now exists, to afford that temporary aid which the condition of the Treasury at this time so imperiously requires. These are my views. They have been formed after a full consideration of the act of October, 1837. I gave that measure my support. I gave to the acts of May, 1838, and of March, 1839, my support. I shall give to this bill my support.

I do not purpose, Mr. President, to follow the Senator in many of the remarks which he has submitted, having no immediate connection, as I can see, with the bill before us. The Senator has, however, gone into a full examination of the present condition of the Treasury, and its past, present, and prospective means, its past, present, and prospective expenditures. I will give to this part of the Senator's remarks some notice. The Senator has adverted to the tariff as it now exists, and to such a modification of the tariff as he would desire to have established. He has told us that he would, for the purpose of supplying the Treasury with available means, impose at once a duty upon silks. He has informed us of the gross amount of the importation of that article for the last year, and has deduced from that fact that even a moderate duty would bring millions annually into the Treasury. I agree to all this, and shall be as ready as that Senator, or as any other, so to regulate at once the tariff, as to impose duties on all luxuries now exempt from duty. I may add silks, as a luxury, are a most legitimate object for an impost duty, and I feel myself bound by no pretended compromise. But on this point the gentlemen upon the other side do not concur in opinion. Sir, I well remember that a most distinguished advocate of a protective tariff—a political friend of the Senator, on a certain occasion, contended, according to my best recollection, that this very article should come in free of duty, to enable the wives and daughters of our industrious farmers to dress themselves *in silks* on public occasions. But I go with the Senator from Massachusetts for the duty; and whenever a bill shall come from the other House, where such measures must originate, I will follow the lead of the Senator as far as he has indicated, with this qualification, my object will be to regulate a tariff of duties for the purpose of revenue, and for the purpose of revenue alone, and if protection shall incidentally be afforded, so be it; but I go not for a tariff looking to protection; against such a policy I enter now my entire and unqualified dissent. Revenue, and revenue alone must be the great object of any tariff of duties which can receive my aid. I will go with the Senator, also, to keep the duty off from tea and coffee. These articles are of such universal use—enter so largely into the consumption of the poorer classes of the community—that I look upon them, as they are looked upon by those very classes, as necessaries of life. While a member of the other House, I went to repeal the duties on tea and coffee, and to reduce the duty on salt. The same considerations which induced the one act induced all; and whenever a proper occasion shall come, I shall be ready to go with my worthy friend upon my left, [Mr. BENTON] to repeal the remaining duty on salt. I regard this article as an indispensable necessary of life. I would have it come to us as free from duty as the air we breathe, or the water we drink.

[Mr. BENTON here signified his satisfaction with the last remarks]

But, Mr. President, my friend from Missouri must not infer that I am prepared to go with him for the repeal of the fishing bounties, or the allowances given to our fishing vessels. I am not prepared at this time of day to support to that extent the project of the Senator from Missouri. I hope that when that subject shall come before the Senate, that I shall be prepared to show that other and important considerations induced this system of bounties and allowance than the mere amount of foreign salt used by the fishermen.

I have said, Mr. President, that I was in favor of this bill, and in favor of this mode of obtaining money for the use of the Government. I have said that, for temporary purposes, to relieve the Treasury from some sudden and unlooked for embarrassment, this manner of procuring money upon the public credit was altogether desirable. If the question was a loan of long continuance, I might think differently. But with reference to this particular bill, it meets with my entire approbation. I do not agree, however, that this measure is to borrow five millions of dollars for the period of two years. It is true, that the Secretary of the Treasury may, on the last day of the past year, if there are no certificates outstanding, make a new issue of the whole amount for one year. But the bill itself is limited to a single year, and the Secretary of the Treasury is bound to redeem within a less time, if the means of the department will enable him to do it on giving sixty days' notice. I have no fears then that this loan is to be fastened upon the Government for the term of two years. In the nature of things, it appears to me, that such a scheme could not be accomplished. I have full faith in the head of the Treasury Department, and

experience will show that he has not over-estimated his means, and that even before the expiration of one year, most of the notes will be redeemed, and redeemed with the means within the control of that Department—and if the Secretary has not erred in his estimate of the receipts into the Treasury for the current year; if he has not fixed too high his available means; and if Congress shall keep the appropriations within the estimates, instead of there being any occasion for the issue of Treasury notes at the end of the first year to, sustain the credit of the country, there will then be in the Treasury, subject to draft, over a million of dollars. What earthly reason, then, could possibly induce the Secretary to issue five millions of dollars at the close of the present year? I know of none—and I believe it would be difficult to conceive of any, consistent with the known integrity of that officer. Let the bill pass, and my word for it the five millions will find their way back to the Treasury Department before the expiration of a single year, should peace remain within our borders, and no unusual or extraordinary appropriation of the public money be called for.

The Senator from Massachusetts has remarked upon the estimate of means and expenditures as contained in the Secretary's annual report on the finances; and from the course of his argument I infer that, in his opinion, that officer has overestimated the one, and underestimated the other; and that, instead of there being in the Treasury on the first of January, 1841, a million of dollars, that there will be a deficit; and that even the amount intended to be raised by the bill before us, will prove insufficient to cover that deficit; that at the commencement of the Administration of 1841, the Government will find itself involved in a national debt of millions. This may be so. The estimated means may not prove available. In that event, no blame could be imputed to the Treasury Department, or to the General Administration. The expenditures may go far beyond the estimates. In that event, no blame could be imputed to the Administration. Congress itself is alone responsible for the public expenditures. The Secretary of the Treasury has nothing to do with the public appropriations; he submits to Congress an estimate of the expenditures required for the year; he makes known the means at his command, and the character of those means. If Congress make appropriations in disregard of his estimate of expenditures, or if the means on which he relies should fail him, it would indeed be true, that an entirely different result would follow from such a state of things, than that stated in the annual report of the Secretary of the Treasury. But, Mr. President, there is no mystery in this whole matter; that statement is made with great precision and clearness; it discloses the means of the Department, the character and source of those means; it exhibits the expenditures required; and unless the Government should have some collision with England—unless our country should become involved in war—it is idle to talk of a public debt being fastened upon us at the commencement of another year. No such event will or can take place, unless our existing controversies with Great Britain should involve us in war, of which I admit there is some probability: and I would rather have it come, with all its evils, than to see a rood of our soil surrendered, or the honor of our country compromitted.

Is there any probability that the Secretary will not realize all the means he has estimated? Is there any doubt that the receipts into the Treasury during the course of the present year, from all sources, will amount, in the aggregate, to $20,000,000? Will he not realize fifteen millions from customs? Will he not receive three millions from the sale of the public lands? This estimate of receipts was made at the commencement of the quarter ending on the last of December. He then told us that there would be in the Treasury, on the first of January, 1840, a million and a half of dollars. Has not his estimate been exceeded? Does it not distinctly appear, from a communication he read to the Senate when he was up before, that the balance in the Treasury, instead of a million and a half, was two millions and two hundred thousand dollars? He commences the year, then, with more means than he anticipated; and this excess beyond the estimate must have been derived from imports and from land sales; it could not have in the main been produced from payments on the debts due the Government from the old deposite banks, for it distinctly appears from the paper read, that from that source the Secretary has received the sum of seven hundred thousand dollars. It follows, then, from this exhibit, that seven hundred thousand dollars were received into the Treasury in the last quarter of the last year more than were anticipated. It also results, from an examination of the same communication, that the receipts into the Treasury for the first quarter of the present year have exceeded the average estimates for that quarter; and if the coming quarters do not fall short it will be found that the Secretary has not overestimated his available means, arising either from the customs or the lands. It is true, the Bank of the United States may not promptly pay the sum falling due in September next; and it may so happen that the old deposite banks may not extinguish the balances against them; but this is not to be presumed; but should it so happen that the entire indebtedness of these institutions should not be cancelled, is there no way to supply the deficiency which might thus be occasioned, without a resort to a loan? Yes, sir, there is a mode, and in my judgment it is our bounden duty, by immediate legislation, to adopt that mode, by correcting the judicial constructions given to the tariff act of 1833, in consequence of which, millions will be, without right, and against the intention of Congress, abstracted from the Treasury. Let there be prompt legislation upon this subject. Let the existing tariff acts be fairly executed. Let them be carried into full effect; and, as the Senator proposes, let there be even a moderate duty now imposed on silks and other luxuries, and we shall find from these sources an accession to the available means of the Treasury in the course of this very year, of at least three millions of dollars. And why should not all this be done, if the existing tariff laws have received such judicial constructions as to deprive the Treasury of the pecuniary benefit which it was designed they should afford. Why not correct, by an immediate declaratory act, the evil? It in no way affects the compromise bill; for it in truth would be carrying out the true intent of that bill. Why not impose the duty on silks? Such a duty is called for by every consideration. I would then, without delay, afford to the Department all the aid which would result from such legislation; and from a document I have seen, coming from the head of that Department, if this be done, then, without any interference with compromises, we should, without doubt, add to our means at least the sum I have before named. But there is another source of revenue which may come in aid of the Treasury. Should the graduation bill at this session become the law of the land, the effect would be to bring a million or two millions of dollars immediately into the Treasury from that source. I am aware of the opinion that the strong friends of this measure entertain on this point; but I deal in no extravagances. If that bill passes at the present session, I firmly believe that within a year from its passage, the Treasury will derive the aid from that source which I have stated. But even if there should be no legislation of Congress with reference to the judicial construction of the tariff act of 1833; if there should be no duty imposed on silks; if there should be no graduation bill passed; yet I have full confidence that the Secretary will be able to count on the means he has mentioned. If so, all will end well. I have, Mr. President, since the committee assigned to me the defence of the bill before us, endeavored to ascertain what has been the action of the Committee of Ways and Means of the other House with reference to the public appropriation bills; and I am most happy to say that they have been reported to the House, and that they will be found to be within the estimates; in truth, it will be seen that a less sum in the aggregate has been reported in the general appropriation bills than was estimated.

If, then, there is to be no material deficiency in means, as the experience of the quarter just ended evinces; if there is to be no appropriation materially exceeding the estimates of expenditures, as the bills which have already been reported to the other House show, then it follows that, instead of being in debt at the end of the year, we shall have in the Treasury an available balance, exceeding a million of dollars. Instead of the five millions of Treasury notes remaining unpaid, we shall find that the fidelity and perseverance of the head of the Department, *before the coming in of another Administration*, will have extinguished every such certificate of public debt.

Whatever may be the sentiments of others, I have read with much satisfaction the Secretary's annual report upon the finances. I have discovered, in the perusal of that document, the leading purpose of that public officer—to take no more money from the people than is wanted for the use of the Government. I admire his estimate of means and expenditures, and the result of these estimates as exhibited in his report. There will be a million of dollars in the Treasury after meeting all the public expenditures indispensably necessary. This is as it should be. Why or wherefore should money in taxes, direct or indirect, be drawn from the pockets of the people, more than is required for an economical administration of our Government? Why should the balance-sheet show millions upon millions in the Treasury at the commencement of every year? Why shall this be done, unless for the purpose of hoarding up the money unnecessarily abstracted from the people? I know that this practice was condemned by those who opposed the passage of the Independent Treasury bill; and in the perusal of the Secretary's report, I have seen that this Administration can be in no sense obnoxious to any such charge. Another benefit results from every such expose of our financial affairs; it teaches economy; it prevents useless and extravagant appropriations; it leads Congress to husband their means, and look well to their expenditures. And while I frankly avow the satisfaction I experienced in the perusal of this report of the Secretary, I believe that I do not mistake public opinion, when I add that the tax payers of the whole country will give to it their unqualified approbation.

The honorable Senator has given us a statement of the expenditures of the Government for the last three years. He has referred to the deposite act of 1836; to the obligations under that act to deposite with the States what should be in the National Treasury on the first of January, 1837, after deducting therefrom the sum of five millions of dollars. He has informed us that the Administration has failed to deposite the last instalment with the States, as required by the act of June, 1836; and that this sum of nine millions went—with the five millions reserved for public use in the Treasury on the first of January, 1837, with what had been collected from the Bank of the United States within the last three years—to swell the extraordinary means of the Government to twenty millions of dollars at least.

I wish to offer a word or two in relation to this matter, although it seems to have no very direct connection with the Treasury Note bill. It has, Mr. President, heretofore been urged that the States had a right to this nine millions of dollars; that the Government was bound to make a deposite with the States of the entire amount in the Treasury on the first of January, 1837, after the deduction of the five millions; that it was due to the States, and due to the States from the General Government. Against these positions I entirely dissent. The money was the property of the United States, and not of the individual States; and when and where deposited was for the benefit and to the credit and on account of the former; and in the event of any pecuniary embarrassment occurring after the passage of the deposite act, if the Administration had continued to withdraw the public moneys from the public Treasury and deposite them with the States, it would have been false to its trust, and would have justly merited the condemnation of the American people. I admit that the Secretary of the Treasury did not, under the act of 1836, deposite with the States the last quarter of the amount on hand, January 1, 1837; and why and wherefore was this? Is not the reason known and well under-

stood? Did not all the local banks of the country suspend specie payments in May, 1837? Not only those institutions having the public money, but others, as it were, by a united concert, at a given moment, refused to pay their paper and to redeem their debts? I refer to these facts to show for what reason the General Government failed to place in deposite with the States the remaining portion of the public funds required under the act of 1836. It was because the failure of the local banks of the country had put the public money without the control of the Government. The Senator has very correctly stated that the nine millions, in addition to the amount in the Treasury on the first of January, 1837, and in addition to the five millions received from the Bank of the United States has, since that period, been expended by the Government beyond the ordinary receipts into the Treasury. The Senator has very correctly stated that the amount which had been collected from the Bank of the United States; the balance in the Treasury on first of January, 1837; and the sum remaining not deposited with the States, as required by the act of 1836, formed an aggregate of over twenty millions of dollars, and that these were extraordinary means placed at the disposal of the Administration; and that since that period, this whole sum, together with the usual receipts into the Treasury from all other sources, had been almost wholly exhausted—so that the balance in the Treasury on the first of January last, was reduced to a million and a half of dollars; and hence the Senator would have us believe, not only that the expenditures have been extravagant, but that the estimates of the expenditures for the current year must of necessity be too low. Little indeed did I suppose that the honorable Senator would have stated—as he has most correctly stated—the amount of the extraordinary expenditures for the last three years, without having distinctly informed the Senate what had taken place to have rendered such an extraordinary expenditure of the public money indispensable. Surely the Senator well knows that during this whole period we have been engaged in a most disastrous and expensive war with the Seminoles. Mr. President, I have not before me the official reports in relation to the great expenditure for the prosecution of the Indian war. But it has been said heretofore by Senators in the Opposition that this war had already cost the Government over twenty millions. Not exactly so; but there can be no doubt that it has called for the appropriation of nearly fifteen millions of dollars. And can this Administration be charged with extravagance—with a want of economy—because this cruel and exterminating contest had cost the nation fifteen millions of dollars? Should the Administration stop to count the cost, and leave the border inhabitants to the tender mercies of a savage foe? No, sir—no. Such a course of policy no patriot would for a moment justify.

The war was unavoidable; its consequences, dreadful as they have been, in the sacrifice of human life, and in the expenditure of human means, have nevertheless been inevitable. Well, sir, I then start with a credit to the Treasury of fifteen millions for the expenses of the Florida war. Is this all? Have our Indian relations called for no other expenditures within the last three years? How have the treaties with the Creeks and Cherokees been executed? Have not those tribes been removed beyond the Mississippi, at a cost of over seven millions of dollars. Yes, Mr. President: such are the facts; such is the language of official documents. We, then, have had an extraordinary expenditure of the public money, within the last three years, in the prosecution of the Florida war; in the removal of the Creeks and Cherokees, of more than twenty-two millions of dollars; exceeding the aggregate of extraordinary means, as stated by the Senator from Massachusetts. But, Mr. President, we have concluded other Indian treaties within that period, requiring the expenditure of public money, all of which may be classed under the head of extraordinary expenditures. I contend, then, that the facts to which the Senator has adverted furnish no ground of charge against the Administration for extravagance. These expenses were necessary to maintain the honor and the justice of the country, and they might have occurred under any other Administration. Nor do these unusually large expenditures, for the last three years, tend in the least degree to show that the Secretary of the Treasury cannot get through the current year with an expenditure of only twenty millions.

Where is the evidence of extravagance? and where is the evidence that the Secretary has under estimated the public expenditures for the current year. Sir, it may be well to look a little into history, in relation to the public expenditures. We shall find that the current expenses of the Government, for ordinary, as well as for extraordinary, objects, have been reduced, within that time, more than seven millions; and the estimated expenditures for 1840 are less, by at least fourteen millions of dollars, than in 1837. The time has come when there will be no hoarding of the people's money—when no more will be drawn from the pockets of the people than is indispensably required for public use. And there can be no doubt that, unless the continued suspension of the banks shall sensibly derange our commercial operations, reduce the amount of duties, and diminish the sales of the public lands, the head of the Treasury Department will leave no national debt behind him, should he retire in 1841, to be cancelled by his successor.

The Senator from Massachusetts has, in the course of his speech, signified his intention not to oppose the passage of this bill; but he has presented an argument against this mode of borrowing money for the use of the Government. He has remarked that the greater part of all the Treasury notes issued since October 1837, have borne an interest of six per cent; and that the rate of interest on an issue of Treasury notes must be higher than would necessarily be required upon a loan contracted in the usual manner. I have already expressed my views as to the mode. I would merely add, in answer to the objection, that, as a citizen of our own country, I would greatly prefer to borrow money at home than to obtain it from abroad, even if such negotiations could not be accomplished as favorably in a pecuniary sense. There is, ever has been, and ever will be, an undue influence exerted by a moneyed power; and when, in our negotiations for loans, that power is concentrated in, and can be exercised by, a foreign Government, or when that power is concentrated in, and can be exercised by, the bankers of any foreign country, then, in my judgment, "the jealousy of a free people ought to be awake;" for I regard such an influence as most dangerous to our free Republican institutions. I would then, at all times, borrow money here, among our own citizens, whenever the exigencies of the country shall require it. I regard such a policy as founded in wisdom, as calculated to cement stronger and stronger this bond of union.

This is the first answer I would make to the argument of the Senator, if it were founded on fact; but the Senator will find that he is in error on this point. I have before me a table which has been prepared at the Department, which shows the exact amount of Treasury notes which have been issued under the respective acts of Congress, and the rate of interest given upon every issue. I shall not stop to read this table at length at this moment, but merely refer to it; and will state for the information of the Senate, that on averaging the rate of interest upon all the issues of Treasury notes under the various acts, of Congress, it will be found that the rate of interest upon that average will not exceed four per cent. per annum. It is contended that a loan in the common mode, as it is called, might be negotiated at a rate of four and a half per cent. Admit it for argument. Here then is a direct saving to the Government of one half of one per cent. in the kind of loan sanctioned by the recent acts of Congress, which is the same as is contemplated by the bill before us. But, Mr. President, is it true that, since 1837, a permanent loan could have been accomplished at a rate of interest of four and a half per cent.? Have the States been able, within that period, to negotiate loans on terms so favorable? Not so.

In order to show what amount of Treasury Notes has been issued under the different of Congress, and at what rate of interest, I have subjoined the following table:

STATEMENT of the amount of Treasury Notes issued quarterly, bearing the several rates of interest.

Years.	At 6 per cent. per annum.	At 5 per cent. per annum.	At 2 per cent. per annum.	At 1 mill per annum.	Total.
1837—fourth quarter -	7,200	—	2,272,304 67	713,484 48	2,992,989 15
1838—first " -	9,850	2,909,573 03	512,540 06	1,042,397 48	4 474,360 57
second " -	6,065,963 84	1,370,700 69	—	—	7,436,664 53
third " -	805,795 76	—	—	—	805,795 76
fourth " -					
1839—first " -	2,070,985 14	—	10,000	—	2,080,985 14
second " -	1,773,291 07	—	3,000	—	1,776,291 07
	10,733,085 81	4,280,273 72	2,797,844 73	1,755,881 96	19 567,086 22

The Senator will, I trust, find himself also mistaken in his allegation, that in March, 1841, the public debt would amount to eight or ten millions, according to his estimate. It may be so; but I am totally at a loss to know upon what principle the Senator has made his calculation. The bill before us authorizes only a loan of five millions, and authorizes, as the Senator says, the continuance of this loan for a period of two years. How this debt of five millions is to be doubled, is beyond my poor ability to comprehend. This very bill is to give to the Secretary of the Treasury the means of redeeming every outstanding certificate of public debt. Admitting that the Treasury shall not be able to redeem, within the year, a single note issued under the authority of this bill—that the whole five millions shall then be outstanding—I would ask, in sober earnest, what would then be the aggregate of the public debt? Could it, by any rule of arithmetic known among us, exceed the sum of five millions? No, sir. But the Senator will, I think, be most agreeably disappointed; he will find, if peace shall continue, that this issue of Treasury notes will be faithfully redeemed within the year, by the means at the command of the Department. It may not be unprofitable to state what amount of Treasury notes was issued under the different acts of Congress, and what amount has been redeemed.

On referring to the subjoined table, it will be seen that, under the act of October, 1837, ten millions of Treasury notes were issued; under the act of May, 1839, $5,709,810 01 were issued; and under the act of March, 1839, $3,857,276 21 were issued; making, in all, the sum of $19,567,086 22. And now, Mr. President, what amount has the Government already redeemed? It will be seen by the annexed table that on the 26th of February, 1840, there were only two millions one hundred and sixty-seven thousand two hundred and thirty-one dollars and sixty-seven cents outsanding.

	October, 1837.	May, 1838.	March, 1839.
Issued,	$10,000,000 00	$5,709,810 01	$3,857,276 21
Redeemed,	9,830,426 07	5,531,299 40	2,035,129 08
Outstanding,	[$169,573 93	$175,510 61	$1,822,147 13

	1st.	$169,573 93	
	2d.	175 510 51	
	3d.	1,822,147 13	
Outstanding,		$2,167,231 67	26th February, 1840.
Do.		2,208,263 67	1st do. do.
		$41,032 00	Redeemed in Feb.

FEBRUARY 26, 1840.

And since that time, the amount of Treasury notes has been redeemed to that extent; that according to a statement from the Treasury Department, which I read to the Senate when up before, there will not be, after the first of April, over a million and a quarter unredeemed. In a little more than two years, then, the Department has taken up nearly the whole amount of the nineteen and a half millions of the Treasury notes issued under the different acts of Congress. I infer from these facts, that there exists a disposition faithfully to apply the means of the Government not only for its proper support, but also to relieve it from its indebtedness.

There is another fact referred to by the Senator, which I feel bound to notice. The Secretary of the Treasury, it has been said, has issued portions of these notes, at different times, for the purpose of depositing with certain local banks in this country; and the fair inference following from such a statement, must be, that such deposites were made for the accommodation of the banks. There is no public officer connected with the Government, who receives so frequently from the Opposition charges of dereliction of official duty. He certainly can be no favorite of theirs. On all occasions, he seems to be selected as the object upon which was to be spent the whole venom of his political adversaries. He has been accused of almost every thing; but he must have the proud consciousness that these charges, be they what they may, have in no respect degraded him in the estimation of the American people. Unaffected and uninfluenced by the attacks of his enemies, he has gone on steadily and faithfully to do his duty, with all fidelity to the Government, and with the approbation of his country. In relation to this particular matter, adverted to by the Senator from Massachusetts, I wish merely to say in reply, that I challenge the most rigid investigation into the official conduct of the Secretary of the Treasury, under the various acts of Congress authorizing the issue of Treasury notes; and I hazard nothing in saying, that in no one instance will it be found that he has issued a Treasury note unless the exigencies or convenience of the country, or the interests of the public creditors, required it.

I hazard nothing in saying, that on no occasion, or under any circumstances, has he issued Treasury notes for the purpose of being deposited in banks, "but to facilitate the exchange of specie for notes without the delay and expense of transporting it to this city, and then carrying it back for expenditure, to effect such an object." Specie may have been placed in certain banks, and Treasury notes to a corresponding amount may have been *afterward, and not till then*, issued in favor of such depositors. This is the sum and substance of the connection the head of the Department has had with banking corporations in the execution of the Treasury note acts—and this is all.

I would ask the Senator how, in what way or manner, the Government could suffer, in a pecuniary point of view, by such an arrangement? If it so happens that one of the public creditors should reside at New Orleans, and the Secretary, with the assent of said creditor, should issue a Treasury note for a hundred thousand dollars in payment of his claim, and it is done, the note sent, drawing the rate of interest specified upon the face of it, from the moment it leaves the Department, to perform its destined office. The debt is cancelled—the note is received—it is endorsed to answer the purposes of the creditor—it is sent to Baltimore—from thence to New York, and there it is paid at the custom-house for duties. From thence it finds its way back to the Treasury. This, all will admit, is a fair business transaction, an every day occurrence; but instead of all this, suppose that the Bank of America should say, or that some individual should say to the Secretary, "one hundred thousand dollars in specie shall be placed in the bank to the credit of the Treasurer, for which Treasury notes at the same rate of interest, shall be received," and this is done; and with the assent of the same creditor, he takes a draft direct upon this Bank of America, in payment of his claim. Would there be the least difference in the charge upon the Treasury? The public creditor would be paid in both cases. His debt would, in the one case, be satisfied by a Treasury note, sent directly to him—in the other case, a Treasury note would be sent to a holder of specie, and the claim would be paid by a draft upon that fund. In both cases the roll of interest would be the same, and the charge upon the Treasury the same. The Senator resides in one of our Northern cities, where such negotiations have been made, and made with an institution with which he, as well as myself, have some acquaintance; and, my word for it, that the most minute examination of the contracts with the Merchant's Bank at Boston, will show that the Government has made no issue of Treasury notes in favor of that bank, but for the accommodation of the Government itself. I will say nothing more on this matter, but merely advert to the resolutions offered by the Senator from Massachusetts himself, in relation to this same subject, and to the answer made to those resolutions by the Secretary, and by the Treasurer. They give the true character to this transaction; and by no ingenuity can it be perverted. The idea that such an issue of Treasury notes has ever been made to banks or individuals, on the previous deposite of a like amount of specie, but for the convenience of the Government, is truly "*a humbug.*"

TREASURY DEPARTMENT, March 2d, 1840.

SIR: I have the honor to submit this report in compliance with a resolution of the Senate, passed 23d instant, in the following words:

Resolved, That the Secretary of the Treasury inform the Senate what proportion of Treasury notes, issued under the authority of the act of October 12, 1837, and subsequent acts, has been paid to public creditors of the United States, in discharge of their claims, and what proportion has been used for the purpose of borrowing money from the banks or individuals; together with a statement of the rates of interest borne by the notes of the several issues, respectively.

"And that he also inform the Senate whether Treasury notes, bearing interest, have been deposited in banks for the purpose of raising a credit to be drawn against by the Treasury Department; and if any such deposites have been made, to state the dates and amounts thereof, and the dates and sums of the drafts made thereon."

In answer to the first inquiry, I transmit herewith a statement prepared by the Treasurer, showing the rates of interest and the proportions—whether in exchange for specie or in payments of the issues of Treasury notes under the authority of the act of the 12th of October, 1837, and subsequent acts, as required by the resolution.

In reply to the other inquiry, I would observe, that no Treasury notes, issued under the authority of either of the acts mentioned, have been deposited in banks by this Department or by its sanction, for the purpose of raising a credit, to be drawn against by the Department. But, to facilitate the exchange of specie for Treasury notes, without the delay and expense of transporting it to this city, and then carrying it back for expenditure, numerous individuals and corporations have been permitted to place specie in special deposite to the credit of the Treasurer in certain specified banks; and Treasury notes, to a corresponding amount, have been afterward, and not till then, issued in their favor upon the certificates of deposite, as shown by the Treasurer's accompanying statement.

It may be proper to add, that, by pursuing this course, many risks have been avoided, as well as the payment of any commissions to bankers or brokers for selling the notes, and, at the same time, the disposal of any of them by the Government, except at par; and for any thing except specie or its equivalent, has been effectually prevented. Respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. R. M. JOHNSON,
Vice President of the United States,
and President of the Senate.

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TREASURY OF THE UNITED STATES,
March 24, 1840.

SIR: I have the honor to enclose a statement, prepared in answer to a resolution adopted in the Senate of the United States on the 23d instant, relative to Treasury notes, "issued under the authority of the act of the 12th of October, 1837, and subsequent acts," and referred by you to this office, for a report thereon.

None of the notes issued under the aforesaid acts have been deposited in bank for the purpose of raising a credit to be drawn against by the Treasury Department. Those issued on certificates of deposite, were issued in exchange for specie funds deposited in banks to the credit of the Treasurer, which funds were drawn for in common with other funds, and not specifically. I have the honor to be, very respectfully,

Your obedient servant,
WILLIAM SELDEN,
Treasurer of the United States.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

Mr. President, I have now said all I wish to say upon this bill. I am perfectly aware that much of what I have said has no direct bearing upon, or connection with, the bill before us; but such has been the range of debate, I felt myself called upon (little prepared as I was) briefly to notice some of the remarks of the Senator from Massachusetts. I can entertain no fear for the fate of the measure. The bill will pass, and I rejoice at it; and after what has been said, I hope I shall receive the co-operation, not only of the Senator from Massachusetts, but of other Senators in the Opposition, in securing, without delay, the passage of this bill, so essential to the public service, so important for the preservation of the public credit.

Mr. BENTON regretted extremely that another Treasury Note bill had been brought into Congress, and the more so, as it was easy to make a loan to supply the temporary deficiency in the Treasury. The Secretary of the Treasury, in his report, asking for a temporary supply, mentioned a loan, as well as Treasury notes, as the means of raising it; and there was no doubt but that the Government could easily borrow the amount in hard money, which he (Mr. B.) greatly preferred to stamping bits of paper.

Mr. B. said the Senate would remember his repugnance to this mode of raising the supplies, as manifested at the called session of 1837, when this resource was first recurred to under this Administration; and again, when there was a second issue of these notes at the last session. On the former of these occasions, he said he had spoken at large on the subject; and would now, with the indulgence of the Senate, read a paragraph from the speech which he then delivered. It was in these words:

"I will now say a few words on the policy of issuing Treasury notes in time of peace, or even in time of war, until the ordinary resources of loans and taxes had been tried and exhausted. I am no friend to the issue of Treasury notes of any kind. As loans, they are a disguised mode of borrowing, and easy to slide into a currency; as a currency, it is the most seductive, the most dangerous, and the most liable to abuse, of all the descriptions of paper money. 'The stamping of paper (by Government) is an operation so much easier than the laying of taxes, or of borrowing money, that a Government in the habit of paper emissions would rarely fail, in any emergency, to indulge itself in the employment of that resource, to avoid, as much as possible, one less auspicious to present popularity.' So said General Hamilton; and in that, all the fathers of the Republican church—Jefferson, Madison, Macon, Randolph, and all the rest—concurred with him. These sagacious statesmen were shy of this facile and seductive resource, *so liable to abuse, and so certain of being abused.* They held it inadmissible to recur to it in time of peace, and that it could only be thought of in time of war; and that after exhausting the direct and responsible alternatives of loans and taxes. Bred in the school of these great men, I came here at this session to oppose, at all risks, an issue of Treasury notes. I preferred a loan, for many and cogent reasons," &c.

Mr. B. said these were his opinions three years ago, and all that had occurred since, had strengthened them—what was now occurring strengthened them. This is three times in three years that we have had recourse to this description of paper. Is it not proof of the danger sliding into the use of Government paper money; the most seductive, the most dangerous, and the most liable to abuse of all the descriptions of paper which can be issued?

Mr. B. did not propose to go into the subject of Treasury notes at present: he contented himself with recurring to his uniform dislike to them, and hoped that he might never see another bill for their issue. He was against this bill; he would be still more against a future one. He was perfectly certain that a loan of hard money might be made at present; and he was equally confident that the United States, by following the proper financial system—by following the financial system of our Constitution—could have gold and silver enough to carry on any war with any power of the world, without recourse to paper money, either State or Federal.

Mr. B. did not join in the discussion of the causes which made the present deficiency in the Treasury. Gentlemen in the Opposition may ascribe the deficiency to what cause they pleased. To him it was clear that it was owing to three causes: 1. The distribution of the surplus revenue among the States; 2. The failure of the old deposite banks (he meant a part of them only) to pay up the amounts for which they got delay from Congress in 1837 and '38, and the expected failure of the Bank of the United States to pay the two and a half millions which would be due from that institution before Congress met again; and 3. The wretched enactments of the compromise act of 1833. This act, concocted out of doors, and by gentlemen who had no practical knowledge of manufactures,

and galloped through without consideration, is so loose, so vague, so uncertain in its generalities and classifications, that every thing is matter of doubt, and of contradictory interpretation; men differ as to what is cotton goods, worsted goods, silk goods, linen goods: they even differ as to what is a shirt, and what is a stocking—what is ready-made clothing, and what is uncut and unstitched goods. In these discrepancies, the questions go to the juries of the importing cities, and the Government "*goes to the wall*" in every trial. Mr. B. then referred to a document which he held in his hand, No. 49, of the House of Representatives, to show the extent of these losses to the Government, and read from page 44 as follows:

"*Estimate of probable loss and prospective deficit of revenue, arising from the diversity of opinion in the construction of the acts imposing duties on imports, by reason of judicial decisions.*

SILKS.

"The aggregate value of manufactures of silk, or articles classified as such, imported between the 1st of January, 1835, and the 31st of December, 1838, and exempted from duty, is ascertained to have amounted to upwards of $56,000,000.

Of this, there was imported in the year 1835 - - $14,984,564
1836 - - 20,331,896
1837 - - 11,114,179
1838 - - 10,277,705

"Assuming, therefore, that of these manufactures one-sixth part should have been otherwise classified, and paid duty as millinery or ready-made clothing, &c. upon an estimation, at the lowest rate, the probable loss on these manufactures to the revenue has amounted to $2,362,845.

Of this, the probable loss in 1835 was - - $624,356
1836 was - - 847,162
1837 was - - 463 090
1838 was - - 428,237

Taking, then, the importations and loss of 1839 as equivalent to those of 1838, and considering the extended operation of the principles of construction established by the courts upon the basis here given, it may safely be assumed that the prospective deficit will not fall short of $800,000 on this description of manufactures.

LINENS.

"The aggregate value of manufactures of hemp or flax, or articles classified as bleached and unbleached linens, between the 1st of January, 1835, and the 31st of December, 1838, and exempted from duty, is ascertained to have amounted to upwards of $22,562,239.

Of this, there was imported in the year 1835 - $5,932,568
1836 - 8,271,813
1837 - 4,651,857
1838 - 3,526,001

"Assuming, therefore, that of these manufactures one-fourth part thereof should have been otherwise classified, and paid duty as linens colored, &c. upon an estimation, at the lowest rate, the probable loss on these manufactures to the revenue has amounted to $1,411,389.

Of this, the probable loss in 1835 was - - $370,785
1836 was - - 516,988
1837 was - - 303,241
1838 was - - 220 375

"Taking, then, the importations and loss of 1839 as equivalent to those of 1837, and considering the extended operation of the principles before referred to, upon the basis here given, it may safely be assumed that the prospective deficit will not fall short of $400,000 on this description of manufactures.

WORSTED.

"The aggregate value of manufactures of worsted, or combed wool, or articles classified as worsted stuff goods, between the 1st of January, 1835, and the 31st of December, 1838, and exempted from duty, is ascertained to have amounted to upwards of $20,000,000.

Of this there was imported in the year 1835 - $6.549.278
1836 - 6,669,312
1837 - 3,360,266
1838 - 3,993,445

Assuming, therefore, that of these manufactures one-sixth part thereof should have been otherwise classified, and paid duty as woollens, &c., upon an estimation, at the lowest rates, the probable loss on these manufactures to the revenue has amounted to $1,285,142.

O. this, the probable loss in 1835 was - - $409,329
1836 was - - 416,832
1837 was - - 209,391
1838 was - - 249,590

"Taking the importations and loss of 1839 as equivalent to those of 1838, and considering the extended operation of the principles referred to, it may be safely assumed that the prospective deficit will not fall short of $500,000 on this description of manufactures.

"These data show that the probable annual loss on silks, linens, and worsteds, to the revenue, has averaged upwards of $1,250,000, and that the annual prospective deficit may be estimated as over $1.500,000, without taking into view the further deficiency resulting from the classification of mixed fabrics or manufactures, such as wool and cotton, wool and linen, and worsted with either of those components, although the difference in receipt is equivalent to one-fourth the value of such goods, which may be put down as little short of $2,000,000."

Such, said Mr. B. were the losses under the contradictory constructions of this bill—which were sufficient of themselves to account for the present deficit in the revenue. They had amounted, in four years past, to about eight millions of dollars, on three articles only; namely, silks, linens, and worsted. They had amounted, besides, to two millions annually on mixed fabrics; and the annual losses, until the act was amended, were computed at about $3,750,000. Such was the operation of the act which is called sacred and inviolable—which was not allowed to be amended in either House when it passed—and which is not to be allowed to be amended now. Yet the Administration has proposed to amend it; it has sent down the draft of a bill for this purpose; it was in this same document, No. 49: and Mr. B. was surprised that a bill in conformity to it had not been reported by some committee, or brought in by some member.

[Mr. HUBBARD said such a bill had been reported in the House of Representatives.]

Mr. B. said that would supersede what he was going to say, which was that he would himself give notice of an intended motion from himself to bring in such a bill.

Mr. B. said he had, in his place, at the time this bill passed—the night it was "*registered*"—declared that no Administration could execute it; that it was a mass of loose generalities and vague classifications, about which no two persons could agree. He named this among other objections to the bill at the time; and was answered from the other side of the House, by one of the authors of the bill [Mr. CLAY, of Kentucky,] that, if the Administration would execute the bill in the same spirit in which it was made, meaning, no doubt, the same amiable spirit, there would be no difficulty in it. This was one of the objections he then made against the bill; and time had shown that he was right. Mr. B. was led into this view of the operation of this act by the censure thrown upon the Administration for the deficiency in the Treasury; a deficiency which every body would see resulted from the distribution of the surplus revenue; from the default of some of the former deposite banks, and the expected default of the Bank of the United States, which must be provided for; and from the losses to the revenue in executing the compromise act of 1833.

Mr. B. had said nothing on this bill to issue Treasury notes, except to justify his vote against it, and to state that his ancient repugnance to this mode of supply had become stronger, and was now insuperable.

Mr. HUBBARD. Mr. President, I must confess that I have been greatly surprised at the determined opposition of the Senator from Missouri to this, as well as to other kindred measures. The Senator opposes it on the ground that it is substantially an issue of paper money; and he urges the propriety, instead of a resort to a measure like this, to negotiate a loan at once. Paper money: what sort of justice is there in calling these evidences of public debt paper money? No, sir, it is a loan—a temporary loan. I admit it gives to the President authority to borrow, upon the credit of the country, five millions; it points out the form of issuing the certificates of this debt; it fixes their denomination; it pledges the faith of the Confederacy for their redemption; all these, sir, are essentials in the negotiation and perfection of a loan. But the Senator approves not the mode; he would at once contract the entire loan. I would, sir, at a time like this, do no such thing. His distinguished friend had been, for years gone by, the able advocate against monopolies—against banks—moneyed corporations—the aristocracy of wealth; and does not the plan he now submits and recommends go to encourage monopolies—to favor banks—to extend to the moneyed power the exclusive privilege of taking such loans? This constitutes the objection I have to loans, negotiated in the common mode. I would appeal to my friend to carry into practice his principles on this occasion—to come in aid of this bill. Let the application go forth to every class of the community; let the farmers, the mechanics, the laboring classes, who may have a few hundreds in their purses, be permitted to come to the aid of their Government in the time of its need. Such a course would indeed be a full illustration of the abstract views of the Senator from Missouri. Compel not the Government to seek relief from the moneyed power of Europe; impose not upon her the humiliating necessity of proclaiming her necessities to the bankers of England, when, within our own land, corporations, as well as individuals, would vie with each other in extending to the Administration all the pecuniary assistance the peculiar exigencies of the country would require.

After some further remarks from Messrs. BUCHANAN, SMITH of Indiana, and PRESTON, the question was taken on the passage of the bill, and decided in the affirmative—ayes 25, noes 8, as follows:

YEAS—Messrs. Allen, Anderson, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Dixon, Fulton, Hubbard, King, Linn, Lumpkin, Nicholas, Norvell, Phelps, Pierce, Roane, Robinson, Sevier, Smith of Indiana, Strange, Sturgeon, Tallmadge, and Young—25.

NAYS—Messrs. Benton, Clay of Kentucky, Clayton, Davis, Merrick, Preston, Ruggles, and White—8.

The Senate adjourned.

CUMBERLAND ROAD.

IN SENATE,

THURSDAY, April 2, 1840.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was then taken up, the question being on the substitute proposed by Mr. CLAY of Alabama yesterday.

Mr. WHITE addressed the Senate at much length in favor of the bill.

After some remarks in reply by Mr. CLAY of Kentucky,

Mr. LUMPKIN said: Mr. President, many considerations have inclined me to give a silent vote on this bill. It is a favorite measure with many of my personal and political friends. But, sir, after what has fallen from the Senator from Indiana, [Mr. WHITE,] I feel myself called upon at least to correct his impressions and statements in regard to matters which he has thought proper to introduce in connection with my own State. The Senator has evinced his utter want of a correct knowledge of the facts and circumstances of which he has spoken, so far as Georgia is concerned. It was to me a matter of surprise that the Senator should attempt to aid the passage of the Cumberland road bill, by stating that the Federal Government had expended upwards of six millions of dollars, to aid Georgia in getting rid of her Indians, and other purposes of liberal expenditure in aid of that State.

Sir, the impressions and misapprehensions of that Senator would need no correction here, so far as this Senate is concerned, for I am sure, sir, that no other member of this body, except himself, is so uninformed upon the subject of the Senator's *address*. But, sir, his age must plead his apology; he has spoken of things which transpired before his birth; and he has neglected to make himself acquainted with the history of the transactions upon which he has attempted to enlighten the Senate. I will, therefore, for the edification and instruction of the Senator, inform him here, upon the floor of the Senate, that, instead of the State of Georgia ever having been a recipient member of the favors of this Union, she has been one of its most liberal donors. Yes, sir, Georgia has given much to build up and strengthen this great confederacy of States, while she has *asked nothing—received nothing*.

The gentleman's items of charge against Georgia are nothing more than the tardy payment of the just debts of this Government to Georgia, for a most valuable consideration—debts long withheld, and grudgingly and reluctantly paid. The just demands of Georgia upon this Government were long kept back, under the humiliating plea of inability. Look at the maps on your walls, sir: see the large, fertile, and flourishing States of Alabama and Mississippi, ceded by Georgia to the United States, under the compact and cession of 1802. And what did Georgia receive for this extensive and lovely domain? A mere song, sir—$1,250,000, a promise to settle certain fraudulent claims against the State, and the more important consideration of a promise to extinguish the Indian claim to all lands within the limits of Georgia, abridged as these limits were by that cession. And, sir, the want of good faith on the part of this Government has retarded and crippled the prosperity of Georgia up to this day. We have, sir, but just got rid of our Indians: much of our territory is still an unimproved, unsettled wilderness. Whereas, if this Government had been faithful to its compact with Georgia, we should have had a population and improvements

proportioned to our extensive limits and productive soil. Under these circumstances, sir, I can never remain silent in this hall, and permit it to be proclaimed to the country that the Federal Government has graciously spent millions from its Treasury for the benefit of Georgia. The true cause why this Government has been compelled to spend so large a sum in fulfilment of its obligations to Georgia, has arisen out of its own bad faith, and procrastination of a plain duty. Time was when this Government might have extinguished the whole of the Indian title to lands in Georgia, upon reasonable and peaceable terms. But instead of discharging this honest duty, it pursued a different policy. It forced the Indians from its own lands upon the lands of Georgia, and finally, when Georgia determined no longer thus to suffer herself to be trifled with and imposed upon, this Government found itself under the necessity of giving to the Indians an extravagant price for their claims to lands within the limits of Georgia.

And now, sir, can the Senator from Indiana expect to help out the Cumberland road bill by attempting to make the impression upon the minds of Senators, that there is the slightest similarity between this Government paying a debt to Georgia, and taking money from your Treasury to make a road in the States to be benefited by this road. Sir, I state to you, and I hold the proof in my hand—a communication from the Treasury Department—that while the payments from the Treasury of the United States, from the 1st of January, 1801, to the 31st of December, 1839, for internal improvements by the Federal Government, amount in the aggregate to $18,681,683 65, and the interest on this immense expenditure, since its disbursement, would, if added, amount to twenty-five millions of dollars, at least, expended by this Government on objects called internal improvement, by the Federal Government. And, sir, out of this immense sum, what amount would you suppose Georgia had received, after what has fallen from the Senator from Indiana? I will inform, not only you, sir, but the Senator from Indiana. Georgia has received, out of twenty-five millions of dollars, seventeen thousand dollars, applied to the removal of obstructions in the Savannah river. Yes, sir, you have the amount, *all told*. Now, sir, the new State of Indiana, the Senator's own State, has received considerably upwards of one million of this vast expenditure. Under these circumstances, sir, can that Senator expect to stand here unrebuked, when he attempts to make comparisons between Georgia and Indiana in reference to sharing the spoils of the public Treasury, in a scrambling system of internal improvement? No, sir, Georgia has never been a competitor with many other States in seeking special favors from this Government. She seeks nothing—she asks nothing in the way of special favors. Equality, justice, a strict adherence to the Constitution, is the motto of Georgia. Mr. President, upon constitutional grounds, I am opposed to this measure; I can find no grant in the Constitution to authorize these appropriations. But, sir, I know that constitutional arguments are wholly useless upon this subject. Such arguments have been reiterated again and again in my hearing, and in both branches of Congress, for twenty-five years past.

Sir, when we base ourselves on the Constitution, it only excites a *sneer*. We are sometimes even *ridiculed* for our constitutional scruples; yet we are all bound in the most solemn manner to support the Constitution. But, sir, ample and conclusive objections to my mind, may be found against a further prosecution of this Cumberland road by the Federal Government, upon the "general welfare" principle; and, sir, should I hereafter, as I possibly may, submit any remarks to the Senate on this subject, I will meet the friends of the "general welfare" school on their own ground, and endeavor to show that it is inexpedient, impolitic, and unwise, further to prosecute this work. If I might be allowed to offer a word of advice to the friends of this measure, it would be to come to a compromise upon this subject; they ought, in my opinion, gladly to have accepted of the proposition of the Senator from Alabama, [Mr. CLAY,] proposing to give the Sates through which this road passes, two per cent. of the nett proceeds of the public lands hereafter accruing from the sales in those States.

Is it not obvious that this measure is losing favor on every side of this chamber? Sir. I think it will not require many more such speeches as we have this day heard from the Senator from Indiana [Mr. WHITE] to seal the fate of this Cumberland road. It is true, sir, the Senator's speech was honestly and zealously intended to be in support of the measure. But, sir, all the able speeches which I have heard in opposition to this measure, for twenty-five years past, have not tended so effectually and fully to convince me of its great evils, as has the speech of the Senator this day, intended for its support. If this measure continues to obtain favor, it must expect it upon open, fair ground. It is useless for its friends to attempt longer to support it under the pretence of compacts, and two per cent. or three per cent. funds, set apart for that purpose. The Federal Government has more than discharged its obligations, arising under its compacts, with the States of Ohio, Indiana, and Illinois. Upon this solitary road, the Government has already paid the enormous sum of $6,777,739 82—more than ten per cent. of the nett proceeds of the public lands which have been sold in those States. Why, then, sir, longer talk about the two per cent. and three per cent. to which these States are entitled under compacts with this Government? No one will hereafter be deluded by thus mystifying this subject. Equally fallacious and futile is the attempt to make it appear that other States, and portions of the Union, have been the recipients of like favors and appropriations. All such attempts will have to stand upon a similar foundation to the one this day attempted to be imposed upon the State of Georgia, and which I have felt myself called upon to expose and refute.

Mr. ROANE said: Nothing was ever farther from my intention than to have opened my lips on the subject under consideration. I am, Mr. President, always extremely reluctant to participate in the debates of this body, and had not supposed it possible than any thing would occur, which could induce me to do so in regard to the bill now under discussion. But, sir, the very earnest, fervent, and almost personal appeal which the Senator Indiana [Mr. WHITE] most unexpectedly made a few minutes since to me, the only representative from Virginia on this floor, in behalf of this measure, renders it proper that I should promptly and immediately add a few brief words to the more potent monosylable, which it will very soon become no less my pleasure than my duty, to utter against the passage of this bill. And why, sir, are these appeals made to me as a representative of Virginia? On what principle, on what grounds, by what precedents, am I invoked to give aid or countenance to this "*Cumberland* road" bill? Has it heretofore received the countenance and support of that State? Have my predecessors in this chamber been its advocates or patrons? If so, I am unacquainted with the fact. The Senator, it seems, predicates his appeal to the favor of Virginia, upon the *interest* she has in this road, because of its leading through her territory, and also because of its reaching to, and passing by, her flourishing town of "*Wheeling*." Let us see what force or weight there is in these considerations. Sir, this road takes its start (as well as its name) from the town of Cumberland, in the State of Maryland, to a destined *terminus* at some suitable point on the river Ohio. The town of Wheeling was selected as that point. A due regard to the geography of the intervening country, and the principles of engineering, required, therefore, that the road should seek its passage to the Ohio through a small portion—a mere *corner*—of the territory of Virginia! The entire length of the road through that territory is only about fourteen miles! What great favor does this circumstance confer on that State? What great interest can it excite in Virginia or her citizens? And what obligation should it impose on her Representatives to vote annually large sums of the national treasure towards extending its progress through the boundless West! But, sir, we are also informed that the town of Wheeling, in Virginia, by which this road passes, has grown up to be a flourishing, populous, and wealthy city. True, sir, and we rejoice that it is true. But permit me to say to the gentleman, that neither the town of *Wheeling*, nor any of the other cities which have sprung up, as if by magic, on the banks of the *Ohio*, and all our other Western rivers, owe their rapid growth and unexampled prosperity to this Cumberland road. Be assured, sir, that the flourishing, enterprising town of Wheeling, would at this moment be struggling and plodding with a stinted growth, had her prosperity depended alone on the influence and effect of the Cumberland road. I will tell you, sir, to what she owes her rapid advance in population, wealth, and enterprise: she owes it partly to her almost unequalled water power, but mainly to the mighty power of steam, which has given navigation to her noble river, and machinery to her multiplying workshops. The revered name of Mr. Jefferson, too, the honored patriot and venerated statesman of Virginia, has been invoked to enlist the feelings of his native State in behalf of this road. Yes, sir; gentlemen who perhaps have but little respect for the opinions and principles of that great man on other subjects, are frequently most forward and clamorous in proclaiming his orthodoxy, when the public Treasury is to be tapped for the benefit of the "Cumberland road."

It is, perhaps, too late in the day, and is entirely unnecessary to my purpose, to argue the constitutionality of this road. Whatever may have been the reasons originally to justify or excuse the scheme, they do not, in my opinion, apply at the present time. Mr. Jefferson did, I believe, some forty years ago, or nearly, sanction, and perhaps patronize and foster, this road; but I am certain that he would never have done so, could he have foreseen its consequences, direct and collateral. He never even dreamed that it would attain its present length, and become an annual sponge, or perpetual drain on the public Treasury. When this work was first projected, the vast and fertile region north and west of the river Ohio, was a dreary wilderness, occupied by barbarians and wild beasts. It is blooming, populous and wealthy, having contributed six or more additional members to our blessed family of States. Mr. Jefferson, sir, had greatly at heart the settlement, population and improvement of this country, and could have projected and favored this road to its great river with no other view and expectation than to facilitate the migration thither of the enterprising pioneers and hardy settlers of his "*favorite West*," as he was wont to call that region. Besides, sir, the power of steam was not then known: It was not then within the ken of the wisest man to foresee, that so soon after the adoption of this plan of conducting the people, implements and other means of civilization into the wilderness of the far West, the stubborn currents of its mighty rivers were destined to yield to it a safe, easy, rapid, and most profitable navigation. Mr. President, it seems clear to my mind, that if these things could have been anticipated, we should never have heard of this "*Cumberland road*:" for if my information is correct, it is fast yielding to their influence, and becoming in a great degree a mere neighborhood affair in the States where these vast amounts of the national treasure are expended for its extension. I am informed, that nearly all who wend their way into the far West, invariably, when they reach the Ohio river, abandon the delightful coaches of this magnicent road, and pursue their journey in steamboats whenever the river is navigable.

Mr. President, this "Cumberland road" which was at first but a little serpent, is now fast growing to be a mighty anaconda, elongating itself through an empire, and involving States in its griping and inextricable folds! When and where, sir, is it to stop? Its course is onward, onward—"*crescit eundo*," is most emphatically its motto. "It grows as it progresses," and its appetitite is only sharpened by what it feeds on. The millions which have been already appropriated to its uses, only stimulate its cupidity, and embolden its demands for other millions. When and where, Mr.

President, I again, and earnestly ask, is this thing to stop? Where is to be its terminus, or is it to be interminable? Will gentlemen tell us? I see a bill laid upon our tables to authorize the President (I think) to have marked out the boundaries, and to take possession, of the Teritory of Oregon.

Think you then that this road, if permitted thus to go on, is to stop even at the base of the Rocky mountains? Will it not cross over, or pass through, those slight impediments, and then pursue with fresh vigor its onward course through the delightful plains of Oregon, to the bright shore of the great Pacific Ocean. And what will there then be to prevent its return to its native East, by a new and circuitous route through other States? I, sir, for one, am ready at this moment to stop the "progress of this evil;" and if we cannot "kill the snake," let us "scotch it." I am against this bill, Mr. President, because, in my soul and conscience, I do not think we have power under the Constitution to pass it. I am against it, because I think it unjust, impolitic, and inexpedient to pass it; and if it was both constitutional and expedient, I should be against it, because of the present meagre state of the Treasury and disturbed condition of the country, both in its domestic and foreign relations.

Mr. SMITH of Indiana said he had not intended to say any thing on the subject at this moment, though, as a member of the committee that had reported the bill, and coming from a State feeling some interest in the question, he had supposed it might become his duty to reply to the speeches of the gentlemen opposed to the measure before the final vote was taken. The remarkable speech of the Senator from Alabama, [Mr. CLAY,] who had just taken his seat, said Mr. S. will change my original intention, and induce me now to submit some remarks, in answer to the positions assumed by that Senator, who seems to be among the most zealous opponents of this measure, and I desire the especial attention of that Senator to my remarks. I wish to know whether I have misunderstood him, for I assure him I desire to present his arguments to the Senate fairly, and to answer them candidly. Did I understand the Senator correctly as saying that this road is local in its character, because it does not point to Mobile or New Orleans?

[Mr. CLAY of Alabama here rose and said he did not place its unconstitutionality on that ground, but that it did not terminate either on the seaboard or on the frontier.]

Then, sir, said Mr S. the constitutionality of a work of this kind is to be tested by the point at which it tesminates. This is a remarkable doctrine. As this road is to terminate at a point connecting itself with the great thoroughfare of commerce in the Southwest, it is unconstitutional; whereas, if it had connected with the frontier or the Atlantic, it would have ceen constitutional.

[Mr. CLAY of Alabama said he had contended that the work was local, as it was confined to three or four States at most in its benefits.]

Not exactly so, Mr. President, said Mr. S. How does the Senator make out his case? If you admit his premises, he can make a very plausible speech. But, are his premises correct? How does he make out, in the first place, that the road is confined, in its benefits, to only three or four States at most, in order to make it unconstitutional? Why, sir, he must sever the work at the Ohio river, and take one end or the other of it—either the eastern or the western section—and even then his position is untenable. But which end will he take? not the eastern end, surely, running through Virginia, Pennsylvania, and Maryland; for that end all admit to be constitutional. Mr. Jefferson said so, and therefore he cannot mean the eastern division; he must mean the western, running through Ohio, Indiana, Illinois, and Missouri, and ultimately, I hope, through Arkansas. Then, sir, I am to understand that the road in the contemplation of the Senator, west of the Ohio, is unconstitutional, and east of the Ohio is constitutional. Do I understand the Senator right in this particular?

[Mr. CLAY again rose and said, he should despair of making the Senator from Indiana understand him. He had contended for no such doctrine as that one end of the road was constitutional, and the other end unconstitutional.]

Then, Mr. President, said Mr. S. how does the Senator make out the work to be a local measure, confined to three States, and at most to four; if he gives us the benefit of the whole road, he must and does know that the road, as located, extends from Cumberland, in the State of Maryland, to St. Charles, in the State of Missouri, running through seven States, and that it is contemplated to continue it through the eighth. What, then, becomes of his local question? He has referred to the veto message of General Jackson on the Maysville road bill. I did not expect to hear that Senator refer to that document, as he voted for that bill both before and after the veto, as I understood him as admitting to my friend from Illinois, [Mr. YOUNG] But, sir, let me once for all say to those who recognise the doctrines of that veto message, here and elsewhere, that, for one, I am entirely willing to test the question before the Senate by the doctrines of that document. I mean, upon the question whether this be a *local* or a *national* work. Sir, if the Cumberland road is not a national work, where, in the name of Heaven, can you find one; a work that connects, as it were, two continents—the Atlantic with the great valley of the Mississippi, crossing the American Andes, and uniting the States and people of the Republic by a chain that will remain for ages a monument of the wisdom of our statesmen, and which may, like the Appean way of Rome, outlive the liberties of the country, and remain a memento of our nation as she was in the pure days of the Republic.

The Senator from Alabama is not the only Senator who has pointed to the western portion of the road, from the river Ohio west, and argued that it was local, and some have said almost useless, as the Ohio river, they seem to suppose, answers all the purposes of the road; at most, they say, that portion of the road is only beneficial to the few States through which it runs. These views are, no doubt, honestly urged; but, sir, knowing something about this matter personally, I aver to you, that if I were called upon this moment, by my vote, to dispense with either end of the work, I would not hesitate a moment in selecting the eastern portion from Wheeling to Cumberland; and for this obvious reason—you have a number of avenues, roads, and canals, from the Ohio river to the Atlantic, besides the Cumberland road; when it is a fact known to all, that there is but the single thoroughfare for the whole travel, stages, mails, and emigrants, west from the Ohio, running directly through these great States; nor could it be maintained, for a moment, that the Ohio river would answer as a substitute for the road, even if it were admitted that it was at all times navigable, as the road runs through the centre of the States, about equidistant between the Ohio and the lakes, say at an average of near one hundred miles from the Ohio. Senators say that it is only beneficial to four States, at most. This is a limited and erroneous view of the question. It is beneficial to the whole; if it is not, what becomes of your break-waters, light-houses, fortifications harbors, custom-houses, and improved rivers. They are infinitely more local than this work, and yet who ever thought of confining their benefits to the particular State in which they are located? Suppose, however, the benefits of the road were confined to four States; is it no object to construct it? These four States contain a population greater than was contained in the Union at the period of the Revolution. They have paid into the National Treasury over $70,000,000 for public lands alone, besides their equal proportion of your imposts. And are they to have no return? Are they to be ostracised by this new-born policy of the present day?

I have, in my report, pointed to this work as a great commercial road, and therefore national in that point of view. Sir, I repeat it here, I am aware of the new-fangled doctrine on this subject, but I have read and listened in vain to the arguments of gentlemen possessing powers capable of illustrating any proposition with clearness and force, with the single object of seeing or hearing some satisfactory solution of this matter, and I would now like to hear some gentleman, who has made this matter his study—and I see several in the Senate—tell me why it is that you can constitutionally clear out and improve, at the expense of the Government, under the commercial power, Tar river, in North Carolina, where the whole commerce may consist of the passage, in a wood boat, of a few barrels of tar or turpentine, and a return cargo of a barrel or two of salt, when, under the same power, you cannot construct or complete the Cumberland road over which, in addition to the great mails, (which are strangers at Tar river) there are more actual commercial operations in one day than there are on the river I have named in a year. I have only selected that river as an illustration, as there are innumerable cases equally strong; but I select the North Carolina case, because both the Senators from that State deny the constitutional power to construct this work. Let Senators read me the clause in the Constitution that relates to the regulation of commerce carried on in boats or vessels, and excludes that carried in wagons. Can it be possible that as soon as a box of goods leaves the boat and enters a wagon, it changes its constitutional relations? Can that instrument be so read, without doing violence to its provisions? I know that construction will suit the seaboard, but it is not the true reading of that charter, which was created for the benefit of all, universal in its provisions, and applicable to the thousand different shapes commercial operations may assume. I do not say that the opinions cannot be maintained, by which the commercial powers of the Government are confined to the water, but I do say I have never heard or read any argument intelligible to me sustaining that distinction, and I repeat, I shall be pleased to hear some one of the many restrictionists here attempt to sustain it now. Mr. President, since you entered political life—yes, sir, since I have taken part in political matters, which is long since you were at the meridian, these new-fangled doctrines have sprung up; they did not vegetate in the soil of the Revolution, nor were they cherished or countenanced by the heroes and sages who formed our Constitution; and who, it might be supposed, if we were not told otherwise, had some knowledge of the provisions contained in it. I do not feel bound to go into the whole constitutional argument to sustain the power until I hear gentlemen, who admit the commercial power to make harbors and clear out rivers, in which I heartily concur, draw a distinction intelligible to me, against the power in this case.

The Senator from Alabama, [Mr. CLAY,] and the other Senators, have based their arguments against this bill, so far as I have been able to understand, them, on the following ground, in addition to the constitutional objections, and the locality of the road, which objections I have adverted to. They say that the funds, or rather the two per cent. of the sales of the public lands in the States through which the road runs, has been exhausted; and, therefore, there is no obligation on the part of the Government to complete the work. I am aware, sir, that this argument is plausible, and upon a superficial view of the subject, it is well calculated to prejudice honest minds against the bill. I shall, therefore, direct the most of the remarks which I shall submit at this time to that point, leaving the Senator from Illinois, [Mr. YOUNG,] my colleague, and others, to discuss the subject more at large. I am not about to deny the position assumed, that a sum equal to the amount of the two per cent. of the sales of the public lands in the States of Ohio, Indiana, Illinois, and Missouri, has been expended by the General Government on this road. I presume such to be the fact. But, sir, when I have admitted all this, I contend that, so far as the merits of the question are concerned, I have admitted nothing against the bill. If this work be, as I contend it is, a national work, commenced by the Government, and located to and through its public domain, in the valley of the Mississippi, with the avowed object of facilitating the settlement of the public domain, and thereby of aiding the public Treasury in meeting the heavy debt which was hanging over the country; and if, by such location, as I contend, the Government held out to the purchasers of her lands the assurance that the road so located by her should be finished, she canno,

now abandon the work without a gross violation of public faith, nor without doing the greatest injustice to the people, who have purchased, and improved at high prices, the land on the line of the work, relying on the completion of it in good faith; nor can the Government now abandon the work without doing violence to the States through which it runs, upon general principles. I am not now examining the compacts. It is a fact well known by all Western Senators, that, upon the location of the Cumberland road through the States west of the Ohio river, the State roads running in the same direction were abandoned, and the whole travel thrown upon this road; the State roads were located upon a scale corresponding with State necessities and State means, while this road was located and intended to be constructed upon a scale of expenditure far beyond any thing that a State would have contemplated—hence the great injustice of abandoning this national work to be completed on a scale ruinous to the States, and about which they were not consulted; nor are their means adapted to it. I hold upon general principles, therefore, that, as the work was laid down by the Federal Government on a *national scale*, it should be constructed by the *National Treasury*. But, sir, do the compacts relieve the Government from her general responsibility to complete the construction of this work. I maintain that they do not; and here I am apprised I am about to assault the supposed impregnable fortress of the enemies to this work. I meet the question with pleasure, and all I can ask is, that Senators may hear me with patience and meet my arguments with candor. What is the true meaning of the compacts, or, in other words, what was the contract between the States west of the Ohio river and the General Government in relation to this work? I am answered by the Senator from Alabama. It was simply that two per cent. arising from the sales of the public lands in those States should be expended by the Government *towards* a road leading *towards* those States; and that when such an expenditure has been made, the Government has discharged its obligation to the States. This position I wholly repudiate. I contend that the General Government was bound to make the road, and that the two per cent. reserved by her was to aid her in the completion of the work; and I rely upon the following facts to sustain me. The construction of this road was a part of the original land policy of the nation as the proprietor of the domain in the Valley of the Mississippi. It was commenced, and in progress, long before the existence of the compacts between the States of Indiana, Illinois, and Missouri, with the General Government, and was not therefore prompted by these compacts.

Immediately after the location of the road through Ohio, the Government reduced the price of the lands from two dollars to one dollar and twenty-five cents per acre, and made large grants, for various purposes, without the consent of the States. The States were never consulted in relation to either the route, scale, or location of the work, but, on the contrary, the Government laid down the scale and prosecuted the work upon her own plan, wholly independent of the States, which certainly would not have been the case, had it been understood by either party that the work was to be abandoned whenever the two per cent. was expended, arising from sales of the residue of the lands at the reduced price. The truth is, as the early estimates and reports show, it was believed by all parties that the two per cent. fund would finish the work; and it was upon that principle the Government agreed to make it, and proceeded, without consultation with the States in relation to the scale or location of the work, as the States had nothing to do with that matter. What would have been the situation of the parties, if the construction of the Senator from Alabama should be adopted? Why, sir, the General Government would have the whole power in her hands, and the compacts to the States would be a dead letter. The expenditure of the two per cent. *towards* making a road *leading towards* the State, might be so made as to lay out the whole fund east of the Alleghany mountains, on the foundation of a work which the States west of the Ohio would be compelled to complete, to avail themselves of any benefit whatever from the fund, even if such a benefit would result from a work not coming near their borders. Such a construction of the compacts would not be listened to a moment, were the question one between individuals—much less can it be maintained between the high contracting parties in this case.

But let me examine the position a little further, and suppose the General Government a trustee for the States in the expenditure of the two per cent. fund on this road. I put it to the Senators who oppose the bill, whether it was competent for her to diminish the funds by a reduction of the price and quality of the land from which it was to be raised. Will Senators attempt to maintain that, in the discharge of the trust, the Government could lay down the work on a scale so national and expensive that the fund would only be sufficient to commence the work, and leave for the States the completion of a work of dimensions so extensive as to put it out of their power to finish, without great embarrassment? I hold that, viewing it merely as a trust question, a faithful discharge of that trust required the Government to appropriate the whole fund that would have arisen from the sales of the whole of the public lands at the prices fixed at the date of the compacts, in the completion of the work, and if she reduced the price of the land, made donations or grants for any purpose whatever, laid out the work on a scale too extensive for the fund, withheld appropriations until they were consumed in repairs, or otherwise improvidently dissipated the fund, or defeated the object, it was at her peril and at her own expense, and is no answer to the States when they ask for the appropriations to complete the work. This, sir, is briefly my view of this question. I might amplify and illustrate, but I choose to be concise, in hopes that I may not deter those who are willing to understand this question from reading my remarks and examining my positions. The argument of a bankrupt Treasury seems to be urged against this bill with unusual force by gentlemen who participate largely in national expenditures. I have met this argument more than once during the discussion on this subject in its various stages, and I can do little more now than repeat what I have before said; and that is, that I will not accept of that plea as a defence against the charge of a refusal to make this appropriation; last year the same cry was raised; the bill passed the Senate, and fell in the House. Notwithstanding the cry, then, I see the expenditures of the Government last year were $31,815,000, not a dollar of which was appropriated to this work. Where did it go? aye, that is the question. Are we, then, to be told of an empty Treasury as an excuse for not completing this road? Sir, will not that plea be just as good next year as it is this? Will not objects of expenditure be always found sufficient to drain the Treasury, in exclusion of this work, if we are to be put off with that excuse? As one of the friends of the work, I demand that it shall participate in your expenditures. If economizing is to be the order of the day, I am willing that our great work may bear its due proportion of the reduction of expenditures, with the other objects to which the national expenditures have been directed, but I protest against its exclusion. I regret exceedingly that the Administration should have thought proper to leave this work out of the annual estimates. I greatly fear the effect of this rejection in the estimates may prove disastrous to the appropriation, though I do not see why it should. I am apprised of the power of party, and how difficult it is for gentlemen to rid themselves of party influence; still I do hope that the friends of this work will rise above party considerations, and sustain that policy which was commenced by Mr. Jefferson, and prosecuted through the succeeding administrations, maintain the national faith, and give no just grounds of complaint to those who have relied on us to complete this great national work. I will not detain the Senate longer, leaving it for others to go more at large into the condition of the road, and claims of the West. I rose to a few prominent points in the argument, and having said briefly what I proposed saying, I leave the matter with a confident hope that the appropriation will not be withheld.

After some remarks in reply by Mr. CLAY of Alabama.

Mr. ANDERSON said he did not rise for the purpose of entering into the details of the discussion, and should have been contented merely to record his vote, but for the remarks which had just been made by his friend [Mr. CLAY] from Alabama. This last and earnest appeal which he had addressed to the opponents of this measure, to induce them to support his amendment, made it altogether proper that he should say a few words in explanation of the course he should take.

Mr. A. said he had listened with great attention, when this subject was discussed on yesterday, to the remarks of the distinguished Senator near him, [Mr. CALHOUN,] from South Carolina, and took occasion to state that he concurred most fully in the views which he had advanced in regard to the great principles that, in his opinion, apply to the main question. The amendment had been advocated as a proposition which would put this perplexed claim forever at rest. If he entertained this hope, nothing would gratify him more than to give to it his most candid support; or if there was even a remote probability that this would be the result, he would cheerfully unite with those gentlemen. There was nothing he more desired than that some plan could be devised by which this important and exciting subject could be surely and lastingly severed from us. But he said he had examined the amendment with care, in the hope of finding the grounds upon which gentlemen had placed their expectations, and he regretted to say that there was nothing, either within the context or the proviso, which would justify him in the belief that it would be well received by the parties who are so deeply interested, or which could be considered as in any way final and obligatory. Sir, said he, they have higher views of their own claims, which have risen with the progress of legislation. In fact, there is nothing by which you propose to bind them. It would only end as a mere gratuity, and the practical result would be, if they were to accept your proposition, the condition would not be felt to be binding as to any thing except that they should merely take into their own hands the application and expenditure of a certain amount of money. They would, hereafter, urge that the very consideration expressed upon the face of this amendment implied your concession of their claim; and after exhausting the funds which you had given to them, they would return upon you with redoubled energy and augmented demands. They would come here from year to year. They would never cease to urge their pretensions upon you. It is according to the laws which govern all human action that this should be so. We ought to remember that a massive population, growing in numbers, and spread over a vast territory, occupying four States of this Union, will continue to feel that their interests have entered into the success of this road; and, sir, you have no alternative but to meet the question face to face. He voted against the amendment of yesterday for several reasons, which it was unnecessary to repeat, except to say, generally, that he had no objection to the friends of the measure fashioning it in its greatest strength, because, in a contest of this sort, this would sooner or later be done; and the only true method of resistance was to meet it fully and boldly, and in the strongest shape in which it could be presented. The overthrow would then be the more signal and permanent. We have, sir, no safety in mere strategy. Ours is a cause which must be fought upon the basis of principle, or not at all. We have no allurements to offer. If we are defeated we must renew the contest—discuss our principles, enlighten the public mind, and rely upon it, in the end, a free and thinking people will abide by their Constitution, and return into the halls of Congress the true expression of their opinions. As to this amendment, you have nothing to hope from it. It settles nothing, and, said he, I shall vote against it, and against the bill, because it is unconstitutional.

Sir, said he, I should be greatly gratified to see

ourselves relieved from the burden of this question, so that the Congress of this great Republic should no longer experience this incessant and harassing oppression, and that in regard to all great questions of such high constitutional import, no local interests, wielding a powerful influence, could be brought to move upon our sympathies. In this view, he hoped that the time would come when this subject, embracing such a variety of considerations, will, under some judiciously devised plan, be finally disposed of, and that we, sir, will be untrammelled, and beyond its reach. Sir, we will then stand as we ought, fully and fairly as to matters of this sort, upon the great constitutional question of internal improvement by the General Government. All other lines and shades touching it will then be extinguished, and, in the true character of American Senators, we might put at rest forever the pretension of this immense and imposing power, which is advocated by a great party in this country. Sir, I look upon this power of internal improvement by the General Government as more seductive, influential, and dangerous than any which has ever been claimed for it. The power to establish a United States Bank is far beneath it, in all that concerns the great practical results upon our social and political system. The latter is but as a single rod of iron, while, compared to that, the other is as a thousand of similar size, bound into a single bundle; and looking upon the question in this aspect, he preferred to meet it full in the front, and, if we can, to vote it down. He believed it to be the only mode to adjust it, unless it can be otherwise done at some future day, by the fully expressed concurrence of the parties involved. Mr. A. concluded by saying that these remarks were sufficient to explain what he thought as to the amendment, and which was the sole object for which he had risen.

Mr. PIERCE briefly replied to Mr. ANDERSON, when

The question was taken on the substitute, and it was rejected, by the following vote:

YEAS—Messrs. Calhoun, Clay of Alabama, Dixon, Henderson, Hubbard, King, Lumpkin, Pierce, Prentiss, Preston, Roane, and Ruggles—12.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Clay of Kentucky, Crittenden, Davis, Fulton, Grundy, Linn, Merrick, Nicholas, Porter, Robinson, Sevier, Smith of Indiana, Southard, Strange, Sturgeon, Tallmadge, Tappan, Webster, White, Wright, and Young—26.

Mr. GRUNDY said that, as the season would be far advanced before this bill would be finally acted on in the House, and as the amount appropriated could not be profitably expended the present season, he moved to reduce the sum in each State from $150,000 to $100,000.

Mr PRESTON moved as an amendment to the amendment, that "$100,000" be stricken out, and "$75,000" inserted.

The question was then taken on Mr. PRESTON'S amendment, and it was agreed to—ayes 23, noes 17, as follows:

YEAS—Messrs. Anderson, Brown, Calhoun, Clay of Alabama, Clay of Kentucky, Crittenden, Cuthbert, Davis, Dixon, Fulton, Hubbard, King, Lumpkin, Pierce, Prentiss, Preston, Roane, Ruggles, Sevier, Southard, Strange, Webster, and Wright—23.

NAYS—Messrs. Allen, Benton, Buchanan, Grundy, Henderson, Linn, Merrick, Nicholas, Porter, Robinson, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wall, White, and Young—17.

The question then being about to be put on the engrossment of the bill,

Mr. CLAY of Kentucky intimated his wish to address the Senate on the bill; and, on his motion,

The Senate adjourned.

SPEECH OF MR. SAMUELS,
OF VIRGINIA.

In the House of Representatives, April 13, 1840—In Committee of the Whole, on the bill making appropriations for the civil and diplomatic expenses of the Government, for the year 1840.

Mr. SAMUELS said: Mr. Chairman, the subject now under consideration is a bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840. It is necessary to state this fact, and occasionally to recur to it, or it may be overlooked in the wide range which the debate has assumed. It is a subject worthy of remark, that the section now before the committee, is that appropriating money for the salaries of the President and his Cabinet counsellers. It must be admitted, by every member, that this appropriation must be made as long as the law fixing the salaries remains as at present. This waste of time, the whole day, up to this hour, upon a subject about which there can be on difference of opinion, cannot be justified. In the remarks I am about to make, but little will be added to the abuse adverted to. Considering the debate wholly irregular, I will not practise myself that which I condemn in others.

My principal object in rising, is to take issue with several gentlemen who have favored the committee with their views. My colleague, [Mr. WISE,] the gentleman from Massachusetts, [Mr. CUSHING,] and the gentleman from Pennsylvania, [Mr. BIDDLE,] all concurred in opinion that the Executive is responsible for the appropriations contained in this bill, if it shall pass. My colleague [Mr. WISE] especially, oftener than once inquired of the chairman of the Committee of Ways and Means whether this bill was recommended and approved by the Executive: and when informed that it was prepared from estimates furnished by the Departments, he took particular pains to direct the attention of the committee to the fact that it was so prepared. He avowed his purpose of fixing the responsibility of the measure upon the Executive. From all this we might infer that my colleague holds that the Executive is invested with the power to make appropriations, for it would be highly unjust to hold him responsible for them, if he have no such power. Does my colleague hold that, because an appropriation is recommended by the President, that Congress is bound to make it?

[Mr. WISE was understood to answer in the negative.]

The gentleman from Massachusetts [Mr. CUSHING] expressed the opinion that we ought to vote for appropriations recommended by the Executive, unless in an extreme case. The gentleman from Pennsylvania went so far as to hold the Department responsible for the correctness of their estimates, and if there were any omissions or errors in those estimates, he would not vote appropriations called for by supplementary estimates, unless good reasons could be shown why they were not included among the first. He was pleased to indicate this course for himself, because, as he alleged, it would prevent the practice which he charged upon the Departments of making estimates which are published extensively through the country, and afterwards making additional estimates, which have not the same degree of publicity given to them.

The opinions of the three gentlemen seem to be based upon the hypothesis that the power of originating appropriations, to some extent, at least, is with the President; or why attach so much consequence to his recommendations?

To these opinions, and the obvious inferences from them, I cannot assent. I hold that, in the constitutional distribution of power touching this subject, the President is only invested with the power to recommend to the consideration of Congress such measures as he shall judge necessary and expedient: the duty of Congress is not changed by the fact that a measure comes forward with the Executive recommendation. The power of Congress to lay and collect taxes, &c. to provide for the common defence and general welfare, to raise and support armies, to provide and maintain a navy, is conferred by the Constitution; and, whether the Executive makes a recommendation or not, the power, the duty, and the responsibility of Congress are precisely the same. Gentlemen could not, if they would, avoid the responsibility of their station, either by delegating their power to the Executive, or by yielding submission to his recommendations. The acts of Congress are chargeable to that body: if they waste the public money, they are responsible; if they suffer it to be done by the Executive, they are guilty of a double dereliction of duty, in neglecting the public interest, and in permitting an encroachment on their constitutional power.

Nor can gentlemen, with more appearance of justice, ascribe to the Secretary of the Treasury any responsibility on account of the public expenditures. His duty, as defined and laid down by law, is to digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; to prepare and report estimates of the public revenue and public expenditures, and to superintend the collection of the revenue, and to lay before Congress, at every session, a report on those subjects, for their information. Whether his policy be good or bad, whether his plans be wise or unwise, is a subject which Congress alone are able to decide. Their accountability to the people is not lessened because the Secretary of the Treasury may have recommended the measures they adopt.

At the present session of Congress, the President, in accordance with his duty, has recommended to Congress such measures as he deemed necessary and expedient. Among other measures recommended, is the practice of economy. It is our duty to consider this recommendation with reference only to its own intrinsic merit, and apart from the quarter whence it comes. It is at all times the duty of Congress to appropriate no more money than is demanded by the public welfare; and now that we are engaged in the consideration of a bill making appropriations, it is the duty of every member of the committee to examine it closely, and see if there be any extravagant or superfluous appropriation, and if so, to amend the bill. I therefore invoke the aid of my colleague's superior experience: if there be any thing exceptionable in the bill, I hope he will take up the challenge of my friend the chairman of the Committee of Ways and Means, and make it apparent. That gentleman invited scrutiny, yet my colleague made no specific charge against the bill.

[Mr. WISE said he had several amendments to offer, when we shall arrive at the sections for which they are intended.]

I am glad to hear my colleague say this: it shows that he has had the bill under consideration, and gives some assurance that the subject is likely to receive the investigation due to it at the hands of Congress. For myself, I profess a strong desire to practise economy in the public expenditures, and will show my sincerity by my votes.

My colleague [Mr. WISE] has animadverted with great severity upon what he deems the fearful and enormous expenditures of money for several years past: he took some pains to show the average amounts for those years: he made a calculation to show how much per head this expenditure would have imposed on each individual if the money had been raised by a capitation tax. He made the average annual expenditure for the time embraced in his calculation between thirty-three and thirty four millions of dollars. All this expenditure he ascribed to the present Administration and that immediately preceding it. He scarcely recognised the intervention of Congress in making the laws appropriating money. He denounced the Executive for his extravagance in unmeasured terms. When inquired of by the gentleman from New York, [Mr. VANDERPOEL,] whether he expected the Executive to withhold his constitutional sanction from the appropriation laws upon the ground of their supposed extravagance—and whether he censured him for having given that sanction, my colleague distinctly admitted that he did not expect the Executive to withhold his sanction for such reason—that it was unusual and improper to do so. Although my colleague took no exception on account of the President's exercise of his constitutional power, yet he ascribed to him a certain mysterious subtle influence over members of Congress; an influence which my colleague, with all his graphic powers, could not delineate or define, yet which he alleged to have existence, and of which he asserted the gentleman from New York, [Mr. VANDERPOEL,] was fully conscious. This influence, if exerted for the purpose, my colleague thought would have kept down the expenditures.

Without stopping to defend the President and the former Congress from the grave charge implied in the statement of my colleague, I must say that the censure conveyed by it is most unjust. The charge is, that a secret influence is possessed by the Executive over a co-ordinate branch of the Government, which is alike dishonorable to both. Yet because he foregoes the exercise of that alleged influence in regard to a most important branch of public business, it is made a subject of reproach. If such influence did exist, it would not have been a cause of complaint that it was permitted to lie inactive forever.

My colleague gave his testimony, without reserve, against the extravagance of the present and late Administration; he condemned them without any qualification or saving whatever. He gave amounts of money expended in various years, and because the amounts in certain years exceeded the amounts in certain other years by large sums, he considered the charge fully made out. It seems to me, however, that, if the expenditures in 1838 exceeded those in 1826 by the sum of fifteen millions of dollars, it by no means follows that the expenditures of 1838 were extravagant, because it might be necessary and proper to expend so much more in 1838 than in 1826. The charge alleged, is, that a useless and wasteful expenditure of public money has been made; my colleague bore testimony to the truth of the charge. It is due alike to himself, to his constituents, and to the country, that full proof should be obtained upon this subject. The charge is a conclusion drawn from many facts, and the justice or injustice of that conclusion must depend upon the facts from which it is drawn. The candor and liberality of my colleague should prompt him to bear testimony in favor of the Administration upon those points wherein they are justified. That gentleman was a member of the Twenty-fifth Congress: that Congress made the appropriations which were expended in the year 1838, in which were made the largest of the expenditures complained of. Testimony coming from my colleague would have great weight; and it would be important to hear him upon each item of excess of expenditure in 1838 over 1826. I have prepared a table contrasting the expenditures of those years respectively, and would like to know which of the appropriations in 1838 he approved, and which he opposed. The aggregate of the excess is made up of smaller sums; and if each item of excess be justified, the whole cannot be wrong.

The table is not perfect, because of the great difficulty in identifying the character of the expenditures in those years. I will not detain the committee by a minute examination of these particulars, but there are a few items so large in amount as to show how a great part of the excess was created. For instance:

1838	Compensation and mileage to Senators - -	$175,728 80
1826	do.	61,868 80
	Excess -	$113,860 00
1838	Contingent expenses of the Senate - - -	$127,823 10
1826	do.	6,913 04
	Excess -	$120,910 06
1838	Compensation to House of Representatives - -	$518,547 00
1826	do.	328,803 00
	Excess -	$189,744 00
1838	Treasury Department: salaries in the offices of the two Comptrollers, five Auditors, Treasurer, Register, General Land Office, and Solicitor -	$337,013 22
1826	Same items, as far as expended - - -	219,155 45
	Excess -	$117,857 77
1838	General Post Office: salaries in the offices of the Postmaster General, Assistant Postmasters General, and Auditor - -	$136,996 54
1826	Salaries - - -	38,350 00
	Excess -	$98,646 54
1838	Territories - -	$115,812 82
1826	do. - -	36,098 82
	Excess -	$79,714 10
1838	Judiciary - - -	$378 873 95
1826	do - - -	209,861 91
	Excess -	$169,012 04
1838	Building and repairing light-houses, light-boats, buoys, &c. and support and maintenance thereof -	$445 352 57
1826	Same expenses - -	182,738 61
	Excess -	$262,613 96
1838	District of Columbia, public buildings including Commissioner's salary, public grounds, other improvements, including bridge navigation of Potomac, maintaining penitentiary, relief of corporate cities - -	$502,585 67
1826	Repairing and building at President's House, Capitol, and public offices, enclosing and improving public grounds and squares - -	91,261 97
	Excess -	$411,313 70
1838	Mint, for salaries, machinery, copper, buildings, &c. - - -	$140,910 00
1826	Mints - - -	43,668 27
	Excess -	$97,241 73
1838	Pay of the army, subsistence of officers, subsistence and forage - -	$2,559,758 08
1826.	Pay of army, subsistence forage - - -	1,307,759 34
	Excess -	$1,251,998 74
1838	Fortifications, armaments, repairs, Ordnance Department, cannon, shot and powder - - -	$1,123,162 85
1826	Fortifications and Ordnance Department, -	835,121,07
	Excess -	$288,041 78
1838	Indian Department, including annuities and all other expenditures on account of the Indians, excepting the Seminole and Creek wars -	$5,564,223 25
1826	Indian Department, Indian annuities, treaties with the Indians, trading houses	753,247 54
	Excess -	$4,810,976 21
1838	Preventing and suppressing Indian hostilities -	$3,804,359 20
1826	Nothing was expended under this head.	
		$3,804,359 20
1838	Survey of ports, harbors, breakwaters, military roads and other internal improvements - -	$1,188,876 66
1826	No such expense	
		$1,188,876 66
1838	Cumberland road - -	$351,977 62
1826	No such expense - -	
		$351,977 62
1838	Revolutionary and other pensions - -	$2,113,418 79
1826	Pensions, Revolutionary and other - - -	1,556,593 83
	Excess -	$556,824 96
1838	The amount of expenditures exhibited in the public account for 1838, under the head of naval establishment, i s -	$6,131,580 53
1826	Expenditure under same head - - -	4,257,474 43
	Excesss -	$1,874,106 10
1838	Protection of Northern frontier - -	$439,001 00
1826	No such expense.	
	Excess -	$439,001 00
1838	Trust funds held by the Government and paid over	$2,305,321 89
1826	Trust funds, viz: unclaimed merchandise, - -	266 47
	Excess -	$2 305,055 42

Upon these items alone, the excess of expenditure in 1838, over that of 1826, is $18,522,130 59.

[In the progress of the recital of the table, much desultory debate occurred between Mr. SAMUELS and Mr. WISE, the former insisting that if any one of these excesses was improper and inexpedient, it should be pointed out, and interrogating Mr. WISE as to his votes in regard to several of them. Mr. W. said it was impossible for him to recollect how he might have voted upon particular appropriations. In regard to the increased expenses of the army, Mr. W. said he was not answerable at all, as he had opposed the increase of the army, which necessarily increased the expenses. Mr. W. finally declined answering any further questions.]

Mr. SAMUELS said it was, in his opinion, wholly unjust to make a general and sweeping denunciation of waste and extravagance against the Administration, without being able and willing to particularize. Such a course involved this injustice; there are many items of excess which all must agree ought to be subjects of commendation rather than of censure: as, for instance, the expenditure on account of the trust funds. These funds were received almost entirely by the Government in satisfaction of claims by our citizens upon foreign Governments, yet, when paid over to the rightful owners, they go to swell the aggregate of expenditure, and are thus made the cause of reproach—that is, the Administration is reproached for successfully asserting, and honestly paying over, the claims of our citizens upon foreign powers.

Mr. Chairman: I think it has already been shown that the responsibility of passing appropriation laws rests wholly upon Congress. It is for the people, who are deeply interested, to inquire into this subject, and if there be any waste, to hold those accountable who caused it. It is a fact perfectly well known, that the original unmixed "Whig party" and their new allies, the "Conservative party," held the power in the House of Representatives during the Twenty-fifth Congress, which made the appropriations for 1838. In regard to the Whig party, the immediate political friends of my colleague—he must admit that they were not under the influence of the Executive—whatever they did, or omitted to do, cannot be charged to that officer. The "Conservative party" made a great display of independence; they have not permitted the world to be in ignorance of their singular fortitude in with-

standing alike the frowns and blandishments of Executive power. The merit which that party claims for itself, is, that of unyielding firmness and honesty. Without stopping to inquire how far these lofty pretensions are borne out by facts, it may safely be asserted that they were so far removed from the Administration and its friends as to prevent any imputation of influence by the Executive over them. Thus it appears, that in this House at least, the power was not with the Administration; and, so far as this House is concerned, the Administration and its friends are not chargeable with extravagance, if any there were.

Whether there has been any waste of money heretofore, is more than I know. I hope, however, for the future, we may be able to reduce the expenses within the limits of rigid economy.

THE CURRENCY.

DEBATE IN THE SENATE,

FRIDAY, March 6, 1840.

Mr. DAVIS having concluded his reply to Mr. BUCHANAN'S charge of misrepresentation,

Mr. BUCHANAN addressed the Senate as follows:

Mr. PRESIDENT: When I addressed the Senate on Tuesday last, I endeavored to state my cause of complaint in the mildest manner which the nature of the case admitted, and to treat the Senator from Massachusetts, [Mr. DAVIS,] so far as I could, with courtesy and respect. The remarks of that gentleman to-day have absolved me from any such obligation, and I shall proceed to refer to his misrepresentations of my speech in favor of the Independent Treasury bill as they deserve. At the same time, I shall endeavor to perform this duty in a manner consistent with my own self respect, and with the elevated character of the Senate.

The Senator, in his labored remarks, has endeavored to draw me into a false issue. In this attempt, he shall not succeed. I am not thus to be diverted from my purpose. Have I, or have I not, advanced the arguments which he has published to the world, that I urged in favor of the bill? This is the question at issue between us.

In regard to his speech against the Independent Treasury bill, I have never said (for I never shall say what I do not know to be true) that he did not make that speech in the Senate. The hour was late—the patience of the body was exhausted, and he left the seat near me which he usually occupies, and spoke from another part of the hall. He is, therefore, mistaken in stating that I sat near where he stood, whilst he was delivering his speech. Not having the least intention of replying to him, I was talking freely, when in my seat, to those around me, and was out of it a considerable portion of the time whilst he was speaking. I not only did not hear him utter any one of the misrepresentations of which I now complain; but I most solemnly declare that I never even suspected him for having given them currency in his speech, until my attention was called to it by a friend on Saturday evening last. This may have been culpable negligence on my part. Whether or not, it has taught me the necessity of paying strict attention to that Senator's statements, should he ever reply to me hereafter.

But, sir, whether the speech delivered and the speech published be identical or not, this cannot vary the question. It remains precisely the same. Has the Senator attributed to me arguments in support of the bill which I never used? This is the point in controversy.

If the most artful and unfair man in the world had determined to destroy any public measure, in what manner could he most effectually damn it in public estimation? It would be to enumerate all the terrible consequences which would flow from it, according to the predictions of its enemies, and put them into the mouth of its friends as arguments in its favor. There could not by possibility be any stronger admissions of its evil tendency. Such is the manner in which I have been treated by the Senator, and such is the character of my complaint against him.

Sir, the enemies of the Independent Treasury have denounced it, from the beginning, as a measure which would destroy the banks of the country, introduce an exclusive metallic currency, prostrate credit, check importations, and reduce the value of property and the wages of labor. Now, I could not offer the least objection against any Senator in the Opposition for urging any arguments he pleased, to prove that the bill would be productive of all these fatal consequences. This would be all perfectly fair. What I do object to, is, that the Senator, instead of urging these arguments against the bill himself, has reiterated, over and over again, that I supported it, because these disastrous consequences would result from its passage. The Senator has placed me precisely in this position. If I can prevent it, he shall not escape from this plain question of fact by retreating into a wide field of irrelevant argument.

If this matter had been personal to myself alone, I might have borne it, and probably would have borne it, in silence. But, on the eve of a Presidential election, my sins are to be visited upon the present Administration, whose principles I support. The President is to be struck at through my side: and it is thus attempted to make the public believe that he also sustains the Independent Treasury bill because it will be productive of all the ruinous consequences which have been portrayed. This is the key to unlock the whole published speech of the Senator from Massachusetts.

In its first paragraph, he professes his intention of making "a brief reply to the new doctrines which have been now, for the first time, published here, and come to us through channels that leave no doubt of their being the doctrines of the Administration."

Now, Mr. President, what are these new doctrines which the Senator says involve "great and momentous considerations, affecting the most cherished interests of the people?" After heralding them in this imposing manner, he proceeds to announce them. Two friends of the Administration, says he, Mr. WALKER and myself, have declared that this bill—mark me—this very Independent Treasury bill "contains the necessary corrective [for the evils] imputable to the pernicious influence of bank paper, as it will check importations of foreign goods, suppress what they call the credit system, and by restoring a specie currency, reduce the wages of the laborer and the value of property."

"This is the character given to the measure by its friends; and, *alarming as the doctrines are*, I am gratified that they are frankly avowed."

Now, sir, should I not deserve a straight jacket; ought I not to be placed in confinement by my friends, if these imputations were well founded? What! sir, to rise before this august body and to say, Mr. President, I support the Independent Treasury bill—first, because it will destroy the banks of the country, abolish all bank paper, and restore a specie currency; second, because it will check importations; third, because it will suppress the credit system; and fourth, because it will reduce the wages of the laborer and the value of property!!

And yet this is the ridiculous attitude in which I am placed by the Senator's speech. If these imputations were well founded, I must be one of the most ferocious men in existence. Destruction must be my delight. No wild agrarian in the country has ever thought of waging such an indiscriminate war against all property, my own among the rest, as that which has been attributed to me by the Senator.

Now, sir, need I say in the presence of this body, before which my speech was delivered, that I never used any such arguments? On the contrary, in my reply to the Senator from Kentucky, [Mr. CLAY,] I advanced no "new doctrines," but pursued the very same course of argument which I had adopted when this measure was first before the Senate in September, 1837. I was then convinced, and so declared in the most solemn manner, that this bill would not injuriously affect the sound and solvent banks of the country; and my reflections since have served to confirm this conviction. One of the points which I most strongly urged at that time, in answer to the objections of the enemies of the bill, was, that it would not operate with that severity upon the banks which they professed to apprehend. I alleged "that the cause was too impotent to produce any such effect," and "that its influence would scarcely be felt;" and I maintained these propositions in the course of my remarks. In my late speech, which has been the subject of so much unfounded remark, I congratulated the country that "the prominent arguments formerly urged against the Independent Treasury bill had nearly all vanished away." Among others of this description, I expressed my astonishment, "that we had no homily from the Senator [Mr. CLAY] against the specie clause of the bill. Even this seems to have lost much of its terrors. It is no longer the terrific monster which was to devour all the banks, and establish a pure metallic currency for all the transactions of all the people of the United States."

And yet, in the very face of all this, the Senator, in his speech, has put into my mouth, as arguments in favor of the bill, and of course as consequences resulting from it which I desired, that it would destroy the banks, introduce a pure metallic currency, suppress credit, and reduce the wages of labor, and the price of property. Can he point to any portion of my speech in which I contended that this bill would produce these monstrous effects? If he himself had urged that it would, I say again, I could have made no objection. My cause of complaint is, that he has sent abroad to the world his speech, and has by it placed me in the ridiculous attitude of not only admitting that all these objections to the bill are true, but of strenuously urging its passage for this very reason. This, I repeat, is the point of the controversy between us. In order to make good his charge, he must prove that I used any such arguments in favor of the bill—a task which no mortal man can perform. I never thought or dreamed of any such arguments.

But the Senator proceeds to weave his web with much art. He says:

I will now notice the effects upon the public policy *imputed to this bill*. We have always been told that it was a simple proposition to divorce the Government from the banks, so as to enable it to hold its own money, and, therefore, harmless in its character, as it would affect nothing else.

This was precisely the character which I gave of it throughout my late speech.

But, sir, (says the gentleman from Massachusetts) the Senator from Pennsylvania, while he declares that he is not for an exclusive hard money currency, or, in other words, is not hostile to well regulated State banks, if they can be well regulated, as he expresses himself, *argues that this bill will diminish importations, suppress credit, and stop speculation, by modifying the currency, so far as to work out these extraordinary ends.*"

And here permit me to observe, that the extreme candor of the Senator is worthy of all commendation. He seems to have been shocked at my destructive propensities. He was unwilling that the public should believe that even this bill was as bad as I had represented it to be. In order to apologize for my indiscretion, and to prevent the country from being too much alarmed at my arguments, he most kindly interposes.

I am by no means satisfied (says he) that it (the bill) is capable of producing all these consequences; but *as such a power is imputed to it by its warmest friends, and those who are in the councils and confidence of the Administration, who bring it forward with this view and expectation, I shall, in this reply, confine myself to the positions assumed.* That it will do the country no good, I have never doubted; but I have never allowed myself to believe that it can exert that influence upon its affairs which is ascribed to it.

Those in the councils and confidence of the Administration bring the bill forward and impute these terrible consequences to it; though the Senator himself recoils from the idea that it would produce such disastrous effects! I again repeat that this is the issue between him and me. Did I ever impute any such consequences to the bill? That is the question.

The Senator next proceeds to comment separately in detail upon each of the arguments in favor of the bill which he has thus imputed to me, as though they had been leading points of my speech. After concluding this portion of his speech, he refers to the 3*d.* or 4*d.* per day which the laboring man in hard money Holland receives; and thus leaves it to be inferred, though he has not expressly asserted the proposition, that I desire to bring down the laboring man to the condition of the miserable serfs of Europe. The Senator has shown much ingenuity in this effort.

He then proceeds to his hypothetical case. Hypothetical I admit it to be in the first instance; bu

after stating it as such, he makes it real, by declaring that I had ascribed the power to the bill of producing the effect which he describes.

And here, sir, permit me to remark, that after the disclaimer which I understood him to have made on Tuesday last, in regard to this topic, I should have taken care in my reported speech to have suppressed every allusion to the subject which could have caused him pain. He has now disclaimed the disclaimer, and I shall act accordingly.

He says:

To follow out the case, I have supposed the income of every man, except the exporter, is to be reduced one-half in the value of wages and property, while all foreign merchandise will cost the same, which will obviously, in effect, double the price, as it will take twice the amount of labor, or twice the amount of the products of labor, to purchase it.

Thus far the case is suppositious; but the Senator, in plain English, makes it a reality against myself in the very next sentence.

"I do not ascribe," says he, "this power to the bill; *but it is enough for me that its friends do.*" What power? What is the immediate antecedent? Is it not this power, ascribed by its friends to the bill, of reducing one half "the value of wages and property" in the country? But let us proceed a little further. In the next sentence he asks, "what response will the farmers, mechanics, manufacturers, and laborers, make to *such a flagitious proposition*."

What is this flagitious proposition? Is it the Independent Treasury bill in itself? No, sir; no. The Senator throughout, with affected candor, expresses the opinion that this bill would produce no such fatal consequences as had been ascribed to it by its friends. No, sir; it is palpably an attempt on the part of the Senator to induce the public to believe that one of my arguments in favor of the bill was that it would reduce the value of wages and property one-half. He was pursuing the course which he had adopted throughout every previous part of his speech, still persisting in doing me the injury of putting arguments into my mouth which I had never uttered. Any plain man who reads his speech would place this construction upon it. After the Senator has done me all the mischief he could, in public estimation, it is now too late for him to say that he did not attribute this argument to me.

Sir, his speech is not a manly and open argument against the Independent Treasury bill. It is a subtle and ingenious contrivance throughout, for the purpose of casting odium upon the Administration and its friends, by ascribing to them arguments which they never uttered, and sentiments which they have always disavowed.

It is an attempt to impose upon the public the belief that we support the bill, not because it will separate the banks from the Government, but because it will destroy the banks, introduce a pure metallic currency, suppress credit, and reduce the value of property and the wages of labor. The Senator has become the witness against us; and he cannot, and shall not, escape from the consequences of his own testimony.

A "flagitious proposition!" The highest English authority informs us that the meaning of the word "*flagitious,*" is "peculiarly infamous:" and I shall leave the Senate and the world to determine whether this term may not be more appropriately applied to the Senator's misrepresentations of my remarks than to the Independent Treasury bill.

What a wonderful spectacle is presented in this speech of the Senator! From the first to the last, from the beginning to the end of my speech, I did not attribute to this bill one of the consequences which he has imputed to me. With my settled convictions of the effect of the bill, I should have been the greatest dunce in Christendom thus to have causelessly alarmed the fears of the country. I never intimated that it would seriously injure, much less destroy, the State Banks. It never entered into my conception that it would introduce a pure metallic currency, or reduce the wages of labor, or destroy the credit system, or seriously affect the business of the country in any manner. I treated it throughout, as what the Senator informed us we had been uniformly told by its friends that it was, "a simple proposition to divorce the Government from the banks so as to enable it to keep its own money, and therefore, harmless in its character, as it would effect nothing else." Throughout my speech, it was one of my chief purposes in advocating the bill, as it had been in 1837, to allay the fears of the country, and to prove that it would produce none of these fearful effects.

I am happy to think that my efforts in this respect, have not proved wholly unavailing. I have good reason to believe that they have had some influence in disabusing the minds of honest men and relieving them from the apprehensions which they had formerly entertained on the subject. I pursued the very same course of argument I had done in September, 1837, when I first addressed the Senate on this bill. On that occasion, I said: "In this crisis all which the General Government can effect is, in the first place, to withhold its deposites from the banks, and thus refrain from contributing its funds to swell the torrent of wild speculation; and, in the second place, to restrain the extravagance of their credits and issues, *in some small degree*, by collecting and disbursing our revenue exclusively in specie, or in the notes of banks which will pay the balances due from them in specie, at short intervals. To accomplish these two purposes, as well as to render the public revenue more secure, are the objects of the bill and amendment now before the Senate." I never, for a single moment of my life, entertained the idea which the Senator has imputed to me, that the bill would destroy the Banks, or even restrain their extravagance except "in some small degree." Was the imputation justified by any remarks in my late speech? That, I repeat again, is the question between the Senator and myself. In that speech, I declared that—

"Our chief objects in adopting the Independent Treasury are, to disconnect the Government from all banks, to secure the people's money from the wreck of the banking system, and to have it always ready to promote the prosperity of the country in peace, and to defend it in war. Incidentally, however, it will do some good in checking the extravagant spirit of speculation, which is the bane of the country.

In the first place, by requiring specie in all receipts and expenditures of the Government, you will create an additional demand for gold and silver to the amount of five millions of dollars per annum, according to the estimate of the President. A large portion of this sum will be drawn from the banks, and this will compel them to keep more specie in their vaults, in proportion to their circulation and deposites, and to bank less. This, so far as it may go, will strike at the root of the existing evil. I fear, however, that it will prove to be but a very inadequate restraint upon excessive banking.

In the second place, this bill will, in some degree, diminish our imports, especially after June, 1842. I most heartily concur with the Senator in desiring this result. What is the condition of the importing business at the present moment? It is almost exclusively in the hands of British agents, who sell all the manufactures they can dispose of in other portions of the world, and then bring the residuum here to glut our markets. According to our existing laws, they receive a credit from the Government for the amount of its duties. They sell the goods for cash: and this credit becomes so much capital in their hands, to enable them to make fresh importations. The Independent Treasury bill requires that all duties shall be paid in gold and silver; and after June, 1842, the compromise law will take away the credits altogether. We shall then have a system of cash duties in operation, which will contribute much to reduce the amount of our importations, and to encourage domestic manufactures.

In the third place, this bill will make the banking interest the greatest economists in the country, so far as the Government is concerned. Their nerve of self interest will be touched in favor of economy, and this will induce them to unite with the people in reducing the revenue and expenditures of the Government to the lowest standard consistently with the public good. They will hereafter abhor a surplus revenue, as much as they delighted in it formerly, when they used it for banking purposes. Any surplus which may exist in future, will be locked up in gold and silver, in the vaults of our depositories; and, in proportion to its amount, will deprive the banks of so much of their specie. They will, therefore, become the partisans of reducing the revenue to the actual and necessary expenditures of the Government, so that the specie may flow out of the Sub-Treasuries with a rapidity corresponding with its influx. Nothing but a large surplus can seriously injure the banks. This was demonstrated to me by one of the most distinguished financiers which our country has ever produced, not himself, I believe, friendly to the Independent Treasury. These Treasury drafts, in the natural course of business, will find their way either into the banks at the very points where our depositaries are situated, or into the hands of individuals there having duties to pay to the Government. Take, for example, New York. A public creditor receives such a draft on the receiver-general in payment of his debt. Will he carry it to New York, receive payment, and transport the specie from that city? Such instances will be rare. He will generally deposite it to his credit in the bank with which he transacts his business, wherever that may be. This bank, if not in New York, will transmit it for collection to one of the banks there; and thus these banks will draw the specie from our depositaries as rapidly as it is drawn from them for the payment of the public dues. Thus the equilibrium will be preserved, so long as the Government is without a large surplus. In other instances, these drafts will be sought after and procured by individuals having duties to pay, and they will be presented to the receivers-general, and accepted by them instead of gold and silver."

I have presented these extracts from my speech before the Senate, for the purpose of showing how absurd it was to have imputed to me the arguments in favor of the bill attributed to me by the Senator from Massachusetts. Instead of ascribing to this bill the power of destroying the banks, and introducing a pure metallic currency, I declare that "I fear it will prove to be a very inadequate restraint upon excessive banking;" and that it will not affect the banks at all, unless a large surplus of gold and silver should be locked up in the vaults of the Sub-Treasuries—a case not likely soon to occur.

I have also stated that it would, in some degree, diminish our imports, especially after June, 1842, when the duties on imported goods must be paid in cash, and thus encourage our domestic manufactures. Is there a patriot—nay, is there a man in the country who does not consider this "a consummation devoutly to be wished?"

As I stated before, I ridiculed the idea that this bill would destroy the banks of the country, and substitute a pure metallic currency for bank paper. Instead of destroying the banks, I proved that it did not even contain any power of wholesome regulation; but for this purpose we must appeal to the State Legislatures. I also established the position, that neither a bank of the United States, nor the Bank of England—instruments of vastly greater power than the Independent Treasury—could, even if they possessed the inclination, restrain the excessive issues and credits of the banks of their respective countries.

Now, sir, I have presented to you the materials, and the only materials, from which the Senator from Massachusetts could have derived the charge against me, which is presented in different forms throughout the whole course of his speech; that I had argued that this bill would destroy the banks, restore a specie currency, reduce the wages of labor and the value of property one half, check importations, and suppress the credit system. I never attributed any one of these consequences to the bill. It is too impotent in its character to produce any such effects.

The Senator does not seem to perceive, that even if he could prove I was a hard money man, this would not, in the slightest degree, justify his statement of the nature of my argument. It is now too late for him to say, as he has done, that he did not consider it of any moment to investigate the degree of influence which the bill might have; but as I had admitted it would have some influence as a corrective, he had directed his reply to the general scope of my argument. Had his published speech corresponded with these sentiments, he and I should never have had this unpleasant controversy. What I complain of is, not that he drew unjust inferences from my argument; but that he imputed to me arguments which I never used: not that he declared that I had expressed the opinion that the bill would have some influence as a corrective, which I certainly did express, and clearly defined what, in my opinion, would be the extent of its influence; but that he put into my mouth, as arguments in favor of the bill, that it would destroy the banks, introduce a pure metallic currency, prostrate credit, and reduce the value of wages and property. My cause of complaint is not any deductions which he might have drawn, fairly or unfairly, from my speech; but it rests on the fact that he has attributed to me arguments in support of the bill which I never urged or thought of urging. He might himself have contended, he might, if he could, have inferred from my speech that I was a hard money man, (though this would have been most unjust towards me,) and have drawn any deductions from this fact which he thought proper; but he had no right to make me say that the bill would establish a hard money currency.

Now, sir, the whole of the miserable attacks which have been made upon me are based alone on the presumption that I am an exclusive hard money man. On this question my opinions have never been disguised. Although wiser and better men than myself may be friendly to a pure metallic currency, yet when the subject was first broached in the Senate, I took a decided stand against it, which I have ever since maintained. In

my speech of 1837, I used the following language:

It is impossible that manufactures and commerce can flourish to any great degree in this country without the aid of extensive credit. I would not, therefore, abolish banks if I could. A return to a pure metallic currency is impossible. To make such an attempt would be ruinous as well as absurd. It would at once diminish the value of all property more than fifty per cent.; and would, in effect, double the amount of every man's debts. It would enrich creditors at the expense of their debtors, and thus make the rich richer and the poor poorer. It would paralyze industry and enterprise. I would give enterprise wholesome food to feed upon; but would not drive it into mad speculation by administering unnatural stimulants.

This is the ground which I occupied when the question was first raised before the country. It is the ground which I have maintained ever since. I differ in this respect with my friend from Mississippi, who is now absent, and have had many arguments with him, in a kind spirit, to convince him that he was wrong in advocating a pure metallic currency. On his return, he will be no little astonished to learn that the Senator from Massachusetts has represented me, in the very speech which afforded the occasion of several of these friendly arguments, not only as a hard money man, but as having advocated the Independent Treasury bill, because it would put down the banks and introduce an exclusive hard money currency. The Senator from Mississippi, whatever may be his abstract opinions, never used any such arguments in favor of the bill. My sentiments upon the subject have been expressed fully and freely, both here and elsewhere, as often as the occasion offered. How any Senator could have misapprehended them, I am wholly at a loss to conjecture; especially after I had clearly and distinctly repeated them in my late speech. The published speech of the Senator from Massachusetts has placed me in a strange position. It was but the other day that a hard money journal of high character was sent to me from New York, which denounced me in strong terms for expressing, in my late speech, sentiments friendly to the continued existence of banks. A similar course has been pursued towards me by another paper of the same character, in Virginia. On the other hand, whilst I am thus attacked by the hard money men, the Senator makes his appearance, and asserts not only that I am a hard money man, but that I had urged the passage of the Independent Treasury bill, because it would convert the United States into a hard money country.

But whilst I am opposed to an exclusive metallic currency, I am equally hostile to that system of banking which has been the cause of those expansions and contractions of the paper currency which have produced so much ruin and misery among all classes of society. This is the crying evil of our country. Would to Heaven, I had the power to correct it! What was my argument in relation to this subject? I shall read my remarks to the Senate, as they are short; and because I cannot now state them with as much clearness and force as I did on that occasion.

What has been the financial history of this country for the last twenty-five years? I can speak with positive knowledge upon this subject during the period of eighteen years since I first came into public life. It has been a history of constant vibration—of extravagant expansions in the business of the country, succeeded by ruinous contractions. At successive intervals, many of the best and most enterprising men of the country have been crushed. They have fallen victims at the shrine of the insatiate and insatiable spirit of extravagant banking and speculation. Starting at the extreme point of depression of one of these periods, we find that the country has been glutted with foreign merchandise, and it requires all our efforts to pay the debt thus contracted to foreign nations. At this crisis the banks can do nothing to relieve the people. In order to preserve their own existance, they are compelled to contract their loans and their issues. In the hour of distress, when their assistance is most needed, they can do nothing for their votaries. Every article sinks in price, men are unable to pay their debts, and wide-spread ruin pervades the land. During this first year of the cycle, we are able to import but comparatively little foreign merchandise, and this affords the country an opportunity of recruiting its exhausted energies. The next year the patient begins to recover. Domestic manufactures flourish in proportion as foreign goods become scarce. The industry and enterprise of our citizens have been exerted with energy, and our productions have liquidated the foreign debt. The third year, a fair business is done—the country presents a flourishing appearance. The banks, relieved from the drain of specie required for foreign export, begin once more to expand, and tempt the unwary to their ruin. Property of all descriptions commands a fair price. The fourth or the fifth year the era of extravagant banking and speculation returns, again to be succeeded by another ruinous revulsion.

This was the history of the country, up till 1837. Since then we have travelled the road to ruin much more rapidly than in former years. Before that period, it had required from three to six years to get up an expansion, and its corresponding explosion. We have now witnessed the astounding fact that we can pass through all these changes, and even from one suspension of specie payments to another, in little more than two years.

Now, any person who has read my speech with candor, any person who heard it in a fair spirit, must have observed that it was exclusively my object to correct the excesses of the banking system, not to destroy the banks. I wished, by wise and wholesome State legislation, to reform it in such a manner as to secure to the people the benefits which may be derived from it without involving them in ruin by its periodical excesses. I desired to see a sound mixed currrency established, so that the wages of labor, the value of property, and the prices of the necessaries and comforts of life, might have a fixed and permanent character, and not be liable to the perpetual fluctuations to which they are now at every moment exposed.

But the Senator seeks to involve me in inconsistency, and to prove that I am a hard money man, notwithstanding my repeated and solemn disavowals of this doctrine, and notwithstanding the admission in his speech, that I had declared I was not friendly to an exclusive hard money currency, nor hostile to well regulated State Banks. It is true that, in the very sentence in which he makes the admission, as well as throughout his speech, he nullifies its effect, and proceeds to argue as though it had never been made. What course does he pursue to accomplish this purpose?

Having ever been the friend of domestic manufactures, I endeavored to prove what I honestly believe to be the fact, that "the extravagant amount of our circulating medium, consisting, in a great degree, of the notes thrown out upon the community by eight hundred banks, was injurious to our domestic manufactures. In other words, not that banking, but that extravagant banking and domestic manufactures are directly hostile to each other"

To establish this proposition, I referred to the well known principle of political economy, "that if you double the amount of the necessary circulating medium in any country, you thereby double the nominal price of every article. If, when the circulating medium is fifty millions, an article should cost one dollar, it would cost two, if without any increase of the uses of a circulating medium the quantity should be increased to one hundred millions."

In order to apply this principle to our condition, and place it in its most striking light before the country and the manufacturers, I took the United States, which is emphatically a paper money country, not at the present moment of depression, but at the extreme point of our periodical expansion, when every article commanded the highest price; and contrasted the condition of our manufactures at that point of time with those of Germany, which is emphatically a hard money country. I presented the two extremes, in order to make the contrast the more striking.

At particular stages of our expansion, (I said,) we might with justice apply the principle which I have stated, to our trade with those countries, and assert, that from the great redundancy of our currency, articles are manufactured in France and Germany for one half of their actual cost in this country. Let me present an example. In Germany, where the currency is purely metallic, and the cost of every thing is reduced to a hard money standard, a piece of broadcloth can be manufactured for fifty dollars; the manufacture of which, in our country, from the expansion of our paper currency, would cost one hundred dollars. What is the consequence? The foreign French or German manufacturer imports this cloth into our country and sells it for a hundred dollars. Does not every person perceive that the redundancy of our currency is equal to a premium of one hundred per cent. in favor of the foreign manufacturer? No tariff of protection, unless it amounted to prohibition, could counteract this advvntage in favor of foreign manufactures. I would to Heaven that I could arouse the attention of every manufacturer of the nation to this important subject.

The foreign manufacturer will not receive our bank notes in payment. He will take nothing home except gold and silver, or bills of exchange, which are equivalent. He does not expend this money here, where he would be compelled to support his family, and to purchase his labor and materials at the same rate of prices which he receives for his manufactures. On the contrary, he goes home, purchases his labor, his wool, and all other articles which enter into his manufacture, at half their cost in this country; and again returns to inundate us with foreign woollens, and to ruin our domestic manufactures. I might cite many other examples, but this, I trust, will be sufficient to draw public attention to the subject. This depreciation of our currency is, therefore, equivalent to a direct protection granted to the foreign over the domestic manufacturer. It is impossible that our manufacturers should be able to sustain such an unequal competition.

But, sir, did I propose to convert this country into a hard money country in order to place it in the same condition with Germany and France in regard to domestic manufactures? Far, very far, from it. Such a change would violate all our fixed habits, and be opposed to the genius of our people. The case was presented not with this view; but for the purpose of exhibiting the injurious consequences arising to manufactures from the redundancy of our currency at the periods of our greatest expansions. We must trade with these countries, whether we will or not, and in order to place us in something like a position of equality with them, I desired, if possible, to prevent these extravagant expansions by introducing such bank reforms as would secure to us a stable mixed currency, which should not be perpetually fluctuating in amount. This was the whole tenor of my remarks from beginning to end.

At the commencement of the very next paragraph I use the following language: "Sir, I solemnly believe that if we could but reduce this inflated paper bubble to any thing like reasonable dimensions, New England would become the most prosperous manufacturing country that the sun ever shone upon." The same idea is conveyed throughout. It is the reduction of our inflated paper currency to reasonable dimensions, not the destruction of banks and bank paper, which I have uniformly advocated.

In my statement of the simple fact known to all men, that the foreign manufacturer goes home to his hard money country and purchases his labor and his materials at half what they cost here, at the moment when our currency is in a state of the greatest expansion, the Senator finds his justification for asserting that I desire to establish a hard money currency in this country, and to reduce the wages of labor and the value of property. But this is not all. Though the Independent Treasury bill was entirely lost sight of at this period of the discussion, and the only point involved was a general principle of political economy, having no reference whatever to that bill, he has had the hardihood to proclaim to the world, upon no other foundation than what I have stated, that I urged its passage because it would establish a hard money currency, and thus reduce the wages of labor and the value of property.

In 1837, I introduced the very same principle of political economy into the discussion, and in similar language presented the ruinous consequences which resulted to the manufacturing interest from the expansions and contractions of our paper currency. No Senator then misunderstood my argument. It was reserved for the Senator from Massachusetts, at this late day, entirely to pervert my meaning, and to endeavor to hold me up to the country as the avowed enemy of the poor laborer, and as the advocate of the Independent Treasury bill, because it would reduce his wages.

These periodical expansions and contractions of our currency seriously threaten to ruin our domestic manufactures. Unless they can be prevented, by some means or other, these manufactures must sink. When I express this opinion, I speak in the sincerity of my heart. Whether I am friendly to the cause of domestic industry or not, I leave for those to determine who have observed the whole course of my public life.

Our periodical crash is always preceded by a year of enormous importations. The reason is obvious. In proportion to the expansion of our currency, the prices of all articles rise; and from this enhancement of price, our country becomes the best market in the world for the sale of foreign manufactures. In the year 1839, our imports were greater, by forty-four millions of dollars, than they had been in 1838. This excessive importation, whilst it was the immediate cause of the ruinous revulsion in the business of the country, and of the suspension of specie payments, left our markets flooded with foreign goods, to the great injury of our own manufactures. When the explosion came, manufacturers, merchants, mechanics, laborers, and all, fell under its blasting influence. It was my object to correct the excesses of the banking system which are productive of these injurious consequences, and not to destroy the banks. The gentleman, although he may take up detached sentences of my speech, and pervert their mean-

ing, can never place any other construction upon the whole of it than such as I have stated.

To regulate—to restrain the banks within safe limits—to afford to the laboring man constant employment and regular wages—not to cause the wages of labor in one year to mount up with all other articles to an extravagant price, and then, by the revulsion in the succeeding year, to sink to almost nothing; these are the ideas which pervade my speech throughout. After our periodical explosions, the laborer undergoes calamities and sufferings much more severe than any other class of society. It was to correct this inevitable result, and thus to benefit the laborer, that I insisted upon bank reform. I declared that "an entire suppression of all bank notes of a lower denomination than the value of one week's wages of the laboring man, is absolutely necessary for his protection. He ought always to receive his wages in gold and silver. Of all men on the earth, the laborer is most interested in having a sound and stable currency."

Is there any gentleman of any party who will not unite with me in these sentiments? Ought we not to abolish all small notes, if this were in our power, of denominations lower than one week's wages of labor? The history of the proceedings in this Senate on the currency bill, and on other bills, proves that a principle which would produce this effect was sanctioned by all and voted for by all.

To show that I expressed no opinion in favor of an exclusive metallic currency, but directly the reverse, permit me to refer to another paragraph of my speech.

But the Senator from Kentucky [Mr. CLAY] leaves no stone unturned. He says that the friends of the Independent Treasury desire to establish an exclusive metallic currency, as the medium of all dealings throughout the Union; and, also, to reduce the wages of the poor man's labor, so that the rich employer may be able to sell his manufactures at a lower price. Now, sir, I deny the correctness of both these propositions; and, in the first place, I, for one, am not in favor of establishing an exclusive metallic currency for the people of this country. I desire to see the banks greatly reduced in number; and would, if I could, confine their accommodations to such loans or discounts, for limited periods, to the commercial, manufacturing, and trading classes of the community, as the ordinary course of their business might render necessary. I never wish to see farmers and mechanics and professional men tempted, by the facility of obtaining bank loans for long periods, to abandon their own proper and useful and respectable spheres, and rush into wild and extravagant speculation. I would, if I could, radically reform the present banking system, so as to confine it within such limits as to prevent future suspensions of specie payments; and without exception, I would instantly deprive each and every bank of its charter which should again suspend. Establish these or similar reforms, and give us a real specie basis for our paper circulation, by increasing the denomination of bank notes first to ten, and afterwards to twenty dollars, and I shall then be the friend, not the enemy, of banks. I know that the existence of banks, and the circulation of bank paper, are so identified with the habits of our people, that they cannot be abolished, even if this were desirable. To reform, and not to destroy, is my motto. To confine them to their appropriate business, and prevent them from ministering to the spirit of wild and reckless speculation, by extravagant loans and issues, is all which ought to be desired. But this I shall say If experience should prove it to be impossible to enjoy the facilities which well regulated banks would afford, without, at the same time, continuing to suffer the evils which the wild excesses of the present banks have hitherto entailed upon the country, then I should consider it the lesser evil to abolish them altogether. If the State Legislatures shall now do their duty, I do not believe that it will ever become necessary to decide on such an alternative.

I declare that to reform, and not to destroy, the banks, is my motto. This was my language in 1837: it is my language now. The greatest enemies of these institutions are those who are unwilling to arrest them, by wise legislation, in their reckless and ruinous career, and thus prevent them from destroying themselves. There is no truth more certain than this: that if the influence of the banks should prevent the adoption of such legislation as will afford to the people the facilities which they have a right to demand from these institutions, without, at the same time, inflicting the evils which their wild excesses have hitherto entailed upon the country, they will finally be crushed by public opinion. This I should regret for many reasons although it is possible that a much better banking system might arise from their ruins.

It is true that I expressed a serious doubt whether the present banking system would be wisely regulated by the States. I feel confident that this can never be effectually accomplished whilst nine hundred banks exist, pouring forth upon the country, at the periods of expansion, bank notes of all denominations from a dollar and upwards. You cannot have sound banks unless you reduce their number. Out of the large commercial cities, where banks transact their business much more by means of bank credits, deposites, and checks, than by the issue of notes, no bank can make money, and at the same time be safe, without an extended theatre for circulation. Country banks, whose circulation is limited to a circumference of a few miles in diameter, if they do a profitable business, must, from the very nature of things, force their paper upon the public to such an amount as to render them insecure. In the days of expansion, when speculation is raging, they may not be in immediate danger. When the reverse comes, and panic arises, the notes of such a bank may be all thrown upon it for redemption in a single day, or a single week. It can make no safe calculation of the extent to which it can maintain its circulation, as it could do if this circulation covered a large space of country. One of the greatest reforms of our banking system would, therefore, be greatly to reduce their number.

Now as to the wages of labor: I really thought it was impossible that I could have been misunderstood, until I read the speech of the Senator. In combating the remarks of the Senator from Kentucky, (Mr. CLAY,) I proved that what the laboring man ought, above all things, to desire, was, such a reform in our banking system as would afford him "constant employment and regular wages, paid in a sound currency." It is ruinous to him for his wages to be rising with the kite of speculation one year, and the very next year to have them reduced to almost nothing, and even to be without employment altogether. He never benefits by extravagant speculation. It brings to him nothing but unmitigated evil, because the increased prices which he is obliged to pay for the necessaries and comforts of life, counterbalance, and more than counterbalance, this advantage. What he desires is stability and regularity in the business of the country. He ought to be able to raise his family in peace and comfort, and to look forward to the next year for the same reward for his honest toil that he received the last. On this subject no anxious doubts ought to harass his mind. He ought to feel himself independent so long as it shall please the Almighty to give him health and strength to earn his bread by the sweat of his face, without being involved in those periodical crashes of the banking system, which are produced by extravagant expansions of the currency. Under the present system the laboring man cannot calculate what a day may bring forth. He receives high wages to-day and is starving for want of employment to-morrow. In illustrating these views, I most cheerfully admitted in my speech that "that country is most prosperous where labor commands the greatest reward; where one day's labor will procure not the greatest nominal amount of a depreciated currency, but most of the necessaries and comforts of life." And I said that by correcting your bloated credit system in such a manner as to reduce "the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your paper circulation," you would greatly benefit the laborer. He could then purchase more of the necessaries and comforts of life for one dollar "than he could have done in the days of extravagant expansion for one dollar and a quarter." Besides, he would then enjoy the advantages which he never can do under the present system, "of constant employment and regular wages," without being "involved in ruin by a recurrence of those periodical expansions and contractions of the currency, which have hitherto convulsed the country." The last thing of which I ever dreamed, was to bring his wages down to the pure metallic standard. I wished to adopt that safe mixed currency which I so fully described in the course of my remarks, and which would be a blessing to manufacturers, merchants, mechanics, laborers, and all the people of the country, because it would produce certainty and stability in all the transactions of life.

It was the ardent desire of Henry the 4th, the great monarch of France, so to govern his country, that every laborer in his dominions might have a pullet in his pot on Sundays. In our own highly favored land, even at the period of the greatest expansion, the laboring man could not afford to regale himself and his family with a roast of beef. If his wages were high, the monopolists of this article, aided by the banks, raised the price of this necessary of life in a much greater proportion.

I repeat that the Senator might have argued as he pleased against the Independent Treasury bill, and this would have afforded me no cause of complaint. He might have inferred, from my argument, however unjustly, that I was friendly to a pure metallic currency, and I should not have complained before the Senate. But when he put into my mouth, as a leading argument in favor of the bill, that it would restore an exclusive metallic currency to the country, I felt myself obliged, by imperious necessity, to correct the misrepresentation, because it was doing me the most galling injustice.

I regret, exceedingly, that any thing of a personal character has grown out of this matter. It was the farthest thing imaginable either from my intention or my wishes. But when the Senator thought proper to treat my complaints with the scorn and contempt which he said they deserved, I believed it to be a duty which I owed to myself, to hurl back his defiance, and he may make the most of it.

Mr. PRESTON rose and congratulated the Senate and the country on the explanation just made by the Senator from Pennsylvania. He (Mr. P.) had understood his speech precisely as the Senator from Massachusetts [Mr. DAVIS] had, and he was highly gratified to find that he had entirely misapprehended him. The impression left on his mind by the remarks of the Senator from Pennsylvania, and the speeches of other prominent friends of the Administration, in support of the Sub-Treasury bill, was, that it was the object of the party in power to break down the banking institutions of the States, to destroy the credit system, and to reduce the wages of labor, and that to accomplish these results they supported that bill; but it seemed he was entirely mistaken. He understood the Senator from Pennsylvania now to say that he was not opposed to banks, but merely wished that some restraint might be placed on them, so as to prevent their running their credit into extravagance. The honorable Senator from Tennessee [Mr. GRUNDY] had made the same declaration, and the honorable Senator from Arkansas [Mr. SEVIER] had expressed himself of the same opinion. He regretted that the Senator from Mississippi [Mr. WALKER] was not present, to define his position also. But what says the honorable Senator from Missouri [Mr. BENTON] on this subject? He had stood by this hard money question from the first, and when he was solitary and alone in its support. He had fought himself through an ocean of obloquy, while the little fishes huddled around him to protect them from the roar of popular opinion. Will he also favor us with an explanation, lest perhaps we may have misapprehended his course and his sentiments on this subject?

Mr. KING said he had witnessed with unfeigned regret the direction this debate had taken; but it was not his habit, nor would he now take part in a personal altercation. His only purpose in rising was to notice some of the remarks of the Senator from South Carolina, [Mr. PRESTON.] He had listened to that Senator with no little surprise. He states that the impression made on his mind by the speeches of the prominent members of this body, who sustain the Administration, and particularly by those of the Senator from Pennsylvania, [Mr. BUCHANAN,] was, that it was the object of the party now in power to break down the banking institutions of the States, to destroy credit, and reduce the wages of labor, and that they advocated the Independent Treasury bill upon the ground that it would produce these results. Now, said Mr. K. while these charges were confined to the dirty newspapers of the day—those vehicles of detraction and misrepresentation—they deserved not the slightest notice; but coming, as they now do, from a Senator who stands high in the estimation of the country, and deservedly commands the respect of this body, they assume an importance which demands immediate correction and refutation. Will the Senator designate any portion of any speech delivered on this floor, by any friend of the Administration, in which such objects are avowed? He, Mr. K. had been strictly attentive to the discussions on the Independent Treasury bill, and on no

occasion had he heard an argument used, which, properly understood, was calculated to make the impression which the Senator declares had been made upon his mind: least of all could it be made by the remarks of his friend from Pennsylvania, who has discussed this great question with an ability which few can equal, and with that characteristic frankness and fairness which should have saved him the necessity of correcting misrepresentation, intentional or otherwise. Sir, said Mr. K. my friend has over and over again declared, in the most explicit terms, that he was no advocate for an exclusive metallic currency; that he wished to see the banks so reformed as to enlarge the basis of specie circulation; thus securing to the country a well regulated mixed currency—specie for the ordinary transactions of business, and a paper always convertible. Would this destroy State banks, or prostrate credit, or deprive the laborer of a fair compensation for his labor? No, sir, no; but directly the reverse; and of all classes, those who live by the sweat of their brow would have most cause to rejoice at such a reform of the currency. My friends, said Mr. K. are opposed to bank expansions which lead to the most extravagant and ruinous speculations, deranging the business of the country, and terminating in a refusal to redeem their notes in specie. These expansions, we have been told by the Senator from South Carolina, and his friends, were produced by the State bank deposite system. Admit them to be correct. Does it not prove conclusively that we should no longer mix up our affairs with theirs—that we should not subject ourselves to the inconvenience and loss consequent on their failure to pay over the public moneys placed with them for safekeeping. My friends are in favor of collecting the revenue in specie, so as to enable the Government to meet its obligations according to the requirements of the Constitution, while the Senator from South Carolina would compel the receipt of the depreciated paper of non-specie-paying banks: at least such was the proposition once made by him; but meeting with no countenance, even from his own friends, he was compelled to abandon it. My friends, as far as I know their opinions, are opposed to any interference with the State banks. To the States they leave, what to them properly belongs, their regulation and control. We are content to act within our constitutional spheres—so to collect, keep, and disburse our revenue, as will enable us to meet, in good faith, all our obligations, and not again subject ourselves to the taunts and sneers of the Senator from South Carolina and his friends, that the Government was a bankrupt concern, because it could not compel the banks to pay over their deposites. Mr. K. said he looked with great interest to the success of the proposition made by his friend from Pennsylvania a few days past, so to amend the Constitution as to prohibit the issue of bank notes of a less denomination than twenty dollars. Could the States be induced to divest themselves of this power, most of the evils which have grown out of the banking system, as at present conducted, would, in his opinion, be remedied. He sincerely hoped it would meet with a favorable consideration.

One word, said Mr. K. as to my friend from Mississippi, now absent. The Senator from South Carolina has, as I conceive, done great injustice to the views of that gentleman, as to the operation of the Independent Treasury bill. He is represented as having contended that it would prostrate the banks, and bring about an exclusive metallic circulation. Now, sir, whatever the peculiar notions of that gentleman may be, as respects the advantages to be derived from banks, he too well understood what would be the operation of the measure he advocated, to contend that any such effects could, by possibility, be produced by it. Sir, we were indebted to the gentleman and his friends for what, to me, appears opinions so absurd. Again and again have they declared, on this floor, that such would be the effects of the adoption of the Independent Treasury; and they have denounced it accordingly, in such unmeasured terms, that I was disposed to give them credit for honestly believing what they so roundly asserted, and so strongly condemned. I had no idea it was for political effect. But really (said Mr. K.) it is too bad to attempt to fix upon the friends of the Administration opinions they never entertained, arguments they never used, but which they have constantly repudiated.

Mr. K. said he well knew the opinions of the greater portion of those with whom he was politically associated here: his intercouse with them had been of the most unreserved character; and he would take this occasion to say that the charge that they were the advocates of the destruction of the State banks, and an exclusive specie circulation, was entirely destitute of foundation. Their object was to reform, not to destroy.

Mr. CLAY of Kentucky said he really did not know where he was; but there is the gallery, and there the countenance of the Father of his Country beaming down upon us, and yet it seemed to him as if persons and things had lost their identity. We now hear that there is no intention on the part of the friends of the Administration, to injure banks—no desire to destroy the credit system of the country—no wish to reduce the wages of labor. Why, really, one is almost tempted to imagine that the present display has been the result of previous arrangement, to give an opportunity for a general recantation. Why, was not the whole tenor of the argument of the Senator from Mississippi, [Mr. WALKER,] in his speech on the Sub-Treasury, to prove the evils of banks and the credit system, and the beneficial effects that would result from an exclusively metallic currency, and reduced wages of labor, which were to be effected by the passage of that bill? And has not this been the course of all the arguments of gentlemen on that side of the chamber? He was aware that the Senator from Pennsylvania was not what is considered a whole hog man—he stopped at the half-way house—not the half-way house of Conservatism, but of a mixed currency. He confessed that he was surprised and gratified at the declarations and recantations of gentlemen this morning, but he warned the country against confiding much in the sincerity of those making them.

Mr. KING. The Senator from Kentucky, in his remarks, had used the terms "recant, "recantation." Does the Senator intend to convey the imputation that I have recanted: that I have changed any opinion heretofore held by me on this subject? I desire the Senator to point to any vote ever given, or sentiment ever uttered by me, which is inconsistent with the principles avowed in the remarks I have made this morning.

Mr. CLAY said his remark was not intended to apply to the Senator from Alabama particularly, but to the former course of the party with which the Senator acted. He had understood the course of the Executive to be such as he had characterized it, and he considered all that supported his Administration as concurring in the policy indicated by his measures.

Mr. BROWN said: That a very extraordinrry spectacle had been presented to the Senate during the progress of the present debate. After the termination of a discussion, which was of a nature highly irritating, and of a strictly personal character, between the Senator from Pennsylvania [Mr. BUCHANAN] and the Senator from Massachusetts, [Mr. DAVIS] two other Senators had thought proper to volunteer in the debate, and to interfere in a manner which he did not, to say the least of it, deem the most courteous, especially towards one of the parties who had been engaged in this conroversy.

The Senator from South Carolina, [Mr. PRESTON,] and the Senator from Kentucky, [Mr. CLAY,] had, with much apparent gravity, congratulated the country on the recantations, as they have chosen to term them, in regard to the banking system, which have been made on the present occasion, as they allege, by the gentleman from Pennsylvania, and other Senators friendly to the policy of the Administration. What recantations had been made by any Senator friendly to the Administration? He had not heard them, if any had been made; and he was quite sure, if the Senators from whom these remarks had fallen, had done justice to the arguments and views of almost the entire body of those on this floor who had supported the constitutional Treasury system, that they might have spared themselves the trouble of offering their congratulations to the country, for recantations which had never been made, and which, indeed, there was no necessity to make.

In regard to the Senator from Pennsylvania, [Mr. BUCHANAN,] he had said nothing, in the course of his triumphant vindication, that had even the semblance of a recantation. On the contrary, he had only re-affirmed and reiterated the views and opinions which he had before repeatedly expressed, as to the effects of the constitutional Treasury on banks and the currency of the country. If he had expressed the opinions then for the first time attributed to him, on that floor, they would have been utterly inconsistent with all those which he had, on many occasions before, avowed, and which were to be found so explicitly set forth in his published speeches, made, on former occasions, on this subject. What! the Senator from Pennsylvania, a zealous and able advocate of the constitutional Treasury bill, urging, as an argument in its favor, that it would, among other effects, "*suppress credit!*" He would only say that, if that and some other argumenis which had been attributed to him by the Senator from Massachusetts [Mr. DAVIS] had really been used by him, much as he admired the Senator from Pennsylvania for his talents, and respected him for his integrity, he should have considered him as an enemy in disguise to the very measure which he was advocating, and to which it was but an act of justice to him to say that he brought that powerful aid, always afforded by him when he takes part in any important debate. He would add that he had never heard, or known, arguments so entirely preposterous as some of those that had been attributed to the gentleman from Pennsylvania, to be used by any one, either in that body or elsewhere, in their advocacy of that measure. Nor had he known such arguments to be imputed to any member of this body, favorable to the constitutional Treasury system, except in the correspondence of hired letter writers, or in the columns of newspapers, devoted to bank interests.

What did the Senator from South Carolina [Mr. PRESTON,] and the Senator from Kentucky [Mr. CLAY] mean by the general allegation that the friends of the Administration in that body were in favor of abolishing the banking system in the States? Do they mean to charge the friends of the Administration with hostility to the banking and credit system, because they are opposed to a government of banking corporations, instead of a government of the people? Do they mean to charge them with hostility to the banks because they are disposed to correct their abuses, and to arrest that system of swindling and outrage which has been practised to such an extent on the people of this country? Is it this that they call hostility to banks, and an attempt to suppress the credit system? Are they themselves willing to uphold and to tolerate such abuses? If so, let them boldly avow it, and the people would then understand the value of that credit system, in behalf of which, so many eulogies had been uttered, and so much alarm had been expressed.

Mr. B. said that, so far as he had understood the views of the friends of the Administration, both in Congress and elsewhere, their leading object was, in regard to the banking system, so far as the indirect agency of the Federal Government could effect it, to *regulate*, not to *destroy* it; to enforce a sound and honest system of banking, instead of that system of fraud and abuse which had been so extensively and injuriously practised on the country, under the miscalled credit system. They believed, and the great body of them, there and elsewhere, had so argued, that the Constitutional Treasury system was the measure, of all others, best calculated to effect these important objects. They believed that the fiscal transactions of the Federal Government should be confined to a metallic currency, leaving to the States the undisturbed right of chartering and regulating banks, and authorizing the circulation of bank paper, in such manner as they might deem proper.

Indeed, the clamor constantly raised against the friends of the Administration, that they wished to destroy banks, and introduce an exclusive metallic

currency, was, to say the least of it, absurd and ridiculous. How could they put down the system in the several States by federal legislation? They could not interfere with or restrain the State Legislatures in chartering banks. No legislation had been proposed, nor could any be proposed here, consistently with the Constitution, to prevent the people from using paper money int heir pecuniary transactions with one another.

But, said Mr. B. because the bill to establish the Constitutional Treasury did not authorize the receipt of bank notes in the payment of Government dues, it was therefore a circumstance conclusive to show, according to the logic of gentlemen in opposition, that the entire system was to be abolished! This kind of argument, if argument it was entitled to be called, might suit for the purposes of misrepresentation, but it would not answer to establish the truth of a proposition.

Another mode of argument, equally conclusive, to prove that the Administration and its friends were in favor of abolishing all the State banks, and introducing an entire metallic currency, was the practice, by the Opposition, of holding up to the public view the opinions of a few of its friends as the opinions of all the Democratic party.

He would put a few cases to prove, not merely the fallacy, but the extreme injustice, of such reasoning. Some of the friends of the Opposition, whose opinions had often been quoted in that quarter, on financial matters, as oracular, had advocated the heresy that banks were strong in proportion as their quantity of specie was small; but would it be fair to charge this new discovery in the credit system to the Opposition, as a party? Again, the Senator from South Carolina [Mr. PRESTON] had introduced a proposition in that body, during the former bank suspension, to compel the Secretary of the Treasury to receive in payment of the public dues, the depreciated notes of those banks, which was advocated by the Senator from Kentucky, [Mr. CLAY;] but would it have been fair to have held the whole of those in opposition answerable for a proposition so subversive of public credit? And, again, some of the leaders of the former Federal party avowed a preference for monarchy, while some of the partisans of the same party, of the present day, have expressed similar sentiments. He alluded to Mr. Hamilton, and some other distinguished leaders of the Federal party of that day, and also to an individual of the present day, of the Opposition, who had, in a series of essays in a Federal paper, advocated a monarchy. Mr. B. said that he had put these cases, not to fix upon the Opposition party the political heresies they contain, but to show the extreme absurdity of one party endeavoring to hold the other responsible for the opinions of a few only of its members.

But, said Mr. B. the Senator from Kentucky [Mr. CLAY] had not been content with imputing opinions of declared hostility against all banks to those friendly to the Administration in that chamber, but had thought proper to extend the same charge to the President of the United States. With how much justice this charge has been made, a reference to the messages of the Chief Magistrate would show. A leading argument, in his recommendation of the constitutional Treasury system, was its tendency to correct the abuses of the paper system, and establish a sound and honest system of banking, in place of that which has produced such disastrous consequences to the people of the United States. If the wish to bring about a reform in these abuses by the indirect agency of the powers of the Federal Government, constitutionally exerted, be hostility to banks, then the President, in common with the great majority of the American people, was obnoxious to the charge. So far from furnishing proof of hostility to the system, it afforded the only means of preserving it. Those in reality are its enemies, who are in favor of perpetuating its abuses.

Why, he would ask, all this alarm about the banking system, and patriotic indignation at the idea of a hard money currency? Did any one believe that the banking system in the States—he meant an honest banking system—was really endangered? On the contrary, was there any candid and intelligent individual, taking into view the universality of the existence of the system in our country, and the powerful interests enlisted in its behalf, that did not believe that the real danger was not that the system would be destroyed, but that it would not be sufficiently regulated, whether it existed in the form of a National Bank, or of State banks.

Mr. B would not say that these alternate exhibitions of alarm and indignation which we had witnessed here were *affected*, or intended to answer *political* purposes. That a pressing emergency, however, existed in the ranks of the Opposition, which required the use of all such means, none could doubt, who daily witnessed the extraordinar expedients that were resorted to for the purpose of sustaining a cause that can only exist by extraneous and artificial means. The effort to operate on public opinion by panics and misrepresentation, was an old expedient, which had been tried on former occasions, much more favorable to success than the present period. They had failed then, and he predicted that they would fail again.

Mr. CALHOUN. I rise to say that no one is authorized to speak for me. I speak for myself. I have changed no opinion. On the contrary, every day's experience confirms me in the opinion that the banking system, as it stands—I mean banks of circulation—has proved to be one of the greatest calamities that ever befel the country.

I make no war on the banks. The system wars against itself, and is destined to fall by self-slaughter. It contains within itself the elements of its own destruction; and gentlemen on both sides may combine to save the system, but it will be in vain. Its true character is now in a course of rapid development. We witness this day its baneful effects on the currency and the business of the country; but we have much to learn of its desolating consequences on its morals and politics. If I should stand alone, I shall be found in opposition to the system.

Now let me say that I know nothing of the views of the Senator from Pennsylvania, further than than as they are developed in his resolution. I wish to be understood to be utterly opposed to its object. With my present conviction, I shall never consent to engraft the banking system on the Constitution.

REMARKS OF MR. REYNOLDS,
OF ILLINOIS.

In the House of Representatives, April 17, 1840.—In Committee of the Whole on the Civil and Diplomatic Appropriation bill.

Mr. REYNOLDS said:

Mr. CHAIRMAN: I am not at all opposed to this manner of political discussion. In the Committee of the Whole, we feel free and easy. It is carrying out, in practice, that freedom of debate which is guaranteed to the people by the nature and form of our Government. This practice will not be amiss for myself, as I am not celebrated for my punctilious observance of strict parliamentary rules. It is like going into one of our vast prairies in the State of Illinois, with which, Mr. Chairman, you and I are well acquainted. There is no obstruction. We may travel in them in any direction that may suit our fancy or inclination. So will I, on this occasion, although in a very humble manner, enter the prairie of political discussion, in Committee of the Whole, and pursue the course that may be my own choice. I will do this without giving to the subject before the committee the least consideration whatever.

Great political subjects are now before the people, and are undergoing that discussion which their importance seems to demand. These subjects have also entered this hall, and are receiving the deliberate attention of the representatives of the people.

Parties, in all countries, have existed, and I have no doubt always will exist. All history confirms this position. And if we believe one of the greatest of the British poets, (Milton,) parties existed even in Heaven; and can we expect to be clear of them on earth?

I condemn for myself, Mr. Chairman, the violence and rancor we often witness in these party discussions. The crimination and recrimination which are so often charged, and never proved, in this hall, are unbecoming the dignity and order of discussion which ought to grace this assembly. No good reason can exist for this course of proceeding. Each party is composed of American citizens, and have equally the good of their common country in charge. Both parties are formed of the blood of the same Anglo-Saxon race, and are raised and educated under the influence of the same Government, laws, and religion, and therefore neither party can be guilty of that baseness of purpose with which parties here so often charge each other in turn.

Gentlemen in opposition to the present Administration urge various arguments, and make many charges, to convince the people that the policy of the party and the Administration should be changed, and that other men and other measures should be brought into power and action. On the other hand, the friends of the Administration are equally confident, that the measures and policy of the party are the most wise, and best calculated to advance the prosperity and happiness of the whole people.

No Administration since the days of Washington existed without opposition, and I presume none will ever exist without it.

I can testify, Mr. Chairman, in any court of justice, that against the present Administration an Opposition is arrayed that is strong and energetic. It is sleepless in its vigilance, and powerful in its action. On this consideration, I consider it the duty of each one who has at his heart the principles of Democracy, to throw into the contest his mite, be it great or be it small.

"In the beginning," parties were organized on great and fundamental principles, and have been continued down to the present time, without change or alteration. The principles and policy that formed the basis of political action in the days of Jefferson, are the *same* that govern the present Administration. This proposition is susceptible of political demonstration, and it may become necessary for me, on some other occasion, to enter more fully into the demonstration than at present I can do.

These two parties, equally honest, patriotic, and, I may add, equally talented, were organized in the convention that framed the Constitution. They were denominated Federal and Republican, and existed in principle. These principles were widely and essentially different. One party had for its model the British Government. This was reasonable and rational; we had recently obtained our independence, and had amongst us the laws and the governmental forms of the British people. This party, therefore, advocated a powerful and energetic *central* Government, with a President and Senate for life, and the power to appoint the Governors of the States. The other party prevailed in the convention, and we have a faithful and limited National Government.

These parties continued to exist in the administration of this new Government. They advocated, as honest men, those principles which, in the honest convictions of their minds, would best advance the prosperity and happiness of the people. The Federal party decided that the Government possessed the power to do any thing that might be considered to promote the "general welfare" of the people. The other party assumed no such power, and decided that the General Government was limited in its action to a few simple national objects, and the balance of power retained to the States or the people.

These parties had, in the administration of the elder Adams, a severe and desperate struggle, which resulted in the overthrow of the Federal dynasty, and placing in power the Republican party, headed by Thomas Jefferson.

The important principles on which the Government was administered by Mr. Jefferson are comprised in the celebrated Virginia resolutions, and are the same principles which govern the present Administration; therefore, the opposition to these principles, in the days of Jefferson, must be the same, as they are to the same principles at this day.

The Federal party waged an efficient war against

Jefferson's administration. They opposed his purchase of Louisiana, and wished to deprive the nation of that vast territory to the West and Southwest, and of the outlet of the Mississippi river. They also opposed the embargo, and, in fact, all the important measures of his administration.

In Mr. Madison's administration, the same party opposed the war which was declared against Great Britain. In opposition to this measure, that party acted with deadly hostility to the Republican party, and was like a *wet* blanket around the shoulders of the President during the whole war. The history of the war measures will show that the party lines were exactly defined and acted on throughout the whole contest.

A charge is made against Mr. Van Buren, that he supported Mr. Clinton for President and not Mr. Monroe, and, therefore, he was not for the war.

The journals of the proceedings of the Senate of the State of New York, and the history of the war measures of that State, prove those charges that he opposed the war to be unfounded.

Mr. Clinton was, at that time, high in the estimation of the Republican party in the State of New York, and, in fact, throughout the Union, and received the support of that party (Mr. Van Buren being a member of it, and bound by the party nomination) for the sole object that the war might be prosecuted with more vigor and brought to a more speedy conclusion.

The important situation in which Mr. Van Buren was placed enabled him to act efficiently in the struggle with Great Britain. It was the great energies of the State of New York exerted to the utmost extent in the prosecution of the war, that presented an efficient barrier against the opponents of the war in the New England States. The Democratic party in the United States, and particularly in the State of New York, was more harassed and annoyed by the Hartford Convention, and the Blue Light Federalists, than they were by the common enemy. This treasonable convention had many friends throughout the adjoining States; and their daring expressions of rebellion showing a determination, almost matured, that they would recede from the Union, and join the enemy, rendered this party extremely formidable. It was, in fact, a domestic enemy raging in our bosom at a time that the nation was achieving her second revolution. We were in a struggle with the most powerful nation on earth, and our means of men and money extended to the utmost; yet these Federalists were opposing all the war measures, and declaring that it is unbecoming a moral and religious people to rejoice for the victories achieved over the enemy.

The position of the State of New York being adjoining this domestic enemy, gave her more opportunities to act efficiently in the war than perhaps any other State, and she acquitted herself with honor and glory.

In all these proceedings to carry on the war with vigor and energy, Mr. Van Buren acted a decided and efficient part. He was the most conspicuous actor in classifying the troops of the State for active military operations, and was, in fact, *first* in all war measures of the State, during the whole struggle.

To prepare the minds of the people for war, to declare it by law, and to provide the means to carry it on with energy and vigor, is more important to the nation than to fight the battles.

The patriots and statesmen who headed the Democratic party in Congress, and demonstrated to the nation that our honor and character would be tarnished if we did not defend ourselves against British insults, deserve the same honor, or even greater, than those who were triumphant in battle. The same is due Mr. Van Buren for his exertions in his sphere in the State of New York, and he is entitled to the same honor, as the most victorious general.

The same organized Opposition that opposed the administrations of Jefferson and Madison, continued down against the administrations of Monroe and Jackson, and is now waging the same political warfare against the present Administration.

Although it became necessary for the present Administration to recommend the Independent Treasury system, in order to carry out the Democratic principles of the Constitution, and being the same principles as formed the basis of Jefferson's administration, yet the Opposition are denouncing the measure from one end of the continent to the other. They are almost as clamorous against it as the Opposition party were to the war. Each measure was forced on the Government by circumstances over which they had no control. They could not control British insults, and they cannot control State bank suspensions. The faults of others ought not to be laid at the door of the Administration.

The Opposition party contend that the Independent Treasury has deranged the currency, and is at war with the banks. The use and adoption of the Independent Treasury were inevitable; and without the consent of the Government, it was forced on them.

The banks suspended specie payments without any, the least, hostility from the Democratic party; but, in fact, were receiving the full confidence and pecuniary patronage of the Government, and left the Treasury without one dollar of legal or constitutional money. Under these circumstances, what could be done? The Constitution and laws prevented the President from the use of bank notes which were not convertible into specie, and the whole machinery of Government was committed to him. He was accountable to carry it on, and this he could not do without money. He was therefore compelled to adopt the principle of the system, and to use specie alone, as he could get no other currency but inconvertible paper, which was prohibited by law. For doing his duty, and for doing what he could not avoid, he and his party are denounced by the other party from *Dan* to *Beersheba*.

Although this measure was forced on the Administration, yet it would be found to be just and correct in principle. I will not pretend to go into the entire defence of the system, as the people have decided on it by having a majority in both Houses of Congress in its favor: I will only demonstrate the fallacy of some of the objections which are urged against it.

The great and leading objections of the Opposition party are, that it has deranged the currency, and are hostile to the banks and credit system. These charges are entirely unfounded.

Not the least suspicion or hostility existed in the Government against the banks at the time they suspended, and became insolvent as it respects the Government. I pretend not to say they are in fact insolvent, but they are *quasi* insolvent as to the Government. The utmost confidence was reposed in their honesty and capacity to preserve the public funds. The whole revenue, at that time amounting to millions and millions of dollars, was deposited with them. This feeling of friendship and confidence, and this vast deposite of money, cannot be construed into hostility to the banks. While acting under the influence of the support of the Government, and having the public deposites in use, they suspended, and left the Government without one dollar of legal or constitutional money. These are facts, for the truth of which records and history will sustain me.

Mr. Chairman, no one in his sober senses can say that the Government caused the suspension. Not only they did not cause it, but it was not their interest, nor for the benefit of the country, that the suspension should take place. It is a calamity caused alone by the banks, and the operaction and trade of themselves with the community.

As I see the gentleman from Virginia [Mr. WISE] is in a first rate humor, I will take the liberty to ask him what would General Harrison and he do under the circumstances which caused Mr. Van Buren to adopt the Independent Treasury? supposing that the General was elected President, and you appointed his Attorney General. The Constitution and laws prevented you from using *broken banks*, and your Government must be carried on. You would be forced to adopt the same system, or let the Government be suspended, which would be much worse than a bank suspension. You would not deposite the public money in *broken banks*.

I would, Mr. Chairman, respectfully suggest to Opposition gentlemen, that it would be more becoming at this time to propose some measure for relief and reform, than to denounce and oppose all the measures of the Administration that have those objects in view. Simply and solely to elect Gen. Harrison President will not of itself cure the evils of which his friends so much complain. "Harrison and reform" are in their mouths from one end of the Union to the other, while we are not enlightened at all as to the "reform" or relief which are to be given us. The intelligence of the people will not permit these syren songs, without measures, to draw them away from the Democratic principles which they have sustained for so many years. These principles have caused us to triumph in war, and be happy in peace. Under their influence our nation has flourished in an unparalleled degree, and are we to abandon them for only vain and idle promises of "reform and relief?"

That there is less paper in circulation than in former years no one will deny; the voice of the people, and correct calculations, establish the fact. The Secretary's report shows, that, on the 1st January, 1839, $135,170,995 were in circulation; and on the 1st of January of the present year, 1840, only $106,963,423 were in the hands of the people. This statement exhibits a deficiency this year of upwards of twenty-eight millions of dollars.

The question arises, and ought to be answered, who caused this deficiency? Has the Government done any act that has caused it? "On this hang the law and the prophets." And before I demonstrate the proposition that the Government had no agency in this matter, but in fact tried to prevent it, I will be permitted to say that the people of the United States are in a more properous and vigorous condition than they have experienced since the formation of the Government. It is true that there is not such excess of paper money in circulation as heretofore, which is one of the most substantial reasons to establish this position: these empty promises, without specie in the vaults, in the manner of bank currency, do not constitute wealth, but a debt to the banks, which the people have to pay for its use with a heavy interest. Any people are better without a debt than with it. This excess of bank paper being withdrawn from circulation, the people are not excited by it into wild and extravagant speculations. They are now turning their attention to substantial and real business, and relieving themselves from importations of useless and extravagant articles of luxury from foreign countries.

The people are resuming their sober senses again. The resemble a person regaining his vigor after a wine frolic. We will, in a few months, recover our accustomed strength and vigor.

In the first place, Mr. Chairman, permit me to say it is difficult to prove a negative. It is hard to prove that the Government did not act in any manner to injure the banks, or the legitimate credit system, although it is true they did not. It would be much easier to establish the fact that the banks, by improper conduct, caused their own suspension, and thereby the scarcity of money in the country. Yet, in my opinion, I can demonstrate by documents, acts and statements of the President, and the Democratic party, that neither the President nor the party is hostile to sound and legitimate banking operations—not hostile to the proper credit system, but only desire to correct the abuses of those systems, and sustain a sound and substantial currency in the country.

On this very interesting subject, which the Opposition to the Administration have so much perverted, I must be permitted to refer to the opinions of Mr. Van Buren, contained in his last message. In all his previous messages the same sentiments are expressed. This will suffice for all:

"In a country so commercial as ours, banks, in some form, will probably always exist; but this serves only to render it the more incumbent on us, notwithstanding the discouragement of the past, to strive, in our respective stations, to mitigate the evils they produce, to take from them as rapidly as the obligations of public faith and a careful consideration of the immediate interest of the community will permit, the character of monopolies; to check, so far as may be practicable, by prudent legislation, those temptations of interest, and those opportunities for their dangerous indulgence, which beset them on every side, and to confine them strictly to the performance of their paramount duty—that of aiding the operations of commerce, rather than consulting their own exclusive advantage. These and other

salutary reforms may, it is believed, be accomplished without violating any of the great principles of the social compact, the observance of which is indispensable to its existence, or interfering in any way with the useful or profitable employment of capital."

In none of the messages, since or before the first bank suspension, are found any expressions in hostility to the legitimate operations of banking, or to the sound and safe credit system. These sentiments all strike at the abuses, and at nothing more.

I will introduce the opinion of a distinguished Senator from the West, [Mr. BENTON,] as reported in the speech of the gentleman from Ohio, [Mr. BOND,] to show that the opinion of this Senator, whose consistency, as well as his talents, is acknowledged by all, is in strict accordance with the views I have above espressed. Says Mr. BOND, in his speech:

"Let the country hear Mr. BENTON speak the sentiments of the Administration on this subject, and submit. In his speech in the Senate, delivered on the 22d of September, 1837, he says:

"'I have repeatedly given it as my opinion—many of my speeches declare it—that the French currency is the best in the world. It has hard money for the Government, hard money for the common dealings of the people, and large notes for large transactions.'"

In confirmation of the above creed of the Democratic church, I will refer to all the speeches and writings of the members of the party to establish the fact. It is, Mr. Chairman, in my opinion, the safe and sound doctrine, founded on the Constitution, and strict Democratic principles. The Independent Treasury bill itself, as it passed the Senate at the present session, recognises banks, and provides for the reception of *convertible* paper into the Treasury of the United States. The bill provides for only the fourth, each year, of the payments to be made to the Government in specie, and the rest in convertible paper. This is a most wise provision, as Congress will convene each year, and witness the operation of the measure, so that changes may be made as to the character of the funds to be received for the dues to the Government. This will be a direct reward offered to the banks to resume specie payments, and the Government most cheerfully will receive their paper. Does this look like hostility to the banks? It is directly the reverse; it is friendship and confidence in honest banking.

The above is the opinion expressed by the President in his last message. These are the words: "If the change (from paper to hard money) was gradual, several years would elapse before that sum (four or five million) would be required, with annual opportunities, in the mean time, to alter the law, should experience prove it to be oppressive or inconvenient."

These are the doctrines and the creed of the Democratic church, which is founded on a rock, and which will prevail against all her enemies. The Independent Treasury is the simple, plain, constitutional policy, and is in strict conformity with the Virginia resolutions. It is in direct hostility to the old school of the party which was headed by the celebrated and talented Alexander Hamilton.

It is extraordinary that the banks which have suspended specie payments, are not content with the laws made in most of the States to *legalize* the suspension, but are determined to make the General Government responsible for their *sins*. In very ancient times, we read of the sins of the father being visited on the children for the third or fourth generation. This doctrine would seem hard at this day; but it would be still more unjust for the sins of strangers to be visited on one another. This would be just as reasonable as to make the Government responsible for the suspens on of the banks.

The most enthusiastic Whig cannot be made to believe, for a moment, that the United States Government created the State banks, or has any direct control over them. As the Gove nment has no direct or indirect agency in their operations, it is certain the banks themselves are entitled to all the honor, or all the dishonor, that may arise from their own conduct. They must be judged, like all mankind, and all institut ons—by their actions.

Two positions are, Mr. Chairman, incontestably established by the banks in the city of New York, and other parts of the Union, remaining firm and sustaining themselves, while many others in the country have suspended: If the Government had injured the banking system, or waged war against them, all would suspend alike—none would be left to tell the story of their death. The other position is also proved, that if they observe a legitimate course of banking they can sustain themselves with the Independent Treasury system. This position has been verified; as that system has been in operation for some years. Those banks in the city of New York and other places deserve great credit for their firm and patriotic course in sustaining themselves amid the other banks that have suspended all around them.

Can the most ardent friend of General Harrison and "reform" take the suspended banks into communion and fellowship, and place them on the same footing of those that have acted with more wisdom and propriety? or are right and wrong to be confounded?

This "relief and reform," which is so dazzling to the eye, must be based on reason and the Constitution. We cannot relieve the people with *broken* banks, nor can the Government compel the banks to resume and circulate their paper. This must be their own operation, free and independent of the General Government.

In order that this subject shall be clearly understood, and not a single doubt left remaining on the mind of friend or foe to the Administration, I will present an extract from the circular issued by the Hon. Levi Woodbury, Secretary of the Treasury on 1st June, 1838, requiring all collectors and receivers of public moneys to receive *convertible* bank paper for the public lands and other debts due the Government, and the certificates of two public officers which demonstrate that this is the course and practice of the Government:

"Important changes have also taken place since July, 1836, in the condition of the banks and of business generally, which have diminished the necessity for unusual checks on excesses and overactions.

"Influenced by these considerations and by a desire to accommodate the public debtors as far as is compatible with the restrictions of law and the safety of the pecuniary interests committed to my care, I feel bound to enforce the uniformity now required, by availing myself of the permission given in the resolution of 1816, to receive the notes of banks, and by extending, under suitable limitations, the receipt of such notes equally to all branches of the public revenue."

—

Copy of the certificate of the Register upon the return of the Receiver at Milwaukie, for the month of March, 1840.

This is to certify that I have this day examined the funds in the possession of the Receiver, and find the same amount to $52,177 64, and consists of the following description of funds, viz:

Certificates of deposite in the Bank of America	$600 00
Bills of the Bank of America	2,190 00
" Manhattan Company Bank	40 00
" Merchants and Mechanics Bank, Troy, New York	3,000 00
" Mechanics and Farmers Bank, Albany, New York	7,810 00
" Bank of the State of Missouri	900 00
Gold	8,818 12
Silver	28,819 52
	$52,177 64

Witness my hand this 1st day of April, 1840.

A. B. MORTON, Register.

—

Copy of the certificate of the Register upon the return of the Receiver at Burlington, Iowa Territory, for the month of February, 1840.

I hereby certify that I have examined the funds in the hands of the Receiver at this place, and find them to consist of the following descriptions, to wit:

In Gold	$397 50
Silver	11,595 00
Missouri Bank Notes	2,250 00
	$14,242 50

Given under my hand at Burlington, I. T. this twenty-ninth day of February, 1840.

A. DODGE, Register.

Mr. Chairman, I have presented some of the most important facts and reasons to establish the *negative*, that the Administration has done nothing to cause the banks to either expand or contract their issues. The reason must be found in the nature of the banks themselves, and in the nature and course of commerce. The main object of the stockholders in a bank, is to make money on the loan of their capital; and, as *gain* is the exclusive and express object, the desire of such men has no bounds. As long, therefore, as a person to borrow can be procured, who is able to pay, money will be afforded him. There being no check, an excess of paper in circulation is the consequence. This excess of paper cannot be redeemed in specie, and therefore a suspension takes place. Thus we see, in the very nature of banks, is this inevitable tendency of having either too much or too little paper in circulation.

The Independent Treasury system is intended to correct this abuse of the banks, and to render the currency better and more permanent. It will introduce into the country a broader basis of specie on which to place the paper currency, and then we will have better and more settled prices for labor and its products.

I have submitted only the outlines of this great and important subject, for the consideration of this committee. Their good sense will enable them, from the view I have taken of it, to raise a superstructure on this basis against which the enemies of Democracy cannot prevail.

The Independent Treasury is a great and leading measure, which places the Administration, in this respect, on the Constitution and on the principles of the Republican party, which are coeval with the Government itself.

After the expiration of some few years, and when party feelings have subsided, posterity will be as much astonished at the opposition of the present party to the Independent Treasury, as we are surprised now at the opposition to the war or to the purchase of Louisiana. They are all Democratic measures, carried on under the guidance of the Constitution, by the same party.

Another subject, Mr. Chairman, claims the attention of the people I represent in an eminent degree. There is nothing so near and dear in the article of property to a farmer as the land on which he resides. It is the home and fireside of himself and family, and the means of their support and comfort. Hence the subject of acquiring a home out of the public domain is important and interesting to many of the citizens of Illinois, and they have found friends at the head of this nation, whose policy and whose official recommendations have secured to those citizens the greatest blessings.

General Jackson, when acting as President of the United States, recommended that the price of the public lands should be reduced to a nominal amount; and the same wise and benevolent measure, almost the same in principle, is also strongly urged on the consideration of Congress by Mr. Van Buren. These recommendations are hailed in the West as the most wise and most benevolent measures that could be extended to the people. They see and know that the chief magistrates of the nation feel and know the condition of a poor man; and they know, also, that these Presidents are willing and anxious to ameliorate the condition of the people.

In the last message of President Van Buren is the following strong and warm language used in favor of pre-emption laws and the reduction of the public lands to *actual* settlers:

"On a former occasion, your attention was invited to various considerations in support of a pre-emption law in behalf of the settlers on the public lands, and also of a law graduating the prices of such lands as had long been in market unsold, in consequence of their inferior quality. The execution of the act which was passed on the first subject, has been attended with the happiest consequences in quieting titles and securing improvements to the industrious; and it has been, to a very gratifying extent, exempt from the frauds which were practised under previous pre-emption laws. It has, at the same time, as was anticipated, contributed liberally during the present year to the receipts of the Treasury."

"The passage of a graduation law, with the guards before recommended, would also, I am persuaded, add considerably to the revenue for several years, and prove, in other respects, just and beneficial.

"Your early consideration of the subject is, therefore, once more earnestly requested."

At the present time there are many industrious and respectable families residing on the public domain, and are not sufficiently provided with the means to purchase their labor and homes. And moreover, the pre-emption law, which is now in force, will expire on the 22d June next, and thereby these families will be left in a very precarious situation.

At the time the Government acquired the public lands, the country was thinly populated, and weak, and was also laboring under the pressure of a heavy public debt. These lands were pledged for its payment, and the attention of the nation was directed considerably towards this source of revenue to relieve the people from the distress occasioned by the Revolutionary war.

Under these embarrassing circumstances, a revenue arising from these lands, to relieve the people, must have been the first and greatest consideration

with the Government, and, in the next place, to improve and settle the country in which the public domain is situated.

These must have been the cardinal objects with the Government, and they are yet of the greatest importance to the people.

The unparalleled increase of population in the country since the acquisition of these lands, and the improvement, wealth, and prosperity of the whole nation, since that period, have relieved the people from the distresses alluded to, and enabled them to pay off the public debt. At this time, the country is in a situation not to depend on this source of revenue so much as it did in former days; and thereby the Government is left more free to act as to the improvement and settlement of the new States and Territories. Yet the settlement of the country, and the revenue arising from the sales of the public lands, are so intimately connected with each other, that one cannot be separated from the other. To advance one interest, the other will also be benefited. A revenue cannot be raised from these lands if the country be not settled and improved. Wild lands without people, and without a market, most evidently will not sell, but remain on hand, to the great injury both of the people and the Government.

It must therefore be the duty of the Government, in an equitable and reasonable manner, to advance the settlement and the growth of the country in which the public lands are situated.

Acting under the influence of these considerations, the policy of the Government has been, for a series of years past, to secure the actual settler in his possessions on the public lands, and experience has proved the course to be just and equitable.

This policy is so just and equitable that it seems strange that any one would oppose it. And although there may be some frauds practised on the Government under the pre-emption system, yet they are not common, and not more frequent than will be found in other transactions. This can furnish no argument against the system that has done so much good in securing to the farmer the soil which he cultivates, and the Government their price fixed on the public domain.

All the pre-emption laws heretofore passed have had a *retroactive* operation, and provided only for cases then in existence. There can be no good reason for this course of policy. The Government for so many years providing and securing the rights of actual settlers, have entirely established public opinion in their favor, and encouraged them in relying on the bounty and liberality of the Government. By this course the Government has, in effect, repealed the law making it a trespass to settle on the public lands, and nothing now remains to carry out the enlightened and liberal views of the Government, but to repeal the law above alluded to, and make the pre-emption law *prospective* in its operation.

*The following "exhibit," received from the Commissioner of the General Land Office, will show the sales of the public lands, under the auction, the pre-emption, and the private sale systems. This statement commences the 22d of June, 1838, at the date of the last pre emption law, and continues the sales down for a considerable time.

This statement shows that the average price of all the lands sold during the period above mentioned was only one cent and eighteen-hundredths of a cent per acre more than the *minimum* price. In a pecuniary point of view, the Government will be more than compensated for this small difference in the price, by the *increased* sales of the lands.

Mr. Chairman, the graduation law, as the President recommends it, with the proper guards to confine it to *actual* settlers, would be hailed as a law, in many of the new States, the most beneficial that could be passed. This measure would bring into market lands that are not first rate in their quality, and have been in market for many years. It would settle the country, and afford many an industrious and honest man a good home on his own soil.

I will barely remind the committee of the rtions of Colonel Richard M. Johnson Congress some years since, in favor of the btors to the Government for the public lands. In 1824, under the credit system, an immense debt had accrued to the Government on the sale of the public domain, and a scarcity of money also pervaded the country at the same time. If the Government had forced the payment, many an industrious, good man, would have been ruined. The Vice President had then, as he has now, that humane and kind feeling for his fellow man in distress, and he labored night and day in Congress for those who were indebted to the Government for their lands, and procured the passage of an act of Congress, which permitted all those who had purchased lands of the Government, and had not completed the payment, to receive the quantity of land for which payment was made, and to relinquish the balance to the United States. He also exerted himself, with others, to reduce the price of the public lands from two dollars to the present price of one dollar and twenty five cents per acre. Colonel Johnson had no direct interest in this measure, as he resided then, as he does now, in Kentucky; but he was influenced by those kind feelings of humanity, which strongly predominate in his character. The people residing on the public domain, or living in the new States, know well that they have a steadfast and warm friend at the seat of Government in the person of Colonel Johnson.

Mr. Chairman, before I conclude my remarks, I will present one other subject to the consideration of this committee, and to the people in the State of Illinois whom I represent.

The continuation of the Cumberland road is of the utmost importance to the people that you and I represent; and some of them have desired us to address them on the subject. I consider it my duty, in the relation in which I stand to them, to give them a plain narrative of the life and death of the Cumberland road.

People residing in a section of the Union remote from the vicinity of this road, take very little interest in it, and think we take too much.

This work has been carried on for a series of years, so that the business and habits of the people are identified with it, and therefore they are extremely anxious that it should be continued.

The General Assembly of the State of Illinois have passed resolutions insisting that this road should be extended to the Mississippi, at the city of Alton, and at no other point. I have presented them, this session, to the proper committee. Under the influence of these resolutions, the people of this city became very much excited and interested in the location and termination of the road at this point.

In order to carry out their views, and to advance what I sincerely believe to be the best interests of the people generally, I was, and am still, extremely anxious that this appropriation should be made. It is scarcely necessary to remind this committee of this fact, as they all recollect that I urged this measure on their consideration, to such extent that my exertions become rather offensive. I will still vote for the appropriation on any bill, or in any shape which it may assume, and I pretend not that I have done more than my duty, or more than any other of its friends.

EXHIBIT of the moneys received from the purchasers of the public lands in each of the States and Territories, from all sales effected since June 22d, 1838, to the date of the latest returns, distinguishing the amount received from sales at auction, from pre-emptors, and from ordinary entries.

States and Territories.	Quantity of lands sold at auction, and the purchase money thereof.			For pre-emptions.		Ordinary entries.		Moneys received from all sales effected since 22d June 1838.	
	Acres.	100ths	Dolls.	cts.	Dolls.	cts.	Dolls.	cts.		
Ohio	none.		none		none.		465,949	06		
Indiana	38,137	68	48,229	59	45,838	01	1,134,532	93		
Illinois	517,377	80	650,865	91	159,902	60	1,144,273	67		
Missouri	164,232	22	210,967	49	143,905	80	1,134,370	67		
Alabama	29,294	95	39,376	59	31,757	49	209,956	37		
Mississippi	none.		none.		23,708	63	40,727	32		
Louisiana	291,452	45	418,407	94	256,296	61	301,360	04		
Arkansas	46,285	40	60,076	11	57,543	91	226,062	27		
Michigan	52,232	46	71,456	05	14,560	52	166,277	26		
Florida	1,993	50	2,491	62	8,737	82	95,433	46		
Wiskonsin	394,069	66	498,626	25	77,659	87	317,826	06		
Iowa	340,778	85	496,536	56	120,252	87	166,064	85		
Total	1,875,854	67	2,427,014	01	941,214	13	5,404,773	96	6,952,644	00

1,875,854 acres sold at auction for $2,427,014 01; average rate per acre $1 29 38-100ths.

5,076,790 acres sold to pre emptors and ordinary sales for $6,345,988 09, at the minimum price of $1 25 per acre.

6,952,644 acres, the aggregate quantity sold for $8,773,002 10; average rate per acre $1 26 18-100ths.

The instructions which you offered, Mr. Chairmain, failed in the House of Representatives by a vote of 88 to 109, as reported. It will be seen by the journal, that a majority of those who supported the appropriation were of the Administration party.

I recollect well the eloquent speech of the gentleman [Mr. HOFFMAN of New York] in opposition to this appropriation. His voice, manner, and gestures, have made a lasting impression on my mind; and, although he opposed a vital interest of ours, yet he did it in an open, gentlemanly manner, so that this "lasting impression" is not an unfriendly one. I thought then, as I do now, that his speech, together with that of Mr. BELL of Tennessee, defeated the appropriation in this House. Other gentlemen of the same politics joined, also, in the debate, and the votes demonsirate that a majority of those who voted for the road were Democrats.

In the House the discussion was not directly on a bill for this measure—it was on instructions to report a bill; but, in the Senate, the judgment was pronounced directly on a bill for this object, and the vote stood 20 for it, and 22 against it. This the record will exhibit. Out of the 20 votes given for the bill, 13 were of the Administration party, and 7 of the Opposition; and out of the 22 against it, 12 were of the Opposition, and 10 of the Administration party.

This decision, no doubt, was the result of the labored exertions of the most influential and talented gentleman of the Whig party. We have seen the speeches of Messrs. SOUTHARD of New Jersey and CLAY of Kentucky, and they speak for themselves on this subject. These gentlemen are the pride and ornament of their party, and with their friends have great controlling power in politics.

On the other hand, we see the exertions of Messrs. Grundy, Wright, Buchanan, and others of the Administration party, in favor of this measure. These facts stand recorded in the history of this transaction; and although it may appear unimportant in some sections of the Union, yet with us, in the State of Illinois, it is of vital interest to the people.

It is justice to say, that the Opposition members in both Houses of Congress, from Ohio, Indiana, and Illinois, did not join with their party in the *death* and *murder* of the Cumberland road, but acted with the Democratic party in supporting the appropriation.

In conclusion, I can say, that the facts from the journals justify me in stating that it was the Whig party in Congress that defeated the Cumberland road.

The reason urged by many of the party, which guided them in their opposition to this measure is, that the President did not recommend it. This is to me a most extraordinary objection coming from them. The Administration has, on former occasions, recommended it; and the President has signed a bill appropriating money for this improvement. It may be the reason with the President that it was not urged on the consideration of Congress this year, that Congress refused last session to make an appropriation for it when it was recommended to them. Let this be or be not the reason, it is no excuse for the failure. The Administration, although it did not recommend the measure, is not opposed to it, but leaves it, as it should be, to the free action of Congress.

It is stated in the last message that the revenue is not so abundant as heretofore, and that "there are circumstances that impose the necessity of rigid economy, and require its prompt and constant exercise. With the Legislature rest the power and duty of so adjusting the public expenditure as to promote this end.

"By the provisions of the Constitution, it is only

in consequence of appropriations made by law that money can be drawn from the Treasury. No instance has occurred since the establishment of the Government, in which the Executive, though a component part of the legislative power, has interposed an objection to an appropriation bill, on the sole ground of its extravagance. This duty, in this respect, has been considered fulfilled, by requesting such appropriations only as the public service may be reasonably expected to require."

These expressions show that the President is not unfriendly to the measure, but leaves it entirely to the wisdom and discretion of Congress, as he should do.

To settle the question forever, and to convince "a man against his will," I would refer the committee to an act of Congress, approved by Mr. Van Buren, as President, on the 25th May, 1838, making an appropriation expressly to continue the Cumberland Road. This solemn official act will do away the fears of the most timid as to the views of the Executive.

I would appeal to the good sense of every member of Congress, let him be Whig or let him be Democrat, if he be not a free man competent and capable to act on this, as well as all other subjects, as becomes the Representatives of the people.

Is it possible that the descendants of freemen must wait their action for the dictation of a President? or had they not better "act well their part, there all the honor lies?" I dare any man to return to his constituents and tell them that "he was not independent enough to support this measure, because the President did not recommend it."

We have heard much said in this hall against the dictation, and party discipline of the President, and that the Democrats were not free, but bound neck and heels by Executive shackles. Is it possible that the Whig party, after making these expressions, wish to be *forced* to make this appropriation by Executive dictation? Or will it not be better for both parties to take the responsibility that is just and proper, and act with that fearless independence that is becoming the Representatives of a free and enlightened people?

Taking the facts as contained in the journals, and to which I respectfully refer the committee, no other conclusion can be drawn, except that the Cumberland Road bill received and experienced a Whig death in the Congress of the United States, in the year of our Lord 1840.

SPEECH OF MR. WELLER,

OF OHIO.

In the House of Representatives, April 18, 1840—In Committee of the Whole, on the General Appropriation bill.

Mr. CHAIRMAN: I have not risen for the purpose of discussing the merits of the bill now before the committee, but with a view of saying a few words upon some of the incidental questions which have been introduced into this discussion. It is, perhaps, to be regretted that in the debates of this House, members are not confined to the immediate question under consideration. Such a course would facilitate the public business, and shorten very much the period of our sessions. I am, however, too young a member of this House to attempt a reformation of its customs. I must take things as they are, and endeavor to suit myself to the company in which I am thrown; and if other members wander from the question, I, too, must be permitted to do so. It is not my intention, then, to examine this bill, but to reply to some of the arguments of gentlemen who have preceded me in this debate.

The Independent Treasury bill has been dragged into this discussion, and a portion of the distress which now pervades the land has been attributed to the anticipated passage of this measure. Holding a seat in this hall under a direct and positive pledge to support this measure, I have deemed it proper to defend it from the attacks which gentlemen have been pleased to make upon it. I do this now, Mr. Chairman, because I am unwilling that the denunciations of gentlemen should be circulated from one extremity of this Union to the other, without something being said in its favor. It is, sir, a favorite measure with me, and whenever and wherever unjustly assailed or misrepresented, I feel bound to defend it.

What, then, let me ask, is the Independent Treasury, which has been so bitterly denounced by Whig orators on this floor? It is simply a proposition to effect a separation between the revenue of the Government, or the public money, and the business of individuals, or incorporations, and especially between that money and the business of banking. In other words, it is a proposition to divorce the General Government, in its fiscal operations, from all connections with banks, and to collect the revenue in the constitutional currency, gold and silver. The Administration proposes that the public money shall be collected by officers appointed by the Government, and amenable for their conduct to the Government. That these officers shall safely keep the money of the people until disbursed by law: That suitable places shall be provided for its deposite: That the officers thus appointed shall act under the solemnities of an oath: That they shall give bonds in a sufficient amount to secure the Government against loss. That they shall be punished by imprisonment in the penitentiary if they use a dollar of the amount deposited with them for own private purposes: That not a cent shall be used or drawn from that Treasury, except in pursuance of appropriations made by law. The Whigs propose to place this money in the hands of the local banks; and between these two propositions we are called upon to decide. The Government, through its own officers, must take care of the public treasure, or it must be entrusted to the keeping of the banks.

It seems to me, Mr. Chairman, that experience has fully demonstrated that the banks can never be made the safe depositories of the public money. Enough has been already seen to prove that a connection with them must be attended with the most disastrous results. We have seen them, in 1837, in a time of profound peace and general prosperity, closing their doors against their creditors, and refusing to pay the Government the amount deposited in their vaults for safe keeping, and thus crippling and embarrassing it operations. If the experiment has been tried, and we have been cheated and defrauded by these institutions, is it not the part of wisdom to avoid them in future? Shall we not profit by the lesson experience has taught us? Will we renew a connection which time has proved must be destructive to the best interests of the country? I trust we will not thus madly involve our country in ruin.

[Mr. WELLER was here called to order, and objections were made to his proceeding upon the ground that he had no right to discuss a measure not now before the committee. A desultory debate ensued, in which Mr. W. declared his willingness to yield the floor and close his remarks, if the committee would then take the vote on the bill. Several Whig members objecting to this, Mr. W. proceeded in his remarks.]

I assure gentlemen that it is not my intention to enter into an elaborate discussion of the Independent Treasury bill at this time. When that measure is properly before the House, if my health permits and an opportunity is presented, I shall be pleased to express my views fully upon it, and to meet all the objections which may be urged against it. My only object now is to explain so much of its provisions as may be necessary to correct the misrepresentations of gentlemen who have preceded me. If it was in order for gentlemen on the other side to denounce this measure, and charge the Administration with having produced the distress which now exists in the country, it certainly ought to be in order to respond to these charges. If you, Mr. Chairman, had confined the gentlemen who have preceded me in this debate, to the question before the committee, I certainly should not have deemed it necessary to submit any remarks on this occasion. Sir, it is strange, yea, passing strange, that after a Whig orator has occupied the attention of the committee for three days in vilifying the Admnistration and discnssing the civil and military character of General Harrison, that I should be considered out of order in briefly noticing a question which has been dragged into this discussion. I hope, sir, that I shall be permitted to proceed without further interruption.

Will any man tell me that it is expedient to place the Government in such a situation that the suspension of the banks will operate as a suspension of payments on the part of the public Treasury? The Government ought to be able, at all times, to comply with its contracts and meet its engagements. Its ability to pay its debts should not be made dependent upon the solvency, or insolvency, of the banks. The preservation of the public faith requires that the Government should be ready, at all times, to pay the honest claims which may be presented against it. The Independent Treasury would place the Government in a situation where its solvency could not be effected by the swindling practices of bankers or the failure of banks. Besides, sir, these banks are the creatures of State legislation—accountable to the States alone for their conduct; and every attempt, on the part of the General Government, to control them, is a direct invasion of the rights of the States. I have said that it was of the utmost importance that the General Government should be ready, at all times, to pay its debts in a constitutional manner. If the public revenue is collected in paper and deposited in the banks, how, I ask you, can the Government discharge its obligations in a constitutional manner? The Constitution will not permit you to force paper upon the public creditor, and consequently, if specie is demanded, the Government must violate its contracts.

Again, sir, when you have placed the public treasure in the vaults of the banks, and suffered it to become a part of their funds, have you not, in effect, levied a tax on one portion of the people for the benefit of another? Do you not violate every principle of common justice, as well as the spirit of our institutions, in collecting revenue from the people for the benefit of bankers? Why, this would be enabling the banks to fleece and swindle the people with the people's own money! Besides, in this way you make the banks directly interested in every question presented to Congress in relation to the collection and disbursement of the revenue. You build up, by legislation, a power, the interest of which is directly adverse to the interest of the people. It is to the interest of the people that the amount collected from them, by way of revenue, should be as light as possible. It will be to the interest of the banks that it should be as heavy as possible, because the larger the amount collected, the greater will be the amount deposited with them, and the larger will be the profit derived from its use. In every question, then, connected with the adjustment of the tariff, or the collection of revenue, you make them directly interested. Their influence would soon be seen and felt to a greater extent than it now is, in our national councils. This hall would be filled with bankers and bank dependants. They would have their attorneys here to watch over the legislation of this House. In this way the stream of legislation would become corrupted, and our Republican institutions endangered. Let them once become identified, by law, with the Government, and they would soon control its politics and wield its destinies. The Government would then be in the hands of a corrupt, irresponsible moneyed aristocracy, and the original simplicity of its institutions destroyed.

It is a lamentable fact that there is not a legislative council in our country where the influence of these banks may not be seen in its deliberations. Their agents have found their way into our State Legislatures, and so shaped the course of legislation, as to fasten them more firmly upon us. Every effort at reforming their abuses is defeated, and men who have been recognised at home as sound uncompromising Democrats, have fallen under the influence of these institutions, and supported measures calculated to sustain them in their swindling practices. What wholesome change can be expected in these incorporations, so long as the people send into their legislative halls men who are identified with the frauds of bankers? How long will my countrymen submit to see their rights trampled upon, and odious monopolies cherished

and sustained by State legislation? If you want to change the system, you must kick out of your legislative councils the attorneys and emissaries of the banks.

The Constitution expressly provides that no money shall be drawn from the Treasury, except in pursuance of appropriations made by law. Is not the plain meaning of this, that a "Treasury" shall be established, in which shall be kept the public money? Will any one undertake to say that the framers of that section ever contemplated that that "Treasury" should be the vaults of an hundred bank? Such a supposition is too ridiculous to be entertained for a moment. Our fathers, who gave us that Constitution, obviously intended that a Treasury should be established by Congress, under the immediate control of the Government, in which the public money should be safely kept, by the officers of that Government, until disbursed by law. They surely never imagined that banks, created by State legislation, should be made the purseholder of the Government, and permitted to derive profit from the use of its friends.

The Independent Treasury, I have said, simply proposes that the Government, through its own officers, should take care of its own funds. This system has long existed in our State Governments; and, so far as I have been enabled to judge, no loss or inconvenience has resulted from it. In my native State, (Ohio,) we have a State Treasurer appointed by the Legislature, who, through the different county treasurers, collects the taxes from the people, and retains the money in safe vaults, until disbursed by law. Now, sir, if you call the State Treasurer a Receiver General, and the county collectors Sub-Treasurers, and collect the revenue in gold and silver, you have the Independent Treasury in full operation. If this system has worked well in the State Governments, why, I ask, can it not be applied to the General Government? Can any one who has not already determined to oppose the Administration, right or wrong, and denounce all its measures, see in this plain system a "Government Bank in disguise?" Do Whig gentlemen on this floor think that, with all their ingenuity, all their sophistry, and all their declamation, they can make the honest freemen of this country believe that a simple proposition that the General, like the State Governments, shall take care of its own funds, is a "Government Bank?" Sir, those who resort to such logic as this, underrate very much the intelligence of their countrymen. The day has long since passed by, when the people of this country can be imposed upon by such shallow trickery. The people will examine the bill for themselves; and then the vociferous denunciations of artful demagogues will pass by them as the idle wind. Though few of the Whig presses have dared to publish that bill, yet, sir, it will make its way to the people. You cannot suppress it; and, my word for it, when it is dead, the incorruptible yeomanry of this country will rally to its support. But, sir, we are told that this bill will make one currency for the Government and another for the people! I confess, sir, I have not been able to comprehend this argument. My political creed teaches me to believe, that in this country the people constitute the Government; that they are the source of all political power. They have adopted a written Constitution, and require that each department of the Government shall confine itself within the limits of that instrument. That Constitution recognises no no other currency but gold and silver, and it seems to me to follow, as a necessary consequence, that the Legislative department of the Government ought not to recognise any other. If the State Governments see proper to issue a paper currency, will that authorize the Federal Government to treat it as money? In short, sir, for I must not detain the committee with these desultory remarks, I ask that the legislation of Congress shall conform to the Constitution; and if that Constitution recognises no other currency but gold and silver, I would have your laws to correspond with that, and leave the State Governments to manage their own affairs in their own way.

It is the usual practice for the orators of the Whig school on this floor to attribute the present scarcity of money, and the consequent diminution in the price of produce and of labor, to the policy of the Administration. The ingenious demagogue will go amongst the honest farmers of our country, and tell them that if they will aid in defeating the re election of Mr. Van Buren, the agricultural interests will again prosper, and the products of their farms command a high price! I know, Mr. Chairman, that these misrepresentations will not have the indended effect. The farmers are too deeply interested in the preservation of Democratic principles to abandon them. It is to the honest yeomanry, and to the industrious and enterprising mechanics, rather than the bankers, vill ge politicians, and city loafers, that we are to look for the maintenance of our free institutions. A change in the price of produce cannot effect a change in their principles. If they will look at the matter in its true light, they will not fail to discover that the present state of affairs is attributable to the banks, which, a short time ago, flooded the country with their paper, and run the prices of labor and produce up, and now have reduced those prices, by diminishing the amount of their circulation. Panic and pressure constitute a part of the machinery by which the Whigs expect to attain power, and alarm the Democracy; and we may expect, so long as banks exist in their present form, to see this state of things immediately preceding a Presidential election. The great mass of them being under the control and management of the Whigs, they can make money plentiful or scarce, as may suit the policy of that party. Sir, the great evil of the times is the establishment of irresponsible corporations, with power to manufacture a currency. If you would strike at the root of the evil, you must strike here. These banking institutions have engendered a spirit fatal to Republican principles, and destructive to Republican virtue—a spirit to live by any means but those of honest industry. You must put bounds to that spirit which seeks wealth by every road except the plain and regular path of honest industry and honest favor. By the incorporation of these institutions, with exclusive privileges, you build up one class, at the expense of all others—you enable one man to live by the sweat and toil of another's brow. I know, Mr. Chairman, that we are sometimes charged with agrarianism, and it is said we are in favor of an equal distribution of property, &c. The charge is too contemptible to merit a serious reply. I would not take from the rich man the property which his honest industry had enabled him to accumulate. The spirit of Democracy protects him in the enjoyment of that property. But I am in favor (and I trust in God I always shall be) of an equal distribution of *political rights*. This is the fundamental principle of our institutions, and every law that violates it endangers the safety of our Government. All laws, to be just, must be equal; and every law which tends to build up and enrich one portion of the community at the expense of another, is a palpable outrage upon the genius of our Constitution. We have, in theory, the most excellent Government that ever attracted the attention of man; and if our legislation had always been confined to the letter and spirit of the Constitution, our country would have presented a different scene from that which we now witness. I cannot believe, with the Whigs, that Government should "take care of the rich, and leave the rich to take care of the poor." I would have the blessings of this Government, like the dews of Heaven, to descend upon the poor man as well as the rich. I would so shape the legislation of the country as to build up no moneyed aristocracies here, who are to procure a livelihood by the sweat of the poor man's brow. Exclusive privileges should not be conferred by law upon one class because they had been more fortunate in the acquisition of property than their neighbors.

Legislators would have acted wisely if they had respected the opinion of the father of his country, (the illustrious Washington,) as expressed in his letter to Thomas Stone, under date of the 16th February, 1787, the year of the adoption of our Federal Constitution. In that letter he says:

"To assign reasons for this opinion, would be as unnecessary as tedious. The ground has been so often trod, that hardly a place remains untouched: in a word, the necessity arising from the want of specie, is represented as greater than it really is. I contend that it is by the substance, and not by the shadow of a thing, that we are to be benefited. The wisdom of man, in my humble opinion, cannot, at this time, devise a plan by which the credit of paper issues would be long supported; consequently depreciation keeps pace with the quantity of the emission, and articles for which it is exchanged rise in a greater ratio than the sinking value of the money. Wherein, then, is the farmer, the planter, the artisan benefited? The debtor may be, because, as I have observed, he gives the shadow instead of the substance; and in proportion to his gain, the creditor or body politic suffers. Whether it be a legal tender or not, it will, as has been observed truly, leave no alternative. It must be that or nothing. An evil equally great is the door it immediately opens for speculation, by which the least designing, and perhaps most valuable part of the community, are preyed upon by the more knowing and crafty speculators. But, contrary to my intention and declaration, I am offering reasons in support of my opinion—reasons, too, which, of all others, are least pleasing to the advocates of paper money. I shall, therefore, only observe generally, that so many people have suffered by the former emissions, that, like a burnt child who dreads the fire, no person will touch it who can possibly avoid it—the natural consequence of which will be, that the specie which remains unexported will be locked up."

Sir, if General Washington had lived at this day, and come into this hall and expressed such opinions, the Whigs would have denounced him as a "distinctive"—an enemy to their beautiful "credit system" and every Federal orator in the land would have shouted "down with the '*Loco-Foco*.'"

The evils of the banking system, as it has long existed in our country, were seen and felt at an early period in our history. In 1791, Thomas Jefferson, the great apostle of American Democracy, speaking of the banks, says:

"The abundance of paper has produced a spirit of gambling in the funds which has laid up our ships at the wharves, as too slow investments of profit, and has even drained the tailor of his needle and thimble. They say that the evil will cure itself. I wish it may, but I have rarely seen a gamester cured even by the disasters of his vocation."

The same great statesman, in 1796, held the following language:

"I had always conjectured, from such facts as I could get hold of, that our public debt was increasing about a million of dollars a year; you will see by Gallatan's speeches that thing is proved. You will see further, that we are completely saddled and bridled, and that the banks are so firmly mounted on us that we must go where they will guide. They openly publish a resolution, that the national property being increased in value, they must, by an increase of circulating medium, furnish an adequate representation of it, and by further additions of active capital, promote the enterprise of our merchants. It is supposed that the paper in circulation in and around Philadelphia, amounts to twenty millions of dollars, and that in the whole Union, to one hundred million. I think the last too high. All the imported commodities are raised about fifty per cent. by the depreciation of the money. * * * Mechanics here get from a dollar to a dollar and a half a day; yet are much wore off than at the old prices."

In the forty-fourth No. of the "Federalist," written by Mr. Madison, I find the following in relation to the effect of these institutions upon the public interest:

"The extension of the prohibition to bills of credit must give pleasure to every citizen, in proportion to his love of justice, and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilent effects of paper money on the necessary confidence between man and man; on the necessary confidence in the public councils; on the industry and morals of the people, and on the character of Republican Government, constitutes an enormous debt against the States, chargeable with this unadvised measure, which must long remain unsatisfied; or rather an accumulation of guilt, which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice, of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed that the same reasons which show the necessity of denying to the States the power of regulating coin, prove, with equal force, that they ought not to be at liberty to substitute a paper medium in the place of coin. Had every State the right to regulate the value of its coin, there might be as many different currencies as States; and thus the intercourse among them would be impeded; retropective alterations in its value might be made, and thus the citizens of other States be injured, and animosities be kindled among the States themselves. The subjects of foreign powers might suffer from the same cause, and hence the Union be discredited and embroiled by the indiscretion of a single member. No one of these mischiefs is less incident to a power in the States to emit paper money than to coin gold or silver. The power to make any thing but gold and silver a tender in payment of debts is withdrawn from the States, on the same principle with that of issuing a paper currency."

Amongst the early statesmen in our country who turned their attention to the subject of banking, I know of no one who defined the evils of the system with more clearness and ability than John Taylor of Caroline, one of Virginia's most distinguished sons. In 1794, he wrote a pamphlet on this subject, which I should like to see republished, and in the hands of every American citizen. It contains as much good sense and sound Republicanism as any document of the same length in our language. I will take the liberty of reading a few extracts from this work:

"The free industry of the people, if suffered by the Government to operate fairly upon the commercial world, will rapidly

supply us with a better currency than the involving, fluctuating, counterfeiting currency of corporations. If banks can pay their debts, we have a sufficient specie currency on hand. If they cannot, their credit ought to cease."

Of paper money, he remarks:

"A paper system can transfer property, transform parties, and change the nature of Governments. It is an engine that has no resemblance or interest to land, labor, or talents, therefore it can be a friend to neither."

In another place, he says:

"However ingeniously a paper system can manage artificial danger for its own emolument, it is neither *able* nor *willing* to meet real danger; and however rich it is made by a nation, the nation must still defend itself or perish.

"A corporation of merchants and of the rich, possessing an unlimited monopoly of the great mass of the circulating medium, can raise or diminish the price of all commodities, and in this enormous power is contained an unlimited scope, not only for reimbursement, but for profit. Now labor produces and pays for the consumption of all commodities; and out of commodities, both the reimbursements and profits arise."

The extract which I will now read, shows the manner in which our legislation is corrupted by the influence of these institutions:

"If a number of members of Congress are stockholders, or bank directors, then an illegitimate interest is operating upon the National Legislature. Then the banks have seduced away from their natural and constitutional allegiance, the representatives of the States—and then even foreigners—our late most malignant enemy, have obtained an influence on our national councils, so far as they have obtained bank stock. The English, who could not conquer us, might buy us." . . . . .

"When paper men get into Congress, or members are, by secret appliances, metamorphosed into paper men, it is obvious that they will be influenced by their personal private interest producing them an immediate profit in cash, rather than the public good. If the latter suffers, they will consider their own acquisitions in money as so much boot, compensating them abundantly for their portion of the common loss. One partner may thrive and the rest be ruined."

Again, speaking of the absolute power which the banks exercise over the prices of every thing, he says:

"The bank, having the monopoly of the bulk of the circulating medium, may occasionally increase or diminish the quantity. It may diminish the quantity, thus enhance its value, and purchase with its own paper, certificates on other property which are depreciated in the same proportion as the medium is appreciated. It may then increase the quantity of this circulating medium, lessen its value, appreciate certificates, or other property of course, and then sell a *portion* of the same certificates, or other property, to take in the paper which the *whole* cost. . . . . The circulating medium is the soul and food of commerce. A corporation possessing a power over the soul, can animate or annihilate the body at pleasure. By withholding its food, they may starve commerce—by glutting it, they may produce a mercantile plethora. A foreknowledge of these effects is an unlimited power of taxation. In a civilized society, the circulating medium is also the soul of agriculture, arts, and manufactures. All the faculties of the nation are subject to the regimen of an incorporated quackery, instead of pursuing a natural impulse in search of their own subsistence. If the physician was honest, yet the artificial regimen, in a state of health, produces debility, and hastens dissolution; but when his fees depend upon the irregularity of his prescriptions, and when he is a mere Hiccius Doccius of a fellow, he will soon destroy the strongest constitution."

There are a number of other passages in the book before me, which I had intended to read; but enough has already been heard to show the principles upon which these institutions are established, the evils inseparably connected with them, and inherent in the system. My only object in introducing this subject, has been to awaken, if possible, the attention of my countrymen to its importance, and to the absolute necessity of an entire and radical change in this system. I have also deemed it necessary to refer to these matters, in order to show the danger of identifying the General Government, in its fiscal operations, with such institutions.

The banks were first fastened upon the Government by a direct and palpable violation of the law, as was shown by an eloquent friend [Mr. ALLEN] a few weeks since, in the other end of the Capitol. He proved by the journal, that a few days after Congress had passed a law declaring that the public revenue should be collected in gold and silver "*only*," Alexander Hamilton, the first Secretary of the Treasury, and the leader of the Federalists, issued an order to the collectors, authorizing them to take the paper of the banks in payment of public dues. This palpable violation of the law, committed in the face of the Congress that enacted it, ought to have subjected him to immediate impeachment and removal. The Federalists of this day, acting upon the same principle which actuated their former leader, are now endeavoring by law to connect the Government with these institutions.

I confess, Mr. Chairman, that I have not charity enough to believe that the Whigs seriously think that the local banks can be made safe depositories of the public money. It does seem to me that no man, who has paid any attention to the past, can entertain such an opinion. Some movements have been made during the present session of Congress, which show satisfactorily to my mind that the ulterior object of the Whigs is the establishment of a National Bank. A few weeks since a distinguished Whig member of this House, from Kentucky, [Mr. POPE] introduced a proposition for the creation of a National Bank, with a capital of *seventy millions* of dollars. Another proposition, looking to the same object, was introduced early in the session, by a Whig gentleman from Tennessee, [Mr. WILLIAMS] I hope these resolutions will not be permitted to sleep upon the table, but that they will be brought up for consideration, and members compelled to record their votes upon them. In addition to this, I have frequently heard Whig gentlemen, in this, as well as in the other, branch of Congress during the present session, advocate such an institution, and declare that the General Government never could manage its fiscal concerns without the aid of a National Bank. Besides, some of the members of the Opposition on this floor have had the candor to admit that the issue now presented was the Independent Treasury or a National Bank. This, then, is the favorite measure of the Whigs—this their plan for relieving the Government. I desire that my countrymen should distinctly understand that the true issue now presented is an Independent Treasury or a National Bank.

Previous to making a few remarks upon this subject, it may be well enough to stop and inquire what was the great question upon which the political parties in this country divided, directly after the adoption of the Constitution? We may derive profit from looking back, and examining the point from which we started. What then, I ask, was the great question upon which the Federalists and Democrats divided? *It was the establishment of a National Bank.* Alexander Hamilton, the leader of the Federalists, was the author of this project. Thomas Jefferson, the leader of the Democratic party, was opposed to it, and lent the mighty energies of his mind to its overthrow: he warred against it because of its unconstitutionality, as I will show directly. Here, then, the two great political parties were, at an early period in our history, divided upon this question. Well, Mr. Chairman, where are we now? Look around, and see whether the parties are not now at issue upon this same question; and yet I have heard some gentlemen in the Opposition claim to be "Jeffersonian Democrats." "Jeffersonian Democrats," indeed! How can they claim this appellation, when they are warring against his principles, and supporting the doctrines and measures of Alexander Hamilton? Why, sir, they must think the people are fools, if they expect to practise such an imposition upon them.

One word more. I have nothing to say now about the military services of General Harrison. I support Mr. Van Buren because he is the ardent friend and advocate of popular freedom—the supporter of principles which I believe to be inseparably connected with the prosperity of my country. I oppose General Harrison because he is opposed to my principles, and because his election, in my opinion, would entail upon the country the curse of a moneyed aristocracy—destroy the Republican simplicity of our free institutions, and eventually lead to the downfall of the Government. It is not necessary for me, then, to examine his conduct at Tippecanoe, Fort Meigs, or the Thames. The House has been entertained upon several occasions with the certificates of his subordinate officers, to prove his military exploits. I shall not stop to explain how these certificates were procured, but I desire to say that this is novel evidence for a military chieftain to rely upon. Sir, if you wish to see the *real* hero of the Thames, go to the other end of the Capitol and look at the President of that body, [Col. Johnson.] Ask him for *his* certificates, and he will point you to his body covered with the scars of wounds received in that battle—he will hold up a hand shattered by the bullets of the enemy, and tell you there is the evidence of his chivalry and noble daring in defence of his country's rights. Sir, he is identified with the great West, and she will never forget his gallant deeds in defending her soil. No—no—though he may be calumniated by the hireling press of a corrupt faction, the confidence which the people repose in the brave soldier who poured out his blood in driving back the invader of these rights, can never be destroyed. *His* certificate was written on his body with the tomahawk, the scalping knife, and the bayonet, of our enemies. The record of his military exploits is not to be found in the vague and indefinite certificates of subordinates, but upon the imperishable page of his country's history. But I ask pardon for this digression.

I am opposed to the favorite measure of the Whigs, (a National Bank,) because I believe it both unconstitutional and inexpedient. There is sufficient evidence on record to satisfy me that the framers of our Federal Constitution never designed that Congress should exercise the power of creating a National Bank. In the writings of Mr. Jefferson, vol. 4, page 525, I find the following passage:

"It is known that the very power proposed *as a means*, was rejected *as an end* by the Convention which formed the Constitution. A proposition was made to them to authorize Congress to open canals; and an amendatory one to empower them *to incorporate*. But the whole was rejected, and one of the reasons of rejection urged in debate was, that they then would have the power to create a bank, which would render the great cities where there were prejudices and jealousies on that subject, adverse to the reception of the Constitution."

Mr. Jefferson not having been a member of the convention which framed the Constitution, obtained his information of course from others. The source from whence it was obtained is explained in another portion of his writings, which I ask leave to read. It may be found in volume four, page 506-7:

"Baldwin mentions at table the following fact: 'When the bank bill was under discussion in the House of Representatives, Judge Wilson came in and was standing by Baldwin. Baldwin reminded him of the following fact which passed in grand convention,' [to form the Constitution.] 'Among the enumerated powers [*proposed to be*] given to Congress, was one to erect corporations. It was on debate struck out. Several particular powers were then proposed; among others, Robert Morris proposed to give Congress power to *establish a National Bank*. Gouverneur Morris opposed it, observing that it was extremely doubtful whether the Constitution they were framing could ever be passed at all by the people of America; that to give it its best chance, however, they should make it as palpable as possible, and put nothing into it very essential, which might raise up enemies; that his colleague (Robert Morris) well knew that 'a bank' was, in their State, (Pennsylvania,) the very watchword of party; that a bank had been the great bone of contention between the two parties of the State, from the establishment of their Constitution, having been erected, put down, and erected again, as either party preponderated; that, therefore, to insert this power, would instantly enlist against the whole instrument, the whole of the anti-bank party in Pensylvania. Whereupon it was rejected, as was every other special power, except that of giving copyrights to authors, and patents to inventors, the general power of incorporating being whittled down to this shred.' Wilson agreed to the fact."

Alexander Hamilton sent in his report in favor of a National Bank, on the 13th of December, 1790. In the fourth volume of the Debates in Congress, for the years 1790 and 1791, may be seen the discussion which ensued upon this measure. The prominent Republican members were bitter in their hostility to it. Mr. Madison, who had been one of the framers of the Constitution, made an able speech against it. In the course of his remarks, he said:

"In making these remarks on the merits of the bill, he had reserved to himself the right to deny the authority of Congress to pass it. He had entertained this opinion from the date of the Constitution. His impression might, perhaps, be the stronger, because *he well recollected that a power to grant charters of incorporation had been proposed in the general convention, and rejected.*"

This quotation fully sustains Mr. Jefferson in the declaration, that the power to create such an institution was expressly denied to Congress; and yet we hear gentlemen claiming, by *implication*, to do that which the framers of the Constitution have forbidden them to do. In another part of the same speech, Mr. Madison, in remarking upon the inexpediency of such an institution, says:

"It appeared, on the whole, that the power exercised by the bill was condemned by the silence of the Constitution; was condemned by the rule of interpretation arising out of the Constitution; was condemned by its tendency to destroy the main characteristic of the Constitution; was condemned by the expositions of the friends of the Constitution, whilst depending before the public; was condemned by the apparent intention of the parties which ratified the Constitution; was condemned by the explanatory amendments proposed by Congress themselves to the Constitution; and he hoped it would receive its final condemnation by the vote of this House."

Mr. Madison was sustained by many of the most eloquent men in Congress in his opposition to the Bank. I had intended reading extracts from the speeches of Mr. Stone of Maryland and Mr. Jackson of Georgia on this subject, but it is perhaps unnecessary. The debate to which I have alluded took place on the 2d February, 1791. The

bill finally passed the House by a vote of 39 to 28.

In 1811, it is well known that a distinguished member of the other House, [Mr. CLAY,] made one of his ablest speeches against the constitutionality of such an institution. He has changed his opinion—but that does not change the Constitution. I am not, however, disposed to rely upon the opinions of others. I take the instrument and examine it for myself; and, if I cannot find the power delegated to create such an incorporation, I am opposed to the exercise of it. I am one of those who believe that the perpetuity of the Union depends upon confining the General Government to the exercise of those powers which have been expressly delegated, or which are absolutely necessary to carry some delegated power into effect. If you once admit that Congress can, under that section of the Constitution which provides that we shall have power to pass all laws "necessary for the common defence and general welfare," create a National Bank, you give the General Government unlimited power; you take off all restraints, and enable it, at pleasure, to swallow up the sovereignty of the States; you create a grand consolidated Government upon the ruin of the States, and break down every barrier which the Federal Constitution has raised against unlimited legislation. The people have given us what they supposed to be ample powers; but if, upon experience and a fair trial, they have been found inadequate, they have provided means for enlarging those powers by amending the Constitution; but, in the meanwhile, they have said you must not dare to usurp the powers which we have reserved.

But, sir, I oppose such an institution because of the dangerous powers which must be conferred upon it. The character of such an institution has been well described by Mr. Jefferson in his letter to Mr. Gallatin in 1803. He says:

"From a passage in the letter of the President [of the U. S. Bank,] I observe an idea of establishing a branch bank of the United States in New Orleans. This institution is one of the most deadly hostility existing, against the principles and form of our Constitution. The nation is, at this time, so strong and united in its sentiments, that it cannot be shaken at this moment. But suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a Republican Government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries; an institution like this, penetrating by its branches every part of the Union, acting by command, and in phalanx, may, in a critical moment, upset the Government. I deem no Government safe which is under the vassalage of any self-constituted authorities, or any other authority than that of the nation, or its regular functionaries. What an obstruction could not this Bank of the United States, with all its branch banks, be in time of war? It might dictate to us the peace we should accept, or withdraw its aids. Ought we then to give further growth to an institution so powerful, so hostile? That it is so hostile, we know: 1st, from a knowledge of the principles of the persons composing the body of the directors in every bank, principal or branch, and those of most of the stockholders: 2d, from their opposition to the measures and principles of the Government, and to the election of those friendly to them: and 3d, from the sentiments of the newspapers which they support. Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution, to bring this powerful enemy to a perfect subordination under its authorities. The first measure would be to reduce them to an equal footing only with other banks, as to the favors of the Government. But, in order to be able to meet a general combination of the banks against us, in a critical emergency, could we not make a beginning towards AN INDEPENDENT USE OF OUR OWN MONEY, towards holding our own bank in all the deposites where it is received, and letting the Treasurer give his draft or note for payment at any particular place, which, in a well conducted Government, ought to have as much credit as any private draft, or bank note, or bill, and would give us the same facilities which we derive from the banks?"

It will be seen, by the extract which I have just read, that Mr. Jefferson was a "Sub-Treasury man." He speaks of the necessity of "an independent use of our own money," being the very principles involved in the measure now proposed by the Administration.

Gentlemen here, who are the advocates of a National Bank, have told us that General Jackson, in vetoing the bill for the renewal of the old Bank, disregarded the expressed will of the people! Sir, I have frequently, since I had the honor of a seat in this hall, been compelled to sit and hear that distinguished patriot, for this act, denounced as a bold usurper, and a lawless tyrant. I confess, Mr. Chairman, that the application of these epithets to that illustrious statesman, has at times made the blood boil in my veins; and it has been no easy matter for me to repress my feelings. But, sir, these charges will have no other effect upon the public mind, than to excite the indignation of the people. Andrew Jackson is above the reach of his slanderers. His name and his virtures will be remembered long after the miserable slang-whangers who are now traducing him, shall have sunk into oblivion, and been forgotten forever. He has retired from the busy scenes of political life, its turmoil, and strife, and gone to his Hermitage, to spend the remainder of his days amongst his old friends, the warm-hearted companions of his early life. The prayers of the American Democracy have accompanied him to his retirement; and when it pleases an all-wise and superintending Providence to remove him to another state of existence, his grave will be watered by the tears of his grateful countrymen—his monument will be a nation's gratitude. When the party excitement which now prevails shall have subsided, and reason and patriotism are permitted to act upon the mind, common consent will award him a niche in the temple of fame next to that of the illustrious Washington. Often, in after years, will the young patriot, in whose bosom the sacred fire of Democracy has been kindled, make a pilgrimage to his tomb, and then, over the grave which contains the bones of the illustrious statesman and warrior, recount his deeds of noble daring upon the field of battle, and his firmness and moral courage in the councils of the nation. Sir, the howling denunciations of the Whig orators cannot injure him. His fame is fixed, unalterably fixed, in the hearts of his countrymen.

Mr. Chairman, I have a few words to say in relation to the charge here preferred against him of having disregarded the public will. I think I can find abundant evidence in a report referred to on yesterday by my eloquent friend from Virginia, [Mr. STEENROD,] to show the manner in which that bill passed Congress. I allude to the report made by John Tyler of Virginia, the present Whig candidate for the Vice Presidency, in the Senate of the United States, in December, 1834. That will furnish us a clue by which we may understand how this bill came to pass in Congress. That report shows, that, in 1832, (being the year the Bank was vetoed,) there were *forty-four* members of Congress indebted to that Bank; that the amount of their indebtedness was *four hundred and seventy-eight thousand and sixty nine dollars!* These were the Representatives of the people, who were sitting in judgment to decide whether the public interest required a renewal of the charter of that Bank! A renewal of the charter would secure a renewal and extension of their loans, and consequently they had no doubt about the expediency of the measure! Here you find men voting on a question in which they had a direct pecuniary interest. It is fortunate for the country that we had in the Executive chair a man who had moral courage and firmness enough to meet the crisis here presented, and defeat the machinations of a corrupt faction. The whole amount loaned to members of Congress, as shown by this report, in the four years preceding 1834, was nearly a *million and a half* of dollars. The whole number of members to whom loans were made in that period was *two hundred and twenty-three!*

The Bank was vetoed by Gen. Jackson in June, 1832. In his message, returning the bill, he told the people that he had discharged what he conceived to be his duty, and if he had erred, they would have an opportunity, in a few months, of applying the corrective at the ballot box. The Bank openly entered the political field against him, with its numerous branches, its hired orators and pensioned presses. The same report to which I have already alluded, shows that the Bank expended, in the publication and distribution of Whig speeches and pamphlets, denouncing Gen. Jackson and his administration, during the year 1832, the sum of *eighteen thousand four hundred and ninety dollars and seventy-nine cents!* Here you will see the tremendous power of that Bank and the extraordinary means resorted to in order to defeat the re-election of the old chief. The contest was a warm and a violent one, but the people triumphed. At the ballot box they endorsed the act for which the Whigs have denounced him as a lawless tyrant. The fact that the people re-elected him, proves conclusively that he did not disregard their will in the exercise of the veto power. That veto will reflect honor upon his name long after you and I have passed from the stage of action.

A few words more, Mr. Chairman, and I have done. A National Bank must necessarily, from the very principles upon which it is established, exercise a powerful influence not only over the commercial, but over the political, interests of the country. Give such an institution the power to regulate the currency of the Government, and it will have the power to control the politics of the country. Like the old bank, it would enter the political arena, corrupt the elective franchise, destroy the freedom of the press, and soon draw within its voracious maw the rights and liberties of the people. Believing, with Mr. Jefferson, that such an institution is of the most most deadly hostility to our free Government, I could never be induced to give my support to it. Knowing, as I do, that if the Whigs obtain the ascendency, they will charter such an institution, I would this day, if I had a voice that could be heard by the whole American people, urge them to activity and vigilance in the approaching contest. I would tell them that this was not a time when freemen should be found slumbering upon their posts; that the safety of our Republican institutions requires them to prepare for the approaching election. I would entreat them, in the name of their Revolutionary fathers, who perilled their lives, their fortunes, and their sacred honors, to secure to us the inestimable blessings we now enjoy, to watch well the movements of the Federal aristocracy. I would ask them to swear their children, ere they have left the lap of their mothers, and been contaminated by the selfishness of corruption of the world, to wage unceasing warfare against every institution calculated to build up and sustain a moneyed aristocracy amongst us. I would tell them that, if this Government, which for more than half a century has attracted the wonder and admiration of the world, is to remain unchanged, they must lay the foundation of their legislation broad and deep in an equality of political rights. And if it were the last word I had to utter this side of eternity, I would implore them to discountenance the efforts now making by the Whigs to establish a National Bank. God grant that the hour may never come, when the great mass of my countrymen shall be made the serfs and slaves, the hewers of wood and drawers of water, to a haughty, purse-proud, and insolent aristocracy.

SPEECH OF MR. PETRIKIN,

OF PENNSYLVANIA,

In the House of Representatives, April 17, 1840—In Committee of the Whole, on the General Appropriation bill.

Mr. PETRIKIN observed: Mr. Chairman, I perfectly agree with several gentlemen who have condemned the waste of time occupied in discussing subjects which have no reference to the question now properly under consideration before the committee, and I shall not follow their example, with the exception of noticing some remarks made by my colleague from Pennsylvania, [Mr. OGLE,] who has indulged himself in what I suppose he thought a specimen of his wit, and which I think illiberal and unfounded, and which he travelled out of his way to make. I shall, therefore, ask the indulgence of the committee for a few minutes, while I notice them.

I was not present when my colleague made his remarks, but a friend has been kind enough to furnish them to me. My colleague said "his colleague [Mr. PETRIKIN] had lately been at home for upwards of two weeks, and finding an expression among the log cabins there, had returned, and brought his *cue* back with him; and we had evidence this morning of some misgivings and waverings in his support of the *spoilers*."

I have been home, Mr. Chairman, and visited many of my constituents—some of them in their log cabins—and have returned with my "cues." Not one "cue" only, for I can assure my colleague that I have two "cues:" one which I wear appended to my head, which follows me; the other is the cue of political principle and common home-

spun Democracy, which I follow. The first "cue" I have carried for thirty-three years; the latter I have followed for forty years, and which I got in the times that tried men's souls, during the reign of terror, during the days of the Alien and Sedition laws, and have followed it ever since. I retain them both as matters of pride; I wish I could say as much for my colleague. But I am sorry to say that I have never known my colleague to follow any "cue" long, neither one of hair or of principle. He never possessed stability enough to follow any thing long at a time. My colleague and myself have rarely followed the same "cue." His "cue" of Antimasonry, Federalism, and Abolition, I feel proud to say, I never did follow. He has been, within my knowledge, at every point of the political compass—a Jackson man, an Adams man, a Clay man, and what in my county we call an *amphibious politician*—an Antimason and Abolitionist Harrison man. Ay, sir, he is one of that fanatical sect which does not vegetate in my county—a sect that would carry rapine, robbery, and murder amongst the peaceable inhabitants of the South, to gratify their malign purposes or lust for office and power. Mr. Chairman, I can inform my colleague that I have been home; that I have visited my constituents, as I before observed, many of them in their log cabins, in which I have often, very often, partaken of their hospitality—yes, for the last thirty-one years—and found them as I left them, sound, true Democrats, without change or shadow of turning. They are not composed of such *turnable*, or *changeable*, materials as my colleague. They are steady, inquiring, sensible men, who will not disgrace themselves and the country by aiding to elevate to the Presidency a poor, weak, imbecile old man, such as they know General Harrison to be, but will show their attachment to the principles of their forefathers, by voting for Mr. Van Buren—voting for him, not because he is called Van Buren, or any other name, but because he is the candidate of the Democratic party, and has satisfied them that he is honest, capable, and devoted to Democratic principles. Although my constituents have not been corrupted by what my colleague and his *decency party* would call *refinement*, yet I can assure my colleague they possess manly independence; and I, as their representative, shall truly represent them. If I do not, it shall not be for want of the will to do so. I can assure you, Mr. Chairman, that my constituents despise the party that thinks so meanly of the intelligence of the people as to suppose they can be induced to vote for an imbecile old man, merely because it is said that he lives in a "log cabin," and drinks "hard cider," and without being possessed of any other qualification to recommend him to their favorable consideration. I am well acquainted with the people of the county I reside in, and can say that there are but few men who have resided in it for four years past that I do not know; and no county in the State, of equal population, contains a greater number of intelligent, sound, unwavering Democrats. I therefore repel the insinuation thrown out by my colleague, that they were turning to be "log cabin" men, (as he terms his party,) as not having the least foundation in fact. My colleague, I am told, has undertaken to slander another county, which I have passed through twice during my absence. I did not distinctly hear him, but I understood him to say that "old Berks" had been a *Federal* county. This is not true. The people of old Berks have always been decidedly Democratic, whenever party lines were drawn, and are now, what they always have been, and were four years ago when they (as they often have done before) carried terror and despair into the ranks of the Federal banklites; and they will do so again at the next election. Columbia and old Berks are allies in Democracy, and always go together in political strife for victory. Columbia has deservedly gained the appellation of "*the star of the North*," and will retain her place along side of old Berks, to the mortification of my colleague and his brawling "*log cabin*" partizans. I could, Mr. Chairman, if I chose to follow the example of my colleague, bring up reminiscences of the gentleman's political course for the last fifteen years, that would startle even himself; but I will not occupy the time of the committee with a theme of so little consequence, either to them or to myself.

Mr. Chairman, if the observations of my colleague were only to be confined to Pennsylvania, where we are both known, I would have despised answering them; but as they are intended to be circulated over the Union for the purpose of deception, (and if I did not contradict them, might induce strangers to suppose that my constituents and myself were becoming, like my colleague, renegades from Democracy,) I considered it my duty to trespass on the strict rules of order, and notice them. I feel grateful to the committee for their indulgence, and shall cease to make any further comment upon what concerns myself personally.

My colleague, in the course of his three days' speech, has occasionally endeavored to induce others to believe he was an economist, at the same time clearly proving the contrary, by the occupation of the time of the committee and country so great a length of time, at an expense of seven thousand five hundred dollars of the people's money, not in discussing a subject under consideration, but indulging himself, for the most part, in attacks on individuals, or in ridiculous buffoonery, in doing such dirty work of the Harrison party in this House as they were ashamed to do themselves, and would be probably ashamed of it, when done. This is economy after a fashion; but when he reflects that the seven thousand five hundred dollars he has wasted would have bought several good lots of land for honest farmers, who would really have been glad to live on the land, in even "a log cabin," will not his conscience tell him he has done wrong? I am sure, if his constituents hear of it, they will condemn this waste of money. One other matter, and I shall dismiss my colleague for the present. He has said a great deal about the furniture of the White House, and the plate used at the President's table. That sounds very fine indeed, when coming from a member of the party which arrogates to itself the title of "*all the decency party*." Why the banks, their favorites, gave their officers more costly plate than the President's. I would ask my colleague if he was a director of the United States Bank when those in the direction of that institution voted a service of plate, valued at twenty thousand dollars, to Mr. Biddle? Whether he was or was not, I certainly do not name this with a view to cast any imputation of disrespect or blame on Mr. Biddle, for I know him to be an honorable man. I wish my colleague was like him. I merely wish to remind my colleague that many private individuals have plate more valuable that that he finds so much fault with in the White House, belonging to the nation, and not to Mr. Van Buren. As respects the furniture of the White House, my colleague has been so handsomely and ably reproved by the chairman of the Committee on Public Buildings, [Mr. LINCOLN,] who truly named the observations of my colleague as being "small game," and "little mean matters," I shall pass it by with this observation, that, as a member of that committee, I have always found the chairman a highly liberal and honorable man.

I shall now, Mr. Chairman, ask the indulgence of the committee while I make some remarks on a few items of appropriations contained in the bill now under consideration, to which, at the proper time, I intend to propose some amendments, and review the objections made to those appropriations by members of the Opposition party. In the course of the speech made yesterday, by the chairman of the Committee on Public Buildings and Grounds, [Mr. LINCOLN,] he had censured the President for transferring the appropriations made for some light-houses proposed to be built at the mouths of inconsiderable creeks, toward the finishing of the Treasury building. I contend that the transfer was made conformable to law, as will be found by referring to the act of Congress, approved 3d March, 1839. The President having it certified to him that the erection of those light-houses was not necessary, had not only a right, but it was his duty, under the act of Congress, to transfer the money appropriated for them to some other useful work. Many of these light-house appropriations made for the last four or five years, are useless and not intended for public good, but for electioneering humbugs, brought before Congress and advocated by Whig members, or to get fat jobs for speculators; and it is perfectly right before they are built that there ought to be careful inquiry as to the utility, before such vast sums of money are expended.

It is very questionable whether the numerous light-houses, built along the coast, not only on the ocean, but on the lakes, have not a tendency to make navigation more dangerous, by embarrassing navigators, owing to the difficulty of discriminating or distinguishing one from another. Every session of Congress there are bills asking for large sums of money to build light-houses; and so fully have I become satisfied of the impropriety of this kind of appropriations, that in nine cases out of ten, I am startled when I hear the word "light-house" named in a bill, considering it synonymous with the word "plunder." It is not the first cost of building the light-houses alone, but the constant expense of oil and salary of keepers, which is burdensome to the country and tends to swell the amount of the expenditures of Government every year, and furnish a theme of complaint for Whig members of Congress, although they are the authors of all this expense themselves. The very careless and loose manner in which laws appropriating money for any kind of public buildings are passed, has a tendency to invite and encourage peculation. That, however, is the fault of Congress, whose members, instead of examining each item of the bill, and carefully guarding the expenditure of the money by checks on the public agents, pay no attention to them, but take up the time that ought to be devoted to this duty in talking about matters totally irrelevant, I have often thought for the purpose of preventing a careful examination. In fact, all that contractors and speculators have to do, is to keep up the cry of "give, give," and Congress, without much inquiry whether the object the money is asked for is necessary or not, passes laws giving all that is asked. When the report of the expenditures is made to Congress at their next session, those members who are the most ready to vote for all such appropriations, are the first to join in the unjust cry of "*extravagance, waste, and profligacy*" against the Administration. Who are always foremost in voting those extravagant and often useless appropriations? I answer, without fear of contradiction in truth, that they are a large majority of those members who call themselves in this House Whigs, together with enough of easy-conscienced Democrats to make a majority of this House.

As an evidence of this, let me draw the attention of the members of the committee to the items in the present bill making appropriations for the new Treasury building, Patent Office, and Post Office. These appropriations never have been before the Committee on the Public Buildings and Public Grounds, as they ought to have been, and as the rules of the House require, for investigation; but they have been brought before the Committee of Ways and Means, by the Secretary of the Treasury, on the estimates furnished by an architect, without any examination or inquiry. If this House had enforced its rules, the Committee of Public Buildings would have ascertained what was the actual amount necessary, and endeavored to have recommended measures to prevent the improper use of the appropriations. Now, sir, I have some little experience as to the reliance to be placed on estimates of *engineers and architects* generally employed by Government. An architect does not expect to give the truth when asked to furnish an estimate for the money necessary to erect a building or public work, lest, if the truth was told, it might startle the public, and even frighten the members of Congress entrusted with the project, and the work would not be commenced: of course their services would be no longer required.

The immense cost of public buildings erected by the Government is to be attributed wholly to the defective legislation by Congress, and that often the effect of the management of designing men filling seats in that body. This loose and improper mode of legislating is the cause of laws being passed voting millions of dollars, to be expended by agents without any limit, guards, or checks

and without any one being responsible or accountable for the proper expenditure of the money. Extra duty is imposed on the President, which does not belong to his station, and which it is impossible, from the nature of his other duties, he can discharge; no power is given him to transfer this duty to any one. From this results a great loss of money and a very great increase of cost in erecting the buildings. Members of Congress take great care to avoid all labor or responsibility themselves, but by their own act place the burden on the President's shoulders and then denounce him for extravagance and waste. Whereas, if these men would discharge the duty which they are sent here to do, by providing by law for the appointment of proper persons to superintend the expenditure of those appropriations, with proper restrictions, we would find less cause of complaint of extravagance in the expenditures necessary to complete the works of the Government. I will prove what I say by the relation of a fact.

The plan on which the new Treasury building is now being built, is not the plan approved of by General Jackson, as the law authorizing its construction required. When the plan was submitted to the General for his sanction, he took his pen and very properly expunged the colonnade, which is now being erected before the building—not by black lines drawn around it, but across its length and breadth; and not only did he do so, but he went on the ground, and with his cane showed where the building was to be erected, forbidding any interference with the present State building. Why the present plan was adopted, or by whose order, no one can tell—the original plan, approved of by General Jackson, has, by some mysterious means, disappeared. I have, as a member of the Committee on Public Buildings and Grounds, repeatedly asked for it, but can get no account of it from the architect, nor any reason why it could not be found. This has certainly given room to suspect fraud somewhere. But certainly President Van Buren could not be blamed for an act which took place before he was inaugurated, and of which he could not be expected to have any knowledge. Could it be expected that he could watch the architect in a matter of which there was no record left, except what the architect had in his own possession, and might show him or not, as he chose? There is another exception taken to the President accepting the voluntary offer of the workmen at the public buildings to go on with the work of the Treasury building and Patent Office after the appropriations were expended, at their own risk, without incurring any claim against the Government, if Congress should not make an appropriation. Certainly there is nothing improper in this when it was the voluntary offer of the workmen themselves; on the contrary, I think it was the mutual interest of both the workmen and Government that the work should be continued. A great loss of time and money is always the necessary consequence of such work being suspended It matters not how the workmen disposed of the certificates which were given them for this work—whether they were shaved, or jewed by banks or brokers, was no business of the President's; and I am surprised the gentlemen from Vermont [Mr. EVERETT] should ask the question, or complain if the banks did shave them, as he and his party profess to be such warm friends of banks

The observations made by the gentleman from Massachusetts, [Mr. LINCOLN,] respecting the building about being erected for the Post Office Department, were, in part, very correct, particularly as to the discrepancy of the architect's estimates, made at different times, and the great increase of cost of the proposed building. With a view of showing how little reliance is to be placed on an architect's estimate, I will give the estimates made at different times for this building by the architect:

First estimate made for first plan, February, 1839 - - - -	$280,000
Second estimate, made for second plan, one story lower, in June, 1839 -	413,000
Third estimate, made for second plan, December, 1839 - - -	400,000
Fourth estimate, made for second plan, March, 1840 - - - - -	450,000

And these estimates are made by the man whom the gentleman from Virginia [Mr. WISE] thought so very meritorious an artist and an honest man, on whom he [Mr. WISE] placed so much confidence that he defeated the plan and views of the gentleman from Massachusetts, [Mr. LINCOLN,] respecting the Treasury building in 1838; and for this architect's sake he [Mr. WISE] assumed the responsibility, and claimed the credit for himself, of erecting the present Treasury building, which is a monument of the ignorance, if not dishonesty, of the architect, and a disgrace to the nation.

But to return to the Post Office building. The principal cause of all this monstrous increase of expenditure originated in this House. When the bill to authorize its erection was before the House of Representatives, in March, 1839, I attempted to have a clause added, limiting the cost of the building to three hundred thousand dollars, although the estimate was but two hundred and eighty thousand dollars; but I was defeated by the votes of gentlemen, (Whig members of Congress,) who are now joining in the cry of extravagance against the Administration. I again attempted to add amendments to insure a strict accountability for the expenditure of the money, and I was again defeated by the votes of a large majority of those very Whigs who wish to make the people believe they are the friends of retrenchment and reform; in fact, I was opposed by nearly all the Whigs in the House, in every attempt I made to save the money of the people.

Something was said about the Postmaster General's agency in the erection of this building. I can assure the committee that Amos Kendall has had but a very small share in the management of it. There are indeed no responsible agents acting under any legal authority. There is a commission composed of the five heads of Departments; each of whom may, if he chooses, give his opinion on subjects connected with the erection of the building, but neither of them are required, by any law, to assume any responsibility which ought to attach to such a plan. Of course Mr. Kendall had but one voice out of five. His official duties are very arduous, his health bad, and I have no doubt he can spare but little time to examine into the details of a work so extensive to the new Post Office building. He also feels a delicacy in attempting to use a controlling power over his associates, where they differ with him, on account of the building being for his own Department. If the act of Congress had given him the entire and sole control of the erection of this building, I have no doubt he would then have assumed the responsibility. He is a working man, both honest and capable, and in the language of the Proverbs, "what he findeth for his hands to do, he doeth it with all his might, whilst it is yet to day, knowing that the night cometh when no man worketh"

If there is any waste of the public money in the erection on the public buildings, it is the business of the standing committee of this House, "on the expenditures of public buildings" to investigate and report them. The President is not be blamed for this species of waste and extravagance. If it exists, why do not those argus-eyed gentlemen find it out, and expose it, who tell us so often of their knowledge and belief of the extravagance of the Administration and its agents.

I hope the committee will, before it rises, adopt the amendments I have suggested; for without the increase proposed, the buildings, for which they are proposed, cannot be progressed with, nor the workmen paid. If the House had ordered the proper reference of those estimates to the Committee on Public Buildings and Grounds, agreeably to the rules, then would that committee have furnished the Committee of Ways and Means with the proper amount in the first place, and precluded the necessity of my making the motion to amend. The whole course of the legislation of this House is loose and irregular; standing committees are constituted by the rules of the House, but the business provided by those rules for the consideration of those committees, are scattered about to suit the caprice or whim of the persons making the motion for reference; and when matters are done wrong, the cry is raised by members against the Executive branch of the Government, to secure their own negligence own negligence or dereliction from duty. As an instance of this, it will be found that the business properly belonging to the Committee on Public Buildings and Grounds is generally referred to the Committee for the District of Columbia, or the Committee of Ways and Means. I hope we shall hear less of this everlasting cry of extravagance, and see some attention paid by members to consistency, by their assisting to apply the proper remedy to prevent this kind of legislation, which has been so prevalent of late years in this House, and which is the real cause of a very great waste of public money. For my part, I cannot conceive how members can reconcile their conduct to their own consciences, or satisfy their constituents, for their thus dishonestly, as I say, voting for millions of appropriations every session of Congress, and then endeavoring to lay all the blame of the burdens they impose upon the people or the President, when the President, at the commencement of every session of Congress, endeavors to impress upon them, in the most earnest manner, the necessity of economy and retrenchment.

I am daily amused, Mr. Chairman, to see those croakers about extravagance day after day attempting to get millions of dollars appropriated to make harbors at places in their own districts, where there is no water, and fortifications at places where there is nothing to defend, and where no enemy would think of going. All that matters nothing. The money is the object. I can tell these gentlemen the common people read of those matters, and reflect upon them more frequently than some of our short sighted politicians imagine.

SPEECH OF MR. NORVELL,
OF MICHIGAN.

In Senate, Tuesday, April 21st, 1840—On the third reading of the bill making a grant of land to aid the State of Michigan in the construction of a canal around the Falls of St. Maria.

Mr. NORVELL said, that he had heretofore described the bill as containing a grant of one hundred thousand acres of land, to be selected any where in Michigan, to aid that State in the construction of a canal around the Falls of St. Maria, to connect, by a navigable communication, the waters of Lake Superior with those of Lake Huron, and with the other northwestern lakes. It provides that the canal shall ever be and remain a highway for the use of the Government of the United States, free from any toll or charge, for the transportation of troops and public property, and, by an amendment, no toll or charge whatever, except for repairs and attendance, was to be imposed after the completion of the canal. The lands selected would not be sold under the minimum Government price. The selection must be made within two years, and the canal completed within five years. He had, moreover, no objection to a further amendment, requiring the State to pledge her faith to complete the canal, or to return the grant to the United States.

The report of the civil engineer of Michigan, with the surveys and estimates, in relation to this canal, had been printed and laid on the tables of Senators. It was probable, however, that notwithstanding the call for authentic information, and the production of that information, the report had attracted little or no attention from the Senators who had made opposition to the bill. Gentlemen determined in their objections to a measure, indulge themselves in throwing out suggestions of all sorts against it, and were seldom disposed to be corrected by documentary or verbal statements of fact The survey and estimate contemplated the construction of a ship canal. The engineer states that no difficulties, of a serious nature, exist to the success of the work; that the portion of the line of canal, where rock is indicated, will not, from its peculiar quality and position, require blasting; and the expense will consequently be much less than would otherwise be incurred. The whole length of the canal is 4,560 feet, less than a mile, about 700 feet of which only will require excavation. His survey and estimates, as before remarked,

contemplated a ship canal. But it was desirable that the work should be so expanded, that the largest steamboats might pass from lake to lake upon it. This would require an increased magnitude of the locks, and a consequent increase of expense. The fall to be overcome by the locks is eighteen feet, and the number of locks three. Large masses of granite are found immediately along the line of the canal, and the cost of hauling that heavy material entirely saved. The estimate for the ship canal amounted to not quite 113,000 dollars. He should suppose, however, that the estimate was not sufficiently large. At the utmost, he was of the opinion that a steamboat canal would not cost more than 250,000 dollars. The land proposed to be granted might, by judicious selection and disposition, be made to yield that sum. He could not, however, doubt that the State would apply her own resources to the completion of the work, if the grant proposed to be made in this bill should prove inadequate to the purpose.

It had been objected to the present construction of this canal, that the population in the country surrounding it was sparse, and that consequently, the work was premature. Sir, the sparseness of the population constitutes a strong argument for the immediate construction of the canal. That would at once increase the population of the neighboring country, settle and cultivate it, and rapidly develope its immense resources. When that most productive and splendid of all words of the kind—that great canal which first united the magnificent inland seas of the Northwest with the waters of the Atlantic ocean—was commenced by the State of New York, scarcely a white man dwelt along its western line for nearly two hundred miles. It was now dotted from one end to the other with beautiful farm houses and villages, with flourishing cities, and with a dense and prosperous population. What but the great Erie canal had caused this rapid conversion of the wilderness into cultivated fields, and into the ready means of subsistence and wealth to hundreds of thousands of people? From Fort Wayne to the Wabash, a distance of sixty or seventy miles, not a civilized inhabitant, as he had been informed by a Senator from Indiana, resided near the Erie and Wabash canal when its construction was begun. In the vicinity of the Delaware breakwater, a very sparse population was even at this time to be found. Sir, the objection proceeds rather from a disposition to indulge in the flashes of wit and merriment, than from the sober and sedate views which become the statesman.

But, said the Senator from Kentucky, [Mr. CLAY,] the other day, why should these grants be made to Michigan, with a population of only two or three hundred thousand, because similar grants had been made to Ohio, with a population of two millions? Sir, that is the very reason why these grants should be made. Michigan was comparatively young and weak as a State, and required to be strengthened. Were she as populous and rich as Ohio, her own resources would enable her to march on without the aid of the General Government. It seemed, however, that the honorable Senator desired to make the rich richer, rather than to give his fostering aid to the comparatively poor. But when the earlier grants were made to Ohio, she too was weak, and needed extraneous aid. She received it from this Government; and that has accelerated her growth and prosperity. He was glad of it, and only wished the same measure of liberality and justice to be meted out to the other new States.

Sir, you have, in the upper peninsula of Michigan, a public domain of fourteen or fifteen millions of acres, which could never be successfully brought into market, without the construction of the proposed canal around the Falls of St. Maria. Without that work, the country could not be settled and cultivated. It had neither military nor any other roads to it, or within it. The only medium of communication to it, the only channel of access to Lake Superior from the lower lakes must for years be this canal. You have also an extensive public domain in the northern part of Wiskonsin, which that canal will enable you the sooner to sell, settle, and cultivate. Open that important work and you immediately realize the creation and successful prosecution of a new and extensive commerce from Lake Superior to six States of this Union. From the information which he had gathered, he believed that he was within bounds when he stated that the fisheries of Lake Superior could, as soon as the canal should be finished, be made to produce annually one hundred thousand barrels of fish, worth from seven to ten dollars per barrel, and yielding altogether nearly one million of dollars every year. These fisheries were thought to be inexhaustible. The fish caught in the upper lakes were of the most delicious sort. They were various, but the principal was the white fish, superior to the shad, and susceptible of being salted and cured, so as to render it far better than the salted mackerel, which entered so largely into the consumption of the country. The white fish was so prepared and sent to market, in considerable quantities, from the lakes below Lake Superior. One fishery in the vicinity of Detroit had some seasons produced two thousand barrels. In the country bordering on the southern shore of Lake Superior, copper ore and other minerals were believed to exist in abundance. Forests of the finest pine timber pervaded that country. It was known that the pineries in other parts of the Union were rapidly diminishing; and he had no doubt that, in less than a half century, the Atlantic States would be indebted to Upper Michigan for that essential material in the construction of their ships. But these rich sources of wealth and prosperity could only be made available by means of a navigable communication between the lower lakes and Lake Superior In such a communication, New York, Pennsylvania, Ohio, Indiana, Illinois, and Wiskonsin, had as deep an interest as Michigan. It was a national work in all its aspects and results. It was important in a military point of view. The country, for hundreds of miles, was bordering on the British colonial frontier. A military station had, for a long succession of years, been kept up at the Falls of St. Maria. It might, in the event of war, be necessary to send both a naval and military force on Lake Superior, both for the suppression of Indian hostility, and for defence against British aggression. The proposed canal could alone enable us to accomplish these purposes.

But, said the Senator from Kentucky, on what ground should you make this grant to Michigan? Why should this Government make it, when they had been already so liberal to that State? Sir, this Government have been liberal to Michigan with a vengeance! They have refused to comple the roads which they themselves had commenced in that State. They have despoiled her of a rich and fertile territory on her southern borders. They have received into their Treasury nearly eleven millions of dollars from sales of the public lands lying within her limits; and, sir, they have graciously expended not quite four hundred thousand dollars, all told, on harbors and roads within those limits! These have been the evidences of the liberality of this Government towards Michigan; and she may chiefly thank the honorable Senator and his friends for the *generous* amount of that liberality! But this canal is in the moon, or beyond the extremest verge of civilization. Sir, the honorable Senator from Kentucky [Mr. CLAY] ought to have known the country better. Gentlemen have, on this occasion, made a sorry exhibition of their geographical and statistical attainments. The honorable Senator seems not to have learned that ships and steamboats, freighted with merchandise and civilized passengers, have for years ploughed their way to the very foot of this canal. He seems to have yet to learn that a civilized settlement and an American fort have existed there for nearly half a century. It is a pity, sir, that we cannot once in a while peep out of our own narrow shells, and look abroad on that broad and magnificent fabric of nature, comprised within the boundaries of the great lake States. The genius of the enlightened patriotic statesman surveys every part of his country, his whole country, its various wants and interests. He strengthens and guards the vulnerable points. He extends the ægis of his protection where that protection is most wanted. The waters of the great lakes are under the special charge of the Federal Government; and the man fit to govern the country will neither close his eyes to their importance, nor will he affect to want, or in reality want, some degree of knowledge, at least, of the just claims of that quarter upon the constitutional care of the public councils which he may be called upon to guide and direct.

But the Senator from South Carolina [Mr. PRESTON] had pronounced this bill to be the revival of a magnificent system of internal improvement by the General Government. It was no such thing. It had been the practice of this Government, almost ever since the Constitution was adopted, to grant lands for the construction of roads and canals in the new States. This policy had been pursued upon the ground that it was a necessary means of bringing the public lands of the United States into market, of gaining access to them, of improving their value, and of enriching the Federal Treasury. Grants of lands for these purposes were no part of a system of national internal improvement. No money was taken from the public coffers. On the contrary, grants of land to make roads through the public lands, brought large sums into the Treasury, which it could not otherwise realize. Such grants had not been considered as an infringement of the Constitution; because Congress, by that instrument, have power to dispose of the public domain in such manner as to them shall seem proper for the common benefit of the Union; and that disposition of it which brings money into the common Treasury of the Confederacy is, unquestionably, constitutional. A stranger, coming into this Senate, and listening to the honorable Senator, would have supposed that the proposed canal was a most expensive and magnificent work. Magnificent it might and would be in its results, but the extent of the work was extremely limited, and the expense too small to deserve even a passing objection.

The honorable Senator had said, that the Senate had been put in possession of no authentic information, no surveys or estimates from a responsible source. They were called upon to make this appropriation on the judgment of a single State; a State interested in the work, and perhaps with a paramount interest in the expenditure of the public money within her limits. Sir, the Senator professed to be a peculiar supporter of State rights, and of the honor of the States. Was the language in which he had indulged towards a sovereign State of this Union, such as became the champion of State rights and State honor? Was no credit due to the legislative enactments of a State? Were surveys and estimates made by her civil engineers, under her direct authority, irresponsible, and unworthy to constitute a basis for the action of this Government? Was it becoming in an honorable Senator, claiming to be the guardian of State credit, to impute sordid motives to a State of which he seemed to know so little? But the Senator was opposed to entangling alliances, to co-partnerships, between the States and the Federal Government. This bill proposed no copartnership, no alliance, on the part of the State of Michigan, with the Federal Government. She simply asked for it an unqualified cession of public lands for a specific purpose. The United States were to own no stock in the canal. They would not be a copartner. The canal was to be a free and public highway to all the people of the United States. Michigan desired no partnership with the General Government. She asked and she expected equal and exact justice. To this extent she went—no more. But the lands were not asked for in alternate sections. How was that possible in this case? Here was a canal not one mile in length. Could one hundred thousand acres of land be located, in alternate sections, on so limited a space of ground? Besides, the land there had not yet been brought into market; and the bill proposed to locate where lands had been surveyed, put up at public auction, and were now subject to sale by private entry. How could such lands command the extraordinary prices intimated by the honorable Senator?

But the honorable Senator alleged, that on this side of the Senate, we had lately denounced the

States for their extravagant and profligate expenditures on internal improvements; and here we were about to create and carry on a new scheme of internal improvement within the States. Now, sir, if the denunciations alluded to by the Senator had been uttered, they certainly met with no response from a large majority of the members on this side of the Senate; and it was a little extraordinary that the honorable gentleman should treat the grant of one hundred thousand acres of land by the United States to a canal within a State as a continuance of *State extravagance and State prodigality*. On the contrary, the grant would supersede the necessity of State expenditure.

The Senator, in the excess of his zeal for State credit, had declared that he justified the States in all that they had done. Well, sir, the State of Michigan commenced this canal in May last; and, but for the improper interference of the United States military officers at Fort Brady, the work would have gone on. Upon the principle avowed by the Senator, he was bound to justify what the State had in this case done; and the best justification he could extend to her would be to vote her the lands, which would enable her to complete what she had begun.

He would add, that the large grant of lands to the Illinois canal was made without either survey or estimate of any sort; and the grant to the Miami and Dayton canal was made before the route of the canal was designated.

He considered all the difficulties and objections interposed, on loose and imperfect information, to have been conclusively removed; and he hoped that the bill would be permitted to pass without further opposition.

REMARKS OF MR. CHAPMAN,
OF IOWA.

In the House of Representatives, April 29, 1840.—In Committee of the Whole, on the amendment offered by him, "to supply the deficiency in the appropriation for the year 1839, for defraying the expenses of the Legislative Assembly of the Territory of Iowa, $14,000."

Mr. CHAIRMAN: I rise not to make a speech for *home consumption*, but, if possible, to sustain the proposition which I have had the honor of submitting for the consideration of the committee. And I very much regret that the chairman of the committee of Ways and Means has thought it necessary to oppose this appropriation, because his influence here is very great, both as a gentleman and as being at the head of the most important and responsible committee of this House.

Generally, the Territories are looked upon in the light of begging the crumbs that fall from the rich man's table; but I base this proposition upon more substantial grounds. You established the Territorial Government; it is a creature of your own; and, by every principle of justice, human and Divine, you are bound to support it. In the organic law of Iowa, which passed Congress and became a law the 12th June, 1838, may be found the following clause: "And there shall also be appropriated, annually, a sufficient sum, to be *expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses.*"

Now, sir, Congress made a pledge to appropriate annually a *sufficient* sum to defray the expenses of the Legislature of Iowa. Heretofore you have failed to make this appropriation, because you were not advised of the necessary amount. Now when the expenses have been incurred, and it is found there is a substantial deficiency, we are told by the chairman of the Committee of Ways and Means that the deficiency, actual and substantial as it is, must not be supplied, because the Secretary of the Treasury refuses to sanction it. Sir, you have been told by the chairman of the Committee of Ways and Means, that my letter to the Secretary of the Treasury, enclosing a copy of the resolution of the Legislature of Iowa, was submitted to his committee, but that as the Treasury Department had failed to recommend the appropriation, the papers were returned for the opinion of the Secretary. What answer does the gentleman say he received from the Department? Why, sir, "*that he (the Executive) does not feel inclined to go beyond the estimates furnished by the Governor.*" This, sir, is the answer, as read by the honorable member. Well, sir, the Committee of Ways and Means rejects the appropriation; and the result is, the chairman of the committee, with his acknowledged abilities, is here opposing this appropriation because the Secretary of the Treasury says he cannot sanction it.

Mr. Chairman, it is not because the Legislature of Iowa have exceeded in their expenditures the amount usually appropriated to defray the expenses of the other Territories, but because, from some cause or other, you have appropriated a less sum to defray the expenses of Iowa than Wiskonsin, with precisely the same form of Government.

What are the relative appropriations for those two Territories? I invite the attention of the House to facts, and challenge the gentleman to account satisfactorily for the difference.

The whole amount of appropriations for Wiskonsin for the year 1838, was $38,725; for the year 1839, the sum appropriated was $41,825; and the estimate and amount in the bill now under consideration for 1840, is $43,535; making in the aggregate the sum of $124,075 appropriated to defray the expenses of the Government of Wiskonsin, including Governor, Judges, &c. Now, sir, what were the appropriations on Iowa for the same objects? For the year 1838, the sum of $24,675, and for the year 1839, the sum of $28,950, was appropriated, and the estimates for the year 1840, being the amount now contained in this bill, the sum of $36,500: amounting in the whole to the sum of $90,125, including the salary of Governor, Judges, &c. which shows a difference in the appropriations for the two Territories of $33,950. Why this distinction in Governments precisely similar in every respect? I mention this, Mr. Chairman, not by way of complaint against the treatment towards the other Territories. No, sir; far be it from me to complain of them. They do not receive half as much as they deserve. Rest this proposition alone upon the estimates of the Governor, and in justice it must succeed; because, for the expenses of the Assembly, printing, fuel, &c. for the year 1839, the Governor estimated the amount of $20,400; for the same object in 1840 his estimate is $27,050; requiring for 1840 a larger sum by nearly $7,000, than for 1839. These sums of course do not include the salary of the Governor, Judges, &c. We see by comparing the estimates of the Governor, that the increase is at the rate of nearly seven thousand dollars per annum. And I ask why is it so? Is it because the necessary expenditures of 1840 will be larger than 1839, or is it because experience has taught him that the estimates of 1839 were not sufficient? Sir, it is plain to every gentleman that the latter is the cause of the increase. The sessions of 1838 and of 1839 were the first two sessions of the Legislature of Iowa. The Government was to organize, a new code of laws to make, print, and publish, unless the honorable chairman of the Committee of Ways and Means should think it proper to restrict fifty or sixty thousand inhabitants, dispersed over a territory nearly three hundred miles in length, to the use of three or four copies of the Michigan code. Buildings for the sitting of the Legislature must be secured, and various other expenses incurred, always greater in organizing a Government, than at any other periods. All these expenses were incurred in the first two and only sessions yet held.

To defray the expenses of 1839, the sum of $20,400 was appropriated upon the estimates of the Governor. To defray the expenses of 1840, the Governor's estimates are $27,050. Now, sir, although the latter sum will be scarcely sufficient, yet I am sure the causes for expenditure in the annual session of 1840 will be less than in 1839 by at least $5,000. Because the code of laws will have been made, printed, and published, the Government organized and under way, and the expenses consequently much less than in former years. Then, sir, take the estimates of the Governor for 1840 as the standard, and compare the necessary expenditures of 1839 with those of 1840, and it will at once be perceived that if the sum of $27,050 is necessary for 1840, that the expenditures of 1839 being necessarily greater by at least $5,000 than the succeding year, this appropriation is just and proper, and will not, when it is added to the sum of $20,400, exceeds the standard fixed by the Governor. Thus, sir, meeting the chairman of the Committee of Ways and Means upon his own ground, I think the proposed amendment to the bill should be agreed to.

The honorable member seems to argue as though the sanction of the Governor is indispensable to the success of this proposition, and that he cannot think of going beyond the sum contained in his estimates. If I could be certain that it would satisfy him, I would show that the presumption is that the Governor has sanctioned this sum. The letter now in my hand will show that the Legislature, at the close of the session, after expending the sum of $20,400, when alone it could be ascertained how much money was necessary, passed a resolution requesting the sum I propose as an amendment to the bill under consideration:

"BURLINGTON, Jan. 14, 1840.

"DEAR SIR: Among the resolutions which have passed both branches of the Legislature, now in session, the enclosed copy of which is deposited in my office, I find the following:

"*Resolved by the Council and House of Representatives of the Territory of Iowa*, That our Delegates in Congress be instructed to apply for an additional appropriation of fourteen thousand dollars, to defray the expenses of the present Legislative Assembly of Iowa Territory.

"Signed by the presiding officers.

JAMES CLARK.

"Hon. W. W. CHAPMAN."

This resolution, if not returned by the Governor to the Legislature, in law is considered as sanctioned by him, and is to be filed with the Secretary of the Territory. Sir, what difference is there between an estimate submitted before the expenditure is incurred and afterwards? There is this difference in my opinion: the first is based upon mere supposition—the latter upon actual expenditure, and should, therefore, be the one to govern legislation. What would be the state of your public buildings, if the estimate, in advance of the expenditure, should fix the bounds of appropriations. Look to your estimates for public buildings, and compare them with subsequent legislation. Why they have never been sufficient. This very bill proves that fact beyond dispute.

Then, sir, I have sustained this proposition, not only upon the ground that it requires as much to defray the expenses of the Iowa Legislature as that of Wiskonsin, but also, under the rule which the chairman of the Committee of Ways and Means wishes to establish, that the estimates of the Governor and Secretary of the Treasury should form the basis of the appropriation.

Mr. Chairman, I propose to answer one other objection raised by the gentleman who opposes this amendment; that is, that instead of $20,400, as stated by me, he says there was the sum of $36,000 appropriated for 1839. It is true that that sum was appropriated in 1839; but if he will examine the act of last session, he will see that upwards of $16,000 of that sum was specifically appropriated to defray the deficiency in the appropriation for 1838, which, taken from the whole sum, leaves, applicable to the expenses of 1839, the sum only of $20,400

Sir, if the honorable gentleman will turn his attention to the letter of the Commissioner of the General Land Office, which I now send to the Clerk to be read, he will perceive very strong inducements to continue the support of the Territorial Government of Iowa:

GENERAL LAND OFFICE,
February 6, 1840.

SIR: I have the honor to make the following statements in reply to your inquiries of the 3d inst. to wit:

Amount paid by purchasers of public land in Iowa, from the earliest period of the sales to 31st December, 1839, - - - - - - $716,844 72

Quntity of public land offered for sale during the same period, acres - - - - - - - - 1,240,468.68

Quantity now under proclamation, to be offered for sale in March and May next, viz. at the Burlington land office - - 895,706 66

At the Du Buque land office - - 1,337,053 10

2,232,756.76

Quantity remaining to be proclaimed for sale, acres, - - - - - - - 1,497,312.59

And that the period of bringing this last named quantity into

market, will depend upon the action of Congress in regard to the mineral lands of the United States.

With great respect, sir,
Your obedient servant,
JAS. WHITCOMB,
Commissioner.

The Hon. W. W. CHAPMAN,
House of Representatives.

It is from that country you are receiving large sums of money—an amount calculated, in the present state of the Treasury, to do much good. I have before me a table, which shows the number of acres of land proclaimed for sale in this year.

Amount offered in March, 1840 895,000 acres.
Money received at the sales in March, 1840, as stated in the newspapers, $476,000.
Number of acres proclaimed for 1840, 1,337,000.

Amount received at sales, exclusive of private entry	$1,192,844
Probable amount to be received this year	500,000
The amount which will probably be received from the sale of mineral lands, if the bill now before the House for the sale of those lands should pass	400,000
Probable amount which will have been received for sale of lands at private entry, by December, 1840	400,000
Making in the whole	$2,492,844

I inquire of every gentleman whether it is just to establish this Territory, and then refuse to support it, especially when you have derived so much revenue from the sale of lands within its limits. Well, sir, debts have been incurred; and if you refuse to pay them, the people must necessarily be taxed to raise the money. With what countenance can I meet my constituents, if this proposition is rejected? And in such event, what must be the feelings of the people towards the General Government? If you intend to cast us off, say so at once, and we will cut loose from you.

Mr. Chairman, to whom are these debts owing? Not to the members of the Legislature, against whom an unjust prejudice has been excited here. No, sir—laboring men, merchants, and mechanics. The church is your creditor, and you refuse payment, not because you are unable, but because you are unwilling, to pay. The building of the Methodist church was finished under very embarrassing circumstances, to accommodate the Legislature with a place to hold its sessions. Their schools were turned out of doors, and members of the church put to great expense for your convenience; and yet this proposition is opposed. Sir, I put it to the chairman of the Committee of Ways and Means, a high minded and honorable gentleman, as I know him to be, whether he could reconcile it to his feelings to have the benefit of the labor and property of hard working men, and refuse a just compensation. Some of these debts are due to printers, for printing and publishing the laws. One of them is a Democrat, and the other a Whig. Therefore, so far as political considerations can have any bearing, I shall expect the support of both parties.

REMARKS OF MR. WRIGHT,
OF NEW YORK,

In Executive sessions of the Senate, upon the several days when the treaty with the New York Indians was under consideration, commencing on the 18th and ending on the 25th day of March, 1840.

Mr. WRIGHT said he must precede the direct discussion of the treaty by a few preliminary remarks, calculated to show the grounds upon which he acted, and the considerations which had governed him, in the examination of the complicated case presented in the book of printed documents which had been laid before the Senate.

And his first remark of this character was, that, if he knew himself, his principal motive, in urging the final consummation of this treaty upon the Senate, was his deep conviction of the benefits, present and future, which would be conferred upon the sinking bands of Indians, who were parties to it, from its final confirmation. He was well aware that, in making this declaration, he was subjecting himself to double suspicion. These Indians were within his own State, and it would be assumed that the whites were anxious for their final removal out of their way. Not so in fact, to an extent which would warrant a removal in any degree unjust. The bands had become too small, too much worn away by that contact with the whites, which is destruction to the Indian, to leave any fear from their remaining, upon the minds of their white neighbors. The territory they retain, too, had become too small to excite an extensive cupidity for its possession, or any strong hope of profit from its purchase by the white man. Then the treaty contained no provision for the forcible removal of any of these Indians, and therefore considerations of this character could have but a qualified influence in the matter.

The real truth was, and he owed it to his constituents to state it, that a just and rational sympathy for this perishing remnant of a once mighty savage Confederacy prevailed much more strongly in favor of the treaty than any motives of individual or associated interest. True it was that all the bands were in the midst of a dense population, and that one portion of one of them was upon the border of a large and growing city, imbibing its vices with the readiness with which the dry earth absorbs the rain which falls upon it; and yet all that dense population, even that incommoded city, would be the last to urge a removal of these Indians against their interests, and the first to censure him, if he should urge the proclamation of a treaty for that purpose, which was not palpably beneficial to the suffering red men.

He was liable to suspicion, too, as favoring the interests of the company, who held the pre-emptive right to the lands of the Seneca band of these Indians, when they shall surrender the possession. He believed the members of this company were mostly, and perhaps entirely, residents of his State; and hence it might be believed that his action was influenced by their persuasion, or influence, or interest. It would become his duty, in the course of the discussion, to speak more particularly of this company and of their rights; but it was enough now to say, that but one single member of it, to his knowledge, had ever mentioned the subject of this treaty to him: that this was a call within the last two or three days, and since his opinions had been formed, his course marked out, and his preparations made for this discussion: that the individual was Thomas L. Ogden, esq. of the city of New York, a gentleman of the legal profession, of advanced age, and great eminence, and whose call was made upon him as a known friend of the treaty, and not to persuade him to become so.

If, then, he should hereafter be able to show that the treaty was beneficial to the Indians, he hoped he should be credited in the declaration that his anxiety for its final confirmation was predicated upon their interests, rather than upon the interested wishes of his constituents, or the selfish desires of the pre-emption company.

His next preliminary remark was, that, in discussing the merits of this treaty, he should pass entirely over that mass of evidence which had been collected against it by those mistaken philanthropists—mistaken in his judgment—who opposed its confirmation upon the ground that they were, at some future day, to civilize these Indians in their present locations. To the purity of the motives of these enthusiasts he yielded the fullest belief; but in the reality of their hopes he had long since lost all confidence. The idea of civilizing the Indians of our continent had once been a rich source of hope to him; but practical observation and experience had compelled him to abandon the delusion. Many worthy and good men yet retained their confidence in the practicability of the undertaking; but he could only say to them that, when he should see the deer of the forest the domestic animal of the farm, and the partridge of the woods the familiar fowl of the barn yard, then, and not till then, should he again hope for the practical civilization of the Indian.

A further remark was, that he should enter upon the discussion with a full and perfect understanding, assented to upon all sides of the Senate, that the character and standing and credit of the commissioner who negotiated the treaty on the part of the United States, remained unimpeached and unimpeachable, and that his statements of fact were to be implicitly relied upon in all matters touching the execution of the treaty by the Indians.

[To this position the honorable chairman of the committee and all the dissenting members assented.]

Another rule for the discussion on his part would be, that the commissioner on the part of the State of Massachusetts, General H. A. S. Dearborn, was present at all the transactions, the validity of which are now in dispute, and is a respectable, credible, and disinterested witness to every fact to which he gives testimony.

With these preliminary remarks, he would proceed to the discussion of the treaty, and the facts upon which it rested.

A question had been raised, as to the right of the New York Indians to their "Green Bay lands," so called; but inasmuch as the history of that matter had been fully gone into by the honorable chairman of the committee, [Mr. SEVIER,] and by his honorable friend from Georgia, [Mr. LUMPKIN,] he would not consume time with it here. The treaty between the United States and the Menomonee tribe of Indians, of the 8th of February, 1831, by which the latter ceded to the United States, for the benefit of, and "as a home to, the several tribes of New York Indians," five hundred thousand acres of land in the now Wiskonsin Territory, and the former paid in money, for that cession, the sum of twenty thousand dollars, was sufficient for his purpose. It established the right of the New York Indians to that land, independently of any action of their own; though certain of the bands, the Senecas not included, had, long previously, purchased of the Menomonees, for the benefit of the Six Nations, a much larger tract of country, and had paid some twelve thousand dollars in cash as purchase money therefor. Yet disputes arose between them and the Menomonees, as to the authority of the persons with whom they contracted, either to sell the lands, or receive the pay therefor; and, the proceeding having taken place in pursuance of a consent previously obtained from the President of the United States, [Mr. Monroe,] by the New York Indians, the treaty of 1831 was negotiated by the United States as a compromise between the Six Nations of New York and the Menomonee tribe. Hence the estate of the New York Indians in their Green Bay lands.

He was aware that the original cession from the Menomonees required that the New York Indians should remove to the lands, and reside thereon as their home, within three years from the date of the treaty; but the cession to the United States was positive and perfect; the condition of forfeiture, a forfeiture to the United States, and not to the Menomonees; and hence the whole title was in the United States and the New York Indians. This being the fact, the United States had, since the treaty of cession from the Menomonees, and before the expiration of the three years, entered into a further treaty with the New York Indians, by which they were released from the condition of removal to the lands within three years, and the time of their removal was to be fixed by the President. That time has never been fixed, and therefore their right remains precisely what it was after the execution of the treaty of 1831, with the Menomonees.

It is now said that this right depends upon the mere indulgence of the President, and that the known determination of these Indians not to remove to Green Bay, places it in his power to terminate the right at pleasure, by fixing a day for their removal to these lands. The soundness of this position, in technical law, is freely admitted, and does any body fear a sacrifice of the interests of the New York Indians from the admission? Had such been the policy of this Government as to Indian claims and Indian title? If physical power and technical law were the rules by which these people were to be dealt with, they had no rights. We had never recognised in them any other estate in lands than that of simple occupancy, a mere possessory title; and if we were to canvass that right by the rules of the courts, the Indian might as well abandon his claim. His occupancy would be too limited, or too questionable, to give him a resting place, and might would make right on the side of the whites, when such rules came to govern the questions. Such, however, was not, and was not to be, our Indian policy; and no technical action of the President was to forfeit the right of these Indians to their Green Bay lands. The treaty, therefore, upon this point, required no more support than was given to it by former compacts of the same character.

What then was this treaty, in its essential provisions, so far as the rights of the United States and of these Indians were concerned? The entire instrument was too long to trouble the Senate with, while a very short statement would give the points upon which the discussion must rest.

Article 1 cedes to the United States the lands of the New York Indians, at Green Bay, not otherwise disposed of, computed at 435,000 acres.

Article 2 secures to these Indians a country in the Indian territory, west of the Mississippi, equal to 320 acres of land for each soul, the whole computed at 1,824,000 acres.

Article 15 stipulates to pay to the Indians from the Treasury of the United States $400,000, "to aid them in removing to their new homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals and farming utensils, and acquiring a knowledge of mechanic arts."

These were the principal provisions of the treaty, in a property sense, as affecting the pecuniary interests of the Government or the Indians. Some other articles there were stipulating for the payment of small sums to some of the smaller bands, but the amount, in no single case, exceeds $5,000, and the aggregate amount is but about $20,000.

As connected with this branch of the subject, however, are two separate treaties: the one between the Seneca band of Indians, the pre-emption company, and the State of Massachusetts, and the other between the Tuscarora band and the same parties. The first conveys to the pre-emption company all the remaining lands of the Senecas within the State of New York, consisting of four reservations, as follows:

The Buffalo Ceeek reservation, containing - - - -	49,920	acres
The Cattaraugus reservation, -	21,680	"
The Allegany reservation, -	30,469	"
The Tonawonda reservation, -	12,800	"
In all, - - -	114,869	"

As the consideration money for the purchase, the pre-emption company stipulate to pay to the Seneca Indians the sum of two hundred and two thousand dollars in money, and the tenth article of the treaty with the United States, now under consideration, stipulates that the United States will receive, hold, and invest for these Indians, one hundred thousand dollars of this money, and will pay them the annual interest thereon for ever; and that the improvements upon the reservations, being the property of individual Indians, shall be appraised, and the one hundred and two thousand dollars be paid to the owners thereof in just proportions.

The treaty with the Tuscarora band cedes to the pre-emption company their small reservation of 1,920 acres, called "the Tuscorora reservation," or "Seneca grant," for which the pre-emption company stipulate to pay the sum of nine thousand six hundred dollars in money.

The title of the respective bands to the lands last mentioned, was the ordinary Indian title of possession and occupancy; the company, as will hereafter appear, having long since purchased the pre-emption right from the State of Massachusetts.

By the fourteenth article of the treaty with the United States, the Tuscarora band cede to the United States 5000 acres of land which they own in fee, situate in Niagara county, in the State of New York, to be held for them in trust, and to be sold at the value as appraised and the money to be paid to them, so far as the value of the improvements are concerned, and invested for their benefit, and the annual interest thereon paid to them forever, so far as the value of the soil, separate from the improvements, shall be realized, the expenses of survey, appraisement, and sale, being first deducted.

This was a concise view of the pecuniary stipulations of the three treaties, and upon them the discussion had hitherto rested, and must rest, as he had heard of no complaints from any quarter, as to the other stipulations with any portion of these Indians.

It would now be proper to examine the condition of the question before the Senate, in order that a clear understanding of the case presented may be had. What, then, is the real question before the body, and how has it come here?

We find the first printed paper, in the large file upon our tables, to be a message from the President of the United States, transmitting this treaty to the Senate, with the volume of papers which accompany it, and expressing his clear convictions upon the following points:

1. That the removal of these Indians is essential to their prosperity and welfare, and even to their preservation as a people.

2. That the true interests of the sections of country where they are, require that they should be removed.

3. That the terms of the treaty are liberal towards the Indians in every respect.

Yet it is not proclaimed by the President, but returned to the Senate for a further expression on its part; and what expression is sought? Whether, in its judgment, this liberal treaty has been assented to by the Indians, in conformity with the rule established by the Senate for giving that assent. This is the single point presented, and upon which an expression of the Senate is desired.

How have doubts arisen upon this point? Certainly from the peculiar action of the Senate upon the treaty at some former stage of that action, or from the peculiarity of the assent which the Indians have, in fact, given, or from both. An examination of the history of the treaty will show where rest the difficulties.

The original treaty, which forms the basis of this discussion, was concluded between the New York Indians and the United States, on the 15th day of January, 1838. About the due execution of that treaty by the Indians, there has not been, and is not, any question. It was presented to all the bands, convened in a common council, and was assented to by all, to the satisfaction of the Senate.

That treaty, thus made on the part of these bands, was subsequently, and during the annual session of the Senate of 1837-38, transmitted to this body for its ratification, by the President of the United States, in the usual form of transacting such business. It was referred to the proper committee of the Senate for examination and advisement. The committee found many of its provisions objectionable to them, from being too vague, and presenting too uncertain a responsibility on the part of this Government. The removal of the Indians, their subsistence for one year, the erection of mills, school houses, blacksmith shops, churches, and many other expenditures, were stipulated, without any amount stated as the maximum of expenditure to which the Treasury of the United States might be subjected. The committee as he understood at the time, and now believes, referred these matters of ordinary expenditure to the head of the Indian Bureau, for an estimate of the amount of money required to meet them, and framed their 15th article of the amended treaty, upon the estimate returned from that officer; thus giving, for the objects enumerated in that article, the full amount of that estimate, but limiting the amount which could be called for, to the $400,000 therein stipulated to be paid, that being the amount estimated.

There were other articles in the original treaty, stipulating for the payment of gratuities to individual Indians by name, providing funds for a university, and the like, which the committee wholly rejected, without proposing any equivalent.

Thus an amended treaty was formed by the committee on Indian affairs of the Senate, and reported to the body for its acceptance, which met with its unanimous concurrence. It was ratified on the 11th of June, 1838, and returned to the Indians for their assent, with a special resolution, which has laid the foundation for the present controversy.

It was proper here to remark that the resolutions of the Senate of the 11th of June, 1838, were a complete ratification of the amended treaty on its part; that the instrument, in all its parts, was thus made perfect, so far as the constitutional action of this body, in the formation of a treaty, was concerned, and that the only thing which remained to be done was, the giving of the requisite assent, by the several bands of Indians, according to the resolutions for that purpose which the Senate adopted. That resolution was made part of the proceedings of ratification on the part of the Senate, was, upon its face, to be adopted by a vote of two-thirds of the Senators present; and was, therefore, if met by the Indians with the assent required, the final close of our action on the subject of the treaty in our Executive character. The resolution was in the following words:

"*Provided always, and be it further resolved, (two-thirds of the Senate present concurring,)* That the treaty shall have no force or effect whatever, as it relates to any of said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted, and fully and fairly explained, by a commissioner of the United States, to each of said tribes or bands, separately assembled in council, and they have given their free and voluntary assent thereto; and if one or more of said tribes or bands, when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon those so assenting, although other or others of said bands or tribes may not give their assent, and thereby cease to be parties thereto: *Provided, further,* That if any portion or part of said Indians do not emigrate, the President shall retain a proper proportion of said sum of four hundred thousand dollars, and shall also deduct, from the quantity of land allowed west of the Mississippi, such number of acres as will leave to each emigrant three hundred and twenty acres only."

With its full ratification, and this conditional resolution, the Senate returned the treaty to the President as amended, for him, as the Executive of the nation, to carry its orders into effect, but most clearly without any thing further on its part to be done, to make the whole a valid and operative treaty.

The President, during the vacation of Congress, caused the treaty, as amended by the Senate, to be again submitted to the Indians for their assents, according to the resolution of the Senate above given.

On the 21st of January, 1839, the President, by a message, returned the amended treaty to the Senate. For what? For ratification again by this body? No; but for this body to say whether the assents given by the various bands of Indians, was in conformity with our resolution of the 11th of June, 1838, and was sufficient to authorize him to proclaim the treaty. As to all the bands, except the Senecas, the President expresses the opinion, in his then message, that the assents had been "entirely satisfactory." As to the assent of the Senecas he seems not to have been satisfied, and for that reason to have returned the treaty and papers to the Senate.

The whole matter was then again referred to the Committee on Indian Affairs of this body, and underwent before them a laborious investigation, including the examination of numerous witnesses. The result was an inability, on the part of the committee, then consisting of four members, to come to any conclusion, or to recommend any specific course of action to the Senate.

Under these circumstances, the subject first came up for the consideration and action of the body, on Saturday, the 2d day of March, 1839; at that time, universally supposed to be the last legislative day of the session. It was immediately apparent, as all who were then here will recollect, that no decisive action could take place, without protracted debate, as the documents were voluminous, the statements complicated and contradictory, and the opinions of Senators, as well as of the different members of the committee, strongly conflicting.

The public appropriation bills, also, with a large share of the other legislation of the session, remained in an unfinished state, and it was impossible for the Senate to devote its time to a subject of this character, at that period of a short session.

To pass the subject over, therefore, and not permit the treaty, and the whole negotiation, to drop, for want of consideration and action, the Senate passed its resolution of the 2d of March, 1839. That resolution was offered by his honorable colleague, a friend to the treaty, and after a very little conversation and some slight verbal modifications, suggested by others and promptly accepted by the mover, was adopted, as his present impression was, by two-thirds of the Senators present. It was in the following words:

"*Resolved*, That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11th, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the Senate of the 11th of June, 1838, the Senate recommend that the President make proclamation of said treaty, and carry the same into effect."

With this resolution the treaty was remanded to the President for the further action of the Executive Department. In as much as the President had returned the amended treaty to the Senate for an expression of its opinion as to the sufficiency of the assent of the Seneca band, and as the resolution above given did not express an affirmative opinion upon that point, that officer very naturally supposed that further efforts on his part to obtain the assent of this band were contemplated. During the vacation of 1839, therefore, he sent the Secretary of War, in person, to hold a council with this band, and again lay the amended treaty before their chiefs in council, for their more formal assents.

The council was held on the 13th and 14th days of August, 1839, and "talks" were interchanged between the Secretary, the agent of the New York Indians, and the chiefs and principal men, not of the Seneca band merely, but of several of the other bands. These "talks," on the part of the Indians, were principally strong recriminations between the friends and the opponents of the treaty, and resulted in nothing decisive, either in favor of, or against the measure, as applicable to the Seneca band, or to any other portion of the New York Indians. A full report of the proceedings of this council is found with the printed documents before the Senate; and is all the evidence of any efforts on the part of the Executive to obtain the farther assent of any portion of the Indians to the treaty, after the passage of the resolution of the Senate of the 2d March, 1839.

Under this state of facts, the amended treaty, with a mass of documents in favor of and against it, was returned to the Senate by the President, during our present session, accompanied by his message of the 15th of January, before referred to.

All the papers have been again referred to the Committee on Indian Affairs of this body, and, after full consideration, the committee unanimously report that the state of facts have not been changed, so far as the action of the Senate is concerned, since the treaty was last submitted to us; that the question now is, as it was in 1839, when the amended treaty was before the Senate, upon the submission of the President, with his message of the 21st of January of that year, have the Seneca band of Indians given their assent to this amended treaty, in conformity with the spirit and intent of the Senate's resolution of ratification of the 11th of June, 1838?

This is the simple question for the Senate to decide, and this long history shows in what manner, and under what circumstances, it has come before us.

Before proceeding to discuss this question, justice to the President requires a few words in explanation of his course. It has been already more than intimated that his reference of this question to the Senate is improper; that the point was one for him to decide, as his action alone is called for to render the treaty perfect and operative. Differing with the President, as he did, in reference to the sufficiency of the assent of the Senecas, within the fair intent and meaning of the resolution of the Senate of the 11th of June, 1838, yet his convictions were clear that that officer had discharged his duty most properly, in again referring the question of doubt to the decision of the Senate. Where was the doubt, and how had it arisen? Out of the acts of the Indians, by way of assent or dissent? No. But out of what should be considered the true construction of the resolution of the Senate, under which that assent was to be made. The President tells us he thinks we intended that the chiefs should assent "*in council*," and he says, "*no advance towards obtaining the assent of the Seneca tribe to the amended treaty*, IN COUNCIL, *was made, nor can the assent of a majority of them, in council, be now obtained.*" This language refers expressly to the efforts made by the President, through the Secretary of War, after the passage of the resolution of the Senate of the 2d of March, 1839; and, while it shows the construction which he was inclined to put upon the resolution of ratification of the 11th of June, 1838, proves, also, that he supposed the resolution of the 2d of March, 1839, contemplated further measures on his part to obtain the assent of this band. Stil he was not confident, as his message abundantly shows, that his construction of the resolution of ratification was that which the Senate intended; and hence his reference again of the whole matter to this body, that we might put our own construction upon our own act. A different course on his part would necessarily have been a final rejection of the treaty, inasmuch as there is no pretence that a majority of the Seneca chiefs assented "*in council.*" So long as there was doubt, therefore, it was his imperative duty to make the reference he has made, and to leave it to this body to say what it intended, and whether, from all the facts in the case, which he has most properly laid before us, the spirit and intent of our resolution has been complied with.

This brought him to the real question presented for discussion; and tedious as he had been compelled to be in his manner of reaching it, he hoped he had succeeded in so far clearing the ground as to render the position in which he now stood perfectly perceptible. Had, then, the New York Indians, and especially the Seneca band, given their assent to the amended treaty, according to the spirit and intent of the resolutions of the Senate of the 11th of June, 1838, by which the Senate ratified that treaty on its part and tendered it to these Indians for their assent? This was the question. If they had, the matter was at an end. The contract had received the sanction of both the contracting parties, and it was in the power of neither to annul it without the assent of the other. If they had not, it was no treaty as to the bands not assenting, and nothing which the Senate could do would make it valid as to them. The question was one of fact. The evidence was all before us, and we were the jury by which that fact was to be found, and the consequence, whatever should be our verdict, would necessarily follow.

What, then, was the fact? The resolution of the Senate contained two prerequisites to the consummation of the treaty by the Indians:

1. That it, with the amendments of the Senate, should be submitted and fully and fairly explained, by a commissioner of the United States, to each of said tribes or bands, separately assembled *in council*.

2. That each of the said tribes or bands shall have given their free and voluntary assent to the treaty as amended.

It is admitted on all hands that the first of these prerequisites has been fully and fairly and honestly complied with; that the commissioner of the United States has submitted the amended treaty to each of the tribes or bands, separately assembled in council, and has there fully and fairly explained the same to them, according to the terms and spirit and intent of our resolution. Here, therefore, he felt at liberty to dismiss that branch of the discussion.

It only remains to determine whether the Indians have given their free and voluntary assent to the amended treaty.

Here, again, the ground is narrowed down to the Seneca band, as all admit—the President, in his message of 1839, and the Committee on Indian Affairs, in their reports at the last and present sessions of the Senate—that the assent of all the other bands has been satisfactorily given.

The majority of the committee now report that the Seneca band have not so assented, and their honorable chairman has made a most able and forcible argument to sustain that report. He did not flatter himself that he could so well deserve the attention of the Senate, or that he could discuss the question so clearly and forcibly, as he could not pretend to have made himself so thoroughly acquainted with the volume of documents to be examined. Yet he would try to maintain the opposite side of the argument, and to trespass as lightly as possible upon the patience and attention which might be extended towards him.

To establish the number of chiefs of the Seneca nation entitled to be consulted, and authorized to act, in making treaties, was first necessary. It would appear singular to those who had not examined these papers, that this should be a question of dispute even among, not the Indians simply, but among their admitted chiefs; and nothing could more forcibly demonstrate the perishing state of these unfortunate remnants of the Indian race of the North than this single fact. They have lost the number, and are ignorant of the persons, of those who are entitled to exercise the supreme power of their nation. Yet he felt authorized to assume that the real number of chiefs, or in any event the highest number which the papers would authorize us to assume, was eighty-one. This was the number assumed by the President, by the head of the Indian bureau, by the committee, and by the honorable chairman in his argument; and this was the number he should assume as the proper one to test the execution of the treaty.

It was assumed that the assent of a majority of the chiefs was requisite to constitute a valid execution of the treaty on the part of the nation, and of course that the signatures of forty-one of the eighty-one chiefs was the least number which could constitute an assent. Without admitting that the action of a majority of all these eighty-one chiefs was requisite to the formation of a valid treaty, or even that it was necessary or proper, to call for the action of a majority of all the chiefs of all grades for such a purpose, he should argue the question upon the hypothesis that the concurrence of a majority of the whole was necessary in this case; and he should do so, because he felt entire confidence that even under that rule the Senate would be able to decide that the assent of the Seneca band to the amended treaty had been obtained.

To those, however, who, with the honorable chairman, had made up their minds that the signatures of this majority of the chiefs must have been given "in council," and that any assent of a chief given elsewhere, however freely and fairly, is to be treated as a nullity, he had no argument to make. There was no pretence that a majority of the chiefs signed the amended treaty "in council;" and if that was to be held as a prerequisite to a valid execution, the assent of the Senecas had not been obtained. He did not so read, or so construe the resolution of the Senate of the 11th of June, 1838. He had before divided the resolution according to his understanding of its meaning. The amended treaty was to be "submitted, and fully and fairly explained, by a commissioner of the United States, to each of said tribes or bands, separately assembled in council." This, it is admitted on all hands, was done with all the bands, and as well with the Senecas as the others. Then each tribe or band was to give "their free and voluntary assent thereto," to render the amended treaty valid as to it.

Has the Seneca band performed this condition on its part? Have this tribe, through a majority of their chiefs, acting in or out of council, "given their free and voluntary assent" to the amended treaty?

He was happy to observe, from the argument of the honorable chairman, that there would be no substantial difference between them as to the facts connected with the assents of the Seneca chiefs, in the manner in which those assents had been given, and that the differences were as to the conclusions to be drawn from admitted facts, and as to the fairness, good faith, and validity of the conceded acts of the chiefs.

This would enable him to state the facts very concisely, and relieve him from the labor of reading tedious extracts from the reports of the commissioner, and the other papers.

It is, then, conceded that sixteen of the chiefs signed the amended treaty "in council."

The commissioner states that subsequently thirteen other chiefs affixed their signatures at his room, in the presence of General H. A. S. Dearborn, the agent appointed by the State of Massachusetts to attend the negotiations with the Seneca and Tuscarora Indians, four of which thirteen sig-

natures were affixed by attorneys of the chiefs duly appointed and empowered to perform the act, and the remaining nine by the chiefs in person. The commissioner adds that the signatures of two other chiefs, who were too unwell to attend in council, were taken at the rooms of the chiefs, also in the presence of the Massachusetts agent; that all the fifteen chiefs who thus signed out of council, were persons who well understood the subject, and that all the signatures "were freely and voluntarily given;" that the four who signed by attorney were well known as chiefs friendly to emigration—were persons who signed the original treaty—that three of the powers of attorney were properly acknowledged before a judge of the county, and the fourth executed in his own presence, before the amended treaty was submitted for signatures in council; and that he had no doubt that all the powers were fairly obtained.

Here is shown the assent of thirty one of the eighty-one chiefs, given, sixteen in, and fifteen out of council; and these were all the signatures obtained by the commissioner from chiefs of the Senecas during his first visit to obtain the assent of the several bands to the amended treaty.

The commissioner states, in his report to the head of the Indian Bureau, that he directed the local Indian agent to keep as accurate an account as was possible of the number of chiefs attending in council from day to day, and also of the entire number of chiefs which appeared in council at any time during the negotiations, inasmuch as chiefs and warriors attended in council together, and sat together, as did also individuals of the other bands, so that it was not in his power to tell which were Seneca chiefs, any farther than the prosecution of his duties made them known to him—that the agent reported to him that not more than sixty-one chiefs of the Senecas were present in council at any one time; and he then raises the question for the decision of the Commissioner of Indian Affairs, whether, the thirty-one assents obtained, being a majority of sixty-one, the whole number of chiefs present in council at any one time, the amended treaty might not be considered as sufficiently assented to on the part of the Senecas. Upon this ground only did the commissioner intimate that the assent of this band could be considered as sufficiently given.

The next fact, which seems to be material here, is given by the commissioner in the following words:

"Since I commenced this report, I have received, by mail, the written assent of five persons known by me to be recognised by the nation as chiefs. They all signed the treaty last winter. These appear to have been proved and acknowledged before Hezekiah Salisbury, a commissioner of deeds in the county of Erie, in the State of New York. He is certified to be duly commissioned as such officer by the clerk of the county. The persons who have subscribed their names as witnesses are known to me to be respectable. I have no doubt these assents were fairly given. Added to those taken in my presence, they make thirty-six in all, and are probably a majority of the whole number who attended during the council. I observe in each of these papers is incorporated a power to you and to me to add their respective names to the assent which I now hand you. Whether these powers should be exercised or not, you can best judge."

This is an extract from the report of the commissioner to the head of the Indian Bureau, made at Washington under date of the 25th of October, 1838; and it presents the further question, whether, if the thirty-one signatures, being a majority of the number of chiefs who attended council at any one time, should not be considered a sufficient assent, the thirty-six, being a majority of the whole number which appeared in council at any time, would not be so considered?

He must be permitted here to remark that his friend, the honorable chairman, criticized these suggestions of the commissioner with what appeared to him to be undue severity, when he said that the commissioner appeared to have returned to Washington for the grave purpose of submitting to the War Department the question whether thirty-one, or thirty-six, were a majority of eighty-one. The suggestions were such as he had stated, and they seemed to him to have been very properly and very sensibly made. If a vote had been taken in council, and a majority of the chiefs present had approved of the amended treaty, and then signed it, the very ground upon which the honorable chairman rests his argument would have made that a valid and satisfactory assent "in council." Was there, then, any thing very absurd or censurable in the inquiry of the commissioner, whether that same assent, given partly in council, and partly out of it, was satisfactory? and if not, whether the assent of a majority of all the chiefs who at any time appeared in the council would be sufficient? He thought not.

Upon the facts here presented, the Commissioner of Indian Affairs made his report to the Secretary of War, under date of the 29th or October, 1838, strongly questioning the sufficiency of the assent, as to the Seneca band, and, under date of the 30th of the same month, he writes to the Commissioner as follows:

"Your report and the treaty with the New York Indians, assented to as amended in the Senate of the United States, have been submitted to the Secretary of War. He is of opinion that the consent of a majority of *all* the Seneca chiefs must be obtained, but that, as you have heretofore met the requirement of the Senate, by full explanations to them in council, you may proceed to the Seneca reservation, and there obtain the assent of such Indians as have not heretofore given it."

Thus instructed, the Commissioner repaired again to the Seneca reservation, to perform the additional duties assigned to him. Under date of the 11th January, 1839, at Washington, he thus reports his doings to the head of the Indian Bureau:

"On the receipt of those instructions I repaired to Buffalo, New York, for the purpose of carrying them into effect. On my arrival there, I was joined by General H. A. S. Dearborn, the superintendent appointed by the Governor of Massachusetts, who continued with me until the close of my visit there. He was present and witnessed every signature to the assent, except one, which was taken while he was confined to his room by indisposition. Soon after my arrival at Buffalo, I directed the United States sub-agent, residing there, to give public notice to the Seneca chiefs that I was present, and authorized to receive the signatures of such of their chiefs as desired to give them, and that the superintendent from Massachusetts was also present to discharge the duty assigned him by the authorities of his State. After this notice, *ten additional names were received to the Seneca assent, making in all forty-one.* Seven of this ten had previously signed separate assents, containing powers of attorney to execute such further papers as might be necessary to give validity to their assents. These papers were all proved and acknowledged according to the usual forms under the laws of New York. Five of this number personally came before me and signed the assent attached to the treaty. The other two signed by attorney. The reasons why they did not appear and sign in person are stated in two affidavits which I hand you, marked No. 1 and No. 2. From the character of the affidavits, and information verbally communicated to me by several respectable chiefs, I have no doubt that these affidavits are strictly true."

This completed the signatures, in fact, of forty-one out of the eighty-one chiefs of this band, all but two of whom signed in person; and the two who signed by attorney, account for their doing so as is seen above. In addition to these, one chief, James Shongo, signed his assent to a printed copy of the amended treaty, before the engrossed copy was laid before the council for signatures, but did not repeat it to the written copy. Another chief, Kenjuquide, gave his assent by attorney, after the amended treaty was returned to the Commissioner of Indian Affairs, as is seen by the note to his report to the Secretary of War of the 15th of January, 1839. Thus, in the manner stated, the assents of forty-three of the eighty-one Seneca chiefs were obtained.

Still it is contended that the amended treaty has not been assented to on the part of this band, and is no treaty as to them; and upon what grounds?

First. That the assents should have been given "in council," and that those not so given are not to be regarded.

He had already given his interpretation of the resolution of ratification of the Senate of the 11th of June, 1838, and had but two other remarks to add upon this point.

He would refer the Senate to page 285 of the printed documents to show, upon the authority of two members of the body, that it was not the sense of the Senate itself, at the time of the passage of the resolution of the 21 of March, 1839, that these signatures must be given "in council," as it appeared from the communications of these two Senators that an amendment to that effect was moved to that resolution, proposing to add the words "*in open council*," and that, upon a vote, the amendment was not adopted. He was aware that this proceeding was had in committee, that the vote was taken by a count, and not by ayes and noes, and that nothing in relation to it appeared upon the journal. He was also informed that the recollections of all the Senators who were present did not agree as to the manner in which the amendment was disposed of, some believing that it was withdrawn without a vote. He could merely say that his recollection of the offer of such an amendment was very confident, and his impressions as to the disposition of it agreed with the printed statements made by the two honorable Senators to which he had referred.

His other remark was that it was competent for the Senate, if it believed that the assent of a majority of the Seneca chiefs had been fairly, freely, and properly given, to declare such assent satisfactory, though not given in the form and manner directed, or intended, by its resolution of ratification of the 11th of June, 1838. It was upon this broad ground that he principally rested his argument, and his support of the treaty as to the Seneca band. Without discussing the question whether it was the intention of the Senate that the assents should be given "in council" or whether the language of its resolution required that construction, all must admit that but one object was to be accomplished, viz. The "free and voluntary assent" of each separate tribe or band, to the amended treaty. Now if the Senate pointed out one particular place, or manner, for expressing those assents, and the Indians chose another place, or manner, for making the same expression, will it be contended that the treaty should fall, rather than that the forms prescribed by the Senate should not be complied with, while the substance of their requisition had been met by the "free and voluntary assent" of a majority of the chiefs? This was his view of the force of the objection that the assents had not been given "in council." To him it was immaterial whether the Senate *intended* that the assents should be given in council, or not, as it was whether they *were* given in council, or out of it. The only material inquiry to him was, had the majority of the chiefs, in fact, given their "free and voluntary assent" to the amended treaty? This brought him to the next ground upon which the sufficiency of the assents was resisted.

Second. It is contended that the assents of the chiefs, who have given their assents in the manner before related, have not been "free and voluntary," but have been obtained by bribery, fraud, and improper practices.

The charges of bribery are not preferred against the commissioner, or any of the agents of the United States, but against the company which had purchased the pre-emption right to the Seneca lands from the State of Massachusetts, and against the agents of that company. It was no part of his business to defend this company, or their agents, against these, or any other charges, or to justify the practices of the one or the other, but simply to see how far those practices, whatever they may have been, should be held to invalidate the execution of this treaty on the part of the Seneca chiefs.

The direct and specific charges of bribery are based upon eight several contracts made between an agent of the pre-emption company, and that number of the Seneca chiefs, all of which contracts were in writing, signed and sealed by the respective parties, and attested by one or more witnesses. The honorable chairman of the committee, in the course of his argument, caused two of these contracts to be read to the Senate, and to save a repetition, he would remark upon them, as samples of the whole.

The first was with John Snow, a Seneca chief of the Buffalo creek reservation. This contract recites that the Pre-emption Company are desirous to promote the policy of the United States in the removal of the Indians west of the Mississippi, and also to extinguish the title to their lands in the State of New York; that, in furtherance of these objects, the company had authorized negotiations to be opened with the Indians, and offers of money to be made to them as a permanent fund for the nation and to compensate them for their improvements, and also "deemed it advisable and necessary to employ the aid, co-operation, and services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them;" that Heman B. Potter, the first party in the contract, was authorized to act for the Pre-emption Company, and to contract with individuals for their aid and influence, and that Snow, the second

party to the contract, had agreed to contribute his influence and services, and, in case of the extinguishment of the Indian title by the company, to sell to them his improvements.

The parties then go on to contract; *first*, that Snow shall "use his best endeavors and exertions" to induce the Indians to sell their lands and remove West, and that he shall co-operate with, and on all occasions aid the company and their agents "in talks and negotiations with the chiefs and other influential men of the said tribe; and in the active application of his whole influence at councils, and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands." *Second.* That Snow shall and does convey to the company his buildings and improvements upon the Indian reservations, and not, in the mean time, to lease or in any other manner dispose of the same. *Third.* Potter, as the agent of the company, agrees to pay to Snow the sum of two thousand dollars, within three months after notice of the ratification of a valid treaty extinguishing the Indian title to the reservations, with these conditions:

1. That if the treaty shall contain provisions to pay individual Indians for their improvements, Snow shall receive, towards the two thousand dollars agreed to be paid to him, the sum he may be entitled to receive under the treaty for improvements, and the balance only, if any, shall be paid by the company within the time limited, or as soon thereafter as it can be ascertained.

2. That if, by the provisions of the treaty, Snow shall be entitled to receive more than two thousand dollars for improvements, the company shall be discharged from the payment of any part of the two thousand dollars, and Snow shall take all that is due to him under the treaty.

3. That Snow shall be entitled to a life lease, at a nominal rent, of a lot of land actually occupied by him, and called the "Whipple Farm," the lease to be executed by the company as soon as the lands can be surveyed after the treaty, and to have reference to the survey.

This is the substance of this contract; and were all the others like it, their character and objects would admit of a more satisfactory explanation. His acquaintance with the Indians of New York enabled him to appreciate this contract. These Indians were confined within very narrow reservations, and it had long been a practice with them to lease portions of their lands to the whites for cultivation and improvement. The improvements made by themselves, or their lessees, were held to be the private and individual property of the Indian, whose right of occupancy to the land in question was admitted by the band. Hence, as a necessary consequence, when it was proposed to make a sale of lands, the first object, to those who owned improvements upon the tract proposed to be conveyed, was to secure the value of their improvements, so that they should not, with the value of the soil, pass into the common national fund. This contract showed most clearly to his mind that this was the great inducement with Snow to enter into it. By the contract, the company guaranties to him two thousand dollars for his improvements, satisfied, no doubt, that the hundred and two thousand dollars, to be paid by them for the improvements of individual Indians, would give to Snow that sum. Indeed, the contract might be suspected of intentional fraud upon the rights of Snow, as a claimant to improvements, were it not that, in case his improvements shall entitle him to a greater sum than the two thoussnd dollars stipulated to be paid, he is to have the surplus, and the company are to pay nothing.

The other contracts, however, or certainly some of them, are for the payment of money, without any reference to the title of the chief to improvements, and in this sense he did not justify or defend them. They were not, in his opinion, defensible, either in principle or policy. He did not entertain a doubt that these very contracts had done more, much more, to prevent a cordial execution of this treaty, than to promote it. The knowledge, on the part of the chiefs not contracted with, that others were deriving money for their influence in favor of the treaty, which was not offered to them, was eminently calculated to turn their minds against it, and thus to engender an opposition much more powerful than the influence purchased would be able to overcome. That such had been the practical fact in this case he found no reason to doubt, while the opposition manifested gave the strongest ground for the presumption that it had this stimulus.

It was but just, however, to say that, as gratuities to Indian chiefs, in anticipation of a treaty, these proceedings were not new in substance to these or any other Indians. Many of the present opposing chiefs of the Seneca band were now, and long had been, the recipients of annuities from this very company, given as gratuities upon the execution of former treaties. He could not say that their opposition now proceeded from the absence of similar offers to them to become the friends of the present treaty. It was fair, however, to assume that their opposition could not be founded upon the vicious principle of giving gratuities to chiefs at the time of making a treaty, as they had manifested no disposition to surrender, either to their nation or to the pre-emption company, their personal claims of that character.

It was said that these contracts were secret, and therefore fraudulent and mischievous. He believed they were novel in their character, and he did not doubt that the honorable chairman was right in saying that a parallel case had never been exhibited to the Senate; but he could not concede that the novelty consisted in the *secresy* of the transactions. So far from it, he apprehended that the singularity here consisted in the open publicity of the contracts, the execution of formal deeds under seal and attested by witnesses. Was it the custom of men who deliberately undertake to practise bribery, to do it in this manner? Did they usually make a deed in writing, and call witnesses to its execution? He supposed not; and it seemed to him that these facts should rather be considered evidences of a mistaken consciousness of the pursuit of a legitimate and honest object, than of a disposition to practise secret bribery. Look for the paper evidence of the gratuities which have been given upon the execution of former treaties with this band of Indians. Look for the paper evidences of claim to the annuities which are yet paid, and some of which are not only for the life of the chief, but go to his heirs. Go to those treaties: and shall we find them? No, sir, no. Shall we find deeds minutely drawn, and formally witnessed? He had heard of no such papers; and yet the annuities existed, and were regularly paid.

He must not be understood as justifying, or defending these contracts. He did not do either; but he could not see that their turpitude was to be sought for in their secresy.

He could have but one object in referring to them, and that was to determine whether they should be held to vitiate the assent in fact given by the Seneca chiefs to the amended treaty now before the Senate. That point would be made more clear by a brief reference to the chronological order of the transactions.

The first of the eight contracts bears date on the 29th of July, 1837, and the last of them on the 16th of September of the same year. The original treaty was concluded at Buffalo creek on the 15th day of January, 1838, four months after the execution of the last of these contracts. That original treaty was laid before the Senate by the President on the 13th day of April, 1838, and the amended treaty, now under consideration, was substituted for it on the 11th day of June after, and as amended was, by the resolution of this body, of which so much has been said, directed to be submitted to the Indians for their "free and voluntary assent."

The contracts to bribe, therefore, if such these contracts are to be considered, were consummated four months before the making of the original treaty with the Indians, which was formed after full negotiations with them, and the ratification of which by them, if it ever was a question with the Senate, cannot certainly be so now, after this body has acted upon it as a treaty, has amended it, has ratified it on its part as amended, and has returned it to the Indians for their assent in its amended state. No allegation was found in the papers, or had reached him from any quarter, of any attempts on the part of the pre-emption company or its agents, or of any one else, to make contracts of this sort as an inducement to the assent of the Indians to the amended treaty. Indeed, he was not now aware that charges of bribery of any sort had been preferred in relation to the assents to the amended treaty, although the charges of that character relating to the formation of the original treaty had, so far as he recollected, been principally embodied and brought forward since the amended treaty had been submitted and assented to in the manner before related.

It was fair to say that all these contracts depended upon the final ratification and confirmation of the treaty by the United States, and that therefore the interest created under them in favor of the chiefs who were parties to them, might have continued to influence their conduct in relation to the assents to the amended treaty; but, to his mind, this was giving to the charges of fraud and secresy a meliorated influence, and greatly mitigated force. The contracts were completed in September, 1837. The amended treaty was submitted for assent in the fall of 1838, and again in the summer of 1839; and if the convictions upon the minds of these chiefs of the beneficial effects of the treaty to themselves and their nation, existing in the fall of 1837, whether produced by the contracts or otherwise, remained, and continued to govern their voices and acts in 1839, two years after; and, after the existence of the contracts had become known, if a sufficient number of their associate chiefs were willing to unite with them in assenting to the amended treaty to form a majority of all the chiefs of the tribe, the conclusion can but be evident that strong and good reasons for the ratification of the treaty on the part of the Indians, independent of these contracts, must have existed, and had their influence upon the minds and feelings and action of that majority.

Were then the assents of this majority of the chiefs fairly and freely and voluntarily given?

He had remarked, at the outset, and had received universal assent to the proposition, that he should commence the discussion with the assumption that the commissioner on the part of the United States, who negotiated this treaty, stood unimpeached and unimpeachable, and that all his statements of fact were to be fully credited. He was not about to draw heavily upon his testimony in relation to this point, but a single short paragraph from his last report became necessary to corroborate the evidence of the disinterested witness he was about to call upon the stand. The commissioner says:

"In every instance where a signature was received, either General Dearborn or I distinctly inquired of the person offering to sign whether he fully understood the subject, and whether he freely and voluntarily signed the assent. In each case a distinct affirmative answer was given."

He now turned to the statements of General H. A. S. Dearborn, the agent appointed, on the part of the State of Massachusetts, for the single and only purpose of seeing that the interests and rights of the Indians were protected in every part of the negotiation. He had made the preliminary remark that this was a disinterested witness, and one whose character and fairness had been endorsed as well by the opponents as the friends of the treaty. Upon the point now under discussion, therefore, he should rely wholly upon his testimony, and he should do it with the most perfect confidence that none of his statements would be even doubted.

Before proceeding to quote his remarks, he would, to prevent confusion and misunderstanding, remind the Senate that this gentleman did not represent his State at the making of the original treaty. A citizen of Buffalo, in the State of New York, of high standing, had the honor of being deputed to represent the State upon that occasion. Complaints having been made connected with that negotiation, as had been before abundantly seen, when the amended treaty was to be submitted to the Indians, the Governor of that Commonwealth, with a just regard to his own elevated standing, to the character and responsibilities of his State, and to the rights and interests of these dependant red men, appointed General Dear-

born, the adjutant general of the State, to represent it upon the occasion It was from the official reports of that officer that he should make his quotations; and he would detain the Senate by such only as were pertinent to the question whether the assents of the Seneca chiefs to the amended treaty were fairly, freely, and voluntarily given.

In his report to the Governor of Massachusetts, under date of October, 1838, at Lewiston, New York, after the thirty-one assents had been obtained, he says:

'In previous conversations, I have represented the deplorable condition of the Seneca Indians, and the reasons why I have come to the conclusion that the only chance for their reformation and continued existence as a distinct people is an immediate emigration to the mild climate and excellent tract of land offered them by the National Government; and I am perfectly satisfied, were it not for the unremitted and disingenuous exertions of a certain number of white men, who are actuated by their private interests, to induce the chiefs not to assent to the treaty, it would immediately have been approved by an immense majority.

"Not an objection or complaint has been made, by a single Indian, during the whole progress of the council, as to the price obtained for their right of possession; and I have not seen an individual, other than the persons above named, who does not think the offer of the Government a most generous and favorable one for the Indians; and who does not concur in the opinion that it is not only for their individual and national interests to remove, but that their fate will inevitably be disastrous—that they will be overwhelmed with poverty and misery, and soon become extinct, from their idle, intemperate, and other vicious habits, if they do not abandon their present position.

"*The same liberal terms which have been offered to these Indians, if extended to any county in New England, would nearly depopulate it in six months*"

"The conduct of the Hon. Ransom H. Gillet, the commissioner of the United States, during the whole session of the council, has been such as to merit the confidence which had been reposed in him by the General Government, and to meet my entire approbation, *from the unwearied pains he has taken to fully, fairly, and clearly explain the provisions of the treaty*, and present the character of the soil and climate, and the advantages which the Indians would derive from accepting the territory which is offered them beyond the Mississippi. He appeared to be solely actuated by an earnest desire to advance their interests, and induce them to comprehend the beneficent objects of the Government in making such a munificent provision for the advancement of their present and future comfort, independence, happiness, and prosperity."

This is the testimony of General Dearborn as to the first effort to obtain the assent of the Senecas to the amended treaty.

In his report to the Governor, after his second visit, when the ten additional assents were obtained, under date of the 2d of January, 1839, he says:

"I invariably asked each of the chiefs, in the presence of all the persons present, whether they were perfectly satisfied with the treaty and the contract for the sale of their right of possession to the lands on which they resided, and willingly and freely came forward to sign the treaty, *and they all answered in the affirmative;* and I am fully of the opinion that they have done so from an anxious desire to avail themselves of the privilege of removing into the Indian territory, west of the State of Missouri, on the liberal terms offered them by the Government of the United States, and from the conviction that the condition of the nation would become annually more deplorable, so long as they remained on their present reservations, where there was no hope of amendation in morals or the habits of industry. I sincerely believe that nearly all the other chiefs would have cheerfully given their assent, were it not for the conduct of certain white men, who are interested in the continuance of the tribe on their several reservations of Allegany river, Cattaraugus, Buffalo, and Tonawanda creeks, and the danger they apprehended from the party of a few chiefs, who, from ambitious motives and political consequence, are adverse to a change of residence, having threatened with fatal consequences such as should give their assent, as stated in my former report, and illustrated in the deposition of John Jemison, marked F. and G."

He would not take the trouble to make further extracts upon this point. He had shown that a majority of the Seneca chiefs had, in fact, assented to the amended treaty, not in council, but with a full knowledge of the instrument, and a perfect understanding of the consequences of their acts, and here was the concurring testimony of two persons, whose duty it was to know the facts and who could have no possible interest in misrepresenting them, proving that those assents were fairly, freely, and voluntarily given.

From this state of facts it would seem to him to follow as a compulsory duty, that the Senate should declare these assents satisfactory; but if this was too strong a position to occupy, and there was yet discretion left to the body, it did appear to him impossible that he should be mistaken in assuming that he had shown enough to render it fully competent, within the sound discretion of the members, to make that declaration, in case it should appear that such a result would be greatly beneficial to the Indians, to the whites among whom they were now located, and not injurious to the interests of the United States.

There was one other view of the matter, however, which he would suggest, before he proceeded to the consideration of the pecuniary interests involved in the controversy.

Hitherto he had argued the question of the execution of this treaty upon the admission that the assent of a majority of all the Seneca chiefs, of every grade, was necessary to its validity. This was an admission which he did not make, except for the sake of the argument, because it was a position in the soundness of which he did not believe. So far as his acquaintance extended, it was a new principle connected with the making of Indian treaties, by this or the State Governments; and he believed, also, that it was new to the laws and customs of the Indians themselves.

He would call the attention of the Senate to two short extracts from the report of General Dearborn, of the 2d of January, 1839, which would enable him to express his opinion upon this point in an intelligible manner. The first extract is as follows:

"There are eight clans or families in each of the tribes of the Six Nations, which are designated by the names of Beaver, Turtle, Wolf, Bear, Snipe, Deer, Hawk, and White Crane, or Heron. It is expressly prohibited by a law of the tribes for persons of the same clan to intermarry; and it is considered as immoral and irreligious as would be a union within the forbidden limits of consanguinity among the Jews and Christians; and I have been assured that an instance of such a matrimonial connection, as would be considered by the humblest Indian a wicked and monstrous indecency, has never been known."

The second said follows:

'There are eight great sachems of the tribe in the Seneca nation of Indians, who are also chiefs. It is the highest title and rank, and the office is hereditary, like that of the other chiefs. The present sachems are Little Johnson, Daniel Two Guns, Captain Pollard, James Stevenson, and George Linsley of the Buffalo creek band, Captain Strong and Blue Eyes of the Cattarangus reservation, and Jemmy John of Tonawanda, *six of whom have signed the treaty.* Half of them are Christians, and the others Pagans."

Now if the agent had been more particular, he would undoubtedly have told us that, of these eight sachems, or principal chiefs, one belonged to each of the eight families, or clans, of which he had before spoken, and the symbolical names of each of which he had given. He would have learned that they were the great fathers of the nation, the civil chiefs, upon whom the transaction of the business of the nation is devolved; and he, Mr. W. did not doubt that, had this treaty been negotiated with the State of New York, the signature of a majority of these sachems would have been held sufficient to have constituted it a valid treaty, and that any other signatures of chiefs of a lower grade would have been considered a mere matter of personal gratification, and not of essential substance. He had, therefore, no doubt upon his own mind, that the concurrence of six of these sachems in this amended treaty was of itself a valid execution of it, according to the laws and customs of the Seneca nation.

Still he had argued the question upon the other hypothesis, because an examination of the papers had satisfied him that a majority of all the chiefs of all grades had given an assent which the Senate must consider satisfactory.

He would now consider, as briefly as he might, the pecuniary interests of the various parties to this treaty; and,

First. The interests of the State of Massachusetts.

According to his understanding in the matter, that State had now no pecuniary interest whatever in these questions. The charters granted by the Crown of Great Britain to the colonies of Massachusetts and New York, conflicted as to boundaries, and both colonies claimed the territory west of a meridian line, passing through or near the Seneca lake, and within the present limits of the State of New York. By an amicable adjustment between the two States, in the year 1786, Massachusetts released to New York the sovereignty and governmental control over the territory, and New York surrendered to Massachusetts the right of soil, subject to the Indian title, and the right to extinguish the Indian title in her own way. Not many years after this period, Massachusetts sold to private individuals her pre-emption right to the whole country, reserving that power of guardianships over the Indians which the old States have ever exercised within their limits, and which the United States has exercised without the limits of the States, and within those limits where the right of pre-emption from the Indians belonged to this Government. In this way, and for this reason, it is that Massachusetts has been represented in all the transactions with the Seneca and Tuscarora Indians in relation to this treaty, the reservations of these lands being within the limits of her original right of pre-emption; but since the sale from her to individuals, under whom the present pre-emption company hold, he did not understand that the State had any other interest than the duty remaining upon her, as a Government, to see that the rights of the Indians were fairly and faithfully protected.

Second. The interests of the pre-emption company.

The interests of this company would be seen from what had been said in relation to the connection of the State of Massachusetts with this matter. As purchasers from that State, they hold the exclusive right to extinguish the Indian title, whenever the Indians shall be induced to surrender the possession and occupancy of the lands. By virtue of that right, they have already extinguished the Indian title to an extensive and fertile country, and the present treaty proposes to complete the operation, by the extinguishment of that title to all which remains, being about 116,000 acres.

The interests of this company are direct and palpable. The purchase from Massachusetts was made in 1796 or 1797, and so far as these lands are concerned, the purchase money paid to that State has been unproductive capital to the company from that day to the present time. It is abundantly shown, too, that the present reservations are constantly becoming less valuable, by being stripped of their timber, which, in their natural state, constituted the chief value of two or three of them. This consideration renders it a matter of direct interest to the company to extinguish the Indian title, and obtain the actual possession at the earliest practicable day.

As much had been said of the vast speculation which this company would make by the ratification of this treaty, he had taken some pains to form an opinion upon that point, and had therefore endeavored to ascertain what had been paid to the State of Massachusetts for the right to extinguish the Indian title. As nearly as he could learn, from the documents which had come within his reach, about three hundred thousand pounds, New England currrency, equal to about $1,200,000, had been paid for the whole purchase, and that somewhere from four to five millions of acres of land were covered by the purchase. He therefore concluded that the price paid to Massachusetts for the right of pre-emption from the Indians, say in 1797, must have been somewhere from twenty-five to thirty cents per acre. He had not taken the pains to make a calculation to see what, at a fair rate of investment, that price would bring the cost of the land to at this period, but when added to the $212,000, or thereabouts, now to be paid, and the gratuities which have been and are to be given in case the treaty be finally ratified, he had satisfied himself that the speculation of the company would be much less than had been imagined, and that a prudent man, who had the money, would pause before he would take the property off their hands at principal, interest, and costs.

Still the interests of this company were nothing to him. It was not their advantage which he felt called upon to consult, or which induced him to urge the ratification of the treaty. As constituents of his, as he believed most of them were, and as highly respectable individuals, so far as he knew them, he would, as far as lay in his power, do them justice upon this as upon all occasions, but he would not urge this treaty upon the Senate, to the detriment of the Indians, because this company might be benefited by its ratification, as he certainly would not vote for its rejection to the detriment of the Indians, for fear this company might profit from its operation.

Third. The interests of the State of New York and her citizens.

The State, as such, had no interest in this question, separate from the interests of the citizens to be affected by the continuance or removal of the Indians. The extent of these interests would be best shown by brief statistical statements,

The Senecas are scattered through the six counties of Allegany, Cattaraugus, Chautauque, Erie, Genesee, and Orleans. This band of Indians, together with the Onondagas and Cayugas, who reside with them upon their reservations, number 2,623 souls, and the white population of the counties in which they are, as shown by the State census of 1835, was 244,144 souls.

The Onondagas at Onondaga number 300 souls, and are in the county of their name, which had at the same period a white population of 60,908 souls.

The Oneidas at Oneida are 620 souls, and are in the county of their name, with a white population of 77,518 souls.

The American party of the St. Regis number 350 souls, and are in the counties of St. Lawrence and Franklin, with a white population of 54,548 souls.

The Tuscaroras number 273 souls, and are in the country of Niagara, which has a white population of 24,490 souls.

The Stockbridges, Munsees, and Brothertowns, so far as they remain in New York, are scattered among the other bands, and number, together, 709 souls.

Thus it will be seen that all these bands and remnants of tribes of Indians are scattered through eleven counties of the State; that they number, altogether, 4,885 souls, and that the white population of the counties in which they are, was, in 1835, as shown by the State census, 461,608 souls, or almost 100 whites to 1 Indian.

From this it will be seen that nothing like apprehension from the presence of these Indians can be felt by the whites; that the inconvenience of the reservations to the white settlements, in many cases, the desire to bring into profitable settlement and cultivation the lands they occupy, and the injurious effects upon society, in all cases, and with both races, of familiar intercourse between them, are the prominent interests which the citizens and State of New York have in the ratification of this treaty. To the city and town of Buffalo, immediately bordering upon one of the largest and most populous of the Seneca reservations, and the city and town containing a white population of full 20,000 souls, this question was one of more deep and pervading interest, as it was also, properly considered, to the Indians residing upon that reservation. But he believed he should be justified by the fact, if he were to say that, even in the counties where these Indians are, the strong feeling for their preservation from the accumulated evils which surround them, and which, it is seen, are rapidly producing their extinction, creates a deeper interest with the whites for their removal to the Indian country, than any considerations of convenience or property anticipated from the accomplishment of that object.

Fourth. The interests of the United States.

Much of the debate had turned upon this point; and he was bound to confess that he thought it the strongest ground upon which the treaty could be resisted. Yet he hoped to show that even this ground of resistance was not well taken; and for that purpose he would recur to the facts in the case touching the national Treasury.

He had before remarked that the small sums to be paid to the various bands amounted to about twenty thousand dollars, and that the general payment stipulated to be made to all the bands, in a proportion *per capita* as they should remove west, was four hundred thousand dollars. These payments together, would be about four hundred and twenty thousand dollars, but of the whole sum he did not believe an amount exceeding ten thousand dollars would be called for during the present year. Such was the condition of all these Indians, that he did not suppose it possible that any considerable proportion of them, if even a single Indian, could remove, after this advanced period of the spring, and after the appropriations under the treaty could be made. Of the sums payable to the vairious bands, he recollected but one sum of one thousand dollars to the St. Regis, which was payable before removal, and that sum was not required to be paid until the expiration of one year from the final ratification of the treaty. The immediate demand upon the Treasury, therefore, was not to alarm any one; but the ultimate payment was considerable: and how was the Treasury to be compensated for it? This was the essential inquiry; and if it could be satisfactorily answered, he hoped this objection to the treaty would be considered obviated.

The answer, then, was, that the first article of the treaty cedes to the United States the tract of land owned by these bands of Indians at Green Bay, in the Territory of Wiskonsin, being 435,000 acres. At the present minimum price of the Government, for the public domain, this land will bring into the Treasury $543,750, while its location upon the Fox river, and its quality, are said to give it peculiar prominence, and to ensure its instant sale for immediate settlement. He thought it, therefore, fair to anticipate, in case of a prompt survey and sale, that this land would bring into the Treasury all the money required to carry the treaty into effect as soon and as rapidly as it would be wanted, and would afford a surplus more than equal to the expenses of the survey and sale.

To this extent, therefore, no argument against the treaty was to be drawn from the demands it would create upon the public Treasury. Another argument had been used, however, having the same tendency, which required examination. It was that the country stipulated to be given to these Indians west, was more than an equivalent for their Green Bay lands, inasmuch as three hundred and twenty acres for each soul was given in lieu of one hundred.

The answer to this was, that the country west was a part of that great country west of the States which the United States, in the prosecution of a wise and humane policy towards the remaining Indian tribes, have set apart for their permanent and peaceful and undisturbed homes, and for the appropriation of which forever to that object the faith of the nation has been most solemnly pledged. It was wholly immaterial, therefore, in a pecuniary sense, what Indians should occupy any particular portion of this territory. The whole was set apart for Indian occupancy; and in no treaty heretofore made with any Indians in the Union, with a view to their removal to the Indian country west of the Mississippi, had the value of that portion of that country to be assigned to them been taken into the account, or made a matter of estimate, in the purchase from them of their possessions within the States. This country had been set apart from the extensive domain of the Union, as a home for the red men, whom the cupidity of the whites had driven from the homes and hunting grounds of their fathers, and many of whom had not, for this cause, like many of these remnants of bands yet lingering in New York, any country to exchange for that quiet home thus offered to them. The policy, therefore, had been to purchase their possessions and pay the estimated value of them, independently of the new country to be assigned to them; and he believed, if the treaties were carefully examined, it would further appear that the expenses of their removal, and their subsistence for one year at their new homes, had been paid from the public Treasury, over and above the value of the lands purchased from them. Not so in this case. The value of the lands purchased was not problematical. They were already in the middle of a settled and rapidly settling country. Their quality was well known, and their location of the most desirable character, and yet at the minimum price of the Government lands they would bring more than a hundred thousand dollars beyond every sum to be paid under the provisions of the treaty. Nay, they would bring into the Treasury more money than was to be paid under the treaty, and the cost to the United States of the country to be given to the Indians west besides.

Was this treaty, then, to be rejected on account of its unfavorable influence upon the pecuniary interests of the United States? He trusted not.

There was another view of this point which would place the interests of the United States in a very different light. It was admitted on all hands that the treaty had been assented to, and was perfect and binding as to all the bands except the Senecas. It had been before seen that the Green Bay lands were the property of the New York Indians generally and equally. A portion of those lands, equal to 65,000 acres, had been, by a late treaty, granted in severalty to that portion of the Oneidas now at Green Bay, and they had ceased to be any longer parties to this treaty. The quantity of land remaining was 435,000 acres, the common property of all the bands, this portion of the Oneidas only excepted. The population of all the bands, as given in the schedule annexed to the treaty, and forming part of it, was 5,485 souls. Deduct the Oneidas at Green Bay, 600 souls, and there would remain a population of 4,885, owning the 435,000 acres of land. Of this population the Senecas and the Onondagas, and Cayugas, residing upon their reservations, numbered 2,633. These taken from the 4,885 would leave 2,252, as to whom the treaty was admitted to be ratified and perfect. Now the right of all these Indians in the Green Bay lands is a common, undivided right; and if, therefore, the treaty be not confirmed as to the Senecas, the United States will be the owner of the 2 252 shares in common with the Senecas, who will remain the owners of the 2,633 shares, the whole being in common and undivided, and the common interests of all the proprietors being in and to every part. The United States, therefore, will be unable to realize any thing for their interest, because they can neither convey nor give title to a single separate foot of the land.

Still, by the last article of the treaty, the United States must pay that proportion of the $400,000, which 2,258 bears to 2,633, because as to the 2,252 Indians the treaty is perfect. In other words, the United States must advance the gratuities to the small bands, amounting to $20,000, and must pay about half of the $400,000, and will have, as a compensation for these payments, a common and undivided right with the Senecas to about one half of the Green Bay lands, a right of which it cannot avail itself for any useful purpose whatever, while thus held in common with the Indians. On the contrary, confirm the treaty as to the Senecas, as it is confirmed as to the other bands, and the right to the Green Bay lands becomes perfect, and the Treasury will be fully indemnified for all the payments required to be made under the treaty.

Could any thing more be required to show the true pecuniary interests of the United States to be favorable to the confirmation of the treaty? It was due to the Territory of Wiskonson, too, if within the fair exercise of the powers of the Senate, that these Green Bay lands, within the immediate neighborhood of one of its most important trading towns, should be disencumbered and opened for a market and for settlement. This was an interest of the United States which could not be disregarded, whether it was looked at in reference to the sale of our other lands there, or to our duty towards the present inhabitants of that territory.

Last and most important. The interests of the Indians, parties to the treaty.

In a pecuniary sense these interests are clear, strong, and decided. They are, altogether, 4,885 souls, and they are to receive from the pre-emption company about $212,000 in money, and from the United States about $420,000 more, and at their new homes, secure from the encroachments of the whites, 320 acres of land to each soul, man, woman, and child, of all the bands. All this they are to have in addition to the annuities which they now annually receive from the United States and from the State of New York, and which are to be regularly paid to them by an express stipulation of the treaty. These annuities together cannot fall short of the sum of $20,000, and are believed to exceed that amount. Then all, or nearly all the bands, except the Senecas and Tuscaroras, have lands to sell to the State of New York, and for which, by the long established practice of the State, they will receive the full appraised value in money, or in permanent annuities, as they shall choose.

Was ever an entire community so rich as these Indians will be in lands and money? Well has General Dearborn said:

"The same liberal terms which have been offered to these Indians, if extended to any county in New England, would nearly depopulate it in six months."

If such are the clear and strong advantages to the Indians pecuniarily from this treaty, what are they to expect from the change proposed in their physi

cal and moral condition? It was only necessary to look back to the days of the American Revolution, to answer this inquiry. Then the New York Indians were the mighty Iroquois, an enemy almost as terrible to our Revolutionary fathers as the civilized enemy with whom they were contending. Even in a divided state, and with one of their strongest bands, the Oneida, arrayed upon the side of the patriots in that glorious contest, the five remaining allied bands held our arms at bay for years, and rather advanced upon, than were driven from, the settlements, though opposed by some of our most brave and skilful generals. Some sixty or seventy years have passed, and now the New York Indians are the miserable, scattered remnants of these powerful nations, and also of the St. Regis, the Stockbridge, the Brothertown, and the Munsee tribes, and numbering in all less than five thousand souls. Some of the bands of the Six Nations have entirely disappeared, and others are reduced to a few families, and have no home but such as they enjoy from the generosity of their allied neighbors. The same generous attachment to their race has given a home among the Six Nations to the Stockbridges from Massachusetts, the Brothertowns from Rhode Island and Connecticut, and the Munsees from Pennsylvania, from the Wyoming country, all the remnants of once powerful Indian nations, driven from their lands and their homes by the (to them) desolating march of civilization, and having not where to rest their feet, until our faithful allies, the Oneidas, tendered them a resting place and a home in their country.

What has produced this startling change in these hardy children of nature, within the short space allotted to the life of a single man? The answer stares us in the face. Not war, nor pestilence, nor famine, but the friendly touch of the white man! The progress, not of arms against them, but of settlements and civilization around them. Look at the Senecas. They constitute a moiety of all the Indians now in New York. In the war of 1812, '15, they numbered their thousand warriors, and sent them to the field, led by the gallant Frasier, to strengthen our army upon the frontiers, and within the territory of the enemy. Where now are those thousand warriors of the Senecas? Did that war reduce their number? No, sir: peace and friendly intercourse with us has done it; and already that thousand has become reduced to four hundred, if not within that number.

He spoke from a statement given to him by two intelligent chiefs of the nation. The statement was too long to trouble the Senate with, but it gave a history of the perishing condition of that people, which could not fail to move all to their relief. They were perishing from their contact with the whites; while so far from improving from the civilization around and among them, they are, as a people, worse fed, worse clad, and worse provided, than they were when they had never seen a white man. The labors of philanthropists have been sedulously performed among portions of this tribe for a series of years, without being able to arrest their downward and rapid march towards complete extinction. While some are made wiser and better by their white associates, a vastly larger number are made more idle and more vicious.

The paper before him gives a description of the state of society upon the Buffalo creek reservation, produced by the proximity of the large and populous town of Buffalo, which cannot be read without pain and loathing. Superadded to all the other vices which have never failed to be imparted to the Indian from association with our cities, seduction and prostitution of the Indian females are said to have become frightfully common; and that the most dreadful of all the consequences of pollution of this sort has reached the tribe, and is rapidly spreading itself among this portion of it. Thus a scourge, more deadly and fatal than any other which has ever afflicted the Indian—a scourge unknown to the natives until the white man was known—is sweeping over this small remnant of the once proud Seneca nation, sowing the seeds of a slow and miserable and lingering death around the germs of life. The statement before him expressed the confident belief that a majority of the children born alive in the nation die within the age of twelve months, many from exposure, from want of proper nourishment and ordinary comforts, from the carelessness of parents, and not a few from disease inherited from the mother.

He would not, he could not, dwell upon this picture; and yet there are those whose mistaken sympathy would hold these people where they are, to perish under the load of vice which surrounds them, pervades their society in every form, and is sweeping them into the grave with unexampled rapidity. Not so with him. He would change their condition. He would remove them from the contamination which surrounds and is overwhelming them. He would place them where they may again be Indians; where they may again have the motives before them of ambition, of enterprise, of pleasure, of profit, which stimulate the Indian; and where, secure from the encroachments of the whites; they may again become independent and free and virtuous.

But, Mr. President, said Mr. W. reject this treaty; combine, as you will then combine, the cupidity of the pre-emption company with that of the white settlers, who now surround them, and, from interest, resist the company, and the execution of this treaty; for the common object of both is gain from the Indians, and from their lands; and when they find that a division of interest defeats either, a combination may be easily formed which will favor both. I say accomplish this, and then what will be the condition of the New York Indians? How long will they be able to withstand a combination of interests so strong and so strongly wielded? They cannot withstand it, sir; and a few years will show you their history in that of the Stockbridges, the Brothertowns and the Munsees. They will be found miserable wanderers among their red brethren in some remote part of the country, without a home, or the means to procure one; without the comforts of life, or provision for their future support, their members but a fraction of the present population, and their last hope buried with the last council fire which burned upon those reservations they have been compelled to abandon to their white neighbors to avoid perfect extinction.

May I not hope I have succeeded in proving that it is within the power of the Senate to declare the assents of the Senecas to this treaty satisfactory, and thus to save them from a fate so certain and so sad?

SPEECH OF MR. CLAY,
OF ALABAMA.

Senate, Thursday, April, 16, 1840.—The "bill supplementary to the act, entitled "An act to grant pre-emption rights to settlers on the public lands," approved June 22d, 1838, having been taken up for consideration, and the amendments, reported by the Committee on the Public Lands, having been adopted by the Senate,

Mr. NORVELL, in obedience to the instructions of the same committee, moved, by way of further amendment, the following additional section:

"SEC. 5. *And be it further enacted*, That the 'act to grant pre-emption rights to settlers on the public lands,' approved June 22d, 1838, be, and the same is hereby continued in full force till the 22d day of June, 1842; and the right of pre-emption, under its provisions, shall be, and hereby is, extended to all settlers on the public lands, at the date of this act, with the same exceptions, whether general or special, and subject to all the limitations and conditions contained in the above recited act, and with the explanatory provisions of the preceding sections of this act."

Mr. CLAY of Alabama said, as he had introduced the original bill, he would take occasion to explain its objects and effects, together with the amendment last proposed, in all of which he most cordially and fully concurred. He said the principles of the policy had been so often discussed, and were so well understood, that he would not detain the Senate by a formal argument in their support; he should principally confine himself to a mere statement of the effect and operation of the different provisions, and a few facts drawn from the General Land Office, showing the results of the late pre-emption law, now proposed to be revived and extended.

Mr. C. then proceeded to state that much of the public land had been settled and improved, at the passage of the act of 22d June, 1838, which had not then been surveyed. Consequently, settlers, not knowing the boundaries of the different sections, and quarter sections, had not had it in their power to confine their improvements within a single tract; but, when the lines were run, they frequently found their dwellings upon one quarter section, when their farms or plantations were wholly on another. By the late law, the right of pre-emption was restricted to those who occupied by personal residence; and under its operation, the settler would be confined to the quarter section, on which his cabin happened to be situated, and cut off from all his most valuable improvements. To those who were acquainted with the mode of building in a new country, the hardship of the case would at once be apparent; and, he said, he could assure those who were not, that the dwellings of those settlers of the wilderness were *real* "log cabins," in many instances not worth twenty dollars, while the opening the farm, building the fences, and reducing wild land to a state of cultivation, had cost much hard labor and expense. It was to remedy such hardships, arising under the law as it stood, that the first section of the bill provided "that in all cases when a settler on the public lands may reside, or have his dwelling house, upon one quarter section, and cultivate land on another and different quarter section, such settler may make his election, under the act to which this is a supplement, to enter either of said quarter sections, or legal subdivisions of each, so as not to exceed one quarter section in all."

Mr. C. said it was obviously the intention of Congress to give the settler the right of securing his improvements, which were the foundation of the privilege granted by the act; and it was manifest that without the provision contained in this section, that intention would be defeated, or, at all events, the settler, in many instances, would lose his most valuable improvements.

Again, said Mr. C. under the law of 1838, as it is construed, however much time, labor, or money, a man may have expended, in making an improvement upon the public land, if he had rented it to another for a limited period, under a contract entitling him to possession at the end of the term, but was not "personally residing thereon" at the passage of the act, and for "four months next preceding," he would lose his privilege of pre-emption. Indeed, he said, as he understood the construction placed upon the law, in such a case, neither the lessor nor lessee would obtain a pre-emption. Mr. C. said this was another case of hardship and injustice not foreseen at the passage of the law, and brought about by introducing the words, "by personal residence thereon," just before the engrossment of the bill, and without maturely weighing their effect. Now, in the case stated, the meritorious consideration had been performed by the lessor; he had encountered the hardships and privations of going into a wilderness, felling the forest, reducing it to cultivation, and rendering it productive, making roads, and facilitating the sale of the public domain—is it just that such a man shall be deprived of his privilege of pre-emption, because he happened, at the passage of the act, and for a short time previous, to be out of personal possession? He said he persuaded himself that every Senator would respond in the negative. At all events the Government had received the consideration of the privilege granted to others—an *improvement* had been made, and facilities afforded for the settlement of the country. Some person was entitled to a pre-emption—either the man who made the improvement, or the one who was in possession at the passage of the act, and for four months preceding. Mr. C. thought the man who had *first settled*, and who had, *by his own labor, built the cabins, cleared the land, and fenced it*, was the more meritorious claimant of the two, and he had, therefore, framed the bill with that view. He said, moreover, it was conformable to the spirit and principles of the common law, which held a lessee *estopped* to gainsay the title or right of his landlord. But it would be for the Senate to say which was entitled; and however

they might decide, he should endeavor, as his habit was, to acquiesce with as good a grace as possible. If the friends of the measure preferred it, the bill might be so modified, as to permit the lessor and lessee to enter the quarter section jointly, and divide it between them. He thought it apparent that some such provision was necessary to carry out the beneficent purposes of the act; and if the section should be deemed imperfect in the form it stood, he hoped it would not be wholly rejected or stricken out, but modified, and passed in some better shape.

The third section, Mr. C. said, was intended to provide for another class of settlers, whose rights had not been properly considered or provided for in the original act. Large portions of the public domain, settled at its passage, had not then been surveyed. Consequently, no one could know on what particular section he was expending his labor. When the surveys were made—which had not been done in Alabama until within a few months past—many of the settlers found themselves on sixteenth sections, which all knew had been reserved by the compacts with the new States, on their admission into the Union, for the support of township schools. This section of the bill was intended to relieve, to some extent, such as were so deprived of the benefits of the law, by authorizing them "to enter at the minimum price any other quarter section of the public lands, lying in the same land district, to which no other person has the right of pre-emption, on making satisfactory proof of his or her residence as aforesaid, on such sixteenth section, before the register and receiver of the land office of said district"

Mr. C. said there was no new principle contained in this section; laws had been repeatedly passed extending the same privilege to those who had lost their improvements under like circumstances. Laws had been passed at former sessions for a number of years, extending the right of pre-emption (in some instances even making donations) to those who had been deprived of the opportunity of securing their improvements, by grants of the land on which they had settled to an Indian tribe, as well as for other purposes. With this privilege, he said, the individual lost all the labor he had bestowed on his original settlement, and got nothing in return, except protection from speculators: this section would enable him to purchase a new home at the minimum price, without encountering the hazards of a sale at auction.

The fourth section merely extended the same privilege to settlers "on any public land, before its selection by any State, for the purposes of a seminary of learning, under any act of Congress authorizing such selection," &c. What he had said of the justice and expediency of section three was equally applicable to this section, and need not be repeated. He thought every provision to which he had called the attention of the Senate, went to remedy manifest defects in the pre-emption law of June 1838, and was indispensable to give it a fair and equal operation; hence he could expect little opposition from any quarter.

Mr. C. then proceeded to remark upon the amendment offered by his friend from Michigan, [Mr. NORVELL,] with the sanction, and under the instructions, of the Committee on the Public Lands. It was intended as an additional section, to continue in force the act of June 22d, 1838, for two years beyond its present limitation, which was the 22d of June next.

Mr. C. maintained that experience had fully established the policy, as well as the justice, of the pre-emption system. To those who had turned their attention to the history of the last ten years, no argument was necessary to establish this position. He said he regretted, however, that Senators did not more generally examine the documents upon this subject which had from time to time been laid upon their desks, and become more familiar with the facts they developed. He knew that it was not in the power of every gentleman, consistently with other, and perhaps more pressing, duties, to devote sufficient time to the examination of this subject; and he would therefore detain the Senate by the statement of a few facts, shown by those documents, which he thought should be satisfactory to every mind. He would give such references as would enable Senators to test his accuracy, and detect any error he might inadvertently commit.

Mr. C. said it would be recollected that, in January, 1838, the Commissioner of the General Land Office had made a report, exhibiting a very full view of the results of the cash system, for selling the public lands, from its commencement in 1820, up to the last of September, 1837. Amongst other things, that report showed the quantity of public lands offered for sale, the quantity sold, the amount paid by purchasers, and the average price per acre of the lands sold in each year, for the whole period he had mentioned. The general average price of the whole quantity sold during nearly eighteen years, was but $1 27.4-5 per acre; nor was this result produced by the pre-emption laws, as the document referred to abundantly proved. He said, for the first ten years of the cash system, there was no pre-emption law, except some special acts of very limited operation. The first general pre-emption law was passed on the 29th May, 1830, and the report of the Commissioner showed that the average price of several preceding years was lower than that before stated, as the result of the whole period. For instance, in 1824, the last year of President Monroe's administration, the average price of all the land sold was but $1 27 per acre. Again: for all the lands sold in 1828 and 1829, the last two years of President J. Q. Adams's administration, and the two years immediately preceding the enactment of the first general pre-emption law, the average price was but $1 26 per acre for each year. The following year, (1830,) and the first of the pre emption system, the average price continued at $1 26 per acre; and it had never been as low, except one year afterwards, up to September, 1837, inclusive. Now, said Mr. C. these facts prove conclusively that the right of pre-emption, as it existed, almost uninterruptedly, for the first eight years, did not reduce the average price of the public lands, nor diminish the receipts into the Treasury.

But, said Mr. C. for my own satisfaction, and that of others, I was desirous to test the system still further; and therefore called on the Commissioner of the General Land Office, in January last, to furnish me a statement, exhibiting results under the pre-emption law, now in force, which went into operation on the 22d June, 1838. It had then been in operation more than nineteen months. The total number of acres sold during that period, at auction and by private entry, was 6,952,644—producing the eggregate sum of $8,773,002 10—at the average price of $1 26.18 per acre. Gentlemen will please to bear in mind, said Mr. C. that these sales occurred during the period of as much embarrasment as our country has ever known; when the banks were crippled, and contractions of their circulation and discounts continually going on; and the whole of those *seven millions of dollars* (to speak in round numbers) *paid in gold and silver*, except, perhaps, a very small proportion in Treasury notes. Yet, he said, the general average was a fraction higher than that of the two prosperous years of 1828 and 1829, before the enactment of the first law that ever gave a general preference to settlers.

To pursue the statement of the Commissioner still further—for he said he was disposed to give a fair and candid view of the subject in all its bearings—it appeared that the aggregate quantity of land *sold at auction* was but 1,875,854 acres; and taking the auction sales exclusively, the average price was but $1 29.38 per acre. Mr. C. said the same statement showed the whole amount paid by pre-emptors was $941,214 13—consequently, the whole quantity of land sold under the present law, granting pre-emption rights, was but 752,972 acres—less than one-half the quantity sold at auction, and less than one-sixth of the quantity purchased by private entry. Yet, he said, estimating the purchasers to average one for every 80 acre tract, (but they were doubtless more numerous,) and the number would be 9,412 purchasers under the pre-emption law—he had no doubt they might safely be put down at ten thousand, in round numbers.

Now, said Mr. C. here are 10,000 freemen—poor, but honest; hardy, industrious, and enterprising citizens, who have been protected against the frauds, impositions, and exactions of bands of heartless speculators, and secured in the just enjoyment of the improvements wrought out in the wilderness, by the labor of their own hads. Can it be possible that an American statesman can be found willing to withhold this shield of protection from these bold and enterprising pioneers, who have so often proven, by their courage and patriotism, that they they constitute a cordon of impregnable defence for our extensive inland frontier? Is there an individual of any description, who regards the welfare of his fellow-man, who, for the paltry difference of one or two cents an acre, would be willing to jeopard the security and welfare of ten thousand families, and perhaps break up and disperse them in search of new homes in the wilderness, or compel them to become tenants and humble dependants upon wealthy landlords? He said Senators would answer these questions by their votes; he could not anticipate that any one would, with such facts before them, deny the settler the privilege of pre-emption.

Another reason for continuing the pre-emption law in force, as proposed by the last amendment, (Mr. C. said) was that large tracts of country, settled at the passage of the act, were not then surveyed, nor had they been until very recently. This was especially the case as regarded the Cherokee country of Alabama, which had been very recently surveyed, and the township plats not yet returned to the General Land Office. He was assured that the same might be said as to other parts of the country. In all such instances the settlers would have too little time to make their proof, and enter and pay for their lands before the law would expire. There could be no objection to extending the operation of the act, when it was recollected that the President could fix a period to the indulgence in three months, at any time he might think proper to issue his proclamation for the sale of the lands in any district; for by the terms of the law, if the settler did not make satisfactory proof of his right, and enter and pay for his quarter section, before the day appointed for its sale at auction, he lost his privilege.

Mr. C. said, in regard to so much of the section as extended the right of pre-emption to those who might be settlers at the passage of the act, he thought enough had been said to prove that the Government would lose nothing, even in a pecuniary point of view; in other respects much would be saved. Without the protection of such a law, combinations of speculators, who always attended sales at auction, would buy the improvement of the settler over his head, and compel him to pay for the increased value he had given the land by his own labor, or abandon the home he had selected and cherished. The Government would gain nothing. The settler, with his limited means, would be deterred from entering into competition with large capitalists, at auction; conscious of his inability for such a contest, he would stand by and see his land bid off by the speculator, at the minimum price, or little above it, and perhaps submit to the extortion of an enormous profit, sooner than remove with his family. Would this benefit the Government? By no means. On the contrary, it lessened the little capital, and crippled the energies of the cultivator of the soil; its tendency was to retard the improvement of the country, and lessen its resources. Such a policy seemed to Mr. C. as unwise as it would be unfeeling.

Mr. C. said there was one class of settlers in the State which he had the honor in part to represent, who would be embraced by the amendment under consideration, if adopted, and whose claims, he thought, would be recognised by almost any Western man. He alluded to a considerable number, perhaps several hundred, in the territory acquired under the late treaty with the Cherokees, who had been settlers before the passage of the pre-emption law of 1838, but lost their rights by temporary absence. They were brave and generous men, impelled by patriotism and sympathy for their suffering fellow-citizens in Florida, who had volunteered their services for six months, in the fall of 1837, in a regiment raised in that part of Alabama, and

were absent fighting the battles of their country with the Seminoles, until after the four months next preceding the passage of the pre-emption law, had more than half expired. They could not come forward and swear, nor get any other person to swear for them, that they were "actual settlers" of a quarter section of the public land, "by personal residence thereon, at the time of the passage of the act, and for four months next preceding;" consequently, meritorious as all must admit them to be, they would lose the protection of the law, and be turned over to the tender mercies of the speculator. Is there a man who would refuse the protecting shield of a pre-emption law to such a citizen?

Mr. C. said he had given the case of those brave and patriotic men by way of illustration. There were doubtless many analogous cases; for, when did their country need the services of such men, in the West, or the Southwest, that hundreds and thousands, if necessary, did not rally at her call, and freely peril life and fortune in her defence? For such men we ask the privilege of pre-emption, to the limited extent of one quarter section, at the minimum price, not as a donation, but at the same price which you receive from others. Will the Government of their country deny it to them? The fate of this bill will answer the question.

SPEECH OF MR. VANDERPOEL,

OF NEW YORK,

In the House of Representatives, in Committee of the Whole, March 19, 1840—On the bill authorizing the issue of five millions of dollars of Treasury notes.

Mr. VANDERPOEL said: He most cordially reciprocated the sentiment of joy expressed by the gentleman from Massachusetts, [Mr. CUSHING,] that the House was now about to enter upon the business of the country. He wished, in connection with this feeling, he could indulge the hope that the courteous tone, the parliamentary and conciliatory manner with which that gentleman had discussed the subject before this committee, were an earnest of the spirit with which debates would hereafter be conducted here. Then would we have the agreeable assurance that this hall was no longer to be a stage for the display of party virulence, but a place where gentlemen meet to deliberate impartially upon the momentous interests of a great nation. Yes; he hoped our future progress here would prove that we have, in truth and good earnest, entered upon the business of the country—that we are content to let President-making alone for a while, instead of using every subject, great or small, as a hook on which to suspend speeches for that purpose—that the *cacoethes loquendi* which had so sorely afflicted the other side of the House, would abate of its violence. Let the gentleman from Ohio [Mr. DUNCAN] continue the diary which amused and instructed us so much a few months ago, showing the comparative number of Whig and Democratic speeches with which our precious time had been absorbed; let the majority on this floor, within this week, for the first time clearly established, be intent on *action* rather than on *talking*, and thus avoid the responsibility incident to the undue protraction of the session, and the neglect of the public business. As yet we have done comparatively nothing. Nearly four months of the session have already elapsed, and in what way have we advanced the interests of those who sent us here? All who have any practical knowledge of legislation, are well aware that it is in the power of minorities to prevent, or, at all events, to stave off, definitive and efficient action. Interminable speeches, and constant calls of yeas and nays, are expedients to which, driven to desperation, they ever resort, for purposes of annoyance, if not with the hope of defeating favorite measures of the majority. Whether recourse had been had to such means here, and for any exceptionable purpose, it was not his (Mr. V's) province to say. He would let close observers of our past and future proceedings, and the diary of the gentleman from Ohio, respond to this point.

It was with great reluctance that he now laid a claim to a share of the attention of the House. His connection with the committee which reported the bill under consideration, was his apology for obtruding himself upon it, at this time. He felt no interest or solicitude in regard to the bill, that should not be common to every gentleman who wished to see the hitherto unsuspected credit of this Government preserved; to see all its lawful engagements faithfully met and promptly fulfilled. In the remarks he intended to submit, he would not feel called upon, or even authorized, to take that uncircumscribed range in which the gentlemen of the Opposition, that had preceded him, had seen fit to indulge. As an humble member of the committee that had reported the bill, he deemed it most compatible with his duty to confine himself to the subject on the chairman's table. With that subject, the Florida war, the Specie Circular, the American system, the Sub-Treasury bill, the life and adventures of General Harrison, Amos Kendall, the favored Ohio newspapers, had not, as he could perceive, any legitimate connection; and therefore he would take the liberty of waiving, for the present, the discussion of any of those favorite topics. They had been pressed into the service, not with the view of affecting the vote of the bill under consideration, but in the hope that they would exert an influence on the great issue to be tried in November next.

Should the friends of the Administration undertake to answer all the long diatribes daily uttered against it, it would be vain to think of transacting any public business, of executing any of the duties that devolve upon us here, not as President makers, but as law makers. I have long thought, however, that there is a consoling, a labor-saving consideration connected with the extreme impetuosity with which our adversaries are pushing the battle; and it is this; that this eternal hue and cry at all times, and on all occasions, against the Administration, carries its own antidote with it; that these everlasting denunciations have become harmless from their very extravagance and frequency; that this host of alarmists which is always vociferating "wolf, wolf," will scarcely be able to gain credence, or excite alarm, when the real rabid animal makes his appearance. To scold is "their vocation," sir; and let us not, my Democratic friends, like them, here constantly entrench upon the province of old women; our cause does not require this dereliction of our higher and more appropriate duties.

The bill proposes to authorize the Secretary of the Treasury to issue five millions of dollars of Treasury notes. The measure was recommended by the Secretary of the Treasury, and supported by a majority of the Committee of Ways and Means, on the supposition that the resources for the whole year would probably be sufficient to cover the necessary appropriations for the year; but that it was necessary thus to anticipate the revenue that would fall due towards its close, as the larger payments will be required in the spring, whereas the larger receipts will probably come in during the latter part of the year. The object of the bill, then, is to provide for a deficiency that may possibly occur in the earlier part of the year, in the hope that enough will be derived from ordinary sources, in the latter part, to cover the amount proposed to be raised. This is the length and breadth of the bill, in the discussion of which, every topic has been introduced which gentlemen imagined could have the remotest bearing upon the the great Presidential contest, upon which they have so furiously entered. *Ruin, ruin*—the old battle cry of panic makers and bank advocates—is again rung through our ears. I confess, sir, I am not a little disappointed that it is not an octave or two higher than it was during the memorable panic war of 1834; but the ill success with which it was then echoed and re-echoed by this same party through the land, has, perhaps, served as an admonition to them not again to dole out with too much confidence their hypocritical jeremiads over the alleged downfall of the country. Sir, it is the old song of that old enemy, which the true friends of the nation have met, and as often discomfited, in every guise and every form; a party, which has been truly said only to rise as its country sinks. Upon the strength and merit of their own principles they can never hope, they have not, in their recent struggles, attempted, to succeed. Their only hope is to rise into power over the prostrate interests of their country, believing that the great masses of the people have not sense or sagacity enough to perceive and understand the true causes of those temporary reverses that occasionally overtake communities, nations, and individuals.

Gentlemen have a very summary way of disposing of the point, that most of our great interests are now in a very depressed condition. They tell us very flippantly that the past policy of the Administration has produced our low prices; and calculate upon the ignorance of the people, their inability to perceive the truth, to gain credence to their unfounded assertions. This low estimate of the good sense and sagacity of the people has always been a distinguishing trait in the character of that party, which, under every name and every flag, has so long struggled to put down the Democracy of the country. They believe that the people can be tickled with a straw or charmed with a rattle, and therefore invariably approach them with catching words and clap-trap experiments, instead of appealing to their sound reason and sober judgment. It is, sir, in accordance with this spirit of their nature and constitution, that they now imagine, that the senseless cry of "log cabin and hard cider" will gain more proselytes to their cause than frank and honest expositions of their political principles. But what renders this expedient the more contemptible, is the fact, that in this instance, it has not the least justification in truth. It is no disparagement to their candidate that he inhabits a princely mansion on the Ohio; that he can boast a splendid income and a correspondent style of living; facts which every gentleman here full well knows; but it is an insult to the American people to violate the truth for the purpose of recommending to them a candidate for the highest office in their gift, on the ground that he lives in a log cabin and drinks hard cider.

Let us return, sir, to the distress which now pervades our country. Let us inquire into its causes, and see who are the authors of the calamities which the people are now suffering. I grant, sir, that the prices of every species of property are comparatively low—lower than they have been for several years past; but I challenge gentlemen to show any legitimate connection between this depression of prices and any measures of this or the past Administration of the General Government. Sir, I assert, and can show that this depression has resulted from causes for which the past and present Administrations are not only not responsible, but which, while they have ever found favor with the Opposition, have always encountered the hostility of that great party which now is, and has for the last twelve years been, in the ascendant. Before I advert to these causes, I will venture a single question, to which the public mind, at least, if not this House, will give a most ready response. Suppose the Independent Treasury bill had, last year, or two years ago, become a law; is there a doubt that that party which defeated its passage would now have ascribed the present depression of prices and stagnation of business, exclusively to that measure? Sir, they would not have permitted us to look at any other cause; we would have been told, in most lugubrious accents, that the banks had all been crippled, not by their own mad and imprudent career, but by the alarming measures of the Government; that they had been obliged to draw in their circulation, contract the currency, and refuse further aid to the community, because the Government was constantly drawing from them their specie. The hard money policy of the Government, carried into practical operation, would then have been said to have destroyed all the suspended banks; then, instead of eulogies on log cabins and hard cider, anathemas against the diabolical Sub-Treasury would have been the order of the day. Does any gentleman here doubt this? But the Sub-Treasury has not yet become a law; the banks themselves do not pretend that the public revenues of the country have been collected in a manner calculated to operate oppressively upon them; they have suffered no persecution or molestation from the Government, and yet all the evils

and disasters that Whig illiberality and mendacity would have charged to the Independent Treasury, had it passed into a law, have overtaken us; the banks of more than half the Union have suspended specie payments; they have contracted their circulation from the highest point of expansion to the extremest ebb of contraction; prices have fallen in proportion to the diminution of the currency. Commerce, agriculture, manufactures, in short, every interest is suffering, and yet no Sub-Treasury law has been enacted. No such scape-goat for the bitter fruits of Whig measures and Whig policy has yet been created. He as cordially hoped, as he confidently believed, that the Independent Treasury bill would become a law before the termination of this session of Congress. Now was the time to give it a fair trial—now that the interests of the country were thus depressed, that confidence was destroyed, and now that all men, save utterly reckless politicians, regarded some restraining power upon the mad spirit of speculation and gambling which had brought us to the present crisis, an object of indispensable necessity. Had it passed a year ago, it could not have arrested the downward tendency of things, then in full progress. The disease was too deeply rooted to yield to any reasonable remedies. We may hope that it has now nearly run its course, and it surely behooves us to adopt some expedient calculated to prevent the recurrence of such severe and convulsing maladies. That the Independent Treasury plan is the most efficacious one within our constitutional province, I may possibly undertake to demonstrate, when that measure shall fairly come before us.

Sir, it has long been with me a source of the most profound regret, to perceive the facility with which some men attribute every pecuniary pressure that overtakes the country, every visitation of misfortune, to the Government. With such men, Government seems to be every thing; the industry, enterprise, and frugality of the citizen, nothing. If famine or pestilence should stalk through the land; if unpropitious seasons should prevent the earth from yielding its accustomed fruit; such men would be wicked and fool-hardy enough to attribute the suffering consequent upon such calamities, even to the bungling and mismanagement of the Government. This disposition is of recent origin; it is coeval with modern Federal, National Republican, National Bank Whigery, and well accords with the principles of a party which believes that it is the province of Government, at least, to make the rich richer, if not the poor poorer. One great distinguishing feature between the two great parties of our country, is their comparative estimate not only of the powers, but of the duties of Government. The modern Whig believes that Government should do every thing; that it should be the great agent in augmenting the wealth of individuals, and promoting the prosperity of the country. The Democrat believes that Government should not be too intermeddling and obtrusive; that when it has protected the citizen in the pursuit of his honest industry, it has performed its main office; in short, that the least government, consistent with the enjoyment of life, liberty, and the pursuit of happiness, the better. The despot pushes his Government into all the ramified interests of his subjects. The Federal Whig looks to, or worships it as the source, the dispenser of special favors and exclusive privileges to the few; the Democrat fears, that when that which was instituted merely for the protection of all, and at the expense of all, becomes to be generally regarded as the means of working wealth to the community, the Republican spirit, the true conservative principle of our institutions, is on the wane, inasmuch as the citizen begins to recognise other engines of wealth than talent, industry, frugality, and enterprise.

I come now, sir, directly to the question, what has produced the expansion and contraction of prices which we have witnessed within the last seven years? Are the fluctuations and revulsions from which so many interests are now suffering, chargeable to the policy of the past and present Administrations? I take issue with gentlemen, and say that not one of their acts is obnoxious to such censure; but that the main and primary cause of these events may be found in the desperate doings of that huge moneyed power, with which, a short time ago, our country was overshadowed. I mean, sir, the main cause, so far as purely domestic influences are concerned in this matter; for as the distress which has overtaken us pervades the whole commercial world, and particularly those parts of it with which our interests are so closely interwoven, it would be wrong to attribute our present disasters to causes that have peculiarly or mainly originated at home. It is well to remark that these disasters are not confined to our own country; and it is equally well to remark, that they have attained their greatest height in those countries where the most paper money is tolerated. We rank first in this particular—next to us, England.

The smallest note of the Bank of England is five pounds sterling, equal to about twenty-three dollars; and the smallest note of the Bank of France is five hundred francs, equal to one hundred dollars. The consequence is, that as to all sums under those amounts, the channels of circulation are filled with gold and silver, the value of which never fluctuates. It is fixed and certain over the whole world. For all the ordinary every day purposes of life, then, the currency of France, and even England, is gold and silver. Paper is only used for larger and more extraordinary transactions. What is the consequence? Prices are more fixed and permanent than with us, because the medium by which the value of commodities is measured is more fixed and permanent. What is the state of things in regard to currency here? Our currency is chiefly paper; yes, paper to the denomination of bills of a single dollar! We are, in truth, the most perfectly shinplastered nation on earth; and our prices, in consequence, are ever varying, ever fluctuating. Sometimes your banks throw out their issues freely; and then at once, under the influence of panic, or other causes, they suddenly contract them. I need not stop to dilate upon the effect of these constantly recurring contractions and expansions. The most superficial observer must perceive, that the standard by which the value of property is measured is constantly varying. At one time your yardstick was six feet long; at another, only two feet Mr. V. said he had long foreseen this depression of prices. He had warned many of his neighbors of it three years ago; he had admonished them not to run heavily in debt for lands, at the prices then demanded; that the banks were extended to their utmost tension; that the natural laws of trade, in the absence of all other causes, would soon compel them to curtail; that the prices of every article would consequently fall, as paper money diminished; and that it was utterly impossible to maintain any thing like permanency in the value of property, without a larger infusion of the precious metals into our circulation. Let the present state of things tell whether my predictions have been verified.

A word more, sir, as to the domestic causes of the distress from which the great interests of our country are now suffering. Who, that has paid due attention to the progress of events within the last seven years, can doubt that these causes have been mainly overbanking and overtrading, and the struggle made by the United States Bank to force the country into its recharter. Let us retrace the past a little: Those who had acted with him here, during the panic session of 1834, need not be reminded of the lamentations and petitions then constantly poured into our ears. The public deposites had been removed from the Bank of the United States, and placed in certain State banks. The former, with all its minions and dependants, at once raised the cry that the "Great Regulator" must contract its loans and issues to the detriment of all the great interests of the country, unless the public deposites were restored to her. Petitions from every quarter poured in upon us to restore the deposites. The mammoth Bank, under pretence of self-preservation, was constantly turning the screw and drawing from all sides the most piteous notes of distress. This hall, sir, was, for seven long months, a huge panic factory, where, day after day, materials of alarm were produced, and thence sent forth to the people. We were told by the Bank and its friends, here and elsewhere, that the restoration of the deposites was the only real panacea for the evils that afflicted us; that without it, the Bank must curtail and compel the State banks to curtail, until bankruptcy and ruin would overwhelm the whole country. The State banks took the alarm and contracted their issues to a point well calculated to aggravate the general dismay. Sir, the panic war was waged with a determination and vigor which those who were engaged in resisting it will not soon forget. Congress adjourned, and the object for which that war was declared, was not attained. We, who had for seven months stood the fire of bank artillery, returned to our homes in the month of July, 1834, with the belief that it was at least shorn of its capability for further mischief. We had hardly reached our homes, sir, when our eyes were astounded with a letter to a committee of New York merchants, informing them that the Bank could now loan many millions of dollars! this same Bank, which, for the preceding seven months, while waging a panic war against Congress and the country, had pretended to be obliged, in self-defence, to curtail its issues and distress the community. It began to extend according to its promise, and the State banks, as the gamesters would say, "followed suit." In the state of fear, which had so recently seized the latter, they had not the courage to expand, without the example of her who claimed the power of controlling them and of regulating the currency of the country. She sat the pernicious example and they followed it. All at once, the land was flooded with paper money, and with it came all its concomitants of high, unnatural prices, a mad spirit of speculation, a general disposition to secure wealth by a single operation, instead of delving and working for it for years, as our fathers had been accustomed to do. Your public domain was at once the object of unprecedented speculation; town and city lots were sold by the foot in places formed and doomed by nature for nought but the everlasting abode of the frog and the alligator; importations swelled from one hundred and eight millions of dollars in 1833, to one hundred and ninety millions in 1836; the proceeds from the sales of the public lands swelled from about four millions of dollars annually, to more than twenty-four millions in 1836; the prices of land, produce, necessaries of life, every thing was inflated to a point it had never attained before. All were rushing forward under the highest and most feverish excitement, and amid the extragance and intoxication of fancied wealth, how few looked deeply enough into causes to see that all this prosperity was evanescent and illusory! The fruit of this overaction was an immense surplus revenue; this was deposited with the State banks and formed the basis of further loans and expansions, which again served as the aliments of further extravagance and speculation. President Jackson attempted, in some measure, to arrest the mad career which the community was then running, by causing the famous circular to be issued in 1836, which provided that nothing but gold and silver should be received at the land offices in payment for public lands. It had a restaining and most salutary influence, as candid men of every party now concede. But have any of us forgotten the torrents of abuse heaped upon his head for that measure? In 1836, you passed an act to distribute among the States, or, as was said, *deposite*" with the States, the immense surplus raised by means of this pernicious paper expansion, and the spirit of speculation consequent thereon. The fund you thus ordered to be distributed, had been deposited with the banks, and the banks had loaned it to the people, and now called upon their debtors for it; the latter were taken by surprise, as they had invested it in Government lands, or city lots. The speculators could not pay the banks, and the banks could not promptly pay the Government, and the consequence, so much to be deplored, was a suspension of specie payment by every bank in the Union. The policy and legislatien of some of the States forced them to a speedy resumption. The Bank of the United States had recently procured a charter from the State of Pennsylvania; on the acceptance of which its president boasted that it was stronger than it had ever been before. It was,

of course, more efficient than it had ever been, either for good or for evil. If able to regu ate the currency in by-gone days, it was still mo e competent for this purpose now, were its ability to be determined by its boasted strength. It could not, or it would not, prevent a suspension, and was by no means the first to return to resumption. In 1838 the banks again resumed; and the Bank of the United States, instead of exering a restraining and a salutary influence upon the minor institutions, entere i the field of speculation, and attempted to control the cotton market of the world. The price of cotton was raised to a point much higher than it would have attained, but for the factitious means which served to inflate it. Many of the Southern banks, under the lead of the "Great Regulator," also rushed forward in this career of speculation; and what was the *finale* of all these strange proceedings? That which now stares you in the face—another suspension of specie payments by the banks of more than half of the Union—the Bank of the United States having been the first, er among the first, to perpetrate this second act of mischief and insolvency. The banks of New York and New England resolved to maintain specie payments; but in order to execute this laudable determination, they were obliged to con'ract their circulation; and to show how effectually they have done this, it is only necessary to state that in three months the safety fund banks of New York reduced their circulation twenty millions of dollars. With this contraction, this diminution of paper money, prices have declined to a point below an actual specie standard; produce of every de:cription has fallen in value at least fifty per cent.; the hopes of the farmer, the merchant, and the manufacturer, have been disappointed; and yet I challenge gentlemen to show that the Government has been instrumental in bringing about this state of things. The true cause of the present revulsion, sir, is the overactions and overissues of the banks, twice led on, instead of being restrained, by that stupendous engine with which your modern Whigs have ever been so ready to identify their political fortunes. There she lies: behold her as she is, prostra'e and distrusted, if not bankrupt. Do you, gentlemen, still cling to her as the safe regulator of the currency of the country? Yes, you are wedded to her by acts of past affiliation and affection too strong to be able, with good grace, now to shake her off. She will stick to you like the fabled shirt of Nessus. She is the author and finisher of the mischief you would now fain attribute to the past and present Administrations. Vain and futile is this attempt to charge us with the distress that prevails. The peop'e of this country understand where the truth lies. They know what is the disease we are now suffering, and the causes of it. They know that the country has been drunk with too large draughts of paper money, and that it is now only suffering the pain and depression that ever follows over excitement and intoxication.

Sir, said Mr. V. I have been thus diverted from the main purpose for which I rose, by the effort that has been made to show that the necessity that renders the power to "issue Treasury notes expedient, is the result of mismanagement or "experiments;" as they are usually termed, of the present or past Administration of the General Government. I now propose to enter directly upon a vindication of the bill under consideration. It has been contended with much earnestness on the other side, that the President and Secretary of the Treasury have not treated us fairly—that they did not, at the commencement of the session, tell us what the Government would probably want, and what was the real state of the Treasury—in short, that they mystified or concealed the truth. With all due deference to gentlemen who had advanced this position, he would show, from the message of the President and the annual report of the Secretary of the Treasury, that both had most pointedly and emphatically called our attention to the subject upon which we are now legislating. The copious extracts from the Secretary's annual report, made by the chairman of the Ways and Means, [Mr. JONES of Virginia,] would save him (Mr. V.) the necessity of reading many passages from that able document, to which he would otherwise have called the attention of this committee:

In the annual message of the President, we find the following language:

"The precautionary measures which will be recommended by the Secretary of the Treasury, to protect faithfully the public credit under the fluctuations and contingencies to which our receipts and expenditures are exposed, and especially in a commercial crisis like the present, are commended to your early consideration."

In order to ascertain what are these "precautionary measures," you need only refer to that part of the report of the Secretary, which may be found under the head, "On some permanent safeguard under fluctuations in receipts and expenditures." Three pages of that able paper are devoted to this subject, and conclude by calling our earliest attention to legislation upon it. It is due to that able and faithful public officer, that I read a few extracts from his report. In page 11, he says:

"Much has at times been wisely done by Congress to supply means for meeting unexpected deficiencies. But all legal provisions heretofore adopted for that purpose having expired, our financial operations will be constantly exposed to danger, unless some permanent safeguard, under contingencies, is established.

"These circumstances must constitute an apology for once more explaining some of the grounds in favor of such a measure, and earnestly asking speedy legislation concerning it.

"The principal sources of our present revenue are sensibly affected by the fluctuations, not only in commercial prosperity, but in the crops, the banking policy, and credit systems, of even foreign nations. The influence of these causes seems to become yearly more changeable and more uncertain in its extent."

After showing the fluctuations in the receipts in past years, the Secretary farther remarks:

"All these, and similar considerations in favor of some permanent provision on this subject, apply with still greater force than they have heretofore. The available balance in the Treasury to facilitate its operations is much smaller than has formerly been usual. The receipts on the debts still due from the banks after two previous disappointments as to some of them, must be regarded with increased doubt; and if they should be paid within the year, the outstanding Treasury notes become redeemable in the first half of it, and must be discharged some months before the bond of the United States Bank falls due, in September."

At page 13, he continues:

"Why, then, should not a constant safeguard, or some permanent remedy, under such irregularities, be provided? The omission to do this can hardly be considered the true check on extragant expenditures, as that check would seem to consist rather in a forbearance to make unnecessary appropriations, than in a refusal to provide ample means for paying with promptitude, under all possible contingencies, what has already been appropriated, and has thus received the deliberate sanction of Congress. The national pride, no less than its honor and credit, appears to be concerned in adopting some measure on this subject, stable, efficient, creditable to free institution, and possessing a paramount influence to preserve unspotted the public faith."

In conclusion, under this head, he observes:

"The Department therefore is now without any resort, temporary or permanent, in case of material deficiencies; and considering all the circumstances before mentioned, with the dangerous liability in case to have the whole of the outstanding Treasury notes paid in at any moment for public dues, without a power remaining to issue others in their stead; considering also the present revulsions in the commercial world, which affect so seriously the receipts from both duties and lands; considering the disasters which are befalling the banks, and rendering our collected funds in some cases wholly unavailable, and the advances necessary to be soon made for the large payments of pensions and Treasury notes falling due in March, the earliest attention to new legislation on this subject, seems highly prudent, if not indispensable, for the effectual security of the public credit."

How can gentlemen, in view of these remarks, contend that the attention of Congress was not seasonably called to this subject? The Secretary not only told us at the commencement of the session, that some provision ought to be made to meet contingencies, but enforced this declaration with an elaborate and powerful train of reasoning.

The gentleman from Massachusetts [Mr. CUSHING] asks why the Committee of Ways and Means did not act earlier upon this subject, if they in truth believed that the President and Secretary of the Treasury were sufficiently explicit. He asks, why wait till after the Secretary of Treasury had sent in his supplemental report, which was communicated to this House on the 15th of February. The answer to this inquiry is a very easy one. There is a standing rule of this House requiring the Committee of Ways and Means, within thirty days after their appointment, to report the general appropriation bills for the civil and diplomatic expenses of Government; for the army, for the navy, and for the Indian Department, and Indian annuities. It will be recollected that by reason of the contested New Jersey seats, this House was not organized, by the election of a SPEAKER, till the sixteenth of December; that the standing committees were not announced till the 27th day of December, and that not a single petition was referred till the fourth day of January last. The Committee of Ways and Means was not, (in consequence of the absence of the chairman, and other of its members,) convened till January had somewhat advanced; and those who acted with me on the committee will bear testimony to the fact, that during the first thirty days after our appointment, our whole time and attention were devoted to, and engrossed by, those appropriation bills, which the positive mandate of a standing rule of the House compelled us to report at once. The President informs us that he had caused the estimates for the present year to be subjected to the severest scrutiny; and I can assure gentlemen, that the Committee of Ways and Means, in reference to the appropriation bills they have reported, have partaken of the spirit of economy evinced by the President and the Secretary of the Treasury. Far from acting upon the principle of taking every thing they found in the estimates for granted, they have subjected them all to a pretty rigid scrutiny. May not these facts serve as abundant reasons for the delay of which the gentleman complains?

It is then, sir, most palpable, that some provision to enable the fiscal department of your Government to meet the inequalities in the receipts and expenditures of the whole year is necessary, and that the necessity for such provision was brought to our view by the Secretary of the Treasury in his annual report. No gentleman has, as yet, differed from the Secretary in the opinion that relief of some kind is necessary. The only ground hitherto urged by the other side of the House is, that the relief proposed by the bill will not be adequate to the exigencies of the Government; that the deficit will not only be larg r than the Secretary apprehends, but that it will be permanent. To this, Mr. V. said, he would only respond, that in legislating on a subject of this description, he would not oppose his own opinion to that of an officer whose business it was to understand, not only the probable wants of the Government, but to form an estimate of what would be its probable receipts within the year; and if he had given too flattering a view of our prospects; if, indeed, it should prove to be necessary hereafter to make some provision for a permanent deficiency, all he (Mr. V.) would now say was, that "sufficient unto the day was the evil thereof." It would be time enough to provide for such an exigency, when it should become more palpable than it yet seemed to him. He would here take occasion to remark that he rejoiced at the sentiment so generally expressed by all sides of the House, that the necessary supplies must be furnished to the Government. He was, indeed, glad to see how universal was the feeling that her faith must be preserved; that her integrity and fidelity to her engagements must always be above suspicion. Sad and disastrous upon the credit, not only of itself, but of the States, would be the effect of a failure on the part of this Government, to meet its lawful engagements. He need hardly say that such a deplorable calamity would prostrate the credit of all the States, and contribute much towards making Republican institutions "a scorn and a by-word" among the nations of the earth. God grant that such a calamity might never befal us; that national faith and national integrity, nay, more, that State faith and State integrity, might ever ride in safety and triumph even over the bitter and agitated waters of party. He hoped never to see the day when any one of the States of this Confederacy should consummate her disgrace by repudiating her own solemn engagements.

If it be conceded that some relief is necessary to the Treasury Department, to enable it to meet inequalities in the receip's and expenditures of the whole year, the next question which naturally arises is, what is the best way of attaining that relief? One of *three* modes must be chosen. You must issue Treasury notes, negotiate a loan, or increase your tariff of duties. The Secretary of the Treasury asks relief on the assumption that the appropriations will not exceed the estimates. That these have been brought down to the lowest standard consistent with the healthful action of the Go-

vernment, all candid and intelligent men will feel disposed to admit, who will look at them carefully. A remedy cannot, therefore, be sought in a reduction of the public expenditures below these very reasonable estimates. Will you, then, *first* increase your tariff? A sufficient objection to such a mode of proceeding is, that any relief derivable from this source would not be seasonable. The emergency, if any, is a pressing one, and could not be relieved by the tardy returns that would flow from an increase of duties. You could not, sir, without violating good faith, impose additional duties upon goods, orders for which would have been forwarded before you would have passed a law to that effect. But, apart from this objection, I will here take occasion to say that I am opposed to any interference with the tariff that would conflict with the principles of the compromise act. I would vote for a duty on wines and silks beyond the Cape of Good Hope. These are mere luxuries, and are therefore the more appropriate subjects of taxation. They enter only into the consumption of the rich, and to tax them, and proportionably relieve articles that enter into the consumption of all, would be relieving the laboring and poorer classes. This I would do, as a permanent means of raising revenue, but not for the purpose of securing the relief which the bill under consideration contemplates. We are, therefore, in my opinion, driven either to a loan, or to the aid resulting from the power to issue Treasury notes.

Secondly, then, will you resort to a LOAN? I mean a permanent loan, by issuing stock? I concur in the sentiment of the gentleman from Virginia, [Mr. JONES.] in regarding a national debt as any thing but a national blessing. There are gentlemen among us who deem otherwise—who esteem, and ever have esteemed, a national debt a great desideratum. I will not say that the preference they now indicate for a loan, results from this early and constitutional predilection. A national debt is indeed a blessing to the few, but a curse to the many. It is a blessing to brokers, stockjobbers, and unwieldy capitalists, who despise almost any security, short of the plighted faith of the Government. It may prove a blessing, too, to the few who wish to grow rich on special protection and special favoritism; but to the great working middling classes, who are never the recipients of special legislative favors, to them, I repeat, a national debt is any thing but a national blessing. Sir, we have, for the last few years, exhibited to the world a proud spectacle—one which cannot but do much towards advancing the great cause of Republican government. I mean, of course, the spectacle of a great nation free from debt. Who would not hesitate to mar its beauty, by replunging into that state to which monarchies and despotisms seem ever doomed, and from which we have just emerged. Nothing but the most imperious necessity would justify us in again contracting a national debt. I take it for granted, at all events, that a loan, as a general rule, is only justifiable when there is a clear deficit of means, which it will require some very considerable time to supply. If the estimates or conjectures of the Secretary of the Treasury be true, that the receipts of the whole year will be equal to the expenditures of the whole year, and that some means by which the revenue of the latter part of the year may be anticipated is all that is now necessary, it would surely be preposterous to resort to a loan at the present period. What would be the course of a discreet individual under similar circumstances? Suppose he owed a thousand dollars, which would become due at the beginning of the year, with a certainty that he would receive, from his own resources, more than that amount before the termination of the year; would he not raise his money on his own note rather than effect a permanent loan and mortgage his property? Why should Government adopt a different course of action? But these considerations do not furnish the only objections to a permanent loan. You are told, and you have no reason to doubt, that the relief you now need will, in all probability, be required only for a single year. You could not effect a loan by issuing stock redeemable within one, or even two years, without agreeing to pay very high interest. Capitalists will not otherwise invest in stocks redeemable within so short a period. If you negotiate a loan, you will be subjected to very heavy charges for commissions and agencies. These you avoid by adopting Treasury notes; for I am informed by good authority, that on the nineteen millions of dollars of Treasury notes issued since the special session of 1837, not a farthing has been paid for agencies or commissions. Another disadvantage attending a loan is this: if you effect it, you must make one transaction of it; you must get all your money at once; thus paying interest for the greater proportion long before you are in want of it. Not so in regard to Treasury notes. Your Secretary of the Treasury would issue them according to his wants; thus avoiding the payment of interest for money borrowed in the absence of immediate necessity. The average interest on the Treasury notes issued since 1837 has not exceed four per cent. per annum, and this only from the periods at which the notes were actually issued. But a still stronger objection to a loan—one that should weigh more with Southern gentlemen, surely—yet remains to be told. By originating a national debt in the shape of a permanent loan, you create the germ for another protective tariff: and I am not a little surprised that a proposition to create such a debt should come from the South, from the gentleman from Georgia, [Mr. KING,] who has introduced an amendment to the bill, by which he substituted a loan in the place of the power to issue Treasury notes. Had such a proposition come from Boston, or Lowell, Mr. V. said, he would have thought it all very natural, because pretexts for high tariffs and protecting duties are there the order of the day; but it really appeared strange, "passing strange," to him, that one of the representatives of the cotton growing portion of the Union should propose the creation of a new and permanent national debt. How true it was, that wonders would never cease. It is not a little strange, too, that it did not occur to the gentleman from Georgia that a loan would fall exclusively into the hands of Northern or European capitalists; whereas Treasury notes would be to the South, as well as to all other sections of the country, a new medium of exchange and remittance.

Should you decide against contracting a loan and creating a new national debt, my third alternative alone remains—that of issuing Treasury notes; but here, in the first place, a constitutional difficulty is urged against us. It is contended that these Treasury notes are bills of credit, and that as such, Congress has no constitutional power to issue them.

Sir, (said Mr. V.) I consider it rather late in the day to urge this objection. The power to issue Treasury notes has been exercised, from time to time, and has received the sanction of the wisest men of the nation, and the strictest constructionists of the Constitution. Without it, you could not have carried on your last war with Great Britain. But, with great deference to gentlemen who now raise this obstacle, I will very briefly attempt to show, both from intrinsic and extrinsic evidence, that it is utterly groundless. The Constitution, in the enumeration of powers conferred on Congress, expressly provides that Congress shall have power "to borrow money on the credit of the United States." Here is no prohibition of the power to issue Treasury notes. Not so, however, in regard to the *States*. The same Constitution provides, that "no State shall emit bills of credit;" but as to this Government, there is no inhibition in the Constitution. I think it clearly follows from this, that the power to issue Treasury or Government notes is involved in the power to borrow money. The most familiar principle of reason and common sense teaches us, that if Congress have the power to create a debt, (a power expressly given,) a power, from necessity, results to give to the lender the evidence of that debt, either in a note, bond, or certificate of stock. The power to borrow would be nugatory, unless the power to give the evidence of such borrowing followed. But we are not altogether left to implication upon this point. The same section of the Constitution which confers upon Congress the power "to borrow money," also gives it the power to provide for "the punishment of counterfeiting the securities of the United States." What securities? Does the Constitution any where prescribe the form of security to be given by Congress, when it exercises this clearly expressed power of borrowing money? Surely not. Why is a note on interest more objectionable, or rather unconstitutional, than a certificate of a stock bearing interest? Without the provision for punishing counterfeiters of Government securities, and without the prohibition to the States to issue bills of credit, the power to issue Treasury notes would have clearly resulted from the power to borrow money; but when the clause conferring the power to borrow money is viewed in connection with the other provisions of the Constitution to which I have adverted, there surely remains no ground to doubt the existence of the power to issue notes. I protest against the inference, that I am an advocate of the doctrine of "implied powers;" still when I read in the same Constitution which gives the power to issue Treasury notes, an express power to "make all laws that shall be necessary and proper for carrying into execution the powers expressed in the instrument," I surely cannot be deemed very heretical for contending that the power to give a note, or other evidence of debt, "is necessary and proper" for carrying into effect the power to borrow money.

But it is contended that the power to issue Treasury notes was expressly denied by the convention which framed the Constitution; and reference has been made to the Madison papers, recently published, to show that the power to emit bills of credit was stricken out of a section of the Constitution as originally reported. Sir, I do not admit that Treasury notes, bearing an interest, are "*bills of credit*," in the sense of the Constitution. The bills of credit, the issuing of which Congress prohibited to the States, were nothing more nor less than paper money—such as your continental money—from which the people had sustained such ruinous losses and sacrifices under the old confederation. Treasury notes do not enter into general circulation as money. They never have done so. At all events, it has never yet been my fortune to see one; and from the debates of the convention, as reported by Mr. Madison, it expressly appears that the most prominent members of the convention, who voted to strike out the clause, "and emit bills on the credit of the United States," admitted that if this clause were stricken out, the power to issue notes was involved in the power *to borrow*. Gouveneur Morris moved to strike out the clause, "and emit bills on the credit of the United States," and remarked that "striking out the words will leave room still for notes of a responsible minister, which will do all the good, without the mischief." Mr. Gorham was for striking out, without inserting any prohibition. "If, said he, the words stand, they may suggest and lead to the measure." He further remarked: "The power to issue notes, as far as it is necessary or safe, is involved in the power to borrow money." But this is not all. In a note by Mr. Madison, which may be found in the third volume, page 1343 of his papers, in reference to the vote to strike out the clause, "and emit bills on the credit of the United States," he remarks, (the vote being nine States to two:)

"This vote in the affirmative by Virginia was occasioned by the acquiescence of Mr. Madison, who became satisfied that striking out the words would not disable the Government from the use of public notes, as far as they could be safe and proper, and would only cut off the pretext for a paper currency, and particularly for making the bills a tender, either for public or private debts."

Thus, sir, it clearly appears, that the vote to strike out the words "and emit bills on the credit of the United States" was given on the supposition that the power to issue notes would still be left to the Government, but that the delegation of an express power to do so would only have the effect of suggesting and leading to the measure unnecessarily. Mr. V. said, he now considered the argument in favor of the power to issue Treasury notes complete, brief as it was. He would proceed to submit a few additional considerations for preferring Treasury notes to a permanent loan, or rather, to answer one or two objections urged against this mode of borrowing money.

The gentleman from Massachusetts [Mr. CUSHING] tells us, that these notes will be means of subjecting the Government creditor to losses and sacri-

fices, inasmuch as the Government will pay him with them, and then he will be shaved. This certainly has not been the case with the notes that have been issued, nor would it be the case with those that would be issued under this act. The public creditor had never been compelled to take them; but, it is a well known fact, that they have generally been preferred to specie. You and I, Mr. Chairman, would prefer pocketing a few of them any day, to carrying home specie, if, contrary to our usual ill luck, an unexpected balance of our pay should remain at the end of the session. But the gentleman says that they will serve to aggravate the distress, by sucking up all the surplus capital in our commercial cities. This, sir, rather conflicts with his former position. If it be true that they will be a favorite investment for capitalists, it must be on acccount of their intrinsic excellence, and then, surely, there can be no danger that the public creditor will be shaved. Instead of aggravating, they will go far, very far, towards relieving the distress; for they will be used for purposes of remittance and exchange, and will draw from the banks and force into circulation large sums hoarded there. Why should these notes now be such a bugbear? Within the last three years, you have authorized the issuing of twenty millions of dollars of them; nineteen millions have actually been issued; and on the 3d of March, instant, only $2,100,000 of this sum were out and unredeemed. Have not all your expectations in regard to them been realized? If they have been redeemed, it has been done by the revenues of the Government. You anticipated your revenues. They came in afterwards, and you redeemed your notes. Suppose that, in 1837, instead of issuing your notes, you had resorted to a permanent loan, and created a stock; think you that any portion of that loan would now have been paid. No, sir. It would only have been the nucleus around which a pretty formidable national debt would, by this time, have been formed. Instead of applying those resources your Secretary has applied to keeping you out of debt, it would then, no doubt, have been found most convenient to have paid merely the interest on the loan, and to have lavished them on objects of doubtful utility. The public expenditure would not then have been reduced five millions of dollars within the last year. Plans and expedients to advance the interests of speculators, in the name of public improvements, would not then have been defeated; and here I cannot but hazard the opinion, that if, in 1837, when your means were locked up in the the deposite, non-specie paying, banks, the friends of the Administration had proposed a loan, instead of a resort to Treasury notes, such a proposition would have encountered the severest opposition of those very gentlemen who now object to the present mode of relief; you would then have heard from the other quarter of the House, the same arguments we now urge against a national debt. So unreasonable, sir, is this spirit of opposition! Sir, there is a great facility here in some quarters to speak cavalierly of the Secretary of the Treasury. Great injustice is often done that gentleman. I regard him as a most diligent, faithful, and able public officer; one who has carried the finances of the country through difficulties and embarrassments, resulting from bank abuses and suspensions that would have disheartened a spirit less active and persevering. Why should he be obnoxious to censure, because he asks the relief provided for by the bill? No Government in Europe deems it practicable always to fulfil its engagements with promptitude, without some resource to meet the contingency of a fluctuating revenue. The power to issue exchequer bills in England, may be said to be a perpetual power with the fiscal department of the Governments. Indeed, Parliament hardly ever adjourns without conferring this power, though her revenues, from the nature of their sources, are less fluctuating than ours. Revenue depending chiefly on customs, must necessarily be fluctuating, as it is liable to be influenced by all the revulsions and vicissidudes of trade and commerce. The exchequer bills of England are funded, after floating for some length of time. Last year bills to the amount of four millions of pounds sterling were funded, and this year it is apprehended that there will be a deficit in the Treasury of England of six millions of pounds, in consequence of causes that could not have been foreseen. The war with China is, perhaps, the most prominent of these causes; as this operates in two ways. It occasions a loss, by the diminished importations of teas, and increases the naval and military expenditures for the year. Even here, sir, we have had a resource to meet the contingency of a fluctuating revenue until within the last two years. Our national debt was not extinguished till 1835. Before that time we raised much more revenue than was necessary to defray the ordinary expenses of the Government. This surplus was kept on hand till towards the close of the year, and was in the mean time a fund, upon which the Department could, with safety, rely in the event of a deficiency of revenue. After that we had a large and unexpected surplus springing from the bloated years of 1834, 1835, and 1836; but this has been divided among the States; and now with a scale of imposts constantly descending; with the whole commercial world deranged, if not paralyzed, we are left without any safeguard or resource under fluctuations in receipts and expenditures. Sir, this should not be so. We should not only make provisions for this year, but go a step farther and adopt the suggestions of the Secretary of the Treasury, by creating some permanent safeguard.

But we are told in conclusion, that there is a permanent deficiency, and that it is owing to the extravagant expenditures of this and the last Administrations of the General Government. Sir, I take issue again with gentlemen on this point, and can show that the increased expenditures of the last several years have been occasioned, not by the President, not by the Administration, properly speaking, but by the votes of Congress; and more generally by Whig, than by Democratic votes; that, so far as the Administration is concerned, the increase of expenditure has not even been in proportion to the increase of population. It is very easy now to declaim against the large appropriations of past years; but gentlemen would merit much more on the score of candor and honesty, should they accompany their patriotic invectives against extravagance, with the admission that their own votes have been most instrumental in contributing to it. I charge the extravagance upon the Legislature—I acquit the Executive Department of the Government from any participation therein. There have been, to be sure, causes and sources of expense, which it was not in the power of any Administration to control, and for which no particular party or branch of Government should be held responsible—such as our Indian wars, and the protection of our Northern frontier. Mr. V. said he had prepared some statements and tables, showing the expenses of 1828, which was the last year of the administration of the distinguished gentleman from Massachusetts, in his eye, [Mr. ADAMS,] and the expenses of 1838, which was one of the years, over the extravagance of which Opposition gentlemen now poured out their bitterest lamentations; and the comparison he had instituted, would prove that in the Executive branch of the Government the increase of expense, since 1828, has not been in proportion to the increase of population, but that the expenses of the Legislature have more than doubled since that period. In 1828, the aggregate amount of expenditures for the support of the Executive Department of the Government was $507,127. In 1838, it was $856,925. The expenditure of this year was much augmented by the act of 4th July, 1836, to re-organize the General Land Office. Independently of the increase occasioned by this act, there has been none equal to the increase of population. The increase in the expenses of the Legislature has, however, been in a much greater ratio. In 1828, the expenditures of the Legislative Department of the Government amounted to $705,955. In 1838, they amounted to $1,425,467. A constituent part of this latter amount was the sum of $84,358, paid for the printing of the House of Representatives; a year, be it remembered, when a certain Mr. Allen, a new patent Conservative Whig, held the office of Printer. Gentlemen surely will not pretend that the friends of the Administration are more culpable than the Opposition for this increase of expense of our Legislature. We have not always been able to boast a majority here. At all events, the Federal Whigs retained in office their favorite Printer more than half the period that has elapsed since 1828. But to continue this comparison a little farther, and to establish more fully the truth of what we have alleged, that it is the legislation of Congress that has swelled up the aggregate of the expenditures of this Government. In 1828, our military expenses, exclusive of pensions, amounted to $3,666,498. In 1838, to $7,206,655. This disproportion arises chiefly from the raising an additional regiment of dragoons by the act of 23d May, 1836, and from an increase of the military establishment of the United States, by the act of 5th July, 1838 The latter act, it will be recollected, filled up all the companies that were not complete. Surely the Administration is not peculiarly responsible for this increase of expenditure consequent upon the small augmentation of our military force. Our Indian wars—our immense Western frontier and our Northern outbreaks, in the estimation of gentlemen of all parties, rendered this small addition to our military force absolutely necessary. I can hardly believe that the party which supports the Administration ever will derive, or ever could have expected to derive, any advantage to itself, as a party, from this increase of our army; because, sir, at least four-fifths of the officers of the army and navy, if they have any political feelings at all, are opposed to that great Democratic party which has, for the last twelve years, been in the ascendant. There seems to be something in their very nature which induces them to regard the Democracy with disfavor. Whether it be because large standing armies never were, and never will be, favorites of the Democratic party, I know not; and yet, sir, in the appalling aggregate of that array of one hundred thousand office holders, which this Government is said to command, the officers of the army and navy are always included. I speak thus of them, sir, not in a spirit of reprehension, for I rank among the officers of the army and navy many highly valued personal friends, but to repel the idea, that the friends of the Administration on this floor ever could have voted to increase the army, from any hope of increasing Executive patronage. My intelligent, able, and industrious friend from North Carolina, [Mr. MCKAY,] was at the head of the Committee on Military Affairs when the act passed to fill up the ranks of the army; and those who have observed the ever scrupulous and laudable care with which he watches the public treasure, the jealousy with which he notes, and the freedom and fidelity with which he rebukes, any steps towards extravagance, come from what quarter they may, can hardly be disposed to believe that he ever supported an increase of our military establishment without there was the utmost necessity for it.

But, sir, let us pursue our tables and comparisons still further. In 1828, the aggregate expenditures for the Indian Department—Indian annuities and Indian treaties—was $705,084. In 1838, they amounted to $5,564,223. And will it be said, either that the Administration, present or past, is peculiarly responsible for this vast increase, or that we have received no equivalent for this large expenditure? Sir, since the commencement of Gen. Jackson's administration, we have added millions upon millions to our public domain by means of our Indian treaties, and extinguishing Indian titles. We have created a prolific source of revenue for the future, and unless the unconstitutional and mischievous plans of distributionists among the States prevail, we will be soon most amply reimbursed for all the advances we have made under Indian treaties. Sir, this is money most judiciously and profitably invested. Again: in 1838, it cost us $439,001 for the protection of our Northern frontier; in 1828, nothing, because there were no troubles there, or in that vicinity. In 1818, the building and support of light-houses cost $261,305; in 1838, $445,352: and this, sir, in consequence of the increase of light-houses by acts of Congress. In 1828, the sum paid for

the survey and improvements of ports, rivers, and harbors, amounted to $121,094; in 1838, it reached the very formidable amount of $1,188,876. And you need only refer to the yeas and nays to ascertain which of the two parties on this floor have been most favorable to appropriations of this description. Have they ever encountered opposition here? It has been chiefly from the friends of the Administration. My friend and colleague, the former distinguished chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] generally voted against appropriations for objects of this description; and to show that the policy of expending the public treasure in the improvement of harbors, rivers, and ports, is a favorite policy with the Opposition, he needed only refer to demonstrations very recently made by two of his Whig colleagues, [Messrs. BARNARD and MARVIN.] Both had proposed bills for these purposes, and both had made long speeches in favor of annually setting apart large appropriations for objects of this description. Let me not, then, be told that the enormous increase under this single head, from $121,094, to nearly two millions of dollars, is the fruit of the policy of this or the past Administration. These appropriations have ever found favor with Federal high-bank, high-tariff Whigs. Though I plead guilty to the charge of having voted for many of them, I am sorry to be constrained to admit or contend that they find their justification (if justified they can be) in the principles of latitudinarian Whigery. They are the favorite appropriations of the Whigs; and it is a little unkind, when they rebuke us for the increase of expenditures within the last twelve years, that they should remember to forget that most of this increase is attributable to objects, for which they not only voted, but which may be regarded as the offspring of their own principles and affections. Had not General Jackson vetoed the Maysville road bill, and had not the Democracy sustained him in this great step, could you undertake to tell me of the mad prodigality and reckless expenditures you would now have beheld and deplored? Sir, it was this veto that closed the largest, the most alarming outlet to the public Treasury, a measure no less salutary than bold, for which he received from the new-fangled Whigs of the day, nought but the most unmeasured derision and vituperation; A word as to your naval establishment, and I shall have finished my comparison of expenditures. In 1828, the expenditure for building vessels of war was $226,387. In 1838, it was $1,490 928. Will you taunt the Administration for this increase? The party in power has generally been suspected of not being quite friendly enough to this arm of our national defence. Federalists often claim it as their pet; as the child of their own peculiar nursing. Mr. Jefferson was ridiculed for his predilection for gunboats, as opposed to a navy. You claim the merit, sir, of having early taken this interest to your bosom. It has been well, however, ut not too well, guarded by the past and present Administrations; and is it just now, that you should make the fostering care which we have extended to it a subject of reproach? About as just, sir, as are all the reproaches you are heaping upon us for the increase of the expenditures of the Government; expenditures for which you, as a party, have uniformly voted, and for opposing which you would have rebuked us, as most faithless to the public interest. If the expenditures have been increased since 1823, you are more than *particeps criminis*.

Though the augmentation in the expenditures has, within the last fourteen years, been considerable, by means of legislation, for which, as I have shown, the Opposition are at least equally responsible with the friends of the Administration; yet has it not been as great as within other specified periods of our history, nor has it kept pace with the progress of population and wealth. In the annual report of the Secretary of the Treasury, you will find a very full and lucid exposition of the increase of expenditure as compared with the increase of wealth and population. I beg leave to call the attention of the committee to one or two paragraphs of that very able document.

"The precise periods (says the Secretary) when the greatest increases happened, and the rate of them, have not kept a uniform pace with the progress of population and wealth. In many respects, the ratio has not been nearly so great during the last ten or twenty years, as in some previous terms. Thus, the whole expenses of the Government in 1793, with the exception before mentioned, were about three millions yearly; and in 1818, after the lapse of a quarter of a century, had increased, though in a period of peace, to fifteen millions of dollars, or fivefold, while our population in that period had only doubled. But during the next sixteen or seventeen years, as in 1834 and 1835, the expenses had enlarged not twenty-five per cent. while our population had advanced at least sixty-six per cent. During the present year, (1839,) though in intermediate periods, chiefly from Indian wars and removals, considerably higher, they will not exceed the amount in 1818 more than sixty-six per cent. while our population has since increased more than eighty-four per cent. Again take the progress of the ordinary civil expenses, which include those of the Executive, Legislative, and Indian Departments, miscellaneous and foreign intercourse; all of them united were but a little over half a million of dollars in 1793, while in 1818 they had increased to nearly four millions, or eight hundred per cent. though our population had augmented only one hundred per cent. But since the last date, that class of expenditures has not enlarged forty per cent. having not been over five millions and a half in either 1837, 1838, or probably 1839, while our population has advanced eighty-four per cent. or more than double that rate."

Thus, sir, you perceive that, great as has been the increase of expenses by means of the legislation of Congress, it has not yet been equal to the increase of wealth and population. There is another cause which, in some measure, no doubt, contributed to this increase of our expenses, which, I trust, will not very soon occur again. I refer to the unwieldy surplus which flowed from the spirit of speculation produced by the expansion of the Bank of the United States in 1834, and the pursuit of the same policy by the State banks. Importations of foreign goods swelled from one hundred and one millions of dollars in 1833, to one hundred and ninety millions in 1836; and the sales of your public lands at once swelled from three or four millions per year to twenty-four millions, in the bloated year of 1836. The duties upon this unprecedentedly heavy importation, and the proceeds of this immense sale of public lands, brought into your Treasury more than forty millions of dollars beyond the ordinary wants of the Government. The scheme of distribution among the States was at once conceived by a party in Congress; though there was another party here who conscientiously believed that this would be the most mischievous and alarming disposition that could be made of the surplus; and not a few thought that it would be better, far better, that it were sunk in the bottom of the ocean; that it would be an example that would impair the independence of the States; create a reliance, on their part, upon this great Federal head; and serve to make this Government the collector of taxes for, and the distributor of, largesses to the members of this Confederacy. Many gentlemen were thus induced, no doubt, to favor appropriations that would not have received their sanction had not this scheme of distribution been on foot. They voted for objects, that would not otherwise have commanded their support, because they looked upon such dispositions of the public treasure as a lesser evil than the alternative of distribution. Sir, I had the honor of recording my vote against the deposite or distribution bill; and I look back upon it with more pride and satisfaction than on any other vote of my life. A distinguished Senator from Missouri proposed to apply a considerable portion of this surplus to the purpose of erecting an adequate line of fortifications along our seaboard; and well would it have been if this judicious and constitutional disposition had been made. Then, sir, would the nation have no cause to tremble with alarm for our large cities at the slightest prospect of a conflict with a foreign power. Then would we have secured a guarantee for a long peace, by exhibiting an adequate preparation for war. Yes, sir, all the forebodings of the enemies of distribution are already justified by actual events. Many of the States, under this new impetus, have been precipitated into the wildest extravagance; chimerical projects have been undertaken, now abandoned or suspended; the credit of many of the States has been sunk so low in Europe as to make every American abroad blush and hang his head. These, gentlemen, are among the fruits which have arisen, in a measure, from your policy of distribution; but these are not the worst. A disposition is indirectly engendered in the States to look to this Government for supplies; for the means of extricating them from the effects of their own folly and extravagance. The clamorant appetite of politicians and distributionists is already whetted for our public domain; that once denationalized and severed, your customs will have to respond to the next horse-leech cry of "Give—give;" and unless this alarming spirit be, in this stage of it, rebuked and checked, your whole Government will be practically changed, and the long deferred hopes of Federalists and consolidationists will be consummated.

CUMBERLAND ROAD BILL.

DEBATE IN THE SENATE.

WEDNESDAY, April 1, 1840.

The bill for the continuation of the Cumberland road, in the States of Ohio, Indiana, and Illinois, was taken up for consideration; and the question being on the amendment proposed by Mr. CLAY of Alabama to strike out the two per cent. clause,

Mr. CLAY of Kentucky addressed the Senate at length in favor of the amendment; and the question being taken thereon, it was rejected—ayes 17, nays 19, as follows:

YEAS—Messrs. Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Davis, Dixon, Henderson, King, Lumpkin, Phelps, Prentiss, Preston, Ruggles, Southard, Strange, and Webster—17.

NAYS—Messrs. Allen, Anderson, Benton, Brown, Cuthbert, Fulton, Grundy, Linn, Nicholas, Pierce, Robinson, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Wall, White, Wright, and Young.—19.

Mr. CLAY of Alabama then proposed, as an amendment, to strike out all after the enacting clause of the bill, and insert the following as a substitute:

"That the two per cent. of the nett proceeds of the sales of public lands in the several States of Ohio, Indiana, Illinois, and Missouri, which may accrue after the passage of this act, and which was reserved by the several acts for the admission of said several States into the Union, to be applied to the laying out and construction of roads leading to the said States respectively, be, and the same is hereby, relinquished to said State respectively, to be paid over to such person or persons as may be authorized to receive the same, to be applied by said States respectively, to such roads or canals within their several limits, as they think proper: *Provided* the Legislatures of each of said States shall, before receiving any part of the said fund, pass an act, irrevocable without the consent of Congress, assenting to the provisions of this act."

Mr. C. said as it seemed, from the vote just taken, that we were to go on appropriating money for this road, on the pretext that the General Government was to be refunded out of the two per cent. arising from the sales of the public lands, in the States to and through which it was to run, notwithstanding that fund, present and prospective, had been exhausted more than three times told, he now proposed to put an end to this enormous annual drain from the Treasury, by giving up all that was hereafter to accrue. He said surely, when it had been shown that the whole amount of the two per cent. fund of the four States, (Ohio, Indiana, Illinois, and Missouri,) which had now accrued, was but $1,096,012 18; and that we had appropriated and expended $6,609,407 76—exceeding the amount they had any right to claim, the sum of $5,513,395 58—they would consent to take all the fund which was hereafter to accrue, and release us from any further expenditure. Mr. C. said this must be regarded on all hands as a liberal proposition. The friends of the road claimed the appropriation, on the ground that it was either now, or would become, payable under the compacts with those States reserving the fund; and how could they reject this proposition, when no one denied that we had gone far beyond the amount which had accrued in past expenditures, and even to surrender all that could possibly accrue hereafter? He thought this question would determine how far the two per cent. really had any thing to do with the bill, or the money it granted.

To gentlemen who represented States not interested in the road, Mr. C. said his amendment ought to be altogether acceptable. He had shown

in an early stage of the discussion, that if every acre of the lands remaining unsold in the four States, could be sold for $1 25 per acre, (and no Senator had pretended it could,) the two per cent. on the proceeds would only amount to $1,426,108 56. Even if that sum could possibly be realized, we should be purchasing our release on good terms; for, if the land would sell at all, it would not all be sold in half a century—during all which time the fund would be slowly accruing, whilst more than the amount would be taken from the Treasury in a year or two more. Mr. C. said, taking into consideration the reduced prices at which the refuse lands in those States might be expected to sell—perhaps not exceeding one half the present *minimum* price per acre—the whole two per cent. fund hereafter to accrue would never amount to a million of dollars. Then, taking into view the claims of the States interested, to have the road completed on the plan which had been pursued, and that the cost of so finishing it was estimated by the engineer at $7,896,045 44, he thought all must entertain the opinion that we should do well by making the surrender proposed by his amendment. Large as the cost of its completion was estimated, Mr. C. said he did not believe it equal to the amount of expenditure that would be required. Hence it was fair to conclude, that, if the several States would accept the proposed relinquishment, we should save to the United States about seven millions of dollars. With this brief explanation, he said he would leave his amendment to the consideration of the Senate.

Mr. PRESTON also advocated the amendment, and opposed the bill at some length.

Mr. YOUNG replied to Mr. CLAY and Mr. PRESTON, and went into an extended argument in support of the bill.

Mr. CLAY of Alabama remarked, in reply to Mr. YOUNG, that hitherto, the two per cent. fund, accrued and accruing on the sales of the public lands in the four States, for whose benefit this road was to be made, had been the basis of the whole argument in favor of the appropriation. But now, when it had been clearly demonstrated, that the entire fund, so far as sales had been, or ever could be made, had been long since exhausted; and, consequently, that the General Government had more than performed its compacts with those several States, the Senator from Illinois [Mr. YOUNG] had assumed the bold and new ground, that the Cumberland road did not rest upon the compacts! If this be the fact (said Mr. C.) why was the bill framed with reference to those compacts? Why did it contain a clause for the reimbursement of the United States, from the fund arising under them? And why were the friends of the bill, including the Senator from Illinois, so averse to striking out that clause, on the motion made for that purpose? Mr. C. said, if the Senator was justified in the position he now assumed, the pertinacity with which he and his friends clung to the clause for reimbursement, under the compacts, was most extraordinary. He said the stage of the discussion at which this ground had been taken, and a recurrence to the course of argument which preceded it, gave it very much the appearance of an afterthought. The friends of the bill had not only resisted striking out the clause, connecting it with the compacts between the United States and Ohio, Indiana, Illinois, and Missouri, but they had succeeded in overruling Mr. C's motion; they would not agree, he said, to place the measure, as he had desired them, upon its own merits, independent of any hope or claim upon the two per cent. fund, but still it retained that feature. Yet the Senator from Illinois now maintains that the Cumberland road does not rest upon the compacts with the States interested! He said he would leave it to the Senate to say whether this course was not strangely inconsistent with the whole argument against his amendment, and the vote by which it had been overruled.

Mr. C. said, the Senator from Illinois, to aid him in his new position, now also contended that Mr. Jefferson thought this road constitutional. Now, said Mr. C if the gentleman means to convey the idea that Mr. Jefferson believed the General Government possessed the constitutional power to make roads or canals within the States, I deny the assertion, and challenge him to the proof. Can the Senator from Illinois, or any other gentleman, show a single sentence in all that Mr. Jefferson has said, or written, to warrant the belief that he ever entertained the opinion that this Government possessed power to make internal improvements? No, sir, said Mr. C. it is impossible—except so far as to agree to expend two per cent. of the nett proceeds of the public lands in making roads to the new States, to accelerate the settlement and facilitate the sale of the national domain, as he had stated in a former part of the discussion; and this was a mere incident to the "power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." But, although in this aspect, that distinguished Republican had approved of bills making appropriations for the Cumberland road; and although those bills had anticipated the accruement of the fund reserved for that purpose; he had never exceeded its ultimate probable amount; nor had he ever signed a bill which did not promise reimbursement.

But the Senator inquires how, with such views as I have expressed, I can vote to relinquish the two per cent. hereafter to accrue in those States? To this, said Mr. C. I answer, I do so on the principle of quieting a vexatious claim, and by way of buying our peace. He alluded to what was commonly called the Yazoo claim, known to have originated in fraud, and to have been totally invalid. Yet the General Government had given the claimants 5,000,000 dollars, to get rid of a troublesome question. He also said, even in the history of this road, there was precedent enough for such legislation. It was on the principle to which he referred, that several acts had been passed, making large appropriations for the Cumberland road on this side of the Ohio, conditioned that the several States through which it passed would accept the road within their respective limits, and keep it up. Indeed, he said, a session of Congress seldom occurred, that some act did not pass, founded on this principle of compromise; and he had no hesitancy in saying that one more advantageous or necessary than that proposed, had never been passed.

The Senator had brought up, too, the application of the Legislature of Alabama for a relinquishment of the works which had been commenced on the Tennessee river. Mr. C. asked, where was the analogy between that case and the present? He answered, none whatever; and although the Senator from Illinois was at the head of the Committee on Roads and Canals, to which the memorial from the Legislature of Alabama had been referred at the last session, and again at an early day of the present session, Mr. C. said, from the Senator's allusion to the subject, he feared he had never read it. He said he would inform the Senator from Illinois that the two cases were entirely dissimilar. The friends of the Cumberland road not only claimed $450,000 now, but that nearly $8,000,000 more, in all, should be appropriated for its completion. The application from Alabama was, not that Congress should appropriate more money for the completion of the canal, but that the work might be relinquished to the State, that she might finish the improvements herself. Mr. C. could see no good ground for objection to this proposition from any quarter. The completion of the canal, or the removal of the obstructions to the navigation of the Tennesse river, presented by the muscle shoals, on some other plan, was, he said, all-important to the agricultural and commercial interests of the northern part of Alabama, and also to those of several other States. Connected, as this improvement was, with the commerce of all the Western and Southwestern States, in a greater or less degree, it had much higher claims to the aid of the National Treasury than any turnpike road running through the interior of the States. This work having been commenced by the General Government, application had been made in former years for further appropriations to complete it; but they had been made in vain. The State had despaired of further aid, and now made the very reasonable request that it might be given up to her own exclusive control. He said he would take this occasion to invite the consideration of the committee to the subject, and hoped, whatever might be their conclusion, they would at least report their views upon the memorial, and let the Senate judge of its merits.

Mr. WEBSTER said, it must be acknowledged that this bill calls for the appropriation of a large amount of money, considering the present state of the Treasury; and, as the object is not embraced in any estimate submitted by the Treasury Department, we shall be very likely, hereafter, to hear Congress reproached with extravagance, and with disregard of the economical maxims of the Executive. I am induced, nevertheless, to vote for the bill. I regret that some of its friends place its support on grounds which do not appear to me to be substantial. They treat the subject as matter of contract. They refer to the provision by which, when these Northwestern States were respectively admitted into the Union, two per cent. of the proceeds of the public lands were to be reserved, to be applied by Congress to the making of roads leading to the States; and there is in this bill a section purporting to charge this appropriation to that fund. I have voted to strike out that section, because the fund has long since been exhausted and expended. This every one knows. Yet the section is retained to give the color of contract or obligation to the bill, instead of leaving it in the plain character of a bill making a direct grant of money out of the Treasury for constructing a road. This section is a little narrow isthmus, along which a few friends, it is hoped, may persuade themselves to walk, who are afraid of the broad general ground of the Constitution—a sort of bridle path, which they can thread along, and arrive at an affirmative vote, by a way not known to others. I am against these contrivances, and place my support of the measure on grounds entirely different.

It is now fifteen years, I think, since I was first called upon, as a member of Congress, to act upon the subject of this road. It had then reached the Ohio. I took some pains, at that time, to explain the grounds of my vote in favor of the appropriation, and I have never seen reason to change them. On the present occasion, I shall only merely refer to them.

The Northwestern territory was ceded to the United States under the Confederation; and, on the adoption of the present Constitution, this vast public domain fell under the control of Congress. All the property and rights belonging to the United States under the Confederation devolved upon this Government by the establishment of the present Constitution, as did also all their debts, compacts, treaties, and obligations. And the Constitution expressly declares that Congress shall have power to dispose of this territory, *and to make all needful rules and regulations respecting it.*

Under this authority, Congress has caused the the territory to be surveyed, the lands laid off into townships and sections, and great portions of them sold to settlers. The new States have thus sprung up, and been admitted into the Union, successively, as they have attained the proper amount of population.

In general, Congress has done nothing to promote the sale of these lands, but to survey them and lot them out; and, while yet held by Government, and for five years after, none of them are taxable by the State Governments. The Government of the United States, therefore, in relation to these lands, is a great untaxed proprietor. As a great proprietor, then, holding these lands for sale, is any thing more reasonable than that it should open the country, make roads through it, render it accessible, and thus bring the lands into market? Is not this just what any large individual proprietor of forest lands would find it his interest to do? Congress has express authority to make all needful rules and regulations for the whole subject. It has made already a mass of rules. It has made lines for exploring, rules for surveying, and running rules, and rules for selling and receiving payment. Many of these rules and regulations necessarily incur, in carrying them into effect, great expense; yet no one doubts that all such expenses may be very properly paid out of the Treasury. And if Congress

choose to go further, and make regulations for the opening of roads through the country, I cannot see the least constitutional objection to it. And what strikes me very forcibly is, that, so long as one of these regions of country remains a territory, nobody objects to making roads in it by the authority of Congress, and paying the expense out of the Treasury. But the public territory, so far as it remains unsold, is under the control of Congress after a State is established, as well as before. It is as much the duty of Congress to take care of it, to sell it advantageously, and to do every thing necessary and proper for the purpose of making such sales, after a State exists, as while the territorial form of government existed. There is, it is true, a difficulty, rather theoretical than practical, springing up, or which, by possibility, might spring up, by the establishment of the State Government; that is to say, there might possibly be a difficulty about jurisdiction. It might be necessary, in some imaginable cases, to carry the road over lands belonging to individuals; in other imaginable cases, it might be necessary to exercise some authority, resembling municipal authority, for the protection of the road. But these cases are all hypothetical. No actual difficulty has ever occurred; and, as to the mere power of appropriation, there cannot be the slightest difference in the two cases, of States and Territories. There must, in each case, be a proper object—an object within the just power of Congress. And if this objects exists, the right to expend money upon it is as clear in one case as the other. I suppose it was merely with reference to this question of jurisdiction that Mr. Jefferson deemed the concurrence of the States important; although the question then pending had more appearance of doubt, as the road then to be constructed was on this side of the region of the public lands, and within the old States. It is very certain that if, in a given case, Congress has not power, under the Constitution, to make a grant of money, it cannot obtain that power by obtaining the consent of three or four States for its exercise. The power must rest, and it does rest, on the direct authority of Congress.

It is said that this is a local object, and that, in carrying it forward, we, in effect, tax the whole people for the benefit of a part. But this may be said of almost every thing. To be sure, the road is local; and so is every fort, every harbor, every pier, every light-house, and every armory and arsenal in the United States. But they are not, for that reason, less within the just exercise of the powers of Congress, or less deserving its attention. The money, it is true, is to be paid out of the Treasury; but then the public lands are constantly paying money into the Treasury. Suppose it had been the practice to keep the proceeds of the sales of the public lands in a distinct fund, separated from the general moneys of the Treasury: it would seem plain enough that out of this fund any reasonable sum might be applied for the purpose of making roads to and through the lands, for the purpose of bringing them into the market.

There is yet another view of the subject, which exhibits, I think, the duty of Congress in a clear light. We commence the settlement of these forest lands by the work of the surveyor. We cause them to be laid off into townships and sections. We then advertise them for sale by sections, or smaller quantities, to accommodate settlers. A few settlers buy their lots, fell the timber, begin cultivation, and build their houses. But there must be roads from house to house; there must be bridges over the streams; much cost and labor are demanded for these and similar neighborhood purposes. And this cost and labor are supplied by the settlers. Meantime the United States, owners still of the greater part of the lots and sections, contribute nothing, and are taxed for nothing. It has not been thought proper or convenient, for general reasons, that the Government should be called on to bear any part of this expense, though it may be a very heavy expense, as all know who are acquainted with the settlement of new countries.

But, as the Government does nothing in common with other and smaller proprietors, for these smaller objects, the reason is greater that, on a larger scale, and in regard to larger and more general objects, it should make its just contribution.

I say nothing of the expense of the road, only that I believe it has cost a great deal more than it need to have cost. It has been sometimes very badly managed. I hope the money may be more economically expended hereafter. But I am of opinion that the work ought to go on; and, notwithstanding that the Treasury is not overflowing, and notwithstanding that the Executive branches of Government do not recommend it, nor include the expense in the annual estimates, I shall yet give my vote for the bill, and hope it may pass.

Mr. CALHOUN said that he was thoroughly satisfied that the General Government was wholly unfit to carry on works of internal improvement, and that, in his solicitude to see the termination of the whole system, he would vote for the amendment offered as a substitute for this bill by his friend from Alabama, [Mr. CLAY.] He believed the offer was a liberal one, and ought to be accepted by the States interested. It went beyond the measure of real justice in the spirit of compromise, and the hope that it would put an end to this distracting question, and the system of which it constitutes a part. It was only in that view, he could justify his support of the proposition. Indeed, he believed that the fund was entirely exhausted, and that the States interested in the road had no just claim to further appropriation or aid from the Government.

He could not concur in the opinion of the Senator from Illinois, Mr. YOUNG. That Senator acknowledged that a sum much greater than could ever be derived from the two per cent. fund had been expended on the road, but insists, that on a fair construction of the compact with the States interested, a large portion of the sum expended ought not to be charged to that fund. He rested his construction on the expression, that the money should be expended on roads leading to the State, which he so construed as to make it the duty of the Government, under the compact, to carry the road actually to the limits of the States, and which, if correct, would oblige us to finish the road throughout its whole extent to the borders of Missouri. In giving this construction, he distinguished between "to" and "towards."

He (Mr. C.) did not think it necessary to go into this verbal discussion. He rested his opinion on more solid ground. It was, in fact, too late to inquire into the true meaning of the compact in reference to the fund. Two points were certain. In the first place, that the Government is not bound to expend more than two per cent. on the road, and that the fund had been exhausted. And, in the next place, that it had been exhausted by the votes, in part, of the members of the States interested in that fund, and at the earnest solicitation of the States which they represent, and against the strenuous opposition of a large portion of the members from other parts of the Union. It is too late to say the fund is not liable for such expenditures. They are estopped by their own acts. The very case stated by the Senator would illustrate what he said. He asks, if an undertaker should engage to spend $10,000 to build a house for you, and should spend that sum on the foundation, would that fulfil his engagement? Yes, certainly, if that be the limit of the amount agreed to be spent, and if you stood by and insisted he should spend the whole sum he had engaged to do on the foundation; and such is precisely the present case.

Nor could he agree with the opinion of the Senator from Ohio, [Mr. TAPPAN.] He takes the ground that justice demands the appropriation; that in consequence of this, and other improvements by the Government, we have received a much higher price for the land sold, than what we could otherwise have got, and that the purchasers have already paid for the road in this increase of price. He attempted to establish his position by reference to the price at which Connecticut sold her reserve, which he stated to be forty cents the acre. In answer to this, it is sufficient to remark that the public lands, so far from affording an income, have not yet returned to the General Government the sum expended for them, as was stated and not denied in the recent discussion on the question of assuming the State debts; and that, of course, if the road has been thus far constructed, and if it is to be continued, must be constructed at the expense of the commerce of the country, our only available source of revenue in reality.

But another, and not less decisive answer, might be given to the argument. So far from selling on better, we have sold on worse terms than Connecticut. She sold her whole interest in the gross, including good and bad land, without expense, almost a half century ago, for cash in hand, or, what is the same, paper well secured, with interest; while we have been selling through all the intermediate period, piece by piece, of our best land, at a heavy expense. It requires but little knowledge of figures to show that, taking interest into the estimate, she has realized a clear profit per acre far greater than what we have, without making any deduction for expenses, trouble, and responsibility of management.

He had now showed that this appropriation cannot be defended on the claims of justice. If, then, it can be defended at all, it must be on the broad and general ground of expediency and constitutionality, on which every other work of the same description would stand. He would not assent to the ingenious attempt of the Senator from New York, [Mr. WRIGHT,] to distinguish it from other works of the kind. That Senator acknowledged that the two per cent. fund had been long since exhausted, and admitted that without the provision in this bill charging the work on that fund, there would be no distinction between an appropriation for this and any other road; and yet, with these admissions, he undertook the herculean task of proving that the retention of the provision charging the appropriation on that exhausted fund, would, by some magic, make a material distinction between this and all other roads. His intellect, he acknowledged, was too obtuse to perceive the difference; unless, indeed, it be meant that, if the provision were retained, it would have the effect to prevent the President, in the exercise of his approving power, from looking beyond the act itself, and ascertaining whether, in truth, the fund was exhausted or not, and thus to compel him to sign an act which, otherwise, his oath to support the Constitution would compel him to veto. He took an entirely different view. He believed it due to the President, to ourselves, and the Constitution, to present the act to him, if presented at all, in exact conformity to the state of the facts, so as to afford him a fair opportunity to exercise the high power vested in him by the Constitution over our acts, with full knowledge of all the facts; and if he had no other objection to the bill than the retention of this deceptious provision, as he regarded it, he would on that account vote against it. He held a strict adherence to truth, in every particular, to be among our most solemn obligations.

Viewing this bill like every other for internal improvement, he was opposed to it, if for no other reason, because the experience of a quarter of a century had proved that this Government was utterly unfit to carry on works of the kind. He would vote for the substitute, in order to get rid of the whole system. It appears, by a statement from the Treasury Department, that there has been spent by this Government, for internal improvements, the sum of $18,600,000, in round numbers. If, to this expenditure, interest be added, it may be fairly put down at the sum of twenty-five millions; and what do you suppose has been the aggregate income of the Government from this immense expenditure, equal to one-fourth of the debt of the Revolution? The whole amount is just $173,620, and that from a single work, the Louisville and Portland canal; and we have now, if I mistake not, a bill on the calender to surrender that work. Nor is this road an exception to wasteful and thoughtless expenditure. It has been stated in debate, and not contradicted, that it has thus far cost $18,000 per mile; a sum at least three times as great as a good road of the kind may be made for, and much greater than what a substantial railroad ought to cost.

Georgia is constructing at this time a railroad from the Tennessee to the Chatahoochie river, a distance

of 120 miles, including the mountain section between the Atlantic and the Western waters, at the rate of $15 000 per mile, substantially made, to be laid down with heavy rails and graded for double tracks. If he misstated, he asked his friend from Georgia, back of him, to correct him, [Mr. LUMPKIN.] He felt that he hazarded nothing in asserting, that this very road will in ten years be superseded by a railroad, and will prove worthless, like all our other projects of the kind, with the lucky exception to which he had alluded. The uncertain navigation of the Ohio river, in summer and winter, will make a railroad passing in the same direction necessary, and when made, this, which costs so much, and is the cause of so much contest, will be no more than a mere neighborhood road, being used to drive stock on, and not good for that.

But the unfitness of this Government to carry on works of internal improvements is not confined to this objection. Our disbursements are as partial and unequal as they are wasteful and thoughtless. I hold in my hand a document, (No. 89, 2d Ses. 23d Congress,) which gives the amount expended under the head of internal improvement, from the commencement of the Government to 1833. To that period there had been expended ten millions of dollars in round numbers, of which sum Georgia had received just seventeen thousand for her share, South Carolina nothing at all, Kentucky nothing, Virginia nothing, and Tennessee twenty-seven thousand dollars. The truth is, that the expenditures appear to have been governed by importunity and political influence, with little or no regard to justice or utility.

A system so conducted must lead to discontent, and be productive, politically, of mischievous consequences. Need we go further than this very instance to prove the truth of this assertion? Can we doubt that there is, in reality, a large portion of this body discontented with so large an annual draft on the Treasury for a single work, as local in its character as a thousand others that may be named? Nay, further; can we doubt that there is a great majority of the body of both parties opposed to it, both on the ground of expediency and constitutionality, but who feel themselves compelled, in a measure, to vote for the appropriation, because of its supposed bearing on a certain question which now agitates the country, but which he did not deem it proper to name here. According to his mode of thinking, those who represented the States immediately concerned had the greatest interest in terminating the whole system. They were placed, in his opinion, in a state truly awkward and embarrassing; and for himself, he would rather that his State should never receive a cent, than to receive double the amount contained in this bill, under the circumstances under which it would have to be voted.

It is time, Mr. President, that we should awake from our long slumber. We have, for the last fifteen or twenty years, been wasting the resources of the Union on innumerable objects of internal expenditure—roads, canals, harbors, an overgrown eleemosynary pension list, never intended to be placed, by the Constitution, under the charge of this Government—while we have been grossly neglecting the great objects for which the Government was really instituted. It is high time that this internal bleeding, which has been wasting the strength of the Government, should cease, and that we should direct our attention and resources to objects really entrusted to the Government, and for which it is responsible. He was no alarmist: he did not believe that war would grow out of the boundary question. Right, he solemnly believed, was with us; and when the Government of Great Britain came to a full and calm consideration of the subject, such, he believed, would be her conclusion; but be that as it may, he could not bring his mind to the belief that two nations so deeply interested in preserving peace, would refuse to settle such a question short of an appeal to arms. The great point is to prevent collision between the local authorities on the opposite side of the line, and to keep the question to the real point at issue. If this be done, he did not doubt but the controversy would terminate peaceably, and to the mutual satisfaction of both parties. But although he did not believe that war would result, or that there was danger in that quarter, he could not look at the general state of the world, without fearing that the elements of strife were daily multiplying and gaining strength, and that it was time for us to economize our resources, and direct them to the point where they would be felt in the hour of trial. We must look to the ocean. That is the exposed side—the side of danger. There was no real danger on the side of the inland frontier. He regarded the British possessions on that frontier as a pledge of peace, and not a source of danger. The immense increase of our population on the whole extent of the line, and the still greater facility of concentrating the great masses of our population on any of its exposed points, by roads and canals, made us invincible there. Not so on the maritime frontier. It is there we are really exposed, and to that we must direct our attention. For its defence fortifications have their value; but they have been over estimated. It is on the navy we must rely. It was our cheapest and safest defence—at once our sword and shield. On it we should converge our surplus means. He would be prepared to show, on the proper occasion, that it would be in our power, by strict economy, and withholding useless, profuse, corrupting, and unconstitutional expenditures, to put on the ocean, at no distant period, and without increase of burden, a force that would give to us the habitual command of the adjacent seas, against any force that could be safely kept by any hostile power on our coast. At that point we ought to arm. Nothing short of it can give security or respectability. The first step is to put a stop to these internal expenditures; at the head of which stands that which is the subject of this discussion. Till it is stopped this system cannot be arrested; nor can we have any assurance till then that it will not return on us in its full vigor. Other portions of the Union will not stand by and see a part receiving all the benefit of the system, be the pretence what it may, without struggling to participate in its advantages.

On motion by Mr. WHITE,

The Senate adjourned.

SPEECH OF MR. WATTERSON,

OF TENNESSEE.

In the House of Representatives, April 2, 1840—In reply to Mr. BELL, on his bill to secure the freedom of elections, and to provide more effectually for the faithful administration of Executive patronage.

Mr. WATTERSON said:

I do not intend, on the present occasion, to take up much of the time of the House, by reading, iterating, and reiterating the opinions of Washington, of Jefferson, of Madison, and of Jackson, in regard to the principles embraced in the bill now brought forward by my honorable colleague. I shall content myself with stating, in plain language, my own views; and for them will I be responsible to those who sent me here, and to the country.

The bill is not a new acquaintance. It had its faint and comparatively harmless prototype in the sedition law of the elder Adams—a measure which overthrew the party that originated it; which brought about the political revolution of 1801; and which gave rise to that immortal declaration of the principles of this Government, by the Virginia Assembly, which has been adopted and recognised as the corner stone of Democracy. These principles will stand unshaken amid all the conflicts of party, and must continue to control this Government as long as it shall exist; for whenever the General Government shall go beyond its proper sphere, and assume arbitrary powers, or powers not delegated to it, it will come into collision with the State sovereignties, in such a manner as to cause its overthrow.

My first objection, therefore, to the bill proposed by my colleague, is, that it is unconstitutional. It interferes in a matter properly belonging to State authority, and over which this Government has no sort of control. Congress as no right to prescribe the qualifications of electors in the several States; nor the mode of conducting elections; nor the privileges or immunities of citizens in relation to elections. All this is left to State regulation. The States, if they see fit, can make any laws on this subject, not conflicting with their own and the Constitution of the United States. But no State has yet seen proper to direct its legislation against the influence or the acts of Federal officers, as distinguished from other classes of citizens. Congress is expressly prohibited by the words of the Constitution from making any law, "abridging the freedom of speech or of the press." For wise reasons, the Constitution has been so framed as to withhold from the General Government any power to restrain the exercise of the right of speech, and the right of the press. To the States alone it belongs to judge how far these rights may be properly restricted. It is too late to argue this question. It has been settled by the almost unanimous voice of the people of these States.

The principles of this bill, however, are still more inconsistent with our Constitution, and with the doctrines of Jefferson and Madison, than those of the sedition law. The latter restrained the freedom of the press, but the former strikes at the liberty of speech. The sedition law allowed the truth to be given in justification of what was published; but this bill makes criminal even the suggestion of undisputed truth, in regard to public men and measures.

The object of the bill is to prevent Federal officers from intermeddling in elections, or, in other words, to gag them to deprive them of their rights under the Constitution; to forbid them from speaking on public affairs. My colleague, indeed, says, that *his* object is to emancipate these unfortunate men from Executive influence. It may be that, like the Turk, he would enslave, in order to proselyte; and, sir, if this bill could be made a law, the officers of the Government against whom it is aimed, would be watched, and dogged, and misrepresented, and prosecuted, until they were driven into the sanctuary of the true Opposition faith.

I ask if the bill now brought in by my colleague, is not the same in principle, if not in detail, as that which was introduced into the Senate last year by a Senator from Kentucky, [Mr. CRITTENDEN,] and which incurred the marked disapprobation of that body, and of the people? If I am not mistaken, my colleague approved highly of that bill. I remember, said Mr. W. that I read the speech of my colleague on the harbor bill in the year 1836, in which he quotes, with much admiration, an old English statute, passed in the year 1701, prohibiting certain officers of the customs and excise, and of the post office, from giving their votes in any election of members of Parliament, or from persuading any elector to give, or dissuading him from giving, his vote in such election. He then called upon the freemen of the United States to take a lesson on this subject from the legislation of a Government less free than our own, and of an age in which Republicanism was known but in the visions of philosophers. The example drawn from English legislation, is an abridgement of the elective franchise. That Government has abridged the same right in an hundred different ways and under various pretences. It has indeed narrowed it down under any pretext which it supposed might reconcile the people to such encroachment. But why should we follow a precedent so hostile to the genius of our Government? Would the gentleman begin the work of suppressing the voice of freemen on public affairs, on any pretence, so as to familiarize us to a scheme which, among the Federalists, has always tended gradually to gag the people and restrict the right of suffrage. That party has never lost sight of their original plan of warping our Government into the British system.

This system, which my colleague believes to be so necessary to the preservation of the freedom of elections, in this free land, was adopted by a Senator, and brought forward, at the last session, in a bill which was a copy, word for word, of the British statute, which so much pleases my colleague. Five Senators were *found* to vote for it, *two* of them, perhaps, in compliment to the well known opinions of my colleague, but never was a bill less favored by the

people or the States. My colleague, not discouraged by the ill success of this first attempt to which two of his friends in the other body were made a sacrifice, has again brought forward the same plan in a slightly modified form.

Can my colleague be surprised that a bill, the features of which are so well understood, and which has been so strongly reprobated, should be resisted on its threshold? Can he be surprised at the hesitation manifested even in granting leave to introduce the bill, or that a motion should now be made for its rejection? But having a *fixed idea* on this subject, and possessing unwavering confidence in his views of it, he commenced his speech with an expression of surprise that such opposition was manifested by a portion of his colleagues and others of the same political party, when he asked leave to introduce his bill. He told the House what the Globe would have said, in the event leave had been refused. Whether the sketch which he drew was mere fancy or not, I do not feel myself called upon to give an opinion. I think, however, he is entirely mistaken in supposing that those who voted against leave, were actuated by the motives which he ascribes to them. They, no doubt, thought the bill was so abominable, that it was their duty to oppose it at every step of its progress—that it was so obnoxious, it could find but little favor even with the gentleman's own political friends upon this floor—that an unprofitable debate would arise upon it, which would consume much time, that should be devoted to the important public business of the country, requiring immediate action. Sir, I am not sure but they took the right course, and should have been sustained, though my vote stands recorded in favor of giving leave. It occurred to me, at the time, that, if my colleague were not permitted to hang a real *bona fide* stump speech, four years old, on this bill, about the office holders and Executive patronage, he would be certain to do so, when some other measure was under discussion; and that even in point of time, nothing would be saved by refusing to graut the leave desired. Moreover, sir, the bill has been on your docket for a long while, and I wish to see it disposed of—a vote taken upon it—and let the country know how many members are in favor of what I conceive to be its odious provisions. I hope, therefore, that no friend of the Administration will move to lay it upon the table, or to get clear of it in any other indirect way. Let us march right up to the main question, and if the bill contains the principles of the Whig party, the sooner the people know it the better. But I predict that, whenever we come to the sticking point, such dodging and hiding behind pillars, as there will be, has not been witnessed among my colleague's political friends, since the "*immortal five*" voted for Mr. CRITTENDEN's famous gag bill.

My colleague complains that the minority of this House are gagged by the majority. Where is the evidence of it? Is it to be found in the many elaborate electioneering speeches which have been made here by him and his political associates? Have they not wasted fivefold as much time in useless partisan debates, as has been wasted by the Democratic members? These facts are indisputable—they are blazoned on the records of our proceedings, yet, forsooth, the Opposition are gagged! Sir, if it were not for the "previous question" in the House, and a determination on the part of the majority to "set out" important questions in Committee of the Whole, it would be impossible to do any business—such is the disposition of the Whigs to stave off every question, to impede the progress of legislation. They oppose every thing and propose nothing. Like the architect of ruin, they are eternally endeavoring to pull down, and never once make an effort to build up.

Mr. Speaker, the clamor of the Opposition about office holders is not new to our ears. It is the cry of the *outs* against the *ins*. It will be as perpetual as the existence of parties. We have often heard it before. Strangers to the cry would be led to suppose, that all office holders, all who were so far honored with public confidence, as to hold any public station of profit or trust, are necessarily enemies to their country—particularly if they should happen to hear the emphatic denunciations of them by my colleague. If, sir, there are too many office holders, let him specify them, and bring forward a bill to dispense with them, and I assure him that I will go for it. No proposition has yet come from him for that purpose, and none can be expected.

But, Mr. Speaker, is the purity of representation, and the freedom of elections, alone assailable by office holders of the General Government? Can my colleague see no danger from any other quarter? In the scenes which have lately passed before our eyes, and to which he alluded in his remarks on yesterday, can he not discover the danger to which elections, both of members of Congress and of the State Legislatures, are exposed from sources much nearer home than his supposed Executive influence? On the part of officers of the State Governments there have been daring attempts, of late years, to suppress the right of suffrage, and to control the results of elections. In one State, Pennsylvania, the policy was avowed by the minority party, then in power, of "treating the election as if it had not been held." The attempt was made in that and in one other State, by officers holding my colleague's political opinions, and sharing with him in abhorrence of Executive influence over elections—not to persuade a person to vote, or dissuade him from voting, this or that way—but to suppress the right of suffrage itself—to set aside the voice of the people—and, in short, to substitute the will of the minority, for that of the majority. Yes, sir, the acts of reckless and unprincipled officers of the State Governments, have been substituted, or attempted to be substituted, for a free election by the people; and, in all this, my colleague sees no cause of alarm, though in one case, it brought one of the largest and most respectable States in the Union, to the brink of revolution and civil war, and, in the other, led to a prolonged disorganization of the legislative branch of the Federal Government

Again; elections are exposed to another vicious influence, which seems to have escaped the notice and reprobation of my colleague. I mean the influence of "associated wealth," of privileged corporations, acting in concert with State officers, against the policy of the Administration of the General Government. Is there no danger from this source? The tremendous money power of this country, and its natural ally, the money power of England, are brought to bear, as we have too often witnessed, not only upon elections, but upon the elected Representatives of the people. Who can estimate the danger to our institutions, of the concentration of this moneyed power in the hands of the General Government, which it is the object of the Whig party, who support the union of Bank and State, to effect? And this object is to be brought about, not by the Administration and its adherents, but by officers of the State Governments, acting in co-operation with money corporations, to control or set aside the popular will, as expressed at the polls.

But whence is this outcry against the interference of officers of the Federal Government in elections? Does it not arise chiefly from those States where the Opposition to the Administration have the majority? If this influence can be felt much any where, it is in the large cities on the seaboard, Philadelphia, New York, Boston, Providence, New Orleans, &c. where there are numbers of custom-house officers. But have not these cities been opposed to the Administration? In Philadelphia the majority for Ritner over Porter was upwards of four thousand. The city of New York, at the last Congressional election, went against the Administration; and if, with the aid of the registry law, the Whigs can drive the people from the polls, they hope to win it again. Who can attribute much influence, for or against an Administration, over the intelligent and spirited population of those cities, to a few weighers and gaugers, inspecters and tide waiters? At all events, their influence does not appear to have been very efficient in commanding a majority.

In the interior of the country, a Government officer is scarcely seen, nor is the power of the Executive, in any way, seen or felt. The workings of our system are so admirable, that the hand of the General Government is rarely visible there. The post offices comprise the only class of public officers that the people generally are often brought in contact with. There are about twelve thousand postmasters. But is it not notorious that more than half of those officers are Opposition men? Mr. Kendall so informs us, in a letter addressed to a member of this House, [Mr. DUNCAN,] at the last session. If any influence be exerted by office holders under the Federal Government, it must be chiefly through this army of officers, and more than half of them, I repeat, are Whigs. The Administration is likely, therefore, to lose at least as much as it can gain by their political influence. Most of these officers are men of some consideration in their own neighborhood, and take the office for the accommodation of their neighbors, and not for the emolument, which is but trifling—sometimes not five dollars a year. The office is too inconsiderable to attach them to an Executive; but, at the same time, it is one which they can, if they please, turn with great power and effect against an Administration, by distributing Federal documents, promoting subscriptions to Federal newspapers, and violating their official duty by franking If these things are done at all, they can surely be done by the Opposition postmasters, to as great an extent, as by those who are friendly to the Administration.

It is in vain, then, that we look to the officers of the customs, or to the deputy postmasters, for the evidence of that influence in support of the Executive, which my colleague so much dreads. Where is it to be found? Will he point to Washington City for proof? Here, under the immediate influence of the President and his cabinet, three-fourths of all the citizens are Whigs. A large portion of the clerks and the heads of bureaus are also opposed to the present Democratic Administration. If, sir, the President is to be censured at all, it ought to be for keeping in office so many of his opponents. If he is to have all the odium, I think he ought to have it for something. From the continual clamor about proscription, a person who knew nothing about it might well suppose that there is some truth in it; but the charge cannot be sustained by the facts of the case. The President does not agree to pursue such a course as I would urge. So far as I am concerned, I would, as to all important officers, sweep the political chessboard; and it is all sheer hypocrisy in the Opposition, when they make any other profession, because, whenever and wherever they have the power, they carry out the principles of indiscriminate proscription.

I would like to see the political friends of my colleague from the State of New York vote for the bill. During the Legislature now in session, the Whig Governor of that State turned out and refused to reappoint six hundred and more Democratic office holders, including those of the lowest grade, down to cullers of staves and heading, and inspecters of sole leather.

Is it not notorious that the Whig City Council of New York turned out every Democrat, even the street scavengers and lamp lighters? Did not the Ritner dynasty carry out the spoils principle, as my colleague has been pleased to call it with a vengeance? He made a clean sweep. The white laborers on the public works were dismissed, and as I have just been informed, negroes were put in their places. In New Jersey, the great broad seal State, every justice of the peace was dismissed; and in Massachusetts, Vermont, Rhode Island, Connecticut, and every other State where they have held the power, the same course has been pursued. If the country should be cursed by the election of the nominee of the Harrisburg Convention, they will change their clamor; but there is no danger that they will ever have that cause for ceasing their hypocritical cry of proscription.

Here, I would have it understood, Mr. Speaker, that notwithstanding I am for a pretty general tumbling overboard, yet I would censure the President, or any other man, for turning out competent, meritorious, and respectable officers, and appointing others just the reverse. But so long as I could find among my own friends, those who were

equally competent and deserving, I would invariably give them the preference.

Such, sir, was the doctrine of General Washington in his administration, and who will dispute its correctness? No Administration can, or ought to be supported, that treats its friends with neglect and injustice.

Gen. Washington's opinion on this subject is worthy of repetition in connection with this clamor about proscription. "I shall not," he says, "whilst I have the honor to administer the Government, bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures which the General Government is pursuing; for this, in my opinion, would be a sort of political suicide. That it would embarass its movements is certain."

Mr. Speaker, I would call attention to the facts contained in a message from the President, in answer to a resolution requesting lists of officers who derive their appointments from the President and Senate, and who have been dismissed from office since the 3d of March, 1789, up to the 3d of March, 1840. Out of those whose commissions are recorded in the office of the Secretary of State, embracing most of the higher officers, the following number of removals have been made, to wit:

	Washington, 8 yrs.	Adams, 4 yrs.	Jefferson, 8 yrs.	Madison, 8 yrs.	Monroe, 8 yrs.	Adams, 4 yrs.	Jackson, 8 yrs.	Van Buren, 3 yrs.
	10	7	50	16	17	5	85	9
Army officers removed by order of the President			3	94	24	7	7	4
Navy officers removed by order of the President		2	5	4	2	1	8	
Marine corps		1	1				1	
Those whose commissions have been recorded in the Treasury Office since 1833; the records before that time were burnt							10	14

Since the day 2d day of July, 1836, a large class of postmasters receive their appointments from the President and Senate, of which class there have been removed by Mr. Van Buren thirteen.

These results show that but forty removals have been made by Mr. Van Buren, since he came into power, and should put to shame my colleague and others, who are making such an outcry against him for removing "so many" for opinion's sake.

My colleague has been pleased to denominate the Democratic party as the vampire party, and said it could not stand a day if his bill, or the bill introduced in the other end of the Capitol, of like import, had passed; that they would have the same effect on the Democratic party as did the surgeon's knife in despatching the vampire—a history of the existence and destruction of which he cited. What has been the consequence of the use of this surgeon's knife—the gag bill—in the Senate? Whether intended or not, it has bled to death politically two of my colleague's friends, the late Senators from Tennessee, and, should it ever come to a vote in this House, as I hope it will, it may have some further effect in the same way, if indeed it should obtain any votes.

Another charge, which is constantly sounded in our ears in connection with this subject of Executive patronage, is that of defalcation—defalcation. Gentlemen of the Opposition would make the world believe that there have been no defaulters in their ranks. But, sir, we have official documents here to which I appeal for testimony on this subject.

The tremendous defalcation in the city of New York, which furnished so much political capital to the Opposition, and added a new word to our vocabularies, cannot be considered in any other light than a Whig defalcation. The defaulter himself was any thing but a Democrat, and he was supported, recommended, and urged for reappointment by his Whig and Conservative friends. But, waiving this, I a mready to prove, from a document which I hold in my hand, giving a list of defaulters, and the amount of defalcations, from the organization of the Government in 1789, to March 4th, 1837, that there was less money lost under the administration of General Jackson, than was lost under any other Administration since that of George Washington, in proportion to the amounts collected and disbursed. I read from a report submitted by the Secretary of the Treasury, December 30, 1839

DISBURSEMENT.

	Amount of Defalcation	Average number of persons employed.	Ratio of loss per head to average number employed.	Ratio per hundred dollars to aggregate expenditure in each period
WASHINGTON.				
1st four years,	$4,889 13	213	$22 95	13
2d four years,	32,738 23	400	81 82	27
ADAMS.				
Four years,	170,770 92	535	330 41	83
JEFFERSON.				
1st four years,	54,419 42	622	87 49	32
2d four years,	152,568 70	596	255 99	64
MADISON.				
1st four years,	460,352 73	854	539 05	1 30
2d four years,	1,217,822 06	2076	597 60	1 12
MONROE.				
1st four years,	1,207,193 15	1536	785 90	2 05
2d four years,	986,642 53	1052	937 87	2 16
J. Q. ADAMS.				
Four years,	327,387 49	823	397 79	66
JACKSON.				
1st four years,	105 502 88	852	123 83	19
2d four years,	230.336 32	971	237 22	26

COLLECTION.

WASHINGTON.				
1st four years,		51		
2d four years,	$7,855 80	83	$94 63	03
ADAMS.				
Four years,	244,945 60	95	2578 37	72
JEFFERSON.				
1st four years,	36,219 05	100	362 10	74
2d four years,	247,278 70	103	2400 16	39
MADISON.				
1st four years,	172,738 12	107	1664 00	43
2d four years,	86,870 37	207	330 56	10
MONROE.				
1st four years,	400,022 44	222	1801 90	42
2d four years,	253,805 25	130	1967 39	35
J. Q. ADAMS.				
Four years,	189,721 80	133	1449 00	20
JACKSON.				
1st four years,	184.444 65	139	1326 94	17
2d four years,	214,648 03	161	1335 08	15

From 1789 to 1837 inclusive, the Government lost, by using banks as depositories, and receiving their notes in payment of public dues, *thirty-four millions nine hundred and seventy-four thousand seven hundred and twenty two dollars!*

It will be seen, by glancing over the following official statement, among other things, that during General Jackson's administration, the losses by defalcations amounted to but twenty-two and a half cents on each hundred dollars of the aggregate expenditures, and sixteen cents on the aggregate collections, whilst during John Quincy Adams's administration, the losses of the former amounted to sixty-six cents on each hundred dollars, and those of the latter to twenty cents on each $100. Yet my colleague and his political associates are exerting every nerve to restore that Administration to power; for though it is not proposed to advance the same man, it is to restore the same odious Federal principles.

Exhibit of the amount of indebtednese to the Government on custom-house bonds, embracing successive periods of four years, from 1789 *to* 1837, *and the amount of duties collected during the same period.*

	Whole loss each four years.	Whole amount of duties collected each four years.
4th Mar. 1789, to 4th Mar. 1793	$686 46	$12,097,850 50
4th Mar. 1793, to 4th Mar. 1797	82,359 84	24,552,164 13
4th Mar. 1797, to 4th Mar. 1801	85,179 98	33,548,222 90
4th Mar. 1801, to 4th Mar. 1805	61,872 69	46,952,705 72
4th Mar. 1805, to 4th Mar. 1809	122,478 51	54,172,790 94
4th Mar. 1809, to 4th Mar. 1813	374,6 4 23	44,079,932 82
4th Mar. 1813, to 4th Mar. 1817	688,836 51	75,871,937 67
4th Mar. 1817, to 4th Mar. 1821	880,111 67	65,470,053 06
4th Mar. 1821, to 4th Mar. 1825	1,568,476 17	74,655,234 54
4th Mar. 1825, to 4th Mar. 1829	2,278,558 47	88,941,104 61
4th Mar. 1829, to 4th Mar. 1833	299.798 51	103,644,579 31
4th Mar. 1833, to 4th Mar. 1837	1,305,305 45	70,185,498 66
Total,	$7,748.318 89	$694,172,034 86

Of all the collectors and receivers appointed by Mr. Van Buren, the official documents will show that up to this time there is not one dollar lost by a defalcation on their part.

Now, sir, as my colleague has so much to say about office holders, it may not be improper to talk about a much more numerous, importunate, noisy, and hungry class, the *office seekers*. Here I would remark, that the energies of office seekers are stimulated by hope of spoil, or by resentment for rejection; and their efforts in opposition to an administration, are much more zealous and efficient than those made by its friends in its favor. It has been doubted, indeed, whether an administration gains any friends through its patronage. Where one person is appointed, many are disappointed, and become disaffected. A French Minister remarked, that in giving appointments to office, he made "a dozen enemies, and one ingrate." Office seekers, too, are more free in the use of party weapons, than their adversaries, the office holders, can be.

Mr. Speaker, I would now call attention to a very extraordinary correspondence between the Union Association of Oswego, New York, and General Harrison's confidential committee at Cincinnati, who have taken him under their especial keeping. They do not intend, it seems, that he shall answer any interrogatories which may be put to him on the subject of Abolition, the Bank, or any other important question, lest he may displease some of the factions that compose the Whig party. They have given him his orders not to make any "*further declaration of his principles, for the public eye, whilst occupying his present position.*" They say they are satisfied that this is the most politic course, from the "*consideration that the National Convention deemed it impolitic, at the then crisis, to publish any general declaration of the views of the great Opposition party.*" Why they did not, I shall take occasion to make known, before I resume my seat. This committee further remark, that, when they reflect "*how ably all interests were represented*" in the Harrisburg convention, the country will have "a high guarantee" that, "*should General Harrison be elected to the Presidency, the office will be happily and constitutionally administered, under the guidance of the same principles which directed our Washington, Jefferson, and Madison.*"

How ably "*all interests*" were represented in that convention, I will also furnish abundant evidence evidence which, I fear, will disturb the equanimity of many a good Whig throughout the country.

But who are these conscience keepers of Gen. Harrison, who have fallen so much in love with Jeffersonian principles? Two of them, I understand, are young knights of the green bag, who are in no way identified with the Democracy of the country, and who, if Mr. Jefferson were President now, would oppose him with the same zeal that they oppose the re-election of Martin Van Buren. The other is the notorious John C. Wright, who represented a Jackson district in Congress in 1825, but, in violation of their will and wishes, voted for John Quincy Adams. He edited, I have been informed, a Federal newspaper in Troy, New York, from 1805 to 1809, and heaped such wholesale abuse upon Mr. Jefferson, and the Democratic

party, that he was frequently prosecuted for libels, judgments obtained against him, he was broken up, and had to emigrate. Yet, strange to tell, he has become of late a great admirer of Jeffersonian Republicanism! Such are the men who surround Gen. Harrison, and have charge of his opinions—who impudently tell the American people, if they are not pleased with Gen. Harrison's refusal to make any "further declaration of his views," they must attribute the error to them and "his immediate advisers."

Whilst, sir, my colleague is for *gagging* the office holders, this Federal clique have actually *muzzled* the chief of the office seekers. Knowing that his principles are in conflict with the best interests of the country, they use him like a machine, which never acts until it is acted upon. When before did a candidate for the higest office within the gift of a free people deny their right to interrogate him on all subjects of public interest? Gen. Harrison has virtually done so, by placing himself in the hands of a confidential committee, who have sealed his lips, and instructed him "to lie low and keep dark" until after the election. Sir, if I had no other objection to Gen. Harrison under the eternal sun of God's heavens, this would be sufficent. It should make every patriot deprecate his election as the greatest calamity that could befal the nation.

But it is pretended that Gen. Jackson had a similar committee. Not a word of this is true. He is not the man to be put in strings, and pulled about like an automaton. He always gave his opinions freely, when interrogated; he never was afraid to "take the responsibility" of saying what he thought, and he ever thought what he said. The Jackson committee at Nashville was selected by the people, for the purpose of defending his character against the ruthless attacks, the infamous slanders, which the Federal party were propagating against him—a thing he disdained to do himself—and not for the purpose of hiding his views or speaking for him on a single political question. No man upon the face of the earth would scorn to have around him a "pack of keepers," more than General Jackson. He is made of different metal, and thank God for it. Before and after his election as President, he answered every interrogatory put to him by committees or individuals, in his own proper name and person.

I will now read the correspondence between General Harrison's "thinkers" and the association alluded to, and will make no further comments. Let the country read and judge for themselves.

OSWEGO, Jan 31, 1840.

To the Hon. WILLIAM H. HARRISON:

DEAR SIR: In accordance with a resolution of the Union Association of Oswego, I am instructed to propose three questions to you, in relation to subjects that a large portion of this section of the country feel a deep interest in. The first is—

Are you in favor of receiving and referring petitions for the immediate abolition of slavery in the District of Columbia?

Second—Are you in favor of a United States Bank or some institution similar to that, for the safe keeping and disbursing of the public moneys, and for giving a uniform currency throughout the United States?

And lastly—Would you favor the passage of a General Bankrupt Law, by Congress,—so that its operations might be equal in all the States of the Union?

I have only to say, sir, that the above inquiries are made in accordance with the unanimous wishes of this association, the members of which, I am instructed to say, entertain the highest regard for your past services, and hope, should you be elected to the high office for which you are nominated, that nothing may occur to lessen you in the estimation of a great and free people.

I am, sir, respectfully, your obedient servant,
MILES HOTCHKISS,
Corresponding Secretary.

CINCINNATI, Feb. 29, 1840.

OSWEGO UNION ASSOCIATION:

GENTLEMEN: Your letter of the 31st ult. addressed to General Harrison, has been placed in our possession with a view to early attention. This is unavoidable in consequence of the very numerous letters daily received by the General, and to which his reply in person is rendered absolutely impracticable. As from his confidential committee, you will look upon this response; and if the policy observed by the committee should not meet with your approbation, you will attribute the error rather to ourselves and his immediate advisers than Gen. Harrison. That policy is, that the General make no further declaration of his principles, for the public eye, whilst occupying his present position.

Such a course has been adopted, not for purposes of concealment, nor to avoid all proper responsibility; but under the impression that the General's views, in regard to all the important and exciting questions of the day, have heretofore been given to the public, fully and explicitly; and that those views, whether connected with constitutional or other questions of very general interest, have undergone no change. The committee are strengthened in regard to the propriety of this policy; that no new issue be made to the public, from the consideration that the national convention deemed it impolitic at the *then* crisis, to publish any general declaration of the views of the great Opposition party, and certainly the policy, at the present, remains unaltered. In the mean time, we cannot help expressing the hope, that our friends, every where, will receive the nomination of Gen. Harrison with something akin to general confidence. When we reflect upon the distinguished intelligence of the nominating convention—how ably all interests were represented in that body; we certainly have a high guarantee, that should General Harrison be the successful candidate for the Presidency, that office will be happily and constitutionally administered, and under the guidance of the same principles which directed our Washington, Jefferson, and Madison. Believing you will concur with us in the propriety of the policy adopted, we have the pleasure in subscribing ourselves

Your friends,
DAVID GWYNNE,
J. C. WRIGHT,
O. M. SPENCER.

H. E. SPENCER, Cor. Sec'y.

Mr. Speaker, a great deal has been said by the Whigs about Gen. Harrison's pretended poverty. For popular effect, they have denominated him the log cabin and hard cider candidate. Sir, if you could travel down the Ohio river and look at his princely estate at North Bend—with a dwelling more like a palace than a cottage—with two or three thousand acres of land, worth from fifty to one hundred dollars per acre, and surrounded by every comfort that life can bestow, you would be ready to exclaim, "if this be poverty, then I am willing to be poor the remainder of my days." Born of wealthy parentage, he never knew what want was. And why should he? Ever since he left his paternal roof, he has been sucking at the Treasury pap—has been an office holder—and has pocketed from the General Government between seventy and eighty thousand dollars! I do not make this assertion without being armed with proof, as the official statement which I have will show. Let it be read every where.

TREASURY DEPARTMENT,
April, 1840.

SIR: In compliance with your verbal request, I have the honor herewith to enclose you the desired copies of statements in relation to compensation received by Wm. Henry Harrison.

Very respectfully,
LEVI WOODBURY,
Secretary of the Treasury.

Hon. H. M. WATTERSON,
House of Representatives.

Statement of the public money paid to William Henry Harrison, in the civil and diplomatic capacity in which he was employed.

Years.	In what capacity.	Payments.
1799.	Secretary of the Government of the Western Territory, - -	$1,068 00
1800.	Do. do.	42 50
1799–1800.	Delegate in Congress,	1,476 00
"	Government of Indiana Territory—salary, -	483 69
1801.	Do. do.	2,000 00
1802.	Do. do.	2,000 00
1803.	Do. do.	2,000 00
1804.	Do. salary and expenses letting Salt Springs,	2,288 60
1805.	Do. salary and contingent expenses,	2,600 00
"	Do. printing laws, public seals, &c. -	763 50
1806.	Do. salary and contingent expenses,	2,109 52
1807.	Do. do.	2,332 21
1808.	Do. do.	2,059 61
1809.	Do. do. and county seals, -	2,022 00
1810.	Do. do.	2,035 45
1811.	Do. do.	2,040 00
1812.	Do. do.	2,000 00
1816–'17.	Representative in Congress,	1,268 00
1817–'18.	Do. do.	1,587 20
1818–'19.	Do. do.	1,323 20
1825–'26.	Senator, - -	1,896 00
1826–'27.	Do. do.	1,264 00
1827–'28.	Do. do.	1,952 00
1828.	Minister to Colombia, -	14,439 56
1829.	Do. do.	9000 00
		$62,051 04

TREASURY DEPARTMENT, REGISTER'S OFFICE, March 20, 1840.

T. L. SMITH, Register.

Statement of the amount of public money paid to Wm. H. Harrison, esq. for his services in the civil and military capacities in which he has been employed by the Government, so far as has been ascertained from the books and files of the office of the Third Auditor, prepared in pursuance of a letter from the Hon. A. Smith, H. R. of the 19th March, 1840, referred to this office by the Secretary of the Treasury for a report, viz:

Pay as Ensign in the First Regiment of Infantry, from the 16th August, 1791, the date of his acceptance, to the 1st June, 1792, and as Lieutenant from the 2d June, 1792, to the 13th August, 1793 - - - -	$553 06	
Subsistence from the 16th Aug. 1791, to 13th Aug. 1793, and as Lieutenant and Aid-de-Camp from 14th August to 6th October, 1793 - -	143 16	
Forage as Aid-de-Camp from the 14th August to November 1, 1793 -	26 00	
Pay as Captain from 1st October, 1797, to the 17th June, 1798, the date of his resignation - - -	342 67	
Subsistence for the same time - -	204 52	
	$1,269 41	

The records of the office furnish no evidence as to the payments made to him between August, 1793, and the 1st October, 1797. He no doubt received the pay and emolnments to which his rank entitled him, and for which he would receipt on the field and staff and company rolls; the accounts, however, being destroyed by the burning of the public buildings, the amount cannot now be ascertained.

Pay and emoluments as Major General in command of the troops on the Northwestern frontier and Northwestern army, from the 25th August, 1812, to the 1st March, 1813, and as Major General of the United States Army from the 2d March, 1813, the date of his appointment, to the 31st May, 1814, when he resigned, viz:		
From the 25th August, 1812, to the 31st July, 1813 - -	$4,343 70	
From the 1st December, 1813, to the 31st May, 1814 - -	2,559 40	
	$6,903 10	

For the period between the 31st July, 1813, and the 30th November, 1813, four months, the payments made to him have not, after the most diligent search of numerous paymasters' accounts, been found; the amount cannot, therefore, be ascertained.

Payments whilst Governor of Indiana Territory.

For services as commissioner treating with the Indians from 31st July to 31st August, 1804, 32 days, at $6 - - - -	$192	
Expenses and subsistence same time, at $3 - - -	96	
		$288
For services as commissioner going to St. Louis, and negotiating a treaty with the Sac Indians, from the 7th October to 20th November, 1804, 45 days, at $6	$270	
Expenses and subsistence same time, at $3 - - -	135	
		405
For services as commissioner negotiating a treaty with the Miamies, and going to St. Louis to make a treaty with sundry tribes of Indians from the 26th July to the 31st December, 1805, 159 days, at $6 - - -	$954	
Expenses and subsistence same time, at $3 - - -	477	
		1,431
For services as agent negotiating a convention with the Miamies, Pottawatamies and Weas Indians, for fixing the limits of the Wabash tract, to include the Wabash saline, in August and September, 1802, 35 days, at $3	$105	
Expenses and subsistence same time, at $2 - - -	70	
		175

For services as commissioner treating with the Indians from August 11 to September 25, 1815, 44 days, at $8 - - - 352

$2,651

Amount rec'd in his civil capacity, $2,651 00
Amount rec'd in his military capacity, 8,172 51

TREASURY DEPARTMENT,
THIRD AUDITOR'S OFFICE, March 25, 1840.
PETER HAGNER, Auditor.

These statements, sir, do not include the thousands which Gen. Harrison is annually receiving from the office he now holds at Cincinnati. They show, too, that from the time he first entered the public service, up to the last payment which was made him, he received about two thousand dollars per annum! Away, then, with the misrepresentations of the Opposition in reference to his pecuniary condition. Let them cease the doleful cry of

"Pity the sorrows of a *poor* old man,"

and no more attempt to foist him into the Presidential chair, by appealing to our sympathies, rather than to our judgments.

I hold in my hand, Mr. Speaker, a pamphlet containing the proceedings of the late Harrisburg Convention, together with the names of the delegates from the several States, who nominated Gen. Harrison a candidate for the Presidency. In looking over this pamphlet, the inquiry suggested itself to my mind, who were these delegates? What are their professions? What are their principles? Were they delegates "fresh from the people," or were they the representatives of moneyed corporations, of mere town politicians and street brawlers? Although I knew the task would be an arduous one, and the performance of it might call down upon my head the vengeance of the Opposition, yet I set about it, and have collected a mass of information on all these points, which I will take this opportunity of laying before the House and the country. I would here state that I have derived my information, not from one, nor two, but at least fifty members of Congress from every portion of the Union, and have full confidence myself, that it is strictly correct, so far as it goes. If, however, I should make any statement which is not substantially true, in regard to a single delegate in that convention, I wish to be corrected as I proceed. I would do no man intentional injustice, neither will I deal in abuse. I will simply give such facts as I have been able to obtain, and in doing which, it will be clearly shown, whether General Harrison is the "people's candidate" or not—whether he is the candidate of those who live in "log cabins" and drink "hard cider." I will also note those who were for John Q. Adams for the Presidency. I wish to show the gentleman from Massachusetts how many old friends he had in the Harrisburg convention, and at the same time to let my colleague see with whom he and the Whigs of Tennessee are co-operating. It may be that my colleague has changed his opinions of his present political associates since 1827, when he charged Mr. Adams and Mr. Clay, in a letter to his constituents, with coming into power under "*circumstances affording all the evidences of a coalition, formed upon the basis of mutual benefits to be received and conferred,*" when he alleged that doctrines were held by that Administration, "*subversive of the first principles of free Government.*" At any rate he seems to be in strange company. But to the convention:

PRESIDENT.

JAMES BARBOUR of Virginia, lawyer, was Mr. Adams's Secretary at War; also Minister to England under the same Administration.

Mr. LINCOLN rose, and called the gentleman to order. He was not in the habit of interrupting the course of the discussions going on, but the course of debate of the gentleman from Tennessee was such, that he felt it his duty to endeavor to put a stop to it. The gentleman was giving biographical sketches, and commenting on the political conduct of individuals over the whole Union. Such a course of debate was entirely out of order; and he called upon the SPEAKER now to decide whether the rules of the House were to be enforced or not.

Mr. WATTERSON said that his colleague [Mr. BELL] had yesterday entertained the House with a discussion on the influences exercised by office holders in the political affairs of the country, and he thought it but right, as an offset to that course of argument, to show the influence attempted and exercised by those seeking office. He wanted to show the political characters of the motley assemblage of those seeking to break down the present Administration, and the discordant materials of which their party was composed.

Messrs. STARKWEATHER, GENTRY, MASON, WISE, BRIGGS, and WELLER, also spoke to this point of order, when on motion of Mr. WELLER, Mr. WATTERSON, was permitted to go on.

Mr. WATTERSON regretted very much that he had been interrupted, because he could have concluded his remarks in the time occupied by the interruption. He said his colleague [Mr. BELL] had been denouncing the officers of the Government as vampires, sucking blood out of the country. And was it irrelevant to the subject before the House for him (Mr. WATTERSON) to speak of those who wanted to come into power? But, in order or out of order, the House had given him liberty to proceed, and he would do so? Who acted in the Harrisburg Convention as

VICE PRESIDENTS?

THOMAS METCALF, of Kentucky. He was a Representative to Congress in 1825, and voted for John Quincy Adams

ELISHA M. HUNTINGDON, of Indiana, lawyer, and was for John Quincy Adams.

PETER R. LIVINGSTON, of New York, a retired lawyer, and was for John Quincy Adams.

JACOB BURNET, of Ohio, lawyer, is an avowed Federalist, and wore the black cockade in 1798. But let him speak for himself:

CINCINNATI, Nov. 1837.

DEAR SIR: Though I am not disposed to say much, or indeed any thing of myself, further than is necessary in stating the transactions in which I participated, yet I am unwilling to conceal the fact, that I was, and ALWAYS HAVE BEEN, A FEDERALIST. Educated in that school, I retain and CHERISH THE NAME, as descriptive of the purest Republican patriots the country has ever produced.

JACOB BURNET.

To J. DELAFIELD, jr.

I would add, that Judge Burnet was one of Gen. Harrison's chief spokesmen in the convention. So well were the delegates pleased with his speech, in which he pronounced Harrison a Jeffersonian Republican, that, by a vote of the convention, it was appended to their proceedings. It has also been published in pamphlet form in this city, and extensively circulated throughout the country. Verily, it appears a little odd to hear "black cockade Federalists" eulogizing men for their "Jeffersonian Republicanism.

Mr. LINCOLN again called Mr. W. to order; and an animated debate arose, in which Mr. LINCOLN, BROWN of Tennessee, CLIFFORD, BELL, WISE, CHAPMAN, and CUSHING participated.

Mr. CRABB moved that the gentleman from Tennessee be permitted to proceed; which motion was agreed to.

Mr. WATTERSON then resumed his remarks. He said he was anxious to get at General Harrison's principles, and the principles of the Whig party generally, which he could not do, without going into the Harrisburg convention, and seeing who were there. Although it might not be very palatable to Whig members, to see the war carried into their own camp, yet he hoped they would stand the fire, and not jump behind the rules of the House quite so often for protection. But even the rules were not wide enough to cover over that convention; for if he were stopped, he pledged himself that their names should appear in his published speech. But he was obliged to the House for leave to go on, and should continue his biographical sketch.

VICE PRESIDENTS.

JOHN ANDREW SCHULTZ of Pennsylvania. He was elected Governor of that State by the Democratic party, but soon evinced symptoms of apostacy, and ultimately leaped over into the Federal ranks, where he has been a valiant soldier for near ten years.

JAMES WILSON of New Hampshire, lawyer, anti-war Federalist, Abolitionist, and was for John Quincy Adams. When a candidate for Governor of that State, in 1838, he advocated the most ultra Abolition doctrines. "Congress has power," said he, in reply to the interrogatories of the Abolitionist, "to abolish slavery in the District of Columbia and in the Territories, and the slave trade there and between the States. *I am of opinion Congress ought, without delay, to exercise the power that body has over the subject.*"

ISAAC C. BATES of Massachusetts, lawyer, bank director, agent for Massachusetts claims, member of the State council, an old Federalist, and was for John Quincy Adams.

Here Mr. CUSHING called Mr. WATTERSON to order, and the question of "order" was debated by Messrs. DAWSON, DUNCAN, and others, when

On motion of Mr. BANKS of Virginia,

Mr. WATTERSON was permitted to proceed. He was unfortunate, he observed, in having so many points of "order" raised upon him, particularly as his colleague had spoken nearly seven hours, and, a part of the time, had wandered much further from the subject before the House than he had done. Why did not these great sticklers for "order" arrest *his* remarks? Why did they not bring him back from France, whither he had roved in search of vampires? No, no; their "bull" was then goring "our ox," and it was all well enough; but so soon as the "goring" commences on the other side, the "galled jades" begin to "wince," and they bellow out "foul play." Now for the other

VICE PRESIDENTS.

JOHN S. PETERS of Connecticut, physician, and a stockholder in banks. He was once a Jackson man, but deserted about the time of the panic, which was gotten up by the Opposition, in consequence of the removal of the deposites from the Bank of the United States.

DAVID HAZARD of Delaware, merchant, director of a bank, and was for John Quincy Adams.

GEORGE HOWARD of Maryland, formerly Governor, and was for John Quincy Adams.

EPHRAIM MARSH of New Jersey, proprietor and keeper of a hotel at a fashionable watering place, and was for John Quincy Adams.

JOHN OWEN of North Carolina, planter.

SECRETARIES.

CHARLES B. PENROSE, of Pennsylvania, lawyer. He made a two days' speech in the Legislature of that State, in 1834, against the Bank of the United States, and such was his decided oppesition to that institution and the Whig party, that he was re-elected in 1835 or 6. But lo! to the astonishment of every body, he immediately tumbled over into the Federal ranks, and to cap the climax of his apostacy, voted for the recharter of the bank, and by his influence carried the measure over the heads of the Democracy. He is also notorious on account of the part which he took in the memorable "buck-shot war" at Harrisburg in 1838, and will never be forgotten for the heroic exploit, whilst Speaker of the Senate at that time, of becoming frightened at his own imagination and jumping out of the back window.

SYLVANUS R. LYMAN, of Maine, merchant. He is now a member of the Legislature, and voted for a resolution instructing the Representatives in Congress, from that State, to rescind the resolution refusing to receive or act upon Abolition petitions.

CHARLES PAINE, of Vermont, manufacturer, and the son of Elijah Paine, who was appointed District Judge of Vermont by the elder Adams. He was for John Quincy Adams.

GEORGE W. RALPH, lawyer, and was for John Quincy Adams.

I will now, Mr. Speaker, take up the States represented in the Harrisburg convention in geographical order.

MAINE.

JOHN NEAL, lawyer, and was for John Quincy Adams.

Samuel Bradley, another delegate to the Harrisburg convention, is a lawyer, Abolitionist, and was for John Quincy Adams.

Here Mr. W. was again called to order by

Mr. SALTONSTALL, who said he would like to know what the *Hartford* convention had to do with the subject before the House.

Mr. WISE must in justice say, after making a speech in favor of the gentleman from Tennessee, that his imagination could not see the relevancy of his remarks.

Mr. WATTERSON. I have said nothing about the Hartford Convention. The gentleman from Massachusetts seems to be extremely sensitive on that subject, and furnishes a striking illustration of the fact that the "wicked fleeth, when no man pursueth." I am very sorry to be called to order so often. If members of the Opposition on this floor would strictly confine themselves to order, I would strictly confine myself to order. If gentlemen will not permit me to lay before the House the complexion of the delegates to the Harrisburg Convention, they cannot deprive me of the privilege of doing so when I write out my remarks. But as I have sat here from day to day, and listened to Whig members making party speeches, which had no relevancy, not the most remote, to the subject before the House, I little expected, I confess, to hear myself called to order so repeatedly from that quarter.

[Cries of "go on," "go on," from many—let's have all their names]

Mr. WATTERSON said, no. Leave had been given him to proceed several times, and before he could define the position of more than a single delegate or two in that convention, he was again called to order; and he was now determined to go on with his comments, which he supposed would be in order.

[Names of the delegates from the different States in the Harrisburg Convention, which Mr. W. was not permitted to lay before the House. But he pledged himself that they should appear in his written speech, and here they are:]

MAINE.

ELISHA H. ALLEN, lawyer. He is a member of the Legislature of that State, and recently voted to instruct their Representatives in Congress to rescind W. Cost Johnson's resolution against the reception of Abolition petitions.

GEORGE PENDLETON, merchant, Abolitionist, and was for John Quincy Adams.

RICHARD H. VOSE, lawyer, Abolitionist, and was for John Quincy Adams.

ZINA HYDE, merchant, Abolitionist, and was for John Quincy Adams.

NEW HAMPSHIRE.

GODFREY STEPHENS, merchant, and was for John Quincy Adams.

SOLOMON MCNEIL, speculator, and was for John Quincy Adams.

JAMES WILSON, lawyer, Abolitionist, and was for John Quincy Adams.

JOEL EASTMAN, lawyer, Abolitionist, a defeated candidate for Congress, and was for John Quincy Adams.

MASSACHUSETTS.

PELEG SPRAGUE, a lawyer, was for John Quincy Adams, and formerly a Senator in Congress from Maine. He came to Boston, it is shrewdly suspected, because he was too aristocratic for Democratic Maine.

SAMUEL HOAR, lawyer, Federalist of the bluest sort, bank director, Abolitionist, and was for John Quincy Adams.

ARTEMAS LEE, manufacturer, Abolitionist, bank director, and was for John Quincy Adams.

JOHN HOWARD, cashier of the Springfield Bank, and was for John Quincy Adams.

HARRISON GRAY OTIS COLBY, lawyer, bank director, and was for John Quincy Adams.

BENJAMIN K. HOUGH, speculator, and was for John Quincy Adams. His father is president of a bank.

GEORGE ASHMAN, lawyer, bank director—was for John Quincy Adams, and would like to be in Congress.

BARKER BURNELL, cashier of Manufacturers' and Mechanics' Bank, Nantucket, and an aspirant for Mr. Reed's seat in Congress. He was for John Quincy Adams.

HENRY SHAW, lawyer, director in the Agricultural Bank, Pittsfield, has a strong hankering to be in Congress, and was for John Quincy Adams.

NATHANIEL M. DAVIS, lawyer, bank director and was for John Quincy Adams.

CHARLES HUDSON, clergyman, Director of Western Railroad, member of the State Council, bitter Federalist, and was for John Quincy Adams.

WARREN LOVERING, lawyer, bank commissioner, and was for John Quincy Adams.

JAMES H. DUNCAN, lawyer, president of the Merimack Bank at Haverhill, member of the State Council, and was for John Quincy Adams.

RICHARD HAUGHTON, editor of the Boston Atlas, and it is said was not a delegate to the Harrisburg Convention, but went as *tender* to Peleg Sprague. As his name is found, however, among the list of delegates for Massachusetts, it is sufficient to say that he is an Abolition apologist, (as is almost every other delegate from that State) and was for John Quincy Adams.

RHODE ISLAND.

GEORGE G. KING, lawyer, bank commissioner, bank stockholder, and was for John Quincy Adams. In 1839, he made a speech in the Legislature of Rhode Island against Mr. Atherton's anti-Abolition resolutions, adopted by the House of Representatives in Congress, and in favor of the Abolition cause generally.

JAMES F. SIMMONS, president of a bank in the city of Providence, is a large stockholder in banks, and an old Federalist. He was for John Quincy Adams, and is now a warm admirer of that veteran in Federal doctrines, except when he kicks out of the traces, and then he curses him. Mr. Simmons is a leading politician in Rhode Island, and an aspirant for a seat in the Senate of the United States. A little better than a year ago, he made a speech against ATHERTON'S resolutions, in which he aimed to conciliate the Abolitionists.

WILLIAM ANTHONY, manufacturer, bank director, and was for John Quincy Adams.

BYRON DIMAN, manufacturer, a stockholder in several banks, was a *quasi* Jackson man until Jackson vetoed the Bank. He is now the Whig candidate for lieutenant Governor of Rhode Island.

CONNECTICUT.

CHARLES DAVIES, editor of a Federal newspaper in the city of Hartford.

WM. W. BOARDMAN, lawyer, and bank stockholder.

CHARLES H. PHELPS, lawyer, bank director and stockholder, and was for John Quincy Adams.

CHARLES HAWLY, lawyer, bank attorney and stockholder, and was for John Quincy Adams.

JOSEPH S. GLADDING, manufacturer, president of the Jewett county bank, and was for John Quincy Adams.

E. CHAMPION BACON, lawyer, son of the president of a bank, and was for John Quincy Adams.

EBENEZER JACKSON, lawyer, bank attorney, and was for John Quincy Adams.

VERMONT.

WM. HENRY, bank stockholder, cashier of a bank, and was for John Quincy Adams.

A. B. W. TENNEY, Abolitionist, and was for John Quincy Adams.

SAMUEL H. HOLLY, lawyer, Abolitionist, lives in Mr. Slade's district, and is one of his right hand men. He was for John Quincy Adams.

WM. B. BRIGGS, lawyer, and Abolition lecturer. He was for John Quincy Adams, a postmaster under his administration, and was turned out under the administration of General Jackson.

NEW YORK.

CHANDLER STARR, merchant, bank commissioner, and was for John Quincy Adams.

JOHN A. KING, lawyer, son of Rufus King, and was appointed Chargé d'Affaires to England by John Quincy Adams. He is the same man who lately introduced a resolution into the Legislature of New York, denouncing a resolution adopted by this House, in regard to Abolition petitions, together with the Democratic Representatives from that State who voted for it.

DUDLEY SELDEN, lawyer, and bank director.

JUDAH HAMMOND, lawyer, and speculator in real estate, in the city of New York.

JAMES A. HAMILTON, a retired lawyer, aristocrat, and the son of Alexander Hamilton.

ROBT. C. WETMORE, merchant, bank director, and was for John Quincy Adams.

HUDSON MCFARLAND, manufacturer, director of a bank, Abolitionist, and was for John Quincy Adams.

HENRY ROSS, lawyer, and would be the last man to drink hard cider, until the Champagne was exhausted.

ELIPHAS FAY, school teacher, and was for John Quincy Adams.

ELISHA JENKINS, a gentleman of pleasure, and was for John Quincy Adams.

AMOS BRIGGS, manufacturer, and was for John Quincy Adams.

SOLOMON VAN RENSELLAER. He belongs to the Albany aristocracy, and was lately removed from the post office in that city. He is an old Federalist, and was for John Quincy Adams.

HENRY HAMILTON, lawyer, canal commissioner, and was for John Quincy Adams.

J. KNICKERBOCKER, lawyer, president of the Waterford Bank, shaver, a blue light Federalist, and was for John Quincy Adams.

BERNARD BLAIR, lawyer, and was for John Quincy Adams.

SYLVESTER GILBERT, merchant, and was for John Quincy Adams.

DAVID PETRIE, merchant, and was for John Quincy Adams.

C. P. KIRKLAND, lawyer, a defeated candidate for Congress, and was for John Quincy Adams.

A. Z. MCCARTY, lawyer, a Federalist of the old school, and was for John Quincy Adams.

D. D. SPENCER, editor, bookseller, and was for John Quincy Adams.

JOHN RUSSELL, physician, and was for John Quincy Adams.

VINCENT WHITNEY, a gentleman of pleasure. He turned Democrat, got office, and then returned to his first love.

JAMES DUNN, lawyer, editor, and was for John Quincy Adams.

AMOS P. GRANGER, speculator and shaver.

J. D. LEDYARD, a gentleman of leisure, and was for John Quincy Adams.

GEO. H. WOOD, lawyer, aristocrat, and was for John Quincy Adams.

GARY V. SACKET, lawyer, and was for John Quincy Adams.

HENRY W. TAYLOR, lawyer, Abolitionist, aristocrat, and was for John Quincy Adams.

JOHN N. DOX, lawyer.

PHINEAS L. TRACY, lawyer, Abolitionist, and was for John Quincy Adams.

ALLEN AYRAUTH, president of a bank, a shaver, and would take "the pound of flesh" from the tenant of a "log cabin," in the twinkling of an eye, or as soon as any other named man.

CHAUNCY TUCKER, lawyer, and was for John Quincy Adams.

ROBT. SMITH, owner of an extensive stone cutting establishment in the city of New York.

DAVIS F. ALLEN, director of the City Bank of Buffalo, and assisted in gutting it. The bank is blown sky high, and he with it.

HENRY P. VOORHEES, a retired merchant, and was for John Quincy Adams.

PENNSYLVANIA.

MOSES J. CLARK, one of Thadeus Stephens's canal commissioners under the administration of Ritner, and was for John Quincy Adams.

JOSEPH LAWRENCE, a defeated candidate for Congress. My friend Leet laid him out as cold as a wagon tire.

JONATHAN ROBERTS, once a Senator in Congress, a bitter, broken down politician, and was for John Quincy Adams.

E. C. REIGART, lawyer, Abolitionist, and was for John Quincy Adams.

JOHN SWIFT, lawyer, and Mayor of Philadelphia.

ALEXANDER QUINTON, tavern keeper, a regular built Federalist, and has always been opposed to Republican men and measures.

COLLIN M. CREED, merchant, and was for John Quincy Adams.

JAMES CALHOUN, merchant, and was for John Quincy Adams.

GEORGE CHAMBERS, lawyer, Abolitionist, and was for John Quincy Adams.

JOHN ADAMS FISHER, lawyer, and was for John Quincy Adams.

WM. R. MORRIS, lawyer, Abolitionist, and was for John Quincy Adams.

JOHN DICKEY, merchant, and, like his friend Penrose, voted in the Pennsylvania Legislature for the recharter of the Bank of the United States, in

violation of pledges made to his constituents, and the principles which he professed when elected.

DAVID LEECH, president of Leech's Transportation Company on the Pennsylvania canal, and was for John Quincy Adams.

EDWARD DARLINGTON, lawyer, Abolitionist, and was for John Q. Adams.

SAMUEL M. BARCLAY, lawyer, Abolitionist, and was for John Q. Adams.

E. T. MCDOWELL, lawyer, is for universal free negro suffiage, and was for John Q. Adams.

JAMES MERRILL, lawyer, Abolitionist, and was for John Q. Adams.

CYRUS P. MARKLE, manufacturer, and was for John Q Adams.

THOMAS E. COCHRAN, editor of a Federal newspaper.

T. H. PATTERSON, speculator.

A. O. CAHOON, merchant, and was for John Q. Adams.

BELA BADGER, one of the judges of the election in the Northern Liberties of Philadelphia, in 1838, where such frauds were perpetrated. To say more of him is unnecessary.

NEW JERSEY.

ASA WHITEHEAD, lawyer, and was for John Q. Adams.

DUDLEY S. GREGORY, lottery broker, and was for John Q. Adams.

THOS. A. HARTWELL, lawyer, and was John Q. Adams.

JOHN D. HAGER, clerk on a steamboat, and was for John Q. Adams.

CRAIG MOFFITT, lawyer, and was for Adams, if old enough.

ROBT. E. HORNER, printer, and was for John Q. Adams.

DELAWARE.

THOMAS RODNEY, a gentleman of leisure, and was for John Q. Adams.

PRESTLY SPRUANCE, merchant, and was for John Q. Adams.

PETER F. CAUSEY, merchant, and was for John Q. Adams.

JOSHUA G. BAKER, school teacher, and was for John Q Adams.

WM. D. WAPLES, a dismissed mail contractor, and was for John Q Adams.

MARYLAND.

REVERDY JOHNSON, lawyer, and director of the Bank of Maryland when it blew up, and ruined hundreds.

HENRY PAGE, lawyer, and was for John Q. Adams.

WILLIAM PRICE, lawyer, and was for John Q. Adams.

RICHARD J. BOWIE, lawyer, and was for John Q. Adams.

JOHN LEEDS KERR, lawyer, and was for John Q. Adams.

J. N. GOLDSBOROUGH, planter, and was for John Q. Adams.

ROBT W. BOWIE, planter, and was for John Q. Adams.

JAMES MOORES, planter, and was for John Q. Adams.

ASHTON ALEXANDER, physician.

VIRGINIA.

BENJAMIN WATKINS LEIGH, lawyer, and a leading member of the Harrisburg convention. He made a speech in the Virginia convention, in which he contended that the log cabin men, whom he called the peasantry, ought not to be entitled to the right of suffrage, any more than the slaves, as they were not qualified to judge of political affairs. Now, I presume, he is the very pink of Democracy, and is exceedingly fond of hard cider.

JAMES W. PEGRAM, lawyer, and was for John Quincy Adams.

ED. R. CHAMBERS, lawyer, and was for John Quincy Adams.

WM. C. MOSEBY, lawyer.

FESTUS DICKINSON, lawyer.

WILLOUGHBY NEWTON, lawyer.

HENRY BERRY, lawyer, and was for John Quincy Adams.

AUGUSTUS WATERMAN, lawyer, and was for John Quincy Adams.

B. G. BALDWIN, lawyer, and was for John Quincy Adams.

JESSE EDGINGTON, lawyer, and was for John Quincy Adams.

Wm. S. Archer, lawyer, once a Jackson man, but has been violently opposed to the Democratic party ever *since Mr. Stevenson received the appointment of Minister to England.*

JOHN JANNEY, lawyer, and was for John Quincy Adams.

JONES GREEN, lawyer, and was for J. Q. Adams

Gen J. B. HARVEY, merchant, and was for John Quincy Adams.

ISAAC A. COLES, planter, and was for John Quincy Adams.

NORTH CAROLINA.

JAMES MEBANE, planter, and was for John Quincy Adams.

FREDERICK J. HILL, physician, and was for John Quincy Adams.

CHARLES R. KINNEY, lawyer.

JOHN B. KELLY, lawyer.

W. H. BATTLE, lawyer.

BURGESS S. GAITHER, lawyer.

JOHN C. WASHINGTON, merchant, and was for John Quincy Adams.

ISAAC BURNS, Physician, and was for John Quincy Adams.

WM. F DAVIDSON, lawyer, and was for John Quincy Adams.

NATHANIEL M. ROAN, physician.

HENRY W. MILLER, lawyer.

JOSEPH R. LOYD, lawyer, and was for John Quincy Adams.

WM. W. CHERRY, lawyer, and was for John Quincy Adams.

KENTUCKY.

LESLIE COMBS, lawyer, land speculator, "Chickasaw Ambassador," and was for John Quincy Adams.

JAMES SHELBY, one of the most extensive and wealthy stock raisers in the State of Kentucky, and was for John Quincy Adams.

CASSIUS M. CLAY, lawyer, and was for John Quincy Adams.

WILLIAM PRESTON, an aristocratic lawyer, and was for John Quincy Adams.

DAVID BANKS, bank officer, and was for John Quincy Adams.

MARSHALL KEY, clerk of a court, and was for John Quincy Adams.

OHIO.

N. G PENDETON, lawyer, a twice defeated candidate for Congress, and was for John Quincy Adams.

BENJAMIN BENTLEY, president of a bank.

JOHN JOHNSON, defaulter, a Hamiltonian Federalist, and was for John Quincy Adams.

CYRUS FALCONER, physician.

WM. S. MURPHY, lawyer, and the same man whose card, denouncing Senator Allen, was paraded in the columns of the Madisonian not long since. The reason of his bullying proclamation will be duly appreciated when the fact is made known, that he, the aforesaid Wm. S. Murphy, was a candidate for Congress, in 1833, against Mr. Allen, and only received *one vote* in the town in which he resided, and but *fifty-five votes in the whole district, out of six or eight thousand!* And such was the insignificance of the man, to use no harsher term, that Mr. Allen scorned to notice the outpourings of his malice.

JOHN M. CREED, lawyer and a defeated candidate for Congress.

IRA BELKNAPP, speculator, and was for John Quincy Adams.

BENJAMIN S. COWAN, lawyer, Abolitionist and bank attorney.

CHARLES T. SHERMAN, lawyer.

CYRUS PRENTISS, merchant, canal contractor.

TRACY BRONSON, physician, Abolitionist, and was for John Quincy Adams.

HOLLAND GREEN, merchant, and was for John Quincy Adams.

JOHN S. LACY, tavern keeper.

INDIANA.

DOULASS MCGUIRE, printer, and was for John Quincy Adams.

AMOS CLARK, lawyer, and was for John Quincy Adams.

JAMES PERRY, lawyer, and was for John Quincy Adams.

MILTON STAPP, lawyer, and was for John Quincy Adams.

R. W. THOMPSON, lawyer, and was for John Quincy Adams.

THOS. J. EVANS, lawyer, and was for John Quincy Adams.

SAMUEL HANNA, merchant, and was for John Quincy Adams.

LOUISIANA.

J. MASON GRAHAM, planter on Red river.

MISSISSIPPI.

T. C. TUPPER, lawyer.

ANDERSON MILLER, land speculator, and gentleman of pleasure.

ILLINOIS.

GEORGE W. RALPH, lawyer.

W. S. NEWBERRY, merchant.

WM. B. WARREN, merchant.

ALABAMA.

HENRY HILLIARD, lawyer, preacher, and editor.

W. H. SMITH editor.

JOHN M. SWOPE, merchant.

MISSOURI.

W. H. RUSSELL, lawyer, and was for John Q. Adams.

LOGAN HUNTON, lawyer, and was for John Q. Adams.

URIEL WRIGHT, lawyer.

MICHIGAN.

GEO. C. BATES, lawyer, an old Federalist, and was for John Quincy Adams.

THOMAS J. DRAKE, lawyer, and was for John Quincy Adams.

A. S. MCREYNOLDS, merchant.

ARKANSAS.

B. H. MARTIN, lawyer and a gentleman of pleasure.

[The foregoing list embraces every delegate in the Harrisburg Convention, but eight or nine, whose professions, &c. I could not learn, as they are represented in Congress by Whigs. It will be seen that they are nearly all lawyers, merchants, bank officers, and Abolitionists. Not a log cabin man in the whole catalogue.]

Mr. W. again resumed his remarks. He said the information he had been prevented from laying before the House, would show whose candidate General Harrison was. It would show what kind of "*conscript fathers*," as he had seen them termed by the Whig press, had assembled at Harrisburg, and nominated him. It would show that, in that convention, there was every hue of opinion—slaveholders and Abolitionists, high tariffites, and those who are for "free trade," Hartford Convention Federalists, and apostate Republicans, latitudinarians, and those who profess to be strict constructionists. No wonder they did not publish an address to the people of the United States setting forth their principles. No wonder Mr. Leigh of Virginia violently opposed, and the convention almost unanimously voted down such a proposition. They knew very well that if all their conflicting principles were spread out before the American people, they could no longer humbug and delude thousands who are honestly co-operating with them. They thought it their best policy to continue their old crusade against the Republican party—without showing their own hands—by misrepresenting facts—impugning motives—crying out corruption—prodigal expenditures—defalcations—bankrupt Treasury—distress—ruin—bloodhounds—bull-dogs—and rascality generally. Sir, with these weapons they have been fighting for years; but thanks to the patriotism and intelligence of the country, such slang and slander make no more impression on the minds of the honest-hearted and sturdy Democrats, than the falling of a sun-parched leaf upon the Rocky mountains. If it had, sir, you would have heard much oftener the roar of cannon, and the voice of Federal orators, celebrating Whig victories.

It would show, also, Mr. Speaker, that aside from their ring-streaked and striped politics, nine-tenths of the delegates in the Harrisburg Convention were lawyers, doctors, traders, speculators, bank officers, and merchants, who hailed from the cities, towns, and villages. This fact fully explains why it is that the Whig newspapers have been teeming with the proceedings of Harrison meetings, responding to his nomination, to use their own language, in such gallant and enthusiastic style! All the delegates had to do, was to re-

turn to their respective towns and villages, call together a few counter-hoppers, brokers, pettifoggers, quacks, and skin-flints, appoint a chairman and secretary, draw up a long preamble and resolutions denunciatory of the whole Democratic party, make a few speeches in favor of "Old Tip," fire a few guns, raise a few shouts and huzzas, drink a few bottles of Champagne and call it hard cider, sing a few Tippecanoe songs, and then what a soul-stirring time they had of it—what a glorious Whig revival—what wonderful reactions! The very next number of the village, town, or city Whig paper, as the case may be, contains a glowing account of the most numerous gathering of the people that had been known for years—a spontaneous movement of the bone and sinew of the land—when, in fact, the real people, the inmates of the "log cabins," had no part nor lot in the grand farce, and not a solitary political feeling in common with the prime movers and participators in it. Hence the reason why the Whigs are so often deceived in regard to the elections. They mistake the voice of the few, for the voice of the many. They do not recollect that one Whig blusterer about a town can, and does, make more noise than one hundred Democrats in the country.

Passing, Mr. Speaker, from this National Whig Convention to their State Conventions, and we find them composed of the same materials, both as it regards their professions and politics. I have seen it stated, that there were appointed to the late Whig Convention of Ohio, five hundred and forty-two bank officers, directors, &c., seven hundred and thirty-three office holders, three hundred and forty-six lawyers and doctors, one thousand and forty-eight merchants, clerks and speculators, and upwards of five hundred Abolitionists.

Mr. MASON asked the gentleman what paper he was reading from?

Mr. WATTERSON answered that it was the Ohio Statesman.

Mr. MASON said the statement was wholly untrue in many particulars, to his knowledge. The designation of the individuals in his county was altogether incorrect; and he had been assured by some of his colleagues that it was equally untrue with regard to the counties in which they resided. Indeed, the whole statement had been publicly contradicted in a paper in his State, [naming it,] and the editor who made it called on to produce the proof, which he failed to do.

Mr BOND corroborated the statement of his colleague, [Mr. MASON,] and said that the statement, so far as it regarded the individuals living in his county, was wholly destitut of truth.

Mr. WATTERSON said he did not pretend to be personally acquainted with the individuals named in the paper before him. The paper occupied a respectable standing in the State of Ohio, and he had no reason to doubt its statements. He would like, however, to hear from his Democratic friend from Ohio on the subject.

Mr. MEDILL said he was acquainted with but few of the persons named as having been appointed to attend the convention, and had no other information on the subject than he derived through the various papers of the day. He was entirely willing to rest the correctness of the statement with the people of Ohio, on the assertion of the paper in which it is contained, and the denial of his colleague. The names of the delegates that attended the convention from the county in which he, Mr. M. resided, are not given, except to a very limited extent. The official character of the very few that are reported, is correctly designated. Six of them hold appointments under the Federal Government. They are highly respectable; but, so far from residing in "log cabins," and depending for a precarious subsistence on "hard cider, he believed the whole six were merchants, of considerable capital, and who indulged pretty largely in the good things for which that county was so distinguished.

Mr. WELLER observed, that with the permission of the gentleman from Tennessee, [Mr. WATTERSON,] he would like to say a word to his honorable colleague over the way, [Mr. BOND.] The statement made by the Ohio Statesman in relation to the materials which composed the late Whig Convention, had been impeached by his colleague. All he desired to say on this subject was, that so far as that list gave the business and occupations of the delegates appointed from the district which he had the honor to represent, he believed it was strictly correct. He was personally acquainted with nearly all of the individuals named, and therefore had no hesitancy in making the statement.

Mr. WATTERSON. There is one fact which will not be disputed by the gentleman from Ohio, [Mr. BOND.] His political friends in the convention alluded to, would not condescend to let it be known, through the medium of an address, what the Whig party are contending for—what are their principles. No, no. They deemed it more prudent to meet in all the pomp and parade of modern Whigery—in all the antic circumstances of buffoonery—with drums, fifes, bugles, and rams horns—with chicken coops and bald eagles—with bands of bacchanalian singers—with "log cabin" flags floating in the air—with boat loads of Federal orators—with canoes upon wheels, so full of Whig abuse, misrepresentation, calumny, and lawyers eating ginger bread, that it took six horses to pull a single canoe—all for the purpose of hiding the odiousness of their principles from the gaze of an intelligent and Republican people, and diverting their minds from the true issue now before the country. How far they can succeed by such disgusting devices, the ensuing Presidential election will determine.

In connection with this convention I have heard an anecdote, and must ask the indulgence of the House whilst I relate it. It shows conclusively that there was at least one delegate in that numerous and boisterous assemblage, who was immovably honest in his politics, if he were not so in his morals. After the convention had adjourned, and its members had got through their carousals and frolics and debaucheries, one of their number found himself *minus* something under one hundred dollars. Suspicion fastened itself upon a brother delegate. He was taken up—examined—and sure enough the money was found in his possession. Well, sir, this was too bad—something must be done—it must not go abroad that a Whig had been *Swartwouting*, and they tried to prevail upon him to avow himself a Democrat. "No, gentlemen, said he, no"—you may call me a thief, a rogue, a villain—but by Heaven, he exclaimed (raising his head erect for the first time) you can't cram Democracy upon me—huzza for "Old Tip."

Mr. Speaker, my colleague closed his speech with some general remarks, and I will take the same liberty.

In glancing over a Whig paper a short time since, my attention was arrested by an article headed in large capitals, "A VOICE FROM THE SOUTH" From the flaming caption, I was induced to read it; and what should I learn but the astounding fact that a steamboat had arrived at the port of Mobile; and among the passengers, a vote had been taken for President, the result of which was, twenty-nine for Harrison, and nine for Van Buren! I began to think that the Democratic party were surely upset at last—that such facts could not be resisted; and I do not know but I should have entirely desponded, on my part, and given up the contest, had it not been for a second thought which occurred to me. I recollected that in travelling up the Mississippi river about two years ago, when it was believed Mr. Clay would be the Whig candidate for the Presidency, a gentleman from Philadelphia, with whom I had formed a partial acquaintance, proposed that we should hold an election, and ascertain the preferences of those on board the boat, as between Mr. Clay and Mr. Van Buren. I assented to the proposition, and we made the count. But lo! I was completely trumped, on finding that out of near one hundred cabin passengers, there were but twenty-three or four for Mr. Van Buren! As a matter of course, I became satisfied that Democracy had but few charms for *that* crowd, and was just studying how I should parry the laugh, if I may be permitted to use the expression, which had been raised at my expense, when the captain of the boat, who proved to be a sterling Democrat, dyed in the wool, suggested that there were about one hundred and thirty "deck passengers" that we had not taken into the count, the great majority of whom were substantial farmers, the honest "log cabin" men, from Missouri, Illinois, Kentucky, Tennessee, Indiana, Ohio, and Pennsylvania, who had been down to New Orleans with their pork and beef, and corn and flour. Go, said he, and see whether they are Whigs or Democrats? We did go, sir, and what do you suppose was the result of our investigation? As well as I can recollect, there were one hundred and three for Mr. Van Buren, and fourteen for Mr. Clay. It is needless for me to add, that the laugh was most essentially turned upon my Philadelphia friend, who declared he had just found out where the Democrats came from at the time of elections, (the log cabins,) and that he never again would be deceived by those who travel in the cabin on steamboats, in stages, on railroads, or who reside in the cities, towns and villages. Sir, he was right. Democracy flourishes best in the country, where, I hesitate not to say, there is more honesty, more virtue, more manly independence, and more substantial intelligence, than can be found in any of your towns, not excepting the city of Washington, if we are to judge its population by those who composed the Whig "pow-wows" not long since, and who disturbed our slumbers by their groans and hisses, and huzzas and bacchanalian shouts. In that living, moving, ranting band, the boys, negroes, loafers, and a new species of the same animal, familiarly known in the city of New York as soap-locks, took the lead, and the rear was brought up by dismissed office holders, disappointed office seekers, mustached Terriers, perfumed *exquisites*, with here and there a gentleman from both political parties, who had been drawn out by curiosity to witness their riproarious proceedings. Sir, I would advise them to reserve their groans for a more appropriate occasion. If they will only wait until next autumn, they will have cause to groan much deeper and much more bitterly—provided such an effect can be produced by the triumph of Democracy. When the vote comes to be taken among the log cabins of the hardy West, of the East, of the North, and of the South, these midnight Whig brawlers will learn that the District of Columbia is but a small spot in the Union, and that if even they were entitled to vote in the election of a President, they could scarcely ripple the current on which the Republican party are now sailing to victory. The principles of the General under whose banner they have enlisted, are not congenial to the spirit of our free institutions. They may hold him up as the "log cabin and hard cider" candidate—they may resort to all the tricks usually practised by demagogues—still it all will not do. The people know their rights, and will maintain them; no matter whether they live in log cabins or more comfortable dwellings; no matter whether they they drink hard cider, *pale sherry*, or pure water. Sir, when I first heard Gen. Harrison called the log cabin and hard cider candidate, I could not help smiling at the credulity of his friends in supposing that American freemen could be swerved from their principles by such miserable humbugery. I was forcibly reminded of a gentleman within my knowledge, who became a candidate for the Legislature of his State. He had been very stiff in his manners, rather aristocratic in his feelings, wore his bosom full of ruffles, and withal had taken but little pains to become acquainted with the sovereigns of his country. But so soon as he threw himself before them for their suffrages, all of a sudden, he dashed away his ruffles, his limbs became much more pliant, a pleasant smile played upon his lips, and he seemed to know every body. On seeing a countryman come into town, he would start after him in a long trot, give him a *cordial* shake of the hand, and inquire about the health of his family. It was not long, however, before he caught a Tartar, or, as they say sometimes in my country, waked up the wrong passenger. He met in his new complaisant way, an old Revolutionary Whig, a *true* Whig, sir, who thoroughly understood the science of human nature, and the secret springs which operated upon such men. Sir, said he, to him, "I have known you for ten years; I have never seen you so graciously condescending before; you must be a candidate—now just excuse me if you please, I can't do any thing for you." And such, Mr. Speaker, will be the language of the freemen who occupy log cabins, when they are "graciously" asked to support the candidate of the moneyed aristocracy of banks and soulless corporations, who would grind them into dust, or put the yoke of despotism upon their necks, if it were their interest to do so. They are not to be caught, like the unsuspecting horse, by holding out to them salt in one hand, and a concealed bridle in the other.

Mr. Speaker, I have often been amused at the facility with which the Whigs can make great men. In twenty-four hours they can manufacture out of straw a perfect Goliah in intellect. All their candidates for political offices are total demolishers. They run over their opponents rough shod on all occasions until the elections come on, and then if they should chance to be demolished, which

is no unusual occurrence, great astonishment is excited, and the reason of their defeat is always attributed to any other cause than the correct one. In my own State—I hope I shall be pardoned for speaking of my own State, and even of my own canvass, if I wish, as the example has been set me by my colleague, who is an old member upon this floor, and ought to know what is proper, and what is not proper to be spoken here—in my own State, sir, the Whigs have a remarkable talent for this kind of game. Last summer their candidate for Governor, who is a plain sensible man, and when I say that I have done him ample justice, handled his competitor, who is known throughout the Union as a statesman of commanding talents, and unequalled before a popular assembly, with the same ease that a giant would a lilliputian, and they boastingly proclaimed to their friends every where, that they would carry the State by a majority of twenty thousand votes. Letters were published from every Congressional district, giving the gratifying news that the Whig candidates for Congress and the Legislature were slaying their opponents as Sampson slew the Philistines. They vauntingly avowed that they were not content to whip us merely; they intended to give us such a complete drubbing, that we would remember it all the days of our lives; they were determined to make a clean sweep. To such an extent did they carry this puffing and blowing and bragging system, that I sometimes became really alarmed, not only about the fate of my friends, but that of my own. My *opponent* was eulogized as the "brave, gallant, chivalrous, talented, eloquent, and whole souled champion" of Whig principles. According to their account of it, he was daily turning scores from the Democratic ranks. It was impossible to resist the arguments that emanated from his gigantic mind. He was walking over the course almost without opposition. I was admonished to retire, and not be disgraced by the signal defeat which awaited me, in the event I continued in the field. (I presume, as I was a young man, they did not wish to nip my political prospects in the bud.) But, foolish like, I heeded not their friendly counsel, and was only elected by the slender majority of about fourteen hundred votes! Well, sir, having, by the aid of my Democratic friends, slain this patent right Hercules of the Whig party, I felt a good deal of interest in the success of my Democratic colleagues upon this floor, [Messrs. JOHNSON, TURNEY, BROWN, MCCLELLAN, and BLACKWELL,] whom I had learned, from the Whig newspapers and letter writers, would be politically butchered and hewn to pieces. Judge my agreeable surprise, when the news reached me that not one of them was elected by a smaller majority than thirteen hundred and fifty, or a larger majority than twenty-three hundred! About this time nothing but dismay and consternation pervaded the Whig ranks. They could not tell what in the name of common sense had got into the heads of the people. They were at a loss to account for their unexpected, but Waterloo defeat. At last a bright idea struck some wag right upon the head, and it was, that the Alabamians had come across the line, and voted for the Democratic candidates. Forthwith the Whig press raised the yelp, and the whole party joined in the chorus. "Alabama, O! the cursed Alabamians," was their cry for months. Not once did they dream that it was a triumph of Democratic principles—the calm judgment of a Republican people, brought to bear upon FEDERALISM, APOSTACY, AND GAG LAW SENATORS.

I see, Mr. Speaker, as I have already intimated, that the same system of boasting and puffing is now being carried on by the Whig party upon an extensive scale. From the disputed territory in Maine, to the Sabine, all is enthusiasm for the hero of Tippecanoe. Thousand and tens of thousands are hourly deserting the Administration and flocking around his standard. They have made the wonderful discovery, too—a discovery for which they richly deserve a patent right—that Harrison is the greatest General that ever "lived in the tide of time," and the greatest statesman of this or any other age. Such is the fiery zeal of the people for him, that the mountains and valleys of the North and East, the prairies of the West, and the woods and green moss of the South, are in a tremendous blaze! To stop the current of public opinion which is setting in his favor, is just as impossible as to stop the current of the mighty Mississippi. The farmer is quitting his plough—the mechanic his square and compass—the lawyer his nisi prius—the physician his pills—and the merchant his counter—all for the purpose of attending public meetings and glorifying the nominee of the Harrisburg Convention. Bonaparte, in all his glory, had not more followers, and never was so sure of victory. In their own chaste lingo, the "spoilers will be routed—the Goths and Vandals driven from the Capitol." Sir, this is what we have been hearing for the last three months—it is what we will continue to hear until the next Presidential election. It is the same cry which the Federal party have put up on the eve of every Presidential contest for the last forty years. But, thank Heaven, it is one thing to crow and another thing to vote. The Democratic party, conscious of the correctness of their principles, are not reduced to the necessity of bringing to their aid such contemptible means. When the time arrives, however, they will march up to the polls, in solid column, and give the allied powers of Whigery such a rout as has never been witnessed in this country. Mark the prediction, Mr. Speaker, and when you and I meet again after the close of this session of Congress, if it is not verified, then you may set me down a false prophet.

SPEECH OF MR. BROWN,
OF TENNESSEE,

In the House of Representatives, March 17, 1840—On the resolution reported from the Committee of Elections by Mr. CAMPBELL, their chairman, proposing to print all the testimony connected with the New Jersey contested election, and the amendment of Mr. R. GARLAND of Louisiana, to print other testimony referred to that committee, subsequent to its report:

Mr. BROWN desired that the resolution might be read, on which this exciting and extraordinary debate had been going on. He desired it, that the House might be brought back to the precise character of the proposition before it—not one touching the merits of the controversy; not one involving the truth of the facts set forth in the report, nor the action of the House, in admitting five of these gentlemen to temporary membership on this floor. All these things have passed by—the report has been made—it has been sanctioned by the House, and the five gentlemen are now here present in their seats. All the testimony on which these proceedings have taken place, has been reported to the House, and the committee now stand here desiring and insisting that it should be printed. But *these papers*, now desired to be *also* printed, were not considered by the committee, because they were never before them in the form of evidence. Not one solitary member ever saw the inside of that package until after the report was made. It was sealed up from all inspection, and therefore constituted no part of the foundation of this report. Why then should it be printed with it, as a part of it, when in truth and fact it was never opened here, nor referred to the committee, until after its report had been made? We desire all the testimony before the committee, and on which the report was founded, to be printed and sent out with it, in order that the people of this country may be able to see and determine whether the committee and this House have done right in the New Jersey case. To print these depositions, which came in *after* the report, can shed no light on the propriety of what has been done. They are now before the committee, and should continue there until the remaining depositions shall arrive, and the whole case come on for final hearing on the ultimate rights of the party. They will then be printed in connection with the others, and go to the world as a part of the New Jersey case, and receive that attention which they may be found to deserve.

But it is useless to dwell on this point; for it is evident to every one that the proposition is submitted only for the purpose of furnishing an occasion to assail the conduct of the majority of the committee who made the report, and of the House by whom it was confirmed. Sir, it is now notoriously a question of crimination. Having failed to get in the five claimants commissioned by the Governor, and having further failed in excluding the five who actually received the majority of the votes, gentlemen turn round, in the rage and fury of their disappointment, and seek to criminate the conduct of all those by whom their purposes have been frustrated. Proud in the consciousness of having done right, as one member of the committee, I stood ready to meet any and every charge that might be preferred against me, or any of the honorable gentlemen who had concurred in making this report. I expected those charges, if made at all, would surely be preferred by members of the committee—by those whose situation enabled them to form an opinion worth submitting to the American people. Judge, then, Mr. Speaker, my surprise, when I saw the gentleman from Maryland suddenly thrust himself into this controversy, which I had considered as a sort of "family affair," and gravely prefer a long list of charges against the majority of the committee. I do not deny the gentleman's right to do so, nor do I question the sincerity of his declaration, that, in his opinion, there had been something wrong in the action of the committee. But, sir, I now admonish him in advance not to be too precipitate in his conclusions—his situation has not been favorable to a correct knowledge of the facts; and I pledge myself now here, to the House, and the nation, that he has not preferred one solitary charge that cannot be triumphantly refuted.

The gentleman told us that he had looked into our journals, but was constrained to admit that he had only done so *slightly*. Now, sir, this very admission ought to have suggested to him to have been more sparing in his denunciations. What! did the gentleman think he could examine the contents of this huge volume in a single night? That he could comprehend the profound legal learning of the gentleman from New York, the skilful special pleading of the gentleman from Alabama, and the wily tact of him from Virginia, on so slight and so hasty an inspection? The gentleman can have no sort of idea of the profound mysteries of this new and interesting work.

With no better opportunity than this to obtain correct information, the gentleman selected one portion of the journal here, and another there—a fragment from one place, and a scrap from another, and drawing his conclusions from such disjointed premises, proclaims to the country "that there was something wrong in the committee room." Sir, I expect there was something wrong in that committee room—something wrong in this House—something wrong before the Governor and Privy Council of New Jersey. But I stand here to say, after a full examination of this case, that that wrong is not on the side of those who have maintained the rights of the people of New Jersey against its Governor and Council.

Let it be remembered that no gentleman has ventured to dispute the great and controlling fact which constitutes the sum and substance of this report, to wit: who received the greatest number of votes cast in the New Jersey election. No man has, because no man could deny it. The parties holding the Governor's commission, so far from denying that their competitors did receive the majority of votes, in their written pleadings have substantially admitted it. They have so plainly admitted it, that the committee need not have called a single witness in the case; they need not have taken a solitary deposition; but, walking into this hall, might have laid that written admission on your table, and said to you: "Behold the fact which you required us to ascertain!" In one hour after the pleadings of the parties were closed, the committee might have made the report which they have made, and the House have taken the very action they have taken, on the parties' own admissions: If it be asked why such a report was not made sooner, under such circumstances, my answer is, that those who are now so much abused as an unjust and overbearing majority, never became a majority until the orders of this House had been given, commanding this report to be made. Until then we were in a minority, incapable of con-

trolling any thing. Our propositions were voted down or stricken out, or so altered and amended as to make us finally repudiate them ourselves. This was effected by the chairman generally voting and acting with the other party on all questions involving a report on the state and condition of the poll-books. At length, however, the instructions of the House were given—the chairman yielded obedience to them, and we stood released from that thraldom to which we had been so long subjected.

[Here the morning hour having expired, the House went into Committee of the Whole on the Treasury Note bill.]

MARCH 18.

Mr. BROWN of Tennessee resumed. I will now proceed, in continuation of the remarks began on yesterday. I then complained, and yet think I had a right to complain, that the proceedings of the committee had been so harshly and unjustly condemned by the honorable gentleman from Maryland. It did seem to me, that when this controversy had been narrowed down to the mere crimination of the majority whilst in the committee room, that the gentleman should have left it to be settled by the members of the committee. I advert to this topic again, in order to assure the gentleman that I refer the injustice that he has done, which *I know* he has done to the majority, more to the want of personal information, than to any disposition to send forth to the world a groundless imputation of our motives and conduct. But I may be mistaken as to the extent of the gentleman's information. He may have learned from others, in whom he confides, much more than he could find out from his necessarily slight and superficial inspection of our journals. However this may be, the gentleman, day after day, indulged in a freedom and boldness of crimination, that demands a prompt and decisive refutation. Scattered, as they were, through a very long speech, I feared, at one time, that I should not be able to collect and arrange them. But he was kind enough yesterday to recapitulate, and to condense them into a small compass.

His first charge was, that the committee had failed to discharge its duties, as pointed out by the standing rules of the House giving existence to the committee. That rule declares:

"That it shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials, of members returned to serve in this House."

Now I desire to know whether the gentleman from Maryland did mean to make the impression on this House, that the committee had not performed that portion of its duty; that we had not examined the commissions, and decided on them. If these were the gentleman's objections to our proceedings, it was easy to show that he was mistaken.

[Mr. JENIFER here explained.]

If I understand the gentleman's explanations, I have not misapprehended his meaning. I refer him to the resolution under which this case was referred to the committee. That goes beyond the standing rules, and requires us to ascertain and report who were entitled to occupy the five vacant seats from the State of New Jersey. This opened up the whole question: the commissions, the returns, the poll books; in fact, every thing on which the right of membership depended. Now, sir, it has been asserted here, and the public press has spread it all over this country, that the committee paid but little or no attention to the Governor's commissions; that they were treated with no respect; regarded as amounting to no sort of evidence in the case whatever. This bold and reckless assertion has no doubt gone where no refutation of mine can ever overtake it. But, as far as I am able, I will send the denial after it. I will send the journal, too, so soon as it shall be printed, beneath whose withering rebuke such assertions cannot stand. Every member of that committee must know, and does know, that the credentials occupied a large portion of our attention, and were the subject of anxious and serious consideration. I refer to page 79 of that journal:

"Whereupon Mr. BOTTS moved the following resolution:

"*Resolved*, That this committee will now proceed to decide on the legality and validity of the commissions granted by the Governor of New Jersey;"

It being the first question presented and the whole testimony relating to that branch of the subject having been read. The same fact of these commissions having been read and considered is indelibly engraved on other pages of this book, and leaves no ground for cavil or dispute. I shall have frequent occasion to refer to this book, and I must beg pardon of the gentleman from Virginia in advance, if I should happen to designate it as "Botts's journal." I can hardly open it any where, without coming across his name, standing in bold relief, *in almost perpetual conspicuosity*. Beside this, the gentleman was *admittedly* the chief architect of this large superstructure; I mean the plainer and more substantial (if any be substantial) parts of the work. The ornamental parts were executed by the gentlemen from New York and Alabama, with the exception of a little fretwork by the gentleman from Connecticut.

On the authority of this record, then, I aver that the commissions of the Governor were read—that they were considered—were argued at great length by the parties, and a distinct vote taken on their validity and sufficiency. Yet, sir, the country has been told, often told, directly the reverse. The majority of this committee, at this very moment, stand arraigned at the bar of public opinion, for having given to the commissions no attention, and for having treated with silent indifference, if not contempt, the broad seal of one of the old and gallant thirteen States of the Union. On what evidence have they been arraigned? On none. Bold assertion was substituted for evidence, and reckless invective supplied the place even of probability or presumption. By what evidence is the charge disproved? By this record, and by the personal knowledge of every member of the committee.

The gentleman from Virginia, from the beginning, had entertained the opinion that nothing but the commissions could entitle the gentlemen to their seats. He had avowed and enforced that opinion in an elaborate argument on this floor, before the committee had ever sat upon the case. Was it likely, therefore, that *he would permit* the questions growing out of those commissions to lie neglected and unnoticed before the committee? So far from it, sir, the supremacy of the commissions seemed to fill all his thoughts; it was the beginning and the end of his whole judgment in the case.

Mr. Speaker, I come now to the second charge preferred by the gentleman from Maryland against the majority of the committee. He says that the committee passed a resolution that it would not proceed to determine the question of ultimate right between these parties until the second Monday in April, and that this report is in violation of that resolution. Well, sir, the resolution says that the committee would not decide on the question of *ultimate or final right*, until the time designated. Have we decided on such right? Have we reported on it? Not at all. We have only decided and reported on the right of *present occupancy* of the contested seats, whilst the inquiry as to the ultimate right was going on. The ultimate right depended on the purgation of the polls. In New Jersey the vote is given by general ticket; the whole State would have to be ransacked in search of illegal votes, which would necessarily require much time. The question, therefore, arose who should be the sitting members during the period allowed for collecting this testimony? The report made only covers that point of present occupancy, and has no reference to the ultimate rights of the parties at all. Where, then, is the violation of this resolve of the committee? The gentleman should have spared his reflections on the committee on another ground. He should have remembered that even this report on the present occupancy of the seats was not made until we received the express and peremptory orders of this House. When these were given, all that was left to us was the simple duty of obedience. Will the gentleman censure us for that? Would he have had us to set up *our own resolves* of a prior date, in open defiance of the resolves and commands of this House? Surely the gentleman could not have matured this objection in his own mind before he preferred it against the committee. But he evidently preferred this only as *inducement* to his third and most objectionable and groundless charge of all. He says that the committee having adopted that resolution and sent off the claimants in search of their testimony, it was a violation of its faith and solemn pledges to have made this report without giving them notice. True, he attempts to draw a distinction in favor of the committee, by regarding it only as accessory, whilst he looks upon the House as the principal in the perpetration of this foul deed of violated faith. Sir, I reject the distinction. If the charge were true, I should consider the magnitude of the offence as constituting all principals concerned in its commission. But, sir, is that charge true? The gentleman preferred it in a tone and manner so excited, that he found it necessary to explain or apologize to the House for it. He illustrated his opinion of the conduct of the committee and the House, by referring to his frequent agreements *to pair off* with members of this House, until a specified time, and declared that he should have considered himself dishonored by a violation of any such pledge or agreement. All this, sir, was reiterated through a speech of several days' length—reporters and letter writers have sent the charges to the public press, and that has distributed them to every portion of this continent. Denunciation and assertion may achieve a temporary triumph over truth and evidence. But it will be only a temporary one. This record shall go forth to the world. It shall follow up these high charges of the gentleman from Maryland, and show to the American people how destitute of foundation they are. I refer to page 127, where it appears that the committee reserved the right to make a preliminary report, *whenever* they might think proper to do so. To page 129, where a proposition to that effect was made by Mr. MEDILL. To page 147, where another was made by Mr. FISHER. To page 138, which shows *that the parties on both* sides were then present, and heard the discussions, and witnessed the action of the committee on the proposition. How, then, can it be said or pretended that they left the city without notice that a preliminary report was contemplated? They knew that the right to make such a report had been always reserved. They knew that every attempt to take away that right had been defeated. They knew that the making of such a report would not interfere with their preparations on the question of ultimate right. They knew that they would have to go home to take the balance of their testimony, whether such a report was made or not. They knew all this. I say they knew more. They knew that a resolution instructing the committee to make such a report, had been introduced by Mr. TURNEY of Tennessee, and was then actually pending before the House. These facts are all recorded, and yet it is pretended that they retired to New Jersey in conscious security, confiding in the honor and integrity of the committee, and of this House! They were deceived and taken by surprise! surprise about what? surprised by a report, declaring that their opponents had received a higher number of votes than themselves in the New Jersey election? That was impossible, for they had never *denied* the fact; they had substantially admitted it. The records of New Jersey demonstrated it beyond all possibility of denial.

Sir, I have no patience for a further exposure of this groundless charge of broken pledges and violated faith. I pass to another charge, equally unmerited and equally unfounded. We are charged with making our report with unjust precipitation, without ever having examined the testimony referred to us by the House. That, in so doing, the committee had practised a fraud on this House, and the nation, who had a right to expect that *we had* examined all the testimony in the case: others have made the same imputation on the proceedings of the committee, and I will, therefore, appeal again "to the law and the testimony;" to the gentleman's (from Virginia) own book; to that favorite record, which he watched and guarded with more care than all

the other members of the committee beside. The testimony was gone over twice The first time to read the evidence, to hear the parties on it, and to note down the objections made by them. This may be all seen on the journal, from page 70 to page 89. The second time it was gone over, was for the purpose of deciding on the various points made by the parties, touching the admissibility and competency of the evidence in the case. Our proceedings for this purpose may be seen from page 96 to 126. The testimony was examined under the following resolution:

"*Resolved*, That we will now take up the testimony which has been referred to this committee in the New Jersey case." It was taken up without any limitation or qualified purpose whatsoever. On page 70, we find this entry: "And thereupon the committee proceeded to the *hearing* of the testimony" and "the certificates of the Governor of New Jersey *were read*." Again on page 75, "And the following documents being the same that were referred, &c. were *severally taken up and read*." On page 79, may be found the following entry:

"Mr. Botts moved the following resolution:

"*Resolved*, That this committee will now proceed to decide on the legality and validity of the commissions granted, &c. it being the first question presented, and the whole testimony relating to that branch of the subject *having been read*."

On page 81: "The paper No. 13 *was then taken* up; and page 83: "And thereupon paper No. 13 *was read*." This same paper, No. 13, relating to the polls at South Amboy was again taken up and *rejected*, Mr. Botts only, of all the committee, voting for it. It is further shown by the journals "that there being no further testimony before the committee, Mr. Botts moved the following resolution, &c." The different portions of testimony were designated by numbers, and the record shows in relation to every one of them, "*that they were read*." In going over the testimony the second time, we heard the parties on the various objections made and noted down the first time, and decided whether each number was admissible or competent testimony. Those depositions which were *rejected* were laid aside, the parties avowing that they desired and intended to take them over again.

It is on this ground that gentlemen on the other side have fallen into a great error. They have contended that the committee had never heard or considered the testimony, except as it relates to the question of competency. I have already read to the House the resolution under which it was taken up and considered. It contained no limitation of purpose whatsoever. On the contrary, an attempt was made and strenuously insisted on, that it should be taken up and considered for that purpose only; but the limitation was stricken out and the inquiry gone into unrestricted. But it seems that its *sufficiency* was never passed upon by the committee in public vote, so as to constitute *a hearing or consideration* of the testimony in reference to the making up of a report. Was such a thing ever heard of in a committee room as an abstract question of sufficiency? Sufficiency for what? You could never determine that, until a distinct action on the case was proposed, and then each member would *decide for himself*, whether the testimony was *sufficient* to sustain such a proposition. Look to analogies from the proceedings of our courts of justice. Our Judges and Chancellors decide and pass on all questions of the competency or admisibility of evidence, raised by counsel in the progress of a cause, but you can never learn their opinions on its *sufficiency* until they pronounce their judgment or decree in the case. That judgment or decree will of course be according to their opinions of the sufficiency of the testimony to sustain it; but no separate or distinct judgment is passed upon it. It is a silent process of the mind, unannounced, and only to be inferred from the nature of the decision made. The verdict of a jury on the issue of guilty or not guilty, evinces the opinion of the jury of the sufficiency or insufficiency of the evidence; but it is only in the act of rendering that verdict, that a jury could be called on or considered as expressing such opinions. So, sir, of the proceedings of this committee. This testimony having been taken up without restriction—having been heard as competent in the case, would be treasured up in each member's mind until some report or other action on it was called for, and then each would decide (by a silent process of his own mind) for himself, whether the evidence was sufficient to sustain and justify such report or other action. Thus it is, sir, in the face of this analogy from the practice of the courts and against the very reason and nature of the case, gentlemen on the other side have often exclaimed, Where is the evidence that the *sufficiency* of this testimony was ever examined and decided by the committee? My answer is still given from this record: The vote on the following resolution was a decision on the *sufficiency* of the testimony.

"Mr Brown introduced the following:

"*Resolved*, That the report just read be adopted."

The vote on this resolution was a test of every member's opinion of the sufficiency of the evidence: and the first test that could have been applied, without a gross violation of all parliamentary and judicial practice.

[The morning hour having expired, the House went into Committee of the Whole on the Treasury Note bill.]

MARCH 19.

Mr. Brown of Tennessee resumed as follows:

At the close of my remarks on yesterday, I thought that I had sufficiently refuted the charge preferred against us, of not having examined the evidence referred to us by this House. The gentleman from Maryland now informs me, that his chief complaint was, and yet is, that we did not open and examine the depositions now generally known "as the mysterious package." I thank the gentleman for any suggestion calculated to abbreviate our defence and explanations of this report. I think I can satisfy any candid and impartial mind, that said package was never before the committee; that it was never there as evidence; never there in any form or manner, so as to enable us to act on its contents. I remember well when it made its first appearance in the committee room: it was on the day when the committee assembled for the purpose of receiving the report which the chairman had been directed to prepare, in obedience to the orders of the House. We had assembled for that special and only purpose. True, we might have met there at any rate. We had met there so often, that it is very likely that the mere force of habit might have taken us there again. However this may be, when we were assembled, it was not for the purpose of reopening the case, or of taking any new order in it, but simply to ascertain whether the chairman had prepared the report, agreeably to the directions of the committee, given on the Saturday previous. When so assembled, and for such purpose only, this mysterious package made its appearance. It was brought there by the gentleman from Connecticut. It was laid by him on the table at which the chairman was sitting. After permitting it to lie there for some time, the gentleman said something that called the attention of the chairman to it. It was found to be a sealed package, directed to the Speaker of the House, but to the care of the chairman of the committee, and endorsed, "Depositions in the New Jersey case." Mr. Smith moved, informally, (not being in writing,) that the chairman should open the package. He replied that the package was not directed to him, but to the Speaker, and he did not feel at liberty to break open its seals, but it being directed to his care, he would deliver it to the Speaker as soon as his convenience would admit of it. The motion, or proposition, not being in writing, no vote of the committee was taken on it. The chairman then read his report, and I moved that it should be adopted; and pending that motion, the gentleman from Connecticut moved that the package should be sent to the Speaker, to be by him opened, and an order of reference be obtained from the House. During all this time, our proceedings were to stand suspended. It might be several days before the order could be obtained from the House, and if debate happened to spring up upon it, which was very probable, it might even be weeks before it was obtained; and the instructions of the House to us, to make a report *forthwith*, be entirely disregarded. The committee refused to submit to any further delays; they confirmed the report, and ordered it to be submitted to the House. It is for this they have been so often and so severely censured by gentlemen in the course of this debate. It is now said that if the committee had examined this package, it would have established a number of *illegal votes* sufficient to have prevented at least one of these gentlemen from being admitted to his seat. Sir, who ever pretended that this package related to *illegal votes*, until we heard it in debate? Did the gentleman from Connecticut, who presented it, say that it related to illegal votes? Did he ever once hint such an idea before the committee? Not at all. *There*, we were told on the face of his own resolution, that it related to the manner of holding the poll at South Amboy; *here*, we are informed that it related to the reception of illegal votes. Why this strange discrepancy between the information given then, and the complaints made now? Sir, I think I can tell you why.

On the question as to the manner of holding the South Amboy polls, gentlemen do not desire to make too prominent an issue. These objections stand on too narrow and technical a foundation. They therefore fly off in pursuit of a new idea—a mere after-thought—which either never occurred to themselves, or was suppressed by them at the time this decision was made. Let it be remembered, Mr. Speaker, that this sealed package was no part of the old testimony. It had been recently taken, whilst both parties were engaged in taking testimony in New Jersey. They had been allowed until the second Monday in April for that purpose. When that time should expire, they were expected to return to this city, bringing with them the depositions which they had taken. Now, sir, why was it that this particular deposition had strayed off from the others, and been hurried to this city by itself? Why had it not been sent to the Speaker of the House, to whom it was directed, and as it is expressly required to be by the laws of New Jersey. I have those laws now before me, and they expressly require that they should have been sent to the Speaker. It was not sent by the public mail. When and by whom it had been sealed did not appear, and there were no endorsements to guard its alteration. What is required generally in our courts of law and equity in similar cases? The commissioner must certify that the deposition was sealed up without having been out of his possession, and without alteration. If sent by private conveyance, the person conveying it must certify on oath that he received it from the commissioner, and that the same has been unaltered whilst in his possession. The committee did not require all these things to be complied with. Indeed, they considered that they had nothing to do with all these precautions, because the House, it was to be supposed, would guard all these points before they opened and referred all such papers to the committee. But, sir, many of the committee did look with *suspicion* on this package. It had not come through accustomed channels, and it might be to avoid the necessary scrutiny, that it had sought to come into the committee, through channels unknown to the laws of New Jersey, and unsanctioned by parliamentary practice.

I am free, however, to state, that I never permitted these suspicions to fasten on the gentleman from Connecticut personally, for having brought them from his lodging to the committee room for delivery to the chairman, to whose care they were directed. But, sir, they did fasten on the package itself—on its abrupt and precipitate transmission to this city, in advance of all the other depositions, either then or in the course of being taken in the State of New Jersey. These suspicious circumstances, as I regard them, no doubt influenced my mind to some degree, in refusing to suspend our obedience to the orders of the House, and to await the opening and reference of the package. But I put that refusal on still higher ground I maintain that that package was never before us in such condition as to allow official action. It was never before us as a committee. Nothing could be properly so, but what had been sent *through* the House *and by* the House. We had, therefore, no right to

take action on the paper. That action depended solely on the chairman, into whose hands it came, which the committee had no right to accelerate or retard, by any order on the subject. The gentleman from Maryland, however, assumes the ground that the chairman *had the right* to break the seal, and to open the package, without presentation to the Speaker or any order of the House. The Speaker, however, was of a different opinion. Every member of the committee present thought differently, except the gentlemen from New York and Connecticut. The gentleman from Alabama has no recollection of hearing the proposition made, that the chairman should open it; but, at the same time, he tells you if he had heard it, he would not have sanctioned the idea for one moment.

[Mr. CRABB here rose and submitted some remarks of explanation.]

Mr. BROWN was glad that the gentleman from Alabama had submitted his remarks: he wanted his position to be perfectly understood, for it was one on which he did not intend to bestow the slightest censure.

On the question of sending this package to the Speaker, and waiting for its reference and return, only two of the minority present voted for it, the gentleman from Alabama not being one of them.

[Mr. CRABB again explained, and said that his vote against sending it, was owing to certain recitals on the resolution of the gentleman from Connecticut, which he did not think correct in point of fact.]

Mr. BROWN then read the resolution, and the vote taken on it, and said that he meant to furnish the House with the precise facts as they had existed, but did not doubt the motive which the gentleman had stated, controlled his vote on that occasion.

Mr. Speaker, I have been much astonished at the opinions which the gentleman from Maryland advanced on this part of the case. I understand he is a distinguished member of the bar, and it is with extreme reluctance that I would undertake to question any of his legal opinions. Still I beg leave to submit to him a few, very few, cases for his solution. Suppose an ordinary letter to be directed to A B, to the care of C D; or suppose a letter to be written to the president of the Bank of Maryland, to the care of E F, one of its stockholders or directors; or to the clerk and master in chancery at A, to the care of the sheriff attendant on the court Now does the gentleman mean to advance the opinion, that in all these cases, the persons to whose care they were directed could lawfully break the seals, and publish their contents? The gentleman's argument seemed to affirm that they could, and opens up to my mind new principles of law, which have heretofore eluded my research.

I put to the gentleman, in becoming deference, another question; whether, if he be right on the *general principles* of the science, he may not possibly be mistaken in his opinions on this point, under the special provisions of the law of New Jersey. That law, as I have before remarked, *expressly* requires these depositions to be addressed and forwarded to the Speaker of the House of Representatives. How comes it, then, that any one else can interrupt them—stop their progress toward the Speaker, to whom they are required to go—break open the seals, make use of their contents, and still invoke the law to sanctify and approve the deed? Sir, all this may be so, but I must be permitted to say that it challenges a very high order of credulity to believe it. At all events, the committee did not understand either the general law or the statute of New Jersey in that way. They found this package not in your hands, but in the hands of the gentleman from Connecticut; not on your table, but on theirs; not coming direct by the public mail, but wandering about first in one man's hands, and then in another's, covered by another envelope, which is torn away from it; and having, in fact, none of those safeguards which the law throws around depositions in analogous cases. Under these circumstances, the committee determined to have nothing to do with the package for the present, but to let it reach its ultimate destination, the Speaker's hands, by him to be laid before the House, and by the House be referred to the committee, in due and regular form. It is now before us, and will take its place with the other depositions; will be considered when they are considered, and be allowed its due weight in the final report.

Thus far, Mr. Speaker, most of what I have said has been in justification of the conduct of the committee. I wish now to say something in vindication of the action of the House in requiring this report to be made. The very terms of the resolution referring this case to the committee, show that it was the intention of the House not to leave New Jersey long without her full representation on this floor. Present occupancy of her vacant seats until the final rights of the parties could be ascertained, was evidently intended. It was expected that a report on the present right could have been made in a few days, or weeks, at farthest. This right depended either on the commissions or the poll books, which, it was thought by the House, could soon be determined. The final right depended on the purgation of the polls in all the townships of the State; and it was known that it would take much time and trouble to perform it. These were the known views of the House. Well, sir, the case had been before us for about two months, instead of as many weeks. Questions of great importance to the country were daily arising, and New Jersey stood deprived of her full number of Representatives in this hall. The Governor of that State sezed on the occasion to appeal to the other States of the Union. The impression was spreading far and wide, that too much delay was taking place in the investigation. During all this time, not one word was heard from the committee. True, we were seen repairing early and retiring late from the scene of our labors. Night after night the burning lamps of our committee room attested our industry and devotion to business; but still no signs or tokens of a report being made could be discovered. Almost every member was asking us when? The vacant and unoccupied seats of New Jersey, as we passed, seemed ready to ask us when? The country at large was loudly addressing to us the same question. But still no solitary response could be obtained. Even now that we have reported, I can often detect a sort of inquisitive curiosity to know what we have been about during all this time. I will tell you, sir. We have been making this great book—I beg pardon for having almost said "Botts's book"—on the commissions of the Governor; on the records of his proceedings; in making a computation of the votes on the certificate of the Secretary of State, and the written pleadings of the party. We could and ought to have made this report in one-fourth part of that time, which we have wasted on technical trifles, and in a poor, miserable, and (as I fear the country will say) contemptible system of special pleading.

It was after such delays as this, and in the midst of the universal complaint of that delay which I have mentioned, that my honorable colleague, Mr. CAVE JOHNSON, submitted his resolution of instructions to report forthwith who received the greatest number of votes at the election of New Jersey, and all the evidence appertaining to that fact. Sir, I shall never forget the sensations evidently produced on a portion of the committee by the introduction of that resolution. The pride of the gentleman from Alabama, and of the gentleman from New York revolted at the word "forthwith!" They revolted at the very idea of instant compulsion. The gentleman from Connecticut did not care so much about the word "forthwith;" but seemed to shrink with horror from the intrusion of the chairman of *Military Affairs*! In touching and eloquent strains, he implored protection from that man of war "with glittering helmet, and with nodding plume!" That whole debate went off on a collateral and false issue, and was evidently intended to direct the public mind away from the true merits of the proposition. It was said to be indelicate, and even insulting to the committee, to call on them for a report, which the House and the country had been expecting for many weeks, with breathless anxiety! The House was, however, resolved to wait no longer, and after amending, adopted the resolution. This amendment consisted in the insertion of the word "lawful," before the word "votes." It was proposed by the gentleman from New York, [Mr. FILLMORE,] who was in full practice on similar motions in the committee room. There, whenever it was proposed to ascertain "who received the greatest number of votes polled at the New Jersey election," so as to be able to report that fact to the House, the gentleman, or some other member of the minority, would move to insert the word lawful, so as to throw us off from the poll books as they stood at the close of the election, into the purgation of the polls. They stood on the commissions as the foundation of right to a seat. We stood on the poll books that *contradicted* the commissions, and clearly showed that five other persons received the votes of the majority. Now, sir, the fair mode of proceeding would have been to take a vote on the validity and sufficiency of the commissions, and if the majority of the committee of the House was found in favor of Messrs. Aycrigg and Co. to place them in their seats; and if no such majority was found, then, to have taken a vote on the validity and sufficiency of the poll books, and to have placed Messrs. DICKERSON, VROOM, etc. in their seats, if a majority was found in their favor, I repeat, sir, would have been the fair, plain-sailing mode of proceeding. But it has been denied to us throughout this whole proceeding. We have been, from time to time, forced off from an examination and report on the poll books, showing in fact who were elected by the people, and compelled to report on *presumptions*, instead of *facts*, or give the commissioned gentlemen another chance, by searching over the State of New Jersey for illegal votes. Sir, the motion made here was a part of the same system. But the gentleman did not remember that the word *lawful* could have none of its magic influence on this resolution, where there were so many other expressions to command and control it. We were ordered to report *forthwith*, but not so as to stop or delay our investigations into the ballot box. So long as these expressions continued in the resolutions of instruction, the word lawful could be made to apply only to those votes cast in the election, which the law and the rules of evidence declare lawful, until the contrary be shown by evidence. In his zeal and precipitancy, and misled by the effect of the same word in dissimilar propositions in the committee room, the gentleman from New York failed to follow up his motion to insert the word lawful, by other motions to strike out the word forthwith, and the whole proviso at the close of the resolution. This failure was fatal to his object. It lost every advantage which he was seeking to acquire. The gentleman and his friends soon perceived it, when they found the whole Democratic party of the House still voting for the instructions, notwithstanding the insertion of that word. Thereupon the whole Whig party, with no remembered exception, voted against it, in the face of their own favorite word "lawful." This, sir, is the resolution, as finally adopted:

"*Resolved*, That the Committee of Elections be authorized to report to this House such papers, and such of their proceedings as they may desire to have printed by order of the House; and that they be instructed also to report forthwith which five of the ten individuals claiming seats from the State of New Jersey, received the greatest number of lawful votes from the whole State for Representatives in the Congress of the United States, at the election of 1838 in said State, with all the evidence of that fact in their possession: *Provided*, That nothing herein contained shall be so construed as to prevent or delay the action of said committee in taking testimony, and deciding the said case on the merits of the election."

The gentleman from Maryland, as well as the minority of the committee, have complained much of the construction which was given to this resolution by the majority. They have industriously sought to make the impression that it was resolved to put Messrs. DICKERSON and VROOM and their associates into their seats, right or wrong, on legal or illegal votes. Sir, nothing can be further from the truth. We have not counted one single vote for them which has not been passed upon and decided to be legal by the constituted authorities of New Jersey, the judges and inspectors of elections. They have solemnly adjudged every vote to be *lawful* before we have allowed it. The law takes *their judgment* as binding, until the contrary shall be shown by evidence taken in the case. Not only did the majority decide *that the votes received* should be presumed and taken as

lawful votes, but every member of the minority decided so with us. They voted without exception for the following resolution:

"*Resolved*, That all votes received by authorized officers acting in conformity with the laws, are *prima facie* legal."

Now, sir, we have not counted one solitary vote which was not of that description. To escape from this, we are told on the other side that the word "lawful" was not used by the House in this *prima facie* or presumptive sense, but referred to the final and absolute lawfulness which might be established by the evidence. Sir, how can this be so, when the House knew that the testimony had not yet been taken—when the House knew that the parties had just left the city for the purpose of taking it—when the House knew that two months had been allowed them for that purpose? How then could they have meant to call for a report to be made forthwith, on testimony not in existence, and which would not be in our possession before the second Monday of April next. They must have meant that we should report without delay on the lawful votes, as they stood as such on the records of New Jersey and the testimony before the committee—on the votes which *then* stood as lawful, according to the laws of New Jersey, and not on the votes which might *hereafter* be found legal when the taking of the testimony was completed. The House was demanding the report only to settle the right of present occupancy, so as to put one party or the other in their seats, until the final right should be determined. They therefore called for a report on the evidence *as it then stood*, not on the evidence as it might hereafter appear. This is put beyond all question by the proviso which expressly declares that the inquiry into the merits of the election should not be suspended or prevented.

The next day the committee met. They settled down on the construction of the resolution for which I have contended, and ordered the report to be prepared by the Tuesday following (that being Saturday.) On Tuesday the report, as prepared by the chairman, was adopted and ordered to be presented to the House. It was presented, resisted, debated; but was finally confirmed, and five of the claimants admitted to their seats by an overwhelming majority. I again affirm that every vote counted in making out that report, stood, at the time it was counted, as a good and lawful vote, according to the rules of evidence and the laws of the land. But it is true, that in making out the report the committee did not, and could not, know but what some of the votes counted *might* hereafter be proved to be illegal *when* the parties returned, on the 2d Monday in April, from taking their testimony in New Jersey. We were not gifted with the spirit of prophecy so as to know how that might be, and the House called for present and immediate action, and did not choose to wait the developments *of the future*. But whatever doubt might have existed before as to the correctness of our construction of its orders, they must be removed by the subsequent action of the House. When the report came, it was resisted on the express ground that we had misconstrued the resolution of instruction. The question was debated and considered by the House. Surely the gentlemen do not mean to deny that the House *understood* its own orders. Well, what was its decision? It sanctioned our construction by confirming our report. Before the House we were charged with stupidity and mental delusion; now nothing can save the House itself from the same unmerited denunciation. What, sir, after all, have we done? Nothing but what the Governor of New Jersey himself declared we ought and should do. Hear his declarations, made at the time when he was cleaving down the rights of his own people. "But it will be asked, with force and propriety, is a candidate to lose his seat in Congress because a county clerk does not make a return of the votes? Certainly not. If, through inadvertence or by design, any votes have not been returned by the clerk, it is in the power of the House of Representatives, in their discretion, to allow these votes, and give the seat to the person who, with these votes, may be elected." Well, what have we done? The votes of Millville and South Amboy had not been returned, or rather had *not* been counted. The committee and the House have counted them, and have given the seats accordingly. Precisely what Governor Pennington then said we ought and would do. Let me tell gentlemen we have not only done this, but we have done more. We have done what Governor Pennington ought then to have done, but which he did not and would not do. He knew that the clerks of Middlesex and Amboy had not sent up all the returns of all the townships of their respective counties, and yet he would not send an express after them as the law directed. He knew that the votes of Millville and South Amboy had not been included in their computations, and if included would have changed the result. He knew, in other words, that Messrs. Aycrigg and Co. had not received "the highest number of votes" as required by the laws of New Jersey, yet he gave them commissions at declaring them "to have been elected," contrary to the truth of the case and the laws of the State. In the commissions which he gave, he could not and dared not say, that those to whom they had been given, had received the highest number of votes. He therefore introduced the word "elected," not known in the laws of New Jersey. Who is "elected," is a compound, and often a difficult question to be determined, and is left under the Constitution in such a case as this, to be decided by the House of Representatives: But "who received the highest number of votes" in an election, is a simple matter of arithmetical computation, and has been entrusted to the Executive of New Jersey as the returning officer. He has made a return, at open war with the facts of the case, and has only offered to an insulted people the poor consolation that the outrage he was committing was within the correcting powers of this House. We have corrected them. We have restored to the people of New Jersey the great and fundamental right of self-government, of which their own Governor, in an evil hour of partisan madness, had deprived them. In restoring to them the high guarantees of the Constitution, we have met with revilings and reproaches at every stage of our progress. Misrepresentations have followed upon our footsteps, and we have been held up, in the view of many of our misguided fellow-citizens, as a lawless and tyrannical majority, ready and willing to sacrifice every thing on the altar of partisan idolatry. The minority who have acted with us have given occasion to much of this newspaper defamation. That minority submitted a counter report, which they have laid in the form of an appeal before the American people. In that report and appeal, they have cast imputations on the majority of the committee and the House, which it is now my purpose to repel.

The minority have been pleased to represent that this House has perpetrated a daring outrage in putting five men into their seats "who presented no return, no credentials, no commissions." Why, Mr. Speaker, this is no new thing under the sun. Look at that book on contested elections. There you will find from fifty to one hundred cases of the same kind. In almost every instance where the sitting member was ousted of his seat, his competitor came in "without return, credential, or commission." (Remember, sir, I am not responsible for the tautology of this sentence.) How could they come in under any of these things? They had been cheated out of them by the fraud or stupidity of the Governor and Privy Council of New Jersey. The people of that State had done all in their power to secure to themselves the inestimable right of suffrage. They had gone to the election on the day, and at the places specified by law, and deposited their votes in the ballot boxes. This was all they could do. At the close of that election, whoever received the highest number of votes, were the only true and lawful members of Congress. It is so expressly declared by the laws of New Jersey, and must be so from the very nature and spirit of our institutions. The people having voted and made choice of their own Representatives, all that remained to be done was, to commission those on whom that choice had fallen. The records or returns, when full, clearly showed that choice to have fallen on Messrs. DICKERSON, VROOM, and Co. They carried these records, laid them down in the presence of the Governor, and demanded their commissions. What was his answer? "Go and get them from the House of Representatives." This House has granted them. Your resolution of admission is their commission; a prouder credential than was ever issued under the sign manual of Governor Pennington.

But we are told that this foul deed was done to secure a majority, to carry through certain favorite measures of the Administration. I solemnly declare, Mr. Speaker, that I never heard such an idea advanced *any where*, or by any person, until I saw it in the address of the minority. What are these measures: the Sub-Treasury? The Treasury Note bill? The resolutions refusing the assumption of State debts? Sir, I know not, I care not, to what measures the minority may allude, the assertion must fail from its own absurdity. It is incredible that the Administration should be able to perpetrate all the outrages charged upon it in the New Jersey case, and that too by so large a majority, and yet be unable to carry through its own favorite measures of public policy. Sir, the credulity of this country is taxed even to bankruptcy, when called on to believe such monstrous allegations.

I mean next to notice a very extraordinary observation to be found in the appeal of the minority. They remark that this House, with a madness and blindness belonging to desperation only, not only adopted the report, but even went one step further, and admitted these five claimants to their seats. What beautiful and respectful langunge toward this House, (a House of which they are members, and with which their own reputation and character are so intimately connected) The minority proceed with the bold assertion that all this was done, "the House being wholly *ignorant* of what the evidence established." Ignorant of what the evidence established! What was that report intended to show? Simply the fact who received the greatest number of votes at the New Jersey election. The instructions of the House went no further than that. The report, on its face, purported to go no further. Now the question is, whether the House *was* ignorant of the evidence bearing on that point. It stands recorded on your journals, that it was all read, on the call of the gentleman from Ohio, [Mr. DUNCAN;] plainly and distinctly read; and if your records were silent on it, there are now here within this Capitol more than two hundred witnesses to attest the fact.

Sir, this charge of *ignorance* has not even the merit of novelty to recommend it to public favor. We have long since yielded the claim of "all the talents and all the decency" to those who have so modestly claimed it. I mean, sir, that we *had* yielded to that modest assumption before the present session of Congress. Since the occurrence of this New Jersey case, however, I believe they have, by common consent, discontinued any further claim to a monopoly of *all the decency*, at least.

Mr. Speaker, I have been surprised at the remedy proposed by the minority for all these alleged outrages committed by this House in the New Jersey case. They call on the people to "rise in their majesty, and assert and vindicate their rights at the ballot boxes." At the ballot boxes! What, sir, have we been doing but that, throughout this whole controversy? What the people can do there, let them learn from the conduct of Gov. Pennington and his Privy Council at the ballot boxes! I did not expect that the gentleman had the heart to utter such a word. What avail the ballot boxes, in an age and country where it is boldly maintained that a partisan Governor can set them aside at his pleasure, substitute his own friends in their stead, and, by affixing the broad seal to the nefarious deed, defend and protect it from all correction? If these things can be done, and then justified here, I again ask, of what avail are the ballot boxes against party misrule and Federal domination? The ballot boxes may speak in the voice of thunder, and yet a Whig Governor can speak louder than they. New Jersey knows the truth of what I declare, because New Jersey has felt it. The majority of the committee, and of this House, have sustained, through-

out this controversy, the rights and liberties of the people of that noble and gallant State; the minority have, throughout, justified the usurpations of its Governor and Privy Council. We have succeeded in putting into their seats those who have been in truth and in fact chosen by the people. They have been prevented from introducing, as members, on this floor, those who were rejected by the people, and whose only recommendation was, "that they had found favor in the eyes" of Governor Pennington. Baffled in the committee room, defeated in their views on this floor, the minority have appealed to the American people. They appeal as an oppressed and much injured minority, whose counter report has been rejected and suppressed by those who should have acted on it. This faint and sickly cry of persecution and oppression is to be another one of those false issues which have been raised, in order to divert the public mind from the real merits of this controversy. The minority have not made *a fair statement* on the subject. They have neither stated all the facts, nor stated them in their proper order and connection. How were the facts in the committee-room? The minority asked that the presentation of our report should be suspended until theirs should be prepared, and both be submitted together. Two periods were mentioned by them. The vote was taken on the longest time time first. The majority did vote against the longest, intending to vote for the shortest time. But, sir, to our surprise, the proposition as to the shortest time was withdrawn by one of the minority, and now the complaint is, that we would give no right at all. Gentlemen seem to have gone on the idea that every thing must be done in their own way, or not done at all. This was strikingly illustrated on this floor on the presentation of their report. When they came in with it, the House was actually engaged in discussing and considering the report of the majority. Now, what was the very reasonable and modest request of these gentlemen? It was that the House should lay down the business then on had—put aside the further consideration of the report of the majority, and take up that of the minority. The question was asked of the Speaker, whether, if this was done, the report of the minority, in the event of a debate on it, would not take precedence of all debate and action on that of the the majority. The SPEAKER decided that it would. Thereupon the House determined to proceed in regular order; to debate and decide on the report first presented, and when that was done to take up that of the minority. Sir, was there any oppression in all this? What right had these gentlemen to come bustling into the House, and to demand that every thing should stand aside for them, and that their report should have *a preference* over that of the majority? At the first moment after the report of the majority was disposed of, the gentleman from Virginia, [Mr. DROMGOOLE,] rose in his place, and expressed a hope that the House would now, by universal consent, agree to receive the report of the minority, and that both reports and testimony be printed. Sir, from what quarter did opposition come, to this proposal? Not from us, but from two of their own friends. One of them expressly declared, that he did not want it received; "that he wanted it to go forth to the world as *a suppressed report*" The minority seized on the suggestion, ceased to ask for its reception, and have sent it forth in blazing capitals as a *suppressed report*.

Mr. Speaker: in the appeal to the American people, which the minority have been pleased to take, we most heartily unite. We are perfectly willing to meet them at the bar of an enlightened and impartial public opinion. But we want that appeal to be *fairly* presented, with no errors of fact to mislead, and no false clamor of injustice and oppression to excite public sympathy. We mean to stand at that bar as the advocates for the supremacy of the popular will; they must be there as the defenders of the conduct of those who have violated and outraged that supremacy. We will be there, relying on the broad merits, on the truth and justice of our cause, they standing on nothing but technical presumptions, at open war with the facts, and on the supposed magic of the broad seal, desecrated as it was in this bold attempt to destroy the rights and liberties of the people of New Jersey. The minority, in sending forth their appeal, invoke a decision in their favor, in order to save this Government from becoming "worse than a Turkish despotism!" We assert that the danger lies altogether in a different direction. We maintain that whenever the time shall arrive when returning officers begin to substitute their *wills* for that of the people—when your State Governors assume to make Representatives in Congress, in face of the very records of our elections, then indeed "a worse than Turkish despotism" *will* have fallen on this country.

SPEECH OF MR. CLAY,
OF ALABAMA,

In Senate, Tuesday, April 21, 1840.—The bill supplemental to the "act to grant pre-emption rights to settlers on the public lands," having been read a third time,

After some remarks from Mr. CLAY of Kentucky,

Mr. CLAY of Alabama said it was with extreme regret that he had heard the remarks which had just fallen from the Senator from Kentucky [MR. CLAY.] He was at a loss whether to ascribe the Senator's course of argument to his inattention to the subject, or to his deep-rooted prejudices against the settlers upon the public lands; but he could not avoid thinking that his persevering hostility to this, and all kindred measures, must be owing to one of those causes or the other. Why, sir, said Mr. C. it is perfectly demonstrable that the Senator from Kentucky is entirely mistaken in regard to almost every material fact he has stated.

He said the Senator had commenced his remarks by alluding to the small excess, above the *minimum* price, which the Government had received for many years past; and he ascribed it altogether to mingling the results of all the different modes of sale at auction, by private entry, (as it was usually call, ed,) and under the pre-emption laws. As if confident of triumph, the Senator exclaims—"let us have the average of auction sales." Well, sir, he shall have them—at least so far as the sales at auction, since the enactment of the existing pre-emption law.

Mr. C. said he had given them the other day, when the bill was before under the consideration of the Senate; the Senator from Kentucky was then present, and if he had then been fortunate enough to engage his attention, the question need not now have been asked

Mr. C. said, having on former occasions heard the same complaint, from the same quarter, and having been always disposed to treat the subject with candor and fairness; conscious that such a course ought to ensure success in this body; he had called on the Commissioner of the General Land Office for precisely the statement desired, and had obtained it. He had exhibited it in the course of the debate, on Thursday last, and invited the attention of every Senator to its examination: but for the satisfaction of the Senator from Kentucky, he would repeat the substance of what he then said. This statement (Mr. C. said) comprised the sales of every kind, separately and distinctly, which had taken place since the 22d of June, 1838, up to the latest return, which had been received at the General Land Office on the 16th of January last. It showed that there had been sold at auction 1,875,854 acres, for $2 427,014 10, at the average rate of $1 29.38 per acre. This was entirely exclusive of ordinary sales, by private entry, and of sales under the pre-emption law. Now, sir, (said Mr. C.) the demand of the Senator from Kentucky is met; and he finds that the excess, above the *minimum* price, is but four cents, and a small fraction; and this is the important gain of his auction system, setting at naught all favor and indulgence toward those who open the way for such sales.

Mr. C. said another column of the same statement exhibited the amount of sales to pre-emptors, being only 752,972 acres. Every gentleman can ascertain the mighty loss to the Treasury by supposing that those lands, too, might have been sold as high as the general average of the sales at auction; that, however, he thought was not a very reasonable presumption. He said he had shown the other day that, if the number of persons averaged one to every half quarter, or eighty acre tract—and there were, no doubt, more than that many, as, under the provisions of the existing law, every quarter section was to be divided equally amongst all the settlers upon it, they would amount to about ten thousand, who had enjoyed the advantage of its protection. And he would repeat the question, whether an American statesman would, for the inconsiderable gain to the Treasury, have subjected ten thousand families to the hazards, and frauds, and oppressions of a sale at auction, perhaps to be broken up and again driven into the wilderness, or become miserable and dependent tenants of rich and haughty landlords?

Mr. C. said he had referred the other day to the report of the Commissioner of the General Land Office, made in January, 1838, to prove that in 1828 and 1829—the two years immediately preceding the first general pre-emption law—the average price of all the public land sold, in each, was but $1 26 per acre. Such was the result of the system before any preference was given to occupants, unless perhaps to a small number of individuals, holding under imperfect claims, derived from France and Spain. The same document showed the quantity of land sold in 1828 to have been 965,600 36-100 acres, which, at $1 25 per acre, would have amounted to $1,207,000, and the sum actually received only exceeded it $14,357. In 1829, the excess received was much smaller, in proportion to the quantity sold. The number of acres sold in that year was 1 244,860 1-100, which, at $1 25 per acre, would have amounted to $1,556,075, and the sum actually received only exceeded it $16,788. And, in the two years, the quantity of land sold was 2,210,460 acres, and the excess above the *minimum*, on the whole quantity, amounted to but $31,145. How paltry and inconsiderable a sum, to jeopard the security and happiness of probably thirty thousand families! He said he would only add, on this point, that in the next year (1830) with the first general pre-emption law in force after the 29th of May, the average price continued precisely the same as in the two preceding years, although the sales amounted to nearly two millions of acres. This must be considered proof conclusive that Government lost nothing worth taking into the account, by allowing pre-emptions, were he to admit (which he was by no means prepared to do) that money was to be justly appreciated above the happiness, comfort, and prosperity of freemen. Besides all this, there should be deducted the additional expense of sales at auction, $5 per day each, to the Register and Receiver of the district land office, during their continuance, (usually about two weeks,) an auctioneer at $8 or $10 per day, and extra clerk hire. Make all these deductions, and where is the pecuniary gain of this rich and powerful Government, by all the rigor of the auction system?

But, said Mr. C. the Senator from Kentucky makes another very great and most extraordinary mistake, in saying that, in every case under the pre-emption law, the settler gets a credit of two years. The Senator certainly could not have directed his attention to the terms of the law, or he would not have taken a position so broad and indefensible. He said it was only necessary to call the attention of the Senate, for a moment, to the provisions of the act of June, 1838, and that of May, 1830, to show how utterly erroneous were the views of the Senator. The former revived the latter, and continued it in force for two years. Hence the act of May 29, 1830, with all its limitations and conditions, (besides those superadded by the act of 1838,) was in full force now, and intended to be continued in full operation by the bill under consideration. Mr. C invited the attention of the Senator from Kentucky, and that of other gentlemen, to the following section of that act, which he read:

"SEC. 4. *And be it further enacted*, That this act *shall not delay the sale of any of the public lands of the United States*, beyond the time which has been, or may be, appointed for that purpose by the President's proclamation; nor shall any of the provisions of this act be available to any person, or persons, who shall fail to make the proof and payment required by

fore the day appointed for the commencement of the sales of lands including the tract or tracts on which the right of pre-emption is claimed; nor shall the right of pre-emption, contemplated by this act, extend to any land, which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatsoever."

Here, said Mr. C. (after reading the section,) it is rendered indisputable by the express language of the law, that it "shall not delay the sale of any of the public lands" beyond the time appointed for that purpose by the President's proclamation; and it further expressly appears, that unless the settler "make the proof and payment required, before the day appointed for the commencement of the sales of lands, including the tract or tracts, on which the right of pre-emption is claimed," the provisions of the act are wholly unavailable, and lost forever to the occupant.

[Mr. CLAY of Kentucky here rose, and asked Mr. CLAY of Alabama whether there was not delay of the sales of land subject to private entry.]

Mr. CLAY of Alabama replied that it was true, by the construction placed on the act of 1830, those who were settlers on lands that had been offered for sale at auction, and remained unsold, were allowed the whole term limited by the law, to make proof and payment. But he remarked that the number of settlers on these inferior, refuse lands, was comparatively small. There was none of that "rush of settlers" on them, which had been so often deprecated and denounced here, as regarded the fresh and rich lands; none settled on those poor lands but those who were unable to purchase a better quality. To prove that the operation of the pre-emption law, under this construction, did not retard the sale of that portion of the public domain which was subject to private entry, Mr. C referred to the same statement of the Commissioner of the General Land Office, made in January last, from which it would appear that near *four millions and a half* of acres had been sold at ordinary private entry, when less than *two millions* had been sold at auction, and only about *three-fourths of a million* under the pre-emption law. He said he regarded this indulgence to occupants of the poor, refuse lands, as no great favor; and it resulted in no loss whatever to the Government. So far as regarded the assertion of two years' credit being given by the law to settlers on the fresh lands that had never been offered or refused at public sale, Mr. C. repeated that it was clearly founded in mistake. There could not be an hour's credit or delay of sale, more than if there was no pre-emption law in force. That class of lands could only be sold after notice of not less than three, nor more than six months, by proclamation of the President; and the shortest period could be as well fixed now, when the pre-emption law was in force, as when there was none.

Mr. C. remarked that the Senator from Kentucky had renewed another objection, so often made by him heretofore, that the passage of the bill would be extending favor and privilege to trespassers and violators of the law, to classes who were by no means the most meritorious. Mr. C. said he was sorry to hear these charges repeated against the settlers of the new States, although in a tone and temper somewhat mitigated, compared with former occasions. Knowing them to be generally honest, industrious, and respectable, he never could hear such imputations made against them, as a class, and remain silent. Sir, said Mr. C. I appeal with confidence to you, (addressing the President of the Senate,) and to every Senator who has travelled through the new States, or has had the means of knowing the character of this portion of their population, to say whether they are not as intelligent, as meritorious, and respectable, as those engaged in similar pursuits in any of the older States of the Union. They are engaged in advancing the improvement of the country, and the cultivation of the soil; no employment was more favorable to principles of virtue and honor; and, in moral worth, they would compare advantageously with any other class. He denied that they were violators of the law, or trespassers, in any ignominious sense of those terms. He said they did not go upon the public lands to injure, but to improve them; nor did they go there to take the public property without a fair equivalent. They neither intended to take them by force, nor ask them by way of donation—the only favor they asked of the Government of their country was, that they might be permitted to retain the places of their selection in the wilderness, which they had improved by much labor, under the endurance of great privations, by paying the same price which would be received from others, who had done nothing to advance the progress of civilization. So far from being regarded as violators of the law, in the ordinary acceptation, they deserved to be considered meritorious citizens. They were generally men of small property: finding themselves situated upon exhausted land in the old States, and perhaps not the owners of that, but the humble tenants of others—with families growing up around them, whose wants were daily increasing—they went out upon the fresh and fertile lands of the West, for the highly praiseworthy purpose of improving their condition. By this laudable enterprise, persevering industry, and prudent economy, many of them acquired a competency for the support of their families, and the education of their children—rendering them useful and independent citizens, instead of day laborers, hirelings, and humble dependants. What course more meritorious could the father of a family pursue? Instead of reproach, such conduct merited the highest praise; and it was only to be regretted that greater numbers of the poor and humble tenantry of the old States did not pursue the same course.

But, sir, said Mr. C. the Senator from Kentucky takes further exception to the bill, on the ground that it is too universal and indiscriminate in its privileges. He complains that, under the phraseology, "every settler on the public lands," even "foreigners and free negroes," may become pre-emptors. Now, sir, said Mr. C. the language of the present bill is not more latitudinous than that of any of the other laws heretofore passed upon the same subject. He said that of the first pre-emption law, passed in 1830, was fully as broad as any expressions to be found in this. It declared "that every settler or occupant of the public lands, prior to the passage of this act, &c." should have the right of pre emption. There was no clause to be found in it which denied its advantages to any class or description of individuals who occupied and cultivated public land at the times specified. The act of June 19 h, 1834, pursued precisely the same phraseology; and yet he had heard no complaint of abuses growing out of the latitude of description in either.

As it regarded foreigners not naturalized, the question had been distinctly made by a proposition to exclude them, when the bill which passed in June, 1838, was before the Senate, and it was rejected by a decided majority. The Senator from Kentucky, and some of his friends, then supported the proposition; but, after full and deliberate consideration, the majority against it was so large, that Mr. C. thought the question ought to be considered definitely settled. For one, he had been opposed to it then, and was still. While the spirit of our free institutions invited the inhabitants of all other countries to come amongst us, and we proudly boasted that our country was the asylum of the oppressed, whence soever they came, he would not only extend to them the security of life and liberty, which was guarantied by our Constitution, but enable them to acquire property, and enjoy all its comforts. Should we deserve the proud name, which had been accorded to us by the friends of freedom all over the world, if we denied to the unfortunate foreigner, driven from his native land by the iron hand of despotism, even the humble privilege of purchasing a home with the fruits of his industry, labor, and economy? Mr. C. protested against it in the name of humanity, and for the honor of his country. Let us not mock the unhappy victim of tyranny, by inviting him into our country, as the abode of liberty and equal laws, and then deny him a privilege common to all freemen—denied only to slaves.

Sir, said Mr. C this objection comes with a singularly bad grace from the Senator from Kentucky. A few years ago the Senate passed a bill making a pure, unqualified donation to two hundred and thirty-five Poles, of thirty-six sections of land, to be selected from any three adjacent townships of the public lands, which had been, or might thereafter be, surveyed, situated within the limits of the State of Illinois, or the then Territory of Michigan.

[Mr. YOUNG of Illinois interposed, and remarked that the Senator from Alabama was mistaken; that the law required the Poles to pay the minimum price per acre.]

Mr. CLAY of Alabama replied, that he was perfectly aware that the bill finally passed in that shape; but, he could inform his friend from Illinois that was altogether owing to an amendment which was made in the House; the bill did pass the Senate in the shape he had stated. If I am not very much mistaken, the Senator from Kentucky, [Mr. CLAY,] who now objects to suffering foreigners to enjoy the privilege of pre-emption—that is, even to buy and pay for the lands they have settled and improved—voted for that bill. I ask, did he not vote for it?

[Mr. CLAY of Kentucky here nodded assent.]

Yes, said Mr. C. he admits that fact—he did vote for it, as did many of his friends—notwithstanding he now considers it an insurmountable objection, that foreigners are permitted to buy under the present bill.

Mr. C. remarked, that at the time the bill, to which he alluded, passed, he had the honor to be a member of the other House, and also a member of the Committee on Public Lands, to which it was referred. He said he well recollected the feelings of indignation it excited in his bosom, when he saw thirty-six sections of the most choice portion of the public domain about to be voted away as a pure gift to a parcel of foreigners, and amounting to near an hundred acres each, when so many soldiers of the Revolution, who had fought the battles which won our independence, were tottering on the brink of the grave, destitute of land, and without a comfortable home. Yes, sir, said Mr. C. I remember well the history of that bill. My feelings revolted at the injustice of making such a *donation to foreigners*, when, at the same session, and only a few days before, those who were friendly to the settlers had a hard struggle—every inch of ground being contested—to obtain the passage of a law to allow many of those *Revolutionary patriots*, and *their descendants*, to keep the small tracts of land they had improved, *by paying* $1 25 per acre. Mr. C. remarked, that he was the mover of the amendment in the committee of the House of Representatives, which required the Poles to pay the minimum price, besides inhabiting and cultivating the land; for, while he was willing that foreigners should become proprietors of land, in his opinion justice demanded that they should pay for it, as well as American citizens. He said, when the bill was returned to the Senate, with this amendment, it was disagreed to; and he had, amongst others, exerted himself successfully, but with some difficulty, in prevailing on a majority of the House to insist on its amendment. Here, then, (said Mr. C.) is a specimen of the Senator's consistency—at one time voting to give away twenty-three thousand acres of the public land to foreigners—at another, even objecting to let them become purchasers at the same price paid by others!

The Senator from Kentucky objects, too, (said Mr. C.) that the language of the bill is so broad that even "free negroes" may avail themselves of its provisions. He said this objection was entirely new; it was now nearly ten years since the pre-emption system commenced, under terms as latitudinous as the English language could supply; nothing less than "that *every settler*, or *occupant*, of the public lands" should enjoy its benefits; and yet he had never before heard a complaint that a "free negro" had entered a single quarter section. There might be instances (Mr. C. admitted) in which that class of people had got the benefit of the laws heretofore passed; but, if there were, they must be very few, and had not yet amounted to a sufficient evil to attract attention. No, sir, (said Mr. C.) you do not find that description of individuals going into and encountering the hardships of the rough, untamed forest. They are proverbially predisposed to indolence and ease; and, instead of finding them engaged in the laborious toils of husbandry, you will generally find them in our cities, towns, and villages, pursuing

habits of idleness and dishonesty, vice and profligacy. He spoke of them as a class, but admitted there were some creditable exceptions. Mr. C. added that the Senator from Kentucky might be very sincere in the objection he had raised; but, if so, he differed very widely from many of his political friends, who would doubtless not only grant pre-emptions, but make donations of land to "free negroes," and emancipate our slaves to increase the number of their beneficiaries.

Mr. C. remarked that the course pursued by the Senator from Kentucky seemed to him objectionable in another aspect. The bill has been engrossed, and is now on its third reading, and the Senator moves a recommitment to the same committee by whom it was reported, with instructions to amend or change it in several particulars. Mr. C. contended that this course was unusual and unfair, under the circumstances. He said the gentleman was present when the bill was before the Senate as in committee of the whole, and when it was open to amendment. Why did he not then state his objections, and propose his amendments? This bill had been among the first introduced at the present session, had been printed, and on the files of the Senate for more than three months; of course its provisions must have been known, and fully understood by every member. If such amendments as are now proposed had been offered at the proper stage, it would have occasioned no delay; they could at once have been adopted or rejected. But, instead of meeting a measure, to which the Senator has always been and still is opposed, in this fair, open, and usual mode, he awaits its engrossment and third reading, and then moves its recommitment, which must be followed by delay, and possibly defeat, for want of time for action in the other House. He submitted it to the Senate whether they would sanction this mode of opposition.

Mr. C. remarked that there was something strange, and, to his mind, unaccountable, in the course the Senator from Kentucky had pursued on this, and all similar occasions, in reference to the interests of the new States, for the last eight years. He had uniformly opposed, with the most persevering and untiring hostility, every attempt to grant pre-emption rights to settlers—every proposition to graduate the price of the public lands, or reduce the most inferior pine barrens, rocky mountains, swamps, or marshes, below the price of the most fertile and valuable low grounds of the Mississippi or Red river: in a word, he had not only opposed those more important measures, but every bill which tended to relax or mitigate the land system, in its operation upon the interest, happiness, or prosperity of the new States. The journals of the Senate and the newspapers of the day would (Mr. C. said) bear him out in the correctness of what he had said. Yet, (said Mr. C) what has been the course pursued by the Senator from Kentucky, in the mean time, towards the other States? To pass by his more general measure, to divide out the new States amongst the old ones—commonly called his distribution bill—by which (to say nothing of other objections at present) he would have interested all the old States, by annual receipts from the proceeds of the public lands, in keeping up their price, until the necessities of the increasing population of the new ones compelled them to purchase on any terms; and enforcing the principles of the present system, with unmitigated rigor, even to the extent of driving off the settlers by military force: notwithstanding all this illiberality, and even harshness, towards the people of the new States, we find the Senator from Kentucky, at the last session, voting for a bill that was to operate in another quarter, which fully embraced, and sanctioned, both the principles of the pre-emption privilege and graduation! Yes, sir, the Senator from Kentucky, at the last session, after his long and implacable hostility to both those principles, so far as the new States were concerned, voted for a bill to cede to the State of Tennessee "all the right, title, claim, and interest, which the United States have, in and to the vacant, unappropriated, and refuse lands, south and west of the Congressional reservation line," in that State, upon certain "conditions and limitations." Amongst those conditions and limitations were the following:

"In selling, entering, and disposing, of said lands, all and every person or persons, the legal representative of such person or persons, and the rightful assignee of such person or persons, as are entitled to the right of occupancy and pre-emption according to the laws of the State of Tennessee, shall have the preference in entering, purchasing, or obtaining, grants for their occupant and pre-emption rights, at the price of twelve and a half cents per acre for said occupant and pre-emption rights, not exceeding two hundred acres each."

Yes, sir, the Senator from Kentucky voted for this bill, which carries the privilege of pre-emption, which he has hitherto, and still denounces with so much virulence, and opposes so inexorably, farther than any measure, which has ever been passed, or attempted for the new States, and carries the reduction of price lower than any of our graduation bills. The part of the bill I have quoted, not only enjoins upon the Legislature to give the preference to all who "are entitled to the right of occupancy and pre-emption, according to the laws of the State of Tennessee;" that is, to every body residing upon the land; but to "the legal representative," and "the rightful *assignee* of such person or persons." Now, sir, so carefully have all our pre-emption laws guarded against the possibility of fraud and speculation, that all right of assignment or representation has been absolutely cut off and denied. The pre-emption law of the 29th May, 1830, contained this positive enactment:

"And that all assignments and transfers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void."

Mr. C. said the same provision had been revived and continued in every subsequent pre-emption law, and would be by this, if it passed. So much afraid of fraud and speculation were the enemies of the new States, that no pre-emption bill, he presumed, could be passed for them without such a clause. In them it was merely and strictly a personal matter—there could be no assignments, nor could any heir claim in the name of an unfortunate deceased ancestor. Yet, in Tennessee, it could be made inheritable and transferable, as broadly as any other legal right, and that by the Senator's vote. So, the utmost that a settler, in a new State, could get, was one quarter section; and if there happened to be more than one settler upon it, it must be divided into as many shares; but in Tennessee two hundred acres could be given. And, instead of giving *a dollar and a quarter* per acre, as the pre emptors of the new States are bound to pay, a settler in Tennessee is permitted to buy at *twelve and a half cents* per acre—the one-sixth part of the lowest price at which we can be permitted to pass a bill for the most inferior lands in the new States. He appealed to the Senate to say whether this was fair and equal justice? Were the citizens of Alabama and Mississippi, and the other new States, less meritorious, less honorable, or less patriotic, than those of Tennessee? Had not those States been "admitted into the Union on an equal footing with the original States, in all respects whatever?" Or, was this declaration of the terms of their admission mere mockery? Sir, said Mr. C. to reconcile the consistency of these contradictory votes of the Senator from Kentucky is impossible, unless he can prove that poor land in Indiana, or Illinois, or Alabama, or Mississippi, is worth a dollar and a quarter per acre, when the same quality in Tennessee is worth but twelve and a half cents per acre. He must go farther, and prove that it is lawful and meritorious to settle upon and improve public land in Tennessee, while it is unlawful and criminal to do the same thing in the other States. Mr. C. said he did not complain of the Senator's vote for the Tennessee bill; he had voted for it himself, and would cheerfully do it again; but he complained that he denied the people of the new States the rights and privileges which he accorded to others.

Mr. C. concluded by expressing the hope, that the bill under consideration would receive the sanction of a majority of the Senate, as others of similar character had heretofore done, notwithstanding the opposition it had encountered.

After some remarks from Mr. WALKER,

Mr. CLAY of Kentucky moved to recommit the bill with instructions; which was negatived—ayes 8, noes 25.

The question was then taken on the passage of the bill, and it was decided in the affirmative—ayes 26, nays 9, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Grundy, Henderson, Hubbard, King, Linn, Lumpkin, Nicholas, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Indiana, Sturgeon, Tappan, Walker, White, Williams, Wright, and Young—26.

NAYS—Messrs. Brown, Calhoun, Clay of Kentucky, Clayton, Crittenden, Dixon, Knight, Prentiss, and Roane—9.

The bill was in the following words:

A BILL supplementary to the act, entitled "An act to grant pre-emption rights to settlers on the public lands," approved June twenty-second, eighteen hundred and thirty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a settler on the public lands may reside, or have his dwelling-house upon one quarter section, and cultivate land on another and different quarter section, such settler may make his election under the act to which this is a supplement, to enter either of said quarter sections, or legal sub-divisions of each, so as not to exceed one quarter section in all.

SEC. 2. *And be it further enacted*, That in all cases where an individual may have made an improvement on the public land, and had afterward leased or rented such improvement to another person, who was in possession of the same on the 22d of June, eighteen hundred and thirty-eight, and for the period of four months next preceding, or when the lessor and lessee, together, occupied such improvement during said four months, the person who made such improvement, and so rented or leased the same, shall be entitled to the right of pre-emption, notwithstanding he may have been out of possession of his improvement during said four months, or any part thereof.

SEC. 3. *And be it further enacted*, That every settler on the public lands, which were not surveyed at the passage of the act to which this is a supplement, and who, since the survey of such public lands has been ascertained to have resided at the date of said act, and for four months preceding, on a sixteenth section, set apart for the support of schools in any township, shall be entitled to enter at the minimum price any other quarter section of the public lands lying in the same land district, to which no other person has the right of pre-emption, on making satisfactory proof of his or her residence as aforesaid on such sixteenth section, before the register and receiver of the land office of said district.

SEC. 4. *And be it further enacted*, That every person who may have been a settler, within the meaning of the act to which this is a supplement, on any public land before its selection by any State for the purposes of a seminary of learning, under any act of Congress authorizing such selection, on satisfactory proof of the facts before the register and receiver of the district in which his improvements were situated, shall be permitted to enter at the minimum price, any other quarter section lying in the same land district, to which no other person has the right of pre-emption.

SEC. 5. *And be it further enacted*, That the "act to grant pre-emption rights to settlers on the public lands," approved June 22d, 1838, be, and the same is hereby, continued in full force till the 22d day of June, 1842; and the right of pre-emption, under its provisions, shall be, and hereby is, extended to all settlers on the public lands at the date of this act, with the same exceptions, whether general or special, and subject to all the limitations and conditions contained in the above recited act, and with the explanatory provisions of the preceding sections of this act; and nothing in the last proviso of the act of the twenty-second of June, eighteen hundred and thirty-eight, shall be so construed as to defeat any right of pre-emption accruing under said act, or under this act, or under any preceding act of Congress, nor shall said pre-emption claims be defeated by any contingent Choctaw location.

REMARKS OF MR. NORVELL,
OF MICHIGAN.

In Senate, April 18, 1840—On the bill allowing rations to General Wool and Colonel Croghan, Inspectors General of the Army.

Mr. NORVELL said, that this bill, as he now understood from both its friends and its adversaries, proposed to allow the Inspectors General of the Army of the United States, for eight or nine years before 1833, double rations, which, under the same law, had been allowed to them since that year; and had, under the law, been allowed to other staff officers before that period. This discrepancy appeared to have been the result of the different interpretations put, at different times, by different heads of the War Department, upon the act of Congress relating to the subject. The Inspectors General were now realizing the benefit of the double rations; and what the bill contemplated was the allowance of the arrearages of double rations from the passage of the law to the time when the present interpretation of its provisions commenced. The bill established no new principle. Its liberality had, from its passage, been extended to other officers similarly situated. And, for himself, when a claim so strong, in favor of two such gallant officers as the present Inspectors General of the Army, was presented to his feelings and judgment, he could not hesitate as to the course which he should pursue. Sir, who is it that

asks justice at your hands on this occasion, under a law of the land? One of these officers is the *Hero of Sandusky;* the hero of a battle—limited as were the numbers on one side engaged in it—which shed more glory on the country than any other military victory achieved in the late war, except that of New Orleans. The other officer gallantly distinguished himself at Queenstown, and in other battles, in the same war. Was that officer, who, when left with a handful of men by his commanding General, [Harrison,] to defend Fort Stephenson, had so nobly sustained himself against an attack from thousands of British and savage enemies—was *he* to be selected as a fit object of exclusion from the benefits of a law which had been extended to officers not more worthy, and certainly not so distinguished? He trusted not. What he desired was, that the services of these brave officers should not be made the ground of such exclusion.

SPEECH OF MR. BROWN,
OF MISSISSIPPI,

In the House of Representatives, April 17, 1840—In Committee of the Whole, on the general appropriation bill.

The House having resolved itself into Committee of the Whole on the state of the Union, on the bill to provide for the civil and diplomatic expenditures of the Government for the year 1840, and the general policy of the Administration, being under discussion,

Mr. BROWN spoke substantially as follows:

Mr. CHAIRMAN: Since the commencement of the present session of Congress, it has been my custom rather to listen to the views of other gentlemen than to present any of my own. I have hitherto been a silent member, not from any indifference on my part as to what was passing, or any unwillingness to give expression to my opinion, but from an almost insuperable aversion to engaging in a general scramble for place on this floor. And now that I have arisen to address the committee, it would be a fraud upon its members if I did not frankly admit that it is not so much my purpose to discuss the bill under consideration, as to take part in a desultory debate which has been going on for the last ten or fifteen days. If, in the course of remark in which I design indulging, it shall become necessary for me to allude to the public or private character of any distinguished citizen of this country, I shall do it in that spirit of courtesy which becomes one gentleman speaking of another, and with all due regard to the station which it is my good fortune to occupy. I shall not indulge myself in a train of remark better suited to the medium of a *grog shop* than to the hall of legislation. The example has been set me by one gentleman [Mr. OGLE] of speaking of a prominent member of the other branch of the Legislature as "a common liar;" and by another, [Mr. STANLY,] of declaring that a distinguished Senator is a fiend incarnate, fit only to be associated with the howling spirits of the vasty deep. I cannot consent, sir, to follow such an example, however distinguished the source from which it comes. I leave the classical and beautiful phrases of liar and fiend to the exclusive use of the more refined and elegant gentlemen who belong to the party that claims for itself all the wealth, all the talents, and all the decency, of the country. Plain, unpretending Loco Foco as I am, rude and uncouth, I will not attempt to soar with these gentlemen into the regions of space, but shall content myself with appearing what I really am—respectful and courteous to every man, and demanding from every man that respect and courtesy which I extend to others. I assure you, Mr. Chairman, I have not the slightest inclination to distinguish myself by the use of expressions better suited to the mouth of a street bully than to the lips of a member of Congress; and I leave honorable gentlemen to the sole occupancy of this new field into which they have gone, free to reap and enjoy all the laurels that may be gathered there, undisturbed by any act or expression of mine. My object is to discuss principles, not characters. I am now about to enter the grand political arena, which has stretched its gigantic dimensions before me; but before I do so, I may as well take a very cursory view of the bill nominally under discussion; and, in doing this, I have an especial favor to ask of the senior members of this House. It is this: point out to me such items in this bill as are objectionable; tell me in what the objection consists; ought the whole item to be stricken out, or only a part? and, if only a part, how much? I ask this, and I do it in all sincerity. It is necessary for me to have some further intelligence on the subject, to enable me to act advisedly. One of the pledges which I gave my constituents, and which I am resolved to carry out, was to aid in reforming the abuses of this Government, if, indeed, any existed, and to reduce its expenditures, if they could be reduced, consistent with the public faith and the substantial interest of the country. I am here, sir, for that purpose; and now is the appropriate time to commence the great work of reform. I am not sufficiently familiar with Government to know which of the expenditures proposed may be dispensed with, or whether, indeed, the whole of them are not absolutely necessary. It is, therefore, no idle interrogatory, but one propounded with feelings of deep sincerity, and to which an answer is most earnestly solicited. Which of the proposed items of expenditures in this bill may be stricken out? We are told that the bill proposes an expenditure of nine millions of dollars; and that nine millions is an enormous sum to expend in the civil and diplomatic departments of a *Democratic* administration. True, sir, nine millions of dollars is a large, if you please, an enormous sum, but twice nine millions would be a sum much more enormous; and yet who will say that if the honor, or the substantial interest of the nation required the expenditure, that the appropriation ought not to be made, and made promptly? The gentleman from Pennsylvania [Mr. OGLE] objects to that item in the bill which proposes the appropriation of fifteen hundred dollars to the clerk employed by the Government to sign land patents; and if I understood the gentleman aright, it was not that the service was unequal to the money, or that the office ought to be abolished, but that the officer was politically opposed to the gentleman; and for this very substantial reason, he would refuse to compensate him for his labor. Sir, the service, or a great portion of it, has already been performed—performed under a positive contract, a solemn law of Congress. This is not denied, nor is it objected that the service has not been faithfully and efficiently performed; but the person performing it is objectionable to the gentleman, and this furnishes ample reason, in his judgment, for violating the plighted faith of the nation, and disregarding the positive right of an officer of Government. If the office has become a *sinecure*, and there is now no longer any necessity for it let us, like men guided by reason, and not like children controlled by the caprices and prejudices of the moment go to work, pay for the service already performed, and then repeal the law creating the office, and thus get clear of the officer. But do not disgrace yourselves and the nation by taking the service of a citizen, and then refusing to pay for it, even though that citizen be the son of a Democratic President; and let it be continually borne in mind that the present Administration is nowise responsible for the passage of the law creating this office. It was passed under the late Administration, and at a time when at least one house of Congress (the Senate) was opposed to that Administration, and for the reason, I suppose, that there was then thought to be a necessity for it. If that necessity has ceased, let the law cease with it. All I now say is, that we cannot, and if we could, we ought not, in this informal manner, to get clear of this responsibility of Government. I think (and the gentleman, on reflection, I fancy, will concur with me) that he would much better have expended the time and treasure of the country in proving the law to be no longer necessary, than in abusing the President and his son for offences of which they are even more innocent than himself, and the party with which he is associated.

Again: the gentleman would have us abolish the office of Minister to Russia, Spain, and Mexico, not by a repeal of the law creating them, but by refusing to vote the necessary compensation to the respective incumbents. This, to my palate, Mr. Chairman, smacks a little too strong of agrarianism. This is levelling as with the scythe of ruin, and with no regard to law, order, or the ordinary rules of common honesty. This is the worst species of Loco Foco agrarianism. Has the gentleman properly considered this subject? Is he quite certain that the honor and dignity, and even the pecuniary interest of the nation, would not suffer by such an act? If it would not, then, sir, if the gentleman will place his proposition before the House in proper form, I will vote for it; but I cannot consent, Loco Foco as I am—and therefore prepared, no doubt, in the judgment of the very eloquent gentleman from Pennsylvania, [Mr. OGLE] for the performance of any act, be it never so monstrous—to put my country in a light so disreputable before the world, as to refuse to compensate our resident ministers abroad for services already performed, and thus without inquiry and without reason to reduce them from the dignity and pay of Ministers Plenipotentiary to a mere Charge d'Affaires. But, sir, the gentleman, I am sure, did not make the proposition seriously. He would not vote for it himself; he only wanted something to abuse the Administration about; something out of which to make political capital; and, in the absence of all other things, he had brought forward this proposition, not wishing or expecting it to pass. The gentleman complains of the vast expenditures of Government, and when asked where they have increased so enormously, he points us to the Post Office Department; but he does not inform us of the reasons which produced this state of affairs. Nothing is said about the vast increase of mail facilities in all parts of the country—nothing about the mail being transported over millions of square miles, which but a few years since was a savage waste—nothing about the mail being carried to the door of almost every hamlet in the West and Southwest, which, under the administration of the younger Adams, to which the honorable gentleman has so often and so feliciously alluded, were total strangers to the post boy, and all the comforts and pleasures which he bears with him. The mail transportation has been greatly extended within the last eight years; but this is not the only, nor indeed the *greatest* reason which has produced the increase in the gross expenditures of this Department. It will be found in the cause which has produced a multitude of political evils. It will be found issuing from that grand Pandora box, out of which has come all our political evils—the existence of banks, the redundancy of paper money, a species of devouring reptile, which, like the locusts of Egypt, has overrun and laid waste the entire country. Whilst the receipts of the Department have been regulated by a fixed specie standard, the expenditures have been placed under the capricious and ever-varying dominion of an ephemeral paper currency—a currency which, though now exploded and exploding, has for the last five years placed a fictitious, nominal value on every particle of property and every species of labor. Thus, whilst the Post Office Department has been denied the right to increase its receipts by an increase in the rates of postage, a state of things is produced by which it is compelled to pay one thousand dollars for a service which, ten years ago, could have been performed for one-half the amount. A contractor who, in 1839, would have carried the mail from Washington to Frederick for two thousand dollars, would, in 1840, demand twice that amount, because his coaches and horses cost him double, and he must necessarily pay twice the usual wages to his drivers. This grows out of an increase in the amount of paper money; which, however, does not add to the current receipts of the Department. Under all these embarrassing circumstances, it is not wonderful that the expenditures are increased; the wonder rather is that the Department should have been enabled to sustain itself at all. And that which is true in regard to the Post Office is more or less so in reference to all the Departments of Government. I am aware, Mr. Chairman, that I shall be met at this point with the stereotyped declaration that the Government is responsible to the people for this inordinate issue of paper money—that

it was the legitimate consequence of removing the deposites, and vetoing the Bank of the United States. Upon these points, I shall, at a proper time, take issue with gentlemen, and endeavor to demonstrate the error into which they have fallen: at present, it would perhaps be wandering a little too far from the record, to go off upon these collateral, and to this bill immaterial, issues. Though I will not now undertake to show what has *not* produced the present and pre-existing state of affairs, yet may I not expect the pardon of the committee, if I digress for a moment, for the purpose of showing what has, in my judgment, been the real and main cause of their production? Coming from a State upon which the evils of the day have fallen with more severity than upon any other portion of the Union, or of the world, and having been no idle observer of the grand *panorama* which has been exhibited in that country, I fancy that I can speak with some degree of assurance as to the causes which produced its fall, and point with some certainty to the pencil with which the awful picture was first marked out. I come from a section of the Union the most depressed and deplorable in all its monetary relations of any part of this vast and deeply afflicted Republic, affording a theme fruitful to the political economist, and presenting a melancholy example of the folly too often practised of abstracting capital from its active pursuits, and investing it in unproductive property. Mississippi can produce more real exports than the same amount of population in any part of the habitable globe; and yet, with all her energies, we find her, in a time of profound tranquillity, with the ports of the whole world thrown open to her great staples, prostrate, writhing under a load of oppression, to the sustaining of which, with all her energies, she is found inadequate. How and why is this? Let us not be told that it grows out of any action of the Federal Government on the subjects of banks and currency. It will find its origin in another quarter: in a too hasty, and, I fear, an improper disposition of the public lands. From the year 1833 to 1836, the Indian title to vast quantities of the most productive territory was extinguished, and it became the policy of the then Administration—a policy almost universally approved by all parties—to hurry those lands as rapidly as possible into market. Most of them were situate in a frontier, or, at most, in a sparsely populated country. The wants of the settler, the sturdy pioneer of the South and Southwest, whose little settlements here and there dotted the face of the wilderness, were soon supplied, and vast territories of the most productive soil in North America, that having been offered for sale and refused, now remained to be entered at the minimum of $1 25 per acre. This opened a field for speculation too inviting long to remain unobserved, and the gloating eyes of avarice were turned upon it; a tide of emigrants, from all parts of the country, flowed in, gladdening the wilderness for a season, and filling the land with joy. They, in their turn, purchased their little homes, and seemed contented. The soil was to them what property in general was to our first parents, a common stock, and each individual to himself appropriated, for an almost nominal sum, such portion as his wants required. But this state of things did not long continue. Large companies of land speculators, chiefly merchants from your Eastern cities, were organized, and vast sums of money consolidated and sent to the Southwest, to be invested in "wild lands," that were wholly unproductive; thus abstracting from the current business a portion of its necessary support, to be invested where it could, by no possibility, produce one dollar of gain; depleting and causing necessary languor and unhealthiness in the channels from which it had been abstracted, and giving no additional vigor to the other departments of business, the lands being purchased for speculation, and not for cultivation. When this species of devouring locusts came among us, and began their work of demolition on the public domain, our hitherto quiet and contented citizen became changed in his nature; the serpent had crept into his Eden, and for the first time he conceived the new idea of making his fortune by land jobbing, rather than by tilling the soil. A portion, nay, the whole, of his surplus cash, which might better have been spent in improving his little farm, or discharging some honest obligation, was invested in "wild lands;" the pernicious example, like all others of similar character, was followed by his confiding neighbor. To morrow some wanderer from his native home in search of the new Elysium, finds this land of promise; pleased with the soil, and still more with the generous hospitality of its occupants, he determines to take up his abode. Land purchased at the minimum, is sold to our honest adventurer at twice that sum; and he soon becomes regularly installed into all the mysteries of living without work; for he, in his turn, to make a penny in an honest way, sells the same land for five dollars per acre. The news sweeps over the country like an electric flash; the story of the grand speculation is on every tongue, and the same land is sold for ten dollars per acre. This is too much—

"The banner is flung to the wild winds free."

Fortunes are to be made by speculation. The horn of plenty is inverted, and all may grow fat who will feast their appetites. Drawers are searched, purses are turned, the cash that jingled about the infant's neck is taken off, and fuss and confusion reign; money must be raised to purchase more lands, that we may grow more rich. In short, sir, every dollar that can be raised in the whole country is taken to the land office, given for unproductive soil, and as essentially lost to the real business of the country, as though it had been cast into the sea. Fortunate, most fortunate had it been for my afflicted State, and for the whole country, if the folly had here ceased. But the real capital of the country being exhausted, the Legislatures were importuned to create more banks, that there might be more money to invest in more unproductive lands. These banks, without capital, had all to gain and nothing to lose; their issues were free and unlimited; the country was flooded with their paper, producing the disastrous consequences, first, of an ability on the part of speculators to purchase large quantities of lands; and, secondly, the ability to hold them at very high prices, besides stimulating every article of necessary family consumption into an inordinate nominal value. Every man felt rich in the possession of his real estate upon which he had fixed his own price, with a firm resolve to obtain that price or keep the land. The land might be kept, but it was unproductive. Holding it at very high prices suddenly checked the tide of emigration and left the country full of venders, but without purchasers. Meanwhile, a system of extravagance is began and kept up to commensurate with the fancied wealth of neighbor Humbug. The Misses Humbug, whose father is producing nothing, but who is rich in the possession of lands, have doffed their dunstables and a plain silk, and now think it quite mal-apropos with any thing short of a satin hat, mounted with a flowing white plume. Embroidered silks, satins, shalleys and velvets take the place of the old-fashioned family apparel; splendid coaches, blooded horses, servants in livery, fine houses, magnificent furniture, rich and costly services of plate, take the place of domestic simplicity and plain Republican elegance. All Europe and America are ransacked for viands to load a mahogany table that has driven the old-fashioned cherry and walnut from the dining-room of a woodland cottage into the garret of a princely mansion. The Northern merchant—as if reason had lost her dominion—excites and encourages the extravagance, by selling vast and almost incomprehensible amounts of merchandise to our country merchants; they retail them to their customers, who in their turn find it impossible to pay in any thing better than the paper of an insolvent bank, conjured into existence to answer the present purpose of some reckless speculator, that having come out of its chrysalis, has suddenly taken to itself wings and flown away. The country merchant has a wealthy customer, but one whose means are not *available*. He cannot collect his dues, and therefore cannot pay his merchant in New York. The New Yorker has sapped too deeply the foundation of his trade, by drawing from it large sums of money to be invested in unprofitable lands. He cannot bear up under a dishonor of his country paper. Our dealer is urged to pay, and he in his turn presses his customer; but payment is not made, because it cannot be made; presently the New Yorker fails in business; his failure embarrasses his neighbor, and his another, and anon a general crash is heard—terror and consternation possess the community. The importunities for money become greater and still more great. The wealthy Mr. Humbug determines to sell a portion of his lands, pay his debts, and live independent. He starts out with this honest purpose, but what is his surprise to find every body selling, and no one buying. He returns dispirited, disappointed, disheartened. He is sued, harassed with executions, and finally breaks; at this point he turns Whig, curses Gen. Jackson, swears that Van Buren is the greatest scoundrel that ever lived, and starts to Texas. Such, sir, is a faint picture of the causes which have produced much of the embarrassments in my own country—such a brief outline of the rise, expansion, and final explosion of the greatest bubble that ever floated on the wide ocean of popular folly. But, Mr. Chairman, there is a more interesting inquiry touching this subject than the one usually discussed in this hall. The real inquiry with the great mass of the people, is not who or what produced the mischief; but what means are to be resorted to to get clear of it. I find that on all the essential points we differ; we differ radically and essentially. It never has, perhaps it never will be, otherwise. There is no such thing as a concurrence among us as to what produced this calamity: for years has it been discussed by the ablest men in the nation, and with as little prospect of arriving at any harmonious, result now as when they began. Let us not, then waste our time in this unprofitable disputation. Let us rather act for the attainment of some present and permanent good. If the house be on fire, let us first extinguish the flames, and then go out into the streets and high places in search of the incendiary. One of the first steps to be taken, is to introduce a rigid system of economy into all the various departments of business, public and private. In Republics like ours, if the people become extravagant, the Government is likely to be infected with the same mania, since it draws its subsistence and vitality directly from the people; and I call upon members here to set an example to their constituents, worthy of emulation: let them show by their public actions that economy and reform is to be the order of the day, and it will exert a benign and happy influence over all classes of the community. But gentlemen tell me that something else must be done; that it is useless to talk of economy to a man in the last stage of mortal existence; that the community is sick to death, and, if relief be not soon procured, the patient must expire. Sir, we have proposed our remedy. That remedy, which we grant, must be slow in its operations, but will, we think, be more speedy, as well as more certain, than any other, to effect a final and permanent cure. And what have you done? You have stood between our ministering hand and the lips of an expiring patient; and you have exhorted him not to receive our remedy. Still you persuade him that he is growing worse, and that each day he is drawing nearer and nearer to his final dissolution. But what, says the alarmed, exhausted, and dying man, shall I do to be saved? And you modestly respond, turn off your present attendant, and take *us* into your service. Ay, sir, take you into his service; and, pray, what will you do? How will you minister to his wants? Upon this subject you are non-committal. You refuse our remedy; and yet you have no panacea of your own. Will the change which you propose be so salutary in its influence as to heal our afflictions? Will the defeat of Mr. Van Buren and the election of General Harrison act like a charm upon the country. Is this new political Messiah to work by miracles? Is he a sort of political faith doctor? Tell me, sir, what he is to do for the country, and how he is to do it. Upon what principles will he administer the Government? What great measure of reform is proposed? And how and by what means is it to be carried out? General Harrison has been before the American

people for more than four months, and no man can say—no man holding a position in the Whig ranks, to give force and efficiency to his declarations, *dare* say—what are his opinions upon any great question of national interest. Dare any man say that General Harrison is for or against a National Bank, Internal Improvement, the Tariff, or even Abolition itself? Dare any member of the Whig party on this floor rise in his place and commit his *party* to the support of any measure of any kind? No, sir, they come in the impressive language of my friend from Tennessee [Mr. WATTERSON] as the architects of ruin, to pull down every thing and put up nothing. That I may distinctly understand the position which gentlemen intend to assume, I now, sir, call upon them individually, and as a party of honorable men, to come out and give us their principles. Do you commit yourselves to the support of a National Bank?

[Mr. CHINN, from his seat. I do.]

But does the gentleman speak for his party? Will his party link their destiny to a National Bank? Will it be the policy of General Harrison's Administration, in the event of his election, to create such an institution. I put the categorical question to gentlemen of the Opposition, on all sides of the House, and I shall be content to receive a categorical answer. I am impatient for an answer, but it shall be my good pleasure to await the response of honorable gentlemen. I pause for a reply. No one answers. Then, Mr. Chairman, I am justified in concluding, that gentlemen either support a man without knowing his principles, or else they are afraid or ashamed to let his principles be known to the country and to the very people whose suffrages they ask. If gentlemen can find ease and comfort in either position, I give them joy. Though, Mr. Chairman, gentlemen here will not commit themselves or their party to the support of a United States Bank—though, sir, they do not, and will not, and dare not, designate this as their means of relief, yet I choose so to regard it. All of us agree that something must be done to relieve the country, purify the currency, and move again the stagnant pools of commerce. We (the Democrats, or the Loco Focos, if it please you better) say that that something must be the adoption of the Sub-Treasury. You, gentlemen, say what? You are loud and long in your denunciations of our scheme, and swear to it an eternal hate. What may we expect of you? What do you bring forward as the great antagonist of the Sub-Treasury? Nothing; literally nothing.

I think proper to say, Mr. Chairman, to my constituents, through the medium of this House, that the present state of things must continue, or the Sub-Treasury must be adopted. Nothing else can be done—nothing else is proposed; and those who oppose our scheme, and produce none of their own, must be in favor of the existing state of affairs. If I can get no one here to take up a National Bank and oppose it as the great rival to the Sub-Treasury, I will leave this hall and discuss the question with particular reference to the state of political feeling in Mississippi. There the Whigs are more unflinching than their brethren in this latitude. They come out boldly, and avow their preference for such an institution. And now, sir, permit me to institute a brief comparison between the two schemes; first premising that in all our legislative action it becomes our solemn and imperitive duty to make our acts conform to the letter of the Constitution, and to the spirit and meaning of our Republican form of Government. Our venerable forefathers first conceived the idea of throwing off the British forms, and when they had done so, they resolved to crown the bold adventure by establishing what had been hitherto unknown in the science of government, to wit: a Government of the people. They gave us a representative Democracy, and so admirably constructed, that once in two, four, and six years, all political power reverted to the people; and so long as we adhere to that form of government, it is our duty to do no act which will take those powers out of the hands where our forefathers reposed them. Indeed it may well be questioned whether it is not a species of political treason to do so.

And now, sir, pray what is a Bank of the United States? For want of better data, I take the proposition of the distinguished statesman and orator from Kentucky, [Mr. CLAY,] regarded every where as Sir Oracle, the Jupiter Tonans of the Whig party. His Bank was to have a corporate existence of fifty years, and an incorporated capital of fifty millions of dollars. And what are the important functions it is to perform? One gentleman on my right says it is to "regulate the currency." Another, on my left, says it will regulate commerce. My friend who sits before me thinks it will regulate the State banks; and the member near me wants it as the fiscal agent to collect and disburse the revenues of Government; and my friend from Louisiana, [Mr. CHINN,] who is the only man of his party that has had the boldness to come out in favor of such an institution, thinks, I have no doubt, it would perform all these various offices.

[Mr. CHINN. It did do so once.]

I hear the response of my friend, and it is sufficient for my purpose. I admire his honesty, and I would compliment his frankness, but I cannot, except at the expense of his discretion. Yes, Mr. Chairman, a Bank such as that of which I have spoken, might, perhaps it would, perform all these various offices. But, sir, what is the Bank to which you propose to intrust these powers, and under what influence is it placed? An association of thirteen merchants of the city of New York, under a corporate name, elevated, by a solemn act of Congress, above the great mass of the people; not subject to their will, and not reached by any influence of theirs; under no control other than that of their unbridled will, conducting their proceedings in secret chambers, and with an eye single to the interest of the stockholders and favorites of the Bank. And this is the institution to which you are to entrust the regulation of commerce, the regulation of the currency, the regulation of State banks, the fiscal agency of the Government; and, I will add, the regulation of the wages of labor, the prices of property, and the opinions of members of Congress. And for what period of time? For fifty years, or until your Bank charter expires by its own limitation, it exercises all these various powers supremely, independently, without control. Are these powers among the essential ingredients of Government? Are they not in fact the very elements of Government itself? May that be called a Government of the people, where the power to regulate commerce, to regulate exchanges, and fix at pleasure the quality and quantity of the circulating medium of the country, is taken out of the hands of the people, and entrusted, for a period of fifty years, to a *coterie* of bank directors, owing no responsibility to the people or to their representatives, but acting by sanction of law, in a sphere above and beyond the power and influence of the ballot-box? Is that, sir, a representative Democracy, where all the essential elements of Government are taken from the Representative chosen by the people, and placed in the custody of a corporation—an immaterial thing; a thing not visible or tangible? Answer me these things; and if you answer as I know you must, then tell me, sir, whether you are violating the *letter* of the Constitution, immolating our forms of Government, insulting the shades of our fathers, and converting what they intended should ever remain a representative Democracy, into a sort of incorporated political oligarchy—whether, sir, you are wresting from the people the powers of Government, and surrendering them into the custody and keeping of a corporation. Gentlemen insist that the United States Bank is to regulate the local or State banks. By this I understand it is to control the amount of their issues. If it expands, they expand; if it contracts, they contract: thus, at its beck and nod, money is plenty or scarce. If the Bank of the United States wills it so, money is plenty, property rises in value, and wages grow higher. Presently, from inclination or necessity, it contracts its issues, money becomes scarce, wages go down, and property sinks in value. Thus, by contracting and expanding its issues, which it does at will, it regulates the wages of every man's labor, and fixes the value of every species of property, and with as much ease and facility as you, sir, would regulate a clock by raising and sinking the pendulum; and all this is done in a Government where the people are flattered with the *story* of their supremacy, and cajoled into the belief that they are in fact the sovereigns of the land.

But, says my distinguished friend over the way, we must tie up the Bank with the strong cords of the law—subject it to the frowns and indignation of the people—let the thunders of an outraged constituency fall upon the ears of our bantling, and bid it pause in its career of ruin. Alas! sir, it has no ear; it will be deaf to your lamentations, here and elsewhere. You may scowl upon its conduct, but it is *blind* to your indignation; it is a mere *ideal* thing. You hear the winds, but you do not see them; you feel the rays of the sun, but cannot put your hand upon them; and as well might you attempt to lock up these invisible and intangible things, as to attempt, by legal enactments, to restrain a bank within its chartered limits. Æolus locked up the winds in the mountain caverns, and the sun stood still at the bidding of Joshua. But, alas! there are no Æoluses, no Joshuas now. All time, all experience, has shown that the tendency of corporations and of associated wealth, is to place themselves above the law, the Constitution, and people; and as well, sir, in my opinion, might you attempt to chain the lion to his lair, by throwing cobwebs about his mane, as to attempt, by legal restrictions, to keep a fifty million bank within any prescribed limits.

Permit me, Mr. Chairman, (and only for the sake of argument,) to submit a proposition to honorable gentlemen; and as I only submit it by way of argument, I beg that gentlemen may not be alarmed. Instead of giving up the powers of Government, to be exercised by an invisible moneyed aristocracy, in the form of a National Bank, I propose to give them to the President of the United States. That is, sir, instead of having commerce, currency, exchanges, local banks, and political opinions, the wages of labor, and the value of property, subjected to the controlling influence of one grand consolidated National Bank, I propose to place them under the control of the President of the United States; and I am not particular whether that President be William Henry Harrison or Martin Van Buren; nor even, sir, in the language of Mr. Clay, if it be Thomas H. Benton, Amos Kendall, Francis P. Blair, or the Devil. To the President of the United States, whoever he may be, I propose intrusting these powers. What objection do gentlemen make? Here is the man of the people's choice, selected by them from fifteen millions of freemen, in consideration of his talents, his patriotism, and his exalted moral and political worth, to preside over their destinies. To this man, thus chosen, holding his office for a limited tenure, with no motive to act corruptly, and with every inducement to act leniently, reached by the smiles and subjected to the frowns of his countrymen, with a hard earned reputation at stake, with, in fact, all to lose and nothing to gain, I propose intrusting these powers. Methinks I hear my friend over the way, to whom Executive patronage is even more terrible than the ghost of Banquo was to the affrighted Macbeth, lifting his eloquent and impressive voice against it. Why, says he, this is worse than war, pestilence and famine—more terrible than standing armies. Hark ye, friend, the people can do wrong; they are sovereign; they are capable of governing themselves; at least so you and I persuade them; and these powers are only to be intrusted to the man of the people's choice. If he act corruptly—if he play the tyrant—the people, the sovereign people, have the correction in their own hands; they have only to exercise their reserved high constitutional privilege at the ballot box, and all is right; the corruption is made pure, and the tyrant is dethroned. But, says my friend, give these powers to the Executive, and he will rise above the people and above the influence of the ballot box. If you give him these powers, you constitute him king, emperor, autocrat, supreme ruler of the land. You may still keep up the

name of freedom—still cling to the withered skeleton of the Constitution; you may go through the forms of an election, but its influence is not felt; all political power is merged in the Executive, and the voice of the people is hushed, or has become as "sounding brass and a tinkling cymbal." Why, says the gentleman in the fulness of his patriotism, and in the plenitude of trepidation at the horrors of Executive patronage, there is not a crowned head in all Europe who possesses one tithe of the power you propose to confer on the American President Ay, sir, and upon whom do you propose to confer all this power? Not upon the man of the people's choice—not upon the man who is elected by the people, and amenable to the people—but upon a soulless, unfeeling, and irresponsible corporation. If the possession of the powers by the President constitutes him king, emperor, autocrat, pray, sir, tell me, in the name of all that is reasonable and right—in the name of God and our beloved country, what does it constitute the bank? Says the gentleman, the bank once exercised all these powers, and we did not feel its tyranny. It is not the possession of power that constitutes the tyrant, but the exercise of it. Elizabeth ruled over England, and her people were prosperous and happy; but the Stuarts succeeded to the throne, and *with the same powers* they threw terror and consternation over the land, and filled the hearts of the people with mourning. I know not, sir, by what feelings and motives other gentlemen are moved, but, for myself, if these powers are to pass out of the hands of the people, I want to see them put in the possession of a man—a thing of life—a real thing of flesh and blood. If we are to have any king or tyrant in this country, I want that he may be a living, creeping thing—something that I may see, that I may feel, into whose face I can look, and upon whose brow I can place my burning curses as he bends about these uncaptive limbs the fetters of despotism—and not a soulless, unfeeling corporation—an invisible, intangible, and immaterial thing—a thing not responsible to man on earth, or God in heaven. So help me Heaven, I could not intrust these powers to Washington himself, though his sainted and canonized spirit (which I trust is ever hovering around this Capitol, and rendering up its devoutest orisons to God, invoking His benedictions upon this people) could return to reanimate his body and quicken it into renewed existence. I could not, sir; because these powers once given away, no residuary power could make us free; and that which I could not intrust to the Father of his country, I surely would not intrust to a corporation, even though that corporation consisted of thirteen New York merchants, and they not only honest, but above suspicion. Here I am met by the declaration that I expect the Sub-Treasury to perform all these various functions, and that the Sub-Treasury is the creature of the President and under his control. Without saying how far the Sub-Treasury scheme, when it shall get into successful operation, will affect the commerce, exchanges, currency, and local banks of the country, I will suggest that it will control them, if at all, by by a fixed and determined *rule*—a rule not under the control of the President, but one settled by law, and which must ever remain the same until it is altered by an act of Congress. The power in a bank which makes it dangerous, and which, in truth, gives to it influence, is its ability to issue paper money otherwise than on a metallic basis, make discounts, and receive money on deposite. Give it these, and it will not be, like Archimides, in want of a place on which to rest his fulcrum; it has this; it has, in addition, all the elements of power and strength, and it needs but the will to apply them, which it is too apt to have, to repel the Government itself. Deprive it of these, and it is shorn Sampson, a fangless serpent, which may have the will, but not the ability, to do mischief. The Sub-Treasury possesses none of these powers—not one of them. Another, and not the least by far of the advantages which it claims over a National Bank, is that it is ever subject to the controlling influence of the people. The people, in the person of their Representatives, may alter, amend, or abolish it, at pleasure. And this, sir, seems to be in accordance with the spirit and meaning of our free institutions. But a bank presents the singular anomoly of a creature rising above the creator; of an institution in a Government of the people rising above the people; for, according to Whig ethics, a bank charter is not alterable, or amendable, except at the the discretion of the bank.

I regret, Mr. Chairman, that I have pursued this subject so far. I have said more, much more, than I had intended; and yet I do not well see how I could have said less; find ng it incidentally connected with the defence of the Administration against the general charge of having produced a state of calamity and ruin, and now neglecting or refusing any corrective, I have been insensibly led into these observations. If they produce the slightest effect here or elsewhere, I shall be more than compensated for all the trouble they have cost me. Asking pardon of the committee for the aggression, I return to the bill, and to the arguments of gentlemen who have spoken in opposition to its passage.

I am told that this bill is an Executive measure—that it comes here with the impress of the tenant of the White House upon it, and that it does not give evidence of that rigid economy which we were informed in the beginning of this session was to become the order of the day. Again, Mr. Chairman, I appeal to gentlemen to show me in what this bill gives earnest of the extravagance, profligacy, and corruption, of which we hear so much. The gentleman from Pennsylvania [Mr. OGLE] is the only member, of the dozen and one Opposition orators who have spoken on this bill, that has deigned to tell us in what its extravagance does consist. He desires to have our Ministers recalled from foreign courts, and their places supplied by Charges d'Affaires. But he has not shown us how we are to avoid national dishonor in such an act. What, sir, will be said of a nation of fifteen millmillions of freemen, who, refusing to reciprocate an honor extended to it by a foreign power, by sending here their resident Minister Plenipotentiary, assigns for it the ridiculous reason "that we are too poor to bear the expense." I am for economy and retrenchment; but I spurn them, if they are to be purchased at the expense of national pride and national honor. Economy is wanted; but this is not the way to economize. Retrenchment is demanded; but it must not, and so far as I am concerned it shall not, commence here. I would, sir, have you commence this work of economy and reform as the physician ministers to his patient—first learning the seat of the disease, and then applying the remedy. If an arm be affected, I would not have you amputate the leg; and if a man's head be sick, I would not have you pierce his heart. And so, sir of the body politic. If the disease, the extravagance, profligacy, of which you speak, exist in the War Department, go there with your remedy: if in the Navy, go there: and if in the Treasury or Post Office, go there. But do not, I pray you, stretch the Government on the Procrustean bed, and under pretence of curing a diseased part, cut off a leg on this side, and an arm on that, until you have so mutilated its fair proportions that it withers and dies, or hobbles out a miserable existence, "the pity of its friends and the scorn of its enemies." Much, very much has been said, Mr. Chairman, about "frauds and corruption" in all the departments of Government, and it is given out that this bill is its hiding place. The great recluse, who is ever present, and always invisible, has his cavern, his mysterious and undiscovered home, in this bill. I am rejoiced that the discovery has been made. I congratulate gentlemen and the country that we are at least so close upon the heels of the many headed monster; and to prevent every possibility of his escape, I propose that we station some of our best tacticians around this bill after the fashion of surrounding the Pontine marshes, and that gentlemen go with fire and sword, if they please, and drag this monster from his den. Sir, I rejoice that this grand crusade, after the far famed "fraud and corruption," as at last drawing to a close. Unlike the Seminoles in Florida, you have traced him to his hiding place. You have the soldiery under your command, and if the enemy be not now taken, it is your fault. Then be not sleeping on your posts—gird on your armor, and let the work of war be heard with the coming in of to-morrow's dawn. Hitherto you have complained that the soldiery were not of your; that their cause was not your cause; that their feelings and attachments were with the enemy, and that they did not carry on that relentless warfare which the emergency of the hour and the perfidy of the enemy so imperiously demanded. Sir, you can no longer make that complaint. The captain general of this House (the SPEAKER) is he whom you have chosen to the high command—and he has not betrayed you He has chosen the captains and lieutenants and drill sergeants from your own ranks, and after a campaign of three months, they return, throw down their armor, declare that there is no enemy in the country, and ask to be disbanded. But the gentleman from Virginia [Mr. WISE] whose quick ear detects the slightest sound, and from whose watchful eye no phantom can escape, avers that there is an enemy in the country; that he has seen him and felt him; and with a zeal and energy which does equal justice to his head and heart, he demands, in the name of his beseiged country, that the army be not disbursed. Sir, I agree with him, and I will go with the honorable gentleman in his opposition to this abrupt termination of a seven years' war. If for nothing else, in very charity I will do it. For it would be be an unkind cut, after all we have heard about this monstrous enemy of our country for the last seven years, to permit gentlemen now to acknowledge that there was indeed no such enemy in the land. Nay, sir, I will do more. I will give my humble aid (and I can say as much for my honorable colleague) to the elevation of the honorable gentleman [Mr. WISE] himself, to command. If he is not pleased with the conduct his honorable friend [Mr. BRIGGS, chairman of Expenditures, &c.] perhaps he could be pleased with his own mode of warfare. The gentleman has some experience, too. His celebrated *cruise* to New York (on the Swartwout Committee) won for him laurels, green and glorious, but laurels on which one so young and valiant would not be content to recline, when others, still more rich, were to be gathered in the same field. I thought, myself, that the celebrated Swartwout campaign was a little too Quixotic—had a little too much of the windmill about it; but in this I may have erred; and, in the error, may have done the honorable gentleman some injustice. I am, therefore, the more anxious that he should assume the command, and by an exercise of that chivalry and high bearing, which I know he possesses, terminate the worst of all our wars—this war against "fraud and corruption."

If the gentleman will allow me, and will receive the suggestion in all kindness, I will remark that the country expects him to take the lead in this war. If my memory does not betray me into error, the honorable member made pledges to the country on this subject—pledges which the country is anxious to see fulfilled. And I again tender my humble services to the distinguished gentleman in enabling him to carry out those pledges.

But, Mr. Chairman, in all sober seriousness, I do beg of gentlemen, either to cease this eternal clamor about frauds and corruption, or go to work and expose them. They have ample verge and scope; they elected their Speaker, and have all the committees organized to their liking; and if this is not satisfactory, if committees of their own friends, whose duty it is to investigate the frauds and expenditures of Government, will not perform their trust, let them ask for another organization of committees; or, if they please, for select committees. Let them ask for any thing and every thing, and I, and the party with whom I am associated, are prepared to give it to them. We ask one of two things, either that they cease their clamor about frauds, corruptions, and perjury, or that they go with committees, organized after their own fashion, and ferret out the evidence of these abuses. One of these things I ask, in the name of the party with whom I act—in the name of the whole country—in the name of justice, decency, and propriety; and from this day forward I want it distinctly understood, that the Whig party have had, now have, and will continue to have, full, ample, and unlimited power

to search, winnow, and investigate, every department of this Government, from the State down to the Post Office, in all their various ramifications.

When I came here, Mr. Chairman, I expected the first note that would have fallen upon my ear had been a Whig lamentation, that the party in power would not permit investigation; that the most enormous frauds were daily perpetrated, and that the spacious mantle of Executive and Legislative connivance was thrown over to conceal them; and I left home with the firm purpose, without regard to consequences to my party or to myself, to assist in removing that mantle, and in exposing this perfidy. Imagine, sir, my surprise, when almost four months of the session had gone, to hear, for the first time, an anxiety expressed to see these frauds investigated; and how much greater was my surprise, when I heard the very gentlemen who had been loudest and longest in their outcry against these things, the most reluctant to engage in the work of investigation—one gentleman [Mr. BRIGGS] wishing to have his committee discharged, and another [Mr. WISE] lecturing him for his want of devotion to the country, but still reluctant to take his place. Why, sir, I expected, after the announciation of the last winter, by the gentleman from Virginia, [Mr. WISE] that the clerks of the Departments were in the habit of coming secretly to his chamber at midnight, and disclosing to him the enormous frauds that were going on, that no space would have contained him, if he had been denied the privilege of carrying on his investigations; but, instead of this, the gentleman has been as quiet as a lamb, and even now shows no inclination to commence the great work. I submit to the honorable gentleman, whether it is quite patriotic in him, convinced as he doubtless is of the existence of these enormous frauds, not to be more vigilant and industrious in ferreting them out? Or has the gentleman concluded with me, that it was no real thing that whispered in his ear, but a mere creation of his heated imagination—a kind of spirit, that, like the ghost of Hamlet's father, said:

"But that I am forbid
To tell the secrets of my prison house,
I could a tale unfold, whose ligh est word
Would harrow up thy soul; freeze thy young blood;
Make thy two eyes, like stars, start from their spheres;
Thy knotted and combined locks to part;
And each particular hair to stand on end
Like quills upon the fretful porcupine."

Ay, sir; that it was in fact in ghost, I do not doubt; but that it was an honest ghost, I do doubt most essentially.

In connection with this subject, I do not feel inclined to discuss the merits or demerits of the aspirants to the Presidency. But there was a remark of the gentleman from Pennsylvania [Mr. OGLE] to which I must allude. He informs us that the President of the United States has been defeated in his native State, (New York,) for no better reason than that he is "a Northern man with Southern principles." This remark, coming as it did from an avowed Abolitionist, struck me with peculiar force. I felt deeply and sensibly the truth of the suggestion, and I could but ask myself how it was received by Southern Whigs, acting in concert with the gentleman in his opposition to the President—whether it fell upon their ears like the dulcet vibrations of an Æolian harp, or whether it was not to them like the death-knell of Southern hopes and Southern rights. The South will learn ere long to know her friends, and, learning this, she will find that her bitterest foes do not always live north of Mason and Dixon's line, but within her own borders, living upon her soil, honored with her confidence, and receiving the protection of her laws; are men who hold the hemlock to her lips. Unfaithful friends are more to be dreaded than the most open hostile enemy; and I pray that the South may not fall, if fall she must, by the treachery of her own sons, or, expiring, she may not have cause to exclaim:

"The shaft that deepest in my bosom went
Was from the bow pretended friendship bent."

With the candidate of the Whig party I have nothing to do. I do not possess the power, and if I did, I would not exercise it, of plucking one laurel from the wreath that decks his veteran brow. His official acts are matters of record, about which it ill becomes me to be lecturing those who have as ample opportunity as myself to learn. I pass over, therefore, in silence, his military career. I have nothing to say about the battle of the river Raisin, nothing about the abandonment of Fort Sandusky. With the sacrifice of the gallant Daviess I have nothing to do. The battles of the Thames and the far-famed Tippecanoe were fought; by whom, and with what honor to the country, I leave history to decide. Nor shall I pause to inquire whether General Harrison had an honorable or dishonorable discharge from the army. It is enough that he resigned his commission, and was succeeded in the command by one who brought the war to a brilliant and glorious termination. I will be permitted, however, to remark that it is not in good taste to have opposed Gen. Jackson's elevation to the Presidency because he was a military chieftain, and to advocate Gen. Harrison's pretensions on the same grounds. Of General Jackson it was said that it were better that war, pestilence and famine should visit the country, than that a military chieftain should be chosen to rule over it. And yet, by the same men, we are exhorted to vote for Gen. Harrison because he is a military chieftain. Why, say gentlemen, in the darkest hour of our political travail, when clouds and darkness overshadowed the land; when cowardice and treachery had brought disgrace upon our arms, and clothed this broad land in mourning; when the eyes of the whole country were anxiously looking for some redeeming spirit, Harrison came forth; he rallied to the rescue; he changed our mourning into public rejoicing; he raised the tattered star spangled banner from being soiled and trailed in the dust, to be borne aloft amidst the

"Shock, the shout, the frown of war;"

that he wrung the laurel from the bloody fangs of the British lion, and wove it in the glossy plumage of the American eagle, and sent her soaring through the skies, the glad harbinger of glory and of victory. All this may be true, but if it is, history has done the General exceedingly great wrong, not to have recorded the facts, or to have done it so bunglingly that another has received the homage of a people whose gratitude should have been bestowed on him. But as military services do not always afford the best evidence of a man's qualification for the Presidency, may I not be permitted, with proper respect to the General and his friends, to inquire what are his civil claims? We present a candidate whose opinions are clearly defined, and every where understood. You attack the errors of those opinions, but you deny us the privilege of either concurring in, or dissenting from the opinions of General Harrison, because you will not let us know what those opinions are. We are gravely informed that the great Harrisburg Convention did not deem it prudent to make any general declaration of the opinions and principles of the Opposition party; and that the committee into whose hands the candidate of the party has been placed for safe keeping, have determined that he should make no more disclosure of his opinions, whilst occupying his present position. I venture the assertion that this is the first time in the history of this Government, that any aspirant to popular favor has taken the broad ground that he would make no declaration of his opinions to friends or foes, during his candidacy. It does seem to me, Mr. Chairman, that gentlemen put a very poor estimate upon the intelligence of the people, whose suffrages they seek. Instead of coming out with a bold and fearless declaration of their opinions and sentiments, in imitation of that "time-serving, wire-working, non-committal candidate of the Republican party," they deem it most advisable to keep their opinions concealed; and, as if they thought the people a great booby, who could be cajoled and flattered with sweet cakes, candies, and sugar plums, they discourse him most eloquently about distress, log cabins, crackers, and hard cider. And who, sir, is it that is keeping up this perpetual clamor about "log cabins and hard cider?" Who, sir, but the lords, aristocrats, and nabobs of the land; men, who live themselves in marble palaces, and drink the best wine that France ever produced? who use the people at elections as a farmer does his horse, to perform a drudgery, and then to be turned out to graze until he is wanted again, and again to be caught up by shaking a bundle of hay, or pounding on a cider barrel. Sir, I demand of gentlemen whether any thing is known of the principles or opinions of General Harrison? whether any thing is urged in his favor, except that he lives in a "log cabin, and drinks hard cider?" And are these qualifications that befit a man for the Presidency? If so, sir, I congratulate my colleague and myself that we represent more than 25,000 freemen, any one of whom is qualified for the first office in the gift of this great Republic; for they live in log cabins, in fact, cabins unlike the General's—which, in sooth, looks very like a splendid country mansion—but the real thing, built of small logs, and clap-boards; and, though our constituents do not drink hard cider, (thank God, they are a little above that,) they can boast of as signal service to the country in quaffing a few glasses of old whiskey; and if gentlemen really think that these are the only qualifications necessary for a President, I stipulate, as a matter of economy, to furnish Presidents from my State for the next five hundred years, for five hundred dollars a piece. In this, I trust the gentleman from Pennsylvania will go with me, since it is economy on a much more extensive scale than that of supplanting our foreign ministers. I say nothing of General Harrison's political opinions, for the reason that they are veiled in mystery, or have been expressed in such dubious language as to give no definitive idea of what they were. I have a word or two in conclusion, Mr. Chairman, to say in regard to a practice that has obtained very generally in this House, and which is justly esteemed throughout the country as one of bad moral and political tendency, not likely to produce any good, and out of which grow most of our personal broils and disasters. I allude, sir, to the practice of assailing, without reason, the personal and private character of political opponents, and more especially the character of the distinguished men of the country. The character of our great men belongs not to this House or this Congress, but to the whole country. It is the pedestal upon which is built the fairest fabric that human wisdom has ever devised. It is the pillars, the arches, in truth the edifice itself, of our Republican Government; destroy this, and the whole fabric totters from its basis, and crumbles into atoms. Rome owed her greatness to her Senate, and Greece to her philosopher. In more modern times the French Chamber of Deputies has given tone and energy and power to a nation's character. England's bright escutcheon has been rendered still more bright by the eloquence and energy of her sons; and America, young, happy, proud America, when she has run the full race of a nation's pride, when having filled the measure of her goodness and greatness, baffled every difficulty, and outstripped all competition, she sits quietly down upon the summit of her peculiar fame, far above the nations of the earth, she calls the Bissett of the new world to record her history; she will bid him write upon its fairest page the names of her Calhouns, her Clays, her Websters, and her Bentons, for to these will she be indebted for her success, her greatness, and her glory. Sir, when I contemplate the character of the distinguished son of Massachusetts, I do it with pride and exultation. Differing with him in political sentiment as wide as the extremities of earth, I can, nevertheless, do him that justice which his greatness demands. He is an American, and as an American do I honor him, and I envy not that heart whose contracted limits embrace nothing but its especial favorites. Look upon this man, sir; how calm, and yet how great; how like the deep and placid lake that never moves but in a storm; and then, foaming and casting high the billows of passion, sentiment and wit, he seems from the very bottom of his soul to be throwing up the collected contents of a thousand years. And the great orator of the West, he in whom nature has been pleased to blend all that is grand and peculiar—see how, like the great father of waters, he moves on in sullen, solemn, grandeur, with ever and anon a ripple or a spray, a gentle heaving of the water's surface, a thing that you may look upon

with awe, and yet with admiration—one of nature's noblest, greatest works, a man whose name is commensurate with the ends of the earth, and whose fame is as boundless as eternity itself. Entertaining no sentiment in common with him, I view him as only as an American statesman, and as an American I am proud that America has given birth to such a son, and no party will or discipline shall deter me from saying so. I turn, Mr. Chairman, from the contemplation of these characters, to pay the humble tribute of my admiration to one nearer my heart—one whose feelings and sentiments are in unison with my own—one who comes from my native land, from my own loved and sunny South. And how—how, sir, shall I speak of him—he who is justly esteemed the wonder of the world, the astonisher of mankind? Like the great Niagara, he goes dashing and sweeping on, bidding all created things give way, and bearing down, in his resistless course, all who have the temerity to oppose his onward career. He, sir, is indeed the cataract—the political Niagara of America; and like that noblest work of nature and of nature's God, he will stand though all after time no less the wonder than the admiration of the world. His was the bright star of genius that in early life shot madly forth, and left the lesser satellites that may have dazzled in its blaze, to that impenetrable darkness to which nature's stern decree had destined them; his the mighty magazine of mind, from which his country clothed herself in the armor of defence; his the broad expansive wing of genius, under which his country sought political protection; his the giant mind, the elevated, spotless mien, which nations might envy, but worlds could not emulate. Such, sir, is John C. Calhoun; such the object of gentlemen's denunciations; such the man whose motives are impugned and whose actions are derided. Such an one needs no eulogium from me, no defence from human lips. He stands beneath a consecrated arch, defended by a lightning shut up in the hearts of his countrymen—by a lightning that will not slumber, but will leap forth to avenge even a word, a thought, a look, that threatens him with insult. The story of his virtuous fame is written in the highest vault of your political canopy, far above the reach of grovelling speculation, where it can alone be sought upon an eagle's pinions, and gazed at by an eagle's eye. His defence may be found in the hearts of his countrymen—his eulogium will be heard in the deep-toned murmurs of posterity, which, like the solemn artillery of heaven, shall go rolling along the shores of time, until it is ingulfed in the mighty vortex of eternity. Little minds may affect to despise him; pigmy politicians may raise the war cry of proscription against him: be it so; insects buz around the lion's mane, but do not arouse him from his lair. The confidence of Americans will never be shaken in the wisdom of this man's acts, nor, sir, in the patriotism of his counsels. Imprecations will add but other links to the mighty chain that binds him to his countrymen; and each blast of your war trumpet will but awaken millions to his support. His firm adherence to principle, in defiance of every danger, and his noble sacrifice of personal prejudice upon the altar of his country's good, whene'er his country's good has demanded the sacrifice, has placed upon his brow a wreath of imperishable glory which there shall flourish in immortal bloom. Who, sir, is John C. Calhoun, and where is he? the noblest son of the sunny South—her genial rays have awakened a feeling of patriotic devotion upon the altar of his heart which the ice-bound bosom of your Eastern serf has never felt. He stands, sir, like the sun-gilt summit of some lofty mountain, around whose base the angry clamors of petty politicians waste themselves in vain—

> "Like some tall cliff, whose awful form
> Swells from the vale, and midway leaves the storm:
> Whilst round his base the rolling clouds are spread,
> Eternal sunshine settles on his head."

Why, sir, it was but the other day that I heard him sneeringly (rather sneeringly, I thought, for one who had been his friend) denounced as a Loco Foco. What, sir, John C. Calhoun a Loco Foco! If so, I desire for myself no more honorable appellation. If, in the eloquent language of Carolina's most eloquent son, [Mr. PICKENS,] that man, the grandeur of whose soul and the splendor of whose genius breathed not only inspiration into the holy cause of freedom, but throws a halo of glory around those burning pages which he devoted to American liberty, be indeed a Loco Foco, then, sir, let me ever rejoice in the thrice hallowed name of Loco Foco. Fling out that banner to the breeze—inscribe upon it the deep-detested name—and, my life upon the issue, thousands upon tens of thousands, nay, sir, millions upon millions, from every clime, of every creed and color in the universe, will hurry to its standard, and if it fall, they will fall with it. Nor, sir, will they deem it else than immortal honor to be shrouded in its folds. If the principles of John C. Calhoun are the principles of the Loco Focos, then, sir, are the Loco Focos the friends of the Constitution and equal rights, the opponents of tyranny in all its forms—the friends of law, and its just administration—and the uncompromising opponents of every species of oligarchy, whether sole or aggregate. Then, sir, do they take the illustrious Jefferson for their political Mahomed, and the doctrines of '98 for their political Alkoran. With these professions and these practices, I, sir, am ready to enter with them the Sanhedrim of their political faith, and commune with them as brethren of the same church. For, sir, in these principles, which you tell me are the principles of the Loco Focos, I recognise the principles of Virginia, the principles of liberty—the principles of right—principles which, forty-five years ago, sprung from the master mind of Jefferson, like Minerva from the brain of Jove, all radiant in the armor of liberty and truth. They wanted but a name to stamp them with the genius of their author, and dedicate them to the eternal cause of human liberty. They have that name. They have it, sir, in your deeply damned name of Loco Foco. Let them wear it through all after time, fit emblem of their worth—fit memento of their illustrious origin. Do you, sir, love your country; go practise upon these principles. Would you perpetuate her institutions; go practise upon these principles. Would you have the star of her glory be onward in its course to the upper sky; go practice upon these principles. Would you have the winds of Heaven saluting her flag, and the extremities of earth acknowledging her name; go practise upon these principles; and you may perpetuate the honor and power, and glory of this country, until the last trump of time shall be sounded upon the confines of vast eternity, until the four angels, that stand on the four corners of this continent, shall, with one accord, lift up their voices to Heaven, proclaiming "peace on earth, and good will to all men."

NOTE.—Mr. BROWN having concluded, Mr JENIFER of Maryland rose to make certain inquiries of the gentleman from Mississippi, [Mr. B.] He asked if he was right in supposing that the gentleman who had just resumed his seat was "General ALBERT GALLATIN BROWN?" Mr. B. nodding assent, Mr. J. read an extract from a newspaper, to the purport that Mr. B. in his electioneering canvass, had declared that he would abandon the Sub-Treasury if Mr. Van Buren abandoned it; and asked whether the facts, as set forth in the paper, were correct; and he would further inquire whether the gentleman [Mr. B.] had not been the advocate of the post note system in Mississippi—a system which had brought bankruptcy and ruin on that State.

Mr. BROWN responded. He had used language similar to that read by the gentleman from Maryland, [Mr. JENIFER,] but with no intention of conveying the idea which seemed to have been produced on the gentleman's mind, that he (Mr. B.) was either a lukewarm supporter of the Sub-Treasury before the people, or that he was subservient to the will of the Executive. His remarks had been garbled. What he had intended to say at the time alluded to, and what he believed he was understood as saying by all who heard him with impartial ears, was, that if the Sub-Treasury was abandoned by the prominent members of his party, it would lose its chance of success; and having lost this, he would not disturb the public mind by agitating a question no longer open for discussion. Mr. B's own opinion would remain the same, however, whatever might be the views of the President, or other gentlemen.

As to the gentleman's second inquiry, Mr. B. said, when the subject was first brought to the notice of the Mississippi Legislature by a Whig Executive, he had yielded to it a reluctant support, believing that the system would end in disaster. It was strongly urged, however, by those who pretended to more financial skill than himself, and was finally adopted, and proved, as he had supposed it would, a most signal failure; and for the last several years, Mr. B. had been among those who took the lead in opposition to the whole post note system; and it was due to himself to say, that had the system been abandoned when it was proved to have failed, and when he and his friends gave it up, none of the disasters would have befallen the State to which the gentleman has alluded, and which he is right in supposing had their origin in the system as practised in Mississippi.

Mr. JENIFER asked if Mr. BROWN had not, as late as April, 1839, given a vote in favor of post notes.

Mr. BROWN positively denied having given any such vote.

SPEECH OF MR. BENTON,
OF MISSOURI.

In Senate, Wednesday, April 22, 1840.

Mr. BENTON offered the following as an amendment to the bill for the reduction of the rum and sugar drawbacks, and the fishing bounties and allowances:

"That from and after the 31st day of December next, so much of any act as lays a duty on imported salt be, and the same hereby is, repealed; and from and after the day last mentioned, salt shall be imported into the United States free of duty. *Provided*, That for the recovery and receipt of such duties as shall have accrued, and on the days, respectively, remain outstanding, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before, and on the said days, respectively, the provisions of the aforesaid acts shall remain in full force and virtue.

"That from and after the first day of January next, so much of any act as allows a bounty on exported salt provisions and pickled fish, in lieu of drawback of the duties on the salt employed in curing the same, and so much of any act as makes allowance to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is, repealed: *Provided*, That the provisions of the aforesaid acts shall remain in full force and virtue for the payment of the bounties or allowances incurred or payable on the 1st day of January next."

The question having been stated on the adoption of this amendment, Mr. B. said it was a transcript of the act for the repeal of the salt tax and the abolition of the fishing bounties and allowances, which passed in the last year of Mr. Jefferson's administration, and passed upon his recommendation; not that he recommended the abolition of the fishing bounties and allowances. His recommendation applied to salt only; and the bounties and allowances being in lieu of drawback of the salt duties, they fell of course when the duty ceased on the article on which they were founded. No argument was then needed to prove this. No motion was made to separate two things so indissolubly connected; and both the tax and its appurtenance fell together, and fell by the general vote of Congress, and without distinction of political parties, of geographical sections, or of interested classes. The vote in Congress might be called unanimous, there being in the House of Representatives but five voices against the repeal, and one hundred and twenty-two for it. The vote of New England was unanimous, with the exception of two votes. The representatives from the fishing districts then appeared in their natural character of enemies to a tax on an article of which they were great consumers: they saw no advantage in a salt tax, and had no idea of asking for the bounties and allowances without the tax.* The laws had not then

*The following is the New England vote:
NEW HAMPSHIRE: Messrs. Silas, Betten, Caleb Ellis, David Hough, Samuel Tenney, and T. W. Thompson.
MASSACHUSETTS: Messrs. Joseph Barker, Barnabas Bidwell, John Chandler, Orchard Cook, Jacob Crowninshield, Richard Cutts, William Ely, Seth Hastings, Jeremiah Nelson, Ebenezer Seaver, William Stedman, Samuel Taggart, Joseph B. Varnum. (Messrs. Josiah Quincy and Isaiah L. Green in the negative.)
VERMONT: Messrs. Martin, Chittenden, James Elliott, James Fisk, and Gideon Olin.
RHODE ISLAND: Nehemiah Knight, and Joseph Stanton.
CONNECTICUT: Samuel W. Dana, John Davenport, jr. Jonathan O. Mosely, Timothy Pitkin, jr, Lewis B. Sturges, and Benjamin Tallmadge.

committed the egregious blunder of reducing duties without reducing the drawbacks and bounties founded upon them. That blunder has been reserved for this enlightened age; and one of the fruits of it is, to see the greatest consumers of salt, and formerly the greatest enemies to the salt tax, converted into the friends of the tax!

Mr. B. then proceeded to speak in favor of his proposed amendment, and against a salt tax, under any circumstances, and at any time; declaring it to be a tax fundamentally wrong in itself, at war with the first principles of political economy, and peculiarly obnoxious in the United States, and especially in all the States in the valley of the Mississippi, where it had become the parent of an odious monopoly. In this great valley the tax on foreign salt, by tending to diminish its importation, and by throwing what was imported at its only seaport, New Orleans, into the hands of regraters, this tax was the parent and hand maid of a monopoly of salt, which, for the extent of territory over which it operated, the number of people whom it oppressed, and the variety and enormity of its oppressions, had no parallel on earth, except among the Hindoos, in Eastern Asia, under the iron despotism of the British East India Company. He (Mr. B.) had taken care, during the last recess of Congress, to obtain authentic evidence of the existence of this monopoly in the West, and of the abuses which it inflicted upon that section of the Union. The mass of evidence which he had collected had been communicated to the Senate, printed by its order, and laid upon the tables of members; and constituted a document replete with facts which would be incredible, except for the number and respectability of the witnesses who testify to them. The number who have given information, and sealed it with their names, amount to three hundred, but they might amount to three hundred thousand—in fact to the whole population—the whole five or six millions of the Western people; for there was scarcely one soul, man, woman, or child, in the West, who did not know of this monopoly, and who was not in some degree its victim. There was not a Senator on this floor who had not heard of it a thousand times, and who will not recognise, in the document which has been printed, details of impositions of which he has too often heard the recital at home. Happy that he had, at last, an opportunity of raising his voice in this chamber, backed by a mass of unimpeachable testimony, against a tax which he abhorred, Mr. B. would claim the indulgence of the Senate, while he presented to it part of this testimony; establishing, first, the fact of the monopoly; and then the abuses, impositions, and enormities resulting from it. For this purpose he would read, at present, but three pieces of testimony, holding in reserve as much more to the same effect as any Senator would wish to hear. The first was a statement by the honorable Mr. Miller of the House of Representatives, a member from the State of Missouri. Under date of the 20th of December, 1839, he says:

"When in Western Virginia last summer and fall, I was informed by gentlemen of the highest standing, some of whom were engaged in the making of salt at the Kanawha works, that the company paid annually to the owners of works at that place (some thirty or more in number) from seventy-five to eighty thousand dollars, to let their works lie idle; that the amount paid to each individual owning these suspended or dead works, as they are called, was about $2,500 per annum; and that an average sum of about $800 was paid to certain persons annually, who owned lands in the vicinity of the Kanawha works, (that is, to each person owning such grounds, on which it was believed salt water could be had, and owned a body of stone coal adjacent,) not to dig or bore for it. I also understood that the salt-works then in operation yielded about two millions of bushels of salt per annum; and, on making inquiry what it was thought the whole of the works on the Kanawha would most probably produce, were they all put into operation, I was informed they would yield about four millions of bushels annually."

The second piece of testimony to which I refer, is the statement of a citizen of Missouri, formerly connected with the Kenhawa salt works; the statement made and delivered to one of the judges of the State. It is this:

"About the year 1816 a company was formed at the Kanawha salt works, the object of which was to monopolize the salt trade in the Western country. They had the aid of a bank in Cincinnati, upon which they drew at 60, 120, and 180 days; the bank, by the arrangement, was bound to accept all their drafts, which was done.

"The company having the aid of the bank and the command of the salt-works, they districted the whole Western country. Then there was a company formed for each district, to whom salt was furnished, which company, by agreement, was bound to sell their salt in the bounds of their own district, and not to interfere with other districts; by this, it was intended so to distribute the salt that the supply should barely meet the demand. This arrangement so ran up the price of salt at this time, that the holders of the works believed that they could so arrange it as to find a ready sale for all the salt that could be made, and increased their furnaces to 160 or 170. The company soon found that the supply so greatly overreached the demand, that the salt could not be sold immediately; the consequence of which was, that the company and the bank both broke at the end of about three years. On the wreck of this company another one was formed, (Armstrong, Grant, and Co.) This company, in order to reduce the supply, paid what was called *a dead rent;* that is, paid a rent to the owners of the furnaces, and had them bound that no salt should be made at them. In this way the number of operating furnaces was reduced from 160 *or* 170 *to* 40; *and the* 40 *furnaces were limited to make only so much per annum, which was about equal to eight months' work for each furnace.* This company again districted the country, sold out to companies for each district, and, in this way, they raised the price of salt 133⅓ per cent.; that is, from 75 cents to $1 75 per bushel in their different districts where it was to be sold, the company fixing the price in each district. This company was aided by several banks in all their operations."

The third piece of testimony which I produce was furnished anonymously in 1830, by a citizen of Kanawha, the names being omitted, as it was not the object to attack individuals, but to expose a system. It is in these words:

"Dead wells are now common at the Kanawha salines, and are giving to the place a dilapidated and melancholy appearance, and doing a real injury to the country. There are many of these dead wells, and monopolizers pay the owner for letting them remain idle. * * * and * * * receive about $1,500 per annum for two dead wells. * * * receives about $3,000 per annum for one. * * * about $1,500 per annum for another. Many others receive less or greater sums upon the same terms. Besides dead wells, there are also unopened wells, whose owners are paid for not letting them be dug. I know several of this kind. * * * receives $1,250 per annum not to dig a well on his land; * * * receives $1,500 annually on the same terms. * * * receives $2,500 per annum in the same way; and I have no doubt many others, and it is all a thing of notoriety in the neighborhood. Before the monopoly, the price of salt was about a shilling a bushel, as it is called, and as often under as above that price, and it could be got for any kind of trade; since the monopoly, it is fifty cents cash, and none will be sold for retail to the people of the States, except to those who will bind themselves to avoid competition with the monopolizers at their depots. The company that monopolize the works are the chief shippers, and through their agents retail to the people in most of the Western States, fixing their own price, their own weight, and the quantity which each State is to have, except so far as they are interfered with by alum salt from New Orleans."

They also pay the professional borers, who bore for salt water, as high as $600 a year, not to bore for any body.

Mr. B. said that these three pieces of testimony established the existence of this monopoly as far back as the year 1816; and it was notorious in the West that it had existed for a still longer time, and, like all other abuses, became more heartless, more cruel, and more oppressive, with age and time. He believed that in the thirty years of its existence, it had never been more oppressive than at present. He would remark that he read only the testimony which applied to the Kanawha works. There was other testimony, which applied to the Holston works in Virginia, and to the monopoly of imported salt at New Orleans. A view of the salt facilities of the Western country, would show how easy it was for companies of speculators, combined with banks, to monopolize the supply of this article in the whole Valley of the Mississippi. Three points secured, would accomplish their purpose—Kanawha, Holston, and New Orleans. The aid of banks was necessary, to enable them to secure the two first; the aid of the Government of the United States was necessary, to enable them to secure the third. By the aid of banks, the monopolizers either rent all the wells, and let half of them lie idle, or purchase all the salt from the manufacturers, binding them to make no more than a given quantity. In either event, they become the sole possessors of the domestic article, and then regulate its sale as they please. The possession of the Kenawha and Holston works, being the great fountains of the domestic supply, enables these monopolizers to domineer over all the smaller establishments, and to force or seduce them—no difficult task—into their cruel system. This makes them masters of the domestic supply. But there is another point to be secured—a point of danger to be guarded against; and here they must have the aid of the Government of the United States, as well as of the banks: this point is New Orleans—sole seaport of the West—sole point of entrance of foreign salt into the vast Valley of the Mississippi. Here the Government comes to their aid with its revenue regulations, and its duty upon foreign salt, and gives them double and effectual aid. First, the duty impedes the importation of foreign salt. In the second place, by requiring the duty to be paid, or bond with American security given to pay it in nine months, all the imported salt is thrown into the hands of regraters, or monopolizers, who watch the arrival of the vessels, and relieve the importer from all trouble about the duty and his securities by giving him his price for the salt, and assuming, advancing, or going his security for the duty. This duty, though now reduced to about six cents on two-thirds of a bushel, is still upwards of one hundred per centum on the cost of the article; and is high enough both to stint the importation, and to embarrass the importer. If salt was free of duty it would be imported in immense quantity as ballast; but ballast cannot be imported at one hundred per cent. and subject to custom-house regulations besides: if free, it would enter the river without obstruction, pass up it without halt at the custom-house, be sold to any boat in the river, or to any person on the levee; would escape not only the burthen of the tax, but all the delays, the detentions, the expenses, and the restrictions incident to an imported article subject to the custom-house regulations. In this respect the amount of duty makes but little difference. While one cent of duty remains, it will answer the purpose of the monopolizers perfectly well; and, therefore, they are just as anxious to keep up a duty of six cents now as they were to keep up one of twenty cents ten years ago. Any thing, no matter how small, a cent, or half a cent, will answer their purpose; for a small duty is just as effective in stopping the salt at the custom-house, and throwing it into the hands of regraters, as a large one could be.

From this view of the salt facilities of the West, it would be seen, Mr. B. said, how easy it was for monopolizers to command the supply of the whole country as long as the Government, by keeping a duty on foreign salt, first stinted its importation, and then threw what was imported into the hands of regraters. This was the case at present. All the great points of supply were secured. Banks which could not loan a few hundred dollars to a farmer or mechanic for a few months, and which could not pay specie in redemption of its notes; these banks could advance hundreds of thousands of dollars to enable speculators to monopolize domestic salt at the great works of the interior, and to intercept foreign salt at New Orleans; and thus get the whole into their own hands, and to oppress the people of ten States and Territories at their merciless and heartless pleasure.

Having established the fact of the salt monopoly in the West, and shown it to be coeval with the revival of the salt tax during the late war, Mr. B. proceeded to show the evils of that monopoly, and to establish the existence of the numerous abuses, impositions, and enormities which resulted from it. At the head of these evils, he placed the abuse, or, as he should rather call it, *the crime,* of adulterating this article, which enters into the composition of every thing we consume, which is mixed with almost every thing eaten by man or beast, from the bread of the one to the hay of the other. The adulteration of such an article is a crime against man and beast—a crime against the wisdom and goodness of God, which have dispensed pure salt over the earth, as the preservative principle of life and health. And now let us see how the evidence stands on this head, in relation to Western salt. Let us appeal to the evidence: and this we find in the document No. 196, printed at this session, by the order of the Senate. The first piece of testimony which I use is taken from the statement, already quoted, of a citizen of Missouri, formerly connected with the Kanawha works, of which he speaks. His statement applies to the year 1816.

"While the monopolizers were speculating in the sale of salt, in the making of it, also, a great speculation was made by adulteration. It was thought almost, or quite, equal to the rents to be paid for the furnaces.* The manner of adulteration was

*MEMORANDUM, BY MR. BENTON.—The author of the foregoing statement told me, at his own house, in July last, that the rents of the furnaces were about five thousand bushels of salt each, per annum, at the time he knew them, and that this rent could be paid with one hundred weight of tallow; that is to say, the hundred weight of tallow used for the purposes of adulteration would make a gain in the weight of the whole

about like this: After the process of boiling is over, the brine is put into grainers. In graining off, the bittern, or bitter water, would separate from the salt; to prevent this, a lump of tallow (which is best, though tar is sometimes used) is thrown into each grainer: by this, the salt forms a kind of cup, or hollow substance, which retains the bitter water. This, however, is not sufficient to retain it all; a portion of it escapes, or runs off, and is caught and put into the grainers again, and boiled until it is burnt and adheres to the kettle, and becomes as white as chalk. This is allowed to remain on the grainers until, by the application of cold brine, after being cooled from the boilers, being thrown into the grainers, it makes this adhesion to them all melt, or dissolve into fine particles, mixing up with the salt. This substance is remarkably heavy, and is what tends, more than any thing else, to give to salt its fine glossy white appearance. To a man who is not a judge of the manner of adulteration, the greater the adulteration the better the salt seems, from its frosty white fine appearance. Doubtless the community have often seen in the Kanawha salt white lumps, apparently as hard as a rock; the reason of which is this: where too much tallow and bitter water are combined, or have been added, and the consequent great heat which is necessary to be applied to make the salt retain this heavy substance, the salt and the bittern become melted together, and form those lumps; these the makers call "tallow balls," and are never made except by an over anxiety to adulterate."

Mr. B said that such a statement as this required no commentary; it, in fact, admitted of none. The statement was explicit and pointed; it was that of an eye witness; and it displayed a horrible abuse which had no parallel except in a place which he would presently name. The point at present was to corroborate this statement; and for that purpose he would have recourse to several pieces of testimony contained in the document which he had mentioned. Prefixed to that document, were "*thirty queries*," addressed by himself to his constituents last summer on the subject of the salt trade of the West: one of which queries related to the adulterations of salt, and was in these words:

"QUERY 20. Do you know, or have you heard from credible sources, of any practices among the salt makers to adulterate their salt by using tallow, or other substances to cause lime, or bitter water, or other impurities to be retained in it to increase its weight? Do you perceive inmpurities in the salt you use? and if so, how do you detect them? by chemical analysis, or common observation?"

To this query, many affirmative answers were given, of which I will read a few to the Senate:

1. The answer from Howard county, signed by a committee of fifteen citizens of both political parties, says:

"We have been told that some of the salt makers of this country are in the habit of putting tallow and such like substances in their salt to make it retain all the bitter water and other impurities, in order to make it weigh as heavy as possible."

2. The answer from the collector of the port of St Louis, Mr. Rannev, says:

"By common observation, we can easily detect impurities in the Kanawha salt, and we can always do so to a great extent by chemical analysis."

3. The answer from New Hope, Lincoln county, drawn up by a committee of six citizens, chosen in a public meeting, says:

"We have two practical salt boilers present, who state, when salt was sold by measure, the measured bushel would frequently weigh not over forty pounds. When the law authorized the sale of salt to be fifty pounds to the bushel at those licks, the boilers were then directed to put in alum and other ingredients, and to retain in the salt the lime and bitter water, to increase the weight of the salt."

4. The answer from a public meeting of the people in Madison county, signed by their chairman and secretary, says:

"That tallow is used by salt makers to adulterate their salt, there is not a doubt. We have it from good authority, that tallow is sometimes used to retain the bitter water, so as to increase the weight of the salt; and we know that, in salting pork, ashes are frequently mixed with the salt, to make it dissolve."

5. The answer from a public meeting in Jefferson county, signed by their chairman and secretary says:

"Being remote from the place of manufacturing, we are unable to speak from knowledge, but from very credible sources, that tallow is generally used for the purpose of retaining the bitter water, with the view of increasing the weight of the salt."

6. The answer from Taney county, signed by the committee of a public meeting, says:

"We have known, and heard from credible sources, that salt makers use tallow to retain bitter water in their salt, to increase its weight."

7. The answer from Platte county says:

"What may be the practices resorted to, to make salt weigh heavy, I do not know; but this I do know, that it frequently appears in the most villanous shapes. I have seen it perfectly calcined by the fire, and as hard as brick; I have seen it poured so hot into the barrels as to burn the inside of the barrel to a coal; and I have seen it again in such questionable shapes, stripes, and shades, that the maker himself would not know what to call it, and most certainly would not call it by its proper name, were he to call it salt."

8. From Pike county, signed by a committee of fifty, says:

"Situated as we are, at a long distance from the Kanawha salt works, it is impossible for us to furnish you with an accurate account of the 'practices among salt makers to adulterate their salt.' Judging from the quality and the appearance of much of the domestic salt brought here, we are satisfied that many gross impositions are practised in its manufacture."

9. From Pike county, (Ashley:)

"We have no doubt but that tallow is used by salt makers, to adulterate their salt. We have it from good authority, that tallow is sometimes used to retain the bitter water, and so as to increase the weight of the salt, which often renders it necessary to put ashes with the salt, to dissolve it, in salting meats, &c."

Mr. B. said that these answers were sufficient to show the *fact* of the adulteration of salt at the great source of supply for the West. That it is adulterated, and wilfully, and that for the purpose of making it weigh heavy, is universally known in the West, and is now proved in this chamber. The principal ingredient in the adulteration is *bittern*, commonly called bitter water, a poisonous fluid, of great weight, and by the retention of which the weight of salt may be increased almost two to one. The degree to which the adulteration actually extends, will be seen under another head of abuse, which I propose to examine; for the present, I limit myself to saying that the proof will establish an average of more than fifty per cent. The effect of this adulteration is injurious in many ways. In the first place, it defrauds the purchaser in the measure, or quantity, of salt which he receives. In the next place, it injures the salt itself, mingles an an ingredient with it which promotes putrescence, and often occasions the loss of provisions, and endangers health in many instances. In the third place, it injures the character of Western bacon, beef, and pork, in foreign markets, and does essential injury to that branch of Western trade.

Mr B. could not quit this part of his subject without remarking that the salt water of all springs and wells, held many foreign substances in solution; the separation of which was carefully enforced by the laws of most countries where salt was artificially made. In our own country, in the State of New York, an inspector and supervisor of salt works are appointed by law, to guard both the measure and the purity of the article, and who had officially reported to the Legislature of the State, twelve months ago, the difficulty and almost entire impossibility, with all their care, of totally preventing adulteration. An extract from their report may be seen in the salt document, No. 196, of the present session. The English have severe statutory regulations on the subject, and officers always present to enforce them; who, besides all possible care to prevent adulteration, often had recourse to chemical analysis, the only infallible test, to ascertain the purity of the article after it was made; and condemned it if any foreign ingredient should be detected. The document, No. 196, contains a notice of all these regulations in England, to guard the purity of their salt, and to save the community from the mischiefs of adulteration. This being the case—the salt water itself containing impurities difficult to be separated from the salt—it being the interest of the manufacturer to retain these impurities—and the presence of laws and officers being hardly sufficient to protect the purity of the manufacture; this being the case with boiled salt, where there is law to regulate it, how must it be where there is no law, and where the owner of the wells, disregarding his true interest, surrenders his property to monopolizers to treat it as they please, and to practise every species of abuse to swell the profits of a brief lease? That an adulteration of fifty per cent. is to take place under such circumstances, is just as naturally to be expected, as it is here fully proved.

The next abuse resulting from this monopoly, which Mr. B. would bring to the notice of the Senate, was in the measure, or, as it was practised in the West, in the weight of this article. Universally over the West salt was sold by weight, instead of measure; and fifty pounds were allowed to the bushel, not by any law in Missouri, but the law of the company itself. This arbitrary measure was copied from the custom-house, where it was insidiously introduced, as explained in the report on the fishing bounties, by General Hamilton, in the year 1792, in order to increase the product of the salt revenue, by diminishing the size of the bushel. Thus introduced through the custom-house, where fifty-six pounds was the standard of the bushel, the monopolizers had reduced it to fifty, and applied it to every kind of salt, notwithstanding the difference of its specific gravity. Thus, the sun-made salt, which weighs eighty-four pounds to the measured bushel, was sold fifty pounds for the bushel; thus defrauding the purchaser of thirty-four pounds in every bushel; and thus the Kanawha salt, which, dry and pure, would weigh about fifty pounds to the measured bushel, was so increased in weight by adulteration, that a half bushel measure would hold the fifty pounds. In the measure, four different species of imposition occurred, the joint effect of which were to reduce the nominal bushel to about one peck. The first was in the bitter water, which was equal to fifty per cent. upon an average, of additional weight. The second was in the difference between "*lick weight*" and true weight, the difference being from ten to twenty per cent and the purchaser bound to purchase at "*lick weight*," or pay the difference, if re-weighed. The third was in the tare allowed for the weight of the barrel; twenty-five pounds being the allowance, while from thirty-five to fifty pounds was the real weight. The fourth was in the wastage and leakage from exposure, the barrels being brought down the Ohio river in open boats, exposed to every weather, and after arriving at the place of sale, still lying out in the open air, on the ground, exposed to sun and rain in summer, and to rain, hail, sleet, snow, and mud in the winter. From all these causes, the quantity of salt was so reduced in the nominal bushel, that when the purchaser had paid for a bushel, he had received but a peck!

Mr. B. then read numerous quotations from the salt document, No. 196 consisting of answers to his queries from the 7th to the 14th inclusive, which fully established all that he had said in relation to the false measure by which salt was sold in the West. To enable the Senate to better comprehend the answers, he read the queries first to which they applied. The queries were:

"7. When sold by the barrel, is salt sold according to the real weight at the time of sale, or according to the weight marked upon the barrel when first filled, commonly called lick weight?

8. Is the real weight generally, or always below the marked weight? And if so, what is the usual difference, and what the greatest difference that you have heard or know of? What is the tare allowed for the barrel, and what its real weight?

9 Are the barrels sometimes exposed in the open air to the sun and rain, either while coming to market, or waiting sale, so as to add wastage from such exposure to defective weight from drying and leaking?

10. Is an increased price demanded for the salt if re-weighed? And, if so, what is the usual amount of the increase?

11. How many bushels by weight are usually marked on a barrel?

12. How many measured bushels would the same barrel contain?

13. After deducting for wastage, leakage, and drying, how many measured bushels does a barrel usually contain? And what is the lowest quantity it has been known to contain?

14. What would be the weight of a measured bushel of each variety of salt in your neighborhood?"

The answers to these queries were:

1. From the Surveyor of the port at St. Louis:

"7. It is generally sold by the weight barked on the barrel, but sometimes by re weight.

8. The actual weight is almost always less than the marked weight. I have known it to lose in weight from 20 to 90 pounds on the single barrel.

9. It is generally exposed to the weather, without wareheusing until the article is disposed of by the agent.

10. When salt is re weighed, it is sold from 10 to 15 per cent. above the price when taken at the lick weight.

11. The barrels at the lick weigh from 275 to 400 pounds, and average from 5 to 7½ bushels.

12 The same barrels would contain, in measure, from 3 to 4½ bushels.

13. I have not known a barrel of Kanawha salt to hold less than 3 measured bushels, nor more than 4½ measured bushels; 25 pounds only are allowed for the tare or weight of the barrel when empty; but its actual weight is from 35 to 50 pounds.

14 Kanawha salt weighs 75 pounds to the measured bushel, and foreign coarse salt about 67 pounds to the measured bushel."

2 From Pike county:

"8. Between the *real* weight and the *marked* weight, there is, we believe, invariably a difference; sometimes the difference is not more than 15 to 25 pounds in the barrel; but when the salt has been kept on hand for some time, we have known barrels to fall short from 50 to 60 pounds.

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quantity of salt made, equal to five thousand bushels of salt and that this was actually done. Others have told me that tallow was also used to prevent the concretion, and adhesion to the sides of the kettles, of the lime which is held in solution in some wells and springs of salt water, and so retain it in the salt.

9. In relation to the manner in which the salt is treated when coming to market, we cannot answer, only from report; we, however, believe that we hazard nothing when saying that it is frequently, if not most usually, exposed not only to the open air, but to the sun and rain; and, when the salt is received, by far the largest proportion of the barrels bear strong evidence of having been roughly handled and much abused."

3. From Howard county:

"8. The real weight is always less than the weight marked upon the barrels. The usual loss is from twenty-five to seventy-five pounds.

9. The salt sold in this country generally lies out exposed to all kinds of weather, from the time it is brought to the country until it is sold to the consumer.

10. An increased price is always demanded when weighed to the purchaser. Twenty-five per cent. is about the usual advance asked between lick weight and the real weight.

11. They are variously marked to contain from five to nine bushels.

12. From two and a half to three and a half.

13. We suppose from two to three. With respect to the smallest quantity a barrel has been known to contain, we have no particular information.

14. A measured bushel of Missouri made or Kanawha salt weighs about fifty pounds, when made *dry and pure*. As commonly made, it weighs from eighty to one hundred pounds."

4. From Jefferson county:

"7. In selling by the barrel, it is customary to sell by the lick weights; but if reweighed, a higher price is universally demanded.

8 The real weight is always below the weight marked at the lick; generally about 15 per cent.

9. They are frequently exposed on board of boats, and almost always at the landings and place of sale.

10. The increased price when re-weighed is from 12½ to 25 cents per bushel.

11. About six bushels, or 300 lbs. is the usual mark on the barrels.

12. The same barrel would contain about three and a half measured bushels—not exceeding that.

13. It is almost an impossibility to estimate the loss per barrel for Kanawha salt, the wastage, leaking, and drying of different barrels of salt is so different; but we may safely estimate the lowest quantity at about two bushels."

5. From Platte county:

"Answer to questions 7, 8, and 9. When sold by the barrel, it is sold by the St. Louis weigh, and generally falls short of the real weight about 10 per cent. I have known barrels marked 400 pounds to weigh but 300; and have known barrels not more than two-thirds full to be imposed on the consumer (he knowing the fact) as full barrels, and the consumer was compelled to take it or do without; they are frequently exposed to all the inclemency of the weather at all seasons of the year, and lose according to the original dryness or wetness of the salt when made.

Answer to question 10. An increased price is always demanded if the salt is re-weighed, depending entirely on the caprice of the seller.

Answer to questions 11, 12, and 13. The barrels are of different sizes and hold from 500 to 800 pounds, and measure from two and a half to four bushels, making the necessary allowance between very dry and very wet salt."

6 From Pike county:

"7. In selling by the barrel, the lick weight is the weight sold by.

8. We believe the real weight is always below the lick weight; generally it is from 10 to 20 per cent. below.

9. They are in most places; and such exposure, no doubt, contributes to the defective weight.

10. Salt is offered for sale, according to the lick weight, by the barrel. If re-weighed, an increased price is demanded, of from 12½ to 37½ cents per bushel.

11. From 5½ to 6 bushels, by weight, is usually marked on each barrel.

12. The same barrel would contain from 3 to 3½ measured bushels.

13. From 2½ to 3 measured bushels; and sometimes as low as 2 bushels.

14. Kanawha salt usually weighs from 80 to 90 pounds the measured bushel."

7. From Jackson county:

"6. Salt is sold here by weight, fifty lbs. to the bushel; and 50 lbs. (the bushel) of the salt, which I tried, (without pressing) measured 1 89 5952 5 1000000 ths solid inches, making 4 gallons 1.4632 10000 ths quart, dry measure, which is but very little over half a measured bushel. Therefore, when salt is two dollars the 50 lbs we have to pay at the rate of $3 62½ the measured bushel. This is oppression in a free country; this is the fruit of the tariff.

7. In selling by the barrel, the weight of the barrel and the nett weight of salt is sometimes, and most commonly, placed on the barrel; but the weight of the barrel is marked much less than its real weight.

They make no deduction for the drying of the salt. One barrel I particularly weighed out, and it lost twenty pounds; and I am credibly informed that some have lost as much as fifty."

8 From Platte county.

"7. Generally sold at lick weight, allowing 25 pounds tare for the barrel, whereas the barrel frequently weighs considerably more.

8. The real weight is nearly always below the marked weight from the smallest difference up to 75 prounds; more generally, from 30 to 50 pounds

27. We have known of a barrel being sold at lick weight, where the head had been burst and about one-third of the salt had been spilled and destroyed; the supply being insufficient, the purchaser was compelled to take at the lick weight, or none."

9 "*Statement of the honorable Mr Lyon, of Kentucky.*

That, being a member of a mercantile house, which received a quantity of salt from the Kanhwha Salt Company, to sell on commission, in the years 1826 and 1827, with instructions to sell at the original mark, or *lick weight*, finding many of the barrels greatly deficient in weight, varying from 10 to 20 per cent. they re-weighed and sold a quantity at the real weight; that, when the agent of the company came on, he was dissatisfied, and said it was their custom to sell elsewhere at the original mark, and that it must be so sold there; which they refused to do. The agency and the salt on hand, were transferred to other hands; and that he has great reason to believe, the necessities of the people, in many instances, compelled them to purchase the deficient barrels at their marked weight."

10. From Buchanan county:

"7. When sold by the barrel, it is sold by the weight marked upon the barrel, commonly called lick weight.

8. The real weight is always below the marked weight, and the usual difference is about 40 pounds on the barrel. The greatest difference we have heard of is 70 pounds on the barrel.

9. The barrels are always exposed to the sun, rain, and atmosphere, either while coming to market or waiting sale.

10. An increased price is always demanded, if reweighed, which increase is 25 cents on the bushel.

11. The number of bushels marked on a barrel is generally seven.

12. The same barrel would contain four measured bushels.

13. A barrel usually contains three and a half measured bushels, after deducting for wastage, leakage, and drying. The lowest quantity such barrel has been known to contain is three bushels.

14. The weight of a measured bushel of the Kanawha or domastic salt could not be less than 94 pounds, supposing 84 pounds to be the weight of a measured bushel of pure alum sun made salt."

Mr. B. here ceased his quotations, not because he had read all, but because he had read enough to show by what *measure* the monopolizers were now selling salt to the people of the West. He begged the Senate to observe, and to mark well, the complication of the cheat in the measure. It was so complicated that it required a careful consideration to detect the whole of it. *First*, 50 pounds, at the lick, was counted for a bushel. *Secondly*, five of these bushels were put into a two and a half bushel barrel, six of them were put into a three bushel barrel, and nine of them into a four and a half bushel barrel. *Thirdly*, 50 per cent. on an average of these 50 pound bushels, were bitter water and lime. *Fourthly*, an average of 20 per cent. was wasted out of the barrel before it was sold. *Fifthly*, from 15 to 25 pounds of every barrel was in wood, being the usual actual weight of the barrel above the tare allowed for it. The result of such measurement was to give about one peck of pure salt for the nominal and pretended bushel.

Having thus shown the *quality* of the salt sold in the West, and the *quantity* allowed for a bushel, Mr. B next proceeded to the natural inquiry of the price; and went on to show what was the price paid for *such* bushels of *such* salt. For this purpose he again had recourse to the testimony contained in document No. 196 authenticated, he repeated, by the signatures of more than 300 respectable names, which might be increased to more than 300,000—to as many, in fact, as there were purchasers of salt in the ten States and Territories of the West. He then quoted from the document in answer to the queries 5 and 6:

These are the queries:

"5 What is the present selling price of different kinds of salt in your neighborhood by the single bushel? and what has been its highest and also its lowest price by the single bushel at any time within the last five or ten years?

6 What is the price by the barrel? and also what is the highest and what the lowest price by the barrel at any time within several years past?"

And these the answers:

1 From Howard county:

"5. Kanawha and Missouri made salt is now selling in this county by the bushel at one dollar and fifty cents. No other kind, of consequence, in the county. We have known it to vary in price, within the last ten years, from seventy-five cents to three dollars per bushel.

6 It is now selling in Fayette, by the barrel, at ninety-six cents per bushel. The variation in price by the barrel has been about the same as stated in the preceding answer by the bushel."

2. From New Hope, Lincoln county:

"4. In our section of the country we have but one salt merchant, who is an agent employed by the Kanawha Salt Company.

5. The present price per single bushel of fifty pounds is $1 25; the highest price $2 50; the lowest 62½ cents."

3. From Callaway county:

"Answer. The present price of salt by the single bushel is $1 75; the highest price $2 75; the lowest $1.

Answer. The present price by the barrel, at lick weight, is $1 25; highest price was $2, and the lowest 87½ cents."

4. From Cl ay county:

"5. Kanawha, $1 50; ground alum, $1 75; Turk's Island, $—. Highest price, within the last five years, $2; lowest, $1, for Kanawha, in the year 1836.

6. By the barrel, re-weighed, $1 25; lick weight, $1 12½. Lowest price by the barrel, 93¾ cents; most generally, $1. When sold for cash, $1 12½."

5. From Jackson county:

"5 Kanawha salt is selling at $1 50 per bushel at the present time. Ground alum salt is selling at present at $2 50. Kanawha, within the last five years, has been as high as $2 50 per bushel, and as low as $1 per bushel. Ground alum has been sold generally at about $2 per bushel, within the abovenamed time.

6. The price by the barrel at present is $1 25 for Kanawha, which is the only kind sold by the barrel. The lowest price within the last five years has been about $1 per bushel by the barrel."

6 From Madison county:

"5. By the single bushel it is selling at present $1 50. Last winter it was $2, and for several years past has not been lower than $1 per bushel.

6. By the barrel at $1 12½; the highest priee $1 75, the lowest 87½ cents."

7. From Cape Girradeau county:

"5th. The price of salt at present for Kanawha is $1 25; (in second hands, the agents selling only by the barrel.) The price, however, varies much from circumstances, it being the object of the company to *prevent the importation of foreign salt*; they, therefore, regulate their prices in reference to that object. For instance: when freights are low, they put down the price of their salt to 50 or 6 ¼ cents per bushel; and when freights are high, or the navigation obstructed, the price is raised to $1 or $1 25 per bushel. Thus, too, it has happened that, at New Madrid for instance, where the navigation is almost always open, the company's salt has been sold at 50 cents; when, at the same time, at places within one hundred miles on the river, where the navigation was obstructed, the price has been put up to $1 or $1 25.

6th. 75 cents. The highest $1; the lowest 62½ cents."

8. From Greene county:

"4. There is but one salt merchant in our section of the State, except when sold by him to our immediate traders.

5. The highest price generally paid here for a single bushel (50 pounds) is $3, and the lowest $1 75."

9. From Miller county:

"5. Present price is $1 37½ per bushel for Kanawha and saline; for alum, $1 50 per bushel; lowest, September 1st, 1838, $1; highest, 1st of February, 1839, $2 50 per bushel of 50 pounds, lick weight.

6. $1 25 per bushel, by the barrel, lick weight; difference for several years from 75 cents to $2 50 per bushel, by the barrel, lick weight."

10. From Taney county:

"5th. From $3, to $3 50 is the present selling price by the single bushel, and $3 by the barrel. Within the last five years it has been as high as $5, and as low as $2.

6th. $3 by the barrel, and has been as high as $5; the lowest $2 50."

11. From Benton county:

"5th. From $1 12½ to $1 50, with an addition of 12½ cents per bushel for reweighing."

12. From Buchanan county:

"5. The present selling price, by the bushel, is $2 25; and the highest price in this part of the country, has been $3 per bushel, and the lowest has been 75 cents per bushel.

"6. The present selling price, when sold by the barrel, is $2 per bushel; the highest price, during the last ten years, has been $2 50 per bushel, and the lowest 75 cents per bushel."

13. From the Hon. Mr. Miller of Missouri, of the House of Representatives:

"As it regards the price of salt in Missouri, I can only say I was informed by gentlemen of high respectability, that, from early in the month of November, 1838, and during the ensuing winter, salt sold in Boon, Howard, and other central and western counties of Missouri, at the onerous rates of from $2 50 to $3 per bushel, or 50 pounds; and I have further understood, that the article of salt sold, during the same periods, in Wiskonsin and Iowa Territories, at from $5 to $6 per bushel. This oppressive state of things was produced, as I have the best reason to believe, from the fact, that the article of salt, at the time here spoken of, was mainly held and monopolized in Missouri, and some of the other Western States and Territories, by the Kanawha Salt Company."

14. From the Hon. Mr. Chapman, delegate in Congress from Iowa; being answers to questions put by him to merchants in that Territory:

"BURLINGTON, I. T. November 3, 1839.

"GENTLEMEN: By answering the following questions, you may perhaps lend some aid towards remedying the evils of the salt monopoly, and its consequence, the very high price of salt in this country.

Question 1. What was the highest price of salt in Burlington during the last winter?

Answer. $6 per bushel.

Question 4. Are you not the agents of the salt company, and bound by their directions in fixing the price?

Answer. We are.

Question 5. Have you not been recently directed by the general agent of the company to raise the price of salt? If so, to what extent, and on what account?

Answer. We were directed as above to raise, and have done so. The rise was 25 cents on the bushel; as the agent said, on account of high freights.

Question 6. Is freight higher now than for two or three months past?

Answer. It is not.

Question 7. Was the salt upon which you have raised the price freighted recently?

Answer. Freighted in June, when the water was high, and freight low; down to 7 cents per barrel.

Question 8. What quantity have you on hand upon which you have raised the price and when freighted?

Answer. 200 barrels on hand, freighted in June, when freight was low.

Question 9. Have you not sold at a lower price than your present, a considerable quantity of salt freighted at the same price as that on hand, upon which you have raised?

Answer. We have.

Messrs. SAMSON, BRIDGEMAN, AND Co."

Having made these quotations of prices of salt in different parts of the West, Mr. B. went on to compare the price of the article with its measure and its quality; and, taking the whole together, to ascertain what was the real price paid for as much pure salt as would make a measured bushel. He affirmed that it was as clear, from the evidence he had read, as any proposition in Euclid, that what

was sold for a bushel of salt was not more than a peck; and this he demonstrated in several different ways. First, he said, the nominal bushel of 50 pounds was but half a measured bushel; and this was proved by all the testimony in relation to the capacity of the barrels; for all this testimony proved that the barrels which were marked five bushels, or six bushels, or nine bushels, could in reality, hold no more than two and a half bushels, three bushels, or four and a half. This at once reduced the nominal bushel to half a bushel, or two pecks. Then came the adulteration, which was proved to add from 25 to 30 pounds to every 50: this would have to be deducted from the two pecks, and would reduce it 50 per cent. or to one peck and a half. Then came the wastage, dryage, leakage, and the weight of the barrel over and above what was allowed for the tare; and all this might be safely rated at half a peck: and thus the evidence was complete, that what was sold for a barrel of six bushels of Kanawha salt was in reality no more than six pecks! what they called a bushel was a peck! and thus, all the prices quoted must be understood as applying to pecks, and not to bushels. This rule would give twenty-four dollars a bushel for salt in Wiskonsin, and as high as twelve, or sixteen dollars a bushel for salt in Missouri. It would make the common rates in Missouri range from four to eight dollars a bushel! Subjected to a chemical analysis, and Mr. B. undertook to say that his conclusions would be verified to the letter. He wished to see it tried; he wished to see the test applied, and the experiment made. Let any one in the West purchase a barrel of this salt at lick weight; let it be analyzed, and the pure salt measured by the bushel measure; and the result would be that six peck measures would hold the contents of a six bushel barrel, lick weight; and so on of all the other barrels from the lowest to the highest. A barrel marked five bushels, would yield five pecks; one marked 450 pounds, or nine bushels, would yield nine pecks! and to this imposition the people of the West are forced to submit; their only relief being in the free importation of foreign salt, which the Federal Government refuses to permit.

The false measure being established, and the deficient quantity proved, Mr. B. said there was another way to test the *quality* of this salt, and that was from its capacity, or rather incapacity, to preserve beef or pork in the pickled state, or to make bacon, which would bear exportation, or to preserve butter, which is to be long kept. The queries were directed to this point, and the answers were all explicit, and in the negative. Bacon for home use, with the help of drying and smoking, and much care, might be made with it; but no such bacon could go to the South; and as for pickled beef and pork, it would not answer in any climate. All such beef and pork was excluded from the army and navy of the United States by express regulations; and the character of all Western salted provisions was injured in the market by the suspicion of being put up with domestic salt. In proof of this, Mr B. referred to a letter from a merchant in Philadelphia, to be seen at page 50, of the salt document, which, after giving an account of a quantity of Western bacon, which spoiled on the hands of the purchaser, said:

"Dealers and consumers here entertain the opinion that meat put up with domestic salt is dangerous to meddle with. Persons there, who saw the said bacon and hams spoiled in the hogsheads, ascribed it to be the inferior quality of the domestic salt that had been used; *instances were stated that lime had been put with such salt by the manufacturers, to improve its color.* From these or other causes the packers of the West have experienced ruinous losses enough from spoiled bacon and hams to convince them of the necessity of applying more sea salt, and using more care in curing properly their salted provisions."

The next point in this history of the salt monopoly in the West to which Mr. B. called the attention of the Senate, was the mode of conducting the trade by means of districting and allowancing the country, with general and special agents to superintend the sales, and to see that all the regulations prescribed by the monopolizers should be strictly enforced. This was a curious head of inquiry, and the testimony upon it should be full and explicit. The 23d of the queries applied to this point, and was in these words:

"23. Do you know, or have you heard from credible sources, of any arrangements among salt makers and monopolists *to district* the country for the sale of their salt, or to have the *exclusive* supply within certain limits; and, if so, the particulars which have come to your knowledge."

The answers were:

1. From the committee in Howard county:

"23. It has been represented to us, by one of the salt merchants of this county, that the members of the Kenawha salt monopoly each has a certain district of country allotted to him, with a certain allowance of salt, and with a fixed price upon it. For instance: the country lying upon the Missouri river is allotted to one, that upon the Upper Mississippi to another, Cumberland river to a third, Tennessee river to a fourth, and so on."

2. From the Surveyor and Collector of the port of St. Louis:

"23. I do not know of any arrangement entered into by salt companies for the present supply; but I do know that one salt company, for which Mr. Fielder is the agent, furnishes both the States of Missouri and Illinois exclusively."

3. From a committee of fifty members at Louisianaville, Pike county:

"21, 22, 23, 24, and 25. From common report, and from the authority of the agents selected for the sale of Kanawha salt, we are of opinion, nay, bound to believe, that there has been a company formed for the manufacture and sale of salt in the Western and Southwestern States; and that this company, by means of its local and travelling agents, do, to a considerable and injurious extent, monopolize not only the manufacture, but the sale of that description of salt. We also believe that the company restricts the manufacture of salt to such quantities as will be barely sufficient to supply the demand at the various points at which it is deposited with their agents, thereby insuring a ready cash sale for all manufactured within the year, at a very handsome profit; that the various portions of the Western and Southwestern States have been *districted* by the salt company; and that particular sections or districts have been allotted to particular individuals, whose business it is to inquire into the probable demand for salt, to superintend its delivery and sale, and to report, for the action of the managers, such matter as is calculated to promote concert of action, and more effectually to carry out the views of the monopolists."

4. From a public meeting in Jackson county:

"23. We have understood that it is the practice of the monopolizers to district the country for the sale of their salt, and believe, from the arrangement of their agencies in this part of Missouri, that their object is the exclusive control of the article; thereby regulating the quantity and price, to the prejudice of the community, and to the personal aggrandisement of the company, which has been their practice for the last twenty years, throughout the entire Western country."

5. From a public meeting in Greene county:

"25. We have been credibly informed that the agents of the *Kanawha* Salt Company are instructed *not* to sell salt under a certain price; and that these agencies are established in all the commercial towns in this State."

6. From another public meeting in the same county:

"23. Our section of the State is districted out by the salt monopoly, and they have established their agency one mile below Warsaw, in Benton county, Missouri."

7. From Platte county:

"Answer to questions 21, 22, 23, 24, and 25. As a fact it is well known, and is only doubted by those interested in the sale of salt, that there is a perfect understanding with all the great western salt makers as to price and quantity; they have it all their own way; give us what they please, and when they please: the only check we have on them is the foreign salt. If they could only get rid of competition with that article, most deplorable indeed would be the condition of the consumer. Thirty years back, before the invention of steam-navigation, I have known salt of the most base description sold in the West at ten cents per pound; and the same state of case would exist at this moment, but for the competition of foreign salt. We in the far and distant West, on the very verge of civilization, certainly have difficulties and expense sufficient, to contend with the strong and boiling Mississippi and Missouri, without adding to our burdens a duty on salt, benefiting no one but the maker and monopolizer."

8. From a public meeting at Rocheport, in Boone county:

"The Kanawha salt is sent here by the salt company, and deposited with their agents to sell for them, at certain points along the river; never subject to competition; and is, to all intents and purposes, a monopoly."

9. From a committee in Buchanan county:

"The selling of the Kanawha or domestic salt in this country is a monopoly, and is confined to but one company, Curtis and Riley; at Liberty, Clay county, who have the exclusive privilege of selling the article in four large and populous counties, viz: Clay, Clinton, Platte, and Buchanan; which counties contain, altogether, upwards of twenty thousand inhabitants."

"23. We know that a proposition has been made by ths company at Liberty, alluded to in our answer to the fourth question, to an individual in this county, the object of which was to make this county a district in which he was to be allowed the exclusive privilege of selling the domestic salt for and on behalf of that company."

10. From Howard county:

"The business of selling salt in this county is not subject to that general competition which governs and regulates other business of the country, but may justly be considered a monopoly; there being but one salt merchant now in the town of Fayette, where we have some eight or ten mercantile houses."

11. From St. Louis:

"4 and 5. Kanawha salt is furnished by a company residing out of the State, through an agent, (Mr. Fielder, of Louisville,) and does not reach us through the legitimate channel of trade, and is known to be a concerted monopoly. Mr. Fielder has recently removed to, and resides in, St. Louis, and is the sole salt merchant for the sale of country salt in the market."

12. From Pike county:

"14. The article of *Kanawha salt*, the one of most general use in the country, and in the sale of which the agricultural portion of our community is most deeply interested, is not "subject to general competition," but is to all intents and purposes a *monopoly* in the hands of a particular house, under the supervision and control of the salt company, either in Louisville, Kentucky, or at the Kanawha works; and so adroitly do this company manage their operations, that in the spring season, when the waters are flush, and the navigation of the rivers easy, they, by means of their own boats, deposite with some one house, at the most prominent points along the river, a quantity of their salt, sufficient to meet the wants of the country; where it most usually remains on deposite until late in the fall, or the closing of the river by ice; *then*, if the stock of the other varieties of salt happens to be light, this company never fail to turn their forecast to a profitable account, and to avail themselves of the *necessities* of to obtain an exorbitant price for their salt. In the other varieties of salt there is a general competition; but they are as yet so little used by agriculturists, and the quantity sold is so small that their price is an object of no great importance to the community, nor can it have much influence on the extensive operations of the salt company."

13. From Clay county:

"4. The selling of Kanawha salt is a monopoly, and four-fifths of the salt used in this section of the State is of this kind. There is only one out of sixteen stores in this place that is allowed to sell this salt, and this house has the agency for the whole county. The trade in this description of salt for the entire West, as we understand, is in the hands of Messrs. Fielder and Co. They have purchased, we are informed, the whole quantity made at the Kanawha works, in Virginia. The agency in this place sell as they are directed by the company, and frequently rise in the price of the article. The selling of the other descriptions of salt is free for other merchants; but the price is so high below, that few bring the article on. Previous to some time in the year 1837, the salt trade was open to all the merchants, and most of them kept the article. It was then sold at a *small* but *certain* profit, which justified them in keeping a supply. The merchants are now *effectively* kept out of the trade, and that branch of commerce is to them, in effect, as absolutely interdicted as it could be by the power of any despotic Government. It is true, they could purchase salt in St. Louis at seventy-five cents per bushel, (the present price by the barrel,) but, the freight being added, they could not possibly compete with the *agency here*, as they would, in the first place, have to purchase of the *agency there*."

14. From Jackson county:

"4. For the last few years the sale of salt has been confined to two merchants, one of whom is a regular agent for a salt company, and is governed in his sales by instructions from said company, and might for the last few years be considered a monopoly.

15. From Madison county:

"4. The Kanawha salt that comes to this part of the country, is deposited by the salt company with their agents to sell, at certain points along the river: is not subject to competition, and is, to all intents and purposes, a monopoly."

16. From Cape Girardeau county:

"4th The Kanhawa salt is sold exclusively by the agents of the salt company, whose establishments are confined to the river. Applications have been made to the company for the establishment of agencies in the interior, which have been declined, alleging that it would subject them to too much inconvenience in collecting, thereby compelling the citizens of the interior to go to the river for their supplies, some of whom are obliged to travel from *fifty to seventy-five miles* for salt. In this village we have no agent for the company, and but two or three in the county. Our merchants, however, usually keep on hand a small stock of foreign salt. I am not aware that the sales of the agents are confined to any particular limits."

17. From Taney county:

"4th. It is a monopoly in the hands of a few. We get our salt principally from Boonville, from agents of the Kanawha company, who supply the southwestern part of Missouri."

18. From Platte county:

"4. It is a monopoly, so far as we know, of one company, with two agencies in Platte county."

Mr. B. would extend his quotations to one additional head, to show that, with all these impositions in the salt trade of the West, there was still one more evil to be added—the evil of scarcity—the evil of an insufficient supply, with a rigorous exaction of ready money, and the consequent injury to stock and provisions, for want of an adequate supply, and the duresse of the purchaser, in the hard necessity he was under to take what he could get, and on such terms as the cruel company prescribed. The supply was insufficient; and this very insufficiency was necessary to complete the success of the general plan. Three of the queries applied to this point, and were:

"27. Have the people in your part of the country ever been so necessitated for salt as to be obliged to submit to impositions, and to take such as they could get, at such price and measure as the monopolists chose to prescribe, and of such quality as they offered?

28. Is salt sold or bartered for produce in your part of the country, or only for ready money?

29. Would the people of your part of the country use more salt, if they could get it cheaper, and of good quality, and fair measure?"

Without following the answers to these queries, county by county, Mr. B. would limit himself to a few quotations, taken at random:

"27. We have known salt to be so scarce here on some occasions, that the people were compelled, by dire necessity, to take it at any price that the sellers thought proper to put upon it. We have seen the most inferior quality of salt sold by the barrel, and by lick weight, at $3 per bushel of 50 lbs. nominally; the bushel being always deficient, more or less, by the barrel.

28. It is sold exclusively for cash in hand, or upon a very short credit; and rarely, if ever, bartered for the produce of the country.

29. Not a doubt exists with us that the people of this State would use greatly more salt than they now do, if they could get it cheaper, and of better quality."—[*Howard county.*

"27. During the last winter, the people were so necessitated for salt that they were obliged to submit to impositions, and to purchase such as they could get, at such price as the monopolists chose to prescribe.

28. It is a very rare occurrence when salt is sold or bartered for produce. Such occurrences do sometimes happen; but when salt is given in exchange for produce, it is for an article which readily commands the cash.

29. If the people in our part of the country could get salt of a good quality for a less price, we feel assured that the quantity used would be much increased. Many of our more experienced farmers are becoming satisfied that the quantity of salt heretofore given to stock has been too small, and that a more liberal use of it would contribute much, not only to their health, but to their improvement. Whilst the present high prices of salt in the Western States continues, its consumption will be reduced to the smallest quantity."—[*Lincoln county.*

"27. See answer 17th for imposition; their necessities at that time forced them to submit.

28. See answer 7th for answer to this.

29. They would unquestionably use the article of salt much more abundantly; and as ours is properly a grazing and stock-growing country, a large supply of the article is necessary for our support and our occupations; would say that the article should be sold at proper weight and a fair price, in order that there might be no stinting in the case, as there has been heretofore, owing to the exorbitant price."—[*Jackson county.*

"27. The people are sometimes entirely dependent on the agents of the company for their supplies, and, under such circumstances, the price is *raised* in proportion to the *necessities* of the people.

28. The *company's* salt is sold for cash only. The merchants frequently exchange *foreign* salt for produce.

29. More salt would be used if it were cheaper, particularly for stock."—[*Greene county.*

"27. We have been compelled at times to take any kind we could get, and at any price the holders saw proper to ask.

28. It is never bartered in this section of the country for any kind of produce, but is always sold for ready money.

29. There would be four times the quantity used in this county if it could be got at a fair price, and of good quality."
[*Taney county.*

"Answer to questions 27 and 28. These two questions I have, think, answered in answering the preceding questions.

Answer to question 29. If salt could be procured sufficiently cheap, I would venture to say more than ten times the quantity now used would be used; the farmer's sheep, hops, cattle, and horses, (if brutes have sympathies and affections,) would be astonished and delighted, to say nothing of the vast benefit they would derive from the exchange, agreeable to them, and profitable to the owner; for but few farmers can afford to give their stock any thing like a sufficiency of salt. It is used here more as an article to keep stock gentle, than with the expectation that the small quantity given will be of any real advantage to stock. Salt, to be really useful to stock, should be dealt to them with a liberal hand; in fact, it should be so placed that they should be able to get it whenever they want it."—[*Platte co.*

These are quotations enough to show the insufficient, the scant, and the stinted supply of salt which monopolizers allot to the West, and the rigorous exaction of ready money pay. The credit system does not extend to salt in the Western country; and the monopolizers, the Bank men, prefer hard money. Gold and silver, or its equivalent, is what they demand!

Mr. B. would make no further quotations, nor would he make any commentaries on what he had read. He had proved every point in the case: the monopoly—the suppressed production—the adulteration—the false measure—the extortionate price—the districted distribution—the stinted allowance—and the establishment of the general and special agents to reside in the districts, and to enforce all the regulations of the monopolizers. He had proved all this; and proved it to exist in a country which possessed a free Constitution, and a representative form of Government. He would undertake to say that there was not another country upon the face of the globe in which such an abuse existed, except one, and that one he had mentioned in the commencement of th se remarks: it was the East Indies—that part of the East Indies which had been conquered by the arms, and was subjected to the despotism—the iron hearted, moneyed despotism—of the English East India Company. There, on the banks of the Ganges, and the Indus, among helpless and depressed Hindoos, a parallel was found—an exact parallel—to the salt monopoly which now prevails on the banks of the Ohio and the Mississippi, among the free people of a proud and independent Government. Mr. B. said the British Parliamentary papers for the year 1832, now in the Library of Congress, contained the authentic evidence of the salt monopoly in India; and it was among the curiosities of the times that, while our library contained authentic details and elaborate testimony on the East India monopoly of salt, it was with great difficulty, and after a most strenuous resistance and protracted opposition, that he had been able to get the evidence of our own monopoly printed! The order for printing had been vehemently resisted—resisted for an entire day—but finally prevailed; and now our legislative archives will show the history of the American, as as well as of the Asiatic, monopoly of salt. The Senate and the country will be astonished to see the closeness of the parallel, and to observe how identically the spirit of monopoly has worked alike in the two quarters of the globe, and at such an immense distance apart. The entire diameter of the terraqueous globe was between them; communication and concert was impossible; yet in both places the dire and fell spirit of the salt monopoly is the same! its operations the same; its results the same; its history the same; an account of one an account of the other, varied only by the change of names, and the diversity of localities and manners which belong to the two quarters of the globe. The East India monopoly was brought to the knowledge of the world in the same manner that the American monopoly is now brought before our Congress. Petitions from India went to London to lay their complaints before the Parliament, and to claim redress for their cruel wrongs. It was in the year 1832. Parliament appointed a select committee to hear their testimony; and, from the testimony taken by that committee, I propose to read the evidence of two of the witnesses, one a Hindoo, the other an Englishman. This is what they say:

"*Extracts from the report of the select committee of the British House of Commons, on the affairs of India:* 1832.

SALT MONOPOLY.

Answers of Rammohun Roy to queries on the salt monopoly.

Rammohun Roy, a learned Brahmin pundit from India, was examined before the committee, and the following are his answers to queries upon the salt monopoly:

Question. Have the poorer classes in India been prevented, at any time, from procuring a sufficiency of salt by its high price?

Answer. As salt has, by long habit, become an absolute necessary of life, the poorest peasants are ready to surrender every thing else, in order to procure a small portion of this article. The dearth of salt is felt by the whole community; and the people in general are, therefore, obliged to make use of a *bad quality;* and few, comparatively, are able to incur the expense of procuring it in a purer form.

Question. Do you consider salt as necessary to the food of the natives, and the want of it a great deprivation of comfort?

Answer. The food of the people in Bengal is chiefly boiled rice, which without salt is a most insipid article.

Question. Do you suppose that a reduction in the *price*, and an improvement in the *quality*, would tend to any very considerable increase of consumption?

Answer. Salt, being an absolute necessary of life, is now purchased even by the poorest individuals at the sacrifice of every other kind of seasoning, and of every kind of food but rice, the staff of life. If salt were rendered cheaper and better, it would greatly promote the common comforts of the people. I do not know that it would immediately cause a very considerable increase of consumption. But to a certain extent it would, undoubtedly; and from its cheapness it would be used by the people for *seasoning the fond of cattle*, for which purpose large quantities were used before the Government monopoly. The poorer classes, at all events, would not be compelled to sacrifice other comforts to procure it.

Question. To what extent is the salt of the Bengal monopoly *adulterated* before it reaches the consumer?

Answer. The adulteration of salt is carried to an enormous extent by mixing it with *one-third*, or even *one-half*, of earth, until, instead of being like *salt*, it more resembles the *earth* of which it is composed. Persons in comfortable circumstances generally purify it over again before they use it, or purchase it already refined, often at double the common price; but the poorer classes cannot afford the expense of either.

Question. What is the retail price of salt in Calcutta?

Answer. The price of *adulterated* salt, at the time of my departure from India, was seven or eight seers for a rupee, or fifty cents for sixteen pounds, (one dollar and a half per bushel.) Pure salt costs fifty cents for nine pounds, (three dollars a bushel.)

Examination of Holt Mackenzie, esq.

Question. Are you of opinion that, if salt of a better quality could be supplied at a lower price to the ultimate consumer, a very considerable increase might take place in the quantity consumed throughout the country?

Answer. I have no doubt at all upon the point. I believe that many of the natives are very partially supplied with salt, and that what they do consume has much *foreign matter* mixed with it.

Question. What are the circumstances under which salt is manufactured on the cost of Coromandel?

Answer. It is manufactured on the coast of Coromandel as in Bengal, on account of Government. It is produced by *solar evaporation*, and at a low price.

Question. In what state is the salt generally sold to the retailer? Is it as pure as when supplied by the Government, or is it adulterated after it is sold by the Government?

Answer. I have been told that, to increase the quantity, *dirt* or *sand* is sometimes thrown in.

Question. What is the present amount of the salt monopoly in Bengal?

Answer. It would be safe to estimate it at 1,400,000 pounds sterling, or 7,000,000 of dollars, annually.

Question. Will you inform the committee in what part of Bengal the salt monopoly is carried on?

Answer. It is manufactured in Cuttack and the mouth of the Ganges principally.

Question. What is the mode of operation?

Answer. There are six manufacturing agencies, which employ a vast number of people who contract to make the salt.

Question. Is each agency attended by a European salt agent?

Answer. By an officer of the company.

Question. When the salt is delivered, how is it disposed of?

Answer. It is carried to the Government agencies.

Question. What is the comparative merit of the two kinds of salt?

Answer. The value of *unboiled salt* has greatly increased.

Question. Does not the duty on salt amount almost to a prohibition?

Answer. It does.

Question. Is it not limited to a certain quantity?

Answer. Undoubtedly it is. This is the spirit of all the East India Company's monopolies. If they were to supply the market equal to the demand, at a fair price, one cannot say to what extent the consumption would go. The consumption would be incalculable, by bringing it within the reach of the consumer. We see this in coffee, sugar, and every article upon which the duty bas been reduced.

Question. Can salt be produced in large quantities on the Coromandel coast?

Answer. It is naturally produced in immense quantities by *solar evaporation.* It is strong, good, coarse salt.

Question. How is salt produced in the Bengal provinces?

Answer. By collecting the surface earth, and very often ploughing the banks of the river to increase the deposite, filtering the water through it, and boiling the brine into salt.

Question. How is the East India Company able to preserve its monopoly?

Answer. *By a branch of police under the direction of the salt agent. On the coast of Coromandel the salt forms by solar evaporation in large quantities, and the natives are forced to destroy it for the purpose of preserving the company's monopoly.*

Question. What is the price of salt to the consumer?

Answer. *From six hundred to one thousand per cent. upon first cost.*

Question. How was salt manufactured before the monopoly?

Answer. Salt pans were ranged parallel to the coast. Into these the sea was admitted, and salt was formed by *solar evaporation.*"

Having read the statements of these two witnesses, thus taken before a select committee of the British House of Commons, Mr. B. said that those Senators who wished to see further evidence to the same effect, might find it in the British parliamentary papers, now in the library of Congress. For himself, he would read no more, but would make some use of that which he had read. He would run the parallel, in a few particulars, between the Asiatic and the American monopolies. He would compare them at a few points; and show the Senate with what faithful similitude—with what precise resemblance—the spirit of monopoly conducted its operations in two regions so distant from each other, and how exactly they came to the same results, at the same time, on the two opposite sides of the globe.

1. As to the adulteration. The fact of adulteration—wilful, intentional adulteration, for the purpose of increasing the quantity—was proved in both cases. The *quantum* of adulteration was proved also to be about the same in each case, and to be about the one-half. Thus, in the fact, and in the quantum of adulteration, the two monopolies were on a par; but when we come to the adulterating ingredient, the parallel ceased, and the advantage was on the side of the Asiatics. They used an innocent ingredient, to wit, earth and sand; while the American monopolizers used *bittern* and *lime*; poisonous ingredients which promote, instead of preventing putrescence, counteract the properties of the salt, and do mischief to the provisions which are put up with it.

2. As to the measure. This is proved to be by the pound, and not by the measured bushel, in each case. But here again the Asiatic monopolizer is the fairest of the two; he gives 56 instead of 50 pounds of his stuff for a bushel; and he gives full weight, not lick weight; he does not compel the purchaser to take 25 pounds weight of wood for salt in every barrel; nor does he compel the purchaser to pay for what has been lost by leakage, dryage, wastage, and exposure to the weather.

3. In the price. This is proved to be near the same in both instances. The price for adulterated salt in the Asiatic monopoly was about $1 50 for 56 pounds: for purified salt, the double of that; which would bring the price to about $4 50 for the measured bushel of 84 pounds. This would make the peck cost about $1 12½ cents; and this may be assumed to be about the common price of Kanhawa salt in the greater part of the West. A dollar a peck!

4. In the districted distribution. In this the two monopolies are proved to be identical. The English East India Company divide the vast region of their Asia into salt districts, just as our American

monopolizers divide out the vast valley of Mississippi. The boundaries of the salt districts are defined in the two regions; and each district placed under the care of agents, with an allotted quantity of salt to each, with orders to sell at prices which may be increased according to circumstances. The orders given to these agents are supreme and absolute. No agent can disobey them; no power can repeal them; no supplications or remonstrances can soften them.

5. In the suppressed production. Here again the conduct of the two companies is the same; their object the same; the result to the community the same. No difference between them, but in the mode of operating, and that difference resulting from position and power. The American monopolizers operate by the moneyed power, and with the aid of banks. They borrow money and rent the salt wells to be idle; they pay owners of wells not to work them; they pay other owners not to open new wells. Thus, among us, they suppress the production, by preventing the manufacture of salt. In Asia, the monopolizers operate by the military power. Having a standing army at its command, the English East India Company sends out detachments of troops to compel the natives to go down to the sea shore, and there destroy the pure salt which the sun has made for them out of the sea water, and which they might use almost without price and without trouble. This being destroyed, the unhappy people must then go to the company's agents, and purchase their adulterated stuff at the rate of 600 to 1,000 per centum profit to the company.

6. In the scant supply. This is the same under both monopolies. The supply of salt allowed to a district is always below the wants of the district, in order to increase the demand, to augment the price, and to compel the purchaser to take such as he can get.

7. In ready money pay. Here again the parallel is complete. The exaction of money in hand for salt is equally rigorous on the banks of the Indus, the Ganges, and the Burrampooter, as on the Ohio, the Missouri, and the Mississippi. The credit system has no application to the salt trade in either place.

Such is the spirit of monopoly! Such the workings of this fell spirit! Such its enormities and oppressions! and that in the most free as well as in the most enslaved of countries—in America as well as in Asia—on the opposite sides of the globe—and at the distance of the earth's entire diameter apart! and all this in the nineteenth century! In an age when people were reading, with astonishment, of the monopolies which existed in Europe two hundred years ago, and expressing their amazement that such things could have existed; and yet not one of which was equal to the enormities of the salt monopoly existing in our own day, in our own country, and under a form of Government which rests upon the equality of laws and rights.

The people of India, continued Mr. B came to London to solicit, from the British Parliament, the suppression of the monopoly which afflicted and oppressed them: the people of the West appear at the bar of their own Congress to solicit similar relief. They prove up their case in the document of testimony which has been produced, and of which the Senate has ordered ten thousand copies to be printed. Not a doubt of the truth of the testimony can remain upon the minds of any one; if it did, the amount of the evidence could be increased an hundred fold. With this proof in their hand, the people of the West appear at your bar, and ask for relief; not by interfering with the property of the monopolizers; for with that Congress has nothing to do. It belongs to the State of Virginia to regulate a local concern within her limits; and she might act justly by the community, and beneficially for the proprietors, to follow the example of other countries (and even her own in the case of tobacco, flour, and provisions) and establish an inspection over the measure and purity of salt. Such an inspection might prove to be as beneficial to the owners of the property as to the consumers of the salt. But that is not the question here. Congress has nothing to do with it; it has no power over the property or conduct of the monopolizers. But it has power over its own revenue laws—over the duty on foreign salt—that duty without which the monopolizers would in vain combine with banks, and in vain rent wells to let them lie idle! The duty impedes the importation of foreign salt; it throws what is imported into the hands of regraters; it makes them masters of the foreign importation as well of the domestic production; it enables this gigantic monopoly which bestrides as a colossus the vast valley of the Mississippi; it enables this colossus to plant one foot firmly in the city of New Orleans, while the other remains deeply rooted on the Kanawha and the Holston. This is what the duty on the foreign article does. That duty is the ægis of the monopolizers. It is their shield and protection—the indispensable ally, without which all their combinations would be defective and vain. It frees them from competition, the only thing they dread. It frees them from the only competition which can contend with them—which can bring them to a just price, a fair measure, a pure article, and a full supply. The people of the West ask for the abolition of this duty—for the cessation of this protection to monopolizers. They ask for a free trade in salt; that article which, in the catalogue of human and brute wants, ranks next after bread and grass. They ask for free ingress to the inexhaustible supplies of this article, which the Gulf of Mexico presents at the mouth of their great river, and which the Federal tax repulses from our shore. They ask that salt may be freed from tax and monopoly in a country where luxuries and trifles—silks and perfumes—are free!

This is what they ask—a free trade in salt, and no aid to the monopolizers. This is their petition—this the application of the people of the West. It is certainly a reasonable request, and such, it would seem, as could hardly be opposed, but opposed it is; opposed it has been, and opposed it will be; and that with an energy and desperation which do honor to a better cause. Never has any thing been resisted on this floor with more vehement determination than the repeal of the salt tax; and powerful is the combination of interest and talent which now resist it. The salt manufacturers, the Western monopolizers, the Northeastern fisheries, the authors of the compromise act, all stand together to resist this repeal; and they constitute a formidable opposition to my bill. Unfounded, unreasonable, and unjust as this opposition is, it is yet too powerful to be contemned. It is able, with its combined strength and its delusive arguments, to obstruct and impede our attempt, and to keep up an odious tax, fundamentally wrong in itself, and the parent of the heartless monopoly which now afflicts the West. It becomes my duty, as the author of the repeal bill, to review this opposition—to examine its arguments—to show their nullity—and to convince the Senate that such an opposition and such arguments ought not to be allowed to defeat the great measure which I propose. This review I will make; and will examine in their order, and briefly, the interests and the arguments which oppose the suppression of the salt tax.

1. The compromise act, as it is called, of 1833. At the head of all the elements of opposition to my bill, stands this act and its authors; this act which released luxuries from taxation, and left taxes upon necessaries—which no two authorities can construe alike—which reduced duties without reducing the drawbacks founded upon them—which undertakes to tie up the hands of Congress till 1842, and to regulate its consititutional action afterwards—which adjourned, without settling, the tariff question. This act and its authors [Messrs. CLAY and CALHOUN] oppose my bill, and pretend it will be a breach of the compromise to touch the question before the year 1842. Not admitting the sanctity of that act in any respect; protesting against its pretensions to inviolability; believing it to be the most injudicious, incomprehensible and faulty act that ever appeared on the statute book, I proceed to oppose compromise to compromise, and to show that there are no less than three solemn compromises in favor of the repeal of this odious tax; the whole of which have thus far been violated. The first of these compromises was in the enactment of the law itself, which limited its duration to the continuance of the war with Great Britain, "*and for one year thereafter, and no longer.*" It was a war tax, laid after the war was declared, limited to the war and to one year thereafter; and except for this limitation could not have been laid at all. The history of the act, as given in the report on the fishing bounties and allowances revived at the same time, and the words of the act itself proves this. The concluding section of the act is in these words: "*That this act shall continue in force until the termination of the war in which the United States are now engaged with Great Britain, and for one year thereafter, and no longer.*" Such was the compromise on which the revival of the salt duty was obtained in 1813; but even then there was a strong opposition to it. Many sagacious statesmen, opposed at all times to a salt tax, and knowing how difficult it was to repeal a tax after it was once laid, and how easy it was to violate the conditions upon which it was obtained, refused altogether to vote for it; and preferred to raise the means for carrying on the war from taxes on any thing else. Among these was the venerable Mr. Macon, of North Carolina, who utterly refused to vote for the act—recorded his name, and lifted his voice, against it—and declared his belief that he should never see the tax relinquished. His forebodings were prophetic: more than a quarter of a century has elapsed since the termination of the war, and the tax still continues. It should have ceased in February, 1816; for the war terminated in February, 1815; instead of that it is still in force in 1840. Thus, the first compromise for the cessation of the act, the sacred one upon which its passage was obtained, has been violated. The second compromise for its speedy cessation was in the act for its continuation in the year 1816. That continuance was obtained to prevent a deficit of $700,000 in the Treasury, and until the public lands in Alabama and Mississippi could be brought into market to supply that sum. The document on the fishing bounties and allowances proves this; and, at page 24, contains this statement, in a letter from the Secretary of the Treasury to the Committee of Ways and Means of the House of Representatives. After giving a view of the finances, he [Mr. Crawford] says: "*It therefore appears that, if the salt tax shall be repealed, there will be a deficit in the revenue of more than $700,000 annually, until the proceeds of the sales of the lands in the State of Mississippi and in the Alabama Territory shall be applicable to the current expenses of the Government.*" Upon this statement, the act was continued, and continued generally, without naming how long, to meet the contingency of the forthcoming sales of public lands in the Southwest. The sales came on in 1817 and 1818, and produced far more than the $700,000 required; and the tax should then have been discontinued; but it was not; and here is the breach of the second compromise for the cessation of the salt tax. But the contingency did not occur without an attempt to repeal it: the year 1818 saw two such attempts—one in each House of Congress—and these were defeated from a patriotic desire to extinguish, in a brief period, the national debt which was then drawing so large an interest. Mr. Lowndes, chairman of the Committee of Ways and Means, made a report in favor of continuing taxes for that patriotic purpose, and calculated the total extinction of the debt by the year 1827. With this view he recommended the continuation of several taxes, and among the rest that of the duty on salt. This patriotic policy prevailed. The attempts to repeal the act failed, and failed on the sole ground of keeping it up until the public debt was paid. That debt has been paid, not in 1827, as calculated by Mr. Lowndes, but in 1834, under the most glorious administration of President Jackson. The debt has been paid near seven years. President Jackson, like Mr Jefferson, recommended the suppression of this tax in the last year of his administration; yet it continues: and thus is violated the third compromise for the cessation of the tax. Three compromises to discontinue the tax have been violated; and now a new compromise, made under

extraordinary circumstances, and without the least reference to that tax, is set up to continue it again; —to protract its existence until 1842—and then to throw it into *hotch potch* with all the multifarious objects of a general tariff bill, to be again compromised, and imposed upon the country in the chaffering and bargaining arrangements to which such a bill is subject. And this is the spirit of taxation! All agreements to limit the duration of taxes are void: all agreements to continue them are sacred.

2. That the duty is already greatly reduced, and is going down as fast as the general interests of the country will permit. This is what is also said by the authors of the act of 1833, (Messrs. CLAY and CALHOUN,) and upon which they resist my bill. But this is an error—an error of fact; and paradoxical as the assertion may appear, I can say there is but little reduction in the rate of the salt duty—in some kinds none at all—although the duty has gone down from twenty cents to six cents on the bushel. This is an assertion no less actually true, than apparently false. The document No. 368—the report on the salt duties and fishing bounties—explains it, and shows that the price of salt, the sun made salt, has been declining all over the world for the last twenty years, and has actually declined about in the proportion to the reduction of our duty; so that the rate of the duty remains about the same. The duty which was about 100 per centum on the value at 20 cents a bushel, is still about the same at 6 cents. The document mentioned contains, at page 79, a table of the cost of salt in all the countries from which we obtain it—nearly forty in number—showing the respective prices for a series of years, from 1822 to 1838. This table shows that the cost of all the salt which we receive from abroad, except that from Liverpool, has regularly and largely declined during that time; that all sun made salt, the only strong and pure kind, has actually undergone a decline of from one half to two-thirds in that time. This is an important view of the subject, and deserves to be substantiated by particular references. I will give these references, beginning with the West Indies, our nearest fountain of supply, and a fountain able to supply us, without any other limit on the quantity than the limits to the quantum of sunshine and sea water. Thus the salt of the British West Indies, (Turks Island, and other Bahama islands,) from which we receive about seven hundred thousand bushels annually, has declined in price, in the period mentioned, from 14 to 10 cents. That of the Dutch West Indies, from which we receive about four hundred thousand bushels annually, the price has gone down from 18 cents to 7 cents. That of the Swedish West Indies has gone down from 19 to 7; that of the Danish, from 22 to 7; that of the French, from 21 to 7; that of the Spanish, from 15 to 8. Such is the gratifying reduction of the price of salt in the Gulf of Mexico—the immediate neighborhood of the great West—the point to which the Western trade tends—and the most ready and convenient fountain of supply which we can have for salt. On all this salt the duty may still be said to be what it was twenty years ago, namely, 100 per centum on the value; and, therefore, it is an error to suppose that the duty is rapidly diminishing, and going down as fast as the general interest permits. In all other countries from which we obtain alum salt, and all salt made by solar evaporation out of sea water, comes under that description; from all these countries the same results are more or less perceivable. Thus, from Colombia, the price is reduced from 10 cents to 5; from the Argentine Republic, from 25 to 7; from the Atlantic coast of Spain, from 7 to 4 cents; from its Mediterranean coast, from 9 to 4 cents; from Portugal, from 10 to 6 cents; from the southern coast of France, from 8 to 7; from other countries and islands in the Mediterranean and Adriatic seas, the price has declined from 7, 6, and 5 cents, to 4, 3, and 2. I omit fractions in all cases, and give the round numbers nearest the sum. It is, therefore, seen that the price of the sun-made salt has been decreasing all over the world for the last twenty years, and there is no telling how much lower it will go, but probably will become as cheap in the Gulf of Mexico as in the Mediterranean sea. At this rate, if free from duty, salt would become the universal ballast of all ships trading in the warm latitudes which produce it; and, being thus the universal ballast, it would be sold at first cost in all our seaport towns. This is what the good of the country requires, and what our tax on the article now prevents. Upon this state of facts Mr. B. rested the assertion, that the rate of the salt duty was as great as ever, and that total abolition, not reduction, was what the good of the country required.

3. That the duty will be reduced, in 1842, to twenty per centum on the value. This is what the authors of the compromise say, and they seem to think that salt may very well continue to bear that duty in time to come. To this I utterly object, and for many reasons: and *first*, because salt is an article of prime necessity, and universal consumption, and ought to be as free from tax as air and water; *secondly*, because any tax, no matter what, will answer the purposes of the Western monopolizers, by enabling them to engross the foreign salt which is subject to duty in New Orleans; *thirdly*, because any tax, no matter what, will be a pretext for keeping up the fishing bounties and allowances, now drawing $320 000 annually from the Treasury, of which two-thirds are unduly drawn; *fourthly*, because any duty, no matter what, will keep up the custom-house standard of weight for measure—of fifty-six pounds for the bushel—which has improved into fifty pounds by the regraters and monopolizers, and whereby the consumer loses 34 pounds in the bushel. Mr. B. said that this substitution of weight for measure—this substitution of a false for a true bushel—was one of the great abuses of the salt trade of the West; and its origin was clearly traceable to the salt revenue laws, and to the tortuous and crooked policy of General Hamilton. It was one of his contrivances for increasing a tax without seeming to increase it; and while this was his only object in the year 1792, when, as Secretary of the Treasury, he recommended this change, yet it has led to a most injurious and lasting imposition in the measure of salt, which has spread all over the Western country, and is now fully exemplified in the exhibitions of the "*lick weight*" which have been made to the Senate, and by which barrels lacking one-fouth of being full, and only capable of containing two and a half, or three, or four and a half bushels, if filled to the brim, are forced upon the purchaser for five bushels, six bushels, or nine bushels. All this has its root and origin in our custom-house substitution of weight for measure; and it is necessary to abolish that process entirely—to keep the salt away from the custom-house altogether—in order to let the measured bushel re-establish itself under the laws of the States, and by the equity and fair dealing of the importers and purchasers. Mr. B. said that he could not leave this topic without verifying what he had said in relation to the substitution of the weighed for the measured bushel. It was a point of great moment to the people of the West, and was but imperfectly understood by them. They knew the evil, but not its source, nor where to apply the remedy. The report on the fisning bounties and salt duty would explain it all; and for this purpose he read an extract from that report, at pages 12 and 13. It was as follows:

ACT OF MAY 2, 1792.

"This act raises the duty on salt by the indirect means of altering and reducing the standard of the bushel, substituting a weighed bushel of fifty-six pounds for a measured bushel of eighty-four pounds, and increasing the fishing allowances in the same proportion. The history of this change in the bushel, which, at the time, increased a tax on a necessary of life without professing to raise it, and which has been attended ever since, and is now attended, with such injurious consequences in the West, may be traced to its source in General Hamilton's financial reports, as follows.

"On the 16th of March, 1792, the Secretary of the Treasury (General Hamilton) reported in favor of raising additional supplies for the support of the Government and the defence of the frontiers; and, among other means of increasing the revenue from imposts, recommended the salt duty to be calculated upon the weight, instead of the measure; and that fifty-six pounds should be counted for a bushel. His recommendation was as follows:

"'It is represented that the duty on salt operates unequally, from the considerable difference in weight, in proportion to quantity, of different kinds of salt: a bushel weighing from about fifty six to upwards of eighty weight. It would have an equalizing effect if the bushel were defined by weight; and, if fifty-six pounds were taken as the standard, a valuable accession to the revenue would result.'—(*American State Papers, vol. 5, page* 160.)

"In the same report, at page 161, the Secretary, under the head of "*Estimate of probable additional revenue from the proposed duties,*' says:

"'Salt, from the equalizing regulation proposed, will probably yield one sixth more, or two cents per bushel; which, on two millions of bushels, would yield $40.000.'

"This recommendation of General Hamilton had its effect. In two months thereafter the weighed bushel was established by law. The act of May 2, 1792, entitled '*An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned,*' increases the duties on many articles; and with respect to salt, and the fishing bounties and allowances, made the following provisions:

"'SEC 3. That, from and after the last day of June next, in computing the duty heretofore laid upon salt, a bushel of salt shall be deemed not to exceed the weight of fifty-six poundal avoirdupois; and, as often as the actual bushel of salt shal exced the said weight, such salt shall be charged in the proportion of the present rate of duty per bushel, for every fifty-six pounds of its actual weight.'

"This is the act which has introduced into some parts of the United States the idea of selling salt by the weighed instead of the measured bushel, and has led to one of the greatest impositions now practised by the salt monopolizers of the West. Improving upon the idea of this weight for measure, they reduce the fifty-six to fifty pounds; they then sell by lick weight, which is always below true weight, and frequently as much as twenty or thirty per cent below it. Thus, to raise the salt tax indirectly, by diminishing the bushel, an immense and permanent injury has been inflicted upon the Western States, where the weighed bushel prevails, and a false idea of the national supply is created; for, when we say so many bushels imported, or manufactured, the mind is deceived—for they are not measured bushels weighing eighty-four pounds, but weighed bushels, one-third less than the measured bushel. The reported importation of seven millions of bushels per annum, is but a little upwards of four millions. Such are the consequences of a single indirect, and apparently, a small indirect movement in legislation! To increase the salt revenue in 1792, by altering the standard of the bushel, the nation, and especially the whole Western country, has since been cheated out of one-third of its salt; and since the monopoly in the West, the cheat in that quarter (lick weight and adulteration being considered) is fully one-half.

"But this change in the salt measure, though introduced into our laws on the recommendation of General Hamilton, and as an indirect mode of increasing the duty, was not original with him: it had previously been done, and for the same purpose, in Great Britain. Fifty-six pounds to the bushel had there been adopted, in order to increase the number of bushels, and thus augment the product of the tax. By this contrivance, the salt tax, both in England and America, while nominally on the bushel, was, in reality, on two-thirds of a bushel; but, in the year 1822, the English relieved themselves from this imposition, and from all the burdens of the salt tax, by repealing it *in toto*, and making salt free of tax in that country."

With this explanation of the manner in which the weighed bushel was brought into use in our country, and a declaration that 20 per centum was just as bad as 20 cents on the bushel, Mr. B proceeded to notice the next of the objections which the sticklers for the compromise, as it was called, interposed to his bill. It was:

4. That salt must wait for the general regulation of the tariff, and be taken up at the same time with all other articles, and be included in the general bill which settles and arranges all the duties. To this, said Mr. B. I utterly object. I object to postponing this article to a general settlement day, then to be mixed up with all other articles, to abide the bargaining arrangements to which every general tariff bill is liable. To all this I object. I claim for salt a distinct and separate consideration—a trial by itself—a decision upon its own merits; and that for many and urgent reasons, of which I will mention a few; the rest being implied or included in other parts of my speech. And, *first*, I say that the salt tax is now wrongfully, almost fraudulently, upon our statute book—that it is there in violation of three compromises—the one upon which it was enacted in 1813—the one upon which it was continued in 1816—and the one upon which its repeal was prevented in 1818: and being thus wrongfully there, honor and good faith require it to be taken off. *Secondly*, I claim for it a separate consideration, because salt is an article which stands alone in the economy of nature, having neither rival nor substitute; and being of indispensable use, and universal consumption. From the palace to the cottage—from the ox to the epicure, neither man nor beast can do without it, nor find a substitute for it. Such an article should not be thrown into *hotch-potch* with luxuries and trifles in a general tariff law. *Thirdly*, salt is now an article which stands alone in our statute book. The duty on it was repealed by a separate act in 1807—revived by a separate act in 1813—continued by a separate act in 1816—partly repealed by a separate act in 1830;—and the only law on the statute book which now keeps it alive, is a separate act. Thus, this tax now stands alone in our revenue code; and by itself let it continue to stand, or let it fall. It is a tax too odious and execrable to be honored with company in its life, or solaced with companions in

its death. *Fourthly*, I claim for salt a separate act because, when the authors of the compromise act framed their general bill, and arranged their long list of free articles—most of them articles of luxury, and many the merest trifles; when this was done, salt was not admitted into the favored list. This famous compromise act gives us a free trade in linens, silks, shawls, and cambrics; in camomile flowers, coriander seed, and catsup; in essence of bergamot, and otto of roses; in rattans and reeds; in tortoise shell combs, and juniper berries, and other berries; in cochineal and opium; in emory, sulphur, borax, oxhorn tips, aqua fortis, and tartaric acids: it gives us a free trade in all these luxuries and trifles, and in many others, "*too tedious to enumerate*," and leaves a tax upon salt! and now the effort is to prevent the salt tax from being abolished in a separate bill, after refusing to include it in the exemptions of a general law! Such are the impediments by which we are met—such the obstacles which oppose our progress! obstacles which extort the exclamation, when will the proper time come—what will the proper form be—to repeal a salt tax? And to this inquiry, experience and the past, answer, NEVER, until the people take the question into their own hands, and fix the term for the end of their own wrongs.

5. Protection to the domestic manufacture. This is a reason urged by many to keep up the duty; but there are answers which invalidate it. 1. Fifty years of protective duty has not answered the purposes of protection—has not given to the country an adequate supply of a better and a cheaper article. The salt, of the West especially, is still high in price, and inferior in quality. 2 It has not produced a supply of alum salt at all; the Western salt works cannot produce it; no artificial process can ever make it. The whole West is now dependent, and must forever be dependent on the SEA and the SUN for a supply of this kind of salt; without which beef and pork cannot be pickled; bacon cannot be sent to the South, and butter becomes rancid. No amount of protection can produce a home supply of this article; and it is folly and tyranny to try it. The West must continue to purchase the sun made salt, cost what it may, and although the domestic salt should be furnished gratis. 3. If protection was just or necessary, freight and distance would give it. The central parts of the valley of the Mississippi are twelve or fifteen hundred miles from New Orleans; many parts of the valley are two thousand miles and upwards from that port. The transportation of salt over this long distance, must be several times more than its original cost—must be equal to a protecting duty of several hundred per cent. This is sufficient, if protection can do any good. A duty upon the foreign salt, in addition to this expense of transportation, can answer no purpose but to foster monopolies and oppress the consumer. 4. Besides all this, the protective principle is surrendered by the compromise; it is given up; and, if it was not, it would be an outrage to any legislative body to ask protection for such manufactories of salt as we have had disclosed in the evidence. Protection to what? To monopolies! To dead wells—adulteration—suppressed production—peck bushels—extortionate price—districted distribution—agency regulation—stinted allowance! Wo to the man who stands up and demands protection for such abominations!

6. The fishing bounties and allowances, for the keeping up of which the substratum of a salt tax is an indispensable foundation. Here, said Mr. B. in this strange objection we have the exemplification of the evils of careless and erroneous legislation. By an error in the compromise act, and the previous act reducing the duty on salt, the strange effect is produced of converting the greatest consumers of salt into the supporters of a salt tax—converting the former greatest enemies of this tax into its greatest friends! This is the case with the Northeastern fisheries, the great consumers of salt, and formerly the great enemies of the tax upon it. This interest was the first to memorialize Congress against the salt duty fifty years ago; their Representatives voted unanimously, with the exception of two voices, for the repeal of the tax in 1807; they voted nearly unanimously against the temporary revival of the duty, as a war tax, in 1813; now they are for it; and this strange conversion is the effect of our own faulty and vicious legislation, in reducing duties, and not reducing the drawbacks dependent upon them. The fishing bounties and allowances are a drawback of the salt duty—a drawback of the duty paid by the fishermen on that part of their fish which should be exported from the United States; and being a drawback, there was no profit attending it so long as the drawback and the duty were the same. But these have been rendered unequal by the blunders of recent legislation; the duty is reduced two-thirds, while the bounties and allowances remain what they were! Thus a tax has become a profit! two-thirds of these bounties and allowances have become clear gains; next year all will be clear gain; and the year after, the whole salt revenue of the Union will be insufficient to pay the drawback upon it!—a drawback it will be, with a vengeance, when it takes all, and more too, to pay it! Far from being a reason for keeping up the salt duty, these bounties and allowances, and especially their present condition, are among the strongest reasons for suppressing it. By the fault of our legislation, they have ceased to be drawbacks, and have generated into naked bounties—gratuities—out of the Treasury—the *ne plus ultra* of the protective system! This is a state of things which neither the Constitution of the country, nor justice to the community, can tolerate. National bounties were proposed by General Hamilton, and attempted to be justified on the "*general welfare doctrine*;" but they have been scouted as equally unconstitutional and injudicious; and, until now, in the case of these fisheries, not a voice has been heard in favor of national bounties since General Hamilton's report in their behalf was overruled by the country near fifty years ago. The recent reason which has been invented for bolstering up these bounties to the fisheries, that they are in a depressed state, and cannot be kept up, to train mariners for the navy, unless by the aid of national bounties, is as unfounded in fact, as they are unconstitutional in law, and injudicious in practice. These fisheries are not in a depressed state, but in the most prosperous condition of any branch of industry in the Union! This is a fact about which there will no longer be two opinions. The report of the recent committee of the Senate on the salt duties and the fishing bounties and allowances, settles this point, and settles it forever. Here is an extract from the report, founded on authentic data, which must carry conviction to every mind:

"1. As to the depressed and suffering state of these fisheries. Very far from that condition is their actual state; and that is susceptible of proof which admits of no contestation. The proof comes from the fishery itself—from its own returns of its own business. In the year 1837, the assessors of each town in the State of Massachusetts were required, by an act of the Legislature, to make return to the Secretary of the Commonwealth of all the branches of the manufacturing industry of the State, particularly rating the amount of capital invested in each, the number of persons employed and its annual product. The return necessarily comprehended the fisheries, and exhibited the following result for the State:

	Value.	Hands employed.	Capital invested.
Fishery, (whale, cod, and mackerel,)	$7,592,290	20,168	$12,184,078
Oil, (refined whale and other oil,)	2,030,321	145	1,135,500
	$9,622,611	20313	13,619,578

"Such is the state of the Massachusetts fisheries! Close upon ten millions of dollars upon a capital of less than fourteen millions, managed by twenty thousand persons; and this for the fishing season (so far as cod and mackerel are concerned) of three and a half or four months. The proceeds are near $500, for less than the third of a solar year, to each hand employed. They are at the rate of above sixty per centum on the capital invested; and that for three months and a half, leaving the fishermen (except the whalers) the other eight months and a half of the year to pursue other avocations, both themselves and their ships. And this is to be called a depressed and suffering business, only to be kept alive by Treasury donations annually doled out to it! Compare it with any branch of agricultural industry in other parts of the Union—with the tobacco crop of the whole United States, with all the capital invested, and all the hands employed in the production of that crop, and yielding annually an exportable value of about seven or eight millions of dollars. Compare the fisheries, even those of Massachusetts alone, with the condition of this great staple, or any other great staple of the Southern, Western, and Middle States; make this comparison, and it will be seen that the fisheries are in a state of prosperity immeasurably above them. Passing from the gross product of the fisheries of Massachusetts to detailed statements confined to cod and mackerel, and it will be seen that, in many places, the results are still more favorable than the average of the gross amount would give. Thus, for Boston, at page 2 of the report, the cod and mackerel fishery at that place, independent of the whale branch of the business, is thus stated:

"'Vessels employed in the cod and mackerel fishery, 152; tonnage of same, 9703; codfish caught, 127,250 quintals; value thereof, $108,509 90; mackerel caught, 42,266 barrels; value of the same, $320,165; salt used in the cod and mackrel fishery, 142,567 bushels; hands employed, 1,794; capital invested $593,200.'

"Here is a result, in some particulars, more striking than the gross statement. A capital of less than $600,000 yields a product, in less than four months, of more than $700,000; and divides, for that time, upwards of $400 to each hand engaged in it.

"Again: at page 133, the following is found, under the head of Dorchester:

"'Vessels employed in the cod and mackerel fishery, 16; tonnage of the same, 1,050—codfish caught, 9,000 quintals; value of the same, $25,000—mackerel caught, 5,000 barrels; value of the same, $35 000—salt used in the cod and mackerel fishery, 20,000 bushels; hands employed, 128; capital invested, $50,000.'

"Here, again, is a result far exceeding the profits of any agricultural business: a capital of $50,000 yields $60,000 in four months! 128 hands average a dividend of $483 each!

"One more instance, and the committee will cease this examination. They (referring to the volume itself, in the library of Congress, for the ample details which prove these fisheries to be quite independent of national bounties) take the town of Gloucester, for the particular reason that it has lately been the scene of some excitement in relation to the salt duties and the fishing bounties and allowances, and has sent memorials to Congress to arrest their repeal. At page 9 of the same report, the cod and mackerel fishery of this town, exclusive of the whale fishery of the same place, is thus stated:

"'Vessels employed in the cod and mackerel fishery, 221: tonnage of same, 9,824; codfish caught, 55,181 quintals; value of same, $186,516; mackerel caught, 43,934 barrels; value of same, $335 566; salt used in the cod and mackerel fishery, 113.760 bushels; hands employed, 1,580; capital invested, $349 000.'

"This gives, upon a capital of $349,000, a product of above $522,000, and a dividend of about $330 to the hand; and all this for a business pursued from three and a half to four months in the year!

"Half a dozen other towns, taken at random, and limited to the cod and mackerel fishery, give the following results:

Towns.	Capital.	Value.	Hands.	Salt Bushel.
Plymouth - -	$79.500	$95,574	362	35,400
Barnstable - -	16,200	26,307	104	6,950
Chatham - -	41.200	56,100	198	18.637
Eastham - -	10.770	30.900	91	6,120
Orleans - -	33,000	91,100	261	31,000
Wellfleet - -	61,556	120,700	496	29,350

"The committee pursue this inquiry no farther; the result given are sufficient to show that the fisheries are doing well—far better than any branch of agriculture, and that what they want from the Government is a free trade in salt."

This, continued Mr. B. is the state of the fisheries, incomparably more productive than any other branch of national industry, and the very last to claim a bounty to sustain them. They are now prosperous, and have been regularly improving with the increase of the home market; of which they have the exclusive supply. They now have the monopoly of the market for seventeen millions of people—a people doubling their numbers every twenty-five years. This monopoly is the true cause of their great and growing prosperity; and, while in possession of such an advantage, let them not ask for *bounties* in addition to *monopoly*. To do them justice, many of them do not. The owners of the vessels, who may be ordinary merchants, are the chief sticklers for bounties, because they get three-eighths a piece, while the whole crew get but five-eighths among them. Salt, free from duty, and consequently at less than half its present price, with good markets for their fish, is all the fishermen need; and this let them have.

When he had finished answering the objections to the repeal of the salt duty, Mr. B. said there were numerous arguments in favor of the repeal, of an urgent and peculiar nature, not stated or implied in his previous remarks; a few of which he would present to the Senate. Avoiding a repetition of what he had already presented, he would confine himself to the peculiar reasons to which he had alluded; and, passing over each one with all possible brevity, he would claim, for what he said, the attention and consideration which was due to a subject rising above all party considerations—connected with no politics—and solely directed to the good of the country.

1. At the head of these reasons, he placed the great consideration of the full use of salt for the stock of the Western country; for the horses, cattle, swine, and sheep of the Great West. Stock was more or less valuable in every part of the Union; but in the West, and especially in the upper half of the valley of the Mississippi, it was a main source of individual and of national wealth; and was entitled to every aid which would promote and increase its value. Every person knows that salt

was indispensable to the well-being of stock in all countries, and especially in those which, being far from the sea, have not the benefit of saline dews on the grass; and where, consequently, all their green food is fresh and watery. Every person knows this; still it is only in England, France, and Holland, and some other European countries, that learned societies, enlightened men, and practical farmers, have prosecuted a course of experiments to ascertain the full benefit of a free use of salt in rearing stock. In these countries a series of experiments for more than half a century, have established the fact that a full use of salt will make a difference of from one-third to one-half, in the value of stock; that food for stock can be made to go nearly twice as far when well salted; that the health and growth, the flavor, the flesh, milk and butter, and the fineness of the hair and wool, and the general improvement of the whole animal, are wonderfully promoted by it; and that no animal will take too much when left to its own will; and that all should be allowed to take as much as they please. The agricultural books of the countries I have mentioned are full of facts and evidence to this effect, part of which may be seen in the salt document printed by the order of the Senate at the last session. A recapitulation, or even a reference, to these important details, is impossible in a speech; but there is one species of stock, the condition of which in the United States is so far behind that of other countries, that a quotation in relation to it may be tolerated, even towards the end of a long speech: I speak of sheep; and of the effect which a free use of salt produces upon the health and growth of the animal; upon its fattening; upon the flavor of its flesh; and upon the quality of its wool. I quote from Young's Annals; a name which is only to be pronounced in an agricultural circle to awaken respect and command attention; and I take the example which he has drawn from one of the southern provinces of France. He says:

"In the jurisdiction of Arle, in the county of Provence, there is a district called the Craw, extending in length about six leagues, and in breadth about three, the whole surface of which is covered with small rough stones, and not a tree or bush to be seen in the whole district, except here and there upon the borders; yet on this spot, so seemingly sterile, by the free use of salt, more numerous flocks of sheep are bred and reared than upon any other common, of equal extent, throughout the whole kingdom. And what is no less remarkable, the sheep are healthier, hardier, and endure the severity of winter with less loss—though they have fewer sheep cots for covering them—than those bred and fed on more copious pastures; and, besides, they have not the advantage of more convenient shelter. Add to this, that the wool of the flocks bred and brought up in the Craw is not only the finest in the whole country, but bears the highest price of any in France. From hence he concludes that it is to the unlimited use of salt that these surprising effects are to be ascribed; for it frequently happens that the Craw is so burnt up in the summer that the poor animals are forced to turn up the very stones to come at the few blades of grass that grow round them, and yet none perish for want of food. Let every excellence, therefore, that can reasonably be supposed inherent in the herbage, be allowed to it, yet the quantity of it is so small, that, without the abundant use of salt, a fourth part of the sheep kept in the Craw could not subsist in it.

"But, as a still further demonstration that this astonishing effect is solely to be attributed to salt, we have (says the writer) in Languedoc, on the borders of the Rhone, a spot of the same kind of stony land, in every respect similar to that of the Craw, yet, for want of the free use of salt, that in Languedoc does not maintain the tenth part of the number of sheep that are brought up in the Craw, though in other respects it is no ways inferior—their wines and other fruits produced in the borders of both being, in their goodnes and other essential qualities, equal."

Such, continued Mr. B. is the testimony of an English author on this point, so important to agriculture. The testimony of a French author, of the highest celebrity, which I will superadd, may be read with profit and pleasure by the statesman and the farmer. Who is there, in the literary and scientific world, who has not heard of CHAPTAL, that eminent chymist and amiable man, created Count of the Empire and Peer of France by the great Napoleon, not for feats of arms or policy, but for the application of the greatest talents to the most useful affairs of mankind? Who has not heard of this great man, and will not receive with attention his opinions upon the impolicy of a salt tax, and the benefits to a nation from a free use of salt in agriculture? I flatter myself that I render a pleasure to all enlightened and candid minds by quoting them: and this is what he says in one of his most useful works—"Introduction to Chymistry applied to Agriculture"—a work in which the highest results of science are brought down to useful application to the affairs of life, and in which instruction is imparted to the laborer in the field, and to the statesman in the legislative hall:

"In order to realize all the evil which results to agriculture from the duty upon salt, it is sufficient to know the extensive advantage arising from its employment.

"Salt is of the utmost importance to all ruminating animals, increasing their relish for the insipid food, exciting the action of their membraneous and weak stomachs, and preventing those obstructions of the intestines which are produced by the use of dry forage during the winter. It is generally observed that those animals are preferred in the market, which have been habitually fed upon saline plants, and that their flesh is of a superior quality. There is no farmer, who has not been able to see the difference, at the close of a winter, between those animals which have received their supply of salt and those that have been deprived of it; the first are well shaped, large, and fat, their hair is glossy, their eyes lively, and their motions prompt and firm; the second present images of suffering and misery; the sheep have lost nearly all their fleece before shearing time, and that which remains is falling from them in locks; the neat cattle are lean and sickly, their organs of digestion are impeded in their action, and it is only after having browsed the juicy herbage of spring that they recover their health.

"During the time that salt was freed from any impost, (in France,) the use of it in agriculture became each year more extensive; it was mixed with manures to increase their activity; it was spread at the roots of trees to reanimate their languishing powers of vegetation; and the quantity of salted provisions, both for market and for home consumption, was much increased.

"The impost upon salt is to agriculture a real calamity, since it has taken from it many of its sources of prosperity; and at the same time the public Treasury has received no advantage from the tax, equal to the injury which it has inflicted upon agriculture."

2. Passing from the subject of stock, Mr. B. said another of the peculiar reasons against a salt tax was in its inequality; that it was the most unequal tax in the world, falling in the most unjust proportions on the different parts of the community, and with its greatest weight upon the most meritorious part, and the part least able to bear it. It fell upon the farmers, who handle little money, and not upon the merchants and bankers, who handle much. It might safely be said that a Western farmer, with half a section of land, and a small stock, paid more salt tax than Stephen Girard did with his fifteen millions of dollars in money. This is perverting all the principles of taxation, and should not be tolerated in a free country.

3. The drawbacks allowed to the northeastern fisheries, as a return of the duty paid on the foreign salt used in curing fish, was the third of the peculiar reasons urged by Mr. B. for the total repeal of the duty. It was a gross injustice, he said, to all the other classes of consumers of the article; an injustice to the curers of beef and pork, and to the lake fisheries of the Northwest; and to the bay, river, sound and gulf fisheries of the Atlantic coast, and of the South. All these classes had as much right to the drawback as the Northeastern fisheries; and up to the year 1807, the beef and pork curers enjoyed it in the same degree with the cod and mackerel fishery. They still had a right to it in point of justice; and were only omitted in the act of 1813 because of its limited and temporary character. Farmers and the other fisheries had an equal right to this drawback; but a universal drawback would be absurd: better that no one should pay in than that every one should draw back what he paid; and this was precisely what he [Mr. B.] aimed at. To elucidate this point, and to show the injustice and partiality of the salt tax, Mr. B. here read a paragraph from the report on the fishing bounties:

"The third answer to this objection is, that, if it were both necessary and constitutional to give national bounties to the cod and mackerel fishery, it would be unjust to do so, without extending the same bounties to other branches of American fisheries, and to the salted provision trade of the United States. This is a clear and indisputable proposition. With respect to fisheries fifty years ago, when the bounties and allowances began, we had none of any consequences but those in the Northeast; since that time the fisheries of Lake Superior, and other northwestern lakes, have been developed to great advantage. Those of the bays and rivers of the Atlantic board (the Delaware and Chesapeake bays, the Potomac river, the Albemarle sound, and other places) have risen to a high degree of importance, exporting something, and furnishing a large quantity of fish for home consumption. Florida, too, has been acquired since that time; and, round the shores of that peninsula, the fisheries, now carried on by Spaniards from the West Indies, promise to be as valuable, in proportion to their extent, as those of Newfoundland. Such is the opinion of General Jesup, formed in a two years' service in that quarter, and expressed in a letter which has been printed among our documents. All these fisheries consume salt—much salt—and all of it foreign, which has paid duty to the Government, and the cost of which is increased by the duty far beyond the amount of the duty itself. All these have the same claim to bounties and allowances with the Northeastern fisheries; and the postponement or denial of these claims cannot be expected if the allowances are continued to others. To the beef and pork trade, the cessation of the bounty on exportation, which they formerly enjoyed in lieu of a drawback of the salt duty, has been particularly injurious, and cannot be expected to continue in one case without being restored in the other. The first act that ever laid a duty on salt, (that of 1789,) and every subsequent one until 1807, gave the same bounty to the exporter of beef and pork which was granted to fish. The amount of the bounty was the duty paid on a bushel of salt for each barrel of beef or pork, which was the same that was allowed to a barrel of pickled and a quintal of dried fish. This continued until the repeal of the first salt tax, in 1807. Up to that time, the farmer and the fisherman were equally the object of all the bounty laws. At the revival of the salt tax, in 1813, they parted company—doubtless because the act was of a temporary character, and was constantly expected to terminate. It has not yet terminated, and the disadvantage to the farming interest has already been great. Of beef and pork, the exportation is greater now than of fish, consequently the bounty should be greater; yet these two products of agriculture receive nothing, while the fisheries annually receive $320,000. The total amount received by the fisheries since 1789, and much the largest portion of it since the revival of the salt duty in 1813, is about $7,000,000. Computed in bushels of salt, as this allowance is computed in the annual Treasury reports, and it amounts to near fifty millions of bushels! In other words, the fisheries have received 50,000,000 bushels of salt free of duty, while the farmers have not only paid duty on all that they consumed, but, in the West, have been subjected to the abuses of a heartless monopoly. The fisheries are now actually receiving a drawback which represents more than 3,000,000 bushels of free salt; while the farmers not only pay the duty, but, in consequence of the duty, are, in a large section of the Union, subjected to a heartless monopoly; and all this under a constitution which guaranties the equality of taxes, and under a Government where their own Representatives makes the laws! Such a state of things must cease. The farmers have a right to be restored to the bounties in lieu of drawback, which they formerly enjoyed; but as a general drawback of duty in favor of all consumers would be idle and absurd, as it would leave nobody to pay, the true remedy is, to make all even, in the first instance, by abolishing the tax; and thus sweeping away all claims and pretensions from all classes of consumers for any return of duty in any shape whatsoever."

4. The fourth of the peculiar effects which a salt tax produced on the article to which it applied, to which Mr. B. would advert, was in its pernicious influence over importations and prices. Duties upon other articles only affected importations and prices in some reasonable proportion to their own amount; but in the case of salt, this influence was out of all proportion to the quantum of the tax; and the reasons were these: In the first place, salt was seldom imported as an article of merchandise for profit, but merely for ballast; and to tax one species of ballast, was to discourage its introduction, and to cause another kind to be substituted. Thus, stones, and even heavy wood, were now used by many ships at a loss, which would prefer salt if free from duty. The other reason was, in its influence upon the price. Every body could see the price of the article in the seaport towns, and that it was usually forty or fifty cents a bushel; that is to say, three times the cost of Liverpool; five times the cost of West India; eight times the cost of Spanish and Portuguese; and ten to fifteen times the cost of the Mediterranean and Adriatic salt. This was an increase of price out of all proportion to the duty, resulting from its falling into the hands of intermediate dealers who advance the duty for the importer, engross the article, and then put up the price of the whole to the highest mark. Mr. B. said that Senators deceived themselves when they undertook to say the duty on salt being six cents a bushel, it only added six cents to the cost. This was a great error, and argued a want of practical information on the subject. All duties add more than their amount to the cost of the article. The seller must have his profit upon his whole outlay—upon the cost—the duty—and all the expenses. This was the case in all articles; but in respect of salt, the effect was what had been shown—an increase of price out of all proportion to the amount of the duty.

5. The drain of specie (Mr. B. said) was another of the peculiar evils of the salt trade in the West. It was there a ready money business, and a hard money business. All the testimony in the salt document, No. 196, proved this fact. All over the West, ready money, and hard money, or its equivalent, was exacted for salt. The credit system did not extend to it; nor did the barter system reach it. It could not be obtained, like other merchandise, on a credit of some months; nor in exchange for produce. Money in hand, and good money, was the word. The consequence was an immense drain upon the West for gold and silver, amounting to several millions of dollars per annum, and constituting one of the powerful causes which shake the banks and derange the currency of that region. If a free trade in salt was allowed, all this would be altered. Salt would be like any

other foreign merchandise, purchasable for produce, and upon credit. New Orleans would become the great point of supply, and many Western farmers would there purchase for themselves and neighbors at first cost, and in exchange for their surplus products

6. Another of the peculiar reasons for suppressing this tax (Mr. Benton) was in its known tendency and effect to do infinitely more mischief to the community than good to the Treasury. By shutting the use and increasing the price of salt, it did an injury to agriculture infinitely beyond the amount of the tax. The national wealth, in the important branch of agriculture, was injured to the amount of many millions annually, in order that Government might receive a few hundred thousand dollars. This has been one of the enlightened objections to the tax in all countries; and was one of the effective arguments in causing its suppression in England about twenty years ago. The salt revenue then amounted to seven and a half millions of dollars per annum; and it was the opinion of practical farmers, and enlightened statesmen, that the annual injury to the country was far beyond that amount. Whatever the degree of injury might have been in England, I am free to declare it as my opinion, and that bottomed upon data, that it is far greater in the United States.

7. Again. The navigation of the West requires the addition of the salt importation. Our steamboats go down to New Orleans loaded, and with difficulty obtain return cargoes, and especially heavy articles for under cargo, and to serve as ballast. Salt is the identical article to answer their purpose; and if imported in the quantity which the country requires, and which the Gulf of Mexico is ready to supply, to say nothing of other sources, would supply more return freight than all other foreign articles put together. The present population and stock of the West would require an importation of four millions of bushels of salt, equal in weight to one hundred thousand tons; to be annually increased in all time to come.

8. Insufficiency of the supply is another of the peculiar reasons for the free admission of foreign salt. This insufficiency is attested by every witness where testimony has been read to the Senate. The stint is universal, and severe, all over the West; and while most severe there, it is also sensibly felt in other parts of the Union. The national supply of salt is insufficient; and this truth, felt and lamented by all consumers, is easily demonstrated upon authentic data. The Senate will pardon some details to elucidate a point so important: it will receive with indulgence some statements and calculations to establish a fact of such great national importance. I am of opinion that the supply of salt for the United States, taken as a whole, is not the one-third part of what it ought to be; taken sectionally, and for the valley of the Mississippi, and I am of opinion that it is not the one-fifth part of what it ought to be. These opinions are not crude conceptions, or wild guesses, formed without data, and utte ed without consideration; but they are the result of a careful examination into supply, the consumption, and the uses of salt in the United States, and in other countries, proper to be compared with our own, (England and France for example; and a comparison of the state of the supply in each. In this comparison the supply of the Union, and of the West especially, will be discovered to be lamentably deficient. In the salt document, No. 196, there is a statement of all the foreign salt imported, and of all the domestic salt made in the United States; they are authentic and official statements, and will be taken as the basis of my calculations. The foreign importation, for the year 1838, the last of which the returns are made up, is, in round numbers, seven millions of bushels; but these are custom-house bushels, one-third below less than real bushels; so that the actual importation is only 4,600,000 measured bushels. The domestic supply is nominally about the same with the importation, say seven millions of bushels; but in reality far less, for, while in New England, and on the Atlantic coast, the measured bushel prevails, and a bushel is a bushel; and while at the New York works 56 pounds of good inspected salt is allowed for a bushel; yet in all the West the bushel is counted at 50 pounds; and that subject to all the deductions which have been shown in the evidence, and which there reduce the simulated bushel in the case of Kanawha salt to about one peck. The evidence does not apply to other works, but there is doubtless some adulteration at all. With all these deductions, and making an average of the whole, the domestic supply of salt cannot exceed three and a half millions of measured bushels; making a total of about eight millions for the home and foreign supply put together. This being the supply, we will now look to the consumption and compare it with that of England, the fairest object of comparison, both for numbers of people, their stock, and the habits of the two countries Their population is nearly equal, but that of the United States, greatest; in stock, England exceeds us in the number, as well as in the value of sheep; is inferior to us in the number of swine, and may be pretty nearly even in horned cattle and horses, though I presume the number of each would be greatest in the United States. Such being the relative numbers of people and stock in the two countries, the next inquiry is into the quantity of salt consumed in England, first by people, and then by stock. The English economists compute the consumption of salt per head, for their whole population of 16 500 000 of souls, at 22 pounds each; which gives for the whole an aggregate of 363,000,000 millions of pounds, or 160,000 tons, or 6,400,000 custom-house bushels.* This, of course, included all that went into food of every kind. The salt for the stock in England, exclusive of swine, was computed at 22,000,000 of bushels, (custom-house measure.) The details of the computation may be seen in the salt document of the last session, No. 269. The stock was computed at 30,000 000 of sheep, 4 600,000 horned cattle, and 1,500,000 of horses, the few mules included. These two heads of consumption alone about double the nominal number of bushels consumed in the United States; still another large head of consumption is to be included, that of manufactures, and the arts. This is a great and increasing source of consumption both in the United States and in England: no less than fifty varieties of manufactures carried on in England, and most of hem in the United States, require the use of salt, either in its proper state, or as a chemical preparation; and this without counting two applications of the article, the use of which is now acquiring a prodigious extension; that of chrystalized soda† for washing, and frigorific mixtures for cooling or congealing fluids. This additional head of consumption being included—the quantity of salt used in England in manufactures, upon stock, and in human food—and the consumption there must more than double our nominal quantity of fourteen millions, and exceed three to one our actual quantity of 8 millions. This makes good my opinion that the supply of the United States, as a whole, is one third too little, assuming the English supply to be sufficient. But that is not admitted. The English supply was held to be insufficient; with the actual consumption which I have exhibited, and which was made in 1816, the supply was held to be insufficient; the country demanded larger supplies, and a free trade in the article; and in the year 1822, a free trade was granted it, the salt tax being entirely suppressed! Passing from the national to the sectional supply—from the whole Union, to the West—and Mr. B said, it was easy to see that the insufficiency was far greater there than in the Atlantic States, and far below the average of the whole. This was easily proved. Thus, of the seven millions of imported custom-house bushels, there was imported at New Orleans in 1838, and it was the largest importation ever made there, only 634,000 bushels; that is to say, not a tenth part; while the population of the West is a third part of the Union; and her due proportion would have been two millions of bushels. This is a deficiency of two thirds of her proportional part of this kind of salt. Of domestic salt, the nominal supply of the West, counting all the works on the Western waters, great and small, is about four millions of bushels; but these are fifty pound, and lick weight bushels, badly adulterated; six of which can be put into a three bushel barrel, and that without filling it!! The result of the whole is, that while the national supply of salt may be assumed to be one third too little, that of the West may be safely affirmed to be not one fifth part enough.

Such is the deficiency of salt in the United States, and especially in the great West. Such the stint of an article of the most indispensable use, and of the most universal consumption, and of which nature herself has prepared such an inexhaustible quantity. It is probable that salt is the most abundant substance of our globe—that it is more abundant than earth itself. Like other necessaries of life—like air, and water, and food—it is universally diffused, and inexhaustibly abundant. It is found in all climes, and in a great variety of forms. The waters hold it in solution; the earth contains it in solid masses. Every sea contains it. It is found in all the boundless oceans which surround and penetrate the earth, and through all their fathomless depths. Many inland seas, lakes, ponds, and pools, are impregnated with it. Streams of saline water, in innumerable places, emerging from the bowels of the earth, approach its surface, and either issue from it in perennial springs, or are easily reached by wells. In the depths of the earth itself it is found in solid masses of interminable extent. Thus inexhaustibly absndant, and universally diffused, the wisdom and goodness of Providence is further manifested in the cheapness and facility of the preparation of this necessary of life for the use of man. In all the warm lattudes, and especially between the tropics, nature herself performs the work. The beams of the sun evaporate the sea water in all the low and shallow reservoirs, where it is driven by the winds, or admitted by the art of man; and this evaporation leaves behind a deposite of pure salt, ready for use, and costing very little more than the labor of gathering it up. In the interior, and in the colder latitudes, artificial heat is substituted for the beams of the sun: the simplest process of boiling is resorted to; and where fuel is abundant, and especially coal, the preparation of this prime necessary is still cheap and easy; and from six to ten cents the real bushel may be considered as the ordinary cost of production. Such is the bountiful and cheap supply of this article, which a beneficent Providence has provided for us. The Supreme Ruler of the universe has done every thing to supply his creatures with it. Man, the fleeting shadow of an instant, invested with his little brief authority, has done much to deprive them of it. In all ages of the world, and in all countries, salt has been a subject, at different periods, of heavy taxation, and sometimes of individual or of Government monopoly; and precisely, because being an article that no man could do without, the Government was sure of its tax, and the monopolizer of his price. Almost all nations, in some period of their history, have suffered the separate or double infliction of a tax, and a monopoly on its

* In France, it was computed by Mr. Necker that the consumption of salt in those provinces, which had purchased an exemption from the *gabelle* (the salt Government monopoly laws) at 19½ pounds per head.

† Soda is a decomposition of salt: it is one of its component parts Salt is composed of muriatic acid and soda in the proportions of 53½ per centum of soda, and 46½ per centum of muriatic acid. It is easily decomposed into its two constituent parts by chemical process; and the separate parts, though no longer answering the purposes of salt, become useful in a great variety of manufactures, and in many household operations. Of these, hard soap and crystalized soda for washing, are among the most common. No hard soap is made without one of the component parts of salt; in washing, soda lessens the quantity of soap to be used on account of its greater causticity, and makes the soap more detergent. So that, in addition to all its other virtues, salt is the promoter of cleanliness, and furnishes the efficient agent in cleaning our persons and our clothes.

* *Salt.—An English statue to prevent extortion in its sale, and to subject its price to the regulation of city and county authorities.*

"And the lord mayor and aldermen of London, and the justices of the peace at their respective general sessions, may set and publish the price of salt to be sold or exposed to sale (and not intended for exportation) within their respective cities, counties and places, and may alter the same as they may see occasion; and the prices so set or altered are to be observed by every person selling or exposing salt for sale. And if any person shall sell any salt (except for exportation) at any higher price, or refuse to sell it at the price so fixed as aforesaid, he shall forfeit twenty pounds, to be levied by distress, by warrant of one justice; and, in default of sufficient distress such justice may imprison such offender until he pay the same, to be applied half to the King, and half to him who shall sue."—*Act of George III. year 47 of his reign, chap 2, sec* 143

salt; and, at some period, all have freed themselves from one, or both. At present, there remain but two countries which suffer both evils, our America, and the British East Indies. All others have got rid of the monopoly; many have got rid of the tax. Among others, the very country from which we copied it, and the one above all others least able to do without it. England, though loaded with debt, and taxed in every thing, is now free from the salt tax. Since 1822 it has been totally suppressed; and this necessary of life is now as free there as air and water. She even has a statute* to guard its price, and common law to prevent its monopoly.

This act was passed in 1807. The common law of England punishes all monopolizers, forestallers, and regraters. The Parliament, in 1807, took cognizance of a reported combination to raise the price of salt, and examined the manufacturers on oath. See Salt Document, No. 196.

Mr. B. said that a salt tax was not only politically, but morally wrong: it was a species of impiety. Salt stood alone amidst the productions of nature, without a rival or substitute, and the preserver and purifier of all things. Most nations had regarded it as a mystic and sacred substance. Among the heathen nations of antiquity, and with the Jews, it was used in the religious ceremony of the sacrifices; the head of the victim being sprinkled with salt and water before it was offered. Among the primitive Christians, it was the subject of Divine allusions, the symbol of purity, of incorruptibility, and of perpetuity. The disciples of Christ were called "the salt of the earth;" and no language, or metaphor, could have been more expressive of their character and mission, pure in themselves, and an antidote to moral, as salt was to material, corruption. Among the nations of the East salt always has been, and still is, the symbol of friendship, and the pledge of inviolable fidelity. He that has eaten another's salt has contracted towards his benefactor a sacred obligation; and cannot betray or injure him thereafter, without drawing upon himself (according to his religious belief) the certain effects of the Divine displeasure. While many nations have religiously regarded this substance, all have abhorred its taxation; and this sentiment, so universal, so profound, so inextinguishable in the human heart, is not to be overlooked by the legislator.

Mr. B. concluded his speech with declaring implacable war against this tax, with all its appurtenant abuses, of monopoly in one quarter of the Union, and of undue advantages in another. He denounced it as a tax upon the entire economy of NATURE and of ART—a tax upon man and upon beast—upon life and upon health—upon comfort and luxury—upon want and superfluity—upon food and upon raiment—on washing, and on cleanliness. He called it a heartless and tyrant tax, as inexorable as it was omnipotent and omnipresent; a tax which no economy could avoid—no poverty could shun—no privation escape—no cunning elude—no force resist—no dexterity avert—no curses repulse—no prayers could deprecate. It was a tax which invaded the entire dominion of human operations, falling with its greatest weight upon the most helpless, and the most meritorious; and depriving the nation of benefits infinitely transcending in value the amount of its own product. I devote myself, said Mr. B. to the extirpation of this odious tax, and its still more odious progeny—*the salt monopoly of the West.* I war against them while they exist, and I remain on this floor. Twelve years have passed away—two years more than the seige of Troy lasted—since I began this contest. Nothing disheartened by so many defeats, in so long a time, I prosecute the war with unabated vigor; and, relying upon the goodness of the cause, firmly calculate upon ultimate and final success.

SPEECH OF MR. STEENROD,
OF VIRGINIA.

In the House of Representatives, April 17, 1840—In Committee of the Whole, on the bill making appropriations for the civil and diplomatic expenditures of the Government for the year 1840.

Mr. STEENROD rose and said: Mr. Chairman: In rising to address the House at this time, it is not so much for the purpose of discussing the bill under consideration as to express my views upon the great questions which have been introduced into this debate. I cannot refrain, sir, from expressing my concurrence with my colleague [Mr. SAMUELS] in the opinion advanced by him a few days since, that the Congress of the United States are responsible to the nation for the expenditures of the Government, and not the Executive Department. While it is the duty of the President to recommend to Congress such measures as the public interest may require, it is the province and prerogative of the Legislative Department, as one of the co-ordinate branches of the Government, as the money appropriating department, to judge and act on the propriety of making each and every appropriation of money, and are responsible immediately to the people for the exercise of this power.

If this Government has become extravagant, the Legislative Department must alone be censured for it; and, if reform is desired in the expenditures of the Government, it must commence *here*, and not with the Executive, for "no money shall be drawn from the Treasury but in consequence of appropriations made by law."

Mr. Chairman, the reform desired by the people of this country, is higher and broader, above and beyond, the questions examined and discussed a few days since, by the gentleman from Ohio [Mr. GIDDINGS] and on yesterday by the honorable member from Pennsylvania [Mr. OGLE] It is in advance of those questions; it is the reform that looks at the very heart and soul of our system of Government; the reform that looks to the restoration of the simple, but great features of the Constitution, and the advancement of the interests and rights of the great masses, as provided for in that compact. It is the reform recommended in the annual message of the Chief Magistrate, and in other state papers which have emanated from that distinguished public functionary; that of restoring the State Governments to their municipal authority, confining the Federal legislation to our foreign and external relations; *collecting, keeping, and paying out* the revenue, with a strict observance of the appropriate and conceded powers of the Government; and thus reduce that overgrown Executive patronage, that extravagance in the public expenditures, which are the spectres that haunt so continually the feverish imagination of certain gentlemen on this floor, and which are the consequences of Federal usurpation, the legitimate offspring of the Hamiltonian system. This reform is all that is required to restore the Government to its Republican character and destination, to the virtue and the wisdom thrown around it by our Revolutionary fathers, and our people to the enjoyment of the equal rights and freedom provided for in its compromises.

If I know myself, I am in favor of this reform. I say this in the sincerity of my heart. I believe the country is sick, and reduced to such an extreme condition as to require aid; reduced by unwise legislation; by a total departure from the fundamental provisions of the Constitution. The Government has been legislated into the hands of bankers and brokers, and reduced to a dependence on corporations, which assume to be alike at the defiance of law and public opinion. The trade, commerce, and measure of value, are all at the mercy of stockjobbers and gamesters, and the revenues of the Government placed beyond the control and management of both the officers of the Government, and the representatives of the people.

What has reduced the country to this extremity? What will arrest the tendency of these untoward events? These are the important subjects which now invite discussion, and should engage our consideration.

The money power, sir, is dangerous in every free Government. By the framers of our system of government, it was placed above and beyond the abuse of the rulers and the ruled. The extent of the power conferred on the Federal Government was, the power "to coin money, regulate the value thereof, and of foreign coins." This conferred little or no patronage or power on either the Government or its officers. Each and both were left unencumbered and unarmed with that power, which has been claimed for the Government by some to regulate the monetary concerns of the entire country. But the State and Federal Governments, by aiming at the exercise of that power which was obviously withheld and reserved by and to the people, have rendered nugatory and void this beautiful feature of our wise and free system of Government—the Federal Government, by chartering a Bank of the United States, and the State Governments, by enacting prohibitory laws against the employment of individual credit, and chartering a swarm of corporations, with privileges and monopolies denied to private citizens—with the power to withdraw from circulation the precious metals—to hoard them up—and to issue thereon a paper circulation, that is nearly the exclusive exchangeable measure of value of the labor and property of the entire country. Thus conferring upon an an association of incorporated, irresponsible bankers, who claim to be entrenched behind their charters, and above and beyond the reach of the will of the people, the power—the absolute power—to control the prices; thereby to control the subject-matter, the trade, the labor, the property, of the entire country. In obedience to the promptings of caprice, contracting the circulation, depreciating the prices of all property, and reducing the wages of labor; then, again, according to the instinct of interest, expanding the circulation, appreciating the prices of property, with an uncertain and unstable value. As one time, administering the intoxicating dreamt of wealth and power; and then again reducing the deluded followers to beggary and want.

Mr. Chairman, are these the rights of property that are secured to us by our system of government? Are these the equal rights achieved by and guarantied to us by our gallant ancestry in the Revolution? Is this the freedom that is vouchsafed to the American people by the Constitution? No, sir; if the framers of our Government divided its powers into legislative, judicial, and executive departments, between the Federal and State Governments, to avoid the concentration of power in the hands of the few—if they absolved this people from the entails, primogeniture, and the privileged order of the Governments of the old world, in their devotion to popular supremacy and popular rights, it was not to confer these privileges, this monopoly, and this power, on a moneyed aristocracy, or a legislative American nobility? No, sir! To this condition was this free people and country reduced by unwise legislation—by a departure from the Constitution. What *then* was the course, the action of the Democratic party—the party that embosomed the principles of the people—that impersonated the idea of the age and our institutions? To restore the Constitution, to return again to its wisdom and virtue. This was the tendency and the aim of the measures that marked and distinguished the administration of President Jackson. The charter of the Bank of the United States was doomed to expire, and the institution to close its career. The standard of value of the precious metals, which had been debased, was reinstated and restored. Mints were established, and furnished with bullion "to coin money," and supply the country with precious metals as a circulating medium; and the revenue power of the Federal Government was employed to limit the circulation of notes by the State banking institutions, and thus to enlarge and increase the specie basis, and gradually to restore the country to a sound, uniform measure of value. Is it the policy of the Republican party which causes the alternate distress and prosperity to which this country is so often subject? Is it this policy of the present Administration that justly subjects it to the charge of being the cause of these evils? No, sir; it is the departure from the great fundamental principles of our Government, the induction of this powerful element, the use, the perilous employment of the paper system, that exerts this fluctuating and destroying influence on the fortunes of the country.

Now, sir, permit me to fortify this position by the testimony of one who will be accredited by nearly all who are opposed to this opinion; and who, in 1819, was appointed one of the committee "to examine into the proceeding of the Bank of the United States, with directions to report thereon:"

one who has been selected by a great party in this country as the candidate for the second office within the gift of the people: one who might be supposed to be the exemplar of the opinions and principles of this party—no other personage than Governor Tyler, of Virginia. What did he say on this subject, in a speech delivered in the House of Representatives on the 6th of April, in the year 1819, when the report referred to was under consideration? He said:

"There remains now but one branch of inquiry with those who do not think the creation of this corporation an unconstitutional act, viz: Is it expedident to direct a *scire facias*, or, in other words, to put down this corporation? I contend that it is. For one, I enter my protest against the banking system as conducted in this country—a system not to be supported by any correct principles of political economy; a gross delusion, the dream of a visionary—a system which has done more to corrupt he morals of a society than any thing else; which has introduced a struggle for wealth, instead of that honorable struggle which governs the actions of a patriot, and makes ambition virtue; which has made the husbandman spurn his cottage, and introduced a spirit at variance with the simplicity of our institutions. I call upon the warm advocates of banking now to surrender their errors. Shall I take them by the hand, and lead them through our cities? Bankruptcy meets us at every step; ruin stares us every where in the face. Shall I be told of the benefits arising to commerce from the contraction of capital? Away with the delusion. Experience has exposed its fallacy. True, for a moment, it has operated as a stimulus; but, like ardent spirit, it has produced activity and energy but for a moment: relaxation has followed, and the torpor of death has ensued. When you first open your bank, much bustle ensues: a factitious goddess, pretending to be wealth, stands at the door, inviting all to enter and receive accommodation; splendid palaces arise; the ocean is covered with sails: but some alteration in the state of the country takes place; and when the thoughtless adventurer, seated in the midst of his family, in the imaginary enjoyment of permanent security, sketches out to himself long and halcyon days, his prospects are overshadowed, and misery, ruin, and bankruptcy make their appearance in the form of bank curtailments. If this be true, and I appeal to the knowledge of all men for its truth, I demand to know if you can put down the system too soon. Can we too soon escape the dangers with which we are surrounded? I know I shall be told that, even if we put down this bank, the State banks will still exist. Even if true, the position is not a justifiable one. If the State Legislatures do not follow the example which we set them, we shall have acquitted ourselves of our duty. It is all that can be asked of us. But, sir, we actually possess the lever of Archimides, and have a foot of ground on which to rest it. Our revenue amounts to upward of $20,000,000 annually. Require a fourth, or even a sixth, to be paid in gold and silver—what would be the effect? The merchant would collect the notes of banks, and demand specie for them; and thus a test would be adopted by means of which to ascertain the solvency of each institution. The demand of specie thus produced would have the beneficial effect of introducing more of it into the country; for money is like every other article, and will find its way to the market where it is most wanting. The system might be enlarged gradually until your wishes should be consummated. I know the ground I occupy when I urge these considerations upon you. A man regardful alone of the fleeting and ephemeral popularity of the hour would hesitate impressing them upon you. But I should not hold myself entitled to your countenance, Mr. Chairman—to the countenance of honest men—or, what is still more important, the approbation of my conscience, if I could be operated on by such motives or fears. Pardon me for still further extending this inquiry. There are three parties interested in the question which we are called on to decide: the stockholder, the debtor, and the Government. I contend that it is to the interest of the honest stockholder to put down this bank."

Governor Tyler, then, the candidate of the Whig party, the acknowledged exponent and representative of the principles of this party, may "*protest* against the banking system," as then conducted in the country, as "a system not to be supported by any correct principles of political economy—a gross delusion, the dream of a visionary," as "a system which has done more to corrupt the morals of society than any thing else;" who may condemn the bank curtailment as the cause of "misery, ruin, and bankruptcy;" who may advance the doctrine that the Federal Government, "by means of collecting its revenue in gold and silver, would not only be a test to ascertain the solvent banks, but the beneficial effects of introducing more of it into the country." Governor Tyler can advance these opinions, and commend himself to the high and favorable consideration of his party; but when the Chief Magistrate of this Republic, whose duty it is to recommend such measures as the public interest may require, advances and recommends those principles, it is charged here as a most inexcusable and damning offence against the banks, and the Administration is denounced as endeavoring to reduce the wages of labor, and restore the country to an exclusive metallic currency.

[Mr. WISE here wished his colleague [Mr. S.] to inform him where he could find the speech referred to, and was understood to endorse it as containing sound Democratic principles.]

Mr. STEENROD congratulated his colleague on his conversion to those principles, and pronounced them the principles of the Republican party, and informed Mr. W. where he could find the speech referred to.

[Mr. WISE said he did not endorse these principles, and proceeded to define his opinions on the subject at some length. He said his former course would show that he had invariably condemned the banking system when it was excessive; and, if his colleague would refer to the Debates of Gales and Seaton, he would see that he had made a regular report against eighty or ninety of those institutions for excessive issue, and his party had gone with him. At the same time, he said he did not blame the banks for the causes under which we now labor, but he thought the policy of the Administration was much to blame, and referred to the removal of the deposites.]

Mr. S. resumed. I will, then, Mr. Chairman, oppose the opinions of my colleague [Mr. WISE] with another authority—a certain "wise man of the East," one who, it is whispered, is soon to be left in the other end if this Capitol as the prominent defender of the banking institutions of the country. Yes, sir, when that setting luminary that is now lingering in his leave, and awakening so many thrilling reminiscences of the past, when he promised to be the harbinger of a brighter and better day, and cheered the hearts and quickened the hopes of his numberless admirers; when this setting luminary shall repose his blazing axle in the cooling shade of his own beautiful Ashland, the gentleman whom I now quote from as authority, will not only be the star in the ascendant, but the pre-eminent champion of the banks and the bankers. It is the authority of the Senator from Massachusetts [the Hon. D. Webster.]

Mr. S. then read from Mr. Webster's speech of 1824, as follows:

"The paper system of England had certainly communicated an artificial value to property. It had encouraged speculation, and excited overtrading. When the shock, therefore, came, and this violent pressure for money acted at the same moment on the continent and in England, inflated and unnatural prices could be kept up no longer. A reduction took place, which has been estimated to have been at least equal to a fall of 30, if not 40 per cent. The depression was universal; and the change was felt in the United States severely, though not equally so in every part of them. There are those, I am aware, who maintain that the events to which I have alluded did not cause the great fall of prices; but that fall was natural and inevitable, from the previously existing state of things, the abundance of commodities, and the want of demand. But that would only prove that the effect was produced in another way, rather than by another cause. If these great and sudden calls for money did not reduce prices, but prices fell, as of themselves, to their natural state, still the result is the same; for we perceive that, after these new calls for money, prices could not be kept longer at their unnatural height.

"About the time of these foreign events, our own bank system underwent a change; and all these causes, in my view of the subject, concurred to produce the great shock which took place in our commercial cities, and through many parts of the country. The year 1819 was a year of numerous failures, and very considerable distress, and would have furnished far better grounds than exist at present for that gloomy representation of our condition which has been presented. Mr. Speaker has alluded to the strong inclination which exists, or has existed, in various parts of the country, to issue paper money, as a proof of great existing difficulties. I regard it rather as a very productive cause of those difficulties; and the committee will not fail to observe that there is, at this moment, much the loudest complaint of distress precisely where there has been the greatest attempt to relieve it by systems of paper credit. And, on the other hand, content, prosperity, and happiness, are most observable in those parts of the country, where there has been the least endeavor to administer relief by law. In truth, nothing is so baneful, so utterly ruinous to all true industry, as interfering with the legal value of money, or attempting to raise artificial standards to supply its place. Such remedies suit well the spirit of extravagant speculation, but they sap the very foundation of all honest acquisition."

This authority attributes the disasters of 1824, principally to the paper system, when this system may be said to have been in its most successful career. It had found a lodgement in the State and Federal Governments. The Bank of the United States and the State banks, were all in successful tide of operation. The banks then were not only the fiscal agents of the Government, their paper received and paid out for the public use and dues, and their paper nearly the exclusive measure of value, but my colleague will bear testimony that the then Administration was not charged with opposing them, or warring on their rights or interests. Still, at that favorable period, with all their advantages, this high authority shows that they signally failed in accomplishing the purposes for which they were instituted, and the great catastrophe entailed on the country by the inherent evils of the system.

But, sir, I invite my colleague to follow me to another era that has been referred to by him, and distinguished by the impress made on the age and the country by the paper system. I hold in my hand the report of Mr. Tyler of Virginia, from the Committee on Finance, who were instructed by resolutions of the Senate to investigate the affairs and conduct of the Bank of the United States.

I now, sir, invite the consideration of the House to the operations of the Bank, as developed in this report, during the memorable and distinguished years of 1833 and 1834; the period that is known in the history of this body as the panic session of Congress.

"On the 24th September, 1833, the board appointed a committee of seven members, to take into consideration what measures it is necessary and proper should be adopted on the part of this Bank, in consequence of the recent intimation that the Government deposites are to be removed. That committee recommended, and the Bank adopted, the following measures.

"1. To extend the regulation of the 13th August, as to the purchase of domestic bills at the five Western offices, to those of Burlington, Utica, Buffalo, Pittsburg, Natchez, and New Orleans.

"2. To limit the purchase of bills of exchange to those payable in the Atlantic cities, and in New Orleans and Mobile, not having more than ninety days to run.

"3. Increasing the rates of collection and purchase of bills of exchange, at the Bank and several offices, on different sections of the Union.

"4. To decline the receipt of notes of State banks, except such as are established in the same place with the office receiving them, and to collect the balances due from State banks.

"5. That all the balances due by distant State banks, be collected either in specie or in drafts on the Atlantic cities; and that such balances be not permitted to accumulate."

On the 8th of October, 1838, the board further decided and ordered a general and gradual reduction of the loans and discounts. The reduction made in obedience to this order, in October, was $5,825,906 74; and on the 23d of January, 1834, a reduction of $3,320,000 was further ordered by the board. It is alleged in the report, this order is made, not in consequence of the removal of the deposites, but of other expected acts of hostility on the part of the Executive. Thus the whole reduction ordered in less than four months amounted to $9,865,435 58.

The circulation of the bank, on the first day of October, 1833, was $19,128,189 57; which circulation was protected by $10,663,440 51 of specie; its demand on the State banks amounted to $2,238,573 10, which was, in fact, equivalent to specie.

In the two ensuing months from that day, there was due on domestic exchange $5,279,320 45; thus giving the Bank the resources at command to that extent.

Here, sir, you see an institution that is the child of the Government, commence an open antagonistical operation on its welfare, "in consequence [mark the language of the resolution on which these measures were founded] that the deposites of the Government are to be removed."

They whom the people had elected to conduct the affairs of this Government in the discharge of their high public duties, intimate that the deposites of the Government are to be removed from the Bank. This arouses the ire and awakens the displeasure of the nine bankers in the city of Philadelphia. They pass the order, and issue the belligerant fulmination; and mark the consequence on the welfare of the country—the ruin and desolation. The rates of the exchanges are deranged and increased, the notes of the State banks are discredited and depreciated, the State institutions are put under the enactment of paying out their specie; or the more ruinous requirement of meeting the balances with drafts on the Atlantic cities; while, to complete the catastrophe, the contraction of the circulation of nearly ten millions is ordered and effected in less than four months! This arrested the progress and prosperity of the country, prostrated its trade and commerce, suspended the steady and uniform pursuits of industry, and brought all to that solemn, deathlike pause, that was followed by successive failure on failure, extending and multiplying over the country, until our towns and cities seemed to have been sacked, and our country pillaged with the ravages of a relentless and destructive foe.

What causes actuated this policy? what produced this prostration of the great interests of the country? The resolutions adopted by the Bank on the 24th of September, and the report made to the board thereon, recommend and adopt their policy, "in consequence of the recent intimations that the deposites of the Government are to be removed." On the 11th of July, after the deposites had been removed, and Congress had adjourned without ordering the deposites to be restored to the Bank, the board of directors of the Bank adopted the following orders:

1. "That the instructions hitherto given for a reduction of the amount of bills discounted *at the Bank and the several offices are hereby revoked;* and that the line of bills discounted at the several offices shall, until the further order of this board, remain at its present amount.
2. "That if, in the judgment of the committee on the offices, any particular office should require an increase of its line of bills discounted, or domestic bills, or both, in order to relieve an existing pressure upon the community in which such office is situated, the committee is hereby authorized to direct such increase."

Those resolutions, abandoning the adopted policy of the Bank, suggested by the intimation that *the deposites were to be removed*—abandoned when the deposites were removed, and Congress had refused to order them to be restored—the reduction of $3,320,000 of the loans and discounts in January; which the report alleges and admits "was not in consequence of the removal of the deposites, but of other expected acts of hostility on the part of the Executive," neither there specified no referred to—the evident reduction of the loans and discounts of the Bank to what was unnecessary for the protection of the Bank, and unwarranted by the interest of the stockholders—all tend to awaken the suspicion of the presence of another active and prevailing principle, above and beyond the protection of the chartered interest and rights of the Bank. What is this principle? Let us examine further this report of John Tyler—the report of a committee, the majority of which were the partisan friends of the Bank. Here the awakened suspicions are strengthened by "confirmation strong as proofs of Holy Writ." The presence of this principle is developed, tangibly and visibly, the principle that originated, guided, and concluded, this drama-like movement of the Bank. Yes, sir, here on the 42d and 45 pages of this report, and the seventh scene through which this extenuating committee has conducted us, is the open development of the principle that induced this course of operation of the Bank: the Bank sought to usurp the place of the people, and give direction to the Government; to substitute its orders for the ballot box, and make its iron will supreme over the constituted authorities of the country. And here were the weapons by which this direct warfare was to be carried on; by which it was to acquire its supremacy over the country, not only by harassing the people into a compliance to it, but by pensioning the public press, and securing seats to its favorites on this floor. Where, then, is this evidence, and what does the report say? That the Bank made loans to members of this House, or other public functionaries, upon security which was insufficient; or, that it made voluntary donations of its funds to the members of Congress; or, that it had greatly multiplied its loans, and bestowed its favors on public men or partisan presses, pending political agitations, which involved in their results the existence of the Bank itself? No! Who would expect these loyal friends of the Bank to report this? But they report these startling facts: that, in the year 1834, fifty-two members of Congress were indebted to the Bank in the small sum of $238,586! These were the impartial judges who were to decide on the rights of this institution, and honestly represent the people of this country on the question that then divided the Bank and the people—the great question, the result of which involved the existence of the Bank and the liberties of the people. This report not only shows that fifty-two members of Congress were indebted to the institution in the sum of $238,586, but it reports the expenditure of the Bank as an open and avowed advocate in elections. The report says:

"The committee cannot leave this subject without expressing their decided opinion of the impolicy of the course pursued by the directors in having thus increased the expenses of the institution in the printing and distributing the speeches and many of the pamphlets and documents which are mentioned in the vouchers. The expense is believed to have been unnecessarily incurred. It would have been more judicious and wise to have left these publications to reach the country through the ordinary channels of communication. There would have existed no backwardness in the public press, or on the part of individuals, to spread information before the people, while its own attitude would have lost nothing in public estimation by the practice of more reserve.

"The augmented amount of expenditure in the years 1832 and 1834, over the preceding and intermediate years, taken in connection with the circumstance that, during those two years, important elections were to take place, subject it to the charge, whether well or ill founded, the Senate will determine, of a direct interference in elections, from which it should have most cautiously abstained, even in appearance."

Mr. Chairman, when it was rendered evident that the iron purpose of the President would remain unshaken and unmoved, above the price and beyond the power of the Bank; when its money had been wasted in vain on the virtue of our people; they had breasted the devastation, and the country had passed through its severe ordeal of distress and pillage; when this proud and powerful institution had been thus foiled in its aim of supremacy over the country, and in its treasonable purposes against the Government, it then issues its last order of relief, assumes the fiduciary character of regulating the currency, and relieving the distress of our people; and seeks to commend itself to the favor of an injured community by whispering that the curtailment of its loans and discounts, and the derangement of the exchanges, were caused by acts of Executive hostility.

This Bank policy and power is now secretly and powerfully at work in the country to perpetuate the abuses and effect the purposes which are developed in this report.

The appeal is made in this hall, to the people, to put down this Administration as the author of the derangement in the currency and the pecuniary distress in the country, and to instal in the Presidency a Bank candidate, as a panacea for these great evils.

The report I hold in my hand, from the Treasury Department, conclusively and incontestably proves the banks and the bankers to be guilty of what is here charged upon the Administration. In 1839, the banks had in circulation $135,170,995; at the present time, 1840, they have $106,968,572, showing a reduction in the circulation of the banks of $28,000,000. All will admit that the inevitable consequence of this curtailment of the currency, is a reduction of the prices of property, the wages of labor, and the pecuniary distress of the country. This, then, is sufficient for my purpose, to show the contraction in the circulation of the banks, and it is for the banks to demonstrate to the public that this is no inherent defect in the system. And, lest some sapient politician should charge this operation of the banks to the Administration, permit me here to add, that, during the past year, the notes of the specie-paying banks have been received for the public dues, and a large portion of the public moneys have been deposited in the banks, because no laws have, as yet, been enacted by Congress, ordering the public moneys to be otherwise deposited.

If the Administration was, then, to be driven from place, was to fall under the displeasure of the people, by groundless accusations like these, will not these gentlemen (with this conclusive proof fixing those charges on the banks) exclaim, "*Put down these institutions!*" Will not the culpability of these corporations be visited with the same disapprobation that was avowed against the Administration? No! the President of the people may be overwhelmed with charges like these; but fix the guilt on the banks. Then all is to be silenced under the persuasion of the great utility of the "paper system," and the accredited infallibility of bankers.

I have here, sir, a report of the Secretary of the Treasury, made to the Senate on the 26th of February, 1838, transmitting statements of the rates of exchange and prices of bank notes at different periods. From that report, I quote the prices of bank notes at Philadelphia in the years 1827 and 1836: in the year 1827, for the Bank of the United States was then in the plenitude of its power; and the year 1836, for then the State banks were in full and successful operation. What, sir, does this evidence incontestably prove? with what character does it impress these regulators of the exchanges and currency?

The following is the table:

A table showing the highest and lowest price of bank notes at Philadelphia, in the year 1827 and 1836.

BANKS OF	During the existence of the United States Bank, 1827.	Under the State bank system, 1836.
Maine	2⅛ to 1½ d.	1 to ¼ a 1 d.
New Hampshire	2⅛ to 1 d.	1 to ¼ a 1 d.
Vermont	2¼ to 1 d.	1 to ¼ a 1 d.
Massachusetts	1 to 2¼ a 1 d.	1 to ¼ a 1 d.
Rhode Island	2 to 1 d.	1 to ¼ a 1 d.
Connecticut	1⅛ to 1 d.	1 to ¼ a 1 d.
New York city	par	par to ⅛ d.
New York, country	1 to 3 d.	1 to 1½ d.
Philadelphia	standard	standard
Other Pennsylvania	par to 1 d.	par to 2⅛ d.
New Jersey	par to 2 a 1 d.	par to 1 d.
Delaware	par to 1¼ d.	par to ⅜ d.
Baltimore	¼ d. to par	¼ to ½ d.
Other Maryland	⅜ to ½ d.	⅜ to 1 d.
District of Columbia	⅜ to ½ d.	⅜ to 1 d.
Virginia	½ to 1½ d.	⅜ to 1½ d.
Western Virginia	3 to 4½ d.	1½ to 2½ d.
North Carolina	3 to 5½ d.	2 to 3 d.
South Carolina	⅜ to 1½ d.	2 to 3 d.
Georgia	3 to 2 d.	2 to 3 d.
Florida	–	no sales.
Alabama	10 to 25 d.	3 to 7 d.
Louisiana	5 to 4 d.	2½ to 6 d.
Mississippi	6 d.	3 to 6 d.
Tennessee	7 to 10 d.	3 to 6 d.
Missouri	–	no sale
Illinois	–	3 to 5 d.
Indiana	–	3 to 3½ d.
Kentucky	30 to 40 d.	2 to 3 d.
Ohio	4 to 6 d.	2 to 3 d.
Michigan	10 to 3 d.	2 to 3 d.
Canada	6 to 5 d.	2 to 4½ d.

The notes of the banks of the six New England States, at Philadelphia, in 1827, under the existence of the Bank of the United States, ranged from one to two and a half per cent. discount. The notes of the same banks, at Philadelphia, in 1836, during the operation of State banks, ranged from three-fourths to one per cent. discount. The notes of the banks of Virginia, Maryland, North and South Carolina, Georgia, Alabama, Louisiana, and Mississippi, at Philadelphia, in 1827, during the existence of the Bank of the United States, ranged from one-fourth to twenty-five per cent. discount. The banks of the same States, at the same place, in 1836, ranged from one-half to seven per cent. discount. The notes of the banks of Tennessee, Kentucky, Ohio, and Michigan, at Philadelphia, in 1827, ranged from three to forty per cent. discount. The State banks of the same States, at the same place, in 1836, ranged from two to six per cent. discount. What then, sir, does this table conclusively prove and show? that the State institutions have conducted the exchanges of the country on more favorable and better terms than the Bank of the United States, at the period here referred to.

If they have, then, on other occasions, conducted the exchanges of the country on these favorable terms, at reasonable rates, rates equivalent and corresponding to the cost of transporting from one

point to another, this conclusively shows the ability of the State institutions thus successfully to conduct the exchanges. If these institutions are chartered and created for this and other public purposes, they are answerable for the present unprecedented derangement in the exchanges, and for their present high and unwarranted exactions and rates for that abuse of the system, by which they fail to discharge their public trust and meet the public exigencies.

These proud American bankers, who are encompassed around with their exclusive privileges, enthroned on their chartered monopoly, in the supreme enjoyment of their unlawful gains, and whose heartless policy is extorting the profits of trade and the earnings of industry, are the ones who go out with their accustomed complacency and unblushing effrontery, into the public places, and tell the people that these ills are the consequences of the unwise policy of the present Administration. Has the Administration abstracted from circulation the precious metals, sunk them in the dark recesses and subterranean vaults, and issued thereon a paper currency that was too base to circulate, and to subtile to hoard up? Has the Administration assumed the high trust of regulating the currency of the States of this great Union; then, in a huckstering spirit of gain, with the *legerdemain* of gamesters, debasing the currency and deranging the exchanges? Has the Administration at one time extended facilities for the enlargement of the circulating medium, raised the prices of property, and the wages of labor; and then, without any sufficient cause, curtailed those facilities, and involved the whole country in one common distress? Has the Administration collected large revenues of the people in gold and silver at the time of great public distress, exported it abroad to meet foreign engagements, while it sought legislative exemption from home and domestic responsibilities? No, sir. These are the misdemeanors that the American bankers have been again and again convicted of before the people; and still these are the ones who are now charging the offences, of which they alone are culpable, upon the Administration! Then, why is this? what is the design of these keen Crœsus-like money changers? Is it to elect a man to the Presidency because he is a military chieftain? Is it to elect a man to the Presidency because he is the candidate of the virtuous and laborious yeomanry of the log cabin? or is the bank power openly in the political field, with its candidate? Let us look at this, and see what the past, like a faithful monitor, unfolds to us.

When the popular party in this country, on another occasion, united their support of a military candidate for the Presidency, and opposed that candidate to an Administration that had come into power against the express will of the people, and whose continuance in power was, of course, a disparagement to popular rights—in this struggle between power and liberty, of life and death—in this popular effort to restore the rights of man and Democratic freedom, and put down an Administration that was not only a usurpation, but whose continuance in place was a bold and reckless defiance to popular supremacy, by what arguments were the people then opposed? what language was then whispered in their ears? how then were their apprehensions to be wrought on to allay the increasing indignation, and to alienate them from their beloved principles? The people were then told by one with authority in the land, that "the candidate, however illustrious and successful he may be, must present some other title than laurels, however gloriously gathered on the blood-stained field;" that it was better to "visit our favored land with wars, with pestilence, and with famine, with any scourge other than military rule, or a blind and heedless enthusiasm for mere military renown;" that, as "a friend of liberty and the permanence of our institutions, he could not consent, at that early stage of their existence, by contributing to the election of a military chieftain." These, then, were the patriotic declamations of the day, worthy to be proclaimed from the proud rallying points of the party by the commandant, whose accustomed orders never failed to precipitate his marshalled forces to any one single point. These principles were recorded in the decalogue of the party—they were their settled principles of action.

At a meeting held at the capital of my own State by the citizens of Richmond in 1827, to express their disapprobation of the election of General Jackson to the Presidency, the meeting said:

"In the general constitution of things the military principle seemed designed by fate to be the irreconcileable foe and destroyer of liberty. The liberties of Greece fell before Alexander, those of Rome before Sylla and Cæsar, of England before Cromwell, of France before Bonaparte. Why, fellow-citizens, should be not profit by the example of those celebrated unfortunate States? Why should we, by the election of a citizen as our ruler, whose claims are derived exclusively by the sword, sanction the principle that military is greater than civil merit?"

What, sir, do we now witness? What change came o'er the spirit of the dream? At the National Convention recently held by this same heretofore anti-military party, for the purpose of nominating a candidate for President and Vice President, two out of the three candidates presented before this convention for nomination were men whose claims were founded exclusively on their military services; and one of these was the nominee, and is now the candidate, of this party for President. How does this heretofore anti-military party receive this nomination? With their former fears and distrust of a military chieftain? with their former shadowy apprehensions as to military rule? No, sir. Every Federal Whig journal, from the Aroostook to the Sabine, raises the military chieftain's blazonry, and wings forth, to an admiring and enthusiastic party, the praises of the military candidate for President; while here, the partisan statesman reviews the orders of the commandant, the line of march, the forces, the tent, and the field, to prove their candidate to be a military chieftain of unblushing fame and pre-eminent renown. The cavalcade of your proud merchants and rich bankers thickens on the view of the observer, crowds the field of engagement; and, with the innumerable crowd of their liveried clerks, their court-like placemen and dependants, swell the retinue, and extends the long lines of the followers of the military chieftain.

Why have these proud and ambitious ones been brought to support and follow a military chieftain as their candidate, to enter their public and humiliating recantation of their former avowed party principles? Did the late illustrious Administration of General Jackson, in its implacable hostility to undue power, privilege and monopoly, propitiate this party to the support of a military chieftain? No, sir. Before the influence of popular rights, they had been made to tremble in their strongholds of wealth and power, awakened to a sense of the insecurity of a continuance of their privilege and monopoly They have been taught that they must look beyond their charters for a continuance of their power, and to the people as the great arbiters and sovereigns of the age. And while, as men, they have at last been brought to acknowledge the political equality of man, as culprits they have been made alike to court and fear the omnipotence of the popular will. In this great metropolis, your proud merchants and rich bankers, fresh from their palaces, clothed with their chartered privileges, and gorgeous with the inherent hauteur and costly equipage of their order, have paraded through the streets the log cabin; and, in their midnight revelry, drank the hard cider, under the delusive belief that such unaccustomed condescension in them as to taste this homely beverage, and pay this apparent respect to the humble abodes of our yeomanry, would command their support for their candidate, and induce this gallant yeomanry to believe that the candidates of that party impersonated their humble virtues. How vain is all this pageantry and show! how fruitless will prove their efforts to thus impose on this people! What! General W. H. Harrison and Governor Tyler impersonate the principles of this people! General Harrison, who, in the Legislature of Ohio, voted for a law requiring the sale of poor men, "for the non-payment of a fine and cost, as a servant;" and which authorized to be instituted, between such purchaser and prisoner, the relation of master and servant; and John Tyler, who, in the Virginia Convention, voted for a law placing the rights of property above the rights of persons, denied to the "housekeepers and heads of families" of the log cabin the dearest rights of freemen—the right of suffrage. These are the candidates who are paraded before the country as the log-cabin candidates. While the nine hundred banks, with their stockholders, officers, and dependants, as partisans of these candidates, are openly, in the political field, struggling for the maintenance of the privilege and monopoly of the paper system, the control of the State and Federal Governments, the use of the revenues of the Government to bank upon; while they are supporting these candidates for privilege against right, for power over liberty, the people are to be hoodwinked, and support this candidate for his military services as the candidate of the log cabin.

Here is the secret of this newborn love for the military chieftain and log-cabin candidate by those bankers. These are the candidates who have sustained the rights of property as paramount to the rights of persons; the candidates whose principles are to be found in the rich jewelled coffers of the bankers, and not in the humble abodes of the log-cabin. These, then, are the candidates whom this people are called to support.

Who here is so credulous as to believe that they could be induced to do this; to venture on this perilous course; to not only abandon but assist in overthrowing an Administration which had been brought into power by their voice and suffrage; which had been true and constant to the public interest; which had been distinguished for its strict and unflinching support of popular rights; which had perilled its existence, its all, in defence of the rights of the people and the country, against the organized warfare of an overgrown moneyed power, aiming at supremacy over the people and the constituted authorities of the land? This patriotic, gallant, and just people, abandon an Administration like this! And for what? To commit the guidance of their public affairs to an unknown hand, to venture upon an uncertain sea, where all is involved in one impenetrable night, in a silent and forbidden mystery? For General Harrison's confidential committee have said, in a letter to the public, "the policy is, that the General make no further declaration of his principles for the public while occupying his present position."

A people who have been educated in a school which was founded on the principles of a free, open, daylight proceeding; whose love of right and liberty had been quickened by the luminous emission of light from the free and open legislation and adjudication of our form of Government—a people who had been taught to believe that the freedom of speech and of the press secured the right to discuss the claims of candidates for public places, in the newspapers and on the hustings, and that these were the elements of our freedom, the pre-eminent constituents of our system of Government; that they were established by our Revolutionary fathers as the highest prerogative of every American citizen, as the safest bulwark of freedom, are now told, in this age and country, that they are to be hoodwinked, and that one who is a candidate before them for their suffrages for the highest office within their gift, declines to make any further "declaration of his principles for the public while occupying his present position."

What should every American freeman respond to this? Perish the paper that would invade this time honored usage of our country; reproach the one that would dare to destroy it; and tell the General's confidential committee that all that can commend any public man to high and favorable consideration in this age, are principles which, like our own beloved freedom, invites discussion, eagle like, bask in the public eye, and rise above all serpent-like concealment.

All, then, that we are permitted to know of the opinions and principles of General Harrison, is what we may be able to learn and to collect from his past life. How inconclusive is this means of information to the public, and how opposing and irreconcileable are the opinions of the candidates of this party with each other on all the great questions which have divided the two great political schools in this country! On the subject of a National Bank, domestic slavery, tariff, the doctrines of the proclamation, internal improvement by the General Government, General Harrison and John Tyler, the candidates for President and Vice

President, stand committed before the country with opposing principles, and antagonistical opinions on these measures, of so much moment to the people, and which have so long divided the two great parties under this Government. If this be so, who, then, can tell what are the principles of this party, what the measures which will distinguish their Administration? None; if the opinions I now read be the opinions of these candidates.

General Harrison, in reply to the letter of Sherrod Williams, said:

"The question, then, for me to answer is, whether, under the circumstances you state, if elected to the office of President, I would sign an act to charter another Bank. I answer, *I would*, if it were clearly ascertained that the public interest, in relation to the collection and disbursement of the revenue, would materially suffer without one, and there were unequivocal manifestations of public opinion in its favor."

Gov. Tyler said, in a speech delivered in the House of Representatives on the discussion of the report made in relation to the Bank of the United States, in 1819:

"Inasmuch as *I believe the creation of this corporation to be unconstitutional*, I cannot, without violation of my oath, hesitate to repair this breach thus made in the Constitution, when an opportunity presents itself of doing so, without violating the public faith. Believing, also, that it is expedient to put it down."

Gen. Harrison, in his speech at Cheviot, on the 4th of July, 1833, says:

"Should I be asked if there is no way by which the General Government can aid the cause of emancipation, I answer that *it has long been an object near my heart to see the whole of its surplus revenue appropriated to that object.* With the sanction of the States holding the slaves, *there appears to me to be no constitutional objection to its being thus applied*, embracing not only the colonization of those that may be otherwise freed, but the purchase of the freedom of others."

Gov. Tyler, in his report on Slavery in the District of Columbia, says:

"So far as the question of slavery exists in the several States, the committee abstain from any remark. It is a question to be decided by each, severally, and for itself. Over it Congress has no control. The plain recognitions of the fundamental law on which the Union rests, should place it forever at repose. To discuss it in Congress, or to agitate it in the States where it does not exist, produces no good, can be followed up by no act, and serves no other purpose than to irritate the public mind."

General Harrison is the advocate of a protective tariff. He not only uniformly voted for it in Congress, but, in allusion to a remark made by Mr. Garnett, that the effects of the political quackery of the tariff "had been to cover the streets of Norfolk with grass," General Harrison, after insisting on the benefits of the tariff, added:

"It may be asked whether, *under any circumstances*, I would be willing to abandon the tariff. I answer, without any hesitation, in the affirmative. Whenever the streets of Norfolk and Charleston shall be covered with grass, and our Southern friends find no market for their produce, and this state of things can be distinctly traced to the tariff, I would *then* instantly give my voice for its modification or entire repeal; even if I should still think that its continuance would be beneficial to a majority of the American people."

Governor Tyler not only uniformly voted against a protective tariff, but in a speech delivered in Gloucester county, Virginia, in the year 1833, referring to his course as one of the Senators of Virginia on the proclamation, says:

"The line of my conduct as the Representative of a State that had twice pronounced, in a solemn form, the tariff laws to be unconstitutional, was, according to my conception, clearly marked out. To the demand for swords and bayonets, and cannon and muskets, and armed men, to collect *an unjust and unconstitutional tax*, I had but one reply: *do justice;* repeal or modify your obnoxious laws: yield to the wishes of the whole South; do that for South Carolina and the other Southern States which England has refused to do for Ireland; repeal your tythe system, imposed not for the benefit of the parson, but the manufacturer. * * * The war-cry was in the breeze, and an unjust and unconstitutional and oppressive system was to be cemented and strengthened by the blood of freemen, and the destruction of a State."

General Harrison favored the doctrines of the proclamation, as defended by Daniel Webster. He said:

"I recommend to you, however, the proclamation of the President of the United States, issued on the 10th December last, and the speeches of Mr. Webster, delivered in the Senate of the United States, at the last session of Congress, in answer to the arguments of Mr. Calhoun, as containing the most eloquent and satisfactory exposition of those principles that have recently been published. By issuing that proclamation, I think General Jackson has rendered service to his country of greater magnitude than his splendid victory at New Orleans."

Governor Tyler, at a public entertainment given to him in Gloucester county, Virginia, in 1833, on being toasted, pronounced an ardent State Rights and anti-proclamation speech. He said:

"The alien and sedition laws are universally held as odious; and yet what were they in comparison with this? Some four or five citizens were imprisoned, and lawlessly and unconstitutionally imprisoned, under the perversion of a single clause in the Constitution. But this self-doctrine changes the whole instrument, alters its entire character, and turns to scorn the resolutions of this State, adopted in 1798, '99, threatens consolidation, and employs the whole naval and military force of the country to accomplish it."

General Harrison is the advocate of a system of internal improvement by the Federal Government, and affirms the constitutional power to accomplish the same.

To sustain this fact, (which I have never heard denied by any one,) I beg leave to refer you to his votes upon that subject, upon certain resolutions introduced into Congress in 1818:

"1*st resolution.* That Congress has power, under the Constitution, *to appropriate money* for the construction of post roads, military and other roads, and of canals, and for the improvement of water courses." [Upon this resolution, the vote stood—ayes 31, noes 85, General Harrison voting in the affirmative.]

"2*d resolution.* That Congress has power, under the Constitution, *to construct post roads and military roads*, provided that private property be not taken for public uses, without just compensation." [Upon this resolution the vote stood—ayes 82, noes 84, General Harrison voting in the affirmative.]

"3*d resolution.* That Congress has power, under the Constitution, to construct roads and canals necessary for *commerce* between the States, provided that private property be not taken for public uses, without just compensation." [Upon this resolution the vote stood—ayes 71, noes 85, General Harrison voting in the affirmative.]

"4th *resolution.* That Congress has power, under the Constitution, to construct *canals for military purposes*, provided that no private property be taken for any such purpose, without just compensation being made therefor." [Upon this resolution the vote stood—ayes 31, noes 83, General Harrison still voting in the affirmative.]

Mr. Tyler, on the 15th of May, 1830, when the subscription of stock in the Maysville turnpike road was under consideration in the Senate, said:

"I was in that Congress which was the first to enter gravely into the discussion of the constitutional power of this Government to make roads and canals. I then attentively weighed all that was urged by the advocates of the system—if system that may be called which is now—and my decision was against them. Every subsequent reflection has confirmed the opinion then expressed, and the experience of the last six years has satisfied me that, in its exercise, all that is dear, and should be considered sacred in our institutions, is put to hazard. Experience is the parent of true wisdom; and the lights which she has furnished upon this subject, ought to be bright enough to conduct our footsteps back to the path from which we have strayed. Can any man say in what this system is to end? Formerly, it was held to be national. I have no such words in my political vocabulary. It is in vain that gentlemen represent to me the benefits of the system. It is in vain I am told of its being a harmless policy. Show me the grant in the Constitution in plain terms, not extorted by a forced interpretation; and not until then will I listen to you."

General Harrison supported the administrations of the elder and younger Adams. Governor Tyler opposed both.

These, then, are the principles of the nominees of the Harrisburg Convention, the candidates of the Whig party, constituted to be alike acceptable to tariff and anti-tariff, internal improvement and anti-internal improvement, Bank and and anti Bank, slavery and anti-slavery men, framed with candidates who will be acceptable to the blue light Federalist or the renegade Republican, ready and willing to adopt any expedient at the sacrifice of any principle that will conduct them to office, and to expel from place an Administration that exists by the will of the people, and which is founded on the acknowledgment of popular rights and Democratic freedom. After General Harrison had supported and favored a protective tariff, a system of internal improvement by the Federal Government, the Webster exposition of the proclamation, and all those high-toned Federal measures which we have been taught, in Virginia, to believe were dangerous to public liberty; after he had supported the administration of the elder and younger Adams, all and each of which Governor Tyler had opdosed, as adverse to the spirit of our free institutions and the public good, what now do we witness? Governor Tyler not only placed on the same ticket with General Harrison, but, in his letter accepting of the nomination, attempting to smuggle him into the Presidency, to cheat the people, by endorsing him as a Republican, and to impose him on his fellow-citizens as one of the followers of Jefferson.

I rejoice that it is the acknowledged privilege of the American people to pass upon the claims of these men. I congratulate my countrymen that it is their prerogative to control and determine the principles which shall distinguish and mark the destiny of our common country. If their gallant ancestry passed through the fire and smoke of battle, the want and distress of the Revolution, in resistance to a twopence tax on tea, because it was in disparagement of popular supremacy, can it be supposed that they will tamely submit to the extortions and oppressions of an irresponsible association of bankers and brokers; that they will give continuance to their power, by electing their candidates to the highest offices within the gift of a free people? *No! Never.* They will cling to the principles that were canonized by the blood of their fathers, that are sanctified by the divine presence of freedom.

SPEECH OF MR. ATHERTON,

OF NEW HAMPSHIRE,

In the House of Representatives, April 23 and 24, 1840—In Committee of the Whole on the state of the Union, on the bill to provide for the civil and diplomatic expenses of the Government.

Mr. ATHERTON said: Mr. Chairman, with the permission of the committee, it is my design to trouble them with a few suggestions which may not, I trust, be considered entirely inapplicable to the bill under consideration. Although the range of debate which has been suffered would seem to admit the introduction of almost any topic, much of what I shall have to say will so far be connected with the subject before us, as to relate to the expenditures of the Government, and the denunciations indulged in by gentlemen of the Opposition, concerning office holders and Executive patronage. It is my intention, also, to allude in this connection to some of the principles which distinguished the great contending parties of the country. In the early stage of this debate, attempts were made to compare the ordinary expenses of this and of the late Administrations, disadvantageously with those of other Administrations. These attacks were met, and most ably and triumphantly repelled by my friend, the chairman of the Committee of Ways and Means. The gentleman from North Carolina, [General McKAY,] who has to-day addressed the committee, has also shown how much, during this and the late Administrations, the burdens on the people have been diminished. Nothing that I could pretend to urge, could add any thing to the force of the views introduced by them. When I come to speak directly on the subject of expenditures, I will, therefore, endeavor to view it in another aspect.

First, however, permit me to notice some remarks which have been made by the gentleman from Massachusetts, [Mr. SALTONSTALL.] That gentleman, replying to that part of the speech of his colleague which showed him to have been one of the members of the Massachusetts Legislature, which got up the Hartford Convention, and one of the committee which recommended that convention, stated that in 1823 or 1824, the Federal party was disbanded in Massachusetts. And he went on to say that then there was no further necessity for keeping the party together; that while Napoleon was proceeding on his career of conquest there was much ground of alarm; but that after the battle of Waterloo, and the triumph of British arms, the reasons for keeping up the old parties ceased. Now, sir, I beg to be understood that I have a high personal respect for the gentleman from Massachusetts. I accord to my political opponents on this floor credit for the same honesty of intention which I claim for myself; and notwithstanding the expression in the first part of the gentleman's speech of his design to disappoint his colleague, who might, perhaps, expect him to go into a defence of the Hartford Convention, by "taking a course which would defend himself and his political friends," I could not but respect the manly feeling which afterwards prompted him, disregarding all considerations of expediency, to pronounce that convention innocent in its intention, and to vindicate the associates with whom he had acted, and the principles he had long cherished. But does not the gentleman recollect that in 1823 there was one of the most violent contests which ever took place in Massachusetts, and in which the line between the Federal and Democratic parties was most clearly defined—that between Eustis and Otis? It is true the Federalists were defeated in that struggle, and it may not have been for their interest since to keep up the *names* of parties. For what objects, to what purpose, was that contest? Was there no principle involved? A long time had elapsed after the battle of Waterloo, which the gentleman from Massachusetts refers to as superseding the necessity of keeping together the Fede-

ral party. Was it British influence, and regard for British success, that alone could keep together that party? Does he not (involuntarily, no doubt) do injustice to his friends? They had, and still have, principles in relation to Government for which to contend. In those principles I never have agreed with them, and never shall; but I am far from believing that those principles, prepossessions, and feelings, or even the prejudices growing out of them, could be at once eradicated from the human bosom. The gentleman from Massachusetts who spoke yesterday, [Mr. REED,] has referred to a remark of a French philosopher, "that names are things." In this I cannot concur, so far as to admit that, by changing names alone, things can be changed. Mr. Jefferson's authority is sometimes referred to here, even by gentlemen of the Opposition. In a letter to Mr. Livingston, dated April 4, 1824, he says: "You will find, I suppose, on revisiting our maritime States, the names of things more changed than the things themselves; that, though our old opponents have given up their appellation, they have not, in assuming ours, abandoned their views, and that they are as strong nearly as they ever were." In Tucker's Life of Jefferson, it is said that in a letter to Mr. Giles, written in 1825, after the first message of Mr. Adams, "he suggests that, though the course of attack of the Federal party is now changed, the principles remain the same." They now look "to a single and splendid Government of an aristocracy founded on banks and other moneyed corporations, which would be to them the next best blessing to the monarchy of their first aim, and perhaps the surest stepping stone to it." To test the question whether the principles and feelings of the Federal party were, all at once, so wonderfully abandoned, let us recur to what Benjamin Russell, the veteran Editor of the Columbian Sentinel, said on the occasion of the defeat of Mr. Livingston of Louisiana, as candidate for Congress during the time, I believe, of the administration of the younger Adams. Though I have not seen the extract for some years, I think I can quote it correctly in substance. It was to the following effect: "Long Ned, as Cobbett used to call Livingston, is undoubtedly consigned to the tomb of all the Capulets. It may seem ungenerous immoderately to exult in the fall of the man, but when we reflect that he is an old sinner, and that he is receiving punishment for the backslidings of thirty years, we may safely say he falls 'unwept, unhonored.'"

And I could not but notice that the gentleman from Massachusetts advanced the idea that "a Federalist turned Democrat was the worst of all" politicians. So, sir, it does, after all, require something of a change to make a Democrat out of a Federalist. Nor did this seem very consistent with another idea, advanced both by the gentleman and his colleague, that the principal measures of General Jackson's administration were so ultra-Federal that even Hamilton and John Adams would not have dared to approve them. Thus it would appear that, when a man ceases to be a Federalist and turns Democrat, he becomes more Federal than John Adams and Hamilton themselves! This is what I cannot precisely comprehend.

Among several other distinguished members of the Federal party alluded to by him, the gentleman from Massachusetts paid a feeling tribute to the moral worth of Mr. William Sullivan, in which I certainly have no occasion to differ from him. But to show that every thing like party was done away after the period referred to by him, he went on to say that Mr. Sullivan "retired from public life, and devoted himself to the human race," in preparing for the instruction of the young such books as the Political Class Book and the Moral Class Book. Without stopping to inquire whether the tendency of these books may not be to instil into the tender mind what many of us would consider erroneous views of popular principles and public men—there is another production of Mr. Sullivan to which the gentleman forgot to advert. I refer to a work of his written as late as 1834, entitled Familiar Letters on Public Characters, from which I beg leave to read a few extracts. In this work Mr. Sullivan says that "Jefferson has by his example and opinions done more than any other man to mislead and pervert his fellow citizens." He also says, "On this day, March 20, 1834, there is not the least doubt that a large majority of the American people are disgusted and astonished by the usurpations of Andrew Jackson" He sneeringly calls Andrew Jackson the "*genuine man of the people*," and speaks of him as having a "head and heart not better than Thomas Jefferson had, but freed from the inconveniences of that gentleman's constitutional timidity." In endeavoring to rouse the public against this Andrew Jackson, who has a "head and heart not better than Thomas Jefferson had," he further says: "We have a formidable adversary to contend with—the President, Vice-President, the cabinet proper, and the cabinet improper." For the source of this latter epithet, which is marked as a quotation, an asterisk refers us to the bottom of the page, and then we read—"See Mr. Webster's speech, delivered at Worcester." Here are, also, two more extracts:

"One who goes over from the Opposition to the Jackson ranks, feels that he has a defence to make; while one who abandons Jacksonism holds his head up, and feels that he has done an act for which he may respect himself. Thus, in politics, as in morals, there is a sense of right and wrong which men are alive to, whether they admit its influence or not. There are few Jackson men in the United States, (who can pretend to good sense and sound principle,) who do not feel a degree of shame that they are such."

"It was common, thirty years ago, to charge Mr. Jefferson with deliberate wickedness in his office, and to consider him as intending to disregard all the obligations which honorable, moral men acknowledge. This was *probably* an injustice. It is more reasonable to suppose that he had either a singular obliquity of perception as to right and wrong, both as a man and as an officer, or that he had undergone some strange perversion from that rank of moral agents to which he was by nature destined."

The editor of the Boston Courier, a leading modern Whig editor, in his newspaper of May 9, 1834, in commenting on this work of Mr. Sullivan, observes:

"General Jackson is acting on the principle of Jefferson, and is carrying out the patriotic doctrine of that arch Jacobin to its fullest extent. We are not of the party who worship the dead or the living idol. The principles and the administration of Mr. Jefferson have done more to torment this nation than all the plagues described in the Apocalypse could do, if inflicted at one blow."

Such extracts as these are not very convincing arguments to support the idea that the Federal party has been disbanded, and Federal principles abandoned!

In closing this train of remark, I will merely observe that, if it be true, as has been said, "that hypocrisy is the homage which vice pays to virtue," the frequent assumptions, by those opposed to us, of the names which have distinguished the Democratic party, are an involuntary homage rendered, if not not to the superior truth, at least to the superior popularity, of our principles.

The gentleman from Massachusetts who sits on my left, [Mr. CUSHING,] in his speech on the Treasury Note bill, expressed an opinion that "parties were in the crisis of a change." In my belief, sir, the parties contending in this country have fundamental principles which distinguish them, and though men may change, principles do not. If the gentleman will refer to his very extensive acquaintance with history, he will find that in nearly all nations, perhaps in all, where there has been a sufficient degree of liberty to allow of parties at all, there have been two great parties, the prominent characteristics of which are, that one has been for placing more, and the other less, power in the hands of the people. One has been for special privileges; for orders and distinctions not founded on merit; for offices transmitted by hereditary succession, or for life; the other for extending more equal rights to all individuals, and for granting to merit, in whatever station found, a free and untramelled course. With a greater degree of liberty than that enjoyed by other States, this country could not prove an exception to this rule; thus, before the time of Jefferson and Hamilton, and especially since, the same elements have here been in operation, producing their distinct and well marked developments.

One party is the party of prescription and precedent; the other recognises the truth of the maxim, that "power is always stealing from the many to the few," and considers a frequent "recurrence to fundamental principles" essential to the preservation of popular rights. One clings to accustomed abuses which constantly increase with increasing age; the other is the party of advance, of progress, and reform. One party strives to place power in the hands of those irresponsible to the people, and holds that the representative ought not to be "palsied by the will of his constituents;" the other finds in the people the only true and legitimate source of all political power. The principles of one are founded on distrust of the virtue and intelligence of the people. Their doctrine is "that the people are changeful and turbulent and seldom act or determine right"—that when the laboring "class becomes numerous, it becomes clamorous and looks on property as its lawful prey and plunder,"* and they hold that "it is the part of wisdom to found Government on property." The other has confidence in the virtue and intelligence of the people and dreads "the anti-Republican tendencies of associated wealth." They cannot shut their eyes to the fact that, to a certain extent, wealth itself is power; and they believe that, without the aid of special privilege, it will, unless counteracted by constant vigilance on the part of the mass of the community, secure an undue and corrupting influence. The maxim of one is to legislate for property—of the other to take care of the people, or, rather, to let the people take care of themselves, by their free and unrestrained suffrages, by choosing their own rulers—by placing power in the hands of persons by them elected and to them responsible.

I have said that the creed of one is founded in distrust, of the other, in confidence in the people. The former constantly lose sight of the fact that the people contend for principles. They find themselves vanquished again and again in their struggles for power; they imagine some magical secret has been operating against them; that the people are carried away by loud huzzas, by shouts in favor of a military chieftain, or by some cant phrase, and that they are like "mere machines," blindly led or blindly driven. And it often happens that the leaders of this party seek, as they suppose, in the most artful manner, to gain the favor, while they secretly attempt to thwart the wishes of the people. But in all these attempts their fundamental error reigns—their contempt for the intelligence of that people. When defeated, they lament over the superior popularity of their opponents, and advise each other to "*descend* into the forum and take the voters by the hand." I could imagine that they might even become so presumptuous as to endeavor to recommend a person as fit to be elected to the Presidential chair, by the suffrages of a free, virtuous, and discerning people, because, as they might truly or falsely allege, he lived in a log cabin, drank large quantities of hard cider, and smoked a short pipe.

Sir, in my belief, there cannot be an assembly of the intelligent and industrious working classes collected in any part of the nation, but would consider, and properly consider, the recommendation of a person to their suffrages for the first office in their gift in this great Republic, by such arguments as these, an insult to their understandings. They would inquire,

"What are these things to us? Inform us as to the principles of your candidate. What is it to us if in times past he either performed or neglected his duty in any military trust he may have undertaken, or whether he resigned that trust before the war was finished? We wish to know the principles by which he would be guided in administering the office for which he is proposed as a candidate, which office is instituted not for his benefit but for ours. Did he support the Administration of the elder and younger Mr. Adams? Is he in favor of a corrupting and splendid scheme of internal improvement by the General Government—a scheme to be supported by a tax on the consumer, and which thus benefits the capitalist and speculator, and grinds down the poor? Is he for raising a large revenue by taxation, and insulting those who are obliged to pay it, by calling it protection? Is he in favor of a vast controlling moneyed corporation, which shall rule at will all the prices and business of the country, and press down the people with the crushing tyranny of irresponsible power?

*Mr. Webster in the Massachusetts Convention.

We have been contending for years with such a power; and think you, by these clamors, to delude us into the support of one whose success would lose us all the fruits of our toilsome struggle, and place the iron heel of such a despotism forever on our necks?"

These are some of the questions sir, which they would ask, and he who should undertake to reply by senseless cant or shallow jests, or empty huzzas, would only excite their scorn and indignation.

In entering on some remarks concerning the charge which has been so often heretofore repeated against this Administration of extravagant expenditures, suffer me to advert for a moment to certain observations which fell from the gentleman from Massachusetts [Mr. COSHING] on that subject. It was a source of satisfaction to perceive, that instead of conceiving the advantage in those attacks to be altogether on the side of the Opposition, the gentleman from Massachusetts apparently felt himself called upon to enter into a defence of his own friends from the charge of having more uniformly voted for large appropriations than their opponents. And it certainly did appear to me that the course of the gentleman's argument went entirely to relieve the Executive and his friends, to say the least, from all responsibility on that subject which did not equally rest on the Opposition. He remarked that of forty appropriation bills the yeas and nays in the House were only called on six; that this was a proof of general assent, and that the Administration party were thus equally responsible with the Opposition. The reverse of the proposition must be also true. He went on to say, that on the bill making appropriation for Indian hostilities there were only two negatives; on that for Indian treaties and arrearages, there was a majority of both parties in favor of it; and that as to the bills for the Cumberland road, and harbors, and lighthouses, the friends of the Administration, if they had constituted a quorum, would have defeated them, and the Opposition, if they had constituted a quorum, would have passed them. And he observed, that on these latter "there was more responsibility resting with the Opposition than the Adminirtration party," and he was willing to take his share of that superior responsibility. To say nothing of the sources from which the various propositions for appropriations have come, which were not adopted, is not here a full admission that the Administration and its friends cannot justly be charged by the Opposition with larger and wasteful appropriations? The gentleman from Massachusetts also suggested that the great measure of the Opposition was the passage of the deposite or distribution bill, and that it might perhaps have been the policy of some of the leading minds of the Administration party opposed to that bill, to increase the appropriations, in order to reduce the balance for distribution. With my views of the utter inexpediency, and corrupting, and dangerous tendency of such a measure, if any thing could afford an excuse for extravagant appropriations, it would be a desire to prevent its adoption. But is it not pertinent to inquire whether the party who favor what is miscalled the "American system" have not struggled to increase expenditures, for the purpose of rendering inevitable their darling object, a high tariff, by which money may be drawn from the pockets of the many to subserve the selfish ends, and increase the gains of a few?

It is however, sir, in relation to the principles of the contending parties that I desire mainly to discuss this topic. I say, and it will be my object to prove, that the principles of the Whig party must necessarily lead to extravagance, while those of the Democratic party lead to a rigid economy. They certainly are not like those of their opponents, incompatible with it. A strict construction of the Constitution, which is a fundamental article of the Democratic creed, must, of necessity, by limiting the powers, also limit the expenses of the General Government. To all the other expenses of Government the Whigs desire to add a distribution of the proceeds of the public lands, which must increase, in that ratio, the burdens of the people. And to what effect? That the money taken from the people may be distributed among corporations and capitalists. The principle of Democracy is that no more should be raised in revenue than is essential to defray the indispensable expenses of the Government, and that money is safest left in the pockets of the people. The great and leading measure recommended by the Administration, the Independent Treasury, is a measure of economy. It is obvious to all, that if banks are to be made depositories, it is for the interest of all connected with them to have as much money raised by taxation as possible, in order to swell the amount of deposites. By restraining the tendency to excessive importations, its effect will also be to repress that extravagance which grows out of sudden expansions. These, however, are subjects on which time does not permit me to enlarge. I will read a few extracts from official documents when the Opposition were in power, to show their huge admiration of economy. First, here is an extract from the inaugural address as President, of the venerable gentleman from Massachusetts [Mr. ADAMS,] who is so distinguished and able a champion in the ranks of the Whig party:

"It is that (internal improvement) from which I am convinced that the unborn millions of our posterity, who are, in future ages, to people this continent, will derive their most fervent gratitude to the founders of the Union; that in which the beneficial action of its Government will be most deeply felt and acknowledged. The magnificence and splendor of their public works are among the imperishable glories of the ancient Republics. The roads and aqueducts of Rome have been the admiration of all after ages, and have survived thousands of years after all her conquests have been swallowed up in despotism, or become the spoil of barbarians."

Now, sir, it is one of the doctrines of the Democratic party that the General Government has not the power, and if it had, that it would not be expedient to exercise the power of erecting these monuments of "splendor and magnificence." A rich and magnificent Government is necessarily connected with an oppressed and suffering people from whom, at last, have to be wrung the means of these imperishable glories, which are to survive after the people are overwhelmed in despotism, and spoiled by barbarians. What was it in the ancient Republics to the populace, that after ages were to marvel over the ruins of a magnificence growing out of their wrongs? It could have afforded them little consolation even to have been fully aware that their present suffering was to serve the high purpose of gratifying the curiosity of posterity.

Permit me also to offer to the notice of the committee a few extracts from the first annual message of Mr. Adams:

"Upon this first occasion of addressing the Legislature of the Union, with which I have been honored, in presenting to their view the execution, so far as it has been effected, of the measures sanctioned by them, for promoting the internal improvement of our country, I cannot close the communication without recommending to their calm and persevering consideration, the general principle *in a more enlarged extent.*"

This recommendation of the general principle in a *more enlarged extent* was after the mention, in the same message, of the fact that the Secretary of the Treasury had subscribed, "in the name and for the use of the United States, for one thousand five hundred shares of the Chesapeake and Delaware Canal Company," and that the work was "in successful progress"—that the surveys were completed for ascertaining the practicability of a canal from Chesapeake bay to Ohio river, and also for "two other objects of national importance," viz: "the accomplishment of a national road from this city to New Orleans, and ascertaining the practicability of uniting the waters of Lake Memphremagog with Connecticut river."

The message also contains the following passage:

"Connected with the establishment of an university, or separate from it, might be undertaken the erection of an *Astronomical Observatory, with provision for an astronomer, to be in constant attendance of observation upon the phenomena of the Heavens,* and for the periodical publication of his observations. It is with no feeling of pride as an American, that the remark may be made, that on the comparatively small territorial surface of Europe, there are existing upwards of one hundred and thirty of these light-houses of the skies, while throughout the whole American hemisphere, there is not one. If we reflect a moment upon the discoveries which, in the last four centuries, have been made in the physical constitution of the universe by the means of these buildings, and of observers stationed in them, shall we doubt of their usefulness to every nation? And while scarcely a year passes over our head without bringing some new astronomical discovery to light, which we must fain receive at second hand from Europe, are we not cutting ourselves off from the means of returning light for light, while we have neither observatory nor observer upon one half of the globe, and the earth revolves in perpetual darkness to our unsearching eyes."

In speaking of the powers of the General Government, the message advances these sentiments:

"But if the power to exercise exclusive legislation in all cases whatsoever, over the District of Columbia; if the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; if the power to regulate commerce with foreign nations and among the several States, and with the Indian tribes; to fix the standard of weights and measures; to establish post offices and post roads; to declare war; to raise and support armies; to provide and maintain a navy; to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States; and to make all laws which shall seem necessary and proper for carrying these powers into execution: if these powers, and others enumerated in the Constitution, may be effectually brought into action by laws promoting the improvement of agriculture, commerce, and manufactures, the cultivation and encouragement of the mechanic and elegant arts, the advancement of literature and the progress of the sciences, ornamental and profound; to refrain from exercising them for the benefit of the people themselves, would be to hide in the earth the talent committed to our charge—would be treachery to the most sacred of trusts.

"The spirit of improvement is abroad on the earth. It stimulates the heart, and sharpens the faculties, not of our fellow-citizens alone, but of the nations of Europe and of their rulers. While dwelling with pleasing satisfaction upon the superior excellence of our political institutions, let us not be unmindful that liberty is power; that the nation blessed with the largest portion of liberty must, in proportion to its numbers, be the most powerful nation upon earth; and that the tenure of power by man is, in the moral purposes of his Creater, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow men. While foreign nations, less blessed with that freedom, which is power, than ourselves, are advancing with gigantic strides in the career of public improvement, were we to slumber in indolence, or fold up our arms, and *proclaim to the world that we are palsied by the will of our constituents,* would it not be to cast away the bounties of Providence, and *doom ourselves to perpetual inferiority?*"

It is somewhat remarkable that gentlemen who supported such a latitudinarian construction of the Constitution, and such visionary and extravagant projects, and gentlemen who favor a candidate for the Presidency, who gave his assent and support to such doctrines and such schemes, have the boldness to say any thing about economy. Why, sir, of all plans of the most unlimited, lavish, and wasteful extravagance, was there ever any thing conceived of more alarming than these by which the money of the people was to be squandered abroad by a great central and tyrannical power, which had usurped and swallowed up the rights of the States and the people? It is to defeat such schemes, and to prevent the accession of one to the Presidency who supported that Administration and its doctrines, and who has never abandoned those doctrines, that the Democratic party contend. But, it may be asked, why were not the expenditures of that Administration greater, if their doctrines were such as would necessarily lead to extravagance? The reply is obvious. The Democratic party who opposed that Administration, prevented those doctrines from being carried into execution. In the first two years of that Administration, the Opposition was strong enough to prevent these projects from being adopted, and, in its last two years, the Administration was confessedly in a minority in Congress. The best proof possible of this, is the fact that the projects were not executed. A national university was not built, a national observatory was not erected, nor a national astronomer appointed, to be "in constant attendance of observation on the phenomena of the heavens;" the waters of the Chesapeake and Ohio, and of the Lake Memphremagog, and the Connecticut, were not united; nor was a great national road built from Washington to New Orleans, to vie in "magnificence and splendor" with the public works of Roman grandeur. I repeat, sir, the prevention of these undertakings is to be attributed to the principles of the Democratic party, which principles that party still entertain, and are striving to maintain and carry out. Suppose Mr. Van Buren were to introduce into one of his messages doctrines and recommendations like those which have been alluded to, would it be considered a proof of his love for economy?. What are we to think of professions of economy, and of a regard to the rights of the States, coming from the lips of those who bring forward for the office of President an individual who gave his full, unqualified, and hearty support to an Administration maintaining such doctrines, and who, it is not pretended, has altered his opinion on any of these subjects?

We have heard, on this floor, many denunciations of the late and present Administration, because of their too strict construction of the Consti-

tution in relation to internal improvements by the General Government. Nor do these come from Northern gentlemen alone. A leading member of the Opposition, one of the Representatives from Maryland, in a speech delivered by him in February, 1839, referred to the "overthrow of internal improvements," as one of the chief evils of Gen. Jackson's administration. My friend from North Carolina, [Gen. McKAY,] has exhibited this matter in its proper light, and referred to the vetoes of President Jackson on the bills subscribing for stock in the Washington Turnpike Road Company, and in the Louisville and Portland Canal Company, and for erecting light-houses, and improving harbors, and especially to the veto on the Maysville Road bill, by which projects of extravagance were stopped which were already on foot, involving an expenditure of over one hundred millions of dollars. The gentleman from Maine, [Mr. EVANS,] perceiving the force of this view, and endeavoring to avoid it, asked how it was known that the gentleman from Massachusetts [Mr. ADAMS] would not have made a similar exercise of the veto power on the Maysville road bill. When my friend from North Carolina rose, and said the gentleman from Massachusetts [Mr. ADAMS] was present, and could answer for himself; the gentleman from Maine avoided that issue. The gentleman from Maine further remarked, that he hardly thought, on account of the many similar projects, General Jackson could have done any thing else than veto it. These remarks certainly struck me with some surprise. The gentleman from Maine, and his political friends generally, voted for the bill, even after the veto of the President. Not only so; but let any one read the debates on that occasion, and the most unsparing denunciations will be found showered by the Opposition on the President, for his refusal to sign that bill. Nor were these denunciations confined to this House, but they were echoed and re-echoed by the Opposition presses through the land. Besides, we have just heard the most unsparing attacks on the late President for his tyrannical exercise of the veto power. It certainly seems to me that the gentleman from Maine, in his eagerness to escape from the force of the remarks of my friend from North Carolina, has fully overthrown the arguments adduced by his friends from Massachusetts, [Messrs. REED and SALTONSTALL,] in relation to the abuse of that power by the late President. No, sir: no sophistry can evade the fact that to the Democratic party and to General Jackson is due the credit of arresting the projects which received the countenance and support of the Opposition, involving the most monstrous extravagance. Let the principles of the administration of Mr. Adams be adopted and carried out, and there can be no limit even imagined, where expenditures would cease. Yet unfavorable contrasts have been attempted to be drawn between the expenditures of this Administration and those of Mr. Adams's, and the comparison has even been carried back to the administration of Mr. Adams the elder. I remember a toast formerly given by Josiah Quincy, a most distinguished member of the Opposition, "that those who fell with the first would rise with the second Adams." As these periods of our history seem to present to gentlemen of the Opposition their beau ideal of administrations, perhaps we may soon hear it announced that "those who fell with the first and second Adams shall rise with the hero of Tippecanoe."

Having thus contrasted the principles of the great contending parties in this country in relation to the expenditures of the General Government, I now ask the attention of the committee to some observations tending to show which of these parties is most favorable to popular liberty and popular rights. What is the distinction between an Aristocracy and a Democracy? It is that between irresponsible and responsible power. In an Aristocracy (and by that I mean not the government of the best, as the word in its derivation implies, but, more properly, oligarchy, or a government of a few) power is in the hands of those who are not responsible to the mass of the community; while in a Democratic Government power is placed by the people in the hands of those elected by and responsible to them. And just so far as a party strives to place power in the hands of those not selected by the people, and contends against responsibity to the people, just so far the designs of that party tend towards an Aristocracy. Now, sir, I maintain that the distinguishing characteristics of the parties are these: that the Democratic party are in favor of responsible and the Opposition party of irresponsible power. Before proceeding to more direct illustrations of this idea, I will advert for a moment to the manner in which those holding office under the people are spoken of by the Opposition. They are spoken of as a body of men separate from the people, and Government is treated as something distinct from the people. This appears to be a leading and cherished notion of the Opposition, and it seems to me to furnish a key to their ideas of Government. Who are the officeholders under Government? They are persons either selected by the people or appointed by those selected by the people for that purpose.

For as was well observed by my friend from Missouri, the other day, the theory of our Government is, that the people are the source of all power. Not only have we heard denunciations against those holding office, but we have seen attempts to disfranchise them and prevent them from exercising the commonest rights of citizens.

The gentleman from Tennesseee, [Mr. BELL,] March 7, 1838, from a select committe, reported a bill entitled an "Act to secure the freedom of elections," in which is the following clause:

"*Be it enacted, etc.* That from and after the first day of July next, no *officer, agent, or contractor, or any other person* holding any office or employment of trust or profit under the Constitution and laws of the United States, shall, by the contribution of money or other valuable thing, or by the use of the franking privilege, or the abuse of any other official privilege or function, or by threats and menaces, or IN ANY OTHER MANNER, INTERMEDDLE with the election of any member or members of either house of Congress, or of the President or Vice President of the United States, or of the Governor or other officer of any State, or of any member or members of the Legislature of any State; and every such officer or other person offending therein, shall be held to be guilty of a *high misdemeanor;* and upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding *one thousand dollars;* and any officer other than the President, Vice President, and judges of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be ever after incapable of holding any office or place of trust under the authority of the United States."

The gentleman from Tennessee, this session, in his speech on introducing a bill of a similar nature, spoke of Mr. CRITTENDEN's celebrated bill, which was so effectually exposed in the Senate, and which has so decidedly received the condemnation of the people, as one, the principle of which he approved, but which was unfortunately worded. It is difficult for me to conceive of words of more comprehensive and tyrannical import than those in the foregoing extract. "OR IN ANY OTHER MANNER INTERMEDDLE!" If a man be appointed to an office by one selected by the people for that purpose, he is an officer of the people, holding his appointment if not directly, still indirectly, from them. Because a man is trusted by those whom the people trust, is he, *therefore,* to have the brand of disgrace burnt deep into his forehead? Is he to be deprived of the right of speaking and writing his sentiments like his other fellow-citizens? The gentleman from Tennessee remarked that, by his bill, in the common and ordinary walks of life, the persons therein mentioned might express their own opinions, but it was "going out of their way" that was to be punished. How alarming the singular ambiguity of this explanation. If a person holding office abuses his official power, and neglects the duties of that office, no one would more earnestly desire his removal than myself. But does a person cease to be a freeman because he accepts an office in a free Government? If he has the ability and inclination, he has the same right to address his fellow-citizens; he has the same privilege to write and publish his ideas as other men. But by the principles of the bill referred to, if a person is so unfortunate as to have established a reputation which has drawn towards him the confidence of the people and their agents, though he might discourse with the eloquence of a Cicero on the subject of popular rights, his lips are to be shut in perpetual silence, and though he might write with a pen of light on those eternal truths dear to the hearts of freemen, the pen is to be stricken from his hand.

The collector of the port of Boston was denounced with great severity by the gentleman from Tennessee, and also by the gentlemen from Massachusetts, [Messrs. REED and SALTONSTALL.] And why? Because he had the audacity, on request, to deliver an address at Hartford! Are the freemen of this land to be denied the privilege of speaking and writing? What can be more insulting to the people than to proclaim that, because a person is deemed worthy of their confidence, he is therefore to be deprived of this privilege. Is it possible that, because persons are in office in a Government of the people, they are to be prohibited from expressing their sentiments? Or is it the popular sentiments themselves that are to be proscribed. Sir, the gentleman who has been thus denounced has done much to exalt and adorn the literature of the country; and his History of the United States, should he live to complete it, will form a monument to his fame as durable as the language in which it is written. And never can I consent to the doctrine, that because he holds an office, he is to be branded with disgrace, if he is willing to devote the enthusiastic energies of his philosophical and highly cultivated mind to the advancement of popular rights, and the illustration of those political principles which concern so nearly the good of his fellow-citizens. Let me refer to one or two passages from the address at Hartford, and see whether the sentiments are such that the people should be debarred from hearing or reading them. In speaking of the propriety of giving political power to the whole of the community instead of any fraction thereof, the author thus speaks of the fraction of the wealthy:

"Now, to every rich man there are two things: first, he is a man: as such, Democracy respects him and gives him equal rights. Next is his wealth; but wealth is blind. It cannot reason and it cannot feel. The money-bag has neither heart nor mind. The love of riches is a base passion. If Government is surrendered to it, then the question will be, what will be said of this measure by the speculators in real estate? What will be thought of it by the bears and bulls in the stock market. Therefore Democracy rejects the Government of wealth. She insists on putting the question not to note-shavers and money-makers, not to those who are rich and are struggling to grow richer, but to conscience and to mind."

In speaking of "tendency to improvement" as one of the characteristics of Democracy, the following language is used:

"This constant hope of progress is denounced by our opponents as destructive of present institutions—a war against the past. But, in truth, Democracy is not destructive; she makes no war on the past; she plans no overthrow of the present. On the contrary, she garners up, and bears along with her all the truths that past generations have discovered; she will not let go one single idea, not one principle, not one truth. She has an honest lineage; she is, under God's providence, the lawful offspring of advancing humanity, and she claims as her rightful inheritance, the glorious inventions, the rich discoveries of the past. But Democracy does not, like the Egyptians, embalm the dead; she does not bear along with her decayed institutions, errors that have inflicted on themselves their own death blow. She leaves the self-styled conservative to stagger along under the accumulated superstitions and wasting structures of past centuries, to totter under the piles of charters that have expired, of contracts that have been broken; and she herself keeps on in her course, having for her companions all the noble institutions which rest, self sustained, in their own integrity; and for the guarantee of her success, the natural immortality of truth, and the ever active providence of God."

Though gentlemen might not agree in these sentiments, is there any thing in them so objectionable that it should be considered a crime to send them forth to the community? Suppose there were a contest going on between a vast moneyed corporation or a combination of banks and the people, have not the bank presidents, bank directors and stockholders, cashiers and clerks, the same privileges as other citizens? Do they not exercise the right of speaking and writing on political subjects, and "*in any other manner intermeddling*" in elections? There is no sin in this! But if an officer in the Government of the people dares to exercise the rights of a freeman, he is to be proscribed! When such a contest as that referred to is raging, such a bill, passed into a law, would deserve no better name than that of a sedition law of the banks. I have said that the aim of the Opposition seems to be to denounce those trusted with office by the people, as a body of men distinct from the people. How different is the manner in which these favorite and cherished institutions, the banks, are regarded. In the last Congress a gentleman from Virginia exclaimed: "What are banks but institutions of the people?" A leading member of

the Opposition, then a Representative from Maryland, said, "banks are combinations of the people," and characterized the war of the banks against the Government as "the war of the lamb against the wolf." The able champion of the Opposition, then representing in part the State of Mississippi, contended, with his usual boldness, that "*the banks were the people.*" Lest this may seem almost incredible, let me refer to chapter and verse. My friend from South Carolina, [Mr. RHETT,] in a speech, delivered June 25, 1838, commented on the position of the gentleman from Mississippi, that the banks were the people, with his usual stringency and force, and "Mr. Prentiss rose and said that when *he maintained that the banks were the people*, he did not mean that they were so on account of the number immediately interested in them as stockholders, or the amount of capital invested in their stock, but because their currency was in the hands of the people, and thus *their interests became the interests of the people.*"

In pursuing the inquiry which party contends for irresponsible power, and consequently is most averse to popular rights, I now ask leave to present a few extracts from a speech of the distinguished gentleman from Tennessee, [Mr. BELL,] delivered December 26, 1838, commenting on the message of Mr. Van Buren of that session.

"Among the most prominent dangers to which our form of Government is exposed, the President here enumerates '*the anti-Republican tendencies of associated wealth.*' I suppose [said Mr. B.] it will be said that he refers to the association of capital accumulated in the State banks; but in the opinion of the community generally, this language will warrant a more extensive application; an application far more operative, and *demanding more serious reflection.*"

Again, in relation to the same subject, the gentleman from Tennessee proceeds:

"But, Mr. Chairman, if I correctly understand the import of the passage now under consideration, it manifests a laxity of principle, a recklessness of consequences; such a spirit of desperation in the choice of means to sustain power as ought to receive the severest reprehension from every well wisher to our free institutions. *This covert denunciation of wealth and of the rich* is, without doubt, intended to be understood by those whom it pleases, as a proof that the author of it is a friend and a champion of the poor as distinguished from the rich. Viewing it in this light, it is a sort of argument; an electioneering cant, which, however shameful and indefensible, may be allowed in the public speeches of ordinary candidates for a seat in the Legislature, or for some office or station in a State, or even for a seat in this Hall of the Representatives of the nation; but in a Chief Magistrate it is *wholly unworthy and detestable.*"

Now, sir, where is the great harm in the passage thus severely denounced. Let any say whether the tendencies of associated wealth are *not anti-Republican.* If the passage be true, is it criminal for a Chief Magistrate to be its author? Is it not a most alarming fact for the people of this country, and demanding their most "serious reflection," that the passage in the message of their President, which calls forth the most severe reprehension and denunciation of the leaders of the Opposition party on this floor, is that where the President ventures to speak of the "anti-Republican tendencies of associated wealth!"

In commenting on that part of the Message in which the President speaks of each successive change in our institutions having contributed to extend the right of suffrage, and increased the direct influence of the mass of the community," the gentleman from Tennessee used the following language:

"I content myself, for the present, by repeating that the mass of the people have, for years, been DEGRADED TO THE RANK OF MERE MACHINES in the hands of a few men who have had the talent and address to use them for their own purposes."

The gentleman from Tennessee also selected for his strictures the following sentiments of the message:

"This review of the results of our institutions for half a century, without exciting a spirit of vain exultation, should serve to impress upon us the great principles from which they spring—*constant and direct supervision by the people over every public measure.*"

"Now, sir, (said Mr. BELL) I should be pleased to be informed what is meant by '*constant and direct supervision of the people,*' which is here enumerated as one of the great principles to which we are indebted to the glorious results of our system? Will some gentleman, who is better acquainted with the sentiments of the President on this subject, enlighten me? Will he tell me what is the true import of the language, "*constant and direct supervision by the people?*" Is it intended by this passage in the message, and the other doctrines which are more or less openly inculcated, to give the high official sanction of the Chief Magistrate of the Union to the new impulse which has recently been given, or sought to be given to *what are called the Democratic tendencies of our system?*"

Time only permits me to read one more extract from the speech of the gentleman from Tennessee:

"In another part of the message we are assured by the President that 'To this practical operation of our institutions (which he had described) so evident and successful, *we owe that increased attachment to them*, which is among the most cheering exhibitions of popular sentiment.'

"I deny [said Mr. B.] most confidently and emphatically that we are authorized to boast of this 'increased attachment' to our institutions. On the contrary, I affirm that, for years, the attachment of the people to our institutions, and their confidence in their efficacy and durability have been weakening and diminishing, just in proportion as the principles and practices of the party in power have been more and more developed and brought to light. I affirm that instead of increased attachment, there is *manifestly increased distrust;* and thousands of honest and intelligent citizens throughout the land, look with apprehension and dread to the future—that future which may come sooner upon us than you or I now dream of."

Without stopping to inquire how consistent the charge of a design to give new impulse to the Democratic tendencies of our system may be with the allegation that the people are "mere machines," is there not furnished, by these extracts, matter of apprehension and alarm to a people jealous of their rights? What are the passages of the message selected, emphasised, and italicised, for condemnation and denunciation by the distinguished gentleman from Tennessee? Those in which the President dares to speak of the "anti-Republican tendencies of associated wealth;" of "an increase of the direct influence of the mass of the community;" of "the constant and direct supervision by the people over every public measure;" and "of the increased attachment" to our free institutions. I ask again, whether the fact alone that these passages have been selected for severe and unmitigated reprehension, is not full of significance; and whether it does not furnish ground of alarm to the community?

The assumption was also mentioned by the gentleman from Maryland, to whom I have alluded as among the chief enormities of the administration of General Jackson, that "the President was the representative of the American people, coequal with the legislative power, *accountable to the people*, and not to Congress, for his acts." And his indignation is equally aroused because a corollary was deduced from this that the elections being *appeals to the people* were to be interpreted *as expositions of the public judgment* in favor of the great representative chief." In the present debate, the gentleman from Massachusetts [Mr. SALTONSTALL] has severely condemned the principle that the President should "consider himself the representative of the popular will." Ought not the President elected by the people to be the representative of the popular will? Is he not accountable to the people? Are not the elections "appeals to the people?" To deny these things, it seems to me, is to strike at the very foundation of free institutions and popular rights. Why should the people elect the President unless he is to be the representative of their will? No, sir, the right of electing a President is not a barren mockery; nor is the President to exercise irresponsible power but that derived from the people.

The gentleman from Missouri [Mr. JAMESON] referred to the present and ancient division of parties, and alluded to the fact that Hamilton supported, and Jefferson opposed, a Bank of the United States, and remarked that all the objections of Jefferson were now found to apply, and were confirmed by the test of experience. But the gentleman from Massachusetts [Mr. REED] objects to this as one of the dividing distinctions of parties, because certain members of the Democratic party, in times past, supported such an institution. Nothing can more strongly prove the truth of the assertion, that though men may change, principles do not, than the striking fact that *now* this great dividing line is drawn precisely as it was in the times of Jefferson and Hamilton. There is not, to my knowledge, one single friend of the Administration on this floor who supports an United States Bank. Can one individual he pointed out? No, sir, not one. By the Opposition, generally, a Bank of the United States is held out as their favorite remedy; their panacea, which is to cure the evils which they say afflict the country. The gentleman from Virginia [Mr. WISE] very recently proclaimed that to a Bank of the United States we must come, and should come, at last. It has even been asserted here that such a Bank is "the best protector of our liberties against the encroachments of Executive power." An irresponsible moneyed corporation the safest protector against a President chosen by the people, and the representative of their will! I can only say that such a theory does not accord with my ideas of the protection of popular rights.

The endeavor to retain the exercise of the secret ballot by representatives who ought to be responsible to their constituents, presents another instance of fondness for irresponsible power. By examining the journal of the last session, the yeas and nays will show an almost exact party vote on the subject. The Whig party, as a party, voted against the open, responsible, *viva voce* vote. The gentleman from Massachusetts [Mr. REED] has said that the vote by ballot is considered important to the people in giving their suffrages, to secure them from undue influence, and "that he is not for setting the representative above the people." Sir, would that the right of the people to exercise their right of suffrage by ballot, uninfluenced and unawed, were every where still further protected! The elector is accountable to no person for the manner in which he exercises his right: he is only accountable to his own conscience. But the representative is accountable, also, to his constituents. It is for the very reason that "the representative should not be placed above the people," that the people have a right to know how he votes. If any improper influence is exercised on him—if he is induced to betray the will of his constituents—let *them know it*, and apply the remedy. To permit him to give a secret, and, as it has been appropriately termed, a clandestine vote, is to destroy his responsibility to the people.

An extract from an English paper was read here a few days since, to show that, in the opinion of the English, Mr. Van Buren was getting to be quite anti-Republican. Whether praise from such a source should be a subject of gratulation, admits of doubt; and so, likewise, whether censure should be a reason of regret. But the Opposition, though they have assumed to themselves the title of Whigs, sometimes, with an inconsistency which betrays more of sincerity than of prudence, also assume the merit of being the Conservative party. This is the title in which the party in England most opposed to popular rights rejoices. And if a tendency towards many of the same doctrines as those held by English Conservatives can entitle the Opposition to the same appellation, I am willing to concede the propriety of its appropriation. Blackwood's Magazine is well known to be one of the principal organs of the English Conservative party—a journal distinguished for its fierce scorn and bitter denunciation of popular power and popular rights. But that the character of this journal may be fully appreciated, I will present a few illustrations, taken from its pages.

Of Lafayette, that journal uses the following language:

"If George III had been King of France, the whole tribe of the philosophers, the atheist politicians, the club orators, the heroes of the tocsin, would have been peopling the antipodes; he would have met the smiles of Lafayette with the halter—La ayette, of all the perpetrators of national mischief the most odious, as the hypocrite is more abhorred than the ruffian."

'Lafayette, whose name will be transmitted to posterity, stamped with that bitterest badge of scorn—the praise of all rebels, traitors and infidels throughout the world"

Of the Reform bill, this language is used:

"That fatal bill of misnamed and delusive reform, which, throwing the representation from the hands of the responsible classes into those of the irresponsible—giving to ignorance the rights that belong to knowledge—to poverty the rights which *can be safely exerted by property alone*, has already shaken the State to its foundations."

In relation to hereditary dignities and popular power, the following ideas are advanced:

"But the true source of this abhorrence of hereditary dignities was neither the vice nor the uselessness of the French nobility; it was the mere rancor of the low against the high, the mere vulgar jealousy of the obscure against the conspicuous, the mere overflowing of that bitter and mean spirited and contemptible desire to sink all things to the level of the contemptible, which belongs to the very nature of the Democrat. This spirit reigns at this moment in the heart of every leveller. This is the spirit which bellows in the clamor of America against a peerage."

"All the speciousness which disguised the true nature of popular power to the eye of fools, for to none other was it ever disguised; or lent a pretext to the tongue of knaves—for in none others did it ever find its panegyric."

These are sufficient to afford an illustration of the character of the journal from which I am still further to quote.

The severity of the commercial crisis of 1837 all remember, and it is within the recollection of those who were in the last Congress, that at the extra session the causes of this crisis were very frequently descanted on. Commercial difficulties pervaded nearly the whole world, and when Opposition orators ascribed all the evils afflicting our community to the removal of the deposites, the specie circular, and sundry other acts of the President, it was replied that these disorders were not confined to this country, but pervaded other commercial states. Attempts were then made to ascribe not only the commercial disasters of this country, but those of England and the whole world, to the enormities of President Jackson. The similarity of the views advanced by certain gentlemen of the Opposition on this floor, with those contained in an article in Blackwood's Magazine, must arrest our attention and strike us with some surprise. In that Magazine, for August, 1837, there is an article headed—"The late commercial crisis—the work of the tyrant majority."

After giving a description of ruin and distress pervading Great Britain, equalling the most glowing panic speech ever made, the writer proceeds:

"But if these have been the effects of the storm in the British islands, how incomparably more disastrous have been its effects on the other side of the Atlantic! In America a convulsion has been experienced, unprecedented, perhaps, in the civilized world. It may truly be said that an universal bankruptcy has there taken place."

Further:

"We shall find the cause in the insanity of the American Democracy, in the violent struggle between the conservative and levelling principle, of which, for four years, that country has been the theatre; in the monstrous absurdity of the masses, who, by long continued clamor and violence, in opposition to the united opinion of all the wealth, respectability, and intelligence of the country, engaged the Executive in a struggle for life and death with the commercial and intellectual aristocracy, and at length carried their Democratic jealousy so far, as, during a period of unexampled commercial enterprise, to attempt to force upon the country an exclusively metallic currency." "This is what the American masses have done; it is in this result that the grand experiments of Democratic institutions—self-government and universal education—have terminated."

"Are you suffering, then, you operatives in Manchester, Salford, Glasgow, and Paisley? Blame neither the House of Lords nor Commons—neither the Crown nor the Bishops—neither the land owners nor the clergy. Your own order, the madness of your own compeers, have occasioned all the distress; it is the tyrant majority in America, the deluded impassioned masses, who were maddened by an untaxed press, and empowered by universal suffrage and vote by ballot, which has occasioned all your suffering. If the opinion of the respectable and educated classes in that country had prevailed, you would still have enjoyed your former prosperity."

"The *intelligent far-seeing* masses, strong in the support of the multitude, strong in the powers of universal suffrage, vote by ballot, and *the exaction of pledges*, have returned representatives, and placed a President at the helm, who has carried through, amid the unanimous shouts of the whole Republican party in America, the following decisive measures against the United States Bank, intended as a prelude to the war against all banks whatever."

The writer then enumerates the removal of the deposites—the veto on the Bank charter, and the specie circular, as the measures producing the deplorable results described.

"It was the great act of Democratic despotism by the American masses which has thrown the whole world into convulsion, and induced an extent of ruin and suffering for a parallel to which we shall search the annals of regal or aristocratic oppression in vain."

The writer also gives it as his opinion—

"That the banker with his notes has done as much for the cause of freedom, as either the printer with his printing press, or the schoolmaster with his grammar."

He also says:

"This extraordinary and otherwise inexplicable jealousy of the Bank, which by combining solidity with prudence in its measures has done so much to remove the inherent danger of a paper currency, when issuing from a multitude of independent sources, is in truth nothing but the form which Democratic ambition takes in that country—all other distinctions are abolished; *there is no aristocracy, no landed interest, no church, no national debt, no nobility, no sovereign;* the majority, according to universal suffrage and giving its votes by ballot, decide every thing. But the banks remain, and in them the masses *see the germ of a future commercial aristocracy*, in the power of giving or withholding discounts—a source of influence which may *sometimes counteract and interfere* with their despotic propensities."

And again:

"Previous to the election of Gen. Jackson, the Federalists had always exercised a certain influence over all the Presidents, who were always scholars, and who had all, whatever their party might be, connections of family, friendship, or early habits with the conservative ranks. Up to his accession to power, that party had always a sort of control over both chambers. Now, however, this is entirely at an end; the Executive is wholly at the disposal of the Democratic party. The Federalists have no influence whatever, except in one of the chambers, and that is the Senate, where their preponderance is still maintained from the superiority in its ranks of intelligence, education and fortune. The Democrats, in consequence, have not failed to designate the Senate with the title of aristocratic body, and to call it the House of Lords. The mass which in Europe is accustomed to bear the burden and receive the law, has succeeded in imposing it on the shoulders of the elevated and polished classes, which in Europe constitute the superior stratum of society and form the laws. The farmer and the mechanic are the rulers of the new world; public opinion is *their* opinion; public will is *their* will; the President is the man of *their* choice, *their* mandatory, *their* servant."

The writer also quotes in support of his positions the following extract from the work of a French traveller:

"Under the moderate and beneficent rule of former Presidents, the public functionaries were not changed on the change of Government, and they *were not allowed* to take any part in the public elections. Since the election of General Jackson, however, a systematic system of exclusion has been adopted, public employment of all kind has become the spoil of victory. President Jackson has overspread with his creatures every portion of the Union; all the custom-house officers, all holding office under the Government, have become his creatures. This system has gained cities and counties; the magistrates, secretaries, printers, judges, inspectors of markets, police, watchmen, in a word, public functionaries of every description, are aware that the bread of themselves and their families depends on upholding the ruling dominant powers. The President has now under his command an army of SIXTY THOUSAND civil servants, they are his *ames damnees.*"

Let it not be understood that I am so illiberal as to impute to all my political opponents all the sentiments entertained by the English Conservatives. I am speaking of the tendency of the principles, and the course of the two great parties of this country. That there are in the country a considerable number of persons who are opposed not only to Democratic, but even Republican institutions, can hardly be doubted. Within the fold of which party they are to be found, the tendency of the doctrines entertained by the respective parties, may serve to indicate. Were not these indications sufficient, reference might be had to the productions, which have at several times appeared in the public prints, and among the rest those of a writer who signed himself Sidney, published in 1837. He says:

"That the *immediate* cause of the present derangement of the currency, and of the embarrassments of commerce and manufactures, is the ignorance, perversity, or wrongheadedness of a few men in the Administration, is true; but that the *primary causes* are to be sought in the Constitution, is a fact too obvious to admit dispute.

"There are two prominent reasons to be assigned for these defects in the Constitution. One is the want of experience in the patriotic men who framed the Constitution. The other is the *credulous reliance* of these men on the virtue and intelligence of the people, and of the men who *should be elected* to enact laws and administer the Government.

"These opinions are not the visions of theory; they are sustained truths, absolute facts; and such facts have induced nations to abandon the practice of *electing* their Chief Magistrates, preferring to receive that office by hereditary succession. Men have found that the chances of having a good magistrate by *birth*, are about equal to the chances of obtaining one by *popular election*. And boast as we will, that the superior intelligence of our citizens may render this Government an exception, time will show that this is a mistake. No nation can be an exception, till the Almighty can change the whole character of man."

May I not say that there is a striking similarity between some of the sentiments put forth in the conservative English journal, from which I have quoted, and those we have heard, and still hear, on this floor? That the banker, with his notes, has done so much for freedom, is not entirely at war with some assertions made here. What the writer's ideas of freedom are, may be sufficiently inferred from the tenor of his article. The army of sixty thousand office holders—the veto on the Bank—the removal of the deposites—the specie circular—the putting forth of these as the efficient causes of all the embarrassments which pervaded the world—the complaint that the President is responsible to the people, "is the man of *their* choice, *their* mandatory, *their* servant," and other suggestions which I will not enumerate—are they not all familiar to our ears?

In enumerating other and further proofs of a tendency to irresponsible power, there is the Bank convention, which met a year or two since, to regulate the business of the nation, and which held its sessions with closed doors. With their enormous power, what was this but a secret and irresponsible Legislature? When any thing has been suggested against the Bank of the United States, it has been replied that the directors were respectable men, and they would exercise properly their power. The opposition to the Independent Treasury is nothing less than an attempt to give the keeping and control of the revenues of the country to irresponsible corporations instead of entrusting them to the safekeeping of responsible agents of the people. Notwithstanding it is impossible to deny the abuses of the banking system, and no one does deny them, yet when an effort is made to prevent those abuses, it is immediately denounced as an attack on the existing institutions of the country, and the doctrine is proclaimed that the "banks are the people." Who defended the gross attempt in Pennsylvania to clothe with power persons not elected by the people? And sir, the majority of this House has been denounced again and again as disfranchising a State! And why? Because, exercising the power given to us by the Constitution, we refused to admit into this hall, as members, those not chosen by the people. Those coming here and claiming the exercise of undelegated and irresponsible power, did not pretend that they had a majority at the ballot boxes. They came here *confessing that they had not.* And yet, because we have admitted to their seats those who had a majority at the polls, and because we did not admit those whom *the people did not elect*, to exercise power here which the people never gave, we have been denounced! If the popular will could have been thus defeated, there might have been some reason for a distrust in the permanence of our institutions. I have already alluded to the remark of the gentleman from Tennessee, that the people have been for years "mere machines," and his assertion that confidence has diminished and is daily diminishing in our institutions. It is true that in the preceding portion of his speech, the gentleman from Tennessee professed himself not to be in favor of any further limitation of the right of suffrage. But could there be a stronger argument in favor of such limitation? If the mass of the community have been for years "mere machines," can they exercise the right of suffrage as freemen ought? Such a doctrine strikes a deadly blow at the right of suffrage. I utterly deny the fact, that, for years, the people have been degraded to the rank of "mere machines," and that they are so devoid of intelligence by which to know, or spirit by which to maintain their rights, that they can be hoodwinked and led hither and thither. And any party that undertakes to act on such an assumption, will find themselves covered with defeat and disgrace.

But, let me ask, does it become us to be too ready to proclaim that confidence is daily diminishing in our institutions? Who does not know that the hopes of the true friends of freedom throughout the world are fixed on us? Hither do those who cower under the oppressions of the old world turn their aching eyes, gazing from afar, to the land of promise. Who does not know that the foes of freedom watch with eager earnestness for the slightest symptoms of doubt and distrust? Every such symptom is magnified and repeated again and again by every journal of legitimacy across the waters. If it is to be published that the great experiment has failed, and that the problem of self-government is never to be solved, how glad will be the tidings to the foes of popular power! If it be true that *already* there is room for distrust in our institutions, those who, in all climes, have been struggling to maintain the rights of their fellows, may well cease their efforts, and fold their hands in despair.

In alluding to the partiality of the Opposition to the irresponsible vote by ballot of representatives of the people, the remark is due to the gentleman from Massachusetts, [Mr. CUSHING,] that in opposition to his course in this respect in the last Congress, he at this session both spoke and voted against it. Nor do I go too far in asserting that from the admissions made by him on this floor, an inference can be drawn as to which party is most in favor of popular rights. It is a pregnant fact that he has heretofore felt himself obliged to rebuke his friends for their avowals here that there was any reason for increased distrust in our popular institutions. On one occasion, I understood him to admit that perhaps there was a leaning to ultra Conservatism among his political associates, and at the same time to contend there was on the other side a tendency to ultra Democracy. In his speech on the Treasury note bill, he also observed it was "his fortune or misfortune to differ with many of his political associates in regard to the social organization of the people of the United States, and the

consequent inherent rights and predestined power of Democracy."

Mr. Chairman, if the maintenance of popular rights be a failing, it is a failing which leans to virtue's side. If it be an error, it is a noble error. It is an error which, of all others, tyrants and bigots have most carefully avoided. For this error Fox and Henry spoke, and Milton wrote, and Hampden fought and bled, and Sidney and Russell suffered martyrdom. It is an error which has prompted the greatest actions that adorn the page of history, and which has inspired the burning eloquence, and nerved the arms of the best and bravest in the records of the past. If it be an error, I could almost say that "I would rather err" with such as these, than be wise with those who blame them.

The most deadly foe to the spirit of liberty is that of aristocracy. No populace ever surrendered their liberties to the arm of one great conqueror, and invoked his protection, until, by the unprincipled despotism of a patrician few, they had been reduced to a situation so abject and deplorable, that it could scarce be changed for the worse. No mighty leader has ever been able to subvert the forms of liberty until its essence had already departed. No one has ever concentrated in himself supreme power until the people have been deprived of their rights, and trampled in the dust by the grinding sway of a tyrannical and insolent oligarchy. It has been well said that "the history of oligarchy has been the same in every age. It is a history of plunder and rapine and extortion and treachery and fraud and falsehood. Their leaders have always 'first inflicted the injury, and then railed against the indignation which the injury evoked." They have ever oppressed and trodden upon the people, until attempts to resist their aggressions were inevitable, and then they have cried out against mobs and popular license, and made these a pretence for still further enormities. They have striven to bend to the earth the hardy and elastic tree of popular freedom, and because it would rebound, they have desired to apply the destroying axe to its root.

They have ever assumed to themselves the title of the lovers of order, supporters of constitutions of law and of religion. They have ever abused, with malignant rancor, every one who had the hardihood to oppose their designs, and characterized them as demagogues, as infidels, as foes to peace and order, and as destitute of talent and of virtue. And it is a melancholy fact that history has been too much in the power of the foes of freedom, and that the characters of many of those who were actuated by the noble design of benefiting their fellow men have come down to us blackened by the slanders of patrician malignity. How, let me ask, would Jefferson have gone down to posterity, unless the people had sustained him, and the revilers of that great and good man had been obliged, in a great measure, to succumb before the popular voice, and to pretend an acquiescence in his principles, for the sake, it is feared, of more effectually preventing their influence? And, though the eventful period of the administration of that "just and firm old man," who has now retired to the Hermitage, is so recent that we still hear his principles and actions bitterly attacked by the Opposition, yet no one can have failed to remark that, already, attempts have been made to contrast the sentiments of his successor unfavorably with his, though it is well known that that illustrious patriot and hero is, as he ever has been, with his whole heart and soul, on the side of the Democracy of the land.

Although I have trespassed too long already on the kindness of the committee, there is another subject to which I will briefly allude, as illustrating the distinction which I have endeavored to draw between the great contending parties. The extracts already quoted have shown with what fierce denunciation "the exaction of pledges" is condemned by the English Conservative. Can it be considered other than a most alarming and astonishing fact to the American people, that, on the great topics which agitate the community, the Presidential candidate of the Opposition shrouds his opinions in mysterious silence? The letter of inquiry sent by the Oswego association, and the reply, not by Gen. Harrison, but by three persons, who call themselves "his confidential committee," have already been read in this hall. Sir, when this correspondence was first published, even gentlemen of the Opposition saw it was so repugnant to the principles of American liberty, and to the feelings of the American people, that faint attempts were made to deny its genuineness. These attempts have ceased. No one, now, is hardy enough to rise in his place and declare he does not believe it genuine. The startling and astounding fact stands forth uncontroverted and incontrovertible. What are the reasons given in the correspondence for this extraordinary course? One is that General Harrison receives so many letters it is impossible for him to answer them. Does not every one know that one letter, stating his sentiments on the prominent topics dividing the country, published to the world, is all that could be asked? All must see, at a glance, the insincerity of this pretence. Besides, if it be so laborious to be a candidate for the Presidency, what must it be to act as President? Is this confidential committee—a committee not elected by the people—to act for and in behalf of the President of the United States? In case of the election of General Harrison, is an irresponsible committee to govern the destinies of the nation? What is the true reason of the course which has been taken? The friends of General Harrison will not contend that it is his incompetency, and that they dare not trust him to write a letter. Is it, then, an unwillingness to have his sentiments known, because it is impolitic so to do? In a free country, does any one dare avow this? Yet, sir, the committee have intimated this. Here are the words:

"As from his confidential committee you will look upon this response; and if the policy observed by the committee should not meet with your approbation, you will attribute the error rather to ourselves and his immediate advisers than General Harrison. THAT POLICY IS, that the General MAKE NO FURTHER DECLARATION OF HIS PRINCIPLES FOR THE PUBLIC EYE whilst occupying his present position."

As if doubting whether the reasons given by this confidential committee would be entirely satisfactory, the gentleman from Ohio [Mr. CORWIN] has undertaken to add others. One assigned by him was that he could not see of what use it was to extract opinions on a particular subject, when there might be a thousand other subjects to act upon. Another reason was, that a person's present opinions were wished for—not those of yesterday or to-day even, but of the present moment; and that men are so liable to change, that it might be superfluous to express their opinions at any given time. And still another, that the history of Gen. Harrison for years had been uniformly one way, and that he may be supposed to remain the same.

Sir, no one knows better than the able gentleman from Ohio, that there are a few prominent topics which agitate the public mind, and on which an intelligent people must desire to know the opinions of a candidate for their suffrages. Nor is it very easy to conceive how, if persons are so liable to change as he represents, it can, with so much certainty, be inferred that General Harrison had not changed; though I confess, from all that can be inferred from his history, of his political sentiments, if I believed him likely to become the President of this Republic, I should very much hope he had. Here then are the reasons put forward to excuse this course to the American people. One, that General Harrison has so many letters that he cannot answer them all—another, that it is considered impolitic—another, "that the National Convention deemed it impolitic, at *the then crisis*, to publish any general declaration of the views of the great Opposition party"—another, that there are so many subjects he might be called to act upon, there is no use in the expression of opinion on any—another, that opinions are so liable to change—and still another, that Gen. Harrison is exempt from this liability. Truly, sir, too many reasons are rather worse than none at all.

The intimation that if the policy is not approved, the error is to be attributed "rather to themselves and his immediate advisers than to Gen. Harrison"—what is it but an introduction of the maxim of the British Government that the king can do no wrong? If you approve this course, give the credit of it to General Harrison; if not, do not blame him, but us, his confidential advisers! Has this individual, recommended as fit to fill the Presidential chair, no will of his own—no power to exercise his own judgment? Do this committee deprive him of the privilege of seeing the letters addressed to him? If not, will they not *permit* an answer, though he may desire to return one? Are the freemen of this country to be imposed upon by such jugglery? The gentleman from Massachusetts [Mr. SALTONSTALL] contended that, "as to its intention, the Hartford Convention was as innocent as the Harrisburg Convention." If this latter convention can introduce among the American people such principles and such practices, I should fully agree with the gentleman from Massachusetts, even admitting the Hartford Convention to be all its worst enemies ever contended, and all which a large portion of the American people have believed. The members of the Harrisburg Convention say to the people of this country, "here is our candidate; we deem it *impolitic* to expose our principles, or that our candidate should expose his. You are to vote for him, but you must not know why. He is to be your ruler, but we will not inform you on what account. You are to give him your suffrages, but we will give you no reason to offer why you should, nor will we enable you to know why you do it yourselves." This is to carry out the doctrine that the people are "mere machines," with a vengeance. Is this the manner in which the intelligent and virtuous yeomanry of the land are to exercise their highest privilege, that of choosing their own rulers? Are they to be led hoodwinked to the ballot box? Why not just as well have a hereditary ruler? Of what use is it that the people have the right to choose their own rulers, if they are not to know the political principles of those for whom they are called on to vote? How can a person be responsible to the people, if he is not to act for himself, and if the people are not to know his opinions? Sir, to use the allusion so aptly introduced by my friend from Mississippi, [Mr. BROWN,] the people of this country will follow no veiled prophet, lest, when the veil should be removed, they might find, to their dismay and astonishment, that they had been worshipping a monster.

The gentleman from Massachusetts, [Mr. CUSHING] alluding the other day to the political prospects of his friends, remarked that "he saw the aurora of a brighter day;" and we have heard from several other gentlemen of the Opposition similar exulting and vaunting anticipations. I have heard such loud and boastful prophecies too often for them to strike me with any alarm whatever. During the extra session of the last Congress, the gentleman from Massachusetts used this language:

"We tell you that North Carolina, Tennessee, Kentucky, Indiana, Rhode Island, and Maine, have pronounced judgment upon the Administration. I congratulate Maine especially on her emancipation from the thraldom of degrading assentation to every caprice of the Executive, to which her own peculiar interests have so long been sacrificed. We hail the auspicious omen of the bright star in the East Maine has rung the knel lof Radicalism. Well may she hold up to her sister States the dirigo in her escutcheon. The people have spoken out, and in a voice of thunder, which should be re echoed by their representatives in this hall, until it penetrate into the innermost recesses of the White House."

Allusions were then continually made in a most triumphant manner to this star in the East. It was perpetually above the horizon—to the Opposition their star of morning, and of evening too. Without saying any thing in regard to the result in the other States alluded to, I may be permitted to remind the gentleman from Massachusetts that I then remarked that I knew a little of the spirit of the Democracy of the North, and that, let the true issue be presented to them, and the principles of the President's message be well weighed and understood, they would rise, and, to a man, they would gird on their armor and bare their blades, and, shoulder to shoulder, they would again fight the battle of liberty; and that ere another year, the "star in the East" would have proved, to those who gazed upon it, but an ignis fatuus, which had deceived them with a false and delusive hope.

Though on many subjects I should differ from him with great diffidence in my own opinions, the gentleman from Massachusetts will himself now acknowledge that in this respect I was right and he was wrong. One would suppose that repeated experience might have taught our opponents some caution—lest it might

be said of them as Napoleon said of the Bourbons, "that through years of disaster and defeat they had learned nothing and forgotten nothing." But it seems the boisterous and empty boasts of bygone times are again to be repeated—again to prove as hollow and deceitful as before. While the noisy and many-tongued builders of the Opposition are striving to raise their Babel structure, on the summit of which they fondly imagine they shall reach the Heaven of their hopes—the people are silently looking on, awaiting, with calm confidence, the hour of trial. When that shall arrive, they will gloriously vindicate their intelligence, which has been insulted, and their rights, which have been spurned—and write anew, in capitals of fire, the noble truth that man is capable of self-government. They will rise in their might and scatter to the winds the disjointed and crumbling citadel of a grasping and insidious foe.

SPEECH OF MR. MONTGOMERY,
OF NORTH CAROLINA,

In the House of Representatives, March 25, 1840—In Committee of the Whole on the state of the Union, upon the bill to authorize the issue of five millions of dollars of Treasury notes.

Mr. MONTGOMERY said: Mr. Chairman, I have for some time been endeavoring to obtain the floor, not for the purpose of inflicting upon you and the committee a long and elaborate speech, such as some of those we have had to suffer under since this bill has been before us, but a short and plain statement of such facts as have suggested themselves to my mind, with such recorded facts as I have been able to collect from the journals of this House, and other public records.

I had not intended, Mr. Chairman, when this bill was reported to the House from the Committee of Ways and Means, to have said one word in relation to it, for the facts contained in the information before us, appeared to me to be too plain to be misunderstood by any one, and the necessity of prompt and speedy action by this and the other branch of Congress to relieve the wants of the Government creditors, was too urgent to admit of much delay. Heretofore, Mr. Chairman, it was supposed to be the pride and the pleasure of the Representatives of the people of the United States to seek out and avail themselves of the best means to sustain the credit, the character, and honor of the country, and save the Government from the disgrace that must attend a nonperformance of its engagements. But, sir, it seems that the time has arrived when the whole power and ingenuity of a certain party in this country are exerted, not to aid, foster, and protect their country and its Government—not to aid in sustaining, unimpaired, its faith and credit, but to search out, and, with joy and gladness, embrace all and every opportunity that presents itself to revile and to reduce to bankruptcy, dishonor, and disgrace, the Government of their own country. Sir, I have neither the right nor wish to impugn the motives of others; but I have the right, and duty requires me to speak of public men, and public records, which are the acts of public men; and public men are the servants of the sovereign people, who have a right to see and know what sort of public records we their representatives keep. They at home know us by our acts and declarations; here they only know us by our public records. We meet here not merely for the purpose of passing bills to pay ourselves eight dollars per day; (if we met for that purpose only, we could legislate rapidly, for even Whigs never give us any trouble upon the passage of their own pay;) but we meet to perform those duties which the condition of the country requires, and the wants and interests of the people demand at our hands as national legislators, acting within the provisions of the Constitution.

Mr. Chairman, having said thus much as to what we should do, I propose to go into an examination, not only of what we have done, but what a certain party have refused to do, as proved by the journals, and their votes recorded in them.

I came into this body at the first session of the Twenty-fourth Congress, which met on the first Monday of December, 1835, and have been here ever since. The country had been much excited by a warm party Bank contest, which grew out of the war between the then Bank of the United States and the people of the United States, which should rule the country; in which the national liberty had been made to tremble. That Bank was about to expire as a national institution; the public money had long been received and disbursed by it; the people, when appealed to, had, on two occasions, decided, by large majorities, that its charter should not be renewed; and in obedience to the spirit of that decision, the President had ordered the public money to be placed in the State banks on deposite, to be by them disbursed as the fiscal agents of the Government. These banks performed that service well from October, 1833, until May, 1837; and I will here remark, that the Federal Opposition National Bank party, in strong and unmeasured terms, denounced General Jackson and the State banks, and continued to do so just as long as they acted honestly and faithfully towards the Government and to the people. While the country and business was prosperous, quiet, and happy, under their agency, which they proved themselves able and capable of performing, by doing so from October, 1833, to May, 1837, they received and paid over immense sums for the Government; they not only faithfully paid all the ordinary demands of the Government upon them, but they paid over twenty-eight millions of dollars to the different States, under the deposite act of June, 1836. But in May, 1837, when these banks had about thirty-two millions of the public money in their vaults, (and just before the Presidential election in November,) they shut their doors against the Government, and the people, not only producing universal distress and suffering among the community at large, but greatly embarrassing the Government in its means of providing for the army, the navy, the pension list, the civil and diplomatic officers, and all the poor and honest laborers upon the public buildings, and public works of every description; most of the latter depending entirely upon the products of their daily labor for food and raiment for their wives and children. Thus, in this free and powerful country, Mr. Chairman, we had suddenly, unexpectedly, and without any fault, either on the part of the people or of Congress, in not having provided the necessary means to meet promptly all the demands of the public creditors when due, been reduced to that deplorable situation in which all classes of the community were involved in the deepest distress and suffering, and our Government was compelled to stop payment to its honest creditors, while it was subjected almost to the disgraceful condition of total bankruptcy. This state of things, too, was produced after the Government had provided ample means to meet all its engagements, having collected the money from the people, and placed it in what was supposed to be faithful hands, as a sacred trust, to be ready at all moments for those to whom it was indebted. I will not say this was done for political effect only; but there are many, as well as myself, who are far from being satisfied that there was not, by the master spirits that produced the suspension, political effect intended, and now it is proved.

Under these circumstances it became the indispensable duty of the Executive of these United States to issue his proclamation, calling the representatives of the people to convene for the special purpose of providing such relief as they in their wisdom might deem right and proper. In this all parties most cordially concurred. Accordingly, in pursuance of this call, Congress met in this Capitol on the first Monday of September, 1837; and on the second day of the session we received the message of the President, giving us a history of what was the existing state of things, and recommending such measures for the action of the Representatives of the suffering country and people, as he believed proper, and as they in their wisdom might see fit to bring forward and pass into legal and salutary enactments to guard against a recurrence of similar evils. Was this done on that occasion, Mr. Chairman, or was it not done? Let us, for one moment, examine into that subject. I do not, on this occasion, propose to offer to the committee and to the country the mere declaration of a member upon this floor, or elsewhere, which is so often the subject of misapprehension and mistake, nor do I intend to offer extracts from newspaper paragraphs of the day; not because I have not noticed them, and could not have gleaned from them, as my friend from Virginia over the way [Mr. GOGGIN] did yesterday, abundant materials to prove what I might have desired, but because I prefer to bring forward matter which, being of official record, no man can dispute or deny. I do not propose to imitate some gentlemen on this floor and elsewhere, who, when they desire to deal in severe denunciations against the Administration and the political party opposed to them, draw their supplies from the filthy and turbid streams that daily flow from the poisoned and corrupt political fountains (the Federal presses) that gain their salubrity, not from the purity of their waters, but from the degree of poison they contain. No, sir, I shall pass them over, and apply at the pure fountain of truth, your public records, your journals, and other public documents deposited among the archives in your library, where I shall find an abundant supply to answer all my purposes. Here, Mr. Chairman, [holding up the journals of the three sessions of the last Congress,] are the materials I rely upon to prove not only the necessity of the speedy passage of the bill on your table, but to prove also who it is that have by their recorded votes created this urgent necessity, and this demand upon the Treasury; and here are the documents which will enable me to compare their recorded votes with their declarations made here in this hall, and before the the sovereign people at home. I have stated that the country was suffering under the deepest distress, and that to relieve that distress was the whole and the sole cause for which Congress was convened at the extra session. The people's money was not honestly kept, and paid out by those who had been entrusted with it; for had that been done no call would have been made for an extra session at a cost of two or three hundred thousand dollars. I will now show you what they did do. This journal shows that we met on the 4th day of September, 1837, and organized, and that on the fifth day of the same month, the President sent in his message which contained a plain and full statement of the condition of the country at that time, and pointed out the legislation he deemed proper and which, in his opinion, was required by the wants of the people and the Government. I need not recite them, as they are familiar to all. On the the 13th of September the Committee of Ways Means reported to the House, bill No. 2, to authorize the issue of ten millions of Treasury notes to pay the creditors of the Government who had just claims upon it under the appropriations made by Congress, (and which appropriations, too, had been voted for by nearly all of the Whig party, see journals 2d session 24th Congress.) It must be borne in mind that these Treasury notes were to supply the place of the money actually collected by law from the people, and deposited in pursuance of the law of 1836, for which the Whig party, with few exceptions, voted, in the State banks, where it was either used by them for their own purposes in speculation or otherwise, or actually locked up and detained from the honest creditors of the Government, I care not which, by which means the people severely suffered, and the Government was nearly made bankrupt. This bill passed this House on the 9th of October (page 179) by a vote of 127 yeas, of which 11 were Whigs, and 98 nays, of which 94 were Whigs and 4 were Democrats. It subsequently passed the Senate, was approved by the President on the 12th of October, and became a law. Thus the means for meeting our engagements were a second time provided by Congress, but not by Whig votes, and that it was at the people's expense I have shown heretofore. This supply was only for one year, and was a palliative measure only, and not what the people wished—a permanent relief, or remedy for the evil. On the 15th day of September, just eleven days after the meeting of Congress, Mr. CAMBRELENG, from the Committee of Ways and Means, reported to the House bill No. 6, the

great and principal measure we were called to act upon, providing for the imposition of proper and suitable punishment by fine and imprisonment upon the dishonest keepers of the people's money in future. In order to prevent a repetition of the same abuses that had so severely scourged and afflicted this nation, this bill contained the most salutary provisions with regard to the safety of the public money, such as prescribing the manner and the places in which it should be kept, and imposing severe and suitable punishment by fine and imprisonment upon all those who should again dare to use it for their private purposes in speculation or otherwise, or refuse to pay it over on demand made by the Secretary of the Treasury to meet the appropriations of Congress in favor of the honest creditors of the Government, [see its provisions.] In section 4, all deposites were made special, not to be used for private speculations, bank discounts or loans, nor for any other purposes except those for which the money was collected—that is to make payment to the people who held just, legal, and bona fide claims upon the Government for services rendered or supplies furnished. Section 9 made the application of the people's money, by those with whom it was entrusted, to any other than the proper objects recognised by law, "*stealing*," and subjected the persons, thus guilty, to punishment by imprisonment of not less than two nor more than five years, together with a fine equal to the amount embezzled. There then existed, and now exist, no such salutary provisions in our laws against public defaulters; and had this wholesome law been in existence before the suspension of the banks in May 1837, and 1839, would not all the evils it brought upon the country have been prevented? Would all these bank officers have subjected themselves to the walls of a public prison for five year? Never, no never. Much as they might be, and as they have proved themselves to be, disposed to disregard the sacred trust reposed in them, with this provision upon the statute book, they would have preferred a prompt and faithful discharge of duty, to a shameful and insolent refusal of justice, and would have paid over the people's money which they had received in trust. This bill was referred to the Committee of the Whole on the state of the Union, as was a bill from the Senate with the same or similar provisions, which had passed that body; and on the 4th of October the committee reported the latter to the House. After various other proceedings, the vote was taken on its final passage, or rather its final rejection, for so it turned out to be, by the combined opposition party who had at that session a clear and decided majority in this House, against adopting any substantial relief for the suffering people and country; and by their votes was rejected this favorite measure of the people. This vote stands recorded on page 195 of this journal, [holding up the journal of the extra session.] and was given on the 14th day of October, 1837. On a motion made by a gentleman from New York [Mr. CLARK] that this bill do lie on the table, for that motion there are recorded 119 yeas, and 107 nays. That the people of this country may see who it was of their representatives that were unwilling to grant relief to their suffering constituents, and to punish by fine and imprisonment the plundering public defaulters, for their frauds and peculations on the people's money, I here insert the list of yeas, as they stand on the public record:

"The question was then put on the motion that the bill do lie on the table,

"And passed in the affirmative, yeas 119, nays 107.

"The yeas and nays being desired by one-fifth of the members present,

"Those who voted in the affirmative, are,

"Messrs. Adams, Alexander, Heman Allen, John W. Allen, Ayerigg, Bell, Biddle, Bond, Borden, Briggs, William B. Calhoun, John Calhoon, William B. Campbell, John Campbell, Carter, Casey, J. Chambers, Cheatham, Childs, Clark, (Cons.) Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Edward Davies, Deberry, Dennis, Dunn, Elmore, Everett, Ewing, Richard Fletcher, Fillmore, James Garland, (Cons.) Rice Garland, Goodle, James Graham, William Graham, Graves, Grennell, Griffin, (Dem.) Halsted, Harlan, Harper, W. S. Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, (Cons.) Henry Johnson, William Cost Johnson, Kilgore, (Cons.) Lawler, Legare, (Cons.) Lincoln, Loomis, Lyon, (Cons.) Mallory, Marvin, James M. Mason, (Cons.) Samson Mason, Maury, May, Maxwell, Menefee, Mercer, Milligan, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, John M. Patton, (Cons.) Pearce, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Rencher, Richardson, Ridgway, Rumsey, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, (Dem.) Shields, Sibley, Slade, Smith, (Cons.) Snyder, (Dem.) Southgate, Stanly, Stuart, (Cons.) Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yorke—119."

Democrats 3; Conservatives 11; Whigs 105.

Here, Mr. Chairman, are 119 gentlemen, with their politics marked, recording their names against punishing those who steal the people's money, thereby holding out encouragement to plunder—their being no adeqate punishment to guard against the recurrence of the very crimes the commission of which had brought us together. If, Mr. Chairman, the members of this House refuse to obey the voice and wishes of the people, as they did on that occasion, the President is not to blame, nor is he responsible to the people for the refusal of their Representatives to relieve the sufferings of the country, by legislation, when that suffering is sufficient to justify a special call of the people's Representatives, when he has made that call, (as Mr. Van Buren did on that occasion,) made the facts known to them, and suggested such remedies as he deems proper and right to be adopted. He has then done his duty, and all that he can do. He (the President) cannot make laws to punish defaulters, that plunder the public money. We, the people's Representatives, must make the laws, and he, the Executive, execute them. In this case, Mr. Van Buren is cursed by the Opposition for not executing and enforcing laws that they absolutely stand here recorded three times on these journals against enacting, and the want of which has, no doubt, occasioned all the losses by Swartwout, Price, and others, which have since occurred; and, further, that it would most certainly have saved the country from the late suspension of specie payments, and all its present pecuniary difficulties, there cannot be a single doubt; because our monetary affairs would then have been settled; the Government would have kept its own money, and the banks would not have relied on that drawn from the people to sustain their overissues, whilst they would have been compelled to bring their business within prudent and just limits, relying on their own means, instead of those of the people to pay their own debts, which they must finally do. I, therefore, Mr. Chairman, hold the Opposition to this Administration responsible for all the sufferings of the people of this country, in consequence of the losses of public money through defaulters since that time, which amounts to over a million; as also for the stoppage of specie payments by the banks, with all the many evils inflicted upon the country in consequence of it. They had the power to have prevented it. They refused to do so. I do not thus charge them upon my own authority, or upon the authority of newspaper slips or paragraphs, but upon their own recorded votes here upon the journal. And, Mr. Chairman, these journals and records stand in politics like holy writ does in morals, as incontrovertible truths, that cannot be denied or evaded.

[Mr. WISE here rose, and asked leave to put a question to Mr. M. which was granted. Mr. W. inquired whether the gentleman from North Carolina intended to say that the Opposition had the majority in the Twenty-Fifth Congress.]

Most certainly, Mr. M. continued; and I state the fact from the very highest and best authority—the recorded votes upon this journal. Here it is on page 195—one hundred and nineteen names in opposition to the bill No. 6—the great Administration measure to relieve the country from the suffering produced by the unfaithfulness and dishonesty of the Government agents which was sufficiently great to justify a special call of Congress at an expense to the people of from $200,000 to $300,000. What was the cause? Why a failure on the part of the banks to return thirty-two or more millions of the public money that had been collected from the people to pay the honest citizens who had just claims against the Government. This unfaithfulnes on the part of the banks had brought upon the Government the disgrace of bankruptcy, though it afforded to some gentlemen great comfort and happiness. For a certain party in our day are the happiest when the people and the country suffer most. This bill contained the most salutary provisions to guard against the recurrence of similar evils, and in voting against it, did the majority of the House perform that duty to the country, and to the people which the people have so loudly demanded at their hands? No, sir, they provided by the issue of Treasury notes in another bill, limited and temporary relief for one year only, to pay the immediate demands upon the Government, and to relieve it from the state of bankruptcy brought upon it by the banks; but that was the smallest part of the duty they were called together to perform; and I will here take the occasion to say that, by a dozen or more Whigs voting with us on that occasion, we carried the bill, or it would have been lost. But not one of them was from North Carolina. But the most important and vital part of the duty which we were called upon to perform for the country, was to pass laws to secure the public money, and make its custody more safe, so that when it might be called for, it should not be found to be loaned out to speculators, stockjobbers, brokers, and others, in Wall or Chestnut street, as had been the case in the month of May preceding. The Administration party wished to see the present state of things put an end to by fine and imprisonment, and such other precautionary measures as suggested themselves. They proposed and voted for these salutary provisions, while the Opposition voted against them; the latter numbering 119 votes, while the friends of the Administration numbered only 107, [see journal page 195,] showing a clear majority of 12 votes.

[Mr. WISE here rose again, and asked leave to explain, which was granted. Mr. W. said he hoped the gentleman from North Carolina would not publish to the world that the Opposition in this House had a majority in the Twenty-fifth Congress, for it would be a ridiculous statement; for the Administration Speaker and Clerk were elected, and consequently the Opposition were in a minority.]

Mr. MONTGOMERY said that these elections were no test of parties, and the gentleman from Virginia knew it, because they were not made to turn on politics; but that the election of public printer was a party question, and taken in connection with the vote above mentioned, did most clearly prove beyond a doubt that the Administration was in a minority of from 12 to 21 votes in this House, at that time. This vote for public Printer took place on the 7th of September, 1837, and was decided on the 12th ballot, [see journal, page 42,] and stands thus: For T. Allen, 113, Whigs and Conservatives, and Blair and Rives, 101, Democrats; and Gales and Seaton, 9, Whigs; making in all 223 votes cast, of which the Administration candidates received 101 votes, and the Opposition candidates received 122 votes, and showing a clear majority against us of 21 votes. Can the gentleman from Virginia [Mr. WISE] prove that 101 votes is a majority against 122? If so, I demand his proof. If he has better proof than the recorded votes in this journal, let us have it. If not, the journal is right, and he is wrong. Nothing can prove it but the modern Bank Federal Whig Pennsylvania arithmetic, which my friend before me, [Mr. RAMSEY,] stated in his place on this floor, had numbered and returned a clear majority of one thousand votes for his Whig colleague [Mr. COOPER] in a single township, where there were but three hundred legal registered votes, and which was not denied, but admitted as true. By the above rule of calculation, and by no other, can the gentleman from Virginia make 101 votes a majority over 122. Here they stand recorded on the journal, and a new journal must be made, and this expunged, or I am right and the gentleman from Virginia wrong. I here insert a list of members by States, as they are recorded on the journal with their politics marked, and which will not, nor cannot be denied, except by those who deny any thing for party purposes.

MAINE.—*Democrats*—Messrs. Anderson, Parris, Davee, Fairfield—4. *Federalists.*—Messrs. Robinson, Evans, Noyes—3. *Conservatives.*—Mr. Smith—1.

NEW HAMPSHIRE.—*D.*—Messrs. Atherton, Cushman, Farrington, Weeks, Williams—5.
MASSACHUSETTS.—*D.*—Mr. Parmenter—1. *F.*—Messrs. Fletcher, Saltonstall, Cushing, Lincoln, Grennell, Briggs, Calhoun, Hastings, Borden, Reed, Adams—11.
RHODE ISLAND.—*F.*—Messrs Tillinghast, Cranston—2.
CONNECTICUT.—*D.*—Messrs. Toucey, Ingham, Whittlesey, Haley, Phelps, Orin—6.
VERMONT.—*D.*—Mr. Fletcher—1. *F.*—Messrs. Hall, Slade, Everett, Allen—4.
NEW YORK.—*D.*—Messrs. Vandeveer, Cambreleng, Moore, Kemble, Titus, Jones, Brodhead, Pratt, McClellan, Vail, Gallup, De Graff, Palmer, Spencer. Loomis, Foster, Grant, Bronson, Prentiss, Parker, Beers, Gray, Taylor, Bicknell, Noble. Birdsall, Andrews, Jackson—28. *F.*—Messrs. Hoffman, Curtis, Russell, Sibley, Childs, Putnam, Peck, Marvin, Fillmore, Mitchell—10. *C.*—Messrs. Edwards, Clark—2.
NEW JERSEY.—*F.*—Messrs. Aycrigg, Halsted, Maxwell, Randolph, Stratton, Yorke—6.
PENNSYLVANIA.—*D.*—Poynter, Fry, Wagener, Hubley, Keim, Reily, Logan, Sheffer, McClure, Potter, Petrikin, Hammond, Morris, Klingensmith, Buchanan, Beatty, Plumer—17. *F.*—Messrs. Sergeant, Toland, Naylor, Davies, Potts, Darlington, Morris, Ogle, McKennan, Biddle, Henry—11.
DELAWARE.—*F.*—Mr. Milligan—1.
MARYLAND.—*D.*—Messrs. Worthington, Howard, Thomas—3. *F.*—Messrs. Dennis, Pearce, Kennedy, Johnson, Jenifer—5.
VIRGINIA.—*D.*—Messrs. Beirne, Bouldin, Coles, Craig, Dromgoole, Johnson, Jones, Morgan, Banks, Pennybacker, Rives, Stuart—12. *F.*—Messrs. Mallory, Mercer, Taliaferro, Wise—4. *C.*—Messrs. Garland, Hopkins, Mason—3. *State Rights*—Messrs. Hunter, Robertson—2.
NORTH CAROLINA.—*D.*—Messrs. Bynum, C. Shepard, McKay, Hawkins, Montgomery, Connor—6. *F.*—Messrs. Sawyer, Stanly, Deberry, Sheppard, Rencher, Graham, Williams—7.
SOUTH CAROLINA.—*D.*—Messrs. Campbell, Clowney, Elmore, Griffin, Pickens, Richardson, Rhett—7. *F.*—Mr. Thompson—1. *C.*—Mr. Legare—1.
GEORGIA.—*D.*—Messrs. Cleveland, Glascock, Grantland, Haynes, Holsey, Jackson, Owens, Towns—8. *F.*—Mr. Dawson—1.
KENTUCKY.—*D.*—Mr. Murray—1. *F.*—Messrs. Rumsey, Underwood, Williams, Harlan, Calhoon, Pope, Graves, White, Hawes, Menefee, Chambers, Southgate—12.
TENNESSEE.—*D.*—Messrs. McClellan, Turney, Polk—3. *F.*—Messrs. Carter, Williams, Stone, Campbell, Bell, Maury, Shields, Cheatham, Crockett, Williams—10.
OHIO.—*D.*—Messrs. Duncan, Webster, Hamer, Chaney, Leadbetter, Hunter, Sheplor, Swearingen—8. *F.*—Messrs. Goode, Loomis, Corwin, Morris, Bond, Ridgway, Mason, Alexander, Harper, Allen, Giddings, Coffin—12.
LOUISIANA.—*D.*—Mr. Ripley—1. *F.*—Messrs. Johnson, Garland—2.
INDIANA.—*D.*—Mr. Boon—1. *F.*—Messrs. Ewing, Graham, Dunn, Rariden, Herod, White—6.
MISSISSIPPI.—*F.*—Messrs. Prentiss, Word—2.
ILLINOIS.—*D.*—Messrs. Snyder, Casey—2. *F.*—Mr. May—1.
ALABAMA.—*D.*—Messrs. Chapman, Martin, Lewis—3. —*F.*—Mr. Crabb—1. *C.*—Mr. Lyon—1.
MISSOURI.—*D.*—Messrs. Harrison, Miller—2.
ARKANSAS.—*D.*—Mr. Yell—1.
MICHIGAN.—*D.*—Mr. Crary.—1.

Here stands the vote by States, marked as they voted on this great measure of security for the safe keeping of the people's money, and punishing those who improperly use it, or who plunder it, as Swartwout has since done, and who was recommended by a Whig paper, in New York, as a suitable candidate for the Vice Presidency on the Whig ticket.

Mr. Chairman, having now gone through with the affairs of the 1st session of the 25th Congress, and proved that the friends of this Administration did make an effort on their part to obey the call of the people, and to secure more safely the public money, by proposing to sever all connection between the Government and the banks who had proved false and unfaithful to their trusts, and to provide other keepers hereof, whose fidelity and punctuality was to be secured by the certainty of incurring the pains and penalties of fine and imprisonment for the opposite conduct; and having proved also that the measure they proposed for these objects failed by a majority of twelve votes—thus relieving the Republican party from the fearful responsibility of refusing to obey the just and reasonable calls of the people to provide an adequate remedy for their sufferings, as well as to guard against future defalcations and suspensions with all their baneful consequences, I will now look into the journal of the 2d session of the 25th Congress, and see what is there recorded. That session began on the 4th day of December, 1837, and ended on the 9th day of July, 1838, amounting to two hundred and eighteen days. The same members that composed the first session composed this. On the 26th day of March, 1838, Senate bill No. 157, containing all the salutary provisions and safeguards which were embodied in the bill of the House, of the extra session, relative to the safe keeping and disbursing of the public money, and punishing defaulters, was sent us, it having passed that body. On the 27th day of March, and only one day after it made its appearance in this House, on motion by Mr. PATTON of Virginia, it was laid on the table by a vote of 106 yeas to 98 nays. The journals also show [March 24, page 513] that a similar bill [No. 597] with the same salutary provisions, was reported to this House, and on page 1157, a vote stands recorded of 111 for and 125 against its passage Thus, Mr. Chairman, the journal shows [page 1157] that the Opposition to this Administration in the 25th Congress still had a clear and determined majority against us upon this great measure of finance so much desired by the people and the Administration party, for separating all connection between the Government and their unfaithful agents the banks, and against all laws providing for the safe keeping and disbursing the public money. The journals also show a settled and fixed determination on the part of the same majority against passing any laws for the punishment of public defaulters, for peculation and stealing; they having three times solemnly recorded their names against all propositions on that subject, and against any compromise as to the reception of bank paper in payment of the public dues. In order to show that they were opposed to any compromise whatever, it is only necessary to observe, that with a view to make this last mentioned bill [No. 597] more acceptable, a special provision in section 20 was made, "that after the 1st of January, 1839, one sixth part of all payments to the Government should be in coin, Treasury notes, or other legal acceptances of the Government, and one sixth to be added annually till the whole shall be thus paid." Thus, beginning with one-sixth specie, and adding one-sixth annually, thereby giving the banks five years to prepare for the state of things resulting from a collection of the revenues exclusively in the currency recognised by the Constitution. This provision was rejected by a Whig and Conservative vote of 125 to 111—a majority of 14 votes. The Senate bill, a similar one, was rejected by a vote of 106 to 98—a majority of 8 votes. The bill at the extra session was rejected by a vote of 119 to 107—a majority of 12 votes. Having failed in three repeated attempts made at the first and second sessions of the Twenty-fifth Congress to separate the keeping of the people's money from the banks; having failed in our attempts to enact any additional laws to punish public defaulters; and also having failed to effect a compromise by offering to take one-sixth part of our revenues annually for five years in specie, and the balance in good bank paper, we despaired of doing any thing, and the whole subject was referred to the sovereign people for their decision. They have given a verdict, and we will soon see what that verdict is. I believe they have returned to the Twenty-sixth Congress in this House from one hundred and twenty to one hundred and thirty professed and instructed members in favor of a separation of the keeping of the public money from the banks, thereby proving that the people wish and are now for this measure, as well as for penal laws to prevent peculation on the public funds; and if any now desert, let him, Arnold-like, have a face both ways in all future time. At the third session of the Twenty fifth Congress, the same members being present who had three times voted against these important measures, we not having the power to pass them, and they having the power to prevent their passage, no further effort was en made for that purpose, and the responsibility rested on them, and not on us, nor upon the President. We had done our duty: they had not done theirs.

I now, Mr. Chairman, propose to examine into the causes which have led to the present embarrassed condition of your public Treasury, which, if not already in a state of actual bankruptcy, is in daily and imminent danger of becoming so; and, therefore, imperatively requiring the speedy passage of the bill on your table. I do not rely on rumor, nor newspaper paragraphs, nor do I intend to charge the state of things I have adverted to, to the proper quarter on my own authority merely; but it is my purpose to rivet my charges there by the facts contained in these three volumes, and the votes of members of this House during the whole of the three sessions of the Twenty-fifth Congress, when the Opposition, as I have already shown, had a majority here, and received pay for more legislative days than at any previous Congress since our Government has existed—the first session being 43 days, the second 218, and the third 91 days, making an aggregate during that Congress of 352 days, and wanting only thirteen days of one whole calendar year, or one-half of the whole time for which they were elected.

During the whole of this time, the people of this country were suffering intensely for the want of some legislative action of Congress, and which Congress was, in September, 1837, specially called to act upon, and relieve the embarrassments occasioned solely by the unfaithfulness of the depositaries of the public money, and the remedy for which alone rested with Congress. I have proved, by the journals, that the Opposition had voted down three salutary acts of permanent relief, and that the only relief which had been granted during that period, was the passage of the Treasury Note bill now before us—a temporary measure only, limited to one year at a time, and no longer, relieving only the Government's wants, while the people in the mass had no relief. But even that poor and limited relief gives no credit to modern Federal Whigery, for on the passage of the first Treasury Note bill, which is recorded on the journal, p. 179, of the extra session, there were 127 yeas and 98 nays, and among the 127 yeas there are 11 Whigs and Bank Conservatives, whose names I insert as an act of justice, viz: Messrs. N. B. BORDEN, (Mass.) J. CALHOUN, (Mass.) J. C. CLARK, (N. Y.) J. GARLAND, (Va.) R. GARLAND, (La.) J. M. MASON, (Va.) J. P. B. MAXWELL, (N. J.) J. C. NOYES, (Conn.) J. POPE. (Ky.) J. RARIDEN, (Ia.) and F. O. J. SMITH, (Me.) These eleven votes were mostly Whigs then, and are all Whigs of the deepest dye now. Thus, Mr. Chairman, this vote is another proof that whatever may have been intended by the Opposition, (for with their motives I have nothing to do,) their acts, as a body, with the exception of the eleven who voted with us at the extra session, did subject the Government to utter bankruptcy and disgrace. There were 17 votes not given on that occasion—sick, behind the columns, or elsewhere. At the second session of he 25th Congress, on page 391 of the journal—May 16th—the act for the issue of Treasury notes was renewed for one year only, by a vote of 103 yeas to 94 nays, there not being one single Whig vote to be found in the affirmative. Thus the record does not show that at this long session of 218 days, a single Whig did vote to raise and provide the means to save the country from bankruptcy, or to provide a single dollar to pay either their own eight dollars per diem, or the $38,413,064 87 appropriated at this and the extra session, for which the Whigs, as a body, voted for every dollar, never having given more than 35 Whig votes against the passage of any one of the appropriation bills, containing the whole $38,413,064 87. See the recorded vote against bill No. 676, page 1034, journal of the 2d session, 25th Congress, being the bill for the suppression of Indian hostilities, appropriating $6,739,410 41. Here the Whigs, who voted against the Treasury note bill for supplying the wants of the Government, voted for these unusually large appropriations, much the largest ever made for any one year since the formation of this Government. With these facts before their eyes, and with these tables contained in the report of the Secretary of the Treasury No. 4, made to this House at the meeting of that session, showing the fact [page 4] that the estimated revenue expected to be derived from all sources, during that year, to meet the appropriations of the year, would not exceed the sum of $31,959,787. And what was the result of this estimate? It was this: instead of yielding the sum of $31,959,787, (see document No. 4, page 4, 3d session, 25th Congress,) as was estimated by the Secretary, only the sum of $24,152 655 34 was paid into the Treasury during that year, being less by the sum of $7,807 031 66 than the estimates. The estimates for 1839 were $28,780,000—amount received not yet ascertained: will not be over twenty-four millions.

How, then, Mr. Chairman, these modern Bank Federal Whigs could calculate on paying a debt upon the Treasury, by them

created for 1838—amounting to $38,413,064 87, with the sum of $24,152,655 34, the receipts paid into the Treasury during the year 1838, (exclusive of Treasury notes, against which they voted,) I am at a loss to divine. How could they calculate on the Secretary paying these thirty-eight millions with twenty-four millions? Did they not know that bankruptcy, under these large appropriations over the income, was certain, without Treasury notes? Did they wish bankruptcy, that they might rejoice over it, and increase their party? Let them answer.

Was it not their duty to propose or vote from some plan for the purpose of paying off the large debts they created by their votes at that session? Did they do so? No, sir; they did not. They contented themselves with voting this $38,413,064 87, thereby imposing a debt upon the people of that amount, in that year with only $24,152,655 34 to pay it with, and voting down all the salutary safeguards proposed to protect and secure the twenty-four millions when collected, from peculation and plunder, and Swartwout has since withdrew over a million. But this is not all. After having taken this course they proclaim on this floor, and at home before the people, that we, the Republican Administration party here, were doing all in our power to ruin the people, and disgrace the country, by bringing it to bankruptcy, and that they were laboring here with all their power to relieve the people's distresses, take care of the public money, and preserve the faith and credit of the country unimpaired. They made these assertions when the truth was, they had not brought forward a single measure of relief, either for the people or the Government, but had actually, with their Bank Conservative allies, voted down three times all the measures we proposed of permanent relief for the people and the country, and so far as their own votes went, would have voted down the measure that provided the means for meeting their own appropriations; and instead of mourning over the sufferings of the people, and the calamities of the country, they actually appeared to be flushed with exultation and triumph, and greatly to rejoice that they had succeeded in preventing the passage of all the measures intended for the people's relief, exultingly proclaiming that the people had not yet suffered quite enough, as they say.

[Mr. RAYNER of North Carolina here asked his colleague if he did not know that the Opposition had not the power to pass measures of relief at that session of Congress.]

Mr. M. resumed. I do not know that the Opposition could not have passed any measure of relief in this House they wished; but I do know that they had a majority here, and also that that majority did vote down all the measures of permamanent relief that the Administration brought forward. Here are their recorded votes in these journals to prove the fact. Has my colleague better proof than these journals? If so, I demand it. If it is not given, he is wrong, and I am right. And further: I do know another strong fact; I do know that the Opposition in this House did not propose or bring forward a single plan or measure of relief for the country during the whole of the three sessions of the Twenty-fifth Congress, amounting in all to 352 days—the longest period of legislation that ever took place during any one Congress since the formation of the Government. I also know what the whole nation knows, and what my colleague, [Mr. RAYNER] too, well knows, that this same majority on three several occasions recorded their names against our measures of permanent relief, while they could have passed through this House any measure they chose to propose. By the same majority they voted down our plans. Does this committee and the nation not believe that had the Whigs and their allies been as willing to have relieved the people from their sufferings as they were to prevent the Administration party from doing so, they could have done it? I submit that issue to the intelligent people of this nation, with the recorded facts before me in these journals, which I intend to publish to the world, (holding up the journals of the three sessions of the Twenty-fifth Congress.)

[Mr. RAYNER of North Carolina here rose greatly excited, amidst loud cries of order from all parts of the hall, and asked leave to put a question to his colleague. No, no, was heard from all sides.]

Mr. MONTGOMERY asked of the House to allow his colleague to interrogate him. He would answer him willingly: he hoped he would be permitted to put what questions he pleased.

[Mr. CONNOR rose to a question of order. He denied the right of Mr. R. to rise so repeatedly to interrupt his colleague, who had the floor.

The Chairman (Mr. DAWSON) observed, that the gentleman who had the floor had expressed a desire to answer such questions as his colleague wished to propound to him.

Mr. RAYNER then said: does my colleague intend to insist on this floor, and publish it to the world, that the Opposition party had the power in this House during the 25th Congress to bring forward and pass their measure of relief? And does he not know that their plan of relief was and is a Bank of the United States? Does he not know that he and his party voted down that measure by a majority in this House; and does he intend after this to publish to the world that the Whigs had the power, and could have carried any measure through the House? Mr. R. was here arrested in his remarks by calls to order from all sides, which were continued till he resumed his seat, which he did with much apparent excitement, exclaiming that he was not to be put down by a parcel of members who would collect around him and call out "order, order"—he was not to be put down by such stuff as that.]

Mr. MONTGOMERY resumed. Then, Mr. Chairman, I understand my colleague to say, that a Bank of the United States is the favorite plan of him and his party for the country's relief.

[Mr. RAYNER. I do freely acknowledge that that is my plan for relief; but not just at this time. But I do not vouch for my party.]

Mr. MONTGOMERY. My colleague says he admits it to be his plan to establish a Bank of the United States, but not just at this time. But he does not vouch for his party. I ask my colleague when the time will arrive that will bring forward this favorite plan of relief. Is it to be postponed and withheld until the people and the country are utterly and irretrievably ruined? Have the sufferings of the people not yet reached a point that can affect the tender mercies of him and his party, and excite their kind feelings so as to cause them to do something for their suffering constituents? Is this the treatment the people are to receive from my colleague and the party with which he acts? If so, let the world know it. Is this what they told the people while canvassing for their seats on this floor? Did they then tell the people that they had not yet suffered enough to drive them like the serfs of Russia, into tame submission to a tyrant's mandates? My colleague asks again if I intend to assert here, and publish to the world, that the Whigs had a majority in the Twenty-fifth Congress. I again present these journals to him as the answer to his interrogatory. They prove the fact; I intend to publish it; and if I publish any thing incorrectly, it will be through mistake, and can be easily detected. I could not, were I disposed to do so, publish any thing half as strong as the facts here recorded. They are all I desire, to put this matter right before the people, who, I must say, have been greatly imposed upon in relation to this subject. They shall have the facts before them, just as they appear here upon record; and I now say to my colleague, and the party with which he acts, that the proposition relative to a Bank of the United States, their great and their only measure of relief, and which they were either afraid or ashamed to bring forward during the Twenty-Fifth Congress, was brought forward, but not by its friends in this House, for they shrunk from the responsibility of bringing up before the people of the United States so odious a measure. Yes, that old Federal monster, that had acted, and still acts, as the main wheel that controls all the secret money operations of the country, producing panics, suspensions, &c. &c. with all their train of curses, and which the honest people of the United States had, at the polls; not only once but thrice solemnly decided, by large and increased majorities, should not exist as a national institution, having sunk under its own corruptions, and having ceased to scourge this country under national authority, and revived in a new form—the same Bank, with its thirty-five millions of capital, with all its foreign allies and stockholders, some of whose names have titles of nobility attached to them as long as my arm, by purchase or otherwise, obtained a charter from the State of Pennsylvania. Having obtained this charter, it was exultingly proclaimed by the master spirit who controlled it, [Mr. BIDDLE,] that it was more powerful than when connected with the General Government; it was loudly proclaimed as the great regulator of the exchanges and commerce of the country; as the sole and only guardian and protector of the great State of Pennsylvania, and the sure preserver of her magnificent and splendid public works. But mark the result of all this boasting. In May, 1837, about fifteen months afterwards, it had, by its folly, or something worse, regulated and wound itself up into a state of complete bankruptcy, acknowledging itself unable to pay a poor man for one of her five or ten dollar bills, and is now a miserable spectacle of ruin and corruption. And this is the sort of regulator my colleague and his party thinks is the only power that can relieve the people's sufferings; and when they shall have suffered a *quantum sufficit* to compel them to swallow it, then the time will arrive when he and his friends will be ready to cram it down their throats. This is their only remedy, a bankrupt bank, thrice rejected by the people. They do not regard the fairly and fully expressed will of the people, but in violation of that will, say to them, you shall suffer until your sufferings compel you to swallow the filth you have thrice rejected. Will the people submit to this attempt at despotism? Never; no never. Look at once happy Pennsylvania! See her condition since she adopted the rejected monster as her guardian! Disgraced by permanent suspensions, borrowing money to pay interest, cursed with shinplasters—all by the Great Regulator.

Mr. Chairman, having most clearly proved by these journals, that the Whigs and their allies—the Conservatives, every man of whom, with one honorable exception, [Colonel HOPKINS of Virginia,] is now completely and thoroughly in the Federal Whig ranks—not only had a decided majority in the House during the Twenty-fifth Congress, but actually recorded that majority on three different occasions before cited, in successfully voting down the great and leading measures of this Administration, I will now proceed to show by their recorded votes, how far their declarations, here and before the people, correspond with them. Would you, sir, and would the people believe, after hearing the loud and angry denunciations of the Whig party against the extravagance and corruption of this Administration reverberated at every cross road, grog shop, and muster ground, as well as elsewhere, from Maine to Texas, and from the Atlantic to the Rocky mountains, that any Democrat ever voted against a single appropriation proposed from any quarter? Surely not, sir. And, on the other hand, would you, sir, for one moment allow yourself to believe that a single Whig ever supported or recorded his name in favor of a single dollar of these unjustifiable and outrageously extravagant appropriations of the people's money, as they say? Surely not, sir. You could not suppose so. I have charged that, as a body, these Whigs are not recorded against a single bill in the Twenty-fifth Congress which contained these large appropriations that they so loudly complained of, and that the highest Whig vote recorded against any one of them is only thirty-five. I have charged that of the seventy-five millions appropriated during the Twenty-fifth Congress, at its three sessions, when I have proved that the Whigs and their allies had a clear majority in this House, and could have controled all the appropriations, the sum of $66,085,459 54, or near this sum, is recorded upon the journals as having passed this House unanimously, with the exception of six votes against ten millions, contingent, at the third session of the Twenty-fifth Con-

gress, and two against one million at the second session of the Twenty fifth Congress. The statement of the votes against these appropriations, for which both parties voted, I here publish; and I will here observe, that where the journals report a unanimous vote, all are recorded for the measure, and the absence of members from the House, or behind the columns, or their refusal to vote, is not noted, and is to be settled between them and their constituents. I have taken the final vote on the passage of these bills as recorded on the journals; and if there are any whose names are recorded for them who have voted against them previously, I can only say that they have recorded their names on both sides of the question, and of course have voted right once on the subject. It will be, therefore, a matter with them and their constituents to settle which vote was the right one. With that I have nothing to do.

I have charged that notwithstanding the Opposition had a majority in the Twenty-fifth Congress, and notwithstanding the loud and zealous preachings of the Whig party before the people about their economy and our extravagance, we have more votes recorded upon the journals against these appropriations in that Congress than the Whigs have. I have examined and ascertained that fact, and made out a list of all that voted against each bill, with the number of bill and page on the journal when they passed, which I will publish in my speech, to prove this charge to be true. Here they stand as they were given and are recorded; and should any be misstated, I will willingly correct the error, when pointed out:

Appropriations made at the first session of the Twenty fifth Congress.

Page. Bill	Dem.	Fed.	
193, No. 8. Suppression Indian hostilities, (passed unanimously.)			$2,109,000 00
Second session Twenty-fifth Congress: began 4th day of December, 1837, and ended on the 9th day of July, 1838, containing 218 days:			
Page. Bill.			
671, No. 221. Civil and diplomatic, (passed unanimously)			8,252,360 22
690, " 90. Army			5,127,860 10
1217, " 89. Fortifications			1,015,415 00
310, " 393. Protection Northern frontier			625,500 00
742, " 225. Navy			6,062,136 30
520, " 226. Revolution and other pensioners			2,058,532 62
1216, " 269. Indian depredations, &c. Bills upon which yeas and nays are recorded.			3,002,127 73
209, " 340. Indian hostilities—yeas 161, nays 2			1,000,000 00
Those who voted in the negative are: Fed.—Messrs R. B. Cranston and C. C. Stratton		2	
1031, " 676. Suppression Indian hostilities—yeas 143, nays 37			6,739,410 41
Those who voted in the negative, are: Dem.—Messrs. A. Yell and J. W. Boulden	2		
Fed.—Messrs. Alexander, Biddle, W. B. Calhoun, Dennis, Everett, Fillmore, Goode, W. Graham, Grinnell, Halsted, Hawes, Henry, Hoffman, L. Lincoln, Milligan, C. Morris, Naylor, Ogle, Patterson, Phillips, Potts, Rariden, Reed, Ridgway, Ramsey, Sergeant, Slade, Stanly, Stratten, Tillinghast, Toland, J. R. Underwood, Wise, Yorke, and B. Fletcher		35	
Page 1,239, bill 394. Harbors, yeas 108, nays 81			1,535,008 53
Those who voted in the negative are: Dem.—Messrs. Atherton, Banks, Beirne, Buchanan, Cambreleng, Chaney, Chapman, Cleveland, Coles, Connor, Craig, Cushman, Dromgoole, Elmore, Farrington, Fry, Glascock, Grantland, Griffin, Hawkins, Haynes, Hopkins, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Klingensmith, Lewis, Logan, Lyon, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Montgomery, Samuel W. Morris, Pennybacker, Petrikin, Reily, Rhett, Richardson, Sheffer, Charles Shepard, Stuart, Thomas, Towns, Turney, David D. Wagener, Weeks, Jared W. Williams and Worthington		52	
Fed.—Messrs. Bell, William B. Campbell, Carter, Cheatham, Crockett, Dawson, Deberry, Everett, James Garland, James Graham, Harlan, Hawes, Hunter, Legare, Mallory, Maury, Pope, Rencher, John Robertson, Rumsey, Sawyer, Augustine H. Shepperd, Southgate, Stanly, Taliaferro, Underwood, Lewis Williams, C. H. Williams, and Word		29	
Page 1288, Bill 380. Light-houses—yeas 65, nays 56			307,010 36
Those who voted in the negative, are: Dem.—Messrs. Heman Allen, Atherton, Banks, Beatty, Beirne, Bouldin, Cambreleng, John Campbell, Casey, Chapman, Cleveland, Coles, Dromgoole, Elmore, Fry, Grantland, Hawkins, Holt, Hopkins, Hubley, Nathaniel Jones, John W. Jones, Lewis, McKay, McClellan, Miller, Montgomery, Morgan, Palmer, Phelps, Potter, Reily, Rives, Sheffer, Snyder, Taylor, Thomas, Titus, Wagener, Jared W. Williams, Yell	40		
Fed.—Messrs. Bell, William B. Campbell, Chambers, Cheatham, Dawson, James Garland, Harlan, James M. Mason, Menefee, Shields, Stanly, Taliaferro, Lewis Williams, and Word		16	
Page 805. Bill 230. Cumberland Road, &c.—yeas 96, nays 80			540,300 00
Those who voted in the negative, are: Dem.—Messrs Andrews, Atherton, Beirne, Bicknell, Bouldin, Cambreleng, J. Campbell, Chapman, Cleveland, Coles, Connor, Cushman, Dromgoole, Edwards, Elmore, Farrington, Towns, Turney, Vanderveer, Fry, Griffin, Haynes, Hopkins, Thomas B. Jackson, Jabez Jackson, Jones, Keim, Kemble, Klingensmith, Lewis, Loomis, Lyon, Martin, McKay, McClellan, McClure, Montgomery, Morris, Wagener, Weeks, Murray, Noble, Owens, Palmer, Pennybacker, Pickens, Reily, Rhett, Richardson, Shepard, Spencer, Stuart, Toucey, and Jared W. Williams	51		
Fed.—Messrs. Bell, W. B. Campbell, Carter, Cheatham, Dawson, Deberry, Everett, Underwood, J. Garland, Graves, Hawes, Maury, L. Williams, Sherrod Williams, Rencher, Robertson, Rumsey, Augustine H. Shepperd, Shields, Slade, Stanly, Stratton, Taliaferro, Thompson, Christopher H. Williams, and Wise		26	
Appropriations made at the third session of the Twenty-fifth Congress; began 3d December, 1838, and ended 3d March, 1839, containing ninety-one days.			
Page. Bill.			
660, No. 891. Civil and Diplomatic			8,107,848 62
663, No. 892. N. Frontier			500,000 00
688, No. 1176. War, contingent, yeas 127, nays 6			10,000,000 00
Fed.—Messrs. Cranston, Giddings, J. Davis, Maxwell, Stratton, and Wise		6	
426, No. 893. Pensions			3,296,180 71
427, No. 895. Indian Department			1,739,967 78
427, No. 896. Naval			5,130,781 64
897, No. 897. Army			6,054,674 76
664, No. 1090. Indian hostilities			1,861,774 00
703, No. 1031. Post Office Building			150,000 00
	146	114	$75,269,028 02

The above votes are all that are recorded against any of the appropriation bills that passed the 25th Congress, on their final passage, at its three sessions, which amounted in all to 352 days, during which time the Whigs and their allies had the power in this House to control its legislation, as I have proved by the journals. What does this proof amount to? Let us examine it for one moment. The aggregate amount appropriated during that Congress stands, as above stated, at $75,269,028 02; and of that sum $66,085,459 54 (with the exception of six votes against ten, and two against one, million) is recorded as having passed unanimously, both parties voting for it. There was also, of this aggregate, about the sum of $9,168,832 90, which was voted against by some of both parties, but mostly by the Administration members, they having given an aggregate vote of 148 against the bills embracing this sum, and the Whigs having given an aggregate vote, including the above mentioned, of 114 only. See the above recorded votes published from the journals with the number of the bills, their amounts, and the page upon the journal when they passed. How, then, stands all the Whig preaching about economy on their part, and extravagance on ours, so loudly and so boldly proclaimed before the people, and on this floor? Which is the best and strongest proof, their votes here recorded on the journals, or their loud declarations before the people? They cannot both be true, because they are precisely the opposites of each other. Gentlemen may take either horn of the dilemma, and settle the matter with their constituents, who sent them here, I presume, to practise economy, and who have a right to decide which is true and which is false.

As a further illustration, and in proof of what I have charged upon these modern Federal bank Whigs, who adhere so closely to their unfaithful banks, and who preach economy to the people, and practise extravagance; who knowingly vote, as I have shown, many millions more than the estimated and actual revenue, and refuse Treasury notes to meet the debts they have thereby created. I have made out an account current for a few of the leading and most rigid economists of that party, and who will be admitted as a fair sample of the whole. I have, also, made out an account current for all the members from my own State, of whom there were eight Whigs and five Republicans, in the Twenty-fifth Congress; and in making out this account, I have charged them with the seventy-five millions appropriated during that Congress, while I have given them credit for all that they stand recorded on the journals as voting against; and having struck the balance against them, I have then given their votes on the Treasury Note bills, which shows the amount of debt they created, and the amount of means they provided to pay it. The accounts current at the end of this speech.

Mr. Chairman, I do not complain of those who voted for these appropriations, for I voted for most of them myself; but I do complain of those who voted for them, and then denied their votes before the people, casting all the odium on the Republican party, of those large amounts voted out of the people's money. There were good causes for most of them, which I could satisfactorily demonstrate to any and all true friends to their country. Gen Jackson made from sixty to one hundred treaties with Indian tribes, by which upwards of one hundred and twenty five millions of acres of land were acquired, for which ninety-three millions of dollars has been paid; (see vol. 4, Executive Documents, 3d S. 25 C. No. 164;) and thousands of Indians were removed West. All these treaties were ratified by a Federal Whig Senate, opposed to him, and by a vote of two-thirds, so that the Whigs had the power always to reject them, if disposed to do so. We were then, in the House, bound to make the appropriations to pay the cost of these treaties, and both parties in this and the other House voted for them. The Indian wars cost us much money, and both parties voted for them.

By the act of 1836 for the reorganization of the Post Office Department, the funds of that Department were put into the appropriations, which was not done previous to that time, but they form no part of the burdens imposed upon the people. It is only the revenues of that Department which are applied to keep up and extend the mail accommodations for the people. Your pension list has risen from half a million to near three and a half millions, and all parties voted for the laws which so enormously increased this list. By act of 1836, twenty-eight millions were given to the States. Now I voted for these laws because I thought them proper and just; and having done so, I never will, (like the Whigs,) after creating a debt, refuse to pay it, and abuse innocent men for what I did myself. The Whig party voted these large sums out of the Treasury, and thereby compelled Mr. Van Buren to apply them according to their own laws; and yet when he obeyed them, they denounced him for it. He has not spent all the money they voted him during the last two years by nearly fifteen million of dollars, (see unexpended balances for 1838 and '39,) and yet they heap curses on him because he does not bring down the expenses of the Government, and when he recommends a reduction of five or six millions, as he has at the present session, (for which see his message) they loud and furiously denounce him for doing just what they asked him to do. Does not this show that they are determined to oppose him in all cases and under every circumstance? Some abuse him for expenditures on the roads, some for expenditures on harbors, some for expenditures on rivers, and some for expenditures on light-houses. Some abuse him on account of post routes and post masters, (see Gov. Dudley's message to the last Assembly,) and, in short, every thing under Heaven, reasonable or unreasonable. Yes, sir; for the work of their own hands and heads. This same kind of opposition was made to the administration of Washington as well as to that of every Democratic Administration since his day. There was a factious spirit always operating against them, right or wrong. Just so now.

I have said, Mr. Chairman, that we wanted money to pay our army, our navy, our civil and diplomatic expenses, as well as our laborers, many of whom have been discharged from service in consequence of the exigency of the times; which I have clearly shown have been brought on us by the conduct of the banks and their Whig allies. In this House, as well as elsewhere, I wish to see the just and honest debts of the Government paid. We must provide the means in some way, and if these good Whigs, who voted for the creation of these just debts, that now press us, are, as they declare they are, determined that not a single dollar shall be provided in this bill to pay them, but will let bankruptcy and disgrace fall on our country, which is daily threatened, let them vote against it, and against their country; let the people see who are willing to sustain and support the Government, its honor and its credit, and who refuse to do so. I am a Treasury note man, and always have been. I have no constitutional scruples about their issue; none whatever. When we want money, and have to borrow and pay interest, I am for paying that interest to those to whom we owe the money, if they will take our paper in Treasury notes. For instance, we owe our farmers, our sailors, our soldiers, and laborers on our public works; and we owe our mechanics for whatever they supply the Government with. We must pay all these public creditors, and upon the amount necessary to pay them, we must pay interest. Now I greatly prefer paying them this interest, to paying it to your banks, your brokers in Wall or Chestnut streets, or to the rich capitalists in Europe, the Rothschilds, the Barings, the Hottinguers, and others. Yes, sir, I like our own poor honest farmers, soldiers, sailers, laborers, mechanics, &c. &c. vastly better than bankers, or those money shavers on Pennsylvania avenue, or in New York, Philadelphia, Europe, or elsewhere, who feed like vampyres, on the blood of the productive classes. When we are compelled to give our paper on interest, the constitutional principle is the same, whether you pay it on $100 to ten different men, or to one man, or whether you pay it to ten farmers or laborers on $1,000, or to a bank or one of these money shavers on the same amount. I know that this paper is the best paper that the people can hold, and I desire to furnish the honest laborers with the very best. If a loan is made by a bank, or any of their agents, and they agree (as they always do) to pay the checks of the Secretary of the Treasury in specie, when the holders present them, the banks, by some of their trickery and management, will pay out their own, or some other bank paper, and thus put into circulation bad paper, without interest, in lieu of the good United States Treasury notes, with interest. Therefore those who vote for large bills, vote to promote the interest of banks and capitalists, by throwing these good notes notes with interest into their hands, while their depreciated bank paper, without interest, is thrown into the hands of the honest and industrious laboring classes. Is this not as clear and as plain as yonder sun at noonday? I am well aware, Mr. Chairman, that upon this subject, I differ with many of my best Democratic friends, but we cannot always agree, and each must think and act for himself without quarrelling with those who differ with him. I am sorry to differ with my friends, but in this matter I have greatly the advantage of all who do not agree with me, by being right while they are wrong. My people want good paper, (if any must circulate,) that will buy lands, and pay taxes in the West, without discount, or their subscriptions in New York or elsewhere for their newspapers or other transactions, without being subjected to a shave with a *magnum bonum* razor by a New York or any other broker. I am aware that the Federal Bank Whigs will say: "why did you put down the Bank of the United States? I answer that the people put it down, because it was the credit of the United States, and not its ability to pay in specie, that passed the paper of that Bank, for it always was a bankrupt concern, if stripped of Government credit, which fact has been proved by the withdrawal of that credit, and the sudden and acknowledged total and permanent bankruptcy of the corporation. Do gentlemen want foreigners to speculate on our credit? I, and my people, wish the Government credit to be used through the medium of Treasury notes, (when it must be used,) and not by stock gamblers, for the speculating purposes of an association of American and European capitalists, bankers, and money shavers. I wish it to be used for the benefit of the honest and industrious laboring people of the country, and therefore hope that my amendment for the issue of $10 notes will prevail.

Mr. OGLE and the appropriation bill in the second session of the Twenty-fifth Congress.

Page.	Bill.		
309	450	suppression Indian hostilities	$1,000,000 00
1,239	394	harbors	1,535,008 53
805	230	Cumberland road	540,300 00
1,288	380	light-houses	307,010 36
		Third session.	
688	1,176	war bill	10,000,000 00
		Recorded for, on yeas and nays	$13,382,318 89
		CR.	
1,034	676	suppression Indian hostilities	$6,739,410 41
		DR.	
		By amount appropriated by Twenty-fifth Congress	$75,269,028 02
		Credit the amount voted against	6,739,410 41
		Dr. without opposition	$68,529,617 43

Treasury notes: 1st sess. 25th Congress, page 179, nay.
2d " " " 891, blank.
3d " " " 611, nay.

Hon. EDWARD CURTIS, second session of the Twenty-fifth Congress.

Page.	Bill.		
309	450	Indian hostilities	$1,000,000 00
1,239	394	harbors	1,535,008 53
805	230	Cumberland road	540,300 00
1,288	380	light-houses	307,010 36
		Third session.	
688	1,176	war bill	10,000,000 00
		Recorded for	$13,382,318 89
		Whole appropriations made by Twenty-fifth Congress	$75,269,028 02
		Credit for Mr. Curtis	00,000,000 00

Mr. C. was one of the Swartwout reforming committee; reformed the printing in his own city from $1 25 to $1 75 per page.

Treasury notes: 1st sess. 25th Congress, page 179, nay.
2d " " " 891, nay.
3d " " " 611, blank.

Hon. WILLIAM K. BOND, second session of the Twenty-fifth Congress.

Page.	Bill.		
1,034	676	suppression Indian hostilities	$6,739,410 41
309	450	Indian hostilities	1,000,000 00
1,239	394	harbors	1,535,008 53
805	230	Cumberland road	540,300 00
		Recorded for	$9,814,718 94
		DR. Whole amount of appropriations by Twenty-fifth Congress	$75,269,028 02
		Credit for Mr. Bond	00,000,000 00

Mr. B. stands recorded:
Page 179, 1st sess. 25th Cong. against Treasury Note bill.
" 891, 2d " " do. do.
" 612, 3d " " do. do.

Hon. W. J. GRAVES—Second Session Twenty-fifth Congress.

Page.	Bill.		
1,034,	676.	Suppression Indian hostilities	$6,739,410 41
309,	450.	Indian hostilities	1,000,000 00
1,239,	394.	Harbors	1,535,008 53
688,	1176.	War, 3d S. 25th C.	10,000,000 00
		Recorded for	$19,274,418 94
		Dr.—Appropriations made during the Twenty-fifth Congress	$75,269,028 02
		Cr.—Page 805, bill 230, 2d S. 25 C. Cumberland road, (nay)	540,300 00
		Dr.—Without opposition	$74,728,728 02

Page.
179, 1st S. 25th C. Mr. G. Recorded against T. Notes.
891, 2d S. 25th C. do
612, 3d S. 25th C. do

Hon. R. GARLAND—Second session Twenty-fifth Congress.

Page.	Bill.		
1,034,	676.	Sup. Indian hostilities	$6,739,410 41
309,	450.	Indian hostilities	1,000,000 00
1,239,	394.	Harbors	1,535,008 53
805,	230.	Cumberland Road	540,300 00
1,288,	380.	Light-houses	307,010 36
		Third session Twenty-fifth Congress.	
688,	1,176	War bill	10,000,000 00
		Recorded for	$20,121,729 30
		Dr.—Whole amount of appropriations made during the 25th Congres	$75,269,028 02
		Credit for Mr. R. Garland	0,000,000 00

Page.
612, 3d S. 25 C. Against Treasury notes.
891, 2d S. 25th C. do
179, 1st S. 25th C. For do

Mr. WISE and the appropriations—Second session Twenty-fifth Congress.

Page.	Bill.		
1,288,	380.	Light-houses	$307,010 36
1,034,	676.	Suppression Indian hostilities	$6,739,410 41
805,	230.	Cumberland road	540,300 00
688,	1,176.	War bill, 3d S. 25th C.—Not spent	10,000,000 00
		Recorded against	$17,279,710 41
		Dr.—The appropriations made by the Twenty-fifth Congress	$75,269,028 02
		Cr.—By amount recorded against	17,279,710 41
		Dr.—Without opposition	$57,989,317 61

Treasury Note bills—1st S. 25th C. page 179—nay.
" 2d " " 891—nay.
" 3d " " 611—blank.

The following is the account current as it stands with the North Carolina delegation in the 25th Congress, upon the appropriation bills. They stood five Democrats and eight Opposition Whigs at that time. The nays, as recorded on the journal, of each, is given upon the final passage of the appropriation bills, with the number of the bill and the page in the journal where they passed; where the yeas and nays are not taken, it is a unanimous vote; and at Raleigh, the seat of Government in my district, I have deposited the bound journal, that reference may be had to prove all that I have said and published; for I regret to admit the fact that, in my own State, modern Whigery not only denies recorded facts, but proclaims and vouches for that which is precisely the very opposite of recorded facts and truth; for on the eve of the last Congressional election, a forgery, of the blackest dye, was issued from a Federal press in Raleigh, sent all over my district by expresses, with the certificate of five volunteer, or willing witnesses, as a passport, and the name of one of them is now one of the Whig Harrison electors, (Charles Manly, esq. of Raleigh, N. C.) and is canvassing the district by speeches of the lowest abuse against this Administration.

FIRST DISTRICT.

Hon. S. F. SAWYER—W. Second Session Twenty-fifth Congress.

Page.	Bill.		
1,034	676	suppression of Indian hostilities	$6,739,410 41
309	450	Indian hostilities	1,000,000 00
		Third session.	
688	1,176	war	10,000,000 00
		Recorded for	$17,739,410 41
		CR.	
1,239	391	harbors	$1,535,008 53
		DR.—Whole amount of appropriation made by Twenty-fifth Congress	$75,269,028 02
		CR.—By the amount voted against	1,535,008 53
		DR.—This amount without recorded opposition	$73,734,019 49

Page.
179 1st S. 25th C. Against Treasury notes.
891 2d S. 25th C. Blank.
612 3d S. 25th C. Blank.

SECOND DISTRICT.

Hon. J. A. BYNUM—Second Session Twenty-fifth Congress.

Page.	Bill.		
1,034	676	suppression Indian hostilities	$6,739,410 41
309	450	Indian hostilities	1,000,000 00
		Third session.	
688	1,176	war	10,000,000 00
		Recorded for	$17,739,410 41
		DR.—The whole amount appropriated by Twenty-fifth Congress	$75,269,028 02
		CR.—By amount voted against	00,000,000 00

Page.
179 1st S. 25th C. Recorded for Treasury notes.
891 2d S. 25th C. Recorded for Treasury notes.
612 3d S. 25th C. Blank.

THIRD DISTRICT.

Hon. E. STANLY—Second session Twenty-fifth Congress.

Page.	Bill.		
309,	450,	Indian hostilities	$1,000,000 00
688	1,176,	War bill, 3 S. 25 C.	10,000,000 00
		Recorded for	$11,000,000 00
		CR.	
1,034	676.	Suppression Indian Hostilities	6,739,410 41
1,239,	384.	Harbors	1,535,008 53
805,	230.	Cumberland Road	540,300 00
1,288,	380.	Light-houses	307,010 36
		Recorded against	$9,121,729 30
		Dr.—The whole amount appropriated by 25th Congress,	75,269,028 02
		Cr.—By amount recorded against	9,121,729 30
		Dr.—To this amount without opposition	$66,147,278 72

Page.
179, 1st S. 25th C. Recorded against T. Notes.
891, 2nd S. 25th C. do.
612, 3d, S. 25th C. do.

FOURTH DISTRICT.

Hon. C. SHEPARD—Second Session Twenty-fifth Congress.

Page.	Bill.		
1,034.	676.	Suppression Indian hostilities -	$6,739,410 41
309.	450.	Indian hostilities - -	1,000,000 00
		Recorded for - - -	$7,739,410 41
1,239.	394.	Harbors - - -	$1,535,006 53
805.	230.	Cumberland Road - -	540,300 00
		Voted against - - -	$2,075,308 53
Dr.—Whole amount of appropriations made by 25th Congress - - -			$75,269,028 02
Cr.—By amount voted against - -			2,075,308 53
Dr.—To this amount without opposition -			$73,193,719 49

Page.
179, 1st S. 25th C. Against T. Notes.
891, 2d S. 25th C. Blank.
611, 3d S. 25th C. do.

FIFTH DISTRICT.

Hon. J. J. McKAY—Second Session Twenty-fifth Congress.

Page.	Bill.		
309,	450.	Suppression Indian hostilities -	$1,000,000 00
1,034,	676.	Indian hostilities - - -	6,739,410 41
688,	1,176.	War bill, 3d S. 25th C. - -	10,000,000 00
		Recorded for - - - -	$17,739,410 41
805,	230.	Cumberland Road - -	$540,300 00
1,288,	380.	Light-houses - - -	307,010 36
1,239,	394.	Harbors - - - -	1,535,008 52
		Recorded against - - -	$2,389,318 88
Dr.—The whole amount of appropriations made by Twenty-fifth Congress -			$75,269,028 02
Cr.—By amount against - - -			2,389,318 88
Dr.—This amount without opposition- -			$72,879,709 14

Treasury notes: 1st sess. 25th C. page 179, yea.
2d " " " 891, yea.
3d " " " 612, yea.

SIXTH DISTRICT.

Hon. M. T. HAWKINS—Second Session, Twenty-fifth Congress.

Page.	Bill.		
1034,	676.	Suppression of Indian hostilities -	$6,739,410 41
688,	1176.	War bill, 3d S. 25 C. - -	10,000,000 00
		Recorded for - - -	$16,739,410 41
		Cr.	
1239,	394.	Harbor - - - -	$1,535,088 53
1288,	380.	Light houses - - -	307,010 36
		Recorded against - -	$1,842,018 89
Dr.—The whole amount of appropriations made by Twenty-fifth Congres -			$75,269,028 02
Cr.—By amount voted against - - -			1,842,018 89
Dr.—This sum without opposition -			$73,427.009 13

Page.
179, 1st S. 25th C. Recorded for Treasury Notes.
891, 2d S. 25th C. Recorded for Treasury Notes.
612, 3d S. 25th C. Recorded for Treasury Notes.

SEVENTH DISTRICT.

Hon. E. DEBERRY—Second Session, Twenty-fifth Congress.

Page.	Bill.		
309,	450.	Suppression of Indian hostilities -	$1,000,000 00
688,	1176.	War bill, 3d S. 25th C. - -	10,000,000 00
		Recorded for - - -	$11,000,000 00
		Cr.	
1239,	394.	Harbors - - - -	$1,535,008 53
805,	230.	Cumberland road - -	540,300 00
		Recorded against - -	$2,075,308 53
Dr.—The whole amount of appropriations made by Twenty-fifth Congress -			$75,259,028 02
Cr.—By amount recorded against - -			2,075,308 53
Dr.—This sum without opposition -			$73,193,719 49

Page.
179, 1st S. 25th C. Recorded against Treasury notes.
891, 2d S. 25th C. Did not vote.
612, 3d S. 25th C. Recorded against Treasury notes.

EIGHTH DISTRICT.

WM. MONTGOMERY—Second Session, Twenty-Fifth Congress.

Page.	Bill.		
309,	450.	Indian hostilities - - -	$1,000,000 00
688,	1176.	War bill, 3d S. 25th C. - -	10,000,000 00
		Recorded for - - -	$11,000,000 00
		Cr.	
1239,	394.	Harbors - - - -	$1,535,008 53
805,	230.	Cumberland road - - -	540,300 00,
1288,	380.	Light-houses - - -	307,010 36
		Recorded against - -	$2,382,318 89
Dr.—The whole amount of appropriated by Twenty-fifth Congress - - -			$75,269,028 02
Cr.—The amount voted against - -			2,382,318 89
Dr.—This sum without opposition -			$72,886,709 13

Page.
179, 1st S. 25th C. Recorded for Treasury notes.
891, 2d S. 25th C. Recorded for Treasury notes.
612, 3d S. 25th C. Recorded for Treasury notes.

NINTH DISTRICT.

Hon. A. H. SHEPPARD.—Second session Twenty-fifth Congress.

Page.	Bill.		
1034	676.	Suppression Indian hostilities,	$6,739,410 41
309	450.	Indian hostilities, - -	1,000,000 00
688	1176.	War bill, (3S. 25C.) - -	10,000,000 09
		Recorded For, - - -	$17.739.410 41
		Cr.	
1239	394.	Harbors, - - - -	$1,535,008 53
805	230.	Cumberland road, - -	540,300 00
		Recorded against, - -	$2,075,308 53
Dr.—The whole amount of appropriations made by Twenty-fifth Congress, - -			$75.269 028 02
Cr.—By amount voted against, - -			2,075,308 53
Dr.—This sum without opposition, -			$73,193,719 49

Treasury notes: Page 179, first session Twenty-fifth Congess, against; page 891, second session Twenty-fifth Congress, blank; page 612, third session Twenty-fifth Congress, against.

TENTH DISTRICT.

Hon. A. RENCHER, second session Twenty-fifth Congress.

Page.	Bill.		
1034	676	Suppression Indian hostilities, (for)	$6,739.410 41
309	450	Indian hostilities, - -	1,000.000 00
688	1176	War bill, 3S. 25C. - -	10,000,000 00
		Recorded for, - - -	$17.739.410 41
		Cr.	
1239	394	Harbors, - - - -	$1,535,008 53
805	230	Cumberland road, - -	540,300 00
		Recorded against -	$2 075.308 53
Dr.—The whole amount of appropriations made by Twenty-fifth Congress, - -			$75,269,028 02
Cr.—By amount voted against, - -			2,075.308 53
Dr.—This sum without opposition, - -			$73.194,719 49

Treasury notes: Page 179, first session Twenty-fifth Congress, against; page 891, second session Twenty-fifth Congress, blank; page 612, third session Twenty-fifth Congress, against.

ELEVENTH DISTRICT.

Hon. H. W. CONNOR, second session Twenty-fifth Congress.

Page.	Bill:		
309	450	Indian hostilities. (for)	$1,000.000 00
688	1176	War bill, (3S. 25C. for) -	10,000,000 09
1239	394	Harbors - - -	1,535,008 53
		Recorded for, - -	$12,535,008 53
805	230	Cumberland road, (against) -	$540,300 00
Dr.—By amount of appropriations made by Twenty-fifth Congress, - -			$75,669,028 02
Cr.—By amount voted against, - -			540,300 00
Dr.—This amount without opposition, -			$74,729.328 02

Treasury notes: Page 179, first session Twenty-fifth Congress, for; page 891, second session Twenty-fifth Congress, for; page 612, third session Twenty-fifth Congress, for.

TWELFTH DISTRICT.

Hon. J. GRAHAM—Second session, Twenty-fifth Congress.

Page.	Bill.		
1,034,	676,	Suppression of Indian hostilities	$6,739,410 41
309,	450,	Indian hostilities - - -	1,000,000 00
688,	1176,	War bill, (3d sess. 25th Cong.)	10,000,000 00
		Recorded for on yeas and nays,	$17,739.410 41
1239,	394,	Harbors - - - - -	$1,535,00
		Dr.	
The whole amount of appropriation made by 25th Congress - - - - -			$75,269,028 02
		Cr.	
By amount recorded against - - -			1,535,008 53
		Dr.	
This amount without opposition - - -			$73,734,019,49

Treasury notes: 1st sess. 25th Congress, page 179, nay.
2d " " " 891, "
3d " " " 612, "

TWELFTH DISTRICT.

Hon. L. WILLIAMS—Second session Twenty-fifth Congress.

Page.	Bill.		
1034,	676,	Suppression Indian hostilities -	$6,739,410 41
309,	450,	Indian hostilities - -	1,000.000 00
688,	1176,	War bill, (3d sess. 25th Cong.) -	10,000,000 00
		Recorded for on yeas and nays -	$17,739.410 41
1239,	394,	Harbors - - -	$1,535,008 53
805,	230,	Cumberland road - -	540,300 00
1288,	380,	Light houses - - -	307,010 36
		Recorded against this sum - -	$2,382,318 89
Dr. The whole amount of appropriation by 25th Congress - - -			$75,269,028 02
Cr. By amount recorded against - -			2,382,318 89
Dr. This amount without opposition -			$72.886,709 13

Treasury notes: 1st sess. 25th Congress, page 179, nay.
2d " " " 891, "
3d " " " 612, "

REMARKS OF MR. PETRIKIN,

OF PENNSYLVANIA.

In the House of Representatives, May 15, 1840—On the bill for the remission of duties on goods consumed by fire in the city of New York.

Mr. PETRIKIN said, that he had been so far a silent observer of the progress of this bill. He had looked with astonishment more than once, during the time he had been a member on this floor, at the flagrant want of consistency between the professions and votes of members. He, however, never had witnessed a greater degree of inconsistency in any case than in the votes just given. The gentlemen who compose the party opposed to the Administration, are continually denouncing it both on this floor and before the people, as extravagant and wasteful. Nevertheless, those gentlemen are always found the foremost in concocting and advocating means to take the money out of the Treasury. In the present case they are, with a very few exceptions, recording their names for a bill which must take millions of dollars from the Treasury, to go into pockets of merchants in New York, who are, no doubt, principally foreigners, or their agents. Yes; very probable there are some of them of that "gang of Yorkshire merchants," of whom we have heard so much said on a late occasion on this floor. But be they who they may, the question is, what claim have they in law or equity for the money this bill proposes to give them. Every disinterested man must say, none. If they insured their goods at offices that were unable to pay for the loss, that was their own fault, not the fault of the Government.

Let gentlemen look at the votes on this bill, and see who they are, and to what party eight tenths of those belong, who are not only willing to vote away this large amount of money, but are anxious to bring it through without inquiry, debate, or discussion. It will be found that they are those who wish to make the people believe that economy is a part of their creed, and that they detest extravagance, when, in reality, their facts here, on all occasions, contradict their professions before the people.

Mr. P. said the time was come when the people should be informed on this subject. When they get that information they will speak aloud; they will examine how the acts of gentlemen on this floor accord with their professions elsewhere.

We have heard a great cry about the Treasury being bankrupt; and yet gentlemen engaged in this cry are willing to pass this bill to pay away money without restriction or limits, and where none is due. Those same men were unwilling to vote the money necessary for the support of Government, but have no difficulty, when asked to vote millions to foreign merchants. We have been daily annoyed, on all occasions, by their denunciations of the Administration and the Democratic party, as being corrupt and extravagant; and there can be no doubt, if we pass this bill, that in the course of a year we shall have this very measure held up as one of the corrupt and extravagant acts of the Administration, by the very men who are now voting for it.

Have they any conscience? Or do they suppose the people are fools, that they will not comprehend such a total disregard of common honesty, such a contradiction of professions by actions? If gentlemen think so, I can assure them they are mistaken. The people are watching their movements, and will show them that although slow to act, that action will be sure. Mr. P. called upon the few Democrats who voted with the Whigs on this occasion, not to abandon their principles. One of the maxims of Democracy is "equal and exact justice to all men." Is it just or right to take from the Treasury the money of the people, and give it to those who have no just claim to it? If millions are thus to be taken from the Treasury,

we will soon be compelled to resort to a direct tax. The laborers of the country will have to pay away their earnings to support the aristocracy of the cities in splendor and dissipation. This will not be tolerated by the people. Are those of the Democratic party who honestly adhere to their principles of economy and justice, to suffer by the denunciations heaped upon them by the Federalists, merely because a few of those that are sent here as Democrats, so far forget their principles and their duty as to vote with the Federalists to take millions of the money raised off the people, to give to their political friends? And do they not know that the very men who are to receive this money, join in the cry of extravagance and waste against the Democrats and their Administration? We can protect ourselves against our enemies; but God save us from such friends. Mr. P. said he, for one, would oppose the passage of all such bills. He would hold these men up before the country who profess to be Democrats, but are here willing to vote, whether right or wrong, with the Opposition, for all such bills as take money from the Treasury—men who are willing to sacrifice both party and principle to vote a few dollars into the pockets of their personal friends or constituents Such men are not Democrats—they do not belong to that party whose principles the present Administration are anxious to carry out by practice. If they do, they are strangely forgetful. They forget that the Democratic party are held accountable for every dollar voted by this Congress to be taken from the Treasury. They forget that they are daily told on this floor by the Whigs that the Democrats have a majority; and that although they (the Whigs) vote to take money out of the Treasury, yet the Democrats, being a majority, are in fault, if it is taken out improperly. If any Democrat has voted without proper reflection, now is the time to correct his error, and to show the people that he is not recreant to his principles.

Mr. P. argued that gentlemen whose constituents were interested in the passage of a bill by which, if passed, they were to receive so large an amount of money, had no right to vote on the passage of the present bill.

SPEECH OF MR. JOHNSON,
OF VIRGINIA.

In the House of Representatives, April 14, 1840—On the motion to recommit to the Committee on Accounts the reports in relation to contracts existing between Langtree and O'Sullivan and the Clerk of the House, for stationery, &c.

Mr. J. JOHNSON of Virginia asked leave to submit a report from the Committee on Accounts, in relation to the accounts of Langtree and O'Sullivan. He said that all its members, with the exception of one, had concurred in the report; and that a minority report would be presented to the House.

Mr. WISE objected.

Mr. JOHNSON moved a suspension of the rules, and the question was taken by count; and there being ayes 79, noes 40, and no quorum voting,

Mr. BELL said he presumed the object of the chairman was to get the report printed, and that it would not give rise to debate.

Mr. JOHNSON replied that the report was a voluminous one, and that debate would not take place until its contents were known to the House. The object was merely to let both reports be received, and have them printed. He presumed there could be no debate on a motion to print.

Mr. WISE gave notice that he would debate it the moment it touched the Clerk's table.

Mr. PETRIKIN also gave notice that he would debate it.

Mr. JOHNSON again moved a suspension of the rules, and called for the yeas and nays on that motion; which were ordered, and were—ayes 128, nays 28.

So the rules were suspended; and

Mr. JOHNSON sent the report to the CHAIR, and asked that it be printed.

Mr. JOHNSTON of New York said the House would see, by the minority report, that the Committee of Accounts was required, by the resolution of — March, to inquire into the qualification of, and the prices paid for, the stationery furnished to the House by Langtree and O'Sullivan, and contrast them with those of the stationery furnished to the Senate, and to send for persons and papers. Mr. J. said, by referring to the minority report, it would be seen that the committee had refused to do so.

Mr. PETRIKIN moved that the report be recommitted to the Committee of Accounts, with additional instructions to inquire and report to this House,

1. Whether the prices paid by the CLERK of this House for stationery, is a reasonable price, when compared with what stationery can be purchased for from other persons, of like quality.

2. Whether the stationery is not of an inferior kind, when compared with the stationery purchased for this House at the last two sessions of Congress.

3. Whether any allowance was asked by the CLERK, either in writing or verbally, for the difference in exchange between Philadelphia and New York; and, if any, how much?

4. Whether any payment has been made by the CLERK to the contractor, in advance, on his contract, or the auditing of his account by the committee?

Mr. EVERETT called for the reading of the reports.

Mr. WISE wanted to know how much of the report was the work of the committee, and how much was the work of the officer whose accounts were to be investigated, and hoped it would be read.

The reports having been partially read through, and the morning hour, to which the suspension of the rules applied, having expired,

Mr. JONES of Virginia called for the orders of the day.

On the following morning,

The CHAIR announced that the first business in order was the reports of the Committee on Accounts, in relation to the contracts existing between Langtree and O'Sullivan with the Clerk of the House, for furnishing stationery, &c, and the immediate question before the House was the motion to recommit the reports to the Committee on Accounts, with the above instructions, as moved by Mr. PETRIKIN.

After a few words from Messrs. JOHNSTON of New York, and GARLAND of Virginia,

Mr. JOHNSTON of New York obtained the floor, and moved the following as a substitute for the above instructions, viz:

Strike out all after the word "moved," in the first line, and insert the following:

That the resolution which passed this House on the 4th day of March last, upon the subject of stationery, and the reports thereon, and the other matters therein contained, be committed to a select committee, with additional instructions to inquire and report to the House:

1. Whether the prices paid by the Clerk of this House for stationery are reasonable, when compared with prices for which stationery of the same quality could have been purchased of other persons than those of whom he purchased.

2. Whether the stationery is not of an inferior quality, when compared with the stationery furnished this House at the last two sessions of Congress.

3. In what mode or manner the Clerk has advanced or paid money to said Langtree, in relation to said stationery, the amounts paid, and the different times when paid; and that said committee have power to send for persons and papers.

Mr. JOHNSTON of New York said he was willing that both reports should be printed, and take their ordinary course in the House. Gentlemen would see the inconsistency, the impropriety, and the illiberality, of recommitting the report to the same committee, who had had the matter under consideration for seven weeks, and had presented to the House the only result at which they were able to arrive. The power to send for persons and papers was given to the committee, so that all doubt might be dispelled in relation to the subject, and to prove the facts required by the resolution under which the committee had acted. Mr. J. did not conceive that the duties of the committee had been properly discharged, as they had refused to receive evidence in subversion of the resolution. The design of the mover of it had fallen to the ground. Mr. J. did not propose to go into a discussion as to the merits of the two reports which had been submitted. When it should become necessary, he would do so. He hoped if there was to be a reference of the subject, that the good sense of the House would see the propriety of sending it to a select committee, and not to the committee who had had it under consideration, there to remain seven weeks longer.

Mr. JOSEPH JOHNSON said he regretted that any thing should have occurred to make it necessary for him to impose himself on the patience of the House, even for a single moment. But standing in the relation he did, he considered it as due to himself, and the majority of the committee, that he should make a very few remarks on the subject. Mr. J. then adverted to the circumstances under which the resolution of the 3d of March had been adopted, instructing the committee to make their report. It would be evident to all that the report was based on the instructions given by that resolution, and had been prepared after a patient and diligent investigation by the majority of the committee. He believed the report contained all the facts contemplated by the resolution, and he would ask those gentlemen who were in favor of a reference, to furnish the committee with something on which they could base their action. If any individual or individuals were to have charges preferred against them, let the committee have those charges laid before them, and he would pledge his word that the majority of the committee would not shrink from a full and rigid investigation. And he would embrace the opportunity to say, that if gentlemen contemplated making any charges against the Clerk of the House, in relation to the manner in which he had contracted for stationery, etc. he Mr. J. was authorized by that officer to say that he was very anxious for an investigation into the manner in which he had performed his duties.

If the gentlemen from New York and Pennsylvania should succeed in their effort to refer this subject back again to the committee, without any new matter whereon to base their report, they might be assured that the committee would arrive at no other result.

But with reference to the Clerk of the House, the facts would appear that he had, in all his contracts, taken the utmost precaution to guard the interests of Government. With a view of showing this, he would send to the Clerk's table the two resolutions of 1815 and 1827, under which the Clerk had acted, and by which he had been governed in making the contracts.

The resolutions were then read in the following words:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be directed immediately after the adjournment of the present, and each succeeding Congress, to advertise three weeks successively, in two newspapers printed in the District of Columbia, for proposals for supplying the Senate and House of Representatives, during the succeeding Congress, with the necessary stationery and printing; which advertisement shall describe the kind of stationery and printing required; and that the proposals to be made be accompanied with sufficient security for their performance. And it shall be the duty of the Secretary and Clerk aforesaid, in the month of April, thereafter, to notify the lowest bidder or bidders (whose securities are deemed sufficient) of the acceptance of his or their proposals: *Provided*, That this resolution shall not be so construed, as to prevent the Secretary and Clerk aforesaid for contracting for separate parts of the supplies of stationery and printing required to be furnished.

Approved, March 3, 1815.

In the House of Representatives, March 3, 1827:

Resolved, That the Secretary of the Senate, and the Clerk of the House of Representatives, be directed to furnish, for the next session of Congress, such stationery for their respective Houses, as they

shall think suitable and proper, the joint resolution of the 3rd of March, 1815, to the contrary notwithstanding.

Mr. JOHNSON then resumed, and said it would be apparent to all, that, under those resolutions, the Clerk was invested with full power to make all the contracts he had entered into. Under the former resolution, power was given to that officer to make contracts for any portion of stationery that he might deem necessary; and under the latter, he was directed to furnish such stationery as he might think proper for the House of Representatives.

Now he, [Mr. J.] was no lawyer, nor would he undertake to enter into a legal debate before a hundred and fifty lawyers; but he was guided by common sense, and he would appeal to every member of the House, whether the Clerk had not acted in accordance with the plain common sense meaning of the resolutions in question. In the resolution of 1827, the Clerk was directed to "furnish" stationery, etc. Now, what was the meaning of the word "furnish?" Would gentlemen pretend to say that the word "furnish" implied that the Clerk should, with his own hands, and without the assistance of any other person, perform all the duties appertaining to his office? For instance; one of the duties was to compile a book. But would gentlemen require that the Clerk should actually go into the printing office, and perform the work of a practical printer? Again; he was required to furnish fuel for the House; but would gentlemen insist that the Clerk should shoulder his axe, enter the forest, and become a wood-chopper?

He would advise the gentleman from New York to be a little careful before he made accusations against the Clerk, and to pause while he was seeking ground of censure with an avidity equal to the bloodhounds of Florida. He would tell the gentleman, however, that even the backwoodsmen were not to be despised, for he had known instaces where backwoodsmen had become Senators, and many a wood-chopper had been appointed to places of trust and honor. He would also tell him that he had known men inhabiting log cabins being aspirants for the first office in the gift of the people.

After some debate on a point of order,

Mr. JOHNSON alluded to the practice of the former Clerk in the purchase of stationery. He reminded gentlemen that for some eight or ten years previous to the last Congress, the Clerk had been in the habit of purchasing *directly* the stationery for the House. And what was the result? Why, said Mr. J. you fared infinitely worse. The Committee on Accounts have discovered the startling fact, that now, in one of the committee rooms, is unavailable and useless stationery piled up to the amount of some twenty-five or twenty-six thousand dollars! This excess of stationery, under a resolution of the last Congress, had been sent to New York for the purpose of being sold; but when put up at auction, it was found that it would not fech one-fourth the price it had cost; and most of it remains on hand to this day.

Now, with a knowledge of these facts, was it not the duty of the Clerk to adopt some other mode of furnishing the stationery so as to avoid this loss? Yes, it would be remembered that at the last session of Congress the Clerk was admonished to adopt some other means. He accordingly entered into a contract for the furnishing of stationery of the best quality, at a moderate price, with a proviso that all which should not come up to the strict terms of the contract, should be returned. But another objection was, that the Clerk had made a written contract.

To which allow me to reply, that, by the resolution of March 3d, 1827, (the authority which has been referred to, to impeach the validity of the contract in question,) the Clerk was empowered in general and unrestricted terms, to procure the stationery required for the consumption of this House, provided that he did so in a manner, and on terms deemed by him, in his honest judgment, just, and withal favorable to the interest of the United States.

There is nothing, at least that I can see, in the resolution, that limits or restricts the exercise of his (the Clerk's) sound discretion in the discharge of this, a part of his clerical duty.

Now, he would ask, was the Clerk to be blamed for having taken the precaution of producing a written agreement? Was he to be blamed for doing that which was done by every prudent man in the management of his private affairs? It appeared, however, that the act which was esteemed a virtue in private life, was a startling offence when practised by an officer of the Government.

It is certainly of but little consequence whether he proceed in person and in detail, or by proxy, to the original sources of production or importation for the various articles required, as it cannot be supposed that he must of course, as the Clerk of this House, be a nice and discriminating judge of the texture, quality, and fabric of such merchandise. This knowledge, I think, is alone confined to the manufacturer, and appropriate dealer. The importance of this matter is not in the manner, or from whom purchased, whether a general trader, stationer, manufacturer, or importer, whether by the Clerk in person or under his immediate direction, provided he is perfectly convinced of the ampleness of the contract in its stipulations and security.

If honorable gentlemen contend that the resolution of 1827 was limited in its strict letter to the ensuing Congress, leaving the original resolution of 1815 in full revived force at the expiration of that period, the reply is, that, from the nature of the case, there could be nothing peculiar in that single Congress, which should dictate a change of method in procuring supplies of stationery, for that particular brief space alone.

The change introduced by that resolution should be understood in a more general sense, as virtually repealing the resolution of 1815, especially when it is borne in mind that the old method was never subsequently reverted to, and that the intent of the resolution of 1827, here contended for, has therefore received the uninterrupted practical construction of twelve consecutive years, under different officers, whose course has been sanctioned by as many successive Committees on Accounts.

Mr. J. said he had had the honor of serving on the Committee on Accounts during the last two or three Congresses. He had associated there with gentlemen of all political parties. He had had the honor of associating there with his namesake from Maryland, and with the gentleman from Kentucky [Mr. HAWES] who, as political partisans, disputed every inch of ground. But never, till the commencement of this Congress, had that hydra headed monster, "party," been permitted to enter the committee room of the Committee on Accounts. Until this Congress he and his associates on that committee had looked above all party considerations, and, like good servants of the people, they had put shoulder to shoulder, and labored for the public interests, under no other feelings than those dictated by friendship. He would that he could say the same now; but he could not. He had been told that soon after the meeting of the House at the present session, certain gentlemen, not members of the committee, had attempted to raise a select committee to inquire into this very matter; and that, too, at a time when the standing committees had had no opportunity of making a report. He asked whether such conduct was not an implied censure on the gentlemen composing the standing committees. He repeated, that soon after the commencement of the present session, certain gentlemen had resolutions in their drawers, the object of which was to take the matter out of the hands of the standing committee, and refer it to a select committee.

Now, he would ask, whence arose all this feverish anxiety? Was he to believe that it was for the purpose of manufacturing political capital for the benefit of the Hero of Tippecanoe? or was it because one of the parties to the contract was the Editor of the Democratic Review, a talented young man, who, with firmness and distinguished ability, had advocated the just principles on which our liberties are founded? or was it because that gentleman [Mr. GARLAND] there, sitting at the table, had, at the commencement of the session, displayed a Roman firmness, in refusing to qualify five gentlemen from New Jersey, claiming seats under the sanction of the broad seal of the Governor, and with certificates given in defiance of the expressed will of the people? "When to have done so, (using the language of his own countrymen, recently and kindly expressed,) would have been in derogation of the Constitution of the United States, destructive of the rights of the people, and of the rights of suffrage, and an alarming attempt to wrest the right of election from the people, and vest in their unfaithful, fraudulent, and negligent agents."

The morning hour having expired, the remarks of Mr J. were again suspended until the following day, when

The CHAIR announced that the first business in order was the reports of the Committee of Accounts, in relation to the contracts existing between Langtree and O'Sullivan, with the Clerk of the House, for furnishing stationery, &c. and the immediate question before the House was the motion to recommit the reports to the Committee on Accounts, with the following instructions:

1. Whether the prices paid by the Clerk of this House for stationery, is a reasonable price, when compared with what stationery can be purchased for from other persons, of like quality.

2. Whether the stationery is not of an inferior kind, when compared with the stationery purchased for this House at the last two sessions of Congress.

3. Whether any allowance was asked by the Clerk, either in writing or verbally, for the difference in exchange between Philadelphia and New York; and, if any, how much?

4. Whether any payment has been made by the Clerk to the contractor, in advance, on his contract, or the auditing of his account by the committee?

Mr. JOHNSTON of New York moved the following as a substitute for the above instructions, viz:

That the resolution which passed this House on the fourth day of March last, upon the subject of stationery, and the reports thereon, and the other matters therein contained, be committed to a Select Committee, with additional instructions to inquire and report to the House:

1. Whether the prices paid by the Clerk of this House for stationery are reasonable, when compared with prices for which stationery of the same quality could have been purchased of other persons than those of whom he purchased.

2. Whether the stationery is not of an inferior quality, when compared with the stationery furnished this House at the last two sessions of Congress.

3. In what mode or manner the Clerk has advanced or paid money to said Langtree, in relation to said stationery, the amounts paid, and the different times when paid; and that said committee have power to send for persons and papers.

Mr. JOSEPH JOHNSON said that when, on yesterday, his remarks were suspended by the expiration of the morning hour, it was his intention to have replied in detail to the speeches of the gentleman from New York. But, on reflection, he was satisfied that no good could arise from a continuance of a discussion thus prematurely. With that understanding, therefore, he would merely observe that the motion to recommit the subject to the committee under general instructions, would be only asking the committee to report what they had already done.

As regarded the document accompanying the report of the committee, marked with the letter J. and which had given the gentleman from New York [Mr. JOHNSTON] and Pennsylvania [Mr. FETRIKIN] so much pain and labor, he had one word to say. He understood that upwards of eight pages of the report made by the gentleman from New York, were taken up in attempting to prove that this document had been smuggled into the committee room. Now he would call the attention of the House to the resolution read on yesterday, by which it would be seen that, with the exception of the solitary vote of the gentleman from New York, the document was received by the unanimous vote of the committee.

Mr. CHARES JOHNSTON, the member alluded

to, rose for the purpose of making some explanation.

Mr. JOSEPH JOHNSON hoped the gentleman from New York would permit him to proceed without interruption, as he had but a few words to say, and would conclude in a very few minutes. He would say, then, that the document, instead of being smuggled into the committee room, had been introduced at the instance of a majority of the committee—the gentleman from New York being the only member who voted against it, and who had generally stood alone on all questions in relation to this matter.

The resolution of the committee calling on the CLERK for a report in the following words:

Resolved, That the Clerk of the House of Representatives furnish to the Committee of Accounts a statement of the contracts other than those dated 25th March and 23d December, 1839, which he has made with S. D. Langtree for lithographing maps, and what lithography, authorized by the last Congress, has been executed by S. D. Langtree under any contract, and at what prices; and that he furnish the committee a tabular statement, in detail, showing the manner in which stationery has been furnished the House of Representatives for the last three preceding Congresses, with the prices paid for the same; stating the sources from which he derives his knowledge of the different matters contained in said statement: *Provided*, That the committee is not bound to receive the statements as conclusive evidence of the facts set forth therein.

The document called for by this resolution was furnished by a sworn officer of the House, and if there was a single error in any of the statements made therein, he asked the gentleman from New York to lay his finger upon it, and point it out. That document was compiled from papers on file in the Treasury Department, and the country would thank the CLERK for furnishing the valuable information it contained. For his part he would say that, so far as his knowledge extended, he would certify that the CLERK had been governed, in all his transactions, by honorable motives. He would also undertake to say that the stationery furnished by the present officer had been furnished on terms at least equal to those on which stationery had been supplied before.

If the House should deem it proper to recommit the subject, and order an investigation into the conduct of the Clerk, the latter, he was authorized to say, would be very glad to have an opportunity of meeting those charges.

Yes, said Mr. J. the House may, if it chooses, appoint another select committee of investigation, with power to send for persons and papers. The members of the committee might, if they pleased, follow the example of the Swartwout Committee, and proceed to New York, at an expense of nineteen dollars and thirty-three cents per day for each individual, as will be seen by the account of that committee herewith presented:

House of Representatives, *Dr.*
To Select Committee on Defalcations:

Cash paid Astor House for sixteen and a half days' board of six members, viz. Messrs. Harlan, Wise, Smith, Curtis, Hopkins, Dawson, and Mr. Fendall, their clerk, (wines and liquors not included) - - - - - -	$400 10
Extra charge for fuel, rooms, lights, etc.	110 00
Paid messenger - - - -	6 44
Messrs. Owens, Foster, and Wagener's bill at American Hotel - -	210 00
Mileage, 500 miles, for nine members	1,800 00
Same for clerk - - - -	200 00
	$2,736 54

But this was not the only expense: the printing alone growing out of this investigation amounted to some eighteen thousand dollars, so far as he had ascertained.

They might, if they thought proper, lay another tax upon Government of $50,000 which had been paid for another committee of investigation, (that of 1837, of which Messrs Wise and Peyton were members.)

But, (said Mr. J.) let us not be decoyed further into error by the illegal, unauthorized, and dangerous example set us by our economical Whig friends in relation to what is erroneously called "Investigating Committees," obviously got up to influence elections, and to subserve party purposes in President making, at the expense of the hard earnings of the people. Sir, if precedent is to govern in future; if the example set by the committee to which I have referred, is to influence the future action of Congress, then have we established the principle that the per diem compensation to investigating committees, who may chance to travel out of the District of Columbia, shall be at the rate of nineteen dollars and thirty-three cents—liquors not included.

Where, I ask, was the never-tiring, the sleepless vigilance, then, of those sentinels on the watch tower, now so clamorous in favor of economy and reform? Sir, they were voting into their own pockets nineteen dollars and thirty-three cents per day, while many of their honest and more patriotic constituents were toiling from the early breaking forth of the dawn till long after the sun had hid his face in the far West, for the mere pittance of fifty cents.

Mr. Speaker, the object, then, was to create distrust in the public mind, and to destroy the confidence of the people. It failed to produce the desired effect: the arrow missed its mark. The whole contrivance ended in smoke, as will also the investigation now proposed. The Swartwout investigation cost the Government eighteen thousand nine hundred ninety-seven dollars and eighty cents, and gentlemen may, if they chose, impose a similar tax on the people for this occasion, but rest assured a day of reckoning will come.

Mr. J. concluded by opposing a recommitment of the report, unless additional and specific charges were made.

REMARKS OF MR. CONNOR,
OF NORTH CAROLINA.

In the House of Representatives, April 21, 1840—In Committee of the Whole on Mr. STANLY's motion to strike from the appropriation bill a part of the sum proposed for the branch mint at Charlotte, North Carolina.

Mr. CONNOR said: Mr. Chairman, I regret that the branch mint of North Carolina should be attacked, before it is even properly tested as an experiment. Its location is in the gold region of North Carolina, where, not only the people there, and immediately around it, are benefited, and feel a deep interest in it, but the people of South Carolina at large, and perhaps those of Virginia also. A gentleman from Pennsylvania [Mr. OGLE] attacked it the last session, and distinguished himself perhaps more for the violence of the attack than any thing else; and then, if I mistake not, the gentleman from North Carolina [Mr. STANLY] had voted for, and sustained the mint. Then, Mr. Chairman, an attack from the Pennsylvania gentleman would not have been surprising; it was to be expected. The principal mint is located in Philadelphia, his own State. His principles in favor of a monopoly, independent of his local or State feeling upon the subject, might be a good reason why he should desire to abolish other similar institutions, in order that the Mint at Philadelphia might monopolize the whole coinage of the country; and that we, the people of North Carolina, South Carolina, and Georgia, should be compelled to send the gold gathered from and in our own country, to Philadelphia, to be coined. But, sir, the attack this year does not come from him; but from another quarter, least expected. Yes, sir, strange as it may appear, it comes this year from one of North Carolina's own sons, [Mr. STANLY] who seems desirous of abolishing this institution of his own State, and to deprive the people of North Carolina, as well as those of South Carolina and Virginia, who are interested in the gold finding, of a home market for the product of their labor, and thereby compel them to carry their gold to the monopoly in Philadelphia, there to have it coined, or to be shaved, by selling it in the rough or crude state. Sir, I regret this; and why should it be so? The people of my district, where this branch of the mint is located, as well as the people of the whole State have contributed, largely, and freely their money to the Treasury of the nation, for the support of their Government and their country. With the exception of the amount used in the eastern portion of the State or the seacoast—and that amount small—this is all the money that the nation has expended in North Carolina. This is, in fact, the first money expended in that part of the State, where the mint is located, though it comprises nearly two-thirds of the population of the State. And this sum is small indeed when compared with the disbursements made in other States; yet the gentleman from North Carolina would deprive his own State of the benefits arising from it. Sir, it is true, the expenditures in constructing, and purchasing the necessary machinery, &c. is large. It was also to be expected that the products of this mint would be small—$262,000 having been coined in the two years that it has been in operation. When we look to the mother Mint at Philadelphia, we find that, in the first three years of its existence, there was coined only about $500,000—that Mint coining for the whole country, too. The disproportion of the product, compared with the expenditures there, I imagine would be as great as that at Charlotte; and would the gentleman, had he been in Congress at that day, have thought of abolishing it? I think not. The branch mints are young—in fact, in their infancy. They are, as yet, an experiment. Congress deemed it proper to make that experiment in 1834, when they ordered their construction. They then met their general approbation—the benefit of the people and the good of the country were the objects. Gentlemen may have been disappointed in their calculations as to the amount that should have been coined. Circumstances unforeseen and uncontrollable may have prevented such an amount as some might have expected. The high price of cotton contributed to prevent a full development of the operations of the Southern branch mints. It operated, during the short existence of these mints, as it had heretofore done, to withdraw the labor from the mines. When the price of that staple is low, the quantity of gold increases, because the gold finding and mining being the most profitable employments, labor is brought back to these objects. This probably always will be the case. The people in my district, and the surrounding country, experience benefits from that branch mint, that they are unwilling to give up; and I feel confident that this House will not deprive them of this interest, by prematurely abolishing the mint. They are all interested in it—many, very many, of them, are the owners of the land on which the gold is found, and are employed in digging and hunting for it. When gathered they take it to the mint, and there dispose of it for its value; and, as log cabins are the go with the Opposition here, I will tell those gentlemen that very many of my good constituents in the gold region live in log cabins; but they are sound Democrats, and not in the slightest degree tainted or tinctured with Abolitionism. Now, Mr. Chairman, suppose the gentlemen were to succeed in abolishing the mint at Charlotte, and of course the branches in Georgia and New Orleans—(but of those I shall say nothing, because the Representatives from those States are fully competent to defend them—perhaps more so than I am to defend our North Carolina establishment—) what would be the consequence? Why, sir, almost a total loss of the amount of money expended in their construction and for the machinery, to say nothing of the amount paid the officers, laborers, &c.—and that, in two years after they have gone into operation. Sir, I cannot for a moment suppose that Congress would thus disregard the rights and interest of those portions of the country. This would not be all, sir. By abolishing those branch mints, you would at once establish a monopoly at Philadelphia. You require all the gold that may be obtained to be sent there; and might not the Government as well say to the people of the South, that they shall carry their cotton to Philadelphia as to carry their gold? Both are products of our country and the result of our labor. Those establishments were intended for the convenience and benefit of the people.

Very many have realized benefits, and very many more will derive benefits, from them.

The gentleman from North Carolina has made many charges against the superintendent of the mint at Charlotte, Colonel Wheeler—that he is a stockholder and director in a bank; that he engaged in electioneering, attending public meetings, and nominating candidates for Governors. Sir, I am acquainted with Mr. Wheeler; but his private and pecuniary affairs I know nothing of myself. He may be a stockholder and a bank director. I do not know how or in what way the gentleman derives his information; but I should think the gentleman is misinformed. I never heard of it before; nor have I ever heard that Mr. Wheeler was conspicuous at public meetings. There would seem not to be a necessity for it in Mecklenburg, where he resides. The Republicans are largely in the majority there. I heard, though I do not remember to have seen it in print, that Mr. Wheeler did attend a meeting in Charlotte, the village in which he resides; and if that was the one to which the gentleman alludes, where he was and nominating a candidate for Governor, I doubt not but that he is correct, though I do not know the fact myself. Yet I feel very confident, knowing Mr. Wheeler's political principles, that he would have supported General Saunders, the Republican candidate for Governor. In this Mr. Wheeler has only exercised the rights and privileges that as yet belongs to every freeman, and I congratulate my constituents, and thank my God that the sedition law that is to put a gag on freemen, has not passed Congress. Sir, I shall say no more, and will take my seat with confidence that the proposed amendment will be rejected.

On Mr. COST JOHNSON's motion to strike out the appropriation for the branch mints in Georgia and New Orleans.

WEDNESDAY, April 22.

Mr. CONNOR would trouble the committee with but few remarks. He had hoped, after the remarks made yesterday, it would not have been necessary for him to say any thing now in relation to the branch mint at Charlotte; but the gentleman from North Carolina [Mr. STANLY] had brought forward a variety of charges against the Superintendent. The charges were unknown to him until this moment; and although he could say but little about them, he would unite with the gentleman in expressing his unqualified disapprobation of the application of any portion of the money to the purpose of flowers and shrubs, and other things merely ornamental. He was glad, however, to find the amount so small; he had feared, when the gentleman commenced his remarks, and the reading of the list, that it was much greater; and although the amount was small, if it should appear that this superintendent abused his power, or used the money extravagantly, or that any of those with whom he acted, had committed abuses, he would be ready and willing to express his disapprobation of it. There were, however, other considerations in relation to the matter. Blame must rest somewhere; and he thought the gentleman from North Carolina could not say that he was altogether free from it, more than himself, and Congress, by whom the appropriation was made.

Mr. C. then asked Mr. STANLY if he had not himself voted for this very appropriation?

[Mr. S. said that he would answer the gentleman when he came to reply to him.]

Mr. C. said that the gentleman had acknowledged yesterday that he had voted for the mints last year. This appropriation was made the year before. He had not examined the journal; but, as usual on appropriation bills, the vote was a silent one; and that gentleman, as well as himself, must be considered as voting for it, inasmuch as either of us did not oppose it; and, therefore, the one was as deep in the mud as the other was in the mire. Mr. C. regretted that it was now too late to correct it; the expenditure had been made, and the account adjusted; were it otherwise, and to be now settled, for one, he would decide against it. But, Mr. Chairman, the gentleman appears to be more out of temper with the officer (Col. Wheeler) and his politics, than with the mint and the extravagance. So far as he knew, the superintendent of the mint was a very clever man, and he was aware that his political principles were directly the opposite of the principles of the gentleman from North Carolina. Mr. Wheeler was a Republican and supporter of the Administration, and if he attended the meeting which nominated General Saunders, he felt confident that he supported him as the candidate of the Republican party for Governor. The gentleman seems to think it censurable in Mr. Wheeler for having charged for the services of his own servant. Sir, said Mr. C. Congress had appropriated a certain amount of money for the employment of laborers in and about the mint; that being the case, there could certainly be no crime, and he thought no impropriety, in Mr. Wheeler receiving pay for the hire of one of his own servants, provided he charged no more for his than the Government would have had to pay for some other; and it seems he did not. Ten dollars per month has been about the usual price in that part of the country for a good servant. Some may bring more. So far as the Government was concerned, it could certainly make no difference. The gentleman also alleges that the superintendent is a stockholder and director in a bank. Mr. C. could only repeat what he had said yesterday in relation to that charge, that he knows nothing of it himself, and had never heard of it until yesterday; but he would say that he was surprised to hear that objection made to Col. Wheeler by the gentleman from North Carolina, he being a Bank man himself: it ought to have been, with him, he supposed, a recommendation. But supposing that to be case, and he would not say it was not so, was it a crime for a Democrat to have and to hold bank stock? Does the gentleman not know some Democrats in North Carolina that own bank stock? Although the Democrats generally had but little surplus, yet sometimes one might be found who had so managed to save a little, and invested it in bank. In some instances they were profited by it, but in most they got their fingers burnt. But, said Mr. C. strong as my aversion is to banks, and they are strong, I confess, I would not consider the fact of a man holding a little stock in a bank aught to disqualify him for office. He was glad to say his constituents were free from banking influence, or any other gag. They were yet free, and, as freemen, would exercise all the privileges belonging to them; and, so far as it was in his power, he would protect and support them in their rights.

The gentleman from Pennsylvania [Mr. OGLE] had introduced the coinage of Mr. Bechler; that is a case in point; and will show clearly the propriety of continuing the branch mint in North Carolina. He is located, I believe, in the county of Rutherford, and said to have coined about two millions. This amount was gathered principally in Rutherford and Burke counties; some may have gone to him from Mecklenburg—I do not know so. There was another in Georgia, a Mr. Reed, who coined, how much I know not. The amount coined at those two places, entered into the circulation, and the country had the benefit of it. Bechler's coin, I understand, is pure, without alloy, and that is the difference between it and the coin of the Government. This establishment was found convenient, serviceable, and indeed very valuable to the people, saving to them much. The gentlemen from Pennsylvania and Maryland [Mr. OGLE and Mr. JOHNSON] would abolish those branch mints on account of the large sums necessary to erect and keep them in operation, and the small profits derived as yet from them. They have been, sir, but two years in operation, and have coined over $746,000. How was it with the mint at Philadelphia? The first three years of its existence, the whole amount coined was only $453,541 80. Did any one, or could any one, have thought of abolishing that institution at that time? Sir, as a gentleman before me has remarked, who ever heard of the coining of money being a profitable and money making business? It is, and must always be, expensive to nations having and employing them. To what will the argument and reasoning of gentlemen lead, on the same principle as a basis? It would not be difficult to show that nine-tenths of the public works and buildings should be abolished in the United States; for many of your public buildings and works have cost from half a million to a million of dollars. There are none here, however economical, that would abandon and abolish those, because less valuable and inferior ones might be put up; and, too, sir, on the same principle, the gold found in our own country, and the bullion bought, might be sent to London, and coined at the British mint, and returned, at a cheaper rate than our expenditure in doing it. But would any man for a moment consent to such a course for any reason whatever? Suppose gentlemen were to succeed in destroying the branch mints? What would be the effect on North Carolina and the regions around, where gold was found? How was it before the establishment of these? And where did the gold—amounting annually for some years to between one and two millions—go? It left North Carolina, except what went to Beckler's, but never returned. One portion of it was bought up on the spot by foreigners, and went direct to Europe. Another portion of it—gathered mostly by the poor man, who had to submit to the operation of being shaved by the merchant and speculator. These carried it to Philadelphia, where it was coined, not for the purposes of circulation, but in those times it was turned over to that monster, the Bank of the United States, who sent it to Europe, where they received a premium of some six or seven per cent. that went, not into the pockets of the people or the Government, but into the pockets of the Bank. In those days, our mint coined substantially for the British. Neither the gold or the per cent. ever got back to the poor gold-digger and finder.

Now, sir, our mints coin for the benefit of our own people. In my part of the country, until within the last few years, gold coin was rarely to be seen; and many there, who had lived to a good age who had never seen on eagle or half eagle, the coin of their own country. Since 1834, the case was different: it was frequently to be met with, and all had a chance of getting hold of a piece. Mr. C. remembered years ago that, as a matter of favor, at the close of each session, the Bank of the United States *allowed* each member to have about forty dollars worth of gold. It was received *most thankfully*, and was to most of us an interesting sight. He had, at this day, one or two of those precious coins that he kept as a matter of curiosity.

In conclusion, he would ask why should those branch mints be attacked. He would not doubt but that the gentlemen had been influenced by proper and correct motives. They, in his opinion, had failed in assigning reasons satisfactory for abolishing them. It must be apparent to all, if they could succeed in abolishing those institutions, that the large amount expended in their construction, machinery, &c. would measurably be lost to the Government. Such buildings and fixtures in a country town, in the interior of the country, would not bring perhaps the one-twentieth part of the amount expended in putting them there. He was as much disposed to economize and check extravagance, he hoped, as any gentleman. Give those mints a fair trial: they have been only two years in operation. It was not reasonable in that time to suppose they would do a great deal. If, after a fair trial of the experiment is had, it should turn out that they do not answer the purpose, and that the expenditure will not justify their continuance, let them be then discontinued. He could not, in justice to his constituents, give his vote to abolish them now, and felt confident that the House would reject the proposition.

THE DADE INSTITUTE.

IN SENATE.

WEDNESDAY, April 29, 1840.

The bill granting one township of land to the Territory of Florida, for the establishment of the Dade Institute, being taken up,

Mr. FULTON rose to explain the object of the bill, which was, to erect a monument to the brave dead, who had fallen in the wilds of Florida, fight-

ing the battles of their country. In erecting this monument to the memory of the illustrious deceased, it combined the advantage of a literary institution, in which the rising generation, while it was taught what would render the youth of the country valuable members of society, would be inspired with a love of glory, and emulation of those who had offered up their lives as a sacrifice on the very spot where it was contemplated to found this institution. He thought the interest that must be felt throughout the whole Union for the fate of those gallant and chivalrous men who had met death far from their homes, must commend this measure to the favorable consideration of the American people. Where could there be a more magnificent undertaking, or one more worthy of the American character, than to erect over the ashes of fallen herces a national monument, at once to perpetuate the glory of the fallen sons of the Republic, and to instruct the rising ones in their duty to their country? He hoped the bill before them might not meet with any serious objection. The desire of the American people to mark this spot, to hold it up, like Thermopylæ of old, as a memento of the noble sacrifice of life to patriotic considerations, he thought, should induce every Senator present to lend it his aid.

It is not perceived that any constitutional objection can be made to making the grant in question, as it is proposed to be made of the lands in the Territory of Florida, which is now under the jurisdiction of the United States, and where the lands were purchased by the Government, and where the ownership is not, in any way, restricted. We have clearly the right to dispose of these lands for national objects. The establishment of the contemplated institution would enhance the value of the public domain in Florida, afford the means of instruction to the rising generation, and of inspiring them with a proper veneration and a noble emulation of those heroes who have offered up their lives for their country, and become a lasting memorial of those patriotic deeds which are so peculiarly entitled to the nation's gratitude.

It is true that Florida has already had two townships of land granted to her for a seminary of learning, and that only two townships have been granted to the other new States for the same purpose, with the exception of the State of Ohio, to which State three townships have been granted by Congress—an additional township having been granted to her for the erection of a college, which, it is thought, cannot have any thing like the claims upon the nation which the institution, now contemplated to be established, must be admitted to possess. It is, therefore, hoped that the granting of another township to Florida for the purpose of establishing the Dade Institute, will not be objected to. It is known to every Senator that Florida has so small a portion of fertile lands, that it is impossible to select even a few sections of good land in that Territory; and that the two townships already selected cannot be of any great value, and that it would, therefore, in her case, require more than three townships to place her on a footing, in this respect, with the other new States.

When we recollect the number of gallant officers and soldiers who have offered up their lives in Florida, and now lie buried in her wilds, without any thing to mark the spot where they fell, every American heart must respond to the wish to erect to their memory a national monument, by which their names may be handed down to posterity. This monument is to be erected near where the noble Dade and his associates so heroically fell, and where his whole command offered up their lives for their country; and it is, therefore, hoped that the bill on the table will receive the sanction of the Senate.

It is not considered necessary to say more at this time, but if objections are made, an attempt will be made to answer them.

Mr. SOUTHARD professed to have as much respect for the memory of the patriotic individual alluded to as any one, and the name was as much cherished by his family; but he must confess that the project before them did not strike him in the most favorable light. To his mind, there was something out of the ordinary mode of proceeding in calling for a township of land to build a *monumental college* for the purpose of perpetuating a military achievement. What the fighting of military men had to do with the erection of seminaries of learning, he was entirely at a loss to conceive; and gallant and noble as was the conduct of Dade and his confederates, still it did not appear to him to warrant the selection of that isolated case, when there were so many thousands of the Revolution and of the late war whose deeds were equally chivalrous and glorious, without a grave-stone to tell the spot where their relics repose. What connection, what appropriateness was there in erecting a monumental college as a tribute to military prowess? Again: apart from all those considerations, where was this seminary to be erected? Did not the massacre take place far from the abodes of civilization, and would they place it there? Where were the children to be educated at this college? Was it right or proper to build a college not so much with regard to fit its inmates for the duties of civil life as to serve as a monument of military glory? He would go so as far as any man to disseminate the blessings of education among the people of our common country, and had done as much, devoted as many hours, and labored as hard, for the benefit of Florida, as any other person, and would be glad to do more where he could give vote consistently; but he could not lend his sanction to reach an object which, when attained, would not be likely to be attended with any beneficial results.

Mr. FULTON would, only observe, in reply to the remarks of the Senator from New Jersey, that although the population of the Territory might not at the present time afford sholars, yet the day was not distant when Florida must become both populous and prosperous. It must be recollected that it would take some years to build this monument, even after the Indians were removed, and by that time the country would, in all probability, be closely settled. The Legislature of Floriba had asked this measure at the hands of Congress; the sympathy of officers of the army was actively excited in its behalf, and indeed he did think there was a general feeling throughout the country in its favor. With regard to the association of literature with monuments of military glory, he could see no great objection. Monuments of all kinds served to perpetuate the glory of individuals. Look to the grave-yard of Congress—were there no monuments there? Look to the monument at the base of the Capitol, where the deeds of the illustrious dead were recorded in imperishable marble—and did not these things seem to inspire the living with a generous emulation of fame? He thought the object laudable and praiseworthy, and that it ought to receive the sanction of the Senate.

Mr. BUCHANAN held the memory of Major Dade in high estimation, and would be willing to accord every just tribute of respect; but he could not consent to vote for the bill before them without some further information. While he was ready to admit that the public lands could not be more usefully applied than to seminaries of learning, yet he must know, when given, that they are to be successfully applied. What security had been afforded in this case, that, if the land were granted, the college would be erected by the Territory? Again: the bill provided that the college should be built on the spot where Major Dade and his comrades had fallen. Was that a proper site? was it in the centre of population? Had all these necessary investigations been made? and if not, would it be proper to pass the bill before these matters were fully considered? He would, therefore, suggest to his friend from Arkansas, to let the bill lie over; his remarks had called public attention to the subject, and at a future time it could be introduced with a better chance of success. He would, therefore, move to lay the bill on the table, expressing his willingness to withdraw that motion, if any Senator desired to debate it.

The bill was laid on the table.

SPEECH OF MR. PARRIS,

OF MAINE.

In the House of Representatives, February 11, 1840—On the Cumberland Road, and constitutional power to make internal improvements.

Mr. PARRIS said: Mr. Speaker: If I were to judge from the remarks of the gentleman from Ohio [Mr. MASON,] who has just resumed his seat, I should infer that all his batteries were directed towards the members from the South, for interposing their objections to the constitutionality of appropriations for the Cumberland road. Now I, said Mr. P. as a Representative from the North, would *interpose* my objections on constitutional grounds, as well as against the injustice and inexpediency of this measure. The gentleman from Ohio, in a long and able speech, at last *succeeded in proving*, what all are willing to admit, and what no one has ever denied, that the States of Ohio, Illinois, Indiana, and Missouri, were entitled, under the compact made with them by the General Government at the time they were admitted into the Union, to five per cent. or *one-twentieth part* of the nett proceeds of the sales of the public lands within their limits, to be applied to the making of roads leading to and through them. No one, I apprehend, will attempt to deny that such obligations were imposed upon this Government, to be observed in good faith, when they become sovereign States of this Union.

But another important question is here naturally presented: *Has the General Government performed its part of the compact?* This is the great question to be answered; and upon the issue rests the fate of this bill. Should I succeed in demonstrating to the House by documentary evidence that millions upon millions from the Treasury have been expended for this measure, after every obligation on the part of the Government had been fulfilled, I shall have a right to expect the co-operation of every advocate for economy and reform, here or elsewhere, in arresting the progress of a system of internal improvements, which I believe to be unconstitutional, inexpedient, and unjust.

I hold in my hand an act of Congress, passed April 30, 1802, for the admission of Ohio into the Union, which I ask permission to read to this House. The 7th section of the act provides: That one-twentieth part (or five per cent.) of the nett proceeds of the lands lying within the said State, sold by Congress from and after the 30th day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same. I find, also, by a subsequent law, passed on the 3d day of March, 1803, that Congress appropriated three per cent. of the said five per cent. to laying out and making roads *within* the State of Ohio, leaving two per cent. of the appropriation, contained in the first mentioned act, for the laying out and making roads *to* that State. The States of Indiana and Illinois were also admitted into the Union upon the same conditions as Ohio.

The gentleman from Illinois (Gov. REYNOLDS) says he asks an appropriation for the continuation of this road through the Western States in fulfilment of a *contract*. Can that gentleman, or any other member of this House, point me to any other *contract* than the one I have just read, embraced in the *act of admission*? No, sir, no other contract favoring this claim, to which this Government is a party, has any existence. I am now prepared to spread before this House and the country, evidence which cannot be battered down, to prove that the General Government has MORE than complied with the terms of the compact. I refer gentlemen to document No. 350, from the Secretary of the Treasury, laid before the House during the last Congress, which gives, as the result, the whole amount of the proceeds of the sales of the public lands, and the amount appropriated for the construction of the Cumberland road. In that document I find the aggregate amount appropriated for the making and repairing of the Cumberland road, leading from the navigable waters emptying into the Atlantic, to and through the States of Ohio, Indiana, and Illinois, to be $6,318,739

Add to this the three per cent. fund, which those States have received from the Government, and expended on other roads within their limits	1,271,746
Amounting in the aggregate to -	7,590,485
The five per cent. fund on the nett proceeds of the public land sold in Ohio, Indiana, and Illinois, up to the 1st of January, 1838, which they are entitled to *by the compact*, amounts to only - - - - -	2,119,578
Difference between the two aggregates	$5,471,907

Here, then, we have presented a fact as incontrovertible as it will be astounding to the country, that the Treasury has been robbed of *more* FIVE MILLIONS FOUR HUNDRED AND SEVENTY THOUSAND DOLLARS of the people's money, and squandered in the States of Ohio, Indiana, and Illinois, to make them roads, at an average expense of fifteen or twenty thousand dollars per mile. If the authority I have here introduced be correct, and I challenge contradiction, then it is sufficiently shown that these compacts have been more than fulfilled by the Federal Government, and that these States, now asking an *annuity* of about HALF A MILLION of dollars, to be expended on this road, are *indebted* to the Government upon every principle of equity, FIVE AND A HALF MILLIONS OF DOLLARS.

But amid this profuse expenditure of the public money, the country naturally inquires where and when it is to terminate? A document is laid upon our tables showing that engineers estimate the expense necessary in completing this work at about *eight millions of dollars*, additional to the amount already expended. I find, also, that one *single mile* of this road is estimated to cost $211,000, and another mile the enormous sum of $460,000. The expense in *paving and Macadamizing* this road for a distance of more than six hundred miles, through parts of country yet an unbroken wilderness, exceeds per mile the cost of any street in any city of this Union.

Will it, then, be contended by any gentlemon of this House, that the Federal Government is bound, under the compact, to enter into such a splendid system of internal improvements? Was it originally contemplated by Mr. Jefferson, whose authority the gentleman from Ohio invoked, that this road should be a magnificent structure, or that a visionary project should grow out of it, affording any portion of the people a pretence for plundering the Government? No, sir. The only object of setting apart one-twentieth part of the nett proceeds of the sale of the public lands, as originally claimed by its advocates, was to construct a road from the Ohio river to the Atlantic coast, to facilitate the transportation of their surplus products to market. They wished to overcome the Alleghany mountains, those natural barriers which intercepted all communication between the inhabitants residing upon the banks of the Ohio and those upon the Atlantic frontier. The road, so loudly called for by the early settlers of Ohio, then pioneers of the forest, has been made. The Alleghanies, that once presented insuperable obstacles to internal intercourse, have been surmounted. The reasons, which operated upon the country to construct this work, have long since ceased to exist. But has this road terminated on the banks of the Ohio? No, sir. It has crossed the Ohio river, and now pervades the whole extent of that great and powerful State. But when and where, sir, is this road to terminate? On the banks of the Mississippi? Or at the base of the Rocky mountains? No. These are barriers, say the friends of this visionary project, which the National Treasury must subdue; it can be limited only by the shores of the Pacific. The cost in passing the Alleghanies, the most difficult and expensive part of the road, was originally estimated at $6,000 per mile. You have extended it about six hundred miles into the level praries of the West, and now a single mile is computed by engineers to cost the enormous sum of $460,000. Let the work go on under the sanction of this Government, and its expense increase in the same progressive ratio, and the wealth of this continent would be exhausted in its completion.

To exhibit to the country how preposterous is the claim of these States to the further munificence of Government, and to show what a vast amount of the public domain has been squandered upon them, I have but to refer to an act of Congress, passed February 28, 1823, granting a quantity of land, equal to two miles in width on a road, (to defray the expense of its construction,) commencing at the Miami rapids, and terminating at the Western boundary of the Connecticut Western Reserve, in the State of Ohio; to an act passed March 3, 1827, appropriating public lands in Ohio to making a turnpike road from Columbus to Sandusky city; also to several acts granting large tracts of the most valuable public lands in the States of Ohio, Indiana, and Illinois, for the purposes of education.

We are told that these States have not taxed the Government lands within their limits? And why have they not done it? Beeause, sir, no such power is given them by the Constitution or the compact. Their expressed stipulations with the Government in the acts of admission, preclude for ever any such pretensions. I will read from the act passed April 30, 1802, which provides "that every and each tract of land sold by Congress from and after the thirtieth day of June next; shall be and remain EXEMPT from ANY TAX laid by order, or under the authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years, from and after the day of sale."

If an attempt has been made by any member to leave an impression upon the House that this Government is under any obligations to these States for any acts of disinterested benevolence, in forbearing to exercise the right of taxation upon these lands, such an inference would be most erroneous and deceptive.

It now becomes important to inquire for what object these lands were ceded to the General Government, and how far they have answered the purposes of their destination. If I have understood correctly, the public lands were ceded by the States of Virginia, North Carolina, and Georgia, to the Government, not for the purposes of education or internal improvements, nor to be appropriated for any State or local object, but for the purpose of liquidating the public debt that accrued to the country in our Revolutionary struggle; and it can be clearly shown, by authenticated tables, that the lands have in no part answered the purposes of their destination. The debt of the Revolution has been liquidated with the moneys received from customs, and not from the proceeds of the sales of the public lands, as stipulated by the Government in the acts of cession. How, then, stands the account between the public lands and the public Treasury?

The cost of the acquisition and management of the public lands amounts to -	$102,220,000
For the extinguishment of the Indian title - - -	85,974,000
Expense of protecting the settlers in Florida - - - -	15,000,000
For the fund reserved out of the proceeds of the sales for the use of the new States - - -	4,410,000
Amounting in all to - -	207,604,000
Receipts from land sales - -	104,000,000
Making a balance due the Treasury of	$103,604,000

The fact, then, will be admitted, that the public lands have not only failed to answer the purpose of their destination, in discharging the debt of the Revolution, but are now indebted to the Treasury for their purchase money and management, more than ONE HUNDRED AND THREE MILLIONS OF DOLLARS. Who, then, can doubt the injustice of diverting that source of the revenues of this Government, the proceeds of the sales of the public lands, to works of internal improvement? Every dollar of the vast amount of money, abstracted from the Treasury and expended on the Cumberland road, was paid in by the customs. And who have paid the customs? The people of Maine and other States, who have no interest in this work, and who have contributed most largely to complete it, and not those of the States of Ohio, Indiana, and Illinois, that are receiving its exclusive benefits.

The public documents on file show that, in the ten years ending January 1, 1837, Maine alone paid into the Treasury, by imposts and duties, - - - - $3,260,418

While Ohio, Indiana, and Illinois, paid but - - - - 13,586

The people of Maine have paid into the Treasury an annual average amount of - - - - 326,000

While Ohio, Indiana, and Illinois, have paid but - - - 1,300

THREE HUNDRED DOLLARS have we contributed in Maine to defray the expenses of this Government, where these three States have contributed ONE DOLLAR.

But we are told that this great disproportion is made up to Maine and other Atlantic States in appropriations for light-houses, harbors, forts, and arsenals. It is not my purpose, at this time, to be diverted from the question immediately under consideration to inquire whether appropriations for light-houses, harbors, &c. are of a national, or merely local, character. When that subject shall be properly before us, I will then be prepared to resist any appropriation called for from *any* section of this Union that is not *clearly* authorized by the Constitution. But suppose, for a moment, the appropriations made to Maine were for local objects and benefited us alone; how, then, would stand our account with those States?

In the four years ending January 1, 1838, Maine paid into the national Treasury $1,304,000, and received for light-houses, forts, &c. $240,000. We have received but one dollar where we have paid six. But how stands the case in those Western States? In thirty years they have paid, by duties, but $25,000, and have drawn from the Treasury *nearly eight millions of dollars*. Paid into the Treasury but *one dollar* where they have taken *four hundred*. In what part of the Constitution do gentlemen recognise the power to subject the people of the North or South to make roads for the West? Do they find in the clause "to provide for the common defence and general welfare?" Sir, the old Federal doctrine, once advocated, that this clause of the Constitution gave Congress the power to work every species of injustice and rascality, under some plausible pretext of the public good, has been long since exploded. Is it found where power is given "to establish post roads," or "to regulate commerce?" I am aware that the power to appropriate money for the Cumberland road has been claimed, at different periods, under all these clauses of the Constitution. But now all are abandoned, and its advocates rely solely on the stipulations of the compact. But whether you look to the compact or the Constitution itself for a foundation on which to rest this claim, it will be found as baseless as an inverted pyramid.

The power which the people of the several States delegated to Congress was meant to be "*clear*," "express," or "particular," or at least that no reasonable doubt should exist as to its nature and extent, before it could be exercised. If power had been claimed under the Constitution, by its framers, to enter into a splendid system of internal improvements, and thereby recognise the gross injustice of robbing one portion of the country to benefit another, not a State of the Confederacy would have ratified it. I contend that Congress has no power to make appropriations for improving territory over which this Government cannot exercise exclusive jurisdiction. The Constitution gives to Congress the power "to exercise exclusive legislation over this District, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." If we had power to construct roads and exercise jurisdiction over them, the strong arm of Government could then be extended over any portion of this Union, and, with its might, prostrate not only the

sovereignty of the States, but the liberties of the people.

Is it not enough that the people of the West possess a country that claims many advantages over the North in the temperature of its climate and fertility of its soil, without asking us to make their roads at an expense of fifteen or twenty thousand dollars per mile? Is it not enough that those who have taken possession of our public lands, in open defiance of law, have demanded and received at our hands, *pre-emption acts*, *graduation laws*, and *laws confirming their titles*? Sir, if I could but take these gentlemen to my district, and there let them witness the enormous expense and toil that an industrious and enterprising population are subjected to in making their roads passable through a mountain region, I could not fail to satisfy them of the gross injustice of plundering them of their hard earnings to make roads for squatters and pillagers upon our public domain. Such an outrage upon our rights and our property is not only making infractions and innovations upon the most sacred obligations of the Constitution, but it is tearing out its very vitals. If the people of the West want roads, we are very willing they should make them at their *own expense*, as the people of the North have done, without asking the aid of the General Government. But if gentlemen will point out to me a constitutional power for repaying to the people of Maine what they have expended for making roads the last fifty years, I shall be better prepared to reconcile an appropriation for the Cumberland road to the principles of equity and the constitutional powers and obligations of this Government.

The result of a system of internal improvements, as pursued by Pennsylvania, Maryland, and Louisiana, which has loaded their people with a debt of about SEVENTY-FIVE MILLIONS, should warn this Government against its adoption. I opposed the introduction of a system of internal improvements in my own State, at a time when this mania was sweeping through the country with such fearful rapidity, and I can now congratulate the people in escaping the vortex.

In the year 1825, an appropriation for the Cumberland road was before Congress, and I was rejoiced to find *one act* during the *temporizing* policy of Mr. Monroe's Administration, that was worthy of commendation: that was his *veto* of the bill. [Here Mr. P. read some extracts from Mr. Monroe's veto message.]

At one time, we are told by the friends of this work, that it will enhance the value of the public lands. If experience has not proved this illusive, why have we been called upon so often to graduate their price? In 1802, the public lands sold, in Ohio, for two dollars per acre; but now they are sold for one dollar and a quarter. Besides, sir, I am told that there is not a foot of the Government lands within fifty miles of the Cumberland road.

At another time, we are told, it will bind this Union together by the strongest ties. Is this Union, I ask, only kept together by the money that is robbed from the pockets of the people of one section, to be expended in another? Is that the only ligament that binds the Western country to this Union? I *cannot*, I WILL not believe it. I hold that this Union is bound together by more sacred and stronger ties than mere dollars and cents: it is cemented with the blood of those patriots of the Revolution, which poured out like water, on the fields of Lexington and Bunker's Hill, at Saratoga and Yorktown; and it cannot be dissolved until the deeds of a Washington, a Warren, and a Montgomery, are lost to the knowledge of mankind.

Mr. Speaker, I have already detained the House longer than I intended when I first rose. In conclusion, permit me to add, that, if the principles on which alone this measure can succeed, find favor in this House and favor throughout the Union—if it is to become the settled policy of this Government, you might as well trample your Constitution at once under foot, and commit the destinies of the country to the unrestrained discretion of the central power. A splendid consolidation will tread upon the heels of a splendid system of internal improvements. This central power, with its hundred arms, and in every hand a bribe, will penetrate every State of this Union. You may, for a while, indeed, wear the mere forms and trappings of a free State; but the *canker will be at the heart*. A gorgeous despotism, crushing beneath its iron heel the liberties of the people, or the scattered fragments of the Union, wasting their blood and treasure in mutual strife, will tell the sad story of this last great experiment of free institutions.

SPEECH OF MR. DUNCAN,
OF OHIO,

In the House of Representatives, April 10, 1840—On the bill making appropriation for the civil and diplomatic expenses of the Government for the year 1840.

Mr. DUNCAN having the floor, said:

Mr. CHAIRMAN: I believe the bill before the committee is the general appropriation bill.

[The CHAIR answered it was.]

I will inquire if there is any particular amendment, or any particular section of the bill, now under discussion?

[The CHAIR answered, no.]

So I supposeed, from the range and character of the debate yesterday. The debate yesterday was monopolized by the Opposition; and they talked of every thing that is now, ever was, and is to come—abuses of power, panic, ruin, and desolation, of our lamented country—and the profligacy and extravagance of the Administration formed, as usual, the *principal* themes. Well, sir, I like such latitude in debate; it is in character with the liberal, latitudinarian, and free spirit of our political and religious institutions. I think I will take advantage of the latitude in debate now enjoyed, and talk of some things, too, not immediately connected with the subject before the committee.

It is perhaps unnecessary for me to inform the people of this country that such is the frame and character of our Government, that the Executive has no power to appropriate a dollar of the public money for any purpose, nor has he power to expend a dollar only as he is authorized by Congress. Whatever of profligacy may exist in the management of this Government must be exclusively charged to Congress; and yet the gentleman from Virginia [Mr. WISE] stated on yesterday that the Executive is, and has been, responsible for the last six or seven years for every dollar which has been appropriated and expended by Congress. The gentleman holds the Executive responsible for that over which he has no control. Can the President control the expenditures of Congress? No, sir. Congress has the power of making appropriations to any amount, and for any purpose, without consulting the President—without his approbation, and contrary to his wish. The power of the President to prohibit extravagant appropriations is negative; and even that power avails him nothing, provided two-thirds of each branch of Congress vote for an appropriation; for the bill making the appropriation, in that case, is a law with or without his signature or approbation. Sir, I refer you to the President's messages, and to the reports and estimates of the Secretary of the Treasury for the truth of the fact, that one-half of all the moneys appropriated is done by the authority, and upon the responsibility of Congress alone. The Secretary of the Treasury presents to Congress estimates of the amount of appropriations necessary for Government purposes, and the President endorses these estimates and recommends them. Here his reponsibility ends; but Congress have yearly made appropriations far above the estimates of the Secretary of the Treasury, and for other purposes entirely, than those recommended. Is the Executive to be held responsible for such appropriations as these, and, in consequence of them, denounced for extravagance and profligacy, far and wide as the Union? The intelligence of an honest community supersedes the necessity of reply to such denunciations.

But let me refer you to the journals of this House, for the truth of another strange fact. That is, that more than three-fourths of all the appropriations made, over and above the estimates recommended by the Secretary, and endorsed by the President, have been proposed by the Opposition, and carried by a majority of their votes. How does this fact correspond with the never-ceasing howl of extravagance with which we are annoyed, and with which the country is perpetually alarmed?

The gentleman from Massachusetts [Mr. CUSHING] followed in the wake of the gentleman from Virginia, and concurs with him in holding the Executive responsible for such appropriations. Yes, sir, he goes further: he not only holds him responsible for such appropriations, but he holds him responsible for any estimates that he may recommend, over and above what may strictly be wanted for the ordinary support of the Government. Further: he holds the Executive responsible for failing to recommend estimates and appropriations for purposes of internal improvements, when and where they are or shall be necessary. This is strict accountability on the broadest principles; and what does it all mean? It means, sir, 1st. If Congress appropriates money without the knowledge and contrary to the wish of the President, he is to be held responsible. 2d. If the President recommends one dollar over the estimates actually necessary for Government purposes, for internal improvements, or any other purpose, he is to be held responsible, and denounced for extravagance and profligacy; and lastly, if the President withholds his recommendation of appropriations for the purposes of internal improvements, security on the seaboard, &c. he is to be held responsible, and denounced for "*meanly sneaking and skulking*" from the responsibility and duties attached to his office.

Verily, these gentlemen remind me of a certain Procrustes I once read of—a man of horrible cruelty. It is said of him that he used to place on a bed, travellers who fell into his hands, and if they were too long for his bed, he cut off the projecting part, and if they were too short, he placed anvils under their feet, and beat them out till they equalled the length of the bed.

Mr. Chairman, I am not extravagant when I say one half of the time of this House is consumed by the Opposition in denouncing the Administration for its profligacy and extravagance. If the Opposition are sincere in the charges which they make, will the people not hold them to a fearful accountability for their gross neglect of duty when they are apprised of the fact that not the first attempt has been made by that party to reform the abuses of which they complain? If such abuses exist, the solemn oath they have taken, in presence of Heaven and man, to faithfully discharge their official duties, binds them to the throne of eternal responsibility to their conscience and to their country, to point out those abuses, and to recommend a remedy. If they will, the Democratic party here, to a man, will gladly join with them, heart and hand, in assisting them in reformation. Where are the abuses of which you complain? Are there more officers than are necessary to manage the Government? then point them out, and they will be removed. Are there officers who do not do their duty? point them out, and they will be reformed. Are the salaries of officers and clerks higher than necessary to secure men competent and qualified to discharge the duties and trusts severally connected with their offices? then point them out, and they will be reduced. Sir, I have a right to demand that the Opposition shall discharge the duties I have here proposed. The country will demand it at their hands, or they must cease their clamor of profligacy against the Administration. But they will not attempt to propose a reform, or point out an evil. They know that the Government is as well and as economically administered as it can be. They know that the business of the Government cannot be administered with a less number of officers and clerks than are now employed; and they also know that competent men cannot be obtained to discharge the official duties, for salaries reduced below their present standard.

Extravagance and profligacy is the howl of the demagogue in all Governments, and it is the howl of the demagogue in this Government.

I have said that the Opposition have pointed to no instance of extravagance. I was wrong. They have pointed out one item. I allude to the public printing. That item has been thrown up to the Democracy more than one thousand times this ses-

sion; and from the fact that that *single* item has been harped upon in almost every speech that has been made by the Opposition, it is fair to presume they know of no other instance of extravagance; and how do they stand in relation to that. During the last Congress the Opposition had a decided majority in this House. They elected a Printer of their own party. Yes, sir, they elected a man of their own; and who was he? A miserable tool of a miserable faction—(I mean the Conservatives)—an empty, brainless coxcomb, without a name, a residence, or a foothold on the face of the earth—a pennyless loafer—one of the gaunt lounging office seekers that beset this Capitol, and ride you like the nightmare, without the means of doing the printing, and, I believe, without the first dollar to procure the means; and what was the consequence of his election? The public printing, in place of being done by the Government's confidential sworn officer, was farmed out to Gales and Seaton, not confidential and sworn officers of the Government. Yes, sir, the public printing was farmed out, and the man of straw elected (I mean the Editor of the Madisonian) received ten thousand dollars per annum for the office and trust thus reposed in him, and Gales and Seaton did the printing for the balance of the profits. What was the course of the Opposition then, think you? Was it to reduce the printing? No, sir; not a word was then said about the extravagance and profligacy of the public printing; but, on the contrary, more at jobs of printing were thrown into the hands of that corrupt and fraudulent combination than has ever been done in any Congress since the organization of the Government, or the establishment of public Printer, by which the public printing was swelled to upwards of $231,000, which is more than double as much as it ever amounted to before, and that enabled Gales and Seaton to pay the enormous rent of ten thousand dollars. But as soon as the party character of this House was changed, and the printing was about to fall into Democratic hands, the yelp of extravagance in the public printing was raised by a hundred Whig tongues, that had before been as silent on that subject as the grave. But, sir, what did the Democracy do on the resolution of the gentleman from Georgia? [Mr. BLACK.] They ordered a committee to investigate the subject of the public printing, and to report to this House what they might find to be a fair and just compensation for the public printing; and Blair and Rives were elected public printers on the condition that they were to receive such a compensation. That committee have made their report; it is now on the Clerk's table; it is in favor of retrenchment, and the Democracy will sustain it. So much for reform in the public printing the only item of pretended extravagance pointed out or attempted to be exposed by the Opposition; and that item would have remained unexposed by them if the printing had remained in the hands of their party pets.

"Office holders and spoils party." Sir, have not every feeling you possess, physical and mental, been nauseated and sickened at that incessant cry—that miserable hungry howl of lamentation, which is never permitted to die on your ear? I once before exposed the fact by tables and figures, that more than one-half of all the offices of this Government are occupied by Federalists, and I now assert it to be a fact; but one-half is not enough for them. "*Being of the better sort of society*," they claim them all; and nothing short of their full possession will ever satisfy a party whose principles teach them to believe they are born to rule the "*common people*." The Federal party claim office as a natural and political right composed, as they claim to be, of "the decency," and "*better sort of people*," they "*are born to rule the swinish multitude*." This right has been disputed by the Democracy, and it is this dispute, and the rights and principles involved, that have produced all the political struggles and turmoils that have been witnessed since the commencement of our Government. Will the Democracy now surrender? Heretofore the claims of the Federalists for all the offices have made in blustering demands; now they are made in pitiful whining, sickening, crocodile whimperings. The Democracy, in the support of stern principles, resisted the one? Will they now permit their sympathies to be so overcome as to yield to the other? Will they permit their principles, to maintain which they have so long, and so manfully contended, now to be sacrificed at the hungry yelp and pitiful whine of a host of lean, lank, lazy, lounging office seekers, which beset this Capitol, and annoy the country elsewhere? "*The spoils party*;" and what would the hungry Federal office seekers be, if they were to get all the offices and spoils! would they not be "*the spoils party* too; and how much would the community be benefited by the change? I ask what benefit the tax paying community would derive by turning out the well fed, fat, clean, sleek, Democratic office *holders*, and putting in a swarm of hungry, lean, starved, Federal office *seekers*?

Panic! panic! panic! That's the string to pull. Turn back to the history of your Presidential elections, and show me one in the political statistics of your country, if you can, that has not been swamped in the Federal cry of *panic*. Examine the public journals from the commencement of Presidential elections to this time, and you will find by them that every year that a President has had to be elected, is a year of panic and desolation. The cry of "*panic and desolation*" is one of the standing *modes* of electioneering. The people understand it, and are no longer to be gulled by it, and they look with contempt upon those who make it, as they do upon the slanderer and calumniator of American institutions and the American character. The yelp of panic, ruin, and distress, is now overspreading the land and doing its base and dirty work of slander upon the character of our country. Where is the panic and distress to be found? Where it always will be found: among the penniless loafers of your country—those who are too lazy and too proud to work, and have nothing to trade upon. All the panic and distress we have, consists in the inability of that class to enjoy the "*glories of the credit system*." Show me the man in our widespread Union (except he has been the subject of misfortune) who depends upon his own industry and his own resources, that cannot laugh at your panic and sneer at your demagogical cry of distress. And here I must qualify this general remark, by the exception of many hundreds of persons of the most useful class of society. I mean those who labor in manufactories. They are, no doubt, seriously affected by the depressed and deranged state of the currency; but all their difficulties grow out of their connection with institutions, the proprietors and owners of which have not capital of their own by which to conduct them. If such persons will study their own real interests, they will cut loose from such establishments and such proprietors, change their business, or engage in the employment of those who have not to depend upon the smiles and favors of banks, and the uncertainties of the "*glorious credit system*."

But, sir, what if there is distress and panic in the country? What is the cause of it but your miserable banking and credit system—a system that the united efforts of the Democracy have been directed to overthrow, so far as it is exclusive, monopolizing, and partial in its operation—a system, which, so long as it exists, will produce periodical derangement of the currency of the country, and distress with those who trade upon capital not their own.

But, I repeat, what if there is panic and distress in the country? Has Congress power to give relief? What constitutional authority have we for making this Capitol a poor-house? And by what constitutional authority can members of Congress, in their representative capacity, assume to themselves the office of overseers of the poor? Such a use of this Capitol, and such a usurpation of office, and such an exercise of power, were never contemplated by the framers of this Government; nor is it any where, except in the babbling noise of the demagogue, or in the brain of the raving political monomaniac. Sir, it is a settled principle, and a fact well known and universally understood, that all the wealth of this country is dug in sweat from her soil; and all the comforts and conveniences of life are the offspring of the united labor of the farmer and the mechanic, and upon that must we depend for all we possess, either as a nation or as individuals composing a nation. And let me assure you, whatever system of policy may be established by legislation, which will enable one part of the community to live without labor, must and will have the tendency to throw a greater portion of labor upon those not so favored. Such is the natural consequence, and such the practical effect, as all experience has shown, and will continue to show; and such is the credit and banking system, as it has existed, and now exists, in this country.

All the panic and distress that now hangs over us as a people, or any portion of us, had their origin in extravagance, idleness, or overtrading. That fact dare not be denied; nor dare it be denied that they have had their foundation in the credit and banking system, by the facilities they afford to live without labor, and temptations to speculate.

While I am unwilling to admit that any man here can go before me in commiserating the misfortunes of my fellow beings, nor can any one rejoice more at the prosperity of our country, and the happiness of every class of society, than I do, yet I hold that Congress has neither the power nor the means to give relief in cases of distress. I say that Congress has no such power. I mean by that, that Congress has no power to tax one portion of the community to relieve the distresses of another. Such a power cannot be exercised in justice, nor did ever the framers of the Constitution contemplate such an exercise of power. Congress can give no relief on any other principle than by an unjust and unconstitutional system of taxation, either directly or indirectly. To all such applications for relief, (I mean for such distress as is now said to pervade the country,) as a Representative, I must say, (however cold, heartless, and disconsolate the advice may be considered,) go home, work harder, and live more economically, and relief will be your reward. Sir, I have said that the cry of panic, as in times before, is made for political effect and party purposes. It is so, and such is the object of the demagogue. But I have the charity to believe that some of those who are attempting to spread the alarm of distress are, or think they are, sincere; but I am constrained to believe that many of that class are laboring under a species of derangement. There is a kind of derangement called monomania, which leaves the individual affected with it in full possession of his reasoning powers, on all subjects except the one on which he is deranged. For instance, the monomaniac is deranged on the subject of religion, and perfectly rational on all others. Hence it is that some persons fancy themselves to be the Saviour of mankind, or to be one of the ancient prophets, and, in some instances, to be the Almighty himself; or he may be deranged upon the subject of mechanics; hence it is you hear of persons spending a great portion of their lives in attempting to invent the perpetual motion. So it is with the alchymist, who spends his life in pursuit of the philosopher's stone. So it is with metaphysics, &c. And yet persons laboring under this species of derangement may be perfectly capable of attending to ordinary business. Professor Tital of Jena continued to perform his professional duties for some time, although laboring under the fixed hallucination of believing himself to be Emperor of Rome. Many other instances of a similar character could be cited. Alexander Pope, in a few lines, illustrates, in an interesting and forcible manner, the various effects of monomania on different individuals. He sung thus:

"Unnumbered throngs on every side are seen,
Of bodies changed by various forms of spleen,
Here living teapots stand, one arm held out,
One bent; the handle this, and that the spout;
A pipkin there, like Homer's tripod, walks;
Here sighs a jar, and there a goose-pie talks,
Men prove with child, as powerful fancy works,
And maids, turned bottles, cry aloud for corks."

Well, sir, we see that men become deranged on religion, mechanics, metaphysics, &c.; why may they not become deranged on the subject of politics? They do. Our medical records furnish many instances of the kind; so they do on subjects of finance and economy. The celebrated Doctor Eberly informs us that he knew a person who for

more than twenty years was firmly persuaded that he was the President of the United States; and yet this man would converse and think rationally upon all the ordinary concerns of life. We have all heard of persons in affluent circumstances pinching themselves with hunger, and clothed in rags, lest they should come to want and die in poverty. Such is the political monomania under which some of our politicians are now raving: and if Alexander Pope lived at this day and in our country, he would sing—

"Men often turn from reason's shining way
To chase a phantom in the light of day;
Sane in all matters save the affairs of state,
And wild in them as in the rest they're great.

Now preach they panic with a sing-song tone,
When panic lives within their breasts alone;
Now hear they Furies yell in deep despair,
With deadly serpents hissing from their hair.*

Politically mad as Bedlam's King,
Around the world their doleful song they sing,
O'er fertile fields they leave their baneful track,
Blow up the world, and chuckle at the crack.

Such is the hell-born phantasy that holds
The Federal prophet's in its crimson folds;
Makes banks perfection, by a simple thought,
And strives to teach men what can ne'er be taught."

But, Mr. Chairman, I told you I intended to talk of some things not immediately connected with the bill under consideration. I desire to talk some about the Presidential election. I hope I will not be considered out of order. When the simple proposition to instruct the Committee on Finance to report an appropriation for the Cumberland road, was before the House, the Whigs used up one entire week in attempting to prove that General Harrison ought to be elected President of the United States. I hope it will now be in order, on the *general* appropriation bill, for me to use an hour or two in attempting to prove that he should not be elected.

So, sir, I proceed with my proofs and objections.

One of the modes now employed to secure the overthrow of the Administration, and secure the election of the Federal candidate, is to impress on the minds of the people that General Harrison is a poor man, and therefore the poor man's friend: that he is the inmate of a log cabin, drinks hard cider, and is compelled, now in the sun-down of his life, to toil in sweat and dust for his daily maintenance; and therefore, if elected to the Presidency, will be capable of appreciating the poor man's condition, and will direct the administration of the Government with reference to the interests and benefits of that class of the community. These, if true, are powerful inducements for the poor and the friends of the poor to sustain Geneneral Harrison for the Presidency, all other circumstances being favorable. But that he is, or ever was, at heart, a friend to the poor man, I am prepared to doubt; and with a view of being as brief as possible, in support of this belief, I will give one illustration of the most forcible and undeniable character—and one, too, which, at the same time that it carries truth on its face, will serve to convince every man who reads it, or hears it read, that the poor man has but little to expect, on the side of mercy and favor, from General Harrison or his administration, if elected. General Harrison is in favor of, and has voted for, a law authorizing and requiring the sale of the poor man in bondage and degrading slavery for the payment of a fine and costs in which he might be mulcted, or what is tantamount thereto. This, sir, is a startling statement; but I have the proof at hand—read for yourself:

"Extract from the journal of the State of Ohio, dated
TUESDAY, January 30, 1821.

Senate met, pursuant to adjournment.

The Senate then, according to the order of the day, resolved into a committee of the whole on the bill from the House entitled "an act for the punishment of certain offences therein named," and after some time spent therein, the Speaker (Allen Trimble) resumed the chair.

Mr. Fithian then moved to strike out the 18th section of said bill, as follows:

"*Be it further enacted*, That when any person shall be imprisoned, either upon execution or otherwise, for the non-payment of a fine or cost, or both, it shall be lawful for the sheriff of the county to SELL OUT SUCH PERSON as a SERVANT to any person within this State, who will pay the whole amount due, for the shortest period of service; of which sale public notice shall be given at least ten days; and upon such sale being effected, the sheriff shall give the purchaser a certificate thereof, and from which time the relation between such purchaser and prisoner shall be that of MASTER and SERVANT, until the time of service expires; and for injuries done by either, remedy shall be had in the same manner as is, or may be, provided by law in the case of master and apprentice.

"But nothing therein mentioned shall be construed to prevent persons from being discharged from imprisonment according to the provisions of the thirty-seventh section of the act to which this is supplementary, if it shall be expedient to grant such discharge. Provided that the court, in pronouncing upon any person convicted under this act, or the act to which this is supplementary, may direct such person or persons to be detained in prison until the fine be paid, or persons otherwise disposed of agreeably to the provisions of this act."

And the yeas and nays being required; those who voted in the affirmative were; Messrs. Beasly, Brown, Fithian, Gass, Heaton, Jennings, Lucas, Mathews, McLaughlin, McNilton, Newcomb, Robb, Russell, Scofield, Shelby, Spencer, Stone, Swearengen, Thompson, and Womeldorf—20.

And those who voted in the negative were—Messrs. Baldwin, Cole, Foos, Foster, WILLIAM H. HARRISON, McLean, Oswell, Pollack, Ruggles, Roberts, Wheeler and Speaker—12.

SECRETARY OF STATE'S OFFICE,
Columbus, O. Sept. 10, 1836.

"I certify that the foregoing is a true and accurate copy from the journals of the Senate of the State of Ohio, being the first session of the 19th General Assembly, held at Columbus, December, 1820.

See pages 303, 304, 305.

CARTER B. HARLAN,
Secretary of State."

Sir, this is the journal, certified to by the proper officer; and in order that no false issue may be raised as to the meaning or intent of those who voted for and against a propcsition degrading to the American character, at war with every principle of our free institutions, and constituting a black mark, and a foul stain, upon the legislative journals of a free State. I say, that there may be no false issue or mistake, I will submit the remarks of a distinguished statesman and patriot of the last war, at the time the measure was under discussion. I allude to Gen. Robert Lucas, who distinguished himself in our second war for independence; has for many years been a member of both branches of the Legislature of Ohio; her Governor for four years, and he is now Governor of the Territory of Iowa.

Hear what he said:

"General Robert Lucas, in the true spirit of patriotism, made the following remarks:

"What will be the operation of this section?" said Mr. Lucas. "We will suppose a case: suppose one of the patriots of the Revolution should be insulted by an enemy of his country, or a tory, who had fought against him in the struggle for liberty, and he should be provoked to commit an assault in defending the honor of his Government—by our laws he might be prosecuted and fined. He is poor and unable to pay the fine. What would follow, under the provisions of this section? He is publicly ADVERTISED FOR TO BE SOLD—he is dragged by the crier along the streets—the man who provoked the assault, bids the amount of the fine and the shortest term of service, say *forty years—and the old patriot is knocked off to his per-bondage*.

"Any unfortunate citizen, who, in an unguarded moment, might be thus subjected to the payment of a fine, would be liable to be sold under this section, and driven into slavery by a FREE NEGRO, should such a negro choose to become the purchaser.

"This would be revolting to every principle of humanity, and a disgrace to the age in which we live.

"The question was then taken on Mr. Fithian's motion, and carried in the affirmative—yeas 20, nays 12. So this obnoxious provision, *voted for and defended* by WM. H. HARRISON, does not now disgrace the statute books of Ohio."

And this, sir, is the manifestation of General Harrison's attachments to, and sympathies for, the poor man. What will the linsey hunting shirt wool hat inmate of the log cabin, who delights occasionally in taking a knock down for the laudable purpose of improving his courage, and hardening his body, (for which he may be made the subject of fine and costs, which he may not have the means of paying) say to such a manifestation? What will the crippled war-worn soldier, and patriot of the Revolution, say to such a manifestation? Did he buckle on his armor, march to the field of battle, face the cannon's mouth, and risk fortune, limb, and life, to break the chains of British slavery, that his sons and posterity to all time, (in the misfortunes of poverty) should be the subjects of a law that would have disgraced the conscripts of the tyrant in the most arbitrary and degraded days of Rome, and make them the subjects of bargain and sale, and the slaves of the purse-proud and unfeeling Shylock; and that too, for the mere *crime* of poverty, or of not having the ability to pay a fine, and a few dollars and cents of cost? Sires of the Revolution! was this what you fought for; was it for this you bared your bosoms, and "bore up under the battle's hottest rage?" Had you no higher object than mere colonial emancipation to stimulate you, when you fought the enemy knee to knee, and breast to breast, on Bunker Hill, Monmouth, and Trenton, in suffocating dust and smoke; and when your brave comrades in arms were sinking in fatigue and death by your side? You are not here; I will answer for you. You had higher objects. Emancipation of your country, political liberty, religious toleration, and personal freedom, were your stimulants, your objects, and your rewards. Then, I ask, can you cast your suffrage to the support of a man for the highest office in your gift, who stands prepared in principle, and has attempted in practice, to sell your sons in slavery for the *crime* of poverty, or the misfortune of inability to liquidate a fine and cost, in which they may be mulcted by a little imprudence, without design or intention of crime? I am inclined to doubt Gen. Harrison's sympathies for the poor man.

But it is said that "General Harrison is a poor man, and lives in a log cabin, and that he toils in sweat and dust for his daily maintenance." These allegations are either false or they are true. If they are false, then it is an attempt to practise a base fraud upon the American people from motives of demagoguism; but I will presume, for the present, that they are true. And let me assure you that if General Harrison is of the right political faith, and is well qualified to discharge the complicated, responsible, and arduous duties which the Constitution, the interests of this country, and the policy of this Government impose on the President of the United States, the fact of his being the tenant of a log cabin shall heighten my zeal and double my exertions to secure his election. The most devoted recollections that I have are associated with scenes and pleasures, in boyhood, with the inmates of log cabins. I was raised in a log cabin. All my youthful playmates were the tenants of log cabins; and all my youthful frolics were played off in log cabins.

Sir, I delight in the very name of a log cabin. There is no name in the English vocabulary that dwells upon my lips with so much delight as log cabin. It brings fresh to my recollection scenes of youthful pleasures, which I have never since, nor ever will again enjoy. Many and oft is the time that I thought a day a month, in anxious watch for the setting sun which was the token for the rally to the frolic of the log cabin, where I met the comrades of my youth in dance, play, and song. In the times of which I am speaking, log cabins were what the term means—a house made of round logs, one story high, of dimensions suited to the size or number of the family who were to inhabit it, and sometimes with reference to an *increase*, a puncheon floor, a lin bark loft, and a clapboard roof. The industry of the matron and her daughters was displayed by the thick folds of linsey frocks, pantaloons, and hunting shirts, which behung its walls. Its loft was underhung with strings of dried pumpkins, and its capacity heated and lighted with a large wood fire from its capacious chimney. So much for the description. Now for the frolic. The frolic consisted in dancing, playing, and singing love and murder songs, eating johnny cake and pumpkin pies, and drinking new whiskey and brown sugar out of a gourd. Our dancing in my youthful day, and in my neighborhood, was done to the performance of an old Irishman with one leg, with the heel of which he beat time, a fiddle with three strings, to the air of

"Barney let the girls alone,
Barney let the girls alone,
Barney let the girls alone,
And let them quiet be.
Judy put the kettle on,
Judy put the kettle on,
Judy put the kettle on.
And we'll all take tea."

for, if I recollect right, I think our fiddler played but one tune.

But let me tell you, sir, our girls were not to be sneezed at. They presented a form in beauty that marked the developments of nature, when unrestrained by corsets, and the withering dissipation of fashionable and high life, and their guileless hearts looked through a countenance that demanded confidence in their innocence and unsullied virtue. But, oh! their forms! When you plied your arm to their waist in the giddy waltz, with the twenty-five yards of warm linsey in which they

*The Furies were said by the ancients to have fiery serpents hissing from their hair.

were comfortably enwrapped, you had an armful of health and firmness. These constituted my pleasures in the days of log cabins; and this is a description of log cabins, which, so far as it goes, will be recognised by those who have been reared in the Western country. But, sir, the days of log cabins have passed away in the older settlements of the West, and with them, most of the log cabins; and with the log cabins, many of the amusements common to such tenements. All the older pioneers of the West and their descendants, who have observed that kind of prudence, industry, and economy, which constitute the character of the good citizen, and entitle him to the confidence of honest men, have possessed themselves of comfortable and commodious brick and frame houses, large barns, and well improved farms, checkered with grain fields of every color, and mantled with horses, cattle, sheep, and hogs, and with hard cash for a rainy day, and some to lend a friend in need.

General Harrison was one of the earliest settlers of the West. Why is he not provided with the means, too, of comforting the sundown of his life? It would seem, if he had possessed the ordinary prudence, industry, economy, and stability common to the pioneers of the West, and which has raised them from indigence to comfort and ease, and some of them to affluence, he would not now necessarily be the humble tenant of a log cabin and have to toil his winter-beaten frame in the chill of old age, for his daily bread. How does this matter stand? It has become our duty and our interest to inquire; for if his poverty is the result of misfortunes and untoward circumstances, over which he could have had no control, then is it a virtue, rather than a fault, and claims commiseration. But if it is the result of imprudence, extravagance, or of ill-directed judgment, the fault is his own; and such faults and frailties clearly render him unfit to be the Executive ruler of a great and powerful nation. What have been his misfortunes and what his opportunities? I profess to be somewhat acquainted with the history of General Harrison's political, military, and private life. I am his neighbor, and live in his county. As to his private life, I *know* of no stain that for a moment sullies him. I believe he is strictly honest; I believe he is liberal, but not so to a fault. I have never heard of any pecuniary misfortunes the lot of that man; and I think his history (and, by the by, let me here say, that I have very little confidence in the history of a man written and published in his life time; such a history is very apt to be colored and bedizened with adulation and flattery) represents him as the descendant of "*noble blood*;" of highly respectable and wealthy parentage. Wealthy parentage? Then he received at his outset a patrimony. What has become of that? Why, if it was not borne away upon the wings of misfortune, perhaps it was a sacrifice to the inexperience of youth. Be it so. That is not to be charged to him as a fault now; nor does it make him the less capable of discharging important official duties, for which he may have qualifications. But his history (verbal if not writen) represents him as having received a large fortune in lands of the most valuable quality, and the most elegible location, by his marriage. What has become of that fortune? For its flight it will not be so easy to find an apology; for on its reception, he was in the vigor and wisdom of manhood; with his mind at its strength, and with a judgment at its full size. But if the log cabin and the poverty story is true, that estate is in some way disposed of. But that is not all. General Harrison has held profitable offices from his boyhood. With but little intermission to this day, his hand has been in the public Treasury. Yes, sir, almost without interregnum, through a life as long as the Divine promise—for I believe he is now on the verge of the horizon of three score and ten—and at this moment holds an office worth, I think, clear and clean of all expenses, five thousand dollars per annum. I think I may venture to say General Harrison has received from public Treasuries more than one hundred thousand dollars. He has drawn more from the public Treasury than a six-horse team can haul, in hard dollars, over the Alleghany mountains, on the national road; and yet his political partisans claim for him the Presidency because he is poor and needy. What has become of this last vast estate? Can his friends answer?

Why, sir, so far from General Harrison being unfortunate, he has been one of fortune's choicest and most cherished children. Now, sir, permit me to ask, if General Harrison's poverty gives him a claim upon the American people either for political patronage, or even more than common sympathy; certainly not, unless it can be shown clearly that he has been reduced to poverty by misfortunes and calamities beyond his control. While it is a settled principle, honorable to the American character, that the virtuous and qualified *poor* man is preferred to the virtuous and qualified *rich* man for office, let us inquire whether, when poverty is the result of extravagance, profligacy, indolence, a weak mind, a bad-directed judgment or mismanagement, it does not constitute a disqualification to hold a responsible station of an official character. Permit me to ask, if the man who has not had the capacity to secure a competency for the evening of his life out of such vast resources, can safely be trusted with the administration of this Government? I ask the question in the spirit of candor and truth, and it becomes every American to ask the same question. Is the man who has not the ability to control and manage his own small and circumscribed domestic concerns, the suitable man in whose hand to place the destinies of this nation—the management of this widespread and complicated Federal Union, whose harmony and whose duration—whose prosperity at home, and whose character abroad, depend upon its judicious laws, their best direction, and able and faithful execution? A patriotic and intelligent people will answer this question.

But, sir, I will now come to the rescue of General Harrison, and relieve him from the incapacity which his own friends have virtually and indirectly charged upon him. General Harrison is *not* a poor man; he does not live in a log cabin; nor does he toil in sweat and dust for his living. He is a rich man; he lives in a magnificent frame house, and is surrounded with a princely estate, of as good land as ever the Nile inundated, and as handsomely and advantageously located as any past which the majestic floods of the Ohio or Mississippi roll, from their sources to the Gulf of Mexico So, sir, all this story about the log cabin is a falsehood. It is a mean fraud, attempted to be practised upon the credulity and sympathies of the American people, for the base, demagogical purposes of political deception. General Harrison is neither to be cherished nor repudiated by the log cabin fiction: the whole is a hoax, attempted to be played off for political effect, and worthy of a party who have a contempt for the understanding and intelligence of what *they* call the "*common people.*" Such attempts never fail to meet the scorn and derision of an honest and intelligent community, when and wherever made.

But indulge me while I attempt to expose another inconsistency involved in the log cabin hoax. Who were the active agents by which Gen. Harrison was presented as a candidate for the Presidency? The humble inmates of log cabins, think you, sir? No. The conventions by which Gen. Harrison's nomination was brought forth, in nine individual instances out of ten, were composed of any thing but the laboring man of the log cabin. They were composed of, and controlled by, those who have neither attachments nor feelings for the log cabin class of community, further than to subserve their own purposes, further than to make them subservient to the establishment of a system of policy by which they may be made hewers of wood and drawers of water to the Federal aristocracy of this country. I am not in possession of the names of the individuals composing the different State Federal conventions, nor of the names of the delegates composing the National Federal Convention held at Harrisburg; consequently I can say nothing of their professions and occupations, farther than relates to my own State. I hold in my hand a newspaper containing the report and proceedings of the convention held in Ohio, and containing the names of those who composed that convention. I have extracted a table from that report, which shows the number of bank officers, bank directors, and bank stockholders, office holders, lawyers, and doctors, merchants, clerks, speculators, &c. Here it is. It tells a poor story for the log cabin and laboring interests of this country. I am told by members here that this table will serve to illustrate the character of other State conventions, as well as the composition of the Harrisburg convention. But here is the table; read for yourself. Here are the names, facts, and figures. They expose the miserable attempt to palm General Harrison upon the people as "*the log cabin and the poor man's candidate.*" Shame! where is thy blush? Truth and candor, where are thy advocates? Justice and honor, have ye been dethroned; and have moral depravity and debased political ambition, usurped your seats? But here is the table:

Principal composition of the Ohio Federal-Whig Abolition Convention.

COUNTIES.	Bank officers, directors, &c.	Office holders.	Lawyers and Doctors.	Merch'ts, cl'ks, & speculators.
Ashtabula,	1		1	
Adams,		2	3	6
Butler,	14	7	12	22
Brown,		10	5	1
Belmont,	7	6		
Crawford,	3	6		
Clermont,	1	3	2	5
Carroll,		2		
Champaign,	12	44	11	17
Cuyahoga,	23	41	27	54
Dark,		31	8	18
Franklin,	170	83	30	260
Fayette,	8	13	7	9
Fairfield,*		21		
Geauga,	8	7	2	2
Greene,	35	15	18	47
Harrison,	7	7	10	7
Huron,	14	22	5	31
Highland,		17	18	39
Jackson,	2	8		
Jefferson,	4			3
Logan,		22	8	10
Lorain,		30	6	
Licking,	11	15	17	74
Lucas,		11	5	5
Morgan,		10	5	13
Mercer,		19	3	5
Madison,	46	29	14	14
Muskingum,	41	67	26	78
Miami,	6	7	4	13
Preble,		17	16	19
Portage,	2	5	3	5
Pike,	11	7	3	23
Pickaway,	49	32	25	61
Ross,	21	15	19	84
Stark,	8	8	3	24
Sandusky,		3	3	11
Scioto,	16	28	7	42
Warren,		25	19	10
Wayne,	9	10	7	9
Washington,	19	28	4	27
Totals,	542	733	346	1048

Just look, sir! five hundred and forty-two bank officers, directors, &c. seven hundred and thirty-three office holders, three hundred and forty-six lawyers and doctors, and one thousand and forty-eight merchants, clerks, and speculators, in one State convention, in all twenty-six hundred and sixty-nine, representing the interests of the poor man! and the laboring community, and presenting General Harrison as the log cabin candidate! Sir, if I could speak to every laborer in this land, I would say to him, "*beware of wolves in sheep's clothing.*" These men will caress and flatter you until your suffrage is cast, and then they will order you to stand back "*like a poor man at a dance.*" I would say look out when merchants, lawyers, doctors, bankers, speculators, and Shylocks, assume the guardianship of your interests and your liberties. All the flattering caresses that the laborer or the poor man will receive from such a party, will result from the same motive that induced the fox to praise the music of the crow, which was to obtain the flesh which she would let drop in the act of singing.

I assert that the supporters of General Harrison are not the friends of the poor and laboring classes of the community, and those who live in log cabins. On the contrary, they are those who seek the esta-

* Unable to obtain full returns from Fairfield—the office holders alone.

blishment and confirmation of a system of policy whose natural tendency is to make the "*rich richer and the poor poorer.*"

From such a guardianship save the Democracy, is my prayer. Under the guardianship of such men, hard cider and log cabins would be the lot of the poor man through all time. Sir, I have more than once said that a contempt for the intelligence of the people is a fundamental principle with the Federal party. I hold in my hand two communications, which will sustain me in the assertion. I ask that the Clerk may read them.

The Clerk read:

"From the Oswego Palladium.
"GENERAL HARRISON.

"We call public attention to the following most extraordinary reply, made by General Harrison's committee at Cincinnati, to a letter addressed to him by the Union Association of this village. We are obliged to a member of the Association for a copy of the letter addressed by it to General Harrison, and a copy of the letter of the committee, in reply thereto. We assure the public the correspondence is genuine.

"OSWEGO, January 31, 1840.

"To the Hon. WILLIAM H. HARRISON:

"DEAR SIR: In accordance with a resolution of the Union Association of Oswego, I am instructed to propose three questions to you in relation to subjects that a large portion of this section of the country feel a deep interest in. The first is—

"Are you in favor of receiving and referring petitions for the immediate abolition of slavery in the District of Columbia?

"Secondly—are you in favor of a United States Bank, or some institution similar to that for the safekeeping and distributing of the public moneys, and for giving a uniform currency throughout the United States?

"And lastly—Would you favor the passage of a general bankrupt law by Congress, so that its operations might be equal in all the States of the Union.

"I have only to say, sir, that the above inquiries are made in accordance with the unanimous wishes of this association, the members of which, I am instructed to say, entertain the highest regard for your past services, and hope, should you be elected to the high office to which you are nominated, that nothing may occur to lessen you in the estimation of a great and free people.

"I am, sir, respectfully, your obedient servant,
"MILES HOTCHKISS,
"Corresponding Secretary."

"CINCINNATI, Feb. 29, 840.

"OSWEGO UNION ASSOCIATION:

"GENTLEMEN: Your letter of the 31st ult. addressed to Gen. Harrison, has been placed in our possession with a view to early attention. This is unavoidable in consequence of the very numerous letters daily received by the General, and to which his reply in person is rendered absolutely impracticable. As from his confidential committee, you will look upon this response, and if the policy observed by the committee should not meet with your approbation, you will attribute the error rather to ourselves and his immediate advisers, than General Harrison. That policy is, that the General make no further declaration of his principles for the public eye whilst occupying his present position. Such course has been adopted, not for purposes of concealment, nor to avoid all proper responsibility; but under the impression that the General's views, in regard to all the important and exciting questions of the day, have heretofore been given to the public, fully and explicitly; and that those views, whether connected with constitutional or other questions of very great interest, have undergone no change. The committee are strengthened in regard to the propriety of this policy; that no new issue be made to the public, from the consideration that the National convention deemed it impolitic at the then crisis to publish any general declaration of the views of the great Opposition party, and certainly the policy at the present remains unaltered. In the mean time, we cannot help expressing the hope that our friends every where will receive the nomination of General Harrison with something akin to generous confidence. When we reflect upon the distinguished intelligence of the nominating convention—how ably all interests were represented in that body; we certainly have a high guarantee, that, should General Harrison be the successful candidate for the Presidency, that office will be happily and constitutionally administered, and under the guidance of the same principles which directed our Washington, Jefferson, and Madison. Believing you will concur with us in the propriety of the policy adopted, we have pleasure in subscribing ourselves,

Your friends,
DAVID GWYNNE,
J. C. WRIGHT,
O. M. SPENCER.

H. E. SPENCER, Cor. Secretary.

[Mr. DUNCAN was proceeding, when Mr. MASON of Ohio interrupted him, and asked to explain. Mr. D. gave way. Mr. M. said that he had seen a communication in a Buffalo paper denying the genuineness of these communications, (just read,) and that he (Mr. M.) felt himself at liberty to pronounce the whole a forgery.]

Mr. DUNCAN resumed, and responded that he presumed his colleague [Mr. MASON] knew nothing about the matter; and that he (Mr. D.) felt himself at liberty to pronounce it *no* forgery, and that the whole correspondence is genuine, and precisely as represented on the paper which was just read; and this he was authorized to say, not only from the presumption contained on the face of the paper itself, but from other information upon which he could rely. Sir, it is genuine; and what are the impressions this correspondence must make on the mind of every man who may read them? They are twofold. First, they convey the idea most forcibly, that, owing to physical and mental imbecility, the party have been compelled to assign political keepers to General Harrison, and the necessity of this measure, with those unacquainted with General Harrison, will be forced upon the mind, when it is known that he is now in or near the seventieth year of his age; a period of life when the heart beats slow, the blood flows sluggishly, the limbs become palsied, the watery eye grows dim, the voice trembles, the muscles wither, the "pantaloon becomes slippery," the memory takes wing, the empire of judgment totters, and the mind sinks in human frailty.

The appointment of the committee must give rise to a supposed necessity, and that necessity will find its reason in the natural frailties of three score and ten. It is not for me to rescue or relieve General Harrison from the difficulties and imputation with which his friends embarrass him. It is for his friends to explain away these imputations. But, second: the answer of the committee will not fail to make the impression, either that General Harrison requires political conscience-keepers—because with him the Federal principles of these times would not be safe—or that he and his party have no principles—or that their principles are so obnoxious to public sentiment, that it is dangerous to disclose them. I think the latter proposition is the fact. I have looked in vain for a demonstration of modern Whig principles from their conventions. I can see none. There have been none; nor will there be any. The object of a committee is to put their principles under a bushel. Such is the secret mandate of the State Convention wire-workers—such is the secret mandate of the wire-workers of the National Harrisburg Convention; and the lips of all subordinate committees are sealed. The above committee infoms us, in so many words, that it is not the policy of General Harrison or his friends to make any exposition of political faith or principle until after the election. Like the subjects of benighted ignorance of the old world, it is enough that the priests know the will of God and the mysteries of his holy word. What a miserable cause it is that shuns the light; and how unpardonably ignorant the political leaders of a party must be of the intelligence of the nineteenth century—of the intelligence of this people—who think they can lead the freemen of this Government, blindfolded, to the subversion of their own principles, and the overthrow of their cherished institutions. And how basely corrupt must be the party who sneak and skulk from an open, candid, and manly exposition of their political principles. Sir, I say unhesitatingly that this corresponding committee has been appointed for the purposes of concealment and delusion. I unhesitatingly assert that this concealment of principle arises from the fact that the Federalists dare not publicly disclose their principles to the American people. Concealment of principle, and false glare of military tinsel, are to be the means by which the people are to be gulled into the support of Federal men for office, and the establishment of Federal measures. But, sir, the effort will be about as fruitless as the coffin handbill mode of electioneering.

In relation to the conscience-keeping committee, I must say something. Of David Gwynne, I know nothing personally; I am unacquainted with him. I presume he is a clever fellow, and a respectable citizen, as all *my* constituents are. I take it for granted that he is opposed to the Administration and the Democratic party and principles, but not the less respectable for *that*. But of J. C. Wright and O. M. Spencer, I know something. I know them to be attorneys at law of high standing. I know them, as private citizens, to be of the most respectable order, and I will take this occasion to invite all who hear me, and all who may read me, to call on J. C. Wright and O. M. Spencer, should they have any business in the way of their profession. No two men in the State in which they live, will discharge their duty with more fidelity or more ability. But I know another thing. The Democracy will find themselves vetoed if they make these gentlemen the conservatives of their political rights. The log cabin, and its wool hat inmates, will find themselves in the *vocative*, if their political rights are thrown upon the care and protection of these gentlemen. A Persian frog could not swim in all the hard cider they ever drank. These gentlemen may have seen a log cabin in their travels; so they may have seen a plough, but I doubt if either of them knows to which end of it a pair of horses should be hitched, or from which side of the land the furrow should be thrown.

These gentlemen are not Democrats. J. C. Wright will feel secretly flattered when he learns that I pronounce him a high-toned Federalist, from the first foundation of the world; and if his colleague is not of quite so blue a steep, it is because he has not been in the dye so long. Knowing, as I do, it was intended by the Federalists that the Democracy were to be gulled by this confidential conscience-keeping committee trick, I think it was a manifestation of diplomatic stupidity, that I have never seen excelled in political manœuvring. It was cassiowary stupidity. I think it is the cassiowary bird, that rests the security of its body in the concealment of its head. The politics of this committee are too well known. If General Jackson, in his proudest and most popular days, were to have put himself in the keeping of these men, it would have blown him sky high with the Democracy, far and wide as *they* are known. If the friends of General Harrison had constituted

UNCLE JAKE FELTER,
OLD STEPHEN WOOD, and
JIM GOODLOE,

the Committee of Conscience Keepers to General Harrison, the Democracy would have understood something of the principles and rules of action; but as it is, they will stand off. Sir, before I attempt to expose an extraordinary display of Federal inconsistency, I will ask your attention, while I expose an ordinary one. The Federal Whig national ticket is—

For President of the United States,
WM. HENRY HARRISON, of Ohio.
For Vice President,
JOHN TYLER, of Virginia.

Now, sir, I pronounce John Tyler a slaveholder, and violently opposed to modern Abolitionism, in all its orms. If I have done him injustice, I hope some one of his Virginia friends here will contradict me, and I will retract. None to contradict me? Then I am right.

How does Gen. Harrison stand on the question of Abolition? As I cannot answer you that question, and as Gen. Harrison will not answer, and as his conscience keeping committee are prevented by rule and the precedent of the convention, I will ask to read an extract from a letter, which will give us some light on the subject.

Here is the letter:

"TO THE PUBLIC.

"FELLOW-CITIZENS: Being called suddenly home to attend my sick family, I have but a moment to answer a few of the calumnies which are in circulation concerning me.

"I am accused of being friendly to slavery. From my earliest youth to the present moment, I have been the ardent friend of human liberty. At the age of eighteen I BECAME A MEMBER OF AN ABOLITION SOCIETY, established at Richmond; the object of which was to ameliorate the condition of slaves, and procure their freedom by every legal means. My venerable friend, Judge Gatch, of Clermont county, was also a member of this society, and has lately given me a certificate that I was one. The obligations which I then came under, I have faithfully performed.'

"WILLIAM HENRY HARRISON."

So much for the letter. Now for a small sentiment, which is a part of a speech delivered by Gen. Harrison on a public occasion. Here it is:

"Should I be asked if there is no way by which the General Government can aid the cause of emancipation, I answer, that it has long been an object near my heart, to see the whole of its *surplus revenue* appropriated to that object."

This is the sentiment. It is a small sentiment, but big with meaning; and the very attempt to carry it into practical operation would drench your streets in blood, lay waste in wreck and ruin this land, and sink this Union. Still, sir, I cannot say that Gen. Harrison is an Abolitionist. He may have qualified these sentiments so as to make them unexceptionable, but this is for him, or his political conscience-keepers, to show. But, sir, what I want to call your attention to, is the truth of an assertion I once made on this floor, which was, that all the contending Federal factions of this Union will be drummed up and drilled, ranked and sized,

faced to the right, and marched to the polls, to cast their suffrage in support of the Federal Whig National Harrisburg convention ticket. General Harrison will be sustained, Abolitionist or no Abolitionist, by all the Abolitionists, as well as by the Federal North and South anti-Abolitionists. John Tyler, a slave holder and a slave owner, will receive the entire Abolition and Federal Whig vote North and South.

It will be remembered that, in 1832, Henry Clay was a candidate for the Presidency on the Federal side. I believe, and such was universally the belief, that he was a Mason of the highest order; and that he stood upon the tip-top round of the masonic ladder. This will not be denied.

Darius Lyman, who was an Antimason, was taken up and presented to the people of Ohio as a candidate for the gubernatorial chair, by an Antimasonic convention. This was at a time when that miserable and contemptible demagogical hobby, Antimasonry, was at its zenith. Antimasons then were as the Abolitionists are now—anti-Democrats; but, strange to say, the Federal Masons to a man sustained Mr. Lyman for Governor, and in turn, and by way of reciprocity, the Antimasons to a man sustained Mr. Clay for the Presidency. Such is the frailty of man when beset by political ambition and the love of power; the solemnity of an oath, peace of conscience, and the sacred ties of religion, are alike their victims of sacrifice. And I now predict, with more confidence than Daniel predicted the destruction of Babylon, that all the factions opposed to the cause of Democracy, all the princes of factions, the Governors and captains, the judges, the counsellors, the treasurers, and the sheriffs of factions, will be gathered together at Ura to worship Nebuchadnezzar's golden image, and the Jew will desert his God and the religion of Israel, and the Pagan will desert his idol, and abandon the sacred mysteries of his temple, and will fall prostrate before the image at the sound of the cornet, flute, harp, sackbut, psaltry, dulcimer, timbrel, jewsharp, banjo, and tambarine. Yes, sir, at the nod of Federalism, all other isms must fall prostrate. But it will not all do. Babylon must sink in wickedness, polution, and idolatry. In the night of feasting and debauchery, the Cyrus of Democracy will destroy it.

Yes, sir, Abolition Whigery of the North will be Whig Abolition of the South, both full blooded twins of blue light Federalism, whether in the North or in the South; and the man must be a wilful liar or a stupid fool, who will attempt to affix either to the support of this Administration, or identify either of them with the Democratic party or the Democratic principles. In support of what I say, permit me to read two small extracts from the Philanthropist of March 31st, 1840. The Philanthropist is a leading, and one of the most thoroughgoing Abolition papers of the day. But here are the extracts. I read from a long article headed "*the present Administration:*"

"The present Administration, it is generally conceded, is essentially Southern in its principles and policy; it is distinguished by its devotion to the foreign and domestic interests of slavery, perhaps more than by any other feature. The protection of slave labor seems to be its controlling principle. True, the freemen of the North and West number more than twice as many as those of the South, but they are supposed to have no peculiar interests, or the protection of free labor is a minor consideration. The aristocrats of the South give law to the Government, and Mr. Van Buren is their vassal Executive.

"Another view of the subject we would present. Should the Van Buren party, after having rested its hopes of success to a great extent on its anti-Abolition warfare, be defeated, it would be the best thing that could happen for them, as well as the free States. From that moment the party would find it convenient to cut loose from the South. The conviction would arise that it had been leaning on a broken reed, and that there was a power at home which it was of more consequence to conciliate than the slaveholding interest. It is the vocation of Abolitionists to emancipate parties from thraldom to this interest. This they can do by creating such a mass of anti-slavery sentiment in the free States, and so directing it that it shall at once *crush* the politician who may venture in a single particular to pander to the wishes of the slaveholder."

Comment on these extracts is unnecessary; but I cannot leave them without notice.

So far as the Administration and the Democracy of the free States are charged with undue Southern influence and vassalage, it is a reckless falsehood and a broad slander, worthy of a demagogue and a LIAR steeped in moral depravity and political corruption.

The Administration and the Democracy of the North are as much devoted to the cause of philanthropy, universal emancipation, and the happiness of the human family, as the modern Abolition Whig party. But the Administration and the Democracy of the free States are devoted, too, to the perpetuity of this Union, the peace and order of society, the preservation of the Constitution, and the maintenance of the sovereignty and independence of the States, and the peaceful enjoyment of their domestic institutions, which were guarantied to them at the formation of the Federal Government, and the guarantee of which security constituted a principal condition upon which the Federal Union was formed.

Sir, we have had some fine disquisitions in the President making speeches here, on the transcendent military services of the Federal candidate for the Presidency.

It is not my purpose, for one moment, to throw the slightest shade over any fame that General Harrison may have acquired in the last war; but it must astound every national and consistent man in the Union, that the Federal Whigs should select a military man as a candidate for the Presidency. Sir, indulge me a short time, while I show some of the inconsistency of this self-styled consistent and decency party.

What did the Federal party say of the last war, and of military men? Hear them. I read from the Olive Branch:

"Let no man, who wishes to continue the war by active means, by vote or lending money, *have to prostrate himself at the altar on the fast day, for* they are actually as much partakers in the war as the soldier who thrusts the bayonet, *and the judgment of God will await them.*

"Will Federalists subscribe to the loan, (Government loan;) will they lend money to our national rulers? It is impossible," &c.

"Any Federalist who lends money to the Government, must go and shake hands with James Madison, and claim fellowship with Felix Grundy. Let him no more call himself a Federalist and friend to his country. He will be called by others infamous!!!"

"It is very grateful to find that the universal sentiment is, that any man who lends his money to the Government at the present time, will forfeit all claim to common honesty and common courtesy among all true friends to the country."—*Boston Gazette.*

"We have only room this evening to say that we trust no true friend to his country will be found among the subscribers to the Gallatin loan."—*N. Y. Evening Post.*

"No peace will ever be made till the people say there shall be no war. If the rich now continue to furnish money, war will continue till the mountains are wetted with blood, till every field in America is white with the bones of the people."—*Discourse by Elijah Parrish, D. D.*

Sir, I could read an hour from this collection of Federal sayings and doctrines, but I will not detain the committee; but, be it remembered, that at the time of these denunciations, the clouds of war hung the heaviest, the work of plunder, burning, and death, beset our whole seaboard, and our frontier was exposed to the savage rifle, the scalping knife and tomahawk, and the torch of the Indian—the Government was oppressed and borne down with pecuniary embarrassments—every institution of the Government was sinking, and every prospect withering, from the same cause. but what do we find now, sir? The same Federal party sustaining a military man for the first office in their gift; for the Presidency of the United States; and predicating his claims upon his military services in that very war which they so violently denounced, and upon which they invoked, from the sacred altar, the vengeance of God. But that was a long time ago. Well, what did the Federalists say in 1824, when the Democracy sustained Gen. Jackson for the Presidency? Why, sir, it will be remembered by every person who hears me, that every political journal in the country teemed with the most solemn admonitions against placing the Government in the hands of a military chieftain; we were referred to the subversion and downfall of every Republic which had gone before us by military despotism. Such warnings were in the mouth of every Federalist in the land at that time, and were brought to bear against the election of General Jackson, with all the force they could be urged through every possible medium.

Hear Mr. Clay, in his address to the people of the Congressional district composed of the counties of Fayette, Woodford, and Clark, in Kentucky:

"In his [General Jackson's] election to this office, too, I thought I perceived the establishment of a fearful precedent, and I am mistaken in all the warnings of instructive history, if I erred in my judgment. Undoubtedly there are other and many dangers to public liberty, besides that which proceeds from *military idolatry*; but I have yet to acquire the knowledge of it, if there be one more perilous or more frequent."

[*National Intelligencer, March* 31, 1825.

To this, all the Federalists said, amen.

But here is more. Mr. Clay, in his letter to Judge Brooke, dated Washington, January 28, 1825, says:

"As a friend of liberty, and to the permanence of our institutions, I cannot consent, in this early stage of their existence, by contributing to the election of a military chieftain, to give the strongest guarantee that this Republic will march in the fatal road which has conducted every other Republic to ruin."

[*National Intelligencer, February* 12, 1825.

This was strong language, and fearful and solemn admonition. It was thought, however, by some, that this warning was urged with more outward than inward zeal, to secure him against the indignation of the Republican party and the suspicions of the Federal party, in his somerset from the former to the latter. But he continued his warnings in deep sighs of prophecy and Jeremiah lamentations. Hear what he says in 1829, at a public dinner:

"I deprecated it (Gen. Jackson's election) still more, because his elevation I believed would be the result, exclusively, of admiration and gratitude for military service, without regard to indispensable civil qualifications. I can neither retract or modify or alter any opinion which on these subjects I have at any time heretofore expressed.

"I beheld in his election an awful foreboding of the fate which at some future day (I pray God that if it ever arrive, it may be some far distant day) was to befal this infant Republic. All past history had impressed on his mind this solemn apprehension. Nor is it effaced or weakened by cotemporaneous events passing upon our own favored continent.

"It is remarkable that at this epoch, at the head of nine independent Governments, established in both Americas, military officers have been placed, or have placed themselves. Gen. Loyalla has by military force subverted the Republic of La Plata; Gen. Santa Cruz is the Chief Magistrate of Bolivia; Col. Pinto of Chili; Gen. La Mar of Peru; and Gen. Bolivar of Colombia; Central America rent in pieces and bleeding at every pore from wounds inflicted by contending military factions, is under the alternate sway of their chiefs.

"In the Government of our nearest neighbor, an election conducted according to all the requirements of their Constitution had terminated with a majority of the States in favor of Pedeza, the civil candidate. An insurrection was raised in behalf of his military rival. The cry, not exactly of bargain, but of corruption, was sounded; the election was annulled, and a reform effected, by proclaiming General Guerrero, having only a minority of the States, duly elected President.

"The thunders from the surrounding forts, and the acclamations from the assembled multitudes, on the fourth, (March,) told us what General was at the head of our affairs."

[*Nat. Intelligencer, March* 9, 1829.

I have one more extract to read, which is pertinent: and I hope it will be remembered by all who hear me, and all who may read me, while I am reading extracts from Mr. Clay's speeches, that I am not reading the sentiments of a single individual, but the sentiments of the whole Federal tribe, as expressed through every Federal sheet in the land, by every Federal orator, and every Federal babbling, noisy politician, from the largest to the smallest, and in some instances from the pulpit and the sacred desk.

Now for the last extract:

"In 1838, not two years since, Mr. Clay said in the United States Senate, he (Mr. C.) had also been charged as having left his country and her councils with execrations, going home with restlessness and disgust, and as returning back to annoy the country. What was the ground of this charge? Mr. C. had returned under urgent necessities--his office had been unsolicited, and he had resolved to do his duty in these struggles and these times, and he had denounced a military aspirant, and had denounced him in language which he was proud to have used, when he had exclaimed, 'send us war, pestilence, and famine, rather than curse us with military rule;' and if he could then have foreseen that this execrable measure (the Sub-Treasury bill) would have been introduced by the influence which he then deprecated, he would then have denounced it as he did now, as not at all preferable *to war, pestilence and famine,* and as not inferior *to any one of them* in its malign effects on the welfare and prosperity of the country."—*Reported in the National Intelligencer, June 25th,* 1838.

What a man this Mr. Clay is! From 1825 up to 1838, his solemn admonitions to man, and his sincere prayers to God, were, that our country had better be blighted and withered in famine, desolated with pestilence, and drenched in blood, than that a military man (General Jackson) should be President, and in 1838 said, virtually, that rather than this Government should collect, keep safe, and disburse its own revenue, in the management of its own fiscal operations, or rather than the banks should cease to rule the Government, the country, and the people, he preferred that the country should be desolated with war, pestilence, *or* famine. Is this the raving of madness, or the madness of raving?

Mr. Chairman, if you can find, in the whole history of human depravity, sentiments involving, in

the abstract, more theoretical wickedness, reckless ambition, and moral debasement, than these sentiments do, you will have to read that history over once more than I have. But base as they were, benighted in wickedness as the brain must have been that conceived them, corrupt as the heart was that cherished them, and poisoned as the tongue and lips were that gave them birth, the whole Federal pack yelped Amen to them. But what do you think now, sir? In the face of all these solemn warnings and impressive admonitions, and in the face of all these appeals to heaven to visit this land with all the other combined calamities, either of the anger of God or the folly of man, rather than this people should be ruled executively by a military man, that same Federal party, with that same Henry Clay at their head, are now moving heaven and earth to place the Executive Government in the hands of *a military man!!* Monstrous! and that, too, on the open and professed ground of transcendent military services! for no other claims or pretensions are urged. I will leave comment on such conduct to those who may read me with these simple inquiries. At the time of which I am speaking, were you sincere when you were warning the Democracy, in long groans, deep sighs, and with tears in your eyes, of the fatal consequences that would result from placing the Executive Department of this Government in the hands of a military captain? If you were sincere, you are now practising a base fraud upon the American people, and voluntarily and wilfully endangering the civil and political institutions of your country by attempting to give a military captain the control of the Government.

But if you are now sincere in pushing the claims of General Harrison, on the ground of gratitude for his military services, and you believe the Government will be safe in the hands of a military chieftain, you were *then* practising a base fraud upon the American people, and your whole effort to prevent the election of General Jackson was the result of deception, fraud, and demagogism. How will you reconcile your conflicting conduct with an intelligent, honest, patriotic, and candid people? Will you attempt an explanation of your conduct, or will you rest your demagogisms, as you always have done, on what you believe to be the thoughtless stupidity and ignorance of what you call the "*common people?*"

But I will proceed to examine what the military claims of General Harrison are; and let me remind you that it is not my purpose to throw the slightest shade over the military reputation of General Harrison, or pluck a leaf from the wreath which his successes in the field may have secured to him. But when General Harrison's *military* services are presented as claims upon the suffrages of the American people, for the highest *civil* office in their gift, it becomes the right and the duty of every citizen to examine and inquire into the character, quality, and extent of those services now set up as a claim. It is now, in the Federal sheets, and by the party orators, proclaimed with emphasis, and published in capitals, that General Harrison's military career and military services never were assailed until after he was presented as a candidate for President. Well, sir, this is very creditable to him, and a proud boast for him and his party if true; but how frail are all human calculations and boasts! Just indulge me while I blow up this political air castle; this paper balloon, inflated with wordy gas, on which General Harrison is to ride to the Presidency.

Here, sir, is an extract from the journals of the Senate of the United States, as reported in Niles's Register:

"The Senate resumed the consideration of the joint resolution directing medals to be struck, and, together with the thanks of Congress, presented to Major General Harrison and Governor Shelby, and for other purposes. After some disuussion, Mr. Lacock moved to amend the resolution, by striking therefrom Major General Harrison. The motion was determined in the affirmative, by the following vote:

"Yeas—Messrs. Gillard, Gore, Hunter, King, Lacock, Mason, Roberts, Thompson, Jackson, Tait, Turner, and Varnum—12.

"Nays—Messrs. Barber, Barry, Condit, Horsey, Macon, Morrow, Ruggles, Talbot, Wells, and Williams—10.

Whether the Senate was right or wrong in this signal, lasting and withering rebuke of General Harrison, it does not affect the windy boast that "General Harrison's military character never was assailed until he was presented as a candidate for President. It will be seen that this vote of the Senate was had in the fore part of 1816, just at the close of the war, when the services of the brave were fresh in the grateful recollection of every friend to his country. The discription of successful battles dwelt in delight upon the lips of every patriot, and the songs in praise of those who distinguished themselves were echoed from hill to hill, and from mountain to mountain, from one end of the continent to the other. It will be remembered, too, that no individual or association of individuals could be supposed to be better acquainted with the military character and merits of those who served in the last war, than were the Senators of the United States. The Senate is the highest, most responsible, and most honorable tribunal in the American Government. Its members are composed of those who are selected for their wisdom, their integrity, and their patriotism. It is the province and the duty of the United States Senate to award honor and thanks to whom honor and thanks are due, but this was the honor and thanks which were meted to General Harrison, at a time when the sheet of the war history had hardly dried, and when the echo of the song of praise had not died on the distant hills. I believe the Senate done wrong in withholding the vote of thanks, and the medal proposed in the resolution, and so the Senate subsequently thought; for a vote of thanks and the medal were awarded. "But deny me honor, rather than praise me faintly," Such was the praise the Senate bestowed on General Harrison.

So much for the Senate journal. I will now ask the Clerk to read the public letter of Joseph Duncan, ex-Governor of Illinois; a staunch modern Whig, and a violent opposer of the present Administration. I like to convict the Whigs with evidence from their own mouths; but here is the letter.

The Clerk read:

Letter of General Duncan, Governor of Illinois.

"WASHINGTON CITY, March 25, 1836.

"DEAR SIR: Your letter of the 20th has been received, and I most cheerfully comply with your request, in giving such an account of the transactions at Sandusky, as my memory, at this period, and my time, will enable me to do.

"About the 20th of July, 1813, General Harrison, then at Lower Sandusky, hearing that the British army had crossed Lake Erie to Fort Meigs, being about five thousand strong, immediately changed his head quarters to Seneca, seven or eight miles up the Sandusky river, where he assembled his forces, then on the march from the interior, leaving Major Croghan, with about 150 men, to defend Fort Stephenson, with an understanding at the time, that the fort, then in a weak and wretched condition, was to be abandoned, should the enemy advance with artillery, but if not, to be defended to the last extremity.

"Harrison, with his force, then small, had scarcely left us, before Croghan commenced putting the fort (which was only a stockading of small round logs, and a few log store houses) in a proper state of defence, in which he evinced the most admirable judgment and the most untiring perseverance.

"During the last ten or twelve days that intervened between the time that Gen. Harrison left us and the appearance of the enemy, a ditch was dug, four feet deep and six feet wide, entirely round the fort, outside of the stockading, the ground for 200 yards round the fort was cleared of timber and brush, and many other preparations made for the enemy.

"About this time Gen. Harrison received information that the enemy had raised the siege at Fort Meigs, and had started in the direction of Sandusky and Camp Seneca. On receiving this intelligence he determined to retreat from his position, and immediately sent an express to Fort Stephenson, which arrived about sunrise, ordering Maj. Croghan to burn the fort, with all the munitions and stores, and *retreat wi hout delay* to headquarters, giving, also, some precautionary instructions about the route, &c.

"On receiving this order, Croghan instantly placed it in the hands of the officers, who were all present, and required them to consider it and express an opinion of the propriety of obeying or disobeying it. The board was formed, and on putting the question, beginning, as usual, with the youngest officer, it was ascertained that a majority of us *were for disobeying* the order. Croghan returned to the room, and being informed of our directions, said, "*I am glad of it;* I HAD RESOLVED TO DISOBEY AT ALL HAZARDS," and immediately despatched an express to Gen. Harrison, giving him that information. Immediately on the arrival of this express Gen. Harrison despatched Lt. Col. Ball, with his squadron of dragoons, with orders *to arrest Croghan*, and bring him to headquarters, (which was done,) and sent another officer to take command. By this time, in consequence of his not arriving agreeably to his expectations and orders, the General abandoned all idea of a retreat, although his munitions and stores were piled up ready to be set on fire as soon as Croghan should reach Seneca; and *it is not to be doubted* that if Croghan had arrived according to orders ☞ General Harrison would have retreated instantly, leaving the whole frontier, our fleet at Erie, and the store at Cleveland—the destruction of which was the object of the invasion and movements down the lake—*at the mercy of the enemy!!*

"After being detained one night, Croghan returned to Sandusky, and was reinstated in his command; an occasion which gave an indescribable joy to the officers and soldiers in the fort, and which only could be equalled, in intensity of feeling, by the chagrin and mortification felt at his arrest. Especially was the event pleasing to those officers who had sustained him in disobeying the order, resolved as they were, when he was arrested, to share his fate, be it good or evil.

"Soon after his return, the enemy so long expected, made his appearance, and demanded a surrender. Crogan answered, by directing Ensign Shipp to assure General Proctor that it would be blown to ——— first.

"I need hardly say, after what has been related, that their apperrance, relieving us from our long suspense, was hailed with seeming joy by the Major, and most, if not all, of his command.

"The excitement produced by what had occurred, and his return just in time to meet the enemy, inspired his command with an enthusiasm rarely, if ever, surpassed, and which alone renders man invincible.

"The fort was forthwith besieged, cannonaded, and bombarded, from the gunboats and the batteries on land, for nearly four hours, without cessation; during all which time, every officer and soldier appeared to be animated by the cool and manly bearing of the commander.

"I well remember his expression at the first sound of the bugle, given by the enemy as the signal for the charging upon the works. We were sitting together; he sprung upon his feet, saying, 'Duncan, every man to his post, for in twenty minutes they will attempt to take us by storm. Recollect, when you hear my voice crying relief, come to me with all the men that can be spared from your part of the line." He instantly passed up the line, repeating to every officer, and had scarcely got the men in place before the whole British army, divided into three columns, marched upon the fort, and made a desperate assault, continuing it for near an hour, when they were repulsed with a loss of killed and wounded, estimated at that time to be near double the number in the fort, and is stated by English writers to be about ninety.

"During the engagement, I saw Croghan often, and witnessed with delight his intrepid and gallant conduct, which, I firmly believe, never has been surpassed at any time, on any occasion.

"In the heat of the action, I frequently heard him exclaim, 'huzza, my brave fellows, we are hewing them to pieces; five minutes more, and we'll blow them to —. By H—n, every officer and soldier has immortalized himself,' &c. And through out the whole affair, he evinced the greatest solicitude for the safety of every one but himself.

"The sagacity displayed in arranging the cannon, so as to open a mask embrasure to rake the enemy in the ditch, at a point evidently selected by them for the breach—in placing the logs on pins near the top of the picket, which could be tilted off by one man, and from twenty to thirty feet long, of heavy timber, swept every thing before them—his activity in piling bags of sand against the pickets wherever the enemy attempted to make a breach with their cannon, by which means each point of attack grew stronger from the moment it was assailed, are worthy of any general at any age.

"You are right, sir, in my judgment, in saying that the Government has has not done justice to Col. Croghan for his conduct in that affair, *which is without a parallel in the military annals of our country.*

"As to myself, having acted a very subordinate part, I never did, nor do I now, set up any claims for distinction. To know that I did my duty to my country, though not hardened into manhood, was then, and is now, enough for me. But of him feet no hesitancy in saying injustice has been done to him in being overlooked by the Government, and the erroneous statements of historians.

"M'Affee, the historian of the late war, and Dawson, the biographer of Gen. Harrison, have studiously kept out of view that the object of the invasion was the destruction of our ships, under Com. Perry, at Presque Isle, and boats and stores at Cleveland—these were looked upon with solicitude by the British—were reconnoitered—and on one or two occasions were attempted to be destroyed by landing on board their fleet. They have also failed to account for the movement of the whole British forces down the lake, in the direction of Cleveland and Erie, before their defeat at Sandusky, which was attacked to satisfy their Indian allies, who demanded the scalps and plunder of the place. They have kept out of view the fact that Gen. Harrison had determined to retreat to the interior, after burning all the supplies which he had collected; ☞ that he ordered Major Croghan to abandon and burn Fort Stephenson; that his refusal to obey, and failure to arrive at headquarters, prevented this retreat and consequent destruction of our fleet, millions of public stores, and exposure of five hundred miles of frontier to the combined enemy!

"Both have stated that Gen Harrison *never doubted* that Major Croghan would be able to repulse an enemy of near two thousand, and which they say he understood to be five thousand, with one hundred and thirty men, his effective force on the day of battle, one six-pounder with ammunition for only seven shots, and about forty rounds for the small arms; when the fact was notorious, that Gen. Harrison *was heard to say during the siege*, when the firing could be heard in his camp, speaking of Croghan, "*the blood be on his own head; I wash my hands of it!*" not doubting for a moment, nor did any one with him, that the garrison would be cut off.

With great respect, your obedient servant,

JOSEPH DUNCAN.

Col. PRESTON, Military Committee, Senate.

I now submit a protestation issued from "Grand Camp Ohio Militia, August 29, 1813." I will ask the Clerk to read this protestation, and I regret its length will prevent its introduction in my printed remarks; but its object and meaning will be under stood by the resolutions with which it concludes. It is signed by a number of the officers, now beonging to both pollitical parties.

The Clerk read as follows:

* * * * * * Therefore,

"*Resolved*, That we place the most implicit confidence in his Excellency, Return J. Meigs, as commander-in-chief of the militia of this State, and that we view him as a wise and judicious Chief Magistrate.

"*Resolved*, That after the various requisitions and complicated demands from his Excellency, Major General Harrison, we highly approve of his Excellency, the Governor's, conduct on the occasion, and fully coincide with him in the propriety of leaving force sufficient to answer any emergency.

"*Resolved*, That we regret the backward state of the preparations was such as to exclude the troops called to the relief of Fort Meigs, as well those who returned as the proportion retained, from participating in the present campaign, for which they discovered so great an anxiety.

"*Resolved*, That the conduct of his Excellency, the Commander-in-Chief, WILLIAM H. HARRISON, of the Northwestern Army, on this occasion, *is shrouded in mystery, and to us perfectly inexplicable.*

"*Resolved*, That the foregoing preamble and resolutions be signed by the general and field officers and commandants of independent corps, approving the same in their own and in behalf of their respective commands; and that a copy of the proceedings be delivered by the Secretary to his Excellency the Governor, and a copy to the printer at Franklinton, and each of the printers in Chillicothe, with a request that all the printers in the State would give publicity to the same; also that the same be signed by the president and attested by the Secretary."

JAMES MANARY,
Brigadier General, *President.*

'Attest:
EZRA OSBURN,
Brigade Quartermaster, Secretary.

ROBERT LUCAS, Brig. Gen.
JOHN McDONALD, Colonel.
JAMES DENNY, Colonel.
WILLIAM KEYS, Colonel.
JOHN FURGISON, Colonel.
ISAAC BONSER, Colonel.
JAMES KILGORE, Major.
JOHN WILLET, Major.
ALLEN TRIMBLE, Major.
N. BEASLY, Cap[illegible] Com't.
JAMES WILSON, Major.
PRESLY MORRIS, Brig. Major.
JOHN BOGGS, Major.
WM. RUTLEDGE, Brig. Major.
RICHARD HOCKER, Capt. Com.
EDEN FENNIMORE, Brig. Q. M.
WILLIAM KEY BOND,
Judge Advocate."

When the name of William Key Bond was pronounced, Mr. D. demanded of his colleague [Mr. BOND] if he was that man.

[Mr. B. answered in the affirmative, and asked to explain.

Mr. D. gave way.

Mr. B. said, in substance, that the officers and troops at Grand Camp of Ohio Militia, were disappointed at some of General Harrison's movements. They were thought slow. They considered themselves neglected, and feared they were going to be disappointed in an opportunity to distinguish themselves in the campaign, which they had undertaken in the service of their country; and, without understanding the motives which governed the movements of the Commander-in-chief, he had drawn up the protestation and resolutions which had just been read, and submitted them to the officers of the camp, who considered and adopted them, without a dissenting voice. He (Mr. B.) had long thought the officers had done General Harrison injustice. Mr. B. said he was young (not over twenty-one) at that time. Had he had the advantage of years, he would have been more capable of appreciating the motives of General Harrison, and his course would have been different. He stated that he held a public communication over the signature of Allen Trimble, which he wished read. It was read, and consisted of an apology similar to that which Mr. B. had made as above.]

Mr. D. resumed. Mr. Chairman, my colleague says he was young and inexperienced when he drew up this protestation and resolutions, and signed them. I will ask him if any of the other officers, whose names are affixed, were older than he was.

Mr. B. answered, yes; nearly all older than himself—some thirty, some forty years of age, and perhaps some upward.

Mr. D. asked Mr. B. if he had ever before tendered to the public a recantation of his course in that matter.

Mr. B. answered in the negative.

Mr. D. What is the date of the communication signed Allen Frimble?

Mr. B. It is of the date of January, 1840.

Mr. D. said, these recantations have both been made since General Harrison was nominated for the Presidency. Had General Harrison not been nominated for the Presidency, they never would have been made. It is now upwards of twenty-seven years since this spread of infamy overclouded General Harrison; and never, in all that time, was this cloud attempted to be dispersed. Allen Trimble was the Governor of Ohio for four years, and my colleague has been a member of Congress for nearly six years. These names, of imposing influence, put afloat a public manifestation of the infamy and disgrace that has attached to General Harrison, and gave sanction to the sirocco breath of slander for twenty-seven years; and for that time has his reputation been withering under it, and, what is still more remarkable, my colleague and the ex-Governor have all this time been the *political* friends of Gen. Harrison, and, with him, have labored at the Federal oar through all the surges and tempests of party strife. I say that the infamy charged upon General Harrison at Grand Camp Ohio Militia, and spread to the four winds through the public newspaper sheets, has dwelt with and abided upon his reputation for twenty-seven years, and if he had not been nominated for the Presidency, this infamy, without recantation or explanation, would have followed his reputation to the grave, and rested upon his memory for all time. Gentlemen, why did you not come out sooner with your recantations. I fear you are now too late. An intelligent community will charge you with injustice and ingratitude, or they will charge you with demagoguism and an attempt to practise a trick for political deception. Which horn of the dilemma do you prefer to hang upon?

I think I have shown how miserably puerile the vain and empty Whig boast that "Gen. Harrison's military character never was assailed until he was a candidate for President," appears before the omnipotence of truth, when it is remembered that the expose I have made is from Whig evidence. It is vainly and pompously boasted that General Harrison was in more battles during the last war than any commander in the service.

This is not true. General Harrison was not in a battle during the last war; and I defy his friends to point out one in which he was present, and acted in person. What battle was he in? Tippecanoe? That was no battle; it was a surprise by night, and a defeat of the American troops. Four or five hundred Indians attacked General Harrison's army, consisting of ten or fifteen hundred of as brave men as ever marched in defence of a country, in the night, when the General and his troops were sleeping in supposed security, and killed and wounded one hundred and eighty of Kentucky and Indiana's choicest sons; and retired at break of day, with *perhaps* the loss of forty or fifty killed and wounded. The fact that the Indians retired at day break does not warrant the charge of defeat upon them. The attack and retreat they made was according to their mode of warfare. In the surprise of Tippecanoe, General Harrison and his men fought bravely; and, under all the circumstances, so far as the surprise was concerned, did honor to the American arms and to American chivalry. But let no man so far disgrace the memory of those who fell, and the reputation of those who survived the battles of Monmouth, Bunker Hill, Lexington, Trenton, and many others of the Revolution, by calling that a battle and a victory, which was a surprise and a defeat. It is a perversion of terms, and if spoken in any other spirrit than that of gratitude and national pride, in or out of this country, will bring ridicule and derision upon him who speaks it. I say that General Harrison and his troops fought bravely at the surprise of Tippecanoe, and I say so in pride and gratitude; so says a nation, in the same spirit.

But General Harrison has been censured for permitting the enemy to select his camp ground. He has been censured for permitting himself to be deceived by the friendly pretensions of the enemy. He has been censured for not causing a breastwork to be raised as a security against surprise.

But above all, General Harrison has been censured for encamping his troops on a narrow piece of ground, so surrounded with a deep marsh as almost to cut off retreat in case of surprise. Skill to avoid ambuscades and defiles, and in the judicious selection of camp grounds, have always been considered among the best marks of a prudent and wise General.

The incautious manner in which Sempronius permitted Hannibal to lead him and the Roman troops into an ambuscade, by which they were defeated, and almost all cut off at the battle of Trebia, has ever been considered unwise and fatally imprudent, and has fixed to the memory of Sempronius the character of fiery zeal, rather than useful bravery. Many other fatal instances could be named of like imprudence.

These are matters, so far as they relate to the battle of Tippecanoe, I know nothing about. I was a boy at the time, and six or seven hundred miles from the scene of action. I have no practical knowledge of the matter; nor have I the advantages of the military skill, experience, and learning, of the two hundred and thirty-nine members who surround me, all of whom my colleague [Mr. CORWIN] informs us are colonels and generals; for I have never been a *fourth corporal.* I must leave the decision of the matter to those who were actors at that time, and to such experience as that of my colleague, [Mr. C.] who informs us that he is a colonel. But with all my inexperience, I will venture one opinion, and that is, if the Indians had commenced the work of death two hours sooner; or if they had had the Joshua who commanded the armies of Israel and Gibeon against the five kings of the Amorites, to have commanded the sun to stand still two hours, and thereby given them two hours more of darkness to have performed the work of death, General Harrison, and every man of his army, would have been cut off. Not a man, in all probability, would have been left to relate the fatal and bloody story. So much for the "*Battle of Tippecanoe,*" of which General Harrison is sung the hero!

Where do we find Gen. Harrison next? In the battle of the river Raisin? No: he was not in that battle; but there were some circumstances in relation to Gen. Harrison, associated with that unfortunate battle and massacre, that I have heard talked of, which, if they existed, are not very favorable to the General; but as I have no practical knowledge of them, I will agree, if his friends will do the same, to say nothing about them, and by such an agreement Gen. Harrison will not be the loser. But I am told Gen. Harrison was in Fort Meigs when it was attacked; be it so: he was, and conducted himself well, and behaved bravely; but that was a siege and a defence: it was no battle. Was Gen. Harrison a participator in the gallant defence of Fort Stephenson? No. Governor Duncan's letter informs us that "he ordered Maj. Croghan to burn the post, with all the munitions and stores, and retreat, without delay, to headquarters." Croghan refused to obey; on the contrary, continued his zealous and patriotic efforts to put the fort in a proper state of defence. The fort was attacked in the manner, and by the force, as described in the letter which you have heard read. The defence of Fort Stephenson was one of the most brilliant affairs recorded in American history; and earned its commander, and those who fought with him, never fading glory. That defence was the first which did true and unvarnished honor on the frontier to the American arms. It revived the hopes and lifted from despair the whole Northwest, and was the first effectual check the haughty and savage foe met. Major Croghan and his brave officers and men have met a reward in the affections and gratitude of a nation. Be it remembered that the defence of Fort Stephenson, and all the honor and glory that attended it was in direct violation of the express orders of General Harrison. If Major Croghan is entitled to the unmeasured gratitude of the American people, the song of praise to General Harrison will be weak.

What is the next battle in which we may look for General Harrison? The battle of the Thames? Yes, he was there; and of his conduct there I have no fault to find; nor would I name it, except in his praise, but for some communications now afloat, evidently started for the base, mean, and unhallowed purpose of crowning General Harrison with the laurels which Colonel Johnson reaped in blood on the plains of the Thames. Degraded indeed must that party be, when the crippled veteran must be robbed of his honors, and be permited to sink in forgetfulness to the grave, with his body covered with wounds received on the field of battle in his country's cause, for the base purposes of party. The glorious battle of the Thames occupies one of the brightest and proudest

pages of American history. Its history is not better known than the fact that Col. R. M. Johnson is its hero. If ingratitude could palsy the tongue, he would be made dumb who would deny him the name of hero and the conquerer of the Thames. The indignation of a proud and grateful nation will rest upon the wretch who will attempt to rob or steal the escutcheon dedicated by a nation's gratitude to Col. R. M. Johnson for his bravery, gallantry, and patriotism, in the battle of the Thames. Sir, in that battle he gained laurels which do him the highest honor in life and will adorn his memory in death, while there is a free American on whose lips his name can dwell. Who ever before heard Gen. Harrison called the Hero of the Thames? Why, the phrase, "*Col. Johnson, the Hero of the Thames,*" is so identified with American pronunciation, that no tongue of the present generation can be taught to pronounce the name of Gen. Harrison, as a substitute for Col. Johnson, by prefixing it to "Hero of the Thames."

Sir, this base attempt at robbery of the honors of Col. Johnson necessarily compels me to ask your attention a few moments while I attempt a short description of the battle of the Thames, and the several parts that Gen. Harrison and Col. Johnson performed in it.

As it is not my purpose to give a history of the last war, nor of the march of the Northwestern army from Fort Malden to the river Thames, I will commence my description on the battle ground; and as it is the relative claims to honor of Gen. Harrison and Col. Johnson that are at issue, my description shall be principally with reference to them.

The enemy was overtaken by the American troops, on the river Thames, about a mile and a half below the Moravian towns. The British regulars, in number six or seven hundred, were stretched across a narrow piece of ground, with the river on their left, and a long deep narrow swamp on their right. The Indians were posted on the right of the British on the other side of the swamp, commencing at the edge of the swamp and extending to the right in the form of a half moon.

Colonel Johnson, with his mounted regiment, first overtook the enemy, and were in advance of the infantry some three or four miles. As soon as the enemy was overtaken, and his position known, General Harrison, who was with the infantry, was informed thereof. As soon as Colonel Johnson discovered the enemy, and his position, he formed his troops in charging columns, except one company of spies, which was dismounted, and stretched across between the river and the swamp in open order before the charging columns, and fronting the British line. At the moment this form of attack was executed, General Harrison arrived; and, upon consultation with Colonel Johnson, permitted him to charge the enemy, and returned himself to the infantry, which was about a mile at that time in the rear. When General Harrison left Colonel Johnson, it was supposed that the swamp could not be crossed. Consequently, the attack could not be made upon the Indians and British at the same time. It was therefore agreed that Colonel Johnson should be permitted to fight the British alone, first, because there was not room for the cavalry and infantry to fight at the same time, and secondly, because infantry and cavalry cannot fight together on the same ground at the same time. After General Harrison left Colonel Johnson, the latter discovered that the swamp could be crossed. Colonel Johnson then ordered his brother, Lieutenant Colonel James Johnson, to take command of the first battalion, and attack the British at the sound of the bugle, when he at the same moment would attack the Indians. Colonel Johnson crossed the swamp with the second battalion, and, by three charging columns, made the attack on the Indians at the same moment that his brother James attacked the British, both at the sound of the bugle. In less than fifteen minutes after the charge was made on the British, they surrendered; they were ordered to stack their arms, and were conducted by James Johnson prisoners of war to Gen. Harrison, and delivered to him at the head of the infantry, a mile in the rear of the battle. By permission of General Harrison, James Johnson returned and joined his brother, Colonel Richard, who was still fighting, and engaged with his battalion in the fight with the Indians. I have stated that Col. Richard M. Johnson made the attack on the Indians by three charging columns, but that mode of attack proved unsuccessful, owing to the thicket or underbrush and other obstructions which covered the ground, which made horses useless. The men were ordered to dismount, and fight the Indians in their own way, and in that way the battle was finished, and victory obtained.

At the onset of the battle Colonel Johnson was at the head of what was called the forlorn hope, (twenty select men) and that hope in front of the charging columns. On the charge, and at the first fire, every man of that hope was cut off or unhorsed, except the Colonel himself, (and one other,) who received several wounds. After they were dismounted, Col. Johnson still continued in the front of the battle, and between his men and the Indians, until he came in contact with Tecumseh, and shot him. When the Indians saw their Chief fall, they took flight, and were pursued by Major Thompson for some distance. Colonel Johnson sunk under his wounds, and was borne from the field.

Where was General Harrison during this action? My colleague [Mr. CORWIN] says, that he was in the rear, where he ought to have been; but some of the demagogues and hired minions of the day, say "that he was in the heat of the battle, and in all parts of it." The statement of one fact will place that falsehood in its proper place.

Col. Johnson received five balls through his body and limbs. His clothes and accoutrements were perforated and cut from head to foot with balls, and the charger which he rode received fifteen wounds by rifle balls, of which he died in a few minutes after the action was over. How was it, then, if General Harrison was "in the heat of the battle, and in every part of it," that he came of without the smell of powder upon his garments. His escape must have been as miraculous as the escape of Daniel from the den of hungry lions, and of Shadrach, Meshach, and Abednego, from the fiery furnace. The day of miracles has passed. General Harrison was not "in the heat of the battle of the Thames, and every part of it," and he had about as much to do with command in the action as John Rogers who was burnt at the stake.

Colonel R. M. Johnson commanded in the battle of the Thames.

"Colonel R. M. Johnson is the hero of the Thames."

I believe that General Harrison did his duty. But it is casting a dark reflection on General Harrison to say that he was in the heat of the battle with "Governor Shelby and his infantry." All the fighting was done on a square of not more than the fourth of a mile. If the infantry were present, why were the Indians not taken prisoners. If General Harrison could have crossed the swamps, and did not, he was highly to blame for permitting a single battalion to fight twelve or fifteen hundred Indians, near an hour. If he did cross the swamp with the infantry, and he and they were actually in the fight, that strips the battle of all its briliancy, and the American arms of honor; for all the Indians escaped, except what fell. If the dragroons were fighting the Indians for near an hour in close grapple, why were the infantry not ordered to surround the Indians, and take them prisoners? Sir, attempt to rob Colonel Johnson and his gallant regiment of the glory of that battle, and that moment you run into inexplicable difficulties, and bring disgrace upon the American arms, and dishonor upon the commander. The history of the battle of the Thames had better be permitted to stand as it is, and as the world understands it. The political cause of General Harrison will not be advanced by violating truth, justice, and honor. The American people, ever ready to mete the reward of gratitude to those who defend their country in the hour of peril, have also the capacity and discrimination to award justice and honor to whom justice and honor are due.

The gentleman from Michigan, [Mr. CRARY,] in his remarks, thought that, in the confusion and turmoil of the surprise of Tippecanoe, the commanding General should have been at his tent, where he might have been found by the officers who sought his orders. To this my colleague [Col. CORWIN] took exceptions, and favored us with many illustrations and examples to prove that the commanding General should be at the head of his army, and in the front of the battle; but when he was forced to admit that General Harrison was in the rear of the battle of the Thames, with the infantry, he assured us, without any explanation or qualification, that that was the proper place for the commanding General. *I* believe, under all the circumstances, it was the proper place for General Harrison. These circumstances I have attempted to explain, though my colleague left us without explanation. I will attempt some illustrations to prove that the rear of an army has *not always* been the position which commanding Generals have occupied in time of battle.

In the great battle of Thymbrea between Cyrus and Crœsus, in which the whole power of the Persians and Medes was arrayed against the Lydians and Assyrians, after Cyrus had finished the order of attack, and was prepared to make the onset, he drank a little wine, poured some upon the ground as a libation to the gods, mounted his horse in the front of his army, and called out, "*Follow me.*" He continued to fight in front of the army until the battle was finished.

Alexander the Great commanded in person the right wing of his army against the Persians at the battle of the Granicus; he was the first to enter the river, and to meet and encounter the enemy on the other side. He continued to fight in the front ranks until victory was his.

The same Alexander was the first to mount the walls of Odyracea and plunge himself into the thickest of the enemy, when his army stormed that city.

Hannibal fought in the front ranks of the battle Cannæ.

In the celebrated battle between Cæsar and Pompey, the former was in the front ranks from the commencement of the engagement until the latter, with his troops, was routed.

Miltiades fought in person at the head and front of his army against the Persians, in the memorable battle of Marathon.

But later, (and my colleague brings it to my mind,) when Napoleon attempted to pass a bridge at Lodi, his troops were cut off as fast as they were marched up, column after column. He rushed to the head of the foremost column, in the midst of the thickest fire, seized the standard, and ordered his troops to follow him. So, sir, commanding generals have not always posted themselves in the rear at the time of battle.

I would not have presented these illustrations with a view to apply them to General Harrison's position at the battle of the Thames, only that my colleague seemed desirous of turning his position to some political advantage, by assigning the rear as the *proper* place for him.

My colleague seemed to lay claim to the Presidency for General Harrison, because his history covered a great part of the history of this country. That argument, of itself, has but little weight in it. Some of the basest and most perfidious wretches that ever disgraced the image of man, and the vilest scourges that ever lived to curse the human family, have occupied the largest portion of history, and their names, though known in infamy alone, stand foremost on the records of human history. It is not the historical recollections of any man that secures to him respect and confidence in his own day. The man who has rendered services, civil or military, will find those services written in the hearts of his countrymen, and their affectionate remembrance will be transmitted to their posterity. If General Harrison has rendered services to his country which have not been cancelled, there is always a spirit of gratitude identified with, and forming a part of, the very nature of he American people, to reward them whenever the demand is made, so that it be not at the expense or *political principle.*

Has General Harrison uncancelled claims upon his country, and what are their character? If they

are pecuniary, present them. Are they upon the gratitude of the people? If so, how are they to be liquidated? By a sacrifice of all political principle on the part of the Democracy of this country, do you suppose? No, sir. The Republicans of this country hold their Democratic principles too sacred to barter them off in gratitude for any man's services, however valuable they may have been. If General Jackson, at any time in the zenith of his popularity, with all the brilliancy and glory that surrounded his name, and all his transcendent services that constituted his country's boast, with all the unmeasured and unmeasurable flow of national gratitude in his favor, had, in the course of his political career, deserted or abandoned one of the fundamental principles of Democracy, the Republican party would have abandoned him politically, though they would have retained their gratitude for his services. Nor, sir, if the Father of our Country were to rise from the tomb and walk forth amongst us, demanding of the Republican party a sacrifice of their principles at the shrine of gratitude, it would be denied him. Gratitude is one thing with the Democracy, and political principle is another—the latter never can be sacrified to the former. But more of this before I close.

I desire to inquire if the Federal party are sincere in their manifestations of gratitude to General Harrison for his military services. I have before exposed their inconsistency in relation to their support of a military chieftain for the Presidency; but I now desire to know whether all this show has any foundation in gratitude. Gratitude is one of the noblest principles that claims a residence in the human bosom, while hypocrisy is one of the vilest that corrupts the heart of man. And now, sir, I fearlessly assert, that all this parade of gratitude for the military services of General Harrison is fiction and flummery; it is the result of contemptible demagoguism and corrupt hypocrisy for the purposes of party deception. You have neither confidence in the skill and qualifications of Gen. Harrison, nor gratitude for his services.

I say you have no confidence in his skill or qualifications, and having none yourselves, (you, the Federal leaders,) you believe secretly that the American people have none; hence it is you deem it necessary, as a substitute for the want of confidence, to thatch the country with certificates, thick and numerous as leaves in autumn. Why, sir, I hold a speech in my hand—a long speech—made and published by my colleague, [Mr. GOODE,] literally made up of certificates, to prove that General Harrison has done some service to his country. So it is with every speech made here; one half of the contents of every Federal newspaper consists in certificates of General Harrison's military services. Every wind that whistles past us rattles with certificates, paper resolves, dinner-party harangues, and stump orations, all to prove that the Federal candidate for the Presidency has been a General—has done service to his country—and is now a military chieftain; all of which, with the reflecting man, only goes to prove that the manufacturers of those certificates believe that the man for whom they are certifying has little or no hold on the confidence and affections of the people. If General Harrison has rendered services of such a character as to entitle him to the first office in the gift of the American people, do you suppose they don't know it? If he has not rendered such service, do you suppose you can manufacture a pasteboard General out of shinplaster certificates, and pass him off for a military chieftain? If you do, you will find yourselves as much mistaken as you were in the political effects of John Binns's coffin handbills.

Sir, I think your array of certificates degrades General Harrison. If I were his political friend, as I am his personal, I would deprecate and denounce your certificate system as degrading and politically impolitic. As it is with me, I say General Harrison deserves better and more dignified treatment. By such a course of treatment, you fasten upon his name in life, and his memory in death, the odious cognomen of "*the certificate General.*" If you are sincere in your demonstrations of gratitude for the services of General Harrison, why did you let them sleep, almost without notice, for more than a quarter of a century? Why did you let one entire generation pass away, and part of another, without even waking them up by the thundering artillery, in celebration of the "*battle of Tippecanoe?*" Who ever heard of the celebration of the "*battle of Tippecanoe,*" until after the lapse of more than a quarter of a century? Why did you let General Harrison glide down the hill of time to its very horizon, before you once thought of gladdening his heart by demonstrations of gratitude for his perilous services in "*the battle of Tippecanoe?*" Now when he is treading on the broken and decayed planks of the bridge of time, when the clouds of night begin to thicken about his head—when the death bell of threescore and ten begins to ring in his ears, just when the Divine lease for the longest life of man is about to expire, and just when, according to the terms of that lease, he must take his leap from the horizon of time to eternity; just when, with all your demonstrations of gratitude, if even accompanied with artillery's loudest thundering peals, you can hardly quicken the pulsation of the relaxed, time-worn artery, as it drives the stream of life sluggishly along its quivering channel, you commence celebrating "*the battle of Tippecanoe.*" You are not sincere, I repeat. All your outward demonstrations of gratitude are nothing but cant and hypocrisy, worthy of a demagogue and a reckless and unprincipled faction, who stand prepared to seize and possess yourselves of power, even at the sacrifice of the principles of your Government and the prostration of your free institutions. It is power and office you are hunting after, as the hungry hyena howls across the sultry desert of Sahara.

But are you sincere; and do you really want to cast your suffrage for a military man? Then I present you the name of Colonel Richard M. Johnson. He is a candidate not for the first office in your gift, but for the second. He has done service to his country. He has distinguished himself as a statesman in the Cabinet, and as a soldier in the field. His name stands foremost of all now living in the history of his country's praise. His civil life has been devoted to his country's highest interests. The free institutions of the Government have ever received a steady and powerful support from his hand while in the councils of the nation. The claims of the Revolutionary soldier have always had his strictest attention. While a member of Congress, his time, his talents, and his influence, have been devoted to that remnant, who linger in life and old age, only to link the living with the dead, and to tell with living lips, and a warm heart, the stories of the Revolution. The never ceasing praise of the soldier's widow and the soldier's orphan are his. His heart is formed of kindness, and melts at the demand of charity and need. His home is the home of the poor man. His table stands spread for the hungry, and his purse is ever open to the purposes of charity and humanity. Then Col. Johnson has some civil claims upon your suffrage. He is the friend of the human family; will you cast him your suffrage. No, he must be a military man these chivalrous times, and in this Federal day of military jubilee. But he too is a military chieftain. He fought in the same war with General Harrison. He fought the enemy two to one on the plains of the Thames; conquered and came off victorious, covered with wounds. "*He is the hero of the Thames.*"

His deeds of daring, bravery, and patriotism, are recorded in the hearts of an affectionate people; the song of praise and a nation's gratitude are his. His claims present themselves not on monuments, or slabs of marble, nor need you turn to history's page for them—they live in the bosom of freemen—they animate the grateful hearts of freemen, and dwell in delight upon the lips of those who love to praise their country. He comes not enveloped in a cloud of shinplaster certificates to prove he has fought his country's battles. No, sir; the hacked weapons of our country's foe, the bones of the enemy that bleach on the plains of the Thames, a limping gait, and a body covered with deep wounds and scars received in deadly conflict, hardly yet cicatrized, are his certificates. The manly and noble indignation of a proud people would be the reward, and rest upon him who would attempt to establish Colonel Johnson's services in the field or the cabinet by paper certificates—such a one would be spurned from his presence, scouted from society, and held in contempt. I say the scars that cover his body are his certificates. His certificates will go down to the grave with him; but they will live in memory while an American heart beats in love for its country, and until the tongue that praises is struck dumb.

Will you (the Federalists) cast your suffrages for Colonel Johnson for the *second* office in your gift? No, you will not. The epitaph of "*poor John Woods*" will cover every ticket that Colonel Johnson will receive from the tapered fingered Federal Bank Abolition Whigs at the next Presidential election.

There have been times when the reckless ambition of party gave way to the full sway of merited gratitude, when all were prepared to award to merit her due. At the fierce and bloody battle of Ithoma, between the Massineans and the Lacademonians, two individuals who had distinguished themselves most in the battle on the side of the Massineans, after the close of the battle, were competitors for the prize of glory and honor. They were Aristomenes and Cleonis. The former had slain a great many of the enemy, and distinguished himself in a most signal manner; but came out of the fight without wounds or the loss of blood. Cleonis had distinguished himself equally with his competitor, and slain an equal number of the enemy; but was so covered with wounds, and such was his loss of blood, that he had to be carried from the field. Each argued his case before the court military in presence of the whole army. Cleonis founded his claims upon the great number of the enemy he had slain, and the number of wounds with which he was covered, were so many *certificates* of his bravery. Aristomenes contended that he had displayed as much courage, and slain as many of the enemy as his competitor, and had borne *him* on his shoulders in his helpless condition from the field, and he was sorry to find that Cleonis should want gratitude. Cleonis replied, that if Aristomenes had endangered his person as much as he had, he was very fortunate in escaping unhurt; and that his carrying him off the field only showed his strength of body, not his courage. Aristomenes rejoined, that the fact of his having the skill and power to ward off the blows of his adversaries was to his credit, rather than to his disadvantage, and ought to be so considered. If it was by cowardice (and that no one would charge upon him) he saved himself from wounds, he ought, indeed, to be on his trial for punishment and infamy.

The friends of General Harrison and the friends of Colonel Johnson have placed them before the American people, and contended on their behalf, for each, the award of glory and honor gained in the battle of the Thames. Colonel Johnson commanded, fought, slew the enemy, conquered, and was borne off the field, covered with wounds, and sinking from the loss of blood. General Harrison did not command, did not fight, and left the field without wounds, or loss of blood. To which will you award the honor, Cleonis or Aristomenes?

No, sir: Colonel Johnson will receive no Federal votes, not even for the second office in your gift, while General Harrison will receive every Federal vote in the Union for the first office.

It is not military fame nor civil services that you are trying to reward; your great object is to overthrow a Democratic Administration, and establish a Federal Administration. You are emphatically the Federal party. I care not what name you periodically assume to yourselves. You are the same party who endeavored to strip the States of all sovereignty and independence, and establish a central and consolidated Federal Government, at the commencement of our political Union. You are the same party that passed and maintained the odious and disgraceful alien and sedition laws. You are the same party who, from the commencement of the Government to this day, have been exerting yourselves to the extent of your powers and abilities to fix upon this nation and this people a great central moneyed power in the character of a National Bank, the tendency and nature of which is to establish two distinct orders of society, and make the one hewers of wood and drawers of water to the other. You are the same party, with some individual exceptions, who were opposed to the last war with Great Britain, and will be to the next. You are the same party who were arrayed against the election and administration of Thomas Jefferson, and to every other Democratic Administration from that time to this. You are the same party who have ever held in contempt the free exercise of the elective franchise, and sneer at the right of instruction, and have more than once violated both. Caricature, slander, and falsehood, were the means by which you electioneered against Thomas Jefferson; and they are the means by which you electioneer now, and have from that time to this.

Thomas Jefferson was denounced as an atheist, and many of the good and unsuspecting people were taught to believe that if he should be elected President of the United States, all the public houses dedicated to the worship of God would be turned into houses of infamy and debauchery. That the land would be overspread with French infidelity, and all the Bibles would be burnt; and so strong were these impressions enforced, that many of the pious matrons, on hearing of the election of Thomas Jefferson, hid their Bibles in hollow trees, in the woods. Caricature! Yes, sir, I hold in my hand a caricature, entitled, "*Modern Philanthropy, or The Age of Reason,*" and "*dedicated respectfully to Tom Jefferson, Tom Paine,* the devil and Black Sall."

In this caricature, you see Thomas Jefferson is represented in the act of cowhiding an old lady, with a grasp by the throat so tight, that her eye balls are started from their sockets, her tongue lolled out, and she upon her knees, with her arms stretched out in an imploring attitude; her Bible is under his foot.

Tom Paine is represented as having one hand on Jeffersen's shoulder, and the other stretched out, with his Age of Reason in it. Black Sall stands on the right, and the Salt mountain is seen at a distance through the window. Yes, sir, one of the Federal modes of electioneering at that day, was by degrading caricatures, ever considered, since the dawn of civilization, the basest and meanest mode of libelling. So, too, it was the Federal mode of electioneering in 1824, and 1828. I hold in my hand one of John Binns's coffin handbills, on which, you see, is represented eighteen coffins, said on the bill to correspond with the number of innocent and unoffending persons that General Jackson murdered, either himself, or caused to be shot. Also, a short biographical sketch of the life and death of those unfortunate victims of General Jackson's barbarity, each concluding with a verse or two of solemn poetry, set to the tune of Old Hundred. Here, also, is the tomb of "*Poor John Woods,*" with his epitaph written. This was one of the Federal modes of electioneering in 1824 and 1828; and it is one of the Federal modes now of electioneering. I hold in my hand a caricature, which represents Mr. Van Buren by the body of a reptile, with the head of a man, winding his way up a steep rock, and General Jackson by the body of a tortoise and the head of a man, descending from the top of the same rock, with the inscription underneath—

"*High places in Government, like steep rocks, only accessible to eagles and reptiles.*"

Yes, sir, caricature is one of the modes of electioneering now.

The Federal party now are the same party called the Federalists in 1798—their principles are the same, and their base and slanderous mode of electioneering is the same. Tens of thousands and hundreds of thousands of these vile panders of falsehood and slander have been franked by Whig members, and sent from this Capitol by mail, at the public expense, and distributed all over the Union to advance the cause of the "*log cabin candidate*" for the Presidency. How often have the people rebuked such base conduct—such degrading attempts at insult upon their understanding! When will these Whigs learn wisdom; when will they learn to appreciate the intelligence of the people?

General Harrison has been presented as the available candidate by the Whigs. What makes him available? Is it because he is a military man? If it is intended he shall be available by the Democracy, he wants another requisite. He must be a Democrat. General Jackson was elected President, not merely because he was a military man, not merely because he had rendered transcendent military services to his country in her darkest hour and greatest peril, but because he was a Democrat, and had always been identified with the Democratic party. General Harrison refuses to inform us what his political principles are at this time, and what his views are in relation to the great questions that interest this country at this time, and his political conscience keepers refuse to answer for him. We must, therefore, be governed in this matter by circumstances. John Randolph called Gen. Harrison a Federalist to his face in Congress, and said that he (Harrison) was a friend to the Federal black cockade administration of old John Adams. General Harrison did not deny the former, and he virtually admitted the latter. To my knowlege, and to the knowledge of all who have known him as I have, General Harrison has been acting with the Federal party for twenty years, and sustaining all their measures, principles, and policy. I know him to have been in favor of the recharter of the Bank of the United States. I know him to have been opposed to the removal of the deposites of the public money from the Bank of the United States and the branches thereof. He is opposed to a separation of the Government from the rotten, tottering, and swindling banking institutions of this day; consequently, he is opposed to the establishment of an independent, constitutional, and national Treasury. Like the party to which he belongs, and whose candidate he is, he is in favor of a high protective tariff, shinplaster currency, a national debt, surplus revenue, and splended schemes of internal improvement, and consequently impost taxes. In short, he is in favor of the Hamiltonian system of policy; a system by which two hundred millions of the British debt have been saddled upon this country and this people, and under which the commercial community are now groaning; a splendid Government, an aristocratic order, and a poor people, will be the offspring of such a policy.

Are we to be told that the present State debts, which have produced the scarcity of money and the depressed price of produce which now exist, grew out of the policy of this or the last National Administration? These Administrations have had about as much to do with the State debts, and the State improvements which have created the debts, as the Government of Spain.

Are we to be told that the system of credit and the use of paper money, which are the parents of all the embarrassments, pecuniary and commercial, had their origin with this or the last Administration? Why, sir, it has been a cardinal maxim, and a fundamental principle with this and the last

Administration, to establish a sound, uniform, and constitutional currency, by which that very policy, so pernicious to, and destructive of, our best interests, would be put down. I mean the banking paper and credit system, which is the source and fountain of all our difficulties and embarrassments, and a system which had its origin with the financial administration of Alexander Hamilton, and the introduction of his National Bank and credit policy. The struggle now between the two great contending parties, is whether the Hamiltonian Bank credit and paper currency system shall be revived, confirmed, and fastened upon this country, with all the train of evils which have, and will again, follow such a system, such as a national debt, heavy impost taxes, an unsound currency, bank suspensions, bank failures, and bank blow-ups, paper contractions and paper expansions, high prices to-day and low prices to-morrow, &c. or shall we establish a sound and uniform currency, the currency contemplated by the patriots of the Revolution and the framers of the Constitution, and a currency, too, that will enforce regularity in trade, foreign and domestic, and uniformity in the prices of every article of barter and barter? Shall we limit our revenue to the wants of the Government, and keep our public improvements and expenditures within our means, and within the constitutional powers of Congress? In short, is it not better that we should have a limited Government, with free institutions—a poor Government, and a rich people?

The question now is, General Harrison, a National Bank, a splendid Government, poor people, a shinplaster currency, and a privileged order, against Martin Van Buren, a sound currency, an Independent Treasury, (independent of the banks,) rigid economy, a poor Government, a rich people, and equal rights. Which side do you take, sir? and as I cannot answer that question, I will tell you which side I take; I go for Kinderhook, and the Independent Treasury; I go with the hard handed industry; I go with those who depend upon their own resources for their living; the farmer and the mechanic, all of which constitute the Democracy of this country and of every other. Yes, sir, I go with them against Gen. Harrison, a National Bank, and the modern Whig party, who are made up of

Coxcombs and dandies, and loafers and nibblers;
Shavers and blacklegs, and peddlers and scribblers:
Bankers and brokers, and cunning buffoons;
Thieves that steal millions, and thieves that steal spoons;
Rascals in ruffles, and rascals in rags;
Beggars in coaches, and beggars on nags;
Quackers and doctors, with scalpels and squills;
Pettifogers and lawyers, with green bags and bills;
Shylocks unfeeling, and dealers in stocks;
Some dashing fine ladies! in splendid silk frocks.
Such is the crew that for Harrison bellows,
Always excepting some very fine fellows.

Do you desire to know the feelings of the Western people in relation to Harrison, Jackson, Johnson, and their relative services? I can tell you. If a Western man is asked his opinion of General Harrison, his answer will be, nineteen times out of twenty, that General Harrison is a very good man, and was a tolerable General. He has done his country some service, and that *perhaps* he discharged his official duties in the last war, about as well as could be expected, all circumstances considered. This, sir, I repeat, will be the general answer. In some instances a higher opinion will be expressed—in some instances a lower one. My colleagues on this floor, Whigs and Democrats, will bear me out in what I say; but when you hear Jackson and Johnson named, they are named in praise and song, in affection and pride. Yes, sir, in praise and song. Were you ever at a corn shucking in the West? If you were, you never left it without hearing the wool hat and linsey hunting-shirt boys sing—

Mary Rogers are a ease,
And so are Sally Thompson,
General Jackson are a horse,
And so are Colonel Johnson.

I see, sir, in some of the Western Whig papers, the name "*Harrison Democrats*" This is a new name under the sun. Well, sir, as the world grows older names will increase. New names will run *pari passu* with the world's age and with the cunning and trickery of Federalism. "Harrison *Democrats*" in the West are like the Frenchman's flea: when you attempt to put you finger on them they are not there. "Harrison *Democrats*" may be put in the list with mermaids, sea serpents, and unicorns. They are names in fancy, fiction, and poetry. Sir, if you can catch a "Harrison *Democrat*," take him to Ohio and exhibit him. I would advise you also to accompany the exhibition with a Whig buffoon that can jump "*Jim Crow*" to the music of the psalter, tambarine, and the sackbut. You will clear more hard cash in one day than you will by playing Congressman a month.

In conclusion, let me say, the Democracy understand and appreciate their principles. They have stood by them in prosperity and adversity, through bank panics and Federal frauds, through good and through evil report. They are not now to be driven from their position by the stale cry of "*panic!*" "*panic!*" or drawn from their principles by the empty show and buffoon diplay of log cabins, hard cider, and shinplaster-certificate-military-renown. Principle is the watchword with the Democracy, and principle they will maintain. The Democracy of this country hug to their bosoms, and cherish in their hearts their principles as they revere the sacred memories of their ancestors, who secured them with their treasure, their blood, and their lives; they will as soon be guilty of the base ingratitude of forgetting the one, as to desert the other, either by threats, flattery, or bribery.

PUBLIC EXPENDITURES.

DEBATE IN THE SENATE.

THURSDAY, May 7, 1840,

On a communication from the Secretary of the Treasury, in reply to a resolution offered by Mr. BENTON, giving a summary of the items and aggregate expenditures of the Government from 1824, included, up to 1839.

After some remarks by Messrs. BENTON, and PRESTON,

Mr. BROWN said, that he was not aware that the printing of the important report which had been communicated to the Senate by the Secretary of the Treasury, on the public expenditure, would come up for consideration, until he had taken his seat this morning. When, however, he had heard the Administration and its friends denounced as guilty of extravagance in the expenditure of the public money, by gentlemen in opposition; when he recollected the course which had been pursued by himself and most of his political friends, in regard to appropriations; and when he remembered what had been that of the Opposition on the same subject, for years past, in the two Houses of Congress, he could not refrain from expressing the surprise, as well as deep indignation, which he felt. He had occupied a seat in that body for more than ten years, and he could say, without the fear of contradiction, that the Opposition, as a body, in the two Houses of Congress, had aided more, by their votes, to increase the public expenditures, then the friends of the Administration.

When he had first become a member of the Senate, he had found the friends of the administration of President Jackson anxious to discharge the national debt, which, at the close of the administration of Mr. Adams, amounted to about forty millions, and at the same time in favor of reducing the burdens which an oppressive tariff had imposed on the country. On the other hand he had found the opposition to the administration of President Jackson, who at that time were mostly composed of the miscalled *America System* party, opposed to the immediate discharge of the national debt, and in favor of the continuance of a high tariff. The positions then occupied by the two great parties which divided the country at that time on these important questions of national policy, could leave no doubt on the mind of any one, as to who were, and, who were not in favor of a system of extravagant expenditure. One of the parties desired to postpone the payment of the national debt, and to keep up their favorite system of high duties. The most easy and obvious way to do this, was to make large and wasteful appropriations of the public money. This was the aliment which alone could keep alive the tariff, and render it a permanent system.

Hence it was that every scheme to expend the public money was devised and brought forward by the *American System party*, at that time, who were mainly in opposition to the administration of President Jackson, in order to save their favorite system from the doom which inevitably awaited it without some such aid.

To arrest these enormous schemes of extravagance, then brought forward by the Federal party, and which disregarded alike the bounds of moderation and the limits of the Constitution, the veto power was repeatedly resorted to by the Executive. For having thus interposed the authority with which he was clothed, to save the Constitution from total overthrow, and the nation from being burdened with an oppressive tariff and a permanent system of extravagant expenditure, some of the very party who are now such lovers of economy in *profession*, pronounced him an arbitrary tyrant, who deserved to be brought to the block. If their system had prevailed, the large national debt remaining unpaid at the close of the administration of Mr. Adams, would probably continue to exist at this day, and an annual expenditure far larger than the present, would have been permanently fixed on the country.

The extravagant degree to which the pension system had been carried at that time, was a consequence of the same policy, and was carried mainly by the votes of the same party. The bill to pension the militia, which had drawn so many millions from the Treasury, was reported by an opposition Senator; and while candor compelled him to admit that a large portion of the friends of the Administration voted for that measure, yet it was supported still more unanimously by the American System party, whose motives, it was believed, were not exclusively those of patriotic respect and regard for the venerable men of the Revolution, but partook largely of a regard for the tariff, which could be kept up alone by large expenditure. He remembered the very great ability with which this measure had been opposed by the late General Hayne, then a member of that body, to whose great worth and eminent talents, he availed himself, with great pleasure, of that occasion to offer the humble tribute of his sincere admiration.

Besides opposing it upon the ground that it was a departure from the principles on which the system was originally established, and which was intended to apply only to that class of officers and soldiers, who, having abandoned the pursuits of private life, had made arms a profession, and not to the mere citizen soldier, who had been called into the public service for short periods, he considered the extension of the system as favoring a part of that great scheme of permanent public expenditure, which the American System party then meditated and were endeavoring to fix upon the country, as a part of our national policy.

He, Mr. B. had deemed his duty to vote against this measure, which, in addition to the pension system before in operation, had, the very first year that it went into effect, taken from the public Treasury near four millions and a half of dollars. He had opposed, together with a majority of his political friends in the two Houses of Congress, that other important branch of the American system, appropriations for harbors and internal improvements, together with the numerous other contrivances, by which that party had uniformly endeavored to increase the public expenditures. He admitted that a portion of his political friends were not free from censure in this respect, who by occasionally acting with the American System party, had, in some instances, enabled them to carry out their policy.

But what he mainly complained of was, that the very party who had forced a policy upon the country, which, for a series of years, had brought into the Treasury millions of dollars beyond its wants, and thus rendered its expenditure, in some way or other, either in the shape of appropriations or of deposites with the States, a matter of absolute necessity—for it could not remain idle in the public Treasury—that they, the very party who had forced this policy on the country, and who were, on every fair principle, to be considered as the authors of the mischiefs consequent on it, were now, in order to answer political purposes, endeavoring to hold others responsible for that which they themselves were truly answerable to the country. Again, what he complained of was the disingenuous means resorted to by those now endeavoring to break down the present Administration; and who, scrupling at nothing to effect their object, endeavored to hold others accountable for that very extravagance, which the journals of the two Houses of Congress would incontrovertibly show had been mainly brought about by their own votes, from the commencement of President Jackson's administration down to the present period.

The small number of the journals of the two Houses of Congress which were annually printed, and the consequent difficulty that the great body of the people had to encounter in arriving at the truth in regard to the votes of the respective political parties in Congress, had furnished a great facility to the Opposition, to practise the impositions on this subject, and to pass off those flagrant misrepresentations on the people, which had been so extensively resorted to in the present contest between parties. A reference, however, to the distinctive principles which had for years past so clearly marked the two parties in this country, would shed a volume of light on this subject, and would not fail to inform the people who have been, and who now are, the friends of extravagant expenditure.

The great mass of the Opposition party, with the exception of some of their Southern allies, have been, and continue to be, friends of a high tariff, and an unlimited construction of the Constitution, embracing the power to make all kinds of extravagant and unauthorized appropriations. These doctrines plainly indicate the motives operating on those who possess them, to favor a large system of expenditure, and can leave no doubt, even if other evidence were absent, as to the party whose policy, whose interests, and whose votes, have all com-

bined to swell the public expenditures. In this way it was hoped to keep up the former tariff, and in this way it is hoped to create the necessity for a new one.

On the other hand, (said Mr. B.) the great mass of the friends of the past and present Administrations have been, and continue to be, opposed to a system of high duties, and are in favor of a limited construction of the Constitution of the United States. Here, then, are unerring tests by which to try the two political parties, in regard to the question of extravagance—tests, even if recorded evidence could not be adduced, that distinctly point out to the people of the United States the real enemies of an economical administration of the Government, and those who are friendly to such an administration of the public finances.

But, fortunately for the cause of truth and of justice, if the journals of Congress could not be circulated every where to put down these gross misrepresentations, which were persevered in with so much industry, and in a manner which utterly set at naught all moral restraints, they were to be found here, and furnished the most conclusive condemnation of those who were most clamorous in charging the friends of the Administration with extravagance.

Mr. B. distinctly charged that the Opposition, as a body, in both Houses of Congress, had not only voted for all the large appropriation bills—such as those for the support of the civil, military, and naval service of the country; but he charged further, that they had voted for many other bills proposing extravagant expenditures, some of which had been carried through the two Houses, and others of which had been checked by Democratic votes. He would instance, among those which had become laws, that for the relief of the cities of Washington, Georgetown, and Alexandria, passed at the session of 1834–35, appropriating near a million of dollars, and which received a much larger proportion of Opposition than of Administration votes in that body. Among those which had been voted for by the Opposition generally in the Senate, and with but few exceptions, while on the other hand it was voted against by a large majority of the friends of the Administration, was the bill proposing to appropiate five millions of dollars for the benefit of claimants on account of French spoliations prior to 1800. This claim had for years been before Congress, and repeatedly rejected, on the ground of its alleged injustice, and yet it received the sanction of an Opposition Senate, and would have become a law if it had not been defeated by a House of Representatives friendly to the Administration.

Mr. B. said that he had adverted to these two specimens of *economy*, as practised by the Opposition, not because there were none others—for the journals of Congress abounded with proofs of the same kind, against them, in regard to the public expenditures—but he had referred to them as conspicuous commentaries on their conduct, and to show how far they were entitled to set up an exclusive title to guardianship over the public treasure.

The Senator from South Carolina [Mr. PRESTON] had said that the Administration should be held responsible for the public expenditures, because they had been, for many years, in a majority in the two Houses of Congress. He differed very far from that Senator on that subject. He had seldom, if at all, seen the time, from the commencement of the administration of President Jackson to the present time, when its friends were in a majority in both Houses—he meant friends who were to be relied on, not *professed* friends. The votes of the two Houses of Congress on the veto messages against internal improvement bills, and the vote of the two Houses of Congress, several sessions afterwards, on the veto message against rechartering the Bank of the United States, showed that a majority was against the administration of President Jackson, at least on those important questions, though that majority was not large enough to carry those measures, in opposition to the Executive negative. The Senate had afterwards given practical evidence that it did not contain a majority of his political friends, by the vote of censure which it had passed against him. He would add that, during the two or three years in which the Opposition had the political power in that body, the contingent expenses were greatly increased beyond those of any former year. In the other branch of Congress, the present Administration had been in a minority on the great financial question of separating the Government from the banks, from the time that measure had been proposed until the present session.

With what justice, then, said Mr. B. could it be said that the present and past Administrations should be held responsible for the increase of the public expenditure, in the face of the fact that a majority of one or the other of the two Houses of Congress have generally been against them—in the face of the fact that, for years past, the appropriations by Congress have exceeded, by many millions, the sums asked for by the Administration—and with the other and still more important fact within their knowledge, that the Opposition vote has generally been given to swell expenditure, instead of being given to check it. When he spoke of the Opposition, he meant to be understood as speaking of them as a body, and not as intending to include every single individual of which that party was composed.

The Senator from South Carolina had, said Mr. B. objected to the printing of the extra number of copies of the report of the Secretary of the Treasury, explanatory of the public expenditures, and of the items which constituted them.

[Mr. PRESTON here rose to explain, and said he had not opposed the printing of the report.]

Mr. BROWN resumed, and said that he did not know whether the gentleman intended to vote against the printing of the report or not, but his whole argument was of that character. He had charged that it was extravagance to order the number of copies for the public which had been moved. He had charged that it was an *ex parte* document—objections which, if true, were certainly such as went to deny the propriety of printing it. The document contained a plain and simple statement of the public expenditures, and the objects for which they were made, from the year 1824 to that of 1839, inclusive.

It was a document furnished on the call of the Senate, and its accuracy was vouched for, by the high official character of the Secretary, who had sent it to us in obedience to our requirement. Are gentlemen on the opposite side afraid for the people to have light on this subject? Are they apprehensive that it will counteract the dishonest and fraudulent misrepresentations, which have been spread far and wide, and in every direction, through the country, in regard to the public expenditure? Was there an Opposition member of either House of Congress, who, when he rose in his place and asserted that the expenditures for the year 1837 had amounted to the sum of thirty-nine millions, did not know that he was making a gross misrepresentation to go forth to the country? Was it not known, at the same time, by those who uttered those declarations, that indemnities which had been secured by treaty, from foreign Governments, for the benefit of our merchants, and which formed no part of the public funds, but belonged to private claimants, amounting to considerably more than four millions of dollars, made part of that sum? Could they be ignorant that funds amounting to largely more than a million of dollars, held in trust by the Government for certain Indian tribes, and which had been invested for their benefit, by authority of law, formed also a part of that thirty-nine millions charged by them against the Administration, as expenditure? And again: were those who made these declarations, and charges of extravagance, ignorant that the aggregate amount of expenditure for that year, for permanent and ordinary purposes, excluding payments on account of objects either extraordinary or temporary, amounted to but little more than thirteen millions, agreeably to the official report then before them? He had selected this year, because it had been especially singled out by the Opposition as one of the highest appropriations. Much of that amount, however, constituted no expenditure in reality, as a large amount of the money paid out that year, as he had already shown, formed no part of the public funds, and a larger portion of the residue consisted of appropriations for extraordinary and temporary objects—such as the removal of Indians and the suppression of Indian hostilities—that would make no part of the permanent expenses of the Government hereafter.

Mr. B. said he had therefore heard, with utter amazement, the declaration which, at different times, had been made in the two Houses of Congress, and which had been so eagerly propagated by every bank-bought press in the country, that the expenditures of the Government had, for the year to which he alluded, been run up to the sum of thirty-nine millions. Gentlemen might differ with each other in regard to public *measures*, and every charitable allowance should be made for such differences of opinion; but in regard to *facts*, plainly and easily ascertainable, no such indulgent consideration should be extended.

He held that it was a violation of the principles of moral honesty in those who, with a full knowledge of these misrepresentations, gave them sanction and countenance. If it were done without such knowledge, then it betrayed great ignorance of public duty. Nor was this the only aggravating circumstance of the case. The very party who were, in a great degree, the perpetrators of the mischief, and who were themselves the greatest offenders against the principles of economy, were now loudest in raising the charge against the Administration, for that very extravagance which their own votes had so materially aided in bringing about. It was, however, perfectly characteristic of the political morality of the Federal party of the present day. Determined to attain power, if possible, it neither scruples at the means, nor hesitates to employ any plan which promises success to its partisans. The moral sense of the country, and the principles of liberty which yet exist in it, cannot fail to measure out the proper degree of reprobation for the outrage thus offered to the former, and the dangerous assault made upon the latter.

The Opposition had, in some quarters, even set down the sum appropriated for the Post Office Department, as expenditure, which had, for several years past, amounted to near five millions. The revenue arising from that Department having been directed, by a late law, to be paid into the public Treasury, it consequently required an appropriation before it could be returned to it again. Thus, it would be seen, that simply because a late law had directed the funds of that Department to pass through the public Treasury, which was not formerly the case, it was made another ground on which the Opposition were to build up the charge of extravagance.

The Senator from South Carolina had, in the review of the condition of the country with which he had favored the Senate, asked, with much emphasis, whether the Indian relations of our country were in any better condition than they were before President Jackson came into office. The great success which had attended the policy of that Administration with respect to that subject, and the immense benefits which had resulted to the country from it, furnished the best answer to this question, and afforded the most triumphant vindication of the system which had been adopted. The administration of President Adams had offered the State of Georgia the bayonets of a regular soldiery, and threatened her with the calamities of a civil war, because she dared assert her rights of sovereignty over the Indian tribes within her limits. In exchange for these, said Mr. B. the administration of President Jackson, the policy of which had been carried out successfully by the present Executive, had secured her rights, had given her peace and tranquillity on this embarrassing question, and had removed beyond her borders the powerful Indian tribes that had inhabited so large a portion of her territory. In the benefits of this policy, North Carolina, Tennessee, and Alabama, had also participated. Many other States of this Confederacy had likewise experienced the beneficial effects of this policy, by the removal of savage tribes beyond their limits. The past Administration and the present had accomplished more in relieving the States from that kind of population, than all others together, which had preceded them. It had not been money thrown away, but money well laid out.

Besides the great benefits resulting to the States themselves, the Government of the United States, on a mere question of pecuniary calculation, would be found to be gainer, by many millions, from the immense bodies of valuable lands which it had in that way acquired, and the sales of which would go to enrich the public Treasury.

But when gentlemen, said Mr. B. thought proper to make a serious charge against the Administration on account of the money expended in removing Indians, and in defending the country against Indian hostilities—expenditures for which the votes of their own party would be found recorded in the journals of the two Houses of Congress—he could not refrain from expressing the opinion, long and deliberately entertained by him, that their own party had much to answer to the country for, on this subject. He declared in his place his most solemn conviction that the course which had been taken by a part of the Opposition, from the commencement of the administration of President Jackson, and which had been for years after persevered in, with respect to the Indian tribes, had been the cause of the Government having to pay nearly double what it otherwise would have paid for the treaties which had been concluded with them. A portion of the Opposition had appeared to consider the Indian tribes under their especial guardianship. The Indians were told by missionaries who went among them, and who were opposed to the policy of their removal, that the Government was endeavoring to impose upon them, and defraud them of their possessions, without adequate compensation. The same language was held in the two Houses of Congress by members standing high in the ranks of the Opposition. This had been their course more particularly in regard to the Cherokee Indians, whose chiefs had been treated at the seat of Government, by some of them, almost with the consideration of foreign ministers, and who were taught to believe, from the same source, that they had a right to establish an independent Government in the very bosoms of those States which they inhabited. That this course of the Opposition had led those chiefs to make the most exorbitant demands on the Government, he had not the least doubt. The consequence was, that their demands had to be complied with, or the most fatal and disastrous results would have followed the further continuance of that tribe in the State of Georgia.

When, therefore, gentlemen dwell so much on this class of expenditures, (said Mr. B.) let them remember the language and course of their own partisans, in Congress and elsewhere, on the policy pursued by the present and past Administrations in regard to the Indian tribes. Was it then at all a matter of surprise, that consequences, such as he had described, should have resulted from the interference of political missionaries with these tribes, and from the denunciations constantly uttered here against Indian treaties, as founded in fraud and injustice? Nay, more: was it a matter of surprise that, instigated by such influences, the tomahawk and scalping knife of the Seminole had gleamed in Florida, and yet continued to devastate her fair fields?

The Senator, in his zeal to denounce the Administration, had reminded us of what he had chosen to designate the bankruptcy of the Government at the called session of 1837, and of its inability to meet the public engagements. And why was it bankrupt, if the gentleman prefers that term? It was because of the suspension of specie payments by the banks, the political allies of the Senator and his friends, who were entrusted with the public funds, and the seizure by them of more than twenty millions of the public revenue. By having thus withheld the public revenue from the Government, when its necessities required it, the banks had not only violated the most sacred obligations, which they undertook to perform, but they had committed an act of moral treason against the people of the United States, which threatened to arrest the action of the Government at the time, and might, at a more critical period of public affairs, have brought irreparable injury on the country.

These corporations, continued Mr. B. scattered throughout our wide extended country, are now acting with the Senator and his party, and are co-operating with them to overthrow the present Democratic Administration, in order to substitute one in its stead more congenial to their notions of privilege and of power. While gentlemen rose in their places here, and proclaimed that the Administration had, by its measures, brought the present pecuniary distress on the country, and which charge was reiterated by every bank-bought press throughout the land, the banking corporations—their great political allies in this contest—were applying the screw to the people to aid in making the charge the more effectual. No, sir, it is not the Administration that has produced a decline of prices and pecuniary distress, but it is the secret and invisible, but powerful, hand of the moneyed and banking power, that has inflicted the blow, and which has made itself to be felt throughout our entire country. It is now in the precess of carrying out that oft repeated maxim, in the political creed of the Federal party, and which is so revolting to the principles of freemen—*that the people must be made to feel*, before they can be brought to their senses. In other words, that the spirit of freedom must be conquered before the people can be made to submit to the despotism of banking corporations, that now aspire to govern them and the country.

The pecuniary distress of the country was easily accounted for, and could, with no reason or justice, be imputed to the measures of the Administration, however it might suit the purposes of political partisans to ascribe it to that cause. Ever since banks had been established in this country, an expansion of paper had always produced an apparent prosperity, and a rise in prices, while a contraction had uniformly caused the very opposite effects. This had been the history of those corportations under all Administrations, and was undoubtedly the true cause of the present pecuniary difficulties.

The warfare (said Mr. B) which had been waged unrelentingly against the people of this country by the moneyed power and banking corporations, under the command of Federal politicians, had commenced near eight years ago: since which time they had endeavored to harass the country in every possible way, as he believed, to accomplish its subjugation to their purposes of governing it. The time which this warfare had been carried on against the country and its republican institutions, very nearly corresponded with that which a foreign monarch employed in the attempt to conquer and enslave it. He trusted that the same noble spirit of resistance that had defended and saved the country then from the tyranny of a foreign power, would again save it from the merciless grasp of a moneyed despotism. The struggle was a most important one to the country, and would be decisive of its political fate, for years to come, if not forever.

It had been predicted, (remarked Mr. B.) more than two years since, by a distinguished individual of that body, as well as by others, that a second bank suspension would take place just in time to do good service in behalf of their political allies, that they might profit by it in the Presidential election. This prediction had been realized, and all the mighty influences which the pressure and pecuniary distress, consequent on such a state of things, produced, were now to be employed to defeat the Democratic party. He would exhort them, in the name of the Constitution, to stand firm. He would exhort them, as they valued the liberty and independence of their country, once more to rally in this last great and decisive conflict between parties, and overthrow this formidable coalition that now contended for mastery over the country. One more defeat, and their banking allies would cease to harass the country for political purposes. The coalition of politicians, which had acted with them, would be disbanded, and the principles of free Government would be more firmly re-established.

The great question to be decided, in the present conflict between parties, was one, in his estimation, far transcending, in importance, mere questions of temporary policy; it was a question that, in his opinion, went to the very form and principles of our Government; it was a question, whether the people should continue to rule themselves, or were to be ruled by banking corporations. It had often been exultingly proclaimed, in this chamber, during the present session; and again had been distinctly intimated in the course of the present debate, that a change in the Administration of the Government was near at hand, which was to be followed by all the blessings, so unsparingly and delusively promised by those who sought to attain power. And what were the blessings, he could ask, that this change, now anticipated with so much joy, was likely to confer on the country? What benefit could the people hope for, by the coming into power of an Administration, formed by a coalition of Bank, Abolition, and high tariff parties? These were political elements, destructive to the peace and happiness of the country, the liberties of the people and the union of the States.

It formed a subject for the most momentous consideration of the people in every part of the country, but more particularly for those of the Southern portion of this Confederacy.

Mr. B. pronounced it as his deliberate opinion, that the success of the Federal party, under existing circumstances, would be practically a revolution in our Republican form of Government. With the mighty energies and influence of near eight hundred banks, penetrating every part of our country, added to the patronage of the Government of the United States, their power would be irresistible, and their authority would be permanently established over the country. The great right of suffrage, by this mighty influence, brought to bear on it, would be overwhelmed, and rendered utterly unavailing to check their tyranny, and to expel them from power. The Democratic principle would be struck down, and would not probably for a half century, if ever again, recover control of the Government. These were subjects addressing themselves to the most solemn considerations of those in our country, who wished to preserve our Republican institutions.

The most extraordinary means were resorted to, at this time, for the purpose of effecting this change. The miserable pageantries which the Federal party had attempted to play off, in every part of the country, for the purpose of operating on and deluding the people, were an insult and a contempt to American freemen, and a virtual denial of their intelligence and capability for self government. They were appeals, not made to their reason and patriotism, but to the most degraded prejudices. They were of the same character, and designed to have the same effect, with the public games and exhibitions, given by artful demagogues, who intended to enslave the people, in the most degenerate days of the Roman Republic. They were means better suited to be used by the privileged orders of Europe, to amuse and keep in subjection their serfs, than to convince the understandings of high-minded and intelligent freemen. He appreciated too highly both the virtue and intelligence of the American people, to believe for a moment that they could be deluded and imposed on by such miserable attempts at deception and imposition.

Mr. B. said that he had spoken freely and plainly on the present occasion. The crisis demanded that no one, who wished to perpetuate the liberties of his country, should shrink from the performance of his duty. Actuated by these sentiments, he had been induced to make the remarks which he had, on that occasion, felt himself called on to submit to the Senate.

Mr. SOUTHARD insisted on the impropriety of printing 30,000 copies of a document, the truth and importance of which was known but to one Senator. He also argued to show that the Opposition were not responsible for the extravagant expenditures of the Government.

Mr. HUBBARD said that he rejoiced that this debate had arisen. The time, the occasion, and all the attendant circumstances, gave to the discussion a peculiar interest. There were in attendance, within the reach of his voice, many of his own constituents, the friends and the foes of the Administration. The Senate could not fail to be reminded, by the unprecedented number of the freemen now occupying the galleries of this Senate chamber, that there could be no more appropriate

time than the present to discuss the great subject of public expenditure; to compare the expenditures of this, with the expenditures of former Administrations; to show forth, in the hearing of our constituency, whether this Administration had, by its extravagance and profligacy, forfeited the confidence of the American people, or whether its course of conduct had been marked by that regard to the public interest, by that strict and vigilant adherence to public economy, *and by that untiring effort to maintain unimpaired the principles of the Federal Constitution*, so as to merit and command the support of this Confederacy. He rejoiced that this subject was before the Senate, and that it was likely to be fully discussed. He would not shrink from the most full and ample investigation; and from what had recently taken place—from what had of late been sent forth, by the semblance of authority, setting forth the expenditures of this Administration, and contrasting them with those of former Administrations—it was due to the American people—it was due to the cause of truth and of justice—it was due to those charged with the administration of our public affairs, to set history right—to present to the people incontrovertible facts—to remove from their minds any false impressions which garbled and imperfect exhibits of public expenditures are calculated to make.

There is at this very moment an extraordinary excitement abroad in the land, touching this very subject. It is not confined within the limits of this District, but it has reached his own State; it is running through every section of the country. Not an Opposition journal is to be seen, but what is manifestly laboring to impress the public mind with the extravagance and profligacy of this Administration in its expenditures. Within a few weeks, if rumor can be relied upon, a neighboring Commonwealth has literally been flooded with a document, tending to show the aggregate expenditures of this Administration. It probably has produced its designed effect there. It was a subject upon which the people were peculiarly and properly most sensitive. The expenditure of the public money was a matter connected too intimately with their interest, not to excite their attention, and to awaken their vigilance. Aware, as he was, of what had taken place, he rejoiced when his friend from Missouri offered the resolution, calling upon the Treasury Department for information of the aggregate expenses of the Government from 1824 to 1839, inclusive. He knew not that such a resolution was to have been presented. He had not exchanged a word with that Senator in relation to the matter. He had offered it, undoubtedly, to elicit the truth, for the purpose of counteracting the statements having the sanction of an "Executive Committee," which was circulating through the country. He had read the resolution after it was offered, and he could not but congratulate himself and his friends that it had been presented. The answer was reported to the Senate this morning, and, in the temporary absence of the Senator from Missouri, he had moved to have it printed. He knew not the contents of the report, but he doubted not that it was a true answer to the resolution, as offered; and if so, it was of the utmost importance to have it printed. His motion was agreed to.

The Senator who offered the resolution had been favored, it seems, with an opportunity of inspecting that report; and he had just given to the Senate a full exposition of the contents of the report itself; and it had seemed to him, who had listened with fixed attention to the remarks of the Senator from Missouri, that if there was, or ever could be, an occasion for printing an extra number of any document, this was that occasion, and this was that document. He had therefore suggested the number of thirty thousand, as the number of this document that ought to be printed. It was on his suggestion, that the motion now pending was made. He would, *if he could*, place this document in the hands of every freeman of the Confederacy. The bane had been sent into every "log cabin" of the country. He would circulate the antidote as extensively. This was due to the Administration and to the country. It was just that description of document which the people would read—would careful examine and well understand. It treated upon a subject closely allied with the exactions of their Government. A tax paying community have a right to claim from their public servants a full expose of the public appropriations. They have a right to know how their money is expended. They have a right to see whether those charged with the execution of the laws are faithful, prudent, and economical in the expenditure of their contributions. This is one of the most effectual modes which can be adopted by the public servant to give up to his master a full account of his public stewardship. He could not expect to have a greater number of this document, than that named, printed by order of the Senate; he hoped not to have a less number. It was, he admitted, the largest extra number usually called for; but the document itself, and the time and circumstances, demanded that number.

He would not add another remark, if the adoption of the motion made by the honorable Senator from Missouri, upon his suggestion, had not met with the most determined opposition. As it was, he should go into a brief examination of the resolution submitted by his friend, and the notice which had been taken of the answer to that resolution. He had not read the report itself, but was familiar with the terms of the resolution. He had never exchanged a word with the Secretary of the Treasury upon the subject of his report. He was, however, much gratified when the resolution was offered to the Senate; and he had no doubt that he should be as much pleased with the answer now given. The information required, was of the utmost importance, and demanded by every consideration of justice.

What was the resolution? What was the nature of the information which the resolution was designed to elicit? This resolution, calling for specific information, had been before the Senate a number of days—it had been printed, and Senators could not but be familiar with its terms. It required, first, the aggregate amount of all expenditures or payments of every kind from the Treasury, from 1824 to 1839 inclusive. Secondly, the aggregate amount, independent of the payments on account of the public debt, whether funded or unfunded. Thirdly, the aggregate amount for permament and ordinary purposes, excluding payments on account of objects either extraordinary or temporary, and goes on to state eighteen or twenty heads, under which he included the extraordinary expenditures of the Government. The resolution was explicit, and was drawn up with great particularity. The resolution required that the information should be arranged under distinct columns. The Register of the Treasury, upon whom the duty necessarily devolved, had prepared the answer, and the Secretary of the Treasury had this morning communicated that answer to the Senate—and the honorable Senator from Missouri had now given a detailed statement of the contents of that answer. But had he not done so, can there be a doubt that this report is a true response to the resolution?—and if so, it is merely but a transcript from the public records of the Government. What occasion, then, to delay the printing until the report shall have been examined? Is this the usual course? When calls are made upon the Departments, are not the answers to those calls ordered to be printed at once for the information of the Senate? Is it the usage of this body to lay such reports upon the table, until they can be examined, before there is an order to print? No sir. Are not these reports necessarily made upon the responsibility of the Departments? Does not the report, now before the Senate, come from one of the Executive Departments? And if perchance the head of that Department has travelled out of the record, and incorporated into this report matters and things foreign from, and uncalled for by the resolution, there will be, in that case, no disposition, in any quarter of the Senate, to screen the Secretary of the Treasury from reprehenston. No, sir, that officer has not such a strong hold upon the affections of those opposed to the Administration, as to expect favor from that quarter. He hazarded nothing in saying that the report of the Secretary of the Treasury would be found to be a full and proper answer to the resolution. He could not well conceive how it could be otherwise. Specific information is required as to the public expenditures. How is that information to be obtained? From the books of the Register's office. There stand recorded the aggregate expenditures of the Government for each year, from its commencement to the present period—there stand recorded the payments which have annually been made on account of the public debt—there stands recorded all the information which the resolution seeks to obtain. There could be no speculations of the Secretary in relation to this matter. His course of duty was plain, and he had no doubt that duty was well understood and performed. He hazarded nothing, then, in saying that the report, on the most minute examination, would be found to be an answer, and nothing less or more than a true answer to the resolution itself. It seemed to him, therefore, to be wholly wrong that the printing of this report should be delayed until Senators could have an opportunity of comparing the copy with the record, in order to see whether the certificate of the Register be true or false.

The Senate had learned, in the course of this discussion, that the aggregate amount of all the expenditures of the Government, or payments of every kind from the Treasury, for the year 1824, had been about thirty-two millions of dollars, and that for the year 1839, they had been over thirty-seven millions of dollars. Here was a difference of over five millions of dollars, which he should find no difficulty in accounting for without imputing to the Administration any extravagance. The Senate had learned that the expenditures for permanent purposes for the year 1824 had a little exceeded seven millions of dollars, and that the expenditures for the same objects in 1839 had a little exceeded thirteen millions of dollars, making a difference of about six millions of dollars in the public expenditures for ordinary and permanent purposes, between the years of 1824 and 1839. This difference the Senator from Missouri had not particularly accounted for; and he could only, from a general recollection of the documents which have from time to time been laid upon our tables, giving an account of the public receipts and of the public expenditures, and also of particular documents communicated to Congress from the Treasury Department, be able now to particularize in what the whole of that difference consisted. He had tables showing the public expenditures for a series of years; and he might add hereafter extracts from those tables. In the first place, the expenses of the navy alone, since 1824, had been increased, by the legislation of Congress, nearly, if not quite, two millions of dollars. The expenses of the army, including the expenses necessary for the support of the Military Academy, had been increased also something like two millions more. These great additional expenditures in the support of the navy, and in the support of the army, were not to be charged to the account of this Administration. They were authorized by law, and they had received the support not only of the friends, but of the opponents of the Administration. He did not propose to look into the journals to see how particular individuals may have voted on particular measures. But he presumed that he should not be contradicted, when he said that every measure tending to swell the expenses of our naval establishment, had received the unqualified support of those now arrayed against the Administration. Here were, then, two-thirds of the whole difference at once accounted for; and is this Administration to be blamed for this increase of expenditure—an increase necessarily connected with the protection of the commerce and general defence of the country—an increase of expenditure demanded by every consideration of patriotism and of justice, and by a proper regard to the public welfare? Again, the legislative expenses between 1824 and 1839 had necessarily increased more than a half of a million of dollars. The expenses of the judiciary had nearly doubled within that time—an increase rendered necessary by the increase of the population and of the business of the country. Our light houses had more than doubled between 1824 and 1839, and the increased permanent expenses on that account, between th

first and last of those years, had nearly equalled one hundred and fifty thousand dollars. The public printing; also, payments from the Treasury to compensate custom-house officers, in consequence of the gradual reduction of duties under the tariff of 1833, and on account of the necessary reduction of their fees, have, in a single year, nearly equalled two hundred thousand dollars. These increased expenses and charges upon the Treasury were the effect of the legislation of Congress, and could not with any more propriety be charged to this than to any former Administration. They were provided for and required by existing laws; and the Executive charged with the execution of those laws can in no respect be made culpable for expenditures warranted by such enactments. He would not proceed further in undertaking to show what goes to make up the difference between the expenditures of 1824 and of 1839. If the items to which he has referred were added, it would be found that the aggregate would make all the difference in the expenditures of those years. The resolution, and he presumed the report also, did the same justice to the Administration which preceded that of General Jackson as it did to his, and as it does to the Administration of the present incumbent. The same information was required for the year 1824 as was required for the year 1829—and the same information was asked for the last year of Mr. Adams's as for the last year of Mr. Van Buren's administration. No injustice, then, has been done—no partiality has been shown to either Administration; and he confidently believed that it was not in the power of any Senator to put his finger on a single entry in that report which did not accord with the truth. In order, then, more satisfactorily to show that this Administration was entirely exempt from the charge of wasteful extravagance in the public expenditures—he purposed to make a more minute comparison of the expenditures of the Government, for the years 1824 and 1838. This comparison would be more just, as the long session of Congress took place in each of those years. His object was to confine himself exclusively to the permanent and ordinary expenditures of the Government in those years. The Senator from Missouri had faithfully stated the extraordinary expenditures and the reasons and necessity therefor: he did not intend to refer at all to them.

In 1824, it will be seen, that the aggregate expenditures for ordinary and permanent purposes amounted to the sum of $7,107,892 05.

In 1838 they amounted to $13,837,594 44.

Making a difference against the year 1838, of $6,729,702 39.

He would now endeavor to show some of the items of expenditure which went to make up that difference:

Increase of expenditures in 1838 *beyond the expenditures under same heads in* 1824.

Legislature,	$685,000
Executive Departments,	383,000
Surveyors and clerks,	42,000
Expenses of mints, exclusive of buildings,	20,000
Governments in the Territories of the United States,	60,000
Judiciary,	169,000
Support and maintenance of light houses,	147,000
Surveys of public lands,	17,000
Marine hospital establishment,	74,000
Pay, subsistence, forage, Quartermaster's department, Medical department, and contingencies of the army,	1,474,000
Purchasing department, (clothing, &c.)	384,000
Military Academy, West Point,	125,000
Expenses of arsenals,	194,000
Ordnance department, including gunpowder, cannon balls, &c.	260,000
Pay, subsistence, provisions, and medicines, for the navy,	1,406,000
Ordnance for the navy,	46 000
Repairs of vessels,	819,000
Contingencies of the navy,	242,000
Marine corps,	81,000
	$6,628,000

He hoped that this statement would be carefully examined; if so, there was no friend of truth and justice that would dare to charge upon this Administration extravagance and profligacy, for such items of expenditure so essentially, *so closely* connected with the public welfare.

The foregoing table had been prepared from a careful comparison of the public expenditures in the years 1824 and 1838, and he had no doubt that it would be found to be substantially correct. It will be seen among the items that the expenses of the Executive Departments had been increased in 1839 over the expenses of 1824, $383,000. Let not the Administration for this be charged with extravagance. The cause of this increase would mainly be found to proceed from the organization of the Land Office—from the necessary increase of expenditure in the Post Office Department, including the establishment, by law, of an Auditor's Office—from the necessary increase of the Indian Department, including the establishment of a Commissioner of Indian Affairs—from the Pension Department, including the establishment of a Commissioner of Pensions, and from the creation of a Solicitor's Department. It will be recollected that in 1832, and in 1836, important changes were made in the pension laws, unavoidably increasing the expenses of that branch of the War Department. This expenditure of $383,000, in 1838, is thus shown to have been necessarily incurred by the effect of existing laws, and for the proper administration of our public affairs. This addition to the public expenditure, since 1824, in the Executive Department, had partly arisen from our Indian relations having assumed a new posture since that period. They had arisen partly from the great increase of our population, and from the consequent increase of the public business. He had prepared another table, showing a comparison between the expenditures of the Government in 1824, and in 1838, arranged under appropriate heads, and accompanied with brief remarks, giving some of the reasons for the necessary increase of the public expenditures in 1838. He would here subjoin that table:

The following table is an exhibit of the permanent expenses of the Government on some leading items, in the years 1824 and 1839, with a brief statement of some of the reasons for the difference:

Items of expenditure.	1824.	1838.	Remarks.
LEGISLATIVE.			
Pay of Senate and House	$503,241	$681,218	The increase of
Contingencies of both	86,000	501,733	population had been
Printing	44,730	136,181	about 70 per cent. Two new States, two Territories, four Senators, twenty Representatives, longer sessions, more business, and more printing required.
JUDICIARY.			
Salaries and expenses	209,442	378,873	More Judges of the Supreme Court, more district judges, marshals, attorneys, more courts, more jurors, more business, more wealth, and more suits.
LIGHT BOATS AND LIGHT-HOUSES.			
In 1824, 102; in 1838, 248	121,492	301,035	Owing to increase in the number of establishments.
CANADA DISTURBANCES.			
Protection of Northern frontier		439,000	
Private bills	153,126	228,759	Nearly double in amount on account of increase of business and population
Payments to custom-house officers from Treasury		190,354	Rendered necessary in consequence of the tariff of 1833, to make their compensation equal to what it was prior to the passage of that act.
NAVY DEPARTMENT.			
Navy pay and subsistence	1,122,284	2,166,240	Fifty per cent. in-
Provision	312,400	631,408	crease in number of officers and seamen; pay increased twenty per cent. on service.
Repairs and building vessels	404,151	1,490,128	More ships in com
Contingencies	132,721	491,120	mission, new squadron to India, more repairs, building steam vessels, and others.
WAR DEPARTMENT.			
Army pay, subistence and forage	1,400,824	2,559,757	Army increased in
Clothing	168,738	595,003	number, and pay in-
Ordnance	50,514	263,178	creased, rations 20
Military academy	25,438	207,137	per cent. higher, and also clothing 20 per cent. increase; regiment of dragoons added for frontier; and Indian Bureau added.

He had been able, by referring to the documents which the Secretary of the Treasury had communicated to the House of Representatives, one numbered 39, and was printed January 4, 1836, the other numbered 17, and was printed December 30, 1839, to present the foregoing table; and thus showed conclusively that the few items above specified, make a difference in the amount, of the necessary and indispensable expenditures of the Government, in 1824 and in 1838, for permanent purposes, of over six millions of dollars; and accounting for the whole difference, with the exception of less than a million of dollars, which the table, before exhibited, accounts for. And yet it has been sounded from Maine to Florida, that the expenditures of this Administration had trebled the expenditures of that of the younger Adams; that while the disbursements of the latter were annually thirteen millions, the expenses of this Administration amounted to forty millions annually. Such were at this moment the character of the charges against this Administration pervading the country.

He asked for justice, and for nothing but justice. He desired to have the document upon the table printed. He wished for its extensive circulation, not to deceive, but to undeceive, the American people—to enable them to understand this whole matter. He was not aware, in the list of items which he had specified, that there was a single one calculated to swell the aggregate of public expenditures, for which those in the Opposition had not voted. He made no complaint for their so doing. They were expenditures which the posture of public affairs and the condition of the country required.

It has been said, by Senators in the Opposition, that this Administration are answerable for the aggregate of public expenditures; that the people should look only to the footings of the account; that temporary expenditures take place, of necessity, under every Administration. Will this course serve gentlemen? How compares the aggregate of the expenditures of this, with that of former Administrations? This, it is said, is the true criterion to test the economy, or to show the extravagance, of an Administration. How stands the account between 1824 and 1839, in the aggregate expenditures? Not more favorable to the Opposition. But is this the fair, the honest, the just mode of settling the account? May there not be public expenditures of a temporary character unavoidable in one year, which would not occur in another? Would it be right to charge such an expenditure to the Administration then in power? No, sir; no. The true mode is the one which he had adopted for his guide. Look to the permanent expenditures of the Government for each year; compare the expenditures of one, with those of another year; let the difference be made to appear; and let the Administration in power account for any difference against it. This would be right; but if it suits Senators in the Opposition better to take the annual aggregate of expenditures for all purposes, and to compare the aggregate of one Administration with that of another, it will lead to no more favorable result for them for the years 1824 and 1838, or 1839, than that before stated. The Senators over the way would gain nothing by instituting any such comparison. But the report of the Secretary, now before the Senate, had been denounced because it speaks of a payment of a portion of the public debt in 1838, when, it is alleged, there was then no national debt. No national debt! Is this so? A few days past, both himself and the Senator from Massachusetts, contended that the bill providing for the issue of Treasury notes, could not be justified upon any other constitutional ground than under that clause of the Constitution which conferred

upon Congress the power to borrow money; that it was a loan, and when made it became a public debt. He admitted that it was an unfunded debt; but nevertheless was, in every view, a subsisting debt, and for the redemption of which the faith of the Government was solemnly pledged.

The payments therefore made from the Treasury in 1838, in taking up these Treasury notes, were as much an extinguishment to that amount of the unfunded public debt, as the payments made in 1834 for a like purpose were an extinguishment of a corresponding amount of the funded debt of the Government. The only difference was, that in the latter case, the debt was due abroad; in the former, the debt was due at home. He would say in conclusion, that he hoped to see the motion submitted by the Senator from Missouri adopted. If there was truth in the stories abroad in the land, as to the extravagance and profligate expenditure of the people's money by this Administration; the publication of this document can have no effect. If there is no foundation in truth for such statements, the printing of this document will tend to correct every error, to remove every false impression now resting upon the public mind in relation to this subject. That cause must be both weak and wicked which can only be sustained by deception and trick; and that cause is strong, *and must prevail*, which rests upon the immovable pillars of truth and of justice.

Mr. WEBSTER, having urged the impropriety of printing 30,000 copies of a paper unknown and unread, proceeded to comment on the fact that one of the columns of this paper embraced those items which were considered extraordinary or temporary by the Secretary of the Treasury; which items, by the express terms of Mr. BENTON'S resolution, were to be separated from the ordinary aggregate, and not to be charged upon the Administration as proofs of prodigality. But the very complaint was that these were extraordinary items, and that they went to make up the extravagant expenditures of the Government. All prodigality was necessarily extraordinary in a justly administered Government. This document was evidently not a mere authentic matter of record; it was a statement, left, to a considerable extent, to the discretion of the Secretary.

Mr. W. also replied to Mr. HUBBARD, commenting on various items of expenditure by this Administration, and particularly on the unfortunate choice which they had made of enormously defaulting public officers.

Mr. BROWN observed, that the gentleman from New Jersey had made a new issue in regard to this subject, and demanded the production of the record to show that himself and his friends had voted for extravagant appropriations. He presumed that gentleman would not deny that he had voted for those bills, which constituted almost the entire amount of the expenditures of the Government. These were the naval appropriation bill, the military appropriation bill, and the appropriations for the civil list, together with those for the removal of the Indians.

But allow me, said Mr. B. to exhibit some instances in which that Senator and his friends have voted for most enormous extravaganees; and he had no doubt but, by examining the journals, similar votes of that Senator and his party could be found, without number. In the bill providing indemnity for French spoliations prior to 1800, five millions of dollars was the amount that would have been appropriated, had it passed both Houses. Now, on the final passage of that bill by the Senate, page 125 of the journal, at the session of 1834 and '35, that Senator's name is recorded in the affirmative; and yet this was an old claim, that very many well informed statesmen believed never had any foundation in justice. That bill was passed by the Senator and his friends in this body, a majority of the friends of the Administration voting against it. Then there was the bill for the relief of the three corporations of Washington, Georgetown, and Alexandia, appropriating about a million of dollars, and the name of the Senator, together with those of most of his friends, was found recorded for that bill, a large number of the friends of the Administration voting against it. These were specimens of that economy on which the gentleman and his friends had thought proper to favor them with a lecture; and he had not a doubt but, by examining the journals, many more of such specimens could be found. But the gentleman said, in regard to banks, that they were the friends of the Administration. What, sir, said Mr. B. after what the gentleman has told us from day to day, that the policy of the Administration was ruinous to the banks, but which he himself did not believe, would he now have us to understand him as saying that these institutions were friendly to those whose policy was, he alleged, breaking them down? Why, this was an absurdity that even the gentleman himself must be forcibly struck with. The gentleman himself was, not a very long time ago, if he was not now, president of a large banking institution, and he believed that he, at least, was not distinguishd for his friendship to the Administration. For his part, he never did admit that the Administration had pursued a line of policy with a view of injuring the banks; but he believed that these corporations pursued a course of policy with a view of forcing a restoration of the funds of the Government to their keeping. The gentleman, in a very good natured way, reminded him that in a very few months he would receive (Mr. B. presumed from North Carolina) a reproof for the course he had taken.

[Mr. SOUTHARD here said he did not allude to North Carolina.]

Mr. BROWN continued. The gentleman spoke personally in relation to me, and I was left to infer that the rebuke he anticipated for me was from my own State.

Sir, should I meet with the misfortune of receiving such a rebuke, the gentleman, from practical experience, will know how to sympathize with me, for the gentleman, and the Administration of which he was a member, had received such a rebuke from the popular fiat some years since, in the most unequivocal manner. That the gentleman and his friends should wish to be reinstated in office, and that they should even, in defiance of probabilities, indulge in the most sanguine anticipations, was reasonable enough; but that the popular rebuke, such as he anticipated would be bestowed on the Democratic party, was, to say the least of it, not very probable. The gentleman, in good time, would find himself greatly mistaken in his predictions.

Mr. CALHOUN. I am the friend of economy, and have, I trust, ever evinced it by my votes and other public acts. I believe that in all free States it is a cardinal virtue, and in ours, an indispensable one, if we desire to preserve our political institutions. As the friend of economy, I rejoice to hear this debate. The crimination and recrimination of extravagance between the two sides of the Senate, is a proof that the day of extravagance is passed, and that of economy has arrived. We have had a period of extravagance. It is manly to acknowledge the truth. Our expenditures have gone far beyond what they ought to have been. The important question is, what and who caused it?

The cause, sir, will be found in an overflowing Treasury, which had to be sluiced by appropriations to prevent an inundation; not overflowing with gold and silver, but with bank notes, paper credit, to retain which in the Treasury would, in effect, have been but to borrow so much from the banks for the time. The greatest of all absurdities is to hoard up bank notes, or credit, in the Treasury. It is but to draw so much from circulation to be filled up by new issues, thus giving the banks interest both on the old and the new issues. But this is not the only objection. It is liable to another, still stronger, if possible. The notes drawn from circulation being replaced by another issue of equal amount, the channels of circulation are kept full, and when the Government comes to draw from the Treasury the accumulated mass, the necessary effect is, that the addition to the already full channels of circulation, swells the tide till an inundation follows, sweeping all before it, such as we lately witnessed. Yes, we have just passed through a period, in which the most wasteful and corrupt expenditures could not sluice the Treasury fast enough to prevent the inundation of paper, but has left the country and Government in their present embarrassed condition. I now ask, what caused this overflowing Treasury, with all the accompanying extravagance and following disasters? What, but the prolific parent of evil, the protective system—duties imposed, not for revenue, but to favor one branch of industry at the expense of all others; and which exacted from the people more than the wants of the Government needed, or even its waste and extravagance could expend.

It is difficult, in the changed condition of things, and in the midst of the present denunciation of extravagance and praise of economy, to realize the scenes through which we have lately passed. It is but four years since, when he was considered a benefactor who could devise some new scheme of spending money, and when the then Administration, notwithstanding the extravagance of the appropriations, was censured for not spending money fast enough, and was even called on by a resolution of the Senate to know how much they could spend. Such was the cause of the extravagance which is now condemned on all sides, and the fruits of a mistaken and mischievous policy.

In order to determine who is responsible for this extravagance, it is only necessary to decide who are responsible for the policy in which it originated. I, then, put the question, who were the authors and supporters of the protective system? I leave gentlemen to answer. I submit it to the journals of Congress and the public voice to decide. Appropriation and expenditures are but consequences—dangerous and corrupting consequences—but, at the same time, consequences whose alternative, an accumulation of a surplus mass of bank notes in the Treasury, is, to say the least, not less dangerous and corrupting. It has been our misfortune to be cursed with these combined evils.

But, as important as are these questions, there is another still more so, relating to the future. The past is past, and cannot be recalled; and a recurrence to it is only profitable as furnishing lessons of experience. The future is still before us with its realities, and the important question is, who are now the advocates and supporters of so calamitous a policy, in spite of the severe lessons of experience? Time will show, and when it does, it will make manifest who are the real friends and authors of extravagance, and foes of economy and retrenchment. I repeat, economy is a cardinal republican virtue; and that there never existed a Government of the kind, in which it was so indispensable as in this of ours. I do not intend to go into the reasons on this occasion; but of all Governments, ours is that in which patronage and extravagance are the most corrupting and dangerous. Thus thinking, I rejoice that we are compelled to retrace our steps and economize. Yes, compelled by that which only can enforce economy on a dominant party and empty Treasury. It is on that I rely. Its mandates must be obeyed, and I wish it to be understood that I intend to use my best efforts to keep it low, till the Government is thoroughly reformed and restored to its original purity. Fill the Treasury to overflowing to-day, and to-morrow the scenes of profusion and extravagance through which we have thus far passed would return. Nothing but stern necessity can correct abuses; and I now give notice, when the time has arrived for the readjustment of the tariff, I shall resist all attempts to draw more money from the pockets of the people than is absolutely necessary, with rigid economy, to the just and constitutional wants of the Government. In doing so, I shall give the highest evidence of being the friend of economy and our free institutions. Here let me say, that I deem fifteen millions of dollars annually to be ample to meet all the just wants of the Government, not including the Post Office Department. With that sum, we may place our civil list and military establishment, in all its branches, on a respectable footing, and enlarge our navy, so as to give protection to our wide-spread commerce, and give us the command of the adjacent seas.

I know nothing of the contents of the document that has caused this discussion, but will vote for the motion without knowing whether the effects of the publication will be such as the mover contemplates or not. The public attention is

roused to the subject of our expenditures, and whatever we publish on the subject, I doubt not, will be closely scrutinized. If there be errors in the report, or if be drawn up so as to make false impression, it will been seen and pointed out; but, if not, it will have its due weight. With this impression, I care not to look at its contents before giving my vote; but, if any gentlemen desires time to examine it before he votes, as far as I am concerned it shall not be withheld from him.

Mr CLAY was glad that the Senator from South Carolina admitted that the expenditures of this Administration had been extravagant. Coming from him, it was an admission very important. And Mr. C. denied both his premises and conclusion; and proceeded to argue that the protective system was not the cause of the surplus revenue, and that it did not necessarily follow that a Government, with a surplus, would always be extravagant, though he admitted the conclusion to be correct in regard to this Administration. Mr. C. proceeded to point out what he thought the real causes of a surplus, and to specify and comment upon various expenditures of the Administration.

Mr. BUCHANAN said: I rejoice at this day's debate. It has been the most propitious day for eliciting truth which we have seen since the commencement of the session. Its consequences, for good or for evil, must be felt, and will be felt, either by our friends in the Opposition or by ourselves. I am most willing to abide the result.

I do not rise to discuss any of the great questions agitated to day, which have not an immediate bearing on the subject before the Senate. My purpose is, so far as my voice can be heard, to fix the the attention of the Senate and the country upon the very question now at issue between the two great political parties; which is, have the present Administration been guilty of an extravagant and wasteful expenditure of the public money?

As to the result of the next Presidential election;—I shall never make that a subject of discussion in this body, unless I should be forced into it by Senators in the Opposition. In passing, I would merely say, "Let not him that girdeth on his harness boast himself, as he that putteth it off." I shall never raise the shout of victory, until the battle has been fought and won; although I may feel great confidence in the result. The event, under Providence, is in the hands of the American people; and this day's debate will essentially serve to enlighten their judgment and to influence their decision.

Mr. Van Buren came into office on the 4th of March, 1837. Since that day, we must all admit that the Treasury has not been full. On the contrary, we have found difficulty ever since in raising the ways and means. This fact we cannot deny; and if we have been guilty of extravagant and unnecessary expenditures of the public money within that period, we can neither justify nor excuse ourselves under the plea of an overflowing Treasury. We desire to escape from this charge under no such subterfuge. We boldly deny the accusation of extravagance preferred against us by our political opponents, and demand the proofs by which it is to be sustained.

In order to establish their accusation, that this Administration has been guilty of an extravagant and unnecessary expenditure of the people's money, since the 4th March, 1837, they must clearly and distinctly point out the items and the objects of this extravagant and unnecessary expenditure. We call upon them for their bill of particulars. We ask them where, when, and how, have these expenditures been incurred? Vague and general charges of extravagance, although clothed in the most eloquent language, amount to nothing. We call for specifications—for items. By this report from the Secretary of the Treasury, we furnish our opponents with the best weapons to assail us, if we are vulnerable. It enumerates, under different heads, all the expenditures of public money since the present Administration came into power. It presents the subject, item by item, and makes an aggregate for the last year (1839) of thirty-seven millions of dollars. The permanent and regular expenses of the Government, during that year, did not reach thirteen millions and a half; and it has never, to my knowledge, been asserted, either by friend or foe, that, under any system of wise economy, they could have been reduced below this sum. The remaining twenty-three millions and a half (I speak in round numbers) consist of eleven millions expended in the payment of the public debt, which we were compelled to create in consequence of the bank explosion of 1837; and twelve millions and a half appropriated by Congress for the purpose of meeting extraordinary and temporary expenditures which we allege were unavoidable. We now come to the very point in controversy. This is a question of figures; and honorable Senators in the Opposition are called upon, with the report of the Secretary of the Treasury in hand, to lay their finger upon those items of expenditure, whether ordinary or extraordinary, which they condemn. Let them point out such as could have been avoided. This, and this alone, is the mode by which they can establish the charge of extravagance against the present Administration. Now, sir, our case is presented. The heads of our expenditure are before the Senate, and the people of the United States, in an official and authentic form; and feeble as I may be, I am willing to take up the gauntlet, and do battle with any of our political opponents in defence of the present Administration against this charge. I shall not refer to the ournals for the purpose of proving that they themselves have voted in detail for the very expenditures which they now condemn in mass. This has never been my practice. I take these expenditures as I find them; and all I ask is, that our opponents shall come forward and specify, in a distinct and tangible form, those particulars which they deem unnecessary and extravagant.

Gentlemen, in the first place, fix fifteen millions of dollars as the proper annual expenditure of the Government, and then charge the Administration with extravagance, because it has exceeded this imaginary standard. The present report of the Secretary of the Treasury exposes, in the clearest light, the fallacy and the injustice of such a course. Among the items constituting the twelve and a half millions of the extraordinary and temporary expenditures during the last year, we must certainly find the evidence of this extravagance, if it is any where to be found. Can any Senator specify a single expenditure upon this list which ought not to have been made? In it the items for Indian wars, for the purchase of lands from the Indians, and their removal west of the Mississippi, amount to a large sum. But who will say that these expenditures have been unnecessary? The present Administration, when it came into power, found an Indian war raging on our Southern frontier. This war was more savage, if possible, than any war which the savages had ever waged against us. Men, women, and children, were murdered indiscriminately. Would any one of our friends on this side of the House, stop to calculate the cost of defending our citizens against such a cruel and treacherous foe? I answer, not one. If millions more had been necessary for this purpose, they would themselves have granted these millions. With what justice, then, can the Administration be censured for this expenditure? Extravagance in this particular can with no more justice be charged on Mr. Van Buren, than on the Emperor of China. He found the Florida war raging when he came into power; and he was bound, by the most imperative obligations, to apply the money granted by Congress to the defence of the country. Had he acted otherwise, he would have violated the highest duty of his station; and yet this is a heavy item in the extravagant expenditure with which he is charged. It is perfectly fair for gentlemen to examine carefully the manner in which this war has been conducted, and if they can find any thing in it justly censurable, to hold it up to public view. But the war itself, and the necessary expenses of conducting it, were inevitable. Then as to the removal of the Indians and the purchase of their lands. This policy was, I believe, commenced under the administration of Mr. Monroe, and has been steadily pursued throughout all the succeeding Administrations. The object has now happily been almost accomplished. Is Mr. Van Buren chargeable with the expense incurred by pursuing this policy? If Indian treaties, ratified by the Senate, and sanctioned by Congress, had required the expenditure of five or ten millions more in removing the Indians from the States east of the Mississippi to the west of that river, who could have fairly charged Mr. Van Buren with extravagance in this increased expenditure? Is there any Senator who would restore the Indians to Georgia, and the other States from whence they were removed, even if, by doing so, he could restore the cost of their removal to the public Treasury? Not one.

The most extraordinary item embraced in this general charge of extravagance, is the large amount of indemnities paid by the Treasury to our own citizens, for losses sustained by the injustice of foreign Governments, and which the administration of General Jackson obtained from these Governments by its vigorous and successful policy. These sums were paid into the Treasury in trust for the claimants, and of necessity they were paid out to these claimants. And yet this very disbursement contributes largely in swelling the aggregate expenditure of the last year to $37,000,000, and is thus made to constitute one of the items of proof to establish the charge of extravagance against the present Administration.

I might examine in detail the whole list of these extraordinary and temporary expenses of the Government during the last year, and ask which one of them could have been avoided; and the answer to each individual question must be the same. They were all necessary. Mr. Van Buren is fairly chargeable with none of them. Point out when, and where, and how, he could have avoided or diminished any of them. Unless you can do this, you give up the question.

The honorable Senator from Kentucky [Mr. CLAY] takes up the expenses of the civil list. He compares their aggregate amount with what it was a number of years ago, and shows that it has increased. This increase has been rendered absolutely necessary by the increase of our rapidly extending country. But he deals altogether in generals. He does not descend to particulars where we could meet him.

Here Mr. CLAY said, I do descend into particulars. I mentioned the increased number of custom-house officers.

Mr. BUCHANAN. The gentleman refers generally to the custom-house officers. What kind of a bill of particulars is this? If the number of custom-house officers has been increased, let it be shown that this increase was made without necessity, and was not required by the public service. This, I think, will prove to be a difficult task. Let the subject be minutely investigated.

This is not a question to be carried by eloquent appeals, but by a close examination of facts and figures. The Secretary of the Treasury has laid the case fairly open for gentlemen: and if there has been any expenditure not justified by necessity, I am willing to unite with them in condemning it. Three years of the expenditures of the present Administration are now before the country; and I shall expect, at an early day, to hear from our friends in the Opposition on this subject. I repeat again, let them point out the items of extravavance; and if we who are the political friends of this Administration cannot defend each one of them in detail, we must suffer the consequences. The people of this country have a right to know whether any, and, if any, what, amount of the thirty-seven millions of dollars paid out of the Treasury during the last year, has been expended without necessity.

Sir, the necessary expenses of this Government must go on increasing. No human prudence or foresight can prevent it. All that we can do, is to take care that not a dollar shall be expended which is not necessary to promote the interest or defend the honor of the country. You might, with equal propriety, say that the same quantity of cloth would make a garment for the full grown man, which was sufficient for him when he was a little boy, as to allege that the necessary expenditure for this country, now embracing twenty-six States and three populous Territories, should be limited by what they had been ten or twenty years ago.

The position cannot, for a moment, be maintained.

I agree with the Senator from South Carolina, [Mr. PRESTON] that sound policy dictates to us to increase our navy. It is our best and most natural defence against a foreign foe, and our commerce, which is spread over every sea, demands additional protection. But, according to the positions assumed by gentlemen, the appropriations which may be made by Congress to carry this policy into effect, would constitute, in the aggregate of the account current, a heavy item of extravagant expenditure against the President, who should execute our will.

The present issue is precise and limited in its character. Have the expenses of the Government been extravagant since the 4th March, 1837? We are ready for the trial. This question, however, is not to be decided by comparing the aggregates of expenditures for the years 1837, 1838, and 1839, with the aggregate for previous years, when there were no Indian wars—no Indian lands to be purchased, nor Indians to be removed, and none of the other enumerated extraordinary expenses to be incurred. I have nothing more to say.

Mr. CALHOUN. My object, when I first addressed the Senate on this subject, was neither to accuse nor defend the Administration. It was much higher—to state facts, point out causes, and trace consequences. In affirming that there had been a period of extravagance, I made no particular reference to the present Administration; but, on the contrary, asserted at the time that the period of economy had commenced. But, as the Senator from Kentucky had thought proper to refer what I had said to the existing Administration, I feel myself called on, as an act of justice, to state my impression how far they are or are not responsible, in reference to the subject of discussion.

There certainly remains much to be done to complete the work of retrenchment and economy; but, as far as I can judge, it would be doing great injustice to deny that, in the ranks of the Administration, there exists a strong desire to reform the expenditures, and that a good deal has been done already, under circumstances of no small difficulty. So strong has been this spirit at the present session, that thus far few bills have passed, involving expenditures, to which I could not cheerfully give my assent. But I attribute the reformation to the exhausted state of the Treasury. I know well, from past experience, if the Treasury had been full, the money would be spent. It would not have been in the power of this, or of any other Administration, to prevent it; and I take the occasion to repeat, that I rely on an empty Treasury, as the only certain remedy against extravagance. The most that can be done by the Administration, is to bring down the expenditures with the diminishing means of the Treasury. This is no difficult task, and necessarily requires time. I ask the distinguished Senator from Kentucky, in all candor, whether it would be possible for the Administration to reduce the expenditures to the proper standard, all at once? Take the pension lists. There are about forty-four thousand remaining on it, at a cost of upwards of three millions annually. Can that be got clear of at once? What can be done under this vast head of expenditure, but to arrest the further progress, and to leave it to time to retrench? I appeal to all whether there has not been great vigilance for the last two years, to prevent the increase of the lists, or whether more could well be done in that particular than has been? Again; take the Seminole War, for which the present Administration is not certainly responsible. They found it existing, and how could they prevent the heavy expenditures from that source while it continues to exist?

I have had, sir, some experience on the subject of retrenchment and economy. It was my fortune to administer the Department of War under Mr. Monroe. The Department was in a state of great disorder, and the expenditures extravagant. I went in with the determination to use my best efforts to economize and retrench, to which I devoted myself; but I found the task a work of three years of incessant labor, before it could be accomplished, to any thing like satisfaction to myself.

The Senator has asserted on this as well as other occasions, that the tariff was not the cause of the surplus revenue, but that it was caused by the public lands. A very few remarks will, I trust, satisfy the Senator himself that he is in error. The tariff of 1825 raised the duties, on an average, of all the imports so high, that nearly one-half in value of all the goods imported was paid to the custom-house; that is, out of an import of about sixty millions of dollars, the Government collected about thirty millions. That was about the amount of the imports when the compromise act passed. Since then our domestic exports have risen to nearly 100,000,000; which, adding the profits of trade, and the whale fishery, with other resources, would give an import of not less than one hundred and twenty or thirty millions, and which, if the tariff of 1828 had not been reduced, would have given an income from the customs of sixty or seventy millions. Could so large an amount have been collected without a heavy surplus? It may, indeed, be said, that if the tariff had not been reduced, the exports would not have been increased, but that would place its oppressive character in a still stronger light. The object for reducing the tariff was in part to get clear of the excess of revenue; but notwithstanding the reduction, which had to be gradual to prevent the destruction of the manufactures, the duties were sufficient to swell the income from that source to an amount greatly beyond the expenditures of the Government. The surplus, after the payment of the public debt, and the removal of the deposites, was placed in State banks; and afforded the means of bank accommodation, on so large a scale, as to raise prices, and to give an unbounded impulse to speculation in the public lands; and hence the revenue from that source, to which the Senator attributes the surplus. It, indeed, greatly increased it; but properly considered, it was itself but one of the effects of the surplus already accumulated in the Treasury from the tariff.

But the Senator said that, admitting it was the cause, still there was no necessity that the surplus should be spent: no necessity for spending a revenue of forty or fifty millions of bank paper, passing into the Treasury annually? Could such a tide of paper be permitted to flow into the Treasury from year to year, without flowing out through some other channel? I put the question to the Senator, would not its first effect have been to transfer a large portion of the property of the country to the banks, and their favorites, and finally, on the reflux of the tide, to leave them in the embarrassed and prostrated condition in which we now find them? Is not, in fact, the present condition of the country, proof conclusive of the truth of what I have asserted?

[Mr. CLAY. The accumulation might have been prevented by the distribution of the surplus.]

Yes, it might, and I accordingly made the qualification, that it must be spent, or got clear of some other way; but the Senator knows my objections to the scheme of raising a revenue for distribution. It may be expedient to get clear of an accidental surplus to avoid a greater evil, by a deposite with the States, as was the case in 1836; but of all measures, I regard a permanent distribution of the revenue, as the most fatal effect that could grow out of a surplus revenue. As bad as are extravagant expenditures, it is still worse. We have had the two combined, and they, in the short space of a few years, have well nigh proved fatal to the country.

The Senator in conclusion declared against a high tariff, but asserted, if I understood him correctly, that he was for protection, and was in favor of a system of countervailing, or retaliatory duties.

[Mr. CLAY explained, that he was in favor of maintaining the compromise act, and of affording protection within the limits to which it would reduce the duties.]

I certainly understood the Senator to say that he was prepared to meet prohibition by prohibition. Did I understand him correctly?

[Mr. CLAY assented.]

I do not intend to go into the important question involved; but I take the occasion of raising a warning voice against the whole system of retaliatory duties. It would prove worse in the end than the protective system. Go into it when you may, it will be almost impossible to get out of it. Begin the war of duties against duties and prohibition against prohibition, and you will find no stopping place. It will go on. The passions will be roused on both sides. Pride will be enlisted. If you raise the duty on one article in order to force a reduction on another, instead of reduction, additional duties will be laid to countervail yours. If you prohibit on one article, to force the removal of prohibition on another, it will in like manner be met by prohibition on some third article. In every instance there will be less resistance to increased duties on one side, than to the reduction of the duties on the opposite, and to adding to the list of prohibited articles on one side, than diminishing the list on the other.

It is easy to see the end. We should have the protective tariff in the worst possible form, still more oppressive and more difficult to throw off. I proclaim the danger in advance, and I call on those interested to be on their guard.

In guarding against the danger of the retaliating system, I am not insensible to the unequal and oppressive duties under which some of our great staples, and especially tobacco, labor in many of the countries with which we have commercial relations, to the great injury of both them and us. I hope the folly of such a policy will yield to the growing intelligence of the age; and I do trust that those who may be charged with the Executive Department of the Government, will spare no efforts, nor lose any opportunity, to remove the evil, through the agency of negotiation and argument; but I do trust that the Government will not go a step beyond. It would be, at best, but to injure ourselves in order to spite others. I hope that some more suitable occasion may be presented to go fully into this important subject, before the termination of the session.

The question being then on printing thirty thousand extra copies of the report, it was agreed to—ayes 22, noes 14, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lumpkin, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Sturgeon, Wall, Williams, and Wright—22.

NAYS—Messrs. Clay of Kentucky, Clayton, Davis, Dixon, Henderson, Knight, Porter, Prentiss, Preston, Ruggles, Southard, Tallmadge, Webster, and White—14.

The Senate then adjourned.

SPEECH OF MR. DAVIS,
OF INDIANA.

In the House of Representatives, April 30, 1840.—Delivered in Committee of the Whole House, on the subject of an appropriation for the Cumberland Road.

The general appropriation bill being under consideration in Committee of the Whole House—

Mr. DAVIS moved to strike out the following items:

For coast surveys - -	$125,000
For colonnade to the Treasury building	41,000
For completing the Patent Office -	52,000
For continuing the Post Office building	125,000
Amounting in the whole to - -	$343,000

and inserting in lieu thereof:

"That the following sums be, and they are hereby appropriated, for the continuation of the Cumberland road, viz:

For the State of Ohio - - -	$75,000
For the State of Indiana - -	100,000
For the State of Illinois - -	100,000
	$275,000

To be disbursed under the direction of the Secretary of War, subject to all the regulations and restrictions of former appropriations."

Mr. D. assured the committee that nothing but the strongest sense of obligation to his constituents could induce him to trespass for a single moment on their patience, wearied, as he knew they were, by protracted sittings and irrelevant debate. Gen-

tlemen around him were crying out, "There is no hope for your road in the Senate," "Your bill is killed in the Senate," and similar discouraging remarks; still, though he feared that this unfortunate condition of their claim was but too true, it should not deter him from discharging the duty he owed to the people who have honored him with their confidence.

Mr. D. said there were two reasons which had induced him to move to strike out these particular items from the estimates. The first was, that, under the present straitened condition of the Treasury, he was under the impression that the colonnades, porticos, and other ornamental portions of the Patent Office, and the Treasury building, could with much propriety be dispensed with, at least for the present. One of those buildings was now occupied, and the other could be rendered habitable at very little additional cost. The Post Office could be covered in so as to preserve it from injury for another year, at a very trifling expense; and, the materials on hand not being of a perishable character, of course no great injury could result from the delay.

But the second reason, said Mr. D. why he had moved to strike out any portion of this bill, in order to insert his amendment, was for the accommodation of certain gentlemen, who are very fastidious to accommodate the legislation of the country, so as not to transcend the estimates submitted to this House by the Secretary of the Treasury. But before he proceeded to notice the objections of gentlemen to making appropriations which are not included in the estimates of the current year, he must be permitted to reply very briefly to the gentleman from Maine [Mr. PARRIS] In his remarks lately made to the House, he [Mr. PARRIS] says, that the new States have no claims upon the General Government for making this road. Now, sir, the gentleman has but little knowledge of the history of his own country, or at least that portion of it called the new States; for it is well known that this road had its origin in legislation as early as 1805; from that period forward until the last year continued legislative sanction has been extended to this road. The origin of the claim to an appropriation was first founded in the compact admitting the State of Ohio into the Union as will be seen by the report of a committee made and the bill subsequently founded upon it, and approved 29th March, 1806, entitled "A bill to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

This first act of Congress not only provides for the construction of this road by the two per cent. reserved for that purpose by the compact between the United States and the State of Ohio; but it makes this additional provision in the same bill: "That any further sums of money required for the continuation of the road, shall be appropriated out of the Treasury of the United States." Here is a direct appropriation of money from the Treasury, in addition to the two per cent. already reserved for that purpose, and every subsequent appropriation bill passed, from that day to the present, has drawn from the the Treasury money in advance, with the contingency that it be reimbursed from the beforementioned two per cent. reserved fund; showing conclusively that the gentleman from Maine is in error, when he alleges that the new States have no claims upon the General Government for this road; for the States of Indiana and Illinois have claims arising from the compact admitting them to the Union, couched in language as strong as that of the compact with Ohio. The obligation on the General Government to complete this road is imperative; for, according to the wording of the compact admitting Illinois into the Union, it is expressly stipulated that the Government of the United States shall apply this fund, (viz. the two per cent. reserved) to the *making* of a road *to* the State. This road *to* the State, the General Government has commenced; and will they adopt the miserable policy of withholding from this great *national* work the sum necessary to its gradual completion? thereby permitting it to sink into a state of dilapidation from which ten times the sum will be requisite to consummate the work that may be necessary to complete it, if reasonable annual appropriations be made? Such a course of proceeding is worse than folly, and is, perhaps, only equalled by the conduct of the dissolute Catharine the Second, of Russia, who expended millions in erecting gigantic edifices at both Moscow and Petersburg, and then commenced a public highway to connect both these capitals; but having abandoned her road to build a marble palace for one of her favorites, it remained a monument of her folly, and an obstruction rather than a facility to travellers. Shall such be the fate of the only enterprize of which this great nation can boast? in his judgment, the only one destined to perpetuate our nation's greatness, and as such, the only one having demands upon our nation's care, and our nation's treasure. All, who have reflected upon the subject, will approve the policy of extensive land holders making roads, with a view to enhance the value of their own possessions; and on this ground alone the General Government would have been justified in making this road, had they had no other object to countenance the outlay. And is it not notorious that millions upon millions have found their way into the public coffers, that never would have reached them, had it not been for the facilities already afforded by this great national undertaking, and the others held out by the pledge of its completion, as inducements to the people who have colonized the West?

It was due to himself, said Mr. D. and to the opinions he had long entertained, in relation to the constitutional power of Congress to construct works of internal improvement, to say, that according to his judgment, no such power exists, unless for objects strictly and purely national; no power is given by the Constitution to collect taxes from the many, to be disbursed for the benefit of the few; nor is the policy of collecting money from the people to be sent back to the people, in accordance with the tenor and spirit of our institutions; for the people (to say nothing of the folly of such a course) must be the losers by this process of collecting and paying back their own money; but he apprehended none of these objections would apply to the case before them, as it is evident this work has claims paramount to any other now under the supervision and control of the general Government.

The gentleman from Maine further alleges that this road is exclusively local and sectional, and of course unconstitutional. Now (Mr. D. said) he was at a loss to know by what kind of logic the honorable member can make this a local work, when he knows, or if he does not know, it would be but civility on his (Mr. D's) part to inform him, that this road passes through portions of seven of the States of this Union, overcoming in its course the most serious obstacle to an internal commerce of the States—the Alleghany mountains—thereby acting as the great binding ligament of the Union, facilitating and establishing a social intercourse between the East and the West, indispensable to the permanent existence of our great Republic. To talk of the unconstitutionality of this great national enterprise, at this late period of its successful progress, is absolutely worse than chimerical. After it has received, for the long space of five and thirty years, the most unqualified support of the most logical expounders of constitutional law, both in and out of Congress; after it had received the deliberate sanction of Jefferson himself, whose pertinacious adherence to the Constitution was only equalled by the wisdom that directed his opinions; and also having received the sanction of Madison, Monroe, Adams, Jackson, and Van Buren, as they successively approved bills providing for the continuation of this work. Surely gentlemen cannot hope to make a successful attack against this road, upon a point so totally untenable; nor is it by the common or practical construction of that instrument alone that this work may be continued; for its magnitude and nationality defies even a rigid construction of the Constitution itself.

The gentleman has also brought forward in his remarks, made in opposition to this work, the cost per mile, taken, as he alleges, from the estimates for making the road; now, in this report the gentleman has acted, if not with a view to mislead the public mind, at least illiberally and erroneously. Who ever heard of an average of expenditure being drawn from a single item in a long and fluctuating account, and that item the *very highest* in the mass? Why, in the name of common justice and fair dealing, did he not also tell you that the enormous *average*, as he would have you understand it, in this partilar mile, was swelled into its magnitude by the unusual difficulties of the locality and the expenditure of four hundred and fifty-four thousand dollars upon bridges alone, leaving the actual expense of this mile of road, exclusive of the bridges, only ten thousand dollars. Why did he not present the two preseding miles at the same time, one of which (No. 69) only cost four thousand two hundred dollars, and the other (No. 70) only three thousand seven hundred dollars.

The gentleman has also taken some pains to travel out of his way, in order to attack and villify a most useful class of Western citizens, called squatters, who should more justly be denominated the pioneers of the West; he has stigmatized them as mere "pillagers of the soil, calling upon Congress to make roads for their accommodation." He knows but little of the persons he thus wantonly attacks, or he would not brand them with such unmerited and opprobrious epithets. Sir (said Mr. D.) if there is one class of citizens among the people of the West, more honest and patriotic than their neighbors, they are the hardy squatters, who have broken through the wilderness, and rendered it subservient to the comforts and prosperity of the gentleman who so unjustifiably maligns them. Many, very many, of our most respectable and intelligent yeomanry were once settlers upon the public lands; many of that class are still so, and no man who knows these people will ever think the less of them for the humbleness of their outset in life, unless indeed he may entertain the opinion that wealth is essential to honesty, and true love of country; for himself, he must say that he had ever found, among the occupants of the humble cottage of the West, a hospitality, and devotion to their country, never to be found in the contaminated and fashionable circles of wealth.

Besides, sir, the gentleman should remember that these "squatters" are made up of emigrants from all parts of the Union; we have them even from the State of "Maine," and they too make good and industrious citizens; their only distinguishing characteristic is an unusual fondness for "*pine logs and saw mills*."

As my friend from Maine has already received a pretty severe castigation from one of my colleagues, [Mr. HOWARD,] I will, with one additional comment, dismiss that gentleman's attack upon the people of the West. He told us that he approved of the policy, and admitted the constitutionality, of the General Government making, as they had done, a road from Bangor, in Maine, to the British dominions, because, forsooth, it was dubbed a military road; constructed, as the gentleman says, for the purpose of transporting troops; and this road, according to the honorable member's own showing, has been McAdamized for the purpose. Now, sir, he could tell the honorable member that these poor and despised squatters, whom he is so gratuitously disposed to traduce, would be ready and willing to march, at a moment's warning, against the enemies of their country, without requiring that country to prepare a McAdamized turnpike for them to travel over. This was no oratorical conjecture, but had actually taken place; and he felt pleasure, as well as pride, in thus bearing testimony to matters of fact which fell under his own knowledge.

Mr. D. said he regretted exceedingly that this national road question had, like every other subject discussed this session, formed an arena for a party conflict. The President has been censured for his course, and the opponents of the Administration have, in some manner, been held to accountability for the probable failure of this appropriation.

Mr. D. said he would give a candid statement of

the present posture of this affair (as he understood it) in a very few words.

At the opening of the present session, the President's message was accompanied by a schedule of estimates for the current year, coming to this House, as is usual, through the Secretary of the Treasury. In the aggregate amount, presumed by that officer to be necessary and proper for the economical and efficient management of the Government, no sum was named for the continuation of the national road. This omission is said to be novel, and many think it culpable; for himself, he must say that he regrets this omission, as it has furnished some gentlemen, (among whom Mr. HOFFMAN of New York avows himself one,) who have hitherto sustained this work, with a pretext for opposing it now; but what is extremely novel in their position is the fact that these same gentleman are decided opponents of the President, unwilling to follow his suggestions in any instance whatever, except this; and now, forsooth, "so strange a spirit has come o'er their dream," that Mr. Van Buren must play the part of the "oracle," to their pliant consciences, before they will vote us one "sous" for our road! Truly,

"Consistency, thou art a jewel!"

I wish these fastidious gentlemen could find it convenient to abide the recommendations of the President in some other particulars.

[Here Mr. BROWN of Mississippi said he apprehended that such a course of remarks would lead to reply, and elicit a long debate.]

Mr. D. said he was determined to confine himself to the question; but that nothing was to be feared by the friends of this road, if debate should be elicited, for he was confident that much of the opposition to this work arose from the fact that the subject was not well understood.

Mr. D. said, when he was interrupted by the gentleman from Mississippi, he was in the act of defining the course of the President in relation to this subject. Some gentlemen reflected upon the Secretary of the Treasury also, for not submitting the necessary estimates; but it never was any part of his duty to compile the items necessary for public works not connected with the necessary operation of the Government: it is true, however, that he has usually been the organ of communication for such estimates, coming, as they always have done, from the Secretary of War. At this session, this information was sent to this House, *direct* from the War Department, as will be seen in a document from that officer, marked No. 2, and evidently intended as a part of the President's message and accompanying documents.

On page 624 of these reports, the Engineer-in-Chief, as introductory to his estimates, holds the following language:

"I transmit an estimate of the funds *required* to complete the various civil works under charge of the Engineer Department, together with an estimate of funds *required* for operations during the year 1840."

This language has the approbation of the President and the Secretary of War, as passing under their inspection and approval from the Engineer to this House; and on the succeeding page may be found the following items:

For completing the Cumberland road in Ohio - - - -	$628,166 26
For completing the Cumberland road in Indiana - - -	3,144,250 20
For completing the Cumberland road in Illinois - - -	1,432,138 49

The amount required to carry on the work for 1840, is as follows:

For Ohio - - - -	$100,000
For Indiana - - - -	150,000
For Illinois - - - -	150,000

The aggregate amount estimated as necessary for the completion of this road, is, in my humble opinion, much too high; at least such is my belief, so far as Indiana is concerned; and I express this opinion with great deference to the judgment of Captain Ogden, the superintendent of this road, whom I know to be an efficient and competent officer; but, sir, I venture this proposition to the General Government, that if they will give us one-half of the above mentioned sum in reasonable instalments, we will give them a quit claim to any further drafts upon the Treasury, and they shall retain all their rights to transport troops, &c. upon the road, as a great national highway.

It has been urged by a distinguished gentleman from Pennsylvania [Mr. BIDDLE] that the President, in his course this session, upon the subject of internal improvements, was guilty of a deep finesse, made with a view to secure Southern votes, by holding out the idea that he was ostensibly opposed to a system of internal improvements, and yet intending to press for appropriations to this work in an indirect manner. Now the gentleman mistakes the character and intelligence of the people of the new States if he supposes they could be duped by any such chicanery. He, Mr. D. had no reason to doubt but that the opinions of the President remained as they ever have been; and that they are favorable to the road is evidenced by the fact that he has signed bills providing for its continuation. But if the gentleman be correct in his surmises, if the President has shifted his position, it would be far from receiving his (Mr. D's) commendation; for the great political star which had guided his course through life was to do what he thought best for his country and his constituents, regardless of other men's opinions. And yet, said Mr. D. I never have been viewed as one of your plastic politicians, whose only merit is their pliability. But, sir, if the President has acted as the gentleman alleges, it appears to me to be a most mistaken policy, endangering a loss of confidence in the West, and by no means securing new friends in the South.

[Here Mr. HUBBARD rose to a point of order, and said that the appropriation had nothing to do with the opinions of the President, but must be judged upon its own merits.]

Mr. D. said, in reply to Mr. H. that that was precisely what he desired gentlemen should do in voting on this appropriation, without insisting that the President, or any other individual, should first instruct them how to proceed. Mr. D. said he felt it due to himself, to notice for a moment, the remarks made by the gentleman from New York [Mr. HOFFMAN] some time since, upon this subject. He [Mr. H.] exultingly proclaimed to this House and to the country, how much devotion the Whigs of the last Congress had manifested by their votes upon the question of this road. Now, it is probable, said Mr. D. that a majority of the seventy-four votes given for that road on the last day of the last session, were of that gentleman's party, and it is a matter of deep regret that the same result was not made manifest by the vote taken in this body some weeks since, on a motion to instruct the committee to report a bill for this road; on that occasion, of the eighty-eight affirmative votes, forty-eight were of the Democratic party, the gentleman himself voting in the negative. The gentleman also alleges, that the members upon this floor, from the line of this road, are here because the Democratic presses in Indiana (three or four of which he specified by name, and one of that number in his, Mr. D's, own district,) opened their batteries during the last canvass in Indiana upon our predecessors; "and to Whig inefficiency and Whig lukewarmness was attributed the defeat of the Cumberland road." The facts, he says, he gives upon the information of others; and my colleague from the Evansville district avows himself the informant. Sir, said Mr. D. if my honorable colleague had been as faithful in detailing the *whole* facts connected with the late elections in Indiana, as he has been in supplying a part of them, I should have been spared the necessity of this explanation. During the pendency of the last election, there were nine political papers published in my district; six of that number were decidedly opposed to my election. The whole *nine* were zealous and active in the support of their favorite candidates for Congress; and all that could be said in truth, and *perhaps a little more*, was published for and against my predecessor and myself; so that the charge of Whig impotency, to which the gentleman refers, was more than balanced by the untiring exertions of our opponents; and special pains were taken by the Opposition prints to lay before the public the relative strength of parties, as expressed in the vote for taking up this bill at the close of the last session.

But, sir, the gentleman would have you understand that those of us who represent districts through which this road passes, are here exclusively on this question, *as he is informed*. Now, Mr. D. said, to speak only for himself upon this subject, he could inform the gentleman, that of the ten counties he had the honor to represent, seven do not touch upon this road, and have no more *immediate* or *direct* interest in its completion, than the district represented by his colleague who sits before him, [Mr. PROFFIT;] and in the three remaining counties through which the road passes, his Mr. D's aggregate majority was less than one hundred, whilst his ultimate majority in the entire district was *thirteen hundred*.

The honorable member from New York has given us a glowing and eloquent description of the importance of this "queen of ways." He tells us that "he is its friend from principle;" that he looks upon it "as a *great national road*"—"as a monument to stand in after times to record the wisdom of those who planned, and those who sustained it." He tells us, moreover, "that his friendship for it is not mere oratorical profession, but stands recorded on our journals." Why then, sir, has the gentleman turned his back upon this national and magnificent undertaking? He tells you himself, in language so plain that those who run may read. I wish that others of his political friends would be as candid on this subject as he is. He tells you, sir, that, if this effort for an appropriation should be crowned with success this year, it will furnish the present delegation from Indiana with capital to sustain both themselves and the President. "If political agitation was required before the election, it would again be summoned to aid the friends of the Administration." He tells you "that, if these appropriations be now made, the course of the Representatives from Indiana will be one of triumph;" that, fearing these results, he is bound to withhold his support; in short, he admits that party, with him, has triumphed over principle. I forbear, sir, (said Mr. D.) to draw conclusions from such a course of conduct. I leave to the intelligent yeomanry of my district, and of the country, the task of estimating the efforts of this eloquent gentleman.

[Mr HUBBARD here said he must protest against going into general politics.

Mr. THOMPSON of South Carolina considered it in order, on an appropriation bill, to go into the whole course of the Government.

The chairman of the committee [Mr. CASEY] said that the gentleman from Indiana was strictly in order.]

Mr. DAVIS then said that he had felt it to be his duty to reply to accusations, in some sense personal to himself; but that he should now dismiss the honorable member from New York, for whom, having the honor of his acquaintance, he must say he entertaid the highest personal regard.

One word, however, said Mr. D. to my colleague from the Evansville district, for whom, also, I entertain the kindest personal feeling. He told us, some days ago, in his remarks, *avowedly* made upon this subject, that he was determined to tell this House of "the tricks and capers cut on the stump in Indiana at the last election." It is but justice to him to say, that of all my colleagues, I believe him to be the best qualified for the task, especially if experience is to form the basis of his avowal.

[Mr. PROFFIT very good humoredly asknowledged the fact.]

Mr. D. said he had also a word to say to the representatives from Virginia; he regretted that the constitutional scruples of many of them had increased so much since the road had crossed the Ohio river. They tell us, "that the primitive object in making this road, was attained, whenever the waters of the Atlantic were connected by it with the navigable waters emtying into the Mississippi."

Now, Mr. Chairman, I apprehend that if these gentlemen had been disposed to give a rigid construction to the Constitution, and the compact in which this road had its origin, their efforts in its

support should have ceased, as soon as it reached the Monongahela, as this river is one of the navigable tributaries of the Ohio. But, sir, it was found quite convenient to consider it as perfectly constitutional, until it was completed as far as Wheeling, having passed through a portion of their territory. Are these gentlemen aware of the fact that Virginia, Maryland, and Pennsylvania, all by solemn acts of legislation, sanctioned the passage of this road through their respective territories? Do they not know, that by the compact with Ohio, the general Government is bound to make a road *to* and *through* that State? and in the compact with Indiana, they are bound to make a road *to that State*, and by the compact with Illinois, they are further bound to make a road *to that State*? Do gentlemen, representing the old States, know, that more than three millions of dollars have been expended, in making that road east of the Ohio? But as the gentleman from Ohio (Mr. MASON,) has so ably stated all the facts connected with the history and constitutionality of this road, I will not dwell any longer upon it.

Mr. D. said he could not refrain from expressing his regret that there should be such a manifest apathy, not to say opposition, to this work on the part of those States through which it passes, since it has been finished and ceded to their jurisdiction. He thought such a course did not argue very strongly in favor of their patriotism, to say the least of it; and hoped gentlemen would consent to act more magnanimously towards the new States.

Mr. D. said he now proposed to say a word in reply to an observation that fell from some gentleman near him when he first commenced making his remarks. That observation was, "Your bill is killed in the Senate." It is certainly a matter of deep regret to the friends of this road, that they have not been able to procure a direct vote upon the isolated proposition for an appropriation; because many members have given us distinct pledges that upon such a proposition, they would support us, that did not feel at liberty to do so when the question was presented to them, as it has ever been, coupled with other subjects which they regarded as extraneous.

For a long time we looked to the Senate to furnish us with this opportunity, by passing a bill, and sending it here for our concurrence; but, to our great mortification, this prospect, we fear, was illusive. I propose to advert, for a moment, to one of the principal sources of our blighted expectations in the Senate. A very distinguished Senator from Kentucky—

[Here Mr. THOMPSON of South Carolina said, in an under tone of voice, "you admit him to be distinguished?"]

Yes, replied Mr. D. distinguished alike for his talents and his *inconsistency*—inconsistent, as well on this as on many other important topics of national legislation.

This Senator, who for so many years was the eloquent and vigilant defender of the interests of this work—to commemorate whose efforts, a statue of imperishable materials has been erected on the road, near Wheeling—he, too, sir, has not only given his vote against this measure, for the first time, but he has poured forth a torrent of his mingled invective against both the President and this great national undertaking. Like the gentleman from New York, to whom I have referred, and many other leading members of their party, he has sacrificed this, his own darling and favorite measure, upon the altar of his unhallowed party ambition—as is evident from his remarks, recently made in the Senate. We are indebted to the efforts of this Senator, and his only, for the failure of our appropriation in the Senate; and, in my humble judgment, its consequent failure to become a law; as I believe, if the Senate had given us a bill, we could most undoubtedly have passed it.

But in order that this Senator's course may be properly appreciated, I desire to read a short extract from a speech delivered by that gentleman in favor of this road in January, 1824, to show you how eloquently he discoursed at that period in its favor; and that you may compare it with his remarks recently delivered in the Senate. (Mr. D. was about to proceed to read the extract refered to, when Mr. PROFFIT and Mr. STANLY rose simultaneously, and gave notice that this part of Mr. D's speech would certainly be answered.]

Mr. D. then read the following extract from Mr. Clay's speech upon this road as delivered in Congress in 1824:

"Let me ask, Mr. Chairman, what has this Government done on the great subject of internal improvements, after so many years of its existence, and with such an inviting field before it? You have made the Cumberland road, only. Gentlemen appear to have considered that a Western road. They ought to recollect that not one stone has yet been broken, not one spade of earth has been yet removed in any Western State. The road begins in Maryland and terminates at Wheeling. It passes through the States of Maryland, Pennsylvania and Virginia. All the direct benefit of the expenditure of the public money on that road, has accrued to those three States. Not one cent in any Western State And yet we have had to beg, entreat, supplicate you, session after session, to grant the necessary appropriations to complete the road. I have myself toiled until my powers have been exhausted and prostrated, to prevail on you to make the grant. We were actuated to make these exertions for the sake of the collateral benefit only to the West; that we might have a way by which we should be able to continue and maintain an affectionate intercourse with our friends and brethren; that we might have a way to reach the Capital of our country, and to bring our counsels, humble as they may be, to consult and mingle with yours in the advancement of the national prosperity. Yes, sir, the Cumberland road has only reached the margin of a Western State; and, from some indications which have been given during this session, I should apprehend it would there pause forever, if my confidence in you were not unbounded, if I had not before witnessed that appeals were never unsuccessful to your justice, to your magnanimity, to your fraternal affection.

"But, sir, the bill on your table is no Western bill. It is emphatically a national bill, comprehending all, looking to the interests of the whole. The people of the West never thought of, never desired, never asked, for a system exclusively for their benefit. The system contemplated by this bill looks to great national objects, and proposes the ultimate application to their accomplishment of the only means by which they can be effected, the means of the nation—means which, if they be withheld from such objects, the union, I do most solemnly believe, of these now happy and promising States, may, at some distant (I trust a far, far distant) day, be endangered and shaken at its centre."

Mr. Chairman, I now propose to give you a few short extracts from the Senator's remarks, made during this present session to the Senate, accompanied by a word or two of comment. That Senator says, "that he *never* thought it expedient to create a national debt to carry on works of internal improvement; it was only when it could be done without inconvenience to the Treasury, that he had been willing to concur in appropriations to that object."

Now, Mr. Chairman, is it not a matter of history, that this Senator voted for large appropriations to this road, for many years after the last war, when our country was in debt from one hundred, to a hundred and fifty millions? And now the whole amount of our Government debt does not exceed five millions, and there are ample means to pay off that sum, if the banks would but act the part of honest agents. This is but a small sample of his *consistency*. Now his remarks upon the constitutionality of this work are as follows:

"The operation of the Constitution of the United States, as to the construction of artificial roads, has been suspended in all parts of the United States except in the three States of Indiana, Ohio, and Illinois. We have had, in effect, two constitutions of the United States, one for those three States, and another for the rest of the Union."

Will you have the goodness, said Mr. D. to compare this extract with his remarks made in 1824 (as quoted) in regard to the nationality of this work. When speaking of his reluctance to vote further sums for its continuation, he says:

"That reluctance was increased by a knowledge of the fact that the very States, which were thus exclusively benefited, constantly maintained the Administration which originated and inflicted this inequality. Nay more, a majority of their delegations has been always opposed to a distribution of the proceeds of the sales of the public lands, by which other States, as well as themselves, might have acquired the requisite funds to construct their works."

Here, sir, we have it as one of the reasons why he will no longer support this road, that the States through which it passes dared to support the Administration, not giving him their votes for President, and thus the people of the new States are to be afflicted with the Senator's wrath for acting the part of independent freemen! refusing to abandon their principles, and refusing to support his humbug of a Land bill. That Senator should have learned, ere this, that language of intimidation should be his last resort, if he is disposed to cajole the honest and hardy yeomanry of the West. One other extract from the Senator's remarks, and I shall dismiss him.

He says:—

"Another consideration operates very strongly with me to dissuade me, at the present time, from concurring in the passage of this bill; and that is the necessity which I think exists, for a thorough investigation into the causes of the extraordinary expenditures upon this road in those States, and especially in Indiana."

Here we find the Senator seized all at once with the idea that extravagance exists in the disbursement of the public money, and especially in Indiana. If abuses of that kind do exist, I desire most sincerely their correction, and will go at all lengths with other gentlemen for that purpose; but I am unwilling to take the suggestion of the Senator, "that it will be best to remit this whole subject to the administration of President Harrison," for I have an aversion to giving *so long a credit* on so important a subject. There are doubts that both the Senator and myself shall have passed to that "undiscovered country," before his proffered tribunal shall have been established.

Now, said Mr. D. I have but one or two observations to make in reply to the gentleman from South Carolina, [Mr. PICKENS,] and I shall then close these my desultory remarks.

The amendment which he submitted when this subject was first before the House, went to make void all our efforts to instruct the Committee of Ways and Means, which committee is unfortunately so constituted that no bill will be reported by them, unless they are expressly instructed to do so. On that occasion the gentleman gave us his views in the spirit and tone of one warmly attached to the State Rights doctrines; and he and myself, said Mr. D. are not so far apart upon this subject as might be imagined. I concur with him in most of his views of State sovereignty, but we differ as to the nationality of this work. He admits the power of Congress, under the Constitution, to construct works of internal improvement, provided they are of a general, and not local character; for the benefit of the nation, and not of a State. This point is so finely illustrated in General Jackson's veto message on the Maysville road bill, that I must ask that gentleman and others who think and act with him, to give that document one more attentive perusal. I am sure if they will do this, their objections to this great national work will be dissipated. The gentleman from South Carolina has expressed great fears that the Union would one day be subverted, on account of the course pursued on the subject of internal improvements. If the gentleman has reference to works purely local and sectional, there may be some grounds for his gloomy apprehensions; but of this great national avenue, of which we are speaking, there can be no doubt of its acting as a bond of our prosperous and happy Republic, rather than as a disseverance.

Now, Mr. Chairman, permit me, in conclusion, to ask if there is not something due to the people of the new States, some obligation resting on the General Government to complete this work in addition to the many claims I have already recited? How much, Mr. Chairman, would have been the value of these public lands, if it had not been for the labor of the hard-working, tax-paying, musket-bearing yeomanry of the West, who, with an enterprise and an industry no where else to be found, have stemmed the dangers, and braved the hardships of a border life? These people have poured into your coffers more than sixty millions of dollars, the result of their hard earning. Let me ask, sir, is there nothing due them for all this? What have they had in return for all their efforts? I will tell you, sir; a system of national legislation, suicidal of their best interests. South Carolina, in her worst days of oppression, never had as strong ground for nullification, as some of the new States have had. Your system of land laws, and the miserable penury manifested in appropriations to this national road, are alike oppressive and despotic; and the small pittance you have meted out to us on this work, has only been obtained by repeated begging, and constant importunity. I, for one, sir, am disposed to change this tone of begging for our rights, into a demand for justice! I am wearied alike with your tyranny and your inflexibility; and so long as I am honored with a seat upon this floor, my hand shall be raised, and my voice swelled to its boldest notes of exclamation, in demanding justice! The time *may* come, and it surely *will* come, when we shall be able to do justice to ourselves, and to prostrate

in the dust this *monster power*. When we shall have thus conquered, we will inscribe on our shield the motto of the good Old Dominion: "Sic *semper tyrannis*." If the present generation shall fail to do this, I am sure, sir, no true patriot of the West, who loves his rights as a freeman, but would, with his latest breath, infuse into the ears of his last and only son, principles of resistance to all such tyrannies.

SPEECH OF MR. PARMENTER,

OF MASSACHUSETTS,

In the House of Representatives, April 20, 1840—In Committee of the Whole on the state of the Union, on the civil and diplomatic appropriation bill.

Mr. PARMENTER said: Mr. Chairman, the gentleman from Vermont, [Mr. EVERETT,] who has just taken his seat, stated that the custom of the House, in Committee of the Whole, on the bill now under discussion, was considerably different from what it had been for several years past. That it had been usual to refer the President's message to a Committee of the Whole House for examination and debate, and that speeches on the political topics of the day were then made. He has censured the friends of the Administration for not pursuing that course, and for not referring the President's message. Since I have been a member of this body, I have witnessed the most unremitted efforts, on the part of the friends of the Administration, to have the President's message referred for the purpose of discussion. But it has been uniformly objected to by the Opposition. It would be well recollected by those who were members of the last Congress, that scarcely a day passed in the early part of the session, that a member of the Committee of Ways and Means [Mr. HAYNES] did not endeavor to procure a suspension of the rules, for the purpose of the reference of the message, but it was always strongly opposed by the Whig members, and the requisite vote of two-thirds could not be obtained. The message, therefore, was not referred as usual. If the remark was intended as an excuse for the wide range the debate has taken on this bill, it could not be urged that the occasion for that apology was at all attributable to the friends of the Administration; for I am sure, as far as my knowledge extends, it has always been the wish of the Administration members to give it the usual and an early reference. The fault is not with them.

Had not the Opposition on this floor extended the debate so far as to include within its scope almost every party question of the day, the friends of the Administration would have gladly forborne many remarks, which they have felt compelled to make, in justice to themselves and their cause, during the discussion of the bill now before the committee. The necessity of its early passage, and the great labor it imposes on one of the important committees of the House, (the Committee of Ways and Means,) to be in constant attendance, would have induced them to have taken some other occasion, had it been possible. But it would have been considered a dereliction of duty to have left the entire field to our opponents, and then, perhaps, unable to save any time. The gentleman from Vermont again brings forward the oft-repeated charges of corruption and profligacy against the Administration. The accusations are, as usual, vague and indefinite; but he has made one remark which has struck me with some force. He takes the ground, that no successful investigations can be had without the Executive is of the same political character with its accusers. Now, sir, as these charges are against the Executive, how can the investigators be successful in demonstrating charges, unless they be true? The Executive department deny their correctness. Does the gentleman wish them to admit they have done wrong when they have not? Or, does he mean to intimate that there has not been the most open and free disclosure of every thing on the part of the different Departments to committees of investigation? If so, I think he is mistaken, for it has always been admitted, so far as I have ever heard, that the greatest attention has been paid, and the most abundant facilities offered to every committee of investigation. The difficulty does not lie in the want of a favorable political Executive for investigation, but in the absence of truth in the various accusations brought against it. The Secretary of the Treasury has been for a time the principal object of attack, and every examination and scrutiny into his conduct, has only more and more demonstrated the fidelity and capability of this efficient officer. The assaults upon him, as well as the President, have latterly subsided, and have been, during the present session, transferred, in some degree, to the Postmaster General. But, after all the attacks upon him, he is universally admitted to be an officer of consummate ability, and of great research and industry. It is not my purpose, in rising, to make a general reply to the gentleman from Vermont; and I have made these remarks rather incidentally than otherwise. I wish to say a few words in relation to the speech made by my colleague, [Mr. CUSHING,] some days since, which was considered by the gentleman from New York, [Mr. VANDERPOEL,] who succeeded him, as more than ordinarily courteous in its language and style.

We have been so generally denounced, in no measured terms, that it is no small praise for a member who, at the present day, ranks under the Opposition to the Administration, to be complimented for his gentlemanly deportment in argument; and therefore I am rather disposed to attribute some of his views to oversight than to any other cause, although his reputation for thorough examination is such as to make it a little extraordinary that he should have made the omission of some material facts.

My colleague quoted from the President's message, at the beginning of the present session, the following passage, speaking of Treasury notes:

"The whole amount unredeemed now falls short of three millions. Of these, the chief portion is not due till next year; and the whole would have been already extinguished, could the Treasury have realized the payments due to it from the banks. If those due from them during the next year shall be punctually made, and if Congress shall keep the appropriations within the estimates, there is every reason to believe that all the outstanding Treasury notes can be redeemed, and the ordinary expenses defrayed, without imposing on the people any additional burden, either of loans or increased taxes."

And then he assumes the position that the President expresses his belief that no deficit could be possible, but in the event of the contingencies therein named, which, my colleague states, are two: first, that it could not happen, unless Congress should make appropriations to exceed the estimates, which have not yet been made; and secondly, that the bank balances, being but about one million of dollars, were sufficient to go but little way towards supplying what was proposed to be given by Treasury notes—that amount being five millions.

The idea conveyed by my colleague, although he, perhaps, does not, in express terms, say so, is evidently that the President was greatly mistaken, or that he intended to make an erroneous impression on the public mind, in relation to the true state of the finances of the nation. I, therefore, regret that he should have overlooked this passage in the message of the President. It will be found on page 9:

"The precautionary measures which will be recommended by the Secretary of the Treasury, to protect faithfully the public credit under the fluctuations, and contingencies, to which our receipts and expenditures are exposed, and especially in a commercial crisis like the present, are commended to your early attention."

I will now advert to the report of the Secretary of the Treasury, to which the President refers, and which was laid before Congress on the same day with the President's message. The Secretary says:

"The Department, therefore, is now without any resort, temporary or permanent, in case of material deficiencies; and considering all the circumstances before mentioned, with the dangerous liability in law to have the whole outstanding Treasury notes paid in at any moment for public dues, without a power remaining to issue others in their stead; considering, also, the present revulsions in the commercial world, which affect so seriously the receipts from both duties and lands; considering the disasters which are befalling the banks and rendering our collected funds in some cases wholly unavailable, and the advances necessary to be soon made for the large payments of pensions, and Treasury notes falling due in March, the earliest attention to new legislation on this subject seems highly prudent, if not indispensible, for the effectual security of the public credit."

The President, therefore, did not omit to mention the probability that a temporary arrangement would be necessary to relieve the Treasury, even admitting that a Treasury note issue, in anticipating the revenue, may be properly called a loan, as my colleague contends.

The Secretary of the Treasury, in his report, also presents a full view of the various other matters which bear upon the finances of the nation.

But, in relation to the intimation that the contingencies had not happened which would cause a temporary deficit. It will be recollected that his speech was made a little more than a month since, when, in addition to the proofs I have adduced, several other communications had been made, which show that a larger amount of supply for the Treasury might be needed than was anticipated. On the 4th of February, the attention of Congress was called to the state of the finances of the nation, by a message of the President in relation to the judicial construction given to existing laws for the collection of imports. The President says:

"The effects which these proceedings have already produced, in diminishing the amount of the revenue, and which are likely to increase hereafter, deserve your early consideration.

"I have, therefore, deemed it necessary to bring the matter to your notice, with a view to such legislative action as the exigencies of the case may, in your judgment, require. It is not believed that any law which can now be passed upon the subject can affect the revenue favorably for several months to come, and could not, therefore, be safely regarded as a substitute for the early provisions of certain and adequate means to enable the Treasury to guard the public credit, and meet promptly and faithfully any deficiencies that may occur in the revenue, from whatever cause they may arise.

"The reasons in favor of the propriety of adopting, at an early period, proper measures for that purpose, were explained by the *Secretary of the Treasury in his annual report*, and recommended to your attention by myself. The experience of the last two months, and especially the recent decisions of the courts, with the continued suspensions of specie payments by the banks over large sections of the United States, operating unfavorably upon the revenue, have greatly strengthened the views then taken of the subject."

Again, on the 17th of February, the President says to Congress by message:

"I submit to Congress a communication from the Secretary of the Treasury, *repeating suggestions contained in his annual report*, in regard to the necessity of an early provision by law for the protection of the Treasury against the fluctuations and contingencies to which its receipts are exposed, with additional facts and reasons in favor of the propriety of the legislation then desired.

"The application assumes, that although the means of the Treasury for the whole year may be equal to the expenditures of the year, the Department may, notwithstanding, be rendered unable to meet the claims upon it at the times when they fall due.

"This apprehension arises, partly, from the circumstance that the largest proportion of the charges upon the Treasury, including the payment of pensions, and the redemption of Treasury notes, fall due in the early part of this year, viz: in the months of March and May, while the resources on which it might otherwise rely to discharge them cannot be made available until the last half of the year; and partly from the fact, that a portion of the means of the Treasury consists of debts due from banks, for some of which, delay has already been asked, and which may not be punctually paid."

Accompanying the message, of which this is a

part, was an estimate of the condition of the Treasury, as follows:

Money in the Treasury 10th February, 1840, available for general purposes, computed to be about $1,700,000, but at the end of the month it will, probably, be reduced to -	$1,300,000
Not over two-thirds of this will be situated on the seaboard, and convenient for use to pay pensions and redeem Treasury notes.	
Receipts.	
In March, April, and May, from customs and lands, estimated at -	3,600,000
Receipts from banks in those months, indebted in 1837 as depositories, estimated at - - - -	200,000
Now, and before the 1st June, computed aggregate means -	$5,100,000
Expenditures.	
Expenditures for pensions required by 5th March, as estimated by the War Department, at $1,760,000; of which will then be needed, besides what has been recently advanced, about - - - -	$900,000
Treasury notes falling due by March 7th, not yet redeemed - -	550,000
Treasury notes falling due by March 13th, not yet redeemed - -	250,000
Treasury notes falling due in the rest of March, April, and May, and others then redeemable - -	1,150,000
Ordinary expenditures in March, April, and May, out of appropriations already made, and new ones which are expected to pass, and are required to carry into effect existing laws, for ordinary objects, before 1st of June, estimated at -	4,500,000
Least balance usually proper to have on hand, at various points, near as well as remote - - -	2,000,000
Add for the 1st of June, to meet what is immediately due under the many new appropriations passed near the close of the session - -	500,000
	$9,850,000
Deduct the computed means -	5,100,000
Amount of additional means appearing expedient now and before the 1st of June - - -	$4,750 000

All these documents were before Congress, when my colleague selected a single passage from the message of the President, from which he inferred, that Congress and the people were kept in the dark. Does not every paper specially refer to the annual communication? Is it not already demonstrated, that much of the deficit, although some was before expected, for the early part of the year, arises from new causes? It will be seen, of the $4,750,000 wanted, two millions are to be in the Treasury, and about two millions for the redemption of Treasury notes. There can be no reason for the idea that there was any disposition to keep any other appearance on the state of the Treasury, than that which a full and frank statement would require. From the beginning to the end, the Executive has given the true view of the whole subject, and it appears to me, there is nothing to warrant the conclusion, that Congress was not seasonably informed, and through Congress, the people of the country apprised of the probable deficit of the revenue.

It would seem hardly necessary, if it were not that party prejudice is ready to attribute any thing and every thing evil to the Administration, to arrange and comment upon the statements of these several public documents. But, if it go abroad that the President, in speaking of so important a part of the national concerns as its finances, had omitted to allude to the probability of the Treasury not being able to meet the demands upon it, we all know the extent to which party zeal would go. I have thought it well, therefore, to make an allusion to it, because it has appeared clear to me, that the President and Secretary not only gave warning, but continued it in the most explicit manner. I do not believe there is a man on this floor, who was not aware that there would be, at an early part of the session, a necessity for legislation for the Treasury, or any one, who had examined the President's first message and accompanying documents, who did not see the suggestion plainly made.

If I have understood the argument of my colleague on this point, he must have intended to show, either that the President had not sufficiently investigated the state of the national finances, or that there was evidence of insincerity in the passage quoted. Therefore it is material, that all the passages in the President's message should be referred to, in order that justice should be done; not only in the annual message, as I have mentioned, does the President allude to other contingencies than those mentioned by my colleague, but in every other message, from that time until he made his speech, has he presented the whole view of the state of the Treasury, but made a special reference to the annual message and the Secretary's report. It appears to me manifest that my colleague has failed in proving either inattention or insincerity.

The expenditures of the Government are brought to the consideration of the people by my colleague. He has informed us that they have greatly increased, and quotes the report of the Register of the Treasury, and says truly, that it has been the subject of discussion throughout the whole country. I know it has been fully examined and commented upon in the section of country from which we came. It will be recollected that the charge of extravagance is, to a great extent, against the Executive. There can be no pretence that the Executive is to be held responsible for necessary expenses arising out of the wants of the country from increased population and business. No one contends this is extravagance; and if Congress appropriate additional sums for the defences of the country, our armies, fortifications, navy, and all the important arms of defence, as well as other objects, the Executive is not to be answerable, excepting for its proper expenditure. But it is said the Administration party is to be held to account, if the Executive is not. This, of course exonerates the Executive; but I shall make a few remarks on that point.

My colleague has selected the years 1828, being the last year of Mr. John Quincy Adams's administration, and 1838, the second year of Mr. Van Buren's administration. These are taken as the years which he considered the most favorable for his object. But before I proceed, I will make a single remark on the assertion that the Administration party had a majority in both Houses of Congress. My colleague says this is shown by the choice of Mr. Polk as Speaker, and the appointment of standing committees. Is it not notorious, however, that a portion of the members chosen, as friends of the Administration party, deserted the Democracy, and, under the name of Conservative, joined the Federalists, and chose an Opposition printer, whose bills of printing have been enormous, exhausting all the appropriations and leaving a large sum to be appropriated by the present Congress to pay arrearages? This was done without the Senate which was Democratic, as the House had the control of its own printing. The printing for the House, during the administration of President Jackson, when the House had a Democratic majority for each Congress, in number four, averaged one hundred and fourteen thousand five hundred and eight dollars and twenty-nine cents, ($114,508 29,) being for the whole eight years four hundred and fifty eight thousand and thirty-three dollars and eighteen cents, ($458,033 18;) while for the Twenty-fifth Congress, when Thomas Allen, an Opposition Printer, was chosen by the union of Whigs and Conservatives against the Administration, the printing bills amounted, for one Congress, to TWO HUNDRED AND THIRTY-THREE THOUSAND AND SIXTY-TWO DOLLARS AND SIXTEEN CENTS, ($233,062 16,) more than double the average for the preceding four Congresses, and EIGHTY THOUSAND DOLLARS higher than any one. Yet, sir, this party talks loudly of extravagance.

Notwithstanding the choice of a Democratic Speaker, there was a majority in this House against the Administration, by the junction of Whigs and Conservatives; and in every instance but one, I believe, have they gone over to the Federal party. The following is the list of the members of the Twenty-fifth Congress, with the parties to which they belonged, after the development as indicated in the choice of Printers at the extra session.

The *Democrats* were, from Maine, 4; New Hampshire, 5; Massachusetts, 1; Connecticut, 6; Vermont, 1; New York, 27; Pennsylvania, 17; Maryland, 3; Virginia, 12; North Carolina, 6; South Carolina, 7; Georgia, 8; Kentucky, 1; Tennessee, 3; Ohio, 7; Louisana, 1; Indiana, 1; Illinois, 2; Alabama, 3; Missouri, 2; Arkansas, 1; Michigan, 1—Total 119.

The *Federalists* were, Maine, 3; Massachusetts, 11; Rhode Island, 2; Vermont, 4; New York, 10; New Jersey, 6; Pennsylvania, 11; Delaware, 1; Maryland, 5; Virginia, 6; North Carolina, 7; South Carolina, 1; Georgia, 1; Kentucky, 12; Tennesse, 10; Ohio, 11; Louisiana, 2; Indiana, 6; Mississippi, 2; Illinois, 1; Alabama, 2—Total 114.

The *Conservatives* were Maine, 1; New York, 3; Virginia, 3; South Carolina, 1; Ohio, 1—Total 9.

Making 123 Whigs and Conservatives, and 119 Democrats.

With the exception of one only [Mr. HOPKINS of Virginia] all the Conservatives have permanently joined the Opposition, and are now, in name, as they were before in feeling, identified with the opponents of this Administration. It is truly singular, that the very year during the whole period, which is referred to as being that in which the expenses of the Government were the highest in amount, the Administration party was in a minority in this House, where the appropriation bills are most discussed and arranged—and the great item of public printing for the House, which, as shown, exceeded all bounds, was given to a printer opposed to the National Administration.

But the Secretary of the Treasury is required annually to communicate estimates of what, in his opinion, the wants of the country require, and such estimates are before us, and completely contradict the charges of extravagant appropriations on the authority of the Executive. But he intimates that the Administration encourage, through committees, appropriations not included in the estimates. He gives us no evidence of his opinion. The people who send himself and me here, prefer, in matters of this kind, facts, figures, and proof. They will form their own opinions. Neither will they look at amounts only, to infer extravagance. They will look at objects for which appropriations are made, and the manner in which the money has been expended.

What were the Executive estimates for the year 1838? The report for that year says:

"The expenditures for the year 1838, exclusive of the redemption of the Treasury notes which may be paid in for public dues, or become reimbursable within that year, are estimated at - - -		$26,926,892
Thus the new appropriations called for are - - -		$20,523,249
Viz: Civil, foreign intercourse, and miscellaneous -	$3,172,885	
Military service, &c.	11,664,612	
Naval service, &c.	5,685,752	
The permanent appropriations for the service of 1838, made by former acts, are - -		2,262,000
For the details of new and permanent appropriations required, see the document annexed, (B)		
Appropriations expected to be made by Congress be-		

yond the estimates submitted - - - 1,000,000

These new and permanent appropriations amount to - - $23,785,249

The outstanding appropriations at the end of this year, after deducting what will go to the surplus fund, are computed at - - - 14,141,643

All the appropriations, then, which are chargeable to 1838, constitute an aggregate of - $37,926,892

Of these, it is supposed that not over eleven millions will remain outstanding at the end of the year, and, consequently, that the expenditures on account of the whole will, in 1838, be about - - - 26,926,892"

And this includes the great military expense occasioned by the Florida war, and other Indian expenses. The actual sum wanted for the use of the nation for the year is 23,785,249 dollars; although former appropriations would make the wants of the Treasury 26,926,892 dollars.

There is no fear among the people that their money will not be properly and prudently expended by each and all of the Executive Departments. It is for the political advantage of the Administration that it should be. No one, I am sure, can, for a moment, believe in the party talk about bribery and corruption. It is not the way strength is to be given to any Administration, if it could exist. I mean by the words bribery, what parties mean when they talk about it; not direct offer to do wrong for political advantage, but indirect pecuniary favor without equivalent. There are none such; they cannot exist. Does any one suppose that the motive and object could not be readily seen through by the recipient and the community? It would seldom be effective with the individual, and never with the public. If any party were so far forgetful of right, their interest would be an assurance of their correct course, so far as this point is concerned.

The anxiety of the people of this country is not excited by the amount of dollars and cents called, for by their rulers, but they are desirous to know what is done with it. They have examined the subject well, and the Opposition must bring more evidence than they have yet adduced, before they will effect a revolution in public sentiment unfavorable to the present Administration on this account. You cannot persuade the people that the inhabitants of Florida ought to be left to the massacre of the savage, and that their homes shall be left desolate and unprotected, by telling them that the war has cost fifteen or twenty millions of dollars; and by placing the military expenses of ten or twelve years since, when there were no Indians committing their ravages, in contrast with the present. The people feel that they owe protection to every part and parcel of this great Republic. And they will sustain the Administration in all its efforts to subdue this relentless foe, and restore safety and happiness to the suffering inhabitants of Florida. Neither will they complain of necessary expenses for the navy of the country; but they will watch that we do not carry the support of this arm of our national defence into expenses for which the revenues of the country are inadequate. It is a favorite with the nation, both on account of its utility, and the honor with which it is surrounded. To tell them, by a display of tables, that two or three millions have been expended for the navy, is not of itself sufficient to bring down censure upon the national councils. Useless public offices, if there be such, the country wishes should be abolished; but a mere clamor about office holders will avail nothing, unless the particularly objectionable instances are pointed out. They will not be deterred by the talk about five or six millions of dollars to carry into effect the treaties with the Indian tribes, to which the national faith is pledged, as to them, and the States in which the titles to lands are engaged to be extinguished. Of the large sums which constitute the aggregate of the increase for the year 1838, these were the principal objects for which all parties voted. But, besides, we have on hand much of useful and necessary property such as fortifications, ships of war, arsenals, garrisons, public buildings, all of which are the produce of this expenditure which is so much talked about. But there is a class of expenses, for sectional purposes, and local speculations, which ought to be discontinued. It has grown upon us gradually, until it became of such magnitude as to create alarm. For this description of appropriation, the Opposition, as I believe, are principally answerable. But a reason existed for sliding into these appropriations for local objects, which did not operate until a few years since.

During the rapidly accumulating amount with which the Treasury overflowed, there was a laxity, unquestionably, in appropriations which, notwithstanding the cause has ceased by the disposal of the surplus, whether in the best mode or not is a matter upon which there is a difference of opinion; but still it is gone from the national Treasury, never, as I think, to return, although it is placed with the States in the form of deposites. And the effect of this abundance in the Treasury has lingered with us; but the evil, however, is in a rapid course of correction. The expenditures of the nation for the last year were more than six millions less than the year preceding, and, for the present, it is supposed the expenses may be five or six millions less than the last, and no great national interest suffer.

In contrasting the expenditures for the civil list of 1828 and 1838, my colleague has taken the sum total of each year to show the difference. This head of expenditure he has selected as being that which ought to most nearly correspond in the respective items. The objects of expenditure under the several heads, I find, on examination, materially vary; some of those for 1828 being placed under a different head of expenditure from those of 1838, the years he has selected for comparison. I have been through the civil list for the years named, and have taken some of the items of expenditure, that of salaries for clerks and labor in the Departments, to ascertain whether there has been an increase in the employment of clerks beyond what it would be estimated that the population and business of the nation would warrant —about thirty per cent. I do not believe there is. Their labors have been very much increased by calls for information, which have been very frequent of late years, as will appear by the journals of both branches of Congress. From all I can learn, I believe there always has been a wish, in the various Departments, to have their work done with as few as can perform it well—not that the amount, in a national view, is large, but it is the effect of a regular system of close adherence to economy, which I believe to be practised to as great an extent as is possible, particularly where it can be brought under the direct control of the Executive. The Committee of Ways and Means justly remark, in their report of January, 1839:

"It is impossible, however, to avoid a uniform increase in this branch of the public expenditure, while we continue to multiply our laws at every session, which must be carried into effect by the Executive Departments; and while we rapidly increase, as we have done of late, the number of resolutions in both Houses calling for information, and frequently involving great labor and expense." The increase has not been more than commensurate with the growing population and business of the nation.

The report of the Register of the Treasury arranges the expenditures under six different heads—civil list, foreign intercourse, miscellaneous, military establishments, Indian department, and naval establishment. He quotes aggregates of expense for these respective years: to show the difference, I have, as I just remarked, examined the expenditures under these heads, and find the items not at all identical; and, therefore, taking the amount under one specific head of expenditure, will be no guide. For instance, under the head of miscellaneous in 1828, is included an expenditure of four hundred thousand dollars, for Revolutionary pensions, that is placed in 1838 under the military head of expenditure. This mode of contrast is erroneous, although, of course, it does not affect the grand total. I have, therefore, selected some items in the civil list, which has been referred to as being directly under the personal control of the heads of Departments, and set forth as evidence of Executive patronage, and opportunity for reward to adherents. I have before me a statement of the payments by the Treasurer of the United States in 1828 and 1838, for the clerks and messengers in the offices at Washington.

In the year 1838, there were paid for clerks and messengers in the offices of Secretary of the Treasury, First Comptroller, Second Comptroller, First Auditor, Second Auditor, Third Auditor, Fourth Auditor, Fifth Auditor, Treasurer of the United States, Secretary of War, Secretary of State, and Secretary of the Navy, two hundred and fifteen thousand three hundred and six dollars and seventy-eight cents; and in the same offices in 1828, there were paid for clerks and messengers one hundred and ninety-one thousand eight hundred and fifty-two dollars and ninety-four cents—an increase of between twelve and thirteen per cent. These do not include many of the bureaus, nor any new offices, and are taken for comparison only, because it was supposed the duties corresponded in the respective years of 1828 and 1838.

The expenses of the various Executive Departments have greatly increased in aggregate, because there have been many new duties, which cannot be compared with former expenses, as they were not then required. But I have endeavored to present a fair relative view, where it appeared to me the labor was similar.

No reference is made to the Pension Department, Land Office, or Post Office, although, for the quantity of labor performed, I have no doubt they will well compare with any Administration. But their increase of duty and extent is such, that no proper comparison can be made.

If the Executive be not extravagant, then, as I have said, it is contended the Administration party in Congress is. So far as it is for proper objects, and within the range of constitutional authority, I trust that the Administration party will always make such appropriations as the country needs, and the Executive will take care that the expenditures be economical, and with a strict regard to the public good. It is observable that with all the cry of profligacy, corruption and extravagance, no specific items are pointed out. The Opposition will not come to particulars, for there they are at fault. It is there only, they can impress the people unfavorably. There is no foundation for their charges. They well know that they could effect more by showing an unjustifiable expenditure of a few thousands, than by an undefined clamor about millions, which were necessary, or which were appropriated principally by their own instrumentality.

The different views of the two political parties in relation to the powers of the General Government under the Constitution, are a guarantee to the people, that the Administration party are the most safe against extravagant appropriations. It is a cardinal principle with the Democracy, that a strict and limited construction should be given to that instrument. On the other hand, the views of the Opposition are, that great latitude should be given to the constructive powers conferred by the Constitution; and in some of the cases referred to by my colleague, their votes show what party had been the principal supporters of the measures.

[Mr. CUSHING here remarked that in some of the appropriations named, he had admitted they would have been made, if only the Whigs had voted, and the bill would not have passed if the Administration members only had voted.]

Mr. PARMENTER resumed. There is one particular point connected with this view of the subject, which I will notice. It does does not appear from the record, how many unusual appropriations were prevented; for such as were discussed in Committee of the Whole and not reported, carried no evidence which party supported them; but it is my impression, and I think I shall be borne out

by the recollection of the members of the last Congress, that the Administration party generally defeated them.

[Mr. CUSHING rose and adverted to a bill introduced by Mr. GILLET of New York, a friend of the Administration at the Twenty-fourth Congress, for the construction of custom-houses and other purposes, which, added to the ten and a half millions asked for at the same session by the Military Committee for fortifications and similar objects, would be greater than those proposed by the Whigs.]

Mr. PARMENTER. But these bills did not pass. I was not a member of the Twenty-fourth Congress, but I know that, at that time, there was great doubt what should be done with the forty millions of dollars in the Treasury. Many thought it unconstitutional and inexpedient to deposite the money with the States, but all agreed it ought to be disposed of in some way. The bills did not pass, but if they had, it might have been considered as arising from necessity as being the least evil. The state of the Treasury at that time placed the Twenty-fourth Congress in a peculiar position; and even if they had gone far, much farther than they did, in objects of expenditure, I should not consider it as evincing any views of general policy, or as a rule of action recognised by the friends of the Administration.

But I omit going more into detail, as I have said the Opposition avow, and act upon, a more latitudinarian construction of the Constitution, and therefore they have no constitutional obstacle to encounter, in spending the money of the nation. They are, and have been, with the exception of the year 1838, for several years past, in a minority, and without attributing to them a desire to make political capital, as it is called, to a greater extent than what belongs to a party out of power, which is striving to get into power, it is natural for them to fall into the support of sectional measures, the adoption of which, by their strength, would add to the popularity of their party, and the rejection of which, by the party in power, would sometimes lessen the popularity of the Administration. Their support, added to the votes of the members of both parties, whose constituents are immediately interested, will often make a majority. This, I think, has been the policy, generally, of the Opposition. I am certain, since I have been here, it is so. They feel that the responsibility is on the Administration, or party in power. If the measure be rejected, they are complained of. If adopted, they can cry aloud about the extravagance of the Administration. I attribute to no man, or party, corrupt or unconscientious motives; I only speak of the natural course of parties.

But the friends of the Administration have not been content with their votes and arguments on the floor, on these points. The whole subject had been pressed upon the attention of this House by the Committee of Ways and Means, through their chairman, (Mr. CAMBRELENG) from which I shall read a few extracts, for the purpose of refreshing our minds, of doing justice to the committee of the last Congress, and of explaining, in a condensed view, the grounds and causes of increased expenses of the Government—and show where the deviations have been made, and upon what grounds.

The Committee of Ways and Means say, in their report of January 24, 1829, by their chairman, Mr. Cambreleng, who, as the organ of the Democracy of the House, examined the whole subject of national expenditure very fully, and I have no doubt the important principles laid down have been instrumental in introducing a healthy feeling in relation to national expenses. In relation to our Indian concerns, the report says:

"Before noticing the permanent expenditures of the Government, it is proper to advert to those of an occasional or temporary character, which have very largely and unavoidably increased the amount of our annual appropriations for a few years past; these are in the Indian branch of the public service. The expenditures for Indian lands and wars have amounted, within a few years past, to about fifty milions of dollars. The purchase of their lands, and the removal of the Indians beyond the Mississippi, were unavoidably connected with the settlement of the country, however it might affect the various tribes. It is satisfactory to know that their condition has been ameliorated by removal. The addition of thirteen new States to the Union, embracing within their boundaries most of these tribes, made it necessary, especially in latter years, to purchase their lands in order to advance civilization; to remove obvious obstructions to the settlement and cultivation of the country; to prevent collision, and to preserve the lives and property of the inhabitants of our States and Territories from Indian depredations. These purchases have also been founded, almost exclusively, upon compacts formed with some States more than thirty years ago, on our implied obligation to other States; and on resolutions and appropriations by both Houses of Congress, extending through every Administration of the Government. They were, moreover, justifiable on mere financial grounds. By referring to the documents annexed, it will be seen that we have acquired by Indian treaties, since the 4th of March, 1829, about one hundred and ten millions of acres. There now remain, of unbought Indian lands, less than thirty-five millions of acres. No extraordinary expenditure can, therefore, be hereafter anticipated for this object; nor is it probable that there will be such extravagant demands upon the Treasury for Indian wars, owing to the removal of almost all the tribes, and to a change in the plan of operations in Florida, but principally to the recent increase of the army. One-half of the amount expended in these wars has undoubtedly arisen from the extraordinary expenses arising from suddenly calling into the field numerous bodies of militia and volunteers, which we were obliged to do in consequence of the inadequate force of the regular army. The increase of that force will enable Government, in some degree, to dispense with these calls in future; and many millions in our annual expenditures will be saved by preventing Indian depredations, and promptly suppressing them when they may occur."

Again, referring to the Judiciary and foreign intercourse, the necessary increase is explained in the report:

"The expenses of the Judiciary in the first ten years after specific appropriations were made, did not amount to more than about $61,000 annually; the appropriation for 1838 was $484,000. The increased expenses for the salaries of judges has not been beyond what might have been anticipated. The expense, however, of the courts of the United States has increased from about $30,000 to $342,000, which is the estimate for the present year."

I will now offer the remarks of the committee on another branch of national expenditure—pensions—where there has been a great increase, in some respects on erroneous principles, but where great justice is done to the claims of those who suffered from the war of the Revolution, and who sacrificed so much in obtaining our independence:

"For the first six-and-twenty years the average amount annually paid for pensions was less than $84,000. As late as 1814 it was about $90,000, and in 1815 less than $70,000. The late war added about $200,000 for invalids, and the widows or children of those who had died of wounds received in battle. The whole pension roll of the United States arising from the Revolutionary, Indian, and British wars, did not then exceed $300,000 annually. The appropriations for pensions in the present year amount to $2,500,000; to which are to be added the permanent appropriation of $1,000,000, and unexpended appropriations amounting to $741,000, making an aggregate for pensions in 1839 of $4,241,000; and we have now charged upon the public Treasury 42,500 pensioners. A bill was passed at the last session, without debate, and approved on the last day of the session, which draws from the Treasury in the present year $1,372,000; and there are three general pension bills now pending in the House, which would, if adopted, probably double the annual amount appropriated for pensions.

"This result, and in so short a period, could not have been anticipated by the framers of our Constitution. The claims of our Revolutionary soldiers rested on peculiar grounds. Their services and sufferings were of an extraordinary character, and we had from necessity been compelled to violate our contracts with them. In their case, we were warranted in departing from ordinary usage, when our means were ample to indemnify them. Pensions to invalids, and to the widows or children of those who are killed, or who die of wounds received in battle, form a part of the contract, where such laws exist, between the Government and the soldier. But in granting pensions, as we have done, in cases where the soldier was neither killed nor wounded in battle, we violated the pension principle, and charged the public Treasury with half pay to the representatives of all who enlist in the service of Government, whether in peace or in war, in addition to the compensation stipulated for their services. Prior to 1836, there was no departure from the ordinary pension rules except as to Revolutionary soldiers."

The report, in another part, takes up the subject of roads, canals, and harbors, showing, however useful for the part of country immediately benefited, that, if carried on in the manner which the Whig party contend the Constitution justifies, would lead to endless expenditure. The report goes back to the first legislation on that subject, which was during the administration of Mr. John Q. Adams, and says:

"For the first time in the history of our legislation, an act was passed on the 20th of May, 1826, 'for improving certain harbors, and the navigation of certain rivers and creeks; and for authorizing surveys to be made of certain bays, sounds, and rivers, therein mentioned.' On the 2d of March, 1827, this was followed by a regular annual bill, 'to authorize the improving of certain harbors, the building of piers, and for other purposes.' These expenditures immediately increased, in 1827, to $92 500; in 1828, to $121,000; and in 1829, to $505,000. In 1838, the appropriations were more than a million and a half, and the estimates for 1839 amount to $1,713,000.

"The aggregate amount already appropriated for these works is $8,919,043 66, besides canal stocks, and the debt assumed for the corporations of this District for investments in the same, amounting to $3,383,490; making an aggregate of $12,302,533 66. The estimates for completing some of these works amount to $4,650,842 21; but, judging by our experience as to former estimates, it will more probably require ten millions, besides the cost of some of the most expensive works, for which there are no estimates at all."

Further to show the character of these local appropriations, we were told that,

"After an experiment of thirteen years on the 103 works for which appropriations have been made, the following is the result:

Never commenced	3
Abandoned	1
Suspended	4
May perhaps be completed with existing appropriations	14
Completed	20
Not completed	61
Total	103

"Some of the works have been built over twice, and the twenty completed cost but $409,178 25; leaving all the expensive works yet to be finished, and at an expense which cannot even be estimated."

There cannot be a doubt that, in some instances, the appropriations referred to, have been for works of national concern, but they have been mostly for objects beneficial to small communities—particular sections. They are, also, very unequal, and lead to much dissatisfaction. They tend, also, to the neglect of the general and more important interests and defences of the whole country. And this is not the only instance in which efforts have been made by the Democracy to check these unequal and improper appropriations. Scarcely has the subject been discussed when Congress has not been warned by prominent members of the Democratic party against this unequal and unjust expenditure of the national treasure.

If any have been sustained by a portion of the friends of the Administration, they have always discriminated between those which they considered strictly of a national character, and those of a more limited interest; or, as in some cases of importance, they have viewed them with favor from an impression that it was the fulfilment of a compact, the payment of an obligation by which the United States were bound. This obligation is denied by some, and I only mention it to show that none of these local appropriations are defended by the Democracy on the ground of constitutional right to make local improvements, at the expense of the whole country.

Constitutionality of appropriation, economy in expenditure, and a simple and secure mode of managing the public moneys, are favorite points with the Democratic party. They wish no patronage for party or personal benefit. We have been, indeed, denominated the "spoils party," as a term of reproach; but what is the fact? In an examination last year by the gentleman from Ohio, it was found that, in fourteen offices in the Executive branch of this Government, out of 374 officers, 193 were Federalists, with an annual compensation of $269,065; and 181 Democrats, with $239,140.

I hold it to be a sound doctrine that the Administration should prefer its friends, not to the extent, however, of proscription. But so great has been the forbearance of the Executive with respect to these officers, it has by some of our own party been considered almost too liberal. It has been the uniform custom of the Federal party, when they have gained the ascendency, to make a thorough sweep. New York, Pennsylvania, and Maryland, have been particularly spoken of, for in some of these States hundreds, from the highest to the lowest, have been instantaneously removed. In Massachusetts, my own State, where the Federalists have been many years in power, appointments have always been from their own party, with scarcely an exception. I have here a list of office holders in Massachusetts, which is called the "Blue Book." It contains an account of 830 officers, with pay and emoluments amounting to $226,832, of which 497 are nominated by the Governor, and 243 subordinates. The remainder are chosen by the Legislature. Of the number appointed by the Executive, the Democrats will not exceed half a dozen. No, sir; the Democratic party do not seek "spoils." Their wish is to preserve the liberties and rights of the people, by a faithful attention to the administration of the public concerns, to sustain the Union, by carefully observing the powers and restrictions of the Constitution, to simplify the operations of the financial affairs of the Government, and secure fidelity in public officers by suitable restraint and direction. They disclaim unwarrantable interference with the concerns of the people, but wish to make all constitutional and wholesome laws for their benefit. They cannot, indeed, prevent the evils which arise from overaction in the trading community, from the unnatural state of things which arises from this and other causes, such as the sudden influx upon the capital of the nation, which arose from the borrowing by several of the States of nearly two hundred millions of dollars from foreign nations within a very few years, and which drew labor from its other employments for new enterprises; but want of more capital, and doubts of the productiveness of the various projects, have thrown back much labor, which, until it can find a new source of employment, as it certainly will in a country of as many resources as this, may cause a reduction in the value of labor, the effect of which will spread, to a certain extent, to all the employments of the country, upon the general principle that supply exceeds demand. Although some branches of industry are not affected, as I am informed, navigation, an interest of great importance at the North, is in a very prosperous state, and the high wages of seamen almost unexampled.

The effect of this unnatural state of things upon the revenue of the nation is referred to in the annual reference of the Secretary, as follows:

"Should the States not speedily suspend more of their undertakings, which are unproductive, but, by new loans or otherwise, find means to employ armies of laborers in consuming rather than raising crops, and should prices thus continue in many cases to be unnaturally inflated, as they have been of late years in the face of a contracting currency, the effect of it on our finances will be still more to lessen exports, and consequently the prosperity and revenue of our foreign trade. It will also impede the sale of the public lands by diverting labor from the soil to works which, for some time, must be wholly without profit. Circumstances like those, with the scarcity of money and high rate of interest abroad produced by them and other occurrences, not necessary to be now repeated, have already diminished the income in the present year below what it otherwise would have been, and will probably manifest their power much more in the year to come."

It is indeed idle to attribute to the operations of Government the effects in which itself, or rather its finances, are common sufferers. The evils are rapidly passing away. We shall soon have the gratification of witnessing industry properly rewarded, and with the assistance incidentally afforded to the soundness of the currency by the adoption of the policy of the Administration, we shall witness the nation going on in prosperous and healthy action.

The very great latitude which the debate on this bill has had, will be my apology, if any be necessary, for extending my remarks to some other political questions, as matters which have a bearing on the two great parties who are now contending in the country. If the unlimited scope of the remarks members of the Opposition, during the discussion, have been listened to, and sustained as being warrantable, on the ground that the whole concerns of the nation, past, present, and future, are legitimate subjects of debate at the present time, the comparatively small consumption of time occupied by the members in Congress favorable to the Administration, will not be considered out of place. And it is quite important to show that those opposed to us are not entitled to the claim of being more pure in their political views that we are, because it places in a proper light the authority of their character and influence, which has been, by their own assertion, insisted on as that to which the public should always look, and that upon which the people of the United States could safely rely. Since the adoption of the Constitution, and, indeed, prior to that important event, the people of this country have been divided into two great political parties; the one retaining, to a considerable extent, their British predilections, and doubting the capacity of the people for self government, and hence desirous of introducing aristocratic features into the Constitution and making it too powerful for the great body the people to enjoy political powers. The other in favor of a Government of the people, as we now have it, contending that they are the legitimate source of authority. The first have been long known as the Federal, the other as the Democratic, party.

The Federalists have always supposed the public could be amused by names. Knowing that the people of this country felt the importance of a new Constitution, they took the name of Federalists to indicate an attachment to the Constitution; but the Constitution they wanted, was one without its Democratic provisions, and it was owing to the efforts of the Democracy of that day, that the important modifications and amendments were made, securing religious toleration, preserving liberty of speech, and the press, with other essential privileges, for the great mass of the community; and without which, the Constitution would have been an instrument of oppression, instead of, as it now is, a shield of protection.

The character and principles of the Federal party are matters of history, and the name, notwithstanding its asserted origin, and the assumption that it simply meant a friend of the national compact, soon became odious, on account of the objectionable political tenets of the party which had taken it, and the name has been changed from time to time, until at the present day, the old Federalists call themselves Whigs, an appellation associated with the patriotism and self-devotedness of the heroes of the Revolution, but which has all ready, by its present use, become so undesirable, that it is, in many parts of the country, abandoned, and attemps are made to take the name of Democrat; which course, however objectionable in other respects, is an involuntary recognition of the correctness and popularity of the principles of our party.

But the Democracy of the country has not contented itself with maintaining the principle of equal rights, upon which our Government is based. It has not been satisfied with securing to the people all the benefits which flow from its institutions, in making our country, in practice as well as theory, one of free principles, for the enjoyment of our blessings at home, in the exercise of our political privileges; but it has always been ready to maintain our national rights, to assert the high character of the nation in its standing with foreign powers. Has the Federal party ever shown that determination? What was their course during the last war with Great Britain? Did they not throw every embarrassment in the way of the Government when it was contending to preserve the honor of our flag, and to defend the sacred rights of our seamen, who were thrown by thousands into the "floating dungeons" of England? There they were compelled to fight against nations in amity with their own, besides being torn from all that was dear to them—parents, wives, children, friends, and perhaps compelled, during the contest, to fight against their own countrymen. But more: I well remember the painful and heartrending accounts which were daily given of the butcheries of the then new settled West by the merciless savages; and yet the Federalists continued every effort to paralyze the Government by discouraging loans, dissuading from enlistments in our armies and navy, opposing in every manner, and interposing in every way, obstacles to a successful termination of the mighty contest. What was their motive? The leading men were, it is supposed, in part influenced by their attachment to the principles of another Government. Those who were opposed to the principles of our own, anticipated its downfall. They were willing to see their country humbled, if Democracy should fall. But, sir, the nation went through the struggle triumphantly. The foreign enemy was beaten, the domestic foe retired to his lair to await another opportunity for attack, and for demonstration that a Democratic Government contains within itself the seeds of dissolution, and that the great mass of the people have not the intelligence and virtue requisite for their own government. I make not these remarks for mere declamation. I ask every one to look calmly and soberly at the facts, and decide whether the Whigs of the present day are not, like the Federalists of former days, composed of those who want laws for their own benefit, or who fancy themselves superior to their fellow men, and the Democracy, on the other hand, composed of the independent, unambitious, and industrious portion of the country.

But the opposition to the Government existed, to a great degree, among those who called most loudly on the Government for interposition in their favor. Their language was urgent, and their calls loud on the Government. In the winter of 1805 and 1806, the merchants of all the principal seaports in the U. States—New York, Philadelphia, Baltimore, Boston, and many other places of extensive foreign commerce, memorialized Congress, and declared that Great Britain was endeavoring to establish principles that would totally prostrate the trade of the United States; that if her pretensions were recognised, it would be an abandonment of our rights, and a desertion of the great commercial interests of our country; and that reason, justice, and patriotism required that the United States should oppose these pretensions, as unsound in principle, and offensive in practice, and that the Government should take immediate and prompt measures to force our commerce, assert our rights, and vindicate the honor and dignity of the country. It would consume too much of the time of the committee if I should read these various memorials, or even extracts from them. They are signed by many men who were

afterwards among the most bitter enemies of the administration of Mr. Madison.

But, sir, in addition to the general hostility of the Federal party to the National Government, there was a strongly marked proceeding in the section of the country from which I come; and, as we are called upon to renounce our attachment to the present National Executive, who is represented, untruly, as hostile to the interests of the nation, it is proper to endeavor to ascertain what claims those have upon us who urge this course. I will call the attention of the committee to some of the acts of the Federal party of that day, which I consider, and shall say a few words to prove, was the same which has come down, through its various names, to the Whig party of the present day; and if I should have occasion to allude to any gentleman, I desire it to be understood, my intention is to avoid every thing personal, and that I speak only in reference to the political views and course of any one to whom I may refer.

A few days since, I saw in the public prints a copy of a circular, signed by one of my colleagues, [Mr. SALTONSTALL,] in conjunction with some other gentlemen. It it addressed to individual members of the Whig party, and is as follows:

"WASHINGTON, January 24, 1840.

"SIR: The undersigned, an Executive Committee, appointed by the Opposition members of Congress, have taken the liberty of appointing you an executive and corresponding committee for your county, and we have the honor of enclosing a prospectus for the Madisonian. We recommned that paper to the confidence and support of the opponents of the Administration throughout the country. The committee attach much importance to a general circulation of the Madisonian, and other political pamphlets, calculated to enlighten the public mind. The subscribers which you may procure (and we doubt not, considering the cheapness and ability of the paper, they will be many) will be entitled, gratis, to all such pamphlets.

We have confidence that it will afford you pleasure to aid us in our efforts to rescue the Administration of the Government from the hands of the present imbecile and corrupt incumbents. With the aid of an honest and fearless press, these efforts, we trust, will be successful. We are aware that the acceptance of this appointment may subject you to some sacrifice: your patriotism is a sufficient guarantee that it will be borne with cheerfulness. The consideration that we are in the service of an injured and crushed people, should animate us in the use of every honorable exertion to effect the common object in view—THE RESTORATION OF THE GOVERNMENT TO THE DAYS OF HER PATRIOT PRESIDENTS.

Your obedient servants,

R. Garland, La.	Leverett Saltonstall, Ms.
Jno. Bell, Tenn.	Truman Smith, Conn.
J. M. Botts, Va.	Chas. Naylor, Penn.
Thos. Corwin, Ohio,	J. C. Clarke, N. Y.
M. H. Grinnell, N. Y.	Committee."

The people of the country are called upon, by my colleague, to restore the Government to the days of her "patriot Presidents."

I should be pleased to know whom my colleague considers "her patriot Presidents" I do not suppose he is so far advanced in life as to have taken an active part in the early, and perhaps not in the latter, part of Mr. Jefferson's administration. If so, he belonged to a party opposed to him. So far as Mr. Monroe was opposed by party, I believe him to have been in the Opposition. He has certainly been opposed to General Jackson and Mr. Van Buren, and I will endeavor to show his opposition to the administration of Mr. Madison; and for that purpose I will here read a memorandum I hold in my hand. It is this:

"At the extra session of the Massachusetts Legislature in October, 1814, Governor Strong's message was referred to a select committee, consisting of the following members: Messrs. OTIS, BEMIS, and WOOD, of the Senate; Messrs. SULLIVAN, SALTONSTALL, LINCOLN, and WHITMAN, of the House of Representatives; which committee, on the 8th of October, reported in favor of calling the HARTFORD CONVENTION."

The majority of the committee, being Federalists, who were in favor, were Messrs. OTIS, WOOD, SULLIVAN, SALTONSTALL, and WHITMAN. The minority, being Democrats opposed to the convention, were Messrs. BEMIS and LINCOLN.

[Mr. SALTONSTALL here interrupted Mr. PARMENTER, and observed, as his name had been brought before the committee, he hoped his colleague would repeat what he had said in relation to him.]

Mr. PARMENTER repeated in substance, and then proceeded.

The character of this Convention is, I believe, well understood in the country, but as it is a quarter of a century since its occurrence, I shall offer a few authentic documents on the subject. I would however remark, that during the whole time of that war, although it bore heavily upon the great interests of New England, and Massachusetts in particular, and they were desirous of a termination of the war, yet they would never have tolerated treasonable action, or measures leading to a dissolution of the Union, if the avowal had been distinctly made. They were always sound, and contributed as many individuals to fill our armies and man our navy, as any State in the Union. The overheated partisans, and those who were ready to break down our institutions—those who who were blinded by their British attachments, were obliged to disavow bad intentions. I recollect well, sir, that great were the misgivings of many who sustained the Federal party, but they were lulled by outside appearances and positive assurances. But I will not comment myself—I lived on the spot and was old enough to be an observer, and knew my own impressions as they then existed. And although I could readily quote many expressions which escaped the violent of that time, I will offer only such official documents as may be proper to remind us of the event. The character of the Hartford Convention is marked with an indelible brand. And when one of its principal originators calls upon us to abandon our political partialities, and tells us about "the restoration of the Government to the days of her patriot Presidents," we have a right, however much may be our feeling of personal regard, to present his political character to view.

As I remarked, I shall only offer public documents. I will not quote the speeches of leading men, which might be offered in abundance. The report recommending a choice of delegates to a convention, which, being joined by other States, constituted the Hartford Convention, and is from the committee of which my colleague was a member, thus concludes:

"It is therefore with great concern that your committee are obliged to declare their conviction, that the Constitution of the United States, under the administration of the persons in power, has failed to secure to this Commonwealth, and, as they believe, to the Eastern section of this Union, those equal rights and benefits which were the great objects of its formation, and which they cannot relinquish, without ruin to themselves and posterity. These grievances justify and require vigorous, persevering, and peaceable exertions, to unite those who realize the sufferings, and foresee the dangers of the country, in some system of measures to obtain relief, FOR WHICH THE ORDINARY MODE OF PROCURING AMENDMENTS TO THE CONSTITUTION, AFFORDS NO REASONABLE EXPECTATION, IN SEASON TO PREVENT THE COMPLETION OF ITS RUIN. THE PEOPLE, HOWEVER, POSSESS THE MEANS OF CERTAIN REDRESS; AND WHEN THEIR SAFETY, WHICH IS THE SUPREME LAW, IS IN QUESTION, THESE MEANS SHOULD BE PROMPTLY APPLIED. The framers of the Constitution made provisions to amend defects which were known to be incidental to every human institution, and the provision itself was not less liable to be found defective upon experiment, than other parts of the instrument. When this deficiency becomes apparent, no reason can preclude the right of the whole people who were parties to it to adopt another; and it is not a presumptuous expectation, that a spirit of equity and justice, enlightened by experience, would enable them to reconcile conflicting interests, and obviate the principal cause of those dissensions, which unfit Government for a state of peace and of war, and so to amend the Constitution, as to give vigor and duration to the union of the States. But as a proposition for such a convention from a single State, would probably be unsuccessful, and our danger admits not of delay, it is recommended by the committee, that in the first instance, a conference should be invited between those States, the affinity of whose interests is closest, and whose habits of intercourse, from their local situation and other causes, are most frequent, to the end that by a comparison of their sentiments and views, some mode of defence, suited to the circumstances and exigencies of those States, and measures for accelerating the return of public prosperity may be devised; and also to enable the delegates from those States, should they deem it expedient, to lay the foundation for a radical reform in the national compact, by inviting to a future convention a deputation from all the States in the Union."

This report concluded with several resolutions, breathing the same spirit, and recommending the choice of twelve delegates, who were chosen by 215 votes, in a convention of both Houses of the Massachusetts Legislature, which consisted of nearly 500 members. The Democrats declined voting, and probably some Federalists, who had not confidence in the patriotism of the project. For I deny that the great body of the Federal party among the people would have sustained disaffected and disloyal proceedings, leading to a severance of the Union, and a separate peace with the enemy, although they were ready to support their aristocratic views of Government, and were always ready to maintain the obnoxious political principles which have always been held by that party.

I need hardly dwell upon the point that, so far as treasonable views might exist—that so far as a wish to dissolve the Union might be entertained, they could have met with no response from a people around whose name clustered the most renowned reminiscenses of the Revolutionary contest. In that State are the battle grounds of Bunker Hill, Lexington, and Concord; all of them, I may be allowed to add, within the district I have the honor to represent on this floor. It was owing to the stubborn patriotism of the great body of the population of Massachusetts, in the opinion of many, that the schemes of those, whose fidelity to the Constitution and union of the States was doubted, were never carried into effect. The projectors of the Hartford Convention, and its kindred measures, were supported for their Federalism, as opposed to Democracy, not for their plots against the Union. They always declared their dread of a separation of the States, while they were recommending measures tending to bring about the dreadful event. A dissolution of the Union, if it came, was to come in disguise. Events were to be brought about indirectly, by which the sad result could not be controlled.

The Hartford Convention, under date of January 4, 1815, prepared a long report, from which it would be useful to present long extracts: but I will not offer them to the committee, but confine myself to the resolutions with which the report concludes:

Resolved, That it be, and hereby is, recommended to the Legislatures of the several States represented in this convention, to adopt all such measures as may be necessary effectually to protect the citizens of said States from the operation and effects of all acts which have been or may be passed by the Congress of the United States, which shall contain provisions, subjecting the militia or other citizens to forcible drafts, conscriptions, or impressments, not authorized by the Constitution of the United States.

"*Resolved*, That it be, and hereby is, recommended to the said Legislatures, to authorize an immediate and earnest application to be made to the Government of the United States, requesting their consent to some arrangement, whereby the said States may, separately or in concert, be empowered to assume upon themselves the defence of their territory against the enemy; and a reasonable portion of the taxes collected within said States, may be paid into the respective treasuries thereof, and appropriated to the payment of the balance due said States, and to the future defence of the same. The amount so paid into the said treasuries to be

credited, and the disbursements made as aforesaid, to be charged to the United States.

"*Resolved*, That it be, and it hereby is, recommended to the Legislatures of the aforesaid States, to pass laws (where it has not already been done) authorising the Governors or Commanders in Chief of their militia to make detachments from the same, or to form voluntary corps, as shall be most convenient and conformable to their Constitutions, and to cause the same to be well armed, equipped and disciplined, and held in readiness for service; and upon the request of the Governor of either of the other States, to employ the whole of such detachment or corps, as well as the regular forces of the State, or such part thereof as may be required and can be spared consistently with the safety of the State, in assisting the State making such request, to repel any invasion thereof which shall be made or attempted by the public enemy.

"*Resolved*, That the following amendments of the Constitution of the United States, be recommended to the States represented as aforesaid, to be proposed by them for adoption by the State Legislatures, and, in such cases as may be deemed expedient, by a convention chosen by the people of each State.

"And it is further recommended that the said States shall persevere in their efforts to obtain such amendments, until the same be effected.

"*First*. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers of free persons, including those bound to serve for a term of years, and excluding Indians not taxed and all other persons.

"*Second*. No new State shall be admitted into the Union by Congress in virtue of the power granted by the Constitution, without the concurrence of two-thirds of both Houses.

"*Third*. Congress shall not have power to lay any embargo on the ships or vessels of the citizens of the United States, in the ports or harbors thereof, for more than 60 days.

"*Fourth*. Congress shall not have power, without the concurrence of two-thirds of both Houses, to interdict the commercial intercourse between the United States and any foreign nation or the dependencies thereof.

"*Fifth*. Congress shall not make or declare war, or authorize acts of hostility against any foreign nation, without the concurrence of two-thirds of both Houses, except such acts of hostility be in defence of the tereitories of the United States, when actually invaded.

"*Sixth*. No person who shall hereafter be naturalized, shall be eligible as a member of the Senate or House of Representatives of the United States, nor capable of holding any civil office under the authority of the United States.

"*Seventh*. The same person shall not be elected President of the United States a second time; nor shall the President be elected from the same State two terms in succession.

"*Resolved*, That if the application of these States to the Government of the United States, recommended in a foregoing resolution, should be unsuccessful, and peace should not be concluded, and the defence of these States should be neglected, as it has been since the war, it will, in the opinion of this convention, be expedient for the Legislatures of the several States TO APPOINT DELEGATES TO ANOTHER CONVENTION, TO MEET AT BOSTON, IN THE STATE OF MASSACHUSETTS, ON THE THIRD THURSDAY OF JUNE NEXT, WITH SUCH POWERS AND INSTRUCTIONS AS THE EXIGENCY OF A CRISIS SO MOMENTOUS MAY REQUIRE.

"*Resolved*, That the Hon. George Cabot, the Hon. Chauncey Goodrich, and the Hon. Daniel Lyman, or any two of them, be authorized to call another meeting of this convention, to be holden in Boston, at any time before new delegates shall be chosen, as recommended in the above resolution, if in their judgment the situation of the country shall urgently require it.

"HARTFORD, Jan. 4, 1815."

I will, however, read two short extracts from the report of the convention in relation to the two first proposed amendments:

"The first amendment proposed, relates to the apportionment of Representatives among the slave-holding States. This cannot be claimed as a right. These States are entitled to the slave representation, by a constitutional compact. It is therefore merely a subject of agreement, which should be conducted upon principles of mutual interest and accommodation, and upon which no sensibility on either side should be permitted to exist. It has proved unjust and unequal in its operation. Had this effect been foreseen, the privileges would probably not have been demanded, certainly not conceded. Its tendency in future will be adverse to that harmony and mutual confidence, which are more conducive to the happiness and prosperity of every confederated State, than a mere preponderance of power, the prolific source of jealousies and controversy, can be to any one of them. The time may therefore arrive, when a sense of magnanimity and justice will reconcile those States to acquiesce in a revision of this article, especially as a fair equivalent would result to them in the apportionment of taxes.

"The next amendment relates to the admission of new States into the Union.

"This amendment is deemed to be highly important, and in fact indispensable. In proposing it, it is not intended to recognise the right of Congress to admit new States without the original limits of the United States, nor is any idea entertained of disturbing the tranquillity of any State already admitted into the Union. The object is merely to restrain the constitutional power of Congress in admitting new States. At the adoption of the Constitution, a certain balance of power among the original parties was considered to exist; and there was at that time, and yet is, among these parties, a strong affinity between their great and general interests. By the admission of these States, that balance has been materially affected, and unless the practice be modified, must ultimately be destroyed. The Southern States will first avail themselves of their new confederates to govern the East; and finally the Western States, multiplied in number, and augmented in population, will control the interests of the whole. Thus, for the sake of present power, the Southern States will be common sufferers with the East, in the loss of permanent advantages. None of the old States can find an interest in creating prematurely an overwhelming Western influence, which may hereafter discern (as it has heretofore) benefits to be derived to them by wars and commercial restrictions."

If my colleague should consider these the views of former "patriot Presidents," I do not believe he will meet the assent of the people in any section of the country. It ought to be borne in mind that these proceedings were within a few months after the destruction, by the enemy, of the public buildings and property in the capital; of the attack upon our neighboring city of Baltimore; and when the cruelty and ravages of the enemy were at thei rheight.

To show how this convention was characterized, I must ask the attention of the committee to an extract from a protest, which was probably prepared by my colleague from the Worcester district, who sits directly before me, but who is now absent, [Mr. LINCOLN.*] Whether prepared by him or not, his name appears as the first signer, and at that day he stood high in the ranks of the Democratic party, and he and myself were of the same political school. One of us must have changed, as we are now opposed. I shall show in a few words, before I take my seat, that the change is with him, and most conclusively, so far as this Hartford Convention is concerned. The protest signed by Levi Lincoln and others, concludes thus:

"Against the resolution proposing a convention of delegates from the New England States, and the resolutions connected therewith, the undersigned feel bound, by every dictate of duty, and every suggestion of patriotism, most earnestly to remonstrate. To these resolutions they have opposed the utmost of their own reason, the language of the Constitution, and the solemn and warning admonitions of Washington. However disguised or designed, the obvious tendency of propositions for a partial conference by delegates from some States, without participation or consultation with other States, is to prepare the way for a separation and division of the Union. The suggestion of a *peculiar interest* in the States of New England, upon subjects of *public grievance*, is predicated upon the idea that this nation has not a community of objects, and is not connected by a similarity of obligations. The Constitution of the United States has prohibited, in express terms, 'one State from entering into any agreement or compact with another,' without the consent of Congress. If, as the result of the conference of delegates on the part of New England, a compact for *any purpose* is intended, the proposition for such conference is as gross an infringement of the Constitution as would be the compact, when made. It cannot be admissible to pursue means to an end which it is wrong and illegal to attain.

"Nor is there just pretence of necessity for this measure. The framers of the Constitution wisely provided for its amendment. Should abuses exist, growing out of supposed defects of the instrument, the mode of reform is definitely prescribed; and if, in this way, they are not to be corrected, neither can they in any other, short of a change in the form of Government. It is not to be supposed that the States of the Union will yield to the *dictates of a convention* what they would refuse to the constitutional application of the Legislature. The undersigned, therefore, cannot disguise their apprehension that more must be designed than is distinctly avowed. The reasoning of the report is supported by the alarming assumption that the Constitution has failed in its objects, and the people of Massachusetts are absolved from their allegiance, and are at liberty to adopt another. In debate, it has been reiterated that the Constitution is no longer to be respected, and that revolution is not to be deprecated. The bond of our political union is thus attempted to be severed; and, in a state of war and common danger, we are advised to the mad expedient of abandoning that protection which the combined energies of the nation might afford, for the selfish enjoyment of our *present*, though partial, resources. The resolutions of our Legislature, it is to be feared, will be viewed by other States as productive of this consequence, that Massachusetts shall govern the Administration, or the Government shall not be administered in Massachusetts. Jealousy and contention will ensue. The Constitution, hitherto respected as the ark of our political safety, will be violated and destroyed, and in civil dissensions and convulsions, our independence will be annihilated, and our country reduced to the condition of vanquished and tributary colonies to a haughty and implacable foreign foe.'

In order to show that the Hartford Convention party of the days of the war were similar to the Whigs of the present, and that as a party they are the same in principle, I will mention the names of all of them; and I express my decided conviction, and state my firm belief, that every one who is now alive is of the Whig party, and every one who has deceased, died in that political faith, under some one of its numerous names. There are gentlemen here from all the New England States, who can correct me if I should be in error. They were, from

MASSACHUSETTS.

GEORGE CABOT,	STEPHEN LONGFELLOW, jr.
WILLIAM PRESCOTT,	NATHAN DANE,
HARRISON GRAY OTIS,	HODIJAH BAYLIES,
TIMOTHY BIGELOW,	JOSHUA THOMAS,
DANIEL WALDO,	JOSEPH LYMAN,
GEORGE BLISS,	SAMUEL S. WILDE.

CONNECTICUT.

CHAUNCEY GOODRICH,	CALVIN GODDARD,
JAMES HILLHOUSE,	NATHAN SMITH,
JOHN TREADWELL,	ROGER MINOT SHERMAN.
ZEPHANIAH SWIFT,	

RHODE ISLAND.

DANIEL LYMAN,	BENJ HAZARD,
SAMUEL WARD,	EDWARD MANTON.

WINDHAM CO. VERMONT.
WILLIAM HALE, jr.
CHESHIRE CO. NEW HAMPSHIRE.
BENJ. WEST.
GRAFTON AND LANCASTER, COOS CO.
MILLS OLCOTT.

* Mr. LINCOLN has since informed me he was the author.

I regret alluding at all to my colleague, [Mr. LINCOLN,] but his connection with the documents I have offered made it indispensable; as he and my other colleague [Mr. SALTONSTALL] belong now to the same party, but were then opposed to each other. It is more to explain my own position, and that of the Democratic party, than to refer to my colleague, [Mr. LINCOLN,] that I have shown that the party with which he now acts are in principle the same which he opposed during the British war. I take no isolated cases, but the entire body who assembled at Hartford, without excepting an individual. I wish again to repeat, that the people of Massachusetts were sound in their attachment to the Union, and the cause of their country. The war bore heavily and severely, but they would never abandon their country. Had the projectors of the Hartford Convention openly avowed those intentions, which the judgment of the country has attributed to them, they would have been met in Massachusetts by the most stern rebuke. They never, in official acts, indicated a determination to proceed to extremities, yet many, even among their own party, saw danger. As we have seen by the documents, the whole Democratic party in New England denounced them. The Democracy of the nation was alarmed. The stain which the Senate had cast upon the State, by the resolution that it was unbecoming and immoral to rejoice at the victories of our own countrymen, aroused their feelings, and it has been indignantly blotted out and EXPUNGED. It was on the 15th of June, 1813, it adopted the following preamble and resolution, proposed by the Hon. JOSIAH QUINCY, a leading Federalist:

"Whereas, a proposition has been made to the Senate for the adoption of sundry resolutions, expressive of their sense of the gallantry and good conduct exhibited by James Lawrence, Commander of the United States ship of war Hornet, and the officers and crew of that ship in the destruction of his Britannic Majesty's ship the Peacock. And whereas it has been found that former resolutions of this kind passed on similar occasions relative to other officers engaged in a like service, have given great discontent to many of the good people of this Commonwealth, it being considered by them as an encouragement and excitement to the continuance of the present unjust, unnecessary, and iniquitous war; and on this account the Senate of Massachusetts have deemed it their duty to refrain from acting on the said proposition; and also, whereas this determination of the Senate may, without explanation, be misconstrued into an intentional slight of Captain Lawrence, and a denial of his particular merits, the Senate therefore deem it their duty to declare that they have a high sense of the naval skill and military and civil virtues of Capt. James Lawrence, and that they have been withheld from acting on said proposition solely from considerations relative to the nature and principle of the war, and to the end that all misapprehension on the subject may be obviated,

Resolved, As the sense of the Senate of Massachusetts, that in a war like the present, waged without justifiable cause, and prosecuted in a manner which indicates that conquest and ambition are its real motive, IT IS NOT BECOMING A MORAL AND RELIGIOUS PEOPLE TO EXPRESS ANY APPROBATION OF MILITARY OR NAVAL EXPLOITS, WHICH ARE NOT IMMEDIATELY CONNECTED WITH THE DEFENCE OF OUR SEA COAST AND SOIL."

The popular branch of the Legislature did not concur in this resolution.

The people of Massachusetts never rested easy under this objectionable vote; and it was perhaps one of the most powerful inducements to the political change which took place in 1823, in which which year the Democrats triumphed, and one of their most important acts was the passage of the following preamble and resolution:

A resolution offered by the Hon. Mr. Sprague, the 17th instant, in the words following:

Whereas a certain resolve passed the Senate of this Commonwealth on the 15th day of June A. D. 1813, relating to the capture of his Britannic Majesty's ship Peacock by the United States ship Hornet, commanded by the late brave and patriotic Captain James Lawrence, in the words following, to wit: [Here follows the resolution.]

And whereas, said resolution adopted at a time of extraordinary political excitement, is predicated upon an erroneous estimate of the nature and character of the late war between the United States and Great Britain; and whereas the same involves and asserts principles unsound in policy, and dangerous and alarming in tendency, WHEREFORE, that it may not hereafter be considered as expressing the deliberate sense of the Senate and people of this Commonwealth, at this time of uncommon political tranquillity,

"*RESOLVED*, THAT THE RESOLVE AFORESAID OF THE FIFTEENTH DAY OF JUNE, A. D. 1813, AND THE PREAMBLE THEREOF, BE AND THE SAME ARE HEREBY EXPUNGED FROM THE JOURNALS OF THE SENATE.

"The yeas and nays having been required on the adoption of the above preamble and resolution, were as follows:

"YEAS—Hon. Messrs. Sprague, Ruggles, Austin, Hodges, Thaxter, Allen, Cranston, Fowler, Prince, Leland, Dimmick, Wade, Wingate, Parrott, Fiske, Mason, Hull, Keyes, Richardson, Winthrop, Noyes, Mills—22.

"NAYS—Hon. Messrs. Perkins, Brooks, Adams, Gardner, Hoyt, Longley, Tufts, Gorham, Jones, Starkweather, L. Strong, S. Strong, jr. Denny, Hubbard, Mitchell—15.

"So the resolution was accepted and passed."

I know it has been said that many who were Federalists in former years are friends of the Administration now; and that many who are Whigs now, were Democrats then. Undoubtedly. But that indicates merely a change of sentiment with individuals, not an alteration of the principles of a party. I have, in support of my position, that the Whigs now are what the Federalists were in 1812, given you the names of the prominent men who composed the Hartford Convention; I have taken the whole organized body as it then existed, and brought it to the test. No one has doubted or disputed the correctness of my statement. Changes in politics are often conspicuous and sudden. I have accidentally before me an evidence of this, which evinces some very rapid revolutions in sentiment among prominent politicians in my own State. I will read an extract or two from prominent Federal papers of different dates:

From the Northampton Courier.

"The Harrisburg Convention have nominated Gen. Harrison, rather than Mr. Webster, as the Whig candidate for the Presidency. Were it not matter of fact, we should think it a mere burlesque, a caricature, got up for a laugh. We can hardly believe that men of intelligence and discrimination, would act so preposterous, so ridiculously silly. Gen. Harrison, a man of no particular respectability of character, and wholly obscure as to talents, and decidedly insignificant so far as needed abilities are concerned, substituted for Daniel Webster! An individual from the remotest obscurity brought out to stand in the shadow of Jackson's military renown, to catch up a fictitious popularity, by throwing around his name the tinsel glow of military splendor! and Daniel Webster with his gigantic powers of mind and exhaustless attainments, and unimpeachable moral character, put down as an inferior to William Henry Harrison, the 'Hero of Tippecanoe!!' Why, what an insufferable insult to the Whigs! what a scandal and disgrace to our party! Why, literally, we feel ashamed to raise our voice or hold up our head, to meet the merited taunts and ridicule of our opponents. We are overwhelmed with shame at such an exhibition of superlative weakness and political pusillanimity.

"How can the Whigs consistently take up an individual who is put forth by his friends, not from any intrinsic powers of mind or strength of intellect he possesses, but merely because he has thrown around him that odious characteristic of an eminent statesman, *military popularity*—a feature which the Whigs, from the outset, have *severely reprobated* in General Jackson. The friend of Mr. Van Buren owe a debt of gratitude to the Pennsylvanians. In no *possible* way could they have done a more *acceptable* thing for them. In *no* way could they have so effectually secured his election, and *disgraced* and disgusted the Whig party."

[*From the Boston Daily Advertiser.*]

"If any other man than Henry Clay shall be nominated by the Whig National Convention, the electoral vote of Massachusetts will be given to Martin Van Buren."

"We confess we have some curiosity to learn which of the members of the delegation from this State can claim the honor of having given the vote of the State for a candidate (General Harrison) who, we are well assured, is far from being the choice of the State."

[*From the Boston Atlas.*]

"An idea has been thrown out by certain papers, which advocate the substitution of a *second rate man*, (General Harrison,) that Mr. Webster possesses qualifications of too exalted and intellectual an order to make a popular President."

[*From the Boston Courier.*]

"If General Harrison receives the nomination of the Harrisburg Convention, the electoral vote of Massachusetts will be given to Martin Van Buren."

"The book (Hildreth's Life of General Harrison) is worth reading, though the hero of the story should never be President of the United States."

"A second rate man (General Harrison.") And why do all the party prints from which these extracts are made support him now? Why not sustain Webster or Clay, or some other man of whose talents they boast? The answer is brief. However inefficient and unsuitable as a man, circumstances have made him the best material for the car of the political idol, Federalism, with which they think, vainly, I am sure, to ride over and crush the Democracy of the country. But I will not digress. My two points were to demonstrate, by authentic and indisputable documents in this branch of my remarks, the character of the Hartford Convention and its identity in principle with the Whigs of the present day; to sustain my position that Federalists are Whigs, and Whigs Federalists.

In connection with the Hartford Convention, was the appointment of three commissioners for the professed purpose of asking a separate arrangement for a portion of the States, by which the power of the General Government was to be surrendered, and a part of the national funds to be given up to the States referred to; and this was indeed objectionable, but it was not all that was suspected. An indiscreet partisan proposed to the Legislature "that a committee be appointed to confer with all the New England States, and see if they will agree to appoint a committee to join them and repair to the city of Washington immediately, then and there personally to make known to the President the general opinion of all the New England States, in regard to the present war, and the manner in which it has been conducted, and inform him that he must either resign his office as President, or remove those ministers and other officers of the General Government who have, by their nefarious plans, ruined the nation."

I charge this upon none but the individual who proposed it. I only quote it to show what feeling prevailed with a few. The commissioners appointed were those of the most talented and conspicuous men in the Federal party: Harrison Gray Otis, Thomas H. Perkins, and William Sullivan. Mr. Otis is known as an eminent politician through the whole country. He was a strong Federalist then, is a Whig now. Mr. Perkins is a Boston merchant, of princely fortune, obtained by his intelligence, enterprise, and industry. With a heart full of benevolence and philanthropy, he has contributed most munificently to many humane and haritable institutions; giving to the asylum for the blind his own mansion, worth thirty thousand dollars; an amount which would be considered, in most parts of the country, a large property. Many of that class of our sightless fellow beings will bless his memory long after his political offences are forgotten. He was, however, a strong Federalist then, and is a Whig now. Mr. Sullivan was an ardent politician, and has recently died. I know

nothing of his private character, and would say nothing of his political, with any disrespect to his memory. His father was a Democrat, and when that party succeeded in Massachusetts, he was chosen Governor, after a most bitter and severe contest. I have heard an incident related, tending to show that it was supposed he took part in the contest against his father, to an extent beyond what might have been expected from the relation in which he stood.

The commissioners went to Washington, but what they did, I believe has never been a subject of much inquiry. They met, on their journey, the news of the victory at New Orleans, and tidings of peace, which blew up their schemes, whatever they were.

Mr. Chairman, I have extended my remarks much farther than I thought of. I have alluded to the politics of my colleague, not with any personal disrespect, but as he has been selected to be placed at the head of the party opposed to the Administration I support, and calls upon the people to abandon it, and aid in restoring "the Government to the days of former patriot Presidents," I have thought it due to myself, as well as the cause I advocate, coming from a section of the country where the measures I have referred to first sprang into existence, to examine the claims of a party, for whom my colleague is constituted a prominent organ, to be entitled to the right of directing us in our political course, or at least to see how far their own position would require us to yield our opinions to those they entertain.

SPEECH OF MR. JAMESON,

OF MISSOURI.

In the House of Representatives, April 21, 1840.—In Committee of the Whole on the state of the Union, on the civil and diplomatic appropriation bill.

Mr. JAMESON rose and said, that he had not intended to have made a speech during the pendency of this bill, until he was induced to do so by the personal remarks made by the gentleman from Pennsylvania [Mr. OGLE] towards a Senator from Missouri, [Mr. BENTON.] The gentleman from Pennsylvania had indulged in epithets towards that Senator, which he dared not, nor would not, have done, had that Senator been here, or could he have been here, to have defended himself. And I mention it now, in the outset, as I see that gentleman in his seat, that he may have notice that I will attend to him, especially in relation to that matter, before I take my seat. And having determined, Mr. Chairman, to reply to that gentleman in relation to those personal allusions, in language that could not be misunderstood, I then also came to the conclusion to make some remarks on some of the subjects that had been lugged in the debate during the progress of this bill: and in doing that, Mr. Chairman, it need not be expected that I will touch on the merits of the bill; for that is so unusual, I might, by doing so, be almost considered out of order, as President-making speeches seem now to be the order of the day. For the Opposition seem sensitive about their candidate for the Presidency, and, as if sensible of his unfitness for the station, as he has given no evidence of his qualifications for the same, they attempt by speeches to puff him into a fit and qualified man for that office. But, Mr. Chairman, after all their long harangues here, to manufacture General Harrison into a statesman and a General, they will fail of deceiving and gulling the American people in relation to either; for they understand that matter too well.

The gentleman from Illinois, [Mr. STUART,] Mr. Chairman, set out, as he said, to make a speech for home consumption, and to that end he attempted to show that Mr. Van Buren was opposed to the Cumberland road; and also repeated the old, worn out, stale stuff, which has been so often charged, and as often refuted, that Martin Van Buren was opposed to the late war, and a friend of Rufus King; and I will not take up the time of the committee now to reply to that part of the gentleman's speech. It has been again and again proclaimed from the stump, and from the Opposition press; it has been as often answered and refuted. The people understand it well; they have acted on it, and decided it in Mr. Van Buren's favor.

But to the Cumberland road. How does the gentleman undertake to show that Mr. Van Buren is opposed to the Cumberland road? Why, he is opposed to it because the Secretary of the Treasury did not, in his report at this session, make an estimate for an appropriation for that road, and had been in the habit of doing it heretofore. That is the argument, and that is the evidence adduced to show that Mr. Van Buren is opposed to the Cumberland road; and to sustain himself in this charge, the gentleman has referred to the letter of the honorable gentleman from Virginia, [Mr. HOPKINS,] who has come to the same conclusion; and, as I presume, from the same facts. But in order to be certain whether the gentleman from Virginia had any more evidence or facts to found his conclusions on than the gentleman from Illinois had, I will ask that gentleman a question. Did you ever converse with Mr. Van Buren on the subject of the Cumberland road; and if so, did he inform you that he was opposed to it; or have you come to the conclusion that Mr. Van Buren was opposed to it, from the same circumstances and facts as those mentioned by the gentleman from Illinois?

[Here Mr. HOPKINS aswered and said that he had never heard Mr. Van Buren say any thing directly or indirectly in relation to the Cumberland road, and that he presumed that he had come to the conclusion that Mr. Van Buren was opposed to that road from the same circumstances and facts that the gentleman from Illinois had.]

Here, then, Mr. Chairman, are the circumstances and facts from which these gentlemen have come to the conclusion that Mr. Van Buren is opposed to the Cumberland road: that is, that the Secretary of the Treasury did not give any estimate, in his report at this session, for that road—and that he had done it heretofore. And that is the whole ground they have for that opinion. Sir, they have only taken a partial view of the facts, and it sometimes, in fact very often, happens that different men come to different conclusions from the same set of facts; then let us take a full view of all the facts connected with this road, so far as Mr. Van Buren has acted in relation to it. And it seems to me that you and I, and the people of the States interested, must come to the conclusion that he is not opposed to the road; as he has given no evidence that he is, but has given strong evidence that he is not. Sir, this same Secretary of the Treasury, under the direction of Mr. Van Buren, did, in his report to the first session of Congress after Mr. Van Buren came to the Presidency, give an estimate for this road; a law passed at that session making an appropriation for it, and was signed and approved by Mr. Van Buren. A similar estimate, by the same Secretary, was made and sent in at the next session, which was the last session of Congress; and Congress, for the first time since the road started, failed in making an appropriation for it; and thereby abandoned the road. Then, Mr. Chairman, who is to blame for the abandonment of this road? Where did it get its death blow? At the hands of the President or of Congress? Sir, it was not at the hands of the President, but of Congress. It was Congress for the first time, at the last session, failed in making an appropriation for it—abandoned it. How, then, could the President have acted in this matter to have escaped the denunciations of the Whig party? If he had recommended it again, by directing estimates to be reported for the same, by the Secretary of the Treasury, after this decisive expression against it by the Legislative department at the last session of Congress, he would have been denounced by the greater portion, if not all, of these same Whig gentlemen, as profligate and extravagant, and as aiming to dictate to Congress after it had decided against this road, rejected and abandoned it.

And although, Mr. Chairman, these Whig gentlemen profess that they have united in one common bond, to put down Executive dictation, power, and patronage, yet many of them, from States not immediately interested in this road, in order to pave the way out of which political capital could be made to operate against the President at the next Presidential election in the States interested in this road, have declared upon this floor that they could not vote to appropriate money to carry on this road, because it had not been recommended by the President; that is, because estimates had not been furnished by the Secretary of the Treasury; and the gentleman from Illinois, in order to follow this lead, and carry out this arrangement, has declared that the President was opposed to this road, and that that opposition was the cause of its failure. Away with such stratagems and artifices, such hollow professions; you cannot deceive the people in the West by attempting to throw such chaff and dust in their eyes; they understand you and your course too well; they will believe that you who have voted against it, would have done so if the Secretary had sent in the estimates; they will believe, and correctly too, that this pretence has been fitted out, and served up for the occasion; they know that you have been raising the "hue and cry" for the last eight or ten years against Executive dictation, and they will not believe you now when you come out and say that you cannot vote an appropriation, because the Executive did not dictate it; they will believe that you have sacrificed this road to electioneering purposes, and that the President has had no hand nor fault in it. The last session of Congress took the responsibility of giving this measure its death blow; and Mr. Van Buren pursued the course of his predecessors, and paid respect to that expression of opinion on the part of Congress: and as Congress took that responsibility, it was their duty to take the responsibility of resuscitating and reviving it. The Executive, then, as in duty bound, will pursue your lead. Then let it be revived by the same hands that killed it; and let us hear no more of this stuff, that we should do nothing, unless the President direct us to do it; this doctrine may suit Whigism, but it does not accord with Democratic principles. But, Mr. Chairman, there is another cause for the downfall of this road—it was first diseased by the action of the Legislature of the State from which the gentleman, [Mr. STUART] came. That body determined that the road should not pass through that State, unless it struck the Mississippi at Alton. It was the entering wedge to its destruction. The friends of it falling out among themselves about its location, weakened it. The enemies of it seized upon this circumstance, and worked its ruin—at least for the present, and I now have but little hopes of it being revived again until forty-three, after the new census is taken, and the apportionment thereon made. Mr. Chairman, the gentleman from Illinois blew hot, and he blew cold in the same speech. First, that the Executive assumed too much power, and to much dictation; and secondly, that he did not assume enough of either; and in connection with the first branch of his argument, I am led to notice a political doctrine advanced by the gentleman who preceded him—the aged and learned gentleman from Massachusetts [Mr. SALTONSTALL.] That gentleman said "that General Jackson was the first President who had ever advanced the idea that he was the immediate representative of the people, and was responsible to them for his acts, and not to this body." Now, Mr. Chairman, I must beg leave to differ from that gentleman. That doctrine is as old as the Constitution itself; yes, sir, as old as the opinions of Jefferson and Madison, in relation to our frame of government. I had always been taught to believe, that this was a Government of the people—that the people were the sovereigns—that all the officers of the Government were their servants, or agents, appointed to administer the Government and laws for their benefit—that they were responsible and accountable to the people for their acts—and that the three departments of Government, the Legislative, Executive, and Judicial, were created to form balances and checks on each other, and to that end were made independent of each other, but the officers of all three dependent on and responsible to the people for their acts—and that no one department was ever intended to be dependent on, or responsible to, either of the others for its

acts, but precisely the reverse. Sir, it is that independence of each other, and responsibility of each to the people, that constitute the beauty and strength of the frame of our Government. It is the corner stone, the arch, the basement, upon which the superstructure is reared. It is that upon which the liberty and freedom of the people rest; and it is that upon which the principle is established, that all power in this Government emanates from, and concentrates in, the people; and this is Gen. Jackson's doctrine: yes; and I will inform the gentleman that it is now, and has been since the formation of the Constitution, the doctrine of the Democracy. He says that the doctrine of the old Federal party was, to add more and more power to the Executive, so, I presume, that it might be enabled to bring the other departments within its control, and thereby destroy the liberties of the people. But now, forsooth, the doctrine is as far on the other extreme: the Executive now must be responsible to the Legislature, instead of the people: any shifts, or new experiments, to overturn Democracy. But Democracy, and the principles of the Democratic party, have been one an ithe same thing, since the formation of the Constitution; that is, to carry out the principles of the Constitution, as intended by its framers; not to permit one Department to encroach, or be dependent, upon another, but to let each perform the duty assigned it by the Constitution, and law made in pursuance thereof, and to hold them all strictly accountable and responsible to the people for their acts.

But if the doctrine of the gentleman be correct, I hope he will no longer complain of the President for not making out an estimate for the Cumberland road. As he is to be responsible to this House for his acts, the House then, as a matter of course, whether the President told them to do it or not, should have taken the responsibility of making the appropriation for the road, and I am in hopes the gentleman from Illinois will also come to the same conclusion, when he looks back to that part of his speech complaining so much of Executive dictation, and not come to the conclusion (for if he does he will find himself mistaken) that the people of Ohio, Indiana, Illinois, and Missouri, are so ignorant that they can be humbugged by such palpable inconsistencies.

Mr. Chirman, a few more words in relation to this road, and I will have done with it for the present. Sir, if the principle set forth by the gentleman from Illinois, [Mr. STUART,] in that part of his speech last alluded to, and by other Whig gentlemen upon this floor, be correct—that Congress should make no appropriation, or do any thing unless it is recommended or directed by the President—then Congress ought not to consume the people's money, by investigating, discussing, debating and originating measures; but meet, ascertain the President's will, do it, adjourn, and go home. But such are not the principles of the Democratic party; nor have those gentlemen pretended that it was theirs in relation to any thing else but this road, except where the Constitution or law required it. Hence I am irresistibly brought to the conclusion that their object is to gull the people in the States interested, by trying to make them believe that it was the fault of the President, and not of Congress, that this road has failed at this session. In relation to this road, the President was not required by the Constitution, or any law, to furnish estimates; and I repeat again, that he has given evidence that he was in favor of the road, by furnishing estimates for the road every session of Congress since he has been President, until Congress abandoned it, and by signing the only bill that passed since he came into the Presidency, making an appropriation for it. Nor has he said one word against it in his message, or any other writing, or verbally. There is not, therefore, one particle of evidence or foundation for the assertion that he is opposed to it. Sir, he knew, as every unbiassed, intelligent man must know, that as Congress first took the responsibility to abandon it, it was their duty first to take the responsibility of reviving it; and when that is done, if it be before his next Presidential term expires, my word for it, he will continue to furnish estimates again for it, until it is again abandoned by Congress.

I now, Mr. Chairman, come to the opposing candidate for the Presidency, Gen. Harrison, and will inquire into his principles and qualifications. And I will first show that he is either an Abolitionist, or that he is favoring their schemes; or if he is opposed to the Abolitionists and their schemes, he is aiming to get their votes, and will then deceive them, and his friends may take either horn of the dilemma. Second, that he is a high protective tariff man. Third, that he is in favor of the United States Bank. And fourth, that he was identified with the Federalists during the administration of the elder Adams, and that there is no proof of his having changed his principles since. And first, as to Abolition.

Mr. Chairman, I presume that it cannot, and will not be denied that Gen. Harrison will receive the votes of the Abolitionists, and that it was through and by their united influence and exertions that he received the nomination for the Presidency, by the Harrisburg Convention, over Henry Clay. And, sir, a "man is known by his company;" and if we have no other evidence, it is a safe rule to presume that a man is of the same principles as those through whose influence he is nominated, or succeeds to office, for it is almost universally true that he will serve those who promote him to office. Then, if elected, Gen. Harrison will owe that election to the Abolitionists; he will be under the greate t possible obligation to them, and will, as a matter of course, favor their schemes. But, sir, I will show, by a train of evidence and circumstances, that it was through the influence of the Abolitionists that Gen. Harrison received his nomination. I hold in my hand a circular, issued from Albany, New York, accompanied by a letter of a Mr. Bloodgood, and circulated through the Northern States just preceding the meeting of the Harrisburg Convention, in order to make way and prepare the minds of that convention to nominate Harrison over Clay; and one of the main reasons assigned is, that the Abolitionists would not support Clay, and, as a matter of course, would support Harrison.

Here is the letter and circular; let them speak for themselves. The CLERK will read them:

"ALBANY, Oct. 23, 1839.

"*To the Editor of the Sangamo Journal:*

"DEAR SIR: I send you (*confidentially*) a circular which is circulating here, and is producing great effect. Mr. Clay cannot possibly get this State, or New England. Our only hope is in General Harrison, who is perfectly unexceptionable, and has no serious opposition to him on any possible ground. The leaders do not feel, perhaps, as sure of getting paid for their services with him as with other candidates who have impliedly come into their views. But we can make a glorious rally under his banner, and reach the hearts of the people with his services and virtues. General Scott has been pushed by a few anti-Clay men, but it is all nonsense. I send you a pamphlet which is also circulating here, and which shows that no Jackson men, or Clintonians, can or will support him. The great point now is to have the public voice indicate a preference, or there may be fatal mistakes made at Harrisburg. I am the chairman of the State Central Committee of Young Men, but do not speak officially. I should like to forward some papers and letters to your delegates, but their residence is not mentioned. Will you publish their residence and send me a paper?

Yours truly,
S. DEWITT BLOODGOOD."

"(CONFIDENTIAL.)

"DEAR SIR: The peculiar crisis in which the Whig party is placed, and the circumstance of my connection by means of an extensive political correspondence, with many of the purest and most patriotic of our fellow-citizens in other States, induce me to address you at this time, in relation to the Presidential question. And first let me avow myself as the warm, devoted, personal friend of Mr. Clay, and an unqualified admirer of his talents and services. I believe he deserves to be President of the United States, above all our other candidates, and yet, with all these admissions, I cannot but consider his prospect at present a hopeless one. We have lost three years in contests about men, and the tide of victory carrying us no where, except into the eddies formed by opposing sections, or upon the barren beach of useless controversy, seems ebbing to leave us there. The Whig party being an intelligent and intellectual class, must necessarily do its own thinking, and with thought come variety of opinions, and with variety, want of unity and concord. This is our predicament and our danger. If we were united, we should be formidable to the enemies of our country; but, alas, we are beaten in detail. Let us apply this fact to the choice of candidates. Mr. Clay's political course, and long conflicts with portions of his fellow-citizens, have rendered him liable to warm opposition, personal hatred, and unjust prejudice. Is it the part of sagacious men to venture against such odds? With a majority of the States against us, is it prudent to risk every thing left us? Our party leaders want sagacity, or, as I prefer styling it, philosophy. They act as if mankind were always actuated by the best motives, and that the holding up an abstract truth, is the pledge of victory. Not so. Nations, like individuals, often rush blindly to ruin, from passion, prejudice, ambition, and many other causes. It is vain to oppose their will when they take a particular bias. They who attempt it are sacrificed, and thus history tells us with its monitory page, of the downfall of patriots vainly struggling against their erring countrymen, and finally of the downfall of the masses themselves. This is the law of nature and the will of Providence. Let us also apply this fact to politics. We cannot expect *perfection* in the people at large; we can only rely on their general good intentions, sustained by a consciousness, that their own interests individually, are at stake with those of the mass. When they are right in the main, it is as much as we should expect. We cannot hope that they will cease to be men in order to please *us*. In this knowledge consists the tact of the Administration party. They studiously seek to know the public will, and they follow it long enough to profit by its force and power. How adroitly they availed themselves of the popularity of Jackson! By bad measures they have lost much of its advantage, and by prosecuting such a scheme as the Sub-Treasury, they will lose more. But still they are strongly entrenched, and we must carry their entrenchments, or be doomed to political slavery. How can this be done? Only by uniting on the man who has less opposition to him than another. Superior or splendid talents or exalted claims are not the questions to be considered. What is any man compared to the cause? What have we to do with political rewards when our country is on the brink of ruin?

"Herein the friends of Mr. Clay have made a fatal mistake. In their love for him they forget that a battle is to be fought. Enthusiasm will not always overpower superiority of numbers. If it could, Mr. Clay would have been President long ago.

"If Mr. Clay runs, he will meet with opposition from old party antagonists, whose heads have grown grey in political iniquity.

"The old JACKSON MEN will oppose him.

"The ABOLITIONISTS generally will oppose him.

"The violent Antimasons will oppose him.

"The Irishmen, who have already denounced him for his attack on O'Connell, will oppose him.

"The enemies of the United States Bank will oppose him.

"The WESTERN SQUATTERS will oppose him.

"The Southern State Rights men will oppose him. (So say several leading papers in Georgia.)

"Now, in the name of Heaven, shall we run the risk of this opposition, or even of the show of it? Can we go headlong into a fight, with these adverse elements actively at work against us? Are we strong enough to venture so much? It seems to me that some men must have taken leave of their senses, to advocate any candidate against whom any portion of this opposition may be brought. Nothing but a strong and decided course on the part of our editorial friends, and an appeal without delay to the good sense of the party, will save us from utter ruin.

"To whom shall we then look for aid? Where is the man sufficiently popular to be our candidate, and one free from these objections?

"I answer, we have him, and have had him for three years; and if good policy had prevailed, we would by this time have looked down all opposition.

"Among the 'people' of this State, he is at this moment vastly more popular than any other candidate; and the reasons for it lie deep in the human heart.

"Since the reverses in the West, and South and North, men have begun to think, and thinking has produced wonderful changes under our own eyes. Our letters from the western counties assure us that the delegates to the National Convention will generally be Harrison men, and such they will be from this vicinity.

"The name of Gen. Scott has been brought out here by a few of our leading office holders. It is suspected that it was at first merely a scheme to get rid of Mr. Clay, and the implied obligation of his support. As it took a little better than was expected, a few have attempted to press it. But it is the idlest of all attempts, and even now signally fails. General Scott is not known as a Whig and not identified with us. A few ambitious men in New York, and in the army, doubtless hope to advance themselves by advancing him. But leaving all other objections out of view, two circumstances are fatal to him, growing out of a celebrated personal controversy. General Jackson's letter, and that of De Witt Clinton, will shortly make their appearance, by which all hopes of support from any of their friends will be entirely cut off. Read for yourselves from Niles's Register for 1818, and you will judge how much popularity will be left him in this struggle. But I forbear.

"I hope you will give this letter your serious attention, and if you agree with me, you will at once throw yourself into the front rank, for the purpose of producing 'union and harmony' IN TIME. Yours, with respect,

A FRIEND OF CLAY,
But a greater friend of the cause."

Here, sir, before the meeting of that convention, is the way paved by these Abolitionists who issued that circular for Harrison over Clay. It is true, as a mere blind, for the purpose of misleading, other reasons were assigned for their preference of Harrison over Clay. But, sir, let us examine these other reasons and see if there is a particle of truth in them. The first is, that "the old Jackson men would oppose Clay." And why, let me ask, would the "old Jackson men" be more likely to vote for Harrison than Clay? Has not Harrison been as bitter an enemy of Gen. Jackson and his principles as Clay? I answer that he has. The first opportunity he had after the late war, he showed his enmity and hatred towards Gen. Jackson. In 1818 he joined the Federalists in their violent and unwarranted attack against Gen. Jackson's military conduct in the Seminole war, and voted for the resolution disapproving the proceedings on the trial and execution of Arbuthnot and Ambrister; and declaring the seizure of the Spanish ports of Pensacola and St. Carlos de Barancos by the American army, to be contrary to the Constitution of the Uni-

ted States. He opposed Gen. Jackson for the Presidency in '24, '28, and '32, and opposed his administration throughout. Then, sir, where is the ground for that assertion? There is none. The next I will notice is the statement that "the enemies of the United States Bank would oppose Clay;" and why not Harrison? Has he not been as uniformly in favor of that Bank as Clay? and would he not, if elected, sign a charter for the same as soon as Clay? About that no one can have a doubt. But it states, too, that the "Western squatters would oppose Clay." As to that, Mr. Chairman, I will inform these Abolition gentlemen, in the first place, that there are very few of these "Western squatters," as they call them, at least so far as my own State is concerned, who would support either of them. Among them Federal Whigism cannot flourish; it has no charms for them. They are an honest, industrious, and intelligent people; they live by the "sweat of the brow;" they are independent; they are not tenants; dependent upon no landlord or rich nabob for their bread; and among such a people Democracy always finds a certain home; for such men will never consent to have saddled on them monopolies and privileged orders; but if there be any squatters who are Whigs, I will venture to say that they would as soon support Clay, with his talents, as to support a man in whose capacity and talents they have no confidence—and I will say that, so far as Missouri is concerned, Clay is more popular than Harrison—and I have the Whig Convention of that State and the Whig Delegates to the Harrisburg Convention to back me in that assertion—then that reason fails. And lastly, this circular states that the Antimasons and Irishmen would oppose Clay. Now, sir, how did the writer of this circular know that fact? Did the Antimasons and Irishmen, before the meeting of the Harrisburg Convention, indicate in any way their preference for Harrison over Clay? We have no proof of it—nor did the Old Jackson men, anti-Bank men, or Western squatters. Then, sir, according to the history of the times, and the truth of the facts, neither the Old Jackson men, anti-United States Bank men, Western squatters, Antimasons, nor the Irishmen, had, previous to the meeting of that Convention, indicated in any way, as parties, that they preferred Harrison to Clay. But the Abolitionists had—they had, sometime before the meeting of that Convention, shown their hands, through circulars and their leading organs; they had commenced a warm opposition to Clay on account of the speech he had made last Congress against their schemes, and had warned that Convention not to nominate Clay, that they would not support him. Then, Mr. Chairman, we are bound to presume that the other four classes or parties were as friendly to Clay as Harrison; and we know that the Abolitionists were not; and we are irresistibly brought to the conclusion that they were placed by the side of Abolitionists in this circular for the purpose of deceiving and practising a fraud upon the Whig party, in order to enable them to bend every influence to that of Abolition; and, sir, they succeeded; all the other parties that met in the convention, yielded to them, and Gen. Harrison may therefore be properly termed the Abolition candidate. Yes, sir, the Harrisburg Convention met, composed of men and parties as opposite in principles as the antipodes, agreeing but in one solitary thing, and that was, opposition to the Administration and Democracy. They were composed of Masons and Antimasons, of high protective tariff and anti-protective tariff men, of United States Bank and anti-United States Bank men, and of Abolitionists, and all these made up of lawyers, doctors, bank officers, merchants, speculators, and dismissed office holders, with some eight or ten planters; but no log cabin men were there, although they profess to have taken the log cabin men under their especial care; and nearly all of them were friendly to the administration of John Quincy Adams.

For the proof of these facts—I mean as to the principles and profession of the members of that convention—I refer to the collection of facts made by the gentleman from Tennessee, [Mr. WATTERSON,] who informs me that he has collected them from the most authentic sources within his power. He has set them forth, and they are published to the world in his printed speech. Yes, Mr. Chairman, these are the principles of the men who composed that convention. How different with the Democracy! Democracy is one and the same thing throughout the nation: its supporters have one and the same purpose in view—and that is to carry out and administer the Government according to the intent of its framers, and as laid down by Jefferson, pursued by Jackson, and thus far by Van Buren. It is of but one material, and cannot be alloyed by materials of opposite principles, properties, and qualities. Yes, Mr. Chairman, this convention pursued the track marked out by, and obeyed the command of, that Abolition circular. And what else did they do? Did they let us know their principles by an address to the people, so that the people could form an opinion of the principles upon which General Harrison, their nominee, would administer the Government, if elected? No, sir. It would not do to declare in favor of a United States Bank; for, if they had, the Southern anti-Bank Whigs would have showed their inconsistency by supporting the nominee. It would not do to declare in favor of a protective tariff, for, by so doing, they would have lost some of the Southern and Western anti-tariff Whigs. It would not do to declare in favor of the old Federal consolidation doctrine, for they would have lost some of the Whig State Rights men. Nor would it do to declare in favor of Abolition, for then they would have lost all the honest Southern Whigs. Then what could they do with this heterogeneous motley mass of opposite principles, thrown together in one convention? Why, they could only agree to write one thing to spread before the American people, and that was too short to come from so many great minds; that is, that they were opposed to the present Administration and Democracy, with a postscript at the end of it in these words: "But we cannot agree in the reasons why." Sir, it is the first political convention that has ever, in these United States, met and adjourned without setting forth to the public, in the form of an address, their political principles and their views on the leading questions of the day.

And now, Mr. Chairman, let us see by this course what this convention has done. Sir, they have impliedly, and by act and deed, said to the American people, that, as we lie in the shade, and don't have to work for our living, we have more time to study and attend to politics than you have; and, as we have the intelligence, and know how things should be done, do you never mind about our principles, or the principles of our candidate: you attend to your work; you have not time to attend to these things, and we will attend to your interests, and in the meantime, without knowing any thing about our views, or our candidate's views, do you vote as we tell you. But, sir, this shall not rest upon implication, strong as it is; I will show from positive testimony—from the hands of General Harrison's confidential and conscience-keeping committee—that he has pursued the implied order of this convention and positively refused to come out (although respectfully asked) and inform the people—the sovereigns of the nation—and whose suffrages he is asking for the highest office in their gift, what his principles and politics are. Yes, Mr. Chairman, I hold in my hand the correspondence showing this fact; the Clerk will read it.

"OSWEGO, Jan. 31, 1840.

"*To the Hon. William H. Harrison:*

"DEAR SIR: In accordance with a resolution of the Union Association of Oswego, I am instructed to propose three questions to you in relation to subjects that a large portion of this section of the country feel a deep interest in. The first is—

"Are you in favor of receiving and referring petitions for the immediate abolition of slavery in the District of Columbia?

"Second—Are you in favor of a United States Bank, or some institution similar to that, for the safe keeping and disbursing of the public moneys, and for giving a uniform currency throughout the United States.

"And lastly—Would you favor the passage of a general bankrupt law by Congress, so that its operations might be equal in all the States in the Union.

"I have only to say, sir, that the above inquiries are made in accordance with the unanimous wishes of this Association, the members of which, I am instructed to say, entertain the highest regard for your past services, and hope, should you be elected to the high office for which you are nominated, that nothing may occur to lessen you in the estimation of a great and free people.

I am sir, respectfully,
Your obedient servant,
MILES HOTCHKISS,
Corresponding Secretary.

"CINCINNATI, Feb. 29, 1840.

"*Oswego Union Association:*

GENTLEMEN: Your letter of the 31st ult. addressed to General Harrison, has been placed in our possession with a view to early attention. This is unavoidable, in consequence of the very numerous letters daily received by the General, and to which his reply in person is rendered absolutely impracticable. As from his confidential committee, you will look upon this response, and if the policy observed by the committee should not meet with your approbation, you will attribute the error rather to ourselves and his immediate advisers, than General Harrison. That policy is: THAT THE GENERAL MAKE NO FURTHER DECLARATION OF HIS PRINCIPLES, FOR THE PUBLIC EYE, WHILST OCCUPYING HIS PRESENT POSITION. Such a course has been adopted, not for purpose of concealment, nor to avoid all proper responsibility; but under the impression that the General's views, in regard to all the important and exciting questions of the day, have heretofore been given to the public, fully and explicitly; and that those views, whether connected with constitutional or other questions of very general interest, have undergone no change. The committee are strengthened in regard to the propriety of this policy; that no new issue be made to the public, from the consideration that the National Convention deemed it impolitic, at the then crisis, to publish any general declaration of the views of the great Opposition party, and certainly the policy at the present remains unaltered. In the mean time, we cannot help expressing the hope that our friends every where will receive the nomination of General Harrison with something akin to generous confidence. When we reflect upon the distinguished intelligence of the nominating convention—how ably all interests were represented in that body, we certainly have a high guarantee that should General Harrison be the successful candidate for the Presidency, that office will be happily and constitutionally administered, and under the guidance of the same principles which directed our Washington, Jefferson, and Madison. Believing you will concur with us in the propriety of the policy adopted, we have pleasure in subscribing ourselves,

"Your friends, DAVID GWYNNE,
J. C. WRIGHT,
O. M. SPENCER.

"H. E. SPENCER, Corresponding Secretary."

Here, Mr Chairman, is a principle, a precedent new to this Government, set, which, if it obtains, and is ratified by the American people, will become more dangerous to their liberties than any doctrine set forth, or promulgated by the Hartford Convention, and the Harrisburg Convention referred to as authority for it. Sir, has it come to this, that a man who is asking the suffrages of the people of this nation, for the highest office in their gift, refuses, when respectfully asked, to give his views upon the subject of Abolition; a subject, sir, of more vital importance to this Confederacy than any other that has been agitated since its formation; and which, if not checked in its career, will ere long dissolve this Union, after having first drenched it in blood, and destroyed its treasure?

Sir, that a man who asks the people for their suffrages for a high office, should, before they cast their votes, give that people his views on subjects and principles of great importance, is interwoven in, and forms a material part of, the machinery by which this Republic moves, and must be preserved. It is a fundamental principle of this, and must be of all Republics, or otherwise they cannot long exist.

Sir, Gen. Harrison, in refusing to give his views and opinions on the subject of Abolition, and on all the other important questions which agitate the nation, has ventured upon ground that no other candidate for the Presidency or any other high office has ventured upon from the days of Washington down. No, sir, not even did the Adamses venture upon it.

It is the doctrine of kings and emperors, who come to the throne by inheritance, and who are the masters of the people, and the people their servants. It will do for them to lock up their views and principles in their own bosoms, and refuse to inform the people how they intend to administer the Government. But does it suit a Republic, where the people are the masters and the officers the servant? Will the people of these United States permit a man to come into the highest office within their gift, uncommitted and unpledged, either one way or the other, upon the great questions in which the interests, the liberties, and the very union of the States are involved? Will they say yes, we will support Gen. Harrison; he is a good man; he knows what will be good for us, and what principles will suit us better than we do ourselves; as we are ignorant and incapable of self-government? No, sir, they will not support a man to

come into power self-willed, to do his own will instead of theirs, even if he had a *will of his own*—much less will they support a man who has no will of his own—who has to employ a committee to dictate for him, act for him, and tell him what he must do—they know that in voting for General Harrison it would be but giving a formal vote—that substantially and in effect, it would be voting from the evidence they now have before them, for a committee to be made up, whose persons and principles they will know nothing about; whose duty it will be, like the present one, to keep his conscience, and direct in what manner he shall administer the Government, if he should be elected; and in that event they will come to the conclusion, from the evidence before them, that that committee will be made up of Abolitionists, Federalists, United States Bank men, and high protective tariff men, and such like materials; and they will further reason and say, that if General Harrison now, while but a candidate for the Presidency, has to employ a committee to keep his conscience, and tell him when to move, and when to stand still, that he would, as a matter of course, have one around him, if elected, to tell him what to do, as his responsibility and labor would be much greater then than now; and they will not doubt, sir, but that it will be composed of the materials above mentioned, whose only aim and object will be to control, through him, the Government in such a way as to enure to the benefit of the few, regardless of the interests of the many.

Sir, whoever before in this Government heard of a candidate for office with a committee around him to tell him what to do? It might well do for imbecile Kings, such as the Georges of England, to have a ministry around them to direct the administration of the Government. But, sir, I have always looked upon it here as a fundamental principle, in casting our suffrages, to select men for office for their merit and qualifications, who were capable of performing their duties without employing others to direct them. Sir, what would the people of Missouri think of me, if I, being a candidate even for a seat on this floor, or any other office of still less importance, should keep a committee around me to tell me what to answer, or to tell me whether to answer or not when called on to give my views on the great questions which agitate the nation? Why, sir, I should not expect to get a vote—particularly if my committee should refuse to let me answer at all. Sir, a man could not be elected constable in Missouri who would refuse to give his political views when called on. Sir, the people understand their rights and the principles of this Government too well to vote for a man to any office who will not let them know his politics.

But, Mr. Chairman, what excuses do this committee give for not letting Gen. Harrison answer the queries propounded by the Oswego association, for it appears, sir, that those who propounded them were his friends? Why, they say that the Harrisburg Convention thought it, at the then crisis, impolitic to declare the views of the Opposition, and therefore it was wrong for their nominee to do so; that is, that they had impliedly ordered Gen. Harrison to keep his mouth shut, and for fear he would not do it, we are his committee, arranged to see that it is done. And they also say, in excuse, that if there is any error in this concealment, blame us, and not Gen. Harrison.

I am informed, Mr. Chairman, that this committee is composed of lawyers, at least two of them, and Federalists at that; and, as a matter of course, they have read Blackstone's Commentaries, and have followed the doctrine laid down there; that is, that the King can do no wrong, and if any wrong is done on the part of the Government, the Ministry, and not the King, is responsible. This is the precise doctrine held out here, sir; the doctrine of a kingly Government.

But, sir, in this Republic, who do you hold responsible for the acts of the Executive branch of the Government? Is it a committee, appointed by the President to stand in the place of the ministry of England? No, sir; there never has been one yet; all the Presidents heretofore have had sense and firmness enough to do the business of the office, and take the responsibility. Then, sir, are his Secretaries and other officers which he appoints, responsible for the acts of the Executive Government? No, sir, we hold the President himself responsible for the acts of the entire Executive Department, and for the best reasons in the world, according to our frame of Government. The people elect the President, and the President appoints, and has the power to remove, all of his Executive officers. Then, if any of them fail in their duty, he is responsible to us for it, for he, and not us, has the power to remove him. But, sir, Gen. Harrison's political friends, while he is but a candidate for the Presidency, have put this English doctrine in force; and, sir, I venture to predict that they have showed their hands so plain as to what they would do if he is elected, that the people will never permit him to take that ministry or committee along with him to the Presidency, for the reason that they will not let him go there himself. What other excuse do they give? Why, General Harrison receives so many letters, that it is impossible for him to answer in person. Ah, indeed!—"guilt will out." Where are there so many letters, and where are there so many answers to them, that he could not answer three plain questions, that need not have taken more than a page of letter paper? When has he answered a solitary communication? Where is the answer? Show one since he has been a candidate. Sir, not one can be shown; for, as a matter of course, these numerous letters, if he received them, were in relation to his principles or politics; and if any of them had been answered, that answer would have been published. Then, sir, every man must see and know that this excuse is false, and, with the others, is rendered to keep out of view the true reasons, as I have before assigned, in order to practise a fraud on the credulity of the people. And this committee, (which is more palpable than all,) to cover the fraud intended to be practised on the community, wound up by saying: "We certainly have a high guarantee that, should General Harrison be the successful candidate for the Presidency, that office will be happily and constitutionally administered, and under the guidance of the same principles which directed our Washington, Jefferson, and Madison." What guarantee have we? None. If he had all at once become in love with the principles of Washington, Jefferson, and Madison, why did he not answer the letter written to him, and so state? It was easy done. No, sir, that would not do; and the very fact of his refusing to answer that he would, if elected, administer the Government according to the principles of those illustrious men, is conclusive evidence that he would not, but intended to administer it according to the principles of the Federalists and Abolitionists; and that their names were used by this committee for the purpose of misleading, gulling, and practising a fraud on the community. Sir, if he had just answered that he would have administered the Government as laid down by these three sages and patriots, and shown himself sound on the subject of Abolition, the people would have been satisfied. Sir, I have done with that correspondence for the present.

Mr. Chairman, I will go back again to that convention and the subject of Abolition, and inquire how the States voted in that convention. And what will we find? Why, sir, we find that every Southern State—I mean the slaveholding States that were represented there—voted for Clay. And why? Was Clay personally more popular in Virginia, North Carolina, South Carolina, and the other Southern States, generally, than Harrison? No; probably in none of them except Kentucky and Missouri. In fact, sir, Clay has always been very unpopular in Virginia, and the extreme South, probably on account of his bank and high tariff notions mainly. Then upon what ground did they support him in that convention, for they never did it before? Sir, the answer is easy; they looked upon this Abolition question as the paramount question of the land, and they did not believe that Harrison was sound upon it; they were jealous of him, and fearful that he was an Abolitionist. They knew (as I will show presently) that he had at one time declared himself in favor of it, and at another time against it; and what shoot he would take, if he had to decide a third time, they knew was doubtful. That is the whole secret, sir, and that is the answer; and now I call upon the Southern Whigs to say, as you call this the paramount question, and as you know and admit Van Buren is right on it, how it is possible that one of you, or one solitary Southern voter, except he be an Abolitionist, can support Harrison. You have not been informed by him of any thing in relation to this subject since that convention; and as you were fearful then that he was an Abolitionist, or would favor their schemes, and would not support him in the convention on that account, how can you be less so now. And, in fact, you have cause to be the more so, for the reason that he has been called on, and has peremptorily refused to come out, and let his views be known on this subject.

Sir, I do not believe, under the circumstances and facts already mentioned, that General Harrison, at any time since we have had an existence as a Government, except the present, could have got one solitary vote south of Mason's and Dixon's line, and very few, if any, north of it. But it seems that the Opposition have become desperate; that they are willing to forego any thing; plunge the Government into disunion and destruction, for the purpose of getting into power.

But, sir, let us trace this matter on and see what the leading organ of the Abolition party said immediately after the nomination. Here it is: the Clerk will read it:

"Well, the agony is over, and Henry Clay is—laid upon the shelf. And no man of ordinary intelligence can doubt or deny that it is the antislavery feeling of the North which has done it; in connection with his own ostentatious and infamous pro-slavery demonstrations in Congress. Praise to God for a great anti-slavery victory. A man of high talents, of great distinction, of long political services, of boundless personal popularity, has been openly rejected for the Presidency of this Republic, on account of his devotion to slavery. Set up a monument of progress there. Let the winds tell the tale. Let the slaveholders hear the news. Let foreign nations hear it. Let O'Connell hear it. Let the slaves hear it. A slaveholder is incapacitated for the Presidency of the United States. The reign of the slavocracy is hastening to a close. The rejection of Henry Clay by the Whig Convention, taken in connection with all the circumstances, is one of the heaviest blows the monster slavery has received in this country."

Yes, sir; here it is in words, and painted in colors that cannot be misunderstood: "The agony is over; Henry Clay laid on the shelf; anti-slavery feeling of the North that did it; praise to God for a great anti-slavery victory." What is their victory? Why, Harrison—our man, the friend of anti-slavery, the friend of the Abolitionists—is nominated over Clay. "Set up a monument of progress there—let the winds tell the tale—let the slave holders hear the news—let foreign nations hear it—let O'Connell hear it—let the slaves hear it, that a slave holder is incapacitated for the Presidency of the United States." Yes, and that Harrison, the Abolition candidate, is nominated. Sir, can the most credulous doubt, after looking at this, that my first proposition is true, that is, that Harrison is either an Abolitionist, or, if elected, will favor their schemes, or that he is aiming to get their votes, and will then deceive them. But the Whigs say that the editors of this paper have retracted a little since, and don't come out quite so rank since this first piece. Sir, don't every body understand that. Did you not see how uneasy the Whigs were here when that paper came out? Sir, they saw their cause was gone, unless something was done; they saw that the Abolitionists, in their over heat of joy, had "let the cat out of the wallet;" that Harrison was the Abolition candidate. This would not do; he would lose the Whigs of the South; and, sir, can any one doubt but that they were ordered, or persuaded, by the party, on that account, to retract a little from their rank hold? For, sir, has any thing come from Harrison since to weaken the confidence of the Abolitionists in him? Not a thing, for he has utterly refused to say a word on the subject since that time. But what has General Harrison said heretofore on this subject? Here is his own letter, signed by himself, published in the Philanthropist, on the 14th of February last, an Abolition paper, and friendly to the election of Harrison. I will read it:

"TO THE PUBLIC.

"FELLOW-CITIZENS: Being suddenly called home to attend to my sick family, I have but a moment to answer a few of the calumnies which are in circulation concerning me.

"I am accused of being friendly to slavery. From my earliest

youth to the present moment, I have been the ardent friend of human liberty. At the age of eighteen *I became a member of an Abolition society*, established at Richmond, the object of which was to ameliorate the condition of slavery, and procure their freedom by every legal means. My venerable friend, Judge Gatch, of Clermont county, was also a member of this society, and has lately given me a *certificate that I was one. The obligations I then came under I have faithfully performed.* WM. H. HARRISON."

Here, then, Mr. Chairman, is his own letter, under his sign manual, published in Cincinnati, right under his nose, published in an Abolition paper, friendly to his election, and no doubt under his direction, or at least by his assent, to satisfy the Abolitionists that he was their friend, so that they might concentrate their forces on him. Sir, this is as strong a declaration in favor of Abolition as the Abolitionists desire. He says: "he has been accused of being friendly to slavery;" he denies it, and says that "he had been a member of an Abolition Society at Richmond." So anxious was he to satisfy the Abolitionists that he was one himself, he informs them that he had lately received a certificate from his venerable friend Judge Gatch, certifying that he had been a member of that Abolition society; and then he says, that the obligations he then had come under, he had faithfully performed; that is, that he had been, and then was, a good Abolitionist. It is true, he says, "that the object of this Abolition society" that he had been a member of, was "to ameliorate the condition of slavery, and procure their freedom by *every legal means*." But, sir, that is what every Abolition society and Abolitionist says: that their object is to abolish slavery by "*legal means*." But who does not know better? Who is it that does not believe, from their course, that this is a mere pretext to deceive and aid them in power; and that if they get the ascendency, and the power in their hands, they will not prostrate the Constitution, law, and every thing else, to effect their object? But his Whig friends on this floor say that he declared against Abolition in a speech delivered by him at Vincennes; agreed that he did, and the gentlemen may have the full benefit of it; and what does it prove? It proves that he has positively declared in one instance in favor of Abolition, and in another against it; and it shows the greater reason why he should come out now, and give us the best two in three declarations one way or the other—that we may know what he is now on this subject. For now is the time we want to know from his own mouth, or pen, that we may be able to put our fingers upon him and find him there. Yes, sir, now is the time we want to know, that there may be a stop put to this double game. For while the Abolition papers are publishing this letter to convince their brethren that Harrison is an Abolitionist, and that they should support him, the Whig anti-Abolitionists of the South are publishing his Vincennes speech to prove that he is not an Abolitionist. And, sir, let him no longer skulk behind a committee, and raise the fraudulent plea that he has not time to answer this question. For if he be so weak and feeble that he cannot answer a letter, which he could do in a dozen or twenty lines, how can he, if elected, perform the duties of the Presidency, for it is known by all to be the most laborious office in the nation? And yet Mr. Van Buren can attend to the duties of that office, and answer every letter that is addressed to him on this or any other subject. Sir, he does not refuse to answer and give his views on all the political questions that now agitate the nation; if he did, the Democracy would soon drop him. He answers full and broad against Abolition. Ah! but Gen. Harrison is so crowded with communications that he has not time to answer whether he is an Abolitionist or will favor their schemes or not; or, in other words, he receives so many letters that he has not time to answer any—although, no doubt, they are all on the same subject, and an answer to one would be answer to the whole. Well, I presume that Mr Van Buren receives as many letters as Gen. Harrison. Now, Mr. Chairman, how stands Gen. Harrison on this subject—he has declared both ways. While at Vincennes, where he knew there were no Abolitionists, (for Indiana has always been sound on this subject: her Legislature has, by a vote of ninety-nine to one, passed stronger resolutions against Abolition than have ever been passed here,) he came out strong against the Abolitionists; but when he was in a country where he was surrounded with Abolitionists, and was charged with being a friend to slavery, he denies the charge, calls it a calumny, and comes out strong in favor of Abolition. He is called upon, as he has declared both ways, to let us know now what he is, and refuses to answer them. Sir, what is the irresistible conclusion that the American people must come to. It is, sir, that my first proposition is true; for, sir, although owing to the lenity of the criminal law for a century and a half back, a man standing mute does not convict him of the crime he is charged with, yet, in all other proceedings, and in all our relations in life, if a man is charged with any thing that he knows is unpopular, and stands mute, refusing to answer when called on, it is taken for granted that he is guilty of the charge—law, reason, and common sense has established it as a principle.

Sir, I have said that Van Buren was sound on this subject, and what do the Abolitionists say? The gentleman from Pennsylvania [Mr. OGLE] has repeated the statement on this floor that we have seen so often put forth in the Abolition papers; that is, that Mr. Van Buren was a Northern man with Southern principles—with this addition by that foul-mouthed gentleman, that he was a traitor to the North; and in what particular? let me ask this Abolitionist and his Abolition editors. Sir, they have only given us one reason for this declaration—they can give no other; and that is that Mr. Van Buren has publicly declared that Congress had no power under the Constitution to interfere with slavery in the States, and that, if they passed an act interfering with slavery in the District of Columbia, it would be against good faith; and he should feel himself bound to veto it. Yes, sir, this is the whole amount of the charge against him. Because he has shown himself to be the President of the entire nation, and not the President alone of these fanatic Abolitionists; and because he has determined to do every thing which in his power lies, according to the solemn oath which he has taken, to preserve the Constitution, the union of these States, and to prevent civil war and bloodshed, he is denounced by these Abolitionists as a traitor—a Northern man with Southern principles. Let the South look at this; it needs no further comment.

I will, Mr. Chairman, pass to the second proposition, and show that Gen. Harrison is is favor of a high protective tariff, or rather show that he has been heretofore, as far as he has acted and spoken, and we are bound to presume still is, as he also at present keeps silent on that subject. But to the proof. As late as 1831, in an address delivered before the Agricultural Society of Hamilton county, he said: "It may be asked whether, under *any* circumstances, I would be willing to abandon the tariff. I answer without hesitation in the affirmative. *Whenever the streets of Norfolk and Charleston shall be covered with grass, and our Southern friends find no market for their produce; and this state of things can be directly traced to the tariff*, I would then instantly give my voice for its modification, or entire repeal." How kind; yes, sir; how kind the General would be to you Southern people. After your land presents one wreck of ruin, your country depopulated, your cities decayed and grown up in grass; in a word, after you are entirely ruined, when it is too late to do you any good, this great statesman, as well as general, will then stop and put his mind upon the inquiry, and if he finds out that the tariff is the cause of it, he will go for its "modification, or entire repeal;" he would do it, too, "instantly, and without hesitation." These are his tariff notions; and, sir, the West, as well as the South, is deeply interested in this question. Sir, a great many of the leading politicians of the West have deceived themselves, as well as the people there, on this subject. The interest of the South and West is one and the same in relation to this question. As a high tariff affects one directly, so it affects the other indirectly; as in the first place it oppresses and strikes down the price of the staples in the South, so in the second it oppresses and strikes down the price of the stock, and all the products of the West. And how is it? Why, sir, the people of the West sell their beef, pork, horses, mules, and their surplus products, to the South. They buy from the East, and sell to the South. Then, sir, just in proportion as the Southern people get a high price for their main staple, which is cotton, (and in fact it may be said to be the staple of the nation,) just in the same proportion the Western farmers get a high price for their beef, pork, stock, and surplus products; and vice versa—for one follows the other. Then General Harrison's opinions on this question are directly against the interests of the West, as well as the South.

I need not take up the time of the committee in producing evidence to show that General Harrison is in favor of the United States Bank. The history of the country proves him to have been uniformly its advocate; and he declared himself to be in favor of it when a candidate for the Presidency, in 1836.

And now, Mr. Chairman, I will appeal to Virginia, and to the South generally, and ask them whether they are prepared to support a man who, they are bound to believe, from the evidence, is an Abolitionist, or at least is favoring their schemes—in favor of a high protective tariff—of the United States Bank—and who is now in the keeping of a Federal committee. And, sir, I will appeal to the North, and ask them, too, if they are prepared to support him, with all these facts staring them in the face; for I believe they, or at least a large majority of them, are sound upon all of these questions. But, if this is not sufficient, I will presently show that he was identified with the Federalists in 1798 and 1800, and that we have no evidence of any change in his principles since.

As to the generalship of General Harrison, Mr. Chairman, I have but little to say; for I know, sir, if, by any deeds in arms, he has acquired for himself the fame of a brave man and a General, that any thing I might say here would not detract from that fame. The people, in forming their opinions in relation to it, will be governed by the history and records of the country, made at the time, and shortly after he was in the field, commanding an army of his country, and the opinions of living witnesses, who served with him and under him, for, sir, you can scarcely go to a neighborhood in the West, but what you will find some person who served under General Harrison in the late war; and those who have grown up since, or who were now with him in the late war, had rather, and very properly, too, taken their opinions as to his generalship and bravery, than ours, proclaimed from this hall; and, on the other hand, I will inform the Whig gentlemen on this floor that if the history, records of the country, and the living witnesses, do not prove him to be a general, all their talents, ingenuity, and long speeches here, cannot manufacture him into one. If he was not a general in the field, sirs, you cannot make him one on this floor. But, Mr. Chairman, the remarks of the gentleman from Illinois, [Mr. STUART,] will cause me to make a few passing remarks under this head. He said that General Harrison had fought more battles than any general during the late war. Sir, I was astonished to hear a member on this floor, directly against the facts, as known by living witnesses, and recorded in the history of the country, make such a statement. What battles did he fight during the late war? Not one. He had a fight or a skirmish with a small band of Indians at Tippecanoe, previous to the late war, at which time the enemy selected his camping ground for him, as proved by his own report; surprised him before day, killed a great many of his gallant officers and men, fought him until day, and retired. That, sir, is the only battle he was ever in; and I cannot see that there was much generalship or heroism displayed by him there—nothing, sir, that would entitle him to the appellation of the hero of the battle. If the gentleman had cast his mind upon a Jackson, a Brown, a Scott, a Gaines, a Miller, a Johnson, and a Croghan, he would have found men who fought battles during the late war, in a manner, and with an effect, too, that justly entitles them to the appellation of "hero." But, sir, it is a slander, a reflection upon the character of

the Western people, to say that General Harrison is a great General, or that he has achieved many victories, or rendered important military services for his country. For there is no people so grateful, and delight so much to honor men who have led them to victory and to glory, as the Western people. Why then, sir, have they not, long since, shown their gratitude, and rendered honor to this man, if he is so great a General, fought so many battles, gained so many victories, and covered himself and his country with so much glory, as is attempted to be manufactured on this floor? I call upon you, Representatives from Ohio and Kentucky, whose sons constituted the greater part of his army, why it is that you have been so ungrateful and forgetful of this man's great military services, as to let him lie dormant for twenty-six years after these services have been performed; confer no honors upon him all this time; and now, when he is seventy years of age, with one foot in the grave, and the other not far off, you call up these past, these noble, and great military services rendered, and say for that he ought to be made President of the United States. Why, gentlemen, you are too late in showing your gratitude and conferring your honors. Mr. Chairman, it is perfect humbugery—a perfect farce attempted to be played off on the American people.

Mr. Chairman, the Western people are not ungrateful; they would have long since conferred the highest honors on General Harrison within their gift, if he had deserved them. Sir, they are an indulgent, forbearing, and charitable people. Sir, they are a generous, brave, and noble, and warm hearted people. If they can say nothing in favor of a military commander, they will say nothing at all. Where they have no confidence in him, they will not scrutinize his conduct, but will throw the mantle of charity around him, and permit him to retire unmolested and untroubled from the bustles of public life. And this is the course, sir, they have pursued towards Gen. Harrison, for I need not state that there never was a General who commanded braver officers and men, and had a better opportunity of distinguishing himself, than General Harrison. But he failed in doing it. It was his own fault, and it is too late to make him a general now—the time has passed—he should have shown himself a general in the late war, when he was at the head of his brave and gallant army, and, having failed, he should not undertake to make himself a general now by certificates, and the long speeches of his talented friends on this floor. Sir, he is the only man who commanded in the late war, and the first I ever heard of who undertook to prove himself a general by certificates and speeches. They know that it is their acts in the field upon which an intelligent people will determine the fact. They would consider such an attempt the highest possible insult that could be offered them. But, sir, what did Gen. Harrison's cotemporaries say about him—the Senate of the United States, in 1816—immedately after the close of the war? That Senate, composed almost entirely of the same men who had acted in that body during the war—who were patriots, who were in favor of the war, who gave the illustrious Madison all the aid in their power to prosecute the war with effect, and to the success and glory of the American arms—who with deep interest watched close the course and conduct of each American commander, and who were ready, anxious to confer honor upon the officers, where honor was due—refused to authorize a medal to be struck for General Harrison, and to tender him their thanks in honor of his military services. His name in a resolution to that effect, was introduced by the side of Governor Shelby, was stricken from it, and Governor Shelby's retained. This needs no comments, it speaks volumes.

And, sir, to show that the people of the West are not in fault in this matter, it is only necessary to look at their course towards others who served and proved faithful in that war. Where is the man who distinguished himself in that war in the West, or who showed himself ready and willing to act, if a chance had been given him, who has not been rewarded by that people. Sir, you can scarcely find any man, from lieutenant up, who served with General Harrison, that has not been honored with any office that he asked for. Many who served with him are now upon this floor; and it is strange that they have neglected General Harrison alone, if he deserved their confidence and their gratitude. Sir, they have not done it. They have done ample justice by him, by throwing the mantle of charity over him, and permiting him to retire, without scrutinizing too closely his military conduct.

Mr. Chairman, it has been stated by the gentleman from Massachusetts [Mr. SALTONSTALL] and the gentleman from Illinois [Mr. STUART] that the old Federal party has been long since disbanded, and that some of the old Federalists now belong to the Democratic party, and some of the old Republicans to the present Whig party; and that they, the present Whigs, are not identified with the old Federalists. Now, sir, it may be true, and I have no doubt but that it is true, that men have changed their principles, that some of the old Federalistsis have joined the Democratic party, and that some of the Republicans have joined the Whig party; and what does this prove? Why, it only proves what every man knows: that man is fallible, liable to change his opinions from the various causes that operate upon the human mind. But does all this prove that the principles of the two parties have changed? Sir, principles once established are fixed and eternal; men may change, but they cannot. Does not the Democratic party now pursue and maintain the same principles that were pursued and maintained by Jefferson and the Republicans of '98 and 1800? and are not the principles of the Whigs now the same as those of the Federalists then. Sir, we profess to be the followers of Jefferson: he is our captain and our head; he was opposed to the United States Bank, to monopolies, and in favor of a strict construction of the Constitution, and so are we. Hamilton was the leader of the Federalists in that day, and proposed, and was in favor of, the United States Bank, of monopolies, and of a latitudinarian construction of the Constitution, and so are the Whigs. I will tell you, Mr. Chairman, what that party has done since the days of Jefferson: they have, in order to gain favor with the people, disbanded their names at least a half a dozen times; but their principles remain the same. Sir, in my State, the Whigs do not attempt to identify the Democratic party with Federalism; but their whole effort on this subject is to defend themselves against it. But, Mr Chairman, I will show that the Whig party is now running a man for the Presidency who was identified with and sustained the Federal party in '98 and 1800. Here is the proof: the reference to records and the facts therein is correct, and its comments on the records and facts I endorse as my own. The Clerk will read it.

From the Nashville Union.

HARRISON'S FEDERALISM.

THE PROOFS—THE PROOFS.

That Wm. Henry Harrison was a Federalist, and supported the administration of John Adams during the reign of terror in 1798, '99, 1800, is affirmed without the fear of successful contradiction.

The incontestable proofs which we adduce are the Journals of Congress and his own admission of the fact.

The first office of any importance which he ever held wasf that of "Secretary of the Territory Northwest of the river Ohio," conferred upon him by John Adams, then President of the United States, on the 20th June, 1798—[See Executive Journal, vol. I. p. 282.]

It was at the session of Congress in 1798, it will be remembered, that the *alien and sedition laws* were passed by the Federal majority who supported Mr. Adams's administration; and it is well known that none but those agreeing in political sentiment with President Adams and his Federal majority in Congress were appointed to high public stations.

General Harrison was afterwards returned as a delegate to the House of Representatives in Congress from the Northwestern Territory, and served as a delegate during the session of 1799–1800, up to the 12th of May, 1800, on which day he was nominated to the Senate by John Adams, then President of the United States to be Governor of the Indiana Territory—[See Executive Journal, vol. I. p. 353.]

It will be remembered that it was during that year (1800) that the contest between the Federal and Republican parties, in the then pending Presidential election between John Adams and Thomas Jefferson, and which terminated in the election of the latter in the fall of that year, had reached its highest point of excitement, and raged with its greatest fury and violence. The *black cockade* was the insignia of distinction worn by the Federalists, and universal proscription from office of all who differed with them in political sentiment was the order of the day. *It was at that time* that General Harrison was a favorite which John Adams, and was appointed by him and a Federal Senate to be "Governor of the Indiana Territory."

Further: If the fact that in these high party times General Harrison was in favor with President John Adams, and was rewarded by him, first by the appointment of Secretary, and then of Governor of a Territory, were not of itself conclusive proof that General Harrison was a friend and supporter of his administration, *his own admission*, which we proceed to adduce, would remove all cavil or doubt in the minds of the most skeptical that he was so.

The charge. In the year 1826, Mr. John Randolph of Virginia and General Harrison, met in the Senate of the United States, and in a debate in that body on the 20th March, of that year (1826) *Mr. Randolph charged the fact to be so*, in the following plain language, reported in the National Intelligencer at the time, and preserved in Gales and Seaton's "Congressional Debates," vol. II, part 1, page 359, to wit: Mr. Randolph said:

"Now, sir, the only difference between the gentleman from Ohio [General Harrison] and myself is this—and it is vital—that gentlemen and myself differ fundamentally and totally, and did differ when we first took our seats in Congress—he as a delegate from the Territory Northwest of the river Ohio, I as a member of the other House from the State of Virginia; he was an open, zealous, frank supporter of the sedition law and black cockade Administration; and I was as zealous, frank, and open an opponent of the black cockade and sedition law Administration. We differ fundamentally and totally—we never can agree about measures or men—I do not mean to dictate to the gentleman—let us agree to differ as gentlemen ought to do, especially natives of the same State, who are antipodes to each other in politics. He, I acknowledge, just now, the ZENITH and I the NADIR, but unless there is something false in the philosophy of the school, in the course of time even these will change their places."

Mark! "*Who are antipodes to each other in politics.*" Thus much for the charge.

Now for the admission. On the same day General Harrison replied to the charge of Mr. Randolph, and ADMITTED ITS TRUTH in the following language, reported in the National Intelligencer at the time, and preserved in Gales and Seaton's "Congressional Debates," vol. II, part 1, p. 364, 365—to wit:

"In the course of this debate, Mr. Harrison said that he could not refrain from making his acknowledgments to the gentleman from Virginia for the notice he had been pleased to take of him. He has been pleased to say, that in the administration of Mr. Adams, I was a Federalist, and he comes to that conclusion from the course pursued by me in 1799–1800. At that session, the gentleman and myself met for the first time; he in the station of Representative from Virginia, and I in the more humble one of Delegate from the Northwestern Territory. Having no vote, I did not think proper to take part in the discussion of any of the great political questions which divided the two parties. My business was to procure the passage of the bills which I had introduced for the benefit of the people I represented. The gentleman had no means of knowing my political principles, unless he obtained them from private conversation. As I was upon terms of intimacy with the gentleman, it is very probable that he might have heard me express sentiments favorable to the then Administration. I certainly felt them—so far, at least, as to the course pursued by it in relation to the Government of France. Nor, said Mr. H. was I unsupported in that opinion by those who had a right to control my actions, if not my opinions In no part of the country were those measures more decidedly approbated than by my immediate constituents—the Legislature of the Northwestern Territory—as the address of that body to the President, during that session, will show. For Mr. Adams, said Mr. H I entertained at that time, and have ever since entertained, the greatest respect. I believe him to be an honest man and a pure patriot, and his conduct during that session proved him to be such. This opinion I know, said Mr. H. was entertained by those two able and upright statesmen, John Marshall and James A. Bayard. To the question asked by Mr. Randolph, whether Mr. H. recollected a conversation between Mr. Nicholas and himself, in relation to the negroes and politics of Virginia, Mr. H. answered: I recollect it perfectly well, but can this be adduced as an evidence of my favoring the Sedition Law?"]

Mr. Randolph's charge was—and he spoke from his own personal knowledge of the fact—that "he (Harrison) was an open, zealous, frank supporter of the Sedition Law and Black Cockade Administration," "and I (Randolph) was as zealous, frank and open an opponent of the Black Cockade and Sedition Law Administration."

Does Gen. Harrison, in his reply, admit or deny the truth of Mr. Randolph's charge?

He admits its truth plainly and unequivocally. He says:

"As I was on terms of intimacy with the gentleman, (in 1799—1800) it is very probable that he might have heard me express sentiments favorable to the then Administration—I CERTAINLY FELT THEM."

And he further says:

"For Mr. Adams I entertained, at that time, and have ever since entertained, the greatest respect. I believe him to be an honest man and pure patriot, and his conduct during that session proved him to be such!"

What stronger ADMISSION of the charge that he (Harrison) was a Federalist, and a supporter of Adams's-administration, can the English language convey?

General Harrison, however, in 1826, when he was *compelled* to make this admission, *because it was true, and the living witnesses were present to prove it, if denied*, seems to have been sensible that President Adams and his administration had become unpopular, and attempted to bolster and sustain, if not excused himself for the opinions he entertained of him, by referring to the opinions of other distinguished Federalists. And to whom did he refer? "This opinion (of John Adams) I know (said Mr. H.) was entertained by those two *able and upright statesmen*, John Marshall *and* James A. Bayard!" The reference is a most important one; and, if possible, still more closely and indissolubly identifies General Harrison with the Federal men and party.

And who were Judge Marshall and James A. Bayard, but the distinguished leaders of the old Federal party? It is a matter of notorious history, never denied, and undeniable, that they were the two great champions of Federalism.

Judge Marshall was appointed by John Adams to be Chief Justice of the Supreme Court of the United States on the 20th of January, 1801, an office which he held until the day of his death. In 1826, when General Harrison made the reference, and in all subsequent time of his life, Judge Marshall was regarded as the head of the Federal party in the United States.

Mr. Bayard was a member of the House of Representatives in Congress from the State of Delaware in 1798, AND VOTED FOR THE SEDITION LAW, (See journal of the House of Representatives, reprint vol. 3, p. 3791.) Mr. Bayard was a

member of the House from Delaware, and *voted for Aaron Burr against Thomas Jefferson* to be President of the United States!

So much for the *able and upright statesmen* with whom General Harrison acted during the Reign of Terror.

Between the close of the administration of John Adams on the 3d of March, 1801, and the commencement of the administration of John Quincy Adams on the 4th of March, 1825, Gen. Harrison was not so actively engaged in political life as to make it necessary for him to make any public avowals of his political principles. *That they remained unchanged, however, there cannot be a doubt.*

At the commencement of the administration of John Quincy Adams we find Harrison in the Senate of the United States, "an open, zealous, and frank supporter" of *his* administration, as he had been in 1799-1800 of "the Sedition Law and Black Cockade administration of his father.

We will not willingly do General Harrison injustice. We have said that he is a Federalist, and we have adduced the proof of the fact.

I will now, Mr. Chairman, turn my attention awhile to the gentleman from Pennsylvania [Mr. OGLE.] He has wantonly, and without cause, assailed the person and character of one of the Senators from Missouri [Mr. BENTON] in the most abusive manner that a blackguard could devise. I had heard gentlemen before on this floor make use of abusive epithets towards officers of the Government and leading politicians outside of this House; but, sir, I have heard nothing to come near up to those used by this gentleman. He has shown himself to be degraded beneath that of any other man who has any pretensions to reputation and honor. Sir, if he had spoken of Col. Benton's principles or inconsistency, if he could have shown any, I would have had nothing to say; but that would not do him; he must strike at his person. He stated, sir, in reference to the East room letter as he called it, (which I know nothing about, and it would be degrading to this House to undertake to make an inquiry into it) that Col. Benton had in that letter "stated a wilful and base falsehood, and that the villain should not escape his denunciation." These are the epithets used towards that Senator—a man who had the confidence of the people of Tennessee, and by them was put in the councils of their State before he removed to Missouri, and who, ever since he has been there, has stood high in the confidence of the people of that State. They have by large majorities sent him to the Senate of the United States for twenty successive years, and still they keep him there. They are as virtuous and as intelligent a people as live upon the globe, and have endorsed his character for that length of time, and still continue to endorse it. A direct thrust therefore at his character and person, is an indirect thrust at the character of the people of Missouri, who, too, I have the honor in part to represent. Sir, Col. Benton's public life needs no eulogy from me; if I were to attempt it, I should fall short of doing him justice. He has been in the service of his country, either in the field or in the cabinet, all his life, and his acts are interwoven into, and form a bright page in, the history of the country; and, suffice it to say, that his untiring and unceasing efforts, and his masterly talents, have all been used in behalf of liberty—of Democracy—of the people—of the working people of this nation. Sir, this is the man towards whom this little fellow, who never was heard of outside of his district until he came here, has used these epithets—epithets, sir, that no man would make use of towards a member of the other House, who had that sense of honor and propriety calculated to distinguish him from the blackguard of a brothel, or the bully of a muster field. It was a mean and cowardly act.

[Here the Chairman called Mr. JAMESON to order.]

Mr. JAMESON said he was done.

SPEECH OF MR. WALL,
OF NEW JERSEY,

In Senate, May 12, 1840—On the bill to establish an uniform system of bankruptcy. The question being on the adoption of the substitute submitted by Mr. WALL, from the minority of the committee—

Mr. WALL addressed the Senate as follows:

Mr. PRESIDENT: In submitting the substitute which I propose for the bill to establish an uniform system of bankruptcy, &c. reported by the majority of the Committee on the Judiciary, it becomes my duty to explain the features and principles of it. In doing so, I shall endeavor to avoid every thing extraneous, or which can draw off the attention of the Senate from what properly belongs to the subject.

I am not accustomed to deal in professions, or to make myself prominent in any way; but as my course in relation to this matter has been commented on, in the public papers, with harshness mingled with misrepresentation, it is proper to remove unfounded accusations, by defining my position. I am in favor of passing a constitutional law upon the subject of bankruptcy, of such a character as is demanded by the state of the country—one that will relieve the unfortunate debtor who is borne down by the depressing load of the perpetual bondage of debt, and restore to him the invigorating stimulus of hope, and the natural impulses, without which, energy, active enterprise, and useful industry, languish or perish; and, at the same time, do justice to the claims of the creditor.

In my judgment, the time has arrived when the state of the country imperiously demands that Congress should exercise their constitutional power of passing an uniform law on the subject of bankruptcy. It is demanded as well for the relief of the debtor as the interest of the creditor—for the interest of the public, as of individuals. The interest of the public requires that the productive energies of the many ardent, enterprising, and meritorious, but unfortunate men, which have been paralyzed by the vicissitudes of trade, the fluctuations of the currency, or the disastrous results of rashness, imprudence, or inexperience, should be resuscitated, and restored to the community.

We cannot shut our eyes to the melancholy fact, that the whole country is suffering from one of those revulsions, which, of late, have periodically cast their wrecks upon the shores of trade and business. This is not the proper occasion to inquire into the causes of this revulsion, or to measure out censure or condemnation upon any. The country demands that relief of Congress which they suppose they can constitutionally apply. They have, in numerous petitions, clearly and explicitly made known the remedy which they suppose can and ought to be granted. It is the passage of "an *uniform* law upon the subject of bankruptcy." No petitioner has asked for a partial, special, or particular law upon that subject, which restricts and confines the *remedy* to the voluntary and exclusive act of the debtor; leaving the creditor remediless, and debarred of its benefits, save what may be incidentally gleaned from the voluntary proceedings instituted by the debtor. The idea of a bankrupt law, designed and framed for the exclusive benefit of the bankrupt, so far as I know, originated in the chamber of the Judiciary Committee, and is ushered into the world under their auspices alone. No precedent of such a bill is to be found, either in the legislation of Congress, the Parliament of England, or of any other country. It is a new and untried experiment.

The first movement on the subject of a bankrupt law, made during the present session, proceeded from my honorable friend from Michigan, [Mr. NORVELL] who, on the 14th January last, submitted a resolution, instructing the Judiciary Committee "to inquire into the expediency of passing a *general bankrupt law*." He is entitled to the merit, whatever it may be, of first presenting the subject for the consideration of this body. It seems to have awakened the attention of the whole country, from one extremity to the other. There were soon on the files of the Judiciary Committee, fifty one petitions, praying for the passage of an uniform law on the subject of bankruptcy, twenty-nine of which are from New York, five from Michigan, five from New Jersey, two from Indiana, two from Massachusetts, three from Ohio, and one from each of the States of Tennessee and Mississippi. There are thirty-five other petitions, praying for the passage of a general bankrupt law, or using some equivalent expression to *uniform or general*; fifteen of which are from New York, eight from Pennsylvania, four from Illinois, one from each of the States of Ohio, Maine, and New Hampshire, three from Mississippi, and two from Alabama. Resolutions, also, have been passed by the Legislatures of Maine and Michigan, in favor of the same measure. These latter petitions are not uniform in their language or object—some of them ask that banks and corporations should be included in the operations of any law passed on the subject.

Such, then, is the want of the public; such the prayer of the people which has reached the committee. No one has been found expressly to ask for a bankrupt law restricting its operations exclusively to the voluntary act of the debtor. However they may differ as to the persons upon which it shall act, all desire that the law should be *uniform* in its action upon debtor and creditor, and uniform in the manner of its action, by affording its remedies and its benefits *alike* to the debtor and creditor, as far as consists with the general principles and policy inherent in, and peculiar to, such a system. What then is the constitutional power of Congress over the subject of bankruptcy? It is a delegated power, and we must look to the terms of the Constitution for it, or it does not exist. There the power is expressly to be found. It is "to pass uniform laws upon the subject of bankruptcy."

The power is not to pass a *law of bankruptcy*, or *relating to bankruptcies, but* "*laws upon* the subject of bankruptcy;" thus *giving* a latitudinous power as broad and comprehensive as the whole *subject of bankruptcy*; limited and restrained only by the qualification that, in its *action* upon the distinct classes of bankrupts, and on the several cases, which are subjects of bankruptcy, it should be *uniform*.

I shall assume it as an undeniable position, established by the decisions of our Supreme Court, and the opinions of all jurists, who have treated upon the subject, that we are to look to the legislation and the decisions of England, to ascertain the true meaning of the clause of the Constitution in question. The framers of the Constitution well understood that law; and what were the *subjects* upon which the bankrupt system of that country operated? They have withdrawn from the legislation of the States all power to pass any law to impair the obligations of contracts; and they certainly did not, by so doing, vest Congress with a a general and uncontrolled power to pass laws to impair the obligations of contracts in all cases whatever. Any power which Congress can exercise over the contracts of the citizens of the States, as such, must be sought and found in the clause authorizing them to pass a law upon the subject of bankruptcy.

Let us look, then, to the legislation and decisions of England for the true interpretation of a law on the subject of bankruptcy. Bankruptcy is the state of being a bankrupt. What is a bankrupt? The word is of foreign origin, compounded either from the Italian words, *banco rotto, or* the Latin, *bancus ruptus*. The literal meaning is a bank or bench broken, and is plainly symbolical; comprehending in its metaphor, a trader in money or goods, the emblem of his occupation, and his failure, or that such emblem was broken. Lord Coke says, "that we have fetched as well the name as the wickedness of bankrupts from foreign nations. Some say it should be derived from Banque and rompue, as he that hath broken his bank or state." "In former times, as the name of a bankrupt, so was the offence itself, (as hath been said,) a stranger to an Englishman, who, of all nations, was freest of bankruptcy."

Whatever may have been the origin of the word, it has been naturalized in the English language, and has now not only a technical but a popular signification, perfectly well understood. The meaning of a bankrupt, in the law of England, is a debtor who is a *trader*, and *unwilling* or *unable* to pay his debts, or meet his engagements. Such a debtor only can be made liable to the operations of a bankrupt law, or be legitimately brought within its scope. *Bankrupt* differs in its technical sense from an *insolvent debtor*, with which it is frequently confounded. Any debtor, whether a *trader or not*, may be an insolvent, and the only test of insolvency, is the *inability* to pay his debts, not his *unwillingness*. No debtor can be an insolvent who has the *ability*, but not the *will*, to pay his debts. A *debtor trader* may be a *bankrupt*, if he has the *means*, but not the *will*, to pay his

debts. Such, then, is the description or class of persons who may be bankrupts, or the subjects of a law of bankruptcy. What, then, is the *subject* upon which a law of bankruptcy may operate? Here again we must have recourse to the legislation and judicial decisions of England, as they existed at the time of the forming of the Constitution. I do not mean by this that we must legislate in the same manner, on the subject of bankruptcy, or adopt the same provisions as are found in the acts of Parliament in relation thereto, but that our constitutional legislation must be confined to the same classes of persons, and the same subject matters. Whether the word bankrupt traces its origin to the custom of traders on the Rialto of St. Marks, or of the traders in any other country, for its symbolical meaning, or to the code of the civil law, at the time of the framing of the Constitution of the United States, the *principle* of the system or the *subject* of such a law, was the creature of the Parliament of England, and such principles only were in the contemplation of its framers, when this clause was inserted in the Constitution. The law upon the subject of bankruptcy, which the Constitution means, is confined to the *subject* of bankruptcy and the classes of persons as understood in England at the time of its adoption. The *cessio bonorum* of the civil law, was simply an insolvent law, which did not discharge the debtor from the contract, but only that part of the remedy relative to imprisonment, differing substantially only from the English insolvent law, which gave the relief only on the application of the debtor, in permitting either the debtor or creditor to become the actor, in originating the proceedings. I believe that there was not at that time any law of bankruptcy on the continent of Europe, which discharged the debtor from the contract, without the consent of the creditor. As far as they went on that subject, the discharge was conferred by the voluntary or enforced consent of the creditors, and in the nature of a composition. The English bankrupt law was the only one which discharged the debtor from the contract. This, too, furnishes one of the marked distinctions between a *law on the subject* of *insolvency* and of *bankruptcy*. The latter discharged the debtor from the contract itself, provided such debtor was a trader; the former, from the remedies founded on the contract, as related to the imprisonment of the person, or the remedy allowed by the *lex loci*, to enforce the fulfilment of the contract.

To elucidate this distinction, I must ask your attention, sir, to a brief review of the most important *epochs* in the history of the English law on the subject of bankruptcy.

The first law on the subject of bankruptcy, was passed in the reign of Henry VIII, 1542, when, as Lord Coke tells us, "the English merchant had reveled in three kinds of costliness, viz: costly buildings, costly diet, and costly apparel, accompanied with a neglect of his trade and servants, and thereby consumed his wealth." It was entitled "an act against such persons as *do make bankrupt;*" and the preamble sets forth, that whereas divers and sundry persons, craftily obtaining into their hands great substance of other men's goods, do suddenly flee to parts unknown, or keep their houses, not minding to pay or restore to any of their creditors their duties, but at their own will and pleasures, consume debts and substances obtained by credit of other men, for their own pleasure and delicate living, against all equity and good conscience."

It is manifest, although this act is not confined, in terms, to merchants and bankers, yet that the mischiefs intended to be remedied, were such only as could be committed by that class of persons. In fact, the histories of the day inform us that it was levelled against the Lombards, who were the principal merchants and bankers of the time. This is the first of the laws on the subject of bankruptcy in England; and the fact that no decision is to be found in the English books upon this law, which continued in existence for near thirty years, shows that there could have been no difference of opinion as to the *description* of persons liable to it. It was merchants and bankers only. This construction is fortified by the title: "An act against such persons as do make bankrupt;" thereby, *ex vi termini*, restricting it to merchants and bankers.

The provisions of this law partook of the cruel and bloody character of the monarch in whose reign it was enacted.

1. The body, if it could be found, and all the property of the debtor, were to be seized by the commissioners, and the latter was distributed for the use of the creditors equally.

2. The whole property of the debtor was, *ipso facto*, by the mere force of the statute, vested in the commissioners, as also *all his future acquisitions.*

3. The debtor was outlawed if he did not surrender himself within a limited time; and, of course, in that event, his life was at the mercy of every one.

4. Two acts of bankruptcy only were specified: suddenly fleeing to parts unknown, or keeping house, not minding to pay their creditors.

5. It operated only on the subject of debtor and creditor, growing out of contracts.

6. The remedy was summary and extraordinary, confined to the creditor without trial, or judgment, or execution, and, upon the simple order of the commissioners, vested all the property and future acquisitions of the debtor in themselves, and gave them a right to take the body also.

These two latter provisions, together with the equal distribution of the assets, with such modification as the experience or necessities of the case might, from time to time, require, have continued *fundamental* principles of every law upon the *subject* of bankruptcy.

In the thirteenht year of the reign of Elizabeth, (1570,) this law underwent many modifications. The preamble of that statute recites, that notwithstanding the statute before mentioned, against bankrupts, "those persons have, and still do, increase into great and excessive numbers, and are like more to do, if some better provision be not made for the repression of them;" and declares that all merchants, &c. and persons seeking his or her trade or living by *buying and selling*, shall be liable to be declared bankrupts. The repression of bankrupts was the object of this statute; and to effect this object, the operation of the law of bankruptcy was extended to traders, as well as merchants and bankers, to which the former statute seems to have been restrained by construction, if not by its language. It is difficult to understand how a mischief could be repressed by restraining the operation of an efficacious and approved remedy to a fewer description or class of persons. The remedy was designed to act beneficially, by enlarging, not circumscribing, the sphere of its action.

This statute authorized the Lord Chancellor, by commission, to vest the estate of the bankrupt in commissioners, with power to arrest his body. It makes but little alteration in the provisions of the former statute, to which I have adverted, pertinent to our present inquiry.

Up to this time, the discharge of the debtor from the contract, formed no part of the subject of a bankrupt law. That principle was first introduced in the statute, 4 and 5 Anne, (1705.) That statute first introduced the punishment of death against the bankrupt; and the policy of discharging the bankrupt from his contract; and allowing a per centage to the bankrupt, whose assets should pay a certain per centage.

Since that time the *subject* of the bankrupt law in England has been confined uniformly to merchants, bankers, and traders, or those who, from time to time, have been declared traders by Parliament; and in the case of the occurrence of bankruptcy, it operates upon the contract of such debtor and his creditors, by furnishing the creditor a summary and extraordinary remedy, and the debtor an extraordinary relief, a discharge from the contracts, not known or extended to other contracts, or classes of debtors and creditors. These features have always been retained in the subsequent English statutes; and by uniform legislation, have become the fundamental principles of the English law on the *subject* of bankrupicy, triumphing over all the modifications and alterations of subsequent legislation.

For a considerable period in the history of the legislation of England upon the *subject* of bankruptcy, the bankrupt was looked upon as an offender, a criminal; liable, in a given case, to forfeit his life; and the remedy was placed exclusively in the hands of the creditor. But at length the mild and benign principles of Christianity were infused into the system; and in the first year of the reign of George the Third, the stain of blood was effaced from it. Long before that, the humanity of creditors, and of courts and legislators, had practically moulded the system in such manner, that the honest debtor was deemed unfortunate merely, and there was doled out to him a pittance, from the wrecks of his misfortune, to support his family, and to begin the world anew, reinvigorated with hope. The policy, as well as the principles of the law of bankruptcy, were fundamentally restrained to contracts between debtor and creditor, where the debtor was a *trader* and failed. It mattered not whether he was a trader in money, credit, or goods. The law of bankruptcy sprung from the credit system, commerce, and trade, and was circumscribed in its operation to those who were gaining their livelihood by its means, and exposed to its hazards, vicissitudes, and revulsions But the *remedy* of the *creditor*, the *relief* of the *debtor*, the *modes* of its *procedure*, the *machinery* by which it *acted*, were always *controllable by legislative wisdom*, to be moulded to accommodate the progressive advancement of the age, the extension of trade and commerce, and the expansion of the credit system. It was a fixed and settled system only in those fundamental principles, that it operated on these contracts or relations between debtor and creditor only where the former was a merchant, banker, or trader, or declared to be such by law, and was unwilling or unable to pay his debts—that it gave to the creditors as a class, in case of the commission of an act of bankruptcy, a summary and extraordinary remedy, not afforded on other contracts, of arresting the body of the debtor, and seizing all his property, without trial, judgment, or execution, or any process known to the common law—that such property was to be appropriated for the equal benefit of the creditors, without preference, except such as the law should define; and in consideration of the exercise of this power by the creditor, and of his thus stripping his debtor of his property, the honest bankrupt was discharged from the contract. These, I believe, will be found to be the only fundamental principles of the law on the subject of bankruptcy, known and recognised as the English system at the time of the framing the Constitution of the United States. At that time such class of persons only, and such contracts only, and such relations of debtor and creditor only, were the subjects of the bankrupt law in England. *Who* should or should not be *deemed merchants, bankers, or traders—what* should be considered an *act of bankruptcy—* the *manner of procedure* in respect to the *remedy—* the *preferences*, the classes of persons who, falling within the general description of merchants, bankers, and traders, should be *exempted* from the law—the machinery of the system, and the *extent and effect and mode* of the *discharge* of the debtor from his contract—and all the *details* of the *system*, were *plastic*, to be moulded from time to time, according to legislative discretion and wisdom, to suit the varying operations of trade and commerce, and the credit system.

The *dicta* of the Supreme Court of the United States, "that the line of partition between bankrupt and insolvent laws, is not so distinctly marked as to enable any one to say with positive precision what regulations belong exclusively to one, and not to the other class of laws," admits that there is a distinction between the laws. There are some fundamental distinctions that separate them into classes.

1. Bankrupt laws are confined to merchants, bankers, and traders, and to contracts. Insolvent laws operate on all classes of persons, and upon torts, as well as contracts.

2. Insolvent laws cannot operate on the contract by dissolving it. Bankrupt laws may, and do. The *former* is confined to the *remedy* on the *contract*—the *latter* prostrates, at one blow, the *contract*, and *all remedies* founded on it. The former may operate by prescribing the circumstances which

must precede the *obligations* of a *contract*, and on which its original validity shall be made to depend. An obligation must exist before it can be impaired; and the *lex loci* may prescribe those circumstances which shall create its obligation. Of this class is a law prescribing the mode of executing agreements, attesting them, recording them, and the statutes of frauds, &c. Insolvent laws of this character must be made previously to the contract between citizens of the same State and in the State where the contract was made, but cannot dissolve a previous contract, or one made out of its jurisdiction. They cannot reach an existing contract. A bankrupt law may and does act on the obligation of all contracts, prospectively or retrospectively, between a trading debtor and his creditors, in cases of bankruptcy. Insolvent laws act simply as to the remedy, or under the principle of the *lex loci or lex fori*.

There are other diversities, but perhaps not so distinctly marked as to constitute a line of partition. These distinctions are fundamental, and divide the two systems by boundaries that cannot be overleaped.

The powers of Congress, however, to pass laws on the subject of bankruptcy, is not arbitrary or unlimited. Such a law must be *uniform;* that is, it must *act* in the same *manner* upon the *subject* of bankruptcy, upon the *contracts*, or the *relation* of *debtor* and *creditor*, where the *debtor* is a *trader*, and failed. If it must operate *alike* on the same classes as to *its benefits* and *remedies*, it must conform to the same rule in its operation upon the *classes*, and upon the *subjects* upon which it *acts*. It stands opposed to a partial, particular, or special law upon the subject of bankruptcy, which acts only upon the subject so far as respects the interest of debtors, and for their relief and discharge only, placing the remedy in their hands only. How can it be contended that a law upon the subject of bankruptcy is uniform, which places the remedy and the benefits of it, wholly in the hands of the debtor, leaving the creditor without any remedy or benefit? Uniform refers to the *subject-matter* of a bankrupt law, and its operation on such subjects, and the classes liable to its scope, not to its *locality*. All laws of Congress, without any constitutional injunction, extend over the whole Union.

The bill reported by the majority of the Judiciary Committee appears to me to be unconstitutional.

1. It is simply an insolvent law, extending itself over *all contracts* between *creditor* and *debtor*, whether the debtor be a trader or not, and allows the debtor, at his own time and pleasure, to free himself from his obligations. It assumes the most latitudinous power ever claimed for the Federal Government—the power to free all debtors in the Union from their obligations—to create a general jubilee. It is an insolvent law in its inception, and as to the creditor; and a bankrupt law in its termination, and as to the debtor: it places all contracts under the control of the Federal Government.

2. It operates upon the *whole subject* of contracts, and the obligation and rights growing out of them between debtor and creditor; whereas Congress have no constitutional right to pass any law impairing contracts, except such as are made by a debtor who is a merchant, banker, or trader, and is unable or unwilling to pay his debts. "So exclusively have bankrupt laws operated on traders, that it may well be doubted whether any act of Congress to subject to such law every description of persons within the United States, would comport with the spirit of the powers vested in them in relation thereto," is the language of Judge Livingston, reported in Adams *vs.* Storrey—1 Paine, C. C. R. 79.

The bankrupt law proposed in 1827 was destroyed by incorporating in it a clause extending it beyond the classes of merchants, bankers, and traders; and the unconstitutionality of it, arising from that extension, was pressed strongly on the argument.

The bill proposed by the majority, it seems to me, is liable to radical and fundamental objections, even if it should be demed constitutional. It is impolitic. It holds out a temptation to every debtor to push his speculations to the brink of rashness and recklessness, by affording him a sure refuge, in case of wreck, at the sole hazard of the creditor—eat up his substance, squander the means furnished by his creditors, and, in the end, make his creditor, who is powerless to arrest his recklessness, extravagance, or spendthrift habits, to bear the whole burden, while he riots in the certainty of discharging the obligations of his contracts, at the end of his career.

It is unjust. Equality is equity, every where: if the debtor is allowed to select his own time to dissolve the contract, the creditor ought to have an equal privilege.

It is illusory. It professes to be an *uniform* law upon the subject of bankruptcy, while it is a special, partial, and particular law upon that subject, for the benefit of the bankrupt alone, and ought to be entitled "an act to destroy the obligation of contracts, whenever the debtor sees proper."

I will not enter into the details of the bill: I throw out these prominent objections in limine; and, if the bill should become the subject of the consideration of the Senate, I shall then enter more fully upon my objections to it. It appears to me, also, defective in its details, in many respects, which it would not be proper for me to obtrude upon the Senate at this time.

I have already intimated that I am in favor of a general and uniform law upon the subject of bankruptcy—acting in the same manner upon the *constitutional subject* of bankruptcy, *alike* upon debtors and creditors, and giving to them, *alike*, the benefits of it.

No such bill as that proposed by the majority of the committee, was ever passed, or, as far as my researches have extended, thought of, in England. This is the first time that it has ever been introduced in this country. It is a novel, untried experiment; and I much fear that it would, if adopted, prove a curse, instead of a blessing, to the honest bankrupt, and plunge him deeper in misery—the result of misfortunes, not of crime.

It would not pass the test of the constitutional ordeal to which it must be subjected. Does any man believe that honest creditors would submit to a law which disrobes them of the rights springing from the solemn obligations of contracts, without a struggle—which separates debtors and creditors into distinct classes, and makes the former the exclusive recipients of special privileges? I cannot think so. The bill, on the face of it, makes such classification, and, regardless of the obligations of contracts, deals with them only to dissolve them, and for that purpose ties up the hands of the creditors during the operation.

My object in submitting the substitute, is, not to prevent the passage of an *uniform* law upon the *subject* of bankruptcy, but to promote it, by giving it a constitutional character, and making it uniform. I have already stated my opinion as to the subject of a bankrupt law, and the class of debtors upon whom it can constitutionally operate. All contracts between debtor and creditor, where the debtor is a merchant, banker, or trader, and fails, are included, as well as the rights of the creditor, and the obligations of the debtor growing out of it. The right of the creditor is to obtain the whole property of the debtor, to satisfy the contract. The obligations of the debtor does not include the forfeiture of all the rights which belong to humanity. Honest misfortune has its penalties, which are grievous enough; but it is no part of such penalty to doom the debtor to the most odious slavery that the human imagination can conceive—a slavery a thousand times more deplorable than that of the Helotes of old, the villeins of feudality, or the serfs of modern despotism, the perpetual slavery of debt, which enervates and subdues the mind, at the same time that it condemns the body to a perpetual thraldom, which can look to no emancipation but the last refuge of suffering humanity—the grave. The imprisonment of the person is no part of the obligation of the contract.

The substitute is framed upon the assumption, that, *under a law upon the subject of bankruptcy*, when the indicia of insolvency have occurred in the conduct of the debtor trader, that the principles of a bankrupt law give to the creditor a right to seize upon the property of such debtor, in a summary manner, for the purpose of distributing the same for the equal benefit of all the creditors. That while it affords to the debtor a right to anticipate such summary proceeding, by a voluntary surrender, it does not take away the right of the creditor by such proceeding, to put a stop to riotous and costly living, spendthrift habits, or rash, reckless, and gambling speculations, before the whole means furnished by the creditors are exhausted, and thus secure something of the wreck for distribution among honest creditors.

It proceeds upon the principle, that when the creditors have obtained all the property of the debtor by his own voluntary act, or their vigilance, and appropriated it their own use, that the debtor, thus deprived of the means of discharging the contract, should be released from its obligation.

I have already declared that I am in favor of passing an uniform law on the subject of bankruptcy. I do not, at present, intend to enter upon the argument in favor of the policy of the measure. I will content myself with remarking, that I consider it necessary for the public, as well as private, interest. An uniform law upon the subject of bankruptcy would be a salutary limitation upon the injudicious extension of the credit system, by taking away from the creditor the alluring temptation to administer to the wild spirit of speculation, and furnish the means for the purpose with too great facility, arising from a reliance upon his superior vigilance, to gain a preference under the general laws regulating the rights of creditors and debtors. It promotes the productive energies of the country, by emancipating the honest debtor from the hopelessness of that most depressing, demoralizing and paralyzing bondage, resulting from the failure attending the disastrous exercise of those energies. It restores to the honest, but unfortunate debtor, hope, and the activity, perseverance, and enterprise which it inspires. It restrains the extravagance of speculation, by subjecting the whole conduct of the debtor to the watchful supervision of the argus eyes of the creditor, and the caution taught, by knowing that the rights of the creditor may be summarily exercised. Thus it exercises silently, but efficiently, a control over the rashness of enterprise, and represses gambling speculations which the natural eagerness of "hastening to grow rich" is too apt to engender. I am inclined to think that the creditor is frequently as much to blame in giving credit, as the debtor in receiving it; and I think that there is much truth in Dr. Johnson's remark: "He that once owes more than he can pay, is often obliged to bribe his creditor to patience by increasing the debt. Worse and worse commodities, at higher and higher prices, are forced upon him. He, impoverished by compulsive traffic, is at last overwhelmed in the common receptacle of misery, by debts which, without his own consent, were accumulated upon his head."

Such bankrupt law as would open the remedies and the benefits under its provisions, *alike*, or *uniformly*, to the debtor and the creditor—to both classes—would be mutually advantageous to the honest debtor and to the honest creditor. In case of misfortune, it affords the latter the only chance of ultimate payment, by enabling the former to acquire, by renewed exertions, the means for the purpose. It restores the mutuality of interest between creditor and debtor, severed by bankruptcy.

The bill which I have had the honor of submitting as a substitute for that of the majority, is designed to be an uniform system of bankruptcy. It is no new experiment, but confines itself to the classes of persons, and the subject of bankruptcy, which form the distinctive principles of the English law; it is intended to operate *uniformly*, or alike, upon the relationships of debtor and creditor, distributing to each the appropriate benefits of the system, and allowing to each the right to invoke its remedies. Its object is to combine simplicity and economy, the promptitude of a summary remedy, with the claims of justice and humanity, and to guard, with equal care, the rights and interests of both debtor and crditor.

It is intended to act both retrospectively and prospectively.

It looks upon the past, not to condemn, but to relieve. The whole land is strewed with the wrecks

of bankruptcy, and we cannot look in any direction, without perceiving the "*jetsam et flotsam*" of trade, cast upon its shores. All must admit the fact, however much they may disagree as to the causes, that this state of things has resulted from the contractions and expansions of the currency; and that the fluctuations growingout of it, have impaired to all business depending on prices, the hazards and vicissitudes incident to commerce and trade. The best energies of the country have been paralyzed; the brightest visions of gain have disappeared; and the wisest and most prudent schemes, uniting public improvement with individual interest, have perished as if by magic, in the universal revulsion that has desolated the country. This bill proposes to cast the mantle of oblivion over the past conduct of the debtor, over his acts which may have been compelled, or the preferences which may have have extorted, in his vain struggles to prolong his existence in the marts of trade. All that it demands from the debtor who seeks its benefits is, that he should honestly surrender what is left, however small, for the general benefit of his creditors. As to the future, it fixes a limitation upon speculation and rashness. It tells the debtor, that if he will go on in desperate recklessness, plunging from one depth to a greater, after prudence dictates its hopelessness, until all his means are squandered, he cannot become an actor in obtaining the benefits of the provisions of this law. He must retain something to distribute among his creditors, and not mock them with "a beggarly account of empty boxes."

This is not the proper time to explain the details of the proposed substitute: I shall content myself with explaining its principles.

The bill is founded upon two plain and equitable principles, applicable uniformly to both debtor and creditor: 1. That, when a debtor who has been engaged in the hazards and casualties, and exposed to the vicissitudes, of trading, becomes unable to pay all his debts in full, his property that remains ought to be equally *divided* among all his creditors, without preference. 2. That if he has acted honestly, and his creditors wrest from him his property, by compulsory, summary proceedings, or he voluntarily surrenders it, he ought to be discharged from the contract, and to begin the world anew, unembarrassed by the effects of previous misfortune, or inexperience.

It proceeds upon the principle that the object of a law on the subject of bankruptcy is to enable the creditor, in a summary manner, to obtain from a bankrupt trader an equal distribution of his property; and of the debtor to anticipate such procedure by a voluntary surrender, and thereby to obtain a discharge from his contracts.

The bill makes the whole proceeding a judicial proceeding, placed under the jurisdiction of the district courts of the United States, in the States; the Circuit Court, in the District of Columbia; and the supreme or superior courts, in the Territories—to be regulated by the supervision of the courts, in the nature of summary proceedings in equity, or of a master in chancery, appointed by the court. The only officers appointed are, the receiver, to take care of the property until the creditors can meet and choose their agent an assignee. The order of bankruptcy, *ipso facto*, as in the statute of Henry VIII. vests all the property of the debtor in the assignee, except wearing apparel, implements of trade, and necessary household and kitchen furniture, two cows, and provender, and such other goods and implements as State laws have exempted from execution.

The distinct features of this bill are:

1. It allows both debtor and creditor to become actors in the judicial proceedings, and regulates the proceedings in such case.

This is a new feature in a bankrupt bill, but I conceive not a new principle. Time, which is not only the *greatest*, but the most *enlightened* and *beneficent* reformer, has been gradually moulding the forms of the procedure in cases of bankruptcy in England, to accommodate it them the progress and expansion of the credit system, the purposes of trade, and the spirit of the age. In the reign of the Tudors and the Stuarts, the bankrupt was considered *an offender, a criminal*. The penalty of death was held over his head, and the forms of procedure were framed almost exclusively for the benefit of the creditor. On the accession of the Hanover dynasty, it gradually assumed a more mild character, and the bankrupt came to be considered as an unfortunate man, entitled to the rights of humanity, and to Christian charities and sympathies. I have predicated this bill upon the assumption that, at the time of the framing of our Constitution, the bankrupt system was the offspring of commerce, and the credit system confined in its operations to the relation of debtor and creditor, where the debtor was a trader, and giving to the creditor a summary remedy to obtain an equal distribution of the property of the debtor, and relieving the honest debtor from his contract. Its design is to suppress fraud, protect the rights of the creditor, to treat the honest bankrupt as merely an unfortunate man, to extract from the procedure every thing of harshness or cruelty, to conform the mode of procedure to the mild and enlightened spirit of the age, to measure out equal justice to both the debtor and creditor class, by dispensing the remedies and benefits of it to each alike.

From the statute of Henry the Eighth down to the present time in England, although the right of the debtor to apply for the remedy has never been sanctioned, yet all the acts which originate the bankrupt proceedings, and give to the creditor the right to apply for the remedy, save one, proceed from the voluntary act of the debtor. The courts of England, previously to our Revolution, had determined that the simple confession of the debtor, that he had committed the act of bankruptcy charged in the commission, was sufficient to sustain the proceedings in bankruptcy against him. This bill carries the same principle only one step further, and allows the bankrupt himself to make such confession the foundation of the proceedings in bankruptcy.

2. The class of debtors who are liable to the compulsory proceedings, or who may resort to the voluntary proceedings, are restrained to merchants, bankers, and traders. I have not dared to extend the power beyond what I conceive was its limit at the time of the adoption of the Constitution. That Constitution takes away from the States any right whatever to impair the obligation of contracts. The Federal Government hath no express authority to do what is denied to the State Governments. It is implied only from the grant of authority to "pass uniform laws upon the subject of bankruptcy." Can the Federal Government, under this grant, assume a right to dissolve the contracts of all the citizens of all the States? Or must such right be restrained to the classes of persons and the kind of contracts and the kind of relationship which were the subjects of a law of bankruptcy in England at the framing of the Constitution? I have thought that the latter was the true limit of Federal power. The bill reported by the majority of the committee is founded upon the right of Congress to dissolve all contracts whatever, when the debtor becomes insolvent; and to correspond with its operation it ought to be entitled "A bill to free the debtor from the obligations of contracts whenever he conceives it for his interest to do so."

3. The compulsory remedies given to the creditor can only be resorted to against merchants, bankers, and those who are technically traders, while the voluntary remedy is given to every debtor who will allege and swear that he has been engaged in *trading*—and the act declares that every such person shall be deemed a trader liable to the bankrupt law within its purview. Trader is a technical term, well known in the law, and is confined to such persons as have been engaged in the business of buying and selling money or goods for a livelihood. He must both buy and sell. Trading is not a technical word, but has a popular meaning, which embraces all kinds of trafficking or dealing in goods, money, or land—buying *or* selling. Foreigners have reproached us with being a trafficking nation. The fact exists, but I do not consider it a reproach. There is none who could, upon any fair principle, claim the benefits of the bankrupt system, who could not conscientiously swear that he had been engaged in trading, or, what is equivalent, buying or selling money, commodities, or lands. Congress acting in conformity to all the bankrupt laws of England, have an undoubted discretion to stamp upon such a person the technical word "trader," for the purpose of extending to him its benefits.

It will be thus perceived that the law is designed to be uniform in its action upon debtor and creditor, where the debtor is a trader, and has failed—uniform in its procedure, and uniform in its operation upon the classes of persons who are, by its enactments, declared to be merchants, bankers, and traders.

4. The cumpulsory provisions of the bill are framed to act uniformly upon all such persons as are technically merchants, bankers, or traders. Hence it includes artificial as well as natural persons. It includes all corporations or associations for manufacturing, commercial, insurance, trading, or banking purposes. Corporations are included, because individuals, who are engaged in those matters, are included, so as to make the law uniform.

I am aware that this will give rise to a difference of opinion; and if the Senate should think that corporations ought not to be included, although it will make the bill less acceptable to me, it will not prevent my support, if it does not exclude all the provisions for the benefit of the creditor.

I do not propose to discuss the policy of including corporations. I shall confine myself to a brief explanation of the principles on which I found the right to include them.

Corporations are artificial persons, or legal entities, created in this country solely by the sovereign power, for the public good, as well as private interest. They are endowed with the faculty of limited or perpetual succession, of contracting and being contracted with, of assuming the relation of debtor and creditor, as natural persons; and, like them, they have given to them the power of suing and being sued, impleading and being impleaded, in all cases and courts whatever. Although *persons* only in a legal capacity, so far as relates to those faculties and powers, they are clothed with the rights and subjected to the responsibilities of natural persons. They are composed of individuals, and are not exempt from their frailties and imperfections, and may be led to deviate from the end of their creation, and may be plunged into bankruptcy like individuals. Does a charter possess the magic power of investing them *ipso facto*, with privileges which place them beyond the reach of laws which operate upon individuals engaged in the same business and hazards? Our law books tell us, that the charters creating corporations, and the laws made by them in conformity thereto, are "*leges sub graviore lege.*" The decision of the Supreme Court of the United States, (4 Peters R. 514, Providence Bank vs. Billings and Pittman,) establishes, "That the great object of a corporation is, to bestow the character and properties of individuality on a collected and changing body of men. Any *privileges* which may exempt it from the burden common to individuals, do not flow necessarily from the charter, but must be expressed in it, or they do not exist."

I have endeavored to show that the *subject* of a bankrupt law is contracts, and the relation between debtor and creditor eminating from contracts; that the class of persons, upon whom it operates, are merchants, bankers, and traders. Corporations and associations of persons are merchants, bankers, and traders. If they become bankrupt, why should the law of bankruptcy fall impotent before them? Can that law be uniform which includes individuals, and leaves corporations, falling in the same category, free. The corporations have the same frailties, are exposed to the same hazards, are prostrated and rendered bankrupt, by the same rashness, imprudence, miscalculation, and vicissitudes, as individvals. Monopoly is the legitimate offspring of banking and trading corporations. Why then should they be *shielded*, by privilege, from the claims of creditors, while they are entitled to the remedies as creditors, given by the law? Establish a privileged sanctuary, where the general law becomes power-

less, and will not corporations and associations of persons, become the asylum of fraud, the hiding place of dishonesty, and the rogue's last refuge? The country is shingled over with corporations already, and under such an immunity they will increase and multiply so as to exclude the natural man from all business.

Will it be said that we cannot bind the corporations created by States? Are they not subject to our general laws? Are they not bound by the general principles contained in the provisions of this bill against preferences, frauds, &c.? Cannot Congress bind them by their general laws, their revenue laws, &c.? To what would such a principle lead? Have gentlemen reflected upon it? The principle which I have assumed in the substitute, and which I believe to be the only sound one, is, that where Congress have a constitutional right to legislate, they may bind artificial persons, whether deriving their authority from themselves or any one of the States, as well as natural persons, by their laws. If they cannot bind artificial persons, it must be because they cannot bind natural persons.

It may be objected that sovereign States are members of the corporations which are included in the bill. It may be so. But this does not affect the question of constitutional power. It is a mere question of policy; and, as I have before intimated, I leave that to the judgment of the Senate. But who will contend that a State, by granting a charter to itself, or itself and its citizens, can put such corporation beyond the operation of the constitutional legislation of Congress—create an *imperium in imperio*? This question has been put at rest by the solemn decision of the Supreme Court of the United States, in 9 Wheat. 904, the Bank of the United States vs. the Planters' Bank of Georgia. That court decided that "whenever a Government becomes a partner in any trading company, it divests itself, so far as concerns the transactions of that company, of its sovereign character, and takes that of a private citizen. Instead of *communicating* to it its *privileges and its prerogatives*, it *descends* to a level with those with whom it associates itself, and takes the character which belongs to its associates, and to the business which is to be transacted. Thus many States who have an interest in banks, are not suable in their own courts, yet they never exempt the corporation from being sued."

It may also be objected that there is no precedent for including corporations in the operation of the bankrupt law. Perhaps it is so. But the very nature of a bankrupt system is so plastic as to the *modus operandi*, that it may be extended to include them. If this be not correct, the bill of the majority falls to the ground; for no distinct precedent can be found for allowing its benefits upon the act of the debtor alone, and to the debtor alone. If I have been successful in my efforts, I have shown that the classes of persons who shall be deemed technical merchants, bankers, or traders, belong to legislative wisdom, to determine from time to time, so as to render the bankrupt system an effectual adjunct of the commerce, trade, and credit system. So far from doubting the power of Congress to include corporations, it is more reasonable to doubt the policy of excluding them, when they are technically and really merchants, bankers, or traders. Such an exclusion has the appearance of breaking its uniformity, without sufficient cause.

Again: It will be contended that by excluding such corporations and associations as are exempted from the bankrupt law by their charters, or the express legislation of the States, the uniformity of the law is destroyed, and such exemption renders it unconstitutional. My answer is, that the law must be uniform upon the classes singled out for its action; you may exempt either persons or corporations, in certain categories, from its operation, although, without such exemption, they would fall within the general description The law of Congress, establishing an uniform system of bankruptcy, in 1800, as well as all the subsequent laws proposed in this body, and all laws on the subject of bankruptcy, show this.

The discussion, however, on all these matters belongs, to the policy and the details of the bill, and I shall be ready at the appropriate time to submit my views on these matters, more at large.

In conclusion, I have to remark, that I have endeavored to discharge my duty, as one of the members of the Judiciary Committee, in preparing and presenting an uniform law upon the subject of bankruptcy. I submit it as a substitute for that prepared by the majority. In doing so, I submit it to the wisdom of the Senate, for correction and amendment. I am not wedded to any of its provisions, or unwilling to adopt any alterations or amendments that may be suggested. I announce, however, that I cannot support any partial, particular or special law, which breaks up the uniformity of the law of bankruptcy, into separate laws for the debtor, creditor, and corporations.

I hope I may not be charged with enmity to banks by the advocates of the bill proposed by the majority, because I have included corporations in the compulsory clause. Was I actuated by such feelings, I would support the bill proposed by the majority. I believe no more effectual mode could be devised by human ingenuity to prostrate the banks, than to authorize their debtors to dissolve the obligation of their contracts with them without payment.

It is proper for me to observe, that in discussing this subject, I do not intend to be drawn off into any personal or political discussion, unless compelled by high and imperious necessity. Such discussions ought not to be mingled with the claims of suffering humanity, or grave questions of policy, naturally connected with the adoption of a measure which rises superior to the ephemeral politics of the day.

SPEECH OF MR. NORVELL,
OF MICHIGAN.

In Senate, Wednesday, May 20, 1840—On the bill to establish a uniform system of bankruptcy, and on the substitute embracing voluntary and involuntary bankruptcy, and also corporations.

Mr. NORVELL said that his honorable friend from North Carolina, [Mr. STRANGE,] in the learned and able speech which he had yesterday delivered on the bill and the substitute before the Senate, had, towards its close, expressed doubts whether Congress had the constitutional power to pass a bankrupt law which would have a retrospective operation on pre-existing contracts.

[Mr. STRANGE explained, and said that his doubts had reference to the retrospective operation of such a law upon previous acts of bankruptcy.]

Mr. NORVELL resumed. He did not precisely comprehend the explanation; but it was sufficient for the purpose he had in view, to state that the power of Congress had been questioned to pass laws of bankruptcy which would operate on contracts existing prior to their passage. If this doctrine were correct; if the debts of individuals which are now due all over the country, and which they are unable to pay, could not be reached and extinguished by a bankrupt law, on the surrender of whatever property they at present possess, such a law would afford no relief to their sufferings and distresses. No benefit could accrue to the nation from a bankrupt law merely prospective in its operation on future contracts. He should vote for no such law. But, in his judgment, no doubt ought to exist as to the unqualified, unlimited, and express power of Congress over the whole subject of bankruptcy. The object of a bankrupt law was to apply the entire proceeds of the property of the debtor to the payment of his creditor, to relieve the debtor from all duress, to set him free, and to protect him in his future acquisitions of property. On this subject he should produce authorities of a very conclusive character. In 1827, when a bankrupt bill was under discussion in the Senate, Mr. REED of Mississippi moved an amendment to the first section, declaring that nothing contained in that section, nor any other provision of the bill, "should extend, or be construed to extend, to any contract made before the passage and promulgation of this act." In considering the question, "does Congress possess the power to provide, by a bankrupt law, for the discharge of contracts existing anterior to the passage of that law," Mr. Berrien said:

"That Congress possesses a power over this subject, which is co-extensive with the provisions of this bill, and which does not belong to the States; in direct terms, that it possesses the power to provide, by a bankrupt law for the discharge of pre-existing as well as future contracts, may be satisfactorily proved. It results from the express terms of the Constitution; and that both affirmatively and negatively; affirmatively by the grant of power to Congress to establish uniform laws on the subject of bankruptcies; and negatively, by the denial to the States of the right to pass any law impairing the obligation of contracts."

He goes on to observe:

"With a perfect knowledge that the effect and operation of statutes of bankruptcy, in other countries, were to discharge the debtor from pre-existing contracts; with the subject of the inviolability of contracts thus obviously presented to their minds, since they were engaged in restraining the power of the States in this very particular, is it possible to conceive that the framers of the Constitution would have given to Congress a general control over the subject of bankruptcy, unlimited, except in the requisition of uniformity, if they had intended to restrict its exercise in the manner contended for by the Senator from Mississippi? The power, now denied, was affirmed by both Houses of Congress in the bankrupt law of 1800; and, more than once since that period, has the same principle been asserted by the Senate."

The Supreme Court has also repeatedly decided, that the power to pass bankrupt laws retrospective in their operation, was constitutional; and Chief Justice Marshall has laid down the doctrine, that the power of Congress over the subject of bankruptcy was both unlimited and supreme, and had declared that this principle had never been questioned. But, sir, the Senate itself, at the close of the debate on the amendment of Mr. Reed, has given the most decisive judgment upon the subject. That amendment received but sixteen votes, while thirty-two votes were recorded against it. Among those who thus voted to reject the amendment, are found the names of Mr. Benton, Mr. Berrien, General Harrison, Mr. Hayne, the present Vice President, Mr. King, Mr. Van Buren, and Mr. Woodbury. The power of Congress to embrace pre-existing contracts in a bankrupt law was, therefore, in his judgment, conclusively established, and not hereafter to be drawn into question.

Mr President, continued Mr. N. my deep conviction is, that no legislation, no measure, no combination of measures that we can adopt, would afford one tenth part of the relief to the country which will be secured to it by the passage of a uniform law of bankruptcy. But after the able and eloquent speeches to which the Senate have listened, on this subject, I can hope to shed no new light upon it. The vicissitudes and disasters of business of all kinds have produced among all classes of men so much indebtedness, such extensive distress, a paralysis so universal, that it becomes every member alive to this state of things to contribute his efforts, however feeble they may prove, towards the removal of the evils under which the country is suffering. It has been often and truly said that thousands of our fellow-citizens have, by misfortune—by excess of overtrading—by the spirit of speculation—by miscarriages in business, become hopelessly embarrassed. They are unable to relieve themselves from the burdens under which they groan. Their energies are paralyzed—their hopes and hearts are crushed beneath the pressure. It is not an extravagant estimate to say that not fewer than two hundred thousand of our most active, intelligent, and enterprising citizens, from twenty-five to fifty years of age, are actual bankrupts at this moment. Upon their industry and exertions depend the subsistence and comfort of at least a million more of their connections. Wives and children, brothers and sisters, fathers and mothers, share in the mortification and distress. The class of citizens to whom I allude, if relieved from their present condition—if emancipated from the debts which chain them down to the earth, would not only be enabled to support and educate their families, but to contribute to the enhancement of the wealth and prosperity of the country. The desired relief can only be afforded by the passage of a general bankrupt law, embracing all, of whatever pursuit, who require to be restored to a free exercise of their industry and their business faculties.

Without a measure of this kind, the debtor, whose obligations are beyond his ability to pay, is left without means and without hope; an outcast and a reproach in the world; mortified, humiliated, shunned by others, and degraded in his own estimation; incapable of holding up his head; his wife and children participating in the desolation of his feelings; suffering for want of bread, and with no light beyond the horizon to brighten their future prospects.

Such a debtor is, indeed, doomed to drag out a miserable existence. The gloom of a despairing mind casts a cloud over his whole life. His condition stimulates to intemperance. It preys upon his health and spirits. He is broken down in constitution and mind, and brought to a premature grave, leaving a widowed and an orphan family in the depths of despondency.

The insolvent laws of the States afford no adequate relief. They not only take away all the existing property of the debtor, but subject all that he may acquire hereafter to the payment of his past debts. They afford freedom to his person only within the limits of his own State. If he has occasion to travel beyond its boundaries, he is liable to be pursued by the merciless creditor, aided by the harpies of the law; to be arrested and imprisoned among strangers; his family outraged in their feelings, and deprived of his services for their subsistence.

The process of voluntary bankruptcy affords an effective and lasting relief to the debtor, upon the honest surrender of his effects for the benefit of his creditors, and protects his future acquisitions of property. He can begin the world anew.

The process of involuntary bankruptcy, confined to the merchant and trader, enables the creditor to arrest the wasteful indiscretion and extravagance of the debtor, and strengthens the security of the contract between them. It secures a more certain and full discharge of the debt, and again leaves the debtor free to engage in his accustomed pursuits. Nor does this compulsory species of bankruptcy, as applied to merchants and traders, prevent that class of citizens from seeking the benefit of the voluntary provision. Both the bill and the substitute allow all persons to avail themselves

of voluntary bankruptcy. The feature of involuntary bankruptcy is limited to merchants, for the mutual benefit of the creditor and debtor. The same reasons do not require the farmer to be subjected to this process from his creditor.

In relation to banks, no other measure than a bankrupt law can be adopted by this Government, to secure a sound currency in bank notes to the country. Of the perfect power of Congress on this point, and indeed over the whole subject of bankruptcy, he had never entertained the least doubt. The language of the Constitution is explicit and unqualified, leaving no loop to hang a question on. The excessive issues of banks, the evils of an irredeemable paper currency, the mischiefs of its ever varying value, can only be effectually restrained and corrected by a law of bankruptcy. He had the highest authorities to sustain his position on this subject—authorities which had never been questioned.

In answer to inquiries propounded to him by the honorable Senator from South Carolina, [Mr. CALHOUN,] then chairman of the Committee on National Currency in the House of Representatives, Mr. Dallas, the Secretary of the Treasury, in a report dated March 19, 1816, recommended the adoption of measures to secure the payment of the dues to the Government in specie, Treasury notes, or the notes of such banks as redeemed their bills with gold or silver. In that report, he said that, "if it ever should become necessary to increase the force of the measures which he had suggested, provision might be made, under the constitutional power of Congress, to subject all banks and bankers, failing to pay their notes according to the terms of the contract, to a seizure of their estates and effects for the benefit of their creditors, as in a case of legal bankruptcy."

In a letter of Mr. Crawford, when Secretary of the Treasury, on the exportation of the coins of the United States, addressed to the Committee on Finance in the Senate, on the 29th of December, 1818, he says that, whatever may be the result of the experiment to preserve the convertibility of bank notes into current specie, until that experiment is tried,

"No legislative interference is conceived to be necessary, except for the enforcement of the obligation on the part of the banks to discharge their notes in specie when demanded. This can be most certainly effected, by considering and punishing, as an act of bankruptcy, any attempt on the part of a bank to circulate its notes whilst it refuses to discharge them in specie, or the notes of other banks in the same situation."

In a report made to the House of Representatives, on the currency, the 12th of February, 1820, Mr. Crawford again says, that

"Whenever the agency of banks should be employed in furnishing part of the circulation, a refusal or omission to discharge their notes, on demand, in the national currency, should be treated as an act of bankruptcy."

These distinguished statesmen entertained no doubt of the constitutionality of such a measure. They believed it to be the only efficient check upon the tendency of the local banks to issue and force a vicious currency upon the country.

These are not the only authorities in favor of applying the bankrupt principle to banks. In February, 1827, Mr. BRANCH, pending the bankrupt bill in this body, moved to include banking corporations as fit subjects for the coercive and restraining operation of the bill. He said that the banks of the South had given circulation to a depreciated paper currency, which subjected the people to great losses, and that measures ought to be adopted to enforce a just disposition of their effects for the benefit of their numerous creditors. Merchants and individual brokers had been brought within the pains and penalties of the bill; and why should not banking corporations, failing or refusing to redeem their debts, their worthless paper, be subjected to the same consequences? Should Congress legislate with a view to the weaker portions of the community, and leave its laws silent, or with the strength of the cobweb, as regarded the stronger portions? Banks had weighed down, with a merciless oppression, the community of which he was a member. Let the Senate lay the axe at the root of the evil, and pave the way to a cordial acceptance of a bankrupt law throughout the country, by making it instrumental in restraining those arbitrary and aristocratic moneyed institutions, which were now privileged beyond the pale of the law. If they were not checked, they would shake the fabric of our liberties, and bring down ruin upon some of the most meritorious classes of the country.

Mr. SMITH, of South Carolina, said that the amendment was a rational plan for the relief of the people. Banks refuse to pay their bills with impunity. Why should they be exempted, any more than individual bankers, or merchants, from the consequences? There was no difficulty in applying the principle of bankruptcy to banks. Their presidents and directors, whenever they commit an act of bankruptcy, could as easily be subjected to the consequences as any other individuals. They are the responsible persons. More evils had sprung up from the conduct of the banks, than from the invasions of enemies, or from the commercial disasters of Europe. They were the destroying angels, which had passed over our country with terror and devastation.

Mr. BARTON coincided in the views which had been expressed in favor of the amendment. Banks were no more the objects of protection and care to the State Legislatures than were merchants and others. To bring banks under a bankrupt law, was no more an invasion of State sovereignty, than to bring the merchants and other citizens of the States under its operation. There was no difficulty in the case.

Mr. REED said, that to declare a bank to be bankrupt, did not forfeit its charter. The only effect of the amendment would be to compel the banks to pay their debts. It did not affect the rights of the States.

Mr. VAN BUREN and others opposed the amendment, on the ground that it was an interference with State sovereignty, and an indirect way of preventing the States from granting bank charters. They maintained that the penalty of bankruptcy, in the case of banks, could be brought to operate on no person, the directors and officers being only their hired agents, and properly exempt from the penalty of bankruptcy. The amendment was voted down; but it was sustained by the votes of such men as Mr. Macon, Mr. John Randolph, Mr. Benton, Mr. Smith of South Carolina, Judge White of Tennessee, and Mr. Branch, renowned in the political history of the country for their devotion to State rights and State sovereignty. Mr. Van Buren has changed his views upon this subject. Ten years' experience, the renewed suspension of specie payments by the banks in a state of profound peace, and the consequent derangement of all the pecuniary and financial affairs of the country, induced him, after he became President, to recommend to Congress the propriety and importance of a uniform law concerning bankruptcies of corporations and other bankers, as a salutary check on the issues of paper money, and an effectual remedy to the citizen, in a way at once equal in all parts of the Union, and fully authorized by the Constitution.

But, sir, I cannot concur in the idea, that the banks may be taken by the State Legislatures, in their discretion, from under the operation of the bankrupt law. Reflection has satisfied me that such a provision would not only, as has been justly said by the Senator from Kentucky, [Mr. CRITTENDEN,] destroy the uniformity of the law, but would defeat the end it has in view, so far as regards corporations. We have seen the influence exercised by banks over many of our State Legislatures. We have seen their repeated suspensions of specie payments, their acts of insolvency, their violations of all their charter obligations, sanctioned in the legislative halls of their respective States. We could not expect that the same influence would not be effective in inducing such similar State action as would take the banks from the operation of this law. It would then have failed to restrain excessive issues. It would have failed to prevent suspensions. It would have failed to secure to the people a solid paper currency. I would rather see the provision entirely stricken out, than that it should pass with a discretionary authority vested in the State Legislatures to relieve the banks from its operation.

In relation to the inclusion of farmers and mechanics in a bankrupt bill, he entertained no difficulty. He would not apply the compulsory principle to them. It was not necessary. The Constitution specified no particular class as entitled to the exclusive benefit of a law of bankruptcy; and it was only by a resort to professional and technical ingenuity, by a reference to the darker ages of Venice and England, that such a law was attempted to be limited to the merchant and trader. If a bill so restricted should pass, it would not reach the evils under which the country was suffering. It would be a partial law: it would be neither uniform nor equal in its effects. The vivifying principle of relief ought to be extended to all; to the cottage of the farmer and the humble dwelling of the mechanic, as well as to the princely palace of the merchant. In the origin of the insolvent and bankrupt principle, it was first applied to the mass of the people. "The first insolvent law that was ever passed," says an eloquent statesman, "was applied by the conscript fathers of Rome. When the people refused to fight the enemy, because they were laboring under oppressive debts, a law was passed to relieve them from their obligations. They returned to their ranks, beat the enemy, and saved Rome." The example of Republican Rome was entitled to more weight with us than that of either Venice or England.

After all, Mr. President, with the public voice, and the cries of distress, which have reached the bar of this Senate, vibrating on our ears; with the universal expression of public sentiment in my own State, and the unanimous vote of her Legislature on this subject, before me, I could not refrain from pressing the passage, before we adjourn, of some general bankrupt law, which will afford the relief to our suffering fellow-citizens, which their necessities, and the wants of the country, demand. No doubting the expediency of embracing both banks and the involuntary principle in the bill, and having no constitutional difficulties as to our power on the subject, I shall, in the first place, vote to include both. The essential and most valuable feature of any bankrupt act, is that which will enable the debtor to relieve himself, by a voluntary application for its benefit; and if I cannot obtain all that, in my judgment, a bill should embrace, I shall feel compelled to vote for the best that can be obtained, if it shall be such as to secure the relief due to a distressed and suffering people.

SPEECH OF MR. PIERCE,

OF NEW HAMPSHIRE,

In Senate, Friday, May 1, 1840—Upon claims for seven years' half pay, and five years' full pay, under certain resolutions of the old Congress. Several bills for the relief of Captain William Williams, and others, being the special order of the day—

Mr. PIERCE said: When these bills were postponed, and made the order for to-day, I hoped that I might be able to arrange, with somewhat more system than other pressing engagements, and the state of my health, have permitted me to do, the facts and views which I desired to present to the Senate. I have, however, examined the cases immediately under consideration, with such care, that I trust I shall be able to make my objections understood.

The few remarks, which I took occasion to submit when the bills were reported from the committee, may, I am sensible, have struck gentlemen as out of place, and somewhat too sweeping in their character. My first object (doubting whether I would be able to take any part in the debate) was to bring the claims, at that early stage, to the notice of other Senators, who, on former occasions, I knew had not been indifferent to the subject. How far facts, not controverted, and irresistible inferences, justify the remark then made—that among all claims of this class that have been allowed by Congress within the last thirty-four years, and those now pending in both Houses, hardly one can be found having any good foundation, either in law or in the broadest equity—I shall now attempt to show. The first case upon the calendar, or indeed all, are comparatively of little importance, although to liquidate them, will probably require not a less sum than from $25,000 to $40,000; but any one of them is of vast consequence, as establishing principles upon which we will legislate, and plac-

ing upon the statute book a precedent that will be followed by those who may come after us. It is a fact as notorious as it is remarkable, that precedents are of no weight, when produced in favor of the Government, but almost conclusive against it.

I have not, Mr. President, devoted my time to this question, without being fully aware of the great difficulty there is in gaining the attention of Senators to subjects of this nature. Out of this circumstance have unquestionably sprung some of the acknowledged and growing errors of our legislation. The truth is, (and it may as well be told,) we are so much engrossed in the discussion of certain leading abstract principles, or prominent political topics, which involve to no small extent the success of the two parties in this country, and consequently excite the prejudices and passions, and call into exercise the vigorous exertions of both, that we have been careless in our legislation in matters of less apparent magnitude. This was especially the case while the Treasury was overflowing, when the question was, where we could appropriate; not what, in a free Government, it always should be, how we could economize? While we have stood like gladiators in the arena, with foot advanced, and eye intent, whenever a subject having a political bearing has been moved, we have hardly turned a careless ear to the progress of private legislation, and often have poured out our treasure in profusion, scarcely caring to inquire why or wherefore.

In illustration of this, I will refer to the act of March 3d, 1837, bearing the captivating, but false title, of "An act for the more equitable administration of the navy pension fund;" an act, which I believe every man deplores; an act under which that noble fund, amounting to more than eleven hundred thousand dollars, has been, as it were in an instant, most shamefully dissipated, and nearly exhausted. Sir, I have never seen the first man in this chamber, who professed to know when that bill passed. This is an individual case, a strong case I admit; but who does not know of many similar cases of less magnitude?

To illustrate the importance of the general subject of the claims of the heirs of Revolutionary officers for seven years' half pay, and the commutation of five years' full pay, I state now in advance, a few striking facts, which I hope may have the effect to secure the attention of Senators for the little time that I propose to occupy the floor. From 1794 to 1828, the first thirty-four years after this class of cases ceased to be allowed, and adjusted at the Department, only four cases received the sanction of Congress——one in 1798, one in 1808, one in 1812, and one in 1816 From this last point of time the matter slumbered for twelve years. It is probable that no claims were presented; if they were, they were rejected, as they should have been. But now commenced a new order of things. The character of the evidence required to establish the rights was modified. The burden of proof, instead of being left upon the claimant, was cast upon the Government, and the consequence has been precisely what a sensible man would expect, under the circumstances. We took a new departure, and we have gone on in an unchecked career. The claims, instead of being diminished, have increased in almost an arithmetical progression. In 1828, *three* bills were passed; in 1830, *five*; in 1832, *twelve*; in 1833, *eleven*; in 1834, *twenty-three*; in 1836, *eight*; and in 1838, the last session when they were acted upon, *twenty-four*.

Thus, although but *four* bills of this character received the sanction of Congress during the *thirty-four* years immediately after the expiration of the last extension act, you have from 1828 to 1838 inclusive, passed *eighty-six* bills, and paid out of your Treasury under them the sum of *three hundred and thirteen thousand eight hundred and three dollars and twenty-seven cents*. These facts can hardly fail to strike Senators as extraordinary upon the face of them. Still, if the claims were well founded, and the bills have been passed upon competent and satisfactory evidence of the fact, we ought, I admit, not to halt, but to go forward; for the cases now before us are as good as those that have preceded them. All I ask is, that we pause here, and well ascertain the grounds upon which we are proceeding—that we pause now, before we can see the end of the beginning, and cast a glance forward to ascertain what must be the ending, if we require the parol evidence of the claimants, after this long lapse of time, to be rebutted by the record evidence of the Government.

I am not insensible, Mr. President, of the advantages with which claims of this character always come before Congress. They are supposed to be based upon services for which no man entertains a higher estimate than myself—services beyond all praise and above all price; but while warm and glowing with the glorious recollections which a recurrence to that period of our history can never fail to awaken, while we cherish with mingled emotions of pride and reverence, affection and gratitude, the memory of those brave men who are no longer with us; while we provide with a liberal hand for such as survive, and for the widows of those who are deceased; while we would accord to the heirs, whether in the second or third generation, every dollar to which they can establish a just claim, I trust we shall not, in the strong current of our sympathies, and in the full flow of generous feeling, forget what becomes us in our places here, as the descendants of such men. They would teach us to legislate upon our judgment, upon our sober sense of right, and not upon our impulses or our sympathies. No, sir; we may act in this way, if we choose, when dispensing our own means; but we are not at liberty to do it when dispensing the means of our constituuents.

If we were to legislate upon our sympathies—yet more I will admit—if we were to yield to that sense of just and grateful remuneration which presses itself upon every man's heart, there would be scarcely a limit for our bounty; the whole Exchequer could not answer the demand. To the patriotism, the courage, and the sacrifices, of the people of that day, we owe, under Providence, all that we now most highly prize, and what we shall transmit to our children as the richest legacy they can inherit. The war of the Revolution, it has been justly remarked, was not a war of armies merely—it was the war of nearly a whole people, and such a people as the world had never before seen, in a death struggle for liberty.

The losses, sacrifices, and sufferings of that period, were common to all classes and all conditions of life. Those who remained at home suffered hardly less than those who entered upon the active strife. In every part of the country, at the commencement of that struggle, and afterwards—

> ——"there were sudden partings, such as press
> The life from out young hearts."

The aged father and mother underwent not less than the son, who would have been the comfort and stay of their declining years, now called to perform a higher duty—to follow the standard of his bleeding country. The young mother, with her helpless children, excites not less deeply our sympathies, when we behold her contending with want, and dragging out years of weary and toilsome days and anxious nights, than the husband in the field following the fortunes of our arms, without the common habiliments to protect his person, or requisite sustenance to uphold his nature. Sir, I never think of that patient, enduring, self-sacrificing army, which crossed the Delaware in December, 1777, marching barefooted upon the frozen ground to encounter the foe, and leaving blood upon their foot prints for miles, or their sufferings during the terrible winter of 1777 and 1778, without involuntarily inquiring where were then their families? Who lit up the cheerful fire upon their hearths? Who spoke to them the word of comfort and encouragement? Nay, sir; who furnished protection from the rigors of winter, and brought to them the necessary means of subsistence?

The true and simple answer to these questions would disclose an amount of suffering and anguish, mental and physical, such as might not have been found in the ranks of our armies, even in the hour which most severely tried that fortitude, which never faltered, and the power of endurance, that seemed to know no limit. All this no man feels more deeply than I do; but they were common sacrifices in a common cause, ultimately crowned with the reward of liberty. They have an everlasting claim upon our gratitude, and are destined, as I trust, to exert an abiding influence, by the way of example, upon our latest posterity. They have, however, let it be remembered, nothing to do with our legislation on the present occasion.

The claims come from *heirs*, and assume to be grounded upon an *equitable administration* of resolutions now barred by acts of limitation. This assumtion, I trust, we shall be able calmly and fairly to examine

If the officer came here in indigence, I could hardly find it in my heart to withhold any bounty that might be necessary for the comfort of his declining years; but alas! sir, the men who performed the service, no longer present themselves at your door. And I desire here to protest against any special claim of their heirs to our sympathies. If they have rights, acknowledge them when substantiated; but I, for one, shall give them no preference from the mere circumstance that they are the children or descendants of Revolutionary officers. It would be against the genius of the Government for which those men expended their fortunes, their energies, and many of them their lives. They intended that no superiority should be acknowledged for the *man*, except that which he established for himself. If the heir has sustained the character of a gallant and worthy ancestor, he will reap his reward as other men reap theirs for like conduct. If, with all the influence of sound instruction and elevated example, he has disgraced a line of noble ancestry, so much the deeper the condemnation he will receive from a people, who acknowledge no claims to consideration but those based upon individual merit and virtuous conduct.

Mr. President, sixty-years have elapsed since the passage of the resolutions of the Continental Congress, which are the basis of these claims. The subject of making suitable provision for the officers of the army of the Revolution, was one of the deepest and most intense interest, not only to the officers themselves, but to the country generally, from 1778 down to the passage of the commutation resolution of 1783.

My observation at home, and still more my experience here, teaches me that individuals who have substantial claims against the Government, do not often remain long in ignorance of their rights. I desire to be informed how it has happened that these claims have slumbered through this long period; and I demand a full and satisfactory explanation of the delay. The noble men of that day understood perfectly the provision that had been made for them: it was made upon their own suggestion, and the earnest representations of General Washington in their behalf.

These claims are of two classes, one under the resolutions of May 15, 1778, and August 24, 1780, which provided that seven years' half pay should be given to the widows or orphan children of officers who had then died, or should thereafter die in the service, the other under the resolutions of October 21, 1780, and of March 22, 1783. To avoid confusion, I shall consider particularly that large class of claims arising under the last, although my general remarks will be equally applicable to both.

The resolution of October 21, 1780, at the second important change that took place in the arrangement of the army after its establishment, provided that the officers who were *reduced* by that arrangement, as well as the officers who continued to serve to the end of the war, should be entitled "to half pay during life." That this provision was made under very peculiar circumstances, is matter of history, to which it is unnecessary for me particularly to advert. How it was received in the country, is known to every Senator. It was regarded with jealousy and dissatisfaction, not only by the citizens, but by the soldiers, who, in their sphere, had endured equal hardships, made equal sacrifices, and encountered equal dangers. They looked upon it as establishing, prospectively, at that early period of the Republic, a privileged and pensioned order, inconsistent with the equal rights for which they had been contending, and at variance with the genius and spirit of such a Government as they hoped to see established and maintained.

Sir, the officers were neither insensible nor unmindful of this feeling; they had made every sacrifice for liberty; but there was a sacrifice they could not make; their fortunes, their lives, were comparatively nothing; but they could never think of forfeiting the good opinion of the people, with whom and for whom they had served, for, as I have before observed, it was a war of nearly a whole people; and this, as every body knows, was the secret of ultimate success—and this, as every nation will know, shall be the grand guarantee of our liberty in every future contest, and in all coming time, against foreign foes.

They perceived what was the public sentiment, and, gallant, patriotic men as they were, they yielded to it; a compromise was the consequence—a compromise satisfactory to all men in all stations. What was the moving cause of that compromise? A memorial from the officers themselves, which I feel bound to notice, out of a deep reverence to the noble spirits that prompted it; as worthy of being repeated not only here, but in the ear of every American citizen; as worthy of being contrasted with the memorials which, within the last ten years, have come here, complaining of distress, and asking for relief in the midst of peace and security, affluence and ease. This paper, with Gen. Knox as its first signer, breathes such sentiments as the following:

"Humbly sheweth, that we, the officers of the army of the United States, in behalf of ourselves and our brethren, the soldiers, beg leave, with all proper deference and respect, freely to state to Congress, the supreme power of the United States, the great distress under which we labor.

"At this period of the war, it is with peculiar pain we find ourselves constrained to address your august body on matters of a pecuniary nature. We have struggled with our difficulties year after year, under the hope that each would be the last; but we have been disappointed. We find our embarrassments thicken so fast, and have become so complex, that many of us are unable to go farther. In this exigence, we apply to Congress for relief, as our head and sovereign.

"We complain that shadows have been offered to us, while the substance has been gleaned by others.

"Our distresses are now brought to a point. We have borne all that men can bear. Our property is expended; our private resources are at an end; and our friends are wearied out and disgusted with our incessant applications. We, therefore, most seriously and earnestly beg that a supply of money may be forwarded to the army as soon as possible. The uneasiness of the soldiers, for want of pay, is great and dangerous, and further experiments on their patience may have fatal effects.

"We regard the act of Congress respecting half pay, as an honorable and just recompense for several years' hard service, in which the health and fortunes of the officers have been worn down and exhausted. We see with chagrin the odious point of view in which the citizens of too many of the States endeavor to place the men entitled to it. We hope, for the honor of human nature, that there are none so hardened in the sin of ingratitude as to deny the justice of the reward. We have reason to believe that the objection generally is against the mode only. To prevent, therefore, any altercations and distinctions which may tend to injure that harmony which we ardently desire may reign throughout the community, we are willing to commute the half pay pledged, for full pay for a certain number of years, or for a sum in gross, as shall be agreed to by the committee sent with this address. And in this we pray, that the disabled officers and soldiers, with the widows and orphans of those who have expended, or may expend, their lives in the service of their country, may be fully comprehended. We also beg that some mode may be pointed out for the eventual payment of those soldiers who are the subjects of the resolution of Congress of the 15th May, 1778."

This memorial was dated at Cantonment, Hudson river, 1782. No immediate action of Congress followed, and in the month of March both the army and the country was thrown into the highest state of excitement and alarm by four publications, addressed by one of the most able men and powerful writers of his time (himself an officer of rank) to his brethren. He commences his first article thus:

"A fellow soldier, whose interests and affections bind him strongly to you, whose past sufferings have been as great, and whose future fortune may be as desperate as yours, would beg leave to address you.

"Like many of you, he loved private life, and left it with regret. He left it, determined to retire from the field with the necessity that called him to it, and not till then—not till the enemies of his country, the slaves of power, and the hirelings of injustice, were compelled to abandon their schemes, and acknowledge America as terrible in arms as she had been humble in remonstrance. With this object in view, he has long shared in your toils and mingled in your dangers. He has felt the cold hand of poverty without a murmur, and has seen the insolence of wealth without a sigh. But, too much under the direction of his wishes, and sometimes weak enough to mistake desire for opinion, he has till lately, very lately, believed in the justice of his country. He hoped, that as the clouds of adversity scattered, and as the sunshine of peace and better fortune broke in upon us, the coldness and severity of Government would relax, and that, more than justice, that gratitude would blaze forth upon those hands which had upheld her in the darkest stages of her passage from impending servitude to acknowledged independence. But faith has its limits as well as temper, and there are points beyond which neither can be stretched, without sinking into cowardice, or plunging into credulity.

"Let it be represented in language that will neither dishonor you by its rudeness, nor betray you by its fears, what has been promised by Congress, and what has been performed—how long and how patiently you have suffered—how little you have asked, and how much of that little has been denied. Tell them that though you were the first, and would wish to be the last, to encounter danger; though despair itself can never drive you into dishonor, it may drive you from the field; that the wound, often irritated, and never healed, may at length become incurable; and that the slightest mark of indignity from Congress now must operate like the grave, and part you forever; that in any political event, the army has its *alternative*. If peace, that nothing shall separate you from your arms but death; if war, that courting the auspices, and inviting the direction of your illustrious leader, you will retire to some unsettled country, smile in your turn, and 'mock when their fear cometh on.'"

This was followed by other and yet more inflammatory appeals, urging the officers not to lay aside their swords until suitable provision should be made. Whether necessary or not, it is well known that all the energy and moral power of the Commander-in-chief was promptly put forth to silence murmurs and restore tranquillity. This is strikingly shown by his address, delivered to the officers assembled on the 15th March, 1783. At this meeting General Gates presided, and the resolutions which were unanimously adopted on the occasion justified the confidence that had been reposed in the most brave, chivalrous, high-toned, and devoted band of men, who ever drew swords in a common cause. The sixth resolution is in the following words:

"*Resolved, unanimously*, That the officers of the American army view with abhorrence, and reject with disdain, the infamous propositions contained in a late anonymous address to the officers of the army; and resent, with indignation, the secret attempts of some unknown persons to collect the officers together in a manner totally subversive of all discipline and good order."

I have been thus particular for two reasons: first, because it is well to be refreshed in this history, so honorable to the cause, and to the distinguished actors in that mighty drama; and secondly to show that it is not in the nature of things, that the provisions of the resolution of March, 1783, adopted in the midst of this high excitement and intense solicitude, could have escaped the notice of any officer embraced in its purview.

Now, sir, I pause here to inquire of the honorable Senator who reported these bills, what are the rules of evidence which have guided the action of the committee in deciding upon applications of this character?

[Mr. STURGEON replied, that when the officer, or the heirs of the officer, proved satisfactorily, by *parol*, or record evidence, that the officer was reduced by the arragement of 1780, or that he served to the close of the war, and the Government could not produce evidence of payment, the committee reported a bill.]

On these grounds, then, the committee *presume* non-payment; and it is to this presumption that I object, as both dangerous and unjust. So extremely probable is it that all claims founded in right have been adjusted, and so fallible and uncertain, at best, is all human testimony, after a lapse of sixty years, that I believe every gentleman will concur with me in saying, that we ought to require the cause of this long delay, especially when the claimant relies upon parol evidence, to be established by testimony clear, explicit, and satisfactory, and this without any reference to the peculiar and unfortunate condition of the Government, in consequence of the ravages of the elements.

To test more thoroughly the propriety of this *presumption*, which the committee assume, at the threshold, in favor of the claimants, let us consider, for a moment, not what would be the legal, for they come here for the very reason that they are without law,) but what is the natural and common sense presumption.

The first point to be noticed is, that ample provision was made, and the most convenient mode adopted, for the adjustment of the claims, under the resolution of March 22, 1783. At the close of the war, they were settled as the monthly pay of the officers was settled, and usually in the same account. The paymaster general was authorized and directed to adjust them by issuing certificates, which were to bear interest of six per cent. But, more than this: commissioners were appointed to go into the several States, and to give public notice of the times and places of their sitting, and the districts within which they settled accounts; and it was supposed that certificates were universally granted in 1784. Why should it not have been so? They were ready upon application, and the production of the requisite evidence—not ready at an uncertain time, and at remote points, but brought, as it were, to their very doors, and with public notice. That any officer within the limits of the United States, and in the possession of his faculties, could have been ignorant of the provisions of the resolution of 1783, and his rights accruing under it, no man can be so credulous as to believe. Whenever there has been any action upon pensions and kindred subjects in latter times, how long a period has elapsed before that action, whether favorable or unfavorable, has reached the dwelling of every survivor of that noble band? The commissioners to whom I have before referred, were furnished with the record evidence, and all the necessary papers relating to the lines of the several States to which they were respectively assigned. Further than this: to bring the matter to a close, and stimulate the officers, who still had unsettled claims, to a speedy adjustment, a resolution was passed by Congress declaring that all claims not presented before August 1, 1786, should be forever barred. But this is not all: upon the supposition that here and there an honest claimant might, by some casualty, have been precluded from obtaining his rights, in July, 1787, another term of one year was given for their presentation; and on the 27th March, 1792, an act was passed suspending the operation of the limitation acts for two years. Under this extension, remaining claims, or such as were presented, were adjusted at the Treasury Department by what was then termed certificates of registered debt. Is it within the bounds of probability—nay, is it possible—that any claims should have been withheld, after this period, if they were ever intended to be enforced? It is to be recollected, that during this eleven years, it was not as it unfortunately now is. There was not only the record evidence, but there were hosts of living witnesses to supply any deficiency, both among the officers with whom the claimants served, and the soldiers whom they commanded. Men engaged in the same noble cause, and serving in the same camp, were no strangers to each other. Never, perhaps, was there a band united by such ties of affection, and confidence, and intimacy. The links that bound men together then, exist not now. Their close relations and friendships were of a character which, perhaps, from our very natures, can only be formed and established amid the mutual dangers and privations of a camp, where, as in this case, genius and honor and unshaken valor, were pledged to the support of a nation's rights. Every important fact, and every incident of the eventful struggle through which they had just passed, must have been fresh and vivid in the recollection of all. Nothing could have been involved in doubt. Nothing need have been left to *presumption*.

Thus far in my argument I have not adverted particularly to the unfortunate and unprotected condition of the Government, in consequence of the destruction of that documentary evidence, which, forty years ago, might have been readily and triumphantly appealed to, to refute these claims. To show the extent of this loss, I read an extract from a letter of the Third Auditor, dated January 21, 1840, in answer to certain inquiries as to the mode of settlement, and the evidence of payment of the seven years, half pay, under the resolution of August 24, 1780.

"The claims for the seven years' half pay guarantied by the resolution of Congress of the 24th August, 1780, never were adjusted by the Paymaster General and Commissioner of Army Accounts, nor by the accountant of the War Department, the records of whose offices now form a part of the records of this office—that is, all that were saved from the burning of the War Office shortly after the removal of the Government to Washington, and the burning of the public buildings in August, in 1814. I mention this in order that it may be seen that the facts which I shall state in my report on the foregoing inquiries, have been derived from other sources than the records of this office. Having made this explanation, I have to state in respect to the first branch of the first of the foregoing inquiries, that I infer from a report, made to the House of Representatives of the United States by the Secretary of War, under date of the 21st of February, 1798, (See vol. Claims, American State Papers, page 70, doc. No. 35) that there was at that time on file in the War Department lists of the names of the officers, and the sums paid of their widows and orphans, which had been furnished by the several States to the old Congress or the present Government, of payment made by the States under that clause of the resolution of Congress of the 24th August, 1780, which recommended to the States to make provision for paying, on account of the Uni-

ted States, the seven years' half pay granted by said resolution. The lists or returns so made by the States have, it is supposed, been lost by the burning of the War office soon after the removal of the Government to Washington, or by the subsequent burning of the public buildings in August, 1814."

Thus it is manifest that with regard to one class of these claims—those for seven years' half pay—the Government is wholly unprotected, the evidence of payment having been destroyed, among other archives, by fire. In this state of things, what is there to prevent all the claims embraced in the resolution of August 24, 1780, from being again brought forward, and prosecuted with success under the rule adopted by the committee? With regard to the commutation claims, the Government is hardly in a better condition; for although there is evidence as to who were paid, there is little satisfactory evidence to show who were entitled to be paid; for we are informed by Mr. Gallatin as early as December, 1810, that "the original muster rolls and pay rolls of the Revolutionary army, together with the personal settlements of paymasters and pay-agents, were, with a few exceptions, destroyed by fire, for which reason, it is not perceived how it would be practicable, as it relates both to the sum which might have been originally due, and to the partial payments which may have been made, to devise efficient guards and checks, in case of the removal of the statute of limitations, as to unsettled claims for personal services rendered in the army of the United States during the Revolutionary war." If those pay rolls and muster rolls were now in existence, the Senate would not have been troubled with the remarks which I have thought it my duty to submit, because the claims would never have been here. With regard to suspending the operation of the limitation acts, subsequently to 1794, there seems to have been but one sentiment, and that pervades all the Executive and Congressional documents at that early day, when the whole matter was perfectly understood.

I take the liberty to refer to a very clear and satisfactory report upon the subject, made by Mr. Dwight Foster from the Committee on Claims, and communicated to the House of Representatives, February 24, 1797. After giving a succint history of the legislation upon the subject, the committee say:

"It was essential to the public administration that the extent of just demands upon the Government should be, within a reasonable period, definitely ascertained. It was essential to public safety and to right, in relation to the whole community, that all unsettled claims should be made known within a time when there were yet means of proper investigation, and after which the public responsibility should terminate, and the possibility of charging the Government by collusive and fictitious contracts should be at an end. The justice as well as policy of acts of limitation, under such circumstances, cannot be doubted. The situation of no country ever presented a more clear necessity for, or a more competent justification of, precautions of that nature. And all the reasons for adopting them operate to recommend unusual caution in departing from them, with the additional force of this circumstance, that the subsequent lapse of time has increased the difficulties of a due examination."

If, in 1797, before any of your records were destroyed, "unusual caution was considered necessary, because the "lapse of time had increased the difficulties of a due examination," what vigilance is demanded at our hands in 1840, with a large portion of your Revolutionary archives lost forever, and those which remain broken and unsatisfactory?*

We have nothing to do with the value of these certificates, which from time to time were received in payment by the officers. It is notorious that they were comparatively without value in the hands of the original holders; but this argument, if good for any thing, is good for the whole, and would demand a general law for the repayment of all the claims.

This subject was elaborately and satisfactorily discussed in speeches and reports at the 1st session, 21st Congress, when provision was made for those officers who were entitled to half pay for life, under the resolution of 1780, and for the non-commissioned officers and soldiers, who enlisted for and served to the close of the war. That discussion is far from affording support to this *presumption*, which has more recently found favor in both Houses of Congress. I cast no censure upon the heirs of Revolutionary officers whose claims are multiplying here to such an alarming extent. They undoubtedly come with an honest belief that they are prosecuting equitable claims. They are not apprised of the facts with which it is our duty to be acquainted; and they are called upon and urged forward by unscrupulous agents, who have had access to your Departments and understand the mutilated state of your records—agents, some of whom, I have reason to believe, first plunder the Government, and then plunder the heir. I well recollect, in the year 1833 or 1834, while passing some time at the house of a Revolutionary officer, to have been present when a letter was handed to him, which excited, manifestly, in his mind, no little astonishment: it was addressed to "Lieut.———, or his heirs or legal representatives," &c. The title was one which he had earned from the ranks, but with which he had not for many years been saluted. He broke the seal, and found that it was from one of these gentlemen agents, who informed him that he was entitled to commutation, and that he would undertake to procure it for him for the moderate compensation of twenty-five per cent. on the amount that should be obtained. "I (said the venerable man) know more about that matter than the writer of this letter. I received a certificate for my commutation and receipted for it—it was comparatively valueless to me, because my necessities compelled me to part with it for a trifle;" and he then adverted to the annuity which he was receiving under the act of 1828, and which he regarded as payment for what he should have received in 1784 in cash. I perfectly remember the opinion which he expressed at that time, that every officer who was entitled to the commutation and ever intended to avail himself of it, was settled with before 1794.

Much light has been thrown upon this subject, by records obtained from abroad, within the last few years; and a gentleman abundantly competent to the task, to whom I am indebted for very interesting and important information, (Hon. Hiland Hall, of Vermont,) has given to the Virginia claims of this character a patient and thorough investigation; and the remarkable result is, that he is now able to show, by documentary and other evidence, that *not one* of the *twenty-nine cases* from that State, provided for by acts of Congress, since 1828, have any good foundation.† The truth is, these claims from Virginia are like claims from other sections of the country—groundless.

So much for my general views upon this subject of commutation and seven years' half pay.

If I do not greatly err, these considerations, directed against the whole class, so far from being weakened, will be fortified, by a careful examination of every individual claim now pending in both Houses of Congress. I will examine, in as little time as possible, those which are the special order on the present occasion.

The first case is that of the heir of Captain William Williams, to which there are several objections; but I have troubled the Senate so long, that I ought in each case to notice but one or two, which to my mind are conclusive. It is hardly necessary for me to repeat that, in all these cases, after this lapse of time, (sixty years,) I regard a satisfactory explanation of the delay as the first step to be taken by the applicants. This the petitioner has failed to furnish; but the Third Auditor has, to my mind, done it in a most satisfactory manner. In his letter of February 17, 1838, addressed to my friend, the late lamented Judge White, he says:

"It now appearing, from the petition and commission granted by Congress, under date of the 13th July, 1779, that Captain William Williams was an officer 'in the corps of invalids,' the records in relation to that corps have been examined, and it is found that certificates were issued in favor of Captain William Williams, for his pay, to the 4th of November, 1783, (the end of the war;) but none appear to have been then issued for his commutation, which cannot be accounted for, as the Colonel and several other officers of the corps received theirs, unless he declined receiving them, with a view of having his name placed on the invalid roll, under the resolves of Congress of the 7th June, 1785. This latter course seems to have been pursued by Captain Leonard Cooper, who served as an officer of said corps to the end of the war, and was paid to the same period that Captain Williams was paid—say 4th November, 1783."

Now, sir, that Capt. Williams was entitled to five years' full pay, or to be placed upon the invalid roll under the resolution of 1785, I entertain no doubt; but which, at that period of his life, unembarrassed in his circumstances, would he, as a discreet and sensible man, have selected? Precisely that which was chosen by Captain Cooper, and undoubtedly by himself. Prior to 1789, there is no record evidence to show who were placed upon the pension roll, and I infer, from the papers, that Capt. Williams died prior to that period. Hence, sir, the presentation of this claim—*the want of records*. Captain Williams received his certificate for his pay in November, 1783, as the other officers of the regiment did, who also received at the same time their commutation. Why did he not receive his? Why has his commutation claim slumbered through fifty years, but for the reason that, like his companion, Capt. Cooper, he chose to be placed upon the invalid roll. All I have to say is, that the inference of the Auditor is natural and sensible, and there is no attempt to explain or rebut it.

The next claim in order is that of the heirs of Dr. John Ramsey, and is for the seven years' half pay promised under the resolve of Congress of August 24, 1780.

It would be easy to show, by the construction of the half-pay resolutions of October 3 and 21, 1780, that he was not entitled; but I prefer to answer this application by reading a report on a bill for the relief of Surgeon David Gould, made July 5, 1790; for I cannot believe that we have gained any special wisdom in this matter during the fifty years that have intervened:

"2d Sess. 1st Congress—Report of the committee on the bill—David Gould, July 5, 1790.

"The committee appointed to consider the bill to satisfy the claim of the representatives of David Gould, deceased, against the United States, report:

"That the resolution of Congress of May 15, 1778, granting half-pay for seven years to military officers commissioned by Congress, and the resolution of August, 1780, extending the preceding resolution to widows and orphan children of such military officers as shall *die* in the service, do not include the hos-

*Extract from the report of the Accountant of the War Department, to the Secretary of War, dated 6th of February, 1801.

The Accountant of the War Department reports, agreeably to the request of the Secretary of War, in conformity with the resolution of the House of Representatives, of the 2d February, 1801, as far as relates to loss ascertained in his office, in the house occupied by the War Department, destroyed by fire on the evening of the 8th November, 1800. That the papers destroyed were those only which had been lodged in the 3d story of the bilding, and consisted as follows, viz:

Relating to the Accounts of the Old Army.

Several cases containing muster and pay rolls, others containing accounts and vouchers of sundry Pay-Masters and Agents for paying troops, and one case containing individual settlements, made by the late Paymaster General and Commissioner of Army Accounts.

These papers could only be of use in the examination of claims, for services prior to the establishment of the present Government, which, if not already settled, *are all barred and foreclosed, by acts of limitation*. The loss will therefore not materially affect the unsettled account of the United States.

DEPARTMENT OF WAR,
Accountant's Office, October 27, 1814.

SIR: In compliance with the resolution of the House of Representatives of the 24th inst. this day transmitted to me from your office, directing the Secretaries of the several Departments, and the Postmaster General, to communicate to the House such information as may be in their power, in relation to the destruction of official books and papers in their respective Departments, in consequence of the incursions of the enemy in the month of August, 1814, &c. I have the honor to state, that the books and papers belonging to this office were removed at the time above mentioned, and are now in a state of safety, excepting a part of the papers and army accounts appertaining to the Revolutionary war, which had been saved from the flames, on the burning of the house occupied by the War Department in 1800. When the books and papers of this office were removed, as before mentioned, it was not practicable to obtain conveyance for all; it was, therefore, determined to leave the old papers and army accounts, as the loss of those (if any loss should happen) would be attended with less inconvenience than of any other papers.

They were in the fire proof room of the office, at the time of the incursion of the enemy, and when the building was burnt, they remained uninjured by the flames. But the room having been entered by some persons soon after the building was destroyed, the papers were deranged, and many of them undoubtedly destroyed or carried away at that time; but it is not possible to identify those which may have been thus destroyed. When the public papers were brought back to the city of Washington, the remainder of those papers (by far the larger part of the whole) were removed to the House now occupied as the Accountant's Office.

It is not probable that the loss of those papers can have any effect in the adjustment of the unsettled accounts of the United States, as the claims (if any) which might arise under them, have been *barred by act of limitation*.

With very great respect,
I have the honor to be, sir,
Your most obedient servant,
TOBIAS LEAR.

The Hon. SECRETARY OF WAR.

†At this point, several cases were introduced, where large sums had been paid by the Government, under special acts of Congress, and in which incontestable record evidence was stated to show that they were without foundation, either in law or equity; but, as those and many more similar cases are present in the able and elaborate report of Mr. Hall, published with the debate, [House Doc. No. 436,] that is respectfully referred to.

pital departments of the army, nor the widows and orphans of that description of officers. And as the grant in this bill appears to be founded on those resolutions, the committee are of opinion, that to agree to this bill would be implicitly acknowledging a claim not founded in contract, and, by its precedents, might open the door for numerous applications for gratuities not stipulated by the resolves of Congress. Therefore that the bill ought to be disagreed to in Senate."

This report, as appears by the journal, was adopted by the Senate without a division.

I am sure I might well enough rest the objections to the claim of the heirs of Dr. Ramsey here; but I will now show that if "the hospital departments" were embraced in the provisions of the resolution of 1780, Dr. Ramsey was not of the number included. In a letter of April 24, 1840, the Third Auditor says:

"Since writing to you yesterday, I have had reference to a list of payments made by the State of Virginia, to the officers of her *State line* and navy, (which list is on file in the Pension Office,) and I find therefrom that John Rumsey was settled with on the 4th of July, 1783, as a Surgeon in the *State line*. It consequently follows that his widow was not entitled to the seven years' half pay granted by the resolution of Congress of the 24th August, 1780, to the widows and children of such officers of the *Continental army* as should die in the service."

Comment is unnecessary, when, as in this case, the claim is doubly refuted.

The next bill is that for the relief of the heirs of Dr. Frederick Seigle. They claim, as in the preceding case, seven years, half pay. The general objection stated in the case of Dr. Gould in 1790, obtains equally here. But I desire to notice one or two things in the printed report before me. After stating the general grounds of the claim, the committee adduce certain testimony, and they say:

"1st. A certified copy of papers filed in the Executive Department of Virginia, at Richmond, showing that it was proved in Frederick county court, in August, 1784, by a certificate of General Muhlenburg, that Frederick Seigle was Surgeon to the 8th Virginia regiment, and died in service; also, the certificate of Captain Thomas Barry, of the same regiment, to the same facts, dated March 29, 1797."

Sir, if I had no other ground for doubt, this first item of evidence would be sufficient to induce me to call for a full and satisfactory explanation. For what purpose was this testimony taken in 1784, but to establish this claim of Dr. Seigle to the seven years' half pay? And if taken for that purpose, why was it not successful? Again: the committee have, among the items of their testimony, the following:

"5th. A letter from the Third Auditor of the Treasury, showing that the seven years' half pay promised to the widow and orphans has not been paid, in the case of Dr. Seigle, by the United States."

Now, Mr. President, notice if you please what the Third Auditor *does* say; and I introduce it, not to meet this *fifth item of testimony*, but to show the reason why the testimony set forth in the first item taken in the Frederick county court cannot be availing. In his letter of the 17th January, 1837, addressed to the chairman of the Committee on Revolutionary claims, the Third Auditor says:

"In reply, I have to state that I have carefully examined all the records in this office, including such of the original muster rols of the eighth Virginia regiment, as have been preserved, without finding any evidence that Dr. Frederick Seigle rendered any service in that regiment as a surgeon. I have also examined registers of payments on file in the pension office made by the State of Virginia to her Continental and State lines; but the name of Dr. Seigle does not appear on either of them. There is, therefore, no record evidence here either of the services or death of Dr. Seigle."

This is the letter of the Auditor referred to in the fifth item of testimony above cited; and I must be permitted to say, that it appears to me not to have been set forth *in all fairness*; but it shows one thing very clearly—the reason why this evidence taken in Frederick court, in 1784, was not deemed sufficient; but of this there is still more evidence in the letter of the Auditor, under date of January 31, 1837, in the following words:

"I have the honor to state, in reply to your letter of the 30th instant, that it appears from the records in this office, that Cornelius Baldwin was a Surgeon in the eighth Virginia regiment, from the 20th of May, 1777. There are no rolls of the eighth regiment on file in this office, subsequent to December, 1779, up to which time Dr. Baldwin appears to have been the surgeon of that regiment. Dr. Baldwin served to the end of the war, and received commutation, but the final settlement that was made with him does not show what regiment he was attached to when the war closed. The presumption, however, is, that he continued in the eighth regiment. The records do not show any other other surgeon to have belonged to that regiment at any time during the war."

A bill for the relief of Ensign James McCrory, of the 9th regiment North Carolina line, for commutation.

I have examined the papers in vain to find any satisfactory evidence that he was entitled under the resolves of 1780 and 1783. The only documentary evidence of his ever having been a continental officer, is furnished by the certificate of the Secretary of State of North Carolina, showing that he was appointed Ensign in the 9th regiment May 2d, 1777, and *omitted* from the roll of the regiment in January, 1778. The natural inference from this fact would be, that he left the service by resignation at that time. The explanation which he himself gives of his leaving the service is, that when the nine North Carolina regiments were reduced to three, he became a *supernumerary*. This was in the fall of 1778; and if he did become a supernumerary at that time, his claim is clearly unfounded, as none who left the service prior to the reduction of the army under the provisions of the resolutions of October, 1780, were entitled to that provision. The parol testimony, taken in 1820, and on which McCrory seems to have obtained his land allowance from North Carolina, appears insufficient to show a continuance of his service to the end of the war in the continental line. A portion of it is stated to have been in the nine months' service; the residue was probably in the militia. Experience has shown that little reliance is to be placed on parol testimony, taken forty years after the alleged service, especially when it is contradicted by the fact of the dropping of the name of the officer from the roll of the army long before the close of the war. It will be observed in this case that the claimant relies solely upon parol evidence, which is contradicted by documentary evidence, and that no reason whatever is assigned for the long delay.

The only remaining case to be considered on the present occasion, is that of the representatives of John Jordan, and I have only examined the papers so far as to ascertain, that he was a Captain in the corps of artillery artificers; because it appears from decisions as early as 1785, that the ancestor was not embraced in the provisions of what are familiarly denominated the commutation resolutions. The petition of Captain John Jordan was early referred to the commissioner for settling army accounts, and on the 9th of August, 1785, the commissioner reported, "That there are no existing resolutions of Congress, in his opinion, on which the petitioner can found a claim of the commutation, in lieu of the half pay for life, and therefore, if such a grant should be made, it will be necessary to adopt a new principle respecting the corps of artificers." An appeal, it seems, was taken from the commissioner to Congress, and on the 19th of October, 1785, a committee of the House of Representatives made a report confirming the decision of the commissioner. They declare, in the conclusion of their report, "That the officers in the late corps of artificers, in the service of the United States, are not entitled to half pay, or to commutation of half pay."

In 1788 the Secretary of the Department of War declares, "That this decision respecting artificers, was conformable to the several resolves of Congress, respecting the objects of the half pay."

In 1790, the subject was brought to the notice of General Knox, then Secretary of War, and on the 19th of March, in that year, he communicated a letter to the House of Representatives, in which he refers to the report of the Committee of the House, before adverted to, and says: "That the said decision appears to the Secretary of War to have been conformable to the several previous resolves of Congress, relative to the object of half pay; and that *the same ought to be final*" That among the eighty-six bills passed since 1828, a *precedent* may be found for each of the cases we have now considered, there is little doubt; but I trust the Senate will not deliberately reverse, in favor of *representatives*, decisions thus solemnly made, and again and again affirmed nearly sixty years since against the ancestor.

If any apology be necessary for the time I have occupied, it will be found in the importance of the question, both to the Government and the claimants, and in the fact that, at the last session, thirty-six claims of this character obtained favorable reports in the two Houses of Congress, but having received no final decision, will come up again before the adjournment to demand at least one hundred and fifty thousand dollars from your Treasury. I thank Senators for the patient attention with which they have listened to me upon a subject hitherto regarded with so much indifference, and I am the more gratified, because I cannot but regard the diligence and care given to the various reports made to this body during the present session, however unimportant in the amount involved, as a new era in the history of our private legislation; an era from which, as I trust, is to commence a system of just, but rigid economy. No men discourse so elaborately of extravagance and profusion as the members of the two Houses of Congress, and yet, as every intelligent citizen knows, the very thing complained of has its origin in this Capitol. Whether the event will show that I have been able, on this occasion, to contribute any thing in the way of arresting an increasing and unwarrantable drain upon the Treasury, is perhaps doubtful; but no result can deprive me of the consciousness of having discharged a duty due to the honest and tax paying people who sent me here.

SPEECH OF MR. CLIFFORD,

OF MAINE,

In the House of Representatives, April 24, 1840—In Committee of the Whole, on the General Appropriation bill.

Mr. CLIFFORD desired to make a few remarks chiefly in reply to what had been said by others, and consequently not immediately applicable to the subject before the committee. He then spoke in substance as follows: It would have been more gratifying to me, if this debate had been confined to the usual range of parliamentary discussion, embracing the various propositions contained in the bill under consideration, and excluding a great variety of party topics that have been introduced, well calculated to protract the session, and delay the public business, without producing any corresponding benefit. The history of this session alone is amply sufficient to satisfy every reflecting mind, that there must be some limitation to debate in a deliberative body, so numerous as the House of Representatives, to facilitate the progress of business, and to preserve order and decorum among its members; and that the only practicable mode of doing this, is by a careful observance of the rules of the House, which should always be enforced, when occasion requires, to promote these desirable objects. These remarks are not made in any spirit of complaint towards the Chair, for it is not unknown to me that every effort to restrain irregular debate has been met from certain quarters with a determined resistance or a chilling support, and the best reason I have heard assigned for it, is the one given by the gentleman from Virginia, Mr. WISE, that "latitude in debate is the life of the Opposition;" and if so, no one can feel less inclined than myself, especially after that frank avowal, to incur the charge of attempting or desiring to destroy the vital principle of a great and powerful party. If latitude in debate is desired, so let it be, with this understanding, that those who seek to introduce it shall have the responsibility. If the Democratic party cannot stand upon a full discussion, let it fall; but it cannot be expected that the discussion will be confined to one side. It is not my habit to wander from the question, unless it becomes necessary to do so as a matter of defence. If any apology is necessary on the present occasion, it will be found in the remarks of the gentleman from Massachusetts, [Mr. SALTSONSTALL,] who went into an extended and ingenious argument, and, as I thought at the time, in defence of the Hartford Convention and of the principles and measures of the Federal party. Be that as it may, he now disclaims having done so. If his explanation is not now misapprehended, he then said, as a matter of expediency, he would not attempt their defence, though he admits that he participated in the proceedings which laid the foundation for the convention. His precise language is of no importance. I cheerfully accept the explanation. But, in other respects, I cannot be mistaken. The gentleman himself will not deny that he assured the House and the country that the members of that convention had been censured unjustly; that, during an angry contest for certain

great constitutional principles, their designs had been misunderstood, and that their motives had been misrepresented, and that he repudiated the idea that the Federal party ever contemplated the dissolution of the Union. He seems to think it unkind on the part of his colleague to rake up these old affairs, and says he has scarcely thought of them for the last twenty years, which, to say the least of it, is a little remarkable; for if I am not greatly deceived, he has been intimately connected with the Federal party in Massachusetts from 1813 to the present time, advocating the same principles, and maintaining the same political associations. By the way of remembrance, in the course of my remarks, I will endeavor to refresh his recollection upon certain matters of history, which, to my mind, afford the most conclusive evidence that certain leaders of that party, during the last war with Great Britain, and for several years prior, covering the period from 1800 to the treaty of peace in 1814, were guilty of unceasing efforts to excite the people of New England to open rebellion and resistance of the Federal Government, and actually plotted a dissolution of the Union and the establishment of a Northern confederacy under the auspices of British protection; and that in all this they were actuated by that inordinate thirst for power and inveterate hatred of free principles, which are the essential elements of Federalism itself. But as I propose to speak of the principles and measures of the two great political parties which have existed in this country from the foundation of the Government to the present time, and which, from the very nature of our institutions and the structure of the social order itself, it is reasonable to believe, will ever continue to exist, at least till "the lion and the lamb shall lie down together," I will touch upon those matters in the order of events in which they occurred. The first organization of parties took place during the latter part of General Washington's administration, who had been twice elected to the Chief Magistracy of the nation by the spontaneous and unanimous suffrages of the people, and, in spite of the radical and irreconcileable differences of opinion, which are known to have existed among the leading minds of that eventful period, continued to enjoy, to the very close of his last term, the uninterrupted confidence of all classes of men. In their origin, these differences of opinion involved nearly opposite views as to the model and form of Government which the exigencies of the time demanded, with reference to its operation upon the frame and structure of society, and its tendency to promote the individual happiness and prosperity of the people, and, at the same time, to afford sufficient strength and efficiency to insure domestic tranquillity, and to provide for the common defence. The natural tendency of these conflicting views, after the adoption of the Constitution, led their respective adherents to widely different rules of interpretation of the instrument itself, in the application of it to the purposes for which it had been formed. This gave rise to party organization, which, with slight modifications and occasional interruptions, has continued to this day. Far be it from me to insinuate that there was any want of patriotic feeling, or of upright intention, in the conduct of any member of the convention that framed the Constitution; and candor will oblige me to admit, that it is by no means certain that much of the distrust of the virtue and intelligence of the people, which all must admit was evinced in that assembly by a portion of its most efficient members, may not be traced to causes long since removed by the light of experience, and yet while they existed, affording at least strong palliation for the misconceptions which they occasioned. However this may be, it is nevertheless true, that the master spirit and father of Federalism, Alexander Hamilton, was strongly inclined to the British system of Government, and indeed its open advocate for reasons entirely consistent with the purity of motive which has usually been ascribed to him; for it has been said that he verily believed it "to form the best model the world ever produced;" and if so, no one will censure his motives, though I imagine few among us can be found, that dare vindicate his principles, however similar their own may be in effect. He distrusted the capacity of the people for self-government, and believed in the necessity of a strong Executive power to control what he called "the turbulence of Democracy;" and it was the Executive feature of the British system, above all others, that excited his admiration, as being above the reach of improvement. Observe his remarks:

"See the excellence of the British Executive: he is placed above temptation. Nothing short of such an Executive (a King) can be efficient. I confess the plan of Government which I propose is very remote from the idea of the people. Nothing but a permanent body [of life legislators] can check the imprudence of the Democracy. The people are turbulent and changing; they seldom judge or determine right; and, again, all political communities ought to be divided into the few and the many; the first are the rich and well born, the other the mass of the people."

The same want of confidence in the sovereign voice of the people to institute and uphold the machinery of Government through the medium of their constituted agents, is discoverable throughout his public career. It is impossible to misunderstand the scope and bearing of his remarks against the weakness and instability of Republican institutions. Upon this point, as upon all others, he descanted with great freedom and boldness. He undertook to demonstrate from experience that their inevitable tendency would lead to anarchy and civil commotion, from which he argued their inefficiency to promote the durable happiness and prosperity of a great and rising people.

"I despair that any Republican form of Government can remove the difficulties that Greece and Rome encountered. I have well considered the subject, and am well convinced that no amendment of the articles of confederation can answer the purposes of a good Government, so long as the State Governments do in any shape exist."

The more recent publication of his speech varies the language, but does not change the sense. He is made to say, that—

"This view of the subject almost led him to despair that a Republican Government could be established over so great an extent. He was sensible, at the same time, that it would be unwise to propose one of any other form. In his private opinion, he had no scruple in declaring, supported as he was by so many of the wise and the good, that the British Government was the best in the world, and that he doubted whether any thing short of it would do in America. The House of Lords is a most noble institution. Having nothing to hope for by a change, and a sufficient interest, by means of their property, in being faithful to the national interest, they form a permanent barrier against every pernicious innovation, whether attempted on the part of the Crown or of the Commons. No temporary Senate will have firmness enough to answer the purpose."

Deriving his opinions from the study of the monarchies of Europe, and especially of England, where the voice of the people had been little considered, and, consequently, was greatly undervalued, he was thoroughly persuaded that nothing short of a President and Senate for life, or during good behavior, which, for all practical purposes, is the same thing, could ever obviate the defects, or, to any extent, supply the deficiencies which experience had demonstrated to be inherent in the articles of Confederation. His plan of Government, as it has been called, was the third in the order of time that was presented to the convention. It was on this occasion that he expressed his opinions with so much freedom, as well as with masterly ability; and throughout his life he evinced one characteristic which does not belong to Federalism of modern date: he spurned disguise, and always evinced a willingness to present to his opponents a clear and distinct issue. He despised truckling and hypocrisy, and never sought to change his name or conceal his principles. He was bitterly opposed to the State Governments, and he did not hesitate to avow that hostility on every suitable occasion. In speaking of the different propositions that had preceded his own, he remarked "that the States, by either, will have the means to counteract the General Government. They have their State judges and militia all combined to oppose a National Government."

"Either plan is, therefore, precarious. The National Government cannot long exist, when opposed by such a weighty rival." While it is no part of my intention to derogate, in the slightest degree, from the merit of the honorable dead, I beg leave to say, what few will deny who have any regard to truth; that the sentiments so freely advanced by Hamilton are known to have been entertained—in some instances, perhaps, with slight modifications—by very many of the leaders of the Federal party, at the period of the adoption of the Constitution; and that they were openly acknowledged by the more honest and candid, until their defeat, in 1800, in the election of Mr. Jefferson. If there was any concealment of their disbelief in the stability of a Republican form of Government, or of their want of confidence in the capacity of the people to govern themselves, before that time, it is unknown to me. It was not until it was ascertained that the views and feelings of a great majority of the people were averse to such principles, and that those who entertained them would be excluded from any participation in the public councils of the nation, that the subterfuges and disguises of the present time began to be introduced. Examine the speech of Mr. Morris: it is no less explicit, and equally candid and free of disguise. "The second branch of the Legislature ought to be composed of men of great and established property—an aristocracy! men who, from pride, support permanency. To make them completely independent, (of the people,) they must be chosen for life. Such an aristocratic body would keep down the turbulence of Democracy."

Similar views were taken by Mr. Read, another distinguished Federalist in that convention. He maintained that a State Government is incompatible with a General Government, and the elder Adams, though not in the convention, was subsequently supported by that party for the Presidency, "by his being likely to unite the votes of New England, by his favor with the English party, from his speculative views concerning the British constitution;" and the remark has been frequently ascribed to him, that it was the true policy of the common people to place the whole executive power in one man, though I have not been able to find the authority upon which the charge rests. The plan of Mr. Hamilton, to which I have adverted, will be found in the Madison Papers, recently published, from which I beg leave to read a few extracts:

"The Senate to consist of persons elected to serve during good behavior; their election to be made by electors, chosen for that purpose by the people."

"The supreme executive authority of the United States to be vested in a governor, to be elected to serve during good behavior; the election to be made by electors, chosen by the people in the election districts. The authority and functions of the executive to be as follows: to have a negative on all laws about to be passed, and the execution of all laws passed."

But it is useless to multiply extracts to prove what is very generally acknowledged by those who have taken the trouble to investigate, and have the honesty to admit, the truth, that very many of the old Federalists were openly in favor of a system of Government not very different from that of the mother country, which, to use the language of the elder Adams, they regarded as "the most stupendous fabric of human wisdom." In treating of the same subject, the late Matthew Carey remarks, "that the Federal party made every possible exertion to increase the energy and add to the authority of the General Government, and to endow it with powers at the expense of the State Governments and the people. Bearing strongly in mind the disorders and convulsions of some of the ill balanced Republics of Greece and Italy, their sole object of dread appeared to be the inroads of anarchy; and as mankind too generally find it difficult to steer the middle course, their apprehensions of the Scylla of anarchy effectually blinded them to the Charybdis of despotism. Had they possessed a complete ascendency in the convention, it is possible they would have fallen into the opposite extreme to that which decided the tenor of the Constitution. This party was divided among themselves; a small, but very active, division were monarchists, and utterly disbelieved in the efficacy or security of a Republican form of Government, especially in a territory so extensive as that of the United States, embracing so numerous a population as were to be taken into the account at no distant period."

It is a well-known fact that needs no confirmation, that the present Constitution was more the result of compromise, induced by the exigencies of the country at the period of its formation, and dictated by a spirit of conciliation and conscientious obedience to the will of the majority, which characterized the conduct of its framers at every stage of their proceedings, than the exponent of the

views of either of the two parties that were represented in that convention. The mass of the people felt deeply the imperfections of the articles of confederation, and ardently wished for such alterations as would relieve them of the evils which they had experienced in consequence of them; but there was a wide diversity of opinion as to the character of the alterations necessary to be made to attain that object. On the 17th of September, 1787, the present draft was agreed to, and immediately transmitted to Congress "in a letter subscribed by the President, in which it was said to be the result of a spirit of amity and of that mutual deference and concession which the peculiarity of their political situation rendered indispensable." Immediately after its publication it was submitted by Congress to the several States for ratification. It is necessary to glance at the discussion that ensued, in order more fully to comprehend the aim and objects of parties, or the motive by which they were influenced at the time of its adoption. It is true that many of the Republicans opposed it, not because they were averse to a more perfect union of the States for certain specified purposes, to regulate the commerce of the country, and to insure the common defence, but because, in some respects, its internal powers were more ample, and in others, less cautiously restricted, as they believed, than were consistent with the sovereignty of the States, or the liberty of the people. They were jealous of the extent of power conferred upon the Executive, as conceding too much to the known partialities of their opponents, and they criticized, with great severity, the omission to provide a bill of rights for the security of the citizen. It was this last objection that weighed so heavily on the mind of Mr. Jefferson, and it is no discredit to the soundness of his judgment, that the good sense of the people so far appreciated his opinions, as to supply the deficiency. On this point Mr. Jefferson remarks:

"I approved as much of the Constitution as most persons, and more of it was disapproved by my accuser than by me, and of its parts most vitally Republican. My objection to the Constitution was the want of a bill of rights—Colonel Hamilton's, that it wanted a king and a house of lords. The sense of America has approved my objection, and added the bill of rights, and not the king and lords."

Again, he denies that he was opposed to the payment of the public debt, and says:

"He wishes it paid to-morrow—Colonel Hamilton never; but always to remain in existence, for him to manage and corrupt the Legislature."

It is undeniably true, that some of the features of the instrument, which most excited the fears and jealousy of those that desired as far as possible to preserve the authority of the States, afforded the strongest inducements to their opponents to espouse its adoption, which they did, for the reasons assigned, as well as from the conviction arising from the fact, then made evident in the discussion that immediately followed its publication, that no nearer approach to that system of national power to which all their efforts had been directed with earnest solicitude, could ever receive the sanction of the mass of the people. The development of public sentiment on this point was so clear, that the most barefaced advocates of monarchy yielded to the demonstrations of the voice of the people, and advocated the adoption of the Constitution; and whatever may be thought of their motives, it must be confessed they contributed to a praiseworthy result. It cannot be necessary or useful to pursue that branch of the inquiry further. My object is accomplished if I have said enough to draw attention to the incipient causes which led to party division at the period of which I am speaking; and, if I am not mistaken, all who have examined the subject with the care which it deserves, will feel obliged to acknowledge that it took its rise in a radical and theoretical difference of opinion as to the first principle of Government itself, with reference to its tendency to promote the happiness and prosperity of those for whose benefit it is instituted. Let that be as it may, of this I am certain, that ever since the adoption of the Constitution, it has been the policy of the Federal party to obtain by construction, in every shape and form which human ingenuity can suggest, what they failed to secure after repeated attempts, by express grant.

The vagrant power to incorporate, which has so many advocates at this time in the ranks of the Opposition, though scarcely any two of them can agree upon its locality, was directly and solemnly refused a place in the Constitution. It was several times considered, in one form or another; but, as often as it was proposed, it was promptly voted down by a large majority of the States. The reasons assigned for the refusal were, that the people in certain portions of the Confederacy were averse to a National Bank, and if the power to incorporate should be recommended, it would obviously include the right to charter a Bank, and that this would present an obstacle of a very dangerous character to the consummation of the general design. Thus it appears, at that early day, the people of this country were fully apprised of the dangerous influences and alarming tendency of a corporate institution in the bosom of a free Republic, to control its currency, and to mete out its favors or its curses as self-interest might render most expedient to its purpose. The people never dreamed, during the discussion that ensued, that any such power would be found lurking in the provisions of the instrument they were called upon to sanction by their suffrages. But no sooner was it adopted than the Federal party, true to their original design, claimed it by construction. The Democratic party denied it, and they deny it still. The opponents of this Administration, by whatever name they choose to call themselves, affirm it. This was the great point of division when party organization, in its more extended sense, took place at the close of Gen. Washington's administration with reference to the selection of his successor.

The objects of parties underwent no change, but the system of operation was necessarily varied to the altered circumstances with which they were surrounded; all acquiesced in the new Constitution, but their principles remained the same as before its adoption. It now became necessary to fix its interpretation. Here they divided. The one party desired to confine its application to the specified objects for which it had been created; the other was equally solicitous to extend its provisions by implication, to embrace the objects which they believed ought to have been included among its enumerated powers. The ostensible object of the latter, so far as any avowal of their intention was made, was to include the power to incorporate, with the view to the establishment of a National Bank. This has been a favorite object with the anti-Democratic party at every stage of our history, and through all the disguises of names and principles which have marked its career of wickedness and folly; and if I am not greatly deceived in the signs of the times, it is one of the leading motives to the desperate struggle for power and place now being made by a great and powerful party, under the assumed name of Whigs. On the 14th of December, 1790, the Secretary of the Treasury transmitted to Congress a letter, accompanying his report of a plan of a National Bank. The report is full and elaborate, but I will not weary attention by reading more than a single passage: "It is to be considered that such a bank is not a mere matter of private property, but a political machine of the greatest importance to the State." It is manifest that the author of that paper looked upon a bank as the natural ally of the Executive, and as a valuable and necessary appendage of national power, calculated to give strength and vigor to the Federal Administration, in all its internal operations and machinery. Undoubtedly it might be so, while its favor was conciliated, and the wishes of its owners and managers consulted. The principle of self interest would dictate so much of patriotism, and no more. The reason, however, that prompted its recommendation, was founded upon the expectation of its alliance with the Government. But experience has shown, beyond controversy, that, while such an institution may become a political machine, to sustain an administration of its choice, it is no less powerful in opposition to one that may incur its displeasure. That, in either event, it will be a political machine in the hands of its directors, and consequently irresponsible to the people of the country, needs no confirmation. But to mark the line of party division with more accuracy, it is necessary to pursue this subject further.

It soon became evident that the people, as well as the cabinet, were divided in opinion touching the constitutional power of Congress to charter such an institution. The President, in pursuance of a practice which then prevailed, required the members of his cabinet to submit their respective views in writing. As the opinions of Hamilton and Jefferson cover the whole ground, I will read from them. It is worthy of remark, that the former maintained the power to incorporate, in its broadest sense, without limitation, deriving it from every specified grant in the Constitution. Fearlessness was a prominent trait of his character, and, as I have already remarked, he spurned any disguise, and on this occasion broached the whole doctrine of construction, untinctured with the concealment of after times; and throughout his whole public life, I believe, he adhered to it, and gave it a steady and firm support. It will appear that he claimed the right as an attribute of sovereignty itself, and after premising that it is the clause of incorporation which gives rise to objection, he remarks:

"Now it appears to the Secretary of the Treasury that this *general principle is inherent* in the very definition of Government, and essential to every step of the progress to be made by that of the United States; namely, that every power vested in a Government is in its nature sovereign, and includes, by force of the term, a right to employ all the means requisite, and fairly applicable to the attainment of the ends of such power, and which are not precluded by restrictions and exceptions specified in the Constitution, or not immoral, or not contrary to the essential ends of political society. The circumstances that the powers of sovereignty are, in this country, divided between the National and State Government, does not afford the distinction required."

"The power which can create the supreme law of the land in any case, is doubtless sovereign as to such case. This general and indisputable principle puts at once an end to the abstract question whether the U. States have power to erect a corporation, that is to say, to give a legal and artificial capacity to one or more persons, distinct from the natural; for it is unquestionably incident to sovereign power to erect corporations, and, consequently, to that of the United States in relation to the objects entrusted to the management of the Government."

No one can fail to perceive that the opinion of Mr. Jefferson is equally explicit, and precisely the reverse, denying, in every respect, the premises and conclusions of the Secretary of the Treasury. He says: "I consider the foundation of the Constitution as laid on this ground, that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or the people. To take a single step beyond the boundaries thus specially drawn around the powers of Congress is to take possession of a boundless field of power no longer susceptible of any definition. The incorporation of a bank and other powers assumed by this bill, have not, in my opinion, been delegated to the United States by the Constitution.

"I. They are not among the powers specially enumerated.

"II. Nor are they within either of the general phrases, which are the two following:

"1. To lay taxes to provide for the general welfare of the United States; that is to say, to lay taxes for the purpose of providing for the general welfare; for the laying of taxes is the power, and the general welfare the purpose for which the power is to be exercised. They are not to lay taxes *ad libitum* for any purpose they please, but only to pay the debts or provide for the welfare of the Union.

"2. The second general phrase is to make all laws necessary and proper for carrying into execution the enumerated powers. But they can all be carried into execution without a bank. A bank therefore is not necessary, and consequently not authorized by this phrase."

To avoid being tedious, I must pass rapidly over the period that immediately followed the establishment of a National Bank. Suffice it to say, in the language of the historian of Washington, that "this measure made a deep impression on many members of the Legislature, and contributed not inconsiderably to the complete organization of those distinct and visible parties which, in their long and dubious conflict for power, have since shaken the United States to their centre." It has seemed to me proper to draw public attention to the source of party division; as, in the course of this debate, both sides have claimed to be Republicans, and all seem anxious to cast off the name of Federalist; and as names are subject to change at

all times, the surest test is to look at the principles. The struggle that ensued, it must be admitted on all sides, was one for principle. The Bank, or Federal party, supported the elder Adams for reasons which I have before stated; the Democratic party supported Mr. Jefferson. The former succeeded by a majority of three votes. That Administration has been emphatically denominated "the reign of terror." The alien and sedition laws were among the tyrannical measures which served to awaken the people to a sense of the danger with which they were surrounded. The liberty of speech and the press was invaded, under the pretence of affording protection to public officers against the strictures of party, and the prevalent disposition to slander and decry the Government; rights heretofore held sacred were forgotten, like the dreams of the night, in the shameless prosecutions for alleged violations of this "gag law," and the most open and barefaced infractions of the social compact were perpetrated with impunity, until "all confidence was lost in the midst of fear and apprehension." Perhaps it is not going too far to say that these several measures were partly induced by, if not the necessary consequence of, the sympathies and attachments of the party that sustained them to a system of national power, in conformity with the Constitution and laws of Great Britain, which they had long desired to see established in this country, and which excited so much of their admiration. The sedition law was carried into effect, and enforced in some instances with great severity.

The case of Matthew Lyon was one of peculiar aggravation, and, as a sample of the bitter persecutions under that odious law, deserves to be more fully considered. From his account of the transaction, which is believed to be correct, he was indicted, among other things equally harmless, for publishing that, "as to the Executive, when I shall see the efforts of that power bent on the promotion of the comfort and happiness, and the accommodation of the people, that Executive shall have my zealous and uniform support; but whenever I shall, on the part of the Executive, see every consideration of the public welfare swallowed up in a continued grasp for power, and an unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice, &c. I shall not be their humble advocate." Upon this accusation, and others of no greater import in my estimation, a pliant, packed, political jury, selected for the purpose, under the direction of a party judge, inheriting the spirit of a Jeffries, and influenced with anglo-aristocratic zeal, brought in a verdict of "guilty." The author goes on to say, that in consequence of this unjustifiable verdict, and the subsequent cruel judgment, he was contumaciously dragged out of his own county, where a decent jail was at the disposal of the National Government, and in an ignominious manner carried fifty miles, and in a bad state of health, thrown into a dismal dungeon, the common receptacle of robbers, thieves, and murderers; and when three thousand citizens petitioned for his release, they were told by the President, that submission must precede pardon.

In 1800 the success of the Democratic party was complete. The voice of the people triumphed over the slanders and falsehoods which had been heaped upon the candidate of their choice. Thomas Jefferson was elected President. I will pass over the characteristic intrigue of the Federal party after their defeat in the attempt to elevate to that station an individual they had uniformly despised, and who had not received one vote of the people with the view to any such elevation, for the sole purpose of trampling under foot the solemnly expressed voice of the nation. It has become proverbial that traitors from the Democratic ranks find favor with our opponents, of which we have some high examples in modern times.

This glorious event was hailed with great joy by the friends of equal rights, in all parts of the country, as the harbinger of better days; and no one ever had occasion to say that his most sanguine expectations were not fully realized in the radical change of policy that ensued. The schemes for undermining the Constitution were defeated, and the Government restored to its primitive purity. But if it were desirable, it is not within the scope of my present design to speak very minutely of the great and salutary reform that immediately followed in the administration of public affairs. No Administration ever commenced under more favorable auspices, and none ever more fully lived up to the professions on which it was created, or contributed more largely to lay the lasting foundations of Republican freedom: it was praised at the time by its friends, and it has since been eulogized by its enemies; and now, after the lapse of forty years, it is matter of grave dispute among us who shall be considered its followers. On this last point I shall have something to remark before I sit down—at present I wish to deal further with its opponents. The next fourteen years, embracing the period of the embargo, non-intercourse, and the late war with Great Britain, is one of great interest and full of instruction as to the motives and designs of the Federal party; their whole course, without interruption, was marked by a reckless opposition to the Government of the people, and seems to have been dictated by two leading motives—thirst for power and implacable hatred of incumbents in office; and their principal weapons of attack were falsehood, deception, and calumny. All their efforts were directed to one object, which is sufficiently disclosed in their motto, which was very generally adopted, that "the Administration must come down." It was no less true at that time than it is now, that about two-thirds of the political journals published in New England were opposed to the Administration, as well as the great proportion of wealth. It has been said, and I doubt not with truth, that for years not a single number of the Boston Centinel, Repertory, &c. were published free from attacks of the most vilifying character on the Administration—every act of the President was misrepresented, and the most unholy and pernicious means were constantly employed to excite the prejudices of the people, against every public functionary, however elevated or humble. A large proportion of the wealthiest men in the community were combined in a flagitous effort to tear down the pillars of the Government, which had been erected at so great a sacrifice in the Revolutionary struggle for independence, not only by throwing every obstacle and embarrassment in their power in the way of its administration, but, as the sequel will show, by obstructing and harassing all its endeavors to protect and defend the national honor, and finally coalescing with its ancient and inveterate foe. Now, if this was patriotism, then these men were patriotic, and not otherwise.

This is not mere supposition—it is historical fact, and susceptible of the clearest demonstration; and I will freely acknowledge that it is not so much my object at this time to detain the committee with any remarks of my own, as to exhibit to the country anew the proofs of some of these allegations. This has become necessary, in consequence of the denial which has been made. Let us see whether this party has been misrepresented, and examine into their boasted patriotism. If I mistake not, it will be found to have consisted for a series of years in sympathy for the interests and designs of a foreign power, in opposition to the interests and honor of their own country. The conduct of England towards the United States had been one uninterrupted course of aggression and violation of national faith. Jealousy and ill will were the predominant features of her policy. She had on many occasions, and in the grossest manner, violated the treaty of peace. She had declined a treaty of commerce—she had impressed our seamen—she had instigated the savage tribes to tomahawk and scalp American citizens—she had stimulated the mercenary and piratical of all nations to prey upon our unprotected commerce—and, in a word, "she had insulted our flag, and pillaged our trade in every quarter of the world." Of the many violations of the laws of nations perpetrated by Great Britain, I will only glance at some of the most glaring, and those in an especial manner which had the most influence upon political parties at home, among which were the impressment of our seamen, under the pretence of right to search American vessels for deserters from the British navy, and the orders in council of the 16th of May, 1806, and the 11th of November, 1807.

The right of search had been claimed and wantonly exercised for many years, and had been repeatedly made the subject of remonstrance as far back as 1792. Both parties had complained of its injustice and of the iniquity of the practice, and had uniformly regarded it as a violation of the laws of nations. It is difficult to estimate the extent to which this outrage upon the rights and liberties of American seamen was carried. It has been estimated that, at the date of the declaration of war, on the 18th of June, 1812, not less than fourteen thousand persons had been seized upon the high seas and dragged from their lawful employment and homes. The British officer on board became at once the captor, accuser, witness, and judge, and yet one of the *patriotic* committees of the Massachusetts Legislature, for the double purpose of excusing Great Britain and casting reproach upon the Administration, reported that there were but eleven Massachusetts sailors on board the vessels of his Britannic Majesty in June, 1812.

The object of the orders in council, of the 16th of May, 1806, was to blockade the coast of Germany, Holland, and France, from Elbe to Brest, a distance of eight hundred miles. It was a mere paper blockade, in direct violation of the laws of nations, and a highhanded outrage of the neutral rights of the United States. The order in council, of the 11th of November, 1807, was issued professedly as a retaliation for the Berlin decree of France, whereby all neutral vessels, bound to France or her dependencies, or to any port from which British vessels were excluded, and all vessels furnished with French consular certificates, were declared liable to seizure and condemnation; but their real design was to compel the United States to declare war against our friend and ally in the Revolutionary struggle for independence; and in this design the Federal party concurred. These measures were destructive to the rights and interests of the United States, and especially to the commercial class, who were in a great measure driven from the ocean, and a lucrative trade, for no other purpose than to administer to the cupidity and malice of the "mistress of the sea;" and yet, strange as it may seem, many concurred in the general design, while at the same time they called loudly upon their own Government to relieve them from the embarrassments which it produced. Parties were divided as to the causes of their distress; but all demanded redress, and condemned the aggressions, and none were more clamorous than the very men that subsequently opposed every effort of the Government in the most treasonable manner, to rescue our national interests from the ruin which must have ensued if no counteracting remedies had been adopted. Before this, Mr. Jefferson had been opposed with the usual billingsgate of party warfare; he had been denounced as a Jacobin, as an enemy to social order and religion; he had been accused of immorality and infidelity, and all the usual accusations of that party; he was now charged with weakness and imbecility, and even cowardice; and every measure was resorted to, to goad his administration into resistance of the high-handed and oppressive pretensions and outrages of the parent country. Negotiation had failed. Three expedients only were left to be tried—embargo, non-intercourse, and war. The merchants preferred the former, or, at all events, were willing to leave the whole subject to the constituted authorities. To this effect they certainly expressed themselves in their various petitions for redress.

It is sufficient to know that they demanded redress, and admit, if you please—for I believe it is true—they professed to be willing to leave to the decision of Congress the remedy to be prescribed. Public meetings were held in all the principal cities, and memorials to Congress adopted, setting forth their grievances in glowing colors, and pledging their aid and support in the most solemn manner, to any measure of relief which the wisdom of that body might judge expedient. The Federal merchants of Boston were among the first to memorialize Congress, and demand redress. I ask leave to read a few passages from that paper.

"Unless the present disposition of the British admiralty courts and navy officers can be counteracted and removed, a widely dispersed and unprotected commerce, extending to every region of the globe, will only serve to invite depredation, to bankrupt ourselves and enrich others, until such commerce be swept from the face of the ocean."

They further state, "That a tacit submission to pretensions thus lofty, would be an abandonment of rights openly recognised, and a dereliction of the most important commercial interests of this country." And they add: "Reason, and the most powerful considerations of equity, enjoin it as a duty on the United States, to oppose these pretensions." And that "These pretensions are unsound in point of principle, offensive in practice, and nugatory in effect." They charge the British Government with "preying upon the unprotected property of a friendly power;" and call upon the Administration "promptly to adopt such measures as might disembarrass our commerce, assert our rights, and support the dignity of the United States."

The Newburyport memorial alleges that—

"In many cases our vessels and cargoes have been captured, tried, and condemned, under unusual and alarming pretenses, which, if permitted to continue, threaten the ruin of our commercial interests. So far from obtaining redress of our grievances by the ordinary modes and processes of law, we have in most cases been subject to heavy costs, and suffered embrrassing and distressing detention of property, even when no pretence could be found to authorize the seizure of it. Having sustained these losses and injuries in the prosecution of our lawful commerce, and in the exercise of our just rights, we rely with confidence on the wisdom, firmness, and justice of our Government, to obtain for us that protection which a regard to the honor of our country, no less than the rights of our citizens, must dictate and require."

The Salem memorial is even more explicit:

"These obstructions are of a very serious nature. When exercised in the mildest form, they produce oppressive searches and delays, expensive litigation, and often a total failure of an otherwise lucrative voyage."

They speak of the British policy,

"As letting loose the passions to prey on the miseries and plunder the property of the innocent. It would subject neutrals to hazards nearly as perilous as those of actual hostilities; and independent of its influence in stimulating to revenge and retaliation, it would transfer the benefits of peace to any victorious usurper of the ocean. Your memorialists wish to take no part in the contests which now convulse the world; but, acting with impartiality towards all nations, to reap the fruits of a just neutrality. If, however, conciliation cannot effect the purpose of justice, and an appeal to arms be the last and necessary protection of honor, they feel no disposition to decline the common danger, or shrink from the common contribution. Relying on the wisdom and firmness of the General Government in this behalf, they feel no hesitation to pledge their lives and properties in support of the measures which may be adopted to vindicate the public rights and redress the public wrongs."

Similar memorials emanated from New York, Philadelphia, and Baltimore, and from almost every commercial city in the Union. The uniform tenor of the public press was in strict accordance with the prayers of these petitions. Press after press called upon the Government to redress the grievances of which the merchants, without distinction of party, complained, and in the most solemn manner, and in repeated instances, plighted their faith to the support of any measures to accomplish the object. On the 22d of June, 1807, the wanton attack was made on the Chesapeake by the Leopard, in consequence of the refusal of Commodore Barron to submit to the claimed right of search, and to deliver up four sailors on board the former, in pursuance of the iniquitous demand of the British officer. This raised the excitement to the highest pitch of indignation. All parties alike, the Federalists as much as the Democrats, clamored for reparation, with just abhorrence, of the insult offered to our national flag.

The excitement was so great it was deemed impolitic and unwise to convene Congress until sufficient time had elapsed for reflection, and for the resentments of the public mind to subside. In the mean time, to quiet the alarm which very generally prevailed, and to protect the interests and honor of the country from a repetition of such flagrant proceedings within our own jurisdiction, the President issued the proclamation of the second of July, forbidding British vessels of war in certain cases and under certain limitations to enter or remain in the ports or harbors of the United States. This was a mere precautionary step to guard against similar outrages until Congress could be convened. The whole subject of our relations with Great Britain was submitted to Congress at the extra session, on the 26th of October following; the embargo became a law on the 22d of December, 1807. No man dare risk his veracity, or his intelligence, by affirming that this measure was not adopted to meet the complaints of the Federal merchants, and to prepare the way for a redress of their grievances so vividly set forth in their memorials. It now becomes necessary to inquire how far these *patriotic* citizens, who have so much regard for the military reputation of their candidate for the Presidency, lived up to their professions—how far they redeemed their hollow and deceptive pledges to the country and the world, and with what sincerity they staked their lives and property in support of the measures which should be adopted to vindicate the public rights and redress the public wrongs. The truth is, they fulfilled no one of them, and never designed to do so when they were made. It was all a sham and pretence of patriotism which they never felt, and was put forth for the purpose of deceiving the people, and aiding their party to power and place, at the expense of the real friends of the country. It was a part of that system which has fastened upon them the name of "the war party in peace, and the peace party in war." One of the best informed writers of that day remarks that "the clear, indisputable, and melancholy fact is, that, after having impelled and goaded the Government into measures to procure redress, they not merely withheld their support from those measures, but actually, as far as depended on them, prevented their success." After they had formally resolved "that the suffering armed vessels to station themselves off our harbors, and there to stop, search and capture our vessels—to impress, wound, and murder our citizens—is a gross and criminal neglect of the highest duties of Government, and that an administration that patiently permits the same is not entitled to the confidence of the people"—when that Administration, in the mildest manner possible, attempted to seek redress of the very wrongs which they had so feelingly portrayed, the leaders of the Federal party, in spite of their boasted patriotism, turned round and denounced the Administration which they had just before reproached for its supineness, and, in the violence of their opposition, actually coalesced with the common foe, to defeat and paralyze every effort to redress the very grievances of which they had complained. But it is my principal object, as already stated, to prove what I allege; for which purpose, I shall be obliged to read sundry extracts from the leading newspapers of that period, which seem to me to afford strong evidence of the motives and designs of the Federal party, especially of its leaders; and also to refer to sundry letters and proceedings which appear to be equally corroborative of the same points.

"Every man will presume that he is not bound to regard it (the embargo,) but may send his produce or his merchandise to a foreign market in the same manner as if the Government had not undertaken to prohibit it."—*Boston Centinel.*

"We know if the embargo be not removed, our citizens will, ere long, set its penalties and restrictions at defiance. It behooves us to speak; for strike we must, if speaking does not answer."—*Boston Repertory.*

"It is better to suffer the amputation of a limb than to lose the whole body. We must prepare for the operation. Wherefore, then, is New England asleep? Wherefore does she submit to the oppression of enemies in the South? Have we no Moses, who is inspired by the God of our fathers, and will lead us out of the land of Egypt."—*Boston Gazette.*

"This perpetual embargo being unconstitutional, every man will perceive that he is not bound to regard it. If the petitions do not produce a relaxation, the people ought immediately to assume a higher tone. The Government of Massachusetts has also a duty to perform. This State is still sovereign and independent."—*Boston Centinel.*

"In my mind, the present crisis excites the most serious apprehension. A storm seems to be gathering, which portends, not a tempest on the ocean, but domestic convulsions. I feel myself bound in conscience to declare, lest the blood of those who should fall in the execution of this measure (the embargo) may lie on my head, that I consider this to be an act which directs a mortal blow at the liberties of my country; an act containing unconstitutional provisions to which the people are not bound to submit, and to which, in my opinion, they will not submit."—*Speech of Mr Hillhouse.*

This subject might be pursued much further; but the lateness of the hour admonishes me of the necessity of brevity. But I cannot forbear to give one more extract, to show the aim and object of all this clamor and complaint, without even proposing any substitute. It is characteristic of Federal policy to find fault with every thing, and propose nothing:

"The original embargo act had been openly and frequently violated. The public prints in Boston had audaciously and seditiously invited the citizens to set it at defiance. The British Government had also, as we have seen, added the allurement of its powerful invitation. Such an invitation was unnecessary. There are always to be found, in every community, men who will seek the shortest road to fortune, whether through the dark paths of smuggling or otherwise; and these men united their obstreperous brawlings with the clamor raised by those whose grand object was to harass the Government for the chance of regaining the power they had lost."—*M. Carey.*

This shows in very admirable colors the community of interest which then existed between the office seeker and the speculator, and evinces the venality of motive which governed their actions, and prompted their efforts to overthow the Government of the people. One more reference on this point, and I have done:

"You have reposed confidence in a coward [Jefferson] and leaned on a broken staff too long. The day of political probation is fast verging to a close, when the fate of America will be decided, and laurels, bought with the price of freemen's blood, will grace the brows of the Gallic tyrant. Let every man who holds the name of America dear to him, stretch out his hand and put this accursed thing [the embargo] forever from him. Be resolute—act like the sons of liberty, of God, and your country—nerve your arms with vengeance against the despot who would wrest the inestimable germ of your independence from you, and you shall be conquerors. Give ear no longer to the syren song of Democracy and Jeffersonian liberty; it is a cursed delusion, adopted by traitors and recommended by sycophants. Jefferson, the man who, with the dagger of popular confidence, first gave the stroke to your liberties."—*Newburybort Circular.*

It was during the period of these publications that the leaders of the Federal party in New England are believed to have plotted the dissolution of the Union, and the establishment of a Northern confederacy upon its ruins. The excitement was carried to the utmost pitch of exasperation. The press teemed with calumny and falsehood levelled at the President and his administration, the principal object of which was to prove a secret alliance with France, in her attempts to prostrate the power and influence of the British crown.

After the labored defence of the gentleman from Massachusetts, I hope I may be excused for detaining the committee for a few minutes, while I exhibit some of the proofs which have induced the opinion which he seems to think is so uncharitable. It is not necessary for me to remark that I have no other knowledge upon the subject, except what is available to all who will take the trouble to examine it. In the first place, I will refer to the mission of John Henry:

Mr. Ryland, Secretary to Sir James Craig, late Governor General of the British Provinces in North America, to Mr. Henry.

(Most secret and confidential.)

"QUEBEC, Jan. 26, 1809.

"MY DEAR SIR: The extraordinary state of things at this time in the Eastern States has suggested to the Governor in Chief the idea of employing you on a secret and confidential mission to Boston, provided an arrangement can be made to meet the important end in view, without throwing an absolute obstacle in the way of your professional pursuits. The information and political observations heretofore received from you, were transmitted by his Excellency to the Secretary of State, who has expressed his particular approbation of them," &c.

From the instructions of J. H. Craig to Mr. Henry.

("Most secret and confidential.)

"QUEBEC, 6th February, 1808.

"The principal object that I recommend to your attention is the endeavor to obtain the most accurate information of the true state of affairs in that part of the Union which, from its wealth, the number of its inhabitants, and the known intelligence of several of its *leading men*, must naturally possess a very considerable influence over, and will indeed probably lead the other Eastern States of America in the part they may take at this important crisis. I think it necessary to put you on your guard against the sanguineness of an aspiring party. The Federalists, as I understand, have at all times discovered a leaning to this disposition, and their being under its particular influence at this moment, is the more to be expected from their having no ill (well) founded ground for their hopes, of being nearer the attainment of their object, than they have been for some years past. It has been supposed that if the Federalists of the Eastern States should be successful in obtaining that decided influence which may enable them to direct public opinion, it is not improbable that, rather than submit to the continuance of the difficulties and distress to which they are now subject, they will exert that influence to bring about a separation from the general Union. The earliest information on this subject may be of great consequence to our Government, as it may also be that it should be informed how far, in such an event, they would look to England for assistance, or be disposed to enter into a connection with us."

Credential from Sir James Craig to Mr. Henry.

"The bearer, Mr. John Henry, is employed by me, and full confidence may be placed in him for any communication which any person may wish to make to me in the business committed to him. In faith of which, I have given him this under my hand and seal at Quebec, the 6th day of February, 1809.

"J. H. CRAIG."

In pursuance of this commission, Mr. Henry proceeded to the Eastern States, in prosecution of the design, which very clearly appears from the cautious and stealthy language of his letter of instructions. The following are extracts from his correspondence, which evinces, beyond controversy, the brilliant hopes he entertained of success, and the accuracy of his information as to the temper and disposition of parties in this country:

"I learn that the Governor of this State (Vermont) is now visiting the towns in the northern sections of it, and makes no secret of his determination, as commander-in-chief of the militia, to refuse obedience to any command from the General Government, which can tend to interrupt the good understanding that prevails between the citizens of Vermont and his Majesty's subjects in Canada."

Again, he says:

"Notwithstanding, while there is every reason to hope that the Northern States, in their distinct capacity, will unite, and resist by force a war with great Britain, great pains are taken by men of talents and intelligence to confirm the fears of the common people as to the concurrence of the Southern Democrats in the projects of France, and every thing tends to encourage the belief that the dissolution of the Confederacy will be accelerated by the spirit which now actuates both parties."

In another letter, he observes:

"The Federal party declare, that, in the event of a war, the State of Vermont will treat separately for itself with Great Britain, and support, to the utmost of the stipulations into which it may enter, without any regard to the policy of the General Government."

Under date of March 5, 1809, he says:

"I have sufficient means of information to enable me to judge of the proper period for offering the co operation of Great Britain, and opening a correspondence between the Governor-General of British America and those individuals who, from the part they take in the opposition to the National Government, or the influence they may possess in any new order of things that may grow out of the present difference, should be qualified to act in behalf of the Northern States."

Boston, March 7, he again writes:

"I have already given a decided opinion that a declaration of war is not to be expected; but, contrary to all reasonable calculations, should the Congress possess spirit and independence enough to place their popularity in jeopardy by so strange a measure, the Legislature of Massachusetts will give the tone to the neighboring States—will declare itself permanent until a new election of members—invite a Congress, to be composed of delegates from the Federal States, and effect a separate Government for their common defence and common interest. This Congress would probably begin by abrogating the offensive laws, and adopting a plan of Government for the maintenance of the power and authority assumed. They would, by such an act, be in a condition to make or receive proposals from Great Britain."

This letter discloses a very remarkable fact, which cannot be passed over without notice. Five years before the time of the Hartford Convention, this British agent informs his superior of the outline of the plan which was subsequently attempted, and partly carried into success, and which might have succeeded at the adjourned meeting which was to have been held in the following summer, but for the triumph of our arms at the battle of New Orleans, and the news of the treaty of peace that immediately succeeded. He states not only some of the important details of the convention, as it actually took place, several years after, but the motives that would induce it, and the general objects that were to be accomplished, one of which was a separate Government for their common defence and common interest.

It is unreasonable to believe that this information was manufactured for the purpose of deceiving his employer; and especially is it so, as the facts and speculations which he communicates have since become matters of history, at least to a very considerable extent, and doubtless would have been fully attempted, if not successfully carried into operation, but for the providential events of which I have spoken, that prevented their execution, and overwhelmed their projectors with eternal disgrace and infamy. But, sir, I have other testimony equally conclusive, if not of a higher nature, that I will submit to the committee, without remark or commentary:

Mr. Jefferson to Mr. Giles, Dec. 25, 1825.

"He (Mr. Adams) spoke then of the dissatisfaction of the Eastern portion of our confederacy with the restraints of the embargo then existing, and their restlessness under it. That there was nothing which might not be attempted to rid themselves of it. That he had information of the most unquestionable certainty, that certain citizens of the Eastern States (I think he named Massachusetts particularly) were in negotiation with the agents of the British Government. The object of which was an agreement that the New England States should take no further part in the war then going on; that without formally declaring their separation from the Union of the States, they should withdraw from all aid and obedience to them; that their navigation and commerce should be free from restraint or interruption by the British; that they should be considered and treated by them as neutrals, and, as such, might conduct themselves towards both parties; and, at the close of the war, be at liberty to rejoin the confederacy. He assured me that there was imminent danger that the convention would take place; that the temptations were such as might debauch many from their fidelity to the Union; and that, to enable its friends to made head against it, the repeal of the embargo was absolutely necessary. I expressed a just sense of the merit of the information, and of the importance of the disclosure to the safety, and even salvation, of our country; and, however reluctant I was to abandon the measure, (a measure which, persevered in a little longer, we had subsequent and satisfactory assurance, would have effected its object completely,) from that moment, and influenced by that information, I saw the necessity of abandoning it, and, instead of our effecting our purpose by this peaceful weapon, we must fight it out, or break the Union."

Extract of an authorized statement by Mr. Adams, in explanation, published in the National Intelligencer, October 21, 1828

"Mr. Giles, and several other members of Congress, during this session (1808) wrote to Mr. Adams confidential letters, informing him of the various measures proposed as reinforcements or substitutes for the embargo, and soliciting his opinions upon the subject. He answered those letters with frankness and in confidence. He earnestly recommended the substitution of the non-intercourse for the embargo; and, in giving his reasons for this preference, was necessarily led to enlarge upon the views and purposes of certain leaders of the party which had the management of the State Legislature in their hands. He urged that continuance of the embargo much longer would certainly be met by forcible resistance, supported by the Legislature, and probably by the Judiciary of the State.

"That to quell that resistance, if force should be resorted to by the Government, it would produce a civil war; and in that event, he had no doubt that the leaders of the party would secure the co-operation with them of Great Britain. That their object was, and had been for several years, a dissolution of the Union, and the establishment of a separate confederation, he knew from unequivocal evidence, although not proveable in a court of law; and that, in the case of a civil war, the aid of Great Britain to effect that purpose would be as surely resorted to, as it would be indispensably necessary to the design."

All who remember the period when this statement made its appearance, cannot have forgotten the excitement which it produced in New England, and especially among the Boston Federalists, who, at the time, were among the most devoted supporters of Mr. Adams. The press took up the subject, and demanded of the individuals whose situation was such, at the period alluded to, as to designate them among the persons included in the charge, to call upon Mr. Adams for some more specific statement of the accusation. A writer in the Boston Courier says:

"This we, the Federal party, the citizens of Massachusetts, the people of New England, require of them. We are all implicated in the accusation, and all feel its effects; nor can we rest satisfied until it is brought home to individuals, or scattered to the winds."

On the 26th of November, 1828, Harrison G. Otis and twelve others, all leading Federalists in Massachusetts, most of whom are still living and active members of the Whig party, addressed a communication to Mr. Adams, calling for the names of the persons charged, and the evidence upon which the charge rests. Among other things, they say:

"We were associated in politics with the party prevailing here at the period referred to in the statement above mentioned; some of us concurred in all the measures adopted by that party; and we all warmly approved and supported them. Many of our associates, who still survive, are dispersed throughout Massachusetts and Maine, and could not be easily convened, to join us on the present occasion."

Mr. Adams's reply, under date of the 26th of December, is very full and explicit; from which I beg leave to read a few extracts:

"It was in those letters of 1808 and 1809, that I mentioned the design of certain leaders of the Federal party, and the establishment of a Northern confederacy, &c.

"This plan was so far matured, that the proposal had been made to an individual, at the proper time, to be placed at the head of the military movement which, it was foreseen, would be necessary for carrying it into execution.

"The interposition of a kind Providence averted the most deplorable of catastrophes, and turning over to the receptacle of things lost upon earth, the adjourned convention from Hartford to Boston, extinguished (by the mercy of heaven, may it be forever!) the projected New England Confederacy."

In conclusion, he intimates very strongly, that at some future day, a sense of duty may induce him to disclose the evidence which he possesses, and for which they call, but says, the selection of the day must be left to his own judgment—that no array of numbers or power can induce him to make the disclosure prematurely, or to withhold it "when a sense of duty shall sound the alarm." It has already appeared that Mr. Jefferson and his party were obliged to abandon the embargo, to save the Union from the treasonable designs of the Federal party in the Eastern States. Non-intercourse was substituted, on the first of March, 1809. This act met with little or no better reception. It was, at once, denounced as having been dictated by French influence, and as a measure of hostility to England. The cry of French influence and Southern influence were the principal weapons of Federal warfare, in the North, throughout the period of which I am speaking. After the failure of Mr. Erskine's arrangement, the bitterness of party feeling was resumed, if it can be said to have subsided, while it was believed that the overtures he had made would be sanctioned by the British Cabinet. Upon this point, I desire to make one or two remarks, to show the disengenuousness and insincerity of Federal Opposition, and then I will pass on with as much rapidity as possible. While it was supposed that the arrangement had been made by authority, they openly charged that it was precisely what the British Government had always been willing to do; but the moment it was ascertained that it had been rejected upon the pretence that the Minister had transcended his powers, with characteristic regard for truth, they unblushingly asserted that Mr. Madison knew, at the time, that no such instructions had been given, and that he had fraudulently consented to the arrangement, to deceive the people, and gain popularity. The press made this charge, and the minions of party joined in the cry. It soon became evident that hostilities must ensue, as all peaceful efforts to obtain justice had been exhausted, without any success. All parties again demanded redress, and none were more clamorous than those that subsequently opposed the war with so much violence and rancor. It was said that the Administration wanted energy, and that all the difficulty was justly chargeable to its weakness and corruption, and no expression was more common with these patriotic citizens than the one ascribed to their leader in Congress, that the Administration "could not be kicked into a war." They urged the Government on to the brink of hostilities, by complaints and reproaches of the most vindictive character, until it was impossible to recede, without sacrifice both of the rights and honor of the nation; and when the issue was presented, and no alternative left but dishonor, they not only voted against the declaration of war, but immediately adopted an inflammatory address to excite the people to oppose it. Their opposition during the war is so well known, and so universally execrated, that it is not necessary to dwell upon it. The Federal party, in Massachusetts, were more rancorous and uncharitable in their opposition than in any State in the Union. They declared, in the form of a legislative declaration, that "the war was founded in falsehood, declared without necessity, and its real object was extent of territory, by unjust conquests, and to aid the late tyrant of Europe in his view of aggrandizement." Such declaratory resolutions were a very frequent occurrence, though, I believe, they did not require the sanction of both branches of the Legislature.

It would be an endless task, as well as useless labor, to recite all the evidences of the reckless opposition to the war. They withheld, as far as it was within their power, the means for supporting the army and navy; they discouraged enlistments; they prevented loans, and actually devised a regular system for exporting specie out of the country, to cripple the Government, by depriving it of the sinews of war; and, when victory crowned the efforts of the brave, they resolved that "it was unbecoming a moral and religious people to express any approbation of military or naval exploits." This relentless and heartless opposition was kept up, with unabated fury, down to the victory at New Orleans and the subsequent news of the treaty of peace. Peace was concluded on the 24th of December, 1814, but the news did not reach this country until after the battle at New Orleans. The Hartford Convention assembled on the 15th of December, 1814, and adjourned to meet at Boston in the following June, which meeting never took place, but was turned "over to the receptacle of things lost upon earth." The victory of New Orleans, and the treaty of peace, made the triumph of the Democratic party complete. No language can describe their joy. The Federalists were overwhelmed, as well by the successful termination of the conflict, as by the knowledge of the odium which would attach to their treasonable opposition. It is a little remarkable that the gentleman from Massachusetts [Mr. SALTONSTALL] should suppose that the overthrow of Napoleon, at the battle of Waterloo, induced the Federal party to disband. That battle did not take place until the following season. It was another great and glorious victory, on this side of the ocean, which seems to have escaped his recollection, that compelled the leaders of that party, at least for the time, to abandon their projects of ambition, and to acquiesce in the ascendency of the favorites of the people.

The next eight years succeeding the war, has been called the "era of good feeling," during which the Federal party endeavored to wipe off, by every species of obsequiousness, the disgrace of their past

misdeeds, without any change of their cherished principles. Party organization was abandoned, and of course the animosity of feeling which had long prevailed, subsided. These "no party times," as they have been called, continued, at least in New England, until the election of John Q. Adams by the House of Representatives. The events which led to that result are familiar to all, and need not be recapitulated. Admit, if you please, for it is true, that Mr. Adams was supported by many of the old Republicans; and it is equally true that the body of the Federal party, aroused from their lethargy, rallied to his support. Shortly after his election, the declaration was made, with some appearance of authority, that those who fell with the first Adams should rise with the second; and the course of his administration was supposed to furnish ground for such belief. The old party feeling was aroused to a very high degree of excitement at the ensuing Presidential election; the mass of the Democratic party were embodied again under the banner of Jeffersonian principles, in opposition to an Administration which commanded the confidence and respect of the tariff and bank party in every quarter of the Union. It is impossible for me, at this time, to speak of the beneficial change in the administration of public affairs that was introduced by General Jackson. It is recorded in the grateful remembrance of the people, and constitutes one of the brightest and most enduring pages in the history of the country.

The calumnies and falsehoods that were heaped upon that distinguished individual, by the old opposers of Jefferson, have gone to the "tomb of the Capulets," and it only remains to complete the parallel, after he shall have been consigned to the grave, for his enemies to pronounce his eulogy. Professions of economy are becoming very fashionable, and a most deliberate attempt is made to fasten upon the present Administration the charge of extravagance in the expenditure of the public money. Let no one accuse me of undervaluing any just system of economy; on the contrary, I hold it to be indispensable, in a Republican form of Government, to secure it from corruption, and all the evil tendencies of monarchial institutions. But the appropriate inquiry is, who are the friends of economy, and whose principles, if adopted, will lead to extravagance? I will give one fact to illustrate my views on this subject, after remarking that the only security against improvident expenditure, is to raise no more money from the pockets of the people, than is necessary to meet the obligations of the country upon the strictest principles of frugality. If taxes are levied and collected, the money will be expended; and, indeed, there seems to be a necessity that it should be, for no one will pretend that it would be just or wise to hoard up the currency, or shut it out of circulation. Hence the impolicy of a high tariff; for, if money is collected it must be expended, and this engenders extravagance, and tends to corruption. The fact to which I wish to call your attention, is the veto of the Maysville road bill.

It has been said very justly, I believe, that, at the time when that measure was arrested by the moral courage of General Jackson, unconstitutional appropriations were contemplated to the vast amount of one hundred millions of dollars, by the advocates of the system of which that bill was the germ. Some of the friends of the President were alarmed when they learned his intention to veto it, and even went so far as to desire him to yield to the wishes of a majority of Congress. The result is known. The Democratic party sustained him with increased vigor; and, though a few deserted, the mass remained firm. This was a specimen of economy worth talking about, the influence of which will be felt, it is to be hoped, through all coming time. One would think that the advocates of this system of wasteful and unconstitutional expenditure would be restrained, by a sense of delicacy, from making charges of extravagance against those whom they have uniformly derided as the upholders of a niggardly policy of retrenchment. It is not denied, that, for a time, many honest Democrats were found in opposition to that Administration, through a feeling of distrust of the fitness or prudence of the incumbent, which had been engendered by the violence and wickedness of his opposers, and by the wide-spread calumnies which had been circulated for the purpose of blackening his character and blasting his reputation—a reputation which had been earned in the field of danger, through toil and peril, in defence of the honor and glory of his country. But as the policy of his Administration was developed, these ill-grounded fears were dissipated in the cheering exhibitions of wisdom, patriotism, and sound Republican principles, which characterized his course, and furnished the most gratifying assurance of that devotion to principle which so signally marked his public career. At his second election, the whole Democratic party in New England, with the exception of a few individuals, who became traitors to their own principles, were united, and gave to the hero of New Orleans a generous and hearty support. No one can oppose to this declaration a successful denial. Each party rallied under the respective banners of their long cherished principles, and entered into the contest with spirit and determination. With very few exceptions, the Federalists gave their support to Mr. Adams. It is a very common saying, that "one swallow does not make summer," or, as the legal maxim has it, that "a single instance does not make law:" so, the party association of a few individuals, after the lapse of many years, does not afford any evidence of the principles of the party with which they happen to be classed, with reference to a previous organization, or the position of the masses of which that organization was composed. I am willing to admit that a few Democrats remained in opposition, and that, generally speaking, they maintain, to this day, like all traitors, that every body has changed his principles and position, except themselves; that, while they have stood firm and inflexible, each of the two great political parties of the country has changed sides—that is, the Federalists have become Democrats, for their particular accommodation, and the Democrats have abandoned their cherished principles and joined their enemies, although, if the story be true, there was scarcely any one left for them to oin.

On the other hand, I am not disposed to deny that a small portion of the Federal party supported the election of General Jackson, most of whom have deserted and gone back to their old associates; and, without meaning any disrespect to individuals, it is my sincere desire that they may never return to make further trouble in the Democratic ranks. Those that remain, are believed to be sincere, in the change of principles which they profess. Generally speaking, they acknowledge their past errors, and avow their change of principle and position. This I believe to be the true state of the case. I can speak with the utmost confidence, when I say that within the limit of my own acquaintance, it is an undeniable fact, that the mass of the old Republicans then living, were the warm and zealous supporters of the second election of President Jackson, and continued throughout to approve of the principles and measures of his administration; the distinctive features of which were a strict construction of the Constitution, opposition to a National Bank, the reduction of the tariff and the receipts of the Treasury, as far as possible without injury to the great interests of the country, to the wants of the Government upon the strictest principles of accountability and economy, and an undeviating hostility to unconstitutional appropriations upon local objects of improvement. That the Federal party opposed this Administration, its principles and policy, with unrelenting and uncompromising hostility, is susceptible of the clearest demonstration, if the fact does not stand confessed. All the old Federal presses, including the Boston Centinel, teemed with abuse and misrepresentation of the same reckless character as had marked their opposition to Jefferson and Madison. But proof on this point would be a work of supererogation, and therefore I will desist. My confidence in the intelligence of the people, induces me to believe that they cannot be deceived in this matter, relating, as it does, to events which are fresh in their recollection. If these things be so, an inference will follow, when one other fact is established, about which I imagine there is still less dispute, of great importance in the inquiry which I am pursuing. The additional fact that I wish to establish, I presume no one will deny, and therefore does not require proof, but may be fairly assumed; and it is, that the supporters, principles, and policy, of the present Administration, are identical with the one that preceded it. It may be said that it is in contemplation to substitute the Independent Treasury system for the collection, safe keeping, and disbursement of the public money, in the place of the State banks; but this does not afford the distinction required. The State banks were selected as an experiment. It has signally failed, through the misconduct and bad faith of the banks themselves; and it is well known, that, after the suspension of specie payments in 1837, and the refusal of the banks to pay over nearly thirty millions of the public money, which had been collected from the people, and deposited with the banks for safe keeping, General Jackson, no less than Mr. Van Buren, became satisfied that no further confidence could be reposed in them as depositories of the public treasure, and both alike approved of the new recommendation that was made, and which, I trust, before this session terminates, will become the law of the land. One accusation of the Opposition is, therefore, fully sustained, and will be cheerfully admitted, that Mr. Van Buren is "treading in the footsteps of his illustrious predecessor." I hope gentlemen will not back out of this charge, because it may be convenient to do so to avoid the consequences of an issue they wish to escape. Will any one undertake to deny that the principles and measures of the two Administrations are the same in all the essential elements of national policy? Surely no one will attempt it; and that their supporters are the same in New England, with individual exceptions, I appeal to every city, district, and village in that section of country, for the confirmation of what I affirm; and I am willing to stand or fall before my constituents, upon the truth of the fact which I have now stated, confining its application, of course, to the limits of my acquaintance, which is not very limited, in two or three of those States. Every member of the Hartford Convention now living, is opposed to this Administration. The talented and distinguished committee that addressed Mr. Adams, and called upon him for the evidence to sustain the charge he had made against themselves, or their associates, who were "dispersed throughout Massachusetts and Maine," at least so many of them as are now living, are members of the Whig party; and the Boston Centinel, and other old Federal journals, constitute the leading organs of that party in the unparalleled and unheard of struggle to overthrow the present Democratic Administration; and if all these things be so, it remains for the people to determine, as they surely will, who are the followers of Jefferson, and who are Federalists. The principles of parties at the present time will now be considered with a little more particularity, but with as much brevity as possible. It has already appeared, that, throughout the period of party organization, they have been separated by an impassable gulf in their views and feelings, upon the construction of the Constitution. In the progress of events, other questions, temporary in their nature, have largely contributed to the bitterness and acrimony of party strife, which at times has threatened the existence of the Union itself; but as these temporary causes of irritation pass away, parties are seen to settle down upon the standard of principle, upon which the division first took place. Such is the case at the present time, in spite of all the efforts in certain quarters to conceal it. The present contest is one for principle, and its dividing line is bottomed upon the construction of the Constitution as leading to different measures of policy in the administration of public affairs. Of the many essential grounds of division between parties under the existing organization, I shall only be able to speak of some of those which have attracted the largest share of public attention under preceding Administrations. This Administration, and the party supporting it, are opposed to a National Bank, believing it to be both unconstitutional and inexpedient.

It is scarcely necessary to remark, that this question has lost nothing of the importance that was originally attached to it by its early opposers, from the lights of experience; but, on the contrary, its dangerous tendency has been fully demonstrated, in the fearful exhibitions of the powerful and despotic sway over the property and liberty of the citizens, which such an institution is capable of exerting, when placed under the control of corporate power, and subject to the direction of designing men. The conduct of the late Bank of the United States is fresh in the recollection of the people of this country, and need not be recapitulated. It is sufficient to say, that the worst fears and apprehensions of its opposers have been realized to their utmost extent, and so much so that it is my deliberate opinion that a great majority of the American people have become sick and tired of the periodical fluctuations in the currency, which are the inevitable consequence of a paper standard of value. The reasons of this opinion I will forbear to state, as it would be inconsistent with the general design of my remarks. It is more my object to ascertain what are the principles of the Democratic party, for the purpose of contrasting them with those of the other side, than to detain the committee by entering into a full explanation and defence of them. The soundest principles of economy, as well as of justice, are opposed to a high tariff. It is a perversion of the taxing power which was confided to Congress by the Constitution for the purpose of providing for the general welfare of the whole Union, and not for the benefit of a few individuals at the expense of the many. Any system, therefore, which imposes burdens upon the body of the people to confer favor upon a limited class of individuals or corporations, is a perversion and infraction of the grant to lay taxes, because it is not to provide for the general welfare of the whole, but to administer to the cupidity and avariee of the few; and, therefore, any exaction for the sole benefit of one branch of industry, at the expense of all others, is a germ of Federal construction, not authorized by the Constitution, the whole tendency of which is to pervert our Republican institutions from a state of purity and simplicy, into a splendid system of national power, in subversion of the rights of the States, and of the liberties of the people. A strict constitutional limitation of the taxing power, is the only safeguard against corruption and extravagance. Hence the sleepless vigilance of the Democratic party in their opposition to an unauthorized tariff. The aim and objects of its projectors will be hinted at hereafter. Again: no one pretends that there is any express grant to authorize the appropriation of the national treasure upon local objects of improvement. This, too, is based upon construction, and is claimed by implication. The Democratic party oppose it upon constitutional grounds, as well as on account of the injustice and inequality of its operation upon the different sections of the Union. It is a gambling, log-rolling system, calculated to corrupt the deliberations of Congress, and to foster division and heart burnings among the several States of the Confederacy.

On this point I desire to be distinctly understood. It is not the danger of exasperation of sectional feeling that constitutes the essential ground of the opposition of the Democratic party to this system, for that has reference to its expediency; but it is regarded as the exercise of an unauthorized power, contravening the Constitution and infringing upon the sovereignty of the States. There are very strong objections to it on the score of expediency. In addition to what has been said, it leads to unnecessary and exorbitant taxation, by creating new objects of appropriation, without number or bound, except in the discretion of Congress. It has been called the sluiceway of the tariff system, and I do not know of a more appropriate name. The friends of the tariff have uniformly supported it, for the reason, undoubtedly, that the drain from the Treasury, which it occasions, would further their designs. In all its consequences it is productive of evil, without any counterbalancing good. Again: the power to collect money to any amount from the people and to distribute it as a matter of favor to the States, or to corporations, is a species of despotism of the most odious character. The projected schemes of distribution find no favor with the Democratic party. They have resisted it, and will continue to resist it, in any and every shape and form in which it may be presented, whether under the pretence of donation or under the disguise of the assumption of the State debts.

The policy to be pursued in relation to the public domain demands the most solemn consideration of the community, and is likely to excite very much of public attention, for many years to come, both on account of its bearing upon the finances of the country, and the principles involved in the various schemes that have been projected to divert the accruing profit of the annual sales from the Nation Treasury. The distribution system is the most formidable and the most dangerous of any that has been presented, on account of the bait which it offers to the indebted States, no less than to the manufacturers, who see that, if it prevails, it must lay the foundation for a very great increase of taxation, and contribute very largely to their interests and designs. The mode of collecting, keeping, and disbursing the public money, is an important feature in every system of national policy. Taxes must be levied, in some way, and, to a greater or less extent, in all Governments; and the money must be collected and disbursed in one currency or another. The policy of the Democratic party, in this behalf, is well known, though it has been shamefully misrepresented in all its objects and effects. It is true that Government dues will be prospectively collected in gold and silver, and that the payments to the army and navy, and all the public creditors, will be made in the same currency, as they ought to be, and must be, if we are to have a Government of the people and not of the banks; but the States will be left to regulate their own institutions in their own way; and it should not be forgotten that the specie that the Government collects is immediately distributed among the people, and goes into the general circulation. The effect of this measure will be to infuse into the circulating medium of the country a larger proportion of the precious metals, and to contribute in no small degree the means to secure the convertibility of bank paper in the several States by preventing the exportation of specie, while the process of collection and payment will distribute it among the people, where it is less exposed to the grasp of the speculators and brokers at the moment of pecuniary distress, and, by the natural laws of trade, it will flow back to relieve the banks in the hour of peril, and enable them to maintain a specie basis. Another, and a very important consideration at this time, is the subject of Abolition. A sincere attachment to the union of the States is among the cardinal doctrines in the creed of Democratic Republicanism, and ever has been, from the foundation of the Government to the present time. It has already appeared that the cry of Southern influence was a prominent topic of Federal warfare in the North, in the days of Jefferson and Madison, to excite the prejudices of the North against the South, and the seeds of political abolition may be seen in the proceedings of the Hartford Convention, where they propose an amendment to the Constitution, "so that Representatives and direct taxes shall be apportioned according to their respective numbers of free persons, excluding Indians not taxed, and all other persons." The supporters of this Administration in the North, with a few exceptions, are utterly opposed to all the mean and incendiary schemes of political Abolitionists. They are determined to maintain inviolate the compromises of the Constitution, in good faith, and under all circumstances. I mean not to say that the Whig party are all Abolitionists, but most of the Abolitionists are Whigs; and some of their political leaders are incessant in their efforts to make political capital out of the natural prejudices of a free people against the institution of slavery, and also out of the past proceedings of Congress touching the disposition of Abolition petitions. The Abolitionists in the district I represent, almost to a man, vote the Whig ticket. If, at the time of my election, I received one vote from that quarter, it is unknown to me. I do not believe that any such case can be found. Having said thus much, I will only add on this point, that many of the Abolitionists are honest and upright men, and sincerely believe they are engaged in God's service, without the remotest intention of doing any thing to hazard the peace of the country, or the union of the States. It was my intention to have made a few remarks as to the right of the people to be informed of the views and principles of candidates for elective offices; but this ground has been so ably and fully occupied by those that have preceded me in the debate, that I despair of being able to offer any thing either new or useful, and therefore I will forbear.

Now, Mr. Chairman, I approach a more difficult inquiry. What are the principles of the party calling themselves Whigs? If we look at the present, we have no means to form any conclusion whatever; silence and secrecy reign throughout the land. Recent information discloses the fact that they have gone through the parade and form of a national convention, and presented candidates to the American people for the first two offices within their gift, but adjourned without "any general declaration of the views of the great Opposition party;" and we are since told, with the air of authority, that "it was deemed impolitic, at the then crisis," to make any such exposition—for the reason, undoubtedly, "that no new issue be made to the public." But the people were not satisfied to take these important matters on trust; and, when they found they were seriously called upon to discard their public servants, and give their places to others, the inquiry, as was natural, at once arose, wherein will the country be benefited by the change? It seems the people supposed they had a right to know what they were to expect, if they should consent to the change. They believed it was a matter in which they had some interest; and, as the convention had neglected to inform them, they thought they would apply to the General himself. Knowing that General Jackson was an honest, frank man, and never concealed his opinions, they could not doubt that General Harrison would take great pleasure in informing them upon matters of such vital interest, to enable them to determine what course they would adopt at the approaching election. But the only answer yet received is the one from his confidential committee, in which they say "that their policy is, that the General make no further declaration of his principles for the public eye, whilst occupying his present position." So that the people are still in the dark upon the subject of the inquiry, and likely to remain so, unless information can be had from other sources than General Harrison or his confidential committee. To prevent misrepresentation, I will say, once and for all, that it is no part of my intention to disparage General Harrison, or to speak disrespectfully of any man living, but it has been my object throughout to deal with the party opposed to this Administration with the freedom which the Constitution secures to every Representative of the people. The inquiry is still to be answered, what are the principles of the Opposition? One of the best definitions that I have seen, is to be found in a letter of J. Q. Adams to Dutee J. Pierce, dated 7th September 1835. Here Mr. C. read the letter, of which the following are extracts:

"I am yet convinced that the party which has been these two years struggling to break you down, the base compound of Hartford Convention Federalism and royal arch masonry, is so rotten with the corruption of both its elements that I hail with joy the victory which you have achieved over it."

Again he says:

"Of that party, treachery is so favorite an instrument, that I have heard Mr. Burgess complains that they have used it even with him. It is their nature and their vocation."

And again:

"They have no honest principle to keep them together; their only cement is a sympathy of hatred to every man of purer principles than themselves."

It is proper to remark, that Mr. Adams does not use the term Whig party, but he was speaking of the party opposed to Mr. Pierce, and every one knows which party that was. Now, it would not be parliamentary for me to say that any member of this committee was destitute of political principle, but I have a right to say, that the Whig party, as

such, has no principles of national policy, which they dare avow. If this be a mistake, why is it not corrected? If it is not convenient for the hero to speak, why do not his friends speak for him? If one committee is not sufficient, give him more, but let us have an answer. The people want light—they demand it, and if their reasonable request is refused, does any one so far undervalue their intelligence as to suppose they will be deceived as to the reasons which dictate the refusal? It is impossible. What is the course of the Opposition press at this time? Absolutely filled with mere hurrah, and nothing but hurrah. When the inquiry is made of them, Is your candidate in favor of a national bank? we are met with the answer, Hurrah for Tippecanoe. Is he in favor of a high tariff? a similar answer is ready: hurrah for the "log cabin and hard cider;" and so on throughout the catalogue. What sort of an issue is this to present to a free and intelligent people, capable of governing themselves, and claiming the right to choose their own public agents to administer the affairs of a Government of their own creation, and which every motive of interest and patriotism prompts them to uphold? Do not be deceived, gentlemen; this shallow trickery will not avail you; it cannot succeed. You must come out from your hiding places, and avow your principles, and expose them to public scrutiny, or you will be overwhelmed in the result. The people of this country cannot be deceived by any such devices. Even in the midst of the torrent of abuse and complaint against this Administration, they will turn round to its revilers, and ask them—What do you propose, to remedy the evils of which you complain; and what does your candidate for the Presidency propose; and what authority have you to speak for him, after he has refused to speak for himself? Then gentlemen will find that all this talk about the poor man's candidate will not stand the test of the scrutiny and intelligence of the laboring man in the Northern States. I am sure that this class of my constituents would feel themselves insulted by any such flummery; they have too much good sense, and understand Federal treachery too well, sir, to be thus easily deceived; and let any party that does not believe it, make the attempt—I am willing to witness the result. But it is useless to pursue this matter further; for one, I am satisfied what the country must expect, if the Opposition should be successful in their efforts to overthrow this Administration, of which I do not believe there is the least danger; but if, contrary to all reasonable calculations, they succeed, then we must prepare ourselves for another reign of Federal misrule. A National Bank will be chartered, the tariff will be restored and increased, unconstitutional appropriations will follow, and the proceeds of the sales of the public lands will be divided among the States, and the State debts will be assumed, and, to complete the catalogue of mischief that will ensue, the North and the South will be arrayed against each other upon the subject of Abolition, the effect of which I will not undertake to predict, but the future will show. Now if, in all this, as a humble member of the Democratic party, I am mistaken, is it not true that thousands of the people of this country honestly believe that it is all likely to take place; and if there is any mistake about it, why does not the Whig candidate speak out and remove the impression?

SPEECH OF MR. JONES,
OF VIRGINIA.

In the House of Representatives, April 11th, 1840—In Committee of the Whole, on the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1840.

Mr. JONES of Virginia said: It is obviously the disposition of some gentlemen, in directing their attacks against this Administration, to deal almost entirely in vague generalities, and thus, for a time, frequently to create a state of doubt on the public mind; while they carefully avoid an investigation of the details which would remove their own difficulties. They indulge in indiscriminate condemnation of every measure, without examining the reasons which may have prompted their adoption. Instead of this general mode of attack, why is it that they do not put their fingers on the items which they consider objectionable? Why do they not venture on an examination of the details? Why not conduct the debate according to the direction of our rule, and, suffering the bill to be read section by section, level their arguments against each section as it comes up for consideration. If my colleague wishes to furnish information to the people, why does he not communicate it in a direct and tangible form, instead of leaving them to the uncertainty of inferences deduced from premises, the truth of which is disputable?

When he denounces what he terms extravagance, he neglects to deduct large sums, which cannot, in fairness, be included in the expenditures of the Government. Does he not know that the whole expense of the Post Office Department is derived exclusively from its own resources, and not drawn from the Treasury of the United States?

[Mr. WISE said he confessed the fact, that the item of the Post Office is not taken from the Treasury. But would his colleague tell the people that it is not as much an appropriation of the people's money as the other? He knew that, technically, we have a Treasury, and technically a treasury of the Post Office, but it is all public money.]

Mr. JONES. I meant to assert that the money applied for the purposes of the Post Office Department is derived from postages on letters alone, and not through the ordinary channels of taxation; and in point of fact is never carried into the Treasury of the United States. The receipts and expenditures of the Post Office Department are confined to its own operations; it is entirely separate and distinct from the Treasury; and all its funds are exclusively applied towards increasing the facilities afforded by the mails. Until within the last few years, the money of this department was never, in fact, entered on the books of the Treasury at all. Nominally it is now transferred to that general depository; but, in reality, it is never carried there. Under the act of 1836, to which my colleague has referred, ninety-nine hundreths, if not the whole, of the Post Office revenue, is applied and disbursed before it reaches the Treasury. The operations of this department of the Government, presents the strange anomaly of the application of five millions of dollars without superinducing any cost in its disbursement. The warrants are drawn upon the money in the hands of the postmasters scattered over the whole face of the country, and applied to the liquidation of the debts of the department.

Deducting the expenditures of the Post Office, which are not embraced in the expenditures prior to 1836, and cannot fairly be forced within the range of the argument, I proceed to examine the character of the expenses comprised within the three divisions of the civil list, foreign intercourse, and miscellaneous. My colleague has asserted that there has been a vast increase in these expenditures: but the reasoning by which he has reached his conclusions is wholly fallacious. When he examines the facts and the details, I am confident he will agree with me, when I assert that his deductions are not fairly derivable from the premises; and amid the numerous items which make up the aggregate of the bill, he has subjected but one to criticism. He denounces the enormous increase of the appropriations for defraying the expenses of the district courts. This year it reaches the sum of $300,000; last year it amounted to $128,000.

The objection made to the item under consideration, will be found, on examination, to be wholly untenable. Last year the appropriation was $128,000; this year it amounts to $300,000. The difference appears to my colleague enormous and inexplicable; one simple fact will furnish a satisfactory solution of the difficulty. At the commencement of the last session of Congress, there was in the Treasury, of former appropriations, an unexpended balance of $214,000, applicable to this branch of the service. By adding this balance to the sum appropriated last year, it is seen that $342,000 were deemed necessary to meet the expenditures of that year. The whole sum appropriated is now completely exhausted; and when $300,000 are asked for the present year, it must be obvious, that less is required than was actually expended the last. It is apparent, therefore, that the anticipated expenditure does not transcend what has been shown by experience to be absolutely requisite.

I feel confident that I shall be able to convince my colleague, and if not him, to satisfy the people of the country, that no appropriation is called for in this bill, which is not only just and reasonable in itself, but indispensable for the public service. I shall demonstrate that the amounts required, where the sums are not fixed by law, are proportionately less than the sums demanded for the same objects in previous years. Will he not grant that the aggregate amount of the appropriations asked for the service of the present year, is less by five millions of dollars than was appropriated last year?

[Mr. WISE. I shall forbear expressing an opinion until the end of the session.]

Mr. JONES. If I can obtain the co-operation of my colleague and his friends in a steady refusal to go beyond the estimates furnished by the Departments, I vouch for a clear reduction of five millions of dollars, even at the time he fixes for deciding the question. He prefers, however, to defer his answer till the end of the session. His objections have been urged against the bills reported as they now stand; my remarks apply to them in their present shape. He denounces the extravagance of the estimates; I maintain them to be less than in the preceding year. I ask his assent to an assertion, stating a plain matter of fact, and he evades an answer. The reason is obvious.

He has been unusually vehement in his denunciations against what he calls the reckless expenditures of the Administration. But why does he refuse to enter into an examination of the details? Let him scrutinize the items of the bill, and I defy him to substantiate the allegations he so boldly makes, when shooting his arrows from behind the broad shield of generalities. But if he will not dissect the subject, I will undertake the office for him. I will present the facts, and await the comments from him. Between my facts and his arguments, let the people decide.

The administration of the gentleman from Massachusetts [Mr. ADAMS] is the model of economy which the enthusiasm of his friends has set up for our imitation. I am a friend of economy—I am an advocate of the strictest economy in the administration of the Government. My colleague, with an air of triumph, has put forward the Administration to which I have just referred, as furnishing an example which we should imitate. I will join issue with him. If that be the legitimate prototype, I shall prove our copy not inferior to it—I shall demonstrate, from the evidence before me, that the Administration of vaunted economy has nothing to boast of, when brought into comparison with the present. But little ingenuity or exertion will be required to prove that the appropriations called for by the present bill, are not more extravagant than those to be found in a corresponding bill, passed under the administration of the gentleman from Massachusetts, since the items of increase in this bill over that with which I propose to compare it, cannot fail to strike every one as not only necessary and proper, but absolutely indispensable.

We have been confidently told that the increase of population furnishes the true rule for the increase of expenditure; and we are condemned for increasing the expenditures beyond the limit which this test will warrant. The principle advanced I maintain to be wholly untenable. I shall not run counter to the prejudices of gentlemen. Their attacks are directed against the present and the preceding Administrations. These I shall pass by for the present, and test the soundness of the doctrine they hold, by a reference to the ratio of increase at former periods. If I can show that the increase of expenditure during the administrations of Washington, Jefferson, Madison, and Monroe, has transcended the ratio thus established; if I can show that even at those periods, the rule relied upon proves counterfeit, when tried by this touchstone, it must be confessed that the test is utterly valueless. Let us compare fact with assertion, history with hypothesis.

In the year 1793, the total of the civil expenses

of the Government, including appropriations for foreign intercourse and miscellaneous objects, amounted to about half a million of dollars.

In 1818 the expenditures for the same objects had increased to four millions of dollars. The reason why I have selected these two periods needs no explanation. They comprise a lapse of twenty-five years, within which, according to universally received opinion, population doubles itself. During this period, including a quarter of a century, white population advanced one hundred per cent; the expenses of the Government increased eight hundred per cent. It will be unhesitatingly confessed, that the Administrations to which I have referred as the basis of the calculation, are the least liable to objection; and yet the data they furnish go to prove most unanswerably that population and expenditure are not progressive in the same ratio; that the one cannot be graduated by the other. With the knowledge of these facts, where is the force of the argument that has engendered such acrimony of denunciation against the alleged unjustifiable increase of the estimates of expenditure for the present year?

But the comparison I have just made has been instituted between the progressive disbursements of the civil list only, and the advance of population. The charges made have been urged against this particular branch of public expenditure; and, conscious of the correctness of the principles I am advocating, and consequently willing to yield every advantage which gentlemen may desire to claim, I have, in compliance with their implied wishes, limited my comparison and argument to it alone. But there exists no good reason why, in testing the soundness of the doctrines which I am attempting to refute, we should not compare the progression of the whole amount of public expenditures for all objects with that of population. By this change in the character of the investigation, we shall again discover that the principles of graduation relied upon are equally deceptive.

In 1793, we find the aggregate expenditures of the Government, in all its departments, to have been about three millions of dollars; and in 1818, about fifteen millions. I speak in round numbers. The ratio of increase in population was one hundred per cent., while that of expenditure was five hundred per cent. In every aspect the doctrine which has been advanced is erroneous.

[Mr. CUSHING begged leave to explain. When he referred to the increase of population as a test for the increase of expenditure, he did not say that *he* assumed it as a test; but was speaking in answer to one of the friends of the Administration, who had assumed that position. He had before him some remarks, in which it is stated that the expenditures of the Government had not gone beyond the increase of population. He, in reply, had said, that facts would not bear out this assumed test; but whether it were a good or a bad test, he did not pretend to say.]

Mr. JONES. I am glad that an opportunity has been afforded to the gentleman for making this explanation; for, until this moment, I have been under the impression that such was the ground he had assumed, and he was so understood by many around him. This test is, then, confessedly unsafe, and not to be relied on; but no more reliance can be placed on the converse of the rule. In 1834 and 1835, within sixteen or seventeen years after the period on which I have been just commenting, the whole expenditure was from seventeen to eighteen millions, showing an increase of less than twenty-five per cent. in the expenditures, while population had advanced at least sixty-six per cent. In 1837, 1838, and 1839, the annual expenditures, for the civil list, miscellaneous, and foreign intercourse, have not reached more than five millions and a half of dollars, being an addition of less than forty per cent. while the increase of population has been eighty-five per cent. In no aspect whatever is this principle of graduation defensible. The test is wholly delusive.

I will pursue the investigation of this branch of the subject no farther, but will return to the argument of my colleague. He is astonished that the aggregate amount under the various heads of contingencies should go beyond $400,000. True: but amid the numerous, very numerous, items constituting this aggregate, has he selected one which he has attempted to prove to be unnecessary? So far from attempting an *argument* of this character, he has not even made the assertion. These contingencies apply to a vast variety of objects in all the departments of the Government, and comprehend many details of unavoidable expenditure. It is not, therefore, surprising, that the total should reach the gross sum he has mentioned. But the total, though large, as he asserts, cannot of itself be a proof of extravagance. This charge can be made good only by showing that some of the items were uncalled for. I do not ask of him an impossibility; I do not ask him to *prove* any of them to be unnecessary: I but ask him to point out one which he conceives objectionable, and I will undertake to demonstrate—which I think I can do with but little difficulty—that it is just, proper, and indispensable.

But as my colleague will not venture on details to substantiate his allegations, I will meet him on his own ground, fight him with the weapons of his own selection, and under the rules prescribed by himself. The administration of the gentleman from Massachusetts [Mr. ADAMS] is the model to which the attention of the country has been invited. To satisfy the scruples of my colleague, I will institute a comparison between the expenses of the civil list proposed by this bill, and the same class of expenditures under that Administration, and prove to him, in the only way which can apparently convince him, that his charge of extravagance is utterly groundless. But allow me to direct his attention to some important facts, the knowledge of which is essential to a perfect elucidation of the subject. Since that period, there has been a vast increase in our population: two new States have been added to the Union; many additional judges have been appointed; the circuit and district court systems have been extended to all the States, having been established not only in the new States, but also extended in the old ones, where formerly they did not exist. With all these reasons for additional expenditures, an increase was inevitable. Does my colleague remember what was the amount of the civil list then? From principle and habit, I shall adhere strictly to the question before me, and not wander into the discussion of matters extraneous and irrelevant. Can he say what was the amount of the civil list in the days of economy—I mean during the administration of the gentleman from Massachusetts? I will will inform him? It was:

For the civil list proper - -	$1,327,069 36
Miscellaneous - - -	1,634,517 30
Foreign intercourse - -	207,765 85
Making an aggregate of - -	$3,169,352 51

Such was the civil list at the period to which we are referred for our model. But this amount, it is alleged, has been immensely and unjustifiably transcended since. Let us examine the soundness of this position, by instituting the comparison to which I have been invited by my colleague. The expenditures for 1829, which has been selected by a gentleman on the opposite side, amounted, as I have already said, to $3,169,352 51; for this year the appropriation required is $4,973,000. There has been, I admit, an increase; but is it extravagant and unjustifiable? Let facts answer. In the first place, the session of 1829 was a short one; the session this year a long one. The census has been taken since that year, and the number of members of Congress increased. From these two circumstances, the expenditures of the two Houses of Congress must be greatly augmented.

[Mr. WISE. Will my colleague tell me if he includes the Post Office?]

Mr. JONES. At present unquestionably not. My observations have been explicitly confined to the expenditures of the two Houses of Congress. When I reach the Post Office, my colleague shall be informed of the fact. But to resume. For 1840, the amount required for pay and mileage of members of Congress is estimated at $668,000

Under Mr. Mc. Adams's administration it was - - - - $304,000

Making a difference in this item alone of $364,000

This branch of expenditure is definitively fixed by law; and consequently the Administration is not responsible for the disparity apparent between the two periods. Yet the pay and mileage of members form a large portion of the increase, which has been denounced as extravagance.

I wish my colleague to note carefully the facts in the comparison. I am solicitous to furnish him the data, which may enable him to come to a correct conclusion. The contingent expenses of this Congress amount to - - - $395,000
At the former session, to which we are referred, they were but - - $155,000

Here is an increase of - - $240,000 which my colleague will hardly charge upon the Executive. If censure fall any where, he and I must submit to take our fair proportion of it.

I now give notice to my colleague, that it is my purpose to examine the expenditures in the Post Office Department.

For this year they amount to - $158,000
In 1829 they were - - - $67,000

It is known to all, that in order to keep pace with the rapidly growing and extending population of our country, it has become necessary greatly to extend the mail facilities. This circumstance alone justifies a great increase of expenditure for this object. Moreover, as far as the revenue of the Department would allow increased mail facilities, the interests of the people have been looked to, and their wishes complied with: care being taken that the expenditure should not exceed the income. The increase of mail routes and post offices, rendered an addition to the number of clerks in the Department also necessary, where it is admitted that men work with more untiring industry than in any other Department of the Government. This necessary increase of expense appears to me to be beyond the pale of the gentleman's censure.

The expenses of the Judiciary have been unquestionably much enlarged. But does not my colleague know that more judges have been added to the bench of the Supreme Court—more to the District Courts? Was any objection made to the additional judges on the passage of the law providing for their appointment? The measure was popular, and but slight objection was made to it from any quarter. If this be so, is the Administration to be charged with extravagance because the courts cost more now than they did ten years ago?

[Mr. WISE. I shall vote any thing for the Judiciary.]

Mr. JONES. My colleague will vote any thing for the Judiciary. He will unhesitatingly accede to any increase of expenditure for this single department. He admits, then, that the expenses under this head must be necessarily progressive; but not so in reference to other branches of expenditure: for them no increase is to be tolerated. I congratulate my colleague for extending his benevolence even to the Judiciary. To this increase of expenditure he has no objection to make; and yet the addition to the appropriations for this object constitutes no small item in the aggregate of expenditures which he so strongly condemns.

In 1829 there was drawn from the Treasury to defray the necessary expenses of the Judiciary, the sum of $239,000, while for the service of 1840, $429,000 are estimated to be indispensable: making a difference of $190,000. For this difference, though great, my colleague can find a full justification, and he extends over it the mantle of his approbation. He then should not only approve the expenditure, but in his calculations deduct it from the aggregate, which he characterizes as extravagant.

But there are other deductions, which, in justice, he is called upon to make. Can he find no sufficient reason to justify the increased expense of surveying the public lands? He must know that the quantity of land brought into market during the last three years, greatly exceeded in each year, that which was sold in 1829. The increase in the demand, rendered necessary more extensive surveys,

and consequently the employment of a large force of surveyors and assistants; the establishment of new land offices, with their inseparable appendages—in a word, the enlargement of the whole land office machinery.

The immense accession to the quantity of lands sold within the last few years, warrants the increase of expenditure in this department. Purchasers for the lands appeared; for their benefit and accommodation, the surveys were made. The quantity of land sold, justifies the extent of the surveys, and the extension of the surveys involves a pro rata increase of expense. Here, then, we have another item to be deducted from the sum total denominated extravagance. The subtraction of $175,000 will produce a material diminution in the excess complained of, in the civil list of the present year.

But it may be said, granting the validity of the reasons which vindicate the excess of the present appropriations over those of 1829, what argument is there to justify the reckless prodigality which asks for a sum this year, so surprisingly disproportionate to the amount required last? The explanation is easy. Last year, and the year preceding, large balances of former appropriations remained unexpended, which were adplicable to the service of those years. The reasons why larger sums had been asked at former periods, than were actually expended, are too obvious to require explanation. As these balances remained, but very small sums were asked and appropriated for those two years. Now, all the appropriations have been exhausted, and consequently, the appropriation for the present year must be sufficient to cover all the anticipated expenses of bringing into market the immense quantity of land which it is proposed to survey and offer for sale.

There are still other deductions to be made from the aggregate of alleged extravagance; but these will not require an elaborate detailed investigation I shall bring the items to the view of my colleague as rapidly as possible, and thus satisfy him of the injustice of his accusations. In 1829 there was but one mint, the operations of which created a charge on the Government of little more than $95,000. Since that time, gold has been found in large quantities in many portions of the Southern country, which has led to the establishment of three branch mints; and now the annual expenses of the four amount to $138,000. In passing I may observe that the appropriation for the principal mint in Philadelphia this year, is one-third less than was required for it in 1829. Again, in that year there was drawn from the public Treasury only $55,000 to defray the expenses of the Territories, while for the same branch of expenditure, $123,000 are required at present. For the increase incurred for these objects, my colleague will not venture to inculpate the Administration; nor can he, with any show of reason, charge it with unwarrantable extravagance because more public buildings are in progress of erection in this District and elsewhere, than there were at the period referred to: since, owing to causes against which human providence cannot always guard, several costly public buildings have been destroyed by fire, and the erection of others more durable rendered necessary. In 1829, $83,000 were required for this purpose; now not less than $474,000 are wanted. Then $391,000 more, must be subtracted from the amount of what my colleague denounces as extravagance.

Again, he must know that various circumstances have tended to enlarge the number of the diplomatic corps, and to increase the expense of our foreign intercourse; commercial relations have been established under treaties with nations, with which, ten years since, we had no such connection. That this item of expenditure should be greater now than it was in 1820, cannot fail to strike all, as unavoidable. Under this head, he must subtract $34,000. When all these equitable and professedly necessary deductions shall have been made, he will find the charge of extravagance not only not justly imputable to this Administration, but that it recoils upon that which has received such overwrought eulogies from himself and his friends for its economy. Many of the items that swelled the amount which has elicited his denunciations, have been rendered necessary by the gradual increase of the wants of the nation, arising from the enlargement of our population, and the other causes incidental to increasing prosperity and resources; others, such as the public buildings, are contingent and extraordinary, but necessary and proper. I have gone through the principal details, which have contributed to expand the aggregate of expenditure provided for by this bill, and which has been called extravagant. I shall now collect them in one table, and by subtracting their sum from the whole amount in the bill, it will be clearly seen, that so far from deserving censure for its prodigality, this Administration merits commendation for its economy.

The whole expenditure for the civil list, miscellaneous, and foreign intercourse, for the year 1840, amounts to - - -	$4,972,000
For the same objects in 1829, there were required - - -	3,169,000
Making a difference in favor of 1829, of - - - - -	$1,803,000
But the sums which I have shown not to be liable to the charge of extravagance, must be deducted from this difference, viz:	
For the pay and mileage of members of Congress - - - -	364,000
For the contingencies of Congress -	240,000
For the increased expenses of the Post Office - - - -	91,000
For the Judiciary - - -	190,000
For surveys of the public lands -	220,000
For the expenses of the mints -	43,000
For the Territories - - -	68,000
For public buildings - - -	391,000
For the diplomatic corps - -	34,000
Altogether making the sum of -	$1,641,000
Which, subtracted from the amount against 1840, will leave the small sum of - - - - -	$162,000

Thus by a careful examination of a few items of the bill which I have discussed, I show distinctly, that after a lapse of ten years in a country of unprecedented growth, the prodigality of this extravagant Administration has increased the civil list but 163,000 dollars. I leave the question here, although still further deductions might be made.

It cannot have escaped the attention of the committee, that in the preceding argument I have yielded every advantage to the opponents of this bill. I admire the tact which selected the year 1829 to bring it in contrast with the present But confident in the cause I am defending, I followed their lead, and joined issue with them on their own ground. Why that year was so cautiously chosen I have already intimated. But even with this disadvantage, I think I have demonstrated the charge of extravagance to be groundless.

But my colleague does not like details. It is due to him that he should be gratified, and that the question should be argued in the manner which he prefers. By adopting his mode of reasoning, I shall show that it is not only fallacious and inconclusive, but unjust. The administration of the gentleman from Massachusetts has been held up to us, as a model of economy, and the subsequent administrations have been denounced as extravagant. Suffer me for a moment to adopt his mode of reasoning, and comparing the aggregate expenditures of one year of the Administration when economy was the order of the day, with a year in the Administration that succeeded it. In 1828, (one of Mr. Adams's administration) a year of economy, the whole amount expended for the civil list, miscellaneous and foreign intercourse, was $3,826,579; in 1830, (one of General Jackson's,) a year of extravagance, the amount expended for the same objects was $3,469 616; the extravagance costing the country about $357,000 less than the economy. Such is the result of the mode of reasoning adopted by my colleague, when applied to the appropriations provided for by bills at the period to which I have referred. According to his method of argument, the inference is irresistible, that the year 1828 was one of most faulty extravagance. Perhaps he will not yield his assent to this; but it is just as fair, and the conclusion as fairly deduced, as the one he has reached in reference to the appropriations in this bill.

I have now presented to the committee the reasons which appear to me satisfactorily to account for the difference between the amount appropriated in 1829 for the civil and diplomatic expenses of the Government, and that proposed to be appropriated by the bill under consideration, for the same objects in 1840, and which, to my mind, clearly rebut the charge of extravagance urged by my colleague with so much confidence.

13TH APRIL.

Mr. WISE next obtained the floor, and insisted on the ground he had before taken in reference to the extravagance of the present Administration; in illustration of which, he went into a comparison of the expenditures under the different Presidents, from General Washington downward; concluding the whole by stating, that this Administration had doubled the expenditures of its illustrious predecessor.

Mr. JONES rose in reply. Mr. Chairman: The remarks of my colleague again render a brief explanation incumbent on me. I wish merely to call the attention of the committee to a single view which has been taken by him. I am so antiquated in my notions of the propriety of debate, that I have endeavored to adhere scrupulously to the subject under discussion, and have steadily resisted every attempt to lead me into an argument on extraneous matters. My minuteness may have exposed me to the necessity of responding to numerous interrogatories, which my colleague, in his zeal, has chosen to propound; but my opinion of the correctness of the views I have presented, is still unchanged, notwithstanding the authority of contrary opinions which have been advanced in the discursive debate, that has taken up the time of the committee for several days.

Those presented by my colleague have evinced a full proportion of this erratic spirit. He has not attempted to rebut any proposition which I have submitted; he has not pretended to discuss any question which is calculated to contribute to a full understanding of the bill. Instead of confining himself to the path marked out by the laws of reasoning, and the rules of debate, restricting himself, as I have attempted to do, to the bill under consideration, he has preferred to furnish us with indistinct outlines of the history of every Administration, and to give a comparative view of their general expenditures? And what conclusion has he established by his labor? Why, that there has been a *gradual* increase of expenditure from the days of Washington down to the present time.

[Mr. WISE. Not gradual.]

Mr. JONES. Notwithstanding the dissent of my colleague, I still maintain the augmentation of expenditure to have been gradual in the whole lapse of time to which I have referred; and that the increase has steadily progressed with the increase of population, and the enlargement of resources, until the total of expenditures has reached, as my colleague says, the enormous sum of thirty-seven millions of dollars; or, to speak more correctly, for I wish here to have the full benefit of the amount, until it has reached the sum of more than thirty-nine millions of dollars.

[Mr. WISE. I spoke of the average.]

Mr. JONES. I do not design to follow my colleague through the whole range of his argument. The tediousness of such a reply would be wholly unnecessary. I will meet him in his strongest hold—I will take the case which, in his opinion, operates most forcibly against me; and I feel no apprehensions for the result.

Assume the greatest amount yet expended under any Administration to have been in the year 1838, reaching the total of more than thirty-nine millions of dollars. This sum, my colleague asserts, is threefold the expenditure in any year during the administration of the gentleman from Massachusetts, [Mr. ADAMS] I make no comment at present on the accuracy of this assertion; but, for the sake of the argument, grant the correctness of the statement. I am called upon to account for the difference, and I will do so. To make this exposi-

tion, I have once more obtruded on the attention of the committee.

To simplify my explanation, I shall institute a fair comparison between the expenditures of 1826, the second year of Mr. Adams's administration, and 1838, the second year of the administration of Mr. Van Buren. In the comparison, I not only manifest perfect fairness towards my opponents, but yield them every advantage they can desire.

The gross amount of all expenditures for 1838, was - - -	$39,455,438 35
For all the expenditures in 1826, there were required only -	24,103,399 46
When one sum is deducted from the other, a balance is left against 1838 of - - -	15,352,038 89

[Mr. WISE inquired whether the gross amount referred to during the administration of Mr. Adams, did not include ten millions of public debt.]

Mr. JONES. If my colleague will endeavor to put a slight curb on his impatience, he shall soon be satisfied on this, as well as on other points, against which his objections have been directed. I am unwilling to desert the order of explanation which I proposed for myself when I rose; but to indulge him in all his requisitions, I inform him that, while it is true, that more than ten millions of the gross expenditures of 1826 were for payments on account of the public debt, it is also true, that more than five millions were expended during this year of the administration of Mr. Van Buren for the same object.

[Mr. WISE. Strike both sums out.]

Mr. JONES. As the omission of both sums might be supposed to furnish me an advantage in the argument, my colleague will permit me to concede to him the benefit of retaining them. I have nothing to withhold, nothing to conceal. My conclusions have been reached through an honest and assiduous investigation. The inferences, which I have honestly made, I intend frankly to state. Where all is upright, concealment and subterfuge, if under any circumstances I could be induced to resort to them, are unnecessary. I do not design to ask the attention of the committee to an elaborate display of minute numerical statements: in a speech such details must be tedious, uninteresting, and unintelligible. I shall select for comment, from the gross expenditures, the largest and most striking items. These, without the mention of small sums, will be sufficient for illustration and proof. But in presenting my comparison, as I have already said, I wish to make every concession, to yield every advantage; and, therefore, instead of complying with the suggestion of my colleague, to strike out the amounts required for payments on account of the public debt, I shall, in accordance with my ideas of perfect fairness and liberality, include them in my comparison of the expenditures of the two years, in which my comments are intended to be made.

The payments on accounts of the public debt in 1826, were	$11,041,082 19
For the same object in 1838,	5,607,720 27
The one amount subtracted from the other, will leave an excess against the latter year, of	5,435,361 92
This last sum, added to the excess of expenditure given above, of	15,352,038 89
Will form a gross amount in 1838 over 1826 of	20,787,400 81

This excess, though great, I am prepared to show cannot make good the charge of extravagance; and if my colleague will take the trouble to deduct the sums expended for objects extraordinary and indispensable, during the administration of Mr. Van Buren, but not required under that of Mr. Adams, he will discover, however, reluctantly, the amount of disbursements in the two years, to vary but slightly.

In the year 1838, the amount expended for pay of the army, subsistence of officers, subsistence and forage, was - - - $2,559,758 08

In 1826, the second year of the administration of Mr. Adams, the amount expended for the same objects was only - - - $1,307,759 34

Leaving an excess against 1838 of $1,251,998 74

Here is a great augmentation of expenditure in this branch of the public service. But the whole amount was applied to the support of the army. The increase of the army was not the offspring of the Administration only: it was a measure sustained by both parties, deemed unimportant by both sides of the House. It was not a project of the Executive and its friends alone, but received the cordial and zealous support of many of their opponents. If there existed a necessity for the increase of the army, if even in the conception of the party adverse to the Administration, the increase on account of peculiar circumstances was judged indispensable, surely the friends of the measure cannot, in fairness, throw the culpability of an expenditure which they advocated on the Administration. If, in this instance, there be faulty extravagance, the Administration can boast as partners in its guilt many of those who now condemn it.

[Mr. WISE. I never voted for the increase of the standing army, but this Administration recommended it, and this is one of the very sins with which I charge it. I charge it not only with its extravagance, but with its increase of the standing army.]

Mr. JONES. I wish to do injustice to no one—certainly not to my colleague; but if he was opposed to that measure, he should recollect that I voted against it also; and while he and I accorded in our sentiments on this subject, many of his friends voted for an enlargement of the military force. They, and those who voted with them, deemed such an increase indispensable, on account of our having a more extended frontier to protect, made necessary by the removal of the Indians, the existence of Indian hostilities, and for the requisite garrisons for the fortifications on our extended seaboard. But if the army had not been increased, there is still sufficient reason to justify enhanced expenditure for its support in one year beyond what may have been required in another. The cost of provisions, of clothing, of transportation, of camp equipage, is not always the same; and variation in the price of these and other articles required for the army must justify a correspondent variation in the total expenditure necessary for its maintenance. The cost of subsistence, &c. in 1838, exceeded the same item in 1826 by the sum of $571,282.

Supposing that I have furnished my colleague—or, at all events, some of his friends—with a sufficient reason for subtracting the sum I have mentioned from the amount of alleged extravagance, I will now proceed to the examination of another item:

In 1838, the expenditures for fortifications, armaments, repairs, ordnance department, cannon, shot, and powder, were - -	$1,123,162 85
In 1826, the expenditures for the same objects were - -	835,121 07
An excess in 1838 over 1826 of -	288,041 78

To justify the increase in the cost of ordnance, &c. I need but mention a fact which none will dispute, that, since the year 1826, there has been a necessary addition to the naval force actually in service; and, to say nothing of the additional supply of ordnance required for fortifications, my colleague, with all his zeal of opposition, cannot make the same assertion with respect to this branch of the service, that he just now ventured in regard to the army. He has always manifested a disposition to put no restrictions on his liberality when the prosperity of the navy has been involved.

[Mr. WISE. I hope my colleague will permit me to interrupt him once more. If I had my way, I would vote twenty-five millions per annum for the navy, instead of five. But I ask my colleague, while the expenses of the naval establishment have increased, have we a larger force on the ocean? I ask him to tell his constituents and mine what force we have in the Pacific, what on the West India station, on the Mediterranean station. If I am wrong—and would that I were—let gentlemen contradict me. We have one, and only one, vessel that is respectable. In the face of a threatened war, at this moment, while Great Britain has battery upon battery frowning down upon any vessel that bears the stars and stripes—while she has hundreds of ships on that station, you have but a solitary ship to meet the power of Great Britain. And still the gentleman tells us there is an increase. I say that the navy department is in a worse condition than it was five years ago.]

Mr. JONES. My colleague has finished his episode; I am aware it cannot be made to harmonize with my work. It is obvious to the committee that while his spirit of opposition is so indiscriminate and uncompromising, it is scarcely possible that our views can be made to accord. I ask not for liberality, but for sheer justice; he extends to me neither. If there be a measure for which he will not vote, and it increases the annual appropriations, it is denounced by him as reckless extravagance; but if there be one which he approves, increasing the expenditure not five millions, but twenty-five millions per annum, we are condemned with the same equitable consistency, because we shrink from giving our concurrence to his schemes of thoughtless prodigality.

[Mr. WISE did not complain. He said that the Administration had not spent twenty-five millions, but that it had spent less than five or six millions. He complained, that with an excess over the amount expended in Mr. Adams's administration, the party in power had nothing to show for the increase, and that the navy was in a worse condition than it was then. His colleague would certainly excuse the interruption, when he called to mind the fact, that in setting out, he (Mr. J.) said, he would show item by item that the increase of expenditure would be justified by objects which all would admit to be necessary and proper. He (Mr. W.) would admit that the navy is a proper object of expenditure; but the question was, what was there to show for the navy, from what had been spent?]

Mr. JONES. I make no objections to any explanations or interrogatories which my colleague may choose to make. A reply to such interruptions is a courtesy which usage has established, and which I am willing to extend to him or to any other. I have but to complain that his brief explanations are too frequently expanded into protracted speeches. He wishes he may be in error when he asserts that there is but one respectable vessel in the Mediterranean. I think I can relieve his apprehensions on that score. We have in that sea not only a ship of the line, but also a frigate of the first class, and a corvette; three respectable ships, constituting a force, found amply sufficient in time of peace to protect our commerce, and to fulfil all the purposes for which cruizers are wanted. Nor is he less in error, when he asserts that our naval force can boast of no improvement since the Administration of Mr. Adams. On the contrary, it has been greatly augmented. For since that period there have been launched one ship of the line, and two frigates, besides seventeen vessels of inferior classes.

But, Mr. Chairman, being unwilling to consume too much time in incidental remarks, I will digress no farther, but continue my analysis. When I said I could demonstrate, by a fair comparison, that the expenditures of 1838, vary but little from those of 1826, I did not make the assertion with any confident anticipation that I should be able to subdue the fixed opposition of my colleague. He is not easily susceptible of change. Pride of opinion, and respect for appearances, raise impregnable barriers in the way of open admission of error. But I trust that others will not be disposed to disregard the strong language of facts.

In the year 1838, the whole amount expended for the War Department, including annuities and disbursements on Indian account, except the charges for the Creek and Seminole wars, was - - - - $5,564,223 75

1826, the expenditure for the

War Department, Indian annuities, and treaties with the Indian tribes, was - - - 753,247 54

Being an excess in 1838, over 1826, of - - - $4,810,976 21

An immense difference between the two Administrations is perceptible in this single item. The excess forms a large deduction to be made from the sum of alleged extravagance. These five millions of dollars have been indispensably required for the purpose of concluding Indian treaties, for removing Indians beyond our territorial limits, and for extinguishing Indian titles within the States. These measures received general sanction, and I presume it is a policy which no party would now be disposed to change.

We have succeeded in removing from our borders hordes of restless and ruthless savages, secured peace and quiet to the inhabitants of those States from which they have been removed, and acquired the possession of immense tracts of valuable land. The policy was approved by our opponents; but the expense necessary to be incurred, in order to carry it out, is denounced in unmeasured terms. If the disbursements in 1838 were extravagant, they were the effect of the policy to which reference has just been made. The cause should be blamed, not the effect; the law is in fault, not the expenditure. You vote willingly for a bill which all know must lead to vast expenditures of money, and condemn as extravagant the very expenditures which you yourselves have authorized.

But there are still further expenditures, in which the Government has been involved by the attempt to remove the savage aborigines from our territory. We have been forced into a war by the philanthropy which prompted the dissociation of the Indians from the whites. The consequence was, that the amount required in 1838 for preventing and suppressing Indian hostilities was $3,804,359 20, while, in 1826, there was no requisition on the Treasury for any such object; not a dollar was then wanted for such a purpose. But, had such an expenditure then been necessary, is there any man of any party who would have refused to draw the last dollar from the Treasury, if he could by such *extravagance* have saved but one woman or one child from the butchery of the savage? And yet the present Administration has been the object of no measured vituperation, because it has been obliged to appropriate, for the protection of our women and children, large sums not called for under the administration of Mr. Adams, when there existed no Indian war within our borders. Were the millions expended during the late war in defence of our honor, and to protect our soil from foreign invasion, an extravagance of the Administration? Was the debt entailed upon us by that struggle an extravagance? If so, the hundred millions of debt which have since been paid, must, I presume, be also denominated extravagance. I know that war was by many thought wrong—I know that many deemed it irreligious and immoral to rejoice for victories achieved by our brave troops over the common enemy of our country—but I also know my colleague is not to be ranked among such zealots in opposition to that war.

[Mr. WISE. I was always a Democrat.]

Mr. JONES. I know he was a good Democrat when he was elected to his present dignified station.

[Mr. WISE. I am a better one now.]

Mr. JONES. My colleague was *elected* as an opponent of Mr. ADAMS. He came into office, if I do not mistake, on the shoulders of General Jackson; he was then a good Democrat.

[Mr. WISE said he had always (God forgive him) gone with his colleague in support of General Jackson; but he [Mr. W] never came here on the shoulders of General Jackson; on his own independent character he came here, indedendent of the power or the influence of General Jackson. The very first session he was undeceived as to his principles; he [Mr. W.] saw that neither General Jackson nor his party belonged to the Democracy at all. He stood where he was, on his Democratic ground; they had left him, he had pursued an independent course, and had never for a moment truckled to the power of General Jackson.]

Mr. JONES. Mr. Chairman, perhaps in the warmth and hurry of debate, I may unintentionally have employed language conveying a much stronger meaning than I wished; I was far from intending to make any insinuation against the independent character of my colleague; I meant only to say, that by being the friend of General Jackson, he was aided by the popularity of that distinguished individual, in attaining the object of his youthful ambition—a seat on this floor; and when he asserts that he has been deserted by the Democracy, and derives to himself consolation from the position assumed, he will find it difficult indeed, to satisfy the tens and hundreds of thousands of the true Democracy of the country, who have never for a moment faltered in their onward course, of the sufficiency of the reason he now assigns.

He expresses a hope that God will forgive him for supporting the cause of General Jackson. Sir, if my colleague has a comfortable assurance of forgiveness for the political sins of which he has been guilty since that day, and there be truth in Holy Writ, let me assure him, that those which appear to disturb him, will be blotted out no more to be remembered against him.

But let me return from this digression, and proceed with the analysis. The amount expended for the surveys of ports, harbors, breakwaters, military roads, and other schemes of internal improvements in 1838, was $1,188,876 66.

In 1826 not a dollar was expended on any such objects.

[Mr. WISE here inquired if the Executive did not furnish estimates for those improvements? He asked his colleague to tell his constituents whether the majority of the New York delegation at that time were Whigs or Locofocos. He wished their votes to be shown on this subject of harbors in the State of New York; he wished his colleague to tell his constituents what made the fortune of the present Minister at the Court of St. Cloud, of our then Secretary of War, of Lewis Cass; but the harbors and improvements on the Northern lakes: my colleague shall not escape.]

Mr. JONES. Mr. Chairman: I am incapable of subterfuge or evasion, and my colleague, if he knows me at all, will vouch for my assertion. I have indulged in no reasoning, relied on no fact, which can have a tendency to lead me to any other than a fair and just conclusion. I am in no position from which I desire to escape; nor do I intend that he shall escape from the perplexities in which he is involved; nor shall he make me a participant in the difficulties with which he is shackled. I again repeat that I shall not permit him to escape; and consequently I shall not permit myself to be led off from the discussion of the question at issue. He shall not allure me from a discussion of the affairs of the nation, into an examination of the private affairs of Lewis Cass, or of any other individual. I am already sufficiently employed by the duties which my station imposes on me in the investigation of the numerous important questions which daily come up for discussion, without wandering from the appropriate sphere of those duties, to discuss the affairs of any individual whatever. Nor is this the proper time for any such discussion. Shall I in conformity with my own views of the rules of argument, adhere closely to the topic under consideration. An enemy to subterfuge, I am equally unwilling to become its dupe. If the affairs of Mr. Cass should be brought up in a proper form and at a proper time, I shall not be found to shrink from the investigation.

I have but one other remark to make on this branch of the subject. The gentleman from Massachusetts [Mr. CUSHING] has volunteered to demonstrate that it was through the instrumentality of the Whig party that the harbor bill was carried through; he claimed it as their measure. My colleague controverts the assertion. It is not for me to become the arbitrator of their differences. I shall leave them to settle their own dispute. If they can settle the difficulty between themselves, be it so. I shall certainly not be found using any effort to disturb their harmony.

But to proceed to the next item of alleged extravagance. My colleague will surely not complain of the extravagance which pays to the pensioners of every class the pittance allowed them by their country's gratitude. He will not denounce as extravagance the sums paid to those who, in the days which tried men's souls, perilled their lives and poured out their blood on the battle field, in defence of the rights and liberties which he and I this day enjoy. And yet a large item in the amount now denounced as extravagance, is an excess paid under existing laws to this class of our citizens. In 1838, the amount paid for pensions was - - - - $2,113,418 79
In 1826, it was - - - $1,556,593 83

Making an excess in 1838 over 1826 of - - - $556,824 96

[Mr. WISE said that he never would deny any sum, which the Administration might have appropriated for the descendants of our Revolutionary sires, for Revolutionary services; and he said it with more pride than he took in any other subject, that more claims for Revolutionary services came from the consecrated district he represented here, than, probably, from any other district in the United States. Almost every man that was captured at Germantown during the Revolutionary war, came from Accomac and Northampton, Virginia. Almost every spot in that district was a soldier's sepulchre. He believed, however, that this Administration deserved a deeper and more damning curse for the frauds it had countenanced in these very Revolutionary claims, than for any cause whatever. Mr. W. proceeded to state, that the most gross and palpable frauds had been committed, while many of those who were entitled to pensions had never received a cent. He had been informed that some of the officers of the Government had been concerned in admitting claims, which never ought to have been passed.]

Mr. JONES. My colleague has thrown into my speech another episode of illegitimate length. But of this I will not complain, since it concedes all I could desire. He admits that there is no extravagance in the increased amount required for the payment of pensioners; but his complaint is that frauds are countenanced by the Government in the settlement of these claims. This is the charge. Sir, if the frauds of which my colleague speaks do, in point of fact, exist, he will find my denunciations of them no less earnest than his own, and my zeal and labor for their correction no less assiduous. But I must be first convinced of their existence, before I will undertake either to punish those to whom guilt is imputed, or to denounce them, especially when we have six committees clothed with ample powers of investigation. These committees, we were told at the commencement of the session, were appointed for the special purpose of thoroughly investigating all the departments of the Government. Their chairmen are known to be as zealous and decided opponents of the Administration as are to be found on this floor. They are confessedly men of ability; they are not only competent, but willing to investigate frauds, if they exist; they unquestionably are not disinclined to arraign any man friendly to this Administration, who may come within their jurisdiction, and is suspected of countenancing any fraudulent transaction. If these frauds exist, why have they not been discovered by your committees? Heretofore it was alleged that frauds could not be detected, and their authors exposed, because the committees were packed. Until the present session, the committees were said to be composed of a majority of the friends of the Administration, who were unwilling to make public, even if they knew of, the existence of dishonesty. Now there exists no such excuse. If the alleged frauds are not discovered, it cannot be said to be attributable to the unwillingness of the committees to expose to public view the crimes of the party in power. The doors for examination are thrown open as wide as gentlemen could desire. These committees are composed each of five members, three decided and zealous opponents of this Administration, and two of its friends. Constituted as they now are, I must believe that if frauds were countenanced by, and disgraced the Government,

as my colleague alleges, they would long since have been detected and exposed. The discovery not having been made, the conclusion is legitimate that they are either imaginary, or else my colleague has suffered himself to be deluded and deceived by common rumor. Upon such grounds no charge should ever be sustained, for we all know that common rumor is a common liar. Let the facts be exhibited—let the alleged frauds be proved; and I, as well as those with whom I act, will go willingly with him, not only to expose them, but to visit upon their authors the severest punishment for so high an offence.

I return to my figures. In 1838, the expenditures for the naval establishment were $6,131,580 53

In 1826, for the same object, they were - - - - 4,257,476 43

Making an excess in 1838 over 1826 of - - - - $1,874,104 10

When, by reference to the history of this branch of the public service, it is seen that there were more ships in commission in the latter year than in the former, and when my colleague himself now not only calls for an increase of that force, but is loud in his complaints because it has not been provided; when we know that the number of officers and men has been necessarily greatly enlarged, and their pay, by the act of 1835, also increased when in active service, surely there can be no pretence whatever on his part for the charge of extravagance, because, under such circumstances, the navy cost more in 1838 than it did in 1826. The navy, with all parties, is the favorite arm of our national defence; and very few, if any, of the opponents of the Administration, voted against these increased appropriations. They knew an accession to the naval force in commission to be necessary for the protection of our commerce. They cannot, therefore, in justice or consistency, condemn as extravagance what they themselves approved, because considered indispensable.

Nor can the trust funds paid out by the Government in 1838, be charged among the expenditures of that year. These funds, I need scarcely remark, form no part whatever of the public expenditures. The term explains itself too clearly to require a definition. They are nothing more than sums—as, for example, the Smithsonian bequest—deposited in the care of the Government; and consequently, though charged on the books of the Treasury, cannot be included in the list of expenses. Yet the amount of these funds entrusted to the Government and paid out in 1838, was $2,305,321 89

In 1826, the amount of funds of the same description was only - 266 47

Leaving the large balance of - $2,305,055 42 which must, in fairness, be deducted from the total of alleged extravagance.

It can scarcely require an argument to prove that the amount disbursed for indemnities in 1838, should not be charged to the Government, in order to swell the amount of expenditures with a view to make good the charge of extravagance. If, as has frequently been the case, foreign powers commit aggressions on the rights of our citizens, and deprive them of their property, and the Government shall afterwards redress the injuries, by obtaining indemnities for these spoliations, and become the mere agent or trustee for paying to its citizens the amount thus recovered, it would indeed be drawing largely upon the credulity of the people to attempt to show that a faithful execution of the trust is to be converted into a charge of extravagance. And yet, strange as it may appear, those who keep constantly held up to public view the gross amount of more than $39,000,000, which they charge to have been expended by this Administration in 1838, not only make no deduction on account of funds thus paid out, but they do not even venture an explanation.

In 1838 the amount paid on account of indemnities was - - - $975,577

In 1826 paid on the same account - 9,967

Making the sum to be deducted - $965,610

There is yet another very large sum which, in fairness, must be deducted from the gross expenditures of 1838. I allude to the amount disbursed in that year in the construction of durable fire-proof buildings, for the preservation of the public archives, records, &c. &c. This branch of expenditure was not ventured on by the Administration, until experience had taught the lesson, how impolitic and hazardous it was, to confide the most valuable trusts to buildings constructed of materials which render them liable at any moment to total destruction. This expenditure, so far from being extravagant, is plainly dictated by the soundest economy. It is temporary and contingent in its character, and few, I think will deny, that it would have been more conducive to the public interests had it been met at an earlier day.

The large sum of $1,009,084, the excess paid for public buildings in 1838 over the sum required in 1826, must, in fairness, be deducted from the aggregate expenditures of 1838.

But it is unnecessary, for the purpose of my argument, to weary the attention of the committee with comments on every minor item of appropriation which necessarily swelled the expenditures of 1838 beyond those of 1826. To most of the former, my colleague, I believe, gave the sanction of his vote; or, to avoid the invidiousness of particularizing him, I shall say that a majority of his political friends gave them their support. In justice, therefore, all those appropriations which they approved, or which all allow to be indispensable, must be subtracted from the sum of alleged extravagance. They must therefore deduct the sums contained in the exhibit I here furnish, in addition to the large items commented on already:

$439,000 00	For the protection of the Northern frontier, for which object nothing was required in 1826.
262,614 00	For building light-houses, beyond the sum required in 1826. The increase in the number of the establishments deemed necessary by Congress principally for the convenience and safety of the mercantile interests, justifies the addional expenditure.
97,242 00	For mints. Three branch mints having been lately established accounts for the excess.
113,860 00	Excess in pay of Senators, owing to the increase of their number and the length of the session.
120,910 00	Excess in the contingent expenses of the Senate, increase of business requiring more printing &c.
189,744 00	Excess in the compensation of the members of the House, accounted for by there being twenty more Representatives, and by the length of the session.
177,617 00	Donations in money to the District of Columbia, an occasional expenditure only, accounted for by the peculiar circumstances of the District.
454,586 00	For duties refunded. There was no such charge on the Treasury in 1826.
161,413 00	For the Exploring Expedition. There was no such expenditure in 1826.
186,878 00	The difference between the expenditures for the Military Academy in the two years.
190,354 00	For the salaries of custom-house officers, paid out of the Treasury, from 1833, to render their salaries equal to what they were prior to the tariff act of that year.
$2,394,218 00	Form the sum total of these smaller items.
1,251,998 74	To this amount add the aggregate of the various divisions of indispensable and approved expenditure, on which my remarks have been extended to greater length, viz: Excess in 1838 for the pay and subsistence of the army.
288,041 78	Excess for fortifications, &c.
4,810,976 21	For the Indian Department.
3,804,359 20	For preventing and suppressing Indian hostilities.
1,188,876 66	For surveys of ports and harbors.
556,824 96	For revolutionary pensions.
1,874,106 10	For the naval establishment.
2,305,055 42	For trust funds.
1,069,084 00	For public buildings.
965,610 00	For indemnities.

$20,449,151 07 make the total to be subtracted from the excess of 1838 over 1826. When the subtraction is made, it will be perceived, at a glance, that the charge of extravagance cannot be sustained. That excess amounts to $20,787,400; leaving the very small sum of $338,249 of excess of expenditure in 1838 over 1826; an excess which could be very easily accounted for by a more minute examination of the expenditures of the two years.

But my colleague cannot be made to understand how it is, that $39,455,438 35, disbursed in 1838, is not to be denounced by all, as prodigality in the extreme, when in 1826, a year of economy, as we are told, the expenditures were but $24,103,399 46; when he furnishes the proof, that in 1796, the expenditures were but $2,532,930, and in some of the preceding years still less. Suppose I were to call upon him to explain to his constituents, and to mine, and to the people of the country, upon what principle it is, that he can pass high-wrought eulogiums upon the economy of 1826, which had in the space of thirty years, increased the expenditures of this Government nearly tenfold, or one thousand per cent. approving, as he does, the economy of each of those years; and condemn the extravagance of 1838, which had, in the space of twelve years, increased them but little more than seventy per cent. Do you not think, sir, that, to enable him to account for nearly one thousand per cent. of increase in the space of thirty years, the economy of which he approves, he would make figures full as fast as he charges me with doing, when I undertake to account for an increase, in twelve years, of but little more than seventy per cent.; and which he condemns as reckless extravagance? And by the time he had cyphered it all out straight, as I doubt not he would, do you not also think that there would be some reason to fear, that the multitude of which he speaks, the plain common sense men, would come to the conclusion, not that the Democratic lawyers, but that these Whig lawyers, "knew a little too much, and could figure a little too well."

It must, I think, sir, be conceded, that the gross amount of expenditures unexplained, though large, is not *per se* proof of extravagance; and, consequently, that no safe opinion can be formed by a mere inspection of the aggregate. To make good the charge, and to satisfy an intelligent people, my colleague will find it necessary to go farther, and to investigate the details. He will be required to point out the specific items which are objectionable; to show the objects upon which money has been unnecessarily and improperly expended. Let him bring forward his specifications, let him point to the appropriations, which he condemns as extravagant, and I have grossly deceived myself, if I do not prove from the documents before me, that all such charges are utterly groundless.

SPEECH OF MR. HUBBARD,

OF NEW HAMPSHIRE.

In Senate, May 25, 1840.—The bill for the establishment of a general bankrupt system coming up for consideration—

Mr. HUBBARD said:

Mr. PRESIDENT: I admit most willingly that the subject involved in the bill now before the Senate is one of the greatest importance, not only to the indebted classes of our community, but to other portions of our fellow-citizens. I have, with all the attention I could give, listened to the able arguments which have been offered in favor of the bill reported by the majority of the Committee on the Judiciary; but, sir, after the

most careful examination of the provisions of that bill—after comparing them with the authority given to Congress, by the express terms of the Constitution, to legislate upon that subject—I am compelled, from a sense of duty, to oppose it, as both unconstitutional and inexpedient. Could I be pushed forward to a vote upon this bill from the mere impulse of feeling, that vote would be in favor of its passage. There is no man, within or without the walls of this Senate chamber, who can more feelingly commiserate the misfortunes of his fellow beings than myself. There is no man who can be more sensible to the reverses—*the sad reverses*—which have, within a few years past, taken place in the affairs of individuals. I am not ignorant of the character or the extent of this calamity to our business community. It has spread over the land like a pestilence. Wealth and independence have, by magic as it were, been changed to poverty and wretchedness. A sort of mania had seized upon our community, and by a course of untoward adventures and speculations, had involved in one common deluge of disaster and distress the fortunes of the rich and the hard earnings of the industrious. These facts are too well known to me. I have seen and heard more than I can now well describe. But how has all this occurred? No man who has been an attentive observer of events for the last three years—no man who has been a faithful looker on here in Vienna—but must admit that the most improvident, wild, and unwarrantable abuse of individual credit, has brought upon the country and the community the distress and dismay which now overwhelm the land.

"The general system of credit, which has been introduced through the agency of banks, brought home to every man's door, has produced a fictitious state of things, extremely adverse to the sober, frugal, and industrious habits which ought to be cherished in a Republic. In place of these virtues, extravagance, idleness, and the spirit of gambling adventure, have been engendered and fostered by our institutions."

These are sober truths—*sad realities*. I mention not these things in the spirit of reproach; I mention them not in the language of complaint. No, sir, I state the facts as they exist; and I am too forcibly reminded, by my own sad experience, to entertain a doubt of the truth of my declaration.

There is, beyond all doubt, a deep feeling, an extraordinary embarrassment, the most poignant distress, pervading the indebted classes of our community. Would to God that I had power, coextensive with my disposition, to remove them. If it were so, and were no other interests involved, I would at once relieve the debtor from the burden which bears him down. I would drive from his mind those dreadful forebodings which liken him to the maniac. I would impart to his mental energies the mighty influence of freedom. I would encourage his physical efforts, by all the hopes and promises which honest industry can inspire. But, sir, I have no such power. As a member of this body, in my action upon this measure, I can only be guided and controlled by the lights of the Constitution. The only authority I can or shall presume to exercise over this subject, is conferred by the Constitution itself. And what is that authority? What are the terms of the specific grant of power contained in that instrument? "Congress may pass uniform laws upon the subject of bankruptcies throughout the United States." It is by virtue of this clause that the bill now before the Senate has been reported from the Committee on the Judiciary. That specific grant of power confers upon Congress no authority to pass this bill. What is this project, but a bill for the abolition of all the subsisting debts and for the abrogation of all the existing contracts of the country? This is the true character of the measure; and unless Senators are prepared, by a most liberal construction of the power conferred—a construction which the kind and generous feelings of the heart might lead them to adopt—they can find, in my judgment, no sufficient warranty for the passage of this bill.

It is my purpose to examine this subject, and I hope to be able to show that the particular measure now before the Senate cannot be sustained by the authority of the Constitution. That it is not recommended by any considerations of general expediency. That, notwithstanding the degree of pecuniary distress and of individual indebtedness existing in the country, relief is now within the the power of every honest debtor. The statutory provisions of the States, aided by the force of popular opinion, will afford sufficient remedies for all existing evils.

Mr. President, I represent, in conjunction with my honorable colleague, an almost exclusively agricultural community—a body of as industrious, patriotic and intelligent farmers, as can be found within the limits of our Republic. But, sir, I know not the sentiment of an individual citizen of my State in relation to this subject. I have not myself received from New Hampshire the first letter or the first memorial touching this question. My colleague may have been more fortunate. I am wholly ignorant of the views of my worthy friend near me [Mr. Lang, of my State,] upon this matter. In the absence, then, of all information of the opinions, feelings, and wishes of my constituents, I have been induced, with all the care and attention I could bestow, to examine the details of the bill reported from the committee, and the amendment proposed to that bill by the Senator from New Jersey; and the conclusions to which I have come will be freely stated. They have been most conscientiously formed, and formed against the whole current of my individual feelings; and if they shall be approved by my constituency, I shall not only derive from that fact a high personal gratification, but it will confirm me in the soundness of the views I shall have expressed. According to my reading of the Constitution, as I understand the letter of that instrument, Congress has not the power to pass the bill reported by the committee.

At the adoption of the Constitution of the United States, the distinction between an insolvent, and a bankrupt system, was well understood in England, and as well understood in our own country. And, since that period, they have been equally well understood in England, by our own Government and by the States of this confederacy. They have been always regarded as totally distinct systems; the one having for its object to afford a summary and speedy remedy for creditors, against fraudulent or failing traders—the other affording relief to insolvent debtors of all denominations. The one embraces *particular* classes within its provisions, and from the circumstance of their connection with the commerce and trade of the country, they can only be reached by the exercise of that power conferred upon Congress, "*to pass uniform laws upon the subject of bankruptcies;*" while the other comprehends debtors of every description, who can only be relieved by the States, in the exercise of the power reserved to them, but not in a way "to impair the obligation of contracts." In 1827, when a bill was before the Senate, for establishing a uniform system of bankruptcy throughout the United States, it was remarked, in substance, by one of the most distinguished statesmen of our country:

"That if Congress had the constitutional power to pass a voluntary bankrupt bill as applicable to all classes of the community, (which he regarded as an insolvent law,) the States had no right to pass any law upon the subject of insolvency; not even to authorize the discharge of debtors imprisoned upon a process issuing out of their own courts, otherwise than as it might suit the pleasure or convenience of Congress to permit.

"There was no middle ground. If the partition wall between bankruptcy and insolvency were broken down, all State legislation was subject to the arbitratry, and absolute supervision of Congress."

These views are sound, practical, full of good sense and are familiar to the understanding of the community; and I cannot but regard the bill now before the Senate as a general insolvent system, unauthorized by that clause of the Constitution which gives authority to Congress "to pass uniform laws upon the subject of bankruptcies." It is made to embrace all classes of the community within its provisions, and hence assumes the character of a general insolvent bill. The power conferred is specific, and cannot be enlarged by construction. Congress, I admit, has authority to pass laws upon the subject of bankruptcies, and to make them uniform throughout the United States; but they derive no power from that provision of the Constitution to abrogate *all* contracts between man and man, to abolish *all* the debts of the country, to destroy the relation between debtor and creditor. The subject of bankruptcies over which Congress had an exclusive jurisdiction, at the time of the adoption of our Constitution, had a technical as well as a popular signification; and in no sense was it supposed to embrace any class of persons but that engaged in trade.

From the act of Henry VIII to the bankrupt law of George IV, passed as late as 1825, which provides for the discharge of the debtor from his pre-existing liabilities, I have not been able, from my researches, to find a single enactment which, in terms, includes any class within its provisions except those who are denominated traders; and had the framers of the Constitution designed to have given to Congress any greater power over this subject than was contemporaneously exercised in England, it is passing strange that the additional power was not expressly conferred. No one will say but that the bankrupt system of England, so far as it included those upon which it was intended to operate, was not perfectly well understood by the statesmen and constitutional lawyers of our own country, at the time of the adoption of our Constitution. And it is difficult for me to concieve why the specific grant of power was not enlarged in terms, if it was intended to be made more comprehensive than was the existing bankrupt system of England at that time, and then in full force. No one will say that bankruptcy and insolvency are synonymous terms; they were not then so unstood elsewhere—they were never so understood here. "In strictness, no person but a trader can be a bankrupt." Bankruptcy is applied to merchants and traders—*insolvency to other persons.* To bankrupt is to break one in trade. These definitions are given by one of the most approved lexicographers that has ever given us the meaning of English terms. A bankrupt is defined by another to be "a trader who secretes himself, or does certain other acts tending to defraud his creditors. The derivation of the term itself shows that it was originally descriptive of a "broken trader."

A bankrupt law is well described to be such a law as, upon a bankrupt surrendering all his property to commissioners for the benefit of his creditors, will discharge him from the payment of all his debts. The power to pass such laws is conferred upon Congress, and I admit that they must be uniform—they must operate alike throughout the United States, and upon the subsisting contracts between merchants and traders, as a distinct class of debtors, and their creditors. This is what I understand to be the subject of bankruptcy—the subject upon which Congress is bound in its legislation to adopt uniform laws—equally protecting the interests of creditors and the rights of debtors who may constitutionally be embraced in a general system of bankruptcy. What can possibly be the subject of bankruptcies, upon which Congress is required to pass uniform laws, but the debts, the contracts, the personal rights, subsisting among those upon whom the law can be made constitutionally to operate?

Entirely different is an insolvent system. The unfortunate and embarrassed debtor seeks temporary relief under the operations of this system; and the States, under their reserved powers, provide this temporary relief, according to their own discretion. They cannot impair the obligation of contracts; but in almost every State of the Union, insolvent laws of some description have been passed, looking to the benefit of the unfortunate, and securing to the debtor the privilege of obtaining temporary relief from pressure and embarrassment. These laws are different in different States; but the power of passing them is reserved to the States, and cannot be exercised by Congress.

"Under a special grant of power to us in 1789, to pass "uniform laws on the subject of bankruptcies," how could we then extend those laws to persons who at that time were not within the letter or spirit of the bankrupt system, any more than we could extend them to distinct subjects of land titles, or forms of legal process? It need hardly be argued that if we, as the agents of the several States, with expllcit powers, undertake to construe the extent of these powers broader than what we know the language was then understood to

mean, it is as much a violation of the Constitution as it would be to usurp powers entirely new."

It has sometimes been argued, and with much force and ability, that as the Constitution has prohibited the States from passing any law "impairing the obligation of contracts," that under the power conferred to pass uniform laws upon the subject of bankruptcy, no such laws can be passed, even by Congress, impairing the obligation of any existing contract, or having a retrospective operation. This matter I am disposed to leave for others to settle. It is wholly unnecessary for my purpose to discuss that question. I take the bill as it is, and I find sufficient objection upon its face to deter me from giving to it my support. Looking at the general object of the measure; regarding it as comprehending classes, unauthorized by the Constitution itself, I am constrained to oppose it. *This question of constitutional power*, as was well said on a former occasion, by one of the most efficient, industrious, and learned judges that ever occupied a seat on the bench of the Supreme Court of my native State,

"Is a question to be settled by the books, and not by conjecture or argument. There had, it was true, been some difficulty in determining who were, and who were not traders. The courts had, by construction, embraced several classes of persons within the statute; but it had always been done on the express ground that their principal employment was that of trading. So particular statutes, since the thirteenth of Elizabeth, have included some and rejected other classes from the bankrupt system; but invariably on the ground that they were or were not engaged in trade. Such was the theory of the statute of George II; such of the new bankrupt act of 1825; and such the principle running through all the one or two hundred reported decisions upon this system."

If the power to include all classes of the community, within the provisions of this bill, cannot be inferred from the express terms of the Constitution itself, it certainly will not be presumed to appertain to Congress from the records of our own history anterior, as well as subsequent, to the adoption of the Constitution; nor can we find authority for any such opinion in the whole history of England for the last two centuries.

"No instance could be found for the whole two centuries since the introduction of the system, of a mere agriculturist having been adjudged a bankrupt. The definition of a bankrupt in the statute, forbade such a construction; judicial decisions, more than one hundred and fifty years old, had forbidden it; and the subsequent statutes had again and again forbidden it; and this, not because they had before been included, nor on any local theory of politics in England, but because a bankrupt system, in its true extent and meaning, was not adapted to the education, habits, opinions, or condition, of an agricultural population."

The Constitution of the United States, as before stated, declares that "no State shall pass any bill impairing the obligation of contracts." No gentleman will contend that it is within the constitutional power of any one State of the Confederacy to pass a voluntary bankrupt bill; such a bill as that reported by the majority of the committee. This power is expressly prohibited by the Constitution of the United States; and it may be well to consider under what circumstances the provision to establish uniform laws on the subject of bankruptcies throughout the United States, and the prohibition above recited, were incorporated into the Constitution. It is perfectly manifest to my mind, that to the States, and to the States exclusively, did the power belong, to pass an insolvent law; that this power could no more be exercised by Congress, under that clause of the Constitution, giving authority to pass a uniform law upon the subject of bankruptcy, than it could exercise the power to abolish all contracts and all debts. The express power conferred upon Congress has its meaning and its limitation. The power prohibited to be exercised by the States, has also its meaning and its limitation. No one doubts that it is perfectly competent for State Legislatures to prescribe remedies for the collection of debts. No one can doubt that State Legislatures can pass acts of limitation with reference to all contracts entered into subsequent to the passage of such acts; but no one will have the boldness to assert that States can pass any act of limitation which shall have a retrospective operation. States, with reference to contracts in future, can exempt this and that piece of property from attachment and execution—can even free the person of the debtor from arrest and imprisonment. But in doing all this, which are remedial provisions, they cannot impair the obligation of the contract itself. They have not the power to nullify a contract between individuals—to abolish a subsisting debt. States have the power to pass insolvent laws, which look to the relief of the debtor, as well as to the interest of the creditor. They may legalize an assignment, honestly and fairly made by the debtor, of his property; but they cannot abrogate the contract, or destroy the debt of the creditor, without his agency or assent. In my own State, the body of the debtor is liable to imprisonment on all debts beyond a certain amount; but when the debtor is, by due course of law, discharged from that imprisonment as an insolvent, he cannot afterwards be arrested on the same cause of action; but when fortune shall smile upon his efforts, and prosperity crown his enterprises, the creditor then can reach the property of his debtor. All the doings of State Legislatures since the adoption of the Federal Constitution, have, in relation to this matter, been confined exclusively to the passage of remedial acts—to the establishment of a mere insolvent system—to the affording that relief to the unfortunate and honest debtor which they could do, without destroying the absolute rights of creditors. These salutary provisions, we all know, are not the same in all the States. They are essentially different in different communities. In some of the States the body of the debtor is not liable to arrest on mesne process; in others it is. In some of the States judgments operate as liens upon the real estate of the debtor; in others they have no such operation. In some of the States property of one description is liable to attachment; in others the same description of property is exempt from the process of the law. But in no State, without the assent of the creditor, can the obligation of his pre-existing contracts be impaired by the force of State legislation. It may then be asserted, and I trust without contradiction, that all the power the States possess over this subject, is, in short, to afford, by their legislation, temporary relief to the insolvent debtor, leaving the absolute rights of the creditor unimpaired. I admit that the States possess this power; but, in making that admission, I am not prepared to acknowledge that such a power as is asserted in the bill before the Senate, is vested in, or can be exercised by, the Congress of the United States.

This is the important question: Has Congress the power to pass a general insolvent system, looking to the entire abrogation of all contracts? If Congress has no power to interfere with the remedial statutory provisions adopted by the States with reference to the rights of their own citizens—if Congress has not the power to abolish the subsisting debts of the citizens of a sovereign State—then, sir, it follows that it has not the constitutional authority to pass the bill before us. With just as much propriety can it be said that Congress possesses the power to annul any contract entered into between any one of the States and a foreign Government, as to say that it can embrace within the provisions of a general bankrupt system every class of the community. With equal right can it be urged that Congress has the power to nullify the acts of a State, as to contend that it has the power to nullify the debts of the citizens of that State.

If the bill proposed by the committee could be regarded as a limit, beyond which the constitutional power of Congress over this subject could not extend, then I freely admit the farming classes would not object to its general provisions. And I as freely admit that, if any such bill can be passed by Congress, it should embrace every class of debtors. But, Mr. President, it is in reference to this whole subject—it is in view of the power which it is alleged that Congress does possess in relation to this question—that I oppose this particular measure. If Congress can pass this bill, establishing a system of voluntary bankruptcy, there can be no doubt that, under the same specific grant of power, it can establish a system of compulsory bankruptcy. If Congress can extend to the farmer the privilege of declaring himself a bankrupt, at his mere will and pleasure, it can, by the compulsory process of the law, force him to be declared a bankrupt, however much such a declaration might militate with his interest, or be opposed by his judgment. If a farmer debtor can be permitted, without the knowledge of his creditor, to declare himself a bankrupt, and be proceeded against accordingly, and in effect obtain a certificate of discharge, it follows, *irresistibly*, that Congress may authorize a creditor of any such farmer debtor to originate proceedings against him—cause him to be decreed a bankrupt—compel him to surrender his whole estate, his lands, his flocks, his herds, his implements, his every thing, into the hands of assignees, for the benefit of his creditors. And believing, as I most conscientiously do, that the framers of the Constitution never contemplated the exercise of any such power—never, for a moment, supposed that the specific grant of power to Congress to pass uniform laws upon the subject of bankruptcies, "gave authority to embrace classes of the community within the provisions of a bankrupt system, who, according to the popular, as well as the technical, meaning of the term bankruptcy, at the time of the adoption of our Constitution, were most clearly excluded—I feel constrained to oppose the measure. If Congress has the power to pass this bill, it possesses full and plenary power over every part of the subject. If it can permit the farmer to become a bankrupt, it can compel him to become a bankrupt. If it can give to him the privilege of selecting time, place, and every other circumstance, to declare himself a bankrupt, it can compel him, without his agency, and against his will, when the creditor shall see fit to move, to yield to the decree of a judicial tribunal declaring him a bankrupt. If the power is admitted, it must be conceded for every purpose. It will not do to say that Congress can pass this system for voluntary bankruptcy, and is precluded from passing any bill providing for involuntary, compulsory bankruptcy; and the practical farmers of my own country will not infer, from my decided opposition to this bill upon constitutional grounds, that I am disposed to deprive them of any privileges which I would extend to the other classes of the community. Far otherwise: if there is any portion of our citizens for whom I entertain a strong predilection, it is for the farming classes. If there is any portion of our community whose great interests deserve the vigilant attention of Congress, it is that of the agricultural class. The merchants never fail to be heard, when, in their judgment, a proper regard to their rights requires the legislative interposition of Congress. *We have them always with us.* Well understanding their own peculiar interests, they never fail to declare them and to maintain them with great ability, and with most untiring zeal. Not so with the yeomanry, the practical husbandmen of our country. Their retiring habits—their little connection with commercial men—their disposition to cultivate their own soil in peace, seldom leads them to present their grievances in our halls of legislation; and, sir, it is this very characteristic habit of the farmer—this retirement from the business and the bustle of commerce and trade—it is this absence from all the confusion and hazards of enterprise and speculation, that led the framers of our National Constitution to incorporate the guarded and qualified provision which they did, defining the power of Congress over the subject of bankruptcies. Had they intended to have subjected the farming classes of our country to all the evils of a bankrupt system, why was this clause thus guarded? Why was not the word insolvency coupled with that of bankruptcy? Why was not the clause made in express terms to embrace portions of our community which had never been included within the provisions of any bankrupt system of England, from the thirteenth of Elizabeth, to the time of the adoption of our Constitution. It was for the reason that no such grant of power to Congress would have been sanctioned by the American people, the source of all political power in this country.

Mr. President, does any Senator now present, for a moment believe, that if the Constitution had, in express terms, conferred upon Congress the power to include all classes of our community within the provisions of a bankrupt system, as it was then understood, that such a power would have been affirmed and approved by those who ultimately ratified that instrument? No, sir; such a

clause, instead of being assented to, would have produced, in my judgment, an entire revolt among the people. The farming classes of our community were not mingling in the active business operations of the country. They were not accustomed to that rigid and precise punctuality and promptness so essential to the honor and credit of the merchant. They confided in each other—they knew each other's responsibilities and resources; and will any man say that it was contemplated by the framers of our Constitution, that if a farmer—an industrious mechanic—a hard handed workingman, should commit, according to the law of merchants, an act of bankruptcy, that he might, thereupon, be compelled to submit to the severe operations of an involuntary bankrupt system? that if the farmer, mechanic, or laboring man, should fail to pay his note at the time and place of payment—that he was to be declared a bankrupt,and that his estate, his house, his property of every description was to be taken from him, and his affairs to undergo an administration in the lifetime of the owner? Sir, the idea is preposterous; and he who would venture to argue the policy of any such measure, is little acquainted with the character, spirit, and tone of independence, which distinguishes the hardy cultivators of our soil, and the industrious mechanics of our own workshops. Sir, no such bill as this would be endured. It would be expunged from our statute book by the force of public opinion—by the irresistible sentiment of an indignant community, sooner than were those odious acts of Congress, "*the alien and sedition laws.*" Such a system is at war with all the noble, generous, confiding feelings of our agricultural community; and it is, sir, for the reason that Congress has not the power to pass a compulsory bankrupt law, embracing all classes within its provisions, that I deny the existence of the constitutional power to pass the bill seeking to establish a voluntary bankrupt system, and embracing within its provisions the same classes of the community. As I have before said, if the power of Congress to pass this bill is admitted, the power is necessarily yielded for every purpose. Sir, policy may lead to the recommendation of this measure at this time, but beware of the consequences. Pass this bill—the power is admitted—the fate of the mechanic and farmer is thus jeoparded.

I well recollect the indignant feeling, the strong popular bias, which existed in the public mind against the bankrupt act of 1800. The fate of that law should induce the Senate to pause, before it gives its sanction to another bill, much more objectionable in its terms. But I refer to the act of 1800, for the purpose of strengthening the position I have assumed, that the framers of the Constitution could not have intended to give, nor does the Constitution itself expressly give, to Congress the power to include in a bankrupt system all classes of the community? I have looked into the history of that measure; and infer from the fact that the law of 1800 included only merchants and traders within its provisions, that no other classes could be constitutionally embraced? This law, it will be recollected, was brought forward within a very few years after the adoption of the Constitution, when the author of our Declaration of Independence, and those who took an active part in procuring the ratification of the Constitution by the sovereign people, were connected with the councils of the nation; when, indeed, the Representatives themselves, then fresh from the people, were of that very people; when this great palladium of our political, civil, and religious rights, was considered, discussed, and finally adopted; and yet, not a word or line is to be found within the bankrupt act of 1800,comprehending agriculturalists and mechanics within its provisions. That fact itself is high authority against any attempt, at this period of our history, by the descendants of the fathers of the Republic, to give such a forced construction to this specific grant of constitutional power. If those who made the Constitution, familiar with its terms, conversant with its provisions, could not, consistently with their sense of public duty, on the passage of the first bankrupt bill, embrace all classes of the community within its provisions, it would seem to me to be great arrogance, a violent assumption of power, for us to assume the exercise of such an authority under the same clause of our Constitution.

Sir, no such power was presumed to exist then; no such power was then attempted to be exercised. And I regard this important fact, (considering the time when the first bankrupt bill was passed, and under what circumstances, and by the agency of what men it was adopted,) as proof strong as holy writ against the bill before us, and as a practical construction of the specific power conferred upon Congress "to pass uniform laws upon the subject of bankruptcies," given by those very men who were not only cotemporary with the very origin of the instrument, but who were active in obtaining the assent of the people to its ultimate ratification.

In the course of my remarks upon the unconstitutionality of this particular bill, I have adverted to the fact, that merchants and traders were intended to be exclusively embraced within the provisions of a national bankrupt system, on account of their necessary connection with the commerce of the country. In further illustration of that idea, I would refer to the commentary upon the Constitution of the United States by Justice Story, wherein it is alleged that

"The power to pass laws on the subject of bankruptcies was not in the original draft of the Constitution. The original article was committed to a committee, with the following proposition: 'to establish uniform laws upon the subject of bankruptcies, and respecting the damages arising on the protest of foreign bills of exchange.' The committee subsequently made a report in favor of incorporating the clause on the subject of bankruptcies into the Constitution; and it was adopted by a vote of nine States against one."

No better or more satisfactory evidence could be adduced to show that this specific grant of power to Congress, over this subject, was intended to include only merchants and traders. As that class of our citizens has a necessary connection with the general commerce of the country, and with the commerce between the respective States, this power was intended to operate exclusively upon them. Their business relations unavoidably extended to all the commercial States of the Union. Debtors were to be found in one, and creditors in another member of the confederacy. And in this way it is easy to account rationally for the peculiar phraseology adopted in the Constitution. Laws upon this subject were to be uniform throughout the United States. The bankrupt trader of Carolina was to be subject to the same statutory provisions as the bankrupt trader of Massachusetts. The rights of all creditors were equally protected in the one, as in the other State. Considering, then, the peculiar circumstances under which this particular grant of power was incorporated into the Constitution—considering the history of the times at the commencement of our national Government—considering the character and extent of the English bankrupt system, at the adoption of our Constitution—I cannot doubt that the framers of that instrument introduced the specific grant of power to Congress, "to pass uniform laws upon the subject of bankruptcies," with the intent of limiting its practical operation to those classes of our community engaged in trade. With one single extract from the Federalist, a work prepared and sent forth to the American people by Mr. Madison and others, to procure the ratification of the Constitution itself, I shall take leave of this branch of the subject.

"The power of establishing uniform laws of bankruptcy, is so intimately connected with the regulation of commerce, and will prevent so many frauds, where the parties or their property may lie, or be removed into different States, that the expediency of it seems not likely to be drawn in question."

But, if Congress had the power to pass this bill under the Constitution, viewing it as I do, I should nevertheless feel constrained to oppose it as inexpedient and impolitic, because it provides exclusively for a voluntary bankruptcy, and upon the *ex parte* proceeding of the debtor himself. He causes himself to be declared a bankrupt, when and where he pleases. He selects his own time—his own place. He makes all the needful preparation—he looks into his own affairs—he passes in review his long list of creditors—he selects one here, and another there, and pays them the uttermost farthing. No one knows his motives; no eye can look into his heart, except the eye of Omniscience; no man can judge what is passing in his mind; he makes all ready, and, without the agency, the assent, or even the knowledge of his creditor, declares himself a bankrupt. Nothing could be contrived by the cunning device of man, which, in its effects, would be more demoralizing upon the community, more disastrous to the hopes of the debtor, than the very measure before us. It is most admirably calculated to make honest debtors rogues. The temptations to fraud and deception are too strong for an unfortunate debtor to resist. You say to him, select your own time, your own place, arrange all your affairs, keep your own secrets, favor whom you will, do in all things as you please, and, when every necessary preparation shall have been made, proceed and declare yourself a bankrupt—deliver up to the assignees what little substance shall remain—be declared a bankrupt, and claim a certificate of discharge from all outstanding liabilities. There might be, under the operations of this bill, now and then an honest proceeding; but in nine cases out of ten, fraud would be so nicely interwoven that the keen and vigilant exertions, subsequently made, even by a creditor himself, would not be able to detect it. Yet fraud would lie concealed at the foundation of the whole proceeding. The creditor would know it; but unable perhaps to expose it, he would mark the bankrupt as a knave, and a long subsequent life of purity would not be sufficient to wipe away the deep stain, with which his moral character would be tainted. An honest but unfortunate debtor seldom appeals to his creditors for indulgence or favor, without effect; but in our action upon this bill, we seem to lose sight of the great body of creditors; we seem to be legislating without any regard to their interests; we seem to forget that where there is a debtor there is also a creditor; and in our great sympathy for the former, we become cold and indifferent to the claims of the latter. This very consideration and state of feeling unfit us for fair, prudent, and safe legislation upon the subject. While we are ready, from the abundance of our good feelings, to set the debtor free, to abrogate all his contracts and absolve him from all his debts, we should bring to mind that the very act may not only bankrupt his creditor, but may also involve the fate of an innumerable train of other honest creditors. While we are loud and long in expressing our commiseration for the misfortunes of A, and are ready by the strong impulse of feeling to procure his deliverance from the bondage of debt, we should remember that we may, by that very act, bankrupt B; and his bankruptcy may produce the ruin of C; and so on to the end of the alphabet. A fair, honest, straight-forward dealer, on looking into his affairs, counting upon his means, considers himself well enough to live, and retires from the active scenes of life to enjoy the earnings of his industry; but, in the twinkling of an eye, without any agency, or even knowledge, on his part, his long list of debtors have been declared bankrupts. Embarrassment, if not utter ruin, is inevitably his fortune.

I have said, sir, that no unfortunate debtor appeals in vain to his creditor for aid. His affairs are examined, and forthwith his efforts are encouraged. He goes forward with renewed vigor, and with fresh and confident hopes. This seasonable relief from an indulgent creditor has had the effect desired. The man is saved; every debt is fully paid; success has crowned his last efforts. But let this bill pass—let the debtor procure himself declared a bankrupt, without the agency, or even knowledge of his creditor, and never can that debtor again enter into the business of life with any good prospects of success. He can gain no new credit. The kind and friendly relations once subsisting between him and his creditors are entirely changed. Their good opinion is alienated. The debtor is forced to begin life anew without means, without credit, and without friends—effects resulting from the very acts which he would be authorized to do. If this bill passes, it destroys the confidence and the trust which must subsist when credit is extended; and one of the very objects which the friends of this measure suppose would be accomplished by its passage, would never

be realized—and that is, *the immediate and ultimate benefit to the debtor himself.* It may afford temporary relief to the debtor; but such a course cannot fail to excite the distrust, and to destroy the confidence of the creditor, and must inevitably lead to the embarrassment, if not to the utter dismay of the debtor himself.

I would not pass this bill, then, looking exclusively and solely to the future interests of the insolvent debtor himself. In my firm belief, it cannot fail to produce upon the moral character of the debtor class the most deleterious consequences.

The following sentiment, offered in 1827, by a most distinguished statesman, should induce the Senate to consider well before they pass this act:

"However meritorious a portion of the debtors of our country may be, and however honest they might prove in the surrender of their estates under such a law, are we prepared to offer the temptation, and to throw wide open the door to more than five hundred thousand debtors of every description, dispersed in every direction throughout the United States, to stain the fair fame of their country, and defile the temple of justice with their corruptions, their frauds, their prejudices, and subornations of perjuries, until every moral principle is debased, and every pecuniary obligation is dissolved! These were the effects that flowed from the bankrupt law of 1800, when the debtors were very few, and the principles of morality more respected. Therefore, what are we to expect from that heterogeneous host of paper credit dealers, brokers, stockjobbers, and banking adventurers, which twenty-three years of times of more than ordinary character have thrown into the community? The most demoralizing effects must result from such a bill as that before the Senate."

That bill, sir, was far less objectionable in its details than the bill now before us.

Under the provisions of the bill emanating from the majority of the committee, the order of things is entirely reversed. The creditor becomes the victim of the debtor; he is subject to his pleasure. When the debtor wills he acts; not to protect the interests of his creditor, but to free himself from all existing liabilities, to put his creditor—the man whose favor he had solicited, whose friendship he had won, whose money he had obtained, and to whom he had pledged his honor and his faith—at defiance; to say to this creditor, I have enjoyed the blessings of this credit system to my heart's content—I desire now to wipe off my debts—to be declared a bankrupt; and this I intend to accomplish without your agency, and even without your knowledge. The very man who would gladly extend to his debtor, if desired, further favor, rather than to see his substance, his whole estate, pass from his control, and become subject to the exclusive order and direction of an assignee, is denied all interference in this matter. All offers of friendship are contemned, and acts of kindness are regarded without favor.

Sir, this is neither honest nor just. For what purpose does the debtor declare himself a bankrupt? To free himself from embarrassment—to be no longer made subject to the power of his creditor—to give up his property in possession for distribution, and receive full absolution from all prior contracts. This is the avowed purpose of the bankrupt debtor. But should any such purpose be carried out without the assent of, or even notice to the creditor, a proceeding which contemplates a surrender of the whole estate of debtors to assignees for the benefit of creditors is to be commenced and prosecuted without their knowledge. I object most strenuously to this feature of the bill. It is calculated to promote frauds, and utterly to destroy that confidence so essential to the very life and being of a trading community. Pass the bill of the committee, and I ask what will be the inevitable consequences? Will it benefit the debtor class to the extent contemplated? *No, sir.* Will it aid them in their future operations? *No, sir.* Will it tend to encourage their hopes, and to stimulate their enterprise? Will its passage afford them any substantial relief? Will it give them that permanent good which has been so feelingly and eloquently described on this floor? *No, sir.* There is a fatal delusion touching this subject. Senators have entirely miscalculated the benefits which would result to the debtor class by the passage of this bill. Unless I have formed a most erroneous judgment in relation to the ultimate effects of this measure, debtors will find from sad experience that it will prove an embarrassment rather than a relief—a curse rather than a blessing. Pass this bill providing for voluntary bankruptcy, and you necessarily impose consequent burdens upon the debtor, which his condition would illy enable him to bear. I admit that he might, under the operations of this bill, obtain a full discharge from his existing debts; but this is a mere temporary relief. One of the benign effects imputed to this measure, according to the speeches of Senators, is not only to set the debtor free, but to give him new impulses—to stimulate him to new enterprises—to put in requisition all his mental and physical energies, in order to regain a standing and to acquire a character and influence, which have been temporarily lost to him by adverse scenes.

But, how are these things to be accomplished? True it is the debtor has obtained his certificate—he is free from debt—he is without property; but as true is it that, if his proceedings have been carried on against the will of his creditors, he will be without credit, naked, powerless and moneyless, and without friends. Can such a man engage in new enterprises with any fair prospect of success? Would not such a condition paralyze the active energies of his mind? Could he go forward? *No sir, no;* he would ask for credit, but would be answered, you have abused the confidence reposed in you; you have disregarded the kind offers of your creditors; you have spurned our friendly overtures; you have taken our means against our will, and *without our knowledge, to obtain your discharge*; you have thus destroyed the very confidence and trust which we had reposed in your honor and in your integrity. The relations, therefore, which have subsisted between us, can no longer be continued. Such, sir, would be the responses which such debtors would receive on attempting to engage anew in business upon the credit of others. Men are actuated by known principles in all their transactions: a different course of conduct, under the circumstances, would be opposed to the motives and considerations which ordinarily influence human nature. How then, is this voluntary bankrupt to begin life again? How is he to *take a new departure*? How is he to obtain a new credit? Sir, in nine times out of ten his application would be obstinately resisted, and never would it be accomplished but by the agency of responsible friends or relatives. Men are not so injudicious and so improvident in the management of their pecuniary affairs, that they will a second time trust their property, without security, to an acknowledged bankrupt, who has only to consult his own interest, or his own convenience, to again originate a like proceeding, as will lead to a second declaration of his bankruptcy.

Pass this bill, sir, and, my word for it, experience will show, that, although you may have given to the unfortunate debtor temporary relief, you will have added difficulties insuperable to his again embarking in successful business. While you have discharged the debtor from his debts, you have created an impassable breach between him and his creditor. While you have obtained for him a certificate of freedom, you have bound him in the worst shackles of slavery. True, he is free from debt; but he has lost the confidence—he has forfeited the support of the capitalist. He cannot again embark, with any hope of success, in the risks of trade.

The bill, in its details, secures no practical advantage to the creditor—he is not only denied the privilege of participating in the proceeding which leads to the consummation of the bankruptcy of his debtor, but his rights are entirely overlooked from beginning to end. The debtor is the sole actor in this scene. He enters and exits at his pleasure. He keeps his creditor ignorant of all his movements, and I ask, would it be difficult for any designing debtor, in possession of a large estate, to make such transfers as would elude the closest search of his creditor—*as would prevent, in any subsequent movement, the discovery of the truth*? If this bill is to find a place upon our statute book, it will become, like the act of 1800, a fruitful source of frauds and perjuries, disgraceful to the character of our country.

With all the guards and checks incorporated into this bill, the creditor will be unable to do any thing. The very proceeding will not be stayed an hour by the powerless efforts of a creditor. The debtor will be decreed a bankrupt. That was the object in view, and the end will sanctify the means. Such portion of his substance as the debtor himself, in the abundance of his liberality, shall reserve for that purpose, will be distributed among his creditors. Now, sir, is it not palpably wrong that, while we are giving to the debtor these peculiar privileges, we should withhold all from the creditor, when he may have good reason to suspect that his debtor is a bankrupt? He may wish to proceed against him, and to compel a surrender of his property for the benefit of his honest creditors; but this is denied him. I ask, why shall the debtor declare himself a bankrupt? It is answered, that his effects may go to his honest creditors, and he be discharged. *Be it so.* Why, then, shall not his creditor have the privilege of showing to the court acts of bankruptcy committed by his debtor, in order to obtain the possession and control of his estate for the self same object? The interest of creditors and the relief of debtors, lie at the bottom of all this proceeding in bankruptcy. By this bill, you say to the latter, you shall be the exclusive judge when and how you can best advance the interest of the former, and promote your own freedom from embarrassment. By this bill, you coerce the former to follow in the wake of the latter; you deny to them the right of judging how their own interest can best be subserved. You, in short, bind the creditor, head and foot, to the will of the debtor. These are some of my objections to the bill emanating from the majority of the committee. But, sir, before we pass this bill we ought to survey the whole ground. Adopt this provision of voluntary bankruptcy, and you involve the community in confusion worse confounded; you add to the embarrassment and distress of the country; you break up all the relations between creditor and debtor; you introduce a state of things, the evil of which may be conceived, but cannot well be described.

Pass this bill, sir, and you will drive every man of property to distrust his fellow man—you will destroy the benefit of all well regulated credit, the effect of which will be greatly to augment the embarrassments of the business communities. I look upon the passage of this bill as a fruitful source of frauds—as productive of consequences to the community deeply to be deplored. Sir, before we give our sanction to the measure, we should at least pause long enough to bring to our recollection the baneful effects of that bankrupt system which received the sanction of Congress in 1800. It cannot fail to be remembered that it produced the most demoralizing and damning influence upon the character of our country. The grossest frauds and perjuries were but the ordinary effects of that measure; and although its operation was limited to five years, yet such were its deleterious effects upon the community, that, by the force of public sentiment, it was repealed at the end of three-fifths of the time allotted for its existence. Pass this bill, sir, and the youngest member of this Senate may not have years of penance enough left for him in this life, to atone for all the evils which its passage may inflict upon the country. The sad experience under the act of 1800 should deter Congress from any new experiment. I look upon this scheme as pregnant with the most mischievous effects. Credit is of too delicate a character to be violently assailed—it is too sensitive to be roughly handled. And may I not ask who is benefited by credit? who seeks to obtain it? who grants, and who receives? An honest and just answer to these inquiries should at least check the debtor in any course which shakes the confidence and trust of the creditor.

This measure is not called for by the mechanics, farmers, agriculturalists, and working classes of the State in which I live. I have said, sir, that I know not the sentiment of a single citizen of New Hampshire upon this subject; but if there was any such feeling there, as has been described with so much impressiveness and eloquence as existing in other sections of our country, *sure I am* that my colleague and myself would have learned the will of our constituents before this time. They would have expressed their opinions freely, *and confidently called upon us* to carry

into effect their wishes. But, sir, I greatly mistake the signs of the times, if the farmers of our country, generally, feel any great solicitude for the fate of this measure. Men engaged in trade, adventurers and speculators, have been knocking loudly at the door of the Senate, and are now anxiously looking for the passage of this bill. They ask relief in order to *start afresh*; they are now in bondage; *they wish for liberty*; they are trammelled in their operations; they seek to obtain a *full discharge*. It is all accomplished. Then they will attempt to go forth again, doubling their diligence, their hazards, their adventures, in the hope that success may attend their efforts. They become, however, once more involved by reason of their mad speculation—their hopes have been deluded—their anticipations have not been realized; they find themselves once more bankrupt, if not *in character*, in property; and if this bill passes, they will again go forth, and in due time obtain a second deliverance from their indebtedness. I leave for others to descant upon the morality of such a proceeding. It can find no favor with me. Sir, we are blinded by our feelings, pushed on by our prejudices, and are ready, body and soul, to enlist under the banner of the debtor; while the poor creditor, whose children are left penniless; whose prospects have all been blighted by the *madness*, corruption, and fraud of his debtors, can excite none of our sympathy, or awaken in his behalf even the ordinary feeling of exact justice. Our feelings have taken a wrong direction. "Judgment has fled," and passion has assumed the place of reason.

There are other objections to the bill before the Senate. It takes from our State courts and transfers to the Federal courts, the entire control of the real and personal property of the insolvent debtor. After the decree of bankruptcy has been made, "all the property of every name and nature" of the bankrupt, is, by mere operation of law, divested out of such bankrupt, and vested, by force of the same decree, in an assignee, to be appointed by the court. And every subsequent proceeding in relation to said property must receive the sanction of the court having jurisdiction of the subject matter. And no longer are we to look into the office of county registers and of county courts for the evidence and history of titles to individual property, but to the records of the Federal courts of the country. This will be found in practice to be an evil of no ordinary character. Under the provisions of this bill the assignee is required to reduce to money the property committed to his charge, and to cause a dividend to be made as often as once in six months, from the time of the decree declaring the bankruptcy; and within a period of one year after said decree, all the proceedings in each case shall be finally settled, adjusted, and brought to a close. Pass this bill, and let these provisions be rigidly executed, and the better half of all the estates of bankrupts must unavoidably be sacrificed. Pass but this bill, and it would not only in name be a bankrupt measure, but in its consequences, effects and operations, would, in truth, produce a general bankruptcy.

I have, Mr President, said all I wish to offer against the constitutionality and expediency of the bill reported by the majority of the Committee on the Judiciary. I cannot give to the measure my support. I should regard its passage as a palpable violation of the Constitution.

I should consider the adoption of this measure as unsettling the foundation of our society—as an invitation to fraud and corruption—as a direct and violent attack upon the rights of property—as sacrificing the interests of one portion of the community, and that, too, without their assent or knowledge, *for the benefit of another*. I look upon it as sanctioning the principle that the private property of one citizen, without his consent, may be taken, not for the public use, but for the use and benefit of another citizen.

Entertaining these sentiments, I must oppose the passage of the bill.

The amendment proposed by the Senator from New Jersey is much less objectionable than the bill itself. But, sir, unless there can be some material modifications of the substitute, it cannot be acceptable to me. I entirely approve of one purpose, distinctly manifested in the proposed amendment; and that is to include banks and other corporations concerned in the business of trade, within its provisions. This principle, if adopted by the Senate, would reconcile me to the amendment, with such modifications as I presume my honorable friend himself would be willing to have made. I am in favor of including corporations absolutely and unqualifiedly within the provisions of the bill. I would not have their inclusion depend upon the act of the State Legislature. They are artificial persons; and there would be no more propriety to make their inclusion dependent upon the will of the State wherein the corporation may be located, than to make the inclusion of natural persons, citizens of the State, dependent upon the action of her Legislature.

Such corporations are comprehended within the description of persons whom Congress has the power to embrace in a bankrupt bill. They are most emphatically and most truly concerned in trade; and if there is any reliance to be placed on rumor, some of these banking institutions have been most extensively connected in all manner of speculation. Believing, as I do, that Congress has the power to include these trading corporations within the provisions of a bankrupt bill, I am for this part of my friend's amendment, with some slight modification.

Mr. President, this is no new idea. It has long been a subject upon which our public men have reflected and expressed opinions. Immediately after the close of the last war, when the community was suffering most severely by the course which had been pursued by the banks, we find in an official report to Congress the opinions of one, whose opinions, when known, cannot fail to be respected.

In March, 1816, the Secretary of the Treasury, Mr. Dallas, in replying to certain inquiries submitted to him by "the Committee on the National Currency, had suggested specific regulations, with a view to the ultimate collection of the dues of the Government in gold and silver coin, and to compel banks to redeem their paper in specie, went on to remark, that

"Although the success of these measures is not in any degree doubted, it may be proper to add that, if it ever shall become necessary to increase their force, provision might be made under the constitutional power of Congress to subject all banks and bankers, failing to pay their notes according to the terms of the contract, to a seizure of their estates and effects, for the benefit of their creditors, as in case of a legal bankruptcy."

The then Secretary of the Treasury, a distinguished jurist, entertained no doubt as to the power of Congress over the State institutions. At that early period of banking operations, and when these corporations had entirely disregarded their obligations to the community, by refusing to redeem their notes with specie, at a time when they had literally flooded the country with their irredeemable paper, this eminent lawyer and statesman suggested the appropriate remedy for such an evil: "A seizure of their estates and effects for the benefit of their creditors." This was an adequate and an appropriate remedy; and while we are urged to adopt a system of bankruptcy, looking to the entire surrender of the property of insolvent natural persons for the benefit of their creditors, a sense of justice calls upon us, in my judgement, to extend the provisions of the bill equally to artificial persons.

Mr. Crawford also, in his able report upon banks and the currency, made in 1820 to Congress, conveys a very similar idea to the one advanced by Mr. Secretary Dallas, showing that, in his judgment, banks might be made subject to the operations of a national bankrupt system. He remarks, that "whenever the agency of banks should be employed in furnishing part of the circulation, a refusal or omission to discharge their notes on demand, in the national currency, should be treated as an act of bankruptcy;" and most clearly where a bank refuses to redeem its own promissory notes, issued for a valuable consideration in specie, it should be regarded as an act of bankruptcy, and should subject the corporation to be proceeded against as bankrupts. Any thing short of this would be unequal and unjust, and would give to these corporations, the creatures of the law, privileges denied under a bankrupt system to rational persons, the creators of the law; would extend to those soulless beings immunities withheld from the active classes of our community.

I have made these allusions to show that the proposition to include corporations is no new project. It was suggested as early as 1816, repeated in 1820, and pending the bankrupt bill reported to the Senate by the late General Hayne, of South Carolina, it will be found that a similar amendment was then proposed and discussed, but finally rejected, as was the bill itself.

It will be found, on reference to the history of that proceeding, that the proposition to include banks in the bill then before the Senate, was submitted by Mr. Branch, of North Carolina; and his motion was sustained not only by my friend upon my left, [Mr. BENTON,] but also by Mr. Smith, of South Carolina, Mr. Macon, Mr. Randolph, and others.

I cannot, myself, feel the force of the objections which have been urged against this particular amendment. It is said that Congress has no right to interfere with State corporations; that it necessarily brings Congress into conflict with the States. This objection proves too much; it is made by those who sustain the bill from the committee; and does not the same objection, the same argument, hold good to including individuals in a bankrupt bill? Are the rights of the States more sacred than the rights of individuals?

State laws regulate the collection of debts—define the rights of the citizen—declare the power of the creditor over the property and person of his debtor. Does not the bill of the committee interfere expressly with those rights? Does it not entirely take them away? And is any doubt expressed as to the power of Congress over these individual rights by the friends of this measure? No, sir. But it is said that any action of Congress interfering with corporations would bring the General Government in conflict with the States—as much, and no more, than in the case of individual rights.

Whence do these corporations derive their peculiar and exclusive privileges? From State legislation. Whence do individuals derive the rights secured to them for the collection of their debts—the power over the person and property of their debtors? From the same legislation of the States. And an interference in the one case is just as much an attack upon State sovereignty as an interference in the other.

It seems a predominant sentiment, that the banking institutions of the country must be protected—their sanctity must remain inviolate." I should like to understand some good reason for making a distinction between insolvent artificial persons and insolvent natural persons. "If the merchants of the country were to be made bankrupt when they ceased to pay their notes promptly, why should not incorporated banks, when placed in the same circumstances, be subjected to the same consequences?" No good reason for the distinction can be assigned.

Certain it is that I have heard no satisfactory reason stated why banking, manufacturing, and other trading corporations, should not be included within the operations of this measure. Mr. President, very recently a bank, which had been incorporated nearly forty years, in my own State, has failed, and utterly refuses to redeem its paper. If rumor tells the truth, it has been under the control and direction of some of its largest debtors. How its affairs will be wound up, I am not able to conjecture. But, sir, whenever it so happens that a bank of discount shall improperly manage and conduct its affairs, a regard to the interest of creditors and of the community, demands that the concerns of such an institution should at once cease to be controlled by its own directors, and be transferred to some disinterested tribunal, that shall, by virtue of the law, administer its affairs with a view to the rights of just and honest creditors. If such a law as this had been in force, the funds of that bank would not have been abstracted for the purpose of private speculation—they would have been employed for legitimate objects—for the use and accommodation of our citizens. Banks are sup-

posed to be competent to afford ordinarily essential relief and benefit to the community. They combine the capital of individuals; and this concentration of capital enables them to extend accommodations beyond the means of individuals; and if such a legislative provision as this had been in being, the bank to which I have referred would not have ventured to embark in any hazardous enterprises—it would, in truth, have kept them constantly in check, and saved our community from the sacrifice of selling this bank paper at fifty per cent. discount, and saved many of our citizens from the embarrassments in which the failure of the bank has involved them.

It is said that the States are interested in these local institutions, and that any interference by the General Government with their management, or with their concerns, would be a direct infringement, not only of State rights, but a direct attack upon State property. Mr. President, I have well considered this objection, and it seems to my mind, that it has no good foundation. The States are interested in banks, it is said, and, therefore, we must forbear exercising any control over them. The States are stockholders and so are individuals. The banks have the credit of the State, and so have they the credit of individuals. Both are stockholders and creditors. I am an owner of stock in a bank in New Hampshire. My own State is also an owner of stock in one of her banks. And shall this circumstance prevent Congress from exercising its constitutional power over these institutions? My amount of stock is equal to that owned by my State. As a creditor of the banks—as a stockholder—as one anxious to have these institutions well managed and well directed—I desire to have them made subject to such legislation as shall tend to accomplish the object. But, inasmuch as the State happens to be a stockholder, the hands of Congress are tied, it is said; they have no power to act; they cannot interfere with State sovereignty and with State rights. I cannot yield my assent to this doctrine. The State is entitled to no higher consideration than any other stockholder. She has, as such, no more power over the institution than her amount of stock secures. In the event of a failure, her loss is in the same proportion to that of any other stockholder, as the amount of her stock bears to that of the individual stockholder. She has, or should have, the same interest in the judicious management and successful operation of the banks as other stockholders. Her interests are embarked with theirs; she is merely a partner with individuals in the capital of these institutions, entitled to her just proportion of the profits, and subject to her just proportion of the losses. And shall it be said that, under the Constitution, giving power to Congress to pass uniform laws upon the subject of bankruptcies, this authority cannot be extended to banks, for the reason that the State happens to be the owner of one-twentieth, or one-tenth, or one-fifth, or any other proportion of the capital stock of a banking corporation?

Mr. President, my rights as a stockholder are just as sacred, just as much entitled to protection, as those of my State. We have both become, by the same proceeding, stockholders in a corporation created by law, and there is no act of that corporation that can legally extend any greater favor to the State, as a stockholder, than it can extend to me. We have equal rights, equal privileges, and are subject to the same duties; and upon what ground can it be urged that this interest—this property in banks possessed by the States—shall throw over and around them such a panoply, such a shield, as must secure them inevitably from the operations of any legislation of Congress? If this be true, banks are only to interest the States in their capital, and then they will be placed beyond the control of the General Government. These institutions, from their very business and character necessarily connected with the currency of the country—whose issues constitute the great portion of the circulation—who are most extensively engaged in exchanges, in all money operations, as well as in the business of buying and selling—*elevated above the law*, cannot be reached by any bankrupt system which Congress may establish, because, forsooth, the States within whose limits these institutions are located, happen to be stockholders, partners with others in their capital; because they happen to be, with individuals, the creditors of these corporations. These objections are not well taken; they are entirely unsatisfactory to my mind; and, sir, having, with much care, examined the bill offered by the Senator from New Jersey as an amendment to the bill reported by the committee, I shall not hesitate to vote for that part of the proposed amendment, which is designed to include banks within the provisions of a bankrupt system. I believe this to be right and just, called for by every consideration of propriety. And, sir, if the Senator will consent so to modify that part of his amendment as to take away the power of the States to have their banking corporations embraced, or not embraced, within the bill, I shall vote for it. We either have, or have not, the constitutional authority to include banks and other State corporations within the provisions of this system. If the power is conceded, then there would be no fitness to leave the matter of their inclusion dependent upon any subsequent action of State Legislatures. Suppose that some of the States should object to having their banks made, subject to this bankrupt bill, while others would assent; would not the uniformity of the system be marred by such a state of things? Would such a provision be consistent with the exercise of the constitutional power? Can Congress include the banks of my State, and exclude the banks of South Carolina? Can they include the banks of New Hampshire, and make the inclusion of the banks of other States depend upon their will and pleasure? Can Congress transfer its power to the State Legislatures? Can it say that your institutions shall be subject to the operations of the bankrupt system, provided you shall interpose no objections?

Mr. President, this qualified legislation finds no favor with me. I doubt the power of Congress to make such an exception as that contained in the amendment upon the subject of banks. I entertain no doubt of the great injustice and inexpediency of any such provision.

But, sir, let the principle now contended for be carried out, that trading corporations created by State legislation, cannot be reached by a bankrupt bill, and the whole benefit of a bankrupt system would be entirely lost, for it would be within the competency of State Legislatures to multiply these artificial persons to any extent.

And it occurs to my mind that the interests which States for the time being may hold in their corporations form no sufficient objection to their inclusion within the provisions of a bankrupt system, for this reason, (in addition to what has been before urged,) that the States can at their pleasure part with that interest. The State may purchase stock to-day and part with it to-morrow. Her interest terminates whenever she shall so determine.

Let me ask, would there not be equal propriety in saying to South Carolina, "Congress has passed a uniform law upon the subject of bankruptcy. Now, it depends upon your action, whether your citizens shall or shall not be embraced, as to say it depends upon your action whether your corporations shall or shall not be included." Would it not be ridiculous for Congress to pass a bankrupt bill, containing a provision that the natural persons of Virginia shall not be included without the express assent of that Commonwealth? And would it not be equally objectionable for Congress to pass a bankrupt bill, providing that the artificial persons of Virginia shall not be included without her assent? Sir, such a bill would only be recommended by its novelty, not by its uniformity—it could lay but little claim to that character—a character which we are bound to preserve, or else we transcend the limits prescribed by the Constitution. These are my views. And I again say, that, if the amendment can be modified in this particular, as suggested, it shall have my vote.

The most beneficial effects would immediately result from the adoption of this amendment. The sound and solvent banks of the country would be sustained, while the banks of a different character would no longer be able to impose upon, and deceive the community. The affairs of such institutions, under the operation of this amendment, would be placed under the direction of a board, for the purpose of final settlement. Specie payments would be resumed and we should have no more of bank suspensions. The condition of the paper currency would become stable. The community would then be enabled to repose confidence where confidence is merited. They would no longer be cursed with a worthless circulation—they would no longer be compelled to submit to the pecuniary sacrifice, necessarily incident to irredeemable paper money. The people would sustain those institutions which, by their integrity and punctuality, might render themselves worthy of public trust. In my judgment, there is not a banking institution in the country, under the direction of honest and upright men, having in view its own immediate interest, that would not desire the adoption of this amendment. If, then, a bankrupt bill is to be passed at this session, I would not hesitate to include banks and trading corporations within its provisions. I would do it to advance the best interests of the community. I would do it to promote the best interests of the sound and solvent institutions of the country. I would do it to put an end to the operations of all those worthless and dishonest and rotten institutions which, without capital and without credit, by their gross and palpable frauds, have been able to palm upon the country their paper issues. Sir, the people have suffered enough—they have been most shamefully wronged. The laboring classes of our country have had already to bear loss upon loss, by the partial failure of banks.

The evil should be remedied. It is within the constitutional power of Congress to prevent such recurrences. Pass this amendment and you will do much to give value and stability to our currency.

I shall not at this time add any thing further upon the proposed amendment; the provisions embodied in the proposition for an involuntary and compulsory bankruptcy, limited and confined as it is, would not be strenuously opposed by me, should the Senate determine to include banks and other trading corporations within the system. That I regard as a *sine qua non*—as the great desideratum; and should that part of the amendment be rejected, the measure will cease to find favor from me. I am one of those, Mr. President, who are inclined to the opinion that there is no pressing, urgent and absolute necessity for a bankrupt bill unless banks are included in its provisions.

Sir, in the section of the country in which I live, I do not believe that the honest but unfortunate debtor experiences any oppression or severity from his creditors. So far from it, as far as my information extends, there exists in our community a commendable and praiseworthy disposition to extend favor, protection, and substantial relief, to the debtor. A merchant fails by reason of unforeseen losses—unanticipated reverses. He calls together his creditors; his affairs are examined; his condition is ascertained—an assignee is at once appointed to dispose of his effects for the benefit of his creditors, and the debtor has his discharge; and what is of more importance, he has his character left untainted. He at once, by force of that integrity and honor which has characterized his whole course, is reinstated in business by the indulgence and liberality of his old and faithful friends.

I am no merchant, and live remote from the scene of large mercantile operations; but I submit to those who well understand this whole matter, whether any unfortunate, upright, and honest debtor, who may have been compelled to stop payment, has ever found difficulty in the adjustment of his affairs, or in the procurement of his discharge? These revolutions in the affairs of men frequently occur; and it is to the credit of our community that their occurrence is looked upon as a misfortune, not as a fault; as accident, not design; and in ninety-nine instances out of a hundred, in all such cases, the most substantial relief is at once extended. Show me an honest debtor, and you will show a man not without friends, or without credit. I happen to reside in a town in which is

located the county prison, and, as before remarked, persons in my State, owing debts beyond the amount of four pounds, are liable to be imprisoned at the suit of their creditors, on *mesne*, as well as on final process; and yet, sir, I do not believe that, within the last five years, five individuals have been committed to that prison for debt. Such a course is entirely revolting to humanity, and in no instance is it resorted to but to bring to light the frauds of the debtor himself.

Public opinion has a powerful influence over this whole matter. It is looked upon as cruel, unjust, and barbarous, to send an honest but unfortunate debtor to prison for the purpose of coercing from him, or from his friend, the last dollar. And seldom, very seldom, indeed, do we find in my country the existence of any such practice. And so it is in our cities or larger towns; the honest failing debtor is not abandoned and pursued with an unrelenting spirit of persecution; but he is visited, sustained, relieved, discharged, and ultimately reinstated in business by his former creditor, whose confidence in his honor and integrity has never for a moment been shaken. There is, then, sir, very little occasion to pass this bill for honest but unfortunate men. There is another class that may and will find this measure an essential benefit to their plans. How far it is fit and right to legislate for such classes of our community, the Senate will determine. For myself, I am not prepared to do a great evil, in the belief that by possibility some good may grow out of it.

I have said, what I most conscientiously believe, that the passage of the bill reported by the majority of the committee would bring about an entire revolution in the affairs of men; it would make honest debtors rogues in practice; it would hold forth temptations to fraud and villany too strong to be resisted; it would inflict a deep stain upon the moral character of the debtor, which a subsequent life of penance could not efface. Would to God these were all the evil effects which would result from this measure. It would blast the hopes and paralyze the efforts of the unfortunate debtor himself—it would destroy the confidence of the creditor—it would be but the commencement of a most disastrous war upon credit. Our character as a nation would receive a deep and abiding wound, in the estimation of foreign Governments, by the adoption of this measure. An end would be put at once to all individual credit, relying for its redemption upon the honor, character, and faith of those receiving it. The capitalist, the man of wealth and means, would find, instead of the confiding, generous, liberal feeling which had previously prompted him to encourage the efforts and enterprise of the young, industrious, honest, but destitute adventurer, distrust and suspicion filling his mind and controlling his whole subsequent conduct. *No, sir*, this very bill, should it become an act of Congress, could not fail to induce capitalists and creditors to suppose that they were put far from our favorable consideration—were regarded as unworthy of the protection and care of the General Government. They would look upon themselves as a class excluded and put at defiance. This very sentiment would induce that portion of our community to withdraw their capital now used in the active business of commerce and trade, no longer relying upon the honor and character of the merchants for its safe return, and invest it in the permanent, real and substantial property of our own country, or in the estates of other portions of the world, where their rights would be more regarded and respected. I cannot but look upon the bill reported by the committee as full of evil—as tending to a course of events disastrous to the hopes and prosperity of the debtor—destructive to the rights and interests of the creditor—and degrading to the moral character of our beloved country.

SPEECH OF MR. LOWELL,

OF MAINE,

In the House of Representatives, May 27th and 28th, 1840—In Committee of the Whole on the state of the Union, on the bill to provide for the collection, safekeeping, transfer, and disbursement of the public revenue.

Mr. LOWELL addressed the committee substantially as follows:

Mr. CHAIRMAN: It was not my intention, at the commencement of the present session, to participate in the debates which might arise in this body. A young man, and a new member, I formed the resolution to strive rather to profit by the wisdom and experience of those with whom I have the honor to be associated, than to present, for their consideration, any views of my own.

In pursuance of this determination, I have been a careful observer of the proceedings of the House on the various subjects which have come before it; have listened attentively to the arguments of others; have exercised my judgment on the merits of the questions presented; and have contented myself with giving a silent vote.

I would not now depart from that resolution, but for the conviction that the duty which I owe to my constituents and the country, requires me to do it.

Invited, solicited, challenged, as the friends of the Administration have been, by the enemies of this bill, to bring it forward, and enter into a discussion of its merits, although the humblest member on this floor, I will not shrink from my share of the responsibility and the labor of defending it.

There are but two modes or systems by which the fiscal operations of the Government can be transacted. First, by the agency of banks, or other corporations: and, secondly, by the officers of Government, elected by the people, or appointed by the Executive. The former is the system on which we have heretofore generally practiced; the latter, the system proposed by the bill: and in the course of my remarks, I shall consider the two systems, principally in relation to three points, namely, constitutionality, convenience, and security; and shall endeavor to maintain the principles contained in the bill, by comparing and contrasting the two systems.

To show the unconstitutionality of banks, and the constitutionality of the Independent Treasury, it may be well to take a glance at the nature of our Goverment, and the history of its formation.

Our system of Government is necessarily complex. The people of the United States owe a two-fold allegiance: First, to the State within which they reside; and second to the United States. The authority of the Government is derived from the consent of the governed. All power is inherent in the people—originates with, and emanates from them. They first established State Governments, to which they delegated a portion of their own powers, and gave up a part of their own rights as an equivalent for the protection of the laws of the State. At the time of our separation from, and independence of, the mother country, the original thirteen States became separate and independent sovereignties, to all intents and purposes. They at first formed a temporary confederacy for mutual assistance and protection. But after the lapse of a few years, the States, by their delegates, met in convention, "In order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people and their posterity."

This convention formed what has been very properly denominated the Federal compact, for the purposes before mentioned. It was the work of compromise and concession; and was carefully and wisely framed. By this compact the States formed a new Government, for national objects; and conferred on it a few certain, defined and limited powers. They restrained the several States from the exercise of such powers as were considered inconsistent with the good of the whole; and reserved to the States respectively, and the people, all powers not so delegated or prohibited. The powers of the General Government, therefore, being delegated, defined and limited, are to be sought for in the plain and definite provisions of that sacred instrument. Such powers as are not found there conferred on the General Government by the instrument itself, are reserved to the States respectively, or to the people.

In order to preserve inviolate the line of demarcation between the respective Governments, it is necessary that it should be clearly drawn, distinctly marked, and kept constantly in view.

While, therefore, the General Government should have the free exercise of its legitimate rights, as defined in the Constitution, great care should be observed that those rights are not enlarged and extended beyond the plain and manifest provisions of the instrument. The line once passed by an unwarrantable construction, there is no place at which to stop short of the entire destruction of the State sovereignties, and the establishment, on their ruins, of one grand consolidated Government.

Bearing in mind these principles, let us turn to the situation of our country at the time of the adoption of the Constitution.

Before the Revolutionary war, efforts had been made in Massachusetts and other provinces to establish and sustain a paper currency, which efforts failed, and were brought to a close just before the commencement of the Revolution.

Other efforts were made during the war by several provincial Legislatures, and by the continental Congress. In 1775, bills of credit to the amount of three millions of dollars were issued by Congress, in addition to those issued by the individual States. By new emissions, at different times, this sum was increased at the close of the year 1778 to more than one hundred millions. Depreciation of this paper was the necessary consequence of such large emissions. This was seriously felt in the beginning of 1777, and, to provide a remedy, Congress, in January of that year, made it a tender in payment of all public and private debts; and a refusal to receive it was declared to be an extinguishment of the debt itself: and they thought proper to declare that whoever should refuse to receive it in exchange for any property, as gold and silver, should be deemed an enemy to his country. The bills still continued to depreciate, and new emissions were made, which swelled the amount in 1779 to one hundred and sixty millions. The increasing wants of the country increased the issues in 1780 to more than three hundred millions, which depreciated so rapidly that, in the course of that year, five hundred dollars of those bills would not purchase a meal of victuals to satisfy the cravings of hunger, and finally they ceased to circulate, and quietly died in the hands of their possessors.

Thus we see, in this effort to establish and sustain a paper currency in the United States, an effort made from painful necessity, the people who were fighting for freedom, suffering every hardship, enduring every privation, and encountering danger and death in all their various forms, suffered a direct and total loss by paper money of more than three hundred millions of dollars.

The men who framed the Constitution were among the heroes of the Revolution.

They had seen and felt the evils of a depreciated and worthless paper currency. They had seen the provincial and continental bills, although encouraged and supported by the Government, and made a tender in the payment of debts, depreciate from time to time, and finally cease to circulate.

Under such circumstances, what kind of a currency, would such men, with their knowledge of the entire failure of paper money, and the losses and sufferings growing out of the use of it, be likely to establish for the people? There can be but one answer to this question. Men of their characters, with their experience, and with their judgment, would, in all human probability, establish a hard money currency: and they would also strive to guard against the possibility of a recurrence to that system, which had contributed so largely to increase the evils and sufferings of the country.

Having seen that the situation of the country, and the history of its monetary affairs, were such as to render it highly probable that the framers of the Constitution would establish a hard money currency, and guard by all possible means against the evils of a paper money system, let us turn to the instrument itself and examine its provisions.

Among the powers of Congress, in article first, section eighth, are the following:

"To coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures." Also,

"to provide for the punishment of counterfeiting the securities and current coin of the United States."

There is no other power delegated to the General Government in relation to the currency, unless it be contained incidentally in some of the General provisions, such as:

"To levy and collect taxes, pay the debts, provide for the common defence and general welfare, borrow money, make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof."

Here is found no express power to establish banks, or to use bank paper, nor is any necessarily implied, as all the powers vested in the United States, and every department and officer thereof, by the Constitution, may be exercised without them. But, on the contrary, the language used is such as naturally to convey the idea of a currency composed of coins. And in the tenth section of article first, it is provided, that no "State shall coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; or pass any law impairing the obligation of contracts." We have, then, the plain provisions of the Constitution, that Congress alone shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; and the States are expressly prohibited from "making any thing but gold and silver coin a tender in the payment of debts, and from passing any law impairing the obligation of contracts."

What is the natural construction of this language? What the intention of the framers of the instrument, as gathered from the language used? Is there a sentence, which, by a fair construction, admits the idea of paper money? But, on the contrary, is not the intention to establish a hard money currency manifest in every line which I have quoted? Banks, bank bills, corporations, and paper money, are no where mentioned in that instrument as among the subjects to be regulated by Congress; nor is any insimation or allusion made to those subjects, except by the prohibition of the States before cited.

There being no provision in the Constitution, which, upon a fair construction, contains the power to incorporate a bank, or to issue bank paper, it may not be wholly unprofitable to examine, for a few moments, the proceedings of the convention which framed it, the debates which occurred at its adoption, and the contemporary construction of its provisions.

The Madison Papers, which contain a history of those proceedings, vol. 3, page 1343, throw a flood of light on this subject. The original draft of the Constitution contained a provision, among other powers of Congress, "To borrow money, and emit bills on the credit of the United States." The words, "and emit bills," were rejected and struck out by a vote of *nine* States against *two*; and the remainder adopted. Mr. L. here read the proceedings of the convention, dated August 16, 1787. By the same work, vol. 3, pages 1354, 1576, and 1577, we find that it was proposed by Mr. Madison to give Congress power "to grant charters of incorporation where the interest of the United States might require, and the legislative provisions of the individual States may be incompetent;" which proposition, after debate, was so modified, as to admit a distinct question, specifying and limited to the case of canals; but *three* of the eleven States then represented voted in favor, and *eight* against this question. The other part fell, of course, as included in the powers rejected.

Mr. L. here read the proceedings of the convention, dated September 14, 1787.

The proposal to invest Congress with the power to grant charters of incorporation, and the direct vote of refusal by so large a majority, show most clearly and conclusively the intention of the framers of the Constitution.

I have endeavored to show, first: That the framers of the Constitution, from the characters of the men, their experience of the evils of paper issues, and the circumstances of the country, would in all probability have established a hard money currency.

Second: That a fair construction of the instrument shows that they did thereby establish such a currency. And third: that the proceedings of the convention show conclusively that it was their intention to establish such a currency.

In accordance with this construction, the new Government went into operation under an Independent Treasury system, and one of the first acts of Congress to regulate the collection of duties, passed July 31, 1789, provides that the duties shall be collected in gold and silver coins only.

The opinion of Mr. Madison, as expressed in the Federalist No. 44, corresponds with this view of the subject; and surely no man had better means of knowing than he. In that article, he says:

"The extension of the prohibition to bills of credit must give pleasure to every citizen in proportion to his love of justice, and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilent effects of paper money in the necessary confidence between man and man; in the necessary confidence in the public councils; in the industry and morals of the people, and on the character of Republican Government, constitutes an enormous debt against the States, chargeable with this unadvised measure, which must long remain unsatisfied; or rather an accumulation of guilt, which can be expiated not otherwise than by a voluntary sacrifice on the altar of justice, of the power which has been the instrument of it."

And when the bill to grant a charter to the first Bank of the United States was under consideration in Congress, February 21, 1791, Mr. Madison denied the right of Congress to pass it. He said:

"He had entertained this opinion from the date of the Constitution. His impressions might, perhaps, be the stronger, because he well recollected that a power to grant charters of incorporation had been proposed in the general convention, and rejected. Is the power of establishing an incorporated bank among the powers vested by the Constitution in the Legislature of the United States? This is the question to be examined.

"After some remarks on the limitations of all political power, he took notice of the peculiar manner in which the Federal Government is limited. It is not only a general grant out of which particular powers are excepted; it is a grant of particular powers, leaving the general mass in other hands. So it has been understood by its friends and its foes; and so it was to be interpreted."

And he concluded his speech in these words:

"It appeared, on the whole, he concluded, that the power exercised by the bill was condemned by the silence of the Constitution—was condemned by the rule of interpretaion arising out of the Constitution—was condemned by its character to destroy the main characteristic of the Constitution—was condemned by the expositions of the friends of the Constitution, whilst depending before the public—was condemned by the apparent intention of the parties which ratified the Constitution—was condemned by the explanatory amendments proposed by Congress themselves to the Constitution; and he hoped it would receive its final condemnation by the vote of this House."

Mr. Stone, in a speech made on the same occasion, uses this language:

"When implication first raised its head in this House, he started from it as a serpent which was to sting and poison the Constitution. He felt in unison with his country. The fears, the opinions, the jealousies of individuals and of States, had been explained by a gentleman from Virginia, (Mr. Madison.) He should only remark that all those who opposed the Government dreaded this doctrine. Those who advocated it declared that it could not be resorted to; and all combined in opinion that it ought not to be tolerated. Never did any country more completely unite in any sentiment than America in this—that Congress ought not to exercise by implication powers not granted by the Constitution. And it is not strange, for the admission of this doctrine destroys the principles of your Government at a blow. It at once breaks down every barrier which the Federal Constitution has raised against unlimited legislation."

When the bill to renew the charter of the first Bank of the United States was under consideration in the Senate, February 15, 1811, Mr. Clay used the following language:

"This vagfant power to erect a bank, after having wandered throughout the whole Constitution in quest of some congenial spot whereupon to fasten, has been at length located by the gentleman from Georgia on that provision which authorizes Congress to lay and collect taxes, &c. In 1791, the power is referred to one part of the instrument; in 1811, to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here, it disappears, and shows itself itself under the grant to coin money. The sagacious Secretary of the Treasury, in 1791, pursued the wisest course; he has taken shelter behind general, high sounding, and imposing terms. He has declared, in the preamble to the act establishing the Bank, that it will be very conducive to the successful conducting of the national finances; will tend to give facility to the obtaining of loans; and will be productive of considerable advantage to trade and industry in general: no allusion is made to the collection of taxes."

On the same occasion, in the House of Representatives, January 23, 1811, Mr. Crawford said:

"It is a most dangerous doctrine; it is an abandonment of the State sovereignties, who have for twenty years practically opposed and denied such doctrine. More than three-fourths of the States have, for a large portion of that period, been in the practice of establishing banks within their respective State sovereignties. If they had divested themselves of this sovereignty by a delegation of such power to the United States, they would never have dared to exercise such a flagrant usurpation of power. Congress could not, without violating their oaths, have permitted this usurpation of their delegated authority."

Mr. Webster, at a subsequent period, February 28, 1816, when the bill to incorporate the late Bank of the United States was under consideration in the House of Representatives, observed:

"He regretted the manner in which this debate had been commenced, on a detached feature of the bill, and not a question affecting the principle; and expressed his fears that a week or two would be lost in the discussion of this question to no purpose; inasmuch as it might ultimately result in the rejection of the bill. He proceeded to reply to the arguments of the advocates of the bill. It was a mistaken idea, he said, which he had heard uttered on this subject, that we were about to reform the national currency.

"No nation had a better currency, he said, than the United States—there was no nation which had *guarded* its currency with more care; for the framers of the Constitution, and those who enacted the early statutes on this subject, *were hard money men*; they had felt, and therefore duly appreciated, the evils of a paper medium; they therefore sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin; this was a subject in regard to which Congress had run into no folly."

In connection with this branch of the subject, I will a so cite the able and learned report of Mr. GALBRAITH, of Pennsylvania, made in the House of Representatives, at the second session of the 24th Congress—House Reports No 306. Mr. G. was chairman of a select committee, to whom were referred certain memorials, suggesting an amendment of the Constitution of the United States, in relation to banking companies, and against the re-issuing of the notes of the United States Bank. The report, among other things, says:

"At the time of the adoption of the Constitution of the United States, there were but three banks in all the States, with a capital, in all, of $4,550,000: the Bank of North America, in Philadelphia, with a capital of $2,000,000, first chartered by the old Congress, in 1781, and afterwards by the Legislatures of Pennsylvania and New York; the Massachusetts Bank, at Boston, chartered by the Legislature of Massachusetts, in 1784, with a capital of $1,600,000; and the Bank of New York, chartered the same year, with a capital of $950,000. This constituted the whole banking capital of the United States at that time. The framers of the Constitution, therefore, had but little knowledge of a banking system such as it now is in this country. It could scarcely be expected that they could have anticipated that, within half a century, there could be eight hundred and twenty-three banks, with a capital of $378,421,168. Such an anticipation would have required a revival of the spirit of prophecy. They had experienced the fatal effects of the provincial paper money, and the no less pernicious results of the continental paper, and provided, as they supposed, in the Constitution, against both; against the former, by providing, in the 10th section of the 1st article, that 'no State shall emit bills of credit, or make any thing but gold and silver coin a tender in payment of debts;' against the latter, by nowhere giving to Congress the power of creating a paper circulation. It is matter of history, that the old Congress of 1776 had emitted continental paper to carry on the war by a majority of its members, until the adoption of the articles of confederation, in 1778, in which it was provided, among other things, that Congress should 'not emit bills, nor borrow money, on the credit of the United States, &c. unless nine States should assent to the same.' It is very probable that the small amount of bank issues at that time attracted very little attention, particularly as specie was very abundant for some time after the Revolutionary struggle; the French and English armies at New York and other places, the foreign loans, and the Havana trade, having introduced great quantities of the precious metals into this country. With the provisions, therefore, that 'no State should emit bills of credit, make any thing but gold and silver coin a tender in payment of debts;' and that Congress should have the power 'to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;' and the silent negation of power to Congress to emit bills of credit; the framers of the Constitution, no doubt, supposed they had thrown an ample guard around the currency of the country, and secured the poor and industrious from the pestilential effects of a paper money system, and the curses of the speculation and frauds which follow it. Such appears to have been the sentiment of political writers of the day."

After the passage of the act incorporating the first Bank of the United States, February 12, 1791, General Washington took the opinion of Mr. Edmund Randolph, at that time Attorney General, on the question of its constitutionality. Mr. R. was clearly of the opinion that no such power had been conferred by the Constitution. He then took the opinion of Mr. Jefferson, Secretary of State, which coincided with that of the Attorney General. He then furnished General Hamilton, Secretary of the Treasury, with the written opinions of Mr. Randolph and Mr. Jefferson, and requested him to examine them, and answer their objections to the constitutionality of the bill. On the 23d of February, 1791, General Hamilton returned a long, labored, and ingenious argument in answer to their objections, and in favor of the bill. Two days afterwards it received the signature of the President, and became a law.

We may now look back to the situation, the talents, and the influence of one individual, aided and assisted by his political friends, for the establishment of the *paper money system* in this country, in violation of the letter and spirit of the Constitution. His talents, and his situation at the head of the Treasury, enabled him to prevail in the na-

tional councils on questions relating to the currency; and he thus succeeded in striking a blow at the Constitution, the effects of which have been deplored by the Democratic party from that time to the present. Thus were its provisions violated through the art and cunning of a man who was opposed to our free institutions—who had no confidence in the virtue and intelligence of the people—who doubted their ability for self-government—who considered the British Constitution the most perfect form of Government in the world—and who was a zealous and eager imitator of all British institutions. He thus succeeded, by an unwarrantable construction of the Constitution, in fastening upon this country a system, the inevitable tendency of which is to overthrow our free institutions, blot out the State sovereignties, and establish upon their ruins a central, consolidated Government, similar to that of Great Britain.

Much stress is laid by the advocates of a National Bank on the fact, that some prominent Democrats have recommended such an institution, and among them Mr. Alexander J. Dallas, Secretary of the Treasury under Mr. Madison. But it should be recollected that Mr. Dallas, in recommending the late Bank of the United States, December 6, 1815, admits that, "under the constitutional authority, the money of the United States has been established by law, consisting of coins, made with gold, silver, or copper." And he adds, upon the next page of his report:

"But it is within the scope of a wise policy, to create additional demands for coin, and in that way to multiply the inducements to import, and retain the metals of which it is composed. For instance, the excessive issue of bank paper has usurped the place of the national money, and, under such circumstances, gold and silver will always continue to be treated as an article of merchandise: but it is hoped that the issue of bank paper will be soon reduced to its just share in the circulating medium of the country, and consequently that the coin of the United States will resume its legitimate capacity and character."

Again:

"The Treasury, yielding from necessity to the general impulse, has hitherto consented to receive bank paper in payment of duties and taxes; but the period approaches, when it will probably become a duty to exact the payment either in Treasury notes or in gold or silver coin, the lawful currency of the United States."

Thus it will be seen Mr. Dallas most distinctly admits that the lawful money of the United States is gold and silver coins; and foreseeing a different state of things from what then existed, he predicts the future establishment of the measure now under consideration.

The committee of Congress on so much of the President's message as related to the national currency, in their communication with Mr. Dallas, say, that "They had determined that a National Bank is the most certain means of restoring to the nation a specie circulation." Such was the avowed object for which the late bank of the United States was established; and how signally it failed to effect the great object for which it was instituted, is within the recollection of all. But it has been said that Mr. Madison, after all his former opposition to a National Bank, became the friend of such an institution, and approved of the charter in 1816. It is indeed true, that it was chartered during his administration, and received his signature; but I will venture to say, Mr. Chairman, that you can bear witness, from your intimate acquaintance with that distinguished man, that his own opinion remained unchanged. He states the reasons for his course in a letter to C. J. Ingersoll, June 25, 1831:

"The charge (he says) of inconsistency, turns on the question, how far legislative precedents, expounding the Constitution, ought to guide succeeding legislatures, and to overrule individual opinions."

Again: I am told that there have been numerous decisions of the Supreme Court sustaining the constitutionality of such an institution. That is also true; and I have had occasion to examine some of them. They are to be found in the 4th, 8th, 9th, and 12th of Wheaton's Reports.

But however much I may be disposed to respect the decisions of that court in questions over which the Constitution has given them jurisdiction, I cannot wink out of sight the fact, that the distinguished men who composed that court, and made those decisions, belonged to a party which has always been disposed to enlarge the powers of the General Government by construction. Nor can I forget, that our Government consists of three separate and distinct departments, each independent of the other, each intended to act in some measure as a check upon the other, and each bound by the oath of office to support the Constitution. It is under the solemnity of such an oath, and as a member of one of those departments of Government, that I now address you. In such a case I would suffer no man, or set of men, whatever might be their characters or situation, to influence me against the obvious meaning and intention of the framers of the instrument.

From every view which I have taken of this subject, I can come to no other conclusion, than that it was the intention of the framers of the Constitution to adopt gold and silver as the standard of value, and to establish a metallic currency; and that the Government should perform its fiscal operations through the agency of its own officers I am, therefore, in favor of the bill, because it is based upon, and is in accordance with the principles of the Constitution. I am opposed to the system of bank agency, which is the antagonist of this measure, because it violates the Constitution; and I cannot concur in the opinion that legislative precedents are to be regarded as imposing an insuperable obligation on subsequent Legislatures. If they are right, they should be followed—if wrong, they should be abandoned. Precedents which contravene the principles of justice and equality—which assume powers never delegated—which violate the reserved rights of the States—and trample under foot the liberties of the people, can have, and ought to have, no influence over an American Legislature. Instead of being a guide for future legislation, they should be viewed as the prudent mariner would regard a dangerous reef or ledge, around which he sees scattered the wrecks and fragments of vessels.

Second. As a mere question of convenience, the proposed system is greatly superior to a bank agency for transacting the fiscal operations of the Government. It is more direct and simple in its operations.

There are three great sources of revenue, namely: the duties on imports, the sales of the public lands, and the postage of letters and papers. When banks are used as agents, these revenues are collected by officers of the customs, receivers of land offices, and postmasters, in bank notes, and deposited periodically in banks in various parts of the Union. When money is needed for the purposes of Government, drafts are drawn by the Treasurer on the banks in favor of the disbursing officers, who go, or send, to the banks, procure the amount in bank notes, and pay it out for the purposes for which it was appropriated.

By the Independent Treasury system, the money will be collected by the same officers in gold and silver, and deposited in the Government vaults, under the charge of the officers of Government, who are bound to keep it safely in specie until it is drawn for by the Treasurer, and is then paid out in specie in pursuance of appropriations made by law.

The old system deposites the money in banks, which are authorized to discount and loan money to individuals on the strength of it; while the Independent Treasury system entrusts it with the officers of Government for safe keeping, who are under heavy bonds, with ample sureties, not to loan it to others, or to use it for any purpose whatever.

To illustrate the subject. When banks are used as depositories and fiscal agents of the Government, the postmaster at Machias, Maine, is required to deposite the revenue of the office quarterly in some bank in Bangor, or Portland, or elsewhere in the State. The contractor for carrying the United States mail from Bangor to Eastport, applies to the Postmaster General for his quarter's pay, who draws in favor of the contractor upon the bank where the money is deposited; and the contractor goes, or sends, to Portland, or Bangor, and procures the amount in bank notes.

By the Independent Treasury system, the postmaster at Machias will notify the Postmaster General of the amount in his hands, at the end of each quarter, and the Postmaster General will immediately draw in favor of the mail contractor, on the several post offices on his route, which drafts he will present, and take the specie, instead of going, or sending, to Bangor or Portland, for bills.

Again: when banks are used as the depositories and agents of Government, a collector of the customs at Boston, New York, Philadelphia or Baltimore, collects the duties on imports in bank notes, and deposites them in some bank, or banks in the same place; and when the money is needed for the erection of fortifications, public works, or other purposes, in pursuance of law, it is drawn out by the treasurer by drafts in favor of the contractors.

By the Independent Treasury system, the duties will be collected in gold and silver, deposited in the Government vaults, kept safe until it is needed for the same purposes, and then be disbursed by the officers of Government, in gold and silver.

Again: when banks are used for the fiscal operations of the Government, the proceeds of the sales of the public lands in Ohio, Illinois, and Indiana, are collected by the receivers at the public land offices, in bank notes, deposited in the banks most conveniently situated, and when needed to meet appropriations for Indian treaties, or other expenditures, in the Western States, are drawn from the banks in bank notes, on the draft of the treasurer of the United States, in favor of the disbursing officers.

By the Independent Treasury, the proceeds of the sales of the public lands would be collected by the same officers, in gold and silver, kept safely until drawn from their hands, for the purposes before mentioned, by drafts in favor of the contractor; and then paid out in specie.

This system is, therefore, much more simple, direct, and convenient, than that of a bank agency.

Third. The Independent Treasury system has the advantage of the other, not only in constitutionality and convenience, but also in the security of the public revenue.

To maintain this position, it will be necessary to consider at some length the origin, objects and qualities of banks, and the principles on which they are established and conducted.

The business of banking is said to have been commenced in Italy by the Lombard Jews, in the year 808. The Bank of Venice was established in 1171. The Bank of St. George, at Genoa, in 1407. The Bank of Amsterdam in 1609. The Bank of Hamburg in 1619. In Sweden, the Bank of Stockholm in 1657. The Bank of England in 1694. The Bank of Copenhagen in 1736. The Bank of Berlin, in Prussia, in 1765. The Bank of Assignats, in Russia, in 1768. A Bank for the discount of commercial paper in France, in 1776; and the Bank of Assignats in 1789.

The first bank established in this country was the Bank of North America, at Philadelphia, in 1781. The Massachusetts Bank, at Boston, in 1784. The Bank of New York, at New York, the same year; and the Portland Bank, at Portland, Maine, in 1799. Since which time, the whole number of banks and branches in the United States has increased to 901, with a capital stock of $358,442,692; bills or notes in circulation, $106,968,572; and specie in their vaults, $33,105,155.

Banks were originally designed to be places of deposite merely, and not of discount and circulation, as at the present day. They were not the manufacturers of paper, but the bailees of gold, silver, and every description of coins. These coins were deposited principally for safe-keeping; and were received by the banks at their intrinsic value, subject to transfer or withdrawal by the owner, at a trifling expense. They afterwards became banks of discount, as well as deposite; and still dealt chiefly, if not wholly, in hard money. They have more recently become banks of circulation, as well as deposite and discount; and many of them are at this time but little more than the manufacturers of paper.

The history of paper money, as it is termed, both in this country and Europe, is a history of alternate expansions and contractions, of apparent prosperity and real adversity, of an excited and unnatural abundance, and a painful deficiency of the circulating medium, of plenty and scarcity, of profusion and poverty, extravagance and want, confidence and distrust.

All countries which have tried it, have suffered

more or less severely from time to time. Austria, Sweden, Denmark, Russia, France, England, and the United States, all, all have suffered more or less the evils of this unwise, unstable, and dangerous currency.

The famous Mississippi bank paper establishment of John Law, in 1718, spread consternation and distress throughout the kingdom of France. The South sea act in England, the next year, enacted through the influence of Sir James Blunt, became equally celebrated for the mischief, infatuation and ruin which it produced. These schemes, so productive of idleness, extravagance, immorality, and crimes, have become a part of the history of those countries.

But the former has so far profited by experience, that she has made reformations in her currency until it has become probably one of the safest and the best in the world. At the close of the year 1838, no bills were allowed, by law, to be issued, of a less denomination than 500 francs or 93 3-10 dollars. The circulation of all her banks which issue notes payable on demand and to bearer, was at the time, 248,968,500 francs. Cash on hand, 165,325,000 francs. Discounts, 1,235,777,000 francs.

The establishment of the Bank of England in 1694, may be regarded as the foundation and origin of the present system of paper currency, which prevails in England and in the United States.

That Bank was established on credit; and has been sustained by acts of legislation, and by its connection and identity with the Government. Yet it suspended specie payments from 1797 to 1823; and it is said, was recently saved from another suspension by a loan from the Bank of France of many millions of francs.

This bank being located in London, the great centre of the commercial world, has, in the nature of things, a commanding and controlling influence over the currency and trade of other countries, unless they are established and regulated on such principles as to guard against the influence which a great emporium naturally exercises over those countries whose business concentrates at that point.

Hence its expansions and contractions are felt in all parts of the world—less, perhaps, in France than any other country, because she has taken measures to secure her people and her currency from such a dangerous influence; and more in the United States than any other, because we are so intimately connected by commercial relations—have adopted her paper system, and have contributed, by our bank policy, to expand the amount of paper circulation, and to involve our citizens and our States in a vast debt to the merchants and bankers of London.

In imitation of the Mississippi scheme of France, the South Sea bubble of England, and the Bank of England, various banking institutions have been established in this country, which have increased their numbers, influence, and extent of their paper operations, until the ancient laws of trade and commerce are entirely overthrown, and the country covered with a flood of paper.

The following table, from Blodget's Economica, is perhaps sufficiently accurate to give a correct idea of the number of banks, their amount of capital stock, bills in circulation, and metallic medium, from 1784, soon after they were established in this country, until the year 1804, a period of twenty-one years; by which it will be seen that up to that period, the amount of specie in circulation was very great—sufficiently so, perhaps, to answer the purposes of a sound currency, there being, at the last of those dates, a metallic medium of $17,500,000, while the bank bills had reached only o $14,000,000.

Year.	Metallic medium.	Bank notes in circulation.	No. Banks.	Capital.
1774	$4,000,000 }	$2,000,000	3	$2,150,000
1784	10,000,000 }			
1790	9,000,000	2,500,000	4	2,550,000
1791	16,000,000	9,000,000	6	12,950,000
1792	18,000,000	11,500,000	16	17,150,000
1793	20,000,000	11,000,000	17	18,000,000
1794	21,500,000	11,600,000	17	18,000,000
1795	19,000,000	11,000,000	23	19,000,000
1796	16,500,000	10,500,000	24	19,200,000
1797	16,000,000	10,000,000	25	19,200,000
1798	14,000,000	9,000,000	25	19,200,000
1799	17,000,000	10,000,000	26	21,200,000
1800	17,500,000	10,500,000	28	21,350,000
1801	17,000,000	11,000,000	31	22,400,000
1802	16,500,000	10,000,000	32	22,600,400
1803	16,000,000	11,000,000	36	26,000,000
1804	17,500,000	14,000,000	59	39,500,000

The following table, compiled from authentic public documents, contains as full a history of the expansions and contractions of the banks, for the last thirty years, as I have been able to find in the course of my researches:

STATEMENT of the condition of the banks in the United States, as taken from the official reports of the Secretary of the Treasury, at various periods.

Date.	No. banks.	Bills in circulation.	Specie in their vaults.	Capital stock.	Deposites.	Loans and discounts.
January 1, 1811	89	$28,100,000	$15,400,000	$52,601,601		
1815	208	45,500,000	17,000,000	82,259,590		
1816	246	68,000,000	19,000,000	89,822,423		
1820	308	44,863,344	19,820,240	137,110,611	$35,950,470	$200,451,214
1830	320	61,323,898	22,114,917	145,192,268	55,559,928	324,119,499
1834	506	94,839,570	-	200,005,944	75,666,986	365,163,824
1835	558	103,692,495	43,937,625	231,250,337	83,081,365	457,506,080
1836	567	140,301,038	40,019,594	251,875,292	115,104,440	525,115,702
1837	768	149,185,890	37,915,340	290,772,091	127,397,185	
1838	829	116,138,910	35,184,112	317,636,778		
1839	840	135,170,995	45,132,673	327,132,512		
1840	901	106,968,572	33,105,155	358,442,692	90,240,146	492,278,015
					75,696,857	462,896,523

Thus we see that, from 1811 to 1815, a period of four years, the bank bills in circulation were increased from twenty-eight millions to forty-five millions, while the specie on hand increased but one million and six hundred thousand dollars; from 1815 to 1816, one year, the circulation was increased from forty-five millions to sixty-eight millions, while the specie on hand increased but two millions; from 1816 to 1820, four years, the circulation was diminished from sixty-eight millions to less than forty-five millions, and the specie on hand in that time increased near a million; from 1820 to 1830, ten years, the circulation was again increased to sixty-one millions, and the specie to twenty-two millions; from 1830 to 1835, a period of five years, the circulation was increased from sixty-one to one hundred and three millions, and the specie from twenty-two to forty-three millions; from 1835 to 1836, one year, there was a further increase of the circulation to one hundred and forty millions, with a decrease of specie to forty millions; from 1836 to 1837, one year, there was a further increase of circulation to one hundred and forty-nine millions, with a further decrease of specie of more than two millions; from 1837 to 1838 there was a contraction of the circulation of more than thirty-three millions, and a decrease of specie of near three millions; from 1838 to 1839, they expanded the circulation about nineteen millions, and increased their specie about ten millions; from 1839 to 1840, the year last past, they again contracted their circulation more than twenty-eight millions, and their specie more than twelve millions.

From 1830 to 1834, they swelled their loans and discounts from two hundred millions to three hundred and twenty-four millions; from 1834 to 1835, one year, they increased their loans and discounts to three hundred and sixty-five millions; from 1835 to 1836 to four hundred and fifty-seven millions; and from 1836 to 1837 to five hundred and twenty-five millions. At this point they reversed the screws, and commenced contracting their loans and discounts, which, in two years, from 1837 to 1839, they contracted about thirty-three millions; and within the last year they have made a still further contraction of near thirty millions.

This plain statement of facts will enable us to judge of the causes of the plenty and scarcity of the circulating medium, which has been experienced in this country at various periods of time within the last thirty years, and the part which the late Bank of the United States and the present United States Bank of Pennsylvania performed in this work of expansion and contraction will appear by the following tables:

Condition of the Bank of the United States at different periods, as contained in monthly returns by its Cashiers:

Date.		Bills in circulation.	Specie.	Loans and discounts.
January,	1832	$21,355,724	$7,038,823	$66,293,707
July,	1832	20,520,068	7,519,083	67,416,081
January,	1833	17,518,217	8,951,847	61,695.913
April,	1833	18,033,205	9,001,661	64,323,929
July,	1833	19,366,555	10.098,816	63,369,897
October,	1833	19,128,189	10,663,441	60.094,202
January,	1834	19,208,379	10.031,237	54,911,461
April,	1834	17,251,264	10,180,098	54,806,817
July,	1834	16,641,997	12,823,997	51,024,972
October,	1834	15,637,676	15,561,374	46,006,791
Dec.	1834	15,603,446	15.6=0,387	45.578,088
January,	1835	17.339,797	15,708,369	51,806,739
February,	1835	19,733,527	16,369,525	55.524,806
March,	1835	19,519.777	16,567,893	57,814,401
April,	1835	20,544.736	16.448,814	60,100,216
May,	1835	20,347,936	14,385,843	61,919,425
June,	1835	22,009,474	13,912,577	63,642,646
July,	1835	25,332,820	13,429,328	66,197,692
August,	1835	24,329,222	12.883,968	64,314,518
Sept.	1835	23,645,122	12,840,781	61,787,020
October,	1835	24,403,074	12,545,652	60,163,249
Nov.	1835	23,031.667	10.224,675	57,529,053
Dec.	1835	22.113,902	8.749,920	57,144,258
January,	1836	23,075.422	8,417.988	59,232,145
February,	1836	21,802.355	7,750,589	60,191,478
March,	1836	20,114,227	6,224.197	58,345,107
April,	1836	21,109,352	5,595,967	52,511,081

Abstracts of the statements of the Pennsylvania Bank of the United States, from March, 1836, to May, 1837.

Date. 1836.	Bills discounted and bills of exchange.	Specie.	Nett circulation.
March 31, - -	$56,503,538	$5,079.460	$18,155.396
May 2, - -	54,401,836	5,020 471	17,251,165
May 30, - -	52,664,826	4,528,681	13,323,669
July 4, - -	58,000,600	4,064.455	13.684,305
August 1, - -	57,646.573	4,997,500	14,027,524
September 1, - -	57,562,600	4.696.693	11,805,454
September 29, - -	57,068,940	3.424.763	10,480,828
October 31, - -	55,548,779	3,410.181	10.044.097
December 1, - -	54,928,790	3,275,292	9,733,032
1837.			
January 2, - -	57,212.217	2,638.449	11.447,968
January 30, - -	58.588.116	2,161,441	9.262,097
February 27, - -	56,650,185	2,653.672	9,470,171
March 30, - -	56,336.061	1.919,094	9 052,386
May 1, - -	63,552,932	1,490,968	7,193,021

From Janury, 1832, to January, 1833, that bank contracted its loans and discounts from sixty-six to sixt-yone millions, and its circulation from twenty-one to seventeen millions. During the first quarter of 1833, it increased its loans and discounts from sixty-one to sixty-four millions, and its circulation from seventeen millions to eighteen millions. During the second quarter of that year, it contracted its loans and discounts to sixty-three millions, and increased its bills in circulation to nineteen millions. During the third quarter of that year, it made a further contraction of loans and discounts to sixty millions. During the last quarter of that year, it made a further contraction of loans and discounts to fifty-four millions. In the first two quarters of 1834, its loans and discounts were contracted to fifty-one millions, and its circulation diminished near three millions. In the third quarter of that year, the loans and discounts were reduced to forty-six millions, and its circulation diminished about one million. In the last quarter of that year, the loans and discounts were still further reduced to about forty-five and a half millions; making in all, from April, 1833, to December, 1834, a period of one year and eight months, a contraction of loans and discounts of near nineteen millions; and of bills in circulation about two and a half millions. From December, 1834, to July, 1835, seven months, it expanded its loans and discounts near twenty millions, and its bills in circulation near ten millions. Within the next following five months, to December, 1835, it contracted its loans and discounts more than eight millions, and its circula

tion more than three millions. In the next two months, to February, 1836, it again expanded its loans and discounts to three millions; and in the next succeeding two months, it contracted them again near eight millions. During the whole of this period, of little more than four years, it increased its specie from seven millions to sixteen millions; and then reduced it to about five and a half millions.

After it became a State institution, its bills of exchange and discounts increased from April, 1836, to May, 1837, to $63,000,000. Its bills in circulation were contracted to about $7,000,000; and its specie to less than one and a half millions. In the mean time, it had contracted a loan in Europe of more than eleven millions of dollars. This was the condition of the institution, which was claimed by its friends to be the great regulator of the currency ten daysbefore the suspension in May, 1837. That this amount of specie was nearly exhausted, during the ensuing ten days, is by no means improbable.

At the suspension of specie payments in 1837, it was among the first to suspend, and the last to resume; and in the suspension of last fall, it was among the first to suspend; and it will be the last to resume, if, indeed, it ever do resume.

The great expansions in 1816, 1817, and 1818, led to the revulsion of 1819, 1820, and 1821; the expansion of 1822, and 1823, to the revulsion of 1824, 1825, and 1826; the expansions of 1829, 1830, and 1831, to the revulsion of 1832, 1833, and 1834; the expansions of 1835, 1836, and the early part of 1837 to the revulsion of 1837, 1838, and 1839.

These alternate expansions and contractions first gave real estate, and all articles of property, a fictitious and deceptive value; and led all classes of people into new enterprises, in the expectation of accumulating sudden wealth; and then produced disappointment, embarrassment, and pecuniary ruin. They excited men to abandon their usual employments, to embark in dangerous speculations, which were sure to result in disappointment, if not in vice and misery.

The inconsiderate issues of bank bills in England and in the United States, in 1835 and 1836, excited a spirit of enterprise and speculation. It engendered an uncontrollable thirst for sudden wealth. It encouraged the merchant in Europe to sell, and the American merchant to buy, on credit, and import into this country, large quantities of foreign merchandise, which the necessities of this country did not require. It inspired our farmers with the desire to embark in the various enterprises of the day, for the accumulation of large fortunes, by speculating in lands, timber, granite, marble, cotton, flour, beef, pork, and various descriptions of stocks; by which means, the cultivation of the earth was neglected, and agriculture in a great measure abandoned, and hence the quantity of breadstuffs in this country was not sufficient to supply the demand, which was naturally increased by an increase of population, and by thousands of foreign laborers, who had come to the United States to labor on the canals and railroads. Necessity then compelled us to import grain and flour from Europe; and an expenditure, which in 1834, amounted to but two hundred and fifty thousand dollars, was suddenly increased to more than two millions in the first two quarters of 1837.

This turned the balance of trade against us; made us an importing instead of an exporting nation; and in the year 1836, the imports exceeded the exports by $61,316,995—in 1837, by $23,569,841—and in 1838, by $5,330,788, making an excess of imports over the exports in three years, of $90,217,624.

As our bank bills do not circulate in foreign countries, the balances of trade must be paid in gold and silver. In this way our specie is withdrawn from circulation at home, and exported to pay foreign debts. Our inflated currency swells the prices of goods—prevents the duties on imports from operating as any protection to domestic manufactures; for as the balance of trade must be adjusted in gold and silver, the foreign merchant can purchase at a low rate in Europe where labor and materials are cheap; send them to the United States, pay the duties in bank notes, and sell at the inflated prices; and then demand specie to take back to Europe.

Our banks have also established agencies in those countries, not to loan, but to borrow money. These agents, it is understood, are engaged in speculations of various kinds. They deal in cotton, tobacco, provisions, in bank, railroad, and other corporation stocks, and in State bonds and other securites.

In this way they have contributed still further to plunge our citizens and the States engaged in internal improvements into debt, and into bondage to the bankers and speculators of England, France, and Holland. The extent of their indebtedness is now two hundred millions; and the payment of the interest alone will be a constant drain upon the specie of this country. The effect of these speculations in State bonds and securities is already apparent. In the years 1836, 1837, and 1838, while the sales were the greatest, the imports of gold and silver coin and bullion exceeded the exports by $29,139,299. When the sales diminished, and the interest became due, during the last year, the exports exceeded the imports by $7,969,859, or near eight millions of dollars.

For the bonds and State securities sold or pledged, the bank agents procured English and French goods at most extravagant prices, and money at the rate of four millions for five millions. The goods have been consumed; and the money itself must sooner or later be refunded in specie; and the interest must be paid in the same currency. There can be no doubt, therefore, that what seemed for a time to afford relief to our merchants and bankers must ultimately produce very serious embarrassment.

By the speculations at home in wild lands, the sales which, in the years 1833 and 1834, amounted to but eleven millions, were suddenly extended in the following years of 1835 and 1836 to forty-one millions. These purchases were principally made with bank bills of little value; and were no sooner used to meet one purchase, than they were returned to the banks and reissued to pay for others. So wild and reckless was this thirst for speculation, that, had it not been for the Treasury order, issued in 1836 by the direction of General Jackson, commonly called "the specie circular," the entire public domain would have been purchased up by speculators, and paid for in worthless paper.

This is the history of those events which preceded and are connected with the suspension of specie payments in May, 1837.

The Bank of England, the United States Bank, and the State banks, having swelled the expansion of credits and circulation until they could not be inflated any further; it became necessary to commence the work of contraction. As the Bank of England was the first to expand, so it was the first to contract the circulation. This it commenced on the 7th of March, 1837; and within nine months reduced its loans £7,852,000. It increased its specie in the mean time £4,124,000. This amount of specie being withdrawn from circulation, the contraction amounted to near £12,000,000.

The shock was soon felt in this country; and was followed by an immediate suspension on the part of the United States Bank and the State banks throughout the Union.

With about thirty-eight millions of specie in their vaults, one hundred and forty-nine millions of bank notes in circulation, one hundred and twenty-seven millions of deposites, near forty millions of which was the property of the Government, they had increased their loans and discounts to five hundred and twenty-five millions of dollars. And in this situation, at peace with the world, aided and encouraged by the Government, and in a time of universal prosperity, they closed their doors against the people and the Government of the people's choice; and set all law and authority at defiance! They thus deliberately separated themselves from the Government and the people—dissolved the connection by their own voluntary act—and but for the expedient of issuing Treasury notes, would literally have stopped the wheels of Government.

The question now arises, shall this connection be renewed, or the separation continue, and be made perpetual by law? It is a great question. Shall this be a Government of the banks or a Government of the people? Are the American people capable of self government? Shall we be governed by men; by free, intelligent, reasonable, intellectual beings, who have souls to save—chosen by the people, from among the people, to transact the people's business, and accountable to the people; or by corporations, unknown to the Constitution, possessing neither soul nor body, and being under no responsibility or accountability to any power, here or elsewhere? For myself and my constituents, I cannot hesitate or doubt as to the answer. Let the separation continue, and be made perpetual, by all constitutional measures.

According to Mr. Gallatin's tables from 1811 to 1830, nineteen years, one hundred and sixty-five banks failed, the capital stock of which amounted to about thirty millions. The parliamentary returns in Great Britain show, from 1790 to 1818, twenty-eight years, the failure of two hundred and seventy-four banks in England. In 1837, all the banks in the United States failed; and in 1839, all the banks at, and South and West of, Philadelphia, with some few honorable exceptions.

The system of banking needs a radical reform; but it can only be done effectually by the State Legislatures. It should be carried back to the object of its institution—to commercial operations—to the accommodation of trade—leaving the currency as it was at the formation of the Constitution, principally metallic, or as the framers of that instrument intended that it should be, gold, silver, and copper. Let the banks be established by those who have money to lend, and not those who desire to borrow—require them to keep a sufficient quantity of specie in their vaults to redeem all their notes when presented—let them be confined to the issue of bills of a large denomination on business paper—prohibit them from engaging in speculations—and require them to conduct their affairs on the principles of commercial banking.

This would call in the post notes and bills of little value. It would call home our speculators in cotton, in stocks, bonds, and State securities, and, by requiring them to labor for a living, would contribute something to the wealth and capital of the country.

Paper and specie of the same denominations cannot circulate together. As Pharaoh's lean and ill-favored kine devoured the fat and well-favored kine, so a spurious currency will devour the precious metals, and drive them from circulation. That is effected in this way: If a person having different kinds of money—for instance, bank notes of a doubtful character, bank notes considered good, and gold and silver coins—should have a debt to pay, or be making a purchase, he would pay out first the doubtful bank notes, in which he has the least confidence; next, the bank notes considered good; and would lock up the gold and silver, to be used only in cases of absolute necessity. Not only the individual to whom he pays the bank notes, but the whole community, will be governed by the same principle. The bank notes, therefore, in which they have no confidence, will be constantly passing from hand to hand, while the gold and silver coins will be treasured up for future use.

Most of our banks at the present day are established by a combination of men, for the purpose of enabling themselves to borrow money from the public, at the same time that they seem to lend, by exchanging their own notes, without interest, for the notes of responsible individuals, with interest, and are, therefore, debtors to the public for the whole amount of their bills in circulation.

Having but a small amount of specie in their vaults, compared with their bills in circulation, they are sustained principally by confidence. These bills or bank notes are not money; nothing but gold, silver, and copper coins, being properly denominated money. But the gentleman from New York [Mr. BARNARD] said the other day, that they are the representative of money, or certificates that the holder is the owner of an equal amount of coins. They are not the representative of mo

ney, any farther than the banks which issue them have gold and silver in their vaults to be represented. What is our idea of a representative? A few may represent many—one may represent another, or one may represent many others. But how three or six paper dollars can represent one of gold or silver, is not easily perceived. There is but one sense in which they can be said to be the representative of specie; and that is the sense in which a painting represents the original, as the picture of an ox, a house, or a ship; but there are few persons who would be willing to take the pictures instead of the originals. If they are the certificates of the ownership of an equal amount of coins, and there are more paper dollars issued than gold and silver in the vaults, they certify what is not true, and thereby deceive the public.

Bank notes purport to represent what does not exist; they are certificates of the ownership of what can never be realized; they promise to pay on demand, but the payments must be made in their own notes; they redeem old promises by giving new; in fine, like the weird sisters in Macbeth,

"They palter with us in a double sense;
They keep the word of promise to our ear,
And break it to our hope."

I would not include all banks indiscriminately in these remarks. There are some honorable exceptions; as many, perhaps, in the State which I have the honor, in part, to represent, as in any other; but truth compels me to add:

"They are, like angels visits,
Few and far between."

The principal objections raised against this measure are found in the report of the minority of the Committee of Ways and Means, at the second session of the 25th Congress, which, I understand, was drawn up by the distinguished gentleman from Pennsylvania, [Mr. SERGEANT.] The same objections are repeated and enforced by the gentleman from Massachusetts, [Mr. CUSHING.] They are, first, "That this system will establish one currency for the Government, of gold and silver, and another of depreciated paper for the people." Second, "That it will increase the power of Executive patronage;" and third, "That Congress ought not to pass the bill without submitting the question to the people." To the first objection, I answer, that the Government and the people are, in effect, one and the same. Their interests are identical. It is the people's Government, administered by the people's agents, who are elected by the people, to transact the affairs of the people, and who are accountable to the people.

The money required for the expenses of Government, and which is derived from the revenues, will be received in gold and silver, and paid out in gold and silver. It comes chiefly in the shape of duties on imports; and is immediately disbursed by the officers of Government, in payment of our army and navy, the contractors for erecting fortifications and other public works, for furnishing materials for our armed ships, provisions for our troops and seamen, and lastly for the wages of laboring men in the employment of the Government. If the officers of Government receive specie, they will also pay out specie. What has been received in the shape of duties, will be immediately disbursed to the public creditors. The effect upon the currency has probably been overrated by both the friends and opponents of the measure. I may, however, say, with safety, that to the extent that specie is required in payment of dues to the Government, will the precious metals be infused into the circulation, and the currency thereby be gradually reformed and improved.

It will lay the foundation for a sound circulating medium, and tend gradually to restore the national currency. There is but one standard of value and one currency known to our Constitution and laws, namely, gold and silver coins.

The humblest citizen has a legal right to demand this currency in payment of debts. Why, then, should it be said that the people are to have a different currency from the Government? Will you deny to the public servants the right which the Constitution has secured to every individual in the land? and if so, why this invidious distinction?

Are the officers of the Government, in whom we have placed confidence, and on whom we impose many burdens, less worthy than ourselves? Why compel our own agents and the public creditors to receive payment in a depreciated currency, when any individual has the right by law to demand gold and silver? The effect of the measure will be, ultimately, to give one and the same currency to the people and the Government, leaving the banks to stand or fall upon their own merits, as they may prove to be beneficial or injurious to commerce.

The second objection will "vanish into thin air" before the light of a brief examination. By the proposed system it will not be in the power of the Executive to touch a single dollar of the money, not even the pay for his own salary, except on the draft of the Treasurer, and in pursuance of appropriations made by law; while the additional officers to be appointed consist of only four receivers general, and some ten to fifteen clerks, who will be restrained by bonds and penalties from loaning or using the money under any pretence.

But how tremendous would be the power of the Executive, should the system contended for by our opponents prevail, and the Government be associated with, and allied to a National Bank, with a capital stock of seventy millions of dollars, with branches established in all the States, and the proceeds of the public lands divided among them, and invested in the stock of the bank, as proposed by the gentleman from Kentucky, [Mr. POPE,] in addition to the 900 banks now in the country, scattered over the whole Union, commanding the services of a million of bank officers and bank dependants, whose operations are extended into all parts of the country, and whose influence will be felt through all the ramifications of business, having the possession of the public revenues, and authorized to discount and loan money on the strength of them! Such a power would be most dangerous to the liberties of the people and the safety of the Republic. Yet, if I understand the argument of the report before alluded to, and the doctrine advocated by the gentleman from Alabama [Mr. DELLET] in his eight hours' speech against this measure, and the speech of the gentleman from Massachusetts, the Opposition offer no substitute for the Independent Treasury, but a National Bank or the State bank deposite system, either of which, in my opinion, would be a most dangerous engine in the hands of any Administration.

But it is also objected, that the passage of the bill at this time, would be premature, and a disregard of the popular will. The will of the people, when fully and fairly expressed, is a tribunal, before which we should all bow with respect. How, then, is the fact? The report, dated March 23d, 1838, page 32, says:

"In this state of things, the plan of an Independent Treasury is propounded, and pressed to a decision, before the people can have an opportunity to act upon it."

And on page 28, the report says:

"By action, is meant election to Congress; an election which will give them an opportunity, constitutionally and effectually, to express their will, and to have that will obeyed."

And this objection is now renewed and enforced by the gentleman from Massachusetts.

At the Presidential election in 1832, the people tried the United States Bank, and condemned it. They gave it a new trial at the Presidential election in 1836; and affirmed their former decision. And at the election of the members of the present Congress, in 1838 and 1839, they tried the State banks, and the Independent Treasury system, as proposed by the present Chief Magistrate. They condemned the former, and approved the latter.

The campaign was opened in the fall of 1838, by the election in Maine, where that question was put distinctly in issue, and resulted in a gain of two Administration members. Next came Ohio, with a gain of three Administration members. And Tennessee, with the same number; and even Kentucky, with a gain of one; Massachusetts with one, Vermont with one, New Jersey with five, Indiana with four, and Mississippi with two; and in all the States where the question was put distinctly in issue at the polls, it is believed that the result was either a gain of members of Congress, or of popular votes. How, then, can the opponents of this measure say that the people have not acted on this question?

They have acted. They have expressed their will in a way not to be misunderstood; and I now call on the gentleman from Pennsylvania, and those who are politically associated with him, to obey that will.

In the last Congress this measure was no sooner ushered into the House, than it was prostrated at a single blow—it was nailed to your table by a majority of twelve to fourteen votes, from which the Administration could not raise it.

But now, I trust that the will of the people may prevail—that the bill may be fully discussed—that we may have an opportunity to record our names in its favor, and that it may be passed into a law, and sent out to the people, for the good of the country.

But it is said, that this system will overthrow our manufactories—destroy commerce—impoverish the laboring classes—that it will ruin the country—and that the people are in great distress, either because the system is already in operation, or is about to be adopted by the Government. The cries of distress have been raised, both in and out of Congress.

The gentleman from Virginia [Mr. WISE] said, the other day, if I understood him correctly, that he had just left that city which boasted of more capital than any other on this continent; that they had no currency there, none whatever; that the country was in an unexampled state of depression; that every limb of almost every man, woman, and child in the land, was paralyzed by oppression, and that the nation was crying out for relief.

Having occasion, soon after, to visit that and some other commercial cities, you will judge of my astonishment, when I found myself wholly unable to discover any signs of that distress which had been depicted in such glowing colors, but, on the contrary, found the steamboats filled with genteel passengers, the railroad cars crowded to overflowing, the hotels occupied by men of business, the markets filled with the comforts and luxuries of life, merchant vessels constantly arriving and departing, seamen in good demand, at high wages, and the people, to all appearance, prosperous and happy! I was perplexed to account for this sudden change, until I recollected the anecdote of the priest and the lady, who were looking through a telescope at the moon: While the priest could discover nothing but churches, spires, and other preparations for religious observances, the lady could see nothing but green arbors and pleasant groves, with lovers sitting under the shade of the trees. Thus each saw what was passing in the mind.

The shrill cry of distress which so often salutes our ear, comes not from the poor, the destitute, and the suffering. It comes from those gentlemen who are connected with, and have the control of, the nine hundred banks and branches in this country; from bank presidents, bank directors, and bank dependants, and their political associates, who desire to overthrow the Administration. It comes from the Whig merchants in Boston, New York, Philadelphia, and other large cities, who ride in their carriages, drawn by gay horses, surrounded by rich equipage, who live in marble palaces, furnished in the most splendid and magnificent style, who fare sumptuously every day, sitting down at tables which groan under the weight of the luxuries, and the dainties of the season; and while partaking of rich viands, and sipping old and choice wines, they will mourn over the hardness of the the times, the pressure in the money market, the distress which prevails in the country, and the folly, extravagance, corruption and madness of the present Administration!

Such men cannot be pleased, while the Government is administered on Democratic principles. Though the Administration were as pure as the angels in Heaven, it could not command their approbation. They could not be satisfied. Like the horse leech's daughters, they would "cry, give, give, and never say enough."

In the judgment of a certain party, this country has been ruined many times within the last forty years. They considered it ruined, and the institutions of religion overthrown, when Thomas Jefferson was elected President—ruined again, when James Madison was elected—ruined when the embargo, non-intercourse, and non-importation acts

were passed—ruined when war was declared against Great Britain for the protection of our rights on the high seas—ruined when General Jackson was elected President—when he vetoed the bill to recharter the United States Bank—again when the deposites were removed—when the specie circular was issued—when Mr. Van Buren was elected President—and is about to be ruined again, by the passage of the bill now under consideration; and notwithstanding it has been so frequently ruined, I most seriously and solemnly believe it is still the best country on the globe, with the best people, and the best Government. With all this distress and ruin, we have gone on from prospering to prosper; enlarged our borders until they extend from the Canadas to the Gulf of Mexico, and from the Atlantic to the Pacific; have increased in population and wealth; erected institutions of learning and religion throughout the land; and established a gallant navy, which commands the respect and admiration of the world.

We have increased our power by land and water, until our commerce whitens every ocean, and our star spangled banner waves triumphant in every clime.

I admit that many persons are laboring under pecuniary embarrassment, and that there is a depression in mercantile affairs, which has fallen with great severity upon a portion of the community; but it is not confined to this country, or England, and is more severely felt in those countries which depend on a paper currency than in any other.

We have been told that no such depression of business occurred during the existence of a United States Bank; and here I take issue with those gentlemen, and will maintain and prove, by the most distinguished men in the Opposition, that there were two such revulsions during the existence of the late United States Bank, namely, in 1819 and in 1824; and yet further, *that they were caused by the banks.*

First. The Hon. John Bell, of Tennessee, in a speech delivered in the House of Representatives, June 8, 1832, which is reported in Gales and Seaton's Register, vol. 8, part 3d, pages 3364 and 5, uses the following language:

"In 1819 came that sudden eclipse of the glorious scene I have described, which, for a while, was supposed to forbode a permanent prostration of the interests and prosperity of the country. This was the result of a combination of causes. By the abuse of the paper credit system both in Europe and America, and the consequent depreciation of the currency, property of all kinds attained an extravagant artificial value. A universal delusion prevailed upon all subjects connected with trade and the nature and theory of wealth. The machine of production had been stimulated to the highest exertion in every country, and in every branch of industry, peculiar to each, without reference to the amount of similar products in either, and without regard to the probable demands for them. Such was the effect of the steady advance in the prices of all descriptions of property and produce in this country, up to 1819, caused by the state of the currency, that a great portion of society began to imagine that a golden age had set in, which would have no end; that prices would continue to rise without limit, and that the readiest way to wealth was by trade or exchanges. The whole country became a nation of traders or exchangers, as well as the producers of the commodities of trade. The fall of prices in 1819 found almost every individual of the country either a debtor or a creditor, to an amount far beyond the bounds of a moderate adventure. The revulsion of 1819 was as sudden and unexpected as a clap of thunder in a fine day. It was as terrific, too, to thousands. The consequence was general consternation and depression."

Second. Hon. Henry Clay, in a speech delivered in 1824, reported in Niles's Register, vol. 26, pages 378 and 387, says:

"In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and barn yards for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by an universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation which has, on an average, sunk not less than about fifty per cent. within a few years.

* * * * * * *

"The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able bodied men vary from five to eight dollers per month; and such has been the want of employment, in some parts of the Union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different."

And third. Hon Daniel Webster, in a speech delivered the same year, which is recorded in the same volume, at the 411th page, discourses as follows:

"The paper system of England had certainly communicated an artificial value to property. It had encouraged speculation and excited overtrading. When the shock, therefore, came, and this violent pressure for money acted at the same moment on the continent and in England, inflated and unnatural prices could be kept up no longer. A reduction took place, which has been estimated to have been at least least equal to a fall of thirty, if not forty, per cent. The depression was universal; and the change was felt in the United States severely, though not equally so in every part of them. There are those, I am aware, who maintain that the events to which I have alluded did not cause the great fall of prices; but that fall was natural and inevitable, from the previously existing state of things, the abundance of commodities, and the want of demand. But that would only prove that the effect was produced in another way, rather than by another cause. If these great and sudden calls for money did not reduce prices, but prices fell, as of themselves, to their natural state, still the result is the same; for we perceive that, after these new calls for money, prices could not be kept longer at their unnatural height."

These three gentlemen, occupying, as they do, high and responsible stations in the nation, and being at the head of the Whig party, will, I presume, be regarded by our opponents as competent and credible witnesses.

But it is said, that this system will ruin the farmer, by its tendency to reduce the prices of grain, flour, beef, pork, and other produce. The prices of such articles must depend, in a great measure, upon the extent of the supply and demand; and prices will, therefore, be necessarily subject to some fluctuation. The tendency of bank expansion and contraction is to make those fluctuations more frequent, more sudden, and more violent, while the Independent Treasury system will tend to counteract the influence of those expansions and contractions. The following statement exhibits the prices of various articles in continental money, in 1779 and 1780:

PRICES IN CONTINENTAL MONEY.

From the unpublished diary of Christopher Marshall, at Lancaster, in 1779.

Aug. 11,	A quarter of lamb, per lb.	$0 80
"	A pint of yeast,	40
Oct. 19,	Butter, per lb.	4 00
" 27	Twopence worth of yeast,	50
Nov. 11,	Rye, per bushel,	37 33
"	Potatoes, do.	5 32
"	Turnips, do.	2 00
"	A load of wood,	35 00
" 18,	Butter, per lb.	5 00
Dec. 8,	Milk, per quart,	66
"	Oak wood, per cord	44 00
" 10,	Hogs, per lb.	2 00
1780.		
Mar. 24,	Shingle nails, per lb.	45 33
April 12,	Butter, do.	6 00
" 27,	Pine boards, per foot,	1 00
"	A pound of large nails,	12 00
May 26,	Butter, per lb.	8 00
	At Philadelphia	
June 3,	A peck of green peas,	38 00
" 3,	Butter, per lb.	$7 to 10 00
" 10,	A peck of green peas,	$10 to 15 00
" 10,	Veal, per lb.	$5 to 7 00
" 17,	Coffee, do.	8 00
" 22,	A piece of bobbin,	20 00
" 22,	Teneriffe wine, per gallon,	85 37
" 23,	A pair of shoes,	120 00

By way of contrast, I will now cite a Cincinnati price current of December 21st, 1821, which says, pork is now selling at 1¼ cents per pound; flour at $2 50 per barrel; fine beef, hind quarters, at 2 cents per pound; veal 2 cents; fowls 6¼ cents; eggs 8 cents per dozen; butter 10 cents; Lard 3¼ cents; hams 5 cents, and vegetables equally cheap. The United States Bank was then in successful operation; but it had passed through the first period of expansion, and was then engaged in contracting the circulation.

That the great and sudden fluctuations in the prices of bread stuffs are caused mainly by the banks, will appear still more manifest by the following table of the prices of flour at Philadelphia and Washington, for the first three months of each year, from 1796 to the present time, a period of forty-four years, a part of which table was published in the Pennsylvanian in 1837, and the remaining three years were added by the Globe, to make the table complete to the present time. By comparing the expansions and contractions of bank issues with the rise and fall of the prices of flour in those years, any gentleman can judge for himself whether they do not sustain the relation to each other of *cause* and *effect.*

PRICES OF FLOUR,

For the first three months of the year, from 1796 to 1840, inclusive.

Years.	January.	February.	March.
1796	$12 00	$13 50	$15 00
1797	10 00	10 00	10 00
1798	8 50	8 50	8 50
1799	9 50	9 50	9 25
1800 }	11 50	11 25	11 50
1801 }			
1802	7 00	7 00	7 00
1803	6 50	6 50	6 50
1804	7 50	7 50	7 00
1805	11 00	12 25	13 00
1806	7 50	7 50	7 00
1807	7 50	7 50	7 50
1808 (embargo)	6 00	5 75	5 50
1809 do.	5 50	7 00	7 00
1810*	7 75	8 00	8 25
1811	11 00	10 50	10 50
1812 (war)	10 50	10 12½	9 75
1813 do.	11 00	10 00	9 50
1814 do.	9 25	8 25	8 00
1815 do.	8 00	8 00	7 75
1816	9 00	9 00	8 00
1817	13 50	13 75	14 25
1818	10 00	10 75	10 50
1819	9 00	8 75	8 25
1820	6 00	5 50	5 00
1821	4 00	4 00	3 75
1822	6 25	6 25	6 25
1823	7 00	6 75	7 00
1824	6 00	6 00	6 12
1825	4 87	5 12	5 12
1826	4 75	4 62	4 50
1827	5 75	6 00	5 74
1828	5 00	4 87	4 75
1829	8 50	8 25	8 00
1830	4 62	4 50	4 50
1831	6 12	6 25	7 00
1822	5 50	5 50	5 50
1833	5 75	5 00	5 50
1834	5 25	5 00	5 87
1835	4 87	5 00	5 00
1836	6 50	6 62	6 75
1837	11 00	11 00	
1838	10 00	10 00	9 75
1839	8 00	8 00	7 50
1840	7 25	6 12	6 00

*In July and August this year, $11 and $12.

Again, we are told by the opponents of this measure, that it will diminish the wages of labor. And I most frankly confess, that, if this were true, it would be a most serious objection; for there is no principle of political economy better settled than this, that labor is the cause of all wealth, both public and private. The laboring classes are the bone and muscle and sinew of the country. But a moment's reflection will satisfy any person that, so far as it operates on labor, it cannot fail to have the contrary effect. Its tendency being to infuse into the circulating medium a large quantity of gold and silver, it will check to the same extent the expansions and contractions of the banks, and thereby prevent, in a good degree, the fluctuations in the prices of articles of consumption needed by the laboring man, so that those prices may bear a reasonable proportion to the wages of labor.

When the banks expand and inflate the currency, the laboring man, in the receipt of moderate wages, finds himself unexpectedly compelled to pay from ten to fifteen dollars for a barrel of flour, and from thirty to forty dollars for a barrel of pork, with equally extravagant prices for all other articles of consumption. And when, at last, his wages shall be so increased as to bear some proportion to the prices of other things, the banks reverse the motion of the screws, suddenly contract the circulation, the wages of labor are reduced, and the laboring man thrown out of employment. Thus, he is the last to be benefited by bank expansions, and the first to be injured by bank contractions.

But, sir, are the opponents of this bill sincere in their concern for the laboring man? Have they in reality become the friends of those men who earn their daily bread for themselves and their families by their daily labor? Have they in truth such tender regard for the rights of the people? or are their professions of attachment hypocritical and deceptive?

The gentleman from Massachusetts has quoted from a Democratic newspaper published in Boston, (the Morning Post;) and I will also quote a short extract from a Whig newspaper (the Courier) published in the same city, to show what opinions our opponents entertain of laboring men: "The huge paw of the farmer ought never to be laid on the statute book." Mark that.

'As well might a blacksmith attempt to mend a watch, as a farmer to legislate. What mischiefs are sure to be enacted, when a man, born to nothing but the ploughtail, takes to legislating."

Another Whig paper, the Atlas, published in the same city, has since admonished its friends that they must pursue a different policy, in order to get the votes of the people. They must, says that paper, "descend into the forum, and take the laboring man by the hand."

A distinguished opponent of Democracy has said:

"There never can be prosperous times in this country, until a poor man, as in England, is obliged to work for a sheep's head and pluck a day, and lie under a cart at night."

One of the most celebrated Whigs and bankers of this country, has recently proclaimed, that:

"It was only through the infliction of sufferings, that the people could be brought to oppose the Administration; and that the sufferings of the people would scourge the banditti in high places back to their caverns."

Such were the sentiments which our opponents entertained of the laboring people; and I would ask what has caused this sudden change in their feelings and policy? Whence arises this new born affection for the people, for laborers, farmers, mechanics, seamen? Why does "purse proud, bellowing insolence" condescend to take the laboring man by the hand, and to fawn over him, and play the sycophant? The laboring man will answer this question at the polls. He will teach our opponents that they have greatly underrated his intelligence, and his virtue—and that he will not desert his tried and ancient friends, who have stood by him, and been fellow-laborers in the same vineyard.

The gentleman from Massachusetts [Mr. CUSHING] was jealous of European measures—he would not follow their example—our institutions were peculiar in many respects. And yet he tells us, near the close of his speech, that there is no Government on earth which he respects so much as he does England. He proceeds to say that she has risen in power and greatness beyond that of any other on the globe; and refers to the evidences of her greatness and the wisdom of her policy.

Among the evidences of her prosperity, he reminds us of the extent of her dominions, of her army and navy, and her 130 millions of conquered inhabitants in India; and he asks if we would not follow the example of a nation which has obtained such greatness by such a system?

Sir, we have followed her example too long. I am jealous of the measures of all European Governments, but especially of England, who has more power to injure us than any other nation, and greater inducements to exert that power. We have already been engaged in two long and bloody wars with her for the maintenance of our just rights; and may yet be involved in another, unless a returning sense of justice, or fear of consequences, should induce her to abandon her pretended claim of title to a portion of our public domain. What would be the result of such a contest, cannot admit of very serious doubts. But the danger at present lies in a different direction. What she cannot obtain by her fleets and armies, she may obtain by her moneyed power; namely: a control over the destinies of this country.

Shall our eyes be dazzled by British splendor, and blinded by British glory, to imitate her policy, which, to say nothing of poor, oppressed, and ruined Ireland, has reduced nearly one half of the people of England and Wales to poverty and wretchedness; which has spread pauperism, disease, and crime throughout her dominions; and which has reduced one hundred and thirty millions of people in India from freedom, and the ownership of fee simple estates, to poverty, servitude, and death by starvation, at the rate of half a million per year? Are such the fruits of her paper system? If they are, let us not follow her example.

The effects of the present banking system on the people of England may be seen by an able and authentic document, now in my hand. It is the report of the Directors of the Chamber of Commerce and Manufactures at Manchester, England, December 12, 1839, from which I beg leave to read the following extracts:

"It has been shown that the Bank no sooner found itself in a safe position, than it recommenced, in 1838, a system of expansion, and exported part of its stock of gold.

"Prices of the great staples before enumerated consequently advanced during the year 1838, and part of the year 1839, until, as we have seen, the restrictive policy was resumed, the motion of the screw was reversed, and, down to the present moment, prices have again fallen from 20 to 30 per cent. thus inflicting upon the already prostrate trading and manufacturing interest a repetition of the sacrifices of 1837.

"By these forced expansions and contractions of the currency during the last three years, some of the most prudent and wealthy of our merchants and manufacturers have incurred that ruin which, in a more wholesome and natural state of the circulating medium, could befall only the reckless adventurer or gambler.

"Under such a state of things as has been described, calculations based upon the most enlarged experience afford no security against loss and failure. The trader learns the fate of his undertakings not in the markets of the world, as influenced by the law of supply and demand, but in the acts of twenty-six irresponsible individuals conducting a joint stock banking association in the city of London.

"But the heavy pecuniary losses incurred by our capitalists, constitute a minor evil when compared with the moral and social injuries inflicted upon the laboring classes by the fluctuations in the currency. The board have directed their best attention to this part of the subject; the effects produced upon the condition of the great mass of the people by the operations of the Bank of England having hitherto been almost entirely overlooked.

"The late panic, by causing a diminution of our exports in 1837, as compared with the previous year, to the extent of ten millions; and by curtailing, proportionately, the amount of our home trade, was accompanied by a corresponding cessation of the demand for labor. In the spring and summer of that year, vast numbers of the working classes, in all the large towns, were suddenly deprived of employment, and thrown upon their own feeble resources for the maintenance of their families. Their first resort would naturally be to their own reserved funds; and in examining the reports of the various savings banks in the manufacturing districts, it has been found, in Manchester, Leeds, Birmingham, Sheffield, Stockport, Huddersfield, Blockburn, Bolton, and every other place to which the board have directed their inquires, that although the laboring classes form but a small proportion of the depositors, the amount of money drawn from these institutions in 1837 exceeded, considerably, the sums lodged with them during that year.

"The next and only resource of the working classes, when deprived of employment, is the parochial poor fund. But in directing inquiries into the amount of parish relief afforded in 1837, as compared with previous years, the board found that the adoption of the new poor law act, about that time, and the consequent organization of parishes into unions, prevented them from instituting such comparisons. In the report of the poor law commissioners, dated the 17th July, 1837, are, however, recorded some statements of facts, which exhibit in a strong light the nature of the evil.

"The Commissioners begin by stating that they were deterred from making an earlier report, because of the sudden change which took place in the manufacturing districts, by the cessation of the usual employment, which made them desirous of possessing such information as they might be able to collect as to the working of the system under the adverse circumstances to which it became so suddenly exposed.

"The report states, that in the greater part of the manfacturing counties of Stafford, Nottingham, and Leicester, a cessation in the demand for labor took place in 1837, more sudden in its approach, and more extensive in its operations, than has been known on any previous occasion. In many places, owing to the insufficiency of the workhouse accommodation, they were obliged to suspend the order prohibiting out-door relief to the able-bodied. In Nottingham, after providing for nearly 700 persons by the workhouse, a subscription of £4,000 was entered into by the principal inhabitants of the town, and the unemployed operatives were set to work in constructing a road through some property belonging to the corporation.

"The report contains similar accounts of the state of the working classes in Coventry, Foleshill, Nuneaton, Mansfield, and other places; there is also a report from Dr. Kay, upon the condition of the Spitalfields weavers, in which he states that, out of 4,000 looms one-third are altogether disused, and that certain of the remaining looms are only partially employed. And Mr. Muggeridge, the migration agent, in a similar report from Manchester, dated July, 1837, says that the entire trade of the district was all at once paralyzed, and distrust suspended for a season almost all commercial operations.

"The board have inspected the various reports of the charitable bodies of the time, for further facts illustrative of the effects of the panic *upon the working classes*.

"In Birmingham large subscriptions were raised to relieve the distresses of the almost unprecedented numbers of unemployed work people. Sheffield was divided into districts, and upwards of 15,000 persons were at one time supported by charity. The committee of the distress fund stated, in a public appeal, that in hundreds of families, children were crying for food to parents unable to give it; and in others, *sickness*, arising from the want of the *necessaries of life*, threatens, without a speedy relief, to bring the sufferings of the wretched individuals to a close. The eighth annual report of the Liverpool Visiting Society for the year 1839, states that during the four preceding years, the average number of cases relieved by the board was 2,892, at a cost in provisions of £557 4s. 2d; whereas during the last year, the number was 9,902, at the cost of £1,338 1s. 2d.; and by a table of the number of inmates of the Liverpool Asylum for the houseless poor, it has been found that 15,781 were admitted in 1837, whilst the highest number admitted in any one of the three preceding years, amounted only to 10,559.

"The Leeds Church of England Visiting Society, in their annual report to the first of October, 1837, begin with lamenting the commercial embarrassments, and consequent privations of the poorer classes.

"Scotland was the first, as usual, to feel the effects of a pecuniary crisis.

"A public meeting was held in Glasgow on the 19th of May, 1837, to raise a subscription for the relief of the distressed of the working classes. Upwards of eight thousand pounds was placed at the disposal of the committee. At one time about 18,500 persons were fed from the soup kitchen, of whom upwards of 3,800 were grown persons. Large bodies of laborers were at the same time thrown out of employment, and rendered destitute in Dundee and other large towns in Scotland. In Paisley, a public meeting was held on the 11th of April, 1837, to raise a subscription, and in June it was calculated that 20,000 persons were unemployed; and at Strathaven and other towns and villages in the west of Scotland, destitution and disease prevailed to an alarming degree."

"Nor did Ireland escape her share of the common calamity. The committee of the Dublin Mendicity Association, in their report for 1837, state, that 'they have struggled through a year of most unparalleled difficulties, and that, within the recollection of the oldest inhabitants, there has seldom, if ever, occurred a period when out door employment was so much restricted.' And the 27th report of the Belfast House of Industry, dated the 16th March, 1837, dwells upon the urgent and numerous claims of the poor, 'among whom the depression of trade, arising from a panic in the money market, has produced much distress."

"Similar consequences must always flow from a forced contraction of the currency.

"Even at this moment, the same process on the part of the Bank of England is again going on, and producing a repetition of all those evils which have been enumerated. In Leeds, Nottingham, Paisley, Glasgow, and other large manufacturing towns, multitudes of industrious work people are thrown out of employment, whose privations are again causing a lamentable increase of pauperism, crime, and disease."

If such are the fruits of this paper money, or bank note system, in England, we envy not her wealth, her glory, or her splendor. We boast not of *such* evidences of national greatness. But we may well indulge in a just pride, that, while we do not possess her power, her wealth, her splendor, we are at least free from the wretchedness and misery which pervade her dominions; and we may content ourselves with the reflection that there is no monument of national greatness *so permanent, so honorable, so glorious*, as a *well fed, well clothed, well lodged, well educated, and happy* PEOPLE. And I conclude, therefore, by adopting the language of the bard:

'What constitutes a State?
Not high wrought battlement, or labored mound,
Thick wall, or moated gate;
Not cities fair, with spires and turrets crown'd;
Not bays or broad-armed ports,
Where, laughing at the storm, rich navies ride:
Not star'd and spangled courts,
Where low-bowed baseness wafts perfume to pride.
No. MEN—*high-minded* MEN—*Men*,
Who their *duties* know, but know their *rights*,
And, knowing, *dare maintain:*
These constitute a State."

REMARKS OF MR. MCKAY,

OF NORTH CAROLINA.

In the House of Representatives, April 22, 1840—On the bill making appropriations for the civil and diplomatic expenses of Government.

Mr. McKAY said that he would not detain the committee long, as, in the course of the remarks he was about submitting to it, he would not follow the example of gentlemen who had introduced into the debate various topics, which it appeared to him were wholly irrelevant. Some had thought this a fit occasion to discuss the pretensions of the two opposing candidates for the Presidency. It was his opinion that this was neither the time or the place for such a discussion. For his part, though decidedly preferring the re-election of Mr. Van Buren, he was willing to leave to the people of the United States, with whom the Constitution had placed it, the election of that high officer, being prepared to acquiesee in any choice they may make. His main object in rising to address the committee, was to say something on a subject fairly connected with the bill under consideration—he meant the public expenditures. It had been charged here, and elsewhere, that they were unnecessarily large and extravagant, and that the present Administration, and the one which immediately preceded it, were responsible for that extravagance. With regard to the present President, Mr. McK. said that he did not think it necessary to say a single word, further than to call the attention of the committee to that part of the annual message communicated to Congress at the commencement of this session, in which he alludes to the subject of the public expenditures, and to rest his vindication entirely upon that.

In the message of December 2, 1839, he says:

"The whole revenue then accruing from the customs, and from the sales of public lands, if not more, will undoubtedly be wanted to defray the necessary expenses of the Government under the most prudent administration of its affairs. These are circumstances that impose the necessity of rigid economy, and require its prompt and constant exercise. With the Legislature rest the power and duty of so adjusting the public expenditure as to promote this end. By the provisions of the Constitution, it is only in consequence of appropriations made by law, that money can be drawn from the Treasury; no instance has occurred since the establishment of the Government in which the Executive, though a component part of the legis-

hveat power, has interposed an objection to an appropriation bill on the sole ground of its extravagance. His duty in this respect has been considered fulfilled, by requesting such appropriations only as the public service may be reasonably expected to require. In the present earnest direction of the public mind to this subject, both the Executive and Legislature have evidence of the strict responsibility to which they will be held; and while I am conscious of my own anxious efforts to perform with fidelity this portion of my public functions, it is a satisfaction to me to be able to count on a cordial co-operation from you.

"At the time I entered upon my present duties, our ordinary disbursements—without including those of the public debt, the post office, and the trust funds in charge of the Government—had been largely increased by appropriations for the removal of the Indians, for repelling Indian hostilities, and for other less urgent expenses, which grew out of an overflowing Treasury. Independent of the redemption of the public debt and trusts, the gross expenditures of seventeen and eighteen millions, in 1834 and 1835, had, by these causes, swelled to twenty-nine millions, in 1836; and the appropriations for 1837, made previously to the fourth of March, caused the expenditure to rise to the very large amount of thirty-three millions. We were enabled, during the year 1838, notwithstanding the continuance of our Indian embarrassments, somewhat to reduce this amount; and that for the present year (1839) will not, in all probability, exceed twenty-six millions, or six millions less than it was last year. With a determination, so far as depends on me, to continue this reduction, I have directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service. They will be found less than the expenditures of 1839, by over five millions of dollars."

From this brief, though plain, statement of facts, it appeared that, owing to causes which are referred to, the gross expenditures in 1837, caused by appropriations made before the 4th of March of that year, had risen to the very large amount of $33,000,000; that, in 1838, they were somewhat reduced; and, in 1839, they would not, probably, exceed $26,000,000; and, as there was a disposition professed on all sides to consult economy at this time—as the state of the Treasury imperiously required it—and as the chairman of the Committee of Ways and means [Mr. JONES] had informed us that there was no increase in the various items of the bill beyond what was asked for by the Departments; on the contrary, that, in some instances, they were reduced—the probability was, that, at the close of this session, the appropriations would not exceed the estimates, which were about $21,000,000: and thus would be effected, in the space of three years, a reduction of $12,000,000 in the disbursements of the Government. Mr. McK. thought that this fact, connected with others, mentioned in that part of the message which he had read, would afford to the people of the country an assurance that the President would heartily co-operate in the practice of the most rigid economy, and that "the expenditures would be limited to the absolute requirements of the public service."

Having said thus much in defence of the President against the charge of extravagance, he would proceed to examine how far it could be sustained against his predecessor; and as, in doing this, it will be necessary to refer to facts and events common to both Administrations, whatever may be said in favor of Gen. Jackson will necessarily enure to the defence of the President. He trusted that all honorable men would see the propriety of this being done, because in the accusations against those high officers, the party which supported them were necessarily involved, and had to share, more or less, the opprobrium which the accusation implied. The form in which the charge was usually made, was by instituting a comparison between the aggregate annual expenditures of the last four years of Jackson's administration and those of the four years of Mr. Adams's term; and as the former were larger than the latter, to assume the excess as proof of extravagance. It would readily occur to the most casual observer, that this mode of treating the subject was exceedingly unfair to the Executive, without, at the same time, making allowances for a variety of circumstances to which he would hereafter allude. Without at all relying on the opinion which has been advanced here, on the contrary rather disclaiming it, that even in regard to old and well established Governments, their expenses would keep pace with the growth in population and wealth, it seemed to him that the case of the Federal Government was a peculiar one; that it extends over a territory, the area of which is constantly increasing, and a large portion of which is comparatively new, and on which every thing has to be created; that the number of sovereign States has been doubled within the last fifty years—from thirteen to twenty-six; that three Territories are now knocking at the door for admission into the Union; and that the population had gone on augmenting from 3,921,426 in the year 1790, to 7,230,903 in 1810; to 12,866,020 in 1830; and the census that is now in progress will likely show the number to be between fifteen and seventeen millions.

It would be as reasonable to expect that the clothes made for the boy of five years old, would fit him when he became the active and vigorous youth of twenty, as that our young and growing country should be confined to the same wants, and requiring a stated amount only of annual expenditure. It would be found, on recurring to our past history, that the expenditures have increased at all periods with that wonderful development of our resources, to which he had already briefly alluded. In document No. 10 of the present session, is a table showing, among other things, the aggregate amount of expenditures in periods of four years, exclusive of the public debt and trust funds. From that table he would quote the following:

1789 to 1792	- -	$3,797,493 20
1793 to 1796	- -	12,083,205 38
1797 to 1800	- -	21,338,351 19
1801 to 1804	- -	17,174,432 96
1805 to 1808	- -	23,927,245 50
1809 to 1812	- -	36,149,857 98
1813 to 1816	- -	108,537,106 88
1817 to 1820	- -	58,698,057 71
1821 to 1824	- -	45,665,421 92
1825 to 1828	- -	49,313,197 18
1829 to 1832	- -	56,249,878 08
1833 to 1836	- -	87,130,428 08

Now, take the second term, from 1793 to 1796, when the amount of the expenditure was 12,083,205 38; pass over the two intervening terms, during the first of which we had difficulties with France; and during the second, the retrenchments of Mr. Jefferson were operating, and come to the fifth term, from 1805 to 1808, a period of profound peace, and you will find that the amount had nearly doubled—that is, they were $23,927,245 50. Again: pass by the three next periods, when the expenditures were affected by the war with Great Britain, and the causes which either preceded or followed it, and come to 1821 to 1824, and you have the same result, that is, nearly doubled; and by pursuing the comparisons, you will find that the increase from 1824 to 1836 is not greater than it had been before. But why should the periods that he had passed by not be also brought into the comparison? Had not the late Administration had its difficulties, domestic and foreign? Had there not been what is familiarly called the Black Hawk war in 1832; the hostilities of the Creeks and Seminoles, commencing in 1835 and 1836; the disturbances among the Cherokees, and also among the tribes on the Western frontier in 1836, all calling for large and new appropriations of money, either for their suppression or prevention? Had not that Administration a controversy with Mexico, and also with France, which for some time seriously threatened the peace of the country, and made it necessary, by timely and efficient preparation, to provide for any emergency that might grow out of them? The same remark is applicable to the present Administration, as the Seminole war was left to it, and has been prosecuted at great expense, from causes into which he would not now inquire; and it is well known that additional appropriations have been rendered necessary by the adoption of precautionary measures, to preserve the peace of the country, menaced at one time by the disturbances on the Northern frontier, and the embarrassments growing out of the Northeastern boundary question.

And, with a view of showing that some increase was perhaps natural and unavoidable, he would refer to a few States, whose Governments were older than that of the Union, and whose public establishments might therefore be well supposed to have attained greater maturity. The following statement will exhibit the payments out of the respective treasuries in the States of New York, Pennsylvania, and North Carolina, on account of the ordinary expenses:

	New York.	Pennsylvania.	N. Carolina.
1832	$417,072 57	$228,803 75	$119,598 68
1833	405,991 65	212,940 95	138,869 46
1834	493,588 03	227,187 46	191,634 11
1835	483,772 74	235,128 03	171,686 67
1836	539,038 46	259,159 38	589,086 62
1837	749,895 42	273,687 97	218,827 52
1838	900,486 63	285,656 47	171,855 71
1839	889,380 56	403,147 01	*

The committee will recollect that this statement does not include disbursements on account of the public works in any of these States, the management of which must necessarily involve considerable annual expenditures, and to execute which New York has now a debt of more than $15,000,000, and Pennsylvania a debt of more than $30,000,000.

The committee will also observe that the increase in the expenses of these States took place at the same time that the increase in the expenditures of the General Government occurred, viz: in 1836, '37, and '38. He might, if it were necessary, go through with an examination of all the States, when the same results would appear; but he presumed that the instances mentioned would be sufficient. It would be as well to add here, as in connection with what he had just said, that eighteen States, including New York and Pennsylvania, had, according to the last accounts that he had seen, an aggregate debt of $174,382,808, contracted principally within the last few years, and in execution of their several plans of public policy.

And with a knowledge of all this, M. MCKAY said that he would appeal to the committee and ask them whether the mere increase in the amount of expenditures was any proof at all of extravagance, supposing that the money had been laid out on proper objects, to which point he would hereafter speak. With a view of showing that it was not, Mr. MCKAY referred to the Post Office Department, which supported itself with the exception of what was required for the payment of the salaries of the Postmaster General and his Assistants, and the Auditor, and the clerks employed under them. Here, according to the logic of the Opposition, was a clear case of extravagance, inasmuch as the expenditures of the Department have not only doubled, but have been nearly trebled within the periods selected for the comparison. But let us see how the matter stands. The following statement, prepared from the documents, will show the relative means, and some of the details in the administration of that Department, at the beginning and end of a term of four years; the means being the gross revenue of the Department and absorbed in its expenditures, in the form either of compensation to postmasters, cost of transportation, or incidental and miscellaneous purposes connected with the mail service.

Years.	Revenue.	Cost of transportation.	No. of officers.
1816	$961,782	$521,970	3,260
1820	1,111,927	782,425	4,500
1824	1,197,758	768,939	5,182
1828	1,664,759	1,086,312	7,651
1832	2,466,108	1,776,801	9,469
1836	3,398,455	1,638,651	11,091

And the revenue has continued to increase, with occasional checks, produced by the general derangement in the business of the country that has prevailed for the last two or three years; so that in the year 1839, the amount of it was $4,476,638: the cost of transportation was $3,285,622, and the number of the post offices was 12,780, and is now 13,376. The aggregate amount of revenue received by the Department, from 1789 to 1828, inclusive, was $25,560,335. The amount received from 1829 to 1836, inclusive, was $20,094,025; and adding to the latter sum the receipts of the years 1837, 1838, and 1839, you have a grand aggregate of $32,969,864, within the last eleven years, being much larger than the

* The statement respecting the expenditures for North Carolina was received after the delivery of the speech. It is proper to remark, that the expenditures for several years have been increased by the rebuilding of the capitol, but it is as proper to include the appropriations for that purpose in the aggregate of the State, as it is to include appropriations for similar objects, such as Treasury and other buildings by the General Government, in its aggregate.

amount received within the first forty years of the Government. Here is a very large increase, and yet the rates of postage have remained the same as they were fixed some time after the close of the war. No new charges had been imposed on the correspondence and business of the country, to swell the revenues of the Department—and would any gentleman have the hardihood to rise in his place, and say that because this larger amount had been disbursed, that that circumstance alone was proof of extravagance; on the contrary, had not the accommodations to the public been increased with the rise in the expenditures? The official reports would show that the number of post roads in all parts of the Union—the extent of mail service throughout the country, and the number of post offices, had all increased at the same rate with the revenues; and yet, for all this, as he said before, the rates of postage were not altered.

He was not aware that any gentleman in the Opposition had urged the increase in the expenditures of the Department, as an evidence of extravagance against it; yet, according to the principle they had laid down, there could be no other conclusion. And it is proper to notice here, a circumstance, which had been the cause of much misrepresentation on this subject. It was this: Prior to 1836, the revenues of the Department were disbursed exclusively under the control of the Postmaster General, without any appropriation by Congress, as they were not paid into the Treasury. In that year an act was passed, reorganizing the Post Office Department, and among other provisions, requiring the payment of all moneys received by it, into the Treasury, and an appropriation of it by law. Hence it is that the aggregate of appropriations by Congress, within the last few years, has been increased to the amount of what was needed for the service of the Department; and thus afforded to the Opposition, one of the pretences, upon which to make the charge of extravagance against the Administration.

Mr. McKAY, by way of further illustration, referred to the farmers of the country. Suppose the case of one who has emigrated from the East to the West. He buys a tract of land upon one of those rich and beautiful prairies, which abound there, and for which he goes in debt to the amount of $2,000. He settles down upon it with his family, and commences its improvement. The first work which he does, is to build himself a house, (or, if you please, a log cabin, to which the gentlemen, living in their splendid mansions, have of late taken such a liking,) and clear a field around it. By industry and economy, he would, in a few years, pay off the whole of the debt, and, in the mean time, supply all the moderate and reasonable wants of his family, with about $250 per annum of his income. After the payment of the debt, however, his family having become more numerous, his fields having been enlarged, his stock of every kind increased, and his crops more productive, he chooses to improve his buildings, to convert the log cabin into a more stately edifice of brick or of wood, to add to his landed estate, to send his sons and daughters to school, and to incur other expenses amounting in all to $800 or $900 per annum; and all this is done without going beyond his income. In such a case, what gentleman would get up and argue that this increase of expenditure was proof of extravagance? Why, no one in his senses would attempt it; and yet the charge against the Administration had been made on no better ground. If the Government, while making these expenditures, had contracted a large public debt, then there might have been some cause of blame; but such was not the case during the whole of the administration of Jackson. It was true that the present Administration had found it necessary to apply to and obtain of Congress a temporary authority to issue Treasury notes, in consequence of indulgence given to certain banks and merchants in the payment of moneys due by them to the Government, and with this qualification—in no year had the expenditures exceeded the receipts. And this brings us to a more interesting view of the subject.

The Government, for many years past, has had two principal sources of revenue only; that is, the customs and the sales of the public lands. It was true that there were some other items of a miscellaneous character—such as postages, balances on account of the old direct taxes, and internal revenue and dividends on the stock of the Bank of the United States during the continuance of its charter, but they were small in amount, and some of them had actually ceased, and would not therefore affect the general rule. Here, then, as he said before, we have had no other revenue than that arising from customs—that is, duties on foreign merchandise imported into the country, and the sales of the public lands. By the Constitution of the United States, the power to levy and collect taxes, duties, imports, and excises, and to pay the debts and to provide for the common defence and general welfare, is given to Congress only. In the exercise of this power, no more money should be taken from the people than the public wants require; and it is equally the duty of the Representatives to see that, when this money is collected, it should be applied to constitutional and useful purposes. All that the President can do, is in the performance of a duty enjoined upon him by the Constitution, "to give to Congress information of the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient." He can do nothing more than this. He has no authority to originate a bill either to lay new taxes or to repeal old ones—as he has already shown that power lies with Congress, and with Congress alone must rest the responsibility. Now, in relation to this point, what had been the course of the Executive? The first term of General Jackson, as President, commenced on the 4th of March, 1829. The last act imposing duties on imports had been passed on the 19th of May, 1828. In his first message to Congress, in December, 1829, he thus invited its attention to the subject:

"Looking forward to the period not far distant, when a sinking fund will be no longer required, the duties on those articles of importation which cannot come into competition with our own productions, are the first that should engage the attention of Congress in the modification of the the tariff. Of these, tea and coffee are the most prominent. They enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties, will be felt as a common benefit, but like all other legislation connected with commerce, to be efficacious and not injurious, it should be gradual and certain."

Such was the recommendation of the President, and on the 20th of May, 1830, an act was passed to reduce the duties on coffee, tea, and cocoa. By the provisions of that act, not only were material reductions make in regard to teas and cocoa, but from and after the 31st of December, 1830, the duty on coffee was to be reduced from five to two cents per pound; and after the 31st December, 1831, to one cent per pound. By two other acts, approved 29th May, 1830, the duty on molasses was reduced from ten to five cents per gallon, and the duty on salt from 20 to 15 cents; after the 31st December, 1830, until the 31st December, 1831, and after that time, to ten cents per bushel, and no more. In his second message, December, 1830, after expressing his opinion on various points connected with the revenues and manufactures of the country, and particularly the principles upon which protection should be given to the latter, he says:

"That the present tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exaction; and it also attempts to force some kinds of manufactures for which the country is not ripe;" and that "while an abandonment of the policy is neither to be expected and desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice."

In his third message, Dec. 1831, he says:

"The confidence with which the extinguishment of the public debt may be anticipated, presents an opportunity for carrying into effect more fully the policy in relation to impost duties, which has been recommended in my former messages. A modification of the tariff, which shall produce a reduction of our revenue to the wants of our Government, and an adjustment of the duties on imports with a view to do equal justice in relation to all our national interests, and to the counteraction of foreign policy, so far as it may be injurious to those interests, is deemed to be one of the principal objects which demand the consideration of the present Congress. Justice to the interests of the merchant, as well as the manufacturer, requires that material reductions in the import duties be prospective: and unless the present Congress shall dispose of the subject, the proposed reductions cannot properly be made to take effect at the period when the necessity for the revenue arising from present rates shall cease. It is therefore desirable that arrangements be adopted at your present session to relieve the people from unnecessary taxation after the extinguishment of the public debt. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without injury to any national interest."

And on the 14th of July, 1832, an act was passed to alter and amend the several acts imposing duties on imports, by which it was supposed that a reduction of several millions in the receipts of the Government would have been effected. Mr. Adams, who was chairman of the committee by whom the bill was reported, estimated that the reduction would be from five to eight or ten millions of dollars annually. But as a portion of the people were dissatisfied with that act on various grounds, and, among others, that it did not reduce enough, the President again, in his message at the opening of the next session, invoked the attention of Congress to the subject. In his message of December 4, 1832, he says:

"I cannot too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present Administration has devoted to it all the means which a flourishing commerce has supplied, and a prudent economy preserved for the public Treasury. Within the four years for which the people have confided the Executive power to my charge, fifty-eight millions of dollars will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditure for all other proper objects, will be seen by referring to the liberal provision made during the same period for the support and increase of our means of maritime and military defence, for internal improvements of a national character, for the removal and preservation of the Indians, and, lastly, for the gallant veterans of the Revolution.

"The final removal of this great burden from our resources, affords the means of further provision for all the objects of general welfare and public defence, which the Constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the Secretary of the Treasury, it will be seen that, after the present year, such a reduction may be made to a considerable extent, and the subject is earnestly recommended to the consideration of Congress, in the hope that the combined wisdom of the Representatives of the people will devise such means of effecting that salutary object, as may remove those burdens which shall be found to fall unequally upon any, and as may promote all the great interests of the community.

"Long and patient reflection has strengthened the opinion I have heretofore expressed to Congress on this subject; and I deem it my duty, on the present occasion, again to urge them upon the attention of the Legislature. The soundest maxim of public policy, and the principles upon which our Republican institutions are founded, recommend a proper adaptation of the revenue to the expenditure; and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the Government, and necessary to an efficient public service. In effecting this adjustment, it is due, injustice, to the interest of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry, should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. If, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard, as soon as a just regard to the faith of the Government, and to the preservation of the large capital invested in establishments of domestic industry, will permit."

And on the second March, 1833, another act was passed, commonly called the compromise act, amendatory of that of the 14th of July, 1832. Now let us see what has been the effect of these several changes, bearing constantly in mind that the object of them all was either to reduce existing duties, or to repeal them altogether. By the following table, prepared by the direction of the Secretary of the Treasury, it will be seen that there has been a large reduction in the amount of taxation imposed upon the people in the form of duties, effected by the several acts of Congress to which he had referred:

Year ending 31st Dec.	Actual accruing duties.	Estimated duties under the tariff act of 1833.*	Reduced duties under special acts, etc.	Payments into the Treasury.
1829	$27,662,461 65	- -	-	$22,681,965 91
1830	28,282,964 95	- -	$185,476 69	21,922,391 38
1831	36,559,383 41	- -	3,728,725 31	24,224,441 77
1832	29,310,894 78	- -	7,304,566 28	28,465,237 24
1833	24,152,674 66	- -	19,789,590 03	29,032,508 91
1834	18,960,705 96	$43,425,811 23	24,465,105 27	16,214,957 15
1835	25,890,726 66	52,943,768 19	27,053,041 53	19,391,310 59
1836	30,818,327 67	45,421,515 99	34,603,188 32	23,409,940 53
1837	18,134,131 01	49,125,984 48	30,991,853 47	11,169,290 39
1838	19,702,825 45	42,120,657 84	22,417,832 39	16,158,800 36

*Estimated on the imports during the years ending on the 30th of September.

Now let us notice some of the results presented by this table. The whole amount of revenue received by the General Government from customs, from 1789 to 1838 inclusive, was $710,285,875 22, of which was received, from

1825 to 1828, Adams's term, $86,457,852 15
1829 to 1832, Jackson's first term, 97,294,606 31
1832 to 1836, Jackson's second term, 88,048,717 18
In the years 1837 and '38, the first two years of Van Buren's term, 27,328,090 75

It further appeared, from what he had read, that there was reduced, from 1830 to 1838, $170,539,329 29, of which $11,218,708 18 was reduced from 1830 to 1832, and $105,910,925 15 from 1833 to 1836; and notwithstanding this very large reduction, the receipts during the latter period were a million and a half larger than they were from 1825 to 1828. It further appears from this table, that under the operation of the various acts of Congress to which he had referred, regulating the tariff of duties, that the reductions continued to increase, as they amounted to $53,409,685 86 in the years 1837 and 1838, the first two of Mr. Van Buren's administration; and that there has been a considerable falling off in the receipts, as in these two years they amounted to $27,328,090 75 only; and that a large proportion of this reduction has fallen on articles which are the necessaries of life, and which we either drink or wear. By another table, also prepared under the direction of the Secretary, and more in detail, it appeared that, in the years 1834 to 1838 inclusive, the following amounts were reduced on the articles enumerated:

	Aggregate amount estimated under the tariff of 1828, from 1834 to 1838, inclusive.	Aggregate amount under the tariff of 1832, &c. for the same years.	Aggregate amount of reduced duties under various acts for same years.
Woollens,	$21,894,668 69	$15,173,592 78	$6,721,075 89
Worsted stuffs,	7,413,293 79	152,658 26	7,260,635 52
Silks,	16,765,528 91	1,729,928 10	15,635,600 81
Linen,	7,950,469 44	332,139 85	7,618,329 59
Teas from China,	25,890,470 09		25,890,471 09
Brown Sugar,	19,804,540 92	14,716,464 54	5,089,076 68
Coffee,	22,671,185 65		22,671,188 65
Bar iron rolled,	7,049,855 63	4,957,767 17	2,092,061 46
Bar iron manufactured, or otherwise,	3,335,287 20	2,513,701 22	821,585 98
Salt,	5,989,791 80	2,585,098 73	3,404,693 67

Now on these ten articles alone, either used in our families or on our plantations and farms, there has been an aggregate reduction, in the five years, of $96,604,721 14.

These are astonishing results, and yet they were produced by following the only safe rule which you can adopt in the investigation of this subject, and that is, to estimate the duties under the act of 1828, had it not been repealed or modified on the amount of the actual imports into the country. It is due, however, to candor, to state that, in his opinion, the importations would not have been as heavy as they have been, had the act of 1828 continued in force, as the high duties imposed by it upon some articles would have checked their consumption, and the yet higher duties upon others would, perhaps, have prohibited their importation altogether. Onerous and oppressive as some of the duties were under that act, they could not have kept down the energies of our people, and there would have been, under their operation, a gradual increase in the importations and the receipts from them. This is proved by our past history. Without going further back, let us see what was the effect of the act of 1828 upon the revenue, even while in full force. In 1827, the payments into the Treasury from customs were $19,712,283 29, somewhat less than they had been in the previous year, probably in some measure owing to the discussions concerning the tariff, and the doubts entertained by the commercial classes as to what action Congress would take upon it. In the next year, among other causes, there being a general expectation that the tariff would be modified, the importations were heavier than they had been, to avoid the higher duties which it was believed would be laid; and hence the payments rose to $23,205,523 64. In 1829 and '30, there was an inconsiderable falling off from the effects of the former stimulus, and the receipts of the latter year being slightly affected by the modification which the act of 1828 had undergone concerning coffee, cocoa, and molasses. In 1831 they recovered; and notwithstanding the large reductions made in that year and in 1832, they continued to improve, until, in 1833, they had swollen to $29,032,318 91. It would be easy to show that the same results had either preceded or followed the passage of the act of 1824, but it is deemed unnecessary. It will be vain for gentlemen to deny, that had not these reductions been made, the receipts would have been greater; and the expenditures, therefore, must necessarily have been many millions, annually, larger than they have actually been.

For what purpose were the duties on a number of articles increased by the act of 1828? The object avowed, to be sure, was a double one—to raise revenue, and to protect the domestic industry of the country. Whatever it may have been, the effect, so far as it respects the extent of the burdens which it imposed upon the people, was precisely the same, with the aggravation, that if the additional duties were levied exclusively for the benefit of manufactures, the difference would have enured to that interest, and not to the common Treasury of the country. In a speech delivered in the Senate by Mr. Clay, February 25th, 1837, with boldness which characterizes him, he says "that the great question so long agitated between different portions of the Union, has not been whether, in laying a bill for revenue, the Government may not levy a duty which gives incidental protection to the industry of our own citizens—for this none will deny—but whether *such protection is in itself a proper and legitimate object* for which taxes may be laid. The friends of the protective policy have always maintained the latter proposition." In taking off the duties, whether laid for the purpose of putting money into the Treasury or in the pockets of the manufacturers, the people must have been relieved. He would not pause to inquire whether the duties were paid by the producers of our exports, or the producers of the imports received in exchange for them, or the consumers of the latter. These, and various other questions of political economy connected with the tariff, he would pass by. It is sufficient for his purpose that they were taxes in some form, and paid by somebody. Mr. ADAMS, in his report from the Committee on Manufactures, on the 25th May, 1832, says:

"The payment of a large national debt is a novelty in the history of nations; a remission of a large amount of taxes for that cause, is equally unprecented."

Again:

"The Committee on Manufactures are aware that the remission of taxes must, in its nature, be a measure always acceptable to the people; nor are they, as servants of the people, insensible of the gratification with which every member of the present Congress may share in such a measure at this time. They feel the delight with which every one permitted to enjoy the luxuries of assenting to such a remission in the benevolence of his disposition, and they understand the power of an eloquent and animated appeal to the legislative authority to leave all moneys not absolutely indispensable for the public expenditure *in the pockets of the people*. The committee perceive also, upon so singular an occurrence as that which admits of the remission of taxes to a considerable amount, such as in the present case, the question arises to what extent the reduction shall be sanctioned; the desire of increasing that amount may be more intense in the mind of one member than in that of another. When all are to share in the credit of the remission, the distinctive merit to the aspirant for popular favor will belong to him who urges for a remission to the largest extent. The committee are of opinion that there may be danger of being led astray by this conception, as ten millions of money annually heretofore appropriated for the public debt will no longer be needed. The most natural conclusion to be drawn from this, would seem to be that ten millions is the amount which may and ought to receive remission. If the remission of a larger sum can be urged as expedient, it must arise not from that, but from another cause."

Mr. McK. said, to show that he was not singular in the view that he had taken of the reduction made by those various acts to which he had referred, he would quote the opinion of a distinguished Senator, expressed in his place in the Senate on the 21st of December, 1836. In that speech, Mr. CALHOUN, speaking of the compromise act, said:

"We of the South had derived incalculable advantage from that act, and, as one belonging to that section, he claimed all these advantages to the very last letter. That act had reduced the income of the Government greatly. Few, he believed, were aware of the extent to which it operated. It was a fact, which the documents would show, that the act of 1828 arrested at the custom-house one half in value of the amount of imports. The imports at that time, deducting reshipments, were about $65,000,000 in value, out of which the Government collected about $32,000,000 in the gross. The imports of the last year, deducting reshipments, amounted to $120,000,000, which, if the tariff of 1828 had not been reduced, would have given an income of $60,000,000 instead of upwards of $21,000,000. He claimed not the whole difference for the compromise, but upwards of $20,000,000 may be fairly carried to its credit. Under this great reduction, we of the South began to revive—our business began to thrive and look up. But the compromise act had not yet discharged its functions. Its operation would continue until the revenue should be brought down till no duty should exceed 20 per centum *ad valorem*, and the revenue be reduced to the actual wants of the Government."

Yes, sir, the Senator was right. Not only the South, but the North, East, and West, began to revive. The business, not of one section, but of the whole Union, began to thrive and look up. The people had been released from a great load of taxation, by the joint action of the compromise act, and those of the 14th of July, 1832, and of ——— May, 1830, and thenceforward a new impulse was given to their business and enterprise. In proof of this, let us again turn to the tables. The following statement will exhibit the value of the imports, deducting reshipments, and also of the domestic exports:

Value of Merchandise.

	IMPORTS.			EXPORTS.
Years.	Free of duty.	Payment of duty.	Total.	
1825	$1,061,670	$62,687,762	$63,749,432	$66,944,745
1826	7,432,661	53,002,204	60,434,865	53,065,710
1827	4,069,954	52,010,978	56,080,932	58,921,691
1828	3,951,498	62,960,309	36,914,807	50,669,669
1829	6,574,424	51,249,525	57,824,049	59,700,193
1830	10,425,928	46,060,510	56,489,441	58,462,029
1831	5,856,582	77,300,016	83,157,998	61,277,057
1832	8,658,837	68,330,956	76,989,790	63,137,470
1833	25,037,184	63,258,392	88,295,576	70,317,698
1834	55,957,899	47,248,632	100,208,521	81,034,162
1835	65,179,650	64,211,594	129,391,249	101,189,082
1836	79,542,988	88,690,689	168,233,695	106,916,680
1837	56,801,112	62,333,143	119,134,255	95,564,414
1838	52,870,594	48,391,015	101,261,609	96,033,821

He begged gentlemen to observe in the years 1833 to 1836, inclusive, the value of merchandise free of duty, was $209,203,943 greater than the value of the same description of imports in the years 1825 to 1828, inclusive; and, notwithstanding this, the value of the merchandise paying duties, either specific or ad valorem, was $32,745,052 greater, during the former than the latter term of four years. It was probably true that some of this increase was owing to the sales of the State or corporation stocks, which had been negotiated abroad within the last few years, thus creating a debt against the country to the amount of the stock thus sold; yet it would not escape the attention of the committee, that there was a large increase in the value of the exports, and hence that at least a corresponding increase in the value of the imports was natural and unavoidable. There was another striking fact which he would ask gentlemen to notice, as illustrating the difference in the business of the country in the two periods which he had been considering. It will be found in the following statement of the imports and exports of gold and silver coin and bullion in a term of four years:

	Imports.	Exports.
1821 to 1824	$24,411,627	$34,675,778
1825 to 1828	28,672,605	29,433,126
1829 to 1832	28,773,025	21,774,064
1833 to 1836	51,514,328	15,400,570
1837 & 1838	28,263,530	9,484,395

The statement shows that the exports of coin and bullion were $10,524,672 more than the imports in the eight years, from 1821 to 1828, inclusive, thus diminishing the specie circulation in the country to that amount; and, further, that the imports were $43,112,719 more than the exports in eight years, from 1829 to 1836, inclusive, and that in the years 1837 and 1838, the imports were $18,779,135 more than the exports, thus making an aggregate in these ten years of $61,891,804, being an actual increase to that amount of the specie in the country—to which may be added the product of the gold mines in the South during the same period. It is well known that the late Executive earnestly desired to increase the specie in the United States; and, among other acts of his administration, to further that object, he caused to be brought home, in gold and silver coin, a large portion of the indemnities that had been reclaimed from foreign Governments.

It was not material to his purpose to express an opinion of the act of 1828, nor to inquire by what party it was supported; neither would he stop to discuss the merits of the compromise act, and that of the 14th of July, 1832, or the claims of individuals and parties to the credit of the passage of those measures. His purpose had been simply to trace the legislation of Congress, by which important

changes had been made in the provisions of the act of 1828, and to point out the consequences that resulted from them; and, further, to show what had been the conduct of the Executive in relation thereto. But after all that had been done, the receipts into the Treasury from customs were large, and, including those from the public lands, were much larger than had been anticipated by any one. Who then is responsible for this superabundance in the Treasury? For our country has presented the extraordinary spectacle, within the last few years, of the people wrangling, not about the amount of receipts—not about the amount of money taken from their pockets by the Government, but the amount of expenditures after the money had been collected from them, with their consent. He had already referred to the several messages of the President to show the character of his recommendations on this subject. As some captious persons might insist that these messages merely dealt in generalities, and were all very good in themselves, yet nothing could be inferred as to what the Executive really desired or intended, he would endeavor to be more specific. The Secretary of the Treasury [Mr. M'Lane] in his annual report to Congress, in December, 1831, after stating that "independently of the charge of the public debt, the revenue for the expenditures of the Government, as at present authorized, need not, it is estimated, exceed annually the sum of $15,000,000;" and further specifying such new objects for which appropriations at the proper time ought to be provided for, says:—"For the foregoing purposes, together with the existing expenditure, and a moderate allowance for such objects of general improvement as shall be of acknowledged national character, within the limits, as admitted by the Executive, of the powers of Congress over the subject, an annual revenue of fifteen millions of dollars will be fully adequate." On the 27th of April, 1832, he makes a report to the House, in which he submits a bill, the basis of which was a total repeal of the act of the 19th of May, 1828, from and after the 3d of March, 1833, and a limitation of the revenue afterwards to be raised by a new system of duties, to the existing expenditures of the Government, and to such other necessary expenditures as the exigency of the public service may require, and Congress in its wisdom may authorize." And for these objects, he again estimates an annual revenue of fifteen millions of dollars as necessary, of which he says that three millions will be received from the public lands. The bill thus proposed by the Secretary, was referred to the Committee on Manufactures, of which the gentleman from Massachusetts [Mr. ADAMS] was the chairman, as he is now. On the 25th of May following he made an able and eloquent report, from which he would quote one or two passages only to show the influence under which that committee had acted: on page 24: "The draft of the bill presented by the Secretary of the Treasury was prepared in a spirit of compromise between the two great and seemingly conflicting interests, chiefly to be effected by the reduction of the revenue. In this purpose it was to be expected that it could not be altogether satisfactory to either; and its provisions have accordingly been considered of questionable policy by different members of the committee under the impression on the one part, that the reduction of the revenue anticipated by it, was too extensive, and on the other, not extensive enough. It proposes to reduce the revenue to be raised from duties on imports to $12,000,000, and thereby to remit, of the existing duties, upwards of ten millions. This reduction, in the view of the manufacturing interest—an interest closely and intimately connected with its internal improvement, and the interest specially represented in this House by this committee, *is deemed to be excessive.* It proposes a diminution of revenue of more than the sum liberated from its present appropriation for the payment of the national debt. The majority of this committee are of opinion, founded upon principles submitted to the consideration of the House in this report, that no reduction should be made, at least at the present time, equal to the whole amount of the annual appropriation thus liberated, that is, ten millions. Upon this opinion, however, they will not now further enlarge. The projet in the draft of the bill is considered by other members of the committee as exceptionable for opposite reasons—that the reduction, in their opinion, is not extensive enough. Under this variety of views, the committee have made several modifications in the bill proposed by the Secretary of the Treasury, and now report for the consideration of the House a bill, not such as would in its details be satisfactory to every member of the committee, but is that upon which they have been able to unite a majority of their own views." They then state the various modifications, add:

"In these deviations from the draft of a bill reported by the Secretary of the Treasury to the House, the majority of the committee have done full justice to the intentions of that officer. They have perceived in the draft a spirit and temper entirely congenial to their own, an earnest desire to conciliate and harmonize the adverse feelings and interests of the two divisions of the Union. Unable to concur with him in all the details of his drafted bill, they have felt it their duty to depart from them as seldom as possible, consistent with the obligations to the interest which it is their special charge to maintain."

The bill, thus prepared, became the act of the 14th July, 1832. He had already observed that it did not give satisfaction, and that, at the next session, the President again called the attention of Congress to the subject. The Secretary of the Treasury, in his annual report of December, 1832, after stating that, from all sources, there would be an aggregate revenue of twenty-one millions in the year, and adds:

"In the last annual report on the state of the finances, the probable expenses for all objects other than the public debt were estimated at fifteen millions. This is still believed to be a fair estimate; and, if so, there will be an annual surplus of six millions. Still firmly convinced of the truth of the reasons then presented for a reduction of the revenue to the wants of the Government, I am again urged, by a sense of duty, to suggest that a further reduction of six millions be made, to take effect after the year 1833."

In pursuance of this suggestion, a bill was introduced into the House by Mr. Verplanck, chairman of the Committee of Ways and Means, and then in the confidence of the Administration, and, after being discussed for a long time in the House, was finally superseded by what is commonly known as the Compromise bill. He did not affirm that Mr. Verplanck's bill could have passed, had it not been for the introduction of the substitute; yet it was understood to embody the views of the Secretary, and that the reduction under it would have been more rapid and considerable than under the compromise. It has been admitted by the two distinguished Senators who are supposed to have had a chief agency in the preparation of that bill, that they foresaw, at the time, that there would be, under its operation, a surplus in the Treasury. In the speech before referred to, Mr. Calhoun said:

"He stood, personally, without pledge or plighted faith, as far as that act was concerned. He clearly foresaw, at the time that bill passed, that there would be a surplus of revenue in the Treasury. He knew that result to be unavoidable, unless by a reduction so sudden as to overthrow our manufacturing establishments—a catastrophe which he sincerely desired to avoid. Whatever might be thought to the contrary, he had always been the friend of those establishments. He thought, at the time, that the reduction provided for in the bill had not been made to take place as fast as it might have been. But the terms of the bill formed the only ground on which the opposing interests could agree; and he, as in part representing one of the Southern States, accepted it."

And he proposed, as a remedy, an amendment of the Constitution, by which Congress might be temporarily authorized to make a distribution of the surplus among the States. Mr. Clay, on the same day, said:

"He had foreseen, at the period of the passage of the act, the probability of a large surplus, beyond the wants of the Government, economically administered; and he had endeavored, simultaneously with the passage of the act, to provide for it, by the introduction of the land bill."

And, on another occasion, he said:

"I thought I saw a course marked out, which must lead to the utter and entire destruction of the protective system. * * * I saw, in 1832, that a great crisis had arisen. I saw, on the one hand, that we were menaced with a speedy destruction of the entire protective system; while, on the other, I beheld one member of the Confederacy," &c.

And as having an important and intimate connection with this part of the subject, we must not forget the vetoes of the President to several bills, appropriating money for purposes of internal improvement. Commencing between the years 1808 and 1812, with the Cumberland road, the power had been slowly and constantly extending itself; until, in 1825 and 1828, it had embraced several works in different parts of the Union, and the expenditures for these purposes had risen from $165,670 56 in the former period, to $2,112,419 01 in the latter; and had it not been for this old man of "iron will," it would, at this time, have comprehended every object of internal improvement, either of a local or national character, in the Union, and have absorbed all the revenues of the Government. General Jackson, in his message (December 1st, 1834,) says:

"Yet we all know that, notwithstanding these grave objections, this dangerous doctrine was at one time apparently proceeding to its final establishment with fearful rapidity. The desire to embark the Federal Government in works of internal improvement prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill, authorizing a subscription on the part of the United States, for stock in the Maysville and Lexington Turnpike Company, passed the two Houses, there had been reported, by the Committees on Internal Improvements, bills containing appropriations for such objects, inclusive of those for the Cumberland road, and for harbors and light-houses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which had been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials presented, but not referred, different projects for works of a similar character, the expense of which cannot be estimated with certainty, but must have exceeded one hundred millions of dollars."

Now let us turn to the proofs of the firmness of this President in resisting the exercise of a power, which many patriotic men consider the most fruitful parent of profuse and profligate expenditure, and thus subversive of the purity and stability of our institutions. On the 27th May, 1830, he returns to the House, with his objections, a "bill authorizing a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Company," of 1,500 shares—(amount not stated.) On the 31st May, he returns to the Senate a "bill to authorize a subscription of stock in the Washington Turnpike Company," for 4,500 shares, equal to $90,000. On the 31st May, 1830, he returns a bill from the House, making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors, and directing surveys, amounting to $430,493; also an act to authorize a subscription of stock in the Louisville and Portland Canal Company, for 1,000 shares, equal to $100,000. December 6, 1832, returns to the House "an act for the improvement of certain harbors, and the navigation of certain rivers, containing appropriations to the amount of $554,869. June 30, 1834, retains a bill from the Senate "to improve the navigation of the Wabash river, appropriating $20,000." And as further showing his determination by the use of his veto, to resist improvident appropriations, it may be remarked here, that, on the 6th Dec. 1832, he returned to the Senate "a bill providing for the final settlement of the claims of the States for interest on advances to the United States made during the last war." And though no amount is stated in the bill, it was well understood that its passage would involve an expenditure of upwards of a million. Senator Hill estimated at $1,300,000. Now it was not so much on account of the amount of appropriations in these bills for purposes of internal improvement, that the country approved of the vetoes of them: it was the limitation which was attempted to be placed on a most dangerous power; and though it has continued to be exercised, and the expenditures under it have been constant increasing, yet all candid persons will admit, whether agreeing with the President in his views of the constitutional limitation or not, that his vetoes gave a check at least to this class of appropriations. It is notorious that the party opposed to the then Administration had labored hard to divert the funds of the nation from the payment of the public debt, and apply them to purposes of internal improvement. Even after the power had been signally rebuked in the manner he had mentioned, its friends endeavored to maintain it, by forcing every work within the limits, admitted by the President for its exercise. It was under this influence, and perhaps a hope that the power would ultimately triumph, that the Committee on Manufactures, in the session of 1831 and 1832, would not consent to a larger re-

duction. Thus: "they ask that a portion of the common treasure should continue to be applied to great works of internal improvements." "This portion," they think, "should not only be unimpaired, but increased, in consequence of the removal of the burden of the public debt. Internal improvement is, itself, the most effective means of providing for the common defence—the defence common, not only to the whole people, our cotemporaries of the present age, but common to our posterity of numberless after generations." It must be obvious to all, who have at all attended to the history of our legislation, for the last twenty years, that the tariff and internal improvements were parts of the same system, and that one could not be supported without the othe. Hence the advocates of the former were disposed to favor the latter, by opposing, as far they dare to do, the remission of duties.

This is a brief history of what had been accomplished in the way of reduction of revenue during the administration of Jackson. He (Mr. M'K.) did not claim for Jackson and his friends the whole credit of it. What he insisted on as entirely just to them, was, that if they were held responsible for the increase in the amount of expenditures, they should receive at least some credit for the earnest, repeated, and often successful efforts which they made to relieve the people from unnecessary taxation. Though the President did not recommend, in his three next annual messages, any further changes in the tariff laws, as the effects of the reductions which were then in progress upon the revenue, could not be distinctly foreseen; yet he earnestly and respectfully pressed upon Congress the importance of abstaining from all appropriations which were no absolutely required for the public interests, and authorized by the powers clearly delegated to the United States. Thus, in his message of December 3, 1833, he said:

"We are beginning a new era in our Government. The national debt, which has so long been a burden on the Treasury, will be finally discharged in the course of the ensuing year. No more money will afterwards be needed than what may be necessary to meet the ordinary expenses of the Government. Now is the proper moment to fix our system of expenditures on firm and durable principles, and I cannot too strongly urge the necessity of a rigid economy, and an inflexible determination not to enlarge the income beyond the real necessities of the Government, and not to increase the wants of the Government by unnecessary and profuse expenditures. If a contrary course be pursued, it may happen that the revenue of 1834 will fall short of the demands upon it; and after reducing the tariff, to lightens the burdens of the people, and providing for a still further reduction, to take effect hereafter, it would be much to be deplored, if, at the end of another year, we shall find ourselves obliged to retrace our steps, and impose additional taxes to meet necessary expenditures."

And, in the same message, he also expressed the opinion that

"The rule as now fixed by law on the various articles, was adopted at the last session of Congress, as a matter of compromise, with unusual unanimity, and unless it is found to produce more than the necessities of the Government call for, there would seem to be no reason, at this time, to justify a change."

Such were his sentiments—a disposition to respect the compromise act, unless it was found to produce more than the wants of the Government, and, at the same time, not to increase those wants by profuse and unnecessary expenditures, until, in 1836, towards the close of his spendid civil career, when, finding that the revenue continued to accumulate, in a manner unexpected to every one, he, at the session which commenced in December of that year, again invited the attention of Congress to the subject. In his annual message of that year he says:

"Considering the intimate connection of the subject with the financial interests of the country, and its great importance, in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberations, in treating it in the manner best calculated to conduce to the common good.

"The experience of other nations admonished us to hasten the extinguishment of the public debt, but it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it cannot be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists, to avert it.

"Under our present revenue system, there is every probability that there will continue to be a surplus, beyond the wants of the Government; and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

"Should a surplus be permitted to accumulate, beyond the appropriations, it must be retained in the Treasury, as it now is, or distributed among the people or the States.

"To retain it in the Treasury, unemployed in any way, is impracticable. It is, besides, against the genius of our free institions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties, than to permit the Government to accumulate immense amounts of treasure, beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed, at some time, as it has been in other countries, when opportunity tempted ambition.

"To collect it merely for distribution to the States, would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the Treasury. The shortest reflection must satisfy every one, that to require the people to pay taxes to the Government merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual, who contributed a portion of the tax, could receive back promptly the same portion. But it is apparent that no system of the kind can ever be enforced, which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes; and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposite banks, and support a band of useless public officers.

* * * * * * *

"The safest and simplest mode of obviating all the difficulties which have been mentioned, is, to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their own hands, to be used for their own profit. Each State will then support its own Government, and contribute its due share towards the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means."

And a bill was brought into the Senate by its Committee of Finance, proposing a further reduction on about three millions; and it actually passed that body by nearly a party vote, the friends of the Administration voting for it, and its opponents against it. Thus much as to that portion of our revenue receivable from customs. He might proceed further, and allude to the resolutions moved by himself in the House, in the session of 1835 and '36; to the bill reported by Mr. Cambreleng, from the Committee of Ways and Means, and to which the gentleman from Ohio, [Mr. CORWIN,] informed us he was opposed, in the session of 1836 and '37, both proposing a reduction and both movements generally supported by the friends of the Administration; but he deemed it unnecessary. It may be safely affirmed that the President, and at least a majority of his friends in Congress, were in favor of bringing down that part of our revenue to the wants of the Government, economically administered.

As to Mr. Van Buren, there has been no occasion, since his election to the Presidency, that made it necessary or proper, in his communications to Congress, to recommend any reduction of the revenue from this source. The great revulsion that occurred in 1837, caused a great falling off in the receipts from the customs; so that in that year they amounted to $11,169,290; and in 1838, $16,158,800 36—somewhat more than in 1837.

Now in respect to the public lands. There have been no material changes made in the laws regulating them since 1820, the minimum price of $1 25 per acre, then fixed, not being altered; and notwithstanding this, the receipts from this source have been unusually large. It appears from the tables in one of the documents, that the whole amount received from 1789 to 1839, was $106,021,938 11, of which $75,075,404 97 was received from 1829 to 1839. This fact, showing the most extraordinary increase, should teach us caution in judging public events, or in expressing praise or censure on any of the measures of an Administration. No one had expected so large an increase. He had already shown that Mr. M'Lane, in 1832, did not estimate the receipts from this source higher than $3,000,000. Mr. Calhoun, in his patronage report, as late as 1835, estimated them at $3,500,000 only. Various causes, however, contributed to produce this increase. The extinguishment of the Indian titles to extensive tracts of valuable land in several of the States and Territories—the great number of foreigners, who have within the last few years emigrated to this country and settled in the West, and the spirit of speculation, fostered in some degree by our banking system, seized hold of the public domain, as a subject upon which to operate, and thus a greater quantity of it was was sold than was required for settlement. As soon as this latter operation became apparent—that the lands were passing into the hands of speculators in exchange for bank credits—the President took decided steps to arrest it. All will recollect the celebrated specie circular and the recommendation in his annual message in 1836, to confine the sales of the public lands to actual settlers. It is known that a bill did pass the Senate by a party vote, the friends of the Administration voting for it, providing for the latter object.

With regard to the former measure, he would not now discuss either its legality or policy, both of which have been so much questioned. He thought that he might safely assert, that the immediate effect of it was to check the sales—to prevent a further exchange of the rich and valuable lands of the Government, in the South and West, for depreciated, and perhaps worthless bank paper, and that it hastened the crisis in the monetary affairs of the country which soon after occurred; and that it also diminished the intensity of that crisis, by preventing the further extension of bank paper, which would otherwise have taken place. His regret was that it had not been issued earlier, for if it had been, a good deal of the pressure that was afterwards felt would have been avoided. It may also be observed here, that a considerable proportion, perhaps one-half, of the receipts from the sales of the public lands from 1830 to 1839, were from that part of them that had been acquired from the Indians within that period; so that in the years 1835, '6, and '7, when the sales were so heavy, the Government was only getting back the moneys that it had previously laid out in the purchase of the very lands it had thus sold.

Mr. McK. then insisted that these various acts, the history of which he had endeavored to trace, having failed to prevent an accumulation of a surplus in the Treasury, the existence of that surplus was one cause of the increase in the expenditure. If the money was collected, it must be spent. It would be ruinous to the best interests of the country to hoard its public revenues. A distinguished Senator has said:

"Experience has abundantly proved, that so long as there is a large surplus in the Treasury, the interests in favor of its expenditure will ever be stronger than that opposed to it; and that no prudential considerations, arising from the necessity of accumulating funds to meet future wants, or the hazard of enlarging Executive patronage, or the danger of corrupting the political and public morals of the country, by useless and profuse expenditure, or any other whatever, are sufficient to resist the temptation. If one unworthy object of appropriation is defeated, another, with no greater claims on the public bounty or justice, will ever stand ready to urge its claims, till the frugal and patriotic are wearied out with useless and incessant efforts to guard the Treasury."

If more money was collected than the proper wants of the Government required, he must repeat, what he had already said, that those who opposed the adoption of measures to prevent a surplus, were clearly responsible to the country. The President, who recommended, and the members of Congress who voted for, the several acts reducing reducing revenue, are certainly entitled to the credit of diminishing the expenditures, for it must be apparent to all, that, had the act of 1828 remained in force, without any alteration of its provisions, the receipts under it would have been much larger, and the expenditures would probably have ranged from forty to sixty millions annually.

Such, he believed, would have been the state of things, had not a check been put to what has been called the American system. In saying this much in defence of the party with which he usually acted, he did not wish to be understood as making any imputations at all upon the conduct or motives of those who had taken an opposite course. He was aware of the difficulties of the period through which we had passed, and would therefore be exceedingly circumspect in censuring any one for the part he had acted in it. He believed that there were many persons who looked upon the act of 2d, March, 1833, as a compromise of the great controversy respecting the tariff, which had so long agitated the country, and who would not, for that reason alone, support any proposition that might, in its tendency, if adopted, disturb the principles upon which that act was framed. After all, how

ever, that had been done—after the people had been relieved from a large amount of taxation in the manner he had explained—there was still a large amount in the Treasury, and he would proceed to inquire how it had been disposed of, and to what purposes applied? It will be recollected that the Constitution expressly provides that no money shall be drawn from the Treasury except by appropriations made by law. He had already shown that Congress alone can originate bills for raising or reducing revenue; so it equally belongs to that body to direct its expenditure after it has been received into the Treasury. Before he would proceed to examine into the purposes to which the moneys have been applied, he would make a few remarks upon one or two points that are properly connected with this part of the subject.

The first relates to the cost of collection, that is, the expense incurred by the Government, in taking the money from the pockets of the people and placing it in the common Treasury. It has been said that the cost has been unusually great during the present Administration, and that of General Jackson. In document No. 192, there is a table showing the rates per cent. calculated upon the basis of the amount of receipts into the Treasury, and also upon the value of imports. It will be seen that the rates of cost, calculated upon the latter basis, are not larger than the rates in previous years. In respect to the former, it is obvious that there is a large increase.

Without pretending to justify this increase, various causes can be assigned to account for it. 1st. The large augmentation in the quantity of articles of merchandise imported into the country, which rendered necessary the employment of additional officers for the prompt and faithful discharge of that branch of the public business. 2d. The building and equipping revenue cutters to supply the places of others, placed under the direction of the Navy and War Departments, to aid in suppressing the Indian disturbances in Florida, the construction and maintenance of revenue cutters being a charge on the accruing revenue. 3d. The disturbances on the Canada frontier during the last two years have also increased the custom-house expenses on that extended frontier. Besides this, the whole recent expense of making sets of weights and measures for each State, as well as each custom-house, is charged to the collection of the revenue.

[TO BE CONTINUED.)

SPEECH OF MR. BENTON,

OF MISSOURI.

In Senate, Tuesday, May 27, 1840.

BANKRUPT BILL—INCLUSION OF CORPORATIONS.

Mr. BENTON addressed the CHAIR, and said, that the question now before the Senate was styled, in the convention of 1787, an extensive and a delicate question; and so, in fact, it is. It is the great question of debtor and creditor; a relation which pervades every ramification of society, and which, in all ages, and in all countries, has given the greatest labor to the legislative and judicial departments of the Government, and has often been productive of popular commotions, convulsions, bloodshed, and even civil wars. It is a great question, and a question of two sides, and of two parties, and one which cannot either justly or safely be treated in reference to one side or to one party only, be that side or that party which it may. The lawgiver must look at both sides, and must act justly and impartially in relation to each. It will not do to legislate for the creditor, without regard to the debtor; it will not do to legislate for the debtor, without regard to the creditor. Each has his rights, and these rights must be respected. No man becomes the debtor of another, except by getting from him his money or his property, his labor or his service, or enabling some other person to get these things, by the loan of his name and the intervention of his credit. He gets this money or property, labor or service, or enables another to get them, by promising to pay for them; and this promise, thus founded on a valuable consideration, becomes a sacred engagement, which the moral sense of the world has invested with a character of inviolable sanctity. The borrower is bound to return; the purchaser is bound to pay; the depositary is bound to restore; the security is bound to see his engagement fulfilled: and, while the performance of these obligations continues to be possible, the legislative power cannot interpose to set them aside. But, in the vicissitudes of human affairs—in the casualties of human arrangements—in the uncertainty of all human calculations, a compliance with these obligations often becomes impossible; and when that impossibility becomes manifest, the arm of the law interposes, not to violate an engagement, for that violation has already taken place; but to ascertain legally the fact—to bring the parties together upon the principle of a compromise—and to adjust the relations between them in view of this unexpected state of things, and upon the basis of an impossible compliance with the original contract. Release from further liability for a debt under such circumstances, and after a surrender of the debtor's effects has been granted by law, or obtained by compromise, or extorted by force, under all forms of Government, and in all ages and countries. But, in all these releases, where the voice of the law is heard at all, the voice of the creditor is also heard; and he still has a part to act—an essential and material part—in the conduct of proceedings which may end in the deprivation or extinction of his rights. He has a right to examine the conduct of his debtor—to trace his dealings and his mode of life—to ascertain whether his conduct has been innocent or fraudulent—whether his inability is the result of misfortune or misconduct—whether he is a proper subject for the favor, or for the rebuke of the law; and, above all, he has the power (by having the right to institute the bankrupt proceedings) to interfere before it is too late—to interfere while there is something to be saved—and to snatch something from the wreck of the debtor's estate before the work of fraud or destruction shall be complete. All these rights he has, wherever the law interferes to abrogate his contract; and, more than all these, he has the right to consent to the final result, by having the right to commence the proceedings which lead to it. All these rights belong to the creditor in every country, and in every case, where *law*, and not *force*, dissolves the connection between debtor and creditor. Thus there are, in the very nature of the bankrupt question, two sides, and two parties to it—two sides at the creation of the debt, and two at its abolition—and, as one or the other of these sides has been more or less favored by politicians and lawgivers, so has the abolition, or enforcement of debts, frequently given form and character to the political parties which have figured in all free countries, and which must continue to be found in all countries where freedom shall continue to exist. Relief to the debtors, or assistance to the creditors, has often been the touchstone, and the basis, of political parties in the great Republics of antiquity; and numerous have been the elections which have been carried, or lost—numerous the civil commotions which have been excited, or quelled—by propositions to abolish the obligation, or to enforce the collection, of existing debts. Political parties have been characterized, and have been held up to applause, or censure, in consequence of their conduct in relation to these propositions; and, without going back to ancient times, or abroad to foreign countries, to find examples of these party movements, familiar to the reading of every Senator, it is sufficient for the present occasion, and is pertinent to the present proceeding, and may be profitable to the issue of the present question, to remind the Senate and the country that the birth and origin of the two great political parties which, under whatsoever names, have existed so long, and must always exist in our country while its freedom lasts—the Federal and the Democratic—has been referred by one whose authority will not be disputed on the other side—by Chief Justice Marshall—to their respective conduct in relation to this precise question of debtor and creditor. That eminent man, in the most responsible of all his works—the Life of Washington—so refers the origin of these parties. In the fifth volume of that work, at page 85, he traces the rise and formation of the Federal and Democratic parties among us, making their respective characters to turn upon the conduct of each in relation to the sanctity of contracts, and the emissions of paper money. In this portrait of parties, he has given to the Federalists the honor of guarding the sanctity of contracts, and preserving a solid currency: to the Democracy is assigned the less creditable part of relaxing contracts, and emitting paper money. This is a point too essential to the historian himself—to the character of the two parties—and to their present actual positions in relation to the bills now before the Senate, involving as they do the exact questions referred to by the historian; it is a point too essential to all these parties, to be passed over with a reference and a paraphrase. It is too material to be mentioned without being cited. It is a case in which the historian should have the benefit of his own words. I owe it to him, and to the occasion, to read the paragraph entire; and here it is:

"The discontents and uneasiness, arising in a great measure from the embarrassments in which a considerable number of individuals were involved, continued to become more extensive. At length, two great parties were formed in every State, which were distinctly marked, and which pursued distinct objects, with systematic arrangement.

"The one struggled with unabated zeal for the exact observance of public and private engagements. By those belonging to it, the faith of a nation or of a private man was deemed a sacred pledge, the violation of which was equally forbidden by the principles of moral justice, and of sound policy. The distresses of individuals were, they thought, to be alleviated only by industry and frugality, not by a relaxation of the laws, or by a sacrifice of the rights of others. According to the stern principles laid down for their government, the imprudent and idle would not be protected by the Legislature from the consequences of their indiscretion; but should be restrained from involving themselves in difficulties, by the conviction that a rigid compliance with contracts would be enforced. They were consequently the uniform friends of a regular administration of justice, and of a vigorous course of taxation, which would enable the State to comply with its engagements. By a natural association of ideas, they were also, with very few exceptions, in favor of enlarging the powers of the Federal Government, and of enabling it to protect the dignity and character of the nation abroad, and its interests at home. The other party marked out for itself a more indulgent course. Viewing with extreme tenderness, the case of the debtor, their efforts were unceasingly directed to his relief. To exact a faithful compliance with contracts, was, in their opinion, a measure too harsh to be insisted on, and was one which the people would not bear. They were uniformly in favor of relaxing the administration of justice, of affording facilities for the payments of debts, or of suspending their collection, and of remitting taxes. The same course of opinion led them to resist every attempt to transfer from their own hands, into those of Congress, powers by which others were deemed essential to the preservation of the Union. In many of the States, the party last mentioned constituted a decided majority of the people; and in all of them it was very powerful. The emission of paper money, the delay of legal proceedings, and the suspension of the collection of taxes, were the fruits of their rule, wherever they were completely dominant. Even where they failed in carrying their measures, their strength was such as to encourage the hope of succeeding in a future attempt; and annual elections held forth to them the prospect of speedily repairing the loss of a favorite question.

"Throughout the Union, the contest between these parties was periodically revived; and the public mind was perpetually agitated with hopes and fears on subjects which essentially affected the fortunes of a considerable portion of the society."

I do not read this paragraph, (said Mr. B.) for the purpose of objecting to the character attributed to the Democratic party. I do not mean to defend them from what is here said. I am one of those who believe that every man, and every party, writes his own, and its own character—that they write it in their actions—and that it is in vain to impute, or to ascribe, characters which actions do not justify. It is not to defend the Democracy that I read this paragraph; in fact it is not for them that I read it at all. I read it for the gentlemen of the Federal party—for the purpose of holding up to those gentlemen a mirror which reflects for them an elevated character—for the purpose of exhorting them to act up to that high character, and not to exchange it for the inferior one imputed to the Democracy.

I now proceed, Mr. President, to examine the question before the Senate, and to apply to it the principles which, in my opinion, should govern a system of bankrupt laws.

Three members of the Judiciary Committee have reported one bill; two members have reported another; and these two bills emanate from the two political parties which, under whatsoever names, have existed in this country for fifty years. One of these bills proposes relief to existing debtors, and no more. It proposes to legislate for voluntary bankrupts alone, and for those debts alone which now exist; for the bill is limited to two years' duration, and cannot be expected to find many new cases to act upon in that short time, and in the present stagnation of business and paralysis

of credit. It is, then, a partial and temporary act, retrospective, not prospective in its operation, and solely directed to the relief of debtors, without looking to the security of creditors. It is a one sided bill, for the abolition of debts—existing debts—at the will of the debtor, and no more.

The other is a general bill, looking to the rights of creditors as well as to the relief of debtors—intended for the future as well as the present and the past—applicable to corporations as well as to persons—embracing the compulsory as well as the voluntary feature—and making provisions for those who are not, as well as those who are, technically merchants and traders.

These are the two bills, and certainly no two things of the same name could be more dissimilar in their import and character. One is a system, the other a special act. One proposes a general rule for the regulation of all contracts—the other proposes an absolution of the existing debts. Both are styled *systems* in their enacting clause; but one only presents a system. The other proposes nothing but a relief law.

The majority of the committee has reported one; a minority has reported the other; and the question is, not which shall we pass (for we have not yet arrived at the question of passing) but which shall be preferred for consideration? which of the two we shall take up, discuss, consider, amend, perfect, and ripen, if we can, into a law? This is the question; and, in its decision, I have no hesitation. I prefer the general to the special bill: I prefer the bill of the minority; not that I agree to it as reported (for there is much in it to which I object;) but because it is general, not special—a system, and not a temporary, one sided law—because it is a bankrupt law, and not an insolvent law. It contains the leading features which a uniform law on the subject of bankruptcies ought to contain; and is susceptible of the amendments which may render it acceptable.

This being my preference between the bills, I will proceed to state the reasons why I object to the one, and advocate the other.

I object to the bill of the majority because it is unconstitutional—because it is a bill wholly unwarranted by the clause in the Constitution which authorizes Congress to pass uniform laws on the subject of bankruptcies. The first idea of such laws are, that they are to be prospective—that they are to look forward—that they are to operate upon future cases—and to furnish a rule of action for creditors and debtors to govern themselves by in time to come. Admitting that the law may take in existing cases, yet to limit it to such cases, as this bill of the majority virtually does, is to reduce it to the character of a mere insolvent law. It is to take in all existing cases, and it is only to continue in force two years. This may be time enough for existing debtors to avail themselves of its provisions; but it can have little or no operation on future cases: it can furnish no rule of action for the future government of the community; and the very nature and object of law, and especially of a system of law, and, above all, of a system to govern contracts, should be prospective in its operation; it should relate to the future, and should be known to the community, that they should be able to govern themselves by it. I do not object to the inclusion of present cases, but to the exclusion of future ones: I object to an act which is both temporary and retrospective—which excludes the future, and embraces only one side of the past. Such an act could not have come within the contemplation of the Constitution; and, if adopted, must set the example of a succession of these acts for the abolition of debts as often as the debtors become sufficiently numerous to make their power be felt.

I object to the act because it has no feature of a bankrupt law in it, and because I deny our constitutional power to pass an act, under the name of a bankrupt system, which has no feature of a bankrupt law in it—nothing which discriminates those laws from common insolvent, or relief laws. Without at all limiting the power of Congress to the adoption of the English statutes on this subject—without limiting ourselves to the adoption of something which may be found in the English legislation; without at all limiting our power to this narrow basis, I must still insist that there are certain essential characteristics of a bankrupt law, known to the world, and contemplated by our Constitution, and which it is not in the power of Congress to disregard. The most prominent of these features is the right of the creditor to save something, out of the estate of the debtor, before it is too late—his right to interfere, and stop waste or fraud, before it is too late. In every system of bankruptcy ever known, the creditor is an actor; he begins, or continues the proceeding; and he commences it at the time when his interest requires him to do so—when he sees fraud or waste going on; and by thus arresting the career of his debtor, and divesting him of his estate, he impliedly gives his consent to the final discharge in consideration of getting possession of all that the debtor owns. This is a feature in all bankrupt laws: it is an equitable provision; it is a fundamental principle; nor can I conceive of a law without it. I cannot conceive of a bankrupt law which does not embrace this feature; and the bill of the majority does not embrace it. Under this bill the creditor may see waste and fraud going on—he may see his debtor consuming, hiding, or alienating his estate—and yet, under this bill, he could do nothing to arrest such conduct. It is in vain to say that he may go to the State laws: the bankrupt system must be complete in itself, and must not look to the State laws for the one half of its operation. I object to a bankrupt act as unconstitutional, which leaves the remedy exclusively to the will of the debtor; and that is precisely what this bill proposes to do.

Sir, this is one of the most delicate powers which Congress can exercise, and one which it should be most careful not to transcend or mistake. It is an intervention between debtor and creditor. It goes, not merely to the alteration, but to the annihilation of contracts. The Constitution has forbid the States to do any thing to impair the obligation of contracts. It has granted Congress the power to make bankrupt laws; and these laws go to the extinction of the contract. But how? Not by passing acts, from time to time, for the abolition of debts at the will of the debtor, but by making the discharge of the debt the joint act of the creditor and debtor; the creditor instituting the proceeding, or being ruled into it by a majority in interest, and thereby assenting to it. I grant that the power of Congress is full over the subject of bankruptcies, but I deny that this power can be fairly exercised in the enactment of a temporary, one-sided, exclusively retrospective bill for the abolition of debts at the will of the debtor. I deny that it can be fairly exercised in the abolition of existing debts, under the mock name of a system of bankruptcy. It is a delicate power, denied to the States, granted to Congress, and which Congress must exercise according to the intent of the grant, and not wantonly according to the will and pleasure of a majority for the time being.

Objecting to the bill, as I do, upon constitutional grounds, I should still oppose it, even if our constitutional power to pass it was clear and undoubted. I object to the bill for its principle, and for its details, and for its effect upon the present age, and upon posterity. The principle of the bill is, that every person owing debts may, at his own will, and by going through a process which he himself commences, be absolved from all liability for his debts. This is the principle; and the details are such as to deprive the creditor of all effective agency in the conduct of a proceeding which is commenced without his consent. The present effect, as gentlemen say, is to release 500,000 debtors from future obligation to pay their debts; of course to deprive an equal number of rights and means on which they relied. Its future effect must be to se an example for the repetition of such laws as often as the debtor class becomes numerous and powerful; and to teach the rising generation a facile way to get rid of their obligations, after squandering the money and property which they had obtained upon the faith of paying for it. Nothing, in my opinion, could be more objectionable than the principle of the bill.

The details of the bill aggravate its principle, and go to deprive the creditor of all real or effective check over a proceeding which is commenced without his consent, and which may end in the annihilation of his rights. The details are these: any person whatsoever, owing debts, not less in amount than the sum of —— dollars, may go into the district court of the United States for the district in which he then resides, or into the superior court of the Territory in which he then resides, or in the superior court for the District of Columbia, if he then resides in this District, and file a declaration on oath, or affirmation, averring himself to be unable to pay his debts, and upon this declaration the court shall decree him to be a bankrupt. (*Sec.* 1.) The court is to be always open for the reception of these declarations, and the proceedings upon them are to be speedy and summary. (*Sec.* 6.) No record at large is to be kept, but only papers filed, and memorandums kept by the clerk. (*Sec.* 13. The property of the bankrupt is legally divested out of him, and vested in assignees, by a decree of the court, to which the creditor is not a party, and he becomes entitled to a full discharge on the surrender of his property, (*Sec.* 3 and 4,) but the certificate and discharge shall not be granted until —— days after the decree of bankruptcy, nor until after twenty days' notice in some newspaper, designated by the court, for the creditor to come in and contest the right to the discharge. (*Sec* 4.) On appearing, the creditor may prevent the discharge, by proving that the debtor has made alienations of his property or preferences, or payments among his creditors, in contemplation of taking the benefit of this act; (*Sec.* 2;) or has been guilty of fraud, or wilful concealment of his property, or has wilfully disobeyed the orders of the court, or has lost at gaming or betting, within one year before the decree of bankruptcy, at any one or more times, the sum of —— dollars. By proving any one of these things, (on a part of which the debtor may be interrogated under the direction of the court) the discharge may be prevented. The final discharge of the debt may be prevented; but the decree of bankruptcy is not reversed. It is not set aside. It stands; and the creditor's rights in relation to his debtor, and his property, are entirely changed. All his remedies and proceedings against him—all his suits depending against him, and not ripened into judgments—all his measures for securing himself, are suddenly arrested. The connection between himself and his debtor is dissolved. He has to arrange with a new party—assignees—to prove his debt for them to settle it, and to take his chance for a *pro rata* distribution with other creditors out of the surrendered effects—(*Sec.* 5.) If he does not do this—if he does not come in and prove his debts, (and it will be shown that he will have but little chance to do so,) he loses all right to any part of the bankrupt's estate, for the whole is to go to those who appear and prove their debts—(*Secs.* 3 and 5.)

These are the details; and now let us examine them, and see their practical operation and bearing, and ascertain how far they open the door to a general and rapid abolition of debts, and how far they go to give, or to deny to the creditor, any rights or powers in instituting or conducting a proceeding which may end in converting all the notes and bonds in his possession into so much waste paper.

1. The debtor chooses his *time* for instituting the proceedings and making the surrender of his property; and what time will he choose? Upon all the principles of human action, what time will he choose? He will certainly choose the time which will suit himself; and that will be after hope is extinguished, and after his property is exhausted. He will surrender his property when the surrender will be of no avail to his creditor. And here lies the great distinction between this act, which is nothing but an insolvent law, and a real bankrupt law, which always gives the creditor the right to choose the *time* for instituting proceedings and divesting the property. The creditor would choose the time when there was something to be saved; the debtor, when there was little or nothing. What will the creditors receive in the distribution of an estate so surrendered? Under the best circumstances, and where the creditor chooses his time, the expenses often swallow up the principal part of the surrendered effects. The assignee's expenses, and

the court expenses, swallow up the principal part. So true is this, that it is proverbial; and when, in the discussion of the bankrupt bill in this chamber, a dozen years ago, Mr. Randolph compared a bankrupt's estate in the hands of assignees, to a lump of butter in a dog's mouth, the comparison, strong as it was, was considered to have as much of truth as sarcasm in it. Such being the case where the creditor chose the time when the surrender of effects should take place, what would it be when the debtor is to choose the time?

2. The place of instituting the proceedings gives another great advantage to the debtor. He chooses his place. He chooses out of the twenty-six States, the three Territories, and the District of Columbia. He has this choice; for the proceedings are to be had at the place where the debtor resides at the time of instituting them. He files his petition in the court of the district in which he resides at the time; and this gives the debtor great advantages over the creditor. The abrogation of the debt may take place far removed from the place where it was contracted, and far from the residence of the creditor. Persons meaning to take the benefit of the act, if so disposed, can go and establish a residence where they please, and proceed almost unmolested by their creditors. Iowa, Wiskonsin, Florida, Arkansas, Missouri, may become the places for trying cases, which originated in the Atlantic States. Creditors may be called such vast distances from home that they may choose to give up their claim, rather than pursue it at such a sacrifice of time and money.

3. The notice for bringing in the creditor is most inadequate and uncertain. It is not until after the debtor is decreed to be a bankrupt that the creditor is intended to know any thing of the proceeding. Up to that point it is expressly, and on purpose, an *ex parte* proceeding. It is only after the decree that he is intended to have notice; and he is then permitted to come in merely to contest the right to the final discharge. Then his right to know what is going on, and to become party to the final proceedings, accrues; and his chance for notice is a publication of twenty days in some newspaper designated by the court. This is the only chance which the creditor is to have, to find out what is going on; it may be at the distance of five hundred or a thousand miles from him; and, not merely to find it out, but to repair to the scene, and make head against the discharge. This is a most inadequate provision for notice. Creditors in full life, health, and activity, ready and able to attend to their affairs, would find it difficult to avail themselves of so short a notice; but what is to become of widows, orphans, absentees, the sick, and that long list of persons who may find it out of their power to attend? What is to become of those who do not take the paper which contain the notice, or who were prevented from receiving it, by a failure in the mail? To all these there is no notice at all. The twenty days roll on; they can do nothing; and, in the short space of two-thirds of a moon, their money is gone.

4. The courts for the trial of these cases are to be always open, and the proceedings are to be summary and expeditious. The usual legal forms are to be dispensed with; brevity and rapidity are to mark the steps of the judge. The district courts are to be converted into *pie poudre* tribunals—where decisions are to be made as fast as dust can be shaken from the foot; and this without being recorded at large, though the proceedings are to be matter of record. Such is the haste, the informality, the want of time for deliberation, which is to attend proceedings by which the fearful process of abolishing debts, at the will of the debtor, may be hurried on.

5. Two years is the time allowed for the act to run. It is to be an act for two years, and no more. I do not object to the shortness of time because it may not be sufficient for the purpose it proposes, namely, for an abolition of debts at the will of the debtor; but I point out this short duration of the act, as an evidence of its character—as a circumstance which shows it to be no system—which identifies it as a temporary, one sided, relief law, for the benefit of existing debtors.

6. After all, the bill is not to be applicable to all debtors—the relief is not to be for all persons owing debts. There is to be a line of division between the debtors—a horizontal line; those above the line are to have relief—those below it are denied it. This results from the amount which the debtor must owe in order to entitle himself to the benefit of its provisions. The bill provides for an amount, but leaves the sum in blank. Will the reporter of the bill, said Mr. B. (addressing himself to Mr. CLAYTON of Delaware,) name the amount which it is proposed to insert?

[Mr. CLAYTON said he had not been instructed to move a particular sum, but $500 had been mentioned in the committee.]

Mr. B. continued: Five hundred dollars. That was the sum mentioned in the committee, and no other sum is mentioned here. Five hundred dollars must be considered, then, as the amount necessary to be owed, to entitle a person to the relief of the act. Now, this is arbitrary and unequal: it cuts off the small dealers—the persons of little property—the laborers; it cuts them off from the benefit of the act, and operates as an encouragement to people to go largely in debt, as the large debtors are to be relieved, and the small ones not. It makes the act exclusive for large dealers, and this contrary to the principle of equality which is professed in the bill, and without any foundation in reason and justice. The weight of debt is relative, not absolute. It depends upon the amount of the debtor's property, and not upon the amount of the debt. To one man, a debt of one hundred dollars is as much as a hundred thousand, or a million, is to another. To one man, five hundred dollars is as much as five hundred thousand is to another; and, beyond question, the most numerous class of debtors in the United States are those who owe less than the minimum proposed in this bill. But these small debtors, numerous as they are, are disregarded and overlooked by the bill. They are to work out their debts in sorrow and in misery, carrying their endless load to the grave; while the dashers—the large debtors—clear out theirs by a declaration and a surrender.

Such are the details—a few of them—and evidently all contrived for the benefit of the debtor, and effectually calculated to insure his discharge. In ninety-nine cases out of a hundred the discharge will follow the petition as certainly, and almost as rapidly, as the bolt follows the flash, and will exhibit, perhaps, the largest abolition of debts which has ever been seen at any one time under a Government of law and order. The gentlemen who conduct the bill, and advocate its passage, present an imposing view of the number of debtors to be relieved by it, and the amount of their liabilities. They say, and that truly, that there has been no bankrupt law in our country for forty years. They say further that the number of persons now petitioning amount to 200,000, and they compute 300,000 more to be awaiting the passage of the bill, who have not petitioned. Without vouching for the correctness of these numbers, I still undertake to say that the bill contemplates the largest and most fearful abolition of debts that has ever been seen in a country of law and order.

If the creditor chances to hear of what is going on, and is fortunate enough to arrive at the court before the twenty days are out, what is he then to do to prevent the discharge of his debtor? He is to prove acts done in contemplation of taking the benefit of this law; he is limited to those acts; and is, consequently, cut off from all previous examination into his debtor's conduct. Now the act is retrospective: it is to operate upon all existing debts, no matter when contracted. The debts may be five, ten, twenty, (or, as gentlemen argue,) even forty years old; the party may have fraudulently conveyed away, or gambled off, or wasted, his estate in all that time; but no examination is to be had into it. Acts done in contemplation of applying for relief under this law, are all that can be examined; consequently the past conduct of the debtor becomes "*a sealed book*," which the creditor cannot open. Even the gambling, which may defeat the right to the discharge, degenerates into an illusory and mock prohibition. It is to be that which exceeds a given amount, not named, and which takes place one year before the decree of bankruptcy. Yes, one year before the decree! and, as the time of this decree depends entirely upon the will of the debtor, he has only to delay it for a year and a day, after he had sunk his estate at the gambling table; and then *justice* is ready to put him on a footing with the unfortunate and the innocent, whose property has been destroyed in the conflagration of a city, a storm at sea, or a tornado in the land. Better far to strike out such an illusory provision, than to retain it in its present mock shape!

No distinction is made in the bill for classes of debtors, essentially distinct in themselves. The depositary, who may have violated his trust—the assignee, who may have converted to his own use, the property put into his hands for the benefit of creditors—guardians, who may have plundered their wards—spendthrifts—gamblers—all are put on an equal footing with the unfortunate and the innocent. The bill shocks the moral sense, by confounding the eternal principles of right and wrong, and making no distinction between the unfortunate and the criminal.

These are the details, and their practical operation, and they make more objectionable that which was bad enough in its principle. Far from softening, they aggravate the evils of the principle. Up to the decree of bankruptcy, the proceedings are *ex parte*; after that, they are as good as *ex parte*. The creditor is lost sight of; he is expunged from the transaction—all depends upon the debtor. His power over the time, the place, the notice, and the mode of proceeding, resolves the whole into an *ex parte* affair for his own benefit. Any person owing above $500, that is to say, every person except the laboring and small dealing part of the community, may step into a court, and, on surrendering the wrecks of an estate, absolve himself from his debts as readily as he would divest himself of his hat and coat. A surrender of the property in hand—the wreck which may be left after a life either of misconduct, or of misfortune—discharges the contract, and absolves the connection between the debtor and creditor. A surrender of a fragment of property does it, although the debt might not have been contracted on the faith of property, but on the faith of character—capacity for business—expectations—profession—trade—salary—income. Property is far from being the sole, or even the most general foundation for credit among us: it is far from being the sole resource for the payment of debts. It is often to other resources that the creditor looked at the very time that he gave the credit; and surely it is an unjustifiable exercise of legislative power to cut him off from all these resources by a retrospective law, giving him no chance for an actual or implied consent to the proceeding. In every bankrupt law in the world, and even in every insolvent law, the creditor consents to the proceeding, either actually or impliedly, by commencing the process, or becoming a party to it, either of his own will, or upon the decision of other creditors. In all the countries of the earth, the bankrupt process is optional with the creditor, compulsory against the debtor, and calculated to save something, while there is something to be saved. There is no such thing as voluntary bankruptcy in the world, at the sole will and pleasure of the debtor. What is called voluntary bankruptcy in England, must be voluntary on both sides. The debtor begins, and admits the fact of bankruptcy; the creditor assents, and then the proceeding goes on. If the creditor does not assent, nothing is done. This is the way it is in England. In our own country, we once had a bankrupt law: it contained no such feature as that which is now proposed. In 1821 and 1827, attempts were made to establish a bankrupt system; but no such feature as that now introduced was ever thought of. The bill of 1827, in this chamber commonly called General Haynes's bill, did contain a voluntary clause; but it was confined to those who were not merchants and traders; and then it was voluntary on both sides. One began, and the other assented; otherwise, nothing was done.

The bill proposes nothing—literally nothing—for the creditor; and this the gentlemen who advocate it admit and defend. They admit it does nothing

for the creditor, and they justify this omission upon the ground that the States have passed laws for their benefit—to enable them to sue—recover—prosecute to judgment—execution, &c. Surely this argument, if it will apply to one side, will apply to the other. The States have made as many laws for the debtor as for the creditor; they have passed laws both to discharge the person and the actions. They have done as much on one side as on the other; and if one side is to rely on State laws, why not the other? But the argument is wholly invalid. A bankrupt law must be complete in itself. It must be a system, and a system within itself. It cannot be helped out by extraneous legislation: it cannot be helped out by State laws: it cannot consist one-half of Federal, and the other half of State legislation. It cannot adopt the variant and changeable legislation of thirty States and Territories as part of its code; much less can it tell the judges to do so. At all events, it should give stability to this State legislation if it is to be relied upon. The adoption of it should be permanent; otherwise the States may alter it all; and then there would be nothing for the creditor. But I forbear: the objection is fatal, and gentlemen feel it to be so. By their answer, they admit the one-sided character of their bill, and they admit that it ought not to be one-sided. They admit that the creditor should have some rights over the conduct and property of his debtor; they admit this; but instead of securing these rights in their *system* of bankruptcy, they refer them all to State legislation!

What are to be the consequences of such a bill, supposing it to ripen into a law? What are to be its consequences, present and future—pecuniary and moral—at home and abroad? An immediate effect would be to make many poor, who are now considered independent! In relieving bankrupts, it would make bankrupts! In freeing many from their debts, it would deprive many of their future support! Widows, orphans, and men of every occupation, might suddenly be stripped of their inheritance or their earnings. The banks might look out for heavy losses. Upon the public morals the effect would doubtless be unfortunate. It would turn the mind in the wrong direction. Instead of looking to the ultimate discharge of obligations by gradual payments, and equitable compromises, (so rarely denied to the industrious, or to the unfortunate,) it would induce an immediate resort to the court to get rid of a disagreeable load. To cut, and not untie, the gordian knot, would be the process. To the rising generation it would present a contagious and pernicious example. Young men just entering into life, seeing half a million of their elders going forward to cancel their debts, at their own will, might be induced to think too lightly of debt, and rush into liabilities from which they saw a facile way of releasing themselves. Upon our credit abroad, the effect could not be otherwise than bad. The bill is to take in "*all persons whatsoever*" who owe above a certain amount ($500;) and, therefore, may release those whose creditors are in Europe, and who can know nothing of what is going on here. Even a fugitive from Europe, within a few days after touching our shores, and before his creditor could know where he had gone, might free himself from liability, and live in luxury upon a plundered estate.

I am astonished at the suddenness and impetuosity of this demand, not for a bankrupt system, for that is natural after the career which the paper system has been running in our country; but I am astonished at this sudden demand for a mere insolvent law, at the will of the debtor. It seems to have broken out all at once. We have had repeated applications for a bankrupt system, never before for an abolition of debts. All of a sudden this new demand is presented to us, and pressed upon us, and with every appearance of being a party movement. It seems to have commenced in this chamber. All the petitions ask for a general law: they use the word general: none ask for a special act. The idea of this special law seems to have originated here. Zeal and sympathy for the unfortunate debtor, which has slept so long—which was silent at the last session and the session before, and even the session before that; this zeal, and this sympathy, has now bursted forth in a torrent, and with irrepressible violence, from the other side of the chamber. Sir, is this accidental, or is it systematic? Is it chance, or is it part of a system which seeks periodically, at the last long session before each Presidential election, to agitate the public mind with some vast scheme addressed to the feelings, or to the interests of sections or classes? Since twenty years that I have sat in this chamber, I have witnessed, periodically, these seductive and agitating movements, so well calculated to influence votes in the coming contest. In 1824 and 1828, it was the tariff and internal improvement: in 1832, it was the national bank and the distribution of land revenue: in 1836, it was a distribution of forty millions of surplus revenue: now, in 1840, it is the abolition of debts under the simulated name of a bankrupt law. Each of these schemes, supposed to be irresistibly popular have been pressed by the same party, at the same relative point of time, with the same apparent objects—and, thus far, with the same results. The intelligence and patriotism of the people have sustained those who have disregarded apparent popularity when it comes in conflict with a conscientous discharge of public duty. Tariff—internal improvement—national bank—land revenue—surplus—all failed to control the Presidential elections on the eve of which they were brought forth. The tribunal of the public opinion condemned them all; and to that same tribunal we appeal again to condemn this scheme for an abolition of debts, stamped as it is with every feature which distinguished the propositions for abolition of debts, made in the latter days of the Roman Republic by the rival candidates for the consulship and for the tribune.

I do not think the present session the propitious one for beneficial action on this subject. Five hundred thousand voters, demanding the passage of a law, on the eve of an election, must have an influence upon the hopes and fears of the lawgiver, as well as upon his judgment and conscience. Since they have waited so long, I should have preferred the delay of a few months more. Still, the subject is before us, and we are here; and I am willing to act, and to do what I believe to be my duty. I am ready to assist in framing an act which shall be general in its provisions, and just in its application—which shall do justice to the creditor as well as to the debtor—which shall apply to trading and money dealing corporations, as well as to trading and money dealing individuals—which shall be compulsory with regard to traders and dealers, whether natural or artificial—which shall be optional with respect to other classes of the community—and which shall distinguish between misfortune and misconduct. A bill framed upon this general and equitable basis might pass; a bill framed upon the narrow basis of relieving debtors alone, it would seem to me, cannot pass. If those who are for including corporations, and those who are for relieving debtors, would act together, the 200,000 petitioners who have appeared here, and the 300,000 more which are said to be behind, might find the equitable relief which the debtors' own consciences would approve: if not, all may be lost. We offer to legislate on this broad and equitable basis. The bill of the minority furnishes the true basis for the enactment of a bankrupt system. We offer to provide for all; and it is for the gentlemen on the opposite side to say that all shall miscarry if they are not allowed to provide for one part, and one side, only.

Mr. BENTON went on to say that the inclusion of incorporations was the hinge upon which the passage of any bankrupt law depended. If included, all the rest would become matter of detail, easy to be adjusted; if excluded, many Senators, of whom he was one, would oppose any bill that could be framed. The question, then, is upon the inclusion of these corporations—I mean the money dealing and trading corporations—and, dropping all other views of the subject, I shall confine myself to this single point, and examine the reasons why these institutions should, or should not, be included in the provisions of a general bankrupt law.

I am of opinion that they ought to be so included, and that for numerous and cogent reasons.

First on account of their number. Vast is the number of these institutions, and constantly increasing, and already embracing such a large number of persons that, to exclude them from a bankrupt law, would be to exclude an immense proportion of the business part of the community. The banks alone amount to near one thousand; other trading corporations may be still more numerous; and if charters of incorporation are to be protections against the penalties of bankruptcy, all that are rich enough to buy them may go forward and do so. A bonus gets a charter—and a charter for any thing—for any species of business that the head or the hand of man can carry on. Great then as the number of these charters now are, and numerous as are the individuals embraced by them, the prospect is that of a vast increase; and, therefore, for their numbers alone, they should be included. The omission of so numerous a body would make too great a chasm in a code of law intended to apply to the inhabitants of a country of free and equal privileges. Therefore, and for their numbers, I would have them included.

Next for their wealth. Great is the wealth—vast the dealings of these institutions. They count by the million, the ten millions, and the hundred millions. Their capitals are large—their dealings three or four times larger. One of these institutions alone has a capital of thirty-five millions of dollars; its dealings, as shown in its published accounts, exceed an hundred million of dollars. This, certainly, is the largest; but many others are proportionately great; and the aggregate of the whole is enormous. In debts, property, and effects, these institutions are becoming the great property holders of the country. They are becoming what the churches and monasteries were in England, when they were computed to hold the one third part of the wealth of the kingdom, and when the public required the law of *mort main* to be applied to them. Sir, it is absurd, in our country, to think of subjecting the property of individuals to the bankrupt remedy, and to exempt from it the enormous wealth of the corporations.

The nature of their dealings is another reason for subjecting these institutions to this process. They deal in money and exchanges; they furnish currency and receive deposites; they force a credit from every body by putting notes into circulation which every person is forced to receive. They exact punctuality from others, and should be punctual themselves. Besides all the remedies of the law, they have pecular remedies of their own—that of the protest and stopping the credit. They protest a man, and stop his credit, besides suing, selling out his property, and incarcerating his person. They exact punctuality from the community, and should be punctual themselves. They deal in what concerns the whole community, and constitute themselves creditors to the whole community, whether the community will or not. They force themselves to become the creditors of all—the rich and the poor—the laborer and the employer—the children and servants even. They assume to supply a currency, convertible into specie at the will of the holder, and they refuse to pay it when they please. If dealings of this kind are not to be enforced under the penalties of bankruptcy—dealings in which punctuality is the essential ingredient—how can you visit with those penalties the current delinquencies of mere individuals?

This is the nature of one branch of their dealings—their appropriate and proper dealings; but banks of late have become merchants and traders, engaging in all manner of trade, from the great staples of cotton, tobacco, beef, pork, and flour, down to chickens, eggs, and butter. Instead of aiding merchants and traders, they have become their rivals—great, powerful, and monopolizing rivals; and, while making a bankrupt law to include small traders, even the smallest, with what justice can we exclude these corporation merchants, who fly from their proper sphere, and deal in millions, and become the rivals of those they were created to aid?

Their privileges. They possess great and extraordinary privileges; and I have no idea of adding to the number of these privileges by exempting them from the operation of a law directed against

other debtors. They have the benefit of all the laws against debtors: if a bankrupt bill is passed, they will have the benefit of it, without being subject to it. They will be included in the list of creditors for a *pro rata* distribution of the bankrupt's effects, although no one can get a distribution of their effects. Their whole existence is made up of privileges, and why add to the number? Sir, it is not extension, but diminution of privileges for which these artificial bodies ought to look. They have enough now, and too many. Most of them pay no taxes; the property of the stockholder, as well as his person, is exempt from liability for their debts; they sue their debtors, and sell their property, and send their bodies to prison. They have the privilege of stamping bits of paper with figures and pictures, and forcing them upon the community for money: they have the privilege of usury; for they may lend, and that by law, three, four, or five paper dollars for each silver one they possess, and draw interest upon the whole. In addition to all this, they take the privilege of becoming bankrupt when they please. They place at defiance, when they please, the laws of the country and the principles of morality; they violate all their own promises, and compel others to violate theirs. Such are the privileges which they possess, and which they take; privileges already too great for the cause of morals, the good of the community, or the safety of Government; and, not contented with all this, are we still to add to the mass, and to invest these corporations with the high privilege of exemption from a bankrupt system?

Their strength is another reason for bringing the Federal arm to bear upon these institutions. They are too strong for the individual arm, or even for the State arm. We see this exemplified in their suspensions and resumptions at their own will, without regard to the laws of the States, or the threats of their creditors. They are above law and government; and in a country of law and government, no individuals and no institutions should claim that pre-eminence. Long and sad experience convinces us that these institutions are too powerful for the State Governments, and for the people: let us try, then, the strength of the Federal Government upon them. It is peculiarly proper that the Federal Government should measure strength with them. As the guardian of the constitutional currency, this Government is bound to exert its constitutional power to preserve that currency, and to restrain the conduct of those who would ruin it. It is the banks which ruin it; and the bankrupt process is the remedy for their conduct. As banks, Congress has no direct power over them; but as bankrupts, its authority is full and absolute.

Their structure and organization render them very fit for the bankrupt process. They are artificial beings, and are managed by trustees. To put them into the hands of assignees, is only to substitute one set of trustees for another, and that after the first set had shown themselves to be unfortunate or incapable. It is a mere change of managers; and why not change them? If the natural man may be divested of his property, and see it placed in the hands of assignees for his private debts, why not divest these artificial beings of property not their own, for the satisfaction of their public debts? Every bank is a public institution. It is created by law for public purposes; and it becomes indebted to the public at large by furnishing a public currency. In this public character, then, and in this artificial structure and organization, a bank becomes far more proper than an individual for the application of the bankrupt process.

The nature of their property presents these corporations as the most convenient subjects for the operation of laws which supersede the possessor by an assignee. Their property is money and debts. They have very little, except the debts which are due to them; and these debts can be transferred to other hands for collection, without trouble or expense. Not so with the property of a natural person, and especially of a farmer or planter. With them their property is of a kind not to be taken out of the owner's possession, without great loss and expense. It is growing crops—or crops just gathered—or going to market—or flocks, herds, and slaves—or lands and houses. These are things not to be transferred from the owner to an assignee, without great loss and expense; yet natural persons, with this property, may be superseded in the possession by assignees, while the effects of a bank, consisting of debts, cannot be transferred!

Another great reason for this inclusion of banks in the bankrupt law is, that it is the only way to make the real debtors of a bank pay up. These real debtors are usually the officers and stockholders of the institution; they are the great debtors, and they do not sue themselves, and protest themselves, and make themselves pay up. They can perform such operations on others, but as to themselves, it is more profitable to wait until the notes and stock are depreciated, and then buy in low, and pay off at par. This is known to be too often the case; and to prevent it—to prevent this depreciation—to prevent a depreciation which suits the interest of the principal debtors—these debtors should have their obligations placed in the hands of others for collection. It is absurd to suppose that the officers of a bank will make themselves pay. They never do it; and here is one of the greatest vices of the system. The largest debtors do not pay: these largest debtors are interested in depreciating the notes and the stock, and are able to do it. To supersede them by assignees, is the remedy for this evil.

Justice to the small creditors requires this remedy against the banks. When these institutions stop payment they owe a multitude of persons, and most of them in no condition to go and prosecute a suit for the amount of the notes they hold. Their only resource is to sell at a discount, or to lose all. Not so with the large creditors. They are in a condition to go and attend to their interest—to sue, or compromise, or make arrangements, or receive an assignment of the whole effects. Thus the weaker part of the community—the part least able to bear a loss—must bear it all! an injustice which can readily be prevented by the intervention of legal assignees to receive all the effects of the institution—to collect all its debts—and to pay all its creditors their rateable proportion. Suits against banks by their small creditors is an absurdity. Expenses, delays, appeals, render it absurd to sue them. They are actually independent of law, as they are of Government; and a new power must be found to contend with them.

The conduct of these institutions is another reason for depriving them of the conduct of their own affairs when they violate their engagements. Their conduct is to stop payment when they please, and to resume when they please—to refuse payment of the smallest sum when their coffers are full—and even to ship specie by the hundred thousand, and by the million of dollars, to foreign creditors, while refusing the smallest payment to those at home. This is the conduct of banks—not all, but some—and it is to correct such conduct as this that we demand the inclusion of these institutions in the provisions of the bankrupt code. It is notorious that the Bank of the United States, both in the suspension of 1837 and 1839, made it her business and her boast to ship millions of dollars to England while refusing to pay a shilling here. And why? Because a commission of bankruptcy would have been issued instanter against the Jaudon establishment in London for non-payment, while no such commission could issue against the mother institution in Philadelphia. Here is a complete proof of the benefit of a bankrupt law applicable to banks. The Jaudon establishment is a branch of the Bank of the United States: it is subject to the laws of England, and those laws subject to a commission of bankruptcy every bank except the Bank of England. Hence the creditors of the Bank of the United States are punctually paid in London, while repulsed with scorn and contempt in the United States.

These are reasons, numerous and cogent in themselves, though faintly stated, which justify the proposition which we make in relation to banks They are not merely fit and proper, but the pre-eminently fit and proper, subjects of a bankrupt law. Their great number—the vast amount of their dealings—the nature of their obligations to the country—their privileges—their artificial structure and organization—their strength—their contempt for their small creditors—their faculty to ruin the currency, and the duty of Congress to prevent them from ruining it—all combine to demand the remedy of the bankrupt process.

The benefits to result to the community from this exertion of Federal power over the trading and money dealing corporations, are great and striking. Besides the advantages implied in what has already been said, several great and peculiar benefits would result, which have only to be stated to command the general approbation. At the present time, a bankrupt law passed by Congress, and applicable to banks, would accomplish that purpose which is so ardently desired all over the Union: *it would fix the day for the resumption of specie payments!* The day fixed in the act—and that would of course be at some convenient time ahead—would be the day for resumption. All the good banks would conform to it: all the bad ones would be passed into the hands of assignees, and their affairs would be wound up. This is a consummation devoutly to be wished; and, while many are lamenting the want of a power adequate to this great result, we point to the bankrupt remedy vested in Congress by the Constitution, and show them the power which can coerce a general and simultaneous resumption at any time that the representatives of the people shall think proper to require it.

To prevent future suspensions, will just as naturally be the effect of such a law as will be the coercion of a general resumption. No suspension could afterwards take place. The phrase, and the fact, would disappear from our banking system. The bank which stopped payment would be wound up: those which followed her example would be wound up. They would all come under the category of insolvents, and would be treated accordingly. They would be taken into custody *instanter*—their directory changed—and their affairs put into the hands of assignees. The consequence would be, that none would stop payment but the really insolvent; and these would give no example for others to follow. The demoralizing spectacle of a bank doing business—making loans—sharing dividends—circulating paper, while refusing to redeem her notes, would no longer be seen. Justice would take possession of such an institution, and assign her a place which would make her an object to be shunned, instead of an example to be followed, and put an end to profits which resulted from violated laws and dishonored engagements.

The prevention of the circulation of all depreciated paper money would be another consequence of such a law. The instant a bank stopped, her notes would be called in. The holders must immediately forward them to the assignees, otherwise they lose all claim for *pro rata* payments. This would take all such notes out of circulation. It would send them all home for liquidation. The public would be free from the pestilence of depreciated paper, and the holders would receive what they were worth; and that without trouble or expense to themselves. Here, then, is an immense advantage to the public in keeping the circulation solid and convertible—in totally preventing the circulaiton of depreciated paper.

Preventing bad banks from governing the good would be another beneficial result of application of the bankrupt remedy to the delinquent institutions. At present the bad govern the good. The bad govern, both for suspension and resumption. A few stop payment, either from necessity, or for political or pecuniary objects; their conduct forces others to do the same; and thus an extensive suspension is brought on, the necessity for which is denied by nine-tenths of those which yield to it. The same of resumption. A few refuse to resume; the rest cannot, without great danger and inconvenience. Thus it was in 1837; thus it is now. The Bank of the United States made both suspensions; prevented the resumption of 1838 for a long time, and still prevents resumption at present. Pecuniary objects, political objects, and actual insolvency, all united in her to produce this conduct; and thus the misconduct of one single bad bank is the cause of the financial evils which we have suffered, and

are now suffering. How quickly a bankrupt law would put an end to such a scandal!

All declaim against the misconduct of the local banks; all call for an authority which can extend its power to the whole of them—a national power, which can reach and regulate them all. This is the excuse for a National Bank—it is the foundation for the demand for the renewal of such an institution. The want of a regulator is so keenly felt by many, that they are willing to take one which is not named in the Constitution—which has proved itself to be inadequate to the task of regulating others, and to need itself more regulating than any other. To all such we present the true regulator, in the bankrupt law, which Congress can establish at any moment that it pleases. There is a regulator named in the Constitution, fully adequate to its object, and needing no regulation itself. A bankrupt law, applicable to trading and money dealing corporations, would regulate all the banks in the Union; and that without the infliction of a single evil which results from a National Bank. National Bank, and put an end to evils from which they expect political advantages. For these reasons they oppose it; and for these reasons the Democracy should demand it. A bankrupt law against banks should become the rallying point with Democracy. All good citizens who have thought a National Bank justifiable as a regulator, will perceive that the Constitution presents a real regulator, which it depends upon the people to adopt at any time.

These are the benefits—a few of them—which would result from the inclusion of banks in a bankrupt law. They are great and striking, and such It would be a constitutional, efficient, and innocent regulator. It would supersede the call for a National Bank, and therefore is opposed by all the friends of such a bank. It would remedy all the existing evils in the currency, and therefore is opposed by all those who wish those evils to continue until the present dominant political party is overthrown. As a party, the Federalists are opposed to the extension of the bankrupt process to banking corporations, and that for the precise reason that such a remedy would extinguish their call for a as must arrest public attention; and now what are the reasons against including them? Gentlemen will pardon me. I do not mean to undervalue their speeches, or to disparage their capacity. I do not mean to say that they cannot give reasons when reasons exist, though it is hard thing to give them when they do not exist. I have heard their objections, but not their reasons. I have heard them object to the inclusion of these corporations, because they were State institutions, and held charters from State authority. I have heard these objections, but no reasons to support them; and now it shall be my task to show that no reasons can be brought to sustain such objections.

Certainly nothing is more respectable—nothing more worthy of inviolate regard—than the rights of the States. But what are those rights? Are they capricious and unbounded? or are they limited to what is right in itself, and to what is not forbid in the Constitution of the United States? Certainly they are so limited; and at this point I meet the objection. I say the States have no right to do a thing which is morally wrong, or which is forbidden in the Constitution; and this is the precise point at which we find ourselves. Leaving out of view altogether the question of the right of the States to charter banks to issue circulating notes convertible into specie at the will of the holder—leaving that question entirely of view as having nothing to do with the present inquiry—we come to the point of circulating inconvertible and depreciated paper; and boldly affirm that no State has a right to do it, or to empower others to do it. The circulation of such paper is wrong in itself—it is morally wrong—and it is forbidden by the express words of the Federal Constitution. No State shall emit bills of credit: no State shall make any thing but gold and silver a tender in discharge of debts: no State shall make any law impairing the obligation of contracts. Such are the injunctions of the Constitution; and surely the circulation of depreciated bank notes, by State authority, is a clear and palpable violation of these clauses. A question has been raised whether a bank note itself was not a bill of credit; and it has only escaped condemnation on that point on the allegation of its convertibility into specie at the will of the holder. On this alleged character it has escaped condemnation. Convertibility alone has saved it. When it ceases to be convertible it degenerates at once, without question or dispute, into a bill of credit, and falls under the prohibition of the Constitution. It is to no purpose to say that people may receive them or not—that they are not by statute made a legal tender. It is to no purpose to allege this. Often it is not true. Often these notes are made an alternative tender: it is to take them, or get nothing for a long time. Every authorized suspension is an authorized tender of depreciated paper; and even without these legislative enactments these depreciated notes become a forced tender as often as the banks chose to stop payment, and force their paper upon the community. They then become a forced tender. No man can help himself. Specie is banished from circulation. It ceases to be a currency. Those who want it must purchase it in the market, and pay the price for it which the holders chose to demand. The currency of the Constitution is superseded by the currency of the banks. A confederacy of broken banks make their notes the forced tender in discharge of every debt, thereby impairing the obligation of contracts, and setting all law and all government at defiance. And this is to be called State rights! This is to be called a right of the States! Sir, I repeat: the States have rights—real and respectable rights—only to be parted from with their existence. They have these rights; and, far from being vindicated, they are disparaged and brought into disrepute by appealing to these rights to cover this conduct of the banks. The circulation of depreciated paper is immoral and unconstitutional, and it is a disgrace to State rights to call them in to cover and protect such unjustifiable conduct.

The charters of these institutions are also invoked to justify their conduct. They have charters, it is said, from the States; and these charters give them privileges which Congress cannot touch. Sir, without questioning the rights of the States to grant charters, I must say that there are limits to these rights—that no State has a right to grant charters exempting a portion of its citizens from the fundamental laws of society, and the eternal principles of justice. What is a charter? It is a bit of paper, purchased with money most usually, and authorizing a man, or a company of men, to carry on some trade, or business, with privileges and exemptions not granted to the rest of the community. This is a charter; and those who have money can buy them; and the more they are able to give, the more valuable and extensive will be the charter they obtain. Thus, the managers of the Bank of the United States gave Pennsylvania four millions of dollars for a charter of thirty years, and thirty-five millions of dollars, and, under the mask of this charter, have twice produced a suspension of specie payments, and inflicted the greatest evils on the whole country. The very institution which is now the Pandora's box of America, gave four millions of dollars for its privilege to scourge and plunder the country; and is the cry of charter to protect these crimes, and authorize this institution to go on trampling on all laws, human and divine, and filling the whole Union with distress and ruin? If it is, then we know what the value of money is in our country, and how far our principles of equality go. Those who have no money to pay a bonus, and to purchase chartered exemptions from the laws of the land, must submit to these laws: those who have money may buy themselves off from the operation of the laws. This is the effect of a charter according to the notions of those who would plead chartered privileges in favor of an exemption from the bankrupt laws. The Constitution gives Congress full power over all bankrupts; the banks are the greatest and the worst of the bankrupts; but Congress is not to touch them because they have purchased a bit of paper from the States, filled with privileges and exemptions from the law! Sir, the constitutional power of Congress cannot be nullified in this manner; and if it could, then all the rich would become exempt from our power, and leave none but the poor for the operation of our laws.

In England, all the banks, except the Bank of England itself, are subject to the bankrupt process; and it is within the bounds of moderation to say that five hundred commissions of bankruptcy have issued against banks in that kingdom within the last forty years. Nearly one hundred have been issued in a single season of financial revulsion; such as the paper system is subject to there, and wherever it exists. In the years 1814, 15, and 16, no less than ninety-two commissions of bankruptcy were issued against these establishments. The consequence was the immediate winding up of their affairs—the collection of the debts due from their officers—the equitable distribution of their effects among their creditors—and the complete protection of the community against the circulation of their depreciated paper. These banks were not incorporated; they did not hold charters; but they were banks legally established; existing under an act of Parliament, and many of them far transcending in amount of capital, and in the number of their stockholders, nine tenths of the banks of this country. Formerly the partners in all incorporated companies, were liable to the penalties of bankruptcy in England. They were liable under the statute of Elizabeth, and so continued until the profligate reign of Charles the Second. In that reign a commission of bankruptcy was issued against a member of the East India Company—a knight—Sir John Wolstenholme by name—and the issue of it was affirmed in the court of king's bench on appeal to that tribunal. A servile Parliament annulled the judgment by law, and passed another law to prevent such judgments from being given in future. Thus, the members of the most powerful corporations—even of the gigantic East India Company itself—were subject to this remedy until released from it by the interference of Parliament, and that during the reign of such a monarch as Charles the Second. This is a material point in our case, and the proof of it shall be made clear. I will read the two acts of Parliament to which I refer, and make good the positions which I have assumed. Here are copies of the two acts:

First act, to annul the judgment.

"Whereas, a verdict and judgment was had in the Easter Term of the King's Bench, whereby Sir John Wolstenholme, Knight, and adventurer in the East India Company, was found liable to a commission of bankrupt only for, and by reason of a share which he had in the joint stock of said company: Now, &c. be it enacted, that the said judgment be reversed, annulled vacated, and for nought held," &c.

Second act, to prevent similar judgments in future.

"Whereas divers noblemen, and gentlemen, and persons of quality, no ways bred up to trade, do often put in great stocks of money into the East India and Guinea Company: Be it en acted, that no persons, adventurers for putting in money or merchandise into the said companies, or for venturing or managing the fishing trade, called the royal fishing trade, shall be reputed, or taken to be a merchant or trader within any statutes for bankrupts."

Thus, sir, this important point is made clear. Under the great statute of Elizabeth, the members of all incorporated companies were liable to bankruptcy. They were exempted in the reign of Charles the Second; and for what reason? Because "*divers noblemen and gentlemen, and persons of quality, no ways bred up to trade,*" had invested their money in these corporations, and because it suited the dissolute morals of that reign to exempt such persons from the laws which applied to the rest of the community. This was the origin of corporation exemption from the penalties of bankruptcy in England; and from this source we obtain the examples to exempt them in our America!

In all the bills proposed in the United States, and in the only one which ever ripened into law, bankers and brokers were included in the list of those subject to the bankrupt process. Bankers and brokers have always been included; and now why exclude banks? A banker keeps a bank, and he is liable. A company of bankers keep a bank, and they are liable. The want of a charter makes them liable; that is to say, the want of license of exemption from law purchaseable for money. This is a distinction without foundation in reason, and cannot be recognised. The same men, carrying on the same business, doing the same acts, shall or shall not be liable to a bankrupt law, according as they shall or shall not have this little talismanic bit of paper in their pocket, which they can pur-

chase for money. The banker Girard was subject to a bankrupt law, but the Girard Bank is not subject to it! This is preposterous, and what no one can agree to; yet it is the conclusion to which we are driven by making the artificial being, fabricated by the Legislature for money, superior to the natural man, created by the Deity after his own image.

There is nothing in the objection: there are no reasons to support it: money dealing and trading corporations are not entitled to exemption from bankrupt laws: and it is no infraction of State rights to include them in such laws. Charters which would grant such exemptions are immoral and unconstitutional, and should be scouted by all authorities, legislative and judicial. The whole weight of the argument is in favor of their inclusion, and so is the weight of authority. The weight of names and opinions are in its favor—names of weight, and recorded opinions, second our proposition. Sir, this is not the first time that the proposition has been made to subject these corporations to the penalties of the bankrupt process. Mr. Dallas and Mr. Crawford, both eminent jurists, and Secretaries of the Treasury, proposed it in their time. They proposed it twenty-five years ago, when the conduct of the banks was as bad as it is now, and when it seemed impossible to compel them to resume specie payment. They both proposed the bankrupt process, and showed it to be a prompt, adequate, and constitutional remedy. They were overruled by Congress, (for the two Houses were well filled with bank owners,) and a national bank was substituted. The creation of a national bank, in 1816, was the substitute for the bankrupt remedy; and we have all seen how it has worked. The remedy was far worse than the disease! The bank which was to compel resumption in 1816, was only saved from suspension in 1818, by the use of all the public money; and has twice failed since when deprived of that money. The great regulator needed regulating more than those which it was created to control. That experiment has been tried, and woful has been its issue! Time and experience have proved that the Secretaries, Dallas and Crawford, were right in the preference which they give to the bankrupt remedy. In 1826 this question came up again. It came up in the Senate of the United States, and numerous and weighty were the names which declared for the bankrupt remedy. Twelve Senators declared for it; and, of eleven of those I am permitted to speak, and to say that the country will recognise among them the names of the wisest men, the fairest patriots, and steadiest State rights advocates which the history of our country has seen. Governor Branch, of North Carolina, then a member of the United States Senate, moved to include banks in the provisions of the bankrupt bill then depending before the Senate: his motion was supported by the recorded names of Messrs. Barton, Benton, Branch, Cobb, Dickerson, Hendricks, Macon, Noble, Randolph, Reed, Smith of South Carolina, and White of Tennessee. In this list are seen the names of many whose opinions will be heard with reverence by the friends of the country. In this list are to be seen the names of those who were the fathers of the Republican church, and the most steadfast supporters of the rights of the States. It never entered into their heads to suppose that they were violating those rights by subjecting corporations to the laws which apply to natural persons, and preventing the demoralization and plunder of the community by the circulation of broken bank paper. These sublimated conceptions of State rights have been reserved for a later and for a more erratic school. Since the Senatorial vote of 1826, two other names, both graced with the highest honors which the American people can confer, and both known as disciples of the old State Rights school, have added their authority to the list of opinions which think it competent and expedient for Congress to treat a bankrupt bank as they would a bankrupt man. General Jackson, in his late letter to the committee of the two Houses of the Ohio Legislature, and Mr. Van Buren, in his well known message of 1837, to the two Houses of Congress, have both recommended this great measure. They have done it under the sanction of their names, and under the pressure of circumstances, which impart the greatest weight to their opinions. And here let me do justice to the elevation of sentiment, and the magnanimity of spirit which dictated this message of President Van Buren. As a Senator in this body, in 1827, he had voted and spoken against the proposition of Mr. Branch. Subsequent reflection convinced him of his error; and, rising far above the petty ambition of preserving consistency by persevering in error, he came forth frankly, and in a responsible message, to recommend what he formerly opposed. This is honorable in him. It shows true greatness of mind; and it gives to his present opinion more weight and value than if it had been the same from the beginning. It is a revised and corrected opinion.

Such are the reasons for including banks in this bill: such the number and weight of names which sanction the proposition. And now we ask for the reasons against it. We call upon gentlemen who oppose the proposition to give us reasons—to enter into the argument, and prove to our understandings that what we ask is unreasonable and unjust. We profess ourselves to be rational men, and to be accessible to reasons. We invite our opponents to give us reasons. They pertinaciously refuse. Of the two wings of the opposition to this measure, neither will give us reasons. The gentlemen of the opposite political party have a reason, we know; and we know full well what it is. They want a national bank; and they are against a bankrupt law against banks, because it will expunge their argument in favor of that institution. This is their reason. The gentlemen of our political party confine themselves to stating objections, without sustaining those objections. They invoke State rights, and charters, without showing how State rights and charters extend to the protection of what is morally and constitutionally wrong.

The objection is invalid. The trading and money dealing corporations should be subject to the bankrupt law. It is the only thing which can prevent the bad from governing the good; it is the only thing which can save the good institutions from the destruction which the conduct of the bad is bringing upon the whole; it is the only thing which can save the community from the miseries of a depreciated paper currency; it is the only thing which the bad banks dread. I say, the bad ones: for, as far as I can hear, the really solvent and business institutions are in favor of our proposition.

Sir, when I speak of the banks, it is with a full knowledge that a difference of character is found among them, and with a conviction that a difference of language should be applied to them. I speak of them with discrimination, and not in mass. They are managed by men, and they take the character of the men who manage them. As men differ, so do they; and it would be as absurd to give the same character to all banks, as it would be to give the same character to all men.

We have two classes of banks among us, distinguished by characters not only essentially different, but entirely opposed: one class consisting of the commercial and business institutions, doing as well as they can under the evils of a vicious system—the other consisting of the political and gambling institutions, wholly intent upon politics and plunder. This distinction developed itself in the suspension of 1837, and became confirmed in that of 1839; and now exists as palpable and obvious, to the sense, as the noonday sun. Unhappily, in both instances, the political and the gambling institutions were strong enough, and dexterous enough, to force or seduce many into their system, which abhorred their conduct, and thus to spread over the country, far and wide, the mischiefs which they contrived and created. This latter class are the masters of the country, and must continue so without the remedies of a bankrupt law. It is for them that the remedy is wanted. Headed by the institution which usurps and disgraces the name of the United States, and wholly intent upon politics and plunder, their steady object is to scourge and pillage the country, and to excite the people against the Government, by charging upon it the mischiefs which they themselves create. Their notorious object is to enrich themselves, and to distress and injure the country. Mischief is their sport and their profit; and an unbridled paper system is their instrument and shield. To make expansions and contractions—to put up and to put down the prices of property and produce—to sink the wages of labor—to make money plenty and scarce—to stop payment when they please, and to force others to do so—to suppress the circulation of gold and silver, and to force upon every body the use of depreciated paper: these are their daily practices; and all the mischief which they create is promptly charged upon some act, no matter what, of the Democratic Administration. Their power over prices and over the currency, is absolute and uncontrollable; and they wield it as wickedly as powerfully. Of this it is sufficient to give two instances, the notoriety of which will supersede proofs, and the enormity of which will stand for an exemplification of all the rest. I speak of the flour speculations of 1836 '7, and the specie suppression of the present day. In the years 1836 and 1837, the price of flour rose to twelve and fourteen dollars a barrel: the cry of scarcity was raised, and immense importations of foreign grain took place. Several millions of dollars' worth were actually imported. The good people of the United States were taught to believe that all this high price, and all this vast importation of bread, was owing to a scarcity at home—to a failure in the domestic crop—to the neglect of our agriculture. This was what they were made to believe. For two years they had to believe it. Finally, the tables of the commerce and navigation of the United States for those years were published; and what did they show? Why, that there were full crops at home those very years, and that we were actually exporting more than we imported! This is what the custom-house books proved. The exportations of wheat and flour for the year ending the 30th of September, 1836, were $3,676,000; and the whole export of bread stuffs for that year, comprehending Indian corn and meal, rye meal, ship biscuit, rice, &c. was $7,431,199. For the year ending the 30th of September, 1837, the exports of wheat and flour were $3,000,000; and the whole export of bread stuffs was $6,820,542. And, to complete the picture, it must be added that the preceding, and the following years—those of '35 and '38—were equally abundant. The exports of wheat and flour for the year ending the 30th of September, 1835, were $4,454,000, and the whole value of exported breadstuffs was $8,383,997. For the year ending the 30th of September, 1838, the wheat and flour export was $3,612,000, and the whole export of breadstuffs was $6,764,664. These are facts which should be known to every citizen; and, being known, would enable every one to estimate the power of the vicious banks over the prices of property, and even over public opinion, and over our daily bread. For two years, the whole Union was mystified on the subject of bread. Deficiency at home—necessity for importations—and consequent enormous price, was what every one had to believe. Now it is seen that all was false—that there were ample home supplies during the whole time, and also before and after; and that in fact our exports were nearly the same for four years, covering the two years of importations; and that they have amounted in that time to nearly fifteen millions in wheat and flour, and nearly thirty millions in breadstuffs of all kinds. Yet, with this equable supply, the price of flour was put up in that time to twelve or fourteen dollars, and is now put down to three or four dollars! And how was this effected? By bank expansions—bank contractions—and bank monopolies! The banks made the rise, and now make the fall. And, as it was with flour, so it was with beef, pork, butter, eggs, and every thing else that was used by the people. All was the sport and spoil of the gambling, monopolizing, and political part of the banks; and the public was as much deceived and misled in its understanding, as it was pillaged and plundered in its property.

So much for the flour speculation; now for the suppression of specie. Over the one half of the Union at present a lamentable dearth of specie prevails. You may travel hundreds of miles, and

hardly see a piece of silver in circulation as large as your thumb nail. Is this scarcity fictitious or real? Is it the result of misgovernment in the Administration, or the contrivance of misconduct on the part of part of the mischief making banks? The Federal party answer, misgovernment of the Administration; the Democracy answer, misconduct of the banks. Here, then, is a contradiction, and an issue; and, for its trial, let us appeal to facts. Let us appeal again to the custom-house reports, and see what has been the importation of specie for some years past; and let us look to our mines and our mints, to see what has been the domestic supply. Sir, we have a document on this subject, called for on my motion some months ago, and furnished by the Secretary of the Treasury in the early part of the session. It is number 290 of the Senate documents, and is both full and detailed in its statements upon this vital point. It shows that the importations of coin and bullion for the last twenty years, (and two-thirds of it in the last seven years,) amount, in round numbers, to one hundred and seventy millions of dollars. It shows that the product of our gold mines, during the same period, are near ten millions; and that our coinage, since the reformation of the gold standard, in 1834, and the legalized circulation of foreign silver at the same time, amounts to about fifteen millions in gold, and seventeen millions of silver. Excluding the coinage as not adding to the acquisitions, and it is seen that we have acquired by importing and mining, in the short space of twenty years, the large amount of one hundred and eighty millions in gold and silver. Add to that sum the amount of twenty millions previously in the country, and you have two hundred millions. Make a further allowance for the sums brought in by passengers in their own trunks, and not entered on the custom-house books—and there is no obligation on any one to make the entry—make an allowance of even half a million a year for the innumerable importations, small in the detail but enormous in the aggregate—and the total should be two hundred and ten millions of dollars. This is the answer which facts and documents give to the question—an acquisition of more specie, in the brief space of time that I have sat in this chamber, than the business of the country could employ or consume. And now, what has become of it? What has become of these two hundred and ten millions? Sir, I can tell you what has become of it. A large part has been melted up, to make magnificent services of plate for the presidents, cashiers, directors, and stockholders of insolvent and fraudulent banks; another large part has been shipped to Europe, to pay creditors there, while creditors at home are placed at defiance; another large part is now locked up in the vaults of three hundred and fifty suspended banks, which refuse a shilling for their dishonored notes; and, finally, another large part is in the hands of brokers, who discount, at their pleasure, the dishonored notes which the banks issue and refuse to pay. This is what has become of our two hundred and ten millions of specie, acquired in the last twenty years, and, two thirds of it, in the last seven. And now, sir, whose fault is it, that no specie is seen in circulation in the one half of this Union? Is the fault of the Government, or of the gambling and political part of the banks? Is it the fault of those who have made that vast acquisition of specie, or is it the fault of those who deprive the people of its use? Let the intelligence of any citizen answer the question, upon the view of the facts which I have presented, and the truth of which is incontestable. Let him answer, and he will say it is these banks which have done us this mischief, and which will continue to repeat it as often as it suits their interest and their policy to do so, unless a bankrupt law intervenes to check their career. Not content with merely depriving the country of the use of so much specie, they laugh at the impotency of the Government, and impudently proclaim that the specie experiment has failed.

Yes sir! Two hundred and ten millions of dollars may be computed to have been our specie acquisitions in the last twenty years, and two-thirds of that sum in the last seven years. This is a fact not to be lost upon the public mind—not to be repeated, and forgotten. It is a fact to arrest public attention—to excite public thought—to influence public judgment—and to lead to the most important conclusions. The capacity of the country to supply itself with any amount of gold and silver immediately becomes apparent. It is more than double the amount of all the bank notes, good and bad, which are now in circulation in the whole Union! it is nearly twenty times the amount of the average annual circulation of the Bank of the United States during the twenty years of its existence! it is fully equal, per head, for each inhabitant of the United States, to the mixed circulation of England, and the specie circulation of France, for their respective populations. England and France, each have a circulation of fourteen dollars per head for their entire population; that of England consisting of paper and specie; that of France consisting almost exclusively of specie. Two hundred and ten millions, to our fourteen millions of white population, would give give fourteen dollars and a quarter a head. Now, sir, this is a greater sum than the business of the United States could possibly employ. We could not use it all, if it was all here to-day. The amount of circulation which can be used in a country depends upon the amount of its business, and the nature of its business, and not upon the will of banks or law givers. Agricultural countries use less; manufacturing and commercial countries, more. Thus, while England and France, which are so eminently manufacturing and commercial, can employ fourteen dollars per head, Russia, which is so essentially agricultural, can use but four dollars per head. In the United States, where agriculture is the pursuit of the great majority of people, it is highly probable that ten or twelve dollars per head would be the maximum sum which the population could use. Barter and produce, make our great payments. The annual crops, and the annual product of different branches of industry, make our heavy payments. Money is only an auxiliary with us in the liquidation of debts. If we had our specie acquisitions of the last twenty years, we should have more than could be employed, or used in the country. Forty or fifty millions of it would be disposable, to be loaned out in foreign countries. Two hundred millions of specie would pay two thousand millions of annual debt, for it is computed, that each specie dollar changes hands ten times in the year. Two thousand millions far transcend that part of our debts which would require to be paid in money: it would leave us a surplus to loan abroad. We should be redundant in gold and silver, if we had been able to retain what we have received in a few years. Vicious and criminal banks have deprived us of it, and reduced half the Union to depreciated paper, and to miserable shinplasters. Is this to be endured? and are State rights to be invoked to shield such enormities?

What would be the condition of our country at this time if this 210,000,000 could have been kept in circulation, instead of being melted up, shipped away, and locked up, as it is? The effect would have been that business would be regular, stable, and flourishing. The price of produce and property would be at its natural and full amount. Wages would be good, and the money received for wages would be good also. The exchanges between the different parts of the Union would be the freight of gold and silver between those parts. Interest would be as low as it is in France and Holland, and we should be in a condition, not only to avoid loans from abroad, but actually to lend hard money to the paper money countries, (as Holland and France lend to England,) and to draw gold from them in annual interest, as well as upon annual exports of produce. These would be the effects; and upon one feature of this picture let me dwell an instant, and go into details: it is on the point of wages for labor. Wages are low now, and will be lower still before the Presidential election is over. But what would they be with the two hundred and ten millions of specie which we have acquired in the last twenty years, and which would afford a full circulation of gold and silver? Ask any one who has been to Cuba! He will tell you what the wages of labor are there—that it is one dollar and fifty cents a day for common labor—three dollars a day for journeymen mechanics—often six or eight dollars a day for job work—and all the rest in the same proportion. Sir, it is absurd to quote the examples of countries in the decaying parts of the old world, where industry languishes, and where a crowded population clamor for bread, and are content with bread alone. It is absurd to go to such countries for the effect of hard money on the prices of property, and the wages of labor, in the United States. They present no analogies to our condition. But here is a country just at our own door—part of the new world—an apposite example—where nothing but hard money circulates—and where wages are higher than in any paper money country in the world. This is the example to which we should look—this the standard by which we should estimate the wages of labor in our own country, at this day, if we had been fortunate enough to have preserved the two hundred and ten millions of hard dollars which have been acquired since I have been a member of this body.

Instead of all this—instead of active business, fair prices, plenty of specie, regular exchanges, and moderate interest—we have stagnation of business, reduced prices, specie unknown in half the Union, exchanges deranged, and interest enormous; and all this the effect of a plan among banks and politicians to make pressure and distress for the Presidential election of 1840. Sir, all the evils which we now experience, result from the vicious part of our banks—the political and gambling part—which make suspensions for their own benefit, and force or seduce others into them. The present suspension is for the present election, and as such I foresaw and foretold it a full year before it took place. It took place in October, 1839: in October, 1838, I foresaw and foretold it. In that month, and on the 25th day of it, I wrote thus to a committee of my fellow-citizens in St. Louis who had invited me to a public dinner:

"Since the veto session of 1832, the political part of the banks, and their confederates, have convulsed the country with alternate expansions and contractions of the paper currency, to make the people cry out for a national bank; and they are now preparing for another convulsion of the same kind. * * * The suspension of 1837 (which was a contrived piece of business, and one of the objects of the distribution law) was fully counted upon to restore the Federal party, and its tutelary deity, the Bank of the United States, to full power; but it was made at the wrong time. It was a master stroke, but wrong timed. It should have been made in the *fourth*, instead of the *first*, year of Mr. Van Buren's administration. It was premature. Its authors did their best to make it last until the next Presidential election; but the Democracy of the Union, and the New York banks, forced the resumption; and now there is no alternative but to make a new suspension for 1840. It is a bad chance; but it is the only chance. They are dead without it; and, accordingly, all the preparations are now in full progress for that catastrophe. The preliminary steps are already taken. An expansion of the paper currency has commenced, to be followed at the proper time by a sudden contraction, and the consequent stoppage of the banks, and the general derangement of the business of the country. * * * * But the next suspension may not be so easy a job as the last. The process of resumption has developed a division among the banks. We have seen a resumption and a non-resumption flag: in the next attempt to close the vaults, we shall see a suspension and a non-suspension flag. The business banks will resist the suspension; the political ones will force it, if they can; and, in this division among themselves, the community and the laws will find an auxiliary in the non-suspending banks, which may enable them to frustrate the machinations of the architects of mischief."

Sir, this is what I wrote, but not the whole of what I wrote, in the month of October, 1838; and the month of October, 1839, saw it verified to the letter. It saw the second suspension, and it saw the two flags—the suspension and the non-suspension flags. It saw the division among the banks, and the source of that division in the two cities of New York and Philadelphia. It saw the mistake in point of time corrected, and the distress transferred to the fourth year of Mr. Van Buren's administion, which had commenced prematurely in the first. All this it saw, precisely as I had written it down twelve months before. And now, here we are, on the eve of the Presidential election, with this suspension, and all its evils, bearing upon the country, and intended to bear upon it, until the election is over. Bad enough is the state of things now: worse they will be, before the month of November is over. Those who have done these things are able to continue them: those who have made money scarce, and the price of labor and produce low, are able to make money still scarcer,

and prices still lower; and it will suit both their pecuniary and political interest to continue the process of scarcity and reduction until after the Presidential election is over. The country may look out for advertisements that so much will be given for produce, if the election goes one way, and so much (being the half of the other price) if it goes the other. Laborers may look out for similar advertisements with respect to their wages; and all that is threatened in the way of reduction, will be performed. Avarice and Federalism will rejoice in the double gratification of deluding the laborer and the farmer out of his vote, at the same time that he is plundered of half his pay. It will be a double enjoyment to rule him, and plunder him at the same time. This will be kept up until the election is over. Soon after that event, (and it is perfectly immaterial, for this purpose, which way it results,) the new expansion will begin. Prices of stocks, produce, and property will all be run up, in order that those who have purchased low may sell high. By the middle of the next Presidential term, the expansion may be carried high enough to begin again the business of contraction, and to be ready for another suspension, and for fresh distress for the Presidential election of 1844; and thus we are to go on, the country and its business, and the political rights of the people, a periodical prey to the political banks and their confederates, until a bankrupt law shall put an end to their nefarious and lawless practices.

It is the fundamental maxim of the moneyed power, all over the world, that the people must feel before they can see—that they must suffer before they can understand—that they are ignorant and capricious—and blind enough, and weak enough, to be at once the victims and the instruments—the dupes, and the agents—of those who abuse them, and use them. This is the fundamental maxim of the moneyed power; and upon it they have often acted in our country, and never more flagrantly and systematically than since the veto session of 1832. Since that time we have had a continued succession of panics, alarms, and distresses, all contrived for political and pecuniary effect, and charged by their authors upon the measures of the Democratic administrations. Partial and transient success has sometimes attended this parricidal conduct, but no lasting or general impression has been made. The people possess discernment with which they are not credited, and see through the veil which was intended to conceal the hidden operators. They have always seen the secret hand which was fabricating artificial distress for the country, and concocting humbug reasons to bamboozle the ignorant. They have seen, and despised all these tricks and devices, and so it will be again. They will see that the present pressure and distress is artificial and unnatural—that it is planned and contrived for the election of 1840, and is a regular result of the system of the moneyed power for ruling and governing, what they believed to be, the thoughtless and capricious people.

The contest at present is, for the destruction or preservation of the currency; and that involves the property and the labor of the country. To destroy the currency of the Constitution, and substitute for it the base issues of suspending banks, is the aim of one party; to preserve the true currency, and to suppress these base issues, is the aim of the other. No difficulty is found in bringing gold and silver into the country: it comes beyond our wants. The difficulty is to keep it after it comes.

Congress has many great and sacred duties to perform, and none greater and more sacred than that of guarding the currency of the Constitution. It is the duty of Congress to guard this currency, and to protect it from every violation. The States are forbid to coin gold and silver: they are not even allowed to make currency out of the precious metals. Uniformity of value in that which is the standard and measure of all values, was deemed so essential to the whole Union, that every State surrendered its right to the coining power: it gave up its right to stamp gold and silver. How absurd then to suppose that they can authorize a circulation of depreciated paper! that they can create corporations to emit base paper when they themselves cannot stamp pure gold! that they can authorize them to make this paper a forced tender in all cases when they themselves can make nothing but gold and silver a tender! that they can authorize them to annihilate all contracts when the States dare not impair one! I say nothing about the power to charter banks to issue notes convertible into specie at the will of the holder. I say nothing on that head, for it is not involved in the present question. I limit myself to what is before the Senate—the circulation of base, depreciated, inconvertible, and spurious paper—and deny the right of any State to circulate such trash, or to authorize any corporations, or individual, to do it. I join issue with those who plead State rights in defence of such conduct, and deny the authority of the State out and out. I deny the right, and affirm it to be the duty of Congress to arrest the proceeding. It is the duty of Congress to arrest a circulation which violates the Constitution, and annihilates the currency of which it is the guardian. The application of the bankrupt remedy to bankrupt banks, is the ready and easy way to effect it. A day fixed for such a law to take effect would be the day of resumption to all good banks, and the day of extinction to all bad ones. It would be the day on which we could count upon the commencement of an adequate specie currency, and the cessation of all the evils with which the gambling and political banks now afflict us.

The remedy is in the hands of the people. We have unveiled it to them, and it is for them to apply it. When wearied with the tyranny and oppression of the criminal and vicious part of the banks, they can apply the remedy, and terminate a tyranny more odious and irresponsible than any which history has revealed to our view. For the present, we have at least accomplished two great purposes. We have vindicated the Constitution from the supposition of incompetency; and we have annihilated the last remaining pretext for a national bank. We have shown that our Constitution is not incompetent to its high functions—that it is adequate to the preservation of the true currency—and that it has no occasion to resort to a monster bank to govern the banks of the States.

SPEECH OF MR. BROWN,
OF TENNESSEE,

In the House of Representatives, May 19 and 20, 1840—On the bill introduced by Mr. BELL, to secure the freedom of elections, and to provide for the faithful administration of the Executive patronage.

Mr. BROWN having obtained the floor, said he had listened with profound attention to the arguments of both his colleagues [Mr. GENTRY and Mr. BELL] in favor of this bill. He had done so, because he was desirous to know on what new statement of facts, or by what new process of reasoning, this odious measure was now to be revived, and again pressed on the consideration of the public, after its signal failure in the other end of the Capitol, and after that deep and decided reprobation of it, which had been manifested in so many of the elections of this country. He was particularly anxious to discover whether misfortunes had not subdued, or at least chastened and softened down, some of those fierce and angry passions with which it was first advocated—misfortunes that have fallen with peculiar force on those gentlemen's own personal and political friends. One of them, [Mr. BELL,] a few weeks since, on the Cumberland road bill, gave us a most touching and eloquent description of those misfortunes. "He had seen, (said he,) during the last summer, one friend after another dropping around him," until that proud and exulting majority, by which he used to be surrounded on this floor, from his own State, was now sadly reduced to a solitary unit. Looking at the other end of the Capitol, he might have told us that this mortality amongst his friends had been still greater. There, nothing was to be met with but one entire and perfect scene of desolation and defeat. Sir, said Mr. B. I was anxious to observe that gentleman when he should walk forth amid the ruins which this very bill had so mainly contributed to spread around him. I sincerely hoped that a contemplation of them might induce him to pause and hesitate, and finally to abandon a measure which has heretofore produced such fatal results. But, sir, I am sorry to have to say, what many persons have observed before, that misfortunes, when they fail to reform, are almost sure to harden us, and that even the dispensations of Providence, when not rightly improved, often superadd to our desperation, and plunge us still deeper into those vices and follies which they were intended to reform.

I do not intend to apply such observations as these to the gentleman's course generally in this House. I have had frequent occasions, not only to approve, but even to applaud, his calm and dignified mode of argument, during the disorders and tumults of the session. But, sir, I do mean to say that, on this particular subject and its kindred ones, the gentleman never fails to lose his equanimity of temper, and to expose himself to the imputation of being governed more by the suggestions of passion than guided by the dictates of reason, or the honest convictions of opinion.

In much of that argument to which I wish now to reply, the gentleman seemed determined to have no compeer in bold denunciation, in reckless invective, in wild and furious declamation. He seemed to imagine that he had driven Democracy into its last fortress, and that he was then making a bold and heroic charge, that was to demolish it forever; or, to use his more *sanguinary* mode of expression, "he was striking a deadly blow at the life-blood of the party—that vile, corrupt, and infamous party which had so long ruled the destinies of this country." But, sir, the Democratic party of this country was not let off, with even such denunciations as these. The gentleman [Mr. BELL] became so far transported as to compare it to that fabled monster, the Parisian vampire, that subsisted "by sucking the blood from the warm and beating arteries of sleeping innocence." He described the end and destruction of that unnatural monster, and declared that he could see in that end the writhing and expiring contortions of the putrid and bloated carcass of Democracy. Sir, I allude to these *extravagances* in the speech of my honorable colleague, in order to assure him, that in my humble judgment, great as are his powers of description and commarison, no one but himself could see the slightest resemblance in this imaginary picture. No: if you wish to see a resemblance of that Parisian monster, go find it in that proud and bloated aristocracy that has so long fed and fattened on the people of this country—go find it in that system of associated wealth and exclusive privilege, in all its odious forms and varieties, which has been so long consuming our substance, and which is now beginning to crumble beneath its own magnitude, and to expire in the midst of its own rottenness and corruption.

But, Mr. Speaker, I do not mean to content myself with making general observations like these, against the present bill. It was introduced originally about three years ago, notoriously with the view of breaking down the Democratic party of the Union. But more especially was it intended to break down the Jackson or Democratic party in the State of Tennessee. It is now revived evidently for the same purpose, and was pressed upon this House in a tone of exultation and defiance which seemed, at the time, like it was intended to provoke and challenge a reply. Sir, I do not feel specially called on to repel attacks made against the Democratic party generally; I have no connection with that party sufficiently notorious to justify me in presuming to become her champion. In my own State, however, that connection is not quite so obscure and unknown. Although never aspiring to be one of her leaders, I have been for twenty years enrolled amongst her most zealous and faithful private soldiers. If I seem now for the moment to step out from her lines, and to take position above that of a mere private, it is only because *those who used* to bear her banner, high and proudly amid the ranks of her enemies, have now not only *surrendered* that banner into the hands of her enemies, but are foremost in the onslaught, and loudest in the battle-cry against her!

Let us now turn our attention to the provisions of this bill, the end and aim of which are avowed to be the destruction of the present Democratic party of the United States—that party which the gentleman was pleased to denounce, in his speech on the Cumberland Road bill, to be "a standing fraud and imposition on this country."

I begin, sir, with its caption: "A bill to secure the freedom of elections!" the elections of the people of the United States—all the elections, State and Federal—in all the States. The *freedom* of the elections of the United States! Sir, you have but to state the proposition in any company, in any State or county in this Union, to raise the smile of derision at its absurdity. What! our elections *not free* enough in this country? where every man goes forward to the polls, of his own accord, and casts his vote for whom he pleases; goes in his own unquestioned and unquestionable majesty; asking

no man's *permission*, and submitting to no limitation or restriction on his rights whatsoever? How *can* you secure more freedom to us in elections than we now enjoy? How *can* you better secure, *by law*, that freedom, which has been for more than fifty years secured to us by the Constitution? Sir, it is like substituting statutory freedom for constitutional freedom. It is a good deal like what the advocates of this bill call "the purity of the elective franchise." Not that purity which is felt and preserved in the hearts of the honest citizens of this country; not that virtue which, emanating from the heart, controls and governs the conduct of the people in administering their own Government, in their own way, and for their own advantage and prosperity, but a sort of pretended *legal* purity—a sort of hypocritical *statutory* virtue, which would yield to all sorts of political prostitutions, on the first seducing bribe that might be laid in its way. Away with these forms and shadows; if the people have not purity and virtue enough (as the high toned Federalists have always said they had not) to govern themselves, you can never infuse those qualities into them, by any process of the law. So much for the *caption* of this bill. I call your attention now to the *preamble*, or recitals of it. The first one of these recitals is the following:

"Whereas, complaints are made, that officers of the United States, or persons holding offices or employments under the authority of the same, other than the heads of the chief Executive Departments, or such officers as stand in the relation of constitutional advisers of the President, have been removed from office, or dismissed from their employment, upon *political* grounds, or for opinion's sake; and whereas, such a practice is manifestly a violation of the freedom of elections, an attack upon the public liberty, and a high *misdemeanor*."

Here, sir, is a preamble, for which there is no proposed enactment. It alleges certain conduct to be a high misdemeanor, yet proposes no penalty or punishment for the crime. Why, then, is it intruded here on this paper? Sir, I take it to be a perfect anomaly a ,thing unknown before in the history of legislation. I again demand to know, why it is put down in the preamble, but not inserted in the enacting clause of the bill? I can draw but one conclusion from this strange fact; and that is, that the doctrine will do to *profess*, but not to *practice*—to show off a speech upon, in order to excite popular feelings, but not to be established as one of the laws of the land, which it is known would have to be repealed, so soon as its operation was seen and understood. I mean to examine this dangling supernumerary presently, to show that the arguments in its favor are all fallacious, and the facts on which it purports to be based, have no existence. I pass on to the second clause of the preamble, in the following words:

"Whereas complaints are also made that officers of the United States, or persons holding offices or employments under the authority of the same, are in the habit of *intermeddling* in elections, both State and Federal, *otherwise* than by giving their votes: And whereas such a practice is a violation of the freedom of elections, and a gross abuse, which ought to be discountenanced by the appointing power, and prohibited by law,

"*Be it enacted, &c.* That from and after the first day of July next, *no officer*, agent, or contractor, or other person, holding an office or employment of trust or profit under the Constitution and laws of the United States, shall, by the contribution of money or other valuable thing, or by the use of the franking privilege, or the abuse of any other official privilege of function, or by threats or menaces, *or in any other manner intermeddle* with the election of any member or members of either House of Congress or of the President or Vice President of the United States, or of the Governor *or other officer* of any State, or of any member or members of the Legislature of any State; and every such officer or other person offending therein, shall be held to be guilty of a high misdemeanor; and on conviction in any court of the United States, having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars."

This is the first section of the bill. According to its provisions it will be seen that every grade of office, and every variety of employment under the United States is included; also that every thing, and any thing said or done by them (except simply giving in their own votes) is to be taken as an intermeddling in the election, and therefore to be punished by a fine not exceeding $1,000. Now, sir, the application of this law to my own State is what I desire to bring before the House. There, sir, we have but few public officers of any grade, except our postmasters. We have some half dozen of these on an average in each county. Those at our county towns commonly receive some two or three hundred dollars, rarely so much as five hundred. At the lesser villages and country stores, and at the neighborhood post offices, it is quite frequent that the compensation does not amount to fifty or one hundred dollars. The office is in fact taken as an incumbrance, submitted to for neighborhood convenience. Now, sir, all these postmasters, besides being *officers* of the United States, are *citizens* of the United States, and of the State of Tennessee. They are deeply *interested as citizens* in the elections, both State and Federal, in the county elections of sheriffs, clerks, registers, &c. In the military elections of those officers, under whom they may have to serve in times of war. Yet, sir, it is proposed that a little fifty dollar appointment as *postmaster* is to weigh down all his other interests as a citizen, and if he dare open his mouth in favor of one candidate or the other, he is to be instantly fined one thousand dollars. If called on to state *a fact* in his own knowledge, and perhaps in the knowledge of no body else, which it is of the highest consequence to the country should be known; a fact which became known to him long before he was a postmaster—he must *conceal* that fact. He must suppress and hide *the truth* from his countrymen, or pay down the penalty of one thousand dollars. Sir, is this my colleague's notions of the liberty, freedom, and purity of our elections? To speak out *will* affect the elections, just as far as truth and character will and ought to affect them—to seal up his lips and suppress the truth, *will also* affect the election and put men into office, who have no honesty in civil affairs, nor courage nor skill for the defence of the country in military appointments. Now, sir, there are, on an average, for each county in Tennessee, a half dozen of our fellow-citizens—who have the common rights of citizens—they have the liberty of speech, under all the gurantees of the Constitution—they have, however, undertaken to perform the duties of postmasters for their respective villages and neighborhoods; and for this they are to be disfranchised, deprived of the liberty of speech, and compelled to stand silent and gagged in the midst of their fellow-citizens. Sir, is this the *freedom* after which my colleague has been seeking under this bill? If it is, God forbid that he should ever find it. For one, I repudiate and scorn such distinctions in a free country. I repudiate and scorn a principle that sets one neighbor as a spy over another, and which enables one man to propagate the vilest falsehood on another, because his exposure can only be made by a postmaster, whose lips are hermetically sealed under the enormous penalty of one thousand dollars. Sir, this bill should be rather called a bill offering a premium to falsehood and defamation; a bill to enslave a large portion of American freemen, becaus ethey are willing to undertake the performance of high and necessary public duties; a bill to establish *slavery* in all our elections, by depriving one portion of the community of those rights and privileges allowed to all the rest. Sir, I shall show you presently that those illustrious sages and patriots, who lived in the earlier and purer days of the Republic, rejected with scorn the very provisions of the bill now under consideration. Before I present their opinions on this branch of the subject, let me advert to the arguments and doctrines of my honorable colleague in relation to the appointing and removing power of the Executive; remember that the argument of the gentleman was made on the preamble of his bill, for which there was no corresponding prohibitory or penal enactment. The argument, then, like the preamble, might therefore be regarded as a mere abstraction, calculated to do no particular good nor harm any way. But I know my honorable colleague too well not to understand that all the labor he has bestowed in ascertaining the opinions of Washington, Jefferson, Madison, and other illustrious individuals, is not intended to be lost as a mere abstraction, accidentally brought up in the course of this discussion. No, sir, that portion of the gentleman's argument will, no doubt, in due season, make its appearance in the Whig papers of our State, in blazing capitals. Well, sir, and what were the opinions of those illustrious men on the question of appointments to office, which necessarily includes also their opinions in relation to removals, wherever the right to remove has been conceded.

I begin with General Washington. In his letter to Mr. Pickering, dated September, 1795, he uses the following emphatic language:

"I shall not, while I have the honor to administer the Government, bring a man into any office of consequence, knowingly whose political tenets are adverse to the measures which the General Government are pursuing; for this, in my opinion, would be a sort of political suicide: that it would embarrass its movements, is most certain. But of two men equally well affected to the true interests of their country, of equal abilities, it is the part of prudence to give the preference to him against whom the least clamor can be excited."

Observe, sir, that, in this opinion of General Washington, he makes no reference to monarchists, or to persons opposed to that Revolution which secured to us our national independence. He goes beyond all this, and speaks of political tenets adverse to the measures of the General Government. This preamble recites that removals on political grounds are high misdemeanors. General Washington declares that a difference in political tenents is sufficient ground for refusing appointments. This preamble recites that removals upon political grounds is an attack on public liberty. General Washington declares that all appointments to office of such as hold political tenets adverse to the principles of his administration of the Government, would be a sort of political suicide. Sir, this brief parallel between this recital in the bill and the opinions of General Washington, directly on the point, ought forever to seal the fate of this proposition, so far as his distinguished authority is concerned.

Immediately after the retirement of General Washington, a contest sprung up for the succession between the elder Adams and Mr. Jefferson. The elements of party, before that time, had taken no definite form, or shape; they were "*rudis indigestaque moles*." In that contest, however, they became settled and distinct. The Federalists adhered to Mr. Adams; the Republicans to Mr. Jefferson. Mr. Adams succeeded, and, under him, the Federalists took possession of nearly every office of his administration. In support of this fact, I refer to the 3d volume of Mr. Jefferson's works, page 476. In his celebrated New Haven letter he remarks:

"It would have been to me a circumstance of great relief, had I found *a moderate* participation of office in the hands of the majority; I would gladly have left to time and accident to raise them to their just share; but *their total exclusion* calls for prompter corrections."

In his letter to Levi Lincoln, 3d volume, p. 477, he remarks:

"I had foreseen, years ago, that the first Republican President who should come into office *after all the places in the Government* had become *exclusively* occupied by Federalists, would have a dreadful operation to perform; that the Republicans would consent to a continuation of every thing in Federal hands was not to be expected, because neither just nor politic. On him was then to devolve the office of an executioner—that of lopping off."

I read these extracts now, only to establish the fact of a *total exclusion* from office of the Republicans under the elder Adams's administration. Mr. Jefferson succeeded Mr. Adams. He was elected by the Republican party, and was its great apostle and founder. The lapse of years has only thrown a holier reverence around his name, and the political researches of the age have only given a brighter lustre to the principles of simplicity, economy, and equality, which he inculcated on his followers. Sir, it is that hallowed reverence for his name and his principles, which is yet cherished by a large proportion of the American people, that my colleague attempts now to make subservient to the destruction of his true friends and followers, and to strengthen the reviving energies of that old Federal party which he so signally vanquished in 1801. Yes, sir, strange as it may seem, the watchword of "Jefferson and liberty," is now being stolen by that very Federal party into whose ranks it once carried dismay and terror and destruction. What has any party to do with that watchword that holds in its ranks and hugs to its bosom every anti-war Federalist on this floor, save one whose reformation dates back for twenty years, and whose devotion to Republican principles during all that time, gives double assurance of the sincerity and thoroughness of his reformation? What, I repeat, has an Essex junto man and an anti-war Federalist to do with the watchword of "Jefferson and liberty?" It should blister the tongue that repeats it, and crimson

with shame all who concur in the profanation. Sir, I have reached the point where I mean to give battle to my honorable colleague; "war to the knife," if he may choose to have it so. He maintains that Gen. Jackson's administration, and that of Mr. Van Buren, was not, and is not, Jeffersonian in its character; or, in other words, that Gen. Jackson and Mr. Van Buren are not "Democrats of the Jeffersonian school," because they have both outraged the principles of Mr. Jefferson in making appointments and removals from office. That they have proscribed men for opinion's sake, and ejected them from office against all the principles and practices of that great apostle of liberty. I not only deny these assertions, but I here undertake to disprove them altogether.

Sir, I repeat, for greater perspicuity, that I now here undertake to show that both Gen. Jackson's and Mr. Van Buren's administrations have been far less proscriptive than Mr. Jefferson's was. That great man's principles and practices, on the subject of appointments and removals, have been extensively misunderstood, because they have been misrepresented. I now refer to his own letters for proof of his true doctrine.

He came into office the 4th of March, 1801. All the offices of the Government were in the hands of the Federalists. That whole party, with a furious desperation, then, if not yet, unequalled in the annals of political warfare, resisted his election. The Republicans, however, taunted as they were as "greasy Democrats," derided then, as now, with being but as the rabble of the nation, bore him onward, until they placed him in the highest office in the gift of a free people. Installed into office, the question instantly arose, what course he would pursue in making appointments and removals from office. The whole Federal party had denounced him, would he now denounce them? The question was soon solved. He prew a distinction between Federalists. 1. The Federalist proper. 2. Those who were called Federalist, but, in fact, were Republicans in principle, but who had been deceived and so made to act with the Federalists, while at heart, they were sound Republicans. The first class or Federalist proper, he rejected on all occasions, turning them out, without exception and without ceremony. They were monarchist in principle, and were, therefore, not proper agents under him, to carry out and perpetuate our Republican institutions. The second class (the Federal sect of Republicans, as he termed them,) he permitted to participate in the offices, to a certain degree. To show that I have stated Mr. Jefferson's principles, with entire and perfect accuracy, I will read from his letter to Mr. Lincoln, dated July 11, 1801:

"DEAR SIR: Your favor of the 15th came to hand on the 25th June, and conveyed a great deal of that information which I am anxious to receive. The consolidation of our fellow-citizens in general, is the great object we ought to keep in view; and that being once obtained, while we associate with us in affairs to a certain degree, the Federal sect of Republicans, we must strip of all the means of influence, the Essex Junto and their associate monarchists in every part of the Union. The former differ from us only in the shades of power to be given to the Executive, being with us attached to Republican government. The latter wish to sap the republic by fraud, if they cannot destroy it by force, and to erect an English monarchy in its place; some of them (as Mr. Adams) thinking its corrupt parts should be cleansed away, others (as Mr. Hamilton) thinking that would make it an impracticable machine. We are proceeding gradually in the regeneration of offices and introducing Republicans to some share in them. I do not know that it will be pushed farther than was settled before you went away, except as to Essex men. I must ask you to make out a list of those in office in yours, and the neigboring States, and to furnish me with it. There is a little of this spirit south of the Hudson. I understand that J****** is a very determined one, though in private life amiable and honorable; but amiable monarchists are not safe subjects of Republican confidence. * * * Our gradual reformations seem to produce good effects every where except in Connecticut. Their late session of the Legislature has been more intolerant than all others. We must meet them with equal intolerance. When they will give a share in the State offices, they shall be replaced in a share of the general offices. Till then we must follow their example."

To what degree of participation in the offices, Mr. Jefferson admitted the second class of Federalists, may be seen in his letter of the 11th September, 1804, to Mr. Adams, in which he states, that they were admitted in fair proportion to their number throughout the United States Sir, I have now spread out before you, as on a map, the opinion and practices of Mr. Jefferson. They admit of no cavil and no misunderstanding. Now I demand to know when and where—in what year of his administration or in what State of this Union—was General Jackson more intolerant than Mr. Jefferson? When did he say "we must meet them with equal intolerance?" When did he say to those States who were most opposed to him, and who proscribed all his friends from office, "until you will give a share in the State offices, we will follow your example?" Never, never! In my own State, there never was a day or an hour, during his administration, that General Jackson did not retain a greater number of his enemies in office than they would have borne to the number of anti-Jackson men in that State; and yet, sir, we are told that General Jackson exceeded Mr. Jefferson in intolerance toward his enemies.

How does the same question how stand under the present Administration? Throughout the United States I do verily believe that a majority of the office-holders have been and still are opposed to Mr. Van Buren. The very best estimates that have been made show the fact satisfactorily to every impartial mind. Does this look like proscription for opinion's sake? In my own State, the fact has never been denied. In my own district, three out of the five postmasters of the county towns which I represent are thorough going Whigs, active, zealous partisans. Some of them made heavy bets against the candidates of the Administration in the last elections. They attended public assemblies out of their respective neighborhoods, and exerted all the influence they possessed in the election. Sir, let me assure my honorable colleague, that, if his bill had passed before the last Tennessee elections, it would have cut right and left among his Whig friends in that State. Instead of dealing a deadly blow "on the life-blood of the party there," it would have rebounded on the head of his own friends.

But it is often said, while Mr. Van Buren may have retained an equal number of his enemies in office, it has only been in the inferior ones, such as postmasters. Sir, a postmaster is very far from being an inferior appointment, so far as political results are to be attained. It is, in my judgment, to precisely such officers that General Washington alluded when he declared he would appoint no person to any office of consequence, who was opposed to the principles of his administration of the Government. It is through the post offices that the press exerts its mighty power on the public mind. Every postmaster has it in his power, more or less, to paralyze its exertion, by suppressing public documents; or, if he dare not go so far as that, by laying them away upon some dusty shelf, and not handing them out to the people, until regularly and distinctly demanded. On the contrary, a willing postmaster, favorable to the views of one party, may hail his fellow-citizens as they pass, and notify them that letters and packages have arrived at the office, addressed to them, and thus give them a wide and instantaneous circulation. If any man desires to be convinced of all this, let him but examine and inquire at the post offices after the adjournment of the present session, and see, at some of them, what heaps of letters and documents will remain piled up and undisturbed for weeks and perhaps months after their arrival. I mean to look into this practice on my return, and no instance of partiality, such as I am commenting upon, shall go unrebuked. I assure my honorable colleague that even the biography of General Harrison, and the speeches of the gentleman from North Carolina, [Mr. STANLY,] with which he has been deluging my district, shall be faithfully and impartially distributed. So far, therefore, as political results are concerned, your postmaster is an officer of the highest consequence; and it is, therefore, the best proof of liberality and toleration, that Mr. Van Buren and General Jackson could have given, to have let in their enemies into an equal, if not greater, participation in them. A liberality greater than Washington's, or Jefferson's, or any other President's, unless it may be that of Mr. Monroe.

Sir, I have not yet said any thing in relation to the opinions of Mr. Madison. My honorable colleague was pleased to hold *him* up as a most perfect model of a great statesman, whose opinions should make a deep and lasting impression on his countrymen. I concur with him in his high eulogy on that illustrious patriot. Reared in Virginia, that mother of so many Presidents, I was early taught, next to that of Washington, to revere the names of Madison and of Jefferson. Then, as now, I paid no homage to the opinions of one which was not paid equally to those of the other. Then, as now, I regarded them as two bright but equal luminaries, by whose light it will be safe, at all times, for their countrymen to walk. I now invite my honorable colleague to test his bill by the lights of Mr. Madison's opinions. My honorable colleague has, no doubt, often consoled himself with the belief that he stood foremost of all others, in discovering this favorite remedy for preserving the purity, and securing the freedom of election! But what will be his surprise when I inform him that this same gag remedy was discovered and proposed almost fifty years ago; actually discoved and proposed almost fifty years ago! Yes, sir, there were "Surgeon Crittendens" then as well as now! But they were then, as now, pronounced mere empirics; and their quack remedies, rejected and condemned as they now are; rejected and condemned by Mr. Madison himself, that favorite authority to which the gentleman referred, and on which he so confidently relied. Dropping all figures of speech, I will now give you the recorded opinions of Mr. Madison, I read from Dunlap's Daily Advertier of January 22, 1791.

"HOUSE OF REPRESENTATIVES, January 22, 1791.—Excise bill was under discussion; Mr. Jackson, (I think of Georgia,) moved to amend the bill by inserting the following:

"*And be it further enacted*, That if any inspector or other officer, or person concerned in the collection of the revenue to be raised by this act, shall, by any message or writing, *or in any other manner, persuade*, or *endeavor* to persuade, any elector to give, or dissuade, or endeavor to dissuade, any from giving his vote in the choice of any person to be a member of the House of Representatives, member of the Senate, or President of the United States, such inspector, or other person so offending, shall be forever disabled from holding an office under this act, and shall be subject to a penalty of —— dollars."

The vote was taken by ayes and noes—ayes 21, noes 37: Mr. Madison and the celebrated Republican, Wm. B. Giles, voting in the negative. Sir, here was the first gag bill ever offered in America. It was confined to those officers concerned in the collection of the revenue, and prohibited an interference only in the election of certain officers in the Federal Government, and yet it was rejected by a majority of nearly two to one, and by the votes of both Mr. Madison and Mr. Giles, two of the soundest Republicans that lived in this country. Where now, let me ask, is the boasted authority of Mr. Madison in favor of this bill? It stands recorded against it, on a bill much less objectionable than the one now proposed by my honorable colleague.

[Mr. BELL here rose and said that he wished it to be understood by the gentleman and the House, that he would have voted against that amendment himself.]

Mr. BROWN replied, then he apprehended he need not spend so much time against the gentleman's bill, since he began to suspect that when it might come to the test he did not mean to vote for it himself. But how can the authority of Mr. Madison be invoked in favor of this bill, when it is known that it was his giant arm that dealt the blows that terminated the existence of the alien and sedition laws? The great principle that pervaded the sedition law is the same as in this bill. That bill punished all those who should utter or publish any thing defamatory *against* our rulers; this punishes all who shall intermeddle in elections, either *for* or against our rulers; not those only who are, but those who desire and offer to become our rulers; not in a few of the higher departments, but in all of them, both State and Federal, civil and military. That punished all offending citizens, this only such as have superadded to the duties of citizenship those of official station. That was, indeed, less odious than the present bill. There the truth could be given in evidence in order to shield the citizen from punishment; here truth has no advocate, and innocence finds no protection; true or false, one single word, uttered in an election more favorable to one party than the other, shall subject the citizen to the enormous fine of one thousand dollars. He may have expressed an opinion unfavorable to his own party; he may have

only insisted on the superior qualifications of one candidate over those of another; or he may have only urged some gallant achievement in war, or some noble self-denying deed in time of peace, as a consideration which entitled one party to the gratitude of the country over his competitor and rival. But I need not compare the relative merits of the present bill and the sedition law. The same spirit animates them both—a spirit that seeks to prostrate the dearest rights and privileges of the people—a spirit that alike destroys the freedom of the press and the liberty of speech—a spirit which Mr. Madison, more than any other man then living, contributed to subdue and to extirpate. Sir, I challenge casuistry itself to draw any sensible and clear distinction between the sedition law, Mr. CRITTENDEN's bill, and the bill of my honorable colleague. They all contain the same principle, and that principle stands at open war with those great provisions of the Constitution which secure to the people the freedom of the press and the liberty of speech.

From 1791 to 1837, with the exception of the alien and sedition laws, no attempt was made to force such legislation as this on the country. During that long period, the people were contented that every citizen, whether a public officer or not, should enjoy his constitutional rights. That the assumption of office was but the assumption of new duties and liabilities for the public good, and should, therefore, be attended with no sacrifice or destruction of his personal rights as a free citizen of this great Republic. During all this time, I maintain that our elections, all of them, both State and Federal, were eminently free—free as they could be—free as the air we breathe, and the water we drink. Every where through this wide country on our election days, every American citizen walked forth to the ballot box in his own personal majesty, paying no homage, save to himself and the laws and the Constitution. I appeal to the history of our elections in the great contest between the elder Adams and Mr. Jefferson—to the no less excited canvass between the second Adams and General Jackson—to the contest between Mr. Clay, the now "great discarded," and General Jackson—in fine, to every one of our elections, to show that all of them, every where, have been as free as our glorious Constitution, and the proud, indomitable spirit of our countrymen could make them.

What occasion, then, was there for the revival of this twice-repudiated doctrine of abridging the privileges of the people—repudiated by the wisest and best men that ever lived in any age or in any country. The first reason given, and the one most relied upon, is, that the President in office may use his patronage so as to give him an undue advantage over all competitors. This patronage consists in the power of making appointments, under the express, or implied understanding, that the appointed shall use his influence to promote the election of the President. Now, if all this were conceded, does not my colleague perceive that the appropriate remedy would have to be found, not in a gag bill, but in the amendment of the Constitution, changing the appointing power into other hands, or limiting the period of Presidential service to a single term of four or six years? By the last amendment, no contest ever could take place between the ins and the outs. It would then be, in every instance, not who should be put out, but who should be put into the Presidential seat. Then, sir, there could be no selfish motive prompting to an abuse of executive patronage; nor any adequate one for charging corruption and ambition on any man who was faithfully endeavoring honestly to administer the Government. It was under these views that I have already submitted a proposition to amend the Constitution of the United States, in a way that will, in my opinion, be the true and proper remedy for all complaints, real and pretended, against Executive patronage and dictation. I shall call in up in a few days, and see what course the gentleman and his friends will take on this subject. But, sir, in the meantime, I hesitate not to say that this patronage is greatly overrated, as to its influence on elections. On an average, the President cannot make more than a dozen or two important appointments in each State; these could not produce even a ripple on the broad and mighty surface of its population; beside this, an over-active zeal never fails to weaken the cause it espouses.

The influence of office holders is more than counterbalanced by that of office seekers. Let us examine it, first as to the personal exertions of the parties themselves. Mr. Van Buren, since March, 1837, has been *in*. Mr. Clay, Mr. Webster, and General Harrison, have all wanted to get in by putting Mr. Van Buren out. Mr. Webster makes his electioneering tour through the Northwest, Mr. Clay moves out upon the North, and arrogantly traverses Mr. Van Buren's own country. General Harrison takes charge of the mighty West, keeping up a brisk correspondence, remodelling his old political opinions, and putting himself in as acceptable a position as possible between the contending parties of the day. Sir, do you not see at once that, on the score of personal exertions, it is precisely three to one in favor of the outs? But it is said that the President in office has so much patronage, so many offices to bestow, that it gives him an overwhelming advantage over all competitors. Well, let us pause and examine the weight of this objection. He can appoint one Secretary of State, and that *one* will have to work against three Secretaries *expectant* without—that is, against Mr. Clay's Secretary, Mr. Webster's Secretary, and General Harrison's Secretary—three to one again—and so of the Secretary of War, and all the other Secretaries; and, in fact, of all the other officers and agents of the Government, great and small. I have always doubted whether this power of conferring office was much calculated to advance the popularity of a President. Many are always expecting to be called, while but few can actually be chosen. The disappointed often fall back into a state of indifference as to the future success of the President, and sometimes find revenge for his supposed neglect and ingratitude in the open abandonment and denunciation of him. Sir, I do not pause in the line of this argument to give you instances of this sort during the period of General Jackson's administration; they abounded to an extent which few have suspected; they have no doubt abounded more or less in the history of every Administration.

Mr. Speaker, I have already stated, that, for nearly half a century, the people of the United States were contented and satisfied with the unbounded and unquestioned freedom of their elections. What occasion was there, then, for the revival of this twice rejected proposition? twice rejected, at the time of introduction, by my honorable colleague, in 1837. Sir, I remembered well the pretext then offered for its revival. It was the alleged dictation of General Jackson—his dictation in writing his Gwinn and Shelbyville letters, and expressing himself freely and fully on the public men and the public measures of the day. These, sir, were the pretexts for all this cry of dictation and of bringing Executive patronage to bear on the freedom of elections. And yet, sir, now that the occasion has gone by—now that the smoke of party contest has cleared up, so far as General Jackson is concerned, no man can be found who can lay his finger on a single line or sentence, ever written by General Jackson about those times, that has the slightest resemblance to dictation to his countrymen. To dictate, is to suggest, to point out with authority, and is nearly synonymous with command. It is something much stronger than mere counsel or advice, and yet is a shade lower than an imperative order. In the light of this definition, I defy any man living to show me a single expression in the Gwinn letter which evinces the slightest wish on the part of General Jackson to dictate—to order or command his countrymen what course to pursue in the selection of his successor. General Jackson was the acknowledged head of the Republican party; he saw the dangers which surrounded it; he knew well the numerous and powerful enemies that were engaged to overthrow and destroy it; he knew well its strength and power and invincibility, so long as it should remain undivided

When Judge White was brought forward, he instantly perceived the dangers of division, and wrote his Gwinn letter of counsel and advice, but not of dictation; a letter expressive of no preference of Mr. Van Buren over Judge White; a letter exhorting only to unanimity, and pointing out, in his judgment, the best means of attaining it. Yet, for doing this, he was denounced by my colleague and his party as a tyrant, a despot, and dictator. Yes, sir, for writing such a letter as this, that man, whose whole life had been one continued scene of noble and gallant daring in defence of his country, was denounced as a Roman dictator—ready and resolved to overturn those very liberties which he would have died to maintain. Sir, the advice and counsel of General Jackson on that occasion might by many have been considered injudicious, or even indelicate, according to the taste and fancy of individuals. But I maintain, before my countrymen and the world, that the charge of dictation, so loudly and repeatedly made by my colleague and his party, is no where sustained by that letter.

But this unfounded charge of dictation is sometimes attempted to be sustained by a reference to his Shelbyville letter; a letter written in reply to an invitation to partake of a public dinner proposed to be given to him by the noble-hearted Democracy of Bedford county. He declined attending; alluded to the recent and frequent political tergiversations which had occurred, but prophesied boldly that the people of Tennessee, in spite of them, would stand true and steadfast to their ancient Republican principles. Time has now subjected to its unerring scrutiny the truth or falsehood of every statement made in that letter. The banner of Mr. CLAY under which my two colleagues [Mr. GENTRY and Mr. BELL] and their whole party, fought the battles of the last Tennessee campaign, was at once the evidence of their change, and the signal of their defeat. If further proof should be required to tear away every shred of doubt, which might yet hang around this question of imputed change, let it be found in the nomination of the Harrisburg convention. No, not in that convention, for Tennessee was not there; her late leaders had not the face to ask her to be there. They knew that, on direct proposal, Tennessee would shrink from the adjustment of rival pretensions between three individuals, every one of whom she had rejected on former occasions. No, not in that convention, but in that confirmation of its proceedings, which took place in this city; a confirmaton in which both of my honorable colleagues participated, and which has since received the sanction and approval of nearly their whole party in Tennessee.

This Shelbyville letter was the first warning given by Gen. Jackson, that a deep laid scheme had been formed to throw Tennessee out of the Republican ranks, and to place her among the Opposition or Federal States of the Union. The improbability of success in so daring an attempt, encouraged the boldest and most unequivocal denials of the charge, denials so bold and so unequivocal that the known sagacity of General Jackson and his deep and holy devotion to the Republican institutions of his country, could scarcely save him from the imputation of having slandered and traduced the alleged authors of the attempt. But time, I repeat, has dissipated every doubt on the subject. Those who were designated in that letter as new-born Whigs (to indicate that they were not of that ancient and immortal band who so justly and so proudly bore the name) now no longer attempt to conceal their purposes; but boldly and publicly Tennessee to be an Opposition State; trained, during the last summer, under the banner of Mr. Clay, but to be enlisted permanently, in the next, under that of General Harrison. Sir, I thank God that General Jackson lived long enough to see the refluent wave of the popular will in the last elections, to hear the coming murmurs of an indignant and deceived people; but I sincerely pray that he may live to see (and, living, he will see) how proudly that noble and gallant State will resume her position among the Republican States, faithful and devoted as she was at the moment when her most illustrious citizen retired from the toils and labors of public life to repose beneath the shade of

her majestic forests. Sir, I but glance at these things. I refer to and comment on the Gwinn and the Shelbyville letters, because they constitute a part of the history of this bill, the original pretext for its introduction. I have no disposition to revive them unnecessarily in the public remembrance, but a reference to them is indispensable to show that the original pretext was as groundless as the present necessity for it, under this Administration, is notoriously insufficient.

Mr. Speaker, I desire now to reply to some of the complaints made by one of my colleagues [Mr. BELL] against the Democratic party of our State, in his speech on the Cumberland road bill. On that bill, scarcely noticing the merits of the question, its constitutionality or expediency, he took occasion to denounce the past and present Administrations "as a standing fraud on the country." A standing fraud in having professed to be opposed to internal improvements; when, in truth, and in fact, it only pretended and feigned such an opposition just before an election. By means of this fraud the Democratic party of his own State had been imposed upon, and had read him out of the church as a heretic and unbeliever. I might take issue with him on all these points. I might demand the proofs of these bold assertions; but they are stale charges which have been often refuted, and would lead me off from the alleged imposition on the Democracy of Tennessee. Sir, from the day of the veto message of President Jackson on the Maysville road bill, the people of our State have understood that subject well. In her primary assemblies, in her Legislature, and in her convention of 1835, Tennessee approved that message. All her public men, with no remembered exception, then paid homage to its principles and doctrines. I not understand my honorable colleague as now questioning its propriety, but as resting his complaints on the ground that he has been excommunicated, not for any vote given, or speech made here in favor of internal improvements, but because his political associations in this House were with those who were opposed to that message. I fear that the gentleman has in some degree mistaken the grounds of his excommunication. It was because, professing to be opposed to the whole scheme of internal improvements himself, he enlisted under the banner, and became the warm and zealous advocate of those who were in favor of them; exerting his great talents and influence to transfer the power of this Government to hands which *he knew* would engage in these wasteful and extravagant expenditures. There, sir, was the true point of his offending. He became the advocate of the father of the whole system, and it will surely lend nothing to his restoration to his old political church, that he is now ranged under the banner of General Harrison, who stands committed, by his votes, his speeches, and his letters, to carry out the same policy. Of what avail was it, then, that the gentleman took his pilgrimage over the Ohio, ranging about in search of some Democrat whose peculiar opinions and position in reference to the Cumberland road, would seem to save him from the imputation of evil associations? In that pilgrimage he happened to come across my excellent friend from Indiana, [Mr. HOWARD,] and instantly exclaimed, "Behold what good Democratic society I am in!" Sir, it is not from one or two associations that we judge men; it is from their general intercourse, their common walk and conversation, that we judge them. If the gentleman had never taken up Mr. Clay; if he will now surrender General Harrison; if he will come out from among the ancient and bitter enemies of General Jackson and his doctrines; "if he will come out from among them as not being of them," then he may expect forgiveness and restoration to his ancient church. I repeat, to his *ancient* church. I remember when, twenty years ago, we were both youthful and zealous members of the same church; admiring the same men, and advocating the same doctrines of Democracy. Soon after we commenced our career, the gentleman passed by me, as in merit he should have done, and rose upward and higher in public observance and approbation, until the Democracy of Tennessee claimed him as one of her proudest and noblest sons. She had no treasures which she did not open to him, and no honors which she did not gladly confer. In this early and high career, the gentleman had no rival in the esteem, and confidence, and admiration of the people of Tennessee—no rival save one. Not that one whose fame and achievements had made him the common property of the nation; (and when I except him, none can be at a loss to know to whom I allude.) I know that the actions and especially the motives of public men are often subjected to unjust misrepresentation and censure. I will not, therefore, even allude to those that have been so often attributed to the gentleman, further than to say, that from the period of his last unsuccessful competition here for the honors which you now enjoy, suspicion followed suspicion like the shadows of the passing cloud, until the Democracy of Tennessee was forced into the reluctant belief that the ardor of the gentleman had greatly abated, if his affections were not totally estranged from her. His separation was the work of time—not accomplished at once by any sudden and *overt act* of defection. But though gradual, it was nevertheless complete, thorough, undeniable, and final. It was, on that very account, the more prejudicial. There never was an hour when the Democracy of our State could not have given up the gentleman and half a score of others like him, and still have moved onward unchecked and unharmed by the loss. But, by this slow and gradual process, he carried off with him hundreds and thousands of confiding friends, who would have sacrificed any thing sooner than suspect his devotion to the true and genuine principles of Democracy.

Here may be found the true cause of those dreadful disasters and defeats which the gentleman and his friends sustained in the last summer's election. A generous and confiding people had followed the gentleman into the support of Judge White for the Presidency; they had returned members to the General Assembly to help out in the accomplishment of that object; they had sent here almost an entire representation favorable to his wishes. So ingenious and artful was the gentleman's withdrawal from the Republican ranks, that before the people were aware of it they were enlisted in their primary assemblies, in their Legislature, in the halls of Congress, in fact every where, in accomplishing the political purposes of the gentleman and his friends.

But, sir, all these precautions and preparations would not do. In spite of them, Judge White's pretensions weakened as the election approached. When it was over, the failure was so great, the discomfiture so complete, that the people of Tennessee began seriously to inquire why and how it was they had been so much deceived. They had voted for Judge White as a Republican or Democrat—as a Jackson man—a better Jackson man than Mr. Van Buren. In giving that vote, she stood undaunted at the polls, ready to deny, in the face of the whole world, that she intended either to desert her principles, or to separate herself from the other Democratic States of the Union. Proud in the consciousness of these truths, when that vote was afterwards challenged, she looked to those leaders who had instigated her to the act to stand forth and vindicate her before the world. But, sir, what was her surprise, her deep mortification, when those leaders refused to do so—when those very leaders proclaimed that she had changed—that she had left Jackson and his doctrines—that she had separated herself from the other Democratic States of the Union. When they went even farther than this—when they called on her not to recede; that she had gone too far; that retreat was impossible, and that henceforward she must range herself under the banner, the so often rejected banner, of Henry Clay of Kentucky! Sir, the annunciation was astounding. What had only been suspected, was now openly avowed! What was at first only hinted at, in obscure and misty prophecy, now stood forth in full and undoubted fulfilment!

[Here Mr. C. H. WILLIAMS rose and denied that Judge White had ever changed his opinions on any important political principles, and called on his colleague to point them out, if he meant to impute them to that distinguished individual, now no more.

Mr. BROWN replied, he was not then discussing the political opinions of Judge White, but endeavoring to explain and adjust certain charges of his other colleague [Mr. BELL] against the Democracy of Tennessee; his business was, therefore, with the living, and not with the dead. Beside this, Mr. BROWN said he did not mean to allow this debate to take any direction which would enable that gentleman to raise a false issue in the case, and represent him as disturbing the repose and invading the sanctity of the grave. He hoped he was too well acquainted with his business to be taken in that way.]

From the hour when the gentleman, [Mr. BELL,] about five miles south of Nashville, at a dinner occasion, admitted that he was in favor of Mr. Clay, the people of Tennessee began to take the alarm. Many of them, like my honorable college from the Bedford district, began to suspect that they had been betrayed; betrayed by men, too, in whose political and personal fidelity they would have entrusted their lives. My colleague [Mr. WATTERSON] first came into public life when he was scarcely eligible to its honors, and when the excitement in our State in favor of Judge White was at its highest pitch. Young, ardent, and confiding, he never permitted himself to distrust the assurances given by the friends of Judge White, that he and Mr. Van Buren were of the same political party, that they were both of the Jackson party; and that all that was stable in principle, or honorable and consistent in character, must be lost, before either could join the Opposition. Under these assurances, he united himself to the White party, and it was not until he saw the flag of Mr. Clay "floating aloft in the breeze," and borne lustily by those very men on whose assurances he had relied, that he abandoned that party, and returned to his position in the Jackson ranks. Under the explanation which he has just given, the rebuke of my colleague [Mr. GENTRY] fell harmless at his feet.

The same explanation belongs to hundreds and thousands of others in Tennessee, who, like him, refused to leave the Jackson party, and to go over to the arms of the Opposition; an Opposition then headed by John Quincy Adams, Daniel Webster, and Henry Clay; I say then, not now. These great leaders of the Opposition no longer bear about them the insignia of command. They have fallen back as mere subalterns in the ranks of Federalism, giving up the command to what they know to be feebler, but hope may prove more available hands. This, I believe, is conformable to what was at one period the Roman practice—not to select their ablest generals to command their armies, but rather to choose those who had proved themselves most fortunate. But, sir, it is not my purpose to complain of this strange selection of a commander-in-chief for the Opposition; but to inform my honorable colleague that it was the discovery that Tennessee was to be transferred to that Opposition, whoever might be its commander-in-chief, that sacrificed so many of his friends in the last election. It was this that made them drop one by one by his side, reducing to a bare majority of one, that proud and faithful band of friends that used to surround him on this floor. The gentleman portrayed these losses in most touching and eloquent lamentation, but seemed wholly at a loss how to account for them.

Mr. Speaker, I have not done with the associations of my colleague yet, nor with his charge against the Democracy of Tennessee, for having excommunicated him on account of these associations. It is the theme of reiterated complaint, that during the last summer he was denounced throughout the State as a Federalist, and that he was doomed to see his friends falling in all directions around him, under the same charge. While I do not become his accuser in this particular, I am sorry to say that I have witnessed nothing in his associations during the present session, at all calculated to relieve him from such a charge. What were those associations in the election of Speaker? I saw *him* of Massachusetts, [Mr. ADAMS,] I saw another, [Mr. SALTONSTALL,]

whose connection with the Hartford Convention is now notorious; and yet another, [Mr. REED,] an avowed Federalist, I believe, during the war, and ever since, all supporting the gentleman for that important office. So also, I believe, did, every other Federalist on this floor. They all came flocking to his standard. These were ugly associations for Republican Tennessee to witness. Mark, sir, I do not say that all who voted for him were Federalists; far from it; but I do mean to say that as far as I have learned the politics of gentlemen here, every Federalist on this floor voted for him. There never was such a party in this or perhaps in any other country like the Federal party. Though often subdued and conquered, it never disbands. In the darkest hour of its peril, existing in secret and mysterious organization, it will suddenly reappear, and uniting itself to one of two nearly balanced competitors, decide the victory in his favor, claiming the future control of his actions as the reward of its services. Insatiate in its demands for power, when rendered odious by its usurpations, it often assumes some sacred form or some consecrated name, and by the very impudence of the assumption, again recommends itself to public favor. I feel sorry that my colleague should have been ever charged with having united himself with any any such party; but I must regard it as omnious that, at the moment of his withdrawal from the Democratic ranks, he should have found so many of that party ready to receive him with open arms, and to help him onward to one of the highest offices of the Republic. I trust that I make this allusion to my colleague's having been run as the Whig candinate for Speaker, and to his having been supported by the Federal portion of that party, without personal indelicacy; I advert to it only as part of the history of parties in this House. The office of Speaker is worthy the ambition of any man, and I do not call in question his qualifications to discharge its duties. But I will not dwell further on this point; I come to another that has opened a gulf between him and the Democracy of Tennessee, deep and wide as ever separated Dives from Lazarus. I mean the gentleman's course in relation to Abolition petitions. Sir, not only have the people of Tennessee, but of the South generally, looked upon that course with infinite pain and mortification. It was a course new and unexpected to them; a course not sanctioned by any thing in his former conduct, and only to be accounted for by his anxiety to place himself in a proper attitude or condition to support the Harrisburg nominotion. I do not make the point *now* that the nominee of that convention is an Abolitionist, but it is notorious and undeniable that his nomination over Mr. Clay was affected by Abolition influence. The exulting and fanatic shout was instantly raised "that another President shall never come from a slaveholding State." I allude to this nomination in order that I may account for the unexpected position now taken by my honorable colleague in favor of receiving, referring, and reporting on these petitions.

[After Mr. BROWN had gone into an examination of the former course of Mr. BELL on this subject (not here inserted,) he was called to order by Mr COOPER and MR. BANKS. The SPEAKER decided that Mr. BROWN was, giving the debate too wide a range to be relevant to the bill under discussion.]

Mr. BROWN said, he would conform with pleasure to the suggestion of the Speaker, and conclude what he had to say by desiring the House not to give this bill the go by, but now that it had been fully discussed and examined, to pronounce a solemn and deliberate judgment either for or against it.

The vote was then taken,

"Shall the bill be rejected?"—ayes 108, noes 53.

So the bill was rejected, by the following vote:

YEAS—Messrs. Judson Allen, Hugh J. Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Briggs, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Conner, Mark A. Cooper, William R. Cooper, Craig, Cushing, Dana, John Davis, John W. Davis, Doan, Doig Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Floyd, James Garland, Gerry, Goggin, Hammond, Hand, John Hastings, Hawkins, Hillen, Holleman, Hook, Hopkins, Howard, Thomas B. Jackson, Jameson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lewis, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parish, Parmenter, Parris, Paynter, Pettikin, Pope, Prentiss, Ramsey, Reynolds, Rives, Robinson, Edward Rogers, Ryall, Samuels, Shaw, Shepard, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Taylor, Francis Thomas, Jacob Thompson, Turney, Underwood, Vroom, David D. Wagener, Warren, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—108.

NAYS—Messrs. Andrews, Barnard, Bell, Bond, Brockway, Anson Brown, Calhoun, William B. Campbell, Chinn, James Cooper, Cranston, Davies, Garret Davis, Deberry, Dellet, Edwards, Evans, Everett, Fillmore, Gentry, Giddings, Patrick G. Goode, Hiland Hall, Hawes, Henry, Hoffman, Hiram P. Hunt, Kempshall, Lincoln, Morgan, Calvary Morris, Osborne, Palen, Randall, Randolph, Rariden, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Taliaferro, Toland, Triplett, Peter J. Wagner, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Wise—53.

SPEECH OF MR. LEET,

OF PENNSYLVANIA.

In the House of Representatives, June 2, 1840—In Committee of the Whole on the state of the Union, (Mr. BANKS of Virginia in the chair,) on the bill "to provide for the collection, safekeeping, transfer, and disbursement of the public revenue."

Mr. LEET, who was entitled to the floor, rose, and said:

Mr. CHAIRMAN: The question immediately before the committee, if I understand it, is the motion of the honorable member from Massachusetts, [Mr. CUSHING]—whose place, by his courtesy, I now occupy—to strike out the enacting clause of this bill. Having submitted this motion, it was entirely proper that the debate should have been led off, as it was, by that gentleman; because, by the very act of making such a motion, he undertook to prove that the bill ought not to pass. The motion to strike out the enacting clause is equivalent to a motion that the bill do not pass; and an affirmative vote on that proposition is in effect the same thing as a negative vote on the question, "Shall the bill pass?" The true question before the committee, then, and to which we must respond, is the question, "Shall this bill pass?" Now, without arrogating to myself any thing of the spirit of prophecy—for I am neither a prophet nor the son of a prophet—I will hazard the opinion that the bill will pass; and I will, at the same time, express the honest conviction that forces itself upon my mind, that it *ought* to pass.

I desire, with the permission of the committee, to state, as briefly as possible, some of the reasons which influence me in the vote I intend to give on this measure; and I desire that, through the committee, those reasons should go to my constituents and the country. This is a plain, simple, constitutional measure; and, by the stability which it professes to impart to the currency of the country, it will, in my humble estimation, promote the real interests of the people, whilst it accords with the true spirit of our Republican institutions. It is the part of wisdom for those who are in power to adapt their measures, so far as it may be possible, to the peculiar circumstances of the country; and if this is not the very best measure which can be brought forward, I beg to inquire what the other and better measure is that has been propcsed? Has any other been suggested? Where is the measure of the Opposition? Echo answers, where? We have heard it said that the *body politic*, like a suffering patient, is sick; but what remedy has been suggested? We have heard the present distinguished incumbent of the Presidential chair reproached for not advising a better remedy; we have heard him denounced, on various occasions, in eloquent and glowing language, since this matter has attracted public attention. The people have been depicted as being in a suffering condition, as laboring under a debilitating disease, which would prostrate and destroy them, unless the proper medicines were prescribed and administered. My honorable friend from Massachusetts, [Mr. CUSHING,] in the course of his able and statesmanlike speech, referred delicately to a gentleman who is now the favorite Presidential candidate of the Opposition party; and by virtue of his high office, as one of the representatives of the nobility of the country—I mean the people—conferred upon his candidate the degree of *doctor*. He did not, to be sure, inform us whether he was doctor of laws, or of medicine, or of theology, but I presume the honorable member meant that he was doctor of politics and fiscal affairs. And in further speaking of the evils under which he claimed the country was laboring, and of the suffering of an intelligent people, the honorable gentleman said he did not believe the disease would be cured until Doctor Harrison came in. Now, Mr. Chairman, Doctor Harrison, we are told, is a patriotic, a benevolent, and a humane man; and if he possesses all the other excellent qualities which have been attributed to him—if he be a doctor so deeply skilled in the political and fiscal affairs of this nation, why does he not prescribe a remedy for all these evils, that we might embrace it? Allowing as much patriotism to the friends of this bill as we allow to him, if he would suggest a better measure than is here proposed; if he would prescribe a remedy which would cure this desperate disease under which the body politic is said to be suffering, will the gentleman from Massachusetts [Mr. CUSHING] say that the people would not avail themselves of it? Surely, sir, they would. I ask, again, then, where is the remedy of the Opposition, that is better than this? Shall we look to this Dr. Harrison? Shall we look to the Senate of the United States? Or shall we rather look to the House of Representatives, in the person of my honorable friend from Kentucky, [Mr. POPE,] who has suggested a plan, not in any distinctive form, but who has given us the outline of a plan, which, if carried out and perfected, would probably be that which Dr. Harrison would present to us. The honorable gentleman has proposed a Bank of the United States. But more of that hereafter.

This National Independent Treasury bill was first brought before Congress in September, 1837. The message of the President of the United States, transmitted to both Houses of Congress in that year, recommended a separation of Bank and State, or, as it has been familiarly called, a divorce of Bank and State. What were the circumstances under which that recommendation was made? It was made after every other plan which ingenuity could devise for the purpose of taking care of the public moneys, and having them at all times ready for public use, had, to all appearances at least, signally failed. The United States Bank had been tried; the State bank deposite system had been tried; and this measure was first brought forward when the country found itself in the peculiar condition, brought about, in my humble opinion, not by the action of the Government, as honorable and learned gentlemen of the Opposition party would have the people believe, but by the action of these banks, these State corporations, which were too closely allied to, and connected with, the affairs of this Government. Congress was convened under extraordinary circumstances. The crisis was an interesting one, and full of consequence to the country. The whole nation had been convulsed, and business of all kinds disturbed and deranged, by the sudden and universal suspension of specie payments by the banks; but the President nobly and manfully *looked danger* in the face, and discharged his duty in a mild, yet firm and decided manner.

At that time and under such circumstances, what other measure but this, let me ask, could the President have recommended? The charter of the United States Bank had expired by its own limitation, and had been, on two previous occasions, repudiated by the people; and the next resort to which the country betook itself, the State bank deposite system, had failed. I ask again, then, what else could the President have done? In his message of that date, after setting forth, in a very clear and lucid manner, the causes which, in his view, had led to the unfortunate and disturbed condition of the affairs of the country then existing, the President, in the paragraph next to the last in the message, says:

"It is under such circumstances a high gratification to know, by long experience, that we act for a people, to whom the truth, however unpromising, can always be spoken with safety, for the trial of whose patriotism no emergency is too severe, and

who are sure never to desert a public functionary, honestly laboring for the public good."

Now (continued Mr. L.) in that sentiment, containing, as it does, so just a compliment to the intelligence and the discernment of the American people, will any man pretend to say that the President is mistaken? No, sir. He had an unpleasant duty to perform—a duty which required probably as much moral firmness and political integrity as could have been demanded from even the highest public functionary—the duty of telling the people, in those excited times when the public mind from North to South and from East to West was agitated by the events which had but recently transpired—the plain and honest truth as he believed it to be. Believing that this Independent Treasury plan was the best which could be suggested, he came forward and met the crisis in the firm and dignified manner which became him as a gentleman—which we all admit him to be—and as the Chief Magistrate of one of the greatest and most glorious Republics on earth. But, sir, the plan encountered great opposition; and my honorable friend from Massachusetts [Mr. CUSHING] in the course of his remarks, to a few only of which I shall advert, because his argument has been ably responded to by the gentleman from Maine, [Mr. LOWELL,] and the gentleman from New Hampshire [Mr. ATHERTON] observed, speaking of this bill, that it is the distinctive, and the *only* distinctive measure of the Administration. I agree with him, that it is a distinctive measure, but it is not the only one. I apprehend that there are other measures, not so immediately interesting just now, which may be considered as distinctive. The paternity of this, however, will not be disputed by the Administration, or any of its friends; and I think when it ripens into maturity, as I trust it soon will, that neither the Administration nor the country will have cause to be ashamed of it.

But gentlemen say that the bill is defective; that it is imperfect. It may be so; no doubt it is; but what else could be expected? Would any man seriously expect that a measure thus important, thus complex in its operations and details, would spring from the brain of Congress perfect at once—like Minerva, the goddess of war, wisdom, and the arts, is said to have come from the brain of Jupiter, perfect in form and symmetry. No. I have heard the same objection made in Pennsylvania, against one of the most glorious and benevolent systems, that was ever adopted by man. I mean the system of common schools—and those who were unfriendly to it, who opposed it, said that it was *imperfect*. The objection, however, did not avail; the system now is in full and successful operation. I can look around me here, and see some of my colleagues, who co-operated with me to bring that system into existence, and who know that, under its benign influences, the boys and girls of the Keystone State are now receiving the benefits and blessings of early education. I say, then, that these general objections of imperfection constitute no argument; and that, even if such imperfections exist, they can readily be removed. No measure, ever offered by any Administration since the days of Washington, has encountered so much, and such bitter opposition, as this. I say no measure, since the days of our own Washington—a name which I pronounce with reverence—a name which I delight to mention on all occasions, when I can do so, because there is associated with it an enthusiasm, a true greatness and brilliancy, which cause the bosom of every man who is an American citizen to swell with emotions of pride, which cause him to rejoice that he is an American citizen, and that he lives in the enjoyment of all those blessings which the talent, the wisdom, and the bravery of that great and incomparable patriot left as a legacy to this country.

But, Mr. Chairman, notwithstanding all this opposition; notwithstanding the political press, as if actuated by one common impulse, from Maine to Georgia, from East to West, has joined in anathemas against this bill; notwithstanding that, in some parts of the country, (and I mean no particular allusion to gentlemen on this floor,) it has been opposed without examination, and condemned without argument, simply because of the source from whence it emanated, simply because it was a Van Buren measure, and not because of any demerits of its own; yet when subjected to the "sober second thought," when it underwent the proper scrutiny which ought to be bestowed upon every public measure by an intelligent people like ours, it gained friends; and the result is, that in this, now the people's House, whether the measure be a good one or a bad one, it so happens, I believe, that it has more friends and advocates than opponents.

But, sir, what is the bill? I wish to be as practical as possible in my remarks. What is the measure, and what are its provisions? Let us inquire whether there is any thing about them so frightful and disastrous as some gentlemen wish the country to believe.

In the first place, it is provided by the first section of the bill, that the public moneys shall be kept in safe and secure fire-proof vaults and safes, in a building to be erected in this city to be called the Treasury of the United States; and that the money which goes into the hands of the Treasurer according to law, can only be taken out according to law; this money, when it goes into the Treasury, is to be secured not only by these fire-proof vaults, which all banks use for purposes of security, but is to be surrounded by all those checks and guards of a moral nature, so to speak, which the framers of the bill could devise; and if additional checks can be suggested, even by the Opposition, no doubt they will be embraced.

The second, third, and fourth sections of the bill provide for the keeping of the public money at different points, namely, at Philadelphia, New Orleans, New York, Boston, Charleston, and St. Louis. These are the six prominent commercial points of the Union. Now, in connection with this subject, and before I go further into detail, allow me to say that it has been ascertained, as the report of the Secretary of the Treasury shows, that this method of having the public money kept by public agents—by individuals acting as fiscal agents of the Government, has nothing novel in it, because the same custom has obtained, in many other countries, for years past; and, according to the report of the Secretary of the Treasury which I have before mentioned, in twenty-two out of twenty-seven foreign Governments, the public moneys are kept in the charge of public officers. That is a fact stated by the President in his message, and has been ascertained, as the President says, to his entire satisfaction, by the different officers connected with the Treasury Department. I mention this as a remarkable fact, that, notwithstanding the force which may be attached to the argument of my friend from Massachusetts in saying that any illustration drawn from foreign monarchies or despotisms—those Governments being dissimilar to ours—could not apply here; I say, notwithstanding this, it is still most remarkable that, as regards the single isolated fact of keeping the public moneys, the sinews of war, and upon which depend the successful and independent operations of every Government, whether free or not; in twenty-two out of twenty-seven Governments, the public moneys are kept by public officers, and not by the agency of banks or of corporations. The second, third, and fourth sections of the bill are, in my judgment, very judicious, because they select, as the places of deposite of the public money, the great commercial points of the country. They are the points which must, in a greater or less degree, affect every other part of the country in all monetary matters; they are the points at or near to which most of the people who are to receive, in the largest sums, the public moneys, reside. This selection must, in a great measure, take away the force of the argument, which is urged in regard to the difficulty of the transfer of the public money by carrying gold and silver from one point to the other.

The fifth section of the bill provides for the appointment of four receivers general, for the term of four years, unless sooner removed. They are to be stationed at New York, Boston, Charleston, South Carolina, and St. Louis. They are to give bonds with approved security, for the faithful discharge of their duties. So are the collectors, &c. and so, I may say, are all the fiscal agents who may be employed under this bill. So that, if gentlemen will institute a comparison between the security given for the public money as it is proposed to be kept by this bill, and the security of the public money as kept by banks, they will see that there is required in the former case every security that is ever given in the latter. Cashiers of banks. The cashiers of banks give bonds for the faithful execution of their duty. The officers employed under this bill are required to do the same thing. And there is this remarkable difference: cashiers of banks are accustomed often to retain their situations during their whole lives, and it seldom happens that their bonds are renewed unless some very great change takes place. In many instances, we know that they continue to do the same duties under the same bonds for almost scores of years; and in many instances, where resort is had to suits at law, it often turns out that neither the cashiers nor the securities are worth any thing. This bill requires that the officers shall be appointed for four years; and I take it for granted that the bonds must be renewed every four years; and, if the old securities are not regarded as sufficient, the President will require new securities to be given. So far, then, as security is concerned, this system has the advantage over the other. We have also every other means that can be devised to prevent the forcible abstraction of the public money by thieves or robbers, as they are sometimes called, though probably the latter appellation may not be technically correct.

We are told, however, that the banks have their stocks, and that *there* an additional security is to be found. It is true they have their stocks, and the stockholders, in a suit at law, might probably be held liable to the amount of their stock, and even beyond that. But in order to make the matter safe even to this degree, the personal liability of stockholders should be provided for by statute. This is a matter to which I may perhaps recur hereafter.

I come now, Mr. Chairman, to the sixth section of the bill, which is a very important one. And here permit me to say, that the very title of this bill furnishes a true index of the principles of the bill itself. What is the title? It is "An act to provide for the collection, safekeeping, transfer, and disbursement, of the public revenue." It is essentially unlike the title of a certain other bill, which, in the year 1836, was reported to the Legislature of Pennsylvania, and was entitled "A bill to repeal the State tax, to continue and extend the improvements of the State by railroads and canals, *and for other purposes.*" The United States Bank of Pennsylvania, with all its immense capital of thirty-five millions of dollars, held by the identical stockholders of the late Bank of the United States, as chartered by the General Government, was continued in its corporate existence by a bill which made its first appearance in the world under the title I have just named. And this charter was ushered into existence under the comprehensive words, "and for other purposes." It is true that, after the bill passed, its friends thought it would be best to christen it over again, and they added the words, *to charter a State bank to be called the United States Bank.*" Now, so far as the bill before the committee is concerned, the most fastidious gentlemen, in or out of Congress, cannot find fault with its title. By reading the title, gentlemen will see what the bill purports to be; and by reading the sections, and examining them impartially, gentlemen will find that there is a strict correspondence between the provisions of the bill and its title.

But this United States Bank coming into existence as it did, under the remarkable title "and for other purposes," was carried through the Legislature—how? By a system which, in Pennsylvania, we call the log rolling system; that is to say, appropriations were put into the bill, and subscriptions to the stocks of railroads, turnpikes, bridge companies, and every thing of that kind, so as to reach every section of the entire State of Pennsylvania; and so as to place members in the awkward position—that they must either appear to vote

against the immediate local interests of their constituents, or they must go in for the whole, and embrace the very objectionable measure of a United States Bank, re chartered as a State institution. And thus the bill passed. This is a system very similar to the one now in vogue, to which, I suppose, it will not be in order to refer. This log-rolling system addressed itself, not to the understandings, but to the prejudices and interests of men; and thus they were compelled to vote for that bill, even though it incorporated foreign lords and nabobs as the stockholders of an American bank, whom the honorable gentleman from Kentucky [Mr. POPE] would *now* exclude; and I here assert that all the difficulties which we have had in Pennsylvania, in relation to our improvements, and almost every thing else, may be attributed to the passage of that bill. It aroused a spirit of prodigality and speculation amongst us, and men almost went mad in regard to appropriations. Gentlemen could scarcely talk of any thing less than millions. And now we are reaping the fruits of such legislation; we find that we have got no good, but evil altogether. I say, therefore, that there is a marked difference between the plain and open title of this bill, and the secret and insidious title of the other. This is addressed to the understandings of men; they are invited to look at it, to read and examine it for themselves, and when they do so, they will find that the title indicates truly what the bill itself really is.

This sixth section repudiates the idea of loaning the public money; it expressly prohibits the loaning or the using of the public money. This is a wise provision, and one calculated to be eminently useful to the country. It was the loaning of the public money by the banks which in reality created the civil war between General Jackson's administration and the Bank of the United States; because the act which incorporated that Bank provided for the deposite of the public money in its vaults, and because, as a matter of favor from the people, that institution, and its foreign stockholders, who had no sympathy with us or our institutions, enjoyed the exclusive privilege of the public money for years. When the deposites were removed, their interests were affected, and the business of the country was affected, as I shall not attempt to deny, because the change would necessarily compel them to modify their business, at all events to some extent. They had enjoyed the use of the public money so long that they seemed to regard themselves as entitled to it forever; they seemed to consider that neither the Government nor the people had a right to say that the public money should not hereafter be loaned out, but that it should be kept in a particular way for the uses of the Government, and that we would not longer run the risk of being connected with any bank, however fairly or honorably its affairs might be conducted. And because the people avowed themselves determined to act upon the principle that they had a right to do what they pleased with their own money; that they had a right to have it in such a condition as that they might be able to command it when war, or any sudden emergency, or a due regard to the interests of the country, required it; for this reason, I say, the Bank of the United States took offence, and avowedly entered the political arena, as it was claimed upon the principle (and I would not do injustice even to that institution) of self-defence. I will not stop to inquire whether the interference of that institution with our political affairs was, or was not, caused by the principle of self-defence—or whether it originated in the desire and thirst of power, principles which we know are identified with the very nature of institutions of that kind, especially when they are overgrown and possessed of large capitals, and more especially when they are controlled, as that institution, was by foreigners, by rich men abroad, not citizens of our own country, and not feeling the same interest in our institutions that we ourselves feel.

The late President of the Bank of the United States, Mr. Biddle, a gentleman whom I have the honor to know, and whose talents and learning I hold in much respect, says some where "that the constant tendency of banks is to lend too much, and put too many notes in circulation;" and the President of the United States says, "that the proneness to excessive issues has ever been the vice of the banking system."

Here, then, for once, Mr. Van Buren and Mr. Biddle agree in opinion. Whether they ever did so before or not, I need not inquire; but they do agree in this particular; and, so far as my fiscal vision goes, I cannot see how a difference of opinion could possibly exist between them on that point. I say that so many words never expressed more cogent truth than is contained in the two passages I have quoted. Banks, with all the restrictions and limitations usually thrown around them, will excite speculation and overtrading. It is in their nature to do so. We all know that when people come forward, either in the Legislatures of the States or in Congress, to ask for the charter of a bank, they put it on the grounds of public good or public convenience, and that charters generally are granted on that professed principle—therefore, numerous checks and guards are inserted, and most generally the power of revocation is retained. But such was not the fact in relation to the United States Bank of Pennsylvania; for the majority who passed the bill refused to insert such a clause, a motion to that effect having been made by my honorable friend and colleague, who sits on my right [Mr. MCCULLOUGH.] But I say that, with all the checks and guards usually thrown around these institutions, they will vie and struggle one against the other, and excite overtrading and speculation, and they will induce people who would otherwise be content with moderate profits to run into excesses, which lead finally to disaster and ruin. The very same principle has made many men, who were once affluent, now poor. They have been overwhelmed by the consequences of their own folly, and by the thirst of gain which always characterizes these soulless institutions. These banks, it is true, are composed of men who, in their private characters, may be honest and upright, yet when they come to be invested with a corporate capacity, they seem to forget the principles by which, as individuals, they are directed and governed—so true is the maxim of the old common law, that corporations are soulless. They have no sympathies. The first principle of their nature is universal self-interest. The more money they can make, the better financiers they are; and they act upon the principle of taking care of themselves, and letting every body else do likewise. Upon this point, I ask the Clerk to read some observations which I consider very judicious, and which I intend to incorporate into my printed remarks.

The Clerk then read as follows:

From an article on "Banking and Currency," in the Dublin University Magazine for February, 1840.

"The effects of rival banks of issue on the fluctuations of trade, may be thus briefly described. When trade is prosperous, and prices are high, the currency of the country will bear some addition to be made to it without being thereby depreciated. Each bank will struggle that this addition shall proceed from its own issues; and for this purpose will discount more paper upon more liberal terms than before. From this conduct of the banks, trade will receive an additional, an unnatural, but a temporary impetus. Manufacturers and merchants will make and import a larger quantity of goods, for which they anticipate a speedy sale upon *credit*, at the same time purchasers are more ready to give bills, as they are confident that, when the bills come to maturity, they can easily procure money to pay them from the banks. While this state of things continues, all is prosperous, and the banks in particular make large profits from the quantity of bills which they discount. The circulation is full to overflowing; but the exchanges gradually turn and become adverse; the stock of gold in the banker's hands rapidly diminishes. Every bank is obliged to contract its discounts often very abruptly, and is happy, if by such a course it can avert the impending ruin. But this conduct, although it may save the banks, is necessarily followed by a paralysis of trade, and general public distress. Those who expected with confidence to fulfil their engagements by getting their bills discounted, are disappointed, and are either reduced to insolvency, or obliged, at great loss, to force an immediate sale of their goods, in a dull and overstocked market. The public, scarcely able to fulfil their existing engagements, are unwilling to enter upon new ones. Most people then discover that, during the excitement, they purchased a greater quantity of goods than they can either dispose of, or afford to keep on hand. Money becomes every day more scarce, and goods fall in value with still greater rapidity. The depression of trade makes that amount of currency redundant, which, in ordinary times, would not be more than sufficient to conduct the exchanges of the community. The demand for gold, therefore, continues for exportation; some of the worst conducted banks are unable to withstand the pressure; they stop payment, then a public panic arises, and gold is demanded for hoarding as well as exportation. To this latter demand there is no limit. The demand for gold for exportation ceases as soon as the currency is sufficiently contracted, for the exchanges must then turn; but the demand for gold, for hoarding, proceeds with augmented rapidity. It is like an epidemic. One man runs to the bank for gold, because he sees his neighbor do the same, and this demand may continue as long as a bank note remains in the hands of the public. It is like the plague, or any other infectious disease, which may cease of itself, although no human power can arrest its progress. In this general calamity the poorest are overwhelmed; the wealthy alone survive the shock. After a few months, trade recommences, and is conducted for some time with considerable caution: confidence gradually survives; the banks increase their issues; trade becomes more lively; and then the former events occur in the same order as before; and as long as rival banks are permitted to *make paper money*, there will be a perpetual vicissitude of trade in nearly the following order:

Caution, Confidence, Liveliness, Overtrading, Great apparent Prosperity, Sudden Cessation, Paralysis, Distrust, Panic, Bankruptcies."

Mr. L. continued. In bringing forward these opinions, I do not desire to be understood as contending that the banks ought not to issue notes. I do not intend to say that they ought to exist only as banks of deposite; but I think that their notes should be of a larger denomination than those which, up to this time, have been permitted by the laws of the country to be issued.

[Mr. MORGAN rose to inquire what the gentleman from Pennsylvania [Mr. LEET] thought should be the lowest denomination.]

Mr. LEET. In reply to the gentleman, I will say that, at present, I would prevent any bank from issuing a note under ten dollars; and, when I had the honor of a seat in the Senate of my own State, I offered a proposition of that kind. But, if the gentleman from New York [Mr. MORGAN] will do me the favor to listen to what I have to say, he will see that, whenever a certain state of things can be brought about—not by a sudden movement, but by a regular, progressive improvement in the condition of these institutions—I would go higher than the sum of ten dollars. My idea is this—and I may as well depart a little from the order of my argument, and express my opinions here—I would have these institutions chartered as commercial institutions. I would not allow any great number of them to be established, (we have now, I believe, about one thousand banks in the United States.) I would have them issue no small notes—threes, twos, ones, and even notes of a less amount, as they now do. I would sanction no such thing; but I would confine them to commercial operations: and in that respect I am of opinion that they would be eminently useful to the country. If the subject of banks and banking were a new question, now first propounded—if we were now about to establish a system—I would be in favor of one essentially different from that which at present prevails—different even from the system as it is gleaned from the acts of incorporation themselves, and which we know are more perfect in the theory than the system itself is in practice. I would be in favor of a thorough reform. I would reform all the abuses and excesses into which they run, and which are not authorized by their charters. I would reform them by law, by the force of public opinion, and in every manner in which the object could be attained. But I would not destroy the banks; I would not injure credit, for I believe it must, and always will, exist in such a country as this; but I say that, whenever it can be done, the system ought to be reformed; and it can only be done by progressive steps. But the credit system must be so regulated as to be useful to the people, and not to the stockholders of banking institutions alone.

If, then, the banks will, as I think I have shown, without the aid of the public treasure, vie with each other in the struggle for customers and business, will excite speculation and overtrading, and for that purpose will expand their issues, and afterwards be under the necessity of contracting them, thereby affecting the value of produce, and of all articles of trade; if, I say, such is the case, and if this state of things grows out of the very nature of these institutions, how much less will it be the case if you adopt the principle of this sixth section, and refuse to loan the public treasure at all? It is this very principle of refusing to loan the public treasure, which is to save you and the country from all this feverish excitement, and speculation for money's sake, which we see resulting from these institutions. And in this connection I have another

remark to make. This is an independent Government; so intended to be by the framers of the Constitution. It has limited powers, and all the powers which are not given to it by the Constitution, are reserved to the people of the States. And although the word currency is not used in the Constitution, as a grant, yet the words "gold and silver" are used; and they are made the tender in payment of debts, so that your Government could not pay a debt in any other medium, if your creditors chose to demand it. I say, then, that the Constitution, and the venerable men who framed it, designed this Government, so far as the power existed to make it so by that instrument, to be independent, and to carry on its operations without the slightest dependence upon, or connection with, the States, directly or indirectly. But if you repudiate this principle, if you take this exploded system of State deposite banks, what is the consequence? You see that these banks are dependent on the Legislatures of the States—that they are the creatures of State legislation; and when they get into difficulties, you see them going up and imploring their Legislatures to be merciful towards them. These banks, be it remembered, have a great deal of power, far too much, and too often accomplish their purposes; and if you adopt that system, it is manifest that you make this Government dependent on the States, because the banks themselves are dependent on the Legislatures of the States.

In this situation of affairs, you would have a great and splendid Government, with twenty-six growing and prosperous States, connected with (and bound to support it, to be sure, when necessary) in a condition of dependence, however, altogether different from that intended by the terms of the Constitution. Need I refer to the fact, that, in the year 1814, the State banks suspended? Need I refer to the disastrous and deplorable condition of things which followed that suspension? I will leave it to those who hear and may read me, to take a retrospective view of those gloomy times. Need I refer to the year 1819, when they suspended specie payments? Or, sir, need I advert to the year 1837, when a similar event took place? Need I refer especially to the year 1837, when the banks suspended in New York, in Philadelphia, in Baltimore, and all through the South and West, when the explosions of these corporations came upon the people like successive claps of thunder? Need I refer to the partial suspension in the year 1838? Pennsylvania, and the banks South and West of her, suspended; and it is a remarkable thing that they suspended in Pennsylvania the very day after the election. Why they held out so long, I shall not inquire. Now, we need not, for the purpose of the argument, claim that these suspensions were brought about wilfully by these corporations; but allow, if you please, that the suspensions were, in a great measure, the results of the laws of trade and commerce, over which they could have no control. Still, in every aspect, I say that it is unnecessary, inexpedient, and improper, in a Government like this, to trust its money, without which it cannot perform its functions, to these institutions, liable as they are, from different causes, to be rendered unable to pay. The better plan is that here suggested, to keep the public money always safe, and ready for use.

There is another very excellent feature in this bill, to which I will advert for a moment. The eleventh section requires the money to be deposited, not in the name of the collectors, as heretofore, but in the name of the Treasurer, no matter who he may be—A, B, or C. He is an officer known to the law and the Constitution. You will, then, after this bill shall have passed, not see in your great city of New York and other places, millions of money held in the name of an individual, and over which he has control, and upon which he can draw and check as he pleases; but it will be deposited in the name of the Treasurer of the United States.

Again: Examinations of the books of accounts are to be made, and of the moneys on hand; and special agents are to be appointed for that purpose. This examination may be monthly, or weekly, or daily. It may be just as often as the Secretary of the Treasury, acting under the advice and upon the suggestion of those connected with the Government may require. Is not this a great improvement? The United States Bank of Pennsylvania is required by law to make monthy returns to the Auditor General of the State. That is, to be sure, a great improvement on the old system; but, under this bill, the depositaries of the public money are obliged to submit their accounts, and even the money itself, to be overlooked and counted by these special agents, as often as the agents, or the Secretary of the Treasury himself, may think proper. This, I say, is a great improvement. How is the fact with the banks? There the money is counted, probably once in three or six months. A committee appointed by the board repair to the cashier's room and count the money, and see what amount is there; or, as is more generally the case, they take the word of the tellers and cashier. It may be said, on the same principle, that the special agents will take the word of these officers. It may be so; if it is, it will be because they have especial confidence in the officers. But I take it that, in view of the requisitions of this bill, the head of the Treasury Department will feel it incumbent upon him to require a careful inspection and examination of the money itself, so as to see whether the hard dollars are there or not.

Another very good feature of the bill is that contained in the 17th section, by which it is declared that the using, investing, or loaning the public money, shall be deemed a FELONY, and that any officer or agent, of the United States, and all persons advising or participating in such act, being convicted thereof before any court of the United States, of competent jurisdiction, shall be sentenced to imprisonment for a term not less than six months, nor more than five years, and to a fine equal to the amount of the money embezzled. Now, though it may appear to convey an imputation of frailty upon human nature, that a law of this kind should be required in relation to men who are to be trusted with duties so high, yet no honest man can object to it; and if a *dishonest* man should happen to get into office, this is the very law which is wanted for *him*. It is a principle, as old as civilization itself, that punishment for the violation of law, or for neglect of duty—for crime, either of commission or omission—has a great, controlling, moral influence. It is certain that, by a provision of this kind, men are more likely to be prevented from yielding to temptation. If men of dishonest principles should chance to be elevated to these offices, will they not be deterred from indulging their propensities by this provision? What is the fact now? This thing of using the public money for personal purposes is a mere breach of trust, and subjects a man simply to a civil action, which he can come forward and defend; and in reference to which he may declare every thing that any honest man might, according to the rules and practice of courts, do, if suit were brought against him for a sum of money which he might not be able to pay, or which ought not to be paid. He may have all the advantages and facilities of a civil suit, and there is nothing like odium or reproach attaching itself to him. In this view of the case, this is a very important provision in the bill.

I come now to the nineteenth section, which of all others, is probably the most important, because, so far as the business of the country, which has been so much talked of, is concerned, this section it is alleged will likely exercise more influence than any other in the bill. It will, I think, have a beneficial, not an injurious effect.

This section proposes that the revenue or income of the Government shall, in the course of a certain period of time, be collected in legal currency, in gold and silver. It does not propose that the revenue shall be collected at once; but it provides that, after the 30th day of June, 1840, one fourth part of the revenue shall be collected in gold and silver; that after the 30th day of June, 1841, one other fourth shall be so collected; that after the 30th day of June, 1842, one other fourth shall be so collected; and that after the 30th day of June, 1843, the whole of the revenue shall be paid in gold and silver. So that it will be perceived, the receipts of the notes of sound specie paying banks, will not be done away with entirely, until the last of June, 1843. Now, this section has been most strenuously objected to—and, in some parts of the country, it has been represented and discussed in such a way as greatly to confuse and delude the public mind.

The President, in his last annual message, says: "From the best estimates, we may safely fix the amount of specie in the country at eighty-five millions of dollars, and the portion of that which would be employed at any one time, in the receipts and disbursements of the Government, if the proposed change were made at once, would not, it is now, after fuller investigation, believed, exceed four or five millions."

Now the President says, that the highest amount of specie in the country will be $85,000,000. Well, even upon the suppostion that the system proposed by this bill would go into operation this very day, only four or five millions of this amount would be required to carry out its purposes. But it is not proposed, as I have shown, that the bill shall go into full operation at once. It is proposed that only one-fourth of the amount of the revenue shall in the first instance be collected in gold and silver, and be placed in deposite. The change is to be gradual; and if injury should be found to result from it, Congress, which, with a spirit of patriotism, is at all times looking to the interests of the people, will amend the bill in any particular in which amendment may be required. If the change were sudden, and not gradual, gentlemen might probably with much force and propriety object to the bill; but, being gradual, the effect on the currency will be mild and salutary. It may be said that the business of the country, as it increases, year after year, will continue to require more and more specie for the collection of the revenue. Will not the gold and silver of the country also augment? Look at Mexico. Look at the provinces of New Spain, with which we are intimately associated. Look at the gold and silver coined there every year. According to evidence, they made in their mints silver coin in every year to the amount of fifty millions, and gold to the amount of fourteen millions of dollars; being a total of sixty-four millions of dollars. This was some time ago, and no doubt they make more now. Of this gold and silver, large amounts are imported here. Is it probable that we shall not always have the means of being in possession of as much gold and silver as the country requires—and that the increase of the precious metals will not go, *pari passu*, with the amount required for the business of the country?

But my friend from Massachusetts, [Mr. CUSHING] in speaking of this measure, and what he supposed would be its effect on the banks, used the strong and emphatic language, that it "would unbank the banks." I should like to have heard that honorable gentleman explain how it was, that the use of four or five millions of dollars of specie, in the collection of the public revenue, was to "unbank the banks." There are in the country about one thousand banks; some of them are sound, some unsound. So far as the unsound or rotten banks are concerned—so far as banks, whose stockholders would not agree to be liable for the debts of the institution, but who have been willing to speculate upon the country, and make all the money they could—so far, I say, as banks of such a description may be affected, the operation of this section will be, either to restrain them within proper limits, or to compel them to wind up. But, so far as the sound banks are concerned—banks whose affairs are managed in accordance with the principles of their charters—which have not let out too much paper, and have always kept on hand a fair proportion of specie, the operation of this section must necessarily be mild and salutary. Its only operation would be to restrain them from the issue of an improper amount of paper. Every man knows that the perpetual tendency of these institutions is to issue too much paper. In my own State I have known a bank chartered with an amount of capital paid in of, say, one hundred thousand dollars, which had near four hundred thousand dollars in circulation. It lived upon the mere breath of credit; and if a word of

doubt, as to the soundness of its credit, had been uttered in any respectable quarter, it must necessarily have fallen. I say, then, that this mode of collecting the public revenue, even after the provisions of the nineteenth section shall have gone completely into operation, will not affect the honest banks in any manner so injuriously as to prevent them from making fully as much as they ought to make.

I might enter into other illustrations to prove the superior relative advantages which this Independent Treasury system possesses over the State Bank deposite system. It appears from a report of the Secretary of the Treasury, that the losses sustained in the collection of the revenue, from customs and public lands, in consequence of the defalcations of public officers and receivers, are much less in amount than the losses sustained by the banks. From the year 1789 to the year 1837, the amounts received by collectors and held under their control, from duties, were $946,000,000, and the amounts received by receivers of pulic land offices, were $107,000,000; making a total of one billion and fifty-three millions of dollars. From the year 1789 then, it has been the practice of the Government to trust their public money in the hands of public agents. Afterwards, to be sure, this money was transferred at one time to the State banks, and, at another time, to the Bank of the United States, and always, down to the year 1837, either to the one or the other. But I refer to these facts, merely for the purpose of showing that in this principle of trusting the public money to the hands of public agents, there is nothing novel. In the year 1837, when a universal suspension of specie payments took place, the State banks had in their vaults $32,000,000 of the public money; and such was the condition into which their affairs were thrown by that suspension, that the Government was obliged to pay its creditors with this bank paper at a discount of at least ten per cent. thereby producing a loss to the States and to the public creditors of something like two and a half millions of dollars. I say to the States, because, under the deposite act of 1836, the States received this money from the banks. And I well recollect that, when the State of Pennsylvania came to receive her portion of the public plunder, or, as it was commonly called, the surplus, there was a contest among the banks who should have it on deposite. The Legislature was entreated to put it in one place and in another; and the then deposite banks could not have it removed because it was alleged it would destroy the business of that portion of the country in which they were located; and that every thing would go wrong. The surplus was withdrawn from the banks, in pursuance of the law, and no doubt it had a great effect upon stock. I will not, however, enter into any further comparison between this independent Treasury and the State bank system; but I will inquire whether a United States Bank would answer the necessary purposes? And here I call the attention of my friend from Kentucky, [Mr. POPE.] He offered, on the 9th of March last, in his place here, a resolution, to which I have before incidentally adverted, suggesting a plan which, if carried out into the form of a bill, would, no doubt, amount to a scheme, antagonistical to that of the Independent Treasury, and be the real favorite scheme of the Opposition party. This resolution provides: "That it is necessary and proper to establish a National Bank, with a capital of *seventy millions* of dollars, to aid the fiscal operations of the Government."

He sets out with the principle that it is necessary and proper to establish a National Bank; and he then goes on to define the purposes for which it shall be established.

Mr. L. proceeded to read the resolution, and observed that, among the most prominent objects of this great National Bank, as indicated in the honorable gentleman's resolve, is this: "It is to reform the existing disorder in the currency, and to secure to the nation a stable and uniform standard of value, by excluding a spurious and ruinous paper currency from circulation, and to prepare, in part, the pecuniary means of war." Now, sir, what has past experience shown in regard to the capacity of such an institution, to accomplish these objects? Did the country find the late Bank of the United States to answer any such ends? Has the present United States Bank of Pennsylvania attained any such purposes? Has it secured to the nation an uniform standard of value, and prevented the circulation of a miserable and useless paper currency? No, it has not. Has it maintained itself in a condition to afford the country "*the pecuniary means of war*?" Could it have aided the Government, in the event we had had war with England, on account of the Maine border question? No, Mr. Chairman, no. We behold that institution, with all its capital, and all its boasted jingle of hard dollars in its vaults, a suspended bank, refusing to redeem its promises to pay, and even issuing post notes.

He proposes that ten millions of the capital shall be reserved for the United States, that at least one-half of the residue of the capital shall be allotted to the States, and divided among them, according to their representation in Congress; and that the balance of the capital shall be taken by American corporations and citizens, under proper rules and restrictions. I am pleased, at all events, to find that my friend has excluded foreigners, and that he confines the stock to American citizens. But look at this proposition for a moment. It is certainly the most extraordinary one, for a fiscal agent of the United States, that I have yet seen. In saying this, I mean no disrespect to my friend. But here is a proposition for an immense bank, with a capital double the amount of that of the late United States Bank, connecting this General Government, which is to be one stockholder, with all the States, which are also to be stockholders; and thus you convert the Government, so far as its fiscal agencies are concerned, into one grand United States Bank. Suffer this scheme to be carried out, where would be the power of the people to resist such a vast combination? Let such a bank, with its seventy millions of capital, and shortly, perhaps, with double that amount, having its agencies and branches located in different parts of the country, and its friends scattered all over the earth—I say, let such a bank ever be established, and men may then indeed talk of the power and influence of corporations; because such a concentration of money power would be truly dangerous, and in the lapse of time utterly irresistible.

The gentleman proposes, farther, that after five years, notes shall not be issued of a less denomination than ten dollars; and after ten years, not of a less denomination than twenty dollars. So far as that provision goes, it is well enough. Now if this is intended by him as an antagonistical scheme to the Independent Treasury bill, and if we are to look to the former as the better and wiser, and more beneficial measure, I must beg to say that it is not a measure to which I could yield my assent. I should consider it obnoxious to all the objections that ever existed against the United States Bank. I should consider it as virtually incorporating into your Constitution a principle that banks should give to the Goverment its currency.

I wish now, Mr. Chairman, briefly to notice one or two objections which have been urged against this bill.

It has been objected to it, that it will have the tendency to introduce an exclusively metalic currency, and to destroy the credit of the banks. Now for my own part, I do not believe that such will be the results, nor do I believe that the friends of the measure desire that such should be the results. I look upon this as an argument made rather for effect than any thing else. To my recollection, I have never heard it used by any gentlemen on this floor, nor do I suppose I shall; but still we know that this objection has been raised elsewhere. It certainly is not the design of those who support this bill that such results should follow. In the year 1838, when the party in Pennsylvania, (if I may use the phrase,) met by their representatives in convention at Harrisburg, they took especial care to disclaim any such notion, and they treated with a becoming feeling of indignation any effort that might be made to impute to them the advocacy of such a doctrine as that of the introduction of a currency exclusively metallic. Let me say that the pecuniary business of your Government; the receipts and disbursements of the public revenue, constitute only a small portion of the money received and paid out through this country. Look at your commerce—look at your merchandise scattered over the country—look at your importing and exporting trade—look at your manufactures of various sorts, and you will find that the amount required for the operations of the Government will be a small sum in comparison with the millions and tens of millions paid out and received in the business operations of the country The convention to which I have referred, issued an address, from which I will take the liberty to read a few brief extracts. It says:

"The aristocracy are well aware, that they cannot successfully contend, in a fair and honorable warfare, with a party which is essentially popular, and which must be eventually predominant. For this reason, they apply to the Democracy, epithets which honorable men despise, and impute to them principles never entertained by the party, and which every Democrat disavows. *An impression is attempted to be made upon the public mind, that it is the intention of the Democratic party to destroy the credit system—to destroy all the banks—and to impose an exclusive metallic currency upon the people*—SUCH INTENTIONS, THE DEMOCRACY UTTERLY DISCLAIM. They recognise no principle which tends to interfere with the public prosperity and enterprise of the people, the rights of property, or the public faith. It is not the object or design of the Democratic party, to destroy any institutions, legally and honestly established for the general good, but to foster and protect them—NOT TO AGGRAVATE THE ONEROUS BURDENS OF THE PEOPLE, BY SWEEPING FROM EXISTENCE THE BANKING INSTITUTIONS, BUT TO EFFECT THAT SALUTARY REFORM, NOW IMPERIOUSLY DEMANDED BY THE INTERESTS AS WELL OF THE BANKS AS THE PEOPLE. If the Democratic party were the destroyers, the agrarians and levellers, as their opponents affect to believe them to be, Pennsylvania could not now boast of the dense population, the immense wealth, the magnificent improvements, and the boundless resources, which have been nursed into maturity under Democratic Administrations for the last thirty years. During that time, the same principles were entertained by the Democratic party, that now are—the same doctrines advocated and the same policy pursued, and Pennsylvania, UNDER THE BENIGN INFLUENCE OF THESE PRINCIPLES, DOCTRINES, AND POLICY, has arisen to such eminence and importance among her sisters of the Union, as to be justly entitled to the distinguished appellation of "The Keystone State."

This (continued Mr. L.) is the true doctrine of the Democratic party, so far as I have any knowledge on the subject.

I beg leave also to read an extract from an address issued by a committee of members of the Senate and House of Representatives of the Congress of the United States, in July, 1838, which says:

"It is alleged that this measure is part of a scheme to force on the country a currency purely metallic. This is unfounded. A specie currency for the ordinary daily transactions of life, and such a specie basis for paper as will always ensure its convertibility into specie, when required by the holders, is what is contended for, and such is the only tendency and real design of the measure proposed, so far as the banks are concerned. A purely metallic currency is no part of the Independent Treasury plan, as proposed by the Administration, and supported by its friends. In fine, with the exception of a very small number, who are in favor of depositing the public money specially in banks, the question at issue between us, and those who favor a deposite in the banks, may be stated thus: THEY *wish to have the public money deposited in banks, not to be kept by them, but to be lent out for private uses.* WE *are opposed to lending out the public money for private uses; and, effectually to prevent it, are in favor of having it kept by public officers, under heavy bonds and securities not to use it, or suffer it to be used for any private purpose whatsoever*, and to pay it out only in pursuance of appropriations made by law, as prescribed in the Constitution."

Mr. L. continued: It will be recollected that these banks are under the influence of their own States, and it is not the design of this measure to interfere injuriously with them. But if it is to have any effect at all, it is to induce the banks to discount and issue paper upon the real basis on which they profess to issue it; that is to say, gold and silver; and in this connection I beg to read a passage from the message of the President:"

"In a country so commercial as ours, banks in some form will probably always exist; but this serves only to render it the more incumbent on us, notwithstanding the discouragements of the past, to strive in our respective stations to mitigate the evils they produce—to take from them, as rapidly as the obligations of public faith, and a careful consideration of the immediate interests of the community will permit, the unjust character of monopolies; to check, so far as may be practicable by prudent legislation, those temptations of interest, and those opportunities for their dangerous indulgence, which beset them on every side, and to confine them strictly to the performance of their paramount duty, that of aiding the operations of commerce, rather than consulting their own exclusive advantage.

Mr. L. continued: Another objection raised against this bill is, that it contemplates one currency for the people and another for the Government. I would not have referred to this

objection if it had not been introduced into a very able report made by my colleague [Mr. SERGEANT] in the year 1838, and which was sent forth together with another report on the same subject made in behalf of the majority of the Committee of Ways and Means by its then chairman [Mr. CAMBRELENG.] It may be dullness on my part, but I cannot see wherein the force of this objection lies. One currency for the Government and another for the people! How is this? How can you separate the Government from the people? How can you separate the currency, which you use for your public business, in receiving and paying out the public revenue, from the business affairs of the people? Members of Congress receive their money in gold and silver. Do they not pay it out to the people of the District every day or week; and does it not enter into the circulation of the District? Do we not pay it out in the regular course of business? I cannot see how this argument is supported; I cannot see how gentlemen make out that the people are to have one currency, and the Government another; because the business of the Government, and the business of the people ramify into, and are intimately blended with, each other.

I beg leave here to advert to a letter which I happened to pick up yesterday, written by our veneral ex-President, General Jackson, in answer to a letter addressed to him by a committee of the Ohio Legislature. I regard the sentiments contained in this letter as those of one speaking, as it were, from the dead. He cannot be supposed to have any personal interest in these great measures which now agitate the country—I mean any interest beyond that natural to a man whose life and services have been devoted to his country—who has served her in peace and in war—who has twice been called to preside over her councils, and who, in his old age, has sought that retirement most congenial to his feelings and wishes. He holds the following language:

"It is particularly gratifying to me, gentlemen, to be assured by your Legislature that the grounds on which I rested my opposition to the encroachments of the money power are regarded with favor by the people of Ohio. The dangers of that power, now more evident, because they are brought closer to the observation and business concerns of all classes of our citizens, form in my judgment the only cloud in our political horizon. In all other aspects the influences adverse to the genius of our institutions seem to have yielded to the demands of the people, and such I doubt not, will be the case with those wielded by the money power as soon as the public voice has another opportunity of acting upon them. All that we have to do on this subject, is to persevere a little longer, maintaining the doctrines of the Constitution and the suggestions of common sense. We know that our fathers who framed the Constitution gave to Congress no power to charter a bank, and we cannot err, therefore, in saying that if our Government had never departed from their example, we would have had none of the evils which now afflict us in consequence of bank suspensions, and an irredeemable paper currency. We know that if the Government deposited none of the money of the people with banks, these institutions would have no power to endanger the safety of the public treasure, or to influence, improperly, questions of public policy. We know that banks do not make money, but only circulate their paper emissions, which must be good or bad according to their capacity to redeem them with specie; and hence that there can be no confidence in them as long as they maintain the right to suspend specie payments at pleasure.

"From such truths, it appears to me to be self-evident, that there is now no relief for the people but in the adoption of the Independent Treasury, recommended by the present administration of the General Government. By this plan, the financial operations of the Treasury will be simplified, and the people will have the strongest guarantee that the money which is raised from them by taxation will be applied according to the requirements of the Constitution. If, in addition to this reform in our financial system, Congress would, at the same time, pass a general bankrupt law, by which the banks which are now in existence, or may be hereafter chartered by the States, would be bound to make an equitable distribution of their effects to their creditors when they refuse to redeem their notes with specie, it cannot be doubted that there would be an end to the evils of a depreciated paper currency. These measures being adopted, but little time would be requisite to enable those banking institutions, which are sound, to regain the public confidence; and the labor of the country, the arming, manufacturing, and mechanic interests, would soon revive—that credit system which is based on real capital, and which goes hand in hand with the labor and enterprise of our citizens, would be enlarged, not diminished, by the operation of these measures."

Mr. L. continued. Mr. Chairman, in the remarks which I have made on this measure, I have endeavored to be as practical as possible. I cannot see in it any thing of the dangerous tendency, and the ruinous and destructive properties, which gentlemen of the Opposition attribute to it; but I do see in it a proposition and a means by which this Government can place itself in a condition where it may have its own money in its own hands, and by which, in case of war or emergency, it may cease to be dependent upon banking institutions. Congress has power to declare war, to appropriate money, and to do many other acts; yet we have seen that we are dependent upon the creatures of State legislation, and upon the creatures of our own raising, for the very money which we thus appropriate, even when needed in time of war. Congress has the honor, the dignity, the fame, and the glory of the country in its hands. How can they be maintained without money? If I were now talking to plain men, I should say, is it not better to have your own money in your own desk, or even in your own old stocking, that it may be within reach when you want it, rather than to loan it to your neighbor, that he may speculate upon it?

This, sir, is the National Independent Treasury. I have done.

SPEECH OF MR. STRONG,

OF NEW YORK.

In the House of Representatives, June 8th, 1840—In Committee of the Whole on the state of the Union, on the Independent Treasury bill.

Mr. STRONG said:

Mr. CHAIRMAN: I am in favor of the bill now under consideration. I shall vote for it, and should content myself with giving a silent vote in its support, but for certain resolutions passed by the Legislature of the State I have the honor, in part, to represent, a copy of which has been presented to the House, and is now lying upon its table. I also have a copy of the resolutions, sent to me by the Executive of my State. I desire, sir, that they may be read.

The resolutions were read by the CLERK, and are as follows:

STATE OF NEW YORK,
In Assembly, January 30, 1840.

Resolved, (if the Senate concur,) that the people of the State of New York, through their Legislature, do solemnly and earnestly protest against the bill recently, and for the fourth time, reported in the Senate of the United States by a Senator from this State, commonly known as the Independent Treasury bill, and against any scheme on the part of the Federal Government whereby the revenues of that Government shall be required to be collected in specie alone, or in any other medium than the common currency of the country, at all times convertible into coin, or by which those revenues shall be placed in the custody of agents appointed by, and responsible only to the Executive of the United States; and which, as the prominent leading measure and political test of the General Government, has been thrice directly submitted to the people of this State, and by them as often rejected and entirely repudiated, as being adverse to the best interests of our country; as establishing practically one currency for the Government, and another and a different currency for the people; as being an untried experiment on the finances of the country, requiring specie alone in the payment of all debts to the Government, and enabling it thereby to control and destroy the currency created by the States, and by the withdrawal and hoarding of millions of gold and silver, to affect injuriously all our branches of industry, and to take from the farmer, the merchant and the mechanic, the value of his products and the price of his labor; as augmenting and establishing, to a most dangerous extent, the patronage and influence of the General Government; and as being hostile to the fundamental maxims of free government, which withhold from the Executive all control over the public treasure, as pregnant with danger to the business, the credit, the prosperity and liberties of the people.

Resolved, (if the Senate concur,) That in the judment of this Legislature the reiterated recommendation of the aforesaid scheme of the President of the United States, seconded, as it has been, by the persevering efforts of a Senator of this State, in direct opposition to the expressed will of his constituents to procure its adoption, have deeply alarmed the people of this State, and furnish at this time a prominent obstacle to the prosperity of the country; and that the Senators and Representatives of this State in the Congress of the United States will conform their acts and votes to the expressed will and best interests of their constituents, by steadily and faithfully opposing the measure aforesaid; and that any Senator or Representative who shall persist in advocating the said project, and in urging its adoption will misrepresent the views, wishes and interests of his constituents, and his conduct will merit and receive our unqualified disapprobation.

Resolved, (if the Senate concur,) That his Excellency the Governor be requested to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing resolutions, with a request to present the same to both Houses of Congress.

By order.
J. P. PRINDLE, Clerk.

IN SENATE. Febuary 12, 1840.

Resolved, That the Senate do concur with the Assembly in their said resolutions.

By order:
SAMUEL G. ANDREWS, Clerk.

STATE OF NEW YORK, EXECUTIVE DEP'T,
Albany, February 17, 1840.

SIR; I have the honor to transmit you a copy of certain resolutions of the Senate and Assembly of this State, in relation to the bill commonly known as the Independent Treasury bill.

I am, very respectfully,
Your obedient servant,
WILLIAM H. SEWARD.

The Hon. THERON R. STRONG,
House of Representatives.

I feel it due to myself and my constituents, Mr. Chairman, that I should, before giving my vote for this bill, state briefly the views I entertain of these resolutions, and some of the reasons which have influenced me in determining to act in opposition to them. Perhaps, also, it is but respectful to my State, that I should thus notice them, and not go counter to them in silence. It is for the purpose of presenting these views and reasons, that I have risen—not to reply to any remarks of gentlemen who have preceded me in the debate.

I will state, in the outset, that I do not question the right of a State Legislature to pass resolutions instructing the Senators, and requesting the Representatives, of the State in Congress, to pursue any particular course in relation to their official duties. On the contrary, I concede it in its fullest extent. It is a right which has often been exercised by the party of which I am proud to be a member, and I believe it to be an important and valuable one. I hold it to be the duty of Senators, receiving such instructions, to obey or resign, and of Representatives to give to such requests a respectful and careful consideration. To create such an obligation on the part of Senators, however, it is requisite that the instructions should be plain and definite—that they should direct the course to be pursued, and exclude all discretion in regard to it—that they should be expressed, and not left to be implied from the expression of an opinion.

It requires, Mr. Chairman, but a cursory examination of the resolutions in question, to satisfy any one that they are of an anomalous character. They are not in the form of instructions, advice, or request, and yet they possess some of the ingredients of each. They do not profess to instruct or direct any one—they do not directly, and in terms, offer advice—they make no express request—and yet, classing Senators and Representatives together, they declare that those Senators and Representatives will "conform their acts and votes to the expressed will and best interests of their constituents," by opposing the Independent Treasury bill, and that any one of them who shall support it, will "misrepresent the views, wishes, and interests, of his constituents, and his conduct will merit and receive the unqualified disapprobation of the Legislature."

That they ought not to be regarded as instructions, is quite evident. It appears from the fact, that the language employed is applied equally to Senators and Representatives; that Representatives are coupled with Senators throughout; and that if they are to be considered as instructions at all, they are as much so to one as the other. Now I believe that no political party has ever claimed for a State Legislature the right to instruct Representatives. No individual of any party, however ultra, has, so far as I have any knowledge, ever made any such claim. I am prepared to believe that a majority of the Legislature which passed these resolutions, would go as far as any man or body of men in setting up new and extraordinary pretensions; but such a claim would, in my judgment, be too ridiculous even for them to assert.

There is another prominent reason, sir, why they should not be allowed such a character. It is well known that the political party in New York now in power in that State had repudiated the doctrine of instructions, and for a long period warred against it. Now, if the majority of the Legislature who belong to that political party, intended to change their ground on this subject; if the circumstance of their party being in the ascendancy out of the way at present of being affected by the doctrine, and in a situation to apply it to others, had brought it into favor with them, and determined them to exercise it, it was their duty to come out boldly, and use the language usually employed in giving instructions; language which could leave no doubt as to their intentions. They should not be permitted to have the benefit of the doctrine without taking a position which would compel them to submit to it when it would cut the other way "to partake of the draught when returned to their own lips."

It seems equally manifest that these resolutions cannot be considered as the simple advice or request of the Legislature. The *threat* which

they embrace of the "unqualified disapprobation" of that body upon the conduct of any Senator or Representative, who shall act in opposition to them, is entirely inconsistent with such an idea. It is an interference with that freedom of thought and judgment and action which belongs to a person to whom mere advice is given, or of whom a simple request is made. It appears to imply an assumption of right to control the conduct of both Senators and Representatives. It would seem to claim the entire surrender of their discretion. Nothing short of conforming their acts and votes to the views expressed in the resolutions, can save their conduct from the penalty denounced.

Further search, then, must be made to ascertain their true character. But I shall not pursue the examination. I shall leave it to those who may be more curious on the subject than myself. The remarks I have made are sufficient to show that the resolutions are as I have characterized them—anomalous; that they are entirely novel in their form and combination. I can account for it only from the fact that a majority of the Legislature is composed politically of the most opposite, discordant, and heterogeneous materials—

"Black spirits and white—
Blue spirits and grey;"

or from a desire on their part to have them Janus-faced—susceptible of two constructions—one which might drive from the Senate a distinguished Senator; another which might be applied in future time to prevent the resolutions operating against them.

A few words more, Mr. Chairman, in reference to the *threat* contained in the resolutions. Sir, as one of those for whom it was intended, I have to say, that, for me, it has no terrors. Denying authority in the Legislature to direct my official conduct, admitting no accountability to that body for the manner in which I discharge my duties here, I do not regard it. It can exert no influence over my representative course. I trust I am, and shall, at all times be, actuated in that course by different and higher motives than a regard to the approbation or disapprobation of a body to whose jurisdiction I am not subject. I shall consult the wishes of the electors of my district—my constituents—those who have a right to instruct me, and be governed by them so far as I understand them. Their wishes in regard to the measure against which these resolutions are directed, are known to me. They were declared in my election, and they remain unchanged. They are directly the reverse of what is asserted in the resolutions. In the very act of my election, I was instructed to support the Independent Treasury bill, and those instructions have not been modified or recalled. I am happy that my own feelings and opinions accord with those instructions. I shall take pride in voting for that bill. I shall regard it as a proud honor to give my vote as a member of this body in favor of that great measure of reform. Let the threat be executed. Let legislative censure be bestowed upon me in the most formal and imposing manner, I shall have the consciousness of having done what I believed to be my duty—of having obeyed the will of my constituents. They, sir, will do me justice.

There is another consideration, Mr. Chairman, calculated to prevent that threat from inspiring any particular alarm. Unless I mistake the signs of the times, those from whom it emanated—I refer to the Federal majority in the Legislature—are distined soon to find themselves visited with a "disapprobation" altogether more potent and fearful than that which they hold up in these resolutions. Their conduct the past winter, the "fantastic tricks" which they, giddy and intoxicated with power, have played off, are now under review by their masters, the people of the Empire State, and undergoing a severe and careful scrutiny. Already murmurs of dissatisfaction are heard giving warning as to the sentence. "Thou art weighed in the balance and found wanting," I venture to predict, will, in November next, fall upon their astonished ears—their "little brief authority" will then be taken from them, and their disapprobation rendered impotent to harm.

Still another reason exists, sir, why I can look upon this threat without apprehension. Since the commencement of the present session of Congress, I, and several of my colleagues, have, in our representative capacity, already been formally censured by those from whom it proceeded. And, sir, for what? For having given our votes for a measure adopted by this House upon the motion of one of their political friends, and by the aid of the votes of a large proportion of their political friends in this body. Now, sir, if our support of that measure was wrong, the support of it by their political friends was equally wrong. If we were deserving of censure, their political friends were equally deserving of censure—both were governed by the same principle, and by principle the course of both must be judged. And yet we see no coldness, no estrangement between them and those friends—the most kind and friendly feelings in relation to each other exist on both sides, and all are now intimately and harmoniously associated in a desperate and death-like struggle for power, and in support of one and the same candidate for the highest office in the nation. What other conclusion can be drawn, than that their censure was insincere and hypocritical, and fulminated for political purposes? And what was the obnoxious measure? It was the incorporating into the rules of the House of a provision that Abolition petitions shall not be entertained—a provision in no respect conflicting with any part of the Constitution—perfectly just in itself—and imperiously demanded by a regard to the rights of a large portion of the people—the peace of the country and the safety and integrity of the Union.

[Here the Chairman remarked that it was not in order to discuss that subject.]

Mr. S. said, I do not propose, sir, at this time, to go into a defence of my vote for that measure, but I will, with the permission of the House, read an extract from an Opposition print in the city of New York, pertinent to the subject, and presenting some interesting views of the political associates of that print, in relation to it. It is a mirror in which many gentlemen may "see themselves as others see them."

[Objection being made, Mr. S. said he would not press the request.

The extract proposed to be read is from an article in the New York Evening Star, of February 12, 1840, in relation to the resolutions of censure introduced into the New York Legislature by Mr. John A. King, and is as follows:

Madame Roland, when about to be guillotined by the Jacobites in Paris, exclaimed, "Oh, Liberty, how many crimes are committed in thy name." Precisely is this the case with political Abolitionists. Men who, during the late war with England, refused to raise a finger in defence of their native land, or drive the invader from the soil—who gloried in our defeats, and had conscientious scruples about rejoicing for our victories, are suddenly converted into warm friends of liberty, and pour out lamentations for the slavery of the colored race, are ready to trample on the Constitution of their country in their fierce and new born zeal for liberty. How sincere they are, we will not waste a moment to examine, knowing full well that the enemies of the South in 1798 and in 1812, are about the same persons who are now crying out for immediate emancipation.

They have got, however, a new hobby to ride; a new clap-trap to gull the ignorant and keep up the excitement. *The sacred right of petition* has been violated; and knowing full well that the right of petition is one of that men of all parties will forever maintain, they will pull the various cords, and run over the strings to make it harmonize with their ultimate object. They will offer resolutions of censure—they will shout the "North betrayed"—they will leave the blacks to their fate for a while to harp upon the newly discovered note, "the *sacred* right of petition." What is a petition? A legal and proper request couched in respectful language, and made by the people to their Representatives for the passage of special or general laws. These embrace every subject connected with the rights of the citizen and the interest of the country, and the reception of such petions by Congress, have never been, nor ever will be, refused or rejected. But we ask, is there not a class, or character of petitions, which should not be presented or received by Congress? Assuredly there are many such of an offensive character—a hundred subjects may be named on which Congress might be memorialized, which memorials could not be either received, read, or referred to any committee. The Abolition petitions, concerning which this new movement is made, are not petitions at all; they do not partake of the legal character, or personal claims, or general interest, belonging to a legitimate class of petitions. *They are papers signed by individuals asking Congress in express terms to violate the Constitution which they have sworn to support.* They are papers which insult the loyalty of the members to whom they are addressed; they ask Congress in effect to invade the rights of the South as guarantied by the Constitution; they ask Congress to sow the seeds of a servile war in the South; in short, they, in effect, ask of Congress *to dissolve the Union* at once. These are incendiary, revolutionary documents, thrown into Congress to effect an illegal purpose, and not petitions of a just, legal or national character; therefore, Congress, in refusing to receive them, do not even remotely invade the sacred right of petition.

Political Abolition and political Antimasonry will consolidate to form the nucleus of a party to govern the country. Piety and fanaticism may preach up Abolition—Peter the Hermit may spring up on all sides for crusaders in favor of the Southern slaves, who are more happy and comfortable than thousands of free Africans in the North—but political power will be the end of all their actions.

Ex-President Adams, who is dead in favor of receiving Abolition petitions, and dead against Abolition itself—who ducks with one hand, and rubs dry with the other, in a recent letter makes the following remarks:

"My *involuntary* anticipations of the future have been, that slavery will first effect a dissolution of the Union, and that, as a natural consequence of that event, *war* will abolish slavery, and terminate in a mongrel breed of half blood European and African race—a mulatto nation, which will cover the Southern half of this country from North Carolina to Mexico."

A beautiful picture of the future for Abolitionists to contemplate—*division of the Union* to begin with, an event deplorable to every friend of Liberty throughout the world—the annihilation of free government, and the downfall of the last of the Republics, and yet as certain to happen as the sun rises, unless Abolition is put down, and put down by the strong hand of the North itself. Then *war*—the North against the South—then a servile war, in which the North arms the Southern slaves to destroy their masters, and finally the triumph of a black or mulatto Government, like the despotism of Hayti.

These are the forebodings of Mr. Adams, a thinking man, too, which he shadows out for the future as the fruits of Abolition. Let the North ponder on it seriously, deeply, like men, honest men, not fanatics, and they will soon dispose of the incendiary resolutions offered in the Assembly by John A. King.

Mr. S. would add: The "incendiary resolutions" were soon disposed of, but in a manner very different from that indicated in this extract. "*Political Abolition* and *political Antimasonry*," it seems, did "*consolidate*," and having framed the resolutions to suit their purpose, forced them through both branches of the Legislature. The censure designed to be conveyed, however, has fallen pointless and harmless at our feet, and there is no reason to apprehend any thing more serious from any "disapprobation" which they may bestow upon us hereafter for any act in the honest discharge of our official trusts.

If it shall be said that some of the Democrats of the New York Legislature voted for the "incendiary resolutions," the following confession of a "Whig" member of the Legislature, a correspondent of the New York Evening Star, will explain the reason:

"ALBANY, Feb. 7, 1840.

"I voted for the Abolition resolutions, as you call them; and the fact is, our Whig *leader* in the Assembly, Mr. John A. King! left me no alternative. His resolutions, concocted by the worthy trio here, were the essence of cunning and trickery: one part was in favor of the right of petition, and the other in favor of receiving *Abolition* petitions; *they would allow of no division*, and we had to swallow the whole. An honest, patriotic, and straightforward politician, who felt that the right of petition, and a most sacred right it is, was violated, would have offered a resolution defending that right alone, without mixing it with any other matter, and it would have passed *unanimously*, but, in an unfair and unmanly manner, *they endorsed the Abolitionists* in the same resolution that they sustained the right of petition, and then presented the dose, *all or nothing*; and those few who resisted were gazetted as traitors in the State paper. We cannot get on with this kind of legislation, and there will be a flare-up shortly, or other men must take the lead."]

Mr. S. resumed. In regard to the objections to the Independent Treasury bill, specified in the resolutions in question, I have to say, Mr. Chairman, that they are not new—that they are the common objections made to the measure by Federal prints and Federal electioneerers throughout the country. I do not propose to go into a minute and extended examination of them, but will content myself with submitting a few general remarks in relation to each. Some of them I regret to see treated with the respect they are, by allowing them a place in the resolutions. "One currency for the Government, and another and a different currency for the people," which it is alleged this bill would establish practically, is in the nature of things impossible. The people in this country are their own governors—they govern themselves; all the institutions and laws of the country are founded on their will, and are under their control. They carry on the operations of Government through their agents or servants, who are themselves part of the people, and accountable to the people for their conduct. The selection of an individual as a servant or agent does not separate him from the people, but he remains one of them as before. Whatever provision is made or measure adopted in respect to the Government, is made or adopted for the people. It is impossible, therefore, to make such a distinction as the objection implies, while the people continue free. The idea of such a distinction can only exist in the

minds of those deeply imbued with the sentiments of Hamilton and the old Federal party—who believed that the British Government formed the best model the world ever produced—that all communities divide themselves into the few and the many—the first are the rich and the well-born, the others the mass of the people—that there should be an aristocracy to control the democracy; and that a National Bank was desirable as a "political machine." It was to the prevalence of such sentiments among the majority of the Legislature, I fear, that the introduction of the objection I am now noticing is to be attributed. Again, sir: the currency to which this bill looks, is the currency of the Constitution. Ought not that not to be the currency in the moneyed transactions of the Government? Is it wise and patriotic in the opponents of this bill to object that it requires the use of the constitutional currency in such transactions? Are they in favor of the collection and disbursement of the revenue in an inferior, currency? Do they not, by making the objection, admit that the paper currency which prevails among the people in their ordinary business operations, is inferior? And would they not evince a more enlightened and lofty patriotism by coming forward and aiding us here and in the States to improve this inferior currency—to bring it up as nearly as may be to the constitutional standard? Another sufficient answer to the objection is to be found in the fact, that the revenues of the Government must, under the operation of the bill, be paid out among the people in the same currency in which they are received, and that so far as the bill interferes with the currency it establishes the same for all.

But the measure is alarming, as being an "*untried* experiment on the finances of the country." Without stopping to comment on the singular fact that this objection is made by the friends of an Administration that but a short time since recommended an "untried" experiment on the finances of the State of New York, by the creation of a debt of $40,000,000 for internal improvements, I would ask, if they are opposed to an "*untried*" experiment for the collection, safekeeping, transfer, and disbursement of the public revenue, what measure are they in favor of for that purpose? Are they in favor of the *tried* experiment of making use of the State banks, and the introduction of an irredeemable shinplaster currency into the moneyed operations of the Government? Would they make use of the State banks in their present sickly and distressed condition, even as a "half-way house," to another measure? Are they in favor of the *tried* experiment of a National Bank—an institution which Mr. Jefferson characterized, (and experience has proved very justly,) as of the most deadly hostility to the Constitution and liberty. Ay, that is the Federal panacea for the financial disorders of the country. To such an institution is their attention directed. It is one great end and aim of their exertions. Indications to this effect are often furnished by their public prints. They are also frequently discovered in this Hall. In March last, resolutions were presented to the House by an honorable gentleman from the State of Kentucky, standing high in the Opposition ranks, [Mr. POPE,] declaring "that it is necessary and proper to establish a National Bank, with a capital of seventy millions of dollars," &c. One of the gentlemen from Connecticut, who addressed the House a few days since, [Mr. BROCKWAY,] undertook to show that a National Bank might be created under the Constitution. The gentleman from Kentucky, [Mr. WHITE,] in his speech on Friday last, if I understood him correctly, expressed the opinion that the people would soon call for such an institution. These and other similar indications, plainly show that a National Bank is one grand object of the efforts of the Opposition. Give that party the ascendancy in the nation, and depend upon it a fifty million or seventy million monster would immediately be saddled upon the people. Once established, and it would be found useful, and be used as a "political machine;" and then, without the miraculous interposition of Providence, we might bid farewell to American liberty. A gigantic moneyed power would be "lord of the ascendant."

Not less unsound and unfounded, so far as any injurious effect is concerned, is the objection, that "requiring specie alone in the payment of all debts to the Government," will enable it "thereby to control and destroy the currency created by the States." The utmost influence such a requisition can exert upon the currency of the States, will be to check, to some extent, overaction; it cannot be made to *destroy* that currency, nor any farther to *control* it. So far as it will exert such an influence —so far as it will restrain extravagant expansions, which, by ministering to a spirit of speculation and wild extravagance, are full of evil to the country—it will be beneficial. I wish that a greater effect might be expected from it in this particular—that it might be looked to as an effectual preventive of excessive paper issues—I should, if possible, be still more strongly in favor of it.

The objection that the specie clause will enable the Government, "by the withdrawal and hoarding of millions of gold and silver to affect injuriously all our branches of industry, and to take from the farmer, the merchant, and the mechanic, the value of his products, and the price of his labor," is very readily answered. In the first place, the measure, of which this clause forms a part, contemplates that the revenues of the Government shall be arranged on a scale as nearly as may be to the wants of the Government economically administered, leaving no surplus to "withdraw" or "hoard." In the next place, the amount of revenue will at all times be under the control of the people, through their Representatives in Congress. Again: "all our branches of industry" will be more benefited, and the interest of "the farmer, the merchant, and the mechanic" better promoted by this measure than under any "tried" system of finance. It is, in fact, particularly calculated to benefit the industry of the country, and the laboring classes, and in that respect differs widely from the "tried" bank systems, which were particularly calculated to benefit speculators and all who, too indolent or too proud to labor, sought "to get a living by their wits," to the injury of the working portion of society. Stability and uniformity are essential to the interests of the laboring man, and to the prosperity of regular business, and upon these the Independent Treasury system will exert a favorable influence. The influence of the bank systems was directly the reverse. Fluctuation and change in the business operations of the country, and a host of consequent evils, were their legitimate fruits.

There is no ground for the opinion that this measure will "augment and establish, to a most dangerous extent, the patronage and influence of the General Government." The only increase of patronage it will produce, will be the power of the President to nominate, and, by and with the advice and consent of the Senate, appoint, four officers, to be denominated receivers general of public money, to be located, one at New York, one at Boston, one at Charleston, and the other at St. Louis, and the only influence of any moment it will confer, will be that arising from this patronage. These officers are to give adequate security for the performance of their duties in regard to the public moneys, and to have no power to loan or use a dollar of them. Who can discover any danger in this patronage and influence? What comparison will the system bear in this respect to the "tried" bank systems, which allowed of the use of the public funds, and under which the General Government possessed as great control over those funds as this proposes to confer upon it. Sir, it is calculated to diminish the patronage and influence of the Government, and this is one of its leading recommendations. The pretence that the reverse would be the case, is sheer humbug.

Equally groundless is all alarm at the "control over the public treasure," which, it is said, this measure will allow the Executive. In this respect it will introduce no change. This treasure will be, as it now is, under the entire control of Congress. No portion of it can be drawn from the Treasury, without an appropriation by law. Congress must give the authority before a dollar can be paid out, either to the President or any other officer or individual, for any purpose whatever. The idea that the whole revenue of the country will, by the provisions of this bill, be subject to the control of the Executive, which it has been attempted by the opponents of the measure to produce, is a mere bugbear; and I regret that it should have frightened the dominant party in the Legislature of my State.

The assertion in the resolutions that the proposed Independent Treasury system has been "thrice directly submitted to the people of the State of New York, and by them as often rejected, and entirely repudiated," is, in my judgment, clearly erroneous. The Federal party there has not dared, at any election since the measure was brought forward, to rest itself mainly upon the ground of hostility to it, but has each time mingled with it other matters, by which means a full and fair expression in relation to it has been prevented. While those who supported the Administration might fairly be regarded as in favor of it—it being the great and leading measure of the Administration—numbers doubtless voted with the Opposition upon other grounds than hostility to it. I do not doubt that a majority of the people of the Empire State are in favor of the project. There, as elsewhere, it has been steadily gaining ground ever since it was presented for consideration. But if it were true that the people of that State have thrice rejected and entirely repudiated the measure, with what propriety could the Federal party object on that account to a continued recommendation and support of it, while they are seeking, in opposition to the oft repeated expression of the will of the people, the establishment of a National Bank, and to give ascendency to the doctrine of a latitudinous construction of the Constitution, and other kindred Federal doctrines?

I will now, Mr. Chairman, advert very briefly to a few affirmative considerations, which have commended the Independent Treasury bill to my approbation.

The first which I will mention is, that the system it proposes is authorized by the Constitution. Upon this point, no doubt can be entertained. This I regard as no ordinary merit, in view of the National Bank system, for the administration of the finances, which has prevailed in times past, and which is the only alternative to the one now proposed—a system which I hold to be entirely unwarranted by the Constitution—which Congress has not, and never had, the power to establish. I shall not enlarge upon this topic, it having been fully discussed before the country of late years, and will only remark further in relation to it, that an adherence to our great charter is indispensable to the perpetuity of our liberties. It is highly desirable also to avoid, as far as possible, all legislation of a questionable authority under it.

Another recommendation of the bill is, that it provides for more full and adequate security of the public moneys than has been required under any former system, or than any system allowing of the use of the public treasure would admit of—a security which, aided by a law such as is proposed by the bill from the Senate, "more effectually to secure public money in the hands of officers and agents of the Government, and to punish public defaulters," which the friends of the Independent Treasury system desire to have in operation in connection with it, would, it is believed, be as full and effectual as it is possible to devise. Under such safeguards, no Swartwout defalcations could be committed, and few, if any, losses of the public moneys would occur. Those moneys would be safely kept and sacredly appropriated.

Again: the plan it embraces is simple, free from the complicated machinery of the bank systems, easy of comprehension, and, in these respects, well suited to a Republican Government. In such a Government, simplicity should be studied in legislation; every measure should be made plain to the understandings of the people. This consideration is especially entitled to weight in framing a system for the collection, safekeeping, transfer, and disbursement of the revenues of the country. That system, above all others, should be such that the people may easily understand it, and readily perceive its operation. It is important in order to the correction of any errors in it which may exist, and to the detection of abuses in its administration. I regard it as an important circumstance in favor of the plan now proposed, that it possesses all requisite plainness.

But the crowning consideration in favor of this bill is, that it proposes an independent system—a system whereby, if adopted, the moneys of the Government will be under the control of the officers of the Government, and at all times on hand and ready for Government purposes—whereby, also, an entire separation will be effected between the Government and the banks, and the numerous evils resulting from their connection, which have operated as a blight and mildew upon the prosperity of the country, will be removed. It is this that entitles it, in an especial degree, to the appellation of a *reform* measure. Such it truly is. To appreciate the magnitude of the reform it seeks to accomplish, it is only necessary to trace, for a brief period past, the operations of the financial systems of this Government, which have prevailed. Such an examination must satisfy any candid mind that, under those systems, the Government has been dependent upon the banks—that the banks might, at their pleasure, seriously embarrass, if not actually bring to a stand, its operations. A dependence like this is a national degradation—a deep and damning degradation in view of the disregard of all legal and moral and honorable obligation, which has marked the conduct of those institutions (with a few honorable exceptions) of late years; and it is also highly dangerous to the liberties of the country. It will also appear, from such a survey, that those systems exerted a powerful influence in producing those unreasonable bank expansions which have occurred in this country at brief intervals, and which, necessarily followed by violent contractions, have produced such wide spread distress and desolation. By the use of the public treasure, the banks were excited to overaction—overaction on their part aroused an "unregulated spirit of speculation" in the community—a large portion of the people were led to embark in the most visionary and ridiculous enterprises for accumulating property; and high apparent prosperity prevailed throughout the land. At length the banks were called on to fulfil their engagements—the process of contraction commenced—the bubble burst, and little remained of the fruits of speculation, save debt, embarrassment, distress, and ruin. This is but a brief outline of a bank expansion and contraction. They have been so frequent, however, that the experience of every man will enable him to fill up the picture. Perhaps it is impossible to prevent them entirely, while banks exist, but the system proposed will, if adopted, remove one great cause of them, and operate as an important check against their occurrence.

There are other great evils inseparable from a connection between the Government and the banks, rendered plain and palpable by experience, which the passage of this bill would abolish. There are, also, other advantages, than those to which I have referred, to be anticipated from the adoption of the proposed system. I will not take time to go into an enumeration of them. I have already said as much as I desired to in justification of my determination to act in oppisition to the resolutions upon which I have commented, and of the vote I shall give for this bill. The purpose for which I rose is answered.

Permit me, however, Mr. Chairman, before I resume my seat, to say a word as to the prospects of this bill, and to allude briefly to one or two reflections therewith connected. Sir, this bill is soon to become a law. Within a month from this time—I trust within half that period—the Independent Treasury plan will be incorporated into our political system. The people have willed it; they have declared, in language not to be misunderstood, that their Government "of right ought to be," and shall be, independent of banks and the moneyed power; and a majority of this body is ready to carry their will into effect, and anxious for the final vote. Nothing but the last words and dying struggles of its opponents delays its triumph. And what a triumph it will be! Go back to the first recommendation of it; see what impression the project made at first upon the public mind; trace its progress onward; mark the hostility, the clamor, the infinite variety and extreme severity of war it has encountered. Never was a measure more bitterly and violently opposed. The whole artillery of the aristocracy, and the moneyed power, has been brought to bear against it. Yet it has vanquished all. The truth of its principles has led it forward, "conquering and to conquer," until nothing remains to complete its success but the declaration of its victory.

In this triumph the great Democratic doctrine of the honesty of the people, and their capacity for self-government, will also triumph. The simpl truths of the measure have won their convictions, and led them to embrace it, in opposition to every form of misrepresentation—in opposition to the "subtle poison" of the moneyed interest; and notwithstanding the severest pecuniary pressure and distress produced by acting upon the odious and abominable Federal doctrine, that "it is not by argument, but by sufferings, that conviction is to be forced upon the minds of the people." It has been a severe test of their integrity and capacity, but in proportion to its severity will be the glory of the triumph.

This lesson throws a broad and strong light on the future. The view it affords is full of encouragement to the friends of popular liberty. It shows them that the people will act honestly and intelligently; that they will treat the "log cabin and hard cider" flummeries and fooleries of the Opposition with the *scorn* and the *contempt* they merit. It presents to their admiring gaze the entire and total rout and overthrow in the coming contest of the combined factions of Abolitionism, Conservatism, politicai Antimasonry, and Federalism, and the brilliant victory of Van Buren and Democracy.

IN SENATE, THURSDAY, May 7, 1840.

The VICE PRESIDENT submitted the following report from the Secretary of the Treasury, in compliance with a resolution of the Senate of the 24th April.

TREASURY DEPARTMENT,
May 4, 1840.

SIR: I have the honor to submit this report, in compliance with the following resolution, passed by the Senate on the 24th ult:

"*Resolved*, That the Secretary of the Treasury report to the Senate the aggregate amount of all expenditures or payments of every kind from the Treasury in each year, from 1824 to 1839 inclusive, in one column, and in another column for each year the aggregate amount, independent of the payments on account of the public debt, whether funded or unfunded, and in a third column, the aggregate amount for permanent and ordinary purposes, excluding payments on account of objects either extraordinary or temporary; such as the public debt, trust funds and indemnities, claims of States for war debts or 3 per cents on lands sold, occasional donations in money to objects in the District of Columbia or otherwise, survey of the coast, taking the census, duties refunded, the Exploring expedition, and materials collected for the gradual improvement of the navy, durable public buildings of all kinds, bridges and fortifications, all roads, canals, breakwaters, and improvements in rivers and harbors, arming militia and forts, all pensions except those to invalids, and the purchases of title to lands from Indians, the removal of Indians, and their wars, with such other payments as may have been made in those years for property lost or injuries committed during any hostilities."

The resolution was on the same day referred to the Register of the Treasury, with instructions to prepare a tabular statement, containing the information desired in three separate columns. It is hereto annexed, marked A.

He was requested, also, to prepare another statement, showing the specific sum which had been deducted each year on account of each item mentioned in the resolution as either extraordinary or temporary.

Believing that this would be highly useful, as showing the details on which the general results in the third column of the first statement rest, and as embracing many statistical facts, possessing in themselves much interest, I have annexed it, marked B.

Unless some accidental omission or other error has occurred, these two statements will present all the information desired by the resolution.

With high respect,
LEVI WOODBURY,
Secretary of the Treasury.

To Hon. RICH. M. JOHNSON,
Vice President of the United States, and
President of the Senate.

A.

STATEMENT of expenditures of the United States, from the year 1824 to the year 1839, inclusive, agreeably to a resolution of the Senate of the 24th of April, 1840.

Years.	Aggregate amount of all expenditures, or payments of every kind, from the Treasury.	Aggregate amount independent of the payments on account of the public debt, whether funded or unfunded.	Aggregate amount for permanent and ordinary purposes, excluding payments on account of objects either extraordinary or temporary.*
1824	$31,893,538 47	$15,330,144 71	$7,107,892 05
1825	23,585,801 72	11,490,459 94	6,537,671 27
1826	24,103,393 46	13,062,316 27	7,058,872 12
1827	22,656,764 04	12,653,095 65	7,427,175 78
1828	25,459,479 52	13,296,041 45	7,788,394 86
1829	25,044,358 40	12,660,160 62	7,503 204 46
1830	24,585,281 55	13,229,533 33	7,624,827 56
1831	30,038,446 12	13,864,067 90	7,679,412 66
1832	34,356,698 06	16,516,388 77	8,562,650 42
1833	24,257,298 49	22,713,755 11	8,827,095 77
1834	24,601,982 44	18,425,417 25	9,667,797 97
1835	17,573,141 56	17,514,950 28	9,157,490 32
1836	30,868,164 04	30,868,164 04	11,688,987 18
1837	37,265,037 15	37,243,214 24	13,098,321 83
1838	39,455,438 35	33,849,718 08	13,837,594 44
1839	37,129,396 80	25,982,797 75	13,525,800 18

*Such as the public debt, trust funds, indemnities, claims of States for war debts, or three per cents on lands sold, occasional donations in money to objects in the District of Columbia, or otherwise, survey of the coast, taking the census, duties refunded. Exploring Expedition, and materials collected for the gradual improvement of the navy, including improvements at navy yards, durable public buildings of all kinds, bridges and fortifications, all roads, canals, breakwaters, and improvements in rivers and harbors, arming militia and forts, all pensions, except those to invalids, and the purchases of title to lands from Indians, (Indian Department,) the removal of Indians and the wars, with such other payments as may have been made in those years for property lost, or injuries committed during any hostilities. None of these years or columns include any thing on account of the Post Office Department.

The expenditures of 1839 are subject to variation, on he settlement of the Treasurer's accounts for that year, which have not yet reached this office.

T. L. SMITH, Register.

TREASURY DEPARTMENT,
Register's Office, May 4, 1840.

B.

STATEMENT of payments on account of objects either extraordinary or temporary, including the public debt, from 1824 to 1839.

Public debt	1824.	1825.	1826.
Trust funds	$16,569,303 76	$12,095,344 78	$11,041,062 19
Indemnities	-	-	$4,297 55
Claims of States for war debts	$4,891,268 56	$93,294 51	9,967 88
Three per cent. on lands sold	5,610 27	136,090 67	152,107 94
Two per cent. on account of Cumberland road	47,714 53	57,221 89	37,208 75
Occasional donations in money to objects in Dist. of Columbia	17,000 00	35,850 00	125,469 00
Survey of the coast	-	1,972 39	1,299 43
Taking the census	4,375 19	-	-
Duties refunded	-	-	-
Exploring Expedition	-	-	-
Materials collected for the gradual improvement of the navy (including improvements at navy yards)	423,342 46	712,665 63	1,615,731 41
Durable public buildings of all kinds	180,309 67	190,899 42	177,467 63
Bridges and fortifications	429,972 04	762,711 24	756,447 55
Roads, canals, breakwaters, and improvements in rivers and harbors (except Cumberland road)	56,955 99	334,353 02	488,740 02
Arming militia and forts	171,155 43	172,348 09	186,838 64
All pensions, except those of invalids	1,267,600 41	1,506,810 57	1,305,194 82
Purchases of titles to lands from Indians (Indian Dep't)	428,957 90	724,106 44	743,447 83
Removal of Indians and the wars	-	-	-
Such other payments as may have been made for property lost or injuries committed during any hostilities, and other miscellaneous items of an extraordinary or temporary character	296,960 21	173,614 80	389,235 80
	$6,222,252 66	$4,952,788 67	$6,003,444 15

B.—Continued.

	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	1838.	1839.
	$10,003,668 39	$12,163,438 07	$12,383,867 78	$11,365,748 22	$16,174,378 22	$17,840,309 29	$1,543,543 38	$6,176,565 19	$38,191 28	-	$21,322 91	$5,606,720 27	$11,146,599 06
	$2,002 50	$46,217 14	$182,599 41	$3,472 24	$3,463 00	$168,692 29	$24,965 45	$163,739 03	$506,496 93	$1,191,282 94	$1,295,963 74	$1,320,744 80	280,694 18
	401,288 45	791,029 40	28,168 78	16,115 09	281 76	2,254 08	679,617 88	15,024 15	55,904 85	225,555 57	70,832 32	975,577 09	717,552 27
	118,177 60	7,906 76	2,929 25	30,503 90	421,886 42	780,657 63	289,576 59	31,578 96	60,098 33	963,999 94	4,369,065 32	107,707 79	4,875 50
	27,982 37	29,029 82	14,207 87	296,831 82	42,964 16	133,039 74	96,201 97	157,274 91	108,843 00	460,542 00	460,734 60	26,584 96	63,670 00
	189,230 00	193,108 36	207,437 64	-	172,406 85	363,634 37	517,157 39	624,045 03	949,144 22	363,356 90	406,734 60	351,977 62	196,520 00
	-	-	-	-	-	32,000 00	313,000 00	117,728 95	159,675 01	131,244 82	236,240 75	177,617 15	126,374 77
	4,078 43	1,154 87	- 34 07	42,000 00	-	14,927 67	19,531 47	30,051 32	34,686 69	36,393 59	97,900 00	88,937 30	91,905 79
	-	-	-	-	-	32,447 96	300 00	-	-	-	-	-	12,000 00
	-	-	-	-	-	-	701,766 70	111,830 32	4,778 04	1,149 96	333,740 00	454,586 69	179,304 20
	-	-	-	-	-	-	-	-	-	202,706 08	97,293 92	*161,413 91	*97,963 36
	71,829 96	117,192 10	61,227 41	327,537 39	144,887 42	573,562 23	215,197 62	163,997 11	96,853 39	470,890 98	313,931 71	402,326 17	282,369 36
	$5,225,919 87	$5,507,646 59	$5,157,256 16	$5,604,706 77	$6,184,655 24	$7,963,738 36	$13,896,669 34	$8,767,619 28	$3,357,459 96	$19,179,176 96	$24,144,892 41	$20,012,123 64	$12,666,997 57

* Obtained from the Fourth Auditor's Office.

T. L. SMITH, Register.

TREASURY DEPARTMENT, Register's Office, May 4, 1840.

On motion of Mr. BENTON, the letter of the Secretary, and the tables, were ordered to be printed

Mr. B. then rose to make another motion, and that was, to print an extra number of these papers. He proposed to give his reasons for the motion, and for that purpose, asked that the papers should be sent to him, (which was done;) and Mr. B. went on to say that his object was to spread before the country, in an authentic form, the full view of all the Government expenses for a series of years past, going back as far as Mr. Monroe's administration; and thereby enabling every citizen, in every part of the country, to see the actual, the comparative, and the classified expenditures of the Government for the whole period. This proceeding had become necessary, Mr. B. said, from the systematic efforts made for some years past, to impress the country with the belief that the expenditures had increased threefold in the last twelve years—that they had risen from THIRTEEN to THIRTY-NINE millions of dollars; and that this enormous increase was the effect of the extravagance, of the corruption, and of the incompetency of the Administrations which had succeeded that of Mr. Adams and Mr. Monroe. These two latter Administrations were held up as the models of economy; those of Mr. Van Buren and General Jackson were stigmatized as monsters of extravagance; and tables of figures were so arranged as to give color to the characters attributed to each. These systematic efforts—this reiterated assertion, made on this floor, of *thirteen* millions increased to *thirty-nine*—and the effect which such statements must have upon the minds of those who cannot see the purposes for which the money was expended, appeared to him (Mr. B.) to require some more formal and authentic refutation than any one individual could give—something more imposing than the speech of a solitary member could afford. Familiar with the action of the Government for twenty years past—coming into the Senate in the time of Mr. Monroe—remaining in it ever since—a friend to economy in public and in private life—and closely scrutinizing the expenditures of the Government during the whole time—he (Mr. B.) felt himself to be very able at any time to have risen in his place, and to have exposed the delusion of this *thirteen* and *thirty-nine* million bugbear; and, if he did not do so, it was because, in the first place, he was disinclined to bandy contradictions on the floor of the Senate; and, in the second place, because he relied upon the intelligence of the country to set all right whenever they obtained a view of the facts. This view he had made himself the instrument of procuring, and the Secretary of the Treasury had now presented it. It was ready for the contemplation of the American people; and he could wish every citizen to have the picture in his own hands, that he might contemplate it at his own fireside, and at his full leisure. He could wish every citizen to possess a copy of this report, now received from the Secretary of the Treasury, under the call of the Senate, and printed by its order; he could wish every citizen to possess one of these authentic copies, bearing the *imprimatur* of the American Senate; but that was impossible; and, limiting his action to what was possible, he would propose to print such number of extra copies as would enable some to reach every quarter of the Union. He knew that the report could easily go through the newspapers, (for it was very short,) and he hoped that it would appear in every paper that was a friend to truth and to fair dealing—that wished to give correct information to its readers. He hoped it would appear in all such papers; but that was not sufficient. The newspaper publications were not sufficiently free from cavil to answer his purpose; no publication could be sufficient but the one made by the order of the Senate; and, therefore, he wished the document itself to go forth, with the Senatorial *imprimatur* upon it, in sufficient numbers to reach every quarter of the Union. He wished a large number to be printed; but would not suggest any particular number until he had first given to the Senate some view of the papers themselves, and thus shown them to be worthy of the most ample multiplication, and of the most extensive diffusion.

Mr. B. then opened the tables, and explained their character and contents. The first one (marked A) consisted of three columns, and exhibited the aggregate, and the classified expenditures of the Government from the year 1824 to 1839, inclusive; the second one (marked B) contained the detailed statement of the payments annually made on account of all temporary or extraordinary objects, including the public debt, for the same period. The second table was explanatory of the third column of the first one; and the two, taken together, would enable every citizen to see the actual expenditures, and the comparative expenditures, of the Government for the whole period which he had mentioned.

Mr. B. then examined the actual and the comparative expenses of two of the years, taken from the two contrasted periods referred to, and invoked the attention of the Senate to the results which the comparison would exhibit. He took the first and the last of the years mentioned in the tables—the years 1824 and 1839—and began with the first item in the first column. This showed the aggregate expenditures for every object for the year 1824, to have been $31,898,538 47—very near thirty-two millions of dollars, said Mr. B. and if stated alone, and without explanation, very capable of astonishing the public, of imposing upon the ignorant, and of raising a cry against the dreadful extravagance, the corruption, and the wickedness of Mr. Monroe's administration. Taken by itself, (and indisputably true it is in itself,) and this aggregate of near thirty-two millions is very sufficient to effect all this surprise and indignation in the public mind; but, passing on to the second column to see what were the expenditures, independent of the public debt, and this large aggregate will be found to be reduced more than one half; it sinks to $15,330,144 71. This is a heavy deduction; but it is not all. Passing on to the third column, and it is seen that the actual expenses of the Government for permanent and ordinary objects, independent of the temporary and extraordinary ones, for this same year, were only $7,107,892 05; being less than the one-fourth part of the aggregate of near thirty-two millions. This looks quite reasonable, and goes far towards relieving Mr. Monroe's administration from the imputation to which a view of the aggregate expenditure for the year would have subjected it. But, to make it entirely satisfactory, and to enable every citizen to understand the important point of the Government expenditures—a point on which the citizens of a free and representative Government should be always well informed—to attain this full satisfaction, let us pass on to the second table (marked B) and fix our eyes on its first column, under the year 1824. We shall there find every temporary and extraordinary object, and the amount paid on account of it, the deduction of which reduced an aggregate of near thirty-two millions to a fraction over seven millions. We shall there find the explanation of the difference between the first and third columns. The first item is the sum of $16,568,393 76, paid on account of the principal and interest of the public debt. The second is the sum of $4,891,386 56, paid to merchants for indemnities under the treaty with Spain of 1819, by which we acquired Florida. The third is $5,510 27 paid to States for claims on account of war debts. The fourth is $47,714 53 for the three per centum to the new States on the lands sold within their limits. The fifth is $17,000 on account of the two per centum to the Cumberland road. The fifth is $4,373 19 for the survey of the coast. The sixth is $423,342 46 for collecting materials for the gradual increase of the navy, and the improvement of the navy yards. The seventh is $180,309 67 for durable public buildings. The eighth is $429,972 04 for bridges and fortifications. The ninth is $56,955 99 for roads, canals, and breakwaters, and improvements in rivers and harbors, except the Cumberland road, which was stated by itself. The tenth is $171,155 43 for providing arms for the militia of the United States, and for arming the fortifications. The eleventh is $1,267,600 41, for all pensions, except those of invalids. The twelfth is $429,987 90 for purchasing land from Indians, and paying for Indian depredations. The thirteenth, and last item, is the sum of $296,960 21 for miscellaneous objects, and for property lost, or injuries committed, during hostilities with any power. The total of all these items, except the public debt, is $8,222,252 66. This total, added to the sum paid on account of the public debt, makes close upon twenty-five millions of dollars; and this, deducted from the aggregate of near thirty-two millions, leaves a fraction over seven millions for the real expenses of the Government—the ordinary and permanent expenses—during the last year of Mr. Monroe's administration. This is certainly a

satisfactory result. It exempts the Administration of that period from the imputation of extravagance, which the unexplained exhibition of the aggregate expenditures might have drawn upon it in the minds of uninformed persons. It clears that Administration from all blame. It must be satisfactory to every candid mind. And now let us apply the test of the same examination to some year of the present Administration, now so incontinently charged with ruinous extravagance. Let us see how the same rule will work when applied to the present period; and, for that purpose, let us take the last year in the table, that of 1839. Let others take any year that they please, or as many as they please: I take one, because I only propose to give an example; and I take the last one in the table, because it is the last. Let us proceed with this examination, and see what the results, actual and comparative, will be.

Commencing with the aggregate payments from the Treasury for all objects, Mr. B. said it would be seen at the foot of the first column in the first table, that they amounted to $37,129,396 80; passing to the second column, and it would be seen that this sum was reduced to $25,982,797 75; and passing to the third, and it would be seen that this latter sum was itself reduced to $13,525,800 18; and, referring to the second table, under the year 1839, and it would be seen how this aggregate of thirty-seven millions was reduced to thirteen and a half. It was a great reduction; a reduction of nearly two-thirds from the aggregate amount paid out; and left for the proper expenses of the Government—its ordinary and permanent expenses—an inconceivably small sum for a great nation of seventeen millions of souls, covering an immense extent of territory, and acting a part among the great powers of the world. To trace this reduction—to show the reasons of the difference between the first and the third columns, Mr. B. would follow the same process which he had pursued in explaining the expenditures of the year 1824, and ask for nothing in one case which had not been granted in the other.

1. The first item to be deducted from the thirty-seven million aggregate, was the sum of $11,146,599 05, paid on account of the public debt. He repeated, on account of the public debt; for it was paid in redemption of Treasury notes; and these Treasury notes were so much debt incurred to supply the place of the revenue deposited with the States, in 1836, or shut up in banks during the suspension of 1837, or due from merchants, to whom indulgence had been granted: To supply the place of these unattainable funds, the Government went in debt by issuing Treasury notes; but faithful to the sentiment which abhorred a national debt, it paid off the debt almost as fast as it contracted it. Above eleven millions of this debt was paid in 1839, amounting to almost the one third part of the aggregate expenditure of that year; and thus, nearly the one third part of the sum which is charged upon the Administration as extravagance and corruption, was a mere payment of debt! —a mere payment of Treasury notes which we had issued to supply the place of our misplaced revenue. This item being deducted from the 37 millions, reduces it to 26.

2. The second item to be deducted is stated in the table under the description of trust funds; and consists in moneys received in trust for the Chicasaw Indians, and other Indians, on the sale of their lands, for which the United States act as their agent and treasurer. It amounts to near a quarter of a million, to wit, $240,694 for the year 1839; but for the three preceding years averaged a million and a quarter, and contributed largely to swell the expenditures, as they were termed, of 1836, 1837, and 1838. This item had no existence in the year 1824; so that it becomes a new charge, apparently, upon the Treasury; but in reality no charge at all, as it was only delivering over to Indians the money which had been received for them. Yet this item, amounting to nearly four millions in the last four years, is set down to the reckless extravagance of a mad and ruinous Administration.

3. The third item to be deducted is the sum of $717,552 27 for indemnities; that is to say, for moneys recovered from foreign nations, under General Jackson's administration, for merchants who had been plundered under previous administrations, whose money, when received, had gone into our Treasury, and was afterwards paid out to the rightful owners as their respective rights were ascertained. The payment for 1839 was near three quarters of a million; but for the three previous years they amounted in the whole to about five and a half millions; and, according to the accusation of the Opposition gentlemen, constituted so much of the horrid extravagance of those years! and here let us mark the difference between the present times and those of 1824. When, in that year, the sum of near five millions was paid out of the Treasury for indemnities to merchants under the Florida treaty, no one ever thought of making the people believe that it was a part of the expenses of the Government. No one ever thought of injuring the Administration about it. These conceptions have been reserved for the present day. Now, for the first time in the history of our country, or perhaps of any country, the recovery of indemnities from foreigners, and their payment to our own citizens, becomes a dreadful extravagance—a ruinous waste of money—for which a mad and profligate Administration must be thrust from power!

4. The fourth item is a small sum of $4,875 50 for claims of States on account of expenditures for the general benefit during the late war. It was a payment of debt, and not an expense of Government, and though small in 1839, it had been considerable in the three preceding years, amounting in that time to about $230,000, and of course, swelling by that much the aggregate expenditures of those years, and helping to make up the monstrous extravagance of which the country heard so much.

5. The next item grows out of the three per centum fund to the new States on the amount of the lands sold within their limits. It is due to the States by compact, as a consideration, and a most inadequate one it is, for not taxing the Federal lands. For the year 1839, this item amounted to $63,670; and, being a debt due to the States, is no part of the Government expenses. For the three previous years, when the land sales were at the largest, and when some of the States had neglected for some years to draw their money, the payments on this account amounted to near one and a half millions of dollars; and of course, swelled to that amount the *extravagance* of 1836, '37, and '38! In the year 1824, this item was only $47,714.

6. The sixth item to be deducted was nearly allied to the former. It was $198,530 for the two per centum on the sales of the public lands to make roads to the new States, and applicable to the Cumberland road. In the year 1824 it was only $17,000; but in the great sales of 1835, '6 and '7, it amounted to near $1,200,000. Here again was a payment of a debt converted into wasteful extravagance!

7. Donations of money to, or payments on account of, the District of Columbia, was the seventh item of deduction which Mr. B. mentioned. It amounted to $126,374 for the year 1839. It was a new item in the list of Government payments, having no existence in 1824, nor until the year 1832. After that time it had been annual, and as high as $313,000 in one year, to wit, 1833, and for the years 1836, '7, and '8, amounted to near $440,000. It was a gratuity to the District, which had no political rights; and it was a gratuity which had no other object than to relieve it from burthens improvidently contracted; yet received the usual character of corrupt extravagance.

8. The survey of the coast was the eighth item which Mr. B. explained. It was a temporary and extraordinary object, which had grown up from a trifle to a large amount within a few years past, and amounted to $91,995 for the year 1839. Previous to General Jackson's administration it rarely exceeded two thousand dollars per annum; for the years 1836-7 and 8, it amounted to about $220,000.

9. Duties refunded to merchants was another of the new and large items which had lately grown up among our Treasury payments. From 1821 to 1832, it was unknown; yet, in 1839, it was $179,304; in the year 1833, it was $701,000; and for 1836-7, and 8, it amounted to above $800,000. This was a favor, or an act of justice to merchants, granted by acts of Congress, or by judicial decisions, or by reversal of previous constructions of the laws. It is no part of the Government expenditure, though, being refunded from the Treasury, it goes into the enumeration, to swell the general aggregate—to swell the cry of extravagance—and to prove the hostility of the Administration to merchants!

10. A tenth item to be deducted was the sum of $714,857 for collecting materials for the increase of the navy. This was an expenditure for the future defence of the country, and averaged about $800,000 per annum since the commencement of General Jackson's administration, though only $423,000 in 1824. It is clearly no part of the expenses of Government, but an outlay of money for the benefit of after years, and of posterity.

11. Permanent public buildings is another of the large items of recent expenditure. Formerly these buildings were of perishable materials, and sunk under the decay of time, or the ravages of fire; for some years past durable materials had been selected, and fireproof edifices constructed. The expenditure for this purpose, in 1839, was $1,248,044, and near the same for the three preceding years. This again was an expenditure for the benefit of posterity, and not chargeable as an expense upon the actual administrations.

12. The sum of $735,670 for bridges and fortifications, was the twelfth item which Mr. B. pointed out for deduction, being both of them expenditures for the benefit of posterity; the expenditure extraordinary and temporary, but the benefit general and permanent.

13. The sum of $1,491,000 for the improvement of rivers, harbors, and roads, exclusive of the Cumberland road, was another expenditure of the same character. In 1824, it was but $56,955; but took a start then which would have known no bounds had it not been for the Maysville veto.

14. Providing arms for the militia of the States, and cannon for the forts, is another expenditure for future times and for posterity. It amounted to $474,906 for 1839, and averaged above half a million a year for each of the three preceding years. In 1824, it was but $171,155.

15. Pensions, except those to invalids, was the next item noted by Mr. B. for deduction. They were gratuities from the Treasury, and not an expense of Government. They amounted in 1839, to $3,033,764, being near three times what they were in 1823. They had been an enormous drain upon the Treasury for the last seven years, amounting in 1833 to $4,485,000, and subsequently averaging about half that sum.

16. Purchase of lands from Indians was another large item to be deducted, and which had vastly increased of late. In 1824, this head of expenditure only amounted to $429,987; in 1839 it was $1,708,123; in 1836 was as high as three millions; in 1837, $2,484,000; and in 1838, it was $4,603,518. These were heavy expenditures, incurred for the great object of relieving all the States from the incumbrance of an Indian population; but though heavy, it is not money gone from the Treasury never to return to it. It all returns, and with profit, in the sale of the lands acquired; yet the vast sums paid on this head, is cited against us as ruinous extravagance, for which the Goths should be driven from the Capitol!

17. Removal of Indians and their wars was another item nearly connected with the last, and subject to the same remarks. It had grown up of late, and was directed to the good of the States. In 1824 it was nothing; in 1839 it was $1,775,914. In the three preceding years it was, respectively, in round numbers, $6,000,000, $6,500,000, and $5,500,000. This is one of the largest heads of increased expenditure in recent years, and one of the most indispensable for the States of the South and West. It is appurtenant to the purchase of the Indian lands; and although large, yet the sales of the lands will far more than reimburse it.

18. And, finally, Mr. B. noted the sum of $232,369 for miscellaneous objects, not reduceable to a precise head, which swelled the list of expenditures, without belonging to the expenses of the Government.

19. The Exploring Expedition was the last of the items. It was of recent origin, amounting to $97,668 in 1839, and to about $560,000 for the three preceding years.

These are the eighteen heads of extraordinary expenditure, said Mr. B. and the amount expended for each; and now let gentlemen of the Opposition say for which of these they did not vote, to which they now object, and for which they will not vote again at this session?

With this view of the tabular statements Mr. B. closed the examination of the items of expenditure, and stated the results to be a reduction of the 37 million aggregate in 1839, like that of the 32 million aggregate in 1824, to about one-third of its amount. The very first item, that of the payment of public debt in the redemption of Treasury notes, reduced it 11 millions of dollars: it sunk it from 37 millions to 26. The other eighteen items amounted to $12,656,977, and reduced the 26 millions to 13½. Here then in a result which is attained by the same process which applies to the year 1824, and to every other year, and which is right in itself; and which must put to flight and to shame all the attempts to excite the country with this bugbear story of extravagance. In the first place the aggregate expenditures have not increased three fold in fifteen years; they have not risen from 13 to 39 millions, as incontinently asserted by the Opposition; but from 32 millions to 37 or 39. And how have they risen? By paying last year 11 millions for Treasury notes, and more than 12 millions for Indian lands, and wars, removals of Indians, and increase of the army and navy, and other items as enumerated. The result is a residuum of 13½ millions for the real expenses of the Government; a sum 1½ millions short of what gentlemen proclaim would be an economical expenditure. They all say that 15 millions would be an economical expenditure: very well! here is 13½! which is a million and a half short of that mark.

The authentic tables show that the aggregate expenditures for 1824, came within five millions of those of 1839; consequently that, without a deduction for extraordinary expenditures, the charge of extravagance, waste, ruin, profligacy, &c. might have been raised against the Administration of that day, and some uninformed persons excited against it by a groundless clamor; yet no one thought of raising such a clamor in 1824. No one then thought of charging, as extravagance, payments on account of the public debt, and for indemnities to merchants, and other extraordinary expenses. Then all parties made the proper deductions for payments either temporary or extraordinary in their nature. No one sought to mystify or to impose upon the ignorant. No one thought of palming a story of thirty-two millions upon the country as the expenses of the country. All that has been reserved for the present times; it has been reserved for our day; and may have been attended for a while with the ephemeral success which crowns for a moment the petty arts of delusion practised upon the ignorant. But the day for this delusion has gone by. The classified tables, now presented, will reach every citizen, and will clear up every doubt. They will enable every citizen to see every item of expenditure—to judge it himself—and to demand of the Opposition gentlemen, if they did not vote for it themselves, and if they now object to it? Taking the extraordinary items as they rise, and beginning with the first, the sum of eleven millions paid for redemption of Treasury notes; and it can be demanded if that payment was not right? and so on through the whole list, amounting to twelve and a half millions. The ordinary and permanent expenses, amounting to thirteen and a half millions, no one objects to: all admit that that sum is a million and half within the mark of meritorious economy. It is on the extraordinaries—it is on the difference between thirteen and a half and thirty-seven millions—that the attack is made; and now we produce these extraordinaries. We give a list of them, item by item, with the amount paid on account of each; and call upon the gentlemen of the Opposition to name the one to which they object? to name the one for which they did not vote. This is what we do; and I will you, Mr. President, what they will do: they will not name one item to which they now object, or against which they voted! They will not name one; and the reason is, because they cannot! They voted for all—they approve all—the country will approve all, except part for pensions and harbors, and of these the Opposition were the leading advocates. And thus these gentlemen of the Opposition are presented in the extraordinary light of going abroad to make a general denunciation of the Administration for extravagant expenditure; and when we show them the bill of particulars, and ask of them to point out the extravagant items, or the the ones for which they did not vote, *they will remain silent!* They will name no item, because they cannot.

Mr. B. said that this Administration and that of General Jackson were ready for a comparison with any that preceded them. Aggregates against aggregates, or items against items, they were ready for the comparison. If any one shall say that the expenses of the Government were thirty-seven millions in 1839, or thirty-nine millions in 1838, we answer that this is only five or seven millions more than the aggregate of 1824; that the aggregate was then thirty-two millions, and the increase is only in proportion to the increase of the country. If, descending from aggregates and going into items, it is said that sixteen millions must be deducted from the aggregate of 1824 for payments to the public debt, and eight millions more for indemnities and other extraordinaries, we answer that eleven millions must be deducted from the aggregate of 1839 for redemption of Treasury notes, and twelve and a half millions more for Indian wars, treaties, and removals, and a dozen other extraordinaries. This brings the thirty-seven down to thirteeen and a half; and at that point complaint ceases.

Mr. B. said that the tables which were presented treated every Administration alike. Beginning in the last year of Mr. Monroe, they came down through the term of Mr. Adams, and the two terms of General Jackson, and the three years which had elapsed under Mr. Van Buren. All were treated alike. The same rule was applied to the expenditures under each one. The aggregate was given in every case first; and then the extraordinary, separated from the ordinary expenditures, and the same items charged and credited in every case. In looking at the aggregates it will be seen that every Administration needed this classification; that the aggregate under Mr. Adams's administration was not thirteen millions, as repeated so many millions of times, but about the double of that! and that this thirteen millions for that gentleman's administration was only attained by deducting extraordinaries! by going through the very process which reduces the expenditure under Mr. Van Buren to thirteen and a half millions. The smallest aggregate in the whole table is that of 1835, under General Jackson's administration, when the public debt had ceased, and the Indian wars had not begun. The aggregate for that year is seventeen

millions and a half. Even including the extraordinaries of that year, and the *aggregate* was but seventeen millions and a half! Any so it will be again. As soon as we are done paying the Treasury notes, which are issued in lieu of our misplaced revenue, and so soon as our Indian troubles are over, and the payments completed for removal of Indians, and purchase of their lands, the aggregate expenditures will come down to about what they were in 1835; and the ordinary expenses will be within fifteen millions.

Mr. B. demanded who ever deemed it an expense of the Government, when Mr. Jefferson purchased Louisiana at fifteen millions of dollars? And who could think of charging as an expense the large sums which had been lately paid in extinguishing Indian titles, and in removing Indians? One would as soon think of charging, among the expenses of a family, the outlay which should be made by a prudent and thrifty farmer in purchasing additional land, and in inclosing it with fences, or covering it with improvements. The extinction of the Indian titles—the acquisition of their lands for settlement and cultivation; and the removal of the Indians themselves from all the States, was one of the great measures which illustrated Gen. Jackson's administration, and was beneficial both to the Indians and to the States. So great an object could not be effected without a large expenditure of money; and who is there now to stand up and condemn the Administration for this expenditure? Who wants these Indians back? Who wants Georgia, Alabama, Mississippi, and all the other States, again encumbered with the Indians which have left them?

That the expenses of the Government had increased in the last twelve or fifteen years, Mr. B. said was just as certainly true as it was naturally to have been expected. The country itself had increased in that time: several new States had been admitted into the Union, and several new Territories had been created. An additional impetus had been given to the public defences, in the increase of the army and navy—wars with several Indian tribes had intervened -vast purchases of Indian lands had been effected—whole tribes, nay, whole nations of Indians had been removed, and removed to a vast distance, and at a vast expense. This latter expenditure was chiefly for the benefit of the South and West; but where is the man in any quarter of the Union that can stand up and condemn it?

Sir, I admit an increased expenditure; and, far from concealing, I exhibit and proclaim it. I display the items; they are spread out in the statements now under discussion; I point them out to the country. I say they will be found, principally, in the navy—in the army—in the Indian department—in the pensions—in the light-house establishment—in Indian wars—in the defence of the frontiers, North and West—in fortifications—in preparing arms and munitions of war—in the legislative department—in permanent and durable fire proof public buildings—and in assuming the foreign debt, and making other expenditures for the District of Columbia. In these branches of the service will the increases be principally found, and I supported them all except the increase for pensions, harbors, some of the light-houses, and the book printing part of the legislative expenses. I supported all except these: but the gentlemen of the Opposition supported all that I did, and these besides; and now go forth to raise a cry of extravagance!

Mr. B. said the Opposition not only voted for these increased expenditures, but in some instances greatly augmented them. This was the case in the Indian expenditures, and especially among the Cherokees. The Opposition set themselves up for the guardians of these Indians: they seemed to make political alliance with them. The Indians became parties to our politics: the Opposition became allies to them; and the result was double trouble, and double expense, and double delays, and double vexation of every kind with those Indians; until it required a military force to compel them to comply with treaties which gave them millions more than they ought to have received!

The Opposition not only voted for all the increases, and caused some of them to be augmented, but they attempted many enormous expenditures which the Democratic members opposed and prevented. Let any one look to the bills which were rejected, either in the Senate or in the House of Representatives; let any look to the number of these bills, and the tens of millions, in the aggregate, with which they were freighted, and then say what the expenses would have been if the Opposition had been in power. One of these bills alone, the French spoliation bill, was for five millions of dollars; others were for vast sums, especially the harbor bills. They were rejected by the votes of Democratic members; and if they had not been—if they had passed—they would have swelled the thirty-seven to near fifty millions; and would have been charged upon as a reckless, wasteful, horrible extravagance.

Mr. B. said that the financial statements were a difficult subject to handle—hard for a speaker to understand himself, and harder still to make himself be understood by others. It was a point at which the most unfounded impressions might be made on the public mind—on which the greatest errors might be propagated. Yet it was a point on which correct information should be disseminated—on which every citizen should be informed—which every one should make it his business to understand. Economy should be the cardinal virtue of a free Government, and the whole body of the citizens should be the guardians of that virtue. They should guard the national finances; and for that purpose should understand them. They should know how much money was raised, for what purpose, and how expended. They could not be too jealous of the misapplication of the public moneys; they could not scrutinize too closely the public accounts. Those accounts could not be too often presented to them, nor in a form too simple and obvious. It has been my endeavor, said Mr. B. both in calling for the statements which had just come in from the Treasury, and in what I have said upon them, to present the difficult subject of our finances in a plain, obvious, and intelligible form. My object has been to elucidate, and not to mystify; to enlighten, and not to confuse. I have endeavored to present a full, plain, authentic statement of the public expenditures; such as every citizen can see and comprehend. Our adversaries present an aggregate; rush at the passions, and endeavor to alarm, or to enrage the people. I present the particulars and ask for their deliberate judgment. Sir, I have confidence in the capacity of my countrymen. I have confidence in their capacity for self government; in their moral and intellectual capacity for governing themselves—for sustaining and carrying on the frame of Government which our ancestors provided for us. I believe that my fellow citizens possess the requisite qualities for self-government—judgment to understand—virtue to choose—and patriotism to sustain—the principles and the measures which are best for themselves. I do not believe in the monarchial idea, that the people are ignorant, venal, factious; that they have no enlighted views of men or measures; that reason, truth and sound argument, are lost upon them, as pearls thrown to the swine; that the only way to govern them is to bamboozle and debauch them. I believe in none of these monarchial opinions, and have never practised upon them. I have never addressed myself to the supposed ignorance, venality, faction, or caprice of my countrymen, but always to their intelligence, virtue and patriotism. The *argumentum ad ignoranliam* has had no place in my speeches: the *argumentum ad judicium* has been my aim. I cannot say that I have spoken with judgment, but I can affirm that I have always paid my countrymen the compliment of speaking to their accredited judgment—never to their supposed folly. I have spoken to the rational minds, to the virtuous hearts, and to the lofty, generous and patriotic feelings of my countrymen; and I am too well content with the effect which this plan of speaking has had, to change it now. Facts, and reasons, are my materials—simplicity my style. Away with exordium—away with peroration—away with holyday phrases—away with theatrical display—away with all figures, but figures of arithmetic; and of these I give many, and never more than in this short speech. This has been my plan of speaking, and this it is now. I have procured plain statements to be made out, and have delivered a plain speech upon them. I have endeavored to make myself intelligible on a subject in which intelligibility is somewhat difficult—on which it is easy for the speaker to get both himself and his hearers into a fog. I have aimed at perspicuity, and flatter myself that I have been understood. I wish the country to judge the expenditures of the Government—the particulars as well as the aggregate—and therefore place the whole before the public. Our adversaries attack the aggregate: Let them examine the particulars, and name the one to which they object, and for which they did not vote!

Mr. B. then appealed to Senators of the Democratic party to name the number of extra copies of the report which they would propose to print, professing himself ready to agree to any number that was satisfactory to his friends

Mr. Hubbard proposed thirty thousand.

Mr. BENTON acccepted the proposition, and moved that thirty thousand extra copies of the report be printed for the use of the Senate.

The question being then on printing thirty thousand extra copies of the report, it was agreed to—yeas 22, nays 14, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Lumpkin, Nicholas, Nowell, Pierce, Roane, Robinson, Sevier, Sturgeon, Wall, Williams, and Wright—22.

NAYS—Messrs. Clay of Kentucky, Clayton, Davis, Dixon, Henderson, Knight, Porter, Prentiss, Preston, Ruggles, Southard, Tallmadge, Webster and White—14.

APPENDIX,

Showing the items on which the *permanent* expenditures have increased—the amounts of the increase—and the reasons of the increase.

TABLE 1.

In 1824, it wil be seen that the aggregate expenditures for ordinary and *permanent purposes* amounted to the sum of $7,107,892 05.

In 1838 they amounted to $13,837,594 44.

Making a difference against the year 1838, of $8,729,702 39.

He would now endeavor to show some of the items of expenditure which went to make up that difference:

Increase of expenditures in 1838 *beyond the expenditures under same heads in* 1824.

Legislature,	$685,000
Executive Departments,	383,000
Surveyors and clerks	42,000
Expenses of mints, exclusive of buildings,	20,000
Governments in the Territories of the United States,	60,000
Judiciary,	169,000
Support and maintenance of light-houses,	147,000
Surveys of public lands,	17,000
Marine hospital establishment,	74,000
Pay, subsistence, forage, Quartermaster's department, Medical department, and contingencies of the army,	1,474,000
Purchasing department, (clothing, &c.)	384,000
Military Academy, West Point,	125,000
Expenses of arsenals,	194,000
Ordnance department, including gunpowder, cannon balls, &c.	260,000
Pay, subsistence, provisions, and medicines for the navy,	1,406,000
Ordnance for the navy,	46 900
Repairs of vessels,	819,000
Contingencies of the navy,	242,000
Marine corps,	81,000
	$6,628,000

TABLE 2.

The following table is an exhibit of the *permanent* expenses of the Government on some leading items, in the years 1824 and 1839, with a brief statement of some of the reasons for the difference:

Items of expenditure.	1824.	1838.	Remarks.
LEGISLATIVE.			
Pay of Senate and House	$508,241	$681,218	The increase of
Contingencies of both	86,000	501,783	population had been
Printing	44,730	136,181	about 70 per cent. Two new States, two Territories, four Senators, twenty Representatives, longer sessions, more business, and more printing required.
JUDICIARY.			
Salaries and expenses	209,442	378,873	More Judges of the Supreme Court, more district judges, marshals, attorneys, more courts, more jurors, more business, more wealth, and more suits.
LIGHT BOATS AND LIGHT-HOUSES.			
In 1824, 102; in 1838, 248	121,492	301,035	Owing to increase in the number of establishments.
CANADA DISTURBANCES.			
Protection of Northern frontier		439,000	
Private bills	153,126	228,759	Nearly double in amount on account of increase of business and population
Payments to custom-house officers from Treasury		190,354	Rendered necessary in consequence of the tariff of 1833, to make their compensation equal to what it was prior to the passage of that act.
NAVY DEPARTMENT.			
Navy pay and subsistence	1,122,284	2,166,240	Fifty per cent. in-
Provision	312,400	631,408	crease in number of officers and seamen; pay increased twenty per cent. on service.
Repairs and building vessels	404,151	1,490,128	More ships in com-
contingencies	132,721	494,120	mission, new squadron to India, more repairs, building steam vessels, and others.
WAR DEPARTMENT.			
Army pay, subistence and forage	1,400,824	2,559,757	Army increased in
Clothing	168,738	595,003	number, and pay in-
Ordnance	50,514	263,178	creased, rations 20
Military academy	25,438	207,137	per cent. higher, and also clothing 20 per cent. increase; regiment of dragoons added for frontier; and Indian Bureau added.

☞ Both the above tables apply to the *permanent* expenditures of the Government, and explain the reason why they have increased to thirteen and a half millions. The *extraordinary* expenditures, which swelled the amount to thirty-eight millions, are detailed, item, by item, in the body of Mr. BENTON's speech.

SPEECH OF MR. WILLIAMS,

OF MASSACHUSETTS.

In the House of Representatives, June 4, 1840—In Committee of the Whole on the state of the Union, on the bill "to provide for the collection, safekeeping, transfer, and disbursement of the public revenue."

Mr. CHAIRMAN: I rise to make a few remarks in reply to those which have been urged against the passage of the bill now under consideration. In doing so, it is not my intention to traverse over the whole subject, but to meet a few prominent objections by unvarnished arguments, and a plain array of facts.

The discussion of this bill, sir, was commenced, and has been followed up, by a denunciation of it as an Executive and aristocratic measure. That it has been recommended by the President, is conceded; but does it thence follow that it is an aristocratic measure? What does it propose? In the first place, to dispense with the use of banks in the collection, safekeeping, and disbursement of the public revenue, and for these purposes to employ responsible officers, appointed by the President, with the advice and consent of the Senate; secondly, to require the revenue to be deposited in the Treasury, or its branches, prohibiting any use or loan of it, except in the legal disbursements of Government, under severe penalties of fine and imprisonment; and thirdly, to require, in the course of three years, all dues to be received, and all disbursements to be made, in gold and silver. These are the main provisions of the bill.

In opposition to this, I understand gentlemen to advocate the employment of banking institutions—irresponsible privileged associations—with power to use the public revenue as a fund on which to make loans and discounts for the benefit of their officers, stockholders, and customers.

These, sir, are the two propositions now at issue; and it must be manifest that they involve great and fundamental principles of Government. The question between them is not a mere choice of measures under one and the same theory of Government; but they present, or necessarily involve, two opposite theories—antagonistical principles of Government. The one is founded in a distrust of the people; the other in faith and the capacity of the people for self-government. They distinctly

present the issue, whether the many or the few—whether responsible or irresponsible power, shall predominate in the administration of the Government?

The bill under consideration recognises the supremacy and the capacity of the people for self-government, by entrusting the safekeeping and the disbursements of the public revenue to individual agents, appointed by, and responsible to, the Government of the people, for the use and benefit, not of a class or corporation, but of the whole people. Under this system, the equal rights and sovereignty of the people are not only theoretically, but practically acknowledged.

The bank deposite system, on the other hand, necessarily restricts the practical sovereignty of the people, by entrusting the revenue to the possession and use of corporations, unknown to the Constitution of the United States, having charters irrepealable by Congress, and being incapable of ignominious punishment. It takes the public money, raised for the public service, converts it into bank paper, and, as has been truly said, leaves the Government with only a mere right of action against the incorporations entrusted with its keeping. Is such a system calculated to give supremacy to the popular will? No, sir: it renders the Government dependent upon institutions irresponsible to the people. The tendency, if not the design of it, is, not so much the safekeeping of the revenue, as to secure to the favored few the use and control of it. But the control of the revenue is an important branch of sovereignty. Shall this, then, be transferred to irresponsible banking corporations? If it is, what becomes of the boasted sovereignty of the people? It is an old maxim, "to divide sovereignty is to destroy it." The moment. then, our revenue is controlled by the banks, it ceases to be by the people; and our Government, so far as the control of the revenue is concerned, ceases to be a Government of the people, and becomes one of money changers. Its character is changed—the sovereignty departs from the people—is transferred from the many to the few.

Such a system may not be inconsistent with the theories of other Governments, for they lodge the sovereignty and the right to govern in the hands of a class. But it is not so with us; for here the people are supposed to be wiser and more competent than the few to govern and control. Hence to delegate to the members of corporations, associated together for the mere purposes of private gain, the choice of the fiscal agents of Government, is clearly contrary to the spirit of our free institutions—is anti-democratic. It assumes the aristocratic principle, and strikes at the very root of liberty.

The same course of reasoning that leads to a transfer of the fiscal operations of Government to moneyed associations, would lead to a like transfer of its various other departments. If members of corporations—the moneyed few—are better qualified than the people, or their responsible representatives, to choose the fiscal agents, as is done in the choice of bank officers, under the deposite system, does it not follow that they must be so in the choice of the Executive, Judicial, and Legislative, officers of Government? Incompetency in the one case clearly implies it in the others.

An insuperable objection is thus presented, in the very outset, to the bank deposite system. It is clearly repugnant to the first great principles of our Government—the sovereignty and capacity of the people for self-government.

But it is stongly urged against the measure under consideration, that it will injure the manufacturer and rob labor of its honest reward. If I believed, Mr. Chairman, such was to be the effect or tendency of the measure, I would be one of the last to support it; for I know of no interest more worthy the fostering care of Government than that of labor. I know of no portion of the community that has stronger claims for protection than the laborers of our country. Whatever of prosperity it has enjoyed, has been mainly derived from their hands. They have been the source of its wealth, and the architects of its glory. Through their efforts the forest has bowed, and the wilderness been made joyful with the notes of industry and freedom. Towns, cities, and States, have sprung into being, and the mighty tide of empire and of civilization has been sweeping on, on each revolving year, with new and accelerated rapidity, to the broad waters of the Pacific.

But the charge is made, and how is it sustained? How is the anticipated effect to be produced? Is it, as contended, by the prostration, of banks, of credit, and of a paper currency? And is this bill adequate to produce such results? No, sir. There is nothing in it to endanger sound and well regulated banking institutions. It provides for the separation of Government from the vicissitudes of business, and from the corrupt abuses of which banks are the source; but it makes no war upon them. It encroaches not upon their rights. It is a mere dissolution of partnership. The measure leaves them to their own resources, and the indulgent care of their creators, the State Legislatures. Will this, sir, destroy the banks? Not, surely, if they have any solid basis to rest upon. The idea that a mere separation will prove their destruction, can only be founded on the supposition of their entire and inherent weakness and rottenness. If they are sound institutions—if they have any better foundation than public credulity—they can and will exist, notwithstanding the passage of this bill.

It is not a measure offensive but defensive, and necessary to the independence, protection, and proper administration of the Government. The moment the public money is deposited in the banks, the dangerous power is given to a privileged class to bankrupt the Treasury, and arrest the wheels of Government. The experiment has been tried. With over thirty millions of surplus revenue on hand, we have seen the Government, through their plighted faith, not only deprived of its use, and embarrassed, but denounced for its poverty and bankruptcy. Shall the humiliating spectacle of 1837 be again presented to the world? Let us, sir, at least save the Republic from such discredit and disgrace, by the passage of the bill under consideration.

This, sir, is necessary, not only to render the funds of the Government available for the uses of he Government, but to the uniform action of the banks themselves. It will check overaction by withdrawing from their use the public money, the most active cause of the wide spread embarrassments of 1837. This induces them to expand most when money is plenty, and to contract most when their assistance is most needed to save the business community from bankruptcy and ruin. Confine them to their own resources, and they will do a safer business; their circulation will be more uniform than when banking upon the uncertain amount of the public money in deposite. As this varies, not only from year to year, but in different parts of the same year, the use of it by the banks, as a basis for issue or discount, must inevitably tend to increase fluctuation, unsettle markets, and aggravate all the evils of our banking system.

Such, sir, was the opinion of the late President of the United States Bank before the present measure was proposed and made the dividing line of parties. Upon the reorganization of that Bank, in 1836, he not only declared the Bank "*safer, stronger, and more prosperous than it ever was*," but that "*it was an original misfortune in the structure of the Bank that it was in any way connected with persons in office.* The instincts of all political power make that association dangerous—*useful to neither party—injurious to both.*"

But it is objected that it will withdraw the public money from the business of the country. What right, sir, have the banks and merchants to its custody and use? Is our revenue raised for the support of Government, or for purposes of private gain and speculation? Sir, we have no right to tax the people, to collect a revenue, for such individual and selfish purposes. Such dangerous power has not been delegated to Congress—has not been surrendered by the people. Why, then, abuse the taxing power? Why, then, pervert the public revenue from its legitimate ends to enable bankers and speculators to thrive upon the Government? Our taxes are mainly collected from the consumers—are paid about equally by the poor as well as the rich. Why, then, should the bankers be the only gainers by the people's money? Are they more meritorious—truer or more devoted friends of their country? If not, why should the revenue go to make the rich richer? Is it showing friendship for the laboring community to exact the property of the laborer in taxes, and take only the promises of the banker?

The system, sir, is unequal, unjust, and dangerous. It adds to the insecurity of the public money in the Treasury, all the risks of banking, trading, and speculation. It taxes the people not merely for the support of Government, but to create a fund for the use of a favored class. It is a species of favoritism at war with sound morality, with Republican legislation, and unworthy of a free and enlightened people.

Strong exceptions have been taken to the provisions of the bill for the collection of the revenue in gold and silver. To all that has been urged on this head, it is a sufficient answer, that no other currency is recognised by the Constitution—that no other currency will enable the Government to meet the demands which may be made upon the Treasury. Every citizen has the right, by the laws of the land, to exact specie in the payment of his debts. Why should the Government be content with less? My colleague [Mr. CUSHING] gives, as a reason, that it will furnish one and a superior currency for the Government, and another and inferior one for the people. But how so, when it only exercises a right secured to every citizen? How is it to benefit the office holders, if our bank paper is redeemable in, and, as contended, equivalent to gold and silver? It will not then affect prices; it will not then command a premium; and of course it will then confer no benefit to the office holder. But when the reverse is the case—when paper ceases to be the representative of what it purports to be—ceases as a whole to be convertible into specie—in a word, becomes depreciated—in that case, my colleague admits, it should not be received into the Treasury.

In either view, then, there is no soundness in the objection. It mistakes altogether the character of our free institutions. While our Government is a Government of the people, the interests of the two cannot be distinct. What is best for the Government will then be best for the people.

Nor is there any just ground to fear that its operation will drain the banks, and accumulate the specie of the country in the vaults of the Treasury. The calls for specie will not be sufficient in amount to produce such effects. As the disbursements are going out during the whole process of receipts, but a small amount of specie will be required to meet the wants of the Treasury. Large estimates have been presented to alarm the country. But such are not the opinions of those who possess the best means of arriving at accurate conclusions. After full investigation, it is believed the whole amount required will not exceed four or five millions. This is the estimate of the Secretary of the Treasury, founded upon the past action of the Government. Now if the whole of this amount should be withdrawn in a single year, it would not cause a greater variation than has often been produced, during the same period, by the operations of commerce. But as the change is to be gradual, and ample time is allowed for specie to flow in to supply the place of such as may be required for the use of Government, the bill affords no ground whatever to fear the consequences predicted.

Indeed, the very supposition, that such effects are to flow from the bill, is negatived by the arguments of every gentleman who has yet addressed the House on the subject. For while they have labored to create the belief that this measure will hoard specie, destroy banks, and introduce an exclusive metallic currency, they have hesitated not at the same time to denounce it as a Treasury Bank—"a rag manufactory"—whose issues are destined to enter largely into the circulating medium of the country. Both arguments, it is evident, cannot be sound; and I leave it to the country to say whether either is; and whether such reasoning and inconsistency can have any better foundation than an attempt to mislead and deceive the people into subserviency to party views and party aggrandisement.

But the opponents of this measure have not been content with merely predicting evil from its future operations. In their zeal to render it odious to the people, they have gone further, and charged upon the policy of the Administration, in introducing the bill, all the curtailment of business, all the reduction of prices, and of the rates of wages, that have taken place during the last six months. This is a very brief, and it may be a very politic way, for them to account for the existing embarrassments; but, sir, is it the true way? Why attribute to the Government the present revulsion more than those which occurred under prior Administrations? It is not so great, so universal, or desolating, as those under the reign of the United States Bank in 1819, '22, '25, and '28-9. We have now seen, in the Northern cities at least, but very few failures; whereas at each of the former periods, they were very numerous. In 1825, during the short space of two months, there were no less than eighty failures in the city of Boston alone, exceeding in amount *three millions of dollars*. And so great were the embarrassments among manufacturers in 1829, that, within the circle of ten adjacent miles of Providence, "upwards of *twenty-five hundred* people were suddenly and unexpectedly thrown out of employment in the short space of ten days!"

If such revulsions "fairly belonged to the vibrations of trade," as contended by an honorable Senator, [Mr. DAVIS,] may not the one from which the country is now recovering, be much more fairly accounted for on other causes than the action of this Administration? Why, then, attribute to this source existing embarrassments? Is it not losing sight of truth for party ends? Is it not bearing false testimony against the Government of the people? And is such conduct becoming patriots intent only on their country's good?

Sir, if there is stagnation of business, it is but the exhaustion consequent upon overaction and excess. Merchants have overtraded, the banks have overissued, and the States have contracted debts beyond the bounds of prudence, or their present ability to pay. These are the sources of our country's embarrassments. And what has the Administration done to produce these unfortunate results? Did it cause the States to run up their debts in Europe to the amount of $170,000,000 for wild projects of internal improvement? Did it charter the nine hundred State banks, and flood the country with their issues? Did it cause the banks to grant their loans and discounts to favored directors and reckless speculators, instead of dividing them among business men to uphold the business of the country? No, sir; these are not the acts of this Administration; nor is it answerable for their bitter fruits—for the doings of the States acting in their sovereign capacities. It is their unequal and vicious legislation which has plunged the country into embarrassment, and to them belongs the odious responsibility.

But we are told that States, where the friends of the Administration have had the majority, have largely increased their banking capital. True, sir; but how was the increase effected? By the votes of the majority of the Democratic members of those Legislatures? There are few, if any, instances where such has been the case, The increase of banks has generally been caused by the votes of the Opposition with the aid of a few, perhaps interested, Democrats. If there are instances to the contrary, they are but exceptions to the general rule.

Nor is the Administration responsible for the depression in the price of agricultural products. Some of these, it is true, are now low; but not more so than they have been periodically for the last twenty years. From the following table, exhibiting the prices of flour, beef, tobacco, and pork, in the city of New York, it will be seen, that the prices of each article named, was higher in March last, than in 1834, in 1830, or in 1828:

	Flour.	Beef.	Tobacco.	Pork.
1828, March,	5.12½	6 00	4½	8.62
" Sept,	6.12½	6.50	4	10.75
1829, March,	8.00	7.25	4½	9.87
" Sept,	5.62	7.62½	5	10.75
1830, March,	5.00	6.00	5½	9 00
" Sept,	5.25	6.00	4½	9.87
1831, March,	7.12	5.75	4½	10.25
" Sept,	5.87	4.87½	4½	11.00
1832, March,	5.87	5.50	4½	10.87
" Sept,	6.00	5.50	5	11.87
1833, March,	6.25	5 50	—	10.75
" Sept,	5.75	6.00	6	11.87
1834, March,	4.75	5.75	6½	10.00
" Sept,	5.37	6.25	7	9.25
1835, March,	5.62	7.00	7½	10.00
" Sept,	5.87½	8.62	8	14.25
1836, March,	7.75	6.75	7½	16.25
" Sept,	9.25	7.25	7½	18.25
1837, March,	12 00	8.50	7½	18.25
" Sept,	9.62	9.00	7½	13.00
1838, March,	8.12	11.25	7½	14.00
" Sept,	8.50	12.00	12½	18.50
1839, March,	8 37	11.50	11½	18.62
" Sept,	6.50	11.00	10	13.00
1840, March,	5.75	9.25	11	13,00

The average price of flour per barrel, in Philadelphia, during the present Administration, has exceeded $7 00; during General Jackson's last term, according to a table published in Hazard's Register, it was $6 16; during his first term, it was $5 63; during Mr. Adams's term, it was $5 14; and during Mr. Monroe's last term, it was $5 95; thus showing, if high prices are to be the test of merit, the preference is to be given to the present over the preceding Administrations.

But notwithstanding all this, we hear much said about the fall of prices, as if it was something new and unprecedented, and all the work of the Administration. Is there any connection between the two? What, sir, is price? It is defined as the relative proportion existing between the amount of money and the amount of commodities in the market. It can, then, only be altered by an undue depression or increase of the one or the other. During the past year, we have witnessed both. We have had a bountiful harvest, and a great curtailment of bank issues; and hence the fall of prices. But has the Administration caused either? Has it increased the amount of commodities? No, sir. These are not the fruits of our legislation, but the products of industry and the seasons. To charge the Administration, then, with the fall of prices consequent upon the increase of the supply in the market, amounts to nothing more nor less than to denounce it for the gifts of a fruitful season and a beneficent Providence. Has Government, then, diminished the amount of money or currency? There is no evidence of such a deed on the part of this Administration. It has passed no law on the subject, but continues to receive the same kind of money which has been received into the Treasury from the foundation of the Government, with the exception of a short period during the war.

The revulsion, then, which has taken place in prices, is not the act of this Administration, but is the joint result of a bountiful harvest, and of the acts of incorporations acting independent of this Government, and arrayed in open hostility against it. In other words, it is the natural operation of those great laws of trade and currency, which lead to a fall of prices when supply exceeds demand, or when the currency becomes contracted, or assumes a higher standard of value.

Nor has the objection any better foundation, that the Administration design to degrade our laboring community to a level with that of European countries. If this is "what the Administration propose," my colleague says he can answer "that Massachusetts will never accept such a policy." No, sir; neither Massachusetts nor any other State will accept it at the hands of this Administration, for the good and conclusive reason that it has adopted no such policy; advocates no such policy; and can have no motive or intention to propose any such degrading policy. The charge is no less groundless than ridiculous. Neither this, nor any other Administration, could produce such a result, if they should entertain the unholy wish. In making the objection, gentlemen studiously keep out of sight the vast difference between this country and Europe, the character of our institutions, the condition of our country, and the laws which regulate the rates of wages. These are not determined alone by the currency of a country, though it has a very important bearing, but by the density of its population, by their intelligence and enterprise, and by all the circumstances that can affect consumption or production. The greater the demand, other things being the same, the higher wages will be. But as the demand will be greater, so will wages be higher, among a sparse but free and intelligent, than among a dense and oppressed population. Hence wages are low in Europe, and comparatively high here; and such will continue to be the case, while there is a down trodden surplus population in Europe, and while the enterprise and intelligence of our citizens, and our extensive public domain, afford ample resources against any long continued excess of supply beyond demand.

How perfectly preposterous then is it for gentlemen seriously to accuse the Administration of the design to reduce the free laborers of this country to a level with those of Europe, by a mere requisition of gold and silver in the receipts of the Treasury. The change is altogether too great and radical to be produced by such a cause. It would require a revolution, not only in the system of our Government, but in the condition of our country, and the character of our people. Before it could be brought about, our liberties must be swallowed up in despotism, the enterprise and intelligence of our citizens be lost in luxury and sensuality, and the wide spread acres of our public land teem and overflow with a half starved, ignorant, and king oppressed population.

On what, then, rests the charge that the Administration is hostile to laborers? The only evidence which has yet been adduced is the declaration of some of the friends of the Administration of opposition to the banking system. Now suppose such opposition to be entertained to the full extent represented; does it follow that they are opposed to the well being of the laborer? Is such a charge deducible from such premises? If it is, how stands the case with the Opposition? Have none of its members expressed similar hostility? Look, sir, at the opinions avowed by the honorable John Tyler, the Whig candidate for the Vice Presidency. In a speech delivered against the late United States Bank, and published in the National Intelligencer of April 6, 1819, he used the following emphatic language:

"For one, I enter my protest against the banking system as conducted in this country—a system not to be supported by any correct principles of political economy; a gross delusion, the dream of a visionary—a system which has done more to corrupt the morals of society than any thing else; which has introduced a struggle for wealth, instead of that honorable struggle which governs the actions of a patriot, and makes ambition virtue; which has made the husbandman spurn his cottage, and introduced a spirit at variance with the simplicity of our institutions. I call upon the warm advocates of banking now to surrender their errors. Shall I take them by the hand and lead them through our cities? Bankruptcy meets us at every step; ruin stares us every where in the face. Shall I be told of the benefits arising to commerce from the concentration of capital? Away with the delusion. Experience has exposed its fallacy. True, for a moment, it has operated as a stimulus; but, like ardent spirit, it has produced activity and energy but for a moment: relaxation has followed, and the torpor of death has ensued. When you first open your bank, much bustle ensues: a factitious goddess, pretending to be wealth, stands at the door, inviting all to enter and receive accommodation; splendid palaces arise; the ocean is covered with sails: but some alteration in the state of the country takes place; and when the thoughtless adventurer, seated in the midst of his family, in the imaginary enjoyment of permanent security, sketches out to himself long and halcyon days, his prospects are overshadowed, and misery, ruin, and bankruptcy make their appearance in the form of bank curtailments. If this be true, and I appeal to the knowledge of all men for its truth, I demand to know if you can put down the system to soon. Can we too soon escape the dangers with which we are surrounded? I know I shall be told that, even if we put down this bank, the State banks will still exist. Even if true, the position is not a justifiable one. If the State Legislatures do not follow the example which we set them, we shall have acquitted ourselves of our duty. It is all that can be asked of us. But, sir, we actually possess the lever of Archimides, and have a foot of ground on which to rest it. Our revenue amounts to upwards of $20,000,000 annually. Require a fourth, or even a sixth, to be paid in gold and silver—what would be the effect? The merchant would collect the notes of banks, and demand specie for them; and thus a test would be adopted by means of which to ascertain the solvency of each institution. The demand of specie thus produced would have the beneficial effect of introducing more of it into the country; for money is like every other article, and will find its way to the market where it is most wanting. The system might be enlarged gradually until your wishes should be consummated."

Where, sir, in the range of our history, can you find a bolder denunciation of our whole banking

system? If opposition to it, then, makes any of the friends of the Administration the enemies of the laborer, must not the opposition of Mr. Tyler make him equally so? There is no escape from the conclusion; and the opponents of the bill must either acknowledge the inference which they have drawn unwarranted, or stand before the country guilty of the inconsistency of denouncing the opponents of the banking system as hostile to laborers, while they have presented and are urging the election of an equally strong opponent, as *par excellence*, the friend of the laborer. To this alternative they are brought; and they may take either horn of the dilemma they choose.

Nor is opposition to our banking system peculiar to Mr. Tyler himself. The Richmond Whig, the organ of the Opposition in Virginia, in alluding in a late number to the necessity of bank reform, has the following paragraph, not only explicitly attributing the crying evils of the day to banks, but lamenting their introduction into the country in as strong language as those whose opposition is held up as an undisguised warfare upon labor and civilization:

"Unhappy was the day for America, when banks were introduced into the country. Speculation, debt, ruin, depravation of morals, and misery, have followed in their train. Much of the *improvement* which they are said to have accomplished, we believe to be no improvement at all; but if it be, improvement prematurely attempted, and effected by the unnatural expansion of the paper system, which, again collapsing, as collapse it always will, after such an expansion, has scattered destruction through the land."

Nor are these doctrines peculiar to Virginia, but were proclaimed by a recent Whig candidate for the Presidency (Mr. Webster) in 1816, and reiterated in strong and glowing terms in 1832. Even the Senator [Mr. DAVIS] who charges upon the friends of the Administration a design to reduce the rewards of labor, by infusing a greater amount of specie into the currency, promulgated similar doctrines in his message as Governor of Massachusetts in 1834, and affirmed in 1838 that experience had confirmed him in their correctness. Nor is this all. No longer ago than last fall one of the organs of the Opposition (the Boston Daily Advertiser) published a series of essays, written by one of the leading Whigs of New England, taking as strong ground against our banking system, so far as it bears upon labor, as the most radical Democrat. The following is an extract from an essay published in that paper in September last:

"The currency of the country, instead of possessing that steadiness in value essential to the great interests of the nation, and which is the characteristic of a metal currency, is, under its present management, subject to frequent and violent fluctuations, equal in the course of a year to 10, 15, or 20 per cent. causing a correspondi. g variation in the value of property. Such changes are extremely injurious to the operations of all regular industry. With a currency liable to such variations, no tolerably correct calculations can be made for twelve, or even for six months to come, by the farmer, merchant, mechanic, and manufacturer, of the value of their products at the termination of these periods. Men of the greatest skill, industry, and economy, in the management of their concerns, are constantly defeated of their earnings, if not wholly ruined, by these sudden changes in the standard of value—changes which are wholly beyond the foresight, if not the comprehension, of the great mass of the business community. They neither understand the causes of their suffering, nor if they did, so long as they continued in business, could they guard against them. All the industrious classes suffer from such frequent and violent alternations in the value of property; but the heaviest portion of it falls upon that large body of men who rely upon their limited and fixed incomes derivable from fees, salaries, or upon money investments in banks, and other institutions; and, above all, upon that much more numerous class who depend upon manual labor—upon their daily earnings for their daily bread. The merchant and manufacturer will find some compensation for his share of the evils of a deranged currency, by the enhanced profits incident to trade, when the currency is in a state of expansion, while the wealthy capitalist, who is out of the current of active business, may profit in his money investments, by the purchase of the property of the disabled and distressed classes, at half its ordinary value.

"To the retired and laboring classes, then, we say, that an uncertain, fluctuating currency, tending, as ours has been of late, to excess, is an unmitigated evil—at least such it has been in this country. The effect of the undue expansion from 1834 to 1836, when the bank issues were increased from 95 to 186 millions, and the liabilities from 171 to 341 millions, which was the main, *and the only effective cause* of the commercial revulsion and bank suspension in 1837. We repeat, the effect of that over issue of paper, was to raise and to maintain the prices of the necessaries of life from 20 to 30, and occasionally 50 per cent. beyond what they would have been had our currency been kept in a natural and sound state. Thus the cost of living was enhanced perhaps one-third, while the incomes and wages of the large classes to which we have referred were, in a great degree, stationary. This evil, too, is still existing; and will not cease to exist, till by a further contraction of our exuberant currency, prices are brought to a more natural level—to that level, in fact, on which the rewards of labor, and the incomes of invested capital were based, when our currency was in its ordinary sound state. To place these classes on a level with the active business portion of the community, who, from their position, can profit by the fluctuations of our currency, their fees, wages and incomes should have been increased in a corresponding ratio with the effect in the prices of the necessaries of life consequent upon an enlargement of the currency. No such augmentation to the incomes and wages of the classes to which we allude, was ever made; nor is there any probability of its being done; because, in the first place, the sufferers, being for the most part ignorant of the true causes of the increased expense of living, do not comprehend the reasonableness of demanding an increase of compensation proportionate to the decreased value of money; and secondly, if such a demand was made, would it not be alleged that the derangement of the currency, being in its nature temporary, and liable, therefore, to a return to its former sound state, it would be inexpedient and unjust to make these changes in the prices of labor, and of professional services, which it would be just and expedient to make in case of a permanent alteration in the value of money—such, for instance, as would arise from a sudden and considerable variation in the quantities of the precious metals existing in the commercial world? Such, we apprehend, in the case here imagined, would be the arguments employed by the most powerful against the most powerless portion of the community, to prevent their obtaining any abatement for their loss in the decreased value of money consequent upon an enlargement of the circulating medium.

"Again: not only are the less affluent and laboring classes compelled to pay the increased prices for their provisions, founded upon a superfluous currency, while their fees, salaries and wages are based upon a lower scale of an undepreciated currency; but at every revulsion in business, they are liable to be thrown out of their accustomed vocations, and driven to new ones for which they are less fitted, and sometimes wholly deprived of any employment."

The evils here described, with the derangement of business and prices, are explicitly declared to be "the natural, if not the inevitable, fruits of a vicious system of currency; of a currency issued by 900 banks," which have the power, and exercise it too, "of expanding the circulating medium to any extent they deem proper, and, consequently, of altering the value of property to a like extent." And the opinion is expressed, that while the system is continued, we shall have convulsions and revulsions at intervals of perhaps three or four years, when "paper of undefined value, or of no value, may be used, if not legally, yet by force of public opinion, stronger than the laws of the land, to discharge debts based upon coin of a fixed value, to the great discouragement of honest industry, in utter disregard of the rights of property, and of those principles upon which our institutions are based."

Such, sir, was the language of a leading Whig in a leading organ of the Opposition last fall. Where, then, was their holy horror of infusing more specie into our circulating medium? Where, then, was all the eloquence since manifested in favor of high nominal wages? We heard nothing of it then in Massachusetts. It slumbered, sir, until political power was seen departing from their grasp—until a desperate effort became necessary to uphold a desperate and sinking cause. No political capital could then be made out of it. The evils of our banking system were then proclaimed from the high quarters of Whigism, and in a paper, too, which represents the commercial and manufacturing interests of New England. No fears were then expressed at a reduction of currency or prices; but, on the contrary, a reduction of both was openly, boldly, and most strenuously recommended, as necessary to the best interests of the country, and the restoration of business to a sound and healthful state. In an essay in that paper of the 9th of October, the writer says:

"Our prices have been so high for the last twelve months past, owing to our redundant currency, that there has hardly been a moment when the products of our soil or our manufactories, would command in any foreign market so much as they cost in the home one—one consequence of which has been, that the best mode of payment for import cargoes was found in the negotiating of bills on London, and for the reimbursement of which we are now shipping a portion of our too scanty supplies of coin.

"The extreme prices of grain among us, were not owing to a bad harvest—for seldom has the country been blessed with a better one. The unnatural price of nine dollars a barrel for flour was caused, *not by a scarcity of wheat, but by a superabundance of currency*—of bank notes—issued and loaned by the banks in New York State, and other grain States—for the purpose of sustaining and enhancing the prices of grain 25 to 33½ *above what they ought to have been*, and what they would have been had our currency been in natural and sound state.

"But it will be alleged that our currency has since been in a course of contraction. True, and prices have felt the good effects of it, but *they are still too high*. Even cotton, which is looked upon with least favor as an article of commerce, cannot be purchased in the New York market, where most of the stock is concentrated, nor in any other market, so low, with the usual export charges to Europe, as the last Liverpool quotations; while wheat, with a superabundant crop, and a large surplus of the past season, is probably higher than in any of the grain exporting countries of Europe. This is not all; the moment there is a slight improvement in the prices of cotton abroad, or even a faint prospect of a demand for flour and wheat in England, he spirit of rash speculation would revive—prices advance beyond their already inflated rates, and prudent men be prevented, as they were last year, from the free exportation of those staples."

"Again, *had the currency not been redundant, prices of foreign goods would have been lower*—the temptations to import lessened, and thus the balance of foreign payments kept down, perhaps some 20, 30, or $40,000,000 below what they are at this moment. It is this foreign debt, this heavy balance against us, and which is constantly accruing, and probably faster than it is discharged, that has brought the exchanges against the country, and by the drains upon our coin, caused the banks to suddenly curtail their issues and their loans, and thus created the heavy pressure on the money market, which has deranged all operations of business."

"If the principal part of our currency was coin, the parting with five times the amount we have exported, or which we may hereafter be required to export, would cause but a slight variation of prices."

In these extracts, we have two important admissions. In the first place, what my colleague charges upon the Administration as a mere matter of inference—a reduction of currency and prices—is strongly recommended as the only true policy to be pursued by the banks and business men. Prices are declared to be too high; and the opinion is subsequently expressed, that when the currency becomes "as contracted as it should be," the price of flour "may fall to $5, and then we may go to foreign markets, in competition with the grain growers of Europe, which we have not been able to do for some five or six years past—sometimes by reason of a scant harvest, but more commonly because our prices were *unnaturally sustained by a superabundant currency*, in common with the prices of cotton and most other staples. This every importing merchant will know to be true, from the result of his operations."

After the promulgation of such sentiments from such a quarter, does it now become my colleague to reproach the Administration with the design to reduce the currency and prices? If there has been a contraction, is not the evidence clear and full to show that it was a measure strongly pressed upon the banks by his own political friend, and one, too, who has been held up as a guide on the subject of currency?

In the second place, we have the admission that "had the currency not been redundant, prices of foreign goods would have been lower." And such most obviously would have been the case. An inflation of our currency cheapens the whole mass, and consequently requires more currency here, though it may not materially affect prices abroad, to measure out a given quantity of goods, whether of foreign or domestic production. But suppose our currency should be more contracted than it has usually been; and suppose all things of foreign production should retain their old prices, as contended by my colleague, would it not then operate in favor of those of domestic production? If my colleague's object is to afford foreign goods to our citizens at low prices, why does he advocate a high tariff? Is it not to enhance the price of foreign goods, and thereby encourage the growth and manufacture of our own? If this bill, then, as he argues, will have the same effect, why oppose it? His objection on this head is evidently inconsistent with his tariff doctrines, and, according to his own theory, is therefore entitled to no weight.

Throughout the whole discussion of this measure, its opponents have seemed to take it for granted that the interest of labor is identical with that of our banking system. Is such an assumption just and well founded? Is it true that our paper currency is the one of all others the best calculated to promote the well being of the laborer? Let us, sir, bring it to the test of acknowledged principles, and the results of experience.

What is the great office of a currency? To pay debts—to settle balances. It is defined as the medial commodity by which the value of labor and property are measured and determined. If it is unstable and fluctuating, such will be the standard of value and the character of business. Hence *stability* has been rightly considered by standard writers on political economy, as essential to "the prosperity of a country as fixed standards of weights and measures."

Now, does this important element of stability enter into and characterize our paper currency? Sir, every body knows the contrary. The winds and waves of ocean have not been more variable. Instead of possessing that stability which is necessary to give steadiness of value, it has varied with the

varying feelings of the human breast. Founded upon confidence, it has ebbed and flowed as the human mind has alternated from hope to fear. At times we have seen it so contracted as not to afford the requisite facilities for the operations of business, while at other periods it has been so expanded as to afford means for the wildest extravagance and speculation. It has borne no uniform proportion either to the population, the specie, or the wealth of the country.

In 1816, the amount of currency was $11 per head of the whole population; $7 in 1819, $5 in 1830, $6 in 1834, $7 in 1835, $8 in 1836, and $10 in January, 1837.

In 1819, the amount of paper and specie in circulation, was over seventy millions of dollars; in 1820, less than forty-eight millions. In 1833, the bank circulation was sixty-five millions; in 1834, ninety-four millions; and in January, 1837, no less than one hundred and forty-nine millions. From 1830 to 1837, there was an increase in the loans and discounts of banks from two hundred to five hundred and twenty-five millions; and the circulation from sixty-one to one hundred and forty-nine millions; and in the deposites from thirty-five to one hundred and twenty-seven milllions. Here was an increase in the currency, in the short space of six years, of over one hundred per cent. while the increase in the wealth of the country could not have exceeded one quarter of that amount.

Much has been said against the depression of a specie standard; but what better do we have under our present system? As it now is, our people have to suffer not only all the evils of an inflated paper currency, but all the evils of a sudden contraction of such a currency to the specie standard. This is capable of demonstration. It results from the very nature of our paper medium—from the test of its convertibility.

"The constant tendency of banks," says the late president of the United States Bank, "is to lend too much, and to put too many notes in circulation." But an expanded currency cannot long be maintained. Each new issue cheapens the whole mass, and causes an exportation of specie; first, because it induces a rise of prices and large importations, and thereby creates a demand for specie to pay for them; and secondly, because specie, like other commodities, will seek that market where it is most highly valued. Whenever, therefore, our currency is increased beyond what is necessary to do the business of the country at prices about on a confidence of an inflated paper currency, but of that which would exist under a specie currency. The revulsion not only brings down the paper currency to the test of specie, but through the loss of confidence, actually depresses business below what it would be under a specie currency.

par with those of other countries, specie will either circulate at a premium, or be exported, as it can be done, under such circumstances, with profit as a mere article of merchandise.

Now is declared by the late president of the Unites Sates Bank, to be "the law of our currency, when from superabundance too much coin leaves the country, the remainder must be preserved by diminishing the paper, so as to make it more valuable." And what is the consequence? With contractions come failures. The usual accommodations are withthheld; business is paralyzed; the wheels of industry are arrested; and distrust and despair and panic pervade the whole community. There follows, then, not only the prostration of

We have had an illustration of this in the state of our business and currency during the last winter and spring. It appears from the returns of the banks, that they curtailed their circulation from $135,170,995, in January, 1839, to 106,968,572, on the first of January last. This included the returns from Mississippi, where their bills, I am informed, were at 70 per cent. discount, and also those from the other non-specie paying States, where their bills circulated from 6 to 10 per cent. discount. Deduct the amount of this depreciation, and the whole value of the bank circulation did not much, if any, exceed 90,000,000 on the first of January last. But the curtailment did not stop there. It appears, from notices in different parts of the country, that it was continued during the winter; and, if such was the case, as we have good reason to believe, the whole bank circulation in March last could not have exceeded in value $85,000,000, the estimated amount of specie in the country. And yet the opponents of this bill talk of the depression of specie prices, as if it did not already take place under the ruinous and rapid vibrations of our paper system.

But for business to be reduced to what may properly be called the specie standard, it is not necessary for our circulation to be reduced to the amount of specie in this country. We have not now, nor have we had for years, our due relative portion. The channels of business have been filled with paper. This has entered more largely into circulation than in other commercial nations, and driven specie from our borders. But for a superabundance of paper issues, we should always have what to our industry and wealth belong. When there is a relative deficiency, it would flow in from other countries; and when there is an undue expansion, it would flow out. The tendency of currency among all commercial nations, is to a level. And the same is true of prices. Goods will seek that market where they will command the most profit. Hence, under the high nominal prices of our bank expansion, potatoes were imported from Holland, grain from the Black Sea, and butter from Germany; while with the abundant harvests of the past year, and our contracted currency, we are now exporting bread stuffs.

In the discussion on the recharter of the United States Bank in 1832, Mr. Webster declared for the Bank "to call in its loans at the rate of 8,000,000 a year, is an operation which, however wisely it may be conducted, cannot but inflict a blow on the community, of tremendous force and frightful consequences. The thing cannot be done without distress, bankruptcy, and ruin to many." But instead of a curtailment of eight millions, we have experience one during the past year to the enormous amount of thirty to forty millions. And is it strange that the frightful consequences should follow in wide spread embarrassments and derangements of business? Could it be otherwise than that the pursuits of trade and industry should feel the astounding shock of the tremendous blow of bank mismanagemen and contraction?

Nor have these bank paroxysms been of unfrequent occurrence. During the last twenty-two years we have had no less than eight serious revulsions, varying the amount of currency in some years not less than twenty to forty per cent. and scattering ruin and bankruptcy through the land.

It is contended, Mr. Chairman, by an honorable Sentator, (Mr. DAVIS,) that "gold and silver are no more exempt" from fluctuation than paper. But is this so? Where, sir, can you find examples of such desolating fluctuations in a metallic currency? Where, sir, has it stimulated the wild spirit of speculation and overtrading, like paper? When and where, in the records of history, has it been susceptible of being expanded and contracted to the same extent, and with like facility, with that of our paper medium? No such instances have been adduced, and in the absence of proof, we have a right to presume that none such do exist. It is not in the nature of things, sir, that such should be the case. Paper is the more elastic medium. It may be expanded or contracted at pleasure, and has been recommended for possessing this greater power of variableness. The late president of the United States Bank went so far as to declare its "value to consist in its *elasticity*—its power of alternate expansion and contraction."

Now, Mr. Chairman, is it the office of a currency, thus characterized by "alternate expansion and contraction," to benefit the laborer? No, sir: it tends to rob labor of its first and most essential rights, *the true amount and security of its earnings.*

It purports to represent specie, but not unfrequently fails to represent property of any kind. It has no uniform and intrinsic value. One day it may be equivalent to specie, and the next day valueless. Nor have the great body of the laboring community any means of ascertaining its value, but from those who are directly interested in concealing any deficiency from the knowledge of the public. There is, consequently, a degree of uncertainty about our currency which constantly exposes labor to the severest loss.

Every great variation in its amount operates a wrong, by varying the standard of value. As it expands or contracts, it augments or diminishes the stipulated consideration of contracts, and thereby becomes a source of loss to the debtor or creditor portion of the community. When the contraction is great, as it must be in every collision of paper with specie, after an expansion, the loss suffered, by a man engaged in extensive business, is often sufficient to absorb a large estate, and reduce its possessor to comfortless poverty. This was the case in 1837, and in each of the former great revulsions of our currency. It thus makes and unmakes fortunes, without labor, regardless of the rights of industry, or the obligations of justice.

Another source of loss and insecurity, is the overaction to which such a currency inevitably leads. An expansion enhances prices, the effect of which is to stimulate production, and increase the supply. But the effect of high prices is also to check consumption. The consequences are, a glut in the market, stagnation of business, failures and heavy losses to the industrious portion of the community. It affords facilities for contracting debts without the corresponding ability to pay. The more it is expanded, the more wildly men rush beyond the bounds of prudence. Insolvencies are thus multiplied, and the grossest extravagance encouraged. Economy is exchanged for prodigality, and the business of the country partakes of all the uncertainty of a lottery, and all the viciousness of gaming.

What better evidence, sir, of this fact can be required than the enormous amount of foreign luxuries consumed in this country? During a period of only ten years, we have imported wines and spirits to the value of forty-one millions, and silks to the value of no less than one hundred and eighteen millions; showing in these articles alone a consumption of foreign luxuries to the amount of over fifteen millions annually.

Look, also, at the number of insolvencies and failures under our paper system. Do we find them take place in such startling frequency and amount in hard money countries? So far from it, I find it asserted in a recent work, that more take place with us in one year, than happen under the hard money currency of Holland in a whole century. And I have high Whig authority that there "were more suspensions and bankruptcies in the United States, in 1837, than have occurred in France, where the currency consists mainly of specie, since the establishment of order, after the overthrow of Bonaparte.

The direct loss sustained by the use of a paper currency, cannot be stated with much precision. The most that can be done is to approximate the enormous amount by estimates founded upon losses which have been ascertained.

It appears, from the report of the Secretary of the Treasury, that the public money lost, by using banks as depositories, and receiving their notes in payment of public dues, amounts, according to an estimate of the Committee of Ways and Means, to $34,974,722; but according to the estimate of the Department to $6,474,722. Now take the lowest estimate, and suppose the people to have lost, in their individual business, in the same proportion as in Governmental transactions. According to the Secretary of the Treasury, our currency does not usually exceed, in a sound state, about seven dollars per head of the whole population. This would now give us a circulation of about $112,000,000. The amount required in the fiscal operations of Government is estimated at five millions, which is about one-twenty-second part of the whole circulation. Assuming this to be the true proportion, the sum lost by Government, $6,474,722, multiplied by twenty-two, will give an aggregate $142,443,884.

But this vast sum is but a small part of the true amount lost by the people; for they lose at a much higher rate than in the fiscal transactions of the Government. This must be manifest from the laws which prohibit its officers from receiving bills

of non-specie paying banks; from their superior knowledge to distinguish good from bad money; and from the bonds and securities taken to protect Government from loss in the failure of banks.

Take the recent deposite banks as an example. In the failure of some of these institutions, the bill-holders lost not less than fifty to seventy per cent. while the Government escaped without any loss whatever. Take also the case of loss from depreciation. In May, 1837, the banks throughou the country suspended specie payments, and their bills through the year circulated at from five to ten per cent. discount. Now, if the people lost only at the rate of six per cent. this would make a loss of near nine millions, estimating a loss to occur only on one payment, whereas, according to the supposition of Mr. Gallatin, each dollar performs ten payments during the year. But without supposing the community to lose on each payment, the loss from depreciation in 1837 has been estimated to amount to twenty-five to thirty millions, to say nothing of the severe losses from the same cause during the last year. But from this source Government has sustained no loss, excepting a short period during the war.

Take also the loss from small bills. One tenth part of the notes issued under five dollars, it has been estimated by experienced bankers, are never presented for payment to the banks. Like counterfeit and other spurious money, they ultimately fall into the hands of the poorer portion of the community, and become a loss to those who are least able to bear it. But from this source also Government has been protected from loss.

From these and other considerations, it must be clearly apparent, that the people, at the lowest calculation, have lost in the transaction of their business, at least five times as much as Government, from the use of a paper currency. This would give an aggregate of $712,219,420; equal to an annual loss $14,244,388, since the foundation of the Government.

But to this sum must be added the cost of our paper system, over and above a metallic one. I am aware that a paper currency has been advocated on the ground of its superior cheapness; but I believe it is so without due consideration of the immense sum required to pay the salaries of bank officers and other incidental expenses of the system.

According to the report of the Secretary of the Treasury, the whole banking capital of the United States returned in January, 1839, was

	$327,132,512
Loans and discounts, - -	492 278 015
Invested in real estate, - -	16,607,832
Circulation, - - -	135,170,985
Specie in the banks. - -	45,132,673

Now we have a right to presume that the banks derived an income of six per cent. from the amount invested in their real estate, and an income from loans and discounts equal to six and a half per cent. the interest being paid in advance. At these rates, their receipts from their real estate were

	$996,469
From loans and discounts, -	31,398,070
Total income, - -	$32,394,539

The amount which they would have received as private individuals on that capital, would have amounted to only $19,627,950; showing a difference of $12,766,589. Now as the banks do not on an average divide over six per cent. on their capital, this sum of $12, 766,589 must be expended in the working of the system, and of course exhibit the gross amount of cost to the people of the country.

But in offset to this, it is contended that a paper currency increases the productive capital of the country, and, consequently, the amount of profit. This, sir, may be well doubted; for unless it enlarges the circulating medium, there will be only an exchange of capital. But if it does enlarge it, prices will be enhanced, and of course require a corresponding increase of capital to do the same amount of business. But allow that it does increase the productive capital to the amount contended for—the difference between the specie in the banks and the amount of their circulation. This, in January, 1839, would make an increase of ninety millions, and at six per cent. a sufficiently high rate for such an inflated state of the currency, be equal to an income of $5,400,000. The wear and tear of a metallic currency on that amount of circulation at one-seventh of one per cent. the estimate of Mr. Gallatin, would amount to $193,101. Add this to the above sum of $5,400,000, and we have $5.593,101, as the sum to be deducted from the $12,766,589, the gross cost; which operation leaves the sum of $7,173,488 as the nett cost of our paper over a metallic currency.

Look at the burdens thus imposed upon the people. The annual direct loss by the use of paper, we have seen, amounts to $14,244,388, and the nett cost of the system to $7,173,388; making an aggregate of $21,417,776—a sum greater than the annual expenses of our Government.

Now, sir, who pay this large sum? Is it the trader, merchant, and manufacturer? But they have no means to pay but in profits derived from the laborer and consumer. It is then a tax upon labor and consumption. And is that a just system of currency which imposes such burdens upon labor? which taxes the many for the benefit of the few? which multiplies the non-productive at the expense of the productive portion of the community? What better is it than the principle of taxation that prevails among the monarchies of the old world? Where is the security of property? Where the equal rights of the citizen? All, sir, at the mercy of a privileged order.

But there is another respect in which our paper currency operates most unequally, and that, too, at the expense of labor. Under a just and equitable system, property, labor, and the circulating medium, will maintain their true relative proportioned value. Neither will be elevated above its just worth, nor depressed below it. But such is not the case under our paper currency. In its rapid vibrations, prices lose their true proportion to each other, and the poor suffer at the expense of the rich. Capital is powerful, coercive, and grasping. It naturally seeks the largest profits, and does not, therefore, generally allow an increase of wages upon an expansion, until forced to do so.

When the price offered is equal to what is paid in other branches of business, requiring the same amount of skill, no increase can be effected without the consent of the capitalist, or by a general combination of the laborers. But neither the one nor the other can readily be obtained. Time is therefore required to effect a rise in wages, even after the laborer finds his profits absorbed, or greatly diminished, in the enhanced price of the necessaries of life. His wages are not determined by the profits of any particular branch of industry, but by the rates which the same amount of skill will generally command. If he leaves it in search of higher rewards, others will come in to supply his place. The natural consequence is, that labor is one of the last things to rise on an expansion, and the first to fall on a contraction of the currency. He is forced, through the operation of a fluctuating currency, to receive his wages at the rate of a *sound*, but in a *depreciated* one, and to purchase his necessaries at the high prices consequent upon such depreciation. And hence every great inflation of our currency operates to the depression of laborers.

The truth of this, Mr. Chairman, will readily be seen by comparing the price of wages with the price of the necessaries of life during any of the periods of great expansion.

The following table exhibits such a comparison with the amount of bank circulation in the years 1834, 1835, and 1836, in the town of my residence, in the district which I have the honor to represent.

	Bank circulation.	Carpenters' wages per day.	Flour per barrel.	Corn per bushel.	Pork per pound.
1834,	$94.839,570	$1 50	$5 75	78 cts.	9 cts.
1835,	103,692,495	1 50	6 50	100	10
1836,	140,301,038	1 75	9 75	120	14

From this it appears that, from 1834 to 1836, there was an increase in the currency of 48 per cent.; in the price of flour of 70 per cent; in the price of corn and pork of 54 per cent. each; while the increase in the price of wages was only 16⅔ per cent. The increase of the currency was not at the same per cent. owing to the speculative buying, and selling, and forestalling, to which such an expansion naturally leads. The difference between the rise of wages and of currency was 31 per cent.; between the rise of wages and of flour, 53 per cent.; and between the rise of wages and of corn and pork, 37 per cent.; making an average difference between the rise of labor and the necessaries of life amount to 42 per cent.

Now which was the best for the laborer; the higher wages of 1836, or the lower wages of 1834—nominal or real wages? Suppose him to have been paid in provisions, instead of money. In that case, he would have received for a week's wages in 1834, more than one barrel and a half of flour; while in 1836 it would have been even less than a barrel. In 1834 he would have received eleven and a half bushels of corn; but in 1836 only seven and a half bushels; and yet a currency which thus deludes the laborer with a slight nominal increase in his wages, but the more effectually to rob him of his hard earnings in the increased prices of the necessaries of life, is held up by the opponents of this bill to be not only identical with civilization, but the one of all others the most beneficial to the laboring community.

It will not be pretended, Mr. Chairman, that the laborer did not produce as much in 1836 as in 1834; but through the unjust operation of a bank expansion, we see he was wronged out for forty-two per cent. of his earnings—for the benefit of whom? Not for the Government—not for the honest trader and farmer, but to enrich foreigners, bankers, and speculators. Disguise it as we may, every inflation of our currency impoverishes our own, for the benefit of foreign labor. It greatly enhances the nominal price of articles beyond what they bear in other countries, without affording corresponding facilities in their production and manufacture here. It thus enables the foreigner to undersell us in our own markets. It gives to him all the advantage of manufacturing at low prices, and selling at high prices, for he receives his pay, not in our depreciated paper currency; if he does, it is immediately converted into gold and silver, the better currency, which gentlemen think our Government ought not to possess. According to their theory, there is no harm for the foreigner to be paid in the superior currency; but it is a horrid and unpardonable offence for the Government of their own country to be, even when it is directly calculated to secure to the whole people a greater amount of that better currency.

In practical effect, sir, there is no difference between rendering our yard stick shorter than that of England, and depreciating our currency below that of England. What purports to be the same, is not in reality the same measure—the representative of the same amount of value in the two countries. Ours, while inflated, is the shorter or cheaper, and measures out a less quantity of goods to the consumer. The difference between the two currencies has, at times, been estimated as high as twenty to thirty per cent. But whatever the difference is, to that extent it neutralizes the tariff, and operates as a bounty upon foreign, at the expense of American industry. To that extent we are the loser while we are the debtor of England, because we consume her goods under our high nominal prices, our shorter measure, while we are compelled to pay in merchandize or money under her higher standard, or greater measure of value.

Hence it is that the balance of trade has generally been against this country; and when that is the case, the English capitalists have but to refuse an extension of credit, to derange the whole business of our country, drain our banks of their specie, induce a suspension of specie payments, and, if our public revenue should be deposited in banks, close, if not bankrupt, the National Treasury itself.

It is now acknowledged on all hands that the suspension of specie payments was thus brought about in 1837. The Bank of England, finding her bullion greatly diminished, called upon her creditors, engaged in American business, for specie. Hence the run upon our banks, and the suspension throughout the Union.

Ought it longer to be considered, then, a doubtful question, whether our Government shall be com-

pelled to be connected with the banking system? What dictate, sir, of patriotism, or wisdom, requires that the earnings of our citizens, and the finances of our Government, should be subject to the control of a foreign power? And yet it is the policy, if not the object, of the Opposition, to bring about such a connection between bank and State, as would leave the whole industry of our country at the mercy of the English nation; in fact, would lay the independence, and power, and wealth, of our people, at the feet of the moneyed power abroad, and the brokers and bankers leagued with it at home.

I am aware, sir, that this injurious operation of our currency is denied by the opponents of this bill. But how is it regarded by those who reap the rich harvest from it abroad? In their circular of the 22d of November last, the Messrs. Baring, Brothers, and Co. express their conviction that, by investments in our State stocks, "England employs her annual surplus of capital both safely and profitably, and *encourages her best customer*," alluding to our purchase of her manufactures. Now how so, if such loans, which tend powerfully to expand our currency, encourage, in a corresponding degree, our own industry, and enable us to manufacture proportionately cheaper? No, sir. If such was the case, her investments would not then encourage the sale of her manufactures with us; we should not, then, be the good customer represented.

This view of the subject is also confirmed by the admissions of the bank agents who have visited England for the sale of stocks. In a pamphlet published in London, and said to be written by James Duer, esq. of New York, is the following argument addressed to the British capitalist:

"The capital borrowed by the United States is not so withdrawn as to interfere in any manner with the circulation, or derange the currency of the country, [that is, Great Britain.] It is used in payment of the debt that the United States, in the course of trade, annually contracts. It is transferred by bills from the banker to the merchant, and is taken to America, *not in bullion, but in British goods;* every investment made, while it adds to the income of the capitalist, swells the profit of the manufacturer."

Not of the American but the British manufacturer, by increasing facilities for foreign remittances, and thus inducing excessive importations.

But there is stronger proof than any mere declarations of opinion, that an inflation of our currency leads to excessive importations. Whoever will compare the amount of our bank circulation with the amount of our imports, cannot fail of seeing the intimate connection between the two—how they mutually act and react upon each other. Every great expansion of our currency has been accompanied by excessive importations; and unless the balance due has been invested in some of our stocks, caused a demand upon the banks for specie, and a consequent contraction and prostration of business. Look at a few facts:

Year.	Bank circulation.	Imports.	Exports.
1816	$110,000,000	$147,103,000	$81,920,452
1817	69,000,000	99,250,000	87,671,569
1818	74,000,000	121,750,000	93,281,133
1819	62,000,000	87,125,000	70,142,521
1820	44,863,344	74 450,000	69,691,669

The effect of our bank circulation upon our importations is here most clearly manifest. In 1816, when our currency was more inflated than at any other period since the Revolution, as a natural consequence, our imports are seen to have increased from 113,000,000 in 1815 to 147,000,000 in 1816, while our exports amounted to less than 82,000,000. This was followed by a contraction of the circulation to 60,000,000, and of imports to 99,000,000. But the excessive issues of the United States Bank during 1817 increased the circulation to 74,000,000, and the imports from 99 in 1817 to 121 000,000 in 1818—showing an excess of over 28,000,000 of imports, which caused a demand for specie, a reduction of circulation to 44,000,000 in 1820, and general embarrassment and distress throughout the country.

Mr. Crawford, in speaking of this period, says:

"As there is no recorded example in the history of nations of the reduction of currency so rapid, so but few examples have occurred of distress so general."

This took place under the regulation of a United States Bank. Take, as another illustration, an expansion of a more recent date:

Year.	Bank circulation.	Imports.	Exports.
1832	$59,000,000	$101,029,266	$87,176,943
1833	65,500,000	108,118,311	90,140,433
1834	94,839,570	126,521,332	104,336,973
1835	103,692,495	149,895,742	121,693,577
1836	140,301,038	189,980 035	128,663,040
1837	149,185,890	140,989,217	117,419.376
1838	116,138,910	113,717,404	108,486.616
1839	135.170,995	157,609,560	118,359,004

From 1832 to 1834, the bank circulation is here seen to have increased from fifty-nine to ninety-four millions, accompanied by an increase of imports from one hundred and one to one hundred and twenty-six millions, and an increase of exports from eighty-seven to only one hundred and four millions. This left a large balance against us, but instead of being followed according to the laws of trade, by a demand of specie for exportation to pay the debt, the sale of State stocks abroad, through the facilities afforded by the United States Bank, caused an excess of specie importations. This produced an additional inflation—an increase, from 1834 to 1836, of forty-eight per cent. in the circulation, of fifty per cent. in the imports, and only twenty-four in the exports; showing how powerfully excessive issues stimulate excessive importations, and that one, if not the most efficient, way to prevent them, is to give more stability to our currency.

In 1837, the imports are seen to have fallen off, though there was an increase of circulation. This arose from the suspension of specie payments, and the consequent difficulty in making the proper remittances. But upon the resumption of specie payments the next year, the difficulty was removed, and the imports are seen to have again rose with the circulation.

It is this undue inflation of our currency, which has rendered competition with other nations so difficult, and so often prostrated our manufacturers It has periodically glutted our markets with foreign fabrics, paralyzed the arm of American industry, and entailed upon the country a foreign debt of near two hundred millions, to be wrung from the hard earnings of industry, in addition to the hundreds of millions of which the laboring community have already been robbed through the same unrighteous operation of an expanding and contracting currency. It yearly exacts a tribute from our people, for foreign nations, amounting to a sum, which, if imposed in the form of direct tax, would fire every patriot soul in the land, and raise a cry of oppression that would resound throughout the civilized world. But being in the form of an indirect tax, the burden is not only patiently borne, but the very system which imposes it lauded to the skies.

But we have been directed to look to England for illustrations, and to contrast her situation with that of France. Let us, sir, institute a comparison, and see if the condition of the English laborer will justify the assumptions of the paper currency advocates; let us see whether the French laborer should desire a more exclusive paper currency, however much it may be desired by ministers or other classes.

The currency of Great Britain is estimated at £70,000,000 or $340,000,000; of which £34,000,000 is specie.

The currency of France is estimated at £120,-000,000, or $580.000,000 in specie. The paper in 1837, was only $50,000,000, but is supposed to be rather more now. The Bank of France is allowed to issue no notes under 500 francs, equal to about $93 00, and the Bank of Havre none under 250 francs.

Now what is the effect of these two currencies upon prices? The difference between these two countries is not wholly owing to the State of the currency; but this, nevertheless, has an important influence.

According to the Foreign Quarterly Review, an English laborer's daily wages may be averaged at nine shillings a week; while a Frenchman's do not usually exceed six shillings—one-third less. But the same authority says the average price of wheat in England is 8s. 6d the bushel; while in Paris it is only five shillings—that is as 17 to 10. Consequently an English laborer can purchase a bushel of wheat with a week's work and have a six pence left; while the French laborer can purchase a bushel of wheat with a week's work and have a shilling left. Now, if we look only at the nominal prices, the advantage will appear altogether in favor of the English laborer; but if we look at the real prices—at what the wages in each country will command—the better test—the advantage in favor of the French laborer is seen to be no less than fifty per cent.

That the rewards of labor and the condition of laborers are both greatly depressed in France, cannot be denied. But this, sir, is not for the want of a more exclusive paper currency. If this is all that is wanting to render the laborer happy, prosperous, and elevated, the task of the philanthropist is indeed an easy one. The down trodden millions of humanity might then rise at once from their degradation of ages in all the glory of independent and happy freemen. But has paper currency such potency? Do we find such elevating and life-giving influence in all paper moneyed countries?

In Sweden, which by the way is held up by an honorable Senator [Mr. DAVIS] as a warning against a hard money currency, according to Storch, bills of the nominal value of nineteen cents are issued, and the "daily wages of a skilled agriculturalist are 7d. or 8d.; while the unskilled obtain no more than 3d. or 4d. and board themselves. Their food consists of hard bread, dried fish, and gruel without meat."

In Austria, where bills of about three dollars' value are issued, the mass of laborers have not yet fully obtained their freedom, but are compelled to work for the proprietors of the soil during every day of the week excepting Sunday.

In Russia, where paper of the value of about twenty cents circulates, the laborers are serfs or slaves.

In Denmark, where notes of the value of about eight cents are issued, the peasantry are also held in bondage, and bought and sold together with the land on which they labor.

If a paper currency is as identical with the well being of the laborer—is as essential to his elevation, as represented, why this degradation of laborers in paper moneyed countries? Why are the laborers of Russia grovelling in the bonds of ignorance and servitude? Why are those of Denmark bought and sold like beasts of burden? Why are those of Sweden stinted to a sum varying only from 3d. to 8d. per day? Why are agricultural wages, under the paper currency of Ireland, from whence have emigrated so many true friends of freedom, as low as 1s. to a 6d. a day, while they vary from $1 50 to $3 per day in Cuba, with its hard money currency?

No sir, it is not for the want of a more exclusive paper currency, that the laborer of France is no better off, but for the want of a better Government—of more freedom. He is now surrounded with restrictions. He is not free to labor how and where he will. Without a patent from Government, he cannot follow a trade, or carry his goods from province to province. Government determines how many bakers, how many butchers, how many printers there shall be. It comes in contact with individual enterprise, and cramps the industry of the country by arbitrary and unequal laws.

But with all the superior freedom of the English nation, what is the condition of her laboring population? No small portion, sir, without fault of their own, are doomed, from early childhood to premature old age, to unremitting toil, to gain the barest subsistence, to keep body and soul together. The lowest class of laborers, according to McCulloch, eat meat only once a week, and the most numerous class only two or three times a week. Considered as a whole, the London Quarterly Review says: "The English pauper is better fed than the independent laborer; the suspected thief receives considerably more food than the pauper; the convicted thief receives still more; and the transported felon receives every day nearly three times as much food as the honest peasant."

It is true, sir, that a greater portion of the laborers of France are deprived of the use of animal food; but does it follow that as a whole they are

worse off? No, sir; so far from it, I have the authority of an English statesman, who speaks from observation and a critical examination of the subject, that the reverse is the case. Mr. Bulwer, in describing the condition of France, says:

"The comforts of the great mass of her inhabitants are, to say the least, as great as those of our own laborers—and upon the whole, *their condition is better.* To use the words of Mr. Birkbeck, "there are in France none of those exhibitions of profligacy which disgust you at every step in our country villages—no ragged wretches staggering home from a filthy ale house—nor is this to be attributed to poverty! *the earnings of the laborer are one third more in proportion than in England.*"

In England, according to the same authority, one third of the wages of labor are required for the support of Government; in France only one sixth. In England, one sixth of the population are paupers; in France only one twentieth. In England, property is gathered together in masses—is in the possession of the few; in France it is divided and diffusive. In England, the increase of wealth has been most rapid; so also has been the frightful advance of pauperism. From 1814 to 1832, it appears, from Parliamentary documents, that the increase of population was twenty-five per cent.; of poor rates three hundred to four hundred per cent.; and of crimes three hundred per cent.

Now, why this marked difference? Why this rapid increase of pauperism in England? Why so great distress among her laboring population? It is not through any diminution of her aggregate wealth; for we are assured that the greatest misery is experienced where wealth is on the most rapid increase. The explanation, then, must be sought in her unequal laws of distribution. "But the legislative measures," says the London Quarterly Review, "which of all others have exercised the greatest influence on the distribution of wealth within the present century, and have operated most extensively to transfer it from one class to another, are the laws which regulate the circulating medium." Yes, sir, the English mode of regulating the currency, which is held up as worthy the admiration and support of the free and intelligent laborers of America is admitted to have operated more to the depression of laborers than any other laws of the realm. Nor is the admission made without the most ample evidence.

Take, for example, the bank expansion from 1790 to 1800. In 1790, when the circulation of the Bank of England was 10,000,000, the agricultural laborer could purchase eighty-two pints of wheat for a week's wages; but in 1800, when its circulation had expanded to 15,000,000, he could procure no more than fifty two pints. Is this a process of growing rich which the free laborers of the United States desire?

But lest this should be considered an isolated instance, and partly attributable to other causes, as it may be, contrast the circulation of the Bank of England with the price of wheat for a series of years, and see if the increase of the one has not been attended with an increase of the other like cause and effect.

From	Average circulation.	Average price of wheat.
1770 to 1780	£7,461,081	45s.
1780 to 1790	7,861,329	45s. 9d.
1790 to 1800	12,400,028	55s. 11d.
1800 to 1810	16,862,333	82s. 2d.
1810 to 1820	24,815,294	88s. 8d.
1820 to 1830	21,222,216	58s. 5d.

Here, sir, are facts and figures which show, beyond a doubt, the intimate connection between the amount of bank circulation, and the price of the necessaries of life. Each series of expansion are seen to have led to an additional rise in the price of wheat. But the wrong did not stop there. It is the nature of evil to beget evil. Each increase in the price of wheat put the means of subsistence still further out of the reach of the laborer, and thus led to an increase of pauperism from about £1,000,000 of poor rates in 1770 to over £8,000,000 in 1820.

But, while the Bank thus wrung from the laborer his earnings, to a degree bordering upon famine, its income was augmented in a corresponding ratio. The distribution of profits from 1790 to 1832 are stated to have amounted "to £51,546,666, a sum almost ten times greater than the average produce of all the mines of the world during the nine and a half years preceding 1832."

To such a degree has the paper system of England operated to the privation and suffering of her working classes, that Mr. Huskinson declared "that if England had a steady metallic currency, the body of the population would remain unoppressed." Whether this is true in its full extent, may be doubted; but certain it is that her stock and banking systems have proved the greatest engine of oppression in the administration of her Government. Without the facilities which they have afforded of taxing future generations to minister to the ambition and unholy passions of the present, it never could have waged its unrighteous wars—never could have entailed upon the English people a debt of £800,000,000, to pay the interest on which, is crushing her laboring people into poverty and the grave.

This enormous debt, sir, with all its attendant evils of pauperism, crime, and distress, is but one of the legitimate fruits of the connection of bank and State. Before its establishment, it is matter of history that "loans were contracted only for short periods, assigning funds to redeem the principal and interest." To relieve Government from this wholesome check, and the embarrassments of wasteful expenditures, the Bank was established; and as the expenditures and debt of the Government have increased, the power of the Bank has expanded, until it now exercises a controlling influence, not only over trade and commerce, but over the Government itself.

Is it a sufficient answer to all this to point us, as my colleague has done, to the power, wealth, and dominion of the British nation? Sir, what avails it that she has "become the queen, not of Europe only, but of Asia," while millions of her population are dying of starvation in the East, and millions more, on her own proud isle, are reduced to the very point of starvation, to enable the privileged few to roll in splendor and riot in luxury, but to show us, in characters of living light,

"——— How wide the limits stand
Between a splendid and a happy land."

Like causes will produce like effects. It is the natural operation of our banking system to accumulate wealth in masses. Both as a principle of taxation and distribution, it is unequal and unrighteous. Already has it disturbed the natural order of society—already has it divided our population into classes, the unprivileged many and the privileged few, clamorous for the spoils of industry and the control of Government; and unless it is arrested in its career of conquest, our Government will degenerate into a moneyed aristocracy, and the degradation and suffering of the English laborer be the fate of our own.

It is due to the laborers, if to no other portion of our people, that the connection between bank and State should be severed. Too long has it given an undue ascendency of privilege over right, and of capital over labor, in the legislation of our country. Too long has it extended its sanction and a shield of protection over the wrongs and the outrages, which the system has inflicted upon the laboring community. They are entitled to higher rewards of industry, to more ample protection, and to a fuller enjoyment of their rights, than has yet been secured to them by the laws of their country.

I do not say, Mr. Chairman, that there should be no paper and no credit; but I do believe that there should be no paper of denominations to expose labor to the loss of its earnings, and no monopoly of credit to render it tributary to its exactions. What is wanted is a stable and uniform currency. None other can secure stable markets; none other can secure to labor the fruits of its earnings—or be the true representative of the amount of value intended in the transfer of property or services. It is essential to secure justice between contracting parties, between debtor and creditor, between employer and employed.

And it is one of the greatest recommendations of the measure under consideration, that it will render most essential aid in the attainment of these important objects. It will give more uniformity and stability to the currency by infusing more specie into it. It will not only check overissues by the amount required in the receipts and disbursements of Government, and by withholding its mark of "*good*" upon bank paper; but by creating a constant demand for specie it will bring paper to the test of convertibility, and thus compel banks to keep their issues within safer limits to meet such demands. And as far as it does this—as far as it infuses more specie into the currency—I have high Whig authority, the testimony of Mr. Gallatin, that it will check violent expansions and contractions, and operate beneficially upon the banks and upon the currency at large. The following is an extract from his "Considerations on the Currency and Banking System:"

"We have had an opportunity to witness in France the salutary effects of a currency consisting principally of the precious metals, not only in cases of great national difficulty, but also for the specific purpose of reinstating a bank momentarily endangered by overissues of paper. But we prefer referring to the evidence of a very able and practical witness, who was also deeply interested in the issue, and we will extract this from the work of another distinguished and practical writer, [Tooke on Currency.]"

"Of the comparative facility with which the coffers of a bank, which has suffered too great a reduction of its resources by imprudent issues of paper, may be replenished out of a circulation, consisting in a great proportion of coin, notwithstanding a coincident demand for large payments abroad, a strong instance is afforded in the case of the Bank of France, in 1817 and 1818. The circumstance is thus stated in Mr. Baring's evidence in March, 1819."—*Vide Report of Lord's committee on the resumption of cash payments, p.* 103.

"Speaking of a drain which that bank had experienced, he says:

"Their bullion was reduced, by imprudent issues, from one hundred and seventeen millions of francs to thirty-four millions of francs, and has returned, by more prudent and cautious measures, to one hundred millions of francs, at which it stood ten days ago, when I left Paris. This considerable change took place since the first week in November, when the amount of specie in that bank was at its lowest. It must, however, be always recollected, that this operation took place in a country, every part of the circulation of which is saturated with specie, and, therefore, no inference can be drawn in favor of the possibility of so rapid an operation in this country, where, owing to the absence of specie in circulation, the supply must entirely come from abroad; for in Paris, though some portions may have come from foreign countries, the great supply must undoubtedly have come through all the various small channels of circulation through that kingdom."

"Again, in the same evidence, page 105:

"*Q.* Has not France, after two years of great scarcity in corn, and two years of foreign contribution, been able to contribute a proportion of the precious metals to the wants of Russia and Austria?

"*A.* Undoubtedly, the precious metals have been supplied from France to Russia and Austria, and shipped, to a considerable amount, to America, notwithstanding the payments to foreign powers, and very large payments for imported corn, whilst, at the same time, wine having almost totally failed for several years past, they were deprived of the most essential article of their export."

"And in reference to these payments, in the preceding answer, Mr. Baring states that they 'produced no derangement whatever of the circulation of that country, (France.)'

"It may not be unimportant further to remark, that the state of the currency in France, ever since the suppression of the assignats, appears to be decisive of the great advantages attending a metallic circulation, in times of political difficulty and danger. On no one great occasion did her efforts appear to be paralyzed or even restricted, by any derangement of the currency; and in two instances of her territory being occupied by an invading army, there does not appear to have been any material fluctuation in its value."

This measure will thus secure to the manufacturer two things, among those most essential to the success of his business. In the first place, it will preserve inviolate the constitutional specie standard of value, and hold it up as the true measure in the business transactions of the country. And there can be no portion of the business community who are more interested in the preservation of this standard, in its purity, than our manufacturers, as there is none which has suffered more through an unstable and fluctuating currency. It has rendered their business one of great hazard, and ruinous uncertainty. They want, what this bill proposes, a fixed measure—a stable currency—to enable them to determine whether they can manufacture at profit, and a uniform one, to secure full returns of profit.

In the next place, it will operate beneficially by checking excessive importations. As it creates a demand for specie, in that proportion, it will prevent its exportation for the purchase of foreign fabrics. It will also withhold the public revenue from the merchants to make importations with. Under the deposite system the revenue is often both an effect and a cause of overaction. It forms a basis for discounts to merchants. Each new discount furnishes additional means for new importations; and each new importation furnishes in turn new deposites, and thus the process of inflation

goes on, until the deposites are called for, or the bubble bursts. In proportion to the tendency to overaction, are the means furnished for over importations. The people's money is added to the merchant's to aggravate the evil. But under the proposed measure, the public revenue cannot be loaned out to stimulate over importations. Whenever overtrading commences, specie will begin to accumulate in the vaults of the Treasury, until it forces the banks to withhold accommodations, and thus to check the tendency to excess, and prevent foreign goods from being brought so extensively into competition with our own.

This measure is thus clearly calculated to benefit the manufacturer; and, what is also important to the interest of the laborer, to enlist the banking and commercial interests in favor of an economical Administration—in favor of confining expenditures to the necessary wants of Government.

It thus appears to me, Mr. Chairman, that the President, in recommending this measure, has not shown himself opposed to the interests of the laborer and manufacturer, but their true, firm, and enlightened friend. He has shown himself for protecting labor by recommending the enactment of equal and wholesome laws; and for elevating the laborer, by giving him time for mental improvement. These are no less the rights of the laborer than essential to his highest well being. He cannot rise to his proper station while fettered by partial laws, and borne down by heavy burdens. There must be equality of legislation—there must be time for mental improvement—to secure to him the fruits of his labor and the blessings of freedom. Goldsmith says—

"'Tis true in every soil,
These who think will govern those who toil."

And such will be the case if the opposite policy is allowed to prevail. But let the laborer have time for mental improvement, as the President recommends; let manual and mental toil be united—let them keep pace together—let them be joined in indissoluble bonds; and then those who toil, as of right belongs to them, will be governors instead of the governed. Thought, sir, is the magic lever by which individuals and communities are moved and controlled. Develope the most thought among laborers, and the empire of the world is theirs.

SPEECH OF MR. CLAY,

OF ALABAMA.

In Senate, Saturday, June 13, 1840—On the motion of Mr. ROANE to print 20,000 copies of the Report of the Committee on the Militia.

Mr. CLAY of Alabama rose, in reply to Mr. CRITTENDEN of Kentucky, and Mr. PRESTON of South Carolina, and said:

Mr. PRESIDENT: This debate has assumed a most extraordinary character. The simple question now before the Senate is, whether 20,000 extra copies of the report of the Committee on the Militia, upon the plan submitted by the Secretary of War for their reorganization and discipline, shall be printed? With that question alone before the Senate, what a discursive range have gentlemen thought proper to give to the discussion! The Senator from South Carolina, [Mr. PRESTON,] and the Senator from Kentucky, [Mr. CRITTENDEN,] have both complained that the report of the committee is to be printed and sent out before the question is tried.

Sir, said Mr. C. what question is to be tried? Not whether the plan of the Secretary of War is to be adopted and carried out. Not whether any former *projet* of General Knox, General Harrison, or of any other person, whose plans are treated of in the report, shall be sanctioned by the Senate. No, sir; the report of the committee expressly repudiates all those plans. After going through a detail and examination of the various *projets*, recommended and proposed by different individuals of the Executive and Legislative departments, the committee expressly declare—

"With so many instances of fruitless attempts to change our militia system before them, your committee are not prepared to adopt the plan recommended by the Secretary of War, nor to make any other material change in the organization and discipline of the militia, at present."

It is thus demonstrated that the committee are opposed to the adoption of Mr. Poinsett's plan, and, at the same time, opposed to any other material change of our system; and the only proposition they submit to the Senate, is, "that the committee be discharged from the further consideration of the subject."

The only question for immediate consideration is, on the motion of the Senator from Virginia, [Mr. ROANE,] to print the 20,000 extra copies of the report. In this there is nothing unusual—it is the practice of every day. Does the Senator from South Carolina deny that the facts set forth are true? I do not understand him to do so; nor has he pointed out any errors of fact. His complaints all go to the views and opinions of the committee upon those facts. Whether they be correct, or not, will be submitted to the country for determination; and Mr. C. said with that tribunal he was willing to rest the question.

While the Senator from South Carolina admits he had read the report of the committee, Mr. C. said, he was persuaded the gentleman had not examined its contents with much attention, else he would not have complained that the committee had not set forth the plan submitted by the Executive, "nor any analysis of it." Still less would he have complained that the committee had not given their opinion of it. It is true, said Mr. C. the report does not set forth the entire *projet* of the Secretary of War, nor was it at all usual to pursue that course, more especially in regard to documents of such considerable length, and when, too, that paper had been sent forth on the wings of the wind, and circulated far and wide, not only through the Whig papers, from the Aroostook to the Sabine, but by the celebrated Executive Committee, composed of his political friends, with the portentous and alarming caption, in Romancapitals: "PLAN OF THE STANDING ARMY OF 200,000 MEN, SUBMITTED TO CONGRESS BY THE SECRETARY OF WAR, AND RECOMMENDED BY THE PRESIDENT OF THE UNITED STATES."

Mr. C. said, perhaps the committee had not given so minute or extended an analysis of the Secretary's plan, as the astute and learned gentleman would have given it had the task devolved on him; but they certainly had not omitted it altogether. They had given the general outline of the plan, in the first place, showing into how many classes the whole body of the militia were to be divided. They had shown within what ages militia duty was to be performed. They had shown the amount and character of individual burdens which were to be borne; as regarded arming themselves, and the time they were to be mustered or trained. They had shown to what extent they were to be armed and equipped at the public expense, and to what extent at their own expense. And they had shown that the Secretary proposed paying, as well as arming and subsisting the whole of the active class, while they were being trained. Yet the gentleman says the committee has given no analysis of the Secretary's plan! So, he said, we had given no opinion of it—when the report shows we wholly rejected it. I trust the Senator will do the committee the justice to make these corrections when he comes to write out his speech for publication.

Mr. C. said he thought he knew what sort of report would have been satisfactory to the Senator from South Carolina and to the Senator from Kentucky; and he would submit it to the candor of those gentlemen and their friends to say whether he was not correct. If the committee had intended to hit the taste and meet the approbation of the gentlemen, they should have reported, in substance—that the Secretary's *projet* was entirely new, unprecedented, and unparalleled in the history of our own, or of any other Republican Government, from the foundation of the world—that it was a bold and reckless attempt at the unhallowed usurpation of all power; military as well as civil—that it was nothing less than an artfully devised scheme of the present occupant of the White House, to create a standing army of 200,000 men, with whose aid he intended to hold on to the Government, whether re-elected or not, and to establish a cruel and absolute despotism over the good people of this country, on the ruins of the Constitution! And they should have concluded by calling on the people to rally in the defence of their rights and relieve their country from the impending danger! If the committee had so reported, Mr. C. said he would venture the most confident opinion that there would have been no complaint that they had not set forth the report of the Secretary, nor given any analysis thereof. Not only would all censure have been hushed into silence, but the committee would have been lauded for their intelligence, their patriotism, and independence. Nay, sir, they would have been admitted into the modern Whig church, without giving in any other experience, and without any further pledge of "uncompromising hostility to the re-election of Mr. Van Buren."

The Senator from South Carolina moved to print Mr. Poinsett's plan—for what? Not because there was to be any action upon it, at the instance of any friend of the Administration, or of any body else; the simple question was, whether the committee should be discharged from its further consideration; to which there would be no objection, it might be presumed, from any quarter. What motive, then, could there be now for printing the Secretary's report? Mr. C. said he could imagine no motive, except for political effect; and he thought this sufficiently evinced by the Senator's resistance of his [Mr. C.'s] motion to print the several reports of General Harrison, with that of Mr. Poinsett. By that course, he said, it would be made apparent, that Mr. Poinsett's plan was not the only one obnoxious to the censures and denunciations of that Senator and his friends; but that his distinguished friend of "North Bend" (to whose service he believed the Senator had "devoted his time, talents, and purse,") had gone fully as far—nay, far beyond any of those who had preceded, or come after him. The effect of this course would be to give the light of truth to the country upon the much distorted and misrepresented plan of the Secretary of War, and ensure the award of justice to that much injured individual, as well as to the President. I ask (said Mr. C.) if they are to suffer condemnation for doing that which others have done with impunity, and, perhaps, without even censure? I demand whether the President and Secretary are to be denounced for following in the footsteps of the father of his country? For, as our report shows, the plan of General Knox, which was expressly approved and adopted by General Washington, is the basis of Mr. Poinsett's plan. And, more especially, are the Senators from South Carolina and Kentucky fit accusers on this occasion, when they are endeavoring to elevate to the Chief Magistracy, a man who has outstripped all others in the extravagance of his views and propositions on this subject?

Is Mr. Poinsett in favor of "camps of discipline?" so is General Harrison. In his report of 1817, repeated in 1819, he alludes to the "error, indeed, common to all the militia systems in use in the United States, that the periods of training were too short and too distant from each other, to produce much benefit." He adds: "To remedy this defect, five camps of discipline have been recommended." The same views are expressed in his letter to Governor Scott of Kentucky, as will presently appear.

Is Mr. Poinsett in favor of training 100,000 militia? so is General Harrison. In his letter to Governor Scott, written at "Vincennes, 10th of March, 1809," while he was Governor of Indiana, he alludes to his having then "recommended camps of discipline for those who are already capable of bearing arms." He also remarks: "Professorships of tactics should be established in all our seminaries"—the same idea inculcated in his reports made in Congress, in 1817 and 1819, wherein the same plan, extended to primary schools, is distinctly proposed, (as shown in the report of the committee,) and the military education of "all the youth of the United States" at the public expense. When gentlemen speak of monstrosities, and meditated infractions of the Constitution, I beg them to bear this in mind, and show from what clause of the Constitution is derived this stupendous plan for "the education of all the youth of the United States," and "the whole expense of the establishment to be borne by the public Treasury?"

But, Mr. President, to the point of training

100,000 militia at the public expense, which is a distinct proposition, independent of the four or five millions of dollars, which would now be annually expended for the military education of all the youth of the United States. In the same letter of General Harrison to Governor Scott, he remarks:

"It will, no doubt, be urged as a reason for continuing the old plan, (of mustering the militia for short periods,) *that the poorer class of citizens cannot spare five or six weeks in a year from their farms, to learn military duty.* I know they cannot without being paid. But is not our Government able to pay them?"

Remember this was more than thirty one years ago; when our fiscal resources were not half equal to what they now are; and how does he answer the questio? "Is not our Government able to pay them?" He immediately follows the question by this answer: "If not, they ought to make themselves so, by laying on additional taxes."

What think you, Mr. President, of that idea for a "retrenchment and reform candidate for the Presidency?" If the Government is not able to pay the expense of mustering the militia for five or six weeks in the year, "they ought to make themselves so, by laying on additional taxes." Such are General Harrison's views of economy! However, let us give him the benefit of his own argument, which follows:

"But I am persuaded that the money, which is devoted to other objects, might be more usefully, and certainly more consistently, applied to this purpose. Under our present circumstances, the six thousand regular troops we have, are very proper, but I think that *one hundred thousand* disciplined militia would be better, and that the money which is spent in the former, would soon effect the discipline of the latter. I am far from thinking a fleet unnecessary, and *there is no man who attaches more importance to the improvement of our country by canals and roads.*"

Thus, sir, (said Mr. CLAY,) if Mr. Poinsett is for training the militia annually, for a period not exceeding thirty days, General Harrison is for training them five or six weeks. The maximum of the of the former is thirty days; that of the latter is forty-two days.

Is Mr. Poinsett in favor of paying the militia for the time spent in training? So is General Harrison; and, if the money be not in the Treasury, it ought to be raised "by laying on additional taxes."

The Senator from South Carolina has even seized upon particular words—such as, when the men are being trained, they are spoken of as being in "service," and as being "paid" for their services, and furnished "rations," &c. Such are the expedients to which the gentleman resorts to excite and to keep up prejudices, and sustain the imputation of a contemplated standing army. Mr. C. said he would not spend much time in combating such arguments as these; he would, however, remind the gentleman of a maxim, with which, from his profession, he should be familiar—*qui hæret in litera, hæret in cortice*—and that, in placing a construction upon a sentence or paragraph, at all doubtful or obscure, reference should always be had to the context. Pursuing this principle, it would be very obvious that the terms which he had noticed, were applied to the time, subsistence, and remuneration of the corps to be disciplined. But (Mr. C. said) if the gentleman would put himself to the trouble of examination, he might find precedent enough for the use of such terms in the same high authority—the resolution, letter, and reports of his favorite chief, (General Harrison,) as well as in the report of General Knox. Mr. C. said he thought it should be sufficient to exempt Mr. POINSETT from very severe censure, or reproach, with any friend of General Harrison, to show that he was sustained by his example; and he would be glad to know from the Senator from South Carolina how it was that he could condemn the Secretary of War with such unsparing bitterness for his projet; and, in the same breath, sing pæans of unqualified praise in behalf of his great Whig leader, who had gone immeasurably farther?

If additional evidence were required to show the ultra views of General Harrison upon the subject of training and disciplining the militia, it is to be found in his proposition to extend the power already conferred on the General Government by an amendment of the Constitution, which he offered in the House of Representatives of the United States on the 28th February, 1817; and again at the ensuing session of Congress, so determined was he on his purpose. Omitting the preamble, which is merely formal, the amendment proposed is in the following words:

"Congress shall, concurrently with the States, have power to provide for training the militia, according to the discipline prescribed for that purpose, and, whilst engaged in that service, they shall be subject to the rules and regulations prescribed for the government of the militia when in the military service of the United States; and, also, to provide for teaching, in the primary schools and other seminaries of learning in the several States, the system of discipline prescribed for the militia."

Sir, what an immense accumulation of power to the General Government was here sought to be effected! Nothing less than the power now belonging to the States, which, added to that already possessed by Congress, under the Constitution as it is, would have eventuated in nothing short of consolidation. The committee have given their construction of it in their report; I yet believe it to be sound, and, as neither its accuracy nor justice has been questioned by the friends of General Harrison, so far as I have heard, I will here adopt it as my own. The committee remark:

"It will be borne in mind, that the existing provision of the Constitution expressly reserves 'to the States, respectively, the appointment of the officers, and authority of training the militia, according to the discipline prescribed by Congress.' The object of the proposed amendment of the Constitution, which will be found appended to this report, was to give Congress, 'concurrently with the States,' the 'power to provide for training the militia,' and further declaring, that 'whilst engaged in that service [that is, being trained] they shall be subject to the rules and regulations prescribed for the government of the militia, when in the military service of the United States,'" &c.

"The effect of this amendment to the Constitution, if it had been adopted, would have been to concede to the authorities of the General Government, whenever it might be deemed expedient to exercise it, the most ample power to train and discipline the militia, in such manner, and for such length of time, as Congress might have directed or authorized, limited only by their discretion. Conferring on Congress, in general terms, power concurrently with the States—and, of course, to the same extent—discretionary authority might have been given to the President, or any other functionary of the General Government, to have trained the militia, in any number, at any place, at any season, and for any portion of the year. Further, it would have subjected them, expressly, while being trained or disciplined, to the same 'rules and regulations prescribed for he government of the militia, when in the military service of the United States;' in other words, it would have subjected them, in time of peace, and when assembled for the mere purpose of being trained or disciplined to 'the rules and articles of war.'"

Let it be remembered, sir, that when this amendment was offered, the rules and articles of war permitted severe and ignominious corporal punishments to be inflicted on regular soldiers for many offences considered trivial by those in private life. What a stretch of power, to inflict such punishments on militia, for slight insubordination, or trifling derelictions of duty, whilst being trained in time of peace!

But, Mr. President, (said Mr. C.) I must pause in my reply to the Senator from South Carolina, till I make some answer to a portion of the remarks which fell from the Senator from Kentucky, who, I regret, is not now in his seat. The other day, amongst other remarks I had the honor to submit, on this same subject, without any intention to provoke a debate on the political principles of General Harrison, in reply to the Senator from South Carolina, I expressed my surprise that he, professing the principles of a State Rights politician, could enter so warmly into the support of a "black cockade Federalist." The remark was casual and incidental, and it was not then my purpose to dwell upon the subject any further. The Senator from Kentucky, however, seems to have determined not to suffer the remark to pass by unnoticed—for he has obviously, with some preparation, entered into a formal defence of General Harrison's political character, and has brought forward evidence to exculpate him from the charge. I am not accustomed to make imputations against any man, unless upon grounds at least satisfactory to myself; and, whenever I am charged with so doing, I feel bound to sustain the accusation, or to make the *amende honorable.* I am not disposed to depart from that rule on this occasion; and, as I confidently believe the charge to be well founded, I shall endeavor to sustain it.

In allusion to my remark, the Senator from Kentucky [Mr. CRITTENDEN] deprecated the terms employed, which were no other than those I have mentioned, as approbrious epithets. However they may be *politically*, they certainly are not *personally* approbrious, and were not so intended when used by me. But, sir, the time was, when, so far from being regarded as odious, or offensive, the name of *Federalist* was courted by many of the distinguished men of this country as highly honorable. As a political party name, it had its origin with the Constitution itself. This country then, as it always has been, was divided into two great parties. One of those parties was in favor of so framing the Constitution, as to centralize all possible power in the Federal, or General Government; they objected to the Constitution because it did not give sufficient power, and therefore took the name of *Federal party.* The other party was opposed to building up too strong a Government here, and, on that ground, many of the distinguished sages and patriots of the Revolution deprecated the adoption of the Constitution—they believed it delegated too much power—they were in favor of retaining more power with the States—and were then called the Republican or Democratic party. Notwithstanding the opposition of many of the latter party, however, the Constitution was adopted. Yet the contest between these parties did not end here. No sooner was the Government organized, than the Federalists, those who had been in favor of giving great powers to this Government by express delegation, began a struggle to extend its powers by construction. The Republicans insisted that the Government should be restricted to *the powers expressly delegated,* and those *absolutely necessary* and proper for carrying them into execution. The Federalists maintained, most absurdly, as the other party has always believed, that the words "promote the general welfare," in the preamble to the Constitution, constituted a substantive and distinct grant of power, when it was merely amongst the inducements to the actual delegations of power, which followed in the body of the instrument. This was the plain line of demarkation between the two great political parties, at the foundation of the Government; and, sir, it has continued down to the present day. The first United States Bank, and other kindred measures, during the Administration of General Washington, were those of the Federal party, headed by Hamilton, and designed to enlarge and increase the power of this Government. The alien and sedition laws, for whose constitutionality no one is now bold enough to contend, and the large standing army of the elder Adams, with the badge called the "black cockade," were the distinguishing characteristics of his administration; and to call a man a "black cockade Federalist," is simply to designate him as a friend and supporter of that Administration. This, sir, is what I intended, when I applied the name to General Harrison—no more.

Now, sir, the question arises, did the facts justify me in so characterizing him? I do not hesitate to maintain, they did; and I go further, and will show by proofs, most conclusive and satisfactory, that the whole history of his subsequent political life has but gone to confirm and stamp that character upon him. Upon what evidence do I rely to convict him of black cockade Federalism? It is this: In the first place, the evidence of the late John Randolph of Virginia, who charged him to his teeth, upon this very floor of the Senate, with having been "an open, zealous, frank supporter of the sedition law, and black cockade Administration." And did General Harrison deny the charge? Did he, as an innocent man, feeling the imputation to be opprobrious and unwarrantable, repel it, and roundly contradict Mr. Randolph, and defy him to the proof? No, sir; no. Listen to his qualified, evasive, and disingenuous answer:

"Mr. Harrison said that he could not refrain from making his acknowledgments to the gentleman from Virginia for the notice he had been pleased to take of him. He has been pleased to say that, in the administration of Mr. Adams, I was a Federalist, and he comes to that conclusion from the course pursued by me in the session of 1799-1800. At that session, the gentleman and myself met for the first time—he in the station of Representative from Virginia, and I in the more humble one of Delegate from the Northwestern Territory. *Having no vote, I did not think it proper to take part in the discussion of any of the great political questions which divided the two parties.* My business was to procure the passage of the bills which I had introduced for the benefit of the people I represented. *The gentleman had no means of knowing my political principles, unless he obtained them in private conversation. As I was upon terms of intimacy with the gentleman, it is very probable that he might have heard me express sentiments favorable to the then Administration. I certainly felt them—so far, at least, as to the course pursued by it in relation to the*

Government of France. Nor (said Mr. H.) *was I unsupported* in that opinion by those who had a right to control my actions, if not my opinions. In no part of the country were those measures more decidedly approbated than by my immediate constituents—the Legislature of the Northwestern Territory: as the address of that body to the President during that session will show. For Mr. Adams (said Mr. H.) *I entertained at that time, and have ever since entertained, the greatest respect.* I believed him to be an honest man and a pure patriot, and his conduct during that session proved him to be such. *This opinion I have* (said Mr. H.) *was entertained by those two able and upright statesmen, John Marshall and James A. Bayard.*"

In this extract from General Harrison's reply to Mr. Randolph, he says: "Having no vote, I did not think it proper to take part in the discussion of any of the great political questions which divided the two parties." Was not the standing army of John Adams, and its reduction, one of "the great political questions which divided the two parties?" Who can deny it? I would hazard little in saying, there is not a man now living in the United States, who was then an intelligent boy of ten years old, who does not know that the large standing army of the elder Adams was one of the prominent measures of his Administration. It was cause of great alarm to the whole Republican party—nay, sir, to all the friends of constitutional liberty—that with the then limited resources of the country, its Government in the hands of those who had endeavored, in the very formation of the Constitution, to aggregate and centralize in it all power, and in a time of peace, that a law should have been passed, in little more than a year after the commencement of that Administration, "to augment the army of the United States" to the amount of "twelve additional regiments of infantry, and six troops of light dragoons, and to appoint two Major Generals, an Inspector General, three Brigadier Generals, and an Adjutant General." Why, sir, I have not had time to turn to the act and ascertain the precise number of men to a regiment, but if the same number was then required, as now, to constitute one, each regiment contained more than seven hundred men, and twelve regiments of infantry, and six troops of light dragoons, would have amounted to an addition of nine thousand men; and probably augmenting the whole army to twelve thousand. We must have quadrupled our resources since that period, and our need of regular troops has perhaps increased in proportion. We have been, since the commencement of this Administration, as much in danger of a war with Great Britain, as we then were in danger of a war with France. Suppose Mr. Van Buren had called for a proportionate augmentation of the standing army, it would have increased it to fifty thousand men! What Republican, what patriot, would not have had cause of alarm? Why, sir, even the Opposition, the Federal party of the present day, as they are out of power, would have sounded the tocsin of alarm throughout the mountains and valleys of this wide spread Confederacy, and would have called on the people to come to the rescue. Whether *they* would, or not, sure I am, that every Democrat would have denounced the President as a deserter from his professed principles, and have abandoned his support forever.

Then, sir, it is fair to set down the proposition pending in January, 1800, to repeal the law creating the standing army of the elder Adams, as one of "the great political questions which divided the two parties"—the declaration of General Harrison to the contrary notwithstanding; and against that proposition he *voluntarily* made a speech in the House of Representatives of the United States, on the 9th of January, 1800.

In the same speech, made in the Senate in reply to Mr. Randolph's charge that he was "an open, zealous, and frank supporter of the sedition law, and black cockade Administration," General Harrison also made this remark: "The gentleman [Mr. Randolph] had no means of knowing my political principles, unless he obtained them in private conversation." Yet he made the speech in support of the standing army, as already mentioned, and unnecessarily, I may add, except to show his "zeal" in support of "the sedition law and black cockade Administration"—as, being authorized to give no vote, he, of course, had none to explain. But, after these disingenuous attempts at evasion, he makes a contingent confession, by saying: "As I was upon terms of intimacy with the gentleman, [Mr. Randolph,] it is very probable that he might have heard me express sentiments favorable to the then Administration." And he concludes his reply on this point, by the avowal of his belief in the pure patriotism of Mr. Adams, and bringing to his support the concurrence of "those two able and upright statesmen, John Marshall and James A. Bayard"—two gentlemen distinguished for ultra Federalism throughout their lives! Is it not a little singular that general Harrison never brings forward a Republican witness to prove his own Republicanism? We have had exhibited, in the course of this debate, the certificate of Judge Burnet, of Cincinnati, who avows himself to have been heretofore a Federalist, (nor does he pretend to have changed,) to prove General Harrison to have been a Jeffersonian Republican! I shall remark on this testimony hereafter. Let the old General now speak for himself. Here is the resolution for the repeal of the laws which had augmented the army to the truly alarming extent already noticed:

"*Resolved*, That so much of the act passed the 16th of July, one thousand seven hundred and ninety-eight, entitled 'An act to augment the army of the United States, and for other purposes,' as authorizes the President of the United States to raise twelve additional regiments of infantry and six troops of light dragoons, and to appoint two major generals, an inspector general, three brigadier generals, and an adjutant general; and so much of the act passed the third of March, one thousand seven hundred and ninety-nine, entitled 'An act for the better organizing of the troops of the United States, and for other purposes,' as authorizes the appointment of a commander of the army, and a quartermaster general, ought to be repealed.

"*Ordered*, That the said motion be committed to a committee of the whole House."

On the 9th January, 1800, Mr. Harrison, (the present General William Henry Harrison, the nominee of the Harrisburg Convention for the Presidency,) made a speech against the above resolution.

This speech is to be found in Duane's Aurora of the 5th February, 1800, and is therein thus reported:

"Mr. Harrison said: The resolution has been so ably spoken to, that it could not be expected to receive any new light from what he should add; but when it was recollected that he had no other way of expressing his opinion on any subject that came before the House, than by taking part in the debate—not having a vote in the House—he trusted he need make no apology for rising on the present subject, which to him appeared an important one."

"He was fully of opinion that the disbanding so large a portion of the military force would be attended with disastrous consequences. In giving this opinion, he was sure he spoke that of nine-tenths of his constituents, and that they would with much more readiness bear their proportion of the expense which would be necessary to maintain these forces than that they should be disbanded.

"The employment of his past life, Mr. Harrison said, had led him to believe that too much reliance was placed on the militia. Were valor or alertness the only requisites in the formation of a good soldier, he should willingly give the militia that character. But these are only partial qualities compared with those whom they may be called to meet. What would their valor do if attacked by the military tactics of a Bonaparte or a Massena? Nothing short of discipline will do for our forces. And are our militia well disciplined? No, sir, they are not.

"Mr. Harrison said he had experienced the inconvenienees of a militia army. In 1794, he went out with a number of the militia of his part of the country against the Indians. When brought into action they behaved very well; they did not want courage, but after a very short service they wanted to go home; they were anxious to see their families, and therefore numbers deserted and left the army in a state which was almost the cause of its destruction.

"He had experienced seven years' service with the militia but was sorry to say, such was their conduct that he never could think of trusting the country entirely to their protection. They might do well with regular troops, and no doubt would. Under these impressions, and from this experience, he knew he spoke the will of a great proportion of his constituents—he sincerely hoped the resolution would not pass."

This was Gen. Harrison's speech in favor of the enormous standing army of the elder Adams, which, perhaps, created as much excitement and alarm as any other measure of his odious and execrable administration. He said "he had experienced the inconvenience of a militia army—after a very short service they wanted to go home, they were anxious to see their families, and, therefore, numbers deserted, and left the army in a state which was almost the cause of its destruction." "He had experienced seven years' service with the militia, but was sorry to say, such was their conduct, that he could never think of trusting the country entirely to their protection." Very complimentary to our citizen soldiery, indeed! To say nothing of many similar victories, who fought the victorious battles against the Creek Indians, in the war of 1812? The militia. Who won the ever-memorable victories of the 23d of December, 1814, and the 8th of January, 1815, below New Orleans? Mainly, the militia. Yes, sir, and whenever they have good and brave officers to command them—a Washington, a Jackson, and many others who might be named—they will achieve like deeds of valor and glory, and crown themselves with never fading laurels.

One other view, Mr. President, of this celebrated speech, which has fortunately risen up to bear witness in the cause of truth and justice, and I shall pass on to other matters. All the Republican members of the House—I have heard of but one exception—voted against Gen. Harrison's sentiments and speech: all the Federalists, I believe, (certainly the most distinguished,) voted as he spoke, against reducing Adams's standing army. He made his speech on the 9th of January, 1800. On the 12th of May, 1800, (just four calendar months and three days thereafter) he was nominated by President Adams, the elder, to be Governor of Indiana, and on the next day his nomination was confirmed by the Senate. Striking coincidence! I concur with others in the opinion, that, "from these facts, there can be no doubt that Gen. Harrison was completely identified with the old Federal party, as it existed under the administration of John Adams." President Adams, like all others holding the power of appointment, preferred his friends to his enemies. It is right that it should be so. I have no hesitancy in avowing that, character and qualifications being equal, or nearly so, I should always appoint my political friends, rather than my enemies. Well, sir, how does the honorable Senator from Kentucky [Mr. CRITTENDEN] attempt to exculpate his friend Gen. Harrison from his dilemma? Why, he says every body knows that Mr. Randolph was an eccentric man! Truly he was—but he was a man of extraordinary memory, as well as genius—he spoke of facts—nobody ever questioned his veracity, or honor, or honesty. Besides, even Gen. Harrison made no unqualified denial—but he testifies against himself, and in support of Mr. Randolph's charge, in his speech last noticed—out of his own mouth is he condemned.

But the Senator from Kentucky [Mr. CRITTENDEN] brings forward the letter, or certificate of Judge Burnet, before alluded to, as evidence of General Harrison's political orthodoxy. And what does he say? Hear him speak, in his letter to Mr. Southgate of Kentucky, which follows:

"CINCINNATI, Feb. 27, 1840.

"MY DEAR SIR: I remark, in reply to your letter of this morning, that, during the contest between Mr. Jefferson and the elder Adams, General Harrison and myself were residing in the Northwestern Territory, and of course had not the privilege of voting. At that time I was in habits of great intimacy with Gen. Harrison, although I was a Federalist, (honestly so,) and he a Republican of the Jefferson school. I supported Adams warmly, and he, with equal warmth, supported Mr. Jefferson. During the controversy, from 1796 inclusive, I conversed and argued with him times without number—he sustaining Mr. Jefferson, and I Mr. Adams. You may assure your friend that there was not a more consistent, decided supporter of Mr. Jefferson in the Northwestern Territory than Gen. Harrison. For the truth of this declaration I most willingly pledge my reputation.

"I state to you what I saw, and heard, and know. When the Alien and Sedition law passed, the General was not a member of Congress. He neither voted, nor had an opportuniy of voting on that law.

"Your friend,

"J. BURNET.

"Hon. WM. SOUTHGATE."

Upon this letter, Mr. President, I remark, in the first place, Judge Burnet avows that he "was a Federalist, (honestly so.") No doubt; and as he does not say he has ever changed, he is doubtless still one. The next thing I have to remark is on the singularity of the circumstance, that so intelligent a friend of Gen. Harrison as Mr. Southgate is known to be, should omit and pass by all the old Republicans of '98 and '99—many of whom are certainly now living in the Western country—and call on a man, always known as a Federalist, to prove the old General's Democracy! Why, sir, this seems to me to be "passing strange!" If you wished to prove a man a Christian, would you not think it better to call on some member of the church, to which he professed to belong, than upon any out door sinner, who, perhaps, might not know what constituted a Christian? Another remark I would make, is on the extraordinary fact, that while, according to Judge Burnet, he "with warmth supported Mr. Jefferson," in argument with him, (privately, I suppose,) he supported John Adams the elder in his public speeches in Congress, as we have just seen! Judge Burnet says, "when the alien and sedition law passed, the General (Harrison) was not a member of Congress. He neither voted, nor had an opportunity of voting,

on that law." But he does not think proper to inform us how he would have voted if he had had that opportunity. Again, sir, those two gentlemen were then opposed in politics—they now harmonize—Judge Burnet was one of the Vice Presidents (Federalist as he acknowledges himself) of the Harrisburg Convention, which unanimously nominated Gen. Harrison for President. Who has changed? Do Federalists, as a body, usually nominate or support Republicans for office?

Mr. President, we have somewhat seen what Federalism was in the beginning, and during the reign of the elder Adams: has it changed? No, sir; whatever may have been the mutations of name they have found it expedient to adopt, the principles of the party have remained unaltered. True, sir, they have resorted to many devices to get rid of the odium which has ever followed them, or rather followed their doctrines, when brought into practical operation; but it will not do, so long as the people remember the great landmarks I have already mentioned. After the hard fought battles of '98 and '99, which resulted in the triumphant election of Mr. Jefferson in 1800, they soon found it in vain to attempt to get into power under their original cognomen. Hence, they tried the experiment of mitigating, if they could not entirely remove the odium brought upon them by their reckless disregard of the restraints of the Constitution. They first coupled our name with their own—calling themseves Federal Republicans! They fought hard, under this name, against all the principles and policy of Mr. Jefferson's Administration; but they did not regain their lost power. In despite of their opposition, Mr. Madison succeeded to the Presidency; and, under the same name, they continued the struggle throughout his Administration. It was the Federal Republican party (as they *then* called themselves) that opposed the late war; it was the same party that denounced it as an unwholy war; it was the same party that resisted all appropriations to subsist, clothe, and pay our troops; the same party that withheld, as far as was in their power, all the means necessary to its successful prosecution; the same party that held out blue light signals to the enemy when upon our coasts, and furnished them with supplies; the same party that declared it "unbecoming a moral and religious people to rejoice at our victories;" and the same party that held the Hartford Convention, and threatened to dissolve the Union, or drive Mr. Madison and Congress into the Potomac. Now all this was done to regain their lost power. For that object they took advantage of the embarrassments growing out of the war.

But, Mr. President, thank Heaven! although they embarrassed us greatly, and aided, encouraged, and comforted the enemy considerably, they did not succeed. Although our affairs for some time wore a gloomy aspect, our gallant navy won brilliant victories, wherever an enemy could be met on the lakes or the ocean; and we became more and more successful on land, until the war was terminated in a blaze of glory, on the plains below New Orleans. This happy and brilliant sequel to our trying conflict with Great Britain, threw her friends in this country all aback. They at once found that their old name, even with the honored and popular adjunct of "Republican," would no longer shield them from the execrations, or condemnation of their countrymen. They had now tried its efficacy through the two long administrations of Mr. Jefferson and Mr. Madison; and with deep disappointment and mortification, they found it had not only failed to produce the desired effect of rendering them popular, and giving them power, but that they had rendered it equally as odious as their old one. They then dropped the name, Federal, altogether; and substituted National in its stead; calling themselves National Republicans, still thinking that our name, instead of the principles it indicated, would enable them to prevail. This was their third name; and, under it, they carried on their operations through the administrations of Mr. Monroe and the younger Adams. Under its auspices, they succeeded in instituting a new class of Federal measures, called the American system, embracing mainly high protective tariffs and prodigal expenditures for internal improvements by the General Government. Thus they went on through the two last named administrations, enriching one portion of the Union at the expense of the other, until the Union itself was in imminent danger. They continued to wear this name till the tariff was modified, their system of internal improvements arrested, and the recharter of the Bank of the United States defeated by the veto messages of General Jackson! They had lost the Presidential election of 1832 by an overwhelming majority of the votes given in the electoral colleges; and they found their principles were no better concealed by their third name of National Republicans, than they had been by their first and second names. Under such adverse circumstances, it was indispensable that another change should be made, or the prize of power abandoned; and the inventive genius of the party was set to work to find some new cognomen that would be less odious to the people than the last. In this trying conjuncture, upon the suggestion of one of their new converts, under the convincing argumentation of the United States Bank, with great promptitude and unanimity, they adopted the time honored name of Whig—a name consecrated by the blood of the martyred heroes and patriots of the Revolution! Lamentable, indeed, that such a name should ever have been prostituted to party purposes! Well, sir, what has been the result of this change? Although it rallied every division and fragment of the old Federal, Federal Republican, and National Republican parties, including Antimasons and Abolitionists, its broad mantle was not sufficient to conceal, from the scrutinizing intelligence of the people, the unchanged deformity of their principles; and, under it, notwithstanding all their management and devices, four years ago, with their motto of "divide and conquer," they were gloriously defeated. They have already found, in some parts of the Union, that this name will sustain them no longer. Indeed, last year, a portion of the party assumed the name of "Whig Conservatives;" and now, in some parts of the country, they are calling themselves "Democratic Whigs," and in others they have gone so far as to call themselves "Democratic Republicans." But all these transmutations will not long deceive the enlightened freemen of this country; if they would obtain and keep their confidence, they must practise our principles, as well as take our name. I trust, sir, the Senate will pardon me for the time I have consumed in this cursory review of the course of parties; they are reminiscences, I think, worth preserving.

Let us now enquire, for a moment, in the ranks of which party General Harrison has been doing battle since the people put an end to the "sedition law and black cockade Administration." What has been his course upon the tariff—a subject of vital and most exciting interest to all the inhabitants of the South, more especially? He not only uniformly voted for it in Congress, but, in allusion to a remark made by Mr. Garnett of Virginia, that the effect of the political quackery of the tariff "had been to cover the streets of Norfolk with grass," General Harrison, after insisting on its benefits, remarked:

"It may be asked whether, *under any circumstances*, I would be willing to abandon the tariff. I answer, without any hesitation, in the affirmative. Whenever the streets of Norfolk and Charleston shall be covered with grass, and our Southern friends find no market for their produce, and this state of things can be distinctly traced to the tariff, I will *then* instantly give my voice for its modification or entire repeal; even if I should still think that its continuance would be beneficial to a majority of the American people."

Here we have him tauntingly and sarcastically telling us, in reply to the complaints of a distinguished Southron, that he will consent to its modification or repeal, "whenever the streets of Norfolk and Charleston shall be covered with grass" and the Southern people can "find no market for their produce, and this state of things can be distinctly traced to the tariff." Generous sympathy! He would modify or repeal the law after we had become utterly ruined! Nor, sir, was his support of the tariff confined to his votes and speeches in Congress. In the Senate of the Ohio Legislature, on the 9th of December, 1819, he made himself the leader in favor of a tariff to protect and encourage domestic manufactures and internal improvements. Here is his motion from the Journal of that body:

"Mr. Harrison moved the adoption of two resolutions, instructing our members in Congress to procure the passage of laws modifying the tariff on imported articles, and for the encouragement of domestic manufactures and internal improvements; which were read, and ordered to lie on the table."

On the 14th December, 1819, the Journal gives the following account of the further proceeding on those resolutions:

December 14, 1819. "The Senate then took up the report of the Committee of the Whole upon the resolutions repealing the tariff on imported articles, and relative to internal improvements and domestic manufactures; which report was amended and agreed to; and on motion to agree to the following resolution, to wit:

"*Resolved by the General Assembly of the State of Ohio*, That, in their opinion, the present pecuniary embarrassments of the country are, in a great degree, caused by want of encouragement and protection to domestic manufactures, and that good policy requires that such modifications of the tariff, on imported articles, be immediately made, as will stop that inundation of foreign merchandise which has destroyed or suspended the operations of the greater part of the manufacturing establishments of the United States; which motion to agree to said resolution was unanimously decided in the affirmative.

"The yeas and nays having been required, those members who were present, and voted in the affirmative, were—

"Messrs. Baldwin, Brown, Campbell, Fithian, Foos, Furnas, HARRISON, Hooker, Irwin, Jennings, Lucas, Madeara, McLaughlin, M'Lean, Newcom, Pollock, Robb, Ruggles, Russel, Shelby, Simpson, Spencer, Swearingen, Sullivan, Thompson, and Trimble, speaker.

Here we have General Harrison absurdly ascribing the "pecuniary embarrassments of the country" to the "want of encouragement and protection to domestic manufactures"—when every body knows that the inordinate expansions of the banks before, and their inability to meet their engagements, and the general disorder and depreciation of the paper currency of the times—notwithstanding the great regulator, the Bank of the United States, was in full operation—was the real cause of that embarrassment and distress. But that was his pretext; though the tariff of 1816, which had been acquiesced in by the South, to extricate the country from the national debt, created by the war with Great Britain, was in force: that tariff did not satisfy him. He was not only for encouraging and protecting domestic manufactures, but thought "that good policy required that such modifications of the tariff on imported articles, be immediately made, as will stop that inundation of foreign merchandise," &c. In other words, he was so ultra in his tariff principles that he would carry it up to absolute prohibition! As a citizen of the South, and more especially of South Carolina, can the Senator [Mr. PRESTON] give his sanction to such doctrine as this, and support its author and advocate for the Chief Manistracy of the nation, with all its immense powet, patronage, and influence—against which he was wont to declaim so eloquently?

But let us now examine his resolution in favor of internal improvements, and of bounties to manufacturers. Here it is, with his vote:

"On motion,

"To agree to the resolution relative to internal improvements and domestic manufactures, to wit:

"*Resolved*, That in the present state of pecuniary embarrassment amongst the people, it is UNWISE AND IMPOLITIC FOR THE GOVERNMENT TO PAY OFF THE PUBLIC DEBT MORE RAPIDLY THAN THE OBLIGATIONS IT MAY HAVE COME UNDER TO ITS CREDITORS MAY REQUIRE; AND THAT ANY SURPLUS IN THE TREASURY WOULD BE MORE USEFULLY EMPLOYED IN THE INTERNAL IMPROVEMENT OF THE COUNTRY, BY ROADS AND CANALS, AND IN THE SUPPORT AND ENCOURAGEMENT OF DOMESTIC MANUFACTURES; which motion to agree was decided in the affirmative—yeas 24, nays 2."

"And the yeas and nays being required,

"Those who noted in the affirmative were—

"Messrs. Baldwin, Brown, Campbell, Fithian, Foos, Furnas HARRISON, Hooker, Irwin, Jennings, Lucas, Madeara, M'Laughlin, M'Lean, Newcom, Pollock, Robb, Ruggles, Simpson, Spencer, Swearingen, Sullivan, Thompson, and Speaker (Trimble.)

"Those who voted in the negative were—

"Messrs. Russel and Shelby."

So General Harrison thought it "unwise and impolitic for the Government to pay off the national debt more rapidly than the obligations it may have come under to its creditors may require." This sentiment is perfectly in keeping with the whole tenor of his political life. One of the leading tenets in the creed of the Federal party always has been, that "a national debt was a national blessing." Instead of paying off the national debt, and giving to our country the proud pre-eminence she now occupies as one, of only some two or three Governments in the whole world, without a public debt, he would have continued it until now, or *ad infinitum*; for no capitalist, holding the public securities of

the United States at the rate of the accruing interest, would have ever required payment of the principal. It would have amounted to a perpetuity of our national debt, upon which we should have been for ever paying a heavy annual interest. And how did he propose applying our revenue? Why, instead of extricating ourselves from all pecuniary obligations, he thought "that any surplus in the Treasury would be more usefully employed in the internal improvement of the country, by roads and canals, and in the support and encouragement of domestic manufactures." Did the wildest schemer, or the most visionary and enthusiastic projector, ever go further for internal improvements by the General Government, or for a system, not only of encouragement and protection, but of bounties to those engaged in domestic manufactures? But one answer can be given to this question: an intelligent community cannot misunderstand it. To close this scene of unholy contrivance to take money out of the pockets of one class of our citizens and put it in those of another—to rob one section of the Union to enrich another—the same journal shows this further proceeding:

"The Senate then came to the following resolution, on motion of Mr. Harrison:

"*Resolved*, That our Senators in Congress be instructed and our Representatives requested to use their exertions to procure the passage of laws, embracing the principles recommended in the foregoing resolutions.

"*Ordered*, That said resolution be sent to the House of Representatives, with a message, requesting their concurrence therein."

Having thus instructed the Senators, and requested the Representatives in Congress, from Ohio, "to use their exertions to procure the passage of laws, embracing the principles recommended in the foregoing resolutions—in other words, to put in requisition the whole power of this Government, to tax the planting, farming, mechanic, and commercial classes, for the benefit of manufacturers—one would have supposed that General Harrison, or any other person, would have been content; but not so, sir. Immediately after the proceedings just noticed, the same journal shows what follows:

"On motion of Mr. Harrison,

"The Senate agreed to the following resolution, the same having been reported from the committee of the whole without amendment.

"*Resolved*, That provisions should be made, by law, for the encouragement of domestic manufactures, as far as it is in the power of the State to encourage them, and that a committee of three be appointed to prepare and report a bill, exempting from taxation the houses employed as manufactories of such fabrics as are usually imported from foreign countries, and exempting also the workmen employed in such establishments from military service, and laboring on the public highways, and a committee was thereupon appointed, of Messrs. Harrison, Russel, and Shelby."

Now, sir, if this does not cap the climax of monstrosity in tariff protection, encouragement, and bounties, I cannot understand the force of plain language. Not content with exciting to action for the benefit of manufacturers, all the powers of the General Government, he now declares that the States should also encourage them. How? By "exempting from taxation the houses employed as manufactories of such fabrics as are usually imported from foreign countries, and exempting, also, the workmen employed in such establishments from military service, and laboring on the public highways!"

Why really, sir, General Harrison has fine notions of that equality of rights and privileges guarantied by the Constitution. He would not only encourage domestic manufacturers by bounties and prohibitions, but would free their property from the taxation to which all other capital is subjected, and, moreover, relieve the workmen employed by them from all the customary duties and burdens common to all other citizens. Can it be denied that here was a barefaced attempt to constitute both manufacturers and their "operatives" (as they call them) a privileged class? I leave the answer to every intelligent man. And I now repeat the question to the Senator from South Carolina, [Mr. PRESTON,] whether he can give his sanction to these principles of General Harrison, or support their author for a situation, above all others, best calculated to enable him to bring them into practical operation? What would the people of South Carolina think, if any particular class amongst them were exempted by the Legislature from taxation, the duty of defending the country, and making roads?

But, sir, the gentleman may suppose that the evidence furnished by his resolutions in the Ohio Legislature, that General Harrison was in favor of a system of internal improvements by the General Government, is not sufficient. Lest he, or any other person, may have a doubt upon this subject, I invite your attention to his votes in Congress, embracing every possible aspect of the question. In 1818, when he was a member of the House of Representatives, the following resolutions, declaratory of the power of Congress to carry on such a system, for every purpose ever sugggested, or contemplated by any enthusiast, were introduced; and he solemnly recorded his vote in favor of each proposition:

"*1st resolution.* That Congress has power, under the Constitution, to appropriate money for the construction of post roads, military and other roads, and for the improvement of water courses." [Upon this resolution, the vote stood—ayes 90, noes 75; General Harrison voting in the affirmative.]

"*2d resolution.* That Congress has power, under the Constitution, to construct post roads and military roads, provided that private property be not taken for public use, without just compensation." [Upon this resolution the vote stood—ayes 82, noes 84; General Harrison voting in the affirmative.]

"*3d resolution.* That Congress has power, under the Constitution, to construct roads and canals necessary for commerce between the States, provided that private property be not taken for public purposes, without just compensation." [Upon this resolution the vote stood—ayes 71, noes 95; General Harrison voting in the affirmative.]

"*4th resolution.* That Congress has power, under the Constitution, to construct canals for military purposes, provided that no private property be taken for any such purpose, without just compensation being made therefor." [Upon this resolution the vote stood—ayes 81, noes 83; General Harrison still voting in the affirmative.]

Sir, it is now demonstrated, that in the Legislature of Ohio, General Harrison was even disposed to delay the payment of the national debt, to promote and carry on Internal Improvements by the General Government; and that, as a member of Congress, he voted "that Congress had power, under the Constitution, to appropriate money for the construction of post roads, military and other (what other? why, all other) roads, and for the improvement of water courses." What water courses? all—there is no specification nor restriction. This is not all—he voted for every possible modification of the power which (I presume) ever entered the imagination of man. And can the Senator from South Carolina, [Mr. PRESTON] who denies the constitutional power of this Government to made roads and canals, and to improve "water courses," or even to construct harbors—can he, who has so often battled with me, shoulder to shoulder, on this floor, in opposition to such measures, on constitutional grounds—I repeat, can the Senator from South Caroline now give his sanction to these doctrines, so solemnly voted by General Harrison? Has he changed his own opinions upon this subject? I presume not. Has General Harrison changed his opinions? I presume not. He declines making any "further declaration of his principles, for the public eye," and we are referred to his "views" which have heretofore been given to the public, "fully and explicitly"—and we are expressly told, "that those views, whether connected with constitutional or other questions of very general interest, have undergone no change."

What are General Harrison's views on the subject of an United States Bank? Hear him in his reply to Sherrod Williams in 1836:

"The question, then, for me to answer, is, whether, under the circumstances you state, if elected to the office of President, I would sign an act to charter another bank. I answer, I would, if it were clearly ascertained that the public interest, in relation to the collection and disbursement of the revenue, would materially suffer without one, and there were unequivocal manifestations of public opinion in its favor."

The plain declaration here made by him is, that he would sign an act to charter such a bank, if it was clearly ascertained that the public interest required *it*, and public sentiment were in its favor. This declaration involves the assertion of the monstrous doctrine, that any thing is constitutional which it is believed the public interest requires, and in favor of which there is an unequivocal manifestation of public opinion. It amounts to saying that any thing is constitutional which may be deemed necessary and proper; or that may, in the discretion of Congress and the President, be considered expedient. Under such views as these, of what imaginable use is a written constitution? Does it not leave every thing to the mere will and discretion of our public agents—untrammelled by constitutional restraints? It seems to me, sir, there can be no difference of opinion on this subject; and that no doubt can be entertained, if General Harrison were elected President—a large majority of his friends, deeming a National Bank both constitutional and expedient—he would not only approve but recommend the charter of one. Does the Senator from South Carolina [Mr. PRESTON] sanction this opinion of his distinguished chief?

But, sir, amongst all the opinions entertained, or expressed by General Harrison, none can be more dangerous in tendency, than that which I am now about to bring to the notice of the Senate. I allude to his opinions upon slavery, and the powers of this Government in reference to it. I do not intend, on this occasion, to discuss the question, whether he is an Abolitionist or not? That is a matter which, for the present, I leave debatable, as the evidence is somewhat contradictory. But hear a declaration of opinion, which no one questions he made, in regard to the power of this Government to provide a remedy for slavery. In his speech, delivered at Cheviot on the 4th day of July, 1833, he says:

"Should I be asked if there is no way by which the General Government can aid the cause of emancipation, I answer that *it has long been an object near my heart to see the whole of its surplus revenue appropriated to that object.* With the sanction of the States holding the slaves, *there appears to me to be no constitutional objection to its being thus applied*, embracing not only the colonization of those that may be otherwise freed, but the purchase of the freedom of others."

He declares "it has long been an object near his heart to see the whole surplus revenue appropriated to that object"—the cause of emancipation." With the sanction of the States holding the slaves, he sees no constitutional objection! Can he, or any one else, point to the power delegated in the Constitution to authorize Congress to appropriate money to colonize negroes already free, or to "purchase the freedom of others?" I defy him to show any such power, or to show that it is one "necessary and proper for carrying into execution" any of those which are granted. Certainly, no man who believes the Constitution imposes any limitations—no man, unless he believes this to be a Government of discretionary powers, can, for a moment, justify such an opinion. But, sir, has it not been the settled opinion of all the South, universally, that the subject of emancipation, or abolition, (which is the same thing,) could not be touched rightfully or safely by this Government? Do the petitions, which have been, year after year, presented to the two Houses of Congress, which have agitated the Union from one end to the other, and threatened its dissolution, mean any thing more than the abolition of slavery in the District of Columbia, and the Territories, by such means as Congress may, in their discretion, think proper? Nothing, sir—nothing. If their purpose of emancipation can be attained, the Abolitionists care not about the means that may be employed; they would be willing it should be done by an appropriation of money. Then the proposition of General Harrison is but one form of Abolition. What would be the practical operation of such a measure? Why, sir, we being the principal tax payers, would mainly contribute the money to create the "surplus revenue." In other words, the money would first be drawn from us by taxation; and, after paying the expenses of collection and disbursement, it would be paid back to us for our negroes, and they turned loose among us, free and equal. What a delightful state of society this would bring about, and how much it would contribute to our prosperity and happiness!

But, sir, can the people of the South, for one moment, tolerate this Government in any legislation whatever upon the subject of slaves—one of the clear and indubitable compromises of the Constitution—a subject left to the exclusive control of the respective States? Can they safely suffer one step to be taken, by Congress, on the subject of slavery? No intelligent man, who feels as a Southron, can for a moment hesitate to answer—no. The first step will inevitably and certainly be followed by others; that first step will be the signal for our destruction, or a dissolution of the Union; and the

people of the South cannot, nay, they will not, hesitate which alternative to choose. No consideration of life nor death can ever tempt the South to submit to such intermeddling and violation of good faith. Now I ask the Senator from South Carolina whether he gives his sanction to this opinion?

Mr. President, when I took up this branch of the subject, I laid down the proposition, in substance, that the Federalists were that party opposed to a strict construction of the Constitution of the United States, and in favor of extending its powers beyond those expressly delegated, or necessary and proper for carrying them into execution. I have now established—at least to my own satisfaction—that General Harrison was a black cockade Federalist, and supporter of the alien and sedition law, and standing army Administration of John Adams the elder. I have also shown that his opinions upon the tariff; upon internal improvements by the General Goverment; upon a National Bank; and upon the emancipation of our slaves, by the appropriation of the national treasure, are favorable to the exercise of all those powers; and that they are all assumptions of power not delegated by the Constitution, nor necessary or proper for carrying those powers into execution. These are the great questions which have principally divided the two parties for many years past; and General Harrison having been found, uniformly, upon the side of latitudinous construction, continues down to the present day emphatically a Federalist—though now without the badge of the black cockade, which has long since been unfashionable.

But his friends say General Harrison is not only a Jeffersonian Republican, but the poor man's friend, and a man of boundless humanity and benevolence—full of the milk of human kindness. Let us examine his pretensions a few moments on this score, through the medium of his legislative history in Indiana and Ohio. I do not know, Mr. President, that I should ever have brought this subject to the notice of the Senate, but that the friends of General Harrison, ready as many of them are to misrepresent the Democratic candidate for the Presidency, have roundly denied the authenticity of the Indiana law, and the extract from the Ohio Journal, as published in the newspapers. I have very recently received a letter from one of my most respectable and intelligent constituents, stating the fact of this denial and requesting an authentic copy to be forwarded. Anxious to comply with this, and all other reasonable requests coming from those who have honored me with their confidence, I was setting about procuring such copies from those States, when fortunately I was saved the trouble, owing to a similar request having been made of some of my North Carolina friends, by some of their constituents. The copies I shall read are certified to be "truly copied" by the two Senators and six of the Representatives of the State of North Carolina, at the request of two other Representatives. They are all gentlemen of honor and veracity; and, on their authority, I do not hesitate to vouch for the truth and genuineness of these documents, both here and to my constituents. These transcripts read as follows:

Extract from the Laws of the Indiana Territory, printed at Vincennes, by Messrs. Stout and Smoot, in 1807, and now in the Library of the State Department, Washington City.

CHAPTER VI.

AN ACT RESPECTING CRIMES AND PUNISHMENTS.

"SEC. 30. When any person or persons shall, on conviction of any crime or breach of any penal law, be sentenced to pay a fine or fines, with or without the costs of prosecution, it shall and may be lawful for the court before whom such conviction shall be had, to order the sheriff to sell or hire the person or persons so convicted to service, to any person or persons who will pay the said fine and costs, for such term of time as the said court shall judge reasonable.

"And if such person or persons, so sentenced and hired or sold, shall abscond from the service of his or her master or mistress before the term of such servitude shall be expired, he or she so absconding shall, on conviction before a justice of the peace, be whipped with thirty-nine stripes, and shall, moreover serve two days for every one so lost.

"SEC. 31. The judges of the several courts of record in this Territory shall give this act in charge to the grand jury at each and every court in which a grand jury shall be sworn.

JESSE B. THOMAS,
Speaker of the House of Representatives.
B. CHAMBERS,
President of the Council.

Approved September 17, 1807.
WILLIAM HENRY HARRISON."

"From the journal of the Senate of the State of Ohio, 1st session of the 19th General Assembly, held in the town of Columbus,

The following is extracted from the proceedings of Tuesday, January 30, 1821, to be found on pages 304 and 305:

"An act supplementary to the act for the punishment of certain offences therein named being under consideration,

"Mr. Fithian then moved to strike out the 19th section of said bill, as follows:

"*Be it further enacted*, That when any person shall be imprisoned, either upon execution or otherwise, for the non-payment of a fine, or costs, or both, it shall be lawful for the sheriff of the county to sell out such person as a servant to any person within this State, who will pay the whole amount due, for the shortest period of service, of which sale public notice shall be given at least ten days; and upon such sale being effected, the sheriff shall give to the purchaser a certificate thereof, and deliver over the prisoner to him; from which time the relation between such purchaser and the prisoner shall be that of master and servant, until the time of service expires, and for injuries done by either, remedy shall be had in the same manner as is or may be provided by law in the case of master and apprentices; but nothing herein contained shall be construed to prevent persons being discharged from imprisonment according to the provisions of the thirty-seventh section of the act to which this is supplementary, if it shall be considered expedient to grant such discharge: *Provided*, That the court, in pronouncing sentence upon any person or persons convicted under this act, or the act to which this is supplementary, may direct such person or persons to be detained in prison until the fine be paid, or the person or persons otherwise disposed of agreeably to the provisions of this act:

"Whhich motion was decided in the affirmative—yeas 20, nays 12

"And the yeas and nays being required, those who voted in the affirmative, were,

"Messrs. Beasly, Brown, Fithian, Gass, Heaton, Jennings, Lucas, Matthews, McLaughlin, McMillan, Newcom, Russell, Scofield, Shelby, Spencer, Stone, Swearingen, Thompson, and Womeldorf—20.

Those who voted in the negative, were,

"Messrs. Baldwin, Cole, Foos, Foster, HARRISON, McLean, Dzwalt, Pollock, Ruggles, Roberts, Wheeler, and Speaker—12.

"At the request of the Hon. William Montgomery and Hon. M. T. Hawkins, we certify the foregoing copy of an extract from a law passed in the Territorial Assembly of Indiana, and signed by William H. Harrison, as Governor of said Territory, and the extract from the journal of the State of Ohio, are truly copied.

CHARLES FISHER,
ROBERT STRANGE,
B. BROWN,
CHARLES SHEPARD,
HENRY W. CONNOR,
JOHN HILL,
JAS. J. McKAY,
J. A. BYNUM."

Here, sir, is a specimen of his humanity, benevolence, and kindness! Here is evidence that he is "the poor man's friend!!" According to the law of Indiana, which he approved, when (having an absolute veto, under the ordinance of the Territory) he might have defeated it, in despite of the unanimous votes of the Legislative Council and House of Representatives, any person or persons, male or female, on conviction of any crime, or breach of any penal law, (that is, for a mere misdemeanor, without any moral turpitude,) being sentenced to pay a fine, with or without costs, might have been sold by the sheriff to any person or persons, (white or black,) who would pay the fine and costs. And if the unfortunate individual so sold or hired, absconded before the expiration of the term of servitude, they were made liable, "on conviction before a justice of the peace, (without a trial by jury,) to be whipped with thirty-nine lashes," and to "serve two days for every one so lost." To sell a free man into servitude for a mere misdemeanor—for instance, an assault and battery, affray, or the like—would be intolerable enough; but to inflict the ignominious punishment of thirty-nine lashes on a white man or woman, for merely leaving such service, and without a trial by jury, would be an outrage never, perhaps, perpetrated by any other Legislature since the days of Magna Charta. Without further comment, I leave this humane and benevolent poor man's friend to the judgment of his country, merely adding that the section of the bill for which he voted in Ohio, was substantially like the law passed, with his approval, in Indiana, except the punishment of whipping for absconding.

Hoping that I shall be excused for this episode, Mr. President, as it seemed to be a necessary response to the remarks of the Senator from Kentucky [Mr. CRITTENDEN] on yesterday, I shall now proceed with my reply to the Senator from South Carolina [Mr. PRESTON.] That honorable Senator thought proper to ascribe to the present Chief Magistrate inordinate fondness for power, and, in support of that charge, asserted that more military power had been aggregated under this Administration than any other. To prove this, he alluded to the increase of the army by a law passed about two years ago. Under that law, the army, if full, would only amount to about twelve thousand men, to man our batteries and fortifications, in all our seaport towns, for their protection against an invading enemy, and for the defence of our extended inland frontier, on the North and the West, for thousands of miles. That measure was, on all sides of the Senate, so generally acquiesced in, that, if I do not mistake, it passed without calling for a division. I am inclined to think the Senator from South Carolina [Mr. PRESTON] himself voted for that bill—did he not?

[Here Mr. PRESTON nodded assent.]

Mr. C. remarked, the Senator admits he voted for it, yet he now complains of it, as if unnecessary and unjustifiable. The Senator from South Carolina, in a tone of disapprobation, also alludes to the act which passed near the close of the last session, appropriating ten millions of dollars, to be raised by loans, and placed at the disposal of the President; and also authorizing him to accept the services of fifty thousand volunteers, to repel invasion, if that contingency happened, as another evidence of the disposition of this Administration to augment its powers. Well, sir, what is the history of this measure? Did the President ask Congress to give him the power to raise that number of men, and that amount of money? No, sir; on the contrary, it was the spontaneous act of the two Houses, in view of what they regarded as possible danger of invasion by Great Britain. The measure originated in, and passed the House almost unanimously. It came into the Senate on the 2d of March, "was read the first and second times, by unanimous consent, and considered as in committee of the whole," without being referred, as usual, to one of the standing committees. The only amendment moved, at any stage of the bill in the Senate, was to strike out the third section, the motion being made by the Senator from New Jersey [Mr. SOUTHARD] who stood alone in the affirmative, on taking the yeas and nays. The name of the Senanator from South Carolina [Mr. PRESTON] is recorded in the negative. No amendment being made to the bill, it was reported to the Senate and passed to a third reading. It was immediately read a third time by unanimous consent, and passed, by yeas and nays, unanimously—the name of the Senator from South Carolina [Mr. PRESTON] being again recorded in favor of the bill!

Those are the two measures relied on by the Senator from South Carolina [Mr. PRESTON] to prove the grasping ambition of the present Administration, and the aggregation of more military power under it than any former one. Both measures passed through the Senate by an almost unanimous vote, and the Senator himself voting for both. This, sir, may be considered as a specimen of the fairness with which the Administration is censured and abused by the Opposition gentlemen, or their party; they first pass the measure, or at least assist in doing so, and then turn round and denounce it, as unwise, profligate, or dangerous. How just and magnanimous, to aid in passing measures, often when they could not pass without their assistance, and then to ascribe the wrong exclusively to the Administration, or its friends!

The censures of the Senator from South Carolina, Mr. President, which have been so much lavished on the President and Secretary of War, cannot be well reconciled with other portions of his own course as a member of this body. In the progress of my investigation, I find an act was passed in the spring of 1836, entitled "An act authorizing the President of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons, or mounted riflemen." This act authorized the President to accept the services of volunteers, who might offer themselves (without the intervention of the State Executives;) and the bill, as it passed the House, authorized the President to organize them into battalions, squadrons, regiments, &c. The bill was referred to the Committee on Military Affairs, of the Senate, of which the Senator from South Carolina is a member; and by examining the Journal, I find, on the 11th of May, 1836, Mr. PRESTON reported it from that committee, with amendments. Two of those amendments, so reported by the Senator, as I suppose, were to the

third section; which passed the House in the following words:

"SEC. 3. *And be it further enacted*, That the President of the United States be, and hereby is, authorized to organize the *companies* so tendering their services, as aforesaid, into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization in his judgment expedient."

The first amendment to this section was to strike out the word "companies," and insert, instead of it, the word "volunteers"—the effect of which was to let the volunteers be received by the President wholly without organization under the State authority, that he might have all the power in his own hands. For, the next amendment proposed to the section was, to add the following clause, at the end of the section:

"And shall appoint the necessary officers, which appointments shall be submitted to the Senate at its next session."

This was one of the amendments with which the bill was returned from the Senate to the House, though it did not meet their concurrence, and did not become a part of the act, which passed. I presume the Senator from South Carolina reported and acquiesced in this amendment, and supported it. [Mr. PRESTON assented.] Where will you find a more odious, or more revolting proposition to the people of the several States, than to take from them the appointment of their own militia officers, and give the power of appointing all those officers to the President? Such was the effect, and extent of the Senator's amendment; for the bill authorized the President to accept the services of ten thousand volunteers; and of course, the power to "appoint the necessary officers" would have embraced the appointment, not only of the major generals, brigadier generals, and colonels of regiments, but all the other officers, down to the lowest subaltern. These journals, sir, are sometimes troublesome things. Why, sir, the gentleman talks of a violation of the Constitution, in the plan proposed by the Secretary of War. Was there ever a more palpable violation of that instrument proposed by any one? Or a more glaring attempt to invade and wrest from the States one of their most important and expressly "reserved rights?" Never, sir; never. What are the powers granted to Congress over the militia? First, the power "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." In this clause, the power is only given to call them forth, for three enumerated objects.

The other clause gives to Congress the power—

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; *reserving to the States, respectively, the appointment of the officers*, and the authority of training the militia, according to the discipline prescribed by Congress."

Is argument necessary to satisfy the plainest understanding, that a law giving the power of appointing officers of the militia to the President, under any circumstances, would be a clear and indubitable infraction of this provision of the Constitution, and an outrageous usurpation of one of the reserved rights of the States? No, sir; there can be no doubt; and it would be insulting to common sense to press the argument. Yet, sir, the author of this proposition—to take from the people, in the face of the plain letter of the Constitution, the appointment of their own militia officers, who are to command them in the hour of battle, and have the guardianship of their lives and honor—at the same time giving the power of those appointments to the President: yes, sir, the author of this most monstrous, unconstitutional proposition, the Senator from South Carolina [Mr. PRESTON] is the chosen champion of the Opposition, to inveigh against the Secretary of War, and denounce him and the President for the plan of organization submitted to our consideration! I will add nothing further on this point, than to say—the power proposed by the Senator from South Carolina never can be exercised in Alabama, while my voice can be heard and heeded.

Suffer me now, Mr. President, to call your attention to the 17th clause of Mr. Poinsett's *projet*, which is pronounced, by the Senator from South Carolina, [Mr. PRESTON,] as "monstrous and unconstitutional." It is on this clause the Senator relies, as I understand him, to establish the charge of unconstitutionality, and the consequent imputation of grasping ambition and usurpation. That it may be fairly understood, I will read the clause in question, which is in the following words:

"17th. That the President of the United States be authorized to call forth and assemble such numbers of the ACTIVE force of the militia, at such *places* within their respective districts, and at such times, not exceeding twice nor ——— days in the same year, as he may deem necessary; and during such period, including the time when going to and returning from the place of rendezvous, they shall be deemed in the service of the United States, and be subject to such regulations as the President may think proper to adopt for their instruction, discipline, and improvement in military knowledge."

Now, sir, taking this clause independently of all others, I do not hesitate to admit its unconstitutionality. In the usual acceptation of the terms, I can never agree that Congress can give the President power to call forth the militia merely for discipline, nor for any other purpose than to "execute the laws of the Union, suppress insurrections, and repel invasions." Nor can I agree that they shall be considered "in the service of the United States," or that the President shall prescribe regulations, or, in the language of the Senator, command them, when merely under discipline. But, sir, does not the Senator from South Carolina [Mr. PRESTON] know that, in placing a construction upon any instrument, law, or document, all the parts upon the same subject should be taken together? He certainly ought to know this. Well, sir, are there no other clauses of the Secretary's document bearing upon this question? Yes, sir, the very clause preceding the one he read. The 16th clause of the Secretary's plan proposes:

"16th. That the officers of the militia of the several classes shall be appointed by and in such manner as the Legislature of the respective States shall direct, and in the Territories of the United States in such manner as is prescribed by existing laws."

This certainly proposes to leave more power with the States than the Senator's amendment to the bill in 1836, upon which I have commented did. It leaves them the power of appointing their own officers; and the men, the care and guardianship of those who may be chosen by themselves, or their States.

The 39th clause of the Secretary's *projet*, clearly contemplates that his plan of organization is to be carried out by State legislation. An examination of it will satisfy the most prejudiced mind that it is to be submitted to the States for their adoption; for it concludes with a proviso, "that until such enrolment and organization be made, the existing laws governing the militia of each State be considered as still in force." The Senate can, however, place their own construction upon it: it is in the following words:

"39th. That the Legislatures of the several States, at the earliest period of time after the adoption of this system, enact such laws as may be necessary to enrol and organize the militia of the respective States, according to the provisions contained herein: provided that, until such enrolment and organization be made, the existing laws governing the militia of each State be considered as still in force."

But, sir, this is not all. To obviate all doubt of the Secretary's meaning in the *projet* originally submitted to the House of Representatives, the chairman of the Committee on the Militia of that House, addressed him in a letter, under their instructions, for a "more full exposition of his views." What is the Secretary's reply to the question, whether he intended that power should be given to the President to call all the militia of one district to assemble together at one place, and out of their respective States. Here it is:

"The proposition to divide the territory of the United States, by which is here meant the area embraced by the geographical boundaries of the whole Confederacy, is intended for military purposes, in order that each district may be commanded by one officer, who would have the general direction of the regulars and militia within the district; *but the plan contemplated that the power of the President to call out the militia should be restricted to assembling the militia of each State within its own territorial limits.*"

He says "the power of the President to call out the militia should be restricted to assembling the militia of each State within its own territorial limits." Hence the Senator from South Carolina may dismiss his alarm about the President calling the militia from Lee, Russell, and other western counties of Virginia, all the way into the District of Columbia, to be trained! His fears may be quieted, too, in regard to the danger of the President, or some of his successors, concentrating ten thousand of the militia in the rotundo of the Capitol, with bristling bayonets, on the eve of a Presidential election, to overawe and control the votes of the House of Representatives for that important office.

The Secretary goes further, as to his purpose of submitting his plan to the States for their co-operation. Hear the following part of his explanatory letter:

"With regard to the 17th article, the same difficulty which presented itself to the committee, occurred to me when considering this subject, viz: that provision of the Constitution which restricts the power of Congress over the militia to organizing, arming, and disciplining them, reserving to the States respectively the appointment of officers, and the authority of training the militia according to the discipline prescribed by Congress. Although the word "disciplining" is susceptible of a different interpretation from that given to it here, yet the subsequent reservation to the States of the power to train the militia according to the system of discipline adopted by Congress, would seem to define its meaning; and as we cannot be too scrupulous in our interpretation of the Constitution, I propose that, in the event of its becoming necessary, to resort to draughts in order to fill the ranks of the active class of militia, to apply to the States to place by law their contingents at the disposal of the General Government, for a period of not more than thirty days of every year, for the purpose of their being trained in conjunction with the regular troops, and by veteran officers. It is not probable that this co-operation will be withheld by any State, when the advantages are presented to it of possessing a body of well organized, well armed, and well disciplined militia, without any expense, either to the States or to the citizens thereof; and when they are made aware that it is the intention of the Government to assemble such militia at convenient points within each State, and in the vicinity of depots of arms, which it is proposed to establish as part of the system.

Here he speaks of his purpose of applying to the States to place their militia of the "active class" "at the disposal of the General Government," for how long, or for what purpose? "For a period of not more than thirty days of every year, for the purpose of their being trained, in conjunction with regular troops, and by veteran officers."

The Senator from South Carolina is mistaken, then, in supposing that it was the design of the Secretary of War, or the President, merely by the legislation of Congress, and independently of the State authorities, to assume the command of the militia. He is mistaken in saying it was contemplated to drag them out of their own States. Then what does this "monstrous proposition" amount to? Why, sir, that, with the consent of the States, the President may appoint the times and places at which the militia of the "active class" shall assemble, within their respective States, for the purpose of being trained. That, with the consent of the States, he may designate officers of the regular army, not to command, but to drill them; and also that they be "trained in conjunction with regular troops." The State Legislatures have power to do all this, if they thought proper: that is, they could require any class of their militia to assemble, encamp, and muster, at such times and such places, within their respective States, as they thought proper; or they could authorize any officer to appoint those times and places; or they could appoint, or designate, any officer (even of the regular army, with the consent of his superiors) to drill or train them. And could they not authorize the President to appoint the times and places of training, within the respective States; and, also, authorize him to cause the active class to be trained "with regular troops, and by veteran officers?" Unquestionably, the State Legislatures could do these things. Then, although we cannot approve of the plan, why shall we denounce and execrate the Secretary of War, for the mere proposal? I think I know why it has been, and will continue to be done. If I were to make twenty conjectures, as to the motive that impels to such a course, every one of them would be that it has been, and will continue to be done—first, because Mr. Van Buren is a candidate for re-election to the office of President; and second, because the plan for the reorganization of the militia can be so misrepresented and distorted as to injure him in the estimation of his fellow citizens. If the same plan had been suspended for the present, and proposed at the next session of Congress, after the President's re-election, although it might have been disapproved by some, it would have excited no alarm—the Whig camp would have been "as calm as a summer's morning."

Sir, this is not the only instance in which the Senator and his friends have waged this description of warfare against the Administration. The Senator from South Carolina [Mr. PRESTON] in the outset of this debate, was loud in his complaints that the committee had dragged in, as he

expressed it, the reports of General Harrison. It was in vain that he was reminded of the fact that the committee had commenced their report, as they declare, in the very first sentence, with a view to examine the subject of the reorganization of the militia, "in reference to the powers of Congress, the various plans which have been proposed, and such measures as have been matured, at different periods, since the adoption of the Constitution, without ever having read one of General Harrison's reports, and without knowing he had ever made one—at least so far as the chairman is concerned. It was in vain the Senator was assured that the reports of General Harrison thus came up, legitimately, in the path upon which the committee sat out, and were used by them only because they belonged to the subject. All these protestations did not seem to be satisfactory; it is difficult to satisfy a gentleman who is resolved not to be content.

But in the mean time, the report of the Committee on the Militia, of the other House, including a minority report, signed by four of the Senator's political friends, is printed and laid upon our tables. Well, having examined and written upon the same subject myself, it was very natural that I should desire to see what those distinguished gentlemen had said of Mr. Poinsett's report. Accordingly, I read this minority report—and what do I find? Why, sir, that they, too, have "dragged in" the same identical reports of General Harrison, made in 1817 and 1819, from which the committee of the Senate had made extracts! Yet, the Senator has not thought proper to censure them. It would not, I presume, comport with his notions of equality, while censuring the committee of the Senate for dragging in General Harrison's reports, to censure his political friends for doing precisely the same thing. It is true, sir, there is some difference in the extracts the minority of the committee of the House have thought proper to make, and those made by the committee of the Senate. They have given the argument, and theoretical views of General Harrison, in favor of a well disciplined militia, together with a few of his accustomed displays of historical learning in reference to the ancient Republics—how "small Republics have been overthrown by those which were more powerful, as Saguntum destroyed by Carthage, and Numantia by Rome."

But, sir, the minority have wholly omitted to notice the result of all this learning and argument—the distinct, practical proposition, with which the report concludes, and the point, to establish the expediency of which all the foregoing part seems to have been intended—that is, the proposition to give a military education to "all the youth of the United States." This is in both the same reports from which they quote, and from which the committee of the Senate make extracts; yet they do not notice it at all, though it is clear it would involve the annual expenditure of millions of dollars.

The minority committee report, however, does not fail to notice the public expense and individual burdens which would attend the adoption of Mr. Poinsett's plan. They set them forth to the "public eye" in bold relief. They first set forth that part of Mr. Poinsett's plan which requires the militia to arm themselves, in the following terms:

"The Secretary of War computes the number of the militia at one million five hundred thousand between the age of twenty, and under that of forty-five years, who are to be enrolled, etc.; and every citizen so enrolled, etc. 'shall, within three months thereafter, provide himself with a good musket—bore of sufficient capacity to receive a lead ball of eighteen in the pound, a sufficient bayonet and belt, two spare flints, a knapsack, cartridge box—to contain at least twenty-four cartridges, suited to the bore of his musket; and each cartridge to contain a ball and three buckshot, and a sufficient quantity of powder, or with a good rifle, knapsack, shot pouch, and powder horn, or flask, with sufficient powder and ball for twenty-four charges, and two spare flint; and that he shall appear so armed, equipped, and provided, when called out for exercise, or into service."

The committee then go on to say, in substance, that they have endeavored to procure the prices of the materials with which all the militiamen are required to furnish themselves; and seem to deplore their disappointment in not having obtained them. They proceed, however, upon the best data they have, and estimate the gun and other equipments of each militia man to cost $20. They then proceed arithmetically, and very correctly state, that, "to purchase these one million and a half of muskets, &c. at twenty dollars each, would cost the people of the United States thirty millions of dollars. Are they prepared at this time of pecuniary distress to advance this sum of thirty millions of dollars out of their private pockets? We think not; we know they are not." "So far, so good." At the price assumed, it would cost all the estimated number of the militia, of the Union, that sum, to arm and equip themselves in the manner proposed; and for one, I would not consent to enforce such a regulation.

But, sir, if it was the object of the minority of the committee of the other House to give the country full and correct information upon this subject, and enable them to form a true opinion, as to the amount of new burdens, sought to be imposed upon them by the Secretary of War, they have "no doubt unintentionally" omitted one important fact; that is, that the law, as it now exists upon the statute book, requires of them precisely the same thing. By the law of May 8th, 1792, passed under General Washington's administration, and sought to be enforced by the act of March, 1803, approved by Mr. Jefferson, every man, subject to militia duty, is now required to arm and equip himself, at his own expense, and substantially, in the same manner. To relieve all apprehension that this is a new burden, attempted to be imposed on the people, I will ask the Secretary to read the first section of the act first mentioned to the Senate. [The Secretary then read that section from the act of May 8th, 1792, in the following words:

"SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each and every free, able-bodied, white, male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as is hereinafter excepted,) shall, severally and respectively, be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside, and that within twelve months after the passing of this act: and it shall, at all times hereafter, be the duty of every such captain or commanding officer of a company to enrol every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or, being of the age of eighteen years, and under the age of forty-five years, (except as before excepted,) shall come to reside within his bounds; and shall, without delay, notify such citizen of the said enrolment by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified shall, within six months thereafter, provide himself with a good musket, or firelock; a sufficient bayonet and belt; two spare flints, and a knapsack; a pouch, with a box therein, to contain not less than twenty-four cartridges suited to the bore of his musket, or firelock, each cartridge to contain a proper quantity of powder and ball; or, with a good rifle, knapsack, shot-pouch, and powder-horn, twenty balls, suited to the bore of his rifle, and a quarter of a pound of powder: and shall appear, so armed, accoutred, and provided, when called out to exercise, or into service, except that, when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall, severally, be armed with a sword or hanger, and espontoon. And that, from and after five years from the passing of this act, all muskets for arming the militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as aforesaid, shall hold the same exempted from all suits, distresses, executions, or sales for debt, or for the payment of taxes."

Now, sir, I assert that this law, passed in 1792, under Washington's administration, is still in force. Can any gentlemen dispute the fact? [No one denied it.] No one can controvert it. Besides, other portions of the act, which I will not consume the time of the Senate in reading, superadd other burdens, which are fully equal to all that has been proposed by Mr. Poinsett. Nay, more; a law, additional to this, which was passed under Mr. Jefferson's administration, and with his approval, repeated that every citizen duly enrolled in the militia, should be constantly provided with arms, accoutremen's, and ammunition, agreeable to the directions of said act," which has just been read. Neither of these laws has ever been repealed; they are both in full force; and it rests with the Legislatures of the respective States (as it would if Mr. Poinsett's plan were adopted) to say whether they will enfore them. Then the Secretary of War only proposed, in this particular, to embrace in his plan the re-enactment of the old law. Is it not just—is it not fair—that the country should know and understand this important fact, before they pass the sentence of condemnation, which is demanded against him? No just or impartial man will say no. So much for his startling parade of individual expenditures and burdens, which are just the same that every militiaman is now subject to, and no more.

That nothing which could possibly excite feelings of prejudice or indignation against the Secretary of War, or the Administration, might be omited, the Senator from South Carolina [Mr. PRESTON] has brought to your view the 28th clause of Mr. Poinsett's projet, and has characterized it as one of its new and unprecedented features. Here, again, sir, the Senator is mistaken; the enactment proposed in that clause is not without high precedent. The Senator, I presume, will acknowledge that Wm. B. Giles of Virginia, was, throughout his life, one of the most distinguished Republicans of this Union. The gentleman will, doubtless, be surprised when I tell him that the Secretary of War but followed in his footsteps when framing this clause, as he did in those of General Knox, and General Harrison (one or both) in all the other important features of his plan. Having already consumed so much time, Mr. President, I will only read the clause of Mr. Poinsett's projet, which has been referred to, and the 6th section of a bill reported in the Senate by Mr. Giles, from the Committee on Military Affairs, on Saturday, the 5th of November, 1814.

The 28th clause in Mr. Poinsett's plan:

"28th. That every officer, non-commissioned officer, artificer, musician, or private of the militia, who shall fail to obey the orders of the United States, in the case provided for calling forth the active force, or parts thereof, (in the 17th head,) shall be fined, and forfeit a sum not exceeding three months' pay, nor less than half a month's pay, according to the circumstances of the case, as a court martial may determine: and that every officer, non-commissioned officer, artificer, musician, or private of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases cited in the 18th and 19th heads, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged, according to the circumstances of the case, by a court martial; and such officer shall, moreover be liable to be cashiered by sentence of a court martial, and be incapacitated from holding a commission in the militia for a term of 4 years, at the discretion of said court; and non-commissioned officers and privates shall be liable to be imprisoned by the sentence of a court martial, on failure of the payment of fines adjudged against them, for one calendar month for every five dollars of such fine."

Section 6 of Mr. Giles's bill:

"SEC. 6. And be it further enacted, That every officer, non-commissioned, or private, of the militia, who shall fail to obey the orders of the President of the United States, in carrying into effect any of the provisions of this act, shall forfeit and pay a sum not exceeding ——— years' pay, nor less than ——— months' pay, and such officer shall, moreover, be liable to be cashiered by sentence of a court martial, and be incapacitated from holding a commission in the militia for a term not exceeding ———, at the discretion of the said court; and such non-commissioned officer and private shall be liable to be imprisoned, by a like sentence, on failure to pay the fines adjudged against them, being respectively for one calendar month for every five dollars of such fine."

Now, sir, will the gentleman, can he, point out the difference? Let not the gentleman say that this bill, or the section I have read, had exclusive reference to the war—upon examination he will find that all the usual duties of enrolling, classing, and every other duty, almost, connected with the organization of the militia, may be found in this bill of Mr. Giles. The sixth section of the bill, as I have shown, proposed that the punishment of being fined, imprisoned or cashiered, was to be inflicted by a sentence of a court martial, for failing "to obey the orders of the President of the United States, in carrying into effect any of the provisions of that act." After the exhibition of this further precedent and authority for the plan of the Secretary of War, I hope the Senator from South Carolina, [Mr. PRESTON,] will not insist on ascribing to him such exclusive originality. I dare say, it is an honor, of which he is not now peculiarly ambitious.

Mr. Giles's bill was founded on the *projet* of Mr. Monroe, who was then Secretary of War; but neither the talents, high standing, public services, nor Republican virtue, of those two distinguished men, could save them from the vituperation and abuse of the Federal party, which was then in opposition to the Democratic administration of Mr. Madison. To show you how ready that class of politicians are to find fault with any and every Republican administration, and how unsparing and reckless they are in their denunciations, I beg leave to read you some remarks from the seventh volume of Niles's Weekly Register, showing the manner in which the Opposition then spoke of the *projet* of Mr. Monroe, and the bill of Mr. Giles. The article I shall read is in reply to the vituperation of the then Opposition; and I shall leave it to the Senate to judge how far a similar notice might not be justly taken of the denunciation heaped upon the present Secretary of War and the President. The following is the article to which I allude.

"*Militia drafts—or 'Conscription.'*

"The ghost of 'French influence' being laid in the sea that washes the shores of the little island of Elba—faction, at a loss for some noisy word, happily grasped 'conscription,' and wielded it with no little effect, on the minds of the people. It is astonishing how complete may be a delusion when a large body of men unite and act together, to mislead the judgment—and I dare say, there are tens of thousands of very honest men, who really believe that the plans for raising a military force, lately before Congress, had their origin with Napoleon Bonaparte, and never were embodied on paper but by him, except in the projet of the Secretary of War, or in the bill recently reported to the Senate by Mr. Giles.

"To undeceive honest men, and give our readers in general a document of high interest, we devote a great part of this number to the insertion of Washington's plan for organizing an army in 1790. That it was his plan, is undeniable from the assertion of General Knox, that 'it was modified according to the alterations you [Washington] were pleased to insert.'

"We heartily recommend it to the perusal of every one. Let Mr. Monroe's projet (page 137) and Mr. Giles's bill, (page 181) be also carefully read—and let the reader lay his hand on his heart, and say which looks the most like a 'conscription.'"

[*Niles's Register, Saturday, January* 7, 1815.

Thus, sir, we find the opposition to the Republican Administration of Mr. Madison crying out against the militia plan of the Secretary of War, and denouncing as "conscription" the bill reported on that basis by his leading Democratic friend in the Senate of the United States. In reference to the violent and extravagant denunciations which have been hurled by their political enemies against the present Secretary of War, and the President, we might exclaim, with the writer of the article you have just heard: "It is astonishing how complete may be a delusion, when a large body of men unite and act together, to mislead the judgment!"

Amongst other complaints made by the Senator from South Carolina, [Mr. PRESTON,] is this—that the President warmly recommends the plan of the Secretary of War. As I understand much exertion has been used in elaborate addresses, as well as speeches, to fix this charge upon the President, whilst I am upon the subject, it may be well to show what he did say, in contradistinction to what he did not say. What he did say, and all he said, upon the subject, is to be found in this short paragraph:

"The present condition of the defences of our principal seaports and navy yards, as represented by the accompanying report of the Secretary of War, calls for the early and serious attention of Congress; and, as connecting itself intimately with

this subject, I cannot recommend too strongly to your consideration the plan submitted by that officer for the organization of the militia of the United States."

Now, sir, the President does not say here, as may have been, and doubtless has been, represented, that he recommends the plan to the adoption of Congress. After alluding to the condition of the "defences of our principal seaports and navy yards" in a manner to indicate that they "required our early and serious attention," as intimately connected with that subject, he says he "cannot recommend too strongly to your consideration the plan submitted by that officer (the Secretary of War) for the organization of the militia of the United States." There is certainly a vast difference, as it must strike the mind of every one, between calling on us to adopt and calling on us to consider a plan. He could not well have said less, and have directed our attention to the report at all. Besides, at that time, he had nothing before him but the general outline of the plan, as contained in the Secretary's annual report. The details of the plan, which have been seized upon as unconstitutional and abnoxious, were not made out till about three months afterwards; the letter containing them bears date on the 20th of March last, responsive to a resolution of the House, and were never seen by the President till after they were presented. Hear what the Secretary himself says on this point in reply to the Secretary of the Central Democratic Committee of Virginia:

"The President concurred with me in opinion with regard; to the importance of reorganizing the militia at this time but had no agency in preparing the plan reported to Congress and no previous knowledge of its details. It was prepared, as has already been stated, at the request of a Committee of the House of Representatives expressed at the close of last session, and reported to this Congress upon a call of the House, made directly upon the Secretary of War, and, as is usual in all such cases, sent to that body without being previously submitted to the President. With it or its details he, therefore, had nothing to do."

Such is the deliberate statement of a man who could not be suspected of falsehood or prevarication by any man who is acquainted with his character. I will add this question for the consideration of every man of fairness and liberality: Is it possible for the President to perform the other duties of his high and reponsible office, and examine all the reports of the heads of departments and bureaus, during the session of Congress? Who will answer in the affirmative?

I trust, Mr. President, I have already said enough to excuse the committee for not having indignantly rebuked the President and Secretary, as the Senator from South Carolina [Mr. PRESTON] said we should have done. If any thing further should be necessary, however, I would only remind the Senator, that he and the committee have occupied positions, in reference to this matter, altogether different. The committee had duties of a somewhat judicial nature devolved upon them, and were bound to investigate and decide with fairness and impartiality—whilst the Senator has appeared, in much that he has said, rather more in the character and spirit of a prosecuting attorney.

Finding it impossible to urge the conviction of Mr. Pointsett successfully, sustained as he is by the reports of Gen. Knox and Gen. Harrison, the Senator from South Carolina has rather admitted they had gone too far, and has endeavored to excuse them, whilst he censured the present Secretary with so much acrimony. How does he attempt this exculpation? Why, sir, by reminding us that they were old soldiers, and, when their reports were made, still smarting under wounds received in their country's service, which were not then completely cicatrized! Whether Gen. Knox had received wounds I really do not recollect, he had, however, been out of military service some ten years, I suppose, when his report was made—and at least long enough to calm his feeelings, and moderate his military enthusiasm. Nor do I know whether General Harrison had received wounds in the military service of his country. He certainly did not at Lower Sandusky, for he was with his army, about seven miles distant, with his munitions and stores all piled up ready for the torch; with troubled pace, walking to and fro; wringing his hands and exclaiming, "his blood be upon his own head, I wash my hands of it"—while the youthful but gallant Croghan, with about one hundred and thirty men, and one six-pounder, in a fort he had been ordered by his General (Harrison) to abandon, as indefensible, achieved a most glorious and ever memorable victory over British and Indians combined, to the number of about two thousand. He received no wound at the River Raisin where the brave and patriotic Kentuckians, under Gen. Winchester, were overwhelmed by superior force, and massacred in cold blood by the Indian allies of Great Britain with the permission of British officers, whilst he [Gen. Harrison) reposed with his army at Camp Meigs, within some thirty miles, or one day's forced march. Instead of marching to the relief of those unfortunate men, he burnt his stores, and retreated to Carrying river. He received no wound at the seige of Fort Meigs, (of which I have ever heard,) for he remained securely in his fort, while the chivalrous Col. Miller (now a member of Congress from Missouri) by his brave and successful sortie, obtained a victory, which settled the difficulty, and entitled him to imperishable fame. Nor did he receive any wound at the battle of the Thames, having reluctantly pursued the enemy from Sandwich, and having been (if I am correctly informed) at a respectable distance from the threatre of conflict and danger. Talk of Gen. Harrison's wounds indeed! Why, sir, if I do not wholly misunderstand the history of his military career, he never has been personally engaged in any battle, (unless when a young man, while serving with Gen. Wayne,) except the battle of Tippecanoe, in which he was caught inadvertently, having shamefully followed the suggestion or advice of his savage enemy, to encamp in a position acknowledged by himself to have been favorable to such an attack; and even there I believe he escaped unhurt, whilst the courageous and dauntless Joseph Hamilton Daviess and his brave Kentucky friends, fell the victims of his indiscreet and ill-judged conduct. No, sir: General Harrison had no wounds of which I have ever heard, to excite or impel him to propose his extravagant and monstrous schemes, either to train 100,000 men for six weeks in the year, at the public expense, or "for the military instruction of all the youth of the United States." I have shown that his letter to Governor Scott, of Kentucky of the 10th of March, 1839, written three years before the war, contained both propositions.

Mr. President: I will detain the Senate no longer. I think I have said enough to satisfy all reasonable and fair men, that Mr. Poinsett's projet for reorganizing and disciplining the militia, does not contain all those startling features of monstrosity, which have been ascribed to it by the Senator from South Carolina, here, and by his political friends elsewhere. I have shown, too, that however objectionable the plan of Mr. Poinsett may be, censure comes with a bad grace from the supporters of General Harrison, who has outstripped all who have preceded or followed after him, in regard to the time he would require training and the expenditures he would make from the public Treasury—even "by laying on additional taxes"—independent of the enormous expense of his system of universal military instruction for our youth. And, sir, I have established (as I believe) by clear and indisputable documentary proof, that Gen. Harrison was a black cockade federalist during the administration of the elder Adams, and that he remains a Federalist, even unto this day.

I thank the Senate for the kind indulgence with which they have honored me.

NOTE.—Since this speech was delivered, I find the first section of the bill, reported by General Harrison in January, 1817 requires every private of the militia to "provide himself with a good musket," or "with a good rifle," and *other equipments*, as proposed by Mr. Poinsett, and as now required by the act of May 8. 1792. The same bill, in the 15th section, declared "That the officers and non-commissioned officers, when encamped, (as was required,) under the preceding provisions, *shall be subject to the rules and articles of war*, &c." Consequently, as regards the individual expense of the militia arming themselves, Mr. Poinsett but followed the example of General Harrison, as well as General Knox.

SPEECH OF MR. STRANGE,

OF NORTH CAROLINA,

IN THE SENATE, May 19, 1840.

On the bill to establish a uniform system of bankruptcy.

Mr. STRANGE addressed the Senate as follows:

Mr. PRESIDENT: The subject now under consideration has perplexed Congress, and divided public opinion, as much as any other since the foundation of the Government; and I should have been happy to have left its discussion entirely to abler hands. But, as a member of the Judiciary Committee, my peculiar situation (differing, as I do, in many particulars, with each of my colleagues) will excuse my troubling the Senate and the country somewhat at large.

I assume, for the present, that a bankrupt law of some kind is to pass during the present session of Congress, and that the question now is, under what form it will best commend itself to the favor of the American people. Whether in any bankrupt law the claims of justice and humanity can be so made to harmonize as that neither shall suffer, or, in case of irreconcileable hostility between them, which shall most command our regard, are grave questions, that ought not to be hastily or unadvisedly answered. For my own part, I have hitherto believed that Justice stood frowning in the pathway towards any bankrupt law, and have been thereby deterred from taking any step in that direction. But the wailings of distress coming, as I am told, from five hundred thousand of my fellow-citizens, have reached my ear, and their cries for relief have so wrought upon my feelings, that I am compelled to unite in an effort to devise some plan by which justice to the creditor and humanity to the debtor can be reconciled. Failing in this, the question must recur to be decided, on which side moral and constitutional principles preponderate. In the mean time, I stand unpledged upon this great question; for, although a member of the committee by which the bill was reported, I only expressed my preference for the amendment submitted by the chairman, [Mr. Wall,] on the part of the minority, over the bill, as presented from the majority, by the Senator from Delaware, [Mr. Clayton.] I was not, however, satisfied with either plan; nor am I yet satisfied, as will be seen in the course of the remarks I am about to submit.

Several principal points suggest themselves in the consideration of this subject. 1st. What natural persons, and under what circumstances, may be constitutionally declared bankrupt? 2d. What natural persons, and under what circumstances, it is expedient to declare bankrupt? 3d. What is the answer to both these questions in relation to corporations?

The first two of these questions have been so fully and ably discussed by the Senator from Massachusetts [Mr. Webster] that I feel myself engaged in a heartless task in going over the same ground; but the importance of the subject and some differences in our views, will, I trust, excuse my doing so.

The authority, and the only authority which Congress has for legislating on this subject, is found in the 4th clause of the 8th section of the 1st article of the Constitution of the United States. Congress shall have power "to establish an uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States." Here is as large a charter as the wind, so far as the subject of bankruptcies is concerned; and to ascertain our power, it is only necessary to settle the meaning of the terms used. No one acknowledges with more pleasure than myself, that this is a Government of limited powers, and that it can demand nothing that is not set forth in the bond. I am a State Rights man of the straitest sect. In conformity with these principles I hold that in general, if not invariably, every word in the Constitution is to be taken in its popular sense. In the English language, "bankrupt" has a well settled signification. Bankruptcy of course signifies the state of being a bankrupt. Many, I know, have entangled themselves by fanciful etymologies of the word by which they attempt to limit its signification. Some suppose it a compound of two Latin words, *bancus*—a bank, and *ruptus*—broken. It is to be remarked, however, that few Latin dictionaries give us the word *bancus* at all; and in Ainsworth's, where it is found, it is marked as bad Latin—coined doubtless to furnish a synonyme for our important word—bank. Others, more correctly, perhaps, but with quite as little utility, trace it to the Italian words *banco* and *rotto*, which do, in fact, signify broken bench; in allusion, it is said, to the practice in Venice of breaking the benches of the money dealers who became fraudulent or insolvent. Again it is by some brought down to us through the French word *banque-route; banque*, in French, being synonymous with *mensa* in Latin, or table in English; and *routo* with *vestigium* in Latin, and footstep or trace in English—a term, it is said, derived from the Roman *mensarii*, which were set up in public places, and when a trader slipped away, with an intention to deceive his creditors, he left only some *vestigia* or signs of his table or shop behind him. From this, it is argued that, as the persons concerning whom this term originated were necessarily traders, or they could have no *bancus—banco—banque*—bench or table, it can now be properly applied to traders only, and as the first legal proceeding in regard to them was compulsory, and so continued up to the adoption of the Constitution, that no other than a compulsory proceeding could be contemplated in the bankruptcies spoken of in the Constitution. The bare statement of such an argument is enough to excite a smile, and seems very like trifling with the gravity of Senatorial discussion. If we must have an etymology for "bankrupt" and "bankruptcy," why not content ourselves with one much more simple, and, for aught I can see, quite as probable as those before mentioned? One of the significations of our word "bank," is a heap or pile of any thing. It appears to me, then, to be a far better figure than that of the broken bench, to suppose a man's estate, wealth or fortune, to be typically spoken of as a pile or heap of money; and when this heap is broken or swept away, either by imprudence, calamity, or under the authority of law, according to a very common formation of English words, he may be very properly described as bank—rupt.

But whatever difficulties we may have about the etymology of these words, there is none in ascertaining their popular signification. Lexicographers, and good writers in past times, all show us that bankrupt was early used to signify one who was not able to meet his engagements. Johnson's definition of bankrupt, in his dictionary, is "one indebted beyond the power of payment." Shakspeare makes one of his characters to say: "Sir, if you spend word for word with me, I will make your wit bankrupt." And another, "Time is a very bankrupt, and owes more than he has wit to season."

Johnson, in his life of the poet Blackmore, says: "To hinder that intellectual bankruptcy, he affects to fear he will erect a bank for wit." Dr. Barrow, of whom that sprighlty monarch, Charles the Second, wittily remarked he was an unfair preacher, because he left nothing for others to say, in one of his charity sermons, observes: "The poor man's pocket is a bank for our money, which can never deceive us—all the rich traders may decay and break, but the poor man can never fail, unless God himself become bankrupt." Here, then, are some ancient instances of the use of the words "bank," "bankrupt," and "bankruptcy," in which it would be ridiculous, and, in one at least, impious, to suppose that there was any notion of an allusion to a bench, either whole or broken.

But it is insisted by some, that whatever may have been, or now is, the popular signification of the word "bankruptcies," it is a term of science known to the English law, having there an established technical meaning; and it is further urged that in that sense it was used by the framers of

our Constitution; and consequently, in reference thereto are our powers upon the subject to be construed. That as known to the English law, "bankruptcy," *ex vi termini*, meant a compulsory process issued against a "trader," who had committed some one or more of certain acts; and that therefore, Congress can pass no bankrupt law including under its operation other persons than traders, or depending in any degree for its action upon any other motion than that of the creditor. I admit that the Constitution, like any other instrument, is to be taken according to the intent of those who framed it, provided they have used words fairly expressive of that intent. But I know of no rule requiring us, when a word has two meanings, the one technical and the other popular, to prefer the former, unless there be something in the instrument itself, or in the subject-matter, to indicate that preference. Where neither of these exist, common sense demands a precisely opposite course. What is the main object of a written Constitution? Is it not to secure the people at large against the tyranny of those in power? And to give effect to that object, must not the instrument be subject to the interpretation of the people? Must the people wait until some person makes the discovery for them, that their liberties are assailed, before they are to rise in their defence? It was a complaint against a Roman Emperor, that he hung his decrees too high for the people to read them. And is it to be supposed that the framers of our Constitution couched it in language which the mass of the people could not comprehend? Simplicity, and a readiness to be understood, are most essential qualities of a Constitution, and it can never be supposed, and strong evidence only should convince us that portions of ours require a thorough knowledge of abstruse branches of the law of a foreign land on the part of those who would understand them. It was never the intention of our political forefathers to keep us forever in leading-strings to Great Britain, and that every step taken by us, in law or politics, should be regulated by what she had done. But it is too much the fashion of those whose business it is to reduce our Constitution to practical results, to act as if this were so. Generally lawyers, they bring their professional habits of thinking with them into the National Legislature, and are forever recurring to those fountains for political, from whence they are accustomed to draw professional knowledge. It is a vice which I sincerely hope will ere long be corrected, and that we shall cease the unwise practice of putting new wine into old bottles, and piecing out new garments with shreds and patches from the old and threadbare.

When, then, we look to the general design of that sacred instrument, the Constitution, there is every thing pointing to its general use of words in the popular sense, and there is nothing in the passage under consideration indicating any exception in the word bankruptcies. The point of the argument with those who insist upon a technical meaning of the word bankruptcy, is, that there is a recognised and established distinction in the English law between bankruptcy and insolvency—that bankruptcy confines itself to traders, and is a compulsory process always instigated by the creditor, while insolvency embraces all classes of persons indebted beyond their ability to pay, and is a relief sought for by the debtor—and that our Constitution authorizing Congress to legislate on the subject of bankruptcies, used the word with these limitations. I have already said that I do not admit the obligation to resort to English law books for the meaning of words used in our Constitution, but if I did, high authority warrants me in saying that there is no such established distinction as that contended for between the two terms bankruptcy and insolvency. In the first place, the first English Bankrupt law, to wit: 34th Henry VIII, chap. 4, did not confine itself to merchants and traders, and the amended law of 13th Eliz. chap. 7, did not discharge the debt. In what, then, did these two acts differ from an insolvent law? If any thing can be considered the peculiarly distinguishing characteristic of a bankrupt, from an insolvent law, it is the discharge of the debt; and yet we find a bankrupt law has existed (and even in England, too, where nothing can be wrong) without that feature. It is true there are two forms of proceeding known to the English law: one by which the effects of the debtor are distributed according to fixed rules, and the debt forever discharged; the other by which the debtor himself distributes his effects according to his caprice, (provided there be no fraud,) and his person only is discharged. But there is no established wall of partition separating those two into distinct systems; neither is there any thing in the nature of either which would prevent their being resorted to in every case, *mutatis mutandis*. Chitty, an English law writer of the highest authority, in his third volume of Commercial Law, chap. 18, p. 687, says:

"We have now only to pursue our inquiries into the remedies of creditors, where the debtor is generally unable for a time to pay his creditors, or is absolutely bankrupt or insolvent."

He here uses those two words as equivalent. Those who insist upon the distinction between bankruptcy and insolvency, say that bankruptcy applies to an inability to pay with punctuality, and insolvency to an inability to pay at all. Now Mr. Chitty, in the same chapter, says, in treating of general insolvency, after speaking of time given by creditors:

"Secondly, where the debtor becomes bankrupt or an insolvent debtor. The term insolvency, (derived from the Latin word *insolvendum*,) when used in an act of Parliament, has been construed to signify an inability on the part of the debtor to pay with punctuality, and at the appointed day, the debt due from him."

Adopting the very signification for insolvency which the advocates for distinction give to bankruptcy, and thus establishing their identity. And further, at page 721, after referring to the various remedies which had been treated of for an individual creditor, he adds: "Upon a little consideration we shall perceive that when a party is bankrupt or insolvent, those remedies would be inadequate," still speaking of them as identical, and then goes on to speak of the peculiar advantages of the proceeding in bankruptcy as accruing to the benefit of all the creditors.

But to come nearer home, Chief Justice Marshall, in the case of Sturgis vs. Crowninshield, 4 Wheat, Rep. 194, says:

"But the subject is divisible in its nature into bankrupt and insolvent laws, though the line of partition between them is not so distinctly marked as to enable any person to say, with positive precision, what belongs exclusively to the one, and not to the other, class of laws. It is said, for example, that laws which merely liberate the persons are insolvent laws, and those which discharge the contract are bankrupt laws. But if an act of Congress should discharge the person of the bankrupt, and leave his future acquisitions liable to his creditors, we should feel much hesitation in saying that this was an insolvent and not a bankrupt law, and therefore unconstitutional. Another distinction has been stated and uniformly observed. Insolvent laws operate at the instance of an imprisoned debtor, bankrupt laws at the instance of the creditor. But should an act of Congress, authorize a commission of bankruptcy to issue on the application of a debtor, a court would scarcely be warranted in saying that the law was unconstitutional."

And again, at page 195:

"This difficulty of discriminating with any accuracy between insolvent and bankrupt laws, would lead to the opinion that a bankrupt law may contain those regulations which are generally found in insolvent laws, and that an insolvent law may contain those which are common to a bankrupt law."

Thus, I think, very clearly settling the question of any real distinction in the nature of the two things. For if one may be made at pleasure just what the other may, who can say there is any natural or invariable distinction between them? It seems, then, that the popular and technical senses of the word bankruptcy are so nearly the same, that it is a mere sticking in the bark of the tree to assume any substantial distinction them. I still insist, however, that if it were otherwise to the popular sense, we ought to attach ourselves. I do not deny that the immediate effect will be to extend the power of this Government upon this particular subject. But the general effect will be to keep the construction of the Constitution in the proper hands—those of the people, and not to deliver it over to experts, or a sort of priesthood, who, like those of the ancient heathen gods, will pronounce from it, with oracular solemity, whatever it may suit their own views to pass for truth. Lasting liberty is in the one system—inevitable and quick coming slavery in the other. Who, then, can hesitate in choosing between them?

I will not trouble myself with the question, to what extent the States may go on the subject of bankruptcy, should Congress decline the exercise of its powers, although I will remark, in passing, that, in my humble judgment, much error has issued from high places on this point.

Assuming, then, as I think I may safely do, that the Constitution gives to Congress the whole field of insolvency, in its widest extent, for the exercise of its powers, I propose to say a few words on the expediency of extending the provisions of any law which may be passed by Congress, beyond the limits embraced in the English bankrupt laws in 1789; and in so doing I hope to add a little strength to the positions heretofore assumed.

The relationship of debtor and creditor has probably existed from the earliest period of civilization. In almost all ages and all lands, the creditor classes have had much direct or indirect agency in their legislation, while the debtor classes have had little or none. The natural effect followed, and the rights of creditors were sedulously and promptly guarded by law, while those of the debtor, and his claims to mercy, have been overlooked or tardily considered. In Rome, the proud patricians were not only the governors of the realm, but owned all its wealth, and ever held as debtors, wretched plebeians, who, as common soldiers, toiled for a fame that they seldom shared, and by the law of the twelve tables, might, in case of insolvency, be cut into fragments to satisfy, in proportion, the conflicting claims of different creditors. By other laws of the same realm scarcely less cruel, the debtor might be imprisoned in chains, subjected to stripes and hard labor, or sold with his wife and children into perpetual foreign slavery (*trans Tiberim*) to satisfy the demands of a cruel creditor. Very similar regulations seem to have existed among other nations, and we are told that in some parts of the East Indies, the wife of the debtor was the lawful victim of the passions of a relentless creditor, and the debt was cancelled by the eternal dishonor of the debtor and his wife, without the consent of either. Such was the state of the world when the light of Christianity dawned upon it. The nonpayment of a debt was considered an inexpiable crime, while the most flagrant cruelties might be practised to enforce it without sullying the fame or disturbing the conscience of the creditor. But the Sun of Righteousness first gilded with its beams the fetters of the unfortunate debtor, and darted rays of consolation into his desolate dungeon, and then with a power unknown to any physical solvent, melted the chains from his limbs, and dissipated as a mist the walls that surrounded him, and sent him forth to breath in security the air of freedom. Laws were made at Rome under the Christian emperors, by which a debtor who ceded his property to his creditors, was freed from their power. Still this was no discharge of the debtor, and his future acquisitions were liable to be seized. Humanity, however, made a further appeal in behalf of the hapless debtor, and it was provided, that where a debtor was, by any unforeseen accident, reduced to low circumstances, and would swear that he had not wherewith to pay his debts, he should not be compelled to give up even what was in his possession.

This last provision is probably the true germ of the bankrupt principle. Exposure to unforeseen accident, it will be found, is the ground upon which, throughout the English laws, those claiming the benefit of the bankrupt law were entitled to their discharge. England was originally settled by a warlike people, and no laws seem to have existed there by which the body of the debtor was subjected to imprisonment for a debt, properly so called, until the statute 25, Edward III. chapter 17, when the writ of *capias ad satisfaciendum*, which had previously been used only in actions where force was charged against the defendant, was allowed to a creditor to enforce the payment of a debt. We are here presented with a striking instance of the greater heartlessness and cruelty of Mercury than of Mars. We have reason to think that until Rome, in ancient times, and England in modern, became trading nations, no freeman was consigned to the common receptacle of felons, to enforce the payment of a debt. The laws, as well as the morals, of a country, are much more dependent upon her previous habits and existing interests, than is generally imagined; and in trading nations we find both the morals and laws ranking breaches of contract with the highest crimes; and, without intending a pun, from that influence the forger and the murderer are made to stand upon the same platform; a decision of corrupted justice, which unsophisticated humanity can never sanction. This, together with the previously stated fact that the lawgivers are generally of the creditor classes, has imparted a peculiar sternness to legislation in all trading countries, upon the subject of contract, and has even left some traces of it in that sacred charter, our Federal Constitution. But from time to time, for eighteen hundred years, a spirit of mercy has been struggling with it, and this sternness has relaxed. The genius of Democracy has brought the poor man into the halls of legislation, and the debtor is no longer friendless, but finds a sympathy in the bosom of the lawmaker and the judge, and the Legislature has become a mediator between the debtor and the creditor. This is among the proudest of the many trophies of which this benignant genius has

reason to boast. This spirit, while it has left in our Constitution a rigid prohibition on the States from passing any law impairing the obligation of contracts, has planted there the provision under which it is now proposed to legislate.

The first step taken in other countries was, as I have said, to accept the goods, and acquit the person, but to retain the liability, of the future acquisitions of the debtor. Thus far most of the States in this Union have gone, and many of them, it is believed, are disposed to go much farther.

The next step was to emancipate the debtor fully upon the surrender of all his present possessions, and allow him to make a new beginning in the world; and that is the example we are now asked to follow. Still this has been confined to those who, by unforseen accidents, were reduced to low circumstances, for although by the law of England a trader only was the subject of this provision, yet it was on account of his peculiar liability to these unforseen accidents, that he was to be dealt with differently from other insolvent debtors. It will be remembered that I am not now discussing whether any bankrupt law should be passed, but if any, what should be its cardinal provisions. We have now reached the point in this discussion that brings us to the principle on which the peculiar provisions of a bankrupt law are based. Is it a mere progression in the road where insolvency leads—a further amelioration of the condition of the debtor, or a step in the direction precisely opposite, providing more securely for the payment of the creditor? I have no hesitation in pronouncing it the former. The very reasons assigned by writers on the subject, for excluding all but "traders," shows that it was designed as a favor to them. Hear what one of them says:

Judge Blackstone, in his Commentaries, vol. 2, page 472, after speaking of the treatment of debtors under the Roman laws at different periods, says:

"The laws of England, more wisely, have steered in the middle between two extremes; providing at once against the inhumanity of the creditor, who is not suffered to confine an honest bankrupt after his effects are delivered up, and at the same time taking care that all his just debts shall be paid so far as the effects will extend. But still they are cautious of encouraging prodigality and extravagance by this indulgence to debtors: and therefore they allow the benefit of the laws of bankruptcy to none but actual traders; since that set of men are, generally speaking, the only persons liable to accidental losses, and to an inability of paying their debts without any fault of their own. If persons in other situations of life run in debt with the power of payment, they must take the consequences of their own indiscretion even though they meet with sudden accidents that may reduce their fortunes; for the law holds it to be an unjustifiable practice for any person but a trader to encumber himself with debts of any considerable value. If a gentleman, or one in a liberal profession, at the time of contracting his debts, has a sufficient fund to pay them, the delay of payment is a species of dishonesty and a temporary injustice to his creditors; and if at such time he has not sufficient fund, the dishonesty and injustice is the greater. He cannot, therefore, murmur if he suffers the punishment which he has voluntarily drawn upon himself. But, in mercantile transactions, the case is far otherwise. Trade cannot be carried on without mutual credit on both sides. The contracting of debts is, therefore, here not only justifiable, but necessary. And if, by accidental calamities, as by the loss of a ship in a tempest, the failure of brother traders, or the non-payment of persons out of trade, a merchant or trader becomes incapable of discharging his own debts, it is his misfortune and not his fault. To the misfortunes, therefore, of debtors, the law has given a compassionate remedy, but denied it to their faults: since, at the same time that it provides for the security of commerce by enacting that every considerable trader my be declared a bankrupt for the benefit of his creditors as well as himself, it has also, to discourage extravagance, declared that no one shall be capable of receiving the full benefit of the statutes, but only an industrious trader."

It is not then a system opposite to that of the insolvent laws, but carries still farther the spirit of benignity in favor of the debtor. It is true, while thus providing for the comfort of the debtor, it takes every means to compel him, as he avails himself of it, to do, on his part, faithfully what he professes, and all that machinery in the bankrupt system, which, in the eyes of some, have given it the frightful appearance of adding weight to the debtor's chains, and strengthening the walls of his prison, has no other design. If a benefit, then, while extended to one class of our citizens, shall it be denied to others?

But there is another fact which has been omitted in Mr. Blackstone's account of the reasons for extending the bankrupt laws to traders only; and that is, that traders were, at the time of the introduction of those laws, peculiar favorites of English legislation. It was her policy to attract foreign merchants to her shores, and special inducements were held out to them to come there. The privilege of bankruptcy was among the number. Have we any such policy in view? Heaven knows we have merchants enough for their own good, or that of their country, and need not infringe the principles of equality to obtain them. Since the period referred to, England has been gradually bringing within her bankrupt laws class after class, either as a favor to those so brought in, or to give wider extent to a remedy that was found convenient. Whether then considered as a remedy to the creditor or a benefit to the debtor, that nation has been gradually tending, in its application of it, to that equality which our forefathers deemed the very perfection of political institutions. Equality is an argument on the question of expediency difficult to overcome, for including all classes or none. I do not deny that modifications may be made suited to the peculiar circumstances and condition of each class. But it seems to me that the rights of the creditor and debtor should be correlative. While the debtor may, on his own motion, surrender his property, and have it divided among his creditors, it should be in the power of the creditor to compel him to do so. Such is the principle of the insolvent laws, now in force in the States. The debtor applies for the relief afforded by the law whenever he pleases, and the creditor may, by putting him in jail, force him to do so. I see no reason why the same principle may not justly and wisely be carried out in the law of bankruptcy. Most of the reasons which, in England, gave a specious claim to preferences in favor of the merchants, utterly fail in this country. Here the farmer's lands are subject to sale for debt: it was not so there: a landed debtor might fold his arms in his own castle and defy his creditor, and the policy of the law was with him. Here, employments are not, as there, so divided as to confine any man exclusively to one; and there is scarcely an individual in our country who, whatever may be his principal employment, is not more or less involved in the hazards of trade. But mainly and lastly, the paper system has drawn every one irresistibly into its vortex; it has made itself the precarious basis of all employments; it has undermined the firmest foundations, so that no man is now secure against those unforeseen accidents which were once peculiar to the trader. Let it be supposed that the most cautious person had due him, in the State of Mississippi, $10,000, upon some most responsible individual. It is actually in judgment, and execution levied upon property, relied on as doubly sufficient to raise the amonnt. Who would say that under these circumstances he would be a very rash man to contract a debt for $5,000 for a piece of property supposed to be valuable? He might well calculate on paying for the property purchased, and having $5,000 left. His debt is collected, but it is in Mississippi money; and by the time he gets it home, it is worth just fifty per cent. and will barely discharge the obligation he has incurred. But let us carry the supposition a little farther, and suppose his purchase to have been for $7,500. Here he had calculated on a surplus of $2,500, but instead of a surplus, it turns out that there is a deficit of $2,500. This the property must be sold to meet; and, in the mean time, it has fallen 50 per cent. One or two such operations, which the most prudent man, who ever goes in debt at all, might well have made, render him a hopeless bankrupt. Into this vortex of the paper system every man is drawn—if in no other way, as the holder of bank paper. But not only so; every article of property that he owns rises and falls with every bank expansion and contraction, like the mercury in the thermometer.

With the reason, then, let the law be extended, and if a bankrupt system is salutary for one class of men, it is so for all; and if it be proper for one class of creditors to have such means of securing their rights, I see not why it should not be available for all. Ours is a Commonwealth, not only in theory but in practice. We are all subject to the same evils. Our habits have made us so. What reason, then, can there be why we should not have a community in remedies?

The remaining question is, whether it is constitutional and expedient to subject corporations to the general law of bankruptcy? I confess I should be rather surprised at this being made a question at all, did not my respect for some who raise it, cause me to distrust the conclusions of my own mind, even in a case where they have been most unhesitatingly recahed, and undoubtingly held. Corporations are legal entities, and although they have no souls to be saved, or bodies to suffer, yet they are, in contemplation of law, persons, capable of suing and being sued, having capacity to use, and to be subject to every legal process where no physical law renders inefficient the laws of man. They are certainly not excepted by any words in the Constitution, and it is surely incumbent upon those who allege their claim to exemption from the incidents belonging to other persons and traders, to point out to us the foundation of that claim.

I have listened with attention to the Senators who have occupied this portion of the field of discussion, and have heard nothing that presents to my mind the semblance of a reason why they should not be included. Much ingenuity, I confess, has been displayed, but from the known ability of those who have offered them, the weakness of the arguments on the other side would have confirmed me, had I needed any confirmation, in the correctness of my first impressions.

It is not pretended that corporations are expressly excluded from the sweeping authority contained in the 4th clause of the 8th section of the 1st article of the Constitution; but it is insisted that there could have been no intention to include them. The Senator from Massachusetts, with what seems to me a most marked inconsistency, while in the former part of his argument he contended for the most unlimited extent of power over this subject, and, as I thought, properly, in this part of the argument, unites himself with the advocates for restriction. Let us hear the reasons offered for excepting corporations.

With prejudice or passion there is no reasoning, and whenever I hear a man appealing to prejudices or passions, I am well assured that he is very bare of reasons. There is a sensibility with many in this country upon the subject of State rights, which I never wish to see diminished, and Heaven send us a rapid increase of the numbers by which that sensibility shall be felt. But it is a common feint of an enemy, by frequent false alarms, to blunt sensibility, and finally to take advantage of an apathy thus produced. The cry of wolf! wolf! often falsely repeated, will at length be disregarded, when the wolf really comes. There is, in my estimation, a dangerous resemblance between the cases put and the present appeal to State rights sensibilities, coming from the gentlemen who have addressed us in opposition to including corporations in a bankrupt law. Self-evident truths are the most difficult to prove by a process of reasoning, and a bold contradiction of what a man knows to be true, is one of most difficult things for a well regulated intellect to meet. There are some things so alarming, that the bare suggestion of them, as existing, disqualifies the mind for inquiring into their truth: and all these principles combine in rendering it difficult to meet the argument that the rights of the States would be infringed by meddling with corporations of their creation.

That the powers of the States are interfered with, is, in fact, true. And, alarmed at the fact, those who perceive it do not wait to inquire into the reason of its existence, or whether the interference be in truth an encroachment. Not a single power possessed by the General Government, but is so much taken from the power of the States, and the real question in every case, of the exercise of power by the General Government should be, Is it a power derived from its proper source, or is it a usurpation? If the former, it should be submitted to with cheerfulness, and if the latter, every tongue and arm should be raised against it. The power of taxation was a large limb lopped off from the power of the States, and conferred upon the General Government; and are we to stand aghast at the exercise of other conferred powers, while that one rests unquestioned?

It is too late for us to inquire whether it was a wholesome restriction upon the powers of the States, to take from them the right of passing bankrupt laws, by giving that power to Congress. This has been done; and every exercise of that power by Congress must, of necessity, so far interfere with and diminish the power of the States. But the question should not be, does an act of Congress diminish or interfere with the power of the States? It ought rather to be, is it a constitutional diminution or interference with the powers of the States that is proposed? Whatever may be the answer to the first question, if the second must be answered affirmatively, every thing is safe, and there is no cause for alarm. There is far more danger from a false interpretation of the Constitution, either way, than from any diminution of the power of the States, however vital, authorized thereby. Keep the Constitution to its proper limits, and the people see the extent of the charter they have given, in all its length and breadth. They can understand

at once whether more has been assumed than has been conferred. But, stretch or contract—it is immaterial which—confusion is produced. The wall is broken down; and it will not be long ere it will cease to be remembered where it once stood.

And here, again, an alarming symptom is disclosed of that political disease which the banking system has produced in the body politic. It cannot be denied that, under any construction of the powers given to Congress upon the subject of bankruptcy, they extend to affixing the punishment of death to a violation of the provisions of such law as it may pass, and that any number of the citizens of any State may become its victims. Surely it is a morbid sensibility which feels so keenly an interference with its mere legislative creations, while it is unconscious of being touched by the destruction of any number of those who constitute the State herself, and, perhaps, even the constituents or creators of that very corporation over which she watches with such maternal and nervous solicitude.

The Senator from Massachusetts, who addressed us yesterday, [Mr. Webster,] asks a question, with a view to excite our alarm. "Have we the power," says he "to impose new duties upon corporations created by the States, and prescribe a punishment for disobedience?" Is it not quite as alarming a question, "Have we the power to impose new duties upon the citizens of a State, and prescribe the punishment for disobedience?" And yet the answer to both must be the same: yes! The Constitution has given us the power, trusting that we would execute it wisely; and can any thing but a most morbid, unnatural sensibility shrink back so instinctively from the bare touch of a State corporation, in the very act of legislating to bring her citizens within the grasp of a so much dreaded power? Capital punishments may be denounced against any number of individuals, and all is well; but the slightest exercise of authority upon corporations wakes up to agony the sensibilities of the whole country.

But it is said the State herself may be part or sole stockholder in one of these companies, and by declaring the company bankrupt, the State herself is declared bankrupt. This is a mere assumption. As well might it be said, that, when a man is declared bankrupt, all his creditors are declared bankrupt with him. It is true, whatever effects of the creditor may have been placed in the hands of the debtor to trade upon as his own, are seized upon, and the creditor only receives his *pro rata* dividend; but as long as he is himself solvent, the bankruptcy of his debtor does not make him a bankrupt; and any one who makes the imputation will subject himself to an action of slander. If the institution has an act of incorporation, any effects she may hold of the State, are just so much capital of the State in the hands of the corporation, trusted to it to trade upon, and if fairly and prosperously traded upon, of course no bankruptcy takes place; but if otherwise, why should not other creditors of that corporation have the same remedy against it that they would have against any other debtor? If there is no act of incorporation, and the State trades or banks, in person, so to speak, why then, whatever may be said of such act of trading in other respects, she would be altogether unaffected by a provision in the bankrupt law merely including corporations. The idea then, that the insertion of corporations might eventuate in subjecting a sovereign State to a commission of bankruptcy is a mere scare crow—a chimera existing, and which can exist only in the brain of those who conceive it. As well might it be said that a State was declared bankrupt, if one of her citizens who was indebted to her, had been subjected to a commission.

It is conceded on all hands, that this Government cannot be sued any where, and it is both a legal and political question as to the extent of liability of the States to be sued. But when this Government was a stockholder in the United States Bank, did any one question the propriety of that institution being a defendant in an action, or that her being so, compromitted the dignity, or affected the sovereignty, of this Government? Never. Has it not been expressly decided, and the propriety of that decision acquiesced in, in the case of the Bank of the United States against the Planters' Bank of Georgia, 9th Wheaton, 904:

"That when a Government becomes a partner in any trading company, it divests itself, so far as concerns the transactions of that company, of its sovereign character. Instead of communicating to the company its privileges and prerogatives, it descends to a level with those with whom it associates itself. Thus many States of this Union, (says the opinion of Judge Marshall,) who have an interest in banks, are not suable even in their own courts; yet they never exempt the corporation from being sued."

And what is a commission of bankruptcy but a legal process? And if the copartnership of the State does not exempt from one legal process, by what magic shall it exempt from another? No distinction can be broader than that between debtor and creditor; and that between States and corporations is just as broad.

It is further urged by the Senator from Massachusetts, that the State derives revenue from her corporations, and an interference by Congress with them would be an interference with the revenue of the State. I will venture to affirm that a capitation or poll tax is the most general form of taxation throughout the Union; and have we ever heard it offered as a reason against the execution of a man who had forfeited his life under a law of Congress, that his State would lose his poll tax?

But it is said we have no right to include corporations, because they had never been included in England previous to the adoption of our Constitution. This argument, I think, has already been fully answered; if not by me, at least by the Senator from Massachusetts, in discussing the question whether a bankrupt law must of necessity be confined to traders. It is further argued that this power might be so exercised as to annihilate entirely the State corporations—that this is but the fulcrum of a mighty lever which is to move the States from their foundations—that it is the assertion of the power of this Government to stretch forth its long arm and intermeddle with the affairs of the States. To show the dangerous character of this power, it has been said, that Congress under it might assume to declare that a bank issuing more notes than she had specie to redeem, might be treated as a bankrupt. This is a strange objection coming from the other side of the chamber. Have they not been urging us contiuually for years past to charter a United States Bank, mainly upon the ground that it would control the issues of the local banks? So important have they deemed such a control, that it has been looked upon as a gross dereliction of duty on the part of Congress not to charter a Bank for that very purpose, although they could find no authority for chartering such a Bank in any other way than as incidental to the power to regulate commerce. Not only so proper, but so necessary did they consider the exercise of this control, that they urged us to the assumption of powers which many think do not exist at all, which more consider exceedingly doubtful, and which they themselves can find only by implication. The establishment of the great regulator was by them considered as indispensable, and now, when an unquestionable power is found, they object to its exercise, upon the ground that one of its main results will be just that which they thought so very desirable, as to be willing to stretch the Constitution to obtain it. For my own part, this is with me one of the strongest aaguments in favor of the adoption of any bankrupt bill yet brought to my attention. I am not sure but we have found, in the power over bankruptcies, the very philosopher's stone of which we have been so long in search, by which the base material of bank paper shall be converted into substantial gold—that by this means we may regulate the paper currency of the country (if such a currency we must have) without transcending our constitutional powers.

Another instance in which it is said the power might be abused is, that if the banks should declare larger dividends than Congress thinks expedient, it might be made an act of bankruptcy. In reply, I can only say, that any power may be abused, and that it is a poor argument against the wholesome exercise of any power that it may be transcended in future. The conferring power always implies some confidence in the discretion of him on whom it is conferred. All the powers given to Congress are trusted to its discretion in their exercise, and the people are the proper correctors of their abuse. It is a weak reason for an existing Congress to decline the wholesome and needed exercise of a power, that a future Congress may abuse it. If experience should show that the declaration of large dividends tends to knavery, extravagance, and to ultimate insolvency of banks, it may be wise in Congress to declare it an act of bankruptcy; but under present circumstances, there is no reason to apprehend that Congress will do an act so unnecessary, and apparently so unjust.

But it is said bankrupt laws are not needed for corporations as for individuals. That when a bank fails, its property is gone and its existence with it; and consequently there is no person in being to take the benefit of the discharge, and begin a new course of business. This is only true in part. It depends upon the organic law of the corporation, and that plastic thing, a charter, may be made to confer vitality upon a corporation, even when the life blood, its property, has run out. But whether necessary or not for the corporations, it is highly necessary for their creditors and the country. Although, as I have already said, bankrupt laws were originally framed in mercy to the debtor, they have often proved the means of justice to the creditor. I believe it would be found a wholesome medicine to the banks; unpalatable perhaps, but nevertheless beneficial.

We are again told that it would be useless to extend a bankrupt law to corporations, because we cannot punish them criminally. It is true, we cannot imprison or hang them, but we can seize upon their property, which, by the argument last referred to, it is insisted is both the body and soul of the corporation. But is it any argument against giving the creditors of corporations all the power we can over them, that, after all, it does not amount to that which is given against individuals? It is, perhaps, unfortunate that there is no mode of enforcing the bankrupt law criminally against corporations, but that is surely no reason why we should leave them entirely unbridled. If we must give the remedy to the creditor, shorn of part of its efficiency, that is surely no good reason why we should withhold it altogether. Indeed, this argument brings to my notice a consideration that indicates a peculiar propriety in making banks the subjects of a bankrupt law. Most of the property of banks consists of *choses* in action, which cannot be reached by the ordinary executions of courts, and, in many ways, they have uncommon facilities in eluding the just demands of their creditors. Much more necessary, then, is it for their creditors to have this remedy, by which all the effects of the debtor, of whatsoever kind, are subjected to the payment of his creditors in equal portions.

We are next told that it would operate very injuriously upon noteholders of the banks. That while the commission was in execution they could only get, at intervals, small and inconsiderable dividends—that the notes would depreciate in their hands and cease to circulate. In the first place, these evils will depend very much upon the details of the law. But grant them to exist in unmitigated force, are they equal to the evils of a suspension? In the latter case, not a cent of the money for which the notes call can be obtained, and their value exists only in confidence, while the argument itself supposes, in the former case, the evil to be partial. The argument amounts to this: that we must bear a greater evil to avoid a less; for if a bank does not suspend, no bankrupt law will act upon it; and if it does, why should it not? But to convince us of the utility of allowing banks to suspend, and not rigidly exacting of them specie payments, we are pointed to the comparative prosperity of New York and Philadelphia at this time. In the one a rigid adherence to specie payments is observed, in the other it is altogether suspended. In the latter we are told trade is prosperous, and in the former depressed or prostrate. What is this but saying that honesty is less profitable than dishonesty, and that a man may make his interest and not his ability the measure of fulfilment of his engagements? Who doubts that stealing would be an exceedingly profitable business, if the laws of the country, instead of punishing, would license a few favorite thieves, while the prohibition upon stealing by all other persons continued? The Constitution prohibits any State from passing any law impairing the obligation of contracts; and yet we here find the inclusion of the banks in a bankruptcy law resisted upon the ground of its interfering with the power of the States to allow these institutions to disregard their engagements.

Some difficulties about set-off are also adverted to by the Senator from Delaware [Mr. Clayton] between a debtor and the assignees of a bankrupt. This is a mere matter of detail, and provision may be made for allowing or disallowing a set-off, as justice and policy may seem to dictate.

The Senator from Massachusetts [Mr. Webster] objects further to the inclusion of corporations, on the ground that a conflict would thereby be occasioned between the commissioners of bankruptcy and those authorized by some of the State laws to exercise supervision over corporations, and in certain cases to seize their effects. Does it not occur to that Senator that the same difficulty might arise between those same commissioners and the persons who, in case of insolvency, are, by the State laws, authorized to take charge

of the effects of individuals? And does he not perceive that the security in both cases is the same, and that is, the paramount authority of those claiming under the law of the United States? Not, indeed, because the General Government has any actual control over the State Governments, or that the State Governments are not in fact the superior authority, but because, in all those cases where the States have conferred authority upon the General Government, they have taken just so much from themselves. It is impossible to give away and retain at the same time, and that which a man has given to another to use, cannot, while in the use of that other, be also employed by himself.

But the master argument of all, and that on which the gentlemen on the other side most rely, is from the old panic family—the distress and ruin that would pervade the country if the banks were all forced to wind up, as it is insisted they would be, should a bill of this kind go into operation. Let it be remembered that those banks, who fulfil their engagements, cannot be affected by a bankrupt law, and that it is only those that do not who can. What then is this argument but that the banks have mastered the country, and are too strong for us, and that it is better to submit to their irregularities, than attempt to control them? These banks have become what kings were, in former times—the Lord's anointed, and let no man touch them. Do what you will with the indvidual man—chain—fetter—imprison—hang him—but presume not to meddle with the corporations.

This argument is addressed by the gentlemen on the other side, as they say, with peculiar force, from the present condition of the country, when so large a portion of the corporations are in a state of actual suspension, and would, it is therefore supposed, go forthwith into the hands of commissioners. But this is, I conceive, a great mistake. There is no necessity for the law going into immediate operation as respects the corporations; time may be given them to prepare for it, and this, indeed, would, I think, be the proper course. As to any thing the banks may have done before the passage of the act, I doubt exceedingly our power to declare it an act of bankruptcy, subjecting them to the operation of the law.

The end of the argument is, that there are, in truth, many difficulties in the way of applying a bankrupt law to corporations. It cannot be denied there there are difficulties; they rise up like armed men, on every hand, and oppose our advance; but they oppose no less the passage of a bankrupt law operating upon individuals, than upon corporations. These difficulties have long prevented the passage of any bankrupt law, and terminated in a very short time the only experiment ever made by this Government upon the subject. I believe they will beset every similar experiment. They are, I fear, too many for us. But these difficulties, if they must be imposed upon any, ought to be shared by all. The principles of equity, and that great principle of equality upon which our institutions are all based, imperiously demand it. If a bankrupt system has advantages, let not the few appropriate those advantages to themselves. If it has disadvantages, let not the many impose them on the few. Let us not devise a system, of which it may with truth be said, which has been so often sarcastically remarked of all laws, that it will catch and destroy the weak and humble, while the strong and powerful will break through it.

I have thus, Mr. President, stated my general views of what any bankrupt law adopted by Congress ought in substance to be. But as I said in the outset, upon the main question, whether there shall be any bankrupt law at all, I have great difficulty in deciding. I can feel with the Senator from Massachusetts [Mr. Webster] the deepest sympathy for the distressed debtor. I can hear the clank of his chain—I shudder at the gloom of his dungeon—I catch the deep sighing from a broken heart—the sobs of a despairing wife enter into my soul—the plaintive accents of his famished babes melt me into woman's weakness; and I am moved to sacrifice every thing for his relief. But the appeals of humanity come not from the inside of the dungeon only. The cry is heard also without its walls; not so loud, it is true; but the voice of justice mingles with the cry; it is in behalf of the creditor on the eve of ruin—of his wife—his little ones. I hesitate between conflicting emotions, and am at a loss how to act.

Mr. S. said he had announced, some days before, that it was his intention to offer some amendments to the amendment proposed by the chairman of the Committee on the Judiciary to the bill of the majority of that committee. That he had, in the remarks submitted to the Senate some days ago, stated the peculiar situation in which he stood—that of differing with every other member of the committee—not satisfied with the bill of the majority; and, although preferring the amendment offered in behalf of the minority, not fully assenting to that. He had waited to see whether any other member of the Senate was disposed to speak in the present state of the question; and, finding no gentleman inclined to proceed, he now rose for the purpose of offering his amendments. He proposed to amend the first section of the bill, by striking out of the sixth line the words, "that he hath been engaged in trading;" and of the eleventh line, the words, "as a trader liable to become;" and in the thirteenth line, the word "accordingly." It would be seen that the object of this amendment was to prevent the provisions of the voluntary portion of the bankrupt bill being exclusively applicable to traders. He had stated, on a former occasion, very fully, his objections to confining this part of the bill to traders, and would not now trouble the Senate with repeating them.

Mr. WALL objected to the proposed amendment and went into an argument to show that bankruptcy had a technical signification in the English law, which made it applicable to traders only, and was adopted as a technicality into our Constitution.

Mr. STRANGE, in reply, said that he had been aware that the proposed amendment would bring him in collision with the Senator from New Jersey, the chairman of the Committee on the Judiciary; that this consciousness had been to him a subject of deep regret. But he had felt it his duty to propose the amendment, and it was now his duty to defend its propriety against the attack of his friend from New Jersey. He had listened with much attention to that Senator, but was unconvinced. He had not displayed his usual strength of reasoning. To adopt a simile used in reference to another gentleman and on another occasion, he would say, without meaning to be disrespectful, that the Senator reminded him of a strong man struggling in a morass: all his exertions served but to plunge him deeper and deeper into difficulties, and to render more obvious the unsoundness of the foundation on which he attempted to rest.

He, Mr. S. had said, that in construing the Constitution, words were generally, if not invariably, to be taken in a popular sense. He still thought so. The object of a Constitution was to secure the people at large against the tyranny of those in power. The people at large must, therefore, be able to determine upon its provisions. Can it be supposed that it was intended that a people to whom is committed the defence of their own rights, should be dependent on others to inform them when those rights were invaded? That they should be compelled to resort to some English lawyer to inform them what rights they had before they were ready to raise their arms in defence of those rights? And that their rights must at last be just what that English lawyer should see fit to declare them? The thing was absurd. For his part, he was tired of being tied to the apron strings of Great Britain; of being obliged to look to her for examples as the only safe guides in our legal or political measures. And still more averse was he to the concession, that we could do just what she had done before us, and nothing more. He was for throwing off all badges of our former vassalage to Great Britain, and not for assuming such as indicated that it still continued.

The Senator, in proof that we must, in some parts of our Constitution, resort to the English law for the interpretation of its meaning, had referred him to the prohibition contained in it against suspending the habeas corpus act, or passing any bill of attainder. Suppose these to be exceptions to the rule he [Mr. Strange] had laid down; they were but exceptions. But he denied that they were in fact exceptions. It was true, habeas corpus and attainder were originally technical words, but they had lost their technicality to freemen long before the adoption of our Constitution. They were just as familiar to the citizens of this land as household words. Every citizen was apprised of, and knew substantially what was meant by the inestimable principles of the habeas corpus, and not a State in this Union but had, by adoption or express enactment, a habeas corpus law, long before the adoption of the Constitution. Attainder perhaps was not quite as familiar, and yet was perfectly understood by every man having the slightest pretension to education, although perfectly ignorant of the technicalities of the English law. The Senator insists that the word bankruptcy has no popular signification which will justify its application to any thing but traders. The Senator, in the course of his own speech, has furnished us with proof that it has such a meaning. He himself has spoken of men being in this country, and at this time "irretrievably bankrupt." He surely did not mean that they had been put under a commission of bankruptcy, for there is no law now in this country authorizing the issue of such a commission. What, then, did he mean? Just what ninety-nine men out of a hundred in common parlance would mean by a similar expression; that those men were ruined in their fortunes, and owed more than they could pay. He insists that even our common dictionaries recognise a marked distinction between "bankruptcy" and "insolvency," one of which is confined to traders, and the other not. Now, sir, said Mr. S. I happen to have Johnson before me, and he defines bankruptcy to be "the state of a man broken, or bankrupt," and insolvency to be inability to pay debts. The difference between these two states is, I think, hardly worth squabbling about.

But if I am to be forced into the regions of technicality, I deny, even then, the establishment of any such distinction as the Senator contends for. The very act to which he has himself referred, (34 Henry VIII, chap. 4,) furnishes an instance of a bankrupt law, in which this favorite provision of the Senator is not contained. The operation of that law is not confined to traders, but it includes other classes of persons. If, then, this be a bankrupt law, here is a bankrupt law which does not apply exclusively to traders, and consequently it is not of the essence of a bankrupt law to apply exclusively to traders. The Senator perceiving this, to escape from the difficulty in which it would involve him, denies that the statute of Henry VIII is a bankrupt law at all. Upon this point the Senator takes issue with the British Parliament. They have declared it is a bankrupt law. The Senator declares that it is not. Now which knows best what makes a bankrupt law in England, the Senator or the whole British Parliament, I will submit to his own decision. But as the question is what the English Parliament means by the word bankruptcy, their declaration upon this point, one might suppose, ought to settle the quettion.

The Senator admits that we are not limited to the English bankrupt law, just as it was when our Constitution was adopted, but he says we cannot alter that which is fundamental. Now what is fundamental? The Senator tells us that exclusive application to traders is fundamental in a bankrupt law; and so far as I understand him, nothing else is. How does he prove that to be fundamental? The Senator's whole speech has been a *petitio principii*. He has gone round and round, beginning with the declaration that exclusive applicability to traders is fundamental in a bankrupt law, and ends with the same declaration; but offers no argument or reason in support of his declaration Where (said Mr. Strange) would we naturally look for that which is fundamental? Surely that which is fundamental must be among the earliest constituents of a subject; and yet when we go back to the first English bankrupt law, that which is now claimed to be fundamental, is not to be found there at all.

In the course of his speech, the Senator himself asks a question which seems to me to settle this controversy. If you can make this law embrace involuntary bankrupts, why may you not dispense with its exclusive application to traders? If the Senator had not asked this question, I would. He has in his own bill provision for a debtor voluntarily seeking the operation of a bankrupt law. Was this ever known in England previous to the adoption of our Constitution? Never. And is not this a greater departure from that which is fundamental in a bankrupt law, than its extension to other persons besides traders? In his judgment a far greater; and the Senator brings himself within the range of the reproof against straining at a gnat and swallowing a camel. But I understood the Senator to admit, that, by declaring them traders, we could bring many persons under the influence of the bankrupt law, who, without so declaring them, would not constructively be embraced under the word traders. For his own part he did not much approve this dictionary legislation. It seemed to

him to be a much more dangerous power than any spoken of heretofore, that Congress might legislate words into new meanings, and thereby change the whole texture of the Constitution. It was idle to inquire whether constitutionally we must have the word traders in a bankrupt law, if Congress could make the word traders mean just what it pleased. He still insisted that the popular meaning was the true one in construing the Constitution. Take the case of the power to provide and maintain a navy; every one knows that, at the time of the adoption of our Constitution, that man who should have spoken of a steam frigate, would have been deemed an idle visionary. Are we to understand, then, that a navy now must contain just the sort of vessels then known in the English navy, or that of other nations of the world, and that a steam frigate is totally inadmissible? A recurrence to the declared objects of the Constitution, in its preamble, might assist somewhat in this matter. What are those objects? To form a more perfect union, establish justice; insure domestic tranquillity; provide for the common defence; promote the general welfare, &c. These were the objects, and the accomplishment of all or some of these objects, we are bound to suppose, actuated the grant of power made to the General Government. In looking to this bankruptcy power, which of these objects may be supposed to have actuated its grant? It was well known that there would be international trading between the several States; that bargains would be made by the citizens of one State with those of another; that these contracts would not always be fulfilled, and that insolvency would sometimes prevent their fulfilment. Some States would probably have a larger proportion of debtors than others, and *vice versa*. This might give rise to partial legislation upon the subject, adverse to justice, and the preservation of domestic tranquillity. To establish justice, then, in this particular, and to promote domestic tranquillity, to Congress was confided the power of legislating upon this delicate subject, in all its length and breadth; and thus while, with equal hand, it meted out the same law for every State in the Union, a dangerous cause of quarrel would be removed, and harmony preserved.

But the Senator asks if we have no constitutional scruples about a bill omitting the magic word traders,—can we have any difficulty in voting for one with it in? and why, therefore, do we insist in striking it out? He answered that he placed himself upon the same high constitutional ground with the Senator from New Jersey, and as the advocate of State rights, urged his amendment. He thought there was as much danger to the States in constructively altering the Constitution one way as the other. It ought neither to be contracted nor expanded. It meant just what it did mean, and nothing more nor less; and our security depended on keeping it to that precise meaning. Now he could not consent to contribute to a misconstruction of the Constitution in deference to any gentleman, however much he might respect him; and to suffer those words to remain in the bill under a concession that it was doubtful whether we had the constitutional power to pass one without them, was consenting to what he undoubtingly believed to be a false reading of the Constitution.

Besides this, if any voluntary bankrupt law passed, he desired whatever benefits it might afford should be extended to every citizen of this land who needed it, whatever might be his occupation.

ORGANIZATION OF THE MILITIA.

IN SENATE.—JUNE 10, 1840.

The Senate having resumed the consideration of the motion to print 20,000 copies of the report of the Committee on the Militia,

Mr. PRESTON suggested that this subject had been postponed till to-day for the express purpose of having certain documents printed and on the desks of Senators. But they had not yet made their appearance, and Mr. P. was desirous that they should be in hand before proceeding in the discussion.

Mr. ROANE said his object, when he acquiesced in the delay, was to give the Senator from South Carolina time to examine the report proposed to be printed, and he had given him all he asked. The documents, he thought, had no connection with the printing of this report.

Mr. PRESTON admitted that the documents in question (from Generals Knox and Harrison) might have little relation to the project of the Secretary of War. But this report had represented them as similar in their character, and Mr. P. desired that the Senate might have the whole matter before them.

Mr. ROANE repeated his reasons for allowing delay, and urged that the vote on printing these 20,000 copies should be taken now, and, when the other documents should come before the Senate, Mr. R. would consent to the printing of 10,000 or 20,000 of them. He wished every thing on the subject to go to the people.

Mr. CLAY of Alabama said the sole and simple question now before the Senate was the printing of 20,000 copies of the report alone. After all the noise that had been made on Mr. Poinsett's project, Mr. C. thought gentlemen could not claim any indulgence on the plea of ignorance of that project.

Mr. CLAY of Kentucky said this report almost wholly related to the project of General Knox and three reports of General Harrison in regard to the militia, and compared them with the scheme of Mr. Poinsett; and Mr. C. would submit it to gentlemen whether it was consistent with fairness and candor to urge on the discussion without copies of these documents.

Mr. CLAY of Alabama said he would not object to give time for the debate, which might still go on after ordering this report to be printed.

After some further remarks by Messrs. CLAY of Kentucky, ROANE, and CLAY of Alabama,

Mr. PRESTON expressed his regret at the want of the necessary documents, remarked on the absurdity of sending forth this report at a venture, and then sending the very documents on which it professed to be a commentary, lagging after it, far in the rear. It was like trying a man after hanging. Mr. P. however, proceeded to examine the report, in which the whole reference to the plan of Mr. Poinsett, on which it professed to treat, was four points of resemblance, and three of difference, with the project of General Knox. Mr. P. argued that, in its most offensive particulars, the project of Mr. Poinsett bore no resemblance to those of Generals Knox and Harrison, and had not of late been equalled in any portion of Eastern Europe. He argued also that it was unconstitutional in several respects, and was a real project for the establishment of a standing army, under the command of the President.

Mr. ANDERSON said: That he did not, at this time, design to trespass but briefly upon the attention of the Senate. And, in answer to the suggestions which had just been made from the other side, he took this occasion to say, no disposition was felt by his political friends to prevent the whole subject from being fully and fairly presented to the American people. This is precisely what was wanted. It was important to have the whole truth; and he should, with great pleasure, vote for the printing of every paper connected with this subject, and intended to be embraced in the motions made by the honorable Senators from Virginia and South Carolina. He had no wish, nor had any one, as far as he knew, the slightest desire to obtain any advantage of priority as to the time of sending them forth to the country. He preferred that every thing which would contribute to the information of the people, upon this subject, should go together. He had no doubt that the report of the committee, and the history of all the facts in regard to the action of the Government, as to the organizatton of the militia, from the earliest period, will present the whole matter in an entirely new point of light. The country would pass upon it an impartial judgment. It will be seen, that the propositions contained in the letter of the Secretary of War to the Speaker of the House of Representatives, of the 20th of March, embraces substantially the plan of General Knox, in his report of 1790. The differences are immaterial. They present the same general features, and involve the exercise of similar powers, and the attainment of similar objects. A critical comparison of the details may exhibit occasional deviations; but it will be perceived by every man who investigates for the sole purpose of understanding the respective plans, that the practical results would not only be the same, but the questions of policy and of constitutional law, which are raised, are almost identical. The letter of details referred to, of the present Secretary of War, must be taken in connection with the subsequent communication made by him, in explanation of his views.

This subject must be considered as one occupying its own peculiar place in our history. It has never been treated as involving any political questions of a mere party character. The attention of General Washington was called to it by an anxious solicitute to place the national means of defence in the best possible position; and this has ever been the earnest wish of all his successors. The very objection which existed, from the foundation of our Government, against the exclusive employment, at all times, of a mere regular force, was not the least among the causes which gave to the organization of the militia a high importance. The laws upon this subject seem to be considered, by all, as exceedingly imperfect; and having passed through two perilous conflicts with one of the mightiest nations of the earth, and but recently threatened with a contest with the same power, the unprejudiced mind will perceive how great were the interests which produced the solicitude felt by the Administration, that the militia of the country should be organized and disciplined, as the most potent bulwark of our defence. Under such circumstances, to have neglected the earnest recommendation of the subject to the consideration of Congress would seem to have argued an indifference to the public safety. It will, also, be conceded, that there is a total difference between the recommendation of a mere general plan for the organization and discipline of the militia, and the expression of any wish for the adoption of a particular set of details. The first might be felt as a solemn duty of the President, enforced by the special examples of Washington, Jefferson, Madison, Monroe, and Jackson; while the second might be justly left as within the peculiar provice of the military department, and the final and controlling action of Congress. To those who are disposed to take a candid and impartial view of the question, the truth and justice of this suggestion must be fully admitted. That the whole subject well deserves our best reflections, there can be no doubt, whether to attain to attain the result of a better and more efficient organization, or, conforming ourselves to the habits, manners, opinions, and feelings, of our countrymen, to postpone it to the legislation of the respective States. In any view in which it can be presented, the statesman must desire that all the facts connected with it should be fully understood, and that it should receive, in some form, the expression of our opinions. That this has not hitherto been done, is very certain. In regard to every thing which has heretofore been presented to us on this subject, it has never entered into the mind of any one to class it with the party politics of the day; and the magnitude of the interests which are put at stake, would seem to have demanded, from all, that this rule should have remained unaltered. I believe that such will be the opinion of the great body of the American people. The letter of details of the Secretary of War has, however, been the theme of much animadversion; and it was certainly due to the public to be informed of the true history of the case. The report which has been submitted by the chairman of the Militia Committee does this in a lucid and condensed shape, and will, doubtless, be satisfactory to the country.

This discussion is founded upon a motion to print an extra number of copies, designed to distribute information to our constituents. The effect of this debate will be to act upon the public mind; and, therefore, the objections which have been made should be answered by a fair explanation of the facts.

Sir, said he, I do not design to enter into a minute review of every thing which has been said by the honorable gentleman from South Carolina, but I was struck by the peculiar force with which every sarcasm he levelled against the Secretary, fell, also, by implication, upon the distinguished men who had first devised a similar plan

for the organization and discipline of the militia. The plan which was presented by General Knox having the same atributes of power, it cannot be forgotten, received the sanction of that immortal man whose portrait adorns this chamber; and if, sir, the honorable Senator is free to condemn the present Secretary, he must, also, pass sentence upon those noble patriots. The full force of their authority was felt by him, and he invoked our judgment upon the committee, for having disturbed the repose of the old warrior, who first presided over the military department of the country. He complained that his ghost should be paraded here! If, Mr. President, there was any offence in this, the allusion was extremely unfortunate. The honorable chairman has not been the first to quote the authority of that distinguished man. His acts are part of the history of the country, and the political chief, who is now in the official lead of the party to which the honorable gentleman belongs, was in eighteen hundred and seventeen, at the head of the militia committee in the House of Representatives, and in a report which he then submitted to Congress upon this subject, disturbed the remains, for the first time, of the old warrior, and summoned his ghost before his country. That chairman, sir, was William Henry Harrison! He subjected the report of the first of the Secretaries to a more critical examination than it has now received. Surely, sir, that which General Harrison did, might now be done, without fault, is not without offence, by the honorable Senator from Alabama. The only difference which strikes me, is, that it now forms a part of the history which it illustrates, and has induced the action of the present Secretary; and, in the other case, that it was used for the purpose, in part, of adorning, by contrast, a luminous and classical report, replete with sage reflections, with profound schemes of gymnastic and military education, and the high blandishments of martial glory. The chairman has given to us the report of General Knox, as the very beginning in the great link of military projects. The resurrection, perhaps, would have been pardonable, except for that other ghost of a report, an opinion of record of General Harrison, which was made to take its proper place, and stand out at this unpropitious hour! Is this the "head and front of the offence?" While, then, we attend to the fierce denunciations of the powers proposed to be exercised by the present Secretary, it may not be inappropriate to inquire for what purpose General Harrison set so pernicious an example, as that of first calling into public notice the plan of General Knox. The observer, I think, can detect, among other things, the high sanction which was to be sought, under a project from a great military name, for a scheme of still more boundless power, because of more pervading influence; a scheme which, if carried out, would change the whole moral and political character of the country; recast its population, and train it, not for the peaceful pursuits of civil life, and the quiet enjoyments of liberty, but for conquest and renown. It was not enough that the adult and the youth of eighteen should be disciplined to assist in the defence of the country, but in the language of the gentleman, the seed must be dropped, whose future growth would be empire and military despotism. Sir, it was no common project, and that ambitious man, described by the honorable gentleman, who might conceive the vast project of wielding a mighty military power, if any were to be found, stands confessed in eighteen hundred and seventeen, in the profoundest scheme of mental, moral, social, and political revolution, that has ever been proposed to a Congress of the United States. I refer, sir, to the report of General Harrison, as chairman of the Militia Committee of the House of Representatives. That part of his report (the whole of which may be found among the printed documents of our library) is too remarkable to be disregarded. He says:

"The ancient Republics, from which we have drawn many of the choicest maxims upon which to found our civil institutions, will furnish, also, a most perfect model for our system of national defence. The whole secret of ancient military glory the foundation of that wonderful combination of military skill and exalted valor which enabled the petty Republic of Athens to resist the mighty torrent of Persion invasion, which formed the walls of Sparta, and conducted the Roman legions (influenced, indeed, by unhallowed motives) to the conquest of the world, will be found in the military education of their youth. The victories of Marathon and Platea, of Cynocephele and Pydna, were the practical results of the exercises of the Campus Martius and Gymnasia. It is on a foundation of this kind, and of this kind only, that an energetic national militia can be established."

He wishes to train our militia, and all our youth, as the youth and the militia of Sparta and Athens and Rome were trained. In one work, he proposes to convert us into a military Republic!

In the same report he declares that, "to secure this, the contemplated military instruction should form a branch of education in every school in the United States; that a corps of military instructors should be formed to attend to the gymnastic and elementary part of education in every school in the United States, while the more scientific part of the art of war shall be communicated by professors of tactics, to be established in all the higher seminaries."

General Harrison closes this part of the subject in very peculiar terms, as if conscious that he had proposed a dangerous experiment upon our institutions and our liberties. He says: "The committee are fully aware that the establishment of an institution which, from its nature, is calculated to produce an important change in the manners and the haaits of the nation, will be received with caution and distrust by a people jealous of their liberties, and who boast of a Government which executes its powers with the least possible sacrifice of individual rights." This was but a feeble attempt to propitiate the favor and deprecate the judgment of his countrymen. He was dazzled by the military glory of the ancient world. The Campus Martius and Gymnasium, looming brightly in the distance, fixed the gaze of his admiration. Visions of public games; the honors of an Olympiad; the glories of all the battles of Greece, with her military institutions and her warlike names, seem to have borne down and oppressed his love of our purer and simpler forms.

I rejoice that this report of General Harrison will be again published: it will be a more unwelcome ghost than the ghost of Knox.

In truth, it will be a ghost of no honored omen. It comes upon us breathing the love of glory and a military spirit through the land—the very last spirit that liberty will cherish! A classic hallucination incessantly plays before his imagination, and he does pious reverence again and again to the master states of Greece and Rome. Delighted with that military glory in their history, which debauched, despoiled, and finally subverted their freedom, with the flourish of their schools and the renown of Marathon and Platea, he ushers into the presence of the assembled Representatives of the nation this project for the gymnastic and military education of all the youth of our country, who have not yet escaped from the control of the maternal hand. While their minds are yet ductile, the deep impressions of military glory are to be indelibly made. They are to be ready prepared for the hand of some usurping conqueror. A corps of instructors is to be organized, and to take a part in the conduct of every school in the land. To complete the scheme, another corps is to be organized for all the higher seminaries of learning. Fathers and mothers are to behold their children suddenly converted into mimic soldiers, whose dreams are to be disturbed, even in the nursery, by the enchantments of fame and of conquest. The peaceful domestic rule must cease; the tamer hopes of rural joys and domestic life are to be banished by the magic influence of military gymnasia, and more than a million and a half of children are, at the same time, to undergo this mental, moral, and bodily training for a great military Republic. The author of this deep-laid scheme—of these gymnasia, to be scattered throughout all the land—is the man whom the honorable gentleman from South Carolina proposes to place at the head of this Government! Sir, if the report of the able and patriotic Secretary of War is an error—if in following the example of President Washington and General Knox he has in any wise mistaken the true line of policy, how much greater is the wrong perpetrated by General Harrison? The first is to be but a simple training of the militia, who have already formed political opinions, and of whom but a small part may be called into service, at fixed periods and places, and for a limited number of days. They are to be officered under the authority of the States, and in any conflict for power they would have to choose between the usurper, on the one side, and their wives, their children, and their country, on the other; but under this great gymnasia system of General Harrison, you have a million and a half, whose opinions are to be prepared, almost from the nursery, to be caught by pageantry and led captive by military successes. The danger, to my mind, is much greater in the latter case. You have nothing to oppose it—there is no repellant power within. It is the action of one pulse, one thought, one feeling—the same organized spirit and early taught love of glory. In one word, it is to be a regularly trained public opinion, invincible for good or for evil. Sir, if the honorable gentleman dreads the one, he must also fear the power of the other. If he censures the present Secretary, he must also censure General Harrison. If the propositions of the one are the least unconstitutional, those of the other are more violently so. If he refuses to pass condemnation upon this gigantic scheme of Gen. Harrison, and yet does so of the other, it is no longer a question of principle, but one of mere personalities. Of this let the public judge.

Sir, the honoral Senator was still more unfortunate, if possible, in stating his objections to the suggestion of the Secretary, that the militia should be considered in the service of the United States at particular periods of training. He drew a vivid picture of the danger of bristling bayonets, and the portentous array of the military to be stationed, at some future time, in the rotundo of this Capitol, while the House of Representatives might be deliberating upon the choice of a President of the United States. This danger was to spring from the militia being, at stated intervals, subject to the rules and articles of war! They might be marched to the point of action under false pretences, and, at an unwary moment, be brought to aid the fortunes of any usurper. It was in no measured terms of indignation that the honorable gentleman denounced this feature, which he was pleased to perceive, in the project of the Secretary, without any qualifications, with which it had been certainly, in another part of his letter, proposed to be limited by a separate set of rules, and by fixed places and periods of rendezvous. But, sir, I repeat, it was extremely unfortunate, for the cause in which the honorable gentleman is embarked, that he should have ventured upon the display of the imminent perils of exercising this power. Whatever may be contained in the letter of the Secretary, the mind is materially relieved that, like many other regulations, if it had been necessary, it could be disposed of with ease and promptitude by the simple process of a majority. But, Mr. President, what will the public think when they are told that General Harrison, although seeming to have no scruples himself upon the subject, if we judge by his report, was anxious to put it forever beyond the doubts, and beyond the reach of others, under any ordinary exercise of their rights. He proposed to engraft this very provision upon the Constitution of the United States. So important did he consider it, that he wished to make sure of its possession, and to place it above the impress of a mere majority. His proposition was, that the militia, while engaged in the service of training, "shall be subject to the rules and regulations prescribed for the government of the militia when in the military service of the United States!" Here we have, sir, a solemn proposition, not by mere ordinary law, but by a fundamental regulation, to place the militia in the very attitude—the attitude of obedience, of peril, and of power—so much dreaded and so much denounced by the honorable Senator from S. Carolina. This proposition is made by a man whom he wishes to be President; who will have the power and the patronage to put this

question in a more imposing shape if he should ever attain that high honor. If the Secretary is to be questioned for this part of his plan, much more must be the condemnation of General Harrison, as the aspiration to the first office in the world is higher, in its tendency, than a seat in the cabinet—as constitutional law is higher than an ordinary act of legislation. By such an amendment, if it could have been consummated, the whole subject would have been placed beyond the reach of the people, without many and great struggles to retake the power. But, according to the proposition of General Harrison, the power once fixed, would have been marked by the blood of the citizen soldier long before the people could have dragged it to the dust. Sir, let this question be put to the people—let them understand who it is that has made a solemn effort to encraft a provision upon the Constitution, by which the citizen soldier—the militiamen—might be subjected to the punishment of death while engaged in the ordinary service of training, and their condemnation will be loud, and long, and universal. What! put that in your Constitution?—that you will try a militiaman, in time of profound peace, engaged in the mere service of training—try him by a court martial—march him at the point of the bayonet—seat him upon his coffin, and coolly, as an act of discipline, inflict upon him death? Such, sir, is the extent of the power proposed to be made a part of the Constitution of the United States, by General Harrison!

I confess, sir, that the facts presented in the progress of this inquiry have struck me with great surprise. From the fierce pursuit of the honorable Secretary, the public mind was naturally led to the conclusion that he had proposed something never heard of before in the history of Congressional proceedings. But it turns out, upon a scrutiny of the whole subject, that this policy, in all its substantials, had been proposed by General Knox, with the sanction of General Washington; and that General Harrison, in his schemes, has gone farther than any man, under any admininistration. His proposition was, in effect, to change the character of our whole institutions; to change our habits and manners; and this, he concedes, himself, would be the effect of his project, in the very report in which it is made. The history of this subject dicovers a continued resistance of the public mind against all military projects whatever. And even the authority of General Washington failed to produce any material change. Still, it remains a dormant power, to a certain extent; and, so far, considering the posture of affairs which existed in the Northeast, at the opening of this session, it was clearly the duty of the President to bring the subject to the consideration of Congress.

I repeat, that I am content the judgment of the country shall be passed upon all this. Hitherto, as I have stated, the delusion has prevailed that the report of the Secretary is, perhaps, the first and the only thing of the kind. A history of the subject, shows that others have also acted their part; and, upon the whole, there is every reason to believe that neither any admininistration, or any Secretary, ever thought of bringing forward military projects for party purposes. The true light in which to look upon them, is, unquestionably, that the recommendations of our Presidents, and the plans of our Secretaries, upon this subject, have been offered conformably to their official stations, with a view to consideration, comparison, and use, if any thing might be found suited to the circumstances of the country, and adapted to the principles of our Government. To suppose otherwise, is to arraign men whose patriotism is immortal, and treasured in the memory of the people. I refer, sir, among others, particularly to the Father of his country. The conclusion of the argument, therefore, must be, that all men, whose special duty it has been to examine the militia question in a military aspect, have gone almost equal lengths, if not precisely in the same direction. The condemnation of the one necessarily involves that of the other. The view which I take of it, is, to contrast the truth with the absurdity and delusion with which a political crusade, for party purposes, has been recently pushed upon this subject. With the publication of the whole history of the question, from the earliest period of our Governmental action, I have not the slightest doubt that the public mind will, in the progress of inquiry, become fully satisfied

With these remarks I shall leave the subject for the present, reminding, however, the honorable Senator from South Carolina, that if the detailed plan of the Secretary of War is exceptionable, the views and propositions of General Harrison are much more so; and that when he moves (as indicated by him) his resolution, expressive of the sense of the Senate upon the question, I shall be prepared to move an amendment to it, expressive, also, of the sense of the Senate in regard to the principles involved in the military projects of General Harrison, so that he may have the opportunity to extinguish the seed together.

Mr. CRITTENDEN then rose and commenced his remarks in opposition to the motion, by complaining of the want of time, and not having the necessary documents before them to enable them to discuss the subject understandingly, when

Mr. NORVELL moved that the further consideration of the motion be postponed until Friday next; which was agreed to.

And the Senate adjourned.

SPEECH OF MR. SMITH,
OF VERMONT.

In the House of Representatives, June 4th, 1840—In Committee of the Whole, on the bill to provide for the collection, safe keeping, transfer, and disbursement of the public revenue.

Mr. Chairman: Before giving my vote on the measure now under consideration—a measure in which my constituents, in common with the whole country, are deeply interested, I desire to submit briefly some of the reasons which have influenced me to give it my cordial support. But before I do so, the committee will indulge me while I refer to the resolutions of the Legislature of my own State in relation to this subject, and which claim from me a respectful notice. At the last session of the Legislature, resolutions were passed by that body, as I have been informed, (though not officially,) instructing the Senators, and requesting the Representatives in Congress, from that State, to oppose the adoption of this measure. Sir, I believe, as does my honorable colleague and friend from the Fifth District [Mr. FLETCHER] in whose behalf I am authorized to speak, in the doctrine of instructions, as held by the party with whom we have the honor to act; and were the instructions referred to applicable to us, we should stand in no doubt as to our duty. We should either obey the instructions, or at once resign.

It has long been the policy of the State which I have the honor in part to represent, to elect their Representatives to Congress by districts; and although the Representatives thus elected, may, with propriety, be regarded as the Representatives of the *whole State*, yet they are more especially so, of that particular portion of the people by whom they are elected.

But, sir, I may be permitted to say, that it would give me great pleasure to yield to the *request* even of the Legislature of my own State, could I do so without a palpable dereliction of duty—a duty which I not only owe to myself, but to my constituents. The measure now under consideration, and the one condemned by the Legislature of my State, was distinctly brought before my constituents during the canvass of 1838, and the convention of delegates of the Democratic party, who nominated me as their candidate, were the firm and decided friends of an *Independent Treasury*, and opposed to a *National Bank*.

[Mr. EVERETT rose and inquired of his colleague, if the excitement in his district, growing out of the troubles in Canada, did not operate to give him his election?

Mr. SMITH, in reply, said he was happy to give his colleague such information as he possessed, and especially as it would afford him an opportunity to correct impressions made on the public mind in relation to the subject.

It is well known, said Mr. S. that for some time prior to the election in his district, an excitement, to some extent, did prevail on the whole Northern frontier, growing out of the state of things in Canada; and he regretted that he could not be permitted to seize upon this occasion to correct *another* erroneous impression, and one touching the conduct of the community among whom he resides. For, although there was much feeling and interest manifested in behalf of those who were making a feeble effort in Canada for an independent and free Government, and in behalf of those who had been driven from their homes and families, and compelled to seek protection in this land of freedom; yet the community were not justly subject to the charge of violating their obligations to their own, or any other Government. It is true, said Mr. S. that the law of Congress, passed in 1838, commonly called the neutrality law, and the vote given by his predecessor in its favor, were to an extent unpopular with all parties, and that he was among the number who disapproved of the measure, and if not mistaken, his colleague not only disapproved of the law, but voted against it. That about the time his predecessor was nominated, for re-election by the Whig party, a portion of the same party in the same county where his predecessor resided, held a meeting, and put in nomination another gentleman of the same party, whose views in relation to Canadian affairs and the neutrality law differed from those of his predecessor. Mr. S. further remarked that it was out of his power to say how many of the Opposition party (if any) voted for him on account of the difference of opinion between himself and his predecessor in relation to the neutrality law. He had no doubt, however, but that he did receive some votes from that party; but whether on that account, or from considerations of personal friendship, it did not become him to say—he would leave his colleague to form his opinion from the facts to which he had alluded.]

Mr. SMITH resumed. If, Mr. Chairman, it is right and just that the political parties in the State should be represented here according to their relative strength, then there can be no good reason why my colleague from the fifth district and myself should be *even requested* by the Legislature to vote against this measure.

At the last election in the State, there were polled a little short of fifty thousand votes, and the candidate of the Whig party for Governor received a majority of about twenty-two hundred. In the House of Representatives the Whigs had five or six majority, and the same number in the Senate, giving them, in joint ballot of about two hundred and sixty votes, a majority of about twelve. The Opposition have now five Representatives in Congress, including the two Senators, and the Administration party have but two.

Mr. Chairman, having said thus much in relation to the resolutions of my State, and my duty to myself and my constituents, I shall now proceed to submit a few remarks in reference to the bill now before the committee.

The subject is one which, although it has long agitated the whole country, does not yet seem to be fully understood. From the moment it was proposed by the President in 1837 to the present time, it has been denounced and misrepresented to an extent that has no parallel. But, sir, in the same degree that it has received the sober consideration of the people, it has won their confidence and support.

The principles involved in this bill are not only fundamental, but essential to the permanency of our free institutions; and, if rightly understood by its friends, are destined to exert a lasting and salutary influence, not only upon the CURRENCY and BUSINESS of the country, but upon our POLITICAL and SOCIAL CONDITION. The contest now waging, had been, with great propriety, styled "the second war of Revolution," and in which are involved the same great and fundamental principles that characterized the first. That, sir, was a struggle for power, and for the aggrandizement of the rich and privileged orders on the one hand, and for self-government and equal rights and privileges on the other. The enemies of civil liberty and equal rights, were not made friends to free institutions when the

charter of our rights was adopted and published to the world. There were, no doubt, many actually engaged in the fearful struggle, and sincerely desirous of casting off foreign rule and domination, who nevertheless retained a fixed attachment to the splendor and aristocracy of the English Government; and who believed that power, rank, property, and influence, were never designed for any but "the well born"—that the great mass of mankind "were made to live in servitude, to walk prone and cowering, to till the earth and bear its fruits an offering to a fellow worm." Sir, there are still multitudes in this land, so highly favored, who practically deny the great and fundamental truth that all men are created equal, and who, for sordid wealth and self aggrandisement, would barter away our Government of equal laws and equal privileges, and bind their fellow men fast in the chains of a hopeless and degrading servitude. Since the days of our Republican fathers, there has grown up in this land of freemen, a moneyed aristocracy of giant power, and alien to the great interests of the laboring class of our fellow citizens, making every thing of the nobility of wealth, and little or nothing of intellectual or moral worth; aiming to control the currency, capital, and trade of the country, and boldly aspiring, by corrupt appliances, to legislative and governmental control. Sir, this power is every where awake to the great contest now waging—it is in ambush and on the battle field, marshalled under skilful and veteran leaders, and aiming to seize the reins of Government, and control the future destinies of this great Republic.

The great antagonist measure to that of an Independent Treasury, and the one which the Opposition are aiming to establish, is a National Bank, an institution which has done so much for its friends, and which was the darling measure of Mr. Hamilton and his coadjutors, who struggled long and hard for a Government modelled to a great extent after that of the English.

If, sir, the people are worsted in this contest, this second war of revolution—another National Bank will be chartered, and made the "high tower" of the aristocracy, from which mandates to control the vast associated and individual wealth of the nation are to emanate.

It is not my purpose to discuss the question, whether Congress has the constitutional power to charter such a bank; it is sufficient for me to be assured that such an institution is inexpedient in a Government like ours, and dangerous to the liberties of the people. That a similar institution exists in England, and may be, as it probably is, adapted to the genius of that Government, is no reason why such a one should be established in this country any more than that Church and State should be united. The Bank of England is virtually a part of the machinery of the Government, and like every other part, lends its whole influence to sustain the prerogation of the Crown, a titled nobility, and a moneyed aristocracy. In England, as in all the nations of Europe, the moneyed power and the Government are in firm alliance to OPPRESS THE PEOPLE, and thereby to sustain and perpetuate the power of the one, and the wealth of the other. But for that alliance, the oppressed millions would no longer live in abject and degraded servitude, but according to the laws of their own being, and fully enjoy the birth-right of their creation.

The Government under which we live does not rest upon the ARISTOCRACY OF WEALTH, AND THE STRONG ARM OF POWER, but is sustained by the virtue, intelligence, and patriotism of the great mass of the people, whose will, indicated and expressed through the ballot box, moulds the policy of those who are called, as their servants, to administer it.

In our Government of equal rights and privileges, based as it is on the will of the people, those who administer its affairs should never be in alliance with, or under the influence of, any irresponsible power, but should look for support to the people, the true source of all political power; and on the other hand, if we would preserve in its purity, the elective franchise, the people should be left free to judge of men and measures, uninfluenced by Executive power, or sordid appliances.

A National Bank, to answer the object of its friends, should have a capital of from fifty to one hundred millions of dollars; nothing short of that sum would make it what its friends desire it should be—a great regulator. Such a bank would, beyond all doubt, effectually control the nine hundred local banks in the country, having, in all, an active capital of about four hundred millions of dollars. Sir, let such a bank, with a money king at its head, be made the fiscal agent of the Government, and give it the entire revenue of the country, amounting to thirty or forty millions annually, as so much capital, it would be invested with a power to control, not only the currency and business of the whole country, but the Government itself.

But, sir, the evil does not stop here. Let the stock of such a bank pass, as most of it would, either directly or indirectly, into the hands of English capitalists, and become allied to the great central moneyed power in London, and England, through this medium, and the debt of two hundred millions due to her capitalists from the States, corporations, and merchants of this country, would as effectually control the business and destinies of this nation, as she would were we, in fact, recolonized.

Who, sir, can look upon this country, thus humbled and degraded, without the most painful and stirring emotions. Of what avail was the vast amount of toil and suffering, of blood and treasure, which was the price of our liberties, if this glorious inheritance, bequeathed to us by our fathers, is now to be bartered away?

Against the charter of the first National Bank, in 1791, Mr. Jefferson was opposed, not only on the ground that Congress had not the constitutional power to charter such an institution, but because it would be injurious to the people, and dangerous to their liberties.

In a letter written by him to General Washington, in 1793, two years after the charter of the first Bank by Congress, speaking of the effect and influence of that Bank and the banking system, he said:

"That it furnished effectual means of corrupting such a portion of the Legislature, as turns the balance which ever way it is directed; that this squadron, deciding the voice of the Legislature, have manifested their disposition to get rid of the limitations imposed on the General Legislature—limitations, on the faith of which the States acceded to that instrument—[the Constitution,] and the ultimate object of all this is to prepare the way for a change from the present form of Government to that of a monarchy, of which the English Constitution is to be the model."

"Again, Mr. Jefferson, in a letter to Albert Gallatin, in 1803, speaking of Col. Hamilton's 'MACHINE,' says:

"From a passage in the letter of the president [of the Bank] I observe an idea of establishing a branch bank of the United States in New Orleans. This institution is one of the most deadly hostility existing against the principles and form of our Constitution. The nation is, at this time, so strong and united in its sentiments, that it cannot be shaken at this moment. But suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a Republican Government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries; an institution like this, penetrating, by its branches, every part of the Union, acting by command and phalanx, may, in a critical moment, upset the Government. I deem no Government safe which is under the vassalage of any self constituted authorities, or any other authority than that of the nation, or its regular functionaries. What an obstruction could not this Bank of the United States, with all its branch banks, be in time of war? It might dictate to us the peace we should accept, or withdraw its aid. Ought we, then, to give further growth to an institution so powerful, so hostile? That it is so hostile, we know: 1. From a knowledge of the principles of the persons composing the body of directors in every bank, principal or branch, and those of most of the stockholders: 2. From their opposition to the measures and principles of the Government, and to the election of those friendly to them: and 3. From the sentiments of the newspapers they support. Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution, to bring this powerful enemy to a perfect subordination under its authorities."

Against such an institution, sir, I am, and have long been opposed; and I cannot believe that the enlightened and patriotic people whom I have the honor to represent, can understandingly be in favor of an institution so anti-Republican and dangerous to our liberties; for, sir, if there be a people on earth distinguished for their Republican simplicity and devotion to the great cause of civil liberty—for their opposition to all monopolies and special privileges—to all distinctions *founded on wealth*, and that seek most of all the *common good*, it is the people of the Mountain State.

The gentleman from Massachusetts [Mr. CUSHING] admits that a National Bank would be powerful for good or for evil. Sir, whatever of good such an institution may be able to accomplish, cannot outweigh, in my mind, the consideration that it has power to spread distress and desolation through the land; but, what is more than all, to bring the Government, whether in peace or war, into a degraded subjection to its power. It seems to be well settled that the State banks cannot be used with safety to the Government, or to the business of the country, as the fiscal agents to receive and disburse the public revenue. The project has been fairly tried, and proved so disastrous to the financial operations of the Government, and so ruinous to the business of the country, that no resort will be again had to them for such a purpose. Sir, it is a National Bank or an Independent Treasury. These are the great measures on which public sentiment is now dividing, and to doubt as to the result would be to doubt the capacity of the people for self-government.

It is not my intention to enter into a particular examination of the details of this bill; that has been done by gentlemen on both sides, who have preceded me, and the several provisions are well understood. No amendments are offered to make the bill more perfect, and the Opposition, by moving to strike out the enacting clause, virtually admit that the bill contains all the necessary provisions to make it effectual for the collection, safekeeping, transfer and disbursement of the public revenue. It is against the principles of the bill that the opposition is made, and not against its details.

The great object of the measure is to put the Treasury of the nation on a footing independent of either the business of the banks, or of individuals who are not responsible to the people; to leave the business of the country to flow uninterrupted, according to the laws of trade, and uninfluenced by the pecuniary affairs of the Government, and, on the other hand, to leave the Government uninfluenced, as far as may be, from the derangements and fluctuations which are of such frequent occurrence in the trade and business of this and of all other nations.

This measure is in strict accordance with the provisions of the Constitution, and the law of Congress of 1789, making provision for the appointment of a Treasurer, and defining his duties. Had no National Bank ever been chartered, the revenue of the country would always have been collected and disbursed in a manner corresponding to the mode provided by this bill.

The project of an Independent Treasury is no new thing. It was suggested by Mr. Jefferson as early as 1803: in a letter to Mr. Gallatin, he says:

"But in order to be able to meet a general combination of the banks against us in a critical emergency, could we not make a beginning towards an independent use of our own money, in all the deposites where it is received, and letting the Treasurer give his drafts or note for payment at any particular place, which would give us the same facilities which we derive from banks."

A project similar to the one now before the committee, and the one suggested by Mr. Jefferson, was proposed a few years since, when what was called the pet bank system was in operation, by General Gordon, a member of Congress from Virginia, and received the support of the *same party*, that now denounces the measure as fraught with so much disaster and ruin to the country. In my own State, Mr. Chairman, there has been an Independent Treasury from the organization of the Government. The revenue for the support of the Government in that State, is raised by a direct tax on the people, and the money, when collected by the officers appointed for that purpose by the several towns in the States, is paid to the Treasurer, and by him disbursed. The system there in operation, is substantially like the one proposed by this bill, except, that for the convenience of the Treasury Department, and of those to whom disbursements are to be made, four receivers-general are to be appointed in different sections of the Union. Necessary provisions are also made for drawing drafts on the depositaries in favor of those to whom the Government is indebted, and for the purpose of transferring the funds from one place to another. There is also a provision in the bill making it an offence punishable by imprisonment in the peniten-

tiary, for any person employed in the collection, safekeeping, and disbursement of the revenue, to use, for any purpose, the money belonging to the Government. This is a most salutary provision, and well calculated to prevent frauds and peculations. It is difficult to perceive how any greater degree of security could be given by way of legislative enactment, than is provided in this bill. That frauds on individuals, and on Governments, have been committed in all ages and in all countries, is what all know to be true: and that they will continue to be committed, is what no one doubts. All that can be done by way of legislation to prevent crime, is to provide certain and adequate punishment for offences when committed.

Mr. Chairman, there is another provision of this bill, to which strong objection is made by the Opposition. It is what is usually called the "specie clause." Sir, it will be seen that this is but a necessary provision to disconnect the Government from the banks. For if the revenue is to be collected in bank bills, the banks may as well have the custody of them, as to have them in the vaults of the Treasurer. They are but the promises of the banks, and the Treasurer may as well have a certificate of deposite as to have the bills. One is as good as the other.

The 19th section of the bill provides that from and after the 30th of June, 1840, one fourth part of all the dues, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, shall be collected in the legal currency of the country, and an additional fourth part annually, until the whole of the revenue shall, on the 30th day of June, 1843, be collected in gold and silver. Heretofore, and until the banks suspended payment in 1837, the revenue was collected agreeably to the provision of a resolution of Congress, of April 13, 1816, by which the Treasury Department was authorized to receive the dues to the United States in bills of specie paying banks. By this resolution Congress authorized to be received such a currency in payment of the revenue, as could not legally discharge a dollar of the liabilities of the Government. None but the banks were, in the least degree, benefited by that provision. The people have, however, sustained a loss in the collection of the revenue of six millions, five hundred and eighty thousand dollars, which, with the interest on the same from the time it was received into the Treasury, to the present, would amount to more than thirteen millions. If the people have sustained such a loss in the collection of the revenue by the receipts of paper money, what must they have lost in the transaction of their own business?

If, sir, Congress had the constitutional power to authorize the receipt of bank paper in payment of the dues to the Government, it was manifestly unjust to the people, who sustained the loss which that measure occasioned. If this bill shall pass and become the law of the land, as I trust it will, the people will be saved from a repetition of such losses hereafter, and the Government be enabled to discharge its own liabilities, whatever may be the condition of the banks.

This, Mr. Chairman, is substantially the measure which has called forth such violent opposition, and produced so much excitement through the country. And from whence does all this fierce and tireless opposition come? Sir, there is but one answer to this inquiry. It comes from that party who are in favor of a National Bank, and for a strong and splendid Government. It comes from the presidents, cashiers, directors, and stockholders of the nine hundred banks, and their dependents, who, as a class of the community, are no doubt intelligent and respectable; yet feel like other men the impulse and promptings of self-interest. In short it comes from that class of the community who are not, to any considerable extent, the producers; but who live and amass their fortunes from profits on the labor of others.

But, sir, although the object of this great measure is, as I before remarked, to divorce the bank and State, and to put the Government in a condition wholly independent of the banks; yet it is believed that it will, in many respects, produce indirectly and incidentally a salutary influence upon the whole interest of the country. It will impart a healthy action to the currency by infusing into the circulation a large specier basis. This is admitted on all hands to be necessary, inasmuch as the specie now in circulation bears no just proportion to that of bank paper. In France no bank notes are issued of a less denomination than about ninety dollars, and in England none less than about twenty-five dollars; while in this country, most, if not all the banks, issue bills of the denomination of one dollar. The consequence is, that there is but little gold and silver in circulation in this country.

On this subject we have the opinions expressed, at different times, of some of the most able and distinguished gentlemen in the Opposition. In 1824, when the country was suffering to a degree almost without a parallel, Mr. Webster, in speaking of relief to be gained by the isssue of paper money, said:

"The committee will not fail to observe that there is, this moment, much the loudest complaint of distress precisely where there has been the *greatest* attempt to relieve it by systems of paper credit, and on the other hand, content, prosperity, and happiness are most observable in those parts of the country where there has been the least endeavor to administer relief by law—in truth nothing is so baneful, so utterly ruinous to all true industry, as interfering with the legal value of money, or attempting to raise artificial standards to supply its place. Such remedies suit well the spirit of extravagant speculation, but they sap the very foundation of all honest acquisition."

Again, in a speech delivered in Congress in 1832, he said:

"Of all the *contrivances* for cheating the laboring classes of mankind, none have been more effectual than that which *deludes* them with *paper money*. This is the most effectual of inventions to *fertilize the rich man's field by the sweat of the poor man's brow*. Ordinary tyranny, oppression, excessive taxation, these bear lightly on the happiness of the mass of the community, compared with fraudulent currencies, and the robberies committed by depreciated paper. Our *own history* has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and intolerable oppression, on the virtuous and well disposed, of a degraded paper currency, authorized by law, or in any way countenanced by Government."

In 1834, the Hon. John Davis, the other Senator from Massachusetts, and then Governor of that State, stated in his message to the Legislature—

"That experience has long since proved that a metallic currency is least liable to fluctuations, and it is hoped that the earliest opportunity will be seized to return to it, so far at least as to rectify the present credit system of paper currency, and prevent its fluctuations."

He says again:

"The disastrous fluctuations which we experience, are to some extent to be imputed to the fluctuations of the currency. The most obvious remedy against the recurrence of this calamity, and the most certain method of saving the active industry of the country from the devouring vortex of this *almost periodical disaster*, is to increase the quantity of specie in circulation."

"Fluctuations visit all who have property, and all who work to acquire it, with injury, and compel them to submit to severe sacrifices. What is called a scarcity of money, only means that the banks do not discount. Under pressures thus occasioned, we have seen good estates dwindle until their possessors were left bankrupt; we have seen laborers thrown out of employ, or their wages greatly reduced, and business either suspended or dragging those engaged in it towards ruin; we have seen, also, great anxiety and dismay pervade the whole public."

Again he says:

"It is in vain to look for prosperity without a circulating medium which commands the public confidence; if the currency is fluctuating, business will participate in its character, and the fluctuations bring disaster upon the seller or the buyer. Commerce must necessarily languish, property sink in value, and the general prosperity be greatly abated; *it is therefore the dictate of sound policy to maintain a currency which will remain firm.*"

Here, Mr. Chairman, you have the views of the two able and distinguished Senators from Massachusetts on this great question of the currency. One, as early as 1824, and again in 1832; and the other as late as 1834. And, sir, it should be remembered by the whole country, that the gentleman who promulgated the sentiments just referred to, as Governor of Massachusetts, in 1834, is the same gentleman who has lately sent out a speech through the whole country, purporting to be an answer to the speech of the distinguished Senator from Pennsylvania, in favor of the Independent Treasury bill, in which he repudiates the sentiments which he, as Governor, promulgated in 1834. At that time, it was indispensably necessary, in his opinion, that the specie basis of our circulating medium should be increased. Now, the slight tendency of this measure to produce such a result is, in his view, but little less than treason to the business of the country, and especially to the laborer. Sir, what is the extent of the influence that this measure will have to increase the specie basis of our circulation? It is estimated, that of the eighty-five millions of specie in the country, only five millions will be required for the fiscal use of the Government, at the period when the whole revenue, under the operation of this bill, shall be collected in the legal currency of the country. This would not give us as great a proportion of specie in our circulating medium as there is in England, that greatest of commercial nations, the Government and policy of which so command the admiration of gentlemen opposed to this bill. It is, sir, sincerely hoped and believed by the friends of this measure, that it will have a tendency in some good degree to check and restrain the banks in their loans and discounts, and thereby prevent the excessive and ruinous expansions and contractions of the currency, which are so injurious and so fatal to the enterprise and business of the community.

Sir, we want, most of all, a stable, sound, and uniform currency. It is that which will give stability to the prices of property and labor, it will restrain the spirit of wild and extravagant speculation—quench the feverish thirst for getting rich, as by magic art, without submitting to toil and honest industry, and turn again the energies of an ever active, enterprising, and intelligent community, towards those callings and employments, so favorable to moral and intellectual culture, and, in the pursuit of which our fathers accumulated, slowly but surely, their fortunes, and trained their children to habits of industry, sobriety, and economy.

Who, Mr. Chairman, has calmly and soberly looked out upon the wreck of fortune and of character which has marked the history of the last ten years, but has sickened at the thought that the restless wave of presumptuous speculation and wild extravagance must still dash onward in its desolating course?

I cannot forbear alluding to the very singular position taken by the gentleman from Massachusetts, who opened the debate on this bill. If I understood him right, he professed to be in favor of a protective tariff, and expressed his determination to give his vote for such a measure when the existing revenue laws should be revised by Congress.

And yet he makes a distinct objection to this bill, on the ground that it is unconstitutional, inasmuch as it indirectly and incidentally operates as a protection to the manufacturing interests of the country. To sustain this position, the gentleman cited as an authority in point the South Carolina ordinance, and the opinions of distinguished gentlemen of that State. All this must have been said in the vain hope of driving from the support of this measure some of its Southern friends.

If it be true, as contended by the gentleman, and by others friendly to the measure, that its influence will be favorable to those great branches of industry—agriculture and manufacture—in which my constituents are so deeply interested, it will be an additional reason why I shall give it my support. Our foreign commerce, until lately, was mainly founded on an exchange of commodities, including the precious metals, and leaving in its transactions but little of foreign debt against us; but under the operation of the late extended and extravagant system of credit, produced and sustained by over banking, importations have greatly increased beyond our exports, involving us in an enormous foreign debt, which produces periodical disaster, by the drain of specie from the country, and ruin to our manufacturing interests.

In 1830, our exports and imports were about equal.

From 1831 to 1839, inclusive, the average annual amount of importations exceeded one hundred and thirty-six millions; and during this period, the annual balance of trade against us was about twenty-six millions. It appears that the whole balance of trade against this country, for the last twenty years, amounts to two hundred and eighty-seven millions; and that by far the greater portion of it has accrued since 1831. Deduct from this sum the fair profit and difference in valuation, and there still remains a foreign debt against us, either State, corporate, or mercantile, of at least two hundred millions of dollars, on which we are annually paying interest, in gold and silver.

Up to 1834, and shortly after the banks had greatly expanded their circulation, the annual amount of importations seldom exceeded the sum of one hundred millions.

In 1834, importations increased to about $126,000,000, leaving a balance of trade against us of $22,000,000.

In 1835, importations amounted to $140,000,000, leaving a balance of trade against us of $28,000,000. In 1836, importations amounted to $189,000,000, leaving a balance of trade against us of $61,000 000. In 1837, importations amounted to $146,000,000, leaving a balance of trade against us of $23 000,000. In 1838, importations amounted to $113,000,000, leaving a balance of trade against us of only $5,000,000.

In 1830, the circulation of the banks was $61,323,898; in 1834, $94,839 570; in 1835, $103,692,495; in 1836, $140,301,038; in 1837, $149,185,890; in 1838, $116,138,910.

In 1838, importations fell short of those of the preceding year $33,000,000, and the bank circulation in 1838 fell short of that of 1837, $33,046 980.

In 1839, after the banks had resumed specie payments, and had again expanded their circulation, importations rose from $113,000,000, the amount in 1838, to $157,000,000, and leaving a balance of trade against us of $39,000,000.

In the fall of 1839, the great regulator, with most of the banks in the country, suspended payment, and the whole of them commenced a rapid process of contraction—the result has been, a great diminution of importations in the first two quarters of the present year. From this we see the connection between an expanded and bloated currency, and excessive and ruinous importations; and, sir, should our foreign debt, now so enormous, continue to increase for the ten years to come as it has for the last ten years, it would require most of our exports to pay the annual interest.

Under the operation of the present tariff, the deranged condition of the currency, occasioned by over banking and a bloated credit system, our manufacturing interest at the North must languish, if not go down: it cannot be sustained against such adverse influences at home, in addition to the ruinous competition of the foreign manufacturer, who pays so much less for labor than is paid in this country. The difference in the price of labor in England and in this country is not mainly occasioned by the difference of the currency in the two countries; it is so nearly alike in both, that the effect on the price of property and labor is hardly to be perceived. Sir, the low price of labor in England is the legitimate consequence of the very frame work of the Government as it bears on the political and social condition of the people, by exalting one class, and degrading and oppressing the other. According to Marshall's statistics of the British empire lately published, it appears that twenty-four millions and thirty-one thousand souls, out of the whole population, are doomed to a condition of unremitting labor for a bare subsistence, to sustain in pride and luxury, two hundred and seventy-five thousand, belonging to the rich and privileged orders. This has always been the condition of the laboring class in England, with all the blessings of a National Bank and a paper currency; and it will remain such, until the very foundations of that Government shall be broken up, and equal rights and privileges be secured to all. In this widely extended and fertile country, and so long as we shall enjoy the blessings of a free Government, the condition of the laboring class here, can never, no, never, be reduced to the condition of the great mass of laborers in England or in Europe. Nothing will ever be wanting in this country but virtue, intelligence, industry, and economy, to secure to all the blessings of competency and wealth.

Sir, if the influence of this measure in restoring to the country a sound and uniform currency, and by requiring as it does, that the duties on imports be paid in gold and silver, shall not check and restrain excessive and ruinous importations, and thereby yield an adequate protection to our manufactures against foreign competition, it must be obtained, if at all, in the revision and adjustment of the tariff, which will, no doubt, engage the early attention of Congress.

Before resuming my seat, I will briefly notice some of the objections which have been urged against the practical operations of this system of collecting, keeping, transferring, and disbursing the public revenue.

It is said that it will greatly diminish the amount of currency; that gold and silver, equal to the amount of the revenue, will be drawn from the banks and from the channels of business, and locked up in the vaults of the Treasury. This objection is without foundation, for the whole amount which will be required for the fiscal operations of the Government, out of the eighty-five millions of specie in the country, will not exceed *five millions*. This sum will, no doubt, be drawn from the banks, but it will not be locked up in vaults and safes, but thrown out and kept in circulation. The evil suggested and apprehended can only be realized when there shall be a surplus revenue in the Treasury. But who, I ask, can seriously apprehend that we are ever to suffer any inconvenience from an overflowing Treasury? Nothing can be more certain than that, under the existing state of things, our revenue from imports, as well as from the public lands, will constantly diminish. The time will probably never again come when the annual receipts into the Treasury on account of the sale of our public lands, will be as great as they have been for the last ten years. Beyond all this, we have reason to apprehend that the day is not far distant when the public domain may cease to a great extent, if not wholly, to replenish the Treasury. That section of the country in which the public lands are situate, will soon send to this hall such a representative influence as will enable them to control the whole of that great source of revenue. But, Mr. Chairman, who can look abroad upon our widely extended territory and our increasing population—upon our extended and extending commercial relations—upon our almost defenceless seaboard and extended frontier—and not feel assured that all the revenue that can be realized from our present resources will be needed, and that the country has more reason to fear a resort to direct taxation for the support of the Government, than that we shall have a surplus revenue. But should there at any time be a surplus in the Treasury, it will always be at the disposal of Congress.

Another objection urged against this measure by the Opposition is, that it will increase Executive patronage and influence. Sir, if there was the least foundation for such an objection, this bill could not receive my vote, however desirable the measure might otherwise be. But the very reverse of this is the fact, as can be demonstrated to every honest and unprejudiced mind.

By the provisions of the bill, four receivers general are to be appointed by the Senate upon the nomination of the President, whose compensation is fixed by law, who are under adequate bonds for the faithful discharge of their duty, and subject to severe penalties for every delinquency. No person employed in collecting, safekeeping, and disbursing the public revenue, can use in any way, or for any purpose whatever, a single dollar of money belonging to the Government, on pain of imprisonment in the penitentiary. Money thus in the hands of the public agents, deprived, as they are, of any use of it, cannot confer upon them the power to exert any influence, either in behalf of themselves or of any other person. This mode of collecting, keeping, and disbursing the public revenue, so far from increasing Executive patronage, actually lessens it to a great extent, as must be evident to every person when contrasted with the system heretofore in practice, of depositing it with the banks, and making them the fiscal agents of the Government. By that system the revenue, amounting to thirty or forty millions annually, was at the disposal of the Secretary of the Treasury, who had the power to select for that purpose such of the nine hundred local banks as he saw fit. The whole amount of the revenue was, to the selected banks, so much additional capital, which they were authorized by their charters to loan, and annually pocket a profit on the people's money, but little, if any, short of a hundred and fifty thousand dollars. Through the Secretary, the Executive could, if he saw fit, operate on the deposite banks, and, through them, reach to a great extent those dependent on them for accommodations. Sir, the gentleman from Massachusetts [Mr. CUSHING,] was compelled in candor to admit that by the provisions of this bill, the Executive did not have as much patronage and influence as he had under the deposite system; and I think no intelligent and candid person can fail of coming to the same conclusion.

Much has been said by the Opposition (and no doubt for effect on the popular mind) about a union of the purse and sword in the hands of the Executive. Who, sir, is so ignorant that he needs to be informed that the President has not the keeping or the control of a single dollar of the people's money. He cannot get his own salary without an appropriation by Congress. He has no power to declare war, nor can he enlist a single soldier, without being authorized by Congress for that purpose.

It is urged as a further objection to the Independent Treasury system, that it will greatly increase the expenditures of the Government. Sir, there is nothing of this objection—the whole amount of compensation provided for officers and clerks to be employed in this branch of the public service, is comparatively very trifling, and will not probably exceed the interest on the amount which the Government has lost by the banks.

We are told by the gentlemen in the Opposition, and it is but a repetition of an objection which has long dwelt on the lips of partisans, that this bill provided a superior currency for the Government, and an inferior currency for the people. This bill provides no new currency, either for the Government or for the people; neither does it provide any currency, superior or inferior, for the people in their individual capacity—Congress has no power to do so. It simply provides that the revenue shall hereafter be collected in progressive proportions as provided in the 19th section of the bill, in the old and constitutional currency, gold and silver, and which is the only currency that will enable the Government, or individuals, to discharge their liabilities.

With what propriety do gentlemen talk about a superior currency for the Government, and an inferior currency for the people? What, sir, is the Government but the action of the people through their duly constituted and authorized agents? If this bill passes, who wills it should be so, but the people?

Sir, the "specie clause" in the bill, as it is called, amounts to nothing more than a repeal of the resolution of 1816, by which the Treasury Department was authorized to receive in payment of the revenue, and dues to the United States, the bills of specie paying banks, and thereby placing the Government on the same footing with the people, who are at liberty to exact and demand, on all their dues, the legal currency of the United States. If individuals voluntarily receive in payment of money due to them, and for property sold, *that* which is an *inferior* currency, and which the law does not, and cannot, compel them to take, and on which they are subject to suffer loss, can they, with propriety, complain that others, or the Government even, demands the legal currency in payment of its dues? The General Government is one of limited powers, so restricted as not at all to infringe on the sovereignty of the States. Over the Legislatures of the States which form the Confederacy, and the banks by them chartered, the General Government has no control whatever. If the States, in the exercise of their sovereignty, charter banks, and make a currency with which they are satisfied, it is not for Congress to interfere; but if they are not satisfied with the currency of their own creation, the remedy is in their own hands, and they must apply it.

Sir, is it not strange, that while the friends and advocates of the banks admit that bank paper is an *inferior* currency, they still insist that the Government ought to receive it in lieu of the *superior*, the legal currency of the country?

Let the banks throughout the country make their paper good, DOLLAR FOR DOLLAR, and for just what the borrower pays for it, and we shall hear no more about a *superior* and an *inferior* currency—nothing more about "one currency for the Government and another for the people."

It is true, sir, as some gentlemen of the Opposition have admitted, that neither the President or the friends of the Administration have any hostility to well regulated and safe specie paying banks. They are not, as charged by the Opposition, in favor of an exclusive metallic currency. Their object is to reform, not to destroy the banks.

It is said by Opposition gentlemen here and elsewhere, that great distress and embarrassment prevail throughout the departments of business and industry in the country, and that the whole of it is chargeable to the Independent Treasury system, which they say has been practically in operation from 1837 to the present time, and but for its ruinous influences, the people would have been prosperous and happy. That the country is now suffering to a considerable extent, no one is disposed to doubt; but whether from the measures of the Administration, or from the conduct and mismanagement of the banks, is another question. If the President of the United States, elected by the votes of the great mass of the laboring community, and against the will and efforts of the banks and the moneyed aristocracy of the country, has, through ignorance or design, brought ruin upon that class of our fellow-citizens, or, in fact, of any other class, he is no longer deserving of the confidence and support of his friends. But if all the ruin and distress which the country has suffered since his election, is justly chargeable to the banks; and if to turn off the indignation of an injured people from their own conduct, they have combined to charge it all to the Government, then surely it is due from the people that they should sustain the Administration of their choice against such a foul conspiracy.

Mr. Chairman, a brief reference to a few facts cannot fail to satisfy every honest and candid mind on the subject.

Immediately after the recharter of the Bank of England, the unprecedented expansion of the currency, which took place within a few years, greatly involved that whole country in debt, and the flood of paper money which was issued by the Bank, drove from circulation, and to a considerable extent from the country, an unusual amount of gold.

In 1837, the Bank of England, in order to recall the specie which had been driven from the country, suddenly contracted its circulation, and the result was, that the price of produce and labor was reduced from twenty to fifty per cent. and thousands were involved in ruin, and other multitudes were reduced to beggary and starvation. By this operation, so ruinous to the fortunes of thousands, and so calamitous to the laboring class, the Bank regained the specie which had passed out of the country. Again, in 1838–'9, the Bank expanded its circulation to such an extent, that it was obliged, before the close of the year 1839, to borrow millions of specie of the Bank of France, and to contract again its circulation. The consequence of this operation was still more ruinous than the one of 1837, prices of labor and property fell from thirty to fifty per cent. multitudes were plunged, as in a moment, from affluence and a prosperous business, to the lowest depths of poverty and wretchedness; beggary and starvation again visited the abodes of the thousands of the poor, who were thrown out of employment. Such, sir, has been the condition of England, for the last few years, with her great regulator in full operation. I now ask the attention of gentlemen to the history of disasters in the business of this country, in connection with the management of the banks. The expansion of the currency which took place in 1818, in which the Bank of the United States, with its new charter, took the lead, is familiar to all. The whole community then rushed into debt, the price of property and labor suddenly rose, the country was rife with speculation, and all was apparently prosperity. But, sir, how sudden, how great was the change? In 1819 all the banks suspended, and the great regulator was on the very verge of bankruptcy. A sudden contraction took place, the necessary result of which was an almost total stagnation of business and universal bankruptcy. Jails were filled with unfortunate debtors, and poor-houses with paupers. In 1823 and '24, a like disaster of 1819 visited the country, and still, none of this evil was charged to the Government—all agreed that it was the effect of overbanking and overtrading, and the want of a greater specie basis in our circulating medium.

From 1829 to 1832, the Bank of the United States greatly increased its loans, (and very liberally to editors of newspapers, and to members of Congress,) no doubt with a view to obtain a recharter. In 1832, the President of the United States vetoed the bill rechartering this Bank, and instantly it changed its course, and entered upon a rapid process, contracting its circulation, which caused such universal suffering and distress in 1833 and '34. That which could not be gained by favor so liberally bestowed, the Bank now sought to obtain by oppression, and through the sufferings of the country. But it did not succeed; the people would not yield. In 1836, the Bank of the United States obtained a charter from the Legislature of Pennsylvania, with larger powers (as Mr. Biddle, the president of it said) than it ever before possessed. Thus invested, it commenced its course of speculation in stocks, in buying up State banks; trading in flour, cotton, and beef; and expanding its circulation beyond all former precedent. This stimulated the local banks to expand their circulation, and the combined influence of all, was to produce overaction in all the business transactions in the country, and wild and extravagant speculation. But in 1837, the day of reckoning came, and *all* the banks suspended specie payments.

In 1838 the banks resumed payments, and to regain their losses, entered at once, regardless of all the experience of the past, into the broad field of expansion, speculation, and financial operations, which only lasted till October, 1839, when the bubble again burst, and most of the banks in the country suspended; since that time they have lessened their circulation about thirty millions; a necessary consequence of which has been a stagnation of business, and a reduction of the price of property and of labor.

Mr. Chairman: In view of the present and past condition of the country, it is not at all surprising that the people are deeply excited, and anxiously inquiring for the cause of those bitter calamities which have come upon them year after year From this inquiry they should not—they will not be diverted. If we would address them on the subject, we should address their reason, and not their passions. Sir, let the Opposition do as they may, I am happy that the party with whom I have the honor to act, have no disguise, no catch words, no tricks—no reasons or motives to address to one class of men, or to one section of the country, that they do not address alike to all. They cast their broad banner to the winds of heaven, and whether it floats in the Northern or Southern, the Eastern or Western breeze; the eye of every beholder sees inscribed on its ample folds the great principles for which they are contending, and on which they stake the great issue now before the people. And, sir, in conclusion, let me say to all the friends of this great measure of reform, never doubt, never fear the people—they will vindicate their own sagacity, integrity, and competency for self-government.

REMARKS OF MR. MCKAY,
OF NORTH CAROLINA.
CONCLUDED.

As nearly allied to this, is the loss which the Government sustained in the collection of the revenue, either by the failure of merchants to pay their custom-house bonds, or by the defalcations of collectors or receivers. It will be seen in document No. 10, for the present session, that the losses from the first cause, that is, on custom-house bonds, "were the highest from 1825 to 1829, of any term since the commencement of the Government, doubtless, in a great measure, growing out of the excessive mercantile speculations and failures of that period; and the next largest were from 1821 to 1825, resulting, probably, from like causes; while from 1829 to 1833, a period of comparative regularity in trade, the losses were smaller than in any other term since 1809, and less than even from 1793 to 1797, and from 1797 to 1801." As to the second cause, it is stated in the same document, that—

"Among collecting officers, if looking to the amounts collected, the largest losses were from 1797 to 1801; next, from 1809 to 1813; next, from 1817 to 1821; and next, from 1805 to 1809. The most numerous defaults, compared with the whole number of that class in office, were from 1809 to 1813; next, from 1805 to 1809; next, from 1821 to 1825; next, from 1817 to 1821; and next, from 1825 to 1828. The ratio of them, from 1829 to 1833, and from 1833 to 1837, was not one-fourth as large as in some of the periods just enumerated. Indeed, it was less than in any previous terms from the foundation of the Government, except four: and the number of such defaulters was less than in any presidential term since 1804."

And while on the subject of the losses suffered by the Government in the collection and management of the public revenues, it will be as well, at once, also to notice the losses, either by deposite or disbursing officers, though they would be more appropriately introduced into his subsequent remarks. The same document says:

"Losses appear to have occurred, from defaults amongst officers, in every Administration or presidential term, from the formation of the Government. Thus among disbursing officers they are found in every term since 1789; among collecting officers, in each since 1793, and among deposite officers or banks, in all since 1817. The largest amount of loss from each class, within the period described, has been by deposite officers, consisting of banks, and including, as the resolution requires, the depreciation on such of their notes as were taken for the public dues. The loss by this class, at the lowest estimate, has exceeded six millions and a half of dollars, and adopting a computation made by a committee of the House of Representatives in 1832, would equal thirty-five millions. The next largest amount of loss, as ascertained and computed by the proper bureaus, has been by disbursing officers, and has been a little under five millions; and the least loss has been by collecting officers, not much exceeding two millions. The aggregate of all these losses, taking the lowest estimates for banks, is about thirteen millions and a half. If, in connection with this subject, were considered the losses in collecting the revenue by the non-payment of bonds for duties, on which credit was given to merchants, something over seven and a half millions of dollars must be added, increasing the aggregate to more than twenty-one millions. The proportionate losses by these classes have been thus: Those by the banks and by the duty bonds amount to more than two-thirds of the whole. The losses, either by the banks alone, or the merchants' bonds alone, have been nearly as great as by both disbursing and collecting officers; and either is more than threefold as great as by collectors and receivers, and several millions more than by them, not only from 1789 to 1837, but from 1789 to the present moment."

"The particular losses in each Presidential term being also desired by the resolution, they have been ascertained; and as they furnish a striking solution of some of the general causes of those losses, the periods in which the largest and some of the smallest ones happened among each class of public agents, may be usefully designated here. Among the banks, the largest losses were from 1813 to 1817, then consisting entirely in depreciation of notes taken; and next from 1821 to 1824, consisting then chiefly of deposites, while from 1829 to 1833, and from 1833 to 1837, they were smaller than in any period since 1813. Among disbursing officers, looking to the amount disbursed, the largest losses were from 1821 to 1825; next, from 1817 to 1821; and next, from 1809 to 1813; and they were smaller from 1829 to 1833, and from 1833 to 1837, than in any other term whatever, except from 1789 to 1793. The loss on each $100 from 1829 to 1833, was only nineteen cents, and from 1833 to 1837, only twenty-six cents; while in some previous terms, it was as high as two dollars and sixteen cents. In this class the most numerous losses compared with all in office, were from 1817 to 1821; next, from 1821 to 1825; and next, from 1813 to 1817. The smallest proportion in this respect, except during the first two terms under the Constitution, was from 1829 to 1833, and except these, and the third term, the next smallest was from 1833 to 1837."

Such are the extraordinary results exhibited by that document. After all the clamor made by the Opposition respecting the number of defaulters during Jackson's administration, and the losses growing out of their defalcations, who would have believed that both as to the number of defaulters and the amount of losses by them, that the two terms of that administration would compare so favorably with any that preceded them? And yet such is the fact. Gentlemen cannot escape from this conclusion by impeaching or doubting the verity of the document. All the charges which they make against the Administration, are founded on the official documents, and as the latter are unsparingly used for the purpose of attack, it is surely nothing more than justice that they should be employed also for that of defence. But he would not press this any further, as he was not aware that the accuracy of the statements and tables in this document had been questioned by any one, or that there was any reason to do it.

It is true that the cases of Swartwout and Price, happening at the time they did, and the former startling in amount, being upwards of a million of dollars, gave confidence to the Opposition in pressing their charges on this ground, and caused many good men to confide in the exaggerated statements concerning these and other cases of defalcations; yet when the circumstances, under which those two officers became defaulters are fairly considered, though there may be some cause of complaint against the accounting officers of the Treasury, there can be none against either the head of that Department or the President; but he would not go into the investigation of that now. In his own State, and indeed district, the collector of the port of Wilmington, in the year 1820, became a defaulter for the sum of $143,722 58, a sum, it seemed to him quite equal in magnitude to that of Swartwout at New York, considering the amount of business at the two ports respectively; and he was not aware that any thing had been said about the case. He was certain that it had not formed the ground of attack against the President, Mr. Monroe.

And it must not be forgotten that there was another circumstance which had done much to mislead the public mind on this subject. In the last Congress, the House of Representatives had ordered the publication of an extra number of copies of documents Nos. 111 and 297, each presenting a very unfair view of the matters to which they related. The first, No. 111, contained the names of all collecting and deposite officers who were in default, including all whose accounts were unsettled on the books of the Treasury, whether from accident, death, informality in vouchers, or actual indebtedness. The second, 297, which was most extensively circulated, contained copies of all letters written by the Secretary of the Treasury to collectors and receivers, having reference not only to defalcations, but to omissions to comply with the laws and regulations established for their government, and other irregularities. *None of the letters received from the officers, offering reasons for the irregularities and delays complained of by the Department, were given, as they were not called for by the terms of the resolution, and thus, by this one sided correspondence*, faithful public officers were reported as defaulters. But enough of this.

Let us resume an examination of the purposes to which the money in the Treasury had been applied. He had already said that Congress alone could appropriate. A great deal had been said in this debate about the estimates annually sent in by the Secretary of the Treasury, as fixing the responsibility of either Congress or the Executive, in regard to the amount of appropriations. The estimates were nothing more than mere statements of the sums of money, which, in the opinions of the heads of the several departments, would be required for the branches of the public service entrusted to their management, commonly providing pay for the employees of the Government, and the purposes authorized by existing laws. Nothing can be inferred from the fact that the appropriations exceed the estimates. On recurrence to our past history, it will be found that this has been usually the case, and it would be strange if it were not so. For as Congress alone can appropriate, it is unquestionably a part of that power to designate the objects to which the appropriations shall be made. It is customary to confine the estimates to purposes authorized by law, or which had before, in some form or other, received the sanction of Congress. It is true that the Executive may include in them appropriations for new objects, or the recommendations of the Executive may, if adopted, render additional appropriations necessary; or if from any cause the public moneys, after being appropriated, are either wasted or misapplied, in all such cases the Executive is clearly responsible for any increase in the expenditures, which may be thus occasioned. He had no wish, of course, to see the appropriations go beyond the estimates. Yet he must protest against the doctrine uttered here by some gentlemen, that they will not vote any money, unless it is asked for by the Executive. The practical effect of that doctrine would be to concede to the Executive all power over the purse of the country; at any rate, to give to him the initiation of all money bills.

Why, sir, the gentleman from Pennsylvania, [Mr. BIDDLE,] a few days ago, when a motion was pending before the House for the committal of the bill from the Senate making an appropriation for the removal of the raft in the Red river, argued with great ingenuity, that the Senate could not originate an appropriation bill; while others say that even this House must not appropriate, unless the money is asked for by the Executive. They have not, it is true, used such language, but such are the consequences that would flow from the doctrines they maintain.

There is another aspect in which these estimates must be viewed, in order to judge rightly the responsibility of the Executive in making them, and which will also shed some light on the causes of the increase in our annual expenditures. These estimates vary from year to year, and from causes either of a permanent or temporary kind. In the first place, they are affected by the legislation of Congress. For example: In the year 1832, an act was passed, authorizing the employment of a regiment of mounted men. Of course, in the next year, the estimates of the Secretary of War would have to be increased to an amount sufficient for the pay, subsistence, &c. of the new corps. And the same remark will apply to the acts subsequently passed, making additions to the army. In the year 1835, the pay of the naval officers was increased. In the next year, the Secretary of the Navy would have to increase his estimates for the pay of the navy accordingly. Another case: Congress passes an act directing the building of several new light-houses, in different parts of the Union. When this is done, it is obvious that the annual charge for the maintenance of the light-house establishment will be increased, as other keepers must be employed, and more lamps, oil, &c. will be required. These additional charges will continue in the estimates until Congress changes its laws creating them. Take another case of a temporary character: Congress directs the building of a custom-house at New York, Boston, or other port, or commences the Treasury, Patent, or Post Office building, in this city. Now, in all these cases, unless the first appropriations were large enough, additional ones will be asked for in the estimates, until the buildings are finished, when these items will no longer appear in them.

Again: the public expenditures may be divided into two classes; first, those not affected by administration, such as the salaries of officers, &c. pensions, &c. fixed by law; second, those which are constantly affected by administration, depending not only upon the capacity and fidelity of the public agents, but also upon the state of the markets, &c. This latter class is a numerous one, and it is in this that there has been a large increase. Take, for example, the subsistence of the army and navy. Flour, beef, pork, &c. have to be purchased for their use. Do not all, at once, see that the amount of appropriation for this purpose will be regulated, in a great degree, by the prices at which those various articles can be purchased, and that those prices are constantly fluctuating? The same remark may be applied to the timber that has to be procured for the gradual improvement of the navy; to the materials which enter into the construction of our fortifications, arsenals, and other public buildings, and the labor employed upon them; the cost of all, of course, depending upon the market value of the materials and labor. He would not pause to inquire into the causes of this fluctuation in prices. He was aware that there were many, and not the least potent among them was the state of the currency, the prices of almost every thing rising or falling with its expansions and contractions. Be the cause what it may, the effect was the same, in producing, when the prices were high, a corresponding increase in the expenditures. The following table* will show the variations in the prices of beef, pork and flour, as ascertained from the prices paid for those articles, as component parts of the army and navy rations; and every one must observe that the prices were highest when the currency was known to be most inflated; for instance, in the years 1836, 1837, and 1838. The first part of the table exhibits the average prices paid on account of the navy ration at the three stations of Boston, New York, and Norfolk. The other part of the table shows the prices of the same articles, as component parts of the army ration at New Orleans, New York, and Boston.

In further proof of what he had said, he would refer to a table prepared in 1822, showing the average cost per annum of each officer and soldier of the army, including the academic staff and cadets, from the year 1818 to 1822, inclusive, calculated upon the average strength of the army in 1818, and the actual expenditures in each year:

1818.	Expenditures not affected by Administration, - - - -		$151 93
	Expenditures affected by Administration, - - - -		299 64
			$451 57
1819.	For expenditures under 1st head, -		$158 72
	" " " 2d " -		275 98
			$434 70
	Reduced from 1818, - -		16 87
1820.	For expenditures under 1st head, -		$140 45
	" " " 2d " -		175 04
			$315 49
	Reduced from 1818, - -		135 69
1821.	For expenditures under 1st head, -		$136 62
	" " " 2d " -		150 40
			$287 02
	Reduced from 1818, - -		160 55
1282.	For expenditures under 1st head, -		$155 30
	" " un" 2d "		144 16
			$299 46
	Reduced from 1818, -		152 11

* NAVY RATION.

Years.	Beef per barrel.	Pork per barrel.	Flour per barrel.
1831	$8 24 2-3	$10 43 1-3	$5 16 2-3
1832	8 34 2-3	11 00	5 47 1-3
1833	9 20	11 36	6 08 1-3
1834	8 75	11 50	6 08 1-3
1835	9 33 1-3	11 50	5 83 1-3
1836	11 34	13 46 2-3	6 46 2-3
1837	14 11 2-3	17 75	9 99 1-3
1838	13 22 1-3	13 93	9 16 2-3
1839	15 54	16 68	8 16 2-3

ARMY RATION.

	New Orleans.			New York.			Boston.		
Years.	Beef pr pound	Pork pr pound	Flour pr barrel	Beef pr pound	Pork pr pound	Flour pr barrel	Beef pr pound	Pork pr pound	Flour pr barrel
1825	12 cts.	4 1-2	$5 39	4 cts.	7	$3 92	5 cts.	6 1-4	$4 25
1826	5	4 1-2	5 00	5	7	4 88	5	5 7-10	6 00
1827	7 1-2	4 6-10	4 90	4	6	4 75	5 1-2	6 8-10	5 25
1828	5	3 1-2	4 50	5	5 1-2	4 75	5 1-4	6 1-2	5 37
1835	9	6-10	5 50	4 6-10	3-10	6 00	6 8-10	7 1-2	7 00
1836	7	7-10	7 00	6	1-2	6 50	5 9-10	8	7 00
1837	7	8-10	9 00	4	8-10	8 96	7 1-2	10	9 75
1838	8	8 1-2	7 00	5 1-2	9	9 00			
1839	15								

NOTE.—I learn on inquiry at the Third Auditor's Office, that the average price paid in Florida, during the years 1836, '7, '8, and '9, for corn for the use of the troops, has been at least $2 50 per bushel; fodder and hay at the same rate. The average price of the army ration has been about twenty-five cents.

It will be seen that there was some reduction in 1819; and, continuing in 1820 and 1821, the average cost in the latter year was $160 55 less than in 1818—which would make a very material difference in the annual expense of maintaining an army of any strength. Now, it may be true, that some of this reduction was owing to the improved administration of the War Department about that period; yet it is believed that more of it was produced by the commercial revulsion which commenced in the early part of 1819. Mr. Crawford, in his celebrated report of February, 1820, estimated that the circulation of the country in 1813 amounted to seventy millions, and that in 1816 it had risen to $110,000,000; and he then remarks: "Such an increase will be followed by a general rise in the value of all articles, especially of those which cannot be exported,"

"If those prices could be maintained—if they could be even protected against sudden reduction—they would be cause of gratulation, rather than of complaint. But the expansion of the currency, by the issue of bank paper, in a period of prosperity, will inevitably be succeeded by its contraction, in periods of adversity." Mr. Crawford further estimated, that, at the close of the year 1819, the circulation had been reduced to $45,000,000; and then says, that "a change so violent could not fail, under the most favorable auspices in other respects, to produce much distress, to check the ardor of enterprise, and seriously to affect the productive energies of the nation." In confirmation of these views, he would again refer to a table, showing the prices of the principal articles forming the army ration, in those different years:

YEARS.	NEW ORLEANS.			NEW YORK.			BOSTON.		
	Beef per lb.	Pork per lb.	Flour per bbl.	Beef per lb.	Pork per lb.	Flour per bbl.	Beef per lb.	Pork per lb.	Flour per bbl.
	cts.	c.		c.	c.		c.	c.	
1819.	9	7 1-2	$7 00	7 1-2	8	$8 00	8 1-2	12	$10 00
1820.	9	6 9-10	5 75	3 3-10	6 1-4	7 25	3 1-2	6 1-4	6 25
1821.	8	4 1-2	3 50	3	5 6-10	7	5	6	5 50
1822.		4 1-2	4 50		4 7-10	3 84	5	5 7-10	5 75

It was time to return to the point from which he had digressed. What had been done with the money in the Treasury, notwithstanding the successive efforts that were made to reduce its amount? In the first place, the whole of the public debt was paid off. The amount of that debt on the 1st of January, 1829, according to the Treasury report, was $58,416,418 06, and as there were no payments on account of it between that day and the 4th of March following, it follows that that sum was the amount of the debt on the latter day, when Jackson's administration commenced. Of the principal thus due, $51,405,385 17 were paid before the 31st of December, 1832, being more than double the amount of payments in any previous term of four years. The balance was paid off as fast as it became due, or the certificates of it were presented at the Treasury, and the whole of the public debt, excepting a very small sum unclaimed, was thus extinguished before the 31st December, 1836. The amount of payments during the four years, from 1825 to 1828 inclusive, on account of the principal of the public debt, was $25,304,154 55, being at the rate of $6,326,038 63 per annum; whereas the payments for the same purpose, from 1829 to 1832 inclusive, were $12,851,341 29 per annum. Even spread the payments made during the administration of Jackson over both terms, and there will still be a larger annual payment than was made by any of his predecessors. It was true that as the principal of the debt was larger before 1829, that the payments on account of the accruing interest, prior to that year, would be necessarily greater than they were subsequently.

[Here Mr. McKay was interrupted by Mr. White of Kentucky, who said that the statements made by the gentleman from North Carolina were so extraordinary that he could not permit him to proceed without at once noticing them. Here Mr. White read from a document which he held, the amount of payments on account of the public debt in each of the four years from 1825 to 1828 inclusive, showing an aggregate, during that term, of $45,303,533 83.

While Mr. White was on the floor, he was called to order by Mr. Vanderpoel of New York, and the latter, by Mr. Stanly of North Carolina.]

Mr. McKAY resumed. The gentleman from Kentucky has not been attending to my remarks very closely, or he would not have misapprehended them as he seems to have done. When interrupted by him, he [Mr. McKay] was speaking of the payment of the principal of the public debt. He expressly admitted that the accruing interest was larger prior to 1829; and the learned gentleman from New York, [Mr. Barnard,] who sits just before him, will recollect the admission, as he signified his assent to the remark at the time, to be sure, for the reason, as he understood from a question now asked by him, that payment on account of the interest was equivalent to payment of the principal. Indeed it was so obvious, that the interest would be more during the one period than the other, that he did not think it necessary to enlarge upon it. He certainly had no wish or intention to misrepresent any thing on this subject. The simple truth alone was sufficient for his purpose. But even the tables, from which the gentleman read, are calculated to mislead, unless very carefully examined.

As a proof of this, the gentleman read from one column of the tables, that in the year 1825, there was a payment of $12,095,344 78, on account of the public debt, principal and interest. He forgot, or did not read from another column of the same tables, showing that $5,000,000 was borrowed that year for the purpose of that payment, and thus the apparent payment of $12,095,344 78 was reduced to $7,095,344 78. He presumed that many of the various loans, authorized at different times, had been applied in the same way; but what proportion of them he had not the means of ascertaining. It may also be remarked here, that a part of the payments on account of the public debt from 1812 to 1822, consisted merely of the redemption of Treasury notes issued during those years. There was another view that might be taken of the public debt, which would contrast the administration of General Jackson, in regard to it, still more favorably with any that preceded it. It, was presented by the following statement, showing its increase or decrease during the term of each four consecutive years, from the commencement of the Federal Government to the 31st December, 1836, by a comparison of the amount of the debt as exhibited in the public records at the beginning and close of each term. The amount of the public debt on the 1st January, 1791, being the first period at which it was stated, according to the Treasury report, was

$75,169,974 21

Amount on 1st Jan.	1793,	77,587,997 93	increase	$2,418,023 72
do	1797,	80,934,023 54	do	3,346,025 61
do	1801,	82,000,167 36	do	1,066,143 82
do	1805,	80,534,058 65	decrease	1,466,108 71
do	1809,	56,732,379 81	do	23,891,678 84
do	1813,	55,907,452 23	do	824,927 58
do	1817,	115,807,805 48	increase	59,900,353 25
do	1821,	91,294,416 50	decrease	24,513,388 97
do	1825,	83,710,572 60	do	7,583,843 91
do	1829,	58,416,418 05	do	25,304,154 55
do	1833,	7,001,032 88	do	51,405,385 17

And the balance of seven millions was paid off prior to the 1st of January, 1837, excepting a very small sum, say $127,807 55, not applied for. Thus, according to this statement, and supposing that there were no material payments between the 1st of January and the close of each of those terms and the 4th of March following, the commencement of the several Presidential terms, or if there were any payments between those days, that they were equal in the different terms, the debt was either increased or decreased, during each Administration, as follows:

It was increased during Washington's administration - - - -	$5,764,049 33
During the four years of the elder Adams - - - -	1,066,143 82
It was reduced during Jefferson's eight years - - -	25,267,787 55
During Madison's 1st term - -	824,927 58
It was increased during Madison's second term - - -	59,900,353 58
It was reduced during Monroe's eight years - - - -	32,097,232 88
During J. Q. Adams's term - -	25,304,154 55
During Jackson's eight years -	58,416,418 05

And to this latter sum might be added upwards of a million of dollars, paid in satisfaction of Virginia Revolutionary claims. Also, between six and seven millions, or more, paid to the Cherokees and others, to procure a cession of their lands within the limits of Georgia, as the Government was bound by its compact with that State, made in 1802, to extinguish the Indian title to the same as soon as practicable. He would not include the large sums that had been paid during the same period to the States of Connecticut, Massachusetts, North Carolina, and South Carolina, either for services or supplies during the late war with Great Britain, as similar payments had been made during former Administrations. This was a short history of the payment of the public debt. He did not intend to claim for Jackson's administration any extraordinary merit in effecting its total extinguishment. Much might be conceded to the operation of the sinking fund, first established in 1795. Indeed, it might be admitted that, "through every change of administration, and amidst all the revolutions of parties, the extinguishment of the debt was a fundamental maxim in the system of public credit of the United States." But, after all these admissions, he still thought that the country would accord to General Jackson high praise for the distinguished fidelity with which he had, during his administration, applied all the means at the disposal of the Government to the extinction of the national debt. The venerable gentleman from Massachusetts [Mr. Adams] in the report to which he had already so often referred, with equal magnanimity and justice, says: "To the Congress of the United States, and, in a particular manner, to the Representatives of the people in this House, the period of the total emancipation of the nation from the thraldom of a public debt, will be a moment of intense interest and of heartfelt gratulation. To have co-operated in the accomplishment of this event, is a laudable object of ambition. To have witnessed and contributed to its accomplishment, during his own term of service, is a legacy of honor and integrity, which any public servant may be desirous of leaving for the memory of his children and the gratitude of posterity. As a monument of good faith, active industry, and strenuous exertion for the fulfilment of public engagements, it is an example of morality, well worthy of that community which was also the first among the nations of the earth to lay the fouundations of her Government upon the basis of freedom and the inalienable rights of human kind." The next application of the money, which he would notice, was the deposite with the States, by the act of 23d June, 1836, of $28,101,644 94. To this may be added about $3,500,000, given either to the States or their corporations, in the form of remission of duties on railroad iron. Mr. McKAY said that he would go on to show that while the Government was doing all this—reducing the revenue—paying off a vast public debt, and depositing, or rather giving thirty-two millions to the States, it had made liberal appropriations to public works and establishments, armories, arsenals, fortifications, navy yards, &c. that large sums had been appropriated to laying in materials for our navy—fitting out some of the noblest vessels in the world—arming our fortresses—rebuilding public edifices, and other objects assumed to be of a useful and national character. Also, that many millions had been paid in extinguishing the Indian titles to lands within the States and Territories—an acquisition which will, in time, restore, by tenfold, the sums paid out of the Treasury—which will give birth to a population which will refund annually, and forever, much more than the cost of the territory. But let us proceed to the proofs of this, which will be best afforded by a comparative review, either of the condition of various branches of the public service before and since 1829, or the amount of expenditures in them, and in this way we may ascertain the principal items upon which there has been an increase.

He would begin with the navy, which has been a favorite with the nation generally, since the last war with Great Britain. The amount of efficient naval force afloat, on the 1st of October, in each of the years 1829 and 1839 was as follows:

	Vessels.	Line.	Razee.	Frigates.	Sloops.	Steamers.	Small vessels
1829	2	0	6	11	0	4	
1839	5	1	6	19	1	9	

And according to the estimates, the number of persons that it was proposed to employ and pay in those two years respectively, was as follows:

Years.	Officers.	Petty officers, seamen, &c.	Total.
1829	1,066	5,236	6,302
1839	1,184	6,631	7,815

From this it appeared that the number of vessels

in service had been nearly doubled—that the number of officers had been increased since 1829, about 11 per cent. and of the petty officers, seamen, and others, about 26 per cent. or a general increase of about 23 per cent. of the number of persons employed; and it is proper to mention here, that by the act of 30th of June, 1834, "for the better organization of the marine corps," which is an arm of the navy, that the number of its privates was increased from 750 to 1,000; and also the appointment of several additional officers, commissioned and non-commissioned, was authorized. Of the navy yards, of which there are seven in the United States, being one at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Pensacola; each it is supposed that the improvements made at all of them, before 1829, were in value about $1,100,000 only. The improvements made since that year, "includes the completion of the dry docks; the adjacent wharves and the buildings and machinery necessary for their convenient use at Boston and Norfolk; of buildings for the preservation of timber, which are from 60 to 65 feet in width; sixteen feet high, and which collectively measure about 4,800 in length, or sufficient to shelter about 3,500,000 cubic feet of timber; some of those building are so constructed as to furnish additional room for joiners and other work-shops, sail, mould and rigging lofts; a very extensive rope walk and spinning house; turning house, with the most approved machinery for their convenient and advantageous use; store house for hemp; four general store houses; four large mast and boat houses and work shops; twenty dwellings for officers' quarters; two new building slips of masonry and two of wood, replaced with masonry. A new ship-house, with the materials for a second. Extensive quay walls of stone. The surface of the yards, by removing elevated parts and filling up others, which were formerly covered with water at ordinary tides, together with many other works of minor importance, but essentially useful for the convenient construction and equipment of a naval force, and for the preservation of materials and stores." The value of the aforesaid improvements made at the different navy yards between the years 1829 and 1839, being estimated at $4,890,000. The official reports of survey, in 1829 and 1839, show that the value of materials and stores in the several navy yards, exclusive of provisions and clothing, which is wanted for current use, and of stores on foreign stations, was as follows: In 1829, $4,498,917; in 1839, $6,546,655, showing an increase of nearly fifty per cent. Now, all this could be effected by liberal appropriations only, and of course made by Congress. The growing commerce of the country, penetrating into every sea, had, in the opinion of many, required an additional naval force for its protection; and hence Congress did, by various acts, provide for it. Now it must not be forgotten, that, in 1835, the pay of the navy was increased; and in 1836, the exploring expedition was authorized, and both those acts contributed to swell the expenditures for the naval service. He did not know that any one of the Opposition complained of those expenditures, for the gentleman from Virginia [Mr. Wise] told us the other day, that if he had his way, he would vote twenty-five millions per annum for the use of the navy instead of five. He would pass on to the other public establishments, which have been provided for the purpose of national defence. Of these, the most prominent are the fortifications on the Atlantic and on the lake shores, sixty-three in number, of which fifty-one are finished, and twelve are now building. In the erection or repair of those works, there has been expended, from 1789 to 1838 inclusive, $24,542,552 25; of which $9,690,878 30 were in the ten years from 1829 to 1838. He did not include in the number of fortifications, the ten or eleven posts on the Western frontier, and in the interior, nor did he include in the aggregate of expenditures the amount that had been expended upon those posts or upon the numerous barracks, quarters, storehouses, and other needful buildings which are under the superintendence of the Quartermaster's Department.

Before 1829, there were two armories and fourteen arsenals in different parts of the Union, the grounds, buildings, and machinery of which were, in that year, valued at about $1,871,745. Since that time there has been constructed (including one or more that are building) eight other arsenals, and the two armories and the first fourteen arsenals have been greatly improved by the enlargement of their sites, construction of workshops, quarters, barracks, and buildings generally, with the erection of machinery, by which the estimated value of the whole has been increased to $3,723,336. The following statement will exhibit the amount of the several kinds of ordnance and ordnance stores on hand on the 4th of March, 1829; and also the additions that have been made thereto since that year:

A STATEMENT of several kinds of ordnance and ordnance stores; the first column exhibiting the amount of each that was in hand on the 4th of March, 1829, the second what has been since added.

Heavy cannon iron	1,555	1,516
Field do	946	310
Heavy carriages, with implements complete	216	1,009
Field do do	158	961
Muskets, with appendages complete	412,681	360,611
Rifles, assorted, with do	31,123	23 183
Carbines, with do	1,028	8,933
Pistols, with do	25,653	26.001
Swords and Sabres,	20,660	25,989
Sets Infantry accoutrements, complete	—	58,581
Sets Cavalry do do	—	22,989
Sets Rifle do do	—	25,839
Cavalry cartridge boxes	289	21.681
Holsters, pairs	335	20,912
Sabre belts	3,843	46,978
Cannon powder, pounds	566,007	1,067,003
Musket do	313,924	237.373
Rifle do	49,399	164,577

There has been issued to the States under the law of 1808, for arming and equipping the whole body of the militia, since the 1st of January, 1829, to the 31st of December, 1839, ordnance and ordnance stores amounting in value to $2,405,715. And as explaining in part the cause of the increased expenditure for military service, he would barely allude to the additions which had been made to the army of the United States during the late and present Administrations. The first act that was passed for that purpose, was in the year 1832, on the motion of a member from Illinois [Mr. Duncan] then and now in the ranks of the Opposition, by which authority was given to the President to raise a regiment of mounted rangers, subsequently converted into a regiment of dragoons. The other acts of 1836 and of 1838 are so recent, that their provisions are likely familiar to the committee.

He would next pass to the works which have been executed to facilitate the commerce of the country, such as light-houses, roads, and the improvement of harbors and rivers. An official statement before him shows that in the erection of light-houses from 1789 to 1838, there had been expended $6,474,775 45, of which nearly one-half, say $3,085,145 42 was from 1829 to 1838; and the consequence of this large expenditure has been an increase in their number. Thus, in 1828, there were 133 light-houses, and 16 floating lights; in 1837, 192 light-houses, 24 floating lights; and in 1840 there were 237 light-houses, of which 17 were double lights, and one treble, and thirty floating lights. It must be obvious to all that this increase in the establishment would necessarily involve greater expense for its support. Hence in 1829, the total amount paid for salaries of keepers, superintendents and contingencies, was $123,623 93. In the same year the cost of lamps, oil, &c. was $43,615 65. In 1837, the first class of expenditure was $230,573 43; the second was $69,428 58. In 1839 the first class had increased to $323,154 68, and the second to $108,856 26. The gentleman from Massachusetts [Mr. Cushing] admitted a few days ago that his party generally voted in favor of appropriations for light-houses as well as those for purposes of internal improvement. This was a fair and candid admission, but the gentleman endeavored to neutralize the effect of it, by stating at the same time, that at the session of 1835 and '36, two bills had been reported by friends of the Administration, one by the chairman of the Military Committee for fortifications, and the other by Mr. Gillet of New York, from the Committee on Commerce, for custom-houses; which, if they had passed, would have caused appropriations to the amount of ten millions or more. Now what were the facts? Mr. Gillet had not reported a bill for such a purpose from any committee, but had merely submitted an amendment, to be offered to a bill that had been reported to the House by a colleague, [Mr. Phillips,] of the gentleman from Massachusetts the amendment simply designating a number of places where custom-houses should be built, without naming any appropriation at all. With respect to the bill reported by the chairman [Colonel Johnson] of the Committee on Military Affairs, it was a copy of one that had also originated in the Senate, and passed that body, a majority of the opposition Senators, including the two from Massachusetts, [Messrs. Webster and Davis] voting for it, and he appealed to the honorable gentleman, as he knew that he had re-examined the facts, to say if this is not a true statement of them.

[Mr. CUSHING said that he believed the gentleman from North Carolina had fairly stated the facts, according to his recollection of them. He added, that at the time spoken of by Mr. McKay, there were in the House of Representatives, three fortification bills, one reported by Mr. Cambreleng, from the Committee on Ways and Means, for (he believed) about $1,900,000; a second, by Colonel Johnson, from the Committee on Military Affairs, for about $1,000,000; and a third, from the same committee, in place of the second, for about two and a quarter millions. These were the fortification bills to which Mr. C. had referred on a former occasion. There was a Senate bill at the same time, of substantially the same tenor as the last mentioned. Mr. C. believed it was true, as Mr. McKay suggested, that a majority of the Opposition Senators, including the two from Massachusetts, had voted for the bill on the question of its final passage; but so also, in addition, had, in general, the friends of the Administration in the Senate.]

Mr. McKay resumed. Now in regard to internal improvements, he had already stated that the power to make them had been first exercised by Congress between the years 1809 and 1812, commencing with the Cumberland road, and though the power had been since constantly opposed, yet it embraced, at this time, within its limits, works in almost every part of the Union. In the years 1825 to 1828, the average annual expenditure was about $500,000. In the years 1833 to 1836 it was $1,500,000. And the whole amount of expenditure by the General Government for this purpose was $18,540,183 87; of which $14,533,355 has been within the last ten years. Indeed it is almost certain, as he had before said, that had it not been for the firmness of the late President, the expenditure, within the latter period, would have been much larger, and that the Government now might have been burdened with a heavy public debt, mainly contracted in the prosecution of an extensive system of internal improvements. He would not attempt a description of the various works which had been executed, but would merely show that the money which had been appropriated by Congress to make them had been faithfully applied by the Executive; and, to do this, he would quote the admission of a distinguished opponent of the Administration. Mr. Clay, in his reply to the Recorder and citizens of Buffalo, assembled to receive him, in July, 1839, said:

"I have been very glad, during my voyage upon this lake, to find that an erroneous impression has existed in my mind as to the improvement of harbors. I had feared that the expenditures of public money had been often wasteful and unnecessary upon works on the lake shores. There are probably a few instances in which it might have been properly avoided; but I am now fully persuaded *that, in the general, the expenditure has been necessary, wise, and salutary.*"

And here he must notice a remark that was made last night by the gentleman from Ohio, [Mr. Corwin,] that his party voted in favor of appropriations for those works, as they were for the use of the people, but that the friends of the Administration voted money for the benefit of the office holders only.

To say nothing of the character of this remark, how is it supported by facts? Did not the gentleman and many of his friends vote for several of the propositions that have, from time to time, been made, to increase the compensation of the office holders? Did not a majority of his party vote for the "Act to regulate the pay of the navy of the United States," approved 3d March, 1835, by which an addition of from three to five hundred thousand dollars* was annually made to the aggregate pay of the naval officers? Did not the gentleman's party, or at least many of them, vote for the "Act to regulate the compensation of certain officers of the revenue cutters? and, also, for the amendment to the general appropriation bill of 1837, granting additional pay to the clerks in the several public offices? Sir, the journals of the House will show that they did, for in looking over them a few days ago, (he trusted from no idle or impertinent curiosity—certainly from no invidious motive,) he observed that the name of the able gentleman from Maine, [Mr. Evans,] who sits near him, was generally in the affirmative on these and various other propositions of a kindred character.

*The Fourth Auditor has since informed me that the act of the 3d of March, 1835, referred to, has caused an annual charge on the Treasury of abou $500,000.

And here he must notice the very large sums which have, within the last few years, been expended in the construction of durable and other buildings, such as those for the Treasury, Patent, and Post Office, and branch mints, &c. In the erection of custom-houses alone, there had been expended, up to March, 1829, $648,764 25 only; since that year $1,836,474 92. It was true that a considerable proportion of the latter sum had been laid out upon two magnificent structures in Boston and New York, yet he recollected perfectly well, that when a motion was made in the session of 1836, by an honorable member from Kentucky, [Mr. Underwood,] to limit the cost of the former, it was defeated by the votes of the gentleman from Massachusetts, [Mr. Cushing,] and others.

In the Indian Department there has been a great deal done; and the treaties which have been negotiated with several of the tribes, have formed a chief object of expenditure during the late and present Administrations. The policy in which those treaties originated, was always a part of the fundamental policy of the Government, from Washington's administration down. A new impulse, however, was given to it by the act of the 28th of May, 1830, which provided "for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi river." He believed that the Opposition generally were opposed to that act, though the distinguished gentleman from Tennessee, [Mr. Bell,] who is now acting with them, was at that time a supporter of the Administration, and took an active and leading part in carrying it through. In the execution of that act, twenty-two millions nine hundred and fifty-three thousand five hundred and five dollars have been expended, in the purchase of one hundred and sixteen millions five hundred and sixteen thousand eight hundred and seventy-seven acres of land from the Indians residing in the States and Territories, and in the removal of those Indians to the new homes provided for them west of the Mississippi. There had been expended for similar purposes, prior to 1829, three millions six hundred and ninety-five thousand eight hundred and ninety-eight dollars only. He presumed that the representatives of the States in the South and West—from which the Indians had been removed, would not object to the expenditure, as the object of it had been to ameliorate the condition of the Indians themselves, to rid those States of a troublesome population, and to acquire for settlement within their limits, a large body of rich and valuable land. Indeed his own State had been benefited by these acquisitions, as by the Cherokee treaty she obtained possession of a territory about forty miles in length, with an average width of from twenty-five to thirty miles, and is supposed to contain about 700,000 acres.* Judge White of Tennessee, who was chairman of the Committee on Indian Affairs during the time that those treaties were negotiated, when speaking on this subject in the Senate on the 16th of February, 1835, said:

"Sir, the honorable Senator from South Carolina, in some of his remarks, has not done justice, as I think, to the Chief Magistrate. He says he came into power on the principles of reform and retrenchment, and that he was bound to carry them out; instead of which the expenditures of Government are doubled. Sir, he was not bound to do more than man could perform. One cause of an increase of expenditure in the Indian Department, has been fairly stated by the Senator from Missouri. It furnishes matter for praise—none for censure." And that we may estimate properly the responsibility of the Executive for the increase of the public expenditures, he would present to the committee a few more details, in that class of them, the amount of which is regulated almost entirely by the legislation of Congress. Take the case of pensions of all kinds—for which there had been paid from 1789 to 1838 inclusive, $41,595,117 57; of which, $22,244,507 44 were within the last ten years. In the four years from 1825 to 1828, the payments for pensions were $4,692,116 53. In the years 1833 to 1836 they were $12,790,946 98. Now this enormous increase was occasioned principally by the "Act supplementary to an act for the relief of certain surviving officers and soldiers of the Revolution," approved 7th of June, 1832, introduced by an Opposition Senator, [Mr. Foote of Connecticut,] and voted for generally by his party, and the act of 1836, also introduced by an Opposition Senator, [Mr. Tomlinson.] The only agency which the Executive had in making those payments, was to see that the laws in regard to them were faithfully executed, and that the claims for pensions should be fairly and fully examined and decided upon, in conformity to the laws allowing them. When the bill to continue the office of Commissioner of Pensions was before the House, some weeks ago, gentlemen of both parties united in the expression of an opinion favorable to the character of that officer, [Mr. Edwards;] so that, in all probability, the Government has suffered no loss from the manner in which those laws have been executed. Take another item of expenditure—the three and two per cent. funds, as they are called, payable to the new States, or for their benefit, out of the proceeds of the sales of the public lands, within their respective limits, according to the several laws admitting those States into the Union. In the years 1825 to 1828, the amount of this 5 per cent. fund was $695,100 19 only. In the years 1833 to 1836, it was five hundred per cent. larger, being $3,874,876 03. Surely the Executive is not responsible for this, as the expenditure is directed by law, and the increase of it in these latter years resulted from the very heavy sales which then occurred. He might here speak of the large sums which, within the last few years, have been paid out of the Treasury on account of trust funds—that is, moneys received in trust for Indians, &c. and also of the moneys recovered from foreign Governments as indemnities, neither of which were properly expenditures, but as they were received into the Treasury, they had to be paid out again when called for, and this served to add to the general aggregate of expenditures; but as they had been fully explained by others, he would not say any thing further about them. He would proceed to another class of expenditures, over which the Executive has a greater control, and for the amount of which he is, therefore, more certainly responsible; for instance, the diplomatic expenses. In the years 1825 to 1828, they were $575,776 03. In the years 1833 to 1836 they were a little less, being $573,464; and although those expenses have continued nearly stationary, all will agree that the late and present Administrations have conducted our foreign relations with ability and success. In addition to the many commercial treaties and conventions, which have been formed, there has been received into the Treasury, within the last ten years, from foreign nations $7,173,016 71 as indemnities to our citizens for spoliations on their property and rights. The whole amount received for the same purpose, from the organization of the Government, up to 1829, was $9,954,960, including the amounts which the United States assumed to pay to her citizens, under the convention with France, of the 30th April, 1803, for the purchase of Louisiana, and also under the treaty with Spain, for the purchase of Florida. With respect to the additional clerks in the Executive Departments here, about which a great deal has been said, it is clear that the necessity for their employment arises from the new and increased duties devolved upon those departments. Take the case of the Post Office Department. Can any one suppose that the same number of clerks, which in 1828, examined all the accounts of the deputy postmasters, when they were 7,651, could do it in 1839, when the number of postmasters had increased to 12,780? Again: can any one suppose that the same number of clerks would be necessary in the Pension Bureau in the years 1828 and 1839, when in the former, the pensioners were 16,177, and in the latter year, 43,974. The same inquiry might be made in regard to all the other Departments, and particularly as to the War Department, and the bureaus attached to it. He would examine another class of expeditures, over which the Executive has no control whatever; those appertaining to the Judiciary and Congress, co-ordinate and independent departments of the Government. In the years 1825 to 1828, the expenditures for the Judiciary were $915,417 07. In the years 1833 to 1836, they were $1,491,262. Here is an increase, ocasioned by an extension of the system; the establishment of new circuits and districts, and of course additional offices, besides the augmenting business of the country. As to Congress: first take the per diem pay and mileage of members fixed by law. The amount of compensation received by them in the years 1825 to 1828 was $1,566,122 80. In the the years 1833 to 1836, it was $1,963,209, and in the two years 1837 and '38, it had risen to $1,307,500 60. Here also is a very considerable increase, and in explanation of it, is to be stated the facts, that the number of members in both Houses had been increased; that the sessions have been longer, from various causes, and that the expenditures in the last two years were affected by the extra session holden in 1837. The same or a greater rate of increase is exhibited in the contingent expenses of the two Houses.

In the years 1825 to 1828, they were $387,530 29. In 1833 to 1836, they were $967,916, and in 1837 and '38, they were $786,287 98. The contingent expenses of the Senate in 1829 to 1832, were $105,758. In 1833 to 1836, when the Opposition had, in that body, a clear and undisputed majority, they rose up to $267,966. The increased expenditure for stationery alone, in this House, is extraordinary. In 1837, it was $33,786. In 1839, it was $76,287 98. Surely no one will hold the Executive responsible for this increase in the expenses either of the Judiciary or of Congress. But he would quit these details, as a further enumeration of them would merely show to what purposes the money had been appropriated by Congress. He had heretofore observed that the money had been collected from the people, and must be spent. Members of Congress might reasonably differ as to the purposes to which it should be applied. He had himself opposed many of the appropriations, on the ground that they were improvident, and some of them were for unconstitutional and unworthy objects. He was satisfied that the expenditures were larger than they ought to be—that an annual saving of perhaps several hundred thousand dollars might be effected in the expenses of Congress alone—and he would seize the first favorable occasion that would occur, to present to the House at large his views on the subject of retrenchment. He had heretofore stated that the late President, and at least a majority of his friends, had been in favor of bringing down the revenues of the Government to its wants, economically administered. Is it true, then, that they alone have made these appropriations? Did those gentlemen in the Opposition, who now clamor so much about extravagance, vote for none of them? Sir, the journals of the two Houses will show conclusively that, on the passage of all bills and resolutions involving an expenditure of money, that a larger majority of the opponents of the Administration voted affirmatively. He had intended to have prepared and exhibited a statement of the yeas and nays on most of the leading questions upon which they were taken, arranging the names of the members according to party divisions, but he had been anticipated on this point by the gentleman from Virginia, (Mr. HOPKINS,) and would therefore decline it. It cannot be pretended that the late President had a majority in the two Houses, during his administration, and is thus to be held responsible for what was done in the way of the appropriations of the public moneys. It is notorious that, in 1830 or 1831, in the secession from his party of some Southern and Western politicians, the President was left in a minority in the Senate, and continued so until the winter of 1836—indeed, that he "never had a majority in both Houses, frequently a majority in neither." In support of this, he would quote the opinion of a venerable Senator, whose death has just been announced to the country. Judge White of Tennessee, on the occasion before referred to, after speaking of the expenditure in the Indian Department in the manner already quoted, said:

"How is it as to others? He has been against a tariff for protection merely; he has been opposed to the system of internal improvement; he has been against the bank; in short, he has been against the exercise of those constructive and doubtful powers which create so much discord among ourselves, and such heavy drains upon your Treasury. He has enforced his opinions with an ability and zeal seldom either equalled or surpassed. Why then, it is asked, has he not succeeded according to his wishes? Because he alone could not accomplish his wishes. I fearlessly appeal to every man who hears me, that, from the time he first came into power, to this moment, he never had, at any time, a majority in both Houses, frequently a majority in neither. Members come into Congress under one set of colors, and, when here, fight under another. At elections they get votes under the Jackson colors; when here, they are independent, and act upon such principles as they approve. Every man brings with him his vial of Kalesa's vegetable acid, and all he has to do is to touch his collar, as it is called, with a few drops, and off it falls. When he is called to the Jackson ranks, he is called in vain. Sound the Jackson whistle in Congress, and the Jackson men do not spring, as it were, out of the ground, to their posts, like those of Roderick

*Of this land, one hundred and ninety-five thousand four hundred and four and a half acres, together with eight town lots of half an acre each, were sold in 1838 from $332,591 93.

Dix. They will not come; no note can be sounded so loud as to make them hear and attend. Instead of this, in defiance of his known wishes, they vote appropriation upon appropriation for roads and canals, and, not being able to vote enough to intimidate him in the course of six days of the week, they spend Saturday night, and until after sunrise on Sunday morning, apparently to create an influence they think he dare not resist. Firm as a rock, he stood upon his principles; he used his only powers, the veto, again and again. What then? He is charged with being a tyrant, a despot, for no other offence but using his only powers to check these very expenditures now complained of.

"I appeal to those in Congress, from 1829 till now, whether, among the most able advocates for internal improvements, there were not some professing to be, and I have no doubt sincerely, decided friends of his Administration? Why, then, should he be censured for an increase of expenditures which he had most anxiously endeavored to prevent, and which, to a very great extent, he has actually prevented, under circumstances where no other man would have dared to set up his individual opinions against the expressed will of the majority of the Senate and House of Representatives?

"Sir, his friends in Congress have been all shades, colors, and names; Jackson-tariff and anti-tariff; internal improvement and anti-internal improvement; Bank and anti-Bank; and, although he had, at the election grounds, a party large enough, in his name, to bear down all before them, yet here he never had a party large enough to do any thing. I remember once, when one of those great questions was deliberating, I was walking behind the colonnade where now you sit, and a brother Senator of different politics joined me: he asked me how I thought the question under discussion would be decided. I told him I did not know. Why, says he, don't you know how your party will vote? I answered that I did not; when I tried to count them, I was reminded of an anecdote I had heard of a black man, who had been sent by his master on a cold morning to feed the pigs. When he returned, his master addressed him: "Peter, were all the pigs up to be fed?" "Don't know, massa," says Peter. "Why, did't you count them?" says the master. "I did count 'em all, massa, but one little spotted fellow, and he kept such runnin about I could'nt count him."

"Mr. President, I hope to hear no more such complaints. Gentlemen on this floor are not aware of the credit to which the Chief Magistrate is entitled for the stand he took against friends and opponents, in maintenance of the great principles upon which he was brought into power."

And as a further proof of the assertion that the late President "never had, at any time, a majority in both Houses," he would appeal to the election of Printer to the two Houses, during the whole of his administration. Every one knows the excitement which that election usually produces. Of the sum of $1,208,888 17, paid by Congress for printing, including books for the use of the members, from the 4th of March, 1829, to December, 1839, $219,725 25 only was received by Blair and Rives; $321,246 53 by Duff Green, and the greater part of it while he was opposed to the Administration; and the remainder, $667,916 39, by Gales and Seaton, including what was paid to them in the name of Thomas Allen.

But he must bring his remarks to a close. He had already extended them much further than he intended when he obtained the floor to address the committee.

As the charge of extravagance, which he had been examining, was a general one, as no specifications had been attempted, he might have met it by a general denial. Gentlemen in the opposition had sought to alarm the country by the cry of waste and profligacy in the public expenditures. The time would come when the people would require them to substitute facts for assertions. He had designed, in the review which he had taken of the course of the late and present Executive upon the subject, to show that, during the whole of their Administrations, no new duty, tax, or charge of any kind had been laid; that, on the contrary, many of the old ones had been repealed, and all of them greatly reduced, and in the progress of further reduction; that while some of the expenditures may have been improvident, and others upon unworthy objects, yet that the whole of the public debt had been paid off; that thirty-two millions had been given to the States; that all the public establishments had been strengthened and improved; that large bodies of valuable land had been purchased in several of the States and Territories; that upwards of sixty thousand Indians, consisting of small, but independent tribes, had been emigrated to the west of the Mississippi; and that although the receipts and expenditures have been large, that the losses sustained by the Government, either in the collection, safekeeping, or disbursement of the money, was less than during any previous period. Such was the showing on the part of the late and present Administrations. He would not anticipate the verdict of the country, but he thought that a virtuous and intelligent constituency would award to the President, and his immediate predecessor, and at least a majority of their political friends, a triumphant acquittal on this charge of extravagance.

APPENDIX.

TABLE

Showing the aggregate expenditures on certain objects, for terms of four years.

	1825 to 1828.	1829 to 1832.	1833 to 1836.	1837, '8, and '9.
Trust funds - - - -	$52,717 19	$308,136 91	$1,390,137 42	$2,876,407 60
Indemnities - - - -	1,295,530 94	30,704 62	1,428,632 45	6,062,193 00
Three and two per cent. fund -	695,100 19	1,191,076 35	3,874,876 03	1,508,339 00
Durable public buildings - -	1,078,854 11	1,030,714 08	2,945,797 60	3,520,625 57
Claims of States for war debts -	463,222 87	1,221,598 39	534,424 41	182,430 52
Donations to District of Columbia	-	-	721,648 58	539,232 67
Exploring expedition - - -	-	-	-	559,582 21
Duties refunded - - - -	915,411 67	1,113,019 65	819,524 62	967,630 99
Judiciary - - - -	575,776 03	674,963 78	1,471,202 74	
Diplomatic department - - -			573,464 00	
Pay, &c. and contingent expenses of Congress - - - -	1,953,653 09	2,261,826 92	2,941,125 80	2,170,628 59
Fortifications - - - -	3,137,890 68	3,941,696 79	3,454,887 41	2,214,204 10
Light-houses - - - -	926,146 30	1,036,545 70	1,242,043 26	806,555 46
Pensions - - - -	4,692,116 83	4,667,979 32	12,790,946 98	4,785,581 21
Internal improvements - - -	2,112,419 01	4,510,538 69	6,068,149 56	3,963,667 05

Statement of votes in Congress on various objects of extraordinary appropriations, from 1831 to 1837. It is believed that an examination of all other votes, upon which the yeas and nays were taken, would exhibit the same result.

The act authorizing a subscription to the Documentary History of the American Revolution, was rejected in the House of Representatives in the session of 1831-'32, (see journal, p. 934,)—yeas 88, nays 94. The number of anti-Jackson members voting in the affirmative, was 72, and, in the negative 11. The act was subsequently passed, and involves an expenditure of at least five hundred thousand dollars, according to the rate at which the first volume has been paid for. The amount already expended under it is twenty-five thousand six hundred and two dollars for one volume. The number of volumes is not limited by the contract, though the publishers have proposed that it shall not exceed twenty.

The "Act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," approved 7th June, 1832, passed the House of Representatives—yeas 128, nays 45. Of those who voted in the affirmative, 60 were opposed to the Administration, and 67 friendly to it. Of the negatives 20 were opposed to the Administration, and twenty-five friendly to it.

In the Senate, the same bill was passed—yeas 24, nays 19. In the affirmative there were 15 opponents of the Administration; and in the negative there were but two, at that time, ranked with the Opposition.

The aggregate amount already expended under this law is $11,922,232.

The act authorizing a subscription to the stock of the Alexandria Canal Company, approved 25th June, 1832, was ordered to a third reading in the House of Representatives—yeas 90, nays 78. In the affirmative were 69 anti-Jackson members, and in the negative 11.

In the Senate, the same act passed—yeas 38, nays 5. Twenty-two anti-Jackson Senators voted in the affirmative, and not one in the negative.

This act appropriated one hundred thousand dollars.

The act authorizing the President of the United States to raise a regiment of mounted rangers, approved June 15, 1832, passed the Senate, yeas 30, nays 11. Eighteen anti-Jackson Senators voted for the bill, and three against it.

The yeas and nays were not taken on this bill, in the House of Representatives.

The regiment of rangers was subsequently converted into one of dragoons, and has caused an annual expenditure of about $300,000.

The "Act in addition to the act vesting in the Corporation of the city of Washington, all the rights of the Washington Canal Company," approved 31st May, 1832, was passed in the House of Representatives—yeas 99, nays 91. The number of anti-Jackson men voting in the affirmative, was 70, in the negative 13.

The expenditures under this act is $150,000.

The act to improve the navigation of the Potomac river between Georgetown and Alexandria, approved March 2d, 1833, was passed, in the House of Representatives—yeas 105, nays 69. In the affirmative, were 66 of the Opposition members, and in the negative 11.

The expenditure under thia act was $150,000.

The joint resolution providing for the continuation of Gales and Seaton's Compilation of State Papers, approved 2d March, 1833, passed the Senate—yeas 22, nays 9. Eighteen of the Opposition Senators voted in the affirmative, and one in the negative.

The expenditure under this act, was $145,606.

The "Act for the benefit of the City of Washington," (for payment of interest on Holland debt,) approved June 28th, 1834, passed the House of Representatives, yeas 98, nays 78. In the affirmative were fifty-three Opposition members, and in the negative eleven. The same bill passed the Senate, yeas 21, nays 19. In the affirmative were eighteen Opposition Senators, and in the negative eight.

The expenditure under this act was $70,000.

The "Act for the better organization of the marine corps," approved June 30th, 1834, passed the Senate, yeas 25, nays 12. In the affirmative nineteen Opposition Senators voted, and in the negative one. This act caused an annual expenditure of about $70,000, exclusive of an addition to the pay of the officers of the corps by other acts.

The "Act to regulate the pay of the navy of the United States," approved March 3d, 1835, was passed to a third reading in the Senate, yeas 29, nays 12. In the affirmative there were twenty-one anti-Jackson members, and in the negative only three. The same bill passed the House of Representatives, yeas 117, nays 103. In the affirmative 61 were anti-Jackson members, and in the negative fourteen. The Fourth Auditor estimates that this act caused an increased annual expenditure of about $500,000.

The act authorizing the exploring expedition to the South Seas and Pacific ocean, approved May 14th, 1836, was passed in the House of Representatives, yeas 92, nays 68. In the affirmative were 45 anti-Administration votes, and in the negative 25.

The estimates of expenditure under this act in the years 1836, '37, '38, and '39, amount to $559,382.

The "act for the relief of the several corporate cities of the District of Columbia," assuming the Holland debt, approved May 20th, 1836, was passed in the Senate, yeas 17, nays 16. In the affirmative were nine Opposition votes, and in the negative, seven.

The same act passed the House, yeas 110, nays 69. In the affirmative were 56 Opposition votes, and in the negative, twenty.

The United States, by the above act, assumed to pay the principal of the Holland debt, amounting to $1,500,000.

The "act to regulate the compensation of certain officers of the revenue cutters," approved July 2d, 1836, passed the House of Representatives, yeas 143, nays 52. Fifty-one Opposition members voted in the affirmative, and twenty-nine in the negative. This act increased the pay of the officers; and the 1st Auditor says: taking the number of officers now in service, the aggregate difference per annum is $17,684 more under it than would have been paid under the former act.

The act authorizing the additional regiment of dragoons or mounted riflemen, approved May 23d, 1836, was passed in the House of Representatives by the following vote: yeas 145, nays 32. In the affirmative were fifty-nine Opposition members,

and in the negative only seventeen. This act caused an annual expenditure of about $300,000.

The "act to provide for the improvement of certain harbors, and for the removal of obstructions in and at the mouths of certain rivers and for other purposes," approved March 3d, 1837, and containing a grant for the Alexandria Canal, passed the House of Representatives, yeas 107, nays 51. In the affirmative there were forty-nine Opposition, and in the negative twenty-three.

The amendment to the above bill, granting a sum not exceeding three hundred thousand dollars in aid of the Alexandria Canal, was agreed to in the Senate, yeas 24, nays 17. In the affirmative, ten Opposition Senators voted, and in the negative only three.

The expenditure under this act was $300,000.

The act to amend the judicial system of the United States, approved March 3d, 1837, passed the Senate, yeas 38, nay 1. Twenty-two Opposition Senators voted for the bill.

The "act making appropriations for the naval service for the year 1836," (increasing the appropriations for that service,) was passed to a third reading, in the Senate, yeas 41, nay 1. Twenty-three Opposition Senators voted for the bill.

The "bill making appropriations for the collection of materials, and the purchase of sites, and to commence the construction of certain fortifications," &c. passed the Senate May 26th, 1836: yeas 31, nays 9. In the affirmative were eleven Opposition votes.

The act making appropriations for the naval service for the year 1837, passed the House of Representatives February 23d, 1837. An amendment, making an additional appropriation of four hundred thousand dollars for six vessels of war of 18 guns each, was agreed to in the House, yeas 116, nays 48. Fifty Opposition members voted in the affirmative, and twenty-three in the negative.

A resolution for the purchase of books for distribution among such members of the Twenty-fifth Congress as had not received the same under former orders, was introduced by Mr. Rariden on the 26th January, 1838, and passed on the 27th January—yeas 113, nays 71. In the affirmative were fifty-four Opposition members, and in the negative thirty-one.

Mr. Cushing gives the votes of the two parties in the House, on several bills, during the second session of the Twenty-fifth Congress, as follows, viz: The bill making partial appropriations for the suppression of Indian hostilities of 1838, passed the House—yeas 164, nays 2. Of the Whigs, 75 voted in the affirmative, and 2 in the negative. Of the Administration members, 89 voted in the affirmative, and none in the negative.

The amount of appropriation by this act was $1,000,000.

The bill making appropriations for preventing and suppressing Indian hostilities for the year 1838, and for arrearages for 1837, passed the House—yeas 143, nays 37. Of the Whigs, 48 voted in the affirmative, and 35 in the negative. Of the Democrats, 95 in the affirmative, and two in the negative.

The amount of appropriation under this act was $6,739,410.

The bill making appropriations for the continuation of the Cumberland Road, in the States of Ohio, Indiana, and Illinois, passed the House—yeas 96, nays 80. Sixty-five Whigs voted in the affirmative, and 24 in the negative. Thirty-one Democrats voted in the affirmative, and 56 in the negative.

The amount of appropriation under this act was $459,850.

The bill making appropriations for building lighthouses, &c. passed the House—yeas 65, nays 56. Forty-one Whigs voted in the affirmative, and 16 in the negative. Twenty-four Democrats voted in the affirmative and 40 in the negative.

The amount of appropriation under this act was $307,000.

The bill to provide for certain harbors, and the removal of obstructions in and at the mouths of certain rivers, during the year 1838, passed the House—yeas 108, nays 81. Sixty-five Whigs voted in the affirmative, and 27 in the negative. Forty-three Democrats voted in the affirmative, and 54 in the negative.

The amount of appropriation was $1,535,008.

REMARKS OF MR. ANDERSON,
OF TENNESSEE,

In Senate, June 16, 1840—In reply to Mr. CLAY of Kentucky, upon the motion of Mr. PRESTON, to print the letter of Mr. Poinsett, and the motion of Mr. CLAY of Alabama, to amend it by printing also the report of General Knox, and the reports of General Harrison, as chairman of the Militia Committee of the House of Repretentatives, in 1817 and 1818.

Mr. ANDERSON said: He rose for the purpose of replying briefly to some of the suggestions of the honorable Senator from Kentucky. He understood him as defending the constitutionality of the plan of General Harrison, to establish a corps of military instructors for every school in the United States, upon the same ground that we maintained the military academy at West Point. That the honorable Senator believed the one to be as constitutional as the other. Sir, said he, I differ entirely from this view of the case. I believe that the propositions of General Harrison are wholly unconstitutional. There is no analogy between the establishment at West Point, and that vast scheme for the infusion of a military spirit throughout the United States, which was the design of General Harrison to effect. That academy is a part of the army of the United States, so created by our legislation; and I call the attention of Senators to the rules and regulations established by law, which I conceive settle this question. The cadet takes an oath of enlistment for the term of eight years, and is subject to the rules and articles of war. That oath is that—

"I cadet ———, of the State of ———, aged ——— years and ——— months, do hereby engage, with the consent of my guardian, to serve in the army of the United States for eight years, unless sooner discharged by the proper authority. And I, cadet ———, do hereby pledge my word of honor as a gentleman, that I will faithfully observe the rules and articles of war, the regulations for the army, and the regulations for the military academy; and that I will, in like manner, observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and discipline of war."

In addition to this, the professors of the academy are declared by law to be a part of the corps of engineers; which I beg leave to read for the consideration of the Senate:

"ART. 12. The professors, teachers, and cadets of the military academy being a part of the corps of engineers, are by law subject to the rules and articles of war."

Here, sir, we have the question settled, and no analogy whatever exists between that institution and the plan of General Harrison. The first constitutes a part of the army of the United States—the latter is a vast scheme for acting upon the rising generation, and preparing it, at an unprecedented expense, for military power of the most dangerous character. The views which General Harrison entertains upon this subject are utterly subversive of our free institutions. His report is marked by the most earnest anxiety to engraft an insidious martial system of education upon our civil institutions, and which, in after times, would become too powerful for our control. It is nothing less than fitting to the hand of some usurper the means of indomitable despotism.

The honorable Senator admires the sentiments and language of the report, and denies that it contains any thing dangerous. The specific details are not made out, but the plan is distinctly laid down. It is to appoint a "corps of instructors to attend to the gymnastic and elementary part of education in every school of the United States," and "professors of tactics to be established in all the higher seminaries." It is obvious that he was conscious of the nature and extent of this power, and his appeal to the ancient Governments of Greece and Rome, for the illustration of the excellence of his project, can neither afford it support or protection. They were prostituted by its vices, and stripped by its power of their liberties; and it is remarkable that the Grecian system of gymnasia and military instruction, entered Rome about the period that Cæsar crossed the Rubicon, and planted the standard of his despotism in the eternal city.

Sir, I consider the plan of General Harrison as more dangerous to our freedom than any thing I have ever known in our history. It proposes to take charge of all the youth of our country; to educate them for military purposes, and early imbue them with ambitious hopes, and a restless spirit for warlike action. A mighty revolution is to be effected in our system of Government, equally adverse to the feelings, wishes, habits, customs, manners, and pursuits, of the people.

The honorable Senator from Kentucky seems to entertan no difficulty as the constitutionality of the military views of General Harrison. Permit me, Mr. President, to call your attention to the remarkable proposition which he makes in his report of eighteen hundred and eighteen. In that he says, that "the President should, *in all cases*, address his orders immediately to some officer of the militia, and not to the Executive of the State. The Governor of a State is not a militia officer, bound to execute the orders of the President; he cannot be tried for disobedience of orders, and punished by the sentence of a court martial." Here, sir, is a direct attempt to consolidate military power in the person of the President, by separating the militia from the Governor—by setting aside the authority of the States. If this could be done, you might soon put an end to the present structure of our Government. The independence of the States would cease to exist in that most vital arm of their power—the control of the militia. Connect this with the other schemes of General Harrison, and the system of usurpation would be easy, having the path most obsequiously pointed out by our legislation. His design was to separate, for ever, the militia from the Governors of the States. No identity of feeling, of interest, or of official relation, was to be permitted to exist. They were to become, in effect, as well as in name, in peace and in war, the militia of the President of the United States, and not of the States. This was not a rule to be merely applicable to some particular officer, but was intended to extend to the entire organization! When, sir, and by whom, except by General Harrison, let me ask, was such a power as this, striking at the corner stone of the independence and the safety of the States, ever dared to be proposed for the deliberate adoption of this Government? Every man who knows any thing of the nature of our Constitution, and can foresee the effect of great causes, will perceive that this proposition would utterly have changed its character; and, certainly, perhaps lastingly, placed the sword and the purse in the same supreme hand! If we connect with this recommendation, made by him, his plan of universal military education of the youth, by which he proposed to revolutionize "the manners and the habits of the nation," we are astonished at the cool deliberation with which a system of changes is planned, that would, in the end, not only give us *the classic*, but a corrupted and military resemblance to the Governments of Greece and Rome. Considering the propositions as the most dangerous ever made in our legislative councils, I should look upon their adoption as fatal to our liberties!

But the honorable Senator excuses General Harrison for his first great project, (not this last,) by stating that, after consideration for a short time, he proposed that his vast plan of education, and military training of the boys, should be engrafted upon the Constitution by amendment. It unfortunately happens, however, that the General has given us a proof of his own opinions upon this subject, although he might have moved an amendment of the Constitution to allay the scruples of others. It seems he had none himself; for he renewed his great plan of appointing a military corps of instructors for every school in the United States in eighteen hundred and nineteen. This act, so repeated, was utterly inconsistent with any doubts in his mind, of the constitutionality of the measure.

To many other unanswerable objections to the mighty schemes of General Harrison must be added, also, the immense expense at which they would be carried into effect.

I have before me the very able and luminous re-

port of General Dix, the superintendent of common shools in the State of New York, in the year eighteen hundred and thirty seven. I have adopted from that the standard ratio, by which to ascertain the number of schools necessary for the instruction of all the youth of the United States, estimating New York at a sixth part of the whole population. In that State there were, in eighteen hundred and thirty-seven, nine thousand seven hundred and eighteen schools, and the number of male children about three hundred thousand. Deducting any excess for a variation of the ages required under a system of military education (which should commence, according to General Harrison's opinion, "as soon as their mental and bodily powers have acquired sufficient strenth,") the number to be so educated and trained would be one million, five hundred thousand The number of schools to be established in the United States, according to the proportion now existing in New York, would be not less than fifty-eight thousand. If we suppose each instructer to have charge of two schools, which is very ample employment, their number would be more than twenty-five thousand. Men qualified for this business could not be obtained for less than five hundred dollars each, annually; which would create the vast expense of twelve millions five hundred thousand dollars for that service alone. The contingent expenditures would likewise be large; and the professors of tactics for the higher seminaries, numbering at least one thousand, who could not be obtained at less salaries than a thousand dollars annually, for each, would increase the sum by the addition of one million.

In every aspect in which the scheme of General Harrison can be viewed, it would be alike destructive of our habits, subversive of our free institutions, and obnoxious to the feelings of the American people.

APPENDIX.

I annex for the information of the people, General Harrison's gigantic scheme to convert our free Government into a military Republic. To exhibit this within the smallest space, I have reduced his propositions to a practical calculation of the results.

It will be kept in mind that those propositions are in the following words:

"That a corps of military instructors should be formed to attend to the gymnastic and elementary part of education in every school in the United State, while the more scientific part of the art of war shall be communicated by professors of tactics, to be established in all the higher seminaries."

The calculation is founded upon the ratio as to the number of schools and children, adopted from the report of General Dix, of New York, the talented superintendent of common schools for that State, made in 1837. New York is estimated to contain about one-sixth part of the population of the United States.

The expense of the grand project of General Harrison for a military Republic, exhibited.

The number of boys who might be annually under the control of officers appointed by the United States, may be safely assumed at 1,500,000.

The number of schools to be established so as to include all the youth, taking the data of 9,718 now in New York, as the one-sixth part for the whole Union, would be not less than 50,000.

If we suppose each instructor to be appointed by the United States would be placed in charge of two schools, the number of instructers would then be 25,000.

Able instructers, qualified for the business, could not be had for less than $500 each, per annum, which would require a sum equal to	$12,500,000
Contingent expenses for each school, annually, such as arms, books, &c. would be at least $100, equal to	5,000,000
Total amount of the expense to be paid out of the Treasury of the United States, by taxes upon the people, for primary military schools, annually, would be -	17,500,000
The number of higher seminaries ould be, at least, 1,000. For ach of these there would have to be, at least, one professor of military tactics, making 1,000 professors. The salary of professors, well qualified, would have to be, for the high seminaries, at least $1,000, annually, making the total sum for that branch - -	1,000,000
The contingent expenses for the higher seminaries, annually, would be, probably, not less than $200 for each, making - - - -	200,000
Total expense for schools, if the project was faithfully carried out	18,700,000
To this enormous expense Gen. Harrison, in the same report, proposed to add the plan of training and paying the officers. He annexed a table to his report, and set down the day for each brigade, and estimated the militia then, in 1817, to be 1,000,000, the total expense - - - - -	1,565,000
To this should be added about half a million of militia men, probably, at this time, if we suppose the plan of General Harrison in full operation, and the sum would be -	787,500
The grand total	$21,052,500

Making a grand total, which it would take to carry out General Harrison's two great plans of military instruction and discipline, of twenty-one millions fifty-two thousand five hundred dollars; a sum more than equal to the whole of the ordinary expenditures necessary for our Government!

These schemes of General Harrison, to convert this pure Republic into a great military Government, training all its boys, by a military education, for war and conquest, and also to discipline all the militia officers at an immense expense, are the most stupendous and dangerous of any ever proposed to the American people!

Let the people beware how they venture to make such a scheming military man President! What security will they have against him? These projects of his are filed in the archives of Congress, and have been reprinted at this session, by order of the Senate!

There can be no doubt that such mighty projects would, if carried into effect, destroy the liberties of the people in the end, and subject them to the heaviest taxes ever borne by a nation of freemen. Consolidation and despotism, the ruin of the peace of families, the destruction of religion, the total overthrow of morality, foreign and domestic wars, the rivalry of ambitious military men, and the final extinction of the last hope of freedom for the world, would follow this terrible system of Grecian military law!

Let the people put an end to the possibility of such a scheme, by rejecting General Harrison at the pending Presidential election. If they pause, and reflect for a moment, they cannot fail to come to this result. The present Chief Magistrate is a man whose policy is pacific, whose principles are Republican, and who has guided our affairs, at home and abroad, with a skill and firmness unsurpassed by any of his predecessors.

Will you exchange such a man for a military President, who is anxious to convert this great Republic into one wide theatre of military trainings and discipline, to prepare all the youth of the country for the pomp and pageantry of war, its vices, its honors, and renown, and to despise the gentler and happier arts of peace? The people will remember, in connection with all this, that General Harrison was in favor of the standing army of John Adams.

It is also an important fact that General Harrison, in his late letter to the Louisville legion, declares that his military views, as to the militia, &c. have undergone no change. If this be so, and he should be made President, he might, probably, attempt to carry into effect this vast scheme of converting our Government into a great military Republic! Is it not safe to pause in contemplation of such a mighty revolution, which would certainly put at hazard the liberties of the people!!!

I subjoin an extract from General Harrison's letter addressed to Governor Scott of Kentucky, and inserted in Dawson's Life of Harrison, at page 119, chap. 16 This shows he is for taxing the people in order to maintain an army of disciplined militia of one hundred thousand men!!

"VINCENNES, March 10, 1809.

"DEAR SIR: Instead of the few days now appropriated to training, and the very few hours of those days actually employed, some weeks, at least, must be devoted to the purpose, and the men must be taught in camps of discipline, those duties which, representing a faithful image of actual war, form the best school in which it can be taught.

"I have recommended camps of discipline for instructing those who are already capable of bearing arms; but the career of military instruction for our youth should commence as soon as their mental and bodily powers have acquired sufficient strength. Professorships of tactics should be established in all our seminaries, and even the amusements of the children should resemble the gymnasia of the Greeks.

"It will, no doubt, be urged as a reason for continuing the old plan, that the poorer class of our citizens cannot spare five or six weeks in a year from their farms to learn military duty I know that they cannot without being paid. But is not our Government able to pay them? If not, they ought to make themselves so by laying on additional taxes. But I am persuaded that the money which is devoted to other objects might be more usefully, and certainly more consistently, applied to this purpose. Under our present circumstances the six thousand regular troops we have are very proper; but I think one hundred thousand disciplined militia would be better, and the money which is spent in the former, would soon effect the discipline of the latter.

"WILLIAM HENRY HARRISON."

SPEECH OF MR. RAMSEY,

OF PENNSYLVANIA.

In the House of Representatives, Saturday, June 6, 1840—On the Independent Treasury bill.

Mr. RAMSEY rose and said:

Mr. CHAIRMAN: The bill under consideration has been so fully discussed, that I can scarcely hope to influence the deliberations of the committee by better or sounder arguments than have already been advanced. But, as a Representative of the people, holding an important trust, and accountable to a generous and confiding constituency for its proper discharge, a sense of duty to myself impels me to ask indulgence whilst I briefly assign the reasons that govern my action in relation to this great financial measure.

The law presented to us for adoption is plain and simple. It proposes the establishment of depositaries for the collection, safekeeping, and disbursement of the public moneys, at different points in the Union, in the legal currency of the country. In other words, the bill provides for the separation of the Government from the banks, and requires the collection and disbursement of the revenues in gold and silver, instead of paper.

It will be perceived at once that an important change is contemplated in the fiscal action of the Government, and, as it is my intention to point out the advantages likely to result from the adoption of this system, it will be necessary, from the intimate connection of the subject with the operations of banks, that I should recur to their history, for the purpose of exhibiting the legitimate influence exercised by them over industry, commerce, and the affairs of State.

Banks are usually divided into two great classes—banks of deposite and banks of circulation. The term banks of deposite is meant to designate those that keep the money of individuals, and circulate it only; while the term bank of circulation is applied to those that do not thus confine their circulation, but issue notes of their own, payable on demand. The Bank of Venice seems to have been the first banking establishment in Europe. It was founded so early as 1171, and subsisted till the subversion of the Republic in 1797. It was essentially a deposite bank, and nothing else. The Bank of Amsterdam was established in 1659. It was

a deposite bank, and payments were made (according to authors) by writing off sums from the account of one individual to those of another. According to the principles on which this bank was established, it should have had at all times in its coffers, bullion equal to the full amount of the claims upon it. But the directors privately lent 10,500,000 florins to the States of Holland and Friesland. This circumstance transpired when the French invaded Holland, and caused the ruin of the bank. The Bank of Hamburg is a deposite bank, and its affairs are managed according to a system that ensures the fullest publicity. Thus the Banks of Venice, Amsterdam, and Hamburg, were all simply banks of deposite; and the Bank of Hamburg continues such to the present hour. The Bank of France was founded in 1803. The exclusive privilege of issuing notes payable to bearer was granted to it for forty years. The capital of the bank consisted at first of 45,000,000 francs, but it was subsequently increased to 90,000,000 francs. The only notes issued are for five hundred francs, and one thousand francs. The Bank of England was founded in 1694. It was established upon a loan of £1,200,000 to the Government. In 1708, the Bank, having advanced an additional sum of £400,000 for the public service, the charter was continued, and the capital increased to £4,402,343. It subsequently became £15,000,000. This institution issues bills, receives deposites, and discounts. As a consequence, its history presents a series of expansions and contractions, with all their attendant ills. It has frequently been affected by panics amongst the holders of its notes. In 1745, the alarm occasioned by the advance of the Highlanders under the Pretender, as far as Derby, led to a run upon the Bank; and in order to gain time to concert measures for averting the consequences, the directors adopted the device of paying in shillings and sixpences. In 1792, an overissue of paper caused another run upon the Bank; and on the 25th of February, 1797, it had only £1,272,000 of cash and bullion in its coffers, with every prospect of a violent run taking place. In this emergency, an order of council was issued on the 26th, prohibiting the directors from paying their notes in specie. Early in 1810, the paper of the Bank was at a discount of thirteen and one-half per cent.; and this extraordinary fall having attracted the attention of the legislature, the House of Commons appointed a committee to inquire into the circumstances by which it had been occasioned. The report, which was drawn up with great ability, justly ascribed the fall to the overissue of bank paper, and recommended that the Bank should be obliged speedily to resume specie payments. It did subsequently resume. On the 15th October, 1839, this Bank had notes in circulation, and deposites, to the amount of twenty-four millions of pounds sterling, and but two millions five hundred and twenty-five thousand pounds in specie in its vaults, showing a proportion of about ten to one between its liabilities and bullion. As a consequence, it was upon the eve of suspension, and was obliged to resort to the Bank of France for a loan.

It is very true that the Bank of England conducts the whole banking business of the British Government. "It acts not only," says Dr. Smith, "as an ordinary bank, but as a great engine of State. It receives and pays the greater part of the annuities, which are due to the creditors of the public, it circulates exchequer bills, and it advances to Government the annual amount of the land and malt taxes, which are frequently not paid till some years thereafter." This Bank advanced to the British Government, in 1814, £30,000,000; in 1815, £26,000,000; in 1816, £23,000,000; in 1817, £27,000,000; and in 1818, £23,000,000. In point of fact, however, a very large part of these advances has been nominal only, or, what has been the same thing, has been virtually cancelled by the balances of the public money in the hands of the Bank. Thus, from 1806 to 1810, both inclusive, (says, McCullogh,) the average advances to the Government amounted to £14,000,000. But the average balance of the public money in possession of the Bank during the same period, amounted to about £11,000,000, so that the real advance was equal only to the difference between these two sums, or to about £3,500,000. The Bank being enabled to employ the greater part of the balances of public money in her hands as capital, they have formed one of the main sources of the profit she has derived from her transactions. It will thus be perceived that the charter of the Bank of England was built upon the necessities of the Government, and, in fact, exacted for a loan of £1,200,000, subsequently confirmed by another bonus in the shape of a loan, and at the present time she continue the agent of the Crown, in the manner of an exacting creditor towards a spendthrift debtor.

This is a hasty glance at some of the principal banking establishments of Europe. Until a very late period, however, commerce and the arts seem to have flourished almost wholly without the aid of these institutions. Egypt, under Alexander and the Ptolemies, became the emporium of the world. Phœnicia, with a sterile soil and a confined dominion, built up the magnificent cities of Sidon and Tyre, "whose merchants were princes, and whose traffickers were the honorable of the earth." Carthage, the proud rival of Rome, owed her greatness to the frugality and industry of her citizens, combined with an extensive commerce. Venice, the humble owner of a few insignificant islands in the Adriatic, became the mistress of the seas, and at one period, besides several extensive, populous, and well cultivated provinces in Lombardy, was possessed of Crete, Cyprus, the greater part of the Morea, and most of the islands in Ægean Sea. She had also secured a chain of forts and fortifications that extend along the coast of Greece from the Morea to Dalmatia. In the beginning of the fifteenth century, the annual value of the goods exported from Venice by sea, exclusive of those exported to the States adjoining her provinces in Lombardy, was estimated by cotemporary writers at 10,000,000 ducats; the profits of the out and home voyage, including freight, being estimated at 4,000,000 ducats. At the period in question, the Venetian shipping consisted of 3000, from 100 to 200 tons burthen, carrying 17,000 sailors; 300 ships with 8,000 sailors, and 45 galleys of various size, kept afloat by the republic, for the protection of her trade, having 11,000 men on board. In the dock yard, 16,000 laborers were usually employed. Their trade seems to have been conducted principally by ready money. So completely were the pretensions of Venice to the sovereignty of the Adriatic maintained, that when, in the year 1630, just before the conclusion of the Mantuan war, a princess of the Spanish dynasty wished to pass by sea from Naples to Trieste, to espouse the son of the Emperor, the Senate refused to allow the Spanish squadron to escort her, as an infringement upon their right of excluding every foreign armament from the gulf; but they gallantly offered their own fleet for her service. The Spanish Government at first rejected the offer, but the Venetians, says Giannone, boldly declared that if the Spaniards were resolved to prefer a trial of force to their friendly proposal, the infanta must fight her way to her wedding through fire and smoke. The haughty court of Madrid was compelled to yield; and the Venetian Admiral Antonio Pisani, then gave the Princess a convoy in splendid bearing to Trieste with a squadron of light galleys. Such was Venice without the assistance of paper money; Venice for whom the whole habitable globe was ransacked, for whom the caravans of the East were continually in march, and whose ships covered the remotest seas.

Genoa, the city of palaces, rivalled Venice in her extensive commercial enterprises. Portugal, Spain, and Holland, afterwards successively contended for the trident of the ocean, carrying on the trade of the world, causing obscure fishing villages to rise by degrees into splendor and magnificence, and pouring the wealth of the Indies into their coffers, almost wholly through the medium of hard money.

At the present day, have we not a continuation of this commercial system to a great extent in almost every country on the face of the globe? In Russia, Austria, Prussia, the German and Italian States, France, Spain, Portugal, and Holland, there is but an insignificant circulation of bank paper, when compared with that of Great Britain and the United States; indeed, in some of these countries, and gold and silver is the only currency recognised, and yet the condition of Holland has always been more prosperous than that of any other nation, as history will prove, in despite of their limited territory and the unproductiveness of the soil. In 1690, Sir William Pelty estimated the shipping of Europe at about 2,000,000 of tons, which he supposed to be distributed as follows: England, 500,000; France, 100,000; Hamburg, Denmark, Sweden, and Dantzic, 250,000; Spain, Portugal, and Italy, 250,000; that of the Seven United Provinces, amounting to 900,000 tons, or to nearly one-half of the whole tonnage of Europe! The foreign commerce and navigation of Holland during the seventeenth century was, of course, greater than that of all Europe besides; and even at this present moment, after being trodden under foot by the invasion of hostile armies, the Dutch are amongst the most commercial and opulent people of the world. Their territory not larger than one of our smallest States, reclaimed in a great measure from the sea, sustains a population of 2,000,000, has maintained wars of a bitter and sanguinary character against the most powerful kingdoms, and has been enabled to loan hundreds of millions to foreigners, after constructing her immense dykes and canals. Holland is, and always has been, a country of short credit; and, in consequence of the preference given (says a distinguished writer) to ready money transactions, it is not a country in which adventurers without capital have much chance of speedily making a fortune: but this austerity is not a disadvantage, but the reverse. It prevents commerce from degenerating, as it has too often done in other places, into gambling adventures, and places it on a comparatively solid foundation. And it should be mentioned to the honor of the Dutch, and as a proof of the excellence of this system, that, notwithstanding the distress and loss of trade occasioned by the invasion and occupation of their country by the French, the bankruptcies in 1795, and subsequent years, were not, comparatively, so numerous as in England in ordinary seasons! Holland, too, has always maintained free institutions, and was the first to sympathize with us in our Revolutionary struggle.

From these historical reminiscences, it may be inferred that long credits are not necessary to trade, and that despotic countries are not the only nations that carry on their commerce through the medium of gold and silver, as asserted by the gentleman from Massachusetts, [Mr. Cushing.]

Such is the dull and hazy atmosphere through which we are permitted to glance at the operations of banks, that their prerogative would seem to be ranked, like that of the King of England, amongst the *arcana imperii*, and their mysteries, like those of the *bona dea*, are not suffered to be pried into by vulgar mortals. With profound reverence, nevertheless, for the mighty power they wield, I purpose continuing my examination into the nature of these institutions, by the aid of the few glimmering lights I have before me.

It appears that, prior to the twelfth century, gold and silver constituted the currency of Europe; but at a still earlier epoch, cattle are mentioned by Homer, as the measure of value. He says the armor of Diomede cost only nine oxen, but that of Glaucus one hundred oxen. Salt is said to have been a common medium of exchange in Abyssinia; a species of shells in some parts of India; hides, or dressed leather, in other countries; iron in Sparta; and copper amongst the Romans. Money, however, being the standard or measure by which the worth of all other commodities is estimated, it being essential, too, that its own value should be invariable, and the precious metals possessing this quality to greater perfection than any other commodities, they were adopted by civilized nations. Paper (says a learned writer) possesses only conventional, not intrinsic value. Coin not only measures the value of commodities in exchange, but is the real equivalent for them; it is the veritable substance of which paper currency is only the representative. Whether paper money is worth any thing or not, depends on the guarantee under which it is issued; but coined money depends on no such contingency—it is its own guarantee, the universal medium of commerce, and in every market in the world will be accepted as an equivalent for merchandise in proportion to its weight and purity. Such conditions do not attach to a currency of paper. A parcel of bank notes, if they are not valuable as money, are valuable as nothing. No one can make a profit by converting them into any thing else. If the bank becomes worthless that issued them, they become worthless too, and they cannot be transmuted into any thing of value. It is different with a piece of gold or silver; if it cannot be returned to the mint, it can be taken to the goldsmith or dealer, where it can be exchanged for coin of another sort, or for some article of use or ornament.

Until within these few years, banking and money making have been most improperly confounded. No two business, however, can be

more distinct. One may be safely left to individual competition, the other can only be safely confided to the State. The chief business of a banking establishment is to expedite the making of payments, to discount bills, to make advances by loan, and to form a secure deposite for cash. The object of money making is very different; it is to establish an invariable standard of value for the general convenience of the community; and this is a duty it is incumbent on the Government to discharge, as itis for it to establish a standard weight, or a standard measure of length and capacity. What confusion and mischief would ensue if these were left to the caprice of individuals, more especially if they had an interest in gradually elongating the yard or enlarging the bushel, and then again, without notice or responsibility, restoring them to their former dimensions. The consequences have been precisely similar in leaving banks to issue money, or its representative, without check, security or responsibility.

The most essential requisite in money is *stability in value*. Where the power to issue is vested, is vested the power to alter its value, to alter the rate of wages, and the terms of contracts. Can a power so universal in its operation, touching every one, from the richest to the poorest, be safely wielded by any other authority less than that of the State, whose interests, it may be supposed, are not partial, but identified with those of the whole community? In the management of our monetary system, there has been singular inconsistency. The guarantee of the value of the coinage is the purity and weight of the bullion it contains, and the public stamp impressed upon it, authenticates both. But a banker's note, which represents the coin, executes all its functions, and on which a profit is realized, has been suffered to circulate without any other guarantee than a *promise*, that might be valid or illusive, according to the folly or knavery, good or ill fortune of the issuer.

The profit arising from the issue of a national currency should not be conferred by acts of legislation upon private corporations. Is there any reason that the bankers should share the whole, or any portion of this revenue, any more than the manufacturers, farmers or merchants? Most assuredly not; it is not a *commercial profit*, arising from the risk and trouble of buying and selling commodities—it is a perquisite appertaining to the people in their national capacity. The privilege of making and issuing money is one of the oldest prerogatives of State; it may be delegated, but it never can be alienated, and forms a legitimate source of public income, not of individual emolument.

But the bill under discussion does not propose any restrictions upon commerce or the banks, as has been alleged. It simply provides for the collection, safekeeping, and disbursement of the revenues of the Government, which no one will pretend to say should be converted into capital for speculation, either in trade or banking. The bill maintains the principle that the money of the public is to be held sacred—that it is to be set apart for the support of Government, and is not to be diverted into other channels? Is there any thing wrong in this? Are we violating any privilege belonging to individuals or corporations? No. But the argument is, that under its operations commerce and the banks will be prostrated, and the wages of labor reduced. I meet this issue most fearlessly, and will prove conclusively that no such results can ensue. I deny that sound trade or legitimate commerce can be injured by the passage of this law. It is true that a check may be given to the ruinous expansions and contractions of the banks, and to the insane system of gambling that has characterized the trafficings of our merchants; but this salutary effect will, in a great measure, be unfelt, in consequence of the antecedent operation of the natural laws of trade, which have, within the last year, reduced the bank circulation of the country from $135,000,000 to $106,000,000, and, as a consequence, ruined thousands of those, who, without capital, and prompted by a vain desire of suddenly amassing wealth, embarked most rashly on the wide sea of speculation, without compass or chart to guide them in their perilous navigation. It seems, however, inherent in man to censure the whole world, rather than himself, for the misfortunes that result from his own stupidity, folly, or ignorance; and whilst the unerring principles of political economy point out the causes that have produced disasters that ought to have been foreseen by every well regulated mind, gentlemen shut their eyes to self-evident truths, and continue to quaff intoxication and delusion from the Circean cup. The Administration is denounced for all the disappointments that have resulted from multitudinous speculations in town lots, wild lands, and foreign merchandise, whilst the United States Bank and its thousand auxiliaries repose on the laurels they have achieved, contended that the Government shall be made responsible for every species of swindling and extortion practised under the "broad seals" of their charters.

We are gravely informed that the country never suffered pecuniary embarrassment to the same extent with that which now weighs upon her. This may be so, but the magnitude of a present evil is always felt at the moment to be greater than that which preceded it, and I deny that such is the fact. For the last twenty-five years the history of the United States has presented but one continued series of expansions and contractions by the banks, followed periodically by distress and commercial prostration. Even at the close of the Revolutionary war, when relief was sought from the disasters of the continental currency, we discover the issue raised by the illustrious Washington between paper money and specie, in a letter to a member of the Legislature of Maryland, in which he declares his hostility to bank bills as the "shadow and not the substance" of a sound currency. In 1814, that wise and virtuous statesman, Simon Snyder, Governor of Pennsylvania, being importuned by the Legislature of that State to co-operate with them in the passage of a law creating forty-one new banks, with a capital of seventeen and a half millions of dollars, for the benefit, as was asserted, of agriculture, commerce, and manufactures, responded as follows, in a message to the two Houses:

"The bill entitled an act to regulate banks, was presented to me for my approbation on the 9th inst. I have given to its consideration all the faculties of my mind, and the feelings of my heart, and regret to say that my conviction of duty to the community will not permit me to approve of its passage into a law. I cannot divest myself of the fear that its passage would tend only to enrich the wealthy and the speculator, while it would, in various forms, heap burdens on the poor and industrious.

"I ask a patriotic Legislature, is this an auspicious era to try so vast an experiment? Shall we increase this pressure? Shall we individually aid our internal and external enemies to destroy our funds, and embarrass the Government? Is there at this time an intelligent man in Pennsylvania who believes that a bank note of any description is the representative of specie? Is there not just ground for fear? I may confidently say, that industry is the only permanent source of wealth; it secures subsistence, and advances our interest by slow, yet sure and regular gains, and is the best preservative of morals. Not so speculation, which this bill seems to invite. It has the direct contrary effect; depending on no fixed principle, it opens a field for the exercise of ingenuity, ever on the alert to take advantage of unwary in the accidental variations of things. The success of the speculator by profession tempts the farmer and mechanic to forsake his accustomed honest pursuits: launched on the wild sea of speculation, ever exposed to deviations from rectitude, his moral principles become weakened, and eventually all sense of commutative justice is destroyed."

Thus do we find Governor Snyder forewarning his countrymen of the disasters that were to follow the creation of this swarm of new banks. The bill, however, was passed into a law by the constitutional majority of two-thirds of the Legislature, and, in addition, two years afterwards, the Bank of the United States was chartered. The prostration and embarrassment that ensued is thus described in a report of a committee of the House of Representatives of Pennsylvania, made through their chairman, William J. Duane, on the 28th of January, 1820:

"As to the extent of the distress, it might be answered, in the language of the resolutions under which your committee act, that it is general; it extends, indeed, to the pursuits and habitations of the former capitalist, as well as to those of the more humble farmer and mechanic; there is no part of the Commonwealth into which calamity has not penetrated, or in which numerous victims have not been found. But with regard to the extent of the loss which the State has suffered from the destruction of capital, the emigration of our citizens to the wilderness, the stagnation of business, the deterioration of landed property, and the prostration of manufactories, and, above all, in the change of the moral character of many of our citizens by the presence of distress, your committee are utterly unable to decide; the extent of the mischief, they believe, defies scrutiny and surpasses the power of calculation.

"From the numerous petitions which have been presented at the present session, your committee quote the following extracts, which describe scenes of distress, such as have been seldom, if ever, before beheld on this side of the Atlantic:

"Sundry citizens of Northumberland county declare—

"'The currency is so diminished as scarcely to suffice for the transaction of the most ordinary business; the produce of the country has met with an unprecedented reduction; the greater part of the citizens of this once flourishing Commonwealth, even with the utmost economy and industry, are scarcely able to obtain sufficient articles to sustain life; real and personal property are daily sacrificed, and become the prey of speculators; debts are unpaid, creditors are dissatisfied, and the prisons are crowded with honest, but unfortunate persons, whose wives and children must be a burden on the township, or suffer for want of the mere necessaries of life.'

"Sundry citizens of Wayne county represent—

"'From the fall of every kind of produce, the scarcity of the circulating medium, and other causes, the general distress in our part of the State hath become so great and alarming, as to call for the attention and wisdom of the Legislature. Our most industrious citizens are no longer able to meet their engagements, but their hard-earned property is daily sacrificed at a nominal value, and falling into the hands of a few speculators.'

"Sundry inhabitants of Pike county assert—

"'At no time, since the Revolution, has greater distress been felt than at the present moment. We consider the banking system to have been the principal cause, instead of becoming, as was predicted, blessings to the people, banks have become like the scorpions among the children of Israel, perfect beasts of prey. The property of the great portion of our industrious people is brought to sale at one-fourth of its value, and struck off to speculators, leaving honest creditors unpaid, and families reduced to beggary.'

"Sundry inhabitants of Huntingdon county represent—

"'That the mass of the people are utterly unable, at once, to pay their debts; that their property is selling at such rates, that even the fees of law-officers are not realized; that the industrious are impoverished, whilst the speculating part of the community are daily growing more wealthy; that the evil is only beginning, and demands legislative interposition.'

"A memorial from sundry citizens of the western parts of the State, asserts—

"'That embarrassment is universal; that the sordid and avaricious are acquiring the sacrificed property of the liberal and industrious; that so much property is exposed to sale under execution, that buyers cannot be had to pay more for it than the fees or the officers; that those mischiefs, instead of diminishing, are daily increasing, and that overtrading and the facility of getting credit have produced these effects.'

"The petition of the inhabitants of Fayette county represents—

"'That the fictitious capital and boundless credit extended by banking, the almost universal spirit of speculation, the prostration of manufactures by the mistaken policy of the national Government, the introduction of luxuries and extravagances, and a reduction of exports, have produced a long train of calamities: that industry is paralyzed—that the precious metals have vanished—that the banks are tottering—that litigation is unprecedented in extent, and ruinous in its effects—that many merciless creditors, not content with plunging unfortunate debtors into the most abject poverty, frequently take from them the whole of that property to themselves, which in better times would pay the sums due to all, leaving the unfortunate debtor in jail, and his family in misery.'

"These are but a few of the extracts, which might be presented to the House, and placed upon the journal: but these are deemed sufficient, accompanied by the remark, that these representations are not only supported by all the other petitions presented at this session, but by the testimony of the members of the Legislature, coming themselves from all quarters of the State."

The committee then give a short sketch of the commercial history of the country, after which they say—

"In defiance of all experience, and in contempt of warnings almost prophetic, which were given to them at the time, the people of Pennsylvania, during an expensive war, and in the midst of great embarrassments, established *forty one* new banks with a capital of seventeen and a half million of dollars, and authority to issue bank notes to double that amount! In consequence of this most destructive measure, the inclination of a large part of the people, created by past prosperity, to live by speculation and not by labor, was greatly increased: a spirit in all respects akin to gambling prevailed: a fictitious value was given to all descriptions of property: specie was driven from circulation, as if by common consent, and all efforts to restore society to its natural condition, were treated with undisguised contempt."

"These remarks are followed by a short view of operations subsequent to the war, after which, the committee declare 'A new measure, however, remained to be adopted, that was really to close the last scene in the drama of error: the currency had already nearly vanished, but was temporarily restored on the seabord. The enormity of fictitious credit began to be felt: the abusive extent of paper issues was about to effect its own remedy in the State, when Congress created a *corporation*, with authority to circulate upwards of *one hundred millions* of a new paper medium—a corporation spreading its branches over the Union, with a baneful influence of the fabled Upas.

"'Awakened by the quick succession of events so disastrous, from the dream of perpetual prosperity under which they had so long been entranced, the people now find themselves involved in distresses, against which no provision had been made, and from which, they allege, they can find no refuge but in legislative interference.'"

Mr. Crawford, Secretary of the Treasury of the United States, in a communication to Congress about the same period, gives an unvarnished picture of the effects produced by an inflated paper circulation.

"Poverty and distress," says he, "are impending over the heads of most of those who have attempted to improve their farms by the aid of bank credits. So general is this distress, that the principle attention of the State Legislatures, where the evil exists, is at this moment directed to the adoption of measures calculated to rescue their fellow citizens from the inevitable effects of their own indiscretion. The general system of credit which has been introduced through the agency of banks, brought home to every man's door, has produced a fictitious state of things extremely adverse to the sober, frugal, and industrious habits, which ought to be cherished in a republic. In the place of these virtues, extravagance, idleness, and the spirit of gambling adventure, have been engendered and fostered by our institutions."

The same report states that within three years the currency of the United States had been reduced from $110,000,000 to $45,000,000, and the value of property consequently diminished more than one-half; this, too, in the face of the Bank of the United States.

In 1824, Mr. Clay thus speaks of the financial condition of the country:

"In casting our eyes around us, the most prominent circumstances which fix our attention, and challenge our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce: by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and yards for want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by an universal complaint of the want of employment and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors, and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of PAPER MONEY; by the intervention of legislation in the delicate relation of debtor and creditor; and above all, by the low and depressed state of the value of almost every description of the whole mass of property of the nation which has, on an average, sunk not less than 50 per cent. within a few years.

"The truth is, that no class of society suffers more in the present stagnation of business than the laboring classes. That is a necessary defect of the depression of agriculture, the principal business of the community. The wages of able bodied men vary from $5 to $8 per month; and such has been the want of employment, in some parts of the Union, that instances have not been unfrequent, of men working for a mere subsistence. If the wages of labor here and in England are compared, they will be found not to be essentially different."

This portrait of distress and ruin was drawn by the Senator during the very climax of the power of the Bank of the United States.

I would inquire whether the misfortunes and calamities so minutely described in 1820 and 1824 were not of the same character with those now complained of? Whether banks, and banks alone, were not the powerful agents that blasted the industry of the husbandman, the mechanic, and merchant, reducing to insolvency and despair multitudes of honest and enterprising citizens? I now assert that the same causes have produced like results in 1838, 1839, and 1840, and I will prove the fact by the use of a few figures. According to the report of the Secretary of the Treasury, already referred to, the currency of the United States had been reduced in three years, preceding 1820, from $110,000,000 to $45,000,000; and in 1840 we discover that in *one year* anterior, the amount of bank circulation was contracted from $135,000,000 to $106,000,000. In both instances the sums of money withdrawn from the public use are astounding. In three years antecedent to 1820, it amounted to $55,000,000, or more than one half of the whole circulation, and in one year prior to 1840 it exceeded $33,000,000—nearly one-fourth of the sum total. Now it is plain to the most common understanding that if the currency of the country be reduced, property must fall in proportion to the reduction, and if it be increased, a rise of prices will ensue in the same ratio. Debts incurred will be made easy by expansion, and will again become the sources of ruin and insolvency through contraction. A farmer, for instance, who, in 1815, when the banks inundated the country with their paper, and the circulating medium was $110,000,000, purchased a farm for $10,000 and paid $5,000 in cash, would, in 1820, still be in debt, in reality, more than the original amount of $10,000, and would be a bankrupt into the bargain, his debt being more than doubled, and his property depreciated more than one half by the decline of the currency to $43,000,000, as the following table of the price of the best improved land in Pennsylvania, at three different periods, will show. The second column gives the price the land bore in the height of the speculation, which was in different counties in different years, as the banks extended their operations into them.

	1809.		1819.
Bedford,	$30 to 40	80 to 100 (1815)	20 to 30
Lebanon,	40 to 60	130 to 150 (1816-17)	50 to 70
Bradford and Tioga,	6 to 14	10 to 20 (1814)	3 to 10
Somerset and Cambria,		15 to 50 (1814)	5 to 20
Cumberland,	40 to 60	150 to 200 (1813-14)	25 to 40
Dauphin,	16 to 24	35 to 45 (1815-16)	12 to 15
Adams,	30 to 50	60 to 100 (1814)	no price.
Lancaster,	75 to 100	250 to 300 (1813-14)	50 to 70
Delaware,	75 to 120	100 to 150	40 to 75
Northumberland,	40 to 50	80 to 90 (1815)	30 to 40
Berks and Lchuylkill,	80 to 100	150 to 200	80 to 100
Northampton, Wayne, and Pike	80 to 100	100 to 140 (1815-16)	15 to 20
Bucks,	50 to 60	100 to 110 (1814-15)	55 to 65
Huntington,	20 to 30	40 to 60 (1815)	20 to 30

This may be said to be the practical result of banking, according to the American system—inflation, expansion, and ephemeral prosperity one day—contraction, expansion, ruin, and despondency the next.

As the National Government could not avert the evils of 1820 and 1824, neither can the present Administration control the wild career of the banks, without some new constitutsonal provision. This bill, however, by creating an additional demand for gold and silver to the amount of five millions of dollars, as it is estimated, will cause a larger portion of the precious metals to circulate, to the exclusion of paper, and will, *pro tanto*, restrain the emissions of the banks. These institutions being held in check by the fear of a demand upon them for specie, will confine their operations within more reasonable limits, but there is not the most remote probability that the measure will destroy a single sound bank in the country. On the other hand, it is to be feared it will not control, as far as could be desired, the profligate and lawless peculations of insolvent corporations. But in checking foreign importations, which, in some measure, it will undoubtedly do, the country will be most essentially benefited.

After the year 1843, gold and silver will be required in payment of all the revenues of the United States. The merchant, instead of importing on the credit of the Government, will be obliged to pay the custom-house dues in cash. This will teach him prudence and circumspection, and will drive out of market the host of British agents and speculators, who, after hawking their merchandise around the world, usually throw the refuse into the auction marts of New York; and upon the duties due on this trash, establish a capital for the purpose of competing with the American manufacturer, and underselling him at his own door.

But we are gravely told that the passage of this bill will diminish the wages of labor. We are moreover assured that the industrious classes are entirely dependent upon the banks and capitalists for employment, and that any action on our part in restraining the use of the public revenues by private individuals and corporations, will fall upon the humble citizens who live by the sweat of the brow. A recurrence, however, to the commercial history of the country will prove, that of all classes who have suffered from the profligacy, ignorance, and recklessness of those who are associated with the banks, the laboring men have had by far the greater share of misfortune. Above all others in the community, they have the least to do with banks; they receive few or no discounts; they are never stockholders of directors; and as their income is limited, it is to them all important that it should be certain, and in the legal currency, the subsistence of their families depending entirely upon it. A fixed currency would enable the laborer to compute his amount of earnings at all times, and also to estimate the cost of provisions and merchandise. It would also secure to him steady employment. But what has been his fate under the dominion of the banks? Have these institutions enabled him to obtain work at all seasons, and and a certain return for it? By no means. Whilst prices have been stimulated by expansions, wages have usually remained the same. The celebrated bullion report of a committee of the House of Commons, says: the rate of "the wages of common country labor, it is well known, adapts itself more slowly to the changes which happen in the value of money than the price of any other species of labor or commodity;" and, according to Adam Smith, "the wages of labor do not, in Great Britain, fluctuate with the price of provisions. These vary every where from year to year—frequently from month to month. But in many places the money price of labor remains uniformly the same, sometimes for half a century together." In 1795, in England, the price of wheat, which for three years preceding had averaged fifty-four shillings per quarter, rose to seventy-four shillings a quarter, and as wages continued stationary, the distress of the poor was great. The working man discovers all the articles necessary for the subsistence of his family raising in price, whilst the money rate of his wages remains the same; consequently, his income is diminished in proportion to the advance of rents, store goods, and provisions, by bank expansions. The laborer not living upon money, but upon the necessaries that money will buy, it follows that wages are high or low, not according to their nominal or money amount, but according to the amount of provisions they will purchase, or, in other words, according to the command they give the laborer over the food, clothing, and lodging, conducive to his comfort and maintenance.

Speculative combinations, to improve the condition of agriculture, commerce, and manufactures, may for a time be favorable to the industrious orders, by tending to enhance wages and profits; but a revulsion throws the laboring man out of employment, and, a competition for work naturally ensuing, the wages of those who are not in a state of idleness are at once reduced: and, if a bank unfortunately breaks in the mean time, the working classes will be found to possess the largest portion of the bills, and will be the greatest sufferers.

High prices and usurious rates or interest are not the evidences of the prosperity of any country. They merely establish the fact of the increase of the currency, and the nominal rates at which houses, lands, and provisions are sold, and do not change the relation of these things to one another, by which, in truth, their value is to be estimated. I will illustrate this by the simple proposition, that, if the circulating medium of the country be raised from $100,000,000 to $200,000,000, you double the money price of every commodity. A farm, for instance, worth $10,000, will be estimated at $20,000, and an adjoining grist mill, of the value of $20,000 will sell for $40,000. The relative position, however, of the farmer and miller will not be changed, nor the *real* value of their land and houses altered. The *nominal* price of the miller's property is doubled, it is true; so is that of the farmer. The *nominal* price of both mill and farm is twice as great as it was; that is all, and the owners have the same relative command of money and property as before. Thus an increase of money does not add value to land, any more than an elongation of yardsticks would enhance the intrinsic value of broadcloth, both being merely measures, one of value, and the other of length. Commodities would advance with the increase of the yard measure, or fall by its contraction, in the same way that they rise or decline by an inflation or reduction of the currency. But amidst all these changes, where is the poor laborer? He gets his dollar a day, perhaps, through every mutation, and pays two dollars for articles that he could formely command for one. He remains upon mother earth, whilst the paper balloon carries all other classes to the clouds. He beholds in amazement the bursting of the bubble, and is still more astonished to find himself, although standing almost isolated and alone, involved in the general calamity.

But it is asserted that this bill will increase the patronage of the Executive. I inquire when, where, or how? for, truly, if any measure ever tied up the hands of a public officer effectually; this is the law. It strips the President of the unbounded control he possessed over a host of banks, and an army of cashiers and directors. It deprives him of between eighty and ninety depositories, and confines him to five or six, with a few superintendents and clerks. It takes from him the use of the public treasure, and brands a future loan from the coffers of the nation as a felony. If this be increasing the power of the Executive, I shall hereafter be a firm believer in the magical virtues of hard cider, in making clear the mental faculties of my fellow-citizens.

We are to have a despotism, too, under this law. The President is to become a tyrant, and like the Autocrat of all the Russias, will wield both the "purse and the sword." We are gravely told these things in broad daylight by gentlemen who claim the merit of at least being rational, if they are not sober. Now, what power has the President under this law? Can he declare war? Can he make peace? Can he "set a single squadron in the field," or appropriate a dollar from the Treasury, without the consent of this House? Certainly not; but when unlimited sway was likely to have been given to him here, in appropriating to his discretionary use ten millions of dollars and fifty thousand armed troops, who tendered him "the purse and the sword" then?

[Here Mr. WISE exclaimed, this is a home thrust; they deserve it, and I told them so.]

Where were the numerous Whig gentlemen whom I have under my eye? Where was the gentleman from North Carolina?

[Mr. STANLY rose and said that he had voted for the bill referred to under the exigencies of the case, for which he had been abused by the friends of the Administration in his own district; but tha he had no fear of Mr. Van Buren for the future as he would not be re-elected.]

Mr. R. replied that he did not impeach the motives of the gentleman from North Carolina; he had acted correctly in casting that vote, and he was sorry that any one should censure him; but after his party had invested the President with unheard of power, they should not now attempt to frighten us with this

phantom, which, like the hobgoblins in fairy tales, would serve only to alarm old women or children; and as to the probable result of the next election, he would tell gentlemen that accounts from all quarters confirmed him in the opinion, that Mr. Van Buren was as likely to wield "the purse and the sword" with the same moderation and honorable bearing under this bill, as he had heretofore done under the act which gave him millions of money, and thousands of men, to use at his pleasure.

SPEECH OF MR. HILLEN,

OF MARYLAND.

In the House of Representatives, June 12, 1840.—In favor of the repeal of the act of Congress of March 2d, 1837, for regulating pilots.

Mr. HILLEN wished to say a few words in reply to the gentleman from New York. They were rendered necessary from the position in which he was placed: a position not of his own selection. When this subject was first referred to the Committee on Commerce, the chairman [Mr. CURTIS] in distributing the labors of the committee, assigned, notwithstanding his objections, the examination of this question to him. He expressed his desire that it should be committed to the care of some other gentleman, but as the chairman urged it upon him, he consented; being unwilling to appear reluctant in performing his proportion of the duties of the committee.

In undertaking that charge, he was well aware of the difficulties that might arise in case his views did not coincide with those of the New York delegation, all of whom are now advocating the continuance of a law which he is anxious to repeal. But having been forced into an examination of the question, the gentleman from New York [Mr. CURTIS] must excuse him, if he followed the dictates of his own judgment, founded upon the law and the facts, in preference to the opinion of that gentleman, based, as he would endeavor to show, upon mere assertions and assumptions.

At this stage of the discussion it was also necessary to place himself in a proper attitude before the House, by an unequivocal denial of the charge of favoring combinations and monopolies. Such were not his principles nor the principles of the party with whom he was associated. In the course of his remarks, he would satisfactorily prove, that a repeal of the act of Congress of 1837 would have no such tendency—that the law of New York expressly prohibits, under penalty, any combination; and that under its provisions no monopoly can exist. If he succeeded in this, he felt assured that neither the gentleman from New York, nor any of his colleagues, would longer oppose the repeal of this unjust if not unconstitutional enactment.

The morning hour having expired, Mr. HILLEN here suspended his remarks.

On Thursday Mr. HILLEN resumed:

Mr. SPEAKER: Yesterday, by the concession of the gentleman from New York, it clearly appeared that I did not obtrude into the business under discussion as a volunteer. I took charge of the memorials of the pilots with reluctance; but having once consented to investigate the subject, I did, what must certainly have been expected, perform the duty assigned with earnestness and assiduity. My zeal—which I feel to be a duty imperatively incumbent on me—should not subject my motives to unfair imputations. I am actuated by no hostile feelings towards the merchants. For them I have always entertained the highest respect; and representing in part the mercantile interest of Baltimore, I cannot but feel the strongest anxiety for their prosperity. To protect and promote those interests, I have always evinced a solicitude, when I could do so consistently with the interests of other professions, and with the welfare of the country. I ask no favors or immunities from the House for the pilots of New York, or of any other place; I merely demand for them an equitable protection—such protection as is consistent with the rights of other portions of the community, and with the true interests of the State. I do not ask that the New York pilots should receive the sanction or protection of Congress for neglect or dereliction of duty; but that they may not be subjected to unequal and oppressive restrictions. I ask only the repeal of the act of Congress of 1837, which, partial in its legislation, and the offspring of hasty and excited action, was unjust in its origin, and was immediately rendered unnecessary by the judicious enactment of the New York Legislature. I ask that the whole matter may be restored to the situation in which it was left by the act of 1789; and that it should remain as it was then, subject wholly to the control of the States. Under the old system, little or no dissatisfaction was any where exhibited; the alteration is not equally exempt from censure.

The matter under discussion, though in its results of general interest, having been accidentally rendered of a character purely local, probably has not attracted the degree of attention which its intrinsic merits deserve; and therefore a brief history of the law regulating pilots may be necessary.

In 1789, Congress conceded the power of legislating on this subject to the several States, resigning all jurisdiction over it, establishing them agents, and empowering them to legislate thereafter. Things thus remained from 1789 to 1837, a space of nearly a half a century—the Legislatures of the States exercising beneficially, through this long lapse of time, the whole control of their respective pilots, without the interposition of Congress. During the whole of this period, as far as the documentary evidence within my reach informs me, no complaints were ever made to the State Legislatures. All at once, memorials were presented to Congress, decrying the pilots of New York, and denouncing their negligence and inactivity. Whence originated this sudden revolution? Whence arose a storm so unexpected and so violent, after a calm of a duration so protracted? The loss of the Bristol and the Mexico, on the coast of New York, gave birth to the law of Congress, and simultaneously to an act of the New York Legislature. Here the point at issue between the gentleman from New York and myself is, how far blame is justly attributable to the pilots for the loss of those two vessels.

[Mr. CURTIS here explained, that, in his remarks, he had expressly waived the charge against the New York pilots. He had not attributed any blame to them in this instance, as, had he thought proper to do so, he would have produced evidence.]

Mr. H. resumed. From the debates in the committee room, Mr. Speaker, I have always understood that the neglect of the pilots was the alleged cause of the loss of those two vessels. I give my meed of compliment to the ingenuity which can urge those arguments in the privacy of a committee, to bias the opinions of its members, which it evades employing in public, and before the country: there is prudence in not again assuming a position which experience has proved untenable. Thoughtless excitement and ill-judged sympathy have been exerted, too successfully, to rouse popular indignation against the pilots. It is judicious and politic not to reiterate the charges, lest an opportunity should at last be afforded for their refutation. It would not be wise, after all the violence of invective against them, to elicit inquiry into the slanders engendered by prejudice and propogated by malignity. But how does it happen that the gentleman now declines charging the wreck of the Mexico and Bristol to the pilots? Whence this new born sympathy? Whence this infusion of leniency? Does it originate from pure, unsophisticated kindness to the pilots, or is it because he has at length, though late, discovered that the accusation is founded upon falsehood, and cannot stand the test of careful and impartial scrutiny?

The gentleman asserts that I am mistaken when I suppose that no complaints were ever addressed to the Legislature of New York against the pilots, prior to 1837. Be it so; the cause I am defending will suffer nothing by the concession. Policy may have dictated crimination; but the complaints having been discovered to be destitute of foundation, were wisely dismissed, without any attempt to correct imaginary evils. Since no legislative action was had favorable to the remonstrances, the inference is irresistible that the charges alleged were destitute of foundation. This conclusion is forced upon us by the respectability of the Legislature, as well as the solemn obligation controlling the action of its members. No complaints then were sufficient to attract public notice, or to obtain legislative interposition, until the press, in 1837, teemed with denunciations of the pilots, whose neglect, it was asserted, was the indirect cause of the disastrous loss of the two vessels so often figuring in the declamation of editors and orators. For the first time known to us in such a case, the interference of the grand jury was invoked. The subject of framing new regulations for the pilots had been, the gentleman asserts, a long time under consideration, but nothing decisive was effected until through the agency of the shock produced by those two wrecks. The fate of the two vessels was the enchanter which conjured into existence the law which I deem unjust; and therefore the conduct of the pilots, in relation to that affair, does, notwithstanding the caution evinced by the gentleman in avoiding the topic, form a requisite theme of investigation, and does constitute a preliminary point, at least, at issue between us. The very report of Mr. McKeon, who is said to have been instrumental in the passage of the law of 1837, which report the gentleman has quoted, proves that that law was hastily passed, amid the tumult of excitement and the hurry of a closing session—passed under the influence of agitating sympathies, and with none of that cautious deliberation which should distinguish legislation on matters affecting important interests of our citizens. Even when the law was proposed, objection was made to its passage simply on the ground that no time was allowed for investigating its merits.

In passing, I may remark that the honorable member from New York, if I might judge from the length of the extracts he made, placed great reliance on the authority of that report for the support of his own positions. But in his reading he exhibited the caution which he has manifested through the whole agitation of this question. He read as much as, when dissociated from the rest of the report, seemed to subserve his own purpose, and stopped very carefully just at the place, which would explain the preceding paragraph, and prove confessedly that Mr. McKeon did not accord exactly with the honorable Representative from the city of New York. If the authority of Mr. McKeon is of so much weight, as it seems to bear in the estimation of the chairman of the Committee on Commerce, I shall read a short paragraph for his edification, commencing my reading just where he left off his. What says the report?

"The committee have fully considered the propriety of submitting some legislative provision to the decison of the House; but have concluded, that any attempt to interfere with the subject, especially at the present session, now rapidly approaching to a termination, would not be advisable. It would disturb the legislation of several States, and the regulations of all our ports; from all which, with but one exception, no complaint is made."

This passage, the chairman of the Committee on Commerce cautiously ommitted in his reading. It too clearly tells the mischiefs unavoidably emanating from hasty and partial legislation, on a subject so complex as the regulation of pilots; and explicitly recommends a postponement of action until time would permit a matured system of laws by the General Government.

But as the honorable chairman did not choose to read even thus far, he will pardon me, if I call the attention of the House, and his especially, to a part of a subsequent paragraph in the same report, which fully upholds the principles which I have advocated. It says:

"Congress in particular should leave with the States all matters which can be left under their guidance."

Above all, if Congress chooses to interfere in matters which have been conceded by its own act to the legislation of the States, its interference should be plenary, or none at all. It should either resume its rights in toto, or forbear all interposition. The lines between State and general legislation, should be kept distinctly marked. Nothing can be so dangerous to the rights of the States, as to suffer under any circumstances, or any pretence, the slightest amalgamation of the disperate jurisdiction of the co-ordinate authorities, governing the citizens of this country. Permit confusion once to be created, tolerate the supremacy of one to be merged in the legislation of the other, and the rights of the States will gradually, and imperceptibly lose their identity in centralism. If a divided empire is in danger, a divided legislation is dangerous. It is dangerous to the liberties of the citizens; anomalous in its aspect, and necessarily unequal in its operations. If there be but one object on which to legislate, there should in all wisdom be but one legislative action. For one result, there should be but one cause. The supposition of two causes for one effect, is unphilosophical in metaphysics; two law givers for one subject, is unwise in Government. You can't serve two masters.

The authority of Mr. McKeon, if it is to possess any influence, evidently is adverse to the position assumed by the gentleman himself. He deprecates hasty legislation on a subject so complicated, and is opposed to the interference of Congress in the matter. It would have been more just, had the

wisdom of our fathers of 1789 been adopted as a model for imitation. But notwithstanding the reclamation contained in the report from which I have just read extracts, and which was made to the House on the 22d February, 1837, clamor and excitement succeeded on forcing a bill through both Houses by the beginning of March; the act having obtained Executive sanction on the 2d of that month. It was evidently the offspring of excitement, not of deliberation. Two disastrous shipwrecks had taken place; the loss of life and property was attributed to the negligence of the pilots, and some measures of coercion were deemed necessary to enforce more assiduous attention to their duty. The idea of any enactment by Congress arose purely from the supposed culpability of the pilots. Much eloquence was wasted on this apparently fruitful theme; but when declamation is disregarded and facts scrutinized, it appears that they were blamed without reason, and their negligence was in no way instrumental in causing those disasters. The pilots were at their posts; the disasters originated from the utter carelessness of the officers and crews of the vessels themselves. This assertion is not made without full evidence of its truth.

The gentleman has read a presentment of the grand jury of New York, on the subject of those wrecks; but with his usual controversial tact, has warily omitted some of the most important passages. I shall take the liberty to supply his omissions, and by so doing, show from the authority of the grand jury itself, that no blame can attach to the pilots. The decision pronounced by them is unquestionably entitled to more respect than vague declamation based upon rumor. What say the grand jury? "That they have felt themselves bound by the great excitement produced by the recent fatal shipwrecks in this vicinity, to inquire into the causes thereof, for the purpose of ascertaining how far they could be attributable to any culpable neglect on the part of the pilots of this port; and in the hope that such inquiry might, in any event, be conducive to the public good." Here you perceive that great excitement prevailed; and, amid the din, the pilots were condemed by the public without a hearing. But the grand jury, after a thorough examination of all the important facts, reached a result different from that which ignorance of the circumstances had impressed on the minds of the credulous." "It is evident," they say, "both in the case of the Bristol and Mexico, that their loss is not attributable to the wind, which was moderate and off shore; and the grand inquest feel bound to state their conviction, that both these casualties might have been avoided by the exercise of a suitable degree of caution on the part of the officers and crews of these vessels." Such is the decision of the grand jury. The wind was moderate and off shore; so that these vessels, it would appear, ran deliberately on their own destruction. The wind was not such as to drive them on shore; on the contrary, they were obliged to hold on their course against the wind, in order to accomplish the catastrophe. Had their officers furled all sail, they would have been wafted from the danger, without an effort. And yet, though the commanders of those vessels, by the plainest culpable negligence, sacrificed so many lives, and so much property—they must escape unscathed, while the pilots are made to bear the imputution of their guilt, and become the scape-goats for the sins of others.

But I will examine more minutely the cases of disasters which have been attributed to the delinquency of the pilots, when in neither case was there a pilot on board. The decision of the grand jury is clearly in their favor; but that is not the only testimony on which we have to depend. That verdict completely clears them of the accusation in both counts. I will produce other evidence on each one separately. With respect to the Bristol: first, the affidavit of James Malone, who was second officer of the ship Bristol, at the time she was lost, who declares—

"That in a conversation which deponent had with the Captain of the Bristol, since the wreck of the same, the Captain fully exonerated the New York pilots from all blame whatever in that affair."

And he also makes oath that—

"He verily believes and declares, that in his opinion, no blame whatever can, or ought, to attach to the said pilots, for or on account of the loss of the ship Bristol."

Secondly, an affidavit of a sailor belonging to her, will go to show clearly the gross and culpable inattention of her captain. It will inform the House that when the ship was off a dangerous coast, such as that of New York is known to be, not even that indispensable requisite of coast navigation, a lead line, was to be found; and amidst the difficulties of such a navigation, the captain, instead of attending to his duty, was snugly ensconced in his birth. So says, on oath, Thomas Savage, a hand on board the Bristol at the time she was wrecked. I will read a portion of his deposition:

"This is to certify that I was on board the ship Bristol on her passage from Liverpool to New York; that on Sunday, the 20th day of November, we made the Highland lights not far from 6 o'clock, p. m. We then stood in until about half past 8 o'clock, p. m. We then hauled upon the starboard tack, and stood on that tack until the ship struck, it being then a quarter before 4 o'clock, a. m. The crew mentioned among themselves, when the watch was relieved at 12 o'clock, that it was strange that orders were not given for tacking or wearing ship, to stand to the southard, as she had reached to the northward and eastward for five hours, the captain not being on deck at the time the watch was relieved; nor was he on deck when the ship struck; nor was any light hoisted for a pilot. I, coming aft after the ship struck, asked the passengers where the captain was. They told me he was in his berth; but he, coming out of the cabin shortly afterwards, I asked him where we were. He said we were on a reef, and that we would beat over. I then asked the second mate where the lead was. He told me that it was in the starboard gangway. I looked there for it, but there was no lead to be found any where."

This narrative informs us of the proceedings on board of the Bristol, and demonstrates that the disaster was absolutely and purely owing to the neglect of duty on the part of its officers. This evidence is not isolated and unsupported; but it is unnecessary to read other papers, which merely narrate the same facts. The reiteration would be tedious. The fact is simply this: when not on pilot ground, the officers of the Bristol wrecked the vessel entrusted to their charge. With these circumstances in view, it is evident that the blame of the disaster must rest wholly with themselves, even if the pilots had not been at their posts; but such was not the case. While the Bristol was steadily, through the recklessness of her officers, holding on her course to destruction, hoisting no signal for a pilot, the pilots, it is proved, were at their station, on the look out, and most probably missed her amid a dense fog, because the neglect, which continued so long unwisely on the same course, had omitted to raise a signal light. The affidavit of Savage shows what was not done on board the Bristol; the testimony of Robinson, who was in a pilot boat out the Hook the night of the wreck, evinces that no guilt is imputable to the pilots. His evidence I will also read:

"I have resided for the last nine years at Oswego, on Lake Ontario, engaged in the navigation of the lakes, and being on a visit to my friends in the city of New York, was anxious to embrace the opportunity of once more visiting Sandy Hook, the adjacent shores, and the ocean convulsed by a gale—scenes familiar to my youth. In company with my brother and another gentleman, both residents of the city, I went on board the pilot boat William Bayard, No. 5, on Sunday morning about two o'clock, bound on a cruise. There were on board seven pilots, and the usual crew of the boat. We arrived at the Hook about three, p. m. and continued cruising outside until 11, p. m. when a consultation of the pilots was held. It was considered highly imprudent to remain out any longer, the sea having become so tremendous as not only to render it impossible to board a vessel, but the weather had become so extremely thick, that we could not have discovered a vessel at a half a mile distance. We bore up and ran under the Hook, when we came to at half past 11 o'clock. It is stated in the accounts of the loss of the Bristol, that at 10, p. m. she was within five miles of the Hook, at the same time that we were six miles from Sandy Hook, the light bearing northwest, and every eye strained to get a sight of some vessel. The pilots remained outside the Hook, burying their little craft under a heavy sea, as long as the dictates of prudence, and self-preservation, would permit, and long after there was any probability of their being serviceable to any one. I would further remark, that a pilot was put on board the schooner Powhatan, four miles outside the Hook, at 9 o'clock, p. m. and I remarked at the time, that I thought it a piece of presumption to launch the yawl in such a sea."

From this testimony, it appears that the pilots were out on their station beyond the Hook, on the look out, as was their duty. But because they were not so keen sighted as to see a ship which carried no light and but little sail in a dark foggy night, they must be condemned and denounced; while the captain of the Bristol, who when the storm had lulled towards the morning into moderate weather, calmly plumped his vessel on a weather shore, is solaced with public sympathy! If guilt attaches any where, it must be to him. But however naturally anxious he may have to exhonerate himself from blame, even he did not pretend, in the least degree, as I learn from the letter of Mr. Philip Hamilton, to inculpate the pilots. Mr. Hamilton, in his capacity of Assistant District Attorney, proceeded to the neighborhood of the wreck, in consequence of information lodged at the United States District Attorney's office, that larcenies had been committed of property which had drifted ashore. In the discharge of his duty, he resided ten or twelve days in the same house with the captain and one of the cabin passengers of the ship. "His conversation with them turned chiefly on the subject of the disaster, and from their statements he became firmly convinced that no censure was attributable to the pilots." And moreover, he continues: "his duties on the occasion afforded him the most favorable opportunity of obtaining the candid views, not only of those who were competent to judge, but the statement of those who were saved, and all concurred in exempting the pilots from reproach." This testimony, even the New York delegation will concede, is entitled to the highest degree of credibility. Its statement, couched in general terms, is fully confirmatory of the other evidence I have adduced. Combining the atoms of proof, it appears that the Bristol was not wrecked on pilot ground; that she went ashore in the teeth of a head wind; that none of the ordinary precautions were taken to prevent the disaster; that her officers were grossly negligent of their duty, and that no signal light was hoisted. While, on the other hand, it is proved that the pilots were on duty outside the Hook; that the night was dark and tempestuous, and that it was impossible to ascertain the proximity of a ship, unless through the intervention of a light, which, in this case, was not shown. Under all these circumstances, they are certainly not obnoxious to censure.

The gentleman from New York (unintentionally, no doubt) pays a high compliment both to the pilots and to their boats. In the case of the Bristol, he hurls his denunciations against the men, because they did not exhibit powers of vision far transcending those with which others have been gifted by the Creator; and in the case of the Mexico, his invective is equally severe, because the boats did not glide rapidly and smoothly through the obstructions of large masses of ice, where vessels of the strongest structure could not be forced, without imminent danger of destruction. Because a small pilot boat could not effect a passage where the power of steam had failed, reason sufficient is thought to be found for condemnation. What were the circumstances in the case of the Mexico? Even granting, as has been asserted, that she had a signal of distress flying—that she fired signal guns for a pilot without success—the guns, it is granted, were not heard by a steamboat which passed within five miles of her; yet are the pilots to be censured, because they could not effect an impossibility, and get out to sea through impassable barriers of ice? The boat which was to have taken the place of the one already out, and which was exhausted of its complement of pilots, though making every effort, and risking life and property, could not get to sea. There were many vessels besides the Mexico which could not succeed in obtaining pilots, and yet met with no disaster. The skill which saved them, would, if exerted, have preserved her also—where there was neglect, disaster might be anticipated. That the failure of the boat in getting out the Hook was not owing to any want of effort on the part of the pilots, but solely to the impassable barriers presented by nature, there is ample proof. I shall read two or three affidavits in corroboration of the statement I have made. On Sunday, the first of January, 1837, it is said that the Mexico was standing off and on, looking for a pilot.

"About that time," says Richard Yates, captain of the steamboat Brighton, "when the navigation was nearly impassable with ice, and very few vessels passed in or out of port without the aid of steamboats, Mr. Foster, the owner of the ship Maria, called on us to tow the ship to sea through the ice. We engaged to do so, *if it was possible*. Shortly after we had concluded the engagement, the pilots belonging to the pilot boat Washington, and two other crews belonging to different boats, applied to us to give them a tow, as they were about starting off, to get as far off towards Sandy Hook as they possibly could. We told them of our engagement, and if we could render them any assistance we would with pleasure. They had not been under weigh more than three hours, when they got entangled in the ice—so much so, that we could not render them any assistance. The steamboat John Jay was also entangled in the ice, and damaged her wheels so much, that she became unmanageable. The pilots on board the Washington, so far from being recreant from their duty, made use of every exertion, at the risk of lives and property, and it is my firm belief, that if it had not been for the elements and the ice, every vessel near Sandy Hook would have got pilots. After towing the ship to sea, the pilot came on board the steamboat. We saw a great many vessels inside and outside the Hook with pilots on board. Those which were outside dare not venture in without the aid of steamboats, and we being the only steamboat there, thought it the most prudent to take the first vessel in tow we came to, and make the best of our way to New York. The packet ship George Washington being nearest, and she being bound to New York, we made for her, put the pilot of the Maria, Mr. Donalson, on board of her, took her in tow, and towed her through the ice as far as York bay, when the ice drove both the ship and the steamboat down through the Narrows, and both went ashore on Staten island, near the bluff. I deem this an act of justice to the pilots, and especially such of them as have been so severely censured by the community at large for having neglected their business on that occasion."

These careless pilots, whose neglect caused the loss of the Mexico! were thus left amid the ice struggling for preservation of their own lives, and, consequently, incapacitated by the unfavorable state of the elements from rendering assistance to others. Thus left without any means of extricating themselves, by their own ingenuity and exertions, from the dangers in which they were involved, how were they saved from the perils that menaced them? The evidence of Abraham Bristed will furnish more information on the history of the pilot boat Washington:

"State, city, and county of New York, ss.—Abraham Bristed, of said city, shipmaster, being duly sworn, saith: that last winter, when our navigation was rendered nearly impassible by the ice to all kinds of vessels except steamboats, on the first of January, on my passage from New York to quarantine, my attention was called to the dangerous situation of one of our New York pilot boats, the Washington, which was at that time drifting by the ice on Robbins's reef, with three crews on board, and but one small boat to save them, endeavoring, if possible, to get to sea. I towed them to the quarantine wharf, where the steamboat Hercules, Capt. Fountain, took them in tow, and towed them as far as he could, and then was obliged to leave them to do the best they could. I deem it an act of justice to the exertions of the pilots to make this statement."

This affidavit was made before Ebenezer Palmer, commissioner of deeds, etc. Do not men exposed to such hazards, and voluntarily encountering such dangers in the discharge of the duties of their profession, merit sympathy and eulogium, instead of crimination and censure? The physician who attends at the bedside of contagion, is lauded for his charity, and is subjected to no blame, if he fails in saving his patient. Are not praise and gratitude equally due to the pilot who perils his life to save the lives and property of others? Should he be condemned because nature stood in the way of his efforts, and prevented him from extending that relief which he struggled to afford? Above all, should he be blamed when the victims of the disaster were incontestably the authors of their own destruction?

But the sufferings and energies of the vituperated pilots did not stop here. Their powers of endurance were put to a still more powerful test. The testimony of Captain Fountain, who towed the boat, contains further details of what they were obliged to bear and suffer:

"Last winter," he deposes, "when our navigation was rendered nearly impassable by ice to all kinds of vessels except steamboats, and few vessels passed in or out of port except by the aid of steamboats, on the 1st of January I was called on by Mr. Griswold to go out to sea, and tow in the packet ship Montreal. When I reached the quarantine, after taking in a supply of wood, the pilots making application, and being anxious to get to sea, I took the pilot boat Washington in tow, she being detained there by the ice, with three crews on board, endeavoring to get to sea, to pilot vessels in if possible. I towed her through the ice to the tail of the bank, when I was obliged to let her go; and a thick snow storm set in that night, which made it impossible for pilots to see vessels or to find them."

The testimony which I have adduced, I have read, not so much to corroborate the correctness of the decision given by the grand jury, which I deem conclusive, as to furnish the House and the country with some idea of the facts, which prejudice has distorted and misrepresented. I could bring forward a much larger mass of evidence; but such a course I judge unnecessary. What I have quoted, I think amply sufficient to exonerate the pilots wholly from censure. This vindication I have thought an indispensable preliminary to the more important divisions of the question under discussion.

I certainly feel a delicacy in being placed in the position which I have been compelled to assume—in being forced to defend the pilots of New York, not against the insinuations of ignorance or malice but against imputations endorsed by their own Representatives, whose duty it is to protect their honor as well as their interests.

[Mr. CURTIS here made, with warmth, some explanations, to the effect that he could not permit the gentleman from Maryland to insinuate that he had any ill will against the pilots, and that the assertion of the gentleman could not apply to any thing he had said.]

Mr. HILLEN resumed. I trust the gentleman from New York will husband his temper. Before I conclude, I shall, perhaps, have occasion to draw more liberally on his excitability. He has forced upon me the duty of stating facts, as I know them to exist; he should not take umbrage, if, by my doing so, his views be not sustained. I have sought no collision, I shall avoid no responsibility. I am determined to follow my own course, notwithstanding all the uneasiness which may be manifested. The gentleman says he feels no ill will towards the pilots. He may think so. An old philosopher has reduced all human passions to the single one of love. "The hate of one thing," he says, "is merely the love of its opposite." The opposition of the gentleman to the pilots, is merely the negative prejudice, resulting from a prepossession in favor of an antagonistic interest.

But to return from the digression into which I have been led by the interruption of the gentleman from New York, I will close this part of the discussion in a manner somewhat similar to that in which I commenced. I adduced, in the outset, the testimony of the grand inquest of New York, to show that the pilots were in no manner responsible for the loss of the Bristol and Mexico; I shall close it by reading the certificate drawn up by the officers of the revenue cutter on the New York station, in evidence of the general assiduity of the pilots there. But, sir, permit me to call your attention to one circumstance, which I inadvertently omitted to notice when reading the decision of the grand jury. In collecting the evidence on which their decision was based, they regret the absence of the captain of the Mexico. He, no doubt, conscious of his own culpability, and unwilling to testify against himself, was prudently missing. It was prudent to escape the publication of his neglect and heartlessness, and leave the pilots to bear the censure for the fault of which he was guilty. Compassionating human infirmity, I shall subject his conduct to no severity of comment, but leaving him to the stings of his own conscience for twofold criminality, I shall read the testimony of the officers attached to the revenue cutter, dated 16th of March, 1836:

"The undersigned, commander and officers of the United States revenue cutter Alert—a portion of us having been stationed in the port of New York several years, and having every opportunity of witnessing the conduct and attention of the pilots of the said port by the way of Sandy Hook, take pleasure in certifying that, from our observation, every attention is, and has been, paid by them to all vessels arriving off the port, and that we have in no instance known vessels to meet with detention on the pilotage ground, or the vicinity of the port, except on extraordinary occasions, when it has been from circumstances impossible to board them."

These, Mr. Speaker, are the persecuted pilots, whose defence I have been compelled to assume. The most rigid and hazardous performance of their duties is not sufficient for the reasonable demands of the gentleman from New York, but the modest exactions are required, that by their feeble efforts they should break through the fastenings of nature, and see through the fogs which she has rendered impenetrable to human vision.

In the two instances of the Bristol and Mexico, the most satisfactory evidence satisfied the grand jury that the pilots were totally exempt from blame, and the officers of the revenue cutter gave their unhesitating testimony in favor of their general assiduity. In all justice, they are, therefore, to be considered blameless. As I have already said, I have entered into this preliminary discussion because I consider it indispensably essential to the elucidation of the main question. The two wrecks which gave rise to so much hasty declamation, and wholly originated the law of Congress, which I consider unjust, constitute the chief proof of the defect in the legislation of New York. If it be shown that those lamentable disasters are not attributable to the pilots, and, of course, that they cannot be traced to any defect in the laws, then all the reasoning based upon them must fall to the ground. Now, I think I have satisfactorily demonstrated, that the pilots are wholly guiltless of the charges made against them; by consequence, the alleged defect in the New York laws is unsustained—therefore, on this ground, alone, I may assert that the act of Congress is uncalled for.

I will not let the question rest here: but meet the gentleman on his own ground. He thinks the privileges granted to the pilots assume the awful shape of a monopoly. When I heard him denounce monopolies, I was in doubt whether to suspect or congratulate him. But on further examination, I found that his imagination had been employed to conjure up a monster, that he might show with what indignant eloquence he could lash him out of existence. An enemy to monopolies myself, I am not inclined to vindicate them; and did I think that the poor privileges enjoyed by the pilots constituted a monopoly, I should not be found among their abettors. I am not geing to attempt a definition of the term: like all forms of phrase in popular use, I believe it to be vague in its application. But in no objectionable sense do the pilots enjoy a monopoly. I say this abstractedly, without any reference to the recent law of New York, which has destroyed every thing to which the most fastidious could apply that odious appellation. Let us judge the question by comparison—the fairest, if not the most philosophical, mode of investigation.

Do lawyers enjoy a monopoly, because no one can be admitted to practise at the bar, until he has not only undergone a prescribed examination, but until he has studied his profession a certain number of years? Do physicians enjoy a monopoly, because in a profession affecting so seriously the lives of their fellow-citizens, they are obligated to spend a definite number of years in the acquisition of the knowledge supposed necessary for successful practice, while others are prohibited from charging medical fees who have not been subjected to the same length of preliminary study? The lawyer and the doctor are no monopolists; and yet the pilot is denounced as one for claiming privileges far inferior. His profession is purely local, and cannot be rendered transferable. The young man who has studied law or medicine in New York, may change the scene of his labors with probable success, to Iowa or Wiskonsin—the pilot is confined to the channel with which years of hardship and vicissitude have rendered him familiar. The remuneration of the pilot is fixed by law; the fees of the doctor and the lawyer are left to their own discretion. Life and property are entrusted to the doctor and the lawyer; yet they give no bond for the faithful and successful performance of their duties; the pilot is responsible for life and property in like manner, but he is subject to heavy penalties, fully secured on the conviction of delinquency. Will the gentleman from New York vote for the revocation of the privileges he enjoys? Will he agree that any man, no matter how brief his time of preparatory study, shall, as a physician, be allowed to tamper with the health and lives of our citizens? Will he permit any one to risk, on the presumption of his contracted knowledge, the property of a client in a suit at law, or the life of a fellow-citizen on a criminal trial? He denounces the pilot as a monopolist, but suffers the lawyer and doctor untrammelled to kill and defraud professionally. Is a doctor censured because he loses a patient? Is a lawyer ostracised because his client is condemned? Why, then, is a pilot to be convicted unheard and untried, because a vessel is wrecked through no fault of his whatever? If a vessel had been run ashore with a view to defraud the underwriters, guilt must be fairly proved before sentence can be pronounced. But in this case the whole body of pilots is denounced, because two vessels were wrecked, without any possible imputation even on those, who, in the opinion of the grand jury, might have averted the calamity by a suitable degree of caution.

The pilots monopolists! Would a mechanic, according to the usual regulations, be allowed to work in any shop, unless he had served a regular apprenticeship? Is this rule banned as a monopoly? Would a merchant be allowed to trade in New York without being subjected to the usual restriction of the mercantile laws? Could even the poor orange dealers, who grace the sidewalks of Broadway, sell their fruit without subjection to the license of the city? Doctors, lawyers, merchants, and retailers, enjoy a greater monopoly than the pilots ever could boast, and yet are tolerated in their privileges without an objection; while the pilots, restricted as they were, and still more, restricted as they now are by the State law, cannot find sympathy, nor even justice.

But few as were the privileges boasted by the pilots—privileges far more contracted than those enjoyed by every other profession—even these few have been diminished by a late law of the State. Paltry as were their immunities, when they were obliged to labor under the oppression of a fixed compensation, which produced necessarily the combination so much vilified, these immunities have been much narrowed. There was, if the question be judged by comparrison, no monopoly before 1837; and now, if any thing, they suffer oppression. The law of the State has driven from the sight of the keenest vision the faintest shadow of alleged monopoly. If the law of Congress was unjust and unnecessary formerly, it is more so now. When this is proved, my object is accomplished. If I succeed, I cannot but think that even the New York delegation should be in favor of the repeal of the law of 1837. One of them indeed already has professed his willingness to vote for the repeal of the act of Congress, provided an amendment could be engrafted on the law of New York, which would destroy the general combination among the pilots. This combination is the alleged cause of all the evils complained of; and if it be done way with, he grants the law of Congress to be wholly nugatory. I can inform him that a section enacting all he desires is to be found in the act, entitled "An act for the licensing and government of the pilots of the

port of New York, by the way of Sandy Hook." The 23d section reads thus:

"The earnings of the pilots belonging to any boat, shall be equally divided among the pilots of said boat; and no pilot shall participate, unless authorized by the commissioners, in the earnings of any others than those attached to the same boat; and for breach of this provision, any pilot or pilots shall forfeit his or their license of licenses."

Is not the system or combination prohibited by this section, and the penalty of forfeiture incurred by infringement of its provision? Does it not contain all that is wished—all that is proposed. If the combination is the evil which the act of Congress was intended to correct, the evil no longer exists or can exist; the law, therefore, is no longer needed. But in the face of the section which I have just read, and which completely annihilates the whole system of criminated combination, the belief still prevails that it yet flourishes in full vigor; and the moment you attempt to utter a word in vindication of the character or claims of the New York pilots, you are answered by the assertion, that monopoly and combination have rendered them inert, and that the only method to force them into activity and assiduity, is to open the door to competition. Is the assertion true? The portion of the law I have read demonstrates its falsity. The charge can be urged only by ignorance or malignity. That monopolists they were not, even under the law of 1819, more than members of other professions, I have already proved. Indeed they were less so; because, while enjoying no greater privileges, their business is local, their compensation was fixed by law, and they were bound by heavy penalties for the faithful performance of their duties. Neither combination or monopoly should ever have been urged in connection with their names.

The morning hour expired, and Mr. H. suspended his remarks.

Mr. HILLEN resumed his remarks. In the observations I addressed to the House on yesterday, I showed that the law of 1837 was passed in haste, and without due deliberation, in consequence of the excitement produced by the loss of the two vessels, the Bristol and the Mexico. I proved that public indignation was unjustly roused against the pilots who were by no means chargeable with those disasters, and consequently the act of Congress having been passed, with a view to destroy the combination, which was alleged to be the source of the mischief, originated in a mistaken idea of the facts, and should never have been made. One other argument in its favor, I proved also to be futile. That law is vindicated on the ground that it annihilates a monopoly alleged to have been enjoyed by the pilots. That monopoly I evinced to be imaginary—the abortive offspring of blinded prejudice.

But whatever monopoly biased fancy may suppose to have been tolerated by the law of 1819, certainly a mind the most diseased, cannot conceive the faintest shadow of one to exist under the New York law of 1837. The former limited the number of pilots to the supposed requisitions of the port, prescribing the term of service, and fixing the compensation. The State law of 1837, not only blots out every trace of privilege, but to my mind opens the door so wide as to become oppressive to the pilot who has gone through a hazardous apprenticeship of five years. By that law five commissioners are appointed by the Governor of New York, by and with the advice and consent of the Senate, "for the licensing, regulation, and government of pilots." These commissioners are directed to administer the requisite oaths to pilots, and are empowered "to license all persons now licensed to act as pilots by the way of Sandy Hook, including those called deputy pilots, as they may deem competent after examination; and also, every other person of full age and good moral character, making application therefor." Every person of full age and good moral character—mark carefully these words, Mr. Speaker, and then let any one, who pretends to know the meaning of the word monopoly, assert that any is enjoyed by the New York pilots. If any man with the two qualifications mentioned, may at the discretion of the commissioners be allowed to serve in the capacity of a pilot, where is the exclusive privilege enjoyed by those who were obliged to serve an apprenticeship of five years? Is not the new regulation, instead of conferring a monopoly, oppressive on the old pilots? Is not all the monopoly, if I may so apply the term, enjoyed by the new aspirants to the profession? What would the New York lawyers, who are now clamorous about monopoly, think, if some favorite of fortune, gifted with talent, should be admitted, after brief preparation, to honors of the bar equal with those they now enjoy, after years of prescribed preparatory study? Would they not rebel against the tyranny? Suppose at the same time, their fees should be fixed, whilst those of the intruder were unlimited, would they not denounce the oppression? Let a small spark of justice illumine their selfishness; and when they lift up their hands in holy horror against monopoly, they must not plume themselves with the belief that they are exempt from crimination. While they labor for the conversion of others, let them endeavor to reform themselves. They enjoy exclusive privileges, while the pilots enjoy none whatever.

But it is said that the objection made to the pilot monopoly is urged on general principles, while the utility of the law of Congress is vindicated on account of its efficacy in destroying the system of combination, which was chiefly conducive in paralyzing the energies of the pilots. I say in reply, that the act of Congress did not contribute, in any degree, to break up the combination. That reform was effected solely and directly by the law of the State, passed within a few weeks after the Congress enactment. The twenty-third section of that law I read yesterday, and it is, consequently, unnecessary to repeat it. That section specifically provides that the earnings of any one boat must be divided solely among the pilots of said boat, and establishes the forfeiture of the license as the penalty for infringing its provisions. The passage of this law produced the correction of the mischief complained of; nor was the law of Congress in any degree instrumental in promoting this object. The commissioners of pilots appointed by Governor Seward, in an article published in the New York Journal of Commerce of May 15th, 1840, explicitly and publicly deny the existence of "any combination, either now, or for several years past," and at the same time distinctly and positively assert that whatever reform has been effected, "has been the result solely of the State law of 1837." Still more recently they have addressed a letter to me, in which they reiterate their publicly expressed opinion. This letter I will read at length, as an omission of any part of it would be unjust:

"Yours of the 21st inst. has just come to hand. We enclose you the questions to which we replied in the Journal of Commerce. As to the combination we alluded to in that reply, we would respectfully refer you to the twenty-third section of the act passed by our Legislature in 1837; in addition to which, we do most solemnly assure you that the competition existing among the New York pilots is equally, if not more strenuous, than that existing between them and the New Jersey pilots.

"We know this to be a decided fact from the report books of the last three years' standing, and from every day observation. A more valuable, capable, deserving, and enterprising class of pilots, the world does not produce. We would farther assure you that they almost daily board vessels at sea from 15 to 50, 80, 100, 150, 200 miles distant from the Hook; and, in some instances, nearly up to Nantucket and St. George's Bank. It is really heart-rending to see those invaders of our State rights board vessels alongside the dock and carry them to sea, to the exclusion of our pilots, who have served a regular apprenticeship, and who have such an immense capital afloat. If they have for once erred, surely they have redeemed that error by their unexceptionable conduct, and a probation of nearly four years, added to which, they have been sufficiently punished for it, and have made ample atonement.

"The General Government may, as well as the State Government, be assured that they need be under no apprehensions of neglect of duty among them; for if such should be the case, while we have the honor of acting, they will be rigidly punished to the very letter. We forward you a copy of the State laws, which you will perceive are very severe. As a farther proof of their being in a most determined manner opposed to each other—I mean boat against boat for their individual interest—we have before us reports made by them, against each other, for infringements made on each other's rights, which of course we have to adjust."

The opinion of the commissioners I should deem entitled to more respect than any evidence we can obtain. They may be presumed to be best acquainted with the operations of the law; to them all infractions of it are reported, and hence all facts connected with the conduct of the pilots come to their knowledge in a correct and tangible form; nor must it be forgotten that they are sworn to attend to the faithful execution of the law. Their opinions are not based on rumor, but are the result of deliberate investigation. And what do they say? That there is no combination; and that there is none, is owing to the State law alone. They pronounce the pilots to be active and industrious, and sedulously competing with those of their own State. They do indeed say, "*If* the pilots of New York have erred, they have made ample atonement." But the "if" is underscored, to indicate that, in the opinion of the commissioners, the pilots were wholly blameless. The if was only a concession for sake of argument. To show that the representations of the commissioners are entitled to paramount respect, I shall read the postscript to their letter, which informs us of what class of men the board is composed. It is constituted, as it should be, of men who possess superior nautical experience. They say:

"This board is composed of men who have sailed from this port as long, if not longer, than most men who have made the sea their profession, and we have found, from an experience of from thirty to thirty-five years, that we were never at a loss for a pilot, except when a great influx of arrivals took place, and the pilots were all engaged, which has some years past been the case, and caused a small detention. Since that, the defect has been remedied by an increase in the number of the pilots; which increase has been such, and shortly will be greater, by the expiration of the indentures of apprentices, that they will scarcely be able to pay expenses. This board would, as a matter of impartial justice, beg of you either to cause a repeal of the laws which do now allow the Jersey pilots to pilot in our waters, or place them under the same restrictions as those to which our pilots are subjected."

These sworn officers of the State, who are men of experience, and placed in a position to ascertain all the facts, and to judge of the operations of the law, call upon us to decide on its repeal as unjust and unnecessary. And yet we are told that all New York is against the recision of the act of Congress. If we may judge by the piles of memorials presented here on every possible subject, and the known facility with which they are obtained, surely the judgment of the "commissioners of pilots" is entitled to more respectful consideration than a dozen such memorials.

They tell us that the act of Congress was wholly inoperative in bringing about the reform said to have been produced; that the whole merit is due exclusively to the State law. That such must be the fact, a slight examination will demonstrate. The direct tendency of the act of Congress is obviously to break up the conflicts of jealousy between the New York pilots, to draw more closely together the bonds of their common interests, and to give new vigor to the vilified combination. As long as they were left to compete with one another, individual enterprise would necessarily be active and industrious. But as soon as you attack them in a body, and bring a whole squadron of rivals to contend against them en masse, the inevitable consequence must be the oblivion of individual jealousies, to promote the common interest. The esprit d'corps of the profession becomes paramount to individual selfishness, for one reason at least in this case, because individual interests were inseparable from common aggrandisement. The combination there did not sink under the weight of the act of Congress, but was crushed solely by the power of the State law, which expressly prohibits combination between different boats under the penalty of a forfeiture of license.

What, then, is the effect of the act of Congress? Why, more immediately to bring the pilots of the two contiguous States into unequal competition. I say the competition is unequal, because the laws of the two States are not equally severe in their restrictions. The pilots of New York are subjected to many disadvantages and disabilities under which the Jersey pilots do not labor. Under the act of Congress, the injustice with respect to other States may, at any moment, exist to a far greater extent than in the case of New York and New Jersey; and may terminate not only in producing an angry conflict between two States, if one, zealous to promote the interests of its own citizens, should remove all restrictions, and its neighbor should emulate its zeal, but may ultimately prove seriously injurious to the mercantile interests, by admitting, through the force of sectional conflict, any one and every one to act as pilot.

But should the law of Congress be repealed, what mischief would ensue? None whatever, even to the New Jersey pilots. Justice only would be restored to its proper course. The New Jersey pilot would not be prohibited from conducting vessels into the harbor of New York; he would only, as is perfectly equitable, be subjected to the same restrictions as the New York pilot. The State law of New York, without requiring the candidates for the profession of branch pilot to be citizens, or residents of the State, merely enacts that "they shall be of full age, good moral character, and of approved competency." The result of the repeal would not be to diminish the competition, but to destroy the unfairness of the competition. The only effect of the act of Congress is the creation of absolute injustice at present, and of probable mischief in future. It ought, therefore, to be repealed.

But it is said that the only complaints addressed to us come from the pilots, and no other portion of the community seems interested in the repeal of the law. This is one reason urged why the memorial

should not be regarded. For a moment, I confess, I was under the impression that this argument was not meant to be serious. But the earnestness with which it was pressed, soon convinced me of my error. What! is this principle advocated in an American Congress? Must we lend no ear to the prayer of a citizen aggrieved, unless his position is endorsed by those by whom he is oppressed? Must a court refuse to issue a writ of habeas at the prayer of a prisoner, unless his prayer is backed by the authority that imprisoned him? If the Executive should dismiss an officer from the army, must Congress refuse all attention to his petition, unless the President should unite with him in a concurrent memorial? Such an argument is too ridiculous for a reply. And yet it has been strenuously urged as a sufficient reason why we should dismiss the memorial of the pilots. We must give no attention to their prayer, because it is not endorsed by other portions of the community. Nay, further, it is argued that no mischief, nay, rather benefit has been done to the community at large, by the reform which it is pretended, has been produced by the law of Congress, because no complaints have been heard from any except the pilots themselves. The argument is consistently ridiculous. Suppose Congress, in the plenitude of its wisdom, should enact a law (and it has been asked to do many things as strange) fixing at a low rate the wages of any one class of mechanics, or, if you please, of the day laborer, without establishing any such regulation for other trades or professions. No doubt the balance of the community would be benefited by receiving the articles produced by that one trade at a proportionately low price, while the other trades would be left to exact, without restriction of law, what payment they please for their own productions. The mass of the community would not complain; remonstrances would be heard but from the members of one profession. This would be sufficient, according to the argument used in reference to the pilots, why we should turn a deaf ear to those remonstrances. The community does not suffer or complain—only one poor class of it is oppressed for the benefit of the rest. This argument may embody some recondite theory of pretended philosophy, but it is in contradiction to the plain principles of common justice. It is idle to say that no injury is done to the community. In a Republican Government, at least, no injury can be inflicted long on the community by the operation of any law. Oppression can rest on a part—generally on a small part—only of the community. To redress injustice done to a small number of citizens, must be the only case in which petitions will be presented to Congress. If a law oppressed a majority, or even a large number, there would be no petition. It is really a wonderful discovery, that the fact of a petition being presented is a sufficient reason for its rejection. The friends of despotism can find in the gentleman from New York a worthy recipient of a magnificent present, for the origination of a doctrine which justifies their royal masters in treading under foot the petitions of their subjects.

Mr. Speaker, I fear I have trespassed too long on the time and patience of the House; but I wish to comment on insinuations, as well as to reply to arguments; I trust, therefore, you will bear with me a few moments longer. Sinister motives have been attributed to me, as well as to others. I, at least, have been actuated by no prepossessions, either political or personal. As I have already stated, I am no volunteer in this matter. I have been driven into the position which I at present occupy by the importunities of the gentleman who now stands opposed to me. In conscience, I feel obnoxious to no imputations. While he so hastily invents motives for me, will he be equally ingenious in fathoming and expounding the motives of himself, in his opposition here, and of his friends in New York. How does it hapnen, that after a pilot of his own city has conducted a vessel from sea into harbor, a New Jersey pilot obtains the privilege, contrary to usual practice, of taking her out, even when the New York pilot is in waiting, and is entitled, according to previous usage, to pilot her out? The gentleman is skilled in detecting motives: he pretends to implicate mine. Let him prove his necromantic powers by expounding the reasons for this injustice. That such is the fact, I have the authority of the commissioners. I leave to his perspicacity to explain the motives. The commissioners of pilots, in a letter to me, under date of June 4, 1840, use the following language: "The New Jersey pilots are in the constant practice of carrying to sea such vessels as our New York pilots bring in from sea." This might be accounted for by those who have witnessed the proscription, which is brought to bear, not only in public stations, but made to visit us in the sacred relations of private life. But I will not indulge in speculation. Here is the fact. The gentleman from New York is the self-constituted expounder of motives. I leave the case with him.

Mr. Speaker, I trust that I have successfully shown that the charge of criminal neglect of duty, urged against the pilots of New York—which gave birth to the act of Congress of March, 1837—is utterly groundless. I have shown that even under the law of 1819, they enjoyed no greater monopoly than seems to be claimed by other professions. I have proved that under the State law of 1837, so far from luxuriating in the advantages of a monopoly, they are, in fact, subjected to unequal competition. I have proved that no combination exists; and that its annihilation is attributable solely to the operation of the State law. I have proved that the act of Congress was productive of no beneficial effect; but, on the contrary, that all its tendencies are mischievous. I have proved that while it does not benefit the community, it is unjust and oppressive to the pilots. Are these not sufficient reasons for its repeal? If they are, I demand its rescision, not in the humble posture of a mendicant supplicating favors, but in the upright attitude of an American Representative, claiming the rights of freemen; asking that the first principles of our Government should be maintained, by extending equal protection to all. With the facts thus clear, and the reasoning thus conclusive, what honest motive can there be for a recommittal? No object can be gained by such a course, except present delay and ultimate evasion of action. Delay and evasion are as unjust as a direct refusal to repeal.

But, sir, while I denounce the law as unjust, I equally conceive it to be dangerous. I believe it to be a crafty invasion of the rights of the States. The wound is, perhaps, too slight to be pronounced mortal; but it may extend and fester and become incurable. It is but a puncture—almost imperceptible, but it is not therefore the less to be dreaded. Tolerate but this invasion of the rights of the States, and it will be but the advance-guard of a more formidable attack. Do not suffer the unmeaning cry of monopoly (umeaning in this instance) to seduce you into the sanction of a fatal precedent. The States have been too long passive under the usurpations of the General Government, based on reckless latitude of construction of the Constitution; it is time they should be roused from their supineness, and not submit to the most trivial infraction of their rights.

Adverse as I am, Mr. Speaker, to trespass on the patience of the House, I trust no apology will be expected for the remarks which the conscientious discharge of my duty, and an imperative regard for justice, compelled me to make. All I desire is legislation, not for the oppression of any, but for the equal protection of all. These, sir, are not the times to subject one portion of the community to the tender mercies of another. No conflict between capital and labor should be tolerated. These are the days, this the country, of freedom. The castle of the strong should not be suffered to batter down the abode of the humble. Law is the barrier which prevents the unequal collision between the rights of the weak and the interests of the powerful. Legislation should be precise, definite, and ample. It should leave no room either for the chicanery of the crafty lawyer, or the loose construction of overbearing power. This is not the period for partial or conflicting legislation. When the political storm is raging, the laws of the country should serve as a lightning-rod for the preservation of the Republican edifice of equal rights and equal privileges. They should cautiously protect the weak and the humble, who are too often made to serve as conductors for the electric flashes of political vengeance. By their influence power should be made to feel its impotency for purposes of oppression, whilst weakness should find within itself no justification for culpable negligence. Whilst, in this case, they should guard with jealous scrutiny the interests of those who enjoy the pampered ease of luxurious indulgence, they should not be unmindful of the hardy mariner, who lives amidst the war of elements—

"Whose bark is on the mountain wave,
Whose home is on the deep."

SPEECH OF MR. BURKE,

OF NEW HAMPSHIRE,

In the House of Representatives, June 13, 1840—On the Independent Treasury bill, in Committee of the Whole on the state of the Union.

Mr. BURKE rose and said:

Mr. CHAIRMAN: I have some facts and considerations, connected with the bill now before the committee, which I wish to present to the country. And I will say at the outset, that I make my speech to be read by the people—for home consumption—not to be listened to by gentleman here; and as I make no pretensions to the arts and graces of oratory, I shall endeavor to gain the ear of the people, and arrest their attention, by the simple power of argument alone—by presenting to their minds some of the facts and reasons which induce me to give my support to the bill upon your table.

Sir, I regard the bill now under discussion in this committee, as one of the most important measures in its results and consequences, that was ever presented for the action of a deliberative assembly. It is most emphatically *the People's Bill*. It is, in truth, a second Declaration of Independence. It involves the great question of the currency; and that question embraces in its scope and effects, the liberties, the morals, and the highest interests of society. And, sir, as I did not live at the time, and could not sign the first sacred charter of our liberties, I rejoice that I do live at this time, and shall have an opportunity to record my name in favor of this great measure of deliverance—not from the dominion of a tyrant beyond the Atlantic, but from the sway and supremacy of a more subtle and dangerous foe—A MONEYED DESPOTISM. That, sir, is the despotism of a civilized and intellectual age, the kind of despotism which we are obliged to encounter.

But, Mr. Chairman, I have some views in connection with this subject, which I wish to present to the consideration of the people of this country; and, in order to obtain for those views more currency, I wish to give them an endorsement in the form of a speech, from this hall. That, sir, is the object of my rising on this occasion.

Regarding the bill now before the committee as a very important one in its ultimate effects and consequences, I did design to consider, briefly, some of its leading principles and features. But those who have gone before me in this debate, have already anticipated what I have got to say in relation to the character of the bill. In truth, Mr. Chairman, in regard to the nature of the bill itself, nothing new can be said with which the people are not already acquainted. The details of the bill are familiar to the intelligent citizens of this Republic—to that portion of them, at least, who read, think, and reflect. I shall not, therefore, trouble the committee with any remarks in relation to a subject, with the nature of which all must now be familiar. But there are effects ascribed to this bill, and consequences which it is said will grow out of it, with regard to which I do mean to say something.

Mr. Chairman, I have something to say to the farmers and laboring men of this country in connection with this bill. That class, sir, I have always lived amongst. They compose the great body of my constituents. It is that class who sent me here; and they sent me here, because, in another sphere, I advocated, with zeal and fidelity, what they believe to be their best interests. I will not desert them now. When their interests are assailed, humble as I am, I will rise in their defence, here or elsewhere. When attempts are made to mislead their minds in relation to their own true interests, I will endeavor to expose the motive which prompts the effort to deceive, and the fraud and hypocrisy which seek to conceal that motive under the garb of a professed solicitude for their welfare.

But more to the point. Prodigious efforts have been made to persuade the farmers and laborers of this country to believe, that their interests are to be peculiarly affected by the operation of this bill, and to alarm those meritorious classes into an opposition to it. It has been assumed—I say *assumed*, without the shadow of fact to support such an assumption—by an honora-

ble gentleman filling an exalted station, [Mr. DAVIS, Senator from Massachusetts,] that the friends of this bill advocate its passage, on the ground that it will tend to reduce the prices of property and the wages of labor. And although that honorable gentleman has cautiously refrained from ascribing such an effect to the bill himself, he has charged its advocates with supporting it on that ground; and he has endeavored to alarm the country, by charging upon the friends of this wise and patriotic measure, hostility to the great business interests of the country, and particularly to the interests of the working man. The speech of that honorable gentleman has been circulated far and wide, and has produced, and is destined to produce, all the effect that its intrinsic truth and merits will secure for it. Reasoning *a priori* from the intrinsic truth and merits of that speech, I leave it to honorable gentlemen here, and to the country, to estimate how much reputation for honesty of purpose and integrity of motive, it will secure to its author.

Mr. Chairman, an honorable gentleman of this body [Mr. EVANS] has also spoken very pathetically upon the great depreciation of prices, the fall of real estate, of rents, and most emphatically, of the wages of labor; which he alleges have all resulted from the measures of this Administration. The wailings of distress raised in this Capitol have been caught up, with the unerring instinct of the foul carrion bird, snuffing his food from afar, by a corrupt and pensioned press, and re echoed through the country with a zeal which would induce an honest man, unacquainted with the dishonest tricks of party, to believe that it had some fact and truth for its basis. The press, and the orators of that party, are not alone in this crusade of misrepresentation against the Administration, and this grand scheme of fraud and deception upon the people. No, sir. The bankers, merchants, and manufacturers, scattered throughout the cities and villages of this great Republic, with their army of retainers and dependants, have caught up the watchword given out here, and the stagnation of business, the fall of prices, and all the real distress which does exist, are ascribed—falsely, and unjustly ascribed, to the measures of the Government, and even to this bill, which has not yet become a law, and is not, in fact, in operation.

As I have before remarked my object is not so much to advocate and defend this bill, or to explain its particular provisions, as it is to meet the unfounded charges which have been preferred against the Administration and its measures; and more especially those growing out of the fall of prices, the stagnation of business, and the distress alleged to exist in the community. All these results are assumed by gentlemen of the Opposition to have grown out of "tampering with the currency;"—and the currency question, sir, in the form of this bill, is the great question now under discussion. I, therefore, deem it to be perfectly in order for me to discuss the matters I have alluded to; so far, at least, as they have a connection with the bill now before the committee.

My main object, Mr. Chairman, in addressing the committee on this occasion, is to demonstrate by figures and facts, THE PROBLEM OF FLUCTUATIONS in the prices of property and the wages of labor. And on this subject I am aware that I have in some particulars been anticipated by my honorable friend from Massachusetts, [Mr. WILLIAMS,] to whose able and admirable speech no one listened with more pleasure than myself. But to proceed: I will not deny, sir, because the fact is undeniable, that within the last six months, a considerable reduction has taken place in many of the agricultural staples of the country, and especially in the article of grain; but not to so great an extent as is alleged by gentlemen of the Opposition, and the public presses in the interest of that party. Sir, the prices of all kinds of property are ever incident to change and fluctuation. They are never permanent, and never will be, as long as the Divine decree, that all things human are mutable, remains unrepealed. They are ever changing with every returning season, sometimes in a greater, sometimes in a less amount. There are, sir, causes for those fluctuations, but they are not to be found exclusively in the measures of the Government. Nay, Mr. Chairman, the measures of Government operate but partially to produce the changes which occur in the nominal value of property, and the wages of labor. I shall now proceed to show, by plain and irresistible deductions from facts, what are the great causes which operate to produce changes in prices and wages.

Let it be remembered, sir, that the argument of the opponents of this bill is, in substance, that prices are high in paper money countries, and low in countries in which specie is the circulating medium, and the measure of value and basis of exchange; that they oppose this measure because it is an antagonist measure to the paper system, which tends to keep prices and wages nominally high; and that the friends of the Administration support it because it tends to establish a permanent and stable currency, and, as an incidental effect, to reduce prices and wages nominally. In other words, sir, the opponents of this bill prefer and inflated fluctuating prices which a paper currency, constantly expanding and contracting, causes, to sound and permanent prices, which a stable currency, subject to no expansion and contraction, produces.

I shall now, Mr. Chairman, proceed to show by facts how much truth there is in this assumption; for, sir, it no more than assumption. I will now state the propositions which I shall endeavor to maintain, and the facts and illustrations I shall adduce in their support. They are, sir,

1. That expansions and contractions of the currency, and the relative increase and decrease of the demand and supply, are the principal causes of the rise and fall of prices and the wages of labor. This, sir, is the main proposition, which, in order to be better understood, I analyze thus:

2. That the expansion of the currency, all other things remaining the same, nominally increases the prices of property and the wages of labor. This proposition is so self-evident as hardly to require illustration. It is obvious to the most common understanding, that, if the quantity of any article of property remains the same, an increase of the currency, which is the measure of its value, would nominally increase the price.

On this point, I will suppose a case. I will take a community of fifty families, having a real estate, stock, grain, and other property, and a circulation of $10,000. With that amount of money, they get only $1 per bushel for their wheat, and the prices of all their other property are graduated upon the same scale. Now, sir, if the quantity of real estate, grain, &c. remain the same, and there is no increase of demand, to double the amount of circulation would increase the nominal prices of property in the same proportion. Wheat, which was worth $1 per bushel with a circulation of $10,000, would be worth $2 with a currency of $20,000; the currency having been in fact diluted and depreciated one half by the expansion; and in consequence of such depreciation, it takes twice as much now to buy the bushel of wheat as it did when the currency was at its minimum amount I make use of this plain and homely illustration, because, sir, it will be most easily understood.

3. My third proposition is, that a diminution of the supply, in proportion to the demand, the currency, or measure of value, and other things, remaining the same, increases prices and wages. To illustrate this proposition, it is only necessary to reverse the case I have just supposed, and assume the quantity of wheat to be reduced one half, and the amount of circulation to remain the same.

Thus these two causes, viz: an expansion of the currency, and a diminution of the relative proportion of the supply to the demand, produce precisely the same result—an increase of prices.

It will now be admitted, because it is self-evident.

4. That when both of the above causes operate together—for instance, when there is a great expansion of the currency, and a great diminution of the supply in proportion to the demand—prices will be greatly enhanced.

The converse of this proposition must also be admitted.

5. My fifth proposition is, that a contraction of the currency, all other things remaining the same, causes the prices of property and the wages of labor to fall. This, also, may be illustrated by the case I have before supposed. If the quantity of wheat remains the same, a reduction of the currency from $10,000 to $5,000 would cause the prices of wheat to fall nominally one half, and, instead of being one dollar per bushel, it would be but fifty cents.

6. That an increase of the relative proportion of the supply over the demand, other things remaining the same, nominally reduces prices and wages. Thus in the case supposed, if the quantity of wheat and other property should be doubled, the amount of the currency remaining the same, and the demand also remaining the same, the nominal price of it would decrease one half, and it would bring but 50 cents per bushel. The supply over the demand may increase to such an amount as to render an article entirely without value. To suppose, Mr. Chairman, an extreme case; if the supply over the demand by purchasers, and the wants of the producers, should be so great as to produce a surplus which could not be sold nor consumed, that surplus would be entirely without value. This case is never true in point of fact, in regard to the productions of labor, although it is sometimes approximated to.

If a surplus of grain or other commodities over the wants of the community, and the demand for it in other communities, is produced, it can be stored and kept until it is wanted. But it is not so with labor itself. That exists in human muscles, and must be called forth constantly, or it is lost. If laborers are thrown out of employment, the labor which they lose during the time they are out of employment, cannot be stored, nor reserved for future use when it may be wanted, but is lost forever. Therefore a surplus of labor over the wants of the community is a dead loss.

This principle, viz: an increase of the supply over the demand, solves the problem in part, (the contraction of the currency being a great and efficient cause,) of the fall of prices of wheat and other grains during the present season. During the years 1836, '37, and '38, the quantity of grain (and flour more especially) produced, was not sufficient for the consumption of the country, as is conclusively proved by the large quantities of wheat imported from abroad. It was also monopolized by speculators, deriving their means from the favor of the banks, who withheld it from market, thus adding an artificial scarcity to the real one, and increasing exorbitantly the prices of that article. But during the years 1838 and '39, the quantity of wheat produced has greatly exceeded the wants of the country, and there has been left a large surplus for exportation to foreign countries. The effect of this, is, to stop the importation of foreign grain, and produce a fall of prices. The intelligent farmer will see in this, the solution of the causes which have reduced the prices of his grain, without conjuring up the ghost of the Sub-Treasury bill, which, like the shades of great men, seen by the "pious Æneas" in Pluto's dark realms, has not yet come upon earth; or charging it to other measures of the Administration. But, before I conclude, sir, I shall enlarge now upon this point.

My next proposition is,

7. That the last two mentioned causes operating together, viz: a contraction of the currency, and an increase of the relative proportion of the supply over the demand, produce a very great diminution of prices. The truth of this will be manifest by the considerations already stated.

The causes which affect prices, causing them to rise and fall, are often modified and counteracted by each other. Thus,

8. The effects of an expansion of the currency, which increases prices, will be neutralized, more or less, by an increase of the supply in proportion to the demand, which reduces them. And

9. The effects of a diminution of the supply over the demand, which increases prices, will be neutralized, more or less, by a contraction of the currency, which reduces them.

The converse of the last two propositions are also true.

10. Another cause tending to raise and depress the prices of property, and the wages of labor, is an increase or decrease of taxes. Taxes tend to elevate prices in proportion to their amount. To illustrate—if there were no taxes, every man would enjoy all the income of his property and labor. If he is taxed, that income is reduced in proportion to the amount of the tax. If his property and his labor cannot produce enough means to supply the amount taken by the Government for taxes, it has precisely the same effect as diminishing the demand in proportion to the supply. Men will not lessen their income if they can help it. If from any cause the amount of the products of property and labor are diminished, they will increase prices and wages, in order to make up the deficiency. If the Government takes ten bushels of grain, or a bale of cotton, or the value of a day's work, or, what is the same thing, the citizen is obliged to sell that amount, in order to obtain money enough to pay his taxes, the effect is precisely the same as if the income, or supply of his property or labor, was reduced that amount. To make up the deficiency, he will add to the prices of his property or the wages of his labor. Again, for example, if five dollars are exacted from the laborer, in the form of taxes, he must increase the wages of his labor enough to make up the deficiency, and support himself and family as comfortably as he did before. All political economists, I believe, agree in the principle that taxes tend to elevate prices and wages. In European countries, where the laborer is the victim of a despotism, either political or social, the capitalist pays the tax, and labor, therefore, may not be so much affected by taxes as in this country, where he shares in the power of Government, and the support of its burdens.

Having, Mr. Chairman, stated the propositions or elements of the problem of fluctuations, I shall now proceed to demonstrate it by facts, figures, and plain deductions from them.

Fortunately for me, sir, there are two periods in the history of this country parallel to each other in causes and effects, which afford a complete illustration of the truth of the propositions I have just laid down, so far as the actual connection of practical experience with abstract principle can be perceived. I allude, sir, to those periods of our history embracing the years 1812 to 1819, and the years 1833 to 1839 inclusive.

In the first period, two causes operated to produce the high prices which all descriptions of property commanded, and particularly articles of provision. Those causes were, an extraordinary expansion of the currency, and a decrease of supply in proportion to the demand. More remote causes operated partially. During the first two years of the first period I have named, the country was in a state of war. The Government then was the great consumer. It wanted beef, pork, flour, and other articles of provision for the support of the armies which it was obliged to keep in the field and to maintain. The demand for all articles of provision was vastly increased over ordinary times. This, sir, had a powerful tendency to elevate prices.

The Government also called into its service large bodies of men, most of whom were before engaged in agricultural pursuits, and in the business of production. This tended to diminish the supply in proportion to the demand, and thus to increase prices. These were two powerful causes, operating to enhance the prices of every kind of property. For, if agricultural products rise in price, farms would also rise in value. And if a large portion of those who labored on farms, and in other pursuits, were abstracted from such occupations to the camp and field, as was the fact, the wages of labor must necessarily rise. But there was still another cause which operated at that time, and also tended, more powerfully than all other causes, to enhance prices. It was an extraordinary expansion of the currency, growing, in a great measure, out of the exigencies of the Government, which was compelled to put in requisition a vast amount of pecuniary means, to sustain itself in the severe and perilous conflict in which it was engaged.

A few facts will show the extent of the expansion of the currency during that period. In 1811 the currency in circulation in the country was, of paper, twenty-eight and a half millions, and specie, fifteen millions; making in the whole forty-three millions; (*See Mr. Woodbury's table of Circulations, House Doc. No 27, 2d session 23d Congress.*) In 1813 it was estimated by Mr. Crawford, that the circulation was $70,000,000. In 1815 it had swollen to $110,000,000; and this amount, says Mr. Crawford, was probably augmented in 1816. In 1819, according to the same authority, the circulation was contracted to $45,000,000, being a reduction of more than fifty per cent. from 1816; (*Mr. Crawford's Report, page 24, 1820; reprinted in House Doc. No. 51, 23d Congress, 1st session.*)

Thus the causes which operated to enhance prices during the first period I have named, were, first, a great demand, which was occasioned by the Government being then a great consumer; second, a diminished supply, occasioned by the abstraction of productive labor from the business of production; and third, and the most powerful of all the causes, a great and rapid expansion of the currency, which rose, as before stated, from 1811 to 1816, from $43,000,000 to $110,000,000, more than doubling itself.

Those causes operated in 1812 and the intermediate years to 1816. During this year and 1817, an extraordinary cause intervened to enhance the price of agricultural products by decreasing the supply. That cause was the cold season of 1816, which cut off the crops of that year. At this period commenced the retrograde movement, and a most tremendous and disastrous revulsion followed, arriving at its flood tide in 1819, which rocked this country from centre to extremities, as if shaken and convulsed by an earthquake, the causes of which I shall endeavor to assign before I sit down.

The effects of the causes I have assigned, for the increase of prices during the first period I have selected, are most strikingly visible in the prices of beef, pork, flour, cotton, wool, and almost every other article of traffic and commerce, as will be seen by the tables I have been at great pains to obtain, and which I now introduce.

The first table, Mr. Chairman, exhibits the wholesale prices of beef, pork, flour, and numerous other articles, obtained from the prices current in the market of Boston, quoted from contemporaneous newspapers, the very best authority that can be procured for the facts embodied in the table. The second table exhibits the prices of flour in the market of Philadelphia, from 1812 to the present year:

TABLE exhibiting the wholesale prices current of the following articles in the Boston market, as reported and published in the city newspapers, from August, 1812, to April, 1840, inclusive.

Aug. of each year, about the 25th.	Beef, sals, bbl. of 200 lb.	Pork, salt, clear. bbl. 200 lb.	Butter, lb	Cheese, lb.	Flour, bbl. superfine	Corn, bushel, Northern.	Rye, bushel.	Cotton, N. O.	Cotton, Upland.
	D. C.	D.	Cts.	Cts.	D. C.	D. C.	D.C	Cts.	Cts.
1812	12 50	8½a9	13a14	8a12	10 00	35a88	1 00	10a12	
1813	12 00	13½	13½	8a72	12 00	1 75	1 75	22a24	18a20
1814	12 50	15	16a20	10a15	13 00	1 70	2 25	30a35	28a31
1815	13 00	18	19a20	8a16	8 00	1 05	1 20	22a24	18a22
1816	13 00	13	19	9a13	10 25	1 40	1 33	29a31	28
1817	15 25	18½	22	16a18	14 50	1 60	1 25	32a34	27a32
1818	14 50	15	16a18	11a13	10 75	1 10	95	34a35	32a33
1819	15 00	11	17	13	7 25	85	80	18a20	
1820	11 00	18	12a13	7a9	5 12	62	54	21	20
1821	12 00	10	20a23	9a10	5 25	53	50	21	14a18
1822	7 25	8a10	22a23	8a9	7 25	78	80	15a18	12a13
1823	9 00	10	22	7a9	7 25	61	68	18a20	14a16
1824	11 00	10	16a20	7a9	6 25	52	54	16a22	15a16
1825	10 50	8½a9	12a16	7a9	6 00	65	58	22a26	17a20
1826	9 25	7½	12a15	9	7 25	61	68	18a20	14a16
1827	9 00	9a10	16a14	7a8	5 50	65	65	1 a15	
1828	11 00	8	14	6a9	5 75	54	52	11a14	
1829	11 00	8a9			6 00	62	60	10a13	9a11
1830	11 00	9a9½	13½	6a7	5 75	58	70	10a12	9a11½
1831	8 50	8a8½	12a18	6a8	5 75	78	78	9a12	8½10½
1832	12 00	8a8½	18	8	7 00	72	92	10½a12½	9a10
1833	10 75	8½a9	18	8	6 12½	77	78	16a18	14a65
1834	10 00	7½a9	15a20	6a8	5 75	75	71	15a17	13a16
1835	13 25	9½10	15a17	9	6 37½	1 00	95	18a23	17a20
1836	11 25	13½14	16a22	8a11	8 12½	1 12½	1 00	18a22	17a21
1837	15 00	11a12½	18a22	9	9 50	1 13	1 05	11a15	10a13
1838	15 50	12a13	15a20	6a10	7 50		1 00	11a14	9a11
1839	15 00	11a11½	15a20	6a10	6 50	1 00	85	14a16	12a14
Ap'l 1840	15 50	8a9		6a10	6 00		85	9a11	8a10

Aug. of each year, about the 25th.	Wool fleece.	Tea—Y'g Hyson.	Coffee—W. India.	Sugar—B'n, W. I.	Sugar—white, W. I.	Molasses—best W. India.	Salt—Cadiz.	Salt—Liverpool.	Corn per bushel—Southern.
	D. C.	D. C.	Cts.	Cts.	Ct.	D. C.	C.	C.	D. C.
1812	none	1 60	18	13	16	65a68	56	62½	75a78
1813	-	1 75	20	10	16½	80	53	56	-
1814	-	2 00	25	18	24	1 00	75	87	-
1815	50a1	50 1 80	23	18½	-	78	76	75	90a93
1816	20a	75 1 20	18	15½	22	50	43	45	1 23
1817	32a	60 1 14	20	14	19½	52	50	50	1 45
1818	55a	60 1 18	32	15	20	59	60	56	96
1819	55a	85 85	26	12	16½	43	50	50	63a73
1820	-	82	27	11	16½	30	50	47	50a56
1821	55a	85 89	29	11	17	29	60	50	43a45
1832	33a	65 88	27	9 3	13½	33	60	45	72a76
1823	35a	65 95	24	10	14	26	50	48	55a56
1824	25a	70 1 00	18	10	14	26	44	44	39a40
1825	25a	70 1 00	18	12	15½	35	50	46	55a58
1826	25a	65 95	24	10	14½	26	50	46	56
1827	25a	50 88	14	11	14½	34	42	37½	57
1823	30a	50 75	14	11	14	33	50	46	43a46
1829	25a	45 85	12½	9 3	15	30	44	41	52a56
1830	38a	60 80	11½	8 3	13½	25	47	41	52
1831	45a	70 87	12	8½	11	30	50	50	72a76
1832	38a	68 78	12	8½	12	30	46	40	68a72
1833	42a	63 65	12½	9	11	32	-	34	70a72
1834	43a	60 55	11	8½	11	27	30	28	72
1835	55a	65 37	12½	10	12½	35	38	27	81a86
1836	60a	80 50	12½	11	14	44	-	-	1 00
1837	-	50	10	9½	11½	34	38	32	1 10
1838	45a	47 50	10	9½	13	39	28	28	1 10
1839	55a	60 55	11	9½	12½	34	31	-	89a91
1840Ap'l	43a	44 60a70	11	8½	10	27	34	34	55a57

TABLE

Showing the price of flour in the market of Philadelphia, from 1812 to 1840, inclusive:

Year.	Price.	Year.	Price.
1812	$9 83	1827	$5 23
1813	8 92	1828	5 60
1814	8 60	1829	6 33
1815	8 71	1830	4 83
1816	9 78	1831	5 67
1817	11 69	1832	5 72
1818	9 96	1833	5 63
1819	7 11	1834	5 17
1820	4 72	1835	5 88
1821	4 78	1836	7 99
1822	6 58	1837	9 37
1823	6 82	1838	7 79
1824	5 62	1839	6 50
1825	5 10	1840	5 00
1826	4 65		

From these tables, Mr. Chairman, it appears that beef, which in the market of Boston was $12 50 per barrel, in 1812, rose to $18 in 1815; pork from $9 to $18; flour from $10 to $13 in 1814; corn from 88 cents per bushel to $1 70; rye from $1 00 to $2 25; and butter and cheese in the same proportion. Tea, coffee, and other articles of foreign production, consumed in families, were subject to the same fluctuation.

In the Philadelphia market, flour rose from $8 92 per barrel to $11 69 in 1817, which year was the acme of high prices.

The operations of the Government from 1812 to 1815, gave the impulse to the expansion of business, and the inflation of prices; but that impulse continued to be felt after the Government had ceased to be the consumer, and the labor abstracted by it had returned to its original pursuits. The great operations of the war, carried on by the Government, engendered a fever of speculation and overaction, very similar to that through which we have just passed. The banks, as I have said before, expanded their issues and "facilities," increasing the circulation of the country from $43,000,000 in 1811 to $110,000,000 in 1816. This led to a vast system of overtrading and speculation, which was followed by the revulsion of 1819, and which was more disastrous and desolating in its consequences than any calamity that has ever yet befallen this country. The effects of that fever of speculation, sir, were seen in every form of business. But the most unerring indications of the state of the times are to be found in the increase of the sales of the public lands, which rose from $835,427 in 1813, to $3,274,422, in 1819, when the bubble of inflation and extravagance burst. The excess of imports over ex-

, during the period embraced in the years 8 to 1819, was $182,595,846 averaging

$36,519,169 each year; thus proving, that in addition to the national debt incurred by the Government during the war, the country in five years after, had incurred a debt of about one hundred and eighty millions for foreign merchandise.

I exhibit, Mr. Chairman, tables showing the amount of the sales of the public lands annually, from 1815 to 1824 inclusive; and also a table showing the amount of exports and imports, and the excess of imports over exports, from 1815 to 1819, inclusive.

TABLE

Showing the amount of the sales of the public lands from 1812 to 1824, inclusive.

Years.	Amount.	Years.	Amount.
1812	$710,427	1819	$3,274,422
1813	835,655	1820	1,635,871
1814	1,135,971	1821	1,212,966
1815	1,287,959	1822	1,803 581
1816	1,717,985	1823	416,523
1817	1,991,226	1824	984,418
1818	2,606,564		

TABLE

Showing the annual amount of exports and imports, and the excess of imports over exports, from 1815 to 1819, inclusive.

Yrs.	Exports.	Imports.	Excess.
1815	$52,537,753	$113,041,274	$60,463,521
1816	81,920,452	147,103,000	65,182,548
1817	87,671,569	99,250,000	11,578,431
1818	92,281,133	121,756,000	28.468,867
1809	70,142,521	87,125,000	16,882,479
			$182,595,846

Annual average - $36,519,169

The tables I have exhibited show that as soon as the country began to feel the stimulus of the causes which induce overaction, the effects were visible in the rapid increase of the sales of the public lands, and the great excess of imports over exports. It is proper, however, to remark, that, during the war, the commerce of the country was nearly destroyed; the exports for 1814 being but $6,927,753, and the imports $12,965,000. The removal of the restraints of a belligerant condition permitted the spirit of enterprise to roam unfettered; and having long been pent up, it ran into riot and excess in the first years of its renewed freedom.

A striking parallel to this period of our history, may be found in that period, dating at 1833, and including the intermediate years to 1838, which I shall endeavor to exhibit. Then, Mr. Chairman, followed the revulsion of 1819, the causes of which were, 1st, a sudden and unparallelled contraction of the currency. The circulation, which was $110,000,000 in 1816, was reduced to $45,000,000 in 1819, being nearly five-eighths of the whole amount. This, sir, of itself, was a sufficient cause for the tremendous fall in the prices of all kinds of property which ensued, and the startling and terrific pressure and distress which then swept over the country.

2. A diminution of the demand in proportion to the supply. The Government, from being the great consumer of the produce of the country, ceased comparatively to be a consumer. Its armies were disbanded, and the soldier returned to the fields of rural labor, and exerted the energies he had devoted to the defence of his country, in the business of production.

3. The cessation of high taxes, one of the elements of high prices, was another cause of the reduction of prices. Superadded to these causes was a depreciation of the currency, produced by a suspension of specie payments by all the banks south of New England, which also deranged, as every suspension does, the exchanges of the country.

The scenes, sir, which followed, are within the recollection of all who lived at that period. The most astounding fall in the prices of real estate, cattle, provisions, and property of any kind, took place. Thousands were utterly and hopelessly beggared and ruined; plunged, sir, from affluence to extreme poverty in a single day. A scene of distress and suffering ensued, such as this country never before nor since witnessed. I quote a few passages from Mr. Crawford's excellent report, which I have before referred to:

"In the latter part of 1818, when the price of the principal articles of American production had fallen nearly fifty per cent. in foreign markets; when the merchant needed the aid of additional loans to sustain him against the losses which he had incurred by the sudden reduction in the price of the commodities he had exported, he was called upon to discharge loans previously contracted. The agriculturist, who saw his income reduced below his indispensable necessities; the manufacturer, who was not only struggling against foreign competition, but who saw the sale of his manufactures reduced by the incapacity of his customers to buy; in fact, all classes of the community, under circumstances so adverse to the command of funds, were subjected to curtailments wherever they had obtained discounts.

"All intelligent writers upon currency agree that where it is decreasing in amount, poverty and misery must prevail. The correctness of the opinion is too manifest to require proof. The united voice of the nation attests its accuracy. As there is no recorded example in the history of nations of a reduction of the currency, so rapid and so extensive, so but few examples have occurred of distress so general and so severe as that which has been exhibited in the United States. To the evils of a decreasing currency are superadded those of a deficient currency. But notwithstanding it is deficient, it is still depreciated. In several of the States the great mass of the circulation is not even ostensibly convertible into specie at the will of the holder. During the greater part of the time that has elapsed since the resumption of specie payments, the convertibility of bank notes into specie has been rather nominal than real in the largest portion of the Union. On the part of the banks, mutual weakness had produced mutual forbearance. The extensive diffusion of bank stock among the great body of the citizens in most of the States, had produced the same forbearance among individuals. To demand specie of the banks, when it was known that they were unable to pay, was to destroy their own interests, by destroying the credit of the banks in which the productive portion of their property was invested. In favor of forbearance, was also added the influence of the great mass of bank debtors. Every dollar in specie drawn out of the banks especially for exportation, induced the necessity of curtailments. To this portion of the community all other evils were light, when compared with the imperious demands of banks. Their exertions to prevent the drain of specie in the possession of those who controlled their destiny, equalled the magnitude of the evils which were to be avoided.

"As the currency is, at least in some parts of the Union, depreciated, it must, in those parts, suffer a further reduction before it becomes sound. The nation must continue to suffer until this is effected. After the currency shall be reduced to the amount which, when the present quantity of the precious metals is distributed among the various nations of the world, in proportion to their respective exchangeable values, shall be assigned to the United States; when time shall have regulated the price of labor, and of commodities, according to that amount; and when pre-existing engagements shall have been adjusted, the sufferings from a depreciated, decreasing, and deficient currency, will be terminated. Individual and public prosperity will gradually revive, and the productive energies of the nation resume their accustomed activity. But new changes in the currency, and circumstances adverse to the perpetuity of the general prosperity, may reasonably be expected to occur. So far as these changes depend upon the currency, their recurrence, to an extent sufficient to disturb the prosperity of the nation, would be effectually prevented, if it could be rendered purely metallic. In that event, we should always retain that proportion of the precious metals which our exchangeable commodities bear to those of other nations. The currency would seldom be either redundant or deficient, to an extent that would seriously affect the interests of society. But when the currency is metallic, and paper convertible into specie, changes to such an extent, it is believed, will frequently occur."

Mr. Crawford attributed this vast and appalling amount of suffering, to the contraction and derangement of the currency. This, sir, is what he says on this point:

"That the establishment of banks, in agricultural districts, has greatly improved the general appearance of the country, is not denied. Comfortable mansions and spacious barns have been erected; lands have been cleared and reduced to cultivation; farms have been stocked, and rendered more productive, by the aid of bank credits. But these improvements will eventually be found, in most cases, to effect the ruin of the proprietor. The farm, with its improvements, will frequently prove unequal to the discharge of the debts incurred in its embellishment. Such, in fact, is the actual or apprehended state of things wherever banks have been established in the small inland towns and villages. Poverty and distress are impending over the heads of most of those who have attempted to improve their farms by the aid of bank credits. So general is this distress, that the principal attention of the State Legislatures, where the evil exists, is, at this moment, directed to the adoption of measures calculated to rescue their fellow-citizens from the inevitable effects of their own indiscretion. If, in affording a shield to the debtor, against the legal demand of his creditor, the axe shall be applied to the root of the evil, by the annihilation of banks where they ought never to have existed, the interference, however doubtful in point of policy or principle, may eventually be productive of more good than evil.

"The general system of credit, which has been introduced through the agency of banks, brought home to every man's door, has produced a factitious state of things, extremely adverse to the sober, frugal, and industrious habits which ought to be cherished in a Republic. In the place of these virtues, extravagance, idleness, and the spirit of gambling adventure have been engendered and fostered by our institutions.

"The system of credit, which, in the infancy of our commerce, was indispensable to its prosperity, if not to its existence, has been extended at a period when the dictates of sound discretion seemed to require that it should be shortened. The credit given upon the sale of the national domain has diffused this spirit of speculation and of inordinate enterprise among the great mass of our citizens. The public lands are purchased, and splendid towns erected upon them, with bank credits. Every thing is artificial. The rich inhabitant of the commercial cities, and the tenant of the forests, differ only in the object of their pursuit. Whether commerce, splendid mansions, or public lands, be the object of desire, the means by which the gratification is to be secured are bank credits.

"This state of things is no less unfriendly to the duration of our Republican institutions, than it is adverse to the development of our national energies, when great emergencies shall arise; for, upon such occasions, the attention of the citizen will be directed to the preservation of his property from the grasp of his creditors, instead of being devoted to the defence of his country. Instead of being able to pay with promptitude the contributions necessary to the preservation of the State, he will be induced to claim the interference of the Government to protect him against the effects of his folly and extravagance."

Such, Mr. Chairman, were the phenomena exhibited in that period of our history, commencing in 1815, and ending in 1819, the problem of which I have attempted to solve. How perfect is the resemblance between that period and the last two years!

I shall now, sir, take a brief view of the parallel of the period of our history which I have just been considering, which is to be found in that period embracing the years 1834 to 1839.

It will be seen by the table of prices in the Boston markets, which I have already introduced, that from 1819 to 1832, the prices of beef, pork, flour, wool, and cotton, were comparatively low. At that date they commenced rising until most of those articles attained the extraordinary prices of 1837 and 1838, the causes of which, I shall now proceed to assign, and which will be found to be the very same which led to the increase of prices during the former period. They were—

1. An *expansion of the currency.* This was commenced by the United States Bank, which had then embarked in its crusade against the Government to force from it a re-charter. It commenced the game of expansion in 1832, after Gen. Jackson had avowed his hostility to that institution. During the first six months of that year, it increased its loans from $43,000,000 to over $70,000,000. To verify the prediction of its friends, that there would be constant fluctuation and instability in the currency and the business of the country, until a new bank was chartered, and to pave the way for the panic which was to follow the removal of the deposites, in August of 1833, it commenced its first system of *contraction*, and, in less than one year, *reduced* its loans and discounts nearly $17,000,000, and its circulation about $3,000,000; at the same time increasing the specie in its vaults about the same amount; which was abstracted from circulation, and contributed its due proportion to the panic which followed. It failed in its object. The deposites were not returned to that institution.

In 1834 the bank commenced its second grand scheme of expansion, with the premeditated design of coercing from the Government a new charter, and which superinduced the revulsion and panic of 1837. On the 1st of September, 1834, the loans of the United States Bank were $47,058,493; specie, $13,863,897; circulation, $10,298,577. On the 1st of June, 1835, a period of nine months only, it had increased its loans to $68,642,646; its circulation to $22,009,474; its specie remaining about the same as in 1834. The small banks followed the lead of the mammoth institution. On the 1st of January, 1834, the whole number of banks in the United States was 506; the aggregate amount of their loans, $324,119,499; circulation, $94,839,520. They increased in number, amount of discounts, and circulation, to January 1, 1837, when their number was 634; their loans and discounts $525,115,702; and their circulation $149,185,840. Thus was added, in the space of three years, $200,996,203 to the loans and discounts, affecting individuals; and $54,346,320 to the circulation, affecting the community generally; being an increase of the former of nearly two-fifths, and of the latter, more than one-third; and adding to the banking "accommodations" of the country, more than TWO HUNDRED AND FIFTY FOUR MILLIONS. I will here note the effects of this first cause which was sufficient of itself to account for the inflation of prices, the overtrading and general overaction which ensued. The effects were immediately visible in the excessive importations which were made, and in the sales of the public lands. Before 1834 the excess of the imports over the exports was not unreasonably great.

Year.	Exports.	Imports.	Excess.
1834	$104,356,975	$126,521,332	$24,184,359
1835	121,693,577	149,895,742	28,202,165

1836	128,663,040	189,980,635	61,316,99!
1837	117,414,376	140,989,217	23,579,84
		Excess,	$135,273,36

Thus was a debt incurred to foreign merchants of over one hundred and thirty-five millions, stimulated by the expansion of the currency. The same effect was visible in the sales of the public lands, which rose from $3,967,681, in 1833, to $24,877,179,* in 1836, the year when the expansion was at its acme, and the country bore the appearance of the greatest prosperity, but which was delusive, and, in truth, portended a sudden reaction.

2. Another cause of the rise of prices, and particularly of agricultural products and farms, was the diminution of the supply in proportion to the demand. This was produced by two minor causes operating to effect it.

3. The first and most prominent, was the abstraction of labor from the business of production. During this period of unbridled enterprise and extravagance, the States, as well as corporations, embarked largely in schemes of internal improvements, in building railroads and canals. They had borrowed immense sums from Europe, to carry on the stupendous projects, which they had commenced. They employed a vast number of laborers, who, by that change of pursuit, became consumers, instead of being producers, thus increasing the demand in proportion to the supply; which was much less than it would have been, if it had not been for the abstraction of that amount of labor from the business of production which was employed on public works.

4. Another cause, sir, was the unfruitful seasons of 1835, '36, and '37, which also tended to diminish the proportion of the supply to the demand. The effect of all this was, to increase the prices of all agricultural products, and of farms, and also of the wages of labor, which were affected by like causes.

Another striking effect was visible in the importation of foreign grain. Instead of exporting large quantities, as we had heretofore done, the country did not raise enough for its own consumption. I exhibit, sir, a table, which shows the amount of grain imported from 1835 to 1839:

STATEMENT

Of the quantity and value of wheat and other grain imported annually from 1830 to 1839, inclusive.

	Wheat.		Oats.	
	Bushels.	Value.	Bushels.	Value.
1830,	422	$492	1,495	$378
1831,	620	685	1,226	333
1832,	1,168	1,151	1,187	331
1833,	1,600	1,606	348	110
1834,	1,225	1,213	1,807	506
Aggregate for the first period of five years,	5,035	$5,147	6,063	$1,658
1835,	238,769	198,647	7,460	2,421
1836,	538,898	493,150	161,552	63,346
1837,	3,921,259	4,154,326	6 033	3,101
1838,	894,536	896,560	6,600	2,493
1839,	17,873	32,281	1,016	446
Aggregate for the second period of five years,	5,611,335	$5,764,972	232,761	$71,807

T. L. SMITH, Register.

TREASURY DEPARTMENT,
Register's Office, April 2d, 1840.

Thus, Mr. Chairman, it appears that, during the first period of five years, which was before the causes I have assigned for high prices were felt in their full force, but the small amount of 5,035 bushels of wheat was imported, for which $5,147 were paid; and 6,063 bushels of oats, for which $1,658 were paid. During the second period of five years, the period during which those causes of high prices were felt in their full force, 5,611,335 bushels of wheat, for which were paid $5,764 972; and 232,761 bushels of oats, for which $71,807. In 1839, these causes had ceased to operate, and but a small amount of foreign grain was imported.

It is unnecessary for me, Mr. Chairman, to depict the scenes of enterprise run mad, and the spirit of wild and gambling speculation which followed, for the picture is familiar to every mind. The bubble extended in size, until it reached its most attenuated limits of expansion, when it burst. Then followed the revulsion and panic of 1837, ushered in by the grand explosion of the banks, which had been the authors of all this splendid pageant of empty prosperity, and all the real distress, desolation, and ruin, which followed.

I will, Mr. Chairman, state briefly the immediate cause which led to this revulsion.

1. The first and chief cause was the contraction of the circulation, and of banking facilities. On the first of January, 1838, the amount of the loans and discounts of all the banks of the United States, was $485,631,687; and of their circulation, $116,138,910; thus showing a contraction of discounts to the amount of $39,484,015, which affected individuals directly; and $33,046,930 in the circulation, which affected the community generally; making an aggregate curtailment of banking "accommodations" and "facilities" of more than SEVENTY-FOUR MILLIONS. This, with the alarm created by the explosion of the banks, caused the distresses of 1837.

But the spirit of infatuated speculation had not quite died away. The country had not quite recovered from its state of inebriation and delusion. It suffered a partial relapse, as will be seen by the facts I shall exhibit. In 1838 another partial expansion of the currency took place, and the usual phenomena were immediately visible, viz: a revival of business, a renewed spirit of speculation, overimportation, and overtrading. On the 1st of January, 1839, the amount of loans of all the banks in the United States was $492,278,015; circulation $135,170,995; being an increase of loans over the preceding year of $16,646,331, and of circulation, which affected the country most, of $19,032,065; aggregate increase of loans and circulation, $35,678,396. This increase of the stimulus of trade and speculation was at once visible in the business of the country, and particularly in the excess of the imports over the exports. In 1838, the year following the revulsion of 1837, and the year of repose, the exports were $108,486,616, imports $113,717,404; which was not a greater excess than a sound and healthy trade would warrant. In 1839, after the partial expansion of the circulation, and of other bank facilities in 1838, the exports were $121,023,410, imports $162,092,132; exhibiting the enormous excess of imports over exports of $41,068,722 in one year. Cause and effect were never more closely connected.

I will now, Mr. Chairman, briefly notice the causes that led to the fall of prices which has taken place during the last six months. As to the distress which is said to prevail by Federal orators and Federal newspapers, there is nothing in it. There is, in fact, but little, if any real distress in the country, as I shall prove presently. The causes which have induced a fall of prices, are—

1. A contraction of the currency. On the 1st of January, 1837, the amount of circulation was $149,185,840. On the 1st of January, 1840, it was $106,968,572; showing a reduction of $42,217,268, since January 1, 1837, and $28,109,433, since January 1, 1839. Such a sudden diminution of the measure of value, is alone sufficient to account, in a great degree, for the great reduction of prices which followed.

2. Another cause was the diminution of the demand in proportion to the supply. This was produced by two sub-causes, viz: the favorable seasons; and the return of the labor abstracted by works of internal improvement, and engaged in speculation, to the business of production. The public works have generally been suspended, and the vast number of laborers employed upon them, have returned to the cultivation of the earth. Instead of being consumers, they have become producers, and the consequence is, a vast increase of agricultural products in proportion to the demand for them. A fall in the prices of agricultural products, of wheat, of corn, of pork, of beef, of every thing produced by the farmer or planter, was therefore inevitable.

NOTE.—It is proper here to remark, that the article of cotton is not so much affected by the causes operating upon prices here, as in England, in which country most of it is consumed. The prices of cotton in the markets of England and this country, depend upon the condition of the manufacturing interests, and the state of the currency in England. If the manufacturing interests are depressed, the demand ceases, and the prices fall. The Bank of England, by the exercise of its power, in refusing its accommodations to the American houses in London, through which the business of the American exporter was done, caused the great fall of the prices of American cotton in 1836. These things are too fresh in the minds of American planters to require further proof.

The table of prices in the Boston market is a complete thermometer, indicating unerringly the effects of an expansion of the currency, and the operation of other causes tending to raise and depress prices. The expansions and contractions of the currency, and the rise and fall of prices consequent upon them, show a most perfect connection of cause and effect.

Mr. Chairman, the intelligent farmers of this country must perceive the truth of the positions I have assumed, and they will be convinced that the Administration is not responsible for the fall of prices which has taken place within the last nine months. I appeal, sir, to the good sense of that numerous and powerful class of my fellow-citizens, and I ask them, if the Government could control the banks, and compel them to issue their paper in greater abundance? Would it have been the best policy, if it could have done it? Have those arrogant and lawless institutions, even regarded the authority of law and the welfare of the community, when it has been their interest to trample upon both? Let their recent conduct answer. Could the Government control Divine Providence in the dispensation of its blessings and beneficence? Could it shut out the vivifying sun-light of heaven? Could it arrest the refreshing shower in its descent upon the earth? Could it forbid man to labor and till the earth, and could it prevent the soil from giving forth its abundance? Through the audacious and daring wickedness of the banks, the circulating medium, which is the measure of value, has been cut short. Through the benevolence of the Father of all, the seasons have been congenial, and the earth has yielded her fruits in profusion. These are the prime causes of the fall of prices. Is the Government to be blamed for all this? I put it, sir, to the hearts and consciences of the honest and intelligent yeomanry of this country. I would not, deceive them in this matter if I could, for all my sympathies are with them. I was one of them once. I have toiled in the field with my own hands, and have performed all the onerous labors of the husbandman. I have mingled with that class from early life. I know their worth, their love of truth, their honesty, and integrity of character; and believe me, Mr. Chairman, when that class of our fellow-citizens render their verdict upon the great question now at issue before them, it will be just and correct. I, for one, fear not the result.

I shall now, Mr. Chairman, proceed to demonstrate, so far as they are susceptible of demonstration by facts and figures, the causes of the fluctuations which take place in the wages of labor.

It will be recollected, sir, that the doctrine now advanced by the Federal party, and particularly by the honorable gentleman before alluded to, [Mr. DAVIS,] is, that a paper currency tends to elevate the wages of labor, and, therefore, is the best currency for the workingman; and that a metallic currency tends to diminish the wages of labor, and, therefore, is hostile to the interests of the workingman.

The professors of this school of political economists take the fact, that the wages of labor are high in this country, which, in their phrase, is a "paper money Government," and low in the countries of Europe, which they assume are "hard money despotisms;" and one of the corollaries is, that paper money, manufactured by man, is the friend of freedom; and hard money, made by God himself especially for the use of man, as the true measure of value throughout the world, is the friend of despotism! They, therefore, contend that the Independent Treasury, which will have a tendency to make the banks resume specie payments, and render the currency which they furnish sound and stable, (so far as paper or mixed currency can be,) and, to some extent, reduce the nominal prices of property from inflated to sound prices, is hostile to the inte-

* The following table shows the effect of the expansion upon the sales of the public lands:

Year.	Amount of sales.
1833	$3,967,681
1834	4,857,600
1835	14,757,600
1836	24,877,179
1837	6,776,236
1838	3,081,939
First three quarters of 1839, including also sums collected that year in Treasury notes	5,417,280

Like the excess of importations, the amount was greatest in 1836; much less in 1837, very low in 1838, but in 1839 they revived—the consequence of the expansion in 1838.

rests of the workingmen, and should, therefore, be opposed by them.

This, sir, is the argument put forth from a high position, [the Hon. Mr. DAVIS,] reiterated here, and trumpeted by all the presses of that party throughout the Union. It is, that the wages of labor in this country, in which the paper system reigns supreme, are high as compared with the different countries of Europe, which the Whig champions of the working classes contend are "hard money despotisms." And hence paper money is the friend of liberty and the poor man, and hard money the friend of despotism and the enemy of the poor man.

I will, Mr. Chairman, first despatch the Whig argument upon this subject, and then show the true causes which tend to raise and depress the wages of labor.

I concede, at once, that the wages of the laborer are low in all the countries of Europe. Indeed, sir, we have but a faint idea of the degradation, poverty, and misery of the working classes in European countries. Now if the Governments of those countries are in fact "hard money" Governments, as the Federal advocates of the laborer contend, there would be some plausibility in the assertion that a metallic currency is the cause of the low wages and the poor rewards of labor in Europe. But if it turns out to be the fact that those very countries of Europe are like our own, "paper money" Governments, instead of "hard money" despotisms, then, sir, the Whig argument is completely exploded. Or if it turns out to be the fact, that wages in all the countries of Europe, whether the currency circulating in them be paper or metallic, are at the same rate of depression, then the Whig argument is alike exploded.

I shall now proceed to show that many of the countries of Europe are paper money countries; and that in those countries in which a metallic currency circulates, wages are as high as they are in paper money countries. If I show this, sir, other causes must be assigned for the depressed condition of the laborer than that he lives in a country in which specie alone circulates, and is the victim of a "hard money despotism."

On this subject, Mr. Chairman, I have collected a mass of facts from the most authentic sources, and shall, to avoid all doubt or dispute as to their accuracy, give my authority. I begin with

ENGLAND.

Wages of labor.—In ordinary times, the poor laborer gets from $2 50 to $3 per week. In seasons of distress, he gets but $2. In each case he is obliged to find his own board and lodging.—See Wade's History of the Working Classes, page 538, and testimony taken before the anti-corn law meeting, London, March 26, 1839.

Government.—A limited monarchy.

Currency. England, like this country, is a paper money country. In 1810, after the suspension of specie payments by the Bank of England, its circulation was almost exclusively paper. Its amount at that time was 220,500,000.—See Mr. Woodbury's table of circulations, House Document No. 27, 2d session, 23d Congress.

FRANCE.

Wages.—The laborer averages, the year through, 16 cents per day.—See British Consular Reports, pages 6, 22, 30, and 39.

Government.—A limited monarchy.

Currency.—Specie and paper—the former predominating.—See Mr. W's table of circulations.

CORSICA.

Wages.—The male laborer gets 24 cents a day, and the female 11 cents.—Con. Rep. 64.

Government.—Subject to France.

Currency.—In Corsica wages are paid in specie.

PRUSSIA.

Wages.—The male laborer gets from 8 to 13 cents per day for the longest days, and about one-third less during the shortest days. The female gets a little more than half as much.—Con. Rep. p. 76.

Government.—A despotism.

Currency.—Paper and specie—the latter predominating.—Mr. W's table of circulations.

GERMANY.

Wages.—The male laborer gets from 13 to 19 cents per day. The female gets about three-fifths as much.—Con. Reps. p. 85.

Government.—A despotism.

Currency.—The circulation of Germany is a mixture of paper and specie, and at times the former has been greatly depreciated.

HOLLAND AND BELGIUM.

Wages.—A regular farm male servant gets from $22 to $28 per annum. A female servant is paid half as much. Laborers get from 18 to 20 stivers in the summer, and from 14 to 16 in the winter.—Con. Rep. p. 125.

Government.—A limited monarchy.

Currency.—The circulation of Holland and Belgium is a mixture of paper and specie, the latter greatly predominating.

AUSTRIAN PROVINCES.

Wages.—Trieste. A field laborer gets one shilling sterling (22 cents) per day, one half of which is deducted if board and lodging is found. Milan. The head man gets from one to two livres per day in harvest time; half that amount at other times. Genoa. Laborers receive from 5l. to 8l. per day besides their diet. Leghorn. The day laborer gets 6l a day and food in summer.—Con. Reps. pp. 154, 162, 165, 168, and 169.

Government.—A despotism.

Currency.—The circulation of Austria is half paper and half specie.—Mr. W's table of circulation.

RUSSIA.

Wages.—There is no such thing as wages paid to laborers in Russia; the laborer being bought and sold with the soil on which he lives. He is a mere slave.

Government.—A despotism.

Currency.—The circulation of Russia is almost entirely paper, which is depreciated two-thirds in value, one specie rouble being worth three paper roubles.—Mr. W's table of circulations.

CUBA.

I have no authentic information from this country. It is said, however, that wages are high, the slave earning $1 50 per day. Mechanic labor is three dollars per day.

Government.—Subject to Spain; a limited monarchy.

Currency.—Entirely specie.

Thus, Mr. Chairman, it will be perceived by the facts I have stated, that in all the different countries of Europe, whether the circulation be paper or metallic, or a mixture of both, the wages of the laborer are very much depressed, being at nearly the same rate in all those countries. In England, sir, they are a little higher than in some of the countries of the continent, but even in that country the laborer is as much depressed as in countries in which his wages are a little lower. To show the condition of the farm laborer in England, I copy from the testimony taken before the anti-corn law meeting, held in London in 1839:

"Wm. Holman examined. I am a farm laborer. I have been employed in North Town five years. I have a wife and four children. My wages are 8s per week (about $2.) Some times I have received 7s and three pints of cider. The latter was worth 1s 6d. I now receive 1s instead. My eldest girl is employed occasionally, and then receives 8d per day. At present they can get no employment. They consume six loaves of bread a week—made of second flour. The loaf is 7½d. In the week we consume 16d worth of potatoes. We have sometimes, in the course of the week, 1½d of skimmed milk, and at other times, half a dozen salt herrings, at 8d per dozen. In the course of a month, we might get 2lbs. of meat at 5½d per lb. Every two weeks we have a pound of bacon at 7d—that and the fish last a fortnight. When we have meat, we don't have bacon for three weeks after. We have ¼lb cocoa a week, at 3d. We cannot afford sugar. We have 1lb. salt at ½d. We have ¼lb. candles at 6d per lb. My rent is 2s per week. I have not bought any clothes for five years; a gentleman gave me some old ones. *When bread and potatoes were cheap, I could buy some clothes*, but as long as they remain as at present, I am certain I cannot. I sent a child to school some time back, but could not afford to pay 2d per week. Some years ago bread was cheaper, but wages were the same. Bread has risen, but wages not. I am in debt seven weeks' rent. I have been steadily employed for five years."

An able writer remarks:

"Here is an intelligent farm laborer of persevering industry, who, with his wife and four children, six souls, received per week - - - - - - - - 8s 0d

They consume six loaves at 7½d	-	3s 11 d
Potatoes - - - -	-	1 4 d
Milk - - - -	-	1½d
Herrings - - - -	-	4 d
Bacon - - - -	-	3½d
Cocoa, salt and candles	-	5 d
Rent - - - -	-	2s
		8s 5d.

"With this small fare he goes behindhand 5d, consequently is in, debt seven weeks' rent.' This is the condition of the laboring classes in England, where the paper system prevails to its fullest extent, and the evidence of this man shows conclusively that his condition has become worse, as the paper currency has increased. He says four or five years ago, he could live as well, and buy some clothes, which now he cannot do—'bread has advanced and wages not.' Four or five years ago the numerous joint stock banks in England first began to exert that influence on business which resulted, in connection with similar causes here, in producing the explosion of 1836. In that period immense fortunes were made, and speculation ran riot; but at the same time the condition of the farm laborer, who was producing the actual wealth of the country, was growing worse."

In those countries in which wages are actually lower than they are in England, the difference is more than made up by the greater *cheapness* of all articles of comfort and necessity. I copy from the consular reports, for example, the prices of clothing for a laborer in Corsica:

Jacket,	lasting	24	months,	8	francs
Cap,	do.	"	do.	1	do. 50 centimes
Waistcoat,	do.	36	do.	4	do.
Pantaloons,	do.	18	do.	5	do.
Shirt,	do.	12	do.	3	do. 50 "
Pair of shoes,		6	do.	6	do.

28 francs.

About $5 25.

The laborer, as I have before shown, gets 24 cents a day in Corsica. He would, therefore, be obliged to work 22 days to earn the clothing which will last him nearly two years. In the United States, the workingman cannot be clothed short of $40 per annum, and therefore if he received $1 per day for his labor, he would be obliged to work 40 days in order to clothe himself. The workingman gains nothing by high wages, if every thing he wants in the shape of food and clothing is *higher* in proportion than his wages.

Now, Mr. Chairman, these are facts, stubborn facts, from which there is no escape. And what, are the plain and irresistible deductions from them? We observe, in the first place, that the wages of the laborer in all the countries of Europe, are but a mere pittance, just sufficient to keep body and soul together. In England, a "paper money" country, with a currency more like our own than any other, the wages of labor are nearly as low (lower in comparison with the prices of provisions &c. consumed in families) as in any other country, in which the circulation is, in the main, specie. And in Russia, the worst paper money Government in Europe, with a paper currency greatly depreciated, more so than our currency has ever been in its worst condition, the laborer is a mere slave, and bought and sold with the estate on which he happens to live.

In order to show that it is not a paper currency which elevates the wages of labor, I will exhibit a table of the wages paid for weaving, as connected with the currency at different periods, in England.

TABLE.

Year.	CIRCULATION. Paper mill's.*	Specie. mill's.	Reeds.	Fineness of twist.	Shoots across.	Wages per yd.
1796,		101	60	70	112	1s. 6d.
1797,	115	96	60	64	120	1s. 2d.
1810,*	220½		60	64	120	6d.
1815,*	278½	14½	60	64	120	6d.

[*Hazard's Statistical Register, vol. 2, p. 264; and Mr. Woodbury's Table of Circulations.*

Thus it will be seen that, in 1796, before the suspension of specie payments by the Bank of England, and before specie had been driven from that country, and given place to an inundation of paper, the weaver got one shilling and sixpence for weaving a yard of cloth. As paper money became more abundant, and consequently more depreciated, the wages of the weaver fell in nominal price, and in real compensation. When paper was most abundant, and when, according to the Whig argument, wages should have been highest, they were in fact the lowest, having depreciated two-thirds.

Now, Mr. Chairman, is not the conclusion irresistible, that the kind of currency is not the cause of the great depression of the wages of labor in Europe? For, sir, we have seen that the poor laborer is equally depressed in all the countries in Europe, whether they be "paper money," or "hard money," despotisms.

Now, sir, what are the causes of the low wages

*Suspension of specie payments.

of labor in Europe, if they are not to be found in the kind of currency in use there? I answer, they are to be found in the political and social institutions of those countries. There, sir, the poor laborer is in truth enslaved. He is tied down by the irresistible force of circumstances, which bind him to his employer, with cords as potent as those which bind the slave to his master. There wealth and power predominate over the people. There the haughty and arrogant capitalist, whether he be the lord, with his ancestral acres, or the manufacturing monopolist, with his accumulated millions, has usurped the power of legislation and the authority of Government. They wield it for their their own aggrandizement, and, through its agency, they have established, even in England, a despotism over the laboring masses, nearly as oppressive and implacable as that which exists in Russia. Having the power over the laborer and operative, they doom him to unremitting toil, from the morning dawn to the setting sun, and then wrench from him all his earnings, except a bare pittance, just sufficient to keep him in existence, that they may riot in plenty, luxury, and profligacy. These are the causes of the great depression and degradation of the workingmen of Europe. They are to be found, sir, in the social and political institutions of the countries of that portion of the world, which wrest from the laborer his political rights, and then rob and plunder him of the produce of his sweat and toil.

Here, Mr. Chairman, in this country, the paradise of the poor, if there is any for them any where on this earth, the workingman moves upon a different theatre. The spirit of freedom ennobles him. The glorious institutions of our country place him upon the platform of equality with the proudest and the most powerful, and clothe him with that potent weapon, the ballot, to protect and defend himself from the encroachments of power and wealth. With that most potent weapon in his hand—more potent than the monarch's sceptre—with a consciousness of his power and his rights stamped upon his heart, and with the enthusiasm of liberty stirring up the noble impulses of his soul, the workingman of this country cannot be enslaved. Here the capitalist and the employer cannot degrade the workingman to the condition of the serfs of Europe, nor deprive him of the just earnings of his labor. In addition to the protection which our institutions give him, the vast national domain, still unsettled, offers him an asylum against the oppression of the employer. If the capitalist turns him out of employment, he can go to the great West, cultivate the soil, and become not only comfortable, but independent in his condition. And, sir, the very consciousness that the soil which gives him subsistence is his own, inspires him with the spirit of independence, and gives him the soul of a freeman. He would not then humble himself before his arrogant employer, and sacrifice the sacred right of freedom of opinion and conscience, to save himself from starvation. No, sir, the God of Heaven is the almoner of the bounties he receives, and virtuous industry the means by which he secures them. Here, then, the laborer cannot be degraded while our present institutions exist. But the wages of labor may be affected, to some extent, by the same causes which operate to produce the rise and fall in the prices of property. I will take the same periods to illustrate this point.

During the war, the wages of labor were high. The causes were: 1st. An expansion of the currency. 2d. The supply of labor was not so great in proportion to the demand as at other times. Men were called from the productive pursuits as before stated, to the field and the ocean, to serve their country. Thus the number of producers was reduced, while the consumers increased; labor became more scarce, and consequently more valuable, and wages rose. In 1819 they fell in some degree, from the same causes which led to the fall of the prices of property.

During the corresponding period, from 1833 to 1839, the same phenomena in cause and effect are to be observed. The banks expanded their circulation—that was one cause. The fever of speculation and of visionary enterprise commenced. The States as well as individuals embarked in extensive schemes of internal improvement. This diverted a large amount of labor from the productive pursuits. The amount of labor left was therefore less, and the wages of labor were proportionably enhanced. Others embarked in speculation, thus diverting another portion of labor from the productive pursuits, and tending to elevate wages. A scarcity of crops, as before shown, intervened, thereby increasing the value of agricultural products, and enhancing the wages of those who produced them.

The causes which have tended to reduce the wages of labor, if they have suffered much reduction, are a contraction of the currency—a suspension of works of internal improvement, thus throwing back large numbers of laborers to the pursuits of agriculture—good seasons and bountiful crops—the same causes which operated to depress the prices of property.

Now, Mr. Chairman, these effects were primarily produced by the banks and by Providence itself. The banks, sir, were the cause of the extraordinary expansions and contractions of the currency, which accomplished most of the mischief. And God himself gave us good seasons or bad; plenty or scarcity of crops. As I said before, the earth is his, the genial sunshine is his, the refreshing rains are his, the cold and the heat are sent by him. He dispenses all as suits him best, and for the best in the end. Yet all the effects of the causes which I have assigned, are unjustly and falsely charged by the Whig orators and presses, to the measures of the Government.

Sir, the Government is not in fault. It has endeavored, by its own acts and measures, to prevent the effects of the mad career of the banks. Yet, with an audacity unparallelled, the advocates of those arrogant and soulless corporations charge the very sins which they commit, to the Government. Was ever such impudence surpassed?

On the contrary, the Administration and the Democratic party have attempted to arrest the high-handed course of corporate and associate wealth, in its lawless march to power, aggrandizement, and despotism, to which it aims and aspires. And hence, sir, its bitter, unrelenting, and persevering hostility to the party in power.

Having assigned the causes which have operated to produce the rise and fall in the prices of property and the wages of labor, I must be pardoned by the committee if I now cite a little authority, a little *Whig* authority, in favor of the views I have just advanced. I read from the message of the Hon. JOHN DAVIS, now Senator from Massachusetts, while he was Governor of that State, to the Legislature, in 1834:

"Fluctuations visit all who have property, and all who work to acquire it, with injury, and compel them to submit to severe sacrifices. What is called a scarcity of money, only means that the banks do not discount. Under a pressure thus occasioned, we have seen (before 1833) good estates dwindle, until their possessors were left bankrupt. We have seen LABORERS THROWN OUT OF EMPLOY, OR THEIR WAGES GREATLY REDUCED; and business either suspended or dragging those engaged in it towards ruin. We have seen, also, great anxiety and dismay pervade the whole public!"

Again:

"Believing that under our present system we may be again witness of these scenes of suffering, I cannot relinquish the hope that your wisdom [a Whig Legislature] will devise some way of giving greater stability to the local currency."

And again:

"Experience has long since proved that a METALLIC CURRENCY is least liable to fluctuations, and it is to be hoped the earliest opportunity will be seized *to return to it* so far at least as *to rectify the present credit system of paper currency*, and prevent its *pernicious fluctuations*."

These, sir, were the sound views of the statesman in 1834. I offset them against the views of the politician, as exhibited in the recent speech of the same honorable gentleman during the present session. It will be seen, when he spoke as a statesman, he assigned like causes for the distress of that period, and the depression of the wages of labor, to those which I have assigned.

I have now, Mr. Chairman, got through with my demonstration of the problem of fluctuations in the prices of property and the wages of labor. Intimately connected with the subject of currency is the subject of exchanges.

One of the great arguments of the Opposition in favor of a National Bank, which that party support as the antagonist of the Independent Treasury, is, that it is necessary to regulate the exchanges of the country; and the recent derangement of the exchanges, the advocates of that party contend, is to be attributed to the want of a National Bank. Convinced, as I am, that the views of the Opposition party, who support the banks, are not founded in fact, I will now proceed to demonstrate, by facts and figures, the problem of fluctuations in exchanges.

To illustrate the matter clearly and concisely as possible, I will, at the outset, explain what is technically understood by the mercantile term of Exchanges.

It grows out of the trade between two given points, or, what is the same thing, two different communities or nations—like New York and New Orleans, or the United States and England. The trade between communities or nations is like the trade between two individuals. One has commodities of different kinds, which it exchanges with the other for commodities which the latter possesses. The main branch of the trade is upon the barter principle. But, sir, by and by the parties adjust their account. They run up the debtor and creditor sides of the ledger, and they find that one community has had more of the commodities of the other than it has paid for in commodities of its own. It is, therefore, in debt to the amount of the difference, and that debt must be paid in money, or its equivalent—that money or its equivalent must be transferred by the debtor country to the creditor country, in order to balance the account. If, instead of money, the operation is performed in cash funds, it is technically called exchange. If the currencies of the two points or two countries are the same in value, the difference of exchange will be simply the cost and risk of transmitting cash funds from one country to the other. But if the currency is more depreciated in one country than in the other, the rate of exchange is just the difference between the value of the currency of the country in which it is depreciated, and the value of the currency in the country in which it is sound. In mercantile parlance, the operation of transferring balances in cash funds, is called exchange, and the difference in the value of the currencies of the two countries, the rate of exchange.

Now, Mr. Chairman, as to the causes which tend to increase or decrease the nominal rates of exchange.

1. The first cause is the balance of trade, which creates a demand for exchange; or, in other words, for specie funds, and which tends to increase the demand in proportion to the supply in the market. This cause will always operate.

2. The second and most powerful cause which tends to the derangement of the exchanges, and to increase their nominal rates, is the depreciation of the currency at one point, or at both. If the currency is deranged in one country, and sound in the other, the sound currency is the par standard by which the rates are graduated. If the currency is unsound at both points, the derangement increases, and the matter becomes more complicated.

I shall now, sir, proceed to illustrate this point by facts and figures. In the first place, I will take the exchanges between New York and London. We find, Mr. Chairman, on looking into the tables exhibiting the rates of exchange, that the premium or rate in New York for exchange on London, is from 7 to 9 7-10 per cent. when it is not affected by any great demand. Thus, it takes of the currency of New York $109 7-10 to pay a debt of $100 in London. The cause of this difference is this: In the prices current of New York, $4 44 4-9 are assumed as the par of exchange on England. That sum is the pound sterling, according to the old valuation of American coinage, expressed in dollars and cents. By the law of Congress of 1834, American gold was depreciated in value 9 7-10 per cent. as compared with the value of English gold. Thus one dollar in gold of the English coinage is worth one dollar 9 7-10 cents of American gold, according to our new valuation. The English sovereign—the gold coin representing the pound sterling—is now worth $4 87 and a fraction, instead of $4 44 4-9, making a little over 43 cents difference. This constitutes the main difference in the rates of exchange between the two countries. In other words, if we

wish to pay a debt in London of $100 in American gold, we must add $9 07 to it to make it equal in real value to $100 in the currency of London.

The operation is this: A in New York, owes $100 to B in London. C in New York has money, or what is the same thing, credit, in the hands of D in London. A has the money to pay his debt, but does not like to send it across the Atlantic. He therefore goes to C, and gets him to pay his debt, and gives him $109 07 to pay B 100 in London. C draws his bill of exchange on D in favor of A, who endorses it to B, and he calls upon D, gets the money, and the debt is paid, without the transfer of a single cent across the Atlantic. These are principles applicable to foreign exchanges.

I am supposing the currency at both points to remain sound. If, from any cause, by a suspension of specie payments by the banks, for instance, the currency of New York becomes deranged, the rates of exchange will become also deranged, and will rise, nominally, or, in other words, the derangement of the currency, or alteration of its relative value, between two countries or places, deranges the exchanges between those places. And, on this point, I will refer to facts. I take, sir, the rates of exchange in New York during the late suspension of specie payments, which are to be found in Mr. Woodbury's able document, showing the value of paper money, and the rates of exchange in the markets of New York and Philadelphia, published by order of the Senate in 1838, to illustrate my argument. In June, 1837, exchange on England, instead of being 9 per cent. its legitimate premium, suddenly rose to 20 per cent in the markets of Philadelphia and New York. Now, sir, what was the cause of this great rise in the exchanges? It was this—paper money had depreciated in value, by ceasing to be convertible into specie. Specie, at that time, is quoted at 10 to 13 per cent. premium, or, in other words, the paper of the banks of New York, which was assumed in the prices current as the par standard of value, had depreciated 13 per cent. below specie, the real standard. And it therefore took $113 of the paper of New York to buy $100 in specie, or $122 of the paper of New York to buy $100 of specie in London. It will be seen, that, if specie had remained the standard of value by which the rates were graduated in the prices current, the difference in exchange, as before and since the suspension, would have ranged from 7 to 10 per cent. affected only by the balance of trade, or the demand in proportion to the supply. The suspension of specie payments by the banks, therefore, caused all the derangements which existed in the exchanges.

But the effects of the suspension were more obvious and striking in the domestic exchanges of the country, which are governed by the same principles. It appears by the document before referred to, that, at one period during the suspension, the rate of exchange between New York and Boston was 3 per cent. New York and Philadelphia about the same; New York and New Orleans about 12 per cent; New York and Mississippi 30 per cent. &c. The document further shows, that the difference of exchange between New York and the places named was just the amount of the depreciation in the New York market of the bank paper issued at those places; in other words, it took $103 of the paper of the Boston banks to buy $100 of the paper of the New York banks, that being the par standard of value then, and not specie, which was worth 10 to 13 per cent. more than New York paper, and therefore it would have taken $113 of Boston paper to buy $100 in gold in New York. At the same time it took $103 of Philadelphia paper to pay $100 in New York, $112 of New Orleans paper, and $130 of Mississippi paper. To purchase $100 in specie in New York, it would take $113 of Philadelphia paper, $122 of New Orleans paper, and $140 of Mississippi paper. These facts show that the increase of the rates of exchange kept pace in a reverse ratio with the depreciation of paper money. And that depreciation was caused by the suspension of specie payments by the banks. When the banks resumed, exchanges improved. During the summer of 1838, exchanges were lower than they had ever been before, and at one time they were in favor of New Orleans and against New York, the balance of both being against the latter city. (See Sylvester's Reporter of that year.) Wherever the banks resumed, the exchanges fell to their legitimate standard. Wherever they did not resume, they remained high—at rates corresponding with the depreciation of bank paper. Since the recent suspension, they have again become deranged, and are now high against those portions of the country in which the banks have suspended, in just the proportion of the depreciation of the paper in the market of New York. Thus, by the following table, it appears that, on the 26th of May, exchanges are quoted in the papers of New York at the following rates, viz:

Philadelphia	5½ a —
Baltimore	5⅝ a —
Richmond	6½ a 6¾
Charleston	5 a 5½
Savannah	8 a 9
Augusta	12 a 13
Macon	13 a —
Mobile,	10⅛ a 11
New Orleans	7 a 8
Nashville	14 a —

At the same date notes on the banks in Philadelphia, and other cities named, are quoted at the same per cent. discount as the premium on exchange.

I have now, Mr. Chairman, demonstrated the problem of fluctuations in the exchanges, or shown the causes which derange them, elevating them very much at one time, and depressing them at another. They are, first, an increase of the demand in proportion to the supply, which is slight; and, second, a depreciation of the currency, which, in this country, is produced by the banks, and which is always the main cause of derangement. The corollary therefore, of the argument, is, that the banks, instead of regulating the exchanges, disturb and derange them.

If, Mr. Chairman, we had a pure metallic currency, or a currency mixed of paper and specie, but sound, and of the same value throughout the Union, and if exchanges were not monopolized by the banks, but left to be controlled by the inevitable laws of trade, exchange would act as a regulator of commerce. To illustrate: If New York should buy too much of New Orleans, exchange would be against New York. It would rise in rate in proportion as the debt, or balance of trade against New York, and in favor of New Orleans, accumulated. The effect would be, that, in time, the rates of exchange would be so high, as to check the trade of New York with New Orleans, producing a retrogradation, until an equilibrium was restored, by an adjustment of the balance, and payment of the debt. Left to its natural laws, exchange operates as a check against overtrading, precisely as the accumulation of specie under the operation of the Independent Treasury system, will check overtrading. The business of exchange, therefore, should never be in the hands of a National Bank, nor of a company of associated banks, which, by establishing fixed rates, would prevent it from rising and falling, according to the actual state of trade between two commercial points.

I have one more topic, Mr. Chairman, to touch upon, and I will close my remarks.

I have heard gentlemen of the Opposition on this floor talk much about the great distress which pervades the community. The presses of that party harp upon the same dolorous key note given out here. Sir, I have looked about for some evidence, some proof, of the great distress which is said to prevail, and I have looked in vain. Where are the proofs? Where, does it exist? Sir, there is nothing in this cry of distress, which the Opposition party have raised. The community is not so much distressed as gentleman affect to believe; not, at least, to the extent represented. If there is distress it is factitious, manufactured by panic-makers for political effect. The hue and cry has been raised on this floor, sir, and it is reiterated through a corrupt and venal press. The banks and other moneyed interests lend their aid to propagate the falsehood, and to create, if they can, what their own partisans say, actually exists!

The Federal party, in whose hands are the banks, who own and control the manufacturing corporations, and to whom belongs the mercantile capital, and other concentrated moneyed interests of the country, have it in their power to create distress whenever they choose. One of the great leaders of that party [Mr. WEBSTER] long ago predicted, that the business of the country would never be in a settled state until a National Bank was rechartered; which, of course, must be preceded by the installation of that party in power. The Federal party have in their hands, through the joint moneyed interests under their control, the means of deranging business, producing distress, and thus verifying the prediction of their great champion. This, sir, is the *modus operandi* by which that party accomplishes its object. The banks refuse their accommodations, and thus deprive those indebted, although they may have ample property, of the means of paying their debts. This is one cause of panic and distress. They then contract their circulation, and thus deprive the community, generally, of the medium by the aid of which business is transacted and trade facilitated. This is another cause of panic. Then the orators and newspaper scribblers of that party raise the hue and cry of distress, when none, or but little, exists, and thus alarm the community and destroy that confidence so essential to commercial prosperity. This, sir, is another cause of panic. The manufacturing corporations chime in and help to swell the general chorus, by reducing the wages of their operatives and turning them out of employment. The merchants lend their powerful aid, by distressing and oppressing the mechanics and laborers in their employment and patronage. Thus is another note added to the burden of the song of panic and distress. It is palpable, therefore, that the Federalists themselves, by the agency of the machinery within their control, produce the very effect which they predict; and then, sir, with brazen and unblushing effrontery they turn round and charge the consequences of their own ruthless and wicked crusade against the interests, the comfort, the peace, and the happiness of the community, to the measures of the Administration!

But, Mr. Chairman, with all this powerful machinery, which has been worked with redoubled energy during the present session, the Federal party have not succeeded in producing a panic equal to their expectations, and the means they have employed. I say again, that this distress, which is said so generally to prevail, does not, in fact, exist. So far as facts can be obtained, they prove that the business done in the country during the first quarter of the present year, is nearly, if not quite, equal to the business transactions of the country during the corresponding quarter of the last year. On this point, sir, I am not without facts. I have taken pains to procure statements of the amounts of imports and exports, and the arrivals and clearances at the ports of New York, Philadelphia, Boston, and Baltimore, and statements of the inspection of flour at the ports of Baltimore and Philadelphia, for the first quarter of the years 1839 and '40. They exhibit these results:

TABLE showing the comparative amount of exports and imports, and foreign arrivals and clearances in the ports of Boston, New York, Philadelphia, and Baltimore, for the quarter ending March 31, 1839, and the corresponding quarter of 1840.

	Exports.		Imports.	
	1839.	1840.	1839.	1840.
Boston,	$1.627,531	$1,515,000	$6 386,005	$3,294,827
New York,	6,603,796	6,345.000	28,110,818	17,050,000
Philadelphia,	996,370	1,038.823	3,736,756	1.725,000
Baltimore,	1,169,458	1,159,769	1,776,610	1,674,889
Total,	$10,397,155	$10,088,592	$40,009,989	$23,744,716

	Foreign arrivals.		Foreign clearances.	
	Vessels. 1839.	Vessels. 1840.	Vessels. 1839.	Vessels. 1840.
Boston,	183	170	187	185
New York,	365	354	318	308
Philadelphia,	67	60	61	83
Baltimore,	89	86	102	96
	704	676	668	672

NOTE.—The collector of the port of Boston, in his statement, correctly remarks, that "the lateness of the season, in consequence of a very severe winter, diminished the number of arrivals in the first quarter."

I have been unable, Mr. Chairman, to procure returns of the commerce of other large ports of the Union; but, judging from those I have obtained, it is very safe to conclude that returns from the great export cities of New Orleans, Savannah, and Charleston, would exhibit very similar results.

TABLE showing the comparative inspections of flour and meal in Philadelphia, during the first quarter of 1838, 1839, and 1840.

		1840.	1839.	1838.
Wheat flour,	bbls.	103 338	88,796	27.515
Rye do	do	13,332	6 641	7,605
Corn meal,	do	9 548	3,206	7,611
Do.	hhds.	1,916	967	1.613

[*Hazard's Statistical Register, vol. 2, p. 272.*

TABLE showing the inspection of flour and meal in Baltimore, for the first quarter of 18 9 and 1840.

		1840.	1839.
Wheat flour,	bbls.	254,453	138,029
Do	half do	7,821	5,224
Rye flour,	do	2,260	1,911
Corn meal	hhds.	3,577	169
Do	bbls.	3,859	550
Do	half do	83	

NOTE.—During the quarter ending December, 31, 1812, there were 227.331 barrels, and 14,196 half barrels of wheat flour inspected in the market of Baltimore, the largest amount ever inspected during any quarter previous to 1840.

[*Hazard's Statistical Register, p. 245.*

To these tables, Mr. Chairman, I add the weekly report of the Brighton market, the great cattle mart of New England, dated June 1, 1840, with the remark that the prices are as high now as they have ever been, with scarce an exception:

BRIGHTON MARKET, Monday, June 1, 1840.]

[Reported for the [Whig] Daily Advertiser and Patriot.

Prices—Beef Cattle. We quote a few extra at $7 25; first quality, $6 75 a $7; second quality, $6 25 a $6 75; third quality, $5 75 a $6 25.

Working Oxen—A few sales—$75, 80, 92, 110, and 147½.

Cows and Calves—Sales at $21, $25, $28, $32, and $40.

Sheep—Lots were sold at $3 75, $4, and $4 12.

Swine—Dull. Lots to peddle were sold at $4½ a $4½ for Sows, and $5¼ a $5½ for Barrows. At retail, from 5 to 7½.

These statements show that the exports at the ports of Boston, New York, Philadelphia, and Baltimore, vary but very little from those of the corresponding quarter of last year. The same remark is true in relation to the foreign arrivals and clearances. The business done in the flour trade is vastly greater than ever before. If the articles of export were as high in price in our markets this year as last, they would have much exceeded the exports of last year in amount. It is not to be denied that there has been a falling off in the imports, but that should be regarded as a favorable omen, indicating the returning tide of prosperity in the fact that we are beginning to sell more than we buy, and are now liquidating the heavy debt held in Europe against us.

Now, sir, nobody pretends that there was any distress last year. On the contrary, every thing was prosperous and flourishing. The Whigs themselves will not deny this. It appears that so far, during the present year, we have done nearly the same amount of business, and yet it is said the country is greatly distressed. Now, sir, I ask again, where are the evidences of distress, except in the hypocritical and affected lamentations of Whig panic makers? Do we hear of great and numerous failures? In 1819, half of the community failed. Great failures happened all over the country during the panic of 1828. In the great commercial shock of 1837, 200 or 300 merchants failed in New York, half as many in Boston; and large numbers in all the other cities of the Union. Now, sir, we hear of no failures, because none take place. Where, then, I repeat, is the distress which is said to exist? Where its evidences?

The truth is, Mr. Chairman, our country was never richer in all the elements of real wealth and prosperity than at this moment. And were it not for the conspiracy of the banks, and other concentrated moneyed interests, with the Federal party, to overthrow this Administration, our country at this moment would present to the world one of the proudest spectacles of prosperity, and of the triumph of free institutions, that has ever yet been witnessed.

It is true, sir, that the prices of wool, of flour, and cotton, three of the great staples of this country, have fallen. The causes I have already assigned. But I would call the attention of the people, and particularly of the producers of those staples, to the table of prices current which I have before exhibited. By that table it appears that all the products of the farmer and planter, have at different periods of our history, been subject to great fluctuations. During the war, and to 1820, prices were very high. From 1817 to 1836, we had a National Bank. Yet that institution did not sustain the prices of property from 1820 to 1833, the date of the second great expansion of the currency, which ended in the explosion of the banks. During that period of time, dating at 1820 and ending at 1833, prices were generally lower than they have ever been. Yet, sir, that period embraces the Federal Whig era of good times.

In 1817, before the United States Bank went into operation, beef was as high as $15 25 per barrel; pork $18 50; butter 22 cents per pound; cheese 18 cents; flour $14 50 per barrel; corn $1 60 per bushel; rye $1 25, &c; cotton 34 cents per pound; wool as high as 60 cents. Prices have never been higher in this country.

In 1828, during the undisputed reign of the United States Bank, the Whig era of good times, but of real distress and depression, beef was as low as $11 per bbl. pork $8 per bbl. butter fourteen cents per pound; cheese six cents per pound; flour $5 75 per bbl. (in 1827, $5 50,) corn sixty-five cents per bushel; rye sixty-five cents per bushel; cotton ten cents per pound; wool twenty-five cents per pound. Never were prices lower generally than at this time. We then had a National Bank, a high tariff, and a splendid system of internal improvements had been projected; yet never were the farming and planting interests so much depressed; and in fact all other interests, for it was a time of general distress and suffering.

In 1833, sir, when the banks commenced their second great expansion, prices began to rise, the causes of which I have assigned. In these facts, the farmer and planter will see that it is not the measures of the Government to which these great fluctuations are to be attributed. The expansions and contractions of the currency, which the bill on your table proposes to remedy, are the main causes. We have had the expansion and high prices, and now we have the contraction, but not very low prices, except in the articles of flour and cotton, in which there has been a great overproduction; and in wool, which the manufacturers, for political effect, will not buy now, but will be obliged to purchase soon, for, sir, they will not long permit their vast capital to remain unemployed.

The farmers and planters will also see by the tables of prices current, that the prices of sugar, tea, coffee, salt, and all other articles of foreign growth, consumed in their families, have permanently fallen. In this respect, they are permanent gainers by the fall of prices. They have fallen much more in proportion than the staples of their own production.

I am, now, Mr. Chairman, through with my exposition of the causes which produce fluctuations in the prices of property, and the wages of labor, and the derangement of the exchanges of the country. I will now submit in conclusion, a few remarks in relation to the great issue involved in the present contest between the two parties.

It matters not, sir, whether General Harrison is a great general, or whether he is in fact a hero. Those qualifications are very good in their places. Nor is it of the least importance whether or not he lives in a log cabin and drinks hard cider. Neither of them demonstrates his fitness for the exalted office of Chief Magistrate of this great Republic. Besides, sir, neither is true in point of fact; but is a falsehood attempted to be palmed off upon the American people. The farmers and mechanics of this country are not to be convinced by parading through the streets of our splendid cities, the miserable caricatures of log cabins—the humble abodes of the poor, but honest and intelligent settlers of the far West, with all the circumstance and pageantry of hard cider, gourd shells, and coon skins. No, sir, such displays are downright insults to that humble but meritorious class of our countrymen, who inhabit the real log cabins of the country. They are an insult to every intelligent American citizen, who is sought to be convinced of his supposed errors of opinion, by such grovelling mummeries and mountebank exhibitions. Sir, the workingmen of this country have not only intelligence, but they have pride—the pride of conscious integrity and manly independence. And believe me, the insane displays of modern Whigery will arouse in their bosoms a storm of indignation which will ere long burst forth and overwhelm, in its fury, the silly projectors of such dumb shows, invented to deceive and delude them. Think you, Mr. Chairman, that the yeomanry and workingmen of this Republic are to be duped and wheedled out of their rights by a system of jugglery and foolery too disgusting for men pretending to decency and propriety of conduct to be engaged in? Believe it not, sir. That base insult to the intelligence of the American people will be avenged, and the authors and participators in those grovelling and contemptible displays will be covered with shame and disgrace in the crowning victory of this great contest. When they awake from their dream of delusion and infatuation, they will blush at the remembrance of their folly, and hide their heads in confusion. The history of this infatuated period will grate harshly upon their ears some dozen years hence. But, sir, I will not dwell upon the utter baseness of such schemes to delude and dupe an intelligent people. I call that people to the contemplation of the great issue before them, involving, as I believe, the very existence of Republican government, and their own dearest rights and liberties. That issue is, AN INDEPENDENT TREASURY AND POPULAR LIBERTY; OR A NATIONAL BANK AND A MONEYED DESPOTISM.

In Europe, sir, capital, whether it be in money or in lands, is leagued with political power against the people. Here the people are united with the Government, instituted and upheld by themselves against capital. The great contest in which we are engaged is a struggle on the part of the combined and allied moneyed interests of the country to reverse the present order of things, and establish the supremacy of wealth over popular institutions and popular liberty. This, sir, is the issue. The appeal is to the people. I await their verdict without fear of the result.

REMARKS OF MR. HUBBARD,

OF ALABAMA,

In the House of Representatives, May 24, 1840—On the bill granting pre-emption rights to settlers on the public lands.

Mr. HUBBARD said:

Mr. SPEAKER: Having obtained the floor to speak upon this bill, it becomes my duty, as a member of the Committee on the Public Lands, to explain its principles.

It is intended to aid the frontier settlers who have gone upon the public lands, cleared them up, and put them into cultivation—to enable them to secure homes for their families, and to get the benefit of the labor they have done upon the land.

The object of the bill is a good and just one, and will be supported by the House, if not prejudiced by the objections raised against it, on the part of the gentleman from Massachusetts, [Mr. LINCOLN,] and the gentleman from Kentucky, [Mr. WHITE,] who have occupied the whole of this day in making objections, which I trust I shall remove from the minds of every member not opposed to granting pre-emptions to first settlers. Nothing can quiet the opposition of the gentlemen who are opposed.

I shall begin with the gentleman from Massachusetts, (who has occupied the House some four or five hours,) and when I shall have disposed of such of his remarks as have any appearance of force, I shall turn to the gentleman from Kentucky, and upon meeting his objections, shall call the previous question, with the view of having the vote to-night; and I now notify the House that I will not yield the floor to a motion for adjournment, the House having already been too long engaged in the consideration of the question before it.

The gentleman from Massachusetts objects to the first section of the bill, which he supposes "contains a new principle." This section only provides, that whenever a man has built his house upon one quarter section, and made his field upon another, he shall have the right to take either, whichsoever he may choose, or he may take eighty acres to include his house, and eighty acres to include his field, so as not to exceed one quarter section in all.

The section appears to me so just and reasonable in itself, that I do not know how to offer argument in its support. It is intended for this purpose, sir, where a man has done most labor upon his house,

he can take it; when he has done most on his field, he can enter that; and when, by taking legal subdivisions, he can save both, and get the benefit of all his labor, why not let him have it? It is no new principle; it is only applying an old principle to meet cases not provided for in other bills; but if it were a new principle, it is a just and good one, and such that no one who did not oppose the pre-emption principle, or who did not desire to get part of the man's labor, could object to. I know that it is pretended here, by the gentleman from Massachusetts, that this would enable the settler to take the best halves of each quarter section, and thereby render the other part unsaleable. If the land he takes is valuable, he would soon desire the other for timber and room, and if worth any thing, would be compelled to purchase, to keep others away. But how does this alter the case, from the way things now stand? Suppose, sir, that the land had never been settled, or no pre-emption had been given; could not any other buyer buy it up in the same way, by bidding off the half quarter sections, that were good, and leaving out the bad, just as the bill allows the settler to take it by pre-emption?

The whole objection is shown to be groundless, to the most common understanding.

I now turn to the second section, and his objections to that. The second section is intended to provide for the man who actually cleared the land or built the house, and who put another man into possession of the land or house. It will provide for cases like this. A man goes with his family and makes an improvement on a piece of public land; his wife may die; he takes his children, if he has any, to her or his relations or friends, as the case may be; he will not, nay, he cannot, live alone in the woods. He therefore rents out his place to some one who wants a place. Now, ought he to lose his labor, or will you give the pre-emption to the man who did not undergo the hardship of the first settlement, or who did not clear it up and improve it?

The bill gives it to the man who went into the wilderness, found the place, and cleared it up; to the actual owner of the place and labor upon it, and not to the person to whom he has rented; and it is right. And, sir, the gentleman from Massachusetts would have had much stronger reason to object, if it had been otherwise, and I should have sustained his objection.

I will now proceed to the third section of the bill. This provides that where a man settled upon the public lands before they were surveyed, and his improvement, upon the surveying of the country, was found to be upon section sixteen; then he may take another quarter section not occupied by another person, in the same land district, at the Government price. Now, in this case, the township gets the benefit of his labor, and he could not be placed on a footing with his neighbors without such provision. It is nothing but just and right; and no one who will vote for any part of the bill ought to object to this section.

I now follow the gentleman through the fourth section of the bill, which gives a pre-emption to any one who cleared up and settled a tract of public land, which was taken from him afterwards by a grant from Congress to a State, for any purpose whatever, and the objection stands in precisely the same situation, on principle, with the objection to the sixteenth section case, which, I trust, I have disposed of to the full and entire satisfaction of the House, and to the gentleman himself, if he was disposed to favor these claims of the settlers on public lands.

The fifth and last section has been opposed by the gentleman for two reasons. The first, that by reviving the bill of 1838, "those settlers who did not take pre-emptions under that act, will get still two years' longer credit to take their pre-emptions." Secondly, "That it enables men to have pre emptions on lands subject to sale at private entry," which the gentleman thinks is not right, and that it will keep back patents for lands in this situation.

The first objection is strange to me from gentlemen who can give to banks two or three years' credit for millions of public money, which, by reason of the change in times, the banks allege they were unable to pay. They can vote away hundreds of thousands to the importing merchants, for reputed losses by fire. They can credit them for years upon bonds *due*, for what they owe the Government; but a poor needy settler upon the public lands, who has worked hard to clear it up, who has lived hard whilst about it, and who, for the same reasons, (the hardness of the times,) needs a little time to enter his home—they cannot afford to credit him. They can indulge others for thousands or millions, but grudge to let a frontier man have even a little time to secure his labor, and a home for his family; and that, too, when they hold the land itself, together with the labor done upon it, for security. Is this the treatment these men have a right to expect from this House? No, sir; I cannot believe it—I know better.

The second objection is too small a matter for much consideration, but is as easily answered as the others. There are but few cases where lands have been offered, and would not sell at public sale, where any man would settle upon them, without first having purchased; because his improving the land, (if worth any thing) would make the place an object for others to buy, and he would therefore be liable to lose his labor, and be moved off at trouble and expense. Therefore no man can be supposed to be upon lands subject to sale at private entry, at the passage of the act, who was able to buy, unless the place has been so poor, that his labor and land together are not worth the minimum price. A few cases, then, of very poor men, on very poor land, may have pre-emption rights extended to them by this section of the bill, but the number must, for the reasons given, be very few, and the land too poor to make either an object of much consideration with this Congress, and the few titles which may be delayed, on this account, cannot work any injury to an upright man. If a buyer, in fraud of the law, was to go to the office, and enter one of these improvements to get the man's labor, and would falsely state that no person was upon it, and the occupant should afterwards be able to raise the money, and pay up for his improvement, and vacate the title, the fellow would deserve to lose it.

One more objections made by the gentleman from Massachusetts, and I shall quit him, being fully satisfied that I have disposed of his objections. He objects to this bill, because "it will let every occupant now upon the land have a pre-emption, whilst the former bill of 1838 required four months' previous settlement and occupancy." Now the gentleman from Massachusetts, according to this argument, would have no objection to a pre-emption, where a man had settled and cultivated the land some two, three, or four years, and had received some benefit from it; but, a poor fellow who has gone upon it late this spring, and who plants, and cannot more than half break up and cultivate the land, and who has no possibility of making more than half a crop, without getting any thing like half pay for his labor, must be rooted out, and driven off. This is his argument; and it is answered in making a mere statement of its contents.

I now, sir, turn to the objections raised by the gentleman from Kentucky, [Mr. WHITE;] and so far as they are of the same kind with those raised by his friend from Massachusetts, they are already, as I conceive, fully answered.

His objections, growing out of political considerations, I shall not take time to answer; what he has said against Mr. Van Buren I shall pass over, with confidence that it will not seriously effect him.

But he gives it as his opinion, that, if the present bill pass, it will take millions from the Treasury, and has endeavored to support his opinion by referring to a report of the late Commissioner of the Public Lands [Mr. BROWN] who supposed that the pre-emption laws of 1830 "took from the Treasury three millions of dollars."

Now it so happens, that the book containing that report, contains a few facts, which, upon examination, will completely overturn this position.

The book shows that the sales of all the lands in 1829, 1830, 1831, and 1832, did not go but a fraction over two millions of acres a year, and that the average price was nearly one dollar twenty-seven cents per acre.

The same book shows, that in 1835 and 1836, when, according to the gentleman's own statement, no pre-emption laws were in existence, the sales amounted, together, to 32,639,343 acres, which sold for $41,167,637, being about one dollar and twenty-six cents and one tenth of a cent per acre—not one cent's difference in the average price per acre, between the sales when the pre-emption laws were in force, and afterwards when not in force.

It also happens, that, during the time that Mr. Commissioner Brown thought that so much had been lost to the Government by pre-emption laws, money was scarce, and sales were small, as is shown; but in 1835 and 1836, paper money was abundant, speculations ran high, and every body was buying lands that could get to the sales, and forty millions' worth were sold, which sales did not exceed one dollar and twenty-six cents per acre; and this too, when, according to the gentlemans own showing, no pre-emption laws were in force.

Now if, when paper money was plenty, and every thing high, when sales took place to the extent of forty millions' worth, and no pre-emption laws were in existence, the lands did not bring one and a half cents per acre above Government price, what ground has the gentleman from Kentucky, or had the Commissioner, to conclude that, in the sale of about three or four millions' worth, when money was scarce, the Government lost three millions of dollars on the small part that went to satisfy the pre-emption claims of that day? The idea is absurd. It was impossible, and could only have been entertained by prejudices created in the mind of that officer by persons dissatisfied with the execution of the pre-emption laws, from some particular cases, and who had no correct knowledge of the system, as the report shows was the case with Mr. Brown; and, sir, like every other objection to the bill, this also has been found to be only imaginary.

What I have said, Mr. Speaker, is doing but small justice to these frontier people of the new States, who settle upon the public lands, and clear them up. They make roads to the country; they feed, lodge, and protect the wearied traveller. More than that, sir: when your country is invaded, they protect you; and now, when their improvements are selling out, will you not protect them? I think, sir, you will. I have (as I think) answered fully the objections of each of the gentlemen to this bill. As a member of the Committee on the Public Lands, and so frequently called upon and referred to by them, I could not have said less.

One more word in explanation and reply, and I have done. Those frontier men are generally poor and needy, or, at best, men of but small property. When we speak of them, we must, if we speak truth, say "they are poor." And I regret, sir, a remark made by the gentleman from Kentucky, about those "who frequently harp about poor settlers, as demagogues and political hypocrites." I have only to say in reply to that remark, that if the gentleman had been at the Baltimore Convention, and had seen the log pens called "cabins," hauled through the streets, he would not again speak of demagogues or political hypocrites.

[Here Mr. H. was called to order by the CHAIR as not speaking to the bill.]

Mr. HUBBARD resumed. I have sir, said more than I intended when I commenced, but the full and critical examination of every section and sentence of the bill during the whole of this day, warns me that it is time to end this discussion, of which the House is already tired. I shall, therefore, as I promised, end it, by a call of the previous question.

The previous question was called, and the bill passed by a vote of 126 to 64.

SPEECH OF MR. ATHERTON,

OF NEW HAMPSHIRE,

In the House of Representatives, May 27th, 1840—In Committee of the Whole on the state of the Union, on the bill to provide for the collection, safekeeping, transfer, and disbursement of the public revenue.

Mr. ATHERTON said: Mr. CHAIRMAN: It was not my intention to have troubled the committee with any remarks on this bill, which has been the subject of so much discussion heretofore, in both Houses of Congress, and throughout the country. But having been instrumental in bringing the bill before the committee for consideration, it may be supposed incumbent upon me to reply to the gentleman from Massachusetts (Mr. CUSHING) who has moved to strike out the enacting clause, and supported his motion by an elaborate argument. And I can only regret that, on account of the illness of my friend, the chairman of the Committee of Ways and Means, [Mr. JONES] who, I rejoice to see, is so far recovered as to be present in his seat, this duty is not to be performed by one who would discharge it in a manner so much more able and acceptable.

It affords a good omen for the character of the debate on which we have entered, that the gentleman from Massachusetts, notwithstanding the great variety of topics enlarged upon by him, has introduced only those which legitimately appertain to the discussion of the measure before us. Though he did once allude to a certain Dr. Harrison, were it not that he is too well disciplined to suffer his feelings to betray him into any improper degree of enthusiasm, perhaps even that slight aberration might be attributed to that sort of admiration, or, as it has been somewhere termed, "Boswellism," which a biographer may be pardoned for feeling towards his hero.

In confining my remarks to those subjects properly connected with the bill, it will be my endeavor to imitate his commendable example. Without further preface I will, therefore, proceed to state, as briefly as I may, the principles which I conceive to be involved in the measure, and some of the considerations which suggest themselves as favorable to its adoption.

It will occur to those who have examined the bill, that the main principles of the scheme therein proposed, for the collection and safekeeping of the public revenue, are,

1st. That the money of the people shall be safely kept by the people's own officers responsible to them, and shall not be used by corporations or privileged individuals.

2d. The bill makes provisions for reaching, by successive steps, a period when all the revenues shall be collected in the legal currency of the United States, or, in other words, in gold and silver only.

The different sections of the bill contain the details necessary for carrying out these principles. The system, as I understand it, commends itself by combining economy, convenience, and security. The expense of putting it in operation will be trifling, as also the yearly cost of maintaining it. The general suspension of payment by the banks in 1837; their more recent very extensive suspension; the great expenses of the extra session of Congress caused by the refusal of the deposite banks to pay over the public funds committed to their charge, the embarrassment and inconvenience resulting to the Government and to the people from the same cause; the great losses proved by authentic official documents to have been sustained by using banks as depositaries, and by depreciated bank paper; all these, it would seem, must carry conviction to the mind of every one that the inconsiderable cost of carrying the system into effect can bear no comparison with the advantages it must afford. And while it is one of the peculiar merits of the system that it gives neither to the officers of the Government nor to any corporation nor individual power to control the revenue for any other than constitutional and legal objects, it will enable the Government of the people to control, for legal and constitutional purposes, the revenue of the people. The simultaneous refusal of the deposite banks to pay over the funds of the Government in their possession, and the disastrous consequences of that refusal, afford an ample commentary on the propriety, or I should rather say the indispensable necessity, of the provisions necessary to accomplish this object. The system also insures the security of the public funds, by requiring ample bonds from depositaries, by establishing various and salutary checks and guards, by providing for regular periodical inspections and returns, and for sudden and unforseen inspections of the accounts of the agents of Government, and the moneys in their hands. And further still, it guards against that most formidable temptation to embezzlement of the public funds, the liberty to use them, and subjects such use or embezzlement to the punishment of fine and imprisonment.

But it is alleged that the measure will have an effect on the currency of the country, and it is contended by our opponents that this effect will be injurious. It is not denied that it will have an incidental effect on the currency, but its operation, in this respect, so far from deserving to be deprecated, cannot fail to be beneficial.

The only reason for regret, I conceive to be that its operation will be so limited. That the question of an entire specie currency, or any near approach to such a currency, is really involved in this bill, I cannot imagine that any one will be wild enough to contend All must acknowledge that the proportion of specie in circulation in the country to that of paper, is by far too small. Is there a gentleman here who will rise in his place and deny this proposition? Then, though it may justly be regretted that the effect of the bill will be so limited, that effect, so far as it goes to increase the proportion of specie in circulation, must be so far beneficial.

But even were there serious objections in point of convenience, to the scheme as a mere fiscal measure, as I humbly believe there are none, there are other considerations which call for its adoption—considerations of controlling and paramount importance.

It is the system most consonant to the principles of free institutions.

It may be safely laid down as a proposition which cannot be denied.

1. That the taking possession of the public revenue, and using it for the purposes of private gain, necessarily implies, in those thus possessing and using it, control of the revenue.

Were any one disposed to controvert this, a recollection of the bank suspension of 1837, which has heretofore been adverted to, must establish its truth. The banks then controlled the revenue. The people could not control their own money for their own purposes.

Another position is,

2d. That such control of the public revenue necessarily implies a high degree of political power.

This appears equally undeniable. How can a Government be carried on without revenue? Money constitutes the sinews of all its operations. So evident is the truth of the position, as to justify the remark of a great statesman, that "the revenue is the State."

If, then, the two foregoing propositions are uncontroverted and incontrovertible, another follows equally incontrovertible, as it seems to me. It being assumed as a fact, which no one will deny, that the people are the true source of political power, it follows,

3d. That banking corporations, not being politically responsible to the people, ought not to be entrusted with the exercise of political power, and thus ought not to be entrusted with the control of the revenue.

The other consideration alluded to as of controlling and paramount importance, and of a similar nature with the former, is this:

Unlike its antagonist scheme, the system is consistent with the Constitution.

1st. Because it does not recognise the necessity of agents not contemplated or provided for by the Constitution.

Neither banking corporations nor any other corporations are recognised in the Constitution. It is well known to all that the proposition to confer on the General Government power to create corporations, was rejected in the Convention for the formation of the Constitution. Can it be possible that those wise men who framed that instrument could have contemplated any necessity of employing banking corporations to carry on the fiscal affairs of the Government, and yet have neglected to provide for such necessity? To suppose this is to suppose they formed a Government which could not be executed, unless the States should be kind enough to create corporations for its convenience—nay, for its very existence. No one will hazard his own reputation by saying of those great men that they were guilty of so vain a thing. The conclusion, then, is irresistible, that the necessity of the use of banking corporations to carry on the affairs of the Government, was not contemplated by the framers of the Constitution.

The system proposed is consistent with the Constitution.

2d. Because it provides, so far as the revenues are concerned, for a return to the legal currency of the United States.

Its effect will thus be to prevent the people from sustaining loss on account of their Government being obliged to receive depreciated paper. It will also protect the creditors of the Government from loss in a similar manner. The Constitution recognises no paper currency. It gives power to the Government to coin money and regulate the value thereof and of foreign coin, and prohibits the States from making any thing except gold and silver a tender in payment of debts. The system now proposed avoids the absurdity of receiving in payment and paying out that of which the Government has no right to regulate the value.

I have thus hastily enumerated what occur to me as some of the merits of the measure now under discussion. However feebly they may have been stated, they are, some of them, at least, of grave interest, and mark the system as one of vital importance.

But the gentleman from Massachusetts has attacked this bill at the threshold. His object is not to amend, nor even to offer another system, but to destroy. In his extended and elaborate speech, he has swept up, as with a drag net, all that has ever been suggested on this once fertile, but now almost exhausted subject, and has enforced his arguments with his accustomed ability. In replying to his objections, I shall frequently, therefore, have occasion to recur to the considerations which have been already thus briefly adverted to.

The gentleman from Massachusetts has referred to the origin of this measure, which origin he says the Secretary of the Treasury has given in covert language, by stating the system to have been in practice as early as 1790. Mr. Hamilton was then Secretary of the Treasury. Thus, says the gentleman from Massachusetts, the Secretary refers the origin of this scheme to Hamilton the Federalist and Monarchist; but, he adds, the Secretary does not tell us that Hamilton's experiment failed. Again, he says, Mr. Woodbury takes up the rejected instruments of Mr. Hamilton. There does not appear to be much consistency in denouncing this scheme as originating with Hamilton the Federalist; and, in the next breath, denouncing the Secretary for taking up a scheme "rejected" by Hamilton. But what are the facts? The system of employing individuals for the safekeeping of the public moneys, was the first system in practice under our Constitution. Banks were employed at the period in our history next after the adoption of the Constitution. Hamilton was the first Secretary of the Treasury. It is well known that he was not imbued with those principles of Republicanism which prevailed in the formation of the Constitution. There can be no doubt that Hamilton was in favor of a Government resembling that of Great Britain.

"Purge the British Government," says he, "of its corruption, and it would be an impracticable Government; as it stands, at present, with all its supposed defects, it is the most perfect Government that ever existed."

It has been said that—

"The denial of such being Hamilton's sentiments, which has sometimes, for party purposes, been attempted, is quite preposterous, when he himself never disguised his opinions."

Though some have been weak or wicked enough to characterize the imputation of such opinions to Mr. Hamilton as a slander, no one will think such a course expedient since the publication of the Madison papers. In the debates of the Convention, there reported, he freely avowed that "he did not think favorably of Republican Government." His aim in his administration of the Treasury Depart-

ment, undoubtedly was to infuse indirectly into the management of our system of Government those principles of hostility to popular rights, and denial of popular power, which he had in vain endeavored to infuse into the system itself. It is in accordance with all the motives which usually operate on human action, that he should have attempted this. Thus, as soon as was safe or practicable, he departed from the system, the immediate result of the adoption of the Constitution, and engrafted on our institutions the new principle of employing banking corporations as agents of the Government for keeping the public moneys. But it is a remarkable fact that even this he did by indirection and by his own discretion, and not in consequence of provision by law. It is not true that "the first scheme failed." The old Bank of the United States was established in 1791. There is not one word in its charter about its being a fiscal machine of the Government as a depositary of the public moneys. If the system of employing individuals had failed, and on account of its failure another had been resorted to, it is perfect folly to suppose the charter of the bank would not have contained such a provision as would have remedied by law the defects of the scheme it was to supersede. The system of employing individuals as depositaries did not fail. It never has failed, and, from the very nature of things, if properly regulated, it never can. The first bank was not established for the purpose of superseding the system of keeping public moneys first in operation under the Constitution, for there is nothing said in its charter on that subject. The employment of individuals as depositaries was left as much within the discretion of the Secretary as before the charter of the Bank.

Hamilton advocated the Bank, Jefferson opposed it. Hamilton, the Federalist, the Monarchist, got rid of the simple system of the Constitution, which is the system proposed in this bill, as soon as in his power. Such a system did not suit the ulterior views formed by his daring and sagacious mind. I agree that this scheme is the one rejected by Hamilton; but not that it was rejected because it had failed in its legitimate purposes. The gentleman from Massachusetts, so far as he can be understood to take up any scheme at all, takes up the scheme adopted by the Monarchist Hamilton—rejected by the Democrat Jefferson—the scheme rejected by a far higher authority than any single name—rejected by the people.

The gentleman from Massachusetts next makes the startling announcement that the bill proposes to reform, by an express repeal of the Constitution; because the 9th section of the Constitution provides that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law;" and the 1st section of the bill declares certain rooms and vaults, and safes, which are to be prepared in the building now going up in the western part of this city, to be the Treasury of the United States. He says the Treasury is not local, and cannot be, and entering upon that region

> "Where entity and quiddity,
> And ghosts of defunct bodies lie,"

he declares the Treasury to be "an abstract entity."

He contends that, by this bill, the Secretary of the Treasury is made the secretary of a vault; and that you might as well call the Secretary of the Navy the secretary of a ship, or the Secretary of War the secretary of a cannon. Perhaps it would be quite as intelligible to call the Secretary of the Treasury the secretary of a vault, as to denominate him the secretary of "an abstract entity."

The eleventh section of the bill provides that money shall be deposited in the hands of the depositaries, to the credit of the Treasurer. I appeal to gentlemen whether in most of the States they have not a Treasury established by law; and whether money placed to the credit of the Treasurer is not clearly enough understood to be in the Treasury, not because it is in this or that place, but because it is thus placed to his credit. It may seem singular that there has hitherto been no provision by law blishing the Treasury of the United States; and the propriety of such a provision seems to me self-evident. How does it conflict with that provision of the Constitution, which declares that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law?"

[Mr. CUSHING here rose, and said, that he also referred to another provision of the Constitution which he had mentioned, but did not particularly quote, and he would now give it. It was the provision which declares that "the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States."]

Well, sir, how does the first section of the bill conflict with either of these provisions? Does it authorize any money to be paid out of the Treasury, except in pursuance of appropriations made by law, or provide that the nett produce of duties and imposts shall not be for the use of the Treasury of the United States? The Treasurer of the United States has, for his office, certain rooms, with proper safes and vaults connected therewith, where he is to keep all the public money which is in his immediate custody. But constructively he has the custody of all the public moneys, so far that he, under the laws, draws for them. And moneys, in the hands of a depositary, are placed to the credit of the Treasurer, and are constructively within the Treasury of the United States. But no one would say that the collector, or the deposite bank, or the receiver general, was the Treasury of the United States. The provisions of the bill are strictly and literally consonant to these provisions of the Constitution. But it is otherwise with the system of deposites of public moneys in banks. When a collector pays public money into a bank, and the bank loans it out to a speculator, is that money in the Treasury? Is the individual who uses the money as his own, the Treasury? No, sir; the money in that case is taken out of the Treasury without appropriation by law, or it never goes into the Treasury at all. The public money is taken from the places of its deposite, and used by individuals, without any appropriation by law. Thus the objection which the gentleman from Massachusetts urges, without any foundation whatever, against this bill, is an objection which applies with irresistible force to the scheme of deposites in banking corporations.

The gentleman from Massachusetts next discussed the safety of individual depositaries, compared with that of bank agency, and he objects to the bonds required by this bill as furnishing no adequate security, on account of the large amount which may accumulate in the hands of depositaries. He alludes to the defalcation of Swartwout for upwards of a million; and he also objects to the other checks provided by the bill as cumbrous machines for watching and guarding, and contends that it will be impossible to exercise inspections in all sections of the country.

These objections may at first appear plausible; but when examined, they are discovered to be groundless. There are only a few depositaries under whose custody the amount of money can ever be large. The amount of their bonds will be proportionate, and the appointment by the President, with the concurrence of the Senate, should be a guarantee that none will be appointed who could not obtain sufficient sureties. The bonds of individual depositaries will surely be as secure as those given by bank officers. The sureties in the latter are usually those interested in the bank, who, when the bank goes down, are too frequently involved in common ruin. Besides, in the case of these few large depositaries, their transactions can be easily watched and inspected; and these checks and guards will be in addition to the security of their bonds. With regard to the small depositaries in all sections of the country, there is no difficulty in making their bonds a sufficient security. So where the objection of the gentleman from Massachusetts has even an appearance of plausibility in regard to the difficulty of procuring proper bonds, his objection, drawn from the difficulty of exercising efficient inspections, fails altogether, and the reverse. Even in regard to the largest depositaries, the amount on hand at any one time will never be very considerable, unless Congress should pass laws to tax the people to such an extent as to create a surplus revenue, which occurrence no one anticipates. It is also in the power of the Secretary of the Treasury by the bill, and will be his duty, to guard against all such accumulations as could have any tendency to insecurity. Swartwout's defalcation ceases to have any application as an argument in favor of the views of the gentleman from Massachusetts, but has a directly opposite tendency, when we recollect that it was the result of the operations of years, and took place under the very system of using banks as depositaries, which the gentleman so highly commends. A considerable portion of that defalcation took place while the United States Bank was still employed as a fiscal agent of the Government. Had such a system of suretyship and checks and guards and inspections been in operation at that time as is contained in the provisions of this bill, that defalcation could never have happened.

In pursuing his comparison of security of moneys deposited in banks with that of the system proposed in this bill, the gentleman from Massachusetts asks what is the security of deposites in a bank, and replies, first, the integrity of its officers, and next, the capital stock, as collateral security.

It seems to me to be a sufficient answer, on the first ground, to remark that the officers of banks are not appointed by the people, nor are they agents of the people. Is not an appointment by the President, by and with the advice and consent of the Senate, a higher guarantee of fidelity and integrity than the selection by a few members of a corporation? If not, why not permit the members of local corporations to select officers who are to exercise other important political trusts? There is also a further and conclusive answer. A larger number of persons have access to the funds in a bank, and the risk is thereby proportionably increased. As to the collateral security of the capital stock, every one that knows the manner in which banking is managed, is aware how little reliance is to be placed on this, and that, in many instances, the capital stock is not paid in. But suppose it really paid in; that security is far more than counterbalanced by the great risk incurred by involving the funds of Government in all the desperate hazards of the business of banking. In the hands of an individual depositary, the public moneys are exposed to no such risks.

But, says the gentleman from Massachusetts, there is an additional fact. Swartwout may abscond—the American Bank—the Bank of Pennsylvania cannot—they are perpetually fixed by the local tenure of their existence, and are amenable to law.

The history of these institutions for a few years past furnishes no very strong confirmation of these suggestions. How many instances have occurred of the absconding of bank officers, and how many melancholy proofs that they are no less liable than others to fall before temptation? A bank, to be sure, cannot abscond—but its officers may. Of what avail is it when the bank's treasures are dissipated, and its treasury not even "an abstract entity," but an abstract nonentity—that there is left an intangible, impalpable shadow of the law called a corporation? Amenable to law! I ask whether it be not to contradict all observation and all experience to say that corporations are more amenable to law than individuals are? They have, in numerous instances, procured laws for their especial benefit, and exempting them from their just liabilities. Not only so, but they have defied existing laws and set themselves above the sovereign power that created them.

The gentleman from Massachusetts also argues that banks are subject to similar inspections to those provided in this bill, and thus the security in this respect is equal. In the first place, I deny the fact. The Government of the United States has no power of such inspections over local institutions, and by no possibility can have. Again, sir: suppose the right of inspection equal in the two cases, what would its exercise be worth as applied to banking corporations? Absolutely nothing. The business of an individual depositary would be simple. It would be confined to the transactions on account of the Government alone. You have only to look at

his account of moneys received, of moneys paid, and his funds on hand, and you ascertain the state of the affairs of his office. In the complicated, various and infinitely diversified operations of a bank, inspections would always prove as experience shows they always have proved, entirely useless and unavailing.

But the gentleman from Massachusetts says that the conduct of mankind evinces their sense of the superior security of banks, and that if individuals have money, they deposite it in a bank, and do not carry it in their pocket. They place it with some one (I use his language) "whose business it is to keep deposites." Aye, sir, "whose business it is to keep deposites." If, then, the Government appoint officers "whose business it is to keep deposites," and that alone, who are not, like the officers of banks, exposed to all sorts of temptation from the power of using the moneys left with them, nor like banking corporations exposed to the hazards of a fluctuating game of speculation and banking—why shall not the public moneys be safe in their hands? Cannot a vault be constructed for deposites as secure as the vault of a bank? No one will deny this. Suppose an individual to possess vaults and safes of his own equally secure with those of the bank in his immediate neighborhood, and also to have in his employment a person of integrity equal to that of the cashier of the bank, and with equally secure bonds, to open, shut, and guard those vaults and safes. The question is not whether such individual would keep his gold and silver in his pocket rather than deposite it in the bank, but whether he would not consider his gold and silver more secure in his own vaults and safes than deposited in the bank. Is there any doubt on this subject? Certainly there can be none, because, in his own vault, his money is equally secure from theft with the money of the bank, and is exempt from the hazards of the business of the bank, and he has his gold and silver where he can command it. It is not transmuted into a bank debt, and he runs no risk of being obliged to receive that debt in depreciated bank paper, or of losing it altogether through the failure of the bank. In this illustration I have spoken of gold and silver only. But the funds usually deposited by individuals in a bank, consist of the notes of various other banks. And one reason which induces the haste of individuals to deposite their funds in the bank near them, is their distrust of bank paper, and their unwillingness to keep on hand, for any length of time, the notes of various banks.

There is also another very important consideration. Individuals make deposites in the bank in their immediate neighborhood, where they suppose they have an opportunity of knowing the standing of the bank, and providing against emergencies. Would they think it safe to make their deposites in banks scattered over all sections of our extended country? No, sir: far from it.

Thus in regard to all the particulars mentioned, the argument as to the comparative safety of deposites with individuals as contemplated by this bill, and of deposites in banks, is decidedly in favor of the former, and against the latter system. In the former, the guarantee for the integrity of the officers having access to the money is of a higher nature than in the latter. But suppose it equal, in the latter system the risk is greater on account of the greater number of those officers of whose integrity you must be assured. The security to be derived from bonds is more likely to be competent in the case of individuals than of bank depositaries. The collateral security of the capital stock of banks is far more than compensated by the risks incurred by involving the moneys of the people in all the hazards of banking adventure. And the security to be derived from inspections is, in the case of individual agents, available and important; in the case of banks, utterly futile and worthless.

But there is another aspect in which this subject should be viewed, which of itself furnishes a complete refutation of all the arguments which have been urged, or which can be urged, against the security of the proposed system, and in favor of the system of deposites in banks. The revenues have always been mostly collected by individuals. The public moneys pass through the hands of individuals, and are disbursed, to a great extent, by individuals, as disbursing officers, and this whether, in the interim, these moneys are deposited in banks or not. The operation of this bill is very little more than merely to prevent banks from taking the money out of the hands of the individuals who have collected it, and from using it for the purposes of speculation before it goes into the hands of the disbursing agents. Thus, if you require the money to be deposited in banks, you expose the moneys to additional risks. There is, at any rate, and under all systems, the risk of the collecting officers, and the disbursing officers. You have the guarantee of their honesty and fidelity. If you interpose between the collecting officer and the disbursing officer the custody of the banks, you vary and increase the risk. You have the integrity of your collecting officer. If he be honest, and you are safe in permitting him to collect and keep your money until he can pay it over to a bank—his honesty will equally protect you if he be permitted to keep it a little longer, until he be ordered to pay it over to a disbursing officer. Suffer a bank to interpose, and take possession of, and use, the money, after it comes from the hands of the collector, and before it gets into the hands of the disbursing officer, and, in order to be secure, you have to be assured, not only of the honesty of your collector and disburser, but of the honesty of the bank officers, and of the solvency of the institution.

The history of the Treasury, as drawn from public documents, has been referred to by the gentleman from Massachusetts. Extracts were produced from the report of the Secretary of the Treasury in 1834, in which it is said the Secretary condemned the idea of entrusting the public moneys to the keeping of individual agents. Permit me to read an extract from that report, in which it is even then suggested, that events might occur that would render the adoption of that very system expedient and proper. The Secretary remarks:

"It will then become necessary to devolve these duties on some receiver or collector already in office, or on some safe agent not now in office, as has been the practice for years in this country in paying pensions at convenient places near which there was no State bank or branch of the United States Bank, and has long been the usage in some countries of Europe, by having the revenue in certain districts chiefly received, kept, and transmitted through private agents and brokers."

There is also in the same report a suggestion that—

"Banks are not believed to be necessary for the fiscal purposes of any Government."

The gentleman next refers to Executive document No. 10, which he says, on hasty inspection, is calculated to mislead the public. He speaks of the losses by disbursing officers. What argument can those losses furnish against the system proposed? Disbursing officers always have been, and always must be, employed under all systems, and the amount of losses through their defaults has nothing whatever to do with the question under consideration.

But the gentleman contends that the whole loss of the Treasury by deposite banks, from the foundation of the Government to 1837, is only about two-thirds what has been lost by the former collector of New York. Now, sir, I contend that it appears from the document referred to, that the loss to the Treasury from banks is greater than all the losses from the commencement of the Government by collectors, even including the defalcation of Swartwout. The loss from collectors is $2,038,549 81. Add the amount of the defalcation by Swartwout (of which half is probably secured by Government, and which, be it remembered, took place under the bank deposite system) and you have a little over three million. The losses by using banks as depositaries, and receiving their notes in payment of public dues, amount, adopting the estimates made by the Treasury Department, to $6 474,722.

[Mr. CUSHING here rose and said he was considering, in that part of his argument, the question of deposite merely, and thought the subject ought to be thus viewed, and not connected with the receptibility of the paper of the banks.]

Sir, why should these considerations be separated? This bill proposes a system and that system includes both. What right has the gentleman from Massachusetts to separate one part of the system from another? The question is, what are the liabilities to loss incident to the system proposed in this bill? Is it not the system of general bank deposite for which gentlemen contend? Surely it is so, for most of their arguments are based on the impropriety of keeping idle the Government funds. This system of general deposite is, I conceive, necessarily connected with the reception of bank paper. Therefore, I repeat, the advocates of the bank deposite system have no right to separate these classes of losses; and an attempt to do it seems to me to indicate a consciousness of the weakness of their cause, when placed on its true grounds. Besides, if they intimate the possibility of special deposites in banks, in that case the banks are mere bailees, and answerable only for gross negligence, and their security, so much relied on, of the capital stock, vanishes.

Thus we see, sir, that by authentic documents, the losses by banks have been nearly six millions and a half—double all those which have been sustained on account of collectors. Is this estimate too high? Will the friends of the Bank of the United States say this? When it suited the purpose of the advocates of the United States Bank to bring before the country the losses sustained by depreciated currency, how did they estimate those losses? In a report made by Mr. Duffie on the 13th April, 1830, those losses are estimated at $34,000,000. Adopting this estimate, made by an advocate of the United States Bank, the amount which has been lost by banks is $34,974,722—nearly thirty-five millions of dollars—more than eleven times the amount lost by collecting officers. Thus the history of the Treasury, drawn from authentic public documents—thus facts and figures, and the lessons of experience, speak in a voice which cannot be misunderstood, in condemnation of the bank deposite system, and in favor of the measure now before us.

But, Mr. Chairman, why talk about the unfaithfulness of a few individuals who have refused to pay over the public moneys committed to their keeping? All the banks have done this simultaneously and as if by concert. There exists no power in the Government, nor can the Government have the power conferred on it, to punish abuse of trust by these corporations. Neither can the Government guard against their combinations, by which they may exert all their united power to sustain each other against the interests of the Government and of the people. We have recently had a Bank Convention in this country which held its sessions with closed doors. Shall the revenues of the people be entrusted to the secret exercise of a power thus irresponsible? The dependance of the operations of our banks on the foreign money power in England has been most vividly depicted in the message of the President at the opening of the session. And this is aside from the fact that the stock of banks may be in the hands of foreign stockholders, and the revenues of the people be thus far, in this manner, controlled by them. There is no possibility of a general failure of duty, or a general combination among individual depositaries, which shall deprive the people of their resources, and stop the wheels of Government.

In regard to banks, the most recent experience shows that there is not only a possibility, but a probability of these occurrences. Why talk about the danger of entrusting money to individuals? The moneys placed in a bank are entrusted to individuals. And to say nothing of the suspensions, the insolvencies of the corporations, and the disgraceful disregard of all obligations of law and justice, so frequently manifested by them, how frequent, and how stupendous have been the frauds of late disclosed on the part of their officers and managers!

The gentleman from Massachusetts says that the promptings of insolvency "are too powerful for the Government, and that the Government, when duty comes in conflict with these promptings, is always the loser." That is the very suggestion by which the provisions of this bill are strongly commended. The provision which prohibits the use of the public money, and punishes that use as a crime—that principle, and that punishment will afford a security, which alone far more than over-

balances all the objections urged. The principle that it was permissible to use the public money, nay, commendable so to do, has been the cause of more defalcations than all other circumstances combined. Individuals have been induced to enter into speculations; they have plunged deeper and deeper in the use of the public funds, which had first tempted them with the hope of extricating themselves by some fortunate issue. At length they have become inextricably involved, and lost their pride and character, and have boldly defied the Government they have plundered, because they have considered themselves only as unfortunate debtors instead of robbers of the public treasure. Thus the defaults are shown by returns to have been more numerous, and of larger amount in the years following the mad speculations caused by the expansions of the paper system. This bill pronounces the first step in the use of the public funds a crime, punishable by fine and imprisonment. Who will assert that this is not a safeguard, worth more in itself alone than the whole of those which can be applied to banking corporations.

The gentleman from Massachusetts, while he deprecates to a great extent the idea of drawing our examples from other nations, yet undertakes to fortify his objections to the bill by illustrations taken from foreign countries. He asserts it as a striking fact that those nations are at the bottom of the scale of civilization which employ individual depositaries and make use of coin; that, in Great Britain and France, which stand highest in the scale, banks are used, and that the station of nations in the intermediate points of the scale is measured by the proportion in which they make use of banks and paper. Does he mean to contend that banks and paper money are the causes of civilization? He admits that some of those countries which he has placed low in the scale, are paper money Governments, flooded with depreciated paper of all sorts. Why may we not with equal justice maintain that this is the cause of their inferior position? Even in relation to Turkey, which country, in one portion of his remarks, he adduced as demonstrating the truth of his position, and as standing among the lowest in his scale of nations, he made the vital admission (and I have taken down his words) that there "the Greek and Armenian bankers have as much to do in public affairs as ever the United States Bank had here."

It may be proper here to notice a remarkable fact in relation to the history of China, and it is this: Paper money has been used by the Chinese at various periods from as early a date as the tenth century. Like all such systems, it was productive of distress and ruin, till finally it exploded entirely; and after the year 1445, it is said their history makes no mention of any further paper issues. It is true that, in France, the notes of the Bank of France are taken in payment of public dues. But those notes are not of a denomination less than five hundred francs, and do not circulate much out of Paris. In a letter, published in the National Intelligencer of May 6, 1840, which refers to a work on finance by Baron Gautier, formerly one of the governors of the bank of France, and sub-minister of finance, the following head of one of his chapters is given:

"From the experience of the Bank of France, it is never desirable that banks should be employed in collections or disbursements of the public revenue."

In addition to these considerations, is the fact that, in France, specie now constitutes five-sixths of the circulation, and in England only three-sevenths. It is pertinent to inquire whether France was not civilized until her Bank was brought into existence.

John Law's scheme, which had as earnest and as able advocates as the present vicious banking system, and which was to carry forward the French nation on the swelling tide of wealth and prosperity with unexampled rapidity, exploded in 1720, spreading over the country such desolation and distress as can scarcely be imagined, much less portrayed. The Bank was not established till the year 1803. Was not England civilized in the seventeenth century? Were our ancestors, when they came here, uncivilized? Were the countrymen of Milton and Shakspeare barbarians? The Bank of England was chartered under William the Third, in 1693—at first as a mere corporation to loan money to Government. Its title was for granting duties on certain articles to those who will loan a million and a half pounds sterling to carry on the war with France, and for conferring certain other privileges. The notes of the Bank at first, and for many years, were on interest, and not properly a paper currency. And there are two facts which show the utter fallacy of reasoning from the use of the Bank of England by the English Government as a fiscal agent, in favor of the use of banks here for a similar purpose. In England, the whole capital of the Bank is loaned to the Government, and thus the Government must always be secure. The notes of the Bank are by law a legal tender, except to the Bank itself, and thus there would seem to be no reason why they should not be taken in payment of public dues. A strange argument indeed would it be, that because the Government of England receives what *is a legal tender*, our Government should receive what is not a legal tender!

Mr. Chairman, I have heard many glowing eulogiums on the wealth and power of England by the opponents of this bill. A gentleman from South Carolina, in the last Congress, in most vivid colors depicted her greatness, and attributed it to the banking and credit system, and called on us to follow her example. And the gentleman from Massachusetts has also, in eloquent terms, spoken of her vast dominion and her wealth. He has avowed that there is no Government he more respects, and, bringing her example forward as an argument against this measure, asserts that she has reached her present greatness, employing these very agents which we propose to reject.

In his description of the extent of her power, he has repeated the remark that the beat of the morning drum in her garrisons follows the dawn of day circling round the globe. Some, perhaps, might assert that the sun, as it circles round the globe, ceases not to dawn on some monument of her rapacity or injustice. If her civilization and power are owing to the banking system, I would inquire if this system is the cause, also, of her morality, of which we have recently heard something from the gentleman's colleague, [Mr. ADAMS,] and which was alluded to recently by the gentleman himself, as signalized in her conduct towards China. And though, in addition to her European influence, she may be, as the gentleman says, the greatest Asiatic power, was not that power acquired by treachery and rapacity and bloodshed, and is it not supported by cruelty and injustice? One of her own orators has characterized it as "an empire which God never gave, sustained by means which He can never sanction." In the gorgeous picture presented to us of her wealth, we gaze at the splendid mansion, within which are gathered, for its lordly inhabitant, the luxuries of a world, and overlook the hovel, whose desolate inmates "cower, shivering and hunger stricken, into their lair of straw." She may be truly called a nation of princes and of paupers. What is the condition of the mass of the people? More than one-sixth of the population paupers! What is the condition of the laboring classes? Look at the accounts especially of the manufacturing districts. The laborer, throughout his whole existence, wrestles in deadly strife with the grim demon of starvation. Parents, after struggling for years, through regard for their offspring, almost without hope, at last yield to despair. Children know not the season of childhood, but, crippled and deformed by incessant labor and watching, and wasted by famine, find only in a premature grave a resting place from their toil and misery. Those who have so frequently enlarged here on the glory and riches and power of England, as proofs of the great advantages of their favorite system, hold up to our view the parks and palaces, the splendid equipages, the overgrown fortunes—aye, sir, the evidences of wealth accumulated, of wealth privileged, of a Government "founded on wealth;" but they say nothing of "the wide-spread wretchedness which is, so to speak, the rank manure which causes all these gaudy flowers to spring up and flourish."

The gentleman says that when you press out bank paper, Government paper comes up; that the Sub-Treasury has been in operation three years, and simultaneously Treasury notes have appeared, and that Treasury notes were previously a war measure. I believe suspension has previously been a consequence of war. And as the gentleman asserts that men sometimes "mistake contiguity and contemporaneity for cause and effect," it appears to me that he has fallen himself into that error. Will any one deny that the issue of Treasury notes of 1837 was caused by the suspension of the banks, and thus owing to the bank deposite system? And the gentleman himself has furnished the answer to his own position; for he compares Treasury notes to English exchequer bills, or Government paper in Spain and Russia, and the similar issues of "all nations in debt." Then it is the being in debt which causes these issues, and not the circumstance of employing individuals as depositaries.

In relation to the argument on the expense of carrying on this system, it is only necessary to say that the objections are not so much drawn from any provisions of the bill, as from that spirit of prophecy which enables the gentleman to foresee "a new corps of clerks." It is not easy to conceive why more clerks than those provided in the bill should become necessary, though it is easy to assert that more will be needed. But Congress must authorize them if they are to be employed, and the Representatives of the people may, I hope, be safely trusted. I repeat what I have before remarked, that the expenses contemplated by this bill of putting the system in operation, and the yearly cost of maintaining it are trifling, as all who take the trouble to examine the details of the bill will see, and those expenses will be far more than compensated by the additional security it furnishes against losses.

Another objection is urged against this measure; that it increases the power and patronage of the Government. But the gentleman here makes a very important admission, to which I call the attention of the committee. He admits that the patronage under this system is less than under the State bank deposite system. I hold the gentleman and his friends to that admission, for it seems to me to cover the whole ground. It is to the banking system that the patronage is incident, and whether a system of State banks, or a mighty institution, extending its branches into all parts of the country, the nature of the danger is not thereby altered. Sir, the admission excludes from the gentleman's argument the State bank deposite system. What is his alternative? There can be no other but an United States Bank. Are the people of this country ready to charter such an institution? The gentleman says that the bill has many features of a bank, though he does not contend that it is exactly a bank; but if an United States Bank be dangerous, so far as this resembles a bank this must be dangerous. I will remark, in passing, that this is not a legitimate argument for him, who, so far as he can be understood to advocate any fiscal measure, advocates a bank. But one point of analogy referred to is singular. He remarks that the average amount of specie in the Bank of the United States was ten millions, and that the amount kept by the depositaries under this bill will be, as is estimated, five millions, and thus the peril, in this respect, will be half as great. I had supposed that one great difficulty with the banking system was, not that there was too much, but too little specie in their vaults. What possible resemblance is there in the cases. The money in the Treasury, and in the hands of depositaries cannot be used by the officers of the Government, nor by any one by their permission. Neither the President, nor the Secretary of the Treasury, nor the Treasurer, nor any other officer, can use one single cent. They cannot lend it. No one can scramble for a loan of the funds of the people for the purpose of using those funds in private speculation. It must be obvious to all that the safekeeping of public moneys, without the liberty of using them, affords no source of patronage. Before a public officer can avail himself of their use, for the purposes of patronage, he must first become a felon—which has not generally been considered a very effectual method of increasing one's influence or power.

But to show that this bill contains that monste

not usually so much dreaded by the Opposition—a bank—lurking in the covert of its provisions, the gentleman has undertaken to point out the sections which give reason for this alarm. And I ask the indulgence of the committee, if I speak with some degree of particularity on this topic, that they may see, and the people may see the nature of the attempts which are made to inculcate the impression that this is a bank in disguise.

The tenth section is first specified, which authorizes the Secretary of the Treasury to transfer moneys from the hands of one depositary to another, as the safety of the public moneys and the convenience of the public may require, "to be there safely kept according to the provisions of this act." Is there any thing novel or alarming in this? Does not every one know that this power of necessity belongs to the Secretary? I shall hereafter show that it has always been exercised; and pass on to the sixteenth section, which the gentleman says is still more remarkable. The section is as follows:

"*And be it further enacted*, That all marshals, district attorneys, and others, having public money to pay to the United States, and all patentees wishing to make payment for patents to be issued, may pay all such moneys to the Treasurer of the United States, at the Treasury, to the Treasurer of either of the mints, in Philadelphia or New Orleans, to either of the receivers general of the public money, or to such other depositary constituted by this act as shall be designated by the Secretary of the Treasury, in other parts of the United States to receive such payments, and give receipts or certificates of deposite therefor."

These certificates of deposite the gentleman contends may go into circulation. Now let us examine this matter. By the eleventh section of the bill, all moneys in the care of depositaries are considered and held "as deposited to the credit of the Treasurer." A person having "public money to pay to the United States" may pay it to one of the depositaries alluded to in the section above recited, and take the officer's receipt or certificate of deposite therefor. The individual owes the United States; he pays the money; he takes a receipt, which is his discharge from the debt; and which is also a certificate of deposite. Deposite for whose benefit? Not for the individuals paying the money; for he owed the money, and has paid the debt. But to the credit of the Treasurer. If gentlemen were to undertake to travel on a currency composed of these receipts or certificates of deposite to the credit of the Treasurer, I imagine they would soon reach their journey's end. Suppose I owed a tradesman on the avenue, and were to pay his bill, and take his receipt, I might, according to this doctrine, pass his receipt as currency!

Equally unfounded in reason is the objection to the 21st section, which provides that no exchange of funds shall be made by any disbursing officers, or other agents of the Government, other than an exchange for gold or silver—that it applies only to Government officers. To whom should it apply? If an individual to whom the Government is indebted has received funds of the Government in payment of his claim, those funds become his own, and he has a right to use them as he pleases. The section contains most important provisions for the security of the public, by taking away from Government agents the power of exchanging Government funds for those of inferior value, and imposing the latter on Government creditors, and thus speculating on their loss.

But reference is also made to the 23d section, which is in the following words:

"That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time according to the different distances of the depositaries from the seat of Government, within which all drafts upon them respectively, shall be presented for payment; and in default of such presentation, to direct any other mode and place of payment which he may deem proper; but, in all those regulations and directions, it shall be the duty of the Secretary of the Treasury to guard, as far as may be, against those drafts being used or thrown into circulation as a paper currency or medium of exchange."

The gentleman says that this section consists of "words and words only," and that you cannot, by any power of Government, prevent drafts being used as currency. If the section is composed of "words and words only," it can do no harm; but I apprehend it will be found to contain some ideas also. It is a section of limitation. It contains a limitation on the laws and practice as now existing, and as they always have existed. Why so much alarm now on account of Treasury drafts? All gentlemen who have received payment of claims on the Treasury for their constituents, know that a Treasury draft is no novelty. Such drafts have always been used, and by necessity always must be; and it makes no difference whether they are drawn on banks or individual depositaries. If these constitute a Treasury bank, such a bank is now in existence, and has existed ever since the foundation of the Government. If they are to constitute a circulation of twenty, twenty-five, or thirty millions of dollars, why has not such a circulation heretofore been, why is it not now, in existence? The fact that such a circulation has not prevailed, scatters at once to the winds all these fine-spun theories. The amount of Treasury drafts outstanding at any one time is usually quite inconsiderable. On the 19th of May last, it was only $762,956 02, and three-fourths of that amount had probably been issued within a week previous.

In a report of Mr. Baldwin, chairman of the Committee of Ways and Means, made to the House of Representatives, May 22, 1794, the following passages may be found:

"The duties of the several officers of the Treasury Department, with regard to the collecting, receiving, keeping, and disbursing public moneys, and regulating and keeping the accounts thereof, are as follows:

"The Secretary of the Treasury superintends the collection and receipt and the disbursement of public moneys. In consequence of this, all authorities for transferring them from one public agent to another, or for the final disbursement of them, originate with him. He directs the drawing of moneys into the Treasury, and regulates the time, manner, and circumstances, subject to the sanctions prescribed by law; and judges exclusively of the other officers of the Department, when, and what disbursements are to be made—subject, nevertheless, to the check of the Comptroller, who, in countersigning warrants, is jointly responsible with him for their being conformable to appropriations by law, and to the further check and settlement of the accounts of all persons to whom he may have caused advances of public money, by the Auditor and Comptroller. All warrants for the payment of money into the Treasury, or for the payment of money out of the Treasury, are first signed by him. It is also his duty to decide on the forms of keeping all public accounts.

"The Treasurer keeps and disburses the moneys of the United States. All his receipts, as well as his disbursements, are sanctioned by warrants of the description already given. As incident to these duties, he draws, under the direction of the Secretary, all bills which are drawn for public moneys arising from sources foreign or domestic; which bills, as already mentioned, are always registered, or entered and countersigned, by the Register, or in the case of domestic bills, by his confidential clerk, in his stead."

And yet gentlemen talk about transfers of the public funds and Treasury drafts, as if these things were now for the first time heard of! It would have been safer for gentlemen of the Opposition to have continued to deal in general charges, than to have undertaken to specify the particular provisions which constitute this measure a bank. I trust a sufficient illustration has been given of the nature of the efforts which have been made to convince the people that this is a bank, and should undervalue their intelligence, did I believe that such efforts could meet with any success.

I will dismiss this part of the subject by remarking, that the Secretary of the Treasury can, by his regulations, prevent Treasury drafts from being used as a currency more effectually than any general law, for he can alter those regulations as exigencies may arise, and such regulations, the bill, in express terms, makes it his duty to prescribe and enforce.

Next, sir, suffer me briefly to reply to some of the objections to the currency feature of this measure. The gentleman asks "if specie is to be the universal currency," and objects to a specie currency that it is dependant on foreign countries, and identified with all the vibrations of business in Europe.

It is not the fact that we are entirely dependant for specie on Europe. The precious metals are, to a considerable extent, produced in some parts of our country. But lay that fact entirely aside, is the argument legitimate? Shall the use of tea and coffee be discontinued because we do not produce those articles? It is a well settled fact, that, by the laws of trade, specie will always flow in where there is a demand for it. But does the gentleman contend for an entire paper currency—a paper currency which is to be a substitute for the precious metals, and not for a paper currency founded on the metals, and a representative of them? He will not say he does. Then, sir, his argument operates with threefold force against himself. Suppose the banks to issue only three dollars of paper to one dollar of the precious metals in their vaults; though it is well known they issue paper in much larger proportion. If the fluctuations in foreign countries draw abroad one million of specie, three millions are taken from the circulation. Thus, on such a circulation, the vibrations in foreign countries must operate with triple force.

The question is put whether we will throw away that credit which increases in proportion as institutions are free? If, by credit, is meant a sound, healthy, and safe credit, that credit which alone is congenial to free institutions, no one is more favorable towards it than I am. But if the gentleman means the modern credit and banking system which has already involved so many in ruin, and had so injurious an effect, not only on the public prosperity, but on the public morals, I conceive it to be founded, not on just "confidence," but on credulity. It is nothing more nor less than John Law's scheme revived. Confidence and credit were never carried to so great an extent as under that scheme in France, and it was under the rule of that profligate tyrant, the Regent Duke of Orleans. No one will, I believe, contend, that, then, France was distinguished for her "free institutions."

It has been stated that the appellation of this measure is appropriate, because it constitutes a Treasury "independent" of the people. I had supposed this appellation referred to making the Treasury independent of banks, and as I do not agree that they are the people, think it appropriate in that sense. The gentleman also urges the oft repeated argument that it furnishes for the Government a "superior currency, of specie and Government paper, and to the people an inferior currency." Yes, sir, these were his very words. If my recollection serves me, on one or two occasions the gentleman has contended that a Government paper currency was the worst of all currencies, and likened it to the old continental money. But let that pass. I defy the ingenuity of man to show that the currency received and paid out by the Government of the people is not to that extent also the currency of the people. If then specie be, as the gentleman admits, a "superior currency," why shall the people not enjoy it? If bank paper be an "inferior currency," shall the people have it forced on them for the benefit of banks and bankers? The gentleman has introduced the resolutions passed by the Legislature of his State on the subject of the measure before us. I ask permission to read from the Morning Post, which, as the gentleman has also read an extract from that paper, I presume he will consider good authority, a sketch of some proceedings which took place in the Legislature of Massachusetts when those resolutions were before them. And I would respectfully inquire of the gentleman whether he may not have been imprudent in making admissions which his friends in the Legislature most carefully avoided. The third resolve of the Legislature is as follows:

"*Resolved*, That the Sub-Treasury bill, by giving to the Government and its officers a *different currency* from that provided for the people, and by increasing the power and patronage of the Executive, is hostile to the genius, and may be destructive to the permanence, of our Republican institutions."

"Mr Rantoul rose to propose an amendment, by striking out the word 'different,' in the second line of the third resolve, and substituting therefor the word *better*.

"He said he supposed the friends of the order intended to put forth something strong and pungent against the Sub-Treasury bill, and as the words 'different currency' did not intimate whether a *better* or *worse* currency had been promised, he presumed that his amendment, rendering that point definite, would be acceptable.

"Mr. Gray of Boston was perfectly satisfied with the severity of the resolves in their present state.

"The question was then taken, and the amendment negatived.

"Mr. Rantoul then proposed to amend the said resolve, by striking out said word 'different' and inserting instead the word *worse*.

"A member in front of the Speaker said he felt strongly inclined to move the previous question.

"Mr. Rantoul said he should not express any surprise at such a motion, but would remind the House that for the last ten weeks the Sub-Treasury bill had been assailed daily, without one single word having been uttered in its favor.

"The question was then taken on substituting the word *worse* for 'different,' and the amendment was negatived.

"Mr. Rantoul now moved to amend, by striking out the whole of the first resolve, and inserting a new one, made up of passages extracted from two speeches *made by Daniel Webster in Congress* in 1816:

"*Resolved*, That the framers of the Constitution were HARD MONEY MEN. They had felt, and therefore duly appreciated the evils of a paper medium. They, therefore, sedulously guarded the currency of the United States from debasement. *The legal currency of the United States is gold and silver coin.* This is the law of the land at home, and the law of the world abroad; that this Government has a right, in all cases, to protect its own revenues, and to guard them against defalcation by bad or depreciated paper; that the only power which the General Government possesses of restraining the issues of the State banks, is to refuse their notes in receipt of the Treasury; that bank paper not being a part of the legal money of the country, it cannot, by law, be received in the payment of duties, taxes, or other debts, to Government; that, as to the opinion advanced by some, that the revenues cannot be collected otherwise than * * * * in the paper of any and every banking association which chooses to issue paper, it cannot for a moment be admitted. This would be at once giving up the Government; for what is Government without revenue, and what is a revenue that is gathered together in the varying, fluctuating, discredited, depreciated, * * * * promissory notes of two or three hundred distinct, and, as to Government, irresponsible banking companies? IF IT CANNOT COLLECT ITS REVENUES IN A BETTER MANNER THAN THIS, it must cease to be a Government; that it is quite clear that by the statute all duties and taxes are required to be paid in the legal money of the United States, or in Treasury notes; that if Congress were to pass forty statutes on the subject, they could not make the law more imperative than it now is, that nothing should be received in payment of duties to the Government but specie. The whole strength of the Government, we are of opinion, should be put forth to compel the payment of duties and taxes to the Government in the LEGAL CURRENCY OF THE COUNTRY."

The gentleman from Massachusets assserts, "that it is a fallacy that a specie currency is provided for in the Constitution," and that the word "currency," is not used in the Constitution. I am happy that the advocates of the United States Bank have discovered at length that the word currency is not in that instrument; for I well recollect hearing a long argument from a distinguished Opposition orator of my own State, in favor of the constitutionality of that institution, founded on the power which he said was given in the Constitution to regulate the currency. No one can read the debates in the Madison papers without agreeing with Mr. Webster, in the sentiment expressed by him in 1816, that the framers of the Constitution were "*hard money* men," and that they "had felt, and therefore duly appreciated the evils of a paper medium." The Constitution confers on the Government the power "to coin money, and regulate the value thereof, and of foreign coin." It prohibits the States from making any thing but gold and silver a legal tender, and from passing any law impairing the obligation of contracts. This is sufficient to show, that so far as the Government is concerned, at least, "the legal currency of the United States is gold and silver coin." The first law on the subject, after the organization of the Government, under the present Constitution, which was passed in 1789, prescribes that the "duties and fees to be collected, by virtue of this act, shall be collected in gold and silver coin only;" and even the resolution of 1816, which contains the first legal provision, authorizing the reception of notes of specie paying State banks, recognises gold and silver as "the legal currency of the United States."

Can it be true, as the gentleman asserts, that the "Constitution leaves it to somebody else to provide currency" for the Government? What somebody else? The Constitution does not point out the persons or corporations by whom it shall be provided. If, then, according to the Constitution, the currency is to be provided by others, Government is bound to take that currency, no matter what it is, and our revenue may be paid in bills of the Baltimore and Ohio Railroad, and the Patapsco Canal Company, which the gentleman held up here in derision.

Another objection is urged that, according to the language of a resolution adopted by the House last year, we have no right to do that indirectly which we cannot do directly; and that this being a bill for collecting and keeping the public revenue, we propose to affect the currency, which is a subject we have no business with. I reply that there is no indirection here. The object of the bill is, as it purports to be, to provide for the collection, safekeeping, transfer, and disbursement of the public revenue. So far as it relates to its effects on the currency, those effects, however desirable they may be, are entirely incidental. The bill refrains to act on currency at all, except so far as to provide that the revenue shall eventually be collected in gold and silver coin, which alone by the Constitution is a legal tender, and of which alone, by the Constitution, we have any right to regulate the value. Suppose the bill provided for the receptibility of the paper of certain banks, as the gentleman and his friends desire. This would clearly be more liable to the reproach of "acting on currency," because it would give to the paper of those banks an additional circulation and an additional value.

The gentleman says the pet bank scheme exploded, and left the ground covered with patients bruised, and with broken arms and mangled limbs, and the President, who ought to have been their physician, left them to their fate, and would not prescribe even a single plaister, and that he is, therefore, for calling in Dr. Harrison. I fear, from the sentiments of his friends, this renowned sage would have nothing else but plasters to prescribe as a remedy, and those of the worst sort, namely, *shinplasters*; and that, like the celebrated Dr. Sangrado, who, when his patients were dying of his prescriptions of bleeding and warm water, told them to double the dose—for a disease caused by overbanking, he would prescribe—a Bank.

Allusion has been made to the suspension of the banks in 1839, extending over the South and West, and including Pennsylvania, and the gentleman triumphantly remarks that it was not Pennsylvania, with her Van Buren Governor, that weathered the storm, but New York and Massachusetts. The boldness manifested in treading upon this ground is, to say the least, a subject of admiration. The suspension has taken place in that portion of the country most immediately under the influence of the United States Bank of Pennsylvania, the great regulator. Who that was here at the extra session, does not remember the glowing eulogiums passed upon that Bank on its solvency—its fidelity—nay, its patriotism? Apparently the Opposition would then have eagerly seized any opportunity to have made that institution again the fiscal agent of the Government. What is now its condition? Hopelessly bankrupt! The term which has been boastingly applied to it of "great regulator," has become one of bitter sarcasm:

"The desolator desolate,
The victor overthrown,
The arbiter of other's fate
A suppliant for its own."

This condition is not owing to the refusal of a recharter by the United States Government, for the president of the Bank has announced that the Bank was stronger under the State charter than before. And yet the Democratic party have been denounced again and again for not rechartering that institution! They have been denounced, until a recent date, for not employing it as a fiscal agent! Will any one now say that institution should have been rechartered, or is now worthy to be employed as the fiscal agent of the Government? No, sir. If, then, gentlemen have been so much mistaken in their struggles for this Bank, I ask them how they know they are not quite as much so in their arguments in favor of chartering another?

But the gentleman says some are for reforming, some for destroying the banks, and asserts that his sympathies are with the former. He acknowledges that he is "for infusing a larger quantity of specie into circulation. Then, I ask, whence his objection to this bill? To infuse a larger quantity of specie into circulation will be its acknowledged effect. Unless the Opposition are for an entire paper currency, what possible objection can they have to the measure, so far as regards its effect on the currency, for that effect can only be to increase, in a limited extent, the quantity of specie in circulation. Let them come out frankly, if such be the fact, and acknowledge that they are for an entire paper currency—a currency not the representative of coin, but the substitute for it. It is generally acknowledged that coin will not circulate to any great amount in company with paper of equal denomination.

Mr. Burke is reported to have sent word to Pitt, that if he issued one pound notes, he would never see another guinea. Mr. Huskinson, in 1826, gave it as "his opinion—an opinion not hastily formed, but the result of long and anxious observation—that a permanent state of cash payments, and a circulation of one and two pound notes, could not coexist."

We have been accused of broaching newfangled doctrines and trampling on the fathers of the Republic. I ask leave to read an extract from a letter of Mr. Jefferson, written, I think, in 1813:

"At the time we were funding our national debt we heard much about a public debt being a public blessing, that the stock representing it was a creation of active capital for the aliment of commerce, manufactures, and agriculture. The paradox was well adapted to the minds of the believers in dreams and the gulls of that size entered bona fide into it. But the art and mystery of banks is a wonderful improvement on that. It is established on the principle that private debts called bank notes, become active capital and aliment to the whole commerce, manufactures, and agriculture of the United States.

Permit me also to read part of a letter from George Washington, the father of his country, to Thomas Stone, dated February 16, 1787:

"I do not scruple to declare that if I had a voice in your Legislature, it would have been given decidedly against a paper emission upon the general principles of its utility as a representative, and the necessity of it as a medium.

"To assign reasons for this opinion would be as unnecessary as tedious. The ground has been so often trod, that a place hardly remains untouched. In a word, the necessity arising from a want of specie is represented as greater than it really is. I contend it is by the substance, not with the shadow of a thing, we are to be benefited. The wisdom of man, in my humble opinion, cannot at this time devise a plan by which the credit of paper money would be long supported; consequently depreciation keeps pace with the quantity of the emission, and articles for which it is exchanged rise in a greater ratio than the sterling value of the money. Wherein then is the farmer, the planter, the artisan benefited? The debtor may be, because, as I have observed, he gives the shadow in lieu of the substance; and in proportion to his gain, the creditor or the body politic suffers. Whether it be a legal tender or not, it will, as has been observed very truly, leave no alternative. It must be that or nothing. An evil equally great is, the door it immediately opens for speculation, by which the least designing, and perhaps most valuable part of the community, are preyed upon by the more knowing and crafty speculators."

None can forget how frequent and loud have been the charges made heretofore against the Democratic party of being agrarians—of attacking property and the rights of property, and the interests of the wealthy part of the community. Recently another part is played, and gentlemen of the Opposition are suddenly seized with an unwonted regard for "the poor laborer." But it is a little inconsistent to play both these parts at once. One objection brought against this bill by the gentleman from Massachusetts is, that it is "alarming to capitalists;" another, that it will operate injuriously by "confining trade to capitalists." He asserts its effect will be, by reducing the price of production, to benefit the manufacturing capitalist and the planter, at the expense of the laborer. Sir, it is one of the chief recommendations of the measure, to my mind, that its effect will be to increase the value of the wages of labor. What does it avail the laborer for you to give him five dollars, or even five hundred dollars, in nominal amount, for his day's work, if the whole will not buy him a single breakfast? Of all other persons, the laborer is the one most injured by the violent and sudden fluctuations incident to the present paper system. In these fluctuations, labor is the last thing to rise, and the first to fall. The laborer is frequently suddenly thrown out of employment. He is also, from not knowing the state of these banking institutions, which varies daily, more than all others likely to be defrauded by depreciated paper. The sharper and speculator are constantly on the look out, and see the storm coming from afar in season to escape, and it bursts on the farmer and the laborer, who are quietly, and without suspicion, following their daily occupations. As these are somewhat important considerations, I beg leave to refer to an authority that will, I presume, be deemed conclusive on the subject by gentlemen of the Opposition. The extracts which I will read are from the message of Mr. John Davis, who is now a Senator, delivered to the Legislature of Massachusetts in 1834. The sentiments therein expressed were, no doubt, the result of his calm and impartial reflections; they came from him when he was bound by his oath, and every obligation of honor and of gratitude to recommend those measures which he thought would be for the benefit of the people who had made him their Chief Executive Magistrate, and when, in their utterance, he could have had no partisan purposes to answer. Mr. Davis, as Governor, said:

"There is doubtless a difference of opinion as to the causes which produce the great vacillations in the money market. At one time the premium on capital falls below the legal rate of interest; at another, money can scarcely be had on any terms. There can, however, be little doubt that the small quantity of specie in circulation is one of the causes tending to produce these disastrous fluctuations. If a panic should seize the pub-

tic, if distrust should overshadow our banks but for a day, all payments in specie would cease, for the funds on hand do not amount to one twelfth of the bills in circulation and those deposites they are bound to pay on demand. This disproportion between specie and paper cannot be materially increased. If the quantity of specie is diminished, the paper circulation must be curtailed. If it is increased, the paper may also be increased. The paper, therefore, fluctuates as its basis changes."

"The disastrous fluctuations which we experience (he adds in 1834) are to some extent to be imputed to the fluctuations in specie, (meaning in amount, not in value) and the smaller the amount of specie in the county, the more likely they are to occur. The most obvious remedy, therefore, against the recurrence of this calamity, and the most certain method of saving the active industry of the country from the devouring vortex of this almost periodical disaster, which comes of curtailing discounts, is to increase, by some judicious regulations, the quantity of specie in circulation to such an extent that these occasional drains shall not curtail the circulating medium so as to produce such consequences. If the circulation of small bills had never been permitted, but their places had been supplied with specie, the quantity now in circulation would be large, and would greatly strengthen the confidence of the public and the ability of the banks, as it would flow in to supply the place of that drained off, and thus supersede, to a great extent, the occasion for these forced curtailments of discounts which always prove injurious to the public. The States which have adopted this course, are best supplied with specie, and if the whole country could be prevailed on to suppress small bills, great relief would be realized from it."

"Experience has long since proved that a metallic currency is least liable to fluctuations, and therefore best adapted to the purpose for which it is designed; and it is to be hoped the earliest opportunity will be seized to return to it, so far, at least, as to rectify the present credit system of paper currency, and prevent its pernicious fluctuations."

"Fluctuations visit all who have property, and all who work to acquire it, with injury, and compel them to submit to severe sacrifices. *What is called a scarcity of money, only means that the banks do not discount.* Upon a pressure thus occasioned, we have seen good estates dwindle, until their possessors were left bankrupt. We have seen laborers thrown out of employ, or their wages greatly reduced; and business either suspended or dragging those engaged in it towards ruin. We have seen, also, great anxiety and dismay pervade the whole public."

"Believing that under our present [credit] system we may be again witnesses of these scenes of suffering, I cannot relinquish the hope that your wisdom will devise some way of giving greater stability to the local currency."

Here we have the doctrine laid down that the small quantity of specie in circulation tends to produce these disastrous fluctuations—an increase of the quantity of specie in circulation recommended, and the suppression of small bills pointed out as a measure of relief—and the fluctuations of the paper system are referred to as the cause of laborers being thrown out of employ, and their wages greatly reduced.

The gentleman from Massachusetts has asserted that the manufacturers of the North do not desire to stand apart from the laborers, and if they believed they were to gain by this measure they would "disdain to receive a boon at the expense of the laborer." Quite high-minded, truly! I ask, sir, if this is consonant with what we know of the operations of self-interest, and the history of human nature? I know that, to a certain extent, the interest of the laborer and the capitalist may be theoretically identical. It is for the interest of the laborer that the capitalist should realize sufficient profit to enable him to pay large wages. But practically their interest is not the same. It is the interest of the capitalist to reduce wages as low as possible, because the lower the wages, the greater are his profits. You say you cannot trust individual agents, selected for their integrity of character, with the safekeeping of the people's money, for fear they will steal it; and do you tell me that it is safe to trust the interest of the laborer to their employers alone, because the latter would "disdain" to receive a boon at the expense of the former? The President and the Administration wish to crush the laborer! What possible motive can they have for such an attempt, which could only operate to their own injury and disgrace? I repeat, sir, that it is for the interest of the capitalist to reduce the wages of labor in proportion to other things, because thereby his profits are increased. Can, then, the interest of the laborer be safely left to these great capitalists and large manufacturing corporations? Sir, it is nothing more nor less than the doctrine, "let Government take care of the rich and the rich will take care of the poor." No sooner was the speech of Mr. DAVIS of this session delivered, than it was hailed by these friends of the "poor laborer" as a signal for commencing the manifestations of their regard. These corporations began to reduce the wages of their operatives; but I have never learned that they have cut down the princely salaries which their agents and other officers enjoy—salaries, some of them, in my own State, double in amount to those of the Governor or Judges of the Superior Court? Have these capitalists ever shown any particular modesty in refusing to accept special privileges, or any "disdain" of benefits in which others could not equally participate? Have they not always been ready to besiege the halls of legislation, both State and National, in order to procure the passage of laws to subserve their own interest? I ask this committee, then—and I ask the people of this country—whether, if the manufacturing capitalists really believed the effect of this bill would be to reduce the wages of labor below their proportion to other things, they would take the trouble to be so clamorous, as most of them are, in opposition to it? This regard for he poor laborer is somewhat similar to that which prompted such expressions of indignation from many of the Opposition presses against the President for his recent order that the laborers employed by the United States should only be obliged to work ten hours a day—a regulation so highly conducive to the comfort and benefit of the laboring man, and which enables him to devote a portion of time to his family and to mental improvement.

Time will not permit me to dwell longer on these topics, as the lateness of the hour warns me to hasten as quickly as possible to a conclusion. I have already referred to the fact, that the public money is, and always has been, collected by our own officers. If they can be trusted to collect it, why may they not also be trusted to keep it for a short time? It must be greed for gain, and the selfish and monopolizing spirit incident to moneyed institutions, that urge the banks to come in and ask, nay, demand the use of the money of the people. Thus are they prompted to wage a war on the Government of the people. It is a remark of Burke, in his speech on economical reform, "that the cold commendation of a public advantage never was, and never will be, a match for the quick sensibility of a private loss;" and that "when a considerable number of persons have an interest in railing, they will be apt to bring some degree of unpopularity upon any measure." In no other manner can we account for the desperate opposition which has been carried on against this bill. To a well regulated bank the use of the funds of the Government is not desirable, because the amount must be subject to continual and sudden variations. When these funds, on which discounts have been made, are suddenly withdrawn to meet the exigencies of the Government, the loans of the bank are contracted, the institution is embarrassed, and the community distressed. What right have banks to the use of the moneys of the people for purposes of private gain? Suppose there were no banking corporations, and that this branch of business was conducted by private bankers. Would you give to these individuals, or to any of them, the liberty of using the people's money to trade on it? Would not this clearly be considered a special and illegal privilege? There is another consideration which is of grave importance. If banks and bankers are to have the public money to increase their own profits, their interest certainly will cause them to desire those deposites to be as large as possible. Let any reflecting man answer the question whether it is the part of wisdom to make it the interest of a numerous and powerful portion of the community, that the people should be taxed to the greatest possible extent? Is it the part of a true representative of the people, to advocate a system which makes it the direct interest of so powerful a class, for the sake of enhancing their own profits, to increase the expenditures of the Government, and the burdens on the people? I think not.

To use the words of Mr. Webster, "what is a Government without revenue?" It is necessary for the Government of the people to have the control of the revenue for legal purposes. The moment that control fails, the people suffer. Shall all this power be exercised by irresponsible corporations? It is an acknowledged fact that, on account of their exemption, and that of their members, from individual responsibility, corporations will frequently be guilty of that of which every individual composing them would be ashamed in his private capacity. Is their interest always that of the people? Experience has too plainly shown the reverse. Are banking corporations actuated by conscience and honor, or even by an ennobling ambition, or are they moved by the spirit of pecuniary gain alone? Would you select a corporation to exercise any other important trust in Government? How degrading is the idea that corporations can be trusted, but man cannot.

I will now ask the attention of the committee for a few moments to the nature of the objections which have been urged here and elsewhere against this measure. Those objections are utterly inconsistent with each other, and suicidal. And they are, in many instances, objections drawn from effects, which even the objectors themselves acknowledge the bill will not produce. When the opponents of a measure are driven to resort to such shifts, an inference may fairly be deduced that reasons, with them, are not "as plenty as blackberries" The gentleman from Massachusetts assumes that the bill is to create an entire specie currency, and argues against that. Next he assumes it is to create a paper currency, and argues against that. He argues against the bill because the depositaries created in it will not be so safe nor convenient as a bank or banks. Next he argues against it because, in so many respects, it is a bank. His whole argument is based on the superior safety of banks as depositaries, and the propriety of receiving their paper; yet he admits that the State bank deposite system has failed, and involved the Government and people in common bankruptcy and ruin. He objects to this scheme because, he says, it gives a superior currency of gold and silver and Government paper to the Government, and an inferior currency to the people. Yet a large portion of his speech was devoted to proving that specie is an inferior currency, and adducing arguments in favor of a currency of bank paper. He objects to the example of Holland as applicable to us, because the inhabitants of that country are enabled to use specie on account of the limited extent of their territory. Yet, he says the Dutch are too wise, and have been too long used to business, not to use paper. He contends that those countries which use banks as depositaries and take their paper, are the highest in the scale of civilization, and would almost seem to make the "banker with his notes" the prime cause not only of civilization, but of liberty. He argues that the disuse of banks and the use of specie indicate barbarism, and refers to Turkey as a country scarcely within the pale of civilized nations. Yet, he says the Greek and Armenian bankers have as much to do with the administration of public affairs in Turkey as ever the United States Bank had in this country. He intimates that Government paper is the necessary result of dispensing with the use of banks as depositaries; yet again, in the instances of England, Spain, and Russia, he speaks of Government paper as the necessary consequence of being in debt. And while he distrusts a reference to foreign countries, whose institutions are so dissimilar to our own—he pronounces an eloquent eulogium on Great Britain, and would seem to attribute her greatness to her credit and banking system. He admits, in so many words, that there is less Executive power and patronage in this scheme than in the system of pet banks. Yet he objects to the scheme on account of its patronage, and the whole drift of his argument is in favor of employing banks. He contends that if an United States Bank is dangerous, so far as this resembles a bank, this scheme must be dangerous also. Yet who can divine his scheme, if it be not the State bank system, or this very United States Bank. And when he lays it down as a principle indisputable, that great power to do good is necessarily connected with equal power to do evil, what an irresistible argument has he furnished against the expediency of such an institution! He has expressed his hope that this measure was not to be supported by an "idle clamor against banks." I believe, sir, this measure can only be opposed by an idle clamor in their favor—a clamor, the justice of which is disproved by arguments, drawn from analogy—from the nature of corporations—from the nature of man; contradicted by the lessons of experience—by the

dictates of common sense—and, I had almost said, of common honesty.

With regard to the assertion that this system was put in operation by the President of his own mere motion, it is sufficient to say that so far as it has been in operation, it was by the express provisions of law. If the President or the Secretary had disregarded those provisions, they would have subjected themselves to impeachment, and would have richly deserved it. Have the advocates of the banks become so bold as openly to require that the laws of the land shall be set at naught by the agents of the people, for the benefit of those corporations? The gentleman inquires if the apprehension of this measure has caused so much distress, what will be its effect when it passes and becomes a law? Yet, again, he contends that it has been in operation three years already. He asserts it is an Executive measure, and that it has been condemned by the people, because it was rejected by the members of the House of Representatives of the last Congress, who, he says, came direct and "unsophisticated" from the people. Now it is well known that the members of the last House *were not elected* in reference to this measure. Most of them were elected before the suspension by the banks; and the time of their assembling here was the time of their reception of the President's message which first recommended the measure.

This, then, is what is meant by a Representative coming "unsophisticated" from the people. For a representative to be unsophisticated means that he does not know, and has not the means of knowing, the sentiments of his constituents. I had supposed that the popular voice might be more truly expressed by representatives who knew the will of their constituents, and were elected to carry that will into effect. That is the case with regard to the members of this House in relation to this bill. The remark of a gentleman of the Opposition made here the other day is correct; that every member was sent here as being either for or against this measure. This measure was before the people in the elections of members of the present Congress. But the gentleman complains that the appropriation bills which are "to supply the necessities of the Government itself" are thrust aside. A novel complaint truly from that quarter! When we desire to take up an appropriation bill, the cry of the Opposition is, "you do nothing for the people—you hasten to provide for the Government and for office holders, and disregard every thing else." Now, when we insist on taking up this bill, which the people have said ought to pass, we are accused of not providing for the necessities of the Government. The gentleman says that he knows not why the measure is brought forward, except for the reason that the Opposition have taunted the Administration and dared them to do it. It was not very patriotic in them if they supposed the bill was to be productive of so much desolation and ruin, to indulge in taunts which were to have such an influence! But I confess I have never seen any thing in their powers of sarcasm to induce me to believe their taunts could possess so much power. If their taunts have had so much effect, I can only say that their taunts are much more powerful in favor of the bill, than their arguments are against it. The gentleman also says that it is the course of wisdom and policy that this bill should not be passed now, because if there should be a change of Administration the bill may be repealed. Thus the intimation is thrown out, that in case of the defeat of Mr. Van Buren's re-election this measure is to be repealed? What must follow! An United States Bank. The defeat of Mr. Van Buren is to be the triumph of the banks over the people! Are the people ready to submit to that triumph? No, sir, they will support him who has stood by them in this deadly contest, waged against their rights, their liberties, their interest, and their honor. The Opposition, it is said by the gentleman, at least have ground of hope that the Administration will be put out of office, and that "wiser and better men" will succeed. It is sufficient to observe, in reply, that the gentleman belongs to a party whose "vocation" it has been for many years, and I trust and believe will be for many years to come—to hope—and that the opinion of individuals as to their own wisdom and virtue is not always the best evidence either of that virtue or that wisdom.

Mr. Chairman, let me for a moment advert to the extraordinary course pursued by the gentleman from Massachusetts. When this bill was taken up in committee, he immediately made a motion to strike out the enacting clause, which motion, if successful, causes the rejection of the bill. After he had made this motion, he turned to me and asked for arguments why the bill should pass. He made the motion to destroy the bill, and then requested me to give him reasons why he should not do what he had already done. Yes, sir, he "shrunk" from his own motion. It became my duty to suggest that the measure was not a new one to the members of the House, nor to the people, but had been discussed and made the test in the elections of members of the House, and that he, having made a motion, the effect of which, if successful, would be to destroy the bill, it was incumbent on him to give to the House and to the country the reasons which had induced his course. After this—after he had thus shrunk from his own motion, when he vauntingly said "he would not shrink from the challenge," it indicated a state of mind somewhat similar to that of the renowned Robert Acres, who, when on his way to the field of combat, to which he had summoned his antagonist, exclaimed to his second, "we won't run, will we, Sir Lucius."

All acknowledge that some legislation is necessary on the subject of the collection and safekeeping of the public moneys, for the security of the public. We have brought forward the measure in favor of which the people have deliberately decided. Do gentlemen propose any substitute? No sir! An attempt is made, not to amend or improve—not to substitute another plan—but to destroy and defeat this measure. Is it their object to defeat every thing else, in order to drive the country into the adoption of an United States Bank—acting on the principle that it is not "by arguments, but by suffering, that the people are to be convinced?" We have a right to say to the Opposition: "if you object to this scheme, show us a better. Explain to us your substitute. Be not, like your candidate for the Presidency, dumb as to your intentions. Bring forward your plan. Why will you not do it? It is because you dare not. Yes! it is because you dare not, for you know that the plan which, in reality, you favor, is odious to the people of this country."

Permit me, sir, to read an extract from a speech delivered by the gentleman from Massachusetts in the second session of the last Congress. After alluding to the results of a few State elections, which at that time were considered by him as exhibiting a result unfavorable to the Administration, he exclaimed—

"And how does the President receive the declared will of the people? What says he, the chief, the elect, the one representative of those claiming to be the exclusive Democracy of the Union. Does he bow in ready, in respectful, in humble submission to the decision of the supreme power of the Republic, the people pronouncing judgment in the majesty of their sovereignty against the favorite measures of the Administration? No."

Sir, when the gentleman uttered this language, the people had not expressed their judgment on this measure. The present is the first Congress which has been elected since this measure has been before the people. Directly, and in the election of their representatives, who were to vote for or against the measure, have the people, "in the majesty of their sovereignty," pronounced judgment in favor of this bill. Do the gentleman and his friends bow "in ready, in respectful, in humble submission to the decision of the supreme power of the Republic? No, sir! They accuse the people of being "decoyed by the voice of the tempter," and they are striving by all the means in their power to set aside their solemn verdict.

Something has been intimated about a "chance majority" in the House. Probably this charge refers to the admission of those members from New Jersey who were elected by the people, and the rejection of those who claimed seats by virtue of the Governor's certificate. We desire the opinion of the people, and not the opinion of the Governor of New Jersey. But, sir, if the members chosen by the people of New Jersey were ejected from this hall, and their places supplied by those claiming under the Governor's certificate, there would still be, in my belief, a majority in favor of this bill. Gentlemen have proclaimed—perhaps some have even flattered themselves with the hope—that the friends of the Administration did not sincerely intend to carry the measure through. If there be a single member of the Democratic party on this floor who is not ardently desirous to pass this bill, I do not know him. We should be treacherous to the doctrines we profess—treacherous to what we believe the principles of the Constitution—treacherous to our constituents, did we not do all in our power to ensure the success of a measure which we deem so essential to the public welfare. Notwithstanding the strenuous efforts which will be made against it, this bill is destined to pass—the people have willed it; and its adoption will be a triumph of reason and argument over the clamors of faction—a triumph of the intelligence and firmness and honesty of a community who understand the value of their free institutions, and know how to preserve them in their purity.

SPEECH OF MR. JOHN DAVIS,

OF PENNSYLVANIA,

In the House of Representatives, June 27th, 1840—On the Independent Treasury bill.

Mr. DAVIS said: Mr. Chairman, before I proceed to the consideration of the great and important national question now before the committee, I will read an extract from the Boston Courier, a modern Whig paper. It is as follows:

"As well might a blacksmith attempt to mend a watch, as a farmer to legislate. What mischiefs are sure to be enacted, when a man born to nothing but the plough tail, undertakes to legislate."

Mr. Chairman, I am the kind of person herein described. I was born to no inheritance but the plough tail; and I have ploughed all day from sun up until dark, since I have been elected to a seat on this floor. I know very well, sir, that this is not an uncommon opinion in a certain quarter. It is as old as the Constitution under which we live. Whether I am qualified for this station or not is a question alone for my constituents, who have sent me here.

As I have not heretofore consumed any of the time of the House, I now ask the indulgence of the committee, while I present some of the reasons that will influence my vote on this important question.

The gentleman from Massachusetts, [Mr. REED,] who has just taken his seat, the gentlemen from Pennsylvania, [Messrs. SERGEANT and COOPER,] and the gentlemen from Kentucky, [Messrs. POPE, WHITE, and ANDREWS,] as well as most other gentlemen who have spoken in opposition to this bill, have charged the present Administration with being the cause of the suspension of specie payments in 1837 and 1839, and all the evil consequences attending them; such as the derangement of the currency, the issuing of shinplasters, the reduction in the price of produce, and turning the poor laboring man out of employ to starve; for the gentleman from Pennsylvania [Mr. SERGEANT] informed us that they were in a state of starvation. All these evils they say have come upon the country by Mr. Van Buren's tampering with the banks; for which he has been called a currency tinker and other odd names. Now if this be true, as charged over and over again on this floor, and in the Opposition papers, it is the strongest reason that has been offered why a separation of the Government from the banks should take place. Nothing that the friends of the bill have said in its favor can be more striking to the public mind than that—if the President has the power to do so much mischief, it should be taken from him. Had I been opposed to this bill when I came here, (which I was not,) I have heard enough from its enemies to convince me that it should pass.

I am pleased that my honorable colleague from Philadelphia [Mr. SERGEANT] has at length made known to us the principal cause of the opposition to this bill. He, of all other gentlemen on this floor, has had the best opportunity to be informed on that particular subject. He represents the bank interest of Pennsylvania, and of all other men in

best acquainted with their views, wishes, feelings, and interests. In examining this bill, the gentleman said that the amount of money appropriated in it was $21,000. This appeared on the face of it; but there was something, he said, that was covered up in it which was hid from public view, but which would be perfectly apparent when he mentioned it. The Secretary of the Treasury, and the friends of the bill, he said, had admitted that it would require five millions of dollars to be all the time in Treasury. Here, said Mr. D. I think the gentleman has misunderstood the Secretary. He said that there would not be likely to be more than that amount in the Treasuey at any one time, and not that that amount would be all the time in the Treasury. The interest on that sum, said the gentleman, at 7 per cent. will be three hundred and fifty thousand dollars, to which add the twenty-one thousand dollars, makes three hundred and seventy-one thousand dollars; but you may double this sum, said he, for it will take ten millions of dollars instead of five, and that will be seven hundred and forty-two thousand dollars per annum, drawn from the tax payers unnecessarily by this bill. This, then, said Mr. D. may be said to be the reason given by the bank interest for their opposition to it.

I have taken some trouble to look into this interest account, by examining the monthly returns of the Bank of the United States for the sixteen years that she was the fiscal agent of the Government; and then taking the annual returns of the deposite Banks from the removal of the deposites to the suspension in 1837, and the following has been the result of that examination:

Amount of deposites in the United States Bank according to the monthly returns:

1818	$7,609,501 90	1826	$6,993,350 45
1819	2,960,718 08	1827	7,623,228 18
1820	2,965,018 58	1828	8,032,255 80
1821	2,337,071 46	1829	8,168,025 59
1822	3,485,118 30	1830	7,899,904 29
1823	6,874,418 31	1831	8,186,241 21
1824	8,081,076 98	1832	11,337,722 21
1825	6,393,366 74	1833	8,529,040 61

The average annual amount in the Treasury during the above period was $6,717,191 17. Upon this I had calculated an interest of 6 per cent. but as the gentleman, who understands interest better than I do, has charged 7 per cent. he will not complain, I trust, if I should adopt the same rule for his friends, which will make $7,523,254 11 whole amount of interest received on the deposites. But this is not all. I am informed that the rule of banking is to issue two dollars in paper for every dollar of deposites, and loan that out also. If this is the fact, then the interest account of the United States Bank alone is $22,569,662 33.

In the deposite banks, I have taken the amount reported to be on hand at the end of each year. I now show the balance in the Treasury, as presented to Congress by the Secretary of the Treasury.

1834	$11,702,905 31	Interest	$702,774 31
1835	8,892,858 42	"	533,571 50
1836	26,749,803 96	"	1,604,988 23
1837	45,968,523 86	"	2,758,111 43
			$5,599,445 47

If this amount was all the time in the banks, the interest accruing on it at 6 per cent. would be $5,599,445 47; but at 7 per cent. it will be $6,524,986 40. Apply the same rule to this that we did to the other, viz: that they issue two dollars in notes for each dollar of deposite, and loan that out also, and you have the sum of $19,574,858 21. Add this to the profits of the United States Bank, and you have the round sum of $41,144,420 44 realized by less than one hundred banks, by their having the custody and use of the public money. This explains the reason, to a great extent, of the opposition to the bill now under consideration. Those gentlemen who live by their wits, and not by their labor, understand all these things.

Here it will be proper to remark that a portion of the money in the United States Bank belonged to the sinking fund, under the act of March 5, 1817, setting apart ten millions of dollars to pay the interest and also to reduce the principal of the debt of the Revolution and late war. On the 12th of February, 1816, the whole debt amounted to $123,630,092 95. On the 30th September following it was reduced to $108,745,818. The whole average annual amount in the bank for sixteen years was $6,717,191 17. Of this sum I think it is fair to charge $2,000,000 to the sinking fund, leaving $4,717,191 17 as the amount applicable to ordinary expenses all the time in the Treasury for sixteen years. From this it would appear that the sum of $5 000,000, as estimated by the Secretary of the Treasury, is not much out of the way, and not $10,000,000, as the gentleman from Pennsylvania [Mr. SERGEANT] supposed.

The worst times said the gentleman, that the country has ever seen, has been under the Sub-Treasury system. Now I am certain, said Mr. D. that my honorable colleague does not intend to mislead the committee or the public in this matter, but he has surely forgotten the distress in the country about twenty years ago. I will here relate my own personal experience at that period; and experience, we all know, is the best of teachers. It is not necessary, therefore, for me to go to the statistics of the country, when my own experience is a component part of them.

In 1816, wheat brought, in the Philadelphia market, where the gentleman resides, $3 per bushel; corn from $1 75 to $2; oats 75 to 80 cents.

In 1821, prices sunk down so low that wheat brought only 62½ cents, corn 31 cents, and oats only 18¾ cents per bushel. I ploughed the ground, and sowed the seed, cut it, threshed it, and hauled it to market, at both those periods. The land on which this grain grew cost, in 1815, $125 per acre, and at that time it would not bring more than $50. Mechanics, who had received $1 25 cents per day, and were found, were reduced down to 62½ cents, and many were out of employment altogether, and other laboring men received wages in the same proportion. Land fell from $125 per acre to $50, and in some cases lower. Hundreds and thousands of honest farmers who had passed the meridian of life, and, by a long course of industry, had accumulated a little property to make them comfortable in old age, if they were one fourth in deb for their land, and were pushed for it, the whole was swept from them. Or if a man had one farm clear, and a second one for which he owed one-half the purchase money, it took them both to pay the debt. As gentlemen of the bar generally fatten on the miseries of the people, I presume the gentleman did not experience any embarrassment at that time.

What will the farmer say at this time? Why, his produce won't sell for as much as he formerly got for it.

Here again I will give you my own practical experience. My last year's crop brought me more money than any one crop of the last three years. The increased quantity more than made up for the diminution of price. This is the case also with many of my neighbors. I recently received a letter from a farmer in my neighborhood, who informed me that he had sold from his last year's crop 437 dollars worth of hay; and that he had 4 or 5 tons yet to spare, which would make it up 500 dollars. He had beside this, his wheat, corn, and oats to sell, and he owns and works only about ninety acres of land. We farmers know that when we have an abundant crop (all other things being equal) the price will be lower than when the crop is short. It is therefore not always the best times for farmers when prices are very high, because it is generally owing to a short crop. It requires a certain quantity of grain for the use of his family and stock, and if he consumes it all, the high price is of no advantage to him. We had better have two hundred bushels of wheat at one dollar, than one hundred at two dollars per bushel. For example: say that it takes 50 bushels for bread and seed. In that case we would have 50 bushels left, at two dollars, making $100, and in the other case we would have 150 bushels left at $1, making $150. But, sir, we are like other men—we like big crops and high prices too. We have, however, heard of the country being ruined so often from the Opposition within the last few years, that we understand their object. You want, gentlemen, to get our votes, and then you could control our money; but your Whig panic speeches fall still-born upon us.

I will go to the laborer, says the gentleman; and what will he say? Why, I formerly got money that answered my purpose; but now I am out of employ, and my family is starving.

Men starving in Pennsylvania! Sir, this is news to me. I thought the complaint was that grain was too low. This is certainly what was said to the farmers. Since a panic has been attempted to be got up here, I have frequently heard from home on the subject of labor and wages, and find that our mechanics are well employed in my immediate neighborhood at former prices.

This is, perhaps, an exception to the general rule; and the reason is obvious. We have no bank near us, nor have we any thing to do with them. Every man keeps his own money, and no bank marks our checks good without paying the money. We don't build, nor employ mechanics of any kind, until we are able to pay for what we get done, without going to bank for the money. Our business is, therefore, regular. I have been watching the course of events for the last few years, and have noticed the changes and fluctuations that have taken place, and am of the opinion that the embarrassment of the country is owing to overaction by banks, or to their unsteadiness in their accommodations to the business community. I find generally, where men are thrown out of employment, that it is for want of a continuance of bank accommodations to carry on business. Too many of our business men depend on bank loans to carry on their business; and when that is withheld, they are compelled to discharge their hands. It is a lamentable truth that the banks have too much control over the business of the country, and therefore can produce a panic at pleasure.

"I don't like hard money," says the gentleman. "I would rather have paper; it don't wear out my pocket so much. Why, shall the people be compelled to buy silver to pay their debts? We have too much gold and silver in this country. We have erred in this, as in every thing else. Fifty-five millions of your foreign debt is occasioned by the importation of gold and silver. Send back your fifty-five millions and pay your debts, on which you have to pay $3,300,000 interest."

From the gentleman's account, we have erred in this, then, said Mr. D. as in every thing else: that is, we have committed an error by bringing gold and silver into the country instead of merchandise. Times change, and with them gentlemen's opinions change. When the gentleman received twenty thousand dollars for going to England, as agent for the United States Bank to bring in specie, it was all right to bring specie into the country; but now it is all wrong.

One thing I presume is certain; no man that heard the gentleman will charge him with being a hard money man. The only thing for our consideration, on this subject, is, was it better for the country to bring this money in gold and silver, or merchandise? The States have created stocks since 1820, amounting to $174,696,994, and over which the General Government have no control. They found their way to Europe. The above amount was all that was brought over in specie, and the rest was brought over in merchandise. One of the great evils that has afflicted this country, has been an over-importation, and yet the gentleman would have imported fifty-five millions more, in preference to the precious metals. Such is his aversion to hard money. Perhaps this exportation of hard money is advocated to justify the United States Bank in exporting specie, as she has done, to the amount of $8,712,000, in about fourteen months. This seems to be carrying out the gentleman's principle in full. At the same time that the gentleman advocated sending this fifty-five millions of specie out of the country, he also advocated a National Bank, as well as some six or eight other gentlemen. Now, sir, I want to ask these gentlemen whether their bank is to have a specie basis? and if so, where is it to come from? From the best estimate that can be made from the statistics of the country, the amount of gold and silver in the United States is about eighty-five millions. Of this,

33,105,155 is in the banks, as is shown by their last return, and the rest is in circulation, or in the hands of the people. The project of the gentleman from Kentucky, [Mr POPE,] and the only one submitted, was for a seventy million bank, so restricted that it should only issue two dollars in paper for one in specie. Under this plan one of two things is certain; either that your circulation will be small, or you must have a large specie basis. And where, I ask again, is it to come from? Can you get what is in the hands of the people? Or will you, after all your professions of friendship for the State banks, receive their notes in subscription for stock, and then call on them for their hard cash? Or will you go to England for it, and increase the indebtedness of which the gentleman complains? These are questions worthy of your consideration, and I, for one, would like to have them answered. Creating more banks is like feeding Vesuvius with oil; you only increase the flame.

The gentleman has furnished us with a long account of the expenditures, and also of losses by the agents of the Government, from its commencement. In this the gentleman has imitated his party. He has dealt in generals, and not descended to particulars. I have also looked over document No. 10, of the present session, and find that the amount lost by disbursing officers, exclusive of trust funds, and payment of the public debt, are as follows, to wit:

General Washington's first term, 13 cents per $100; second term, 27 cents per $100; John Adams's, 83 cents per $100; Mr. Jefferson's first term, 32 cents per $100; second term, 64 cents per $100; Mr. Madison's first term, 130 cents per $100; second term, 112 cents per $100, Mr. Monroe's first term, 205 cents per $100; second term, 216 cents per $100; Mr. J. Q. Adams's, 66 cents per $100; General Jackson's first term, 19 cents per $100; second term, 26 cents per $100.

It will be remembered that Mr. Madison's administration was during the embargo and war, and therefore more agents were necessarily employed. Mr. Monroe's administration met with less opposition than any Administration since the adoption of our Constitution. Now, sir, look at the pattern Administration of the venerable gentleman from Massachusetts, [Mr. ADAMS;] the loss per hundred dollars was 66 cents; and the prodigal and wasteful administration, as his enemies term it, of General Jackson, only lost 19 cents per hundred dollars the first term, and 26 cents the second term. This is always the case, gentlemen; when we draw you into particulars, you make a tremendous noise about others, but always waste the most money yourselves.

Now, gentleman, we will look at another item, I mean the whole amount of loss to the Government during each Administration. It is as follows:

Washington's	1st term, from	1789 to 1793,	$686 46
	2d term, from	1793 to 1797,	82,359 84
Mr. J. Q. Adams,	from	1797 to 1801,	85,179 98
" Jefferson's	1st term, from	1801 to 1805,	61,872 69
	2d term, from	1805 to 1809,	122,478 51
" Madison's	1st term, from	1809 to 1813,	374,654 23
	2d term, from	1813 to 1817,	688,836 51
" Monroe's	1st term, from	1817 to 1821,	880,111 67
	2d term, from	1821 to 1825,	1,568,476 17
Mr. Adams,	from	1825 to 1829,	2,278,558 47
Gen. Jackson's	1st term, from	1829 to 1833,	299.798 51
	2d term, from	1833 to 1837,	1,305,305 45

Now, gentlemen, what do you think the hard fisted, honest farmer, for whom you seem to be so much interested, will think of this, when they see it? Out of $7,748,318 89 of the earnings of their industry that has been lost to them in 47 years, your pattern administration of Mr. Adams lost $2,278,558 47 in 4 years, being an annual loss of $569,639 61, and leaving but $5,570,960 42 to be apportioned among the other Administrations for 43 years, making an average annual loss during the whole 43 years of only $129,557 21. And yet you are the men who are loudest in your professions of economy.

The gentleman from Adams county, Pennsylvania, [Mr. COOPER,] told us that the decree of party had gone forth, and this bill was to pass. He says in 1833, when the experiment began, we had as good a currency as any country ever had; but the bank was to be broken down, and therefore the deposites were to be removed.

The decree of party has gone forth, is the language of the gentleman. If he had said the decree of the PEOPLE had gone forth, he would have been correct. If there is any one question upon which the people of the district that I have the honor to represent, is more united than another, it is on that of an entire separation of the Government from the banks of the country, which has been an unprofitable partnership. They desire that their money shall be collected in the legal currency of the country, and be kept in such manner as that it can be at all times controlled by their representatives to pay the honest debts of the Government. They have seen with deep humiliation that, whilst in the midst of peace and prosperity (when our land was flowing, as it were, with milk and honey) with an overflowing Treasury, their representatives could not control it. They have seen the banks, who had the care of it, close their doors and place the Government at defiance, professedly to keep the precious metals from going out of the country; when, in the same year, 1837, the imports of specie exceeded the exports $4,510,165. Therefore, the reasons given could not have been the true cause. They have seen an additional expense created for the people to pay by calling Congress together to provide for the defalcation of the banks; and, when met together, the President was importuned to recommend to Congress, at the earnest solicitations of the merchants, too, to grant them indulgence in the payment of their Government dues; for destruction, they said, awaited them, if he did not, because they could not pay them in such money as the Government would receive. He did recommend the indulgence asked, and he did not stop to inquire whether the merchants were his personal or political friends; or whether, by such recommendation, he would strengthen or weaken himself. No, sir—no such thing. He acted like a faithful public servant should do. He looked at the interest of the whole country without regard to party. On the 10th of October, a bill passed the House of Representatives unanimously granting the indulgence asked for. This act dried up in part the sources from which the Treasury was supplied, and it became indispensably necessary to provide for the deficiency to meet the engagements of the Government under laws passed by Congress. It was proposed to use the credit of the Government by issuing Treasury notes. But, sir, what was the conduct of the merchants, the banks, and their friends? Every paper under their control, and all the Whig orators in and out of the House, commenced a war upon the Government as soon as they were relieved from destruction. They turned round—I had like to have said viper like—to sting to death the hand that had saved them.

The vote on supplying the Treasury with means to pay its debts, was a strict party vote, or nearly so. If there could be found the same number of farmers in Pennsylvania that would act with such ingratitude, I would disown them.

To show that this measure is popular among the people, I will give you the election returns for the years 1836, 1837, 1838, and 1839, the last three years when this Independent Treasury bill was made a test question:

	Mr. Van Buren.	Opposition.
1836	761,968	744,350
	744,350	
	17,918 majority.	
1837	819,203	927,213
		819,203
		108,010 majority.
1838	955,715	1,066,245
		955,715
		110 530 majority.
1839	1,004,004	962,586
	962,586	
	42,418 majority.	

Opposition majority in 1833, - -	110,530
Mr. Van Buren's majority in 1839,	42,418
Error in Pennsylvania return, -	18,000
	170,948

The above calculation was taken from a Whig paper, except Pennsylvania, and therefore they, whose organ it was, cannot object to it.

This statement exhibits some curious facts. In 1836 Mr. Van Buren's majority was 17,918 votes. When Congress met in September, 1837, the politicians foresaw that the suspension would produce an embarrassment amongst the people, and especially those depending on banks to carry on their business. A war of extermination was waged against the Administration. The Whig orators predicted great distress, and made many panic speeches, and circulated them amongst the people. The banks, to aid their friends to fulfil their prediction, put the screws on the people, as will appear by their own returns on the first of January, 1837, when their loans and discounts in the United States amounted to $525,115,702, and on the first of January, 1838, they only amounted to $485,631,687; being a contraction in one year of $39,484,015. Such a sudden withdrawal of accommodations of such a large amount of money could have no other effect than to embarrass business men. This was all charged to the Administration, and therefore had some effect on the public mind in 1837. The change against Mr. Van Buren on the popular vote at the election was 125,928 votes. At the extra or called session, Mr. Van Buren recommended the Independent Treasury system. It then became the subject of attack by the Opposition In 1838 there was but little change, only about 2,520 votes. This subject was canvassed freely by the people, and in 1839 the "sober second thought of the people" made a change in favor of the Administration of 170,948 votes; and yet with this fact staring you full in the face, we are told that the people are opposed to this great national measure. The gentleman from Kentucky [Mr. WHITE] informed us that he would prove by all the modes of attaining public sentiment, that the people were opposed to this measure: but how did he fulfil that promise? He took up the returns of 1836, 1837, and 1838, and then stopped. The returns of 1839 did not happen to answer his purpose, and were omitted by him.

We are charged with being enemies to the banks of the countrry. How is this charge made out? We are desirous to confine them to their legitimate business of banking, and then they will be regular. They can always calculate with certainty, the extent to which they can accommodate the public; but while ever their accommodation depends on the public deposites, and commerce fluctuates as it has done, we must expect those sudden revulsions. But, sir, the banks may well exclaim, "save me from my friends." They have charged over and over again that we will destroy them by refusing to let them have the public money; and also, refusing their notes. What inference is to be drawn from this? Why it is, that the banks cannot stand without being propped up by the Government. This is what their professed friends say of them here, and I think great injustice is done by it to such of the banks as are sound. But if this be true, that they are in this condition, so rotten as to be unable to stand alone; it is another good reason furnished by yourselves, gentlemen, why a separation should take place. I would prefer the specie clause, and cash duties, going immediately into effect, so as to prevent foreign merchants from trading on the the credit given them on duty bonds to the great injury of our own merchants and manufacturers. If the Government was to continue to receive the notes of banks, every bank in your large seaports would be subject to its will, for it could destroy them at pleasure, by receiving their notes, and then calling on them for specie, when they must either comply with its dictates or be so crippled in their operations as to be neither able to benefit themselves or the public.

In refusing to receive their notes the Government does nothing more than the Bank of the United States did towards the other banks. It received

but few of the country bank notes in payment of Government dues; but this was all right, because it was done by the bank, and no political capital could be made against the Administration, and therefore nothing was said about it.

But it is said that we want a bank to regulate the currency, exchanges, &c. I have looked into this matter and find that the exchanges have been more deranged during the existence of the United States Bank than since.

In 1831, when the bank had been in operation five years, the notes of many of the banks in Pennsylvania were from 10 to 60 per cent. under par; New York country banks from 10 to 75 per cent.; Massachusetts 12 per cent.; District of Columbia 70 per cent.; Georgia 40 per cent.; Ohio from 50 to 80 per cent. In 1837 there was another pressure, when Pennsylvania country banks were from 5 to 75 and 80 per cent. discount; Delaware from par to 25 per cent.; Maryland from par to 80 per cent. In 1833, when it is said we had as good a currency as any country ever had, Pennsylvania was from par to 2 per cent; Alabama was from 10 to 20 per cent; Louisiana from 6 to 8; Mississippi from 5 to 6; Tennessee from 4 to 5; Missouri, Illinois, Indiana, no sales; Kentucky from 20 to 25. Since 1833, the rates of exchange have not been so high, or bank notes so low. By this it will be seen that some gentlemen's memories are not so very good, when they say that we had the best currency the world ever knew. But, say they, the United States Bank paper was good. Admit this, and what does it prove? Why, that you had one currency for the Government and another for the people—the very thing you now condemn. The above rates will be found in Senate document No. 457, session of 1837–8. The United States Bank shaved the notes of its own branches from 1 to 5 per cent.; see Spencer's report to House of Representatives, January 19, 1819. Banks, like individuals, will have a credit abroad in proportion to their standing at home.

If they stand high in public estimation at home, and always redeem their notes when presented, in gold and silver, they cannot sink lower at any point than the difference in transporting the gold and silver. Why is it that bank notes in the same State, and even in the same town, differ so much in value? Is it not owing to their standing in public estimation? But we are told that the laboring classes would be much benefited by the establishment of another National Bank. These things have been promised before, without being realized. I happened to be in Harrisburg, in Pennsylvania, when the United States Bank bill of that State was under consideration. Its friends there, like the friends of a United States Bank here, prophesied that great good would result from it—that we had in that State a large and enterprising class of men, who possessed all the qualifications requisite to make them useful; but that they were without the means to go into business—that farmers, mechanics, and others, who were in debt, would be greatly benefited by it—that money would be so plenty that interest would be reduced to four per cent. and perhaps lower—in fact, it was the very bill to benefit the middle and lower classes. This was the profession. Now for the practice. Money had become so plenty in Pennsylvania, or at least in that section where I reside, that men who could secure it well, could get what they wanted at five per cent. per annum. This was a very common rate of interest. But in less than twelve months after the Bank was chartered, notice was generally given either to pay in the money or to pay six per cent. interest. This was all fair. We, who were in debt, had no cause of complaint. It was only the effect that the charter of the Bank had upon us. All these things I know from experience, because it took between thirty and forty dollars per annum from me; but in Philadelphia it was much worse than in the country. To such an extent was the wild and visionary spirit of speculation encouraged, that it created such an additional demand for money that interest rose to ten, fifteen, twenty, and as high as thirty-six per cent. or three per cent. per month, and it was exceedingly difficult for ordinary business men to get accommodations at all, when the shaver and speculator could command his millions. Nearly all the money was lent out through brokers and bank officers at extravagant rates of interest. In this case, gentlemen, you professed as much friendship for us farmers and laboring men as you do now. Is it then at all surprising that we should be unwilling to trust you again?

But a bank is wanted as a regulator. We in Pennsylvania have some experience about this regulation of the currency. On the 9th of October last, the evening of the election, and after the returns from the city and county of Philadelphia were mostly in, the bank officers held a meeting to consult about the propriety of suspending specie payments. Fourteen banks were represented, and five were for suspension and the big bank was one of the number for suspension; and nine were against it. Therefore it is reasonable to suppose that the nine banks who were unwilling to suspend, were able to continue specie payments. But the next day when the big bank opened, she sent word round to the others that she suspended forthwith, and the rest followed her example. The consequence has been the withdrawal from circulation of nearly all the precious metals, and their place was filled with the worst trash that ever disgraced any people. The best informed men of that State are of opinion that nearly all the banks in Pennsylvania could have continued specie payments, and that they were entirely solvent; but we had a regulator, and they must follow her regulations. But for the noble stand taken by Governor Porter to see that the laws were faithfully executed, and that no note or bill of a less denomination than five dollars should be issued, the whole State would have been again flooded with shinplasters as it was in 1837; for the universal law regulating currency is, that two kinds of the same denomination will not circulate together. Where one is more valuable than the other, the least valuable will be kept going, while the other will be hoarded up. For instance, if you have five dollars in gold, and a five dollar bill, you will part with the bill first; but if you had no note, the gold would then be used. Stop the circulation of all the five dollar bills in the country, and half eagles will soon take their place.

The bill now under consideration differs in two very essential particulars from the late practice in the kind of money to be received, and the manner of keeping it between the time of receiving and disbursing it.

From the commencement of the Government, the public money has been received and disbursed by officers appointed by the Government, and therefore if they were dishonest, they had an opportunity to embezzle it; and besides all this, you had to risk the safety of the banks. Under this bill you have but one set of officers; and if bank officers are more honest than other men, their services can be had; but this I do not admit. In all Governments, and also in large private transactions, more or less losses will occur from faithless agents; and this will always be the case until man becomes infallible.

One of the strongest reasons why this bill should pass at the present time is, that it is generally conceded that the readjustment of the tariff will come up for consideration at the next session of Congress. That period will, perhaps, be the freest from objections to considering the subject, of any time that can be selected. After a storm we usually have a calm; and a calm will, therefore, be likely to succeed the coming Presidential election, and it will, moreover, come on before parties divide off on other Presidential candidates. The members will come together freer from excitement than usual, and therefore will be better prepared to act with that calm, cool, and deliberate consideration that its importance requires. I would here say to the high tariff men at the North, and to the anti-tariff men of the South, that you should meet together upon some middle ground with that spirit of concession and compromise that actuated those men to whom you are indebted for the form of Government under which you live. If either extreme should succeed, injustice may be done. Pennsylvania occupies that ground. While she will never be behind her sister States in furnishing the necessary means to support the Government, in either men or money, at the same time, so far as I am informed, her people do not desire more taxes to be levied than will meet the necessary expenses of the Government; and in laying them, she will ask discriminating duties to protect the manufacturing interests. This is the first deliberative body in which I was ever honored with a seat, and this is my first effort in this body; and as one of the Representatives of the Keystone State, if I could suggest any thing for the consideration of Congress that would tend to harmonize their conflicting views on that interesting and heretofore exciting question, it would be very gratifying to my own feelings; but, sir, if you permit the banks to enter the list of interested partisans, you will have your gallery and your lobby lined with their officers and agents, advocating a high tariff, and all for the interest of the dear people professedly, but in fact to create a large surplus for them to trade upon. Should you employ the banks again as depositories, I doubt not but the prediction of my honorable colleague from Philadelphia [Mr. SERGEANT] will be fulfilled, and that ten millions of dollars will not be too large an estimate for the balance in the Treasury. There has been some effort made to agitate this interesting question at the present session; but of all times that could be selected, this would be the most unfortunate for the country.

I have been no little amused, sir, to hear the very kind professions of friendship from the gentlemen in the Opposition, to the interests of the farmers, mechanics, and laboring men. Yes, sir, the real hard fisted men, as they are called. These professions are made by men in this hall, who can scarcely turn over the leaves in their portfolio without their silk gloves on. Now, sir, I don't doubt their sincerity, but are they as competent to judge of their interests as practical business men are? While they profess one thing, they practice another. Yes, sir, they are for exclusive privileges and monopolies—the very antipodes of the poor man's interest. They are too much like the banks—they form combinations and control a larger amount of labor that depends mainly upon bank facilities to carry on business. When there is any sudden revulsion in the money market, as it is called, the poor man is either forced to consent to a reduction of his wages, or be thrown out of employ altogether; and their rights as citizens are too often infringed upon by being forced into a compliance with the views of their employers, especially in politics. I ask the business and laboring men of the country to look round and see whether the leaders of the Whig party do not seem to be delighted with the present distress of the country, because it will have the effect to place them in power; and whether the banks and all the moneyed men of that party are not aggravating it to its utmost stretch of severity even to bring you to starvation, as the gentleman from Philadelphia would have it? The labor of any country is its wealth; and when you protect the interest of the laborer, you promote the interest of the country: but, how is this to be done? is the great question. Here the parties seem to be at issue. The Democrats contend that the laborer is best rewarded who receives his pay in the kind of currency of which a month's or day's wages will buy most of the necessaries of life for his family. For instance, the gentleman from Virginia [Mr. HOLLEMAN] informed us, the other day, that he knew a man that received thirty thousand dollars for one month's work, in continental money, and then gave it all for a uniform coat, worth only thirty dollars, in hard money. Now, if this man had received forty dollars in hard money for his month's work, he would have had ten dollars left; but when he got $30,000, he had nothing left. This is a fair illustration of the position of the two parties; for the Opposition contend that the largest nominal amount, without reference to its value, is the best wages.

Now, sir, if this bill will be the means of taking away the props that have held up and supported rotten institutions, and will weed them out from amongst the sound ones, we shall soon return to a sound circulating medium; and the man who receives his week's pay on Saturday night will be certain that his money will be good until the end of the next week. The changes and fluctuations in

the prices of produce always operate more injuriously on the poor man than on any other class, because his wages are the last to rise, when a general rise in prices takes place.

In Pennsylvania contracts are usually made in the winter for the succeeding summer, both for building and farming operations, and the prices fixed by the day, month, or year, as the case may be. Mechanics generally fix their prices in the winter, or early in the spring, from which they cannot well depart; and it not unfrequently happens that before the season is half over, their bread and meat advances in price from 25 to 50 and in some cases 100 per cent. yet their wages remain stationary. This frequently happens after the grain has been sold by the farmer, and the mills are nearly empty, the whole crops of the country, or nearly so, being in the hands of the speculators. In Philadelphia, building is generally done by contract made in the commencement of the season. The competition being great amongst master builders for business, every thing is estimated at existing prices, under which hands are engaged, &c. but before the buildings are half up, the price of living advances 50 or 75 per cent. and the workmen, in justice to themselves and families, turn out for higher wages, and, consequently, in many cases, the undertaker loses by the contract. It is the sudden changes and fluctuations that unsettles business, destroys confidence, and operates so much against business men, and which are believed to be caused mainly by expansions and contractions in the circulating medium.

Our best writers on political economy, as well as our ablest statesmen, inform us that the currency of a country stands in the same relation to the body politic, that the blood in our veins does to the human or animal system; the regularity of both being alike necessary to a healthy action. If this principle be correct, the following statement will show the cause of our embarrassment. In 1835, January 1st, the amount of bank notes in circulation was $103,692,495; in 1836, it increased to $140,301,038; in 1837, it increased to $149,185,890; in 1838, it was reduced to $116,138,910; in 1839, it was increased to $134,170 955; and in 1840, it was again reduced to $106,968,572. By the above, it will be seen that, from 1835 to 1836, the increase of circulation was $36,608,543; and from 1837 to 1838, it was reduced $33,046,980; and in 1838, it was increased $22,042,045; and between the 1st of January 1839 and 1st of January 1840, it was again reduced $27,212,384. If the Opposition be correct, (which I do not admit) that the Administration has produced those changes by what they are pleased to term a war on the banks, then they have furnised the very best reason that can be given for the separation. That these changes have affected prices, there can be no doubt; and this is all charged to the Administration. If crops fail, and bread becomes high, the poor man is told that the President has been the cause of it. If crops are good and we have a double quantity, and prices fall, the farmers are told that the President has done it.

If Mr. Van Buren is chargeable with the low price of produce—but which I do not think correct—we will try some of the gentlemen's favorites by the same rule, and see how they stand. The average price of flour in Philadelphia during Mr. Adams's administration was, agreeably to Hazard's Register, a good Whig paper, $5 14½; Gen. Jackson's first term, $5 61; second term, $6 16¾; and Mr. Van Buren's, $7 26. Now, gentlemen, if high prices are an advantage, where does your favorite Administration stand? I say here, without the fear of contradiction, that flour was lower during his Administration than during any four years together since 1790.

By comparing the years in which the banks issued most excessively, with the excessive importation and excessive sales of public lands, it will be seen that they kept pace with each other, and that the whole action of the body politic was stimulated by the excess of bank paper; and vice versa when a contraction took place. If then the Independent Treasury bill, now on your table, will tend to check this excess, it will do much good, and I trust will be of lasting benefit to the people of this Union.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 11, 1840.

Mr. FLOYD rose and said—

Mr. CHAIRMAN: The history of the proposition "to provide for the collection, safe keeping, transfer, and disbursement of the public revenue," contained in the bill now under consideration, affords, as, I think, much instruction for those who would learn aright the character of the American people, and is alike creditable to the distinguished individual at the head of this Government, who first proposed it for the consideration of Congress, and to the intelligence of our fellow-citizens, who, through their agents, here assembled, are, as I apprehend, about to carry it into effect by the form and sanction of law.

The peculiar situation of the currency, when the plan of an Independent Treasury was first laid before the country by the President, in his message of 1837, is doubtless well remembered by all on this floor, and as I then thought, and still think, imperatively called upon the Chief Magistrate to propose some plan by which the treasure of the people, collected from them and held in trust for them by their servants, should be safely preserved for its appropriate uses, and not subjected to the embarrassments and losses which had been and might again be occasioned, by the reckless cupidity of unprincipled corporations.

The whole army of moneyed monopolies throughout the country was utterly prostrate and flat; and the numerous retinue of camp followers, consisting of directors, stockholders, counsellors, attorneys, brokers, debtors, and runners, in Congress and out of it, were unable to give them any aid. The currency—if currency it could be called—consisted of bank paper, for which not a dollar of money could be obtained, and which was in truth little more than a certificate of the great gullibility of the people, and the fraudulent bankruptcy of those who issued it. Even Baal himself ceased to be a God. The great idol of the Federal party—the United States Bank—having exhausted its energies in a fierce warfare upon the "old Roman," and in the payment of bribes, in the shape of immense counsel fees, to Senators and Congressmen toppled headlong down, from its own rottenness, and the wrecks of the State banks were scattered throughout the country in such a profusion of corruption, that the whole land stank. Shoals of speculators and merchants, who had hoisted all sail to catch the prospering breeze, and were riding, as they supposed, on the top billow to wealth and luxury, were, by the receding wave, left like shell fish high and dry upon the sand, to gape and rot. The people themselves, in their associated capacity as a people, did not escape unscathed. Their treasure, which they had contributed for their general welfare, had been entrusted for safe keeping to those faithless agents, the banks, and a call upon them for payment was as ineffectual as would have been a call upon the dead to arise; they had neither the disposition to pay, nor the ability.

The lobbies of the State Legislatures were overrun with bank vermin. All the well known appliances of the banks were put in requisition to procure the sacred power of the States to sustain and support an insolvent banking interest. The stockholders of banks in the Legislatures needed no prompting to promote their own interest. To such in the Legislature as owed the banks, threats, direct or indirect, were used, while others were assailed by the most abject entreaties—for the veriest beggar for cold victuals cannot "crook the pregnant hinges of the knee" with more suppleness than a bank aristocrat, whenever "thrift may follow fawning." And so effectually was the object pursued, that throughout this whole confederacy of sovereign States, I believe without one exception, the legislative power of the State was brought to bow in submission at the feet of the bankrupt moneyed associations. But, sir, while the several States were wrought upon by bank influence from within and from without, to blot their statute books with infamous suspension laws, legalizing the frauds of the banks, and sanctioning their continuance, enabling them to reap a harvest of wealth from the ruin they had themselves occasioned, the people were subject to the tender mercies of their own agents, and were compelled to receive their own money in a depreciated currency; and in paying their servants, their military, civil, and naval officers, the hardy soldier, the gallant sailor, and the laborer on public works, were compelled to make up in quantity what the bank currency lacked in quality.

Such, Mr. Chairman, was the situation, but faintly described, of the currency and the currency making institutions of the country, when the President of the United States, the highest public servant of the people, elected by themselves—by their free, unbiassed suffrages—to watch over their interests, in the discharge of his duty, proposed to Congress, and through Congress to the country, that national honor and honesty—a proper discharge of national obligations—yea, justice to themselves, required that the people should keep their own money in their own way—trusting none but servants selected by themselves for their integrity and fidelity, and dissolving, forever, a connection with the banks, which had proved so disastrous.

And, sir, how was the proposition met by the Federal party in this House and in the country? By unqualified, bitter hostility. The propensities of privileged orders are the same in all countries. Do the nobility of England grasp with less energy their titular distinctions, because all the causes which led to their creation, and all the circumstances and associations which gave them worth and grandeur, have long since passed away? and because the tinsel glitter, which distinguishes them, is but the phosphorescent glow which marks their decay? Not at all. And the Federal party in this country, which apes, at an humble distance, the aristocratic mummery of Great Britain, never buckled on their harness in defence of their favorite privileged institutions with more zeal, than when those institutions had shown themselves to be utterly worthless and corrupt. Well, sir, they opposed, they defeated, the Independent Treasury plan. Did they propose any thing in its stead? Nothing—like Satan, they had power to do evil, but neither power nor inclination to do good: they had strength to prevent this measure, but no ability to propose a better.

"Too ignorant to teach, too proud to learn"

they contented themselves with the poor honor of being able to destroy. Sir, if there has been derangement in the finances of the Government, and if, from that derangement, the business of the country has suffered, let the blame lie at the door of that party, which held a majority upon the question of finance in this House, during the last Congress. It is not with them to deny, that they had the power to regulate the finances of the Government. They had that power—they had a majority of this House; the journals and the recorded votes show this fact. Why did they not propose a plan for keeping, collecting, and disbursing the revenue? Had they not the capacity, or had they not the courage? Why at least did they not discharge their solemn duty by making the attempt to save their country from the disasters which they allege have occured for the want of a good financial system.

Sir, the Opposition is indefensible upon this point, and no one can doubt that they feel themselves to be so, who was present a few days ago, and witnessed their extreme sensitiveness, when the honorable member from North Carolina [Mr. MONTGOMERY] "like an eagle in a dove cote," fluttered the Federal forces in this House by charging their delinquency home upon them, and proving it from the journals. But, sir, "the second sober thought of the people, never wrong, and always efficient," has prevailed. Upon this issue, every member of this House was elected. Upon this issue the Administration may safely consent to stand or fall. By this issue the Opposition professed themselves willing to abide, until completely routed and overthrown; they have scattered to the winds every issue which involves reason and principle, and have betaken themselves to the hopeless task of cozening the intelligent voters of this country, by appeals which rate the intellect of the laboring man on a par with that of his horse.

Mr. Chairman, I propose briefly to examine the principal features of the system now under consideration, and to compare it with the antagonist measures to which the Opposition are supposed to be friendly.

First. The bill proposes that the money of the people shall be collected, kept, and paid out by responsible agents of their own, selected for that express purpose, instead of the banks, which have been hitherto employed as financial agents.

There would seem, at first blush, to be nothing very startling in the proposal that, in a free and Republican Government, where all power emanates from the people, and all officers are, or should be, responsible to them, that so important a class of public servants as those entrusted in any way with the revenue of the country, should derive their authority and feel their accountability, according to this most salutary principle of Republicanism. If an individual appoints an agent for any particular service, he selects that agent with a view to his qualifications and responsibility, and he prescribes the mode and manner of performing his duties, and exacts security for the faithful execution of his trust. Why should not the people of this country, in selecting their agents, have the benefit of the same wholesome mode of appointment? Whence comes the irresistible necessity of appointing, as financial agents, those in whose selection the people have no voice, upon whose corporate existence no moral obligation can rest—no reproach for delinquency can attach—to whom a reputation for honesty or dishonesty is alike indifferent, and who can be subject to no punishment for their crimes, however enormous and base? Whence, I say, is the necessity which seems to rest upon the minds of gentlemen in the Opposition that the people of this country must continue to employ agents of this description? What are the qualifications requisite in a financial officer? Are they not honesty, capacity, and responsibility? And are not all three of these secured by the bill under consideration? As for those of the Opposition who say that men of sufficient honesty cannot be found, I respectfully request them to confine the declaration to themselves and friends. I make no such confession, and submit to no such imputation for the party with which I act. But, if honest individuals cannot be found, how is the matter helped by employing banks? What are bank officers but individuals? and was it ever heard of, that a man became more honest by becoming an officer of a bank? Nay, sir, is not the danger in this respect greatly increased by employing banks as depositories? for, besides the risk that the collector of revenue may be dishonest, you then have the additional risk that some one out of the score of bank officers may be so. So far, then, as honesty may be considered a desirable quality in an agent, the system proposed by the present bill has a decided advantage over the deposite bank system; besides, by it, the people may select their servants from among themselves, and may choose any one of the whole mass of citizens of the United States, while, by appointing the banks as fiscal agents, they must trust to the honesty of the officers of the bank, who are selected sometimes for their morality, and sometimes for their knavery.

Then for the capacity of the agent. What superiority is claimed for the banks, in point of financial skill, over individuals? Does the magic of a bank charter endue those who hold office under it with superior wisdom? Such a proposition is absurd in theory; and the deplorable history of banking institutions for the last few years, most fully proves that they do not possess skill enough to save themselves from the disgrace of suspension and insolvency.

Now, sir, what is the *responsibility* of the banks? What is the security they offer which cannot be procured equally well by an individual? What is the security you have had from the deposite banks? Why, it has been according to the most approved form of the modern "credit system." You have had the banks as corporations for principals, and the individuals composing the banks for sureties; like modern commercial paper, in which A and B, as members of a firm, draw a note, and, to make it perfectly good, A and B, as individuals, endorse it; and, with all this boasted security of the banks, they have been utterly unable to pay to the people the money entrusted to them for their safe keeping; and while the agents of the deposite banks are in your lobbies begging you for a postponement of the day of payment for the money they owe you, their friends upon this floor are urging you to try them again—to trust them with more money, for the purpose, perhaps, of enabling them to pay what they owe already. Sir, I should blush for my country, if I could say that citizens of the United States could not be found who were trustworthy as Government agents. I should state what all men know to be false, if I declared that banks were more honest than individuals. But, sir, there are knaves enough, both in the banks and out, and with the utmost care dishonest persons may be selected. For such this bill provides, in a way in which it is impossible to apply it, or any legal provision, to corporations, and that is, by bodily punishment. The seventeenth section of the act declares any use, by loan, or in any other way, of the public money, an embezzlement, and punishes it with imprisonment. Sir, if you could have brought this salutary provision to bear upon the directors and officers of the pet banks, your Treasury would have avoided much of the embarrassment it has experienced.

At the first proposal of the Independent Treasury plan in 1837, there broke out afresh the controversy which has ever existed, and ever will exist, in this country, between the people and the moneyed aristocracy, and privileged classes, and that is the question involved in this bill, which draws out such fierce opposition. Shall the people govern, or shall they submit to be bound hand and foot, and abide the dictation of the aristocracy of associated wealth. Such is the issue, and every Democrat who tenders or accepts any other issue in the present contest, is unjust to himself and to his principles. That the doctrines held by the Opposition are odious, they know right well—they are offensive in the nostrils of the people, and it is not strange that they should attempt to conceal them, or that they should attempt to get up issues, in which the principles which lay at the root of the opposition to this bill may not come directly in question. Those, sir, who approve of this bill, should make it their duty to show that opposition to it arises from those only who would establish a favored, distinct class among us, to be supported without labor, at the expense of the many.

Mr. Chairman, call it radicalism, if you will—call it Jacobinism, if you please—the fact, nevertheless, is, that in this country, every great political contest has been, and every political contest upon principle will be, a war between the rich and the poor—on the part of the rich, a war of aggression—on the part of the poor, a war of defence. The arrogance of wealth is almost universal—the possessor of riches most naturally slides into the belief that the property which gives him advantages in the procurement of the luxuries of life over his poor neighbor, should confer additional personal importance and superior political rights. Hence it is that the Democratic party is continually undergoing a process of purification and rejuvenescence, if I may so speak—those who have grown old and grown wealthy, leaving it to find more congenial principles and associates in the ranks of the aristocracy, while their places under the Democratic banner are filled with enlistments from the young men of our country, whose only prospect of success in life, whether their aim be wealth or honor, depends upon the preservation of the free, untrammelled, uncontrolled, unprejudiced rights of each citizen.

The bill under consideration is the poor man's bill. It gives him nothing, it is true—he asks nothing. It is the poor man's bill, because, like few bills passed by law makers, it takes nothing from him; it leaves him a clear field, and he asks no favors: it operates with equal and exact justice upon all; it knows no man otherwise than as a citizen of the United States; and whatever may be his rank or calling, from that of a farmer, the most noble of all, down, down, down, to the banker, who lives upon privilege—it shows no favor and imposes no disability. Is it not the duty of those who represent *all*, to adopt such measures as will afford equal protection to *all*, and show favors to none? Why, then, and by whom, is this measure opposed? Sir, I will examine this question at some little length.

The Independent Treasury system is opposed by those classes of citizens who have hitherto preyed upon the Government—who have had the custody and the use of its money so long, that they have come to regard it as their own—and who consider their own particular interests as deserving the peculiar fostering care of the Government, to the exclusion of all others. Sir, I mean the merchants and bankers, and those connected with and dependent upon them by the operations of their business. It is from those, and from their public organs, that proceed the most terrific bellowings against this bill. The public treasure is about to be wrenched by the people from their clutch. Think you they will yield it without a death struggle?

A wise man has said, in most apt words, in regard to legislation: "Touch but a bristle of the commercial interest and the whole sty will be in an uproar." How fully has the truth of this assertion been manifested during the last few years in this country? Could all the Federal jeremiads of the last two years be uttered at once, it would make an uproar of lamentation which would drown the thunders of Niagara. Were all the papers in the pay of the banks and the merchants, which have been filled with mourning for their lost plunder, spread out in this broad land, they would cover it as if a deluge had departed and left a pestilential scum.

The farmer has been at work, planting his corn, dropping three kernels for himself, and two for the banks. The mechanic has been at work in his shop, striking three blows for himself, and two for the banks; for it is in about this proportion that yoursystem of paper money robs the producer of his earnings, and by a silent, but sure process, transfers them to the coffers of the banker; but the merchant, the broker, and their whole army of dependants, have been agonizing to repossess themthemselves of the public treasure—you have had panic speeches without number; and pestering committees of from ten to ten thousand. The press has groaned with arguments to show that the interests of these classess should be protected at the expense of all the rest. Every mail has been loaded with speeches to prove that Government is organized to foster the few at the expense of the many. The daily sheets in the pay of those interests, filled with vituperation against those who stand for popular rights, flutter in every breeze, and are borne abroad on every gale; and here upon this floor, at this session, as at former sessions, you hear from the Federal party denunciations, fierce and fearful, against this most safe, most just, most necessary, most Democratic measure.

It is complained, by the opponents of this bill, that it proposes to keep the public money from circulation. "Ah, there's the rub;" farewell, public deposites, say the banks—farewell, loans of the public money, say the merchant and speculator—farewell, bank suits, cries the attorney—and farewell, bank facilities, and bank counsel fees, say the bank Senators, and members of Congress. It is estimated, that under this bill, not more than five millions of dollars will be on hand at any one time—but, whatever the amount, it is to be safely kept, until paid out in the ordinary operations of the Government. And it seems to me, that it will be in abundant time for the friends of the banks and the merchants, to propose to borrow more of the Government, when they have paid up what they borrowed years ago. But, sir, how, and to whom, do the opponents of this bill propose that the public money should be loaned—with whom deposited? Is it proposed that the farmer shall have the benefit of it? not a dollar: or the mechanic? not a cent: but they propose to dispose of it according to the old fashioned Federal rule—take care of the rich, and the rich will take care of the poor: in other words, they propose that the banks shall have the custody of the money—that

they shall loan it to the merchant and speculator, who are their principal customers.

Now, sir, if it be so wrong for the people to keep on hand their money, a few days, between the time of receiving it from the public debtor, and the time of paying it to the public creditor, why do not gentlemen propose some plan, by which it may be deposited directly with the farmers or mechanics of our country? Why must the preference be given to the wealthy bankers? Will any one here venture to say, the bankers are more honest than our farmers and mechanics? I had rather, much rather, trust those who live in log cabins, than those who live in bank palaces. I mean the true log cabins, such as I can show you in my own district, and not such as you see hereabouts, and which truly represent those who build them, for they are mere shams, built of slabs, and filled with gentlemen in ruffled shirts and silk stockings. Sir, we shall hear no such proposition—true as the needle to the pole, the Opposition will propose no measure, which does not, in some way, aid the moneyed monopolies of the country.

And what are these institutions which, in the opinion of gentlemen, are entitled to so much consideration at the hands of the people? Why, sir, they are associations of individuals invested by the beneficence of State legislators with all the rights of the whole people on a particular and pretty important matter, that of making a currency —some of the legislators granting the monopoly, being generally interested in the association which they aid to incorporate. They are not necessarily, or generally, at the outset, wealthy, though by the operation of a bank charter they soon become so; for it is one of the excellences of a bank charter that it turns into money lenders those who have most need to borrow; nor have they necessarily any credit, for the essence of modern banking is the "*credit system*," which is no more like *credit* then a horse chestnut is like a chestnut horse; they commence without cash and without credit; and going on without work by the mere magic of a bank charter, by which they exchange their own notes without interest for the notes of others bearing interest, they draw into their coffers the wealth of the country, roll in luxury and splendor; have their hordes of officers and attorneys; command legislators and Senators by their wealth; have, at their nod and beck, thousands of debtor slaves; demand and carry, in your State Legislatures, whatever their cupidity may, from time to time, require; and furnish in this country what the nobility of Great Britain furnishes there—an aristocracy having no feeling or interest in common with the people at large, but considering them as their chartered privileges, make them their hewers of wood and drawers of water. Such are the institutions which many desire should have the benefit of the public deposites; and the honorable gentleman from Massachusetts [Mr. CUSHING] asked a day or two since, where do the friends of the bill deposite their money? Do they lay it away in a chest, or do they deposite it with the banks? There is no doubt that generally those who have any considerable amount of paper money deposite it as speedily as possible with a bank; and why? Let us see. Suppose the honorable gentleman from Massachusetts receives ten or twenty thousand dollars in bills of various banks, about the solvency of which he knows nothing, and can know nothing, would he not be unwise if he kept them over night? He would as soon think of keeping on hand a cargo of fresh fish. So if there is a bank in his neighborhood which does not suspend oftener than once a year, he hastens to it with his paper money, deposites it, and the bank has such a high opinion of it, that it sends it back to the place where it was made, by the very first opportunity. Sir, I doubt if there is a bank in the United States, at this moment, whose bills the honorable gentleman would feel safe in keeping for six months.

Mr. Chairman, when the people deal in solid coin, there will be no need of that peculiar promptness with which all now act who have on hand any paper money. There will be no need of playing "Robin's alive" with our money, when we have it in solid coin. Then let the banks suspend or break: the mint drops will not suffer.

But we are told that the banks, to be used as depositories, should be good specie-paying, solvent, honest banks! Where is such a one? Is it that which suspended yesterday? or the one that failed outright the day before? or the one from which the cashier embezzled half a million last week? or that which is expected to blow up to-morrow? An honest, solvent bank!—a white crow!

Mr. Chairman, it is said that this bill will cripple the State banks. If it were calculated to have that effect, it would not injure it, in my opinion. But I deny this. In what way does it affect them? It prevents no man from borrowing their money, or from receiving their notes; nor does it prevent them from going on, as heretofore, in the full tide of profitable extortion: and the head and front of this objection is, that, although the bill leaves the people to be shaved, according to the bank charters of the several States in such case made and provided, it refuses to let the banks have the public money, to aid them in that praiseworthy operation. You cannot cripple the State banks; they are beyond your control: and it is because you cannot regulate them, that you should have nothing to do with them.

Again, sir, it is charged that this bill is an attack upon the "*credit system.*" If it could cut up that system by the roots, eradicate it forever from the land, it would be a glorious bill indeed. I am no enemy to credit; it is the nerve and sinew of industry—the life blood of enterprise; it is as much the property of an individual who will earn it, as his money or his farm. He that trims the midnight lamp to qualify himself for his business; he that rises early, and sits up late, and eats the bread of industry; he that squares his conduct by the strictest rules of morality; will not fail to establish with his fellow men a character for honesty, capacity, and industry; and that character is his credit. But the "credit system" is, in all its moods and tenses, a system of villany; and I appeal, without fear of refutation, to the experience of this whole country, under the operation of that system for the last few years, for proof of what I say. It has destroyed honest credit; it has almost destroyed our commercial character; it has swept millions of its blind devotees and innocent victims into the whirlpool of irretrievable insolvency; it has carried poverty and wretchedness into thousands of humble dwellings, which were before the abode of competence and happiness; it has exchanged many a happy home and fireside for the poor-house; it has degraded the moral character of your people, both at home and abroad; and your State sovereignties—aye, sir, the hitherto sacred faith of your States—has been under the "credit system," and is now hawked about the streets of European cities like a broken winded horse, by a town crier, and finds no purchasers. I will give but one instance of the effect of this system upon State credit, and I do so with deep humiliation. The State of New York, "my own, my native land," while carrying on with careful energy and good husbandry her magnificent public works, borrowed money upon her credit. She pointed the money lender to her income, and to her actual resources, for his security; and her promises to pay were eagerly sought for, and taken at a premium of from five to ten per cent. Within a year or two, the State, under a "new impulse," has embarked under the auspices of the "*credit system*;" and her stocks, in a single year, fell twenty-two per cent. below par;* and for every seventy-eight dollars the State received, the farms of her people are mortgaged to pay one hundred dollars, with the interest on the one hundred dollars. Your money lender is no fool; he knows that the prodigality which borrows without the means of paying, is near akin to the morality which will repudiate the debt when it falls due. Sir, if this bill will destroy this source of evil, and restore us a sound and healthy credit, its passage should be announced from city to city, and from village to village, by the ringing of bells and the roaring of cannon.

Second. The bill proposes that the revenue, by progressive proportions, shall eventually be collected in the only currency known to the Constitution —solid coin.

A stranger to the influence which private interest has exerted upon the legislation of this country, and to the all-pervading power of banking associations, would appear astonished, that under our national compact, the Government or its officers, had ever presumed to authorize the receipt of any thing else than coin for its revenue.

"Those who formed the Constitution were hard money men," says a distinguished Senator. They had seen the deplorable effects of a paper money system, and they therefore recognised, in our treaty of union, no money or currency but the precious metals; and to prevent, if possible, the future use of paper money, they expressly provided that it should not be in the power of the States to make any thing but gold and silver coin a legal tender for the payment of debts. Such are the prohibitions of the Constitution; but unfortunately there is no barricado against cupidity; there is no law, written or unwritten; there is no Constitution, though purchased by the death of the brave and inscribed with the blood of patriots, which can stay the stealthy, serpent-like progress of crawling avarice. In the teeth of your Constitution Congress passed a law making the bills of a United States Bank receivable in the payment of revenue; and worse still, by a resolution of 1816, Congress stamps the notes of the United States Bank and the notes of other banks, as an *illegal* currency—as a currency unknown to the Constitution, and, therefore, no currency; and at the same time authorizes them to be received for debts due to the people. The words of that resolution fully bear me out in this position. It provides that the Secretary of the Treasury shall see that all debts due to the United States shall be paid "in the legal currency of the United States, *or* in notes of the Bank of the United States, *or* in notes of banks which are payable or paid on demand." Now does not this resolution show that the very Congress which incorporated the United States Bank, considered legal currency one thing, and bank notes another thing, as indeed they are? Those who oppose the specie clause of this bill are, of course, in favor of receiving the notes of banks for revenue, and, consequently, in favor of receiving for debts due to the people something which is not known to the Constitution as money or currency, and which has expressly been declared by a bank Congress to be different from "the legal currency of the United States."

Mr. Chairman: It is worth while to inquire whether there is any good reason for blotting out the Constitution and following some new light kindled by private interest. The collection of revenue is understood to be, to enable the people to discharge their debts—to pay their shipbuilders, sailors, soldiers, &c. Now, did this Government, from the time of its foundation to the present time, ever contract a debt to be paid in any thing besides the "legal currency of the United States?" I may be mistaken, but I doubt if the opponents of this bill, friendly as they are to the credit system, would authorize any such contracts. Such being the case, Mr. Chairman, is it the part of wisdom for the people to collect what is due to them in a currency which they cannot pay out to their creditors?

But, say they, none but the notes of *specie paying* banks—none but notes redeemable in specie, should be received. A specie paying bank—an egregious humbug! Redeemable notes—a monstrous fallacy! Why, sir, there has grown up with this credit system a technical jargon, which is flippantly enough mouthed by "the trade," every phrase of which is cunningly contrived to hide a falsehood under the semblance of truth, or to set ignorance agape while his pocket is picked. Redeemable bank notes! There is no such thing—there never was. The phrase is not applicable, in truth, to any bank in this country which is doing

* The following paragraph is taken from the Journal of Commerce, a leading Whig paper in the city of New York, of September, 1839:

"A sale of $100,000 New York and Erie Railroad stock, bearing 4½ per cent. interest, payable quarterly in New York, was made on Saturday, *at auction, under the direction of the Comptroller*, and taken by Messrs. Prime, Ward, and King, as follows: $10,000 at 79, $10,000 at 78½, $30,000 at 78, and $50,000 at 77½, the closing price. The stock is redeemable in 1859, and was sold on terms—one-third down, and the balance in thirty and sixty days."

a profitable business with its usual circulation out. If a bank has one hundred thousand dollars of bills in circulation, with but ten thousand dollars of specie in its vaults, those bills are not redeemable, whether any have been refused or not—and when the whole bank circulation is two or three hundred millions of dollars, and there is not more than eighty millions of dollars in the country, in the banks and out of them, that circulation is not redeemable; and it is untrue, except in the bank vocabulary, to say that it is so. A single fact will show you the meaning of the phrase "redeemable notes," and will show the *value* of notes which are redeemable in bank parlance. On the 9th day of May, 1837, every bank note in the city of New York was redeemable in specie, according to the true intent and meaning of the bank jargon. Not a bill had been refused payment—not a bank had refused to pay such of its bills as were presented. On the 10th day of May, 1837, every bank note in the city of New York was irredeemable—not a dollar could be got for it—yet, sir, was it, in truth, worth any less on the 10th of May than it was the day before? The banks had the same specie on hand—the same notes of their debtors—the same property of every kind—the bank officers were as honest—yet, in the twinkling of an eye, millions of paper money, just such as the opponents of this bill would have you receive, became just such as they would have you *not* receive; and this change, which is at all times liable to occur, you have no means to prevent, for the local banks are beyond your control; no foresight can predict it, no sagacity arrest, no skill can remedy. Sir, is it the part of wisdom to collect your revenue in a currency so uncertain as this, which to-day is, and to-morrow is not? Your gold and silver changes not; put it safe in your strong box; it is good to-morrow, next year, next century; it loses neither weight nor value; it never suspends; it is never irredeemable; your soldiers, and sailors, and workmen will not refuse it, nor will they suffer by its being below par. Put it on board your men of war, and send it around the globe; the country is yet undiscovered in which it is not known and appreciated as a valuable circulating medium. The experiment of receiving bank paper for revenue has been tried, and it miserably failed. The Government is yet suffering on account of the non-payment by the banks of their notes, received for revenue. The notes of specie paying banks, notes redeemable in specie received in 1836, and deposited with the banks, are yet unpaid; and these very institutions, which cannot, or will not, pay their debts, insist, by their friends here, that you should trust them again. We are told, with something of a chuckle of triumph, that the late President adopted the State bank deposite system, and pronounced them good and sufficient for all the purposes of depositories; and we are urged to adhere to a system which he, "the noblest Roman of them all," approved. Sir, the fact and the argument show the character of the two parties. In an evil hour, the Democratic party yielded to the clamor of the banks and merchants for the deposites, and ordered them to be made in the State banks. That plan failed; they have abandoned it, determined to trust them no more, but to regard the economy of the old Scotch proverb: "He that cheats me once shame fa' him—if he cheat me twice, shame fa' me"—while the party which "learns nothing and forgets nothing," would "totter on in blunders to the last."

Sir, there is another plan for keeping the public money, and for furnishing a circulating medium, and that is by a United States Bank; this, has, in one instance, been avowed to be *the* measure of the Opposition upon this floor; and would, I suppose, be generally acknowledged, were it not that such an avowal would be a blur upon the escutcheon of a party on whose banner is inscribed "OFFICE, NOT PRINCIPLE," and whose virtue, like that of the Venetian women, is "not to leave undone, but to keep unknown."

Mr. Chairman, if it is in the power of experience to establish a truth, then is it proved beyond all question that the United States Bank was a failure. I speak of it as a bank, and not as a Government agent, supported and sustained by the money of the people; and as a bank, I say it was a failure. I appeal to this whole country, whether from the time that Bank ceased to be a Government Bank; from the moment it took a State charter; although he that should have known best, declared it to be a better charter than the other, and more profitable to the stockholders—I say, sir, I appeal to the whole country, whether from that moment that Bank did not take the down hill road; and although in its steep-down course, he who had directed its destinies hitherto, deserted it, declaring it to be in a prosperous condition—I ask whether that United States Bank, with the same capital—a better charter, the same directors, the same field of operations, is not now in ruins? And, sir, if, while that Bank was the Government agent, it was able to make large dividends, to pay large counsel fees to Senators and Congressmen, to publish large editions of political electioneering pamphlets; and, if when it ceased to be a Government agent, it became insolvent; is it not "confirmation strong as proof of Holy Writ," that all those immense profits and means of profligacy were drawn from the Government, and not from its legitimate operations as a bank? And yet, in the face of all these facts, a large party in this country is in favor of such an institution. I should be at a loss to account for such an obliquity of reason, did I not sometimes fancy that I could hear the leaders of that party, saying to each other in the language of Demetrius, the silversmith: "Sirs, ye know that by this craft we have our wealth."

It is further objected to this bill, and especially to the specie clause, that its effect will be to establish an exclusive metallic currency in this country. If such a result could be brought about by degrees, so as to produce no commercial distress; no sudden fluctuation in prices; no unjust effect upon existing contracts, it were in my opinion a consummation devoutly to be wished. And, sir, I rely upon the experience of the whole world, in all ages, under all Governments, and under all circumstances, for the proof of what I say, when I assert that, from the time that Abraham bought the cave of Machpelah of Ephron, the son of Zahor, for which he paid "four hundred shekels of silver, current money with the merchant," down to the present time, gold and silver have been "current money" every where—while I assert that no paper money, which was not guarantied by the faith of a Government, ever passed as "current money" out of the country in which is was made; and I challenge the friends of paper money here or elsewhere, to point out that system of paper money, whether of a Government or of banks, which has not failed. Sir, what is the objection to an exclusive metallic currency—and I lay aside now the inconvenience of the change, whatever that inconvenience may be—what is the objection? Why, you are met at the threshold with the cry, there is not enough—not enough? Did ever any one find out how much would be enough? No man ever did. No man ever can; and they who pretend to tell you with any certainty, are, in my opinion, quacks, who presume upon the ignorance of others, to assume a character for greater knowledge for themselves. I do not pretend to say how much is enough; but this I know, that if in proportion to our industry, enterprise, and production, we did not have a fair proportion of the gold and silver in the world, it would be the first instance in which the laws of trade, which, unchecked and untrammelled, are the laws of God, failed to administer good and ample justice.

Another objection to a specie currency, is its inconvenience of transportation. Well, sir, let us see what this really amounts to—and the objection comes, you will remember, from those who profess themselves to be the hard fisted, hard working, log cabin men. Fancy yourself, Mr. Chairman, stopping at the log cabin of a Whig, in an Illinois prairie, where what is lacking in choice viands will, I dare say, be more than made up by a right hearty welcome—and the good man of the house, who has lately received a speech of one of his friends here, is bemoaning the wretched state of the country, and his own sad condition in particular—and, among other things, laments that paper money will not pass at the land office—that he wishes to enter a section of land adjoining his farm, for which he has the one hundred dollars of gold in his chest, but that the inconvenience of transportation is such, that he is compelled to forego the purchase. You ask him how much the gold, necessary to pay for the land weighs, and he tells you about five ounces! about as much as a good sized jack-knife!

Mr. Chairman, this is a fancy sketch—the log cabin gentry of your cities may be bent to the earth, under a five ounce weight—but there is no log cabin man in Illinois, and I have seen many of them, who would look his horse in the face, and utter such an absurdity. Sir, the good people of this country would little know the extent of their misery and suffering, but for the opposition efforts here and elsewhere.

There is little danger, Mr. Chairman, but that the merchant, who has half a million of dollars, which he wishes to send from New York to Charleston, will find the ways and means of doing it. Your concern, and mine, should be to provide, so far as we can, a good currency for the men of small means—a class which comprehends nine-tenths of the people of this country—that the man who has ten dollars, and wishes to travel ten miles, may have that which is valuable when he sets out, and will not spoil before he reaches the end of his journey.

Most heartily do I wish that a bank note below the sum of twenty dollars might never again be seen in this country; that the hand-to-hand currency—that in which the mechanic receives his monthly, and the laborer his weekly wages—might be in the precious metals, upon which he would be charged no discount; of which he could lay by a small portion for a rainy day without fear of its spoiling; and in which he would no longer be the victim of that most current form of scoundrelism, counterfeit and depreciated bank paper. Sir, the losses by counterfeits and broken banks fall most grievously and almost exclusively upon the poor man. I do not doubt that the merchant, who receives a million of dollars a year, suffers less in this way than the laborer, who gets but a hundred and fifty. The first, never moves without his counterfeit detector and his weekly or daily list of broken banks; and if, by chance, he takes a bill which is below *par*, one which his deposite bank will not receive, it will nevertheless answer perfectly well to pass away to his cartman or potter, when Saturday night comes; and he, sir, takes it to the grocer to purchase provisions for his family, and there suffers a deduction of five, ten, or fifteen per cent. from his earnings. Sir, if your moneyed men lost as much in proportion as the working classes do by bank paper, every bank charter would be repealed in six months. Does the laboring man complain? To whom shall he utter his complaints? To his employer, think you? He dare not: he must submit; his family must eat less, or perhaps starve more; another boy or girl must be taken from school and put to service for a bare living; and him that is cheated, wronged, defrauded, his hard earnings wrung from him each Saturday night by this damnable system of legalized indirection, Monday morning's sun must find at work without a murmur, or it will find [him discharged.

I would that this bill might have one half the effect in bringing about a metallic circulating medium that its enemies attribute to it. I should then think still better of it than I do. But it will do something; it will at least prevent the people's money from being used to sustain anti-Republican institutions; it will take a little power of doing injury from them. They can, under this bill, no longer beat the cripple with his own crutch; they can no longer lend the people their own money, and, by their most approved deposite system, make the owner of money pay interest while he is being cheated out of the principal.

The monetary affairs of this nation will no longer be subject to irresponsible corporations; it will be at least refusing the sanction of this Government to the creation, or the perpetuity of a distinct and privileged class, forming a moneyed aristocracy, more odious and more dangerous than any other aristocracy which ever existed, because their privileges are stolen from the mass of the people,

and their immense income is an immense extorion. This bill effects, in this most desirable reform, but little; it can effect but little; the subject is not one on which you can exercise a direct and efficient authority; the subject is under the control of the State Governments. Had we the power, I should be in favor of doing much more than this bill can do, to check the rapid strides of the moneyed oligarchy; for, as I live, I believe that the first civil war which this country sees, will be a rising of the people to demand a restoration of their rights, which have been apportioned out by your legislators among the favored few. And if this system is to go on increasing in all its blasting, withering influences upon the prosperity of the people, the moral character of the country, and the honor of your Government; the sooner that crisis arrives the better; and when it does come, may God speed the right.

Mr. F. concluded his remarks at the hour of 8 o'clock, p. m.; at which hour

Mr. BARNARD obtained the floor; and, on his motion, the committee rose, and

The House adjourned.

SPEECH OF MR. LUCAS,

OF VIRGINIA.

In the House of Representatives, June, 1840—In Committee of the Whole on the state of the Union, on the bill to provide for the collection, safekeeping, transfer, and disbursement of the public revenue.

Mr. LUCAS addressed the committee substantially as follows:

Mr. CHAIRMAN: The main object of this bill is to provide for the safekeeping of the revenues of the Federal Government, during the intermediate space between the collection and disbursement.

These revenues, independent of those arising under the Post Office Department, consist of the duties imposed on importations of foreign goods, which the importers pay to our custom-house officers, stationed at our ports, and appointed by the Executive, with the advise and consent of the Senate, and held, by existing laws, to bond and security for the faithful performance of their duties; and, secondly, of the proceeds of our public lands, which are also paid into the hands of another set of receivers, located at the several land offices established by authority; and, also, commissioned by the President, with the advice and consent of the Senate, and held to bond and security in like manner.

These are the revenues from time to time accruing to the Government, and such, sir, the sources from which they are derived, for the safekeeping of which, during the period indicated, the bill proposes to provide.

In practice these revenues have always been, from the foundation of the Government, collected and received by public officers thus appointed, and, also, *disbursed* in like manner, by another set appointed in the same way. So that in point of fact, the hundreds of millions of public revenue, which have thus accrued since the establishment of the Government, have passed through the hands of collectors and receivers, in its collection, and then again, in the payment out, through the hands of disbursing officers, and thus the *whole* has passed *twice* through the hands of different sets of public agents, and all appointed by the Executive, with the advice and consent of the Senate; and so must all that shall hereafter accrue, wherever and however we may provide for its safekeeping in the mean time. And I affirm in this connection, upon the faith of our public records, that our revenues have been thus collected and disbursed by these numerous agents, with but *comparatively* trifling loss to Government, upon the whole amount, taking in and including the whole entire period of our history; and in this respect, this bill proposes no change, except to throw some additional guards and counter checks around these officers, and the *manner* of their discharging their duties, the better to secure their faithful and regular performance, and the safety of the public money, in its passage into and through their hands; and no other change herein than this can be made. Collecting and disbursing offic annot be dispensed with. Collections and disbursements must continue to be made thus. I say they *must*, sir, under any system which it is possible to adopt for the safekeeping of our revenues. It was the practice before, and during, the existence of the first and last United States Bank; and, also, during the State bank deposite system.

Now, sir, for the mode which this bill actually proposes. A plain analysis of its provisions will now place the subject fairly in one connected view as candor requires it should be exhibited.

What is the plan? Simply, sir, that the Government shall *keep* in its Treasury, which the bill will establish, as well as collect and disburse its own money by its own officers. In other words, and more detail, the bill provides that the Government revenues shall be kept, according to law, in its Treasury, by it to be established, and as it always has been collected and disbursed; by its own officers, to be appointed in the same way as those are, and always have been, who collect and receive it in the first place, and as those are and always have been who disburse; and to be also held, in like manner, to bond and security, for the faithful performance of their duties. It next, by new provisions, prohibits them from using or loaning the same—provides rules of rigid accountability—requires frequent settlements—throws every possible guard and check of this kind around it, to prevent and detect its being used or loaned, which it pronounces embezzlement, and that a felony, against which it denounces severe punishment, declaring that any collector, keeper, or disbursing officer, who shall offend herein, upon due conviction, shall suffer not less than six months', nor more than five years', imprisonment in the penitentiary, besides being subjected to a fine equal to the amount embezzled. And that the Treasury may hereafter be fixed and have locality, and more than a name, it declares that separate rooms, to be furnished with vaults and fireproof safes, shall be provided in the new Treasury building in this city, which shall be "the Treasury of the United States," and be under the keeping and control of the Treasurer of the United States; and as the amount of revenue accruing in the following places is large, it requires that like rooms, with similar vaults and safes, shall be provided in the custom-houses at Boston, New York, Charleston, and St. Louis, to be under the care and keeping each of a receiver general and assistants; and designates the Mint at Philadelphia, and the Branch Mint at New Orleans, for the same purpose in those places, and the treasurers as the keepers; which may be considered as branches, or necessary parts of the common Treasury. While under the clause, familiarly called the SPECIE CLAUSE, one-fourth part of the revenue is required to be collected in gold and silver the first year, one-half the second, three-fourths the third, and in June, 1843, the whole amount; so that from that period, the revenues of the Federal Government will all be collected, kept, and disbursed in the constitutional currency.

This is the Sub-Treasury, or Independent Treasury, which this bill will provide for the safekeeping of the revenues of the General Government in its own Treasury, under its own officers, disconnected from, and independent of, banks and corporations, national or State; which will secure from the disasters incident to such union, and the evils of receiving bank paper money—disasters and evils which experience proves will inevitably follow revulsions in trade, which produce bank suspensions, and which are occasioned by bank expansions and contractions, as certainly as that the tide flows and ebbs. This is what the bill will effect, which will only be complying at last with the constitutional requisition, to collect in the only "legal tender," which every creditor may demand, and pay in the same, and to keep our money in the Treasury of the United States; for having failed so long so to do, we have sadly suffered.

Why, then, is the measure so bitterly opposed? Sir, by whom is it so opposed? I will draw the line between the friends and opponents, and make the issue direct. How stands the fact? The Democratic party, sir, advocate it, the Whig party oppose it. And what is the Whig party for? For nothing, sir. That would be discreditable to their patriotism. To come to the point, are not all who oppose it either the advocates of a National Bank, or of the State bank deposite system? Is there any fourth or other plan than these three? No, sir, no other has ever yet been heard of. I assume this position as undeniable. The Whig party, then, would have no United States Treasury, but a United States Bank, or a league of State banks, and insist that the Government ought not to collect its dues and pay its debts in the constitutional currency, but should receive and pay outpaper money, such as these uncontrollable corporations will furnish without limit. For the history of banks in all countries proves you cannot regulate their issues. And such paper money as they will issue, and reissue when collected, is to be kept by these corporations to use and trade upon; to be as capital, and to constitute the basis of new issues—money that may be current to-day, inconvertible and worthless to-morrow; an arrangement by which, in violation of the spirit of the Constitution, and of every principle of equality and justice, one corporation, or a few, to the exclusion of the great body of the people, are to be favored, and loaned the whole revenue and credit of this common Government, almost indefinitely—its vast treasures, its millions and millions! And what is the process?

Paper money is first issued by these corporations, then again received by them on deposite, to be thence redrawn again into circulation in disbursements, and so on, in a circle—and all this through the agency of this hard money Government, with a Constitution that recognises nothing but gold and silver as a legal tender—forbids privileged orders—requires equal laws, even-handed justice, equal burdens, and which repudiates the idea of special favors—an arrangement that makes the Government, in violation of these sacred principles, not only the receiver, depositor, and disburser of paper money, instead of the constitutional currency, but the agent of these corporations to expel it, and substitute their promissory notes, whereby it becomes accessary to revulsions and suspensions, which visit, sir, periodically, loss and suffering upon the many to favor the few.

Is it strange, then, that it should now, after all that has happened from its past connection in this way, with banks, and the receipt of their paper, propose to return to the Constitution, by the adoption of this measure? Why not do so? Is it pretended by any, it is not sanctioned by the Constitution? Not at all, sir. On the contrary, that has been always universally admitted; and not only so, but it has been often shown that this is the very mode of collecting and keeping our money intended by the framers of our Constitution—men who were too wise and jealous of their liberties, to entrust the Government with the keeping of its own money, if fraught with any of the dangers asserted. Sir, whatever doubt there may exist about the constructive power under the Constitution to incorporate a bank, there can be none about the intention of its framers. There cannot possibly be the shadow of a doubt, that it was not intended by them we should create a National Bank; for the proposition came up in the Convention in several shapes, and was rejected each time. The "power to emit bills of credit," being inserted in the original draft of the Constitution, these words were expressly stricken out and rejected by a vote of 9 States to 2. (See page 1343, Madison papers, vol. 3; and pages 1354, 1576, and 1577.) Where the proposition the power to grant charters of incorporation and an amendment to the same to create a bank was positively rejected by 8 States to 3.

The fact that we have created two National Banks, claiming the power by implication, in the teeth of these repeated rejections of the proposition to confer the power, does not conflict with my position, that the framers of the Constitution did not in fact intend to give the right, and did not grant it; from which it necessarily follows, that they did not and could not have intended that our national treasure should be kept in a National Bank, because they could not have intended it should be kept in an institution which they not only did not design to give the Government power to create, but thus actually refused to grant it. And

it is equally clear, that they did not intend our revenues should be kept in State banks. The rejection of the proposition to invest power to create a bank or corporations, applies to them with no less conclusiveness. They intended to confer no power on this Government to create banks at all, or to make paper money, and so none to create banks for itself, or for the States, or to compel the States to create for themselves; then they could not have intended our Federal revenues should be kept in institutions of the States, which they meant to give this Government no power to create, and none to compel the States, and which the States might not choose to create, or if they did, not to continue, or if they did, might refuse to let this Government use. It is thus equally clear, the framers of Constitution did not intend this Government to keep its money, either in a National Bank or State banks, and as perfectly certain that they did intend that it should be kept in "the Treasury of the United States." And how keep it there, without having one, and how then, except in the manner proposed by this bill, in vaults and safes, and by and under the necessary number of officers constitutionally appointed? I then take my stand on this demonstration of intention, and say to the opponents of this measure, the authors of the Government, who they admit were wise, prudent men, considered this a convenient, a proper, and a safe mode, which they denounced, and the very one that should be adopted. They accordingly, in the first Congress, passed a law *directing* our revenues to be collected in gold and silver. I refer to the act of the 31st of July, 1789, which directed "that the duties and fees to be collected by virtue of this act shall be received in gold and silver coin only," &c.

They then felt no apprehensions about this extension of Executive patronage which seems so much to disturb the present Whig party. Such fears had no place in their patriotic bosoms. They feared a National Bank and the evils of paper money; they dreaded these, and refused the Government power to create the one or emit the other. Whence come, then, these dire apparitions? Are they the effects of the Bank distillations infused into the heart of the body politic since those purer days? What else but hallucination springing from such a source, inspire arguments such as we hear, which, carried to their conclusions, would deny that this hard money Government could exist a year in safety, or the people prosper, without a National Bank, or State banks, which its wise founders denied it the power to create or use, to keep its money for it and to make it to boot—arguments that would prove, if true, in the face of history, no ancient world of nations existed, and some free, and with Governments Democratic to a fault, and that a majority of modern times do not now exist without banks and paper money—arguments that would prove, if true, that we could not find honest men to keep Government money in palaces or "log cabins" until we make them bank men, bank officers, and bank keepers!

We know how, and by whom, this constitutional requisition and duty of the Government to collect its revenues in gold and silver, and keep it without the aid of bank corporations, was first violated, and paper money and State bank agency introduced, and how afterwards a National Bank was got up, and its paper and agency substituted. We all know Alexander Hamilton, in a few days after the passage of the act of September, 1789, by the first Congress, creating the Treasury Department, was appointed Secretary, and, in a few days after, in violation of the Constitution and of the law of the 31st of July preceding, already recited, issued his circular to the collector at Baltimore, to receive the notes of the Bank of North America, and of the Bank of New York, in payment of the revenue, "as equivalent to gold and silver;" and how, in 1791, he succeeded in getting up the first United States Bank by his intrigues and influence over some of his followers, because he and they had a speculation to serve, and went for building up the British banking system and its appendages in this country; and, by chaining them fast to the wheels of the Federal Government, to enlarge its sphere and extend its original powers, and thus change it from what it was, and was intended to be, by its framers, into what they always wished it to be. An account of the getting up of the first United States Bank, and the means, is given by Mr. Jefferson, and to be found in his memoirs. I will not stop to read it.

Let me then tell the honorable gentleman from Massachusetts [Mr. CUSHING] that Mr. Woodbury, in his report from which he quoted, does not say, as he intimates, "that Alexander Hamilton *originated* the idea of the Sub-Treasury"—not at all: Mr. Woodbury only states that Mr. Hamilton *recommended* something similar. Sir, Alexander Hamilton violated the Constitution and the positive law of the 31st of July, 1789, and substituted bank agency and bank paper. The idea of a Government keeping its money by individual officers, is almost as old as the world. It began when Governments commenced; and that honorable and very learned gentleman should know it continued to be the only mode in use, for ages before banks or paper money were thought of. Here, it began with our Government, and was put into operation by the breath that breathed entity into our free Constitution, after freeing us from monarchical thraldom and dangerous practices. What is there in this measure, then, to frighten us, more than the sages of the Revolution saw in it? Nothing, sir, nothing. Why should there be? Is it pretended that Americans of this generation are less honest and trustworthy than every people of the ancient, and a majority of the modern world? Who rises with this sentiment? Who casts such reproach upon his countrymen? This Government reposes on the virtue of the people. Democracy confides in men, and not so much in moneyed corporations, whose tendencies go to corrupt. Ours is a Government of the people, and its beauty, its practicability, its strength, and its superiority, consist in its representative feature. The people are sovereign, and the source of power; but how do they govern themselves? How manage their public affairs? Need we be told, they appoint from among the mass, representatives agents for a term, to legislate within the pale of the Constitution, whom they entrust to administer Government, and even to make laws affecting life, liberty, and property? Sir, even the sword and the purse, and the question of peace and war, are thus confided for the time being, to these trusted agents. And from the passage of this bill, this law, which any subsequent Congress may repeal, the people have nothing to fear. But let us not charter a National Bank, in violation of the Constitution, with immense capital and a charter to run for twenty or thirty years, and irrepealable for that time, to make and regulate our currency, and to hold control, to boot, of our vast revenues. Do this, and in my opinion, it will not only regulate our money matters, the prices of labor and property, but rule the country and control its destinies. There have occured frauds in the collection, keeping, and disbursement of public moneys, by individual officers, here and in all countries. But what of it? We cannot dispense with them? We must use human agency, though all trusts are liable to be abused. Government itself, and even ours, the best on earth, or that ever existed, is like a necessary evil, and every power and office under it, liable to be abused. But is this to be urged against the continuance of our wise system of free Government? We must use human agency in the keeping of our revenues. To bring the question to the practical test: What are banks? Who compose them? Who keep them and their revenues, which, like those of the Government, all come from the people. It is but a different mode of taxation. Do bank officers never rob and run off? And if a bank may be supposed to have more ample means than an individual Sub-Treasurer and his securities, which I am not disposed to grant, as nothing but their stock in trade is bound for their paper and debts, yet upon whom falls the loss, in case of defalcation by a bank officer? Must it not be made up at the sacrifice of it stockholders and note holders, and thus fall upon the few? While in the case of a Sub-Treasurer, the deficit, after the exhaustion of the means of himself and sureties, if any, will fall upon the millions of the people, composing the nation, and so be but a drop to each.

But leaving the comparison, as to the honesty and means of banks and individual officers, to be settled as it may, the great matter is, how stands the great question of expediency and general safety? Banks, from their very nature and business, all having generally from four to five paper dollars out, to every one in their vaults in specie, to redeem with, cannot be safe depositories; nor can it be expedient to make them the depositories of our revenues.

They are liable to the hazards of mismanagement, and the consequences of overtrading, into which the strongest instincts of our nature are ever plunging them, to increase their profits. They are running a careering race of gain, upon the same fluctuating current, without any certain steerage. Blind fortune governs all. They generally expand and contract under the same influences, and suspend and explode together from the same causes. They are exposed to the common disasters of their connection with each other and with commerce and trade, the fluctuations in the current of which depend much upon the seasons of the year, which they cannot foresee, guard against, or control. No, sir, they *cannot* escape the revulsions in that uncertain current upon which they float, and which experience proves are frequently occurring, bringing upon banks, and those engaged in trade, and the common mass alike, panics, suspensions, and losses; and whether they come in peace or war, these revulsions, I affirm, have their origin in banking and the paper money system, and the unrestrained and abused species of credit growing out of them. Indeed in this country so lightly do all banking institutions rest upon the bosom of their element that one adverse blast may suspend them—the disastrous consequences of which event, in a country that trusts almost entirely to them for its circulating medium, as all must where they exist, as bank paper expels specie, are indescribably oppressive to the poor laboring mass, constituting the bulk of the population. With us, experience proves these revulsions occur often and suddenly, and that they are becoming more frequent and terrible as banks and paper money increase, and the credit system which they foster, is extended, which marks the *source* of the evil. Banks in the United States have lately increased beyond all precedent, being now double what they were only some eight years ago, and far beyond the increase of our population and resources; and this is owing mainly to the *gambling* spirit which overbanking engenders, which is another evidence of the source of these revulsions. Another alarming danger is, that they not only increase, but they perpetuate their own power, as they expel specie; and they will continue to do so to a more alarming extent if made the depositories of our vast revenues. The measure under consideration will interpose a considerable check to these evils—will tend to restrain overbanking and overtrading, compel banks and merchants always to keep a constant supply of specie to meet the revenue duties, which will keep specie in the country for the basis of the paper circulation and common use.

These revulsions, I say, are becoming more frequent and disastrous as these causes increase, and as our commerce expands and becomes more *involved*, and especially with England and her banking and credit systems, with which ours is connected, and but a part. And since the use of the application of steam navigation on the *ocean*, it will become more and more so, and our system more closely united and *dependent*. That, sir, is already fast overcoming space and time, and actually drawing the whole business of both countries into one great whirlpool, by which connection we are already brought to an alarming extent under the control of the Bank of England. Nothing, Mr. Chairman, is more true, and nothing more appalling!

To this connection and control over us, we trace the impulsive causes which brought upon us the suspension in May, 1837, which dissolved the financial connection between the Banks and the Government, with between thirty and forty millions of whose money, consisting of their own notes,

which instantly became inconvertible and irredeemable, they suddenly let down, and left the Government to stop also, *for the want of funds;* a thing unprecedented in history, which it was that induced the President to recommend the adoption of the remedy under consideration. Sir, what were the causes of that revulsion? Does any one now doubt but that it was overbanking, stimulating overtrading in England and this country, that led to that catastrophe? Of these impulses, and the consequences in England, of this overbanking and trading there, and of the disasters, we have a glowing description in the Manchester report, (extracts from which Mr. L. here said he would include in his speech, if he wrote it out.)

In this country, we all know the stimulating causes. We know the one hundred and fifty or one hundred and sixty millions of State stocks from time to time thrown into the foreign market, with our enormous revenues arising under our high tariff, which poured their flood into the deposite banks at the rate of so many millions, and which was swelled by the overbanking and overtrading in England, and by the course of the United States Bank co-operating here, led to and filled the tide that overwhelmed us. Recorded facts prove this. The average excess of our imports over exports from 1832 to 1837, was about twenty-four millions each year, and some fifty millions in 1836 alone, with an excess of at least eight millions of specie, flowing in annually during the same period, drained partly from the Bank of England, and the return, this excess of specie in part of the sales of State stocks, while the balance no doubt came in merchandise, through the *contrivance of the banks*, and helped to swell the amount of the tariff duties.

These vast revenues, flowing into the deposite banks, stimulated and enabled them to extend their circulation and discounts, with the co-operation of the United States Bank, to almost an incredible amount. For, ill-fated policy led to the insertion of a provision in the law which not merely invited, but as it were, compelled the deposite banks to expand. The same causes started up new banks throughout the Union—and all alike extended their circulation and discounts until every branch of business was overdone, and every channel of trade full to overbowing. The wildest speculations were projected. Men every where became rabid for gain, and the whole country rife with speculation. The sales of the public lands increased from some eleven millions in 1833 and 1834, to some
in 1835 and 1836, and the last year (1836) were about twenty-four millions: and the excess of our imports over exports, also amounted that year to some fifty millions, as before mentioned. Still speculators could be seen flocking around our wild domain. This was the process. Borrowing of banks, buying with their paper, paying in the same, and the deposite banks receiving and *reissuing* on the same, in an endless circle, which threatened to exhaust the whole, and to convert it into worthless bank paper in exchange, till General Jackson issued the specie circular, that much denounced measure, productive of so much good, which put a stop to the process.

In this situation of affairs of bloated prosperity and redundant paper currency, a revulsion commenced in England. The Bank of England began to contract—the other banks were, in turn, seized with panic—suddenly, every interest and every branch of trade was suffering paralysis, till the whole kingdom was seen writhing under the torturing operation of a general contraction, begun by the great regulator, the Bank of England, and followed by the rest. The revulsion, as depicted in the Manchester report, was awful. Its effects immediately reach us; the chord of sympathy uniting our systems violently vibrates; suddenly, to the utter surprise of the great interior of the country, alarm begins in this country; presently, some of the most extensive mercantile and manufacturing establishments, and many of the principal houses and firms in New York, Philadelphia, and the rest of our cities along the great chart of trade, begin to totter and fall, dragging down with their crash hundreds and thousands, some failing for thousands, some for hundreds of thousands, and not a few for millions and millions! The great agricultural mass, and other laboring classes, composing the great body of the nation, who personally have nothing to do with banks, never see inside of them, but are engaged at home, in peace and quiet, earning their bread by the sweat of their brow, are aroused as from a dream. They know not what is the cause, but the city papers have brought them the news; the next arrival brings the account of a suspension of the banks. And what was the acting agency forcing on the scene. Simply as I have said, overbanking and trading had taken place in England and this country, which from our connected banking and credit systems, and our commercial relations, must necessarily happen; and the shock having commenced in England, by the course of the bank of England as just described, the thing is inevitable. Our banks seeing the coming storm, have prepared to meet it. They have overbanked like the banks in England, and must follow their example—accordingly, with our great regular at their head, they *simultaneously* ceased to discount, and commenced curtailing and contracting; they have from four to ten paper dollars out, for every dollar of specie in their vaults; they refuse further loans, and call in their paper and debts, and their customers, in debt, many of them, at home and abroad, thus cut off, on the one hand, and pressed on the other, must stop business; and as one push makes more, so one stop makes many. The rush commences—the crash begins—the scene of ruin widens over the Union; thus from country to country, from city to city, from house to house, and from man to man, in almost an endless chain, till distress and bankrupcy overwhelm almost without number. Then is ripened a plentiful harvest; forced sales of the unfortunate poor begin; at which speculators, and the few too rich to be much affected, fatten on the spoils of these bank brok victims. They more than repair their losses out of the suffering poor. And what shall stop the scene? Nothing, sir, not even in this free land. As well you attempt to allay the raging sea at full tide, with a pebble, as pass stay laws. It must turn its course. It must calm itself. The banks must have their time to resume, which they cannot do, till they continue long enough the application of the torturing screw, to call in their paper and debts, and replenish their specie. They are above all law. You dare not compel them to resume at once. They would *grind* their debtors, and their paper depreciate to nothing. They will resume in their own time, which means when they get ready, which sometimes means, just when they please, to suit the state of politics. In the mean time the country must writhe out its year or more of agony, which produces an awful ebb in the tide of business and the prosperity of the whole nation, and a woful ebb in the fortunes and prospects of thousands and thousands, with no returning flow. They may date their ruin back to the the crisis, and drag out the rest of life in poverty. And without reform, what better is there in prospect? How often shall we have suspensions after suspensions.

But honorable gentlemen may urge, though I am not aware that it has yet been, that as the deposite banks, with the indulgence that was extended them and the merchants on their bonds at the called session, have been able able to pay up since, without loss to Government in the end, the argument against the deposite system has little force.

But will any honorable gentleman tell me, if the Government had not given them time, how much we should then have lost—how many banks and merchants would have failed—and what would have been the full extent of bank paper depreciation throughout the Union? And if the Administration had cared only for itself and office holders, as so often charged, and if its principles and policy led it to war on the banks and the credit system, and "to take care of itself, and leave the people to take care of themselves," would the President have recommended, and "the party" have passed, relief laws for these delinquent banks and merchants?

And if we had not done this, I ask, what would the people have suffered, saying nothing about loss to Government, in addition to what they actually did suffer from that bank catastrophe? Can any man estimate it? But, sir, I stop not here. In talking about losses sustained by Government from its past connection with banks, by defalcations, and from the receipt of depreciated bank paper, in payment of its revenues, in comparison with its losses by collecting and disbursing officers, and document No. 10, of this House last Congress, with the report of the Committee of Ways and Means therein referred to, of 1830, from Mr. McDuffie, shows that the losses by the banks have been the greatest. I ask any gentleman to tell me, as I am not for separating the Government from the people, nor their losses, what the people have suffered altogether, first and last, from repeated bank suspensions, broken banks, depreciated bank paper, derangement in the currency, and sudden falls in prices of produce, labor, and property? I ask, but I expect no answer, Who could estimate the whole amount, or even the interest? I do not look back to the days of the Revolution to include the three hundred millions of paper (I give the lowest estimate) that perished on the hands of our fathers. Let the losses during that trying struggle pass forgotten. I only go back to 1811, and include the successive expansions, contractions, and suspensions up to the present—say the expansions in 1814, 1817, 1818, 1823, 1831, and 1834, and those since. Every body must remember these, and the ruinous contractions which followed. Mr. Gallatin's report at the Philadelphia convention states that no less than 165 banks broke and blew up from 1811 to 1830. He does not state how many millions of paper dollars they altogether had out, that died on the hands of the unfortunate holders, and no one knows; but all must know the amount was enormous! But the report of the Committee of Ways and Means, by Mr. McDuffie, of 1830, informs us—

"The Government borrowed, during the short period of the war, eighty millions of dollars, at an average discount of 15 per cent.; giving certificates of stock, amountiug to eighty millions of dollars, in exchange for sixty-eight millions of dollars, in such bank paper as could be obtained. In this statement Treasury notes are considered as stock of 20 per cent discount. Upon the very face of the transaction, therefore, there was a loss of twelve millions of dollars." &c.

The report again proceeds:

"But the sum of sixty-eigkt millions of dollars received by the Government, was in a depreciated currency, not more than half as valuable as that in which the stock given in exchange for it has been, and will be, redeemed. Here, then, is a loss of thirty-four millions, resulting incontestably from the depreciation of the currency, making, with the sum lost by the discount, forty-six millions of dollars."

And the said document, No. 10, proves our whole losses by public officers only some eight millions altogether. These were losses to the Government only.

But, I ask, what have been the losses of the people? How many thousands were caught in each net drawn by each contraction after an expansion, and what the amount of loss upon the whole, and what the suffering in every form? Look at the millions and millions of property of every kind in the whole country—the multiplicity of contracts and transactions between man and man, including sales and purchases of land, and all kinds of property; and the vast amount of demands and debts existing between so many people at each crisis; and the course of business, and the sudden fall of prices. Buying on credit when every thing was high, by reason of the undue expansion, making money plenty, and bloating prices, and having to pay when the contraction followed, and prices fell, with the scarcity of money; one creditor, then, breaking up his debtor, and he himself, in turn, being broken up by another, and so on, through the lengthened train of thousands and thousands.

The honorable gentleman from Pennsylvania [Mr. RAMSEY] gave us the other day an account of the scenes in his State, as set surth in a report to the Legislature. It seems some thirty banks, on one occasion, were created in that State at a time; and the honorable gentleman from Kentucky [Mr. UNDERWOOD] who preceded me, also informed us how it was in his State, where, he says, about forty odd banks were made at one session, about the same period. And you, sir, well remember how it was in Virginia. In my native county, I recollect lands ranging during the expansion from fifty to seventy dollars per acre, suddenly fell to a range of from fifteen to thirty dollars per acre, and the prices of every thing in proportion. Men bought during the expansion, and improved, after paying

half the purchase in cash, and in a short time, when contraction came, had the same farms sold from them, under trust deeds, to the vendors for the balance, without satisfying it, even with their improvements in. They lost what they had paid, lost the land, and their improvements, and were broken up; and not a few transferred from their new homes to the public jail! And it appears it was even worse in Pennsylvania and Kentucky, where they had made more banks.

Sir, could the records of this whole land, of all the courts in the country, and the memories of all the sufferers and victims of bank sacrifice, covering the whole period since 1811, and taking in each crisis, be drawn upon for the simple facts as they occurred, and the amount of losses and every case of suffering be put down in parallel columns in one vast book; one side presenting the number of suits, judgments, and executions, with the gross amounts of each, costs and fees included; the other, each case of calamitous issue thus produced, not of record in court, but in sad memory, if such a thing could be done, and that mighty book could be spread out in our midst this moment, in this hall, if this spacious hall could hold such a book, could honorable gentlemen have the heart to look upon that vast book, and the amount, and stand up here and tantalize us, and denounce a measure intended to save the revenues of the Government from disaster, and interpose some check upon these banks, to prevent these expansions and ruinous contractions, and the recurrence of similar scenes! Ah! sir, if such a book could be spread out before the body of the people—the great *laboring* classes, who lived by their labor—have nothing to do with banks, and with whom the banks will have nothing to do—who never inside of banks or the bank built palaces of the rich, who lived off of their labor alone—how long, think you, sir, their patience would bear, after we had told them honestly the whole truth, that it is the laboring mass at last, that suffers most, by the working up and *down* of this miserable system, such as no other country has ever tolerated; for it is better in England? Take the last twenty-eight years, and the repetition of these scenes is without a parallel in the history of the world. Sir, by the operation of this system, and even under the reign of the boasted regulator, I unhesitatingly say, thousands and thousands have been consigned, at each successive suspension, without crime or fault, to bankruptcy, poorhouses, and prisons, and their innocent families to beggary, in this free and wide spread land of plenty! I assert, sir, that by every suspension from 1814 to the present, millions of property at each crisis have passed, by the process, and the greatest portion of the whole, from the laboring classes, ruined by the sudden contractions of these privileged corporations, owned by a few, into the hands of speculators, who labor not at all, or of those who were so rich, that when property fell one half in price, still had the means at their command to buy and *repair* their losses out of the sacrificed property of those whose all was little, and that sold under the hammer. I mean the laboring poor, who, when their all is thus swept, yet must meet in the face the misery of low wages, for wages at such times, in the general decline of prices, are the first to fall. I repeat it, the natural, necessary working of the system is, under these sudden changes, to transfer the property of the laboring classes into the hands of speculators, and those of the rich. As wages fall first, those dependent on their labor are the first to get in debt, the first sold out, and the very class without means to buy, and who feel keenest and deepest when thus beggared, the ills of low wages, while the speculator buys their sacrificed property, and grows rich by the next expansion by holding on; so the rich, who have much, retain what they have, and repair their losses by buying bargains at sales. This is the necessary operation of a system that favors the few with loans, and robs first, and then ruins the many. What has made so many rich and so many poor, in your large cities? What has converted half our people almost into speculators? What has swelled the fortunes of a few in England into millions, and made paupers of about one third of her entire population, and is doing the same thing in our bank cities, but the working of this open and shut system, from all connection with which this bill proposes to relieve this Government, and to remedy, to some good degree, the fluctuations of the system itself?

These suspensions have occurred in this country, and all since 1816, under the regulation of the United States Bank, when no act of this Government, up to 1833, was ever blamed as producing them—when there was no removal of the deposites, and no specie circular, but when banks had the furnishing and regulation of the currency, and the keeping of our vast revenues, to trade upon free of charge, to aid their system of favoritism, to make "the rich richer, and the poor poorer."

Who, then, is for the readoption of the State bank deposite system? The Whig party? Has a single gentleman come out for it? No, sir; not one. What party opposed its inceptive introduction at the time of the removal of the deposites from the United States Bank into them? They afterwards opposed the passage of the law to regulate the system. They denounced it afterwards as "the pet bank system," and predicted it would fail and explode, as it did. And it is matter of history that they timely sought, with the aid of a portion of the Democratic party, to secure the recharter of the United States Bank, which lent its vast power and patronage to carry the measure. Its expansions and contractions, and the writhing of the people under the screw at the critical moment, is not forgotten; nor the subsequent conduct of that institution to defeat the re-election of Gen. Jackson, who, after the act to recharter was carried through both branches of Congress, put his veto upon it, which the people ratified by re-electing him by an overwhelming majority.

What did the Whig party next do after this veto, for which act they denounced the "hero of two wars," and the President of the people, as a tyrant and despot? Did they fall into the support of of the denounced pet bank system? Never, sir, till it had failed and exploded, and fulfilled their prediction, and was abandoned, from necessity, by the Democratic party, and this Independent Treasury recommended and taken up. They then, as if disbelieving in their own predictions, at the moment of their fulfilment, opposed the Sub-Treasury, without presenting any scheme, or avowing themselves for the deposite system or a National Bank. But they opposed the Sub-Treasury, and doubtless the mass of the party, with their great leader, preferred the State bank system to it. And why? Because they viewed it, as he declared he did, as a convenient "half-way-house" to a National Bank; because they believed it would fail again, and end in that? No, sir, that party never has been for the pet bank system, but has looked forward with anxiety to another National Bank. That party, aided by a portion of the Democracy, about the expiration of the charter of the late bank, procured an act from the Legislature of Pennsylvania, *continuing* its existence, with the same name, with the addition of Pennsylvania, the same capital, the same stockholders, with increased powers and privileges, and the same president and other officers retained, and even its old books, *that it might go right on;* and it did, and shortly after, armed itself still further, by establishing a new agency abroad, where so much of its capital was, and still is held. There, where ruled, and now rules its great prototype, in that "sea-girt isle," where rolls around the bank-built palaces of the *few* perpetually, the tide of wealth, drawn from the labor of the *many*—the laboring poor, who toil sixteen hours out of the twenty-four each day, to gain a mere living, leaving a pauper list of millions groaning in squalid poverty, dependent on the scanty crumbs of public and private bounty, for existence, under "hope deferred." A state of things, I again say, our banking and its credit system is beginning to present here, in our large cities, where banks and money have sway, and but for the length and breadth of our rich and cheap domain, would grind their victims with more facility, owing to the greater density of population that would have grown up. This pet institution was thus continued, and glory was claimed for the triumph. It was still to be the balance wheel of the paper and credit system, and great regulator of the currency; and was even pronounced by its distinguished president, "stronger than before."

Yet, after this grand flourish, and after its great head had even graciously announced, moreover, the restoration of peace between the two contending parties, his bank and this Government, soon came the grand suspension, in May, 1837; and the Government of this Republic was, by the catastrophe, brought, almost in a day, by a bank crisis, to a sudden pause in its course, with between thirty and forty millions of revenue on hand. And where would honorable gentlemen tell the world it was? Why, in the Treasury of the United States! Yes, sir, with this immense amount of revenue, and all the world at peace, and when, just before, the times were most prosperous—nothing but one universal gale of prosperity seen setting in from every quarter, and earth teeming with a superabundance of every production—at such a time as this, the country is convulsed, and Government itself brought to the point of stopping, as it were in an hour, with this great regulator, timely chartered, and continued without a moment's suspense, in full power and operation, and this Government, the while, sustaining and cherishing your select, best State banks, with its vast revenues!

In this state of things, the President was obliged to call Congress together to devise and provide relief for Government, banks, and people. He did so, and recommended indulgence to these delinquent banks, and to the merchants, and the issuing of Treasury notes, on its credit, to enable it to do this; and, to secure the Government in future, in peace and war, from similar catastrophes, he urged a perpetual divorce between Government and banks, and the measure proposed, in this bill, an alternative thus forced upon the Government, as it were, by the banks and merchants, for, by that state of things which they had brought on the country, the Government, and themselves, it became necessary.

And what else could he do? He could not recommend a National Bank. He had just come into office under a solemn pledge, that he held this Government had no constitutional right to create such an institution. So both his oath and his honor forbade. Besides, he came in pledged "to tread in the footsteps" of him who had vetoed a bank bill, which the people approved. On the other hand, there lay before his eyes the present "regulator" prostrate in its self made ruin, beneath its own rebound. The State bank deposite system he could not recommend the readoption of that, under the circumstances. Its failure and explosion had been too signal, and the immediate cause of the state of things, which call for remedy. He could not presume his own party friends in favor of its readoption, and surely not the Whig party.

Well, sir, acts were passed relieving the deposite banks and the merchants, by giving them the time and indulgence which they themselves desired. Treasury notes were issued to keep the Government in motion, to pay the civil list, the pensioners, and our army and navy. All this was done; yet the party to which these banks and merchants chiefly belong, afterwards charged the Government would do nothing to relieve the distress in the country; and these banks and merchants were quite the loudest in complaint and abuse.

Most wofully, then, and I reproclaim it to the country, has the State bank deposite system failed; and what again is their condition at present? And worse than all, this *continued* United States Bank, though authoritatively pronounced stronger than before, was about the first, in May, 1837, and since, to suspend. Instead of regulating the currency and exchanges and State banks, and saving all, it sinks in their midst, when there appeared universal prosperity reigning throughout the land, into suspension, if not insolvency; and was, as strongly suspected, the cause of dragging the whole into the vortex! Yet, the Whig party is for another United States "regulator;" for to this complexion has it come, and must come, whatever reserve and silence be maintained. Nay, I take the proposition of the gentleman from Kentucky [Mr. POPE] as the proposition of the party. His two colleagues [Mr.

WHITE and Mr. UNDERWOOD] have come out boldly in their speeches in favor of a National Bank, and the argument of every gentleman, who has spoken against this bill, was to the same effect. The great issue, then, is Sub-Treasury or United States Bank. This is the mighty question to be decided here, and to be again passed on by the country. For one, I have already said enough, and shall add but little more, upon the constitutional question. But, if I could believe we had the constitutional right, I am utterly opposed to the creation of such an institution. If it has power for good, so it will for evil. If it can regulate the currency, it is most unwise for a free people to delegate to a corporation of a few men that vast power, instead of retaining it in the people. If it can do that, it can control the business of the country, and the fortunes of all, and will favor the *few*, to the prejudice of the *many*. When you place under its control the regulation of the currency, which is what its advocates claim for it, as the great argument in its favor, you place the country itself in its power; and, by giving it our revenues, as proposed, to keep, you actually deliver it over bound, to its will. I have no confidence in any great moneyed power in the hands of a few. I would not trust one man, or a few men, with such vast controlling power. It will put law and Congress at defiance, and yet itself be controlled by a greater power abroad, which will rule the few that govern it. It will control, too, in the worst form. It will not openly overawe, but silently torture, when the whole country is distressed by its folly. When a revulsion comes, after expansion, then it must save itself, though the means it must resort to, occasion universal suffering. It must contract to save its own life, while distress rages all around it, and over the land. This is but a sketch of the actual history of the past. Such has been the careering course of that which has had its day of prosperity and adversity, and whose account of good and evil, and of profit and loss, is before the country. Sir, the course of the future one may be easily marked, as shadowed by that of the past. Contraction after expansion is, with such a bank, the law of fate, and it must obey; and we have seen, that, in the pursuit of its own interest, its issues have flowed with the flood of commerce and trade, which it cannot control, and have retreated with the ebb. At one season, we have seen a vast overflowing in all the channels of business, and the land filled with bubble waves of deceitful prosperity, and then we have witnessed as sudden a withdrawal of its circulation, when, after its expulsion of specie, it was as essential to the wants of the country as the blood that flows in the animal system is to health and life; and this we have seen invariably take place, just as the current of trade was retreating to foreign shores, and the State banks compelled to pursue the same course; and, as the consequence, prices, wages, and property of all kinds fell suddenly in proportion to the decrease in the currency, thus produced; and sudden distress overtake the land, as it were, in one short month, throwing thousands and thousands out of business and employmet, home and comfort, with helpless families cast like wrecks upon the strand. Instead of believing in the expediency of such an institution, I am entirely convinced of the contrary, and not less appalled at the magnitude of the dangers that may mark its course. I look at the undeniable fact, proved by the history of the times, that expansions, contractions, and suspensions here, have followed the like results in England. I assert that this is the fact; and I cannot shut my eyes to the truth, that this grows out of the intimate and dependent relations thus proved to exist between our paper system and that of England, which, in fact, are but parts of one and the same system, and ours the worst part—and that such an institution would be but as a branch of the Bank of England, which is united with the Government of England, mutually supporting and sustained by a mighty floating bulwark without, and a mightier money power within, and thus united in power and destiny.

The Manchester report, to which I before referred, drawn in view of all the facts, just after they had transpired, bears me out in these views. And the high source from which it emanates, and replete as it is, with facts, figures, and argument, entitles it to the fullest credit. It proves that, the Bank of England, about the beginning of the crisis of 1837, in England, and which forced on that in this country, as I have shown, in its efforts to regain something upwards of six millions of pounds sterling, in specie, which, after its last re-charter, some years ago, under which its paper was made a legal tender, in all cases, except between itself and its creditors, enabled and stimulated it to expand its issues beyond a wise discretion, and at the same time reduced its bullion in proportion; by its contractions and turnings of the screw produced thereby loss and ruin in some five great interests in the kingdom, to the amount of some twenty millions sterling, from which followed indescribable scenes of distress and suffering, and such a sudden increase of bankrupts and culprits as filled the almshouses and prisons in a short time to overflowing. And yet, with all, after producing so much ruin, she has had to become a beggar of the Bank of France for her life. Yet it is probable she did not occasion more loss and suffering, all things considered, at home directly, than by that very process she did indirectly here, by her action upon our great regulator, and through it upon our State banks, and the business of the country, in conjunction with their own imprudent expansions and conduct, during the same period. The losses and sufferings here in 1837, and since, have been perhaps as great as ever afflicted any country under the sun. Establish a National Bank here, in the centre of trade, and it must be under the influence of that monster in London, which, seated at the emporium of the commercial world, will control all banks connected with the paper and credit system of that emporium.

Sir, I will not, no never will I agree to plant in the bosom of my country, a subordinate coworker of ruin; I would not bind her direct to the British throne, nor will I chain her thus indirectly to that which upholds it, controls it, and wields it. Sir, I am rather for tearing loose the chain that now binds our prosperity to that nation's will, through the controlling power of her bank, instead of adding this last link that may unite indissolubly our destinies for wo.

Sir, the Bank of England is the money monarch, enthroned upon the throne, without which, that kingdom would dissolve and crumble; and you ask me to place my country beneath that money sway, by bank dependance. I tell you, your National Bank would be obliged to harmonize with its master power. The laws of trade would unite their wills. They must breathe in the same space, and a common interest inspire co-operation, and bind them to the same centre. War would be impolitic; would be death to the weaker. And do you hesitate which would be the master spirit, yours or that which commands England's wealth and power, and the Indies? Do you doubt that that would rule the action of yours, by a stronger cord than our fathers severed with the sword, to cut our country loose from that plundering, grinding, crushing power? Yours would have the regulation of your currency, trade, and commerce, and the custody of your treasures, and power over all your State banks and the Bank of England; the regulation and control of it. Would you thus link and risk your country's prosperity, and destiny, perhaps, with England and her bank? or will you hold your purse and your sword, which it commands, as you would your means, your business, and your liberties, free forever from such connection and control?

Sir, though all be now calm, and the mighty deep upon which nations drift to their final doom, seem smooth and tranquil, can you tell me what is the heaving even now beneath the surface? How far can you see in the distance, towards which we verge? Does not an impenetrable veil overhang the vista? Sir, you know not how soon we may reach that point where the hiatus yawns. Tell me that, sir! Sir, none shall tell—it is not given to any to know what time these mighty continents shall stand arrayed, and all earth tremble with the terrific shock. I only know, a secret, eternal war began, when free principles emerged from their tomb in the old world, and fled to this, over a fathomless ocean, that should be our eternal safety and protection, and will, unless by this vast artificial system of connection, our power and destiny shall become bound up in the web of an overshadowing, overpowering mammoth monopoly. Sir, that war between the despotism of the old world and the free principles of this, though apparently smothered, is now raging, and will some day burst from its volcanic bosom. That mighty deep shall yet be convulsed. Indeed, the restless waves already begin to roll in confusion, and murmur dissonance, in anticipation of that coming storm which, long impatient of its prison bounds, will howl betimes, and after gathering all its fury, sweep resistless across the flood—that storm, that breaks the cords of amity, wakes nations from repose, and plunges them into the strife of death. In this shock of continents, will your Government, your free institutions, your liberties, and all be safe, with your treasure in the keeping of a bank, which may have all afloat in trade—a bank in the hands of a few, and under the control of the Bank of England? Sir, if such convulsion come, and come it may, all, all may be driven from their moorings, by the first shock a steerless float, and the whole disappear like eddies, lost upon the flood, that was, that's gone to that oblivion of the past, whither all that's ending, valuable, or worthless, is lost, first or last, where ceaseless flows that tide that has no ebb. For myself, my mind is fixed—I will not rivit. I will attach to my speech extracts from the Manchester report, in support of these views.

Extracts from the "Report of the directors, to a special general meeting of the Chamber of Commerce and Manufactures at Manchester, on the effects of the administration of the Bank of England, upon the commercial and manufacturing interests of the county, published 12th December, 1839, under the sanction of the directors."

"The Board think it expedient, before proceeding to a consideration of the effects of the recent policy of the Bank of England upon the manufacturing and trading interests of the country, to take a brief review of the events which preceded, and have accompanied, the present commercial reverses.

"Down to the end of 1835, all branches of trade and manufactures were in a state of prosperity, which they had continued, almost without interruption, to enjoy for several years. In the course of that year, the Bank of England, by throwing a large amount of money, held for the East India Company, and advanced on account of the West India loan, into the market at a very low rate of interest, and by the facilities thereby afforded to the London bill brokers, and others, for discounting enormous sums, American acceptances and bills reissued by the joint stock banks, laid the foundation for that excessive stimulus to trade and speculation which prevailed in the succeeding year, (1836.)

"Early in 1836, the mania for speculation in shares, and the formation of innumerable joint stock associations, gave warning to all those who had a recollection of 1825, that the trading world was hastening towards scenes similar in character to those of that fatal year, &c.

"Towards the close of 1836, the stock of bullion in the Bank of England had fallen to little more than four millions, whilst, at the same time, it was indebted to the world upwards of thirty millions for its circulation and deposites. The directors now determined to check the drain upon their coffers, and to increase their stock of bullion. It has been stated, upon the authority of the bank directors, in a memorandum presented to the committee of the House of Commons in 1832, that a supply of gold can be procured from abroad only by reduced prices of commodities; in other words, at the expense of the manufacturing and commercial interests, &c.

"The trading community, upon whom the slightest restrictive movement on the part of the Bank of England operates with electrical effect, seized with alarm, were now eager to sell off their stocks to save themselves, as far as possible, from the effects of the impending fall of prices, &c.

"Similar consequences were immediately felt throughout the whole commercial world. Our merchants instantly transmitted orders to their agents abroad to dispose of their stocks, and, in lieu of the shipment of produce to a falling market, to remit the amount in specie, or bills of Exchange, &c. The losses thus incurred by the British merchants upon their outstanding capitals, were, in many cases, ruinous.

"Throughout the year 1837, the Bank of England continued, at the cost of these heavy sacrifices to our merchants, to augment the amount of its bullion, as the following official returns of the stock of the specie in its vaults will show:

June,	1837,	£4,750,000
Dec.	1837,	8,172,000
Jan.	1838,	8,685,000

"The Board have now to refer to certain circumstances growing naturally out of this state of things, which more particularly affect the cotton trade.

"The Bank of the United States, with other large American banking companies, taking advantage of the embarrassments of the great Anglo-American houses, had become the channels for shipping the cotton crop of 1837-'8. In this way, Mr. Biddle stated in his letter to Mr. Adams, he gave facilities for shipping from fifteen to twenty millions of dollars of cotton, and placed his own confidential agent in Liverpool!

"Having thus taken a review of the principal events illustrating the course pursued by the Bank of England from 1835 down to the present time, the board are desirous of directing the attention of the members to the losses which the forced con-

tractions and expansions of the currency inflict upon the manufacturing and mercantile community; an evil, the magnitude of which has not been sufficiently appreciated by those who have investigated the questions of banking and currency, &c.

"It may be estimated that, in the production of the five great manufactures of cottons, woollens, silks, linens, and hardwares, capital, fixed and floating, is employed, amounting to a hundred millions sterling.

"The rates of depreciation, caused by the late panic, upon all these articles of production, may be gathered, without difficulty, from the prices of the spring and summer of 1837; they fell in price variously from 20 to 50 per cent.

"To estimate the amount of loss upon these manufactures, they must also be followed into the hands of the wholesale and retail dealers, whose losses upon stock consequent upon the operations of the Bank of England or the currency are incurred simultaneously with those of the first producers. Scarcely one of these escaped in 1837, without the sacrifice of the whole of the ordinary profits of the year's trade, and many lost by the fall in the value of their stock the whole of their capital, also.

"In proof of the latter fact, it may be stated that 1939 fiats in bankruptcy were issued in 1837, the average of the four previous years amounting to 1266 only, whilst a proportionate increase occurred in the number of private compositions.

"The amounts of British capital are as follows:

"Employed in the production of the five great interests of cotton, woollen, silk, linen, and hardware, estimated at £100,000,000

"In the wholesale and retail distribution	25,000,000
"In the whole of the foreign commerce	35,000,000
	£160,000,000
"Lowest estimate of loss, 25 per cent.	£40,000,000

"Without embracing the less prominent branches of our domestic manufactures, including the trade in a thousand articles of daily consumption, all of which are more or less affected by the revulsion of prices, reference has here been made to a capital of one hundred and sixty millions, upon which we may trace a loss varying from 20 to 50 by the forced depreciation of value in 1837. This sacrifice of forty millions at the least, and which constitutes a fraction only of the losses simultaneously sustained by the entire commercial world, was incurred in order that the Bank of England might regain possession of six or seven millions of specie, which it had previously forced out of the country by the undue expansion.

"It has been shown that the Bank no sooner found itself in a safe position, than it recommenced, in 1838, a system of expansion, and exported a part of its gold; prices of great staples before enumerated consequently advanced during the year 1838 and part of 1839, until, as we have seen, the restrictive policy was resumed, the motion of the screw was reversed, and, down to the present moment, have fallen again from 20 to 30 per cent."

SPEECH OF MR. PARRISH,

OF OHIO.

In the House of Representatives, June 10, 1840—In Committee of the Whole on the Independent Treasury bill.

Mr. PARRISH addressed the committee as follows:

Mr. CHAIRMAN: With the gentleman from New York [MR. MARVIN] who has just taken his seat, I agree that the bill now under consideration is one of great importance, and embraces almost every question connected with the operations of this Government. It clearly presents not only the measure contained in the bill, of having the public money managed for public purposes alone by individuals selected from amongst the people, but also the antagonist system of corporations created by the States, or one institution created by the Federal Government, in either of which the public moneys become blended with, and made subservient to private interests. No other method has at any time been tried or proposed, and it is believed, none other can; and of these the Opposition advocate a United States Bank. Each gentleman who has addressed the committee in opposition to the bill, has more or less, and generally at large, entered into an examination and discussion of a National Bank as superior to the Sub Treasury. They have made this issue, and no alternative is left but to speak and decide upon these questions. With the matter thus presented, I propose, first, to examine the principles of the bill; secondly, some of the objections urged against it; and thirdly, the expediency of a National Bank.

In doing this, since it has been the policy of the Opposition to keep the principles and provisions of the bill out of view as much as possible, and to prejudice the public mind against a full and impartial investigation of its merits; and since it is now openly avowed on this floor, by the gentleman from Massachusetts [Mr. CUSHING] that if they succeed in the present political contest, it will be repealed if passsed, I shall present a synopsis of this important measure in the order in which its principles are developed. A few considerations are sufficient to determine what those principles are.

The Secretary of the Treasury, in his annual report, estimates the total receipts for 1840 at eighteen millions six hundred thousand dollars, of which fifteen millions will be received from customs. This sum is paid by the people, and the gentleman from Massachusetts admits it to be collected by indirect taxation. This is true, and the process by which it is done, I shall hereafter show. The population of the United States may be estimated at fifteen millions, or one for every dollar collected from duties this year. Now will these people agree to pay this amount of money for the mere purpose of determining where it shall be kept, and nothing else? They certainly will not. Are they willing to pay it for the purpose of determining simply in what kind of currency it shall be received? I think not. For what object, then, will they consent to pay it? For the purposes of Government, and these alone. Therefore it becomes a question of the first magnitude with the American people to know what use is made of the money collected from them. Whether it is to be used exclusively for public purposes, or whether what is thus collected from the whole people shall be used by a part only for their own advantage, whether that part consists of office holders, merchants, manufacturers, or bankers. In short, whether the many shall be taxed for the benefit of the few.

Next to this in importance is the kind of money which shall be paid and received for Government dues, so as to carry out the first object with least inconvenience to the people and greatest security to the Government.

Incident to these is a third consideration as to the location or places, and under whose immediate control the public money shall be kept from the time it is received till paid out.

These are the leading features of the measure, and the order in which I shall consider them.

The first principle is contained in the 17th section, which prohibits the use of public money for private purposes; and makes it felony for any officer or agent of the Government, or any other person advising or participating, to use public money, or invest it in property or merchandise, or to loan it, with or without interest, by fine equal to the amount embezzled, and imprisonment not less than six months, or more than five years; and requires the officers to keep accurate accounts of sums received, and the kind received; also sums paid or transferred, and the kind.

The second principle, defining the kind of money in which the public revenues shall be received and paid out, is found in the 19th section, which provides, that from and after the 30th of June, 1840, of the money payable to Government, one-fourth shall be paid in gold and silver, and three-fourths in paper of specie paying banks. After the 30th June, 1841, one-half in specie, and a like sum in paper; after the 30th of June, 1842, three-fourths in specie, and one-fourth in paper; and after the 30th of June, 1843, all to be paid in the legal currency of the country. And the 22d section provides that no regulation of the Secretary of the Treasury shall make any difference in the funds to be received from different sources of the revenue. These two sections define the kind of money to be received, and the two following the kind to be paid out.

The 20th section requires every officer, after the 30th of June, 1843, in disbursing the money of the Government, to pay gold and silver only, under penalty of being reported to the President immediately, and to Congress.

The 21st section prohibits any officer or agent, paying out Government money, from exchanging the funds furnished, for any thing but gold and silver; and when drafts are furnished, requires them to be converted into legal currency, and the same paid out, under penalty of immediate suspension; and being reported, subject to dismissal from office, or being reinstated, as the President may see fit.

The location or places for keeping the public money, is determined as follows:

The 1st section of the bill provides for fitting up and assigning exclusively, within the new Treasury building now erecting at Washington City, a sufficient number of rooms for keeping the public money which may be in the hands of the Treasurer of the United States, until paid out.

The 2d section provides that the Mint at Philadelphia, and the Branch Mint at New Orleans, as at present provided for mint purposes, shall be depositories of the public money, under the charge of the treasurers of those mints respectively.

The 3d section provides for fitting up and furnishing within the custom houses now erecting at New York, and Boston, Massachusetts, rooms with vaults, etc. for keeping under the control of the receivers general, to be appointed at those places, the public money that may be deposited there.

The 4th section provides for erecting and fitting up suitable rooms, to receive and keep the public money, at Charleston, S.C. and at St. Louis Mo.

The persons having charge of the public moneys are designated, and their duties defined as follows:

The 6th section of the bill requires the United States Treasurer, and all other treasurers and officers acting as treasurers, collectors, surveyors, receivers, and postmasters, to safely keep all moneys coming into their custody, without loaning or using, and pay out and transfer faithfully according to law.

The 9th section requires collectors and receivers in the District of Columbia to pay to the United States Treasury. Those of New Orleans and Philadelphia to pay to the treasurers of the mints in those cities respectively; those of New York, Boston, Charleston, and St. Louis, to pay over to the receivers-general at those offices, as provided in the 3d, 4th, and 8th sections, as often as once each week, at least.

The 10th section provides for transferring the public money from one depository to another, as convenience, and the public service may require; and for keeping a separate account of the funds of the Post Office Department.

The 11th section provides that the money in any depository shall be considered as in the Treasury, and subject to the draft of the United States Treasurer, for transfer or disbursement; and for making returns to the Treasury and Post Office Departments, as often as required.

Necessary to carry out these principles, are certain details, contained in the other sections, such as the appointment of officers, as follows:

Section 5th provides for appointing four receivers-general, one at New York, another at Boston, a third at Charleston, and a fourth at St. Louis.

[THE SECURITY OF OFFICERS.]

Section 7th requires of officers satisfactory bonds, and their renewal from time to time.

Section 8th requires officers who have already given bond, immediately to give additional bonds, and renew from time to time.

[CHECKS UPON OFFICERS.]

Section 12th authorizes the Secretary of the Treasury to cause examinations of books, accounts, and moneys in the depositories, by agents, and requires the examinations to be particular and full.

Section 13th, in addition to the checks provided in the 12th section, enjoins naval officers, surveyors, registers, directors, and superintendents, as checks upon collectors, receivers, and treasurers, respectively, to examine and report the condition of the books, accounts, returns, and money on hand, in each case, to the Secretary of the Treasury, quarterly, and as much oftener as he may direct.

[SALARIES OF OFFICERS.]

SEC. 24, fixes the salaries of receivers and treasurers of the mints at $2,500 each, except at New York, which is $4,000, and provides for their payment quarterly, prohibiting the receipt of perquisites on pain of fine or imprisonment.

SEC. 14, allows to officers keeping and disbursing the money, their expenses for obtaining vaults, safes, &c. transferring and disbursing public money, with clerks' hire, not exceeding ten clerks in all, whose salaries together shall not exceed $8,000.

[PREPARING OFFICES, PERMANENT AND TEMPORARY.]

SEC. 26, appropriates $10,000 for erecting offices at Charleston, if rooms cannot be fitted up in the custom-house now there, and for the office at St. Louis.

SEC. 18, provides for obtaining temporary rooms, &c. till the permanent, required by this act, are finished.

[PROHIBITING RECEIPTS AND CHECKS FROM BEING TRANSFERABLE.]

SEC. 23, requires the Secretary of the Treasury to adopt such means as will require Government drafts to be speedily presented for payment at the places designated, and prevent their being used as paper currency.

SEC. 25, authorizes the United States Treasurer to receive payment for lands and give receipts, which shall not be assignable.

[AUTHORIZING PAYMENTS IN CERTAIN CASES TO THE DEPOSITORIES.]

SEC. 16, authorizes marshals, district attorneys, and other persons having public money to pay to the United States, and patentees, to pay to the Treasurer or receivers-general, and take receipts or certificates of deposite.

[AUTHORIZING THE WITHDRAWAL OF DEPOSITES THAT ARE NOW IN BANK.]

SEC. 15 directs the Secretary of the Treasury, so soon as safety and convenience will permit, to draw the public money from the present depositories and place it in the new.

[APPROPRIATING MONEY AND REPEALING LAWS.]

SEC. 28 repeals conflicting laws.

SEC. 27 appropriates the money which is authorized by the bill.

This is the bill, and these are its principles, to my mind, so clear as to be comprehended by all who desire to understand. It has been called by the gentleman from Massachusetts, [Mr. CUSHING,] the distinctive measure of the present Administration. I admit this; and the first principle in the measure—that the public money shall not be used for private purposes—is distinctly avowed by the President in his message of 1838, page 10, when, in speaking of the Sub-Treasury, he says:

"The Secretary of the Treasury will lay before you additional information, containing new details on this interesting subject. To these I ask your early attention. That it should have given rise to great diversity of opinion, cannot be a subject of surprise. After the collection and custody of the public moneys had been for so many years connected with, and made subsidiary to, the advancement of *private interests*, a return to the simple and self-denying ordinances of the Constitution could not but be difficult. But time and free discussion, eliciting the sentiments of the people, and aided by that conciliatory spirit which has ever characterized their course on great emergencies, were relied upon for a satisfactory settlement of the question. Already has this anticipation on one important point at least—the impropriety of diverting *public money* to private purposes—been fully realized."

These sentences are the very essence of the 17th section of the bill, and deny the use of the public money for private purposes, as well to banks and bankers, as to officers and other individuals. It is against this principle the Opposition have arrayed all their artillery.

It is true, they are afraid to come out and claim the right to tax the whole American people, and give the revenue thus raised to be used by the banks, for the private advantage of the stockholders, who constitute less than one-fifth of the whole population; yet this is the object for which they contend, and they seek to arrive at it by indirect means. Has it not been, and is it not now, a settled, organized effort on the part of the Opposition in this House, and the leaders of the party throughout the country, to find fault with General Jackson's administration—to reflect odium upon the present, and to take exception to every act of Mr. Van Buren, even in the discussion of this bill, and render him odious in the eyes of the American people—prostrate his administration—thrust themselves into power, and when in, to recharter another National Bank—give it the public money, and receive its paper, and that of other banks, into the Treasury? By this, the stockholders of these institutions throughout the country, as I shall hereafter show, would again be enabled to make their millions upon millions from the use of the money collected from the people. What are their arguments? Has it not been urged by the leaders of the Opposition, here and elsewhere, that the banks are the people, and that this measure is an attack upon them? What is this but saying that the country depends upon the banks, and if you refuse them the use of the public money, either on deposite, or by receiving their paper in payment of public dues, you are waging a war of extermination against them, and ruining the country? Did not the whole argument of the gentleman from Massachusetts, [Mr. CUSHING] as well as of every other gentleman who has spoken in opposition to the bill, resolve itself into this? Again and again they have urged that every interest in this country depended on commerce and manufactures, and that these depended on bank credit; that bank credit rested upon the connection of the banks with the General Government; that this measure destroyed the banks and prostrated their credit, by which commerce and manufactures were ruined, agriculture injured, and the price of labor reduced. This whole theory is false, as I shall show when I come to examine the objections urged against the bill; but it tends strongly to prove the influence the banking institutions have already obtained in the country. As these are the claims set up for those institutions, it may be well to examine their extent and number, and how they have increased in the country. For this purpose, I have prepared with some care from public documents, in the possession of Congress, a table showing the population, commerce, and revenues of the country; also, the number of banks, their circulation and capital, with their specie basis, from the first census in 1790, each census or ten years, up to and including the present year, with the increase of each, during the same period; and also, the number of joint stock banks in England since 1826, and of Ireland since 1834. The dates and amounts are from authentic documents, except the population and commerce of this year, which are estimated merely, and are favorable in this comparison to the banks.

Number and date of each census	Population	Increase per cent.	Foreign commerce	Increase per cent.	Aggregate of population and commerce	Revenues of the General Government	Increase per cent.	Number of banks	Increase per cent.	Joint stock banks in Ireland after 1834	Increase per ct. in England	Joint stock banks in England after 1826	Broken banks	Increase per cent.	Specie held by banks	Increase per cent.	Bank capital	Increase per cent.	Bank circulation
From 1790 to 1840													221	1 to 7¼					
1790	3,929,827		$43,205,156		311	$1,903,709		4					165		$2,000,000		$2,550 000		$2,500,000
1800	5,305,925	36	162,224,548	275	32	10,699,558	458	28	600				56		10,000,000	400	21,350,000	752	10,500,000
1810	7,289,814	38	152,151,974	6	29	8,603,188	23	89	218						15,400,000	54	52,401,410	142	28,100,000
1820	9,638,131	33¼	144,141,669	4¼	25	15,150,125	76	308	257						19,820,240	28	137,110,611	160	44,863,344
1830	12,055,050	25	144,726,428		63	24,844,116	64	385	20						22,114,917	12	145,192,268	6	61,323,898
1840	15,000,000	25	200,000,000	38	63	18,000,000	33	850	120						33,100,000	50	358,400,000	147	106,900,000
	3 to 1		3½ to 1				8¾ to 1	211¼ to 1			6¾ to 1		1 to 7¼		15½ to 1			142 to 1	
										13		102							41⅓ to 1

NOTE.—From Mr. Gallatin's report in 1830, there had been one failure for two and a half, or two-fifths of the number at that period. From Mr. Woodbury's report, 1840, there had been one failure for fifteen, or one-fifteenth of the whole number. From 1790 to 1840, total number of banks, 1,664; failed, 221, making one failure for 7¼ solvent banks, exclusive of suspensions.

An examination of this table will show that paper circulation has continually increased, faster than the specie of the banks, which is, and should be, its only true basis. Not only this, but it will be seen that this paper currency has increased, from the commencement of the Government, more rapidly than the population, the commerce, or the revenues of the country, and more than all these put together; also, that the number of banks, bank capital, and consequently bankers, has not only greatly exceeded the increase of their specie, but every thing else, and indeed all other interests put together. It will also show that this increase does not depend upon a National Bank, or great regulator; for in England and Ireland, (where there are Government banks,) the local banks, within the last ten years, have sprung up as rapidly as in this country. Here, at one view, you have the rapid increase of the banking interest in this country, which outstrips every thing else. Within fifty years, it has grown so strong as to claim, and the friends of the system in this House declare, that the day laborer, the mechanic, the artisan, the farmer, and in short all other pursuits, depend for prosperity and protection upon allowing these institutions, and this class, the use of the public money, which is collected from all, and should be applied by the Government only for the benefit of all. If a doubt could exist that this is the doctrine of the party opposed to the bill under consideration, reference to the journals of 1838 would remove it. I have them before me, and confidently appeal to them to sustain my position.

In this House, July 3, 1838, when the bill from enate to modify the deposite act of 1836 was under consideration—see Journal, page 1226—

"A motion was made by Mr. Campbell of South Carolina that the said bill be committed to the Committee of Ways and Means, with instructions so to amend it, as to provide that the Government deposites shall not be used for banking purposes. A division of the question on this motion was called for by Mr. Stuart, (Whig,) the question to be first put on so much as proposes to commit, and then on the instructions. And on the question, shall the said bill be committed to the Committee of Ways and Means? It passed in the negative, yeas 97, nays 111."

After giving the names of the members who voted for and against the commitment, the Journal, page 1227, adds: "The question on the first member of the motion being decided in the negative, the second member fell of course." Here the very question of giving the use of the public money to the banks was directly made, but could only be voted upon in connection with the question of commitment. By a division of the question, which was demanded by a member of the Opposition, they evaded a direct vote on the main proposition. The journal shows that all the Democrats, except one, voted for the commitment, which was an expression equivalent to refusing the use of the public money to the banks; and the Opposition members, except two, voted against the commitment, which was equally as clear an expression in favor of letting the banks use the public money, and was decisive of the way each party would vote upon the main question, as appeared afterwards.

Page 1229, upon the following proposition, viz:

"*And provided also*, That nothing contained in this act shall be so construed as to authorize the use of the Government deposites for banking purposes;"

The vote stood thus—yeas 101, nays 101.

Those who voted in the affirmative, were:

Messrs. Adams, H. J. Anderson, Andrews, Atherton, Banks, Beatty, Bierne, Bicknell, Birdsall, Bouldin, Brodhead, Bronson, Bynum, Cambreleng, J. Campbell, Chaney, Cleveland, Coles, Connor, Craig, Crary, Cushman, Dawson, DeGraff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, L. Fletcher, Foster, Fry, Gallup, Glascock, Grant, Grantland, Gray, Griffin, Hammond, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, Hunter, Thomas B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Leadbetter, Lewis, Logan, Lyon, Mallory, James M. Mason, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Noble, Ogle, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Plumer, Potter, J. H. Prentiss, Reily, Rhett, Richardson, Rives, John Robertson, Sawyer, Sheffer, Augustine H. Shepperd, Snyder, Spencer, Stuart, Taylor, Thomas, Thompson, Titus, Towns, Turney, Vail, Wagener, Webster, T. Whittlesey, Jared W. Williams, Worthington, and Yell.

Those who voted in the negative, were:

Messrs. Alexander, Heman Allen, John W. Allen, Aycigg, Bell, Biddle, Bond, Borden, Briggs, Wm. B. Calhoun, John Calhoun, W. B. Carter, Casey, J. Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, Richard Fletcher, James Garland, Rice Garland, Goode, James Graham, Wm. Graham, Graves, Grinnell, Hiland Hall, Hamer, Harlan, Harper, Wm. S. Hastings, Hawes, Henry, Herod, Hoffman, Henry Johnson, Wm. Cost Johnson, Kennedy, Kilgore, Legare, Lincoln, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Patterson, Pearce, Peck, Phillips, Pope, Potts, S. S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgeway, Edward Robinson, Rumsey, Russell, John Sergeant, Shields, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Tillinghast, Toland, Underwood, Albert S. White, John White, E Whittlesey, Lewis Williams, Sherrod Williams, Wise, Word, and Yorke.

The House being equally divided, the Speaker voted with the yeas, and the question was decided in the affirmative.

In this vote upon the naked proposition, every Democrat but one, was in favor of the amendment and against letting the banks use the public money, and every Opposition member except five was against the amendment, and in favor of permitting the banks to use the public money. These votes clearly show that the Democrats, who support the Sub-Treasury then as now, oppose the use of the public money, for private purposes, and they as clearly show, that the party then, as now, which opposes the Sub-Treasury, is in favor of using the public money for private advantage. I now refer to the same journal to show the extent to which the Opposition are willing the public money shall be used. Page 1225, the following proposition came up, and was voted upon:

"*Provided further*, That no bank shall be used as a depositary which shall not at all times keep on hand a quantity of specie at least equal to the proportion of one dollar of specie for every three of its liabilities."

And, on the question that the House do agree to this motion, it passed in the negative—yeas 86, nays 114.

Every Democrat except one voting in favor of the amendment, and against the bank issuing more than three dollars in paper for one in specie, and every Opposition member except one, voting against the amendment, and in favor of the banks issuing more than three dollars in paper for one in specie, which they possessed. Page 1228, another proposition of the same character came up, and was voted upon as follows:

"*Provided, however*, That no bank shall be a depository of the moneys of the Government, which shall not keep in its vaults one dollar in specie to every five of its liabilities."

It passed in the negative—yeas 91, nays 109.

Those who voted in the affirmative were:

"Messrs H. J. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Brodhead, Buchanan, Bynum, Cambreleng, John Campbell, Chaney, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Dawson, Davee, De Graff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, Isaac Fletcher, Fry, Gallup, Glascock, Gray, Griffin, Hammond, Hawes, Hawkins, Haynes, Holt, Hubley, Thomas B. Jackson, Joseph Johnson, John W. Jones, Keim, Kemble, Leadbetter, Dixon H. Lewis, Logan, Mallory, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Samuel W. Morris, Noble, Ogle, Parker, Parris, Paynter, Pennybacker, Petrikin, Plumer, Potter. J. H. Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheffer, Augustine H. Shepperd, Snyder, Spencer, Taylor, Thomas, Thompson, Titus, Towns, Turney. Wagener. Webster, Jared W. Williams, Christopher H. Williams, Worthington, and Yell.

Those who voted in the negative were:

Messrs. Adams, Alexander, H. Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, Bronson, W. B. Calhoun, J. Calhoun, Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, R. Fletcher, Fillmore, Foster, J. Garland, R. Garland, Goode, J. Graham, W. Graham. Grantland, Graves, Grinnell, Hall, Hamer, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Hopkins, Howard, Jenifer, H. Johnson, W. C. Johnson, Kennedy, Kilgore, Legare, Lincoln, Marvin, S. Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, C. Morris, Naylor, Noyes, Patterson, Pearce, Peck, Philips, Pope, Potts, S. S. Prentiss, Rariden, Randolph, Reed, Ridgeway, Robertson, Robinson, Rumsey, Russell, Sergeant, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Tillinghast, Toland, Underwood, A. S. White. J. White, E. Whittlesey, L. Williams, S. Williams, Wise, Word, and Yorke.

On this last proposition, every Democrat, except two, voted in favor of the amendment, and against the banks issuing five dollars in paper for one of specie, in their vaults; and every Opposition member, except six, voted against the amendment, and in favor of allowing the banks, having the public money, to issue more than five dollars in paper for each dollar they held in specie. From these votes it is clear that the Democrats were opposed to bankers using the public money. They are now in favor of the Sub-Treasury bill, which prevents officers, as well as all others, from using it. The same votes show that the Opposition were in favor of bankers using the public money, with the greatest latitude, and are now opposing a law which would prohibit officers and all others from using it for private purposes.

The question involved in these votes is the very same contained in the 17th section of the bill, and in the language of President Van Buren, above quoted: all of which plainly shows that the Opposition here, and their leaders throughout the country, maintain that it is right to allow the money collected for public purposes to be used for private advantage, which is nothing short of taxing the many for the benefit of the few.

There is one other important fact developed in these votes which I will here notice. The gentleman from New York [Mr. MARVIN] spent an hour and a half yesterday in examining General Jackson's policy in relation to the deposite banks, and the inducements held out by him and his officers to these institutions to extend their circulation. To these inducements he attributed the suspension of 1837, and claimed that the whole system had resulted as the prominent men of his party had predicted it would. After all this, and when these banks failed to meet the public expectation; and, to use the language of General Jackson, as the member quoted it, when they had *turned traitors*, and proved themselves as worthless as had been foretold of them, even after all this, these votes show that the Opposition, and the gentleman from New York amongst the number, were willing, in 1838, to give to these same banks the use of the public money. They were even willing, with all this knowledge before them, to go further than had been gone before, and authorize the banks to issue more than five dollars of their paper for every dollar in specie which they held; putting it into the power, and even authorizing the stockholders, out of the people's money, to make more than thirty per cent. per annum, whether they should redeem their own notes or not. This is the relation of the gentleman and his friends to this matter, which he managed with so much address; the result of which, like most of the arguments used against the bill, was not to meet the question directly, but to reflect odium, if any could be created, from Gen. Jackson's administration upon Mr. Van Buren's, and thus, if possible, prejudice the Sub-Treasury. This is a fair specimen of the course of the Opposition here and their leaders elsewhere. How do they stand when the whole matter is examined? And how should it be viewed by the country?

I proceed now to consider the second principle contained in the bill—the kind of money to be received and paid out. And, first the kind to be received: this is defined by the 19th and 22d sections. To avoid any inconvenience which might arise from a sudden change, these sections authorize the revenue, up to certain periods, to be received in certain proportions of gold and silver and the paper of specie paying banks; and after the 30th of June, 1843, require all the public money to be received in gold and silver only, prohibiting the Secretary of the Treasury from making any difference in the kind to be received from different sources. In the first place this principle has high precedent for authority. The first Congress that met under the present Government in 1789, in the first law passed relating to the revenue of the Government, made this provision: "SEC. 30. And be it further enacted, that the duties and fees to be collected by virtue of this act, shall be received in gold and silver coin only," and proceeded to fix the value of foreign coins to be received. Here is the opinion and legislation of the framers of the Constitution, many of whom, and the most prominent, were in that Congress. This law was departed from by Mr. Hamilton, who afterwards became Secretary of the Treasury, in direct violation of his duty, which was acquiesced in by the subsequent Congress.

Secondly, gold and silver is the legal currency recognised in the Constitution, and therefore no constitutional objection can be raised to refusing bank paper for public dues. Besides this, it cuts off one powerful means of consolidation and legislative action in the General Government which has been so rapidly increasing. The very moment the General Government authorized the receipt of bank paper for public dues, it became necessary for Congress to be advised of the condition of these institutions; and with it Congress commenced legislating in relation to them. As their numbers and importance increased, legislation increased, until, for more than twenty years, a large portion of the action of the Government has been directed to these institutions. By this, the legislation of Congress is locked to with more interest and importance, than that of the States where the banks are located. This has tended to, and is, rapidly absorbing the States and the power of the people through their own Legislatures; and consolidating the whole into the General Government. By refusing the paper of the State banks you destroy this tendency, and take away the necessity and power of the General Government over them and their business, this leaves them exclusively with the people and the States which created them, as they ought to be. If the banks are the people, as they and their advocates upon this floor claim they are, let the people regulate them through the State Legislatures that chartered them, where they will be more immediately under the control of the people. Let them not now say, the people are unable to control, support, and regulate them. Let them not say that their support and existence depends upon the General Government receiving their paper for its dues. Let them not say that Congress alone can control and regulate them through a great National Bank. Let not the banks claim an advantage which cannot be extended to any other portion of the people of the States, by having the Government receive their paper for its dues; and let them not set at defiance the power of the Legislatures where they exist, and commit treason against their creators, in seeking a regulation from the Federal Government; but let them remain in their proper sphere, upon an equal footing with all other classes of citizens. By this, all improper dependence on the General Government, and influence on its action will be destroyed, and the General Government deprived of the power to injure or improperly influence them.

Thirdly, by receiving gold and silver only, it is that you can effectually prevent one class, the bankers in this country, from using for their own individual gain the public money collected from all other classes. Hence the admission of the gentleman from Massachusetts [Mr. CUSHING] that it was not so material where the money was kept, as the kind in which it was received. All perceive and admit, that if the public money is deposited with banks, bankers can, and do, calculate how much paper they can issue, predicated on those deposites, being liable, however, so far as their responsibility is worth any thing, for the amount deposited. Banks never issue, or circulated, one dollar of their paper, whether they have suspended or not, without receiving interest for it, at not less than six per cent. per annum. Now if the Government receives their paper, the banks get their interest from some quarter, on the amount used by the Government, and have to this extent a greater circulation, and therefore the more gain; and they have the credit which the Government, in receiving their paper, gives to their institutions, to still further increase their circulation. In addition to these advantages, and perhaps greater than all, bankers can calculate, with the same certainty, the amount of their paper which will be used by the Government, in any given period, as the Government can, how much it will receive, and for the amount used by the Government, they know they will not be run upon; therefore the amount used by the Government becomes to the banks a predicate or basis on which they can increase their issues, precisely as they could upon the same amount actually deposited; with this additional advantage, that there is no liability for deposites. Here you have at once the reason why the whole banking interest of the country, is opposed to the Sub Treasury. All the banks, whether you have a great National Bank or not, are alike interested and affected, by having the revenue received in bank paper instead of gold and silver. And it is equally clear that you cannot effectually prevent banks from reaping private advantage from the public money, without receiving gold and silver only.

Fifthly, it leaves the Government in the same situation as the citizen, in not being compelled to receive any kind of money, which may be offered, or which those with whom it transacts business may choose to put upon it. Would any man agree, that the constitutional provision which makes nothing but gold and silver a legal tender, should be taken away and leave him at the mercy of those with whom he deals, to be compelled to receive just such money as might be offered, without any power or discretion to refuse or to demand a different or better kind? No one would; and the absence of this provision, and of the discretion with which it invests one man as well as another, would be the end of all credit and internal commerce in this country. This right can be regarded or not by the citizen in each particular case, in his dealings; he may or may or may not demand gold and silver, (and he may of may not receive such money as is offered him) but he cannot be compelled to receive bad money, such as counterfeit paper or coin, nor notes of broken or worthless banks. Not so with the Government; it must act by universal rule or law, and what it receives from one it must receive from all. It cannot determine in each particular case, to accept or refuse, at discretion, what is offered, as the citizen can. Therefore, when you compel the Government to receive paper for its dues, you leave it without that power which the citizen possesses. And whilst it is compelled to receive paper, which may and does become worthless to it, yet it is compelled by the Constitution, if demanded, (and every person drawing money from the Treasury may require it,) to pay out gold and silver only. Now, I ask, is there any man who has so little regard for his country, as to desire to see its Government in a worse condition, as to its contracts and financial concerns, than he would be himself? To obviate this difficulty, as far as possible, when Congress authorized the receipt of paper for public dues, it invested the President and officers of Government with power over the subject, as well whilst the United States Bank was in existence, as under the State bank deposite system, and to that extent removed the control of the Treasury from the Government. For the truth of this, see the resolution of 1816.

Sixthly, it takes away all discretion from the President and his officers in regard to the Treasury of the United States, and cuts off this source of Executive patronage. They can neither alter the kind of money to be received, the place where it is to be kept, nor the class of officers of Government who are to be charged with its custody. It leaves the whole matter exclusively under the control of Congress, which has not been the case since the Government became connected with the first United States Bank in its fiscal operations.

Seventhly, it leaves the Government in complete possession and control of its own means, in war and in peace, without being liable to have its funds influenced by the banks, or rendered unavailable by suspension, as it has heretofore been, and as it was more especially by the suspension of 1837.

Eighthly, it prevents losses to the Government by depreciated bank paper, which, heretofore, by the report of the Secretary of the Treasury, document No. 10, to this session, has amounted to $34,974,722, an ambunt greater than from any other source, as appears from the statements of Government losses hereafter exhibited.

Ninthly, it will, in connection with the compromise act, which, after 1842, takes away credit from importers, more effectually than any other means protect manufacturers and the country against excessive importations of foreign merchandise, by requiring the importers to provide for paying their duties before they dispose of their goods; and, also, prevent losses to the Government on duty bonds, which has, by the estimate of the President, in his last message, already been greater than from any other source except on bank paper. Next, as to the kind of money to be paid out by the Government; this is defined by the 20th and 21st sections of the bill. This is a new feature, not contained in any law or regulation for disbursing the public money, that has heretofore existed, and must prevent Government officers, agents, and others, from speculating on the Government funds, at the expense of the Government creditor. It enforces now, as a duty, on the Government and its officers, in all cases of paying out money, that which before has only been done when imperatively demanded. It returns to the people again for circulation the same kind of currency which has been collected from them; and as every contractor or officer of the Government receives his dues in gold and silver, every other citizen dealing with them will have a right to expect and receive the same kind of pay in return; and thus it sends back into circulation, amongst the people, the same kind of currency which has been collected from them. Why this should be an objection, it seems hard to perceive.

I proceed now to examine the third principle of the bill—the places or locations where the public money shall be deposited, and under whose immediate control.

First, the places of deposite. They are fixed by the 1st, 2d, 3d, and 4th sections of the bill at Boston, New York, Philadelphia, Charleston, and New Orleans, the greatest commercial points in the Union, where the greatest amount of money is received into the Treasury from duties; and at St. Louis—the central and most convenient point to all the States, where money is received from public lands, together with Washington City, the seat of Government.

These places are most convenient for receiving and paying out for every section of the country. By this arrangement of location, it can never become necessary to transfer very large sums of the public money from one section of the Union to the other. To illustrate this, all the money received from public lands will be needed and paid out in the Western States; and hence St. Louis, for the convenience of all those States, is the most central and proper; and so of all the other points or places fixed by the bill.

Secondly, the persons under whose immediate control the public money shall be kept. These are pointed out by the 6th, 9th, 10th, and 11th, sections of the bill; and they make every officer receiving public money, whether one dollar or millions, the moment it comes in his possession, chargeable with it as public funds alone, distinct and separate from his own private means, and as such, whilst it remains in his custody, to be retained by him as public money only. It makes another set of officers, seven in number, (three of whom already exist, and four to be appointed,) the keepers of the money at the Treasury of the United States, (and each of the other points or locations fixed by the bill,) from the time it is received, until it is paid out. It would be difficult if we were disposed to look at these provisions, free from partisan feelings, to discover objections to them; and yet in nothing have the leaders of the Opposition labored so hard, and perhaps with better success, than in striving to abuse the public mind on this point, and thereby prejudice the whole measure. I am ready to admit that under all Governments, and also, under our own, from its commencement to the present time, losses have been sustained by public officers. But what kind of officers were those? They have been, and are the officers who receive, and the officers who pay out the public money, and not the officers who merely keep it? Can, or does any Government on earth manage its public money, without receiving and disbursing officers; and can ours? Certainly not! England and France, which have been held up by the Opposition as patterns in financial matters, have these officers, although they have their Government banks. And could, or did this Government, dispense with those officers [to receive, and pay out the public money,] when it had a National Bank? It could not, and it did not. Neither of the United States Banks in this country, ever received or paid out the public money. Nor do, or can the Government banks of other countries. This Government from its commencement has always employed its officers, and through them, losses have been sustained, whether a National Bank or a State bank, or neither, kept the public money. To show this, I have prepared the following table from the report of the Secretary

A TABLE showing the amount of money received and paid out during each Presidential term, and including three years of Mr. Van Buren's administration, exclusive of public debt; the amount lost by receiving and disbursing officers during each term, including three years of Mr. Van Buren's administration; the average number each year of officers employed in receiving and paying out during each term; the average number each year of defaulting officers who received and paid out during each term, and the aggregate ratio of loss per $100 to the aggregate received and paid out during each term, and including three years of Mr Van Buren's term.

PRESIDENTIAL TERMS.	Am't received and paid out.	Amount lost in receiving and paying out.	Average No. of officers.	Average No. of defaulters.	Loss per $100.
General Washington's first term, from 1789 to 1792, inclusive	$11,848,979 95	$4,889 13	264	1	13
General Washington's second term, from 1793 to 1796, inclusive	34,725,702 63	40,583 03	482	4	271
John Adams's term, from 1797 to 1800, inclusive	55,323,998 61	421,716 52	682	22	1 55
Thomas Jefferson's first term, from 1801 to 1804, inclusive	66,750,626 89	90,633 47	722	17	394
Thomas Jefferson's second term, from 1805 to 1808, inclusive	86,354,695 33	399,849 40	699	43	1 03
James Madison's first term, from 1809 to 1812, inclusive	77,235,820 49	631,090 85	961	63	1 73
James Madison's second term, from 1813 to 1816 inclusive	196,538,008 47	1,304,692 43	2,343	138	1 22
James Monroe's first term, from 1817 to 1820, inclusive	153,138,089 46	1,607,175 59	1,756	275	2 47
James Monroe's second term, from 1821 to 1824, inclusive	118,416,318 57	1,240,447 78	1,183	129	2 51
John Quincy Adams's term, from 1825 to 1828, inclusive	140,693,592 83	517,119 29	956	44	96
Andrew Jackson's first term, from 1829 to 1832, inclusive	163,315,432 47	839,947 53	993	21	36
Andrew Jackson's second term, from 1833 to 1836, inclusive	223,602,399 72	444,947 53	1,132	25	41
Martin Van Buren's three years, from 1837 to 1839, inclusive	162,200,000 00	1,066,000 00			65

NOTE.—Total amount received and paid out from the commencement of the Government, $1,489,368,115 62; total amount lost in receiving and paying out, $8,061, 123 37.

of the Treasury, made to this session of Congress, except during three years of the present term, which is made up from the President's message, and other reports of the Secretary of the Treasury.

I have not been able to show the number of officers employed in receiving and paying out the public money, nor the number who have been defaulters since Mr. Van Buren's administration commenced. But by this table it appears that, although one of the largest defalcations has occurred, through a receiving officer, since 1836, that has probably occurred since the organization of the Government, yet the amount lost in this instance, compared to the whole amount received and paid out, is less than in any other period of the same time, from 1804 up to 1828. It shows that, in every Administration, these officers have been employed; that their numbers have increased, as the amount of money received and paid out increased, and that losses have been sustained through them: and it also shows that the number of receiving and disbursing officers employed, the number of defaulters, and the amounts lost to the Government by them, were as great, and even greater, whilst the Bank of the United States kept the public money, than at any other period, except during the last war with England, when the amount received and paid out required a greater number of disbursing officers before or since.

The same reason has existed during the present Administration (in the Florida war) to increase the number of this class of officers; yet it is said, and I believe truly, that no officer appointed by President Van Buren has defaulted. He who failed to the largest amount (Mr. Swartwout) was appointed collector during the existence of the United States Bank, and some two or three years before the deposites were removed.

It then being the fact that this Government, like all others, has been, and is compelled, whether in connection with banks or not, to have officers who receive, and officers who pay out the public money, is it not unfair to charge failures which have occurred through these officers, to the proposed system, which has not yet become a law? Is it not disingenuous thus to attempt to prejudice and defeat the present bill? All that is said upon the subject by the Opposition, is wide of the question and character of depositories, or officers who merely *keep* the public money from the time it is received until paid out.

There has been no practice in this Government that approaches so near to this point, and that so fairly illustrates the keeping of the public money by an officer of the Government, selected from amongst the people, as a mere depository, distinct from the character of one who receives, or one who pays out, as that of the Treasurer of the Mint of the United States and its branches. This practice or experiment is favorable to the system proposed by the bill.

The following table, prepared from authentic documents, exhibits the extent of the depository with these officers:

Coinage of the Mint of the United States at Philadelphia, from 1793 to 1840:

Gold - - -	$26,100,782 50
Silver - - -	53,119,571 90
Copper - - -	890,904 19
Total in 47 years,	$80,109,258 59
Being each year	$1,704,452 31.

By this, it appears that, during the period of forty-seven years, the sum of eighty millions one hundred and nine thousand two hundred and fifty-eight dollars and fifty-nine cents, equal to one-sixteenth part of all the money received and paid out by the Government for the same time, has been under the keeping of the treasurer of the mint; and averaging each year the sum of one million seven hundred and four thousand and four hundred and fifty-two dollars and thirty-one cents. This amount has passed through the hands of the treasurer without any defalcation. With this experience, will it be pretended that, from among the mass of American citizens, persons cannot be found, honest and capable to take charge of and safely keep the revenues of the Government from the time it is received until paid out? Or that these men, are not as honest and as capable, as bankers and bank officers, such as cashiers, clerks, and tellers? It seems to me a negative would amount to bold assertion. These, then, are the persons who, by this act, are to have the immediate charge and keeping of the public money, from the time it is received until paid out, instead of placing it in banks. The details necessary to carry out these principles, I will briefly consider, in answering objections to the system.

Having examined the principles of the bill, I now proceed to notice some of the prominent objections urged against it. And first, the one which has been most rung upon by the Opposition, from the very introduction of the measure, is the power it would place in the hands of the Executive, or the union of the sword and purse.

Every Opposition speaker brings in this as an objection. Now it has no existence except in the excited brain of an alarmist; and there is less probability, or even possibility, that it should grow up from this measure, than from the power heretofore vested in the President over the deposites, and in receiving the paper of the banks for public dues. But what has been the course of this party heretofore, when high responsible powers, intimately connected with the sword and purse of the country, were entrusted to the President? When difficulty was expected with England, from the Northeast boundary question, March 2, 1839, a law was passed which continued in force sixty days after the meeting of the present session of Congress. By this law, power was given to the President, virtually to declare war with England; and placed at his command, and under his exclusive control, the whole army, navy, and militia of the United States; and authorized him, in addition to these, to accept 50,000 volunteers, if he deemed them necessary. It also gave him the Treasury of the Government to raise [$10,000,000] ten millions of dollars by any means whatever, so that the interest should not exceed five per cent. and be redeemable after five years. This was uniting the power to declare war with the Treasury and the military force of the country, in the same person, and approached as near to union of sword and purse, as can well be conceived in this Government. Where were these objectors when that law was passed? The first, the greatest, and the most of them, were in this House and the Senate, where they are at present; and by reference to the House Journal, page 688, it will be found that but six of the whole number voted against that law; the others voting in its favor. And by reference to the Senate Journal, page 330, it will be found that not even one opposed it there. In the House, the vote was 197 for, and 6 against this power; in the Senate, 41 in favor, and none against it. Here these objectors who now are so much alarmed at what does not exist, were willing to place upon the records of Congress, to go down to posterity, the evidence of their confidence, that the President would abuse no power, however high, delicate or dangerous, that was entrusted to him. This declaration upon the journals was made at the very time this measure, now under discussion, was before Congress and the country, and when the same alarm had been sounded against it. Now, which should weigh most with the committee and the country—the opinion thus voted under the solemnity of an oath, or the declamation in speeches? The first I should take to be true, and the latter for effect; and both together as a fair specimen of the kind of opposition made to the bill.

Another objection is, that the bill establishes a National Bank. This is a strange one, coming from the quarter it does; for the idols of the Opposition are banks. None, I believe, however, except the gentleman from Massachusets, have attempted to point out in what part of the bill, this bank feature is to be found. He attempted to locate it in the 10th and 11th sections, relating to deposites, drafts, and receipts. The attempt was rather unfavorable for one of his abilities, and served to convince, as a careful examination of those and the other sections will, that no such thing exists. If it does, then every person who deposites his money in his own drawer, or gives a receipt for what is due him, is a banker.

Another objection is the power of transferring and paying by drafts. I have shown that the power over the kinds of funds to be received, and the place of keeping them, is taken from the President and officers of his appointing, and placed exclusively with Congress by the bill. But the use of drafts is indispensable, and has always existed and been exercised, whether one bank, or many, or none were used. And I was the more surprised to hear this objection made by the gentleman from Massachusetts, [Mr. CUSHING] who is so very intelligent on all subjects. When the Bank of the United States kept the public money, (as I have shown) you had disbursing officers, and a creditor of the Government could not go to the bank and obtain what he claimed as due, at discretion. Congress then, as now, appropriated the money, requisition was made on the Treasurer, the amount to be paid was audited, and the Secretary directed it to be paid. The Treasury draft was made for the amount, and the person obtained his money at the place directed in the draft or check. Heretofore, and whilst the United States Bank kept the money, these drafts or checks could be negotiated for any length of time, and in some instances were transferred from one to another; but the present law will prevent it. The receipt of District Attorneys and marshals, and certificates of patentees, authorized by the 16th section, are, without any prohibition, to no more negotiable than the certificate expressly prohibited by the 25th section, and a careful examination will dissipate all this attempt at bank-making for effect.

Another objection to the bill is, that it will make one currency for the Government, and another for the people. This objection assumes what Hamilton and his friends desired, and what the opponents of this measure are at least willing, if not anxious to admit, that the Government is one thing, and the people another; or, in other words, a strong Government, in which the power is far removed from the people. Now such is not the nature of the Government. It is of the people, for the people, and with the people; and has no existence or separation from them and their interest, and can have none. It receives its money from the people, and pays it to the people. It is every day receiving from, and every day paying back to them, and by this bill will be compelled to pay in the identical kind of money received. This objection is a perversion of fact, and seems to conceal one most important feature of the banking operation, which always made one kind of currency for commerce, and another for circulation among the people. When did the day laborer, mechanic, artisan, or farmer, receive any thing else, in his ordinary dealings, than paper of the State banks—$1, $2, $3, and $5, with occasionally a $10 or $20 bill? Never since the existence of the Bank of the United States in 1816; and when was this kind of bills used for commercial purposes? Never, and never can be. Even the merchants in the country, in the towns, or in the cities, who retail goods, and receive from the laborer and the farmer this kind of money, will not carry it with him any distance to buy goods, but exchange or transfer it in some way for drafts, checks, or better funds of some kind. This is effectually one kind of money for the great portion of the people, and another for that portion who are engaged in commerce. This has been, and is the greatest evil of the banking system in this country. By it credit has been attempted to be carried so far as to run it down to the smallest dealings; and to this end, it has inundated the country with small bills, from the circulation of which banks make their best profits, and have oppressed the least wealthy portion of the people, in every part of the Union.

Another objection is, that by exacting the revenue to be paid in specie, the revenues will be reduced. There is nothing more in this objection than in the others, except it tends to the adjustment of the revenues before 1842. Let it be remembered that at present more than one-half of the imported articles which come from other countries into this, pay no duties: of these, many are articles of luxury, of which the farmer and laborer do not partake so bountifully as others.

Some of those articles should pay duty for the purpose of protecting, so far as protection arises

from equal taxation, similar articles, the growth or manufacture of this country, amongst which are silks. The taxing system, since 1816, has been unequal, and has fallen heaviest on the day laborer and farmer, for whom these objectors all at once affect so much sympathy. After the 30th June, 1842, by the compromise act, the taxation will be reduced and equalized—the whole system of the revenue law will be reorganized. In this revision of the laws, duties can be so laid as to operate equally on all, and raise enough for the purposes of Government, and no more, and thereby return to the system adopted from 1789 to 1816.

Another objection is, that the bill enables office-holders to receive gold and silver; and this furnishes one kind of money for them and another for the people. This is like all other objections, without foundation. There never has been, and there cannot be a time, without altering the Constitution, when officers could not demand and have, gold and silver from the Government; and so with all other creditors; but the bill makes it imperative to pay to all, the same kind of money which is received. Who are these office holders? Are they above the people? This objection assumes they are, but the fact is not so. Officers of this Government are selected by, or appointed from amongst the people, and they and their families need support as others do; for money they must pay, and thus they send back into circulation what was received from the Government. If officers could live without eating or wearing, and hoard up their salaries, there might be some grounds for the objection;, but in this country it happens otherwise, and few who are either office holders or office seekers, lay up money by it. They too frequently spend all they receive and need more.

Another objection is, that the system will lock up, and keep from circulation, a large amount of specie, and thus reduce the circulation in the country.

This is like all other objections when exposed. The whole amount which passes through the Government is estimated this year at less than [$28,000,000,] twenty-eight millions. This is received and disbursed quarterly, and only one-fourth of the sum is required every ninety days, which is seven millions of dollars; and if nothing was going out, until the end of the quarter it would be ninety days in gathering, and at the end of that time be thrown out into circulation again. But the fact is, that the money is as constantly going out, as it is coming in, and cannot be kept from circulation even for ninety days, and certainly no longer; if any amount, certainly not more than [$5,000,000] five millions, can at any one time accumulate. And is this to outweigh the much greater objection there should be to giving the public money to be used by individuals for their own advantage? or is it as dangerous to liberty as the principle of taxing three-fourths for the benefit of one-fourth? Again, how does this objection comport with the practice of the banks, that now have and keep locked up from circulation more than one-third of all the specie in the country? The tendency of the objection, like every other, is evident, as well as its futility.

Another objection is, that the public money will not be secured by this system. This is an assertion without proof, for it has been admitted by Opposition gentlemen on this floor, upon other occasions, and is what all know, that the insecurity does not arise whilst the money is in the Treasury, but when it is coming in and going out—in being received and disbursed. That you cannot dispense with officers in these operations, I have shown; and have we greater insecurity from them than if the money was kept in banks? It will not be pretended that officers selected from among the American people may not, and will not, be found as honest and as capable to keep the public money in the same kind of vaults and safes, as banks, and their officers, such as cashiers, clerks, and tellers. Aside from the experience which the country has had from suspensions, by reference to the table, giving the number of banks, &c. it will appear that, from the commencement of the Government, of the whole number of banks, there have been failures, beside suspensions, of one for every seven and a half of their number—amongst these, the Bank of the United States, in 1819 and 1820 and in 1839, being as miserable as any other.

Now, I inquire, whether the same proportion in numbers of any other class of institutes or persons, whether merchants, mechanics, farmers, or professional men, have failed? An examination, I believe, will show that the entire failures amongst the banks, have been greater in proportion to their numbers, than of any other interest, pursuit, or class of persons, and shows that the public money, especially with the experience of the suspension of 1837, is not more safe with banks than with other persons, and meets the objection almost to demonstration, that the public money is at least as safe under the proposed system as it has been, or would be, with one or with many banks.

Another objection is, that it will force the specie out of the country, through commercial operations. This is incorrect. But in connection with the compromise act, after 1842, it will produce precisely the reverse. The credit heretofore allowed to importers, which ends in 1842, and allowing them, when they did pay, to do it in paper, tended greatly to increase the excess of imports. The importer need not make provision for paying his duties, but ordinarily could sell and raise his pay, before the credit on his bonds expired, pay his duties in such paper as he received and balance his account with specie, or other funds for a foreign market.

Thus the importer could raise his means in this country from his goods, whether he was a citizen or a foreigner, and the facility of doing this depended entirely on the amount of paper circulation. After paying his duties in such paper as he received, the balance could be converted into specie to carry with him, if a foreigner, or into something equally good; and if a citizen, to remit to the port from which he shipped. Every dollar thus sent away, took away so much basis of the paper circulation, and if the banks had in circulation three dollars of paper, for one dollar in specie, in their vaults, every dollar taken away in specie, reduced the paper circulation three dollars, because when the specie basis was removed, the paper had nothing on which to rest, and must necessarily be called in; when this operation was going on, it effected the country, as in the last three months of 1839, when there was drawn from this to foreign countries upwards of four millions of dollars, which was so much specie basis, and in the condition of the paper circulation in this country, compelled the banks to contract at least twelve millions, or many of them fail. Under the operation of this system after 1843, the importer will have to provide his duties in specie, before he lands his goods. If a foreigner, he will do this in the country from which he comes; if a citizen, he will do it here; but in either event, the amount of imports will be regulated by the specie basis of the country of each resident, and not by the paper circulation of this; thus, more than any and all other causes together, preventing excessive imports or fluctuations in this country, from commercial operations.

The last objection which I shall notice, is, that this measure is a war upon the banks, destructive to credit, and prostrates commerce, manufactures, agriculture, and labor. This has been much relied upon by the Opposition, and especially by the gentleman from Massachusetts. The objection is got up and urged, by assuming before the committee and the country, that the day laborer, the farmer, and the agriculturist, each depend upon manufactures and commerce—that these last are intimately connected with, and rely upon banks and bank credit—that these institutions, and their means to afford this credit, rest in allowing them a connection and influence with the Government, through the use of its money, in depositing with them or receiving their bills. It presents the relation in which the Opposition in this House, and their leaders throughout the country, place the different classes of interests and people in the United States, and the principles of that party. When analyzed, it amounts to what was asserted by the gentleman from Massachusetts, that the great paramount interests in this country, are commerce and manufactures, and makes the banks the grand lever which, by the power derived from the use of the public money, moves every thing else: withhold this *use*, and all is prostrate and lifeless. The error of the objection is in the assumption on which it rests. It is not true that either commerce or manufactures are the paramount interest of this country, or that their true prosperity depends upon the modern system of bank circulation. Where are our day laborers, mechanics, and artisans? Are they not found in the great importing cities, the towns and villages, upon the public works, on every hill, and in every valley of this fertile and variegated land?

And are not these in every country, but more especially in this, they whose productive labor is the nation's wealth? Where are the hardy fishermen upon your rivers and along your coasts, who draw subsistence for themselves and thousands of the human family from the watery element? Where are your woodsmen of the Northern and Eastern States, that furnish materials for your navy, and for export, from the forests. Where is the provision growing interest in the great Valley of the Mississippi, which supplies the deficiency in all other sections of the Union, besides other portions of the world, with the staff of life? Where is the agricultural interest proper, which in Maryland, Virginia, Ohio, and Kentucky, produce tobacco; and, in the more Southern States, vast quantities of cotton, which go abroad to equalize and pay the balance of your imports? Without the culture of cotton and tobacco, you would have nothing, comparatively, to pay or exchange abroad, and your ships remain useless, and your sailors unemployed. Without the provision growers in all sections of the Union, the people would go unfed: and the gold and silver which comes from South America and the West Indies, in return for exports of flour, beef, and pork, from Western Pennsylvania, Western Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri, would cease to find its way to the importing cities of Bost, on, New York Philadelphia, and Baltimore, there to constitute, as it now does, the basis of bank issues and of true commercial credit. And without the laboring classes spread over the Union, the importer and manufacturer would have no consumer of their goods, and no source from which to receive their profits.

A TABLE

Showing the annual exports of the agricultural, provision growing, manufacturing, lumbering, and fishing interests of the United States for ten years, commencing with the tariff of 1828, and ending 1838: also, bank profits for the same time.

Years.	Agriculture.		Provision growing.	Manufacturing.	Lumbering	Fishing.	Banks.
	Cotton.	Tobacco.	Farming.	Manufactured.	Forest.	Sea.	Bank profits.
1829	$26,575,311	$4,982,974	$12,273,053	$6,247,300	$3,681,759	$1,817,100	$10,693,080
1830	29,674,883	5,586,365	11,716,084	5,910,903	4,192,047	1,725,270	10,747,778
1831	25,289,492	5,892,388	17,079,553	7,842,675	4,263,477	1,889,472	14,084,565
1832	31,724,682	5,999,769	11,691,732	6,814,755	4,347,794	2,558,538	17,357,711
1833	36,191,105	5,755,968	13,725,246	7,256,571	4,986,339	2,402,469	15,989,090
1834	49,448,402	6,595,305	11,337,080	7,113,985	4,457,997	2,071,493	19,457,869
1835	64,961,302	8,250 577	11,838,085	8,567,580	5,397,004	2,174,524	21,909,830
1836	71,284,925	10,058,640	10,282,359	7,261,186	5,361,740	2,666,058	27,450,364
1837	63,240,102	5,795,647	14,821,845	8,995,368	5,472,313	2,711,452	31,506,942
1838	61,556,811	7,392,029	9,245,607	9,463,299	5,200,499	3,175,576	29,137,901

The above table prepared from the annual reports of the Secretary of the Treasury, shows the relative interests in this country, so far as exports and bank profits arising from loans and discounts, are concerned.

On examination I think it will be clearly shown, that although the bankers, who are made the pivot in this theory, are growing rich by the millions upon millions annually drawn from the people, yet neither they, nor commerce, nor manufactures, are, or should be, the first interest, either in point of numbers or importance in this country. But, of all others, the laboring and producing classes are, and will be, the greatest. What has been the legislation which this theory has given rise to? More than three-fourths of the action of Congress has been incident to, and a large portion for, it exclusively. On the other hand, where is the legislation for the day laborer? Whilst volume upon volume has been called for, to show the number, condition, and profits of bankers, no single line has yet ever been officially exhibited to this body, to show the number, condition, or wages of laborers. If the same pains had been taken to inform their behalf, as has been for bankers, so that by placing the two side by side, and showing how labor has been raised or depressed, as bank circulation expanded or contracted, the documentary facts would seal the lips of those who now profess so loudly in favor of labor. How has it been with the cotton interests? It is true, within a few years, the other growing interest forced itself upon your regard, when you were pressing your protective system to its utmost tension; but when has the tobacco and provision interests received any legislative protection at your hands? Even the silk-culture, that demands so loudly, has not yet been heard successfully. The laborers, the provision growers, and the agriculturists, have nature's aid in the formation of the country, and may be able to stand without special protection from Congress; but they cannot stand if you continue to legislate against them; and they have a right to expect and to demand that you will not continue to burden and grind them with heavy taxes in the form of duties. This has been the effect of this theory. The same month in which the Bank of the United was chartered in 1816, the taxes, under the name of protection were raised, and went on increasing every few years, until it could be no longer borne by the cotton growing States of the Union; and their resistance led to the compromise act of 1833, which, after 1835, began to operate by slight reduction.

For the purpose of showing the increased taxation and its progress with the Bank of the United States on this assumed theory of protection, I have prepared the following table, with the rate of duty imposed by each tariff since the organization of the Government, on a few articles, of most universal use, and especially by those classes that are said to be dependent on commerce, *bankers* and *manufacturers*. [See Table, next column.]

This table shows how the duties have been increased upon the articles given, since the first few years of the Government. It also shows how they have increased with the banking system, and especially since 1816, and great inequality since the departure from that system adopted at the commencement of the Government. It also shows that the heaviest duties are upon the lowest priced articles, and such as are mostly used by the day laborer, mechanic, artisan, farmer, and agriculturist. To bring home to each individual this indirect process of taxation, and to show how it operates, I submit the following examination:

Suppose one yard of cotton shirting or sheeting costs at the factory - -	6 cents	
The duty under the act of 1816	6¼ "	
Add carriage, &c. at 4 per cent on cost - - -	¼	13 cents
Add the profit of the importer or manufacturer which is always put upon the duty, as well as the original cost, and may be safely estimated at ten per cent. - - -	1¼	14¼
Wholesale dealers' per centage or profit may be safely estimated at five per cent. -	¾	15
Add retailers carriage, profit, &c. which may be safely estimated at fifteen per cent -	2¼	17¼

The average cost to the consumer being, as you have seen, 17¼ cents.

These profits are low and lower than a majority do business at, and yet all perceive that none of these persons lose any thing by the duty, but the last who buys for use. On the contrary each has the same profit on the duty, as on the original value of the article. The importer has more. If he manufactures or buys the artice abroad, and no duty be charged, he would have his profit of ten per cent. on the cost, (6 cents,) and carriage (¼ cent) only; but by charging the duty (6¼ cent) on which he has credit, from 4 to 12 months, without interest, he gets his profit of ten per cent. on it, just as he does on the original cost and carriage, and this without risk or investment.

It is still more advantageous to the home manufacturer, for he pays neither tax nor duty, and yet he sells at the same price, or higher than the importer. Remember the argument, in favor of the duty, is to prevent our manufacturer from being undersold.

What difference do these duties make in the price of articles purchased and used by the consumer? The answer is found in the following examination:

Take the same yard of sheeting or any other kind of cotton goods at its value of - - -	6 cents.	
Cost of transportation, 4¼ per cent,	¼ "	
	6¼	

A TABLE showing the per cent. of duty upon the import value or manufactured cost of certain articles in general use, under each tariff, since the organization of the Government, and extended to 1842.

Kind of Goods.	Cost per square yard.	Years in which different duties were laid from 1789 to 1833.																Years of reduction under act of 1833									
	cts.	1789	1790	1794	1804	1812	1816	1824	1828	1832	1833	1835	1837	1839	1841	1842											
		per ct.																									
Cotton. Sheetings, &c.	6 10	5	7½	10	15	27½	95	33⅓	45	50	50	44	41	38	27	20											
" Shirtings, &c.	8 20	5	7½	10	15	27½	95	33⅓	45	50	50	44	41	38	27	20											
" Checks,	12 35	5	7½	12½	15	27½	114	33⅓	45	50	47	44	41	38	27	20											
" Calicoes,	12 35	5	7½	12½	15	27½	114	33⅓	45	50	47	44	41	38	27	20											
" Chintzes,	20 35	5	7½	12½	15	27½	114	33⅓	45	50	47	44	41	38	27	20											
" Prints, &c.	15 35	5	7½	12½	15	27½	114	33⅓	45	50	47	44	41	38	27	20											
Woollen. Flannels -	25 45	5	7½	10	15	27½	78	33⅓	45	50	47	44	41	38	27	20											
" Baizes,	25 45	5	7½	10	15	27½	78	33⅓	45	50	47	44	41	38	27	20											
" Cloths,	25 45	5	7½	10	15	27½	78	33⅓	45	50	47	44	41	38	27	20											
" Kerseymers, &c.	25 45	5	7½	10	15	27½	62	33⅓	43	50	47	44	41	38	27	20											
" &c.	25 45	5	7½	10	15	27½	31	33⅓	25

as it has been carried on since 1816, is as effectually so, as if such a law was enacted and enforced. I therefore appeal to the candor of all, whether it is not a taxation of more than three fourths of the American people, for the benefit of less than one fourth; and if it is not rank injustice, which, if persevered in, must lead to oppression, or to resistance?

But this system has failed to protect the manufacturing interest of the country. The American people have acquiesced in the different tariffs, and purchased their goods, on which they have paid their taxes to the General Government in the manner I have shown, with a patriotic spirit and belief, that those tariffs were preventing the country from being inundated with British goods, and would enable the American manufacturer to sell at such rates as to prevent his being undersold and broken down by the importer of English fabrics. Such however has not been the fact, as will appear from the following table:

A TABLE Showing the aggregate Imports and Exports of the country under each Tariff. Also, the aggregate excess of Imports consumed over the aggregate Exports of domestic products for each period, from 1816 to 1838 inclusive, and of Gold and Silver from 1828 to 1838, also.

Under what Tariff.	Time inclusive.	Total years.	Aggregate imports.	Aggregate exports.	Excess of imports over exports.	GOLD AND SILVER. Agg. imports.	Agg. exports.	Excess of imp.
Tariff of 1816	1817 to 1824	8	514,102,563	436,197,398	77,905,165	28,672,602	11,592,191	17,080,411
" 1824	1825 to 1828	4	347,184,036	329,991,845	17,592,191	28,773,025	24,694,139	4,078,886
" 1828	1829 to 1832	4	474,470,881	439,576,749	34,894,132	28,773,025	24,694,139	4,078,886
" 1832	1833 to 1836	4	469,100,019	397,428,622	71,671,397	51,514,398	22,713,868	28,800,530
Compromise of 1833	1837 to 1838	2	220,309,059	191,598,235	28,800,824	28,963,530	14,723,224	14,240,306
	Total years, 22		1,745,266,558	1,456,431,849	288,863,709	197,953,485	71,871,633	65,351,952

This table is from facts reported to Congress, and tells more truths than any theory can. It is the experience of the past, by which is shown, that under each protective tariff, there was a much larger amount of goods imported from abroad, and consumed in the country, than all its products which were exported or sent out. It also shows that the higher the tariff was raised, the greater was the excess of imports over exports, and the more the country was getting in debt.

The balance in twenty-one years amounts to upwards of $288,000,000; and more than one-half of this accrued under the last protective tariff, and within five years. Add to this the excess of specie imported over what was exported from 1825 to 1838, and deduct from the whole excess the reasonable profit for carrying in American vessels, and the balance against the country, now unpaid, will be found about equal to all the debts of the States. Now, who pays this balance? It must come from the earnings of the laboring classes.

The following brief considerations show why the system has so operated. First, the facility of paying for foreign goods, and effecting exchanges abroad, through the State stocks, in connection with the Bank of the United States, as hereafter shown. Secondly, the credit which has been given to importers for their duties. This credit part of the system has superseded all other restraints laid upon importations, and has been equally disastrous to the Treasury. Through it heavy losses have been sustained by Government, as is shown by the following statement:

Losses of the Government since its organization.

BY OFFICERS.

In receiving and paying out the public money, from 1789 to 1840 - - -		$8,814,318 89
BY CONNECTION WITH BANKS.		
In receiving banks notes for Government dues, that depreciated, from 1789 to 1836,	$34,080,000	
In depositing with banks, from 1789 to 1836,	974,722	
In interest paid by the Government on account of the banks withholding deposites, since October, 1837, - -	542,707	
		35,597,429 00
BY IMPORTERS.		
On bonds taken for duties, from 1791 to 1840 - - -		28,442,956 67
Aggregate - -		$72 4,704 56

From this it appears that the losses to the Government, on bonds taken for duties, have been three times as great as by defaulting officers, and four-fifths as great as those sustained through banks. A third reason why the system has so signally failed, arises from the profit which the importer made on the duty charged, in connection with the credit allowed him, and the facility of paying in paper currency, as before shown. And a fourth reason, arose from the inflation of the paper circulation of the country. These considerations, I think, show this objection, like most others, better calculated to mislead than to enlighten. And I think I have also shown which is, and must continue to be, the important interest in this country, and that the system of high tariffs which has so signally failed to protect the country against excessive importations, has tended to such heavy and unequal taxation, that it should not be renewed; and that the paper circulation, as used in this country, has not, and cannot, even by giving to the banks the use of the public money, benefit the true commercial and manufacturing interests of the country. In doing so, I desire to be understood distinctly as not opposing the interests of any section of this country; but, on the contrary, as desiring the prosperity of all. But I oppose a system which leads to unequal legislation and oppressive taxation. In the bill now under consideration I see a preventative to such consequences by a system of fiscal operations provided for the Government. I see in it no war upon banks or bankers, but a simple resistance to their encroachments upon the rights of the laboring and producing classes, and a separation of those modern money making institutions, from the Government, and leaving them without any unjust advantages, to the use of their capital for true commercial and manufacturing purposes.

Having examined the principles of the bill under consideration, and the most prominent objections urged against it, I propose now briefly to examine the antagonist system—a Bank of the United States. There now remains no doubt that the Opposition party of this House, and their leaders throughout the country, are in favor of, and will, if they can defeat the present Administration, recharter another Bank, similar to those heretofore tried. Each member has for himself so avowed, and has entered into an examination of the merits of such an institution, in opposition to the present bill.

I shall not, however, now trouble the committee with any examination as to the constitutionality of such an institution, but confine myself to its expediency only.

When the names of great and venerated men, such as Washington and Madison, are introduced as authority in favor of such an institution, I desire the committee, and through them, the American people, to consider the circumstances under which these great and good men acted.

In 1791, under the present Constitution, this Government had a national debt of $75,463,476, which had been incurred in that arduous and protracted struggle of the Revolution, which resulted so gloriously in our independence. This debt had to be provided for; embarrassment and distress met the infant Government at its very inception, and taxed the ingenuity and patriotism of those who had persevered in the mighty conflict, and were still determined to struggle into greater political existence. Of these, no man had felt or suffered more than General Washington, and none more fervently desired to see the new born Constitution rise and live above the difficulties that had brought it into existence. The resources of the country were restricted, and the process of raising money for relief, by sales of the public lands, with the majority was deemed too slow, and a National Bank, in principles similar to the Bank of England, was the resort.

On the 25th of February, 1791, General Washington, after great deliberation, in which, no doubt, the embarrassed condition of his beloved country passed in anxious review, signed the charter for the first Bank of the United States. Its capital was $10,000,000, one-fourth of which was required (but was not done) to be paid in specie, and three-fourths in the national debt. The paper issued by the bank was received for public dues, and the money of the Government was deposited with it. Thus, the debt which the country owed, constituted three-fourths of the capital of the bank; on which the interest continued to run, but which became a basis for the issue of paper money. By this the Government had a means of borrowing paper money, which was increased through the bank, and was relieved from the immediate payment of that amount of the public debt which became bank capital. The creditor or holder of the Government debt continued to draw interest as before, and had the power to issue paper upon it, with the additional use of the public money. This was a most advantageous system to the stockholders, but afforded to the Government that temporary relief which it so much needed.

The charter of this bank expired March the 4th, 1811. At this time the resources of the country were greatly developed—the national debt much reduced—the Government relieved from its consequent embarrassment, and Congress, by the voice of the country, refused to recharter the institution. In 1812, the second war with Great Britain was declared, whilst Mr. Madison, another one of those great and good men whose memories Americans venerate, was President. This second struggle for independence increased the national debt, $68,574,764; and in 1816, the Government found itself again pressed down with the sum of $123,639,692. Mr. Madison found his country then, in precisely the same situation, that General Washington did in 1791, and from similar causes. The public lands had begun to fetch in some revenue, but still insufficient to meet the wants of the Government.

Under these circumstances, Mr. Madison signed the charter for the second bank, April 10, 1816. The capital of this bank, was $35,000,000; of which one-fifth was required in specie, and four-fifths authorized to be paid in the national debt, upon the same principles of the first bank; and like it operated to give the temporary relief so much needed. From

these facts as they are recorded in the history of this country, and found in Congressional documents, I ask the committee, and through it the American people, to remember, first, that neither of these banks was chartered until the Government was loaded with debt. I ask that it may also be remembered that neither England nor France, that have been held up to us as patterns, nor any other Government on earth, ever created a National Bank, without first having a heavy national debt. Secondly, that the debt of this Government in both instances constituted much the largest part of the capital of those institutions; such has been the case in England, France, and all other countries having National Banks. Thirdly, that this Government now has no such debt. It has virtually none. Its nominal debt cannot amount to $5,000,000, and probably not exceed two millions; and this arising from the suspension of the banks in 1837, and depositing the surplus revenue with the Sates. Now is it doing justice to the memories of Washington and Madison, the tenor of whose opinions throughout were in opposition to the banking system, to say, or suppose, if they were now present under such different and more favorble circumstances than those of 1791, and 1816, that either would be in favor of creating another National Bank; or that either would be willing to plunge this Government into a much larger debt than it has ever owed, for the purpose of making a greater bank capital than any that has heretofore existed? I think such assumptions an abuse of the memories of those great men. I have shown the system of taxation under different tariffs from the time the Bank was created, and the manner by which it and the other banks profited by the use of the public money, and will now examine what effect was produced upon commerce, manufactures, produce, labor, and the currency during its existence. For this purpose I have prepared the following table from the report of a committee appointed by this House to inspect the books and examine into the proceedings of the Bank, made in 1832.

EXHIBIT of the amount of specie drawn from each of the Southern and Western offices to the Bank at Philadelphia, and to the branch at New York, from 1819 to 1832, a period of twelve years:

Years.	Ohio. Chillicothe & Cincinnati.	Pennsylvania. Pittsburgh.	Maryland. Baltimore.	Dis. of Col'a. Washington.	Virginia. Richmond and Norfolk.	Kentucky. Louisville and Lexington.
1820	$29,568 10	$4,504 29	$41,635 38	-	-	-
1821	-	59,889 00	275,352 10	$26 355 94	-	-
1822	-	178,319 25	69,525 00	22,525 28	$23,957 31	-
1823	-	376,310 93	-	-	-	-
1824	-	195,804 06	376,631 88	-	100,355 33	$13,970 84
1825	301 00	125,879 39	304,198 00	30,000 00	50,000 00	200,000 00
1826	215,000 00	70,949 12	457,809 98	-	-	250,993 00
1827	103,071 00	-	499,100 50	-	70,231 12	199,992 00
1828	-	62,897 50	443,757 59	-	151 45	100,000 00
1829	54,175 47	14,429 20	200,000 00	-	27 34	232,808 16
1830	155,405 70	71,491 00	453,000 00	-	-	131,069 68
1831	-	-	200,000 00	-	180,000 00	180,000 00
$557,521 27	$1,160,473 74	$3,399,963 53	$78,881 22	$374,723 55	$1,298,833 60	

Years.	Tennessee. Nashville.	Missouri. St. Louis.	N. Carolina. Fayettsville.	S. Carolina. Charleston.	Georgia. Savannah.	Alabama. Mobile.	Louisiana. New Orleans.	Aggregate amount in each year.
1820	-	-	$272 24	-	-	-	-	$75,979 91
1821	-	-	6,033 00	242,727 00	$410,000 00	-	$200,657 70	1,221,014 74
1822	-	-	-	-	-	-	6,076 38	300,403 22
1823	-	-	44,684 43	9,994 00	99,930 50	-	740,086 29	1,271,002 15
1824	-	-	112,333 45	-	100,000 00	-	634,729 18	1,583,874 74
1825	-	-	22,635 38	49,991 00	-	-	938,465 96	1,711,471 68
1826	-	-	62,804 37	5,750 00	163,506 53	-	1,384,850 68	2,611,663 68
1827	-	-	-	-	-	-	914,654 56	1,787,049 18
1828	-	-	6,324 24	304,041 62	-	-	1,138,584 38	2,055,756 78
1829	-	-	24,455 00	1,433 68	-	-	2,054,587 12	2,673,115 97
1830	$101,200 00	$200,000 00	27,371 03	11,171 55	9,892 26	-	2,593,800 91	3,653,202 13
1831	-	100,000 00	33,897 10	2,257 62	190,341 00	$100,000 00	2,692,358 14	3,628,853 76
$101,200 00	$300,000 00	$340,810 24	$627,366 47	$973,670 00	$100,000 00	$13,288,851 30	$22,523,387 94	

This table shows the regular system with which the Bank extracted specie, and concentrated it in its own vaults, or sent it abroad—that this extraction was from the producing, and more especially, the provision growing sections of the Union. The amount drawn from New Orleans evinces this. During the same time, in addition to the amount drawn from that place, the Bank exported from thence, direct to England and France, an additional sum of $947,325, making the whole amount drawn from that port nearly equal to two-thirds of the whole amount which it gathered in eleven years.

I have before shown what proportion of the specie which comes into this country, arrived at the port of New Orleans. By the report of the Secretary of the Treasury in 1839, it amounted to $2,178,348, nearly one-third of all that came into the United States, in other years, but which will be much more this and the succeeding year. Of this, the largest portion was from South America and the West Indies, in exchange for provisions. This was the case during the existence of the Bank, and must continue to be. This specie would naturally, if uninterrupted by paper issues, find its way, as much of it does now, to the sources where flour, bacon, and beef are raised, in Missouri, Illinois, Indiana, Kentucky, Ohio, Western Virginia, and the western part of Pennsylvania. There it would constitute the circulation, pay for the public lands, and be a basis for true commercial credit, and find its way into other sections of the Union, in return for the merchandise consumed in the Great Valley of the Mississippi, where it would again perform the same offices. But, by the Bank of the United States and the State banks, inflating the paper circulation, the specie was kept out of view, by which the Bank was enabled to draw from New Orleans, Kentucky, Ohio, and Pittsburg, such large amounts. It shows, also, the rapid increase, until it had amounted to more in each of the two last years, than is estimated to be received from the sale of public lands this year.

Whilst this process was regularly carried on by the Bank, the taxing power was also going on; and how did the paper of the State banks stand with this institution? It will be seen by the following table, prepared from the report of the Secretary of the Treasury, made to Congress in 1838.

A TABLE showing the rate of discount at Philadelphia on the paper of the best banks of the Southern and Western States, from 1821 to 1831, inclusive, a period of eleven years during the existence of the Bank of the United States; and also the rate of premium paid by the Bank for gold and silver, from 1824 to 1831 inclusive:

STATES.	1821	1822	1823	1824	1825	1826	1827	1828	1829	1830	1831
Baltimore - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	¼ @ 1	¼ @ 1	¼ @ 1	¼ @ 1	¼ @ 1	¼ @ 1	¼ @ 1	¼ @ 1
Other Maryland - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
District of Columbia - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Virginia - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Western Virginia - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
North Carolina - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
South Carolina - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Georgia - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Alabama - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Louisiana - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Mississippi - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Tennessee - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Kentucky - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Ohio - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Michigan - - - -	6 @ 1¼	6 @ 1¼	6 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼	1 @ 1¼
Price paid by the United States Bank at Philadelphia, for gold and silver - - -	1	1	1	1	1	2	2	2	2	5	5

This table shows how the Bank of the United States influenced the paper circulation of the States. The depreciation of the paper of the best State banks, and in the same sections of the Union from which it drew such large amounts of specie, is conclusive as to the way in which it regulated the currency. It proves that the paper of the Bank was the standard by which all the paper was tried, and that when the Bank had somewhat recovered from its difficulties in 1820, &c. after 1824, it kept receiving gold and silver as it increased the quantity drawn from the States. These two facts, prove conclusively the demand it had for specie, and that its paper was gradually sinking below the value of gold and silver, until, in 1831, it was five per cent. Add this difference between gold and silver and the paper of the Bank, to the difference between the paper of the Bank of the United States and the State banks, and you have, as in the last column, the true discount of the paper of the State banks from gold and silver, in 1831, at the counter of the great regulator. This was the condition of things, in the most prosperous existence of the Bank, and before the public deposites were removed.

What was the price of produce during these Bank operations? I refer to the following statement for an answer:

PRICES of wheat from 1820 to 1831, inclusive; and also from 1831 to the 21st of February, 1840, in the eastern part of Ohio.

Years.	*Prices.*	*Average price.*
1820,	From 15 to 25 cts.	20 cts.
1821,	25 37½	31
1822,	37 40	38½
1823,	37 40	38½
1824,	40 45	42½
1825,	37 40	38½
1826,	31 45	38
1827,	50	50
1828,	50	50
1829,	$1 06 70	78
1830,	50	50
1831,	50	50
1832,	75 56	65½
1833,	58 61	59½
1834,	50 68	59
1835,	56 110	83
1836,	110 115	112½
1837,	120 110	115
1838,	100 110	105
1839,	108 60	84
1840,	50	50

[From Kinsey's and Patterson's Mills, Belmont co. O.

This statement is furnished from two of the oldest milling establishments in Ohio, and taken in connection with the taxing system above shown, exhibits the situation of the farming interest, whilst the Bank of the United States was carrying on its operations, even to the time the deposites were removed. Wheat being the great staple, the above table, with the following, show pretty fairly the relative value of all other kinds of produce and provisions in different parts of the Union. From these the wages of labor may be fairly inferred, as they invariably go together.

A TABLE

Showing the prices of different articles of provisions and produce, in different sections of the Union, about the months of April, May, and June, of 1821; and of flour at the same places in 1839, and the last of May, 1840.

	Bacon, per pound	Beef, per barrel	Corn, per barrel	Flour, per barrel	Oats, per bushel	Pork, per barrel	Wheat, per bushel	Cotton, per pound	Rice, per pound	Brown Sugar, per lb.	Tobacco, per pound	Coffee, per pound	Tea, per pound	Salt, per bushel	Price of flour in 1839	Price of flour, 30th of May, 1840
New York	6	6 50	63	4 50	31	8 00	90	18½	2½	7½	7	27½	78	57	5 75	4 62½
Philadelphia	6½ cts.	6 75	63	4 50	30	12 00	87½	17	3	8	7	27	85	50	6	4 87½
Boston	-	7 00	63	4 62½	-	9 00	-	16	3½	8½	7	27	85	-	6 25	5
Baltimore	-	6 50	58	4 25	30	6 25	75	12	2½	7½	6	26½	80	57	6 37½	4 75
Charleston	-	6 75	58	4 25	30	6 25	75	12	2½	7½	6	26½	80	57	6 37½	4 75
Augusta	-	6 50	58	4 25	30	6 25	75	12	2½	7½	6	26½	80	57	6 37½	4 75
Richmond	-	6 50	58	4 25	30	6 25	75	12	2½	7½	6	26½	80	57	6 37½	4 75
Mobile	-	-	58	4 25	30	6 25	75	12	2½	7½	6	26½	80	57	6 37½	4 75
Wilmington	-	-	58	4 25	30	6 25	75	12	2½	7½	6	26½	80	57	6 37½	4 75
New Orleans	-	-	58	4 25	30	6 25	75	12	2½	7½	6	26½	80	57	6 37½	4 75
Louisville	-	-	58	4 25	30	6 25	75	12	2½	7½	6	26½	80	57	6 37½	4 75

These exhibits not only show the prices of produce from 1820 to 1840, but they fix the basis on which to ascertain the price of labor, which was during the first ten years of the period, equally low.

If proof, beyond the recollection of those now living, were necessary, the following extract from a speech of the Hon. Henry Clay, in 1824, is sufficient, at least with the Opposition, who now have so much care on this subject.

Niles's Register, vol. 26, pages 378 and 387:

"In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country.

* * * * * * *

"The truth is, that no class of society suffers more in the present staguation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able bodied men vary from five to eight dollars per month; and such has been the the want of employment, in some parts of the Union, that instances have not been unfrequent of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different."

The following additional extracts from the same authority, add to the testimony on this subject, and show also the depressed and miserable condition of commerce and manufactures:

Extract from Niles' Register, June 19th, 1819. Bound vol. 16, page 273.

"OUR MANUFATORIES.—We hear of the shutting up of several large manufacturing establishments. It is probable that during the present summer not less than 15,000 persons, and it may be many more, who subsisted by employment in those establishments, in addition to the great numbers already discharged, will be thrown from the productive into the consuming classes of the people. The political economist will rstimate the effect of this on the national wealth."

Same volume, pages 356 and 357, July 24th, 1819.

"WANT OF EMPLOYMENT.—The greatest evil to be deprecated in the present deranged state of things, will be the dead loss incurred by casting many thousands of productive persons into the consuming classes of the people. Most of our manufactories have stopped or are about to stop, and every branch of mechanical industry is reduced from one-third to one-half of its recent amount: the first, by the great sacrifice that is made of imported goods, by bankrupt owners in England or bankrupt importers here to raise money to riot upon until their accounts with their creditors are settled 'according to law'—the effect on the others is produced by the sudden stoppage of the circulation of money, in consequence of the frauds committed in banks, and the jealousy and fear which these institutions have of one another; powerfully assisted, too, by the apparent determination of the United States Bank to eat up all the State banks, immediately."

Same volume, page 274, June 19th, 1819.

"BANKING.—We have prepared a pretty long article on the 'equalization of exchange,' as now practically felt by the operations of the Bank of the United States, in refusing to issue its own notes; of which, a little while ago, enough could not be signed to fill up the currency, and about which Congress was petitioned, &c. But such things must be expected! 'We have fallen on evil times.' We think we shall be able to show that by a procedure like this, the bank is really invested with a more dangerous and destructive power than many of its most inveterate enemies expected. May it not be a new speculation United States Bank stock at Philadelphia, June 15th, in the market at 91 1-2; 90 1-2 offered—no sales."

Same volume, page 417, August 21st, 1819.

"Never did an institution exist that more completely blasted the public expectation, than this bank has done. Its policy, though founded upon onposite extremes, has been equally mischievous or malevolent. The original purpose of its framers was to get money—the object of its present managers is to acquire power. The former was a desperate set of speculators—the other is a conclave of tyrants. Gold was the god that the first worshipped—the second gives up all to ambition. Cæsar or nothing, is the device inscribed on the entrance of their council chamber."

* * * * * * *

"Certain facts have just reached me from a source in which I have as much confidence as if the confession were made by the Secretary of the Treasury to me in person, that the Treasury of the United States is already in a subservient condition to the bank. In April last the bank resolved that it would not receive of Government its own bills, and credit them as cash, except when tendered at the places at which they were payable; that it would not pay the Treasury drafts at any place 'required,' except the public moneys had accumulated there to a sufficient amount, unless upon a notice given to allow the bank time to do so, on commercial principles, &c. *To which the Secretary submitted.*

"Every body knows and feels the *grand deception* of this institution, as to its pretension to furnish a circulating medium of an equal and certain value in all parts of the United States; but things like the preceding, in regard to the Government, were hardly expected by any one so soon."

Report of the Bank Committee 1832, *pages* 16 *and* 18.

"The committee feel it their duty now to give their views as to the cause of the present distress in the trading community, and which they fear may greatly increase. It is an acknowledged principle that like causes in all cases, produced like effects; and as in 1818, contraction followed the expansion of 1817 and 1818, so by the same rule, must contraction follow the immense expansion of 1830 and 1831, and like effects and consequences succeed.

* * * * * * * *

"The committee believe that the cause of operations by the bank, during the years 1830 and 1831 have been nearly of a similar character to those of the years 1817 and 1818."

Almost at the same time, with the Bank of the United States, commenced the internal improvement spirit, which, during Mr. Adams's administration, received a new impetus, that was only checked on the part of the Federal Government by General Jackson's veto on the Maysville road bill.

This did not effect the States; and most of them continued to carry on the system, by raising money on the credit of their stocks. To this I oppose no objection whilst kept within the means of the State. But the system was persevered in until, for this and banking, most of the States now find themselves largely in debt, as appears from the following table:

STATEMENT,

Showing the amount of stocks issued, and authorized by law to be issued by the several States named below, in each period of five years from 1820 to 1835, and from 1835 to 1838.

States.	From 1820 to 1825.	From 1825 to 1830.	From 1830 to 1835.	From 1835 to 1838.	Total.
New York,	$6,872,781	$1,624,000	$2,204,979	$12,229,288	$22,931,048
Pennsylvania,	1,680,000	6,300,000	16,130,003	3,166,787	27,276,790
Massachusetts,				4,290,000	4,290,000
Maine,			554,976		554,976
Maryland,	57,947	576,689	4,210,316	6,648,033	11,492,980
Virginia,	1,030,000	469,000	636,500	4,132,799	6,319,200
South Carolina,	1,250,000	310,000		4,000,000	5,560,000
Ohio,		4,400,000	1,701,000		6,101,000
Illinois,			600,000	11,000,000	11,600,000
Kentucky,			1,890,000	7,369,000	7,369,000
Indiana,			500,000	10,000,000	11,890,000
Tennessee,			2,200,000	6,648,000	7,148,000
Alabama,	100,000			8,500,000	10,800,000
Missouri,			2,000,000	2,500,000	2,500,000
Mississippi,			7,335,000	5,000,000	7,000,000
Louisiana,				14,600,000	23,735,000
Arkansas,				3,000,000	3,000,000
Michigan,	1,800,000			5,340,000	5,340,000
	$12,790,728	$13,679,689	$40,012,769	$108,423,808	$174,906,994

The stocks on which these debts were predicated, during the period of the above fluctuations, mostly passed under the control of the Bank of the United States, and to that extent enabled it, as a vacuum was created by the payment of the national debt, to fill it up by sending those stocks abroad, principally to England; until, with what have since been contracted, nearly the whole of the State debts are held by English bankers and brokers, and are supposed to amount to nearly $200,000,000. This operation has had a threefold effect First, in stimulating to excessive importation, through the facility it afforded for payments and exchanges abroad, as is evident from examining the periods and amounts in the table of exports, and the table of loans. Secondly, by increasing the paper circulation in the country, predicated on the money and credit obtained abroad, through the State stocks. And thirdly, in keeping up the credit of the United States Bank, and uniting it and the State banks, (in the language of Mr. Biddle) "by a bond of sympathy" in one common interest; and now, in all their operations, conspiring to the present state of things, precisely as the Bank of the United States did from 1817 to 1820. This conclusion is sustained by the following data: [See Table *]

Now, if it be true, as proved, that the operations of the United States Bank, by increasing its circulation in 1817 and 1818, and calling it back in 1819 and 1820, produced the embarrassment and distress that followed; and if it be true that like causes produce like effects, is it not demonstrated by the above table that the operations of all the banks, in issuing and loaning so much greater amounts, from 1835 to 1837, and from 1837 to 1840, calling in still more of their circulation and loans than it did, have produced the present embarrassment and distress in the country? The relative time of contraction to the time of expansion, in each case, and the proportions which the aggregate increase and decrease of loans and circulation bear to each other, at the respective periods, leave no room for doubt. But there is additional evidence,

A STATEMENT of the excess of imports consumed in the country above the exports of domestic products, taken from it in consequence of the bank expansions of 1817 and 1818, and of 1835 and 1836.

Year.	Imports.	Exports.	Excess.	Total excess.	Time.
1817	79,891 931	68,313,500	11 578,431		
1818	102 323 304	73,854 437	28 468 867		
1819	67,959,3 7	50 976 588	16,982,479	57,029,777	36 mo.
1835	129,331 247	101,189,082	28,262,165		
1836	168,233,675	106,916 680	61,316,995		
1837	119,134,255	95,564,414	23,569,821	113,089,001	36 mo.

A STATEMENT showing the amount of gold and silver, which went out of this country in 1821 and 1822, after the excessive importations of foreign goods in 1817, 1818, and 1819; and, also, the amount that went out in 1839, after the excessive importations of 1835, 1836, and 1837.

Year.	Imports.	Exports.	Excess.	Total excess	Time.
1821	$8,061,800	$10 478 059	$3,413,169		
1822	3,369,845	10,810,180	7,440,334	$9,853,503	24 mo.
½ of 1839	5,574 263	8,775,443	3,201,180		
½ of 1839	1,131,289	5 899.968	4,768.679	7,969.859	12 mo.

These tables show that, commencing with the expansions of the Bank in 1817, in three years, there had been brought into this country and consumed, goods from other parts of the world, above all that was produced and sent abroad, upwards of fifty-seven millions of dollars—an amount which had accrued in three years against this country equal to more than three-fourths of the whole sum spent in the last war with Great Britain. This balance against us had to be paid, and you perceive from the table, that immediately after, and in the midst of the distress of our people, all the gold and silver which came into the country was carried out, and of what was in the country before, more than nine millions, in addition, being three times as great as all the specie held by the Bank at any one time during that period. Precisely so it has been, commencing with the expansion of all the banks in 1835. In three years the imports into the country exceeded the exports from it upwards of one hundred and thirteen millions of dollars; and as the expansion of all the banks was greater than that of the Bank of the United States, so the excess against us in the last three years is much larger than the excess of the first three. Thus the country, at the commencement of 1838, had a balance against it in amount nearly equal to the whole national debt in 1816; and as in the first instance, so in the last—the gold and silver began to go abroad; and in 1839 all that came in went out, with an additional sum of nearly eight millions—equal to one-eighth of the estimated amount of all the specie in the country. This drain is still going on, and must continue through this year and perhaps next, unless our exports shall exceed our imports, as was the case in 1821.

High tariffs could not prevent this excess, as I have shown, but increased issues of bank paper induced them; and when the country is in debt, it must pay. This produces distress. The operation to the whole country is precisely as it would be to an individual. Pursuing this subject still further, the following table shows that the banks have caused the present low prices for produce, and low wages for labor, by calling in their loans and paper.

Expansions and contractions of the Bank of the United States, from March, 1817, to July, 1820; and of all the [illegible] banks, from January, 1835, to January, 1840.

Date.	Loans and discounts.	Increased loans and discounts.	Circulation.	Increased circulation.	Decreased loans and discounts.	Decreased circulation.	Time.
Bank of U. S. March, 1817, July, 1820,	$9,536,903 41,458,985 30,207,570	$31,921,992	$4 565,393 9,045,216 4,005,382	$4,479,818	$11,251,406	$5,039,834	16 months. 24 months.
All the banks. January, 1835, January, 1837, January, 1840,	365,163,834 525,115 702 462,896,523	Increas 5 to 1	103,692,495 149,185 890 106,963,572	Incr. 10 to 1 45,493,395	Decr. 5½ to 1 62,219,179	Decr. 8½ to 1 42,217,318	24 months. 36 months.

A TABLE,

Of expansions and contractions of Ohio banks, and also the prices of flour for eleven months, from the 30th of April, 1839, to 31st of March, 1840.

Date.	Circulation.	Contraction.	Expansion.	Rate.	Rate.	Flour per bar-rel.	Fall.	Rise.	Rate.	Rate.
April 30, 1839	$8,241,829 80	$834,233 33		49-100		$5 62½				
June 30, 1839	7,947,597 47	1,634,112 90		1-9	1-8	4 87½	75		1-5	
September 30, 1839	6,203,454 57	1,215,076 25		1-5		4 75	12½		1-39	
November 30, 1839	5,047,778 22	440 60 60		1-10		4 20	55		1-9	
December 31, 1839	4,607,127 62	423,454 50		1-10		4 06	14		1-30	
January 31, 1840	4,183,673 12					3 75	34		1-12	
February 29, 1840	4,746,113 47					3 12½				
March 31, 1840	4,149,766 57		$661,449 35	1-21		2 87½	$2 75	3	1-4	1-133
April 30, 1839	$8,241,829 80	$834,233 33		1-21		$5 62½	75		1-5	
June 30, 1839	7,947,597 47	1,634,112 90		1-5		4 87½	12½		1-39	
September 30, 1839	6,203,454 57	1,215,076 25		1-5		4 75	55		1-9	
November 30, 1839	5,047,778 22	440 60 60		1-10		4 20	14		1-30	
December 31, 1839	4,607,127 62	423,454 50		1-10		4 06	34		1-12	
January 31, 1840	4,183,673 12					3 75				
February 29, 1840	4,746,113 47					3 12½				
March 31, 1840	4,149,766 57	695,346 90	$661,449 35	1-9	1-8	2 87½	$2 75	3	1-4	1-133

The price of flour is taken from an Opposition paper in Cincinnati, Ohio, and the contractions, from the monthly returns of the banks, made pursuant to law. The statement shows that as the banks called in their paper, and reduced the circulation, the price of flour, which is always a fair average of other kinds of produce, and of labor, continued to fall; until, at the end of eleven months, the paper circulation in the State was reduced nearly one-half, and the price of flour in the same proportion, even to a fraction. From this, and other examinations I have made, I have no doubt, if the inquiry was carried out, the same results would be found in all the other States. This is fairly indicated by the last columns of the table, showing the prices of produce in 1821 and 1840. Under these circumstances, it is now proposed by the Opposition to renew the system, by creating another bank, with larger capital than the last; to do which it is necessary, and is proposed, to have a national debt, equal in magnitude to the proposed Bank. This debt is to be created by the Federal Government assuming the State debts, and becoming paymaster to the British bankers, who hold them.

Cut off the only source from which the Government receives money into its Treasury, without taxing the people, by giving away the public lands, and this will necessarily require more money to be collected from the people, either by direct taxation or equally odious discriminating duties. The first open avowal of this whole scheme of the party opposing the Sub-Treasury in this House, is found in the journals of the present session, page 222, January the 18th, 1840:

"Mr. GENTRY gave notice that he should to-morrow, or on the earliest opportunity which presented itself, ask leave to bring in a bill providing for the assumption of certain debts of the States, and for the appropriation of the proceeds of the public lands for the payment thereof."

This proposition comes from a gentleman of acknowledge ability, from the State of Tennessee, and one who deservedly stands high with his party.

Again, on the journals, pages 541 and 542, the following motion will be found, which was made by a member who has been some years in Congress, and may be considered a leader of the Opposition in this House:

"The States were now called for resolutions, commencing with Kentucky.

"Mr. POPE moved the following:

"*Resolved*, That it is necessary and proper to establish a National Bank, with a capital of seventy millions of dollars, to aid the fiscal operations of the Government, revive the foreign and domestic trade and business of the country, restore public and private confidence and credit, put into active and brisk circulation the moneyed capital of the nation, and thereby invigorate all branches of business and industry, give employment to the laboring classes at fair wages in good money, relieve the people from the heavy burden of taxes now imposed on them by the present deranged condition of the exchanges and bank paper, reform the existing disorders in the currency, and secure to the nation a stable and uniform standard of value by excluding a spurious and ruinous paper currency from circulation, and to prepare in part the pecuniary means of war; ten millions of the capital to be reserved for the United States; at least one-half of the residue of the capital to be allotted to the States, and divided among them according to their representation in Congress, and the residue of the stock to be subscribed by American citizens and corporations, under proper rules and restrictions, who shall pay into the Treasury of the United States a premium of —— dollars on every hundred shares of stock subscribed; one or more braches to be established in each State now existing, or which may hereafter be admitted into the Union; the interest on loans by the Bank not to exceed six per cent. for the first five years, and after the expiration of five years the said Bank is not to take more than five per cent.; no note to be issued by the Bank of a less denomination than five dollars; after five years the bank shall not issue any note of a less denomination than ten dollars, and after the expiration of ten years the bank not to issue any note of a less denomination than twenty dollars. No foreigner shall be a director or vote for a director in said bank. Each State in which a branch shall be located, shall have the appointment of one director in such branch, besides its due participation in the general election of directors. The deposites of the public money to be made in the said bank, to be disbursed as may be required and provided for. The bank, on reasonable notice, to lend to the Government any sum not exceeding ten millions without the consent of both parties. The bank never to suspend specie payments without the consent of Congress, and never to have notes in circulation exceeding twice the amount of specie in its vaults.

Resolved, That to aid the public credit and finances of the several States, and the better to enable them to take the proportion of bank stock allotted them in the first resolution, the proceeds of the public lands, to be received after the first day of January next, ought to be distributed among them according to the representation of each in Congress after the next apportionment of representation—one half of the land fund paid to each State to be vested and pledged for the support of common schools, and the other half for internal improvements and such other purposes as the States respectively may direct.

Mr. STANLY moved to lay it on the table.

Mr. EVERETT made the question of consideration, and under that motion the resolution, according to a rule of the House, lies over."

The whole system is here developed; and the objects which are to be effected by it, are those which I have shown neither tariff nor bank has ever yet been able to do. It assumes to relieve the people from embarrassment and taxation; but instead of these, will increase both. A few brief reflections will prove this.

The State debts which are proposed to be assumed, as shown by the above table, to be more in amount than any former debt owed by this Government, and the interest on it at five per cent. which is rather below the average, would amount to - - - - - $10,000,000

This sum would be required in gold and silver, to pay the interest, which has to be done every six months,

and added to the appropriations made this year - - -	22,750,000
Which, if not annually hereafter increased, would make the sum of	$33,750,000
Thus you see the necessary appropriations run up nearly one-half every year without paying any part of the debt. You have given away your public lands, from which nearly one-fourth of the money is estimated to be received at present, and the whole amount that could be calculated upon to meet this heavy appropriation would be - - -	15,100,000
Leaving an amount to be raised of	$18,650,000

This sum, equal to what is already received, must be raised, and as the public lands are gone, it can only be raised from the people; this can only be done by levying a direct tax; or indirectly, by laying high duties, under the tariff system. This is the only alternative, and the tariff will be the resort. To meet the demands of the Government it will of necessity be one hundred per cent. higher than at present. Here will be, then, a renewal of all that I have been describing. Instead of little or no national debt, as at present, the country would be loaded with upwards of two hundred millions; instead of reduced taxes through duties, higher taxes from tariffs than have ever been collected; instead of the Sub-Treasury, a National Bank with a capital composed of national debt; and instead of having the public money used for public purposes alone, it will be deposited with and used by bankers; and the whole system ends in completing what its principles tend to, taxing the many for the benefit of the few. Against this I oppose my vote in favor of the Sub-Treasury.

SPEECH OF MR. COOPER,

OF GEORGIA,

In the House of Representatives, June , 1840—

On the bill to establish an Independent Treasury.

Mr. COOPER said: I rejoice, Mr. Speaker, that an opportunity is at length afforded me to assign the reasons why I support this measure. Convinced of its propriety and rectitude before it was recommended by the present Administration, I have watched its progress before the country, in the hands of the present rulers, with immense solicitude. I look on it as involving directly an issue between the people and the bank corporations of the country; whether the former shall keep their money, so as at all times to use it without danger of detriment to themselves, or whether the banks, by keeping and possessing it, shall dictate to the country the time, as well as the mode and manner, of using the public money?

This is an inquiry of vast moment. On its decision depends the future characteristics of our Government. By the adoption of this bill, it may retain the form and substance of a Republic; by the adverse policy, it may for a time preserve the outward appearances, but in reality it will soon become an unlimited consolidation of powers.

The gentleman from Pennsylvania, who has just taken his seat,[Mr. BIDDLE,] always eloquent, promised us in the outset he would offer something for us, not for his constituents, and would address our understandings, not our prejudices. This promise from one so competent to fulfil it, was a pledge that we should receive light and instruction. It therefore gave me pleasure. In the discharge of this obligation, however, he has been unmindful of his duty under it, or else has placed an estimate on the good sense of members, by no means flattering to them. A very large proportion of his speech was devoted to eloquent declamation, on points secondary to the questions at issue. The apology for this may be that his distinguished colleague from Philadelphia, [Mr. SERGEANT,] who preceded him in an able and very elaborate manner, covered the whole ground of argument.

Two questions, however, were asked by the first named gentleman [Mr. BIDDLE] very pertinent, pointing to the merits of this bill.

1st. "When you have gotten the specie into the Treasury, how (he asked) is it ever to come out," since the paper circulation will be less valuable?

2d. "When, by this operation, the paper medium shall be discredited, how are you to restore its credit?" These I will, in the sequel, endeavor to answer.

Besides these questions the main topics of this gentlemaa's remarks were the State banks, and a defence of the administration of the late United States Bank. These points, too, shall receive attention from me.

Before I proceed, sir, I must ask permission of the committee to digress for a moment or two, to touch a matter connected with this measure, but somewhat personal to myself and colleagues. I have postponed an expression of my opinions on this measure longer than I should have done, for the following reason:

When the present delegation from Georgia took their seats in Congress, they were affiliated members of one political family. We then differed, as we still do, on this measure. By consent, our friends at home agreed it should not be cause of quarrel or mutual crimination; but that either should carry out his views in the most consistent and conscientious way.

In the progress of a faithful discgarge of these obligations to the country, and to those who sent us here, we have found it indispensable to differ in the choice of the men who shall be used to carry out our respective views.

On us who advocate the Sub-Treasury, the necessity of choosing a Democrat, became as imperious as that which commanded my colleagues, who opposed that measure, to elect a Whig and a bank man. This I foresaw before I came here. It was known that every Whig was opposed to the Indedendent Treasury, and the party as a body were advocates of the bank system; that system which the distinguished gentleman from Philadelphia [Mr. SERGEANT] has so truly and successfully traced to Alexander Hamilton, and which the same gentleman so triumphantly and so boldly announced as Hamilton's favorite scheme.

Would you expect me to fee the bank note engraver to shoe my horse? To ask a blind man to distinguish between the fixed stars and the planets; to invite the moon to shine without the sun, or to apply at midnight for the light of noon day? If I should act thus, would you not justly say, that man is either a fool or a knave?

Sir, so long as my colleagues desire to oppose this measure and take a United State Bank in preference, equally foolish would they act to take a Democrat to do the work.

Foreseeing all this, I told my constituents before they elected me, what rule would govern me, and that this rule would make it my duty and their interest to elect "Van Buren in preference to Clay or Webster; and that as for Harrison he could not be thought of under any circumstances."

I appeal to my colleagues whether I have not stated truly. Having truly stated, I appeal, sir, to this committee in proof that in what I have done and said here, I have said and done neither more nor less than I proposed to do before my election.

My colleagues and myself, at this very moment, have the same difference in reality which we brought with us here. If there be any difference now, which did not then exist, it is as to men, not as to measures. From this remark, I ought to except two of the six, who are opposed to this measure. Those two have now a difference from me in regard to it, which did not then appear. But I have not changed.

In regard to our opinions of parties also, the same two agreed with me once in that wherein we now disagree. We then thought it would not do to amalgamate with the Whigs. On this point we now differ. I have not changed. In regard to men, I thought and said it would be better to choose Van Buren rather than Harrison. All my colleagues thought, and so said the party, that they would vote neither for Harrison nor Van Buren. Six of my colleagues now think they will vote for Harrison. They have changed, not I.

So that, whether in reference to measures or men, I have not changed, whilst six of my colleagues have changed, either as to men or measures.

Here, then, is my apology for this digression. At a recent convention of those who claimed to represent the party whose nominees we all were, it was thought advisable to proscribe that portion of their delegation who are now advocating this measure. I have searched in vain for the political grounds on which, consistently with their former action, it has been done. I grant their right to make this measure now a test, though not so made heretofore. But in doing it, they cannot escape from the conclusion, that it will be because they oppose it, and desire a bank. I know there are some who do not desire a bank, and prefer even this measure to a bank; and yet, by force of party prejudice, join in the proscription. Against such, and such alone, with justice, I complain.

Against those who desire a bank, we have only this complaint, that they have subverted the ancient policy of the party, and are sending it adrift into the broad channel of Federalism, swiftly pursuing the great idol of Alexander Hamilton; and whilst they worship at this idol's shrine, they are bringing up to the altar, as a sacrifice and peace offering, every vestige of State rights: but, before doing it, they will have rung the death knell of the party, and to the grave have consigned its remains.

A difference, then, on this measure and its necessary incidents, has separated the present delegation from Geeorgia. Feeling it to be a mournful occasion, I have waited to the last hour, in hopes that those who differ from us would give me the benefit of their views, that I might make available that last hour, as a day of repentence.

But notwithstanding two of us have given them our reasons for supporting this bill, and I have privately requested them to answer our arguments and give us their own, they decline to do so, and seem content to see us go forth in our way without an effort to convince us. Sir, my own opinions are my guide, but I hold no opinion too sacred to be yielded up to the force of truth and reason.

[Mr. ALFORD here interrupted Mr. COOPER, and asked him to yield the floor for a short time, and he would briefly state for his benefit his reasons for opposing the bill. Mr. COOPER, through courtesy to his colleague, consented. Mr. ALFORD then occupied the floor for two hours. After he closed, Mr. COOPER resumed as follows:]

Mr. Chairman, I would be greatly obliged to my colleage, who just spoke, for the use of his lungs.

When I made the digression, sir, I had referred to the speech of the gentleman from Pennsylvania [Mr. BIDDLE] and to the very able argument of the distinguised member from Philadelphia. To both I shall try to refer a few times more. I will now proceed, without further liberty to depart, and discuss the merits of the bill before the committee.

An honorable member has said he was at a loss to know whether he understood the subject and nature of this measure, because of the differing views of members as to its effect and operation.

The objects I have in view, which commend the bill to my support, may be reduced to two.

First. A limitation of the revenue to the economical wants of this Government.

Second. To keep the Executive and Legislative Departments within their limits, as defined and prescribed by the Constitution, both in regard to the nature and purpose of its policy and powers.

I am not so sanguine as to expect this single measure will guaranty these results, in defiance of a wilful propensity to pervert, common to all parties. This would be, by the potent energies of a single proposition, to make this Government all that our forefathers desired and its enemies deprecated. No, I should be a perfect enthusiast, and overlook all the frailties of our nature. No measure you can adopt, however potent or conservative, possesses such sanative properties. The yearly perversions of our invaluable Constitution, so plainly written and fully expounded, warns me against the disappointment that might follow such anticipations of bliss.

My brightest hopes are, that this measure, honestly and faithfully administered, and untrammelled by obstacles unnecessarily and wilfully interposed by those opposed to it, will, by its legitimate operation, tend at all times to secure these two great

objects; whilst every antagonist policy will render their attainment less and less hopeful, and will be productive of evil, and that continually.

This policy is not only the most effectual to limit the revenue and avoid a surplus; but—

It will operate to diminish the indirect patronage of the Executive, without increasing the direct. The former is more to be dreaded than the latter, because it is more hidden and less understood.

The bill supersedes the agency of all banks, and keeps the Government funds at command of the people's Representatives, to be used when they order it, without danger of a spasmodic effect on the currency.

It will tend to make the paper money sounder, by removing from the banks the pretext or most fruitful cause of irredeemable issues; consequently to that extent it will prevent convulsions in money matters, changes in the relations of property and its owners, and will produce more uniformity in prices, and soundness of pay to labor and its products.

It cannot injure any of the State banks, because it can only take and withhold from them what is not theirs, and deny them the power of abusing what they ought never to use—the public money. For the same reason it can never injure the prudent and honest merchant or trader of any description.

The benefits of this measure are not addressed peculiarly to any leading interest whatever. They are to be diffused more especially amongst the planters, the farmers, the day laborers, and mechanics; because the permanent circulation rests habitually in their pockets. Every loss on it is their loss, and the saving of a loss is their gain. Whatever, therefore, diminishes the use of the article on which they must lose, and substitutes that by which they cannot lose, is interesting to them. This measure does that.

It does not address itself to the interest of the shaver and broker, as some, for effect, have declared. They fatten on a multiplication of credits, and the derangement of currency. Hence, in such times, every bank has its broker. Reduce the former, or make uniform the latter, you cut off their speculations, and make their business and profits as regular and unform as those of the merchant, the banker, or the planter.

If I be asked, sir, how I arrive at these and other conclusion, which I shall presently state, I answer, by inquiring into the nature and objects of modern banking.

First, I find the object to be to make money without the use of money. How is this done?

1. It is done by using the corporation credits to the most unlimited degree, consistent with the safety of the stockholders.

2. By getting possession of as much of another's money as possible, keeping it as long as possible, making the best use of it for the time, and finally paying for it in any thing but money.

Hence, he who can get hold of the most money, keep it the longest, make the most of it, and invent the most ways to return it, without giving up the thing itself—maintaining all the while a reputation for fairness, prudence, and safety—is esteemed the best modern banker.

The keeping, receiving, and paying out the public money (independent of banks) is the subject of this bill. The keeping and using of the public funds by the banks, or through their agency, is the policy of the Opposition, to wit, the Whigs.

The public deposites constitute the bone of contention. I beg the committee to fix their eyes on this single idea, and follow it in all its applications; for startling results will be exhibited to some at least, when I shall have fully answered the following inquiry:

Why is it that the friends of the banks are so hot in pursuit of the deposites, raising a great hue and cry when they are removed, charging Government with all the evils resting on the land, induced by superabundance of irredeemable currency?

Do not the people believe that bank notes are based on, and their circulation governed by, the capital or money of the banks, a reasonable portion of which is supposed to be specie? They do. Hence the universal idea with the mass that a bank is a strong, a safe thing. Hence the planter or farmer who has no borrowing to do, puts his money on deposite for safekeeping.

What will be the surprise of this confiding portion of community, when I assert, and prove, that the entire circulation of the Union is based on, or governed, not by the specie in the vaults, not by the amount of capital paid in, but by the average deposites held by the banks?

That this is not only true of the United States Bank, but that its aggregate annual circulation, during the twenty years of its existence, was governed by the aggregate amount of public money held by it.

This, sir, is literally true. And the average deposites during the period of that Bank's existence, was as true an index to the circulation as the dial is to the sun's course, when no cloud obstructs its shining—as just, sir, as the thermometer to indicate the heat—swelling as they increased, and contracting as they diminished. I will prove this by witnesses not to be distrusted, the Bank's own confessions, which are to be taken always most strongly against itself.

This will furnish a true development of the real cause of all our distress and suffering, and may serve to suggest the appropriate remedy.

Now for the proof. It is taken from the Bank returns exhibited in the public documents. In Senate doc. 2d sess. 25th Cong. No. 128, p. 208.

The proposition is, that the circulation of the United States Bank, from 1817 to 1836, was governed, not by its capital, not by its specie, but by the average amount of public money on deposite.

Here is a semi-annual statement of that Bank for January and July of the several years, taken from that document, under the respective heads of capital, specie, deposites, circulation, loans, and discounts:

STATEMENT of the semi-annual returns of the United States Bank circulation, deposites, specie, loans and discounts, and capital.

Year.	Circulation.	Deposites	Specie.	Loans and Discounts	Capital.
1817. Jan.	1,911,200	10,170,272	1,721,100	3,485,194	35,000,000
July	4 759,861	24,746,641	2,129,368	26,235,536	do
1818. Jan.	8,339,448	7,369.911	2,517,949	41,181,750	do
July	9,045,216	7,967,775	2,357,137	41,458,965	do
1819. Jan.	6,563,750	2,856,312	2 666,696	35,786,263	do
July	5,213,010	3.670,381	2.954,266	30,949,662	do
1820. Jan.	3,589,481	3,560,711	3,392,755	31,401,158	do
July	4,0 5,382	2,925,892	5,821,495	30,207,579	do
1821. Jan.	4,567,053	2,928,82:	7,643,140	30,905,199	do
July	5,551,910	2,941,203	5,876,534	28,396,916	do
1822. Jan.	5.578,782	2,617,554	4,761,299	28,961,169	do
July	5,620,960	3,388.247	3,350,443	31,795,700	do
1823. Jan.	4.361,058	4,275,330	4,424,874	30,736,432	do
July	4,629 319	7,733,239	4,910,434	34,803,929	do
1824. Jan.	4,647,077	10,181,864	5,813,694	33,432,084	do
July	6,383,647	8,159,748	5,583,000	32,694,096	do
1825. Jan.	6,068,394	6,702,413	6,746,952	31,812,617	do
July	9,540,694	7,992,713	4,048,178	33,531,692	do
1826. Jan.	9,474,9 7	5,769,795	3,960,158	33,424,621	do
July	10 210,412	9,783,161	6,194,275	35,020,49	do
1827. Jan.	8,549,409	8,982,242	6,457,161	30,937,866	do
July	10,198,760	9,448,999	6,381,225	34,191,166	do
1828. Jan.	9,856,677	8,385,223	6,170,045	33,682,905	do
July	10,89 ,343	11,554,413	6,621,734	38,506,410	do
1829. Jan.	11,901,656	10,696,966	6,098,138	39,219,602	do
July	13,691,783	11,657,418	6,641,958	43,018,132	do
1830. Jan.	12,924,145	9.654,777	7,608,076	40,663,805	do
July	15,346,407	10,437,069	10,252,325	43,238,168	do
1831. Jan.	16,251,267	9,131,604	10,108.047	44,032,057	do
July	19,195,817	7,655.803	12,175,476	56,562,044	do
1832. Jan.	21,355,724	12,538,362	7,038,823	66,293,707	do
July	20,520,068	11,872,105	7,519,083	67,416,081	do
1833. Jan.	17.518 217	12,752,543	8,951,857	61,695,913	do
July	19,366,555	6,511.502	10,098.816	63,369 8:7	do
1834. Jan.	19,208,379	4,030,508	10,031,237	34,911,461	do
July	16,641,997	2,675,432	12,823 997	31,024,972	do
1835. Jan.	17,339,797	2,621,441	15,708,369	51,808,739	do
July	25,332,820	1,686,110	13,429.328	65,197.692	do
1836. Jan.	23,075,422	627,817	8.417,938	59,232,445	do
July	21.109,352	324,250	5.595.077	52,511,081	do

AGGREGATES.

Total circulation to January, 1833 -	$368,260,974
Annual average to the same date -	9,341,246
Total circulation from June, 1833, to July, 1836 - - -	142,074,322
Annual average during the same period - - - -	20,294,903
Grand total to July, 1836 - -	450,335.296
Total average - - -	11,258,882
Total deposites to January, 1833 -	$270,432,517
Annual average to the same date -	8,194,925
Total deposites from June, 1833, to July, 1836 - - - -	18,477,060
Annual average during the same period - - - -	2,639 580
Grand total to July, 1826 - -	288,909,577
Total average - - -	7,222,738
Total specie to January, 1833 -	$189,645,685
Average during the same period -	5,746,839
Total from June, 1833, to July, 1836 - - - -	76,104,812
Average during the same period -	10,872,116
Grand total - - - -	265,750,497
Total average - - -	6,643,762
Total loans to January, 1833 -	$1,254,768,908
Average during same period -	38,023,303
Total from June, 1833, to July, 1836 - - - -	398,056,287
Average during the same period -	56,865.184
Grand total - - -	$1,652,825.195
Average - - - -	41,320,629

By this statement it appears that from 1817 to 1833,

The annual average circulation was -			$9,341,246
Do.	do.	deposites -	8,194,925
Do.	do.	specie - -	5,746.839
Do.	do.	loans - -	38,023,303

You will remember, sir, in 1833, the deposites were removed. That was a crisis with the Bank and the country. Hence our estimates are made to that date, and from that date to the expiration of the charter.

From 1833 to July, 1836, the time it expired,

The annual average circulation was -			$20.294,903
Do.	do.	deposites -	2,639,580
Do.	do.	specie - -	10,872,116
Do.	do.	loans - -	56,865,184

Now, Mr. Chairman, the universal complaint is the *derangement of the currency*, *pressure*, and *hard times*. Whence arise these wailings, and how shall their true causes be shown? 'Tis a vexed question, out of which politicians expect much profit to arise. The paper money has been aptly styled the circulating medium, from analogy to the blood in the human system. The expansions and contractions of the former correspond in effect with the diminution and stagnation of the latter. As you would place the fingers on the pulse to test the superabundant action in the arterial system or approaching state of collapse, so you may now place your finger on the column headed *circulation*, and tracing its action from year to year, mark the coincidences.

The experiment will prove what I have said—"That the average annual circulation of the United States Bank for the time it held the deposites, was governed by, and based upon, the public deposites;" not by its capital, not by its specie.

How stands the case? The circulation was nine millions, the deposites eight millions, and the specie was five millions, in round numbers. The amounts, therefore, of the two first most nearly correspond. But, it may be asked, cannot five millions of specie sustain nine millions of circulation? It may be. But who knows but the five millions of specie is part and parcel of the eight millions of deposites, and so far is identical? I do not say it is, but have very little doubt, because, in addition to the eight millions of Government deposites, the bank had an average annual private deposite of five millions during the same time. But this is wholly immaterial. I do not deal in surmise, for I will now show by the tabular statement, that the circulation expanded as the deposites increased, and contracted as they diminished; whilst, in reference to the specie, the circulation expanded when the specie was low, and contracted when it was high. This will prove, beyond the power of contradiction, that the public deposites governed the circulation of this Bank.

The Bank started cautiously. In 1817 the range from ten to twenty-four millions was so wide, as to furnish no criterion. During this and the next year, the circulation ran up to 9,045,448, on a specie

basis of 2,500.000. The practice of the Government during these two years authorized a belief that it would have an average deposite of at least ten millions—hence, in July, 1819, the circulation was over nine millions. But it turned out that the deposites fell below eight millions—hence, you see, in the next six months, there was a contraction of near three millions; and, for the next six months, a a further contraction 1,500,000; and by July, 1820, it was reduced to 3,500,000. During this time, only eighteen months, there was a total contraction of near near 6,000,000. The deposites decreased 4,400,000; but the specie increased 1,000,000.

Here, you perceive, the deposites governed the circulation.

After this collapse, the effects of which are in the recollection of many, specie rose, in eighteen months, to 7,600,000, without any corresponding increase of circulation. Here you see 4,300,000 added to specie, and but 500,000 to circulation. The reason was, deposites stood firm. You see, also, the increase of specie did not govern the circulation.

In the next two years specie came down again by precisely the $4,300,000; but this did not reduce the circulation—on the contrary, it increased by one million. The reason was, the deposites were rising.

You here perceive, from Jan. 1820 to July 1822, $4,300,000 came in and went out at a great expense, and did not vary the circulation $300,000—hence, specie did not govern the circulation.

From July 1822 to Jan. 1824, deposites ranged from 3 to $10,000,000. Circulation and specie stood firm; almost identical. During this year and a half, specie did govern the circulation. The reason was, it was on the eve of a Presidential election—the contest was warm, the issue uncertain; and it could not be foreseen what would be the policy of the successor.

But Mr. Adams was elected. Now mark the succeeding four years, and observe how well a Federal administration co-operated with its favorite Hamiltonian system. From January to July, circulation rose two millions—specie stood firm.

From July, 1824, to July, 1825, circulation rose near three millions, making near five millions in eighteen months. In this time specie fell $1,800,000.

By July, 1826, circulation rose to $10 000 000, deposites $9,700,000, and specie only $6,000,000.

From July, 1826, circulation rose to $13,600,000. The reason was, deposites increased to $11,600,000—specie stood firm at $6,000,000.

Here you see that for five years, from July, 1824 to July, 1829, the circulation rose $9,000,000; the deposites from 4 to $6,000,000; whilst specie did not rise or fall $500,000 on an average. For these five years, then, the deposites governed the circulation.

From July, 1829, there came into power an administration of this Government opposed to the Bank—Gen. Jackson. He assailed this Hamiltonian system with all the force of his energetic character and unrivalled popularity.

The Bank defended, by the power of its expansion and contractions. The policy of the Bank advocates was to increase the revenue and expenditures, to give the Bank the deposites. The more revenue and expenditure, the more deposites and the more power.

From July, 1829, to January, '30, deposites fell to $9,000,000. The circulation decreased also; but specie increased $1,000,000. The deposites still governed.

The Bank now discovers it must fortify itself for a bold effort to retain the deposites—or a surrender, without loss of credit. It prepares for both events. And from January, 1830, to January, 1832, the circulation ran up to almost double what it ever had been; deposites fell to little more than half what they had sometimes been; whilst specie swelled $5,000,000 above any previous example. During these two years, circulation

rose to	- - -	$21,000,000
deposites fell to	-	7,000,000
specie rose to	-	12,000,000

This was a preparation for the contest for a recharter, and against the removal of the deposites. It also prepared the country for the disasters that followed.

To sustain this unusual circulation, the deposites are made to rise, from July 1831 till January 1833, to $12,700,000; whilst specie fell near $4,000,000. So that, in January, 1833, the circulation was - - - $17,500,000
do do deposites 12,700,000
do do specie 8,900,000

And this state of affairs is brought about by the Bank with a full and fair intimation that the deposites would be soon demanded. With what view the committee may judge.

After being deprived of the deposites in 1833, the Bank was driven to supply the defect of basis consequent upon their removal. This it did by an increase of specie up to July, 1835—six months before the expiration of its charter. This was effected by drawing on the State banks, or by putting into market some of its stocks—that being the next most available means to supply a power to redeem its notes. Drawing on the State banks produced a contraction of the local banks, and a panic around them, whilst the negotiation of its stocks resulted in an importation of specie.

From July, 1833, to July '35, the circulation rose higher than it ever was, to $25,000,000
do the deposites fell to 1,600,000
do the specie rose to 13,400,000

Was there ever such a state of things known in the administration of this Bank from the beginning, in 1837, to this time? Nothing like it. Here are 15,000,000 specie and deposites to redeem 25,000,000 of bills, and this brought about at the very close of the charter—whilst at no former period was the circulation permitted in any material degree to exceed the amount of the two, but most uniformly made to correspond with one of the two.

This conduct of the United States Bank can only be equalled in wilfulness by the conduct of a party of wild Indians of the West, who, to secure a single buffalo, will rush a whole herd down a precipice. This, too, after using the public treasure for twenty years as the sole governor and regulator of its circulation. I have shown by its own returns that the Bank supplied a currency not in proportion to its capital, or it specie, but only in proportion to the amount of money which you, as the people's representatives, would put up and suffer it to keep. It fed and fattened on the food you gave it; and when you asked it for food, its reply was, work for it, order the people to pay it to me, and I will distribute it. If, at any time, your supplies grew short, and you drew on what you had in its vaults, you were squeezed and pressed until, to relieve yourself, you were compelled to replenish the stomach of this gormandizer, whose increasing cry was, "Give! give!"

You will remember that this bank's capital was $35,000,000. It is therefore evident that this did not govern its circulation. Hence my proposition is established, that the circulation of the United States Bank, from 1817 to 1833, whilst it had the Government funds, was based on and governed by that fund, and not by its capital or its specie.

I ask you, sir, do the people understand this? The intelligent merchant, banker, or broker may; but the unsophisticated and honest planters, farmers, and mechanics, where I live, do not. I hope they will put their fingers on this, and feel assured they touch the key that unlocks the grand secret of modern banking.

From it we shall illustrate several propositions, interesting to all who are concerned in what you call currency—pressure, hard times, hard money, &c.

The proposition I have thus proven in regard to the circulation of the United States Bank and the public money, is true of the aggregate local banks of the Union and their deposites, public and private. This will appear by an examination of the facts set forth in a table of the condition of the banks, which I hold in my hand, taken from your documents, and published in the 1st volume of Hazard's Statistics, page 167. I now give you those facts, to wit:

CONDENSED STATEMENT

Of the condition, at different intervals, of all the banks in the United States.

[For the years 1838, '39, and '40, the nett circulation only is given, as taken from the Treasurer's report of 1840.]

Date.	Total No. of banks.	Loans and discounts.	Specie.	Circulation.	Deposites.	Capital.
January 1, 1811,	89		$15,400,000	$28,100,000		$52,601,601
" 1815,	208		17,000,000	45,500,000	$5,000,000	82 259,590
" 1816,	246		19,000,000	68,000,000	8,000,000	89,822,422
" 1820,	308		19,820,000	44,863,344	13,000,000	137,110,611
" 1830,	330	$200,451,214	22,114,917	61,323,898	$35,950,470	145,192,263
" 1834,	506	324,119,499		94,839,570	55 559,928	200,005,944
" 1835,	558	365,163,834	43,934,625	103,692,495	75,666,986	231,250,337
" 1836,	567	457,506,080	40,019,594	140,301,038	83,081,365	251,875,292
" 1837,	634	525,115,702	37,915,320	149,185,890	115,104,440	290,772,091
" 1838,	663	485,631,687	35,184,112	91,114,153	127,397,185	317,636,778
" 1839,	840	492,278,015	45,132,673	107,798,029	84,691,184	327,132,512
" 1840,	901	462,896,523	33,105,155	86,170,680	90,240,141	358,442,692
					75,696,857	

Anterior to 1820, the deposites are not given. At that date they were thirty-five millions, the circulation was forty-four millions, and the specie nineteen millions.

In 1830, the circulation had increased near a third, and the deposites over a third, whilst the specie did not increase more than one-ninth.

In 1835, the circulation rose to 103,000 000, and the deposites 83 000,000; specie to 43,000 000

The next year, and the year after, circulation rose to 140,000,000 and 149,000 000, deposites to 127,000,000. Whilst the specie was reduced from 43 to 37 millions. This brought about the supension and all our distress, pressure, hard times, &c. The reasons why, I shall soon explain, if they are not already made manifest.

Here you perceive that the circulation rose to a ruinous height, being carried up by the deposites at the same time that the specie was diminished. We expect to show hereafter, that of the 149,000,000 of circulation then out, from 30 to 40,000,000 was issued on a false basis, or in other words, on the fund of the depositors.

From 1837 to '39, 43 000,000 of the deposites were used. This produced the contraction and pressure now felt. For it reduced the circulation in one year 58 000,000. This was not produced by a reduction of the specie basis, since it was diminished that year, only $2,500,000.

In 1839, the banks made a powerful effort to reinstate the circulation to what it was in 1837. To effect this, they added 10,000 000 to their specie in one year, and carried it 45,000,000, far beyond what it ever had been. They were unable, however, to expand beyond 107,000,000. For the deposites did not rise above 90,000,000 and a small fraction.

This effort resulted in a further contraction in the circulation of 21,000,000 from '39 to 1840. Hence the deposites fell from 90 to 75,000,000.

Hence you perceive, sir, that what was true of

the United States Bank as a manager of your funds, proved to be true of all the banks, particularly after the removal of your money from the former to the latter.

One fact let me call your attention to here. It is this: From 1834, the time the transfer of public money commenced from the United States Bank to the pet banks, to 1837, the time when the transfer was fully made, the aggregate expansion was 55,000,000. The amount of deposites transferred in this time was 52,000,000.

Again, from 1837 to 1840, the whole of the deposites were taken away, distributed, and used up; so that this year we have an empty Treasury. The aggregate amount so used, and taken away, is 52,000,000 in this period, (precisely the same that was put there from 1834 to '37,) and the contraction was 63,000,000, a little more than the expansion, as might have been expected.

Here, sir, is a vibration in the circulation, in six years, from 94 to $149,000,000, a corresponding one in the deposites, whilst specie did not go to greater extremes that from 37 and 45,000,000 in five of those years.

Do not all these facts conclusively establish the proposition I have laid down? They do. What, then, has been the effect of this policy of the banks?

1st. An expansion and contraction of $55,000,000 from 1834 to 1840. The expansion put forth $55,000,000 of Bank credits, bearing no interest, issued on the faith of the deposites, to be substituted for the like amount of individual credits, bearing interest, and made payable to the banks, but resting, in seven cases out of ten, on the uncertain results of a speculation on any subject that might promise a speculation.

2dly. The contraction sent the bank notes home for redemption, which, being deprived of the public funds on which they were issued, were thrown for support on the notes of individuals received in exchange. These individuals having failed to realize the speculations, for the sake of which they bartered bank notes substituted for their own, failed to pay. A suspension was the consequence. The 85,000,000 of bank paper thus issued was disparaged; the order of things was reversed; the banks first interposed to advance and prop individual credit. Now individual credit is the sole support of bank credit. Why is this? I answer, it is because the banks have issued and put in circulation, as money, that which, not being money, is based upon, and governed by, something that does not belong to them, and which they were bound to surrender at a moment's warning.

3d. The individuals upon whom rested the redeemable power of the 55,000,000 of bank issue, rose up as one community and petitioned the banks to suspend. Why? Because it was their own case. An extension to the banks was an extension to themselves. It was their case in a tenfold degree. It was virtually a case between these bank debtors and the community, who hold bank bills as money—a case in which the bank debtor had this advantage: If the banks should suspend, he might gain, but could not lose. The community were certain to lose, and could never gain. He might buy at discount, bank notes, with which, at par, he could pay his own. Community lost the discount, but never shared the premium. It is more than equivalent to a voluntary act of bankruptcy, for it enabled a man to stop payment, keep his property, and pay his debts at 25 cents in the dollar. It was a copartnership, in which one of the firm was bound to share the loss, having no portion of the profits.

4th. Another effect was, that in the excitement of this expansion, you created an artificial demand for money, which tempted out of its proper channels that capital which, being needed, was habitually used in the regular course of trade, and consequently kept on deposite with the banks. The abstraction of this and its diversion, to unwise, uncertain, hopeless, helpless, and useless speculations, tended, like the "removal of the deposites," primarily to embarrass the banks, to test the soundness of their issues, and to make manifest (what existed before, but was unknown) the derangement of the currency.

5th. One more effect I will speak of. In a crisis like this, in which the bank debtor had the decided advantage of community, and community had sustained loss without a gain, the banks had the advantage of both. If their bills depreciated, they would send into the market and buy them up—if they were forced to redeem, they too could force their debtors by a contest with them. By the power they possessed over the money and the credit of the country, they had the whole property interests at their mercy.

Other and more remote effects of this unlawful and destructive use of public money, I will point out hereafter, because my constituents are more interested, if possible, in them, and being more hidden, they are not so easily detected. For the present, I will here set down to this account, all the evils, moral, physical, commercial, and political, of a vitiated and debased paper currency.

I say, sir, this system of issuing upon, and being governed by the public funds, is unlawful. You gave the stockholders a charter for a capital of commanding amount, $35,000,000. For what purpose? Was it not that it might be able, by the extent of that capital, to furnish a circulation large enough to spread over your Union?

For seventeen years they overlooked the consideration that their capital was large, and governed their circulation by the amount of money you let them keep; and your experience proves that, if by this bank you would furnish a circulation, you must not only give a charter with controlling capital, but you must habitually keep, on deposite, your money to the amount of bank circulation to be supplied. Did you not expect that, in its bills you would at all times find a uniform and safe medium of exchange, North, South, East, and West. What do you see? Its capital loaned out or invested; its amount of specie inadequate; its circulation unsound, being based on and governed by your own money; irredeemable and debased; its affairs in a condition that, (to use the words of its president, spoken in regard to the country at large,) "All the banks in the Union cannot save it from bankruptcy."

With a charter the most liberal; a capital the most commanding; stockholders foreign, as well as domestic, lords and ladies, dukes and earls, plebeians and patricians, widows and orphans, and capitalists, great and small, operating twenty years; with an average annual Government deposite of nine or ten millions, free of interest; you have seen pressure after pressure, expansion and contraction repeated; till at the wind up it ends in discredit and bankruptcy, to the confusion of its friends, and mortification of its administrators. Sir, we have seen its evils. Where are its benefits?

But, sir, gentlemen say our accumulated evils, that elicit such loud complaints, are the effects of the measure on your table. How can it be? It has not get begun to operate. If it does go into operation, it can only take from the banks that which does not belong to them. If they have not used them as a basis of issue, their removal cannot prejudice the circulation. If they have, the responsibility is on them, and the country will call them to answer for all the mischief.

What, sir! has it already come to this, that at this early period of our history, the people dare not attempt to use their own money, deposited in bank for safekeeping, without receiving through their agents insult and indignity at the hands of these corporate powers? Is it not enough that they have had the use of $10,000,000 for twenty years free of interest? Or must the people, in demanding their money, be told they shall suffer and be pressed until they not only withdraw the demand, but grant this corporation all it asks? Sir, I trust there is patriotism and fortitude in the people to endure a while until they shall be rid of this system of Hamilton and all its evils and abuses.

This system, Mr. Chairman, is thus shown to be unlawful and injurious, both in theory and practice. Its unconstitutionality is so well established by my colleagues, who spoke in support of this bill, that any argument of mine is superseded.

Who, then, is at a loss to assign the true causes of the hard times and the derangement in the currency? If there be one so wilfully blind, so persevering in his purpose not to see, as to affect unbelief with these bank statements before him, let me call that one's attention to one more fact, drawn from the two bank statements now before me, and already referred to. In 1833, when the deposites were removed from the United States Bank, they amounted to $12,752,543, which left of that Bank's circulation $12,000,000, in round numbers, resting on the deposites for support.

The funds were transferred to the pet banks in 1834, 1835, and 1836, during which time their circulation was increased to 55,000,000, without a corresponding increase of capital. This, added to that of the United States Bank, makes the sum of 67,000,000 of circulation in 1837, most of which rested on the 12,000,000 of Government funds. But the Government, in the next two years, used this fund, and left (as appears this year by the undenied statement of the gentlemen from Maine and Pennsylvania, both on the Ways and Means Committee) an empty Treasury—a condition enviable to freemen.

Where is the power to redeem this fifty or sixty millions of irredeemable paper. It lies in the sweat of the brow, or under the sheriff's hammer. What will be the cost of redemption? Much toil, large amount of interest, or a great sacrifice of property. Who must endure the toil? The laboring man. Who pays the interest? The community pays it. Whether debtor to the banks or not, they pay the tribute. Who will say what shall be sacrificed on property? I answer the banks, and they alone.

It is not in the power of this bill to affect either. What if the banks had not used the Government funds to loan its credits on—how could the taking or using of it affect the bank debtors or community, otherwise than beneficial? So long as you pay in gold and silver, you cannot affect the measure of value between me and my customer; nor can you, by that, increase or lessen my power to accumulate by the sweat of my brow, or by the exertion of my talents.

It is the maladministration of the banks, then, that has induced hard times, a maladministration, too, in that particular, wherein this bill alone, by effecting a total divorce, can effect even the inducement to a remedy. Then let us have it—by all that is good, and wise, and charitable and patriotic, and merciful, let us have it.

You now see, Mr. Chairman, that under the operation of this great Federal measure of Alexander Hamilton, your public money has been habitually used by the Bank for its own purposes; and when you would demand it or offer to change your policy, to one more safe and certain, all your public agents are denounced by the Bank and its adherents, as disorganizers.

I now propose to show what has been the cost of this bank system to the people, in a pecuniary point of view.

The average deposite on which the people received no interest for twenty years, was - - -	$10,000,000
Interest on this at 6 per cent. per annum, is - - - - -	600,000

This is annually sunk by the lying idle of that amount on deposite. But as a substitute for it, and to render it active, they say, the Bank issued its notes and loaned them to the people; for which it made the people pay 6 per cent. more, which is $600,000. In these two items of expense, the loss in one year is $1,200,000. Add to this the wear and tear, and loss by fire and water on bank notes, and the like, by forgery, and you have some idea of the actual and unavoidable annual expense of keeping up this system. It will not fall short of $1,500,000 per annum, or $30,000,000 in the twenty years. This is what the free people of this country have paid to the banks. For what have they paid it? For no other purpose than to receive it and pay it out to them. What benefit has the bank derived? First, $600,000 yearly in interest. Secondly, the profit by destruction of its bills, &c.; and, lastly, the profits on exchange, in which it was enabled, by the deposites, to deal to the best advantage, the sum of which I am unable to state here. But on any estimate they must be great.

Other expenses incident and contingent to this

system, corresponding to such as have been charged to the Sub-Treasury bill, might be mentioned.

In this estimate, made by me before the gentleman from Pennsylvania [Mr. SERGEANT] spoke, I have the high gratification to say, on his authority, that every item named is properly included in the account. For he, on similar data, has endeavored to exhibit the expense of the Sub-Treasury scheme, and I congratulate myself when I find that, after being so fortunate as to adopt his mode of investigating and his plan of argument, the balance, on the score of economy alone, after including all his incidental and contingent items, and excluding mine, is at least $500,000 annually in favor of the plan I advocate. Now add to this the contingent and unavoidable items incident to the bank system, to wit: the depreciation or loss on paper money from time to time, by which arises the fluctuations in value and prices, and you will have at least a loss of 10 per cent. on the amount of deposites, or $1,000,000.

To what end, sir, is all this to be suffered and submitted to, but to perpetuate the Federal plan of Hamilton; to establish a bank with its arrogant and domineering power over you, to rule your Government, dictate its revenue, direct its expenditure, appoint your President, use your money, change your Constitution, mould your policy, and control your trade and commerce; finally, to declare war and make peace?

Mr. Chairman: if it was right to remove the deposites, it is more abundantly proper to keep them out of the banks.

Here, sir, I plant myself triumphantly on the ground once occupied by a distinguished representative of Georgia, (George R. Gilmer,) at a time when, being about to measure arms with the bank, your late President, Andrew Jackson, the only man who could "take the responsibility," seized the only measure to succeed, and dared to remove the deposites.

Governor Gilmer then made an argument which, in many features, is extremely pertinent now. Some of those arguments, if applied here, enforced by the energy and sincerity of Gilmer, would be to my colleagues, who oppose me here, as burining firebrands, the scorching effect of which could only be avoided, as they now seek to avoid *this*, the true issue, by getting out of its way.

On that occasion Mr. Gilmer made the following remarks, among others.

Speaking of the safety of the public funds, which is one of the leading objects of this bill, Mr. Gilmer said:

"If safety had been the sole reason for placing the public money in the Bank, it might have been permitted to remain in the hands of the collectors or receivers, or placed in the Treasury, where money had never yet been placed."

Speaking of the Secretary's reasons for removing the deposites, he said:

"He differed with him as to the sufficiency of all the reasons which he had assigned, except that which charged the Bank with producing commercial embarrassment, by withholding the accommodations from the people, which the possession of the public deposites enabled it to give."

He here charges that the Bank held and used the public money as a means of power to effect its object. He said:

"He was resolved not to be drawn aside from the course of his remarks by the extraordinary arts which had been used by the advocates of the Bank, and those who were zealously engaged in the struggle for party, to persuade the people that the restoration of the deposites had no connection with the recharter of the Bank. He should not degrade the cause of truth, and of his country, by entering into such a controversy. To be convinced that the recharter of the Bank was connected with the restoration of the public deposites, it is only necessary to trace out the conduct of the Bank, and what must obviously be its future course. The end of a bank was to make profit. The charter of the Bank was near expiring. To obtain a recharter was greatly more important to the Bank than any profit which could be derived from its ordinary business. All its operations of late had been, and would continue to be, directed to the accomplishment of that purpose."

Sir, it has become my duty to "trace out the conduct of the Bank," and I have now shown that his every charge is true. He, in 1834, preferred the indictment. In 1840, I, bearing the same relation to the grand inquest, have adduced the proof.

In 1834, "the advocates of the Bank, zealously engaged in the struggle for party, used extraordinary arts to persuade the people that the restoration of the deposites had no connection with the recharter of the Bank."

"Mr. Gilmer, in sovereign contempt for those 'acts,' said 'he would not disgrace the cause of truth and of his country, by entering into such a controversy. To be convinced of it, it was only necessary 'to trace but the conduct of the bank,' and see that 'all its operations of late had been directed to the accomplishment of that end."

Sir, at this very day, the same party represented by some of the same men, are "advocates of the Bank," zealously engaged in the struggle for party! They use the most "extraordinary arts" to persuade the people that this bill has nothing do with "a recharter of the United States Bank."

I will not "degrade the cause of truth and of my country," by entering into such a controversy; but to convince all concerned, I have "traced the conduct" of that Bank, and have proved that it used the public money, and directed all its late operations to the accomplishment of its purpose.

In 1840, I find myself at the same point where Mr. Gilmer made battle in 1834. I have the same party on this floor to fight against, and the same men of that party; I fight with the same weapons, under the same banner, with the same purpose; and furthermore, I have the same allies, (saving and excepting always a certain very distinguished Senator,) and what do I perceive? Why, sir, within sixty days past, I perceive those who, in 1834, scorned the "arts" used by the advocates of the Bank "to persuade the people to believe a lie," who refused to "degrade the cause of truth and of his country," by discussing these attempts to deceive the people, now that I have "traced the conduct of the Bank," and proved all Mr. Gilmer then said to be true, marching in allignment with that party, which he then fought.

Yes, I behold amongst them my colleagues, interposing in behalf of that party, to arrest my arm, to foil my attack, weaken my defence, or turn the edge of my weapons. Sir, they invite me to enlist with them, and fight with other weapons, under another banner. "Being zealously engaged in the struggle for party," they use very "extraordinary arts to persuade the people" that the Sub-Treasury has no connection with the restoration of the deposites or charter of a bank. They now strive to convince me that it will not "degrade the cause of truth and of their country," to enter iuto such a controversy. Sir, unwilling as I am to deal a single blow at them, still I strike for the cause of truth and of my country."

Mr. Gilmer further said:

"After the President had put his veto to the bill for a recharter, did the Bank commence the gradual reduction of business, with the view of closing its concerns? Assuredly not. By enlarging its accommodations from forty-five to seventy millions, it proved its determination to buy up popular favor for its candidate for the Presidency; that its life might, at the end of four years, be renewed for twenty more. This attempt to bribe the people had proved as great a failure as the effort to deter the President from vetoing the bill for a recharter."

Are not the party, which then and now advocate a bank, that thus attempted to "bribe" the people, and "deter" the President, the same which I oppose now? Is not the candidate which was then in the field, the candidate who has now my opposition? And do not my colleagues support him?

"If, said Mr. Gilmer, the positions which I had assumed were true, (and they seemed to him to be self evident,) the distress could only have been brought about by the Bank of the United States. It might not be possible to trace out, with exactness, all the means which had been used by the Bank for that purpose—the curtailment of its issues from seventy to fifty-two millions, with the great and increasing effort, which the friends of the Bank had made, to produce alarm and general distrust of credit, (unparalleled in the history banking,) was, he believed, Mr G. said, the true cause of most of the commercial embarrassment, which had been felt in the country."

Here Mr. Gilmer, in 1834, assigning the true causes of the embarrassment of the country, charges it to the United States Bank, and never intimates a charge against the Government, or the President, who removed the deposites. The causes that produced it then, continued to operate till 1840, and are now the causes. Speaking of the consequences of rechartering the Banks Mr. Gilmer said:

"Such an institution would, he said, necessarily have the power of rendering the Government, in some degree, subsidiary to it in time of war, and of changing, at its will, the price of all property by its command of the currency. There were other objections to which he desired to call the special attention of the friends of constitutional liberty and the rights of the States. He urged the friends of the rights of the States to resist every attempt to confirm to the United States its usurped power over the money of the people by the recharter of the Bank. The effort must be made now or never. Unite the Bank and the Government for twenty years longer, and the advocation of the rights of the States would become folly. Upon this question, Mr. Gilmer said, was formed the first marked distinction between the Federal and anti-Federal parties—between the advocates of the individual freedom of the citizen and the advocates for controlling power in the Government."

Here, sir, are plain truths, strongly told, in Mr. Gilmer's proper style. Is it not strange that State Rights men are unwilling to resist the attempt now making at a United States Bank, and are willing to abandon the "advocation of the rights of the States," or lie down under this charge of "folly," by resisting the only policy than can supersede a Bank, and opposing the only party that will vote against it?

"It was with regret that he found many of those who professed the same general political opinions with himself separated from him, upon the subject of the proper disposition of the public deposites and the recharter of the United States Bank."

If permitted, I will join in this expression of regret. The proper disposition of the public deposites is still the question, and so is the Bank. In 1834, there were three plans: 1st. The United States Bank; 2d. The pet banks; 3d. The Sub-Treasury.

The Federalists took the first, and still adhere to it. The Conservatives, with Gen. Jackson's party, tried the second, and have given it up as the worst of all. And the State Rights men of the South took the 3d, or Sub-Treasury, but, strange to tell, very many of them give it up just as we are able to try it, mainly to preserve their consistency of position in reference to men, and unite with that party who adopted the first plan; who, being placed in power, will unite the Bank with the Government, and then, as Mr. Gilmer said, "all advocation of the rights of the States will become folly."

Mr Gilmer said:

"He but discharged the obligation he owed to those he represented, when he urged them not to be carried off from the maintenance of the rights of the States and the people by the contest for power among the ambitious aspirants for the first office of the country."

So we all "urged," so I still urge. Nevertheless, it is true that very many of our State Rights men have changed their policy in this regard, and are willing to enter into "the contest" for the first office in the country, and elect that man and put in power that party who were, in 1834, and still are, the "advocates of the Bank," and who, being in power, will "charter a Bank," and thereby render the "advocation of the rights of the States folly."

Is not this being "carried off from the maintenance of the rights of the States, by the contest of aspirants for the first office in the country?"

Once more, sir:

"The Bank, he said, was now curtailing its business, either with the view of its approaching end, or for the purpose of distressing the people. If for the purpose of closing its concerns, the deposites could be of no advantage to it; if with the design of distressing the people, in order to procure a recharter, could Congress aid such a purpose by placing the public money in its hands?" (He said) "he should not only oppose the restoration of the deposites to the Bank of the United States, but every other measure which had for its object the recharter of the Bank."

I know, sir, that the grand measure of those who oppose the bill on your table, is that which "has for its object" the charter of a United States Bank, and that without this bill a Bank will be adopted. No gentleman of intelligence and candor now doubts or will deny it. This bill merely proposes to put the money "in the Treasury where it never yet has been," as Mr. Gilmer said, and where, as he also said, it will be more safe.

After concluding this speech, the ablest he ever delivered, Mr. Gilmer offered a series of resolutions, strong and emphatic—amongst others, this:

"*Resolved*, That the creation of a National Bank, or the recharter of the present Bank of the United States, is not only an exercise of power not authorized by the Constitution, but dangerous to the individual independence of the people, to the power of the States to resist the usurpation of their rights and to the continuance of our present free institutions."

Sir, Mr. Gilmer is well known as a fearless defender of truth, and I hope these sentiments will be appreciated.

On the same occasion, another son of Georgia, [Col. Seaborn Jones,] then a Senator, distinguished himself by one of his ablest efforts; to which, owing to the shortness of my time, I am only permitted to make a general reference. He and Mr. Gilmer sustained Gen. Jackson in refusing to restore the deposites. These two representatives of Georgia were of the State Rights party. In doing what they then did, they did and said as much to conflict their party prejudices and party principles as we do now in supporting this bill; and yet that party, with all their opposition to what was esteemed a highhanded move in the President, sustained them; whilst now we are denounced. How does it happen?

Sir, I beg pardon for the question; it is for the people of Georgia to answer, not for you. That people will furnish the answer when they reflect and know that the issue is now what it then was, what it has continued to be, Bank or no Bank. That then the party, without controversy, was anti-Bank; but that now, in action, a bold, talented and intolerant influence for the Bank shows its front, which then was forced to lie behind a screen. That is the solution. And no man of common candor and ordinary perception, who has spent one season in New York, Philadelphia, and Boston, with privilege of a seat here, and an insight into the principles and action of the State Rights party in Georgia, can for one moment deny the assertion that the great issue now is, what Governor Troup declares it to be, "Bank or no Bank."

Mr. Chairman, having, as I think, demonstrated the truth of my first proposition, in regard to practical banking in this country, pointing at some of its actual and comparative evils when contrasted with the measure on your table, I now proceed to a second. It is this:

When the money deposites are abstracted, thereby removing the basis of issue, resort is had to public stocks, or corporation stocks, or produce going to market, to furnish a basis.

This, too, may be proved by the Bank reports or statements already referred to, and that of the United States Bank of Pennsylvania, which I now exhibit. I consider it as little more than the sequel of the late United States Bank. It is found in Senate document No. 128, second session Twenty-fifth Congress, page 214.

STATEMENT from the Pennsylvania Bank of the United States for 1836 and 1837.

		Circulation.	Deposites.	Specie.	Discounts on bank stock and other securities.	Due from and to United States Bank.	
						From.	To.
March, 1836		$18,155,396	$2,194,231	None reported.	$96,800,000	$39,008,111	$29,422,189
July 4, 1836		17,251,165	2,591,410			30,539,078	30,515,730
Jan. 1837		11,447,968	2,259,738			36,425,333	21,917,081
July, 1837		-	-	-	-	36,146,587	26,230,468
Nov. 1838		4,220,854	8,671,421	$5,223,476	24,000,000	9,031,520	15,058,815
Feb. 1, 1840		6,660,751	2,920,045	1,798,845	21,000,000		

The Bank returns for 1838 and 1840 show these several items to be what I here exhibit them to be.—See reports to the Treasurer, and Hazard's Statistics, 2d vol. page 170.

In the estimates I make, I use, in some instances, round numbers, as the object is merely to arrive at a principle of action.

I said sir, that, after the deposites were removed, the Bank resorted to stocks or produce, as a basis. You will observe by the column of "loans and discounts" in the tabular statement first referred to, that, in 1831, the sum was $44,000,000, and by July, 1832, rose to $67,000,000. The expansion was $23,000,000. Mark this sum. On what kind of securities was it—personal securities or on stocks? We shall see presently. From this time till 1836, (the expiration of the charter,) this item fluctuated from $45,000,000 to $60,000,000.

I now call your attention to the table just before us—that of the Pennsylvania Bank of the United States. 1st. Observe that it starts off with a circulation at once nearly equal to that of the United States Bank, $18,000,000 Deposites nearly corresponding to those of the United States Bank. The specie, if any, divided I presume. But as the deposites and specie together could not support a circulation of 18,000,000, it had to look out for the ways and means. Hence, first, it makes the United States Bank owe it $29,000,000, and, in turn, admits itself debtor to the United States Bank $29 000,000.

Now, sir, are you not ready to ask how it could so suddenly put $18,000,000 in circulation? I understand both these concerns were kept in one building. How else could it be done except by paying that amount of its notes to the United States Bank for such an amount of its notes? How else could the United States Bank become so suddenly indebted to this new concern just going into operation?

What was this for? It was done, sir, to put the notes in circulation, instead of the United States Bank, whose charter had expired.

And why this large mutual indebtedness of 29,000,000? Merely that each might have the notes of the other to pay with. Accordingly, we saw the new bank selling the notes of the old in Georgia at 5 and 6 per cent. premium. This, sir, was but an egg shell concern.

Now notice the column of "discounts on stocks and other securities," for that peculiar item does not figure in the previous statements of the United States Bank, whilst the deposites flourished. In July, 1837, it is first set down, and at the outset it is 26,000,000; in November, 1838, it is 24,000; February 1st, 1840, it is 21,000,000. This is for three years. What is the average? 23,000,000. Now, what did I show the expansion in 1831 and '32, by the United States, in loans and discounts? It was 23,000,000. Here is a coincidence, at least, from which I draw the just inference, that, stocks were resorted to as a basis of issue.

How was it done? Why, just as our Southern banks issue on cotton, which my colleague from Glynn says is the proper basis. The stocks are shipped to Europe, put in market, for sale or an advance, and the proceeds become the basis of exchange, which the bank sells for a profit. With the proceeds of its exchange, the bank redeems its notes, or more frequently makes a second issue.

The result of this operation tempted corporations and States to go in debt more than they could pay—their stocks have consequently sunk below pay—the advance price, and the bank not only suspends, having no redeeming funds, but fails to pay, both here and in Europe, as Mr. Biddle's bank did.

After "stocks" failed, the next, and really a more reliable pretext for a basis of circulation, was that which my colleague thinks the true one, "produce." If this were of uniform value, as gold and silver, it might, in a degree, answer; but it is not. Hence the result was the same as that on the operation on stocks. The bank, like all speculators, was liable to break.

As regards the produce and the owner of it, they are, by the operation, placed in the predicament of the people and the public deposites. The banks use it and them to make interest and discount account rise, and to realize exchange on. But the planter and merchant dare not withdraw it, or control it, lest he should bring about a suspension and a pressure. In the South, the planter begins to understand this, and I doubt not the Western wheat grower or stock drover has had a taste of it. The United States Bank fairly tried cotton as a basis. The fate of that experiment was no doubt an addition to the "other liabilities" of the Bank, and a loss to the planter.

Either of these expedients to support bank issues, results in this: That these corporations issue notes not on their money or capital, but on the public money, that of others, or the products of labor, and on these issues make profit out of the very men who furnish the capital—and what do these men receive for it? Paper, sir, at 20 cents in the dollar—exchange at 10 per cent. premium, after a suspension and pressure. They entail on posterity the inheritance, not of freemen, but of slaves.

Mr. Biddle, too, tried this basis of produce, and went into the cotton region, and that and his stock operations burst the bubble; not, however, without a third attempt at a blow, which is always the last, to wit: His drafts on the future unknown—I mean post notes.

In 1837, '38, '39, and '40, they are enumerated by proper names—"post notes."

In 1840, also, you find another item, called "other liabilities," after naming every sort you could conceive. The sum of these is that unfortunate amount of $26,000,000, put forth originally in 1832, no doubt for the twofold object of supplying the deposites, and stimulating the people to oppose Jackson, who removed them, and Mr. Gilmer, who would not restore them.

Now, Mr. Chairman, you talk about "experiments upon the currency." This Bank has experimented in all ways. The last is the worst, but the first led to it. The banks have the currency in their own hands. Jackson, with all his strength, was powerless in any attempt to injure the currency. The only necessary effect of all he did, was to prove its unsoundness, develope the causes, and suggest a remedy, so far as the affairs of the people were concerned. That remedy is on your table. That, too, is powerless, except to prevent mischief that might result from an improper use of the public money by those who habitually control the currency, and, through the power of it, are striving now, as in 1834, to control the people.

The gentleman from New York [Mr. BARNARD] has told us emphatically that this power over the currency is "that of a despot."

Thus much for the circulation of the country, and the true causes of its derangements.

I now proceed to establish a third proposition by the testimony of these Bank tables. It is this:

The average annual loan by the banks, the United States Bank or the local banks, does not exceed, in any very considerable degree, the sum of the capital of the banks, the deposites, and the specie basis; and yet at times it rises above, and again sinks below.

Take the United States Bank first. The total average during its existence of loans and discounts, was $41,000,000. The average from 1817 to 1833, the period of the removal of the deposites, was $38,000,000; and the average from 1833 to 1836, the last three years, was $56,000,000. The average of the last three years of its life, raised the average of its first seventeen years $3,000,000 annually, and exceeded the average of the seventeen by $18,000,000.

The average of specie was $6,000,000. That of deposites, public and private, was about $12,000,000; the capital, $35,000,000. All together, the capital, specie, and deposites, made $53,000,000. Up to 1833, then, the average fell short; and the total average of its whole existence, $41,000,000, fell short by over $10,000,000.

It is, therefore, not true that the country has received an accession to its *active capital* by this Bank, unless you admit that what purports to be *capital* in it, is not so in fact. If you do that, you convict it of a fraud upon the people. Away, then, with *this* argument against this bill, and for the Bank.

What good, then, did you derive by this power to loan? None; but much evil. For the loans and discounts vibrated continually, from 30,000,000 to 65,000,000, producing distressing effects wherever they occurred.

The fourth proposition I shall attempt to illustrate is this: The abstraction of the deposites, by use or otherwise, is marked by a revulsion, because they were permitted to govern the circulation; and when stocks or produce are used as a basis, the fall in the price of either works the same effect, according to the extent of the reduction.

How was it in 1818, '19, and '20? Many will no doubt remember. Look at the tables. Deposites fell from 24,000,000 to 2,000,000. They were used up.

How was it in 1824, '25, and '26? The cotton planters will remember. Look at the state of the deposites. They fell from 10,000,000 to 5,000,000.

How was it in 1833, when the grand removal took place? The loans were running up to sixty-

one millions, and ought to have made you easy; and so you appeared to be then: for the deposites were greater than at any other time. But in 1836, the deposites had been transferred. This bank, and all the banks, expanded, and it appeared there was no end to prosperity. Specie was coming in by millions. And it ought to have been permanent; but no—it was as transient as the deposites; and, with our laps full, we were in one year compelled to suspend. This was, however, very much because the banks would have it so, and the United States Bank could not help itself.

A fifth proposition is, that the number of banks, and amount of banking capitol, do not contribute to the relief of the country.

If so, from 1837 to 1840 ought to have been a time of great relief; during those years 240 were added to a number of banks, and 60,000,000 to the aggregate banking capital. But we know we have experienced no relief.

A sixth proposition is that a substitution of stocks, as a basis, in lieu of deposites, and their negotiation abroad, produced an importation of specie beyond the actual products of labor, which was a loan to be paid back after a season, with interest.

Look at the United States Bank table, and you find on the commencement of the stock operations after the removal of deposites—specie came in for three years till it went up to over $18,000,000.

Look, too, at the State banks. From 1830 to 1837 the specie was increased from $22,000,000 to $37,000,000; and still they suspended. What is stranger still, during a suspension, the specie is increased from 37 to 47,000,000 dollars, and no resumption, notwithstanding the circulation is reduced to what it was in 1834.

Now, sir, with from a third to double the specie they had in 1834, and a circulation reduced to below what it then was, by near $10,000,000, why cannot they resume?

Sir, I will tell you. If it was not for those nameless matters, called by the bank "other liabilities," there would be a resumption in ten days.

Those "other liabilities" have resulted from the improper and illegitimate use of banking privileges.

The gentleman from Philadelphia [Mr. SERGEANT,] asks you in triumph, "wherefore this vast importation of useless specie?" Let him put the inquiry to the banks—they can tell him.

In return, I ask him wherefore is that specie not paid out and our public credit redeemed? I answer it for him. The banks are but the agents between the foreign creditors and the domestic debtors. They profit both by the non-payment and the pressure. Therefore they press that payment may not be made. For in that event they lose their occupation. Some of the banks, I admit, do not act on this rule.

By what has been said, a seventh proposition becomes manifest. It is this:

Nothing but the multiplication of the products of labor, and a retrenchment in expenditures, can relieve the pressure we feel.

I remember some weeks ago, when an attempt was made to get up this bill, an honorable gentleman [Mr. WISE] from Virginia, in great emphasis demanded to know "what had been done to relieve the country of its pressing difficulties." I then felt, and still feel, surprise, that one so distinguished should seriously think it is in your power, with or without money in your Treasury, to relieve those who are in debt. I was then struck and greatly delighted with the superior candor of the honorable gentleman [General CRABB] of Alabama, of the same party with the other gentleman. He, in his lofty tone, on the same occasion, succeeded the other, and said "he longed to quit this place and return to his plantation, for he was assured that the only relief was to be found by close application to the interests there."

Sir, he was right, and I shall long remember him for the independence with which he spoke truth.

The question then arises, Can this Government relieve the pressure of the country?

If it can, there is but one way—and that is the last way to relief which the gentleman from Virginia or I would elect; and still it is the only way, and is the way in which the advocates of the Bank, if in power, could and will effect it. That will be by an increase of revenue beyond the wants of the Government, to be used by a United States Bank as a basis of issue, that may be loaned and discounted when they choose.

Without this result a United States Bank is a useless thing, and would not be sought. This, too, would be but a cry of "peace, peace," where there was no peace.

This mode of relief, I say, is not in the power of this Government, for the reasons assigned by my colleague, and by Mr. Gilmer.

It would be unjust, because it would rob the many to pay the debts of the few. The debtors would be the relieved party. The relief would be paid for by those who would not receive the benefit. It would, in fact, be a general contribution for special distribution—a general distribution of burdens, to purchase partial and limited benefits.

To limit revenue, is the interest of the people who pay the taxes. It limits taxation. To enlarge the receipts and expenditures, is the interest of the Bank and its advocates; for by as much as you add to them, by so much you add to the average deposites.

Whatever system therefore will produce the reverse effect, is the one for a free people. The one on your table is that measure, if you retain the specie clause; since the average sum remaining in the Treasury, be it large or small, must be in specie; which, in the absence of Government money, must become the basis of issue by the banks. It then will become the interest of all banks to unite with the friends of a simple economical Government, to reduce and keep down the revenue to its actual wants.

I here offer another proposition, to wit:

If you do not adopt this bill, you must use the banks. The more avenues to expenditure, the greater the expense. In this proportion will be the appropriations and the revenue, whether needful to the people or not. The banks being used, the more expense the better, and if you must borrow money to pay, it is still better for them and worse for the people.

This proposition, in all its bearings and applications, has so repeatedly been illustrated, and so fully established, by others who have discussed this subject, and may be so easily elaborated by any one who has attended to or examined the facts I have referred to, that I will not detain the committee.

From its truth is adduced this additional proposition, which is nearly equivalent in nature and magnitude: That under the bank system, you cannot long escape from the funding system, or hesitate to assume those State debts, which have been induced by the illegitimate use of the public deposites. This arises, in my mind, from a conviction of the truth, that another bank, limited and restricted as it may be, with power to issue paper as money, will at once become identified with the Government, control its operations, and ultimately dictate to the people their laws and constitutions, and decide the amount and ratio of taxation; for, in the language of the gentleman from New York, "the control of the currency is the control of the country."

This measure, with its legitimate operation, retaining it specie clause, (which would be better to operate all at once,) will avert these moral and political evils, and do more to perpetuate our Union, than any one since the enactment of the Constitution.

It is desirable to Republicans and State Rights men, because it tends to preserve their rule of strict construction and limited delegated powers. The opposite system pulls it down in a day.

It limits the direct and indirect patronage of the President. With it the measure of the patronage is "strict construction;" limited revenue; certain and ascertained officers; without the use of the money.

Without it, the measure of patronage is "latitude of construing powers;" unlimited and surplus revenue; multiplicity of officials, known and unknown, with their ten thousand connections and ramifications and relationships, natural and artificial, political and commercial, with liberty to use not only the deposites, but three and four times their sum, by and through the moral and political irresponsibility of a lawless, uncontrollable and controlling corporation.

To illustrate, you have but to turn your attention to another table I have prepared, exhibiting the action of the Government on a certain class of appropriations, from the chartering of the late Bank to the present time. I refer to that class entitled internal improvements. It has been prepared at the expense of much labor; and although its perfect accuracy is not vouched for, I can assert its accuracy to every material purpose. The subjects of these are the Cumberland road, roads and canals, fortifications, surveys, harbors, light-houses, breakwaters, and navy yards. It will be sufficient to give you the annual aggregate in round numbers. For the year

1816,	$1,700,000	1829,	$1,900,000
1817,	1,700,000	1830,	2,279,000
1818,	1,700,000	1831,	2,696,000
1819,	1,700,000	1832,	2,596,000
1820,	1,700,000	1833,	3,155,000
1821,	1,700,000	1834,	3,518,000
1822,	1,700,000	1835,	3,000,000
1823,	1,700,000	1836,	3,400,000
1824,	1,700,000	1837,	3,800,000
1825,	1,700,000	1838,	2,300,000
1826,	1,700,000	1839,	1,856,000
1827,	1,700,000		
1828,	1,900,000	Aggregate,	$52,200,000

From 1816 to 1827, I have given you an annual average: from 1827 to 1839, the annual sum is given. Now, if you will witness the truth of what I said, and test the influence of the Hamiltonian system on this class of expenditures, and the subjection of the latter to the will or power of the former, look at the years from 1827 to 1839, and see how, with the increase of the deposites, these appropriations increased—how, as the Bank expanded, these swelled—how, as the deposites were removed or consumed, and the Bank rendered powerless, these were brought down by the will of the people. Sir, in spite of himself, the Bank interest and policy controlled Jackson and his party until the deposites were removed. Then, and not till then, do you find any success in the principles of the Democratic party on these subjects. This occurred in the second and third year of the present Administration.

The people of the South, and Georgia in particular, will do well to consider what interest they have in restraining this tendency in the Government. Here are $52,000,000 expended on these objects in little more than twenty years. What portion of it do they pay? At least half. What portion is spent with them? Not one-fifth. What portion is spent amongst those I represent? Not one-tenth.

Mr. Chairman, I do not regret that which is spent rightfully and properly for the good of the Union, though it be in the North. No, sir. It is the adoption of an unauthorized rule, that lets in all kinds of expense—through channels innumerable, that grieves me—channels made broad and deep by the bank policy, which my associates are contributing to promote by opposing this bill. Take another class of expenses of particular individual and local interest, to wit—pensions. Here is a statement, showing the whole number of pensioners under the several laws, and the number in the Southern and Northern States:

	Invalid.	Under March 18, 1818.	Under May 15, 1828.	Under June 7, 1832.	Under July 4, 1836.	Under July 7, 1838.	Total.
No. of pensioners,	4,236	8,215	624	24,086	2,512	4,301	44,694
In Southern States,	1,206	1,528	154	7,237	264	386	10,775
Difference,	3,030	6,687	470	16,846	2,248	3,915	33,919

Out of twenty-nine States, Territories, and Districts, the fourteen Southern States have but 10,775 pensioners, while the other fifteen have 33,919.

The amount paid to pensioners is about in the like proportion. By Senate Doc. No. 307, 3d ses-

sion, 25th Congress, you have an exhibit of the sums annually paid to pensioners and annuities and grants for Revolutionary services. From the commencement of the Government to the charter of the late Bank, the annual average did not exceed $100,000 From that time to 1838, the annual average was $1,500,000. And it appears, the farther we remove from the Revolution the greater the number of heroes demanding pensions.

In two years after the charter, the sum advanced from 300,000 to 2,200,000. About the time of the contest with the Government and Bank, when the latter wanted large power, to wit, in 1832 and '33, the sum rose from 1,200,000 to 4,400,000. After the effect of the removal was felt, to wit, in 1836 and '38, at the expiration of the Bank charter, it was reduced from 2,500,000 to 800,000—coming back to what it was before the charter. Does not this prove what I said?

What portion of the 52,000,000 has gone South, and what North, and what has each paid?

I make the same remark here that I did before: My object is not to excite sectional jealousy; but to advise my constituents of their interests, and awaken the sense of justice of the North.

Georgia has only received about 320,000 of the 32,000,000. And this burden, just or unjust, has been increased by the Hamiltonian system, to give a greater average deposite. I am here reminded that the gentleman from Philadelphia, [Mr. SERGEANT,] when discussing the pension bill, said "these deposites were never worth one cent to the Bank." And yet he endeavored to show that they were of vast importance to the pet banks. I know not how to think him sincere. They were more important and useful to the United States Bank than to the pet banks. If not useful, why use "extraordinary arts to persuade the people to restore them." Why such vast effort to defeat this bill? It only "puts the money where it never was before—in the Treasury."

It gives the President no power over the money that he did not have over it in the banks. The way to get at it is the same. The persons to call for it are the same. Indeed the power must be less, since the sum will be diminished. Sir, you remember when the banks were put on the distinct terms of not using the deposites, the best banks in the country refused to take them; the Bank of South Carolina, Bank of Louisville, &c.; and many of those who did take them, got sick of it, or broke, and could not return it. This appears by by document 304 of the Senate, third session Twenty-fifth Congress, which I hold in my hand.

But to return to the effect of this Hamiltonian system on the revenue. What I have shown in regard to particular classes of expenditure, lawful or unlawful, is true in regard to the expenditures in the general. This I illustrate by document No. 212 of the Senate, third session Twenty-fifth Congress, now before me, showing the annual receipts and expenditures of the Government from 1817 to 1838. Compare this with the state of the deposites, and you will find that whenever there happened any considerable reduction in the deposites or basis of issue, there was an immediate call for increase of revenue, and of course new pretexts of expenditure, whether the times were good or bad.

How was it in 1819? "Hard times." What was the deposites? Reduced by the payment of public debt, from 7 to 2,000,000.

What was the expenditure? Increased from 10 and 12,000,000 to 17,000,000, just the sum taken out.

How was it in 1824? "Hard times." Deposites reduced from 10 to 8,000,000; expenditures increased from 10 to 13,000,000.

How in '32 and '33? "Flourishing times." But Jackson and the bank were at war. It was important to increase the power. The local bank influence began to co-operate, and expenses and deposites both increased.

In 1836, the actual expenses still increased from similar causes. From that period, however, they have diminished, making due allowances for extraordinary items; more especially do we find them reduced in the peculiarly obnoxious item of internal improvements, as well as the pensions. Hence, sir, the history of your finances and those of the banks prove that the United States Bank has had important influence on the policy of the Government. And when the secret is told, it is true that its interests, direct and indirect, have had more to do in running the Government into extravagance than any man's party. Its party is always that which goes for increase of revenue by loans or otherwise. They never object. Hence you find it strongly supported by those who, not being dependent for office on a particular president, have a permanent interest in high salaries.

Alexander Hamilton said, concerning the Bank, whilst he was recommending a plan, amongst other things, that it is not a "mere matter of private property, but a political machine of the greatest importance to the State." So it is esteemed by all who entertain the views of the powers, ends, and nature of our Government, which he did. Again Mr. Hamilton said on the same occasion: "These deposites are of immense consequence to the banks." In this, he greatly differed from the gentleman from Philadelphia.

Having spoken of the political and pecuniary evils under which we labor, and traced them, in a most important degree, to the fallacy, errors, and mischiefs of your banking system, permit me simply to refer you to the vastness of the moral evil arising from it.

First, it has made the obligations of "my promise" hang loosely around me. It has destroyed the sacredness of "my word," and made me lightly esteem my "honor."

Hence has arisen a want of self-confidence and self-respect, which has opened a door to all kinds of vice and immorality, idleness, profligacy, and abandonment of honest, sober, patient industry, accompanied by a contempt for its temperate and virtuous rewards. A false standard of worth has led to errors of judgment in conduct and men, by which labor has become disreputable, and indolent ease applauded and cherished. These in turn had their effects on the results of political economy, disparaging in the aggregate the products of labor, thereby aggravating the causes of distress as well as their effects. Physically, the same corresponding results have been witnessed. Your old men are worn out and enfeebled, by ceaseless watching. Your middle aged are becoming miserly or indifferent to their love of country—whilst your young men find themselves more at home in the drawingroom than in the field. In the field they look out for a shade or a place of repose. Your soldiers love their barracks, and your officers are pleased with their dress parades, and delight in the haunts of the capitol, and the man of God seeks comfort and enjoyment in the vain excitement of political life. Thus, it seems, this great Federal system, that has been in operation, as has been said, from the days of Hamilton, works badly, politically, financially, morally, physically, and religiously. "Let us have a change. We cannot be worsted."

Even a safe and prudent merchant, or an honest banker, need not dread a change; neither can be injured by it The reckless speculator or the bankrupt has no motive to resist a change. The latter will no longer be credited by the banks, and will do well to set up for the individual credit system, so used up by the banks. The former, too, can no more expect facilities, for the banks have speculated till they understand how far they should go, or permit others to go; hence the speculator may learn self-respect, and rebel against this sort of guardianship.

This measure is the only alternative or escape from the United States Bank, and this, with me, is a good reason for fairly testing its virtue.

Again: this bill not only enables us to escape from the evils of a bad and unauthorized system, but it goes on the assumption that we are to return to that currency in the Government transactions, which alone is constitutional. It brings back the Government to what the framers intended it to be, and the administration of it to the Republican standard.

The law provided at an early period that gold and silver alone should be received and paid out. Mr. Hamilton first, by a mere Treasury order, interfered with this law, and encroached on its provisions. That law, I believe, remains unrepealed. And on what ground can any one, except the genuine Federalist, object to its execution?

Having given satisfactory reasons for a change of the present system, and a correction of its abuses, as well as for the adoption of the measure before the committee, I will now answer some of the prominent objections to the bill.

The gentleman from Philadelphia [Mr. SERGEANT] says: "A certain amount is to be supplied for the use of the revenue—to lie idle."

This amount, under the operation of the bill, he assumes will be, on an average, $5,000,000, and is to be then for the use "of the revenue." Thus far there is no objection. But it is to "lie idle." Very well; admit the argument, for sake of argument, and contrast the bill with the Bank, or Hamiltonian plan, and I have shown by the Bank statement, that in twenty years' experiment they have kept from nine to ten millions of dollars for the use of the Bank, which the Treasurer could not obtain for the "use of the revenue" when he wanted it; and if the people took it away, they were pressed until they put it back.

He says: "In the midst of our difficulties, we have been annually importing specie. How did we get it? By going in debt."

I have shown that the reason why specie was brought in the midst of our difficulties, was, that the Bank issued on the deposites, and was governed by them; their disturbance drove the Bank to substitute stocks, which, being negotiated abroad, brought specie here, and that it was a loan induced by the policy of the banks. I am happy to have my views thus corroborated. The gentleman has stated facts. I have explained their causes.

Again, in his estimate of the expense of this plan, he says, in the aggregate it will be $1,000,000, and asks "if any one will contend we ought to pay it?" I say not, if we can avoid it. But I have shown, that by the Bank system, the expense in one single item is $1,200,000; and if I estimate all the items as he has done, it will be nearer $3,000,000 annually; so the Bank system is not the plan to save the $1,000,000.

He gives an extraordinary statement of the expense of "transferring funds in Wiskonsin," a remote and wild country. The sum was small. Did he set down against this the vast sums annually lost on account of the fluctuations of exchanges, between South and North, on transactions of millions and hundreds of millions, induced by suspensions, the effect of maladministration of his favorite Bank—suspensions in which his Bank, with others, took advantage of the people, to put exchange to five, ten, and twenty-five per cent. premium, and keep it there, after "importing and keeping, in the midst of our difficulties," more specie than the country ever had before?

In this sum of five millions of dollars, "to lie idle" under the bill, he says you "start with a minimum." I think just the reverse, and have given the reasons. By his system, however, it is clearly proved we "started with a minimum," and ended with a maximum. Here is history against prophecy. He says by the Bank the transfer of public funds costs you nothing. I grant, by the account stated on the Bank books, there may be no charge. That does not prove it *costs* nothing; if so, this bill would not be expensive. His plan only costs the people a charter—a barter of their Constituion, and a bonus of one million of dollars over and above all the expense he charges against the Sub-Treasury.

"The banks," he says, "are suffering with the community." A glorious state of suffering indeed! one in which they gain every thing, and need lose nothing; in which, having all power, they command every thing, and are, therefore, interested to prolong the suffering. I save and except here, sir, such banks as have held the deposites sacred, and have done a legitimate business.

"I will turn you to facts *curious* to behold." "Our expenditures, it is amazing to see how they have increased within a few years."

This *is* one curious fact, to which I have been curious enough to call your attention already, with a view to show wherein lies the curiosity. I should have been amazed if one so conversant with the bank policy as that gentleman, should have failed to point to this "*curious fact.*" It is the legitimate offspring of the system which he, with exultation, ascribes to Alexander Hamilton, in these words:

"Hamilton arranged the plan that has never been altered, except once in 1829."

He is right, sir; and what was that plan? It was to use the banks as depositaries. There the money was kept to the credit of the Treasurer of the United States. Yet he says:

"The Treasurer has never any money in his keeping."

By warrants, drafts, and checks, it was drawn, transferred, or paid out, in bank paper, good or bad.

By that plan the Treasurer's office and these banks or vaults were called the Treasury of the United States; for Mr. Gallatin said expressly:

"These depositaries are the Treasury of the United States." See State Papers, vol. 2d, title Finance, page 461 and 463.

Now in what does this bill differ? "The offices in the Treasury building, in Boston, New York, Philadelphia, Charleston, Orleans, and St. Louis, are called the "Treasury of the United States;" here is no difference. But these places are not corporations to issue paper money; there is one difference.

The money is placed to the credit of the Treasurer: here is no difference. To be paid on his own warrant, draft or check, as heretofore: here is no difference. In gold and silver—here is the sound and material difference. This is not all, sir: "Hamilton arranged the first—Federalists adopted it, have always advocated it, and still do. The State Rights men proposed the second, have always advocated it, and still ought.

But, after stating this "curious fact" about the expenditures, which caused him to be "amazed," his amazement ceases, and he says:

"Expenses have increased, do increase, and ought to increase." Thus he comes at last to the creed of a true believer.

He says: "The placing the money there to the credit of the Treasurer, subject to his draft as though in the Treasury, is an unconstitutional feature."

If this be true, then he and Mr. Gallatin have furnished additional authority for saying the plan of Hamilton was unconstitutional. For the money was placed in the "depositories to the credit of the Treasurer," and "these depositories were called the Treasury of the United States."

"Take care how you extract from the people, and give it to a cold heartless Treasury."

That operation has proved a cooling business to the Bank, and has left them "heartless," too, however much of soul they may have had. But of what use is this caution? Take his own plan, and Mr. Gallatin says "those depositories are the Treasury;" and in the words of the gentleman I reiterate his warning: "You give no aid to the banks; you jostle trade." Sir, you have helped them to the means by which they have deranged the currency and jostled trade; you have given them millions annually, to be used under the privileges of a charter; you have helped them to the power of producing excitement, expansion, and contraction; of speculating on your people; of raising or lowering prices; of corrupting the purity of your public tribunals; and of almost perpetuating their own existence, and yet their friends cry, "Give, give." The time has come when we should say no to any proposition that looks to the increase of their power.

'This is a war on banks."

Not so. It is a child's bargain. The people instruct us to say to the banks, "Let us alone and we will let you alone." Congress has no power to do or say more by any operation on the currency.

But he says, "Will you give no help to exchanges?" Sir, the only effect you can produce, the only aid you can give, is that of a very large dealer in exchange, whose purpose and habit it is to give it to you at par, every where. That much aid, and no more, we propose to give by this bill—and that only to the extent of our transactions in raising and disbursing a revenue limited to the actual wants of the Government.

But why call on us? Your favorite system operated for 20 years, and what did it effect? What it failed to make on domestic, it made up in foreign exchanges; and it found it more profit in commanding all the exchange, at a given rate, than to speculate for a season. In this, too, it founded its only hope of reputation, its only claim to regeneration.

But when you refused its demands, how did it requite you for years of kind treatment? As if to manifest its want of gratitude, it threw your currency overboard, and destroyed more at its death than it created during its life.

The operations on foreign exchange afforded a wider field; and whilst it prided itself in the uniformity of domestic exchanges, the foreign were left to take their course. This may be illustrated by the exchange table here before me, in Senate doc. 2d sess. 25th Cong. p. 457, 137, and 133. It shows that from 1788 to 1814, exchange on England was at an average discount of three per cent. For the time, great uniformity in the rate prevailed. The widest range was to 4½ premium.

From 1815 to 1838, exchange on England was at an average premium of 8¾. No uniformity prevailed whilst it ranged from 1 to 18, and from 7 to 21 premium.

In the coincidence between the fluctuations of this commodity at different times and the rise or fall in the deposites and circulation of the United States Bank, some "curious facts" appear, which it will be amazing to behold. The document first referred to, and the document 142, Senate, 3d sess. 25th Cong. will exhibit them.

Sir, too much has been claimed for this institution as a regulator. It assumed that office at times, but always looked to you to give it the means. There is no regulator but specie.

Now, sir, let me answer the two questions of the other gentleman [Mr. BIDDLE] from Pennsylvania.

1st. "When specie gets to the point of attraction, how is it to get back?"

I answer, by the power this bill gives to individuals to demand that article in payment.

2d. "Bank paper being refused by the Government, is disparaged. How will you restore its value?"

It is not in our power. Nevertheless, it will speedily be done, because every sound bank which has pride of character, or interest in its good credit, will of itself very soon put its notes on the footing of specie, which will naturally produce an influx of specie in their vaults, to be supplied by their notes. Those which cannot hope to reach this point, will forfeit all claims to confidence, and die by their own act.

The gentleman from Maine, [Mr. EVANS,] and also the gentleman from Tennessee, [Mr. BELL,] assert that "this bill will discredit the States."

I can perceive but one way in which it can have that effect; and for that we are not accountable. It is this: The States are now discredited by their own imprudence. Their stocks are under par. This has brought about some of those "other liabilities" of the Bank. If another bank charter could be obtained, the stocks, on the plan of Hamilton, will be a fund to pay for that stock. Hence a new demand for them would be created. This is the forlorn hope. Pass this bill, and the Bank is suspended, and stocks are regulated by the existing demand, and therefore will continue to fall. But is this your fault? Or must you violate your duty, to consult the interest of those who hold State stocks? Let the speculators in stocks take care of themselves—the people will take care of the public money.

If, sir, you are bound to divest your policy, with a view to prop or reinstate those stocks, it is only on the principle that you can endorse for them or substitute your credit for theirs. This is a favorite idea with the friends of the Hamiltonian system, but receives no favor with me. When it shall be yielded to by the country, the Government will have become a machine for the promotion of a privileged order. I will resist it as long as it can be resisted, and be one of the last to yield; but being forced to give up, I shall then, with what means I can command, try to place myself on a footing with the favored few. But I confess I should only do it on the principle that when I must be a slave or a master, I prefer the latter.

The gentleman from Tennessee "calls on gentlemen from the South to avail themselves of this opportunity to cut off this continual increase of expenditure." Sir, I echo the call, send it back to that gentleman, and send it in the ears of my colleagues, and assure them that I mistake greatly if the passage of this bill is not the plan.

He calls this an "ultra Federal policy." Where did he get that idea, and how does it appear? He obtained it not from history, not from men who have died, not from Washington, nor Jefferson, nor Madison, nor Alexander Hamilton. It must be the creature of a lively imagination.

He asks, "Where is your $5,000,000 of specie to come from—it is not in the country, and what little is in the country is in the vaults of the banks"

Is this true? and are the banks to furnish an argument of necessity against this bill, by locking up the specie, that their friends may raise this objection? Certain it is, that there is now, by the account of the gentleman from Philadelphia [Mr. SERGEANT] a superabundance of specie. And in reply to the gentleman from Tennessee, I answer: take a part of that "enormous amount of useless specie," spoken of by the former gentleman, and put it to the uses of the people, in the redemption of bank paper, and your Sub-Treasury will have no difficulty.

The gentleman from Massachusetts [Mr. CUSHING] said, "Hamilton tried this scheme and it failed." I have been unable to find the authority for this declaration. I doubt whether it exists—the more so, since on this point this gentleman and the distinguished gentleman from Pennsylvania [Mr. SERGEANT] are at issue. But if he tried it and let it go, it was because it failed to strengthen and consolidate the Federal Government as he desired; and this cuts down the grandest of all pretended objections to the bill.

The gentleman from Massachusetts says, "we are to have one currency for the Government and another for the people." This has become too stale and shallow a pretext for an argument, to deserve consideration. Still I will illustrate it. Put a case. You reside in the interior of the "empire State"—you have an agent or agents in New York who manage all your moneyed affairs. Where you live, the ordinary medium is paper money. It has become of little value, because it is irredeemable. It issued from banks in and about New York. You draw on your agent; he fails to pay, assigning as a reason that your money was deposited for safekeeping in banks who refuse to pay it. After an examination of their affairs, you find they have governed their circulation by the sum of your deposites, which being withdrawn in part, cannot be redeemed. The bank therefore stops. You order your agents to deal in gold and silver, and remove your deposites, that the money which circulates in your immediate vicinity may be better; that your agent at New York, where your great interests are, may, meet this engagements unembarrassed. Now, when he receives and pays out for you, is it your affair or his; is it one money for him and another for you, or is it not yours in either case? This is the affair of the people; the Government is their agent.

I would gladly, Mr. Chairman, call my colleagues' attention to the important influence a United States Bank has had, and must always have, on our Southern staple, and our facilities to elect between alternative markets. Also the vastness of the political results that might enure to the South, by throwing such preponderating machinery at the North. These are topics grand and overwhelming. But my time is spent, and I desist.

I have endeavored to present fairly the merits of this bill. That I have succeeded, it would be vanity in me to suppose; but I desire it to be remembered, that the great good to be effected by it, in my estimation, is to limit the revenue to the wants of the Government—making it as simple and economical as a Republic ought to be; to close up the innumerable avenues to indirect Executive patronage, and thereby limit his power to that which is given and lawful to be exercised; thirdly, to check the alarming tendency of Federal legislation to adopt a rule of construing the supreme law, by which its decisions, concerning its powers, ride over the supremacy of that law. If I have contributed to this, I have sustained the interest of my constituents, my own, and the interests of the country—I shall have cause to be satisfied with what I have done, and will rest on a "conscience void of offence."

SPEECH OF MR. SHEPARD,
OF NORTH CAROLINA,

In the House of Representatives, June —, 1840—In Committee of the Whole on the state of the Union, on the bill to provide for the collection, safekeeping, transfer, and disbursement of the public revenue.

Mr. SHEPARD addressed the committee as follows:

Mr. CHAIRMAN: The few remarks which I intend to make will be strictly applicable to the bill under consideration. Honorable gentlemen have wandered to other topics, which have but little connection with this subject; they have travelled over the old ground, so well known to the members of this House; they have rehearsed the story of the war upon the banks, and indulged in the usual tirades against the persons engaged in that famous controversy. A member from Kentucky has affirmed that this question was to be decided by authority, and, charging certain eminent gentlemen with having changed their opinions on the subject of the currency, he supposed this fact to be a powerful argument against the bill. Sir, I differ entirely from that honorable gentleman. Politicians may change with the moon, but their conduct should not arrest the progress of great and valuable principles. The human mind is so much influenced by prejudice, so often governed by circumstances, and is so circumscribed in its vision, that the best and wisest are liable to error. Must we, therefore, ever continue in the wrong, and must we never yield to the lessons of experience? Mr. Van Buren was in favor of the "safety fund" system of New York, and Mr. Calhoun once advocated the establishment of a National Bank; but do these things justify the assertion that they are dishonest in recommending this measure; or are they sufficient to draw you, or me, or any honorable member, from its zealous support? Sir, I think and act independently on all occasions; the people whom I represent are too proud and too generous to expect a base subserviency to any man or any party; all that they wish is an honest devotion to their welfare, and a conscientious discharge of the solemn duties required by the Constitution.

Sir, if this bill contain in its womb but a small portion of the evils which its enemies have foretold, it is the worst measure ever introduced into a deliberative assembly. We have heard that the public treasure will be surrendered to thieves and robbers; that the President will have the power of an Eastern potentate, and that the "credit system," the source of all our prosperity, will be overthrown, and this flourishing country revert to its pristine barbarism. These are the exaggerations of heated zeal and distempered fancy. Hatred of the party in power has blinded honorable gentlemen; hope, which has so often tantalized them with the prospect of success, and has been so often disappointed, has filled them with intemperate ardor, and made them forget that the minds of others are not subject to the same obscuration. The hackneyed politician, whose sole object is to attain success, and the paid advocate of special interests, will use every means to excite the public feeling, and delude the public judgment, but it is matter of astonishment that high-minded statesmen should fall into such extravagances. I doubt not the sincerity of other honorable members, but after an earnest investigation of the merits of this bill, and after tearing from my heart every prejudice which might lead me from the path of truth, I feel assured that the success of this measure will be of lasting benefit to the Government, the country, and all its interests.

The bill proposes that the public revenue shall be kept by the public officers, by men appointed for that purpose according to the laws of the land, and it forbids the receipt at the Treasury of any thing but gold and silver, the legal currency of the country. These simple principles are the essence of the measure, and on them will depend its usefulness and efficiency, either as a fiscal agent of the Government, or in its incidental bearing on the industry of the Union. Gentlemen have said that they are contrary to the genius of our institutions, that they are more congenial to the despotisms of the old World, and more in unison with the habits and feelings of an enslaved people. To test the truth of these assertions, let us go to the fountain of our legislation, whose pure and living waters are yet refreshing to the patriot and statesman—to the Constitution itself. That instrument authorizes the President and the Senate to appoint subordinate officers, to assist in managing the affairs of this Governmeni. It says nothing of corporations, and the inference, that its authors intended to impose all the duties, arising under the Constitution, on persons selected according to law, and liable to its penalties, is not unreasonable. Congress has power to "coin money," and the States are forbidden to "emit bills of credit," or to "make any thing but gold and silver coin a tender in payment of debts," but no mention is made of bank paper, no authority is given to make use of the promissory notes of private associations, and it is not illogical to suppose that our fathers endeavored to establish a hard money Government. There were banks in this country and in Europe, when the Federal convention was in session; the convenience of these institutions was known and understood by its members, and their silence is unaccountable, if corporations be so necessary for the keeping of the public money, and if the demand of gold and silver be so hostile to liberty and social improvement. I am not saying that we are forbidden to receive paper, and to deposite it in banks, but I wish to show that this bill is not incompatible with the Constitution; indeed, I consider it in strict accordance with its spirit, a faithful performance of the wishes of its framers, who never dreamed of the interpretation of modern commentators. Here, then, I might stop, and ask our opponents for their authority. The burden of proving the measure inefficient or dangerous lies on their shoulders, and something more than loud denunciation is necessary to satisfy the public mind.

An honorable member from New York [Mr. BARNARD] said that the real object of the bill was to "govern" or to "regulate" the State banks, though its title was "A bill for the collection, safekeeping, transfer and disbursement of the public revenue." He thought it analogous to the tariff laws, which were passed for the benefit of domestic manufactures, whilst they were called acts for the collection of revenue; and he seemed to think it difficult for some of us to "digest" a measure of such a character. The gentleman is entirely mistaken, at least to one of those who support this bill. If its effect on the currency and business of the country would be wholesome, its passage is still more desirable; but I view it principally as an engine of the Treasury to manage the national revenues, and I am the more anxious for its success, because it obviates the necessity of a measure odious to the people, and destructive to the harmony of the country. Sir, I do not belong to that school of politicians, who, under the cloak of doing one thing, are aiming at another, not sanctioned by the Constitution. An honest man will not cheat his neighbor, neither will he commit a fraud in the Legislature of the Union, for the triumph of party, or the still more despicable purpose of taxing one portion of the people for the advantage of another.

But gentlemen are distrustful of individuals; they think that corporations alone are safe depositaries of the public funds. A single person is fit for the Presidency, though the destiny of fifteen millions of people is placed in his hands; a judge on the bench must decide questions involving the lives and fortunes of his fellow-citizens, and each one of us is trusted with the performance of great and solemn duties to the people and the Constitution. Can it be that the President and the Senate would be unable to find men sufficiently honest to take charge of a few dollars and cents? If there be so little integrity in the country, why do these moneyed institutions themselves put confidence in their officers and directors? How was the public money kept during the war of the Revolution, when there were no banks in existence? Other nations use individual depositaries, yet there is no complaint of loss, no absolute necessity of changing their system. Greece and Rome carried on their mighty conquests, and filled their exchequers with the spoils of the world, and their treasure was confided to the care of individuals.

Gentlemen are willing that the revenue should

be collected by the officers of Government, though the keeping of it must be committed to private associations. It is not easy to see the distinction; if men are too worthless to be trusted with the latter duty, it is unwise to allow their interference for any purpose, and banks should measure boxes, gauge molasses, sell land, and saunter about the country as regular tax gatherers. The case of Swartwout illustrates this view of the subject; his defalcation occurred during the connection of the Government with the banks, and whilst the public officers were ordered to collect and deposite in these institutions. Yet this did not prevent the embezzlement; for if a man be disposed to cheat, he has ample opportunity during the process of collection. The truth is, that whether banks or individuals be the depositaries, the Government is equally exposed to loss; the only safe rule is to select trustworthy men, to keep a vigilant eye over their conduct, and to inflict the heaviest penalties on negligence and dishonesty. This bill goes far to place guards around the public treasure; should, however, fine, imprisonment, and future disqualification for office be unavailing, let the whipping post and the gibbet drive men into the paths of rectitude.

But, sir, I will proceed to a topic of still greater importance. It is pretended that the power of the President will be increased by the provisions of this bill, and the patriotic sensibilities of gentlemen are aroused by the idea that the commander of the army and navy, and the leader of forty thousand office holders, should also have control of the Federal purse. The zeal of these animated orators would encourage the belief that public liberty was in danger, and that the President was grasping at all the powers of the Constitution, in order to change the nature of our Republic.

A plain statement will dissipate these clouds, and relieve the anxieties of honorable gentlemen, if they are sincerely in search of truth, and not playing the game of petty politicians for selfish purposes. If the Government and the banks be connected, the public money will be deposited in these institutions, subject to the drafts of certain officers, in pursuance of old and established laws. Whether it be a bank chartered by Congress or a State Legislature, the keeper of the money is compelled to obey the command of these officers; it cannot be said that the fund is to be used for an improper or illegal object, the depositary cannot inquire into the motives and designs of the public agents, though it be suspected that they are wasting the treasure of the nation, but drafts in the legal form and from the proper authority must be promptly paid. It thus appears that the revenue of the country must be under the control of some one, and existing statutes have placed it under the care of officers in the Department of the Treasury; they have it deposited in banks, they draw it out according to the exigences of the public service, and on their intelligence and integrity we rely for a faithful discharge of these important duties. Now, sir, the President appoints these officers, and, from the construction put on the Constitution since the days of Washington, he can remove them at pleasure; if they thwart the plans of ambition, if they refuse to be the tools of corruption, or if they decline to use the public money for any purpose which the President may dictate, he can eject them from office, and substitute in their stead men of more pliant and less scrupulous character. This might happen under a Chief Magistrate who could have the folly to attempt a stretch of authority, if we resolve to keep this Government and the banks united. Would our situation be different, if this bill becomes a law? The officer in charge of the public property might be cajoled by his superior, or driven to a violation of his oath and his duty to the country; through him the President could bribe dishonest politicians, or raise a secret army to war on the rights of his fellow-citizens, or use the nation's money to gratify still lower propensities. Thus in either case, whether banks or individuals be the depositaries, the President will have an indirect control of the public money, so long as the power of removal from office is admitted, so long as subordinates must depend on the smiles and favor of the Chief Magistrate. The most prominent measure of the late Administration proves the truth of this argument; the Secretary of the Treasury refused to obey the President, and remove the deposites from the Bank of the United States; he was displaced, and his successor readily executed the mandate of his superior. Shame, then, on this hypocritical clamor against the great measure of reform! Where is the proposition to increase the power of the Executive? Where is the clause by which he can exercise more influence than at present? This attempt to deceive the people is worthy of scribbling partisans and travelling orators; it ought not to appear in this House, where we should assemble and deliberate like dignified statesmen. If gentlemen are fearful that the President may exercise an improper influence on the Department of the Treasury, the only way to remedy this evil is to effect an amendment of the Constitution; and to make that Department directly responsible to the representatives of the people. A proposal of this nature would involve grave considerations; it might be feared that the Chief Magistrate would be rendered weak and inefficient, or the Secretary of the Treasury himself become too powerful, or the Legislature would engross too much authority, and trample under foot the co-ordinate branches of the Government. But the passage of this bill cannot be an obstacle to any change which may be desired by the wisdom and patriotism of the country; the question now at issue concerns the keeping of the public money, and whether it be placed in banks or in the hands of our own officers for safety and disbursement, the ultimate control of it may be given at any time to whomsoever the voice of the nation shall direct.

The management of the "independent treasures" will require the appointment of a few more officers and clerks, and to this extent the patronage of the President must be increased, but it will be shown, in the progress of my remarks, that this is trifling in comparison with that which will be lopped off by separating the banks from the Government.

But, Mr. Chairman, the strongest feature of this bill is that denominated the "specie clause," which orders the revenue to be collected in gold and silver. This provision will go into operation gradually, to avoid the injurious consequences of a change too sudden, and to enable all classes to accommodate their affairs to the future condition of the currency. The enemies of this measure have denounced it as a scheme to prostrate the banks and the credit system; the demand of coin is considered a discrediting of paper issues, and the complete overthrow of the present order of things, and thence they have launched into a swollen eulogium of the glorious advantages of credit. The error of honorable gentlemen consists in not discriminating between a standard of value, and currency and credit; every Government is bound to furnish its people with the former, and every Government has performed that duty; but, as to credit and currency, these have, generally been left to those engaged in business; and it is now proposed that we shall not interfere with the relations of private individuals. If one man has earned more than he needs, the surplus is loaned to another, on whose industry and integrity he can depend. Money is lent and borrowed from a sense of mutual interest: this has been the case from the time of Adam, and will continue to the end of the world. Is there any thing in this bill to discourage men from using their own property, or making such contracts as their interests may dictate? Is there a clause prohibiting individuals or corporations from loaning and borrowing money, or receiving the promissory notes of whomsoever they may be willing to trust? The Federal Government is forbidden to treat paper as money, not for the purpose of dishonoring that which circulates, but because it should not discriminate between its citizens, by using the promissory note of one and refusing that of another, and because the interests of the whole society will be promoted by adopting a new policy. Sound credit is a powerful agent in the production of wealth, and the advancement of individual happiness; but gentlemen are greatly mistaken in supposing that the extravagances and corruptions of the banking system, have pushed this country so rapidly in the career of national prosperity. The fertility of a virgin soil, hitherto untouched by the ploughshare—the enterprising spirit of our people, which no difficulties can subdue—and the unfettered liberty enjoyed under our free institutions—have caused the wonderful development of the resources of this highly favored land. But, sir, let us take a view of the practical operation of this measure. One member declaims loudly on the benign effects of paper; another theorizes on the benefits to be derived from gold and silver. I shall endeavor to discover the real influence of this bill on the business of the country and the character of our institutions.

If the coin paid to the Government be hoarded up, great distress would certainly be produced through all classes of the community; but it is levied for the purpose of being used, it comes from the pockets of the people into the Treasury, and it will go to the public creditor to defray the expenses of Government. The head of a family may spend thousands of dollars, and yet rarely have, at the same time, more than a few hundreds; his affairs are so managed that his expenditure keeps pace with his income, care being taken to provide for any contingency that may reasonably happen. Thus it is with the Federal Government; its revenue is constantly accruing, and passing away in a similar manner, unless an Administration should have the madness to collect more than is wanted for necessary purposes. It is impossible, however, to expect an exact correspondence between receipts and expenditures; one or two millions are required for the mint, and allowance must be made for casualties, so that the Treasury will always have a considerable sum above its immediate liabilities. Persons well acquainted with the details of finance (and the calculation is easily made) have supposed that five millions of dollars would be the amount usually in the hands of public officers: whatever may be the annual income, this will be the extent of the demand for Government, and the remainder will go into circulation, or return to the coffers from which it came. When the system becomes established, its operations would be regular, and banks, merchants, and men of business, will conduct their affairs accordingly; the dealer in money will soon learn to foresee the amount of specie that may be called for, as also that which will assuredly come back to his vault by the course of trade, and thence may be known his ability to accommodate customers and borrowers. It is probable that the sum above-mentioned must be supplied by the banks, and they should be prepared for this additional demand for the precious metals. By the last report these institutions had thirty-three millions of dollars in coin, and upwards of four hundred millions in debts, whilst they owed much more than one hundred millions to the community. Can it be possible that corporations so rich, and having such entire control of the business of the country, are unable to redeem five millions of their own notes? Or is it reasonable to suppose that their usefulness would be destroyed by the refusal of the Government to use their paper? Sir, these professed friends of the banks are their worst enemies; they have done more injury to paper currency by prating about its weakness, and dragging the subject into politics, than the most frantic bullionist could effect by argument. I think better of these institutions than their political allies. I believe that they are perfectly able to answer the call made by this bill, and if they are not, they would soon fall without the help of external violence. But it is said that if the Government refuses paper, the people will follow its example, and in the general distrust, nothing but coin will be received with satisfaction. This result is not probable; so long as paper is convenient for commerce, and so long as it is redeemed promptly by those who issue it, the thunder of Washington will be felt no more than a popish bull. The greater governs the less, and the hundreds of millions used in the business of this vast and enterprising country cannot yield to the small dealings of the Government; the thousands who throng the avenues of commerce, and congregate in the busy marts, will consult their own interests and convenience, and not the wishes of politicians. General Jackson

and his party were charged with endeavoring to destroy the late National Bank; and yet it became stronger among the merchants and traders, because they believed it to be sound; usefulness and safety, being the tests which govern the opinions of prudent and practical men. A few years ago the State of North Carolina forbade its officers to receive notes under five dollars, and made their circulation penal, and yet they came from the adjoining States, temporary convenience triumphing over principle. Gentlemen need not fear that confidence will be destroyed; the danger to be apprehended is too little suspicion, too much dependence on the honesty and intelligence of the mony dealers. The office of currency is to present a uniform standard of value, and furnish the means by which commodities may be exchanged and contracts regulated; in this country it is mixed, composed of coin and paper, the last greatly predonderating. The relations of business demand, and will have, a sufficiency of this circulating medium; the refusal of paper by Government will alter the proportions heretofore existing; there will be more specie and less paper; more of the substantial, and not quite so much of the convenient; more strength, and a little less activity.

When the public funds consisted of promissory notes, and were deposited in banks, they formed the basis of new loans, and in some cases were used as capital, though in reality they were the simple obligations of these institutions themselves. If, instead of having this deposite, they be called on to redeem five millions of previous promises, it is not astonishing that all interested in large issues should be violently opposed to this bill. According to safe practice, a banker can lend in paper three times more than he has in coin; and if he lose the advantage of the Federal revenue, his circulation will be curtailed probably to the amount of twenty millions of dollars. This result may be unpalatable to the receivers of dividends, and to those whose prospect of wealth is dependent on heavy loans and endless credit; but in placing a moderate and wholesome check on the manufacture of paper, this bill confers a great benefit on the people, who are deeply concerned in the maintenance of a sound and steady currency.

The history of banking shows a constant proneness to overaction; the anxiety of the stockholder to make large profits, and the greediness of the borrower, who too often is a mere speculator, seduce all parties beyond the limits of prudence. The former thinks that the demand for his notes is caused by the business of the country, and the latter imagines the supply to proceed from real, active capital. This may be true to a certain extent; but as paper increases, the price of property rises, and, reacting on the banks, induces greater expansion. These alternate influences continue to operate, until the condition of things is entirely artificial, the trading men being deeply indebted to the banks, and these utterly unable to redeem their obligations. While the flood is going on, it is easy and agreeable to glide in the current. High wages, high prices, and plenty of money, make us rejoice in the prosperity of the country; but when there is a reflux of the tide, and debtors are called on to pay, unrewarded labor, the sacrifice of property, and "hard times," mark the period of contraction. Self-interest is the guide and counsellor of these trading companies. The object of the capitalist is not to furnish a good currency to the people, but to make a profitable investment of his money. If it be advantageous to extend the business, it is done without caring for the soundness of the circulating medium; and if it be necessary to "stop accommodations," the decree goes forth amidst the groans and sorrows of a ruined community. In many cases, cunning and unscrupulous men creep into the command of these institutions; they act for the benefit of themselves, their friends, and confederates, regarding neither the interests of stockholders, nor the welfare of the country. Such persons are worthy of the gallows. But if the managers of the system be honest, and disposed to do their duty, how can they avoid the periodical crises under which we suffer? Where is the index to point out the limit of issues, beyond which it were unsafe to go? Who can tell when the demand for paper ceases to be natural, and the cravings of a morbid appetite begin to operate? It is said that the foreign exchange is the test; that, if specie be exported, the currency is redundant and should be contracted. This is a remarkable principle; the evil has occurred, and the community is injured, though the banker may moderate the mischief by listening to the warning received from countries across the water, that have a sounder currency. Should it happen, however, as is the case in England, that the foreign nation, with which we have dealings, has also expanded her circulating medium, the state of exchanges will not indicate the disease; or if we borrow large sums of money from European capitalists, the test is completely destroyed; indeed the rate of exchange would be in our favor, and yet we might be gasping from a plethora of paper. Sir, so long as companies, organized for private purposes, and pursuing private objects, have the entire control of the currency, and are assisted by the funds and power of the Government, so long will the standard of value be rendered uncertain, the condition of our citizens fluctuating, and their best interests placed in constant jeopardy. It is ridiculous to ask a remedy of those who are thinking only of themselves; these corporations have received their privileges from Government, and all that is now asked is to diminish, in a slight degree, the dangerous monopoly. The refusal of paper at the custom-house and land office will remind the banker that he is liable for the payment of his notes; he will be called on daily for the precious metals, and he will become more scrupulous in the use of his credit. I am not sanguine in the hope that this measure will produce a complete reform; it will certainly abate the the evil, and the Federal Government has not authority to do more. If these abuses continue to afflict the country, the power of the States must be invoked for a correction.

A learned member from Massachusetts [Mr. CUSHING] seems to think that the prosperity of a country is commensurate with the quantity of its circulating medium. If the currency be something valuable, its increase is undoubtedly an evidence of industry and enterprise, but considered as a mere instrument of commerce, as a means to effectuate a particular purpose, as a measure of value and exchange, its excellence depends on its efficiency for the desired object. A railway between two large cities may be useful and profitable; but if another be constructed, though the former could convey all the passengers, and transport all the merchandise that was to be carried, at a fair price, the usefulness of both would be diminished, and a portion of the expenditure would be a loss to the community. If fifty millions of dollars be able to keep in motion the plough, the ship, and the shuttle, and perform the contracts of trade, what good could be obtained by doubling this sum? Money would be depreciated, and all kinds of property would rise in the market; corn might be sold for six dollars instead of three, but the farmer would pay in the same proportion for land and labor, for the comforts and luxuries of life, and for the education of his children. In a country where improvement is constantly going on, where new lands are opening, where cities are building, and the mechanic arts are rapidly approaching perfection, there must be a gradual increase of the currency, but it should be according to the wants of business not the caprice and selfishness of individuals. Gentlemen need not fear a deficiency; if trade be left to itself, if bankers be put on the same footing with other industrious classes, if credit be free as the air of heaven, the circulating medium will be adapted to the capabilities of the country, to its varied industry, and gigantic enterprises.

Honorable members are addicted to being eloquent when speaking of the happy effects of a swollen currency. The poor young man, starting into life with no capital but his moral qualities, the hidden resources of the country brought to light and ministering to our greatness, the high wages which carry solace to the wearied laborer and his humble family, are topics on which they disport in their peculiar strain of declamation. Why will they not sometimes view the dark side of the picture? Why will they not notice those periods of our history when the banks are retracing their hasty steps, when the price of all articles is brought down, when labor is almost worthless, when the debor is pressed to the earth, and one universal cry of distress pervades the land? Between the years of 1816 and 1821, during the existence of the late National Bank, fifty millions of paper were drawn from circulation; previous expansions had created the heaven in which gentlemen delight, but the banks were forced to call on their debtors in order to sustain their own credit, and thence began the fall of prices, the destruction of property, and the derangement of business, so well known to those acquainted with commercial affairs. Since that time, similar events have occurred, though not of a character so disastrous; and now we are in the midst of a paper revolution, unequalled for its extent and appalling consequences, crushing the merchants, embarrassing the artisan, and depriving the laborer of the common necessaries of life. Can these fluctuations benefit any class of the people, or advance any species of industry? If we are pushed forward by expansion, we are dranged farther back than our old position by contraction. This country does not need an artificial stimulus—the spirit of our people is not broken by the despot's frown; the reward of industry is tempting beyond example; the field for enterprise is rich and varied; the fear is that we may advance too rapidly, that our strength will not be equal to our growth, and that we may be wanting in those great qualities of virtue, stability and moral excellence, which elevate and adorn a nation.

Some gentlemen have been seized with a wonderful regard for the institutions of the States; lips which have poured forth scorn and derision upon the doctrine of State rights, have lately used most honeyed phrases, and invoked the South to interfere and reject a measure that will destroy their local banks. Sir, the real object of this pretended sympathy is to play on the feelings of honorable members, and use them to advance a measure condemned by our constituents, and utterly repugnant to their interests; the hope is to destroy this bill, and establish a great National Bank, which is so friendly to the States and so little hostile to their own corporations! Let us compare the effect of such an institution with that of the Independent Treasury. According to the act of 1816, the officers of the revenue received the notes of any bank which paid specie at the place of reception, or the notes of the National Bank payable any where. If the collector at Charleston took the paper of a local bank, it was deposited in the branch of the national institution, whose manager immediately demanded payment, which was effected by means of specie or a draft on Europe. This Government would not touch the notes of State banks, except for a moment, to suit the temporary convenience of the citizen, but it gave strength and circulation to the issues of the great mammoth. How then can the passage of this bill injure the State corporations? Under no circumstances can they be benefited by the receipt and disbursement of the Federal revenue. In addition to this, the paper of a National Bank would find its way to the channels now occupied by that of the local institutions having the advantages which would be conferred by law, and the credit which would be given by the countenance of Government, it would be a favorite with the public, and perform much of the duty now devolved on its rivals, and of course reap the best of the harvest. The friends of the National Bank are therefore the enemies of the State corporations; the refusal of paper in this bill will be a wholesome check on its issue, but we do not also present a competitor in the market for the business of the people.

Mr. Chairman, one of the strongest arguments in favor of this measure, is its tendency to introduce stricter habits of economy, and to make the people understand any malversation which may occur in the conduct of their affairs. In 1824 and 1828, under the pretence of collecting revenue, laws were passed imposing heavy taxes on the people of this country, for the purpose of protecting domestic manufactures. I shall not descant on the subject, but will merely remark that these enactments were considered unjust and oppressive

by those who did not participate in the bounties granted; they were contrary to those modern principles of philosophy, which teach that commerce should be free and industry unrestricted; they were in violation of the spirit of the Constitution, which forbids that the Government should be prostituted to the interests of a particular class or section of this wide spread confederacy. Under their operation, large sums of money were collected from the people, which were not necessary for the public service; in a short time the national debt was liquidated, as if the present generation alone should pay the price of our liberties, and the most ridiculous, expensive, and unconstitutional schemes were projected to absorb the revenue, and yet there was a surplus in the Treasury of forty millions of dollars. Sir, does the history of Engand or France, or even Turkey, exhibit a policy so unjust and foolish? Monarchs have taken the property of their subjects to carry on war, by which their ambition might be gratified, their territories increased, and their families enriched; but in this Republic, established for the benefit of the whole people, whose ancestors refused to pay King George a small tribute, we have an instance of levying more taxes than are wanted, or could be wisely spent! This fund was deposited in the banks, which loaned it out to the real owners at an interest of six per cent. and kept them from feeling the burden that had been imposed; but finally, the authors of this miserable system of duplicity and plunder, to conceal the enormity of their conduct, proposed that these millions of dollars should be distributed among the States. Thus trading politicians, combined with the representatives of selfish and grasping interests, passed laws for the benefit of the few, at the expense of the many, and, when the result of the policy began to be manifest, a cunning scheme is devised to blind the eyes of the country, by returning the money which had been improperly seized, and by endeavoring to have it believed that this Government was a paternal benefactor. Sir, do you think that the juggling conspirators could have consummated the plan of deception, if the revenue had been paid in gold and silver, and been kept by the public officers? If forty millions of coin had been accumulated in the Treasury, every branch of industry would have suffered so intensely that the people would have seen the real nature of these hypocritical enactments, and with one voice, from Maine to Louisiana, demanded a repeal. Such is the beautiful operation of this measure, that the Government and banks are made to exert on each other an indirect but wholesome influence; the demand for specie will tend to keep the issues of paper within proper limits, and unjust or improvident legislation will receive a sure check from its bearing on the moneyed interests of the people.

Mr. Chairman, I have been amused at the various and contradictory objection which have been made to the passage of this bill. One member tells us that most of the coin will be collected at New York, and it must be transferred to different places where it may be wanted by the Government, and thence it will return by the course of trade to the city from which it came; he concludes therefore, that specie will be travelling about the country, and keeping commercial affairs in constant agitation, as if drafts, payable at the depositary in New York, and sent to St. Louis, for instance, would not be readily cashed by merchants or bankers of that city, who stand in need of Eastern funds, and thus prevent the movement of a single dollar. Another member opines that a great bank is to be erected, where all the specie of the country will be hoarded, and paper will be issued to take the place of our present currency, as if this bill countenances or approves of any such project, or does not contain provisions, which a fair and honorable statesman would consider utterly hostile to the life of a monster so obnoxious. A third gentleman is stuffed by his leaders with both these ideas; and not perceiving their inconstency, he pours them forth with all the gravity of conviction, and congratulates himself with having dealt a heavy blow on the Independent Treasury and its supporters, when his simplicity has only excited their pity or laughter. Sir, honorable members are compelled to resort to their old tactics; overthrown in argument, they create men of straw of vast dimensions, and bad propensities, against whom they war most lustily, or charges of corruption and imbecility are made against the Administration, which finally sinks into the awful crimes of buying a few flowers, or eating with a silver spoon, or using a cambric handkerchief. The object of this virulent slander and pretty persecution, is to divert the public mind from the real issue, to keep the people from considering the great questions which they are called to decide, and slyly elevate a party whose heart's desire is to establish a National Bank.

The beauties of such an institution have been often portrayed to this House, and to the country. A circulating medium at par throughout the Union—domestic exchanges regular, and at a small charge—the State banks compelled to redeem their issues—these are the boasted blessings to be conferred by a National Bank! It is certainly convenient for travellers to have a paper currency, that will be received in all the States; but they constitute an exceedingly small part of the community, and the trouble of taking a few gold pieces would save them from the loss and annoyance of using the notes of local corporations. This advantage is also counterbalanced by another consideration; it is not the ability of a National Bank, or the skill with which it might be managed, that gives a general currency to its bills, but the Federal Government receives them in payment of dues, and thus gives them credit in sections far distant from the place of redemption. Were the note of any bank or an individual stamped with such an authority, it also would go every where and be eagerly sought after; the granting of this favor to a special association is a great monopoly, and can only be justified by the overruling law of necessity.

Exchange between two points depends on the business of commerce, on the productions sold and the merchandise purchased, and on the relations subsisting between them as debtor and creditor. Natural causes, therefore, govern exchange, and if there be no tampering, no interference by the Legislature, it will always be on a proper footing; no body complains of exchange between New York and Liverpool, and merchants would think it ridiculous to speak of regulating it by a bank; for it is rarely much above or below the par standard. If a trader in New Orleans had one thousand dollars to pay a debt in Philadelphia, and a draft could not be bought on fair terms, he could transport the money by water, at the small expense of one or two per cent. This is done in all parts of the world, and where is the need of an artificial ruler, who will always have private interests in view, and secret objects to attain? When gentlemen talk on this subject, they should distinguish between the exchange of equal values, and the exchange of banker's paper. There is no difficulty about the first; and as to the various depreciations of the last, these must be corrected by ceasing to screen them from the penalties of the law, and by the stern sense of an honest community.

But, sir, we are told that a corporation of large capital, chartered by this Government, and sustained by its revenues, would furnish a paper medium equivalent to specie, would control the issues of State banks, and prevent those expansions and contractions of the currency that so often convulse the country. I grant that the powers of such an institution, wielded with prudence, wisdom, and patriotism, would produce a happy effect; and, if such qualities were often found among men, the State corporations themselves would not require a master, but would perform their duties faithfully. What reason have we to think, however, that more virtue, good sense, and love of country, will be found in the managers of a National Bank, than in those of the State institutions? Will not the offices of each be distributed by intrigue and favoritism? Will not all be equally desirous of large dividends? Will not all be closely importuned by needy borrowers and restless speculators? Where is the test of sound operations that will be accessible to the one and not to the other? Why should the President of the great company heed the signs of a coming storm, and prepare for its fury, more readily than his humble and weaker brethren? Sir, the truth is manifest, that the same tendency to overaction pervades the whole system—the same liability to err, and the same want of means to avoid the fatal consequences of mismanagement. Great Britain has a National Bank of immense resources; and yet, from 1797 to 1823, that corporation could not redeem its own notes. Within the last twelve months, it has been on the verge of suspension, having been saved by borrowing millions from France; and so far from controlling the small banks, her directors have charged the late disasters on those companies. Behold, too, the Bank of the United States, that has attracted so much attention during the last few years! Was the paper currency sound, stable, and worthy of confidence, from 1816 to 1821? Have there been no sudden expansions and contractions, at one time maddening the public mind with the exciting stimulus, and at another destroying the hopes and blighting the prospects which a selfish policy had caused to spring forth? Let the merchant, let the honest citizen, answer at the bar of his country. Where now is this great institution, the model of finance, the cynosure of all eyes, the everlasting topic of eloquence and declamation? Almost in a state of hopeless bankruptcy, the pity of its friends, and the scorn of its enemies. Ought this to have been its condition at the end of a long career, if there be so much magic, so great safety and excellence in a National institution? Where was the skill and wisdom of its directory, the sagacity which could penetrate into the future? where the lofty bearing of strength and confidence? Sir, have they passed away in the energy that marked the progress of a bold and violent warfare?

Whatever force may be in the statements of honorable gentlemen as to the usefulness of their favorite measure, is weakened by the fear that its privileges might be exerted to the detriment of the country. We have a diversity of climate, soil, and population. One State is agricultural, another manufacturing, a third commercial, or there may be rivals in the same pursuit. And is there no danger that an institution of great power might be prostituted to sectional purposes? A charter granted to-morrow would aggregate capital from all parts of the trading world. It would soon belong to foreigners and vagrant natives, and it would be controlled by a few merchants and brokers of New York or Philadelphia. In these men would be united the money dealer, and the local partisan; profit would be the first object, and the aggrandisement of their city or section the next consideration. Would they care for the well-being of a distant community, if it came in conflict with their own interests? Would an appeal from those with whom they have no sympathies of feeling reach their hearts and influence their conduct? Cold and calculating, they might sweep from existence the State banks, established to foster the dawning commerce of our ancient sovereignties, and create a dependence on themselves throughout this extensive empire. They might concentrate the trade of the country, at particular points, when the wishes and welfare of those whose industry has brought it into existence, would give it another direction. Sir, can I vote to place the happiness and the prosperity of my constituents at the command of strangers, who know them not? Can I give to a few bankers the control of their commerce, and the regulation of their industry? Should I become the servile instrument of cunning politicians, who, having national words on their lips, are entirely governed by local feelings, and assist in sacrificing my own home and my own friends, to pamper the pride and increase the wealth of the people of other sections? No, sir, let this Government be separated from all banks, let it raise aloft the standard of the Constitution as the guide of the country and the protector of the people; let it warn men of business from the shoals and quicksands, hid under the smooth current of unsound credit; let it be the signal of safety in the hour of distress, the solid bulwark of national honor amid the rage of disastrous speculation and the petty tricks of temporary expediency! The enemies of this great doctrine have endeavored to degrade it into a mercenary scheme for the benefit of the public officers. This view is more consistent with the narrowness of their own minds and the bitterness of political feeling, than the im-

portant consequences that will flow from its adoption, either to the advantage or the injury of our descendants. My own opinion is, that the connection which has existed between the Government and the moneyed class of our citizns, was corruptive of both. It did not advance the permanent interests of society, and, if prolonged, might so change the character of our institutions, as to render profitless the blood and treasure that were expended in their establishment. This subject has caused all the strife and turmoil that have made the last eight years so memorable in our history. The party in power refused to recharter the late National Bank, whose stockholders immediately threw themselves into the arms of the Opposition, and the question became the prominent topic of political controversy. General Jackson was charged with designing to tamper with that institution; and he retorted with accusing the Bank of using its funds in operating on the public mind. Members of Congress and men of influence received loans or high compensations for service, which were stigmatized as bribes and the varying state of the Bank's discounts, was said to be without reference to the business of the country, and intended to produce panic and uneasiness thoughout the land. The removal of the deposites was proclaimed an act of tyranny, and defended as necessary to curb a bold and intriguing corporation. The substitution of the State banks to keep the public money was hailed as a deliverance, whilst the Opposition considered them mere political machines, brought up to aid the policy of a corrupt Administration. I know nothing of the truth of these charges and criminations, though to this day they are believed by thousands of honest and intelligent citizens. The secret doings of factions, and the private arrangements of public men can never be fully understood; but in matters of this kind a well grounded suspicion is sufficient for an argument, and patriotism bids us to be ever watchful in guarding the purity of our noble institutions. An association of capitalists prays for the grant of extraordinary privileges, even the power of controlling the commerce, regulating the industry, and valuing the property of fifteen millions of people. This is refused; and it is unreasonable to suppose that these men would use uncommon efforts to attain their objects? Would they scruple to form an alliance with needy politicians, that were in search of new weapons to attack their adversaries? Would they hesitate to work zealously in the cause of a party, whose elevation will redound to their own personal advantage? Or, let us suppose that an ambitious Executive shall unite with the moneyed power for mutual assistance, the one using the influence of station to obtain for his ally a valuable monopoly, and the other endeavoring to wrest from the people obedience to a tyrannical chief, by adroitly operating on their business and affecting their pecuniary condition. If a President, endeared to the people by his eminent qualities, and sustained by the patronage of the Government, found it difficult to withstand a wealthy corporation, is it not to be feared that a coalition of the political and moneyed influences of the country would be perfectly irresistible? No one supposes that a direct assault would be made on public liberty, for we are not prepared to bend the knee to a master, but the offices of the country would be used to gratify the ambition of corrupt politicians, and its legislation would be directed according to the selfish purposes of individuals, and not for the glory and welfare of the whole people. Should this bill become a law, and the declaration go forth that privileges and immunities be no longer conferred on private associations, our politicians will not be tempted from the path of duty by the hope of making selfish partisans, and no class in our extensive country will have its feelings and opinions of public affairs affected by other considerations than those of enlarged patriotism.

Honorable gentlemen have spoken strongly of the injury inflicted on all branches of industry by the strife which we have witnessed during the last eight years. They have been pleased to say that the "war on the currency" has deranged business, destroyed confidence, and wasted the means of the people; and they conclude that nothing but a return to the old paths will insure safety to trade, stability to agriculture, and wages to the honest laborer. Sir, I draw a different moral from the past; it teaches that a barrier should be raised between politicians and bankers, that no future opportunity should be given for agitating the country, and mixing private affairs with the intrigues of politics. What careth the Jew for the cries of his victim, if he obtain the "pound of flesh?" When did the spirit of party listen to the suggestions of reason? The ignorant and bigoted partisan will use any weapon to overthrow an opponent—patriotism has no abiding place in his heart—the sentiment of honor is buried in the desire of success—nothing too low or contemptible for his alliance—nothing so sacred as to escape pollution—ay, he would sacrifice the honor of his father, and the fame of his mother, to gain a miserable triumph. It is wise, then, to separate the Government from the business of the people. If gentlemen succeed and renew the connection, the struggle will be continued by those who honestly entertain the principles we advocate; and the mere Swiss, who fight for bread and popularity, will ever be ready to keep up strife and turmoil. Is it not best, then, for the agriculturist, the merchant, the mechanic, and the laborer, to have peace and certainty? the dews of heaven will fall, and the grain will spring forth under the industry of man—economy, skill, and ingenuity will push to supremacy our infant manufacures—enterprise will spread over every ocean our glorious banner, and all that is necessary, is protection from the Government.

Every man knows what he can do, what are his means, and what his capacity; the eagerness for improving his condition will stimulate him to great efforts; the resources of the country will be developed, and its wants supplied by the good sense of the people, if they be left to themselves. Freedom is the life-blood of our institutions: let it be extended to all things and to every occupation. If bank paper be useful, it will continue in the service of the country; if it be a curse, time will moderate the evil, until a subsutitute can be prepared. But let the Federal Goverment desist from granting special favors, or conferring extraordinary privileges on any class of the people. Wherever this has occurred, under whatever pretence rulers have acted, the invariable result has been to oppress the great mass, and ultimately to diminish the strength and wealth of the country. Great Britain prohibits the entry of foreign corn, until the domestic article rises to a high price, and thousands of the poor rarely have their hunger satisfied. The excuse for such legislation is most patriotic; but when it is remembered that Parliament is composed of landholders, who must have large incomes to support them in luxury and extravagance, every sensible man will behold a mean and sordid motive in English statesmen. In the annals of Rome, we read of contests between the patricians and plebeians; and one would suppose that the latter designed to rob the former of their property; but modern histerians have discovered that the Senate wished to divide the national domain among its own members, and this was the origin of their intestine commotions. Whether the Government be monarchical, aristocratical, or of any other form, there will always be an effort to use it for private purposes. The king will think of himself and family; the nobles will desire to perpetuate their authority; and the ambitious portion of a Republic will struggle to escape from an equality odious to their pride, and destructive to their hopes of living without labor and at the expense of their neighbors. Sir, now is a propitious time for destroying this loathsome seed of discord; let us send forth the declaration that no class of the people, and no kind of industry, is to receive peculiar patronage from this Goverment; all should depend on their own exertions, and every occupation should live or die, according to its fitness for the country, and the skill of those who pursue it.

These are the doctrines contained in the bill on your table—they are the doctrines of the Constitution—they are the bulwarks of civil liberty; and without them, any form of Government will become a nuisance and a tyranny. And whilst we are struggling in the glorious cause, will the people forget their faithful friends, and desert their ancient principles? Can they be drawn off by a hue and cry about small faults, and permit an enemy, whom they have often conquered, to re-establish his power? Are low debauch and disgusting charlatanry to be substituted for reason and reflection? If so, we are unworthy of the blessings for which our fathers suffered, and we are prepared to be slaves.

IN SENATE,
THURSDAY, June 25, 1840.

Mr. ANDERSON addressed the Senate as follows:

Mr. President: The bill upon your table is now on its final passage; and I rise, sir, with very great reluctance, to ask the indulgent attention of the Senate, while I state, in the briefest possible manner, the reasons which will induce me to record my vote against it. There are occasions, sir, when a man may not be excused for his silence; and so I think my duty, under the present circumstances, to the State which I have the honor in part to represent, demands of me that I should bear, thus publicly, my testimony against this dangerous and searching measure.

My distinguished colleague, before the recommitment of the former bill, took the occasion, then, to express his entire disapprobation of the adoption of any general bankrupt law at this time, whatever might be its provisions, and adverted to the fact that he had no reason to suppose that Tennessee wished a system of this kind. I concurred most fully in the views which he entertained, and have now to state, that I have not myself, up to this time, received any evidence that the opinions of the people of Tennessee are in favor of the passage of a bankrupt law. It may well be supposed, therefore, that at the moment when such a mighty power is about to be brought into existence, in a crisis of such peculiar character as that which now pervades this country, I should feel the deepest anxiety for the result, which may, perhaps, fall most unwelcomely, and unexpectedly, upon my constituents.

This bill provides that all persons may become bankrupts at their election, upon petition, verified by oath, and stating their inability to pay their debts; and that a certain other class, including the merchants, shall be liable to be made bankrupts, under particular and specified circumstances. It has been partially modified with a view to protect the interests of the creditor, by amendments offered by my distinguished friend [Mr. WRIGHT] from New York. Several propositions which he made, intended to effect this object to a greater extent, I regret to say it was the pleasure of the Senate, by very small majorities, to reject. I voted for most of them, in order to make this bill less exceptionable than I believed it to be, as originally reported by the select committee. Still, sir, I look upon it as a measure teeming with mischiefs of no ordinary character, to the highest welfare of the Republic.

I shall not now advert to the constitutional questions which this bill involves. They have already been fully and ably discussed by others, and I shall, therefore, call the attention of the Senate to the expediency and probable results of this measure. I confess, sir, I cannot contemplate its passage, without the deepest solicitude for the interests and character of our common country. Without, as it seems to me, sufficient evidence of public opinion, we are pushing it forward with an ardor, and a haste, for which we can offer no adequate justification. We have before us the progress of more than fifty years of fruitful experience, and it is now nearly forty since we dismissed from our statute book, with disgust and indignation, the trial of this system, which was made in eighteen hundred. We had then a population of not much more than four millions of people, and the difference between that number and sixteen millions—between thirteen independent sovereignties and twenty-six of greater magnitude—with our agriculture, commerce, and manufactures multiplied in a far higher proportion—with the pursuits of men not only augmented, but in the general progression of every thing immensely diversified beyond any former example, has added much to the increased importance of the question under consideration, and, as I think, to the doubtful character of its policy. Sir, in such circumstances, what are we about to do? We seem upon the very verge of exercising a power which is destined to search this vast and extended population—to try its most vital interests—to take absolute and summary possession of the great relations of creditor and debtor—to supersede, at a single step, long established opinions—to overlay the varied customs and legislation of twenty-six States, differing widely in their interests. All this is to be done by one great, paramount, inflexible, and uniform law—a law which tramples beneath its foot the private rights of individuals, and the judicial power of the States, which interposes for relief, or remedy, between the creditor and the debtor—a law which carries with it into twenty-six distinct and independent jurisdictions more than the power of the writ of summons, and more than the power of the writ of possession. Release is founded upon the oath, and fraud legally presumed at the will of the applicant. The house and the lands of the citizen are to be taken without notice or preparation. The whole system of things is to be changed by the single move of the creditor or debtor. In a contradictory spirit of concession, you give to the most wicked of either class the right to destroy others, and compel, by your policy, the more virtuous to enter into the competition. Accidents and oaths, under this law, may accomplish either end, and it offers the singular spectacle of granting the immunities of voluntary bankruptcy to all, upon the condition that the creditors may make a particular class of debtors liable to their compulsory process. Thus the catastrophe of bankruptcy is to be completed, where undisturbed industry, prudence, integrity, and talent, might relieve the incumbent, without the odium of the injury forever clinging to his name, and rankling in his heart.

If the proposition were now made for the first time, to grant this power, I have no doubt it would be refused by a large majority of the American people. It has an extent, as it stands in the Constitution, far beyond what could originally have been designed, and which partly arises from the more fully developed, and better understood nature and construction of our peculiar Government.

Hitherto the danger has been that of obtaining power by construction, but this is so broad and so comprehensive, in its literal sense, that we find ourselves resorting to the expedient of reducing it by appealing to the standard of English authority. And, sir, there is no country in the world where its practical influence would be so peculiarly felt as in ours, both by the people and the Government. It would turn the fears and the hopes of the one to an entire concentration upon the other, and bring that other into the possession of a strength which would give it a consolidated mastery, ultimately, over all things, over men, and over States. In this may be found, in part, connected with other intrinsic objections, the explanation why the exercise of the power was so long postponed, though pressed from seventeen hundred and ninety, annually, until eighteen hundred; and why it was afterwards so early discontinued, and has been since so steadily resisted, until at length, yielding under a succession of panics and disasters, the natural product of the vast bank power of the land, we seem about to re-enact this great statute sponge, to be applied, retroactively, upon all the pecuniary responsibilities in the country. Sir, this long postponement, the early repeal of the law, the resistance against its introduction since, present to us, the instructive portion of the history of this subject, and we ought

to regard it, until we shall be otherwise informed, as expressive of the deep sense of the American people in favor of the policy of leaving the power entirely dormant in the General Government, and to be supplied by the legislation of the States.

The first blow which will be struck, I fear, will fall heavily upon the moral feeling of society. It will superinduce on the one side temptations to seek immediate relief by a single act of surrender, where perseverance and skill would, in the course of a few years, recover the unfortunate debtor from his embarrassments. It is certainly true, that the very offer of legal relief, in the first moment of a public panic, is an invitation to cease to make efforts, and will practically be an extinguishment of all debts, without a struggle to pay. On the other hand, it bestows a power upon the creditor which it is illusory to suppose will not be often abused, and as often productive of the most mischievous results. The whole basis of the measure invites fraud on the one side, and suspicion on the other. You bring into active application two utterly antagonistical principles—the newly awakened hope of the debtor to escape from responsibility, and the vigilance of the creditor to overtake the debtor for a delinquency, which he may not disregard, for fear of leaving to him the ultimate advantage of the law upon his own terms. The main pillar of credit, that confidence which is mutually inspired by integrity and by justice, will be struck down at a single blow. You destroy, at once, all mutuality of feeling, of forbearance, and of interest. No compositions will ever be proposed, and which might be effected at less expense and less risk between the parties. It will be a race of escape and pursuit, and in the present condition of the country, we will confound the honest and persevering debtor, who would finally pay, with the man of desperate fortunes. We will make an indiscriminate sweep of the unfortunate who yet bear themselves against the tide, with the bold and reckless speculators, who are already ruined; and with this solitary act we will render memorable, in all time to come, the present epoch of our calamity, by a great legal catastrophe, fashioned with singular zeal, anxiety, and labor, from our own hands. If it were possible to limit the effect of the bill before us, I am not prepared to say that it would be without a useful and happy influence upon the condition of society. But, sir, one of the very features which recommend it most strongly to the support of its warmest advocates, is, that it goes to the extent of every interest, and every class in the community, not by merely discharging the contracts of those who are hopeless and remediless, but that the offer of emancipation from debt is universal. The practical effect of this, we know, will spread itself through all the relations of life, but the final end no man can tell. When you shall have broken up the moral bond of union which strengthens and protects the transactions of men, as much as law itself legalizes them, it is impossible to estimate the consequences. I speak not of solitary exceptions—the plundered, willing or unwilling, must struggle with the plunderers—the virtuous with the vicious—and the blow which fells to the earth your next neighbor, will carry with it another, and another, without being able to say who shall escape, and who shall be counted last.

This measure, let it be remembered, has been urged by an eloquent appeal to our sympathies; that he, whose head was bowed down, should be lifted up; that the tears of his wife, and his innocent children, would be dried; that the wretched and forlorn should again take their place in society. Sir, no man, I trust, feels more deeply for his fellow man than I do, or would go farther to relieve him under the pressure of distress. But, sir, does justice, does humanity require that we should save some by destroying others? That to dry tears, which already flow, we should strike new fountains from which they would be shed more abundantly? That we should multiply the unfortunate in order to relieve them? That we should disregard the claims, the interests, and condition of the largest business class of men in the nation; and that, of all others, they should be made to feel that we legislate not for them, but for those who are already desperate? Is this fair? Is it just? Is it wise? Is it humane? Will you lay your hand most heavily upon the commercial community, under a mere suspicion that they may deal harshly with others, while your generosity is poured redundantly upon the head of the speculator? Is this, sir, the boasted love of that great interest? Is this the tender mercy which the mercantile class is to receive at the hands of *their peculiar friends?* Sir, it is the embrace of death—death to credit—death to confidence; that confidence which procures rank and station to the trader; which sustains him in many a sore and trying struggle; that confidence which, when every honest effort is expended, would, upon a surrender of his effects, discharge him from his liabilities; that confidence, above all, which reposes upon our justice and our wisdom!

Mr. President, this measure has, to my mind, the most peculiar aspect. It comes before us under the potent auspices of the most singular compromise ever presented in legislative history. I repeat, it is no more or less than that the voluntary bankrupt is to be allowed to escape from his creditor, upon condition that creditors may be allowed to oppress a particular class of debtors. The first would not be permitted, but it is the condition of power to the latter; and, on the other hand, the latter is to be conceded on the condition of that special benefit to the former. It seems to me, sir, that if either would be wrong, and publicly mischievous singly, because of the peculiar state of the country, that the two united will certainly augment the measure of injury. I am unable to understand the philosophy of this subject in any other way. It has been contended that neither, alone, ought to be adopted; if so, a compromise, by which both may be efficient, must therefore, I think, add a double force to the objection that lies against this great experiment.

Sir, I would address Senators, in the language of Mr. Burke, when he wrote to his constituents, with whom he had differed: "I would appeal from the opinions which you now have, to the opinions which you will have five years hence." From the present excitement, to the practical results which we are now preparing, and when every other influence will have passed away, except that experience which will then come home to the feeling and observation of all men!

The policy of this measure may be partly estimated by the amount of debt which exists in the country, and upon a large portion of which it will be immediately directed. It is probably a fair calculation, that the mercantile debt owed by that portion of the country which is now within the range of the suspended banks, is equal to one hundred millions of dollars. Of this, I understand the computation for the city of New York alone to be upwards of sixty millions. The remainder may be divided between Philadelphia and Baltimore. This debt is to be extinguished in two methods; by the voluntary act of the bankrupt, and by the compulsory process which you give to the hand of the creditor. The contracts were made in a period of the highest prices and a swollen currency. That currency has been reduced by the curtailment of the banks, and with their action has fallen the price of wages and of property. They were the primary causes of the first, as they have been of the last; and although over one-half of the nation they are now suspended, and refusing to pay their own notes in specie, the utmost extent of their paper currency is not more than one hundred millions of dollars—not equal to the precious metals which they have driven into retreat. It is in this state of things that you propose this measure of voluntary and compulsory bankruptcy. And, sir, to whom have you given that power of coercion, upon mere petition, without being verified upon oath? without even the right of traversing the question of fraud by a trial by jury, until after the decree is entered up—until after the blow is struck? We most graciously propose to bestow it upon those very banks, as well as upon individuals—the banks, to whom we have been told, in this debate, that there is a sum of four hundred and sixty millions of dollars owed by the citizens of the United States. They are to be brought into the great field of action, and to become the potent competitors in the general work of ruin and distress. Are we prepared for a scene like this? One vast scene of disaster, of which no man can tell the end? One wide, deep, and lasting excitement. Sir, the country will stand aghast at the practical march of this measure, with its train of clients, of debts, of agents, of assignees, of lawyers, of courts of power, and of patronage! And who will reap the harvest? Most surely, not the creditors! What is the experience of those who bore a part in the administration of the bankrupt act of eighteen hundred? I have before me the testimony of one whose talents and character entitle his opinions to the highest respect. I am not disposed to surrender a question of this magnitude to the mere authority of names; but Mr. Tazewell of Virginia delivered this testimony in the Senate, upon the debate on the bankrupt bill in eighteen hundred and twenty-seven, and spoke of that which he personally knew, and which no man will venture to controvert, and which I have no doubt, upon examination, will be found to be sustained by the facts that transpired in almost every State of the Union. I beg leave, sir, to read his statement. He says: "When the former bankrupt law was in existence, he resided in a seaport town, and was engaged in almost every case of bankruptcy that occurred during its operation; and he could assure the Senate that he never knew *a solitary case*, in which the creditor obtained one cent. The debtors had often large estates—there was a large amount of property somewhere; but by the time it had been filtered through the hands of the assignees, of the commissioners, and their deputies, and agents, and this, and that, and the other officer, appointed to act upon it, not a fraction was left for the creditor. The whole had been absorbed in its progress." And such, sir, I have no doubt, will be the progress of this measure, in the contact and process of agents and of courts.

There is another consideration connected with this subject, which, I think, is entitled to some weight, and ought to be felt, at least by those who complain of the expenditures of this Government. The total sum which will, in all probability, be extinguished, either by payment or discharge, cannot fall much short of two hundred millions of dollars. The number of bankrupts will be, perhaps, not less than two hundred thousand. I have heard it estimated to be much greater. Be this as it may, it is very certain that your courts, as at present constituted, cannot possibly execute the immense mass of business—the almost endless suits, in addition to the separate cases of bankruptcy, which will be cast upon them. It is true that this bill provides that they shall be considered as always open to applications under the act, but their number is too few to enable them to go through but a small portion of the causes. You will be compelled to increase the number of your judges, and subdivide your present districts, or to create a special set of commissioners, for the sole purpose of executing this law. Let those who are the special friends of this measure, be prepared to take also this responsibility. It will be found to be one of no inconsiderable magnitude.

The period now fixed, at which it is to take effect, is the first of February next. Why not then postpone any legislation until the next session of Congress, as we shall have, in the interval, the opportunity of returning to our constituents, and consulting them upon a subject scarcely inferior in importance to any which may require their consideration? Or is it possible that the anxiety to pass this bill will not brook delay? Sir, that delay would bring back upon us the judgment which may reverse the decision which we are probably this day to make.

Mr. President, I fear it is in vain to hope for the defeat of this measure. But, sir, I think it would have been prudent, in the midst of the present excitement and pressure, to have trusted a little longer to the forbearance and magnanimity of the creditor, to the honesty, the industry, and the perseverance of the debtor. In Tennessee, sir, like every other portion of this Union, we are considerably in debt; and although we cannot pay to-day, or to-morrow, or next day, we are essentially a solvent and a paying people. We want no sponging retroaction—but will, in the end, with few exceptions, pay the last cent for which we are liable. But establish this law, and though it may cast the sunshine of hope upon the path of many a worthy and unfortunate man, who is bent beneath the burden of his disasters, it will just as surely overshadow with misfortune others of equal merit, who would, if undisturbed, pass triumphantly through the impending calamities. For every bankrupt it may relieve, the very moral, as well as compulsory power of its provisions will follow, pari passu, to add its victim to that object of your mercy. The very mercy of this twofold system will stimulate the fears of the creditor, who will most naturally avail himself of every advantage against the debtor, whom the law has armed with the choice of his own fortunes, and we shall exhibit the great national spectacle of fierce passions and private plunder, overruling the mastery of every nobler feeling, under the influence of such temptations as few can resist, and the impulse of such a revolution as none can stay.

Instead of being a measure to cure the evils under which we are suffering, it will propagate bankruptcies with a prolific hand. Whatever may be the theory of gentlemen upon this subject, however they may expect to bring peace, hope, and joy to the bosom of the ruined, there is another side of this picture, upon which the statesman cannot look without apprehension and doubt; *it is where these are to be seen on whom ruin will be brought.* The law will take its course. The fears and cupidity of men will sweep over the land in one deep and rapid stream! No industry, no integrity, no perseverance, no probable prospect of success can arrest it. I would that we could pause before we adopt this terrible and delusive measure. There is nothing in the history of the past to assure us of the wisdom of the step we are about to take.

If the Constitution contemplates such a measure as this for the protection of commerce, our prosperity, for nearly forty years, is proof that it is not demanded. It is said to have this basis for its policy in England, but with all her advantages, and the aid of its protection and encouragement, we have advanced many per cent. in the proportion of the whole, beyond her commercial and navigating interests. As a permanent measure, it would be found, as I think, to have no such influence. Even as a temporary remedy, the power is too dangerous, and the consequences are too alarming.

Let us pause before we pass this bill. It will array the North against the South. It will engender a suspicion, a distrust, a deep rooted prejudice, which can scarcely be obliterated during the quarter of a century. It will be a standard subject of reference for the guidance and action of the next generation, and instead of promoting the prosperity of commerce, I fear it will materially affect its best interests, particularly by its premature adoption.

Besides all this, the country has not had half time to right itself—to recover from the stupor of its extravagance—to return to habits of economy—to make a steady, united, and persevering effort to pay its debts. Let us, therefore, look not so much to fear as to hope—to despair as to a firm resolve to pay—to the forbearance of creditors—to the justice and industry of debtors. Our countrymen are full of a noble love, and a noble confidence towards each other; and it becomes us, as the grave advisers and lawgivers of the land, not to weaken, discourage, or destroy these sacred relations. We may rely upon it, sir, public opinion is not fully ripe for this measure. The time may come when it may demand some system of this kind, for relief and for remedy; but let us not hastily and prematurely, at the first alarm, produce a revolution in our laws, and the laws of twenty-six States, which, when put into motion, cannot be arrested by a hand less powerful than our own. Let us not be borne down by the mental pressure of the moment, but standing erect, with a wise forecast, ask ourselves the question, how this will be, after the experiment has been passed, and the experience of years has sealed its character?

DISTRICT BANKS.

HOUSE OF REPRESENTATIVES,
July 1, 1840.

The following bill from the Senate, extending the charters of the banks in the District of Columbia, coming up in order, viz:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charters of the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the 4th day of July, 1842, unless Congress shall, in the mean time, otherwise order and direct, upon condition that neither of said banks shall issue and pay out the notes of any other bank, banker, or banking institution or corporation, which is in a state of suspension or non-payment of its liabilities in specie; and upop the further condition that the said banks, nor either of them, shall take a stay of execution on any judgment recovered against them in any case whatever, nor appeal from such judgment, nor take a certiorari thereon, except on an affidavit of merit.

After some remarks by Messrs. W. C. JOHNSON and ADAMS in favor of the bill,

Mr. PETRIKIN addressed the CHAIR, and was recognised by the SPEAKER as being entitled to the floor, in opposition to Mr. JOHNSON of Maryland, who claimed it on the ground that he had, out of courtesy, given way to Mr. ADAMS. Mr. PETRIKIN having insisted on his right, under the rules, the SPEAKER decided that he was correct, and he proceeded as follows:

Mr. SPEAKER: I have known for years, that banks and their agents claimed and possessed exclusive rights and privileges on all occasions; and that the claims of individuals, here and elsewhere, have been, in most instances, postponed at their wink and nod. I am glad that, for once, a humble individual has been able, on this floor, to have his rights respected in opposition to these powerful institutions. I am opposed to the recharter of these banks in the way they demand it to be done; for, Mr. Speaker, they do not merely request a renewal of their charters, but they demand it.

Weare told that the present bill must be acted upon immediately, and passed by a pliant vote. Individuals have to petition for their rights; they have to ask respectfully, year after year, without being able to get a hearing before Congress, or a redress of their grievances, (and such is the case even with the war worn soldier, the widow, and the orphan,) but when the agents of banks, their presidents, cashiers, and directors command it, all business, both public and private, must be laid aside, and Congress is required, and when so required must do for the banks all that they ask; and not content with that, the banks must have it done without delay and without debate. What is it that is now demanded by the banks of this District? Why, sir, we are asked, ay, peremptorily commanded, to pass a law sanctioning their violations of law, and the rights of the people. We are asked to legalize swindling and fraud of every species, without any regard to the rights of the community. Let an attempt be made to amend the charter of a bank, and they are met at once with the cry of "an infringement of contracts," "a violation of chartered rights," &c. &c; though banks claim the right to violate their contracts with impunity, and demand the sanction of the constituted authorities for the grossest frauds. The banks, while in a state of suspension, by which they violate a solemn contract of promise to pay on demand, have the barefaced impudence to ask Congress to give its sanction to crime, alleging as a reason for it that it is for *the benefit of the people.* We are told that the people ask for the recharter of these banks. I well know what is meant by these bankers, when they say that the people require us to legalize their swindling. By the term people is meant banks and bankers, not the mass of the citizens; not those whom a Whig member a few days since, on this floor, called "the rabble;" not the laboring man, mechanic, and farmer, who, by the sweat of their brows, support their country, but the nabob, who rides in his coach and four through the streets of this city, and the speculator, who, vampyre like, sucks the hearts blood of the industrious and laboring part of the community. These are they who are called "*the people*" by the bankers. I aver, sir, that a large majority of the people of this District are opposed to the rechartering of these banks. But a few, in comparison to the whole number of he people, are indebted to the banks. I would venture to say, if the truth could be ascertained, that of the whole number of persons resident in the District at this time, exclusive of members of Congress, and the officers and directors of banks and their connections, that there are not three hundred individuals who owe the banks one dollar.

We are told that if these charters are not renewed, a great deal of distress will be produced among the people. This I deny, because, as I have said before, the mass of the people owe the banks nothing, and the bankers will be cautious how they distress each other. There being no elections in this District, real panics will not answer any political purpose; but an imaginary panic is now in full force here, with a view to operate on Congress; for if we look around us, we see very few symptoms of distress among those who deal in banks, that is, if we are to judge from their manner of living, and the extravagance of their habits. But admitting, for the sake of argument, that our refusal to recharter these banks would produce distress among a part of the people of the District who happen to be their debtors, is that any reason why we should act in direct violation of every principle of justice, by legalizing the frauds and violations of law which these banks have committed? When was crime punished without producing some distress? When was any great political or moral reform obtained without individual suffering? And what greater evil could exist than legalized swindling by the few at the expense of the many? What greater moral and political reform could take place for the benefit of our country than to reform the banking system of this District as an example to other evil doers? We are not to inquire whether it is expedient or inexpedient to comply with the demands made of us, but we must first inquire what do justice and the public good require at our hands.

Mr. Speaker, we have witnessed the operation of these speculators upon the people of this District, and throughout the Union. We have seen the effects of their systematized violations of law and common honesty on the industrious, honest laborers of the country, who have been cheated out of their hard earnings by the worthless depreciated paper issued by the banks. We have on record before us, that these very banks now asking us to extend their charters, have three times, in the short space of six years, suspended specie payments, depreciated their stock and notes, and that their officers and directors have purchased them, thus depreciated, at a discount of from ten to fifty per cent.—defrauding in this way the unsuspecting widows and orphans of the District. I repeat that we have proof before us that the banks of this District have three times flooded the country with their irredeemable paper, knowing that they did not intend, nor could not do, what their notes on their face promised; and that they as often swindled the poor people by purchasing their paper themselves at from ten to fifty per cent. discount. We know that they have four times had their swindling doings legalized by Congress, and they are the subjects of the sympathy of the bank advocates on this floor. Is not this a pretty commentary on the morality of those who composed the Congresses that passed these acts? And shall we again be operated upon by the banks, to legalize for a fifth time such vilely dishonest transactions? Are those banks deserving your pity and sympathy? Will the Democrats in this House violate their solemn obligation made before God and the country, to faithfully represent their constituents, by obeying the demands of these swindling insolvent corporations? I hope not, and that we will exhibit to the world—what is an anomaly in these times—one legislative body, a majority of which is not under the control of the necromancy of banks, or operated upon by the talismanic influence of bank notes.

Mr. Speaker, it was my lot to be a member of the Committee on the District of Columbia during the session of 1837-8, when these banks applied for a recharter; and to me was assigned by that committee the duty of examining and inquiring into their condition at that time. I made the attempt, and prosecuted it as faithfully as time and circumstances would permit; and although I had to take their own statements in writing, yet I learned enough to satisfy me that they were a rotten profligate concern, unable to pay their liabilities, and practising a gross imposition on the public. Having had an opportunity to know a little about them, I shall offer a few amendments to the bill from the Senate; not such as I would wish to have enacted; not such as will fully protect the public against those corporations; but as much or more than I expect will be carried. I have before me the lesson of bank influence in the State Legislatures. I have seen a decided majority elected

to the Pennsylvania Legislature at its last session, for the express purpose of producing bank reform; and I have seen that majority reduced to a minority, and that Legislature obeying the directions and dictations of bank agents. I have seen that Legislature, or a part of it, violate their pledges to the people, and grant to the banks all they asked or desired, by passing a law legalizing a suspension of specie payments—a violation of the laws of common honesty. I have known the Legislatures of other States of the Union to do the same thing; and I cannot expect the members of this House to be more than human beings, and be able to resist the posse of bank directors, presidents and cashiers who I now see thronging our hall, and leading members out of their seats to importune and operate on them. Under all these circumstances, I have reason to fear that the bill will pass as it did two years since, just as the bankers wish it; yet I will not be deterred from doing my duty. I will raise my voice, feeble as it is, to protect all classes, but particularly the humble but industrious part of the community, by asserting on this floor their grievances. If I fail in protecting them from the ruthless gripe of bankers, it shall not be for want of a will to do it.

I propose, by the first clause of the amendment, to make the president and directors of the banks liable for their acts in their individual capacities. It is no more than right that they should be restricted by the fear of personal accountability, for men, as corporations, will do things that they will not do when made liable for their acts. Were I creating a new bank, I would include, in this individual liability, the stockholders to the amount of the stock subscribed; but as most of the stock of the banks now before us is in the hands of persons who purchased it under their present charters, and as it would have the appearance of unfairness to create a new liability against them, I will not go to that extent. The second clause of the amendment is intended to prohibit the banks from declaring dividends while they refuse to pay their debts. No honest man can object to such a provision.

The third clause of the amendment is for the purpose of enabling individuals to bring suit and recover debts from the banks. At present, the judges of the courts here claim and exercise the right to issue injunctions at the instance of the banks when sued for their notes, prohibiting justices of the peace from entering a judgment even where there was no defence. As proof of this fact, I will refer the members of this body to House document No. 53 of the extra session of 1837. In that document, it will be found that James H. Causten sued one of the banks for notes which the officers refused to pay; that the judge of the district court issued an injunction prohibiting the justice of the peace entering a judgment, and that the prohibition was obeyed. No affidavit of defence on the merits was filed; and all that was alleged in the affidavit was, that the Bank was unable to pay its notes, and that the plaintiff bought them. Is it not time to enact some law to prevent the repetition of such a gross violation of law and justice. Here is proof that even the judiciary is made to subserve the corrupt practices of the banks. The president of the Bank of the Metropolis not content with the use he made of the court, to defraud the holder of his own notes, waylaid Causten, knocked him down with a club and beat him, in order, no doubt, to deter others from asking for their rights. There is another instance of the gross dishonesty of the officers of this same bank, which is a matter of record in the proceedings of this House. At the extra session of 1837, the Speaker deposited the money, for the pay of the members of the House of Representatives in the Bank of the Metropolis. Roderick Dorsey, the Sergeant-at-Arms, as honest and confiding a man as lives, not doubting the honesty of men who make such large professions as the bank officers, took the specie to the bank in bags and boxes; but when he came to count it out, there was a deficiency of nearly four thousand dollars. This deficiency the bankers refused to make good, although the whole money was counted by one of the clerks of the bank, when disbursed, and the books of the bank, when compelled by a committee of the House of Representatives to exhibit them, showed that the deficiency did exist. This is a specimen of bank morality, and this is one of the institutions for which the Whigs of this House claimed the sympathy of its members. I could state other instances of bank morality, which would startle even the Whigs, but I will confine myself to what is of record and easy of proof. I will ask any honest man if restrictions, by legal enactments, inflicting personal punishment on bank officers, and giving a true and summary remedy to individuals against banks, is not absolutely necessary to prevent such gross tyranny and dishonesty as I have quoted, and which no man on this floor dare attempt to deny or even apologize for?

It is not long since my colleague [Mr. OGLE] anathematized the President of the United States as a "horrible specimen of aristocracy" because he rode in a plain carriage with two horses; but we hear no complaints from him, or any other of the bank party in this House, of the aristocracy of the president of one of the insolvent banks of this city, who has his coach and four grey horses, with several liveried servants as outriders, driving along the streets of this city. He may well afford to have his coach and four, with servants in livery, when his bank, of which I am told he is the principal stockholder, can pay its debts of several hundred thousand dollars at 59 cents on the dollar. I do not know this man, and if half I have heard of him be true, I hope I never may be his associate. If, Mr. Speaker, you or I were allowed to contract debts to the extent these people have, and pay them in the same way, we too might have a coach and four; but would we have that sympathy which the sage legislators have expressed here for those insolvent banks? Would we be permitted to pay our debts at that rate and yet have property to the amount of thousands of dollars untouched? No sir, we would not, as individuals, be permitted to do so; but as corporators and bankers, I have no doubt but we would be, provided we used the proper means to enlist the sympathies of members!

We have been told by the member from Massachusetts [Mr. ADAMS] that we dare not refuse to extend the charters of these banks, for if we do not extend them we will not receive our pay as members. I had supposed that the Government of the United States provided the means to pay its officers, and it is news to me that members are dependent on banks for their pay. I have no doubt that some are dependent on them for one kind of pay, in the shape of fair business transactions; but not for their per diem. I have always held that every man has his price if that price can be ascertained. I have no wish to claim exemption from the common frailty of human nature, but I can assure the gentleman that if he rates himself at eight dollars per day, that price will not buy me. I will willingly sacrifice my pay rather than be the means, by my vote, of encouraging such public swindling by an extension of these bank charters without sufficient provisions to restrain them from a repetition of their past acts, or providing means of summarily punishing the guilty individuals.

If, as the gentleman from Massachusetts says, the Government did get the money from the banks, does he wish us to suppose that it was without its being paid for? Does not every man know that bankers are all Shylocks? They require not only "the last pound of flesh nearest the heart," but take the heart also without mercy. But the Government does not get the money to pay the members, from the banks.

The bank partisans, by misrepresentations of this kind, are continually endeavoring to induce a belief that banks are essential to the well-being of the Government; but the truth of this matter is, that so far from the Government being benefited by the banks, the contrary is the fact. The Speaker of the House of Representatives has been in the habit of drawing from the Treasury of the United States the whole amount necessary to pay the members, and depositing in one of the banks, from which it is drawn as wanted during the session.

The Democratic members of this body have but yesterday declared their willingness to separate the Government from the banks, and I hope they will show by their votes, on the bill now before the House, that they are as ready to protect the individuals who compose the community, as they are the Government, from fraud and imposition. The contest between the banks and the country is not yet ended. The campaign is only fairly commenced; and he that thinks differently will find his mistake if he lives a few years. The bankers wield a power more dangerous to the liberty of the people than an army of one hundred thousand foreigners would be, and the banks act openly or covertly as may best suit their views, or the subject to be acted upon. The first victory in favor of the people over the banks—the Independent Treasury law—is only half won. Vigilance is the watchword, and perseverance the only guarantee of success. I hope the Democrats will be found recording their names on the present question consistently with their votes yesterday, so as to strengthen that measure. We will then be able to show to the State Legislatures an example worthy of being followed, and will be entitled to receive from our constituents, when we return to them, the cordial and gratifying welcome of "well done ye good and faithful servants." The eyes of the American people are upon us, anxiously waiting to see whether we will retrograde or advance; whether we will row one way and look another; and whether the banks and their influences are as formidable and successful as they always have been in legislative halls. Have we not every motive to resist wrong and to do our duty?

Mr. Speaker, I had intended only to submit my amendments to the bill, without any remarks, until the friends of the banks showed a disposition to stifle all inquiry. I have now occupied much more of the time of the country than I had thought I would; but the importance of the subject requires it. I now close.

Mr. P. then submitted the following amendments:

Provided, also, That the president and directors of each of said banks shall be jointly and severally, in their individual capacity, liable for all notes issued or debts contracted by said banks respectively, from and after the day this act goes into effect, to be recovered as other debts of like amount may at the time be by law recoverable.

And be it further provided, That the said banks shall not make any division of profits, or declare any dividends, during the time said banks shall refuse to pay all their liabilities in specie on demand; and the president and directors of any of said banks, who shall make any such division of profits, or declare any such dividend, or consent to or vote for the same, shall be liable to pay double the amount of the sum so divided or declared, to be recovered of them in their individual capacity, by any person suing for the same as debts of like amount are recoverable, one-half of said forfeiture to go to the person suing, and the other half to the corporation where said bank is located.

Be it further enacted, &c. That justices of the peace within the District of Columbia shall have jurisdiction in all actions of debt against any of the banks whose charters are hereby extended, for sums not exceeding $100, and no appeal, certiorari, or injunction, shall be allowed, granted, issued, or directed, by any court within said District, unless an affidavit be first made and placed in said court by the president, or one or more of the directors, of the bank so sued, that such appeal, certiorari, or injunction, is not asked for the purpose of delay, but because he or they believe there is a just defence on the merits, and that injustice is likely to be done if said appeal, certiorari, or injunction, should not be granted.

Mr. VANDERPOEL said: it was not necessary to the purpose he had in view, in the few remarks he intended to submit, to classify the House by denominating one portion of it bank men, and another party enemies of the banks. Nor was it his purpose to cast imputations upon gentlemen because they happened to be connected with banks. It was his pleasure to know some of the gentlemen who were connected with the institutions in question, and it was but just to them to say that they were gentlemen for whom he entertained very high respect. Still, he felt it his duty to say that the bill under consideration, considering the situation in which all the banks of this District now exhibited

themselves, was a very extraordinary one. They were in a state of suspension—of open delinquency—of open violation of the law that created them; and while in this condition, they came and asked for an unqualified extension or renewal of their charters. It could not be, that after our doings of yesterday, we were prepared to vote for this bill, without any amendment to drive the banks back to their duty. What a spectacle would we exhibit to the nation by so doing. It was our incumbent duty to set a better example to the States. The facility with which the banks of the several States now-a-days suspended specie payments was, indeed, a reproach to our country. An honorable merchant, during a pecuniary or commercial revulsion, would often times sacrifice hundreds of thousands of dollars to maintain his credit and integrity; but, according to the ethics of banks, they suspended specie payments whenever it became a little inconvenient to maintain them. Indeed, they seemed to suspend some times for pretty much the same reason that Betty assigned for skinning her eels, "BECAUSE THEY LIKED IT." It was high time that we at least should set our face against the facility with which the banks assumed this unjust—this demoralizing position. That portion of the House that was now coming out for the recharter of these suspended banks, had always told us that it was the duty of Congress to regulate the currency of the country—that the friends of the Administration were subject to the reproach of permitting an important power, conferred upon us by the Constitution, to lie dormant. And was this a specimen of the manner in which they would put this alleged power into execution? Was this the mode in which they would "regulate the currency"—recharter a batch of banks, that are daily in the open violation of law and duty? They could not pay their debts, or redeem their bills; but what could they do—what had they done under our very eyes? Why make dividends of profits while in a state of suspension—yes, PROFITS made at a time when the poor market woman, with one of their notes, was liable to be shaved to the tune of from five to ten per cent. Were we prepared to legalize such doings, by voting for an unqualified renewal of these charters; one that would involve no rebuke for, but would rather sanction, their past and present demerits? If we passed this bill, what a beautiful commentary would it be upon our doings of yesterday—a day signalized by the passage of that great measure of reform! He would never consent to vote for the bill, unless a provision was inserted that the banks should resume specie payments within thirty, or, at farthest, sixty days. As matter of example and principle, this bill extended in its operation beyond the ten miles square. It was commensurate with the Union. By passing it in its present state, we would proclaim to the world, to the institutions of the States, the immoral sentiment that a state of suspension is not a state of *palpable and most reprehensible delinquency.*

After some remarks by Messrs. BRIGGS and WADDY THOMPSON, and JOHNSON of Maryland, in favor of the bill, and Mr. MARK A. COOPER in favor of certain amendments proposed by himself, compelling specie payments, and prohibiting the issue of notes of less denomination than $10, $20, and $30, at given periods.

Mr. STEENROD took the floor, and addressed the House as follows:

Mr. Speaker, I regret that I cannot meet the earnest request of the gentleman from Massachusetts [Mr. SALTONSTALL] who has just taken his seat, and give my vote for this bill without disregarding my party predilections and party principles. I understand that the bill under consideration proposes to continue the existence of the incorporated banking institutions of this District until July of the year 1842; I also understand that those institutions, with a single exception, are all acknowledged to be in a state of suspension, in direct violation of their charters; or, in other words, in open and public insurrection against the laws. Shall we, then, in view of this condition of things, confer on these institutions the exclusive right to issue paper as a measure of value, without imposing on them corresponding obligations to meet their engagements with the holders of their notes? Shall we give to them the incorporated privileges to withdraw from circulation the gold and silver to be hoarded up in their vaults, and to issue in its stead, to this people, their depreciated and irredeemable paper? These, in fact, are the questions submitted to our consideration, and these are the affirmative propositions maintained in this bill. By whom are such principles as these advocated and sustained here? and who are the friends of the bill now under consideration? The same members of this House who have so often denounced, and the same party which has deprecated, the great public measure providing for the safekeeping, transfer, and disbursing the revenues of the Government, as an innovation that would furnish two currencies—one for the Government, and another for the people. But chartered privileges to such institutions as these, to withdraw from circulation, and to hoard up all the gold and silver currency and to issue their irredeemable and depreciated paper, they can approve and support. Yes, sir, the banks may use and hoard up the better currency, and issue the legalized worse currency for the people, and these gentlemen can view the act with composure and complacency; but they are convulsed with indignation, and startled with apprehension, at a simple public measure that proposes to collect and pay out the revenues of the Government in gold and silver; and can see, in such a measure as that, one currency furnished for the Government, and another for the people. To those gentlemen who would condemn what they may suppose to be the tendency of a measure of the Government, and approve a like measure in the banks, I have nothing to say. But, sir, what are the arguments advanced here in support of this bill, and what has been said by its friends to commend it to our support? We have been informed by the gentleman from Maryland [Mr. JOHNSON] that the adjoining States (and Virginia and Maryland have been mentioned) have passed similar acts to this, and, therefore, we should copy the precepts of this State legislation, and do likewise. I had supposed, sir, that it rather became us, as legislators, to set an example of wise and good legislation, and not to follow the bad or imprudent legislation of particular States. I have never seen an act in the statute book of Virginia similar to the bill now under consideration. It is true the State of Virginia has legalized the suspension of the State banks, but never without at least giving an apparent protection to the note holders as a remedy for the abuse of this privilege.

The gentleman from Massachusetts [Mr. BRIGGS] expressed great surprise that any one here should intimate that these institutions were "swindling concerns." Sir, I here in my place, before this House and the country at large, arraign those institutions and charge *this* upon them, and invite an examination of the proofs. I will not here refer to the conclusive evidence adduced to day by my able and eloquent young friend from Ohio [Mr. WELLER] of the frauds of these institutions, but to the acknowledged facts in their history. The rights of the people have been abridged to confer on those institutions high privileges and profitable immunities, and in return for which, these institutions have assumed responsible trusts, beneficiary functions to this community. How have they demeaned themselves in their offices? Have they discharged, with fidelity and probity, the duties imposed on them by virtue of their charters as a consideration for the exclusive rights granted them? No, sir. They have closed their doors, and pertinaciously refused to pay their just debts, while they have, on the other hand, exacted from the debtor community uniform reduction or payment of their obligations. They have assumed to keep their paper at its par value, convertible into gold and silver at the will of the holder; they have disregarded their public engagements, and have suffered their paper to depreciate, and the loss to fall on the community. While, as public institutions, created to subserve the public interest, (and they should have subserved the public interest by preserving a sound currency,) they have, as brokers and stockjobbers, deranged the exchanges by their undue exactions and extortions. With these offences, then, resting on those institutions, the gentleman may entertain no surprise that any one here should "intimate that these banks were swindling concerns."

But we have been appealed to not apply to our legislation for the people of this District our rigid party principles! To this I must answer, that I have no two sets of principles, one for my immediate constituents, and another for what I believe is intended for the especial benefit of the bankers here. If, as an American citizen, I would ever disdain to seek or accept of any franchise or privilege from this or any other legislative body, which was not to be conferred alike on all my countrymen, as an American legislator, I will ever refuse to confer immunities on one portion of my fellow-citizens, that are denied to or withheld from others. We have been told, by the high and distinguished authority of the gentleman from South Carolina, [Mr. THOMPSON,] that the respective Legislatures have refused, yes, that they have been afraid to carry out the principles of the Republican party on the subject of the currency; and therefore (I suppose the argument is) that we, too, should refuse, and prove ourselves afraid to do so. But, sir, these are not the tenets of the political school in which I was educated. One who has imbibed an early reverence for the men of the Revolution, and who entertains great respect for those time-honored exemplars of American principles, would first rather study the virtue and utility of a public measure, to know whether it was to promote the good of the community at large before passing upon it; and if it was for the public good, then be not discouraged by fears, or swerved from his honest purposes, by the rash and reckless denunciations of others; but pursue the even tenor of his way until he shall witness a consummation of his principles.

Our organic State laws of distribution in descents, and the prohibition of entailments and primogeniture, have been cited as a barrier to the encroachments of these corporations. It is true that these laws were established to fortify our Democratic Government, and to prevent the encroachments of property on right. But no protection is afforded by these laws, if the respective legislative bodies will create and multiply a swarm of corporations for the purpose of amassing and managing property; "corporations, whose distinguishing attribute is to live forever, and whose legal entity may for ever remain the same." "Property thus holden in perpetual succession, cannot come under the full operation of our statutes of distribution." The privileged corps, which are thus fortified, are rendered more formidable to equal rights and liberty, than they could be by the English statutes of entails and primogeniture. What protection can there be to the masses, if valuable immunities are denied to individuals and conferred on corporations? Exclusive privileges and monopoly are as dangerous in an incorporated association of persons as in the person of a nobleman or lord; and the Government that would distinguish in favor of one over the other, by conferring power, but shows its folly by adding to crime. These organic laws of our States but demonstrate that these irresponsible powers are opposed to the genius of our institutions and popular freedom; and as such, as Americans, we should wage against it an earnest war—open hostility.

The gentleman from South Carolina also disconrsed most eloquently on the banking institutions of the country, and ascribed to them a magic influence in forwarding the construction of roads and improvements generally, in the States. But, sir, if I were to ask the gentleman what was the immediate agent employed in constructing these improvements, the only correct answer that he could give would be, that it was not the capital nor the banks, but the labor of the country that was entitled to this high commendation, for the erection of those enduring monuments, those magnificent improvements. I have heard labored efforts here to justify and excuse the suspension by these banking institutions, but all the arguments are alike inconclusive and unsatisfactory to my mind. There is but one moral code for the government of man, either in public or private life, or of parties. A justification of these institutions is a departure from hat code. A bank suspension is a violation of

Public engagements; it is a fraud perpetrated on the community by these corporations; and no legislative body could be justified in sustaining or legalizing it; such a principle could not be sustained morally in an individual or a corporation. Public faith, public justice, and national honor, forbid it.

Sir, I look upon this as but a struggle between the note holders and the note makers—between the bankers and the people; one laboring for privileges and monopoly, and the other for equal rights; one for honest and just legislation, and the other for partial and unjust government. These are the antagonist and opposing principles involved in this question—principles that concern every man in the country. The bill under consideration not only proposes to legalize the actions of these suspended banks, and their consequent frauds on the public, but to confer extraordinary privilege and the right of monopoly on these associations of bankers. Yes, sir, we are about to be most partial and extremely indulgent to these delinquent bankers; indulgent, that they may not be compelled to toil and labor—that the elements may not visit them too roughly—that they may loiter on their walks of pleasure, and loll in their mansions of royal splendor. You authorize them to issue their false measure of value, and to be tax gatherers, to feed on the substance of the body politic, while the honest laborer, who, in the heat of summer and the blasts of winter, exposed to all the vicissitudes of the seasons and the times, is left to toil for his daily maintenance. Yes; on the poor laborer you impose the tax of this depreciated and irredeemable paper, and a great proportion of the loss in consequence of its frequent and periodical failure. You virtually say to him, "we impose on you, by our laws, a paper currency, as an exclusive measure of value, but you shall not circulate your notes at its trade value: the Government will not authorize or permit your paper as a currency, for that privilege or monopoly is exclusively confined to and conferred on these bankers." This is counter to that Democratic principle which ever seeks to protect the weak, to elevate the depressed, and to secure to all just and equal rights. Where, then, do the members of this House get their authority for this partial legislation? Are we not returned here as the representatives of all the great interests of the country—as well the rights and interests of the laborer, as the rights and interests of the capitalist—to protect the one from the natural and instinctive encroachments of the other, and to secure the other in its proper and appropriate possessions? Why, then, should one of these great interests of the country elicit so much of our sympathy, and engage so much of our favor and partiality? Do I hear the whisper—that the public good requires it? I deny it. The history of the country—its periodical embarrassments—admonishes us rather to reduce than to increase the number of the banking institutions. The depressed condition of business, the unexampled and precarious condition of labor, and the agonizing shrieks of the thoughtless intoxicated trader and speculator, with which our ears in this hall are so frequently assailed, have all been traced to the expansion and contraction of the paper machinery of the banks. We must, then, commence to retrace our steps, and to restore the country and its business to a sound and healthy condition. To enable us to do that, we must not credit the prediction that great distress will be consequently produced in this community if those institutions are ordered to wind up their affairs. No proposition is more clear and conclusive in political economy than that nothing is added to the actual capital of a country by instituting banks, or the issuing of paper money. But the credit system, we will be told, can only be sustained by banks that have the authority to issue paper as a circulation, and their present chartered immunities. This, I believe, is likewise untrue and fallacious—a sound and well regulated system of credit can be preserved in the country without these extraordinary chartered privileges being conferred on banks. The instincts of capital always seek employment. If it is to be found oftener under the seal of the act of incorporation of a bank, it is because it is its present fastness—its stronghold. Withhold these acts of incorporation which confer exclusive privileges on the capitalists here, and the natural laws which govern capital must still prevail; and it cannot, therefore, remain unemployed—it will still go into the market and seek to pass into the hands of labor; and though under this direction the profits of capital may not be so great, its acts and influence so powerful, still its advantage to the public will not be impaired by the absence of its incorporated privileges and monopoly.

Sir, I am nauseated with this daily nostrum, that the credit system of this country is confined to your bank parlors, and in the exclusive keeping of your bankers, who, to preserve it, must be endowed with incorporated privileges and monopoly. The history of my own State might be adduced as a memorable example to contradict this position. From the adoption of the Federal Constitution in 1788 to 1804, banks were unknown in our State legislation. What people were more pure than this people at that period? When was our commerce greater? Or what portion of the world was more prosperous than the Old Dominion at that time? That was the period in our history when honesty and industry were esteemed virtues, necessary to constitute the respectable man and citizen. Every farmer's desk in Virginia, at this period, was adorned with some gold and silver, and never had we less inconvenience and cost in transporting money from point to point. This, then, was done by our traders and merchants before we had learned the magic of creating corporations with monopolizing privileges. The merchants were then honest and accommodating, and their credit was better than your banks. Bank suspensions and explosions, and bank irresponsibility, have impaired public confidence in this modern system of credit. The system that will promise to pay to-day, and be authorized with impunity to refuse payment by to-morrow, may be approved by the swindler, but not by the honest man. If the Commonwealth of Virginia, then, at this period, could prosper without the aid of banking institutions, it might be supposed that this District of ten miles square could do likewise. Where are the enduring monuments and boasted testimonials of the utility of your system here? Will I be pointed to the superb cities and magnificent improvements that adorn this ten miles square? These are but the evidence of the profligacy of this Government, and of the munificence of the legislators for this orphan territory. Where are your chambers of commerce, with their evidence of enterprise—the rich garnerings of the product of labor and trade? Where are the streets crowded with enterprising merchants and tradesmen, and where the busy hum of industry in the workshops and manufactories? Or where are the fields which have been made to blossom under the toil of the husbandman, as an evidence of the good effects of the modern credit system on this District? You may look here in vain for testimony of this kind, as an argument why these institutions should be rechartered. But, on the other hand, look at the poor country around this city, that seems never to have had employed upon it the renovating hand of industry. This may be a portion of the fruits of that paper system, of bank facilities and credit, which is so prolific of evil; a system, the effect of which is to lead men to believe they can live without industry and labor.

Mr. HOLMES of South Carolina then delivered an animated appeal against the ruinous consequences which must instantly follow to this District, should the bill be rejected. He avowed himself the friend of credit, and said he had voted for the Independent Treasury bill not to destroy, but to give it stability.

Mr. RYALL of New Jersey made a short speech in most decided opposition to the bill; but if it must pass, he was for Mr. PETRIKIN's amendment.

Mr. UNDERWOOD spoke for the bill, urging the distress which must ensue should it fail.

Mr. U. in the close, moved the previous question.

Mr. PETRIKIN moved to lay the motion on the table.

Mr. UNDERWOOD withdrew the call for the previous question, on condition that Mr. WELLER of Ohio, who obtained the floor, should renew it.

Mr. WELLER then took the floor, and addressed the House as follows:

Mr. Speaker, I cannot consent to give a silent vote on the important question now presented to the consideration of the House. I would be doing injustice to my own feelings, and to the generous warm-hearted friends at home who have honored me with a place in this hall, were I to sit quietly in my seat and suffer a bill, involving principles of such deep and vital importance to our free Government, to become a law. I trust I shall obtain the attention of gentlemen while I present my objections to this bill, although I have but little hope that any thing I can say will induce members to record their votes against it. It comes to us endorsed by the Senate, and, judging from past legislation, I have no doubt it will pass this House before to-morrow's sun shall have set. I desire, however, to give it an especial *kick*, by way of showing my disapprobation of it, and the principles upon which it is supported.

Permit me to say, that I regret that the friends of this measure did not present it at an earlier period in the session. We have now been here seven months, and when we are within three weeks of an adjournment, a bill is presented for the extension of the charters of the banks of this District, and an effort made, by the application of the previous question, to push it through this House, without allowing members an opportunity of examining its merits and demerits, or inquiring into their actual condition. It is true, we have a short and imperfect report made out by the officers of these banks, exhibiting partially the condition of these institutions, but I venture the affirmation that not a dozen members of this House have looked into that document. Besides, I would much prefer a report made by a committee of this House. I would have more confidence in their statements than in the exhibit of bank officers.

The bill now under consideration proposes to extend the charters of six banks in this District for two years. It proposes to continue their corporate existence for two years, from the 4th of July, instant. Some of these banks have been in existence for more than thirty years. The original charters are to be found in the book I now hold in my hand; and I ask gentlemen, before they vote for the act now before the House, to examine these charters, and see the almost unlimited powers conferred by them. Let gentlemen look into them, and tell me whether they would be willing this day to incorporate banks, with such tremendous powers; and if they would be unwilling to do this, then I ask, how can they vote to extend them? The act now before us will confer on them all the powers and privileges conferred in the original charter.

But, sir, I am told that this act is simply designed to enable the banks to wind up their affairs, and settle up their concerns! This is not the first time this plea has been made. On the 4th May, 1820, an act was passed by Congress, extending the charters of the banks in the District "then paying specie, and during such times only as said banks should continue to pay specie," to the 1st June, 1822. This act may be found in vol. 8, Laws of the United States, page 53. On the 2d March, 1821, an act passed, extending the charters of these banks to the 3d March, 1836, (see vol 8, United States Laws, page 19.) It was then pretended, as now, that it was necessary to do this, in order to enable the banks to wind up. But, sir, you find them in 1836, when their charters again expired, asking a further extension for the same purpose; and an act was accordingly passed, on the 2d July of that year, extending their charters to the 4th July, 1838. See Laws of the United States, vol. 9, page 447. Well, sir, did the expiration of this act find their affairs settled up? Did they proceed to wind up their business in accordance with the understanding of the time? No; but they again, whilst under suspension, come in, and ask for another renewal—a little more time to settle up! On the 31st May, 1838, an act passed renewing their charters to the 4th July, 1840, upon three conditions, two of which I ask leave to read:

"Second. To redeem all their notes of the denomination of $5 in gold and silver, from and after the 1st day of August, in the present year.

"Third. To resume specie payments in full, on

or before the first day of January, in the year 1839, or sooner if the principal banks of Baltimore and Richmond shall sooner resume specie payments in full." See Laws of United States, vol. 9, page 765.

Now, sir, the 4th of July, 1840, being the period at which this act expires, is near at hand, and they are again at our door, asking for two years more! It becomes us, then, to inquire, whether they have complied with the requisitions of the law to which I have just adverted. The obligation to pay specie for their notes was a condition precedent, and the banks were bound to perform it, before they could exercise any of the privileges conferred by the act. The very moment they refused to comply with that condition, that very moment their corporate existence ceased, and they could no longer legitimately exercise the power of banking. This position, it seems to me, is so palpable and plain that it needs no argument to establish it. Well, sir, have they performed this condition? Have they observed the restrictions and limitations imposed on them by this act? The fact is stated in the report of the Secretary of the Treasury, and is notorious, that they have suspended specie payments, and are refusing to redeem their notes! For more than eight months past have they been standing out in open violation of the law, and yet they have the effrontery, the unblushing impudence, to present themselves before Congress, and ask for an extension of their charters to the 4th July, 1842! Such a daring outrage upon decency and propriety should not be tolerated. They have suffered their notes to depreciate at their own doors from six to twelve per cent. and yet we are told that their charters must be renewed! They have, it is true, set at defiance the positive enactments of Congress, laughed at the restrictions imposed on them; and yet we are to endure and countenance all this, and submit to another extension! Sir, I care not what course other members may pursue, but I cannot, as a Representative of the people, give my sanction to such an act. I would be recreant to the trust confided to me, as one of the watchmen on the tower of liberty, were I not to sound the alarm, and warn my countrymen against the strides these incorporations are making towards swallowing up the legislative power of this country.

But, sir, I have said that we have no report enabling us to understand the precise condition of these institutions, which we are now called upon to incorporate. I have, however now before me a report made to the House in 1836, by a committee, to which I call the especial attention of members. We may judge of their present conduct, from what has taken place heretofore. My friend from Pennsylvania, [Mr. PETRIKIN,] who made a few remarks against this act, was charged with intimating that these banks had been dishonestly managed. Sir, if he had so alleged, he would have been sustained by the record now before me. I ask the friends of this swindling system to examine this document, and see the heavy loss sustained by the citi ens of this District, by the failure of these institutions, before they record their votes.

In order that gentlemen may see that I am not speaking without the book, I ask leave to read the following extract from the report before alluded to:

"In 1821, there were in the District of Columbia eleven banks, the capital of which amounted to $5,214,641; of these, four, whose capitals amounted to $1,994,694, have since failed. At different periods, at the time of their failure, they had of notes in circulation, private and public deposites, the aggregate sum of $741,037. The committee have not had time to ascertain precisely what proportion of these stocks was ever in fact paid in originally; neither do they know exactly what part of these deposites and circulation, if any, have been or will be paid or redeemed; but from the price at which the obligations of these institutions have been sold in the market, it is not unreasonable to conclude that the United States, (the deposites of which alone in these banks exceeded $450,000,) and the people of the District, have lost in capital, circulation, and deposites, a sum exceeding one million seven hundred thousand dollars!

"The other seven banks, chartered in 1821, (all of which are now petitioning for a recharter,) had originally capital, amounting together to $3,279,629, of which they have severally purchased up to the amount of $1,258,887, and have now in pledge stock for debts to the amount of $205,488 70, which leaves actual capital paid in $1,815,252 30, being $1,464,376 70, less than the amount with which these institutions commenced operations.

"Here again the committee must say, that they have not had time to ascertain precisely the sum for which each share of this stock has been purchased by the several banks. That would be a work of some labor, and without it an opportunity is not offered to decide how large or how small is the amount of the speculation which has been made by those who hold the residue of the stock of these banks. But it may be safely assumed, that when a large proportion of the capital stock of a bank has been purchased in by the institution, there has been gross mismanagement of its affairs. It is imprudent for a bank, having notes in circulation, to own or loan largely on pledges of its own stock, and it is indubitable that large amounts of the stock of a bank, skilfully conducted, would not be so far below par, that no purchaser could be found for it, when pledged to secure the payment of a loan at six per cent. but the bank itself.

"From the testimony of a respectable broker, to be found in the appendix, it appears that the stocks of two of these banks have sold as low as fifty per cent. below par.

"It would be a work of interminable labor to attempt to ascertain what sum has been lost to the community by the depreciation of the notes and obligations, other than stock certificates, of the seven banks now under consideration; or rather, it should be said of three out of those seven, for the committee do not know that the notes of the Bank of Metropolis, the Union Bank of Georgetown, the Bank of Potomac, or the Farmers' Bank of Alexandria, have ever been below par. Neither will the committee undertake to estimate the loss to the public sustained by the depreciation of the obligations of the Bank of Washington, the Patriotic Bank of Washington, or of the Farmers' and Mechanics' Bank of Georgetown, occasioned chiefly by their suspension of specie payments in 1834; neither will they now express an opinion as to the justice or propriety of that measure. There is, in the appendix, much evidence to enable the House to decide intelligently on those matters; but they can and will advert to portions of that evidence, in support of proof already given, to show that the people of this District have been grievously injured by the manner in which these banks have been managed; and that it is the solemn duty of Congress to deliberate calmly, and endeavor to provide some guards against a recurrence of those mischiefs, regardless of the clamorous demands of those interested in the existing banking establishments, many of whom, too, have profited largely by their abuses.

"There were four banks in the District which suspended specie payments in 1834; one of them (the Bank of Alexandria) has not applied for a recharter, and, consequently, no means have been taken to ascertain the extent of the depreciation of its various obligations in the hands of the holders. At the time of failure, its capital was $500,000; of which $115,565 had been taken by the bank in payment of debts. Its notes in circulation, its public and private deposites, amounted to $152,167. As this bank has not yet settled with the holders of its obligations, it cannot be said, with certainty, how much of this amount of property has been lost to the public; but we feel warranted in estimating that at least sixty per cent. of it (say $350,000) may be added to the large sums heretofore named, which have been taken from the profits of labor, and been absorbed by adventurers and speculators in currency and stocks. What amount of the stock or paper, of the other three banks which suspended specie payments, changed hands at a discount, cannot be stated fully. It appears, from the testimony of several witnesses who have been examined, and whose testimony is appended to this report, that large amounts of the stock and notes of these three banks, changed hands, at a discount at from fifteen to sixty per cent. And the committee regret to discover that several of the directors of these institutions, some of whom had, by their own acts, depreciated their obligations, entered the market, and purchased freely the stock and notes of the banks of which they were directors, at a discount, and then paid the paper, thus obtained, into the bank at par, in discharge of the debts due from them thereto. The extent of these and other speculations in the currency, of the four banks, may be measurably estimated from the fact that they had in circulation and in deposites, at the time of suspension, $696,471; more than one-half of which obligations, together with these stocks, probably changed hands in sixty days after the suspension, at an average of thirty per cent. discount to the original holder. A considerable porportion of the profits of which operations, it appears, were made by the directors of these institutions, whose speculations are certainly reprehensible, as they were largely indebted to the several banks committed to their care, at the time of their respective failures, and had it in their power, by paying in current funds, their own notes, to have postponed, and, in all probability, to have prevented entirely those disastrous speculations, by which they profited so much, while the community suffered so seriously."

From this report it will be seen that nearly a MILLION AND A HALF OF DOLLARS have been taken from the profits of the labor of the industrious mechanic of this District, and absorbed by these bank officers and swindling speculators. Has the power of the Federal Government become so weak, that it cannot protect the people of this District from these outrages? Have these institutions become so powerful, that they can no longer be controlled by legislation? If so, the days of our glory are numbered, and a moneyed aristocracy will soon be established upon the ruins of our Republican institutions; and this, the most glorious nation that ever existed, will be numbered with the things that "were, but are not."

That the House may fully understand the manner in which the officers of these institutions speculated in their own paper, I ask leave to read a small portion of the evidence taken under oath before that Committee:

First, I give you the evidence of William Jewell, a director of the Farmers' and Mechanics' Bank of Georgetown:

"The Bank failed during my absence in Baltimore. After my return, I told Mr. W. W. Corcoran that I wished to exchange property I had for stock of the bank, if he should hear of any that was for sale. In a few days he told me that a widow lady had stock, worth, at par value, $15,000, for which we gave her houses and lots assessed at about $8,000. I purchased, also, of another person, $225 worth of stock, at fifty dollars on the hundred. During the last winter, I purchased $3,700 worth of stock, at fifty-six dollars per hundred."

Next in order, I present the evidence of John Pickerell, a director of the same bank:

"I sold, to a lady in Georgetown, a house and lot, and took, in part payment, $2,900 worth of stock, at seventy-five cents on the dollar. I also exchanged property in Washington city, which had cost me less than $1,200, for $1,800 worth of stock. A few weeks ago, I purchased of a broker $3,750, for fifty-six dollars on the hundred."

One more extract, and I have done with this report. It is the tesmony of William Prout, a broker, of Washington city.

"I bought stock of the Washington Bank at fifty cents on the dollar, and Patriotic at seventy-five cents on the dollar. I bought paper of the Bank of Washington, and Farmers' and Mechanics' Bank of Georgetown, at sixty-five cents on the dollar, and the Patriotic at sixty-five cents to the dollar. I purchased notes to an amount exceeding $80,000. * * * * * * * *

"I made frequent sales to the directors of the banks, at a small profit. Some was sold, I recollect, to E. Ingle, a director of the Patriotic Bank; to Edward Simmes, a director of the Bank of Washington; to William A. Bradley, president of the Patriotic Bank; to Jonathan Prout and S. J. Todd, directors in the Bank of Washington; and R. Simmes, a director of the Farmers' and Mechanics'

Bank of Georgetown. * * * * To some of these gentlemen I sold these notes, and took, in payment, their individual notes, at long dates, without interest."

Here, sir, you find these bank presidents and directors borrowing money out of the banks which they controlled, compelling, by their own acts, the banks to suspend, purchasing up their stock and notes at a discount of fifty per cent. and paying them in, as a discharge of their liabilities, at par! Is this a fair business transaction? Shall I be told that all this is honest? If it is so regarded here, then you must have a different standard of moral honesty from that which we have on the other side of the mountains.

Now I ask you, Mr. Speaker, whether we are to incorporate institutions which have been managed in this way. Ought we, in any shape or form, to countenance this system of swindling? Why, sir, if you will give me an act of legislation that will enable me to discharge my debts with fifty cents on the dollar, I would be able to ride in as fine a four-horse coach, have as splendid an equipage, and as many servants in livery, as the president of either of these banks!

The passage of this act must have a deleterious influence over the action of the State Governments. Here, it is admitted, we have exclusive jurisdiction; and if we set the example of rechartering banks while in a state of suspension, who can tell how many of the States will follow in our footsteps? The immense power exercised by these institutions is truly alarming. You have now nearly a thousand of these shaving machines in the nation, the owners of which procure a livelihood by the sweat and toil of their neighbors. You will find the officers, agents, and dependants of the banks, in our National as well as State councils. In 1816, when the banking interest in this country was much less powerful than it is now, John Randolph of Roanoke said, upon this floor, "Every man you meet, in this House or out of it, with some rare exceptions, which only serve to prove the rule, is either a stockholder, president, cashier, clerk, doorkeeper, runner, engraver, paper-maker, or mechanic, in some way or other, to a bank."

Now, sir, I can turn round and see the officers of these District banks in the lobbies and galleries of this House, attempting, by their *persuasive* eloquence, to satisfy members that expediency and sound policy require their renewal! Yes, sir, they have obtruded themselves upon the deliberations of Congress, and are endeavoring to influence its action. Their anxious countenances bespeak the deep pecuniary interest they have in this measure. Gentlemen would have us believe that this bill will be an accommodation to the citizens of this District. Sir, it is a mistake. Some of these officers, who profess to be Democrats, have much more regard for their own pecuniary interests than the rights of their neighbors. These charters are to be extended, not for the accommodation of the industrious farmer or the hard-fisted mechanic, but in order to enable some of these lordly aristocrats, now in my eye, to enjoy luxury and ease at the poor man's expense.

I rejoice, Mr. Speaker, that there is a portion of the people of this District who are opposed to the renewal of these charters. I read you the memorial of a part of the citizens of Georgetown:

"The memorial of the undersigned, citizens of Georgetown, D. C. respectfully represents:

"That the suspension of payment by the banks of the District of Columbia is a gross and palpable violation of their charters, by which valuable privileges were conferred upon them; that it is an outrage upon the moral sense of the community in which they are situated; debasing and demoralizing in its tendency and example; and a grievous injury and oppression upon those who are compelled to take their notes at their nominal value in payment for their labor.

"That the mere association of a number of individuals, in the form of a chartered company, gives them no license for dishonesty, or impunity for crime, in their aggregate, more than in their individual capacity.

"That the banking institutions of the District having been chartered professedly for the purpose of promoting the interests and convenience of the inhabitants thereof, we are the best, and should be the only judges in what manner our interests and convenience are best promoted.

"That at the suspension of payment of the banks of this District, in the second week of October, 1839, they had in circulation upward of seven hundred thousand paper dollars, which by that act were depreciated twelve and a half per cent. inflicting a loss of upward of one hundred thousand dollars upon the holders thereof; that the rates of depreciation, since that period, have ranged from twelve and a half to eight per cent. thus filching from the working man from one-eighth to one-twelfth of the nominal amount received as the wages of his labor.

"That the practical operation of this state of things in the District is, that while those who are in the service of the Government receive their compensation in gold and silver, their neighbors are compelled to receive, as a return for their labor, depreciated bank paper; thus constituting, emphatically, one currency for the Government, and another for the people.

"They therefore pray your honorable body to take such measures as may, at the earliest possible day, compel the banks of the District to fulfil their obligations by the resumption of specie payments, or that they be required to assign their property for the benefit of their creditors, and wind up their affairs."

This memorial is signed by forty-nine citizens, and proves that there at least that number of free and independent men, who properly understand their interests, and dare to come into this House and protest against the extension of the charters of these suspended banks. Sir, I do not know, personally, a single individual upon that memorial; but they have my respect for the independence they have manifested in coming forward, bearding the lion in his den, and asserting the principles of Democracy, in despite of the frowns of these purse-proud bankers.

I cannot close my remarks without calling upon my Democratic friends to come up to the rescue. I invoke them to come forward and defeat this measure. The gentleman from Kentucky [Mr. UNDERWOOD] tells us that this ought not to be made a party question! Sir, it is a party question—a question involving principles upon which the two parties in this country have divided. The subject of the currency has occupied the attention of this House for a large portion of the present session, and will continue to agitate the public mind for many years to come. The Democrats have been endeavoring to redeem the country from an irredeemable currency; they have been advocating the necessity of divorcing the General Government in its fiscal operations, from all connection with banks; they have been denouncing the present system as unjust, and in violation of every principle of equal rights; they have been zealous in exposing the swindling practices of these institutions, and calling upon the people to effect a radical reformation in them—and now, sir, are we to be told that a measure involving the question of whether banks which have violated the law, refused to comply with their contracts, mocked at your legislation, and purchased up at a heavy discount their own notes, should not be made a *party question*? Sir, fasten these irredeemable shinplaster manufactories upon the people, and, my word for it, the men who are now invoking you not to make this a party question will be the first to reproach you after the deed is done.

In conclusion, Mr. Speaker, I trust that the political party with which I act will present an undivided front against this bill. I ask them to come up and meet this question manfully, and show by their votes their adherence to Democratic principles. If, however, in despite of the evidence I have produced, and the arguments which have been urged, they shall be rechartered, I shall have the proud consolation of knowing that I have raised my feeble voice against them.

July 2, 1840.

The following bill was introduced by Mr. HOLLEMAN of Virginia, viz:

A BILL to continue the corporate existence of the banks of the District of Columbia for certain purposes.

Be it enacted by the Senate and House of Representatives, &c. That the provisions, restrictions, and enactments of the act of Congress of the 25th May, 1838, entitled "an act to extend the charter of the Union Bank of Georgetown, in the District of Columbia," be, and the same are hereby extended to the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, the Bank of Washington, the Patriotic Bank of Washington, the Bank of the Potomac and the Farmers' Bank of Alexandria; Provided, That whenever in the original act the 1st of July, 1838, occurs, it shall be so construed as to mean the 4th of July, 1840; and whenever the 1st of July, 1842, occurs, it shall be construed to mean the 4th of July, 1844.

Mr. ADAMS inquired whether it made no distinction in favor of the Patriotic Bank, which never had suspended specie payments?

Mr. HOLLEMAN replied that it did not.

Mr. UNDERWOOD gave notice of his intention to offer the following amendment in case the bill of Mr. HOLLEMAN should not meet with favor:

"That the several acts of Congress creating and granting charters to the several banks in the District of Columbia which were in force on the 1st day of July, 1840, be, and the same are hereby, continued in full force for the term of two years from and after the 4th day of July, 1840: *Provided, however*, That no one of the existing banks shall declare or make any dividend of its profits among its stockholders during the time it fails to pay specie for its notes: *And provided, further*, That all the profits hereafter made by any one of the said banks over and above six per cent. upon its capital, clear of expenses, shall be paid over to the corporate authorities of the city in which such bank is located: *And provided, further*, That said banks shall severally resume the payment of specie for their notes thrown into circulation, within ninety days from the said 4th of July, 1840."

After a few remarks by Messrs. HOLLEMAN and UNDERWOOD,

Mr. DAWSON of Georgia said that the measure now under consideration was very important to a large portion of the free, but unrepresented, people of the United States; and it became gentlemen to act in this matter with the respect due to themselves and to a mass of the community whose interests were confided to their care. Mr. D. went on to observe that he considered the present question, when viewed in all its aspects, as the most important one which had occurred during the present session of Congress; it was nothing less than the grand "hard money scheme" of the Administration carried out in its first application. Gentlemen might cover it up as they pleased, but it came to that; it was the question whether, in a district over which Congress exercised undisputed sway, they should at once abolish all banks and credit, and rely on a hard money circulation? That was the question. A portion of this House (said Mr. D.) have declared that all banks in this District are to come to an end, and then all bank currency must cease with them. Another portion of the party say they are for banks with certain limitations; but they are to be of a temporary character, and all looking to a winding up of bank concerns; and this final winding up must be accomplished within two years. Let me refer to the language employed by a gentleman from New York, [Mr. VANDERPOEL,] who is considered as one of the leaders of the Administration party in this House. He told us that we ought now so to develope the principles of the Sub-Treasury bill that the States might carry out the system, and reduce the country to a hard money currency. We are to set an example, he says, in this District, for the States to follow.

[Mr. VANDERPOEL here interposed, and was very anxious to explain. Mr. DAWSON for some time refused to yield the floor, wishing the explanation to be deferred until the gentleman should make his reply; at length, however, he yielded, when Mr. VANDERPOEL explained that what he had said, or meant to say, was this: that banks, under a state of suspension, exerted a demoralizing influ-

ence; that they exhibited a demoralizing aptitude to rush into a state of suspension whenever it did not suit their convenience to pay their debts; and that Congress was bound to set an example in opposition to this spirit.]

Mr. DAWSON resumed. It was then the moral tendencies of the conduct of the banks that induced the very honorable and conscientious gentleman to oppose them. [A laugh.] Well, sir, the gentleman votes to wind up the affairs of all the District banks, because their suspension had an immoral tendency. Has the Patriotic Bank suspended. Does it not now redeem its bills on presentation? And? does not the bill before you put this bank on the same footing with all the rest? Is it the immorality of paying its notes for which this bank is to be destroyed? No, sir; no.

This was not the gentleman's ground. He was for having us set an example here by winding up all banks, and leaving the people of the District to a hard money circulation. It is due to the country —due to candor and magnanimity, to develope the true issue, and not by unworthy subterfuges to attempt to conceal it. I have said this is an important, an all-important question; and "now is the time, and now is the hour" to discuss and settle it; to form the great issue before the country; and to let the people of this land know that there is a party in Congress who are determined to roll the wheel of ruthless extermination over all State banks, and thus to prostrate with them the rights of the States. Gentlemen may think to deceive the people; but let me tell them the people are wide awake, notwithstanding all the poppies that have been flung over their eyes. I am ready now to meet the question. I stand on the old Conservative ground; I go for preserving the institutions of the country, and the rights of the individuals connected with them. I am against destroying the relations of creditor and debtor. I will not vote to depreciate the value of property—to raise the value of money, and thereby to empower the creditor to bring all the property of the debtor under the hammer. That will be the operation of the bill. That is the question on one or the other side of which we are now to range ourselves. Will you, by voting for this bill, appreciate money one hundred per cent. and depreciate all property fifty per cent.? Will you throw the property of this District into the hands of the moneyed men, and thus make the rich richer, and the poor poorer? You know well that I am not one of those who love to dwell on the invidious distinction between rich and poor; and though I make no hypocritical pretensions of sympathy, when it thus comes to action, I am not willing to destroy that kind of indulgence extended by the banks to the people in this District, and thereby force their property into market. For who, I ask, are to be the beneficiaries from this splendid act of reform? I answer, the stockholders of these banks and public officers. The banks of this District have two millions and a half of dollars due to them from the citizens, whose notes they have discounted; the amount of their paper circulation is about $650,000; the specie capital in their vaults is about $420,000; now taking these $420,000 from the $650,000, and it leaves about $200,000 to pay, while they have two millions and a half to receive. Under these circumstances, what do you do? You, friends of the people—you, who are no more Democrats at heart than I am, yet tell the dear people so much more about *your Democracy*—what, I ask, do you do?

At one blow you cut off the five heads of these District banks, and throw them bleeding into this ten miles square; and you tell them, now die, close up your earthly concerns, for you may live no longer. Well, what is the result? They must sue their debtors, and bring their property to the hammer. And who will buy it? The office holders first, and then the stockholders; and where is the poor debtor? Borne down—crushed—brought with his family to ruin and desolation; and brought by whom? *By this House—by you*, who call yourselves the people's friends. For the sake of your political experiment of bringing a "hard money currency" into this devoted District, you stand by with stony hearts, and look upon the ruin of these defenceless people as if it were a spectacle exhibited at a theatre. You throw all the property of the poorer and middling class of people into the hands of rich landlords and money holders. Houses, the fruit of hard earnings and long saving—houses that cost the owner $10,000, will go, before his eyes, under the hammer of the auctioneer, for $1,500 or $1,000; all to carry out your beautiful scheme of "reform" and a "hard money currency!" You talk about "indulgence" to the banks. Is it not amazing that gentlemen will talk about bank directors as proud aristocrats, rag barons, rolling in splendor and luxury, when it is a well known fact that the banks have never averaged a profit over seven per cent.? Why the "great monster" itself never realized to the stockholders over six per cent. on their money. Yet with language like this in their mouths, gentlemen will pass this bill, driving every money borrower to the usurer or shaving shop, to save him from a jail. There is the sheriff levying on all he has in the world, and there stands his poor wife wringing her hands and clasping her weeping babes to her bosom, while her husband in an agony is offering twenty-five per cent. for money to the usurer or shaver to postpone the hour of their final ruin. How are these money lenders to be benefited? Not by granting the banks a charter: no: if you want to encourage and fatten usurers and shavers, and make bank directors, already rich, still richer, cut off all banks at a blow, annul their charters, and compel them to enforce their demands on the community. While millions are due the banks, they have only to take off enough to redeem their circulation, and they pocket the balance. This is set us as an example; and I say, if you can only carry out your plan—if you can but go through the States and induce their Legislatures to do as you are doing, I say that, barring "stop laws" and "relief laws," no property in the whole country will be equal to bank stock, and no people be made so rich as usurers and shavers. The effect of your reform is to depreciate all property, to make the stockholder plaintiff, and the borrower defendant.

I have a letter from my own State, from which I learn that, when a certain plaintiff who had recovered a judgment ordered the sheriff to levy on the defendant's property and compel him to pay in specie, the indignation of the neighborhood was aroused to such a degree that they went to the sheriff and asked him to stop sale, and then to the plaintiff in a state of such excitement that they could scarce be restrained from violence, remonstrating against such oppression and revolting cruelty. Yet we are now called upon to do this very thing, and to do it in the name of the General Government, that it may be held up as an example to the State Governments. Well, sir, let the example be carried out; let those who are for compelling the defenceless people of this District to use nothing but hard money, go into their own States and get their State Legislatures to collect *the taxes in hard coin*, and to pay for all their works of internal improvement in the same hard currency. Try it there, and how long do you think your Government will exist? Will you not have a revolution as surely as you make the trial? Then I say that we have been here fighting these two days past in ambuscade; neither side has come up boldly to the issue. I call upon you to come from the bushes and show your faces. Do to the people of this District as you are willing to do to the people of your own State. I call upon you Virginians, and you Representatives from Maryland, to treat the people of the District of Columbia as you are prepared to treat the citizens of Virginia and Maryland. Then your people will know what it is you mean, and what they have to expect. Yet, while you are voting here to destroy these banks because they have suspended specie payment, (though one of them has not,) you will vote, at home, to recharter your own suspended banks and to legalize their suspension. Is this giving to the people of the District equal rights? Your conscience says, No! These people consider themselves, and justly so consider themselves, as trampled on. Ought we not to do something to alleviate their distresses? All they ask of you is to do to them as the State Legislatures do to the people of the States. All they demand is, that you will treat them as American citizens. Do this, and it is all we ask.

The proposition of the honorable gentleman from Maryland, [Mr. THOMAS,] with the amendment of the honorable gentleman from Kentucky, [Mr. UNDERWOOD,] will do this. Indulge them at least for two years. Who, I ask, should best understand the affairs of this District and the necessities and wishes of its inhabitants? Is it not the gentlemen whose local situation brings them nearest to the District? And who are these? Are they not the gentlemen from Maryland? And now what do we see? Who feels the most anxiety for their relief? The two gentlemen from Maryland, [Messrs. JOHNSON and JENIFER.] These gentleman are not willing that Congress shall set its heel upon this District and grind its citizens to powder. They are not willing that you should treat them as rats in a receiver—mere subjects of experiment. This District, ceded to your Government, and confided to its parental care, is not a garden plat in which to try new-fangled experiments. Its inhabitants are Americans—American citizens; and they are not to be practised on in this way. If you want to try your new schemes, take a wider field. Let the zealous gentleman gentleman from New York [Mr. VANDERPOEL] go to the great Empire State, and there let him proclaim his hard-money doctrines. If, indeed, I have mistaken his real views—if he is not in favor of prostrating banks and introducing a metallic currency—I shall rejoice from the bottom of my heart. It will cause me the liveliest joy to hail him as a conservative, and join him in an effort to save the country.

I now move you that this whole subject be referred to a select committee, with instructions to report a bill to this House to-morrow at 11 o'clock.

Mr. VANDERPOEL said that the gentleman from Georgia [Mr. DAWSON] had, unintentionally, no doubt, made a false issue. He could not conceive how he could have so far misunderstood the observations he (Mr. V.) made yesterday. He knew that the gentleman would not designedly misrepresent him. He would not, and could not, imagine that he had imputed to him (Mr. V.) sentiments which he never uttered, to furnish himself with a pretext for exhibiting himself to us in that *irredeemable* character in which he had just presented himself. Mr. V. could reciprocate the expressions of surprise in which the gentleman had indulged, and say that he was astonished, yes, *astounded*, at the fact that he would become the advocate of institutions whose motto seemed to be, "IRREDEEMABLE, IRREDEEMABLE TO THE LAST." And in support of what he (Mr. V.) did say, he was willing to accept the challenge of the gentleman, and go with him before the people of the "Empire State," and there plead before the laboring men and farmers of that great Commonwealth. He would there argue with him the bold and naked question, whether it was right, whether it was moral, to recharter a number of banks who refused to pay their debts; who were constantly issuing irredeemable paper, with a full knowledge that the laboring man and the market woman who happened to come possessed of it, must, in order to raise actual money upon it, be subjected to a loss of from five to ten per cent. He knew the moral sense, the sense of right, of the proud and prosperous people of that great State. They would never again, for a moment, tolerate in their banks this irredeemable, this profligate position, in which the institutions of this District now presented themselves. The prevailing ethics of New York would save her people from the loss—her character from the degradation inseparable from a gross and daring violation of law and duty on the part of all her moneyed institutions, and it was this fact, this conviction, that the Legislature would never again wink at such demoralizing delinquency, that had, perhaps, as much as any other cause, induced the banks of New York to hold on to their duty, and to exhibit to the world the comparatively proud spectacle they now presented. No, sir, no. Public opinion there would not tolerate another suspension. The bank, then, that shall dare to suspend again, will, at once, be consigned, by public opinion, to where such an act will prove her legitimately to belong. I mean, to the vortex of irretrievable bankruptcy. They never did do—the Legislature of New York would never dare to do, what

the Bank Whigs here were so ready to do—recharter a whole batch of banks while in a state of suspension. The most it did when the banks of New York suspended specie payments in 1837, was, for the term of one year only, to save them from proceedings of the Attorney General to enforce a forfeiture of their charters, at the expiration of which they were obliged to resume. They did not ask for further grace; nor would it have been granted, had it been asked for. This the banks knew full well. No man who then lived in New York could have mistaken the public pulse upon this subject. It was on the side of duty—on the side of morality—on the side of fidelity to moral and solemn engagements; not on the side where we have found the IRREDEEMABLE Whigs of this House. He hoped ever to see in his native State too high a tone of morals, to regard with an indulgent eye that position of delinquency—of open violation, on the part of the banks, of the very laws that created them—which the gentleman from Georgia [Mr. DAWSON] seemed to regard as quite venial, if not praiseworthy. If the time should ever come when such indulgence shall be too easily cherished, and too freely accorded, then he would be prepared to believe that the days of her honor, her good faith, and, with it, her boasted prosperity, had departed.

But the gentleman insists, that in the remarks he (Mr. V.) made yesterday, he made a decided demonstation in favor of an exclusive hard money currency, by way of carrying out the Sub-Treasury plan. Sir, either his (Mr. V's) mode of expressing himself must be very unfortunate and confused, or the gentleman's powers of comprehension are very much at fault; for he surely meant to make no demonstration in favor of an exclusive hard money currency. What he said was, that the banks had made a solemn compact with the Government, and, through it, with the people, that, in consideration of special and very valuable powers granted them, they had had solemnly agreed to redeem all their liabilities in gold and silver; that this was one of the very conditions of their charters, the violation of which rendered their charters void; that while in a state of open and unblushing violation of this vital condition of the law of their creation, they came to us and asked us for an extension of their corporate existence, without our even hinting at the delinquent and unjust position they occupied; and that there was found in this House a stong party, ready and willing to regard this non-payment of their liabilities a mere peccadillo, that did not merit our censure, or even our attention, when they called upon us to grant them an additional boon! This is the length and breadth of what he said, and meant to say, on that occasion. Yes, he freely accepted the challenge of the gentleman from Georgia, and would tell him that he was willing to go before the hard-handed and true-hearted laborers of his native State, and say to them, "These are the banks that we refuse to recharter, without, at least, inserting in the act to recharter them, some provision that shall drive them back to their duty. We cannot, as your faithful representatives, pass, in approving silence, over such delinquency. We cannot see their poor bill holders constantly shaved from five to ten per cent. without marking with our disapprobation the state of things which conduces to such losses." This, sir, would be the tone and language he would assume before the high minded people of New York; and he was very sure he would receive from them an approving response. They would not, for such sentiments, be quite as ready, as is the gentleman from Georgia, for uttering such sentiments and assuming such a position, to suspect him of too strong hard money predilections.

But he would go a step further towards showing that he had not assumed a cruel and unfeeling position towards these banks, by refusing to grant them an unqualified recharter while in a state of suspension. Not only had they been fortunate enough to cease, but they had been impudent—yes, impudent enough to declare dividends of profits while in a state of suspension! This surely deserved the reprobation of every just and high minded man. Dividends of profits made when every one of their bill holders was losing from five to ten per cent! How much more noble, how much more laudable to have foregone a little profit, and thereby enabled themselves to adhere to their duty—to the redemption of their paper. But no, it had come to this, at least, in a large section of our country: if there was smooth sailing—if it was perfectly convenient for the banks to adhere to specie payments—they would redeem their bills; but if it became necessary to submit to a little loss, or forego a considerable amount of profit, to enable them to continue in the line of their duty, why, then, they very quietly and unceremoniously glided into the smooth and placid waters of suspension; and we, sir, were called "Destructives and vile Locofocos," because we dared to raise the voice of remonstrance against this course—because we would not consent to recharter these banks, without, at least, administering a little spur—a little hint, by way of reminding them of their duty—without some provision for their emerging from this irredeemable position in which they approached us. Go on, gentlemen Whigs, (said Mr. V.) and reap all the glory of your unrighteous forbearance. Grant to delinquent institutions acts of amnesty and pardon; nay, approbation, as often as you please. I envy not the glory you are to derive from such charity and such indulgence. In this career of charity to the privileged few, and cruelty to the many, you are only acting out a law of your nature. If we look to the rights and interests of the whole community, who are bled almost to fainting, all around you, by the agency of suspended banks, you are true to your principles and to yourselves, by forgetting the suffering of the many in the intensity of your regard for the interests of the few. It is strange, "passing strange," that you do not begin to repent—to change your policy when you reflect upon your past folly, in regard to that mammoth institution, which was the first to lead off in this leap to suspension. She is the author and finisher of the present mischief, which the country is suffering. She was your pet, your darling, your all in all; your ATLAS, which was to stand firm when all the smaller horde should be swept away, and "leave not a wreck behind." Where, now, is your "great regulator," without which you have so often told us that all your moneyed institutions would explode? There she lies, bankrupt, if not rotten. She is yours, with all her abominations, all her putrescence about her. You are wedded to her by too many acts of past affection, to be able now to shake her off. She is one of the many millstones about your neck, which are soon, very soon, to sink you, to settle your doom as a party.

[Mr. DAWSON here asked Mr. V. if he did not state on yestesday that we had nothing to expect from the States and as that was the cause, it was the duty of Congress to set an example from this District.]

Mr. VANDERPOEL said he did say, and he would again say, that as the proposition to recharter these banks was forced upon us, and was not one of our own seeking, it was our duty here to set an example to the irredeemable portion of this confederacy. This was what he said, and if the gentleman would look at the whole context, he would no longer be in error as to the import of what he said. What further did he say? Did he not say that he was willing to go for these banks, if the bill contained a provision that they should resume specie payments within sixty days, and they should, in the mean time, be prohibited from issuing irredeemable paper? Did this look like a disposition, on his part, to persecute the banks, to drive the people at once into an exclusively hard money currency? If the States, where the banks had suspended, were too lax in their notions of what was due to the community from the banks, or too much in their power to drive them back to their duty, was it true that we, too, were thus trammelled? Was this Congress so entirely under the control of the banks of this District, that it dare not refuse to renew their charters while in a state of suspension; dare not even utter a sentiment of rebuke against them; but act as if it were actually bound to endorse and legalize it? No, he trusted that we would set a better example to the States south of the "great regulator," whose moneyed institutions were now exhibiting a spectacle that was a reproach to our whole country, that disparaged us as a nation in the eyes of foreign nations. He had seen this, he had felt it, when journeying among foreigners and strangers. Talk to them about our glorious institutions—the rapid advances we are making in all that seems to elevate the great masses, and render them happy, and the response you will invariably get is, "yes; but look at your repeated moneyed crises, the frequent suspensions of your banks, the fluctuations in your currency, and the instability of prices, consequent upon these things." These they would attribute to our political institutions. These would they say are some of the dear penalties you have to pay for your Democratic liberty. And did it not behoove us, when a fair call, a proper occasion presented itself to us, as far as in us lay, to vindicate our country and our institutions from such reproach? If we did not show to the world that we felt a high moral duty resting upon us in reference to corporations in such a predicament, what could we expect from the States, embarrassed, trammelled, and connected, as too many of them were, with these institutions? The course he, and those with whom he acted, pursued, did not imply a disposition to war against all banks, and drive the country into the use of an exclusive metallic currency. It was dictated by considerations of honor, by a regard for the obligations of morality and positive duty, by a regard for the honor of the country.

But the gentleman from Georgia has drawn a sad picture of distress, which he imagines will result to the banks, if we drive them back to specie payments. They will be obliged to press their debtors, if we compel them to resume specie payments, or refuse to recharter them, and, therefore, we must extend their existence, and permit them to go on in their career of suspension until they shall graciously please to resume. Sir, where is this argument to end? If inconvenient to return to their duty now, if they cannot do it now, without grievously oppressing their debtors, may they not, under this argument, enjoy a perpetual suspension? If there was any thing in this argument now, the longer the banks remained out of the line of their duty, the stronger would it grow. This argument rather proceeded on the assumption that the banks themselves would not make very formidable sacrifices to enable them to resume; that their debtors must pay the whole of the requisite penalty. If this were so, he deplored it, but he could not help it. The debtors of the banks were few, compared to the entire community within the range of their circulation, the whole of which was subjected to daily losses from the present condition of things. If the suffering of the few, who had voluntarily connected themselves with these institutions were necessary to bring them back to their duty, and save this whole community from daily losses, much as he might commiserate such suffering, it did not furnish with him a motive strong enough to induce him to tell these banks to go on in their unlawful and immoral career, and terminate it only when it suited their convenience.

But was it true that the friends of the Administration had wholly refused to recharter these banks? On the contrary, most of them had voted for the bill as amended, and, as he thought, improved, by the amendments offered by the gentleman from Pennsylvania [Mr. PETRIKIN] and the gentleman from Georgia, [Mr. COOPER.] Those provisions were simple, but salutary. They embraced the principle of immediate resumption, and liability of the president and directors of the banks for engagements entered into during their administration of its affairs. With these improving and reforming principles, he, (Mr. V.) and most of those with whom he acted, voted for the bill to extend the charters for two years. A majority of you, gentlemen Federal Whigs, voted against the bill, because it contained provisions, looking to the safety of the community. You were true to yourselves—to your principles—for you would not vote for any bill that contained a spur to prick on the banks to their duty; for any bill, that contained provisions unpalatable to the banks, and calculated to secure the public against their frauds and their suspensions. Go with us, then, before

the tribunal of the American people, and let them determine whose course upon this subject has been most consistent with good faith, morality, and patriotism.

The debate was further continued till the adjournment by Messrs. JOHNSON of Maryland, HOLLEMAN, and HOPKINS.

FRIDAY, July 3d.

The same subject being up for consideration, Mr. WELLER remarked as follows:

"I regret, Mr. Speaker, that it has become necessary for me again to obtrude myself upon the House, in order to correct some of the misrepresentations of gentlemen who have preceded me. The gentleman from Georgia [Mr. DAWSON] has, with a vast deal of warmth, announced to the House that the issue now presented is, whether or not we shall have an exclusive metallic currency; or, in other words, he charges the friends of the friends of the Administration with an effort to break down all the banking institutions of the country. The gentleman cannot, by declaiming against an exclusive hard money currency, change the issue, or divert the attention of the House from it. Whenever an effort is made to expose the iniquities of the banks, and show to the people the frauds which have been practised upon them, we are charged with hostility to all banks, and enemies to the credit system! Sir, I will tell the gentleman from Georgia what the issues are which have been presented since this subject has been under discussion. One issue is, shall we incorporate for two years banks which are in a state of suspension, standing out in open violation of the law, or shall we compel them to wind up? Upon that issue, sir, which was involved in the original bill, as it came to this House, the Whigs, as a party, supported the bill, and the Democrats opposed it.

The next issue presented, was in an amendment to the original bill, in these words:"

"*Provided*, That said banks shall not issue notes of a less denomination than ten dollars."

Upon this question, the vote stood—ayes 96, noes 76. Not a single Whig voted in the affirmative, and but one Democrat in the negative.

Another issue was presented in the following amendment:

"*And be it enacted*, That in case said banks, or either of them, shall refuse or fail to pay their notes in specie, on demand of any person, such person shall and may have remedy by judgment and execution at law, at a notice of ten days, before any justice of the peace of said District."

In the affirmative there are eighty-six Democrats and two Whigs. In the negative, sixty-four Whigs and six Democrats.

A vote was then taken on the following amendment:

"*Provided, also*, That the president and directors of each of said banks shall be jointly and severally, in their individual capacity, liable for all notes issued or debts contracted by said banks, respectively, from and after the day this act goes into effect, to be recovered as other debts of a like amount may at the time be by law recoverable."

On this question, there were ninety Democrats and two Whigs for the proposition. Against it, seventy-seven Whigs and thirteen Democrats.

The following amendment was then proposed:

"*And be it further enacted*, That in case the said banks, or either of them, shall refuse or fail to pay their notes in specie, on demand of any person, such person shall and may have remedy by judgment and execution at law, at a notice of ten days, before any justice of the peace of said District."

Upon this question, there were ninety-six Democrats and one Whig in the affirmative. In the negative, seventy Whigs and six Democrats.

Another issue was presented in these words:

"*Provided*, That their notes, at all times, shall be redeemable by specie, or, on failure thereof, their charters shall be forfeited."

The vote stood, on this amendment, as follows: For it, ninety-nine Democrats and two Whigs; against it, seventy Whigs and three Democrats.

Upon the question prohibiting the banks, after a certain day, from issuing bills of a less denomination than twenty dollars, the vote was: For the proposition, Democrats, eighty-three; Whigs, none. Against it, Whigs, eighty-eight, Democrats, ten.

Now, sir, these are some of the issues which have been presented, and I rejoice that we have had an opportunity of testing the sense of the two parties on these questions. I desire that my countrymen should particularly remember that the Whigs in Congress, as a party, voted for extending the charters of suspended banks—banks which have suffered their paper to depreciate in this city from six to twelve per cent.—that they voted against prohibiting them from issuing notes of a less denomination than ten dollars—that they voted against compelling them to redeem their notes in specie, or forfeit their charters—that they voted against making the officers individually liable for the issues. If an individual gives his note to his neighbor for ten dollars, you compel him to pay it; and if he has a dollar's worth of property, you sacrifice it for the benefit of the creditor. But a bank may issue it paper, suspend payment, violate its contracts; and all this, in the estimation of Whig orators, is a fair, honest business transaction! If a private citizen swindles another out of five dollars, he is sent to the penitentiary, and confined for a series of years in a loathsome dungeon; but a bank may swindle the holder of its bills with perfect impunity, and the officer whose pecuniary interest is thus advanced struts your streets with the pomposity of a hereditary lord! Why this distinction? Is not the moral sense of the community debased where such things are tolerated? And am I to record my vote in favor of such a demoralizing system? Why, sir, I should be ashamed to look my honest constituents in the face.

The gentleman from Georgia [Mr. DAWSON] says that these banks have loaned out, in the District, two and a half millions of dollars; and that, if they are compelled to wind up, distress will fall upon the mechanic, the laboring man, and the widows and orphans, of this ten miles square! Mr. Speaker, I have no doubt a very large proportion of the paper of these banks has been loaned out to the officers themselves. The report made to this House, in 1836, shows that at that time the presidents, cashiers, and directors, of these six banks, were indebted to them in the sum of $319 598 78. In this, you will remember that the indebtedness of the stockholders is not included. I have no doubt they had their share of the discounts. The whole amount loaned out to private citizens in the District was $312,415 70, being $7,183 08 less than the amount loaned to the officers.

I am asked whether the Patriotic Bank does not redeem its notes in specie. I answer, that I am informed it does. The report which I now hold in my hand shows that this bank had in circulation, due on the 1st January last, only nine thousand three hundred and forty dollars and eighty-five cents. Its specie and specie funds then on hand was $19,589 16. At the same time, its bills and notes discounted amounted to $263,007 75. So you will see that there was no difficulty in its continuing specie payments, as its discounts had been made with the paper of other banks. But, sir, the sympathies of the gentleman from Georgia [Mr. DAWSON] have been excited in favor of these banks! Let that gentleman look at the frauds which these institutions have practised upon the people; let him look at the widows and orphans who have been reduced from a state of affluence to penury and want, by the failure of these very banks; and if he has tears to shed, let him shed them over them. He need not go a mile from this Capitol to find honest, industrious men, who have been robbed of their property, and thrown penniless upon the world, by the fall of stocks and the depreciation of the paper of these institutions. Let him follow the mechanic or the laboring man, who has just received a five dollar bill, as the reward of a week's toil and labor; accompany him to the broker's office, and see him shaved at the rate of twelve per cent. before he can go to market to lay in provisions for his family. Sir, I commend this side of the picture to the gentleman from Georgia.

I have before remarked, that the influence of these institutions was seen and felt in our national councils. To prove this, I need but refer to the fact that members of Congress not unfrequently find it convenient to obtain accommodations at these very banks. The report before me shows, that on the 1st March, 1836, the members of Congress were indebted to these banks in the sum of $87,600 78. Now I do not know whether any of the members of the present Congress are indebted to these institutions or not; but, judging from the past, such is probably the fact. If so, they are peculiarly well qualified for sitting as the grand inquest of the nation, to decide upon the expediency of extending their charters! An extension of the charters would secure a renewal of their notes; and consequently there can be no question about the expediency of the measure!

The gentleman from Maryland [Mr. JOHNSON] charged me, on yesterday, with having declared, that so unfriendly did I feel towards the people of this District, that I would kick them as they passed. The gentleman surely misunderstood me, for I used no such language. I did say, that I could not consent to see the bill then under consideration pass, without giving it an "especial kick." Now, Mr. Speaker, I pity the gentleman if he cannot discriminate between the banks and the people. Shall I be told, when I am exposing the corruptions of the banking system, and holding up their improprieties to the public eye, that I am abusing the PEOPLE? It is true, sir, they have trampled upon the conditions of the act of 1838, set at defiance the will of the people, as expressed through the laws enacted by their Representatives; but, sir, they are not yet the people. No, sir, my countrymen are not yet ready to wear the yoke of bank bondage, and acknowledge the omnipotency of these soulless corporations.

Mr. Speaker, I entertain no feelings of hostility to the people of this District. My relations with them have been of the most friendly character, since I have been a resident of this city; and there are many here for whom I shall always cherish the warmest feelings of friendship and respect. But, sir, my regard for them will not deter me from exposing the vile practices of the banks which have been fastened upon them. I owe a duty to my constituents, which no personal considerations shall prevent me from discharging; and I assure gentlemen that no earthly power could induce me to vote for renewing the charters of these suspended banks.

I do not believe that sound policy would require the incorporation of banks in this District. You have here six banks, with a capital of about three millions, in a District containing a population of some forty-five thousand. The General Government annually pays out four or five times as much specie here as is necessary for the wants or commerce of the people; but you give to a few favorite individuals the power to stamp pictures on small bits of paper, call it money, and send them into circulation, to the exclusion of the precious metals—the gold and silver is driven out of the District, and carried to New York or Philadelphia, for exportation. The Bank of the United States, according to a report now before me, exported to England, *two and a half millions* of specie, from the 1st August, 1839, to the 1st January, 1840. I believe that bank has, during the last fourteen months, exported about *eight millions* of specie, whilst during a portion of that time it has been refusing to redeem its bills at home. This state of things will always exist, so long as the legislation of the country sanctions a suspension of specie payments, and authorizes the issue of irredeemable paper.

But we are told that the banks in this District will resume when the banks in Virginia and Maryland do, and the banks in those States tell us they will resume when the banks in Pennsylvania resume. They are all too modest to commence; and the consequence is, the work is not begun. The friends of this bill say, impose restrictions upon them, and compel them to resume. Sir, I have no confidence in these restrictions. You might as well attempt to fasten a giant with a rope of sand, as to limit the powers of these incorporations. Legislative restrictions may answer for the people, but the banks will, as they have already done, laugh at your credulity. You may impose as many restric-

tions as you please, but they will treat your law with the contempt they did the act of 1838. Congress then required them to redeem their notes in specie; they violated that condition. Congress required them to issue no notes of a less denomination than five dollars; they evaded that restriction, by issuing six, seven, eight, and nine dollar bills—thus making mere sport of your legislation. It is high time that the people of this country were fully apprized of the unlimited power claimed and exercised by these incorporations. If they would perpetuate their liberties, they must take care that they create no institutions superior to the laws.

We have been informed that, when we come to legislate for the District of Columbia, we ought not to look beyond the limits of the District! Sir, the paper which you authorize these banks to issue is not confined in its circulation to this District. It makes its way into the different States, particularly Pennsylvania, Virginia, and Maryland; and we certainly owe it to the people of those States not to authorize a currency to be issued which will be irredeemable in their hands. Besides, the discounts of these banks are by no means confined to this District. On the 1st March, 1836, the amount loaned by these banks to non-residents was $543,270 08, being $230,854 38 more than the amount loaned to private citizens in the District. Thus you will see they extend their operations into the adjacent States. In addition to this, we are now standing before the whole nation; and our action on this question, if in accordance with what I conceive to be right and justice, may exercise a beneficial influence over the State Governments, many of which have run wild in these paper schemes. We can at least say to them, that we will not establish the precedent of renewing the charters of suspended banks, and enable them to flood the country with more paper, when they are refusing to redeem what they have already thrown into circulation.

The bill now before the House, with the amendment, places it in such a shape that I cannot vote for it, although I do not feel disposed to complain of those who do; for it differs in many essential particulars from the one defeated on yesterday. I cannot, however, see how any man, who is sincerely desirous of effecting a reformation in the banking system, could support the bill as it originally came to this House; for that bill did not attempt to enforce a resumption. Honest differences of opinion will exist, upon questions of this sort, among men of the same political party, and I certainly have no disposition to prescribe a course for others to pursue. My only object has been, to place myself right before the people, and discharge what I conceive to be my duty. Having done that, I return my thanks to the House for their attention.

Several gentlemen having followed in favor of the bill,

Mr. DUNCAN obtained the floor and spoke as follows:

He was highly pleased that this measure had come before Congress, for two reasons. The first was, that it gave the friends of the Administration an opportunity of exposing to the world the true position which they occupy in relation to banks and the banking policy. The second was, that the votes taken, and about to be taken, exposed to the world the extent to which the British Bank Whig party would go in fastening upon this country and this people the banking system, and an irredeemable shinplaster currency.

Yes, sir, I am happy that this opportunity has been offered, to show them, in black and white, by recorded votes, who are the shinplaster-rag-baron party. I am happy the Democracy have had this opportunity to expose, through the medium of the National Legislature, records of the true principles which govern them in relation to the general system and policy of banking. It has been charged upon the Administration and the Democratic party that one of their leading and favorite measures is to prostrate the banks, and entirely destroy the credit system and paper currency, and to establish a purely metallic currency for all purposes, private and public, domestic and commercial. That charge I pronounce here, in my place, a wilful falsehood, and a base slander upon the Administration and its supporters.

I assert, that in relation to banks and a paper currency, the Democratic party and the Administration, who are nothing more nor less than their representatives, have no intention beyond a reformation in both; and the votes given on the bill to continue in force the charters incorporating the banks in the District of Columbia, will prove what I assert. It is not my purpose now to go into a definition of banks, or to illustrate the principles of banking, paper currency and the credit system. I rise more for the purpose of repelling some charges made against Congress, and more particularly against the Democratic party of this Congress, in relation to the course of legislation for the District of Columbia.

But, to return to the bill to continue the bank charters, &c. The following bill from the Senate, was reported to the House:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charters of the Farmers' and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby extended to the 4th day of July, 1842, unless Congress shall, in the mean time, otherwise order and direct, upon condition that neither of said banks shall issue and pay out the notes of any other bank, banker, or banking institution or corporation, which is in a state of suspension or non payment of its liabilities in specie; and upon the further condition that the said banks, nor either of them, shall take a stay of execution on any judgment recovered against them in any case whatever, nor appeal from such judgment, nor take a certiorari thereon, except on an affidavit of merit."

To this bill several amendments were offered. I shall only notice three or four of them, and the character of the votes given. The first amendment was to prohibit the banks from issuing notes of a less denomination than ten dollars. The vote on that amendment was yeas 110, nays 94; the almost entire Democracy voting in the affirmative, and, I believe, the entire Opposition voting in the negative.

The next amendment which I deem necessary to notice, was a proviso that the notes of the said banks should, at all times, be redeemable in specie, or that, on failure thereof, the charters should be forfeited; and the question being taken, it was decided in the affirmative—yeas 107, nays 76; the Democracy voting in the affirmative; and the Opposition in the negative. The next important amendment in order was—

And be further enacted, That in case the said banks, or either of them, shall refuse or fail to pay their notes in specie on demand of any person, such person shall and may have remedy by judgment and execution at law, at a notice of ten days, before any justice of the peace of said District."

The question was taken, and decided in the affirmative—yeas 97, nays 76; the Democracy voting in the affirmative, and the Opposition in the negative. Next amendment:

"*Provided, also*, That the president and directors of each of said banks shall be jointly and severally, in their individual capacity, liable for all notes issued, or debts contracted, by said banks respectively, from and after the day this act goes into effect, to be recovered as other debts of like amount may at the time be by law recoverable."

And resulted in the affirmative—yeas 92, nays 90; the Democracy voting in the affirmative, and the Opposition in the negative. Next amendment:

"*And be it further provided*, That said banks shall not make any dividends during the time the said banks shall refuse to pay all their liabilities in specie on demand."

And it was passed in the affirmative—yeas 145, nays 25. On this amendment the Opposition were divided—a part of them voting with the Democracy, who all voted for it, and a part of them against it. The question then turned on the following amendments, viz:

"And the president and directors of any of said banks, who shall make any such division of profits, or declare any such dividends, or consent to or vote for the same, shall be liable to pay double the amount of the sum so divided or declared, to be recovered of them in their individual capacity, by any person suing for the same, as debts of like amount are recoverable; one half of said forfeiture to go to the person suing, and the other half to the corporation where the said bank is located.

"SEC. 2. *And be it further enacted*, That justices of the peace within the District of Columbia shall have jurisdiction in all actions of debt against any of the banks whose charters are hereby extended, for sums not exceeding one hundred dollars; and no appeal, certiorari, or injunction, shall be allowed, granted, issued, or directed, by any court within said District, unless an affidavit be first made and filed in said court by the president, or one or more of the directors of the banks so sued, that such an appeal, certiorari, or injunction, is not asked for the purpose of delay, but because he or they believe there is a just defence on the merits, and that injustice is likely to be done, if said appeal, certiorari, or injunction, should not be granted."

The question was taken on the above branch, and it was agreed to by—yeas 94, nays 78; the Democracy voting in the affirmative, and the Opposition in the negative.

The question was then taken on the final passage of the bill as amended, and was decided in the negative as follows, viz: yeas 69, nays 90. This was a mixed vote; but the failure of the bill must be attributed to the bank Whig party—had they all voted for the bill, it would have been passed by a large majority. They refused to vote for the bill, because of the amendments. I regret that the bill did not pass with the amendments and restrictions which were made to it; it would have served to show that it is the object of the Democracy to reform the banks and the paper currency, and not their object to prostrate one or destroy the other. As it is, it serves to show that, while it is the object of the Democratic party to place the banking institutions in the same situation in which other institutions and private individuals are placed as to public and legal responsibility, by which the individual community and every other interest of the country may be secured from frauds and oppression, it also shows that it is the policy and principles of the Bank Whig party to overspread the country with bank corporations, and bestow upon them such privileges and powers as enable them to set the laws at defiance, rob the people, and laugh to scorn their indignation at violated justice. I ask the honest, the candid, and the patriotic man to examine the amendments which were adopted by a majority of this House. Is there one of them the security of the public does not demand? Is there one that past experience does not require? Or is there one that an honest banking institution, that intended to conduct its business in a faithful, honorable, and upright manner, would, for a moment, repudiate? None, sir.

Sir, I hope no man now living may ever see the day when a bank shall be incoporated in this country without all the restrictions which were adopted as amendments to the bill in question, and one more in addition; that is, that no stockholder shall be permitted to borrow from a bank in which he holds stock. There is something superlatively inconsistent, dangerous, and ridiculous, in incorporating an association of individuals as money lenders, and permitting them to be the greatest borrowers themselves of the currency of their own creation. Such an institution and such a privilege are doubly dangerous and doubly fatal to all civil rights, and every principle of equality. In the first place, such an association has the power of making currency, and in the second place, the individuals of the association have the power to monopolize the loans of that currency, and the consequent power to monopolize all the trade within their reach. But, sir, I must not get into a discussion of the principles of banking and its evil consequences. Such was not my object, when I rose.

The member from Maryland [Mr. JENIFER] stated that those who introduced the amendments, and those who sustained them, acted without responsibility—no member here dare take such a

course in his State Legislature in relation to the banks in his State, &c. Sir, I (said Mr. D.) dare take such a course in my State were I a member of her Legislature; and I undertake to say, that no member of my State, in a representative capacity, dare take any other course, or dare give any other vote than has been given on this bill by the Democratic party. Such is the public feeling, and such the public determination in Ohio, in favor of the reform of bank abuses. If I mistake not, the last day of bank monopoly and exclusive privileges is near at hand. The people of this country have waked up to a sense of their danger. They now see their liberties undermining their free institutions shaken to the centre, and their life blood lapped by more than nine hundred worthless, swindling, rotten, irresponsible bank corporations, as by so many hungry hyenas, who prey upon the liberties of this country, and fatten on the spoils of honest labor. But, sir, we are yet free; and it will be found in the coming contest that there is yet intelligence and patriotism enough, blended with an unpurchaseable spirit of Democracy, to repel the corrupt and insidious invaders from our soil. I do not wish to be understood in this denunciation as embracing any bank or banks which have honestly and faithfully managed the trust reposed in them.

Sir, the American Democracy will never sacrifice their blood-purchased liberties at the shrine of bank cupidity. They will laugh to scorn, derision and contempt, your pitiful howl and your demagogical cry of panic and distress.

The gentleman from Georgia [Mr. DAWSON] tells us, in substance, that desolation, ruin, and blight, rest upon the people of this District; poverty, extreme poverty, rests upon them; and biting hunger and squalid wretchedness stare them in the face; and the only relief to which they look is in the recharter of their banks; and that the whole mass of the people of the District are now appealing in frantic despair to us to recharter their banks. And he asks, in a sympathetic tone, will we, can we, deny them? Now, sir, the gentleman's allegations contain two assertions. I deny both of them. I deny that poverty and desolation rest upon the people of the District of Columbia; I deny that biting hunger and squalid wretchedness stare them in the face. I believe that the people in this District are about as well off and as comfortable in their circumstances as the people of this country generally are. And if they are the spirited, high minded people I take them to be, they will repudiate the man who attempts to hold them up to public gaze as subjects of poverty and pity. If I were a member of this society and a citizen of this District, I would publicly denounce the man as a calumniator and a slanderer, who would give the people of the District such a character as the gentleman from Georgia has done, I care not what might be his motives. But, for the sake of argument, we will suppose for a moment that the degraded account that gentleman has given of the people and the District is true. Could the most fruitful and ingenious mind imagine or invent a stronger argument against continuing the District banks? If it is true that poverty and squalid wretchedness have made their abode in this District, may it not be fairly be attributed to the influence of the banks? and, if so, why should the gentleman desire to continue such institutions and such a policy, which have brought such blight and ruin upon this people, which he sings in such melancholy *melodies*?

Sir, let us bring up and present to public gaze, and, I think, astonishment, the history of banks and banking in this District; and, though the history may astonish, the fact that the people are left as sound and solvent as they are, will be equally astonishing to at least those who understand and have witnessed the blighting effects of unrestrained banking.

With the assistance of an able statistical financial officer of the Treasury Department, I have been able to cull the following synopsis from the history of banking in the District of Columbia.

Acts for incorporating the six banks that recently applied for an extension of their charters, were first passed at the following dates: Bank of Washington, February 15, 1811; Bank of Potomac, Alexandria, February 16, 1811; Farmers' Bank of Alexandria, February 16, 1811; Farmers' and Mechanics' Bank of Georgetown, March 3, 1817; Bank of the Metropolis, Washington, March 3, 1817; Patriotic Bank, Washington, March 3, 1817.

On the 4th of May, 1820, an act was passed extending to the 1st of June, 1821, the charters of the several incorporated banks in the District of Columbia, then paying specie. It is believed that all the above mentioned banks were included in the provisions of that law.

On the 21 of March, 1821, an act was passed extending the charters of all these banks to the 3d of March, 1836.

February 9, 1836, an act was passed to extend their charters to the 1st of October, 1836.

July 2, 1836, an act was passed to extend their charters until the 4th of July, 1838.

May 31, 1838, an act was passed to extend their charters to the 4th of July, 1840.

It thus appears that the charters of all these banks have been extended *five* several times.

Several of these banks commenced operations before charters were granted to them. Blodget, in his Economica, speaks of the Bank of Potomac as instituted in 1804. The stockholders of the Farmers' and Mechanics' Bank of Georgetown associated in the year 1814; those of the Bank of the Metropolis and of the Patriotic Bank, in 1814 or 1815. The act of incorporation recognises them as already in existence.

In August, 1814, the Bank of Washington, the Bank of Potomac, and the Farmers' Bank of Alexandria, suspended specie payments. The Bank of the Metropolis, the Patriotic Bank, and the Farmers' and Mechanics' Bank of Georgetown, cannot be said to have suspended, because they, if I am correctly informed, commenced operations by paying inconvertible paper.

In 1834, the Bank of Washington, the Patriotic Bank, and the Farmers' and Mechanics' Bank of Georgetown, suspended specie payments, and resumed again in the same year.

In May, 1837, all the six banks suspended specie payments, except the Bank of Washington, which, having but few notes out, continued to pay specie for them.

In October, 1839, they again all suspended specie payments, except the Patriotic Bank, which, having but few notes out, continued to pay specie for them.

The exceptions in 1837 and 1839 were rather nominal than real, as these two banks received deposites of inconvertible paper, and traded on the same.

It thus appears that all these banks have been *three* times, and some of them *four* times, in a state in which they did not pay their circulation and deposites in specie.

The capitals of these banks, according to the reports made by them on or near January 1, 1840, were as follows:

Banks.	Capital paid in.	Held by the bank.	Nett capital.
Bank of the Metropolis - -	$500,000	$16,845	$483,155
Patriotic Bank - -	250,000	78,255	171,745
Bank of Washington - -	359,840	77,206	182,634
Farmers' and Mechanics Bank -	485,900	148,545	337,355
Bank of Potomac - -	353,900	–	353,900
Farmers' Bank of Alexandria -	310,000	183,900	126,100
Total - -	2,259,640	504,751	1,654,889

Besides these banks, there have existed in the District of Columbia the following institutions: Bank of Alexandria, incorporated in 1792; Bank of Columbia, Georgetown, incorporated in 1793; Mechanics' Bank of Alexandria and Union Bank of Georgetown, incorporated in 1811; Central Bank of Washington, incorporated in 1817; Real Estate Bank of Washington, incorporated in 1817; Union Bank of Alexandria, incorporated in 1817; Franklin Bank of Alexandria, incorporated in 1817; Merchants' Bank of Alexandria.

The last does not appear to have been incorporated. The Union Bank of Alexandria was, about the year 1822, consolidated with the Bank of Potomac. The Union Bank of Georgetown is now winding up its affairs. All the others in this list appear to have failed; and by the failure of some of them, Government and individuals sustained great losses.

Some very interesting particulars respecting the present banks will be found in a report made to the House of Representatives by the Hon. F. Thomas, of Maryland. That report is contained in House doc. No. 800, 24th Congress, 1st session, made June 20, 1836. The able and clear expose of bank frauds, depravity, and corruption, does honor to the head and the heart of the author of the report; but its disclosures fix eternal infamy upon some of the banks, and those who conducted them. I am sorry my time will not permit me to make an expose of some of their frauds a part of my remarks. I wish the whole American people could see and read that document—I think the deathknell of banking on the present system would be sounded.

I will leave the above history for the comment of those who may read me. But I have heard, since the above was prepared, that all the banks now in this District were at liberty to increase their capital to five hundred thousand dollars each. If such is the fact, the aggregate amount of bank capital is three millions of dollars. A pretty round sum for a small District of ten miles square, with a population of not more than forty thousand, men, women, and children, black and white, all told; and a District, too, that exports little or nothing, comparatively; and imports little or nothing, but what is consumed within its limits.

Now, sir, it is fair to presume that the stock has been honestly and fairly paid in, and that the banks have discounted, as they are at liberty to do, on the whole amount of stock: perhaps, if not on their capital, they have discounted upon deposites to the amount of their capital, which is the same for all purposes to those who have been accommodated, and for the purpose of the calculation I am about to make. I suppose, also, in common with other banks, they have the right to discount three dollars in rag promises to every dollar they have in capital paid in. Taking these suppositions as a basis, what amount of bank capital, paper issues, and profits on bank stock, will the people of the District have enjoyed per annum, for good or for evil?

Bank capital - - -	$3,000,000
Issues on capital, three to one -	9,000,000
Profits per annum, at six per cent.	540,000

To what a noble extent the people of this District have enjoyed the privileges of banking, and what heaps of money they have made by that glorious British system! and yet, like the people from whom we have borrowed it, (according to the gentleman from Georgia,) they are writhing in the agonies of poverty; and when, by the history I have exhibited, they have had the full and unrestrained benefits of banks, paper currency, and credit system for more than a quarter of a century, why is it that this people are now reduced to this deplorable condition of poverty, panic, and ruin, in which the Georgia gentleman describes them? And that, too, by the very system and policy which the gentleman and his party are endeavoring again to fasten upon them. For I challenge any other cause to be successfully assigned than that of the banking policy, and the evils and calamities in which it will drag any people, where it has its unrestrained sway. Why, then, shall a system be urged upon a people, with renewed force, now withering and languishing under its curse?

I have a curiosity to know how many banks, how much bank capital, and how much rag currency, the Bank Whigs would be willing to spread over this country, if they could have their way; and which, I presume, they would do, if they had the control of this Government.

Let us take their representative action here to guide us (and I presume there will be nothing unfair in it,) and let us illustrate by the quantity of territory in this District, and the amount of bank capital and paper currency which they are now endeavoring to establish.

This District is ten miles square, and contains one hundred square miles. There is one million of square miles inhabited in the United States. This can be illustrated by the Single Rule of Three:

If one hundred square miles requires six banks, what will one million square miles require?

I think the answer will be 60,000.

Yes, sir; the Whigs would establish 60,000 banks in this country.

How much bank capital? That can be tried by the same rule.

If forty thousand people (the population of the District of Columbia) require three millions of bank capital (the amount in the District of Columbia,) what amount of bank capital will fifteen millions of people (the amount of population of the United States) require?

The answer will be $1,125,000,000.

Yes, sir; by the Whig policy we would have eleven hundred and twenty-five millions of bank capital in this country. But how much paper currency would we have? Why, of course three times the amount of bank capital: that would be $3,375,000,000. Yes, sir, the amount of rag currency we would have in the United States and the Territories thereof would be three billions three hundred and seventy-five millions. What a happy people we would be under Whig bank reign! How rich, too, we would be!

Let us see what our annual income would be at six per cent. on the whole amount of currency. The answer is, $202,500,000.

Yes, sir, our annual income would be two hundred and two millions five hundred thousand dollars. What a rich people we would be! Who would be such a fool or an ass as to work or toil in this country? What glorious times we will have when this thick-headed, stupid Administration is put down, and Whig Bank Federalism comes into power! And strange as it may appear, we would accumulate this vast wealth off of each other. I once heard of a celebrated gambler who taught his four sons the art of gambling so adroitly that they could each make off of each other ten dollars every night. I thought that was a strange kind of legerdemain. That man and his sons were fools, when compared with the Bank Whigs of this day: our gamblers could give them six in the game, and beat them in "seven up."

The Carthagenians were a trading people. They lived by trading. They became a wealthy nation and a rich people; but it was not by trading and speculating off of each other. Their wealth was acquired by commercial trade. By their superiority in commerce, the wealth of all nations flowed into their coffers. But the policy of our bank Whigs has the superiority of dispensing wealth and affluence among those from whom it is collected.

I deny the second proposition of the gentleman from Georgia, viz: "The whole population of the District of Columbia are praying for a renewal of the bank charters," &c. What evidence have we that the people want the banks continued at all? A petition has been paraded here with two hundred and forty-four names, all told, who ask for a continuation of the bank charters. We have a right to presume that all the rest of the citizens are either indifferent or are opposed to the recharter.

We have been told, if we don't recharter the District banks, we will destroy the people of the adjoining counties in Virginia and Maryland. That is no argument at all. We have nothing to do with the people or their circumstances of Virginia and Maryland when we are legislating for the District of Columbia. The people of Virginia and Maryland have Legislatures of their own perfectly competent to legislate for them. And besides, we have no power to establish banks in the District of Columbia for the people of Virginia or Maryland, or of any other State. Our powers of incorporation are limited to this District, and for the benefit of the people of the District; and even that power is seriously disputed by many eminent and talented statesmen.

It has been said, in opposition to the amendment to require the banks to resume specie payment, that they ought not to be compelled to resume until the banks of Virginia and Maryland resume. If that argument is good, the banks in this country never will resume.

When the banks of Virginia and Maryland apply for recharter when under suspension of specie payment, it will be urged that the resumption of payment ought not to be made a condition of their recharter, because the banks of the District of Columbia are not paying specie. So with the banks of Pennsylvania; when they apply for recharter, resumption with them ought not to be a condition, because the banks of Virginia and Maryland are under suspension; and so it will go throughout the twenty-six States, and the Territories will also catch the miserable excuse to perpetuate their miserable frauds. Such an argument is "*felo de se;*" it destroys itself. Such an argument is worthy of the corrupt and fraudulent institutions which it is used to support. They and the argument are alike rotten—both will tumble together.

The member from Maryland [Mr. JENIFER] denounces the ungenerous course pursued toward the unfortunate people of the District, who have no Representative on this floor. The fact that they have no immediate Representative here, is a strong argument in favor of a liberal course on the part of Congress toward them. Now, sir, let us examine the records, and see what Congress has done for "this poor, neglected, and unfortunate people!" In order to measure my duty toward the District of Columbia, and to be able to judge more correctly how far I might be at liberty to appropriate the proceeds of my constituents' toil and sweat to the people of this District, on whom Congress is bound to bestow nothing more than upon any other district, county, or State in the Union, nor are they at liberty to do so; I say, in order to measure my duty, I gave my attention to the collection of some figures and facts. I like figures and facts; they look a man in the face; but, what is better, the people understand them; schoolboys can read them to their parents on a rainy day, or in a long night, by the light of the shellbark. So, sir, I found the following:

Appropriations connected with objects in the District of Columbia.

1800.	Flag footways from Georgetown to the Capitol		$10,000 00
1802.	Jail in Washington		8,000 00
1803.	Jail in Washington		3,702 66
1807.	Roads in the city of Washington		3,000 00
1823.	Roads in Washington	$5,000 00	
	Apartments in the City Hall for circuit court	10,000 00	
			15,000 00
1824.	Roads in Washington		5,000 00
1825.	Roads in Washington	6,191 97	
	Roads in Washington	3,018 55	
	Roads in Washington	1,081 60	
	Jail in Alexandria	10,000 00	
			20,292 12
1826.	Jail in Washington (repairs)		5,000 00
1827.	Jail in Alexandria	1,699 16	
	Relief of sufferers by fire, in Alexandria	20,000 00	
			21,699 16
1832.	Pennsylvania avenue	62,000 00	
	Pennsylvania avenue	5,050 00	
	Benefit of the Alexandria Canal Company	100,000 00	
	Benefit of Columbian College (in lots)	25,000 00	
	Benefit of orphan asylums (in lots)	20,000 00	
			212,050 60
1833.	Pennsylvania avenue	69,630 00	
	Improving the navigation of Potomac river, between Georgetown and Alexandria	150,000 00	
	Purchase of the rights of the Washington Canal Company	150,000 00	
	Benefit of the Georgetown College	25,000 00	
			394,630 00
1834.	Roads in Washington	3,000 00	
	Pennsylvania avenue	9,233 70	
	Benefit of the City of Washington	70,000 00	
			82,233 70
1836.	Roads in Washington	3,200 00	
	Relief of City of Washington, principal and interest of canal loan	1,254,720 96	
	Relief of City of Georgetown, principal and interest of canal loan	308,610 48	
	Relief of City of Alexandria, principal and interest of canal loan	305,172 98	
			1,871,704 42
1837.	Benefit of the Alexandria Canal Company		300,000 00
1838.	Roads in Washington	2,280 00	
	Court-house in Alexandria	15,000 00	
			17,280 00
1839.	Jail in the City of Washington		31,000 00
1832-'40.	Bridge across the Potomac river, at Washington		202,469 33
			$3,203,061 39

The principal of the canal loans is included in the above, amounting to $1,500,000, which has not yet been paid.

Yes, sir, three millions two hundred and three thousand and sixty-one dollars and thirty-nine cents has been drawn from the public crib, and been given to the "poor, abused, and neglected people" of the District of Columbia, over whose misfortunes we have heard such piteous howling; and be it remembered, too, that the above appropriations have been made for the benefit of the District and its citizens—for the improvement of their property and advancement of its value, every dollar of which has been spent among them, and every dollar of which they have received, over and above the many millions which have been expended within the District for public improvements and public buildings. Sir, I have no hesitation in saying that the above appropriations were made, if not in direct violation of the Constitution, by usurpation unwarranted by the Constitution, in violation of the people's rights, and contrary to every principle of common justice that should secure to them the proceeds of their industry and toil. Congress is as much at liberty and as much bound to appropriate the same proportion of money to every other inhabited district of ten miles square within the the United States, or to appropriate in proportion to every other population of forty thousand.

Let us see what the amount of appropriations would be if Congress mete out the same liberality to the American people generally which has been fraudulently donated to the "poor people of the District of Columbia"—fraudulent I say, for every dollar which Congress appropriates to be expended in the District of Columbia not necessary for public and Government improvements, is fraudulently taken from the people; it is swindling them, and a robbery of their Treasury. But now for the calculation. The District of Columbia contains one hundred square miles; the inhabited part of the United States and Territories contain, in round numbers, one million square miles. If the District of Columbia, which contains one hundred square miles, has received three millions of dollars in gratuitous donations out of the public Treasury, what should the Territory of the United States receive, which contains one million square miles. The answer is the number of territories would be, when divided, ten thousand, and ten thousand territories multiplied by three millions (the amount given to the District of Columbia) will show the enormous sum of $30,000,000,000.

Yes, sir, if Congress had extended their appropriations to every inhabited territory of one hundred square miles in the United States and Territories that are equally entitled, the amount would be thirty billions of dollars. Or if you prefer a pro rata appropriation by population, I will give you that. I have stated the population of the District to be forty thousand. I believe the population of the United States and Territories to be fifteen millions. The question will then be, if forty thousand people in this District have received three millions of dollars of the public money by gratuitous appropriations, what should fifteen millions of people receive, who are equally entitled? The answer is, $11,250,000,000. The pro rata appropriation, if justice were done to the people, would be eleven billions two hundred and fifty millions of dollars. I hear the answer: A gentleman says there are no funds. Then, I say, cease to plunder the public Treasury of the proceeds of honest labor. Cease to swindle the community by appropriating millions of their money to those who have no claims upon either them or you. I have presented this calculation by round numbers. I have made it on three millions of dollars. The actual amount appropriated to the people of this District exceeds that sum by two hundred and three thousand and sixty-one dollars. This I have done to prevent cavilling about any portions of the appropriations which it might be said were made for public purposes.

Mr. Speaker, I have not made this expose for the mere purpose of meeting the charge of ungenerous and contracted legislation toward the District of Columbia. I have made it for the public eye, and the public use. I have made it with a hope that the people will hereafter call their representatives to account, when, in violation of their rights, their money is drawn annually

by hundreds of thousands in the face of justice, and bestowed upon those who have no claims upon them.

Sir, I assert that there is no other territory of ten miles square in this Union, that is inhabited, that does not require as much bank capital as this District. The limited commerce of the District, and the vast appropriations which are expended in it, will sustain me in that assertion.

I will present the expenditures of one year. I will present the expenditures of 1834; a year not extraordinary for expenditures. I believe that the expenditures of 1834 will be found to be about the average annual expenditure of this District for the last ten or twelve years. The expenditures which I now display are made in this District. The money is paid out, and four-fifths of it laid out here; and every man, woman, and child, receives his, her, or its proportion, according to the usual rules of currency distribution.

Here, sir, is an extract exhibiting the expenditures of money in the District of Columbia for 1834. (House Doc. No. 27, 2d session, 23d Congress, page 58; also House Doc. No. 39, 1st session, 24th Congress.) But here is the paper. Look at it. It is covered with thousands, hundreds of thousands, and millions. It would seem as if the lavish distribution of millions of money is calculated to make a people happy and prosperous. "The poor and distressed people of the District of Columbia" are that people. But now for the paper and the figures:

Expenditures in the District of Columbia for the year 1834.

On account of special and civil appropriations - - -	$2,013,000
Pensions paid out in District of Columbia - - -	11,000
Navy, paid out in district of Columbia	400,000
Army and Indian Department, paid out in District of Columbia -	550,000
Debt for District of Columbia -	250,000
Miscellaneous - - -	500,000
Foreign intercourse, paid out in District of Columbia - -	100,000
	$3,824,000

In order to show the amount of money which is actually distributed among the people of this District in one year, and which constitutes a part of their circulating medium, I will do as the Secretary of the Treasury has done—I will deduct one-fifth, or twenty per cent. as the sum which may be expended out of the District, and there will remain $3,059,200. Yes, sir, the circulating medium which the Government furnishes to this small District, and "this poor and distressed people," amounts to the sum of three millions fifty-nine thousand and two hundred dollars. What a flood of money for forty thousand people! and all that, too, in the rino dino, the silver grays, and the "Tom Benton yellow humbugs"—I mean the hard cash, or its equivalent. I believe I am safe in saying the whole amount of imports and exports of this District per annum will not exceed one-sixth part of the amount of the appropriations made and expended in it. What, then, I ask, makes it necessary to incorporate six banks, with three millions of capital, in the District of Columbia? What makes a bank necessary at all in the District of Columbia? Let us distribute, by calculation, a proportionate amount of circulating medium to the inhabited part of this country, and see what the amount of currency would be. We will again apply to the good old rule of three. The question presents itself thus: If one hundred square miles (the number of square miles in the District of Columbia) receive three millions fifty-nine thousand two hundred dollars, for a circulating medium annually, what would one million of square miles receive, at the same proportion? Answer, $30,592,000,000. Yes, sir; if there were an equal distribution of circulating medium over the whole populated territory of this country, which the District of Columbia receives annually, we would have an annual flood of thirty billions five hundred and ninety-two millions of dollars. Who, with a sound head and an honest heart, would say we ought to have banks to triple that amount? So much for a territorial calculation. Now for a calculation by population. Let us again walk into the rule of three. If the population of the District of Columbia (40,000) receives annually three millions fifty-nine thousand two hundred dollars, for a circulating medium, what would the whole population (15,000,000) of this country receive, by the same proportion? Answer, $1,147,175,000.

So, sir, calculating by population, an equal supply of currency, annually, to the whole population of this country, with that received by the population of this District, would amount to one billion one hundred and forty-seven millions one hundred and seventy-five thousand dollars. What a flood of currency would inundate this people! Who, that did not want to see this country corrupted as all Greece was corrupted with the gold of Persia, would want to see it tripled by bank issues? I believe, in relation to trade and currency, it is generally conceded, that the necessary amount of the latter depends upon the quantity of the former. The demand for the currency is, to a great extent, regulated by the quantity of exports and imports, as well with reference to a country, a State, or a country, as to a district. Now, let us see what proportion the amount of currency which the Government furnishes for the District of Columbia, annually, bears to the commerce or the aggregate amount of exports and imports.

For the year 1834, House Document No. 184, 2d session, 23d Congress, shows the aggregate amount of exports and imports, foreign and domestic, to and from the United States, to be worth $230,858,305.

The same document shows the aggregate amount of exports and imports through the ports of the District of Columbia, foreign and domestic, to be worth $1,016,653. Two-thirds of the exports and imports making that sum, came to and went from the States of Virginia and Maryland, received and charged through the ports of Alexandria and Georgetown, D. C. which would leave but $338,886 of exports and imports for the District of Columbia.

Now, sir, if commerce to the amount of three hundred and thirty-eight thousand eight hundred and eighty-six dollars requires a circulating medium to the amount of three millions (the sum furnished to the District of Columbia, annually, by the Government,) what amount of circulating medium will the whole amount of commerce of the United States annually require—that is, what will commerce to the amount of two hundred and thirty millions eight hundred and fifty-eight thousand three hundred and five dollars require? The sum, worked by the simple rule of three, answers $2,043,681,105. Yes, sir; a proportionate amount of currency for the annual commerce of this country, compared with the amount of annual currency furnished the District of Columbia for its commerce, would amount to two billions forty-three millions six hundred and eighty-one thousand one hundred and five dollars. And who would want to see that amount tripled by bank issues?

I maintain, that the people of the District of Columbia want a bank about as much as a cart wants a third wheel. I voted for the Senate bill, as amended by the House, to continue the bank charters, not because I thought it necessary, but because some of the citizens thought their continuation necessary, and because the balance of the citizens did not expressly remonstrate. I also voted for the bill as amended, because I was anxious to see a bank chartered upon the true Democratic principles of equality, and to demonstrate to the people of this country, that it is bank reform, and not bank destruction, that the Democratic party seek.

Let me conclude, by again repelling the assertion, that lean poverty and hungry distress rest upon the people of this District, and that ruin and desolation must be their fate, unless their bank charters are continued. There is no such poverty in this District. The people, I believe, are generally in easy circumstances. They are characteristic for frolic, mirth, and gayety. They live well themselves, and entertain strangers magnificently. Splendid parties and sumptuous entertainments are the order of the day and the amusements of the night. It is slandering this people to say they are the hungry objects of pity and the humble supplicants of Government bounty. But if the gentleman from Georgia, and his party, are sincere in their piteous lamentations over the ruin, distress, and poverty, which they may think prevail in this District, it seems to me, a well-directed judgment, and a due regard to experience, would dictate a different course of policy. A great disproportion of bank capital and paper currency has prevailed here for more than twenty-five years; and by the gentleman's showing, its effects have been most disastrous. Now, if the gentleman would go to work as a skilful physician would do, he would withhold banks and banking policy for fifteen or twenty years from the District; for of all remedies for the cure of a disease, there is none so valuable as the removal of the cause.

Sir, when I deny that it is not the principles of the Democratic party to destroy the banks, suppress all paper currency, and establish a pure metallic currency, I speak with reference to the present pecuniary embarrassments of the country, and the unfortunate manner in which the people and the institutions of the country are at this time involved with, and by, the banks. If the question of banks were a new one, I believe I risk nothing in saying that the entire Democracy of this country would oppose the chartering of banks on any terms. I I also believe, that, with our present experience of the evils of a paper currency, without reference to our embarrassments or debts, a large majority of the Democracy would oppose the introduction of any other than a metallic currency for the ordinary purposes of business. But under our present political system, and the freedom of our institutions, banks of deposite and exchange will exist, and banks of issue may exist. To all this the Democracy do not object, provided the people are not deprived of their reserved rights and privileges, the country overspread with a privileged order of irresponsible associations and bank monopolies, and the whole face of the country periodically blighted with an inundation of irredeemable and worthless shinplaster currency. Equal rights, equal privileges, equal protection to all, and a sound currency, is the motto of Democracy.

REMARKS OF MR. WATTERSON,

OF TENNESSEE.

In the House of Representatives, May 2, 1840—In reply to the attack upon him by his colleague, Mr. GENTRY.

Mr. SPEAKER: In justice to myself, I would ask the kind indulgence of the House, for a short time, whilst I reply to some of the remarks which have fallen from my colleague.

He has charged me with an abandonment of the principles which I professed when an humble supporter of a distinguished citizen of my own State for the Presidency, who, I regret as much as any member upon this floor, is now no more. He is in his grave, sir. There let him rest. I would be the last man upon the face of the earth to disturb his ashes. And if the shroud which surrounds him is to be torn off, the sin be not upon my head. I will leave my colleague to the left, [Mr. GENTRY,] and his prompter to the right, [Mr. BELL,] hyena like, to grabble up the sod which covers him. I shall not be provoked, even in self defence, to say aught against the dead.

It is true, Mr. Speaker, that I was a fast friend to Judge White in the last Presidential election; but it is not true, as has been alleged by my colleague, that I availed myself of the tide which set in his favor, and by it was wafted into the Legislature of Tennessee, in 1835. At that election, all my competitors were for White, as well as myself, and we but seldom discussed either his claims or those of Mr. Van Buren. When, however, we did speak upon the subject, we invariably said to the people: White is one of our own cherished citizens; the principles which he professes and has always acted upon, are our principles; he is an able, consistent, and sincere supporter of the present Administration, (Jackson's,) and we have every assurance, if elected, that he will carry out its leading measures: therefore, we prefer him to any

other man But at the same time we declared that Mr. Van Buren was our second choice; that he belonged to the same party with which we were proud to act; that he held to the same doctrines and opinions, on all great political questions, which Jefferson, Madison, and our own patriot Jackson, held to; and that, should ever the contest settle down between him and Mr. Clay, or Mr. Webster, or Harrison, or any man of the old Opposition party, we would not hesitate to give him our cordial support. Yes, sir, these were our declarations and professions. None of us rode, or attempted to ride, upon the current of Judge White's popularity, or that of any other individual. The election turned upon different grounds. And here permit me to remark, that, notwithstanding I was but little more than eligible to a seat in the Legislature, yet I received more than three-fourths of all the votes polled in the county—the largest county in the State, and, I am happy to add, my native county, sir. Can my colleague say as much? If not, he should be a little more particular, hereafter, how he makes round assertions, unsupported by the facts of the case.

Mr. Speaker, I ask, was Judge White run in Tennessee as an Opposition, or Whig candidate? On the contrary, did not his leading friends hold him up, not only as a Jackson man, but the better Jackson man? And did they not also profess to be the ardent supporters of Jackson's administration? Nay, sir, did not my colleague himself declare under the sanctity of an oath, that he believed Judge White would be more certain to carry out the "principal measures" of Jackson's administration, than Mr. Van Buren, or any other individual who "had been presented to the consideration of the American people for the Presidency," and give that as a reason why he should be nominated and supported by the Republican citizens of Tennessee? Has my colleague forgotten this? Has his memory, which is said to be the lowest attribute of the human mind, become impaired at so early a period of his life? Is it necessary for me to refresh his recollection? Whether it be or not, I shall proceed to do so, in my own vindication, against the unprovoked and pitiful assault he has been instigated to make upon me. I will exhibit facts, stubborn and undeniable facts—facts which will show who are the apostates—who have abandoned the principles they professed to entertain, when urging the people to enlist under the White banner.

I would first, sir, invite the attention of my colleague to a part of the preamble and resolutions of our Legislature in 1835, nominating Judge White a candidate for the Presidency, which he has made it convenient to overlook, whilst reading detached portions of the same, with the vain hope of establishing my inconsistency. The paragraph is in these words:

"And whereas no individual has been presented to the consideration of the American people as a candidate for the next Presidency, whose character and political opinions afford the same guarantee for the maintenance of these principles which brought General Jackson into office, and for carrying out the principal measures of his administration, and which so well accord with the political sentiments of the people of Tennessee, as set forth in this preamble, as our fellow citizen Hugh L. White, therefore,

"*Resolved*, That Hugh Lawson White be recommended to the people of the United States as a man eminently qualified to fill the office of President."

This part of the preamble, in the House of Representatives, was passed—yeas 56, nays 16; my colleague, MEREDITH P. GENTRY, and myself, voting in the affirmative. Thus, it appears, that we were both Jackson men then, and desired to see "the principal measures" of his administration carried out by his successor; and on that account, mainly, sustained by our votes the nomination of White for the Presidency, in the Legislature of Tennessee. Sir, I am still a Jackson man. I still approve of the "principal measures" of his administration. I am still associated with his friends. But where is my colleague? He is to be found in sweet communion with the Federalists and Abolitionists in this hall—the old revilers of Jackson—the most deadly enemies to the South and our Republican institutions. Yet he has the audacity to rise in his place, and brand others as apostates. Verily, brazen impudence will never cease.

Mr. Speaker, I have before me a speech made at Nashville in May, 1835, by another colleague, [Mr. BELL,] who, it is well known, had no slight agency in bringing forward and sustaining Judge White for the Presidency. From that speech I will read a few extracts, and would ask the House to observe in what glowing and eulogistic terms General Jackson and his administration are spoken of—what flaming Jackson men the friends of Judge White are represented to be:

"It cannot be objected, said he, that General Jackson or his administration is, or can be, seriously affected by a contest between two of his friends, (White and Van Buren,) for the succession. Gen. Jackson has been eminently successful and triumphant in all his measures. It is one of the happy consequences of his great success, that the friends of his administration may choose from among the whole number of his friends whom they prefer to succeed him, safely, and without danger to his administration. (Great cheering.")

Again:

"Opposition to the administration of General Jackson is the course which the worst enemies of Judge White desire his friends to adopt. They are so anxious upon this point, that they appear determined to have Judge White and his friends in opposition, whether they will or not. But, gentlemen, the friends of Judge White will adhere to General Jackson and his administration from consistency, and a respect for their own character, and because they will be supporting their own principles upon all questions properly administrative in their nature, which have arisen or are likely to arise. They know too well how to bestow their ammunition, to waste it by firing into a bomb-proof battery. (Great cheering.")

And again:

"It cannot be even plausibly objected that Judge White may not be expected to carry out the principles of the present Administration, so far as depends upon him; if we run a parallel between him and his competitor (Mr. Van Buren) upon this point, and calculate the probabilities, we shall find that the chances are in favor of Judge White. He has been consistent in the support of his present principles, and the principles of the Administration: his competitor has not. If it shall be said that the friends and supporters of Judge White are not likely to be such as will sustain his principles, I answer, that they are more likely to be homogeneous in sentiment than the supporters of Mr. Van Buren, as far as principle is concerned. Should Judge White prevail in the contest over his opponent, surely the great Democratic States which it is said will support Mr. Van Buren, will not desert their principles, because their favorite leader shall have lost his election. Their cherished Democratic principles will undoubtedly continue dear to them under the lead of Judge White. Unless, then, the great body of Mr. Van Buren's friends shall desert their principles, the Democracy of the country will still be triumphant. But we cannot suppose so great and so gross a defection from principle, at least in whole States; and so those fathers of the Democracy of the country, and who it is said are so much grieved at the prospect of a division in the Democratic ranks, may dry up their tears." (Cheers.)

[Here Mr. BELL arose and said his colleague was evidently making an attack upon him, and if he were permitted to proceed he hoped that he [Mr. BELL] would be allowed to reply.]

MR. WATTERSON continued. I am making no attack upon my colleague unless the reading of his own speech is an attack upon him. I am simply showing the position which he, as one of the leaders of the White party in Tennessee, maintained towards General Jackson and his administration. And, sir, before I take my seat, I will give evidence upon evidence, proving to a demonstration, that not only he, but many others in that State, who are now the fiercest in their denunciations against the Democratic party, were, in 1835, the loudest in their professions of Jacksonism.

The next witness which I will introduce is the Hon. Balie Peyton, well known, here and elsewhere, as one of Judge White's most able, zealous, and distinguished supporters. Let us hear his testimony. I find it in a speech made at a public dinner, which was given to him at Oxford, North Carolina, April 2, 1835. A friend by my side says it is the best speech that Mr. Peyton ever delivered.

It is charged (said Mr. Peyton) that Judge White "is the candidate of the Opposition, that he has separated himself from his friends, and that he has abandoned General Jackson. To gentlemen of the Jackson party here and elsewhere I have a right to speak, for I claim to be one of the most humble, yet one of the *most ardent of General Jackson's friends*; I have always been allowed to have at least as much zeal as discretion in every thing which concerned him. I was early taught to revere him as one of the patriarchs who achieved our frontier independence; I was born, raised, and live within a few miles of the Hermitage. Gen. Jackson is associated with many endearing recollections. He and my father toiled together in the same common cause; they went through the Indian war side by side, and ever afterwards they were friends. In the late war, my brothers were volunteers in his army, followed him to victory, and one of them to his grave. Since I have been capable of forming an opinion, and judging for myself, my attachment to the man, my confidence in his principles, and admiration for his virtues, his patriotism, his chivalry, and his political course, have increased.

"To gentlemen of the Jackson party here and elsewhere I will say, that if these charges were true—if a doubt existed in my mind of their utter want of all foundation in fact—nay, if I did not know that it was absolutely impossible for them to be true, I would be ashamed not only to ask you to support Judge White for such an office as the Presidency of the United States, but I would turn from him myself as a HYPOCRITE and DESERTER.

"Judge White the candidate of the Opposition! Judge White abandon those principles upon which he has acted through life! Who presented him to the American People? Who first unfurled the White banner, an emblem of purity and peace, under which all can repose with confidence and safety, and take breath after those fierce and angry conflicts which have so recently swept over the country? It was the people of Alabama, followed by the people of Tennessee, General Jackson's most ardent friends and zealous supporters. Yes, sir, the White banner was first unfurled where General Jackson's victorious flag was first seen streaming in the wind, and by those people who cultivate his glorious battle field, backed and sustained by the brave officers and soldiers who bore his victorious standard on the plains of Talladega, and the Emuckfaw, through the fields of Tallahatchee, Tehopeka, and Enotachopko, and planted it before the gates of New Orleans, and there, in its defence, under the guidance of their chief, the most celebrated captain of the age, performed such feats of valor as won for him immortal glory, and for their country imperishable renown. Yes, sir, these are the men whose spontaneous feelings have presented Judge White as a candidate for the Presidency, without any solicitation or agency on his part. He has been presented by the earliest friends, the oldest soldiers of General Jackson, if not the best."

Mr. Speaker, could language be stronger? What! said Mr. Peyton, "Judge White the candidate of the Opposition! Judge White abandon those principles upon which he has acted through life!" Impossible! Why, sir, he seemed to be perfectly horror stricken at the very idea, and under the impulse of his Jackson feelings, exclaimed, "if these charges were true, (that is, that Judge White had abandoned Old Hickory and joined the Whigs) I would turn from him myself as a hypocrite and a deserter." Comment is unnecessary.

I will, now, sir, read from a letter which bears date, January 1st, 1835, and signed by eight members of Congress from Tennessee.

"We owe it to consistency, to principles, and to our own character, to do nothing that would so divide our party, as to overthrow it with the leading principles identified with it, and therefore if now, or at any time hereafter, there should be a probabi-

lity of producing such a result by running Judge White, we ought not to take him up; or if taken up, and the danger should become imminent, it would be necessary that one or the other of the opposing candidates of our party should be withdrawn.

JAMES STANDIFER,
BALIE PEYTON,
WM. M. INGE,
SAMUEL BUNCH,
JOHN BELL,
JOHN B. FORRESTER,
LUKE LEA,
DAVID W. DICKINSON."

"Our party;" what party? The Democratic Jackson party. The "leading principles identified with it," said they, must not be overthrown, and, therefore, if such a result is likely to be produced by running Judge White, "we ought not to take him up." What more? But if he is taken up, and the "danger should become imminent," "one or the other of the opposing candidates of our party should be withdrawn." Who were the opposing candidates of "our party?" Judge White and Mr. Van Buren. Then according to their own declarations, if Judge White had been taken off the track, they would have supported the other candidate of "our party" (Mr. Van Buren) for the Presidency. Now, sir, what do we hear? Their tune is changed, and right in the face of their former assertions, they roundly charge that Mr. Van Buren never did belong to "our party"—the Democratic party—to which they professed to be attached themselves. Yes, sir, they assert (at least the most of them do) that he never was a Democrat, although they supported him for the Vice Presidency in 1832, and in a certain event (the withdrawal of White) were prepared to support him for the Presidency in 1836! And, would it be believed, they now iterate and reiterate charges against him which they pronounced false and slanderous but five years ago!

Mr. Speaker, upon the preamble and resolutions of the Legislature of Tennessee, nominating Judge White a candidate for the Presidency, a number of speeches were made by his friends, setting forth the reasons why the freemen of that State should support him in preference to Mr. Van Buren. Among others I hold in my hand one delivered by General Caruthers, the brother-in-law of my colleague [Mr. GENTRY.] Hear him:

"The truth is, the race is between White and Van Buren, the candidate of the people, and of the Baltimore Convention. These gentlemen are both talented, and have both fought in the Republican ranks. They have been good Jackson men. White, to be sure, has done him more service, for he commenced sooner by many years, and has fought harder, for he always has been in the hottest of the action, and the old chief has never sounded his political war-trump, but White was in the field, and at his side; he has never called for a vanguard, but White has stepped forward * * * * * * * White has come out on all the vetoes and messages, and every leading measure of Jackson's administration; and is therefore pledged in print, and under his own hand upon them, and will, as sure as he is an honest statesman, carry them out, if he should succeed. Mr. Van Buren's situation has not been such as to make it necessary that he should take sides upon these agitating questions; and it seems to be admitted on all hands, that he is one of those politicians who will not obtrude his sentiments upon the public, on questions which have two sides, but is modest and retiring in his policy; there is perhaps one exception in this course. I would not do any man injustice. On one occasion, in a toast, if I mistake not, he did say, "uncompromising opposition to the United States Bank." Since what little we see of his sentiments is good, what a pity it is we cannot get more, in toasts, or some more solid way. But White has made lengthy arguments on that subject, for which he has been lauded to the skies by the very men who are now abusing him. He has, ever since 1817, been standing upon the strong ground, that the Bank of the United States and all banks of that kind, are unconstitutional, as well as inexpedient. * * * * * * * If Judge White cannot be elected, I would much prefer his election (Mr. Van Buren's) to that of any Opposition man, notwithstanding my objections to him; for you have seen, sir, from I have said, that I have many objections to him, when compared to White; but still I would much prefer him to any man whose principles are adverse to those which have characterized and made glorious the present Administration."

This, sir, is the evidence of one of Judge White's leading friends in our Legislature in 1835. And what does it prove? That White and Van Buren were both considered Republicans at that time; that they were both Jackson men; White, to be sure, had done Jackson "more service," because he had "fought harder," and was always in the field and at his side when the old chief sounded his political war-trump. Moreover, White had come out on all the vetoes and messages, and every leading measure of Jackson's administration. Indeed "since 1817 he had been standing on the stuong ground that the Bank of the United States, and all banks of that kind, were unconstitutional, as well as inexpedient," whilst Mr. Van Buren had been rather sparing of such "good sentiments," and had only said on one occasion, and that in a toast, "Uncompromising hostility to the United States Bank." But notwithstanding these and some other objections to Mr. Van Buren, he was much preferable to any man whose principles were adverse to those which had "characterized and made glorious" Jackson's administration. I will add that the ground taken by Gen. Caruthers was the same that all White's friends assumed, from the most distinguished, down to the most humble member of the party.

Mr. Speaker, in April, 1835, a very large White meeting was held at Franklin, in my colleague's [Mr. GENTRY] own county, at which a spirited preamble and resolutions were drawn up by the Hon. A. P. Maury, Dr. W. S. Webb, James Johnson, John Watson, Dr. Joel Walker, James Hogan, jr. Gen. L. Nolin, W. Rucker, and T. L. Green, esq. They were unanimously adopted. Newton Cannon acted as chairman. Here is a part of the preamble.

"Since the election of Jackson, has White faltered in support of the Administration? Has he been less vigorous or less efficient that Mr. Van Buren in advocating its measures? On the contrary, has he not stood forth on the floor of the Senate, as one of its ablest advocates, bearing himself so nobly as to increase the admiration of his friends, and extort the reluctant esteem of his opponents? In the mean time, what has Mr. Van Buren done? What recorded evidence have we, that, if elected, he will carry out the measures of the present Administration?"

My colleague [Mr. GENTRY] will recognise, among the committee who reported the preamble and resolutions, the name of the Hon. A. P. Maury, his predecessor in Congress, and, in the chairman who signed it, the ex-Governor of Tennessee, Newton Cannon. Will he be good enough to inform the House in what company these men can now be found? Whether, like himself, they have deserted the old Democratic camp, and joined the blue light Federalists of the North? I hope, unlike him, they have not become the "SLANDERERS and REVILERS" of the purest Republicans and best men of the age, in order to place in power men whose principles are at war with all that our gallant State has ever held dear.

I could detain the House, sir, from this time until to-morrow morning, by reading similar extracts from the preambles and resolutions adopted at White meetings in Tennessee, but I conceive it to be unnecessary, and will hasten on, as I have already consumed more time than I intended when I arose.

It will be recollected that a White paper was published in this city in the early part of the year 1835, called the "Sun," under the auspices, and, as I have understood, with the money of my colleague [Mr. BELL] and others. In their opening "address to the public," the editors said:

"Judge White is, and has long been, the firm, undeviating, and intimate friend of Gen. Jackson; bred in the same political school, warmed by the same ardent patriotism, and cherishing the same Republican feelings."

These sentiments were echoed and re-echoed, Mr. Speaker, by all the White papers in Tennessee. The Nashville Republican, the leading White Journal in the State, teemed with articles of a like kind. Hear that paper, in February, 1835:

"On most of the great political topics of the day, they (Jackson and White) have thought alike, and side by side have they battled for those principles which have been pronounced by a large majority of the American people to be sound, salutary, and correct. Judge White has been an efficient, sincere, and independent, though not a sycophantic supporter of the most important measures of Gen. Jackson's administration, and no man would, we are convinced, carry out those measures with more ability, firmness, and discretion." * * * * "One of the many causes which will induce them (the people of Tennessee) to support Judge White, is, that he has been a consistent and straightforward supporter of the administration of him (Gen. Jackson) whom they have delighted to honor.

The Knoxville Register, published in Judge White's own town, his organ and mouth piece, held this language in April, '35:

"Gen. Jackson must feel assured, that the great political principles which brought him into power, and which he has so nobly sustained, will be inviolably preserved under the administration of either Judge White or Mr. Van Buren. Their political principles are the same, and they are both supporters of his administration."

Mr. Speaker, I shall trouble the House with no more documents. What I have already laid before them, triumphantly establishes the truth of what I stated in the outset, that in Tennessee, Judge White was supported not only as a Jackson man, but the better Jackson man, and that the leaders of the White party professed to be the ardent friends of Jackson's administration—to be opposed to all the doctrines and wild schemes of the modern Whigs. Sir, suppose Gen. Harrison had been run in Tennessee instead of Judge White; how many votes would he have received against Mr. Van Buren? Not ten thousand out of more than one hundred thousand. At that time no man in the Union could have got the electoral votes of the State in opposition to Mr. Van Buren but Judge White—much less a black cockade Federalist, who supported, and was supported by, both the elder and younger Adams.

Sir, I think I heard the word "fawn"—that, but a short time ago, I "fawned upon the distinguished leaders of the Whig party in Tennessee." This is not only incorrect, but absolutely false. Let my colleague [Mr. GENTRY] ask the man [Mr. BELL] whose spawn he is, if ever I "fawned" upon him. No, sir, no. Among all my political sins, thank Heaven, I will not have to answer for that, either in this world or the world to come. If my colleague meant to include himself among the "distinguished leaders," and to allege that I "fawned" upon him, that is a much greater mistake. If I would not "fawn" upon the principal, think you that I would "fawn" upon the tool? If he had in his mind one of the late Senators from Tennessee, [Mr. Foster,] and used the word "fawn" to convey the idea that I was once his friend, I plead guilty to the charge. But never since Mr. Foster voted for Mr. Crittenden's gag bill, would I have supported him for any office, from the highest to the lowest. I consider that bill, as well as the one now under consideration, as one of the most deadly blows which have ever been aimed, by any of our country, against that liberty which was achieved by the blood of the patriots of the Revolution.

Mr. Speaker, my colleague, in the excess of his wisdom, has thought proper to inform the House that some "GENEROUS JUDGE" gave me a license to practice law; but as to the extent of my "fees" he is uninformed! This is truly a most wonderful development, worthy of the high source from which it comes. I regret, however, that it has been made, as I fear it will as effectually blast my future prospects as Mr. GRUNDY's report in the Senate blasted, in the bud, the project which my colleague gave notice he would introduce, to "distri-

bate the proceeds of the public lands, and to ASSUME THE DEBTS OF THE STATES!"

My colleague, sir, has dealt in much slang of a similar kind in reference to myself, but it is so low and contemptible, that I deem it beneath my notice, and therefore will pass it by as I would the ravings of a simpleton. I expected when he commenced his speech, that he would endeavor to controvert the facts which I stated on a former occasion in regard to the complexion of the Harrisburg Convention; but scarcely a whisper has fallen from his lips. In this he acted wisely—no doubt under due advisement. Not a single statement which I made when addressing the House upon this bill (Mr. BELL'S gag bill) has he disproved. Remember that, sir!

Mr. Speaker: in replying to my colleague I have had to use strong language, but not more so than his vulgar attacks merited. I think I have shown, conclusively shown, to every member upon this floor, be he Whig or Democrat, who are the apostates, my colleague and his associates in Tennessee, who supported White as the "better Jackson" man, and are now for Harrison, or myself and others who did the same thing and are now for Mr. Van Buren.

Thanking the House for the unanimous consent with which I have been permitted to reply to the dignified and decent remarks of my colleague, and the attention they have paid me, I shall say no more, leaving him to enjoy the victory he has gained, the laurels he has won by his maiden effort.

REMARKS OF MR. LEADBETTER,
OF OHIO.

In the House of Representatives, July 1840.—On a motion to reconsider the vote on the passage of the Naval Appropriation bill.

Mr. LEADBETTER said: Mr. Speaker, I rise, sir, to a privileged question; and, sir, I do so from a sense of duty which I owe to my constituency, as well as to myself. Having voted in the affirmative on "the passage of the bill making appropriations for the naval service for the present year," I move to reconsider the vote of yesterday, by which this bill was passed. And, sir, if the House will reconsider this vote, I shall move to recommit this bill to the Committee of Ways and Means, with the following instructions, which I send to the Clerk's table, to be read for information:

"That House bill No. 6, making appropriations for the naval service for the year 1840, be recommitted to the Committee of Ways and Means, and that said committee report, without delay, the probable expense of purchasing a site, and of the construction of a dry dock in the harbor of New York, together with the necessary fixtures, engines, &c. appurtenant thereto, and the probable length of time it would require to construct the same; and, also, as to the propriety of commencing the work at this time, under the depressed situation of our financial condition."

Sir, I stated that it was a duty which I owed to my constituency to make this motion; and I shall now proceed to state the reasons why I have not only considered it my duty to make this motion, but to offer a few reasons why the vote upon this bill should be reconsidered and recommitted with instructions, such as I have proposed.

Sir, when this bill was under consideration in Committee of the Whole on the state of the Union, I then submitted a few remarks upon the impropriety of commencing the construction of this work at a time when the state of our finances seems to forbid it. But a test upon a question of this kind could not be made in committee; the yeas and nays could not be called. But what was the course pursued by the friends of this extravagant and unwise appropriation of money when this bill was reported to this House? Were not all propositions to strike out, in whole, or in part, this item in the bill, cut off by the previous question? But, sir, the friends of true economy did not stop here; for as soon as the amendments were passed upon by the House, a motion was made to recommit this bill, with instructions to strike out this appropriation: but no sooner made than New York was on her feet, and the previous question was again sprung and sustained. And such appeared to be the devotion to salt water constitutionality, that the yeas and nays were refused upon that motion.

Sir, if the yeas and nays had then been permitted to have been taken upon that question, by which my constituency could have known by whom it was that this prodigal expenditure had been fastened upon them, in common with the rest of the laboring community, I might have been induced to let this bill pass on its way to the Senate chamber unmolested. But this small boon was denied, and there was no alternative left but to make the motion which I have. And, sir, I will now put the question to this House, whether this is the proper time to commence the construction of a work which will eventually cost this nation not less than two millions of dollars? And who among us is prepared to say that this dry dock, with its fixtures, can be constructed for less? Where are your estimates, and who made them? What committee has reported upon this subject? What evidence have you of its absolute necessity at this moment, and why is it attached to the navy appropriation bill? Does the honorable chairman of the Committee of Ways and Means pretend to inform us how much this work will cost the people, what length of time it will require in its construction, and what the sum to be paid for a site? No, sir, no.

Sir, I have not had sufficient time to make a full examination into the history of the rise and progress of this grand scheme. But from a slight examination, I find that in the year eighteen hundred and thirty-five, a law was passed, and the sum of one hundred thousand dollars was therein appropriated for the purchase of a site, and the construction of a dry dock in the harbor of New York. Sir, I have been informed, verbally, that some four or five thousand dollars of that appropriation was expended in making surveys. Two years since, at the second session of the last Congress, a bill was reported from the Committee on Naval Affairs, appropriating one hundred thousand dollars towards purchasing a site, and in the construction of a dry dock in the harbor of New York; and, sir, this bill was then defeated; and defeated at a time when the Treasury was in as good a condition as it is at this time. Sir, I should like to know what new lights have burst upon the vision of this Committee of Ways and Means, and of this House, that this appropriation must be pushed through at this inauspicious moment?

Why was not this appropriation offered for consideration at the last session of Congress? The honorable chairman was then a member of the same committee over which he now presides. Will the former members of the Committee on Naval Affairs, who are now members of the present committee, gratify me in this particular? If the members of the committee will not respond, will the immediate friends of this measure inform me why an effort was not made at the last sessions to pass this appropriation? Did they know that they had been defeated the session before? Did they consider it prudent to let the matter pass by, until this hall should be filled with new members, and then, by attaching to it the navy appropriation bill, under the honeyed words of an "unexpended balance of a former appropriation," &c. "be, and the same is hereby reappropriated," by which it might appear to the unwary as if the construction of the work had been long since begun, and the money still in the Treasury? But, sir, there is one other view to be taken in relation to this subject? By the law of eighteen hundred and thirty-five a site was to be purchased. By the bill reported in eighteen hundred and thirty-eight, a site was to be purchased. By the bill just passed a site is to be purchased. Is the House aware that upon the passage of the law, in eighteen hundred and thirty-five, all the land and mud and water adjoining, or adjacent to, the navy yard at Brooklyn, passed into the hands of speculators? Peradventure this appropriation may be necessary to assist them, or help them out with their speculations; but of this I know nothing and care less. It is sufficient for me to know, that a purchase is to be made; the laws all require it, and this must be done without reference to the expense; and I will venture to affirm, that at the next session of Congress, the chairman of the Committee of Ways and Means will bring into this House an item attached to the navy appropriation bill, asking us to vote the further sum of one hundred, or one hundred and fifty thousand dollars, for the purpose of completing the payment for a site for a dry dock in the harbor of New York. Sir, in looking round me, I am constrained to ask, what has become of the vaunting friends of retrenchment? Shall I appeal to that party, who have hung out the banner of Harrison reform?

[A member rising to a question of order, Mr. L. was informed by the SPEAKER that this was a question of reconsideration, and that it was not in order to discuss the question of party, &c.]

Sir, I am well aware that this is a question of reconsideration, and I am well aware that it is not in order to discuss party questions, nor will I; and I am as well aware that the question of reconsideration permits me to discuss the merits of the bill, or any part of it, or otherwise it would preclude me from giving my reasons why the vote should be reconsidered. But, sir, I did not appeal to that party under any hope or expectation that they would join with me in the reconsideration of this question. No, sir; no, sir, I know them too well to indulge in such idle hopes; such like appropriations are in perfect keeping with all other of their acts, professions to the contrary notwithstanding. But, sir, I feel myself at liberty to appeal to that party with whom I have taken the greatest pleasure in acting, and more particularly will I appeal to those who are, in this matter, acting in concert with the great body of the Opposition, to pause before it is too late, and to reflect upon the course they are pursuing, the obnoxious charges to which they may be subjected, by the adopton of an unwise and imprudent precedent, of making appropriations for the commencement of new works, without an estimate of the probable expense. Have you weighed well the consequences, and are you aware of its dangerous tendencies? I will not enter into detail here; every member is fully aware of the results. But, sir, if their constituents are willing to submit to this kind of legislation, mine are not. Sir, that people which I have the honor to represent are not only willing to be taxed for every necessary expenditure of their Government, be the amount what it may, but they demand this at the hand of their Representatives; but in addition to this, in common with the rest of the laboring community, they have a right to know the amount which is proposed to be raised, and the purdoses to which it is appropriated. And, sir, when you refuse that of the community, from whom all your resources are drawn, this knowledge, whose right it is to know, let me say to such, that they are treading upon dangerous ground, and that to trifle with the laboring people will not end in trifles. Sir, at a time when you are building towers with stupendous colonnades to adorn your Eastern cities, under the pretence of necessity and convenience, under the shade of which your loafer can snuff a constitutional sea breeze, and which for splendor and magnificence are scarcely equalled by those erected at the labor and expense of a trodden-down people, at the nod of Eastern despotism, you are still drawing upon the hard earnings of an industrious, patriotic, and confiding people. And, sir, at a moment when the exigencies of the times seem to require all the energies of the people to provide means for the support of Government, you propose to commence a new work, not knowing when it is to end, and evidently not demanded by the best interests of the nation. What spectacle do you present to the laboring community, and especially to those who reside in the West? In that section of your common country, a small appropriation has been asked for, for the prosecution of a work already commenced, and that based upon estimates; and, sir, upon this question we heard denunciations "long and loud," upon the the subject of extravagance and wasteful expenditures; and the lofty mountains of the Alleganies interposed their high constitutional barriers, and foiled the appropriation. But no sooner than

an appropriation savors of salt water, the lofty Alleganies sink into insignificance, (even in the minds of many who represent Western interests;) but even money itself, all at once, becomes plenty, and the resources of the nation are so abundant, so vast, that even an estimate of time or expense is altogether unnecessary. Nay, more; but direct the President of the United States to pay to a set of speculators, for a few rods of mud and water, as many thousand dollars as they may choose to demand, and for the filling around the walls as much for each load of earth as may be asked. This, sir, I call economy with a vengeance.

[Here Mr. ANDERSON from Maine, a member of the Committee on Naval Affairs, rose and stated that the committee of which he was a member, had this subject for a long time under consideration, and that they had the evidence before them, that the Board of Navy Commissioners had decided upon the location of the dry dock, and that no purchase would be necessary; that it would be located upon the ground now owned by the Government, and now a part of the navy yard.]

Yes, sir, I understand the gentleman, and I will call the attention of the House to the law itself, and the language made use of in the bill as now passed. And what is it? "To purchase a site." Does the gentleman not know that many strong arguments were made in favor of this purchase at the last Congress, and in which it was shown most conclusively by those whose business it was to know, that this dry dock could not be erected upon the ground where it is now decided to be built, without injuring or almost destroying the ship yard?

I will now ask what is the inference? Are we not sufficiently well acquainted with human nature to know how easy it is to undecide that which has been decided and resolved upon again and again, and that our best resolutions, upon reflection, are changed, and should be, when reason dictates? But if this work was to destroy your ship yard in 1838, how does it happen that it will not in 1840? Have you any new surveys, any new lights? Then recommit the bill and let them come forth. Perhaps I may be convinced.

What rule of construction will you require your executive officer to establish in carrying into execution the laws you pass? Will you require them to look elsewhere than in your statute book, and dare they adopt any other rule, or will you permit them to adopt any other rule? If you will not, and they dare not, when they open your statute book, and find there a law requiring a site to be purchased for a dry dock in the harbor of New York, will not a site be purchased? Most assuredly; and when a report is made to this House of their proceedings, you will again find the argument of 1838 revived, proving incontestably the impracticability of erecting this dry dock upon the ground now occupied as a ship yard, and the absolute necessity of purchasing a site for its location. Sir, although I have never yet seen a dry dock, I am not to be caught in traps of this kind. My constituency are not only willing to toil, and toil on, if it should become necessary for the purpose of sustaining their country. but in common with the great mass of the laboring community, will always be found ready to do battle in their country's cause, when the exigencies of the case may demand their services. But they demand, at your hands, to be furnished with a data by which they conform some idea when their extraordinary exertions for you may terminate.

[Here some one remarked, "Who pays your revenue?]

Sir, I am fully prepared to tell gentlemen who pays your revenue, who supports your shavers, speculators, and banker; and I can tell gentlemen who it is that does not pay the revenue. It is not the merchant, but the consumer. Yes, sir, the consumer; those who toil, and by the sweat of their brows are enabled to purchase and consume your imported articles. Nor that alone, sir; it is by the labor of those who toil, that your drones and non-producers not only live, but riot in extravagace. It is through your laborers that they live and move, and without them your loafers would be compelled to resort to some other means for a living. Sir, if the laboring community should take it into their heads to withhold from market their surplus produce, your loafers would be compelled to hoe their own potatoes, and to drink less hard cider. But, sir, I remarked that, among my constituents, there was neither loafers or loungers; nor do I believe that there is one among them who would claim the benefit of your bankrupt bill, should it become a law. But, sir, if this method of making appropriations shall obtain with an American Congress, you had better awaken from its slumbers that bill from the Senate, which passed that body for the relief of speculators, which now lies sleeping upon your table, and include the General Government.

Mr. Speaker, although many around me appear to be a little excited from some cause, I will allay any apprehensions of danger in relation to this, their favorite appropriation, by stating again, that the instructions do not go to the striking out of the bill, which I should prefer, but for estimates; the House, in its present state of feeling, being evidently opposed to striking out, as the next best thing that could be done to satisfy the people, as to the justice and propriety of making this appropriation at this time. I have proposed the instructions; and when the report shall come in from the committee, I do not entertain the least possible doubt but that a majority of this House will then concur with me in opinion.

SPEECH OF MR. WAGENER,

OF PENNSYLVANIA,

In House of Representatives, June 16, 1840—In Committee of the Whole on the Independent Treasury bill.

Mr. CHAIRMAN: Conscious that the members of this committee are wearied with this protracted discussion, could I consult my own feelings and inclination, I should not occupy their time for one moment; but as this bill establishes new and important principles as regards the fiscal operations of this Government, and as its friends have been charged, upon this floor, with hostility to the best interests of the people, I cannot, in justice to my constituents and myself, (whatever may be my reluctance, at any time, to engage in public discussion,) consent to its passage with my silent vote. I, however, promise the committee that my effort will be to condense my arguments as much as possible, and to adhere strictly to the subject under consideration; but, from the wide range indulged in by many who have preceded me, I hope I may be pardoned should I incidentally offer a passing answer to some of the unjust allegations made against the late and present Administrations.

Honorable gentlemen complain that the honorable chairman of the Committee of Ways and Means should have thought proper to bring this bill before the House before other bills now on file, of a general character; and with what justice they make the complaint, a few facts will determine. This bill, after it came from the Senate, was some time before the Committee of Ways and Means before it was reported to this House, and almost every day was the chairman interrogated, why this delay? And if the friends of the Administration are sincere in their support of this bill, why not bring it forward? Such were the daily charges made by the opponents of this bill; and now, forsooth, after a lapse of some months, the bill is brought forward for consideration, and they complain it is too soon, and urge its delay until the next Congress. What inconsistency! Independent of the opinion of this House, the people themselves expect a decision of this question. They have called for it long and loudly; and to refuse to act upon it, in one way or the other, by which this agitated question shall be finally settled, would be in open defiance of their wishes.

I consider, Mr. Chairman, that the first inquiry should be, are the existing laws for the collection, safekeeping, transfer, and disbursement of the public revenue, full, ample, and sufficient?

By the act of June, 1836, to regulate the depositesof the public money, the Secretary of the Treasury is required to select, as depositories of the public moneys, State banks, upon certain specified conditions, unnecessary to detail; and by the fifth section of this act, it is furiher enacted, that no bank shall be selected or continued as a place of deposite of the public money, which shall not redeem its notes and bills, on demand, in specie; nor shall any bank be selected or continued, as aforesaid, which shall, after the 4th July, in 1836, issue or pay out any note or bill of less denomination than five dollars.

The duty of the Secretary of the Treasury, under this deposite law, is positive and unconditional. That so soon as a bank of deposite refuses to pay her notes, on demand, in gold and silver, she ceases to be a depository, and the moneys in her possession withdrawn by the Secretary of the Treasury, and of course come under his immediate control. Is this committee willing to continue this immense power and responsibility in the hands of the President and the Secretary of the Treasury? Has not the President, in his special and annual messages, called upon Congress to add additional safeguards for its security; and have they not been unheeded? And, sir, I was not a little surprised that the honorable gentleman from Massachusetts who spoke first, (from his usual candor and fairness in debate,) should have so unjustly cnarged the Executive with a usurpation of the moneyed power, when the law made it absolute, that no bank could be a depository, which suspends the payment of specie for its notes.

If the Opposition is prepared to maintain that State banks are the safest fiscal agents of the Government, after a violation of their trust, that this deposite law is sufficient, and the discretionary power of the Secretary of the Treasury harmless and proper, be it so. For my part, I never can consent that any officer of the General Government, whatever amount of confidence I may place in his integrity and capacity, shall have such unlimited discretionary power. And, sir, to my surprise did I hear honorable gentlemen of the Opposition virtually contend for the continuation of this discretionary power to the Executive, while in the same breath they were denouncing Executive patronage. The advocates of this bill are for circumscribing discretionary power over the purse of the country; they are for placing such safeguards around the money of the people, that will secure it against any power but the law.

Then, inasmuch as I consider the existing deposite law, in certain contingencies, as throwing the whole moneyed power of the country under the control of the Secretary of the Treasury, and inefficient in other respects, and as I believe the bill now under consideration is a safer and more stable system for the collection and safekeeping of the public moneys, I feel constrained to advocate its adoption, and will proceed to discuss the relative advantages of a Bank of the United States, State banks, and an Independent Treasury, as the fiscal agent of this Government.

It a fact worthy of record in the outset, that the Opposition to the present Executive have for the last two sessions denounced him for urging upon Congress the establishment of an Independent Treasury, and an entire separation of the Government from banking institutions, as her fiscal agents; and during this whole time they have not ventured unitedly to propose a plan for the safekeeping and disbursing of the public moneys. This position is an anomaly in the history of political parties; and it would have been unaccountable to me, were it not that I find, from the late proceedings of this party, that one of their cardinal doctrines is secrecy, and an inquiry as to their political sentiments unbecoming and ungenteel. They also, in some respects, resemble an Eastern monarch, who requested the soothsayers to interpret his dream, but would not tell them the character of the dream which was required to be interpreted. However, let them disguise their opinions as they may, the antagonistical system to the Independent Treasury is a Bank of the United States, which will lead me first to consider it as the fiscal agent of our Government; secondly, the Independent Treasury; and lastly, the causes that have produced such revulsions in our monetary system, and that have periodically affected our commercial, manufacturing, and agricultural interests.

Before I proceed to the consideration of a Bank of the United States as the fiscal agent of the Go-

vernment, allow me to make a few remarks upon banking generally. It is important that I should do so, from the fact that many honorable gentlemen have unjustly charged the friends of the Administration as destructives, as advocates of an exclusive metallic currency, and as in favor of uprooting the order of society.

We have had, in the short space of two years, two important eras in the history of our banks, and full of useful admonitions. No one who can have the best interests of his country at heart, can but deplore and deprecate the conduct of these institutions. No one will deny that they require thorough reformation. No one here will stand up their advocates in violating their promises. The charge, then, that the friends of the Administration (at least I speak for myself, and I believe I might say for the party) are for the destruction of all the banks of this country, and introducing an exclusive metallic currency, is unfounded. I must, however, be permitted to say, that the banking institutions have shaken the confidence of the people in their usefulness, having failed in the object of their creation. Instead of providing a currency equal to gold and silver, they have overwhelmed our country with a depreciated paper circulation, alike injurious to the farmer, mechanic, and laborer. They have, in some degree, entered the political arena, (particularly the late Bank of the United States,) to subserve their own purposes and advancement. When I admit that I am not in favor of destoying the banks, but for reform, I wish to be understood that I am opposed to non-specie paying banks; that I am opposed to banks, (and which I now believe to exist,) not required for the legitimate and productive business of the country. I am in favor of banks being restrained within their fair and honest means—of their specie basis being enlarged—of small notes being discontinued, which will throw into circulation gold and silver, for the small and ordinary business of the people. The great error with the States has been, that they have created too much banking capital; and if continued in, and not restrained, our country must be subject periodically to the dreadful consequences resulting from their expansions and contractions. Is is not important that this Government should not encourage this wide-spread mania for banks and paper currency, if in its power incidentally?

I will now proceed and ask, is a Bank of the United States, subject to so many vicissitudes, the most stable and safest fiscal agent of our Government? Is it such an agent that any wise Government will select, were there no constitutional difficulties? I will not deny it may have some advantages, but its disadvantages far overbalance them. By recurring to the late Bank of the United States, when she acted as the fiscal agent of this Goverment, you will find that she neither proved the regulator of our State banks, the maintenance of an undepreciated currency, an equality of exchanges, nor the most stable and proper fiscal agent of our Government. Nothwithstanding the eulogiums we have had, by some honorable gentlemen, upon the late Bank of the United States, I ask, where is the evidence that she regulated banks and the currency, in times of difficulty and embarrassment, for then is the period when its advantages must be tested? When general prosperity pervades our land, the currency needs no regulation—it regulates itself. Where is your regulator, when by a system of over-banking, and of consequence, an excess of credit, falls upon us? Need I call this committee to the recollection of the distressing period of 1818, '19, '20, and '21, to prove the utter inability of the Bank of the United States, backed then by all the powers of the Government, to relieve the country and regulate the currency and banks? I refer honorable gentlemen to the history of that day for the substantiation of my assertion. During the late war, we had no Bank of the United States. The State banks were then only in existence; and if any merit is due, it belongs to them, and not the Bank of the United States. It is true that these banks suspended after the war, from so great a stretch of their means to advance money to the Government, and did not resume until after the Bank of the United States was incorporated. It was not, however, brought about by the Bank of the United States; it was by the prudent course pursued by the State banks themselves. At that very time, the Bank of the United States was on the brink of ruin: no dividends declared; her stockholders became alarmed; her officers changed; and only by a violent contraction she weathered the storm. But the commercial, manufacturing, and agricultural community had to suffer—yes, bleed to the core. The stockjobber and speculator then fattened upon the distresses of our citizens, through loans from this very institution to their favorites. Is not this true? Let history answer. What was her conduct, further, while the fiscal agent of our Government? She retained one hundred and seventy thousand dollars, under pretence to pay damages upon the protested French bill. She called upon the holders of the three per cents, when due, (and the money of the Government in her vaults to pay these three per cents,) to induce them to postpone their demand of payment. They complied, thereby postponing the payment, and holding the Government security for the same. She retained the money deposited with her to pay the soldiers of the Revolution, after it was demanded by the Secretary of War, and other agents appointed. And shall I call to the recollection of this committee the time when this institution was struggling, with her Goliah strength, to overpower the General Government; and had it not been for the Roman firmness of Ex-President Jackson, the issue might have been doubtful? Seventy thousand dollars were appropriated by this Bank, to be used by the President of the Bank, to have speeches printed and circulated, denouncing the President of the United States as a tyrant, and unworthy the confidence of the people. This was done, too, by a portion of the Government money. The issue was made—the people the arbiters. The Executive was sustained—a happy result for our Republic. Shall I call your attention to a more recent occurrence, which should satisfy the most incredulous of the unsafety in employing a Bank of the United States as her fiscal agent. In the crisis of 1837 and 1839, where stands in her majesty the Bank of the United States, continued by a charter from the State of Pennsylvania, and which charter Nicholas Biddle, then President, declared, at a meeting of its stockholders, was preferable to the one that had expired, and in consequence of which, the charter was accepted by its stockholders? Yes, I repeat, where did she stand at these two important periods? Did she prevent the suspension of specie payments in 1837 and 1839? As regards the last period, she was the first to suspend, and mainly instrumental in bringing it about.

A meeting of the officers of the banks in Philadelphia, were called together last October, without any previous notice as to the object, by most of them, and, to their astonishment, a proposition was made to suspend. I think thirteen banks were represented, and but three were for suspension, and one of those three was the Bank of the United States. The proposition was lost; notwithstanding, the next morning after this meeting, the Bank of the United States suspended, and thereby forced the smaller institutions, very reluctantly, however, to suspend also. Do not these facts prove, beyond the possibility of cavil, its inefficiency to control the State banks, currency, or exchanges? Does not the conduct of this bank, while the fiscal agent of the Government, satisfy you of the necessity of the prompt separation of a Government from such institutions? Does her conduct not speak volumes against renewing the union? Would it be wise, would it be good policy, to create anew such a fiscal agent? Is it not fair to infer that no great dependance can be placed upon the faithfulness of a new institution? You have no assurance that a bank will be true to her trust. And, sir, above all, if the Government, by any possibility, can be made subservient to such an institution, is it not our bounden duty to refrain from employing such a dangerous agent? Is any one, who hears me, satisfied to see their country subject to the mandate of a bank? For my country's honor, I hope not.

I have, thus far, only spoken of the expediency of employing a bank as the fiscal agent of our Government, and will now only revert one moment to its constitutionality. As there is no express power contained in the Constitution of the United States, authorizing Congress to create a bank, and, as I believe, to carry out any one of the powers contained in that instrument does not require a bank, therefore I am irresistibly led to the conclusion that a Bank of the United States is unconstitutional. In addition, I will call the attention of the committee to a report made in 1811, by a distinguished Senator from Kentucky, to show his opinion, at that time, upon the question of the constitutionality of the existing Bank of the United States:

"Mr. Clay, from the committee to whom was referred the memorial of the stockholders of the Bank of the United States, praying that an act might be passed to continue the corporate powers of the bank for a further period, (I believe one year,) to enable it to settle such of its concerns as may be depending on the 3d of March, 1811, reported, that as they did not consider the bank constitutional, they would not and could not grant the request."

I refer to this in order to show what were the opinions of that distinguished Senator at that time, and how far he carried them.

The continuation of State banks, as our depositories, appears to have but few advocates upon this floor; but, in candor, were I compelled to vote for a Bank of the United States, or State banks, I should give it for the latter. Yet, as they have been found inadequate to the task, and the best interests of the country call for an entire separation of the Government from the banks, I feel it my bounden duty to oppose their continuance.

The State banks, by their own act, have separated themselves from the Government, and not by any compulsory process on the part of the Executive. How did they separate themselves? By the laws, under which they were created the depositories of the public revenue, they were required, at all times, to redeem their paper in gold and silver; and so soon as they failed in this, they ceased to be depositories. Did not the Government act in good faith towards these institutions? Were they not continued as depositories up to the time of their suspension; and would they not have remained until this moment, performing the same service, had they acted in good faith? To their own faithlessness must they attribute this separation. And, sir, so far from the Executive and his friends indicating any hostilities to these faithless institutions, I refer you to their conduct at the extra session of 1837. Unable to pay over to the Secretary of the Treasury the deposites due the Government, Congress, instead of compelling prompt payment, allowed them from six to eighteen months to liquidate the amount due Government, and at this very moment more than half a million remains unsatisfied. Is this evidence of hostility towards these institutions? Does this show a disposition, on the part of this Administration, to destroy them? Disappointed in their confidence that these institutions would have been enabled to perform the duties of fiscal agents faithfully and effectually, they have become satisfied of the absolute necessity of a separation. And to show the sentiments of the Executive upon this subject, I subjoin an extract from his first annual message:

"The discontinuance of the use of State banks, for fiscal purposes, ought not to be regarded as a measure of hostility towards these institutions. Banks, properly established and conducted, are highly useful to the business of the country, and doubtless will continue to exist in the States, so long as they conform to their laws, and are found to be safe and beneficial. How they should be created, what privileges they should enjoy, under what responsibilities they should act, and to what restrictions they should be subject, are questions which, as I observed on a previous occasion, belong to the States to decide. Upon their rights, or the exercise of them, the General Government can have no motive to encroach. Its duty towards them is well performed when it refrains from legislating for their special benefit, because such legislation would violate the sprit of the Constitution, and be unjust to other interests; when it takes no steps to impair their usefulness, but so manages its own affairs as to make it the interest of those institutions to strengthen and improve their condition, for the security and welfare of the community

at large, they have no right to insist on a connection with the Federal Government, nor the use of the public money, for their benefit."

Having thus very briefly presented my objections to the re-establishment of a Bank of the United States, and to the continuation of State banks, as the fiscal agents of this Government, we now come to the consideration of the system of an Independent Treasury, as contemplated by the bill before us. What does it establish?

A Treasury, in which shall be deposited all the moneys collected by Government agents. That the safekeeping, transfer, collecting, and disbursing of these public moneys, shall be performed exclusively by these agents, and not by banks. That the moneys, so collected and disbursed, shall be, progressively, in gold and silver, and notes of specie-paying banks, until 1843, when the whole shall be collected and disbursed in gold and silver, and additional safeguards for the more effectual prevention of frauds and peculations on the part of these agents. These, sir, are the important provisions of this bill; simple, plain, not complicated, safe, and efficient. For its security, for its efficiency, for its safety and stability, and, above all, for its Republican feature, in selecting and controlling its fiscal agents, should, and I have not a doubt will, receive the sanction and approbation of this House and country. Need I refer you to the system advocated by Mr. Jefferson at the time the first Bank of the United States was chartered, similar to the one we now are considering? Need I remind you of its salutary influence, to a certain extent, upon our monetary system? Need I repeat a comparison of this system with banks irresponsible to the Government? Need I call to your recollection the inefficiency of the existing laws, providing for the safekeeping, collecting, and disbursing of the public funds? Need I remind you of the strenuous effort made by the Bank of the United States, when the fiscal agent, to overpower the Government, and force it to her terms, for its preference over banks? I am sure I would be encroaching unnecessarily upon your time, did I enlarge upon these several propositions; and therefore shall proceed to examine the consequences that the Opposition would fain ascribe to the effects of this bill.

First. That it creates one currency for the Government, and another for the people; in other words, gold and silver for the office holders, paper currency for the people.

It is important, before we proceed to the examination of this assumption on the part of the Opposition to this bill, to have defined what they mean by currency. Are we to understand them that the paper currency, as it now exists, should be universal, so far as regards this Union? If so, and from the whole tenor of their arguments it is the fair inference, I take issue. There is no axiom in political economy, more universally admitted than that currency should be uniform and of equal value throughout a nation; if otherwise, injury is done to one portion of it. How will this principle apply to the present state of our currency? Is it uniform? Is it equal in value throughout the nation? Need I enlarge upon this point, to prove that it is not? It will even be admitted that paper currency itself, in different sections of the Union, differs in value; and from the Delaware to the most extreme southern point of the United States, all paper circulation is below the value of gold and silver, from five to twenty per cent. This, then, is the currency that the Government should receive, according to the views of the Opposition. Who would have supposed that there ever could have been a party, in this country, who would maintain such a system, which militates against the Constitution, fastens upon us a depreciated paper circulation, and does most manifest injustice to the Government creditor? This bill does not create one currency for the Government and one for the people. It does no more than the Constitution requires. It is based upon the immutable principles of justice; that is, in its collection it demands, progressively, gold and silver, and in payments by the Government the same is paid to its creditors. So with individuals in their transactions; no one is required to receive any currency of less value than gold and silver. And, sir, I will refer to an authority which cannot but have weight with the Opposition, maintaining, with his usual force of argument, the necessity of the Government collecting its revenue in gold and silver. I allude to the distinguished Senator of Massachusetts, (Mr. WEBSTER.) He says:

"There was no nation which had guarded its currency with more care; for the framers of the Constitution, and those who enacted the early statutes on this subject, were hard money men. They had felt, and therefore duly appreciated, the evils of a paper medium; they therefore seduously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin; this was a subject in regard to which Congress had run into no folly. Mr. W. declined occupying the time of the House to prove that there was a depreciation of the paper in circulation. The legal standard of value was gold and silver; the relation of paper to it proved its state, and the rate of its depreciation. Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad. There could, in the present state of the world, be no other currency. In consequence of the immense paper issues having banished specie from circulation, the Government has been obliged, in direct violation of existing statutes, to receive the amount of their taxes in something which was not recognised by law as the money of the country, and which was, in fact, greatly depreciated.

"As to the evil of the present state of things, Mr. W. admitted it in its fullest extent. If he was not mistaken, there were some millions in the Treasury, of paper, which were nearly worthless, and were now wholly useless to the Government, by which an actual loss of considerable amount must certainly be sustained by the Treasury. This was an evil which ought to be met at once, because it would grow greater by indulgence. In the end, the taxes must be paid in the legal money of the country, and the sooner that was brought about the better. If Congress were to pass forty statutes on the subject, he said, they would not make the law more conclusive than it now was—that nothing should be received in payment of duties to the Government but specie; and yet no regard was paid to the imperative injunction of the law in this respect. The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of the duties and taxes to the Government, in the legal currency of the country." He holds the same strong language in a speech delivered in April, 1816, on the collection of the revenue, which I should have read, did I not desire to close my remarks as soon as possible. Who, upon this floor, has gone further than this distinguished Senator for a hard money currency? Who has more ably and triumphantly sustained the principle contained in the bill, of the progressive payment of gold and silver for taxes and duties? Who has more impartially defended the duty of Government to preserve our legal currency, and not to embark on the wide ocean of a paper currency?

The gentlemen, in their eagerness to deceive the public, (and all for their love of the people, maintain and proclaim that this currency, of gold and silver, was only for the office holders. But what is the truth? Why, sir, of the whole collection, not one-tenth part of it goes to the office holders. To whom, then, is it paid? To Government creditors. And who are they? The war-worn soldier of the Revolution, whose services a country's gratitude placed on the pension list, calls upon a pension agent at Natchez (for example) for his small pittance, and is paid in the bank paper of that city, fifteen per cent. below the value of gold and silver. And the soldier and volunteer, who now fights under the scorching sun of Florida, is to be paid in depreciated paper; and the sailor, too, "whose march is on the mountain wave, whose home is on the deep." And shall I go farther, and tell you that the mechanic and the laborer, who toils from morn to eve, is to meet the same fate, if the system advocated by the Opposition is to prevail? Is such to be the currency of this country? Is this even-handed justice?

Second. They allege that it will destroy the banks, credit, and currency of the country.

How is this possible? The collection of twenty-five millions in gold and silver, throughout the Union, can have but little effect upon these institutions, one way or the other, and none whatever upon those that are solvent and prudent in their business. It is admitted, on all sides, that at no time can there be more than five millions of specie (when the whole dues are paid in this currency) in the Treasury, and the progressive principle contained in the bill will give the banks ample time to prepare for the change.

Some gentlemen seem very much alarmed that this amount of gold and silver, that would remain in the Treasury, might seriously affect the specie basis of the banks. One moment's reflection must dissipate such fears, if any do really exist. Assume that five millions in fourty-four are in the Treasury—how much, to supply this deficiency, would each bank have to purchase? We have nine hundred banks, whose capital is $358,000,000; and one and a half per cent. upon their capital would supply that abstraction. Is it not well known that the State banks, when they were selected as depositories, immediately enlarged their specie basis, by purchasing bullion from abroad? and surely it can be no hardship for these institutions to add this small amount to their specie basis. In addition to this, it enlarges our legal currency—an effect devoutly to be desired.

It will destroy credit. This proposition is so wild and irrational, that I am sure I need not detain you long upon its examination. How is it to destroy credit? Is it because the Government funds are not to be any longer used by banks? Is it because she will not countenance unsound institutions? I can imagine no other argument; and it is so brittle that it breaks with its own weight. I understand perfectly well, Mr. Chairman, the object of the effort made to ascribe to this bill the effect of destroying credit. It is for the purpose of carrying forth to the country the idea that the friends of this measure are opposed to all credit. It is not true; the charge is without the slightest foundation. No one has ever questioned the value of credit, so far as it contributes to advance productive industry, encourages a rational spirit of enterprise, and adds to the industrial capital of the country; but when, by legislation, you create means by which you can obtain credit, beyond the legitimate wants of the country, it will produce evils, and under those evils we are now suffering; and which, we contend, call loudly and strikingly for reformation. The credit system has been abused—has been inflated. Its abuse and inflation have been effected by an unnecessary increase of banking capital, (fifty per cent. of which is fictitious,) not for the advancement of the real wealth of the country, but to open avenues by which the reckless speculator may draw means to purchase our public domain, unproductive to him; by which individuals have been enticed from their usual avocations, to engage in business less laborious, but with a false hope of being more productive, and without any capital; by which the importer could flood our country with foreign products, and by which the luxurious and unproductive class could revel in their pleasures. Whatever amount of credit and capital is necessary to give full efficacy and power to all the branches of industry, should be encouraged and fostered; and, in the language of a celebrated author, "the undertakers of industry are really the heart of the body politic, and their capital is its blood."

The President, in his special message, holds this language on the credit system: "In expressing these sentiments, I design not to undervalue the benefits of a salutary credit to any branch of enterprise. The credit bestowed on probity and industry is the just reward of merit, and an honorable incentive to further acquisition; none oppose it who love their country, and understand its welfare. But when it is unduly encouraged; when it is made to inflame the public mind with the temptation of sudden and unsubstantial wealth; when it turns industry into paths that lead sooner or later to disappointment and distress, it becomes liable to censure, and needs correction. Far from helping probity and indus-

try, the ruin to which it leads falls most heavily on the great laboring classes, who are thrown suddenly out of employment, and by the failure of magnificent schemes, never intended to enrich them, are deprived in a moment of their only resource. Abuses of credit and excesses in speculation will happen, in despite of the most salutary laws; no Government, perhaps, can altogether prevent them; but surely every Government can refrain from contributing the stimulus that calls them into life."

The currency is to be deranged; and how, I would ask? If I am to understand the gentlemen that the currency, as it now exists, is to be affected, and a currency equal to gold and silver, by the operations of this bill, to be substituted, I heartily respond to their proposition. But if they are for upholding and maintaining the present depreciated currency, (and from the tenor of that argument I have a fair right to draw this conclusion,) then we are as far apart as the poles. This bill can have no further effect upon our currency than aid in its regeneration.

Much has been said about money and currency, and their effects upon the prosperity of a country. We have had brought forward the currencies of the different countries of the world, for our imitation; one party of this House contending that such a currency would be most likely to advance our best interests; another such an one. Now, sir, so far as regards my own reflections upon this subject, I am free to say, that I do not consider it the best policy for this Government to imitate either. From our locality, from our wide and extensive domain, from the nature of our Government, we are forced to our own resources, for a stable and uniform currency. The legal currency of this country is gold and silver; the general currency is a mixed one, composed of gold and silver, and bank notes. The important principle to attain is, to preserve this mixed currency stable and uniform. It seems conceded on all sides that we cannot dispense with banks; and, in discussing this question of policy, I assume it. Then, sir, as our currency is a mixed one, how is it uniformly to be preserved?

The wise men who framed our Constitution (having the fatal consequences of a paper money, by authority, before them) established no other currency, or money, than gold and silver; and, if we desire to follow in their footsteps, this nation (composed of twenty-six sovereign States) must repudiate any currency that is not its equivalent, as a representative of value. Money is generally understood as the representative or measure of value; and it must be of equal value, or great injustice is imposed upon the community. And, sir, it is the universally admitted opinion, that gold and silver is the most stable and uniform currency that can be devised; and, being possessed of intrinsic value, has become the universal equivalent of any commodity throughout the world. Not so with a paper currency. It has no intrinsic value; it is, properly speaking, to a certain extent, a circulating credit. And, sir, it should never be permitted to circulate for any length of time, when it does not realize, on demand, gold and silver. This, then, should be the aim of this nation to effect. We have had it demonstrated, that to encourage an excessive paper circulation is not the true policy of this Government; but to circumscribe it as far as our constitutional powers will permit. The withdrawal of the public funds from banks, and the requirements of payment, gradually, of our debts in gold and silver, will have, irrefragably, a salutary influence upon our monetary system. And, sir, if a reformation cannot be effected, the banking system will break down with its own weight. There will be no necessity for legislation. I hold that no currency in this country can exist long, that does not maintain a gold and silver value. The people will not submit to any other.

Thirdly. That it will reduce the value of real estate, the wages of labor, and the productions of the country.

When gentlemen are compelled to resort to assumptions like these to sustain their opposition to this bill, they most demonstrably prove the weakness of their position. How can this bill affect the value of real estate? Gentlemen say that property is depressed, sacrifices made, and general ruin oppresses the landed interest; and that this state of things is to be imputed to the Independent Treasury. It must be by some magic that a measure not in existence has produced such a supposed revolution in our pecuniary affairs. Gentlemen are not to hope that bare assertion is to be admitted as fact, or false argument as true. No one who will examine dispassionately and impartially into cause and effect, but will admit that the true cause of the depression in the value of real property (if it does exist) is not the one assumed by the Opposition. I am not aware, however, Mr. Chairman, that the condition of the country, as assumed, is true; but for the argument admit it. What has produced it? The facilities of procuring means from banks brought into existence a speculative spirit, encouraged unusual competition; which gave a fictitious value to lands, and advanced their price above their real value. This state of things was temporary. Banks contract; loans reduced; means cease; and of consequence a reduction in the nominal value of land. In support of the justice of my conclusions, I will for a moment refer to days gone by. What was the cause of the pressure in the prices of lands, in 1818, '19, '20, '21, and '22, when the Bank of the United States was in existence? Yes, sir, for the wide-spread ruin that then overwhelmed our farmers, I could appeal to those who reside in my district for its intensity. Lands that were sold at that time for twenty to thirty dollars per acre, now bring from sixty to eighty dollars. They then experienced real distress from the extension and contraction of bank credit. No Independent Treasury at that time. It is, however, a consolation (in the wide spread desolation as depicted by the opponents of this bill) that the farmers of the district I have the honor to represent have avoided the rock upon which they split in 1819, '20, '21, and '22, and amid the present crush they stand unscathed.

The value of the products of the farmer is reduced by the operation of this bill, say its opponents. In maintaing this proposition, they refer to the present prices of grain, and impute its depression to the Independent Treasury. Do gentlemen seriously maintain this doctrine? If they do, I must confess that I was not prepared for such an absurdity. Prices of flour and grain are affected by supply and demand, and, in some measure, by expansions and contractions of credit. In 1820, flour was five dollars per barrel; in 1821, $3 75; in 1826, $4 50; in 1830, $4 50—when there was no Independent Treasury to operate. What then the causes? There were two—the supply greater than the demand, and contraction of credit. What is the true cause now? Through the bounties of Providence, we have been blessed with a luxuriant harvest, and the farmer's granaries are full to overflowing. He must have a market for the surplus, and in proportion to the demand the prices will advance or decline. There being no foreign demand for our staples, and a surcharge of the surplus necessary, prices of course decline; and in addition, the present condition of our banks more or less affects their prices. Notwithstanding this superabundance of our products, and no foreign demand for them, prices are not as low as they were in 1821, '26, and '30.

No one upon this floor can feel a deeper interest in the welfare and prosperity of the farmer than myself, and did I not, I should be unworthy a seat here. A large proportion of my constituents are farmers, whose support I have at all times received, and for which friendship I trust I shall never desert their best interests.

It will reduce the wages of labor.

The productive labor of this country should be fostered and encouraged; and could I believe that this bill could have the least effect upon this class of our population, it should never receive my support or vote. But as I conscientiously believe it will be productive of good, (to a certain extent,) and beneficial to this class of my fellow-citizens, I am impelled the more earnestly to advocate its passage. What should the mechanic and laborer, who has toiled the week out, receive for his labor? Should he receive it in depreciated bank paper? Should that class of our citizens, whose productive labor advances the true wealth of the nation, be compensated in less than gold and silver? Is this the doctrine of the Opposition? What are the prices of labor now? Have they been reduced materially, or at all? Is not labor better compensated now than it was in many periods during the existence of the Bank of the United States? The endeavor to impress upon the working class the idea that the Executive and his supporters are hostile to their interest, will not prevail. To no class of our community is the Democracy of the Union more indebted for its ascendency, and to no one class of its citizens will it cling more strongly, in maintaining their interest and supporting their welfare.

I now come to the last branch of this subject—the prominent causes that have produced the unsettled state of our monetary affairs, and the fluctuations of trade upon our commercial, manufacturing, and agricultural interests.

An ineffectual effort has been made by the Opposition to attribute to the measures and policy carried out and sustained by the late and present Executive, the deranged state of our currency, the vibrations and uncertainty of trade, and the pressure now existing upon a certain portion of our community. Would time allow me to enter into a full examination of the measures and policy of the late and present Administrations, I feel persuaded that I could satisfy every candid mind, who seeks for the truth, that so far from the measures recommended by the President as being productive of these evils, had they been carried out, they would have, to a very great extent, averted the present condition of our country. The causes are too prominent to be eschewed. They are no longer to be disguised. They are no longer to be enveloped in doubt and uncertainty by subterfuge and sophistry. They stand in bold relief before the people. And what are they? Excessive banking, carrying in its train excessive credit and an inflated currency, and the immense State loans created by issuing stocks (and which are held principally by foreign capitalists) for the purpose of prosecuting internal improvements and to provide for banking capital. These are of the prominent causes to which we are to ascribe our present monetary condition, and my design is to produce such facts as will conclusively sustain the position I have assumed.

In 1820, number of banks was 308, capital $137,000,000.

In 1830, number of banks was 320, capital $148,000,000.

In 1840, number of banks was (mark the difference) 901, capital $360,000,000.

The appalling fact is here developed, that the increase of banks, from 1830 to 1840, was five hundred and eighty-one, and the increase of capital, two hundred and eleven million dollars—seventy-five millions more than the whole capital of 1830. What other effect in our monetary system could have been anticipated, when these statements are before us? They opened at once a wild field for excessive credit and unsafe speculation; and how effectually was it embraced! In 1836, our imports exceeded our exports sixty-one millions. The banks discover that they have extended their credit beyond their available means. Curtailment takes place. What the consequence? a pressue in 1837, and a suspension of specie payments—a resumption in 1838. The same game played in 1839—thirty-nine millions imported over our exports, and thirty-four millions more than in 1838, and another suspension follows. And, in further elucidation of my views, contrast the sale of public lands between 1830, '35, and '36. In 1830, one million two hundred thousand dollars; in 1835, fourteen million seven hundred and fifty thousand dollars; in 1836, twenty-four million dollars. Does not this expose, establish, beyond the possibility of cavil, the cause of the present unwholesome and unsound condition of our moneyed concerns? Does it not prove that fictitious banking capital, to seek employment, encouraged these enormous importations and wild speculations in our public domain? At one moment we have a redundancy of circulation, at another a contraction—continually disturbing the due and natural course of trade. And let me here call the attention of the manufacturers as to the effects which this overbanking has had

upon their interests. To impute your distresses to the Independent Treasury bill, as the opponents of the General Administration contend, cannot be sustained by any fair reasoning. They have no data by which they have arrived to this conclusion. It is mere assertion, mere supposition. But I will show you, by data not to be overthrown, that the banks, by their enormous loans to importers, have facilitated the introduction of a large surplus, beyond the wants of the Government, of foreign goods, and which now are to be sold for what they will bring, to your great detriment and loss. They have driven you out of the market, unless you come in and submit to a wholesale sacrifice of your property. Had not these facilities been within the reach of the importers, would eighty five millions of foreign goods in two years beyond the exports, (and principally from England,) have been imported into this country, a supply far above the wants of the people? And had not more been imported than a wholesome trade would warrant, would it not have left you in the market, with a reasonable hope of realizing fair sales? Are you not, by this excess of foreign goods, remaining in the markets of New York and Philadelphia, and now being sold at auction, without reserve, sensibly and materially affected in the sale of your manufactured goods? I leave you to answer.

A new drain (and one of no common magnitude) upon the resources of our industry, has arisen in the enormous debt created by the different States of this Union, for the purposes of internal improvement and of banking capital. Scarcely freed from a debt of one hundred and twenty millions dollars, made for the prosecution of the late war, and the people yet warm rejoicing in their deliverance, are overwhelmed with a debt of two hundred millions, which does not nett two per cent.; a loss of six millions annually at least to the people of this country, payable to foreign capitalists. The effects produced by this rapid and unexampled creation of a public debt upon our monetary system and substantial interests of the country, are too manifest to be any longer concealed In the prosecution of my argument, it is far from my intention to do any injustice to the States; nor do I doubt, in the least, their capability of meeting their engagements promptly and honestly. But my object is to examine their condition with reference to its effects upon our monetary system, and the consequences that have followed from their immense loans.

It appears from unquestioned statements, that the debts contracted by the different States, for banking, canals, railroad, and miscellaneous objects, amount to not less than two hundred millions of dollars, for which certificates of stocks and bonds have issued. These loans are principally taken by the Bank of the United States, and occasionally by a few of the State banks; and as soon as the negotiation had been closed, the amount is credited on their books to the States, and immediately thereupon certificates of loan are issued in their favor. These certificates soon wend their way to Europe, through the Bank of the United States, to be sold, to uphold their increased business, produced by speculating in these loans when they were without legitimate means. So soon as these stocks received a shock, confidence in their solidity was questioned by the capitalists of Europe—sales ceased, unless from twenty to twenty-five per cent. below their par value, which deprives these banks of their anticipated resources. Disappointed in their means, they contract and oppress their debtors, notwithstanding they are not effectually relieved. Their situation continues imminent—bankruptcy is on their heels—suspension their dernier resort—the whole monetary system thereby deranged, and the people oppressed. This is one of the fatal results occasioned by the States negotiating their loans with the banks. Another is, that they have given a stimulus to excessive importations demonstrated by the report of the Secretary of the Treasury on exports and imports, to which I call your attention.

From the year 1820 to 1830, (eleven years,) the excess of imports over exports was $37,662,959. From the year 1831 to 1838, (eight years,) the excess of imports over exports was $194,319,920.

The former period exhibits in the aggregate a legitimate business; the latter an overturning of the fair operations of trade. The difference of the imports, in these two periods, is in favor of the latter $156,656,961. No less surprising is the fact that during the same time, when, upon the fair principles of trade, our exports of gold and silver should have exceeded, from 1831 to 1838, those from 1820 to 1830, the very reverse is the truth.

From 1821 to 1831, excess of exports of gold and silver, $3,497,000. From 1832 to 1838, excess of imports of gold and silver, $55,054,158.

To what conclusions, from this extraordinary statement of facts, must we arrive? We are irresistibly compelled to attribute, in a great degree, the deranged and unsound state of our monetary system, the oppression of our commercial and manufacturing interests, and the immense increase of importations for the last eight years over our exports, to excessive banking at home, in connection with the vast State loans contracted in Europe.

In conclusion, did time permit, I should feel myself justified in noticing the attacks made by honorable gentlemen upon Ex-President Jackson, whose whole life has been devoted to his country's service, but shall content myself by merely observing that his name and actions have become part of his country's history; and when the aged patriot shall have ended his earthly career, and the green sod of the valley covers his bones, then even party asperity will admit his virtues, and posterity will venerate his great name. And the present Executive, "following in the footsteps of his illustrious predecessor," will, for his prudent, wise, and energetic administration of the Government, receive the unwavering support of his Democratic fellow-citizens, who have nailed their banner at the mast-head, and spread it to the breeze, on which is inscribed, in large and bright letters—AN INDEPENDENT TREASURY—A SEPARATION OF THE GOVERNMENT FROM BANKS.

SPEECH OF MR. HOPKINS,

OF VIRGINIA.

In the House of Representatives, April 22, 1840—In Committee of the Whole, on the bill making appropriations for the civil and and diplomatic expenses of Government for the year 1840.

Mr. HOPKINS addressed the committee as follows:

MR. CHAIRMAN: I had no intention nor desire to engage in the discussion which this bill has produced; because it is a bill perfectly intelligible in its character and purpose, founded on Executive estimates, which have been subjected to the test of rigid calculation and economy; and without an appropriation to cover which, the credit, character, and functions of our Government must immediately and severely suffer.

On the merits of a financial measure so indispensable to the national welfare, I could anticipate no serious opposition from any quarter whatever; and still less a latitude of debate which embraces all the popular topics, whether pertinent or foreign, weighty or light, ludicrous or grave, which for a series of years have agitated the political parties of this country, and settled the pretensions of rival candidates for lead and authority in the national councils.

But reality has dispelled the illusions of hope, and baffled the anticipations of a sanguine mind. And I have been daily compelled to witness the illiberal distrust, jealousy, and fear, which have marked the debates of the Opposition on the important subject which is now before us. Instead of that temperate and enlightened policy which should pervade the National Legislature, and which should make each Representative of the people sensible of the good which always emanates from liberal sentiments and disinterested co-operation in our efforts to promote the public weal, each Opposition member seems to debate and to legislate on the principle that it is his duty to cripple and disconcert the order of public business—to stop, to unhinge, and to dislocate the whole machinery of the Government, and to hang it up, like "a rusty mail, in monumental mockery."

Union, sir, was the watchword to which our fathers unalterably adhered, and which enabled them to bequeath to us the precious inheritence we now enjoy; but which inheritence, I fear, we are fated to contaminate and impair, if not ultimately to destroy, by departing from the enlightened and patriotic policy on which they acted. Now-a-days that wise and liberal assurance of mutual confidence and support is forgotten in a fierce collision of jarring and conflicting passions, which can have no better tendency than to weaken and to undermine the wholesome institutions of our common country.

I am persuaded, sir, that if gentlemen will extend the sphere of their political horizon, and look down the vista of futurity, they must perceive the deplorable consequences to which this illiberal and short-sighted policy infallibly tends. They must see that this miserable and inglorious scuffle for power and place is calculated to debase the heart and understanding, to sour and eradicate all those generous and patriotic feelings which a benevolent nature implanted within us, and to depreciate the cause of free government all round the civilized globe.

Every government which the ingenuity of man has hitherto devised, has been necessarily attended with expense, and whoever expects to see any government successfully administered without the requisite pecuniary means, indulges an expectation that is vain and visionary, irrational and absurd. We must take the choicest dispensations of Providence with the alloy inseparable from them, and submit with resignation to the unavoidable conditions, while we enjoy the advantages of his omnipotent goodness.

To censure and depreciate our public characters with an indiscriminate and hasty zeal, and to charge every grievance, whether real or imaginary, national or private, to the folly and depravity of the Government, is the most ungenerous and unprofitable office which a Representative of the people can perform. It requires neither good breeding, intelligence, gratitude, nor patriotism, to perform it; and I feel it to be a duty which I owe to the whole country, and to my constituents especially, to remain no longer a silent listener to denunciations so illiberal, groundless, and futile, as those which have been so profusely lavished on the Administration by the Federal speakers; speakers who seem delighted with every opportunity to blazon and exaggerate the distresses of their country, and to discourse about every thing, rather than the necessary business which is now before us.

Before I proceed, however, to a consideration of the most important topics which the bill presents, I invoke the indulgence of this committee, while I make some passing commentaries on a document which has just been published, and circulated for political effect; a document which has been forced into the debate here, and which was designed to give to the people, while going to the polls to decide a great political contest, an exaggerated, unexplained, and odious representation of the expenditures of the Government from 1824 to 1837, inclusive, and of our Democratic policy and measures in relation to the national defence. I allude, sir, to the document signed by R. GARLAND, JOHN BELL, JOHN M. BOTTS, THOS. CORWIN, M. H. GRINNELL, J. C. CLARK, LEVERETT SALTONSTALL, TRUMAN SMITH, and CLARLES NAYLOR, who style themselves "The Executive Committee." Here, sir, is an extract from it:

Expenditures for the year	1824,	. .	$15,330,144 71
Do.	1825,	. .	11,490,459 94
Do.	1826,	. .	13,062,316 27
Do.	1827,	. .	12,653,095 65
Do.	1828,	. .	13,296,041 45
Do.	1829,	. .	12,660,460 62
Do.	1830,	. .	13,229,533 33
Do.	1831,	. .	13,864,067 90
Do.	1832,	. .	16,516,388 77
Do.	1833,	. .	22,713,755 11
Do.	1834,	. .	18,425,417 25
Do.	1835,	. .	17,514,950 28
Do.	1836,	. .	30,868,164 04
Do.	1837,	. .	39,164,745 57

This document is calculated to create a belief that it was prepared by a committee regularly raised by public authority, to investigate the expenses of the Government, and the military condition of the country. It is proper, therefore, that the public should know that neither House of Congress, nor any Department of the Government, ever raised or authorized that committee; but that, on

the contrary, the members of it were raised and organized by the Federal party in Congress, and never had any more legal authority to exercise the province of a committee than the humblest private citizens of the nation have. And, as if they wisely distrusted their own intrinsic weight with the nation, they have artfully endeavored to derive a fraudulent assistance from the assumption of a character they never deserved, and to which they never had even a colorable title. But the members of this self-styled Executive Committee represent a party notorious for the assumption of imposing names—a party which has always entertained the delusive notion that party names could prevail over public principles, in the control and direction of the Government. Hence, whenever their public actions have rendered a particular name odious to the people, their names, but not their actions, have been suddenly changed.

The name of Federalist was one under which the high-handed tyranny of the elder Adams perpetuated so many mischievous deeds, that it was abandoned for the more hopeful name of Federal Republican. But the spirit of encroachment on the constitutional charter of our liberties continued the same, and induced that baffled and perplexed party to assume the name of National Republicans, and to maintain it until the short and disastrous Presidency of the younger Adams forced upon that party the necessity of another name. Accordingly, under the advisement of that notorious personage, James Watson Webb, the chosen champions of a hopeless cause assumed the name of Whigs. Yet, under all this chameleonism of party names, the hue and character of their political principles have remained the same; and, as if infatuation was disposed continually to afflict this disconsolate, deluded party, these ancient Federalists and modern Whigs now avow no public principles whatever, except the principle of raising themselves into power and place.

Boldly presuming on the ignorance and credulity of their fellow-men, they ostentatiously parade before the public view such coarse and vulgar pageantry as only gratifies the senses of a savage race. They impudently rate all reason and argument above the comprehension of the vulgar crowd; and treating the experience of half a century as a liar and a cheat, they rely on fictions as a commendable substitute for the realities of truth. As a fancied equivalent for common sense, they resort to defamation and abuse. And to suit each shifting and occasional calculation of selfish policy, they parcel themselves out, under the auspices of every name, claptrap and humbug, that promises to serve a temporary end.

No wonder, therefore, that sundry individuals of this party should assume the name of "Executive Committee," and put forth, to every portion of the country, their political addresses. Of one of these addresses, the following is a copy:

"WASHINGTON, January 24, 1840.

"SIR: The undersigned, an Executive Committee, appointed by the Opposition members of Congress, have taken the liberty of appointing you an Executive and Corresponding Committee for your county, and we have the honor of enclosing a prospectus for the Madisonian. We recommend that paper to the confidence and support of the opponents of the Administration throughout the country. The committee attach much importance to a general circulation of the Madisonian, and other political pamphlets, calculated to enlighten the public mind. The subscribers which you may procure (and we doubt not, ic nsidering the cheapness and ability of the paper, they will be many) will be entitled, gratis, to all such pamphlets.

"We have confidence that it will afford you pleasure to aid us n our efforts to rescue the Administration of the Government from the hands of the present imbecile and corrupt incumbents. With the aid of an honest and fearless press, these efforts, we trust, will be successful. We are aware that the acceptance of this appointment may subject you to some sacrifice: your patriotism is a sufficient guarantee that it will be borne with cheerfulness. The consideration that we are in the service of an injured and crushed people, should animate us in the use of every honorable exertion to effect the common object in view—the restoration of the Government to the days of her patriot Presidents. Your obedient servants,

R. GARLAND, La.
JOHN BELL, Tennessee.
J. M. BOTTS, Va.
THOS. CORWIN, Ohio.
M. H. GRINNELL, N. Y.
LEVERETT SALTONSTALL, Mass.
TRUMAN SMITH, Conn.
CHAS. NAYLOR, Pa.
J. C. CLARK, N. Y.
Committee."

As this committee was appointed by the whole Federal party in Congress, and has acted, during the session, with the knowledge and approbation of that party, here and elsewhere, it is fair to conclude that the committee truly represents the party by which it was created.

But, I think, Mr. Chairman, you will presently agree with me that there is no member of that self-styled "Executive Committee," who can be very deeply interested in giving to a Democratic Administration a fair and impartial trial; especially on the subject of those Southern rights which Mr. Van Buren is solemnly pledged to support, and which various members of this committee have resolved to oppose, and have already opposed, to the full extent of their abilities.

On the 4th of March, 1839, "The Connecticut Anti-Slavery Society propounded to Mr. Truman Smith the following question, viz:

"1st. Are you in favor of the immediate abolition of slavery in the District of Columbia?

"2d. Are you opposed to the admission into this Union of any new State whose constitution tolerates slavery?"

And on the 17th of March, 1839, Mr. Smith answered in the affirmative, and boldly avowed that here were "questions of indissoluble right, where here could be no concession nor compromise."

In an address to the electors of Chenango county, published on the 3d of November, 1838, Mr. John C. Clark, while a candidate for Congress, declared that the right of petition belonged equally to all "without reference to condition or color;" and expressed the fervent hope that the period was not remote when "the appeals of the free, the humane, and the oppressed, for the abolition of slavery, would not be made in vain."

Mr. Thomas Corwin, the present candidate of the Federal party for the office of Governor in Ohio, recorded his vote with his associates Messrs. Smith, Clark, Gates, and Slade, against a resolution offered in the House of Representatives by Mr. Wm. Cost Johnson, declaring that "no petition, memorial, or resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by the House, or entertained in any manner whatever."

But do not fear, Mr. Chairman, that I have resolved to distress you with a separate biographical notice of the illustrious nine who compose the self-styled executive committee. They are friendly companions, one and all, associated in a common cause; and have, like their ancestors before them, linked their fortunes in one concerted Federal tie. But there is one member who deserves a special remembrance; for he was notorious, in very memorable days, for an open resistance to men and measures on which our proudest recollections delight to dwell. The memory of the Hartford Convention cannot die. It is embalmed in memory and recorded in history as a negative example to after times. One of the grievances which the New England Federal party of that day complained of, was, that the Southern States had an undue share of power in the constitutional apportionment of representatives to Congress; and the Hartford Convention labored to divest the South of a portion of its political power, and to prevent the admission into the Union of every slaveholding State.

When this nation was engaged in the thickest of a perilous and doubtful war with England; a war for national honor and independence; a war on the issues of which the liberties of the only Republic in the world depended, the honorable LEVERETT SALTONSTALL prominently figured on the public stage. If a faithful memory fails me not, he was then a member of the Massachusetts Legislature, in which he brought forward and supported the memorable measures of the Hartford Convention; measures calculated to defeat the public will, to discourage the national defence, to encourage the public enemy to ravage our coast, to burn our towns, to desolate our fruitful fields; and, in a spirit of savage barbarity, to violate youth, beauty, and innocence; and to spare no sacred altars, and no household gods.

"At the extra session of the Massachusetts Legislature, in October, 1814, Governor Strong's message was referred to a select committee, composed of the following members: Messrs. Otis, Bemis, and Wood, of the Senate, and Messrs. Sullivan, Saltonstall, Lincoln, and Whitman, of the House of Representatives; which committee, on the 8th of October, reported in favor of calling the Hartford Convention." The report recommends a choice of delegates to that convention, in which other States were earnestly invited to unite; and the committee declared that the Constitution of the United States, under the administration of the persons then in power, had failed to secure to the Commonwealth of Massachusetts and the Eastern sections of the Union, those equal rights and benefits which were the great objects of its formation; and which they could not relinquish without ruin to themselves and their posterity. That those grievances justified and required vigorous, persevering, and peaceable efforts to unite those who realize the sufferings and foresee the dangers of the country, in some system of measures to obtain relief, for which the ordinary mode of procuring amendments to the Constitution affords no reasonable expectation, in season to prevent the completion of its ruin. That the people, however, possessed the means of certain redress; and that as their safety, which was the supreme law, was in question, those means should be promptly applied.

Yes, Mr. SALTONSTALL and his coadjutors prevailed on their disaffected brethren in the New England States to organize the Hartford Convention, the members of which were collected from Massachusetts, Connecticut, Rhode Island, and Vermont; and which Convention did, on the 4th of January, 1814, prepare and promulgate to the world, a long report and many resolutions, all tending to depreciate and revile the measures of their own Government, and to force this nation to ground her arms, and to surrender our honor and independence to English tyranny and domination. In one of these Hartford Convention resolutions the ominous threat was boldly proclaimed, "that if the application of those States to the Government of the United States, as recommended in a preceding resolution, should be unsuccessful, and peace should not be concluded, and the defence of those States should continue to be neglected, it would be expedient for the Legislatures of the several States to appoint delegates to another convention, to meet at Boston, on the third Thursday of June, 1814, with such powers and instructions as the exigency of a crisis so momentous should require."

That this unhallowed work might speedily progress, and the Hartford Convention be freely encouraged in a factious opposition to the national will, and to frown with indignation on the national success and a further prosecution of the war, the Massachusetts Senate, then wholly controlled by the Federalists, resolved, on the 15th June, 1813, that "in a war like the present, waged without justifiable cause, and prosecuted in a manner which indicates that conquest and ambition are its real motive, it is not becoming a moral and religious people to express any approbation of military or naval exploits which are not immediately connected with our seacoast and soil."

However disguised, sir, the obvious tendency of those proceedings in the Massachusetts Legislature and the Hartford convention was to prepare the way for a separation of the Union, and the formation of a different structure of government. And, indeed, in the various debates which recommended those proceedings, it was boldly contended that the Constitution of this country could no longer be respected; and that a revolution in the Government should carry no terrors to a patriotic heart.

That the Hartford convention spirits of the last war are part and parcel of the Whig or Federal party of the present day, is obvious from the fact that every surviving member of that convention is acting with the Whigs; and that each deceased member died in that political faith, under some one of the various names which the Federal party has capriciously assumed.

In support of this assertion, you will allow me to avouch the testimony of the honorable gentleman from Massachusetts, [Mr. PARMENTER] who resides in the vicinity of Boston, where the Hartford Convention drama was gotten up, and where

some of the actors in that dark tragedy still reside.

In the fall of 1838, when the gentleman from Massachusetts [Mr. SALTONSTALL] was a candidate for the seat he now holds in this House, "the Essex Antislavery convention" propounded to him a variety of questions on the subject of slavery.

To these questions Mr. SALTONSTALL, on the 1st of November, made a long reply, the substance of which is embraced in the following extracts, viz:

"As to the constitutional power of Congress to abolish slavery and the slave trade in the District of Columbia, I have never had any doubt, and did not suppose, until recently, that it could be made a question, or that the exercise of the power would be opposed on that ground. I think it clear, also, as a general principle, that Congress has power to abolish slavery in the Territories. . . . . .

"The question as to the constitutional power of Congress to abolish the slave trade between the States is one of more difficulty. . . . . .

"But, not to enlarge, from what examination I have given the subject, my present opinion is, that Congress has the power to prohibit the slave trade between the States.

"Those powers with which the Constitution has invested Congress relate to vastly important subjects. None more so can come under their consideration. Surely no reason can be found in their great importance, why they should not be exercised. However delicate, exciting, or complicated, questions in relation to slavery may be, or may be made, they ought, in my opinion, to be brought before Congress, and to be made the subject of full, free, and deliberate discussion in that legislative body, which alone has the power to remedy these evils. No one who has noticed the 'signs of the times,' and the progress of opinion concerning slavery, not only in the United States, but throughout the civilized world, can doubt but these subjects must be brought forward, and that Congress must, and will, eventually, exercise their constitutional power in relation to them. I do not now see what is to be gained by delay, or how these questions are to becomes less difficult or complicated by postponement. On the contrary, with my present views, I am of opinion that Congress ought immediately to exercise its full constitutional powers, by efficient legislation on the subject of slavery.

"*I have always considered it a sufficient ground for a want of confidence in the President of the United States, that, in entering on the duties of his office, he made the gratuitous declaration, in effect, that he should veto any bill which for its object the abolition of slavery in the District of Columbia—the most objectionable sentiment ever avowed by a Chief Magistrate of this nation.*"

During our last war with England, the gentleman [Mr. S.] was also a prominent member of the Essex Convention, over which Timothy Pickering presided; and from which convention that Federal junto promulgated so many treasonable threats, and disreputable slanders against Jefferson, Madison and their political friends.

The memorable document which that junto issued on the 12th of July, 1812, may suffice as a sample of the rest. Here, sir, is an extract from it:

"We have the *confession* of Mr. Jefferson, *when in an evil hour he gained the President's chair*, that the United States were in the full tide of successful experiment. And what has changed the scene? What has produced years of suffering, and at length war? The *total departure* from those *principles* of administering our Government which had brought in a full tide of prosperity."

* * * * * * *

"Our country is greviously oppressed by prohibitions of trade, *wantonly* imposed by the Government of the United States; and its *measure of iniquity* is now *filled up*, by a declaration of war, impolitic, unnecessary and unjust.

"We will not submit. Men deaf to the voice of reason and justice must be deprived of power.

"We delare that our rulers, (James Madison and the Republican administration of that time) have forfeited all public confidence, and that our dearest interests require every possible effort to reduce them to private life.

"Those representatives who supported and voted for those *pernicious measures*, and finally for the *desperate and atrocious act* of declaring war, have shown themselves to be *enemies* of the Commonwealth.

"Our common interest, liberty and safety are now more injured by the doings of our National Government, than they were, who, in 1775, took up arms to defend them against the measures of the Government of Great Britain."

By order of the Convention.

"TIMOTHY PICKERING, President.

Here, then, sir, is a great central committee which the Federal party have organized at the seat of Government, some of whose members stand pledged to abolish slavery in every form, and whenever they can; and to ripen and to consummate that vast and horrid scheme of political ambition, which the Federalists of the South and Abolitionists of the North have conjointly planned to sever the Union, and to cover the land with murder, rebellion, and blood. And, as if to insult the pride, to awaken the apprehension, and to kindle the indignation of every Southern patriot, a Hartford Convention politician is selected to counsel and to guide!—a peace-loving hero, who, in the hour of battle, stood upon the confines of treason to his country's cause, and had only to make another step to reach the felon's gallows, or the headman's axe!

Yet, sir, this public spirited patriot—this heroic champion of liberty and law—now modestly invokes a restoration of this Government to the days of our patriot Presidents!

Surely, sir, Democrats who desire the maintenance of Southern rights may well distrust the policy of any restoration which such a self-created Executive Committee is calculated to produce; and very safely ascribe the pretended fear of a standing army, the affected, new born zeal for public economy and the general weal, and all the various political scarecrows of the day, to the same Federal aristocracy which has always labored under a political disability to be pleased with any thing that a Democratic Administration could effect; and which has steadily endeavored to depreciate the honor, prosperity, and institutions of this country, whenever Federalism ceased to rule it legitimately by the grace of God.

This financial document, artfully prepared by a self-created Executive Committee, purports to prove by an unexplained statement taken from the Treasury Department, in 1838, that the expenditures of the United States amounted, in 1837, to $39,164,745; and, on the credit of the unexplained statement, the credulous and uninformed multitude are invited to believe that the current ordinary expenses of the Government have reached this magnitude under the auspices of our present Democratic Administration.

The very same Treasury Department, from whence the Executive Committee obtained their unexplained statement, fully and precisely shows each separate item of the public expenditures. Yet this fair, impartial, patriotic, self-created executive committee produced nothing, and stated nothing, which indicates how, or for what purpose, any one item of those public expenditures accrued. No; that would have defeated the purpose for which the precious document was concocted, and would have convinced the public mind that the practice and professions of the present Administration have fairly conformed to the public expectation and desire.

But, sir, delusion must take her dusky flight, and public justice must be amply vindicated. The whole and wholesome truth is what the people anxiously desire, and are entitled to receive. And it shall go freely forth to the world, that every honest and rational man may comprehend and acknowledge the wrongs—the flagrant, wilful wrongs—that have been offered to this wise, upright, and economical Administration.

Here, sir, is a tabular statement, showing, in three separate columns, the public expenditures from 1824 to 1839, inclusive:

Years	Aggregate amount of all expenditures, or payments of every kind, from the Treasury.	Aggregate amount independent of the payments on account of the public debt, whether funded or unfunded.	Aggregate amount for permanent and ordinary purposes, excluding payments on account of objects either extraordinary or temporary.
1824	$31,898,538 47	$15,330,144 71	$7,107,892 05
1825	23,585,804 72	11,490,459 94	6,537,671 27
1826	24,103,398 46	13,062,316 27	7,058,872 12
1827	22,656,764 04	12,653,059 65	7,437,175 78
1823	25,459,479 52	13,296,041 45	7,788,394 86
1829	25,044,358 40	12,660,460 62	7,503,204 46
1830	24,585,281 55	13,229,533 33	7,624,827 56
1831	30,038,446 12	13,864,067 90	7,679,412 66
1832	34,356,698 06	16,516,388 77	8,562,650 42
1833	24,257,298 49	22,713,755 11	8,827,095 77
1834	24,601,982 44	18,425,417 25	9,607,797 97
1835	17,573,141 56	17,514,950 28	9,157,490 32
1836	30,868,164 04	30,868,164 04	11,688,987 18
1837	37,265,037 15	37,243,214 24	13,093,321 83
1833	39,455,438 35	33,849,718 08	13,837,594 44
1839	37,129,396 80	25,982,797 75	12,325,800 18

And here, sir, is another tabular statement, showing the public expenditures for extraordinary objects, including the public debt, in 1837, 1838, and 1839; that is, during the three years of Mr. Van Buren's Presidential service:

Public debt	1837.	1838.	1839.
Trust funds	$21,322 91	$5,605,720 27	$11,146,599 05
Indemnities			
Claims of States for war debts	$1,295,968 74	$1,329,744 80	$240,694 18
Three per cent. on lands sold	4,369,065 32	975,577 00	711,552 27
Two per cent. on account of Cumberland road	70,582 32	107,707 79	4,875 50
Occasional donations in money to objects in Dist. of Columbia	450,542 00	26,894 96	63,670 01
Survey of the coast	406,734 60	351,977 62	198,520 00
Taking the census	235,240 75	177,617 15	126,374 77
Duties refunded	97,900 00	88,937 30	91,995 78
Exploring Expedition			12,000 00
Materials collected for the gradual improvement of the navy	333,740 00	454,556 69	179,304 30
(including improvements at navy yards)	97,393 92	161,413 91	97,968 36
Durable public buildings of all kinds	860,116 34	603,541 09	714,857 74
Bridges and fortifications	1,056,029 52	1,186,551 08	1,248,014 97
Roads, canals, breakwaters, and improvements in rivers and harbors (except Cumberland road)	966,655 33	513,544 47	735,570 87
Arming militia and forts	1,493,210 42	1,191,802 84	1,000,491 59
All pensions, except those of invalids	587,118 44	440,121 11	474,906 35
Purchase of titles to lands from Indians (Indian Dep't)	2,471,956 07	1,937,068 10	3,033,761 28
Removals of Indians and the wars	2,484,185 20	4,603,518 72	1,708,123 12
Such other payments as may have been made for property lost or injuries committed during any hostilities, and other miscellaneous items of an extraordinary or temporary character	6,924,211 73	5,411,192 75	1,775,914 13
	$24,144,892 41	$20,012,123 64	$12,656,997 57
	313,931 71	402,326 17	232,359 36

The first of these tabular statements exhibits the aggregate expenditures; and the second one the detailed, separate expenditures for extraordinary and temporary purposes, including the public debt.

The second table explains the third column in the first one; and the two tables will enable every citizen to understand the true amount and character of our public expenditures. They clearly show that the public expenditures for permanent and ordinary purposes have never amounted to $14,000,000, during any one year of the present Administration.

The table commences with the last year of Mr. Monroe's administration, and comes down through the single term of Mr. Adams, the two terms of General Jackson, and the three years of Mr. Van Buren; and applies the same impartial rule to them all. It first gives the aggregate, and then separates the extraordinary from the ordinary expense; and by a simple exhibition of figures, clearly shows that the aggregate expense of Mr. Monroe's administration was not, as has been too often asserted, asserted, only $13,000,000, but about the double of that; while the frugality claimed for any preceding administration at the expense of Mr. Van Buren's, is deceptious and unreal, and is only apparent, even in a fallacious form, when resort is had to the very process which reduces the expense of Mr. Van Buren's administration below the sum of $14,000,000; that is, by a deduction of the extraordinary.

Now, Mr. Chairman, I have met with no gentleman of enlarged views and knowledge of this great country, who would venture to assert that $14,000,000 as wa prodigal allowance for the current expenses of a nation so extensive in territory, so expansive in action, and so progressive in wealth, power, and resources, as the Republic of the United States. Every gentleman, I think, concedes the propriety of such an allowance for the maintenance of a Government so mighty as this. But the Opposition party endeavor to fasten on the Administration the exclusive responsibility and the public odium of every expenditure beyond this sum; and unfairly argue that the President is bound, without regard to the public will, to Congressional action, or party votes, to limit by Executive inter-

ference the public expenditures to a determinate and precise sum.

This doctrine of the Opposition is arbitrary and cruel, and exposes the President to certain and undivided censure, no matter what his conduct may be. For if he approves a bill for any extraordinary or temporary expenditure of money, he is forthwith charged with extravagance and prodigality. If he rejects it, he is charged with settled hostility to the improvement of his country; and the ready and concocted clamor goes forth that the public prosperity is paralyzed by ruthless shocks from the veto power of the President.

This, sir, is the same sort of ungrateful treatment which President Jackson received from the pretended friends of a strict and frugal Government.

When General Jackson was placed at the head of the Government, the Jeffersonian expounders of the Constitution were feeble and few; and not more than forty-five trusty Democrats could be mustered in the House on a call of the roll.

Federal construction had become so strongly armed with gravers' tools and mining implements, that paper money was created without stint; and while sturdy mountains stooped their ponderous heads, artificial rivers and magnificent roads every where proclaimed the extravagant log-rolling spirit of the age. The representative integrity of the nation had capitulated to the potent and seductive assaults of corruption. Members of Congress, and the conductors of the press, had soiled their pockets with the fatal lure of a great moneyed power, acting in open defiance of the Government.

And the last hope of a written Constitution, and the perpetuity of free government, resided in the Executive breast, in the stout and honest heart of General Jackson. He defended the sacred charge. And his veto of the Maysville road bill and the United States Bank must ever rank in history among the proudest of his civil achievements. He who had faced with dauntless breast the foreign tyrants of his country, nerved his heroic soul to a successful combat with those stealthy corruptors and internal enemies of the Republic.

The earnest solicitude which President Jackson constantly evinced to limit the public expenditures to the economical wants of a frugal Government, is matter of history; and is illustrated in his public messages to Congress, in his opposition to a tariff for protection, to the system of internal improvements, to a continuance of the United States Bank, and to all those doubtful and constructive powers, the exercise of which created perpetual discord in the nation, and an appalling drain on the public Treasury; and I may add, sir, that his economical spirit was strongly manifested in the payment of more than fifty millions of the national debt.

Still the public expenditures greatly exceeded his expectation and desire. But that was his misfortune rather than his fault. He could not possibly prevent it; for he never had, at any time, from the commencement to the close of his eventful administration, a majority in both Houses of Congress, and he was sometimes found, I believe sir, in a minority in both.

But no motive but the public good could touch his impenetrable heart. He persevered, and attained his ends; and by the purity of his purposes, the wisdom of his councils, the vigor of his resolves, and the cloudless glory of his character, brought back the body politic to a healthful constitutional action.

That Mr. Van Buren has also endeavored, by every constitutional and rightful method, to check the spirit of extravagance which has prevailed in the expenditure of the public funds, there is abundant evidence to prove. In his able and explicit letter of October, 1832, to the North Carolina committee at Shocco Springs, he expressed the opinion that the general interests of the whole country would be greatly promoted by withholding appropriations for internal improvements, until some constitutional regulation upon the subject could be provided. It is true, sir, he once voted for a bill to authorize tolls on the Cumberland road, a public work projected many years before. But I am not aware that the constitutional powers which that road involves, were discussed until President Monroe vetoed one of the Cumberland road bills; and in the debate on Foote's resolution, to authorize the Vice President to call to order for words spoken in the Senate, Mr. Van Buren alluded to his vote on the Cumberland road bill, and declared that it was the only vote he had ever given in the Senate, which could be tortured into a departure from the principles he truly entertained—that he deeply regretted the vote—that if the question were presented again, he should vote against it; and that he applauded the course of President Monroe, when he stamped his negative upon that bill. His annual message to the present Congress, proves the sincerity of his views upon this important subject, and has subjected him to the violent censure of the latitudinous Whig party, who claim and exercise unlimited authority to appropriate the national revenue to objects of internal improvement, and then charge the evil consequences on the Democratic party.

On the 14th of February last, the gentleman from New York, [Mr. BARNARD] a talented and distinguished Whig, asserted on this floor that "the great interest of internal improvement by the General Government, was placed in jeopardy by the attitude which President Van Buren had assumed towards it. "Here, in my place, and on my responsibility, as a member of this House, I charge (said he) that the President of the United States has now assumed an attitude of distinct and avowed hostility to the policy of making further appropriations for internal improvements; and I shall refer to proof of the fact. I make this charge, not certainly in the way of reproach, since the President has acted in the matter, in the discharge of his constitutional duty, as the official adviser of this House; and, as I am bound to suppose, according to his conviction of right and duty; but I speak of the matter of fact, as I shall now show it to be: a matter beyond doubt or controversy." The gentleman [Mr. BARNARD] having exhibited the evidence in support of his charge against the President, said that nobody could doubt, who looked into the evidence, that it was the settled policy of the President, in which he was sustained by his Secretaries, that no appropriation whatever ought to be made, the present year at least, for works of internal improvement. That the President insisted, in the strongest terms, on the duty of Congress to keep the appropriations within the estimates presented; and insisted that nothing should be appropriated for works of internal improvement. That both the Legislature and the Executive should be held to the strictest accountability if any thing of the sort should be permitted; and intimated that he (the President) might interpose his veto authority to prevent it?

It is passing hard, therefore, that the Federalists should, in the teeth of their own voluntary evidence, charge the President with a disposition to dissipate the public funds, and to encourage extravagance in the most dangerous and hateful forms.

If, during the present administration of the Government, an increase in the aggregate expenditures of the nation has taken place, the items referred to in the table I have produced, will fairly exhibit the purpose and character of it; and prove that the increase has arisen in the army and navy—in the Indian service—in the Indian wars—in the removal of the Indians, and in the purchase of their lands—in the protection of our Northern and Western frontiers—in our public arms and munitions of war—in the defence of our maritime coast—in pensions—in the remuneration of our gallant officers and soldiers—in the charges of national legislation—in durable fire proof edifices for the public offices and archives—and in the various expenditures for the District of Columbia, over which Congress exercises a guardian care.

It is not my purpose here to vindicate either the separate or aggregate expenditures made under the present and past Administrations; but to prove that such expenditures cannot be honestly condemned by the Opposition party, for the obvious reason that those expenditures, at the very time they were authorized, received more countenance and support from the Opposition, than they ever did from the Administration party.

The votes on which the yeas and nays were taken in Congress, during the present and past Administrations, will plainly show, that a large majority of the Opposition members did freely and cordially support the bills for extraordinary appropriations. These votes are recorded in the journals of Congress, promulgated and confirmed in the speeches and proceedings of the day; and furnish abundant, undeniable, and conclusive proof, as I shall now attempt to show.

The "Act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," approved 7th June, 1832, passed the House of Representatives by a vote of yeas 128, nays 45; of the affirmative, 60 were of the Opposition. Of the negative, 20 were of the Opposition.

In the Senate, this bill was passed by a vote of yeas 24, nays 19. In the affirmative, 15 of the Opposition, in the negative but 2.

The aggregate expenditure under this bill has been $11,922,232.

A bill authorizing a subscription to the stock of the Alexandria Canal Company, approved 25th June, 1832, was ordered to a third reading in the House of Representatives, by a vote of yeas 90, nays 78. Of the affirmative, 69 were of the Opposition, of the negative, only 11.

In the Senate, the vote upon this bill was yeas 38, nays 5. Of the affirmative, 22 were of the Opposition, of the negative, none. Sum appropriated by this bill was $100,000.

A bill to raise a regiment of mounted rangers, approved June 15, 1832, passed the Senate by a vote of yeas 30, nays 11. 18 of the Opposition for the bill, and 3 against it.

The yeas and nays were not taken on this bill in the House of Representatives, but I infer from the favorable consideration given to it in the Senate by members in the Opposition, that it received the support of their friends in the House.

This regiment of rangers was subsequently converted into one of dragoons, and has produced an annual expenditure of $300,000, making in eight years $2,400,000.

A bill vesting in the corporation of the city of Washington the rights of the Washington Canal Company, approved May 31st, 1832, was passed in the House of Representatives by a vote of yeas 99, nays 91. Of the affirmative, 70 were of the Opposition; of the negative, only 13.

The expenditure under this bill was $150,000.

A bill to improve the navigation of the Potomac river between Georgetown and Alexandria, approved March 2d, 1833, was passed in the House of Representatives by a vote of yeas 105, nays 69. Of the affirmative, 66 were of the Opposition; of the negative, only 11.

The expenditure under this bill was $150,000.

A joint resolution for the continuation of Gales and Seaton's compilation of State Papers, approved 2d March, 1833, passed the Senate by a vote of yeas 22, nays 9. Of the affirmative, 18 were of the Opposition; of the negative, 1.

The expenditure under this act was $145,606.

A bill for the benefit of the city of Washington, (interest on Holland debt,) approved June 28th, 1834, passed the House of Representatives by a vote of yeas 98, nays 78. Of the affirmative, 53 were of Opposition; of the negative, only 11.

In the Senate this bill was passed by a vote of yeas 21, nays 19. Of the affirmative, 18 were of the Opposition; of the negative, 8.

The expenditure under this bill was $70,000.

A bill for the better organization of the marine corps, approved June 30th, 1834, passed the Senate by a vote of yeas 25, nays 12. Of the affirmative, 19 were of the Opposition; of the negative, 1.

This act produced an annual expenditure of about $70,000; exclusive of an increase of the pay of officers of the corps by other acts, making in six years the aggregate sum of $420,000.

A bill to regulate the pay of the navy, approved March 3d, 1835, was ordered to a third reading in the Senate by a vote of yeas 29, nays 12. Of the affirmative, 21 were of the Opposition; and of the negative, only three.

This bill passed the House of Representatives by a vote of yeas 117, nays 103. Of the affirma-

tive, 61 were of the Opposition; and of the negative, only 14.

According to the estimate of the Fourth Auditor, this bill produced an increased annual expenditure of about $500,000, which, in five years, amounts to $2,500,000.

A bill authorizing the South Sea and Pacific Ocean Exploring Expedition, approved May 14th, 1836, passed the House of Representatives by a vote of yeas 92, nays 68. Of the affirmative, 45 were of the Opposition; and of the negative, 25.

The estimates of expenditure under this act, in 1836,-37,-38, and '39, amount to the sum of $559,382.

A bill for the relief of the corporate cities of the District of Columbia, approved May 20, 1836, passed the Senate by a vote of yeas 17, nays 16. Of the affirmative, 9 were of the Opposition, and of the negative 7.

This bill passed the House of Representatives by a vote of 110; nays 69. Of the affirmative, 56 were of the Opposition, and of the negative, only twenty.

The appropriation under this bill was $1,500,000.

A bill to regulate the compensation of certain officers of the revenue cutters, approved July 2, 1836, passed the House of Representatives by a vote of yeas 143, nays 52. Of the affirmative, 51 were of the Opposition, and of the negative 29.

This bill produced an annual increase of expenditure, (taking the number of officers now in the service as the rule of calculation,) of $17,684, making, in four years, an aggregate increase of $70,736.

A bill to raise an additional regiment of dragoons or mounted riflemen, approved May 23, 1836, passed the House of Representatives by a vote of yeas 145, nays 32. Of the affirmative, 59 were of the Opposition, and of the negative only 17.

The annual increase of expenditures under this bill is about $300,000, making an aggregate, in four years, of $1,200,000.

A bill to provide for the improvement of certain harbors, and for the removal of obstructions at the mouths of certain rivers, and for other purposes, approved March 3d, 1837, passed the House of Representatives by a vote of yeas 107, nays 51. Of the affirmative, 49 were of the Opposition, and in the negative 23. This bill passed the Senate by a vote of yeas 24, nays 17. Of the affirmative, 10 were of the Opposition, and of the negative only 3.

The expenditure under this bill was $300,000.

A bill to amend the judicial system, approved March 3d, 1837, passed the Senate by a vote of yeas 38, nay 1. Of the affirmative, 22 were of the Opposition.

A bill making appropriations for the naval service for the year 1836, producing an increased expenditure, was ordered to a third reading in the Senate by a vote of yeas 41, nay 1. Of the affirmative, 23 were of the Opposition.

A bill for the collection of materials, and the purchase of sites, &c. for the construction of certain fortifications, passed the Senate on the 26th of May, 1836, by a vote of yeas 31, nays 9. Of the affirmative, 11 were of the Opposition.

A bill making appropriations for the naval service for the year 1837, passed the House of Representatives February 23d, 1837. An amendment appropriating $400,000 for six vessels of war, was agreed to in the House by a vote of yeas 116, nays 48. Of the affirmative, 50 were of the Opposition, and of the negative 23.

A resolution for the purchase of books for distribution among such members of the 25th Congress as had not received the same under former resolutions, was introduced by Mr. Rariden, and on the 27th January, 1838, passed by a vote of yeas 113, nays 71. Of the affirmative, 54 were of the Opposition, and of the negative 31.

A bill making partial appropriations for the suppression of Indian hostilities of 1838, passed the House of Representatives by a vote of yeas 164, nays 2. Of the affirmative 75 were of the Opposition, and of the negative 2.

The appropriation under this bill was $1,000,000.

A bill making appropriations for preventing and suppressing Indian hostilities for the year 1838 and for arrearages of 1837, passed the House of Representatives by a vote of yeas 143, nays 37. Of the affirmative 48 were of the Opposition, and of the negative 35.

The appropriation under this bill was $6,739,410.

A bill making an appropriation for the continuation of the Cumberland road, passed the House of Representatives by a vote of yeas 96, nays 80. Of the affirmative 65 were of the Opposition, and of the negative 24.

The appropriation under this bill was $459,850.

A bill making appropriations for building lighthouses, &c. passed the House of Representativs by a vote of yeas 65, nays 56. Of the affirmative 41 were of the Opposition, and of the negative 16.

The amount of appropriation under this bill was $307,000.

A bill to provide for certain harbors, and for the removal of obstructions at the mouths of certain rivers, &c. during the year 1838, passed the House of Representatives by a vote of yeas 108, nays 81. Of the affirmative 65 were of the Opposition, and of the negative 27.

The appropriation under this bill was $1,535,008.

This account of our national appropriations and expenditures is faithful and true; and is fully illustrated and confirmed by the unimpeached and unimpeachable records of the whole country. No ingenuity can falsify it. No sophistry can pervert it. It must remain forever as a lasting refutation and wholesome rebuke of all the idle, ungenerous, and disingenuous charges which have been continually made against the present administration of the Government.

I sigh, Mr. Chairman, over the frailties of political ambition, and the degeneracy of partisan morals, when, in the very teeth of such authentic and irrefutable evidence—evidence which proves the sincere and persevering disposition of the Administration party to keep the public expenditures within the limits of a wise and wholesome economy—we daily witness the bold, ceaseless, and unscrupulous efforts of the Federal party to distort facts—to reprobate the very expenditures which they themselves did publicly advise—to cast on others the evil and the odium of a public prodigality which they themselves created and continually sustained by their own recorded speeches and votes—to barter the refined and enduring gold of private and national justice for the acquisition of some trashy capital in hand; and to reverse the proper positions, and the faithful lights in which the muse of history should record the character and the actions of our public men.

No force should resist, no art repress, nor subterfuge avert the public indignation, when reckless, factious partisans desperately determine to govern or to ruin a great and prosperous nation. Truth, virtue, patriotism, and wisdom, give a preferable title to command the councils of a free, enlightened people; and must always lie at the bottom of national glory and felicity.

No party, however emulous of rule, or exalted in authority, can venture with impunity to weaken and to undermine this fair and solid foundation of Republican prosperity.

We owe it to the bounty of Providence that the mischievous desires of the heart are often counteracted by a strange confusion of the head, which makes desperate politicians audacious without art, and hypocritical without deceiving. Nature has implanted a salutary instinct in the mind, and a sense of eternal justice in the heart, which enables every virtuous people to appreciate their honest benefactors, and to protect them against the crafty combinations of confederated foes; the scheming avarice of party strife; and all the vile, revengeful, maddening rage of disappointed ambition.

Gentlemen in the Opposition exaggerate the distress of the times; and prognosticate a restoration of national felicity under the hopeful reign of General Harrison. They first overcharge their picture of distress; and then applaud the efficacious panacea of a National Bank, in making a cure, and in raising and maintaining the prices of our staple productions.

Sir, the future may be safely predicted from a faithful history of the past. During the palmy days of the National Bank there was as much general distress, and as much fluctation in the prices of our staple commodities as there has been since.

The average price of flour in Philadelphia, during the four years of Mr. Adams's administration was $5 11¾. During the eight years of General Jackson's administration, it was $5 90. During the four years of Mr. Van Buren's administration it has not been less than $7.

In Niles's Register, under date of October 9th, 1819, we find the following:

"WHEAT.—The Buffalo Journal of the 14th ultimo, says considerable quantities of wheat of the first quality were sold during the past week at *thirty seven and a half cents* the bushel; and the Gazette says, it did not meet a ready sale even at that price."

Again: "There was a considerable sale of good and wholesome flour in Baltimore, a few days since, which after the cost of transportation and other incidental expenses were paid, yielded the owner only $1 25 cents the *barrel*."—*Register, March* 17, 1821.

This was under the reign of the National Bank and during the "era of good feelings" in Mr. Monroe's administration. But one then had the folly to tell the farmers, that these low prices were owing to the administration, nor could they be charged to the want of a National Bank. But let us come ten years later—take the year 1830, with a National Bank, and 1840 without a National Bank. The prices in those years in the great Western market for bread stuffs and provisions, Rochester, were as follows:

In April, 1830, *with a National Bank.*	*In February*, 1840, *without a National Bank.*
Wheat, 75 cents a bushel,	Wheat, 88 cents a bushel,
Flour, $4 25 the barrel,	Flour, $5 25 the barrel,
Oats, 20 cents the bushel,	Oats, 31 cents the bushel,
Corn, 35 do	Corn, 47 do
Potatoes, 18 do	Potatoes, 20 do
Beef, $2 50 to $3 cwt.	Beef, $4 to $5 cwt.
Pork, $4 per cwt.	Pork, $5 per cwt.

I present, sir, a statement of prices, taken in part from the Pennsylvanian, and in part from the Globe, and which, I presume, is correct:

PRICES OF FLOUR,

For the first three months of the year, from 1796 to 1840, inclusive.

Years.	January.	February.	March.
1796	$12 00	$13 50	$15 00
1797	10 00	10 00	10 00
1798	8 50	8 50	8 50
1799	9 50	9 50	9 25
1800 }	11 50	11 25	11 50
1801 }			
1802	7 00	7 00	7 00
1803	6 50	6 50	6 50
1804	7 50	6 50	7 00
1805	11 00	12 25	13 00
1806	7 50	7 50	7 00
1807	7 50	7 20	7 00
1808 (embargo)	6 00	7 50	7 00
1809 do	5 50	7 00	7 00
1810*	7 75	8 00	8 25
1811	11 00	10 50	10 50
1812 (war)	10 50	10 12½	9 75
1813 do	11 00	10 00	9 50
1814 do	9 25	8 25	8 00
1815 do	8 00	8 00	7 75
1816	9 00	9 00	8 00
1817	13 50	13 75	14 25
1818	10 00	10 75	10 50
1819	9 00	8 75	8 25
1820	6 00	5 50	5 00
1821	4 00	4 00	3 75
1822	6 25	6 25	6 25
1823	7 00	6 75	7 00
1824	6 00	6 00	6 12
1825	4 87	5 12	5 12
1826	4 76	4 75	4 50
1827	5 75	6 00	5 75
1828	5 00	4 87	4 75
1829	8 50	8 25	8 00
1830	4 62	4 50	4 50
1831	6 12	6 25	7 00
1832	5 50	5 50	5 50
1833	5 75	5 00	5 50
1834	5 25	5 00	5 87
1835	4 87	5 00	5 00
1836	6 50	6 62	6 75
1837	11 00	10 00	10 00
1838	10 00	11 00	9 75
1839	8 00	8 00	7 50
1840	7 25	6 12	6 00

From 1811, when the charter of the old National Bank expired, to 1816, when the recent United States Bank was incorporated, the average price of flour in Philadelphia was $9 19, and so great

*In July and August this year $11 and $12.

was the fluctuation in the prices of that article after the National Bank commenced business, that in 1820 flour fell to $4 72, the smallest average price in the Philadelphia market since 1790.

Here we find that when the National Bank was in all its noon of power and fame—in the prosperous golden days of 1830—the prices of produce were considerably lower than they now are, under all the hindrance and embarrassment which a suspension of specie payments by the "great regulator" and its attendant satellites was calculated to produce.

The embarrassment and distress which gentlemen complain of have been produced, in a great measure, by the very policy which their own political friends have advocated and forced on the country.

I propose, sir, to examine some of the prominent causes of this imputed embarrassment and distress; and, unless I am grossly deceived, or wholly incapable of comprehension, I think I may affirm that the Administration is in no way responsible for them. The secret of the pecuniary revulsion which has fallen on the banks, impaired their credit, and disconcerted the natural order of trade, lies in causes over which the General Government could exercise no control, without a total prohibition of all the wise and salutary principles of the Constitution.

It is the province of a considerate mind sometimes to recur as well to fundamental principles, as to past events, and to profit by the lessons which both are calculated to afford. To that wholesome preliminary of political action I fain would invite the gentlemen on the other side.

But I cannot anticipate obedience to the invitation. Gentlemen seem desperately engaged in a struggle for lead and authority in the national councils; and insist that the spoils of office they burn to enjoy, are abused and perverted by their political opponents. In the patriotic pursuit of the glittering prize, gentlemen are so blinded by prejudice and rage that they cannot see, or seeing, will not admit, that any thing that is good, praiseworthy, or honorable, can be accomplished by any other mortal man than the modern Federal Whigs; or that any calamity, private or national, can fall upon the land, without the direct agency or sinister connivance of a Democratic Administration.

However capricious in principle, familiar to the changes of their party cognomen, and habituated to every shifting and occasional expedient of public policy, no wild bee woos the odors of the morn with more delight, nor takes a course more directly to the honeyed hive, than do the Federal Whigs in their inflexible endeavors after power and place.

The wealth, glory, and stability of the nation must all be levelled to the mire, that Federal Whigs may rise upon the collected ruins.

A little attention, sir, to the condition of our foreign trade for several years past, and a comparison of our exports with our imports, will satisfy the committee that the balance of trade has accumulated against us to a very injudicious amount.

The reports of the Secretary of the Treasury show, that from 1820 to 1830 the imports were $625,451,517
And the exports, - - - 587,788,558

Excess of imports over exports, and balance against the United States, $37,662,959

Presenting for that period an average balance of foreign trade against us of three millions four hundred thousand dollars per annum.

From 1830 to 1838, the imports were $869,780,304
Exports - - - - 675,460,384

Making an excess or balance against us of - - - $194,319,920

In eight years, averaging upwards of twenty-four millions each year.

What produced this fearful balance against our foreign trade?

One of the most direct and efficient causes was the free and continual issues of paper money, which occasioned a rise in the nominal price of every commodity among us.

The consequence was that the high price of foreign productions tempted foreigners to send us a large amount of commodities, while the high price of our domestic productions prevented foreigners from taking in exchange a large amount of our own commodities. As therefore we bought from foreigners more than they bought from us, they would not take the paper, but the coin of the banks; and they took the coin in such quantities as to leave the banks without an adequate supply for banking purposes.

The consequence was, the banks failed, violated their engagements to the nation, and defrauded their bill holders. If the affairs of the banks had been previously well mannaged, the banks might have diminished the issue of notes, called in a portion of their debts, and stopped the exportation of silver and gold.

Another cause of this balance of trade against us, is to be traced to the prodigal facility with which the various States created public debts, for the redemption of which they pledged bonds and stocks, which were sold abroad at depreciated prices, and for what they would bring.

A printed publication, under the authority of Mr. Flagg, late Comptroller of the State of New York, shows the debts contracted under the authority of the different States that have, from 1820 to 1838, resorted to the expedient of borrowing money on the credit of their stocks and bonds bearing interest, and redeemable at a distant day.

For Banking - - -	$52,640,000
" Canals - - -	60,201,551
" Railroads - - -	42,871,084
" Turnpikes and Macadam roads	6,618,958
" Miscellaneous objects -	8,474,684
Making an aggregate of State debts of	$170,806,277

Of which sum $148,226,657 were contracted between 1830 and 1838; during which period the excess of imports over exports swelled to the enormous sum of $194,319,920.

To the amount of this public debt, created by the States, may be added the bonds and other liabilities which, within and since the period which I have named, have been issued and sent into foreign markets for the benefit of incorporated companies; and which, according to a recent computation, swell the grand aggregate of our foreign debt to $200,000,000.

The security upon which this fearful balance was suffered to remain unliquidated, was founded principally on State bonds and stocks, and notes issued by corporations created by the States. For the redemption of the principal and interest of such bonds and stocks, the faith of the States has been solemnly pledged. These bonds and stocks are mostly in the hands of foreigners, but a fair and honest redemption of them is not, on that account, the less sacred and obligatory.

A public debt of $200,000,000, and an annual interest of ten or twelve millions more, with the unavoidable pecuniary means annually to be raised to discharge the current and ordinary obligations of the State and Federal Governments will, for many years to come, tax the property and industry of the people, and weaken the resources of every State which has improvidently borrowed capital to invest in expensive and unproductive schemes.

I have already stated that from 1820 to 1838, there was an average excess of imports over exports of twenty-four millions of dollars, every year. Through the instrumentality of bankers and attorneys, our State bonds and stocks reached the hands of foreign capitalists, who paid for them principally in promiscuous merchandise, while the foreign gold and silver, which we received in part payment, only stimulated the spirit of extravagance and speculation; and were quickly reinvested again to bleat the excess of our importations.

From 1820 to 1830, the exportations of gold from the United States amounted to $70,932,660
The importation of gold into the United States, for the same period, amounted to - - 69,144,645

Making the excess of exportations $1,788,015

From 1830 to 1838, the importations of gold into the United States amounted to $92,991,308
The exportation of gold from the United States for the same period amounted to - - 39,646,136

Making, within eight years, an excess of importations of - $53,345,171
Add to this the excess of merchandise for the same period - 148,174,045

$201,519,217

From this sum deduct a deficit of merchandise in the year 1838 - 8,908,282

And the aggregate excess, for eight years, amounts to - - $192,610,935

Whoever, sir, will examine the origin and progress of our foreign debt, will perceive that they have closely indicated the constantly growing excess of our imports over our exports, since the year 1820.

From 1820 to 1830, the amount of our State debts was only $26,000,000; at which period the balance or excess of imports over exports was only $37,662,959. And here we reach the fatal period at which State legislation began unwisely to pamper the extravagance of the day; when State bonds and State stocks were continually and profusely issued for public objects of imaginary utility.

From 1830 to 1838, the stocks and bonds, issued under the authority of State Legislatures, amounted to $148,000,000; during which period our imports exceeded our exports by $192,610,935.

Private and incorporated companies, reckless individuals, and sovereign States, all indulged in the heedless enterprise of a speculative cupidity. This pervading spirit multiplied banks, and covered the land with paper money.

In 1820, there were in the United States 308 banks, with a capital of $137,110,611, whereof $19,000,000 were in specie.

In 1830, there were in the United States 330 banks, with a capital of $145,192,268; whereof $22,114,917 were in specie.

In 1838, there were in the United States 829 banks, with a capital of $317,636,778; whereof $35,184,112 were in specie.

There is, Mr. Chairman, another comparison of cotemporaneous events to which it may not be inappropriate to allude.

From 1820 to 1830, the sales of the public lands amounted to the sum of $13,300,826.

From 1830 to 1838, $69,917,824.

In the single year of 1836, the sales of the public lands amounted to the sum of $25,167,833.

Here we see that the effect of the issue and sale of State bonds and stocks, and of corporate liabilities of various sorts, furnished the means of feeding and sustaining the inordinate speculative spirit of the age; and which led to an exchange of millions of acres of the most valuable public domain for depreciated bank notes, till the famous specie circular of 1837, measurably checked the general mischief, by requiring payment for the public lands to be made in coin.

But so deeply seated was the passion of speculation, that even after the banks suspended in 1837, the specie payments for public lands exceeded, in that very year, $7,000,000.

Again, sir, from 1820 to 1830, there was not one barrel of flour, or one bushel of wheat, imported into the United States. Whereas, from 1830 to 1838, we imported into the United States 5,643,075 bushels of wheat.

This shows that the spirit of speculation had so greatly diverted the labor of the country from the cultivation of the soil, that some portion of our foreign debt was created even for the necessaries of life.

Yet, sir, with all this startling evidence before us, gentlemen can find nothing in the legislation of the various States, in the unbridled avarice of banking institutions, nor in the general, wide-spread prodigality of the age, which could disturb the wholesome regularity of that foreign trade with which our own domestic prosperity has become so intimately blended.

No, sir, this loved disturbance of the country's weal must be traced to a Democratic President; or else "Othello's occupation's gone," and the source

of Whigish hope and Federal expectation dries up.

While the Federal speakers tax their inquisitive minds, and perplex their fruitful imaginations, to create an exaggerated national distress, and to assign political causes for it, they have remembered to forget the explicit testimony of their favorite witness—the late President of the United States Bank.

But Mr. Nicholas Biddle shall now come forth; and the Federal orators who labor to depreciate the value of their own Government, shall have the benefit of his wisdom and experience.

In a published essay which that gentleman wrote, he portrayed the causes which have produced an enormous foreign debt, a reduction of our exports, and a suspension of specie payments by the banks in the United States. And even he who waged a bold and arrogant war against the Government, and who has been ever ready to condemn it with a severe and unscrupulous pen, does not pretend that the course of the Administration has tended, in the least, to create disorders in the currency, fluctuations in the market, or any of the general embarrassment and distress which the disontented gentlemen so mightly delight to paint.

"ESSAY ON THE CURRENCY, BY MR. N. BIDDLE.

"The currency of the United States consists of coin, and of bank notes promising to pay coin. As long as the banks can always pay the coin they promise, they are useful, because, in a country where the moneyed capital is disproportioned to the means of employing capital, the substitution of credits for coin enables the nation to make its exchanges with less coin, and of course saves the expense of that coin. But this advantage has by its side a great danger. Banks are often directed by needy persons who borrow too much, or by sanguine persons anxious only to increase their profits without much pecuniary interest or personal responsibility in the administration. The constant tendency of banks, therefore, is to lend too much, and to put too many notes in circulation. Now, the addition of many notes, even while they are as good as coin, by being always exchangeable for coin, may be injurious, because the increase of the mixed mass of money generally occasions a rise in the price of all commodities. The consequence is, that the high price of foreign production tempts foreigners to send us a large amount of their commodities, while the high price of domestic productions prevents the foreigners from taking in exchange a large amount of our commodities. When, therefore, you buy from foreigners more than they buy from you, as they cannot take the paper part of your currency they must take the coin part. If this is done to a considerable extent, the danger is that the banks will be obliged to pay so much of their coin for their notes as to leave them not a sufficient quantity to answer the demand for it, in which case the banks fail and the community is defrauded. To prevent this, a prudent bank, the moment it perceives an unusual demand for its notes, and has reason to fear a drain on its vaults, should immediately diminish the amount of its notes, and call in a part of its debts. So, on the large scale, when the banks of a country perceive such a demand for coin for exportation as diminishes too much the stock of coin necessary for their banking purposes, they should stop the exportation. This they can always do, if their affairs have been well managed; and here lies the test of bank management.

"The law of a mixed currency of coin and paper is, that when, from superabundance of the mixed mass, too much of the coin part leaves the country, the remainder must be preserved by diminishing the paper part, so as to make the mixed mass more valuable in proportion. It is this capacity of diminishing the paper which protects it. Its value consists in its elasticity—its power of alternate expansion and contraction to suit the state of the community; and, when it loses its flexibility, it no longer contains within itself the means of its own defence, and is full of hazard. In truth the merit of a bank is nearly in proportion to the degree of this flexibility of its means. If a bank lends its money on mortgages, on stocks, for long terms, and to persons careless of protests, it incurs this great risk; that on the one hand, its notes are payable on demand, while on the other, its debts cannot be called in without delay—a delay fatal to its credit and character. This is the general error of banks, who do not always discriminate between two things, especially distinct, in banking, a debt ultimately secure, and a debt certainly payable. But a well managed bank has its funds mainly in short loans to persons in business—the result of business transactions—payable on a day named, which the parties are able to pay, and will pay at any sacrifice; in order to escape mercantile dishonor. Such a bank has its funds, therefore constantly repaid into it, and is able to say whether it will lend them out again.

"A bank so managed, if it finds too much demand for its coin to go abroad, begins by not lending more than it receives every day; and then goes further, by not lending as much as its income, declining to renew the notes of its debtors, and obliging them to pay a part or the whole, making it a rule to keep its discounts within its income. The operation proceeds thus: by issuing no new notes, but requiring something from your debtors, you oblige them to return to you the bank notes you lent to them, or their equivalents. This makes the bank notes scarcer—this makes them more valuable—this makes the goods for which they are generally exchanged less valuable; the debtor, in his anxiety to get your notes, being willing to sell his goods at a sacrifice. This brings down the prices of goods, and makes every thing cheaper. Then the remedy begins; the foreigner, finding that his goods must be sold so low, sends no more; the American importer, finding that he cannot make money by importing them, imports no more. The remainder of the coin, of course, is not sent out after new importations, but stays at home, where it finds better employment in purchasing these cheap articles; when the foreigner hears of this state of things, he sends back the coin he took away. He took it away merely because your own domestic productions were so high that he could not make any profit in his country by taking them. But when the news reaches him that his productions are very cheap in our country, he will also learn that our productions are cheap too, and he sends back the coin by diminishing our paper, and it will stay until driven away by another superabundance of paper. Such is the circle which a mixed currency is always describing. Like the power of steam, it is eminently useful in prudent hands, but of tremendous hazard when not controlled, and the practical wisdom in managing it lies in seeing the proper moment to expand and contract it; taking care, in working with such explosive material, whenever there is doubt, to incline to the side of safety.

"These simple elements explain the present situation of the country. Its disorder is overtrading, brought on by overbanking. The remedy is to bank less, and to trade less.

"It is the order of nature, that if men or nations live extravagantly, they must first suffer till they repair losses by prudence, and that neither men nor banks should impose on the community by promises to pay what they cannot pay."

Here, then, sir, is the greatest banking character of the age, voluntarily abdicating the moneyed throne, fully revealing the secrets of bank freemasonry, and proclaiming, like an honest man, that the disordered condition of this country was produced by overbanking and overtrading, and that the remedy is to bank less and to trade less.

That the great inflated credit system which has prevailed among us, has failed to realize our promised blessings; that it has pampered wealth and defrauded labor; that it has only benefited a crafty few at the expense of the multitude; is obvious to every enlightened man who has watched the progress and operation of incorporated wealth. And it is appalling to reflect, that notwithstanding the banks have utterly failed to perform for the Government and the people their most important moneyed engagements, they have claimed an exemption from every forfeiture, and have turned politicians, and daringly contended for supremacy in the political contests of the day; while, in open violation of their deliberate pledges, they have wickedly endeavored to regulate prices in a way to subserve their arrogant schemes of political ambition. In the progress of contention for political power, they not only make loans to, and coerce payments from, particular persons, according to their political tenets, but they resort to political curtails, and turn their torturing, distressful, corporate screws upon whole communities of our fellow men, control the circulation of money, and reduce the prices of labor, property, and produce, till a control over the poor man's bread controls at once his patriotism and his vote, and even the liberty of thought and speech.

Sir, let this league of banks, this fearful incorporated dynasty of modern times, be strengthened to the measure of its own desires, and be tempted by its characteristic avarice to act in concert, as it surely will, with a Federal President and a National Bank of ample means, and from that very moment the Government may always act in full and firm defiance of the public will. Some wild bull then, with furious rage, with liberty of limb and unfettered horn, will toss your laws and liberty in the air.

Even now, while I address you, sir, in the national hall, near a thousand of these potent institutions, with their hundred millions in circulated notes, with two hundred thousand stockholders, presidents, directors, and clerks, and millions of dependent debtors, control the towns, and strive to defeat the re-election of President Van Buren and his political supporters.

And why, sir, have the bankrupts in politics and the bankrupts in trade confederated against Mr. Van Buren and his political friends? Obviously because that enlightened statesman and his political friends have determined to reclaim, if they can, this great country from the perilous disorders which have been produced by overbanking and overtrading throughout the land.

Sir, shall avarice pervade and subjugate the land? Shall all worth, wisdom, and morality perish in the general struggle to accumulate wealth? Shall irredeemable bank paper circulate forever, make a merchandise of justice, and openly defy the laws and institutions of the country? Shall public liberty prevail no more, and our own free Government crumble into dust, for want of that ordinary pecuniary assistance it derives from us?

We owe it to the wisdom of our ancestors that these are questions which it is rather for the people than for politicians to decide.

For myself, sir, whatever may be the changing scenes and fashions of the age, whoever may lead the national councils and prevail here, while I continue a member of this House, civil LIBERTY shall have an advocate to uphold her cause in full and free defiance.

SPEECH OF MR. RHETT,

OF SOUTH CAROLINA,

In the House of Representatives, June, 22, 1840—On the Independent Treasury bill.

Mr. CHAIRMAN: The great difficulty in addressing the committee on a subject so vast as that before them, is, to limit our observations to those parts of it, which are of the greatest importance, but which, at the same time, have not been touched or exhausted. Feeling the difficulty of the task, and the importance of time at this stage of the session, I had given up all expectation of addressing the committee; and should not now address them, were it not for some of the extraordinary positions assumed yesterday in the debate. On this great question, it will not be enough that we believe that we are right. In a popular Government, like ours, where the intelligence and feelings of the people ultimately shape and determine the policy of the Government, we must show that we are right; and that the measures we support are consistent with truth and justice, and promotive of the best interests and happiness of the people.

Gentlemen who have debated this question before the committee, have very properly carried it up to the first principles of our Government. On the one hand, it has been contended that this bill is strictly a Republican or Democratic measure. On the other hand, this has been denied; and the bill has been represented as despotic in its character, and totally opposed to the principles of our free institutions. The gentleman from Maine, [Mr. EVANS,] aware of the difficulty of this latter position, has contended that Democracy consists merely in numbers, and that that policy is Democratic which the majority, for the time being, think proper to adopt. Hence he argues that a United States Bank is a Democratic institution, because a majority of the people passed it into a law. The State bank deposite scheme was a Democratic measure, because a majority adopted it; and so, according to this position, very convenient for those who entertain his opinions, every Federal and unconstitutional project, which has obtained the sanction of a majority on this floor, has been a good Democratic measure.

Mr. Chairman, it cannot be by measures only, which may be as changeable as the temporary passions and interests of men, that we are to settle great principles of Government. Measures do not determine principles, but principles determine the character of measures. If the broad principles of liberty, which lie at the foundation of our institutions, could have been trodden out by the stern foot of tyranny or the practices of custom, where now would have been our position amongst the nations of the earth? And if usage can make right, and we have learned nothing more, after a half century of free government, than this, that Democracy consists in the mere will of a majority, it were better that our great experiment for extending liberty and free government to man, should cease entirely. What is Democracy?

A Democracy is simply the rule of the people—not of a part, but of the whole people; and a Republic is the same in signification—meaning, as its derivation imports, a government of all. The means and contrivances by which the people may rule themselves, may be various; but any means and contrivances, which do not secure to all the inestimable privileges of self-government, and protect all from aggression on their peculiar rights and interests, are inconsistent with the great principles of Republicanism or Democracy. Hence, in ancient times, the checks and balances in the constitutions of all Republics, and now, in our own Government, the limitations and arrangements of the Constitution of the United States. The principle of representation makes the great difference between our Democratic forms of Government, and those of antiquity; but the object of both has been the same: to enable the people—the whole

people to rule themselves. Undoubtedly, as one of the means to accomplish this end, the mere will of a majority may be resorted to, and ought to be resorted to, whenever the interests of the majority and minority are the same. In such a case, the minority are safe; for the majority cannot oppress them without oppressing themselves. But whenever the interests of the majority and minority are variant, experience has proved that power can no more be trusted in the hands of many than in the hand of one man. The minority will be ruled, and will not rule themselves; and they may be ruled by those whose interests are promoted by their oppression, and whose power depends on their subjection. Now, to say, under such circumstances, that a minority are free, even though they may not be oppressed, is a gross abuse of terms. They will be laboring under a despotism which, if used to promote the welfare of the majority, as all history proves to be the usual course of things, may prove far more remorseless and grinding than the rule of a single individual. What is a despotism? It is mere arbitrary power. Will that Government be less a despotism, because many, instead of one or a few, control it arbitrarily? Was Athens more free under her thirty tyrants than under Pisistratus? The numbers who rule arbitrarily are nothing to the principle. Liberty consists in self government; and the end of a Republic or Democracy is to secure this great privilege to all—to the minority as well as the majority; and whenever this end is not secured, where there are peculiar interests belonging to any portion of the people to be protected, the Government, whatever it may be to others, whatever its form, is to them a despotism. The truth is, sir, this notion of the arbitrary will of a majority producing liberty, is not only inconsistent with Democracy, but with the ends of all civil society and government, and the object of a written Constitution. Why do men form themselves into society, and submit to government? Is it not to obtain protection from injustice and oppression? And why do they form a written Constitution? Is not the end the same—protection?—and in a popular Government, where power, if uncontrolled, is all in the hands of the majority, for what purpose make a Constitution, which is nothing but a bundle of limitations upon power, if it is not to protect in their rights the minority, whose interests may be different from those of the majority? The majority need no protection by a Constitution, for they can protect themselves. All the checks and balances in a Constitution are designed to protect those who, from position or weakness, may be exposed to injustice, and to secure to all the privilege of self government; and if these ends are not secured to the minority, the leading object of all society and all good Government and of a written Constitution, is entirely lost to them.

The Constitution of the United States correctly exemplifies all these principles. If the will of a majority would have been liberty to all the people of the United States, the Constitution could have been written on a half sheet of paper. What constituted the great difficulty in forming it, and occasioned its jealous limitations and distribution of powers? Why, sir, it was to secure liberty to all, by counteracting, not by enforcing, this very principle of the will of the majority, which has been represented as the essence of Democracy. The people of the States, inhabiting a vast extent of territory—embracing various latitudes and climates—were interested in dissimilar productions—and employed in different pursuits of industry. To have established the will of a simple aggregate majority, as the principle of government over such a people, would be nothing else but a despotism. It was clear that they could rule themselves only by being left to the control of those interests peculiar to the different sections of the Confederacy, and that those powers of Government only could be safely intrusted to a Federal head, which were general to all the sections, and which, in their exercise, would affect them all equally. This is the whole theory of the Constitution. No one in the convention which formed it, ventured to propose the will of a majority as its basis; and those who were most jealous of liberty, and fearful of uncontrolled power—the Republican party—were for granting the least powers to the Constitution. Democracy, with them, was self-government to all—not the dominion of a part of the people; and they foresaw, that the more power was thrown into the hands of the Federal Government, the more irresponsible it would become—the weaker would be the sections—and the more exposed their peculiar interests to the aggression of the majority, whose interests might be opposed to theirs. And the same difference in policy, actuated the Republican party after the Constitution went into operation. The Federal party have been struggling from its origin to break down the limitations of the Constitution by construction—to resolve all its powers into "the general welfare," and thus establish the dominion of a majority of all the people of the United States as the principle of the Government. On the contrary, the Republican or Democratic party have endeavored to maintain the limitations of the Constitution, and thus afford that protection which the Constitution intended to secure to the minority—and to all the people of the Union the privilege of self-government. In this view it is that the organization of the Senate, the requisition of two-thirds to alter the Constitution, and the establishment of a President—which gentlemen instanced to prove that this Government was not Democratic—are in strict conformity to the cardinal principles of Democracy. Jealousy of all power, distribution of power and checks upon power, are its chief instruments for giving and maintaining liberty to the citizens. Our Government is strictly a Federal representative Democracy.

If these principles, Mr. Chairman, be correct, we are not to look to the varying acts or usurpations of a majority in Congress, for what constitutes Democracy or Republicanism; but we must look to the Constitution, and to those measures and principles which protect all, from the oppression or plunder of a part—carrying out in its highest sense, the maxim of "the greatest good to the greatest number," as the criterion of legislation and Government.

Let us now turn to the anti Republican features of the bill before the committee.

The bill, it is said, is anti-Republican, because it takes power from the people which ought to be reserved to them, and separates them from the Government. The principle laid down is certainly good. No more power than what is absolutely necessary, should be taken from the people; and they should be thoroughly identified with their Government. But is taking power from the banks taking it from the people, or a separation of the Government from the banks, a separation from the people? The position takes for granted, that the banks are the people. But if the banks are not the people, but corporate institutes independent of them, it would seem to follow, that any connection of the Government with them, would be separating the Government from the people, and giving it by the association, new elements of power, which might be dangerous to their liberties. The people are far more identified with fiscal officers, as their instruments for collecting the revenue of the Government, who are directly responsible to them, than with banks who are entirely independent of their control. The truth is, that those who oppose the connection of the Government with banks, oppose it on the very ground gentlemen affect to assume, in advocating it—the anti-Republican tendency of the connection. It adds power to the Executive and this Government, which ought to be reserved to the people or the States. It separates the Government from the people, by linking it to corporations irresponsible to them. On the contrary, to use officers responsible to the people, is the only method of collecting the revenue consistent with the principles of the Government. The theory of a representative Government is, that the people govern through their agents, whose acts are their acts. The whole Government and all its officers are theirs. Ultimate responsibility to the people is that which assimilates them with their Government, and constitutes the great principle of their self-government; and that measure alone is anti-Republican which is characterized by irresponsibility to their power.

But all free Governments, it is said, use banks as their fiscal agents, while despots use treasurers, to collect and disburse their revenues. If this was true, it would prove nothing, unless it can be shown that there is something in banks very dangerous to the revenues of a despot, and safe for those of a free people: and further, that under a written Constitution like ours, the authority exists for Congress to establish a United States Bank, or to sanction a connection with the State banks. But is it true that any Governments in the world pursue the policy recommended by the opponents of the bill, and use banks as their fiscal agents and depositories, over which they have no control? I think, sir, no such anomaly or example exists. It does not exist in France, where the Government has entire control over the Bank in France. It does not exist in England, for there, the Government has borrowed the whole capital of the Bank of England; and the bank is, to all intents and purposes, a Government institution. Both in England and France then, the agents employed to keep and disburse the revenues, are responsible to the Government. Is this so here? Was the United States Bank formerly, or are the State banks now, responsible to this Government? or do gentlemen propose to make them so by legislation? Far from it. The supposed independence of these institutions of the Government is, in their estimation, one of their chief recommendations.

It is further urged, that this bill is anti-Republican, because its tendency is to ruin the banking institutions of the States. If any one maintains such a proposition as the consequence of the regular action of this bill, in collecting and paying out the revenue in specie, for one I must decline answering him. Nothing can be more silly and more vain than to combat fancy with argument. But if, in this position, allusion is made to the proposition to render the State banks amenable to a bankrupt law passed by this Government, I answer, that there is no such measure proposed in this bill—and if it was, such an act, in my opinion, would be unconstitutional; and however necessary regulation and control might be to these institutions, they are not responsible to this Government. The sovereignties which created, alone can destroy them; and I will not consent that their privileges or existence shall be touched, much less be overthrown by the action of this Government; and such, undoubtedly, is the opinion of a decided majority in this House. If it was an open question, whether the States have a right to establish these corporations, by whose instrumentality the currency of the Constitution may be driven out of circulation, I might pause to consider it; but the long exercise of the power by the States, coeval with the Government, should render it indisputable. Nor, sir, can I see any force in the objection of the gentleman from Massachusetts (Mr. CUSHING) that the *design* of the bill is to overthrow, incidentally, the banks of the States, and is therefore unconstitutional and anti-Republican. The incidental effects must not be confounded with the intention of the bill. If the bill, under the disguise of collecting the revenue in specie, is intended in reality to act upon the banks, I concede that it would be unconstitutional; but if the object be in good faith to carry into effect the constitutional duty of collecting and disbursing the revenue of the country, it is perfectly constitutional, even though there may be some incidental effect upon the State banks produced by its operation. As far as I know the intention of those who support the bill, they will pass this bill with a view to this Government; and, in their opinion, its effect upon the banking institutions of the States will be very insignificant.

Mr. Chairman, in connection with the revenue, the subject of direct taxation has been introduced. It has been said that this bill has the tendency to accumulate taxes on the people, increase the expenses of collection, and produce embezzlement and waste. I think its influence will be directly the contrary, when compared with the methods of keeping and disbursing the public revenue, gentlemen opposed to it propose. But I admit that there is a tendency to accumulate taxes on the people, and to waste it on profligate and unconstitutional schemes; that tendency originates in

your system of laying and collecting your taxes by indirect taxation.

I know, sir, how easy it is to raise a false clamor on the subject of direct taxes. Gentlemen who are seized with the horrors at the project of requiring a tax directly from the people by a tax collector, are perfectly willing that the same tax should be taken from them by a custom-house officer. It is not the tax, then, but the manner of getting it, which awakens their sympathies. If it is taken indirectly—by stealth and concealment from the people, their democracy is vastly gratified; but to take or receive it directly—openly from the people, excites their patriotic sensibilities to an alarming excess. If there was any expedient, by which Government could be carried on without taxes, it is not improbable that all nations would adopt it. But according to the progress in modern finance, taxation is a necessary evil. Government is necessary, and taxes are the ordinary price we pay for it; and if this be so, the only question left for consideration is, which is the cheapest, most efficient, and Republican method of laying and collecting the taxes.

Indirect taxation—that is, laying the taxes on foreign articles when imported into the country, is an admirable expedient for a despotism. The people, who consume the commodity, ultimately pay the tax, without being aware of its imposition; for the merchant who imports it, and the trader to whom he sells it, add the tax to the price of the article. The unconsciousness of the people of the tax thus taken from them, is the basis of the calculation, that four times more taxes may be raised from them by indirect taxation, without difficulty or murmuring, than by direct taxation. Hence the facility with which such taxes are laid, and the tendency to accumulate them. In all despotisms, the taxes collected from the people are expended—not with any view to their interests, but to minister to the luxury and profligacy of rulers, or to afford the means of keeping them in subjection. It is not surprising, therefore, that, as the taxes are thus applied, there should be as much concealment as possible in collecting them. As the people do not rule, and the Government is not for them, but over them, the more ignorant they are of its operations, the better for their rulers. The more furtively the taxes are collected from them, the more patient they will be of its burdens. That the system of indirect taxation, therefore, should be a favorite revenue expedient of all despotic Governments, is in perfect accordance with the principles on which they are based. But that such a system should be advocated in a popular Government—a Government based on the intelligence and patriotism of the people, in which a knowledge of all its affairs, and responsibility to them in all its transactions, is not only their high prerogative, but absolutely necessary for its correct administration, and the preservation of liberty itself, is one of those violent inconsistencies which only occur when the head and heart are in direct opposition. Do gentlemen believe that the people can and ought to rule themselves? Then why concealment and artifice towards them in that matter, which of all others in all civilized communities, is most vital to liberty? It is in laying and collecting taxes, and the expenditure of taxes, that the great contests for free government have been fought; and again and again must the same contests arise, if the people are to continue free, or be made free. To defend their rights, they must know them. To judge of the taxes they pay, they must see and understand that they pay them; and to supervise the expenditure of them with the keen jealousy their liberties require, they should be conscious of the exact burdens they impose. Unless these positions be a string of fallacies, the plainest, simplest, and most intelligible method of collecting taxes from the people, is that which is most faithful to their interests—most trustful to them—most Democratic. No man, in private life, would consent that his agent should have the power of drawing his money from him, without his knowing it. Why then should such a practice be tolerated in our transactions with the people? Are they imbeciles or slaves—too weak to understand, or too corrupt to pay the cost of their free Governments?

Nearly all the differences concerning the Constitution and Government of the United States, have originated from the abuse of the taxing power and expenditure. A large portion of the country, from the manner in which the taxes have been imposed, by indirect taxation, have looked upon taxation, not as a burden, but a blessing—not as exaction from them, but an instrument by which they should be enriched at the expense of the country. Hence a steady thirst for expenditure, and for high taxes, that they may be expended or thrown away. Inequality of burdens, from the operation of the Government, has been the consequence of this state of things, and that discontent which should always attend oppression amongst a free people. Thus, in addition to concealment in the collection of the taxes, by indirect taxation, we have had inequality in its exactions and expenditures. It is scarcely possible to conceive of a more disastrous conjunction of bad principles in taxation. Profligacy and waste, discontent and strife, are its inevitable results; and with these must come increased powers to the Government, to meet and overcome its increased difficulties. New powers must be assumed, as the objects of expenditure are multiplied; and its arm must be strengthened to suppress the murmurs and discontents which its injustice may excite. The road to consolidation in this Government is through the money power.

It has been represented that the expenses of collecting direct, are far greater than those of indirect taxation. If it were so, the difference in the expenses of collection, would be nothing when compared to the loss the people must sustain, from the inevitable tendency to profligacy of expenditure inherent in the system of indirect taxation. But it is not true, that the expenses would be materially different between the two systems. In England, where the greater part of the taxes are direct, the difference is but one per cent. The Government of the United States have imposed direct taxes for only four years, in 1798, and during the last war; and in 1816 the expenses of collecting four millions of dollars did not exceed four per cent. while the expenses of collecting the indirect taxes of this Government in 1837, the last fiscal year in which the expenses are reported to us, was more than ten per cent. But there is a striking expedient for economy, in collecting direct taxes by our system of Government, which the gentleman from Maine [Mr. EVANS] has alluded to. When direct taxes were laid during the last war, the option was given to the States, to pay up for their citizens the quota of contribution which fell to their share; and, sir, six States, amongst them South Carolina, paid up at once the whole amount of direct taxes required of their citizens, thus saving to the General Government the whole risk and trouble of collection, and to the States the presence of the tax officer. If this was the case in time of war and great pecuniary difficulty, it is not unreasonable to suppose, that in a time of peace, arrangements could be easily made with the States, by which the whole revenue of the General Government, by direct taxation, could be raised through their instrumentality. And even if this did not take place, it would be convenient, as suggested in the Convention which framed the Constitution, for the General Government to employ in collecting their taxes, the same officers employed by the State Governments, in collecting theirs;—and thus, in either event, not a man need be added to the officers of this Government for the collection of their revenue. What will those gentlemen, who are so loud in their declamation against Executive patronage, say to this? What will State Rights men, like the gentleman from Maine, who objected to the bill before the committee, as anti-Republican, because it separated this Government from the States, say to such a system of collecting the taxes? The committee will see at a glance, what force there is in the apprehension, that a host of tax gatherers will be necessarily employed in collecting the taxes by direct taxation. Even if the States, or the officers of the States, were not employed to collect the revenue of the General Government, would it require one more man to collect the revenue by direct than by indirect taxation? Look at the thousands employed in the custom-houses in all our seaport towns—and your revenue cutters, not scattered as they would be, by direct taxation—one tax collector in a district, identified in feeling and interest with the people among whom he lives, and spending among them the whole expense of collecting the revenue, but aggregated and banded together by hundreds in our seaport towns, separated from those who ultimately pay the taxes—the consumers—and causing the whole expense of collecting the revenue, amounting to millions annually, to be disbursed where the taxes are collected. But the people would see the tax collector by direct, and they do not see him by indirect taxation! This, sir, constitutes simply and truly the whole argument in favor of indirect taxation; and to my mind, it is nothing more or less than a flat and flagrant insult to the people.

Mr. Chairman, direct taxation is not only the doctrine of Democracy, but it is the doctrine of the Constitution. It is plain that direct taxes were contemplated to be raised as a permanent source of revenue by those who framed it. After the power was incorporated into the Constitution, an amendment was moved in the convention by Mr. Gerry, "That from the first meeting of the Legislature of the United States, until a census shall be taken, all moneys for supplying the public Treasury by direct taxation, shall be raised from the several States according to the number of their representatives repectively in the first branch." The amendment failed, because the representation fixed in the Constitution, until a census could be taken, was necessarily conjectural; and therefore the taxes might be unequal, and not in conformity to its principles; but the shortest period was fixed for taking the census—three years. It is not reasonable to suppose that the wise and patriotic men who formed this Constitution, contemplated, as the general and only method of taxation by this Government, a system totally useless in a time of war, when money is most required. They had known what war was; and, from bitter experience, had felt that money was its sinews. They therefore gave to the General Government the power of direct taxation, which could avail the people in a time of war, as well as peace. By indirect taxation—raising your revenue from duties on importations, your revenue must cease with importations. War with any powerful civilized nation in Europe stops your commerce, and with it all your resources. Direct taxes then become inevitable, as our last war proved; but a time of national distress is not a time for unusual expedients of taxation. Hence discontents may arise, at the very time when of all others, unanimity is most necessary in the councils of the country. The true policy of every Government, designed to preserve the liberties of the people, is to have such a system of taxation in operation as will support the Government at all times—in war as well as peace. Our indirect taxation has the admirable quality of tending to excess when least needed, and when most required, of being utterly useless. Shall a system so absurd, and so anti-Republican in its tendencies and principles, continue over the freest people on earth?

But let us turn, Mr. Chairman, to another powerful cause, which, in connection with our system of indirect taxation, tends to divert this Government from its proper course. I mean the banks. By expanding the currency they raise prices, and thus render it difficult or impossible for our manufacturers to compete with foreign nations in our own markets. Hence, a resort to the General Government, through its indirect taxation, by increasing the taxes on commodities imported, to exclude them from our markets, and secure a monopoly to the manufacturers.

Now, it has not been denied in the argument, that over-issues by the banks, inflation of the currency, is a tendency inherent in the whole banking system. A bank makes money by putting out its notes, bearing no interest, for the notes of individuals bearing interest; and the more notes of the former character it can sustain out, and of the latter receive, the more money it will make. The temptation to over-issues, in all times of confidence and prosperity, is irresistible; and the currency becomes inflated. Prices follow currency, for cur-

rency is only the instrument by which commodities are bought and sold; and if abundant, prices must rise. When this takes place so as to affect the sale of internal productions, competing with the productions of other nations, the true remedy is, to take away the cause which has occasioned the evil—reduce the currency. But unfortunately the producers of the country do not control the currency. It is surrendered into the hands of irresponsible corporations, whose interest it is to keep out an expanded currency. The manufacturers of the Northern and Middle States, instead of applying the proper remedy at home, have hitherto found it easier to come to the General Government; and by having the taxes increased on foreign importations, render the foreign fabric higher in price than the commodities they produce with the inflated currency, and thus sustain themselves without conflict with the banks. Now, if our system of indirect taxation, by laying duties on imports, did not exist, the arm of the Government could not be used, by taxes on importations, to sustain forced prices at the expense of the people, who consume the commodities; and the manufacturers, in common with all other producers, would be interested in correcting the evils of the banking system. As matters now stand, they are its allies, and the people are oppressed by both—first, by an inflated currency by the banks, and then by taxation, at the instance of the manufacturers, by which it is sustained. The effort of the manufacturers is to exempt themselves from the evils of an inflated currency, and to indemnify themselves by high prices exacted from the people, for the increased prices in the process of manufacturing occasioned by the banks. The people are plundered by both.

The people are plundered by both; and yet, sir, with that contempt for those who submit to our imposition, it has been broadly maintained that they are the best friends of the people; that the people are benefited in being compelled to pay on all the necessities of life, enormous taxation, in order that the privileged few, who own banks and factories, might amass wealth; and that high wages to labor occasioned by bank expansions, even though it may be accompanied with higher proportionate taxation, is favorable to its interests. It will be difficult to perceive what the laborer gains by having higher wages, if all he consumes is raised also in price; whilst his loss is certain, unless his wages are sufficient, not only to cover the increased prices in every thing, occasioned by an inflated currency, but also the increased prices occasioned by taxation. But admitting that high prices from an inflated currency are beneficial to labor, nothing can be clearer than that it is impossible to sustain them, under a system of free intercourse between nations. A commodity produced under a more limited currency, by which labor and capital are rendered cheaper, will infallibly undersell a commodity produced under an inflated currency, by which labor and capital are rendered dearer; and when these commodities come into competition, the result is inevitable. Prices must fall to the standard of the cheaper currency, and the commodity produced under the inflated currency, must sell at or near these prices, or sell not at all. It is, therefore, clearly beyond the power of banks to sustain high prices and high wages. Convulsions in trade rather, by which prices may be unnaturally depressed, are the legitimate fruits of an expanded paper currency. The manufacturers are perfectly aware of this; hence, they do not apply to banks to issue more paper to sustain prices, but they come to the Government and demand heavy taxation on the foreign commodity, in order that it might be excluded from the country, and the people be forced to buy the article they produce, at the prices of an inflated currency. It is in this way that taxation, enormous taxation, and not our paper currency, has sustained high wages and high prices, in the manufacturing portions of the Union; and the question resolves itself into this: is it beneficial to labor that prices should be increased by taxation? Can the people gain by taking from them? If so, then the more taxation and the dearer commodities are made by it, the better for the people. Yet, this strange paradox has its advocate in every manufacturer in New England. Formerly men plundered by open violence. It is now better done by quiet legislation.

Mr. Chairman, although paper in some form or other will be used for circulation in a free country, where credit is property, it cannot be shown that our banking system is beneficial to the people. The use of currency is to circulate the productions of labor and capital; and provided there is enough of it for this purpose, increasing or expanding it, cannot make it better. Stability is all that is needed. Suppose, sir, a million of people forming a community, and a million of dollars will answer the purposes of circulation. The power of setting up a bank is given to a single wealthy individual, who gradually gets in the million of specie, and issues in its stead three millions of paper currency, what will the people gain by it? Every thing will be trebled in price, for there are three dollars in circulation where there was one before; but will one man by the operation be added to the community, or a yard of cloth, or a shock of corn more, be added to its productions? Clearly not. On the contrary, in consequence of the high prices occasioned by the paper currency, a premium will be afforded to foreign productions which will come in and undersell the domestic producer. Business in the community will stagnate, labor be oppressed, and emigration ensue. The great father of political economy saw clearly that a community could not be enriched or benefited by merely increasing the currency. The utility of a paper currency, in his estimation, consisted only in substituting paper for a part of the metals, not in increasing the currency. By disengaging a portion of the metals used as currency from this employment, and substituting so much paper in its stead, the specie could be exported, and would therefore add so much to the capital of the country. A cheaper would be substituted for a dearer currency. This is his theory, but he seems to have entirely overlooked the irresistible impulses to overrissues in the banking system, from which bank paper will not be limited to a substitution for the metals withdrawn, but tends continually to an addition to the currency, which swells, and swells, until arrested by convulsion.

The people, then, gain but little by a paper currency, even if it was as stable as a metallic currency. But there is another loss from the variability of bank currency, which should be taken into consideration in calculating its benefits. Independently of its inherent tendency to excess, to which I have already adverted, look to its fluctuations, from the ordinary operations of commerce. Generally speaking, productions are paid for by productions—the exports of a country buy the imports; and in this state of things, exchange between two countries will be equal. But occasionally from the seasons, or some other cause, a nation imports from other nations more than it exports. The exchange is against such a country. It becomes a debtor to the amount of importation over exportation; and the debt is paid, not by bank paper, which is money only in the country in which it circulates, but in that which is money every where—specie. Now suppose, sir, a deficiency of production in grain in such a country as France, where a metallic currency, prevails, of six millions of dollars—what would be the effect of abstracting from her circulation this amount? The shock to the currency could not possibly exceed that which an abstraction of six millions of dollars might occasion; and this abstraction may produce no shock at all; for in consequence of a diminished production in that country, the currency ought to be lessened to keep prices stable. There will be a portion of the specie not wanted for circulation, which would be injurious if retained in the country, and which will be best employed in going out, and bringing into France the grain needed for subsistence. But suppose a deficiency of grain in the productions of the United States, where a paper currency prevails of six millions of dollars—what is the effect upon the currency? The abstraction of six millions of specie, does not affect the currency to the amount of six millions. It is the basis of at least eighteen millions of bank paper, which must be taken from the circulation with the specie. And so also is the effect of exchange upon the creditor country. Where the currency is metallic, and there is six millions of excess of production which is sold to another nation, there will be an addition to the currency of six millions of dollars: but where it is paper, the importation of six millions of specie adds eighteen millions to the currency. The consequences are inevitable. More convulsions—a greater contraction and expansion of the currency, in a paper than in a metallic currency. From the operations of foreign exchange, the effects are treble more on the one than on the other.

Mr. Chairman, the fluctuations in the currency operate with terrible hardship on those who possess property. All the relations between debtor and creditor are subverted. A man's bond may be suddenly doubled on him; or his creditor, when paid, may get but a half of it, from the alteration in the circulating medium. It is impossible to compute the loss sustained, and the injustice perpetrated, by a single convulsion in the currency, on the property of the country; but its effects upon the poorer classes of the community are still greater than upon those possessing property. If the laboring man is affected, in proportion to his income, no more than the man of property, he suffers far more. A loss of one thousand, from an income of two thousand dollars, may be bad enough, but it is tolerable—for with prudence, the ends of the year can easily be made to meet. But a loss of one hundred and fifty dollars, from an income of three hundred, may be ruinous. Three hundred dollars may be absolutely necessary for a laboring man, to feed and support his family. With the one, it may be a question of superfluity—with the other, of bread. But the effects of a fluctuating currency do not stop here. When the currency expands, the wages of labor do not immediately increase in proportion to the prices of commodities or the profits of capital. And the reasons are obvious. Wages follow capital. They are not increased until capital is productive; and they will increase, not in proportion to the profits of capital, but according to the interests of the capitalist and the average price of labor. If the laborer could know what the profits of capital were, he could not obtain from his employer an increase of wages, if other laborers could be obtained, who would work for the wages he received. Hence it may occur, as the state of things in Europe daily proves, that enormous fortunes may be rapidly accumulating, and yet the laborer, from the competition of labor with itself, may be continually hovering over the brink of starvation. Every improvement in machinery adds to the profits of capital, but diminishes the wages of labor, by throwing it out of employment. The wages of labor will not therefore be increased in proportion as prices rise from an inflated currency; and when the currency is contracted, the laborer will not be the last to feel the fall of prices. He is liable not only to diminished wages, but to a discharge from employment. His daily bread—life itself is risked in the reverse. But what does capital suffer if it suspends employment? It loses its profits. It cannot eat. Is it not astonishing, sir, that a paper currency, such as exists in these United States, more liable to fluctuations than any in the world, should be advocated as most especially beneficial to the laborer—the peculiar blessing of the poor. Why, the very stones in your streets, where your factories exist, might cry out against the cruel fallacy.

Exaggeration is the usual resort of a weak cause, and the eulogists of the banking system have not failed to use it egregiously. Banking has been represented as the parent of civilization, the bulwark of liberty, and the mighty instrument by which England was carried through her struggle with Napoleon, and the United States through their two wars.

Undoubtedly, Mr. Chairman, banking (not such however as exists in the United States) arose with modern civilization and commerce, and so did the art of making chimneys and gunpowder. Gentlemen have only mistaken the effect for the cause. Security to property, resulting from fixed laws, produced its accumulation. The safety and accumulation of property produced commerce, and commerce invented the means of carrrying on its operations. Bills of exchange, by which capital was transferred from one country to another, with-

out transporting the metals; and banking, by which a similar convenience was effected in the business of commerce nearer home, sprung up in its course. In the days of feudal pride and power, commerce was esteemed degrading, and was therefore left by the nobility entirely in the hands of the people inhabiting the towns. As commerce extended and the towns increased, the power of the people advanced. Privileges in their favor, which were in fact only privileges from violence and oppression, were multiplied; sometimes bought by money; sometimes won by the sword; and the spirit of liberty arose with the strife and success. Banking was only one of the indications that liberty in some degree existed, under which there was security to the person and property. This, sir, it appears to me, is the true estimate of the banking of former ages. Until the Bank of England was established, no bank in Europe was a bank of issue. They were only banks of discount and deposite, and dollar for dollar was the principle on which they existed. Modern English banking, or American banking, which is an improvement on English banking, is quite another thing. Credit, not specie, is its basis; and the only use of the metals is to describe them on paper, not to pay them on demand, excepting when quite convenient. Will such a system of banking tend more to give security to property or to destroy it; to secure liberty to the citizen, or to overturn it by the profligacy and corruption such a system engenders?

England was carried through her last continental war by her bank!—a bank which suspended at the first shock in '97, and whose paper was depreciated during the whole continuance of the war, and for five years after. But Parliament restrained it from paying specie! Just, sir, as the people of Charleston, a few years since, restrained, the banks of that city from paying specie. Banks, where they can command, know very well how to make appearances. The Government of England had borrowed the whole capital of the bank, and the bank had only to require of the Government to pay up their indebtedness, or legalize a suspension. Their debtor of course bowed to their commands; and the form in which the act was passed, more clearly shows that the bank dictated it. I thought the prosperity of England during this eventful struggle, was attributable to the fact, that she was the only spot in Europe unscathed by the fires of war; and that whilst industry and labor were paralyzed on the continent, she became the carrier of nations and the workshop of the world.

And our two wars, particularly the Revolutionary war, was sustained and triumphed by the aid of banks! The Bank of North America, with a capital of only four hundred thousand dollars, was incorporated on the 31st of December, 1781, after the surrender of Lord Cornwallis at Yorktown, and only nine months before the war closed. During the last war, the banks had certainly more to do with us. As soon as the war commenced, they suspended specie payments; and when the Government, compelled by its necessities, negotiated loans from them, it was compelled to take in payment for its stock, their notes at par, although at fifteen and twenty per cent. discount. The credit of the Government by their combinations, controlling as they did the whole credit and currency of the country, then passed at some thirty per cent. below specie. Not less than from thirty to forty millions, was lost to the Government by these operations, on the debt we contracted to carry on the war. "But what then," exclaims the gentleman from Maine—"this depreciated currency carried us through the war. Business was done by it, and we gained by our ability to do business hundreds of millions of dollars." Certainly, sir, a depreciated bank currency is better than no currency at all, which is the comparison I suppose by which the gentleman estimates our gain from using it. But suppose a sound currency had existed, which the people had a right to demand from the banks, for this was the purpose and condition of their charters, would not business have been as well done, and the Government have been saved the loss it sustained from their depreciated paper? If the gentleman had said that hundreds of millions of dollars had been lost by the people, instead of gained from depreciated bank paper during the war, he would have been much nearer right in his position. This paper constituted the sole currency of the country, and settled contracts as if it was specie. Who can estimate the loss sustained by the people, in the transactions of business from a depreciated and depreciating paper currency, for the years the banks held the country under the hard pressure of suspension?

Mr. Chairman, having thus expressed my opinion upon the system of banking in the United States, the question may well be asked me, Are you opposed to all banking? I am opposed to all privileged banking, and to all banking irresponsible to the people. It is a common mistake to suppose that charters are necessary for banking. There was, until a few years since, but one chartered bank in Great Britain, while there were hundreds of banks in the empire. Mr. Girard, of Philadelphia, never deigned to ask a charter for his bank. I do not think that the credit of individuals could be prohibited from being used in banking, without such an entrenchment on the rights of individuals as I am not prepared to see exercised. At the same time, as the currency affects the people, and is an interest common to all, all ought to have the power of protecting themselves from its abuses. While, therefore, privileges for banking ought to be given to none, restrictions and regulations ought to be laid upon credit when used in banking, which will protect the people from frauds and fluctuations. Paper, in some shape or other, will be used in the larger transactions of commerce; and nothing can prevent it, but such an interference with the conduct of individuals, as would be more intolerable than the evils of a bad currency. In the largest manufacturing counties of England, almost all the business done in them, is by the paper of individuals. But all the difficulties of this great question—the whole subject of banking, belongs to the States. This Government was designed to be a hard money Government; and the bill before the committee, is intended to restore it to its constitutional functions. The alternative presented by its opponents, of a United States Bank, combines the two most odious features which any measure can present to a people living under a Republican form of Government—privilege and irresponsibility; the one, the attribute of an aristocracy, the other, of a despotism.

SPEECH OF MR. HASTINGS,

OF OHIO,

In the House of Representatives, June 25, 1840—In Committee of the Whole, on the Independent Treasury bill.

Mr. HASTINGS addressed the committee as follows:

Mr. CHAIRMAN: The provisions and merits of this bill have been so extensively and ably discussed and elucidated by so many gentlemen of talents and ability, that to attempt to tax their patience with any thing more in that way would seem uncalled for, and in truth, I did not intend to have said a word upon the subject, knowing that this would be the case; but now that the discussion is drawing to a close, and perceiving that a few considerations belonging to, or connected with, the bill, have not been adverted to, and one deeply important one—one that has produced the necessity of the measure itself in particular, and which, in the course of the few remarks I shall make, and I will not detain the committee but a short time, I will endeavor to explain. But I am a plain man and will come to the point and proceed at once.

In the course of this debate, gentlemen have said, I do not now remember exactly who, that the intention of this bill is to unbank the banks; to make one currency for the Government and another for the people; that it is to have the effect of a political engine; that it is to favor the manufacturing capitalist and the commercial capitalist at the expense of the working community; and that it will keep five millions of dollars always out of circulation: all which charges have been so entirely confuted during the debate on this floor by the advocates of the bill, that there seems to be no occasion or necessity for any further remarks upon the subject. For myself, Mr. Chairman, I have read over and examined the bill very attentively, more than once, and it is precisely and simply what it purports to be; "An act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue." I can make nothing else out of it; it speaks plain enough what it is. It is true it will prevent the public revenue, the money which comes out of the pockets of the people, and, ultimately, from the labor of the workers, to pay the public expenses, from assisting in the hazardous exploits, and mismanagement, and tortuous movements and speculations of banking interests, which we have so long experienced. Is it wrong or unjust to keep the people's money proper, which is collected off the people to defray the expenses of their Government, among themselves, instead of placing it at hazard? Surely, no one will say so; and this is what this bill will do; and, in doing so, it will incidentally be otherwise salutary in its operations. It can have nothing in view either about banking banks or unbanking them. If there is any unbanking about it, the banks have been unbanking themselves ever since the 10th day of May three years ago, when they suspended specie payments. In fact, by keeping up the every day circulation of coin, it will incidentally be favorable to such banks as will confine their operation to their legitimae business—that is, discounting business paper, instead of renewable accommodation paper.

As to its being a political engine: if to keep twenty or five-and-twenty millions of the people's money—the public revenues, in constant circulation, in the shape of gold and silver, instead of being in the clutches of the banks, will make it a political engine, it will be one, and a very useful one, too—one that will keep up an every-day intercourse between the people and their Government, through the medium of the same currency; and if it does keep from three to five millions always in the Treasury, the confidence it will create will bring into circulation—beside the revenues—a much greater sum, three or four times, perhaps, that is now shut up in thrifty cautiousness; and so far from favoring the capitalist at the expence of the workers—by keeping a more due proportion of coin in circulation—it will go far toward restoring and keeping up the equilibrium which has heretofore preponderated so heavily in favor of the capitalist, through the partial operations of banking.

It has been asserted, that this important measure of detaching the people's money from the risks of banking, and keeping it always at the command of the Government in the hands of responsible agents, is not demanded—not wanted. I am not surprised at this—some do not want it, we know. The banker does not want it, neither does the broker; the rank usurer does not want it, neither does the shaver who becomes rich on the distresses of his fellow men; the hazardous, reckless speculator is opposed to it, and so is the young, sanguine, inconsiderate, airy-castle-building merchant; but the right thinking, shrewd, industrious one, who understands the true stable interests of his pursuit, is in favor of it; for it may be, to a degree, a salutary restraint upon overtrading. The ingenious mechanic demands it; the persevering manufacturer demands it; the toiling laborer demands it; and the industrious farmer demands it; and these are the supporters of our independence and prosperity. Truth demands it, and justice imperiously demands it, and our wide spread commerce demands it—and why? that our products and manufactures may be the better enabled to compete with those of other nations in foreign markets, through the increased impetus and encouragement that this honest impartial regulation will give to those pursuits. It is a mistake that this bill is not required.

Although much has been said, and is constantly saying, about the causes of the moneyed derangements and embarrassments which the country has been laboring under for many years past; yet, we as constantly forget that all speculations upon the subject must still resolve themselves into one fact, one immediate cause—buying more than we sell. And the next question is,

what promotes that circumstance? And the response must be—making money out of paper, instead of earning it by industry, to pay for the goods; credits on import duties; and collecting those duties in the paper money that the banks manufacture to pay for the goods, and placing the public revenues in the same banks to assist in making the paper money. But the more remote the fundamental cause that has permitted all this; the root of the evil, as we might call it, and which has never yet been considered in a correct, just point of view, that I know of, I will endeavor to explain after a little. But, as I was saying, the immediate cause is buying more than we sell, and incurring a heavy balance of trade against us—an unthrifty business, that plain, thinking people would say we should have understood and reformed long ago. Well, be it so; but we may excuse ourselves by saying we have been imposed upon by delusions, by fallacies; by being told that a profusion of bank notes is necessary to develope the resources of the country; that the apparent balance of trade is not the real one; that gold and silver are not as good currency as bank notes; and until very lately, when the working people have been fallen most violently in love with, that they did not understand their true interests; that the credit system, as banking is called, is the paradise of prosperity for our Republic. Now, in my simple opinion, and with all due deference to those who live without doing any thing, credit depends upon such an almost endless variety of contingencies, that it cannot be reduced to a system at all: however, as the objection may be called cynical, let it pass. But one grand assertion, and the only true one, I think, among the whole, is, that the country prospers, notwithstanding all the untoward circumstances it has been laboring under. And it has, that's certain, like a young, independent, persevering, spirited man, who has a fashionable, managing, breeches-wearing wife to support, that gets him in debt over and over again—and he keeps working over and over again, improving all the time though—to pay it. At length he takes heart of grace, turns over a new leaf with the wife, incurs no more debt, persists in industry and thrift, and goes ahead in prosperity, independence, and happiness—just as the working people mean to do now, Mr. Chairman. And to encourage them to persevere in this good resolution, if they should see these remarks, I will submit an extract from exposition No. 4 of the Governor of Ohio's message in 1837, by "A Democrat," to let them see what prosperity might have been attained by five years of this balance of trade. The writer says: "The excess of our importations over our exportations for the five years preceding the present bank suspensions was—

In 1832	$14,000,000
1833	18,000,000
1834	23 000,000
1835	28 000,000
1836	61,000,000
	$144,000,000"

And, to illustrate how this balance might have promoted our prosperity in various ways, he says: "What would this $144,000,000 have done for us? At $20,000 a mile, it would have made 7,200 miles of railroad or canal. At $20 an acre, it would have cleared and fenced in the best manner 7,200,000 acres of land. At $1 25 an acre, it would have purchased, out of the public domain, 720,000 farms, at 160 acres each. At $2,000 a piece, it would have bought, of the same public land, built a substantial house and barn, and cleared and fenced 80 acres on each, 72,000 farms, of 100 acres. At $500 each, it would have set up 288,000 mechanics, with families. At $50,000 a piece, it would have established 2,880 manufactories, which would have employed and paid 570,000 of our own people here at home, instead of the same number in Europe, and made fabrics to the amount of $150,000,000 a year at least. Or, in coin, it would have taken the place of the same amount of bank notes, making our specie circulation, with the $8,000,000 we now possess, $224,000,000. And what have bank expansions and contractions, and their other tortuous proceedings, given us in lieu of those advantages? Idleness and speculation, and a greater propensity to luxury; a growing distaste for honest industry, and deterioration of morals; an increase of aristocratic taint, and consequent distaste for, and falling off from, republican principles; critical revulsions in our political and domestic economy; and privations, and sufferings, and acrimonious recriminations in party, and vexations of spirit."

"A Democrat," Mr. Chairman, asks what this $144,000,000 would have done for us? and I ask what would five times the sum have done for us? for I find that the balance of trade from 1789 to 1837 is more than that. Our imports to the last date, 1837, have been $4,067,975,705, and our exports $3,315,287,888, leaving a balance against us of $752,687,817. And this had all to be paid by labor—by the sweat of the worker's brow! Is not this, sir, an astounding fact for the people of this Union to reflect upon? and will they not take matters into their own hands, and remedy it? Will they ever be the victims of delusion, and reject sober reality? No, sir, they will not. The illusive day dream of making money out of paper, instead of earning it by honest, patient industry, is past. Paper may be a handmaid to specie, and used to a useful extent, but nothing more. Those who have to support the fabric of our prosperity by their hands will see to it—all will be right, and independence and happiness will follow.

I forgot to mention, Mr. Chairman, that the interest upon this balance of trade of $752,687,817 would be upward of $45,000,000 a year—about double what would pay the expenses of the Government. And of this balance of trade—this immense increase of the toils of the working man, imposed upon him chiefly by the paper fallacy and credit duties—nearly one-half was incurred during the operations of the late United States Bank. And what has caused this state of things? the credit system, as it is misnamed; in other words, the paper money system, excessive banking, and credits on duties, as I said before; it is plain as the noonday sun. And what do those who have inflicted this monetary disease upon us—who have nurtured and sustained it—propose for a remedy?—no less than a further trial of the cause that induced it—a continued dose of the paper phantom itself! I am tempted, Mr. Chairman, to say that this is laughable; but it is too solemn to be laughed at; it hazards our liberties. No, sir; I ask the people of this Union, and more particularly the working part of them—from whose labors all has to be extracted, all has to be paid—to take this matter into their most serious, their most grave consideration; to be trifled with no longer, to decide, to act, to apply the remedy, and to make the reformation—wisely, and cautiously, and gradually, but as certain as fate itself; and they will do it, sir; they will do this thing; they will dissipate this inordinate paper money delusion; and all will be well; they prize their independence too highly not to do it.

Among the manifold evils that the late United States Bank inflicted on the country, and which have been well depicted more or less by the gentlemen who have spoken on the subject, there is one that a remark of the gentleman from Kentucky reminded me of, and no light one either. Among the advantages which that gentleman, (whom I highly esteem for his candor and sincerity of opinion,) in his remarks, ascribed to it, he stated that it was a great accommodation to widows and orphans, and aged gentlemen, to make secure investments in, from which to receive good and punctually paid dividents. As a commentary upon these opinions, I will state a few facts, from which conclusions may be drawn that will not warrant the correctness of these opinions.

The report to Congress, January, 1819, after describing the various surreptitious proceedings of the Bank to raise the stock as high as possible beyond the original price, that the speculator, who had possessed himself of it for the very purpose of selling it to the innocent and unwary, such as the gentleman has described, should be more enriched, says: "The effect of these different proceedings was that, on the last of December, 1816, Bank of the United States stock was at 41½ for 30 paid; in April, at 81 for 65; in May, at 98; on the 20th of August, at 144 for 100 paid; on the 30th of August, at 156½; at which price it remained for some days, and then began to decline."

It appears further, that, in the reckless efforts to raise the stock to the above prices, the bank had sunk above $3,500,000, and that, on the report of the investigating committee in Washington, reaching Philadelphia, the stock fell to 93. There was rapid work for ye—from 156½ to 93. Those of the widows and orphans, and aged gentlemen, who were obliged to sell out under this depression, must have made desperate losses.

About this time the situation of the Bank was very perilous; at one moment it had only about $70,000 in its vaults. A Bank of $35,000,000 reduced to $70,000 in specie! What a safe institution to make investments in for either profit or security! Thenceforward it was obliged, it seems, to reimburse its capital from its dividends—a very honest, just measure toward those who had confided in its faith, and bought its stock at extravagantly advanced prices from its stockholders, depending on the dividends for their support. Here is a detail of the operation in a table, of the whole of its semi-annual dividends. It is a curiosity, but not a pleasing one, even at this day, to the innocent purchasers of its stock, at high prices, from unfeeling knaves, who have reduced many of these confiding sufferers to poverty and distress, while they are living on in luxury and dissipation, perhaps, and exerting themselves to continue the same impositions that enriched them. It is necessary to lay it before the committee, for the better understanding of the considerations it has induced.

Year.	Semi-annual dividend.	Rate.
July, 1817	$910,000	2 6-10
January, 1818	1,410,000	4
July, 1818	1,225,000	3 ½
January, 1819	875,000	2 ½
July, 1819	None.	
January, 1820	None.	
July, 1820	None.	
January, 1821	None.	
July, 1821	525,000	1 ½
January, 1822	700 000	2
July, 1822	787,000	2 ½
January, 1823	875,000	2 ½
July, 1823	875,000	2 ½
January, 1824	875,000	2 ½
July, 1824	875,000	2 ½
January, 1825	875,000	2 ½
July, 1825	962,000	2 ½
January, 1826	960,000	2 ½
July, 1826	1,050,000	3
January, 1827	1,050,000	3
July, 1827	1,050,000	3
January, 1828	1,050 000	3
July, 1828	1,225,000	3 ½
January, 1829	1,225,000	3 ½
July, 1829	1,225,000	3 ½
January, 1830	1,225,000	3 ½
July, 1830	1,225,000	3 ½
January, 1831	1,225,000	3 ½
July, 1831	1,225,000	3 ½
January, 1832	1,225 000	3 ½
July, 1822	1,225,000	3 ½
January, 1833	1,225,000	3 ½
July, 1833	1,225,000	3 ½
January, 1833	1,225 000	3 ½
July, 1834	1,225,000	3 ½
January, 1835	1,225,000	3 ½
July, 1835	1,225,000	3 ½
January, 1836	1,225,000	3 ½

In looking over this detail of dividends, we are naturally led to inquire what privations many of the orphans, and widows, and aged gentlemen, must have experienced from 1819 to 1828; and particularly those who had purchased the stock at the inflated prices, as high as 156½—which a vast portion of them did; deriving no income whatsoever from it during two years, and, for several years, a mere trifle. For it must be observed, that, when the dividend was only 2½, those who had paid $150 for $100, for instance, were receiving only 1⅝, or $3 33½ per annum; and if they were obliged to sell out when the stock was down to $93, would sink $380 in $1,000. An acquaintance of mine, who had bought at $140, thinking it a wise investment—no better security than the United

States Bank—got frightened, thinking the Bank was going to break, (and it was upon the verge of it,) and sold out for $98 or $95, I do not remember which. Gentlemen may rest assured that the orphans, and widows, and aged gentlemen, who were the sufferers at that day by the malversations of the great regulator, did not invoke blessings upon the authors of their distresses.

It was the gentleman from Massachusetts, I think, who said that, from 1789 to 1836, the whole amount lost by deposite banks is not equal to what has been lost by one public officer—meaning Swartwout, I presume. Well, be that as it may, let us see what the United States did not receive, but should have received, for the investment of seven millions in that institution. For the two years, that, it will be perceived from the table, the Bank made no dividend, the United States should have received 7 per cent.; a dividend the Bank ultimately arrived at, and should always have made, if its affairs had been fairly conducted. These two years would, on seven millions, have been $980,000, and the interest on that for the following fifteen years would have been $882,300; making, together, an item of $1,862,300, which the Government should have received, but did not. And upon counting up, it will be perceived further, that the dividends from July, 1821, when the bank re-commenced a dividend, until it arrived at the semi-annual one of 3½ per cent. July, 1828, amounted to $12,511,000; the Government's proportion of which was $3,522,000; whereas a 7 per cent. dividend would have been $3,430,000; making another item of $908,000, which the United States should have received, but did not: and the interest upon this last, for the following seven years, would have been $381,360; another item which the United States should have received, but did not. The whole amount being $3,151,660; and if the interest were calculated upon each reduced dividend separately, it would be considerably more. It is true, the bank, on winding up with the Government, agreed to pay 113, I believe, which would be 13 per cent. on the seven millions; making $920,000, to be deducted from the $3,151,660; still leaving $2,231,660, which the United States should have received, but did not. For every one conversant with banking knows that the banks should have always made a dividend of not less than 7 per cent. if it had confined its operations to common banking rules. Government did not procure the war-loan upon such terms. Stock was issued to the amount of 50,000,000 at 6 per cent. for which only 43,000,000 were received; being a premium of 14 per cent. for the loan, and paying about 7 per cent. for what was received.

It is a pity, Mr. Chairman, that the $7,000,000 of the people's money, which were invested in contemptible bank schemes for twenty years, had not been better employed. If there was power to use it as bank capital, (which there was not,) there was power to use it for a laudable purpose, that would benefit the nation. Lending it, for instance, in sums of $1,000, to 7,000 industrious men, for twenty years, at 6 per cent. to enable them to purchase farms from the public lands, and raise their families in comfort and independence. That would have been doing something; for, if each family raised only a surplus of $50 a year for sale, this $7,000,000 of the public money would have added $7,000,000 more to the national wealth; instead of taking part in the wretched, petty details of banking, as it has been conducted, unworthy the consideration of a free people.

The gentleman from Kentucky says: "We of the West look to such a measure [a National Bank] with deep interest;" and stated, if I remember right, among other things, that the United States Bank regulated the exchanges, and gave us a currency that passed all over the country. Well, be that as it may, it is a well-known fact, that, during its day, the exchanges of the West were really never more deranged, or the circulating value of the local bank paper more fluctuating. It did regulate the exchanges and give us a currency, with a vengeance, by getting us heavily in debt to England, and making us "hewers of wood and drawers of water," and caterers to her power, and interests, and schemes of aggrandizement. But I must differ with the gentleman in his opinion that the West looks with deep interest to a National Bank; my constituents do not want one; they would look upon it as a great evil; they have had experience sufficient in that way; and as to regulating the exchanges, that is one of the evils we have to complain of. The United States Bank, by interfering with the natural course or regulation of exchange, both domestic and foreign, for her own interest, assisted mainly in getting us in debt to Britain. It was one of the delusions that had that effect. But I will explain as briefly as possible; for, if I were to go into all the arcana and ramifications of exchange, I might consume a whole day, and more too. A farmer in the West (my own Ohio, for instance,) having some money to transmit to an eastern city, (I like to bring in a farmer, for he is commonly in earnest,) goes to the storekeeper with whom he deals to inquire how he shall send it safely. It is soon done; the storekeeper deposites the farmer's money (notes of local banks, perhaps) in a United States branch bank, and gets the farmer a draft on the mother bank, as the great regulator was called at that day, for one per cent. or, perhaps, a half of one per cent. sometimes. The farmer goes home well pleased, praises the United States Bank and branch banks to the skies, and tells his neighbors what a blessing they are to the country; that they make money as plenty as slate-stones, and will transmit it for you to Philadelphia, free of risk, for almost nothing—a mere song. This, sir, is one of the phases of artificial exchange, brought about by the United States Bank during her dynasty. Let it be observed, that, at the moment of this transaction, however, the storekeepers, or merchants, were heavily in debt to the Eastern merchants, and some, perhaps, to the branch bank and to their own local banks; and the farmer heavily in debt to the storekeepers for British fabrics, chiefly, and may be to a local bank something, too, either as principal or security—a state of affairs that the United States Bank, herself, had brought about by her delusive rate of exchange and inordinate issues of paper to pay for vast importations of goods; for she and her offsprings, the branch banks, made bank notes at pleasure, and played into each other's hands; and the farmer and his productive acres, and his industry, were good security. Now, sir, I will endeavor to exhibit one of the phases of exchange under the same circumstances of indebtedness, but, in the absence of the designing influences of the National Bank and branches; left free to take its own natural, just course, and produce its natural salutary influence on our economy: The farmer goes to the storekeeper, as before, but the scene is changed—"I can do nothing for you; the West is heavily in debt to the East; we are hard pushed, and you have got a great deal of goods from us, and we must raise money; the West has no funds in the East; I could not get you a draft under four per cent. perhaps." The farmer naturally inquires why it was so easily accomplished before; the reply, merely: "Ah! that game's up—could not play it forever," and so on. The farmer ponders on the matter, goes home and retrenches; he and his family work hard and get out of debt, and keep out of it, by using less of foreign manufacture; the Western storekeeper pays his debt to the Eastern merchant, and the balance of trade no longer against Ohio (perhaps in her favor) and exchange in fair proportion. Such would be the happy results to be arrived at when the honest indications of the faithful barometer of exchange were left free from the insidious operations of artifice. But the knowledge to be derived from the rate of exchange, ascertaining the balance of trade, has been withheld from us by the artificial influences of excessive banking and its expansions and contractions. Over and over again, in consequence of the balance of trade being against us, connected with other circumstances, has Britain, and her bank, and her merchants, pressed our Eastern merchants and banks, and they have pressed the Western merchants and banks, and they, in their turn, have pressed the farmers and workers; and still, these producers, by their indomitable energy of character and persevering industry, have, over and over again, retrieved the disastrous affairs of the Republic; for it is labor, through the toil and sweat of the workers, that must pay every thing ultimately. And as the workers have to bear the brunt, they are inquiring into the nature of the delusions and misrepresentations that have kept them so long in obeyance to the insatiable demands of the paper incubus; and when the farmer puts his hand to the plough himself, he soon finds where the fault lies. Exchange, if left to its own free course, points the balance of trade. For instance: when there is no balance, exchange would be about the expense of transmission of the money; but if the balance of trade were against Ohio in the East, exchange would be above par; and if it were in her favor, it would be proportionably below par; and the people would feel the fluctuations, accordingly, and the operation would be salutary! The United States Bank and her branches, however, prevented this wholesome action by drawing and redrawing upon each other, without any reference to the state of trade—being one of the schemes of the regulator to maintain and perpetuate her power and influence, and which the credit of being the Government bank enabled her to carry on with impunity.

The same gentleman, likewise, in the course of his remarks a few days ago, asked "What is currency, and what is the use of currency?" and then proceeded to define it, to his own satisfaction, no doubt, but not to mine; our conceptions of what currency is, at present, are widely different. In common parlance we all know that currency means money—that which passes current; now I put it to the common sense of every gentleman in this House, whether bank-notes can of late years come under that denomination: Are they current? They circulate, it is true, but are they as current as money? that is the question. What is the currency, or money, of nations? Gold and silver, certainly; and the reason is plain, for these metals are the result of labor itself; statistical writers agreeing that gold and silver coin cost, in the aggregate, its current value in labor; whereas, in tracing the credit system, you can make a million in bank notes for one hundred dollars. And this was the impression when the first revenue law in the United States, in 1789, was passed, in which this wise, cautious provision was made: "The duties and fees to be collected by virtue of this act, shall be received in gold and silver only." Does not this prove that in that day gold and silver only were recognised as being virtually currency; the currency of nations—current at home, and current every where? And what is this bill going to do, Mr. Chairman? What, but to return to first principles; those that guided our wise and patriotic forefathers of the Revolution in guarding us against the delusions of paper money, in their first revenue act, by making our public dues payable in gold and silver, to be arrived at gradually in three years. Why is the redemption of mortgages always so carefully and positively worded, "gold and silver?" Why, but because it is considered the only true currency—that it is always property every where. It would seem to me, sir, that we have been misapplying the term "currency" in attaching it to bank notes; that it should belong to gold and silver only, which is always current, at home and abroad. If a bank note is passing at ten per cent. discount, surely we will not call that current! Certainly not; it circulates, but it is not current. And if it is circulating at its denomination to-day, we know that it may be at a discount to-morrow, and still we call it currency. It does seem to me, sir, that we have been misapplying the word "currency," all along, in attaching it to bank paper. Bank notes may circulate from hand to hand, as evidences of indebtedness; and so do bills of exchange, and notes of hand, and bonds, and due bills, but we do not call them currency. We do not call bonds currency, although their redemption may be well secured, and yet we call bank notes currency, although they may not be secured at all. This seems very inconsistent; unless that gold and silver, being intrinsically honest, and being what is termed "currency," at all times and in all places, both at home and abroad, and bank notes not being intrinsically honest, (their admirers will excuse me for saying so, but truth is truth,) acquire some credit by being ranked under the same term with the honest gold

and silver. That, sir, must be the secret, that the word "currency" is so pertinaciously applied to, and demanded for, bank notes, whether they deserve it or not; there it is, sir. It appears to me, that the better way would be to call bank notes "circulation," and gold and silver "currency;" because the former may, and do, circulate through our own country, and not pass current; but the latter always pass current at home and abroad, and everywhere, all over the world. Or, if it is insisted on that bank notes are currency, whether or not, let us call them "currency partial," and the real thing, gold and silver, "currency positive." Suppose we reconcile matters that way. As to the question, "What is the use of currency?" we might set to and trace it up through all its ramifications, and bearings, and manifold interests on the business of life, which would be pretty much of a job—a species of edification that I feel certain gentlemen would not wish to have inflicted on them at present; therefore we will sum it up in plain English, in one designation, and its main one: To buy and sell with, and all will admit that the "currency positive," stands pre-eminent for that purpose. And this bill will have a tendency to keep a little more of it circulation for every day use.

The low wages of labor in Europe, Mr. Chairman, have been held up to our vision as a concomitant of the workers being paid in gold and silver; leaving it to be inferred that that is the cause, and that the 19th section of this bill would lead toward a similar result; or, in other words, that bank notes would keep wages of labor higher. It is all a mistake, sir; low wages in Europe belong to very different causes, as respects Ireland, at least, and which I will show presently. I think that gentlemen know very little about the matter. They who come from those countries might tell them the causes. They are attributable to any thing but a specie currency. Gentlemen need not point to poor oppressed Ireland for their proof—I was going to add degraded; but degraded she can never be, while her warm hearted sons maintain their frank, open bearing—their prominent characteristic all over the world. I am a native of the "Green Isle of the Ocean"—blessed by Heaven and cursed by man—and I am proud of it: of that land of green fields and flowers, of brave hearts and stout hands. I think I know the disposition of my countrymen well. It is not for me to eulogize them. It is sufficient that I know and feel the oppressions that have been exercised upon them for the last seven hundred years—exercised upon them through the same spirit and policy that have inflicted upon the United States the monopoly and exclusive privilege system, misnamed the credit system credit system, indeed! it is the very opposite of credit; for the whole catalogue of slavish circumstances it has involved us in are discreditable to a free people. Has it not made us subservient to Britain, to British policy, to British interests, through the United States Bank, through our stocks, through our corporations, through our monopolies, through our very societies, engendered and promoted by herself? No, sir, it is very, very far from the truth that a metallic currency—the electioneering gulltrap, to impose upon plain, well meaning people—induces low wages for labor as respects Ireland, at least, which I will show beyond controversy. But, in doing so, I must recur to Ireland's halcyon days—comparatively halcyon, I mean; for halcyon days that fair island has never seen since she came under the British dynasty. I allude to the few years of comparative prosperity that she experienced when Britain emerged from the war she had been waging to perpetuate her dominion over her American colonies, now six-and-twenty proud, prosperous States, free, sovereign, and independent; united together by obvious ties, that render them the envy and admiration, and something else I might say, but will not, of all the kingdoms of the old world, and particularly of that same Britain out of whose clutches they had disengaged themselves, through a seven years' struggle of toil, and blood, and privation, and suffering. And ever be revered; ever be hallowed, the memory of those who fought, and bled, and died, through that struggle; who gained for us the unappreciable liberties we now enjoy, and the power of governing ourselves in our own way. I have it to say, Mr. Chairman, and I say it with pride, that there are those with whose blood I am connected, one, who, animated by the same spirit, and the same enthusiastic love of liberty, and the same sympathies for the oppressed that distinguished Lafayette, left his native country, crossed the Atlantic, volunteered into the far famed Maryland line, and shared with kindred spirits the same eventful struggle of the Revolutionary war. His only daughter inherits the same spirit, which is perpetuated in her sons, who will no doubt do the needful for their country whenever the hour of peril demands it. But, as I was saying, sir, that was the prosperous day of Ireland; working people were paid in nothing but gold and silver. I never saw a bank note at that time. When a person would go into the rooms where the cloth merchants were paying the weavers for their webs, he would see the tables covered with piles of gold and silver. I speak from experience, for that was the business I learned—to buy linen and get it bleached. Workers of all descriptions were paid in nothing but specie; nothing else was seen or thought of among them; and Ireland never prospered better, nor saw better days, before nor since, while under the English dominion. No, sir, it's all nonsense talking about the presence of hard money, or a dearth of bank notes with pretty pictures on them to amuse the vision, causing cheap labor, and poverty, and pauperism, among the masses in poor Ireland; would to Heaven her children, of generous impulses, experienced none of them! No, Mr. Chairman, it is circumstances akin to our own well-beloved monopolies here, in the land of freedom, that have caused them.

Gentlemen should press no such errors upon our senses; for history and experience, and the thousands of exiles who leave those countries of oppression, and constant rumor dinging it in our ears, disprove the fallacy. We see the true causes, and read of them, and hear of them, every day; and many of us have felt them too sensitively to be mistaken. We talk about slavery! I declare it this moment, most solemnly, as an eye-witness, in the face of the world, that the Irish are greater slaves, through the oppressive circumstances that are inflicted on them by the British ascendency, than the veriest slaves on the earth: for slaves are merely slaves, but the Irish are slaves, and forced to swallow, withal, the bitter cup under the elevated name of freemen. There's the thorn that is ever rankling in the vivid imaginations of the children of the "loved Isle." Who will gainsay it? Is it not holy truth? No, no; it's mere idle wind, pairing low wages in Europe and hard money together. I will tell gentlemen, though it ought to be unnecessary, they ought to know better, surely. It is extreme poverty in the masses, and overgrown riches in the few—the exclusives. A state of things that is kept up by aristocratic circumstances, of the same character and nature as our monopolies, our vested rights, that we hug so closely, and that would bring about the same species of despotism, if permitted. But this same simple, plain matter, of separating the Government from the banks, that we are discussing, makes an inroad, and the first one, upon those loved privileges that we have been cherishing and guarding so tenaciously. The people understand it; and will do so better every day, notwithstanding the endless variety of obstacles that are thrown before their eyes. But I forgot to mention that, at the time I speak of, the Bank of Ireland, established in 1783, with a capital of £500,000, or £600,000, (somewhere about $2,500,000,) had not got into full blow—$2,500,000, with a population of six or seven millions at that day, and the United States, at the present time, several hundred millions of bank capital, with a population of only something more than double the amount! Beside, another distinction: the Irish capital had a hare-money character; and ours is paper upon paper, in beautiful variety. But when I visited Ireland, some years after my arrival here, the scene was changed; fifty banks dashing away; £4,000,000 or £5,000,000 (upward of $20,000,000) paper in circulation, depreciated, of course; guineas 10 per cent., and wages 20 per cent. at least lower than when I left it. The notes in circulation there at present, are said to be about $40,000,000. The inquiry, sir, will now be, have rates of wages in that country kept pace with the increase of paper money? No such thing; the reverse is the fact. It is known that labor, of late, is not much more than half the rate it was during the more prosperous period I have alluded to. Well, has prosperity kept pace with increase of bank paper? No, alas! no. Every ship that arrives brings continued details of distress and starvation, and increasing poverty and misery. I do wish that gentlemen would not suffer their imaginations to be carried away by this paper fantasy—a mere bubble. We must come to reality at last, and subject paper to use, as far as it may be susceptible of it, instead of abuse.

No; the causes of low wages in Ireland are British land monopoly, sustained by laws of primogeniture and entailment, keeping the lands in large estates, instead of being in the hands of the people; corn-laws to keep grain dear, that these same landlords may exact the high rents from their tenants; bank monopolies, in variety; colony monopolies; union of church and state, and its concomitant—the tythe system—that wrests from the producer the tenth part of the fruits of his industry—his labor; a national debt of one thousand millions sterling, and consequent inordinate and endless taxation; extreme disparity in rank, engendered by these flagrant impositions on equal rights, and a variety of other causes incidental to these; and a standing army of one hundred thousand men, to dragoon the people into submission to these monstrous oppressions.

These, sir, are the real causes of the poverty, and pauperism, and low wages, in Ireland—quoting the memorable remark of the great and good Andrew Jackson—"making the rich richer, and the poor poorer." And I do believe, that if the most determined Federal gentleman on this floor would just take an excursion across the Atlantic for his amusement, and pass through Ireland, from north to south, stopping now and then, and looking about him, and conversing with the unsophisticated of her people, he would return an uncompromising Democrat, and never attempt to harness hard money and low wages together again.

Will gentlemen explain to us the causes of the low wages, and of poverty so extreme that they could barely exist, of the weaker sex in the city of brotherly love, and that of the empire State, about whose miserable condition the philanthropist, Mathew Carey, interested himself so perseveringly the last few years of his life? about those thousands of females who have to work themselves almost blind at their needle from daylight until one, and two, and three o'clock in the morning—who have to lead this wretched life for 25 cents a day, and as low sometimes, it has been stated, as 12½ cents; supporting their families and keeping in life on this miserable pittance. Is it a specie currency that causes this extreme misery? Will no gentleman answer? I have not the newspapers before me; but every one may remember the deep commiseration that was excited by the heart-rending details of the desperate labors and miseries these thousands of oppressed, desponding, despairing females had to undergo in these cities during the late winters.

We see that the low wages in Ireland are caused by the oppressive circumstances the people labor under; monopoly; monopoly is the blighting cause; monopoly of land, and of the fat of the land; monopoly of money, monopoly of labor, monopoly of power, monopoly of rank, monopoly of privilege, monopoly of every thing but pure elastic air and limpid water; and, thank God, their oppressors cannot deprive the single-hearted inhabitants of the Emerald Isle of these choicest of nature's luxuries; and the same causes, under various modifications, produce the same effects in every country in Europe. The representations of this or that currency, in the oppressed countries of the old world, cannot deceive us about the true causes of the low pittance of wages that the workers must put up with. It is labor lost. They who come from those countries

understand them too well, to their sorrow; they have felt them, and seen them, and tasted them through the bitter cup of oppression. These tables of low wages need not be exhibited to the honest German, or the hardy Swiss, or the volatile Frenchman, or the plodding, persevering Englishman, or the prudent Scot, or the open-hearted Irishman, who have sought an asylum in the land of liberty and equal rights. I repeat it, they cannot be figured out of their senses, or led astray by these tables of low wages; they understand the real causes too well for that; for it *is they who have felt them*. I say, once more, it is labor lost.

Gentlemen need not be uneasy about low wages; in our own country we working folks have some notion of taking the bit in our teeth, and regulating at the polls the banking monopolies, and such other exclusive privilege monopolies and fallacies as tend toward arriving at the monopolist desideratum of the standard of European wages.

This bugbear of low wages is thrown away upon men who live by the sweat of their brow. They understand the matter. As long as the land they labor on is in the hands of the people, and not held in large overgrown estates by a privileged few, as in Europe, there is no danger of these low wages, the offspring of aristocratic circumstances. While the high-spirited American freeman can take the choice of working for another, or for himself; of tilling his own acres or another man's acres, just as he pleases; of wearing his shoes, or going barefooted (by the way I am indebted for this idea to a hard-fisted constituent and neighbor of mine who wanted to try a farmer for a Congressman, and who will remember it if he should read this,) there is no danger of the low wages, which those who have become all of a sudden so sensitively alive to the interests of the working man, would wish us to believe they are afraid of. We have been diving into these mysteries, and are beginning to understand them. There is no danger of these dire prognostics of low wages being realized, when the unsophisticated producer, who is content to live by the labor of his hands, can buy his 80 or 160 acres of the people's domain, in which he has an inheritance, and sit down in peace and independence under "his own vine and his own fig tree."

Much has been said in the speeches of gentlemen during these debates, as connected with this bill, about industrial interests, and about consideration and sympathy for the poor man, for the laborer—the working man; and some even condescend to call them the bone, and muscle, and sinew, of the country; which is all very fine, certainly; but, as the working people do not wish to draw invidious distinctions between themselves and the non-producers, and are beginning to take into consideration their own value and importance, they would as soon not be bespattered quite so extravagantly with these very gracious professions and flattering acknowledgments. I speak understandingly, for I have come from among them; therefore, I would respectfully suggest just to let them alone—let them manage their affairs in their own way. The laborers, and manufacturers, and mechanics, and farmers, are the industrials—the workers, the producers; they want no particular sympathy nor consideration; they want, simply, justice and equal rights with their fellow-citizens.

As to poor men, we have no poor men—in the West at least; for those who may be poor in worldly goods, are rich withal in independent feeling, in industry, in the proud spirit and consciousness of being American freemen. I repeat, they do not consider themselves the objects of peculiar consideration or sympathy; they are above it. These industrials, these producers, whether they live in log cabins, or frame, or brick, or stone houses, know that they are the bees of the hive; that through their labor comes the raw material and the fabric—the manufactured article. They know that the doctor, and the divine, and the lawyer, and the merchant, and the banker, and the shaver, and the speculator, and the dandy, and the would-be exclusives of every description—that all the non-producers live by them. In a word, they know that they are the solid basis on which the superstructure rests; that they are the health and strength of the Republic; that they are, emphatically, the people. Therefore, they ask not this consideration, this overweening love, that has showed itself all at once; they will not have it. But, Mr. Chairman, I will tell gentlemen what they do want; and I think I know their desires, for I am one of themselves; I am a farmer, and have the honor to represent essentially an agricultural population, with a due proportion of mechanics, and some manufacturers, as well as plenty of the good old-fashioned household manufacturers, among the farmers. They speak their will through me. They want this bill to be passed into a law, that the avails of the public lands—the lands which belong to the whole people—and the revenue from foreign merchandise, which is ultimately paid by the consumers, may not assist banks in their speculations and partial expansions and contractions, and oppressive mismanagement; a bill that will keep a little more of the precious metals, which is the unsophisticated currency of nations, the product of labor itself, in circulation: that the working man may command into his hard hand the hard dollar and the hard eagle, that he has earned by hard work. They want the duties on imports to be paid in cash down at once, without waiting for the expiration of the compromise tariff; and, if it were in order, I would offer an amendment to this bill to that effect. For they think that the importers and British agents have enjoyed the advantage of duty credits, over our manufacturers and mechanics, and our farmers, who have to pay the cash down for their land, quite long enough. And they want the duties more equalized, and reinstated upon silks and such other articles as may be required to ensure a sufficient revenue to defray the public expenses, and render any other resort unnecessary.

And, Mr. Chairman, I will tell gentlemen further, what these working constituents of mine do not want, that there may be no mistake hereafter, and from its being involved in the success of this bill. They do not want a National Bank and its aristocratic tendencies, with its branch banks, and its patronage, and hosts of presidents, and cashiers, and clerks; and army of borrowers; and brokers, and shavers, and speculators, and exclusives, and other leeches that will fatten upon the labors of the producers; and its derangements of our economy, through its expansions and contractions and scheming to control the Government and perpetuate its power; and its connection and sympathies and entanglements with foreign interests and policy, to retard and paralyze free government. They understand perfectly well the nature and tendencies of such an institution, for they have been operated on to their heart's content in that way. I believe, sir, this is, as far as I have described, what the working people do, and do not want; and if we, their representatives, do not do their will in these respects, they may take it into their heads, and tell us a little more of their minds, and enforce it through the quiet, but irresistible operation of that talisman of simple mechanism, invented by our patriotic forefathers—Heaven bless them for it!—the ballot box; an operation that may prostrate the aspirations and dissipate the inspiring day dreams of some of us honorables, without our consent, just by way of whispering in our ears what we are, and who made us, and not to forget ourselves.

No, sir, this sudden, overweening love for the working men—the lower classes, some still foolishly term them—displayed through pretensions of log cabins and hard cider, and the blandishments and coquetry of perfumed gloves, and ribands, and medals, and gilded banners, and other tawdry aristocratic tinsel and deception, cannot delude the free and right thinking tiller of the land. Ploughs and harrows, and log chains, and the other rural appliances of industry, could not mix with such gewgaw trash; the union would be too unnatural. A log cabin is garnished with no such trumpery; its embellishments consist of petticoats, and gowns, and coats, and trousers, hanging on its walls, and feather beds, and piles of linen as white as snow, and warm blankets, manufactured by its industrious inmates from their own flax and the fleeces of their own sheep. No, no; you must give the working man reality and common sense—and why? Because he knows what it is to get a living. He has not the privilege of making bank notes at pleasure. He will not have a President who will not "show his hand," to speak in lawyer parlance; who demands the confidence of the people, without telling them openly and frankly what he means; who will not tell them what important measure he will or will not support, but refers them to past professions with two faces; and permits himself to be kept un-the surveillance of a committee, who speak and think for him what they please.

My constituents want no such man for their President. They want the man who has told them his mind frankly and plainly upon all the great interests of the country; whose talents, and patriotism, and purity of purpose, have been tried, and not found wanting; and who sees and converses without demur with any body, Democrat or Whig, and speaks his mind manly and openly without disguise. He is the man they want for President.

As a friend, sir, to our own manufactures, I am particularly pleased with the 19th section of this bill, because it provides for the collection of our revenues in gold and silver only; a measure that will incidentally be more favorable to the manufacturer by lessening, measurably, the undue facilities that have hitherto been afforded the importers of foreign merchandise, in paying the duties in bank notes that could be made at pleasure. Excepting cash duties, which will go into effect at the expiration of the compromise tariff, I do not know any act that would benefit our manufacturers more than this one of exacting the import duties in specie. In truth, receiving the duties in bank notes is giving a species of additional credit on the duties, and so far unjust to our own fabrics and products. When I look at it in all its bearings, severing the public moneys from bank control is not merely an act of prudence and propriety, but an act of justice to the working community which was called for imperatively, to keep a sufficiency of coin in circulation for their use, that they may be no longer subjected to the fluctuating value of bank paper. And to Southern gentlemen I would respectfully suggest that, as this bill will conserve the interests of our manufactures, they have an additional interest in its passage; for the day is approaching when they may not be able to sell a bale of cotton to England. She is at this monent putting forth all her energies in cherishing and promoting the cotton culture in her East India possessions. The world has felt her indomitable perseverance of purpose, where she thinks her interest is concerned: and how seldom has she been unsuccessful in enforcing her views, whether of aggrandizement, or power, or ambition, or been fastidious about the means or policy she would use in pushing every obstacle out of her way! Do her colored regiments in Canada and the East and West demonstrate this, or not? This cotton project has of late been the theme of debate in her Parliament, and of consultation in her cabinet. I will exhibit one indication among the many I have seen lately on the subject. It is from the Liberator of the 6th of March last: "A Bombay paper of October 10th says, 'we understand that the court of directors have engaged twelve Americans to proceed to this country, for the purpose of improving the cultivation and clearing of cotton, and that they may be shortly expected to arrive in Bombay.' "

The moment the British Government determined (although in shameless, glaring contrast to the grinding oppression inflicted on her Irish subjects) on the act of emancipation in her West India colonies, to stand in contradistinction to the institution in our Southern States, that same moment did she determine on the cotton culture in her East India possessions through the labor of her hundred millions of slaves in that quarter of the world; for slaves they are virtually, to all intents and purposes. The conception of both projects was simultaneous, connected with, and grew out of each other. The motive of this double stroke of policy is so obvious, that comment or elucidation seems unnecessary. I only ask Southern gentlemen, and the whole people of this Union, who appreciate its value, and love their country, to bear it in mind for their future guidance, and as a precious commentary

on the supposed magnanimity and humanity of a government that has been held up to our vision by Republican representatives on the floor of this hall, I am sorry to say, as a model of wisdom and greatness, for our imitation. If it had been presented to us as a model of reckless selfishness, it might have been more applicable. But railing is not argument, and that there are worthy men belonging to that Government, there is no doubt. I speak of the tendencies of its policy. To the pure patriotism of Southern gentlemen I need not appeal, for that stands pre-eminent; but I would point to their interests, which are involved in this measure as far as it will be doing justice to our own manufacturers.

I will now, Mr. Chairman, as briefly as I can, endeavor to show the more remote, the original, great moving cause that has brought the country into its present untoward monetary situation, and rendered the present bill necessary, and which I alluded to in the commencement; and a right understanding of which will assist the people in getting out of the dilemma, and likewise assist in avoiding such evils in future.

How happy it is, sir, for a people to have the power, the faculty, of governing themselves, and doing it wisely and justly, according to the great principle of free government! We, as a people, have had such a power placed in our hands, for which we should be thankful, but have we been exercising it wisely and justly? that is the question. I fear we have not. We have got ourselves into trouble, almost inexplicable, for want of reflection —from mere wanton thoughtlessness we might say. But, happily, it is not too late to begin; and that beginning must be to inquire where we have erred. It has been by a wrong estimate, an unjust exercise of the legitimate power of the people, as a whole, in conferring that power upon parts of ourselves called corporations. Because we must consider ourselves only as a whole—(the people of a State, I mean—Congress can only act under the Federal Constitution) —in the exercise of free government; and if we confer our power as a whole—as one and indivisible—upon a part of that whole, we are not exercising the power of free government rightfully.

This is obvious; and this we have been doing, and for which we have been and are being justly punished. Let us consider—what is free government? The power of governing freely, certainly, whether exercised by a man in his own proper person, or by a body of men associated together for that purpose. But the latter, in doing so, must act always as a whole only, and never confer the power of that whole virtually upon a part; for if they do, they are no longer free: that we have done, and there is the error we have committed. We diverted ourselves of that power, and frittered it away upon parts of ourselves, called corporations, which was strikingly exemplified when we conferred our power in the form of a charter upon the United States Bank, irredeemable for 20 years—not to resume our power for that period, although the people of any one of those 20 years had the same power that we had when granting the privilege. Hence, the question arises, if the people of this day do this, have the people of a future day the power to rectify it, to resume their power again? Certainly; but always in a just manner to those concerned; for justice is the chief attribute of power. Unquestionably they have; for if they have not, they are not governing themselves—there is an end to their free government. This is, unfortunately, the position of the American people at this moment. We have given up to a part of ourselves powers above the Constitution itself. If I were disposed to indulge in bitterness of spirit, I might call this ungrateful to that Almighty power that permitted us the inestimable blessing of exercising the power of self government as a people. It appears to me, Mr. Chairman, that our money distractions have been permitted through this wrong exercise of the power of the people in the collective capacity, as associated together for free government, from the Revolution to the present day. But before I proceed to show that this is the case, I will endeavor to explain and elucidate as little as may answer the purpose, of the nature, extent, and exercise of this power.

The legitimate power of the people is one and indivisible; they cannot divest themselves of it, for they are only holding it for posterity; they cannot confer it on a part, because it belongs only to the whole; it cannot be, but as a whole—it is always the same. It is the same in the people of one period, as in those of another period. The people of 1840, '50, or 1900, will have the same power as those of the present day. It exists in us of to-day, as it did in those of twenty years ago—always one and indivisible in the character of Government, and this is but just and reasonable; no Republic can be permanent upon any other basis; we cannot be a free people upon any other candition; a people associated together, every law, every act, emanates from the whole as one only. It was this great principle, felt, but not as perfectly understood as it yet will be, that released us from the dominion of Britain. It was this great principle that induced us to set up for ourselves—to become a free people; to attempt (what the nations of the old world would fondly believe is only an experiment) to govern ourselves in our own way, according to the principles of truth and justice. From this legitimate power of the people emanate the Constitutions of the States, which they alter and amend, or change and build up, to any extent that may be necessary or desirable, whenver they please, at any period of time. And why is this? Because the power of the people, as a whole, is always the same—it is always as one. Withal, the atoms which compose this power of self government are constantly changing; some die, some are born, some go beyond seas, some come from beyond seas; but still the legitimate power of the people, as a whole, is the same. Were the people of 1820 more infallible than we of 1840? or are we of 1840 more infallible than those of 1860 may be? or is our power as a people greater than theirs will be? Will they not have the power and right to relieve themselves from any act of ours that may involve their welfare? Is this very bill that we are going to pass, to remain unmodified or unrepealed at a subsequent time, if it should be deemed necessary? If the advocates of a United States Bank were the majority, and they should establish one, and it should become corrupt and oppressive, and trench upon and endanger our liberties, as a former one has done, would not justice to ourselves demand its abolishment? Do we assume to ourselves the power of inflicting evils on posterity, and that they shall be irremediable; that our descendants shall not rid themselves of them, even if they hazard the most sacred of all their rights, their liberties? And shall we do this under the sanction and hallowed name of free government? Why it is a mere mockery, unworthy an intelligent people. It is the worst kind of despotism—despotism under the mask of liberty. Was it for this our forefathers of the Revolution, through that sacred instrument, the Declaration of Independence, pledged "their lives, their fortunes, and their sacred honor?" Is the power of governing ourselves, as rational beings should, which we wrested from Britain through the price of blood, which belongs to us as a whole only, to be lost, frittered away, by conferring it upon parts of that whole, under partial privileges of contracts, and charters, and vested rights, erecting petty monarchies in our midst? In assuming such power, and doing such acts, I, for one, believe that we are incurring a fearful responsibility to that Omnipotence that liberated us from oppression, and permitted us to enjoy the blessings that belong to free government.

The Constitution, the instrument which prescribes the action through which we are to govern ourselves, we alter and amend, whenever we think it necessary; nay, take it to pieces, and remodel it altogether, if entirely advisable, although I am one of those who think the framework should never be touched, unless imperiously demanded; and shall we confer our power upon a part of ourselves; erect a species of monarchy under the guise of a bank charter; place it above that Constitution; consider it untouchable, unalterable, no matter now dangerous to our liberties, or corrupt it may become; make a creature greater than the creator? and this we have been doing from the hour that Alexander Hamilton, by his funding system, made the first inroad upon the legitimate power of the people, until the present day. This is the rock we have split upon: this injustice, this violation of our power, by conferring upon a part what belongs only to the whole—making creatures, and permitting them to be superior to ourselves—is the cause of all our monetary miseries from the foundation of the Government to this moment.

We know that the Constitution of the United States says, that no State shall make a law impairing the obligation of contracts. Now, if this means contracts formed between man and man, or contracts formed wherein the government of a State is a party of the same character as simply between man and man, where both have the power, it is right; but if it means that the power of the people as a whole (as one) through their representatives in one Legislature, can confer that power on a part, as in the case of charters, or vested rights, or exclusive privileges of any kind, for a specified time, to be irresumable during that time by a subsequent Legislature, or, in other words, by the people through the exercise of their power as a whole, it is unjust; it is a gross violation of the legitimate power of the people; an outrage upon the great principle of free government, and ought to be amended immediately. For, as I have said before, the power of the people in their collective capacity belongs only to the whole, and cannot be conferred upon a part of themselves. This power, this sacred right of self-government, will be the same in the people of ten years hence as it is in us of to-day—it was, is, and ever will be, the same.

Yes, sir; the great error we have committed, and for which we are now suffering, is that of conferring the power which belongs only to the whole, upon a part or parts of that whole for a given time, and making it irresumable during that period, as in charters to banks, &c. inflicting evils, perhaps, upon posterity, and saying they shall not relieve themselves from them—depriving the people of an element of their sovereignty. Could any act be more unreasonable or unjust, or fatally adverse to the great principle of free government? the supreme, the sovereign power being in the people at all times—always one and indivisible. As I have already said, was it not this great principle that carried us through the Revolution?

Lawyers say that a contract is not binding unless both parties have the power to make it. Have the people of this day, or of this generation, the right or the power to contract away the liberties of the people of another day—another generation? Will any freeman, any right-thinking man, entertain for a moment the slightest approach toward such a suicidal idea? It is this dire admission that keeps the people of the old world laboring and struggling on under the wretched oppressions that are inflicted on them.

But I must not be misunderstood. I do not wish to leave any thing open to the cavils of the disingenuous. I therefore say, plainly, that the obligation of contracts, as between man and man, I respect as much as any other in the community. But I say, equally as plainly, that the people of one day, in their sovereign capacity, can confer no power on a part of themselves that may involve that sovereignty, but what the people of another day may resume at pleasure, doing perfect justice at the same time to all concerned.

However, Mr. Chairman, I will endeavor to illustrate my observations in the way of a supposition or two. Gentlemen have supposed considerably during these debates, and I hope I will be permitted to do some little in the same way.

Suppose a man had indulged in chewing tobacco for some years, but, believing that it was injuring his constitution, abandoned it, and the palate should remonstrate against being deprived of the particular privilege it had enjoyed so long, and demand its continuance, what would the will say? "I know that some years ago, at your own importunity, I gratified you with a taste of tobacco, and have continued it ever since; but I perceive that, in doing so, I am disordering the stomach, and consequently doing injustice to my whole system, therefore I will indulge you no longer."

Or suppose the thing called a dandy should take it into its head to wear gilt-rimmed spectacles, fancying they would make it look more grave, and dignified, and consequential, but, after wearing them sometime, it discovered its mistake and threw them aside; whereupon the eyes would be dissatisfied, and demand a prolongation of what they now thought proper to term a privilege, what would the creature reply, if it could reason at all? Probably something like this: "No, no, my lads; I find, if I continue to wear spectacles, though it may please you, it will render my whole person ridiculous, and ultimately injure yourselves and weaken your powers of vision; therefore, in future, you must content yourselves with the enjoyment of equal rights with your fellow senses."

And, once more, suppose a man had been in the habit of drinking to excess for years stimulants of one or various kinds—hard cider itself sometimes, perhaps; but, during a sober interval, reflecting that he was destroying his constitution and ruining his affairs, and cruelly distressing his family, he should form a determination to gratify his depraved taste no longer, and the taste demanded a continuance of the practice as a right, a privilege that, through its own importunity, it had been inadvertently conceded it should enjoy for a long time—what would the man say and do? "This will not do any longer, my friend; we must reform; in justice to myself, I will resume my power, which you have attempted to usurp, and which is the same now that it was on the day I thoughtlessly placed a part of it at your disposal. These excesses produce such expansions and contractions in my brain, like over and under doses of bank notes in other quarters, and such painful oppressions and revulsions in my stomach, through which my being is sustained, that it will end in convulsions which will prostrate the whole fabric, including yourself, even unto dissolution. I have been deceived and misled, and my confidence abused, and I resume my power."

So it is, Mr. Chairman with the body politic—confer its powers upon a part, to be exercised independently, irresponsibly, and the machine, the whole system, becomes disordered and deranged; the favored, the privileged part is selfish—"feels power and forgets right"—in proportion to the power conferred upon it, it infringes upon and weakens the other parts. In a well-regulated machine, you cannot increase the power of one part without weakening the others. The power of the people, in their collective capacity, always the same, is the will of the man. The depraved, vitiated taste was near mastering the whole man; and charters, vested rights, and exclusive privileges, through the action of banks, have been near mastering the whole people. The struggle is going on yet, and it is, virtually, as much a struggle for liberty and independence as was that of the Revolution, with this difference, however, that the Revolutionary contest was an effort to release ourselves from the thraldom of a foreign power, (for Britain had become so to us, from her tyranny and oppression,) and acquire the power of free government, of governing ourselves; and the present contest is to release us from a thraldom caused by ourselves; it is for a resumption of the power which, although belonging to us as a whole, we unwisely and unjustly conferred upon a part, in the form of unrepealable bank charters. This is the nature of the present conflict, whether we shall govern ourselves as a whole people, associated together for that purpose, or by a part of ourselves—a delusive paper money association, affiliated with a power of the same character in a foreign country. This is the real issue—the vitally important question which we are about to decide—liberty or despotism.

These remarks, sir, involve this question, as they were intended to do; would the United States Bank, which, I think, Congress had not the power to charter, under the Constitution, or the State banks, have inflicted on the people the adverse circumstances they did, if they had known that they could not do it with impunity—might be abolished whenever the people found that they were no longer useful or abused the confidence reposed in them, or no longer answered the purposes for which they were chartered? Such is the question these remarks involve.

This, sir, may be called ultraism, or radicalism, or agrarianism, or any other *ism*, that the opponents of free government, who hold the doctrine that the people are not fit to be trusted with their own liberties, may please. But is it not truth? Is it not justice? If the people are not capable of governing themselves, what part of them is? There is the question. But I trust that the people will ponder upon these reflections that I have laid before their representatives for that purpose and decide the great, the vital question of their legitimate power being always "one and indivisible"—whether they shall govern themselves as a whole, or be governed by a part of themselves through corporations.

If those hallowed forms that adorn the walls of your rotundo could spring into life, and pass into this hall at this moment, what language would their great minds dictate? Thy reign is done, thou grovelling paper despot—'twas we who gave this people liberty.

There is one thing, sir, that surprises me greatly at present, and that is, to see the attempts and pretences that are made to make people believe that these are the worst times we have ever experienced, and that produce is to be so cheap that it will be for the asking, and wages so low that nobody will work, and that the Government has caused it all, although there is not a word of truth in the whole of it. Why, such stuff is an insult to the people's understandings, just as if they were fools, or had lost their memories and their senses. I will give you, sir, a few recollections upon these matters, for I have no time at present to recur to books and newspapers and hunt up reminiscences upon this subject, but if I were at home, I might recur to the recollections of my neighbors, and they could tell you what I will: I remember reading in Niles's Register and other papers that wheat in Ohio was as low as 25 to 20, and even 12½ cents a bushel, and corn 10 cents, and whiskey 15 cents a gallon, and flour, at one time, only $1 a barrel at Pittsburg, and that it required a bushel to a bushel and a half of wheat to buy a pound of coffee, and four or five for a pound of tea—this was about 1820 or 1821. And what caused this? bank expansions and contrtionacs, and panics and revulsions, and breakings and swindlings, and consequent robbings of the working man's hard earnings. I came into Ohio some dozen years ago, and I remember, in my own day, seeing corn at 25 to 18¾ cents, and wheat from 50 down as low in some instances as 37½ cents, if I recollect right, and oats as low as 15 to 12½ cents, and that in store goods too at from 25 to 60 per cent. profit. I remember, likewise, hearing frequently, after my arrival, that some time before, wheat was a drug at 31¼ to 25 cents a bushel; that the farmers would have to hawk it about from store to store to get it disposed of. Do these gentry, who now pretend to love the hardfisted working folks almost to adoration—although they are so widely apart in sympathies and pursuits—remember any of these matters and their causes? Well, if they don't or won't, we do; and we remember, too, that Martin Van Buren, whom Andrew Jackson sent minister to England for that purpose among others, made an arrangement, with little hesitation, for a participation in the trade to her West India colonies, that assisted to raise the price of breadstuffs in our west at once—a desideratum that the preceding Administration had attempted in vain. Yes sir, if the wireworkers who affect to love log cabins and hard cider so intensely cannot remember these matters, we can and do—let them bear this remark in mind. Yes, sir, only pass this bill, so that the public revenue, consisting of twenty-five millions of dollars, or whatever it may amount to, may be kept in circulation in honest hard gold and silver, that the workers may have it for every day use; and make the duties on foreign merchandise payable in cash down upon the nail, that the merchant and British agent may have no advantage over the farmer and manufacturer; and let the producers sell more and buy less; manufacture more and use more of their own fabrics, and less of foreign ones, and place banking within the entire control of the people, and then see if the West and the whole Union do not rise faster in prosperity, and virtue, and happiness.

I am sick, and tired, and disgusted, with these vile wretched attempts that are incessantly kept up to mislead the people; and I do say, to the people's Representatives on this floor, and to my constituents, and to the whole American people, and I say it fearlessly, that that man who wilfully misleads the people from their true and just interests, or deceives, or imposes upon them false doctrines—whether in the halls of Congress, or in the halls of the State Legislatures—in the county meeting or in township meeting—in public conversation or in private conversation—through the press or at the polls—or in any way whatsoever, in act word, or deed—it is a grave accusation, but it is a true one—that man is virtually guilty of treason against free government, against the liberties and happiness of mankind in the United States and all over the world; and not merely at present, but extends it to the future, by retarding the progress of free principles, the onward march of human rights, of truth, and justice—that man is the enemy of his fellowman, in the broadest sense of the word.

While the name of the true patriot, who loves and serves his country, will be cherished in the memories of posterity, that of the man who misleads the people will be precipitated down, down, down through the never-ending night of dark oblivion.

SPEECH OF MR. W. O. BUTLER,

OF KENTUCKY.

In the House of Representatives, June, 11, 1840—In Committee of the Whole, in reply to Mr. BIDDLE and Mr. HUNT, on the appropriation for surpressing hostilities in Florida.

Mr. CHAIRMAN: That I have not occupied this floor sooner, is an evidence of the reluctance I feel, in occupying it at all; a reluctance which is greaty increased from the reflection that the session is drawing to a close, and that I can hope to say nothing likely to compensate the country for the time I shall necessarily occupy. The consideration would certainly induce me to decline saying any thing on the present occasion, were I not satisfied, that the session is to end, as it began, in speechmaking.

Be this as it may, sir, I have now undergone what all will admit to be a reasonable novitiate in silence, and intend as brief a discussion of the Florida war question as I may find convenient. That this war is beginning to excite a deep, and a thrilling interest in the community, is not a matter of surprise; it has desolated our frontiers with a most unsparing hand for years; and although it in no degree threatens the general safety of the nation, it is but too well calculated to appeal to the sympathy of every heart not locked up against the voice of sorrow. It is moreover, sir, a war whose termination still lies hid, far in the dark inscrutable future. Like every other transaction of the times, this war has been seized on by the Opposition party, in and out of this House, for the purpose of being moulded into political capital. It has been roundly asserted, that its operations have been such, as to reflect indelible disgrace upon the Administration under which it has been carried on. As a friend and a supporter of that administration, have felt myself called upon to examine into the truth of this charge; and after having done so, I take it upon myself to say, in the presence of those who have made it, that it has no foundation in truth. I intend to re-examine it, in the presence of this committee, where the various laws, and most of the facts in relation to it, are within our reach; and where the touchstone of truth may be readily applied. I congratulate the country, sir, that this hour has at last arrived. I congratulate the Opposition, that they are no longer compelled to yelp and snap at the shadow of this war; that they may now do that, as a matter of right, which they have heretofore only attempted by way of stealth; and I now call upon them, one and all, to make good their charges; not not by round and bold assertion, but by proof and argument. It would have evinced much more confidence in the truth and justice of their charges, had they waited for this hour. It would have

been much more creditable to themselves, and infinitely more just to all concerned, had they imitated the notable example of Tam O'Shanter's wife, and nursed their wrath until the present time. But I am aware that this Opposition never condescends to act upon any but high and prudential considerations; I, therefore, take it for granted that some such consideration must have influenced their course in relation to this war. I presume, sir, they found their patriot wrath too hot for nursing, and that they have been simply hoisting their safety-valves in advance, as the only means to prevent explosion. Certain it is, sir, that we have had many and most portentous sounds from their escape-pipes in this hall. I congratulate them that their long agony is now over, and that they may work off their surplus steam at their leisure, and in the natural way.

Before I proceed, however, to an examination into the operations of this war, permit me to reply to the gentlemen who have preceded me as to the alleged causes which induced it. The gentleman from Pennsylvania, [Mr. OGLE,] in his celebrated "clear the kitchen speech," told us that it was brought on by the infamous conduct of the Government in swindling these Indians out of their lands; and the gentleman from New York [Mr. HUNT] added to this, a charge in relation to the wife of Osceola, which is appropriately registered in the Abolition Almanac of the present year. I admit that these gentlemen are quite as near the truth as is usual in these party times; they are only one remove from it. It is not that these Indians have been cheated out of their lands by the Government (for I am well convinced a fairer treaty never was made with an Indian tride,) but it is to this charge, falsely made, and widely circulated, and particularly among those Indians themselves, that this war is to be attributed, more than to any other cause. Unfortunately for the honor, the peace, and the prosperity of the country, there is, and ever has been, a party among us (not a large one, I trust, sir,) who never yet was known to approve of any one act of their own Government; who never yet was found acting with their own country, either in peace or in war; the same party which held back the arms of our gallant fathers in the Revolutionary struggle; which hung a dead weight upon our eagle's wings in the last war; and which is how busy in sowing the seeds of disunion throughout the land. This party, sir, has made its appearance among us at different periods of our history, and in various guises, but ever in that guise best calculated to strike at the honor and security of the nation. For some time past it has been carrying on a most insidious warfare, alternately and conjointly under the red and black banner. It has taken under its holy keeping the red man of the wild, and the Southern slave, and has been inciting the one to rebellion, and both to war, by every means in its power. And yet so strange a thing is man, that the members of this same party meekly fold their arms and call upon the world to say whether they are not the true, nay the peculiar followers of the Prince of Peace. That there may be among them some blind, deluded zealots, who fondly dream they are engaged in the service of the Most High, while they are lighting the torch of civil discord in the land, and bathing it in blood, is barely possible; but that their leaders, and many of their rank and file, will, in the end, be found to be either the hired or the willing tools of foreign powers, striking at the integrity of this Union, I have many and strong reasons to apprehend. Crowned heads throughout the world begin to sit tremblingly on their thrones. The spirit of inquiry is abroad in every land; liberal principles are every where on the rapid march, and our free institutions afford the only light held out for their guidance! Put out that light, and liberty is lost to the world! The problem of man's capacity for self-government is fatally solved, and the feudal ages come back upon us with all their gloom and all their chains. It is not then strange that crowned heads should seize upon the only means in their power to remove the only obstacle in their way. America, true to herself, may laugh at the world in arms; to divide and conquer us is the only hope. And I repeat it, sir, this saintly brood of hypocrites, these exclusive friends of the red man and the black, but who would neither shed their blood nor spend their money for the salvation of both races, are, in my opinion, designed as the entering wedge for the rending asunder this great, this glorious, this holy confederacy; cemented together by all that is sacred in the past, by all that is worth living for in time to come.

As a further pretence for intermeddling with Indian affairs, it has been said that one of the chief purposes of the late Administration was the destruction of the Indian race; and we have been invoked by the orators, and the poets, and the papers of a party, both foreign and domestic, to unite with them in weeping over the fate of a once great and potent nation—now a feeble and oppressed tribe, cheated out of their lands, and driven from the graves of their fathers into bitter exile by the iron hand of tyranny. Notwithstanding they were encouraged to sell their lands, and to emigrate as the only means to save them from utter extermination: and, notwithstanding, while remaining among us, they are daily dipping their insatiate hands in the innocent blood of our women and our children: for them this party has no sympathy; it is treasured up for our enemies alone.

It is true, Mr. Chairman, when the gallant old man who was at the head of the late Administration saw Florida in flames, and the hearthstones of her peaceful and unoffending citizens drenched with their own blood, that he flew to their assistance, and saved them from destruction. Its is also true, that, in doing so, he shed much Indian blood; ay, sir, and shed it without remorse. But that his, or the policy of the Government, in purchasing the Indian lands, and removing them beyond the Mississippi, has a tendency, or was designed, to destroy them, is utterly untrue. I repeat it, sir, nothing else can save them from speedy extermination. All history, and tradition, and experience, attest the fact that these two races cannot live in close contiguity with each other; that the contact has still been fatal to the Indian race. True it is, sir, that portions of that race, like the strong man in the temple, have often brought a common ruin upon their own and the heads of all within their reach; but, as a nation, they have been compelled, with diminished numbers, to plunge deeper and deeper in their genial wild, leaving behind them smoking ruins and a bloody trail.

What, let me ask, sir, would be the fate of the Seminole tribe, in a few years, hemmed in, and pressed on all sides as it is, by a daily increasing white population? It would be that of a belted tree, putting forth its sickly leaves for a season, dropping its sapless branches, one by one, and speedily mingling with the dust. The reason is a most obvious one; our customs are at continual war with each other: the Indian lives by the chase—lives mainly on the forest game. The farms and fences of the white man circumscribe and limit the range of the deer and the elk, and the hum of civilization frightens them away. The Indian follows of his own accord, or is compelled by the whites, after having turned his idle arms upon those who have broken in upon his habits, without having changed his nature. Give him his native wild—the lofty mountain and the deep dark dell: the rushing river and the quiet lake; give him the rifle and the forest game; you give him all he requires—all he is capable of enjoying. You leave untouched and uncontaminated all that is worth preserving in his nature; and I acknowledge he has many fine and lofty traits of character. Take his weapons from his hand, and replace them with the plough and the hoe, and you make him a tame dispirited slave, or a bitter and an unrelenting enemy. If this be true, sir, was it not a wise and a humane policy, to give them a distant country of their own, where they may preserve and enjoy their own proper and peculiar customs, unchecked and uncontrolled by the warring usages of civilization? That the condition of those who have complied with their treaty stipulations, and removed beyond the Mississippi, is greatly improved, we are not only told by their own agents, but by the concurrent testimony of all who have visited them in their new homes. I have deemed it proper to say thus much in defence of the policy of the Government, and in refutation of the unjust and illiberal charges made against the late Administration. But I am well aware, sir, that the fate of the Indian has but little weight with those who are affecting to weep over it. It is used merely as a mask, to cloak another and a much more important measure—one which it is not quite prudent to proclaim on the house tops. They would be content to witness a war of extermination between the Indians and whites of the South, so it did not reach their borders, or touch their purses, provided it should prevent the settlement of Florida by slaveholders, and its formation into slave States. That, sir, is the key to the whole mystery. Florida, in its present condition, is too well suited to their purposes to be lost without a struggle, which costs them nothing, however much blood and misery it may cost others. Florida, in its present condition, is the fit, the natural, and the well-selected theatre for abolition operations; the only one on which it can ever hope even to commence its nefarious schemes; and the Florida war, its first, its natural, and its bitter fruit. Look at it, sir, surrounded on all sides by slaves and slaveholders, occupied by a savage tribe, easily excited to war, owning many slaves, and having among them many free negroes, in daily communication with those of the whites, at all times disposed to excite them to rebel against, and desert from their owners; and to secrete and protect them when they do so, of their own accord. Stretching far toward the Bahamas, and reaching almost to Jamaica, lately a slave State, and now a scene of manumitted misery—owned by a foreign and a rival power, united and affiliated with the Abolitionists in our own country—it is a most convenient spot for all the numerous agents of this society, to meet and complot in safety, against the peace and security of the American people. Do not imagine, sir, for a moment, that considerations of so vital a character as these have been overlooked or disregarded, by either the people of Florida or the Abolition party. That they are both thrillingly alive to their true condition, will be seen from an extract taken from the Antislavery Almanac of the present year. The article from which this extract is made is under the following appropriate head: "Will you admit Florida as a slave State?" After denouncing the Government and the war in the most reckless and unmeasured terms, and quoting from the Louisville Journal, in support of their charges, they proceed to give the reasons why the people of Florida desire the removal of the Indians.

"At a public meeting of the citizens of Tallahassee and vicinity, June 8, 1839, it was 'unanimously resolved, that the Seminole Indians and the inhabitants of Florida *cannot maintain peace and live in the same country*, and if any treaty shall be ratified, locating these Indians in Florida, *it will be a paper treaty only*.' They also resolved, 'That the peninsula of Florida is the last place in the limits of the United States where the Indians should be permitted to remain, for obvious reasons:' 1 and 2, 'They are accessible to our enemies, and would be guides to them in war;' 3, 'If located in Florida, all the runaway slaves will find refuge and protection with them;' 4, 'The contiguity of emancipated colored people of the West Indies, would, in a war with some foreign power, place Florida, and, in fact, the whole of our Southern States, in jeopardy.'"

What are those reasons? The people of Florida wished the removal of the Indians because their lives and their property were in imminent and constant danger from their contiguity; and these are adopted by the Abolitionists as insuperable objections against their removal. I confess, sir, they are of the most satisfactory and conclusive character. It is quite natural that the people of Florida should feel a deep solicitude in the preservation of their lives and their property. But the Abolitionists have decreed that they shall loose their slaves, even at the expense of life itself. I know there are some of that party who will recoil with much seeming horror at the very shadow of such a catastrophe. Yes, sir, there are men in the world who will coolly and quietly lay a train that they, and all others who pretend to think at all, must know will ignite of itself, or be fired by the hands of another, and who, when the thunder of the explosion bursts upon them, will exclaim against the wickedness of the deed, and thank Heaven that they at least were free from such a sin. This, sir, is the case with many. But there are others who have laid aside even this thin and flimsy robe of caution

and hypocrisy, and who come out boldly, and in print, and tell us they have weighed the whole matter, and are prepared to carry out their vile schemes, even at the expense of the Union itself. Let every American read the following extract from their proceedings, and then let any man who prizes his character and standing as a patriot dare defend them:

"W. L. Garrison, from the Business Committee, reported a resolution declaring that, as Abolitionists, we are bound to carry out our principles, no matter at what expense to our sect or party, to the Constitution, or to the Union."

This paragraph wants no comment. I will not even say of its author, as the venerable gentleman from Massachusetts [Mr. ADAMS] once said of a distinguished colleague, [Mr. WEBSTER,] who in debate said he would not vote for a certain war measure, then under consideration, even if the enemy were then thundering at the Capitol, "that he had but one more step to take, and that was to join the enemy." I will not do the author of that paragraph the injustice to doubt that he has already taken that important step.

No one, not even the Abolitionists themselves, can deny that the course openly pursued by that party has a direct tendency to excite discontent among both the Indians and the negroes. Have they not both had their supposed wrongs and oppressions depicted to them with all the force and fervor which ingenuity and falsehood united could command; and what other method could they have resorted to more likely to produce the results which have followed? Does any one doubt that such means, acting on such bodies of ignorant and illiterate men, even if no such evil was designed, could fail to excite both Indians and negroes to revenge; and is it not equally natural that two such classes of men, living in the same region and in habits of daily intercourse, should unite together for the purpose of effecting a common redress? That they did so unite before the commencement of the war, and have continued to act in perfect concert, I will now show you from the report of Major General Jesup, who was then engaged in the prosecution of the war; from page 10, I make the following extract:

"Having been apprized, by prisoners taken in the preceding campaign, of an arrangement entered into previous to the war, between the Indians and the slaves, that, so soon as hostilities should commence, the latter were to join them, and take up arms, I informed the Indians that all their negroes must be separated from them and sent out of the country."

Again, in a letter from Volusia, he says:

"This, you may be assured, is a negro, not an Indian war, and if it be not speedily put down, the South will feel the effects of it on their slave population before the end of the next season."—Ex. Doc. 78, 3d vol. 2d session, 25th Congress.

An intelligent gentleman, now in this city, long and still an inhabitant of Florida, in a note to me, says: "That the Indians were instigated to a violation of the treaty at Payne's landing by the negroes among them, there is no doubt." As a proof that the Abolitionists have been instigating them to this course, and that foreigners have been aiding them in it, the same gentleman says:

"During the course of the war, a communication existed, with boats, between the Bahamas, where some of the fugitive slaves had transported themselves for greater security; and a brig has been running, under the charge of a devoted patron of free negroes, from St. John's to St. Domingo."

That the people in Florida are alive to these facts will be seen from the following extract from the Floridian:

Extract of a letter from a gentleman in East Florida to his friend in New York.

"If you observe the papers you will see what is doing in Congress towards our admission as a State. We have two parties—one for and one against it. One is for a division, to form ultimately two States; the other, to come in whole immediately. In the present and prospective state of things, it is decidedly better to come in as one State; for, if the Abolitionists get the ascendency, we can never come in. The Union would be dissolved in the attempt, and dissolved it assuredly will be, if they increase; and, with their increase, persevere in the incendiary efforts we see them daily making to excite discontent and revolt among our slaves. The modes by which they essay to do this are, some of them, as base, and baser, than any thing else that can be named, excepting always, and forever, the cause they are engaged in. I could particularize these, but shall content myself with the one fact of their making instruments of negroes, who have (perhaps by the generosity of their former owners) been emancipated, and are suffered to remain amongst us. The intercourse with these free negroes is not difficult. By means of other free negroes occasionally touching at our ports, and finding ingress to our towns and cities; these are bribed to the work, and furnished with incendiary tracts, artfully contrived, for the furtherance of their hellish purposes."

The following extracts from their constitution will show their plan of operations. Among the means to be resorted to, are the following: "To open correspondence with the Abolitionists throughout the world, and encourage them in the prosecution of their objects." And again: "That our friends, both white and colored, in Canada, the West Indies, South America, and other countries, be affectionately invited to form auxiliary societies, and contribute to the funds of the society." Do you think, sir, all this brotherly love has been thrown away? No, sir, the Indians and the negroes have been appealed to, and they have gone to war; the islands have been invoked in the most fraternal terms, and the islands have lent their aid. What impression these facts may have upon others, I am not prepared to say. If any shall still doubt that the spirit of Abolition has been one of the causes which produced, and is now protracting, this war, I leave them to the enjoyment of that opinion; convinced, as I am, that time is maturing and multiplying facts that will force even the willing skeptic to become an unwilling believer.

I proceed, in the next place, sir, to an examination of the manner in which this war has been been conducted. I have before said that the Opposition in this House has charged the operations of the Florida war to be such as to reflect indelible disgrace upon the administration under which it has been carried on. But, strange to tell, no part of that foul attaint is to attach either to the generals who conducted the various campaigns, or to the soldiers who fought the different battles. It would not be quite politic, at this interesting conjuncture, to assail so numerous and so influential a body of men, that might rouse the honest indignation of their numerous friends, and of the country at large. That gentlemen have no intention of doing, and I acquit them from any such design. Had success crowned our arms, had victory perched on our standard, who would have worn the plucked laurels? By the united voice of the world, they would have graced the brows of our generals and their companions in arms. But, sir, victory and defeat are the very opposites of each other; and their effects should, of course, be of a corresponding character. Each new victory is but a fresh blast from the trumpet of the nation's fame; and, therefore, we join in the all hail to our friends who have won it. But, sir, it is most desirable and convenient to find a scape-goat for those same friends when overtaken by defeat and disaster; and if that scape-goat should chance to prove an enemy, or a political opponent, it is looked upon as a God-send, that, not to profit by, would be condemned by all as a species of political impiety.

Each year, Mr. Chairman, seems to demand a fresh victim. Last year the Secretary of the Treasury was singled out for party immolation. I need not tell you, sir, how signal a failure it proved; I need not remind you with what recoil that measure fell on the heads of those who attempted to use it. Where now, sir, is the mighty product of that mighty effort? where is that celebrated report which cost its authors so much labor and the nation so much money? I mean, sir, the Swartwout report. Last year it was the political text book of the Whig party, and was flourished from all the stumps and horse block in the country; where is it now, sir? it must have lost favor even with its friends; it has rarely been alluded to even in this House; it has scarcely raised a bubble or a ripple in this great boiling caldron into which every one is throwing his bitterest things:

"Liver of misbelieving Jew,
Gall of goat, and sprigs of yew."

Sir, it has been solemnly tried and fairly condemned by the American people, and from their verdict there is no appeal. Unwarned by the past, another victim is bound to the horns of the political altar. The Secretary of War is singled out for the sacrifice. Sir, it requires no Chaldean knowledge of the stars to foretell his doom. A child might cast his horoscope. Mr. Chairman, it was said of yore that the holiness of the altar sanctified the offering—that was true of one altar only, the altar of the Most High. Some altars are so base in themselves as to desecrate all that touches them. Such, mainly, are the altars of man; peculiarly such, sir, are the party altars of this day. I much fear that no acceptable incense can ever rise from them. I much fear that when the smoke of the sacrifice is over and the fervor of the worshipper subsided, when conscience and posterity come to sit in honest judgment on our best acts, when the gilding and drapery are torn off, and our motives laid bare, that all which we are now offering under the specious and holy names of patriotism and country, will be found to be little more than sordid ministerings to party and to self. I had thought there was still left one common ground an which even the parties in this House might meet, and, for a time, lay down their weapons of party strife. I had thought that when our banner was on the breeze, and our eagle spreading his wings for the stoop, that one spirit, the spirit of our fathers, would be in every breast. Nor will I, even now, permit myself to doubt that were this a war of foreign aggression, or one calculated to rouse the spirit of the nation, by endangering its liberty, we would all prove true in the trial hour.

But the Florida war has been treated as a matter of trivial moment. A few naked and wandering savages are said to have sacked our borders and foiled our armies; and the Secretary of War is held responsible for all the blood and all the treasure that have been lavished on that war. I will not stop now, sir, to cast up the merchant part of this charge; I will not, when speaking of the blood of my countrymen, pause to weigh it against gold. This is a proper, but a separate subject for inquiry. Let it be made. Submit the accounts and expenditures of this war to a proper committee, and let us have a full examination; not an *ex parte* one, upon select items culled out for present use, and at the close of the session, when it is well known that no one has the time or the inclination to examine them. We are now examining the operations of the war; not the quartermasters' or the commissaries' accounts. Show me that the Secretary of War has been remiss or derelict in his duty; show me that he has betrayed or neglected the high trust committed to his keeping—that he has suffered the blood of Florida to flow when he had the power to close her wounds; and I will aid you in the infliction of any punishment you may dare to name—I will aid you in branding him with a stigma that shall resist the effacing fingers of time for ever. But, before we proceed to condemn or to punish him, let us understand distinctly the offences with which he is charged; and let him have a chance to defend himself, at least by his friend on this floor. This, however, sir, is no part of Whig tactics. They have an instinctive horror of every thing like specification; it has a tendency to cramp their genius and unfeather the wings of their imagination. Sweeping charges and bold and bitter denuciations are much more easily made, and much more difficult of detection; and, therefore, generally resorted to. But, sir, I feel myself prepared to meet gentlemen, even on their own ground, and to satisfy all, who do not wish to close their eyes against truth, that even these general charges cannot be true, and exist only in the fertile imagination of those by whom they have been made. Have gentlemen condescended to inquire into the duties of the Secretary of War; the means that have been placed at his disposal by Government, and the manner in which he has employed them? Have they examined into the character and number of the enemy we have been contending with? And above all, have they duly weighed the character of the climate, and the impracticable nature of the country which has been the theatre of this war? If they have, and know enough of the science of war, to appreciate and apply such information, then they are, in some degree, qualified to commence the delicate and difficult task of military criticism; then they are, in some degree at least, prepared to do justice to the Secretary of War, and to the unfortunate army who are throwing away their lives and reputations in that most unfortunate war. And let me tell you, sir, if you proceed to condemn the one or the other, without making these essential inquiries, you are but acting the part of common stabbers in the dark, and just as likely to kill the brave man as the coward; and let me also tell you that the eyes of the American people are upon you, a just and intelli-

gent and a liberal people, one with whom success is not the only test of merit, and if there is a wretch on earth more contemptible in their eyes than all others, it is he who, not having courage to win laurels of his own, shall stretch forth his timid trembling hand to pilfer them from a brave man's brow.

What, then, are the legitimate and appropriate duties of the Secretary of War? and in what manner has he discharged those duties? His is a general superintendence over all that belongs to the science and the art of war; to see that the best and most appropriate means, whether of men or munitions, are furnished for carrying it on. Where it consists of many parts, and is waged in different regions, he is necessarily compelled to give a general outline of the whole, so as to insure the harmonious action of the different parts; but when the war is confined to a single, and that a wild and unexplored region, as Florida, all detail is necessarily left to the skill and discretion of the commanding general. On the selection of a general for such a service much depends, and for that selection the Secretary is properly responsible. In which of these important duties has the Secretary of War failed? and who, if any, is the delinquent Secretary? for there have been several Secretaries since the commencement of this disastrous war.

It is far from my intention to enter into a minute account of the Florida war; this would require more time and more labor than I am willing to bestow upon the subject at this time. My main object is to defend the Government from what I believe to be a most unjust and wanton attack. There may have been neglect, there may have been mismanagement, in many of the operations of this war. It would, indeed, be strange, sir, were it otherwise, when we consider the materials that have necessarily been employed in its prosecution. If the commanding generals have been properly furnished with men and munitions, they, and they alone, are responsible for the proper use of them. In making the inquiry which I propose, I shall necessarily be compelled to speak of the officers of the army, who have been engaged in this war; and, in doing so, I may find it necessary, in some degree, to compare their merits, or more properly, their fitness for this service. If so, it will not be to detract from them. That justice may be done to all, and injustice to none, it is essential to keep in view, not only the officers connected with the different periods of the war, but also the particular Administration then in power.

As General Clinch, who commanded the first, and General Scott the second campaign, have made accommon cause against the Government, I will first state their charge, and then proceed to meet it. In justice to these gentlemen, permit me, however, to say that the commencement of this war was well calculated to operate prejudicially on those who had charge of it. It was not until various generals and numerous forces had failed to bring it to an end, that we began to appreciate the many difficulties to be encountered, and the true causes of failure. That there was a general disappointment throughout the country, from the President down, when campaign after campaign ended without closing this war, is certain. The consequence was, that a court of inquiry was ordered to investigate the causes which prevented General Scott from ending the war. Instead of defending himself by assigning the true reasons, General Scott, in turn, attacked the Government. His interrogatory to Clinch, a witness on his trial, and the answer of Clinch, place the subject in a clear and distinct point of view; and I will beg leave to read them to the committee:

"*Question by the Court.* What were the causes, in your opinion, that prevented the subjection of the hostile Seminoles in the campaign conducted by Major General Scott in Florida, in 1836?

"*Answer.* In reply to that question, I am compelled to state that I am of the opinion that the failures of and the disasters attending the operations in Florida, were mainly to be attributed to the want of energy and military forecast in the late head of the War Department; and, in failing to order a larger force, and a greater quantity of military supplies, &c. into that country in 1835, and early in the year 1836. In illustration of this opinion, and to show, that the late Secretary of War was not entirely uninformed as to the state of things in Florida, I beg leave to submit to the court extracts from several letters addressed the adjutant general of the army by the officer then commanding in Florida. When, at last, the late honorable Secretary awoke from his dreams of political preferment, and turned his attention to bleeding and suffering Florida, it was too late, owing to the peculiar nature of the country, to effect a great deal before the hot and sickly months set in; hence, in a great measure, may be attributed the failure, as it has been termed, of the campaign conducted by Major General Scott in Florida.

"[The extracts alluded to in this answer were here read to the court, and accompany these proceedings, document No. 151,]"

Now, sir, here is a distinct charge, and of an important character. Let us examine into its truth. The witness, General Clinch, was the officer in command at the time of the alleged delinquency. That he was an intelligent and a meritorious officer, every way worthy of the high trust, none will deny. The Government relied upon him with implicit confidence as to what was proper and necessary to be done, and the force and other means requisite for the service. Was not this a just and proper reliance? Who was half so well qualified to give all the necessary information as General Clinch, who was immediately on the scene of action, and had special charge of the military operations in Florida? Certainly no one. I will now proceed to show you that all the requisitions of General Clinch were met, and more than met, by the War Department, as soon as they were made. If I do this, I shall feel satisfied that I have succeeded in warding from the Administration all pretence of censure, let it fall where it may. That the requisitions of General Clinch were so met, will manifestly appear from the Adjutant General's report, containing a summary of all the tranctions of that period between General Clinch and the War Department, from which I will read the following extract:

"In consequence of the state of affairs, as reported by the commanding officer of Fort King, on the 27th October, 1834, and the officer of the Commissary's department charged with duties connected with the removal of the Indians, and also on the report of the Indian agent, it was deemed necessary to increase the military force stationed in Florida. Accordingly, orders, dated November 24, were issued, directing three companies of artillery to take post at Fort Brooke, Tampa bay, and the company stationed at Fort Marion, St. Augustine, to join the garrison at Fort King, then consisting of one company of infantry. The same order assigned Brevet Brigadier General Clinch to the command of the troops in Florida, an officer of much experience, and being well acquainted with the Indian habits and character. He was also required to co-operate with the Indian agent in all proper measures relative to the contemplated removal of the Seminole Indians.

"On a requisition of General Clinch, received in February, 1835, for six additional companies to strengthen his command, four companies of artillery, under Brevet Lieutenant Colonel Fanning, of the 4th regiment, were, on the 14th of February, 1835, ordered from Fort Monroe to Fort King, with authority, at the same time, to draw in the company of infantry at Key West. The number of companies in Florida was now increased to ten; of which number six were concentrated at Fort King, three at Fort Brooke, as before stated, and one stationed at Key West.

"On the 12th of October, Lieutenant Harris, of the artillery, disbursing agent for the Seminoles, recommended that the force in Florida should be increased; but as no additional requisition for that purpose had been received from General Clinch, it was not considered proper to direct this measure. On the 15th of the month, the two companies of artillery stationed at Forts Morgan and Pickens, near Mobile and Pensacola, were placed under his orders.

"On the 21st of October, a letter, dated the 8th, was received from General Clinch, in which he suggested the propriety of being authorized to call into the service one hundred and fifty mounted volunteers, to aid in the removal of the Indians, and to suppress any difficulties which might occur. But as this force was required to aid in the removal of the Indians, and to prevent difficulties which were anticipated, and not to repress hostilities which had commenced, or which were then impending, General Clinch was informed, in answer, on the 22d October, that there was no appropriation authorizing the measure, and that the President, under existing circumstances, did not consider that the case came under the constitutional power to call into service an additional force for the defence of the country. But he was authorized to order two more companies, viz: those at Forts Wood and Pike, to join him, which, with the two companies placed at his disposal on the 5th of October, made four companies of regular troops, in lieu of the mounted men. On the 30th of the same month orders were given by the Navy Department to Commodore Dallas, to direct one of the vessels of the squadron to co-operate with General Clinch in his endeavors to effect the removal of the Seminoles.

"In a letter received on the 31st of October, General Clinch requested that three companies of regular troops might be added to his command. He was apprised, however, by previous orders, that four had already been placed at his disposal.

"In his communication from St. Augustine, dated 29th November, received on the 9th of December, General Clinch reported that, should he find it necessary for the protection of the frontier settlements, he would assume the responsibility of calling out at least one hundred mounted men, believing that the measure would be sanctioned by the President and Secretary of War. This approval was communicated to him on the same day; and, in addition to it, a letter was addressed to the Governor of Florida, requesting him to place at the disposal of General Clinch any militia force that officer might require. Of this, General Clinch was informed. He was also informed that, at the request of General Hernandez, orders would be given, through the Ordnance Department, to issue five hundred muskets and the necessary equipments to the militia."

A few comments on this report will place this matter in a light that none can fail to see and understand it. It is true that General Clinch required six companies in February, 1835, and that five only were then placed at his disposal. I will first explain the reason why this company was at that moment withheld, and then show that a change in our relations with the Seminoles rendered it unnecessary. It will be recollected that our regular army is but a small one; that we have an immense frontier to guard, and much public property requiring, at all times, to be protected; that we had a prospect of an immediate war with the Creek Indians, five times as numerous as the Seminoles; and, more than all these, we had strong reason to apprehend a war with France. Of course, it was both prudent and proper to hold what regular force we had in the best possible condition and at the most suitable points, to meet whatever contingencies might arise. These would have been sufficient reasons to justify the Government in sending the five, instead of the six, companies required by General Clinch, even had that number been necessary. But, sir, I will now proceed to prove to you that General Clinch had as many men as he wanted, and that he himself thought so. You will remark, in the extract from the Adjutant General's report, that the company stationed at Key West was one of those placed at the disposal of General Clinch on the 14th July, 1835, and this company was not called for until about nine months afterward; for it was one of the two companies under the command of Major Dade in the battle of the 28th of December, 1835, and then on the march to join the command of General Clinch for the first time. Now, sir, if it be true that the Government is justly chargeable with neglect in failing to supply General Clinch with an adequate force, how can that gentleman answer to the country for his failure to use even the force he had? But I will not, for a moment, leave him in so awkward a condition. He did not call for the Key West company because he had enough without it. A new treaty was made with the Indians, settling all pretence of difficulty and putting an end to all prospects of a war, on the 3d of April, 1835. It is in the following words:

"We, the undersigned, chiefs and sub-chiefs of the Seminole tribe of Indians, do hereby, for ourselves and for our people, voluntarily acknowledge the validity of the treaty between the United States and the Seminole nation of Indians, concluded at Payne's landing, on the Ocklawahau river, on the 9th day of May, one thousand eight hundred and thirty-two; and the treaty between the United States and the Seminole nation of Indians, made and concluded at Fort Gibson, on the twenty-eighth day March, one thousand eight hundred and thirty-three, by Montfort Stokes, Henry L. Ellsworth, and John H. Schermerhorn, commissioners on the part of the United States, and the delegates of the said Seminole nation of Indians, on the part of the said nation; and we, the said chiefs and sub-chiefs, do, for ourselves and our people, freely and fully assent to the above recited articles in all their provisions. Done in council at the Seminole agency, this twenty-third day of April, eighteen hundred and thirty-five."

Now, sir, had the war commenced previous to this treaty, and could it be shown that the failure to furnish one company that Gen. Clinch had required operated prejudicially on that war, I will own, to that extent, the Government might have been censurable, but for the fact that it was thought the toops were more wanted in other places. General Clinch and his friends choose to forget this treaty, and still recur to his first demand for troops, although the necessity for complying with that demand had been destroyed by the formation of the treaty. If war was expected previously, no war came, and no injury whatever ensued. Let us, then, take a fresh start from the date of this treaty, and see why it is that the Government was not prepared to prosecute this war when it actually came, which was on the 28th of December, 1835. Simply, sir, because the Indians, to all appearance, were preparing to emigrate peaceably, and there was no apprehension of a war. General Call, the then Governor of Florida, in a letter to Secretary Cass, says: "This war came with the suddenness of light." There were but two occurrences from April, the date of the treaty, until the middle of November, to create the slightest apprehension of such an event. In June there was a quarrel between some four or five whites and about as many Indians, which resulted in the death of one of the Indians and the wounding of three of the whites. The Indian

were promptly surrendered by the tribe, and dismissed by the civil authorities. On the 11th of August, Private Dalton was killed by the Indians, in relation to which I make the following extract from General Clinch's letter of the 12th of August:

"The causes of this murder are stated to have been a determination, on the part of the Indians, to revenge the death of a relation of theirs who was killed in a rencontre between the whites and Indians, which I reported to the General in-Chief in my letter of the 30th June last. The Indians now say that, having accomplished their purposes of revenge by the murder of a white man, they are now satisfied."

No intimation is here given that there is the least danger of a war up to this time. On the 3d of the same month Lieutenant Harris, the disbursing agent, in a letter to Adjutant General Jones, says: "The present prospects for emigrating are promising." It will be seen, from an examination of the Adjutant General's report, above referred to, that, from the time of the treaty, in April, until the commencement of the war, in December, General Clinch had more force placed at his disposal than he required, by one company of regulars and five hundred Florida militia. How, then, can either General Clinch or General Scott say that the Secretary of War was in fault for not having provided more efficiently for the war before its commencement? Had General Scott been in command all the time, instead of General Clinch, would he have been better prepared? How would he have made preparation? By making requisitions for men and means, as a matter of course. Why, then, if they were necessary, did not General Clinch demand them? I leave these gentlemen to settle this delicate matter between them as they may find it most convenient, and turn my attention to General Scott, and to an examination of the course pursued by the Government in relation to him and his command in Florida. General Scott was in the city of Washington when the report of Clinch's and Dade's battles reached there, which was between the 16th and 20th of February, 1836. On the first intelligence General Eustace, then in Charleston, South Carolina, was ordered to join General Clinch with reinforcements; but information soon after arrived which induced the belief that a junction between the Creeks and Seminoles was contemplated, and that it might become necessary to call into the service such a number of militia as would amount to a major general's command, in which event the command would have devolved on him, as General Clinch is only a general by brevet. It was, therefore, deemed proper to order General Scott to assume the command, not that any fault had been found with General Clinch. On the contrary, all that had been done by him at that time was much to his credit; and, as I have shown, it was the intention of the Government to have retained him in command after his battle until the second report, of which I have before spoken, reached Washington. Neither General Clinch, nor any other officer in the service, had a right to take umbrage at being placed under the command of General Scott under such circumstances.

To show that General Scott had unlimited control as to the proper means for carrying on this war, I will read the following extract from the order placing him in command of the Florida army, dated on the 21st January, 1836:

"It is impracticable here to prescribe the amount of force which ought to be carried into the fields; that must depend upon the actual circumstances which you may find existing when you reach the scene of operations. It is, of course, desirable that no unnecessary force should be employed, as the expense may thereby be greatly increased; still I would not have hesitate for a moment in calling out such a number of the militia as will enable you, with promptitude and certainty, to put an immediate termination to these difficulties. The horrors of such a warfare are too great to run any risk in its immediate termination. The subject is, therefore, committed entirely to your own discretion."

If he employed too few or too many troops, that fault was his, and not the fault of the Government. The following extract from this order will also show that he was equally unlimited in other means necessary for carrying on the war:

"Whatever expenditures may be rendered necessary you will be pleased to direct, and the proper staff officers under your command will be furnished with such funds as may be required to meet them."

If there was either waste or want in his army, that fault was his own. His attention is particularly directed to the waste common in such armies as his, and he is exhorted to the strictest economy, as will appear from the following extract from the same general order, placing him in command:

"I have also to request that you will give the necessary orders for the preservation and accountability of public property. There is upon these occasions, too often, so great a waste, particularly where a militia force is brought into the field, that great circumspection should be used."

I have been thus particular in giving the orders of General Scott because they were substantially continued to all his successors, and because Gen. Scott is the hero of the Whig party in this House; and, in order to sustain him, it has been deemed proper to assail not only the Government and the Secretary of War, but many others of the best and most meritorious officers in the service. And yet, sir, when the opposition in this House will take the pains to inquire minutely into the Florida operations, I feel confident that none of them will lose by a comparison with those of General Scott, either in ability or economy, the want of which is charged upon all others.

The gentleman from New York [Mr. HUNT] has said that General Scott was ordered into the Florida service that he might be killed out of the way of a political rival. I will not degrade the country by answering such a charge, but turn that gentleman over to his own constituents. He has also said that the service was, in itself, too small a matter to give employment to so distinguished a general; and that a militia major, with five hundred men, ought to close the war in a month. I will only say, in reply to the latter part of the statement, that Major General Scott, with five thousand men such as the gentleman from New York, would not close it in five years, and General Scott will not thank the gentleman from New York for placing him in so false a position; for it will be seen from the official report that General Scott, who, I have shown, had unlimited control of men and measures to carry on this war, had actually in the field 4,763 men, after leaving a sufficiency to garrison his various posts, and this number is, no doubt, largely over an average of the forces employed during the war. One word as to the indignity said to be offered to General Scott by placing him on so petty a service. Whenever a general has become too dignified to serve his country in open war of any kind, particularly when it is the only war then going on, it would seem to me that the country had but little farther use for his services; and I feel assured that General Scott will not thank the gentleman from New York for placing him in this position. I am certain he would never assume such a one for himself. Having answered the gentleman from New York thus far, I will proceed with the reasons assigned by General Scott, in his defence before the court of inquiry, why he failed to end the Seminole war in 1836, so far only as those reasons are calculated to operate unjustly on the Government and upon his brother officers. I will take occasion to say, that I have no doubt that General Scott did all in his power to end the war, and so the court of inquiry expressly found. Whether he pursued the best measures to achieve that end, is a matter on which there is a great diversity of opinion.

The second cause is, "the unexpected intrusion of General Gaines." This was not an act of the Government, and was, no doubt, induced, on the part of General Gaines, by the most patriotic feeling. His movement was made soon after the defeat of Major Dade, and when much consternation and alarm prevailed throughout the South; for it was strongly apprehended that the Creeks would unite with the Seminoles, and that the war would become a general one. It is known to this committee that General Gaines entered the Indian country with about one thousand Louisiana volunteers and regulars; that he found the great body of the Indians on the Withlacoochie; had several skirmishes with them; fortified his camp, and sent an express on the 28th, and another on the 29th of February, with letters directed to General Clinch, or the officer commanding at Fort Drane, informing him that his camp was surrounded by about 1,500 Indians, and asking a reinforcement and provisions, saying, at the same time, that he would make no sortie or attack on the Indians until he received an answer; and expressing an opinion that a combined operation might close this war. General Clinch forwarded this letter to General Scott, then at Picolata, where it reached on the 1st day of March at daylight. I will extract a single sentence from his reply to Clinch, which will show the spirit in which he received it:

"Even if you had sufficient stores on hand, and means of transportation, I should, under the circumstances, command you to send no subsistence to him, unless to prevent starvation; but you have neither. Let him, therefore, in time, extricate himself from the embrrassment he has placed himself in, by marching upon Volusia, where, I have no reason to doubt, that twenty thousand rations, sent there on the 27th ultimo, have safely arrived. As he appears to have a retreat open to him, or is in no peril to prevent his taking that step, you will, of course, make no detachment or move to join him."

Clinch, however, disobeyed the order, and joined Gaines on the 6th of March, with about five hundred men and provisions. He found the Indians still there, and in the act of making a treaty, which was broken up by his firing on them. Why did not General Scott send all the forces he could collect to the aid of General Gaines? is an inquiry often made; and there has been much speculation as to what would have been the result of such a co-operation. The reply of Scott, above referred to, gives us some reason to fear that the private griefs of these gentlemen have been permitted to mingle with their public duties. It is a matter of much regret that these gallant men, who won their laurels and shed their blood on the same battlefield, should have been, for the last fifteen years, at a continual war, growing out of a question of rank, which was finally settled by Mr. Adams, somewhat in the style which the lion settled the dispute among the beasts, not by taking the command of the army himself, to which they both aspired, but by giving it to General Macomb. It may be true that General Gaines, in some degree, interfered with the plan on which General Scott intended to prosecute his campaign; or even that he defeated that plan. If so, it was twice defeated; for it certainly defeated itself, when General Scott attempted to carry it into execution. What was that famous plan, to which its author adhered with such pertinacity? It was to operate on a base line of about one hundred and thirty miles in length, terminating at Tampa Bay and Fort Drane, and to advance into an unexplored and distant Indian country, and, withal, the most difficult in the world, in three heavy columns, from those two points and Volusia; and relying for success on the mutual co-operation of these columns. The consequence was, that after a ten days' march in the swamps and hammocks, they all returned to Tampa Bay, without ever having seen each other, although it is said that some of the columns heard the cannon of others. No doubt the Indians did the same thing, and moved off accordingly. To dismiss this subject, so far as General Gaines is connected with it, I will only add the opinion of Clinch, who was a witness before the court of inquiry, and who says, in speaking of the troops of Gaines:

"I thought, myself, that the addition of those troops strengthened the column I commanded very much; but I believe the troop composing the right wing, independent of that number, could have performed the rout they did. It was rendered stronger than was originally the intention of General Scott. I, myself, think they were an acquisition, as they were experienced regulars, and gallant and efficient volunteers from Louisiana."

Although many think General Scott would have ended the war by a prompt and hearty co-operation with General Gaines; and although I regret extremely he did not attempt it, yet I feel bound to say, that I think it by no means probable; for every subsequent attempt to bring these Indians to a general battle, proves that they will fight only when it suits them, and that is when it does not suit us; when they choose to retire, they cannot be overtaken.

General Scott assigns several other reasons for the failure of his campaign, which I will briefly notice, as they are calculated to affect the Administration, as well as the military character of General Jackson. One is, that his orders were imperative "to reduce the enemy to unconditional submission." And this the General construes to mean, "to hold no parley, no negotiation; not even to say, as the price of surrender, that kind treatment might be expected," &c. The above extract from General Scott's defence goes to prove the excited state of his mind at the time; for no man in his

sober senses could ever construe such an order to mean that a conquered enemy, or one offering to surrender, should not receive kind treatment. That he did not so act upon it, is manifest from the fact that almost the only time he ever had a glimpse of the Indians, he sent them a white flag, inviting a parley; and the Indians promised to meet him the next morning, but bad dreams, or some other cause, prevented them; for in the morning they were all missing. In fact, sir, had I not been told otherwise, I should have thought that the main object of all the display of his three great columns, and their thundering and drumming, was, in part, designed to convince the Indians that resistance would be folly, and they had better surreader at once. But General Scott assigns as a reason why he kept his army so long in large masses, that General Jackson "never detached against Indians," and gives some cramped expression of his, as proven by Colonel Lindsay, on which to establish it as an iron rule of General Jackson's, never to detach in an Indian country, (which is certainly not correct,) and then says: "the court will please bear in mind the official relation that subsisted in January, 1836, between Gen. Jackson, Col. Lindsay, and myself." If we are to understand from this that he considered himself bound to follow a supposed rule of Gen. Jackson's, because he was his official superior, I will only say that the same relation existed between them after a ten days' campaign, when he admits that he began to detach freely. This same official relation certainly existed on the 21 of April, only seven days after General Scott commenced his campaign, when he detached Major Cooper, the gentleman at my right, with 340 men, to locate himself in the heart of the Indian country, for what purpose it is hard to say, unless it was to prove to the world that a Georgia major, with such a force, could hold in check an enemy which had compelled General Gaines to fortify and ask for help. And this, sir, he did in most gallant style for the space of 14 days, when he also was relieved by General Clinch, who seems to have been a kind of general helper on all such occasions. The only other reason assigned by General Scott why he did not conquer the Indians, on which I shall comment, is this, "insufficiency of hard bread and bacon." He admits, however, that he had a full supply of flour and pork. I think my friend from Louisiana [Judge CHINN] could tell us of an army, under the command of General Winchester, in the last war, who, for a space near twice as long as General Scott's whole campaign, had no bread of any kind, and not flour enough to thicken their soup; and when their soup was made, it had not a greasy spot upon it. General Scott's campaign ended in the spring of 1836, without achieving any thing of moment. Although I am inclined to think he is not well calculated for Indian fighting, yet I do not doubt, in the slightest degree, that he is in every way worthy of the high character he possesses as a soldier and a commander. I only regret that his, and the course of his friends in relation to other officers, certainly his equal in every point of view, has compelled me to say much more of General Scott than I could otherwise permit myself to do. There is, however, one important transaction in his campaign that I would like to hear his friends explain; and that is, why he left the Withlacoochie, where he found part, and where it is now certain the great body of the Indians then were, with his own column of 1,963 men and eight days' rations without having examined one-fourth part of the cove in which they have been found on so many occasions? It is certain he left Fort Drane on the 26th of March, with 18 rations, and arrived at Tampa, on his return, on the 10th of April.

General Call succeeded to the command of the Florida army some time in July, 1836. He is the only commander of that army whose previous services and standing at the time of his appointment did not, in the estimation of the community, fully entitle him to the office; and yet, he had probably been in as many battles as any one of them, and seen as much service as most of them. He was with General Jackson in the Indian war of 1812, with him at Pensacola in 1814, at New Orleans in 1815, and the Seminole campaign of 1818; and he had resided nearly 20 years in Florida, and knew more of the Indians and the country than almost any man in it. But it is said he was also with General Clinch in the battle of the Withlacoochie on the 31st December, 1835, in command of the Florida militia; and, from the general report of that battle, it is strongly insinuated that both he and his Floridians lost credit, if they had any to lose. That is all true. The only question is, whether that report is true. I have never seen the official report of that battle made to the commander-in-chief by General Clinch, and have purposely avoided saying any thing in relation to the battle itself, that I might present, in a single view, what I had to say of General Call. The following extract from the report of General Macomb, furnishes the charge made against General Call and the Florida troops:

"On the 29th of December, General Clinch, with six companies of regular troops, amounting to about two hundred men, proceeded from Fort King toward the Withlacoochie, to attack the Seminoles, who were in force on the left bank of that river. In this expedition he was joined by Governor Call, with between four hundred and five hundred volunteers of Florida.

"On the 31st of December, General Clinch, with the regular troops under his command, crossed the Withlacoochie. He was here attacked by a large body of Indians, and, after a spirited engagement, the Indians were finally defeated, and fled into the hammocks. In this affair, it will appear that the regular troops bore the brunt of the action. Out of the two hundred troops who crossed the river with General Clinch, fifty-seven were killed or wounded, including four officers. Of the four or five hundred volunteers who had joined General Clinch with a view of aiding in subduing the Indians, only twenty-seven men and three officers took part in the action. Why so many remained out of the action, is not explained. Had the same zeal and bravery been displayed by the whole force as was evinced by the regular troops, there is little doubt but that the war would have been terminated with the battle of the Withlacoochie."

General Call, in a letter to General Macomb, gives the most conclusive reasons why so few of the Florida troops were engaged. I will read the following extract from that letter:

"On our arrival, the army was suddenly brought to a halt; and we were greatly surprised at finding a deep and rapid river, presenting a most formidable impediment to our farther advance into the country, instead of a fordable stream over which we might pass with scarce any delay, which the information of our guides had led us to expect. On the opposite side an Indian canoe was discovered, and was brought across by two men who swam over for it. The regulars immediately commenced crossing; and, although they only amounted to about two hundred and sixty, it was nearly noon before they had effected the passage. In the meantime, the volunteers had been engaged in driving over their horses; and a raft of green poles had been constructed, on which some of the saddles were carried over; but it was so heavy, and sunk so deep in the water, that it was of but very little service. So soon as the regulars were over, the volunteers commenced crossing in the canoe, which, under the best management, would carry only from five to seven persons, two of whom were generally found necessary to carry the boat back again; and it required bailing every trip, to prevent it filling with water. It is to be remembered that the volunteers had to take their saddles and saddlebags with them in the canoe: and therefore could not cross with the same rapidity as the regulars, who marched in with their knapsacks on their backs. When the action commenced, not more than thirty or forty of the volunteers had crossed the river, of whom a large number were officers. Some of them had swam over; and being unable to carry their guns with them, were in a defenceless situation until supplied from the opposite side. They marched boldly into the fight, and behaved with as much intrepidity as any men on that field. They formed a line extending from the river bank nearly to the left flank of the regulars; and it was owing to their position, and the gallantry with which they fought, that the regulars were not surrounded and cut off by the enemy. During the fight, the volunteers continued to cross as fast as possible, and join in the action. Many attempted to swim the river, but, in every instance, I believe it was found impossible to cross in that manner without getting their arms wet, and their ammunition destroyed. At one time I ordered the whole force to mount and charge the river; but it was found impracticable, from the cause just mentioned, and the order was countermanded. Some swam nearly over, carrying their guns above the water; but, from exhaustion, were compelled to drop them."

On the reception of General Call's letter, from which the above extract is made, General Macomb returned the following letter:

"HEAD QUARTERS OF THE ARMY,
Washington, Aug. 21, 1837.

"SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, on the subject of that part of my annual report made to the Secretary of War last year, which gives an account of the operations of the army in Florida against the Seminoles, especially in reference to the affair of the Withlacoochie; in which report, you think that injustice has been done to the Florida volunteers then under your command.

"The report to which you allude was based on the official information which had been received by me; and had I been furnished with so detailed a statement of the affair of the 31st December, 1835, with the explanations, as that which you now present in the communication above referred to, it would have afforded me the greatest satisfaction to have reiterated the praise you bestow on the Florida volunteers who followed you on that occasion to the banks of the Withlacoochie. It was far from any intention on my part to do injustice to the patriotic volunteers who so promptly rallied under your standard on the signal of danger; but, as before observed, I had no means of stating why they did not cross the river at the moment of the attack on the regulars, who were in position on its opposite bank. I will cause your communication to be put on file in the Adjutant General's office, and besides, with this letter, give it publicity through the public prints, that the world may, by means of your statement, be made more fully acquainted with the part the Florida volunteers took in the battle of the Withlacoochie.

"With respectful considerations,

"I am, sir, your most obedient servant,
"ALEX. MACOMB,
"Major General, commanding in chief.

"To his Excellency, R. K. CALL, Governor of Florida."

Why is it that General Clinch, in his original report, failed to give an explanation so essential to the reputation of a brother soldier? And why is it that he has permitted the letter of General Call, and the answer of General Macomb, to be spread before the world for the last three years, without notice?

It gives me much pleasure, Mr. Chairman, to say that the battle of the 31st of December, 1836, fought mainly by the command of General Clinch, was one of much gallantry, and that the commanding general, on that occasion, plucked the only laurels that have ever been won in Florida, as far as the reputation of a soldier depends upon the plaudits of the world. I am only at a loss to know why he has failed to do justice to a man quite as brave as himself—yes, sir, as brave as any man.

Mr. Chairman, the delicate attitude in which the conduct of General Call is left by the different reports made of this battle, induces me to relate an anecdote of that gentleman, which, I think, will convince every one that he never intentionally kept out of a battle when duty required him to be in it. In the night fight at New Orleans, on the 28th of December, 1814, there were some moments of confusion, and great peril. At one time, it was ascertained that some of our friends were firing on the rear of the 44th regiment, to which Call (then a lieutenant) belonged; at the same moment, a report prevailed that General Coffee, who had gone on in advance, was firing on its front. Sir, it was one of those moments which leaves a burning spot upon the memory for ever—one in which all that brave men can do, is to perish without a struggle. At this momentous crisis, Lieutenant Call sprang from the ranks, and advanced in the face of a heavy fire, until he saw, by the flash of their own guns, the uniform of the British soldiers, which enabled the 44th, by forcing the front, to get clear of the fire in the rear. Sir, I repeat it, that man never shunned a battle. Of all the generals who have commanded in Florida, there is no one who has more just cause of complaint than General Call, and yet I know that no wrong was intended him.

Some time about the 10th of October, he commenced his march to the Indian country, with about thirteen hundred men, most of them from Tennessee; and General Jackson then President, believed that army could and would conquer all the Indians in the country. General Call was in high spirits, and thought to close the war in a short time, as all others have thought who have been in command there, both before and since; but like all others, he was disappointed. This same Withlacoochie again rolled its dark, deep waters between him and the foe; and after a skirmish across it, he was compelled to return to Fort Drane, after going to a point at which he had previously arranged for the establishing of a depot of provisions, but which had failed by the sinking of a steamboat at the mouth of the Withlacoochie. The report of this campaign reached General Jackson in a most unfavorable form, and he at once superseded General Call in the command. In the meantime, General Call returned, and fought three battles, in all of which he acquitted himself much to his credit, and to the satisfaction of the President. In his different operations in Florida, his army killed fifty-six Indians.

The treatment received by General Call shows conclusively that General Jackson did not, in the slightest degree, permit his feelings to interfere with his duty, for there were few men in the world he prized higher than General Call; and finally justice was done him.

I will conclude what I have to say of General Call by reading an extract of a letter to the War Department from General Jesup, by whom he was superseded:

"As an act of justice to Governor Call, I take occasion to say (and I stake my professional reputation on the correctness of the remark) that no man could, under the circumstances in which he was placed, have done more than he has done. He had the summer, it is said in the public prints, to prepare for a winter campaign; but he could not establish posts without

force to defend them; and it is to be observed that he entered upon his command under circumstances of embarrassment, which did not exist when the campaign of last year commenced. He found the country exhausted, and not only all the positions occupied during the campaign abandoned, but the whole country, from the Suwannee to the Atlantic, except Tampay Bay and St. Augustine, occupied by the enemy. His plan of the campaign was admirable; but there were circumstances which he could not control, that prevented its execution."

General Jesup assumed the command in Florida about the 4th of December, 1836. Exceptions have been taken by the gentlemen who have preceded me as to the manner in which he got into this command; this is a matter purely personal to himself and General Scott, in which I do not intend to intermeddle; the only important matter for this committee to know is how he acquitted himself when the command was given to him. If we compare his success with that of others, there can be but one opinion on this point.

He was actively employed from the time he took the command, until he was relieved in July, 1838; and during that time he scoured the whole country from the Appalachicola to Cape Sable, embracing nearly six degrees of latitude. In his various campaigns, he captured and killed about twenty-four hundred Indians and negroes, computing those who surrendered voluntarily; in which number were embraced about six hundred warriors. His success was at least five times as great as all the other generals' together, who have figured in this war; and that he acquitted himself to the entire satisfaction of the Government, if not the nation, will be perceived by the letter of the Secretary of War, which I will now read to the committee:

"DEPARTMENT OF WAR, July 7, 1838.

"SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant, containing a summary account of your operations in Florida. The Department is aware of the obstacles to your complete success, presented by the face of the country, the nature of the climate, and the character of the enemy, and fully appreciates your untiring efforts to carry out all its views, and to remove the Seminoles to their new homes in the West. You have accomplished all that could be expected, under peculiar and difficult circumstances in which you were placed, from a zealous, active, and energetic officer; and, in withdrawing you from Florida, the Department was actuated by no want of confidence in your zeal or ability to carry on the war to a successful issue, but from a belief that you might now return to the performance of the appropriate duties of your Department, without injury to the public service.

"Very respectfully, your most obedient servant,

"J. R. POINSETT.

"Major General THOMAS S. JESUP,
Washington City."

Under such circumstances, it was but reasonable to hope that, on his return to his family, he might, after all his toils and dangers, have been permitted to rest in quiet. He did not ask for fame in this war; he expected none. He had, in more fortunate fields, and in better days of the Republic, won reputation enough to satisfy the ambition of a moderate man—a reputation that those who are now trying to grind him into the earth, are bound to acknowledge, even through their gnashing teeth.

Like General Gaines, he had the misfortune to derange one of General Scott's splendid plans of an Indian campaign. True, he succeeded in seizing the Indians, and preventing a war with the Creek nation, but not on a scientific plan; and that has called down the heavy vengeance of General Scott's friends on this floor. I regret this attack particularly, because it is made by a gentleman whose virtues and talents I hold in high esteem. I mean the gentleman from Pennsylvania, (Mr. BIDDLE;) but no consideration of this character shall prevent me from doing justice to a countryman and a friend. I will, however, attempt to do it with all the decorum which the circumstances of the case will permit. I regret that I did not hear many things that the gentleman said in his address to this committee. There were, however, several distinct charges of a highly dishonorable character, to which I call the attention of the committee; and the first is, that, in the capture and detention of the celebrated chief Osceola, General Jesup disgraced our flag, and violated a law held sacred by the whole world, civilized and savage; and he read a most chaste and beautiful extract from a letter of General Jesup himself, to prove how eloquently even the perpetrator of so foul a deed could speak of the offence itself. I regret that I have not the extract before me; I would use it for a very different purpose; it would go far to prove that he who could utter such a sentiment, in such a way, could never be guilty of the infamy of the deed which he depicted. But to the truth of the charge. The circumstances of the case, as far as I can understand them, seem to be these: Osceola was one of the chiefs who had signed the treaty in April, 1835, confirming the treaty of Payne's Landing, and the treaty at Fort Gibson, being the treaties by which the Seminoles agreed to exchange their lands and emigrate beyond the Mississippi. In violation of these treaties, he commenced the war in December of that year, by killing Charley Amathla, and forcing away Micanopy, the chief of the tribe, both of whom were friendly, and disposed to emigrate.

In relation to the violation of the flag, I condense the following statement from the report of General Jesup, called for by a resolution of the Senate, many of the important facts of which I have heard from General Call and others. While at Fort King, he was informed that some of the Indians wished to come in and hold a treaty with him. He informed them distinctly that he had no power to treat; that they had agreed to emigrate, and must go; that if they wished to come in for that purpose, to use a white flag, which would secure them while in the act of coming in. From the Indians by whom this communication was made, he then learned that Osceola was hostile to the emigration. The Indians began to come in accordingly, and, among the rest, Osceola; but, before the arrival of Osceola, however, General Jesup received the following information, on which he placed implicit reliance, and which was strengthened by the information he had before received, that Osceola was unfriendly. I give his own words:

"On the 20th, John Cavallo, a sub chief, a hostage who had violated his parole in May of last year, came into St. Augustine with a message from Powell and Coe Hajo, stating that they had encamped near the fort, and desired to see General Hernandez. Several negroes came in on the same day; from them I learned that the Indians had but a short time previous killed a white man; that they did not intend to leave the country; that they were desirous of obtaining powder and clothing; and, as some of the negroes expressed it, they had 'come for no good;' and that, when they set out for St. Augustine, a party of Miccasukeys and Tallahassees had started from their camps for the Alachua frontier, to steal horses and drive off cattle."

If this information was true, will any gentleman say that General Jesup was wrong in seizing a man who had brought on the war in the first instance by murder and deception, and in direct violation of a treaty signed by himself, merely because he covered his intended treachery by a flag allowed to him for the sole purpose of protecting him while in the act of coming in? Suppose he had reached the fort unmolested, and for the purpose of emigrating, what would have been the result? If I am correctly informed, the Indians were all, while in the act of preparing for emigration, supplied with rations, and so guarded as to prevent their returning to the woods. So he would have been substantially a prisoner the moment he reached the fort, if he had not been arrested on the way; but, in addition to this, General Jesup justified himself on the following grounds. He says:

"The Indians, by their chiefs, had surrendered to me by capitulation at Fort Dade, in March, 1837; and, in addition, Powell had, in May of that year, gone in to Lieutenant Colonel Harney, at Fort Mellon, and had received subsistence to take his band to Tampa Bay. Coe Hajo had received subsistence for his band for the same purpose. The former, in violation of his plighted faith, not only failed to go in himself, but prevented Coe Hajo, by force and threats, from fulfilling his engagement which he was attempting faithfully to do. He also attempted to kill Yoholo-Hajo, an unarmed herald or messenger, whom, in a period of peace, I had sent to communicate with Coe-Hajo and Nocose Yoholo.

"As I had informed the chiefs at Fort King that I would hold no communication with the Seminoles unless they should determine to emigrate; as I had permitted no Indian to come in for any other purpose but to remain; as they were all prisoners of war, or hostages, who had violated their parole; as many of them had violated the truce entered into at Fort King, by occupying the country east of the St. John, by allowing predatory parties to go to the frontier, and by killing at least one white man; and, as the white flag had been allowed for no other purpose than to enable them to communicate and come in without danger of attack from our parties, it became my duty to secure them on being satisfied of the fact that they intended to return to their fastnesses. I accordingly required General Hernandez to seize them, and take them to St. Augustine; but, notwithstanding their character as prisoners and hostages who had violated their parole, and who, according to the laws of war, as recognised by civilized nations, had forfeited their lives, I directed that they should be treated with very kindness, and have every accommodation consistent with their security."

Now, sir, place this transaction on the worst footing that the circumstances will properly authorize, and what does it amount to? that in his zeal to serve his country in a matter involving the lives of many, and the peace of the nation, he has been possibly mistaken as to what his duty really required of him; for can any one believe for a moment that such a man as General Jesup would risk his fair fame in a transaction where he could gain nothing, had a doubt rested on his mind as to the propriety of the act? No, sir, he has done too much to elevate the flag of this nation in war, ever to tarnish it in peace or war. Again: the same gentleman has, in one of General Jesup's letters, found something in praise of the regular army, and not very complimentary to the militia—a thing quite common with most of the officers of the army who have seen much service, and, after uniting these facts, he has come to the strange conclusion that General Jesup has been guilty of protracting the Florida war, for the purpose of rendering a regular army necessary. I hope, sir, this is not designed to eke out Mr. Poinsett's army bill; I am certain it was not intended as an addition to that of General Harrison, although they are but twin brothers.

If all the other officers of the Florida army had succeeded half as well in advancing that war as General Jesup did in protracting it, the war would long since have ended.

I think the gentleman, however, got somewhat ashamed of this charge, as he concluded by saying he did not assert that it was true; he only thought it might be inferred from the facts. One word more as to what General Jesup said in dispraise of the militia. If the gentleman from Pennsylvania has read all his letters in the volume that he used before this committee, he will find this remarkable fact, that he (General Jesup) was so much more the favorite of these same militia than General Scott, that he became the mediator between them and that general, after he had so abused them as to destroy his usefulness as the commander of the Florida army, which was mainly composed of militia.

The same gentleman has found another letter of General Jesup's, in which he spoke of the "huckstering policy of certain members of Congress." That the people will say many worse things of us than that, when we get home, I have no doubt. But the officers of the army and the people are different persons, and moreover there is a law of the land, we are told, which makes it a high offence in an officer of the army, to speak in terms disrespectful of Congress. That is true, sir, and that consideration should have restrained the gentleman when he was pouring out the hot vials of his wrath, for the third time, on the naked head of one who cannot retaliate without a breach of law.

I regret extremely that I have been compelled to say as much on so unpleasant a subject; but as the speech of the gentleman from Pennsylvania was mainly an attack upon General Jesup, I could not say less.

Gen. Taylor succeeded Gen. Jesup in the command, and as I have heard no complaint against him, I presume there is none. Fortunately for himself, sir, he is a Whig, and fortunately for the country, he is a soldier of the highest order; and if age has not tamed him too much, he is an officer well calculated for the service in which he has been engaged. He is now relieved from the service, and I understand that the army under his command has killed about one hundred and fifty Indians, during his many and arduous campaigns. Such, in part, sir, have been the results of the war in Florida, and yet it is not ended; and now I ask emphatically whose is the fault? Not the Government's, for I repeat it, the best means of the country have been lavished on it; nor do I believe there has been either neglect or cowardice on the part of the army. True, they have won but few victories, which deserve the name, and still fewer laurels; but does this prove that they have not at all times performed all their duties promptly and to the best of their ability. It is not in the battle alone that the soldier is tried. Many a bold heart that has beat more proudly at each successive blast of the trumpet, has faltered and failed on the weary march. Toil and sickness, and cold and hunger, watching with the stars and rising and marching with the sun, threading brakes, and wading swamps day after day and month after month, where nothing but

dishonor is to be expected, better prove a soldier's worth than twenty battles, for they demand and call out his highest virtues, his fortitude and his patriotism. Still I hear a party in this House again and again exclaim, "You have all the means of this Government in your hands; and we demand of you why this war is not ended." Take back three-fourths of the means that have been constantly employed, and produce the foe, and, my word for it, the war will be ended in an hour; but, sir, unless the enemy can be found, how idle is your command to conquer him; you had as well bid your army smooth down the ruffled mane of the deep, or bind the restless wings of the wind, or pluck a star from the coronal of night, as conquer a foe that they cannot find. Can you do it, gentlemen? But that I fear Florida might want protection in the mean time, I should like to see this war committed to your charge. I should like to see you, and all such as you, wading and toiling through the Florida swamps, just long enough to teach you that patriotism and numbers cannot always command success.

I should like particularly well, sir, to see my little friend from Indiana, who has doggerelized this war in such fine style, returning safely from a six months' campaign, with his cheek a little embrowned with toil, and his head a little better filled with discretion and experience, and then hear him give his account of a Florida campaign. Not, sir, from his *chamber window, nor in dishabille at night*, but in true old soldier style, in a tavern hall, with his knapsack throwe off and a bottle before him. I think he would then be much better qualified to give us an account of the "remains of the Florida war." I think he would then tell us that hundreds have fallen in open battle; that many more have sunk under the accumulated weight of sickness and fatigue; that many have returned wearing the sallow of disease upon their cheeks, and the quickened seeds of death within their hearts, and that thousands yet remain to follow in their footsteps to be overtaken by their fate. I think, sir, he would not a second time break an idle jest at the expense of that ill fated army, between the very ribs of death. I say to all who believe this war can be ended with ease, go and learn your folly, and quit swaggering about it. If you can end it, and fail to do so, I tell you to your beards, you have not one drop of patriot blood in your veins.

I proceed, in the next place, sir, to examine the Senate bill for the armed occupation of Florida, as the one designed for the permanent defence of the country; and the only one, in my opinion, which will end this war. But, before I proceed to examine its provisions, I will say a word or two as to the plan of those who pppose it. Among them are many for whose opinions I have the highest respect; and at their head I place General Taylor. It is said his plan is to cover the country with troops, and thereby put an end to this war at once. This is easily said, but difficult to be done. The Indian territory, as I understand it, contains about 45,000 square miles; and about one third of it is composed of almost impervious hammocks, swamps, and everglades, and interspersed with many ponds and lakes. How, sir, is such a country to be covered with troops? And how are the Indians to be dislodged from it, or conquered in it? Send an army with a man to every square mile; let it pass over every acre of ground; and still, from the character of the country, each acre may contain a dozen lurking savages; for I am told there are many places into which no human eye can pierce ten feet. A large army will always announce its own advance; and never move or halt, but under the keen eye of an Indian scout, who, in a few hours after nightfall, will convey intelligence of its movements farther than such an army has travelled in the preceding day, or can travel in the next. Such an army, acting as such, never will find an Indian, unless he wishes to be found; and, should it chance to stumble on him, it will be only to see and lose sight of him. If he is pursued, it will be a contest between a blood horse and a terrapin. But the plan, of course, will be to divide this army into small bodies. Subdivide it a hundred fold; beat and explore a hundred of these brakes and hammocks at once; and, still, there are a thousand others, where the Indian may conceal himself with equal safety. While you are beating the bushes in one, he is in quiet possession of the next, or picking up your stragglers in the rear; and, when your search is completed, and you have abandoned it, he, as a matter of course, takes quiet possession. Moreover, sir, such an army, thus divided, and in such a country, could not be provisioned. The Indians know this fact, and they also know that no sensible nation will long keep such an army in vain pursuit; and their plan will, of course, be, what it ever has been, to hide and dodge from swamp to swamp until our troops, worn down with disease and fatigue, and hopeless of success, shall have been withdrawn from the field. Then, sir, they will return to their old haunts, to commence their work of murder and devastation anew. It is useless, however, to predicate opposition to this bill on such premises as these. Neither party in this House is prepared to vote for an army of one-fourth the size of that of which I have spoken, nor is General Taylor to be understood as recommending such a one. It was both natural and proper, while he was in the command of the Florida army, that he should want as many troops as he could use with any hope of success. But, sir, if those Indians have resolved to defend the country to the last, as I am induced to believe they have, and the country contains within itself the spontaneous means of support that I am informed it does, I feel well convinced in my own mind that the ordinary course and means of war will be found unavailing to end it in any reasonable time.

How, then, I am asked, is it to be closed, or is it never to be ended? Yes, sir, I trust it is, but not in a day. It is to be the work of time, and to be performed by the hands of a peculiar race of men: a race once common in the West, but one which, from the disuse of the rifle, and long habits of peace, is now nearly extinct—a race, sir, familiar with the unwritten science of Indian warfare, with frames capable of enduring its hardships and privations, and courage to turn it against the savage in his own domain.

In order to do this, he must become a tenant of that domain, and grow familiar with all its minute localities. What is the object of the bill now under consideration? It is designed to hold out inducements to the boldest spirits of the land, to occupy that country which is the theatre of the war, and to commence this necessary training. At the very threshold we are met with the usual objection of the times, that it will be a prodigal waste of public money. In matters of this kind, sir, I confess that I am by no means a rigid economist. I would defend the country at any price; nay, sir, bankrupt posterity for a hundred years to come, to save the lives of our citizens; it is the best use of a nation's wealth, and a tax that the people are proud to pay, although some of those who represent them may slander them by doubting it.

But, sir, I deny that it will be an extravagant plan; my only fear is, that the inducements held out to settlers will prove insufficient; if in the end, however, they should turn out to be ample, with me it will never be a source of regret; for, in my estimation, there is no man half so well entitled to a full and fair portion of the public domain, as he who has perilled his life in its conquest or defence. If one-half of the number contemplated by this bill, can be induced to settle within the limits and on the conditions proposed, I shall have no apprehension of its complete success, and, if they do not, why nothing will be lost. It has been urged against the bill, that the settlers, when there, are required to do nothing, and are to be fed for one year in the bargain. Unless the feeding of our army has been greatly improved since I was in the habit of drawing rations, I fear it will prove a very slight temptation to lure men from the haunts of civilization, and induce them to become residents of the wilderness, where they have nothing to expect but hardship and danger. None will go but men of courage and enterprise, and the idea that such men will remain idle, with arms in their hands, and the foe within their reach, is a reflection upon the character of the country refuted by every leaf and line of its history. It must also be borne in mind, that the settler is to derive no kind of advantage from his settlement until the war is ended; and if he is to be acted on by interest alone, that alone will prompt him to lend all his energies to bring it to a close. But, sir, had they no interest at stake, place such a body of men in such a situation, with arms in their hands, and let one cry of murder reach their ears, and I defy you to keep them from the contest. You had as well tell me that the passengers in a sinking ship would not lend their aid to keep it above the waves, because they were not part of the regular crew.

Gentlemen who have argued this question in the other House, and some who have argued in advance here, have been brushing up their classic lore, and the experience of distant countries and past ages has been invoked to our aid. We have been pointed to the wars of the Pontine marshes, of the Scythians, and the Maroons, as affording lights and guides. This, sir, is a severe satire on the age and the country in which we live. There is, unfortunately, a proneness but too prevalent among us to slight and underrate whatever is properly and peculiarly American, and to give a fictitious value to every thing that may be had for picking up beyond the seas, and not worth even that trouble. We have had a century of Indian wars of our own, and, to me, there is nothing half so much like an Indian war as a war with Indians. To close up such a volume of experience, and to grope our way into the dark ages, and search among the missile wars of other countries for examples to conduct a rifle-war with the American Indians of this day, is to turn our backs upon the full blaze of the tropic sun, and crawl into Symmes's polar world in search of light.

But, sir, it is urged that this a most peculiar war; that all former wars have had an end, but this bids fair to be eternal. It is certainly true that all our former wars have had an end, but it is equally true that many of them were even longer than this, and none ever carried on in such a country; and it is also true that they were all waged at a most prodigal waste of blood, and ended mainly by the very means proposed in this bill—by sending the rifle and the plough together. True, sir, many a strong hand that held that plough fell nerveless from its task, and the fresh furrow was often filled with the warm blood of him who made it; but still the work went on; more rifles came to guard, and more fortunate hands to hold it. How was Kentucky settled? How was the savage conquered in the entire West? By the very means proposed in this bill—by holding out inducements to the actual settler. True, sir, Virginia gave no lands to the first settlers in Kentucky, but she sold them so low as to make it tantamount to a gift; and the rich lands of Kentucky were of themselves inducement enough to enlist the enterprise of the older States in rescuing such a land from the savage marauder. But let us inquire for a moment into the particular manner in which this country was settled. Kentucky was first approached by the route of the Cumberland gap, and the first settlements made at Boonesborough and Howardsburg. Block-houses and slight stockades were immediately erected, sufficient to afford temporary cover and protection to the differeni families of the emigrants; as new settlers came, they were increased in size and number, and so located as to afford mutual assistance and protection and they soon extended, in a circular line, from Maysville to Louisville, leaving the Ohio between these two points, and all the country north of this line an entire wilderness, and the theatre of a bloody strife.

Beyond this cordon of stations an Indian was rarely known to venture, and still more rarely suffered to return. This chain was daily drawn closer, and the theatre of war lessened, as new block-houses were advanced into the contested field. The Indians, in the end, were fairly crowded out, and the whole country occupied. Upon establishing one of those posts, the first thing to be done was to clear and plant the ground in the immediate vicinity of the station, and to extend those

clearings as fast as prudence would permit. In the mean time, the silent scout commenced his reconnoissance, and the adjacent country was explored. The young and active followed in his footsteps, venturing daily, deeper, and deeper in the woods. As their knowledge of the country and their skill with the rifle increased, confidence in themselves and the spirit of enterprise grew upon them; and, and, no longer content with the security of the block-house, they learned to mark his foot prints, and trace the Indian to his secret lair. The savage soon began to feel that he had an equal in the white, and found him a superior in the end. The war that ensued was mainly one of small parties, often a combat of single individuals, and of course calling out all the courage, skill, and prowess, of the combatants, and giving to after times many a wild and bloody legend, where, though truth may be often lost in ficiton, fiction will as often fall short of truth.

Occasionally these stations were surrounded by large parties of Indians, and the settlers cut off from the woods, their chief means of subsistence. Relief, or speedy famine, was then the inevitable fate of all within. And how was that relief to come? One only way, sir. That deadly living circle must be passed! That wily foe must be outwiled. And often, in the middle of the night, with no eye upon him but the eye of God, and perhaps the keen eye of the foe, the hunter dressed him in his Indian garb, and stole forth silent as the spirit of the hour. Sometimes he failed; and his story lives in the traditions of the times. Often, the very boldness of the attempt insured its success, and daylight found him threading the vast and gloomy woods alone. Would, sir, I could draw you a picture of this man; for in doing so, I would but give you a portrait of my own countrymen, at the period of which I am speaking. I would paint him out to you in the gray mist of the dawn, when he has paused to make his first reconnoissance, with his trusty rifle in his hand, and standing by a tree not larger than himself, still doubtful of his fate, and yet prepared to meet whatever may betide. Every nerve and every muscle braced, all his senses roused, and waiting on his judgment and his will; his keen and practised eye roving quickly, not hurriedly, around, and often resting on the route he had come, to see if any dared follow on his track, and saying, in language stronger that words, it was a dangerous way for any single man to tread. Such men as these are not to be found in every land, and no where but with much and severe discipline. From such the Indian soon turned away, but was not permitted to depart alone; his footprint in the dew was the signal for pursuit, and he who had been hunting others, had now in turn to run for life. Do not imagine they intended to catch him. There was then no reward for catching Indian warriors with loaded rifles in their hands. The world had not yet become so Christianized as to think it wrong to kill in battle or pursuit, one whose hands were reeking with Christian blood of every age and sex. Nor was it thought either humane or politic to throw away the lives of our bold backwood soldiery, in vain attempts to capture an Indian warrior, whose education and religion united in teaching him to die with his weapons in his hands, and not with fetters on his arms—one who, even when wounded, and all hopes of escape at an end, would send his last bullet to the heart of any who would offer him life on condition of surrender; and die in the proud belief that such an act would place him at the head of his warrior tribe in another world, where he might commence his trade of death anew. In those days of primitive simplicity, it was thought no disgrace to kill an Indian enemy; it was even thought an act of merit. Had a dog, sir, even a bloodhound, killed an Indian in those simple days, I do not think he would have been hung for it. I am certain he would not while Scott and Shelby held the pardoning power. Indian fighters then ranked among the patriots of the land, for that land had none but patriots in it. Those days must come back again, sir, or the Indians will thrash you with their ramrods. Your soldiers never will fight your battles with spirit or success while you treat them as murderers, and pay them but half the hire of slaves. A soldier is never rewarded for his perils and privations but by the full measure of his country's gratitude. I am most forcibly reminded, sir, how these same gallant men, of whom I have been speaking, have been rewarded by their country. They were mainly instrumental in conquering that large and rich national domain of which we hear so much in this hall, as a thousand nameless graves scattered through Indiana, Ohio, and Illinois, and the battle fields of Wayne, and Harmer, and St. Clair, attest. The survivors asked to be placed on the same footing of the Revolutionary soldiers, and they were told on this floor, that these early wars in the West were mere private affairs. In one sense they were, for we had but little help to fight them. They were, however, just such wars as that now going on in Florida; just such as we are likely to have about the pine logs in Maine, and just such as was our late war with Great Britain. That was a war for "free trade and sailor's rights." Kentucky had no ships upon the sea, no sailors chained in dungeons on the deep; but that every sail struck by the hand of violence was a national disgrace, and every sailor's plaint thrilled through the whole American heart, she might have folded her arms in safety, and let the tide roll on; it would not have stained her borders; hers was no longer a scathed and a red frontier. What was her course? Her sons were found wherever your eagle dared fly. They were not restrained by lines of States or the nation, while thousands, for whose violated rights that war was waged, were tamely looking on, or plotting treason with the foe. But I feel that I am wandering from the subject under consideration, and that I have already occupied this committee too long.

A very few words as to the Senate bill which has been reported to this House for raising three battalions for the immediate protection of Florida. This bill does not propose to increase the regular army, which is now deficient near or quite four thousand in number; it is designed to make up this deficiency by recruiting men especially for the Florida service, and, in consequence of the unusual severity of that service, it is proposed to give the recruits a bounty in lands. I see no possible objection to the bill, and deem some such bill indispensable; for, as much as I think of the armed occupation bill, I know it will not answer alone. Florida demands, and must have, certain and immediate relief.

I feel, Mr. Chairman, that I may have omitted much that would contribute to sustain the different positions I have assumed; and I also feel that I may have said some things that I perhaps had as well have left unsaid. If I have said any thing that is calculated to wound any one on this floor, I shall regret it extremely. For, although I cannot but look upon the Opposition as pursuing the most ruinous and reckless course that ever marred a nation's hopes, yet, I have not found it necessary to impute to any member on this floor impure or improper motives; I am willing to attribute much of that which I cannot but condemn, to the excitement and phrensy of the times; and from that excitement I plead no exemption. I would, however, sir, most unwillingly add to the bitterness of such a contest; one over which every patriot of every party must mourn; and one which, I trust, is even now fast hurrying to its climax. In this I may be deceived. I know that I am a sanguine man, and much disposed to look on the sunniest side of even the darkest things; yet, amid all the wild and threatening elements which I see thickening around me, I look with undiminished confidence to the future—a confidence based on the wisdom, the patriotism, and the firmness of the people. Politicans may warp and passion and prejudice mislead them for a time, but, having no reason to do wrong, they will, in the end, do right.

Mr. Chairman, I cannot permit myself to sit down without returning my grateful and heartfelt thanks to this committee and to every member of it, for their courtesy and attention—a courtesy and attention dear at all times and to all, but peculiarly so to one who is making a first speech in Congress.

SPEECH OF MR. GALBRAITH,

OF PENNSYLVANIA.

In the House of Representatives, June 12, 1840—In Committee of the Whole on the State of the Union, on the bill from the Senate entitled, "A bill to provide for the collection, safekeeping, transfer, and disbursement of the public revenue."

Mr. GALBRAITH addressed the committee in substance as follows:

Mr. CHAIRMAN: Although desirous, as I confess, of giving my reasons at length for the vote I intend to give in favor of the bill under consideration, and consequently against the motion pending to strike out its enacting clause; yet, admonished by the advanced period in the session to which we have arrived, and the amount of important public business yet to be considered and passed upon, I shall abridge the remarks I had intended presenting, as much as the importance of the questions involved will justify. This bill is regarded on all sides as involving great national principles, and affecting, to some extent, the interests and the financial affairs of this vast country; and is therefore entitled to full discussion and consideration. It has been attacked with great ability and ardor by its opposers; and I feel called upon and willing to share a portion of the responsibility, however humble, of sustaining it before the country.

For the purpose of condensing and simplifying, as much as possible, the views I have taken of the subject, crude and imperfect as they may be, I shall consider it under the following heads of inquiry, viz:

1st. The origin of the measure, and what circumstances gave rise to its recommendation by the Executive, in his message to Congress, in September, 1837, at its special session, and continued in his annual messages since.

2d. What the bill is, and what are its provisions.

3d. What it is not.

4th. The objections raised and urged against it, including any substitute, or other plan proposed of securing the objects contemplated by it.

5th. The means employed to defeat its adoption.

I propose, sir, in pursuance of this division, to consider in the first place, the origin of the measure, and the circumstances under which it was suggested by the President to Congress.

I had not supposed it necessary, in considering this branch of the subject, to travel further back than the period at which the measure was first recommended by the Executive, and the state of our national affairs at that time, with the existing circumstances. A gentleman from New York [Mr. MARVIN] opposed to the bill, had sought to trace in the late administration of President Jackson, in what he chose to call the war upon the United States Bank, the creation of new banks, and urging and advising them to extend their issues, and increasing the debts of the country, the causes which led to the necessity for a change in relation to the depositories of the public money. I shall reserve a reply to the charge thus made against that administration, until I come to consider another branch of the subject in the order proposed; and pass on for the present, according to the course marked out, as before indicated.

By the act of Congress of the 23d June, 1836, the Secretary of the Treasury was directed to select and employ as the depositories of the money of the United States, the State, District, and Territorial banks, under the regulations prescribed by law. The surplus, over five millions in the Treasury on the 1st of January, 1837, was directed by the same law to be deposited with the States; one fourth on the 1st Janury, 1837, and one fourth quarter yearly afterwards. In pursuance of this latter provision, the portions of the surplus revenue directed to be deposited with the States on the 1st of January, April, and July, amounting to upwards of $28,000,000, had been so deposited. By the 5th section of that act, it is provided "that no bank shall be selected or continued as a place of deposite of the public money, which shall not redeem its notes and bills on demand in specie," &c. In May, 1837, the State, District,

and Territorial banks, generally, and almost simultaneously, suspended specie payments; after which, the State banks could not be selected or continued as depositories, but in positive violation of the act of Congress. The United States Bank had expired as a national institution on the 4th of March, 1836, by the limitation of the act of Congress of the 10th of April, 1816, by which it was authorized and chartered. Under these circumstances, the President of the United States felt it his duty to convene Congress in a special session in September, 1837, to whom he communicated, as the Constitution required, a full statement of the facts connected with the depositories of the public money, and recommended to the consideration of Congress, the plan of disconnection of the revenues of the Government entirely from the affairs or dealings of banks of issue, and the safekeeping of them by the agents and officers of the Government secured upon individual responsibility—the measure proposed in detail in the bill now under consideration. It is somewhat surprising that such a proposition, under such circumstances, should have been made the foundation for violent and bitter denunciation and party warfare, without the proposition of any other mode by which the inconvenience and embarrassment resulting to the country and the Government from such a disaster as had occurred, could be better avoided. Patriotism and a pure desire for the public welfare and the happiness and prosperity of the country, it was fair to expect, would have prompted an anxiety to suggest some mode of relieving from the existing embarrassments, either by way of amendment of that recommended by the President, pointing out its defects, or a substitute which should effect the purpose and objects of the Government better; but instead of this, instead of meeting in the spirit of candor, the suggestion submitted, it was made the subject of party clamor and sweeping denunciation in the partisan papers, and by political orators, from one end of the country to the other, not stopping even at the grossest misrepresentation of the character and effects of the measure, and without even exhibiting or publishing to their readers or hearers that were its provisions. It was denounced in no measured terms as the "odious Sub-Treasury scheme," by every village politician of the Opposition, without stating, and often without even knowing himself, what it was. I have no recollection of ever having seen a newspaper of the Opposition, sufficiently candid to publish the bill itself. What was your Executive to do under the circumstance? What could he do? The United States Bank had expired by its own limitation by law, and the people by their representatives elected in reference to that very subject, had solemnly declared that it "ought not to be rechartered," the justice and policy of which sentence, I shall consider hereafter. The State banks had, by their own voluntary act of suspension of specie payments, rendered it illegal, and in direct violation of the act of Congress, which authorized their selection, to continue them as the depositories. The deposite with the States, although in form a deposite, was regarded, by a large portion of the people, and intended by most of those who had advocated its policy, as a distribution, a gift, that would never be recalled; and to entrust the mere custody of money wanted for national purposes, with them, under such views, would be absurd and disastrous. I repeat the question then, what was your Executive to do? He recommended the policy of prescribing by law the selection and appointment of agents and officers, subject to such sureties, restrictions, and penalties as Congress might consider necessary for the security of the deposite, and faithful performance of the trust. In accordance with the principles of this recommendation, the bill has been prepared with its details—is now before us as the Representatives of the people, for our deliberation, not as partisans, but as statesmen; and this brings me to consider,

Secondly. What is the bill, and what are its provisions?

It is entitle "a bill to provide for the collection, safekeeping, transfer and disbursement of the public revenue," and its provisions throughout fully meet and correspond with its title. The four first sections establish the Treasury and give it locality; to wit: the Treasury Building at Washington, the Mint at Philadelphia, the Branch Mint at New Orleans, the Custom-House at New York and Boston, and offices or buildings to be provided at Charleston, in South Carolina, and at St. Louis, Missouri, and constitutes the Treasurer of the United States, the Treasurer of the Mint and Branch Mint, depositaries; and the fifth section provides for the appointment of four receivers, general at the other four places designated. The sixth section requires all collectors and receivers of public money to keep it safely without loaning or using in any way. The seventh and eighth sections provide for bonds and additional security. The ninth, tenth and eleventh prescribe the mode of transfer and other matters of detail. The twelfth and thirteenth sections provide for examination and inspection of the books to be kept by the collectors and receivers. The fourteenth, fifteenth and sixteenth sections are matters of detail, providing for withdrawing balances, and requiring marshals and attorneys to pay over money in their hands, &c. The seventeenth section requires each receiver and collector to keep an account of the kind of money received, to be subject to the examinations and inspections prescribed in the twelfth and thirteenth, and thus affording, by the combination of the two provisions, a valuable check upon the collectors, receivers and depositories, and makes the loan or use in any way of the public money prohibited in the sixth section a felony, to be punished by imprisonment not less than two nor more than five years; thus furnishing a security in addition to the individual bonds and sureties provided for in the seventh and eighth sections, of the strongest possible character. The nineteenth section, commonly called the specie clause, requires one fourth of the revenue to be collected and paid in specie after the last of June, 1840; one half after the last of June, 1841; three-fourths after the last of June, 1842; and the whole after the last of June, 1843; thus gradually requiring the whole revenue to be collected in the legal currency as established by the Constitution. The twentieth section requires all disbursing officers to pay out to the creditors of the United States, embracing soldiers, sailors, pensioners and workmen, &c. the same as received, and in case of violation of that or the preceding section, to be reported to the President and removed, and also to Congress; imposing another powerful guard to the faithful discharge of duty. The twenty-first and twenty-second sections are matters of detail, securing the disbursement of the same funds as received, and preserving uniformity in the collection and disbursement of the different branches of revenue. The twenty-third section provides for regulations so as to require immediate presentation of drafts, to avoid their circulation as money. The four succeeding sections are matters of detail in relation to salaries, expenses, &c. and the twenty-eighth and last section repeals former acts, and parts of acts, conflicting with the provisions of this bill. This, sir, is a faithful summary of the bill before us; and I have been thus minute in detailing its provisions, because I well know the unceasing efforts that have been made to conceal and misrepresent them. The only material change proposed in our financial system by this bill, is in relation to the *safekeeping* of the public money, those provisions relating to the collection, transfer and disbursement, proposing no more than a recognition by law of the practice which has uniformly obtained since the organization of the Government, adapted to the change in the custody of the revenues. It has been put forth by the opponents of the measure, that its friends claimed for it the merit of an immediate relief bill—that it would immediately produce an increase of money and relieve the alleged distress throughout the country. This is put forth, no doubt, for the purpose of claiming credit for prophesy of disappointment, when it shall be found that even after its passage, every broken speculator is not restored to luxury and his squandered fortune, and every imprudent debtor is not at once released from his indebtedness. No such merit is claimed for it by its friends. They claim nothing more for it than what appears upon its face and indicated by its title, and the incidental salutary effect upon the circulating medium, which it is calculated gradually to produce. The measure is clearly and undoubtedly constitutional—it is simple and unentangled with multiplied forms and complicated machinery: places the safekeeping of the public money on the same basis as its collection and disbursement, and indeed every other operation and transaction of the Government, upon the principle of individual responsibility, in the same manner as in our State and county treasuries; and indeed that of every municipality known to our institutions, excepting the single instance of the United States Treasury under the act of 10th April, 1816, and that of the 23d June, 1836, and agreeably to the first legislation of Congress under the Constitution, and its early adopted practice—in accordance with the law and practice of almost every other country in Europe and in the world. The first act of Congress on the subject of the collection of duties, &c. under the Constitution, was that of the 31st July, 1789, and in its 30th section required that they should be "received in gold and silver coin only," &c. and indicated no other depositories than individuals. The act of 25th February, 1791, incorporating the first United States Bank, made its bills or notes payable on demand in gold and silver coin, receivable in all payments to the United States, but did not constitute it a depository. It was only by the practice of the Treasury Department that it was made so, at the discretion of the head of that Department. No other than individual depositories were created by law until the incorporation of the late United States Bank by the act of 10th April, 1816, by the sixteenth section of which, the deposites were to be made in that bank, subject, however, to a different direction by the Secretary of the Treasury. Why should a different description or character of agents be employed for the safekeeping of the public money, than for its collection or any other branch of the public service? I apprehend no good reason can be assigned. By the provision of the nineteenth section of the bill, a gradual demand for specie will be created, by which the currency will be improved and purified by moderate and regular gradations, and extravagant and irregular emissions of bank paper checked and corrected, and excessive importations of foreign fabrics to some extent restrained, and our own manufactures encouraged and promoted. So far as it shall operate upon the currency, its operation will be a wholesome one, purifying and rendering it better, instead of inflating and depreciating its value. These are some of the incidental benefits which I believe will result from the adoption of this measure.

The principle of individual responsibility introduced in the several provisions of this bill, I regard as of the utmost importance in securing the faithful discharge of the duties imposed by it. Individual obligation is imposed in all its combined forms and checks; bonds binding the persons and property of the agents and their sureties, examinations and inspections of the books and entries required to be kept by the officers, and penalties in the criminal courts for violations of any of its rigid provisions. Thus person, property, character, honor, and every thing held dear in this world, are pledged for the security of the public revenue.

I proceed to consider thirdly what the bill is not.

1st. It is not a bank—a Government Bank, as has been contended here. What is a bank, as now understood in this country, and what are its functions? In order to constitute a bank as understood here since their first existence in this country, there must be the exercise of four distinct functions. 1st. Offices of deposite—2d. of discount—3d. of loan—and, 4th. of manufacturing and issuing paper money. The last, the power of manufacturing and circulating paper money, is the all important and essential function, which with us has given to banks all their power for good or evil; and enabled them to enter into all the business of society—to raise and depress the price of all the property, productions, and labor throughout the country at brief intervals, and extend to every contract between debtor and creditor from one end of the country to the other. Where is this function to be found in the bill upon your table? It is no where. It is said

to exist in the power of drawing drafts by the Treasurer upon the depositories in favor of the creditors of the United States. If so, we have always, in the practice of the Treasury Department, had a Government bank in full operation, without having ever made the discovery until the discussion of this bill; because, as before observed, those provisions are merely a recognition of what has always been the practice under all Administrations since the first organization of this Government, and that effectually restrained by the twenty-third section of the bill, which is intended to prevent the circulation of the Treasury drafts as representatives of money. I am aware that institutions called banks, such as that of Venice, Amsterdam, and Hamburg, possessed not the power of manufacturing paper money, and were merely offices of deposite, loan, and discount; but where is to be found in this bill either the functions of loan or discount, necessary to constitute even such a bank? The powers of loan and discount exist no where in the bill, except through the medium of distorted imagination. According to one gentleman, [Mr. BARNARD,] these drafts may be of a denomination as low as one dollar, when they might enter into the circulation and form a popular currency; and if of a large denomination, they might and would form a part of the mercantile currency. If this were true, it would sweep away at one brush all the clamor which has been raised about "one currency for the Government and another for the people," upon which I shall submit a remark or two before I conclude; but as before remarked, this bill originates no Treasury drafts—it only proposes to legislate upon what has always been the practice of the Department, without which it could not have performed its necessary functions; and no bank powers or bank facilities have been found in that practice heretofore, nor can they now. But, with an implied concession, that the bill now under consideration does not confer any bank power, it is contended that it is a substratum upon which future Congresses may erect a bank—a stock upon which may hereafter be engrafted the scion of another monster. This objection comes from a strange quarter—from those who are unceasing in their praises of banks and eulogists of what they call the "credit system," and I should rather suspect the real objection is, that it would effectually defeat any project of a National or Government Bank, by defeating all appearance of a necessity for such an institution. It is a sufficient answer, however, to the objection, that it does not now exist; and it is not for us to suppose that those who are to succeed us will be less scrutinizing and watchful against insidious encroachments of power than ourselves.

2d. I would remark in the next place, this measure is not the Treasury note bill; but totally distinct and separate from it. Efforts I know have been made, to consider it as the same, and many have been induced to believe that Treasury notes are the notes of the Independent Treasury. The issue of Treasury notes is a mere temporary expedient, rendered necessary under any mode of deposite, by the deficiency of present funds in the Treasury to meet its demands, restrained and limited of course to a single operation; and I hope the occasion will never again occur; whereas the measure now under consideration is designed and intended as a permanent system to be engrafted as one of the settled institutions of the Government, and to endure throughout all time to come, as long as the Constitution itself shall stand.

I propose now to consider in order,

4th. The objections raised and urged against this measure, including any substitute or other plan proposed of securing the objects contemplated by it.

I would first inquire what substitute or better plan has been proposed by those opposed to this measure? It is somewhat remarkable, that notwithstanding the deep, bitter, unceasing denunciations against it, no distinct proposition has been submitted either to the people or to their representatives, by those who have so denounced it; at least, I have not been able, with much anxious search, to discover any such. Much, it is true, has been said of the excellences of the United States Bank, and occasionally a referrence to the State banks in sympathetic strains of eloquence and praise in comparison with the "odious Sub-Treasury;" but still, no distinct avowal of either, or any thing else, as the proposed substitute for it, which the party opposed will stand by and defend. I have carefully looked over the report of the minority of the Committee of Ways and Means, signed by two of the most experienced and talented gentlemen of the Opposition in this House, or perhaps this country, (Messrs. SERGEANT and POPE,) then, and now members, presented in March, 1838, to be found in the 3d vol. Reports of Com. of the House, Doc. No. 634. This is the most labored document I have been able to find against this measure, and was intended to embody in the most formidable array, the objections existing against it, forming, as it were, the official political text book, to which the country might look for the true standard of opposition faith against this measure. Yet in that whole document is not to be found a proposition as a substitute, or a project of a better plan. Much eulogy, it is true, is bestowed upon the United States Bank, then expired, but no projection of a new one or any thing in its stead. I have looked over the many able speeches delivered in both ends of the Capitol for the last two years against this measure, but have looked in vain for the distinct avowal of a substitute. I have perused the Opposition journals which teemed with bitter denunciation against the Independent Treasury scheme during the same period, without being able to discover any other scheme distinctly proposed. A great convention of all the wise and aged statesmen in the nation, if we are to believe their own account of it, assembled at Harrisburg in December last, for the express purpose of taking into consideration the pernicious measures of this Administration, of which this was denounced as the chief. They talked loud and long of its corruptions and extravagance—dealt largely in general clamor and denunciation; yet, although there were among them the most talented and experienced of the Opposition—gentlemen who had been long in office and capable of pointing out all the errors and iniquities of any administration if there were any, that great body closed its labors without specifying pointing out, much less proving, a single item of mal-administration or corruption—without declaring to their countrymen any one principle of policy by which they should be guided in the new administration which they asked to introduce; and without disclosing any plan or scheme for the examination and deliberation of the people, by which the alleged ruin and distress by which the country was visited might be avoided. Sir, I ask, what is the conclusion—the necessary irresistible conclusion every honest man is bound to draw from all this? I answer, that the conclusion of every honest and candid mind must be, that there was no corruption or mal-administration to be detected—that they had no common principles which they would, or dare announce to the world—that they had devised no fiscal plan which they dare contrast with the Independent Treasury; but all must be swallowed upon the general destitution of principle "akin to generous confidence."

Again, another vast national assemblage of wise and aged young men was convened at Baltimore in May last, numbering, according to their own account, from twenty to fifty thousand of hard fisted distressed bankers, brokers, and counter men from all the Eastern cities, bearing with them city log cabins, cider barrels and coon skins, for the avowed purpose of passing judgment upon the proceedings at Harrisburg five months before, and pronouncing them good, and condeming the present Administration. They were met by the grave legislators from both ends of this Capitol, who were to impart to the thronging multitude the vast accumulation of wrongs and mal-practices of the Administration, and disclose the rich stores of relief for an alleged suffering community, gathered by five months hard study and sifting research and investigation into all the affairs at the seat of Government. They met, with badges, music, and banners, mottoes and inscriptions, parade and shows of all fancies and devices; and what were the mighty developments of corruption of the Administration there poured out? what the great lofty principles announced? and what the healing plans of relief revealed? I hold in my hand the National Intelligencer of the 7th May, containing the principal proceedings of that assemblage as recorded by its own friends, and refer to the principal prominent speeches there delivered. It is there stated that the first speaker was Mr. Clay, who "commenced by a reference to the northwest wind, which blew almost a gale, and compared it happily to the popular voice of the immense multitude who were present," &c. and then proceeds to talk in general terms of "ravages," "revolutions," "broken hopes," "wide spread ruin," "William H. Harrison," &c. in vague, windy declamation, but nothing defined or specified either of evil or remedy. Then followed Mr. Webster, who talks of "change," "and breezes and change," William H. Harrison," and victory to last half a century, &c. "All agree, continued Mr. WEBSTER, that we have hard times, and many, he amusingly remarked, supposed the remedy to be hard cider," &c. but as undefined as to the evil or how this great political remedy was to be applied, as the grave orator who preceded him. Next on the sacred rostrum was my grave colleague and learned counsellor from the city of Philadelphia, long identified with the legal and political history of our State; I will quote from the record, where it is said, "Mr. JOHN SERGEANT of Pennsylvania succeeded Mr. WEBSTER upon the rostrum. What have you come here for? said Mr. SERGEANT. I will answer. To bring back to the people, and through the log cabins of the country, the neglected and lost Constitution." Log cabins!! and lost Constitution!!! The people! Log cabins!! and lost Constitution!!! Good Heavens! how or where did my colleague come to think or know any thing about the people and log cabins? And what does he mean by the lost Constitution? Does he mean the Constitution of the State of Pennsylvania? I remember that a few years since the people of that State decided that her Constitution should receive some Republican amendments; and my colleague (Mr. SERGEANT) was elected as a delegate to the convention, was chosen to preside over that body, and exerted his talents to defeat the expressed will of the people of that State in reference to those amendments. The amendments however prevailed, and were adopted by the people. But I cannot for my life discern how a national meeting at Baltimore could interfere with that question.

He could not have meant that. The sentence is to me totally unintelligible—it is, perhaps, too deep for my comprehension; and yet I cannot presume that he meant nothing, nor can I suppose that he had applied to himself too much of the remedy indicated by the wise statesman who had immediately preceded him. I think, however, I have a glimpse of his meaning. There are many of his political friends, who have considered the Bank and the Constitution as synonymous terms, and have got so much in the habit of using the word Constitution, when the Bank was the idea impressed upon the mind, if indeed any very well defined idea was attached to it at all. With this meaning attached to the term Constitution, I can understand him, and am forcibly reminded of a fable I recollect reading when a boy, of a cat and the rats. I give the substance from recollection, not having read it for many years. It was somewhat as follows: A wary, sly cat, having lived for some time upon a family of rats in her neighborhood, had produced rather a scarcity. The little animals, finding their number gradually diminishing, became somewhat shy, and she concluded she must either starve or resort to some stratagem to supply herself with her accustomed plunder. She suspended herself by the hind legs upon a pin in the wall, with her head hanging down, pretending to be dead. The rats, seeing her in this attitude, collected all around her, rejoicing at the death of their old enemy, when suddenly she let herself down in their midst, and made sad havoc among them. When the supply she had thus obtained had become exhausted, she resorted to another artifice, and rolled herself all over in flour, and concealed herself in a meal tub. Some of the rats perceiving a heap of flour, as they supposed, were disposed to rejoice at their good fortune, and immediately to partake of so pleasant a repast as

seemed to be presented to them; but an old rat, who had witnessed all the cat's proceedings, and seen the destruction she had brought upon his race, after looking very steadily at the heap, spoke out to his fellow rats as follows: "Something whispers me there is more than meal in that pile—it may be meal, it is true, but there may be something else under it, we shall not relish quite so well." The application is this: after General Jackson had vetoed the bill for a recharter of the United States Bank, and after the Congress elected upon that question had pronounced the judgment of the people that it should not be rechartered, in the year 1835, an imporiant election occurred in Pennsylvania for Governor and members of the Legislature, in which the Republican party were unfortunately divided. In order to produce a union against the common enemy, some of both divisions of that party presented the danger of a charter of that Bank by the State, should the Opposition succeed through our divisions. Those rising fears were at once calmed by the soothing persuasion of the Opposition that the Bank was dead, and it was nonsense to keep up any alarm on that account—that no further evil could come from that quarter. The Republican party were defeated, and no sooner had the Opposition possessed themselves of the power, than the Bank was sprung upon the people of that State against all their remonstrances, under the specious title of "An act to repeal the State tax on real and personal property, to continue and extend the improvements of the State by railroads and canals, and to charter a State bank to be called the Bank of the United States," and fastened upon them, as is contended, for thirty years. The plunder obtained by that stratagem is probably now pretty well exhausted, and the institution reduced to short commons, and must soon starve, unless by some new artifice, its hungry cravings can be satisfied. Is that new artifice, this city log cabin contrivance, through, or by means of which the bank is to be brought back to the people? I am sorry my colleague is not in his seat to inform me. I take it then, that the "lost Constitution" spoken of by my colleague in his Baltimore speech, is the bank—the cat concealed; the log cabin show is the meal, the deception by which it is covered, and through which it is to be brought back upon the people, and according to Mr. Webster, to be chartered for fifty years. If this be not the meaning, I am totally at a loss to understand the figure.

Gentlemen, here, during the debate, have spoken incidentally in high terms of the United States Bank, yet none have put it distinctly forth as the antagonist to the Independent Treasury. Sir, with all the bitter condemnation which has been poured forth against this measure by those opposed to it here and elsewhere, have we not a right to demand—have the people not a right to demand of them a specification of their charges? A distinct, frank, and open avowal of their principles and of their plan? Whether the United States Bank, State bank, or the States themselves?

As the United States Bank, from what has been said here and elsewhere, appears to be the most approved plan of the Opposition for managing the fiscal affairs of the Government, and no doubt is their only one, if they had frankness enough to say so, I shall first consider that, contrasted with the Independent Treasury.

It has been repeatedly stated, over and over again, with apparent confidence, that the United States Bank had furnished a safe, sound, and uniform currency throughout its whole existence; and this sweeping assumption has been permitted to pass without much remark or contradiction since this debate commenced. Statements, calculations, and figures, have been exhibited in mathematical array, showing plausibly upon paper the excellences and perfections of a National Bank, as were by Law and Patterson in former times, by which the scheme was presented to a superficial glance, as most beautiful, splendid, and incontrovertible, reminding me forcibly of the paper town and western cities during the rage for speculation some years since. It was no uncommon occurrence at that time, to see at one of our comfortable hotels in a flourishing village, a grave, serious, well dressed man, assuming the consequential air and dignity of a wealthy land holder, exhibiting beautiful maps of towns and cities in the West, and lots and squares, parks and retreats, with bays or rivers adjoining, and store houses, churches, and public buildings arranged in the most attracting order, and according to most fashionable taste. He could sit down and make his calculations upon paper—arrange his figures in the most unerring mathematical order, and demonstrate to a crowd of anxious applicants to purchase, that they could pay one or two thousand dollars for a lot, and after making ten, fifteen, or twenty per cent. discount, could still clear from one to ten thousand dollars in a single purchase. The bargains are soon struck—the whole town sold off with all its suitable appendages—the deeds made and delivered and the money paid. The purchasers sell to others at a large advance, and they to others, and they to others again, and while confidence is kept up that the paper lots really represent substantial well located and built up terra firma, the price advances, and all goes on well, until the deed holders come to look for the reality, and either find no land there, or find, instead of a splendid growing town, a wild ague swamp with not a single inhabitant within fifty miles of it; when the whole scheme blows up and the last deed holders are ruined. Now what difference is there between a paper town, or a paper house without reality to represent, and a paper bank or paper money which represents nothing, or not more than a fifth or tenth what it professes to do?

But to the bold and confident assumption that the United States Bank had always furnished a safe, sound, and uniform currency. Sir, I deny it, and propose to give the proof. That the notes of that Bank passed at par at the different points of the United States, if such were admitted to be the fact, is a delusive criterion that it furnished a uniform currency. With the credit of the Government, and its notes taken in payment of all public dues by law, it could scarcely be otherwise—pieces of brown paper with such an endorsement would pass at par also. A much more certain criterion of a sound and uniform currency is the price of any given commodity of general use at a given place. I admit this may be varied by the circumstance of the scarcity or abundance of the article—the demand and supply—but these being equal, if the price of any article of general use, one of the necessaries of life, is very fluctuating, it is conclusive evidence in my judgment, that the currency by which the value is measured, must itself be fickle and unsound. Again: the quantity of the circulating meriod at given periods, is a much safer guide by which to determine its uniformity of value than its passing at par. If its quantity varies greatly in a brief period of time, it may be set down pretty certainly as unsound and irregular; although I again admit that there may be circumstances rendering a greater or less quantity necessary to measure the commodities to be exchanged; but to vary the quantity rapidly, there must be some extraordinary circumstances to retain its value the same. Now let us try the soundness and uniformity of the currency furnished by that Bank by these tests. The United States Bank was chartered on the 10th April, 1816, and went into operation 1st January, 1817, when, according to Mr. Crawford's report, made the 12th February, 1820, and reprinted in January, 1834, the amount of the currency of the United States was $110,000,000, and at the time of his report, within three years, it was reduced to $45,000,000.

The following table is taken from Hazard's Register, exhibiting the price of flour averaged throughout the same years, inclusive, and presents very clearly the effect of the fluctuations produced by the bank upon the necessary article of flour during the same time.

Year.	Price of flour in Philadelphia.
1817	$11 79
1818	9 96
1819	7 11
1820	4 72

It is thus shown that in the commencement of the year 1817, when the quantity of the circulating medium of the United States was one hundred and ten millions of dollars, the price of flour at Philadelphia was eleven dollars and seventy-nine cents per barrel, (in fact, by the monthly prices current for that year, it appears to have been $13 50 per barrel in the month of January, $11 79 being the average for the whole year,) and within three years afterwards the circulation was reduced to forty-five millions of dollars, and the price of flour at the same place was four dollars and seventy-two cents per barrel. The price here is computed in par money, (United States Bank paper if you please,) one dollar of which, in 1820, would purchase as much flour as two dollars and forty-five cents in 1817, if tested by the price of that article, and if tested by the quantity of circulation, as much as two dollars and fifty-five cents in 1817. The effects of its fluctuations upon the price of labor, would be found to be still worse, if we had the advantage of tables to refer to. I give below a table taken from the report of the Secretary of the Treasury, made in January, 1839, 5th vol. Executive Document No. 227, page 687, which exhibits the state of the circulation of the United States Bank itself, for the first three years after that in which it went into operation:

Year.	Circulation.
1818	$8,339,448
1819	6,563,750
1820	3,588,481

The state of the public deposites in the Bank, as contained in the report of the Committee of Ways and Means of the House of Representatives, April, 1832, 4th vol. Rep. Committees, No. 360, at page 279, correspond pretty nearly with the amount of its circulation. By the above table of circulation it will be seen that even with the advantage of the public deposites and the credit of the United States into the bargain, the Bank was either unwilling or unable, not only to regulate the general circulation, of which its notes constituted but the 15th part, but even its own, so as to render it either safe, sound, or uniform. With such enormous fluctuations, both in the quantity of circulation, and in the prices, as shown by the tables above, the assumption of safe, sound, and uniform currency, is utterly ridiculous, under any circumstances that could possibly have existed, even though the paper of the Bank was at par. History has recorded some evidence of the ruinous and distressing effects of this fluctuation upon the business of the country. I picked up the 16th volume of Niles's Register, running through a part of the year 1819, which is full of instructive history upon that subject. I will not take time at present to do more than present a few brief extracts. In that paper of the 10th April, 1819, is an article headed, "MONEY MATTERS—PROSPECTS AHEAD," from which I quote the following: "We have doleful accounts of the commercial distress and scarcity of money in England and France. * * * From all parts of our own country we hear of severe pressure on men in business, a general stagnation in trade, a large reduction in the price of staple articles. Real property is rapidly depreciating in its nominal value, and its rents or profits are exceedingly diminishing." It then proceeds to describe some of the commercial distresses in the country, and states some of the causes, and goes on: "Another cause, in our opinion, has hurried or heaped those ills upon us, in a design to force the people to acquiesce in a national currency of paper—THE CONSUMMATION OF EVILS." The article here has reference to the United States Bank. In the same paper of June 5th, 1819, is the following: "For several months past, the pressure grew heavier and heavier. Great sacrifices of property of every description took place, and many large mercantile houses, as well as honest farmers and mechanics, (dealing in banks and running in debt,) failed. So extensive were those among the merchants of the cities east of Baltimore, that it seemed to be disreputable to stop payment for less than $100,000. The fashionable amount was from $200,000 to $300,000, &c." detailing, in strong and clear terms, the distress, and the ruinous course of the United States Bank. In an article in that paper of June 12th, of the same year, after speaking of similar distresses and the same cause, it is said, "Let us then resist every succedaneum that may give rise to fresh gamblings in paper. It is the laboring people who at last

must pay the losses made by them." * * * "All that we have suffered or are now suffering will have to be suffered again, if we yield one inch to the monopolizers." * * * "It is cash payments only, that can defend the people from swindling banks and bankers." In that paper of the 7th August of that year, it is stated that in the three cities of New York, Philadelphia and Baltimore, there were 50,000 laborers thrown out of employment, and estimates the loss to the community at $300,000 per month. Running through this valuable work it will be found filled with accounts of failures of banks and merchants—a general distress and suffering, and thousands thrown out of employment, or obliged to labor for a mere pittance; and, in the paper of the 21st of August, is an article headed "Bank of the United States," in which those evils are largely spoken of; and it is further said, "never did an institution exist that more completely blasted the public expectation than this Bank has done." Some time previous to this the president of the Bank, Mr. Jones, had left it, I believe, between two days, and Langdon Cheves had been appointed in his stead. Mr. Cheves, in his exposition to the stockholders of the situation of the Bank, states that "in Philadelphia it was generally expected that the Bank would be obliged to stop payment. Mr. White, cashier of the branch of the United States Bank of Baltimore, in a letter to the Secretary of the Treasury, speaks of the distresses of 1819, "a sudden scarcity of money in 1822—numerous and extensive failures in New York, Savannah, Charleston, and New Orleans, in 1825—great convulsions among banks and other institutions in 1826—in the winter of 1827-8, and in 1829-30, and thinks this properly attributed to over trading from over banking." In the fall of 1825, as confirmed by the testimony of the president of the Bank before the Committee of Ways and Means in 1832, the Bank was only saved by a rapid visit of his to New York to seek a gentleman who was preparing to draw specie from the Philadelphia banks to pay the instalments of a new bank in New Orleans, and avert a demand for specie for the use of the British Government in Canada; the fate of the country, so far as its fiscal affairs were concerned, thus hanging suspended upon the success of a midnight visit to New York of a single individual, subject to all casualties, to implore indulgence from a British agent, or a broker for a New Orleans bank! In the letter of the Secretary of the Treasury submitting his reasons for the removal of the deposites in 1833, it is stated that from the 1st of January, 1831, until the 1st of May, 1832, (sixteen months,) the Bank had extended its line of discounts and loans from $42,402,304 24 to the enormous sum of $70,428,070 72, and, as appears by a report of the Committee on Finance of the Senate, made by its chairman, Mr. Tyler, (the Opposition candidate now for Vice President,) in 1834, at pages 320 and 321, $322,199 of that amount were to fifty-nine members of Congress, who were to vote on the question of its recharter, the following session, when its petition for recharter was was presented and pressed. During the very time of this extension of its loans, it refused, as the fiscal agent of the Government, to pay the public debt required of it, although there were deposites of the Government in its possession exceeding the amount required, over $3,000,000, and sought secretly, in violation of a positive provision of the charter, to postpone and purchase the debt, through an arrangement with the house of Baring, Brothers, and Company, in London. In the month of August, 1833, it commenced a system of excessive and uncalled for curtailment, and in two months had contracted its accommodation to the amount of $4,066,146 21, during which time also it had received an increase of public deposites withdrawn from the community to the amount of $2,268,504 11, thus unnecessarily withdrawing from the business of the country in the short space of two months, six millions three hundred and thirty-four thousand six hundred and fifty dollars and thirty-two cents, nearly twice the whole amount of its entire circulation in 1820. The reason urged for this contraction was the near approach of the expiration of its charter, and yet more than a year afterwards, when that reason would be, of course, much stronger, it again expanded, in the course of a few months, nearly twenty millions of dollars. With such enormous and rapid expansions and contractions, whether from necessity or design, can it be possible that the currency furnished by it could be uniform? We have seen from the prices of one of the best articles to test by, that it was the reverse, as, of course, it must have been.

An honorable member from Kentucky (Mr. WHITE) a few days since had urged as an argument against the Independent Treasury, that it was anti-Union; and intimated that as Kentucky could derive no benefit from this Government except that of a United States Bank, she would be for dissolving the Union without it. Let us see what money was furnished for that proud State by the United State Bank—we have some evidence on that subject. In 2d Peters's Reports of the decisions of the Supreme Court of the United States, page 527, is a case in which the bank is plaintiff against several defendants, the drawer and endorsers of a note for $5,000 discounted at the branch at Lexington, and dated 7th February, 1822. The defence was set out in a special plea, in substance that the consideration of the note was usurious and corrupt, having been obtained for money of the Bank of Kentucky as its nominal value, which was at a discount of forty six per cent. or 100 dollars, worth but 54 dollars—and the transaction forbidden by the 9th section of the fundamental rules of the charter, which forbade it to "take more than at the rate of six per centum per annum for or upon its loans or discounts." These facts were admitted by the pleadings, and the decision was against the bank. Mr. Clay and Mr. Sergeant appear to have been counsel for the bank, and no counsel for the defendants. This was the kind of currency it appears to have furnished to the people of Kentucky—paper at 46 per cent. discount, of a bank which was probably first reduced to that situation by the very operations of the United States Bank itself, for which it sought to recover and probably in many cases not resisted, received in gold and silver, or perhaps property at a great sacrifice the full nominal amount.

It has been urged that the United States Bank would regulate exchange. What do we learn by experience upon that subject? If we look over the rates of exchange and prices of bank notes collected by the Secretary of the Treasury, and submitted to the Senate in May, 1838, Doc. No. 457, extending from 1814 to 1837, it will be seen that the rates of exchange were much more irregular after the United States Bank got fairly into operation than before. I had intended to present a condensed table showing this result conclusively, but found it could not be done without occupying too much space. I quote a paragraph from Mr. Gouge's excellent treatise upon paper money and banking, which is fully sustained by the prices current of the day. After giving a copy of the prices current of country bank notes at Philadelphia through the years 1816, '17, '18, '19 and '20, which show a gradual and regular depreciation through the years 1816, and 1817, he says: "In his speech of January 2, 1815, Mr. Webster said, "the depreciation of the notes of all the banks in any place, is, as far I can learn, general, uniform, and equal." * * * "This equality lasted for some time after it became the custom to give regular quotations of the price of bank paper. It will be seen by inspecting the table, that in May, 1816, the notes of twenty-seven out of thirty-five country banks of Pennsylvania were at a discount of ten per cent. It will also be seen that the discount was diminished with a regularity approximating to uniformity up to May, 1818. In the succeeding July, the United States Bank commenced its curtailment; and then the great confusion in exchanges began." It must necessarily be so, with an institution possessing the credit as well as the funds of the Government—which is alternately expanding and contracting at brief and irregular intervals. It must necessarily deal destruction and ruin at each vibration either way, either upon the debtor or creditor class, and throw all commercial business into confusion and disorder, as history informs us was the case with the late National Bank. The circulation in the United States has been greatly diminishing for the last three years as appears by the annual statements of the Secretary of the Treasury, from $149,000,000 in 1837, to $106,000,000 the present year, and consequently it is proportionately appreciating in value, and if no engine of violence be thrown into it, such as the United States Bank of 1816 proved to be, in a year or two more, with the gradual, moderate and progressive correction provided in this bill, we may expect a state of currency approaching uniformity and regularity in all the affairs of community.

The sweeping argument, if it may be called such, which has been urged against the Independent Treasury, out of which it seems intended to manufacture political capital, is, that it establishes one currency for the Government and another for the people. If there be any weight in this, which I deny, how do gentlemen escape the answer, that it applies as forcibly to a United States Bank, as to the Independent Treasury, upon their own positions? They insist that a United States Bank currency is better than that of the State banks, and that the revenue be collected in it. They do not propose to abolish the State banks; and therefore a large portion of the currency would continue to be the paper of the State banks. The late Bank of the United States sometimes furnished about the 1-15th and at others about 1-5th part of the whole currency. Now, according to such argument, here is 1-5th or 1-15th better currency for the Government, and 14-15ths, or 4-5ths worse currency for the people. But I will not occupy time in answering such objections—who does not know, that the Government and the people are the same? What is collected from one portion of the people with one hand, is immediately paid out to another portion with the other. It is most largely collected from dealing and business men, and most largely paid out to soldiers, sailors, old soldiers and widows of soldiers and laborers in the employment of the Government, who again pay it away to farmers, mechanics, and others for the necessaries of life, and thus is kept in constant circulation like blood throughout the healthy system. If the Government have a sound currency, the people to whom the Government belongs will have a sound currency.

Sir, I have thus briefly and imperfectly presented some of the numerous objections to what may perhaps well be considered as the only, at least the main substitute which the Opposition would or could propose for the measure under consideration, and in doing so, I think I have answered some of the complaints and objections to this. These objections against a United States Bank, of themselves formidable—I think insurmountable—arise, even on the admission, which I do not concede, of the power and the right in this Government to establish such an institution. That great and deep question of constitutional law is involved, and lies behind and rises infinitely higher than any connected with mere expediency or policy, and if rightly decided in the negative, must close up all further inquiry. I do not propose, at present, to go into that great question, further than merely to glance at it. Whenever a National Bank shall be distinctly proposed as an affirmative, I shall endeavor to be prepared, fully to meet and discuss the question of its constitutionality. It is, perhaps, sufficient, until that proposition is distinctly submitted for consideration, that many of the wisest statesmen and soundest political lawyers this country has produced, among whom was the immortal Jefferson, hesitated not to declare their opinion in the strongest and boldest terms that no such power was ever conferred upon this Legislature. They point us to the Constitution itself, in which is found no such power expressly conferred, but contains the positive provision, that "the powers not delegated to the United States by the Constitution, nor prohibited by it, to the States, are reserved to the States respectively, or to the people." They also point us to the proceedings of the convention by which the Constitution was framed, in which it appears that the proposition to confer the power of granting corporate privileges was expressly negatived. They point us again to the provision in the Constitution that "Congress shall have power to coin money, regulate the value thereof, and of fo-

reign coin," and tell us with unanswerable force that this power in Congress is fiduciary, a trust that they have no right to delegate; and that the incorporation of a Bank with power to manufacture paper money, is a transfer of that high attribute of sovereignty, and enables the Bank to regulate, not only the value of coin, by determining how much it shall buy, but of every other commodity. I am aware that the Supreme Court of the United States, did decide that the act of 1816 incorporating the Bank of the United States was constitutional. For the decisions of that court, upon pure legal questions, I entertain the highest regard, and hold them as binding and conclusive upon all questions arising under any particular law in existence, so long as it remains; but there the authority of the judiciary ends. When the law expires, or when the legislature contemplate to repeal it, it becomes, so far as such decision is concerned, an open question—a great political question in which the legislative is not bound by the opinion of the judiciary branch of the Government—it is co-ordinate, original, and sovereign. Again, it is not only necessary that the power should exist, but that it should be undisputed, or at least could not be plausibly denied. This will never be the case with that question while the Constitution remains as it is—there will always be a large and respectable portion, if not a majority of the people of this country who never can believe that the Constitution confers upon Congress the power to incorporate a National Bank; and with such decided sentiment against it, it can never enjoy that stability necessary to such an institution, apart from the abstract question upon its merits. But has not this nation decided the question as to a National Bank? We know that when President Jackson vetoed the bill to recharter the United States Bank in 1832, the issue was made to the country, not only in the Presidential election, but in the election of members to this body in the 23d Congress. The subject was submitted to the Committee of Ways and Means in this House, who after full investigation reported certain resolutions for adoption, the first of which was in the following words: "*Resolved*, That the Bank of the United States ought not to be rechartered;" which, upon long and free discussion was decided by the body, elected as before remarked with distinct reference to that question, in the affirmative, by a vote of 134 to 82, (see the vote on the Journal, 1st session, Twenty-Third Congress, page 483'4) This decision, it is true, related only to the bank then in existence, and justified by history and facts, already briefly referred to, independent of the abstract question of constitutionality, and its justice confirmed by the conduct of the bank soon afterwards, in closing its doors, in direct violation of an express provision of its charter, against a committee appointed by four-fifths of this body, to investigate its affairs; yet it is well known, that the constitutional question entered largely into its consideration, and formed the turning point of the decision against it; so much so, at least, as to deter the introduction of a similar institution, without a new and contrary demonstration by the people themselves. It was certainly very conclusive, so far as related to the then existing bank; and apart from the constitutional objection, have gentlemen furnished any reasons to expect a new institution would be free from the evils and objections resulting from the former one? That it would not produce the same rapid and irregular reduction of the circulation and consequent suffering and distress as that did? and that we would not experience the same ruin, breaking up of banks and business men, the same inordinate fluctuations and reduction of prices which were suffered in 1819 and 1820?

It seems to me, therefore, that any plan connected with the establishment of a National Bank must be regarded as out of the question; and that the Executive was not only justified in so considering it, but that he was bound to do so.

Then what other plan has been proposed or even pointed to in the course of this debate? Much has been incidentally thrown out in sympathy for State banks; but has any one dared to submit the proposition to continue them as the depositories during their suspension of specie payments? I think I am justified in declaring that no one has ventured such a plan for consideration. Has any one proposed to extend the deposites with the States, of money wanted for the public service? I believe no one. This was the hobby of the Opposition party in 1836, when there was a large surplus of public revenue not needed for the public service. The cry was ever and anon, "it is the people's money, and ought to be distributed to the States." It was asked as an absolute distribution; but it was known that the old Roman, then in the Executive chair, would not give his sanction to it as such. To avoid this difficulty it was put in the form of a deposite, and in that form received his reluctant consent and became a law. For this law I voted, under an impression that it was consistent with the wishes of a large majority of my constituents, under the peculiar circumstances of an enormous surplus revenue that might be applied to State purposes, and would not be wanted for the national service for years, I confess, not without great apprehensions of its evil and embarrassing results upon the finances of the country. It was a measure of the Opposition party—claimed as such, and rendered plausible by their ingenuity and unceasing efforts to operate upon public opinion in its favor; but I am now satisfied, as I then feared, that it was one of the most unfortunate financial measures that have been adopted, or even proposed in a long series of years. The sudden transfer of so large sums of money from their natural channels, produced a state of disorder and confusion throughout the whole system, and was one of the principal causes of the suspension of specie payments, which occurred shortly after it went into operation. I take this occasion to say that I have always regretted that vote; the only one while I had the honor of a seat here; and if forgiven for it, promise that I shall never be caught in a Whig popularity trap again. I now believe, that had not the scheme of the deposite with the States been adopted, the State banks would have continued to perform the trust confided to them under the act of 1836, and would not have been forced to a suspension, and the occasion would not have existed for providing a different mode for the custody of the public money. The scheme has had its day, and whatever good purposes it may have served for the States, it has had a most unfortunate effect upon the fiscal concerns of this Government. No one now advocates or proposes that plan. Then, sir, I ask—in the name of my constituents I demand of the party opposed to this measure, having made it a party opposition, what plan or substitute they do propose? I have heard none other even hinted at than what I have already noticed.

Mr. Chairman, I shall now take a brief notice of the charges preferred against the late Administration by the gentleman from New York [Mr. MARVIN] which has been repeated by others, in waging war upon the United States Bank, the creation of new State banks, and urging and advising them to extend their circulation, and thus involving the country in debt by excessive importations, &c. The gentleman's position reminded me somewhat of an able counsellor I once saw in the trial of a cause in a county court. He made a statement of his client's case, which was an action for an assault and battery, very fully; according to which a plain case of gross and unprovoked outrage was committed upon his client; but when he came to call his witnesses and produce the proof in support of his statement, every witness either proved nothing at all, or that the plaintiff was the aggressor. He immediately entered a non-suit. Just so with the honorable gentleman—his statement is strong, conclusive, and full, but his witnesses all contradict it, or at least do not support it. As to the war upon the bank, perhaps enough has been already said of the history of that institution, and of its acts, to render any thing further upon that subject unnecessary; but the gentleman has referred to one or two documents which I shall merely notice. In order to show that our excessive imports over exports was attributable to General Jackson's hostility to the United States Bank, he read an article from Hazard's Register, vol. 1, page 427, in one part of which it is said that "at the close of 1830, our accounts were about square with foreign nations, &c." To make this article fit his statement, he dates the war upon the bank at that period (1830.) Now, in the fist place, I think there is some inaccuracy in the conclusion in the article, from its own figures and statements. By the tables presented above this conclusion that "at the close of 1830 our accounts were about equal, &c." it shows an excess of imports over exports, including 1830, of $37,662 950 and an indebtedness by the sale of State stocks, of of more than $26,000,000, and an excess of exports of specie of something short of $3 500,000. How the writer draws the conclusion that we were then about square, is not for me to reconcile. But the gentleman did not tell us that us that the very same article in Hazard's Register, from which he quotes, states the fact "that the United States Bank, and subsequently the Pennsylvania United States Bank, have been the chief channels through which the State stocks have been poured into the London markets." But, again, the gentleman is opposed by what, I suppose, I am at liberty to call his own witnesses, as to the time this alleged war upon the Bank commenced. The stock directors of the Bank, in a memorial, laid upon the table of members in December, 1833, at page 19, answering a charge against them of circulating political speeches, &c. say, "in December, 1831, the Secretary of the Treasury, with the full approbation of the President, had spoken in the most favorable terms of the Bank, and he did not sign his veto message against it until July, 1832, up to which period it was doubtful whether he would veto it, and of course it was unknown whether the Bank would have the least reason to be opposed to his election." The excess of imports would seem, by the article quoted, to have commenced in 1828, before General Jackson was elected at all; but, at all events, not later than 1831, a year or more before THE WAR, according to the testimony of the Bank. But the removal of the deposites did not take place until October, 1833, until which time the United States Bank was the fiscal agent and undisturbed depository of the Government; at which time the excess of imports over exports, according to that article, was about ninety millions of dollars, and an indebtedness by the sale of State stocks, about fifty-five millions. This removal of the deposites did not take place either, until about two months after the Bank commenced its extraordinary curtailment in August, 1833, already referred to. It thus appears that the Bank was the aggressor. and by its agency a large indebtedness, both by an excess of importations and the sale of State stocks, was incurred before any war existed. As to the charge of the creation of new State banks under the direction of that Administration, no evidence has been furnished, and the fact is otherwise. That there has been a great increase of State banks since 1830, both before and after the expiration of the charter of the United States Bank in 1836, 237 before, and 344 since, I am free to acknowledge. I will not now retort the charge, that this forced creation of State banks was the result of the policy opposed to the late and present Administrations, with design to bring about an excessive State bank circulation, and furnish an argument for the creation of a National Bank; but I should like gentlemen to account for the fact, that we find them generally, if not uniformly, chartered by Opposition votes in the State Legislatures, as their journals will show. As to the State banks being urged and advised to excessive circulation, the only evidence referred to is the letter of the Secretary of the Treasury to the Girard bank, of the 26th September, 1833, in which, after stating that the Department had selected that bank to be one of the depositories, he says: "the deposites of the public money will enable you to afford increased facilities to commerce, and to extend your accommodation to individuals, &c." This, it must be recollected, was at the very time, when, as before seen, the United States Bank had withdrawn from circulation from the community upwards of six millions in two months, and the greatest mercantile distress prevailed in consequence, which formed one of the reasons for withdrawing the deposites from its custody, when thus employed to inflict distress upon

the country, to enforce its charter by Congress. That the indication should be given, that the depositesproposed to be made with the bank would enable it to afford some relief, under such peculiar circumstances, formed not the slightest reason for an enormous and excessive issue of bank paper. That gentlemen belonging to the Opposition should now so directly change their complaint, from that of denouncing the late Administration as hostile to the credit system, because the Executive was untiring in his recommendations of reform and restraint, to that of charging it with urging and advising them to an excessive circulation, would be truly remarkable, were it not in conformity with the general course of that party. When the Executive recommended measures of restraint and reform upon the banking institutions as far as this Government possessed any power so as to prevent excessive issues, he was a tyrant, despot, and every thing that ingenuity, combined with political rancor, could denominate him; and when, encouraged probably by that very clamor, they disregarded all rules, and run to a boundless and lawless extravagance until they could go no further, and the consequences have come upon the country through a general suspension of specie payments, the lamentation is reversed, and then he is charged with encouragement and urging the banks to expand. Have gentlemen so soon forgotten the general and unceasing clamor about the specie circular? Why did they condemn that measure? Was it not because it was calculated to restrain the issues of the banks, and injure public credit? Surely they cannot have forgotten this so soon. Sir, the country has not forgotten it. The harsh, unwelcome cry of ruin was sounded throughout the country, because credit was restrained and arrested; now the same party make the charge, apparently without blushing, that credit was encouraged and excessively extended. If there was any one man in this country more uniform and consistent than any other in urging and advising and acting whenever it was legitimately in his power, against excessive and extravagant bank issues, that man was the late illustrious executive, ANDREW JACKSON; and if there was any one subject which he more uniformly and steadily reprobated and exposed than another, that subject was excessive bank expansions. No man has said more and done more to expose its evils to the country than he has done. But his administration needs no defence from me, and I will not lessen its merits by attempting it. This country has approved it—the world has admired it, and posterity will praise it, while honesty and wisdom and patriotism have a friend.

It has been objected to the Independent Treasury, that it will increase executive patronage, and place the purse in the hands of the President. This objection has been so fully answered by others; indeed, it is so palpably unfounded, that I do not feel disposed to occupy time to enlarge upon it. That the appointment of some half dozen officers and a few clerks, bound by the most rigorous provisions for their compliance with the law, and subject to the control of Congress as well as the President, at any time, should be supposed to confer more power upon the Executive, so far as the purse is concerned, than a union with one or fifty money corporations, with all their officers, stockholders and clerks, in times of plain common sense and reason, might be calculated to excite to surprise; but in times of high party zeal, when we see that every charge and every objection passes through the alembic of partisan imagination, our suprise ceases. Great pains have also been taken to furnish instances of violation of public trust by individuals tempted with the custody of the public money. No one doubts that men of standing and respectability have sunk under temptations of that sort; but do gentlemen forget, that it is one of the very purposes of this bill to defend against the infirmities of human nature, by placing every possible guard around the trust? The friends of the measure have thrown around it all the guards they could devise, predicated upon the weakness and susceptibility of all to error; if other guards still stronger can be devised by others, if proposed, they will no doubt be accepted.

This measure has been discussed as though it presented the broad question, and proposed the policy of an exclusive metallic currency, as contrasted with a mixed or paper currency. Although several of its supporters have taken some notice of the banking system in this country, and drawn some comparisons between a paper and a specie circulation, in favor of the latter, it was but in reply to those opposed to the bill, who had spoken in unmeasured terms of praise and eulogy upon the credit system, and a bank paper circulation, and had enlarged upon the impracticability and inconvenience of a metallic circulation. They did not and could not have regarded that question as necessarily involved in this bill, further than the conversion of the public deposites into bank paper credits for the use and benefit of banks and their customers—whether the banks, State or national, were entitled to claim the money of the people for the avowed purpose of using it as so much capital drawn from the people by indirect taxation for their benefit. The gentleman from New York, (Mr. MARVIN) complained that some of those who support the bill are in favor of hard money, and others favor a mixed currency, yet all go for the bill. There are, no doubt, many who support this bill, hard money men—who believe the whole system of the manufacture of paper money by corporations, whether created by the General or State Legislature, as unjust and highly injurious—as transferring to irresponsible bodies the high sovereign power of controlling the standard of value, and enabling them, by enlarging and diminishing the quantity of their circulation, to regulate, as well the value of coin, as every thing else, as dangerous and pernicious; who believe, that however this system may suit Great Britain, whose theory is, that a "public debt is a public blessing," where the Government is a consolidated one, extending all over the kingdom, and where the few live in splendor, while the mass are reduced to poverty and wretchedness; it is entirely unsuited to this country with its six and twenty separate sovereignties bound together by a Government of limited and prescribed powers—where a public debt is regarded as an evil, and where the rights of all are equal; yet that the system having been adopted in the States—debts contracted upon its standard, false as it may be, and all the affairs of life somewhat interwoven with it, its sudden destruction would produce great distress and utter ruin to thousands, indeed the entire debtor class throughout the whole country. We are referred to the statement of the condition of the banks in all the States, by which it appears, that the amount of their bills and notes discounted is $462,896 523 the amount of their notes in circulation $106 968,572, and the amount of deposites $75,694,857, which apparently leaves the country indebted to the banks after deducting the amount of their notes in the hands of the people, and deposites made by them, to the amount of $280,231,095; but it is believed that a very large proportion of this apparent indebtedness is due by the officers and stockholders themselves, and thus the debtors and creditors to that amount are the same. What amount of this indebtedness is of this class, there have been no means of ascertaining, still, that there is an indebtedness from the country—the people, to the banks, there is no doubt, and it might be a difficult question with those most opposed to a bank paper circulation, to determine the time and manner of avoiding the evils and inconveniences resulting from the system. Others who support this measure, believe that a mixed currency in this country is necessary, and cannot be dispensed with. There is no inconsistency or irreconcileability in all this, as far as regards this bill. The question of exclusive metallic or mixed currency is not involved in it. It is time enough to consider that question, whenever it shall be presented; and for one, I protest against the issue on this bill being extended beyond its legitimate provisions and necessary results.

It has been objected to this measure, that it has been decided against three times, and still the President has persisted in it. When, sir, I ask, and how has it been decided? It was first recommended to the Twenty-fifth Congress at its special session in 1837. It was then passed by the Senate, and in this House laid upon the table, and during the three sessions of that Congress, it is true, it did not pass this body. The Congress now in session is the first elected by the people in reference to that question, and may be regarded as the first opportunity the people have had to speak through their representatives upon the subject. How the vote may be, is yet to be determined, but I believe it is understood on all sides of the House, that a majority have been elected to pass it into a law, and no belief is entertained by any one that it can be defeated by a fair direct vote. The eyes of the country are upon us—the people have decided the question, and expect to see their representatives carry out their will by its speedy adoption.

I hasten to the last proposition to consider,

5th. The means employed to defeat the adoption of the measure before us.

Mr. Chairman, I shall not undertake to enumerate the countless artifices and ingenious devices resorted to for the purpose of defeating this bill, and rendering it unpopular with the country. That were an endless task—volumes might be written upon it, and months spent in recounting them. My main purpose is, to refer to one or two of those devices which have been directed somewhat particular to me and to the district which I have the honor to represent, and which I feel it a duty I owe as well to myself as to my constituents briefly to notice.

Some time since, I learned that a printed circular letter, signed "JOHN C. CLARK," had found its way very freely among the people in that district, one of which was forwarded to me by a friendly constituent. It is headed, "Letter of the Honorable John C. Clark, New York, to the Whigs and Conservatives of Chenango and elsewhere, on the necessity of efficient political action and organization, in relation to the New Jersey election, and on the expenditures of the Government," the first part dated "January," and the latter part, "March, 1840."

Commencing with the annunciation of the vast importance of the political campaign now opening upon the American people, the letter proceeds:

"The unholy war which the Administration has waged, and is now waging, against the domestic institutions and the currency of the people, has produced not only bankruptcy and ruin to thousands of our industrious and enterprising citizens, but threatens, in the utter destruction of the values of all sorts of property, a general and wide spread desolation. No one can claim exemption from the all pervading calamity * * * * Ruin, in its most appalling aspects, surrounds us on every side. * * * * In all the departments of industry reign the gloom and silence of the grave."

A gloomy poetical picture is drawn in a sort of general cant, without any statement of facts or attempt at specification, of "scenes of political corruption and official profligacy, of contempt of law and order, and of disregard of official and constitutional obligation, of industry paralyzed, of fortunes ruined, of prospects blighted, of hopes crushed, of want and wretchedness, over which the good man! and the Christian patriot! weeps in anguish," &c. After presenting this gloomy picture of the country, and a general tirade of abuse upon the Administration, the writer appeals to the pockets of "those who happily have saved any thing from the general wreck," and adroitly introduces the importance of keeping up, at the Capitol, a spirited and prudently conducted paper, advocating the Republican doctrines of the Opposition! and the just claims of General Harrison," &c. The Madisonian "is such a journal!" &c.; then suggests that this "energetic journal, at this central point," "under the franks of members of Congress for the seven ensuing months," could pervade "every nook and corner of the Union," &c. Then speaks of the "many waste places of the political Zion to be built up," and concludes that part of the letter with an appeal too pointed to be mistaken, in the following words:

"In conclusion, permit me most earnestly to urge upon you the great importance of efficient action, and of enlarged liberality."

Those who support the Administration, of whom I claim to be one, are modestly and courteously spoken of as governed by "ruthless and revolutionary violence of party," and as "pliant and supple slaves of the palace, ever ready to do the bidding of their master," &c.; as acting "by he relentless foree, brute force, of party;" as a "tyrannous Robespierrean majority," &c.; "tools

of the Administration;" "minions and slaves of power," rebuked and condemned by "the voice of an insulted and betrayed constituency," &c. This second part of the letter, in relation to the admission of the members elected by the people of New Jersey, against the claims of those appointed by the broad seal of the Governor, in opposition to the votes of the people, I am not permitted to answer in the discussion of this bill; but I shall take some suitable opportunity to do so, to the country, either verbally or by letter, and shall hold myself in readiness, on all proper occasions, to defend and justify my votes on that question, before my constituents, and before a just and enlightened world. To this letter is added, by way of appendix, a table—the same, I believe, which has been introduced, in some shape or other, into the speech of almost every one opposed to this Administration, during this session, and almost every article from that side prepared for the press—giving an exhibit of the expenditures of the Government during the administrations of Mr. Adams, General Jackson, and Mr. Van Buren, of which I shall take a passing notice hereafter.

Now, sir, what is the "unholy war" and what the "domestic institutions" referred to in this letter? and what the object or at least the tendency of the reference? The suggestion of the Independent Treasury, under the circumstances mentioned at the first of my remarks, when those holy institutions, the banks, had voluntarily rendered it unlawful to select or continue them as the depositories, is what is magnified here into an "unholy war;" and the "domestic institutions" are those same banks which failed to comply with the conditions on which alone Congress had directed their selection, but still claimed the exclusive use of the people's money for their customers; and the effect, if not the object of this groundless alarm cry, and inflammatory appeal, is, a combination of those institutions with their army of officers, stockholders, and debtors, with the political action and organization of party in favor of an Opposition candidate for the Presidency, without any open, avowed principles, and enlisting them in the support of a trashy, partisan newspaper, to villify and misrepresent the Administration, and particularly this measure of the people, the circulation of which is to be widened and enlarged by the franks of members of Congress to its subscribers to "every nook and corner of this Union," and to every "waste place in the political Zion." We have a cue to this horror-striking, panic-striking appeal to the banks, in a speech delivered against this bill today by the gentleman's colleague from the Albany district [Mr. BARNARD] the substance of whose remark, was, that banks are harmless, if let alone—that officers, stockholders, and customers of banks are easily managed by addressing their interests, and when once their political influence is enlisted, it is overwhelming and irresistible. This argument was used to show the influence of banks with the Administration, and it would of course be the same against it.

Mr. Chairman, I have received a number of letters from constituents of mine on the subject of this printed letter and other documents of a similar character, a few extracts from some of which, will explain to some extent, my reason for introducing and commenting upon it on this occasion. One letter says:

"Our mails for the last week or ten days have been so overloaded with Federal speeches and pamphlets that the stages are nearly broken down. A large cart had to be sent to ——, and another to ——, loaded with CLARK's letter and DAVIS's speech, and other such stuff as that, franked by four or five different members from other States. * * More than three thousand of these articles have come here now in a short time. Why do these men trouble themselves about your constituents, and not attend honestly to the business of their own? It is like the Northern States meddling with the laws and regulations of the South. I understand that, upon the begging of CLARK's letter, a plan has been adopted here to get each township to subscribe for $10 worth of Madisonians to be franked by the members. Is this the object of the franking privilege, and does the law or the rules of the House allow members to neglect their own business and spend their time in sending newspapers and other trash into other States?"

Another letter says:

"I think you must have a great many friends at Washington, or else I have. I got at the Post Office, a day or two ago, a pamphlet of JOHN C. CLARK of New York, directed to the Whigs and Conservatives of Chenango county, franked by "J. C. CLARK, M. C." A speech of JOHN DAVIS, franked "W. L. BROWN, M. C." [Connecticut,] and a life of General Harrison with a horse and log cabin on it, franked by "R. GARLAND," [Louisiana.] I send you the franks. I thought I was highly honored, or that these men were assisting you, and wanted to make you popular; but when I come to look at my books, I didn't read them much. I found they were too much humbug."

Another letter states the receipt of a speech of Mr. DAVIS, and proceeds:

"I soon found it did not suit me—that it was a Federal speech grossly misrepresenting our Senator BUCHANAN about reducing wages. I had received Mr. BUCHANAN's speech a few days before from you, and had read it with satisfaction; and soon saw that DAVIS was trying to mislead, and turn his own charge as if it had been the argument of Mr. B. I thought there must be some trick about it, having at first supposed I got it from you, and looked at the wrapper and found it was endorsed "J. TRUMBULL, M. C." [of Connecticut.] I thought he might be some fellow you had got to write for you and had cheated you, and send you a piece of the wrapper that you might detect him, &c."

Another asks:

"Do you know J. W. ALLEN, [of Ohio,] whose name I send you as franked upon a Federal speech directed to me? I do not know him, and yet he sent me this trash. If you know him, tell him for me to send it some place else. I do not thank him for his kindness. It is no go at all!"

Another letter mentions the receipt of "John C. Clark's pamphlet" as he calls it, in which he says:

"He speaks of distress and ruin, and begging subscriptions to the Madisonian, and promising to frank it to subscribers. Is that a proper and suitable business for a member of Congress? What does he mean by "Conservatives?" I believe it means those that profess one thing and practise another—pretend to be Democrats, but act with the Federalists; in Scripture style "wolves in sheep's clothing." I thought there must be some roguery about this some how, and send you a piece of the wrapper with the name on it—loads of them are sent here, but people do not read them much, except to condemn them."

I have received several other such communications—I exhibit the franks [holding them out] as sent me, and have no doubt they are genuine as they purport. I am sorry the gentleman from the Chenango district of New York, as well as well as all the other gentlemen referred to are out of their seats, I suppose as good "Christian patriots" "weeping in anguish over political prospects blighted," "of hopes crushed," and still busily engaged forwarding cart loads of speeches, &c. to the "waste places in the political Zion," furnishing food to political souls that sit in the "gloom of darkness and political death." I do not know, however, why the district I have the honor to represent here, should be so peculiarly regarded as a "wast place in the political Zion," as to require to be "illumined with the light" imported all the way from Louisiana, Connecticut, New York, and Ohio. I can assure my friends who have volunteered to aid me in ministering to that supposed "dark region," that there are gentlemen, residents there of the same political creed with them, who would not lose in comparison with the honorable letter writing gentleman himself; and who consider themselves fully competent to sustain their creed by every argument of which it is susceptible, and will certainly not feel very highly complimented by the appellation of "waste place," and "vast region sitting in gloom, &c." given to the region within the sphere of their action—gentlemen for whom I entertain the highest regard, and with whom, it gives me pleasnre to say, although politically opposed, I have always associated on the best terms of personal friendship and confidence. This I say, as they well know, not for the purpose of conciliating political favor, but as a matter of justice. There are in that district three energetic political journals of the same creed, the editor of one of which was a delegate to the great Harrisburg Convention in December last. There are also three banks, close by one of which, the directors and their friends some time since raised a city log cabin, after the manner commenced in this city and followed out by the bankers in other cities—the highest evidence, I presome, in the estimation of some, of the streams of political intelligence and light which flow there. Besides, I have myself not been entirely unmindful of those opposed to me in that district, in supplying a number of them with the most approved speeches, bought at my own expense, in opposition to this very bill, at least up to the time when I learned that others had volunteered that service. I suppose it is not my place to inquire, yet I could scarcely avoid asking, if the gentlemen were here, how the expenses of printing, &c. of such loads of speeches are paid? The speeches I have sent to my constituents have cost me from $2 to $3 per hundred, and at that rate, my kind friends must have expended large sums to enlighten the "dark region" and "waste place" I represent, and I do not know I shall repay them that, beside their entire time devoted to my constituents instead of their own, in sending correct information among them. Perhaps the banks could tell something about this. By some of the envelopes sent to me, I discover there must be clerks employed, as the endorsements are in a different hand writing from the franks, and all that my friends seem to have to do, is, to write their names.

I shall not now enter into any discussion of the propriety or impropriety and indelicacy of an honorable member writing, and having printed for circulation, a circular letter impeaching the conduct and impugning the motives and honor of his fellow-members, applying to their acts and conduct reproachful and disrespectful terms, such as "pliant tools," "minions and slaves of power," "doing the bidding of their master, &c."—designating them either by name or other means by which they may be clearly known, and sending cart loads of such circular, either with or without an "and elsewhere," which like my Lord Littleton's &c. covereth a great deal, into a district represented by one thus designated, even out of his own State. I leave that to be determined by those who are capable of distinguishing between an honorable act and the contrary. It has perhaps one merit; that of novelty. I never knew it done before. I have never done so myself, nor do I believe the intelligent constituency whom I represent, of any party, would justify or even excuse me in thus devoting my time and attention here, nor consider it a part of my public duties; others of course act for themselves, according to their own sense of propriety and duty.

In this letter, and other speeches and documents, with which the country has been flooded, by the untiring efforts of those opposed to this measure and the Administration, its friends have been represented as urging it on the ground that it would reduce the prices of products and wages of labor. As stated in the letter of one of my correspondents in relation to Mr. Buchanan and Mr. Davis, the measure is charged as having the effect of injuring the laboring portion of society—this is rebutted by the friends of the bill, by showing that whatever operation it shall have upon the general currency, is to render it more regular and steady, and consequently affording a greater protection to the working classes and small dealers, who have not the means of anticipating the fluctuations to which an unlimited and unrestrained paper circulation is subject. Those who make the charge, instead of furnishing the proof or argument to sustain it, or to demonstrate any error in the reply to it, turn round and represent their very charges which they themselves have made, as the arguments used by those upon whom they have made them. Is this fair? No honest man will say it is. Sir, I deny that it is either the object or the effect of this bill to injure the wages of labor, but on the contrary to improve and better their condition, by averting the alternate expansions and contractions of bank paper circulation. It is a settled maxim of political economy, proved by long experience, that none suffer so much from the changes in the amount of circulating medium as the laboring men—their wages are the last to rise by an expansion, and among the first to fall by a contraction. The effect of an expansion upon the laboring classes is beautifully and truly illustrated by President Jackson in his last annual message, from which I extract this sentence:

"It is not until the prices of the necessaries of life become so dear that the laboring classes cannot supply their wants out of their wages, that their wages rise, &c."

The effect of the contraction is equally unjust to them—one effect of this measure, as we believe, will be to correct this to some extent at least. That the circulation has been reduced since 1837 by the contractions of the banks upwards of $40,000,000 we have seen—the necessary effect of this is to reduce prices, (and as has been shown, it would have been much worse with a United States Bank,) and this is the ruin and distress which has been presented to the country in such glowing colors—the effect, as the orators and letter writers will have it, of the Independent Treasury, not yet passed

law. Why this alarming picture of ruin and general calamity and distress which we find in the letters, speeches, and documents, sent all over the country? Is it for the purpose of producing discontent in the public mind, and inducing the persuasion with the people that they cannot be placed in a worse situation by a change of men and measures, and that they can thus be induced ignorantly and unthinkingly to rush in desperation into a change, without inquiring into the principles of those who urge the induction of an Administration, whose principles are withheld from the public eye, and who rely upon the meritorious grounds alone of a generous confidence? Is it for the same reason, and with the expectation of misleading the people, that the expenses of the Government for the last few years are paraded in almost every speech sent abroad, in unfavorable comparison with those of twelve or fifteen years since? Who does not know, upon a limited reflection and knowledge of our Constitution, that the mere aggregate amount of the expenses of the Government is no evidence of extravagance or profligacy of the Executive branch, nor indeed against any of the branches of the Government? In order to furnish any grounds of charge against the Executive, it is necessary to show one of two things; either that there was no appropriation by law to warrant the expenses, or that there was a waste or injudicious application of the money. Has either been attempted? It is not pretended. For one, I protest against a charge preferred against the Executive, which implies a surrender of the rights and powers of this body, and for the exercise of which the legislature alone is responsible; were the propriety and policy of the legislation by which the expenses were incurred, strictly examined, it could be satisfactorily shown that the great increase of pensions, the improvement of harbors, your ten millions for the Florida war, the payment of the debt of the District of Columbia, and numerous other large items since 1828, were all necessary and proper—and if any one of those who have raised this charge against the President will point out a single appropriation, to which he objects, I shall undertake to show that it was voted for by a majority of their own party friends in this body.

I hasten to conclude—I entertain no doubt of the passage of this bill—the people have decreed it, and it will be done; I believe those who are to come after us will heartily approve it—fully appreciate, and long enjoy the blessings of an Independent Treasury.

SPEECH OF MR. HUBBARD,

OF ALABAMA.

In the House of Representatives, June 27, 1840—On the Independent Treasury bill.

MR. CHAIRMAN: Sinful man has in all ages and at all times been found unwilling to perform his duty, and "earn his bread in the sweat of his face." Scheme after scheme has been tried to throw off the burden from ourselves, and to place it on others; and the few have ever sought to rule and plunder the many. And for this purpose every age has had some strong, deep, and powerful movement, that has, as it were, marked the era, and given a peculiar stamp upon the history of the nations for the time. Kingcraft and priestcraft have each had their day of undisputed plunder. They have tried it singly, and tried united, and they have been compelled to take into copartnership every powerful interest which has grown up in the midst, and which had the same object in view. The first has grounded a claim to power under the pretext of protecting the persons, whilst the other has vainly presumed to save the souls of the multitudes they robbed. Every passion in the human bosom has been appealed to and called into action, to aid them in their purposes. At times they resort to war and conquest; again to the more quiet, but more sure method of plundering their own people; armies are used as instruments in the one, and courts, sheriffs, bailiffs, and tithe-gatherers in the other.

The art of printing having exposed the fraudulent pretensions of kingcraft and priestcraft, these plunderers of nations have united their art with what they have pleased to call the great paper credit system—the art of making mere paper pass as money—and this, sir, may properly enough be termed bankcraft, for it is emphatically the age of corrupt banking, the issuing of paper bills to circulate as money, when in fact and truth those who put them out have no money—the art of making something valuable to support idleness and luxury, out of that which has no value—not making wealth or property by labor, but using paper bills to transfer the wealth and labor of the multitudes to the uses of the few, without labor—sponging up the fruits of *toil* and *industry*, and squeezing it out into the lap of *luxury, fraud, and chicanery.*

No language, sir, is too strong to mark our reprobation of the practice of banking without capital, or above the capital. It is a corrupt system of the present age, where all the *ingenuity of the greatest talent* has been called into exercise for the purpose of obtaining from property holders and laborers the *greatest possible amount of their earnings and possessions*, and to let them *know as little as possible* how it is managed. And, sir, whilst this has been going on, it has also been part of the scheme to excite in the minds of the multitude such an admiration for wealth, and even the appearance of wealth, as to induce them to overlook the means by which it has been obtained; and they therefore the more readily submit to the plunder, without attempting to examine the system.

I propose now to examine the system, and to show beyond question the impossibility of multiplying money by paper bills, and to make such bills circulate instead of real money, and answer its purposes, where there is no real money; or to make them circulate in amounts exceeding the real money of the country, without inflicting certain and inevitable injury upon laborers and holders of property, and the gradual and eventual prostration of both. It may enrich the paper man, but cannot benefit either the laborer, or the man who has property liable for debts, and which can be taken to satisfy executions. I propose now to make this proof; and to give the friends of banks on this floor a fair opportunity of answering, if able, my arguments. I will make my statements so plain and simple, that if I err or mistake, the most common understanding shall see my error.

I therefore take my friend from South Carolina, [Mr. ROGERS,] the gentleman from Virginia, [Mr. HILL,] who sits by me, and is a bank man, and myself, and suppose that we three set out in life together, under just such laws as we now have, but without banks, and that each had worked for and obtained one dollar, with which we could, by lending it out one year, gain six cents apiece. Now if we should be equally prudent and industrious, we would get along pretty much alike, if no improper interference should take place to give one the advantage. But let Government interfere, and make me a banker, with power to issue three paper dollars out on interest for my one dollar; exempt my private property from paying my corporate debts, whilst their property continued liable for their debts; let me pay my taxes in my paper, and make them pay theirs in specie or in my notes; and, finally, give me the use of their taxes as well as that of the whole community, to lend out again three for one, and put the interest into my own pocket, the gentlemen will soon discover how fast I shall become rich and elevated by corporate power, whilst themselves and the community become poor and degraded by its plundering effects. I turn my dollar into three of paper, and lend for eighteen cents, and I pay my taxes with my own paper; these gentlemen, who were just a little while ago my equals, can now only lend their dollar for six cents, and must pay their taxes in specie, or bow down to me and pay me tribute for my notes to pay their taxes. If they pay specie, it comes into my hands, and I lend out for my private gain three times the amount in my notes. Would the gentlemen quietly look on and bear it in their own cases? If not, how can they make their constituents bear such injustice?

But, sir, this is not all. If it requires five of their six cents interest to support them, and five cents to support me, they would have each one cent left, whilst, from the same dollar, I would have thirteen; I would then, being banker, besides all the advantages from using their taxes and that of the community for my private gain, have thirteen times as much income from my dollar as they, by law, could get for theirs—I would, therefore, in the scale of importance, so far as wealth is concerned, become equal to thirteen such men. Would they like that? I think not. But, sir, bad as this may appear, it is not the worst part of the case; for let any calamity happen to them, by which they cannot meet a debt which falls due, their houses, lands, stock, and implements of trade or husbandry, are levied upon and sold to pay the debt, whilst "a run," as it is called, upon my bank, takes out my dollar to the first one who calls for it with my note, and my *private* property cannot be touched for my *corporate* debt; the holders, therefore, of the other two paper bills go unpaid until the people I loaned pay me. If they pay promptly, they frequently have to suffer great losses, in forcing property into the market; if they don't pay promptly, the bills depreciate, and the holders suffer the loss, but I still get my full interest. If they never pay me a cent, the bank breaks, the holders of the bills are swindled, but my private property being exempt from corporate debts, I remain unharmed amidst the pressure and ruin created for my exclusive benefit. The same notes having been in active circulation, may have been the cause of many debts and transfers of property, out of which transactions suits spring up, costs accrue, executions issue, specie be demanded, and a community sacrificed, whilst I am safe and snug, my private property bought, perhaps, with these corporate notes, exempt by privilege from sale. Would the gentleman from Virginia like this? And were he the holder of my bills, in such cases, would he still adhere to the system? Would he be willing to see me grow rich thirteen times as fast as himself and neighbors, upon the same capital, by a privilege conferred upon me, and denied to them? Or would he bear to see me riot upon luxuries which were the fruits of his and their taxes, extorted from their hard earnings by corporate privileges, and the use given to me, whilst I would not even pay my corporate debts? Would he bear the working of the system in all of its enormities, as here described? And would he impose it on his constituents and posterity? I know he will say that he would not, if the system worked as I have stated; but he will deny that it does so operate, and that three to one is too much to issue. Very well, sir; let him have it two to one, and I make seven cents clear to his one cent; and if only one and a half to one, I make four cents to his one; in which I should only be equal to seven such men, or four such men as he, as the case might be. In my opinion, sir, there is no grade of intellect which can successfully overthrow or refute the positions here laid down; and I challenge the gentleman from Virginia, and the whole of the friends of paper issues for circulation as money, to deny their correctness in principle. They may allege that I have over estimated the extent of the evils; but none can truly deny but that the inherent mischief in the system itself is in proportion to the excess of paper issued above the amount of capital *held.* And, sir, whilst they maintain that three to one is too high an estimate, I allege that it does not exceed the average rate of banking in the United States; and when you consider that this relates to what is called *honest* banking only, if you will include all sorts, you will find that instead of over estimating the system, I have not even more than hinted at its enormities.

And let me here remark, that the principle is the same, whether the money employed in banking be one dollar, a million, or hundreds of millions; whether the power, privileges, and exemptions are conferred upon one, an hundred, or thousand persons, or whether the banking is done under a charter from a single State, or the United States. The effect upon labor and property is the same, to the extent it is carried on; and to dispute here among ourselves, which is best, or which ought to have the people's taxes to sustain and strengthen them, with the view of protecting our constituents against the mischievous action of the others, would be about as wise on our part as a set of farmers and

husbandmen would act, whose flocks and herds had been devoured by wild beasts, and who should quarrel among themselves, whether it was not better to let the lion into the fold, to regulate the bear, the panther, the wolf, and the wildcat. It is true that some of them might argue something like my colleague over the way [Mr. DELLET] in favor of a National Bank, that the lion, by having the choice of food for eight years, (as the bank had from 1816 to 1824) would become so strong and grow so great, that the other beasts would be compelled to keep out of his way; and that by living upon the lean and feeble of the flock, or picking only bones of the lion's carcasses, they would soon become too weak to devour the latter portion, which had the lion's protection, nor for the benefit of the flock, however, but for the benefit of the royal beast.

And, sir, this argument would be fully as sensible as the one so often used by the Whigs, that a National Bank, by giving to it the people's taxes, could regulate not only the appetites of its own stockholders and managers, but also the appetites of the managers and stockholders of every other description of banks, together with the whole brood of shavers, brokers, and dealers in this great paper credit system; and who, without the aliment furnished by the people's taxes, would be compelled either to work or follow some other pursuit, less injurious to the country.

It is my present purpose to establish, by facts that cannot be controverted, that banks and banking, as conducted in the present day, are conducted upon the principles of plundering the great mass of the people. That, in pursuit of this object, they have produced the present embarrassments in the country—that it is the system of false banking of the age, and not our system of Republican Government, which has produced the disorders in our moneyed concerns, so generally and erroneously charged upon Democracy, with the view, as I verily believe, on the part of many persons, to render our people dissatisfied with our form of Government. And, Mr. Chairman, as the late Bank of the United States has been so much an object of admiration with the great Whig party, and as, as a party, they are again trying with all their power, might, and influence, to establish another, I shall also endeavor to show how that great machine was set in motion; how it was conducted; how much its stockholders made out of the people's taxes; and what amount its managers and principal borrowers probably made out of the cotton, flour, tobacco, and other great productions of the country, by means of contractions and expansions.

I consider, Mr. Chairman, that the following facts have been established in this debate beyond question:

First. That for fifty years past banks have constantly been upon the increase, both in England (where for one hundred and fifty years they have had a National Bank to regulate currency) and in the United States, where for forty years of the time we have had a Regulator.

Secondly. That periodical fluctuations in trade, and embarrassment and distress, have been common to both countries.

Thirdly. That when crops of banks, like mushrooms, spring up in either country, and make paper money plenty, men to a great extent abandon industrious pursuits, some expecting to live by trade, and others trying to get along alone upon borrowing paper money, to buy the products of other countries to live upon, and so bring their own in debt.

Fourthly. That bank paper being in such cases always not receivable in foreign countries, where the debts are due, specie is taken from the banks, and carried abroad to pay the debts, and the greater portion of these banks are cut down. The people, then, of the country in debt, are compelled to go to work, and to rely upon their labor and other industrious pursuits, and from the produce of their farms pay off the debts. Having in this manner worked the nation out of debt, (for banks, although they can bring them in debt, never brought them out,) and matters become easy, called good times, those who live by bankcraft get more charters, and raise another crop of banks, which lend out to every body, as before, and get interest upon all the paper they can put off upon the country, until the foreign debt again carries off the specie, and breaks up the banks. That this is the means used by bankcraft to plunder a nation of its labor; that it is carried on in England for the same purpose; that the distress is greater in that country, at this time, where they have a "great regulator," than it is in our country, where they have none; that the people of that country don't charge their distress to a Sub-Treasury, or want of a regulator with us, but all charge it truly to their own banks, and only differ as to which has injured them most, the "great regulator," or the "little robbers," that won't be regulated.

It is also proven here in this debate, that the system is increasing in France, and other countries connected with England in commerce, and is every where subject to the same law of contractions and expansions.

It is impossible to reason upon these facts without being astonished that statesmen who represent the great interests of labor and property, should not at a glance discover that paper money was an invention to obtain the means of the many for the uses of the few; and that it must inevitably devour the substance of the great body of the people, and never ought to be tolerated or allowed, unless upon such principles as would divide out again all that was made in interest to the whole people, to go instead of taxes. If Governments must have banks, and take the people's taxes to bank upon, they have a lawful right to all the profit made upon these taxes; and the giving to any purpose but the whole, is a fraud and violation of the terms upon which we have agreed to associate together.

The French Republic gave the greatest blow to kingcraft and priestcraft, by cutting up the great landed estates, and dividing them out again, which so increased the number, and reduced the sizes, that they were not sufficient to support the noblemen in that style of splendor usual in the surrounding monarchies. The nation therefore began to think earnestly of a more cheap and Democratic form of Government; but Louis Philippe and his ministers, with the sagacity and instincts of men who love power, and fear to lose it, have resorted to corporate privileges as the means of restoring the craft to its former condition, by collecting together in large masses the property of the nation, that it may support the great lords in their ancient splendor, increase the number of their dependants, and with it their power. And shall we, sir, who are the representatives of freemen, bound by our oaths to carry on a Republican Government, and to support the principles of our glorious Revolution; shall we, I say, be guilty of the madness and folly of adopting the same system to benefit the many, which the philosophers and statesmen of France have adopted for their plunder and degradation, and the elevation of the privileged few? Does any man who has examined the system in the least, doubt that it will have this effect? If there is, let him look at another undisputed fact. Is it not proven by information laid upon our tables, that the banks of the United States, together, have in gold and silver only about forty-five millions of dollars, and that they have loaned out upon this sum nearly five hundred and twenty-five millions, upon which the people pay at least six per cent. interest annually, amounting to over thirty-one millions of dollars, being at the rate of seventy-five dollars interest for each hundred dollars of real money? And all this sum is paid out by the working people alone, to save those who have to send or carry money to distant places the trouble of having to carry the specie with them. It has been again and again proven that the paper does not add one cent to the real money on hand; and can any man wonder that so much interest, paid for the use of so little money, should eat up the substance of those who pay it? In fact, it would, in a very short time, consume the property of the great body of the people, were it not that these same paper lenders are like many of the keepers of whiskey shops, the "best customers at their own tap-rooms," and frequently get so rich by borrowing their own money, that they can afford a style of living which makes them unable to pay themselves, and have but the last fashionable excuse left them for their disasters; that is, to turn Whig, and charge it to the Administration. I know, sir, a number of cases of this description.

Having, Mr. Chairman, examined into the system generally, I proceed now to examine into that part of it supported by my colleague [Mr. DELLET] and other gentlemen, as a substitute for this bill—a United States Bank. And I here state, in advance, that all of this clamor about regulating currency, &c. &c. has its origin and foundation in a desire to get hold of the public taxes, that a few, comparatively, may make their private fortunes out of the interest made by lending them out; that it will give a power to the directory to speculate in stocks and property, by making money scarce and plenty at pleasure, and that all of the stockholders will unite with the manufacturers and other great schemes of making the money of the whole support, in extravagance and splendor, the few; and that none of those who appear so solicitous for a National Bank to regulate exchanges, can care any thing about exchanges alone; for if they did, some of them would have proposed a scheme for using the public deposites for this purpose, which could be done at a very low rate, if they were used for this purpose and no other. But this would not give the interest made upon the public money for the private use of stockholders, and nothing but the full use—the banking use—of these taxes, will serve gentlemen, such as the stockholders of the late United States Bank had and enjoyed.

This bank was chartered at a time when the banks in New York, and south and west of that point, were none of them paying specie. It could not, therefore, go into operation without some contrivance to get the specie out of the banks, and it could not make war upon all at once. The managers, therefore, hit upon the plan of uniting with some to plunder the others. They persuaded all to resume specie payments; but, to secure this object, they agreed to lend their credit to such banks in New York, Philadelphia, Baltimore, and Richmond, as would resume—about two millions to each New York and Philadelphia, one million to Baltimore, and half a million to Richmond. All south and west of these points were to be plundered. Money soon became very plenty; every thing went up; and the banks South and West thought they could not only resume, but expand. They were soon ripped up, and their specie taken. Then commenced the scenes of ruin and insolvency, fall of prices, and distress throughout the West and South, that has been so feelingly portrayed in the memorials of the different Legislatures, which have been read on this floor, at different periods, from 1817 to 1825, all of which looked to a National Bank as the cause of their embarrassments; some describing its blighting effects as worse than the locusts of Egypt. Every legislative experiment, short of revolution, that a suffering people could adopt, was resorted to. Relief laws, in every form, were tried; old courts and new courts, in Kentucky; taxing branches to keep them out of some States, and property and stay laws in others: and yet no one State, amidst this period of suffering and embarrassment, ever thought of charging the Government with being the cause.

A tariff was gotten up, in 1824, expressly on the ground that the distresses of the country were intolerable, and had never before been equalled. This is the testimony of the Senator from Kentucky, [Mr. CLAY,] and of his colleague here, [Governor POPE,] who has proposed to charter another National Bank. None of these distinguished men, up to 1825, had found out what produced our difficulties; but when the people of the nation, by hard work, until 1832, had paid off our foreign debts, these same plunderers not only denied being the cause of our debts, but actually set up the claim made by my colleague here, of having paid the public and private debts of the Union, and began again their system of lending and plundering.

We will, however, go upon facts not disputed, and take the testimony of the two Whig witnesses from Kentucky, just named, and fix upon the beginning of the year 1825 as the time when the great

regulator, having devoured or subdued the other banks of the country, kindly took the affairs into its hands; and when, according to the poetry of my colleague, the Genius of Plenty appeared in our land, and began to distribute her favors among our people; which was continued until 1832, being a period of eight years, when she became frightened at Gen. Jackson's veto, and let fall her horn, and fled from the land, and, according to the fancy of my colleague, won't come back again until you build her another marble palace, and put the people's taxes into it, that she may again distribute them "ever and anon, to her favorites." But it is woful, Mr. Chairman, to have to relate what, according to Whigery, has happened since that veto; for although the country was then ruined, past all cure, it has been ruined seven times since: First, by the removal of the deposites; second, by the Specie Circular; third, by electing Mr. Van Buren President, and four times more by this bill, which proposes to break off all connection between the Government and banks, and which, sir, has so much alarmed those who want the public taxes to live upon, and who will have to go to work if they cannot get them. This I think is about a fair statement of the condition of things and opinions during the reign of the regulator, and since.

I will now go back and show what the bank made for its stockholders by its charter; what out of the deposites; and what the managers and great borrowers probably made out of planters, farmers, and others, by making money scarce and buying, and then making it plenty and selling. I don't say that the managers did do this, but they have been charged with it, and their loans and discounts have been so made as to lead to this conclusion; and they certainly had the power, and if they did not use it, they might have done so successfully. The first great operation was of the stockjobbing class. It was a scheme of the Bank directors, to raise the price of the stock very high, to sell out for profit. For this purpose, an agent was sent to London, who was directed to provide for the payments of the dividends due upon stock held in England, at that place, at the risk and expense of the Bank. The Government and citizens of the United States did not by this arrangement receive as much dividend on their stock, by the difference in exchange, as foreigners, which carried much of the stock abroad, and it was run up to one hundred and fifty-six dollars per share, of one hundred paid in. The parties, whose views were accomplished by this operation, sold out, and made the rise in price by the speculation. And if they sold the greater part, which is no doubt the true state of the case, made some twelve millions of dollars out of the mere charter of incorporation. It was soon found that the Bank had been so badly managed that the stock again fell to ninety-seven dollars on the share, and those who bought at the high prices found themselves dupes to the amount of fifty-nine dollars upon each share. This mode of making millions, by subscribing for stock and selling it out, is not known to the farmers and working people in the United States, upon whose credit it was got up; and I question whether the constituents of many of us would agree to give them another charter for the same purpose.

I know my colleague will talk of the bonus of one and a half million; but, sir, it is seen here to have been but a mere trifle to give for this "first haul of the great drag net." The great regulator, however, got so much out of repair and credit by this drag, that it could not make but a few dividends until after Mr. Cheves had worked upon it some years, and not then until it had lost to the people upwards of two millions on dividends, that ought and would have been made for the people, but for the stockjobbing affair alluded to. In 1824, however, another set of men began to desire an interest in the public taxes and the stockholders of the National Bank and the manufacturers united to plunder the people, and, according to the language of the gentleman from Philadelphia, [Mr. SERGEANT,] about the law of storms, "when a current was once got up and moving, all similar currents press inwards and upwards, bringing with it all lighter and moveable materials." So with this movement to get the people's taxes—the current was got up for the stockholders of the Bank, the manufacturers come next, and finally States, companies, cities, and districts, all pressed inwards to Congress for money. All were aided by the Bank, because the higher the taxes, the larger the amount of deposites in the Bank to be loaned at interest for stockholders; the higher the taxes upon foreign goods, the higher manufacturers could sell their work; and higher the taxes, the more money to divide out in roads, canals, dry docks, light-houses, and making harbors. And the three great currents, of National Bank, tariff, and internal improvements, having united into one current, which was called the American system, and which set so strong and steady for a while that nearly all the money in the Union was collected and divided out, statesmen abandoned the interests of constituents, to ride upon the storm, which having spent itself, left them a great distance from the path of duty, and makes it now so hard to get back.

But let us now look at the effect. Internal improvement got of the people's money about twenty-five millions of dollars, but few of which will ever return. The Bank got deposites, which they loaned at interest, as they loaned other money, made them between 1817 and 1833, a little upwards of forty-four millions; and no one can tell how much the tariff made to the manufacturers. It is sufficient to state, that from 1816 to 1840, dividing the time into three periods of eight years each, the first would compromise the period agreed upon by all hands as the one when the Bank had no control, being the period of time when it was badly conducted, the next eight years, from 1824 to 1832, when the Bank was vetoed, the Bank had undisputed sway; and had two high tariffs to raise money, and put in its vaults; the next period of eight years, from the veto until the present year, has been filled with Whig lamentations and cries of distress. Now, let us see what it is all about; what facts have they to bellow about. Cotton, tobacco, and flour, in the United States sold for almost double the price between 1816 and 1824, which was given from 1824 to 1832, and sold for greatly more from 1832 to 1840 than from 1824 to 1832. All of the staples were lower in 1831, before the veto of the Bank, than they have been during either of the periods named. This is not all, sir; the tables of prices on our tables, made up from merchants' books in Mobile, Boston, Philadelphia, and Fayetteville, North Carolina, during those periods, not only show these facts, which no one can dispute, but we have proof also negroes were lower, by an average of nearly two hundred dollars per head, during the greater part of the undisputed sway of the Bank and tariffs. But, sir, there are more and better proofs yet behind. Your custom-house books, showing the commerce of the nation, show the same facts. In South Carolina and Georgia, the value of their exports were as follows:

From 1816 to 1824,	Georgia,	$52,636,717
Do	South Carolina,	68 341,842
		$120.978.559
From 1824 to 1832	Georgia,	35,742,052
Do	South Carolina,	63,614,600
Do	Alabama,	11,653,759
		$111,010,408
And from 1832 to 1840,	Georgia,	$68,927,501
Do	South Carolina,	89,000 000
Do	Alabama,	48,317,261
		$206.244,762

making the exports of Georgia and South Carolina alone, from 1816 to 1824, exceed that of the same States, with Alabama added, from 1824 to to 1832, by nearly ten millions of dollars, and making the exports from the three States in the last period exceed that of the middle period upwards of ninety-five millions; which prove that the Genius of Plenty, of whose kindness my colleague spoke in such eloquent strains, if she did bestow her favors so bountifully, it was only among her bank, tariff and internal improvement favorites. She never got South with her horn, if we are to believe the dry naked tables of facts and figures, presented by merchants' sale books and custom-house returns.

It may be asked, Mr. Chairman, how I account for the present period of great embarrassments? It is plain and easy to a man who has looked on, and disposed to give his mind fair play. The first great period of bank expansions, from 1817 to 1824, made the people extravagant, as they always will be when they can get money abundantly without working for it, and when their families can buy goods abundantly on long credits. This was the harvest of paper money jobbers; but our foreign debt got so large that bank paper ceased to be worth any thing abroad, and specie was demanded; our banks broke, our credit abroad was stopped, and our people had to work the nation out of debt. In 1832, our people had got out of debt, and property began to rise in value, as a natural effect, and credit again returning, it assured the bankers of another harvest, when the United States Bank and all others, began to lend their notes for interest, and with the slight interruption of the panic of 1834, on the removal of the deposites, with the view of getting them back again to the Bank, the regulator and all others strove to see which could extend the credit system farthest, until the people, becoming again extravagant, bought every thing they wanted, instead of working for it, and the debt abroad, becoming great, as before, a run on the banks, suspension of specie payments, a loss of credit abroad was the consequence, and there is no way to get out but for the people to work out as they did from 1824 to 1832. They have been at that since 1837—no banks can help them that could not lend them money at moderate interest, from year to year, and banks cannot do that now; and any disturbance, such as a National Bank, would only make things worse, for it could not start into operation without capital. It cannot get specie otherwise than the late Bank did. It must break up the other banks, and distress the people, who should be indulged as long as possible. Property ought not to be brought down suddenly, as it would be in putting a bank into operation, which would draw the precious metals from every part of the nation, and put them into one heap, compel all of our banks in Alabama to wind up, and ruin our people.

I will now, sir, attempt to show what the managers and borrowers of the late bank and branches probably made out of the flour, tobacco, cotton, and other great articles of production in the country, from 1825 to 1832, for this is the period at which the Bank was in the best condition; the high tariff had filled her vaults with public taxes, and the precious metals, as her returns show. It is well known that many of her managers, especially in the branches, were large shippers and dealers in the great staples of the country, and had undisputed control over her loans. It is known that our crops, the great articles of cotton and tobacco, and in the Western country the flour and pork, come into market in the winter months. Now, Senate Document 128, twenty fifth Congress, will probably shed some light on this hitherto mysterious subject—our planters always had a notion that he who could "hold on" until summer, could get a good price for his cotton, and thousands upon thousands have been paid to commission merchants, to enable them to hold on. But by far the greater portion of these articles are sold from November to May. Now, one would think that a great national institution, having credit all over the world, fed and supported by the people's taxes, would be bound to extend them the helping hand precisely at the time the products of their labor were in market, and would expect to find the loans greatest in the winter and spring months; but so far is this from being true, that the loans, every one of the years from 1825 to 1833, were less by millions at the January half year than at the July half year. Here is the book, sir, containing the bank returns. Curtailments take place precisely at the times our crops are in market, and must therefore sell lower, from the scarcity of money; and expansions are found to have taken place precisely at the time of year that a man who was a large dealer and ship-

per, and desired a good home market, or who needed extra loans to enable him to hold on and try the foreign.

These half-yearly curtailments in the January reports of the Bank, every year, from 1825 to 1833, make, together, if no mistake is made in addition, $33,140,000, and, making an allowance for the usual deductions in selling our crops in a hard money market for so many years, must have made many millions of dollars to the trading part of the managers of the Bank, and a few great borrowers, who were dealers; besides what they made through the Government, by dealing in stocks, which they could raise or lower the price of at pleasure.

Having shown to this committee how banking above the capital must inevitably injure a country in its property; how it has been conducted by the late United States Bank; the amount it made by its charter at the outset; the enormous amount it made by lending out the public taxes deposited with it, and the probable amount it enabled its managers, and great dealers enjoying its favors, to make out of the cotton, flour, tobacco, pork, and other great productions of the country; how it brought it with it the tariff of 1824, and then again the tariff of 1828, together with the whole system of extravagance and expenditure, called the American System; I am led to pause, and inquire of my colleague, whether he desires to restore the whole system again? Whether he does not know that the stockholders to a National Bank, of fifty or an hundred millions, would not be interested in again increasing the tariff, that they might have large sums deposited with them to lend out, and make the private fortunes of the stockholders? Whether he does not know that the manufacturers would join? Whether he does not know that all the greedy expectants of money to aid in carrying on improvements, would also join? And, finally, whether politicians and candidates for the Presidency would not join in and swell the current, until the scheme would be carried out, and the people again be plundered as they have been? Does he not know that all these things must follow in the train of the new, as they did upon the establishment of the old Bank?

Ah, well! but, says my colleague, the Bank paid Congress a bonus of one and a half millions for her charter; and it would be doubled now for double the capital. I have shown what a pittance was this bonus, compared to what the Bank made out of the people. But, sir, let us inquire into this thing called a bonus for a bank charter, and the right of Congress to give it. We, the people's Representatives, elected for only two years, who can pass no law to tax them, which they cannot repeal the next year if they so choose, undertake to sell to a few men the right to tax and plunder them for twenty years to come, and say that they cannot repeal that law; that we can confer upon others twenty times the power conferred upon us, and which we can exercise ourselves by virtue of our elections. Is not the proposition monstrous? Have we the right to transfer their sovereign power for such length of time, by merely calling it a charter? Have they ever yet agreed to it, when called upon to vote directly on the question? Will they ever agree to it, when fairly put before them? Does my colleague desire to restore the same state of things which existed from 1824 to 1832, when, by a high tariff, a National Bank, and internal improvements, united, the cotton and other products of South Carolina, Georgia, and Alabama, did not bring as much money, by more than eleven millions of dollars, as the same products from Georgia and Carolina had done the eight years before, nor but little more than half the amount which the products of the three States brought in the eight years from 1832 to 1840? Can he make the people of those States believe that it is better to live under the dominion of the system upon half allowance, than to be free from it upon a full one?

I have said, Mr. Chairman, and I think proven, that a National Bank, a protective tariff, and the system of internal improvements, are necessary to each other; that they assist each other in making common war upon labor and property; that they were not authorized by the letter or spirit of the Constitution; and that the acts of Congress granting them were an extension of the powers of Government by implication, and that the same stretch of power would enable Congress to usurp every power retained to the people of the States, and break down every barrier intended to control its own action.

It is certainly true, sir, that the power to charter a bank was not known to exist in the Constitution, by those who framed that instrument; else it is impossible to reconcile the contradictory opinions of the great men who made the Constitution, and who were so shortly afterwards called upon to declare its powers, by voting upon the bill to charter the first bank. Many wholly denied the power, and of those who supposed it to be given, they differed as to the article or section of the Constitution in which it was to be found. No man in his senses would for one moment suppose, that if Washington had known of the existence of such a power, he would so shortly afterwards have kept the bill to charter the first bank ten days under consideration, doubting a power which he knew he possessed, and consulting the other great men around him, whether it was to be found, when they, too, knew it existed. Such conduct would have been disgraceful to Washington and his cabinet; and to suppose them guilty of such manœuvring, when "they had made the Constitution for that purpose," as has been contended here, is against all rules of evidence, as well as common sense.

General Washington himself, and many others who desired the charter, were afraid that it was an encroachment upon the liberties of the people, and therefore hesitated; and whenever the question has been left to the people to vote upon, they have denied the power. And, sir, well and wisely have they acted; for, give the money power of this nation to twenty irresponsible directors for twenty years, and the voting power is not worth much to the people for the whole of that period; the money power being stronger than the voting power, Congressmen will obey the stronger. This power, therefore, never was intentionally given, and it was not attempted until the idea of extending the powers of Congress, by implication, was introduced into our public councils, which would enable it to take as well what was needful as what was desirable. I have, therefore, a word or so to say upon the propriety of encroaching upon public liberty by implication only, and without express authority. To make this question also plain, we must resort to the most simple mode of illustration; for which purpose, I will take thirteen of the gentlemen around me to represent the thirteen old States, and suppose them to have settled in the wilderness as neighbors, and with the usual difficulties attending new settlers; and feeling their difficulties about bread, they determined to build a mill, and for that purpose engage my colleague [Mr. DELLET] to carry it on, and agree with him, in writing, that they will furnish him, at all times, one horse and one ploughman, to plough his grounds and to support his family, and to give him a certain toll, agreed upon, for keeping the mill. We will suppose, sir, that they get along pretty well satisfied; for a while they are relieved from the hardship of beating their meal, and are content. He, from his mill and tolls, and from his ploughman and horse, which they readily keep up, begins to increase his means rapidly, and soon has the ability to pay for any spare labor on the other farms. He opens more lands than they can, and extends the size of his fields, and one horse and one ploughman become insufficient to plough his lands. He tells the other gentlemen that he cannot get along without an occasional extra horse and ploughman. The thirteen don't get alarmed at this; it looks reasonable; and, without recurring to the contract, they furnish it. This increase of help enables the miller to extend farther, until it takes another and another horse and ploughman; and when it begins to oppress those who are least able to bear the burden, they begin to complain; and if, by this time, their families should have grown up, intermarried, and settled off, to the amount of some twenty-six, those living most convenient to the mill deriving most of the benefit, whilst those at a distance received little or none, they might all want to go back to the contract, the more especially if the miller's demands for more ploughmen, and more plough horses, were to go on increasing, with the increasing of his wealth and extension of his fields. His demands might become so great that it would require more hands and more horses to cultivate his lands, than they, together, had left for the twenty-six. They would begin to inquire how it was that they had worked so hard and kept so poor, whilst my colleague (the miller) had lived so easily, fared so well, and at the same time grown so rich. And my colleague would, doubtless, contend for a different construction of the contract from what the other gentlemen and their families would insist upon; unless, indeed, some of them had become interested in his tolls and possessions, and then we should have, as we have here, two parties, putting different constructions upon the same agreement. The most numerous party would contend that the object they had in view when they made the agreement, was to get their grain ground for one horse and one ploughman to work the miller's fields, and to allow him only a certain toll for grinding, whilst my colleague (the miller) and his party would contend that his object, in making of the bargain, was to get his fields cultivated, and to support his family; and, to effect that object, he not only had a right to the express grant of one horse and one ploughman, but to the implied grant of as many horses and ploughmen as were required to work his grounds and support his family. And as they had greatly increased in number, he might insist that he had a right to use all other means which he might deem proper, to increase his tolls, and, among others, he might claim the right to compel them all to grind at his mill, or pay double or treble toll. This would be getting power by implication; and my colleague, as the miller, "feeding his hogs upon other men's corn," would, without doubt, like very well to be enabled to put this interpretation upon the contract; but how would the other gentlemen and their families like it? Would they not go back to the express wording of the bargain? And would they not insist upon carrying on the mill for the toll agreed upon, and for the use of the one plougman and one horse? Would they listen to the miller's demands upon them, for all of their horses and all of their laborers, under the pretence that he having so long had the use of them, he now had a right to them; that he claimed the whole by precedent and usage; and that shortly after the mill was built, and before they had made more than two crops; they had yielded to his demands, and given him, occasionally, an additional horse and hand, without dispute, to assist in cultivating his farm? Would the other gentlemen hear and tolerate such a construction, put upon so plain a bargain, and submit to my colleague's demand? I think not, sir. I think that they would allege that they, too, had an object in view; that they, too, had fields to cultivate and familes to support; and that the object they had in view, and not the miller's, should be considered. And has it never occurred to my colleague, and those who act with him, that the great body of the people had an object in forming our Constitution? That it was intended for their benefit and their posterity, and not made alone for the benefit of a tax consuming set of privileged classes, whether they are judges, legislators, or other officers, or whether merchants, manufacturers, or bankers? And is it not our duty to give it that construction which its plain reading expresses, and not extend it, by implication, until you give all to the privileged few?

This bill, Mr. Chairman, which we are now about to pass, is intended to place a proper construction upon the powers of Congress. It confines the overgrown miller to his bargain as made, to the one horse and one ploughman, and compels him to keep the mill for single toll. And, sir, it is no wonder that you hear such grumbling among his well-fed, half-worked, and lazy family and dependants, or that you hear such a squealing among his pigs.

This bill will most effectually prevent the excessive importations of foreign goods, because the importing merchants, being bankers or stockholders in most of the moneyed institutions of the country, knowing that if they brought more goods into the country than the produce would pay for, that specie

would be carried out for the excess; and having to pay cash upon the landing of the goods, the slightest excess of importation, above the wants of the country, would instantly be felt; and as the effects would fall upon them immediately, before they could get the goods out in the country, and sell them off to the country merchants, they would as instantly obey this great law of trade; they would instantly look to the produce of the country, and not bank loans, for means, and never import more foreign goods than crops and other exports of the country would pay, lest a run be made on their banks for specie, and their stocks come down, together with their profits on banking. The cotton bag, therefore, would be looked to, and take precedence of the bank bill, being good all over the world, and the bank bill only good at home, for which it was alone intended.

I know, sir, that at first this will go hard with our merchants; it will give them some trouble in labor, but will save them a great deal of sleep, which, I fear, many of them lose as I do when I get a notice that "grace is out on my note;" but it will restore business to its natural course, and will shake off a host of dependants who live upon public taxes; and I therefore support it as a great measure of deliverance and liberty; as a measure, securing to the people that power in the Government intended by our fathers; giving value to the right of suffrage, by preventing the sale of that right, for twenty years at a time, for a miserable bonus, a mere mess of pottage.

Do you believe, sir, that those who framed the Constitution ever intended that we should have a National Bank? Don't you know that bank paper, in any shape, always has, and always will, bring a people in debt? Would they, then, who had toiled so long for our liberties, in the same Constitution, have been guilty of the madness and folly of providing a system, of all others calculated to drive specie out of the country, and bring us in debt; and, also, at the same time declare that nothing but gold and silver should pay a debt? No, sir; they had too much wisdom to be charged with such folly, and too much patriotism to have been guilty of such wickedness. I will believe no one who makes the charge against them.

Now, sir, if I have shown that a National Bank is unconstitutional or dangerous to liberty, and that this bill is constitutional, safe, and beneficial, as a mode of collecting, keeping, and paying out the public moneys, I shall, in the hour allotted to me this evening, have fully answered the two days' speech of my colleague, [Mr. DELLET,] and his forty-one reasons against Mr. Van Buren's re-election, which will all, probably, be found to have originated in his pledge to veto a National Bank. But for the President's opposition to this great machine, my colleague, together with the greater portion of his party, would fall into ranks, and would, without doubt, pronounce him the most courteous, gentlemanly, and talented statesman who ever yet filled the Presidential chair.

It has reconciled the Opposition to Mr. Madison. They had forgiven him for carrying on the war against England. But Mr. Jefferson, who lived and died an enemy to corporate privilege, has (although he wrote our Declaration of Independence) never been forgiven. They want some man who can persuade the people that they are suffering more than any people ever suffered before, and, by that means, bring the voters and President to give them another chance to demand the labor of all the plough horses and all of the ploughmen in the Union, together with the keeping of the mill, and some to take single or double toll, at pleasure.

There is, however, so much error, so artfully mixed up and plausibly told, in my colleague's speech, that it may be thought incumbent upon me to examine and expose it. I shall not have time to answer that part which rests upon assertion, matters of opinion, or denunciation; but where he comes to facts and figures, and founds his argument upon these, I shall attempt a brief reply.

He supposes that in seventeen years, from 1816 to 1833, there was used, in carrying on the business of the nation, one hundred and sixty millions of dollars, which had to change hands at least five times every year, and that the domestic exchanges on that money, without a National Bank, would have been eight millions each time, which he says, would amount to forty millions a year, and in seventeen years, to upwards of six hundred millions, which he alleges was saved by the late bank to the people, besides $23,740,820 saved to the Government, being five per cent on the revenues. (See his speech, pages 14 and 15.) My colleague says that "every Loco Foco will attempt to ridicule his calculation;" but, he says, "make the calculation, and the result cannot be be ridiculed or laughed to scorn."

Now, as my colleague has made the same calculations on page 16 of his speech, to show what he pretends the people are now losing for want of a regulator, and that the passage of this bill will give to brokers and shavers forty millions a year, and has made this calculation the frame work of a two days' speech, I will, in a few words, take this frame to pieces, and show, beyond question, that it deserves not only ridicule by those he calls Loco Focos here, but that there is not a sheriff or a constable in the Union, accustomed to handling and changing bank notes, who cannot answer and laugh to scorn this effort of the great Whig leader in debate, on the project of recommending to the country the establishment of a National Bank.

We will begin with the item which he says was saved to Government at the rates of $1,390,636 per annum. In this he mixes up and confuses the two subjects of discount on bank paper, and that of exchange; exchange being nothing but the cost of transportation, and insurance of gold and silver, from once place to another, and never could be charged upon a larger sum than had to be sent away, from the place where collected to the place where it is to be used. For instance, the large sums collected at New York, and paid out at that place, would pay no exchange whatever; so at Boston, Philadelphia, Baltimore, Charleston, Richmond, Norfolk, Savannah, Mobile, New Orleans, St. Louis, and all the smaller places of collection throughout the Union. And as the armies and navies, and other charges on the Government, are nearly all at those points, it is clear that upon the greater portion of the revenue no exchange could be charged, and the whole of this mighty sum dwindles into comparative insignificance; for exchange on specie, or the notes of specie-paying banks, (the only money the Government would ever receive,) could never average above two per cent. upon the amount actually sent off from the place collected. Yet my colleague having made this blunder the foundation of his building, goes on to show how the people would lose yearly at the same rate; and not only adopts this as the rate of exchange, and asserts that it will be charged on all of their transactions, but he has made this further extraordinary discovery, to wit: that if a man had a hundred dollar bill, which was worth but ninety-five dollars in money, and it is changed five times, it loses forty dollars; consequently, if you were to change it twenty times, it would, according to his argument, all be lost; for he says that one hundred and sixty millions, changed five times in the year, loses forty millions; and that if the same bank notes were used for seventeen years, they would lose upwards of six hundred millions. Now, this beats any thing I ever heard of yet, not excepting the case of the three Chinese jugglers, who visited our country some years ago, to exhibit their wonderful skill at deception. Meshech came first upon the stage, when Shadrach ran out and swallowed him; then Abednego came and swallowed the two; and being left with nothing else to swallow, turned a flip-flap somerset and swallowed himself. My colleague has so far beaten this, that he has made one hundred and sixty millions of dollars, in bank bills, not only swallow themselves, but also eat up four hundred and forty millions in addition; and I have no doubt but that he can prove it by all of the Whigs in the Union who witnessed the performance.

Now, seriously, Mr. Chairman, is there a constable in the Union who does not know that if he buys a hundred dollar bill for ninety-five dollars, and it suffers no further depreciation, that he has ninety-five dollars in money every time it is changed thereafter; if he changed it a thousand times in the year, it would lose but the five dollars. There is another answer in relation to the great cry of brokers and shavers being about to have such a harvest if we pass this bill. It is this, sir; they understand well their own business; and the great brokers and shavers are all Whigs, against this bill, and for a United States Bank.

There are two objections raised by my colleague against the bill, not founded upon his calculations just referred to. The first is, that if you pass this bill, you reduce the price of wages, and men won't work. The second is, that it will have an unfavorable effect upon the education of the youth of the country. My own observation has satisfied me that both objections are unfounded. The great amount of bank issues has evidently multiplied the idlers of the country, and every experienced teacher in the country will tell you that boys supplied with money will not study as long as they can get an opportunity of spending it. And, sir, these, and such as these, are the reasonings gentlemen bring forward here and publish, to go out among a nation, to induce them to give their liberty into the keeping of a few bank directors. It is true, they cry out distress, and beg the people to change the Administration; but it is equally true, that their own system has brought the distress upon us. Have they not concealed the facts of the case from the people, to induce them to change? Has not the public press, to a great extent, aided them in this cry against the Government, to divert the public attention from this system, practised by the plunderers of millions? Have the people not been told that the world could not supply specie for needful business, for the purpose of keeping them quiet, and making them labor for the paper makers? Have they not been told that the country never suffered so much for money before; and that prices were never so low as now? Have they ever been told by the bankites that prices were lower in 1831 than at any other time since the United States Bank was chartered, and that there had then been no veto by General Jackson? Why don't they tell or admit this fact to the people? Why don't they tell them that crops from farms did not bring, from 1824 to 1832, when the Bank had full sway, as much money, by hundreds of millions, as the same articles would sell for either the eight years afterwards or the eight years before? Why did they not tell the Southern people that the produce of South Carolina and Georgia, from 1816 to 1824, was worth, and sold, for nearly ten millions of dollars more money than the crops of the same States, with Alabama added in, during the eight years which the regulator reigned undisturbed; and that the crops, the eight years after the veto, from the three States, nearly sold for double what they did during national bank dominion? Why don't they tell the people the cause of distress and low prices in 1831, if they know the cause? If they did not know, then, how do they know now? They did not charge it to the Government, then, for the bank and Government were partners in using the public taxes. What right have they now to charge the present low prices and distress to the want of a national bank, when prices were so much lower the eight years the bank was in full blast, and when prices are now lower and distress greater in England, where they have, than here, where we have no national bank? They tell the people that it is for want of a national bank in our country that other banks have sprung up among us; when they know that banks have multiplied in England, where they have one much stronger than ours. They tell the people that a national bank here would keep down overbanking and overtrading. At the same time they know that overbanking and overtrading goes on in England, and that all of their present distress is charged to that cause—the royal bank blaming the smaller banks, and those in turn laying the blame upon the royal bank—and thus is England plundered and starved by them, and her people, like ours, quarrelling with each other about which of the beasts is most destructive. I call upon my colleague and his Whig friends to tell the people these things as they actually do exist; to tell them, that when paper money flooded the country in 1835 and 1836, that it was the joint action of the banks, both

in England and the United States. Tell them that it was this that enabled our merchants to fill our country with goods upon a credit. Tell them that more than ten millions of dollars has been spent in fine carriages, by people who did not need them, and who would not have thought of buying had they first labored for the money. Tell them how many millions more were laid out in gold watches and other jewellery, and the still more millions in a variety of other articles of furniture, needless to a Republican people, and the names of which were not even known to citizens now using them, a dozen years ago. Tell them that all of these things have brought them in debt, and that they have got to work out, and not to give up their liberty to bankers, with the vain and foolish belief that they will help them out. Tell them, if they do, that they will still not only have to work out of debt, but that the nation will also, as they did before, have to work for money for these bankers to pay their stock with. Tell all these things as they truly exist, and no people upon earth would dream of again setting such a machine as a National Bank in motion.

I have, Mr. Chairman, a few general remarks to make to the old, experienced portion of this House, and I shall close. It will be remembered that, at the gloomiest period of our Revolution, Major Andre, a British officer, was sent into our army to try the effect of gold upon its officers, and that he found a general whose extravagant habits and ambitious feelings induced him to agree to sell his country for the means of gratification. You will remember that this same officer, on his return to the British headquarters, was arrested by three soldiers, whose whole property was not worth a month's pay of the general; and yet, sir, all the gold which Major Andre could offer was not sufficient to procure his release. Here is a case for the deepest reflection of the statesman. Extravagant habits, we are told, had corrupted Arnold, and though a general, he would sell and betray his country for the means of gratification, whilst the three plain living soldiers had a high-souled patriotism, a devotion to liberty, that gold could never buy. And, sir, is this system of paper money again to be set up in our land, to make our people extravagant, and corrupt their principles? Are they already so far gone that, like Arnold, they will sell their liberty, and that of their children after them, for a little more paper money? I do not believe it. I know, sir, that paper money is not needed to add to our happiness, or our devotion to our country. Where I grew up we had, until after the late war, but little, if any, paper money. Our people had an abundance of every thing our country produced—dollars were, it is true, not very plenty with us, and were cut up for change, but we were rich in patriotism—and when the blast of war came upon our land, the question was not who should go, but who should be left at home; and from Rutherford county, Tennessee, alone, eleven companies were out in service together—a larger amount, in proportion to the population, than ever yet left a bank district voluntarily on such an errand. Well, sir, when some of these young men, who marched to New Orleans, after a hard and fatiguing journey, arrived at the place of destination, ragged, fatigued, and disfigured with pine smoke, they were called upon to meet the enemy in their ragged condition, upon the first landing of his forces. The camp of the British commander was charged on the night of the 23d of December, 1814, and some fifteen or twenty of these young men, from General Coffee's brigade of volunteers, were wounded and made prisoners, and kept in the British lines. The next morning, whilst they were lying in their gore, upon a heap of rice straw, furnished to keep them from freezing, a British officer came among them, and read, first in French, and (finding he was not understood) then in English, a proclamation, written to induce the French population in Louisiana to desert our standard and join theirs. No sooner did those Tenneseeans comprehend his meaning, and that he thought, from their ragged and half-starved appearance, that they were beggars, who had been forced into service, than they told him to stop; that they were not beggars, or the boys of the neighborhood, but soldiers, who had volunteered and marched more than a thousand miles to meet them. The British officer said that it was impossible; but upon being assured of its truth, by one of them stating what had occurred a few weeks previous at Pensacola, he, in the presence of the soldiers composing the guard, indignantly swore that "he would not serve a Government that could not clothe him better; that beggars in England were better dressed than our President's soldiers." I do not think it out of place to state here, sir, that the proclamation (written and published by the British commander to induce the French population, who but a short time had been citizens of the United States, to abandon our standard and join theirs) did not denounce our Government and then President more grossly than I have heard the Government and our now President denounced on this floor. The splendor of the British uniform, the show of the epaulet, the blaze of the standard of colors, the rich, deep, and soul stirring music of the band, were the blandishments held out to our young men then. We have the grandeur of British power, her armies, navies, palaces, cities, towns, and improvements, pointed out to us on this floor, as objects worthy of our imitation now.

But, sir, notwithstanding the opprobrium cast upon our youth by this haughty and insulting Briton, intended no doubt to act upon the minds of their own soldiers, no sooner had night come, and these soldiers been left to themselves, than they would come and lie down among our ragged wounded men, and talk with them all night, desiring to know how they would be treated, if they could get away and stay in our country. Our men were astonished, and asked them if they could leave their country; and whether they had not friends and relations, and could leave them also. They replied, "that they had relations and friends, dear to them as life itself," and a country "the most lovely upon earth," and utterance was almost choked when they spoke; but they said "they could do nothing there." It was bad Government that drove them from home, and to get clear of which they were willing to leave father, mother, sister, and brother, and come to a place pointed out to them as a wilderness, and its inhabitants little better than savages. And is this the Government whose navies, armies, structures, and establishments, whose funding system, National Bank, and national debts, are held out to us in such glowing colors, as worthy of our imitation? I, sir, want none of them; a plain Republican form of Government is good enough for me and mine; and I have seen enough of the glories of the British system. It was love of splendor and show that made Arnold a traitor. It was high-souled patriotism and love of country, in the bosoms of three poor but honest soldiers, that saved a country from his treason. It was this same feeling, burning in the bosoms of the Tennessee youth, that made them (although their country was poor) by thousands volunteer in her defence, and bear the sufferings I have mentioned; and it was the grinding oppression of the multitudes in England, to create splendor and abundance for her lords, that induced her sons to come out from its splendor, to abide with us, in our supposed destitution. Is not this true, sir? If not, let the statesmen here present, let the men of talents and philosophy, tell what it was that led the young men of the one country voluntarily to march thousands of miles, and expose themselves upon the field of slaughter, for the defence of one, whilst the youth of the other, who had been brought thousands of miles in ships, to a supposed wilderness, would desert the standard of the other, and abandon their homes, never to look upon such loved objects again. Was it not "free Government" on the one part, and tyranny and oppression on the other?

It was England's whole system of oppressions, the paper system being the chief, that has so impoverished her people; and, sir, if you will tell ours plain truth, they will have none of it among them. They will remember the sufferings of our Revolutionary fathers; and when you cry "hard times," and make panic speeches, to induce them to give up Republican principles, they will remember the three poor soldiers, whose love of country was above price, and they will despise the name of Arnold, whose love of show made him sell himself, and attempt to sell his country, for the means of gratification. And when you hold out to them your schemes of national greatness, glory, and splendor, they will think of that system, in England, which first drives her children into armies for bread, and then to desertion, to better their condition. And, sir, from the time that our Tennessee young men lay prisoners in the British camp near Orleans, I have looked towards the policy of that Government as one to be shunned by ours. I know something of that power, and the cold, calculating, selfish policy which governs her councils. And, sir, among parties at home, I have always opposed that party which the British aristocracy desired to succeed. They will always be found to favor those who look more to find out how "power may be maintained in a Government," rather than how "liberty may be preserved to a people."

It was this feeling that made me oppose the second Adams; and it was this that made me oppose General Jackson's proclamation and force bill—the first, and I believe the only measure of his that ever received the support of my colleague and other distinguished politicians of our country. And it was this feeling that led me again to support him, for his opposition to this great Government machine, "a National Bank." And, sir, because I know that the English statesmen are opposed to Democratic Republican principles, I will cling the closer to them. It is because I know that her Barings and wealthy bankers are opposed to this great measure—divorcing Bank and State—that I support it, and conclude that it is for the good of the country that the bill should pass.

SPEECH OF MR. HOLLEMAN,

OF VIRGINIA,

In the House of Representatives, June , 1840—On the bill for the collecting, safekeeping, and disbursing of the public revenue.

Mr. HOLLEMAN next rose to address the committee, and observed that although he could not promise such intellectual entertainment as they had enjoyed from the gentleman who had just taken his seat, he would endeavor to present to the committee a more practical view of the subject before it; he could at least assure them that he should avoid drawing so largely as the gentleman from North Carolina [Mr. RAYNER] had done upon his imagination; indeed he believed he had not much talent for that sort of discussion; not that he wished to disparage or undervalue brilliant displays of this kind; they were often highly interesting, and some times might be useful; but this was not generally the case, especially in the discussion before a deliberative assembly, of a subject eminently practical in its bearings. I, said Mr. H. go rather for utility; I like best to deal in facts and arguments, leaving rhetorical flourishes and ornament to those who have more taste for them. Nor shall I suffer myself to be drawn into counter denunciations in reply to such, which had so liberally been hurled by gentlemen in the Opposition at the heads of all those in power, from the President downward. We have heard them assailed with many opprobrious epithets, many hard names. They have been called at one time "tyrants," at another "fools." They have been accused of base and truckling servility, with obsequious submission to the nod and beck of Executive power. Now, sir, all this is not argument. Calling hard names proves nothing; and the difference is wide between denunciation and demonstration. I confess, Mr. Chairman, that I have been not a little astonished at the taste of honorable gentlemen. It seems to me strange that in this great theatre of national legislation, before the assembled Representatives of the American people, they should be so far mistaken as to attempt to produce conviction by dealing in widespread wholesale, indiscriminate, senseless denunciation. Do not gentlemen know that this may be retorted upon themselves with very great force? We have been called public leeches; it is said we go for the spoils; that we feast on the blood of the nation; that our only and ultimate object is pelf; that we are swayed and turned, and led about by those appliances which the Executive has in such variety and abundance at his control; that a nod, a wink, the slight-

est indication of his will, is enough to make us the advocates or the opponents of any public measure. Why, sir, what would be easier than to retort such language as this? To call gentlemen on the other side of the question a horde of hungry wolves, whose mouths are watering for the emoluments and spoils of office, and who are pressing on, in one eager, rapacious mass, to satiate their ravenous appetites with the good things at the disposal of the Government? Experience has taught us to conclude, when we hear any individual indulging in unsparing abuse, or unfounded suspicions of all around him, that he judges others from the feelings in his own breast, and that from a foul heart go forth evil words. I will not charge this upon those who are so liberal in their imputations on the friends of this bill: its friends and its opponents are both before the public eye, and the people will judge between us. When the late President was once called upon to remove an individual from office, he was said to have remarked: "if the gentlemen who are so urgent for the removal of this man from office will convince me that they do not want the office themselves, I will remove him." So now, if the gentlemen, who so loudly and so bitterly denounce those in power, can convince the American people that they are not longing after power themselves, the country may listen to them, and perhaps comply with their wishes; but those who live themselves in fragile glass houses, should remember the old proverb, which eminently applies in this case, and not throw stones.

But no more of this. The bill before the committee, I need not say, is one of great interest to the future condition of this country. It has been ably discussed, and the presumption is, that all those here present have, ere this, fully made up their minds as to what vote they will give. I have, I must confess, been not a little surprised at hearing gentlemen complain that the advocates of the bill are in such a hurry to pass it. "Why so much anxiety? Why this intemperate, this furious haste to rush upon a measure of such grave importance?" Will gentlemen look back, for a moment, to the early part of the session, and remember the language they then held? Were we not taunted with our delay? Did they not call upon us, almost dare us, to bring up the bill? When, yielding to the statements of those who presided over the Departments, and their urgent representations of the pubic necessities, we consented to give precedence to the general appropriation bill, did they not complain that the Sub-Treasury bill was held back? Did they not ask if we were in earnest, or if we really intended to bring it forward at all? Yet now, almost at the close of the session, they complain just as loudly that we are in a desperate hurry, and refuse the necessary time for deliberation.

Really, sir, it seems impossibe to please gentlemen; they are determined not to be satisfied, so I think our best course is not to attempt it. Again, I have been surprised (and yet I ought not, for if ever the old proverb *nil admirandum* held good any where it does here) at the wonderful arguments we hear. I have been at a loss to conjecture what they will advance next. They have conjured up before us "hydras, gorgons, and chimeras dire," with all the gravity of one who believed in them "to frighten men from their propriety." What, sir? Are we children? Are we to be scared by things like these? They have collected together in one fearful group whatever they can find in the shape of public calamity for these ten years past, and laid it at the door of the present Administration; and thence proceeding, have prophesied nothing short of general ruin and desolation to be be brought about by the outrageous and tyrannical acts of this corrupt and profligate Administration. Because sad reverses have taken place in the business of our people during the Presidency of Mr. Van Buren, they infer as a matter of course that the one event is the cause of the other. Yet the gentleman from North Carolina, who draws this inference, himself argues most strenuously against it, as applied to the case of the Bank of England. We are plied with this argument from day to day, and from month to month. Because those who now administer the Government are desirous that its revenue shall be paid in gold and silver, and shall be sustained in its own custody, and about the same time the prices of produce are somewhat lower than than they have been, they infer that one is the consequence of the other. Now when, for a long succession of time, and under various conditions and circumstances, two things are found invariably connected, such for instance as the roar of thunder succeeding the flash of lightning, it is philosophical to conclude that there is a natural connection between them, and that the one is the cause of the other; but such a conclusion is wholly unwarrantable, when deduced from only a single example, because here the coincidence may be purely accidental, and, though the two things be simultaneous, there may be no connection whatever between them. Now, if I can show that a similar depression of prices and stagnation of business have repeatedly taken place when no Independent Treasury existed, or was proposed, it should, I think, satisfy every candid man who opposes this bill, that he attributes our existing difficulties to the wrong cause.

Mr. Chairman, we are now, at length, after the continuance of a contest in this country for three years, between two great systems for the management of our fiscal affairs, about to see that contest brought to a close. The advocates of these systems, like the cohorts of different nations brought into the battle field, have long been manœuvring, but have abstained from crossing bayonets. Now comes the shock of battle. The enemies of this bill have now thrown off the mask, and are coming out boldly and openly with their substitute for it, and the people can now see plainly what these gentlemen have in view, for they admit in so many words that they wish this bill to be rejected, and they thus avow themselves in favor of a National Bank. In this manly avowal, the gentleman from Kentucky [Mr. POPE] took the lead. At the beginning of the session he came forward like a man and told us what he wanted; others have since done the same. I differ entirely with that honorable gentleman in his views on the Bank. Yet I cannot but admire the boldness of his conduct in thus committing himself and his party. The issue is now fairly made up, and we are to see whether the fiscal concerns of this nation are to be conducted through a United States Bank, or whether the Government is to manage its own affairs by its own agents. We were formerly told that the Bank of the United States was dead and buried; but we now see that it is again revived and in the field. The great issue is once more to be tried before the people.

After so many gloomy pictures of the unconstitutional and destructive nature of the measure proposed in this bill, it may be well to go back a little to first principles to examine the acts and opinions of our fathers, and to see what were their views on this subject.

Soon after the adoption of the Constitution, a law was passed for the regulation of the Treasury Department; and in examining the provisions of that law we shall be able to see whether a National Bank was selected or considered as the best mode of keeping the public treasure. The law was passed in 1789, and this is its language:

"AN ACT to establish the Treasury Department.

"SEC. 4. That it shall be the duty of the Treasurer to receive and *keep* the moneys of the United States, and to disburse the same on warrants drawn by the Secretary, &c He shall at all times submit to the Secretary of the Treasury, and the Comptroller, or either of them, *the inspection* of the moneys in his hands; and shall give bond and security for the faithful performance of the duties in his office, and for the fidelity of the persons to be by him employed," &c.

Now, if this plan of an Independent Treasury, under consideration, be a measure so monstrous, so unparalleled in its absurdity and wickedness, as gentlemen suppose, how did it happen that the fathers of the Republic were guilty of establishing it almost in the terms of this bill? They enacted that the public money should be kept by a Treasurer; that he alone should pay it out, and should submit the moneys to the inspection of officers appointed for that purpose. These are the very provisions of the present bill. Like the law of eighty-nine, it declares that the public money shall be received, kept, and disbursed by Government officers, and that it shall be inspected from time to time by persons appointed for that purpose. There were very strong reasons why our fathers should have adopted a plan of this kind, and why they should require the revenue to be paid in gold and silver only. Sir, they were in the full enjoyment of a most beautiful paper system. The idea of the gentleman from North Carolina was realized—the circulation was full, even to overflowing—the country had never possessed so much circulating medium before; and according to the argument of gentlemen, its condition ought to have been happy and prosperous in the highest degree. A gentlemen, in the course of this debate, read to us a market bill, made out at that time; and it shows that the currency was gloriously full, indeed. Veal and lamb were then at eighty cents per pound—good fresh butter at three dollars, and a pair of shoes at a hundred and twenty dollars.

A lieutenant in the Revolution once received thirty thousand dollars for his month's pay. Sir, it was a glorious time; we enjoyed a paper currency in its highest perfection. A lieutenant was certainly well paid when his wages amounted to thirty thousand dollars a month. Unfortunately, however, he had to pay out the whole amount for one uniform coat. Here we see the doctrine of a full currency in all its beauties. How cruel it was to reduce the price of labor when it stood at a hundred dollars a day. A most flagitious attack on the interests of the poor man. The poor man, however, did not then think so. The unanimous voice of the entire people condemned the system as most ruinous, and when the convention assembled to form a Constitution, they determined to abolish it as fast as possible; and with a view to prevent its recurrence, they inserted the provision that no State of the Union should be allowed to issue bills of credit. They had seen and suffered so much under a bloated paper circulation, that they resolved upon a general reform. So flagrant and so multiplied were the evils of the system, that nothing can excuse it but the plea of absolute necessity. Our liberties were at stake. We were waging the war of freedom, and almost any thing was justifiable, which would enable us to go through it at almost any sacrifice. When, therefore, we come to look at the bill, we find it reverts to the principles of 1789.

It requires the public money to be collected in the only currency known to the Constitution. I utterly deny that the Constitution ever contemplated that paper money should be received for Government dues. The Convention prohibited the use of bills of credit to the States, and they certainly did not intend to use them themselves. But we are grown so wise that we have no respect for the work of our venerated ancestors.

"We think our fathers fools, so wise we grow;
Our wiser sons, perhaps, will think us so."

There can be no doubt that the fathers of this Republic never contemplated such a thing as receiving or paying out the dues of the Government in paper money. That is an invention of modern times. It was one feature, and a favorite one, in the policy of the Federal party, to link the destinies of the Government with those of moneyed corporations, and thus, indirectly, acquired an accumulation of power, united to their ambitious designs, but dangerous to republican doctrines.

I will now, Mr. Chairman, advert to the operation of the Independent Treasury system in reference to the losses which it is said will accrue under it. And I ask what consequences will flow from having the public money kept by Government officers, different from what now exist, and always have existed? Wherever the public money has been deposited, it has always been received in the first instance by public officers; and it has always been transferred into the hands of disbursing agents, so that every dollar of the public treasure has twice passed through the hands of individuals. And gentlemen do not propose to change this state of things, but take a distinction between officers who receive and disburse the public moneys, and officers who keep them. I cannot see the grounds of the distinction. Have not the former class an opportunity to defraud the Government as completely as those of the latter? What is there to prevent them? Can they not conceal the amount of moneys they receive? Cannot they do this under a

Bank of the United States, or under the State banks? Has there ever been a financial system known among men, which could entirely prevent peculation? Never; and no scheme the wit of man can devise ever will prevent it, till all men shall become honest. When that happy time shall arrive when men will beat their swords into plough shares, and their spears into pruning hooks, and shall learn war no more, then, probably, Government will cease to lose by faithless agents; but so long as men remain corrupt and avaricious, we may expect that losses, to a greater or less extent, will be incurred.

There must also be disbursing officers, as we have always had; and even if we establish a Bank of the United States, they may defraud the Government: and the Bank, so far from preventing this evil, will only increase the danger by introducing a third set of agents.

According to this bill, there are to be some few receiving officers, and in the hands of some of them there will occasionally be large sums of money. No doubt they may defraud the Government. But would a National Bank prevent this? Did not frauds and peculations prevail to an immense extent under the Bank of the United States? It is unjust and unfair to draw a comparison, as is frequently done by gentlemen on the other side of the House, between individuals and banks, because they themselves do not propose to dispense with receiving and disbursing officers. The only just comparison is between the banks and the few new officers who are to be created. A comparison of losses under these officers and under banks is worth nothing; it is perfectly idle, since the same opportunity to defraud will confessedly exist under your bank system. Under a bank there will be more probability of loss from individuals, because, as the money received is expected to be placed in bank, the Treasury Department will not be so cautious in taking ample security; but when the money is to remain in the hands of receivers, more care will be exercised, and heavier bonds will be required.

The great danger apprehended from the Independent Treasury is, that it will destroy the banks. The gentleman from North Carolina [Mr. RAYNER] seems to think this a necessary and inevitable consequence; he predicts that every bank from Maine to Georgia will in the end be prostrated.

Sir, I only wish that the system we propose would have one-tenth part of the efficiency which its enemies seem to suppose. I fear we anticipate too much from it, and that it will not operate so usefully as we apprehend. My chief fear is, that it will not be able to check that wild extravagance which has been introduced among us by the use of banks, and the prevalence of the credit system. The bill, however, will accomplish much; and if it prevents but one of those wild expansions and contractions from which such wide-spread ruin has covered the land, it will prove a blessing to the country. This I believe it will do, at least to some extent. I repeat that my only fear is that the measure will not have the power to accomplish all that good which its friends fondly anticipate.

How will it operate? In ordinary times it does not require a very large amount of specie to conduct the regular and customary operations of Government. It is calculated that not more than five millions need be in the Treasury at any one time. There certainly will not at any time be much more than that sum, unless from extraordinary importations. Of all the evils we have endured, those which have proceeded from the unlimited and unrestrained credit of corporations, have been the greatest and the most fatal. If the demand for gold and silver in payment of public dues will prevent this, it will be fortunate for the country; and I do believe it will have a strong tendency to circumscribe this credit. The banks will not give such large accommodations, or furnish the means of such extravagant importations. Knowing that the Government officers will draw upon them for specie, the banks will naturally look to their means of meeting their demands. It may not effect this at once. We are not to expect a complete reformation in a day or a year; but I insist that the Independent Treasury will be the best regulator of the currency heretofore conceived, and an infinitely better one than the so much lauded Bank of the United States. That bank never regulated the currency or the other banks till it regulated itself; and it never regulated itself till it was compelled by dire necessity.

I know the argument is, that, by the bill under consideration the people are to be injured—the great mass of the community to be ruined, and a gang of mercenary office holders are to reap all the benefit. But the number of persons who pay duties is comparatively small; it consists, for the most part, of wealthy merchants, and men engaged in speculations—men who roll in splendor and enjoy bank facilities without limit. These are the men who will principally be called upon to pay specie into the Treasury. It is indeed true that the hardy pioneer of the West must pay gold and silver into the land office for his little portion of the public domain; but still the great bulk of the receipts will come, as I said, from the bank facility men; and these cannot justly complain. But while these are to pay this hard money, who is to receive it? In reply to this inquiry, gentlemen seem unable even to think of any body but "the office holders." Yes, the pampered office holders, they are to get all the specie. Is this true? Do not gentlemen know that the numbers who receive will be far greater than those who pay it? Look at the number of the pensioners—all these will receive their pensions in gold and silver. Are these the odious "office holders?" Where are all your war worn soldiers too, the men who fight your battles and bare their bosoms in your defence? Are these pampered office holders, wallowing in luxury and rolling in wealth and ease? Where are the bands of your hardy tars and the chivalrous officers who have as often led them to victory on the stormy deep? Are these, too, office holders? Gentlemen seem to forget that where one man pays into the Treasury, there are hundreds who receive money out of it. The mass of the people will not be injured, but benefited. It is indeed true that the office holders will share in the benefit, but they will share it with contractors for the mails, and with the multitudes of laborers on the public works. Do gentlemen think that they can get the people to believe this bill will injure them, by denouncing office holders? "Tell that to the marines—sailors won't believe it." In my own district there will be perhaps fifty men who will be payers to Government, while there are a thousand who will be receivers. You can't deceive my constituents on that point. They know that what they may receive under this bill, while it is good to-day, will also be good to-morrow. They have suffered too much from depreciated paper money to forget it readily. They have been pretty well shaved; and all your arguments in favor of paper, and against gold and silver, are wholly lost on such men. They see before their eyes the operation of this boasted credit system, and are able to compare it with the hard money Independent Treasury proposed by this bill. They know that the gold and silver is not carted to and fro in wagon loads, for the Government only, but gets into the hard hands of the laborers and mechanics, and from them passes into the general circulation. So far, too, from this bill injuring the banks, I do conscientiously believe that on the contrary it will be serviceable to them. The bank officers know the evils of their system from over issues, and the pressing demands of their customers which they cannot well resist; but under this system they could say, "we can go no father." In many parts of the country the banks will be protected by it from those fatal runs to which they are exposed. In my own district half a million will be annually received in specie, and thrown into circulation, or else they will get Government drafts, which are as good as gold and silver to the banks; for they can be exchanged dollar for dollar; and are some times preferred to the hard cash. The banks even now feel it to be a great convenience. Treasury drafts will always protect them as long as they are paid in specie.

But again we are told that this bill provides in effect two currencies, one for the Government and another for the people; and this is made a topic of declamation against the plan. Now if the people and the Government had always, until now, had the same currency, there might be some force in this objection. But so far is this from having been the fact, that under the Bank of the United States, not only had they two currencies, but forty currencies, in different sections of the country, each having a separate scale of depreciation ranging from 1 to 99 per cent.

The glorious and so much lauded Bank of the United States gave us a currency which was depreciated and dishonored by the Bank itself. During its existence it did not furnish more than one-tenth part of the circulation of the Union. In its palmy days its circulation was only ten or fifteen millions of dollars; yet we are told that it furnished a sound currency for the whole country. Its notes, I admit, were generally good, for those who could get them; to these they were the same as gold and silver; but they formed a small portion of the circulation. Now the question arises whether we shall take the currency established by the Constitution in preference to one that is constantly fluctuating; in other words, whether we shall measure by the standard bushel, which is always of one size, or use false measures, which vary perpetually? So with the laborer: the question is, whether he shall take a real dollar, or that which, though called a dollar, will not purchase for him a dollar's worth of any thing? I affirm that the Bank of the United States never did or could regulate the currency of this country. It cannot do it. And why not? A bank, as all men know, will always pursue its own interest. Each bank, in any community, wishes to loan and to circulate as much as it can, because it lives on the interest it receives on what it loans and can circulate. A number of banks may commence together, and for a time keep side by side. But presently one of them begins to extend its circulation. Its neighbor bank soon discovers this from the large dividends the banks makes; and it begins to play the same game. They become in debt to more prudent banks, who very soon begin to follow suit. It was just so with the Bank of the United States—by extending its circulation, it fell in debt to the State banks, and enabled them to expand: but whenever it chese, by curtailing its issues and discounts, to be satisfied with smaller profits, it soon brought the State banks in debt to it. The result is, that when the large bank, with heavy capital, expands, the smaller banks round it, are enabled to expand likewise; but as soon as it contracts, they are obliged to follow the example and contract also. Hence the reason of those ruinous expansions and contractions all over the country. And a large bank never can be a regulator to the smaller ones around it, until it is first willing to reduce its own profits. Now what was the course pursued by the United States Bank in 1817? Instead of acting cautiously, and limiting its issues, it dashed off at full speed, till, in the month of March, 1818, its loans and discounts amounted to no less than forty-one millions of dollars. Thus, in a single year, it had expended from three millions to forty-one millions! What became of the other banks? Just at that time the Bank of Virginia expanded its loans and circulation at the rate of from fifty to sixty per cent. The course of the great bank produced a general expansion, and a consequent inflation of prices; and its loans became greater and greater, till March, 1818, when it was compelled to contract; and immediately the State banks were compelled to contract in like manner. The Bank of Virginia, in 1819, contracted its issues nearly one-half.

The gentleman from North Carolina [Mr. RAYNER] drew largely on his imagination in describing to us the glorious state of the country under the Bank of the United States. True, it did raise the price of all commodities; corn rose as high as seven dollars per barrel. And for this the gentleman told us he felt most happy in glorifying that noble institution. Yes, the country, no doubt, seemed very happy. So a drunkard, while becoming intoxicated, feels himself one of the happiest fellows imaginable; he lives so fast that he is disposed to be pleased with all the world: he is "o'er all the ills of life victorious." But at last he has to get sober. He must cool off. In that process of cooling, he has to reduce himself below the

standard of sound health, and in so doing, must suffer the headache. Much such a process this nation had to undergo in 1818 and 1819. The circulation of the bank fell from eight to three and a half millions. We then heard no complaints about reducing the price of labor—oh, no—no denunciation against ruinous experiments. The bank was not to blame—not at all. It might contract and expand at pleasure. It was all right in the bank. But if Government attempts to check extravagance, it is, in the opinion of gentlemen, an experiment—a reckless, profligate, experiment on the currency, and it is charged with the *ruin of* the country! These matters must be left to the banks—they know how to manage it all, say gentlemen. No doubt they do; and they will manage it just to suit their own interest; and gentlemen here are willing to surrender themselves, body and soul—life and limb, prospects and property, into the hands of a soulless corporation. Yet if Government tries to prevent these public evils, they are called a set of ignorant, tyrannical tinkers, who do not understand the subject. But, sir, of all tyranny, that of a moneyed corporation is, in my opinion, the most insupportable.

If I am to have a master, as John Randolph of Roanoke said, let me have one that I can respect—a man with sword and epaulette—not a bank president, sitting in his parlor "calm as the summer's morning," and armed with a goose quill. I would as soon live under the secret council of Venice, as at the will and pleasure of a soulless moneyed corporation.

But, Mr. Chairman, I promised to show to the committee and to the country, that the Bank of the United States never did regulate the currency, and I will now proceed to do so.

I hold in my hand a report from the Secretary of the Treasury to the Senate, made on the 28th May, 1838, numbered 457, which shows the price of bank notes in Philadelphia, from 1814 to 1838, and also the rates of foreign and domestic exchange in Philadelphia and New York, for the greater part of that time. I consider it a most valuable document, containing a mass of information and facts showing clearly the truth of my position. I will begin with the year 1818, after the United States Bank had been in operation more than a year, and most of the solvent banks had resumed specie payments. In the tables given in this report, the currency in Philadelphia were considered at par, and other bank notes and specie compared with that currency as the standard. Now, Mr. Chairman, let us see how this great regulator succeeded in keeping the currency uniform for the year 1818.

Boston notes were at 2 per cent. discount, New York 3 discount, Pennsylvania 2 to 6, Delaware 4 to 12, Maryland 6 to 10, North Carolina 2 to 6, Tennesse, Kentucky, and Ohio, 4 to 10 discount, and Spanish dollars from 1 to 6 per cent. premium. Is this the regulator of the currency of which gentlemen boast so much, when bank notes from a distance were at a heavy discount and specie at a high premium at the door of the bank? Was this the sound uniform currency of which we have heard so much? I find a note to this table in the following words: "A committee of directors of the United States Bank, in a report dated October 30th, 1818, gives as one reason why a curtailment of discounts was necessary, the unexampled premium paid at this time for specie which is said to be the per cent. on Spanish dollars, and a considerable though less premium on other coins."

I think gentlemen will admit that, at this time, the currency was very badly regulated. But a gentleman near me says the Bank had not had time to correct the state of the currency, and I ought to look to the next year. I will accommodate the gentleman. How then stands the case in 1819? Here it is: Massachusetts, Rhode Island, and Connecticut bank notes from 4 to 5 per cent. discount, New York county and New Jersey the same, Maryland 3 to 8, North Carolina 3 to 8, South Carolina 2 to 14, Georgia 2 to 20, Tennessee and Kentucky 10 to 25 discount, and Spanish dollars from 3 to 6 premium.

Mr. Niles, from whose Weekly Register the rates at New York and Baltimore were taken, says the price of bank notes varied several per cent. in the course of a week. The notes which were at par in one part of the country, were in other parts at a heavy discount. At the same time that exchange at New Orleans on New York was at from seven to ten per cent. discount, exchange at New York on New Orleans was at six per cent. discount. All the banks whose notes were at a discount at New York of less than five per cent. and some others, were understood to pay specie "on demand." How does the gentleman near me [Mr. MONROE] like the year 1819? If he thinks this was still too soon to expect a sound currency, I will pass on to the year 1820. Here we find all the New England notes at from 2 to 4 per cent. discount; Virginia 1 to 3; North Carolina 2 to 10; South Carolina 1 to 6; Ohio 15 to 25; and the branch notes of the United States Bank of New Hampshire, Connecticut, and Boston, from 2 to 4 per cent. discount. Yes, Mr. Chairman, its own branch notes were dishonored by the mother bank in Philadelphia, and sold before its eyes at from 2 to 4 per cent. discount. This, too, was in the year 1820, three years after it had been engaged in regulating the currency and exchanges; and yet gentlemen rise here in their places before the House and the country, and state, with the utmost apparent confidence, that this Bank always furnished a sound and uniform currency, such a one as no country was ever before blessed with—a currency better than gold and silver. Does it not prove that gentlemen have forgotten the history of the times, and drawn on their imaginations for facts and arguments to sustain the weakness of their cause?

Let us pass on to the year 1821. Maine, New Hampshire, Vermont, and Connecticut notes from 2 to 4 per cent. discount through the whole year; New York (country) 1 to 6; Tennessee and Kentucky 25 to 50; and United States branch notes of Boston and New Hampshire 2 per cent. discount from January to December.

Here, sir, so far from furnishing a sound and uniform currency for the country, this great regulator could not prevent the depreciation of its own branch notes, at its own door, nor did it regulate the banks in the State or Pennsylvania, where it was located.

Are gentlemen not convined, or will they require me to go on? Let us then look to the year 1822: here it is, but the picture is not improved: Maine notes fell to 10 per cent. discount; other New England, 2 to 4; New York, country, 1 to 5; North Carolina, 2 to 12; Georgia, 2 to 14; Tennessee and Kentucky, 35 to 70; and United States branch notes of New Hampshire and Massachusetts, still two per cent. discount in Philadelphia.

In 1823, things were no better. Maine notes were at 10 per cent. discount the whole year; other New England, 2 to 3; New York, country, and Pennsylvania, 1 to 5; North Carolina, South Carolina, and Georgia, 4 to 12; Ohio, 6; Tennessee, 35; and Kentucky, 70 discount.

In 1824 and '25, Maine notes were still at 10 per cent. discount; other New England, 2 to 3; North Carolina, Georgia, and Ohio, 3 to 6; Tennessee, 15 to 20; and Kentucky, 55.

In 1826, New England notes were generally 2½ per cent. discount; New York, country, 2 to 5; Louisiana, 5; Mississippi, 10; Tennessee, 20; and Kentucky, 50 per cent. discount.

I have omitted to notice many other banks, which are placed in separate tables. They were forty or fifty in number, and their notes varied through this whole time from 25 to 90 per cent. discount.

Sir, I could go on and show that the currency continued greatly deranged until about the time Gen. Jackson informed Congress that they were not to expect him to sanction a recharter of the Bank.

About this time currency and exchanges got into a tolerable condition. The bank was about to be put on its good behavior, and found it necessary to act more prudently, that it might secure a new charter. This continued until the removal of the deposites, when the great panic raised by the Opposition produced temporary difficulties, which, however, soon passed away after the adjournment of Congress in 1834. It is a remarkable fact, that during the time the State banks were the depositories of the public moneys, there was less depreciation in bank notes than had existed before for twenty years, notwithstanding the abuse heaped on them by the Opposition, and their subsequent misconduct and suspension. I will do them the justice to say that the depreciation of bank notes, and the difference in exchange was never less than during the years 1835, '36, and till the suspension in 1837.

I will not trouble the committee with detailed accounts of the fluctuations in foreign and domestic exchanges, but by examination they will be found to correspond to a great extent with the price of bank notes. So far, then, Mr. Chairman, from giving us one sound and uniform currency, the bank was unable even to keep its own branch notes at par, and refused to receive the notes of other specie paying banks, unless they were located in the immediate vicinity of its branches where they could (as in fact they did) demand weekly settlements, and compel the State banks to pay balances in specie, or in drafts on the Northern cities. The Bank of the United States did what is now charged almost as a crime on the Administration—it established one currency for itself, and left the great mass of the people to get on as well as they could with depreciated paper, at almost every rate of discount, from one to ninety-nine per cent. and yet gentlemen tell us we had the best currency in the world. The gentleman from Pennsylvania [Mr. COOPER] went so far as to state that the notes of the bank were not only good, but at a premium even in China. Now, sir, I have no doubt the gentleman thinks so. I have heard this statement before, and seen it in the newspapers, but I have no hesitation in saying it is totally untrue. The Bank of England certainly stands as high in this country as the United States could have done in China; and is there a man in the House who thinks notes of the Bank of England would circulate currently here? An importing merchant would not take them to make remittances, as he would a bill of exchange. But, sir, it is idle and preposterous to say they would circulate through the country as money. A single bank note may have passed from one American merchant to another in China, who was returning home, but a Hong merchant would have been surprised at a proposition to pay him in bank notes. Who ever sent these notes to China to buy a cargo of tea? The very idea is absurd and ridiculous.

I wish, Mr. Chairman, to examine the operation of this Bank upon the business and industry of the country; but before I do so, I will refer gentlemen to the opinions of two distinguished gentlemen now of the Opposition, at the time of granting the charter in 1816. I have mislaid the extracts, but will state from memory. Mr. Sergeant was opposed to a capital of thirty-five millions, and thought twenty millions sufficient. He contended that it was the duty of the Government to take care of the currency, but that this Bank was not the proper remedy.

Mr. Webster insisted that chartering the Bank would not relieve the public distress, and denied that it was the business of the Government to regulate the currency. He maintained that we had the best currency the world ever saw; that our fathers were hard money men, and established a hard money Government. He was opposed to a Bank of the United States, and I quote him now as advocating the doctrine that it is the duty of the Government to demand its revenues in gold and silver as the only currency recognised by the Constitution.

I have prepared a table, showing the operations of the United States Bank from 1816 to 1836, which I will here exhibit, as I shall have to refer to it as I proceed in relation to the fluctuation of prices produced by expansion and contraction of its loans and issues.

BANK OF THE UNITED STATES.
Treasury report, January 15, 1839.

		Loans and discounts.	Circulation.
1817,	February,	$3,495,000	$1,911,000
1818,	March,	41,181,000	8,339,000
1819,	January,	35,786,000	6,563,000
1820,	"	31,401,000	3,589,000
1821,		30,905,000	4,567,000

1822,		28,061,000	5,578,000
1823,		30,736,000	4,361,000
1824,		33,432,000	4,647,000
1825,		31,819,000	6,068,000
1826,		33,424,000	9,474,000
1827,		30,937,000	8,549,000
1828,		33,682,000	9,855,000
1829,		39,219,000	11,901,000
1830,		40,663,000	12,224,000
1831,		44,032,000	16,251,000
1832,		66,293,000	21,355,000
1833,		61,695,000	17,518,000
1834,		54,911,000	19,208,000
1835,		51,808,000	17,339,000
1836,		59,232,000	23,075,000
1834,	December,	45,578,000	15,603,000
1835,	July,	65,197,000	25,332,000
Increase in seven months, nearly		20,000,000	10,000,000

From this table it appears, in about one year from its commencement, its loans and discounts had risen up to forty-one millions of dollars, with a circulation of eight millions; all the other banks followed the example of this great regulator, and in a short time all were compelled to contract. The circulation of this bank went down to three and a half millions in two years, and in 1822 its discounts were only twenty-eight millions. So extravagant and imprudent was it in 1818, that it again raised its discount line to the amount in that year till the year 1831, when it reached forty-four millions, and being then determined to force a recharter, in spite of the Roman firmness of Gen. Jackson, it increased its loans and discounts to sixty-six millions; an increase of twenty-two millions in one year, increasing its circulation, in the same time, five millions.

In December, 1834, after the memorable panic session of Congress, in which the distress orators uttered such loud and doleful lamentations over what they called the ruin of the Constitution, and the desolation of the country, the discounts were reduced to forty-five millions—a reduction said to be necessary, as its charter had but about fifteen months to run; but notwithstanding this pressing necessity, as it was called, in the short space of seven months the loans and discounts were increased about twenty millions, and the issues about ten millions of dollars. This, sir, was the commencement of that wild and reckless extravagance afterwards pursued by the State banks, until the whole system blew up like the eruption of a volcano. Let us now go back and examine the result of these expansions and experiments by the bank, which then, as now, was considered as a grand panacea for "all the ills which flesh is heir to." We heard of ruin and distress in 1834—we hear on this floor, every day, of scenes and pictures derived from the heated imaginations of political partisans, intended for effect through the country, in the coming Presidential election; but, sir, we have nothing to compare with the sad realities suffered in 1819, '20, and '21, and produced by the operations of this same United States Bank. I have some extracts which I will trouble the Clerk to read.

Distress in 1819:

"From all parts of our country," says Mr. Niles, "we hear of a severe pressure on men in business, a general stagnation of trade, a large reduction in the price of staple articles Real property is rapidly depreciating in its nominal value, and its rents or profits are exceedingly diminishing. Many highly respectable traders have become bankrupts, and it is agreed that many others must 'go:' the banks are refusing their customary accommodations: confidence among merchants is shaken, and three per cent. per month is offered for the discount of promissory notes, which a little while ago were considered as good as 'old gold,' and whose makers have not since suffered any losses to render their notes less valuable than heretofore."

Four months afterwards, he says, "It is estimated that there are 20,000 persons daily seeking work in Philadelphia; in New York 10,000 able-bodied men are said to be wandering about the streets looking for it, and if we add to them the women who desire something to do, the amount cannot be less than 20,000: in Baltimore there may be about 10,000 persons in unsteady employment, or actually suffering because they cannot get into business. We know several decent men, lately 'good livers,' who now subsist on such victuals as two years ago they would not have given their servants in the kitchen."

"A writer in the Kentucky Gazette, quoted by Niles on the 9th of October, observed: 'Slaves which sold some time ago, and could command the most ready money, have fallen to an inadequate value. A slave which hires for 80 or 100 dollars per annum, may be purchased for 300 or 400. A house and lot on Limestone street, for which $15,000 had been offered some time past, sold under the officer's hammer for $1,800. A house and lot which, I am informed, was bought for $10,000, after $6,000 had been paid by the purchaser, was sold under a mortgage for $1,500, leaving the original purchaser (besides his advances) $3,500 in debt. A number of sales, which excited at the same time astonishment and pity, have occurred in this town. Comparison of local sufferings should not be indulged in, but I am told that Lexington is less afflicted than almost any other part of the State."

"Bankruptcies for large amounts were of frequent occurrence. Mention is made, among others, of the bankruptcy of a merchant tailor in the little town of York, Pennsylvania, who failed for the sum of eighty-four thousand dollars.

"This was, indeed, an important affair in a town containing but three or four thousand inhabitants; but it sunk into insignificance when compared with some of the failures in the large cities. "So extensive were these among the merchants of the cities east of Baltimore, that it seemed to be disreputable to stop payment for less than 100,000 dollars; the fashionable amount was from 2 to 300,000 dollars; and the tip-top quality, the support of whose families had cost them from 8 to 12,000 dollars a year, were honored with an amount of debt exceeding 500,000 dollars, and nearly as much as a million of dollars. The prodigality and waste of some of these were almost beyond belief; we have heard that the furniture of a single parlor possessed (we cannot say belonging) to one of them, cost 40,000 dollars. So it was in all the great cities—dash, dash, dash—venders of tape and bobbins transformed into persons of high blood, and the sons of respectable citizens converted into knaves of rank—through speculation, and the facilities of the abominable paper system."

Distress in 1820:

"It is said," remarked Mr. Niles on the 2d September, 1820, "but we know not how to believe it, that corn is selling at ten, and wheat at twenty cents per bushel, specie, in some parts of Kentucky. At this rate how are debts to be paid?" Mr. Niles appears afterwads to have had other evidence sufficient to overcome his incredulity, for he remarked on the 15th of September, 1821: "a gentleman in Western Virginia directs the register to be stopped, because he used to pay for it annually with one barrel of flower, but that three will not do it now. Another, a miller in Ohio, on paying his advance to my agent, observed, that he had sold four barrels of flour to obtain the note of five dollars which was remitted."

"In other publications we have evidence of the lowness of prices. For example: in the United States Gazette of May 23, 1821, corn is said to have been sold at Cincinnati at ten cents a bushel: and the same periodical of the 1st of June, has a notice of a letter from a practical farmer in Harrison county, Ohio, stating that wheat had fallen to twenty-five cents a bushel, and in some instances at twelve and a-half cents. A letter from Greenfield, Ohio, dated May 3, 1821, and quoted in the Gazette of June 23, states that wheat was sold at twelve and a-half cents a bushel, and that whiskey was dull at fifteen cents a gallon. The Weekly Register of May 19th, gives the following quotation from 'a late Pittsburg Mercury.' Flour, a barrel, $1: whiskey fifteen cents a gallon: good merchantable pine boards, twenty cents a hundred feet: sheep and calves one dollar a head. Foreign goods at the old prices. One bushel and a-half of wheat will buy a pound of coffee: a barrel of flour will buy a pound of tea; twelve and a half barrels will buy one yard of superfine broadcloth."

Here we see the natural result of the ruinous Bank expansion of 1817, when its loans rose to the enormous amount of forty-one millions. The contraction which unavoidably ensued, brought down the prices of produce infinitely lower than they are at present; it took four barrels of flour to day for one years' subscription to Niles's Register, and twenty barrels would not more than by a man a coat. In New York, Philadelphia, and Baltimore, fifty thousand persons were without any regular employment, and in the utmost distress. Such were the results of the "credit system" of this grand regulator of the currency, and of what gentlemen talk so much about; public confidence destroyed, not by the Administration, but by their boasted Bank.

We are vehemently denounced because we are unwilling to encourage men, not worth the clothes they wear, to borrow immense sums from the Bank, roll in luxury like princes, then break, and throw their losses on honest men, and after all turn round and abuse the Administration as the cause of their folly and fraud. Would gentlemen have us to give credit to bankrupts? Is it attacking the credit system—is it destroying public confidence, if we refuse to encourage fraud and swindling? If you charter another National Bank, you will probably again extend credit and confidence, as was done before, and then when the country is again ruined, the Administration again will be denounced, unless it will sustain the credit of cheats, bankrupts, and swindlers. Why, sir, I aver that in its very birth, the United States Bank commenced in fraud. Its capital was never paid in specie, as the charter required; yet the Bank began to loan money to those who had subscribed for stock, and who were compelled to borrow from the Bank to pay their instalments. No wonder its shares soon rose to a hundred and fifty-six dollars. It was a grand speculation; and while it lasted, all was very well; but the year after the stock went down from a hundred and fifty-six to ninety-eight. Many poor widows and orphans, whose friends had advised them to buy the stock at a hundred and twenty, thirty, forty, and fifty dollars per share, were compelled, when the panic came, to sell out below par. But nobody blames the Bank. The Bank could not help it. It gave us a glorious currency, say gentlemen; and it was only a misfortune which compelled it to curtail its issues, and call in its debts. Tuly it was a great misfortune, indeed, and produced by the mimanagement of the Bank; and when we are asked again to give our confidence to such an institution, should we not remember these things? No doubt a new bank would go on swimmingly for some months, perhaps longer; but, sooner or later, we should have the scenes of 1819 and 1821 over again.

Now let us look at the description of the country given by Mr. CLAY in 1824, when things had somewhat improved:

Extract from Mr. Clay's speech in 1824, *Niles's Register, vol.* 26, *pages* 378 *and* 387.

"In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and barn yards for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by an universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor: and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation which has, on an average, sunk not less than about fifty per cent. within a few years."

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"The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able bodied men vary from five to eight dollars per month; and such has been the want of employment, in some parts of the Union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different."

Here is a picture, drawn by the hand of a master, but he failed to attribute the distress and suffering to their true cause. He could not charge them to the operations of his favorite United States Bank, but must look around to find out some other reason. Fertile in expedients, he came to the conclusion that the want of a sufficient tariff for protection of domestic manufactures, had produced the difficulties under which the country was laboring. A tariff bill was accordingly passed, but in 1828 it was again found insufficient to relieve the country from the ruinous expansions and contractions of the "great regulator." The tariff was again remodelled to grant relief, and if we are to believe the account drawn from the brilliant imagination of the gentleman from North Carolina, [Mr. RAYNER,] no country under the sun was ever so prosperous and happy. In 1829, said the gentleman exultingly, "every branch of industry was in the most flourishing condition." This, sir, was his language, and he seemed to speak of it to prove the happy influence exerted by the Bank over the business and industry of the country. Let us, then, Mr. Chairman, examine the history of the times, and see whether this was not a mere fancy sketch, totally contradicted by recorded facts.

Here are some accounts of the situation of New England in June and July of this identical year, 1829. Let us hear them:

'The Providence Literary Subaltern, as quoted by the Philadelphia Gazette, on the 26th of June, says—"The embarrassments which have been realized in this immediate neighborhood for the last ten days, have had no parallel in the history of the Republic. Men of reputed capital, who have withstood the shock of former changes and times, men who, for the last forty years, have stood firm, erect, and undismayed before the tempest of the times that have assailed them, are now tottering on the verge of bankruptcy and ruin. Their fall bears excessively heavy on the poor and laboring classes, who, by the way, are in reality the principal sufferers. Deprived of employment, destitute and friendless, they are thrown upon the world, and know not how to obtain a livelihood. Within the last ten days, within the circle of the ten adjacent miles, upwards of twenty-five hundred people have been suddenly and unexpectedly thrown out of employment, and the distress that such an event has produced can be far better imagined than described."

The Providence Herald of July 1829, says:

"The present distress of the manufacturers of New England is without example in the history of this country. The failures which have already taken place, according to our estimate, suspended the operation of about 45,000 spindles, and turned out of employ little short of three hundred families, whose sole dependence was upon their daily earnings. The situation of some, and indeed most of these families, is miserable in the ex-

treme, reduced almost to a state of actual starvation. It calls on the humane to interfere, and proposes to call on the Legislature to save the remaining manufacturers by suspending the bank process for a limited time."

This, sir, was after the Bank had been in operation for twelve years, assisted by two tariff acts, and yet "the distress was without parallel in the history of the country." Sir, what are fancy sketches worth—what do pictures of the imagination avail against these stubborn and melancholy facts?

Much has been said about the present low price of produc ; and it has been roundly charged by gentlemen of the Opposition to the measures of the present Administration. I propose to call the attention of the committee to other times, when prices were even lower than at the present time, and when there was no interference or action on the part of the Government to which it could be attributed. I have an account of the prices of corn sold from the farm of Fielding Lewis, one of the largest and most intelligent farmers of James river, in Virginia, from 1796 to 1816, taken from the Farmers' Register of Mr. Ruffin, from which it appears that he sold his corn, in 1799, for $2 50; in 1802, for $2 46; in 1805 and 1808, for $2 33; and in 1807, for the low price of $2 per barrel. Here, sir, was no experiment on the currency by the General Government; and yet, for five years out of twenty, the price of corn varied from $2 50 down to $2. How then can gentlemen with propriety charge the low price of corn to the Administration, when it is clearly shown the price has been frequently lower than it is now? You might as well inveigh against the dispensations of an all-wise and beneficent Providence, who sends or withholds "the early and the latter rain," and who, in his wisdom and goodness, grants blessing and fruitful seasons "to the just and to the unjust."

I hold in my hand a volume of the American Almanac, containing the prices of many articles for forty years, commencing in 1795, and ending in 1834, giving the highest wholesale prices for articles of the best quality. I will not detain the committee with long details, but will select the single year of 1821, when the great regulator had been in operation four years. These prices were taken from the Boston Commercial Gazette, and for the year mentioned were as follows:

Flour, - -	$4 25	Barley, - -	50
Corn, - -	43	Beef, - -	$8 50
Rye, - -	45	Pork, - -	11 50

Neither of the above articles had ever been so low for twenty years previous.

Cotton, - -	14	Tobacco, - -	$6 00
Rice, - -	$3 25		

Cotton had been as low only once in 20 years previous, to wit, in 1812, the first year of the war, when it was worth only 11 cts.

Rice had not been so low during the same time, except in the year 1808, which was during the embargo, being worth the same price of $3 25.

Tobacco had not been so low, except for three years, about the time of the war, to wit, in 1811, '12, and '13.

The whole table shows the most remarkable fluctuations, and they will be found to correspond to a great extent with the contractions and expansions of the bank currency. After the great expansion and high prices of 1819, produce of all kinds continued to decline until 1821, when it reached the lowest point of depression, and the important articles of flour, corn, rye, barley, beef, and pork, were all, yes, all, lower than they have been for twenty years previous. Can any intelligent and candid man deny that this was produced by the misconduct and gross mismanagement of the great regulator. There was no experiment on the currency by the Administration, no specie circular, no removal of the deposites, no Sub-Treasury, no war upon the credit and confidence of the country; but it was the natural and inevitable consequence of bank experiments spreading ruin and desolation over the land.

If the system under consideration is so monstrous and revolutionary in its character, such an outrage on all former legislation, so inconsistent with the principles of the Constitution as some gentlemen contend, we shall be driven to the conclusion that our forefathers, the founders of the Republic, and framers of the Constitution, were so stupid and ignorant that they established a Government which could not be carried into practice, that they constructed a machine which would not work, and must be rejected as useless. This must be the inevitable conclusion from the arguments advanced. Now, sir, although I do not profess to be wedded to ancient forms and principles, nor to consider things valuable merely for their antiquity, yet I have great respect for the virtue, patriotism, and wisdom of our forefathers, and will not believe they established a Government which cannot manage its fiscal affairs without submitting to the dictation and control of banks.

Before the committee rose on yesterday, Mr. Chairman, I attempted to show that the Bank of the United States never did regulate the currency of this country. On the contrary, that during its existence as a regulator, the depreciation of bank paper was greater than ever, except about the time of the last war. So far was this boasted institution from being able to regulate the currency throughout every part of the Union, as has again and again been asserted, it was unable to do it even in the State of Pennsylvania, where it was itself located. Nay, more; it was unable to keep the notes of its own branches at par, even at its own counter, much less all over the Union.

[Here Mr. RAYNER remarked it was not contended that it kept all the currency in a sound state, but that its own paper was good every where.]

Sir, I have shown that even this is not true. But this is giving up the question; and gentlemen are not to get off in this way. The average circulation of that bank was between ten and eleven millions. If it be granted that this sum was kept sound, what becomes of the remaining circulation of about one hundred millions? One-tenth would be regulated, and nine-tenths depreciated. This one-tenth was in the hands of speculators, and those who received facilities from the Bank. This was the better currency of the Bank facility men; and the depreciated paper of the other banks was considered good enough for the great mass of the people. Gentlemen, in their high-wrought eulogies on the Bank, seem to consider the merchants, speculators, and bank facility gentry, as the *people*. They seem to have no other idea of the people; and when they speak of them, they mean those persons who, by means of bank accommodations, are enabled to live on the hard earnings of the real people of the country. They cannot mean the great mass of our citizens, for their arguments do not apply to more than one-tenth part of our population. This has ever been the great error and stumbling block of the Opposition. They do not seem to understand who are the people, or how to appreciate the intelligence of those who "know their rights, and knowing, dare maintain them."

I also attempted to show that the derangement and depression of prices were unparalleled during the reign of the National Bank. I will, in confirmation of this general position, adduce a few more proofs to show that, during that most glorious and happy period, the prices of produce were as unsteady and fluctuating as the wind or the weather. I showed that, in 1821, prices were lower than they had been for twenty years before. This, I say, was the natural consequence of the course pursued by the Bank in flooding the country with its paper, and wantonly increasing and contracting its loans.

I will not go into the prices of any other article but that of Flour. In 1818, the price in Philadelphia was $14 25. It then fell to $8: then to $5: and so it continued to go down till, in 1821, it had sunk to $3 75. Yet now we hear every Whig orator and Whig press in the country proclaiming that the poor farmers have been ruined by the experiments of this wicked Administration. But is flour now selling for $3 75? Has a single barrel been sold for that? Not one; yet it was at that price in 1821; afterward it recovered in some degree. But again: in 1826, it fell to $4 50. Reference has been made by some gentlemen to the prosperous times, before the Presidency of General Jackson. I mean to insinuate no disrespect, and make no charge against the honorable gentleman from Massachusetts; but I will take the four years of his Presidency, and from the table of prices before me, it appears, during that period, the price of flour was lower, on an average, than during any period of the same length since the foundation of the Government; for this, I know that gentlemen is in no way responsible: it arose from causes over which he could exercise no control; but I might as well charge him with this state of things because it happened to occur when he was President, as for gentlemen now to charge the present depressed price of produce to the present Administration. I will not do it; I scorn such injustice; nor will I stoop to it, as others do, for mere electioneering purposes.

I observed that it would be found, from an examination of the table of prices, that the fluctuation in the value of agricultural products tallied in a remarkable manner with the expansions and contractions of the Bank. When it expanded, flour rose; when it curtailed its discounts, flour fell. In 1831, the Bank expanded its loans twenty-two millions. It was then in the field for a recharter; and it increased its accommodation to its friends from forty-four millions to sixty-six millions; that, is fifty per cent. in a single year. Flour rose immediately from $4 50 to $7, and then fell again the next year to $5 50. Of this gentlemen did not complain; not at all. But if the Government attempts to interfere, in the slightest degree, to prevent such fluctuations, oh, then, the Government has reduced prices and ruined the country! After the deposites had been removed, the Bank was said to be compelled to curtail its issues, as its charter was soon to expire. During the great panic session of 1834, what was the cry? "You have destroyed the Bank. It cannot relieve the country—and the only remedy is to restore the deposites to its custody." But Congress refused to do this. And then what was the course of this poor ruined bank—this bank that could not accommodate the country because Congress had refused to give it back the public money—this bank, whose charter had but fifteen months to run—what, I ask, was the course of this crippled institution? Why, sir, from December, 1834, to July, 1835, it increased its accommodations, in the short space of seven months, from forty-five to sixty five millions of dollars, and augmented, at the same time, its circulation from fifteen to twenty-five millions. This was its conduct at a time when its duty was to be winding up its affairs.

I say it is this corporation which has ruined the country. If ever it was ruined, it was from 1819 to 1821. There was vast distress in 1824 and 1829, and again in 1834. In 1835 the great expansion encouraged the other banks to commence their wild career, which produced the suspension of 1837, and the ruinous convulsions which have prostrated the country.

Sir, should you charter it again, its course would again be the same. We should see fine times for a year or so, but the necessity of contraction would inevitably follow, and again the country would be involved in general embarrassment and distress. What is the condition of this bank now? It was said to be more stable than ever, sounder and safer after it had been relieved from its troublesome partner. But what is now the fact? Is it not prostrate and grovelling in the dust? Yes, sir: it is more disgraced and degraded than almost any banking institution in the United States. Its stock is down to 76; its credit gone; and "none so poor as to do it reverence;" and yet we are now called upon by the Opposition in this House to erect a new institution of the same kind upon its ruins.

It is too commonly argued that, after all, there is no real depreciation in bank paper, because a dollar in paper will buy as much as a dollar in specie; but is it therefore true that paper is worth as much as specie? Go to a broker and ask him if he will give you as much for it. To test the value of an article it is necessary to put it in market. Put your paper money to this test and you will soon find that there is a difference of four to five per cent. The merchant, it is true, taking into consideration the profit on his goods, will give you dollar for dollar; but when you test its market value you will see the difference.

It may be well to allude to the scheme proposed by the worthy gentleman from Kentucky, [Mr.

POPE] What are its main features? He is for a Bank of from fifty to seventy millions, and for reducing the rate of interest to five per cent. I may be mistaken, but I think I see what would be the operation of his system. You may go to his bank to borrow at this new rate of five per cent.; but will the Bank lend money at that rate? You may prohibit it taking more, as you now do more than six per cent. They tell you they have no money to lend, as the shavers do, and yet they will shave your bond at a large discount. They will take or give a draft or bill of exchange at discount or premium and shave you well in so doing. It is now becoming a regular system amongst the banks. They refuse to grant loans that they may apply their capital to bills of exchange: the business they transact in that way is enormous. Now this would be just the course of a Bank of the United States, if you create one. They will deal in bills, but will not lend money at 5 per cent. to any one excpt to their own directors or special favorites and friends.

Gentlemen often allude to the low prices which now prevail, and try to make as much political capital as possible out of it. But I will now give one of the great causes of these low prices; and I think they may be accounted for in a different way than by laying the blame at the door of the Administration. It is true that prices are low; but this is also true. The crops of last year were universally abundant. Corn, wheat, cotton, tobacco, and sugar, were all more abundant than was ever known before. The product was enormous. Hence every body had something to sell, while there were few to buy. Farmers and planters know full well that when they have a full crop, prices will be low; and when the crop is short prices will be proportionably high. Now, I say again, that there never was such a crop of agricultural products known as we had last year; and the natural consequence of such an over product is the occurrence of low prices. Gentlemen must admit this. They will not deny it, unless, indeed, their object is to deceive the people and break down the Administration at all hazards. My colleague [Mr. WISE] told us of a farmer, who, having received a low price for his wheat, turned his coat inside out, and said he was no longer for Van Buren. Now I cannot but wish my colleague had told his story somewhat more at length, and given us all the particulars. I will warrant you the Whig merchant, who bought the wheat, failed not to tell the honest farmer that he could not give him more for his wheat because the Administration destroyed the credit of the bank; and the farmer, no doubt, believed him. The man was too simple and honest to suspect the cheat: but let him understand that the low prices which he received was the general result which invariably follows from a good crop, and that the cause assigned by the merchant has nothing to do with the matter, and he will be justly indignant at the base attempt to gull and deceive him. It frequently happens that the small surplus left to the farmer from a scanty crop, yields him more money than he receives when his crop is most abundant. The people will at last come to understand this matter, and will discover that it is a mere electioneering trick. They will exonerate the Administration thus unjustly accused, and spurn, with merited contempt, those who attempt to practise on their supposed simplicity.

I will now again allude to the views of some of the most distinguished members of the Opposition party in former times, from which it will appear that a National Bank, now pressed on us as the only panacea for the public calamities, when urged in like manner during a former period of our history, was not so considered by them.

Having found the extracts which I had mislaid when alluding to the opinions of Mr. SERGEANT and Mr. WEBSTER in 1816, while the bank charter was under discussion, I beg leave to read them to the committee:

"Mr. Sergeant proposed to reduce the amount of the capital of the Bank, from thirty-five to twenty millions. 'With regard to the present time,' he said, 'he should be glad to know why the Treasury of the United States had not now the command of specie payments, and the rate of exchange in its own hands.'

"Mr. Webster said, 'It was a mistaken idea that we were about to reform the national currency. No nation had a better currency than the United States—there was no nation which had guarded its currency with more care; for the framers of the Constitution, and those who enacted the early statutes on this subject, were HARD-MONEY MEN; they had felt, and therefore duly appreciated, the evils of a paper medium; they therefore sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin; this was a subject in regard to which Congress had run into no folly.

"The establishment of a National Bank not being, in his opinion, the proper remedy, he proceeded to examine what was. The solvency of the Bank was not questioned; there could be no doubt,' he said, 'if the banks would unite in the object, they might in three weeks resume the payment of specie, and render the adoption of any measure by this House wholly unnecessary. The banks,' he said, 'were making extravagant profits out of the present state of things, which ought to be curtailed. He referred, for illustration of this point, to the state of the Bank of Pennsylvania, as exhibited in the return to the Legislature of that State, which, with a capital of 2,500,000 dollars, had done a discount business of 4,133,000, at the same time that it held 1,811,000 dollars of the United States' stock—so that, without taking into account a mass of Treasury notes, real estate, &c. that Bank was receiving interest on six and a half millions, nearly three times the amount of its capital. That Bank had been pronounced by the Legislature to be in 'a flourishing state;' it was so to the stockholders in the Bank, he doubted not.

"The Banks not emanating from Congress, what engine were Congress to use for remedying the existing evil? Their only legitimate power,' he said, 'was to interdict the paper of such banks as do not pay specie, from being received at the custom-houses. With a receipt of forty millions a year, if the Government was faithful to itself and to the interests of the people, they could control the evil, and it was their duty to make the effort. They should have made it long ago, and they ought now to make it.

"The whole strength of the Government, he was of opinion, ought to be put forth to compel the payment of duties and taxes to the Government in the legal currency of the country.

"In the end the taxes must be paid in the legal money of the country, and the sooner that was brought about the better."

Sir, I adopt almost entirely the sentiments here expressed by Mr. WEBSTER. Government has the matter in its own hands, and the sooner the duties are received in hard money the better. I would fix the period for this change at less than the four years proposed by this bill. And so far from this being an improper time to make this change, I believe that, of all others, it is precisely the most proper. Let us seize the present moment, when every thing is at a stand; we may effect the change at once and without difficulty. The banks would not be injured, for they might resume in three weeks from this time, if they would but make the attempt in concert, and but for the condition and opposition of the bank of Pennsylvania, I believe it would be done.

To show that a National Bank is not the proper remedy for our present difficulties, I will read to the committee one more extract: it is from the speech of a highly distinguished gentleman, now on an electioneering crusade against this Administration, which he attacks with great fury on the ground of its enmity to credit, and because the President presses this Sub-Treasury system on the people, as he says, against their will. Mr. RIVES of Virginia, in 1834, said:

"Sir, of all the reforms, social, political, or economical, required by the great interests of the country, that which is most urgently demanded, and which promises in its accomplishment the largest results of utility, security, and public benefit, is, beyond comparison, the restoration of the Government to what it was intended by the framers of the Constitution to be, A HARD MONEY Government. We are too much in the habit, Mr. President, of regarding the evils of the paper system as necessary and incurable, and of being content with the delusive palliation of those evils, supposed to be derived from the controlling supremacy of a National Bank. Nothing, in my opinion, is more demonstrable, than that the great evil of that system, its ruinous fluctuations, arising from alternate expansions and contractions of bank issues, making a lottery in effect of private fortunes, and converting all prospective contracts and transactions into a species of gambling—nothing can be more certain than that these fluctuations (and we have a striking proof of it in the present distresses of the country) are increased instead of being diminished, by the existence of an institution of such absolute ascendency, that when it expands, the State banks expand with it; when it contracts, those banks are forced, in self-defence, to contract also. Whatever influence such an institution may be supposed to exert, in preserving the soundness of the currency, that object would be much more effectually promoted by a return, as far as practicable, to a metallic circulation. The first step towards that return is, to let the Bank of the United States go down. Its notes being withdrawn, the convenience of travelling alone would immediately create a demand for gold coins, as a substitute, and enforce the necessity of correcting that under valuation of them at the mint, which is said to have contributed to their disappearance. In concurrence with this, let measures be taken, as it is believed effectual measures may be taken, to discourage and suppress the circulation of bank notes under a certain denomination, (ten or twenty dollars) of which the effect would be to produce another accession to the metallic circulating medium. The ordinary channels of circulation being thus supplied with gold and silver, the Government would be prepared, without hardship to the public creditor, to require payment of its dues in specie, and thus realize a reform, than which none could be more deeply interesting, in every aspect, to the safety and prosperity of the country.

"Sir, here is an object worthy to engage the most anxious labors of the patriot and the statesman, and I feel persuaded that, with a tithe of the effort and talent daily expended in the ephemeral contests of party, we should see it happily accomplished. I conjure gentlemen, then, with abilities so eminently fitted for this great work, to leave the Bank of the United States to its fate—a fate already pronounced by the voice of the nation, and called for by the highest considerations, connected with the safety of our free institutions—and to bring forward their powerful aid in an effort to restore the Government to its true constitutional character and destination—that OF A SIMPLE, SOLID, HARD MONEY GOVERNMENT."

Since that day, this eloquent gentleman has discovered that this measure of the Administration for collecting the revenue in gold and silver, and bringing back the Government to a simple, solid, hard money standard, is most dangerous; and he attacks it with all his power. Sir, there are some singular coincidences connected with this subject, which I will for a moment notice. There have existed some differences of opinion as to the question whether bank paper should or should not be used by Government in the receipt and disbursement of the public revenue. Some were for a hard money currency exclusively, others for good bank paper. So great was the difference of opinion on this and other matters, that it was said there was to be a split in the Administration party. We were once told of a Rives party and a Benton party. How did it turn out? Why, sir, Mr. Rives has now substantially repudiated what he before advocated and defended. I cannot account for it unless upon the doctrine of coincidences. Mr. Benton about that time was supposed to be a very prominent man for the Presidency, and it might be desirable to kill him off. It might also be that Mr. Rives had some private griefs in the election of Colonel Johnson. However, this once favored son of Virginia was thrown into the ranks of the Opposition; and his course now is in strange contradiction and contrast with his course in 1834. The much abused little expunger has now become a distinguished favorite of the Opposition. We are not without high authority for the position we assume, when we say that the banks themselves produce those great expansions and contractions which so much distress the country; and that the remedy is not in rechartertering the banks, or in extending the system of credit and confidence beyond due bounds. It may perhaps surprise some gentlemen that I should quote none other than Mr. Biddle himself; when, unbiased by excitement or prejudice, he is as capable of forming a correct opinion on the influence of banking as any individual in this country. Let us see what he said in 1828, when writing for the United States Gazette, in relation to the banking system:

"Like the power of steam, it is eminently useful in prudent hands; but of tremendous hazard when not controlled. The constant tendency of banks is to lend too much and put too many notes in circulation. The disorder in overtrading brought on by overbanking. The remedy is to bank less and trade less."

Here we have a most distinguished authority for saying that the true remedy for our evils is "to bank less and to trade less." It is the remedy we shall now have to adopt; and it must always be the remedy when a country has run wild with extravagant speculation. In this process, the country must for a time suffer severely—it cannot be avoided—it is a matter of necessity, (and necessity is always the excuse of the banks, you know, when it suits them to contract.) But while Mr. Biddle, in 1828, held these sound opinions, in 1836 he told the country that it was all a mistake to suppose we had overtraded, and bank men generally took the same ground. But I believe no sensible man will now deny but that we have ruinous overtrading produced by overbanking. Is it not argued, on both sides, that an increase of the currency increases prices? Do not we all know that prices a year or two past were enormously high? Too high because they could not be maintained. Ought wheat to be at $2 per bushel and other products in proportion? If indeed we could keep the price permanently at that point, it might be all well; but still the farmer would, in the long run, be no better off than when he gets a reasonable price. Is the country then benefited, if by an increased circulation you double prices? Your house, or slaves, or land, worth only $1,000, may be estimated nominally at $2,000; but you cannot raise a grain more of wheat, cannot live better, eat better food, or wear better clothes than be-

fore. True, you are said to be worth twice what you were before; but you have identically the same property you had then. All you have done is to make the currency worth half price. Indeed, I do not believe it is very material to the world whether the amount of money permanently in circulation be great or small. The danger and the difficulty arise from changing the standard of value by alternate expansions and contractions. When you multiply banks, you raise the nominal price of produce; but when a contraction ensues, prices fall, and the purchaser suffers. It benefits A, but it injures B in the same proportion. The keen-sighted merchant and speculator are on the look out for these changes. When the banks are going to expand, he goes into speculation, and purchases largely; prices rise, and he gets the advance; he sells his goods to the farmer on credit; when the money becomes due, the price of produce has probably fallen, and the farmer must sell double the amount of grain to pay his account to the merchant. The laborer is the last man to feel the benefit of an increase of the currency. The price of his labor does not rise so soon as the price of provisions and goods; he suffers until he is compelled to strike for higher wages. In this there can be no mistake; all know that prices have been above the point at which they can be maintained. The effect has been to transfer the wealth of the country from the hands of the laborers into the pockets of bank directors and speculators. I have some where read of a French gentleman who contrived to support himself, and in very good style too, out of the expansions and contractions in stockjobbing. A friend in Paris warned him beforehand of these changes, and he availed himself of the information, so as to buy when stocks were to rise, and sell before the fall. In this manner the banks grow rich. They manage the price of stocks as they please; they regulate exchanges at their own pleasure; they can make exchange high or low; and according to its rate they buy or sell. The community cannot understand how it is done: we see the effect, not the cause. The fluctuations in the stock market are caused by the demand which the banks produce. The public are unaware when the screw is to be turned backward or forward; the hand that moves it is concealed from view. No wonder that bank directors build fine houses, and roll in splendor.

Now, we are asked to encourage a system like this, instead of adopting the only currency recognised by the Constitution.

The gentleman from North Carolina on my right [Mr. RAYNER] alluded to the connection between the Government and the State banks. True, sir, there was such a connection, and seeing the unhappy consequences which flowed from it, we now ask a divorce. We found these false spouses, instead of doing their duty, were engaged in a conspiracy against us.

[Mr. RAYNER here asked: Does the gentleman allude to any connection of my friends with the State banks?]

No, sir, I allude to the connection between the banks and the Government; but I say we found these false wives engaged in a *crim. con.* an illicit intercourse with the gentleman's friends, and therefore have demanded a divorce from the bonds of matrimony. We surrender them to the gentleman and his friends, their seducers, and happy may they be.

But, Mr. Chairman, we are charged with having produced all the extravagant accommodations of these State banks. Now, sir, I have already referred to the conduct of the Bank of the United States in 1834–5, in increasing its accommodation from 44 to 66 millions, and its issues from 15 to 25 millions, and this just before its charter was to expire. This rash and expiring effort of the great monster caused much of the distress which afterwards ensued. The particular charge is, that President Jackson and his Secretary of the Treasury encourged the banks to extend their loans, and thus stimulated by Government, the banks started in the career of extravagance. Sir, I recollect distinctly in the first place, the charge was made by the friends of the Bank against the Administration party, that they had put down the Bank, and that the country would require new institutions, whose joint capital might be a substitute for that of the old Bank. The Administration party in general resisted the increase of bank capital which was demanded. In Virginia we had between six and seven millions of banking capital: the Opposition claimed thirteen millions more, and the Administration party opposed, and for a year, defeated the increase. We received our quota of the deposites and lent it to the banks. Our Legislature did finally consent to an increase of bank capital to the amount of five millions, on such conditions as it was thought would restrain their extravagance in the use of it. That was one of the strong considerations which induced them to submit to limitations such as had never before been known in Virginia. My own impression at the time was that they ought not to extend their business, though their capital had been increased. But gentlemen say that the President and the Secretary required the banks to extend their loans. The charge, I say, advanced by the Opposition, was that the State banks never could grant the community such facilities as they had obtained from the Bank of the United States; and the question every where mooted was, "How are we to get our exchanges?" The country was filled with the clamor of the banks' friends, and the Administration were charged with having cut off all accomodations from the people. In answer to this charge, the President of the United States and the Secretary of the Treasury did say to the banks that they were expected to grant such facilities as the Bank of the United States had done; that was the advice given to the banks. When the banks were advised to grant facilities, it was on the proviso that they were to go as far as was consistent with the safety of the Government funds, but no farther. When the banks went beyond that point, the Administration were not responsible for their acts or for the consequences. Now this charge is made by the very men who clamored for accommodations; who even sent deputations here to demand them; who were eager, anxious, greedy, for them; and now, when in consequence of granting their own request, distress has come upon the country, they turn round and charge it all upon the Administration. It has become but too common a practice first to urge with great vehemence a certain course of action, and then to charge a compliance as a crime. It will also be recollected that the clamor of the day was that this money was loaned to the banks without interest. The State banks had a right to expect this privilege, because they were required to extend the same facilities as the United States Bank had done. Mr. Leigh charged Gen. Jackson with tyranny for loaning the public money to the banks without interest. He could not bear to see the State banks enjoying the same benefit which had been granted to the Bank of the United States, and introduced a section into the deposite law which required that when the moneys in the hands of the banks exceeded a certain amount, interest should be charged. Were not these gentlemen themselves responsible for these terms? The Opposition, to a man, went in favor of them; yet now they turn fiercely upon the President and his Secretary, because the banks used the public money, after being required to pay interest on it.

If we take all the acts of the Government together, we find the inconsistency of the Opposition on another ground. When the Government found that the State banks used their deposites, without regard to the interest or safety of the Government, but that it was fast losing possession of the public lands, and getting in exchange nothing but bank credits, with a view to check this profligate extravagance, the Treasury circular was issued; and what took place then? Why, in an instant, the whole country was filled with the clamors of the Opposition. This was an attack upon credit. Because we did not wish to let the whole public domain go into the hands of speculators, the President was denounced as a tyrant and a usurper; and this, too, by the very men who held the Administration responsible for the extravagant issues of the banks. So that whether the Administration encouraged the banks to lend, or checked and restrained their extravagant loans, it was alike in fault, and alike reviled. Those who were rapidly transferring the public lands into their own possession, were the very men who abused President Jackson for encouraging the banks to those loans which alone furnished the means of making fortunes.

Gentlemen here seem to take great delight in referring us to Great Britain; they pronounce eloquent and high sounding eulogies on the splender of her arts and arms, her commerce, and her wide dominions. Sir, there are too many politicians in our country, who like to look to England for examples. It is true she is great in arts and in arms; and it is equally true that she has been made great by the credit system. But England is great and distinguished for other things besides her arms, her arts, her commerce, and her power; she stands mournfully eminent for the enormous amount of her public debt, and for the number of her paupers, ground as they are to the dust by the operation of this her beautiful credit system. Do you admire her debt of four thousand millions, which hangs like a millstone about the neck of her Government? It has been said, I know, that by the pressure of that load the Government is held together. It may be so now, but this state of things cannot last forever. The time will yet come, when, disregarding all pecuniary obligations, the people of that empire will rise with a giant's strength, assert their rights by force, and the balance of the debt will be swept off at a dash. You cannot always keep down a nation of paupers. When starvation stares them in the face, they will rise in their despair, and lay all prostrate before them. Gentlemen may admire the condition of Great Britain: for myself, I confess I see but little to admire. There is much splendor, much wealth, much renown, and all that; but it is confined to a few—it is limited to King, Lords, and Commons—the mass of the people do not enjoy a state of domestic happiness and cheerful prosperity. The wealth and the glory are confined to "the higher circles." I do not admire a nation because it possesses a great navy, a numerous army, or splendid and costly palaces. That nation alone can be called truly great where the great mass are contented and happy—where wealth is widely diffused, and all have a share. We may go on with our credit system, till we are in the same situation with her—we may follow in her footsteps till we have in this country a bank aristocracy as irresponsible as it is in England. We may go on till, in this now free and equal community, we shall behold overgrown wealth in the hands of a few, while our manufactories are filled with starving wretchedness. Would this increase our national happiness? We may spread our commerce, and stretch abroad our arms, till we embrace the world, and still our wretchedness at home be none the less. When our merchants and speculators become princes, our poor, like the Irish peasant, may live on potatoes; and finding not enough even of these, may be compelled to rebel for bread. Yet we are called upon to admire the glory and splendor of the European Governments. Gentlemen forget the mass and look only at the nobles. I have no taste for such a state of society. I hold it better to guard against that credit system which, pushed to its legitimate results, will bring us into the condition of England. When we reach that point, revolution and anarchy must be the consequence. This credit system has enabled Great Britain to carry her arms and her dominions round the world, and will at last be her ruin. Her people, long ground down as laboring slaves beneath the feet of a lordly aristocracy, will not forever submit to their bondage. As a Republican statesman, I never can consent to draw my political principles from a man who held the British Government to be the *beau ideal* of perfection. The gentleman from North Carolina [Mr. RAYNER] pronounced a sounding eulogy on Alexander Hamilton. I shall not detract from his talents: they are known and admitted by all—yet I cannot but think it strange, indeed, that a *State Rights Republican*, (as I know the gentleman to profess himself,) should select Alexander Hamilton as his model from whom to draw State Rights political principles. We are fallen on strange times. If ever two parties were founded on principle, as their grand distiction, it was the old parties which prevailed in this country in '98

and '99. At the head of one stood Alexander Hamilton: at the head of the other was Thomas Jefferson. That Federalists should admire with enthusiasm the character of Hamilton, does not surprise me: it is what we might expect. But that one calling himself a State Rights Republican should be that man's admirer and eulogist—I confess fills me with amazement. At that school I never should have thought of hearing the doctrines of State Rights Republicanism. The gentleman, I thought, seemed disposed, too, to disparage somewhat the fair fame of the Old Dominion. All I ask is, that if he holds such sentiments he will not publish them: and I will give my reason. A certain lady was once speaking very lightly of Napoleon: when a friend of his replied to her, "Oh don't talk so, you don't know how it will distress him." [A laugh.]

Now if my friend shall continue to reflect upon Virginia, she may be mortified and distressed.

[Mr. GRAVES here rose and said he did not see the application of the argument.

The CHAIR replied that the gentleman was in order.

Mr. RAYNER said, in explanation, that he had only referred to the doctrine of Hamilton on the subject of State rights, with a view to show that those who were the loudest in professions, were often the most wanting when it came to the point. Virginia politicians were always whining about State rights, and yet when matters came to the point, they were almost always found on the side of power.]

Mr. HOLLEMAN resumed. The charge has been made, though not very boldly, as if those who made it had no very great confidence in its truth, that this Sub-Treasury bill is in fact a bank. So said a distinguished Senator, [Mr. CLAY,] and so have said some gentlemen here. And why and how is it a bank? The Treasurer of the United States is empowered to draw on the depositaries of the public money, and his draft is to be paid, and that these drafts will get into circulation as currency. The Secretary can draw as a bank can, and therefore the Treasury is a bank. That is the argument. But does that constitute a bank? May not any individual draw for his own funds? I may draw a check on the Bank of Washington—am I therefore a banker? The thing is done every day. A good check, known to be good, passes from hand to hand as much money. Is the drawer, therefore, a banker, and his check money? But if this be so, and the Sub-Treasury is a Government bank, then we have always had a Government bank. Has not the Secretary or the Treasurer of the United States always drawn on the depositaries of the public money, on collectors and receivers, and on the Bank of the United States? And could not such drafts as well have gone into circulation as currency then as now? A draft on the Bank of the United States, endorsed by Government, was generally as good as gold and silver, and for some uses better. Did such drafts take the place of money, and enter into the general circulation? If we are to have a Government bank by this bill, we always have had one.

If a man holds a draft of the Treasurer, and does not choose to present it, he is now just where he was. But there is this additional safeguard: the Secretary is directed so to manage his drafts that they shall not enter into the circulation of the country; he is ordered to prevent this as far as in his power; whereas before there was no such restriction. Does the gentleman see any authority in this bill to make drafts for circulation? I say again, if this is a bank, then there has been a Treasury bank ever since the commencement of the Government. No matter where the depositary may be, there will always be the same difficulty. It has been the law of the land for the last fifty years. Is it now to be made a matter of complaint against this Administration? Cannot the Postmaster General do the same? There are 13,000 Postmasters in this country on whom he may make quarterly drafts. Is the Post Office, therefore, a Government bank? and are the drafts of the Postmaster General a currency? Here is the dreaded system in its widest extent, yet who ever complained that the General Post Office is a Government bank? The Treasury is not to have one tenth part of the number of depositories, and yet it is called a Government bank! It is amazing to hear gentlemen bring forward such an argument; it is scarcely worth refuting. I trust when the gentleman goes home and tells his constituents that this is a bank, he will not forget to tell them, also, that we have had just the same sort of a Government bank ever since we had a Federal Government.

Another accusation against us is, that by this measure we wish to reduce the price of labor. I will tell gentlemen what our object is: it is to reestablish a sound currency. This, and this alone, is the simple naked object we have in view. All other currencies have miscarried—we want to encourage the introduction of gold and silver as a standard of value; we want to make it, in matters of value, what the standard bushel is in matters of quantity. We would use it as a standard bushel or a lawful yardstick; and we want all things measured by the same yard and the same bushel. I say that it will cause no disproportionate reduction in the price of labor. It is true, however, that when the country shall have settled down into a sound and natural condition, and we have a currency of uniform value, the nominal price of labor may not be as high as it has been for the last two years. The value of money will not be as low. We propose to correct the system, not partially, but throughout. This will not injure the poor man, but, on the contrary, will establish a currency by which he will be protected in the just rewards of his industry. We do not offer him a system which will to day give him an enormous price for his labor, and to-morrow throw him out of employment; that is just what we want to guard against. We want labor to be so rewarded that the laborer may know that he will get steady employment and a uniform fair price from year to year. We would not raise his hopes with a high price at one time, and give him a low price or no price at all at another time. This is what the banks themselves will be compelled to resort to. They have done the same thing at various times heretofore; they are doing it now, and will continue, until from necessity, (for nothing less than *necessity* will ever move them;) from necessity, I say, they will be compelled to "bank less and trade less." The laborer is not benefited by high prices, unless he can at the same time buy at low prices. Suppose he can now get a dollar, and save half of it; double his dollar, it will at first seem a great benefit; the man will be delighted; but he will soon find that he is charged double as well as paid double. He lays up a dollar, it is true, but his dollar buys no more for his family than his half dollar did. Instead or getting a bushel of corn for his increased wages he gets the same half bushel as before. That state of things once took place in Kentucky. A man might offer a silver dollar for his breakfast and he would receive a paper dollar in change; nominally he got his breakfast for nothing, but in fact paid fifty cents in hard money.

The gentleman misunderstood me, if he thought I said labor, like produce, had been at a higher real price than it can be kept up to. The banks can tell you, they cannot supply a currency as they could before, and the reason is, they banked too much. They must reduce their business; that of necessity reduces the price both of commodities and of labor, below the true standard. This has been done over and over again by the banks, and no complaints were heard; but let Government attempt to correct such abuses, and at once it is charged with tyranny and and an attempt to injure the poor. It is not so; it is the antagonist plan that injures the poor man. It is the plan which puts it in the power of a moneyed corporation to say how much the honest laborer shall receive for his week's work. If you pay him in money of the Brandon Bank, he is to get $2; if in silver, $1. Was Mississippi benefited by the issue of the "Brandon money?"

The banks say that they must reduce their issues. This produces distress and low prices. My object is to have a sound uniform currency, by which the laborer can be benefited, as well as other classes of the community. By the credit plan, bank corporations fix the rate of their own profits, and fix at the same time the price of labor.

We are called upon for relief. "What measures," say they, "do you propose for the relief of the people?" When gentlemen themselves were thus called upon, what did they do?

In 1837, we relieved the banks and the merchants by giving them a longer to pay their debts to the Government, and that is the mode of relief always asked. But what did Congress do for for farmers and laborers? Give them bread? Oh, no; the maxim was—"Take care of the banks, they will take care of the merchants"—and they, the merchants, were the people! Very fine—the people were to trust to the tender mercies of the merchants! As well might you trust the wolf to nurse the tender lamb. The banks get relief, and then they grant to the community just such relief as will best suit their own purposes. They will nurse them and feed them as men take care of their horses—to get as much labor out of them as possible. We are charged with the design of bringing down the price of labor to the standard of foreign countries. Sir, that is a thing which cannot be done. And the reason is this: the wealth of those countries consists in their lands. Land is there scarce and dear, while labor, on the contrary, is abundant and cheap. Here the case is directly the reverse: land is abundant and cheap, while labor is comparatively scarce and high. Gentleman may adopt what plans they please. I defy them to reduce our laboring classes to the European standard of prices. In the older parts of the country, in manufacturing districts, they may, after a long time, approach to it; but, in the agricultural sections, and in the wide and fertile West, thank God, the thing is impossible. We have an abundance of land, and labor will meet its just reward. You may injure the laborer by the credit system, and he will and must be injured by the constant expansions and contractions of the circulating medium; but I trust the time is coming when we shall have the blessings of a better system. The General Government has begun it, and I hope the States will follow. Whether the currency shall be wholly metallic, or shall consist partly of gold and silver and partly of paper, it is not necessary to inquire. It is not for us to decide what the States shall do: we must leave that to their wisdom. Be it our part to set them, at least, a sound example.

Mr. Chairman, the questions involved in this bill are of vast importance: they are questions which must be settled, one way or the other. The country must make its choice between the system of banks and our simple plan of a constitutional currency. These questions are agitating and occupying the public mind, and they cannot remain longer undecided. Who is responsible for the great and unprecedented excitement which has been created, and who is chargeable with the distress which is said to prevail, are also questions which the people will settle. I entertain no fears for the issue. There are perhaps some gentlemen who may seek to excuse themselves, like the gentleman from North Carolina, [Mr. RAYNER,] by pleading infancy as a bar to his Jacksonism. As the gentleman is very young, I must forgive him for being a little extravagant. We treat with much forbearance those of tender years; and as he is my neighbor, I am ready to pardon the gentleman, as soon as he shall show, by his conduct, that he repents. He has mettle and high spirit. I defend and excuse him, as a young gentleman, and trust he will depart from the error of his way, and no longer follow after false gods. As to the great mass of those who have joined in the cry against the Administration, the people will decide whether they are to be justified in their course. They may file their indictments as soon as they like; we take issue with them, and put ourselves on the country, having no apprehension but that the verdict will be for the defendant, and that the plaintiffs, for their false clamor, in mercy be discharged. But as to the great leaders in this unholy war—those who could not bear to see others rise while they remained stationary—those who cannot endure to look upon the tenant of the White House, and who claim for themselves all the offices and all the honors of the country—those who, in the bitterness of their envious spirits, cry out with Haman, "What doth all this avail us, so long as we see Mordecai sitting at the king's gate—so long as we see Martin Van Buren, whom the people delight to honor, presiding at the White House"—as to those leaders, who, from a spirit of envy and ambition, have combined and confederated to put down this Administration at every sacrifice and at all hazards, a decree shall go forth from an insulted and indignant people, who are rising in the majesty of their strength, and it will read, "Let them be hanged like Haman upon the gallows prepared for Mordecai the Jew."

REMARKS OF MR. SMITH,

OF INDIANA,

In the House of Representatives, July 20, 1840—In reply to Mr. PROFFIT, on the amendment to the appropriation bill, giving to the President the power to withhold or limit the application of certain appropriations, if the condition of the Treasury should demand it.

Mr. SMITH arose and said: Mr. SPEAKER, to occupy the time of the committee at this late stage of the session, when every moment is so precious, needs some apology from me to the committee and to the country; and that apology may be found in the extraordinary remarks of my colleague. He considered that the time improperly consumed in debate could not be regarded in any other light than as a trespass upon the patience of the committee, and injurious to the interests of the country.

But, Mr. S. said, as he had occupied but little time of the House this session, he hoped a few moments would be accorded to him, whilst he proposed to say something in relation to the amendment pending, and briefly to reply to some of the extraordinary and strange remarks of his colleague, [Mr. PROFFIT,] who had just taken his seat. My colleague (said Mr. S.) has indulged in a strain of bitter invective and withering denunciation—and that, too, in a manner unique and peculiar to himself alone. On this, as on former occasions, he spoke of his utter contempt of the President, and said, "God knows he does hate the President, Mr. Van Buren—that he would not eat with him or drink with him. I cannot find words to express my contempt for him; sir, I would not touch him with a ten foot pole." This was the language of his colleague.

Sir, said Mr. S. (turning round to Mr. PROFFIT,) I must implore my colleague, in the name of humanity, to take back his denunciation, to withhold his hate, and to eradicate his contempt for the President; and I am sure he would, if he was conscious of the inexpressible and excrutiating pain he was inflicting. I appeal to this House and to the country, to tell me, how it is possible for the President to exist under the hate and contempt of my colleague. But, sir, it is fortunate for the President, (and I hope equally for the country,) that he is not aware of the hate my colleague bears him—else, like a wasting atrophy, it would seize upon him, prey upon his spirits, waste his flesh and end his life in wretchedness. [Loud laughter.] And, said Mr. S. my colleague has unmitigated contempt for all the heads of the Departments, and all the great Federal officers. Well, I congratulate my countrymen that they are unconscious of this alarming fact—the existence of this blighting hate—else on our return next fall, we would find those officers, should they live through it, stalking about the streets here like an army of ghosts, blighted, withered, and wasted away to mere skeletons, under the contemptuous ire of my colleague—some of whom, at the present time, weigh 200lbs. gross. [Yes, a voice cried out, "Levi does." Loud laughter.] Then, sir, in view of the probable effects, I implore my friend and colleague to reflect on the quantum of pain he is inflicting, and the disastrous consequences that may result from it to the injury of individuals, and perhaps to the country, to spare, oh spare them! When he is cool, I am sure he will do as I conjure him—for kindness is one of his characteristic virtues.

But my colleague holds this amendment, too, in contempt, "and the sneaking, low, underhanded manner in which such things are stolen in upon us at the end of the session." Sir, I would inquire if he has reflected whence this amendment came. Does he not know it is an amendment made by the Senate to a bill of the House? Should that not entitle it to some portion of respect from my colleague. Sir, what is the character of the Senate of the United States? I have been taught to respect it. I have schooled myself to think highly of it. Is it not the most august and talented deliberative body in the world? I believe the world would accord that much to it. This should weigh some little in the mind of my friend in favor of the amendment. But that is not worth straws in his estimation. Well, said Mr. S. my colleague has pronounced the doom of this Administration, and says "it must go down, and, if by revolution, it must go down;" he says, "if he had a son, he would train him up to arms, and point him to the purpose." These are extraordinary sentiments to be expressed on the floor of the American Congress by a representative of the people. But this accords well with sentiments I have heretofore seen expressed in a correspondence of a member of Congress with a venerable constituent, and published and endorsed by a very respectable opposition paper, the National Intelligencer. In one sentence the correspondent says: "I would sooner have my property in the funds of Great Britain than in those of the United States." Another says: "I should prefer the Government of Victoria." A third says: "I am tired of this Government," &c. Sir, said Mr. S. these are extraordinary sentiments to be avowed openly through the press, and by representatives who hold seats on the floor of Congress. I do not know the extent of the spread of such opinions and feelings as these. I hope, however, their roots do not strike deep into our political soil, for surely it is not possible that any man can seriously desire to overthrow the temple of liberty in this happy land. But I am happy to learn that my colleague has no son to train up in the way that he would have him to go, but that he has two lovely little daughters; and I hope they may live and marry true Republicans, who will feel and appreciate liberty, love and serve a Republic in a Democratic form, be faithful to the institutions of their country in peace, and, if there be need, that they will fight for it bravely and defend it nobly in war. Sir, said Mr. S. my colleague is extremely captious, and expresses strong opposition to the Government, and openly avows his eternal hostility to the Administration, avers that he does not like it, nor that he ever will. Well, it will be in vain to attempt to quiet my colleague's opposition. I know his inflexible disposition, and for my part I would as leave undertake by contract to furnish water to cool the flames of hell as to attempt to allay his ire, or undertake to give reasons to quiet the spirits of the damned, as to furnish arguments to reconcile him to this Administration. Sir, it cannot be done; the words "eternal hostility" have gone out of his mouth, and the case is hopeless. Mr. S. said his colleague seized hold of small points, with a microscopic eye, and threw them out before the public, with a view, no doubt, to deceive. If so, he mistook the intelligence of the people. If he thought, by holding the Government up to them, as extremely profligate and corrupt, because they have sold a few bushels of damaged corn in the progress of the Florida war, for four or five cents per bushel, that he would convince them that it was corrupt, he was mistaken. How such statements may affect men's constitutents, I know not, but I am sure it will make but little impression upon mine; they are a reasoning, intelligent, and liberal, and are always willing to make due allowance, for they expect imperfection in Government as in men. Sir, I would allow no man to make such statements to my constituents without proper explanations, and to go away without exposure.

Mr. S. said that his colleague had a kind of prophetic ken, for he says that he is a "prophet, and the son of a prophet." He did not know that that endowment entitled him to much credit for wisdom or sagacity. But his impression was that it did not; for prophets did not come to their conclusions by any of the known modes of reasoning, and by philosophical deductions, but, if true prophets, spoke as they were inspired. If not, they are false prophets, and are not to be believed. Mr. S. was of the opinion, at the present time, more prophets, or those who professed that gift, were to be found amongst the illiterate, low, and vulgar, than any other class of people; and as to modern prophecy, my friend cannot compare with a set of old women, socially seated around a tea table. My colleague says "he had a bad opinion of this Government before he came here." I came here prepared to find many things wrong, and did not expect to find perfection in any of the departments. I regard the Government as a mighty machine of complex and extended operations, and did not expect to find it perfect in all its parts. Those who expect perfection will never have their hopes realized.

But (continued Mr. S.) this amendment and this course of legislation are denounced in no measured terms as dictatorial on the part of the Executive, and creeping, crawling servility on the part of the majority of this House. Well, it may be so; but is there any thing in it compared with the tone and temper of dictation of my colleague, who says "this bill shall not pass with this amendment," and that he would denounce any Whig as a Tory, who would vote for it; and that he gave the friends of the Administration fair notice that, "if they proposed to carry it, they must have and keep a quorum in the House." Sir, (said Mr. S.) these authoritative declarations I call dictation that comes in no questionable shapes, when a member will stand up in his place, and pronounce upon the course a whole party shall pursue. It may be borne by those who act with him, or move by his direction, but such a mode of dictation is not known on our side of the House. The sequel will prove how far the dictation is obeyed. I fear the servility of the great independents will show quite as palpably as those who are dictated to by the Executive or his corrupt cabinet officers.

Mr. S. proceeded to make some comments on the great delay in the despatch of public business, arising in the House, as he believed, from the undue proportion of a certain talking profession, though he disclaimed any intention of making an attack on any order of men. But it was a deplorable fact, that matters of the utmost importance to the nation, were frequently hung up in that House on a point of order—business of vital importance was protracted and delayed by the merest pettifogging and special pleading. Ay, sir, questions of the utmost importance are in this way suspended for months and for years on points and punctilios, that the same number of common sense men would settle in an hour.

Mr. S. proceeded to show that the cause of many of the evils of the Government were overlooked. Sir, (said Mr. S) the President and heads of departments are charged with and denounced for extravagance, and strongly implicated as being corrupt, when no man can put his finger on a cent that any of them have drawn from the Treasury, not authorized by law. Yet all this does not save them from fierce invective. Sir, I think the evil is not so much in the Executive and heads of departments, as in the practice which has long prevailed, of appointing to office young sprigs of the aristocracy and boys from West Point, to be disbursing and contracting agents. These men have never, perhaps, in their lives, earned a meal's victuals—they know but little about the use or value of money, and less about the value of labor. When they disburse, they do it profusely, and when they contract for the Government, they are the sure victims of the keen Government speculator. In this way, sir, the public Treasury is made to bleed at every pore. The agents are frequently supplied from another class of gentry, in whose competency to perform such trusts with ability and fidelity, I have quite as little confidence. I mean a kind of *quasi* professional men, who thrust themselves into such places by their continual watching and ceaseless importunities. In this particular, I would say to the appointing power, discard the practice of taking disbursing agents from West Point or the line of the army, and take men from the people, of mature age and known probity; and when you want men to contract, select them from the same pure source—the great body of the people—and if either of those selected in this way should have been a laboring man at some time in life, he will be none the less qualified on that account; but will, perhaps, know experimentally something of the value of labor. My word for it, such men will be less the subject of imposition.

Sir, said Mr. S. I do not possess oratory to be a polished speaker. To do my own speaking in a plain way, is as much as I can attend to; but I hold that no man shall trample upon me, after the manner or style of my colleague, or in any other way, if I can avoid it. I fear that I have been more tedious than I intended; but I shall say a few things to the amendment, and then conclude.

Sir, said Mr. S. I understand this to be an amendment added to a bill of this House by the Senate, authorizing the President of the United States, on certain contingencies, to postpone operations on certain named and specified works, if it can be done without injury to the public service, with a view that the expenditure shall not exceed the means in the Treasury and accruing revenue within the year. Now, sir, this is plainly and simply the fact. How is it possible for those croakers about economy to find so much fault with it? If I understand the people, this is just what they want; that is, that the means of the Treasury shall be kept low, and the expenditures within those means. The friends of the Administration have proposed this course, as a measure of economy, and to avoid encumbering the country with a national debt. It is a course which I heartily approve; but (said he)

my reforming colleague is outraged with such a policy. If this policy tends to parsimony, his must tend to extravagance. Sir, said Mr. S. the true secret of this unheard of opposition to the Administration is, that the Whigs are most cruelly chafed and galled to think they have not been able to run up the appropriations so as to discredit the Government, or compel it to resort to loans, or, at this late hour, compel us to steal in (as they say) a proposition to authorize the emission of more Treasury notes. In all these hopes, I am happy to think, purely patriotic gentlemen, you will be disappointed. Congress will adjourn, and you will find that your fancies and hopes and desires have been delusive and vain.

The Government is denounced as being insolvent; and it is a choice sentiment to send to the country, that your Treasury is bankrupt. Mr. S. inquired if gentleman would tell him whose business it was to replenish the Treasury. Was it not the duty of Congress? And who had more right than the Opposition to propose ways and means. Do gentlemen recollect that the operation of the celebrated compromise tariff had reduced the revenue from customs nearly one half? And do not all men know that the monetary matters of the whole world are in confusion, and calculated to disturb revenue arising from commerce? Will gentlemen be magnanimous, and make some allowance for all those causes which tend to cut off the resources from the support of Government? But, above all things, if they wish economy, let them not, by any means which they can bring to bear, try to prevent it.

BANKRUPT BILL.

SENATE, JUNE 2, 1840.

Mr. CALHOUN said: It was impossible to listen to this discussion, without being struck with the difficulty of the subject, and the number and delicacy of the questions involved. The relation of creditor and debtor was, indeed, the all-pervading one in our country, and ought not to be touched without much deliberation and caution. This bill and the amendment proposed, taken together, embrace this universal relation, almost to its utmost extent and minutest ramification, and ought to be examined with corresponding care and attention.

I was at first inclined to favor the bill; but the discussion and reflection have brought me to the conclusion that it is unconstitutional, and therefore could not receive my support, if there were no other objection. The power of Congress is restricted, by the Constitution, to establishing laws on the subject of bankruptcies. That is the limit of its power. It cannot go an inch beyond, on the subject of this bill, without violating the Constitution. Thus far, all must be agreed.

After full and deliberate investigation, I cannot regard this bill as one on the subject of bankruptcy. It relates, in my opinion, to another, but connected, subject, not embraced in the Constitution—that of insolvency, miscalled voluntary bankruptcy—as I hope to be able to establish.

In order to understand the ground on which my opinion rests, it will be necessary to premise—what none have denied, or can deny—that, at the time of the formation of the Constitution, there existed, both in this country and in England, from which we derived our laws, two separate systems of laws, growing out of the relation of creditor and debtor; the one known as the system of bankruptcy, and the other of insolvency. The two systems had existed together in England for centuries, and in this country from an early period of our colonial Governments. It would be useless to waste the time of Senate in accumulating proof of a fact beyond controversy. This very bill, and the only one ever passed by Congress on the subject of bankruptcy, bear internal evidence of the fact. The decisions of judges recognise the distinction, and elementary works place them under distinct heads, and in separate chapters. The distinction is one neither of form nor accident. The two systems, in commercial communities, naturally grow up out of the relation of creditor and debtor, but originate in different motives, and have different objects, which give different character and genius to the two.

The system of insolvent laws grew out of the debtor side of the relation, and originated in motives of humanity for the unfortunate but honest debtor, deprived of the means of paying his debts by some of the various unforeseen accidents of life, and in consequence exposed to the oppression of unfeeling creditors. Their object is to relieve him from the power of his creditors, on an honest surrender of all his property for their benefit.

Very different are the motives and objects in which the laws of bankruptcy originated. They grew out of the creditor side of the relation, and form a portion of the mercantile or commercial code of laws. Their leading object is to strengthen the system of commercial credit, with the view of invigorating and extending commercial enterprise; and we accordingly find that the system commenced in the commercial Republic of Venice, and has been confined exclusively, as far as my knowledge extends, to commercial communities. Though growing out of the same relation, and to that extent connected, the two are as different in genius and character as the different aspects of the relation out of which they grow. The one looks to credit and the creditor interest, and the other to the debtor, and the obligations of humanity towards him, when, without demerit on his part, he is utterly deprived of the means of meeting his engagements.

It is true, indeed, that the insolvent system, in its humanity for the debtor, is not unmindful of the interest of the creditor; nor the bankrupt system, in guarding the interest of credit and creditors, does not forget that of the debtor. But this, though it has, to a certain extent, blended the two, and caused some confusion in practice, cannot obliterate the essential and broad distinction between them. Nor is it necessary, with my object, to trace the history of the legislation in relation to them in this country and England, with the judicial decisions, in order to show that the two systems, though blended and confounded in part, have, nevertheless, retained their distinctive features. It is enough for me that there were, when the Constitution was adopted, two separate systems, known both to our laws and the English, such as I have described.

I next assert, that the members of the convention that framed the Constitution could not have been ignorant of the fact, that there were two such systems, known by the names of bankrupt and insolvent laws. The convention abounded with able lawyers, many of whom were among the most distinguished and influential members of the body, and could not but be as perfectly familiar with the whole subject as we now are, after this long and able discussion.

Now, sir, I ask, is it to be supposed, that if they intended to delegate to Congress power over both systems, these able and cautious men, so familiar with the distinction between them, would not have included both by name? And is it not conclusive, that in not doing so, and in limiting the grant to bankruptcy alone, that it was their intention to grant that only, to the exclusion of insolvency? Do we not feel, that if we were framing a constitution, with our present knowledge of the subject, that such would be our course? If we intended to grant both, would we not insert both? And would not the insertion of bankruptcy only, be intended to exclude insolvency? The conclusion appears irresistible. How is it met? By admitting (for it cannot be denied) that such would be the case, if the words of the Constitution are to be taken in their legal sense; but it is asserted that our Constitution was made for the people at large, and on this assumption it is inferred that it ought to be interpreted, in all cases, according to the ordinary meaning of the words used, and not in their legal sense. Having arrived at this conclusion, it is next contended, that, according to their ordinary sense, bankruptcy and insolvency are convertible terms, and of the same meaning; and it is thence inferred that the framers of the Constitution intended to comprehend both under the former.

I might well deny both the premises and conclusion. It might be easily shown, that in many cases the words of the Constitution must, and have been, constantly taken in their legal sense, and that, according to the established rules of construction, they ought to be so taken in this. It might be also shown that they are not convertible, in common use; that insolvency is the general term, and includes bankruptcy. But I deem all this unnecessary. I admit, for the sake of argument, both premises and conclusion, but deny the application. Taken unconnected with other words, insolvency and bankruptcy may be admitted to have the same meaning, and that the one may stand for the other; but that is not this case. In the Constitution, bankruptcy stands in connection with law, which, attaching itself to it, fixes its meaning. Now, sir, I assert, however the terms bankruptcy and insolvency may be confounded, standing alone, no one—no, not the most uninformed, confounds bankrupt laws with insolvent laws. They never call the insolvent laws of the States bankrupt laws. They may not be able to draw the distinction with any precision, but they know that they are not the same.

But admit that there is doubt. I ask, what is the rule of interpretation to be applied to the Constitution in case of doubt? It is a fundamental principle that Congress has no right to exercise any power whatever that is not granted by the Constitution. To do so would be an act of usurpation, and; if knowingly done, a violation of oath. Hence, in cases of doubt, it is a just caution to take the words in their limited sense, and not their broad and comprehensive—a rule at all times considered as essential to the safety of the Constitution, by those of the States Right creed. Apply it to this case, and the controversy ceases. Let me add that there are few subjects, in reference to which it is more necessary to apply the most rigid rules of construction, than to that of the all-pervading relation of debtor and creditor. It is one on which the slightest encroachment is dangerous, and might, in its consequences, draw into the vortex of this Government the whole of that vast relation in its fullest extent, and with it the entire money transactions of the Union, as will be manifest in the sequel.

If, after what has been said, doubts should still exist, they may be removed by turning to another provision of the Constitution, standing in close connection with this. I have said that the bankrupt system grew out of the commercial policy, and made a part of it. The provision I refer to is that which grants to Congress the power of regulating commerce. This grant carried with it several others, as connected powers; such as that of coining money and regulating the value thereof; fixing an uniform standard of weights and measures, and we accordingly find these, with the power of establishing laws of bankruptcy, all grouped together, and following in close connection, the parent power of regulating commerce; just where we would expect to find it, regarded in the light I do, but not, if taken in the broader and more general sense of insolvency, in which it would comprehend far more than what relates to trade, and what, under our system, belong to the mass of local and particular powers reserved to the States.

So irresistible does the conclusion at which I have arrived appear to me, that I have been forced to inquire how it is that any one in favor of a strict construction of the Constitution could come to a different, and can find but one explanation. We are in the midst of great pecuniary embarrassment, suddenly succeeding a period of several years of an opposite character. There are thousands who, but a short time since, regarded themselves as rich, now reduced to poverty, with a weight of debt bearing them down, from which they can never expect to extricate themselves, without the interposition of Government. The prevailing opinion is, that the Legislatures of the States can apply no remedy beyond the discharge of the person, and that there is no other power which can give a discharge against debts, and relieve from the burden, but Congress. That so large and enterprising a portion of our citizens should be reduced to so hopeless a condition, makes a strong appeal to our feelings, of which I am far from being insensible. It is not at all surprising, that, under the influence of such feelings, judgment should yield to sympathy; and that, under the impression there is no other remedy, one should be sought in a loose and unsafe construction of the Constitution; and hence the broad construction contended for. I appeal to the candor of my State Right friend, who differs from me on this occasion, if what I state is not the true explanation. If I mistake not, it might be safely asserted that there is not one among them who would yield the power to this Government, if he believed the State Legislature could apply a remedy. I, on my part, neither assert nor deny that they can; but I do assert, that if the States cannot discharge the debt, neither can Congress.

I hold it clear, if by discharging the debt be meant releasing the obligation of a contract, either in whole or part, that neither this Government nor that of any of the States possesses such a power. The obligation of a contract belongs not to the civil or political code, but the moral. It is imposed by an authority higher than human, and can be discharged by no power under heaven, without the

assent of him to whom the obligation is due. It is binding on conscience itself. If a discharged debtor had in his pocket the discharges of every Government on earth, he would not be an honest man, should he refuse to pay his debts, if ever in his power. In this sense, this Government is just as powerless to discharge a debt as the most inconsiderable State in the Union.

But the subject may be viewed in a different light. It may be meant that Government is not bound to lend its aid to a hard and griping creditor, in the cruel attempt to coerce the honest but unfortunate debtor, who has lost his all, to pay his debts, when it is utterly beyond his power. Certainly not; and, in that sense, every Government has the right to discharge the debt, as well as the person. They both stand on the same ground. It is a question of mere discretion, when and in what manner the Government will give its aid to enforce the demand of the creditor; but, thus regarded, State Legislatures are just as competent to discharge the debt, under their insolvent laws, or, in the absence of our legislation, under their bankrupt laws, as Congress itself. In proof of what is asserted, I might cite the laws of many of the States, and my own among others, which discharge the debt, as well as the person, as far as the suing creditors are concerned—the constitutionality of which, as far as I know, has never been questioned. It would, indeed, be a violent and unreasonable presumption, to suppose that, in granting the right to establish laws of bankruptcy, the States intended to leave Congress free to discharge the debt, and at the same time imposed on themselves an obligation to forbear the exercise of the same power in the case of insolvency or bankruptcy, should Congress decline to exercise the power granted. Nor can such be the intention of the provision in the Constitution which prohibits the States from passing laws impairing the obligation of contracts. The history of the times amply proves that the prohibition was intended to apply to stay laws, and others of a similar description, which State Legislatures had been in the habit of passing, in periods like the present, when a sudden contraction of our always unstable currency had succeeded a wide expansion, and when large portions of the community, with ample means, found themselves unable to meet their debts; but who, with indulgence, would be able to meet all demands. The objects of all these laws were either to afford time, or to protect the debtor against the hardship of paying the same nominal amount, but in reality a much greater, in consequence of a change in the standard of value, resulting from a contraction of the currency. As plausible as was the object, experience had proved it to be destructive of credit, and injurious to the community, and hence the prohibition. To extend it beyond, and give a construction which would compel the States, whether they would or not, to lend their aid to the merciless creditor, who would reduce to despair an innocent, but unfortunate, debtor, without benefit to himself, and thereby to render him a burden to himself and society, would be abhorrent to every feeling of humanity, and principle of sound policy. It is impossible for me to believe that such was the intention of the Constitution. Nor can I be reconciled to a construction which must have the effect of enlarging the power of this Government, and contracting those of the States, in relation to the delicate and all-pervading relation of debtor and creditor, by throwing on the side of the former the powerful consideration of humanity and sympathy for a large and unfortunate portion of the community.

Having now established, I trust, satisfactorily, that the framers of the Constitution, in restricting the power of Congress to establishing laws of bankruptcy, intended to exclude those of insolvency, it remains to be shown that this bill belongs to the latter class, and is, therefore, unconstitutional. And here I might shift the burden of proof to the other side, and demand of them to prove that it is a bankrupt, and not an insolvent bill. They who claim to exercise a power under this Government are bound to exhibit the grant, and to prove that the power proposed to be exercised is within its limits—to show, in this case, what a law of bankruptcy is—how far its limits extend—that this bill does not go beyond; and, in particular, that it does not cover the ground belonging to the connected power of insolvency reserved to the States. Till that is done, they have no right to expect our votes in its favor. The task is impossible. Every feature of the bill bears the impress of insolvency. The arguments, urged for and against it, demonstrate it. Have its advocates uttered a word, in urging its passage, in favor of credit or creditors? On the contrary, have not their warm and eloquent appeals been in behalf of the unfortunate and honest debtors, who have been reduced to hopeless insolvency by the embarrassment of the times? And has it not been attacked on the ground that it would be ruinous to credit, and unjust and oppressive to creditors? Every word uttered on either side, proves that it belongs to the class of insolvent laws, and is, therefore, unconstitutional. As such, it cannot receive my support, were it free from other objections.

But as decidedly as I am opposed to the bill, I am still more so to the amendment proposed as a substitute by the minority of the committee. It contains a provision in favor of insolvent debtors, similar to that of the bill; and is, of course, liable to the same objections. But it goes much farther and provides for a comprehensive system of compulsory bankruptcy, as it is called; that is, as I understand it, bankruptcy as intended by the Constitution. As far as the provisions of this portion of the bill is limited to individuals, I admit its constitutionality, but object to it on the broad ground of expediency.

It is impossible for any one to doubt, who will examine the history of our legislation, that there must be some powerful objection to the passage of laws of bankruptcy by Congress. No other proof is needed than the fact, that although the Government has been in operation for more than half a century, and the power is unquestionable; yet, in that long period, notwitstanding the numerous and strenuous efforts that have been made, but a single act has passed; and that, though limited to five years, was repealed before the expiration of the time. If we inquire into the cause, we shall find it, in part, at least, in the genius of our institutions, and the character of our people, which are abhorrent to whatever is arbitrary or harsh in legislation, than which there is none, in its wide range, more so than the laws of bankruptcy. They give the creditors the most summary and efficient process against the debtors, of which we may be satisfied by looking into the provisions of this amendment. On the mere suspicion of insolvency, or fraud, one or more creditors, to whom not less than five hundred dollars is due, may take out a process of bankruptcy against the debtor, by applying to a judge of the Federal Court; and on his order, without jury, he may be divested of his property, and the whole of his estate placed in the hands of assignees, with authority to wind up and settle his affairs, and distribute the proceeds among his creditors.

But, as repugnant as a process so summary and arbitrary is to the genius and character of our institutions and people, there is another objection connected with our currency still stronger. It has been the misfortune of our country, at all times, with the exception of some short intervals, to be cursed with an unsound and unstable paper currency, subject to sudden and violent expansions and contractions. It belongs to such currency, in the period of its expansion, to excite an universal spirit of enterprise and speculation, particularly in a country so new, and rapidly increasing, and of such vast capacity for increase, as ours. Universal indebtedness is the result, followed on the contraction, by wide-spread embarrassment, reducing thousands to hopeless insolvency, and leaving a still greater number, though possessed of ample property to pay their debts in ordinary times, without money, or the means of getting it, to meet the demands against them. What can be imagined more oppressive, unjust, or cruel, than to place at such a period, such a power in the hands of hard and grasping creditors?

Now, sir, we are in the midst of such a one—a period of almost unexampled contraction, following one, remarkable above all others, for the extent and duration of the expansion; for the universality and boldness of speculation, and the extent and severity of the embarrassment which has followed. Such is the period selected to arm, the creditors against the debtors, with the harsh summary and arbitrary power of a bankrupt law—a period, such as the States, in former times, interposed, with stay laws, valuation laws, and others of like description, to save the debtor struggling against an adverse current, and who, if allowed time, could save himself and family from poverty. This amendment proposes to reverse this humane but misguided policy, and, instead of interposing in favor of the embarrassed but solvent debtors, to arm their creditors with more powerful means to crush them. I say misguided policy. I will not call it unjust. On the contrary, there is a strong principle of justice at the bottom in favor of interposing at such a period as the present, if it could be done on principles of sound policy. The condition in which so large a portion of our people now find themselves, in debt, with ample means of discharging all they owe, if time be allowed, but incapable of immediate payment, is much less their fault than that of the improvident legislation of the States, countenanced by this Government, and by which the solid and stable currency of the Constitution has been expelled, and an unsound, vacillating one of bank notes substituted in its place, incapable of discharging debts. By its sudden, violent, and unexpected fluctuations, alternately raising and depressing prices, tempting, at the one period, to contract debts, and leaving debtors, at the other, without the means of paying, the whole country, even the cautious and prudent, has become involved in debt and embarrassment. To this cause may be traced the present condition of the country, and the many similar ones through which the country has of late so frequently passed, in which few are out of debt; and of the indebted, though few are actually insolvent, but a small portion could pay their debts, if demanded in legal currency. And shall we, who are, at least in part, responsible for such a state of things, at such a period, when the debtors are so much at the mercy of the creditors, reversing the ill-judged, but humane, policy wisely prohibited to the States by the Constitution, of interposing in favor of the debtors, arm the creditors with new and extraordinary powers of enforcing their demands? Who is there that does not feel that it would be impolitic, cruel, and unjust? But it is only at such periods that bankrupt laws are proposed; and is it at all wonderful that the instinctive feelings of the community have so steadily and strongly resisted their adoption?

On no occasion has there been stronger cause for resistance than the present; for on none would such a law be more impolitic and cruel; and such, if I may judge from the discussion, is the feeling of this body. Standing alone and limited to individuals, I doubt whether the portion of the amendment under immediate consideration would receive a single vote, although it is the only part which is clearly and unquestionably within the limits of the Constitution. It may, then, well be asked, if it is without supporters, why is it inserted? But one answer can be given: because it is felt, as obnoxious as it is, to be indispensable to the passage of the provisions connected with it. One portion of the Senate is so intent on passing the part in favor of insolvent debtors, that they are willing to take with it the compulsory portion, in favor of creditors; while another, from a strong desire to include corporations, are willing to comprehend the other provisions, though they denounce the provisions in favor of insolvent debtors, standing alone, as fraudulent, unjust, and unconstitutional. It is thus the two extremes unite in favor of a measure that neither would support alone; and a feature of the bill, obnoxious of itself, but constitutional, is made to buoy up other portions, which, if not clearly unconstitutional, to say the least, are of doubful constitutionality.

Let me say to those who represent the portion of the Union where the indebtedness is the greatest, and who, on that account, favor the provisions for the relief of the insolvent, that the operation of the amendment, should it pass, will disappoint them. The part in favor of the debtors may, indeed, throw off the burden from many, who are now hopelessly insolvent, and restore their usefulness to themselves and society; but the other provisions will reduce a far greater number to insolvency, who might otherwise struggle through their embarrassments, with a competency left for the support of themselves and families. I cannot be mistaken. Should the amendment, as it now stands, become a law, instead of relieving, it would crush, the indebted portion of the Union. In order to make good the assertion, I shall now turn to the novel and important provision which places certain corporations and banks among them, under this compulsory process.

I am not the apologist of banks or corporations generally, nor am I the advocate of chartered privileges. On the contrary, there is not a member of the body more deeply impressed with the evils of the banking system, as now modified, or more opposed to grants of privileges to one portion of the community, at the expense of the rest. My opi-

nions on these points have not been recently or hastily formed. I long since embraced them, after much reflection and observation, and am prepared to assert and maintain them on all proper occasions. But, sir, I am not to be caught by words: I have too much experience for that. It is in vain that I am told that this is a contest between corporations and individuals—the artificial, legal person, called a body politic, and the individual man, as formed by his Creator. All this is lost on me. I look not to where the blow is professedly aimed, but beyond, where it must fall. The corporate, ideal thing at which it is said to be directed, is intangible, and without the capacity of hearing, seeing, or feeling; but there are beneath, thousands on thousands, not shadows, but real, sensitive human beings, on whom the blow will fall with vengeance. Before we act, let us look at things as they really are, and not as we may imagine them, in the fervor of debate.

The States have, by an unwise and dangerous legislation, centralized in banks and other corporations, to a very great extent, the relation of creditor and debtor. Were I to assert that these central points could not be touched, without touching, at the same time, that wide-spread and all-pervading relation, in its minutest and remotest ramification, I would scarcely express myself too strongly. To subject them to this measure would, then, be to subject to it, in reality, almost the entire relation of creditor and debtor. It would be bankrupting by wholesale —a prompt and forced settlement of the aggregate indebtedness of the country, under all the pressure of existing pecuniary embarrassments, made manifold greater by the measure itself.

In order that the Senate may have some idea how vast and comprehensive the measure is, I will give a statement from the paper in my hand, which contains the most recent account we have of the number and condition of the banks.

There were, then, by estimation, on the first of January last, upwards of nine hundred banks, including branches, with a capital of upwards of three hundred and fifty millions, having debts due to them of more than four hundred and sixty millions, and by them of more than two hundred and seventy millions, making the aggregate indebtedness, to and by them, upwards of seven hundred and ten millions of dollars, with a supply of specie but little exceeding thirty-three millions. By including the banks, this vast amount of indebtedness, concentrated in the banking system, would be subject to the operation of the law, should the measure be adopted. But the amendment extends far beyond, and takes in all corporations for manufacturing, commercial, insurance, or trading purposes; or which issue, pay out, or emit bills, drafts, or obligations, with the intention of circulating them as a substitute for money; which would add to the indebtedness brought within its operations, hundreds of millions more. Never was a scheme of bankruptcy, so bold and comprehensive, adopted, or even proposed, before: no, not in England itself, where the power of Parliament is omnipotent, and where the system has been in operation for three centuries.

Such is the measure proposed to be adopted, at such a period as this, when there is a universal and intense pecuniary embarrassment—when one-half of the banks have suspended payments, and when their available means of meeting their debts are so scanty. At such a period, and under such circumstances, any creditor, or creditors, to whom a bank, or other corporation, may owe not less than five hundred dollars, may demand payment; and if not paid in fifteen days, may take out process of bankruptcy, on application to the Federal courts, and place the corporation, with all its debts, credits, and assets, in the hands of trustees, to be wound up, and the proceeds distributed among its creditors. I venture nothing in asserting, that one half of the banks, in numbers, and amount of capital, and a large portion of the other corporations, might be forthwith placed in commission, should the measure be adopted; which, including debts, credits, capital, and assets, would amount at least to seven or eight hundred millions; all to be converted into cash, and distributed among those entitled to it. How is this to be done? Where is the cash to be had, at such a period as this, particularly when one half of the banks would be closed, and their notes equalling one half of the present scanty supply of currency, would cease to circulate? What sacrifices, what insolvencies, what beggary, what frauds, what desolation and ruin, would follow!

But would the calamity fall with equal vengeance on all the land, or would there be some favored, exempted portion, while desolation would overshadow the residue? Let the document* which I hold, answer. It is a communication from the President, transmitting a report from the Secretary of the Treasury to this body, dated the 8th January last, containing a list of the suspended and non-suspended banks of last year, arranged according to States, beginning with Maine. I find, on turning to the document, that there are nine hundred and fifty-nine banks, including branches, in the Union; of which five hundred and thirty-eight are in New England and New York. Of this number but seven are suspended, if Rhode Island be excepted. Her banks all suspended, but I understand have since resumed. The Senator near me, from that State, (Mr. KNIGHT,) can answer whether such is the fact.

[Mr. KNIGHT assented.]

There are, then, sir, in New England and New York five hundred and thirty-one banks which are not suspended, and but seven that are. Now, sir, if we cross the Hudson, and cast our eyes South and West, we shall find the opposite state of things. We shall find there four hundred and twenty-one banks; of which three hundred and sixty-eight suspended in whole or part, and fifty-three not. It is probable that the present proportion is still more unfavorable.

Can we doubt, with these facts, where the storm will rage with all its desolating fury? Is there any one so credulous as to believe that any one of the suspended banks, throughout that vast region, or many of the non-suspended, under the panic which the passage of the act would cause, could meet their debts, and thereby escape the penalties of the act? And if not, is there any one here prepared to place at once all the banks south and west of New York, with few exceptions, in the hands of assignees, under the jurisdiction and control of the Federal courts? Is there any willing that their doors should be all at once closed; their notes cease to circulate; their affairs wound up; their debts to and from them to be forthwith collected; their property and assets converted into money by Federal officers, acting under Federal authority, and all that might be left from plunder, fraud, and forced sales, distributed among creditors? And how, I ask, is so mighty a concern, amounting in the aggregate, certainly to not less than five or six hundred millions of dollars, to be at once wound up? Where is the money to be found to pay the debts to and from the banks, and to purchase the vast amount of property held by them and their debtors, which must be brought at once under the hammer? Where found, after their notes have ceased to circulate, (as they would, as soon as process of bankruptcy is taken out against them,) and before specie could come in to supply their place? Were it possible to carry through the measure, it would spread unheard of destruction and desolation through the vast portion of the Union, on which the blow would fall; such as the marching of hostile armies from one extremity to another; the sweep of tornadoes; the outpouring of floods; or the withholding from the parched and thirsty earth the fertilizing droppings of the clouds, would give but a faint conception. But it would be impossible. If you were to adopt the measure, you would ordain what would not, could not, be executed. Public indignation would paralyze the hand of the grasping creditor, stretched to execute it, and sweep your act from the statute book ere it could be enforced.

I turn now from the immediate effects of the measure, were it possible to carry it into effect, to inquire what would be its permanent, if adopted. Its first effect, after the desolating storm had passed over, would be to centralize the control over all the banks that might be spared, or thereafter chartered, in the banks located where the public revenue would be principally collected and disbursed; and where that would be, I need not say. The reason is obvious. The fiscal action of the Government would keep the exchanges steadily and permanently in its favor. Now, sir, every man of business knows, that the banks located at the point where exchanges are permanently favorable, can control those where they are unfavorable. The reason is obvious. The former can draw on the latter with profit; and, through their drafts, command their specie, or notes, at pleasure, while the reverse is the case with the latter. Hence the consequence would be control on one side, and dependence on the other, increasing with the increasing amount of collection and disbursements, which, by their absorbing character, would draw with them the imports and exports, with an increased control over the exchanges. Add to this the power which this measure would place in the hands of the banks at the favored points, and I hazard nothing in asserting that it would at all times be in their power to crush, by a sudden and unexpected run, the banks elsewhere, which might incur their displeasure, with greater ease, and more effectually, than the late United States Bank, in its most palmy days, ever could.

The next permanent effect would be, to place the whole banking system under the control of this Government. It would hold over the banks the power of life and death. The process of bankruptcy against an incorporation is but another name for its death warrant. It would give, with the power of destroying, that of regulating them, without regard to their chartered rights. The same bold construction that would authorize Congress to subject them to a bankrupt law, would give it the power to determine at pleasure what shall or shall not constitute acts of bankruptcy, by which it might limit the extent of their business, fix the proportion of specie to liability, and make it a condition for one dollar in circulation, there should be a dollar in their vaults. The possession of such a power would give Congress more unlimited control over the banks, than that which the States, that incorporated them, possess, or which you would possess over a Bank of the United States, chartered by yourselves. Your power over such an institutions, and the States over their own banks, would be limited by the acts of incorporation, while yours over the banks of the States, with the bankrupt power in your hands, would be without any other limitation, except your discretion.

It is easy to see that the complete subjugation of the State banks to your will, must be the result of such unlimited control; and not less easy, that with their subjugation the conflict between this Government and the banks would cease, to be followed by a close and perpetual alliance. It is in the nature of Governments to wage war with whatever is opposed to its will, and to take under protection that which it has subdued; nor would the banks be found to be an exception. They would be forced to conciliate the good will of the Government, on which both their safety and profit would depend; and in no way could they more effectually do that, than by upholding its power and authority. They would be thus forced, by the strongest appeals to both their fear and hope, into the political arena, with their immense power and influence, and to take an active and decided part in all the party strifes of the day, throwing their weight always on the side which their safety and profit might dictate. The end would be the very reverse of that for which we, who are in favor of a divorce of Government and banks, have been contending for the last three years. Instead of divorce, there would be union; instead of excluding the banks from the political struggles of the day, they would be forced to be active and zealous partisans in self-defence; and instead of leaving the banks to the control of the States, from which they derive their charters, you would assume over them a control more powerful and unlimited, than has ever been before exercised over them by this Government, either through the pet banks or a National Bank. This control would be the greatest at the principal points of collection and disbursement—the very point where that of the local banks would be the greatest over all others. It follows that the Government would have the most decisive and complete control over those that would control all others; and, by lending their powerful aid and influence to maintain their control, would in reality control the whole banking system; thus making, in effect, the banks at the favored points the National Bank, and the rest virtually but branches. If to this we add the control which it would give over the other and powerful corporations enumerated in the amendment, it may be safely asserted, that the measure, if adopted, would do more to increase the power of this Government, and diminish that of the States—to strengthen the cause of consolidation, and weaken that of State rights—than any which has ever been assumed by Congress.

Having pointed out the consequences, I now demand, in the name of the Constitution, what right has Congress to extend a bankrupt act over the incorporated institutions of the States, and thereby seize on this immense power? The burden of proof is on those who claim the right, and not on

*No. 72 of the Senate, present session.

us, who oppose it. I repeat, ours is a Government of limited powers, and those who claim to exercise a power, must show the grant—a clear and certain grant, in case of a power so pregnant with consequences as this.

I ask, then, those who claim this power, on what grounds do they place it? Do they rest it on the nature of the power, as being peculiarly applicable to banks and the other corporations proposed to be embraced? If so, frail is the foundation. Never was power more unsuited to its subject—so much so, that language itself has to be forced and perverted to make it applicable. Taking corporations in their proper sense, as bodies politic, and there is scarcely a single portion of the whole process, beginning with the acts of bankruptcy, and extending to the final discharge, applicable to them. What one of the numerous acts of bankruptcy can they commit? Can they depart from the State, or be arrested, or be imprisoned, or escape from prison, or, in a word, commit any one of the acts without which an individual cannot be made a bankrupt? No; but they may stop payment, and thereby subject themselves to the act. True; but how is the process to be carried through. The provision requires the bankrupt to be sworn: can you swear corporations? It requires divers acts to be done by the bankrupt, under the penalty of imprisonment: can you imprison a corporation? It directs a discharge to be given to the bankrupt, which exempts his person and future acquisitions: can a corporation receive the benefit of such discharge? No; the process itself is the dissolution, the death, of the corporation. It is thus that language is forced, strained, and distorted, in order to bring a power so inapplicable to the subject to bear on corporations. It would be just as rational to include corporations in insolvent laws, which none has been, as yet, so absurd as to think of doing.

The right, then, cannot be inferred from the nature of the power. On what, then, can it stand? On precedents? I admit that if, at the period of the adoption of the Constitution, it was the practice to include corporations in acts of bankruptcy, it would go far to establish that it was intended by the Constitution to include them. But the reverse is the fact. As long as the system has been in operation, there is not a case where a corporation was ever included, either in England, this country, or any other, as far as can be ascertained, nor ever proposed to be. The attempt in this case is a perfect novelty, without precedent or example; and all the force which it is acknowledged the practice of including them would have given in favor of the right, is thus thrown with a weight equally decisive against it.

But we have not yet approached the real difficulty. If the power was ever so appropriate, and the only one that was—if precedents were innumerable—it would only prove that this Government would have the right of applying the power to incorporations of its own creating. It could not go an inch beyond, and would leave the great difficulty untouched; the right of Congress to include State corporations, in an act of bankruptcy, passed by its authority! Where is such a power to be found in the Constitution? It seems to be forgot that this and the State Governments are co-ordinate Governments, emanating from the same authority, and making together one complex, but harmonious and beautiful system, in which each, within its allotted sphere, is independent, and coequal with the other. If one has a right to create, the other cannot have the right to destroy. The principle has been carried so far, that in the case of the State of Maryland and McColough, the Supreme Court, after elaborate argument, decided that a State, in the exercise of its undoubted right of taxing, could not tax a branch Bank of the United States, located in its limits, on the ground that the right of taxing, in such case, involved the right of destroying. Admit, then, Congress had the right to include corporations of its own creation, still, according to the principle thus recognised, it could not include those created by the States; unless, indeed, the fundamental principle of our system, admitted even by the extreme consolidation school of politics, that each Government is coequal and independent, within its sphere, should be denied, and the absolute sovereignty of this Government be assumed. If, then, the States have a right to create banks, and other corporations enumerated in the amendment, it follows that Congress has not the right to destroy them; nor, of course, to include them in an act of bankruptcy, the very operation of which, when applied to corporations, is to destroy. But whether they have or have not the right, belongs not to Congress to decide. The right of the separate Legislatures of the States to decide on their reserved powers, is as perfect as that of Congress to decide on the delegated. Each must judge for itself in carrying out its powers. To deny this, would be virtually to give a veto to Congress over the acts of the State Legislatures—a power directly refused by the convention, though anxiously pressed by the national party in that body.

Such and so conclusive is the argument against the right; and how has it been met? We are told that the States have greatly abused the power of incorporation. I admit it. The power has been sadly and dangerously abused. I stand not here to defend banks or other incorporations, or to justify the States in granting charters. No; my object is far different. I have risen to defend the Constitution, and to resist the inroads on the rights of the States. In the discharge of that duty, I ask, can the abuse of the right of granting bank or other charters, give you the right to destroy or regulate them? Are you ready to admit the same rule, as applied to your own powers? Have the State Legislatures abused their powers more than Congress has its powers? Has it not abused, and grossly abused, its powers of laying taxes and appropriating money? And what assurance is there, with these examples before us, that Congress would not equally abuse the right of controlling State corporations, which is so eagerly sought to be vested in it by some? But we are also told that bank paper—worthless, irredeemable bank paper—has deranged the currency, and ought to be suppressed. I admit the fact. I acknowledge the mischief, but object to the remedy, and the right of applying it. I go farther. If the evil could give us the right to apply any of our powers to remedy it, regardless of the Constitution, the taxing power would be far more simple, efficient, and less mischievous in its application. It would be applied to the specific evil. That which has deranged the currency, and defeated the object of the Constitution in relation to it, is the circulation of bank notes. There lies the evil; and to divest the banks of the right of circulation, is to eradicate it. For that purpose, what remedy could be more simple, safe, and efficacious, than the taxing power, were it constitutional. By its means, bank notes might be gradually and quietly suppressed, and the banks left in full possession of all their other functions unimpaired. There is but one objection to it, but that a decisive one—its unconstitutionality. It would be a perversion of the taxing power, given to raise revenue. To apply it to suppress or regulate the circulation of bank notes, would be to CHANGE ITS NATURE ENTIRELY, from a TAXING to a PENAL power, and is therefore unconstitutional; but not more so than to include banks and other corporations in an act of bankruptcy, as proposed by the amendment, while, in every other respect, it would be greatly preferable.

One other ground still remains to be considered. The authority of influential names has been resorted to, in order to supply the defect of argument. The names of two distinguished individuals, who formerly filled the Treasury Department, have been introduced—Mr. Dallas and Mr. Crawford—in favor of the right of including banks. If this was a question to be decided by authority, it would be easy to show that their opinions, as able as they were, would be entitled to little weight in this case. It was casually and incidentally given in a report on another subject, and that calculated to lead them to an erroneous view in reference to this power. Such an opinion, given under such circumstances, by the ablest judge, would have little weight in a private case, even in a court of justice, and ought to have none in this body, on a great constitutional question. Besides, it is well known that the opinion of both was in favor of the constitutionality of a National Bank, and that, too, after a full and deliberate consideration of the subject. Now, sir, I put the question to the Senators who have quoted their casual opinion, in favor of the constitutionality of including banks in a bankrupt law, are they willing to adopt their well considered and solemnly delivered opinion in favor of the right to incorporate a bank? And if not, how, on the ground of precedent, can they adopt the one and reject the other? The names of other distinguished individuals have been quoted—Randolph, Macon, White, Smith, and others—but, in my opinion, unfairly quoted. It is true, they voted, in 1827, when the bankrupt bill was then before the Senate, in favor of an amendment to include banks; but it is equally so, that the amendment was moved at the end of a long debate, when the Senate was exhausted, and that it was but slightly discussed. But, what is of more importance, they were opposed to the bill; and, as the amendment came from a hostile quarter, and was clearly intended to embarrass the bill, it is not improbable that it received the votes of many with the view of destroying the bill, without thinking whether it was constitutional or not; just as some, no doubt, will vote against the opposite amendment, to strike the banks out, now under consideration, from the belief that it is the most effectual means of destroying this bill. But if the question is to be decided by weight of names, and the vote on the occasion to be the test, the weight is clearly on the opposite side. The vote stood, 12 to include the banks, and 35 against; and among the latter will be found names not less influential—that of Tazewell, Rowan, Hayne, Berrien, the present Secretary of Treasury, and finally that of the present Chief Magistrate. But why attempt to decide this question by the weight of names, however distinguished? Do we not know that all those referred to belonged to the political school which utterly repudiates the authority of precedents in construing the Constitution, and who, if they were now all alive, and here present as members of the Senate, would not regard the name of any man in deciding this important constitutional question?

I have now presented the result of my reflections on this important measure. To sum up the whole in a few words, I am of the opinion that the whole project, including the bill and the amendment, is unconstitutional, except the provisions embracing compulsory bankruptcy, as it is called, as far as it relates to individuals; and that, under existing circumstances, to be highly inexpedient. Thus thinking, I shall vote, in the first instance, against striking out the bill, and inserting the amendment; and, if that succeeds, against the bill itself.

SPEECH OF MR. BLACK,

OF GEORGIA.

In the House of Representatives, June 15th and 16th, 1840.—On the Independent Treasury bill.

Mr. CUSHING of Massachusetts having moved to strike out the enacting clause of said bill,

Mr. BLACK said: His experience in legislative assemblies, as well as in the court-house, had taught him that little was to be gained to the cause or the advocate by prolix speeches and lengthened debate. Empty benches, or a drowsy audience, were the sure consequence of that vanity which exhibits itself in telling a thrice-told tale, or in reiterating arguments which, however true or forcible of themselves, were trite and familiar to honorable gentlemen who sat in committee. He hoped to avoid the error to which he alluded, by addressing himself, in the remarks he had to make, to the people of the State of Georgia. He spoke for the benefit of his constituents, and for the purpose of explaining and elucidating his own course in relation to the great financial question which divides the country. He was one of those who did not regard the Federal Government as the prime source of the beneficial results which flow from enlightened legislation; for, while he professed a due regard for the constitutional powers of the Union, he looked with increasing confidence beyond this Government, to the States, for the preservation and enforcement of those principles upon which the Confederation was formed, and on which its perpetuity depends. If the fountain be pure, the waters which flow from it will be clear and bright. The States are the constituents of this Government; and it was, therefore, infinitely more important to address the argument and discussion of this question to *the people* than to attempt the conversion of gentlemen here, who were supposed to be but echoing the voice of their constituents at home. It was not his intention to contemn the House; his purpose was simply to address himself to those who were the *true sources of power and authority*; when they were convinced, their representatives would require no argument to induce them to legislate in accordance with that conviction. He would, therefore, speak as if he was addressing the Legislature of Georgia; and he hoped that he would be enabled, by the facts and arguments he should adduce, to show that his present position in relation to this bill was in strict accordance with that of his own

State, and of many prominent men of the State Rights party.

Sir, said Mr. Black, I rejoice that this question has at last been reduced to a *distinct, direct, and tangible issue before the people.* I congratulate this House and the country, that henceforth the Independent Treasury system will be placed before the public eye, not as heretofore—"solitary and alone," but in *contrast* with a National Bank, which has been announced within the last week upon this floor by gentlemen high in the confidence of their party, as the great counter proposition on which the Opposition rely. The gentleman from Massachusetts [Mr. CUSHING] in the able speech with which he opened this debate, denounced this bill as the exponent of a system which he was pleased to designate "THE MEASURE of the Administration." Sir, I accept the designation; it *is* emphatically "THE MEASURE of the Administration;" and upon that measure mainly, I go to the support of Mr. Van Buren. Upon that measure he must stand or fall in the pending contest; for while there are many other grounds upon which I am compelled to support him in obedience to principle, the Independent Treasury system stands out prominently and pre-eminently as *the* measure on which he rests his claims to the suffrages of his countrymen. This, then, is our proposition; what is its antagonist? The honorable member from Kentucky (Mr. UNDERWOOD) and his colleague, who preceded me, (Governor POPE,) while they condemned this bill in unmeasured terms, announced that A NATIONAL BANK was the only source to which we could look for relief; and the gentleman last up (Gov. POPE) actually read to the committee his *projet* of a bank, with a capital of from fifty to seventy-five millions. These honorable members to whom I refer, stand deservedly high in the confidence of the modern Whig party; and to them, therefore, we have a right to look, as the organs of that party on this subject. But, in order that there may be no misunderstanding on a point so important, I myself, on the authority of these gentlemen, will reiterate, as I now do, in the presence of this committee, that "A NATIONAL BANK" is the great measure of the Whig party, and is now propounded by that party as the antagonist of the Sub-Treasury system. If in this I misrepresent the Opposition, if I have not truly stated the Whigs and their policy upon this subject, I will cheerfully yield the floor to any member of that party for the purpose of correcting the mistake, and defining their position. I am in earnest when I offer the floor for this purpose, and I wait for its acceptance. Sir, no member of that party thinks proper to rise in his place and deny, either for himself or his political associates, the correctness of the statement I have made. I am glad of this, said Mr. Black; for, while I contend that I am consistent in my support of this bill, it enables me to ascertain and expose the *present position* of those in my own State, who, although my former friends and allies, are hereafter to be regarded as my political adversaries. Here, then, is the Independent Treasury, "*the measure*" of the Administration, on one hand, and a National Bank, "*the measure*" of the Whigs, on the other. This brief statement constitutes the great issue joined between the two contending parties, and which is shortly to be submitted to the final judgment of the people of this country. Upon this issue the belligerants are now in the open field—our enemy has left his masked battery—his visor is up, and the wily politician, who heretofore manœuvred *behind a bank*, is now fighting for it openly and desperately in front of that institution. Into that war I go, under the "flag" which bears for its inscription "*a divorce of Bank from State.*" This, at least, is *an issue for the public eye*—an Independent Treasury, or a United States Bank. Either is the only alternative of the other, and between them the people are called on to choose.

Sir, while our opponents thus declare that a United States Bank is their measure of relief, I am free to admit that there may be a few individuals of that party who *profess* yet to entertain constitutional scruples against a Bank; but they are only individuals, *rari nantes in gurgite vasto*, and the exception which they present but proves the fact as to their party. Let us us look for a moment at the situation of these individuals, opposed to the Sub-Treasury, and opposed to a United States Bank! It has been said that the wit of man can devise but *one other* mode of collecting, keeping, and disbursing the public revenue, namely, the pet bank or deposite system. If they absolutely reject the first two propositions, they are then thrown back *per force* upon the old, repudiated, exploded, State depositories, the *only other* and remaining agents to which the Government can by possibility resort. Will they venture to avow their willingness to go back to that system which resulted in the loss of millions to the people? Sir, I put the question respectfully but earnestly to them. The wheels of Government cannot stand still; the revenue must be collected and kept in some way or other, and our debts must be paid. How shall it be done? They will not resort to the agency of their own officers; they are opposed to a United States Bank; and no one has yet had the temerity and folly to suggest a return to the pet banks. Their position, then, results in this: that, as there are but three possible modes of collecting, keeping, and disbursing the public money, to *neither of which* they agree or consent, they are absolutely without any plan for administering the Treasury of the United States. Glorious and impracticable statesmen, with neither theory nor practice! No, sir; the truth is, these scrupulous gentlemen, who see so much that is objectionable in the bill on your table, and who yet profess to entertain doubts of the constitutionality of a Bank, will, in a little while, be merged in the mass of the great bank party, of which they are active members. Having been "mustered into the service," they will be compelled *to obey the word of command*, as given by Clay, Webster, and the other captains who lead them to the contest; and, however they may writhe under the necessity, they will be *forced by the power of party to sustain those who sustain a Bank.* It may be a bitter pill to them, but still they *must* swallow it, constitutional objections, scruples, and all. The State banks, as fiscal agents, are out of the question; and, as they have "enlisted for the war," they will be compelled by the mass into which they have thrown themselves, to *move onward* to the establishment of a bank, the avowed object of the party to which they are so unnaturally allied. How, sir, will they answer to the country? Of what avail will it be to them when they are arraigned before the people for aiding such a cause, to plead their *constitutional scruples*? They will be told by their indignant constituents (whose "*scruples*" they are supposed to *represent*) that, as a State bank system is out of the question, *those who are against the Sub-Treasury must be for a Bank*, and they will be held answerable for the re-establishment of an institution, which, in the words of Thomas Jefferson, "is one of the most *deadly hostilities* existing against the principles and forms of our Constitution," and which "may, in a critical moment, upset the Government."

So much, Mr. Chairman, for those who, while they profess to *doubt* upon constitutional grounds, are doing every thing in their power to aid in the re-establishment of that powerful institution, by resisting and opposing the fiscal measures of this Administration.

Sir, there is one advantage which we have in this contest, of all the benefits of which I desire to avail myself. If there be any merit, in these days of *construction* and *expediency*, in the conceded constitutionality of a proposition, then are we entitled to it; for the opponents of the bill admit that it is strictly constitutional, and object to it simply on the ground of *inexpediency*. On the other hand, we aver that a bank is not only inexpedient and dangerous to the country, but we solemnly protest, that, so far from being within the constitutional scope and power of Congress to charter such an institution, that instrument confers no power on this body to create corporations or banking companies, in any shape or form. Thus, sir, while the opposition to the Sub-Treasury is reduced to the secondary objection of inexpediency, its antagonist measure is liable to the double objection of being both *unconstitutional* and *inexpedient*. The Federal party do not pretend to claim any express grant of power in the Constitution on this subject; they seek to attain their object by implication and construction only; and are, consequently, presented before the people in the unenviable attitude of endeavoring to exercise a *doubtful and dangerous power*, to say the least of it, in opposition to a measure *of clear and admitted constitutionality.*

Sir, I will not now argue the constitutional question at large; I may do so before I sit down. I only refer to this state of the case, in order that my constituents may know that the *bank party*, although thay rant and roar in unmeaning declamation against the Sub-Treasury, and the ruin it will bring on the people, admit that it is strictly within the limits of the Constitution. However this admission may be lightly regarded hereabouts by your "if necessary" and expedient politicians, the people of Georgia will look upon it, I am sure, as a glorious concession of our fidelity to principle.

Sir, said Mr. BLACK, there is a *party of men* in Georgia, who have attempted lately to hold me up to public reprobation. Among them are many with whom I have heretofore acted, and who are indebted to me for many a hard struggle in defence of the principles they professed when we were political associates. While they who are now loudest and most froward to condemn me as an apostate, *hung back* in the beginning of the contest, which created us a party, and avoided the odium of our name, while they prudently pocketed the benefits of our principles, I was among the first to offer myself a martyr to our faith, which, although scouted and reviled as a damning heresy then, (because it and our motives were not understood,) is now recognised as the true doctrine. This association of men, composed of a fraction of the old State Rights party, held, as you are aware, a convention at Milledgeville, on the first Monday in this month. Their first act was to abandon their old name of State Rights—a name which had given them a distinctive character on principle—and to assume the personal appellation of the anti-Van Buren party. With this oblivious preparation for the sacrifice, they nominated W. H. Harrison for the Presidency, and rejected my colleagues, Judge Colquitt and Major Cooper, and myself; at the same time, they expressed their approbation of the remainder of our delegation, by renominating them upon their Congressional ticket. Now, sir, if this convention had objected to us upon the ground of personal or mental imbecility, although it would, indeed, have been mortifying, yet we should not have felt ourselves *bound*, as we now do, in justice to ourselves and our friends, to *demand the cause of our proscription.* Ay, sir, I demand it here, and I shall demand it when I go home among my constituents. They, at least, have no private griefs, personal preferences, or official aspirations, to warp their judgment. Personal considerations weigh not a feather with them; and if I show you, as I think I can, that I have not misrepresented the State of Georgia on this leading measure, I will at least have shifted the burden of proof from myself to the convention, to show cause, before the people, why Cooper, Colquitt, and myself, have been condemned as unworthy the confidence of the State.

With this view, let us recur to the question: *Ought I, as a Representative of Georgia, to be condemned for opposing a bank by advocating the Independent Treasury?* If I did, I should be setting at naught the deliberate and repeated resolutions of our Legislature, solemnly avowing her hostility to "this mammoth of aristocracy." For the purpose of showing that my position is in strict accordance with that of the State I represent, I ask the Clerk to read from this volume of the laws of Georgia the preamble and that part of the resolutions I have marked relative to a United States Bank.

"IN SENATE OF THE STATE OF GEORGIA.

"Whereas one of the first principles on which our Government, State and Federal, is founded, is the right of the constituent to instruct his representotive, and the correlative duty o the la ter to obey the will of the former, when distinctly expressed to him, or to resign the trust delegated to him, if he cannot conscientiously represent and advance such will;

"And whereas our Senators in Congress, elected by the Legislature, and responsible to the people through this body, cannot, on principles of reason, good sense, or honesty, disregard the expression of the will of the people, made through the Legislature, on subjects to which public and general attention has been called; it is therefore only proper and right that this General Assembly express to our Senators the will of the people, and instruct them to use their best efforts, in their proper sphere, to advance said will;

"And whereas, also, the expression of this body, immediately connected as it is with the people, may serve as a guide to the members of the House of Representatives in Congress in their action on several subjects of great general interest, to which the people are sensitively alive;

"And whereas it is unwise and inexpedient to place in the hands of a few wealthy individuals, who are irresponsible to the people, an immense moneyed power, such as the Bank of the United States, enabling it to control the commerce of the country, to fix the price of labor and the value of products at its pleasure, at its will to spread distress and ruin through the whole country, and in a season of public calamity to control the Government:

"The course pursued by the Bank in its endeavors to compel a recharter, and in the attitude which it has assumed toward the Government of the United States, is sufficient to demonstrate that it is an institution fraught with danger to our liberties; that, in placing its funds at the disposal of its president for the purpose of securing its recharter; in spending immense sums avowedly to disseminate information, but in fact to influence elections; in its extravagant loans to editors of newspapers, whereby strange changes have been wrought; in transacting its business in such a manner, through the medium of committees, as to exclude the Government directors from a knowledge of what was actually done, and thereby to defeat the object of their appointment; in using its immense means to produce commercial embarrassment; and through the fear of wide-spread ruin to extort a recharter; in its refusal to deliver up to the Government the pension funds and books relating thereto; in its refusal to pay the dividends on the Government stock, on the ground of a claim for damages on a bill of exchange drawn on the French Government, which claim had no foundation on any principle of law or justice, and making itself the judge in its own cause; in substituting an illegal kind of branch drafts in lieu of its notes, and exporting the specie of the country, and thereby preventing a metallic currency in the United States; in refusing to a committee of the House of Representatives that examination of its books and papers which the many imputations of corrupt management made necessary and proper—has violated its charter in several of these particulars, and in all has shown clearly that it cannot with safety, independent of other considerations, be suffered to continue its existence.

"For these reasons, among others, the people of Georgia, through this Legislature, resolve;

"*By the Senate and House of Representatives of the State of Georgia, in General Assembly met*, 1st, That the Bank of the United States ought not to be rechartered on any terms; and that our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to vote against the recharter of said Bank in any form or shape in which it may be presented:

"2d. That the bold, patriotic, and constitutional course pursued by the President of the United States to arrest the powerful efforts made by that Bank to compel a recharter; which must, if successful, have resulted in the destruction of the liberties and happiness of the American people, deserves, and has the unqualified approbation of the people of Georgia, who pledge to him their support, while he steadily moves onward in his course to arrest, and finally to destroy, this mammoth of aristocracy.

"And whereas the power of Congress, under the Constitution, to charter a bank is, denied by a large portion of the people of this State, and is acknowledged by another portion, who assert the power to be of too disputable a character to admit its exercise without an amendment of the Constitution expressly granting it; and the opinion of this General Assembly being that Congress should exercise no such power, not expressly granted, or necessarily flowing from one so granted, and that the right to charter a bank is not one of this character.

"3d. *Be it further resolved*, That our Senators be instructed and our Representatives requested, to use all proper means to prevent the charter of any Bank of the United States, at least until an amendment of the Constitution in this particular shall have been submitted to the States, and by them ratified.

"Agreed to 11th December, 1834.

"JACOB WOOD,
"*President of the Senate.*

"Attest: JOHN A. CUTHBERT, *Secretary.*

"IN THE HOUSE OF REPRESENTATIVES.

"Concurred in December 12, 1834.

"THOMAS GLASCOCK,
"*Speaker of the House of Representatives.*

"Attest: JOSEPH STURGIS, *Clerk.*

"Approved, December 13, 1834.

"WILSON LUMPKIN, *Governor.*

There are other resolutions of like character passed by the Legislature of Georgia at other periods, which I would read for the information of the committee, and to strengthen my position; but the volumes in which they are contained, are not in your library. They are familiar, however, to my constituents, and are remembered, I have no doubt, by my colleagues. But, sir, the resolutions just read remain undisturbed on our statute book, and are conclusive evidence of the deliberate opinion and position of the State I represent. Georgia, as one of the sovereign constituents of the Federal Union, declares to you, in language not to be misunderstood, that a United States Bank "is an institution fraught with dangers to our liberties;" that it had appropriated its funds to influence elections; that it had wrought strange changes in editors of newspapers, by extravagant loans to them; that it had excluded the Government directors from a knowledge of what was done by it; that it was seeking to extort a recharter, by producing commercial embarrassment and wide-spread ruin; that it had violated the laws, and broken its faith with the United States in relation to the pension funds, and the bill of exchange drawn on the French Government; that it had contributed to prevent a metallic currency in the United States; and that when charged with corrupt management, it had refused to open its books and papers for inspection; in a word, that it had shown itself to be an institution that cannot with safety be suffered to continue its existence. This is the language, these the sentiments of the State of Georgia in relation to "THE MEASURE" of the modern Whig party. They have ever been mine. Am I, then, justly chargeable either with inconsistency, or with *misrepresenting my constituents*, by advocating the bill on your table, as the only practicable means of carrying out these resolutions against a bank. I have shown you, by incontrovertible arguments and facts, that he who is opposed to the Sub-Treasury is necessarily the advocate of "*its antagonist scheme*;" and having shown this much in my own vindication, I leave it to those who, by their opposition to this bill, are lending themselves to the recharter of a Bank, to reconcile their position with that of their constituents, and to answer to the people for violating their will.

But, Mr. Chairman, I have other testimony from the State of Georgia in support of the Independent Treasury. About the same time that our Legislature was denouncing a Bank at home, the State was represented, in part at least, upon that measure, on this floor, by the Hon. Roger L. Gamble and the Hon. Thomas F. Foster. These gentlemen are highly esteemed for their intelligence and patriotism. With the former I am well acquainted, and know him to be entitled to respectful consideration; and I rejoice to be enabled to refer to the opinions and votes of such men, as a sanction for my own. It is, therefore, with this view, and with no other, that I now proceed to show by the Journals, that at the session of this House in 1834–'35, these gentlemen not only voted for and supported the first Sub-Treasury bill ever introduced into this hall, but one of them actually *moved twice* during the same session in favor of divorcing the Government from all banks. Both of these gentlemen have lately been placed on the Harrison Congressional ticket in Georgia, to fill the vacancy occasioned by the "*reformation*" of myself and two of my colleagues, to whom I have referred. It is conceded that they *are* NOW *opposed to the Sub-Treasury*; the consequence, as I have shown, is, that they are *necessarily* in favor of a bank. From my personal intercourse with the first-named gentleman, (who, I understand, has been nominated for the express purpose of killing me off,) I am sure that he is opposed to the principles of this bill; and as the old exploded pet-bank system is out of the question, it follows, as the night the day, that his present position *cannot be one of opposition to a bank*. With this gentleman's apparent inconsistency I have nothing to do, further than to prove my own consistency; to do this I shall call to my aid the solemn, recorded, and repeated EXAMPLE which these prominent Harrison candidates deliberately set before me in 1834. From these gentlemen and their *anti*-Sub-Treasury position of 1840, I appeal to the same gentlemen and their Sub-Treasury votes in 1834; and I claim all the benefit of the *coincidence* between myself *now* and themselves *then*. Sir, let us read from the Journals of the House of Representatives:

Friday, January 2, 1835.—"Mr. GAMBLE submitted the following resolution; which was read, and ordered to lie on the table, viz:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to this House whether, in his opinion, it is practicable or convenient for that Department to collect, safely keep, and disburse the public moneys of the United States without the agency of a bank or banks, and, if so, to report to this House the best mode, in his opinion, by which that object can be accomplished."

Saturday, January 3, 1835.—"The House proceeded to the consideration of the following resolution, submitted by Mr. GAMBLE yesterday:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to this House whether, in his opinion, it is practicable or convenient for that Department to collect, safely keep, and disburse the public moneys of the United States without the agency of a bank or banks, and, if so, to report to this House the best mode, in his opinion, by which that object can be accomplished.

"A motion was made by Mr. Ewing to amend the said resolution by striking out these words, viz:

"'That the Secretary of the Treasury be directed to communicate to this House whether, in his opinion,' and, in lieu thereof, inserting the following, viz:

"That a select committee, to consist of one member from each State, be appointed to inquire into the expediency, and report to this House whether, in their opinion.

"A motion was made by Mr. McKim that the said resolution do lie on the table.

"And the question being put on this motion, it passed in the affirmative—yeas 106, nays 87.

"Those who voted in the negative are: John Quincy Adams, John J. Allen, Chilton Allan, William S. Archer, William H. Ashley, Noyes Barber, Daniel L. Barringer, Isaac C. Bates, William Baylies, Martin Beaty, Horace Binney, George N. Briggs, John Bell, George Burd, Tristram Burges, Harry Cage, Thomas Chilton, Nathaniel H. Claiborne, Augustine S. Clayton, William K. Clowney, Thomas Corwin, Joseph H. Crane, David Crockett, Edward Darlington, Amos Davis, Thomas Davenport, Edmund Deberry, Harmar Denny, John Dickson, George Evans, Edward Everett, John Ewing, John M. Felder, THOMAS F. FOSTER, ROGER L. GAMBLE, Rice Garland, William F. Gordon, Benjamin Gorham, James Graham, George Grennell, jr. John K. Griffin, Benj. Hardin, James Harper, James P. Heath, Ebenezer Jackson, William Cost Johnson, Henry King, Robert P. Letcher, Dixon H. Lewis, Levi Lincoln, James Love, Chittenden Lyon, Henry C. Martindale, Thomas A. Marshall, Samuel W. Mardis, John Y. Mason, Jonathan McCarty, Thomas M. T. McKennan, Charles F. Mercer, John J. Milligan, Phineas Miner, Samuel McDowell Moore, John M. Patton, Stephen C. Phillips, Francis W. Pickens, David Potts, jr. Robert Ramsey, John Reed, Abraham Rencher, John Robertson, William Slade, Jonathan Sloane, David Spangler, John N. Steele, William P. Taylor, Philemon Thomas, Christopher Tompkins, Joseph Trumbull, Samuel Tweedy, Joseph Vance, Samuel F. Vinton, John G. Watmough, Elisha Whittlesey, Richard H. Wilde, Lewis Williams, Henry A. Wise, Ebenezer Young."

I am aware, sir, that many of the gentlemen whose votes are here recorded against laying Mr. Gamble's Sub-Treasury resolution on the table, are sought to be excused upon the ground that they only intended to *test the sincerity of the Administration in the State bank system*, then in force. Even if this were so, will not their *votes* be regarded *as a test, also, of their own sincerity*? They were voting under the solemnity of an oath, and I will not believe that they could so far trifle with the obligations incurred by that oath as to vote for a proposition in which they did not belive and fully concur.

But, sir, my predecessors, and present opponents, are not liable to that derogatory suspicion. *They*, at least, were in earnest; for, nothing daunted by the rejection of his first resolution, Mr. Gamble preseveres in his Sub-Treasury movements, and grows bolder and more decisive with defeat. His first resolution may be said to have been only *advisory*; that it contained nothing on its face conclusive of the settled opinions of the mover. For his second motion, however, not even this flimsy apology can be made. Instead of being satisfied with *the test he had applied to the Administration*, he keeps his eye steadily fixed (where mine is now, and ever has been) upon a divorce of the Government from all banks, and instead of receding, he advances in his demands. Hear him:

January 5, 1835.—"Mr. GAMBLE moved the following resolution; which was read, and ordered to lie on the table, viz:

"*Resolved*, That the Secretary of the Treasury be directed to digest and prepare, and communicate to this House, a detailed plan by which the public revenue of the United States may be collected, safely kept, and disbursed, without the agency of a bank or banks, either State or national."

So far, then, as the fiscal action of this Government is concerned, my honorable competitor, in 1835, when the pet bank system was in full blast before him, moved, upon his own responsibility, as a Representative of Georgia on this floor, for a *prepared, digested, detailed* plan, by which the United States revenue might be *collected, safely kept*, and *disbursed*, without the agency of a bank or banks, either STATE or NATIONAL. Sir,

"There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune."

If this resolution had been adopted, and the system it prescribes had gone into operation at that time, millions of dollars, which have been otherwise lost, would have been saved to the country, and instead of that general depression said to be prevalent in the land, the people would have been blest with peace and plenty; gold and silver would have been restored to their natural function of a circulating medium; and prosperity, the result of a well-regulated currency, would have cheered and rewarded the efforts of labor and industry. In the accomplishment of these most desirable results, the mover of that resolution would have covered himself with honor and glory; he would have been known in future time as the wise and provident legislator, who, foreseeing the evils likely to ensue from a connection between the Government and banks, originated a great system of finance, which GEORGE M. TROUP has pronounced to be "*not only constitutional, but an extremely wise and very expedient measure.*"

With a constancy and pertinacity worthy of the great cause they then advocated, we find Mr.

Gamble and Mr. Foster voting, on the 11th February of the same year, to recommit the bill regulating the deposites of public money, with instructions so to amend the same as to dispense altogether, in the fiscal operations of the Government, with the agency of banks:

February 11, 1835.—"The House resumed the consideration of the bill (No. 563) regulating the dedosite of the public money of the United States in certain local banks.

"The question recurred on the motion made by Mr. Robertson that the said bill be recommitted to the Committee of Ways and Means, with instructions so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the Government.

"And, after debate, the question was put on the motion made by Mr. Robertson, for the recommitment of the bill, and was decided in the negative—yeas 91, nays 115;"

Thomas F. Foster and Roger L. Gamble voting in the affirmative.

But the crowning act of the legislative career of these gentlemen is to be found in the votes they recorded on the same day in favor of the first Sub-Treasury bill ever proposed in the United States; I allude to the amendment offered by Mr. Gordon of Virginia, which, if it had been adopted, would have thrown the Sub-Treasury into operation with an *immediate, not prospective, specie clause:* I read from the Journal of the House of Representatives:

"*Wednesday, February* 11, 1835.—"The question recurred on the motion make by Mr. Gordon to amend the said bill, viz: strike out all thereof after the enacting words, and insert—'

"That from and after the —— day of —— in the year ——, the collectors of the public revenue at places where the sums collected shall not exceed the sum of —— dollars per annum, shall be the agents of the Treasurer to keep and disburse the same, and be subject to such rules and regulations, and give such bond and security as he shall prescribe, for the faithful execution of their office, and shall receive, in addition to the compensation now allowed by law, —— per centum on the sums disbursed, so that it does not exceed the sum of —— dollars per annum.

"SEC. 2. *And be it further enacted*, That all places where the amount of public revenue collected shall exceed the sum of —— dollars per annum, there shall be appointed by the President, by and with the advice and consent of the Senate, receivers of the public revenue, to be agents of the Treasurer, who shall give such bond and security to keep and disburse the public revenue, and be subject to such rules and regulations, as the Treasurer shall prescribe, and shall receive for their services —— per centum per annum on the sums disbursed, provided it does not exceed the sum of —— dollars per annum.

"SEC. 3. *And be it further enacted*, That from and after the —— day of ——, the whole revenue of the United States derived from customs, lands, or other sources, shall be paid in the current coins of the United States.'

"And on the question, Shall the bill be so amended? it was decided in the negative—yeas 33, nays 161.

"The yeas and nays being desired by one fifth of the members present, those who voted in the affirmative are: John Quincy Adams, Heman Allen, John J. Allen, Chilton Allan, William S. Archer, Noyes Barber, James M. Beale, Martin Beaty, Robert B. Campbell, Nathaniel H. Claiborne, William Clark, Augustine S. Clayton, Amos Davis, Thomas Davenport, Edmund Deberry, THOMAS F. FOSTER, ROGER L. GAMBLE, James H. Gholson, William F. Gordon, John K. Griffin, James P. Heath, Robert P. Letcher, Dixon H. Lewis, Henry C. Martindale, William McComas, Francis W. Pickens, John Robertson, David Spangler, John N. Steele, William P. Taylor, Richard H. Wilde, Lewis Williams, Henry A. Wise."

[Mr. WISE asked permission to explain, as his name appeared among those who voted in the affirmative. He was understood to say, in substance, that when he voted for the bill just read, he did it more out of respect and courtesy to his colleague, Mr. Gordon, than from any serious intention to grant what the bill demanded; and that he regarded it then, as he did now, as a *humbug*. He referred to the *absence* of many others, whose votes appeared with his, and he had no doubt if they were *present* they could explain the part they bore in the transaction to the satisfaction of the House.]

Mr. BLACK resumed: He had nothing to do with the vote of the gentleman from Virginia [Mr. WISE.] He was obliged to read it, because it was there upon the record, staring him in the face. His attention was directed wholly to Georgia, and those who *had* represented her. It had been intimated, however, that some of those who supported Mr. Gordon's bill were ABSENT. Sir, said Mr. Black, I deny it; they are here, in our very midst, living witnesses upon your record in favor of an Independent Treasury; and their testimony will remain until this Government shall perish, speaking volumes in behalf of those who support this Administration. I will not believe that my predecessors voted for that bill as a "*humbug*," for it would be holding them up to the people of Georgia in an exceedingly questionable light. Their vote, I have no doubt, was given upon due reflection, and with a full knowledge of what they were voting for. Their character for sober thought and mature deliberation forbids me to think otherwise.

Sir, I have been asked by my honorable colleague [Mr. KING] whether the vote which my predecessors cast in favor of General Gordon's proposition should be considered as binding them to vote for this bill. My answer is easily given. It seems to me that *consistency*, if they have not honestly changed their opinions, would require them to support this measure. Let us look for a moment at the bill for which *they did vote*. It is far more *ultra* in its provisions than the one upon your table. While it provided that the receivers and collectors of the public revenue should be the agents of the Treasurer, they were subjected to such rules and regulations, and should give such bond and security *only* as the Treasurer should think proper to prescribe; and that officer himself *was left entirely to his own discretion*. It contained none of the prescriptions, restraints, or penalties, which the present bill throws around the functionaries it creates. It provided that the *whole* of the revenue, after a ——— day, should be collected in "current coin." Here, then, we have the *specie clause* in perfection; not prospective and gradual, as in the bill on your table, but immediate and total. This is not all, sir. This celebrated Sub-Treasury bill, for which, it seems, my predecessors may be allowed to vote without incurring censure, required that the debts *due to the Government* should be *collected in coin*; but it nowhere enacts that *the debts due by the Government to the people should be paid in coin*. No, sir; those who had labored for the country, and to whom the Government was indebted, were left to take care of themselves as well as they could. Why, Mr. Chairman, convinced as I am of the expediency of the bill now before us, and which has been carefully elaborated by its friends in all its details, I do not think I could have voted for General Gordon's bill in 1834 unless the important defects which I have noticed in it had been remedied by amendment. I hope that my colleague is not only answered, but *convinced*, that he who, in 1834, could muster courage enough to vote for a bill of such latitude and allowance—a bill with an immediate and total specie clause, and which provided for the *collection, but not for the payment*, of gold and silver, might surely venture to support, in 1840, "*the measure*" of the Administration, guarded and restricted as it is by express limitations and fearful penalties.

Sir, said Mr. BLACK, I will pile Ossa on Pelion; I will bring you other "golden opinions" from Georgia in favor of this measure. While her Legislature and some of her Representatives were condemning a bank, and striving, with admirable constancy of purpose, to legislate a Sub-Treasury, with an immediate specie clause, into existence, many eminent citizens of that State publicly expressed their views in favor of this system. In 1838, when candidates for office had not yet learned to made *no more "new issues for the public eye;"* when they neither stood mute before the peopie, nor declined to say "what they would, or would not do if elected"—in those days of open, undisguised, Republican simplicity, a number of the citizens of Georgia addressed interrogatories to the individuals who then were candidates for Congress in that State. They were asked, among other things, for their views in relation to the Sub-Treasury and bank. From the letters written in reply I select one, because I have it at hand. It was written by my colleague, (Mr. NESBIT,) who sits before me, and I refer to it now only to *fortify myself* by the precedent and example of a man who is held in some esteem by his friends at home. Here, sir, is the letter:

"MACON, Ga. August 26, 1838.

"GENTLEMEN: The questions propounded through the public press to the candidates for Congress in this State, by a number of the voters of Taliaferro county, I beg leave respectfully to respond.

"I am in favor of an entire separation of the Government from all banks; and I am also for divesting the Government of all influence over the currency, so far as that is practicable.

"I am, therefore, against the establishment of a national bank, and against the reorganization of the pet bank scheme.

"Allow me to refer to my letter addressed to the Macon Messenger, for a full exhibition of my opinions upon these questions. Respectfully, &c.

"E. A. NESBIT.

"The EDITORS *of the Southern Recorder*"

[Mr NESBIT desired to explain. It was true he had written the letter just read. Although he was favorable to divorcing the Government from all banks, and was opposed to a United States Bank and the pet bank scheme, he had ever been opposed to that feature of this bill usually denominated the "*specie clause;*" and before this letter could be relied on as an exposition of his opinions upon this subject, it should be taken in connection with his letter to the Macon Messenger, which was distinctly referred to in the above. After some debate between Mr. BLACK and his colleague not relative to the question, Mr. BLACK resumed.]

Sir, I question no man's motives; but I have a right to refer to this letter, not only because it comes from a respectable source, but because the opinions therein expressed have received the sanction of the State of Georgia by the subsequent election of the writer to the seat he now occupies. As to the letter to the Macon Messenger, it was doubtless referred to by his colleague to *approve* and *enforce*, not to *contradict* or *deny*, the letter I have just read, to the people of Taliaferro. Hence, sir, I have a right to claim that gentleman's support of this "great measure of deliverance and liberty;" since, whatever may have been his *reservations*, I have conclusively shown to you that he who is "against the establishment of a National Bank, and against the reorganization of the pet bank scheme," *must necessarily* be in favor of an entire separation of the Government from all banks. If this be the inevitable conclusion, as I think it is, it remains for that gentleman to explain the *whys* and *wherefores* of his opposition to the present bill. If the details are not acceptable to him—if the *specie clause* frightens him from his proprieties, *consistency*, at least, requires that he should make some exertion to correct that defect by moving to strike out or amend.

Sir, said Mr. BLACK, my other colleague who sits near me, (Mr. KING,) scorning to remain *silent* under the interrogatories which had been addressed to us all, promptly announced his opposition, not only to a national bank, but to a connection of bank and State. I regret that I have no access to his letter at this time; and, therefore, if I have misquoted him, he will correct me at once.

[Mr. KING explained. He had written the letter alluded to, in which he expressed his opposition to a national bank, and his support of a separation of bank and State; but he had reserved his opposition to the Sub-Treasury bill then before the country, and he was also opposed to the bill on the table.]

Mr. BLACK resumed. He would not allow himself to doubt the correctness of his colleague's statement. But if gentlemen recognise the principle on which this measure rests, is it not incumbent on them to make some effort to correct objectionable details? I myself readily admit the importance of *details*; the most acceptable measure may be presented to you in such a shape and form as to ensure your opposition; but those who hope to excuse their opposition to a measure in 1840, which they approved in 1838, on account of objectionable details, must first show that they have exercised their privileges on this floor in attempting to eradicate the errors of which they complain. No such motion has been made. The only question before the committee is on the motion to strike out *the enacting clause*, which, in fact, is a motion condemnatory of the measure itself. But (said Mr. BLACK) I am content to know, so far as my own vindication rests on the opinions of other men, that in 1838 my colleague and myself were together in oppposition to a bank; at that point there was a *coincidence* between us. Since we have left that point, in our onward journey, I have arrived at the only other station on the direct road. Where is my colleague and former companion? I look around for him in vain. Is he yet on the road? and will he yet arrive? or has he, by *opposing the only alternative against a United States Bank*, deflected upon a route which, however circuitous, must necessarily lead him back, though contrary, it may be, to his desires, to the very institution which we left and condemned in company with each other. Sir, I also had the honor of writing a letter, *before the election* in 1838, to the people of Franklin and Taliaferro counties upon this subject. On that occasion, I deemed it my duty *to answer*; and upon that answer I was elected. If I had stood *mute* the people would

hardly have *received me with that generous confidence* which they subsequently evinced toward me. In that letter, I desired to "place the control of the Treasury, and the appointment and supervision of those who are to administer its affairs, in the hands of the House of Representatives;" but upon subsequent reflection, I was convinced that such an arrangement, however desirable in itself, would be incompatible with the appointing power which the Constitution has vested in the Executive and the Senate. I also said that "I distinctly recognised gold and silver only as money, and as the only currency known to the Constitution. I did not think I should be violating either the letter or the spirit of that instrument, by receiving the bills of such banks as promptly paid specie, *dollar for dollar*, at the will of the holder. I should look upon such bills as the immediate representative of the precious metals—as specie certificates, convertible with gold and silver, so long as they were so in fact. I should receive them, not as a matter of favor to the banks, but of convenience to the Government. I am yet of the same opinion; and I venture to say that the most ardent friend of this measure would not consider that the *specie clause* was lost, if, in lieu of it, this extract from my letter were inserted in the bill. I am therefore *now* as I was *then*; and my constituents, by my subsequent election, have recognised, as a truth, that *gold and silver only is money*. I have referred to these resolutions and letters, and put these questions as arguments powerful and conclusive, to show that I am not only *consistent* in voting for this Sub-Treasury bill, but that, in so doing, I am faithfully representing the State of Georgia, and the votes and opinions of some of her eminent citizens. To many gentlemen on this floor, who represent other States, and other interests than those prevalent in Georgia, these references may appear wholly unsatisfactory; but by the people whom I represent, they will be received as *proof incontrovertible* that, however I am assailed for abandoning my party, I have neither *abandoned my former principles, nor misrepresented the State.*

But, Mr. Chairman, we are not left to interference and deduction as to the consequence of defeating this measure; we are distinctly called on, in the name of the country, to establish a National Bank. Argument, entreaty, and threats, have each in their turn been used to effect this great and leading object of Whig policy. It is said that John Randolph declared the day would come when a constitutional question would be out of order in this House. That period, I hope, has not yet arrived; and although, by your *expedient politicians*, it may be considered a useless expenditure of words, I yet venture to demand of gentlemen the proof that Congress has power to charter a bank. Sir, according to my limited notions of the functions of this Government, Congress can exercise no power not expressly delegated to it by the Constitution, or which is not absolutely *necessary* to effectuate a delegated power. This is the corner stone on which rests the great political superstructure raised by Mr. Jefferson. It is not enough to show that Congress is "*not prohibited*" from acting, but it must be shown that the power to legislate is distinctly and directly conferred by the Constitution. Now, sir, the bank men on this floor do not even pretend that there is *any express grant of power* to this body to charter a Bank; but they rely on that clause of the Constitution which declares that "Congress shall have power to pass all laws *necessary* and *proper* to carry into effect the powers expressly granted." Thus our opponents are reduced to the necessity of resorting to the most doubtful and constructive clause of the Constitution, as authority to do that for which no express grant can be shown. The reply to this extravagant claim is simple and conclusive. There is not only no clause of the Constitution authorizing Congress to charter a Bank, but the convention which framed that instrument distinctly refused to empower this Government to *create corporations*. That power (Mr. Madison says) was demanded in the convention, for the avowed purpose of enabling the Federal Government to charter a Bank; and upon that ground it was refused. If you charter a Bank, *ipso facto*, you create a corporation; and, in so doing, you do that which the convention refused to authorize you to do.

We are then told that a bank is "NECESSARY" to enable Congress to conduct the affairs of the Federal Treasury, or, in other words, to enable Congress "to lay and collect taxes, duties, imposts, and excises." Now let us examine this proposition. The word "*necessary*" precludes of course the *possibility* of accomplishing these objects by ordinary legislation under the express grants. So far from this being true, Congress does lay taxes, imposts, and duties, without this intervention of a bank. Your taxes, imposts, and duties, are and have been collected without the aid of a bank, and they can be and have been transferred and disbursed, without resorting to the agency of an institution, the creation of which depends upon the supposition that these things cannot be effected without its instrumentality. Why, sir, the very bill on your table refutes the idea that a bank is "necessary to carry into effect the power expressly granted" of *collecting*, *keeping*, and *disbursing*, the "duties" which constitute your revenue. We propose by this bill that the Government itself shall do that which the Constitution not only authorizes, but requires it to do; and if the Government can of itself conduct its fiscal concerns, where is the "*necessity*" of resorting to a bank? Again, does the Government acknowledge this *necessity*, by confessing its inability to manage its revenues? No, sir; *the opponents of the Government* are making all this clamor about the "*necessity*" of a bank; and the "KEEPING" of the public moneys, infinitely more than than the collection and disbursement of them, is the true motive which lies at the bottom of these extravagant demands—demands which, if conceded, must result in an assumption of a power not granted, more dangerous than a direct violation of the Constitution itself.

Refuted and driven back from their flimsy argument of "NECESSITY," their transition to the question of "EXPEDIENCY" is easy and natural. We are told that the Treasury is empty, the revenue unskilfully managed, and the Government bankrupt! and this unfortunate and discreditable state of affairs is attributed to the fact that we have no National Bank to manage our revenue. The ingenuity of the Federal party, in and out of Congress, has been taxed to the uttermost to prove that it would be highly beneficial, convenient, and proper, to reconnect the Government with their favorite institution; and we are adjured, by every motive of patriotism, to legislate into existence an irresponsible corporation, which will not only *keep* and disburse our money for us, but which will accommodate us with liberal loans of its "paper emissions." Sir, I will not detain the committee by recapitulating all the facts and arguments, which scatter to the four winds of Heaven these hollow pretences and fallacious professions, but I will proceed to produce to you the highest authority known to this country, to prove that such an institution, whether viewed by itself as a source of *paper emission*, or as an agent, in connection with the Federal Treasury, is neither *beneficial*, *convenient*, nor *proper*. I have before me a letter written by General Washington in 1787, in reply to a gentleman who desired his opinion as to the utility and necessity of banking institutions. The views entertained in this letter by the Father of his Country, are evidently applicable to banks *generally*, as manufactories of "paper money," and I recur to them here with pride and satisfaction, because, while they are, of themselves, abstract truths, his opinions furnish a conclusive answer to the groundless charge that the Administration, by refusing to charter an institution whose first duty will be to issue nothing but paper money, is running a mad career against "*credit*" in all its forms. If this letter had been written by an Administration man of the present day, it would have been immediately pounced upon by the Federal party as the outpourings of *Loco Focoism*, and the rabid violence of an agrarian leveller. It would be held up as the hateful instrument by which the destruction of all banks is to be effected, and the unfortunate author would have been branded and scouted as a *Jack Cade*, volunteering in a wild crusade against the institutions of his country. As it is, however, we have the cheering fact before us that he who was "first in war, first in peace, and first in the hearts of his countrymen," entertained and expressed the same opinions in 1787, which characterize, in 1840, the party with whom I am associated in support of the Sub-Treasury system. Let the bank men touch this letter, or the author of it, if they dare, and the great mass of the PEOPLE, in whose bosoms he and his principles are cherished as an idol, will rise up in their indignation to wither and destroy the hand that shall be lifted to strike the sacrilegious blow:

"MOUNT VERNON, February 17, 1787.

"DEAR SIR. Your favor of the 30th ultimo came duly to hand. To give an opinion in a cause of so much importance as that which has warmly agitated the two branches of your Legislature, and which, from the appeal that is made, is likely to create great and perhaps dangerous divisions, is rather a delicate matter. But as this diversity of opinion is on a subject which has, I believe, occupied the minds of most men, and as my sentiments thereon have been fully and decidedly expressed long before the Assembly either of Maryland or this State was convened, I do not scruple to declare that, if I had a voice in your Legislature, it would have been given decidedly against a *paper emission*, upon the general principles of its utility as a representative, and the necessity of it as a medium.

"To assign reasons for this opinion would be as unnecessary as tedious. The ground has been so often trod, that a place hardly remains untouched. In a word, the necessity arising from a WANT OF SPECIE is represented as greater than it really is. I contend that it is by the substance, not with the shadow of a thing, we are to be benefited. The wisdom of man, in my humble opinion, cannot, at this time, devise a plan by which the credit of paper money would be long supported; consequently, depreciation keeps pace with the quantity of the emission, and articles for which it is exchanged rise in a greater ratio than the sinking value of the money. Wherein, then, is the FARMER, the PLANTER, the ARTISAN, benefited? The debtor may be, because (as I have observed) he gives the shadow in lieu of the substance; and, in proportion to his gain, the creditor or the body politic suffers. Whether it be a legal tender or not, it will, as has been observed very truly, leave no alternative. It must be that, or nothing. An evil equally great is, the door it immediately opens for SPECULATION, by which the least designing, and perhaps the most VALUABLE PART OF THE COMMUNITY, are preyed upon by the more knowing and crafty speculators.

But, contrary to my intention and declaration, I am offering reasons in support of my opinion; reasons, too, which, of all others, are least pleasing to the advocate for paper money. I shall, therefore, only observe, generally, that so many people have suffered by former EMISSIONS, THAT, LIKE A BURNT CHILD WHO DREADS THE FIRE, no person will touch it who can possibly avoid it. The natural consequence of which will be, that the specie which remains unexported will be instantly locked up.

"With great esteem and regard, I am, dear sir, &c.

"GEORGE WASHINGTON."

If it be true, as its enemies charge against it, that the Independent Treasury system will contribute, incidentally, to restore a limited specie circulation, and, to that extent, expel bank bills of a low denomination, though it may result in temporary loss to the speculating part of the community, yet "*the farmer, the planter, the artisan,*" who constitute "the least designing, and perhaps most valuable part of the community," will reap the benefit of dealing with "THE SUBSTANCE, NOT WITH THE SHADOW OF THE THING" Sir, I am aware that this is not the doctrine of Chestnut street, nor will it find favor with the paper money speculators of Wall street, but it is the old fashioned doctrine of George Washington; and, as such, I submit it in my defence to the people whom I have the honor to represent. With this high authority against the *general system of paper emission*, let us return to the particular question of a United States Bank. It is true that Adams, Clay, Webster, and the host of lesser lights which revolve around them, are the advocates of a bank, and, consequently, of a *paper emission*. If they are right, General Washington was wrong, and so was Mr. Jefferson; and, in order that I may have the full benefit of his opinions, I will quote to you his own words:

"From a passage in the letter of the President, I observe an idea of establishing a branch bank of the United States in New Orleans. This institution is one of the most deadly hostilities existing against the principles and forms of our Constitution. The nation is, at the present time, so strong and united in its sentiments, that it cannot be shaken at this moment. But, suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a Republican Government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries, an institution like that, penetrating by its branches every part of the Union, acting by command, and in phalanx, may, in a critical moment, upset the Government. I deem no Government safe which is under the vassalage of any self-constituted authority than that of the nation, or its regular functionaries. What an obstruction may this Bank of the United States, with all its branch banks, be in time of war! It might dictate to us the peace we should accept, or withdraw its aid. Ought we, then, to give further growth to an institution so powerful, so hostile? Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution to bring this powerful enemy to a subordination under its authorities."

Shall I be reviled and rejected at home for re-

fusing to foster a "*deadly hostility* against the principles and forms of our Constitution?" Shall I be branded as a traitor for refusing to enlist in the ranks in a party whose first great object is to charter a bank which Jefferson has denounced as an institution "penetrating by its branches every part of the Union, acting by command and in phalanx, and which may, in a critical moment, upset the Government?" No, sir; although the interests of a few "*paper emission*" men have led them to proscribe me as intractable to their designs, the great mass of the people of Georgia—the men who dwell on our hills and in our valleys, and who live, not by *paper emission* or bank credit, but who make their bread by the sweat of their brow, and depend for an honest support upon their "productive industry"—they, sir, when they know that I am denounced and superseded for the principles I here proclaim, will rush "in phalanx" to the rescue; and I and my able and fearless colleagues, with whom I act, will be triumphantly sustained at the ballot box, not for the purpose of saving us as individuals, but for the sake of rescuing from peril and defeat the principles of Washington and Jefierscn.

Again: we are told that this Administration, by its uncompromising hostility to a moneyed corporation as an adjunct of the Federal Treasury, has lowered the price of property and reduced the wages of labor; that it has caused commerce and agriculture to languish, and brought upon the country one wide scene of ruin and distress. Give us a bank, they say, and property will rise in value—the laboring man will be better paid—industry in all its branches will prosper—money will be plenty, and the people will pay their debts and be happy. Withhold a bank, and you bankrupt the nation. Now, sir! unfortunately for these Whig politicians and panic orators, *facts* happen to be stubborn things, and speak louder than words. We have had two National Banks, both of which, independently of their own resources, monopolized the use of the public treasure, and were made the exclusive recipients of Government patronage and credit. Were times any better then? Were the people less oppressed with debt, or their labor or property worth more than they are *now*?

Let Mr. Clay answer that question. How does he speak of the condition of the country in 1824, when a Bank was in full operation?

Mr. Clay's speech of 1824, *as published in Niles's Register of that date, vol.* 26, *pages* 378, 387, *as follows:*

"In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the *general distress* which pervades the *whole country*. It is *forced* upon us by numerous facts of the most incontestable character. It is indicated by the diminished *exports of native produce;* by the depressed and reduced state of our foreign navigation; by our *diminished commerce;* by successive unthreshed crops of grain, *perishing in our barns* and barn yards for the want of a market; by the alarming *diminution of the circulating medium;* by the numerous *bankruptcies*, not limited to the trading classes, but extending to *all orders of society;* by a *universal* complaint of the *want of employment*, and a *consequent reduction of the wages of labor;* by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of *private subsistence;* by the resort to the *perilous use of* PAPER MONEY; by the intervention of *legislation* in the delicate relation of *debtor* and *creditor;* and *above all*, by the low and depressed state of the value of almost every description of the *whole mass of the property of the nation*, which has, on an average, sunk *not less* than about fifty per cent. within a few years.

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"The truth is, that no class of society suffers more, in the present stagnation of business, than *the laboring classes*. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-bodied men vary from $5 to $8 per month; and such has been the *want of employment*, in some parts of the Union, that instances have not been unfrequent of men working merely for the means of present subsistence. If the wages of labor here and in England were compared, they will be found not to be essentially different."

This, sir, is the testimony of a man who stands at the very head and front of the Bank party. In 1824, when a United States Bank, with $35,000,000 of capital, should have regulated the currency and "scattered blessings o'er a smiling land," he tells you that his deepest regret was challenged by *the general distress* which pervaded the whole country; that your exports and commerce were diminished; your navigation depressed; your unthreshed crops perishing in your barns; that your circulating medium was alarmingly diminished; bankruptcies were numerous, the wages of labor reduced; that public offices were ravenously sought for as a means of private subsistence; and to crown all, he tells us that this "*general distress*" was "*forced upon us*," and "*indicated*" to us "*by the resort to the perilous use of paper money.*"

Le us call another witness to the stand—Hugh L. White. He has now "shuffled off this mortal coil," and can no longer be influenced by the hopes and fears of human life; and while we throw a thick veil over the errors which marked him a man, let us hasten to record those lessons of his wisdom which time has proven to be truth itself. He was once the chosen favorite of the old State Rights party of Georgia—to those who then composed that party let him now speak through the record he has left behind him. I read, sir, from Judge White's speech, delivered in the Senate of the United States in 1834, on the motion of Mr. Webster to bring in a bill for prolonging the charter of the Bank of the United States.

"The bank went into operation the 1st day of January, 1817; one of the leading objects in granting its charter was, through its operations, to reduce the extravagant dealings with State banks, to restore and preserve a sound currency to the country. The directors well knew this, yet they acted with a single eye to what they conceived the interest of the bank and its friends; in place of checking, it stimulated overtrading. Instead of restoring and preserving a sound currency, it adopted measures which, in 1818 and 1819, placed in the power of the State banks in Philadelphia, to take from it every single dollar, and leave it still in debt to them upward of one hundred and twenty-four thousand dollars. Mr. Cheves took charge of the bank, and, as president, pursued a policy which, in seventy days, placed the bank in a state of security; but the curtailments were so rapid, and the withdrawal of the circulating medium so great, as to ruin society, compel other banks to suspend specie payments, and again afflict the community with a depreciated currency. Liberal accommodations, and extensive issues, had given an appearance of wealth to those worth little or nothing. Property commanded enormous prices, as this bank had made money plenty; but the counter current commenced, and in 1819, a scene of wide ruin was presented. The bank made money scarce; the price of property fell to almost nothing; those who had been apparently wealthy, were found to be bankrupts, and hardly any man had where withal to pay his debts.

"An individual had, when money was plenty, purchased a house and lot for ten thousand dollars; he paid six thousand, was sued for the balance; the house and lot sold at fifteen hundred dollars; and thus he sunk, in the single bargain, eight thousand five hundred dollars.

In the principal cities and towns, thousands of individuals were thrown out of employ, the whole business of the country was deranged, scenes of misery and distress were produced, to which the present distress and pressure bear but little resemblance. This state of things was produced because the directors managed the bank with a view to their own interest, and that of their friends, disregarding the interest of that community from which they had acquired their power. May they not do so again? Have we not reason to fear they will, if the charter is prolonged?

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"When the Senate adjourned on yesterday, I was considering the effects on society, in the year 1819, of the proceedings of the Bank of the United States from the time it went into operation. The distress then experienced, and those now felt, are the fruits of the charter granted in 1816."

Sir, said Mr. BLACK, I pin my faith to the sleeve of no man; but while I feel bound, under the oath I have taken, to investigate and judge for myself, I may be permitted to refer to, and adduce, the opinions of Washington, Jefferson, Clay, and White, to show that I am supported and sustained in my "*Sub-Treasury notions*" by their *anti-bank notions*. But what avails all this array of great names, stubborn facts, and sound principles, when your stump orators and Tippecanoe club politicians are enlightening the people with "log cabins and hard cider." Whatever may be the force of these luminous *Whig arguments*, I have the consolation to know that I am sustained by the opinions of the great men I have referred to, and that I have done my duty in laying those opinions before the people, that they may look at both sides of the question, and judge for themselves. If we may form conclusions as to the future from past experience, can we reasonably hope or expect relief from a bank? When the bank flourished we were oppressed! "This state of things," says Judge White, "was produced because the directors managed the bank with a view to their own interest, and that of their friends, disregarding the interest of the community from which they had acquired their power. *May they not do so again? Have we not reason to fear they will, if their charter is prolonged?*"

Mr. BLACK desired to say a few words with regard to the famous *credit system* of the modern Whigs, and of the hostile relation in which a national bank has stood, and in which it must necessarily stand toward the local institutions of his own State. He was the friend of that *bona fide* credit which was based either upon gold and silver, or on valuable property. It should emanate from, and be founded on, something substantial and tangible; otherwise it was a pretence to confidence which might never be realized in fact, and which, in nine cases out of ten, would result in delusive, ruinous, and gambling speculation. Look, sir, at the derivation of the term—*credo*, I believe, I trust, I have confidence; why? Because there is something substantial *behind* the *bare promise* which credit implies, capable of paying the debt which that promise incurs, if the individual credited should, from whatever cause, fail to perform the obligation he assumes. In speaking of credit, we should divide the subject into two heads, at least, to facilitate the analysis to which it should be reduced, before we can properly understand it; first, with regard to the individual who creates credit, and, secondly, with regard to the individual credited. He who originates credit, should own gold and silver, or other valuable property which can be made available to answer the possible failure of the individual intrusted with the credit; and he who receives that credit should have skill, intelligence, integrity, "productive industry," in the absence of property, to which the friend who assists him with his name may look for his safety. If these qualifications in the credited fail, then the community who were induced to part with their property upon the faith of a promise, have something behind that promise substantial, available, and responsible for the debt. The community, whose interests are mostly at stake in the practical effects of the credit system, will then be ultimately secure from loss in extending that confidence, without which, I admit, many an honest and intelligent man might continue in hopeless poverty. Sir, let me illustrate my system of credit. My neighbor has amassed wealth; he is a man of substance, owning, perhaps, one hundred thousand dollars in gold and silver, or other valuable property. I have neither gold or silver, nor other valuable property; but I have skill, intelligence, integrity, and productive industry. I desire to extend my sphere of action, and to apply my personal or mental qualifications in such a way as to induce a greater return of interest to myself. To enable me to accomplish this laudable object, and reposing confidence in my skill and integrity, he loans me his name, and gives me the use of his credit. I go into one of your commercial cities and purchase goods, wares, and merchandise, upon my promise to pay, backed by my friend's credit, which, itself, is founded on his gold and silver, or other available property. If I fail to pay the community who trusted me, they lose nothing, because there is substantial and valuable property which can be made available to pay the debt. As between my neighbor and myself, the uestion of credit must depend upon his confidence in me and my qualifications; but if this system of *responsible credit*, not only in the particular case I put, but in all its legitimate variations, be adopted and adhered to, then the *people*, who are always the real and ultimate creditors, and into whose hands these promises to pay must eventually fall, will be comparatively safe. This *safety* will beget confidence, and induce credit; and many a poor, but honest and intelligent man, who is now thrown back on his own original and limited resources, in consequence of the fear and distrust which result from a *spurious and irresponsible system*, would, under a different state of things, be enabled to develope all the resources of his skill and industry. This, sir, is my system, illustrated, in part, by a particular case. Its foundation is laid broad and deep in absolute and tangible *responsibility*, without which all confidence between individuals and the community must be ultimately destroyed.

Now, let us look at the credit system of the modern Whigs, as exemplified in a National Bank, which they are pressing with such eagerness on the country. Their first step would be to create an ARTIFICIAL person. To this intangible being, they give the power of making *contracts*. By your legislative sanction, you enable it to throw those contracts, in the shape of "promises to pay," far and wide over the country, without, at the same time, investing it with means to redeem them. It is not restricted in its issues to "dollar for dollar;" and even if it was, where is the gold and silver to meet the immense

liabilities it would be sure to incur? Where is the valuable property to meet its promises to pay? It is true the *balance sheet* of the directors would exhibit, to the minutest fraction of a cent, a certain something, which they call funds, just sufficient in amount to pay their debts. But when the day of reckoning comes, their gold and silver turn out to be an "*abstract nonenity*," and their goods and chattels are embraced under a sheriff's return of *nulla bona*. At this point of profitable insolvency, my colleague [Mr. KING] comes to their relief. He would have the *currency* (bank bills) based in part on specie, and in part *on the productive industry of the country*. Those who would create a bank, and enable it to make contracts, do not, at the same time, provide the corporation with gold and silver, or other valuable property, wherewith to comply with those contracts, and redeem their paper emissions. No, sir: no provision of this sort is made. How, then, are their bills, which constitute our currency, to be redeemed? In part, says my colleague, with specie, and in part by *the productive industry of the people*. As this is a most important and startling proposition, I will quote the gentleman's own words, from his speech on the Treasury note bill. He says:

"In the progress of financial science, this country and Great Britain have adopted a credit system, founded on banks of discount, deposite, and circulation, which supply a currency based on the precious metals *and the productive industry of the people*. This system has sprung up under the fostering care, and out of the very nature and spirit of our Republican institutions, and the character of our people for integrity and enterprise."

Here, then, is the broad assertion that the banks of this country supply a currency, (that is, bank bills,) based on the precious metals, *and on the productive industry of the people*. Interpret this part of the gentleman's speech, and how will it read? Why, sir, in plain English, it means that our currency, which is almost exclusively paper promises to pay, is based upon, and supported by, the precious metals, *and by the labor of the people*. If these bills are ever redeemed, they must be paid with specie, as long as it lasts; when that source of solvency fails, then with the products of the industry of the people! The produce of your labor, of mine, and of my constituents, who may not own one dollar of bank stock, is to be seized on, and appropriated as a *basis*, in part, for our currency, and, consequently, as a means of redeeming and paying off the paper issues of the banks. And this beautiful system of appropriating the produce of the people's labor to pay the debts of corporations, we are gravely told, springs out of, and is fostered by, our Republican institutions and the character of our people? This, sir, is your modern credit system, and from it I wholly and totally dissent; and if I have not greatly mistaken the people of Georgia, they will fix upon it the seal of their indignant condemnation, as a principle which, if successfully practised, will not only destroy their rights, but rob them of their property. Sir, the people whom I represent will never consent that the produce of their labor shall be appropriated as a basis for any *paper emissions*, except for their own bonds, drafts, orders, due-bills, and promissory notes. Let the banks pay their own paper, and the people pay theirs.

[Mr. KING rose and objected that the deductions and inferences his colleague [Mr. BLACK] had drown from that part of his speech just quoted, were illegitimate, and did not convey his meaning or intention.]

Mr. BLACK replied: Here are the gentleman's words; I can't tell what he would mean; I only tell you what he has said; and I submit to our constituents whether I have not drawn therefrom the only reasonable inferences and deductions which the gentleman's printed remarks will bear.

But I shall be told that the people, by receiving these bills, make them their own; that the bank holds the notes and obligations of the people; and that when these are paid, the bank will be enabled to pay their bills. Now, as between the few original borrowers and these institutions, the question may be a little different; but even between them, there is only an exchange of credits; the borrower gives his endorsed credit, backed by his property and personal responsibility, for the unendorsed, irresponsible credit of the bank; the borrower receives no money in return for his note—not a cent; he only receives a promise to pay money on demand; and if he demands that payment, he may be lawfully met with his own note. For his folly, in making so fruitless an exchange, he loses the interest he paid in the shape of discount, and gets back his own note for the notes of the bank. Thus far, there is not much to complain of; for the favored few who originally borrow, act with their eyes open, and a set off between them and their creditor is fair and just. But here the fairness of the transaction stops; the few individuals who "*get accommodation*," pass the bills they receive into the hands of the people *for a valuable consideration*; and thus these institutions become, in truth, the debtors of the people—their bills being payable to bearer, against which they have nothing to show but the promissory notes of those with with whom they originally *exchanged credits*. The bill holders, having parted with their property upon the faith of these *promises to pay money*, demand payment; and are told that the currency, being based on the productive industry of the country, must be paid by the people, and redeemed by the produce of their labor. This is a *game*, sir, which, if well played, must win every thing for the bank, and lose every thing for the people; for they are not only called on, in the first place, to part with their property for this currency, but are required, ultimately, to redeem that currency with the produce of their industry. If the banks had originally paid out gold and silver, instead of promises to pay, then the productive industry of the country would be properly liable for the repayment of the money loaned, or its equivalent; but until such a state of things can be shown to exist, the banks are the debtors, and the people the creditors.

Sir, said Mr. BLACK, a national bank has ever been, and must still be, a source of oppression to the State banks. As between the two, unconnected with the Government, I shall always be found aiding and supporting our local institutions; and, with the history of the past before me, I should be recreant to their interests if I did otherwise. Let us look at the connection which has existed between some of the State corporations, located in Savannah and the branch of the national bank in the same place. It will be seen, by a resolution of our own Legislature, that the United States Bank was not only *willing*, but *able* to oppress and harass our local banks. Not only so, sir, but it actually held the State of Georgia at bay; and her Legislature was fain to advise, that "all collision with the Bank of the United States be eschewed, if possible."

RESOLUTIONS OF THE GEORGIA LEGISLATURE.

"IN SENATE, November 30, 1821.

"The joint committee on banks, to whom has been referred the expositions of the Bank of the State of Georgia, the Planters' Bank, and the Bank of Darien, report:

"That they have, upon a careful examination of the expositions of the state and conditions of the aforesaid banks, found that their capacity to meet their engagements at this time rests upon the basis of a metallic capital of considerable amount. The Planters' Bank, though involved in some embarrassing difficulties with the branch of the United States Bank in Savannah, has made a report evincing the most wholesome condition. The State and Darien Banks, though the claims against them bear a greater proportion to their means of paying, are still considered as being in a state of unquestionable solvency; and it is a pleasing reflection, that amid the trying difficulties which have surrounded the commercial part of the community, a diminution of the usual dividends declared on the stock of the greatest evil likely to result from the present embarrassment of the banks.

"Your committee ask leave further to report: That the State of Georgia, by the establishment of her banking institutions, had two great objects in view. The one to furnish to her citizens a safe and convenient medium of circulation, to the exclusion of the bills of the banks of other States: the other to enable her to have the funds of the States profitably invested in bank stock.

"Both of these objects have either entirely failed, or have been considerably abridged, by the operations of the office of the Bank of the United States at Savannah; which, in the opinion of your committee, having been *intruded* upon the State of Georgia, without her consent, is an interference with her sovereignty as an independent State.

"Because the aforesaid office of the Bank of the United States, located at Savannah, did, for a long time, refuse to issue its bills; and, by accumulating the bills of the State banks, as the depository of the revenue of the United States, and by other means perfectly within its power, has not only taken from the State her medium of circulation for her valuable products, but by frequent and repeated demands for large sums *in specie* upon the State banks, had well nigh drained their vaults, thereby threatening their destruction, and compelling them, in order to meet the *exigency*, to curtail their discounts, insomuch as to deprive the State and the individual stockholders of their usual and expected dividends.

"In such a state of things, your committee would advise no step which might array the State against the authorities of the United States, or injure the credit of the bills of the banks of the State of Georgia. They would advise all collision with the Bank of the United States to be eschewed, if possible. But a proper regard to the safety of their own institutions demands, and imperiously requires, that something should be done for their protection.

"Your committee, therefore, recommend that a law shall be passed establishing a rate of interest between the United States Bank and the banks of the State of Georgia, below the present legal rate of interest of the State, and so low as to prevent the said banks from being benefited by an accumulation of the bills of each other; for which purpose your committee recommend the passage of a law.

"And further, your committee recommend that, while the State banks shall rigidly persevere in paying their bills in specie to all individuals applying therefor, who may not be agents of the Bank of the United States, or either of its branches, that they shall refuse, whenever they may think prudent so to do, to pay specie for their bills to the United States Bank, or its offices or agents, upon giving sixty days' previous notice of such intention.

"And your committee confidently hope that *public opinion* will bear the State institutions out in such a course of conduct, as none other seems, in the mind of your committee, to be calculated to save the State institutions eventually from utter annihilation, under existing circumstances, to the great injury of the State, and of the individuals who are, or may be, stockholders in the aforesaid banking establishments.

"Approved December 22, 1821."

This resolution shows that our local banks *once felt the arm of the great regulator*; and that even the State of Georgia, while she sought to throw the egis of her Legislative protection over her own institutions, was driven to invoke the aid of *public opinion* to bear them out in their course of conduct. So powerful was this institution, and so heavily had it oppressed some of the local banks in Savannah, that the Legislature was compelled to interfere, to protect the rights of her citizens. The bank was denounced as an intruder upon the sovereignty of the State, and as exercising its power to destroy those institutions to which I have referred. In the words of Hugh L. White: "This state of things was produced because the directors managed the bank with a view to their own interests and that of their friends, disregarding the interests of that community from which they had acquired their power. MAY THEY NOT DO SO AGAIN? HAVE WE NOT REASON TO FEAR THEY WILL, IF THE CHARTER IS PROLONGED?"

Let my constituents who are interested in the local institutions of the South turn to the report of the Secretary of the Treasury, made to the Senate of the United States in 1838, showing the comparative price of local bank paper in 1827, when a National Bank was in existence, and when its paper was the "*par value*;" and in 1836, when the great regulator had ceased to exist:

A table showing the highest and lowest price of bank notes at Philadelphia, in the years 1827 and 1836.

BANKS OF	During the existence of the United States Bank, 1827.	Under the State bank system, 1826.
Maine	2½ to 1½ d.	1 to ¼ a 1 d.
New Hampshire	2½ to 1 d.	1 to ¼ a 1 d.
Vermont	2½ to 1 d.	1 to ¼ a 1 d.
Masschusetts	1 to 2½ a 1 d.	1 to ¼ a 1 d.
Rhode Island	2 to 1 d.	1 to ¼ a 1 d.
Connecticut	1½ to 1 d.	1 to ¼ a 1 d.
New York city	Par.	Par to ½ d.
New York, country	1 to 3 d.	1 to 1½ d.
Philadelphia	Standard.	Standard.
Other Pennsylvania	Par to 1 d.	Par to 2½ d.
New Jersey	Par to 2 a 1 d	Par to 1 d.
Delaware	Par to 1½ d.	Par to ¾ d.
Baltimore	½ d. to par.	½ to ½ d.
Other Maryland	¾ to ½ d.	½ to 1 d.
District of Columbia	½ to ¾ d.	½ to 1 d.
Virginia	¼ to 1½ d.	½ to 1½ d.
Western Virginia	3 to 4½ d.	1½ to 2½ d.
North Carolina	3 to 5½ d.	2 to 3 d.
South Carolina	¾ to 1½ d.	2 to 3 d.
Georgia	3 to 2 d.	2 to 3 d.
Florida	-	No sales.
Alabama	10 to 25 d.	3 to 7 d.
Louisiana	5 to 4 d.	2½ to 6 d.
Mississippi	6 d.	3 to 6 d.
Tennessee	7 to 10 d.	3 to 6 d.
Missouri	-	No sale.
Illinois	-	3 to 5 d.
Indiana	-	3 to 3½ d.
Kentucky	30 to 40 d.	2 to 3 d.
Ohio	4 to 6 d.	2 to 3 d.
Michigan	10 to 13 d.	2 to 3 d.
Canada	6 to 5 d.	2 to 4½ d.

From this table, which is authentic, it appea that, during the reign of the United States Bank, the paper of the banks of Virginia, Maryland, North and South Carolina, Georgia, Alabama, Louisiana, and Mississippi, ranged at Philadelphia, in 1827, at from ¼ to 25 per cent. discount. In 1836 they had risen, in the same city, to from ¼

to 7 per cent. discount. Do not these facts speak volumes? Sir, I have nothing to do with our local banks, nor do I own one dollar of their stocks; but yet those who are interested in them are my constituents, and the interest I feel in their prosperity will ever restrain me from voting to recharter a corporation, the past history of which presents one continued series of oppression and injury to the people I represent. I have been charged with a desire to destroy all banks; the charge is false and calumnious. I would reform the abuses which have crept into them. But, relieved of their imperfections, and administered with a view to the welfare and convenience of the community, I would stand by them and defend them from the insidious attacks of pretended friends, who, with the banks ever on their lips, are willing to reinstate a great overshadowing national institution, which, in the language of the Legislature of Georgia, "has not only taken from the State her medium of circulation for her valuable products, but by frequent and repeated demands for large sums in *specie* upon the State banks, had well nigh drained their vaults, thereby threatening their destruction, and compelling them, in order to meet the exigency, to curtail their discounts, insomuch as to deprive the State and the individual stockholders of their usual and expected dividends."

It is said, Mr. Chairman, that Mr. Van Buren had depressed the wages of labor and the price of property—that the results of his administration are seen and felt in the ruin and distress which surrounds us. This charge is easily made; but where are the proofs? Round assertion may astonish, but cannot convince us. What is the cause of this universal distress, which is said to pervade the whole country? Their answer is, the people are in debt, and cannot get money to satisfy their creditors. Admit it to be true—who is to blame for it, Mr. Van Buren, or the banks? Why, sir, if our distresses, as we are told, arise from a scarcity of money, *the contraction of the currency* is evidently the cause of that effect. The banks, and not Mr. Van Buren, make the currency. They contract or expand it as their pleasure or interest dictates, and I now propose to *prove* to you, by irrefutable references, that the banks, who alone furnish the medium of purchases, have not only contracted their issues to a fearful and ruinous extent, but that the price of flour, one of the main articles of subsistence, fell in exact proportion to the contraction of the currency. Here, sir, is a

Table of expansions and contractions of the Ohio banks for eleven months, from 30th April, 1839, to 31st March, 1840; and the relative prices of flour during the same periods.

Date.		Circulation.	Contraction.	Expansion.	Flour pr bbl
1839.					
April	30	$8,240,820 80	-	-	$5 62
June	30	7,947,597 47	$394,233 33	-	4 87
September	30	6,263,454 57	1,684,142 90	-	4 75
November	30	5,047,778 22	1,215,671 35	-	4 20
December	31	4,607,127 62	440,650 60	-	4 06
1840.					
January	31	4,183,673 12	423,454 50	-	3 72
February	29	4,745,113 47	-	$561,440 35	3 75
March	31	4,147,766 57	595,346 90	-	2 87

I have selected this table from a number of others within my reach, simply because the *distress*, of which we hear so much, is said to be mostly prevalent in the West. Thus you see, sir, when the banks contracted, the price of flour fell; and when, in February, 1840, a slight expansion took place, the price of flour rose correspondently!

Let us look further into the state of things in Ohio, a great and central State, exercising an important influence in the fiscal affairs of the West. I read from the "Ohio Eagle:"

"PANIC, PRESSURE, LOW PRICES, AND THE CAUSE.

"No one fact is better established than that the '*pernicious fluctuations*' (as *honest* John Davis says) of our paper money system, exercise a controlling power over the business and values of the country. In the day of '*expansion*' when money is made plenty by the banks, property, produce, and labor, are high—the to-morrow of '*contraction*' comes, money is made scarce, and all prices of property and rewards of labor are knocked down with the crash.

"Apply this general and acknowledged rule to the condition of things in Ohio. The whole Union is suffering the evils of money *contraction;* but let us look at our own State for an illustration of the *means* by which it is brought about. We take the reports of the *officers* of the banks themselves, made *under oath*, to the Bank Commissioners, and by them compiled. Their first annual report to the Legislature, shows the circulation of the Ohio banks on the 30th day of April, 1839, to have been - - - - - - - $8,309,141 80
The published abstract of 30th of April, 1840, shows to be - - - - - 4,191,595 00

Contraction of circulation within one year - $4,117,546 80

"Thus, within one year, one-half of the circulating medium of the State of Ohio has been violently withdrawn by the banks.

"Why has this *contraction*, and the sufferings which are the necessary consequence, been brought upon the country? The Federal apologists and allies of the banks will say, because the Bank Commissioner law compelled them to curtail. But let us take five of these institutions, at the principal points of Cincinnati, Dayton, Columbus, Chillicothe, and St. Clairsville, thus:

	Circulation in 1839.	In 1840.
Franklin Bank, Cincinnati,	$264,383 00	$94,649 00
Dayton Bank,	134,684 00	41,262 00
Franklin Bank, Columbus,	227,954 00	57,256 00
Bank of Chillicothe,	438,831 08	123,246 08
Belmont Bank, St. Clairsville,	125,546 00	39,732 00
	$1,188,598 08	$356,145 08
	356,145 08	
Contraction in one year,	$832,453 00	

Eight hundred and thirty-two thousand four hundred and fifty three dollars is the extent to which five banks, at principal commercial points, have applied the screws. Now as to the *necessity* of this curtailment, look at the following comparative statement of circulation and specie on the 30th of April last:

	Circulation.	Specie.
Franklin Bank, Columbus,	$57,256 00	$78,890 00
Bank of Chillicothe,	123,246 08	153,657 13
Bank of St. Clairsville,	39,732 00	51,260 89
Bank of Dayton,	41,262 00	75,562 58
Franklin Bank, Cincinnati,	94,649 00	144,263 18
	$356,145 08	$503,823 78
		356,145 08
Specie more than circulation,		$147,678 70

"*One hundred and forty-seven thousand six hundred and seventy-eight dollars and seventy cents* is the amount of specie which these five banks have locked up in their vaults, lying idle, unproductive, and useless, while the whole community is suffering around them. Take this amount, and multiply it by *three*—their ratio of paper to specie, and we find that it would sustain a circulation of $443,096 10—that is, the *surplus* specie would sustain a greater amount of circulation by nearly *one hundred thousand dollars*, than the five banks in question have out, and the five banks then have *less* out by $564,551 46 than would be allowed by the bank commissioner law, about which so much complaint is made.

"Fellow-citizens, here is a reason for the lowness of prices, and stagnation of business that oppress the community. Five banks, taken as instances from among the thirty-seven, and taken because they are located at important points of business, have convulsed the business community around them with a *contraction* of $832,453 in one year. They have seized the specie of the country, and locked it up in their vaults, giving to the suffering and complaining people that surround them *less* of their paper by near *one hundred and fifty thousand dollars*, than they have taken from them in hard money. This warfare and outrage upon the public good is defended by the Federal presses upon the pretence that the bank commissioner law rendered it necessary. That law fixes the safe and proper ratio of *three* to *one*, and would allow these five banks to issue $1,511,471 upon the specie which they now have in their vaults. Without necessity, without pretext or excuse, without a feeling of sympathy or compassion for the sufferings they have created, these banks have taken away, and withhold from the people, $1,155,246 of circulation, which their specie would sustain, and which the law would allow them to issue."

Here, sir, is a specimen of the way in which money is made scarce. These are facts and deductions which every man can understand; and yet Mr. Van Buren, who controls no bank, and who has as yet no Sub-Treasury, is accused of lowering prices and ruining the people! I will not detain you by reading the numerous statistics I have collected in relation to the cause of low prices; but as I have already consumed more of your time than I intended, I will pass on to a conclusion as swiftly as practicable.

The bill on your table is about to become a law: instead of increasing the distresses of the country, its beneficial effects are already beginning to be felt. Heretofore, during this winter, gold and silver have been selling in this city at from four to five and six per cent. premium; it now can scarcely be sold on Pennsylvania avenue for three per cent. Is this no gain to the people? Instead of locking up the specie in your safes, it will draw out a portion of it to be circulated among the creditors of the Government. Who are they? Not only the officers who administer the Government, but the workingmen who furnish the supplies of clothing and subsistence to your army and navy; the soldiers and sailors who fight your battles; the laborers who construct your public buildings; who build your fortifications and vessels of war. Every man who sells to the Government either his peronal services, or the produce of his labor will be paid in gold and siver; and this gold and silver will return, in due time, to the Treasury again, to be expended among the creditors of the Government. The amount of specie required for the Treasury will be, by being thus kept in constant circulation, not more than five millions of the seventy or eighty millions of dollars now in the United States. But I am told we are making one currency for the Government, and another for the people. If this were true, I myself would condemn the measure. The bill makes no provision for the currency of the people; it only prescribes the currency which the Government will receive for debts due to it; and which, when received, it pays out again to the people, leaving them free to receive what they please in payment of the debts due to them. And if this be a better currency, do not the men who, I have shown you, ultimately receive it, eventually reap the benefit? Shall the public Treasurer be compelled to receive any thing and every thing that the people choose to receive from each other? If so, we must take bonds, due bills, promissory notes of all sorts, and the irredeemable paper money which is afloat in the country; nay, sir, you must receive your taxes and duties in kind, because you know all these are *current* among the people; and what is good for the people, say they, is good for the Government. Let us test this objection to the Sub-Treasury system, by a glance at the state of things as they actually exist in the South. I cut from the "Daily Telegraph," published in Savannah, the following advertisements, which will serve to show what sort of *currency* the people think proper to receive from each other:

"TO THE PUBLIC.

"The subscriber begs of his friends, and of those who hold any of the few shinplasters that he has signed, to send them to his store, where he will pay bankable money for them. On putting those bills out, he thought that it would afford immediate relief, in the way of change, to himself and friends. Finding, however, that it has not this effect, he declines signing any more, but will take, for goods, Mr. Wiltberger's, the City Council's, and Ice House Company of Augusta, Macon, Columbus, Brunswick, Darien, or any other individual shinplasters in our city. "P. HALLIGAN."

"ALL KINDS OF MONEY.

"The subscriber will take Wiltberger's, Dempsey's, Lloyd's, Rogers's, Halligan's, City Council bills, and those of all responsible individuals, whenever offered him for goods.

"M. PENDERGAST."

The above are practical illustrations, drawn from actual life, of the Whig theory, that whatever currency the people think proper to receive, this Government is also bound to receive. How long could we maintain our stand among the nattions of the earth, if your Treasurer was compelled to take "all kinds of money"—"Mr. Wiltberger's, the City Council's, and Ice-house Companies' bills, or any other individual's shinplasters in our city?" Your army would be dispersed, your navy would rot, your forts, arsenals, and public buildings, would be left without a tenant, to decay and ruin; your public officers would seek support elsewhere, and this happy state of affairs, produced by this Whig theory, would bring about precisely that "critical moment" predicted by Mr. Jefferson, "when a series of untoward events, sufficient to bring into doubt the competency of a Republican Government," would transpire, and which a National Bank might take advantage of, to step in and "upset the Government."

The Bank party, so eager to take the public money into their own keeping, now attempt to frighten us with the declaration, that this bill will place the whole revenue in the hands of Mr. Van Buren. Let the bill on your table, and the Constitution, answer this futile and interested objection. Instead of placing the revenue in the hands of the President, it places it in the United States Treasury—the people's strong box—where it ought to be, and where it cannot be loaned out or banked upon for the benefit of speculators and bank favorites. The Constitution provides that no money shall be drawn out of the Treasury except in pursuance of appropriations made by law; and any officer of the Government who shall violate these restrictions, or embezzle a dollar, "or who shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys intrusted to him for safekeeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys

as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony; and any officer or agent of the United States, and all persons advising or participating in such act, being convicted thereof before any court of the United States of competent jurisdiction, and all persons advising or participating in such act, being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term not less than six months, nor more than five years, and a fine equal to the amount of the money embezzled." These are the words of the Sub-Treasury bill. Were any such restrictions or safeguards thrown around the bank when it acted as our agent? Could you execute a judgment of *felony* on an *artificial*, intangible, irresponsible corporation, which is not only superior to personal imprisonment, but which converted to its own use the national revenue intrusted to its care, and which had been drawn from the people, nor for the emolument of a corporation, but for the support of the public interest?

But, Mr. Chairman, I have done. I must reserve for some other occasion a more minute exposition of the wisdom of this measure, for I have already detained you longer than I expected. My purpose in addressing this committee was not so much to make proselytes here, as to vindicate myself before the people of my own State. By the facts and arguments I have adduced to you, I have clearly demonstrated, that however I may have erred in other respects, I have neither abandoned my former principles, nor misrepresented the State of Georgia.

SPEECH OF MR. LINCOLN,

OF MASSACHUSETTS.

In the House of Representatives, April 16, 1840—In reply to Mr. OGLE, upon the proposition of the latter to strike out of the General Appropriation Bill a small item for alterations and repairs of the President's House, &c.

When Mr. LINCOLN obtained the floor, it was late in the evening, and, perceiving that he was fatigued by the long sitting, it was proposed to adjourn the debate to the following day, but Mr. L. preferred saying at once what he had to say. He began by replying to some remarks of Mr. OGLE incidental to the main debate, taking occasion, in the course of his reply, to state certain particulars in which his remarks on a former day had been misstated, probably because misunderstood, by the Reporter for the Globe newspaper. After disposing of this preliminary matter, Mr. L. proceeded to the main subject before the Committee of the Whole, upon which he spoke as follows:

The member from Pennsylvania (said Mr. LINCOLN) has insisted that the tendency of my remarks was to justify the purchase of extravagant articles of furniture for the President's house. I repeat that I attempted no such justification, for I had neither seen many of the exceptionable articles nor inquired into their price. The argument, so far as it went, was against that false standard of economy which measures the value of a thing by its cost, and decides upon its fitness with no reference whatever to the place or occasion for its use. The selection of furniture for such an establishment is matter of taste, about which minds may well differ; and I said that while some would consider as most appropriate the rich and showy, others would prefer the plain and simple in fashion; but that, for a mansion so spacious and so magnificent as that which the nation had provided for the residence of the Chief Magistrate, the furniture, so far as I had seen, was neither too good nor too abundant. In this, I am not aware that I alone among the Whigs, although I may not indeed be so happy as to meet the approving voice of all. But does such a difference imply dereliction of principle any where? The member suggests that my manner of life and habits of thinking may have given me a taste for articles of extravagance. What does he know of my habits of life? Sir, I can tell him they have been as honorably laborious, and as plainly republican, at least, as his own. Be it from necessity or choice, I am in no wise ignorant of those duties and offices which become the humblest station. I have been taught to toil as faithfully, and to direct my thoughts as uprightly, as the least proud one here. One lesson more have I learned, that, in reference to the conduct of others, the tongue is an unruly organ, which an evil spirit may indulge, but which candor and a love of truth should at all times restrain.

Mr. Chairman, it can only be necessary to review the remarks of the member to show the absurdity of their intended application. While he condemns the extravagance of the furniture, he is silent in respect to the appropriations through which it was procured. *These appropriations are the grants of legislation by the Representatives of the people.* Whose was the work of constructing the costly mansion, and to what end was it reared? More than forty years have now elapsed since the building was erected, at the charge of more than half a million of dollars to the nation, and from that time to the present it has been occupied in the manner in which it is now used. Congress, through all this intervening period, have voted the sums for furnishing the house, as they had previously done for its construction. If it were intended that the occupant should himself provide the furniture, wherefore these grants? They commenced before the house was first taken possession of by the elder Adams, and the occasions for further supplies have since been voluntarily anticipated upon every succession to the Presidency Besides, the spacious halls and lofty ceilings of such a mansion require much which would be suited to no other residence. The reasonableness of compelling a President elect to an outlay exceeding his annual salary in the purchase of furniture for a house, the occupancy of which he has not the election to refuse, and the tenancy of which, at the expiration of every four years, is at the disposal of the popular voice, with the certainty of the sacrifice upon the cost of the property in the attempt to dispose of it for any other place or use, cannot gravely be contended for. The credit of the country itself would suffer by such an arrangement; for either the officer, by the absorption of his salary in the purchase of suitable and sufficient furniture for the house, would be deprived of the appointed means for his proper support in the office, or, by the neglect of such provision, would exhibit to the world, in his public station, the discreditable contrast of magnificent apartments meanly destitute or scantily furnished with whatever was appropriate to their occupation. It is a great mistake to suppose that these accommodations are for the personal relief, or to the private advantage of the President. He is made by them, and by the amplitude of his salary, emphatically the *host* of the nation. His guests are the guests of the people. The Executive mansion is the place for their reception. This house of the people is the fitting position in which, in the person of their Chief Magistrate, they receive from the representatives of other people the homage due to the sovereignty of this great Republic. Here ambassadors and ministers, the accredited messengers from the proudest and most powerful, the enlightened and most refined of the kingdoms of the earth, are received and entertained in the name of the hospitality of the nation! And here, too, the courtesies of official station are exchanged between the high functionaries of the Government, and extended to all classes of the citizens. The House, it is well known, is open to all, and is daily visited by many. Is it too much, then, that the place and its appendages are beyond the requirements of private station? I venture the assertion, that so far as the personal interest of the President is concerned, (I speak not of the present incumbent, but of whoever has been or may be in the office,) it would be preferable, far preferable, to him to occupy, at his own cost, a smaller and more humble humble dwelling, than to submit to the inconveniences and heavy exactions which his required residence in the Executive mansion necessarily imposes. Sure I am that, in a pecuniary point of view, it would be much better for any incumbent in the office to receive ten thousand dollars, and furnish his own habitation, than with twenty-five thousand to maintain the style of living and public hospitality which every President in succession has deemed but in conformity with the design, as well as the liberality of present provisions.

But the member complains of it as a monstrous abuse, that the President of the United States, in addition to his salary, and the use of a furnished house, should have the grounds about the latter kept in order at the public expense. He says the President ought to furnish his own house and employ his own gardener, as his salary is amply sufficient. I have only to add to what I have before said on this subject, that such has not been the judgment or the pleasure of the people. For forty years, their Representatives sitting in these halls, without division in sentiment or vote, have provided the house, supplied the furniture, directed the enclosure and improvement of the grounds, and required their occupation by the Chief Magistrate. The salary may be sufficient for the officer. On this point I take no issue with the member. So may the per diem of eight dollars be ample compensation for a Representative in Congress. But does the scrupulous member himself receive nothing more? I demand of him to say if eight dollars a day is not abundant recompense for the value of his labors here; and yet, does he keep his hands clean from all the perquisites of place? Has he no Government stationery in his room? no Congressional penknife of costly extravagance at this very moment in his pocket? Has he never ordered to his lodgings the beautiful "embossed and lace-edged note paper" and "fancy sealing wax," for the use of any of his family, or received to his own use a distributive share of the "spoils," in costly editions of books printed at the expense of the Treasury? Sir, let me not be misunderstood. I do not condemn him in this, for the legislation of the House allows it. But I say he receives these things by a more questionable authority than does the President of the United States the accommodations which are made the burden of his complaint. When, therefore, the member goes to his constituents and to mine with the objections that the Chief Magistrate of the nation is (in his most courteous language) robbing and cheating the people in receiving, under an appropriation of Congress, the use of a furnished house and the care of a garden, in addition to his salary, let him, at the same time, honestly admit, that to his own pay he adds, at the public charge, perquisites of considerable value, and which a colleague of his, [Mr. PETRIKIN,] on another occasion, pronounced, although I think by gross exaggeration, equal in amount to the per diem. Sir, the President is much rather to be justified in the use of his furnished lodgings than the member in the enjoyment of his perquisites; for the latter may be refused, while the former, consistently with the existing arrangements of the Government, cannot be declined.

I regret, Mr. Chairman, that it necessary for me to pursue this ungrateful subject further. I fear, in doing it, I shall exhaust the patience of the committee. But the member cavils with me for sustaining the appropriation for the salary of the gardener at the President's square. In my remarks, on a former day, to which he excepts, I said that this had been a usual appropriation for many years, and that I saw no new reason, at this time, for its discontinuance. I have now in my hand a certificate from the Commissioner of the Public Buildings, showing that the gardener, the very same individual, with the same character of service, and at the same rate of compensation, has been in the employ of the Government for the continuous period of fifteen years, having been first engaged in 1825. I will read the certificate here, as notice that I shall offer it on the trial of the issue between the member and myself before my constituents:

"OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS.

"It appears from the books of this office that John Ousley was appointed gardener at the President's square on the 1st of August, 1825, at a regular salary of four hundred and fifty dollars per annum for his services. He has received that salary quarterly, up to the 31st December, 1839, and is at this time the gardener at the President's square.

"W. NOLAND."

In respect to the grounds about the President's house, they, in common with those around the Ca-

pitol, are, at all times, open to the public. They have been laid out and ornamented at the public charge, and if not now cared for by Congress, will soon become a neglected and unsightly waste. The President has no motive to the expense of their improvement. Like the spacious walks and cultivated borders of the beautiful enclosure within which we are here situated, they are for the enjoyment of the people, and in the frequency of resort to them, and the freedom with which they are used, it is daily seen how little they are regarded as private. They are, indeed, accessible to all, and I would recommend to the member himself, at some pleasant eventide, to repair to this quiet retreat, and indulge in the meditation to which it invites.

Again: It is made a heinous offence in me that, in addition to all which is now within and about the House, I gave notice that the committee of which I am a member would propose, at the present session, a small appropriation for one of the rooms most frequently in use, and which is now entirely destitute of furniture. The bill which contains that appropriation has since been reported from the committee, and gives a few hundred dollars for the purchase of plain furniture, of American manufacture, for the ante-room to the President's parlor. The member objects that this is altogether unnecessary, and the reason he assigns for this opinion is as singular as the objection is extraordinary in itself. "In the ante-rooms of princes," says the member, visiters are kept standing until they are admitted to an audience." When I addressed this committee, on a former day, I described this room as the apartment into which visiters, whether for ceremony or business, were shown previous to their introduction to the President. Here they dispose of their over garments, in all weather and seasons, and wait, if need be, the previous engagements of the President; and in this room there is not the accommodation of a mirror, a table, or a chair. Whatever may be the forms observed in the courts of Europe, or the habit of princes in the treatment of their subjects—of which I profess to be but poorly advised—it strikes me as hardly becoming that they should be quoted in Republican America as fit rules to be adopted for the regulation of intercourse between free, independent, enlightened citizens, and their elective officers. The courts of Europe, forsooth! And such is the authority relied upon by this Whig from Pennsylvania for denying a chair to his constituents and mine, in the very house provided by the people for their own honor, and in excuse for denouncing me for seeking to make provision for their more suita- accommodation. Because the princes of Europe keep their vassals in servile waiting upon their pleasure, is that a reason why a Republican citizen of the United States should lack the comfort of a seat, while the President may be called from his table or his study to offer him those courtesies to which every freeman is here entitled? It is not thus my Democracy teaches. The free citizens of a Republic are themselves sovereigns, and the measure of their right and the respect which is their due are not to be looked for in the conventional etiquette of courts, nor are they the boon of princes. If the constituents of the member shall visit Washington, and desire an introduction to the Chief Magistrate, and he dare trust himself to accompany them to the "White House," I venture to say he will be made sensible to the deficiency which the committee propose to supply; and whatever may be his own views of subserviency to the customs of Europe, the indignant expression of reproof which he would hear from those to whom he should offer such an excuse for any want they might witness, would bring conviction to his mind that this was not the country of princes. What! himself a Whig, and propose a conformity to the manners and customs of aristocratic power—aping the fashions of a royal court? Himself professing to be a Republican, and condemn that which respect for a Republican people demands? Sir, I repeat, this is a poor concern to be made the occasion of so much clamor. It hardly becomes the member, for such cause, to read homilies upon political consistency to others. The inducement to his gratuitous labors may be found in the narrowness of his own views, rather than in a default of fidelity elsewhere. He mistakes a small matter of mere business expediency for a great question of principle. Mr. Chairman, lest, from the vehemence of his denunciation, any should be led to suppose an abandonment of party by me, I will even volunteer a confession of faith; and I here profess, testify, and declare, that I am no less a Whig than if I had never seen the Executive mansion; ay, that I am as much to be confided in for steadfast opposition to the present Administration as though, like the member, I had the new born zeal of a convert from Jacksonism! Sir, I am as thoroughly opposed to Mr. Van Buren as the member was devoted, at one time, to his "illustrious predecessor!" I regard the policy and leading measures of the Administration as hostile to the best interests of the people, and destructive of the prosperity of the country; and, as such, from the first, I have been their uncompromising opponent, and to the utmost of my power shall continue to resist them. But in this I have not, nor shall I demean myself, by indulging in hard names and coarse invectives against the high officers of Government.

Mr. Chairman, I might now rest. It is not my intention to enter into any defence of the propriety of the particular appropriations which, from time to time, have been made for the accommodation of the Chief Magistrate of the nation. Much less would I attempt a vindication of the prodigal expenditures of the present Administration. They have been extravagant and wasteful enough, in all conscience, and furnish an exhaustless theme for the severest animadversion. When I had the honor of addressing the committee, on a former day, I distinctly presented, in connection with the subject now under discussion, some of the most crying abuses, in the construction of the public edifices in this city, the deceptive estimates, and irresponsible profligate management of those who had direction of the work, and, as I deemed, the wanton and lawless diversion of funds by the Executive, from other and more important objects, to their completion. At the proper time, and on a suitable occasion, I shall be as prompt as another to take to task the Adminstration for any and all other of their misdoings.

There was one remark of the member from Pennsylvania made and dwelt upon with apparent complacency, so extraordinary in itself, (I was about to say, so atrocious, to my mind, in the only application which can possibly be given to it,) that I cannot permit it to pass unnoticed. In referring to the furniture and cultivation of the grounds in the use of the President, the member said, "the receiver was as bad as the——other man." Sir, we all know the words of the adage—"the receiver is as bad as the thief." And who is the receiver, and who the thief? From the days of Washington, through a long succession of illustrious men, every President of the United States, including the elder Adams, Jefferson, Madison, Monroe, J. Q. Adams, Jackson, and the present incumbent, have received the benefit of a similar provision in their official station. The house, the furniture, the garden, and the cultivated grounds have been alike the enjoyment of each, and at the public charge. It may be instructive to this committee to be informed of the grants of Congress for some of these objects, during the several periods of the respective administrations. I have now before me a statement, collated from official documents, of appropriations for the purchase of furniture for each Presidential term, after the removal of the Seat of of Government to the Federal city.

By a law of the 2d of March, 1797, just previous to the commencement of the administration of the elder Adams, Congress made the following appropriation:

Proceeds of sale of old furniture, and so much in addition thereto, as the President may judge necessary, not exceeding $14,000.

During the Administration of Mr. Jefferson, the appropriations amounted to $29,000.

In that of Mr. Madison to $28,000.

It was in this period that the house was sacked by the British upon their incursion into Washington during the war, and the furniture, which, from the beginning, had cost the nation upwards of seventy thousand dollars, was wholly destroyed.

After the repair of the House, in the years 1817 and 1818, during the administration of Mr. Monroe, the records show appropriations for refurnishing it to the aggregate amount of $50,000.

In the administration of Mr. John Q. Adams, the grants amounted to $20,000.

In that of General Jackson to $39,000; and

In that of Mr. Van Buren, they have been, to this time, $20,000.

The statement from which I read gives the date of each law, and the precise appropriation under it.

Such, Mr. Chairman, are the sums—whether lavish or not, I shall not stop to consider—which, from time to time, have been voted by Congress; and these are the "receivers" to whom the member refers—men who, for accepting the accommodations provided by law for the office which they sustained, are charged with "robbing the Treasury and fleecing the People." These are they of whom it is said "the receiver is as bad as the thief!" The elder Adams, the dauntless asserter of American freedom; Jefferson, the co-patriot of Adams, the draughtsman of the Declaration of Independence, the great apostle of liberty, the very chief of Democrats; Madison, the champion of the Constitution, the patriot statesman and sage; Monroe, the soldier of the Revolution, the brave defender of the Republic in the first war, the inflexible and uncompromising advocate of national honor, rights, and interests in the last: these are they who received the appropriations, and to whom the adage is applied. Names deathless in fame, immortal in the history of their country's renown! My venerated colleague, too, the learned civilian, the accomplished diplomatist, the incorruptible magistrate, he who on this floor is the most fearless and faithful of the servants of the people, together with the Hero of New Orleans, "the greatest and the best," and the more humble "follower in the footsteps"—they also are within the obloquy of the same reproach.

And who is the thief? The Congress of the United States, the Representatives of the people, in succession, through a series of more than forty years. These are the men who, by making the appropriations, in the sentiment of the member from Pennsylvania, PLUNDERED THE TREASURY AND ROBBED THEIR CONSTITUENTS! Is there an individual within the sound of my voice whose cheek does not burn with indignation at the bare recital of the charge? Where were the sleepless sentinels of the people's rights, the dragon guardians of the public chests, when these spoilers robbed it of its treasure? Was no arm raised for its protection? Search the journals of either House of Congress, and neither voice nor vote is found against one of those appropriations. If they deserve the character now attempted to be given them, how happens it that in forty years there has been no resistance to their passage? How happens it, indeed, that, in the last Congress, of which this Pennsylvanian, of more than Spartan virtue, was a member, no opposition was offered to grants precisely similar to those contained in the present bill? They passed without objection then.

[Mr. OGLE. No; a member near me says he objected.]

Mr. LINCOLN. Who is the man? I heard of no dissentient. If any had the virtue, at that time, to think it wrong, he had not the courage to make it known. Where is the recorded vote at a call even for a division upon the question. Sir, the truth is, such grants were thought proper upon the original consideration of them, and subsequently they have been *of course* and *usual*. If the people will no longer approve them, Congress must refer back, by legislation, to their occasion; dispose of the "White House;" send the furniture to auction; and leave the President to provide for himself his place of residence and means of accommodation. When this shall appear to be the judgment of the people, I shall be found among the last to withstand their will.

There is another topic upon which the member has harped loud and long—the style and fashion of the articles which have been purchased under the appropriations. In my imperfectly reported remarks, to which the member so freely refers for a

text to his folio annotations, with the reading of which, for hours, he has occupied the time of this committee, not a single article was particularly specified or justified by me. Wherefore, then, does he attempt to make me responsible for such as he has chosen to designate, and for the extravagance of which, upon the fidelity of his description only, he asks a sentence of condemnation? I did say, however, generally, I have already to day repeated, and I now reiterate, that to a casual observer the furniture appears neither too rich nor too abundant for the size and magnificence of the mansion, nor too good for the use of the first representative officer of a free and sovereign people. But of this I make no matter of personal controversy with the member. I understand him now to say that he has never been at the house. How well, then, it may comport with a becoming modesty, or sense of justice even, to denounce unseen that which prudent and honorable men have sanctioned, I leave for others to consider. He condemns the articles as the exhibition of aristocratic pride and splendor Well, sir, I defend not the purchase of these articles, but take my position behind the character of those by whose authority they were procured. I insist that whatever fault has been committed is with those who furnished the means of such extravagance—if extravagance there be—with the Representatives of the people, who, again and again, under every Administration, with a full knowledge of the manner in which the money would be expended, have voted the appropriations without restriction or qualification. I have shown that whatever reproach attaches to the procurement and use of such furniture has been incurred by the head of each successive Administration. If, indeed, the fashion of the House be a display of regal splendor, stern and sound Republicans have been betrayed into this foolish error.

Thomas Jefferson was once accounted a plain and unpretending Democrat, and passed, in his day, for an unostentatious Chief Magistrate, and yet we have seen that the sum of $29,000 was expended for furniture during the period of his Presidency; and this, too, in addition to the $14,000 previously granted to his immediate predecessor. The purity and Republican simplicity of Mr. Madison's life and manners have never, to this time, been questioned; yet to the $43,000 before appropriated, $28,000 more were added to the royal pageantry in the eight years of his Administration. Col. Monroe, too, was he a vainglorious aristocrat? He has the credit, in history, at least, of having resisted to blood, in the Revolutionary conflict, a Government of royal pride and arrogance, and by a life devoted to his country, contributed as largely as any other to the establishment and support of institutions of equal rights and political equality; yet, in his administration, a greater expenditure was made in refurnishing the house, after the late war, than under all his predecessors. What say you, Mr. Chairman, of my venerable colleague? Is he not a good Whig in principle, and a plain Republican in manners? And yet he received whatever benefit resulted from the appropriation of $20,000, during the four years of his Presidency, added to the large expenditure made by Colonel Monroe. But think you my honorable colleague would have consented to this, with a consciousness that it was intended for mere empty display? or that, by doing it, in the language of the member, he was robbing the Treasury and fleecing the people? Sir, my colleague has no occasion to make professions of honesty or respect for the rights of the people, to entitle his course of official action to the confidence due to eminent public services and distinguished private virtue. Of all men, he would be the last to indulge in matters of ostentation and vain show.

[Mr. OGLE. I deny that either Adams or Monroe ever had such trumpery as Van Buren.]

Mr. LINCOLN. And I undertake to say that, during the Presidency of Mr. Monroe, more "trumpery," as the member is pleased to term it, was carried into the Presidential mansion, than under every other Administration, to this time, put together.

Mr. Chairman, it was not my wish to enter at all into this subject. But upon the denial of the member now, I feel bound to refer the committee to the fact, apparent upon the bills, that many of the very articles which have been pointed out as most objectionable, were purchased from the appropriation of $50,000 in the time of Mr. Monroe. In point of truth, they were procured by him, and for his own account, while Minister in France, and were afterwards taken for the Government, by appraisal, on his accession to the chair of State. Ay, sir, this famous golden plateau, and most of these gold spoons, and knives, and forks, and vases, which have so bewildered the imagination of the member, and shocked the simple virtue of his heart, were the purchase of the Republican Monroe! And, in application to these even, there is a lesson of infancy, which may profitably be remembered, that "all is not gold which glitters;" for, if I am not greatly misinformed, the plateau, and spoons, and knives, and forks, are but silver gilded, and the golden vases but china painted!

But the monstrous extravagance of such things! exclaims the member. What is done with the vast amount of these appropriations? he inquires. Sir, I have not peered into the windows of the palace, or moused through the kitchen or the garret, to see whether the people have got their money's worth in the purchases which have been made. This is not the province of the committee of which I am a member; nor, if it were, would I perform the service. Does it require, he asks, such large amounts for mere plain and necessary furniture? No, sir, no; nor is it to be supposed that, by the large appropriations which have been made from time to time, Congress could intend the purchases should be so restricted. Simple, indeed, must he be (I had almost said a fool) who could imagine that, in the authority of an outlay of fifty thousand dollars, as in the case of Mr. Monroe, or of twenty thousand dollars, as in the administration of Mr. Adams, or thirty thousand, as in that of General Jackson, or twenty thousand for Mr. Van Buren, the ornamental was to be excluded. The schedules which the member exhibits may well excite his wonder. I know nothing of their fidelity. But the carpets and the curtains, the candlesticks and the candelabras, the ottomans and the divans, the tables, mahogany and marble, the tabourets (tabby cats, in the member's nomenclature) were all doubtless in the estimates. They may be *names* of startling sound to an unpractised ear, but they are *things* of use and no uncommon appearance in many a private parlor.

One thing, above all, seems to have created amazement with the member. He has found, in his manly and dignified research, an invoice of "cups and saucers," which were in the closets of Mr. Adams; and he cries out with astonishment at their number. What the need, he demands, of so *many* dozens of cups and saucers? Sir, I will tell the member. They were wanted for a purpose which he could never conjecture—the hospitable entertainment of visiters and friends. They were a means, among others, of offering the courtesies of place to those who called upon the President as the Representative of the people. They were used for the refreshment of the nation's guests. To such as witnessed the noble hospitality of my honorable colleague, in his high official station, it need not be told how entirely the accommodations of the house were made but mere appliances to his personal liberality. Sir, I advise the member to study better the manners of the past, before he prescribes a rule of conduct for the future. The public residence of the President of the United States has been, and should ever continue, the seat of a generous hospitality; and representing as I do a free-hearted and liberal constituency, the incumbent in office, whoever he may be, shall never find in my vote an excuse for its neglect. If General Harrison shall succeed to the occupancy of the White House, as I trust he may, and which I shall labor as zealously as any one to effect, my speech shall furnish no argument for leaving him there with only the worn out and cast-off furniture of his predecessor.

Mr. Chairman, I thank the member that he has left us in no doubt of the cause of his grievous complaints in these matters. I understand him to say that he was one of those who joined in the notorious East Room clamor; and by reason of the imputed extravagance of my venerable colleague, in the purchase of a billiard table, some cues and chessmen, at the cost of a few dollars, assisted in displacing one Administration, which taxed the Treasury but twelve millions a year, to introduce a dynasty which now requires more than thrice-told that amount for its annual expenditure. If for such cause he would hurl from place one of the most pure and faithful patriots that ever served the country, there can be no surprise at the weapons he has chosen with which to assail the men now in power. The member once belonged to the school of these same political reformers, and much I fear, in the fault of his early lessons, gives less heed, at this time, to the alarming principles and flagrant misdoings of a vicious Administration, than personal attention to a microscopic search for minor defects in the boastful economy of its disbursements. Sir, I solemnly protest against these things being brought into the politics of the day. They can be made to have no just or proper bearing there. It may seem to us that the salary of the President is too high, and the house and its appendages too splendid and costly; but they were the appointments of wiser and better men than ourselves, in the purer days of the Republic, and they have been sustained and enjoyed as the measure of every Administration, and in turn by all parties. For myself, I am free to confess that, were they at this time original provisions, with present experience, I should be the advocate of neither. But while the salary continues and the house remains, I will not consent that the President shall hoard the one or live like a recluse and niggard in the other.

But one word more, Mr. Chairman, and I have done. If, in sustaining the appropriations to which exceptions have been taken, I differ in judgment from others, it is because I regard the original design of the Government in the arrangement which requires them, and not that I advocate extravagant grants, or have the slightest reference to the benefit of their recipient. Of the particular manner in which the money has been expended, I pretend to know nothing, and I have said nothing. With Mr. Van Buren personally, I have nought to do. Upon his temper and bearing, his habits and manner of living, in private, and with those of his family, whether at home or at the Court of Queen Victoria, the member may as freely descant as his taste shall prompt, or the patience of others bear, without reply or heed from me. To Mr. Van Buren politically, and to his Administration, I am opposed upon other, and, I trust, higher grounds than those which are taken in the speech of the member—upon the broad grounds of constitutional principles, national interests, and the people's rights; and I shall continue that opposition until it shall end in the restoration of the supremacy of law and representative government over Executive usurpation and power.

Mr. Chairman, for the indulgence of the committee in their kind attention to what I have had to say, I pray leave to return my sincere thanks. For detaining them, after the fatigues of a long sitting, to so late an hour in the evening, I owe them an humble apology.

SPEECH OF MR. UNDERWOOD,

OF KENTUCKY.

In the House of Representatives, July 13, 1840—On the amendment proposed to the bill for the support of the army, appropriating $300,000 to carry on the military operations in Florida.

Mr. UNDERWOOD said that there were two things very remarkable growing out of the bill and amendment under consideration and the debate connected with them. The first was, the late period of the session when these subjects were brought up; and the second was, the character of the debate in criticizing the conduct of the officers of the army. He did not object to the criticisms which gentlemen had made. He regarded it the duty of members, when called on to vote the necessary supplies, to inquire whether they were likely to be managed by faithful and competent officers, and honestly applied to the objects intended. It was proper to look into past transactions, as they constitute the basis on which the judgment reposes in coming to its conclusions in regard to future operations; and if in the survey of the past we find that any one of our military commanders is deficient in skill or bravery, or in any respect unworthy of the station assigned him, it is certainly proper to expose his blunders and discountenance the idea of his further employment. But, in doing this, we should proceed with very great caution. We should remember that but few members of Congress were in fact *military men*, however they may have been honored with *military titles*. It had been facetiously said that we were all colonels or generals, and of course well qualified to decide the merits of military movements. However that may be, our constituents have reposed

confidence in us; and, in conducting their affairs as the grand inquest of the nation, it is our duty to examine every thing, and then publish for their information and ultimate correction whatever abuses we may detect. There is no greater abuse than that of omitting to expose unfaithful or incompetent officers; and if members can detect glaring errors in the campaigns of our generals, or show that their conduct in a moral point of view has been such that they ought not to be trusted, it is their duty to do it. But, in the discharge of this delicate duty, there is every inducement to proceed with the utmost caution.

Those whom we assail are not here to defend themselves against our imputations; and that consideration will induce a man of honorable sentiments and elevated character not to attack the private or official reputation of any one unless upon the clearest convictions of duty.

The officers of our army, and especially the commanders of our forces in Florida, are charged with the performance of very arduous and responsible duties, involving the lives of thousands, and the protection of the property and firesides of tens of thousands. Like ourselves, the soldier feels the value of reputation, and is stimulated to noble achievements by the plaudits of his countrymen. Who among them would continue in the service for the mercenary consideration of pay and rations alone? If there be such a one, he will disgrace the epaulets upon his shoulders on the first occasion. Sir, the true soldier pours out his blood and gives his life for his country, because he is inspired by a love of glory and an ardent patriotism. Take these elevated sentiments from him, and he skulks from the field of battle, loses the enterprise and noble bearing of a hero, and contents himself with the sensualities of a brute. Sir, we shall be responsible for the ruin of the army if we degrade the character of our generals unjustly. No man of proper spirit will command your armies, if Congress or its members should endeavor to bring him into contempt. It is cruel to the individual, but for the sake of the nation I implore members not to strike at the reputation of our generals, unless they are certain that their charges are well founded.

Again, sir, the reputation of the country is to a great extent identified with our army and navy, and he who unjustly depreciates the character of the gallant men who fight our battles, detracts from the reputation of the Republic.

It is my purpose to submit some remarks in vindication of Gen. Jesup against charges which, on former occasions, as well as now, upon this floor and through the public prints, have been reiterated against him. Before doing so, however, I must say, that we exhibit to the country, and especially to the good people of Florida, a spectacle which I fear will be regarded as not very creditable to ourselves.

We are now within a week of the close of the session. We have been here more than seven months; we have been in a state of war with the Seminole Indians during the last five years; we have heard through the newspapers the imploring cries of women and children, calling for protection against the tomahawk and scalping knife, and yet we have postponed acting upon the measures proposed for the *prosecution* or the *termination* of the war, until we have but seven days left. Does this look like we were in any haste to stop the effusion of blood? Have our sensibilities been seared by a hot brand from the political furnace? Can we spend weeks in making electioneering speeches, and scarcely give one day to the consideration of the measures proper to be adopted with a view to close a murderous Indian war? Well may the gentleman from Florida [Mr. DOWNING] complain that the Territory he so ably represents has not received that consideration which the circumstances in which she is placed so imperatively require. Well may he suppose that, if she had votes to give in the next Presidential election, her situation would receive more prompt consideration. But, even when we take up the army bill, and it is proposed to appropriate $300,000 for the service in Florida and to discharge arrearages, how do we go into a consideration of the subject? Why, sir, instead of preparing to make war upon the Indians, we attack our own generals, and attempt to bring them and their operations into disgrace; and, in this war against our military commanders, General Jesup has been exposed to a full share of the hottest fire. Would that he were allowed to repel the assault in his own person. But he must remain silent. He has done all that was in his power to place his conduct fairly before his countrymen, but so far no opportunity has been afforded him to vindicate himself against repeated assaults. Sir, he authorized me to say to Congress, years ago, that he courted investigation by any committee that might be appointed to investigate his conduct in the campaigns against the Southern Indians, and I did in my place, on this floor, make known his willingness to meet such investigation. Since his return from Florida, he has asked a court of inquiry, but none has been ordered. Thus, whilst he has manifested a commendable anxiety to meet his accusers in any legitimate mode, no steps have been taken to organize a committee or a court of inquiry to ascertain the facts. His reputation is thus made to suffer, by attacks for political purposes, through a thousand channels, when, if the real truth was known, the country would perceive very little, if any thing in his conduct worthy of censure, and much to admire.

Gen. Jesup is no partisan in politics. I have often heard him say that he never gave a vote in his life, except on courts martial. He is a soldier, and the servant of his country, and does not interfere with the scrambles of politicians for civil offices. He is no brawler in applauding or condemning the measures of any Administration. If he expresses an opinion, it is modestly, yet firmly done; and as long and as intimately as I have known him, I have never detected the least disposition on his part to place any one in unfavorable or odious aspects in the eyes of others.

The two charges of most serious consequence to the reputation of Gen. Jesup are: first, that he intrigued for command, and with a view to supplant Gen. Scott in the confidence of the late President, Gen. Jackson; and, second, that he violated his own principles, so eloquently expressed in the letter read by the gentleman from Pennsylvania, (Mr. BIDDLE,) disgraced himself, and tarnished the reputation of the country by making captives of Oceola and others who approached his camp under a flag of truce.

A plain tale will put down both charges.

On the 20th of May, 1836, the following general order issued, assigning Gen. Jesup to command in the Creek country:

GENERAL ORDERS, No. 32. ADJUTANT GENERAL'S OFFICE, Washington, May 20, 1836.

1. Brevet Major Gen. Thomas S. Jesup has been assigned by the President to duty according to his brevet rank, and to take command of the troops of the United States, and the militia that may be ordered and called into service, to suppress the hostilities of the Creek Indians. Gen. Jesup will accordingly proceed to Fort Mitchell, Alabama, and there assume command and the direction of affairs in that quarter.

2. The several departments of the staff will comply with such requisitions as Gen. Jesup may make upon them.

By order: R. JONES, Adjutant General.

At the date of this order, Gen. Scott was in command in Florida. Gen. Jesup left Washington city on the night of the 21st of May, in the steamboat; and so sudden was his departure, that I knew nothing of his intention to go, until after he was gone, although I was then a member of Congress, and in the city. I am confident that Gen. Jesup's departure for the Creek country could not have been long agitated previous to the date of the order, because my intimacy with him was such that he would have mentioned to me his intentions; and because I had been many years his agent for the transaction of business in Kentucky, some of which remained unsettled when he left, and about which he ought to have given me instructions before his departure; and which I believe he would have done, had he not been, unexpectedly to himself, ordered to the South. My ignorance, under these circumstances, of his being ordered to the South, until after he was gone, convinces me that he did not seek the service, and that his departure was the act of obedience to the commands of the President, suddenly given. But suppose he had sought active employment in the field, does his going to the Creek country show any disposition to interfere with Gen. Scott, then in Florida? The one might well have conducted operations against the Creeks, whilst the other led our forces against the Seminoles. There was no prospect of interference between them when General Jesup left Washington. But it is said that General Jesup poisoned the mind of General Jackson against General Scott, after the latter retired from Florida, and assumed the chief direction of the operations against the Creek Indians. The letter written by General Jesup to F. P. Blair is relied on as the evidence. It may be that that letter did increase General Jackson's distrust of General Scott's ability to conduct military operations against the enemy with success. But, sir, General Jackson's mind had been operated upon long before the Blair letter was written; and he had actually directed that an order should be issued commanding General Scott "to *withdraw* from the command in Florida;" which order was issued, bearing date the 1st of June, 1836, and may be found printed on page 476 of volume 3d of Executive Documents, of the 25th Congress, 2d session. This order of the President was founded on a letter addressed by Joseph M. White, the delegate from the Territory of Florida, to the President, bearing date the 28th of May, 1836, requesting that General Scott might be "immediately relieved from the command," and assigning reasons for the request not at all creditable to General Scott's military character. This letter may be found beginning on the same page of the same volume of Executive Documents. Justice to General Scott requires me to state that Mr. White subsequently explained or retracted the charges contained in this letter of the 28th of May, so far as the General's "military operations" were affected. A letter of Mr. White, dated 13th December, 1836, may be found on page 479 of the same volume of documents, in which he refers to a previous letter on the subject, printed in the Intelligencer. To show the true state of these letters, orders, &c. I will read to the committee a recent report made by the Adjutant General to General Macomb, at the request of General Jesup. It is as follows:

ADJUTANT GENERAL'S OFFICE, Washington, February 12, 1840.

SIR: In compliance with the instructions of the Secretary of War, to report upon the subject of General Jesup's letter of the 7th instant, addressed to the honorable Secretary, requesting to be informed "whether Mr. White, late delegate from Florida, ever withdrew his letter (addressed to the President) asking for the recall of General Scott, and requesting an inquiry into his conduct; and, if so, what was the action of the Executive, if any, on the subject?" I have to state that all I know touching the matter of inquiry is the fact that the letter of the Hon. Mr. White, dated May 28, 1836, to the President of the United States, the same referred to by General Jesup, is now on file in the Adjutant General's office; that it was received there the 3d of June, 1836, and is endorsed by the President as follows; "A copy of this letter to be sent to General Scott, with an order to *withdraw* from the command in Florida. A. J."

By the endorsement made in the War Office, to wit, "See letter to Gen. Scott, June 1, 1836," it is presumed that a record of the same may be found on the books in the office of the Secretary of War.

I am, sir, very respectfully,
Your obedient servant,
R. JONES, Adjutant General.

Major General MACOMB.

Thus it is placed beyond all controversy that General Scott, in consequence of complaints made by Mr. White, was ordered to "*withdraw*," in the endorsement made by the President; or, in the more modest or less offensive language of the acting Secretary of War, C. A. Harris, in his letter of the 1st of June, 1836, told, "under these circumstances, the President deems it unnecessary for you to return to the command in Florida." General Jesup's letter to F. P. Blair was not written until the 20th June, 1836. When White's letter was written, General Jesup was on his road to assume the command in the Creek country, and could not possibly know any thing in regard to that letter, much less be the instigator of it. The conclusion from all the foregoing facts is irresistible, that General Jesup had nothing to do with any movement calculated to reflect discredit upon General Scott in consequence of his operations in Florida prior to the Blair letter.

Now, sir, I wish to exhibit the circumstances to this committee under which the Blair letter was written. I am much deceived if the documentary evidence I shall present does not establish a complete justification in the feelings of every honorable bosom for the contents of that letter. I would have addressed the letter, had I been in General Jesup's situation, directly to the President; but if the contents of a paper be justifiable, it is rather an immaterial issue to cavil about the channel of communication. I will not stop to harp upon that matter.

General Jesup issued orders to his army, regulating the position of the several corps and the line of march, on the 11th June, 1836, in the general order which follows:

ORDER, No. 3. HEAD QUARTERS, 2d ARMY CORPS, Tuskegee, June 11, 1836.

1. The army will march to-morrow morning at 7 o'clock, in three columns. The centre column will consist of the baggage train, the artillery, and a front and rear baggage guard. The right and left columns will be extended into file, and will each consist of three troops of mounted men, and two companies of infantry. Two troops of mounted men will lead each column, followed by two companies of infantry, and a troop of mounted men will complete the column in the rear.

2. Flankers will be detached from the troops and companies respectively to the right and left. The mounted men in front, with one company of infantry of each column, will constitute the first line in the order of battle, if the enemy appear in front; the remaining companies will form the rear line, or reserve.

3. Should an attack be made in the rear, one company of infantry of each column, with the mounted men in the rear, will form the line of battle; the remaining companies and troops will form the reserve. Should an attack be made on the right or left, those columns will respectively form the line of battle and the reserve.

4. The seventh troop will, until Capt. Young joins the army, form the advance, and the fifth company of infantry will form a covering party in the rear.

5. The mounted men will form in the centre or on the flanks in line of battle, according to the nature of the ground and the orders of the General.

6. A corps of pioneers will be formed as Maj. Gen. Patterson may direct.

7. Maj. Gen. Patterson will detach a company to garrison this post. Detailed instructions will be given to the captain by the acting adjutant general.

8. The Indian warriors under Gen. Woodward will march with the army until Opotheolo's warriors arrive, when they will be detached to join Gen. Scott. They will wear white scarfs on their left arms, and white bands around their heads. They will scour the country in front, in the rear, and on the flanks, and perform such other services as the General commanding may direct.

9. The officers and soldiers of the army are desired to treat the friendly chiefs and warriors with kindness and attention.

By command of Major General Jesup:
R. P. PARROTT, Acting Adj. Gen.

In sixteen days, hostilities with the Creek Indians were at an end. The skill and energy of Jesup had triumphed. The hostiles surrendered to him; and on the 27th June he addressed his army in the following general order:

HEAD-QUARTERS, SECOND ARMY CORPS, S. A.
Fort Mitchell, June 27, 1836.

1. The Major General Commanding congratulates the troops under his command upon the success which has attended their operations during the present campaign. Though no brilliant action has been achieved, peace and security have been restored to the country. The Major General, in the course of twenty-eight years' service, has commanded every variety of troops, and in every possible situation incident to peace and war, and he can say with truth, and he says it with pride and pleasure, that he has never seen any body of men animated by a more admirable spirit than the volunteers which he commands. Called suddenly from the comforts and endearments of home to the defence of a bleeding frontier, they put off the character of the citizen and assumed that of the soldier, with a promptitude worthy of veterans; and they have submitted to the privations, exposure, and fatigue of a rapid and difficult march through a wilderness occupied by a savage foe, under the most trying circumstances, with a cheerfulness, alacrity, and gallantry, which proves that they left their homes determined to do their duty. They have performed their duty in the best possible manner, and deserve the gratitude of their country. In the name of that country, the Major General thanks them; and for himself he begs Major General Patterson and the officers and soldiers of his command, to accept his grateful acknowledgments for the kind and liberal support which they have on all occasions accorded to him.

2. Major General Patterson will move his command, by easy marches, to Long's, where he will encamp and await orders. Subsistence and forage will be drawn from the depot at Tuskegee.

By command of Major General Jesup:
R. P. PARROTT, Acting Adj. General.

General Jesup commenced his march from Tuskegee, on the waters of the Tallapoosa river, in Alabama, and marched through the wilderness in the direction of Fort Mitchell, on the Chattahoochee, in the neighborhood of which place General Scott was operating. His headquarters were at Columbus, Georgia, about ten miles above Fort Mitchell, and on the opposite side of the river.

Under date of the 15th of June, General Jesup commenced a letter to General Scott, which was not finished before the 16th, at the "Big Spring," within fourteen miles of Fort Mitchell. In this letter General Jesup tells General Scott that a detachment of Indian warriors had captured Nehomico (Enea Mathla) and his son on the evening of the 15th; that they were then prisoners in his camp and that he should move on Mehomico's (Ena Mathla's) camp the next day, to wit, the 17th. The concluding paragraph of the letter says: "If I should not obtain supplies at Nehomico's (Enea Mathla's) camp, I shall probably be compelled to fall back on Fort Mitchell, or to a position near it."

On the 17th General Jesup wrote a short note to General

HEADQUARTERS ARMY OF THE SOUTH,
Columbus, (Ga.) June 17, 1836.

SIR: I have this moment received your two letters of the 15th and 17th inst. I am infinitely astonished and distressed to hear of your near approach, and in a starving condition, to Fort Mitchell. You knew that your forces were not wanted there. Scott, in the following words:

"GENERAL: I find that we have less than two days' rations, in addition to two days' rations in the hands of the men. Whether successful or not against the force of Neho Emathla, I shall be compelled to go to Fort Mitchell. Can you give us provisions and corn there? By all means do so. I have an Indian force which will enable you to drive the whole country.

Yours, THOS. S. JESUP.

General SCOTT, Columbus."

Up to the writing of this letter, there is not a letter or syllable to be found evidencing the slightest want of respect on the part of General Jesup to *his superior in rank*, General Scott.

Now, sir, let me call your attention to a letter of General Scott, in reply to those of the 15th and 17th from General Jesup. It is in these words:

"I am informed that, through mistake, the document I consulted has the name of Nehomico in print, when it should have been Enea Mathla.

You knew that no supplies could reach Irwinton from New Orleans earlier than the 21st instant, if so soon; and you knew, by my letter of the 10th, that nothing had arrived as high as Hawkinsville, upon the Ockmulgee, and, consequently, nothing could have reached this place by the present date from that river. I also ought to add, that you knew, when you left here, that the troops, daily increasing, were living from hand to mouth on the precarious supplies of the neighborhood. Under these circumstances, imagine my astonishment to learn that, instead of marching the disposable force of Alabama upon Irwinton, with subsistence for at least ten or five days in advance, to hear that you had come through the heart of the Indian country, seeking private adventures, which, if successful, could hardly have advanced the war, and against my known plan of operations, to Fort Mitchell, forty-five miles out of position! It is precisely General Gaines's movement upon Fort King, where there was no subsistence; and there is none, as you ought to have known, at Fort Mitchell. My grief and distress are at the r utmost height. This strange movement you have made without giving me the slightest notice. Yot had not informed me—you do not even now tell me that you are in command of the Alabamians; and your last letter, of the 8th instant, stated that it was doubtful whether you would ever be invested with that command All this is infinitely strange, and was the last thing in the world that was expected from you.

Well, to prevent starvation, I have called for the Quartermaster and Commissary, and demanded of them what rations and forage they could supply. Lieutenant Waite, the Quartermaster, has, with great difficulty, provided some corn for my movement at the head of the Georgians, on the 21st or 22d; and Lieut. McCrabb has just nearly exhausted the market to obtain two or three days' rations for the troops already at Fort Mitchell. At the risk of starving the troops on the river, (the Georgians and regulars,) I have ordered the Quartermaster to send you five hundred bus nels of corn, and the Commissary to move heaven and earth to send two or three days' subsistence for the troops brought with you. To prevent, however, all further erratic movements, I desire you to encamp your forces somewhere in the neighborhood of Fort Mitchell till further orders, or until I can see you. We will keep your forces, and those previously on the river, from starving, if possible, till the arrival of the Ockmulgee supplies, which, I suppose, will precede those from New Orleans by some days.

The first, and one of the worst effects of your arrival will be to prevent a movement of the Georgians and regulars as early as I intended; the former have pushed their impatience for active operations almost to a state of mutiny; a result which I may not be able to prevent, if they should learn that the arrival of the Alabamians is to hold them in a state of inglorious inactivity many days longer.

I wrote to you yesterday, and despatched the letter by a runner from Fort Mitchell. I shall endeavor to visit Fort Mitchell to-morrow or the next day.

Though in grief, I still remain yours, with great regard,

WINFIELD SCOTT

Maj. Gen. T. S. JESUP,
United States Army, Commanding, &c.

P. S. Some wagons with subsistence are despatched to-night, but cannot arrive, I learn from Mr. Waite, till to-morrow morning. Some corn (250 or 300 bushels) will be down by 10 o'clock to-morrow in the boat. W. S.

I ask you, sir, if a more unprovoked and insulting letter was ever written by a commander-in chief to a subordinate officer? "I am infinitely astonished and distressed to hear of your near approach, in a starving condition, to Fort Mitchell!" Very little like starvation, when each man had two days' rations in hand, and nearly as much more in store. "You knew this," "you knew that," "you knew the other thing;" and, with all this knowledge, you "have come through the heart of the Indian country, seeking private adventures, which, if successful, could hardly have advanced the war, and against my known plan of operations, to Fort Mitchell, forty-five miles out of position." Well, sir, I am glad to find my friend "out of position," "in the heart of the Indian country." When a General is to fight Indians, he can do nothing better than to march right through the heart of their country. If he wants a fight, he is very apt to find one by t king that course. I admire such "private adventures." They generally, as in this instance with Jesup, turn out public blessings. "To prevent, however, all further erratic movements, I desire you to encamp your forces somewhere in the neighborhood of Fort Mitchell, till further orders, or until I can see you." Notwithstanding this order, Jesup went on, I believe, with his "erratic movements" until the hostiles surrendered, and the war was at an end. He may have been amenable to a court martial for disobedience; but I am well assured that he had come to the determination to sacrifice himself sooner than see the interests of the country sacrificed. In doing this, he had to select between degradation and infamy, in case of failure, on the one hand, and the prospect of forgiveness, in case of success, on the other. It requires the highest moral courage to act between such alternatives. Jesup has it. He had seen the necessity for its exercise when a stripling at the surrender of Hull; and, secure in the approbation of his own conscience, he selected between the possible loss of his commission and the interests of his country. He was eminently successful; I have faith in the purity of his motives; and therefore I call on his countrymen to forgive him for not encamping his army and waiting for "further orders." Had Gen. Scott been present, Jesup would not mutinously have refused obedience; but, as Gen. Scott's headquarters were at Columbus, Jesup kept his army in motion until his objects were accomplished.

But, sir, I am not done with the correspondence between these distinguished Generals, which led to the Blair letter. On the 17th June, General Jesup wrote to General Scott as follows:

HEADQUARTERS, SECOND ARMY CORPS,
Camp on waters of the Hatchychubby,
June 17, 1836.

GENERAL: I have this instant received your letter of yesterday. I regret that my operations have met your disapprobation; but they were commenced, and have been continued, for the purpose of staying the tomahawk and scalping-knife, and preventing the devastation of entire settlements or neighborhoods on the frontier; they have had the effect of tranquillizing, in some measure, the frontier people, and of inducing them to remain at their homes. I regret the censure implied in your remarks, because it is unmerited. I acted in accordance with what I believed to be the spirit of your instructions; but, even were my conduct in direct opposition to your instructions, given at a former period, the altered circumstances of the country are, I should think, a full justification. I consider it so; for I have none of that courage that would enable me to remain inactive when women and children are daily falling beneath the blows of the savage. Writing in the open field, while I am interrupted every moment by matters of detail of every kind, even to the placing of a wagon, I cannot now explain the remarks in my letter which you have considered so "enigmatical," further than to say, in justice to Governor Clay, that he made no opposition to my assuming command, but made every effort to sustain me; and to add that, if successful in my present operations, I shall owe much of that success to his able arrangements. The troops, or rather a part of them, were opposed, not to me personally, but to any officer of the United States taking command of them; and I would take command of militia and volunteers on no other terms than their consent. I would resign my commission first.

I am now within five miles of Enea Mathla's camp, with twelve companies of volunteers and four or five hundred Indian warriors; eleven hundred warriors, under Opotheola, will join to-night, and perhaps five hundred volunteers from Alabama. made such arrangements for the defence of the settlements in my rear that I feel assured of their entire security. I would have struck the enemy to-night but for your letter. If he is not struck to-morrow morning, he will escape for the present; but the force I have in the field is sufficient to pursue and reduce him

With every disposition to perform their duty, the volunteers and militia are necessarily extremely irregular in their returns, &c. I am not, therefore, able to send you a return in form of the force under my command.

I am, sir, respectfully,
Your obedient servant,
THOS. S. JESUP, Major General.

Major General SCOTT,
Commanding Southern Army, Columbus, Ga.

This letter is in reply to one written by General Scott the day before, which may be found at page 516 of document No. 78, in 3d volume of Executive Documents for 3d session of 25th Congress.

Those who take the trouble to read Gen. Scott's letter of the 16th of June will find it in tone and manner scarcely less exceptionable than that of the 17th of June, already read at large. In Jesup's letter, he tells his commander in-chief that he regrets his *censure*, because it was *unmerited;* that he acted in accordance with what he believed to be the spirit of his instructions; but, even if in opposition, he relied on the altered circumstances of the country as a full justification; and that he had none of that courage which would allow him to remain inactive when women and children are daily falling beneath the blows of the savage He also says: "I am now within five miles of Enea Mathla's camp," &c. "I would have struck the enemy to-night but for your letter. If he is not struck to-morrow morning, he will escape for the present; but the force I have in the field is sufficient to pursue and reduce him."

On the 19th June, General Jesup replies to Gen. Scott's letter of the 17th, in the following manner:

FORT MITCHELL, June 19, 1836.

SIR: I came here with your express, and an escort of an officer and two mounted men, expecting to meet you. I have halted the army under my command on the Irwinton road, below the road to this place. In reply to that part of your letter upbraiding me for asking a small supply of subsistence and forage for the troops and horses of my corps, I owe it to myself to say that I knew supplies ought to arrive from New Orleans before I should want them; and, to show that my calculation was correct, I have to inform you that a steamboat is here from New Orleans with supplies. I have ordered eight days' rations for my command. I took yesterday, from the neighborhood of the hostile camp, upwards of a hundred head of cattle; and, as I had a good supply of rice, I could have reached Irwinton without any supply from this place, had I been permitted to proceed. You have treated me with a degree of harshness which is cruel in the extreme. You charge me with deranging your plan of campaign. I understood one part of that plan to be the protection of the frontier settlements of Alabama. I may have failed in judgment as to the proper mode of protecting it; but give me leave to say the course I adopted has been successful; that frontier is now secure. I have upwards of twelve hundred Indian warriors in my camp. They will not remain inactive. What shall I do with them? Shall I dismiss or retain them, and employ them in scouring the swamps?

You charge me with not communicating with you, and giving you information on several points With the duties I have had to perform, that was impossible. My occupation has been so incessant that I have not averaged three hours' sleep in the twenty-four for two weeks. I have kept you apprised of every thing important to be known. As to the reasons for my own acts, or those of others, I had not thought it necessary to say any thing. You knew me; and, from the perfect candor and fairness with which I have acted towards you, and the efforts I made to sustain you, both with the G orgians and Alabamians, I had a right to expect different treatment from you. Under the circumstances, the harshness with which you have treated me is the extreme of cruelty. That matters not at this time; we have important duties to perform. If you will move to-day, General, with your disposable force, we can end the war before to-morrow night. Captain Page will give you important information. I am not ambitious of the honors of Indian warfare. I am content that the whole of them shall be yours; but let me entreat you to act promptly. I can prevent the escape of the enemy on this side of the country; and, if you attack them in front, they are yours If you hesitate, you are lost. I felt resentment this morning; I feel it no longer. By our former friendship, let me entreat you again to act promptly.

Yours truly, THOS. S. JESUP.

Major General W. SCOTT,
Commanding Southern Army, Columbus, Georgia.

P. S. Let me have two or three companies of regular troops, if you decide to attack these Indians. Page will tell you where they are.

In this letter we see, sir, that General Jesup did not know "that no supplies could reach Irwinton," &c. as was charged. He actually finds a steamboat with supplies at Fort Mitchell the day he wrote, and on the day before he took more than a hundred head of cattle from the Indians. No great danger, I should think, of being in a "starving condition!" In this letter, General Jesup modestly vindicates himself, and tells General Scott, "the harshness with which you have treated me is the extreme of cruelty. That matters not at this time. We have important duties to perform. If you will move to-day, General, with your disposable force, we can end the war before to-morrow night." "If you hesitate, you are lost. I felt resentment this morning; I feel it no longer. By our *former friendship*, let me entreat you again to act promptly." In this same letter Jesup says to Scott, "I am not ambitious of the honors of Indian warfare. I am content that the whole of them shall be yours," &c. I would ask if it be possible to manifest a stronger desire to put aside a bickering, criminating correspondence, and to unite in the service of the country, than is exhibited in this letter? Well, sir, let us see how it was met by General Scott. He replies to General Jesup's letter of the 17th, under date of the 19th, and, whilst he was writing, he received General Jesup's letter of the 19th, and goes on with a reply to that likewise. Here is his answer:

HEAD QUARTERS, ARMY OF THE SOUTH,
Columbus, Georgia, June 19, 1836.

SIR: In your first letter of the 17th instant, you tell me that you will be compelled to go to Fort Mitchell; and, according to an intimation in my reply to you of same date, I went down yesterday, with great inconvenience, not doubting that I should meet you or hear of you in the immediate vicinity of that place. The only news received of you there was a rumor representing you to be on the return march to Tuskegee, which I could not credit, under the positive declaration in your letter of the 17th, quoted above; and Captain Page reported that he had, a few hours before, forwarded a despatch to Columbus from you to me.

Besides some rations sent down the night before in wagons, the steamboat in which I was a passenger took down a further supply of subsistence, and some corn, all for the use of your troops, and in conformity with your requests of the 15th and 17th instant.

On my return to Columbus, late last evening, I received your second of the 17th instant. This is fully as strange as any of your previous communications. In it you repeat nothing of your previous intention of marching upon Fort Mitchell; but you take care to insert two or three topics which would furnish a good basis for a popular appeal against the hardships imposed on you of undertaking no system of offensive operations without my previous concurrence and readiness to act in concert with you. It would seem to be for this purpose—I can imagine no other—that you tell me that your operations have been "commenced, and have been continued, for the purpose of staying the tomahawk and scalping-knife, and preventing the devastation of entire settlements or neighborhoods on the frontier." Nothing, certainly, could be more meritorious. The direct protection of the Alabama settlements was within your competency, and, indeed, among your paramount duties. But why commence a grand system of offensive operations, which has brought you out on this side of the Creek nation, at a point where I did not want you, without giving me the slightest intimation that you were about to commence, and, of course, without waiting for my approbation and co-operation? To have waited for such co operation, and to have given me notice of your intended movements, were, allow me to say, also among your paramount duties.

Your next popular flourish is in these words: "I have none of that courage that would enable me to remain inactive when women and children are daily falling beneath the blows of the savage." I certainly believe that you have not—and there was not the slightest objection, in any quarter, to your protecting the women and children of the frontier, with the defence of which you were directly charged. Again, nothing could have been more praiseworthy; but how does this excuse your leaving those women and children, and, instead of marching upon Irwinton, where you were required, marching in hostile array, seeking battles, upon Fort Mitchell, where you were neither expected nor wanted?

On the subject of the Alabama frontier settlements, I am happy to learn, by your letter, that you made such arrangements for their safety as to leave you assured on that point.

The last point you make, as if it were for future use against me, is this: "I would have struck the enemy to-night, but for your letter. If he is not struck to-morrow morning, he will escape for the present. But the force I have in the field is sufficient to pursue and reduce him." Here I am made to deprive you and the country of a great imaginary victory. I say imaginary, for I am inclined to think that you are, on this occasion, a little too sanguine in your calculations. But the true answer is this: Who gave you authority to roam at pleasure through the Creek nation, at the head of the Alabamians, and a body of friendly Indians, without giving notice to, and without concert with, the Georgians and regulars brought to this frontier for the same war, and at an enormous expense to the Government? Besides, from the position occupied by you, you are forced to operate down the country, instead of getting below the enemy and operating up. This precisely inverts what you know to be my plan of the campaign—a plan fully developed in conversation with you, and to which you did not in the least object, although you were invited to discuss it freely.

Whilst writing the above, I received your letter of this date, written at Fort Mitchell. You charge me with harshness. I have, certainly, in previous letters, complained heavily of you, as in the beginning of this, and have, in every instance, I think, given the grounds of those complaints. The facts stated by me, I think, bear the construction that I have placed upon them; and I have infinitely regretted the existence of these facts.

You are mistaken in supposing that I upbraided you for asking for small supplies of rations and forage for your troops. I regretted the scarcity of our resources in such supplies, and apprehended a scarcity bordering on starvation for a few days. Fortunately, eighty thousand rations have arrived at Fort Mitchell, and about twenty thousand here, which, yesterday, we e not expected earlier than the 22d instant, perhaps the 23d instant; and I am confident, when here, that we both, by calculation, did not expect any thing from New Orleans before the 21st or 22d. I am rejoiced, as much on your account as my own, that we both have an abundant supply of rations for the present; and we know that one hundred and fifty thousand more will soon follow. I have ordered twelve thousand to be landed from the steamboat at Fort Mitchell, intending to distribute the remainder of that cargo among the posts below, for the ben fit of all the troops in the field equally.

General, in haste, I have not intended to say any thing to injure you. I have shown, in strong terms, the construction I may appear harsh. But, on the other hand, allow me to say that I have the greatest and undiminished confidence in your honor, your intelligence, gallantry, and capacity for war. You use the word friendship. I have cherished for you, for more than twenty-two years, a warm and sincere affection, which I

would not part with on any consideration. It has been a little shaken since I saw you; but, one expression in your letter goes far to recall it. I think you have not been attentive to my plans and instructions. In this I certainly think you have erred, and also in your failure to report fully to me. Throwing, for a moment, seniority aside, I ask it of your ancient connection with me to be more careful in those particulars in future. It will give me sincere delight to put down this war with you, and to give you all the fame which I know you are so capable of winning.

I presume that you have approached a little nearer to Fort Mitchell for the convenience of obtaining supplies. Some corn has been sent thither for your use, and I understand eight hundred or a thousand bushels may be had at a plantation below.

I shall not detain you in a state of inactivity many days. The arms, and some ammunition, must reach the place to-morrow, and the troops will march down, on the Georgia side, to place themselves below the enemy on the 22d. I think we shall cross the river about the mouth of the Cow-ag-gee. It is said there are no Indians below. I wish you could come into line with me there; but, as that cannot well be, without crossing you over to the Georgia side, and thence recrossing the river, I shall wish you to act downwards, as soon as the Georgians are in position to march in the opposite direction. More particular instructions you will receive from me, on this point, in a day or two. In the mean time, I wish you to send a force to the foot of the Uchee shoals, (which, I understand, is just about a mile above the creek of the same name,) in order to construct at that place a shed, closed at the ends and sides, capable of receiving and sheltering (say) one hundred thousand rations, with about five thousand bushels of corn. The lumber, (boards and scantling,) as also nails, shall be shipped from this place to-morrow or the next day. The number of men to be sent for this purpose, and to remain as a guard, you will please designate. Axes, spades, saws, and hammers, shall also be sent to the spot by Tuesday evening. A field work, of slight construction, will no doubt be necessary for the guard; and you will give instructions accordingly.

I shall have to leave not less than fifteen hundred Georgians to guard the left bank of the river. The Alabamians may protect the depot at the foot of the Uchee shoals.

You shall hear from me again, probably to-morrow. Let me have a report from you on the above subjects, and suggestions as many as you please.

With renewed regard, I remain with great respect, your most obedient servant,

WINFIELD SCOTT.

Major General T. S. JESUP,
Commanding Division Army of the South.

Now, sir, in this letter, Jesup is told that his letter of the 17th is "as strange as any" before written; that he is making "popular flourishes" and "dead points" for future use against his superior commander; and that the "facts stated by him" (Scott) justified his "complaints." The subsequent part of the letter expressly acknowledges that his "*affection*," cherished for more than twenty years, has been "a little shaken." And although there was "one expression in your (Jesup's) letter (which) goes far to recall it," yet there is no open acknowledgment of cordial reconciliation. It is manifest that a lurking suspicion still rankled in the heart. But what does the letter say relative to future operations? What response does it give to the recommendation of Jesup to move his army, and "end the war before to-morrow night?" Hear him! "I shall not detain you in a state of inactivity *many days*. The arms and some ammunition must reach this place to-morrow," &c. "I *think* we shall cross the river about the mouth of the Cowaggee" Still uncertain at what point he would cross! "More particular instructions you will receive from me on this point in a *day or two*." "In the mean time I wish you to send a force, &c. to construct a *shed* capable of receiving and sheltering (say) one hundred thousand rations, with about five thousand bushels of corn!!!" "You shall hear from me *probably* to-morrow!" Well, sir, Jesup could stand it no longer; he preferred attacking the Indians to building "sheds" and longer delay. On the 20th he reported to his commander, as he was ordered to do, and, in the conclusion of that report, stated to him: "As I was placed on this service by the express order of the President, I shall apply to him to be relieved, and shall demand a court of inquiry." And on the same day he wrote a letter to F. P. Blair, which has travelled the rounds in every newspaper, and which being laid before Gen. Jackson, he immediately ordered the recall of General Scott, and invested Gen. Jesup with the command.

I have thus given the correspondence which led to the Blair letter; and it seems to me, sir, that no one can read it without saying that there is an entire absence of every thing like intrigue on the part of Jesup, and that he was forced to write as he did, "to be relieved" from the goading censures, if not the official insolence, of superior rank.

After General Jesup had terminated the Creek war, he was placed in command of the Florida army. This was not done, however, until the 4th of November, 1836, when the following order was given him by the Secretary of War:

WAR DEPARTMENT, Nov. 4, 1836.

SIR: Before this communication reaches you, you will have become fully acquainted with the retrograde movements of Gov. Call, and the other events connected therewith, which have recently occurred in Florida. These circumstances have, for a time, suspended offensive operations; and, from the feeble state of Gov. Call's health, it is to be feared he will not be able to prosecute the campaign, when resumed, with that promptitude and energy which the crisis demands. The President has, therefore, determined to commit to you the command of the army serving in Florida, and the general direction of the war against the Seminoles.

You will accordingly, on the receipt of this communication, should you then be at Gov. Call's headquarters, (and if not, so soon as you can reach there, or can communicate with him,) *assume the command of all the forces in the Territory.*

The hostile Indians having been discovered in considerable force on the banks of the Withlacoochie, and it having been also ascertained that their principal camps and settlements are situated on the south side of that river, you will immediately make *all* suitable arrangements for a vigorous attack upon their strongholds, and for penetrating and occupying the whole country between the Withlacoochie and Tampa Bay. With a view to this end, you will first establish posts at or near the mouth of the Withlacoochie, at Fort King, and at Volusia, and you will take the proper measures for securing, through them, the safety of the frontier. You will also, through the same posts, and by *such means of transportation as may be most certain and economical, make permanent arrangements for procuring* sufficient and regular supplies. So soon as those dispositions shall be completed, you will concentrate all your disposable forces, and proceed, without delay, to cross the Withlacoochie, and to possess yourself of the positions now occupied by the Indians, attacking and routing them in their strongholds, and scouring the whole country between the Withlacoochie and Tampa Bay.

Should you succeed in bringing the Indians to a general engagement, and in defeating them therein, the ready submission of the tribe may probably be expected. If, however, they should abandon their present position on the Withlacoochie before you reach it, or you should drive them from it without entirely subduing them, you will then take such advanced positions towards the south of Volusia, and to the east and south of Tampa Bay, as the nature of the country may admit, and push from them such further operations as may be necessary to the most speedy and effectual subjugation of the enemy.

The above direction to attack the enemy in his strongholds, and to possess yourself of the country between the Withlacoochie and Tampa Bay, you will regard as a *positive order, to be executed at the earliest practicable moment.* In other respects, you will exercise a sound discretion, and will adopt such measures as you may deem best calculated to protect the frontiers, and to effect the subjugation and removal of the Indians.

Great confidence being reposed in your prudence, energy, and skill, it is deemed unnecessary to urge you to promptitude or activity, or to impress on you the importance of early and frequent communications. B. F. BUTLER.

Major Gen. THOS. S. JESUP, U. S. Army, Florida.

No one can examine the documents, without being convinced that General Jesup did not get into Florida as an intriguer for command. Having traced him there, I shall now notice the charge of his having violated the white flag, and committed an act of treachery in the capture of Powell, or Oceola.

In March, 1837, the Seminoles, by a treaty made with Gen. Jesup, at Fort Dade, capitulated. The nation was represented in this treaty by Micanopy, their king or principal chief. In August following, at Fort King, Gen. Jesup had a conference with Coehadjo and other chiefs, and there told them that they must not attempt to come in unless they were prepared to fulfil the treaty and go west of the Mississippi, for he would hold no more "*talks*" with them. The Indians suggested that, if they came in with a view to go West, they might be fired upon by Jesup's men. To prevent this, Jesup gave them muslin with which to make white flags, and told them to hoist such flags, and they should not be fired upon. With these flags Coehadjo, Oceola, and others, came in. Oceola was worn down and sick, and died not long after he came in. Coehadjo was afterwards sent after his people, all of whom did not come in with him, and they removed west of the Mississippi. Gen. Jesup received information that Oceola and his associates, who then came in, intended to deceive; and that their motives were probably hostile, and that they did not intend in good faith to fulfil their engagements. Under this information they were seized and confined, and this is the whole of the matter about which so much clamor has been made. Sir, these Indians had no right to use the flags which had been given them for any other purpose than that stipulated; and if they came in as spies or for hostile purposes, as Gen. Jesup was informed and believed, the violation of faith, the act of treachery, was on their side, not on Jesup's. Permitting Coehadjo afterwards to go at large and bring in his people, is conclusive evidence that there was no disposition on the part of Jesup to violate a flag, or to confine those whom he had taken, on being satisfied, that they were acting in good faith.

Did Oceola come under his flag to negotiate peace, or to exchange prisoners, or to do any other business usually transacted by the commanders of hostile armies under a flag of truce? No, sir; he, through Coehadjo, was no doubt informed that there was to be no more negotiation, and that when they used the flag, it must be done for the purpose only of securing their safety in coming in to emigrate. I will not detain the committee by detailing the various acts of Indian treachery in disregarding their capitulation, disregarding their parole, and inducing their hostages to fly from our custody, in consequence of all which, by the rules of civilized warfare, Jesup might legitimately have sacrificed the lives of his prisoners, instead of simply confining them with a view to make them perform their engagements. I only allude to these things to show that, when the whole are taken in connection, there is ample ground to justify the conduct of Gen. Jesup. But does any, here or elsewhere, inquire into these things? Do his assailants seek for the truth? If they do, why not raise a committee to investigate all the incidents of the Florida war? Why not get up a court martial? Jesup will no more shrink from either tribunal than he did from the fire of the enemy at Chippeway or Bridgewater.

Mr. Chairman, it is extreme cruelty to the officers of the army to attack them here before taking the proof. Raise your committee, ascertain the facts, and then, if they have disgraced themselves or their country, handle them as roughly as you please; but I beseech gentlemen not to strike at random for political and party purposes. I beg them not to aim a blow at the Administration by calumniating the officers of the army. They only help the Administration when they assault the reputations of officers who are unassailable.

The gentleman from New York (Mr. MONROE) seems to think that General Jesup is indebted to General Scott for the laurels he won during the last war. I would sooner undertake to prove the converse of the proposition. Sir, my object is to defend Jesup, who has, I think, been greatly wronged, and not to assail Scott. But if the gentleman from New York will take the trouble of looking into the official reports of the battles of Chippeway and Bridgewater, he will find that Jesup acquired imperishable renown, not by merely obeying the orders of General Scott but by originating and executing, in the most brilliant manner, movements which conduced as much as any others to win for our arms those glorious victories. It is true that General Scott assigned to General Jesup (then a major in rank) his post in the battle of Chippeway; but the order to "support arms and advance" which Jesup's men executed in the face of a tremendous fire from the enemy, the repulse of the enemy's right wing, and the attack of his right flank, was all the work of Jesup and and the brave 25th, and gave the first evidence that the victory was ours. In the battle of Bridgewarer, the brave 25th, with Jesup at their head, was "thrown to the right, to be governed by circumstances." Never did commander use his discretion more for his own fame or the glory of his country than Jesup did on that day. General Brown, in the official report, says of him, "He had succeeded in turning the enemy's flank, had captured (by a detachment under Captain Kechum) General Riall and sundry other officers, and showed himself again to his army in a blaze of fire which defeated or destroyed a very superior force of the enemy." Yes, sir, in that "blaze of fire," two horses were shot under him, and four balls penetrated his body, and yet he remained on the field of battle, giving orders, until the work was complete.

The gentleman from New York seems to think that General Jesup has encountered but little personal risk or danger, except when he was serving under General Scott. Not so, sir; General Jesup has, on many occasions, gallantly presented himself to the enemy, when he was not acting under the orders of General Scott. When a lieutenant under General Hull, he acted as adjutant general, and, in the discharge of his duties, was much exposed to the cannonade of the enemy across the river Detroit, prior to Hull's surrender. Yes, sir, and at Detroit he conceived and would have executed, had General Hull permitted, a daring enterprise, which in all probability would have saved his commander from his disgraceful surrender. He proposed to cross the river, attack and capture the enemy's battery before the main army could relieve it. After his exchange, he was placed in command at Cleveland, and there superintended the building of the boats which afterwards transported Gen. Harrison's army to Canada. He went with Gen. Harrison, and was the first who landed on the shore of the enemy from the boats he had built. He was at the Thames with General Harrison. He was then transferred with his men to the Niagara frontier, and placed in Scott's brigade, and whilst that brigade brought on most of the important battles fought on that frontier, Jesup's regiment was at least equal to any other in rendering service. He received the enemy's fire at Fort Erie on the 3d July, 1814, when that post surrendered. On the 17th September, 1814, he was placed in command of the reserve at Fort Erie, when General Brown's sortie was made; three of his wounds yet unhealed, and his arm in a sling. His situation would have excused him from this service, had he asked it; but he sought the post of danger and of honor. He was afterwards with General Izard at the cannonading across the Chippeway river. Well might he say, after these services, "I am not ambitious of the honors of Indian warfare."

But, sir, Gen. Jesup has acquired honor in his campaigns in the Creek and Florida wars, the honor of doing his duty, and accomplishing all that he could to carry into effect the objects of the Government. The soldier has nothing to do with the policy of the Government, nor is he responsible for it. His duty consists in conquering the enemies of his country, whether they have been made enemies properly or improperly. In quelling disturbances with the Creeks, General Jesup met with entire success; and although he has not caught and sent out of Florida all the Seminoles, still, sir, he has caught and sent away more than any other General, if not more than all the rest put together. He has killed, captured, and sent off 2,383 altogether, of whom more than 700 were fighting men. Look at the results of his operations, judge him by what he has accomplished, and his friends may justly claim for him an exemption from reproach, although they do not boast of his victories over Indians in general engagements. It has not been his fault that he could not find a skulking enemy. He spread his troops over five degrees of latitude. He made battle wherever he could find the foe. He poured out his blood on the scorching plains of Florida, as he had done in Canada. Meet General Jesup, and shake hands with him, and you grasp a hand mutilated in the service of his country. Look him in the face, and you see the the scar of an Indian bullet. Sir, he has been upon more bloody fields, and received more wounds in battle, than any of your generals; and these wounds are trumpet-tongued, crying shame! shame! upon those who assail his character without knowing the facts, or, knowing, disregard them.

The gentleman from Pennsylvania, [Mr. BIDDLE,] in the course of this debate, has read various parts of the correspondence between General Jesup and the Secretary of War, in the course of which correspondence, he supposes, General Jesup browbeats the Secretary, and even insults Congress. General Jesup, like most soldiers, speaks plainly and directly to the point; but in the language used I cannot perceive any intention to insult or defy the authority of Congress, or to overawe or contemn the authority of the Secretary of War. Certainly the General has not spoken of us and our doings in any thing like as harsh terms as we are in the habit of hearing applied by members on this floor to each other, and to our public acts. I certainly should not commend him for following our example; but I must say it is a hard rule which tolerates us in saying what we please of the officers of the army, whilst they are required to submit to the gag in respect to us. Some allowance should be made for the circumstances under which General Jesup wrote, even if he had used harsh expressions. His incessant engagement, his loss of sleep, his fatigue and exposure, must have placed him in a condition in which he would not be much inclined to study phraseology, or to deal in compliments. Even if his letters do contain rough or hasty expressions, inserted under the impulses of the moment, I cannot look upon them as unpardonable sins.

But what has General Jesup said? Why, that he thinks Congress has got us into the Florida war, and must make heavy appropriations to get us out of it; and that Congress ought not to have disbanded or reduced the army in 1818. Well, sir, there are many, very many, of General Jesup's opinion. We all know that we have made appropriations to get out of the war, amounting to twenty millions, or near it; and the amendment now under consideration, is to appropriate $300,000 more to *carry it on.* We also know that a large portion of this enormous expense has been incurred in taking armies of militia and volunteers to and from the scene of active operations, and might have been saved by a regular army, kept constantly in the field. I can readily perceive in these considerations, in connection with the attachment which General Jesup naturally must feel for the regular army, growing out of past associations, reasons which induced him to think it was bad policy in Congress to reduce the army. I also see the force of these reasons; but although I acknowledge their force, I think Congress was right in reducing the army. I am opposed to large standing armies in time of peace; and, in time of war, I admire the practice of beating up for volunteers among the citizens. I wish the people to cherish the idea that every man is a soldier, and will fight the battles of his country, when required. As long as that idea is cherished and acted upon, the nation will be able to defend itself against all assaults, foreign and domestic. But just as sure as we depend alone on standing armies to fight our battles, whenever it is understood that citizens cannot fight, we shall invite aggressions, and pusillanimously surrender our liberties into the hands of a despot at the head of a standing army. In time of war, I am in favor of the citizen shouldering his musket,

and when the war is over, letting him return to his shop or his plough.

I have understood that, in consequence of the reduction of the standing army, it became necessary to withdraw two regiments which had been stationed in Florida and the Southern States, and to transfer them to the Northeast; and that it was the withdrawal of these troops, and the consequent inability of the Government to strike a decisive blow at the first hostile indication, which, in the opinion of General Jesup, operated with other causes to produce hostilities. He thought that the Indians would not have taken up arms in the face of a regular force capable of immediate action. Whether the reduction of the regular army, and the transfer of the Southern regiments, had any influence upon the minds of the Indians or not, it is very certain, I think, that the conduct of the President and Congress had a powerful influence in producing the Florida war. I will state the facts which the records prove; and after you have heard them, sir, I venture to predict that you will say General Jesup was at least half right, if not entirely so, in his statements on the subject.

In 1823, the Government made a treaty with the Florida Indians, by which they were to retire from the seacoast into the interior of the peninsula. They were not to occupy (except certain reservations) any lands nigher than twenty miles to the shore of the Atlantic, and nigher than fifteen miles to the Gulf of Mexico.

In May, 1832, at Payne's Landing, the Seminoles cede all claims to land in Florida, and agree to emigrate west of the Mississippi, provided the Creeks would receive them as a constituent part of their nation. The Seminoles were to remove in three years after the ratification of the treaty, and the removal was to begin "as early as practicable in 1833, with those Indians at present occupying the Big Swamp and other parts of the country beyond the limits" defined in the treaty of 1823.

In March, 1833, the Seminole chiefs sign a treaty expressive of their satisfaction with the country assigned to their nation west of the Mississippi, and agree to commence removing to their new home "as soon as the Government will make arrangements for their emigration satisfactory to the Seminole nation."

From these treaties, it is clear that Congress ought to have provided the means for removing the Seminoles, and to have commenced the work in 1833; but, instead of doing so, the Government made no preparation, and appropriated no money for that object until the 3d of March, 1835. Thus the Government was culpably negligent in the fulfilment of its obligations, and sorely have the people of the United States been punished for it. The delay was so great, that when we began to make preparations to send the Indians west of the Mississippi, they said we had trifled with and disregarded the treaty so long that they would not be bound by it. Hostilities commenced in 1835, and the next thing the statute book exhibits, is the appropriation of $120,000, to compel the Seminoles to submit. This appropriation was made on the 14th of January, 1836, since which time we have expended about twenty millions in the prosecution of the war, and sacrificed hundreds of valuable lives, of whom ten fell victims to the climate for every one killed in battle! Nothing like this war can be found in history. We have had in the field from five to ten thousand troops, and yet this mere handful of savages are not conquered. Truly may it be said that "the race is not to the swift, or the battle to the strong." Sir, I regard the disasters of this war as a just punishment for the criminal negligence of the last Administration. President Jackson was so devoted to the *personal glory* of electing his successor, that he could not attend to the fulfilment of the Seminole treaties in proper time. His faithful followers in Congress were as intently engaged in the same *glorious work!* All were so engrossed with the ideas of *"retrenchment and reform,"* (which terms are now understood to have meant from the beginning, in the party vocabulary, *increase of the expenditures and division of the spoils,*) and the regulation of the succession, that no attention was given to the treaties with the Seminoles. When the Indians exhibited their resentment by refusing to emigrate, instead of approaching them in kindness, acknowledging our negligence, and offering to pay them for the disappointment and delay, the Administration gave orders, like a gasconading bully, and resorted to force. A hundred thousand dollars would probably have healed the breach, if paid to the Indians in the way of damages for unjustifiable delay in executing the treaty on our part. But that could not be done, because it would be an open confession of the faithlessness of the Administration! Man will not take blame to himself, although he knows he is criminal! Well, sir, we have carried on the war nearly five years, and what have we got by it? We have experienced the truth of the declaration from Heaven, "When the wicked are in authority, the people mourn."

But the gentleman from Pennsylvania reads the orders of the Secretary of War to General Jesup, directing him to disband a portion of his forces, and complaining that he had called out too large a force; and he read from General Jesup's communications, showing that he could not end the war, because he was not furnished with troops at the proper time. I see in all this nothing dishonorable to General Jesup. All that any one can say is, that he may have erred. I am not willing to concede that much. Before the Indians dispersed over the whole country, it might have been practicable to put an end to hostilities by a decisive blow. Had Jesup been furnished with troops at the time mentioned by him, he might, for any thing we know to the contrary, have given that blow. Since the Indians scattered, it has been impossible to strike them. One-fourth of the men we have had in Florida, under General Jesup, would have put an end to the war, in half an hour at any time, if they could have brought the Indians to a general engagement in an open field. But the Indians would not meet them in that manner. The Indians dispersed, and scattered through their swamps and hammocks. How, then, were they to be caught? Not by following or seeking them by large armies. As well might you call down the eagle from his azure height, to attack a tomtit in a brush-heap: as well might you set a pack of bloodhounds to catch bullfrogs in a Florida pond, as to march large armies after single Indians scattered through a thousand hammocks. If General Jesup's object in calling a large force into the field was to keep them together, and march them by regiments in pursuit of the skulking foe, I should think his plan a miserable one; but if it was to divide them out into small detachments, and cover a large extent of country, and to hunt the Indians in scouting parties, the plan was reasonable, and deserves our approbation. Did he call for more troops than were necessary to cover the country with scouting parties? No, sir. We have been told in this debate that large bodies of Indians have lain snug in a hammock, without detection, between the parallel lines of our marching armies as they passed on either side. Now, sir, there are 45,000 square miles of wilderness in Florida, within the hiding places of each of which the Indians may shelter themselves: and if you had a man for each square mile, even then there would be no certainty of finding the foe. Did Jesup call for 45,000 men, or the half of them, or the fourth of them? No, sir.

Mr. Chairman, this Florida war will never end until we cease to make war upon the character of our generals—until we cease to expect impossibilities at their hands. We must, moreover, adapt our operations to the character and mode of warfare of the enemy. We must hunt him and fight him by small scouting parties, and by single men, and we must do this systematically. The conduct of the Government has made it a war of extermination. The Indians so regard it, and we must prepare for it accordingly. When Gen. Jesup thought he could make a lasting peace with the Indians, by allowing them to retain a part of the territory, the present Administration would not listen to his proposition, but recalled him; and I am not certain but it was done in consequence of this proposition. Afterwards, Gen. Macomb was sent out with power to treat, and he reported that he had made a verbal bargain with the Indians, by which they agreed to stay on one side of Pease creek, and he on the other, and fight no more. Well, sir, this bargain was not observed by the Indians. It is now a war of extermination, and how shall we bring it to a close? The Indian wars of the "dark and bloody ground" give the necessary instruction, if we were but wise enough to receive and obey it. Sir, we must cover Florida with old fashioned log forts, within which twenty or thirty men can defy the attack of every Indian in Florida. I have made the calculation, and I find that less than one hundred of these log forts would cover the peninsula of Florida in such a manner as to leave no one of them more than 25 miles distant from those nighest to it. Five thousand troops, being about half the number we have usually kept in the service, would supply a garrison of 50 men for each fort. Now, sir, if you wish to end the Florida war by killing or capturing the Indians, build such forts all over the country about 25 miles apart, being an easy day's march on foot from the one to the other. Station at each 50 men; not men without spirit, or character, or activity, such as are picked up in the filthy lanes and gutters of large cities, but men who are bold and active, respectable and aspiring, such as may be had in our mountains and plains, if you will adopt proper means to obtain them. Let these men, in scouts of six, or a dozen, or two dozen, hunt through the swamps and hammocks between the forts. Let them meet on half-way ground and encamp all night together. Let them exchange visits and tell their adventures. Let them fight whenever they could do so on equal terms; and when they could not, retreat to their forts for protection, and take measures to concentrate from the different points a force sufficient to meet any number of the enemy which may embody. Let this system be adopted, and you will bring the war to an end in the most economical manner possible. Such a system would soon discover all the hiding-places of the enemy, all his resources, and he would either fall under the blows which would reach him, or surrender in despair. But, instead of adopting a system like this, we have entertained the vain desire of conquering Indians as we would civilized nations—by splendid campaigns and pitched battles, in which we were to reap a harvest of glory and renown; and we have avenged ourselves for the disappointment by abusing our generals!

The gentleman from Pennsylvania read a letter from General Jesup, in which he says he would employ bloodhounds, if the inhuman massacres of the savages could not be arrested without using such means. I thought, when the letter was first read, that the General was to be made answerable for the introduction of the *dogs* now operating in Florida; but, as he made no recommendation to engage the services of such auxiliaries, and as no reflections were cast on him in the course of the debate, on account of his allusion to the bloodhounds, I see no motive in reading that part of his letter, unless it be to furnish the groundwork of prejudicial inferences, although no comments are made upon it. Now, sir, I feel, as General Jesup expressed himself, that if there were no other means of saving the lives of women and children from the scalping-knife and tomahawk, or of avenging their murder than the use of the bloodhound, I would employ him. I will go even further and say, if there are other means, but not so effectual, I would use the bloodhound. Savages, who are not governed by the rules of civilized warfare; who gibbet their prisoners; who pay no respect to a flag of truce, (the melancholy fate of Colonel Hardin and Maj. Trueman is ample proof on these points;) who spare no age nor sex; who murder and burn at midnight, must be made to feel the vengeance of the civilized man, by the utmost severity. They cannot be taught to stay their murderous hands until they feel that destruction awaits them. They have no sympathy for their enemies. The shriek of the victim is music to the ear of a savage. Such being the nature of the fiend we must encounter, I look upon it as a sickly, mawkish sensibility, to weep if he is throttled by a bloodhound, when we should rejoice if he was trampled to death by the charger of the dragoon. The true philanthropist and Christian laments the calamities resulting from war, and does all he can to avert them; but, when I see one so very refined in sentiment as to exult without bounds when a squadron of horses or elephants are so managed as to trample the enemy to death, and to grieve themselves without measure at the idea of hunting the lurking foe with a pack of dogs, I cannot help regarding such person as of weak mind, or hypocritically canting upon a distinction without a substantial difference. Genuine humanity adopts every means to put an end to war as speedily as possible. With savages, the surest way to end a war, or to keep them in peace, is to convince them that they cannot escape your vengeance, and that they will always receive justice at your hands. Give them confidence in your honesty, and make them know that they can be caught and punished, and you will have no difficulty with them. That master spirit of the world, Napoleon, quelled a mob by pouring upon them a shower of balls, without previous notice. The falling of a few killed produced a panic, and the multitude dispersed immediately. Others sent to do the same thing, got the passions of the multitude excited by firing blank cartridges upon them, and when it became necessary to use balls, hundreds were slain before the mob was dispersed. True humanity is always consulted by never trifling. If dogs could be found to track and take the Indians, it would be humanity instead of cruelty to use them; because the conviction thereby produced on the minds of the Indians that they could not escape, would bring the war to a speedy termination. As it is and has been, your efforts to drive them from their fastnesses have been like firing blank cartridges upon a mob; you have only incensed them, and made them more resolute.

Now, sir, I look upon the employment of bloodhounds in this Florida war with great contempt, simply because I have not a particle of confidence in the efficiency of that kind of force. It is, like all the other experiments of the past and present Administrations, a failure. The dogs have not earned their rations! And then the instructions given as to the manner in which they were to be used are supremely ridiculous! The soldier must follow the dog, which slowly follows the Indian trail, being restrained by a leash! And thus dog and man are both shot, before either sees the Indian!

It is the most difficult thing on earth to discriminate in cases seemingly analagous. You might make a successful hunt of naked Indians in the time of Cortez and Pizarro with bloodhounds; but they will not seize Indians with rifles and tomahawks in their hands. I am yet to be convinced that the bloodhounds will stand before fire arms. If, however, the people of Florida can, to any extent, protect themselves by using bloodhounds or any other kind of dogs, I shall not blame them for doing it. The dog is our protector under many circumstances. He keeps a faithful watch around the domicil at midnight. He warns us of the approach of the thief. He is the hunter's friend. He helps him in his wars upon bear and buffalo; and if he can be made serviceable in the Florida war, I shall shed no *crocodile* tears for political effect.

The colonial authorities of Massachusetts, in 1744, declared war against certain Indians, and offered rewards for their scalps. One hundred pounds (bills of credit) were to be paid for each scalp of a male Indian, over twelve years old, killed in battle; and half that for those under twelve years, and for women killed in battle. One hundred and five pounds were to be paid for Indian male prisoners over twelve years old; and fifty-five pounds for women, and children under twelve years old, made prisoners. So our Puritan ancestors made only five pounds difference, for humanity's sake, between living and dead Indians. I do not find that the Indians were not to be caught with bloodhounds. The reward was to be paid to all "who shall voluntarily, and at their own proper cost and charge, go out and kill," &c. Really, sir, it might be a saving to the Treasury to let out the Florida war upon such terms. We have already paid more than $2,000 for every Indian and negro, male and female, big and little, in hostile array in Florida; and we have only killed and taken, so far, about a fourth part of them. At the same rate, by the time we kill or catch the whole, each man, woman, and child, will cost us about $10,000.

In 1764, John Penn, Lieutenant Governor of the Colony of Pennsylvania, issued his proclamation offering premiums and bounties for Indian prisoners and scalps, and did not prohibit the use of dogs of any sort. One hundred and fifty Spanish dollars, or pieces of eight, were to be paid for male prisoners above ten years old, and one hundred and thirty dollars for *squaws* and girls, and boys under ten. For the scalp of each male Indian above the age of ten years, one hundred and thirty-four dollars were given, and fifty dollars for each female scalp above the age of ten years. I mention these things to show what has been done by respectable communities in defending themselves against savage enemies. Now, although I would prefer following other examples, and taking prisoners and scalps without any fee or reward, except that of saving the country and protecting our wives and children, still, in looking into the past history of Massachusetts and Pennsylvania, I think the Representatives of these highly respectable and Christian Commonwealths ought not to condemn, with unmitigated severity, the people of Florida for seeking the protection of their own scalps by the *attempt* to use dogs in attacking and hunting a savage foe.

When I was under General Harrison in the Northwest, during the last war with Great Britain, I was informed that General Proctor paid the Indians a stated reward for every scalp. That was a crime. It was a very different thing from paying members of the same community for protecting the weak and feeble against the torch and scalping knife, by killing, or capturing, or hunting the savage foe with dogs. It was the example of a civilized nation paying for and rewarding savage brutality, instead of teaching mercy and humanity! It was a retrograde movement which disgraced the fast anchored Isle. Instead of being the reformer, she became the ally and encourager of barbarians!

I have performed an act of duty and justice in making these remarks in defence of General Jesup, whose conduct has, I think, been greatly misunderstood and misrepresented. The character of the country and of the army is identified with the conduct of our generals, and I will not sit by and see them sink—yes, sir, manacled and thrown overboard—when truth and honor can save them.

SPEECH OF MR. M. P. GENTRY,

OF TENNESSEE,

In the House of Representatives, May 19, 1840—On the bill to secure the Freedom of Elections.

Mr. GENTRY addressed the House as follows:

Mr. SPEAKER: I had not intended to participate in this debate, until my colleague (Mr. WATTERSON) addressed the House, some days ago. Up to that time, I had felt no disposition to submit my views upon the merits of this bill; not because I did not appreciate the magnitude and dangerous tendency of the abuses which it is intended to reform, but because I was not very sanguine in the belief that the bill, if passed into a law, would prove an effective corrective of those abuses. And, sir, if my colleague (Mr. WATTERSON) had confined himself in his remarks to the question before the House, I would not have changed my original purpose, and would have been content to give a silent vote upon this question, as I have done upon most of those which have been disposed of by this House. But he chose to wander off from the question before the House, to give a history of the late political canvass in the State of Tennessee; in the course of which, he felt himself called upon to animadvert, with as much severity as he could command, upon the course of the political party in that State to which he is opposed, and to denounce, in the most offensive and unsparing terms, two distinguished individuals of that party. But a little while ago, my colleague was identified with that party in Tennessee which he now opposes, and professed to be the ardent friend and admirer of the distinguished individuals whom he now denounces with so much bitterness. But a little while ago he pretended to be devoted—most earnestly and zealously devoted—to the mainte-

nance of the principles which the Whig party of Tennessee are struggling to maintain; and he is not more unscrupulous in denouncing the distinguished individuals of that party *now* than he was servile in fawning upon and flattering them *then*. Knowing this to have been the position which my colleague very recently maintained in reference to the political party which he now opposes, and the individuals whom he now denounces, I obtained the floor, when my colleague concluded his remarks, at a late hour, some weeks ago, under an impulse of feeling which prompted me to give utterance to that resentment which the character of his remarks was so well calculated to inspire, not having noticed that the consideration of this bill would be superseded in the order of business, and that I would thus long be deprived of an opportunity of replying to my colleague. The lapse of time has soothed into quietude the angry feelings which were excited into action by the remarks of my colleague; and, since his speech has been published, I am convinced that it carries within itself its own refutation, and that it contains nothing which makes a reply from me necessary; and if I had not then announced my determination to do so, I would not now seek the floor for that purpose. But fearing that my colleague might misconstrue the motive which governed me, if I was now to decline replying to his speech, I have determined to execute the purpose which I then announced, however loathsome and unprofitable the task may be.

I am aware that my colleague, in the furious onslaught which he made against the political party of which I am an humble member, and certain distinguished individuals of that party, to whom I shall presently allude, did not seek a conflict with me. It was quite obvious that he desired to "break a lance" with the distinguished gentleman [Mr. BELL] who introduced the bill now under consideration. He was animated with that kind of ambition which glowed in the bosom of Prince Hal, when, on the famous field of Shrewsbury, he encountered the Percy, determined by one brave fight to pluck from that warrior's brow the laurels which he had won in many a hard-fought battle, and place them on his own; but my distinguished colleague, who introduced the bill, has given no evidence that he felt the blows that were aimed at him, nor evinced the slightest disposition to repel them; and my colleague [Mr. WATTERSON] must curb his "high vaulting ambition," and for the present be content, by slow degrees,

——"To climb
The steep where Fame's proud temple shines afar;"

and must be satisfied with such victories as he can win over adversaries of less distinction than the mover of this bill.

My colleague greeted this bill as an old acquaintance, and announced to the House and the country "that it had its faint and comparatively harmless prototype in the sedition law of the elder Adams." He labored to prove an analogy between that odious law and the bill under consideration; and maintained that the sedition law, when compared with this bill, was "comparatively harmless." The object of the sedition law was to protect the office holders of the Government from such strictures and animadversions as the people might see proper to make upon their official conduct; the object of this bill is to protect the people from the office holders by "securing the freedom of elections, and preventing the abuse of Executive patronage." The object of the sedition law was to *protect the office holders and to punish the people* for freely expressing their sentiments in relation to the official conduct of those officers. The practical tendency of the sedition law was to make those who administer the Government irresponsible to the people by shielding them from the public censure and disapprobation; whilst the tendency of the bill now under consideration would be, if passed into a law, to increase the responsibility of public officers by securing to the people the independent exercise of the elective franchise, free from all undue official influences. The tendency of the sedition law was to protect the office holders from the influence and control of the people; the object of the bill is to protect the people from the influence and control of the office holders, who, in all countries, and under every form of Government, acquire interests antagonistical to those of the people, and seek to increase and extend the power conferred upon them by the Constitution and laws, that they may aggrandize themselves by oppressing the people. I cannot conceive of two things more opposite in character—more widely different in their nature and tendency—than the bill under consideration and the law to which my colleague compares it. Yet, disregarding, overlooking, defying the palpable dissimilarity in the tendency and objects of these measures, my colleague insults the public intelligence by insisting that they are identical in principle, with the single exception that the bill under consideration is more odious in its provisions than the sedition law, which he said was "comparatively harmless." The positions which my colleague endeavors to maintain, and the sentiments which he expresses, harmonize well with the principles and practices of the party to which he belongs; but are totally repugnant to the doctrines and principles of true Republicanism as taught and practised by the "Fathers of the Church."

My colleague assumes that Congress does not possess the constitutional power to pass the bill under consideration; and argues, with much gravity, that the power of prescribing the qualifications which shall entitle an individual to the right of voting in elections belongs exclusively to the States. If the bill proposed to do what my colleague contends that Congress has not the power to do, no one would more readily than myself agree with him that it was unconstitutional; but my colleague cannot be ignorant of the fact that the bill proposes nothing of that nature. He knows that the bill does not propose to deprive any office holder of the free and independent exercise of the elective franchise. He knows that one object of the bill is to give the law to the office holders of the Government, as a shield to protect them from the tyranny and caprice of the President, and relieve them from that slavish dependence upon his will which is now so debasing to them, and so injurious to the public interests. He knows full well that the bill does not attempt or propose to limit or restrict the right of suffrage; and when, in giving his views upon this question, he gravely made the argument to which I have alluded, he could have been actuated by no other motive than the disingenuous one of misleading the public mind in regard to the true character of this bill; and to elicit from public opinion a verdict against it, by presenting it to the public view in an aspect quite the reverse of that which is true. He knew that many would see and read his speech who would never see the bill; and, if I may be allowed to judge of the object which my colleague had in view, I think I am safe in concluding that it was to deceive his constituents, and the country generally, in regard to the true character of the bill, rather than to prove to the House that its provisions are unwise and impolitic, and that it ought not to pass into a law. The offices which are filled by the individuals upon whom this bill is intended to operate, were created by Congress, and might at any time be abolished; and surely the power which created the offices, and which *may abolish them*, can regulate by law, to the extent which this bill proposes, the conduct of the officers, without violating the Constitution.

To prove that those abuses which this bill is intended to correct have no existence, my colleague adduces the fact, that majorities have occasionally been against the President in the large cities of the Union, where the patronage of Government is greatest, and where office holders are most numerous. And, as a further proof of his position, he informed the House that here, in the District of Columbia, where the seat of Government is located, and where the people are within the immediate range of Executive influence, three-fourths of the population are opposed to the re-election of Mr. Van Buren. At the first view there seems to be some plausibility in this position; but, when we bear in mind the fact, that the cities to which he alluded are in a high degree commercial, and that a sound currency and a healthy condition of trade are indispensable to the prosperity of their citizens, and that this Administration has waged a constant exterminating war upon the commercial interests of the country, the facts so much relied upon by my colleague, far from proving the impotency of Executive patronage, furnish conclusive evidence, to my mind, that it has been powerfully felt in those cities, or else the President would not be able to command the support of so large a portion of their population.

In regard to the state of public sentiment in this city and District, which my colleague says is so much in opposition to the present Administration, it is satisfactorily accounted for by the opportunities which the people of this District enjoy of seeing and knowing the corruption and mal-practices which are practised and tolerated by those who administer the Government; and I cannot permit myself to doubt that the people in every State of this Union would be equally unanimous in opposing the party now in power, if they possessed the same means of arriving at correct conclusions. This fact, then, whilst it is in a high degree complimentary to the virtue and patriotism of the citizens of this city and District, does not sustain the position assumed by my colleague. The title of the bill bespeaks its object, and supersedes the necessity of an explanation on that subject. It is "to secure the freedom of elections, and to provide more effectually for the faithful administration of Executive patronage." Some of the most illustrious of those statesmen who achieved the independence of our country *opposed* the adoption of the Constitution upon the ground that it conferred too much power upon the President. They foresaw that, by means of the patronage which would concentrate in the Executive department of the Government, and the abuses in the administration of that patronage which would probably be practised, the power and influence of the President would be augmented to an extent dangerous to the public liberty. The wisest Republican statesmen who have lived since the adoption of the Constitution, have felt themselves bound, by the highest and most sacred obligations of patriotism, to resist every thing in the action of our system of Government which tended to bring the "patronage of the Federal Government into conflict with the freedom of elections," or which tended to increase the power and influence of the President.

My colleague is wiser, or more courageous, than the sages to whom I have alluded. The dangers which were so clearly seen by them are invisible to my colleague; and those abuses in the administration of Executive patronage which they believed would lead to results, debasing to the public virtue—corrupting to the purity of the elective franchise—subversive of the freedom of elections, and dangerous to the public liberty—the interference of Federal office-holders in elections—appointments to, and removals from, office for opinions' sake; and, in short, all the abuses which the bill under consideration is intended to reform, are justified and defended by my colleague, who thus identifies himself in position, fully and completely, with that class of politicians whose motto is, "To the victors belong the spoils," and who hold that the offices and honors of this Republic are merely political capital which a party President may rightfully employ to reward those partisans who have rendered him service in elevating him to or sustaining him in power. So harmless does my colleague deem the patronage of the President to be, that he says in his speech, "in the interior of the country a Government officer is scarcely seen; nor is the *power of the Executive, in any way, seen or felt.*" This declaration of my colleague is true only in part. It may be true that the power of the Executive is often *unseen* in the interior, but it is equally true that it is often *most powerfully felt*. When Philip of Macedon determined to conquer and subjugate the liberties of Greece, he bribed into his service certain Athenian orators, and induced them to persuade their countrymen to turn a deaf ear to the counsels and advice of Demosthenes, who urged them to adopt the most vigorous measures for defending themselves against the insiduous designs of that ambitious monarch. The glittering gold with which Philip tempted those orators into treason, was unseen by the Athenian people, but it was *felt* by the orators; and so in regard to the patronage of the Federal Executive of our own country. The promises of office and preferment with which the President seduces ambitious, aspiring, and unprincipled men from their duty to the country, are unknown to the people; and when such men go forth among them, to make them believe that all is right in the administration of the Government, and that the President is the purest of patriots, and more than all other men devoted to their happiness and welfare, the people, ignorant of the mercenary motive which prompts them to a zeal seemingly so patriotic, confide in their declarations, and are deceived. I therefore conclude that the *invisibility* of Executive power and influence, which my colleague seems so much to admire, does not diminish the danger to be apprehended from that source, nor lessen the obligation which rests upon the legislative department of the Government, to limit and control that power and influence by every constitutional means.

But, Mr. Speaker, it is not my purpose to notice in detail the various sophistical and futile arguments employed by my colleague to give plausibility to his opposition to this bill, and justify his denunciations of its advocates; nor do I propose to enlarge upon the fatal consequences which must inevitably result if the principles and practices put forth and defended by my colleague, and openly avowed and acted upon by the party which now wields the political power of this Government, shall receive the sanction and toleration of the country, and become permanently engrafted upon our political institutions. The most gifted eloquence cannot portray, nor the richest imagination conceive, the extent and fatal character of those consequences. In that political corruption which has, within the last few years of our history, practically decided that talents, integrity, fidelity, and trustworthiness, are no longer to be regarded as virtues which constitute a passport to honor and preferment; in those enormous defalcations, embezzlements, and peculations of every grade and character which have astounded, shocked, and blunted the moral sensibilities of the nation; and in that general political and moral debasement which must mark the present as an era in our history, we have but a faint foreshadowing of the consequences which will ensue, unless those abuses in "the administration of Government patronage," of which these evils are the natural results, shall be corrected. Whether such penal enactments as the bill under consideration proposes will prove an effectual corrective of those abuses is, I think, questionable. However well guarded and wisely framed its provisions may be, still, if you pass it into a law, you must rely upon officers to execute it—officers who are themselves interested in the continuance of those abuses which it seeks to correct, and who derive their appointments to office from the President, and who are liable at all times to be removed from office by the same power which appointed them. Hence I conclude that the law would not be executed so as to accomplish the object in view. I apprehend that the disease has fastened itself too deeply upon our political institutions to be reached by such a remedy. It can only be reached by a legislative enactment, which shall require of the President, in all nominations made by him to the Senate, to fill vacancies occasioned by an exercise of his power to remove from office, a statement of the reasons for which such removal was made; and by such a modification of the Constitution as will limit the Presidential service to one term of four or six years. The former would cut down and destroy, to a considerable extent, those means of influence which are wielded to vitiate and corrupt the ballot box, and subvert the freedom of elections; the latter would remove the most powerful inducements to prostitute the patronage of the Federal Executive to the accomplishment of party or political objects which now exist.

But, though I do not believe that the bill under consideration would effectually arrest the abuses complained of, if passed into a law, yet the moral force of such a legislative declaration of opinion would be highly salutary in its effects. It would be a just rebuke to those who at present administer the Government, and would aid the exertions of those patriotic citizens in every part of the Republic, who are struggling to restrict the several departments of this Government within those limits prescribed by the Constitution, by resisting the encroachments of Executive power; and who are striving to restore to our political institutions the purity of which they have been despoiled. I shall therefore give my support to the bill; and I am happy to have such an opportunity to attest the sincerity of my conviction that Executive power and patronage "have alarmingly increased, are increasing, and ought to be diminished."

My object, however, in addressing the House, is not so much to discuss the question which is before it, as to reply to that portion of my colleague's speech which related to matters which have no connection with the merits of that question. It will be remembered that my colleague did not confine himself to the question before the House, but availed himself of that question to go at large into a discussion of party topics; in the course of which he felt himself called upon to entertain the House with a history of the late political canvass in Tennessee; to boast of his own achievements in that canvass; to denounce in unmeasured terms the political party which he now opposes; and to stigmatize two distinguished gentlemen who recently represented that State [Judge WHITE and Mr. FOSTER] in the Senate of the United States, as FEDERALISTS and APOSTATES. I have already informed the House that, until a very recent period, my colleague professed to be the warm friend and admirer of those gentlemen, and to be politically identified with them in feeling and in principle. I regret that he did not specify what principle they have abandoned; what pledges they have violated; and what duties they failed to discharge, that this House and the country might understand the reasons which have induced him to withdraw from them his friendship and support, and to denounce them as "apostates and Federalists." But he has failed to do so; and, in the absence of such specifications, it is fair for me to conclude that the course which my colleague has thought proper to pursue is attributable to the difference of opinion which exists between him and those whom he denounces, in relation to the propriety of correcting those abuses "that have brought the patronage of the Federal Government into conflict with the freedom of elections." I am justified in this conclusion by the remarks which my colleague made upon the bill now under consideration. He justified and defended the abuses which it is the object of that bill to prevent, and made it the subject of complaint against the President that he does not pursue the course which my colleague says "he would urge," and proscribe, for opinion's sake, more universally and indiscriminately than he does. I cannot suppose that my colleague would have turned with such vindictive fury upon those with whom he had been so recently associated in a common cause, and with whom he had claimed congeniality of principles, merely on account of a difference of opinion in regard to the *mode* of accomplishing an object, about the wisdom and propriety of which he and they entertained the same views. If the bill is defective in its details, let my colleague propose such amendments as will correct its defects; but let him not denounce its advocates as Federalists and apostates, for I shall prove that the bill only proposes to carry into practice principles which have been held by the most illustrious statesmen, who have shed lustre upon the past history of our country; principles which were professed by the most distinguished leaders of the political party to which my colleague now belongs, when that party was seeking power; and principles to the maintenance of which my colleague himself, not long ago, professed to be most ardently devoted. A demonstration of these truths will constitute a successful vindication of the two distinguished individuals who recently represented the State of Tennessee in the Senate of the United States, and the political party in that State with which they are identified; and will enable this House and the country to determine who have abandoned their principles, and who are "apostates and Federalists."

Mr. Speaker, my colleague began his harangue by saying that he would not weary the patience of the House by quoting the opinions of Washington, Jefferson, Madison, and Jackson, "upon the principles embraced in the bill now under consideration;" but he said he would content himself with stating, "in plain language," his own views; and for them he would be responsible "to those who sent him here and to the country." I admire the prudence of my colleague in declining to place the opinions

of the illustrious men to whom he alluded in contrast with his own. It proves that he yet retains sufficient respect for the intelligence of the people, to believe them capable of making a just discrimination between wisdom and folly, demagoguism and patriotism. I propose, sir, to do that which my colleague declined to do, that his constituents and mine, and "the country," may have an opportunity of deciding whether the opinions of my colleague, or those of the illustrious men to whom he alluded, are most entitled to their respect and consideration. The political party to which my colleague belongs claim to be the disciples of Jefferson. Let us see whether they practise his principles. In a letter which that great man addressed to Gov. McKean, of Pennsylvania, he says:

"The event of the election is still *in dubio*. A strong portion in the House of Representatives will prevent an election if they can. I rather believe they will not be able to do it, as there are six individuals of moderate character, any one of whom, coming over to the Republican vote, will make a ninth State. Till this is known, it is too soon for me to say what should be done in such atrocious cases as those you mentain, of Federal officers obstructing the operation of the State Governments. One thing I will say—that, as to the future, interference with elections, whether of the State or General Governments, by the officers of the latter, should be deemed cause of removal; because the constitutional remedy by the elective principle becomes nothing if it may be smothered by the enormous patronage of the General Government. How far it may be practicable, prudent, or proper, to look back, is too great a question to be decided but by the united wisdom of the whole Administration when formed."

This letter was written by Mr. Jefferson, before it was certainly known that he would be elected President of the United States. After he was installed into office, unlike those who call themselves his disciples, he acted out the principles which he professed, as will appear from the following circular, which he caused to be issued to the officers of the Federal Government:

"The President of the United States has seen, with dissatisfaction, officers of the General Government taking, on various occasions, active parts in elections of the public functionaries, whether of the General or of the State Governments. Freedom of elections being essential to the mutual independence of Governments, and of the different branches of the same Government, so vitally cherished by the most of our constituents, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right. This I am instructed, therefore, to notify to all officers within my Department, holding their appointments under the authority of the President directly, and to desire them to notify to all subordinate to them. The right of any officer to give his vote at elections as a qualified citizen, is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution, and his duties to it."

Mr. Speaker, it will be seen by the circular from which I have read, that Mr. Jefferson required the officers of the Government who held their appointments under the authority of the President, "not to take any part in the business of electioneering, nor attempt to influence the votes of others—that being deemed inconsistent with the spirit of the Constitution, and their duties to it." But now an attempt to prevent, by legislative enactment, those abuses which Mr. Jefferson declared to be "inconsistent with the spirit of the Constitution," is denounced as a flagrant violation of that instrument, and is declared to be a measure as odious as the sedition law; and the officers of Government, amounting in number to nearly one hundred thousand, are required to contribute regularly a portion of their salaries for electioneering purposes, and are taught to know that they cannot render a more acceptable service to the President than by taking an active "part in the business of electioneering," and by successful exertions "to control the votes of others." With what propriety, sir, can those who practise and tolerate abuses so corrupting in their tendencies, claim to be the disciples of Jefferson and denounce their political opponents as "apostates and Federalists!" But, sir, I forbear to comment upon such glaring inconsistency, and will proceed to draw, from a more recent period of our history, facts to sustain the positions which I have assumed. My colleague, no doubt, remembers well the famous report made by a select committee of the Senate during the first session of the Nineteenth Congress, to which was referred a proposition to inquire into the expediency of reducing the patronage of the Executive Government of the United States. That committee was composed of the leading men of the Jackson Democratic party of that period. Mr. Benton was its chairman, and Mr. Van Buren and Judge White were members of it. That committee, after examining carefully into the degree and amount of patronage "*then* exercised by the President," arrived at the conclusion that it "might and ought to be diminished by law;" and for that purpose the committee reported six bills, and proceeded to urge reasons for their adoption, as follows:

"The committee do not doubt but that there are other branches of Executive patronage, in addition to those which are comprehended in the provisions of these bills, which may be advantageously regulated by law. Far from thinking that they have exhausted the subject, they believe that they have only opened it, and that nothing more can be done at this time than to lay the foundation of a system, to be followed up and completed hereafter. In coming to the conclusion that Executive patronage ought to be diminished and regulated on the plan proposed, the committee rest their opinion on the ground that the exercise of great power, in the hands of one man, has a constant tendency *to sully the purity of our institutions, and to endanger the liberties of the country.*"

How different were the opinions entertained by that committee upon the subject of Executive patronage from those expressed by my colleague in this debate! But I will proceed with the report. After descanting upon the jealousy of power, and of the influence of patronage, which had charecterized our ancestors; and attributing to that jealousy many of the safeguards which the Constitution provides for the preservation of freedom, the report proceeds as follows:

"The committee believe that *they* will be acting in the spirit of the Constitution in laboring to multiply the guards and to strengthen the barriers against the possible abuse of power. If a community could be imagined in which the laws should execute themselves—in which the power of Government should consist in the enactment of laws—in such a state, the machine of Goverment would carry on its operations without jar or friction. Parties would be unknown, and the movements of the political machine would but little more disturb the passions of men than they are disturbed by the operations of the great laws of the material world. But this is not the case. The scene shifts from this imaginary region, where laws execute themselves, to the theatre of real life, wherein they are executed by civil and military officers, by armies and navies, by courts of justice, by the collection and disbursement of revenue, with all its train of salaries, jobs, and contracts, and in this aspect of the reality we behold the working of *patronage, and discover the reason why so many stand ready in any country, and in all ages,* TO FLOCK TO THE STANDARD OF POWER, WHERESOEVER AND BY WHOMSOEVER IT MAY BE RAISED."

The report then proceeds to portray the great and dangerous extent of power and patronage, then wielded by the Federal Executive; and predicts its rapid increase to an almost incalculable extent, unless Congress could be prevailed on to interpose its power to restrain that tendency in the action of our system of Government. And to exemplify their view of the subject, the committee read from the "Blue Book" of the Republic, which corresponds with the "Red Book" of Monarchies, to show the greatness of Executive power and patronage, by exhibiting the extent of that power and influence in a single branch of the public service, in the custom-house at New York. At that time, (1826.) there were employed in that custom-house one hundred and seventy-four officers, whose annual salaries amounted, in the aggregate, to the sum of $201,682; and the amount of revenue collected at that custom-house, in the same year, was $8,766,753 32. In the year 1839, the number of officers employed in the custom-house at New York was four hundred and ninety-seven, whose annual compensation amounted, in the aggregate, to the sum of $540,615; and the amount of revenue collected at that custom-house, in the same year, was $7,856,826 77. Mark the enormous increase in the number of officers, and the amount of their compensation! whilst the amount of revenue collected at that custom-house is less in 1839 than in 1826! Yes, sir, those who were so much alarmed at the extent of Executive patronage, power, and influence, can see nothing in its rapid and unparalleled increase to excite their fears. It was *then* dangerous to the public liberty, but *now* it is a most harmless thing. After making this exhibit, the committee proceed to comment upon it as follows:

"A formidable list indeed! formidable in numbers, and still more so from the vast amount of money in their hands. The action of such a body of men, supposing them to be animated by *one* spirit, must be tremendous in an election; and that they will be so animated, is too plain to need demonstration. *Power* over a man's support is *power over his will.* The President has power over the support of all these officers; and they again have power over debtor merchants to the amount of ten millions of dollars per annum, and over the support of an immense number of individuals, professional, mechanical, and day laboring, to whom they can, and will, extend or deny a valuable private as well as public patronage, according to the part they shall act in *State* as well as *Federal* elections. Still this is only a branch—a mere prong—of Federal patronage in the city of New York. The same Government has, in the same city, a branch of the United States Bank, wielding a capital of many millions; a large military, naval, and post office establishment; a judiciary, with its appropriate officers; presses which print the laws and public advertisements; and a long list of contractors and jobbers."

Such, sir, was the frightful picture of Executive power and patronage in the year 1826, as drawn by a committee of the Senate of which Mr. Benton was the chairman, and Mr. Van Buren a member. The committee then proceed to warn the Senate and the country of the fatal consequences which were likely to result from such an accumulation of power and patronage in the hands of the President, as follows:

"Every where, to the extreme frontier of the remotest State or Territory, Federal patronage will be found, in degree and force, proportionate to the population of the place, and forever augmenting with the increasing power of the Government. Diminution of patronage is not thought of; the state of the custom-house in New York is already pregnant proof of this. The power of patronage, unless checked *by the vigorous interposition of Congress,* must go on increasing, until Federal influence, in many parts of this Confederacy, will predominate in elections, as completely as British influence predominates in Scotland and Ireland, in rotten borough towns, and in the great naval stations of Portsmouth and Plymouth."

And again, in another part of the report, the committee say of Executive patronage, that—

"Its workings will contaminate the purity of all elections, and enable the Federal Government eventually to govern throughout the States, as if they were so many provinces of one vast empire. The whole of this great power will centre in the President. The King of England is the 'fountain of honor;' the President of the United States is the source of patronage. He presides over the entire system of Federal appointments, jobs, and contracts. He has power over the support of those who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them, and, upon all the principles of human action, will dismiss them, as often as they disappoint his expectations. His spirit will animate their actions in all the elections to State and Federal offices. There may be exceptions, but the truth of a general rule is proved by the exception. The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily, and much more securely, with than without the nominal check of the Senate. If the President was himself the officer of the people, elected by them, and responsible to them, there would be less danger from this concentration of all power in his hands; but it is the business of statesmen to act upon things as they are, and not as they would wish them to be. We must look forward to the time when the public revenue will be doubled; when the civil and military officers of the Federal Government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the principle of public action will be open and avowed—the President wants my vote, and I want his patronage—I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? and what is the government of one man but a monarchy? The nature of a thing is in its substance, and the name soon accommodates itself to the substance. Names are nothing. The first Roman Emperor was styled Emperor of the Republic, and the last French Emperor took the same title; and their respective countries were just as essentially monarchica before as after the assumption of these titles."

The report from which I read then proceeds to expatiate at length upon the necessity of diminishing Executive patronage, and concludes as follows:

"In the country for which the committee act, the press, (with some exceptions,) the post office, the armed force, and the appointing power, are in the hands of the President; and the President himself is not in the hands of the people. The President may, and in the current of human affairs *will, be against the people;* and, in his hands, the arbiters of human fate must be against them also. This will not do. The *possibility* of it must be avoided. The safety of the people 'is the supreme law;' and, to ensure that safety, these arbiters of human fate must change position, and take post on the side of the people."

Mr. Speaker, the principles contained in the report from which I have been reading were promulgated to the people of the United States by the Jackson Democratic party, in the year 1826, as the true creed of their political faith; and the people were taught to hope and believe that, by entrusting the powers of the Government to that party, they would secure the correction of the abuses so ably set forth in that report, and save the free institutions of their country from the corrupting and fatal consequences which they were assured would follow, if they failed to elevate the *reformers* to power. In short, sir, they were made to believe that, by bestowing the confidence which was asked at their hands, all abuses in "the administration of Executive patronage" would be reformed; that the expenditures of the Government would be retrenched to a most economical standard; and that the Federal Government, in all its various departments, would be so administered as to restore it to its primitive SIMPLICITY AND PURITY. The people approved the principles which were thus professed, and confided in the promises which were thus made. The people of Tennessee, especially, were almost unanimous in thus approving and confiding; and, to secure the triumph of principles so sound, to accomplish reforms deemed to be so necessary, they rallied with unexampled unanimity and enthusiasm to the support of Andrew Jackson for the Presidency. He was elected by an overwhelming majority; and, in his inaugural address, he acknowledged the object which the people had in view in elevating him to that high and responsible station, by saying:

"The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of reform; which will require, *particularly,* the correction of those abuses that have *brought the patronage of the Federal Government into conflict with the freedom of elections,* and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed, or continued, power in unfaithful or incompetent hands."

Mr. Speaker, these were the principles which brought Gen. Jackson into the Presidential chair. Ten years have elapsed, during which time the party which professed so patriotic a devotion to the maintenance of these principles have been in possession of all the powers of this great Government. Have they redeemed the pledges which they made to the people? Where is the retrenchment, the *reform,* which they promised? They have violated and disregarded all the pledges which they made. They have repudiated all the principles which they professed when they sought the confidence of the people. They now practise, justify, and defend all the abuses which they pledged themselves to correct; and denounce as Federalists and apostates all those who still adhere to the principles which they hypocritically professed, and who insist upon carrying those principles into practical operation. Surely, sir, the time has come when public sentiment ought again "to inscribe upon the list of Executive duties, in characters *too legible to be overlooked, the task of* reform; and especially *the correction of those abuses which have brought the patronage of the Federal Government into conflict with the freedom of elections;* and the counteraction of those causes which have *disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.*"

Does my colleague require additional evidence to establish my position that the Whigs of Tennessee, whom he denounces so bitterly, are contending for the same principles, in regard to Executive patronage, which have ever been professed by the true Republican party, and which were professed by the leaders of that party to which he belongs, when they were seeking power? If he does, I furnish it to him in the following extracts from the speeches and circulars of a man whom my colleague delights to eulogize—I mean Governor Polk, of Tennessee. In a speech which that gentleman delivered on this floor, March 13, 1826, whilst the contest for the Presidency between General Jackson and Mr. Adams was pending, he said:

"I am bold to say I am of the number who are of opinion that, if this happy Government is ever destroyed, which God forbid, it will be by encroachments and abuse of power, and by the alluring and corrupting influence of Executive patronage."

And in a circular which he addressed to his constituents in 1827, he expressed his opinions in relation to the power and influence of the Federal Executive as follows:

"In relation to the extensive patronage of the Executive, my opinion is that it is already 'too great, is increasing, and ought to be diminished.'"

"This is not a contest between men alone. Great and vital principles are involved. It is a contest between power and right. The issue is in fact joined between the people in vindication of their rights on the one side, and the power and patronage of public rulers on the other."

"Those who are not for the people, and for popular rights, are against them, and may be justly termed servile adherents of power, however obtained, and by whomsoever exercised."

Let my colleague contrast these sentiments and opinions with those advanced by him, and entertained and acted upon by the party to which he belongs; and he will then be able to determine, with accuracy, who have apostatized. It is certainly true that these principles were deemed to be Republican in 1826-'27; and that they are now opposed by my colleague and his political coadjutors. But lest my colleague should endeavor to break the force of this array of evidence by saying that these declarations of opinions and principles are general in their character, and do not apply to the question before the House, I respectfully invite his attention to an extract from a speech, delivered in the Senate of the United States in 1834, by the Hon. Felix Grundy, then, as now, one of the main pillars of Van Buren Democracy. It is as follows:

"I concur entirely with Mr. Jefferson in his sentiments as to what should be the conduct of Federal officers in relation to the politics of the country. That enlightened statesman was of

opinion that it was 'highly culpable in Federal officers to interfere in the business of electioneering.' When writing upon this subject he says: 'Freedom of election being essential to the mutual independence of Government, and with the different branches of the same Government so vitally cherished by most of our Constitutions, it is deemed improper for officers, depending on the Executive of the Union, to attempt to control or influence the free exercise of the elective right.' He further says to the officers under him that 'he expects they will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the Constitution, and their duties to it.'"

"In support of the opinion I entertain, I refer you to another high authority. The present Chief Magistrate (General Jackson,) in his Inaugural Address, when speaking of Executive duties which demanded particular attention, refers directly to the 'correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections.' Strengthened, as I am, by these expressions of opinion, I feel the less hesitation in saying that every officer of the Federal Government is entitled to a free and uninterrupted right of suffrage, and should not be disturbed in the exercise of it; but when they become partisans in elections, and attempt to control the elective franchise in others, they should be dismissed from public employment; and I should be gratified to see this principle acted out to its fullest extent, whether the officer thus engaged act with or against the party to which I belong. When I see an office-holder interfering in elections, the first idea that strikes me is, that he is thinking of his office and his bread; and, therefore, an unfit adviser of those whose only object is the public good."

Mr. Speaker, these are principles which have ever been held by the true Republicans of our country, and they are precisely those which are now entertained by the Whig party. They are repudiated by the supporters of the present President, because they know that he was elevated to the Presidency by the violation of these principles, and that he relies upon the same "abuses in the administration of Executive patronage," which elevated him to power, to secure his re-election. Hence his partisans are driven to the necessity of renouncing the principles which they once professed, and of defending and justifying those corrupting abuses from which they formerly pretended to apprehend so much danger to the public liberty. But, sir, I have yet in reserve an authority to sustain and justify me in the position which I take upon the subject of Executive power and influence, for which I am confident my colleague feels a higher and more profound respect than for the distinguished individuals whose opinions I have brought to my aid in this discussion. It is the opinion of one no less distinguished than my colleague himself. I have already informed the House that my colleague is a new convert to Van Buren Democracy; and, like most new converts, his present zeal and devotion is in exact proportion with his past wickedness and infidelity. It will be remembered that, towards the close of General Jackson's administration, when the public mind was directed to the choice of his successor, the people of Tennessee, believing that they saw in his effort to control the selection of his successor a violation of those principles which had elevated him to power, rose up in noble resistance against his arrogant attempt to dictate to them, and nominated a distinguished citizen of their own State (Judge White) for the Presidency. Popular enthusiasm rose high in his favor; and, with few exceptions, the people of that State were united in his support. No one was louder in professions of admiration for the character and services of Judge White, and of devotion to the principles with which he stood identified, than my colleague, and no one was more bitterly vehement than he in denouncing and opposing Mr. Van Buren. He threw himself into the current, which was running strong in favor of Judge White, and was triumphantly borne by it into the Legislature of Tennessee. I was also a member of that Legislature, and was an humble co laborer in that good cause so zealously espoused and supported by my colleague.

In obedience to the mandate of the popular will, that Legislature adopted a preamble and resolutions formally presenting Judge White to the people of the United States as a candidate for the Presidency, in which they enumerated the objects which they had in view in seeking to elevate him to that high station, as follows:

"1. To secure to the people the exercise of the right of suffrage in the election of the President of the United States, independent of the influence and dictation of caucus nominations.

"2. To resist the establishment of the practice of electing the President according to any plan of regular succession among the great functionaries of the Government.

"3. The limitation and control of Executive patronage within such safe and expedient bounds as to secure the freedom and purity of the elective franchise against all undue official influences."

Mr. Speaker, I need not say that the bill under consideration aims at the accomplishment of the object last specified in the extract which I have just read. My colleague voted for that preamble; and so conspicuous had been his zeal on that occasion, that he was selected by the presiding officer of the House of Representatives to be one of a committee which was appointed to inform Judge White of his nomination by the Legislature as a candidate for the Presidency; and as my colleague has thought proper to denounce that distinguished individual in the grossest and most unsparing terms, on more than one occasion during the present session of Congress, I will read the letter which that committee addressed to him, that the House may see how great has been the change in the opinions of my colleague in relation to men as well as principles:

"NASHVILLE, Oct. 23, 1835.

"To the Hon. HUGH L. WHITE:

"SIR: The undersigned have been appointed a committee of the General Assembly to inform you that the people of the State of Tennessee have, by their Representatives, nominated you to their fellow-citizens of the United States for the office of Chief Magistrate. This duty we conceive will be best discharged by communicating to you the preamble and resolutions adopted by both Houses of the General Assembly. From them you will learn the principles upon which the nomination was made. These, as also the attending circumstances, we take leave to say, appear to us no less honorable to the people of the State than to yourself. By this act they have shown a discrimination and devotion to principle worthy the imitation of posterity.

"We avail ourselves of this occasion to tender to you the assurances of our esteem and veneration for your character, and our ardent wishes for your personal happiness."

Then follow the signatures of the committee, my colleague [HARVEY M. WATTERSON] being one of the number.

Such, sir, was the political position of my colleague in 1835; and such the evidence upon which I rely to sustain the position which I assumed in reference to him at the outset of my remarks. What new lights have beamed upon his vision to work such a marvellous change in his principles, and in his opinions of men, I will not conjecture; but, when I shall have finished his political history, I think it probable that every gentleman on this floor will be able to judge of that question in a manner quite satisfactory to himself. The great political battle was fought, and victory perched upon the standard of Mr. Van Buren. His predecessor, at the head of his trained band—his corps of a hundred thousand office holders, whom Mr. Buchanan (a leader of the Van Buren party) once styled "the hired soldiers of the President," proved to be an overmatch for those who struggled against a combination so powerful. But the political banner which Tennessee had unfurled was nobly upborne by her sons; and though struck down elsewhere, it waved in proud and glorious triumph within her own borders. In the summer of 1837, another election was held in that State for members of Congress and the Legislature. The same questions entered into that election which had controlled the preceding one. Those who had opposed the election of Mr. Van Buren, with few exceptions, stood forth in opposition to his Administration, declaring that the war against him should never end until the principles of Republicanism, which had been violated in his election, should be vindicated and re established, and the injuries inflicted upon the spirit of the Constitution repressed and repaired. The people rallied to the support of their principles, and returned to the Legislature a large majority of members opposed to the Administration of Mr. Van Buren. My colleague was not a candidate for re-election; but, very soon after the result of the contest was known, he forwarded to me his congratulations upon the success of the Opposition, with an announcement that he would be a candidate for clerk of the Legislature, of which I had been elected a member. The Legislature convened; a large majority, as I before remarked, being opposed to the Administration of Mr. Van Buren. My colleague, in accordance with the previous intimation which I had received from him, became a candidate for a clerkship, and was elected. I will not say, nor do I believe, that his opposition to Mr. Van Buren was the only merit which gave him a claim to that station; but, certain I am that he could not have procured it if he had occupied even a doubtful position on that question. Meanwhile, the supporters of Mr. Van Buren, though repeatedly defeated, had never despaired of ultimately effecting a political revolution in Tennessee. The patronage of the Federal Government was steadily and effectively employed for the consummation of that object.

By artfully addressing himself to the cupidity of the avaricious, and to the ambition of the aspiring spirits of that State, the President succeeded in enlisting to his support some of the most talented and influential men in Tennessee, who, with zeal, sharpened and stimulated by the hope of reward or promotion, effectively exerted themselves to induce the people to believe that it was their interest and their duty to ground the arms of opposition to Mr. Van Buren, and give him their support. By such means as these, a considerable diversity of political opinion was created in the public mind; and, in some parts of the State, very great changes in favor of Mr. Van Buren had been effected. In the Congressional districts which was then represented by Mr. Polk, but which is now represented by my colleague, [Mr. WATTERSON,] a complete revolution in public sentiment had been effected. In the autumn of 1838, James K. Polk, then Speaker of this House, announced himself as a candidate for the office of Governor of Tennessee, for the well understood purpose of revolutionizing that State in reference to national politics, with a view to the accomplishment of ulterior objects connected with his own political aggrandizement. His character as a popular orator, and the extraneous aid which it was known would be brought to his support, inspired the Van Buren party with lively hopes of success, and stimulated them to another desperate struggle. Throughout the length and breadth of Tennessee, "the busy note of preparation" sounded; and the champions on either side were girding themselves for the conflict. It was obvious to all that a struggle for political supremacy between the two parties, more fierce and terrible than any which had preceded it, was about being made. It was a time to "try the souls of men." It was a time when "summer soldiers and sunshine patriots" would shrink from the severe encounter, and when each "ture man" would nobly and fearlessly stand forth to maintain and defend, at all hazards, the cause and the principles which his conscience and his reason approved.

At the moment when the first battle call rose upon the breeze—when the first war cry of the enemy was heard in the distance, and answering shouts of defiance from those whose souls were determined and unterrified, gave evidence that the battle was about to begin, and that "danger and death" would be the order of the day—my colleague skulked away from the standard which he had followed so long—abandoned the cause and the principles to which he had professed to be so warmly devoted—deserted his friends in their hour of utmost need and peril—joined the enemy—took a commission in his service—turned his sword against his friends, and became the slanderer and revil er of those for whom he had previously professed the warmest personal and political friendship!!

Mr. Speaker, my colleague took occasion, at an early period of this session, upon a question about which he and myself differed in opinion, to express his regret that we could not "stand shoulder to shoulder" upon a subject in relation to which the interests of our constituents were the same. Sir, I do not desire to offend my colleague; but, after the experience I have already had of an alliance with him, I cannot resist the impulse which prompts me to tell him that it can never hereafter be a cause of regret with me to find him in opposition to me upon any subject whatever. I deem it safer to contend with him as an adversary, than to rely upon him as a friend. No man fears to encounter an enemy who advances boldly and undisguisedly to the front, challenging to the conflict; but the bravest may well fear the stiletto thrusts of falsehearted and perfidious friends. I am contending now for the same principles for which I contended when my acquaintance with my colleague commenced in the Legislature of Tennessee, in 1835. Nothing has transpired since that time to weaken my convictions of the correctness of those principles, or create a doubt of the propriety of the opposition which was then made by the people of Tennessee to the election of Mr. Van Buren. I can conceive of no cause which can justify my colleague in the course which he has thought proper to pursue; and I tell him again, once for all, that I cannot and do not appreciate the regret which he expressed. Not content with having renounced principles the maintenance of which he once declared to be essential to the preservation of the public liberty, and with having abandoned friends for whom he professed the highest esteem, he seeks to commend himself to the favor of his new political associates, by violently *denouncing* his former principles, and *vilifying* the friends to whom he pretended to be so much devoted. When he addressed the House upon the bill now under consideration, he alluded to the votes of the two Senators who recently represented the State of Tennessee in the other end of this Capitol, upon a bill introduced in the Senate by Mr. Crittenden of Kentucky, somewhat similar in its provisions to the one under consideration. He characterized those Senators, and their political friends in Tennessee, as apostates and Federalists, and informed the House that the votes which they gave in favor of that bill had been fatal to them—that they were politically dead. If they are indeed dead, why does my colleague assault them so furiously? Does my colleague [Mr. WATTERSON] possess that unenviable courage which prompted Falstaff to thrust his sword into a dead hero? Does he delight to mangle dead bodies? Will he, like Falstaff, claim to be made a Duke, as a reward for his chivalry? Or to be appointed Receiver General? Or have his services requited by any other office within the gift of the Executive? If those gentlemen are, as my colleague says, politically prostrate in the State of Tennessee, why does he travel out of his way to denounce them? Is he under the control of that principle of human nature which makes a man, who is conscious of having injured another, pursue the injured individual with unrelenting and unforgiving hatred? One of the Senators whom he denounced [Judge White] was, at that time, confined to a bed of sickness, from which it was not expected he would recover. Since that time, he had paid the last debt of nature. He has passed the

"Undiscovered bourne, whence no traveller returns."

He has stood before that dread tribunal before which all must stand. He is a tenant of the tomb. Will the grave shelter him from that malignity which in his lifetime never slept? May he not find a refuge in death from that storm of slander and detraction with which his political enemies sought to overwhelm him, before death had robbed them of their victim? But sir, I deny that he is politically dead. The purity and severe simplicity of his life—the stern integrity of his character—his incorruptible patriotism—his long and illustrious services to his country, remain the property of his countrymen, in whose gratitude and affection he will live forever; and fathers and mothers will point their children to his history, as furnishing an example for them to imitate, when the names and memories of those who reviled him while living, and who will slander him when dead, shall be buried in the grave of eternal oblivion. The other distinguished individual to whom my colleague alluded as being politically dead, [Mr. FOSTER,] is not dead, physically or politically. True, his political opponents, through a combination of adventitious circumstances, which will never again exist, obtained a majority in the last Legislature of Tennessee, and gave instructions to Mr. Foster and his colleague (Judge White) which honor and patriotism forbade them to obey. They resigned their seats, and appealed from the Legislature to the people—from a packed jury to an honest one. Judge White was not permitted to live until the verdict of the people was rendered; but Mr. Foster is before them, ably and manfully vindicating himself and his deceased colleague. The people have awarded to him the privilege of speaking for himself. He is speaking to them the words of "truth and soberness," which sink deep into their hearts and understandings. He is scattering the seed of truth upon good ground, which will bring forth the fruit of political regeneration and redemption, to the mortification of my colleague [Mr. WATTERSON] and his political coadjutors in Tennessee.

But, Mr. Speaker, I am aware that it is quite unnecessary for me to defend Judge White or Mr. Foster from the denunciations of my colleague. Their fame and characters rest upon a basis too broad to be shaken by his puny arm. I will therefore proceed to notice other matters introduced by him into this debate, many of them of a character so paltry and contemptible that I feel it to be a humiliating necessity which imposes upon me the task of discussing them. He undertook to defend the Administration of Mr. Van Buren against the charges which have been made against it in relation to the extraordinary defalcations of public officers which have occurred; and for this purpose he read from an official communication made by Levi Woodbury, purporting to show that the losses to Government, on account of the defalcation of public officers, had been greater under the Administration of Mr. Adams than under that of General Jackson, in proportion to the amounts collected and disbursed. Without saying any thing in read to the credibility of the evidence which my colleague introduces to sustain his position—but, for the sake of argument, admitting it to be true—does it constitute a defence of Mr. Van Buren's administration? The same officer has informed us that the whole amount of losses to the Government, on account of defalcations, from its commencement up to 1837, the beginning of Mr. Van Buren's administration, was 2,038,594 81; and we know that accident has developed to our knowledge the defalcations of two individuals, who have plundered from the public Treasury since that time $1,297,829 75! How many millions have been plundered of which we are uninformed, and will ever remain uninformed, I will not undertake to conjecture. But, sir, let justice be done. Let not the partisans of Mr. Van Buren be permitted to throw around him the character and popularity of General Jackson, to protect him from the public indignation and disapprobation.

The next *great question* which my colleague introduced to the consideration of the House was a Whig committee of Cincinnati, which he says have taken General Harrison under their especial keeping, and will not permit him to write or speak, or in any manner publish to the world the principles which will govern his administration, in the event that he is elected President of the United States. I reply to that portion of my colleague's speech by reading a short extract from Gen. Harrison's letter accepting the nomination of the Harrisburg Convention as a candidate for the Presidency. It is as follows:

"It may, perhaps, be expected that I should embrace this occasion to declare the principles upon which the Administration will be conducted, if the efforts of my friends to place me in the Presidential chair should prove successful. But having, in a letter to the honorable Harmar Denny, and in another to the honorable Sherrod Williams, both of which have been made public, given my views at some length of the character and ex-

tent of powers vested by the Constitution in the President, I consider it unnecessary to repeat them here."

If my colleague desires to know what are the principles of General Harrison, let him read the letters to which he refers, in the extract which I have read; let him read the speeches of Gen. Harrison, made in Congress and out of Congress; let him read his country's history, made bright and glorious by the DEEDS of General Harrison; and if all this will not satisfy him, let him go to those fields where the bloodiest battles have been fought in defence of his country: and he will find the principles of Gen. Harrison written upon them in characters of blood. The illustrious deeds of Gen. Harrison, in the Senate Chamber and upon the battle fields of his country, give to his friends satisfactory assurance of the soundness of his principles, and the exaltation of his patriotism, and furnish a better guarantee than written or verbal declarations, that if he shall be elected to the Presidential chair, he will so administer the Government as to promote the happiness and prosperity of the people, and advance the honor and glory of the nation.

My colleague has applied to Levi Woodbury, Secretary of the Treasury, for a statement of the compensation which General Harrison has received from the Government for the services which he has rendered in the various public stations which he has filled during a long and eventful life, most of which has been spent in the service of his country. It would seem that the accommodating Secretary was quite happy to have it in his power to furnish the information sought for by my colleague; and the musty records of the past not having been destroyed by the fire which consumed the Treasury building in 1833, the whole clerical force of the Treasury Department seems to have been brought into requisition, by order of the Secretary, to furnish to my colleague the desired official statement, from which it appears that General Harrison has, during his life, received from the Government, as compensation, an aggregate sum of upwards of seventy thousand dollars. This official statement is embodied in the speech of my colleague, and sent forth to the people, for the double purpose of correcting the impression which is abroad in the land, that Gen. Harrison is not wealthy, and to satisfy the people that he has no claim upon their gratitude. This grand political movement of my colleague and the Secretary of the Treasury will doubtless constitute an era in the annals of political warfare. When the people are hereafter called upon to decide between the conflicting claims of rival aspirants to the Presidency, they will, I suppose, only have to ascertain the respective amounts which the rival candidates have received from the Treasury, and give their votes to him who has received the smallest sum. This new mode of testing merit emanates from a source so high and respectable, that it is certainly entitled to serious consideration. For my own part, I desire to see an immediate experimental application of the principle. I have not applied to the Secretary of the Treasury to furnish to me statements of the compensation which Mr. Van Buren has from time to time received. But we know that, when the present year shall have expired, he will have been four years President of the United States, receiving an annual salary of twenty-five thousand dollars, making an aggregate of one hundred thousand dollars which he has received for his services as President of the United States. We know that he has been four years Vice President of the United States, receiving an annual salary of five thousand dollars, making an aggregate of twenty thousand dollars which he has received for his services as Vice President of the United States. We know that he has been minister to England, receiving for his services in that capacity the usual outfit and salary, making an aggregate of eighteen thousand dollars which he has received for his services as minister to England. These items, added together, amount to the sum of one hundred and thirty-eight thousand dollars. If to this was added the compensation which Mr. Van Buren has received for his services in various other public stations, it would appear that he has received from the Government a sum more than double the amount which has been received by General Harrison. Thus you see, sir, that, under the new test of merit which my colleague and Mr. Woodbury seem disposed to introduce, General Harrison still occupies the vantage ground. Compare the services rendered to his country with those of Mr. Van Buren, and the contrast will be more striking in favor of Gen. Harrison. What public service has Mr. Van Buren ever rendered which conferred honor upon his country, or dispensed blessings to his countrymen?

Mr. Speaker, my colleague was pleased to treat the House with a review of several Whig conventions which have recently assembled in different parts of the United States, and to favor us with sketches of the lives and characters of the individuals who composed those conventions. He read a statement from a newspaper in Ohio, (the publishers of which have, for many years past, been quartered upon the public Treasury, and have received from it large amounts of money,) in relation to a convention which recently assembled at Columbus, in that State. That statement is so glaringly and extravagantly false, that I deem it unnecessary to notice it. I cannot forbear, however, to express my surprise and astonishment that my colleague should have felt himself authorized to embody that statement in his printed speech, and suppress the remarks made by the gentleman from Ohio, (Mr. BOND,) exposing the falsehood of that statement, and the infamous character of its authors. But my colleague, no doubt, thinks he has a right to select for himself a code of morals by which to govern his own conduct; and I therefore, without further remark upon that part of his speech which related to the Columbus convention, proceed to notice his review of the Harrisburg convention, which nominated Gen. Harrison as a candidate for the Presidency. That convention consisted of 240 or 250 members—gentlemen of character and distinction from almost every State in the Union, who met together for the purpose of securing harmony and concert of action upon a subject of absorbing interest to themselves and their countrymen generally. They were not the "hired soldiers of the President," who met to devise measures to sustain power in its encroachments upon popular liberty; but they were FREEMEN, who, in the exercise of a constitutional right, met together to devise measures for the perpetuation of that freedom which they inherited from their ancestors. A man who could number among his phrenological developments the organ of conscientiousness, would feel it to be a delicate task to undertake, upon his own responsibility, to publish histories of the past lives, the present political position, and future purposes and objects of such an assemblage of gentlemen. Biographical historians generally devote much time and labor to the collection of materials for writing the life of a single individual, and are careful to know that their information is collected from authentic and reliable sources. But my colleague, being gifted in a peculiar and extraordinary manner with unparalleled unscrupulousness, and reckless of the injustice which he is likely to inflict, enters upon the task of giving to the public the private and public history of 240 individuals, with whom he is unacquainted, and of whose lives and characters he knows nothing. Surely my colleague will secure to himself all the benefits of his new discovery in literature, by procuring a patent right. Certain I am, that his friends will insist upon his persevering in this new field of ambitious adventure. They will conclude that, if he cannot win a fame as immortal as Plutarch's, he may, nevertheless, reasonably hope to achieve a notoriety as enviable as that of Baron Munchausen. It is a maxim, sir, the truth of which is, I believe, generally conceded, that no man is so entirely vicious as not to possess some redeeming virtue; or so good as not to possess some vicious frailty. But it seems that this maxim does not apply to the members of the Harrisburg Convention; for my colleague has not been able to find in the character of any one of the individuals who composed that convention, a single redeeming virtue upon which to bestow his commendation; but, on the contrary, he finds, in the character and history of each one, something which he seems to imagine will disparage him in public estimation. Some of them he writes down as lawyers, some as traders and speculators—others as merchants, Abolitionists, Federalists, Aristocrats, men of pleasure, men of leisure, &c.—all of which terms he seems to use as if they implied odium and disparagement. If all that my colleague has published in relation to the pursuits and avocations of those who composed the Harrisburg Convention be true, what does it prove? What does it establish? How does he intend to apply his facts, if they be facts? What is the argument? It is all quite incomprehensible to me. I regret that my colleague was not more luminous. What does he mean? Are they not all American citizens? Would my colleague proscribe them on account of their avocations or pursuits? Is it thus that his Democracy exhibits itself? I had believed that true Democracy recognised as true the maxim that "worth makes the man, and want of it the fellow;" and I had supposed it to be a cardinal principle in the creed of Democracy that all men are entitled to equal political rights, irrespective of their trades, callings, pursuits, or professions. I am, therefore, unable to understand why my colleague seeks to disparage the nominee of the Harrisburg Convention, because there were lawyers, doctors, merchants, &c. &c. in that Convention; and I am surprised beyond expression that he should labor to excite public prejudice against lawyers: for, if I am not much mistaken, some very generous judge has given him a license to practice law in the courts of Tennessee. Whether he has ever found an individual so simple and credulous as to become his client, I am uninformed. Nevertheless, he is a member of the legal profession; and "'tis strange, passing strange, pitiful, wondrous pitiful," that he should seek to accomplish a political object by disparaging the profession of which he is a member. My colleague, in his extreme anxiety to find something to disparage each member of the Harrisburg Convention, writes down some gentlemen as men of pleasure, and others as men of leisure! Sir, these terms are exceedingly vague. They do not convey to the mind a distinct idea of the characters which he attempts to delineate. They may apply to me: for, when at home, I am not a day laborer, and am quite fond of leisure. Does my colleague mean to convey the idea that it is criminal to indulge in leisure? Does he use the term in an odious sense? These terms might, with much propriety, be applied to my colleague, or to any lawyer who, like him, has no professional duties to perform, except to make a daily visit to his office, to see that the sign board maintains its place over the door, to give notice to the world that the occupant is a waiting candidate for "fees and fame." A man of leisure! I know of none who enjoy so much leisure as the planters of the South, who have been generally admitted to be pre-eminent in those noble qualities and manly virtues which give dignity to human nature. I do not comprehend my colleague. I am sorry that he was not more intelligible. After completing his biographical view of the members of the convention, he condenses an expression of his object into one sentence, by saying that they are men "who have no interests in common with the great body of the people." The farmers were not there in their proper persons, and my colleague no doubt hopes to induce them to vote against the nominee of the Harrisburg Convention, by exciting their prejudices against those who nominated him; by telling them that the convention was composed of lawyers, doctors, merchants, &c. "who have no interests in common with the great body of the people." Is he not aware of the fact that it is very much the custom of the American people to entrust the performance of public duties to lawyers and other professional characters? Let him look around this hall—upon his own political friends, and he will see that the proportion of lawyers, merchants, &c. is as great upon this floor, as it was in the Harrisburg convention. I am a farmer—my colleague is a lawyer. I arrogate to myself no superior claim to public confidence over him on that account. On the contrary, I do not hesitate to declare it as my opinion that the study and practice of the law give a training to the mental faculties, a discipline to the mind, which, when united with talents and integrity, qualify a man better than any thing else can for usefulness in public life. Talents, integrity, and patriotism, are confined to no particular profession or avocation; and, wherever found, the possessor is entitled to honor, to trust, and to confidence. But, sir, if my colleague will insist upon establishing an arbitrary test of merit, which shall exclude all who are not farmers from participating in public affairs, he will find that it will be very fatal to that political party whose ascendency he seems to have so much at heart. Mr. Van Buren, the chief of that party, is a lawyer, as also are a large majority of his supporters in both Houses of Congress. General Harrison is a farmer; and although I am not prejudiced against lawyers, I most sincerely believe that the farmers of the United States will very much promote their own interest and that of their countrymen generally, by elevating to the Presidency the man who has faithfully served the Republic in many important civil stations; who nobly and valiantly defended his country when the storm of war raged within its borders; and who now, when peace blesses the land, lives in republican simplicity, upon his own farm, devoting himself to the pure, virtuous, and manly pursuits of agriculture.

Mr. Speaker, it is the habit of Mr. Van Buren's supporters to rely very much upon the force of names. They entertain an opinion very different from that of the poet, who said, "What's in a name? A rose by any other name would smell as sweet." And they hope to disguise the enormity of their principles and practices, and render their political opponents odious to the people, by applying to them unpopular names. Hence, they assume that all who oppose the re election of Mr. Van Buren are Federalists, and that all of his opponents who live north of Mason and Dixon's line, are Abolitionists. Proceeding upon these broad and false assumptions, my colleague, in his review of the Harrisburg Convention, writes down many of the gentlemen who composed that assemblage as Federalists and Abolitionists, hoping thereby to aid the exertions which the leaders of his party are making to induce the people of the Southern States to believe that General Harrison is an Abolitionist and a Federalist. My colleague did not openly and manfully make the charge that General Harrison is an Abolitionist, because he knew that the charge would be promptly met, and its falsehood proven; and therefore, he chose to deal in "damnable hints and diabolical muendoes," accomplishing his object by indirection, and avoiding the responsibility of making a false charge. I propose, sir, to expose the injustice of this disguised imputation. No gentleman upon this floor has ventured to make the charge that General Harrison is an Abolitionist. No man of common sense and common information believes him to be one. No man who will refer to the course which he pursued in this House, upon the application of Missouri for admission into the Union, and take the trouble to examine his opinions, as expressed in various letters and speeches, can for a moment doubt that he is as free as any living man from this odious imputation; and I do not hesitate to declare it as my opinion, that not one of the gentlemen of this House who have garbled his letters and speeches for the purpose of making the people believe him to be an Abolitionist, do themselves believe it. Yet they do not hesitate to inflict the deepest injustice upon General Harrison, by making the people believe him an Abolitionist. I am not so profoundly versed in ethics as to be able to draw the distinction between the moral guilt of originating an untruth, and that of endeavoring by such means to make the people believe a falsehood.

[Mr. COOPER of Georgia rose, and, in substance, said that without undertaking to say whether or not General Harrison was an Abolitionist, his party was identified with them; and that, if elected President, his administration would be controlled by them; and that this was the issue which he desired to present to the country.]

Mr. GENTRY resumed his remarks. I understand the gentleman from Georgia to say that, while he declines to make the charge that General Harrison is himself an Abolitionist, he contends that he is supported by them for the Presidency; and that Abolition influence will control his Administration. In some of the States of this Union the people are very equally divided between the two great political parties, and the Abolitionists hold the balance of power between them, and can, by uniting with the one or the other party, control the election; and doubtless Mr. Van Buren or General Harrison will be very willing to receive their support in any of the States thus situated. As for myself, solemnly believing that the defeat of the party which has for so many years wielded the power of the Government is demanded by the best interests of the people and the Government, I sincerely hope that the Abolitionists will co-operate in the accomplishment of that object in all the States which are situated as I have described. But, sir, we have the most indubitable evidence that such will not be the case; for the leaders of the Abolitionists have nominated candidates for the Presidency and Vice Presidency of their own party, and, at this time, are making vigorous and successful exertions to establish a separate and independent political organization. The premises of the gentlemen are false, and his conclusion is absurd. It is not true that General Harrison is the candidate of the Abolitionists; and, if it was true, that they are supporting him for the Presidency, it would still be absurd to conclude that they would control his Administration. It is an undeniable truth, that the leading men and principal newspapers of the Abolitionists have been actively and zealously opposing the election of General Harrison, and have denounced him for his ultra opposition to their views. Yet, in defiance of these well known facts, gentlemen iterate and reiterate the charge that General Harrison is the candidate of the Abolitionists; and that the Southern States of the Union cannot, consistently with their peculiar interests, support him for the Presidency. Who can believe that General Harrison would, in any event, countenance the schemes of those fanatics?—schemes which jeopard the integrity of the Union—that Union which he has made so many sacrifices to maintain, and so often perilled his life to defend.

Sir, it is a well known fact that the Abolitionists have never been united upon political questions, but have co-operated with the one party or the other, and been governed in their party associations, like other citizens, exclusively by local circumstances—by their individual opinions, partialities, or prejudices; and it is extremely absurd to make the charge of Abolition against either of the candidates for the Presidency, because they are or have been supported by Abolitionists. We may, more reasonably, look upon the conduct of those distinguished individuals, in relation to the admission of Missouri into the Union, as furnishing a true index to their principles upon that question, so peculiarly interesting to the Southern portion of this Republic. At that time, neither of them were aspirants to the Presidency; and there was no motive to induce either one of them to conceal his true principles, or profess those which he did not in truth entertain. What, sir, was the nature of that question? The people of Missouri applied for admission into the Union as a State. The Northern portion of the Republic insisted upon making it a condition of that admission that slavery should be prohibited within the limits of Missouri. The Southern States regarded this movement as a development of principles and purposes of a most alarming character, and as vitally involving that peculiar interest which is now attacked by the Abolitionists. They stood forth, as one man, in indignant opposition to the restriction which the North desired to impose. The North was equally earnest and uncompromising in its opposition to the admission of Missouri, except upon the condition which I have mentioned. In this conflict of opinions, of feelings, and of interests, between the Northern and Southern sections of the Union, each became furiously excited—excited to a degree which menaced civil war, and imminently threatened a dissolution of the Union. At that most perilous period of our history, when the peculiar institution of the South was in such imminent jeopardy, where was General Harrison? He was a member of this House—the Representative of a constituency whose opinions and prejudices were adverse to the feelings and interests of the South upon the pending question; but he, like a true patriot, nobly stood forth to maintain the compromise of the Constitution, and sacrified himself in the performance of a duty which patriotism enjoined. Where was Martin Van Buren, and what was his con-

duct upon that memorable occasion? He was in the Legislature of New York; and, deaf to the calls of patriotism, but obedient to the promptings of a selfish ambition, he voted to instruct the Senators of that State to vote against the admission of Missouri into the Union, except upon the condition that slavery should be prohibited within her borders. These facts present the character and conduct of General Harrison in most favorable contrast with Mr. Van Buren. To charge that General Harrison is an Abolitionist, or that he would in any event countenance their foolish and diabolical schemes, is a violation of truth and justice—of common sense and common decency.

During the political canvass in Tennessee last summer, when it was supposed that Mr. Clay would be supported for the Presidency by the Whig party, in opposition to Mr. Van Buren, the partisans of the latter gentleman declared to the people that Mr. Clay was identified with the Abolitionists; and he was slandered and reviled by that party then, upon the subject of Abolition, as much as Gen. Harrison is now. But so soon as it was ascertained in that State that General Harrison had been nominated by the Harrisburg Convention, they changed their ground, and wept crocodile tears over the fate of Mr. Clay, who, they said, had been sacrificed in deference to the Abolitionists, on account of his warm and noble devotion to Southern interests. The people of the South remember these things, and will no longer be deceived upon this subject by a party which practises such gross inconsistency, and which is willing thus to violate truth and justice, to accomplish a party object. This question, in all its bearings, has been so fully discussed before the people that they can no longer be deceived in relation to it. Politicians affect to be in extreme agony because, as they pretend, they do not know the opinions of Gen. Harrison upon the subject of Abolition. Those of the people who are most interested in that question are well satisfied about it. They have General Harrison's speeches and letters, openly disavowing and denouncing Abolition schemes and doctrines; and they ask no renewal of these pledges. That pledges should be exacted from Mr. Van Buren was just and natural, for the obvious reason that his votes and previous course had been against the South. In reply to inquiries put to him before his election, he declared that he would veto any bill that should propose to abolish slavery in the District of Columbia, without the consent of Maryland and Virginia; and very safely might he give that pledge, because it referred to a state of things which he well knew would not come to pass. But when pressed with the constitutional question, whether Congress had the power to abolish slavery in the District of Columbia, the wary gentleman said: "I would not, from the lights before me, feel authorized to pronounce that Congress does not possess the power of interfering with or abolishing slavery in the District of Columbia."

What was the response of General Harrison to a similar question? In his letter to Judge Berrien, of Georgia, and in a letter to Mr. Slos, of New Orleans, he has expressly denied the constitutional power of Congress to abolish slavery in the District of Columbia: and yet, with preposterous folly, the South is invoked to support Mr. Van Buren, and to reject General Harrison, upon the ground that the former is sounder upon the subject of Abolition than the latter.

But there were Federalists in the Harrisburg Convention! So says my colleague; and he is very unhappy because General Harrison has not given a new confession of his political faith—as if there could be any doubt about his principles after he has avowed and been openly contending for them for so many years. But there were "Federalists" there! Horrible, indeed!! What do gentlemen mean by that term? As employed in the writings and speeches of modern times, the word "Federalist" seems to mean any thing or nothing, as party expediency dictates. So various are the senses in which it is employed, that I think there ought to be a convention of learned men assembled to settle and define its meaning. But admitting that there were Federalists at Harrisburg—what then? It only shows that there was a diversity of sentiment among the friends of General Harrison—and what of that? My colleague seems to think it very criminal that they did not happen to think exactly alike upon all political questions. Did a political party ever exist who were perfectly agreed in all their opinions? Is the Van Buren party thus united? They all call themselves Democrats; but a Democrat in South Carolina is a man bitterly opposed to a protective tariff, while a Democrat in Pennsylvania is in favor of a high protective tariff. And will my colleague deny the Democracy of the Keystone State? Does he mean to put Pennsylvania out of his political church?

Democracy in Pennsylvania can sanction that which Democracy dare not sanction in any of the Southern States. Yet I hear no complaint from my colleague about diversity of opinion in the Democratic family. In the Southern States General Harrison is called a Federalist because he was in favor of a protective tariff. What has been the course of Mr. Van Buren in relation to the tariff? It has been said that the election of General Harrison is to revive the protective tariff; now, on that point, I ask, what is the difference between the two candidates? Has Harrison ever gone further than Van Buren in favor of protection? I answer, no! Mr. Van Buren voted for the tariff of 1824; and he did it without instructions, from his own personal conviction of its propriety. And he voted for the tariff of 1828. To make this vote of Mr. Van Buren acceptable to the South, it was proclaimed that he voted under the constraint of instructions from his State, but directly contrary to his own personal convictions. But who does not know that this is untrue? Who will deny, here in his place, that those famous instructions which, they tell us, laid such violent constraint on Mr. Van Buren's will, were, in fact, made to order? It has been openly averred, and never yet contradicted. I repeat the assertion, here in my place, justly estimating the responsibility which the declaration imposes, that those instructions were got up in the Legislature of New York at Mr. Van Buren's own suggestion; that the action of the New York Legislature was suggested by Mr. Van Buren, and approved by him after the instructions had passed.

Yes, sir, whilst Mr. Van Buren was making in the Senate, to the Representatives of the South, hypocritical professions of hostility to that measure—knowing that he would, in due time, receive instructions from the Legislature of New York—he was, at the same time, writing home to his friends in Albany, assuring them that, if the bill did not pass into a law, it should not be for the want of his most earnest exertions!!!

His confidential friends at Albany knew that he desired the shelter of such instructions, and they urged the Legislature to pass them with the express understanding that they were needed as an apology to the South for his voting for the "bill of abominations." Will any gentleman here deny it? Will any Representative from the State of New York rise and contradict this statement? If he does, I will prove it in the most authentic form. Let not the South be longer deluded by Mr. Van Buren's pretended devotion to Southern interests; for I repeat that, in relation to the tariff and abolition, Mr. Van Buren's claim to Southern support is not so strong or well founded as General Harrison's; and the preposterous absurdity of the position maintained by the supporters of Mr. Van Buren in the South, that to have been favorable to the policy of a protective tariff and internal improvements by the General Government constitutes a Federalist, is proven by the course of Mr. Van Buren in reference to those questions, and by the various and discordant opinions of his supporters in different sections of the Union. But when my colleague fancies that he has discovered some contrariety of opinion in the Whig party, he affects the utmost horror and dismay, and forthwith blows a blast, loud and long, upon his alarm trumpet, to frighten the good people from the support of such a party. I see sitting by the side of my colleague the gentleman from Indiana, [Mr. HOWARD,] who made, upon this floor, some weeks ago, a most able and eloquent argument to prove that the Constitution has conferred upon the Federal Government the power to make internal improvements; and that it is expedient to exercise that power. Is he denounced as a Federalist because he entertains these views? No, sir, no; he is a favorite of his party. Yet, in the Southern States of this Union, the supporters of Mr. Van Buren, who claim to be the only true Democrats, assert that the doctrine urged with so much ability by that gentleman is the most damning proof of Federalism. Thus it is, sir, that in different parts of the country different standards of political orthodoxy are erected to suit the purposes of party: whilst every where the supporters of the Administration claim to be the only true Democrats, and denounce their opponents as Federalists. It is by the application of this rule, I presume, that my colleague proves that there were Federalists in the Harrisburg Convention. Yet it is true that there are individuals co-operating with the Whig party who were originally Federalists; and it is equally true that very many of the most distinguished leaders of the Van Buren party were originally Federalists. Need I refer to the long list of such gentlemen who are prominent supporters of Mr. Van Buren, so triumphantly produced, some days ago, by the gentleman from New York, [Mr. MORGAN?] To affix the term Federalist to either of the rival parties which now struggle for political supremacy, as a party designation, is an absurdity. It suits the purposes of the Administration party to employ the word to disparage their opponents, but, in so doing, they reflect upon the most prominent men of their own party.

Every well-informed man knows that the questions which led to the adoption of the terms "Democrats" and "Federalists," as party designations, have long ago been settled. So far, however, as the principles which originally led to the adoption of the terms are involved in the political contest which is now pending, the Whig party maintain the principles of the old Republican party, and our modern self-styled Democrats are advocating, in some very important particulars, the principles of the old Federal party. The Republican party of our early history were opposed to the extension of the Executive power. Their great dread was the concentration of power in the Executive, and the breaking down of those lines of separation which the Constitution had established between the different departments of the Government. They were essentially and in principle Whigs. The term Whig implies opposition to the encroachments of power against popular rights. It is a term gloriously associated with the struggles of freedom against tyranny in England and in our own country. It is, in truth, but another name for that party in a state which, to protect the rights and liberties of the people, firmly resists the encroachments of power. But, sir, by the grossest perversion of terms, the attempt is pertinaciously made by those who tamely and unscrupulously support the President in all his measures, to deceive the people in relation to the principles and objects of the contending political parties, by applying to the opponents of the Administration epithets which are used by unprincipled partisans to convey the idea of enmity to popular liberty and to the rights and happiness of the people. That man has studied the pages of history and the volume of human nature to but little purpose, who has not learned that ambitious and unprincipled men always seek their own aggrandizement, by making hypocritical professions of love for the people, and of devotion to their rights and liberties. The people of the United States are awake to the hypocrisy of such pretensions, and can no longer be deceived. They have learned, by bitter and severe experience, that this eternal cry of Democracy, Democracy, and these false professions of love of the people and devotion to their liberty and happiness which are constantly dinned into their ears by that party which has so long wielded and abused the powers of Government, are like the song of the Syrens, which enchanted but to destroy. And, sir, they have aroused, like a giant from his slumber, to burst asunder the shackles of party, and to prove the legitimacy of their descent from the heroes and sages of the Revolution by redeeming the free institutions of their country from the hands of the "spoilsmen." They can no longer be deceived with a false issue. The evils which misrule has brought upon the country are now so severely felt by people that demagoguism can no longer conceal from them the true causes of those evils. They will remember that the party in power won their confidence by loudly promising retrenchment and reform, and a faithful administration of the Government for the happiness and welfare of the people. They see and feel that these promises have been shamefully broken; that the expenditures of the Government have been increased beyond all former precedent; and that vast sums of the public treasure have been wasted in the most wanton and profligate manner; and, instead of a correction of abuses in the administration of the Government, they see corruption walking abroad in the land, with bribes in her hand, debasing the public morals, and lowering the standard of public virtue. It is vain to tell them that the exigencies of the public service have demanded so profuse an expenditure. What have you to show for it? Where are your achievements? Where shall we look for them? Have you provided for the public defence? Let the official communications of the Secretaries of War and of the Navy, telling us of the dilapidated condition of our fortifications, and the decaying condition of our navy, answer the question. Have you, after expending more than twenty millions of dollars in the prosecution of the Florida war, conquered the Seminoles? Let the blood which is streaming from innocent women and children, murdered by the tomahawks of unconquered savages, answer the question. What have you achieved to compensate the people for the immense expenditure of their money? You can make no satisfactory response to the question. No subterfuges or sophistries which your ingenuity can invent will satisfy them that you have not been criminally faithless to the trust which has been confided to you. The people will look back to the period of the last war, when our country contended with the most powerful nation of the world, whose fleets rode upon every sea, and hovered around every harbor; and whose armies, flushed with European victories, and leagued with a savage foe, traversed our territory, and ravaged our country; and they will not fail to demand of you to explain how it happens that the expenditures of the Government, during that gloomy period of our history, are exceeded by those of the present Administration in a period of peace. They will compare your promises with your performances—the flattering hopes which you raised with the bitter disappointments which you have made them feel. They will compare their present condition with what it was when the reformers came into power. They will remember that they were then blessed with a steady and healthy prosperity; they feel that they are now overwhelmed by adversity and pecuniary difficulties to an extent which finds no parallel in the history of the past. They remember that they had a paper currency, which was convertible into specie in every part of the Union, and equal to it in value in the most distant nations of the globe. You promised to improve it—the people confided in your promises, and submitted it to your experiments; and they now see and feel the result, in the destruction of credit, in the banishment of gold and silver from circulation, the ruin of the banking institutions of the country, and in a depression of prices, which has destroyed the inducements to industry, and brought universal distress and embarrassment upon the people. The thriving of brokers, of marshals, and sheriffs, the frequency of bankruptcies, and the daily sacrifices of property sold under execution to discharge pecuniary liabilities, bear witness to the public misrule, and call loudly upon an injured and betrayed people to visit retributive justice upon that political party which has inflicted upon them calamities so severely disastrous. Who that believes in the truth of the theory that man is capable of self-government, can doubt that the people will heed that call, and perform that duty? And, in addition to this long list of injuries which it is their duty to redress, they will not fail to remember the extraordinary means which have been employed to force upon the country a fiscal system which the people have again and again condemned and rejected, and which virtually places the entire revenue of the country within the control of the President. And when they associate with this the monstrous project for raising a standing army of two hundred thousand men, brought forward by the Secretary of War, under the deceptive disguise of "a plan for the reorganization of the militia," which the President in his message says he cannot "too strongly recommend to the consideration of Congress," they will believe that there is just cause of alarm for the safety of the public liberty; they will feel that the free institutions bequeathed to them by a glorious ancestry are menaced with imminent danger, and they will uprise, in the majesty of their strength, to rescue and defend them. My colleague deceives himself with a vain hope when he lays "the flattering unction to his soul" that there are triumphs in the future for Mr. Van Buren and his party.

Sir, the signs of the times are too emphatic to be misunterpreted—the handwriting is upon the wall—the Republic is safe; and when the election shall come in November next, the people will pronounce, in tones of thunder, their disapprobation of an Administration whose policy is at war with their interests, and of a political party whose principles and practices are dangerous to constitutional liberty. When this "consummation so devoutly to be wished" shall have been achieved, I expect to see the Government once more faithfully and honestly administered for the happiness and welfare of the people. I hope to see the heavy cloud of adversity which now darkens our horizon rolled away, and the sun of prosperity again shine forth—that the people, under the genial influence of its beams, may advance to wealth and happiness, and our country resume her onward march to increased power and greatness.

REMARKS OF MR. ALLEN,

OF OHIO,

In the House of Representatives, June 24, 1840—On the Sub-Treasury bill.

Mr. CHAIRMAN: When I first endeavored to obtain the floor several days ago, I intended to speak at length upon some topics that have since been discussed with very great ability by gentlemen who were more fortunate than myself in catching the Chairman's eye; and at this stage of the debate, and of the session, it would be an unjustifiable waste of time for me to travel over ground so ably pre-occupied by others. I shall, therefore, omit mentioning some matters that had occurred to me, and shall be more brief in my remarks upon some to which I propose to allude than I otherwise should be.

It has been said that every gentleman here was elected with special reference to the vote he would give upon the bill under consideration, and that he could not now vote otherwise than was expected at the time of his election without a violation of the understanding, express or implied, that existed between himself and his constituents. There may be some force in this remark, but it must be greatly qualified; if we come here with our minds fixed, our opinions unmoveable, our ears closed against all argument, we can hardly be entitled to the appellation of a deliberative assembly. Whatever weight may be attached to the proposition by some gentlemen, for myself I do not feel its force to any embarrassing extent. I was elected as an opponent of the Administration and its measures generally, but whether I should support or oppose this or that particular measure, neither my constituents nor myself knew with certainty. They knew I was originally and strongly opposed to this bill, but since the time, now almost two years, that judgment was passed upon me and upon that, many occurrences may have taken place to induce a change in some individuals of the opinion then entertained, both by its friends and its enemies.

I have, therefore, been an attentive listener to some of the arguments that have been presented by the advocates of this proposition, with an anxious desire to ascertain its real merits, if I had before misapprehended them, and to review thoroughly the opinion heretofore entertained and expressed; its friends urging its adoption after repeated defeats, with a pertinacity showing their confidence in its expediency to be unimpaired.

If fully satisfied that the welfare, present and prospective, of the country, demanded its adoption, I might be constrained, by a high sense of patriotism and duty, to disregard the entanglements of party alliance and all personal considerations, and adopt a course of action diametrically opposite to that I have heretofore pursued.

I was opposed to the Sub-Treasury plan when presented at the extra session of Congress in 1837, and have so continued to this time, and for these reasons among others: Because it will expose the money of the Government to new hazards of loss; because it will tend to make two currencies, the better one for the Government, and the poorer one for the people; because it will involve at the commencement, and annually thereafter, a great expense, for which there is not the slightest necessity; because of the enormous patronage it will put at the disposition of the Executive: because, practically, it will put the public money under his absolute control, thereby, contrary to all sound Republican doctrine, to the lessons taught us by history, and in utter contempt of the dictates of common sense, uniting the purse and the sword in the same hands; and, finally, because it is one of a series of experiments that has been in process of execution for eight years back, and which has proved little else than a series of disasters and misfortunes to the country, alike destructive to the morals, the prosperity, and the happiness of our people.

These were some of the objections I had to the proposed measure, and after again hearing and considering the arguments presented by its friends, I am obliged to say that my objections, instead of being obviated, have received additional strength.

The questions now in issue, I understand to refer to the mode of keeping the public funds between the times of collection and disbursement, and to the kind of currency in which they shall be received.

And simple and isolated as they appear at first sight, it seems to me they involve considerations of the highest importance to the safety and perpetuity of our institutions, and the welfare of our people.

If I had the ability to examine them all as they merit, time would not permit at this late period in the discussion and of the session; and I shall therefore very briefly allude to but a few of them, and to some of the reasons urged by the friends of the bill in its behalf. We were told, sir, by the gentleman from New Hampshire [Mr. ATHERTON] that the banks claim the custody and use of the public money. All the banks, or but a part? and if a part, which? When and how did they do it, and by whom and to whom was the claim preferred? This is a question of fact, and, like other matters of fact, it must be susceptible of proof. Where, I ask, then, is the proof? Let it be shown, or let the charge be withdrawn. I do not believe it is well founded, or that a particle of evidence can be adduced to warrant such an inference, and my opinion is, that the banks would be reluctant to take the public money at all; and they certainly would refuse it if they were to be vilified as they have been for three years past, by the party in power. But if I am incorrect as to the fact, the banks have preferred a claim for which there is no foundation whatever. A claim presupposes a right; and the banks have no more right to the custody of the public funds than has a turnpike company. It is not upon any basis of right that the opponents of this measure would place the money in them, nor on account of the banks as such—but for its safety, and for the benefit of the people, and to avoid the manifold dangers incident to the contemplated system.

We were further told by the same gentleman, that the public money should be in the hands of officers responsible to the people. Will this object be accomplished by the adoption of the Sub-Treasury plan? How, I beg to know, are these Sub-Treasurers to be made responsible to the people? The President is to appoint the Receivers General and their subordinates; he can make and unmake them at his pleasure. I say the President appoints, for although affirmative action by the Senate is required, we will know nominations to that body have very rarely been rejected from the organization of the Government down. General Jackson asserted the doctrine for the first time, that the Executive was a unit, and that all the subordinate Executive officers were responsible, not to the people, but to him, the grand focus of responsibility; and that he, himself, was alone responsible to the people. But, under the most orthodox doctrine of responsibility, the subordinate officers of this Government are responsible to the people, but very remotely and circuitously. The President holds his station for the term of four years; he may, on the day of his inauguration, appoint a very improper man to office, and the people cannot reach him before the expiration of the Presidential term, and then only through the President, and by ousting him only can they oust the objectionable officer; and as a thousand considerations are necessarily taken into view at the Presidential election, it seems to me obvious that this idea of responsibility for all practical purposes is entirely fallacious.

It is said that, by depositing the Government funds in banks, we imply a grant of political power. How, sir, can political power in this country be created or granted by implication? and how can corporations, having no souls and no bodies that are tangible, receive or exercise political power? Under our Constitution and laws, every citizen having certain prescribed qualifications possesses not implied, but actual political power; and so may the stockholders and officers of banks, not by reason of their connection with banks, however, but without any reference to them. If it were said that men with money have more power, politically and otherwise, than men without money, it would be unquestionably true, because a rich man has more means for conferring benefits and for inflicting injuries, than a poor one. But this power does not depend upon the nature of his investments, for the man having money will have the influence pertaining to it, whether it be used for banking purposess, or for manufacturing purposes, or be lent to his neighbors.

It is urged that the Sub-Treasury system should be adopted, to prevent the use of the public money; and how long, let me ask, has it been the doctrine of the Administration party that the people should be deprived of the benefits resulting from the employment of their own money? What said President Jackson, in his celebrated manifesto, after the removal in 1833 of the deposites from the Bank of the United States to the State banks? It was, that

"The funds of the Government will not be annihilated by being transferred. They will immediately be issued for the benefit of trade; and if the Bank of the United States curtails its loans, the State banks, strengthened by the public deposites, will extend theirs."

But the extraordinary circular of Mr. Taney, then Secretary of the Treasury, is still more to the point; it is conclusive. He said to these banks:

"The deposites of the public money will enable you to afford increased facilities to the commercial and other classes of the community; and the Department anticipates from you the adoption of such a course respecting your accommodations, as will prove acceptable to the people, and safe to the Government."

And what said the President two years after, when the process had been going on for more than three years by the State banks?

"To retain the public revenue in the Treasury, unemployed in any way, is impracticable. It is considered against the genius of our free institutions to lock up in vaults the treasure of the nation. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition."

General Jackson says it is "impracticable" to prevent the use of the public money; and I ask those gentlemen about me who believe in the infallibility of his judgment, why it is that we should attempt to do that which was pronounced impracticable by such authority?

If the money be used by a Sub-Treasurer, it will be for his own benefit, or that of his friends; if by a bank, then for the benefit of the stockholders on the one side, composed of rich men, poor men, widows, children, charitable associations, and the like, and the profit derived is the equivalent for the labor and responsibility of managing the funds. But other than the interests of the stockholders are to be looked to in the investigation of this question. Our country, like all other new and sparsely settled countries, is deficient in capital. We have fertile land in abundance, and the means of acquiring wealth without stint; but we must have time to produce such a result, such a supply of money, that it may be cheap, as, in Holland and England, and on the Continent, results from the industry and economy of ages. In the United States, money has always commanded a high rate of interest, because the supply fell short of the demand for profitable investment. If the public money be deposited in banks, the average amount constitutes the basis of discounts for the benefit, directly or circuitously, of manufacturers, mechanics, merchants, planters, and every body who wishes to buy or sell labor, merchandise, cotton, wheat, tobacco, or any thing else; and while the most beneficial effects thus flow through a thousand channels, "the Republic receives no detriment," so long as its drafts are duly paid; and if we look at the Government as distinguished from the people, odious though the distinction be, we find that that, too, receives great benefit from the increase of the means of its citizens further to contribute to the public necessities.

But, without reference to the high authority cited, let me ask if Sub-Treasurers will not use the public funds; for Sub-Treasurers we always have had, and must have, for collecting and disbursing the revenues.

In December last, Mr. Woodbury made a report to the House of Representatives, (Doc. No. 10,) which contains a table showing the losses of the Government by disbursing officers, and by collecting officers, in each case, from 1789 to 1836, inclusive, which presents the following results:

1. *Disbursing Officers.*

Aggregate amount of loss in civil department	$898,023 59	
Aggregate amount of loss in military and naval	4,058,549 97	
	4,956,573 56	
Number of defaulters, civil department		244
Number of defaulters, military and naval		2,516
		2,760
Loss per head, civil department		$3,680
Loss per head, military and naval		1,613
		1,795

2. *Collecting Officers.*

Aggregate amount of loss by collectors of the customs	$1,198,979 91	
Aggregate amount of loss by collectors of internal revenue and direct tax	442,265 76	
Aggregate amount of loss by receivers of sales of lands	397,304 14	
	$2,038,549 81	
Number of defaulters in the custom house		87
Number of defaulters in the internal revenue, &c.		243
Number of defaulters in the public land receipts		27
		357
Loss per head among collectors of the customs		$13,781
Loss per head among collectors of internal revenue, &c,		1,820
Loss per head among receivers of public lands		14,715
		5,737

Making a total loss of seven millions of dollars, within a fraction.

And it must be recollected that the above does not include the losses that have occurred or been discovered since Mr. Van Buren came into power, known to amount to about two and a half millions, and how many millions may be discovered under some searching operation by and by, no one can tell.

An important item to be taken into consideration, too, is, that the losses prior to 1837, occurred among agents presumed to have the public money in their possession but temporarily; whereas the proposition now is, that the collecting agents shall continue to keep in their hands the money till paid to disbursing agents, and the danger must thereby be greatly increased. In addition to hazards of loss by fraud and violence, a sub-treasurer must be made of sterner stuff than most men, if he can resist opportunities that will always be urged upon men in possession of large sums of money, to advance his own fortune, or to relieve the distresses of a friend by the use, for a brief time, of a small part of the money rusting in his vaults; fully confident of his ability to replace it whenever it may be wanted, and this he probably will do for a season. But repeated experiments, successfully practised, will beget confidence; the sums so abstracted will become larger, and the time longer; and, in the end, nine out of ten of your agents will be found, in spite of all barriers you may erect to prevent it, to have used your money, and nine out of ten of those who do so use it will prove defaulters.

A paternal Government, duly appreciating the morals of its citizens, should be studiously careful to put no unnecessary stumbling blocks before frail humanity, especially when elevated to positions where pernicious examples may have so much more influence than in the humble walks of life. "Lead us not into temptation," is one of the best injunctions of the best prayer that falls from human lips.

It has been said, in the progress of this debate, that money in the hands of a sub-treasurer will not be so liable to embezzlement as in a bank, because fewer persons will have access to it. The idea thus indicated may be well founded as a proposition, but I am not satisfied it is well applied. The bill provides for ten clerks for the four Receivers General. Does any body suppose that a number like this will be found physically competent to transact the business under their charge? Bank notes, bank checks, transfers of credit, and every thing of the kind, are to be superseded, and coin must be counted, twice at least; and this will be no light labor at the important offices. How are the three, possibly four clerks, assignable to the New York office, to count one, two, and, perhaps, sometimes five hundred thousand dollars, in a day, in coins from sixpences up to eagles, in addition to their other duties? And, if justice be done to the persons transacting business there, there must be force enough, at all times, to do the maximum labor of any day. Why, sir, it is absurd to suppose that ten clerks, or ten times ten, will be physically able to do the work at the four great offices, if the collections are to be in specie; and the friends of the bill know it.

But, in the smaller offices it is not proposed to have clerks; and is it expected, Mr. Chairman, that a receiver at a land office is to mount guard, every day, in proper person, over the fifty or one hundred thousand dollars in his custody; or that he is to sleep every night under his own roof; or that he is to be specially exempted from the attacks of disease or of death itself, because he happens to hold a commission from the Government to collect, and safely to keep, its revenues?

How is the comparative safety in other respects? What is the safe and expedient practice for individuals may be such for an aggregate of individuals as a political community. What do you, Mr. Chairman, with a considerable sum of money when paid you? Do you, sir, carry it about your person, or even lock it up at home, exposed to the thief by day, the robber by night, and to the flames that may consume your house and its contents at any hour? or do you deposite it forthwith in the Bank of Virginia? I venture to say, sir, you do the last, or I have much mistaken your character for prudence, good judgment, and common sense; all so frequently exhibited on this floor.

And how stands the question in other and much higher respects than as to the mere security of the public money?

In 1834, when a plan, substantially like this, was introduced by Gen. Gordon, a Whig member of this House from the Ancient Dominion, the Globe, then, as now, the organ of the Administration, declared it "revolutionary and disorganizing, and subversive of the practice of the Government, from '89 down." And again:

"It is as palpable as the sun that the effect of the scheme would be to bring the public Treasury much nearer the actual custody and control of the President than it is now, and expose it to be plundered by a hundred hands where one cannot now reach it."

And as spoke the great Globe then, so spake all the little Globes through the country.

What, too, said the venerable editor of the Richmond Enquirer, always the supporter of the ruling party, who opposed the plan in 1834, when presented by a Whig, and in 1837, when urged by Mr. Van Buren, but who has since been induced by some magic influence to reconsider his opinions, and now avers his determination to sink or swim with the Administration and its measures?

"We have objected to the Sub-Treasury scheme (so called) that, in the first place, it will enlarge the Executive power, already too great for a Republic; secondly, that it contributes to endanger the security of the public funds; and, thirdly, that it is calculated to produce two currencies—a baser one for the people, and a better one for the Government. The more we reflect upon the matter, the more we read the speeches of the orators on both sides, the more firmly are we satisfied of the strength of these objections."

"It is certainly subject to very strong objections, not the least of which is the very great increase of patronage to which it must give rise, and a patronage of the most dangerous influence, as being so immediately connected with the public money."

And again:

"But I can see no advantage, and, on the contrary, a fruitful source of mischief, in making Government officers the keepers of the cash. Place about them what guards you may, in the shape of commissioners, inspectors, of whatever else, peculation will be endless. There is no security in it, and it will involve heavy and unnecessary expense. The chief and overruling objection, however, is the endless source of patronage to which it would give rise. Make the machinery as simple as you may, and open to view, wherever money is, temptation will creep in, and corruption in every form follow at its heels."

"Truth without fear" is, I believe, the motto flung to the winds at the head of the Enquirer. If I am wrong, you, Mr. Chairman, can correct me. And when its editor felt the healthy invigarating influence of it, he boldly proclaimed that the new device would prove the "fruitful source of mischief"—that, place what guards you may, "peculation would be endless"—that "there was no security in it"—that "it would be an endless source of patronage"—and that "wherever money is, temptation will creep in, and corruption in every form follow at its heels." Yet, with that extraordinary pliability that has ever enabled Mr. Ritchie to adapt his course to the exigency of the occasion, he now ardently supports the plan he so warmly condemned, and is exerting every faculty of body and mind to keep its authors in power. Sir, if that wonderful character, John Randolph, of Roanoke, were here striding across this floor, with whip in hand and spur on heel, as in days gone by, he would point to that as additional evidence, if it were needed, to show the truth of what he once said, that Mr. Ritchie was a man of seven principles, to wit, five loaves and two fishes.

When individuals or communities are inclined to change long and thoroughly established habits, it is well to consult their own observation and experience, and the lights of history too,

that they may see the dangers of the path they propose to tread, if any there be, and perhaps be induced thereby to avoid it altogether.

By a report of Mr. Secretary Woodbury made to the House of Representatives December 12, 1834, it seems that, under the Confederation, what little money Congress had was deposited wherever the finance committee directed, depending upon accidental circumstances. When the Bank of North America, the first in the country, was established by a few wealthy citizens of Philadelphia at a time when the public credit was at its lowest ebb, and through the instrumentality of which funds were provided to enable Congress to prosecute the war at the South with vigor, gloriously terminating it by the capture of Cornwallis at Yorktown, the public money was deposited in it. Subsequently, as the three banks of Massachusetts, New York, and Maryland were successively established, they were made depositories. In 1791 the first Bank of the United States was chartered, and in that were the deposites made by order of Gen. Hamilton, Secretary of the Treasury. We have heard much lately, Mr. Chairman, in this debate, of Hamiltonian Federalists, and this Gen. Hamilton, I understand, was the founder of the sect, and his name is to live in that connection so long as there are demagogues to prate about Federalism and Monarchy as synonymous terms, and that must be, I suppose, as long as the Government stands.

Well, sir, it seems by a late discovery in the other wing of this Capitol, that the world has been entirely in error for half a century in the estimate it has placed upon the mental capacity of this Gen. Hamilton; for it has been foolishly believed that he was a man of transcendent abilities, especially in matters of finance; at any rate, we know, sir, that he created our Treasury system out of chaos, and gave it form and comeliness, and breathed into it the breath of life, and stamped the impress of his own genius, whatever it may have been, upon every feature so effectually that it has never been effaced; and hence, sir, in the apparent success and brilliancy of his career, it is not singular that men's minds lost that balance so essential to preserve in order to arrive at just conclusions. But now, Mr. Chairman, late as it is, the verdict and judgment of the world, unanimously rendered, and sanctioned by the lapse of fifty years, is to be "set aside, reversed, and altogether held for naught," by virtue of a discovery of an honorable Senator whose constituency and mine are in part the same, that Gen. Hamilton was at best but a third-rate man; thus most conclusively showing that we are growing wiser and wiser as each day's sun rolls over us; and that Mr. Jefferson was not so much mistaken as has sometimes been pretended, when he said that "error of opinion may be safely tolerated when reason is left free to combat it."

But, sir, pardon this digression, and I will return to my historical reminiscences.

In 1909 was the first legislation on the subject of the deposites of the public money—Congress then requiring the disbursing officers of the Government "to keep" the money under their control in some neigboring bank whenever practicable. In 1811 the charter of the Bank of the United States expired, and Mr. Gallatin, then Secretary of the Treasury, selected State banks as depositories; and so the law and usage remained till 1816, when the late bank was chartered, and made, by the terms of its charter, the depository of the public funds, though State banks, in some portions of the country remote from the branches of the United States Bank, continued to be used. Of the banks so selected between 1811 and 1816, but continuing depositories for some years thereafter, none failed till 1817, when there were seven, owing collectively $139,000, of which they soon paid all but $6,000. During that most embarrassing period in our financial and commercial relations, from 1817 to 1821, four more failed, three of which paid in full, and the amount due by the other was small.

The following extracts I read from the report refrered to, which indicates great research and labor by Mr. Woodbary:

Extract from Woodbury's Report, December 12, 1834.

"Justice to the State banking institutions, as a body, whose conduct in particular cases has certainly been objectionable, but whose injuries to the Government have been almost incredibly exaggerated, and whose great benefits to it, both during the existence of our two national banks, and while neither of them existed, have been almost entirely overlooked, has led me to make this scrutiny, and submit its results, under a hope that it will, in some degree, not only vindicate them from much unmerited censure, but justify this Department for the confidence it formerly, and in the great improvement of their condition and of the financial affairs of the Government, has recently reposed in them.

"Under these circumstances, so very favorable with the new security and examinations provided for, if our former small losses by them, in keeping and paying over the public revenue, under circumstances so very adverse, are compared with our large losses, either in collecting or disbursing that revenue, their present safety seems to be as great as is consistent with the usual operations of the paper system, or with the credit which must always be entrusted by Government in some way or other, to agents of some kind, in keeping the public money."

Extract from Mr. Woodbury's Special Report, December 12, 1834.

"It is gratifying to reflect, however, that the credit given by the Government, whether to bank paper or bank agents, has been accompanied by SMALLER losses, in the experience under the system of State banks, in this country, at their worst periods and under their severest calamities, than any other kind of credit the Government has ever given in relation to its pecuniary transactions." * * * * "Thus the truth on this much misunderstood and misrepresented subject appears to be, not only that one failure of a selected bank did not occur within the period while no United States Bank was in operation, but that of those which afterwards stopped payment within three or four years, chiefly from the causes before mentioned, and a part of which causes produced eight or tenfold as many failures in England, under the full control and influence of a national bank there as well as here, four of the number have since discharged all their liabilities, and the residue of the liabilities of all the others as deposite banks, in the manner before estimated, is less than $35,000. This is not the tithe of the sum which has frequently been lost to the Treasury by the failure of individual merchants to discharge only their obligations for imports; not equal to the sum frequently lost by the failure of many single disbursing agents connected with the different departments of the Government, and under larger bonds for security. Whether they [losses by State banks] arose from an unsound policy pursued by the United States Bank, or from circumstances which, under the paper system, neither legislation nor caution can always avert, or from less justifiable reasons, and in spite of all the salutary influence the National Bank could exercise, it is a singular fact, in praise of this description of public debtors—the selected banks—that there is not now due on deposite in the whole of them which have ever stopped payment from the establishment of the Constitution to the present moment, a sum much beyond what is now due to the United States from one mercantile firm that stopped payment in 1825 or 1826, and of whom ample security was required, and supposed to be taken, under the responsibility of an oath. If we include the whole present dues from the Government from discredited banks at all times, and of all kinds, whether as deposites or not, and embrace even counterfeit bills, and every other species of unavailable funds in the Treasury, they will not exceed what is due from two such firms. Of almost one hundred banks, not depositories, which, during all our wars and commercial embarrassments, have heretofore failed, in any part of the Union, in debt to the Government, on their bills or otherwise, it will be seen by the above table [annexed to the report] that the whole of them, except seventeen, have adjusted every thing which they owned; and that the balance due from them, without interest, is less than $82,000."

There is some obscurity about the results, as exhibited by these extracts, but a reference to the tables appended to the report will show losses of all kinds to have been $1,157,000. In December last, Mr. Woodbury stated that of that amount about $300,000 had been collected since his former report, leaving about $900,000 actually due from the State banks with which the Government had had any business transactions whatever, whether by using them as depositories or by the receipt of their notes, and "embracing even counterfeit bills."

True it is, that in December, 1838 and 1839, Mr. Woodbury asserts the losses to have been six and a half millions, adding to his former calculation five and a half millions for loss sustained by the receipt of the depreciated notes of the banks during the war. I ask, sir, if it is not strange that an item so important as this, being five times as great as all the losses reported in 1834, should have been so overlooked by Mr. W. in making a special report of nearly fifty closely printed pages, in which he undertakes to "give information to the Legislature respecting all matters which shall pertain to his office" in relation to the advantages of the State bank deposite system, as contrasted with any and every other.

This most important item, to which he before made no allusion, he tells us does not appear on the Treasury books, or any where else, and therefore he jumps to his conclusion, and which might, upon his own showing, have been any thing or nothing, much or little, as suited the occasion. Hence, in 1834, this newly vamped up loss had no existence; in December, 1838, and 1839, it was five and a half millions; and when we come back here next December, we may find it down to cipher or up to fifteen millions, varying, as the interests of the party may require, vastly more than the length of the English Chancellor's foot.

If a loss had actually occurred that was in any way tangible, I ask if it must not necessarily have been shown on the books of the Department; for how otherwise could its accounts be balanced? I understand the pretence for setting up this claim is based upon the fact that the Treasury notes during the war were sold for bank bills which were at a discount for specie, the banks south of New England having suspended, and the difference between specie and the bank bills is charged as the loss. But, Mr. Chairman, what was the relative value of the Treasury notes and bank notes during the war? The last were from five to ten per cent. discount for specie, and the former at from ten to twenty-eight per cent. thus making the difference between Treasury credit and bank credit greater than between bank credit and specie; the people believing the notes of the banks would be paid with greater certainty and less delay than those of the Government. And what time the credit of the Government was at its lowest ebb, I do not know, nor is it material; but my impression is that it was soon after that most distressing and afflicting period of the war, in August, 1814, when our coasts were lined with British ships filled with the victors of Napoleon, annihilating our commerce, destroying our towns, and disgracing themselves and us, by reducing this magnificent edifice and the other public buildings here, used for civil purposes merely, to ruins. Then it was our Government appealed to the banks to furnish the means, as they had already partially done, to enable the Government to protect the country; and their "patriotic efforts," as Mr. Woodbury styles them, were put forth to their great loss and embarrassment, as most clearly evinced on the attempt subsequently to resume specie payments. During the war specie was an article of merchandise exclusively; all the business of the country had reference to and was transacted upon the paper currency, and the paper received by the Government, excepting to a limited extent, was paid away at its nominal rate.

I reject, therefore, sir, this claim of five and a half millions, not thought of in 1834, and now first presented by a Secretary of the Treasury, only because it might help to bolster up this new project, thrice rejected by the representatives of the people; and I hold Mr. Woodbury to the account as stated in 1834, making a balance then of about $1,100,000, from which is to be deducted about $300,000, paid between 1834 and 1837, showing an actual loss to the Government, from its foundation down, of $900,000 in round numbers.

The loss by collecting and disbursing officers between 1789 and 1837, I have before shown, was $7,000,000, making a difference of $6,000,000 against the limited Sub-Treasury plan, as it had been in practice when one class of officers were presumed to deposite the money in bank as soon as collected, and the other was presumed not to receive it till wanted for disbursement. In near fifty years the Government lost by these agents about eight times as much as by the State banks; but let it be remembered that we had a National Bank during forty years, by which, besides the fifteen hundred thousand dollars paid by it as a bonus for its charter, various benefits accrued to the Government by having its funds transferred gratuitously to all parts of the Union, its pensioners paid without cost, and many other highly valuable services, all not only without loss, but the Government, as a retiring partner from the concern, sold out its stock at a premium of $1,100,000.

If the account be stated with the local banks alone, there was a loss of $900,000; if with the United States Bank alone, there was a profit of $1,100,000; and if with the United States Bank and the local banks together, there was a profit of $200,000, against losses by defaulting individual agents of $7,000,000. But, unfortunately, the defalcations did not end on the 4th March, 1837, but have occurred since to an extent ten times greater than before.

You, sir, were not a member of this House at the extra session in September, 1837, but some of those gentlemen who were, must well recollect the triumphant announcement by the then chairman of the Committee of Ways and Means, [Mr. CAMBRELENG.] at a midnight sitting, that "the Sub-Treasury system was in full operation, and would be through 1838, '39, '40 and '41, in spite of lamentations here or elsewhere!!" we, fresh from the people, having just determined that no warrant for it should be found on the statute book.

And it has been in operation, aiding nothing and blasting every thing, and Sub-Treasurers have absconded with twenty-five hundred thousand dollars, if not more, of our money, since the celebrated decree of Mr. Cambreleng, who, having been rejected by the people, is reaping the rewards of his fidelity as minister to one of the first courts of Europe.

These several matters I commend, sir, to the consideration of sundry gentlemen whom I have in my eye, and who are prone to condemn the banks, and praise the Sub-Treasury, while I refer, for a few moments, to the late deposite banks.

I have nothing to say about their being seduced to the embraces of this Government by its promises of spendid profits—nor of the merits of the system established by the deposite law—nor of the capacity of State banks to carry on the fiscal operations of the Government. I speak only of the manner in which they performed their obligations to the Government prior and subsequent to the suspension in May, 1837; but, Mr. Chairman, the opinions of men in high places, and who were bound, officially, to know all about the business, must be far better than mine, and I therefore call the attention of the committee to the following item, which I read from the message of Gen. Jackson in December, 1834:

"Happily it is already illustrated that the agency of such an institution (as the Bank of the United States) is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly and with the same cheapness. They have maintained themselves and discharged all these duties, while the Bank of the United States was still powerful and in the field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist."

And from the annual message of 1835:

"The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent of the Government. Without its aid, as such, indeed, in despite of all the embarrassments it was in its power to create, the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience; and the circulating medium has been greatly improved. By the use of the State banks, which do not derive their charters from the General Government, and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community, in relation to exchange and currency, are supplied as well as they ever have been. If, under circumstances the most unfavorable to the money market, it has been found that the considerations on which the Bank of the United States rested its claims to the public favor were imaginary and groundless, it cannot be doubted that the experience of the future will be more decisive against them."

And Mr. Secretary Woodbury, in his report of the same year, says:

"This (the Treasury) Department takes great pleasure in stating that the public money continues to be collected and deposited under the present system of selected banks, with great ease and economy in all cases, and with greater in some, than at any former period. The transfers of it to every quarter of the country where it is needed for disbursements have never been effected with more promptitude, and have been made entirely free of expense to the Treasury.

"The payments to creditors, officers, and pensioners have been punctual and convenient, and the whole fiscal operations though the State banks have as yet proved highly satisfactory. Incidental to this, the facilities that have been furnished to the commercial community in domestic exchanges were probably never greater or at so moderate rates."

But the shouts of triumph were made to ring yet louder in the annual message of General Jackson, in December, 1836:

"Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government at the time of the removal of the deposites. It was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negative the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges performed through discounts by the United States Bank and its twenty-five branches were at least one-third less than those of the deposite banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposite banks."

And Mr. Woodbury, as in duty bound, swells the chorus:

"It is a source of high gratification to be able to add that, while so selected and employed, not a single dollar was lost to the Government by any of them, or a single failure occurred to transfer promptly and pay out satisfactorily the public money entrusted to their charge; nor is it believed that the domestic exchanges of the country were ever lower or more regular than during that period; and the large amount of them performed by these deposite banks in ordinary purchases or discounts, equalling from one hundred and forty to two hundred millions of dollars yearly, or near a third more than those of the same kind by the United States Bank while the fiscal agent of the Government, evinced the great ability and usefulness of the banks on this important subject."

We all recollect that General Jackson, when leaving the Chair of State on the 4th of March, 1837, delivered what he was pleased to call a Farewell Address to his fellow-citizens, in imitation of the example set by the revered Father of his Country—whether impiously or not, every individual will determine for himself. For my own part, sir, I hope no future President will renew the experiment; and, from the ill success attending this, I think no one will, if he has any regard for himself, or respect for the opinions of the people. I want my children, Mr. Chair

man, to draw lessons of piety and patriotism and wisdom from *the* Farewell Address, and not from *a* Farewell Address that may be issued by a partisan President, having claims upon his party only, and not upon his country.

But, sir, in this address he says:

"At the moment when I surrender my last public trust, I leave this great people prosperous and happy."

Gen. Jackson, for once, was deceived. It was the calm that precedes the hurricane that misled the "Hero of New Orleans," when thus looking upon the clear blue sky. The experiment was strained to the utmost capacity of tension. Mr. Van Buren took the seals of office, and in two short months was compelled to call an extra session of Congress to provide the ways and means to keep the machinery of Government in motion—the deposite and all other banks having exploded, from one end of the Union to the other, with forty millions of the public money nominally in their vaults, but really scattered to the four winds of heaven, under the direction of Mr. Secretary Taney, Mr. Secretary Woodbury, and the President himself.

Now, Mr. Chairman, if the banks were the swindling rascally institutions we have been so often told they were, here was game worth playing long and boldly for—the stakes were of no common order. But what did they do, sir, I ask in all candor and seriousness? We have been told what they did prior to the suspension by authority not to be disputed. Now let us see what they did afterward. By the 4th September, when Congress met, the forty millions due the Government were reduced to less than thirteen—in October, to eight—and, in February, 1838, to about six millions—in December last to less than one million—and in a report of Mr. Woodbury, laid on our desks this morning, I find a credit of more than five hundred thousand dollars paid since January last, and the balance is now, therefore, but some three or four hundred thousand dollars, and that, we are told, is well secured.

Do gentlemen believe that had this money been in the hands of Sub-Treasurers, and a great national calamity had fallen upon us, this immense amount of money would have been so fully and promptly paid? True, sir, owing to a variety of circumstances, the banks were compelled to suspend specie payments; but they met the requisitions of the Government in a manner satisfactory to its creditors—showing wonderful pecuniary ability and a high sense of the duty they owed those whose confidence they had enjoyed. The suspension was derogatory to our national character, and most unfortunate in every point, but it was inevitable; and when gentlemen condemn banks as knavish and swindling because they suspend, without reference to the cause, let me remind them that suspension was a Democratic measure during the war, and the New England banks were denounced by the friends of Mr. Madison on this floor, and through all the journals in his interest, as enemies to the country, and their directors as blue-light Federalists, because they would not suspend. Suspension then was the test of Democracy, as Sub-Treasuryism is now.

To solve my interrogotory, it may be well to look to the provisions of the bill that are specifically intended to secure the safety of the money, and we shall find they are frequent inspections at the important offices, bonds ample in quality and amount at all, and imprisonment for embezzlement, upon each of which I will make a few observations.

What potency is there in the inspection? It enables the Government to ascertain if the proper amount is in the vaults of the Receiver General in New York and Philadelphia; but what security does it constitute that it will remain there? It is not proposed to remove it from his custody, for he is the very man intended by this bill to hold it. Now, I beg to know, what is there to prevent the embezzlement the very day after inspection? And how is the discovery of it to be made before the next visit of the commissioners, a week or a month afterwards? I suggest the difficulty, and gentlemen may obviate it as they can.

Now, sir, as to the bonds. No honest and responsible man will give bonds in the large cities, nor will any responsible man become surety. The salary of the receiver-general in New York is fixed at $4,000, and he is to collect three-fourths of all our revenue from imposts, varying from fifteen to twenty millions yearly. Is it to be presumed that bonds, for perhaps five hundred thousand dollars, will be given by men having the ability to make them good when the only equivalent is $4,000, not merely for the hazard always incident to the possession of money, but for the responsibility and labor and care and anxiety for a year, necessarily attendant upon the management of so much money, and in coin too? Again, Mr. Chairman, have we not had experience enough to show us that official bonds are generally in the event little better than brown paper? Sir, I venture the opinion that if gentlemen will examine the accounts of the Treasury Department, they will find little more has been collected from principals and sureties on official bonds than has been paid for expenses in endeavoring to enforce them, and at this very moment a bill is pending here for the relief of the sureties of Swartwout.

But the grand preventive of peculation is to rest in the terrors of criminal law suspended over the heads of these sub-treasurers in the shape of imprisonment, and thereby it is conceded in advance that there may be rogues among them. Well, sir, has not every civilized community laws to prevent theft and robbery and piracy and murder; threatening therefor the infliction of imprisonment, and even death? And yet we find the files of the courts filled with indictments for the punishment of men charged with the commission of these crimes.

But there is one principle in theory, and never departed from in the administration of criminal law, that, before you imprison or hang an offender you must catch him; and what chance is there, I ask, for seizing a sub-treasurer who has arranged his plans at leisure, with the strongest inducements to do it skilfully, and to execute them successfully, while the agents of the Government were in utter ignorance of them? I have no hesitation in saying that in three cases out of four the first intimation of trouble will not reach the proper officers before the absconding sub-treasurer will be half way to Texas or to Europe. Where was Swartwout with his $1,225,000 when his accounts were found minus? I am not certain, sir, but I think he was already luxuriating on the fat beef and plum pudding of Old England—at all events, he was out of harm's way, and has taken good care to keep so. And where, too, was Price, so long the idol and the orator of Tammany Hall, as my friend before me from the Empire State [Mr. J. C. CLARK] so well knows; for in the better days of the party and of the Republic, they there quaffed the foaming beer from the same pewter mug. Where, I ask, was Price? Why, sir, half way across the Atlantic, steaming at the rate of twelve knots the hour, literally in "hot pursuit" of——Swartwout. Why, Mr. Chairman, if this bill is to pass, and the Government is likely to have any money, you must add a section requiring bonds from every steamboat and railroad company in the Union, and out of it too, not to carry absconding sub-treasurers. I recollect one of the Southwestern land receivers who had forgotten to remit a cool hundred thousand when he reached New Orleans on his way to Texas, sat down with great gravity and enclosed his commission to Mr. Woodbury, expressing the opinion that he ought no longer to retain it, but whether Mr. W. assented to the correctness of this conclusion I am uncertain.

Bank corporations are mere creatures of the law, and intangible, and therefore cannot abscond. They may suffer by unfaithful agents, but nobody will then lose but the stockholders; for but a small part of the resources ultimately available to a bank are in its vaults. Its business is to lend money, not to lock it up. A sufficiency of means for its ordinary business must be at command, but the residue is mostly scattered among its debtors, and for which the bank has their notes and bonds. These can but to a small extent, if at all, be made available to an absconding cashier or teller, and it must not be forgotten, too, that the whole capital must be exhausted before the creditors of the bank, whether as depositors or bill holders, can lose any thing.

But, sir, the history of governmental connection with banks and with individual agents as contrasted, and to which I have before alluded, furnishes a commeatnry on their relative merits worth more than any speculations of mine.

What I have said, Mr. Chairman, has reference to the question of expediency in a mere pecuniary view, and specially in reference to the safety of the public funds. I now propose to say a few words in reference to the safety and expediency of the Sub-Treasury plan in its bearings upon our political institutions. At the time of the adoption of the Constitution it was strenuously opposed, because it was apprehended the powers granted to Congress were too potent for the exercise of a healthy Executive influence over the concerns of the country; but at this day I presume no man who has watched the progress of things since 1828 will entertain any fears on this account, for we have seen not only the will of Congress but the will of the people repeatedly and successfully set at defiance.

The President is the source of all patronage and the fountain of all honors at the disposal of the Government, running through an army of office holders one hundred thousand strong, scattered through not only the high places but the by-places in all the land. He is commander-in-chief of the army and the navy, and it is now proposed to add to these enormous powers the absolute control of the public money, thus concentrating in the same hand the sword and the purse.

The President appoints, directly or circuitously, all the officers of the Government, and among them will be the sub-treasurers. He can direct these officers to deposite all the money in their hands at any one time in any place he sees fit to designate—in the city of New York, or at New Orleans, or within the four walls of the White House at the other end of Pennsylvania avenue. If any of them refuse, he has but to apply the official guillotine, and their heads roll in the gutter, and instruments more ready to do his bidding are substituted. Should the standing army project of 200,000 men, recommended so warmly by Mr. Secretary Poinsett, and so heartily approved by Mr. Van Buren, ever be adopted, and the "active class" of 10,000 assigned to this military district should be encamped on the heights about the outskirts of this city, the possession of a few millions at the White House might be very convenient in the hands of a President of Bonapartean temperament to aid in dispersing or in dragooning into obedience a factious Senate or a refractory House of Representatives. "With money I will get men, and with men money," said a most sagacious observer of human nature.

From Mr. Van Buren I admit there is nothing of this kind to be feared; for, even if inclined to overthrow the institutions of his country, he is not the man by constitution, education, habit, or policy, to take upon himself the responsibility of such an experiment; he prefers to be fanned by the breezes of summer, rather than to breast himself to the gales of winter.

In 1834, the Globe, in reference to this proposition, said:

"Had such a suggestion come from General Jackson, it would have been rung through the Old Dominion as conclusive proof of all the aspirations which may have been charged to the hero of New Orleans. 'See here,' they would say, 'he wishes to put the public money directly into the palms of his friends and partisans, instead of keeping it on deposite in banks, whence it cannot be drawn, for other than public purposes, without certain detection.' In such a case, we should feel that the people had just cause for alarm, and ought to give their most watchful attention to such an effort to enlarge Executive power, and put in its hands the means of corruption."

We know not who may occupy the Presidential chair at a future day, and we should establish no system and no precedent now that may, under any circumstances, be dangerous hereafter, for we owe the highest conceivable obligation on earth to our children, and our children's children, and to the friends of free institutions every where; and we should religiously avoid doing any thing that may have the slightest tendency to impair the inheritance bequeathed to us by our noble sires, and which, as trustees for unborn generations, we are bound to transmit, unshorn of any of its properties. Let not some future historian write as history what General Jackson did as prophecy, when, in speaking of the danger of Executive control over the public money, he said:

"Such a treasure would doubtless be employed at some time as it has been in other countries, when opportunity tempted ambition."

Mr. Chairman, I am opposed to the Sub-Treasury scheme, because its effect, if not its object, will be to destroy the banks, materially to curtail a healthy credit, and bring the business of this great country down to the level of a specie currency, out of all which is finally to grow a Treasury bank under the control of the Executive.

Mr. Chairman, gentlemen have denied on this floor, and in this debate, that they or their party were opposed to well regulated banks—that they sought not their destruction but their reformation: but let us see what the organ of the Administration has said. In October, 1837, in anticipation of the passage of the Sub-Treasury bill, the Globe proclaimed in trumpet tone that the "dynasty of banks, both great and small, approached its end." But gentlemen may say this is barred by the statute of limitations, and that a change has come over the spirit of their dreams. Well then, what say their leaders in this year of our Lord 1840? Mr. Benton and Mr. Walker, chiefs of no low degree in the ranks of the crusaders against banks and credit, refer us to Holland—not Holland as she was in the days of De Ruyter and Van Tromp, sweeping the British Channel with a broom at mast head—but Holland in her decrepitude, shorn of her power and splendor: they point us to Continental Europe where the few are princes, and the many slaves, and even to the Island of Cuba, itself under an absolute local despotism, besides being the remote Province of a broken down, worn out, imbecile monarchy; with a gold currency appreciated, like our own, six per cent. above its value. "Imitate them," (Holland, France, Germany, and Cuba,) said Col. Benton on the 16th January last, in the Senate chamber—

"Imitate them! and in a few years you will not only be lifted from the misery, degredation, demoralization and ruin of a depreciated currency, but you will have a superabundance of real money; gold enough for all your own uses, and to lend to all America besides. You will become the specie warehouse of the commercial world; to which all nations will resort to borrow gold, and which will return to you the instant they have borrowed it. Your hundred millions of exportable productions, and augmenting every year, will quickly produce this magic change, if, emerging from the Serbonian bog of paper money in which you are now sunk, you plant yourselves on the solid rock of gold and silver. To the other States I would say do the like, and the like results, to a less extent, will be your reward and your blessings. At least imitate France, and eschew all paper below one hundred dollars. But this is their own affair. As things now stand, it belongs to them to afflict or bless themselves. To the Federal Government it belongs, as the preservation of the sacred fire belonged to the Roman vestals—to this Government it belongs to preserve the sacred currency of the Constitution. To this Government it belongs to do this: and to a long series of measures pursued for this purpose, for the last ten years, the establishment of the Independent Treasury now comes in as the crowning act to seal and consummate the whole."

I shall, Mr. Chairman, with your permission, hereafter recur to some old promises of this same Mr. Benton about the currency, which will show how much this new one is worth.

Now, sir, I will read an elegant extract from a speech delivered in the Senate, on the 21st of January, by Mr. Walker, and will leave the evidence I shall have offered of a design to destroy the banks for such consideration as it may seem to be entitled to.

"Yes, sir, throughout the Union, and throughout the globe wherever you find the banking system to prevail, you will be sure to find periodical suspensions and revulsions, and wide-spread ruin. Explosion is inseparable from the system; and when you speak to me of well regulated banks of circulation, you speak to me of what never has been, or will be. You might as well speak to me of well regulated devils, whom even Almighty power found it impossible to regulate in any other manner than by casting in chains into billows of everlasting fire. And, sir, our bank paper system, if not abandoned, may yet be regulated in the all-consuming blaze of popular indignation."

The bill now under consideration provides that the revenues shall be collected in specie progressively, so that in four years the whole shall be paid in coin. The specie now in the country may be seventy-five millions in the banks and in circulation; the expenditures of the Government cannot be much less than one-third of that sum, and this is to be paid out only when and where the wants of the public service may require. The friends of this measure say that not more than five millions will be locked up in the Treasury at once. How, sir, do they know this? At this time there is nothing in the Treasury, but three years ago there were forty millions. Suppose the average balance be but five millions, is that all that will be abstracted from circulation, or from use, as the basis of a paper circulation, if there be one? Specie, if my theory be right, will be in request, and an article of merchandise difficult to be had, and will be laid by for months in anticipation of payments into the Treasury, and, after payment to the public creditors, it will not be readily put in circulation again; this incidental abstraction will, I think, equal the direct one. But there is another important consideration to be looked at; this money is to be collected in all parts of the country, but will be expended only in a few; it will be in constant process of draught from the centre to the circumference, without any returning stream. The State of Ohio, which I have the honor in part to represent, must pay about one-tenth of the revenue, say two millions and a half; it has been decreed that no more appropriations shall be made to improve our harbors and rivers, or even to finish the Cumberland road; and how are we to get a dollar back? The army and navy expenditures are on the sea coast; the civil expenditures are mostly in the large cities and in this district. We have sunk in the swamps of Florida $25,000,000, enough to plate with silver the surface of the whole Territory, and ere long we shall have to pour out money like water, along the whole Western frontier, far beyond the Mississippi.

Sir, I ask if, under such a state of things, the banks, especially in the interior, can live either profitably to their stockholders or beneficially to the people? It seems to me not; and that if they do not die at once of cholera, they finally will of consumption; if they continue they cannot pay specie, and and if they do not pay specie they ought not to continue. In any event, the result must be, that our business, wages, produce, and property must all be measured by a specie circulation, and correspond nearly with prices in other hard money countries. Thus are we to be driven from the palmy condition of prosperity we lately enjoyed, to one of degradation and misery; and for what good end, can any body tell me? And out of all this, after the people shall have been steeped in misfortune and suffering for a time, and have become ready to adopt any measure that will relieve them, is to issue a Treasury bank, of which the Executive will be president, directors, and company, and having thus acquired, not only the control of the public funds, but of the value of property every where, he will never find it necessary again to appeal to the "sober second thoughts of the people."

Mr. Chairman, I am opposed to the Sub-Treasury proposition, because it is another experiment. Ten years ago we were well—you gave us physic, and here we are, "so poor that none will do us reverence." The country was prosperous, and the people happy, and with a currency as sound and uniform as the world ever looked upon, and yet the dominant party undertook to give us a letter. This is a matter of deep moment, and I must beg leave, therefore, to quote some few items from high authority.

In December, 1829, General Jackson, in his annual message, to the surprise of every body, spoke thus:

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from pre-

cipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency."

In the House this matter was referred to a committee, a majority of whom were the political and personal friends of the President, and from the report I read the following, referring to the Bank of the United States:

"For all the purposes of revenue, it gives to the national currency that perfect uniformity, that ideal perfection, to which a currency of gold and silver in so extensive a country could have no pretensions. A bill issued at Missouri is of equal value with specie at Boston in payment of duties; and the same is true of all other places, however distant, where the Bank issues bills, and the Government collects its revenue. When it is moreover considered that the Bank performs with the most scrupulous punctuality the stipulation to transfer the funds of the Government to any point where they may be wanted free of expense, it must be apparent that the committee are correct to the very letter in stating that the Bank has furnished both to the Government and the people a currency absolutely uniform in value in all places, for all the purposes of paying the public contributions, and disbursing the public revenue. And when it is recollected that the Government annually collects and disburses more than twenty-three millions of dollars, those who are at all familiar with the subject will at once perceive that bills which are of absolutely uniform value for this vast operation, must be very nearly so for all the purposes of general commerce.

"Upon the whole, then, it may be confidently asserted that no country in the world has a circulating medium of greater uniformity than the United States; and that no country of any thing like the same geographical extent has a currency at all comparable to that of the United States on the score of uniformity."

In the Senate a committee similarly constituted said:

"This seems to present a state of currency approaching as near to perfection as could be desired; for here is a currency issued at twenty-four different parts of the Union, obtainable by any citizen who has money or credit. When in his possession, it is equivalent to silver in all his dealings with all the 9,000 agents of the Government throughout the Union. In all his dealings with the interior it is better than silver, in all his dealings with the commercial cities equal to silver; and if for any purpose he desires the silver with which he bought it, it is at his disposal, almost universally, without any diminution, and never more than a diminution of one quarter per cent. It is not easy to imagine, it is scarcely necessary to desire, any currency better than this. * * * * * * *

"After escaping so recently from the degradation of a depreciated paper currency, the committee would abstain from every thing which might, however remotely, revive it. * *

"Under these circumstances, they deem it prudent to abstain from all legislation, to abide by the practical good which the country enjoys, and to put nothing to hazard by doubtful experiments."

* * * * * * * *

And, Mr. Chairman, how fortunate would it have been for us had we been content "to abide by the practical good which we enjoyed, and put nothing to hazard by doubtful experiments."

The assaults upon the Bank were renewed in 1830-'31 and '32, with the addition in the latter year of an opinion that the public money was unsafe in the Bank of the United States, and to ascertain this, certainly a very important point, during the session of 1832-'33, a committee was appointed to examine into the condition of the Bank, and from the report of that committee I cite the conclusion:

"It appears from official documents of unquestionable authority that the specie actually in the vaults of the Bank of the United States is within one-tenth of the amount held by all the other banks in the Union together, whilst its circulation of paper is but one-fourth the circulation of theirs. In other words, the Bank of the United States has now above nine millions of specie, with a circulation of notes to the amount of seventeen millions and a half, whilst the aggregate of all the other banks, with specie in their vaults of from ten to eleven millions, have a circulation of sixty-eight millions of bank paper. If, then, the evidence herewith submitted can be relied upon, which it is for the House to judge of, there can be no doubt of the entire soundness of the whole bank capital, after meeting all demands upon it, either by its bill holders or the Government; and such is the opinion of the committee, who feel great confidence in the well-known character and intelligence of the directors whose testimony supports the facts above stated."

Ending with the following resolution:

"*Resolved*, That the Government deposites may, in the opinion of this House, be safely continued in the Bank of the United States."

Which was adopted by a vote of more than two to one, in a House having a large Administration majority.

But the fiery energies of the old war-horse were not to be so easily repressed, and Congress had hardly adjourned before General Jackson sent Amos Kendall to the Eastern cities to open a negotiation with the State banks in reference to the removal of the deposites, ending with the arbitrary removal of Mr. Duane, as Secretary of the Treasury, and the appointment of a more pliant instrument for the President's purposes, in the person of Mr. Taney, and then followed the removal of the deposites in violation of the chartered rights of the bank and of law, and in contempt of Congress; and here, sir, was the real source of all our present difficulties.

Soon after General Jackson's election, he undertook to make the directors of the branch bank at Portsmouth remove its President, against whom there was no valid objection, and appoint a political friend of Gen. Jackson. This they refused to do, saying, among other things, that they had nothing to do with the political controverses of the day, and did not mean to have. Here opened the war. General Jackson finding he could not make the Bank his ally, determined to destroy it, as he has every body and every thing who ever resisted his will, and in this he succeeded but too well.

The final destruction of the Bank having been decreed, the ruling party, in order to fill the vacuum that would necessarily follow, began to make new banks in every State where they held power. Yes, sir, the gentleman from Pennsylvania [Mr. WAGENER] complains that the State banks have been increased from 350 to nearly 900, and I beg leave to tell him that he and his friends made them. The Globe was as rabid then in the great work of making banks as it now is in destroying them. In that journal of December 21, 1833, it is said:

"This new coalition, however, have labored in vain. The intelligent people of the West know how to maintain their rights and independence, and to repel oppression. Although foiled in the beginning, every Western State is about to establish a State bank institution. They are resolved to avail themselves of their own State credit as well as of the national credit to maintain a currency independent of foreign control. Mr. Clay's presses in Kentucky begin now to feel how vain are all their efforts to resist this determination of the people in the West. The Louisville (Kentucky) Herald says: 'From the indication of public opinion, as contained in the papers from the States around us, there is every probability that banks will be chartered in the States of Ohio, Indiana, and Missouri, and that efforts will be made to charter in this State (Kentucky) not only a State bank, with four or five branches, but several independent banks.'"

And, having copied with approbation this promise of a large crop of new banks, the Globe then concludes by saying:

"So Ohio, Indiana, Illinois, Missouri, and Kentucky are resolved to take care of themselves, and no longer depend on the kind guardianship of Biddle, Clay, and Co."

And Ohio did take care of herself by chartering at that same session of her Legislature, I believe, eleven new banks, with an aggregate capital of about four millions—the Administration party having a majority in both branches.

Into the banks, new and old, the deposites were hurried, and, fearing they would not lend the money fast enough, orders were given them to discount, not in peremptory language, but sufficiently distinct—for a mere suggestion in those days from Andrew Jackson or his lieutenants was equivalent to an order. But in this matter I speak from the book, sir, and therefore read from Senate documents 1st session 23d Congress, 1st vol. Doc. 2, p. 33, the following letter, dated

"TREASURY DEPARTMENT, 23, 1833.

"SIR: The Girard bank has been selected by this Department as the depository of the public money collected in Pennsylvania and its vicinity, and the collector at Philadelphia will hand you the form of a contract proposed to be executed, with a copy of his instructions from this Department. In selecting your institution as one of the fiscal agents of the Government, I not only rely on its solidity and established character, as affording a sufficient guarantee for the safety of the public money entrusted to its keeping, but I confide also in its disposition to adopt the most liberal course which circumstances will admit towards other moneyed institutions generally, and particularly to those in the city of Philadelphia.

"The deposites of the public money will enable you to afford increased facilities to commerce, and to extend your accommodations to individuals; and as the duties which are payable to the Government arise from the business and enterprise of the merchants engaged in foreign trade, it is but reasonable that they should be preferred in the additional accommodations which the public deposites will enable your institution to give, whenever it can be done without injustice to the claims of other classes of the community. I am, &c.

"R. B. TANEY,
"Secretary of the Treasury.

"To the President of the Girard Bank, Philadelphia."

And the following letter is found at page 36 of the same document, from which I give only an extract:

"TREASURY DEPARTMENT, Oct. 9, 1833.

"In selecting your institution as one of the fiscal agents of the Government, I not only rely on its solidity and established character, as affording a sufficient guarantee for the safety of the public money entrusted to its keeping, but I confide also in its disposition to adopt the most liberal course which circumstances will admit towards other moneyed institutions generally, and particularly to those in your vicinity.

"The deposites of the public money will enable you to afford increased facilities to the commercial and other classes of the community, and the Department anticipates from you the adoption of such a course, respecting your accommodations, as will prove acceptable to the people and safe to the Government.

"I am, &c. R. B. TANEY,
"Secretary of the Treasury."

The next proof is found in General Jackson's message to Congress, in December, 1833, where he says:

"I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, and that, through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank."

And even Mr. Kendall, if good authority, may be quoted. Alluding to the large amount of public money on deposite, he says:

"Should neither the Treasury nor the bank restore a portion of this great sum to circulation, the consequences apprehended would be of the most serious kind: and the community of New York were beginning to look earnestly to the Government for relief."

Then, sir, through the interposition of the Government, did the banks shoot madly from their spheres, ending with the suspension in May, 1837; but even this event, so unfortunate and disreputable, would probably have been avoided had it not been for yet other experiments: for the currency quacks in power had by this time half a dozen wheels in motion, all directed to the accomplishment of their grand object, the improvement of the currency, and all whirling like the machinery of a steam engine when the resisting power has been by some accident removed.

In the spring of 1836, Mr. BENTON introduced a resolution into the Senate requiring all payments for the public lands to be made in specie, but it was promptly and almost unanimously rejected; yet the members of Congress had scarcely reached their homes before General Jackson, by his *ipse dixit*, in the shape of what was called a specie circular, made that law which the Senate had refused to do, thus substituting his will for theirs. At the next session, Congress passed a bill, by a very large majority in each House, rescinding this circular, but it was at the close of the session, and General Jackson, availing himself of the constitutional grant of ten days within which to sign or return a bill, did neither before the adjournment, and thus again did the Executive practically exercise legislative power, and defy the known wishes of the people. Upon the constitutionality, equity, expediency, or consequences of the specie circular, I do not propose to speak, and I allude to it only as one of the experiments of the day and a part of the system we are referring to.

Another important auxiliary in the great and glorious work of improving the currency, having its inception at an earlier day, but just now beginning to bring forth fruits—not meet for repentance, however, as yet—was what is now generally and best known as the gold humbug. Gold was to be the common currency of the country, and it was to be acquired by giving, through legislation here, an arbitrary, artificial value to it above its real value, so that, being worth more here than elsewhere, it should be drawn here and retained; and connected with this was the establishment of branch mints.

I, Mr. Chairman, have no powers of description enabling me to tell the committee what brilliant prospects were said to be before us, that will compare with those exhibited in the columns of the Globe for months; and as the organ of the Administration, speaking in its name, it seems proper to give them and us too the benefit of its own words:

From the Globe of 29th March, 1834.

"When the money held by the people is gold and silver, they can never be moved by panics or affected by the difficulties of banks. With a golden eagle in his pocket on Saturday night, the laboring man may rest in perfect confidence that no bank failure on Monday will deprive him of the proceeds of his preceding week's labor. Few laboring men or farmers keep on hand for any time more than ten, twenty, to fifty dollars; and the sums they receive are generally small. If our small currency were eagles, half-eagles, quarter-eagles, and dollars, with their fractions, enabling all these people to obtain payment for their labor or produce in the precious metals, they would be effectually protected against all the casualties and frauds of paper money. * * * * * Gold and silver coin, the currency of the Constitution, is Jackson money; notes, with pictures on them, promising to pay, the bank's money. Which will our farmers and mechanics have, Jackson money or bank money?"

From the Globe of 18th April, 1834.

"JACKSON MONEY.—In a few days we shall have an accurate account of all the specie which has arrived at the principal ports in the United States since the 1st day of December last. We have no doubt it exceeds FOUR MILLIONS OF DOLLARS. The most singular incident of the times is, that GOLD as well as silver is returning from Europe.

"What mechanic, farmer, or laboring man would not rather have a golden eagle than a ten dollar note on the Bank of Washington, or any other bank? This is the 'SOUND CURRENCY' which Gen. Jackson recommends."

From the Globe of April 25, 1834.

"HARD-MONEY CURRENCY.—A few facts are necessary to be known and kept in mind by the people, in the present crisis, in order to understand whether the country can supply itself with gold and silver enough to serve for the common currency, after the United States Bank is done with."

From the Globe of May 21, 1834.

"If Congress will pass the coin bills, the circulation of the country will be rich in gold and silver. The drops of sweat which fall from the farmer's brow will be turned into eagles, and half eagles, and Spanish milled dollars. His bushels of corn, wheat, &c. will not be resolved into a dirty rag in the corner of his pocket, promising to pay what the issuers have not the means of paying."

Congress did pass the gold bill, in accordance with Executive dictation; the sweat still falls from the farmer's brow, but it is not turned into eagles, half eagles, or Spanish milled dollars; and the farmers among my constituents would now be extremely rejoiced to be enabled to resolve their bushels of corn, wheat, &c. even in what the Globe calls "dirty rags."

From the Globe of June 11, 1834.

"Since Mr. Lowndes's death, the argument in favor of a gold currency has derived an additional weight from the discovery of our native gold mines. These mines are developing with a rapidity and expansion unknown in the history of the world. Ten years ago, first noticed, and producing then $5,000 a year; now producing above two millions in a year; and no assignable limit to their extent and production. To those who talk of a national currency, we point them to the gold region in Virginia, the Carolinas, Georgia, and the contiguous portions of East Tennessee and Alabama. There is a national treasure! There is material for a national currency!—*national* in every sense of the word; for it is the product of the nation, and current all over the nation, and called for by every man in the nation who is free from the chains of stipendiary servitude to the United States Bank.

"If Mr. Lowndes had lived, this truly national currency would have been long since restored. The discovery of the gold regions in the South would have stimulated his exertions and consummated his purpose. The restoration of this currency is now demanded by the voice of the whole country. It is demanded from the present Congress It is the great measure of the session. Let the nation not be disappointed. Let the GOLD BILL PASS! 16 to 1 is the word! The bank men, not daring to make an open opposition, will work under ground, and endeavor to frustrate the measure by proposing all manner of fractions between 15 and 16 to 1; but let the gold phalanx stand firm, and the paper legion will be defeated."

Yes, sir, 16 to 1 was the word, and we saw 16 dollars in sound paper, and even in gold, then, to 1 now.

From the Globe of June 16, 1834.

"The whole great West requires a circulation of doubloons. It will be their principal gold coin, and will be got in immense quantities from New Orleans."

The eagles of which the Globe talked, on the 21st May, were now turned into doubloons for us at the West, and a great stream of them was to flow up the Mississippi and its tributaries. Now, sir, some of my constituents live at the sources of streams that finally wend their way into the "father waters," and are entitled, upon geographical considerations, to a portion of this gold, but they have not yet seen the first premonitory system of its approach.

The same number of the Globe says:

"The subject has been before Congress all the winter, and every member knows how he is going to vote. There is no pretext for delay; but delay is the first trick of the bank to defeat the bill. Congress has but one question to decide, and that is the relative value—the question of 16 to 1—all the rest is matter of detail. The time is now short—only two weeks; but still the coin bills are expected to pass. The design of the bank party to defeat the bills by delay, or to frustrate their operation by inadequate and vicious details, is perfectly understood, and being understood ought to be counteracted. Let the gold bill pass.

"It is computed the Southern mines will yield THREE MILLIONS of dollars worth of gold this year. A rise in the ratio of gold from 15 to 1, to 16 to 1, will be an advance of six

and two thirds per cent. on that amount, which will be $190,000 on the whole."

The bill passed the House—the authoritative style of the Globe was not without effect: "Let the gold bill pass"!! spake the Globe, and it was done.

At the risk of being tedious, let me point you to the shouts of triumph that rung from one end of the land to the other.

From the Globe of June 23, 1834.

"GOLD CURRENCY.—It will be seen, by our Congressional report, that the gold bill has passed the House of Representatives, and goes to the Senate to-day for their concurrence. The bank forces opposed a furious opposition, and foug t, like the ancient *villains*, till the stars appeared in the evening. The great battle was fought on Saturday, and occupied the whole day. Be it remembered that this Saturday was the 21st day of June, just at the summer solstice, when days are longest and hottest. It was evidently the tactics of the bank leaders, if men can be called leaders who are themselves both led and driven by the mammon whom they serve—it was evidently their tactics, first, to stave off the bill till the next session; next, to befog it in a wilderness of mystification; and, finally, to sink the relative value of gold and silver to a ratio below 16 to 1; which would have defeated the great end of getting gold into circulation as a national currency. Upon these three tacks, the ultra bankites made fight, and developed in such force about mid-day as to show that time was their great resource, and that their plan was to protract the struggle into the ensuing week. The friends of gold then determined upon a permanent sitting till the bill was passed. They renounced all idea of adjourning at the end of the day, and evinced an invincible determination to sit out the question. This brought things to an issue, and towards sunset the triumphant vote was taken, and resulted in an overwhelming majority for the just and truly American ratio of 16 to 1. We say just, because it is the ratio which will bring gold into common use, as common currency; and we call it truly American, because all America, from Canada to Cape Horn, will now have that uniform ratio, and thus bring their whole gold coinage into concord and harmony, and just as convenient for circulation as if all was from the same mint.

"The bill goes to the Senate to-day. The strength of the Bank in that body excites some little apprehension, but it is impossible to believe in formidable opposition there, after the victorious vote in the House of Representatives; and we feel ready to congratulate the friends of the country upon the actual establishment of a gold NATIONAL currency."

The apprehensions of the Globe as to the action of the Senate were ill founded. The bill became a law; and, to complete the golden picture, as drawn by its friends, I must be permitted to read one item more:

From the Globe of July 16, 1834.

"THE GOLD CURRENCY.—While every part of America rejoices—while every heart not enslaved to the scrub aristocracy of the paper system—while every independent and patriotic citizen exults in the recovery and restoration of the long lost gold currency, the West, and all Western citizens, have the deepest and greatest cause for proud exultation and manly rejoicing, at this propitious event. For, of all America, the West is the part which needed most, and will profit most from the circulation of gold. Happily they have but few banks in the West, and, therefore, need gold to carry about and travel upon. Happily, again, the greatest supply of gold will go to the West. The emigrants removing to that great region will all carry gold in preference to either silver or paper, for it is lighter than silver, and safer than paper. The land offices will become receptacles and reservoirs of gold, whence it will be distributed to the country through the Government disbursements, through the military, the surveying, and the Indian departments; and wo to the officer who, having received gold from the Government, shall presume or dare to offer paper to the soldiers or citizens. Then a great stream of gold will flow up the Mississippi from New Orleans, and diffuse itself all over the Great West. Nearly all the gold coinage of the new world will come to the United States; for all the coinage of the new Governments of Mexico and South America, being the coinage of rebel provinces, cannot go to old Spain, or to any of her dependencies, and therefore will come to the United States as its natural and best market. This will fill the West with doubloons and half joes; and in eight or nine months from this time, every substantial citizen will have a long silken purse, of fine open net work, through the interstices of which the yellow gold will shine and glitter. Then travellers will be free from the pestilence of ragged, filthy, and counterfeit notes. Every substantial man, and every substantial man's wife and daughter, will travel upon gold. The satellites of the Bank alone, to show their servile subjection to their liege monarch, will repine at the loss of paper."

Notwithstanding all these promises, sir, the people see so little gold, and are likely to see so little for a long time to come, that it may be well to let them know what excellent qualities it has, as detailed by Mr. Benton:

"QUALITIES OF THE GOLD CURRENCY.—1. It had an intrinsic value. 2. It had a uniformity of value. 3. It was a portable currency. 4. It was indestructible. 5. It possesses inherent purity. 6. It is superior to all other currency. 7. It is the true regulator and equalizer of exchanges. 8. It was the master of paper money. 9. It is the true regulator of bank issues. 10. It is a constitutional currency; and, therefore, the people have a right to have it, while the Constitution remains, whether they can give good reasons for it or not.

"To all which we add, it is the most beautiful currency in the world; and, therefore, the most agreeable to the eye as well as the best for the pocket, that the wisdom of man has devised."

In connection with this subject, I must call your attention for a moment to the establishment of the branch mints at North Carolina, Georgia, and Louisiana—one of the most, among the many, palpable instances of the waste of money to be found on our records. The mint in Philadelphia has the capacity to coin in eagles three hundred millions of dollars annually; but taking the average of coins, silver and gold, large and small, its capacity is equal to twelve millions, and never have the bullion and old coins that could be obtained been adequate to the supply to that extent. Yet to help on the humbug, the branch mints were established at a cost, for buildings, fixtures, and appliances, of about $750,000, and the annual expense of sustaining them is near $50,000. They have been in operation two or three years, and have coined altogether about half a million. During the last year, the branch at New Orleans coined about $23,000; and the gentleman from Pennsylvania [Mr. OGLE] has told us that ten cent pieces cost thirty cents each. Official statements on our tables show that the branch mint in North Carolina, in a little more than a year, coined $84,000 at an expense of $33,466, or about two-fifths of the product.

And yet, in December, 1836, Mr. Benton said, in the Senate Chamber, in anticipation of the immense results expected from them, these words:

"After forty years of wandering in the wilderness of paper money, we have approached the confines of the constitutional medium. Seventy-five millions of specie in the country, with the prospect of an annual increase of ten or twelve millions for the next four years, three branch mints to commence next spring, and the complete restoration of the gold currency, announce the success of President Jackson's great measures for the reform of the currency, and vindicate the Constitution from the libel of having prescribed an impracticable currency."

A prediction proved by the event to be as unfounded as the style and manner were bombastic.

Sir, nobody will now pretend that the whole scheme has not failed, miserably failed, as has every other in relation to the currency undertaken by this Administration. Where is the gold? Who has it, except members of Congress and the office holders generally? The director of the Mint says the gold law has not only failed to accomplish its purpose, but has been positively injurious, and he advises its repeal. That such would be the result, the "bank forces" in Congress foretold. Any man, whose powers of vision were not absolutely destroyed by partisan feeling, must have known that such a radical, arbitrary effort, in despite of all the laws of trade, to acquire an undue proportion of gold—undue, I mean, in relation to supply and demand of the commercial world generally—would prove abortive or worse than abortive, and especially so when we look at the condition of things in the United States and in England.

In the latter, gold constitued the specie circulation, and was the basis of the paper issues—here gold and silver were both a legal tender, and the legal basis necessarily of the paper issues—but practically it was silver, silver being slightly overated, as the law stood, when contrasted with gold, and hence it was retained in this country. There silver was an article of merchandise—here, it was so with gold; there was gold enough for their purposes—here was silver enough for ours.

And yet, as if to ruin the best customer we had for our staples, in the first place, and ourselves next, and in which we have succeeded admirably, we undertook, by mad legislation, to drive the silver from our shores, and draw from England her gold, utterly reckless of the consequences. Gold began to move hither by reason of the artificial value we had given it: this produced a contraction of the whole circulation of England, depreciated the value of every thing selling in her markets, resulting in the loss on our next cotton crop of probably twenty-five millions of dollars, and for which we got no equivalent whatever, except that a few estimable gentlemen in Wall and Chestnut streets had, for a time, the supreme felicity of looking upon the "most beautiful currency in the world."

I have thus, Mr. Chairman, hastily glanced at some of the financial experiments of the party in power, and I ask if I am not warranted in opposing this, if for no other reason, because it is another experiment, and to be administered by the same hands.

For order and regularity, confusion and uncertainty have succeeded; the rewards of industry fluctuate with every breeze; office holders, brokers and shavers, alone, of all the various classes of society, have flourished the more the greater the distresses and sufferings of others. The grand experiment for improving the best currency in the world has wound up in the creation of an irredeemable paper currency in half the States of the Union—the paralysis of trade—general and intense embarrassment of the people, and the entire disgrace of "the party," the country, and the Government.

Sir, it is humiliating, mortifying, nauseating, to look back upon our condition as it was ten years ago—to trace our history to this time through the wicked, miserable, bungling series of experiments that have been perpetrated upon a confiding people, and to see where we now are and are likely to be for a time to come. True, the Administration and its supporters, in and out of Congress, tell us the existing state of things is the best possible one for the country, and they cheer us forward by promising that when we get labor down to the level of Holland and Germany, we can manufacture so cheaply as to monopolize the home market and undersell in foreign ones; but our fellow citizens who have been accustomed to liberal wages and the enjoyment of what they deem necessaries, and sometimes luxuries, see no good reason why they should be reduced to poverty that the country may become rich.

An honest but misguided enthusiasm for a gallant old soldier, eleven years ago, brought a set of men into power who were entirely unfit to wield it, and objectionable as was the first generation, succeeding ones have become worse and worse from that day to this, till now the destinies of this great country are in charge of mere pedlers in politics—vampires on the community. They have been stumbling, blundering, hobbling along from one experiment to another, obviously without knowing what they were about or caring for the consequences—constantly promising and never fulfilling—paying off old promises by making new ones successively, and promising, too, not only without the means of paying, but without, as it would seem, even the expectation of having them, and this by a set of men who have the most holy horror for the credit system. Personal glorification from him who left "this great people properous and happy" on the 4th of March, '37, down to the humblest tide-waiter in the most obscure fishing village on the coast—the advancement of personal interests and of party interests seem to have been the ruling motives, rather than the welfare of the Republic—credit might perish and commerce perish, and all that renders life desirable might be ground in the dust, so long as the leaders of the party could ride on the crest of the wave and enjoy the 'spoils of victory." Nor, sir, did you sin ignorantly. All the evils under which we now suffer, were predicted by master spirits in and out of the Capitol, but without effect. What was prophecy has unfortunately become history; and now, surrounded by the wrecks yourselves have made, you impudently give the lie to all your former pretensions, and tell the country you have only to look out for the Government.

The President himself, enveloped in the ample folds of his official cloak, says:

"All communities are apt to look to Government for too much! Even in our own country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassment and distress. But this ought not to be so!"

Sir, I ask if "the powers and duties of this Government are so strictly limited," why did the "illustrious predecessor" of Mr. Van Buren interfere with the currency at all—why undertake to give us a better one—why volunteer the offer of a plan of a Bank of the United States, as he did in the veto message—why consign credit and commerce to perdition—why declare that all who trade on borrowed capital ought to break? Why all or any of these? And to what end have all your experiments tended ostensibly? And why, sir, has this icy, freezing declaration of the President been withheld till all your splendid experiments have exploded in miserable failures, involving people and Government in one common misfortune?

Sir, our present distresses are attributable to bad legislation. However much we may have merited the displeasure of Heaven, the Almighty has not seen fit to inflict upon us war, pestilence or famine, or any other national calamity; while our people have been as active and industrious and enterprising as ever, and our soil as prolific. If the fault be not in the people, and if the calamities which oppress us have not been sent by Heaven as scourges for our sins, to what cause other than bad government can they be attributed? Sir, I say in my place now, hear it who may, its administration has been in the hands of men either dishonest or incompetent, and their friends may take either horn of the dilemma, as best suits them—they have miscarried from ignorance or design, and in either event they deserve to be removed. And yet, sir, strange as it may seem, these men have the assurance to ask the people of this country—bleeding as they are from every pore by reason of their wickedness or stupidity—to continue not only their party but themselves distinctly in power. Why, sir, if the party had any principles (other than mercenary ones) these men are certainly not the persons to carry out those principles. If an individual should manage the concerns of a private association of business men as the dominant party have managed the affairs of the American people, he would be drummed in disgrace from the viscinage.

What is the remedy? Ill, sir, would it become me, a mere private in the ranks, to point out a remedy for all our troubles; but I can tell you it is not to be found in your Sub-Treasury, with its safes and vaults, its bolts and bars, its bonds and imprisonment. Nor, sir, do I think it would be found in a resort to the State deposite bank system, though this is infinitely preferable to the other, because the money would be safe, and no dangerous Executive influence could be brought be brought to bear upon it—if we could not do all the good we desire, it could do some, and it could do no harm.

We know, sir, that during forty years of our history we had a national bank, and that during that time we had no such embarrassments as now—no ruinous losses by high rates of exchange, and no sudden fluctuations in the value of property, with few exceptions, and they easily accounted for. The troubles growing out of the anti-commercial measures of Mr. Jefferson in the time of the first bank, and the disorders resulting from the war and from the absence of a national bank from 1811 to 1817, and the extraordinary importations for two or three years after the war, with some bad management on the part of the bank itself in its early convulsive efforts to "improve the currency," immediately after it went into operation; for a time affected the bank and every thing else in the country. Order could not at once be brought out of chaos, even had the bank been well conducted; and had it been so, it would have been about the only thing in the country that was.

My own belief unequivocally is, that sooner or later we must, in sportsman's phrase, take a back track. But gentlemen are greatly mistaken if they suppose I would at this time, charter a Bank of the United States: not, however, because I have the slightest doubt of our constitutional right to do it. When I recollect that thirty-two of the thirty-nine framers of the Constitution, at one time or another, officially sustained a National Bank, and that almost one-half of the thirty-nine were in the Congress of '91 that chartered the first Bank; when I recollect that Washington, and Jefferson, and Madison, and Monroe, and last, and least on constitutional points, Andrew Jackson himself, have supported such an institution, and that the Supreme Court, with John Marshall at its head, affirmed its constitutionality; and, too, what may have more influence than all with some gentlemen about me, when I recollect that the charter of the late Bank was passed as a Democratic, war-party measure, against the votes of the Federal party, and that its passage was esteemed a party triumph, I could not doubt, if so disposed, that we have rightfully the power to make a third bank.

But, sir, I would not speak it into existence now if I could; let the present experiment be tried out; let it be ascertained to a demonstration whether a country like this, extending through 18 or 20 degrees of latitude, and twice as many of longitude, with all the varied productions incident to such a space, with a population active, industrious, and enterprising without parallel, and with six and twenty States exercising, and rightfully, too, the power of chartering banks at pleasure; let it, I say, be ascertained beyond all future controversy whether, under such circumstances, we can transact our business successfully and happily without a bank, or something equivalent. Whatever else we may bequeath to our children, spare them, as we love them, the infliction of an age of financial experiments by partisan quacks. We have suffered almost as much as we can by this miserable empiricism. Now let us suffer something more for posterity, that all doubts may be settled, and forever.

No, Mr. Chairman, I will not help to lay a single stone in the edifice till all doubt shall be solved. I will not contribute my humble aid to build up a target for demagogues and broken down politicians and party hacks to aim their poisoned arrows at.

But, sir, I insist upon it, and the people will, as I think, that you do something to improve their condition, or, more properly, to enable them to do it. It is one of the attributes of sovereignty—it is one of the highest obligations imposed by the Constitution, and it was one of the strongest motives for its formation—it was what you have professedly been trying to accomplish for years past, to furnish the country with a sound currency; if it be not done here, it can be done nowhere, and if we refuse to do it, we shall prove recreant to one of our most important trusts. And, sir, it will be done, and done here. The people will decree it, and from that there is no appeal. We may stalk about this Hall in fancied consequence, wielding a little brief authority, saying what shall be and what shall not be, but if we set up our will against that of the people, we shall soon find ourselves the weaker party; let them declare for a National Bank, and there will be one, whether we say yea or nay. If we refuse to do their bidding, it is one of the easiest things imaginable to put us aside and put others in our places. We are not the masters, but the servants of those who sent us. I do not say a Bank of the United States is *the* remedy, but it is a remedy—perhaps a substitute for that can be found—the end

must be attained, however, in one way or another. You took from the people as good a currency as the world ever saw, under the plea of giving them a better, and they will hold you to your engagement, not literally though, sir, for they have had enough of the better, and will only ask for the good currency of which you deprived them by loud clamor and false pretences.

I have before referred to a report made by a committee of the Senate composed of the personal and political friends of Gen. Jackson, at the session of 1829-'30, for one purpose, and I now recur to it to show to "the party" what kind of a currency we had when they began *to improve* it, and what kind we must and shall have again. Out of their own mouths shall they be convicted. After speaking of the local currency, the committee say:

"There is, however, superadded to this currency, a general currency, more known, more trusted, and more valuable than the local currency, which is employed in the exchanges between different parts of the country. These are the notes of the National Bank. These notes are receivable for the Government by the nine thousand receivers scattered throughout every part of the country. They are, in fact, in the course of business, paid in gold or silver, though they are not legally or necessarily so paid by the branches of the Bank in every section of the Union. In all commercial places they are received in all transactions, without any reduction in value, and never, under any circumstances, does the paper, from the remotest branches, vary beyond a quarter of one per cent. in its actual exchange for silver. Here, then, is a currency as safe as silver—more convenient and more valuable than silver—which, through the whole Western and Southern and interior parts of the Union, is eagerly sought in exchange for silver; which, in those sections, often bears a premium paid in silver, which is, throughout the Union, equal to silver in payment to the Government and payments to individuals in business, and which, whenever silver is needed in any part of the country, will command it without the charge of the slightest fraction of a per centage. By means of this currency funds are transmitted at an expense less than in any other country. In no other country can a merchant do what every citizen of the United States can do—deposite, for instance, his silver at St. Louis, or Nashville, or New Orleans, and receive notes which he can carry with him 1,000 or 1,500 miles, to the Atlantic cities, and there receive for them an equivalent amount of silver without any expense whatever, and in no possible event an expense beyond a quarter of one per cent. If, however, a citizen does not wish to incur the anxiety of carrying these notes with him, or to run the hazard of the mail, he may, instead of them, receive a draft payable to himself or his agent alone, so as to insure the receipt of an equal amount, at an expense of not one-half, and often not one-fourth, of the actual cost of carrying the silver. The owner of funds, for instance, at St. Louis or Nashville can transfer them to Philadelphia for one-half per cent.; from New Orleans generally without any charge at all, at most one-half per cent.; from Mobile from par to one-half per cent.; from Savannah at one-half per cent.; and from Charleston at from par to one-quarter per cent."

Mr. Chairman, I am tired of these currency investigations, and I have no doubt you are, and I will, therefore, endeavor speedily to end them after looking at the effects of your financiering on the State I in part represent.

These importations of last year were one hundred and forty millions, exclusive of re-exports. The population of Ohio is probably about one-tenth of the population of the Union, and it is fair to suppose they consume one-tenth of the imports, or fourteen millions for the last year, to which sum are to be added duties, charges for transportation, and mercantile profits, in all at least six millions, making twenty millions. We gave for that nearly our whole surplus products. Now, these products have diminished one-half in value, and we shall have about the same surplus as before. The imported merchandise will be sold no less because we are embarrased. We must pay the same for a pound of tea or a yard of cloth, whether wheat be worth fifty cents or a dollar. Cost in Europe and incidental charges and profits we must pay, or not have the articles that we may want. As, therefore, we cannot double our product, we must halve the consumption; but for that half we must give the same labor as we last year gave for the whole. Thus, without any equivalent, we shall be deprived of the benefit and pleasure we enjoyed from the use of one moiety of what we before had. If we are in debt, we must pay two barrels of flour where one would have sufficed. The thousand dollars balance due on my farm has become two thousand. The man who has money can buy twice as much as he could then, while the poor man who owes but little must lose his all to pay that little. Thus, sir, of all plans to make rich men richer and poor men poorer, I know of none more efficient than those set in motion by this people-loving, aristocracy-hating Administration. The miserable miser in his attic, insisting upon his pound of flesh because it was nominated in the bond, could not have devised a course of legislation more satisfactory to himself than that pursued in this Capitol.

Our State debt is about twelve millions, for which I am glad to say we have value received—the interest is about $700,000, and this must be paid by the products of our labor, levied in the shape of tolls on the produce we sell, and the goods we consume, and the deficit must be provided for by taxation. Last year 700,000 bushels of wheat would have paid the interest—now it will take 1,400,000; and if the low prices are to continue, a result which we are told is to be productive of so much good, we shall find our debt practically doubled, as well as our interest.

My esteemed colleague [Mr. PARISH] accounts for the low prices of our produce by charging it, most conveniently, too, on the banks, which are made to carry not only their own sins, but every body's else, and he exhibits tables showing the contractions and expansions for eighteen successive months, with the fall and rise in the price of flour. Well, now, sir, if the price of our flour depended upon bank discounts, it must rise and fall to correspond with the increase and diminution of the discounts; but if any gentleman will take the trouble to examine the tables, he will find no apparent relation between them; he will discover in certain periods, during which the banks contracted, say 10 per cent. that flour fell 20 per cent. and when the contractions were 20 per cent. flour fell 10 per cent. The rise and fall of the price of flour depends upon causes beyond the reach of our banks—it must depend upon the value at the ultimate market—severe contraction would retard some what the sale and transportation, as expansion would facilitate them, but neither would materially affect the price. If flour be worth ten dollars in New York, it will sell promptly in Ohio at from eight to nine dollars, whether our banks expand or contract.

But why have our banks contracted? Why, sir, independent of general causes existing all over the country, the Solons in our Legislature, for we have them there as well as here, wished to show their financial skill by making experiments on their own account—they wanted to do their share of the great work of reforming the currency, that they might participate with us in the glory to result from it. The first experiment was at the session before the last; our banks had been in the practice of keeping their surplus funds in the Eastern cities, on which they could draw at sight for commercial purposes, and for the redemption of their notes, a draft always being worth more than specie; and, in fact, but a few years ago, a bank or an individual sending home notes for redemption, would think injustice done if they could get nothing but specie. But our legislators, in the plenitude of their wisdom, decreed that the banks should keep coin in their vaults at the rate of one dollar for every three in paper; this compelled them to withdraw, in coin, the balances due them East, thus helping to increase the embarrassment there last year, diminishing the prices of our produce, as we had done on a larger scale in England when we drew away their gold; but they were also compelled to curtail their discounts and collect their debts, to bring the specie and circulation in relative proportion.

At the last session they voted small bills a nuisance, and decreed they should no longer be tolerated, and this compelled the banks to razee again, because the vacuum created by the withdrawal must be filled with specie, and that must be drawn from the banks.

But our Legislature was not only plenary in wisdom, but plenary in power; and they, therefore, at the late session, asserted and exercised the power of repealing bank and all other charters, whether the right had been reserved or not. And although the power was exerted perhaps in proper cases only, provided the right had existed, yet its tendency was still further to agitate the public mind, already sufficiently feverish.

True, sir, this was looked upon by men intelligent in such matters as mere *brutum fulmen*, for we have fortunately a Supreme Court, orthodox upon such heresies—a court that will not deny to the sovereign people the right to do in their collective capacity that which each one individually, not being a married woman, a child, a fool, lunatic, or a madman, may do, to wit, make a contract that shall be obligatory. I ought, sir, to ask pardon of my married female friends for putting them in such a category, but I wished to state the exceptions, that the absurdity of the proposition sustained by our Legislature might be the more apparent.

My colleague says we, the Opposition party, intend to compel the General Government to assume the debts of the States. Where, sir, is there an iota of evidence of this design to be found? Is it in the suggestion of a London banker, that it would add greatly to the value of the State stocks? Sir, we all remember what a protracted debate there was in the Senate last winter on a resolution declaring that it would be inexpedient and unconstitutional for this Government to assume the State debts, when not a State in the Union had even intimated a wish that it should be done. It would be unparliamentary for me to say on this floor that the whole affair was superlatively ridiculous, but I may be permitted to say that I believe every body without the ten miles square thought so.

At all events, Mr Chairman, whatever other States may do, Ohio will never knock at yonder door as a suppliant, begging this Government to pay her debts. She is able and willing to pay principal and interest to the uttermost farthing, and her creditors need give themselves no uneasiness about her complying with her engagements hereafter, as she has done heretofore, and which has so justly given her stocks the character they have at home and abroad.

Mr. Chairman, I have trespassed longer than I intended upon the time of the committee. I have forborne to examine the details of the bill, my principal object being to show that the plan itself was objectionable in a pecuniary view, and highly dangerous in its political bearings; and that, judging from the past, no reliance could be placed upon either the ability or the integrity of the men in power, and therefore that we ought not to place in their control a machine so potent for evil of all sorts as this would be in the hands of bad man. Whether I have succeeded or failed in accomplishing my purpose, others will determine.

Sir, I told you it was not for me to point out a remedy for our grievances; but if I were called upon to make suggestions that I thought might be beneficially adopted, I should say, primarily, put honest and competent men into power to constitute the substratum, without which no superstructure that such men would erect could stand for a day. Charter a Bank of the United States, with all suitable restrictions, whenever a decided majority of the people called for it; regulate your tariff so as to protect domestic industry, but without doing injustice to any portion of the Union, or any particular interest in it; divide the proceeds of the public lands among the States, to which, as I think, they rightfully belong, and to some of which they would now be so convenient: and, finally, cease following men or parties merely as such, but go, morning, noon, and night, for the country, the whole country, and nothing but the country.

NOTES.—When I spoke of the hostility of the Van Buren party to banks, I did not expect to have, so soon, record evidence in the House of Representatives to substantiate my opinions. Speedily after the Sub-Treasury bill had passed, and before it had been signed by the President—he retaining it till the 4th of July for his approval, upon the popular idea perhaps that "the better the day the better the deed"—the Senate bill extending the charters of the six banks in the District of Columbia, for two years, was called up for action in the House. These banks were all supposed to be in good condition, and no objection was made to them on any particular account other than that they were banks. By the exhibits it appeared that the circulation was $650,000—the specie $420,000, and that the debts due the banks by the people of the three cities of the District, and the adjacent counties of Maryland and Virginia, amounted to two and a half millions. When the banks in the neighboring States suspended last fall, five of the six District banks did the same, as otherwise their coin would have been drawn from them at once, and not for the benefit of the people, but of speculators.

The Administration party determined to sacrifice these banks, both specie-paying and non-specie-paying, as an example, as they declared in debate, for the State Legislatures, and to this end offered amendments to the Senate bill, some of them avowedly to wind up the banks, and others of such a character as would necessarily result in their destruction, either because they would be unable to prosecute business at all, or because it would be unprofitable. One amendment prohibited the issue of bills under ten dollars, and was carried: 96 ayes, all Van Buren; 76 nays, all Whig.

Another as to twenty dollars was lost: 83 ayes, all V. B.; 106 nays, 96 W. 10 V. B.

Then as to fifty dollars, lost: 69 ayes, all V. B; 106 nays, 80 W. 26 V. B.

Another amendment rendered the president and directors severally liable for all the debts that might be owing by the banks, and for which suit could be brought at once against them, and without having first exhausted the bank effects, and it was carried: 92 ayes, all V. B.; 90 nays, 78 W. 12 V. B.

The bill, as it came from the Senate, provided that the banks should resume specie payments as soon as the banks in Virginia and Maryland; but in the House an amendment was offered and carried, requiring an immediate resumption: 87 ayes, all V. B.; 71 nays, 66 W. 5 V. B.

A measure in itself abstractedly right, and with which the banks could comply, but only by refusing new loans and compelling their debtors to pay, thus punishing the people rather than the banks.

The bill had by this time got into such a shape that many of its friends refused to vote for it, and it was lost—ayes 69, nays 90.

Subsequently; on the 3d of July, the charters expiring with that day, in order to prevent the loss of the corporate character, and thereby the debts due the banks, and to preserve the liability of the banks to their creditors, a bill was passed continuing the corporations two years, for the mere purpose of collecting the twenty-five hundred thousand dollars due them by the people, and that the people might collect the outstanding notes of the banks.

Here, then, in this District, where Congress has exclusive jurisdiction, the party goes against all banks whatever, and for a hard money currency. They were willing to sacrifice every debtor to the office holders and Shylocks in and about the capital. The banks must begin and pursue coercive measures to compel the payment of every debt due them within two years, and men with money will be enabled to buy as much property as they like at their own prices. And what better process could be thought of than this to make "rich men richer, and poor men poorer?"

Congress has done for this devoted District what no State Legislature has done or would dare to do, and what members of Congress would not dare to do, if the people to be affected were their constituents.

COST OF TRANSPORTING SPECIE.

By document No. 116, of the present session, sent to us by Mr. Woodbury, it will be seen that the expense of transporting specie to pay demands on the Government is likely to form no inconsiderable item in the annual expenditure. The following items I copy from that document:

J. De Selhorst, for transporting specie			$368 25
J. De Selhorst	do	do	158 00
J. De Selhorst	do	do	227 00
J. De Selhorst	do	do	114 00
J. De Selhorst	do	do	125 00
Wm. B. Slaughter, Secretary of the Territory, with a salary of $1,000, for transporting $7,000 in specie			200 00
Wm. B. Slaughter, expenses going to St. Louis			100 00
Wm. B. Slaughter, expenses for transporting money from Milwaukie			510 00
Wm. B. Slaughter, procuring money on draft			114 00
Wm. B Slaughter, going to St. Louis for specie, ($20,000,) and paying members of the Legislature			800 00
Wm. B. Slaughter, expenses in collecting a Government draft on land office			100 00
			$2,816 25

All this refers to the expenditures in the single Territory of Wiskonsin, amounting in all to perhaps $40,000.

This may be considered a good beginning in this hard money experiment.

PRICES OF LABOR IN HARD MONEY COUNTRIES, OR WHERE THE CURRENCY IS MOSTLY OF SPECIE.

In November, 1833, the British Government directed its Consuls to answer certain questions as to the condition of agriculture and of agricultural laborers within the districts of their residence, and from the reports made by them it will be seen that in France the wages were from ten to thirty cents a day; in Germany from four to fourteen cents; in the Netherlands from six to forty cents; in Italy from eight to twenty-two cents a day, varying with the kind of labor, the season of the year, location, and upon the fact of boarding with the employer or at home; at the higher rates the laborer invariably boarded himself.

SPEECH OF MR. SALTONSTALL,

OF MASSACHUSETTS,

In the House of Representatives, April 21, 1840.—In reply to Mr. PARMENTER, on the bill providing for the civil and diplomatic expenses of the Government for the year 1840.

Mr. SALTONSTALL said he had been drawn into this debate contrary to his expectation. The course which I have heretofore taken on this floor (said Mr. S.) will render it unnecessary for me to assure the committee that I have risen with extreme reluctance to address them on subjects irrelevant to the bill under consideration. Sir, I have watched the proceedings of this House with great attention, and I confess that I have been astonished at the boundless range of discussion.

My colleague [Mr. PARMENTER] has been pleased to inform this committee of my former connection with another legislative body. It is true; and I may be permitted to say that, from what I had been able to learn there of parliamentary proceedings, I had supposed that something like relevancy in debate must be preserved. I have been astonished, therefore, at the course of this and of former debates. I was surprised to hear the history of the Florida war discussed on the Treasury note bill, and still more surprised to hear the character and merits of a gentleman now in private life, but one whom a portion of his fellow-citizens have recommended to the people as a candidate for the highest office in their gift, minutely examined—to hear battles and military operations critically considered and discussed upon the Cumberland road bill! Why, sir, a stranger might have supposed that this House was a military tribunal, engaged in the trial of that distinguished man for his conduct in battles fought and victories won by him a quarter of a century ago.

Mr. Chairman, I had not contemplated taking any part in such debates, although my own opinions and feelings on political subjects, and my views in relation to the policy of this Administration, and the necessity of a change, if we would restore the freedom and prosperity of the country, are as strong and decided as those of my friends. But, sir, perhaps the bill now before the committee, as has been observed by my friend from Vermont, [Mr. EVERETT,] is as fit an occasion as any other for a broad discussion upon the state of the Union; and I hope that when we shall all have discoursed upon whatever political topic we choose to select, we shall be content to pass from this bill to the real business of the country—that we shall then take up the calendar which is periodically laid upon our tables, and which should remind us that there is a vast amount of business awaiting our action—that private claimants are imploring relief—and that the country is looking to us with deep solicitude at this critical period; for, sir, although the gentleman from Ohio [Mr. DUNCAN] has ridiculed the idea that there is any distress except among the idle or the profligate, the whole country is suffering under unprecedented embarrassment. The business of the country is paralyzed from one extremity of it to the other. Sir, no one is more seriously impressed with the necessity of action on the part of this House than I am; but my honorable colleague [Mr. PARMENTER] has chosen to bring me into this debate, and I shall not shun it. He has presented topics for discussion utterly foreign to this bill, or to any question now before the House or the country, and in a manner directly personal to myself. I shall shrink from none of them. He has wandered from the field of discussion, wide as it was before. He has thrown a new element of discord into this debate. I am not responsible for it. He has alluded to events long since past, and interesting only as part of the political history of our country. Does the gentleman suppose he shall benefit his own party, by proving to this House that his colleague, many years ago, was associated with a party, some of whose measures he has endeavored to render odious?

Why has the gentleman done this? Why has he left the field of debate, broad as it was, and gone out of the way to attack a colleague on account of his former association with a political party which has long since existed only in history, or with measures which have nothing to do with, and should have no influence upon, any of the questions now before the country? The course he has taken would have been improper and irrelevant from any one, more so from him, representing here the same State with myself. I was surprised at the course taken by the honorable gentleman. There had hitherto been nothing but the most friendly intercourse between us, and it is not usual to witness personal controversies between colleagues upon this floor. It is obviously desirable that there should be maintained among them unrestrained personal intercourse and mutual confidence, as questions often arise in which the State they represent has a peculiar interest. It is important, therefore, that however widely they may differ in opinion on political subjects, and may be associated with different political parties, they should cherish friendly feelings towards each other.

I ask, then, what was the gentleman's object? Why has he attempted to revive party dissensions which had long since died away; to entertain this House with the history of the Hartford Convention, and to refer to documents connected with it which I know not that I have seen for more than twenty years? Did the gentleman suppose he had made any new discoveries in his antiquarian researches? Did he expect to produce an effect in Massachusetts by referring to that event, and to any relation to it which his colleage may have had? Why, sir, my own constituents well know that I was many years since a member of the Legislature, and that I had the honor twenty-five years ago, soon after I became a member of that body, to be placed on the committee to whom the Governor's message was referred, and who reported in favor of that measure. I have never denied or sought to conceal that fact. Why, then, did my colleague go so far back to bring out this piece of the history of our State at this time, in this place? Did he imagine he had found an edged tool, with which to wound me or my friends? If that was his purpose, he will find himself mistaken. The instrument with which he has made his onset had its edge dulled and blunted long ago. It was long since laid aside in Massachusetts as wholly powerless. This sort of attack is old and stale there; it has been stereotyped, and was worn out many years since. Why, sir, in a leading paper in Boston, the names of the Delegates to that Convention were paraded in capitals on every return of the 15th of December for several years, with a series of hands pointing down to them to render them more conspicuous. It was a poor and futile effort, conceived and continued in the vain hope of exciting public odium against such men as George Cabot, James Hillhouse, Harrison Gray Otis, Roger M. Sherman, William Prescott, and others; men as high minded, honorable, and patriotic as ever adorned the annals of any country. But what can stand before the unhallowed spirit of party! The high and unsullied honor, the exalted public estimation of such men must be attacked or sacrificed when a party purpose is to be accomplished!

The gentleman has an object. His design is to make *political capital*, (to use a phrase of the day,) by exciting old and almost forgotten prejudices. The first part of his speech was a mere skirmish, intended to prepare the way for the main attack. After some remarks upon the speech of another colleague, (Mr. CUSHING) he advanced to the real object of his speech, which was a studied, regular attack on the old historical, disbanded, Federal party, which administered the Government of this country from 1790 to 1801; a party which has had no real political existence in any State in the country for more than twenty years—in which every man who was of age to vote while it was in power must now be verging on three score years and ten And this historical party is in imagination resuscitated, and held up as an object of terror to divert attention from the questions at issue before the public. We have witnessed a resurrection of dry bones in this modern valley of vision; they have sprung bone to their bone at the breath of my colleague, sinews have come up upon them, and they have stood up a mighty army to fight the battles of the Administration.

Sir, what is the gentleman's argument? It is this. The old Federal party and the present Opposition party are the same. The principles of that party were unsound; the party was unfriendly to the Constitution—dangerous, treasonable; therefore, the Opposition party of the present day is the same. That is the syllogism of the gentleman from Massachusetts! That is the argument, and all the argument. Now, I deny the whole. I deny the premises, and I deny the conclusion; I deny the facts, and I deny the inference; and I will undertake to do, what I am not bound to do, that is, prove the negative. I shall refresh his memory, and will refer him and this House to facts which cannot be denied by any one at all acquainted with our political history, and which must convince the House, whatever may be the effect on the mind of my colleague, that this proposition is wholly groundless.

Mr. Chairman, this is not the first time we have heard the word *Federal* and *Federalist* used in a reproachful sense by those who know well the power and influence of names. Whence came a name, now so misunderstood by some, so misrepresented by others? Does not the gentleman, does not every one in this House know the origin of that name? If not, let me refer him to the fifth volume of Marshall's Life of Washington, or to that admirable work, by which the editor has entitled himself to national gratitude, Sparks's collection of the writings of that immortal man, the saviour of his country, whose image there calmly and sublimely looking down on this assembly, ought of itself, at all times, to awe the House into decorum. They will there find that the name is just as old as the Constitution; that those were called *Federalists* who were in favor of the adoption of that instrument, so often and so loudly lauded in this Hall as the great charter of our liberty. The Federalists were those who believed that a more perfect union of the States, under a Government more national in its character than the old Confederation—a Government which might make uniform laws for the regulation of commerce, make and enforce treaties, and provide for and maintain the common defence, was essential to the prosperity and security of the nation. These were the Federalists. And ought that name to be a reproach? Sir, I thought there were some elementary truths in our political history—that some things were admitted. I thought it was not necessary to advert to facts so undeniable as these, but I find that it is. Time has fled on its way; those who first conducted the Government, and those who supported them, are gone; new parties and combinations of party have arisen. Another generation is around us. Federalists! Why, sir, who made the Constitution?—who first administered it?—who supported the first Administration, but Federalists? And yet the young men of this day are taught to speak of Federalists as a band of conspirators against the Government!

I need not here go into a history of the Federal administrations, though I would recommend it to those who never use the term *Federal* but with reproach. Sir, it is now admitted by all honorable, candid, and intelligent men—all but the class of small politicians—that those Administrations were conducted by able and patriotic men; men influenced by good motives and upright aims; men of probity and honor; mistaken, it may be, in some of their views of the Constitution as now generally understood—for the Constitution was then a new and untried scheme of government—but still honest in their opinions, friends of their country, lovers of liberty. Will it be denied, will a doubt be expressed in this House, that George Washington and John Adams, and those who were associated with them in the Administration, their friends and advisers, were upright, pure, patriotic men? How could it be otherwise? Would not the men who were foremost in the struggle for our independence, and who made this Constitution, administer the Government, as they intended and believed, in the strictest conformity to it?

Sir, let me, at the hazard of being misrepresented for party purposes, call the attention of this House to what the Federal party did while in power—to their character, their principles, as illustrated by their conduct. Let us judge them by their fruits—let us contemplate them, not as they are caricatured in the harangues of demagogues, but as we find them in their system of foreign and domestic policy, by which this infant nation was conducted with unexampled rapidity in the course of honor, prosperity, and happiness. Let me refer the committee to the celebrated letter of Robert Goodloe Harper, who had been a distinguished member of Congress, bearing date the day after Mr. Jefferson's inauguration, "containing a short view of the political principles and system of the Federalists, and of the situation in which they found and left the country." What were their principles of foreign policy? I read from that letter:

"The leading principle of their system, as to foreign nations, has been to preserve peace and amity with all, by a conduct just and liberal, and fair towards all; but to grant privileges to none, and to submit to indignities from none; to rely for the protection of our rights and honor, not on the friendship, the justice, or the forbearance of other Governments, but on our own strength and resources, and to employ vigorous means for calling forth those resources, and preparing them for exertion in time of need."

The same principles are stated in Washington's farewell address, as that system of policy which, in his opinion, was best suited to ensure the blessings of peace, and the respect of foreign nations. They are those which have been professed by all succeeding Administrations. Regulating its conduct by these maxims, the first Administration preserved the nation in peace amidst the most general and most furious war of modern times. Let gentlemen recollect those two periods, when we were first in imminent danger of a war with Great Britain, and then with France, in both which cases peace was preserved without a sacrifice of honor.

In the administration of the Government, one of their cardinal principles was to cherish and protect commerce Various measures were adopted by them for its encouragement; but their great, their favorite and efficacious measure for its protection, as well as for the defence of our country, was the establishment of a naval force. Need I remind this committee that the navy was created by them? And what was its condition when they were superseded? I read from the same letter:

"The navy consisted of thirty-nine vessels, of various size and force, mounting upwards of eight hundred and seventy guns, and manned with upwards of seven thousand seamen and marines. They had also made considerable progress in the establishment of navy yards and wharves, and in preparation for building six 74s."

In what condition did this calumniated party find the country? They found it without a dollar in the Treasury; without any permanent revenue; without a system of finance, and burdened with a debt of seventy-six millions! There was (almost literally) no commerce, no public credit, no mutual confidence, no uniform laws. All was chaos—every thing was to be created or put in order.

I find, on the authority to which I have referred, that, in 1790, our shipping amounted only to 450,000 tons, and that, in 1800, it amounted to 939,000 tons. In 1790 our exportation of foreign commodities brought into the country for re-exportation amounted to less than $2,000,000; in 1800 it exceeded $39,000,000. In 1790 our exports of our own produce barely exceede $14,000,000; in 1800 they amounted to nearly $32,000,000.

I might go on and state more at large the situation in which the Federal Administration found, and in which it left the country at the end of twelve years: but it cannot be necessary. The sources of information are obvious to all who really desire it.

But they passed a sedition and an alien law! And these obnoxious acts are to overbalance all their good deeds! Their general policy, and its great and beneficial results, are to be forgotten, and they are to be overwhelmed with obloquy on account of one or two particular measures! What has any party of this day to do with those laws? If my colleague expects me to justify them, he will be disappointed. Part or lot in them I had not, for I was then but a youth at school. I know them only as he does—as a matter of history. As such, I know that there was a difference of opinion concerning them among the friends of the Administration at the time they were passed. I know that they were made under peculiar circumstances, at a very critical period of our public affairs. I consider them as inexpedient, and as extreme in their character; and, sir, they are now generally, if not universally, thought to have been founded on an erroneous construction of the Constitution. Whatever may be their true character, no political party of the present day is responsible for them, or should be affected by them. But, let me tell the gentleman, there are measures of this Administration which go beyond those acts—which show a much greater stretch of power.

But certain principles are attributed to that party, as part of their political creed, which are now generally rejected, at least in speculation. It is alleged to have been part of their system to support vigorously the authority of the Federal Government, and to maintain the Executive power against the superior strength of the legislative branch of Government. At that early day, in the very outset of the Constitution, when it was as yet all theory, it is true that the apprehensions of many were from the supposed weakness of the Executive. They believed that there would be a tendency, on the part of Congress, "to encroach on the Executive powers, and to direct and control the President in the exercise of his authority."

But experience has since proved that their fears were not well founded. I think the course, as well of the late as of the present Administration, must have proved this to the satisfaction of all men. The real danger to liberty menaces us from the directly opposite direction, and now our most serious apprehension is from the encroaching and all-engrossing influence of the Executive. But this experience those who then conducted our public affairs had not had. They were just setting the machine of Government in motion, and, from contemplating the theory of its action, such a fear was natural enough.

So much for the old Federal Administrations. I do not speak of them as infallible or immaculate, but as having been conducted by a body of honorable, upright, and patriotic men, some of whom were men of consummate ability and wisdom, and I say that, judging of them from the results of their conduct, no man has reason to disavow his connection with that party, or to consider the name of *Federalist* as opprobrious. The name of Federalist opprobrious! And has it come to this? There stands the father of the school.* Is it a reproach to have belonged to the party of which Washington was the head? a party which was supported by John Jay, John Marshall, Charles C. Pinckney, Oliver Ellsworth? But where shall I stop? I might go on and point the House to a constellation of great men, illumining the whole country—men as great, as good, and as wise, as ever blessed any country on earth.

In 1801, the people elected other rulers, and the change is now sung and celebrated as a great civil revolution. A revolution! In what? The men were changed; but was there any change in the great and leading features of the policy of the Government? Has not our foreign policy been professedly guided by the same principles? Are not the Judiciary, the Treasury, and other Departments of the Government, conducted essentially on the system as at first established? Has not the vessel of state been guided by the chart laid down by those who first directed its course? Mr. Chairman, the Government must be administered on the great principles established by Washington, or it must fall to pieces.

Although the Federal party had ceased to conduct the Government of the United States, it continued strong in Massachusetts and in other States for several years. Let me now call the attention of the committee to the charges of my colleague against his own State. He has arraigned her before this committee. He has impeached her character for patriotism and fidelity to the Constitution and the Union. I know the gentleman has attempted to make a distinction between the Government and the people of Massachusetts—no such distinction can be made. But, if he aimed only at the Administration of that day, he included within his charge as great and as good men as the country contained—men in whose integrity all parties had perfect confidence.

Perhaps the gentleman is not aware of the strength of his expressions. Here they are, as I took them from his lips:

"In New England, notwithstanding the whole people of this country entered into the war for the benefit of the Northern part of the country, they did all they could to favor the enemy." "They took a ground directly against the interests of the country, and the most powerful dictates of patriotism." "Though our seamen were imprisoned in foreign prisons, yet the Federal party (the Whig party) took part with the enemy.

This is part of what the gentleman has said to this House and to the whole country, of the conduct of his own State. And I say, Mr. Chairman, that these accusations are untrue. Neither the Government nor the people of New England took part with the enemy. On the contrary, I undertake to say that Massachusetts made as great exertions, and in as good faith, to defend the country against the enemy, as any State in the Union. Let us, Mr. Chairman, look back to the period of the war. Let us glance at incidents in our history which have been improperly brought before this committee, but which must now be noticed in reply to the remarks of my colleague.

It is well known that there was a party, and a large party, not only in New England, but in Congress, and throughout the country, opposed to the declaration of war, and this on various grounds. The object of the gentleman's speech was to render that party, especially in Massachusetts, odious, and then to identify with it the present Opposition party. The opposition to the war in 18 2 is charged to the Whig party of 1840. Right or wrong, the Opposition then had nothing

* A portrait of Washington is suspended in the hall.

to do with opposition now. The party in power in Massachusetts, in their opposition to the Administration, were contending for great, and, in their opinion, all-important principles. They were opposed to the declaration of war from the highest motives of patriotism. Does not the gentleman know that the different parties entertained different views of that great and tremendous conflict which had been raging in Europe for twenty years, and this was the basis of the party divisions? Think of the situation of the world at that time—that Napoleon was then in the zenith of his fame and power, and in the full tide of military success—that he was just on his march to Russia, with an army gathered from all nations, and Great Britain was, in the opinion of those opposed to the declaration of war, the only barrier against universal conquest. Napoleon—the French power—was the object of their dread. They thought their country had more to fear from this than any other cause; and a declaration of war against England, *at that moment*, was, in their opinion, in effect, to become an ally of Napoleon. That we had suffered great wrong from France was admitted by all. Was not the justice and expediency of the war, then, under the circumstances, a question on which the wisest and most patriotic men might honestly differ in opinion? I do not enter into the argument; I merely advert to the circumstances.

This party was equally opposed to the war on grounds of policy. In their opinion, the country was wholly unprepared for war with a great and powerful maritime nation. Our whole coast was exposed to attack; our vast commerce to destruction. Yes, Mr. Chairman, under these circumstances, a large portion of the citizens of Massachusetts and of other States were opposed to the war; but that they took part with the enemy—that they were not true to their country—I did not expect to hear from the lips of a Representative of that State. As to the defence of the country against the enemy, there was but one party there.

The gentleman has alluded to the controversy between the Government of Massachusetts and the General Government, which he has resolved into mere opposition to the war. A controversy did arise immediately after the declaration of war, and one, in the opinion of the people of that State, involving important principles, and affecting the dearest rights of the people. Great constitutional questions arose as to the powers of the Federal Government over the militia of the States, one of which related to the command of the militia when called into actual service. These questions were submitted to the highest judicial tribunal of the State, at the head of which was Theophilus Parsons, one of the most profound jurists our country has produced; and the ground taken by Governor Strong and his Council, was confirmed by the court. They were questions upon which men might entertain different opinions, without being subjected to reproach. It was to be expected that such an event as war should give rise to conflicting questions.

My colleague says, we did what we could to favor the enemy. I again deny it. I might use harsher language, but I will not indulge in terms I feel strongly tempted to employ. What, sir, Massachusetts wanting in patriotism! Massachusetts taking part with the enemy! There is no foundation for the charge. If I had read what the gentleman has stated on this floor, I should have called it a gross libel upon the character of that State.

The gentleman makes a distinction between the Administration and the people. He says the people of Massachusetts were sound and patriotic. Sir, he knows that the great body of the people zealously supported the Government. The people called on the Government for relief and protection, and petitions flowed into the Legislature for the very measure which my colleague so vehemently condemns. The people of Massachusetts stood by their Government, and the Government stood by the people, and both stood by their country. Who made greater exertions or greater sacrifices in the war than did that slandered people? There were more of them in the navy, and more in the army; there was more Massachusetts blood poured out on the decks of your gallant ships, and on your battle fields, than from any other part of the Union. And what did her Government do? Did they not call out thousands of her militia, and expend millions of dollars in defence of the country?

Mr Chairman, has it come to this? Because some of the New England States contended for rights which they deemed to be important to the States and to the people, must I stand here and hear my native State accused by one of her Representatives of doing what they could to favor the enemy?

But my honorable colleague has introduced the threadbare subject of the Hartford Convention into this debate, as evidence of the unlawful designs of the party then in power in Massachusetts and other New England States; and I must follow him there. The gentlemen has read part of the report in the Legislature of Massachusetts recommending that measure. I wish he had read the whole, and all other documents connected with the Convention. They will show that the object was not to aid the enemy, or to dissolve the Union, but, on the contrary, to devise the best means of security and defence, and of preventing the recurrence of similar evils. No, sir, there was no treasonable design avowed or concealed. There was nothing unconstitutional or seditious in that meeting; and that is the charge. Whether it was judicious or expedient; whether it had not better have been omitted; or whether, as an example, it was likely to exert a salutary influence, are different questions.

My colleague has told you, sir, that I was a member of the committee which recommended that measure. I shrink not from the avowal; I was a member of that committee. I remember well their deliberations, and I can add my testimony to that of distinguished members of the convention and others, as to its design. Never for a moment was there the slightest intimation of a purpose to dissolve the Union, or to violate constitutional obligations of the States; on the contrary, such a proposition would have been regarded with abhorrence. They did not sit down and count the cost of this Union. No, sir, the measure proved to be useless. It has been misunderstood, and has excited great prejudices, jealousies, and misrepresentations, which may have rendered it a political evil; but as to its objects, and the intentions and purposes of the parties concerned, the Convention at Hartford was just as innocent, and in my opinion as justifiable as that at Harrisburg, the recent conventions in some of the Southern States, on account of the difficulties of their trade, or as the party conventions now so common.

Sir, what was the design of the Hartford Convention? To put an end to the Government? No; but in a time of common danger to consult together upon subjects in which they had a common interest, and upon the best means of defence, in a lawful and constitutional manner. That was its main object. There was great excitement and alarm amongst the people. The ships of the enemy were hovering on the coast. They were exposed to hostile invasion, and were defenceless; the regular troops had been withdrawn, and were on the Canadian frontier. There was a controversy with the General Government as to the militia. The people were calling on the Government for protection. What was then to be done? It was a question which required the consideration of the most wise and experienced men.

The first resolve in the report to which the gentleman has referred shows the great object of the measure proposed:

"*Resolved*, That the calamities of war being now brought home to the territory of this Commonwealth; a portion of it being in the occupation of the enemy; our seacoast and rivers being invaded in several places, and in all exposed to immediate danger, the people of Massachusetts are impelled by the duty of self-defence, and by all the feelings and attachments which bind good citizens to their country, to unite in the most vigorous measures for defending the State, and expelling the invader; and no party feelings or political dissensions can ever interfere with the discharge of this exalted duty."

Does this look like taking sides with the enemy? And the Government went on and took vigorous measures for the defence of the State. Let me refer the committee to all the documents connected with that event; to their report; to the journal of their proceedings, which has long been before the public; and particularly to its history, by the Secretary of the convention. Here they are; they are accessible to all. They all show a determination to defend their country, at all hazards, against the public enemy, and to adhere to their constitutional obligations.

The resolutions under which the delegates were chosen, and their commissions or instructions founded on them, repel the idea of an intention to violate the Constitution. The delegates were agents acting under a limited authority. The proceedings of Connecticut refer to those of Massachusetts. The delegates were instructed to "meet those of other States, and confer with them on the subjects proposed by a resolution of that Commonwealth; and upon any other subjects which may come before them for the purpose of devising and recommending such measures for the safety and welfare of these States, AS MAY CONSIST WITH OUR OBLIGATIONS AS MEMBERS OF THE NATIONAL UNION." The instructions of Massachusetts and Rhode Island were of the same character, and equally explicit.

I am not contending, Mr. Chairman, that the convention was a wise or expedient measure. My colleague has raised no such question. What I maintain is, that the members of that convention went there as good men, and true to the Constitution, with good motives, and for a lawful purpose, and that neither they nor the States which appointed them, were wanting in fidelity to the Union or to the country. Look at their report; is there any thing in it that looks like a disolution of the Union? No; it recommended a plan for the defence of the country, and a proposition for certain amendments to the Constitution, to be made according to the provisions of the Constitution.

The gentleman admits that the great body of the people were sound and patriotic. Sir, the people of Massachusetts wanted no other security against any treasonable designs than the character of the men who composed that convention. Look at the list. At its head stands George Cabot, its President, one of the two first Senators from Massachusetts; one who enjoyed the confidence of Washington; a man utterly destitute of political ambition, and who never sought or would accept any public office, after he retired from the Senate, until he was persuaded, at a perilous crisis of our affairs, to represent our Commonwealth in that convention. Mr. Cabot was a retired gentleman, holding no public office; yet there was no citizen whose opinions on all important public questions had more weight and influence.

Then follows Nathan Dane, then in advanced life, a man eminent for his profound knowledge of the common and constitutional law, and of the political history of his country. Mr. Dane was a distinguished member of the old Congress, and his services there will be forever acknowledged by the country, from that lasting monument of his wisdom, foresight, and patriotism, the celebrated ordinance of 1787. He had long ceased to have any connection with party, and was reluctantly drawn from his retirement in this instance. It is well known that the statistical tables and documents annexed to the report of the convention are in a great measure the result of his accurate and laborious researches.

The next on this list of conspirators against their country is William Prescott, still living, by the blessing of God, and long, I hope, to live, an ornament and blessing to the community—son of that Col. Prescott who commanded at Bunker Hill, if the little band that so bravely defended that height had a leader. Need I tell you, sir, who William Prescott is; that he is a lawyer of great eminence, now enjoying in retirement from professional labor the highest respect and confidence of the whole community in which he lives?

Then comes Harrison G. Otis, well known throughout the country as one of our most accomplished and eloquent men and most eminent statesmen; elected a Senator after the peace. Then follow the names of Timothy Bigelow, then and for many years the distinguished Speaker of the House of Representatives; of Joshua Thomas and Hodijah Baylies, both revolutionary patriots—revolutionary officers during the war. Strange that such men should turn conspirators against the liberty and independence of their country in their old age! Sir, I might go over the whole list of the distinguished men who formed that assembly—many of whom are not among the living—but it cannot be necessary. They were men incapable of any treasonable design.

The honorable gentleman says that ambassadors were sent to Washington in pursuance of the recommendation of the Convention. True, agents were sent; but for what purpose? Was it not to make an arrangement with the Government for the effectual defence of the country? And who were they? I have referred to Mr. Otis. Who Thomas H. Perkins is, my colleague has told you, and I have great pleasure in saying that the gentleman has paid a just and beautiful tribute to his worth. He has described Mr. P. as a man whose heart is all benevolence, whose character is all honor; a man who has yielded up his costly and spacious mansion as an asylum for the blind. What materials to make a traitor of!

There is one other. Sir, I listened with pain and astonishment to the remarks of my colleague on the character of the late William Sullivan. In violation of a maxim held sacred among all civilized and even uncivilized communities, (for it is founded on the common feelings of our nature,) the gentleman has violated the sanctity of the grave, and has shot his arrows at the dead! Of Mr. Sullivan the gentleman has made a statement which, on reflection, I think he will himself regret. He has been informed that the late Governor Sullivan, (father of William Sullivan,) who, he says, had been cruelly calumniated when he was a candidate for that office, had stated that his own son was the author of it all! Sir, I cannot believe it. The gentleman himself, I am confident, cannot believe it. It cannot be true. It is impossible. I well remember the bitterness of that electioncering contest, and how much sympathy was felt for the son by his political friends at the severity of the attacks on the father. The statement cannot be believed by any man who is himself a father or a son—by any one who has human feelings within his bosom. My colleague says he was not acquainted with Mr. Sullivan. Sir, no man can credit the story for a moment who did know that most amiable and excellent man. Mr. Sullivan had long been retired from public life. During the last years of his life, he devoted the fine powers of his mind to the improvement of the young. Who that is acquainted with his excellent "class books" can withhold his tribute of respect, so justly due to a man who could voluntarily withdraw from what are to most men the great objects of pursuit, and devote years to the laborious preparation of such works?

It has recently pleased God to call him from a family and a circle of friends who venerated and delighted in him, to a better world. Yet such is the fury of party contests, that even such a man must be charged in this hall as having been guilty of little less than parricide! of having fabricated cruel slanders against his own father!

So much for the Hartford Convention, which my colleague has made it necessary for me to notice. I repeat that, whatever may be thought of it in other respects, it was strictly constitutional in its design, and that its members were among the most wise and faithful men in the community—men entitled to the confidence reposed in them; that they were capable of discerning the proper course to be pursued in their relation to the Federal Constitution and to the State Government, and in defending their country against the public enemy. My honorable colleague will not deny their high standing and character. He speaks of them politically, he says.

I come now to another part of my colleague's speech; his attempt to identify the present Opposition party with the old Federal party. He says they are one and the same.

Sir, the proposition cannot be maintained; the Federal party, as a party, was extinct long before the formation of the present parties, and a great portion of those who now act with either of the political parties belonged to neither of the old parties. They know them only historically. They have come into political life since. But what if a large portion of those who remain of the Federal party in Massachusetts are now opposed to the Administration? it is equally true that a large portion of the old Republican party are associated with them; and it may as well be inferred that the Republican party and the Whig party are identical, as that the Federal and the Whig party are the same.

I might refer the gentleman to individuals in every part of our Commonwealth, who were among the most zealous supporters of the Administration of the State during the war, who are now as ardent supporters of Mr. Van Buren's administration—Hartford Convention Federalists then, now genuine disciples of the new school of Democracy. In six of the twelve Congressional districts in Massachusetts, the Administration candidates at the last election were Federalists. My friend and colleague near me [Mr. CALHOUN] informs me that he has at the three last elections been opposed by three persons who were all of the old Federal party.

But what has become of the old Republican party? Are they to be found in the Administration rank? My colleague is perplexed with the case of my friend and colleague, Governor Lincoln. It seems to him passing strange that that gentleman should be found with his present associates. Were that gentleman present, I might appeal to him whether he does not find himself associated with a large portion of his old political friends, the leading men of the old Republican party. I unhesitatingly state it as a fact. I could refer my colleague to persons in every portion of our State, known to him, formerly leading Republicans, now Whigs. Let me refer him to the gentleman who was at the head of the Navy Department, under Mr. Madison, and who represented the district I have now the honor to represent, and to another distinguished citizen who recently so honorably represented our State in the other House. Were they not formerly decided Republicans? My colleague well knows that they are now as decided opponents of the present Administration.

I might go on and name others who were formerly Federalists, and are now of the Administration party, or who were formerly Republicans, and are now in the Opposition. Among the latter are some of our most distinguished citizens, men holding high judicial and other offices. I say, without fear of contradiction, and I take great pleasure in stating, that a large portion of my political friends in the place of my residence, those who took a lively interest in my election, were formerly members of a different political party from myself. We stood in different ranks, and were zealous political opponents. Has there been any change in their political principles? None at all—not the slightest. Their principles and their opinions on past events are unaltered. And yet, according to the reasoning of my colleague, they have all become Federalists! No, sir, when party strife subsided, those who have been fiercely contending discovered that they had done injustice to each other's motives, and that there was no reason to doubt that their political opponents were honest in their opinions, and that both parties were equally true to the Constitution and to their country.

Mr. Chairman, when my friend and colleague [Governor LINCOLN] was nominated for the high office which he so long held, with honor to himself and to the Commonwealth, he received the support of both parties. He was put in nomination by the Republican party; but the Federalists never proposed a candidate against him. Party strife ceased. His Executive Council was composed of persons who had belonged to both the political parties.

The same breaking up of parties took place to a great extent throughout the country. Mr. Monroe's administration received the cordial support of all parties, and he was elected for his second term unanimously, with the exception of a single vote, which was given to another from strong feelings of personal attachment, by a distinguished member of the Republican party. We had for a time a season of blessedness and peace, when party strife ceased; its discordant voice was scarcely heard within these halls. Even General Jackson had recommended to Mr. Monroe to disregard old party dis-

tinctions. And here, let me ask if the succeeding Presidential election was placed on party grounds? Not at all. All the candidates belonged to the same political party. The Federalists proposed no candidate. It was a mere contest from personal preferences. In Massachusetts the great body of both the old parties contituted a new party, which supported my venerable colleague [Mr. ADAMS] in the Presidential contest. He was opposed in Massachusetts and other States, but not on the ground of his Federalism; far otherwise with some of his warmest opponents. He was then never charged with that crime. The basis of the two great political parties has ever since been, adherence or opposition to the Administration, without regard to former distinctions. Sir, we are opposed to the Administration, not because they are wanting in Federalism, as commonly understood, but because of their ultra-Federalism, if there is any meaning in the term. What is Federalism? Its great features have been supposed to be a disposition to strengthen and increase the power of the Federal Government, and the patronage and authority of the Executive.

Sir, who are those men who are so shocked at what they call Federalism? By whom is the charge of Federalism made upon the Opposition? By ultra-Federalists! By men who have driven Federalism up to the hub; men whose extravagance in doctrines and in practice have startled old-fashioned Federalists. The Democratic Administration, so called, has been guilty of measures from which Hamilton and the elder Adams would have shrunk; assumptions of Executive authority, of which the imaginations of the early Federalists never conceived. I say, Mr. Chairman, that the last Administration, and that the present, which thinks it glory enough to tread in the footsteps of the last, are in doctrine and practice ultra Federal. Their measures are more deeply tinged with the highest and most obnoxious principles of Federalism, in the common acceptation of the word, than any ever before assumed; so much so, that a great and deplorable revolution has been accomplished. If the assumptions by the late President are to be followed by his successors, and established as part of the Executive power, then the Constitution has been practically changed; and unless the Government shall tread back its steps, the Executive power in this Republic will be a thing entirely different from that which was intended by the framers of the Constitution. The President will be no longer the President of the Constitution, but an unlimited sovereign. The original forms of the Republic may be preserved, as they were in Rome, long after Rome had lost its freedom, and was ruled by an imperial despot. The forms may survive, but the soul of freedom will have departed—our liberties will be gone. The supreme law will be the Executive will. The President, instead of respecting the will of the people, as expressed through an independent House of Representatives, will direct and control that will until Congress shall become the mere eche of his own will. Like his great predecessor—the hero of the Hermitage—the President will put down his foot, or bring his cane down, and swear that a measure to which he is opposed—no matter by what majorities it may have passed in Congress—shall never become a law. While pretending reverence for the popular will, and listening to popular shouts, he will disregard and trample upon the will of the people, as constitutionally expressed, if inconsistent with his own; and while ruling that which in mockery may still be called a Republic, he will be, to all intents and purposes, an absolute, unlimited sovereign.

An honorable member from Virginia [Mr. BANKS] has this morning lamented the want of decorum in debate, and the free manner in which gentlemen remark here upon our rulers. Sir, I shall speak with decorum, but I shall also speak with firmness and with freedom. If for this the dogs of slander are to be let loose upon us—if false and injurious statements are to be circulated through the country, we must submit. But if this is to be the price at which men must serve their country here, I know not how long you will be able to induce those who have a home, a family, and a character dear to them, to take seats on this floor.

How is it that this change in our Government has been brought about? How is it that the people have so long upheld an Administration which has usurped such power? It has been done by force of that party organization, that thorough system of party tactics, established under the late military President. And now what an outcry is made because the Opposition are taking measures to give efficiency to their efforts, as the only successful means of counteracting a combination of men who are as thoroughly drilled and disciplined as a Prussian army! We do this to resist the power of a new despot—I mean the despotism of party spirit extending throughout the country, wielded and directed by Executive will.

I have said that a change had been effected, practically, in the Government. Sir, what was the President of the United States intended to be? A Chief Magistrate, the bounds of whose authority are prescribed in the Constitution and laws.

But look at the conduct of this officer. Look at the course of the late President, whom our present Chief Magistrate professes to take as his model: it is all one Administration. Look at his interference with the rights of Congress. Consider his attempts to destroy the weight and influence of the Senate as a co ordinate branch of Congress. With all his pretended respect for and submission to the will of the people, consider his free and insulting remarks upon proceedings and debates in the House of Representatives of the people. Look at his refusal to answer interrogatories put to him by the grand inquest of this nation, through their committee. Look at his directions to his subordinate officers, on the same occasion, to disregard the authority of this House, in effect. Then hear him justify the whole by asserting that great political heresy that he is himself the direct Representative of the people, and answerable for his acts to them alone. And consider the inference he draws, that, let him do what he will, and say what he will, if the people elect him a second time, they put the seal of their approbation on all his acts and all his opinions, and that, therefore, they are not the legitimate subjects for legislative examination. Is not this enough? But this is not all. To crown all, comes the doctrine of Executive unity. He and all Executive officers, throughout the country, are a unit. He, and he alone, is responsible for all their acts, and therefore he may remove them at pleasure. He is their head, and to him alone are they responsible, and he is responsible to the people only. Above all, consider his abuse of the veto power—a power conferred by the Constitution for the purpose of checking hasty legislation on great emergencies.

What more is wanting to a complete despotism—to make as absolute a monarch as ever existed, but the power to construe the Constitution as he may think proper, without regard to judicial decision, the practice of Congress, or the acquiescence of the country? And even this he assumed! I say that these principles go to destroy all free Government. I repeat, sir, that if they are to be established and continued, the country has undergone a civil revolution, and that we no longer live under a limited Government. And what have we not seen as the legitimate consequence of these assumptions of power? Need I advert to the seizure of the public treasures, in direct violation of law? to the arbitrary dismission of an officer who was too honest to approve or to aid in that measure? Need I advert to the proscription of men for political opinion, and their removal from office on this ground alone? to a tyranny which can endure no free opinion? My colleague says that this has not been done to any great extent, and that the great fault of their chief, in the opinion of many, is the mildness and lenity which he has exercised. Indeed! Sir, I do not know to what part of the country my colleague alludes. It cannot be to our own State, for I do not there know a single man who is known to be hostile to the Administration left in any office over which the General Government has a control.

One word further, sir, as to the veto power. I know it is a familiar topic, but it is one of the most important that has arisen since the formation of the Government, because the unprecedented manner in which it has been exercised is utterly inconsistent with a free representative Government. The late President brought so much of the military character into civil office, that he could hear of no resistance to his will. Do you believe that in England such a use of the veto would be submitted to? Never. Even if the young Queen Victoria, in all the freshness of a nation's attachment to a youthful female sovereign, should attempt it, she would very speedily discover her error. Should the British Parliament pass a bill, for example, to re-charter the Bank of England, do you believe the Queen would dare to put her veto on the act? The Minister who should advise such an act would not keep his place an hour. The right is recognised in the British Constitution, but it is unknown in practice. The exercise of this power, as an ordinary act, on the grounds of expediency merely, and because the President differs in opinion from the majority of both branches of Congress, is opposition to the will of the people. A reform in this respect is essential to the preservation of our Constitution in its purity.

Now, sir, all those assumptions, this arbitrary claim and exercise of authority, on the part of the Executive, is justified, is approved by my colleague, and yet he is shocked with the Federalism of the Opposition.

The dominant party came into power by the cry of Reform! Reform! when no reform was necessary. It was a mere pretence; but it served the end, and brought President Jackson into power. And what did he do? He promised reform, but what reform did he effect, or pretend to make? What change did he produce for the better? He did not even make an attempt at reform, but introduced or increased every evil against which the leaders of the party had made such an outcry.

He said that there ought to be but one Presidential term, yet he consented to be chosen a second time; and it has been supposed that a third nomination would not have been unacceptable to him, and that he would have been willing to serve his country another term. He exclaimed against appointing members of Congress to office, yet he made more such appointments than all his predecessors had done; and his successor knows well how to reward those for their party services in Congress who have received marks of the disapprobation of the people. He was very indignant at the interference of office holders in elections, and yet, under his Administration, office holders were the most active and zealous electioneerers the country contained. He denounced it as a great public grievance that appointments should be made from any other motives than the public good; but what appointments did he make except as a reward for party services, and to promote party objects? Again, he was opposed to removing men from office for opinion's sake, and yet he had scarcely taken his seat before proscription lists were formed, and men were removed for a word—for a look! How much of this was done in Mr. Adams's time? Had he removed men who were his opponents, and filled their places with his friends? In the exercise of his official patronage, had he taken into consideration his own re-election, have you any doubt of his success? But I hold it to be his glory that he refused to do any such thing.

Mr. Chairman, how are things changed! At this day, not only are office holders permitted to interfere in elections—it is expected of them. It has been declared to be their duty, in a pernicious report made at the last session of Congress, in the other branch. They would be reformed out of office if they declined this service. Men of the highest offices in New England may be seen travelling every where, going forth on missions as itinerant political preachers. It is true, they do not meet with much success—we have not heard of many conversions in Connecticut or Rhode Island. But, to the disgrace of the Government, important offices are made a sinecure, and those who receive the emolument are wandering about, lecturing for the Administration wherever they can draw an audience. Such men are among the most mischievous in the community, and the practice is one of the greatest and most alarming evils. It should be checked; and I am glad that my friend from Tennessee [Mr. BELL] has so ably presented the subject before the consideration of this House and the country.

The gross interference of office holders with elections is undeniable. Who does not know that their motto is, "The President expects every man to do his duty?" that is, to do all he can to secure the party in power. Were it not beneath the dignity of this debate, I might refer to a letter from the postmaster of one of the most important offices in Massachusetts, which has recently excited attention even here, written to an officer of a neighboring town, exhorting him to have every man taxed upon whose vote he can rely, and authorizing him, if money is wanted for the payment of the taxes, to call on him! What a spectacle is this for a people once free! How have we fallen! The time has been when conduct like this would have excited universal indignation. Yet such interference with elections is tolerated; nay, sir, I fear it is required!

In conclusion, I observe that reform is now needed in all the particulars in which the party in power called for it when it was not necessary. The evils now exist. I hope reform will come. I do not undertake to prophesy. I express my earnest hope. I have spoken of the principles and the official conduct of the party in power. I am not going to say a word as to the character or relative merits of the candidates for the Presidency; that is a question which should not be debated here; it belongs to the people, to the whole people, and to nothing but the people. It should be canvassed, not in this House, but out of it; and, in my judgment, it betrays a want of good taste, no less than of legislative decorum, to drag in here and bandy about the name of a distinguished man, who has rendered great public services to the country, merely because it has pleased his fellow-citizens to put him in nomination as a candidate for the Chief Magistracy. Sir, the people have nominated him. To the people I cheerfully leave the result.

SPEECH OF MR. RANDOLPH,
OF NEW JERSEY.

In the House of Representatives, January 9, 1840—On the New Jersey contested election.

Mr. CAMPBELL, of S. Carolina, having moved the following:

Resolved, That all papers or other testimony in possession of or within the control of this House, in relation to the late election in New Jersey for Representatives in the 26th Congress of the United States, be referred to the Committee of Elections, with instructions to inquire and report who are entitled to occupy, as members of this House, the five contested seats from that State.

Resolved, That a copy of this resolution be served on John B. Aycrigg, John P. B. Maxwell, Wm. Halsted, Chas. C. Stratton, Thos. Jones Yorke, Peter D. Vroom, Philemon Dickerson, Wm. R. Cooper, Dan. B. Ryall, and Joseph Kille, all citizens of New Jersey, claiming to be Representatives from that State in this Congress; and that the servive be made upon each gentlemen personally, or by leaving a copy at his usual residence.

And the amendments to this resolution, offered by Mr. BELL and Mr. RANDOLPH, being under consideration, and Mr BOTTS having concluded his remarks—

Mr RANDOLPH obtained the floor, and said that he had hoped the present discussion might have been avoided, but as the whole subject has been re-opened, and the *ex parte* affidavits and certificates again spread before the House and the country, in order to prevent the misapprehension that might arise therefrom, he would embrace the present opportunity to defend the course pursued by his colleagues and the constituted authorities of New Jersey.

He regretted extremely to trespass again on the time of the House, after the patient and flattering attention they had paid to his remarks on a former occasion; but gentlemen who manifested some uneasiness now must recollect that it was their own act that placed him in the situation he now occupied, and deprived New Jersey of the right of being heard by those who were much more able than himself to maintain her cause. Though frequently compelled to take the floor, he had, indeed, occupied the time of the House a much shorter period than some other gentlemen he could name.

The New Jersey election of 1838 was conducted with great spirit; much excitement prevailed, and the result was still unsettled. His colleagues, however, came here, as he had uniformly stated in this House, though sometimes misunderstood or misrepresented, with the regular commission, claiming to have a majority of the votes legally received and returned, and also a majority of the legal votes themselves; whilst their opponents claimed to have a majority of all the votes taken, whether legally received and returned or otherwise. As some dissatisfaction prevailed in the State, and as his colleagues, though satisfied themselves with the correctness of the position which they occupied, felt perfectly willing to refer the settlement of the disputed election to that people whom it was said they would misrepresent, they magnanimously, on the 4th of March, 1839, the first day of their official existence, when, so far as the elections had then progressed, no one doubted but their political friends would have a decided majority in the present House, proposed to their opponents that both parties should yield up their claims, and submit the whole matter to the decision of the people. To this reasonable proposition the gentlemen declined to accede, as would appear by the correspondence. [The correspondence was then read.] The reasons assigned for refusing the proposition were doubtless satisfactory to the gentlemen who gave them; whether they would be so to the House and the country would be for others to determine. He had heard of other reasons—the new election law and the fear of legislative interference; but the Legislature had adjourned, and the election law had not changed, but only thrown additional safeguards around the elective franchise, so as the more effectually to prevent the reception of alien and illegal votes.

Finding that the matter could not be tried by the people, and the House and the country relieved from the loss of time and expense of any investigation, and having moreover been notified in the correspondence by the gentlemen now contesting that they should "*contest* your [their] right to seats"—not *take* them in the first instance—they deemed it right and just to all parties, and to the country, to give every facility to a full and fair investigation, with as little delay and expense as possible; they accordingly determined to have the evidence taken, and be prepared, immediately on the organization of the House, to have the whole subject committed and disposed of as soon as circumstances would permit. They gave notice to their opponents of the taking of testimony in various parts of the State, but he regretted to say that the gentlemen declined to pay any attention to the notices or to the taking of the evidence; on the contrary, he had been informed that some of their political friends had invariably attended and obstructed the proceedings; and, in some instances, by representations and threats of prosecution, induced witnesses to retire without being sworn, and, in others, putting an entire stop to the proceedings. It was, however, in candor due to the gentlemen, to state that there was in New Jersey no law regulating the taking of testimony in cases of contested elections, except the one passed since this election occurred; and although that was doubtless intended to meet all cases, yet, probably, on a fair construction, it would not be found to be retrospective; but it was understood to be the law of this House that when evidence was taken, upon due notice, before a State officer authorized to administer oaths, it was competent and would be received; and, whether the statute in question applied to the case or not, its provisions afforded a reasonable rule of practice, and, pursuant thereto, some evidence had been taken and transmitted to the Speaker, as he had stated a few days since, when the question of referring the South Amboy testimony was before the House.

The conduct, then, Mr. Speaker, of the gentlemen holding commissions, has been fair and honorable, alike becoming themselves and of the State they represent. Of their opponents perhaps it did not become him to speak; they doubtless had satisfactory reasons for the course they had pursued. He would remark, however, that he entertained no unkind feelings

towards any of them, with some he had been intimate for years—for all, personally, he entertained a high respect; and, had they come forward in the usual way that seats in this House are contested, it would have been his pride and his pleasure to have extended to them, on this floor, as he had otherwise, every courtesy and every facility in his power; but when they permitted themselves to be placed in a position to deny the validity of the proceedings had by the constituted authorities of the New Jersey, and the efficacy of her laws, it was not to be expected that he could do any act that might seem to sanction such a proceeding.

The Constitution (Mr. R. said) had wisely left to the States the power of regulating "the times, places, and manner of holding elections," as well as that of designating the qualifications of electors. These powers covered the whole subject, matter of elections from the first nomination until after the House was organized, and had, in the usual way, executed its power of judging of "the elections, returns, and qualifications of *its members*"—not of persons merely claiming to be such, or contesting the rights of others, but of such only as were, in fact, members, in their seats, and so recognised by the House. It was by virtue of the State laws enacted under this power, that every return, from that of the smallest precinct to that of the State Executive, was made. The State law then being paramount, creates the rule by which the returns and the returning officers of the New Jersey election are to be judged; and whether those laws be wise or unwise, technical or otherwise, was for the people of New Jersey and not for this House to determine. The Legislature of that State had enacted many provisions to preserve the purity of the ballot-box and the correctness of the returns: none but free white male *citizens*, who had resided in the country a year and paid tax, were entitled to vote; the election must be held at a designated time and place in each township, by three persons regularly chosen at town meeting and qualified, or, in case of a vacancy, by a majority of the legal voters present, at 10 o'clock on the first day of the election, a certificate of which must be filed with the clerk of the county within three days; and the result of the election in each township made out in due form under the hands and seals of a judge and two inspectors (all of whom are, in fact, judges) duly chosen and qualified, must be filed in the clerk's office by 5 o'clock on Saturday after the election. Frauds (Mr. R. said) had been committed, and alien and illegal votes received in various townships throughout the State; the names of *two hundred and forty-four illegal votes*, cast for the contestants, had already been ascertained, as he understood from his colleagues, and were now in their possession: this was more than enough to elect all of them. In South Amboy a vacancy occurred in consequence of one of the judges of election being a candidate for the Assembly. The following affidavit will state how that vacancy was filled:

State of New Jersey, Middlesex County, ss.

Be it remembered that, on this twenty-second day of October, in the year of our Lord one thousand eight hundred and thirty-eight, before me the subscriber, one of the justices of the peace in and for said county, personally appeared Charles Fish, John Seward, Thomas Appelget, June Cheney, Thomas Delaney, Jasper Smith, John Fry, Dana Nichols, Thomas Blydenburgh, George Jolly, Jacob Burlow, William Gise, John Jolly, Gilbert Disborough, who, being each duly sworn according to law, on their oaths say that they were present at the place appointed for holding the election, and where the same was held, in the township of South Amboy, in the said county of Middlesex, on the second Tuesday of October instant, before the hour of ten o'clock in the forenoon; than when the hour of ten arrived, at which the poll should be opened for the reception of voters, it appeared that Clarkson Browne (one of the individuals previously selected for assessor of said township, and therefore one of the inspectors of the election) was a candidate for the General Assembly, and therefore was disqualified for acting as such inspector; and it being necessary to choose some other person to serve in his stead, it was proposed to hold an election for the purpose of choosing an inspector in the stead of the said Clarkson Browne; and, after getting the remaining officers of the election to proceed to such election, proclamation was made by Nathanial Hilyer, the Judge of election, to receive nominations, when James M. Warne, Vanliew Gordon, and John B Appelget were nominated; the voters present were then directed that all that were for John B. Appelget should go to the south, and for the other two candidates, one to the east and the other to the west, and, upon dividing off, it appeared that John B. Appleget had seventeen votes, and James M. Warne and Vanliew Gordon had together three votes, and the said John B. Appelget was accordingly duly elected inspector by a large majority of the votes of the people present entitled to vote; but the officer of the election, although repeatedly called on, refused to announce the result and consider the said John B. Appelget as elected, but withdrew into the house, and held a consultation, and withdrew the name of Gordon from being a candidate, and, after some time had elapsed, put the question again for the choice of an inspector between Warne and Appelget, and at the second running off Appelget had again a large majority, but the judge would not announce the result, nor did he do so until after delaying a long time, and until there arrived sufficient votes to give Warne a majority, and then declared that Warne was elected, and held the election before said Warne as one of the officers of the election, contrary to all justice and right, when the said John B. Appelget was duly elected by a large majority, and ought to have been allowed a seat at the board as one of the inspectors of the said election, and further say not.

CHARLES FISH,
JOHN SEWARD,
THOS. APPELGET,
JUNE CHENEY,
THOS. DELANEY, his x mark.
JASPER SMITH,
JOHN FRY, his x mark.
DANA NICHOLS,
THOS. BYLDENBURGH,
GEORGE JOLLY,
JACOB BURLOW,
WILLIAM GISE,
JOHN JOLLY,
GILBERT DISBOROUGH.

Sworn and subscribed before me, the day and the year above written.

JACOB. B. GADDIS,
Justice of the Peace.

The facts disclosed by this affidavit were fully sustained by the evidence taken on notice which had been read. The first witness specified the transaction as follows:

State of New Jersey, Middlesex County, ss.

John Seward, a witness produced on the part of the said John B. Aycrigg, John P. B. Maxwell, William Halsted, Charles C. Stratton and Thomas Jones York, and being by me duly cautioned and sworn to tell the truth, the whole truth, and nothing but the truth, did depose and say that he was present on the morning of the election held at the House of Clarkson Browne, in the township of South Amboy, on the ninth day of October, 1838, before and at the opening of the poll; that Clarkson Browne, one of the candidates for the Legislature, was at that time the assessor of the said township of South Amboy; it was mentioned that, inasmuch as the said Clarkson Browne was disqualified from acting as one of the inspectors of the election, it was necessary to choose another person in his place. Proclamation was then made by Nathaniel Hilyer, judge of the election, that there were three candidates nominated and that such persons who were in favor of James M. Warne should go to the west; John B. Appelget, to the south; and Jaques Vanliew Gordon, to the east: they did so; the deponent was satisfied at that time that John B. Appelget had a large majority over both the other candidates. John B. Appelget had as many as seventeen, and the other two candidates together had not more than eight or nine. Mr. Hilyer, the judge of the election, then announced that, Appelget had a majority. The people then dispersed; then, after a delay of fifteen or twenty minutes, the judge came out on the stoop, and announced that they would then run James M. Warne and John B. Appelget without Jaques V. Gordon. The judge then directed that all those who were in favor of James M. Warne should go in one direction, and all those in favor of John B. Appelget to go in another direction. They did so. The judge again then announced that John B. Appelget had a majority. The judge then reversed their stations; when a pause ensued, before he announced the result, for some minutes, during which time a number of persons came from the mill, and a wagon drove up with voters, which then gave a majority in favor of Warne. Warne was then declared by the judge to be elected inspector of the election. The poll was opened, and they proceeded to take in votes. From the time it was first announced that an election would take place up to the time that Warne was declared elected, deponent thinks was about half an hour. Wr. Warne and Mr. Gordon belonged to the Administration party, Mr. Appelget belonged to the Whig party: deponent knows they belonged to the parties aforesaid, from what he has heard them say. Deponent was present at the election pretty much all day. Deponent is acquainted with nearly all the foreigners that reside in the township of South Amboy; and those with whom he is acquainted, except three, belong to the Administration party, and, from what he has heard them say, he has no doubt but they voted that ticket.

JOHN SEWARD.

Sworn and subscribed, this 14th day of November, before me.

JOHN PERRINE, Jr.

After the election board had been constituted in the manner disclosed by the evidence, little attention seems to have been paid to the qualification of voters, as would appear by the following affidavits, which were also fully sustained by the evidence taken on notice:

State of New Jersey, Middlesex County, ss:

Be it remembered that, on this twenty-third day of October, in the year of our Lord one thousand eight hundred and thirty-eight, before me, the subscriber, one of the justices of the peace in and for said county of Middlesex, John B. Appelget, being duly sworn on his oath, saith, that he was present during the election for members of Congress and of the State Legislature on Tuesday and Wednesday, the ninth and tenth days of October instant, in the township of South Amboy, county of Middlesex, and that he saw twenty persons being aliens vote at said election. When they presented themselves they were challenged, and did not produce any thing but certificates of their intention to become citizens, and yet the judges of the election admitted them to vote without producing any evidence of their being citizens. The names of the persons who thus voted are: Samuel Whatson, Martin Harney, James McComb, James Conologue, Patrick Murphy, Robert Smith, John O'Neal, Francis Dale, Hugh Canolouge, Barney Malone, Solomon Hustin, John Curley, Peter Bulger, James Casley, James Riley, James Rourke, Malachi Good, Coley McDunner, John McCorley, and John Ferguson. And this deponent further says that Hugh Campbell, a foreigner by birth, presented himself to vote, and he, this deponent, challenged his vote, and demanded the evidence of his naturalization; but the judges of the election, notwithstanding, permitted him to vote without producing either the certificate of his intention to become a citizen, of the certificate of his naturalization. And this deponent further says that he saw and was present when Robert Greenlief presented himself to vote, and, being challenged, admitted before the judges that he had only moved his family into the county of Middlesex a few days before the first day of April last past, and yet the judges admitted the said Robert Greenlief to vote; and further saith not.

JOHN B. APPELGET.

Sworn and subscribed, the day and year first above written, before me.

JOHN PERRINE, Jr.
Justice of the Peace.

State of New Jersey, Middlesex County, ss:

Be it remembered that, on this twenty-third day of October, in the year of our Lord one thousand eight hundred and thirty-eight, before me, the subscriber, one of the justices of the peace in and for said county of Middlesex, personally appeared Obadiah Herbert, who, being duly sworn, on his oath saith that he was present during the recent election in South Amboy, Middlesex county, and saw from fifteen to twenty foreigners vote at said election; that the judges of the election were informed by this deponent that the certificate which they produced, being the certificate of their intention to become citizens, was not the legal certificate of their being citizens, and did not entitle them to vote, yet the judges admitted them to vote; and that he saw a foreigner vote at said election, by permission of the judges, without producing either a certificate of his intention to become, or a certificate of his being, a citizen of the United States. And further saith not.

OB'H HERBERT.

Subscribed and sworn to, the day and year first above written, before me.

JOHN PERRINE, Jr.
Justice of the Peace.

Yet, said Mr. R. notwithstanding these illegal and alien votes, and the fraudulent manner of choosing the inspector, the entire vote of South Amboy, aliens and all, would have been counted, if the return had been accordiug to law. No evidence of the election of James M. Warne, as inspector, was ever filed with the Clerk of the county, as the law requires. The return came to the Clerk under the hands and seals of two persons only whom he officially knew to be authorized to hold the election, and of a third, the evidence of whose power to act had not been filed according to law. It is idle, sir, to say this is a technichality, or that a majority may act—the law declares otherwise: and it should be borne in mind that that very minority might be the means of preserving the purity and the sanctity of the ballot box; and so thought the Legislature; for, although the act of 1787 authorized the judge and inspectors, *or a majority of them*, "to make the return," the act in force in 1838 requires that the "judge and inspectors" only shall make the return, leaving off the phrase "or a majority of them." The Clerk had been informed of the fraud and illegal votes; and although he may not have judged of the one, or investigated the other, yet surely they afforded no reason why he should receive an illegal return; but, on the contrary, an additional inducement why the requirements of the law should be looked to and exacted. To obtain the benefit of legal votes, they must be legally received and returned; but here the Clerk was censured because he refused to step over the law, and receive an illegal return of votes, of which a large number were aliens and disqualified persons. It really seemed to Mr. R. to be a plain case, and had it not such an important effect upon the result of the election, its correctness would never have been questioned. It had occurred before, as long ago as in 1817, in the case of *Nugent and Stockton* vs. *Reid and Pierson*, in the New Jersey Legislature; the latter got their seats upon the same point; but as on investigation, there was no fraud or illegal votes, the former were admitted, without any pretence, so far, as he had ever heard, that the Clerk had done wrong. So well satisfied, indeed, where the people of New Jersey with this provision of the law, that it was suffered to remain with this settled construction, unrepealed, and without amendment, for more than twenty years. If, under the plea of a technicality, or the pretence of a hard case, the Clerk may reject or step over one provision of the statute, he may for the like reason reject another, or ever the whole statute. He would have thus thrown upon him a discretion as unwise as it would be dangerous; and if he could reject any provision of the statute in order to receive an illegal return of illegal votes, he could do the same thing to reject the legal return of legal votes, and thus the result of an election would depend not upon the settled law of a State, and the will of her citizens, but upon the caprice or partisan feelings of the Clerks, and in this way would be effected the very state of things which gentlemen so much deprecate. No, sir; our only safety, the only stability of free Governments, must ever depend on a strict adherence to the Constitution and the laws; far better is it to suffer a temporary evil from the law, than to admit a principle that must subvert the law itself. It appeared, by an endorsement on the South Amboy certificate, that the Clerk of Middlesex had rejected the return from that township on Friday, the 12th of October, and he, (Mr. R.) in passing through New Brunswick on that or the succeeding day, had been informed thereof, not by the Clerk, for he had no recollection of having seen him on that occasion, but as a fact then notorious. This was several days before the result of the election was known, and at a time when it was generally believed that the Administration ticket had succeeded by from three to five hundred majority. Mr. R. would say one word with regard to the Clerk. He knew him to be an upright and conscientious, a high-minded and honorable man; an efficient and accurate officer, and of that independence in judgment that no argument, of friend or foe, could have induced him to violate his duty, or do what he believed to be wrong.

[The House having adjourned at this stage of the proceedings, and Mr. RANDOLPH having the floor on the following morning, he rose and stated that as many gentlemen had evinced a desire on the previous evening to terminate the debate, and as he had originally been in favor of dispensing with the further discussion of the subject, he would defer his remarks to a future time, if the question might be taken at once. Mr. CLIFFORD, of Maine, having objected to that course—]

Mr. R. proceeded and said that the statute of New Jersey requires that the election officers of each township shall make out their return or "list," and "sign, certify, seal up, direct, and transmit [it] to the clerk of the county," "before five o'clock in the afternoon," "on Saturday next after the day of election." By the certificate which has been read from the Millville officers, it appears that it was received by the county clerk "on Saturday, the thirteenth day of October, A. D. 1838, *between the hours of ten and eleven o'clock* in the afternoon." It also appears, from the same paper, that an inspector was elected to fill a vacancy, the certificate of whose election was not filed according to law. Either of these defects was sufficient to invalidate the certificate as a *return*, and of course as such it could not and was not received by the clerk. The difference of only five or six hours in the time of receiving a certificate might seem a small matter to some; but if honorable gentlemen would look at the statute and the reason of it, they would see its importance. Some time must be fixed within which the return must be made, or the election could never be closed and the result be known; and if any period is fixed, then that time is imperative, else it is worse than useless to fix it. If you give the clerk a discretion to go beyond it an hour or a day, he may take a week or a month, and become the arbitrary despot he has been sometimes represented But the statute has placed this matter beyond controversy by requiring that, after the clerk has received the returns, he shall "then," at five o'clock, "in a *public manner*, [obviously that the *public there* assembled may be then informed,] proceed to make out his general list" of the votes of his county, "*the same*" to be transmitted to the Governor. Of course, all township returns not then received cannot be included in the "general list;" and this, said Mr. R. has been the universal understanding and practice in New Jersey. Probably not an election has occurred in thirty years when an express has not been sent from some county town to expedite the tardy return of a distant township, lest it should be lost in consequence of not getting in by five o'clock; and during that whole period scarcely an electoral and congressional election has occurred but some one or all the candidates have lost a township, or in some instances several townships, for this very reason. This was the point in the case of *Board and Lydaker* vs. *Colefax and Van Houten*. In 1822, three townships in Burlington county were lost; in 1828, one of the Adams electors lost the votes of a township because it was not received in time, though the clerk certified to the error, and the correction of it; and in 1836 the township of Montgomery was lost upon the same ground. But the objection to the vote of Millville, as well as to that of South Amboy, does not rest merely on the illegality of the return; if so, there would pro-

hably never have been a contest further than the appearance of the gentlemen holding the commissions for the purpose of surrendering them to the House.

The law, said Mr. R. defining the elective franchise in New Jersey was too plain to be mistaken; it declares that "no person shall vote, unless such person be a free white "male *citizen* of this State, of the age of twenty-one years, "who shall have paid a tax, and *hath resided in the county "where he claims a vote for at least one year immediately proceeding the election.*" Yet notwithstanding the plainness of this act, and the still more explicit preamble to the act of 1807, the election officers of Millville gravely decided that *aliens* had a right to vote. The language of the preamble to the act of 1807, which first defined the qualifications of voters in the very language of the act in force in 1838, was remarkable. It reads thus:

"Whereas doubts have been raised, and great diversities of practice obtained throughout the State in regard to the admission of *aliens, females, and persons of color, or negroes* to vote in elections, as also in regard to the mode of ascertaining the qualifications of voters in respect to *estate*; and whereas it is highly necessary to the safety, quiet, good order, and dignity of the State to clear up the said doubts by an act of the Representatives of the people, declaratory of the true sense and meaning of the Constitution, and to ensure its just execution in these particulars, according to the intent of the framers thereof: *Therefore, be it enacted,*" &c.

Clear and explicit as were the provisions of the law, settled without a dissenting voice from lawyer or politician for more than thirty years, as it has been, yet, strange to say, on the morning of October 9, 1838, a new light was shed over the State of New Jersey, and the election officers of Millville, South Amboy, and various other townships throughout the State, as it were by preconcert, decided that aliens had a right to vote, and they received their votes accordingly, as they had a large number of votes from non-residents and other disqualified persons.

The *citizens* of New Jersey, sir, feel perfectly competent to decide their own elections without the aid of aliens, and history will reprobate the conduct of that man or that party who calls in their assistance to decide the balance of political power.

But to the township of Millville. The decision of the election officers led to some strange results, as would appear from the facts elicited on the Cumberland investigation before the Legislature. He would read a paragraph or two:

Page 8.—Q. Did a majority of the judges and inspectors declare that they would receive the votes of *aliens*, if they were inhabitants of the township, and had paid a tax, or words to that effect?

A. They did, if they had resided in the county a year; I did not hear any thing said about paying a tax.

Q. Will you state how many *aliens* voted after that?

A. I believe there was twenty-eight.

Page 21.—*Aloys Abendschoen sworn*:

Q. Where were you born?

A. In Germany; I have never been naturalized; I voted at the last election in Millville township.

Page 22.—*Wm. Keltenback, jr. sworn:*

Q. Where were you born?

A. I was born in Germany. I have never been naturalized. I voted at the last election held in Millville.

Page 24.—*Nicholas Buckage sworn:*

Where were you born?

A. I was born in France. I have never been naturalized. I voted at the last election in Millville.

Page 25.—*Daniel Garrett sworn:*

Q. Where were you born?

A. I was born in Germany. I have not been naturalized. I voted at the last election. Ben. Jory gave me the ticket. I never heard of such a man as *Jackson* nor of *Martin Van Buren.*

Page 29.—*Peter Snyder sworn*:

Q. Where was you born?

A. In France. I voted at the last election in Millville. I have not been naturalized. I don't *remember* any of the names—"gold and silver I know—the paper I knows him not"—I was born where the gold and silver was, and I still like it the best. I voted that ticket because I wanted a bank to bring more gold and silver—the ticket I voted was called some kind of a "crat" ticket—I don't know what kind of a "crat."

Here, sir, is a specimen of the votes by which the majority of Cumberland county was controlled, and attempts made to control the State—they are almost equal to Mr. Samuel Weller's independent voters of Eatonville, only, as the New Jersey election was by ballot instead of *viva voce*, it was not necessary that they should be *pumped on* to qualify them for the exercise of the elective franchise.

At the last election aliens were not permitted to vote in Millville; and notwithstanding the most determined exertion, the vote few short forty-four votes, or *one sixth of the entire vote*—more than sufficient to have elected one of his colleagues. He would add, also, that the South Amboy vote had diminished although a member of those who voted there last year have since been naturalized.

Mr. R. would appeal, then, to gentlemen, if this was a case (if such a case can ever be) in which the clerk should have stretched the law and his power to have received the return? He thought not; the letter of the law, as well as its spirit and the principles of right and justice, were against it, and against either the possession or the exercise of any such discretion of the clerk.

In the case of *Moore vs. Letcher*, Hocker, in violation of law and his duty, withheld the return of his county, because he alleged that there were illegal votes included in the return from another county in the district, and yet his conduct was not only justified by the then President, who, shortly after, appointed him to an important office, but by the acts and votes of his political friends on this floor, amongst whom was *Philemon Dickerson*, one of the contestants. Will gentlemen then justify an officer in violating his duty and the law to *keep out a legal* return, because another return contains some votes *against them*, alleged to have been illegal, and then turn round and require other officers to violate the law and their duty in order to *get in* an *illegal* return covering a large number of alien and illegal votes in *their favor*? Are gentlemen prepared for this?

The law of New Jersey requires that the clerks of the respective counties shall, on Saturday after the election, at 5 o'clock, p. m. "made one general list of all the candidates voted for as aforesaid, together with the number of votes *received for* each of them, and shall transmit *the same*" to the Governor within seven day thereafter. The law is not so absurd, sir, as to require the clerk to include in his "general list" all the votes received *by* each candidate, whether the election has been held or the return made according to law or not; but he is to include such votes only as are taken and returned according to law and by him "received *for* each candidate;" and "the same" general "list" thus made out, nothing more and nothing less, is to be transmitted to the Governor. The law neither requires nor authorizes any thing different, and certainly no moral obligation can go further and require an extra-official return of those townships which were not legally returned to him, especially when they covered frauds and illegal votes, which might be investigated by another tribunal; though not by him. And if such extra-official statement had been added, according to the decision of the Governor and Council in 1828, it could not have been noticed in the final account.

Mr. R. said it had been intimated that other townships were as defective in their returns as were Millville and South Amboy, and he had understood that the clerks who received and transmitted them had endeavored to get them back from the Governor in order to have them stricken from their "general lists," although no frauds or illegal votes had been alleged in those townships. Whether either of these allegations was true, he knew not, but would leave them as he had heard them, with the single remark, which he would in candor make, that he had heard that at *some* elections there had been cases where the clerks had stepped over the law, and received returns not made in exact accordance with the statue; but those, if there were such, being from townships where no frauds had occurred or illegal votes received, and where no objections had been made, formed no precedent for cases like Millville and South Amboy. The clerk must go according to law, without discretion; but if he ever chose to bend its provisions to receive the return of legal votes, that surely constituted no precedent and no reason why he should do the same thing to receive the illegal return of illegal votes. The clerks of all the counties in the State transmitted their "general lists" to the Governor within the time prescribed; that from Middlesex was made out in the usual form adopted in that county, and according to the form used by the clerk of Somerset in 1836, specifying the different townships; the former writing opposite South Amboy thus; "From this township no return according to law was received;" the latter stating opposite Montgomery, "no return," although a legal return was made and transmitted, and reached the clerk after five o'clock. The "general list" from Cumberland was according to the uniform practice in that county, giving the aggregate of votes for each candidate, without specifying townships. Either mode was according to the statute and the practice adopted in different counties.

We will now (said Mr. R.) look at the proceedings before the Governor and Council, premising that, even if the clerks erred, which they did not; the decision of the Governor and Council was correct, unless they, instead of this House, had the legal power to remedy the evil. This position is thus laid down in *Spaulding* vs. *Mead*, page 163:

"Suppose he (the returning officer) had *refused* all the votes given for a candidate in several counties, the Governor could not pay any attention to these votes, for his certificate must be founded *exclusively* on the votes returned to him; he would be obliged, therefore, to certify as duly elected the person having the highest number of such votes, although it might be proved that the suppressed votes, if counted, would have given the highest number to another candidate."

The law requires, sir, that—

"The Governor or person administering the Government of this State shall, within five days after receiving the said list, lay *the same* before a Privy Council, to be by him summoned for that purpose; and, after casting up the whole number of votes from the several counties for each candidate, the said Governor or person administering the Government and Privy Council shall *determine* the six persons who have the greatest number of votes from the whole State for Representatives in the Congress of the United States from this State, which six persons the Governor or person administering the Government shall forthwith *commission*, under the *great seal* of the State to represent this State in the House of Representatives of the United States during" the Congress for which they were elected.

The Governor was authorized to select any three of the Legislative Council (or State Senate) to be his Privy Council; he summoned the whole seventeen, and laid before them the "lists" received from the seventeen county clerks. He delivered on that occasion the able opinion which has been published, and after a year's reflection, in his recent message, which has been much misrepresented in this House and out of it, he states that, although "it would have been agreeable to his feelings could the necessity for action on his part have been dispensed with," yet, he adds, "*every review of the opinion expressed at that time has only confirmed me in the belief that the law was faithfully declared,*" and the whole message was in accordance with that declaration.

Two questions were raised, sir, before the Governor and Privy Council. The first was, that it was the duty of the Governor, under the statute, to have sent expresses and got in the return of votes from Millville and South Amboy. That statute reads as follows, viz.

"If the *certified lists* of votes given for electors of President and Vice President, and of Representatives of this State in the Congress of the United States, shall not be received *from the clerks of any of the counties* of this State by the Governor, or person administering the Government within seven days after the day prescribed by law for the casting up of the votes, making a list thereof, and certifying the same, by the clerks of the respective counties in this State, it shall be the duty of the Governor forthwith to send express to the clerk of the county or counties from which such *certified lists of votes have not been received*, and to procure *the same.*"

The requirement of this clause in the statute is very plain and simple, and its object was to remedy an evil which arose in the first New Jersey contested case under the statute of 1787. That act has no such clause, and the Governor had no power to get in the lists or returns from the different counties; he and his Council could only adjourn from day to day, and wait a reasonable time, as they did in that case; but owing to the neglect or misconduct of the returning officer, in the county of Essex, the votes of that county never got in or were counted; and this caused the contested election. For the township return, sir, the statute makes provision, by requiring its rejection if not sent in within the prescribed time; for the county return, which was the only one the Governor could recognise, there was no remedy if it was not transmitted in time; the statute did not, like that of the township, reject it, nor was any person empowered to get until this statute authorized the Governor to send an express *to the clerk*, and get the "*general list*" made out by him. Well, as in this case, all *the list* had been transmitted to the Governor in due time; there was nothing for which he could send; and, if he had sent, it must be *to the clerk* who had already transmitted his list, and, of course, he could only get the same thing. The Governor had no power to send beyond the clerk, or, even if he differed in judgment with him, to compel him to alter his return or send a different list. The Governor, then, having no power to exercise under this law, of course exercised none.

Mr. R. said that, although there had been several cases in New Jersey where the clerk's lists did not contain all the votes of all the townships, yet there never was a case where the Governor had sent beyond the clerk, or had attempted to get any other returns than those sent him by the clerks; such an idea was never advanced till the present case occurred. The cases before referred to, which occurred in 1822, 1828, and 1836, all proved this. The latter was a remarkable case. This clerk of Somerset, a prominent supporter of the Administration, made out the "general list" of his county, leaving out the votes of Montgomery township because it was not returned before five o'clock. This township gave a majority for the distinguished gentleman across the House, (Mr. GRANGER.) and the distinguished statesman of Ohio as well as for himself and colleagues; and he was informed by one of the Privy Council who officiated on that occasion, that he had distinctly raised the question under this statute, whether it was not the duty of the Governor to send an express for the votes of the missing township, and that the Governor examined the law, and decided that the statute did not apply, and that he had no power under it to send the express, and the Privy Council concurred in that opinion, a majority of whom were the leading supporters of the Administration in New Jersey. That Governor, sir, who made that decision, was PHILEMON DICKERSON, now here claiming his seat. It is true, sir, circumstances have changed; Mr. DICKERSON ceased to be Governor and became a candidate for Congress, and, in counting the returns, the same question had occurred, and the same decision which Governor D. had made against him (Mr. R.) and his colleagues was applied to Mr. D. and his associates, and now it is alleged to be erroneous and fraudulent!

This point, however, (said Mr. R.) was considered so plain and self-evident that the honorable Senator, (Mr. WALL) who argued the matter before the Governor and Council, seems to have placed but little or no reliance on it; he raised another question, and insisted that the Governor and Council should then receive the certificates of votes from Millville and South Amboy and count them—aliens and all. This the Governor and Council decided that they had no right to do; their duty was plainly and explicitly stated in the statute—it was simply to "*cast up*" the votes, and "*determine*," from the "general lists" of the clerks, "who had the greatest number of votes in the whole State;" else the illegal return of an election held on a wrong day, by persons neither chosen nor sworn, and who received an indefinite number of illegal votes, might be received. No authority is given them or intended to be given them, by the statute, to go beyond those lists or procure other evidence. The Governor can receive nothing but what comes from the county clerk, and that only can he lay before the Privy Council, and from that only can they determine. They have no power to swear witnesses or to send to or beyond the clerk. If they had received the certificates and affidavits of the election officers of Millville and South Amboy to prove that Messrs. DICKERSON and Co. were entitled to the additional number of votes, then they must also have received evidence of the frauds committed there, and of the number of alien and illegal votes, and thus usurp the power of this House of judging of the "elections of its members"—a course in violation of all principle, and censured by this House as illegal in the case of *Wing* vs. *Biddle*. The Legislature itself, sir, had no power, nor did they ever intend or pretend to confer such authority on the Governor and Council. Three only—all political partisans—may constitute the Privy Council; and shall they have such an enormous power conferred on them? Never. The county clerks have the same power in returning members to the Legislature that the Governor and Council have in returning Representatives in this House; and shall they also be raised into the character of courts, to receive evidence here ask determine the question of election? How long, he would as in these exciting party times, would the free institutions of the country endure under such a law and such a construction? It was as destitute of precedent to sanction it as it was of principle to support it. The Governor and Council having determined that himself (Mr. R.) and colleagues were elected, they were commissioned accordingly. That commission did not, it is true, state by what vote the person holding it was elected, nor did that of the Chief Justice, or of any other State officer—all of which he believed were in the same form; but it was conclusive, until the House, in the regular exercise of its constitutional power, determined that others instead of his colleagues were entitled to their seats; it was the determination of a competent, constitutional tribunal—not a mere certificate of facts based upon better evidence; that construction would bring us to the people themselves as the best evidence, and the sovereign people, instead of sending a return through their agents, must come up *en masse* to this House, and declare who were their Representatives.

Mr. Speaker, since I last had the honor of addressing myself to the members here, a change has come over the proceedings of this House. The seat which you occupy has been filled; the desk beneath you, which was then held by a mere *locum tenens*, who, according to his own decision, was powerless for good, but potent for evil, has been supplied with a permanent occupant, and the lucrative appointment of printer has, in effect, been made. New Jersey, sir, has been disfranchised, and I no longer rise here the proud Representative of a free people enjoying equal rights and equal laws with those of other States, but rather as the mere remnant that is left to what was once my State. I feel deeply humiliated, sir, at my situation. The degradation of my State degrades all her sons, and if there is any degree of shame, I, sir, feel it the more sensibly, from the prominence of the position in which I have been placed. Sir, history will record the circumstances that led to the commission of THE DEED, and there, sir, it will be learned that parties stood in this House 119 for the Administration; 123 with, and 118 without my five colleagues, against it; that South Carolina held the balance of power in the twenty-sixth, as she had in the twenty-fifth Congress. And, sir, she held the balance on the question of Speaker, and, also, on the Jersey question; and although I impeach the motives of none, yet I did suppose, from her professed principles, that in her hands the State rights of New Jersey were safe. Sir, New Jersey, being the point on

which the power of the Administration, if not its very existence, depended, was doomed to be sacrificed; and whilst gentlemen were making great professions for the people, in order to effect that sacrifice, a majority of this House determined that the gentleman from Pennsylvania [Mr. NAYLOR,] with his 800 majority, should not vote on a New Jersey question, when his vote was essential to a decision of that vote in favor of New Jersey; although a majority of the House determined, shortly after, that he might vote *even in his own case*. Sir, his was but one vote to be gained or lost, and political power depended not on that; New Jersey had five votes, on which hung the power of the House, and New Jersey was rejected. I disagree with my honorable friend from Virginia [Mr. BOTTS] in exonerating the Clerk from all blame; he was but the means, the instrument, it is true, by whom the wrong was effected, and without whom, I believe, it would not have been done; yet as such I blame him, whilst I detract not an iota of the responsibility from the party and its chief, by whom the deed was done. Sir, one of the first acts of the first of the Stuarts was an attempt to extend his prerogative over the returns to Parliament. The Chancellor, sir, the creature of his will, was the instrument on that occasion; but his audacity was rebuked by the House of Commons; and the same game was attempted, with more success, by Oliver Cromwell, as the *Protector* of the dear people. And these, sir, are the illustrious precedents by which the returns from a State Executive have been disregarded, and the State disfranchised. It is not a matter of surprise that the honorable member from Tennessee [Mr. JOHNSON] should be sick of this New Jersey question. Sir, I doubt not but he and his political friends will grow much worse before the Jersey question is done ringing in their ears, with the knell of departed power.

Mr. Speaker, I have been placed, in this controversy, in a delicate and responsible position. High and important duties to my colleagues, my constituents and my country, have devolved upon me, and I have endeavored, sir, to perform them to the best of my ability, faithfully and honestly. Selected, sir, for the station now occupied, twice without my solicitation—once after a positive declension—I have felt and acted on this as I trust I shall ever do on all other questions, fearlessly, independently; and as I neither expect nor desire again to be a candidate for a seat on this floor, I feel no personal interest in this question other than should be felt by every Jerseyman and every friend of his country.

CUMBERLAND ROAD.

In Senate, April 3, 1840.—The bill making further appropriations for the continuation of the Cumberland Road in the States of Ohio, Indiana, and Illinois, then came up as the special order:

Mr. CLAY, of Kentucky, wished to say a few, and very few words on this bill, and to assign briefly his reasons for the vote against it at this time, which he felt himself compelled to give. He had always believed, and still believed, in the existence of a power in the General Government to provide for the construction of works of internal improvement; but he had never thought it expedient to create a national debt in order to provide the ways and means to construct them. It was only when it could be done without inconvenience to the Treasury, that he had been willing to concur in appropriations to that object. Of late years, considering how much the States have done for themselves, and how much had been contributed by the General Government, in aid of them, under the act distributing the surplus revenue among them, he for one was willing to waive the exercise of the power in respect to canals and roads, especially if a law could be passed to distribute the nett proceeds of the sales of the public lands. That would supply a fund, in perpetuity, abundantly sufficient for all desirable objects of internal improvement.

Since President Jackson's veto of the Maysville and Lexington Turnpike road, which in fact was but a section of one arm of the Cumberland road, the operation of the Constitution of the United States, as to the construction of artificial roads, has been suspended in all part of the United States, except in the three States of Indiana, Ohio, and Illinois. We have had, in effect, two Constitutions of the United States, one for those three States, and another for the rest of the Union. For I repeat, what I have before said, that the proposed appropriations to the Cumberland road are wholly indefensible, but upon the ground of the existence of a general power in the Constitution, authorizing words of internal improvement. And I so understand Senators, immediately interested in this bill, to maintain. It has been contended, indeed, that the United States, as a great land proprietor, has a power to open roads, with a view to the sale and enhancement of the value of their land; and so they have. But no one can, I think, allege that, if that were the object, a road so costly as this would be made, or that it has been in fact constructed with that view.

It has appeared to us, on the southwest side of the Ohio river, very hard that, under a common Constitution, our neighbors on the northwest side could have constitutionally appropriated the public money to the object of erecting these roads, whilst it would be unconstitutional to apply it to ours. We have felt the injustice of being taxed to supply the means of constructing the roads of others, without any reciprocal taxation of them to assist in making our roads.

This inequality has made me heretofore, since the veto of the Maysville and Lexington turnpike road, vote with great reluctance for appropriations for the continuance of the Cumberland road. That reluctance was increased by a knowledge of the fact that the very States which were thus exclusively benefited, constantly maintained the Administration which originated and inflicted this inequality. Nay, more; a majority of their delegations has been always opposed to a distribution of the proceeds of the sales of the public lands, by which other States, as well as themselves, might have acquired the requisite funds to construct their works.

Perhaps, after that veto, I ought not to have voted for any appropriation for the Cumberland road until the general power was restored, or an equivalent obtained. But I have voted for such appropriations, and would have continued, for a time, to do so, if we had possessed the means without going into debt, and if the President and Secretary of the Treasury had recommended the appropriation.

The Secretary of the Treasury presents the annual estimates for the service of the current year. That for the Cumberland road is not amongst them. Both he and the President urge the observance of the strictest economy. The President goes so far as to intimate the use of that veto, which, instead of being a power of occasional and extraordinary use, has been too frequently exercised. The Treasury is literally empty; and we are called upon to borrow money, as the issue of Treasury notes is called, to supply means for the current expenses of the Government.

It is under these circumstances that we are asked to appropriate $225,000 to the Cumberland road; and to force the appropriation upon the Executive against its wishes, and against all the motives to economy which exist, and which have been so earnestly, and I hope sincerely, pressed upon our consideration.

We of the Opposition have been accused unjustly, by the friends of the Administration, with swelling the annual expenditures of the Government, which have certainly reached a most extravagant amount. If we concur in the passage of this appropriation, contrary to what I suppose to be the desire of the Administration, shall we not, so far as it goes, give color to the accusation to which I have referred? If the friends of the Administration wish the bill passed, they have majorities in both Houses sufficient to pass it.

Another consideration operates very strongly with me to dissuade me, at the present time, from concurring in the passage of this bill; and that is the necessity, which I think exists, for a thorough investigation into the causes of the extraordinary expenditure upon this road in those States, and especially in Indiana. I understand that the road has cost thirteen or fourteen thousand dollars per mile. And, after all that has been already expended upon the work, it has been stated that it will require seven or eight millions of dollars to complete it as far as the river Mississippi.

Now, sir, this astonishing expenditures requires a most rigorous examination. To what is it owing? I think it is not explained by the alleged tardiness or want of appropriations, and a consequent necessity of repairs. When the trees on the site of the road are felled and removed, and the road is graded by filling up valleys and cutting down hills, that work must remain unaffected seriously by any use or neglect of the road. The repairs necessary in consequence of the premature use of the road, can only require a trifling expense compared to the original cost of grading it. There must be some other cause of the enormous expenditure upon this road, and before we make further and lavish appropriations to that object, that cause ought to be probed, and certainly and carefully ascertained.

Why, sir, since the veto of the Maysville and Lexington road, we have in Kentucky made upon our own means between four and five hundred miles of McAdamized turnpike road, at an average cost not exceeding, I believe, six thousand dollars per mile. Why should a mile of that description of road cost on the northwest side of the Ohio river more than double what it does on the other side? And that, too, notwithstanding the difference in the character of the labor on the two sides of the river. Assuming the distance between Wheeling and St. Louis to be about six hundred miles, one-half of the sum of eight millions of dollars, now said to be necessary to complete the road, after all the immense expenditures which have been made upon it, ought to be sufficient, according to the rate of cost of such roads in Kentucky, to construct the whole road, if not a stroke of work had been executed upon it.

Under all these circumstances, Mr. President, I cannot, at this time, vote for the appropriations proposed in this bill, whatever I might have been disposed to do in a more auspicious state of public affairs. I think that it will be better to remit the whole subject to the administration of President Harrison. Under that, an investigation can be made into the causes of the vast cost of this road, and a proper correction will, no doubt, be applied. And his identity, throughout almost his whole life, with the interests of the three States more directly interested in the road, will secure for it a just and liberal patronage. Whether that patronage should be extended by a direct grant from the public Treasury, by a division among all the States of the proceeds of the sales of the public lands, or by other means, will then be fit subjects of inquiry. And we may rest in perfect confidence that the Administration which, with the aid of the people, and with the blessing of God, will commence on the 4th day of March, in the year of our Lord 1841, will do in respect to this road whatever may be demanded by the interests of the particular States and of the whole Union.

Mr. SMITH of Indiana said he rose under feelings of a character that he had not language to express, to say a word in reply to the Senator from Kentucky, (Mr. CLAY) and the Senator from New Jersey, (Mr. SOUTHARD.) I have heard those Senators to-day, said Mr. S. with deep mortification and regret. I hope I need not point to my short political life, to prove that I have been the friend of those Senators through evil as well as through good report. I have felt for them all the devotion which their brilliant career, and especially that of the Senator from Kentucky, was calculated to produce in the mind of a young and ardent politician of the West. I have been so located, that the Cumberland road has been the all-absorbing question of interest to those whose immediate interest I represent here; and I have looked up to and advocated the high pretensions of the Senator from Kentucky, on more than one occasion, to the highest office in the gift of the American people; and when doing so, I have with pride and satisfaction pointed to him as the champion of this work. He has been true to our interest, so has the Senator from New Jersey, in by-gone days. I did fondly hope, Mr. President, that I could still have enrolled them among our Western friends; but in this I have been doomed to bitter disappointment. Had the sounds which I have heard from these Senators to-day proceeded from another part of the chamber—had the arguments which they have presented to the Senate to-day, in justification of their votes against this bill, been urged by Senators from whom I have been accustomed to hear them, I should have remained silent. But when two of the former friends of this measure, so distinguished as the Senators to whom I am replying, all at once bound from their original position, and come out with set speeches against this road, I feel that I should be recreant to my duty were I to suffer the interests of my State and the wishes of her people to yield to any personal or political considerations whatever. I confess, sir, that never in my life have I been called upon to perform a duty which has given me so much pain as does that which I am about to perform in replying to these distinguished Senators; and while I shall treat them with the courtesy and respect due to their age and

standing in the nation, I shall examine, with the freedom and candor which become me, as a Senator of a free and independent State deeply interested in the question before the Senate, the positions which they have assumed, as satisfactory to their minds, for the vote against the bill which they have advertised us they are about to give.

These Senators say that they are unwilling to vote for this appropriation, as it will add so much to the national debt, and they are opposed to a national debt. Let us see how this position tallies with the course they have heretofore pursued on this question. I understand that both those Senators voted for or supported the Cumberland road bill when there was a national debt of over $150,000,000 upon the country, and when it required immense sums annually to pay the interest on that debt. It is true the sinking fund was applied to its gradual extinguishment; still, that fund had to be raised by the ordinary means of raising revenue. And can those Senators now satisfy themselves that they can place their votes on such grounds? It seems to me that this is an afterthought, as the fund is already raised, and the money will be expended at all events. But it is said by those Senators that the Treasury is exhausted. I answered this proposition at large, when replying to the Senator from Alabama, [Mr. CLAY;] and I will only repeat, that I am unwilling to accept of this plea to our application. The same cry was raised last year, and the bill fell—no money in the Treasury. And so long as the West can be put off with this plea—so long as they can be tickled with the idea of obtaining an appropriation when there is money in the Treasury that there is no other use for—just so long we shall have the consolation of aiding in filling the Treasury from the purchase of the public lands, and the equal portion we pay in the shape of duties, and in return receiving the answer to our applications, The money has all been expended, and we cannot let you have a dollar. Sir, this is no answer to me. I ask, I demand, in the name of my State and people, to know why it is that we are to be excluded from the operations of these expenditures? What has become of the money? Has it been expended in objects of paramount national importance to those we present to the consideration of Congress? This argument of an empty Treasury I had heard from other Senators; but I confess I was not prepared to hear it from the Senator from Kentucky, or the Senator from New Jersey. Sir, it may do for the enemies of this work, who are the friends to expenditure elsewhere, but it sounds badly in the mouth of a friend to the Cumberland road. The tendency of this doctrine is to exclude that great national work from any participation in the expenditures, and to encourage other objects, to its total exclusion now and forever.

But, sir, how stands the fact on this point? Have we not replenished the Treasury by the issue of Treasury notes to the amount of five millions of dollars, with the power of reissuing those notes so as to keep that amount out for the year? Have we not granted all the supplies called for by the Treasury? Does not the chairman of the Committee on Finance favor this appropriation? Then, sir, in point of fact, the Treasury is not empty, as the Senator supposes. The Senator from Kentucky, however, tells us that he is not in a situation to vote this appropriation, because, by his vote against the bill authorizing the issue of Treasury notes, he denied to the Administration the supplies called for in aid of the Treasury. I have no doubt but that the Senator voted conscientiously on that occasion. So did I. He voted one way and I voted the other, though, as I said, I would have preferred raising the money differently; but does not the Senator see the position in which this doctrine places him? He voted against the Treasury Note bill. Still the bill was carried, and has become a law. The notes will be issued; they will be expended. The Senator says it was an Administration measure. Suppose it to be so, then the argument is, because the Administration have filled the Treasury in a manner exceptionable to the Senator, he will abandon the Cumberland road—his own darling child. He will refuse to vote the appropriation to this cherished work, although he knows that the money will be expended on other objects, if it is not on the Cumberland road; he, therefore, prefers every other object of expenditure that may be selected by the Administration, to this great Western work. The Senator from New Jersey has said that none of the objects of appropriation within the estimates can be dispensed with; and, although he set out with the strongest declaration of friendship for the Cumberland road, still he is willing to abandon this work in its dilapidated situation, and appropriate the whole revenue of the nation to every object suggested, to its total exclusion. If those Senators are satisfied with such positions, I confess these reasons have operated on their minds very differently from what they have on mine. We have been told, sir, by both the Senators that the Administration has not asked for this appropriation, or they would have been disposed to have granted it. I confess, sir, this was surpising doctrine to me, coming from that quarter. I did suppose that those Senators were the last men in this body, who would yield a tithe of their own judgment to the request of the Administration. Did those Senators go for the Sub-Treasury bill, when it was the request of the Administration that Congress should pass it? Sir, I had supposed that a recommendation of the Administration would have very little influence in favor of a measure in the minds of those Senators. But they say that they might be chargeable with prodigality by the Administration and its friends, should they vote this appropriation, as it was not contained in the estimates. I have been heretofore unwilling, Mr. President, to believe that either of those Senators could be deterred from doing what he believed to be right for fear of censure from any quarter, much less from the Administration and its friends. I hold that Congress is an independent branch of the Government, and while it shall look to the estimates from the proper department for information, it should act on independent principles. No Executive shall ever control, with my consent, the independent action of this co-ordinate branch of the Government. To be bound, either by the objects or amounts contained in the estimates, would be to circumscribe the free and independent action of Congress, and to make an entire surrender of the powers of the Legislative into the hands of the Executive Department of the Government. For one, sir, I can never consent to that surrender. I stand in this body a representative of an independent State, and I am resolved to discharge my duty here to the very best of my abilities, regardless of the will of the Executive, in a manner that shall give peace to my own conscience.

The Senator from Kentucky has adverted to the great expense of this road. He says it costs over twice as much as the turnpike roads in Kentucky, and asks how is this. I will tell him, at least in part. The country through which the Kentucky roads have been constructed is very different from the route of the Cumberland road. Rock is found on their lines in abundance, the soil is dry, the width and dimensions of their roads much less, the travel is kept off them until they are finished, their appropriations have been timely made in sums sufficient to insure economy in construction—while the Cumberland road passes over a flat, alluvial country, from Columbus to Vandalia, without rock for considerable distances, and cut up the whole time by the immense travel that is thrown upon it in its unfinished state. The appropriations have been made at so late periods in the season that a great portion of the sums have been required to put the road in as good repair as it was the preceding year. But, sir, admitting all the prodigality and waste of which the Senator complains in the expenditure of the fund under the compacts, I put it to those Senators, as lawyers and statesmen, to say whether it lies in their mouths, as the organs of this nation, to say that such prodigality has been committed. The Senators admit that the General Government was a trustee for the benefit of the States west of the Ohio to the full extent of the trust funds reserved by her under the compacts to make this road, and as she was bound to expend it in good faith upon the object intended, it does not lie in the mouth of such a trustee to point to her own waste of the fund as an excuse for not fulfilling the trust. I have answered this argument before at large, but as it was put forth by the Senator from Kentucky in a more imposing aspect, I have felt called upon to notice it.

I trust, sir, that I have examined the positions of those Senators, and, to my own mind at least, have shown the sandy foundation upon which they are based; they are precisely what I have heard from the enemies of the road, and in their mouths would have created neither surprise nor the necessity of a reply; but coming, as they have, from those to whom I have been accustomed to look for friendly aid and support, I have felt it to be due to the occasion to say what I have said. I part from those Senators on this subject with deep regret. I have felt the weight of the opposition to this great Western work, coming from the usual quarter, as quite as much as we could bear. I have seen from the commencement of the session that the battle was to be warm and the struggle desperate to defeat us; but I have met it, I trust, as it became me. I have had my forebodings as to the result, even while the shouts came from the camp of our usual enemy, but I did hope, if the bill was to fall, it would be left to its enemies alone to deal the fatal blows. I did hope to be spared the mortification of seeing it fall by the hands of its former friends, acting in concert with its former enemies. The course taken by those Senators may be satisfactory to their own minds, but they are wholly irreconcileable with continued friendship for this measure. I repeat, I thank them for their former friendship to our interest, and part from them now with deep mortification and regret. Sir, let the vote be taken, and if it is the will of the Senate to defeat the bill, and deny us the appropriation, we must submit to your power, but will never admit your justice, or surrender our claims until justice is done us.

After some remarks by Mr. YOUNG, of Illinois, in favor of the bill, the question was taken on the engrossment by yeas and nays, resulting as follows: yeas 20, nays 22.

So the bill was rejected.

SPEECH OF MR. CLAY,

OF KENTUCKY,

In Senate, January 20, 1840—On the Sub-Treasury bill.

Mr. CLAY rose and said: I have been desirous, Mr. President, before the passage of this bill, not to make a speech, but to say a few words about it. I have come to the Senate to-day unaffectedly indisposed, from a serious cold, and am in no condition to address this body; but I regard this bill as so pregnant with injurious, and dangerous, and direful consequences that I cannot reconcile it to a sense of duty to allow it finally to pass without one last, although unavailing, effort against it. I am aware that the decree for its passage has gone forth—a decree of urgency, too, so urgent that a short postponement of the consideration of the measure, to admit of the filling of vacant seats in the Senate by legislative bodies now in session—seats which have remained vacant, not by the fault of the people, but from the inability of those bodies to agree in the choice of Senators, has been refused by the vote of the Senate—refused, scornfully refused, although, whether the bill be transmitted two or three weeks sooner or later to the House of Representative, owing to its unorganized condition, and its known habits of business, will not expedite its passage a single hour! Refused by the concurrence of Senators who, not representing on this subject the present sentiments and opinions of their respective States, seem unwilling to allow the arrival of those who would fully and fairly represent them!

It is remarkable sir, that, judging from the vote on the engrossment of the bill for a third reading, it is to hurried through the Senate by less than a majority of the body. And if the two Senators from Tennessee had clung to their seats with the same tenacity with which other Senators adhere to theirs, who have been instructed to vote against the bill, and are violating their instructions; and if the Senate were full, the vacant seats being filled, as we have every reason to believe they will be filled, there would be a clear majority against the passage of the bill. Thus is this momentous

measure, which both its friends and foes unite in thinking will exert a tremendous, if not revolutionary, influence upon the business and concerns of the country—a measure which has so long and so greatly distracted and divided our councils, and against which the people have so often and so signally pronounced their judgment, to be forced through the Senate of the United States.

Mr. President, it is no less the duty of the statesman than the physician to ascertain the exact state of the body to which he is to minister before he ventures to prescribe any healing remedy. It is with no pleasure, but with profound regret, that I survey the present condition of our country. I have rarely, I think never, known a period of such universal and intense distress. The General Government is in debt, and its existing revenue is inadequate to meet its ordinary expenditure. The States are in debt, some of them largely in debt, insomuch that they have been compelled to resort to the ruinous expedient of contracting new loans to meet the interest upon prior loans; and the people are surrounded with difficulties; greatly embarrassed, and involved in debt. Whilst this is, unfortunately, the general state of the country, the means of extinguishing this vast mass of debt are in constant diminution. Property is falling in value—all the great staples of the country are declining in price, and destined, I fear, to further decline. The certain tendency of this very measure is to reduce prices. The banks are rapidly decreasing the amount of their circulation. About one-half of them, extending from New Jersey to the extreme Southwest, have suspended specie payments, presenting an image of a paralytic, one moiety of whose body is stricken with palsy. The banks are without a head; and, instead of union, concert, and co-operation between them, we behold jealously, distrust, and enmity. We have no currency whatever possessing uniform value throughout the whole country. That which we have, consisting almost entirely of the issues of banks, is in a state of the utmost disorder, insomuch that it varies, in comparison with the specie standard, from par to fifty per cent. discount. Exchanges, too, are in the greatest possible confusion, not merely between distant parts of the Union, but between cities and places in the same neighborhood. That between our great commercial marts of New York and Philadephia, within five or six hours of each other, vacillating between seven and ten per cent. The products of our agricultural industry are unable to find their way to market from the want of means in the hands of traders to purchase them, or from the want of confidence in the stability of things. Many of our manufactories stopped or stopping, especially in the important branch of woollens; and a vast accumulation of their fabrics on hand, owing to the destruction of confidence and the wretched state of exchange between different sections of the Union.

Such is the unexaggerated picture of our present condition. And amidst the dark and dense cloud that surrounds us, I perceive not one gleam of light. It gives me nothing but pain to sketch the picture. But duty and truth require that existing diseases should be fearlessly examined and probed to the bottom. We shall otherwise be utterly incapable of conceiving or applying appropriate remedies. If the present unhappy state of our country had been brought upon the people by their folly and extravagance, it ought to be borne with fortitude, and without complaint, and without reproach. But it is my deliberate judgment that it has not been—that the people are not to blame—and that the principal causes of existing embarrassments are not to be traced to them. Sir, it is not my purpose to waste the time or excite the feelings of members of the Senate by dwelling long on what I suppose to be those causes. My object is a better, a higher, and I hope a more acceptable one—to consider the remedies proposed for the present exigency. Still, I should not fulfil my whole duty if I did not briefly say that, in my conscience, I believe our pecuniary distresses have mainly sprung from the refusal to recharter the late Bank of the United States; the removal of the public deposites from that institution; the multiplication of State banks in consequence; and the Treasury stimulus given to them to extend their operations; the bungling manner in which the law, depositing the surplus treasure with the States, was executed; the Treasury Circular; and although last, perhaps not least, the exercise of the power of the veto on the bill for distributing, among the States, the nett proceeds of the sales of the public lands.

What, Mr. President, is needed, at the present crisis, to restore the prosperity of the people? A sound local currency; mixed with a currency possessing uniform value throughout the whole country; a re-establishment of regular exchanges between different parts of the Union; and a revival of general confidence. The people want, in short, good Government at Washington; the abandonment of rash and ruinous experiments; the practice here of economy, and the pursuit of the safe lights of experience. Gives us these; and the growth of our population, the enterprise of our people, and the abundance, variety, and richness of the products of our soil and of our industy, with the blessings of Providence, will carry us triumphantly through all our complicated embarrassments. Deny these—persevere in a mal-administration of Government—and it is in vain that the bounties of Heaven are profusely scattered around us.

There is one man—and I lament to say, from the current of events and the progress of Executive and party power—but one man, at present in the country, who can bring relief to it, and bind up the bleeding wounds of the people. He, of all men in the nation, ought to feel as a parent should feel, most sensibly, the distresses and sufferings of his family. But, looking to his public course and his official acts, I am constrained to say that he surveys unconcerned the wide-spread ruin and bankruptcy and wretchedness before him, without emotion and without sympathy. Whilst all the elements of destruction are at work, and the storm is raging, the Chief Magistrate, standing in the midst of his unprotected fellow-citizens, on the distinguished position of honor and confidence to which their suffrages have devoted him, deliberately wraps around himself the folds of his India-rubber cloak, and, lifting his umbrella over his head, tells them, drenched and shivering as they are under the beating rain and hail and snow falling upon them, that he means to take care of himself and the official corps, and that they are in the habit of expecting too much from Government, and must look out for their own shelter, and security, and salvation!

And now allow me to examine, and carefully and candidly consider, the remedy which this bill offers to a suffering people for the unparalleled distresses under which they are writhing. I will first analyze and investigate it as its friends and advocates represent it. What is it? What is this measure, which has so long and so deeply agitated this country, under the various denominations of Sub-Treasury, Independent Treasury, and Divorce of the State from Banks? What is it? Let us define it truly and clearly. Its whole principle consists in an exaction from the people of specie; in the payment of all their duties and dues to Government, and the disbursement of specie by the Government, in the payment of all salaries and of all the creditors of the Government. This is its simple and entire principle. Divest the bill under consideration of all its drapery and paraphernalia, this is its naked, unvarnished, and unexaggerated principle, according to its own friends. This exclusive use of specie, in all receipts and payments of the Government, it is true, it is not to be instantaneously enforced; but that it is the direct and avowed aim and object of the measure, to be accomplised, gradually but in the short space of a little more than three years. The twenty-eight sections of the bill, with all its safes, and vaults, and bars, and bolts, and receivers general, and examiners, have nothing more nor less in view than the exaction of specie from the people, and the subsequent distribution of that specie among the officers of the Government and the creditors of the Government. It does not touch, nor profess to touch, the actual currency of the country. It leaves the local banks, where it found them, unreformed, uncontrolled, unchecked in all their operations. It is a narrow, selfish, heartless measure. It turns away from the people, and abandons them to their hard and inexorable fate; leaving them exposed to all the pernicious consequences of an unsound currency, utterly irregular and disordered exchanges, and the greatest derangement in all business. It is worse; it aggravates and perpetuates the very evils which the Government will not redress: for, by going into the market and creating a new additional demand for specie, it cripples and disables the State Banks, and renders them incapable of furnishing that relief to the people which a parental Government is bound to exert all its energies and powers to afford. The divorce of the State from banks, of which its friends boast, is, not the only separation which it makes—it is a separation of the Government from the constituency—a disunion of the interests of the servants of the people from the interest of the people.

This bill, then, is wholly incommensurate with the evils under which the country is suffering. It leaves them not only altogether unprovided for, but aggravates them. It carries no word of cheering hope or encouragement to a depressed people. It leaves their languishing business in the same state of hopeless discouragement.

But its supporters argue that such a system of convertible paper as this country has so long had, is radically wrong; that all our evils are to be traced to the banks; and that the sooner they are put down, and a currency exclusively metallic is established, the better. They further argue that such a metallic currency will reduce inflated prices, lower the wages of labor, enable us to manufacture cheaper, and thereby admit our manufactories to maintain a successful competition with foreigners. And all these results, at some future time or other, are to be brought about by the operation of this measure.

Mr. President, in my opinion, a currency purely metallic is neither desirable, in the present state of the commercial world, nor, if it were, it is practicable, or possible to be attained in this country. And, if it were possible it could not be brought about without the most frightful and disastrous consequences, creating convulsion, if not revolution.

Of all conditions of society, that is most prosperous in which there is a gradual and regular increase of the circulating medium, and a gradual but not too rapid increase in the value of property and the price of commodities. In such a state of things, business of all kinds is active and animated, every department of it flourishes, and labor is liberally rewarded. No sacrifices are made of property, and debtors find, without difficulty, the means of discharging promptly their debts. Men hold on to what they have, without the apprehension of loss, and we behold no glutted markets. Of all conditions of society, that is most adverse in which there is a constant and rapid diminution of the amount of the circulating medium. Debtors become unable to pay their debts, property falls, the market is glutted, business declines, and labor is thrown out of employment. In such a state of things, the imagination goes ahead of the reality. Sellers become numerous, from the apprehension that their property, now falling, will fall still lower; and purchasers scarce, from an unwillingness to make investments with the hazard of almost certain loss.

Have gentleman reflected upon the consequences of their system of depletion? I have already stated that the country is borne down by a weight of debt. If the currency be greatly diminished, as beyond all example it has been, how is this debt to be extinguished? Property, the resource on which the debtor relied for his payment, will decline in value; and it may happen that a man, who honestly contracted debt, on the faith of property which had a value, at the time, fully adequate to warrant the debt, will find himself stript of all his property and his debt remain unextinguished. The gentleman from Pennsylvania (Mr. BUCHANAN) has put the case of two nations, in one of which the amount of its currency shall be double what it is in the other, and, as he contends, the prices of all property will be double in the former nation of what they are in the latter. If this be true of two nations, it must be equally true of one, whose

circulating medium is at one period double what it is at another. Now, as the friends of the bill argue, we have been and yet are in this inflated state, our currency has been double, or in something like that proposition, of what was necessary, and we must come down to the lowest standard. Do they not perceive that inevitable ruin to thousands must be the necessary consequence? A man, for example, owning property to the value of $5,000, contracts a debt for $5,000. By the reduction of one-half of the currency of the country, his property, in effect, becomes reduced to the value of $2,500. But his debt undergoes no corresponding reduction. He give up all his prorerty, and remains still in debt $2,500. Thus this measure will operate on the debtor class of the nation, always the weaker class, and that which, for that reason, most needs the protection of Government.

But, if the effect of this hard money policy upon the debtor class be injurious, it is still more disastrous, if possible, on the laboring classes. Enterprise will be checked or stopped, employment will become difficult, and the poorer classes will be subject to the greatest privations and distresses. Heretofore it has been one of the pretensions and boasts of the dominant party, that they sought to elevate the poor by depriving the rich of undue advantages. Now their policy is to reduce the wages of labor, and this is openly avowed; and it is argued by them that it is necessary to reduce the wages of American labor to the low standard of European labor, in order to enable the American manufacturer to enter into a successful competition with the European manufacturer in the sale of their respective fabrics. Thus is this dominant party perpetually changing; one day cajoling the poor, and fulminating against the rich; and the next cajoling the rich, and fulminating against the poor. It was but yesterday that we heard that all who were trading on borrowed capital ought to break. It was but yesterday we heard denounced the long-established policy of the country, by which, it was alleged, the poor were made poroer, and the rich were made richer.

Mr. President, of all the subjects of national policy, not one ought to be touched with so much delicacy as that of the wages; in other words, the bread of the poor man. In dwelling, as I have often done, with inexpressible satisfaction upon the many advantages of our country, there is not one which has given me more delight than the high price of annual labor. There is not one which indicates more clearly the prosperity of the mass of the community. In the features of human society, there are none, I think, which more decisively display the general welfare than a permanent high rate of wages, and a permanent high rate of interest. Of course, I do not mean those excessive high rates of temporary existence, which result from sudden and unexpected demands for labor or capital, and which may, and generally do, evince some unnatural and extraordinary state of things; but I mean a settled, steady, and durable high rate of wages of labor, and interest upon money. Such a state demonstrates activity and profits in all the departments of business. It proves that the employer can afford to give high wages to the laborer, in consequence of the profits of his business, and the borrower high interest to the lender, in consequence of the gains which he makes by the use of capital. On the contrary, in countries where business is dull and languishing, and all the walks of society are full, the small profits that are made will not justify high interest or high wages.

Wages of labor will be low where there is no business, and of course but little or no demand for labor; or where, from the density of population, the competition for employment is great, and the demand for labor is not equal to the supply. Similar causes will tend to the reduction of the rate of interest. Our vast unpeopled regions in the West protect us against the evils of a too crowded population. In our country, such is the variety of profitable business and pursuits that there is scarcely any in which one can engage with diligence, integrity, and ordinary skill, in regular and ordinary times, that he is not sure of being amply rewarded. Surveying our happy condition in this respect, it was, during the last war, remarked by the present Lord Jeffries, that America was the heaven of the poor man and the hell of the rich. There was extravagance in the assertion, mixed with some truth. It would have been more accurate to have said that, with good government, it was an earthly heaven both of the rich and poor.

It is contended, however, that the reduction of wages would be only nominal; that an exclusive specie currency being established, the prices of all commodities would fall; and that the laborer would be able to command as many of the necessaries of life with his low wages, as he can at present.

The great error of Senators on the other side is, that they do not sufficiently regard the existing structure of society, the habits and usages which prevail; in short, the actual state of things. All wise legislation should be founded upon the condition of society as it is; and even where reform is necessary, it should be introduced slowly, cautiously, and with a careful and vigilant attention to all consequences. But gentlemen seem disposed to consider themselves at liberty to legislate for a new people, just sprung into existence, and commencing its career—one for which they may, without reference to what they see all around them, speculate and theorize at pleasure. Now, if we were such a people, and were deliberating on the question of what was the best medium of circulation to represent the property and transact the business of the country, it is far from being certain that it would be deemed wisest to adopt an exclusive specie standard. But when we glance at society as it actually exists, with all its relations and ramifications, its engagements, debts, wants, habits, customs, nothing can be more unwise, it seems to me, than to attempt so radical a change as that which is contemplated.

I cannot admit that the laborer, with his low wages, would be in as eligible a situation as he now is. The argument excludes all consideration of his condition during the transition from the paper to the specie medium. In the descending process from an abundant to a scarce circulation, there would be for him nothing but distress and wretchedness; and he would be in the greatest danger of starvation before the *El Dorado* of gentlemen was reached. The adjustment of prices to the state of the currency is not so sudden a work as is imagined. Long after the specie standard should be established, the old prices of many articles would remain; and all foreign productions which enter into the consumption of the poor man would continue unaffected by our domestic currency. If it be true that there would be no alteration in the condition of the laborer, if he would really get as much, in *value*, in the new state of things as the old, how is that of the capitalist, engaged in manufactures, to be improved? Would not his situation also remain unaltered?

The assumption that an exclusive hard money circulation is best for the laborer, best for the manufacturer, best for the country, is against all the experience of the world. Beyond all doubt, England is the most prosperous of all the nations of the old world, and England is the greatest paper money country that exists. Her manufactures find a market in every portion of the globe; her operatives and laborers are paid better and fed better than any in Europe. Have the manufacturers of the hard money countries of the continent prevailed over those of England, and driven them out of the market, in fair competition? Far from it. Their policy is to exclude, by prohibitions and heavy duties, the entry of British goods into their ports. England has sought to make treaties with them all, and especially with France, upon the basis of free trade; and France has replied that her manufacturers are too much behind those of England to admit of their being placed upon a footing of equality. Paper money-inflated England manufactures about two-thirds of all the cotton exported from the United States; and her cotton manufacture alone is probably greater than that of all the rest of Europe.

But, Mr. President, if the banishment from circulation of all bank paper, and the exclusive use of specie in this country, were desirable, is it practicable, can it be possibly brought about? I have said that the legislator is bound to have due regard to the wants, wishes, necessities, and condition of the country for which he acts. But a practical American statesman has a further duty to perform—that of attentively considering the distribution of the power of Government in this Confederacy. Here we have local Governments for the respective States, and a General Government for the whole. The General Government has but few, limited, and well defined powers, the States severally possessing all power not denied to them or delegated by the Federal Constitution. Whatever difference of opinion might exist, if it were a new question, it cannot now be controverted that each of the twenty-six State Governments has the power to bring into existence as many banks as it pleases. Banks have accordingly been created, and will continue, and must exist, in spite of the General Government. The paper of banks will therefore remain, as it has been, a part of the general circulation, in defiance of any policy which this Government may proclaim. And if one or more of the States were to adopt the hard money policy, there would be others which would find, in the very forbearance of certain members of the Confederacy to establish or continue banks, a fresh motive to create and sustain them; for the issues of their banks would run into the States which had them not, and they would thus appropriate to themselves at the expense of others, all the benefits of banking. I recollect well how banks were originally first introduced into many of the Southern and Western States. They found themselves exposed to all the inconveniences, without enjoying the benefits of the banking system; and they were reduced to the necessity of establishing banks to share the advantages as well as the disadvantages of the system.

Banks, bank notes, a convertible paper money, are, therefore, inevitable. There is no escape from them. You may deliver as many homilies as you please, send forth from this Capitol as many essays and disquisitions as you think proper, circulate President's messages denouncing them as widely as you choose, and thunder forth from a party press as loud and as long as you can, against banks, and they will continue to exist in spite of you. What, then, is it the duty of a wise practical Federal statesman to do? Since he finds a state of things which is unalterable, to which he must submit, however convinced he may be of the utility of a change, his duty is to *accommodate* his measures to this immutable state of public affairs. And, if he cannot trust the eight or nine hundred local banks which are disbursed through the country, create a Federal Bank, amenable to the General Government, subject to its inspection and authority, and capable of supplying a general currency worthy of its confidence; make, in short, the Government of the whole partake of the genius and conform to the fixed character of the parts.

Mr. President, I never have believed that the local banks were competent to supply such a general currency, of uniform value, as this people wants, or to perform those financial offices which are necessary to a successful administration of this Government. I pronounced them incompetent at the period of the removal of the deposites; and we foretold the unfortunate state of things that now exists. But the party in power, which now denounces them, proclaimed their entire ability not only to supply as good but a better currency than that which was furnished by the Bank of the United States, and to perform all the financial duties which that institution fulfilled. After that party had succeeded in putting down the Bank of the United States, and got their system into full operation, it continued, year after year, to announce to the public that all its expectations had been fully realized.

A Bank of the United States established by this Government would not only furnish it a currency in which it might safely confide, in all receipts and payments, and execute every financial office, but it would serve as a sentinel, a cement, and a regulator to the State banks. The Senator from Pennsylvania has urged that the present Bank of the United States of Pennsylvania has a charter more extensive than that of the late Bank of the United States; that it is in fact the old Bank with a new

charter; and that, with all its vast resources and means, it has been not only unable to act as a regulator of the local banks, but was recently the first to set the pernicious example of a suspension of specie payments.

Mr. President, can the distinguished Senator be serious in his description of these attributes of the Pennsylvania Bank? Surely he must have intended that part of his speech for some other theatre. In the first place, Pennsylvania, besides sundry other onerous conditions of loans and subscriptions to objects of internal improvements, levied upon the present Bank, in the form of bonus, some four or five millions of dollars. Then, the General Government has withdrawn from it the seven millions of stock which it held in the old bank—a circumstance which I have no doubt has tended to cripple its operations. And it is wholly without the deposites of the Government, which the former Bank possessed. Instead of being an ally, the General Government has been in the relation of an enemy to it. And it has had to encounter all the enmity of a powerful party within the bosom of the Commonwealth. So far from assuming the office of a regulator of the local banks, its late distinguished president, upon whose authority the Senator relies for proof of the extent and liberality of its new charter, expressly declared that it had ceased to be a general agent, and had retired within the circle of its State duties. So far from having derived any strength from its connection with the late Bank of the United States, there cannot be a doubt that that connection rendered it far less efficient than it would have been, if it had gone into operation with an unencumbered capital, freshly subscribed, of thirty-five millions of dollars.

To guard against all misconception or misrepresentation, I repeat, what I said on a former occasion, that, although I am convinced, thoroughly convinced, that this country cannot get along well without a Bank of the United States, I have no thought of proposing such a bank, and have no wish to see it proposed by any other, until it is demanded by a clear and undisputed majority of the people of the United States.

Seeing that a bank of the United States could not be established, two years ago I expressed my willingness to make an experiment with the State banks, rather than resort to this perilous measure. And now, such are my deep convictions of the fatal tendency of this project of a Sub-Treasury, that I would greatly prefer the employment of the agency of State banks. But whilst I should entertain hopes of their success, I confess that I should not be without strong apprehensions of their failure. My belief is, that the State banks will be constantly exposed to disorder and derangement without the co-operation of a Bank of the United States; and that our banking system will only be safe and complete when we shall have both a Bank of the United States and State banks.

We are told by the President of the United States, in his Message at the opening of the session, that a great moneyed power exists in London that exerts a powerful influence on this country; that it is the result of the credit system; and that every bank established in a remote village in this country becomes bound to that power by a cord, which it touches at its pleasure.

There is, sir, some truth in this representation, and every genuine American must feel it with shame and regret. It is a melancholy fact that the arrival of steam vessels in the port of New York from England is looked for with more curiosity and interest, on account of the financial intelligence which they bear from London and the Bank of England, than the arrival of the mail from Congress. Our people have been taught, by sad experience, to expect nothing good from the councils of their own country, and turn their attention towards the operations in a foreign country. Was this eager inquiry into the transactions of the Bank of England made during the existence of the Bank of the United States? No, sir; no, sir. You denounced this bank as a monster, and destroyed it; and you have thrown us into the jaws of a foreign monster which we can neither cage nor control. You tore from us our best shield against the Bank of England, and now profess to be surprised at the influence which it exercises upon our interests! We do not find that the continental nations of Europe that have National Banks, complain of the influence of the Bank of England upon them. On the contrary, the Bank of England has recently been compelled to apply to the Bank of France for a large sum of specie to sustain its credit and character.

But, sir, we must look to a higher and much more potent cause than the operations of any bank, foreign or domestic, for the lively interest which is felt in this country in the monetary transactions of England. In England the credit system, as it is called, exists in a much more extensive degree than in this country; and if it were of the nature of that system, as is alleged, to render one country dependent upon another, why should not England be more dependent upon us than we upon England? The real cause of our dependence arises out of the unfavorable balance of our foreign trade. We import too much and export too little. We buy too much abroad, and make too little at home. If we would shake off this degrading foreign dependence, we must produce more or buy less. Increase our productions in all the variety of forms in which our industry can be employed; augment the products of the soil, extend our manufactures, give new stimulus to our tonnage and fishing interests, sell more than we buy, get out of debt and keep out of debt to the foreigner, and he will no longer exert an influence upon our destiny.

And this unfavorable balance of our foreign trade is wholly independent of, and unconnected with, the nature of the character of the currency of the country, whether it be exclusively metallic, or mixed of paper and the precious metals. England, in a great measure, by means of that credit or paper system, now so much denounced, has become the centre of the commerce, the exchanges, and the moneyed operations of the world. By the extent, variety, and perfection of her manufactures, she lays most nations that admit them freely under contribution to her; and if we had no currency but specie, we should be just as much exposed to the moneyed power of London, or, which is the true state of the case, to the effects of an unfavorable balance of trade, as we now are. We should probably be more so, because a large portion of the specie of the country being in the vaults of a few depositories, it would be easier then to obtain it for exportation in the operations of commerce, than now, when it is dispersed among nine hundred or a thousand banks.

What was our condition during the colonial state, when, with the exception of small amounts of Government paper money, we had no currency but specie, and no banks? Were we not constantly and largely in debt to England? Was not our specie perpetually drained, to obtain supplies of British goods? Do not you recollect that the subject of the British debts formed one of those matters which were embraced in the negotiations and treaty of peace which terminated the Revolutionary war? and that it was a topic of angry and protracted discussion long after, until it was finally arranged by Mr. Jay's treaty of 1794?

Look into the works of Dr. Franklin, in which there is more practical good sense to be found than is to be met with in the same compass any where. He was the agent of Pennsylvania from about the middle of the last century until the breaking out of the Revolutionary war, and a part of the time the agent, also, of the Colonies of Georgia and Massachusetts. His correspondence shows that the specie of the Colonies was constantly flowing from them for the purchase of British goods, insomuch that the Colonies were left absolutely destitute of a local currency; and one of the main objects of his agency was to obtain the sanction of the parent country to those issues of paper money which the necessities of Pennsylvania compelled her to make. The issue was strenuously opposed by the merchants engaged in the American trade, on account of the difficulty which it created in making collections and remittances home. So great was that drain of specie, that we know that Virginia and other Colonies were constrained to adopt tobacco as a substitute for money.

The principal cause, therefore, of the influence of the moneyed power of London over this country is to be found in the vast extent of our dealings with her. The true remedy is to increase our manufactures and purchase less of hers, and to augment our exports by all the means in our power, and to diminish our imports as much as possible. We must increase our productions, or economise much more than we have done. New Jersey, before the Revolution, being much pressed for £100,000 sterling, Dr. Franklin proposed a plan by which she could, in one year, make up that sum. The plan was this: She was in the habit of importing annually from England merchandise to the amount of £200,000. He recommended that the ladies should buy only half the amount of silks, calicoes, teas, &c. during the year, which they had been in the habit of consuming; and in this way, by saving, the colony would make the required sum of £100,000. If we would, for a few years, import only half the amount from England that we have been in the habit of doing, we should no longer feel the influence of the London money power.

Mr. President, gentlemen, in my humble opinion, utterly deceive themselves in supposing that this measure is demanded by a majority of the people of the United States, and in alleging that this is proven by the result of elections of the past year. That there were a vast majority of them opposed to it, was demonstrated incontestably by previous elections. The elections of the last year did not in many, perhaps most instances, turn at all upon the merits of this measure. In several States, the people were deceived by assurances that the Sub-Treasury was at an end, and would be no longer agitated. In others, the people had reason to be dissatisfied with the conduct of their banks; and they were artfully led to believe that this bill would supply a corrective of the errors of the banking system. And where they have apparently yielded their assent to the bill, it has been that sort of assent which the patient yields, whose constitution has been exhausted and destroyed by the experiments of empiricism, and who finally consents to take the last quack medicine offered to him, in the hope of saving his life. I know the people of the United States well. They are ever ready cheerfully to submit to any burden demanded by the interest, the honor, or the glory of their country. But what people ever consented to increase their own burdens unnecessarily? The effect of this measure is, by exacting specie exclusively from the people, and paying it out to the official corps and the public creditor, to augment the burdens of the people, and to swell the emoluments of office. It is an insult to the understanding and judgment of the enlightened people of the United States to assert that they can approve such a measure.

[No true patriot can contemplate] the course of the party in power without the most painful and mortified feelings. They began some years ago their war on the Bank of the United States. It was dangerous to liberty; it has failed to fulfil the purposes of its institution; it did not furnish a sound currency, although the sun, in all its course, never shone upon a better; it was, in short, a monster, which was condemned to death, and it was executed accordingly. During the progress of that war, the State banks were the constant theme of praise, in speech and song, of the dominant party. They were the best institutions in the world, free from all danger to public liberty, capable of carrying on the exchanges of the country, and of performing the financial duties to Government, and of supplying a far better currency for the people than the Bank of the United States. We told you that the State banks would not do, without the co-operation of a Bank of the United States. We told you that you find them a weak league—a mere fleet of open boats tied together by a hickory withe, and which the first storm would disperse and upset. But you scorned all our warnings, and continued year after year to puff and praise the operations of these banks. You had the boldness, in the face of this abused nation, to aver that the country had been supplied by them with a better currency and better exchanges than it had been by the Bank of the United States! Well, by your own measures, by your Treasury Circular, distribution of the surplus,

&c. you accelerated the catastrophe of the suspension of the banks. You began with promises to the people of better currency, better times, more security to civil liberty; and you end with no currency at all, the worst possible times, an increase of Executive power, and a consequent increase of danger to civil liberty. You began with promises to fill the pockets of the people, and you end with emptying theirs and filling your own.

I now proceed, sir, to the object which constituted the main purpose of my rising at this time. I have hitherto considered the bill, as its friends in the Senate represent it, as a measure simply for exacting specie, keeping it in the custody of officers of the Government, and disbursing it in a course of administration. I mean now to show that, whatever its friends here may profess or believe, the bill lays the foundations deep and broad of a Government bank —a Treasury bank, under the sole management of the President. Let us first define a bank. It may have three faculties, separately or combined. The faculty of issues, entering into and forming a part of the circulating medium of the country; that of receiving deposites; and that of making discounts. Any one of these three faculties makes it a bank; and by far the most important of the three is that of the power of issues. That this bill creates a bank of issues, I most sincerely believe, and shall now attempt to prove, and the proof will be first extraneous, and secondly intrinsic.

As to the extraneous proof, I rely upon the repeated declarations of the late President of the United States in his annual messages. On more than one occasion he stated the practicability of establishing a bank on the revenue of the Government, and to be under the superintendence of the Secretary of the Treasury. And when he vetoed the charter of the late Bank of the United States, he expressly declared that, if Congress had applied to him, he could have furnished the scheme of a bank free from all constitutional objections; doubtless meaning a Treasury bank. The present Chief Magistrate and the present Secretary of the Treasury have, also, repeatedly, in language, in their messages and reports, characteristically ambiguous, it is true, but sufficiently intelligible, intimated the facilities which the commerce and business of the country would derive from the drafts issued by the Treasurer in virtue of this bill. The party, its press, and its leaders, have constantly put this Sub-Treasury scheme in competition with a Bank of the United States, and contended that the issue was Sub-Treasury or Bank of the United States. But how can they be compared or come in competition with each other, if the most important function of a bank of the United States, that of supplying a medium of general circulation and uniform value, is not to be performed under this bill?

I pass to the more important, and, I think, conclusive proof, supplied by the provisions themselves of the bill. After providing that all money paid to Government for duties, public lands, and other dues, shall be deposited with the Treasurer of the United States, the receivers general and the mints, the tenth section enacts:

"That it shall be lawful for the Secretary of the Treasury to transfer the moneys in the hands of any depositary hereby constituted, to the Treasury of the United States; to the Mint at Philadelphia; to the Branch Mint at New Orleans; or to the offices of either of the receivers general of public moneys, by this act directed to be appointed, to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary constituted by this act, to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys and the convenience of the public service shall seem to him to require; which authority to transfer the moneys belonging to the Post Office Department is also hereby conferred upon the Postmaster General, so far as its exercise by him may be consistent with the provisions of existing laws; and every depositary constituted by this act shall keep his account of the money paid to or deposited with him, belonging to the Post Office Department, separate and distinct from the account kept by him of other public moneys so paid or deposited. And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both."

Thus is the Secretary invested with unlimited authority to transfer the public money from one depositary to another, and to concentrate it all, if he pleases, at a single point. But, without this provision, the city of New York necessarily must be the place at which the largest portion of the public money will be constantly in deposite. It collects alone about two-thirds of duties on imports, and is becoming, if it be not already, the money centre of the United States. It is not indispensable, to create a bank of issues, that the place of issue and the place of payment should be identical. The issue of the paper may be at one city, and the place of payment may be at a different and even distant city. Nor is the form of the paper material, so as to carry it into the general circulation of the money of the country. Whether it be in the shape of bank notes, bank checks, post notes, or Treasury drafts, is of no consequence. If there be confidence in it, and the paper be of convenient amount, passes by delivery, and entitles the holder to demand the specie upon its face, at his pleasure, it will enter into the general circulation; and the extent of its circulation will be governed by the amount issued, and the confidence which it enjoys.

I presume that no one will contest these principles. Let us apply them to the provisions of this bill. The last clause of the tenth section, already cited, declares:

"And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries *as he* may think most *conducive* to the public interests, or to the *convenience* of the public creditors, or both."

Here is no restriction whatever as to the amount or form of the draft. There is nothing to prevent his making it for $100, or $50, or $10. There is nothing to prevent the use of bank paper; and the draft will have the number of signatures usual to bank paper. It will or may be signed by the Treasurer, Register, and Comptroller.

Now sir, let me suppose that a citizen has a demand upon the Government for $5,000, and applies to the Treasurer for payment. On what receiver-general will you, he will be asked, have the amount? On the receiver-general at New York. In what sum? One-half of the sum in drafts of $100, and the other in drafts of $50. The Treasurer cannot lawfully decline furnishing the required drafts. He is bound by the law to consult the *convenience* of the public creditor. The drafts are given to him. What will he do with them? There is not a spot in the whole circumference of the United States, in which these drafts will not command a premium or be at par. Every where to the south and west of New York they will command a premium of from one-fourth to two and a half per cent. Every where, east and north, they will be at par. What, I again ask, will the holder do with them? Will he commit the indiscretion or folly of cashing these drafts, and expose himself to the hazard and inconvenience of losing or carrying the specie about him? No such thing. Being every where better than, or equal to, specie, he will retain the drafts and carry them with him to his home, and use them in his business. What I have supposed likely to be done by one, will be done by every creditor of the Government. These drafts, to a considerable extent, will remain out, enter the general circulation, and compose a part of the common currency of the country, commanding at particular places, as notes of the Bank of the United States have done, and now do, a premium, but any where being certainly good for the amount on their face. All this is perfectly plain and inevitable. And the amount of this element of Government drafts, in the general currency of the country, will be somewhat governed by the amount of the annual disbursements of the Government. In the early administration of this Treasury bank, its paper will command general and implicit confidence. It will be as much better than the paper of the Bank of the United States or the Bank of England, as the resources of the United States are superior to those of any mere private corporation. Sub-treasurers and receivers-general may fly with the public money committed to their charge—may peculate or speculate as they please, and unlike the condition of banks, whose fraudulent officers squander the means of those institutions, the nation remains bound for the redemption of all paper issued under its authority. But the paper of the late Bank of the United States acquired a confidence every where, more or less, in and out of the United States. It was received in Canada, in Europe, and at Canton. The Government drafts upon receivers-general will have a much more sure and extensive circulation. Who will doubt their payment? Who will question the honor and good faith of the United States in their redemption? The bankers of Europe—the Rothschilds and the Barings—will receive them without hesitation, and prefer them to the specie which they represent, whenever the rate of exchange is not decidedly against this country, because they can be more safely and conveniently kept than specie itself. And, with respect to our State banks, these Treasury drafts will form the basis of their operations. They will be preferred to specie, because they will be more convenient and free from the hazards incident to the possession of specie. The banks will require no more specie than the wants of the community for change make necessary.

Thus, sir, will these Government drafts, or bank notes, as they may be called, remain out in circulation. The issues of the first year, under appropriations of the public revenue, will be followed by the issues of succeeding years. More and more will it be perceived to be needless and indiscreet to cash them; and more and more will the specie of the country accumulate in the custody of the receivers-general, until, after a few years, the greater part of the specie of the country will be found in the vaults of the depositaries, represented by an equal amount of Government paper in circulation. I can conceive of no case or motive but one for withdrawing the specie from the vaults of the depositaries, and that is, when, from an unfavorable state of our foreign trade, the course of foreign exchange is much against us; and then this system will furnish great facilities to the export of the precious metals.

In process of time, it will be seen, as was observed with respect to the Bank of Amsterdam, that there is a much larger amount of specie in deposite with the receivers-general than is likely to be called for by the paper representing it in circulation, in the common transactions of the business and commerce of the country. And what has been done before will be done again. Government, in a time of necessity, will be tempted to increase its paper issues upon the credit of this dormant specie capital. It will be tempted again and again to resort to this expedient, since it is easier to make emissions of paper than to lay the burden of taxation on the people. The history of American paper money, during the Revolution, of French assignats and of Government banks, throughout the world, tells the whole tale, and gives you the denouement.

But we shall be informed, as has been insisted, that this bill cautiously guards against the degeneracy of the system into a Government bank, by the provision contained in the 23d section, enjoining the Secretary of the Treasury "to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the places where payable; and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them respectively shall be presented for payment, and in default of such presentation, to direct any other mode and place of payment which he may deem proper."

Then it is to depend upon the Secretary of the Treasury whether we are to have a Government bank or not! We are delivered over to the tender mercies of his legislation in the form of the regulations which he may choose to issue and publish! And the extraordinary power is vested in him, if

any dare violate his regulations, of denouncing the severe penalty of receiving payment "in any other mode and place which he may deem proper." Now, sir, between a draft on the receiver general at St. Louis and at New York, there will be a difference at all times of at least two per cent. and at some periods a much greater difference. Is it fitting—is it in accordance with the genius of free institutions, with the spirit of a country of laws, to confide such a power to a mere Secretary of the Treasury? What a power is it not to reward political friends or punish political enemies!

But, sir, I look at the matter of this restriction in a higher point of view. You cannot maintain it. Why should you? You have provided all the means, as you profess to believe, of perfect security for the custody of the public money in these public depositaries. Why should you require the holder of a Government draft, often ignorant of the legislation of the Secretary of the Treasury, to present it for payment by a given day, under a severe penalty, depending upon *his discretion*? Will not the inconvenience to the community, of a precise day and a short day, for the presentation of the draft be vastly greater than that of the public in retaining the money for an indefinite day, until it suits the holder's convenience to demand payment? And will you not be tempted to keep possession of the specie, for the incidental advantages which it affords? Ah! sir; are we to overlook the possible uses to which, in corrupt days of the Republic, this dormant specie may be applied in the crisis of a political election or the crisis of the existence of a party in power?

Congress will be called upon, imperatively called upon, by the people, to abolish all restrictions which the Secretary of the Treasury may promulgate for the *speedy* presentation for payment of Government drafts. The wants of the people and the necessity of the country for a paper medium, possessing a uniform value, and capable of general circulation, will demand it at your hands, and you will be most ready to grant the required boon. We should regard the system according to its true and inherent character, and not be deceived by provisions, inevitably temporary in their nature, which the policy or the prudence of its authors may throw around it. The greatest want of this country, at the present period, in its circulating medium, is some convertible paper, which, at every extremity of the Union, will command the confidence of the public, and circulate without depreciation. Such a paper will be supplied in the form of these Government drafts.

But if the restriction which I have been considering could be enforced and continued, it would not alter the bank character of this measure. Bank or no bank is a question not depending upon the duration of time which its issues remain out, but upon the office which they perform whilst out. The notes of the Bank of the United States of Pennsylvania are not deprived of their character of composing a part of the circulating medium of the country, although they might be returned to the bank in some ten or twenty days after their issue.

I know that it has been argued, and will be argued again, at that all times since the commencement of the Government the practice of the Treasury has been to issue its drafts upon the public depositaries; that these drafts have not heretofore circulated as money; and that, if they now do, it is an incident which attaches no blame to the Government.

But heretofore these drafts were issued upon banks, and the holders of them passed them to their credit with the banks, or received payment in bank notes. The habit of the country—and habit is a great thing—was to use bank notes. Moreover, there were bank notes of every kind in use—those which were local and those which were general in their credit and circulation. Now, having no Bank of the United States in existence, there are no bank notes which maintain the same value, and command the public confidence, throughout the Union. You create, therefore, an inexorable necessity for the use of Government drafts as a medium of general circulation, and argue from a state of things when no such necessity existed!

The protestations of the friends of the bill in this chamber, the denunciations of its opponents, and the just horror which the people entertain of a Government bank, may prompt the Secretary of the Treasury slowly and slyly to lift the veil which masks its true features. A Government bank may not suddenly burst upon us, but *there* it is, embodied in *this* bill. And it is not the least objection to the measure, that it depends upon the discretion of a Secretary of the Treasury to retard or accelerate the commencement of its operation, at his pleasure. Let the re-election of the present Chief Magistrate be secured, and you will soon see the bank disclosing its genuine character. But, thanks be to God, there is a day of reckoning at hand. All the signs of the times clearly indicate its approach. And on the 4 h day of March, in the year of our Lord 1841, I trust that the long account of the abuses and corruptions of this Administration, in which this measure will be a conspicuous item, will be finally and forever adjusted.

Mr. President, who is to have the absolute control of this Government bank? We have seen, within a few years past, a most extraordinary power asserted and exercised. We have seen, in a free, representative, Republican Government, the power claimed by the Executive, and it is now daily enforced, of dismissing all officers of the Government, without any other cause than a mere difference of opinion. No matter what may be the merits of the officer; no matter how long and how faithfully he may have served the public; no matter what sacrifices he may have made; no matter how incompetent, from age and poverty, he may be to gain a subsistence for himself and his family; he is driven out to indigence and want, for no other reason than that he differs in opinion with the President on the Sub-Treasury, or some other of the various experiments upon the prosperity of this people. But this is not all. If you call upon the President to state the reasons which induced him, in any particular instance, to exercise this tremendous power of dismission, wrapping himself up in all the dignity and arrogance of royal majesty, he refuses to assign any reason whatever, and tells you that it is his prerogative! That you have no right to interrogate him as to the motives which have prompted him in the exercise of any of his constitutional powers! Nay, more: if you apply to a subordinate—a mere minion of power—to inform you why *he* has dismissed any of *his* subordinates, he replies that he will not communicate the grounds of his action. I have understood that, in more cases than one, the person acting as Postmaster General has refused this session to inform members of Congress of the grounds on which *he* has dismissed deputy postmasters. We have witnessed the application of this power to a Treasurer of the United States recently, without the pretence of his failure to discharge the public duties, all of which he performed with scrupulous exactness, honor, and probity.

And what, sir, is the consequence of a power so claimed and so exercised? The first is, that, in a country of Constitution and Laws, the basis and the genius of which are that there is, or should be, the most perfect responsibility on the part of every, even the highest functionary, here is a vast power, daily exercised with the most perfect impunity, and without the possibility of arraigning a guilty Chief Magistrate. For how can he be impeached or brought to trial if he will not disclose, and you have no adequate means of ascertaining, the grounds on which he has acted?

The next consequence is, that, as all the officers of Government, who hold their offices by the tenure to which I allude, hold them at the President's mercy, and without the possibility of finding any redress if they are dismissed without cause, they become his pliant creatures, and feel that they are bound implicitly to obey his will.

Now, sir, put this Government Bank into operation, and who are to be charged with the administration of its operations? The Secretary of the Treasury, the Treasurer of the United States, the Register and the Comptroller of the Treasury, and the receivers general, etc. Every one of them holding his office at the pleasure and mercy of the President—every one of them, perhaps, depending for his bread upon the will of the President—every one of them taught, by sad experience, to know that his safest course is to mould his opinions and shape his conduct so as to please the President—every one of them knowing perfectly that, if dismissed, he is without the possibility of any remedy or redress whatever. In such a deplorable state of things, this Government Bank will be the mere bank of the President of the United States. He will be its PRESIDENT, CASHIER, and TELLER. Yes, sir, this complete subjection of all the subordinate officers of the Government to the will of the President, will make him sole Director, President, Cashier, and Teller of this Government Bank. The so much dreaded union of the purse and the sword will at last be consummated; and the usurpation by which the public deposites in 1837 were removed, by the advancement of the one, and the removal of another Secretary of the Treasury, will not only be finally legalized and sanctioned, but the enormity of the danger of that precedent will be transcended by a deliberate act of the Congress of the United States!

Mr. President, for ten long years we have been warring against the alarming growth of Executive power; but, although we have been occasionally cheered, it has been constantly advancing and never receding. You may talk as you please about bank expansions. There has been no pernicious expansion in this country like that of Executive power; and, unlike the operations of banks, this power never has any periods of contraction. You may denounce as you please the usurpations of Congress. There has been no usurpation but that of the Executive, which has been both of the powers of other co-ordinate departments of this Government and upon the States. There scarcely remains any power in this Government but that of the President. He suggests, originates, controls, checks every thing. The insatiable spirit of the Stuarts, for power and prerogative, was brought upon our American throne on the 4th of March, 1829. It came under all the usual false and hypocritical pretences and disguises of love of the people, desire of reform, and diffidence of power. The Scotch dynasty still continues. We have had Charles the First, and now have Charles the Second. But I again thank God that our deliverance is not distant; and that, on the 4th of March, 1841, a great and glorious revolution, without blood and without convulsion, will be achieved.

SPEECH OF MR. PROFFIT,

OF INDIANA,

In the House of Representatives, April 27, 1840—On the General Appropriation Bill.

Mr. Chairman: It is now, I believe, about four weeks since the House resolved itself into a Committee of the Whole upon this bill; and during all that time, day after day, and night after night, I have been a silent but attentive looker on in this unrivalled scene of contention. The first two days of the discussion convinced me, sir, that we of the Opposition could propose no amendment, use no argument, which would in the slightest degree affect the determination of the majority to pass the bill in the form reported by the Committee of Ways and Means. It required no stretch of intellect to perceive that the order had gone forth to vote down every proposition of the minority; and, sir, up to this hour, that order has been most implicitly obeyed. It comports not with my taste to describe the tumult, the legislative depravity, the utter recklessness, which I have here witnessed. It has been but a continuation of the disgraceful scene with which our sitting opened; and it is now lamentably palpable that a Congress which commenced in revolution, riot, and anarchy, must terminate in disorder and disgrace. Nothing beneficial to the people need be expected; for this Hall, which was intended for deliberation, for discussion, for legislative action, is converted into a mere arena for the display of the gladiatorial feeling of party. With every feeling of my heart, I respond to the language of my honorable friend from Virginia (Mr. BOYD) when, on a former occasion, he said, "I wish to God, from my very heart and soul, that our constituents, especially such of them as are friendly to this Administration, were thronging our galleries." Yes, sir, they would soon see who it is that has caused Congress to become a by-word and a reproach. Who, sir, is accountable for these scenes, and for

this delay of the public business? Who, sir, is chargeable with introducing and suffering this unparliamentary and unprofitable discussion? Sir, the countenances of the prominent Administration members give the reluctant answer. They know that they commenced and prosecuted this partisan debate. They cannot deny that they encouraged it. The gentleman from Ohio (Mr. DUNCAN) knows that he commenced it. If I do him injustice by this accusation, he or any of his friends may correct me. No, sir, it cannot be denied. Without the slightest provocation, and without one word having been said by the Opposition on the subject, he, for one whole day, violently assailed the character of General Harrison; exhibited caricatures—vile filthy daubs, manufactured by his own party for political effect; disgusted and fatigued us with the execrable rhymes of some wretched "ballad-monger;" read scraps from outcast newspapers, which, until now, were rotting in the oblivion to which they were long since consigned by the universal consent of all decent men. Sir, for days the friends of the Administration inflicted upon us the same stale, stereotyped speeches, which have served their purposes, in every need, for the last few years. The "anti-bank," "anti-monopoly," "anti-associated-wealth" speech was *recited* by the gentleman from Ohio (Mr. WELLER;) and I mean no disrespect to the gentleman when I say that I have unhappily been compelled to listen to that speech upon at least one hundred different occasions. I hope, most sincerely hope, that I have heard it for the last time. The gentleman from Massachusetts (Mr. PARMENTER) broached another favorite theme of the Administration, making known his horror of the Hartford Convention; and on this interminable topic, tested for hours the patience of the committee. The gentleman from New Hampshire (Mr. ATHERTON) who so frequently professes to abhor irrelevancy in debate, occupied, for hours, the attention of such as could listen, by reading from sundry British essays, pamphlets, and reviews, &c.; among which I recollect *Blackwood's Magazine* occupied a very conspicuous place; and, not content with hours thus wasted, the gentleman must have the benefit of an adjournment, in spite of the remonstrances of myself and others; and, on the next day, with refreshed energy and renewed vigor, continued to inflict upon us the punishment of listening to his dull, unmeaning, and irrelevant quotations. The honorable gentleman from Maine, (Mr. CLIFFORD,) despite the agony depicted on every countenance around him, unfeelingly introduced another subject, on which all Administration men are eloquent—"The History of the Federal and Democratic Parties;" and hour after hour was consumed in reading from and descanting on all the partisan writers of the first thirty years of our Government. Sir, against this waste of time I must distinctly protest, because the party in power published some years since a pamphlet under this title. It was compiled under the supervision of its choice spirits, and was sown broadcast and gratuitously over the whole land, particularly in the west. I have a copy of it now before me. I therefore think this new edition by the gentleman from Maine quite unnecessary, especially as it is much inferior to the first; and, sir, I would, with due deference, suggest to gentlemen that, if they wish to recommend themselves to Executive favor, by becoming partisan authors and pamphlet scribblers, would it not be better that they should betake themselves to the closet, and in that retirement scrawl to their heart's content. Thousands of dollars could be thus saved to the people, and yet the public receive the benefit of their vast knowledge and *literary* gleanings. But, sir, the gentleman from Missouri (Mr. JAMESON) outstripped all his compeers in the ingenuity of his cruelty; for, in spite of all entreaty and all remonstrance, he caused to be read to us one whole newspaper and parts of several others. The "Nashville Union" was, I believe, the name of the paper which he gravely informed us he should adopt as a part of his speech. To this, sir, I have no objection. Gentlemen may adopt any bantling they please. I care not what its color or its origin; but I do wish that some rule could be devised, whereby gentlemen could be permitted to give us these pamphlets, and reviews, and newspapers, and old songs, *by the tittle.* Then, sir, a bill providing for the civil and diplomatic expenses of the Government might be discussed and disposed of in somewhat less time than forty days and nights, and some exhibitions might be avoided, which, to say the least of them, reflect any thing but credit upon us as legislators. I could proceed, sir, to name many other gentlemen of the Administration party who occupied day after day without one moment's reference to the subject before the committee. I could prove, beyond the possibility of denial, that a very large portion of the misspent time of which the people are justly complaining was occupied by the declaimers of the Administration party. Yet, sir, the organ of that party, with unparalleled effrontery, accuses the Opposition of procrastination, of wasting time unnecessarily, and its petty satellites throughout the Union echo the baseless charge, notwithstanding the facts which I have here stated stand uncontroverted by any gentleman on this floor.

There is, Mr. Chairman, one gentleman of the Administration party who participated largely in this debate, who is not obnoxious to the charge I have made: it is the honorable chairman of the Ways and Means, (Mr. JONES.) I must, in justice to that gentleman, say, that he attempted to curb and repress the reckless spirits with whom he is unfortunately associated. But dignity and common sense, and courtesy of manners, have but little influence with them; and, therefore, his counsels and his example passed unheeded. I, sir, well understand the object of those who have polluted this atmosphere with their ribaldry and misrepresentations. They think that they are working wonders in their daily labor of manufacturing political capital for the Presidential election. They suppose that the people will implicitly believe any slander they may utter. They imagine that, under the imposing title of a Congressional name, any absurdity will pass current in the country; and this, sir, is the manner in which they carry on their machinations.

A base falsehood is manufactured at the fountain-head. It is then inserted in some contemptible newspaper in an obscure corner of the country, or blazoned forth in staring characters in the "Official organ," as the occasion may demand. It then takes the rounds of the Administration journals, with such comments as suit the political atmosphere in which it appears. If it succeeds in poisoning the public mind, the object is accomplished, and the party rejoice, and are satisfied with the result of their labors. But if the good sense of the people, distrustful of the base source from which it emanates, should hesitate to receive the falsehood—if, in anxious inquiry after truth, the honest yeomanry of the nation demand proof of the charge preferred, or assertion made, and the slander receives but a momentary check, then, sir, the eye of the Administration is cast upon Congress, and some supple tool is selected to become the "*Congressional endorser.*" Then, sir, in the shape of a speech made upon this floor, and with increased malignity, and improved venom, it is poured forth to the world. And from what I have witnessed, there certainly is much competition for the honor of serving as the *sewer* of the party, through which all the filth of the Administration shall pass into this Hall, and from this to the country. Upon this occasion, I will say, that more than one of the organs selected have shown themselves to be of fitting material, not to be the *sewer* only, but the *reservoir* of all the pestilential misrepresentations of the Administration.

I cannot notice what different gentlemen have said. I had not intended to have opened my lips during this debate; but after what has fallen from the gentlemen from Ohio (Mr. DUNCAN) and from Virginia (Mr. HOPKINS) I should consider myself as remiss in duty did I not say a few words in reply. The first of these gentlemen is the acknowledged idol of the party and the especial object of their reverence. The latter, not less beloved, because more recently installed as a priest in their political temple. Both have figured conspicuously on this occasion, and have succeeded in throwing into the shade all other aspirants to the title of party leaders. Of the speech of the gentleman from Ohio I will say but little. All that part of it impeaching the civil and military character of General Harrison is but a compilation of the slanders which have appeared again and again in the Administration prints, and have so often been refuted that further notice of them might possibly raise their authors "to the dignity of a decent man's contempt." I have no wish to give them even that importance, but shall content myself with replying to the attacks made upon General Harrison by the gentleman from Virginia, both in his speech and in his letter to Colonel Piper, which, having been published in pamphlet form, and alluded to on this floor, is legitimately a subject for criticism.

I perceive, Mr. Chairman, that the last Globe contains the speech of the gentleman from Ohio, and that, in recommending the speech to the public, its editor says, "it has a spice of coarseness suited to the Western people." I presume, sir, that our people of the West will fully appreciate the *compliment* paid to their taste. I, sir, have yet to learn that our people are less intelligent, or less observant of the decencies and proprieties of life, than the people of other portions of the Union; and I have greatly mistaken their character if any respectable man of any party will countenance and approve any such vile garbage as is contained in this specimen of *coarseness* issued to suit the taste of the West. Could I overcome my repugnance to read such ribaldry, I would give the committee some "beautiful extracts" from this speech; but I should then be compelled to pollute my printed remarks with their insertion, and, therefore, I forbear. At the suggestion of a gentleman immediately before me, I will, however, read one extract, assuring the committee that I mean no contempt by its introduction:

> "Mary Rogers are a case,
> And so are Sally Thompson;
> General Jackson are a horse,
> And so are Colonel Johnson."

This, sir, is a specimen of Congressional speech making, and if it is not *coarse* enough to suit the taste of the most vulgar, the gentleman will, doubtless, upon another trial, improve both his style and his rhymes. With the aid of other kindred spirits, he will, doubtless in his next effort, favor us with something still more disgusting and foolish.

I, Mr. Chairman, as a Western man, have watched with something both of sorrow and of anger, the continued insults which have been offered to the West, since General Harrison became a candidate. No sooner was his name announced, than we were sneeringly told that he was but a "*paltry Log Cabin Candidate;*" as though a residence in an humble dwelling constituted a crime, or at least a disqualification for office. Another writer of the Administration, defending this scornful allusion to the people of the West, speaks of the tenants of the log cabins as "*having souls suited to the dirt hovels in which they live.*" And now, sir, the most loathsome trash is published under the name of a speech, and it is said by the official organ that its *coarseness* will suit the Western people.

Sir, I know the people who are the objects of this continued abuse. I know full well the answer they will give to these pampered menials of power. They await impatiently the coming of November next; and then, sir, with one simultaneous thunder-shout of indignation, will they pronounce the death-doom of the Administration which, not content with injuring, has dared to insult them.

And now, sir, I will turn my attention to the gentleman from Virginia, (Mr. HOPKINS,) and although I could wish to follow him closely, and examine his position minutely, this, sir, is impossible, both from the lateness of the hour, and from the multiplicity of subjects introduced by the gentleman, doubtless to evade the true issue now pending. But, sir, as I had anticipated, the currency question was the principal theme of his discourse; and all the distress and ruin now universal through the country, is attributed to the banks. This is always the cry—over-issues; contraction and expansion; excessive imports; small exports; heartless corporations; combined wealth. These never varying and never failing catch-phrases the gentleman uses in profusion, both in his speech and in his letter to Col. Piper. In the latter, I find it again and again repeated. Page 4, I find he speaks of the influence of the banks, and of the "whole dynasty of *associated wealth.*" Page 9, he is again opposed to the whole "*dynasty of associated wealth.*" Page 10, he speaks of a "*powerful combination* of bodies, artificial," &c. Again, the banks "*combine* against the Administration." And again, he tells of "*combined* encroachments." And, page 11, "incorporated wealth never cloys." Mr. Chairman, we all understand for what purpose these changes are rung. I am inclined to think, sir, that the people of this country understand that it is an attempt to enlist their prejudices rather than their judgments. And further, sir, I think the gentleman underrates their common sense, by supposing that he can, by this ruse, prevent them from examining into the causes of their present troubles. The gentleman says that there have been over-issues by the banks;

over-trading by the people, &c. I, sir, have not time to investigate this matter closely; but it has been examined repeatedly, both in this and the last Congress, and proved beyond the possibility of a doubt, that the destruction of the Bank of the United States, and the after policy of the Administration, caused those over-issues of which the gentleman complains. The very state of things now existing, was predicted by the Opposition previous to its destruction. We were told, sir, by the friends of the then existing Administration, that the State corporations would furnish a *better* currency; that money would be more plentiful; and that money was to be all gold or silver—no bank paper. But no sooner was the bill rechartering the Bank of the United States vetoed, and the deposites removed from its care, than we had message after message lauding the State banks. In 1834, the President proclaimed to Congress that "the State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness." In 1835, the President in his message again assures Congress that the State banks *continued* to realize every expectation entertained of their capacity to serve the purposes of Government. In 1836, the President again told Congress that the State banks still performed all the duties required of them. Every Administration paper in the Union echoed their praise. The Secretary of the Treasury, Mr. Taney, urged upon the several deposite banks to INCREASE their discounts, and gave as a reason, that "the *deposites of the public money* will enable you to afford increased facilities." Banks were selected as public depositories, merely on account of the party bias of those who controlled their affairs, as will appear by the published correspondence of certain institutions in New York, and other parts of the Union. According to the recommendation of the Secretary of the Treasury, they did extend their issues and speculation—unprecedented expansion became the result. Then came the specie circular; and the very crisis which the Opposition had always predicted, fell with appalling force upon us; and ever since that time the country, like a drunken man, has been reeling to and fro under the influence of the noxious draught administered by the political empirics of that day. This, sir, is a brief sketch of the causes of the over-issues to which are attributed the present embarrassments of the country. But, sir, if mismanagement of banks, and over-issues, are to be alluded to in a party point of view, I would turn the attention of the gentleman to those States where the Administration party had the control. I will instance Mississippi, Alabama, &c. Those States, sir, are edifying specimens of Administration financiering. It is useless, sir, to attempt to satisfy the people any longer with fine spun theories, or specious promises. It is in vain to ask them to submit to any more *experiments*. They are determined to have a change in the Administration. They can recollect that but a few years since they *had* a sound currency, good markets, and constant employment for their industry. They know that there has been mismanagement *somewhere*. Their present condition cannot be rendered more distressing. Any change must be for the better, and therefore a change they will have. This, sir, is the language of common sense, as now coming from the mass of the people.

But, sir, I perceive that the Administration party here affect to sneer, as usual, at the assertion made by myself and others, that general distress pervades the country. I know, sir, that gentlemen have said that it is but imaginary. One gentleman, (Mr. DUNCAN,) in his speech, has told us that, if the people are embarrassed, he would advise them "to take off their coats, and go to work." This language, sir, may suit an Administration rolling in wealth and splendor. It may come with fitting grace from the supporters of men who are receiving large salaries in gold and silver, and actually *profiting* by the derangement of the currency. But I tell you, sir, that the people will know how to appreciate and to answer such unfeeling, heartless, cold-blooded, and insolent language. They have had their coats off; they have labored; they have vainly used every effort to obtain the due reward of that labor; and now the products of the agricultural community are still remaining unsold, or, if disposed of, it has been at a ruinous sacrifice. And even now the farmer is sowing and planting without hope of remuneration. He knows not whether the sweat-drops of a long summer's labor will avail him aught. In the present derangement of all business operations, the calculations even of the most sagacious fail; and yet gentlemen, as an answer to the every day's experience of these truths, return the old answer, that the Administration is not responsible, and attribute it all to the banks. Sir, the Administration is responsible. It is its exploded and exploding *experiments* which have occasioned this state of things. Its tamperings; its reckless disregard for every interest; its determination to sustain itself in power at every hazard; its execrable attempts to check the enterprise, and assimilate the condition of the American people to that of the monarchies of Europe. Sir, one week's *derangement* of the active industry of this country is a greater loss to the country than if you were to throw the whole capital of the Bank of the United States into the Delaware. This, sir, is undeniable, and yet we have had not only weeks, but years, of constant derangement, and the consequences are now hanging darkly as a pall upon the country.

But, sir, as the gentleman from Virginia is so loud in his denunciation of the banks, and *now* thinks that the public money ought by no means to be placed in their keeping, I will read a passage from the report of the majority of the Investigating Committee, of which the gentleman was a member, and with which majority he acted. After stating that the loss to the Government of large sums of money might have been avoided by depositing in the banks, on *special deposite*, and citing the Bank of America and the Manhattan Bank as having been used as depositories after they *suspended specie payments*, the committee, on page 72, say:

"It is, then, apparent that, *had the depositing system of banks* been continued, Mr. Swartwout could not have had money beyond the collections of a single week, exceeding the current expenses of his office, to have retained on going out of office: and the evidence of his not having diverted any previous to that time, and that all previous collections were in bank, would have been regularly derived from the banks, as well as in Mr. Swartwout's official returns."

I shall have occasion, sir, to refer to this report again; but, in the meantime, I must remark that the gentleman's opinions have certainly undergone a great change since the last session of Congress. It is useless for the gentleman to give as an excuse, that the banks have now suspended; for the report finds fault because the deposites were not made, even after they had suspended.

But, sir, it is not my purpose to defend the banks. I am in nowise identified with them; but the gentleman having thought fit to accuse the Opposition of shifting ground, and acting inconsistently, I deem it my duty to deny the assertion, to investigate his course, and to ascertain whether he is not liable to the very charge he has so unreservedly made against us.

I would, Mr. Chairman, call the attention of the committee to the systematic deception which is now practising upon the people of the United States, on the subject of the promised reforms in the currency. The Administration leaders have now at least some half a dozen various schemes on which they are attempting to coin political capital. The Senator from Missouri (Mr. BENTON) is opposed to the issuing of any bank paper in bills under the denomination of one hundred dollars. The Senator from South Carolina (Mr. CALHOUN) is out against all bank paper, and must have nothing but gold and silver. A Senator from Pennsylvania (Mr. BUCHANAN) says that he is in favor of a *mixed* currency, but asks the Legislatures of the States to confer power on Congress to prohibit the issue of any notes under twenty dollars. Another Administration partisan in this House (Mr. MONTGOMERY) proposes to issue *ten dollar Treasury notes* as currency, and this without one single dollar of specie basis. Look also, sir, at the action of the Legislatures under Administration control—Pennsylvania, for instance. The Legislature meets, (the Van Buren party having a large majority,) breathing vengeance against the banks; nothing will appease their wrath but immediate resumption or instant destruction. They meet, wrangle, scold, vow that banks are nuisances, and bank paper worthless rags; and terminate the session by borrowing some millions of bank paper, and allowing the banks their own time to resume specie payment. They then go home and hold "*indignation meetings*," and denounce one another as having acted traitorously to the party. And when, sir, I, as a stranger to Pennsylvania tactics, have asked some explanation of these seeming inconsistencies, I have been told, Oh, never mind us; we will arrange it all; we understand the people of Pennsylvania.

I will now take notice of the complaint made by the gentleman that the Opposition deal unfairly with the Administration, in giving to the public partial extracts from official documents. This charge, sir, is unfounded; is unsupported by any proof; and I defy any gentleman to make good the accusation. I deprecate as much as any gentleman can, any such unfairness; and I consider any man who would knowingly mislead the public mind, a fit object of scorn and contempt. I will read, sir, the document which has given the Administration party so much uneasiness.

(OFFICIAL.)—PUBLIC EXPENDITURE FROM 1824 TO 1838.

Letter from the Secretary of the Treasury, transmitting a statement of expenditure, exclusive of the public debt, for each year, from 1824 *to* 1838.

(JUNE 28, 1838.—Read, and laid upon the table.)

TREASURY DEPARTMENT, *June* 27, 1838.

SIR: In obedience to the resolution of the House of Representatives of the 25th instant, I have the honor to "lay before the House a statement showing the amount of expenditure, *exclusive of the public debt*, for each year, from 1824 to 1838."

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. J. K. POLK,
Speaker of the House of Representatives.

Statement showing the amount of expenditures of the United States, exclusive of the public debt, for each year, from 1824 *to* 1837, *inclusive, stated in pursuance of a resolution of the House of Representatives of the 25th June,* 1838.

For the year	1824	$15,330,144 71
Do	1825	11,490,459 94
Do	1826	13,062,316 27
Do	1827	12,653,095 65
Do	1828	12,396,041 45
Do	1829	12,660,460 62
Do	1830	13,229,533 33
Do	1831	13,864,067 90
Do	1832	16,516,388 77
Do	1833	22,713,755 11
Do	1834	18,425,417 25
Do	1835	17,514,950 28
Do	1836	30,868,164 04
Do	1837	*39,164,745 37

* NOTE.—The foregoing sums include payments for trust funds and indemnities, which, in 1837, was $5,610,404 36.

T. L. SMITH, *Register.*

TREASURY DEPARTMENT,
Register's Office, June 27, 1838.

Is there a gentleman on this floor who will rise in his place and say that this is not a full and complete document, as sent to Congress by the Secretary of the Treasury? Is there a word or figure missing? Is there a syllable added? No, sir; it is the whole of an official report. What does it prove? That the expenditures of this Government, despite all the professions of economy, despite all the promises of retrenchment, have increased from $15,330,144 71 in 1824, to $39,164,745 37 in 1837, nearly threefold; and when, sir, we present this document to the people and ask their judgment upon it, the Administration party complain of unfairness.

The gentleman from Virginia, with much ingenuity, attempts to evade this plain demonstration of facts and figures, by explaining the *causes* which have led to this vast increase of the expenditures by the Administration. This, sir, he has a perfect right to do; and I, sir, have also a right to answer his explanations, and to show that, notwithstanding his ingenuity and tact at mystifying this subject, this Administration is responsible—justly censurable—for permitting and countenancing waste, extravagance, and peculation.

Amongst other things, the gentleman from Virginia quotes the Florida war as an item of "extraordinary expenses," and says that many of the Opposition voted supplies. I have not examined the journal, neither shall I; for I consider it as quite immaterial who and what party voted for or against the appropriations. It is enough for me to know

that a war with the Indians existed in Florida, and that the Government made estimates, and demanded supplies. They were granted; and the Administration is responsible for the manner of the expenditure. But, sir, this is another instance of the *fairness* with which the Opposition are treated. If they vote supplies, they are accused of extravagance, and the President protests that *he* is not responsible. Had they refused to vote the money demanded by the Government, a want of patriotism would have been ascribed to them, and they would have been branded as enemies of the country. But, Mr. Chairman, I will proceed to prove that the money appropriated by Congress for the prosecution of this war has been most shamefully wasted; and I will cite a few instances of the lavish extravagance which I charge upon the Administration. In Senate document, 2d session 25th Congress, *vol.* 3, I find "a statement of contracts for fuel, transportation, &c., for the Quartermaster's department for 1837," and signed "T. Cross, Acting Quartermaster General." Here, sir, I find, in part, how the *thirty millions* have been expended in Florida. I will give the committee a few items of *steamboat* contracts for 1837:

For charter of steamboat Watchman, $450 per day, or $164,250 per annum.
For charter of steamboat Mobile, $465 per day, or $169,725 per annum.
For charter of steamboat Anna Calhoun and two barges, $400 per day, or $146,000 per annum.
For charter of steamboat Henry Cromwell, $300 per day, or $109,500 per annum.
For charter of steamboat Hyperion, $300 per day, or $109,500 per annum.
For charter of steamboat Leflore, $200 per day, or $73,600 per annum.
For charter of steamboat Charleston, $3,750 per month, or $45,000 per annum.
For charter of steamboat Florida, $3,000 per month, or $36,000 per annum.
For charter of steamboat John McLean, $4,000 per month, or $48,000 per annum.
For charter of steamboat Camden, $4,000 per month, or $48,000 per annum.
For charter of steamboat James Adams, $4,000 per month, or $48,000 per annum.
For charter of steamboat Altamaha, $5,000 per month, or $60,000 per annum.
For charter of steamboat ————, $3,500 per month, or $40,000 per annum.

In short, sir, by this document it appears that there were CHARTERED, during the year 1837, thirty-five steamboats, forty-three schooners, two sloops, twenty-five brigs, six ships; making, in all, *one hundred and eleven vessels* chartered, during the year 1837, for the prosecution of this Florida war—this war, sir, which we, a nation of millions, have waged for years with some 500 naked warriors. And, besides the one hundred and eleven vessels chartered, I find upwards of one hundred contracts, some of them of a very large amount, for *transportation* of troops, forage, arms, horses, &c., during that year, for this war. Sir, the party in power is justly chargeable with having involved the country in this war unnecessarily, and then of having wasted the money appropriated for its prosecution.

I will give also another charge from the same document: "For *transporting* 100 cords of firewood from New Orleans to Fort Brooke, East Florida, and one assistant surgeon, $2,000." Here, sir, is charged *twenty dollars* per cord for *carrying* firewood from New Orleans, besides the original cost and other expenses; and that, too, to a country where, as I am assured by gentlemen well acquainted with the country, thousands of cords of wood could be cut in sight of the fort to which this wood was sent. I am also informed that wood has often been taken from Florida to New Orleans for sale; and I should not be surprised if this wood was originally from Florida, and, after being shipped to New Orleans and properly seasoned, was shipped back again to afford a little patronage. These, sir, are a few specimens of expenditure in the Florida war for 1837. I could for hours read charges equally obnoxious to censure; and, sir, I have had a resolution on your table ever since the first resolution-day of this session, asking the Secretary of War for a detailed account of the expenditures of the war, and the friends of the Administration, by some miserable subterfuge or quibbling point of order, refuse to call for the statement. And yet, sir, this is called a representative Government, and we assume to be the Grand Inquest of the nation, and the people are told that all officers, from the President down, are strictly accountable. Yet we cannot ask how $30,000,000 of their money has been spent without being told by gentlemen that the Opposition voted supplies for the war, and that these expenditures are "extraordinary." Truly, sir, they are "*extraordinary;*" and therefore it is that I demand a full and explicit statement as to their nature.

I am told, sir, that a steamboat was offered to the Government for about $14,000, and, refusing to purchase, they chartered her until they paid some $72,000. I am told, sir, that plank in several instances has cost $1 25 per foot, or $125 per hundred feet. Also, that firewood has cost $50 per cord. Sir, it is the duty of the Administration party to give the people light on this subject, and to relieve themselves, if they can, from the charges of waste and peculation.

I believe the charges to be true, from what I have seen of the documents now before me, and this is but the account for one year. I should, amongst other things, like to see what amount has been expended for the "bloodhounds," which, as every person now acknowledges, have turned out to be common curs, and not worth a shilling a head. I presume that this *experiment*, with the *contingencies*, cost some thousands. I perceive, also, that one man has been paid $7 50 per day, and subsistence, for transporting *forty* bushels of corn, in sacks, from one post to another in Wiskonsin. Flour has been transported from one place to another until it cost $50 per barrel, and then sold at one-fourth the cost of transportation. In short, sir, did I not see these things stated in official documents, I could not have believed it possible that such gross mismanagement existed: But I must leave this branch of expenditure, thus hastily glanced at, and pass to another.

The gentleman from Virginia, in his anxiety to defend his new allies, quotes the expenses "of Indian emigration, and subsistence for Indians," as an item of expenditure for which many of the opposition voted, and the gentleman classes it under the head of "extraordinary expenses." I shall not deny that many Opposition members did vote for the estimates demanded by the Administration for this branch of the public service. I think they were quite justifiable in so doing. But, sir, could any one of the Opposition have ever supposed that the money voted would have been so shamefully squandered, absolutely wasted, as the reports of the officers in that department PROVE it to have been? I will cite one or two instances, out of the many I could enumerate, to prove the unjustifiable and criminal abuses which have been practised on this subject.

Document No. 127, of 3d session of 25th Congress, is a letter of Mr. Poinsett, Secretary of War. In that document I find a communication from the Commissary General of Subsistence, addressed to Mr. Poinsett, and I there perceive that the Government, after purchasing unnecessarily a vast amount of provisions, &c., "for the army, sent it to the Cherokee country," and, having no use for it, ordered it to be sold, and I will quote an extract from that communication:

"The supplies sold consisted of 50 barrels of pork, 2,645 barrels flour, 821 barrels hard bread, 272½ bushels beans, 16½ bushels cornmeal, 169 bushels corn, 506 bushels salt, 75,027 pounds sugar, 41,297 pounds coffee, 5,438 pounds rice, 531,020 pounds bacon, 28,181 pounds soap, 14,110 pounds candles, 371 gallons whiskey, 5,145 gallons vinegar, and all the issuing apparatus, such as scales, weights, and measures, used while the volunteer troops were in service. These articles produced the net sum of $52,117 90."

This, sir, is the "*official account.*" Does any gentleman here deny it? Is there any one of the Administration party who wishes to give an explanation? If so, I will give way. Not one, sir. Then, let none of the Administration papers throughout the Union dare to deny this statement. And what do I prove by this, Mr. Chairman? That this vast amount of supplies, "*collected unnecessarily,*" cost, as will appear by the accounts of the department, upwards of *two hundred and sixty thousand dollars*, including transportation, commissions, buildings erected for their preservation, &c., and were sold by this all-wise and *competent* Administration for less than *one-fifth* of cost. This, sir, is the manner in which the money of the people is wasted. I will ask the gentleman from Virginia if it was possible for any honest man to anticipate such unjustifiable squanderings of the public money? It seems, sir, that the 28,181 pounds of soap were not needed by the army. It ought never to have been sold, sir. It should have been shipped to Washington, and would have served as a fraction of the quantity requisite to cleanse this foul Administration. But, sir, I will give you another item of sales of stores, &c., purchased unnecessarily, and sold at auction in the Cherokee country, in 1838, and embraced in this same communication. I find, sir, that corn, which cost the Government at least *one dollar and a half*, and in many instances two dollars, *per bushel*, and accumulated unnecessarily in vast quantities, was sold by this *economical* Administration as follows:

8,381	bushels corn,	at 17½	cents per bushel
5,275	do.	at 11⅛	do.
4,990¼	do.	at 10¼	do.
400	bushels corn,	at 3¼	do.
4,239½	do.	at 13¼	do.

This, sir, is a specimen of the prices at which this article was sold, and thousands of dollars thrown away in this one article of corn alone. And this, sir, is only a fraction of the quantity sold. I find, further, sir, that oats, purchased at double the usual cost, were sold at 3½ cents per bushel. This corn and oats were not damaged; for the report states them to have been sound, and the damaged corn sold separately. I could proceed, sir, to enumerate hundreds of cases of the same nature, but time will not permit. I will close by giving an extract from a letter of the Creek agent at Fort Gibson, addressed to the Commissioner of Indian Affairs, complaining of the action of the Administration, in forwarding such immense quantities of supplies unnecessarily to that post, and which also had to be sold at an immense sacrifice:

"But, whatever be the apology of the measure in question, whether it be ignorance of the resources of the country, distrust of the capability of the officers charged with the subsistence of the Indians, or a dread of a failure of their efforts in that respect, one thing is demonstrably true, *that the great loss which is now inevitably consequent upon the measure, might have been avoided had timely directions been given to dispose of this extraordinary supply of provision as soon as it was ascertained not to be needed.*"

He again says:

"Instead of this, *cargo after cargo* continued to arrive as *the necessity decreased.*"

Again, sir, the same agent says:

"I repeat, sir, fearless of contradiction, had the agents here been instructed, in the first instance, as agents of the Government ought to have been, where its interest was concerned, the public would not have sustained the loss of a single dollar; the provision purchased in New Orleans would have been sold, and not transported here, as has been the case, at an *enormous* expense, *where it was not needed*, and at an additionlal expense of several thousands to erect suitable buildings to cover it from the weather."

This gentleman, sir, for his plain speaking to the Government officers, was treated with official insolence, and immediately resigned his station. A mean, obsequious, fawning sycophant would have been cherished and patronised by them. Here, sir, is another instance of hundreds of thousands of dollars squandered. Who could have dreamed of such "blundering policy?" And yet the gentleman from Virginia says the Opposition *voted* for "Indian subsistence," &c.; and he is loud in praise of an Administration which is thus, by its own official documents, convicted of incompetency, waste, and extravagance, and, it may be, something worse. I believe, sir, that all these unnecessary purchases were made to give profitable contracts to favorites.

We have been told, sir, that the public buildings are another source of "extraordinary" expense. I will, sir, for a moment refer to this matter, and in that moment convince the committee that another high handed and unjustifiable act of this Administration has cost the people, unnecessarily, *three hundred thousand dollars.* I refer to the post office building. The Committee on Public Buildings of the House of Representatives, in order to ascertain the actual cost of the building proposed to be erected, made a demand for a detailed estimate of the cost of a *split granite* building. It was furnished; and amounted to two hundred and eighty thousand dollars. But, sir, no sooner had Congress adjourned, than the President ordered the erection of a *marble* building—a perfect palace, which is now estimated, even by Administration gentlemen, to cost *six hundred thousand dollars.* This, sir, will

explain to gentlemen why this branch of expenditure is termed "extraordinary." But, sir, there is another matter connected with this subject, and which is admitted even here by the friends of the Administration. After the money appropriated by Congress had been expended, fearing that at its next meeting it might arrest the work, or demand an explanation of this enormously increased expenditure, the Executive actually allowed the work to progress *on credit* to the amount of $65,000, and the laborers on the building, instead of receiving their pay regularly, were given checks or memoranda of the amount due them; and now, sir, we are called upon to vote money; and our *sympathies* are appealed to to pay the *laborers*. They shall be paid, sir; but I would demand to know by what authority of law was this work persevered in after the appropriation was expended? How dare the President and his coadjutors ANTICIPATE the action of Congress? How dare they usurp the power which legitimately belongs to the Representatives of the people? But, sir, my questions are answered by every day's experience. They dare do any thing. They dare violate all law; scoff at all precedent; commit any and every act, however unjustifiable and unlawful, and a drilled party majority will support and countenance their iniquities.

I could refer, also, to the Treasury building as another instance of the wasteful expenditure of public money. I could give repeated instances, in which money appropriated by Congress for one object has been transferred to another, without any authority of law; and when these exposures are made, the party acknowledge that investigation ought to be had, but that it is not convenient to make it at this particular time.

I will mention, Mr. Chairman, one other item of expenditure. Congress ordered a survey of the mouth of the Mississippi, and made an appropriation for improving the channel at the Balize. And how do you suppose, sir, that the money has been expended? One steamboat, one dredgeboat, and four schooners have been built or purchased, and fitted up in the most tasteful style. I find, sir, that there is charged for furniture in one of them, a mahogany sideboard, two *splendid card tables*, merino curtains, fine cane seated settees, and other furniture to suit, *eight patent lever watches*, *one chronometer*, costing $280, silver ware, and numerous other articles of the same description. All this, sir, is for common *mudboats*. And after expending two hundred and ninety-one thousand dollars, the work is abandoned; and the mouth of the river is now in a worse condition than before the work was commenced. This, sir, is the expenditure at the *mouth* of the river. I know not how many snagboats and mudboats have been employed on Red river or other rivers, or whether they are fitted out in the same style. But I do know, that when we ask a small appropriation on the Cumberland road, we are told by the Administration that there is no money in the Treasury; and that they are disposed to think that work *unconstitutional*.

There is another title, Mr. Chairman, under which the money of the people is squandered, if not actually purloined. It is under the head of "contingencies;" and the bill now before us gives a small specimen of the amount thus charged. In it alone, there is appropriated, under the title of contingencies, one hundred and twenty-seven thousand two hundred and thirty-five dollars, besides sixty-seven thousand dollars for miscellaneous, making together one hundred and ninety-four thousand two hundred and thirty-five dollars. And when, sir, we ask how this large sum is expended, we are told that it is quite impossible *now* to give a detailed statement; but that, no doubt, it will be honestly accounted for. And if any of us insist on receiving the information, we are accused of wasting the time of the House, and of being altogether too inquisitive. Next year, sir, we shall have these sums accounted for in a bill for washing towels, horse hire, &c.

But, sir, it strikes me that gentlemen, in their zeal to defend the Administration, in more than one instance forget that "there is but one step from the sublime to the ridiculous." They talk quite feelingly indignant of the unfairness shown to the Administration in this matter of expenditure, and call it "crying injustice," and say that a large item is the three per cent. fund paid to the States. Now, sir, this is rather an amusing defence. Has not the three per cent. fund been paid to the States under every Administration? Is it not paid only in proportion to the amount of sales of the public lands within the different States? Is it not guarantied to the States by the compact under which they became members of the Union? And have they not received it from the first day of their admission as States? Really, Mr. Chairman, these apologies are rather too shallow to deserve serious notice. But, sir, after all, the friends of the Administration are somewhat excusable for these attempts at subterfuge and evasion. They are sorely pressed by many searching inquiries. The stern gaze of the people is at last directed to their action, and they are compelled to avail themselves of any and every excuse, no matter how pitiable and unsatisfactory.

Sir, (said Mr. P.,) I have touched these different branches of expenditure but slightly; and I leave it with gentlemen better qualified to particularize abuses and unjustifiable expenditures. I will leave the subject by saying that, although the expenditures have increased nearly three-fold, I should not so loudly complain had the money been properly expended. But, sir, it has been wasted. Our fortifications were never in a worse condition. We have scarcely a ship of war fit for sea. When the frigate United States received some damage entering the port of New York, and was condemned as unseaworthy after an expenditure of some seventy thousand dollars, there was not a ship ready to receive her crew; and months passed before one could be fitted out to take the place of the condemned frigate. We have not a single *steamship* of war which deserves the name; I beg pardon, sir, I believe there is one—the "Poinsett"—they call her a steam-frigate; she is nothing but a miserable old scow. If I am rightly informed, she used to be employed somewhere about New York as *a ferry-boat;* was purchased at an enormous price by the Administration, fitted up, and has cost near one hundred thousand dollars. I am told that it took all hands (when serving in the Florida waters) two weeks to cut wood enough to run her three days. She is now lying at Norfolk, the perfect laughingstock of every sailor; but she is reported to Congress as a *steam-frigate*. Really, sir, it is a libel upon the name. In short, sir, the money voted by Congress within a few years past, for harbors, for light-houses, for breakwaters, for clearing out of rivers, has nearly all been wasted, foolishly thrown away, by the mismanagement and extravagance of the Administration. The searching question of the people is, "Where is our money?" The laconic answer is, Millions have been stolen; millions squandered; millions unaccounted for.

But the gentleman from Virginia, not content with glorifying the Administration, has thought it necessary to charge us with making unprovoked attacks upon the President and his friends, and, in a tone of triumph, has defied us to prove any act of malfeasance or misfeasance. Sir, I meet the challenge, and I will prove, from under the gentleman's *own signature*, charges made by him against the present Administration sufficient to blast the fair fame of any party. I shall refer, sir, to report No. 313 of House of Representatives, commonly called the report of the Investigating Committee on the defalcation of Swartwout and others. The gentleman from Virginia was a member of that committee, and although he did not sign the report with the majority, he made a special report to which he affixed his signature. I, sir, shall not at this time enter into an examination of the merits of the document. It is enough for me to know that the gentleman's name is signed to it. The following is the special report of the gentleman, and as he complains that it is unfair to give extracts, I will give it entire:

"*Mr. Hopkins's special concurrence in the report of the committee, appended thereto by vote of the committee.*

"I have not had the requisite time for scrutinizing the report of the committee with that care and attention which its length and importance deserve, and which I could have desired; and I should have preferred, for this reason, to have presented the journal of the committee, without comment, to the House of Representatives. But, as conflicting opinions prevail in the committee, and are to be submitted to the country in the shape of formal reports, I consider it my duty to say that I concur with the committee in all the conclusions at which they have arrived, so far as those conclusions apply to the extent and character of the defalcations of Samuel Swartwout and William M. Price.

"I should be faithless to my duty, and do violence to the most conscientious convictions of my judgment, if I did not also declare my entire concurrence in those conclusions of the committee which relate to the conduct of the late naval officer of the custom-house at New York; to the late and present Solicitor of the Treasury; to the Secretary and accounting officers of the Treasury Department, including the late Comptroller of that Department; and, in that part of the report which reviews the conduct of J. Hoyt, the present collector of the customs at the port of New York.

G. W. HOPKINS,
Member of the committee."

Now, Mr. Chairman, we find by this report that the gentleman concurs fully in the censure of the committee, passed upon the Secretary of the Treasury; and, that there may be no doubt on the subject, I will read what is said by the committee—page 98:

"The committee will forbear to recapitulate here the extraordinary submissiveness and want of energy that are betrayed by the Secretary of the Treasury, in his tolerance, without known complaint made to the Executive, of the retention and use of the public money collected by the present collector at New York for duties on imports against and under the protests of merchants."

Again, sir, upon the same page, the committee further say:

"It is believed to constitute an *imbecility of administration* on the part of the Secretary that calls for immediate correction, whether regard be had to the honor of the Government or to the security of the public money."

And further, sir, the report says:

"The negligence and failure of the Secretary of the Treasury to discharge his duty as the head of the Treasury Department, charged by law with the superintendence of the collection of the revenue, and his want of a correct appreciation of the beforenamed records in the superintendence of the collection of the public revenues, and the consequent neglect to continue and complete them, are justly regarded as a primary cause of the escape from detection, for so long a period, of the immense defalcations of the late collector at the port of New York."

Here, sir, is a direct assertion made by the gentleman himself, that the Secretary of the Treasury has manifested "extraordinary submissiveness" and "want of energy;" that he has been guilty of "*imbecility of administration;*" and that such conduct requires "*immediate correction;*" and further, sir, that the Secretary, by his "negligence and failure to discharge his duty," is directly responsible for the immense defalcation of Swartwout, amounting to *one million and a quarter* of dollars.

Sir, where is this "imbecile Secretary?" Has he been dismissed by the Executive? Has even an inquiry been made by this House into these grave charges preferred by the committee? No, sir! no! The same negligent, imbecile, criminal Secretary still presides over the Treasury Department. Instead of having been discarded, as the gentleman said he should be, he is the pampered pet of the Executive, and the gentleman from Virginia is *now* as loud in his praise as he was in his denunciation; and he has the assurance to lecture the Opposition for complaining of this gross outrage perpetrated on the character and honor of the Government which he himself assisted in exposing.

But, sir, the committee may check the expression of astonishment which at this time seems so sensibly to pervade it. I have but commenced with the gentleman's *consistency*.

On page 41 of the report I find the following charges made by the gentleman against the late naval officer of the custom-house, New York, (Enos T. Throop:)

"From the preceding testimony the committee report as established facts:

"1. That the late naval officer at the port of New York, throughout the term of his service, from 1829 to 1838, wholly disregarded the requirements of the law prescribing the duties of his office.

"2. That said naval officer, for the same period, wholly disregarded the instructions of the Comptroller of the Treasury, of November 10, 1821.

"3. That said naval officer, by so disregarding the requirements of law and the instructions of the Treasury Department, culpably neglected to keep the accounts and records appertaining to his office, and thereby rendered the office nugatory as a check upon the accounts of the collector.

"4. That if the duties of said naval officer, as authorized and directed by existing laws, had been executed with proper care and vigilance, they would have rendered it impracticable for any fraud or error in any of the accounts of the collector of said port to escape immediate detection.

"5. That the culpable disregard of the plain requirements of law and of Treasury instructions prescribing the duties of naval officers, by said naval officer, and his continued neglect of official duty, are a primary cause of the immense defalcations of the late collector at New York."

Here, sir, is a charge made against this officer by the gentleman from Virginia. Where, sir, is this same Enos T. Throop? Has he been dismissed from the service of the country? No, sir! This man, who was proved to be incompetent to act as "*naval officer*," instead of being immediately discharged, as he would have been by any honest Executive, has been sent as Chargé to Naples. Unfit to discharge the duty of a subordinate in a custom-house, he is fully qualified to serve as a minister of this great nation at a foreign court. And the gentleman from Virginia, who so recently demanded his dismissal, lauds the Executive, and vows that this is a most virtuous and pure Administration, and tauntingly sneers at us as a fault-finding Opposition.

Again, sir, on page 105, the Committee of Investigation, after citing repeated instances of neglect in the Solicitor of the Treasury to discharge his duty, report:

"1st. That William M. Price, as district attorney, is a *defaulter* to the Government in a large amount.

"2d. That his defalcations are attributable to the notorious irresponsibility and want of character of said Price at the periods of his appointment and reappointment, and during his entire terms of office; *and to the continued neglect of the proper and efficient discharge of duties at the office of the Solicitor of the Treasury, by the late and present incumbents of that office.*"

Again, I ask the gentleman from Virginia has this officer been dismissed from the service of the State? Has the Executive discharged that duty, which the gentleman deemed so imperative when he signed his report? No, sir. This man who neglected his duty, violated his oath of office, and permitted an immense defalcation, has been sent as Chargé d'Affaires to Belgium! Neglect of duty is now the sure road to preferment. Let a man manifest palpable incompetency as Solicitor of the Treasury, and he is immediately made a foreign minister. I, sir, will not attempt to express my astonishment at the course pursued by the gentleman from Virginia. He proves that Mr. Van Buren has violated every trust reposed in him by the people, not only by continuing unfaithful men in office, but by *promoting* them for their misconduct. He then, most unexpectedly, becomes his champion and eulogist, and petulantly complains that we are over nice in our demands for correct Government.

Page 140, the gentleman is loud in his denunciations of Mr. Hoyt, collector at New York; thinks his conduct unjustifiable; and yet, sir, Mr. Hoyt is still collector; and the gentleman now preaches to us *passive obedience*. Page 70, we find the committee saying that,

"From the preceding evidence the committee report the following fact as established:

"That the late Comptroller of the Treasury, George Wolf, Esq., now collector of the port of Philadelphia, was guilty, while in said office of Comptroller, of culpable disregard of law and neglect of duty, both in regard to the bonds of collectors filed in his office, and the records thereof required by law; and in settling and certifying to the register the accounts of Samuel Swartwout, late collector, without having transmitted to him the vouchers therefore required by positive injunction of law."

I will tread lightly here, sir. This officer is now no more. But, sir, after this downright charge of "culpable disregard of law," made by the gentleman from Virginia, this officer, who had neglected his duty and violated all law, was appointed collector of customs at Philadelphia. Unfit to be Comptroller, he was fully qualified to superintend some hundreds of officers, and to receive millions of the public money annually.

Page 41. The First Auditor is denounced as negligent and incompetent. Yet now, not a word of complaint from the gentleman from Virginia; and all this "criminal neglect and official negligence," which in 1839 appeared to the gentleman so unjustifiable, so monstrous, is, in 1840, quite innocent, very excusable, and entirely unworthy of serious consideration. This is, indeed, a change of opinion. *Last year*, to denounce the Administration, sub-Treasury and all; *this year*, to support it warmly, and its darling sub-Treasury too. I know, sir, that with some politicians it becomes *necessary* to alter their opinions; and this change of the gentleman recalls to my recollection a passage I once read in one of Bulwer's works, in which the politic courtier finds it *necessary* to change his opinions in order to keep pace with the shifting policy of the Court.

"'Well! I have decided on my change of life,' said the lawyer, with a slight sigh.

"'So have I on my *change of opinion*,' chimed in the Earl. 'I will tell you what opinions seem to me like'—

"'What?' said Brandon.

"'Trees!' answered Mauleverer, quaintly. 'If they can be made serviceable by standing, don't part with a stick; but when they are of that growth that sells well, or whenever they shut out a *fine prospect*, cut them down and pack them off by all manner of means.'"

I, Mr. Chairman, shall not inquire as to the causes which led the gentleman from Virginia to this sudden, startling, and mysterious change in his political opinions. I am not even inquisitive or interested enough to inquire whether his former opinions shut out a *fine prospect*. It is sufficient for me to know that he has cut them all down. The reason is with himself. But, sir, he will excuse me when I say that I think it in bad taste for him to criticise too narrowly the ground we tread, when he so recently taught us that it was our duty to walk it fearlessly, as being the path of rectitude and honor. When the gentleman shall favor us with a clew to the labyrinth, the mazes of which he is threading, and shall give us something like convincing proof that he pursues its tortuous windings, not from personal aggrandizement or ambitious aspirations, then, sir, we may again, with indulgent eye, look upon his course. Until then, sir, the gentleman must excuse us if we look suspiciously on his advice, and distrustingly upon the position he has assumed. I will, Mr. Chairman, give one other extract from the report of the committee of which the gentleman was a zealous member, and then leave it to the gentleman to reconcile the opinions then expressed with his present course.

"But the important results which have been attained, notwithstanding the disadvantages adverted to, cannot fail to inspire the country with a confident hope that the high obligation which will rest upon the successors of the present Congress in the legislative councils of the nation, to resume and complete the great work of investigation and reform of the alarming condition and abuses of the Executive Departments of the Government, from the highest to the lowest, and from the nearest to the remotest functionaries, will secure the prompt and efficient attention which its magnitude demands.

"Guided solely by the character of the developments which the investigation imposed upon them by the House has elicited, the committee cannot resist the conviction, that at no period in the history of the Federal Government has there been deeper or better founded cause than exists at the present moment for every patriot heart to desire a prompt consummation of that signal '*task of reform*' *which public sentiment, many years since, inscribed on the list of Executive duties in characters too legible to be overlooked*, requiring, 'particularly, the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and *the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in* UNFAITHFUL OR INCOMPETENT HANDS.'"

We here read of the OBLIGATION which rests upon this Congress "*to resume and complete the great work of investigation, reform of the alarming condition and abuses of the Executive Departments of the Government*," and yet, sir, the gentleman has not only neglected to "resume and complete" the work he commenced, but has joined the party which permitted and countenanced these abuses, and now refuses to grant investigation. We also read, "*that at no period in the history of the Federal Government*" has there existed so much necessity for every patriot heart to rally to the rescue of the country; and yet, sir, the gentleman, instead of fighting under our glorious and bright banner of reform, has rallied under the black piratical flag of Van Burenism. Sir, said Mr. PROFFIT, I take no pleasure in criticising the course of any gentleman; I know the fallibility of human nature. I regret being compelled to show to my fellow-citizens the corruptions of their Government. I regret that this corruption exists. I am sorry that the necessity is forced upon me to take any thing like a prominent position in denouncing the conduct of the Administration. I know that a faithful discharge of duty will draw down the execrations and base calumnies of the Administration presses—our motives will be impugned; public course misrepresented; private character assailed; "life's life lied away." But, sir, I, for one, will pursue my course with the same defying spirit which animated the poet when he exclaimed—

> "As little as the moon stops for the baying
> Of wolves, will the bright muse withdraw one ray
> From out her skies. *Then howl your idle wrath!*
> While she still silvers o'er your gloomy path."

[Mr. PROFFIT then proceeded to defend General Harrison from the charges and insinuations made against him by Mr. HOPKINS, both in his speech and in his letter to Colonel Piper. Mr. P. read extracts from the speeches of General Harrison when in Congress, from his published letters. He referred to his votes to disprove the statements of Mr. HOPKINS. This part of Mr. P.'s speech will be published at some future day.]

BANKS OF THE DISTRICT.

REMARKS OF MR. BUCHANAN,

OF PENNSYLVANIA.

In Senate, July 16, 1840—In favor of the passage of the bill "to continue the corporate existence of certain banks in the District of Columbia."

Mr. BUCHANAN said he had hoped yesterday that he should not feel himself obliged again to address the Senate in relation to these District banks. He would not now utter one word upon the subject if it were not palpable that this bill to continue the corporate existence of these banks, after having yesterday been engrossed by a triumphant majority, was destined to-day to be defeated on its final passage. This was to be accomplished by a union of the two extremes. The enemies of a speedy resumption of specie payments would combine in their votes with the friends of an exclusive hard money currency; and we, who are in favor of moderate measures, must certainly be in the minority.

For my own part, said Mr. B. I never considered this as a question involving any great general principles. I was, therefore, entirely willing, as my votes will show, to continue the existence of these banks for a short period, and until we could establish a new bank or banks for the District upon any reasonable terms. Senators have, I think unjustly, treated this question as if it were a proposition to extend these charters during a considerable period of time, when it is nothing more than a mere temporary measure, justified by the existing peculiar circumstances of the District. These banks, as banking institutions, are already dead. Their charters all expired on the 4th day of July; and Congress have already passed a law providing for the manner in which they shall wind up their affairs.

Now, sir, what is the bill before us? We propose to continue their banking privileges until the 4th July, 1841, and no longer;—immediately, in favor of those which have already commenced the payment of specie, and at any time within sixty days, in favor of the remainder of them, if they shall resume within that period. These banks, under the present bill, can entertain no hope that their charters will ever again be extended. The present Congress will expire on the 4th day of March next, and their banking privileges will expire on the 4th day of July following, when Congress will not be in session. This will be the last limit of their existence; and from and after that day they must commence winding up their affairs under the act which we have already passed.

In addition to this, the bill restricts them during this short period, from paying out any notes except their own; renders the president, directors, and stockholders, liable to the amount of their stock for debts hereafter contracted; and prohibits them from

declaring any dividend whilst in a state of suspension, should that again occur before the 4th day of July next.

Under all these restrictions, I confess I cannot feel the force of any argument against this bill, founded upon the principle that these terms are too favorable to the banks. I can never refuse to vote in favor of this measure on any such principle.

As a practical man, I can have no difficulty in giving this bill my support. We are now legislating for a small district of ten miles square, carved out of Maryland on the one side and Virginia on the other; and what is unfortunate, the charters of all its six banks have expired on the same day. In what situation am I then placed? I know nothing of these banks; care nothing for them, except the general good will which I bear to the people with whom I have been long associated; and shall certainly never receive a favor from any one of them. I believe, from the report of the committee in 1836, that some of them have behaved badly. But, after all, I must be governed in my vote by the peculiar circumstances of the case. Alexandria is a city which exports largely, and where the farmers of the valley of Virginia send their produce to market. Georgetown is in a similar situation. As to the city of Washington, I confess I can see no reason why it should have a large banking capital. But here we are, acting as the local Legislature of this small District; and is it right at once to deprive these people of all banking privileges? I think not; and I shall most cheerfully extend these privileges to the existing banks one year longer. Now let us suppose that the State of Maryland, or the State of New York, or any other State, were placed in a similar situation. Suppose it had so occurred that every bank charter in any State had expired at the same moment. Would the Legislature of such a State (no matter how hostile it might be to the banking system generally) determine that all these banks should at once be compelled to wind up their affairs, no matter how prejudicial it might be to the community? Even those who are hostile to all banks, which I am not, ought to adopt no sudden and violent course which might produce disastrous consequences to the people, in accomplishing their object. Two years ago I was not in favor of extending these charters. I should at that time have greatly preferred the establishment of a new bank; but as this was then deemed impracticable, on account of the suspension of specie payments, I yielded to the necessity of the case, and voted for the bill of the Senator from Missouri, [Mr. BENTON,] because I regarded it as the less of two evils. It is now admitted by all, that during the short remainder of the present session, we cannot establish new banks, and I am willing to adopt a similar course for the very same reason by which I was actuated on that occasion. I am not prepared to say to the merchants of Alexandria and Georgetown, who have been in the habit of purchasing flour, corn, and tobacco, from the surrounding country, we will cut you off at once from bank accommodations, and you shall not have your usual loans for making these purchases. Now, if I could have regulated this matter for myself, without the interference of the banks, I should have extended these charters for a year; and without sanctioning the suspension of specie payments, I should have prohibited them, whilst in a state of suspension, from paying out any except their own notes, and from making dividends; and I should have afforded to every note holder, who desired to recover specie, with the twelve per cent. interest to which they are subject, the most prompt and efficacious remedy to enforce his claim. Whilst I should have been willing to adopt this course, I could never have voted for the amendment of the Senator from Maryland [Mr. MERRICK] sanctioning their suspension of specie payments for so long a period as until the 15th January next, or until the banks of Baltimore and Richmond might think proper to resume. But the District banks have made the law for themselves. Several of them have declared both their ability and their willingness to resume specie payments immediately; nay, some of them have actually resumed; and thus, by their own conduct, they have prevented me from voting for any extension of their charters except upon the express condition that they shall be specie paying banks. When they themselves say they are ready and willing to resume, how can any person expect me to answer: "You are neither ready nor willing, and you must have time for this purpose." I am forced to take them at their word; and never shall incur the responsibility of advocating a protracted suspension of specie payments against the solemn declaration of the banks themselves.

I am, therefore, prepared to extend these charters for one year; not to benefit the banks, but for the purpose of placing the people of this District, so far as I can, on an equal footing with the people of Virginia and Maryland, by whom they are surrounded.

If you should not pass this bill, I shall venture to predict that in less than a fortnight bank agencies will be established in this District by suspended banks in Philadelphia, Baltimore, and Richmond, and you will thus be instrumental in establishing a much greater evil than that which you are now desirous of preventing.

I have witnessed in the course of my legislative career some strange things; but I confess I have never been more astonished in my life than at the course this bill has taken. It will be defeated by a most marvellous union of hostile elements. Those who, with my friend from Mississippi, [Mr. WALKER,], are friendly to an exclusive metallic currency, will vote against it; and those who, I might say, are in favor of an irredeemable paper currency, will also vote against it; and therefore it must be rejected.

And why should any Senator who is not opposed to all banks in all forms, vote against this bill? It contains no compulsory feature, but leaves the banks entirely free to exercise their own discretion whether they will accept its terms or not, and allows them sixty days to make this decision. If they should not accept the terms proposed by the bill, they will then remain in precisely the same condition they are at present.

That all the banks in this District, with a single exception, will accept these terms, I entertain not a doubt; but whether or not, I think we should pass the bill, and impose the responsibility of rejecting it upon them, instead of assuming it ourselves. I was called out of my seat yesterday by a gentleman who stated to me that the banks, or a majority of them, were not only willing, but anxious to accept the present bill, and desired me to state this fact to the Senate. I informed him that I should make no such statement founded merely on a private conversation; that the terms of this conversation might be misapprehended by either of us at the present time, or might be forgotten at a future day; and it was, therefore, always dangerous to rely upon verbal communications upon important subjects: that if the banks really desired that this bill should pass, and their wishes were made known to me in a written official form, it would afford me great pleasure to make them known to the Senate. This gentleman then left me, and in a short time returned and placed in my hands the written declaration of three of the presidents of these banks, which I shall now read. These declarations have been written at the end of a printed copy of the bill itself, and are as follows:

The above bill is certainly better than none. Some of the provisions are very harsh. I prefer this, however, to having no bill.

W. A. BRADLEY,
President Patriotic Bank.

I concur in the above, preferring that the third section should be stricken out, as unjust and injurious to stockholders. We at this institution would decidedly prefer this bill to having none. Bank of the Metropolis, 15th July, 1840.

JOHN P. VAN NESS, *President.*

I concur in the view of the bill, as stated by Gen. Van Ness.

J. KURTZ,
President Farmers and Mechanics Bank of Georgetown.
Georgetown, July 15, 1840.

In addition to these declarations, a letter from General Van Ness was handed to me this morning by a gentleman with whom I am not acquainted, which I shall also read. Here Mr. B. read the following letter:

WASHINGTON, July 16, 1840.

The Hon. JAMES BUCHANAN:

DEAR SIR: Five of the presidents of the banks of this District met this morning. Three of them agreed according to the enclosed paper, signed by them. The other two expressly pledged themselves not to oppose or object to the passage of the bill; and if it could be so amended as to strike out the third section, it would then be satisfactory to them also.

With high consideration,

Your most obedient servant,

JOHN P. VAN NESS,
President of Bank of Metropolis.

A duplicate of the above, and of the within, have been sent to Mr. Merrick.

The paper to which General Van Ness refers, is one similar in its character to those which I have already read from the three presidents of the banks; and therefore I shall not trouble the Senate by reading it.

Now, sir, the responsibility of accepting or rejecting the present bill, is to be removed from the banks. They are not to be permitted to decide this question for themselves; and for what reason? The Senator from Maryland [Mr. MERRICK] has declared that he will not permit these banks to commence the payment of specie, because this would prove oppressive to the people of the District, and "I will not," says he, "go for it, even if the banks want it." I quote the very words of the Senator.

[Mr. MERRICK here explained; but the Reporter has taken no note of the explanation, and cannot furnish it from memory.]

Mr. B. resumed. I understood the Senator perfectly; and shall in a few moments speak of the points to which he refers. But the facts are these, and I wish that the attention of the Senate and the country may be fixed upon them. There are three of these banks willing to accept the bill as it now stands; and two of the others, which have voluntarily pledged themselves not to oppose or object to its passage, and have declared, that if the third section could be stricken out, it would then be satisfactory to them also; and, notwithstanding, the Senator says: "I will not go for it, even although the banks want it." I surely state his proposition fairly.

We have now reached a new point in this war of the money power against the people. Hitherto, unfortunately, my controversy has been with those of my own political friends, such as the Senator from Mississippi, [Mr. WALKER,] who are exclusive hard money men; but the question now distinctly presented, and which no human ingenuity can change, is between the advocates of a redeemable and the advocates of an irredeemable bank currency. This is the question, and the Senator from Maryland [Mr. MERRICK] cannot escape from it. On this subject he is so extravagant that he refuses even to permit the banks to judge for themselves whether they are now able, or shall be able within sixty days, to resume specie payments. It is the terrific idea of bank resumption, under this bill, which has so alarmed the Senator, that he opposes it, whether the banks themselves are willing to resume or not. He will not consent to place this question at their own disposal.

We have truly reached a new crisis in this important contest. In every case heretofore, the banks have always urged an extension of the time for resumption, and have always declared their inability to resume at an earlier period than they themselves had indicated; and, unfortunately, the State Legislatures have generally yielded to such suggestions. This is the first instance in the history of the country where the banks have been willing to accept an extension of their charters upon the condition of immediate resumption, and the legislative body has interposed its veto to prevent the banks from redeeming their obligations in gold and silver. We say to them, in effect, "You are too reckless in regard to your own interest and that of the community, in undertaking to pay your honest debts, and it is necessary that we should repress your ardor. Such a course would prove so injurious to the people of the District, that we shall compel you at once to wind up your affairs altogether, rather than grant you an extension of your banking privileges on any such terms."

Suppose this question could be transferred to the Legislature of Maryland, what do you suppose would be the result? One half of the banks in Baltimore, and throughout that State, come forward and offer to accept an extension of their charters, on the express condition of immediate resumption. They say, we are both able and willing to pay specie. Would any State Legislature in the Union, under such circumstances, say to them, you must not adopt this destructive measure? Although

we desire to extend your charters, yet it is better that you should be destroyed altogether, as banking institutions, than to grant you the dangerous permission to resume specie payments whilst the surrounding States, and one half of the banks in this State, still continue suspended. Should you pay your debts in gold and silver, as the Constitution and the laws require you to do, you will entail misery and distress both upon yourselves and the people. Are not the two cases precisely parallel? The distinguished honor has been reserved for Congress of refusing to the banks the permission which they ask to resume specie payments.

I had always supposed that one of the greatest calamities which could be inflicted upon the people of any country, was that of being cursed with floods of irredeemable paper, banishing gold and silver altogether from circulation. This has never been justified by statesmen or politicians, except on the ground of absolute, uncontrollable, irresistible necessity. But here no such necessity exists, because three of these banks have not only already resumed the payment of specie, but have declared to the world their willingness and their ability to continue to redeem their notes in gold and silver; and it is evident that the two banks in Alexandria will resume before the end of sixty days, should the present bill pass.

What is the true cause of this extraordinary proceeding? I think there will not be much difficulty in conjecturing. It is an attempt (and I mean neither to charge nor insinuate any thing improper against the Senator from Maryland) to carry the principle into practice here which produced the present suspension of specie payments throughout a large portion of the Union. It is an attempt to play the game over again upon a small scale, which was played upon a large scale in favor of the Bank of the United States. In order to save that Bank from immediate bankruptcy and ruin, the people of this country have been compelled to submit to a suspension of specie payments ever since October. The strong banks voluntarily reduced themselves to the same level with the Bank of the United States; and they suspended simply because that Bank could no longer continue to pay specie.

At the commencement of the suspension under which we are now suffering, there was no foreign demand for gold and silver. The rates of foreign exchange were not against us. There was no drain of specie from this country to Europe. Every thing in the State of Pennsylvania was calm as a summer's morning; and the suspension surprised us as much as a clap of thunder from a cloudless sky.

At the meeting of the banks in Philadelphia, nine voted against the suspension, whilst five only, including the Bank of the United States, voted in its favor. In the face of this vote, that Bank suspended on the next morning, and in order to save it from immediate ruin, all the other banks followed its example, and were willing to share its fate.

The Bank of the United States, instead of preparing for a speedy resumption, by contracting its issues, took advantage of the suspension, for the purpose of expanding them. The Senator from Missouri [Mr. BENTON] has informed us that it sent its agents throughout the West loaded with its irredeemable notes, for the purpose of capturing the specie with them. Such was its miserable condition, that it was compelled to obtain specie in this manner to send abroad for the purpose of paying its foreign debts. The notes of this Bank became the chief medium of circulation in Philadelphia and throughout many portions of the country. The other Philadelphia banks, after having suspended to save it from bankruptcy, could not discredit its notes by refusing to receive them on deposite, and in payment of debts. In this manner it soon became so largely indebted to them, that, although they were not under the necessity of suspending specie payments at the first, they were soon reduced to such a condition that they could not have resumed had this been their desire. The Bank of the United States, by the process which I have just described, had reduced them to its own level, and placed them in such a situation that they could not resume until it should be able to pay the balances which it owed them in specie. Thus the country suffered and the bank was saved.

Now how does this statement of facts apply to the present case? There is but one bank in this District which is opposed to the passage of the present bill; and I do not intend to make any insinuation against its eventual solvency. Far from it. It has expanded its issues to such an extent that, unlike the other five banks of the District, it is unable at the present time to resume the payment of its liabilities in specie. I cannot ascertain to what extent it has expanded, because we have no recent return of its condition before us; but so far as my information and observation have extended, its notes constitute a very large portion of the circulation in this District. In that respect it bears a close resemblance to the Bank of the United States in Philadelphia. In my opinion, it is to save the character and credit of the Bank of Washington that the other banks will be refused the power of accepting a charter on the condition of resumption; just as it was to save the Bank of the United States from immediate bankruptcy that the other banks of Philadelphia consented to combine with it in suspending specie payments. The interest of the country was disregarded in order that this Bank might be preserved.

It is this spirit of combination among the banks which is one of the worst evils of our present very imperfect banking system. The object of these combinations is never to elevate the weak banks to the level of the strong, but always to reduce the strong to the level of the weak. This evil can only be corrected by an instantaneous, absolute, and irreversible forfeiture of the charter of any and every bank which shall hereafter suspend specie payments; and by placing them at once in the hands of commissioners for the purpose of winding up their affairs. The instinct of self-preservation will then counteract this spirit of combination, and prevent the strong banks from suspending specie payments in order to accommodate the weak. The other advantages which would follow the adoption of such a provision, I shall not now undertake to enumerate.

Congress have now presented to them, by a strange concurrence of circumstances, a most favorable opportunity of expressing their opinion emphatically upon the subject of these combinations. By passing this bill, we can now offer to all these banks an extension of their charters, upon condition that they shall resume specie payments at any time within sixty days. Three of them certainly, and two of them probably, will accept these terms. Ought we, then, to be deterred from granting this charter by an apprehension that the Bank of Washington may not be able to comply with its terms? I hope it may be; but if it should not, it would be flagrant injustice to punish those banks which have conducted their business wisely and prudently, by refusing to grant them a charter, simply because one other bank has placed it out of its own power to embrace the provisions of the bill. Thus, to save the Bank of Washington, the people of this District will be doomed to a protracted suspension of specie payments, just as the people of the Middle, Southern, and Western States have been doomed to suffer the evils of suspension, to save the Bank of the United States from destruction.

But the Senator from Maryland is not willing to trust the banks themselves with this dangerous prerogative of paying their debts to the community on demand, according to the term of their contracts. To permit the banks to resume would, he contends, compel them to oppress their debtors. Now let us examine this objection, and ascertain whether there is any force in it. And first, let us suppose that it should compel them, in some degree, to bear hard upon their debtors, (which I do not believe,) would this be a good reason for preventing these banks from redeeming their notes in specie? The banks exercise the sovereign power of issuing paper money; and this paper money is almost the only currency in use among the people. No man in any kind of business can refuse to receive it. It is forced upon him by the circumstances of the country; and he must accept it, whether he will or not. Besides, this privilege of issuing paper money is a source of great profit to the banks. Now if there be a conflict of interests between the noteholders and the debtors of these banks, which of these two classes is entitled to our most favorable regard? The noteholders are by far the most numerous. They have been compelled to receive these bank notes as money, in the course of their business. They derive no profit from the banks. The depreciation of the notes which they held at the time of suspension was a dead loss to them. On the other hand, the debtors of the banks have received accommodations from them, which have enabled them to do a profitable business, or to embark in profitable speculations. Many of them are stockholders in these very banks. Under such circumstances, I would go for the community who hold the bank notes rather than for the men who have received bank favors. I should compel the banks to redeem the currency which they have put in circulation, even if it should force them to exercise some degree of severity in the collection of their debts.

But I emphatically say that the resumption of specie payments, under the provisions of this bill, would not compel the banks who are willing to accept its terms, to oppress their debtors.

And, in the first place, all the deposites which they have received in any bank paper except their own, since the date of the suspension, have been accepted by them under a special agreement that these deposites should be paid in similar bank paper. The present bill recognises this agreement; and thus the whole amount which they have received on deposite in irredeemable paper is at once wiped away, without the payment of a single dollar in gold or silver. Thus their whole deposites—and these are generally the heaviest item of bank liabilities—will give them no trouble. They will not be compelled to oppress their debtors for the purpose of paying their depositors.

Then, in regard to their bank notes now in circulation. These banks have already enjoyed the benefit of a nine months' suspension. Some of them have been curtailing their issues, and contracting their business, and thus preparing for resumption. Three of them, at least, can pay specie for all their notes in circulation, even should the whole amount be demanded, which is not probable, and have a large surplus of gold and silver left on which to transact business. The most which can be said is, that they may not probably be able to grant many new accommodations to the public. Most certainly they will not be compelled to oppress their debtors for the purpose of raising specie to pay their noteholders. Besides, when we consider those debtors are in a great degree their own directors and stockholders, we need not fear that they will be oppressed without necessity.

But let me ask the Senator another question. Will there be any run made upon these banks by their noteholders after they shall have resumed specie payments? Does not every person perceive that the moment these notes are raised to the specie standard, and public confidence in the ability of the banks to redeem them is restored, all brokerage upon them will cease? Who buys the notes of the specie paying banks of New York? Make bank notes equivalent to specie in the public estimation, and the noteholder, unless for purposes of change, will never ask gold and silver from the banks. After he has tested their ability and willingness to pay, and has loaded himself with the silver received in exchange for the notes, he will be very glad to take the weight from his back, and re-exchange it for these very bank notes. This feeling is strongly illustrated by an anecdote which I heard from an officer of one of these banks. He told me that, since they had resumed, an individual had entered the bank and demanded specie for several hundred dollars of their notes. These notes were promptly redeemed in silver. The man was thus satisfied that the notes were as good as the specie, and before he left the bank, he voluntarily returned the silver, and asked and received in exchange for it the very notes which he had brought to the bank.

There will, therefore, be no conflict of interest whatever between the debtors of such banks as shall accept the provisions of this bill, and of the

community which requires a speedy resumption of specie payments.

But the Senator from Maryland says that it would be a great hardship on these banks to be prohibited from paying out the irredeemable notes of other banks. But does not the Senator perceive that if they were permitted to do this, their resumption of specie payments would be no more than a mere empty name? If they could transact all their business with the notes of non-specie paying banks, they would withdraw their own notes entirely from circulation, and leave the people of the District in a worse position than they already occupy. This would be merely a substitution of foreign irredeemable bank paper for the present paper currency of the District banks. If there must be an irredeemable currency in circulation, it is better, far better, that it should consist of the notes of these banks, with which the people are familiar, and in which they have confidence, than of foreign paper. Again, if any noteholder desires to exercise the right of compelling the banks of the District to pay specie for their notes, together with the twelve per cent. interest to which they are liable, he can do this at home; but if he holds a foreign note, the expense and trouble of a lawsuit with a distant bank will always prevent him from thus enforcing his rights. One of the greatest evils attending the present suspension of specie payments is, that the banks generally, as a matter of policy, pay out the notes of foreign banks instead of their own; and thus bank notes are made to circulate every where more extensively than at home.

But although this bill prevents the banks from paying out any notes except their own and the notes of other specie paying banks, it does not prohibit them from receiving the notes of suspended banks in the payments of debts. This, in justice, they ought to do, whenever these notes are offered in payment of loans which were made in irredeemable paper; and this, in most instances, they would be glad to do whenever notes of the solvent banks of Baltimore or Richmond are offered in payment of individual debts. But I am asked, what use could the banks make of these notes, unless they were permitted to pay them out at their counters? I answer, they can send them home to Baltimore or Richmond, deposite the amount to their credit, and draw drafts upon it in payment of the debts which they may now owe to foreign banks in a state of suspension. If there be still a balance in their favor, they can demand interest for it; and if they do not think proper to enforce payment at present, they will receive both the principal and the interest upon the general resumption of specie payments. The District banks can, I have no doubt, get along very well for themselves under this bill, whilst they will greatly benefit the community.

But the Senator from Rhode Island [Mr. DIXON] says, we might as well attempt to incorporate the paupers of the District on the condition that they should pay specie, as to pass the present bill. As well attempt to incorporate the paupers as these banks, who are now able to redeem their outstanding notes, and have a considerable surplus left in gold and silver! This is a wonderful proposition.

But he is also opposed to the bill because he believes that these banks will again suspend specie payments within the year during which we propose to prolong their existence, and in that event he thinks it wrong to deprive them of the power, as this bill does, of declaring dividends. But is it unjust to deprive banks of the power of dividing profits among their stockholders whilst they refuse to pay their honest debts? No, sir: no. Under such circumstances they ought to be compelled to husband all their resources in order to bring about the most speedy resumption. They ought first to be just towards their creditors before they are permitted to be generous towards themselves. The stockholders, who receive all the profits of banking, ought to suffer rather than those to whom they honestly owe money. The bare statement of the proposition is a sufficient answer to the Senator from Rhode Island.

Now in regard to the great stumbling block which appears to stand in the way of the two banks in Alexandria, and prevents them from yielding their cordial assent to the provisions of this bill—what is it? The third section of the bill renders the stockholders of all these banks individually responsible, to the amount of their stock, for debts hereafter contracted during the period they may remain stockholders. This, I am informed, is already the law of South Carolina. It ought to be the law every where: and although I care nothing for this provision in the present bill, which is a mere temporary measure to endure but for a single year, yet in my own State, with my consent, no new bank shall ever be incorporated without a similar provision. What, sir, shall the stockholders, who have enjoyed all the privileges and profits of prosperous banking, be permitted to say to the poor man who has been compelled to take their notes, our bank has been so badly managed that it has now become insolvent, and we shall keep all we have got, whilst you shall receive nothing? This individual responsibility of the stockholders to the noteholders is one of the essential reforms required in our banking system. Its effect would in the end prove as beneficial to the banks themselves as to the community. If the stockholders were responsible, you would probably never witness another suspension of specie payments. It is they who elect the directors, and if responsible individually for the notes issued, they would take care that the bank should be conducted in such a prudent manner as to keep themselves out of danger. Self-interest would thus be interposed to secure the public. But what is the case now? Every thing is conducted at hap-hazard. The stockholder knows that he can never be made individually liable for the payment of the notes issued by the bank. He is therefore satisfied if he can get his eight or ten per cent. per annum in dividends, with an occasional contingent dividend of fifteen or twenty per cent. and he pays no attention to the management of the institution. But let self-interest bring the question home to his own bosom, and he will be vigilant and cautious, and his whole conduct will be changed. Most certainly if a loss is to be incurred, it ought to fall upon those who have a direct control over the management of the bank and receive all its profits, rather than upon the innocent individual wholly disconnected from it, who has taken its notes in the course of his honest business.

I might remark, in regard to this provision of the bill, that in practice it would prove to be mere *brutum fulmen*, with which the banks of Alexandria ought not to be terrified. It is only the declaration of a general principle which can never be carried into execution without minute and carefully guarded legislation, in which the present bill is singularly defective. If this bill were not merely intended to subserve a temporary purpose, it ought never to pass without many amendments. It not only omits essential provisions which ought to be inserted in any new bank charter, but the salutary principles which it asserts can never be carried into effective execution under its present provisions. The late hour of the session, and the hasty manner in which it has been got up, and the very short period during which it will exist, must be the justification for its imperfections. It is certainly the only bill which can now pass; and although I have manifested my willingness to accord to the banks more liberal terms, I have no doubt that every bank in the District, with perhaps a single exception, will gladly embrace its provisions, before the end of sixty days. Why should we refuse them the option?

I need not now reiterate what I have over and over again repeated on this floor, at successive sessions, ever since the question first arose, that I am opposed to an exclusive metallic currency, and that I support the reform and not the destruction of the banks. I desire to restrict them in such a manner as to convert them into useful agents of the people, instead of destroying them by their successive expansions, and contractions, and suspensions. I cherish the hope that, ere long, the State of Pennsylvania, which owes much to her sister States for the mischief she has done them by rechartering the Bank of the United States, will set an example worthy of their imitation, by controlling and reforming her banks in such a manner as to make them blessings, instead of evils, to the whole country.

SPEECH OF MR. SMITH,
OF INDIANA.

In Senate, February 12, 1840—On the Report and Resolutions relative to the assumption of State Debts.

MR. SMITH said: On the 3d day of March, 1829, Mr. President, the Administration immediately preceding the last terminated its legal and political existence. On the next day, in the presence of many of us, and of the assembled multitude, on the east portico of the Capitol, President Jackson delivered his inaugural address, and took upon himself the administration of public affairs. In that address will be found this language: "As long as our Government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and property, liberty of conscience and of the press, it is worth defending." Political truths worthy of all acceptation, and should be remembered by every American citizen. They breathe the spirit of our institutions, of freedom, of liberty, and the rights of the people, to every word of which Mr. S. heartily gave his assent. At the meeting of the next session of Congress, in the winter of 1829, after President Jackson had had the season to cast his vigilant eye over the country, to examine the operations of the policy that had preceded his administration since the foundation of the Government, and to ascertain the condition of the country in its various interests, in his annual Message he says:

"The public prosperity is evinced in the increasing revenue arising from the sales of the public lands, and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year."

This was the first official recognition, on the part of the President, of the prosperity of that country which he had received at the surrender of the previous Administration. It was made at a time when he could look over the whole ground, and after he had had full time to become well acquainted with the matter. Previous to this period, it will be remembered that the whole policy of the Government had passed in review before the party that had just come into power; and what of evil and what of good that had transpired in the policy of the Government from its foundation was before the new Administration, of which President Jackson was the chief, and the only responsible exponent of its views. Nor can it be presumed that he would, under the circumstances, have conceded to his predecessors and their policy the merit of having left the nation in a state of "public prosperity," unless such had been the fact.

Mr. S. said he would rapidly glance over the policy of the nation previous to the administration of President Jackson; not for the purpose of entering into an argument to sustain or deny the correctness or incorrectness of the measures to which he should refer—all that ground of controversy had been fully explored and discussed again and again, and he should enter into no controversy about them now; they had passed and gone by. He did not propose to bring them back, except as facts that had transpired, and were known to all. This Government had, at a very early period, adopted a course of policy that recognised a currency composed of paper and metals, or what is denominated a mixed currency, used by the Administration as well as the people. The policy of sustaining national and individual credit was openly advocated and defended from the earliest period of our national existence, and was at all times recognised by all political parties. The fiscal operations of the nation were carried on in the same kind of currency, through the instrumentality of a National Bank, for about forty years of its existence, during all of which time, while those operations were progressing, not a dollar was ever lost to the Government through that fiscal agent; nor did it cost the Government one cent to collect and disburse her revenues in the different parts of the nation. On the contrary, she received a large bonus for that privilege, and the use of the deposites. The exchanges between the different parts of the country were maintained at from one-half to one per cent. The national debt was reduced to a small amount, which, under the operation of the sinking fund, was soon afterwards extinguished. The ordinary expenses incident to an administration in usual times were about thirteen millions of dollars. Works of internal improvement, of a national character, were sanction-

ed; harbors and rivers were cleared out, commerce protected, and the national arm of defence, both land and naval, was honored and encouraged; manufactories had sprung up, and, by moderate protection, had been enabled to start fair, to maintain a competition in our own markets with the foreign manufacturer; while the duties imposed operated in the character of protection, and, at the same time, afforded the means of raising a revenue to support the Government. The nation, under this policy, had marched, with strides unparalleled in the history of the world, towards its destined greatness. President Jackson could do no less than acknowledge all this when he received the charge of administering the Government from his immediate predecessor. It is true he spoke of some reform which he thought necessary; but, as to the general prosperity of the nation, he bore willing testimony. The banks were neither numerous, nor the paper money and specie combined too much in quantity for the business of the nation, in the opinion of any body. Thus stood the matter, as acknowledged by President Jackson himself; and none, surely, will refuse full credence to his statement.

The Government was administered by the late Administration for eight years. In some respects, the policy of the preceding Administration was materially changed; amongst which may be named the change in the financial policy. The Bank of the United States was broken down. The State bank system was resorted to; the vacuum created by the withdrawal of the United States Bank capital and currency was filled to order by the State banks. The destruction of the United States Bank, the withdrawal of the public deposites from that institution, the selection of the State banks as fiscal agents, and all the consequences resulting from this policy in the increase of the circulation, the high prices, the great sales of the public lands, the increase of the public revenue, the stimulus to commerce and speculative action, were justly attributed to that Administration and its policy. Whether for good or evil, politicians might, and honestly did, differ in regard to them. That was a controversial ground that it was not the purpose of Mr. S. to tread; his object was not to cast censure, but to state facts, and to give the credit of that policy and its consequences to the Administration that was justly entitled to it. He had his opinions of the policy, and he had freely stated them on other occasions; he would not repeat them now. The administration of President Jackson, with its fruits, will, for good or evil, form a prominent epoch in the history of the country. Whatever might be the opinion of others, it was not for the present Administration and its friends to condemn the preceding one. Mr. S. should rely upon the testimony which he was about to produce to the Senate, to prove that, at the time of the out-going of the late, and the in-coming of the present Administration, the country was in a high state of prosperity. And he should charge the present Administration with the receipt of a people in that prosperous state, and hold it responsible for the maintenance of that state of affairs.

On the 3d day of March, 1837, the administration of President Jackson ceased. The prominent part he had taken in changing some part of the policy of his predecessor, impressed his mind with the propriety of following the example of the Father of his country, and leaving for the benefit of the nation a farewell address, in which it must be supposed he breathed a spirit of truth and candor which an ordinary State paper might well imitate. It was his farewell address to his people, his dying political legacy, in which he would most certainly "nothing extenuate, nor set down aught in malice." It was to some short extracts from that memorable legacy Mr. S. desired to call the attention of the Senate. Mr. S. then read the extracts:

"My public life has been a long one, and I cannot hope that it has at all times been free from errors. But I have the consolation of knowing that if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust, *I leave this great people prosperous and happy*, in the full enjoyment of liberty, and honored and respected by every nation of the world."

"The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been beyond all former example in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comfort and convenience of man; and from the earliest history to the present day, there never have been thirteen millions of people associated in one political body who enjoyed so much freedom and happiness as the people of the United States."

Such, Mr. President, is the evidence furnished by the late President Jackson of the condition of the country when he surrendered the reins to his successor. How does this testimony correspond with the speech of the Senator from South Carolina? (Mr. CALHOUN.) He charges the present condition of the country to the tariff of 1828. Mr. S. said the Senator had not relieved the present Administration from the difficulty of being instrumental mainly in bringing the nation to its present state of embarrassment; for, if he will look to the ayes and noes on the passage of that bill, he will find who supported it. Would he not find President Van Buren of the number? But the tariff of 1828 had gone into operation and performed all its mischief, if such was its effect on the country, long before the solemn declarations of President Jackson which Mr. S. had read.

The Senator from Pennsylvania (Mr. BUCHANAN) had traced our embarrassments to the Bank of the United States. But it will be remembered that that bank had ceased to act, and had no connexion whatever with the Government, long before the date of the farewell address of President Jackson.

The Senator from Missouri (Mr. BENTON) attributes the state of public affairs to the paper currency and expanded credit of the country, and seeks relief in a hard-money circulation alone. But did not that Senator admit that all the prosperity of the country had arisen under a mixed currency from the foundation of the Government? Did he not see that, if it was an excess of paper that produced the distress in the country, and the derangement of the currency, no such excess was known during the Administration preceding that of President Jackson? And did he not see that all the excess or redundancy in the currency of which he complained had taken place, and was in full blast, anterior to the parting declaration of President Jackson, when he declared to the world that he left "this great people prosperous and happy?"

Mr. S. said he was apprized that, under the strict rules of evidence, the present Administration could not be charged with having received a nation of prosperous and happy People upon the mere statements of President Jackson that it was so at the time he delivered it over, notwithstanding the fact that the counsels of the out-going and the in-coming President were intimately associated. And that Mr. S. might not be said to place the matter exclusively on that ground, he would read an extract from the inaugural address of President Van Buren, delivered on the 4th day of March, 1837, and which appeared next morning stitched up with the farewell address of his predecessor. Mr. S. then read the following extract:

"At home, while our Government quietly but efficiently performed the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of *human prosperity* surely not elsewhere to be found."

Did the in-coming President deny the truth of the statement of his predecessor? Did he say that the tariff of 1828 had injured the country? Did he say, as was contended by the Senator from Ohio (Mr. ALLEN) on yesterday, that the policy of the early financiers and statesmen had cankered the institutions of the country, and paralyzed the prosperity of the nation? Did he contend that, owing to the fact that we had not observed the hard-money doctrines of the Senator from Missouri, (Mr. BENTON,) our prosperity had been blighted, and our energies paralyzed? No such thing, Mr. President; no such thing. He openly, before the assembled multitude, acknowledged the truth of the prosperous condition of the country, the administration of which he was about to take upon himself, and signed the receipt for it which had been read—"*We present an aggregate of human prosperity surely not elsewhere to be found.*"

Mr. S. said he hoped Senators would be satisfied with the condition of public affairs, as declared by both these distinguished individuals at the time the present Administration came into power; they certainly would not attempt to discredit these illustrious witnesses, nor deny the authenticity of the papers which he had read. What had he proved in the case, and what had he disproved? He had proved by President Jackson that at the time he delivered his farewell address he left "this great people prosperous and happy." What else? Why, that, under the policy of the country from its first organization, "the progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the Republic; our growth has been beyond all former example in numbers, in wealth, in knowledge, and all the useful arts." And he had disproved the charges made against the previous policy of the country. He had shown that it was under that policy that the country had prospered beyond any country in the world. He had proved that the present incumbent had received from his predecessor a nation in the highest state of prosperity, without a national debt, and at peace with all the world. All this he had proved by their own statements; but he would not stop here. He would ask Senators to glance at the state of the business of the nation—of the currency of the nation; at the enterprise and general evidence of prosperity of the nation at the time the present Administration came into power. Mr. S. would speak so as to be understood by all who might do him the honor to read his remarks. At the time alluded to, the manufactories of the nation were doing a fair business; commerce was prospering; the national Treasury was filled; the farmer received a fair price for his produce; wheat in the west one dollar and upwards per bushel; flour six dollars per barrel; pork six dollars per hundred, and all other kinds of produce in proportion; State improvements were rapidly progressing; individual enterprise was every where visible; commercial transactions were carried on with facility and convenience; the laboring classes of society had plenty of employ at good wages; the exchanges of the country were at about one per cent. between the East and the West; money was plenty and interest low. Such was the state of the country at the period of the surrender by President Jackson of the direction of public affairs. Mr. S. said he was apprized that it was said that all this was an unnatural, diseased state of the nation, its finances, and its business. To this he would merely reply, that his object was to present the facts, and not to discuss these controverted questions. He would say, however, to the objectors, that if all this evidenced disease in the affairs of the nation, that disease had been brought upon her by the late Administration to a great extent. It was enough, however, for the purpose of the argument he intended to address to the Senate, that the country was not viewed as diseased by President Jackson, or received by President Van Buren with the least intimation to the people that there was any disease preying on the vitals of the national prosperity. He therefore felt justified in taking these distinguished individuals at their word, and charging to the policy that had been pursued the misfortunes, embarrassments, and distress under which the whole country and its business labored. How stands the case? How stands the prosperity of the people now? What is the state of the monetary affairs of the nation? What the commercial? What the manufacturing? What the farming? What the laboring? What the mechanical? The State improvements? Let each of these interests in the country answer the question.

Sir, (said Mr. S.) Senators could theorize beautifully. He had heard the Senator from South Carolina (Mr. CALHOUN) with that interest which the Senator always gave to the subjects he discussed. He theorized and generalized with great effect; but still it was but theory and generalization. That Senator had made on this subject what he called a Northern speech; he had even regretted that the Senator from Massachusetts (Mr. WEBSTER) was not in his place to hear him, believing, as he said, that he could satisfy even that Senator of the correctness of his views. It was not the purpose of Mr. S. to step between those distinguished Senators; but he confessed that the attitude in which he saw the Senator from South Carolina was a new one. It was the first time he had ever heard him attempting to protect the Northern manufacturers. It had, therefore, directed the attention of Mr. S. to that portion of the argument of the Senator. He believed he fully comprehended the Senator. The Senator had attempted to maintain that the only protection which the Northern manufacturer required was the reduction of the labor of the workman, and a like reduction on the produce on which they subsisted; that, by reducing these, the profit on the capital of the manufacturer whould be increased in the same ratio. This might or it might not be so; but it was certainly a remarkable poor man's argument; it was the very doctrine for which the

opponents of this levelling destructive policy contend, that the object and effect is to reduce free labor and produce, for the benefit of the capitalists of the nation; or, in other words, to make the rich richer, and the poor poorer. It was a doctrine against which Mr. S. entered his solemn protest. The Senator from South Carolina would excuse an idea that Mr. S. had received while listening to his speech. There might be nothing in it. He would, however, throw it out for what it was worth. He had thought it possible that, while that Senator was endeavoring to satisfy the Senate that it was for the interest of the North to reduce the labor and produce of that section to a specie standard, his mind's eye was South with his interest, and that his speech was not so much to favor the Northern manufacturer as the Southern planter. Might it not be that the Senator reasoned after this wise: Our staple is cotton; our principal market is in Europe. We own our laborers; it is immaterial to us what the price of labor may be, for we have that within ourselves; it is immaterial to the price of our staple what may be the price of the ordinary American products, our market is not a domestic one; and if we can reduce the price of free labor, and, consequently, that of the produce on which we feed our hands, to one-half what it now costs us, it will be a clear gain to us of so much; while the free laborer and the produce-raiser of the West and North are the sufferers? There might possibly be nothing in this view of the case. If there was not, the Senator from South Carolina was the dupe; if there was, then he held those who acted with him from the North and West in the hollow of his hand. That Senator was sometimes mistaken. If, however, in this instance, he should be right, Northern and Western Senators, from the grain-growing and produce-raising States, might possibly find themselves wrong.

Mr. S. had said that Senators over the way could theorize finely; they could speak like the book, and sometimes they even spoke from the book; but he had become sick and tired of their theorizing speeches, while the whole experience of the nation spoke, in language not to be misunderstood, in direct opposition to the results to which they had come. The Senator from Ohio (Mr. ALLEN) had on yesterday delivered a long dissertation on democracy and federalism, tracing all the mal-administration of public affairs to what he was pleased to call the Hamiltonian doctrines, and winding up with a eulogy on this Administration. That Senator, at the outset, had taken his stand upon a portion of the history of England. Mr. S. had thought, while he was eulogizing an Administration that had reduced the people of his State to their present condition of distress and embarrassment, that a portion of the history of Rome would have suited him much better, which speaks of a Nero fiddling while Rome was in flames. Had that Senator turned his eyes to his own State, Mr. S. was much mistaken if he would have found in the condition of affairs there any thing to require at his hands eulogies or hosannas, even at this time; and unless all the signs of the times are deceptive, he would have less cause to rejoice over a course of measures which must bring even deeper distress upon those whose interest he should have at heart. Did that Senator suppose he could fasten on the policy of the nation, previous to the Administration which preceded the present one, the situation of his people? He, to be sure, attributed it to the effects of inflated paper and credit; but did he not know that it was the late Administration that had given impulse to, and had been the hot-house of, that inflation, if it existed? Did he expect the farmers of his State, when returning home with fifty cents a bushel for wheat in lieu of a dollar, would thank him for his eulogy on the cause of the depression? It might be possible that the people of Ohio were different from the citizens of other States, but he did not believe it.

Mr. S. said he would turn his attention a moment to the Senator from Pennsylvania, (Mr. BUCHANAN.) He had listened to the speech of that Senator with some feeling. The Senator had delivered it in fine style. He had fallen in with the hard-money doctrines. He had adopted as orthodox the doctrines of a reduction of the price of labor as essential to even manufacturing prosperity. He had anathematized the banks, and in a most especial manner the United States Bank of Pennsylvania. Those around the Senator appeared delighted, but Mr. S. had very different feelings. He believed the Senator wrong in his principles, and that destruction would be the effect produced by his doctrines. The sound of the Senator's fine voice had scarcely died away from the dome of the chamber, before the noble proclamation of the Governor of his own State reached us. The Legislature of Pennsylvania, like a majority here, were pressing on to the destruction of the banks, to the destruction of the currency, credit, and business of the country. Whether prompted from head-quarters here, or not, was not the business of Mr. S. to inquire. The destructive bill had passed the House of Representatives, and was in the Senate for action, when Governor Porter rose above the atmosphere of party, became the Governor of the State, and spoke, in a voice that made the hearts of the warmest partisans around him quail, Stop, stop in your mad career; remove the rack; take away the torture; the patient is expiring; Pennsylvania can bear no more. Mr. S. said Pennsylvania was his native State. She was his real, while Indiana was his adopted mother; and, as one of her absent sons, ever interested in her welfare, he could not do less than say that Governor Porter, in his opinion, had won for himself, in that single act of his life, a claim to a greater degree of the gratitude of his fellow-citizens than in all the rest put together. Mr. S. would let no political considerations prevent him from doing justice to a political opponent, when it was so well deserved.

Mr. S. said he had noticed very briefly the position which the Senators over the way had assumed, as satisfactory to their minds, upon the great matters before the people, in an attempt to account for the embarrassment and distress that pervaded the whole country. He had showed that all those causes existed before the close of the administration of President Jackson, and that when he left the administration of public affairs, he left the people, in his own language, "prosperous and happy." He had showed that Mr. Van Buren received it in that prosperous condition, as admitted in his inaugural address, delivered at the time, and stitched up with the farewell address of President Jackson.

Mr. S. proposed to examine the condition of the country in less than three years in the hands of the present Administration; and then submit the matter to the people, whether this Government is now administered, in the language of President Jackson in his inaugural address, "for the good of the people, and regulated by their will," or whether it had not been administered contrary to their will and against their interest; whether the war on the banks, the credit, the commerce, the business, the currency, and the destructive policy now in full blast, had not brought this "prosperous and happy people" to the very brink of ruin. How stands the case? The exchanges, which evidence the health of commercial action, which were at from one-half to one per cent. before the tampering with the currency commenced, were most unequal and in a ruinous state of derangement. Mr. S. then read from a paper he held, a table of exchanges, dated New York, February 8, 1840:

Philadelphia,	6¼ to 7	Louisville,	10 to 12
Baltimore,	6½	Nashville,	12 to 15
Richmond,	7 to 8	Natchez,	30
Augusta,	10	Cincinnati,	10 to 12
Mobile,	7 to 8	Detroit,	10 to 12
New Orleans,	4	St. Louis,	12

The works of internal improvement in the States have been suspended, and the laborers thrown out of employ, and in many instances left almost without subsistence. The banks have been compelled to curtail their discounts and draw in their circulation. The price of produce has depreciated already one-half, with prospects of still greater depression Money has become so scarce that the impossibility of paying debts is alarming, while the real and personal estates of the debtors are unavailable, no matter how much they may have. Mr. S. said he would read to the Senate some extracts to show how the matter stands in the different sections of the country. He then read an extract from the Zanesville (Ohio) Gazette of the 5th instant:

"Wheat continues to sell in places at 50 cents per bushel; flour, retail, $3 per barrel. We are informed that two hundred barrels were sold last week at $2 62½ per barrel; another lot was sold at $2 75. Pork and every other agricultural product in the west are depreciated in the same proportion."

Extract of a letter from Indiana of the 2d instant:

"I hardly know what to write you, unless I repeat the saying that is here the most familiar—hard times, no collections, suing, breaking up, produce goes a begging, our laborers thrown out of employ; there is no telling who may or who may not break; all our improvements stopped; our debtor class are ruined. What is to be the end of these matters? Let the experimenters answer. God knows times are hard enough now, and getting worse every day."

Extract from the letter of an intelligent Bucks county (Pennsylvania) farmer. Mr. S. said this letter came from the county of his birth, and from a friend of his youth:

"The effect of their measures we farmers already feel sorely. Beef and pork are two dollars per cwt. lower than last year; cattle from 30 to 40 per cent. lower; and the different kinds of grain on an average are not more than half so high as they have been for four years past, and are falling."

"NEW ORLEANS, January 29.

"The anticipations of relief from the prevailing pressure during the present winter are, thus far, not realized. Times are, perhaps, a little harder now than they ever were, with no prospect of a speedy change for the better. During the last few days we have heard of several capitalists bending under the weight, who hitherto stood erect. The opening of navigation in the Ohio, it is to be hoped, may give an impulse to trade that will be found beneficial. Unless succor comes from some quarter, every debtor in the country 'will have to break.' There is no money scarcely stirring, and no way of getting it. Can't the Legislature do something for our help? The public are looking in that direction; but, we apprehend, with slender hopes of receiving effieient and substantial aid."—*Bulletin.*

Mr. S. said he could read letter after letter, extract after extract, newspaper after newspaper—all, all speaking the same language; and yet Senators here could stand coldly reading extracts from British books; and even the Administration, having derived no light from experience, and disdaining the plain, humble, republican track of our ancestors, had thought it necessary to set on foot an exploring expedition amongst the monarchical Governments of the old world for a financial policy for this Republic, and a bill carrying out that policy had actually passed the Senate, and would probably become a law. But why continue the extracts? Was it not admitted on all hands that every interest and business of the nation was surrounded by embarrassments, heart-rending, and calling not only for the justice but for the sympathy of the Senate? And yet gentlemen over the way could still press on with their fatal policy, without one feeling of sympathy for the sufferings of the people: the Administration was inexorable. Sir, (said Mr. S.) let other Senators feel as they might—let the Senator from South Carolina generalize—let the Senator from Ohio sing hosannas to the authors of these calamities—let the Senator from Pennsylvania contend for the reduction of wages and the destruction of the currency of his State, unmoved by the sufferings and distress around them; he (Mr. S.) was not made of that kind of stuff; he had a heart that he hoped with its last pulsation would beat with sympathy for the sufferings of his fellow-men. He could not fold his arms and look on, like the public executioner, while the Administration put upon the rack and torture the people of his State; he could not see the property torn from his people and sacrificed, themselves and families thrown upon the cold charity of the world, without at least placing before them the whole matter, leaving them to decide whether the Government, under the present rulers, was administered for the benefit of the people; and if not, whether such an Administration was "worth defending," in the language of President Jackson.

Mr. S. said he was sick, heart-sick, of hearing speeches, speeches, and no relief—no prospect of relief to the people. The course of gentlemen (Mr. S. said) reminded him of one of the most affecting incidents of his life. He was sent for to the sick bed of a valued friend; he found his friend near his dissolution; his whole appearance indicated his speedy departure. Mr. S. asked the attending physician if there could be no remedy—if there was no relief? The doctor shook his head, and replied, None, I fear; the case is fever; I have given him calomel, dose after dose, from twenty to fifty grains, but it seems to have no effect upon him. But, Doctor, will not you try something else? No, sir; the case is fever, and the books say calomel is the remedy; we must follow the books. But do

you not see the patient is dying? Your remedy is certainly not the correct one, or you would not kill your patients with it. His friend died, and Mr. S. had the poor consolation of knowing that he had taken calomel in doses prescribed by the books; but all were not so well satisfied that it was the best remedy for the disease as applied to that particular patient, although it might have been judicious in some cases. So (said Mr. S.) you have been giving calomel, calomel, calomel, possibly as prescribed by some of your books; but do you not see your patient is dying? Do you not see you will ruin the country by your policy? Will you persist? Mr. S. said he would to Heaven he had the influence with Senators over the way, as well as with the Administration, that Governor Porter seems to have had with his Legislature. He would say to them, Stop, stop; require not the people to drink to the very dregs this cup of your policy; throw away your books and look at your people, and you must become satisfied that your remedy, your policy, has been wholly a mistaken one. If you will not separate from it, rest assured the people will separate from you; patience under such policy will not always be a virtue. There may be relief possibly found through the ballot-boxes, should ruin not overtake them before they reach that constitutional remedy.

Mr. S. said he had heard from the Senator from South Carolina, as well as from the Senator from Pennsylvania, a dissertation on currency, and he was free to admit that he had read some authors on that highly important subject himself. He was aware that the general principles were; that an increase of currency produced a corresponding increase of prices. He had heard much of a redundant currency, and its effects upon the business of the country. It was one of the most difficult questions ever examined. As to when the currency was or when it was not redundant, so much depended upon the business, improvements, increase of population, and a thousand other considerations, that it would be only conjecture. He was aware that there was much speculation and theorizing on the whole subject; but he had thought a single consideration, to which he would advert, had not been sufficiently attended to, either by authors or Senators; and that was, that it was not so much the quantity of money in circulation in a country, as the rapidity of its motion, that created either a supposed redundancy or scarcity in the transactions of society. He held that velocity or motion might be so accelerated as to make one hundred dollars answer more of the valuable purposes of society at one period of time, than one thousand dollars, with less activity, would at another. Motion, applied to currency, would be accelerated either by a suspicion on the part of the holder of the currency in his possession, which would induce him to part with it as soon as possible; or, by that universal and vital principle of all society, confidence between man and man—the first principle operating upon currency—that is, suspicion of its permanent value, could only operate on bank paper, and, when once attacked, must necessarily drive it out of circulation. The absence of the other principle, confidence, must inevitably arrest, in a great degree, the active principle of currency; and, with much more money in a country, the velocity may be so much less that it may be infinitely more scarce than at other times, when there is less money in the country, but when confidence is such as to give it accelerated motion. There was at the present time money enough in the country to relieve greatly the embarrassments of the people. Why, then, was it so scarce? The obvious answer is, that such has been the war upon the banks, upon the credit and currency of the country, that confidence was destroyed between man and man, and between the people and the institutions of the country; in consequence of which, the principles to which he had adverted were brought in full operation against the active principle of currency motion; and, by that means, the money had been driven to its hiding-places, from which it would only be forced through the instrumentality of the usurer, or of persons desiring to speculate on the misfortunes of their fellow-men, until it should be again set in active motion by confidence, the propelling principle. That confidence could never be restored so long as the war on the part of the Administration continued; for, Mr. S. said, he was bound to look upon the proceedings before the Senate as a part of the same policy that had been avowed by the President, and of which the sub-Treasury had formed a component part.

Mr. S. had said all he desired to say on the first branch of the subject. He would call the attention of the Senate to some other views connected more closely with the resolutions before the Senate. It seemed to be resolved that the General Government should set itself up as grand lecturer of the States. Much had been said in the debate by Senators, condemning the report of the committee of which he was a dissenting member, for the manner in which it arrayed the debts of the States before the world; and, after the debate of a day, that report had been sent back to the committee to be so altered as to omit the objectionable statements. The report had been so altered, and reported back. All this was well enough; but did not Senators see that neither the Senator from Missouri nor the committee had the honor of original inventors in that matter? The President of the United States, it seems, was at the bottom of the whole of it. Mr. S. then read extracts from the last message:

"The foreign debt of our States, corporations, and men of business, can scarcely be less than two hundred millions of dollars." "It is easy to see that the increase of this foreign debt must augment the foreign demand on the exports to pay the interest, and to the same extent diminish the imports; and in proportion to the enlargement of the foreign debt, and the consequent increase of interest, must be the decrease of the import trade. In lieu of the comforts it now brings us, we might have our gigantic banking institutions, and splendid, but in many instances profitless, railroads and canals, absorbing to a great extent an interest upon the capital borrowed to construct them, the surplus fruits of national industry for years to come, and securing to posterity no adequate return for the comforts which the labor of their hands might otherwise have secured. It is not by the increase of this debt that relief is to be sought, but in its diminution."

Mr. S. said the entire credit of this whole matter was due to the President, and he was not willing to see it shifted and placed on the head of either the Senator from Missouri or the committee. If the States had been arraigned before the Federal Government, he had shown who was the prosecutor. Sir, (said Mr. S.) this is only a portion of the entire policy, the centralizing policy of the present Administration. State rights and State legislation are to be subject to the animadversion of the federal head of this Government. He had pointed Senators again and again to the inordinate, ingulfing policy of recent times, that swallows up in the tremendous vortex of Executive powers the rights of the States and the legislation of the people. He did not advert to it at this time for the purpose of entering upon that inexhaustible field of debate, but for another purpose. He denied the legitimate authority of this General Government to interfere with the legislative action of the States, either to censure or hold up to the world that course of policy which the States might think proper to adopt. All that was a matter entirely for the States and their own citizens.

Mr. S. said he would, for a few moments, examine the doctrines of that portion of the message which he had read. He did so with the more pleasure, because in the examination he hoped to be able to answer some of the positions of Senators over the way, which were mere commentaries on the text he had read from the message. The great injustice (to say the least of it) of holding up the debts of a State, without at the same time presenting its resources, is too palpable to need comment. Justice requires, at all times, that both sides of the account should be stated. Any other course was only calculated to mislead, and to prejudice the debtor in the eyes of the world. If you say of a man that he owes fifty thousand dollars, and say no more, you affect his credit with the world; none would trust him except those who knew his ability to pay. But if you say of him, in addition, that he is amply good for treble that sum, the credit side brings up the balance in his favor. So in relation to the debts of the States and people. It was possible they might amount to the sum named by the President, but still he only gave one side of the case. The President had kindly told the States that "it is not by the increase of this debt that relief is to be sought, but in its diminution." Now, sir, that may or it may not be so, according to the circumstances surrounding the debtor State; and that was a matter submitted exclusively to the people and Legislature of the particular State. Did it not strike Senators that suspended public works in the States, which must remain wholly useless unless completed, and the money thrown away which had been expended upon them, might be finished to great advantage in many instances, even should an increase of the debt of the State be the consequence? The error into which the President and Senators over the way had fallen, was in the application of their abstractions to the condition of the people and the States as they were. It could not be denied but that the abstraction laid down by the President might be true, if the public works were completed in the States; but, in their present condition, the States may find that, upon principles of the strictest economy, it may be necessary for them to extend their credit, and complete some of their unfinished works; and it was not for the Federal Government to injure their credit, or lecture them as to their internal policy. That matter the people of the States understood best, and with them it should be left. There was another remark in the extract which he had read, and which had been repeated by Senators, commented upon in the public press, in essays, and tables of calculation, to which Mr. S. desired to call the attention of the Senate, for the purpose of exposing its fallacy—"profitless railroads and canals." Yes, sir, in the present enlightened age of the world, the internal improvements of your country were to be reduced to a question of dollars and cents, to be brought to a counting-house calculation, to be conned over by the usurer, to be weighed and tested by the question whether they would pay the interest upon their construction. The minds of statesmen seem to be limited to the most sordid and circumscribed view of the question. We shall surely entitle ourselves to the character that has been given us in the European journals—"a dollar and cent people." Were we, in this enlightened, active, commercial, and enterprising age of the world, to be told that a canal or railroad that did not pay the interest on the cost of its construction, was "profitless" to the people? Why, sir, that is only a question of taxes; you may collect tolls to pay only one per cent. on the construction of the work, or you may increase the tolls so as to pay five; still you have not touched the question of the value of the work to the country. Suppose there was not one dollar of tolls collected on a single work in the United States, but all were left, like your great rivers, free and public highways. Would they be the less useful, valuable, or profitable to the people? Take, for example, the New York and Erie canal. Is it by the amount of tolls collected on that great work that its utility and value to the State are to be tested or ascertained? Surely not. If the State of New York was in a condition to dispense with tolls altogether, would it be contended that her work would not be equally as profitable and valuable to the great mass of her citizens as it now is? What are tolls? Nothing more nor less than taxes on the commerce and business that pass through the canal. That tax may be necessary to raise the interest on the cost of construction; but it was principally drawn from her commerce, and paid ultimately by the consumer, as it entered into the price of the produce and merchandise that pass through the canal. These remarks are equally applicable to railroads. It may then be asked, if the profit of a canal or railroad is not to be tested by the amount of tolls collected, how is it to be done? The answer is obvious: by the benefits resulting to the State and its citizens, in the increased facilities afforded to commercial and agricultural operations, with the corresponding increase in the value of real estate and the price of every article of produce, as well as the reduction in the price of every article conveyed over the work. It might well be assumed that the State of New York would not be the loser, by taking off the tolls entirely from her public works as she would relieve her citizens from that tax, while she would increase the commerce of her great cities, as well as the business of the State generally. It may be asserted, and successfully maintained, that every measure that increases the industry of the people, which is the true wealth of a nation, is beneficial; and every policy which paralyzes that industry is injurious in its tendency, and diminishes the quantum of active wealth. These great improvements have had the effect to increase greatly the enterprising industry of the people, and have therefore been beneficial to the country, greatly beyond the simple question whether they would or would not pay, in the shape of tolls or taxes, the interest of the cost of construction. Mr. S. said he had felt it to be his duty at the first favorable opportunity to protest against the dollar and cent view of this great subject, that had

been presented by the message, the Senator from Missouri, and others. He had done this, protesting at the same time against the right of the President or of the Congress of the United States to take cognizance of the policy of the States, and to read them lectures in relation to that policy which he held was for them alone to decide upon.

Mr. S. said the Senator from New Hampshire (Mr. HUBBARD) had thanked his stars his State was not a debtor State; he had congratulated himself and his State that they were not sinners like some others. This question, like the others Mr. S. had discussed, was not subject to abstract boundaries. It might or it might not be prudent for a State to become indebted; the same might be said of individuals; but a rule that denounced all the indebted States, and eulogized all those who had not incurred a State debt, might be very liable to deceive those who relied upon it. Surely it would not be contended that either States or individuals who incurred debts were, merely from that circumstance, objects of public censure. This was the great error, Mr. S. repeated, into which the Senators over the way had incautiously fallen; they dealt with abstract principles, and not with facts and a people as they exist. It certainly did not follow that, because a State or an individual was in debt, therefore she or he was not prosperous; on the contrary, it would hardly be contended that, because a State or individual was out of debt, therefore she or he was prosperous. All experience and all knowledge of men proved to the contrary. As the Senator from New Hampshire had thought proper to allude to this matter with much self-complaceny, Mr. S. would say to that Senator that the State of Indiana was one of the debtor States; and still he (Mr. S.) was entirely willing to compare notes with the Senator as to the relative advancement and prosperity of the two States. Mr. S. adverted to that matter with much pleasure, not only as a question of comparison, but because his State and her debts had been made a subject for discussion; her debts had been marshalled before the world, while her resources had been studiously kept out of view. This was, to say the least of it, unfair. If her pecuniary affairs were a proper subject for discussion and animadversion here, (which he denied,) let the whole truth be told. It was true, Indiana had incurred a State debt, (but not to the amount stated,) for the purposes of internal improvement, and for her banking capital. The policy adopted by her was her own, for weal or wo; and it was to the wisdom of her own counsels she had to look in the emergency. And here he would say, let the remark fall where it might, that, so far as those counsels were concerned, he had regretted to see that a spirit of crimination and recrimination had crept in, growing out of general politics. Parties were arrayed, not so much upon the question of her indebtedness, as upon the question which of the great parties had induced her to involve herself so deeply. Mr. S. said he was bound in all candor to say that it grew out of the times in which her debts were contracted; all political parties were stimulated, they ventured too far; but all participated in the matter in a degree corresponding with their locality, and anticipated benefits resulting from her works of internal improvement. Her State Government was in the hands of one political party, while that of her sister, Illinois, was in the other; and yet both incurred responsibilities at the same time, and each had acted doubtless in a manner which she believed at the time to be correct, but which had proved disastrous, owing to the revulsion in business and scarcity of money; but still he felt bound to say that each was, in his mind, amply able to discharge every demand upon her, nor would either ever for a moment violate her faith, or give any just cause to suspect her honor.

Mr. S. said he would read an extract from the last message of the Governor of his State, which would show to the gentleman from New Hampshire, and to the world, that Indiana would at least compare with that State, or any other State in the Union that had made no improvements and incurred no debts. Indiana was admitted into the Union in the year 1816, with about the constitutional number of 60,000 souls. Her population on the return of the next census would be found to be not less than 800,000. Mr. S. read from the last message of Governor Wallace some extracts:

"The assessments of taxable property the present year are quite favorable; they exhibit most gratifying results, and prove beyond a question that both he population and wealth of the State have been steadily on the increase. The taxable polls of 1839 amount to 95,756; but this is evidently much below the true estimate, as the aggregate vote cast at the last Congressional election very clearly demonstrates, that vote being 100,500. Indeed, I have little or no doubt but that a close and careful assessment would have returned not less than 115,000 polls. In 1838, the total valuation of all the taxable property of the State amounted to $97,058,094; this year that amount has been swelled to $107,337,715.

"The principal subjects of taxation, it will be recollected, consist of lands and their improvements, town lots, corporation stock, and personal property; of these, the lands the present year, embracing 7,475,320 acres, have been valued at $65,984,879.

So much for the single item of lands, which the Governor says does not include the whole, the assessment being imperfect. He then adds:

"From the sales of public lands, as reported by the Commissioner of the General Land Office, we ascertain that the 8,922,122 acres of land now subject to taxation will be augmented annually by the following additions: In 1840, by 1,586,904 acres; in 1841, by 3,249,210 acres; in 1842, by 1,249,818 acres; in 1843, by 320,641 acres; proving most conclusively that in 1843 we shall have 15,328,694 acres of taxable land. In times, therefore, like the present, when gloom and despondency seem to pervade every bosom, when the credit of sovereign States even can no longer command money from abroad, and when bankruptcy and ruin, with their attending trains of evil, apparently hang suspended over the great mass of the people, no citizen of Indiana, I presume, devoted to her interest, or who feels himself identified with her prosperity and glory, can avoid receiving the foregoing facts as evidence sufficient to justify him in confidently anticipating a safe deliverance from present and future enthralments. Administrations may change, parties may alternately triumph, and destructive experiments be repeated; but the soil and its fertility will remain unaffected by either. It constitutes an element of wealth which even man in his folly cannot destroy, and which, when all others are swept away from him, continues in the performance of its functions to cheer and support him through every emergency. It is, therefore, matter of heartfelt gratification to see how largely the people of Indiana are possessed of this element; for, combined with the untiring energy and industry which distinguish their character, we feel that we hazard nothing in predicting that the wealth and resources of the State must continue to expand in despite of the most adverse circumstances."

Mr. S. said, after what had been said relative to the banks, and especially those that had been created by debts incurred abroad, and the allusions of the Senator from Missouri, (Mr. BENTON,) he felt called upon to say one word about the banks in his own State. Indiana had no banks, except her State Bank, which was not a bank of deposite, or even discount, but rather a supervisory head; and her branches, he was justified in saying, even in 1837, at the time of the general suspension, were sound to the core. He did not deny but that they suspended at that period, but it was in self-defence. The banks in other States had suspended, and as their notes in the possession of the Indiana banks could not be made available, they acted wisely in the course they pursued. Reciprocity was all they asked. They resumed at the first moment that such a reciprocity was established, and had continued to pay their notes in specie since. Mr. S. said he would read a short extract from the message, on this subject, also:

"The condition of the State Bank appears to be healthy. On the 31st of October last her assets amounted to six million two hundred and forty thousand three hundred and twenty-eight dollars, and her liabilities to three million four hundred and ninety-three thousand and forty-two dollars. At the same date, she had in her vaults $1,021,490 in specie, and $3,124,497 in circulation. The measure of total suspension recently adopted by the banks of Pennsylvania, Maryland, and other States, I am happy to say, has not been followed by the State Bank of Indiana."

So, sir, (said Mr. S.,) you see that, give Indiana fair play, keep your hands out of her pockets, make no assaults upon her credit, arrest your destructive policy, paralyze not her industry, reduce neither the wages of her labor nor the price of her produce by your war upon the currency, and she will shake off the manacles with which you have temporarily bound her, and rise, in her true character, one of the young giants of the West.

Mr. S. said he must notice briefly the immediate subject before the Senate, however unfashionable he might be deemed for doing so. He had, however, said already much that was intimately connected with it. The Senator from Missouri had introduced a string of resolutions on the subject of the assumption by the Government of the debts of the States, and had made his speech upon them; after a very brief discussion, they had been referred to a select committee, of which Mr. S. was a member. He had met the committee in good faith at the outset, with his protest against the whole proceedings: a report had been made, and resolutions introduced from the majority of the committee, to both of which he had dissented. In justice to the chairman of the committee, he would say that, if the subject were properly before Congress, the chairman, in the report, had presented the views of the majority of the committee in a manner as unexceptionable as the nature of the subject submitted would admit, and with the usual ability of that Senator. Mr. S. did not object to the report on that ground. He had heard, with some surprise, Senators on this side of the chamber suppose that the charge against the States came from the Senator from Missouri, (Mr. BENTON,) or the committee. He thought, to use a Western phrase, the saddle had not been placed on the right horse. He had read an extract from the late message of the President, where Senators had seen who originated this attempt to draw the business and pecuniary condition of the States before the Federal Government for its criticism and animadversion. The message says: "The foreign debt of our State corporations and men of business can scarcely be less than two hundred millions of dollars." Such is the statement made by the President: it might all be true; but why blazon it forth to the world? Some London bankers had suggested the propriety of the States giving further security, (meaning, no doubt, the United States,) if they desired to obtain any further credit. Resolutions were introduced, declaring that Congress would not assume the State debts; the resolutions were referred to a committee, and that committee had reported a set of resolutions gravely negativing the assumption. Mr. S. said this was one of the most splendid legislative farces ever played off. He resisted the whole of it. What! was the Senate of the United States, one of the most dignified and august bodies in the world, to resolve itself into a corresponding tribunal, to respond to the Barings, or anybody else, in relation to the concerns of the sovereign States of the Union? Suppose the Rothschilds, in a publication, should desire the United States to pay the claims they held against American citizens. Was the Congress of the United States to solemnly resolve that it would not pay? Can it be possible that this body is to step from its proper and legitimate business to the wayside, to answer calls about affairs over which it had no control? Mr. S. said he denied *in toto* the whole of the doctrine. He denied that naked resolves, where no legislative action was proposed, upon subjects not before the body, and where it was not intended to bring matters before Congress which might require legislative action, were within the ordinary duties of Congress; and, if resorted to at all, should never be countenanced except on extraordinary occasions. If such a course of action should prevail, the time of Congress might be wholly occupied in resolving on every matter that might be conceived of. There would be, as there had been to very little purpose, endless resolves, giving Congressional expositions of the Constitution and institutions of the country. On the other hand, each political party would lay down its creed, and bring its partisans up to a standard of political action by formal resolves. Congress would override State Legislatures and forge public opinion, become masters instead of the agents of the States and people, and cause the pride of opinion to predominate over the love of justice in after action, when a subject might be legitimately before it. Sufficient for the day is the evil thereof. Mr. S. said, for himself and his State, he protested against being called to the bar of the Senate, and compelled to say ay or no to any proposition or abstract question Senators or committees might require him to act upon by their resolutions. Let them bring up a question for legislative action, and he was ready to act upon it at once, to respond directly to it. He had never dodged a question, nor would he ever; but he was not to be catechised in this manner.

He had said at the outset that he viewed the whole of these proceedings as gratuitous and uncalled-for, and he could, by no vote of his, give them any sanction whatever. He should vote against the whole of them, without intending to express any opinion on their merits. He considered them as well calculated to affect the credit of the States abroad, where their resources were not properly known; and he could see no necessity whatever for any proceedings in the matter on the part of the Senate. Senators say the character and credit of the States cannot be injured, because the resolutions merely assume that the General Government will not be responsible for the State debts. But why was it necessary to say any thing about it? Why not leave the matter as it stood, between the States and their creditors? Would not the mere fact of passing these resolutions show that the United States had thought it necessary to apprize the world of her resolves? What would be said of a wealthy parent who should give notice that he would not assume the debts of his son? Would it not operate to destroy that son's credit with all the world, notwithstanding he might be good, and the parent might say so? Certainly such would be the effect. Mr. S. said he hoped no political thoughts had entered the head of the mover of this matter; but still, such might be inferred from some facts in the case. It was known here that attempts were making in the West to fasten the unpopularity of the State debts upon one political party. This movement took the popular side, it was no doubt presumed, of that question. A very large extra number of the report had been ordered to be printed by the dominant party here, without even arousing their economical sensibilities. Mr. S. trusted, however, that very little political capital could be made out of it, if the subject was understood by the people. It had been his object, in the remarks which he had made, to place the responsibility of the times on the right shoulders. He was not willing to see the charge of producing the present distresses thrown upon those who had no control over the administration of public affairs, or to see that responsibility withdrawn from those who, for the last ten years, have had the matter all in their own way; that had put down the Bank of the United States, raised up the State banks, as they as naturally sprung up from the times after the destruction of the United States Bank as vegetation died from the annual inundation of the Nile; that had in turn destroyed the State banks, which they had been the cause of creating, and, by their continual war upon the currency, credit, and business of the country, had brought a "prosperous and happy" people to their present condition. The people bear the burdens of the Government, and suffer from the effects of its policy when injurious to their interests, and they ought to know the truth.

SPEECH OF MR. GARLAND,

OF VIRGINIA,

In the House of Representatives, January 21, 1840.—On the resolution of Mr. W. Thompson, of South Carolina, for the rejection of abolition petitions.

Mr. GARLAND, of Virginia, rose and said: Mr. Speaker, I avow at the outset of my remarks upon this, as I avowed on a former occasion, that, upon the subject of domestic slavery as it exists in the United States, and upon all those questions of "*human rights*" and the immutable principles of "*justice*" referred to by the gentleman from Vermont, (Mr. SLADE,) as connected with it, I have no remarks to make. I avow *now*, as I did *then*, that I never will debate before the House of Representatives of the United States a question of "*human rights*" involving the domestic institutions of the State which I have, in part, the honor to represent; not because I apprehend any unfavorable result to the discussion, but because it is a subject over which the Constitution has imparted no power whatever to this Government—a subject *entirely* local, and belonging to the *exclusive* jurisdiction of the States. In this determination, I believe, I truly reflect the undivided sentiment of the State of Virginia, and the common sentiment of the whole Southern people. They have but one sentiment and one argument upon this vital and deeply interesting question; and that is, to resist to the utmost extremity every invasion of their domestic institutions or domestic rights, whensoever and by whomsoever made.

The principles involved in this debate, Mr. Speaker, are of infinite importance, not only as they affect the question of slavery in the District of Columbia, but as they affect the *life*, *liberty*, and *property* of the people of the District. They involve the question whether, over the people of this District, the powers of this Government are *omnipotent* and without *limitation*, or whether they are secured against the tyranny and oppression of the Government by the same constitutional barriers which protect and defend every other portion of the people of the United States. In a word, sir, the question is directly involved, whether the people of the United States have, in this District, unwittingly and incautiously erected an *absolute* and *unqualified* despotism; for, sir, if the doctrines contended for so ably by the gentleman from Pennsylvania (Mr. BIDDLE) and the gentleman from Vermont (Mr. SLADE) be true, and Congress has power to abolish slavery in the District of Columbia, then are the people of the District without the pale of all constitutional protection, and the subjects of an unqualified, iron despotism; having no rights or no privileges but such as exist at the *whim* and *caprice* of this body. If the people of the District of Columbia cannot look for that protection of life, liberty, and property, in the Constitution, which that instrument affords to all the citizens of the United States against the tyranny and oppression of this Government, I should be greatly indebted to any gentleman to inform me where they can look for it? Where is their security? If their property in slaves can be constitutionally *invaded* and *destroyed*, what other right of property, or even of life or liberty, is secured? None, sir, none whatever; and the Government may lord it over this people with perfect impunity.

But, before I enter upon the discussion of the question whether petitions for "*the abolition of slavery and the slave-trade in the District of Columbia*," as the distinguished gentleman from Pennsylvania (Mr. BIDDLE,) and the ingenious gentleman from Vermont, (Mr. SLADE,) have attempted to prove that this House cannot refuse to receive these petitions without an invasion of that great popular right—the right of petition—I propose briefly to examine the nature of this right of petition, the extent to which the Constitution has secured it against invasion, and what are the powers and duties of Congress when petitions are presented; for the purpose of proving that the right of the people to petition is *one thing*, and the powers and duties of Congress when petitions are *presented*, another. And here I will remark, that, in the preservation of this great right, this fundamental principle of liberty, from every species of invasion, the slaveholding are as deeply interested as the non-slaveholding States; and that whatever impairs its force, or destroys its efficacy, affects the people of the slaveholding as much as those of the non-slaveholding States. I am as much, therefore, from interest as from feeling, opposed to any even the slightest innovation upon this invaluable and inalienable right as any member upon this floor; it is the common right of the whole American people, and not of a section. But, sir, the refusal to receive these petitions is no invasion, not even in the slightest degree, of the right of petition; and this is the proposition which I now undertake to demonstrate.

What is meant, Mr. Speaker, by the right of petition? Is it a right which involves not only a demand for a redress of grievances, but the power also of controlling the action of the body to which petitions are presented in their disposition? If it be thus omnipotent and unlimited, then, indeed, has this House nothing to do but to receive petitions and grant their prayers, however unfounded, absurd, or ridiculous they may be. But, sir, this cannot be so. I understand the right of petition simply to mean the right of the citizen to petition the Government for a redress of grievances, and the duty of the Government to redress those grievances as far as it may have power to do so, and the justice and propriety of the demand may require. When the citizen has assembled and presented his petition, he has exercised his right, and then commences the power and duty of the body petitioned. For an illustration of this view, I call the particular attention of gentlemen to the clear and explicit language of that article which secures, not confers, this important right, and to which reference has been so often made. It reads thus:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, *or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*"

It must be manifest, to the simplest comprehension, that this clause was only designed to protect the people from any interference from Government in *peaceably* assembling to petition for a redress of grievances, and not to prescribe any rule by which Congress should be governed in disposing of petitions. In this clause of the Constitution there are three great principles protected against any invasion by the Government: the freedom of *religious* opinion, of *speech*, and of *the press*. In order to illustrate my position, let us suppose any portion of our citizens mad enough to assemble and petition for the establishment of a *particular* religion, or to suppress the *freedom* of speech or of the press; can there be found, in this clause of the Constitution, any imperious obligation on Congress to receive or consider such petitions—petitions seeking to subvert and destroy the fundamental principles of the Constitution itself? Clearly not. And it would have been madness in the framers of the Constitution to have imposed such an obligation. Why should the Constitution impose upon Congress the obligation of receiving and considering petitions seeking to subvert its proudest and most salutary principles? I would feign believe that no gentleman here would advocate the reception of such petitions, seeking, as they would, the action of this House upon subjects closed to it, and wisely so, by the Constitution itself. These considerations demonstrate, most conclusively, the fact that this clause of the Constitution only does what it was intended to do—prohibits the interference of this Government with the right of the people to make and present their petitions, leaving Congress in possession of all its proper parliamentary powers, and to the performance of all its proper duties upon its responsibility to the people, who will guard this right with becoming jealousy and caution.

But there is another illustration which will make assurance doubly sure. The circumstances under which laws are enacted frequently afford the best key to their interpretation. What were the circumstances under which this provision of the Constitution was made? In view of the fact that, in the monarchical Governments of Europe, the *assembling* of the people to petition for a redress of grievances was prevented by the infliction of severe penalties; and that in England—that England which then boasted of being the only free Government on earth—*assemblages*, beyond twenty and ten, were successively prohibited by law. The framers of the Constitution, appreciating the great value of this fundamental and salutary principle of liberty, wisely determined to secure the people of the United States against its invasion by law. Thus, sir, I flatter myself that, upon every principle of reasonable interpretation, I have demonstrated that this clause of the Constitution does not impose upon Congress the *obligation* of receiving or considering every class of petitions which may be presented. In the case before us, the people petitioning have exercised their constitutional right—they have petitioned, and they have presented their petitions. The question, then, is, what is the power and what is the duty of Congress in in disposing of them? It seems to me too clear for argument, that Congress should have some discretion over this question of the *reception* of petitions, as well in regard to its own protection from imposition and insult, as to its constitutional powers and the business of the country. Strip this House of this salutary power, and to what insult may it not be subjected; and what subjects may not madness and folly compel it to consider? Thousands and thousands of petitions may be thrown into this House, demanding its action upon the most frivolous and contemptible subjects, and couched in the most vulgar and insulting language. Shall this House have no protection against imposition and insult like this? What gentleman will say it shall not? I should like to see who it is. This discretion over the question is a necessary attribute of parliamentary power, and cannot be taken away without destroying the independence and efficiency of the body itself. This discretion, it is true, sir, should be a sound one, and not capricious or whimsical; and should be soundly exercised, always controlled by the constitutional powers of Congress, and the expediency of the objects of the petitioners. This, sir, is necessary to the body itself, and is not at war with the right of petition; it only protects this body against the abuses of his right. The gentleman from Vermont him-

self conceded this principle when he said that Congress was not bound to receive petitions which sought its action upon objects not within its constitutional powers; and thus concedes the whole ground upon which I base my argument.

But why argue this proposition, so clear and so plain within itself, when the very proposition to receive and consider petitions when they are presented necessarily concedes the power of the House to *receive* or *not*, as it may deem most expedient? If not, why submit the motion? Why go through the idle ceremony of proposing to the House to receive that which it has no constitutional power—no discretion whatever to refuse? There can be no reason for it whatever. But if there is a lingering doubt behind, let us recur to the "*Manual*" regulating the presentation and reception of petitions, and which has been adopted as the parliamentary code of this House, and I flatter myself it will be instantly removed. It will be found on page 145, sec. XIX, title "PETITIONS." In the first place, it provides that "petitions must be subscribed by the petitioners, unless they are attending." Why? Certainly, sir, to guard against imposition by forgery and aliens. If the petitioner cannot subscribe his name, he must be *averred by a member*. Why? To prevent imposition.

Again: "*Before any petition or memorial addressed to the Senate shall be received and read at the table, whether the same shall be introduced by the President or a member, a* BRIEF STATEMENT *of the contents of the petition or memorial shall verbally be made by the introducer.*"—Rule 24.

Why this precaution? Surely, sir, to enable the Senate to determine whether the petitions are couched in decent and respectful language, and seek the action of the House upon objects within its constitutional power of relief: and such is the rule of this House also.

Again: "Regularly a *motion to receive* it (a petition) must be *made* and *seconded*, AND A QUESTION PUT WHETHER IT SHALL BE RECEIVED? But a cry from the House of 'received,' or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of."

Now, sir, if a motion to receive is to be *made* and *seconded*, and a *question put* whether it shall *be received*, why make the motion—why require it to be seconded—why put the question, *Shall it be received?* if the House has no discretion over the question of reception? It is worse than idle to ask this House to do what it has no power to refuse. Let us suppose a case: suppose a petition presented here, which did not come in the form and with the sanctions of this rule: has this House the power to refuse to receive it? By this rule it certainly has. And if it has the discretionary power, for the want of these forms and sanctions, to refuse to receive a petition, how much more has it the power to refuse those affecting the constitutional powers, business, and decorum of the body? Sir, if Congress has no discretion upon this subject, and cannot deny the reception of petitions, then these rules themselves are unconstitutional, and invade the great right of petition. Who is prepared to press the right of petition to this extremity, and expose this House to all the lamentable consequences which would ensue? Sir, there is but little danger of this House invading the right of petition. If it does, its biennial responsibility to the people will correct the evil. I think, sir, both from the nature and necessity of the case, and the uniform action of parliamentary bodies, I have successfully demonstrated that Congress has a discretionary power over the reception of petitions; and that such a discretion is not incompatible with the right of petition, but a necessary protection against its abuse and licentiousness.

Having thus, as I think, satisfactorily proved the power of Congress over the reception of petitions, the question recurs, whether petitions praying for the abolition of "*slavery*" and the "*slave-trade*" in the District of Columbia should be received? In discussing this question, the first inquiry which presents itself is, has Congress the power to abolish "*slavery*" or the "*slave trade*," so called, in the District of Columbia? If Congress has the power, such petitions ought to be received; if not, they should not be received. At the time of the adoption of the Federal Constitution, the District of Columbia was a component part of the States of Virginia and Maryland, and its citizens entitled to all the immunities and privileges of the people of those States, and were covered by the broad mantle of the Constitution of the United States. Virginia and Maryland were slaveholding States, and the people of the District, as a part of those communities, were a slaveholding people. In this condition they were found when the Constitution was adopted, and in this condition they were found when the cession by Virginia and Maryland was made. Now, sir, does the Constitution, or do the acts of cession, confer upon Congress the power to invade and destroy this right of property, either by express provision, or by any fair and legitimate inference? I have searched the Constitution and the acts of cession in vain for any such authority. But, sir, independent of this want of declared power, there is, in the Constitution itself, an express prohibition of power. In the fourth article of the amendments to the Constitution it is declared that—

"The right of the PEOPLE to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or thing to be seized."

The adoption of this amendment to the Constitution gave the important protection of this article to the people of the District, as citizens of the States of Virginia and Maryland, against tyranny, vexation, and oppression. Did the acts of cession strip them of it? I answer, no; unless it can be proved that the *people* of the District are not *people* of the United States; which, I imagine, no gentleman will be bold enough to assert: for the article refers, in express terms, to the "*people*" of the United States, and not the people of the *States* as States. If, then, slavery existed in the District of Columbia at the time of the cession, and the people are protected by the article of the Constitution which I have just read against unreasonable searches and seizures of their persons, houses, papers, and effects, I maintain that, by virtue of the succeeding article of amendments to the Constitution, the people of the District are equally protected against any invasion or violation of their right of property, either in slaves or any thing else. The article reads thus:

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of LIFE, LIBERTY, OR PROPERTY, without due process of law; nor shall PRIVATE PROPERTY be TAKEN for public use without just compensation."

Now, sir, if the people of this District are entitled to all the important privileges and immunities guarantied in this clause of the Constitution, they are as much entitled to the protection of their *private* property as any other right, privilege, or exemption; and, as slaves are recognised by the Constitution and laws as *property*, they come within the very letter of the article, and are protected. If Congress has the constitutional power to abolish slavery in this District, it has the same power to abolish the important right of trial by jury, and all the other important rights and privileges enumerated in the clauses which I have read, and to establish an unqualified despotism. Is this true? Can it be so? If the doctrine that Congress has the power contended for over slavery in this District be true, then all the other consequences necessarily follow; for all the other rights are held by the same authority, and the people of this District are in as defenceless a condition as the *serfs* of Russia or the *vassals* of Turkey. I beg gentlemen to pause before they give their sanction to a proposition replete with such dangerous and appalling consequences. Can the security of the "right of petition" require the sacrifice of such an immense amount of individual right and constitutional liberty? I put the question home to every gentleman of sober, sound judgment. To establish this right, shall all the battlements of the Constitution be broken down, and the liberties of a portion of our citizens trampled under foot? If this be the condition of the people of the District, and the Constitution of the United States be not *their* Constitution and their palladium of liberty, I would incite them, few as they are, to instant rebellion. But, sir, such is not the case. This Constitution is *their* Constitution, in common with their fellow-citizens of the States; and, by it, this species of property is secured against annihilation by the power of the Government. There is but one cause for which the Government can invade private property, and that is for "*public use*," and then compensation must be made. This is the only way in which the power of the Government can reach individual property, either in slaves or any thing else. I put the question, and demand an answer from the sober thought and unbiassed judgment of every gentleman present: Can the Government, from considerations of policy, destroy private rights and private property thus secured by the highest authority known to the laws—an authority paramount to that of the Government itself, and by which it exists?

But, Mr. Speaker, I contend that the acts of cession by Virginia and Maryland, in themselves, contain sufficient limitations upon the power of Congress to protect slave property from its grasp, and its subjection to the ruthless spirit of crusading fanaticism. In each of the acts of cession there is to be found the following provision:

"*Provided*, That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals *therein*, otherwise than the same shall or may be transferred by such individuals to the United States."

According to the literal interpretation of this provision, it might seem that the protection intended to be afforded was simply to a right in the *soil;* but the whole act, taken together, and the attendant circumstances, justify a more liberal interpretation, and extend it to the protection of *all* private property. But, sir, this provision was totally unnecessary; for the fourth and fifth articles of the amendments to the Constitution, to which I have referred, not only protect the citizen in the enjoyment of his private property against the power of the Federal, but the power of the State Governments also; for, says the Constitution,

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the CONSTITUTION or LAWS of any State to the contrary notwithstanding."

The Legislatures of the States of Virginia and Maryland had no power to abolish slavery at the time of the cession; nor could they confer it on the Federal Government, for the citizens of the District stood protected by the Constitution against the power of both. The Constitution, then, has prohibited both the Federal and State Governments from violating the rights of private property, except in the case provided for. Slaves, in the District of Columbia, are private property; and, consequently, the Constitution not only does not authorize, but expressly prohibits its abolition.

But, sir, it is contended that, if Congress has no power to abolish slavery in the District, it has the power to suppress what is tauntingly called the "slave-trade;" and that, upon this ground, abolition petitions containing this prayer should be received. This, sir, is a more daring, more unblushing proposition to violate the rights of *private* property, if possible, than the other. The rights of sale and purchase are necessary incidents to the rights of property; and, so long as slaves are regarded as property, they must necessarily be subjects of sale and purchase; and Congress has just as much authority to prohibit the buying and selling of horses, cattle, cotton, tobacco, and any other species of property, as the buying and selling of slaves. It is a social right to acquire and to alien property, and stands protected by the Constitution. Such an interference would be well worthy the ignorance and despotism of the dark ages. I do not doubt that, in the exercise of this right, so far as the sale of slaves is concerned, there have been abuses—many acts of cruelty and severity, revolting to the best feelings of humanity. But, sir, these abuses are not confined to the relation of master and slave: they have been sometimes perpetrated in the more endearing relations of husband and wife, parent and child, master and apprentice; and I do not doubt that, in the factories of the North, many such have been perpetrated.

[Mr. CUSHING here denied that any such abuses existed in the Northern manufactories.]

Mr. GARLAND. I do not know, Mr. Speaker, that there have been, or that there are now, any such abuses; I have no personal knowledge upon the subject; I only speak what I have read and what I have heard. The honorable gentleman from Massachusetts resides in the midst of them, and is intimate with them. Yet, sir, I do not imagine that he

has been so constantly within all and each of them as that no abuses could have been committed without his detection. I therefore repeat that I do not doubt that many cruel inhumanities have been perpetrated in those establishments. But, however much we may lament human depravity, and mourn over these exhibitions of cruelty and suffering, we cannot control them by destroying great constitutional rights. We cannot say to a citizen of Maryland, you shall not buy property in Virginia; nor to the citizen of Virginia, you shall not purchase in Maryland. Such a prohibition would be as tyrannical and oppressive as despotism could make it; and if you could prohibit the buying and selling of slaves, by the exercise of the same power you could prohibit all intercourse between the States, by prohibiting the buying and selling of their stock, agricultural productions, and manufactures. Has the Federal Government such formidable and dangerous power as this? If it has, then, sir, we are more the subjects of an iron despotism than I could have imagined. But, sir, Congress has no power to abolish the (so called) "*slave trade*" in the District of Columbia.

The gentleman, not being able to find any expressly delegated authority in the Constitution or in the acts of cession for the abolition of slavery in the District of Columbia, attempted to derive it by inference from the Constitution. The gentleman from Pennsylvania, (Mr. BIDDLE,) as well as the gentleman from Vermont, (Mr. SLADE,) contend that it is derived from the following clause of the Constitution enumerating the powers of the Congress: "To exercise exclusive legislation, in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." The words which, it is argued by the gentlemen, impart this tremendous and unqualified power over the people of the District are, "*to exercise exclusive legislation in all cases whatsoever.*" Let us analyze for a moment these terms, and see if they are fairly susceptible of so exclusive an interpretation. Does the expression "to exercise *exclusive legislation*" impart this unlimited power? Certainly not; for the word "exclusive," according to the most approved lexicographers, merely signifies "having the power of excluding," "debarring from participation," "opposed to including," "excepting," and, in the sense employed in this clause of the Constitution, signifies a power of legislation exclusive of all other legislative power, but does not indicate unqualified and unlimited powers of legislation. By the cession, Virginia and Maryland could not have imparted such a mass of unlimited powers, nor could Congress have acquired them at the time of the cession; the District was subject to the legislative jurisdictions of Virginia and Maryland; and this provision does no more than exclude those jurisdictions, and confer it upon Congress.

But it is contended that the words "*in all cases whatsoever*" embrace the whole circle of legislative powers, and confer them upon Congress. Can this be so, Mr. Speaker? Do not these few words destroy the whole complexion of the Constitution, and prostrate at the feet of a despicable aristocratic despotism all the constitutional rights and privileges of the citizens of the District? If this interpretation be true, it does. Let us examine it, and see if it be true. If these words convey this unchecked and unlimited power of legislation, then are all the barriers of the Constitution interposed between the Government and the citizen broken down, and the acts of Congress alone, liable every day to be altered, amended, or repealed, the only Constitution of the people of this District. This would of itself be a sufficient refutation of the argument. But, sir, let it be remembered that the 4th and 5th articles which I have read are articles of the amended Constitution, adopted after the ratification of the Constitution containing this power of "*exclusive legislation,*" and are in themselves limitations and restrictions upon this exclusive power of unlimited legislation, even if it existed before the adoption of these amendments, and are as available to the people of this District as to any other portion of the people of the United States. If, under the wide range of these words, "*exclusive legislation in all cases whatsoever,*" contended for by gentlemen, Congress has power to abolish slavery in the District of Columbia, it has power at its discretion to *search* and *seize* the persons, houses, papers, and effects of the people of the District, take from them the right of trial by jury, and confiscate their property without compensation; for these great rights, these great securities against tyranny and oppression, are not more strongly secured by the Constitution than the rights of property in *slaves;* and if one can be broken down, so can the other. I call upon gentlemen who maintain this claim of wholesale power to point out in what part of the Constitution these great attributes of liberty are secured against the power of this Government, by which the right of individual property is not alike secured. They cannot do it, for the same articles and the same clauses which secure the one, secure the other.

But, sir, by way of conclusive illustration of the truth of my position, let us reverse the case. Suppose, sir, instead of the location of the District here—for the Constitution makes no location—it had been made in a non-slaveholding State—Pennsylvania or New York, for instance; and the people of the South had petitioned Congress to institute slavery in the midst of a non-slaveholding people: what would Pennsylvanians and New Yorkers have said? Would this clause of the Constitution have authorized it? and would the Representatives from these States have contended so manfully for the reception of such petitions? No, sir, no. The case would have been altered, and their sentiments would have been altered, when *we* were seeking to conform *their* institutions to *ours*, instead of *their* seeking to conform *our* institutions to *theirs*. We should then have heard but little of this immense sweep of legislative power, and the danger to which the great right of petition was exposed by refusing to receive such petitions.

But, sir, the article from which this immense mass of legislative power is derived, contains within itself its own interpretation, and the motive of its adoption. In addition to the power of "*exclusive legislation*" in the District, the power to "exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings," is also given; the object of which was to prevent the clashing of National and State jurisdiction, to secure *National* property against *State* authority, and the dangerous collisions between Federal and State authority which might grow out of it, and not to confer upon the Federal Government unlimited and despotic power. Sir, gentlemen seem not to discriminate between the power to *regulate* and the power to *destroy* property. These arguments, Mr. Speaker, I think are conclusive that the words "*to exercise exclusive legislation in all cases whatsoever*" do not confer upon Congress the extraordinary and unlimited powers contended for by the gentleman from Pennsylvania, (MR. BIDDLE,) but that they are limited, by the Constitution itself, within the bounds prescribed for the action of this Government.

(Continued on pages 749, 750, 751.)

SPEECH OF MR. ADAMS,

OF MASSACHUSETTS,

In the House of Representatives, January 22, 1840—On the subject of Abolition Petitions.

Mr. ADAMS, of Massachusetts, offered the following:

Resolved, That the following be added to the standing rules of this House, to be numbered the 21st:

"Every petition presented by the Speaker, or by any member, with a brief verbal statement of its contents, shall be received, unless objection be made to its reception for special reason; and whenever objection shall be made to the reception of a petition, the name of the member objecting, and the reason of the objection, shall be entered upon the journal. The question in every such case shall be, *Shall the petition be rejected?* and no petition shall be rejected but by a majority of the members present."

Mr. ADAMS said it was his intention to detain the House but for a short period; indeed, he had been much inclined to suffer the question on the resolution, which after many attempts he had at length succeeded in presenting to the House, to be taken without debate. The proposition (said Mr. A.) is a very simple one, and relates to the reception of petitions presented to this House on any and all subjects. It is not confined to petitions praying for the abolition of slavery and the slave-trade in the District of Columbia; nor to any other of that class of petitions, commonly known by the name of abolition petitions: a term exceedingly indefinite in itself, and in regard to which this House has had a ten-days debate without coming to any understanding as to what is meant by it. I shall not now enter upon that subject at all, nor shall I discuss the subject of abolition, nor of slavery, nor of the slave-trade in any form. If I were to do so, I should think it necessary to enlarge the field very much. As it is, a vast amount of time has been expended without coming to an issue of any consequence whatever to this House or to the country. I say this, because, on the propositions relating to memorials on abolition, the classes of those memorials are so very imperfectly defined that no man in this House knows what memorials would be received, and what would be rejected, under any of the resolutions which have been offered. To exemplify: the first class of these memorials pray for the abolition of slavery and of the slave-trade in the District of Columbia. Well, gentlemen have wasted their eloquence in making constitutional objections against the reception of such memorials by this House, contending that Congress has no power to legislate on that subject. Admit that, (which I do not,) but supposing it is a valid reason for the rejection of all petitions on this subject, there is another class which pray for the abolition of slavery and of the slave trade in the Territory of Florida. What becomes of all these constitutional objections when the question relates to the Territories? That case presents a different question, and must be met by a different argument. Supposing, however, both these classes of memorials to be included in your resolution, there is still another class, which pray that no new State shall be admitted into the Union whose constitution tolerates the existence of slavery. Not one of the arguments which we have supposed valid against the other classes of petitions applies to this class; and supposing you to exclude all which relate to slavery in this District or in the Territory, that does not exclude these, and as soon as one of them shall be presented, the whole subject of slavery and of the slave-trade will be as completely open to discussion as it would have been on the other classes of memorials. A fourth class relates to the admission of the Territory of Florida as a slave State. Congress has the constitutional power to admit or not to admit; the question then arises, shall Florida be received or not received? And here again is the whole subject open to discussion. I shall not enter on the discussion, but I say that these memorials throw the whole subject open as much as any of those which have been specified in the resolution under discussion. But, besides all these, there is another and a distinct class of petitions, which pray for the establishment of diplomatic relations with the Republic of Hayti. I do not believe that it is in the mind of any gentleman in this House to raise a constitutional question on that subject. It is indisputably in the power of Congress to act on such a prayer; and when such a memorial shall be brought up here, the whole subject of slavery and of the slave trade is as fully open for discussion as it could have been on a petition praying for the abolition of slavery in this District. I will not go further; but I put it to gentlemen who complain of the waste of time, and of the agitation in the country, occasioned by the reception of abolition memorials, to inquire of themselves, and answer to themselves, how long they think that the discussion of slavery and of the slave trade can be excluded from this House? I ask whether they expect to suppress that discussion here, by refusing to receive petitions for the abolition of slavery in the District of Columbia? Supposing a resolution passes that petitions on this specific subject shall be excluded, you do not get rid of the general subject; it goes further. I ask, again, is there here any individual who has the slightest fear of any member rising in his place and offering a resolution to abolish slavery and the slave-trade in the District of Columbia? I wish they would only allow it to be done, that they may see what number of votes can be obtained in support of such a proposition. I say this in kindness to the South; if their object is to put down petitions of that character, I do in my conscience believe that the first thing they should do is to admit them to be presented. If, out of the whole two hundred and forty votes, such a measure receives ten, I shall be much surprised. As to myself, I have long ago professed my belief on the subject. From the time that I first entered this House, (which is now, I think, between eight and nine years,) I have always

declared that I am not prepared for the immediate abolition of slavery in this District; and since the adjournment of the last Congress I have explicitly and publicly avowed my sentiments on that matter to the very petitioners who pray for it, and who have sent me their memorials to be presented here. With the exception of my friend from Vermont, over the way, (Mr. SLADE,) who, I am obliged to believe, is prepared for such a measure, I do not know another gentleman in this House who I think would go for it. There may be many others; I do not say there are not; but I do not myself know of one, nor do I believe that ten votes could be got for such a proposition in this House. And even my friend from Vermont himself, whose able argument against slavery, delivered last week, was not as much attended to in this House as it will be by this nation—even he, who, I believe, once offered to introduce a bill for that object, declared to us, in that argument, that abolitionists generally attributed far more importance to the measure than he himself did. I take it for granted that he would vote for such a measure; but I think it at the same time extremely likely that, when the House came to be divided, he would find himself in the "glorious minority of one." I say again to gentlemen of the South, If you want peace, if your object is to allay agitation, if you want to see what is the real opinion of the Representatives of the North, be they Whigs or Administration men, offer yourselves, or get some one else to offer, a resolution for the immediate abolition of slavery in this District, and call the yeas and nays upon it; then you will understand what is our feeling on that subject, and what is the feeling of our constituents. As matters now stand, we often hear one of the gentlemen of the South speak our own opinions more nearly than any one from the North. I believe that this is true in most cases. But what I now say is, that you cannot suppress a discussion on slavery by suppressing petitions for its abolition in this District; and what I say of one class of petitions, I say of them all. I have now in my drawer not less than a hundred and fifty of them, waiting till we shall be allowed an opportunity to present them to the House; and I will here say that I think these petitioners have ground to inquire of this House how it happened that, while the reception of petitions is pre-eminently and most emphatically the business of this House, we have been fifty days in session, and yet the Representatives from only two States have been permitted to present the petitions of their constituents. I have petitions of great importance on other subjects, entirely distinct from abolition, which I am waiting to present here; but I cannot, because this question is now brought up, and the House is openly called upon to suppress the right of petition; and we are here debating, from day to day, about excluding one petty class of petitions relating to an object for which none would vote if they were received. I hope to be discharged from the responsibility of consuming the time of the House on such a matter as this. I have been charged with it. The House has been heretofore debating for weeks, and I have been most unjustly charged with it all, but I cannot be charged with it now. I say to this House and to this nation, that I have no part of the blame. Who is the responsible person upon a debate which has occupied eight or ten days? On the 30th of December, almost immediately after the House was organized, (or rather, let me say, organized in part, for we are not more than half organized to this hour,) a gentleman from Virginia, (Mr. WISE,) whom I am sorry not to see in his place, and for the cause of whose absence I am still more sorry, presented a resolution which I believe is identically the same with that now before the House. He presented it out of order—contrary to the rules; so that he was obliged to move that the rules be suspended for its introduction; but he could not carry that motion. There was the first step in this matter. At that time not a single petition had yet been presented. There was the beginning of this debate. The next day he renewed his motion, and it again failed. The gentleman then gave notice to the House that he would renew the same motion every day of the session till the object should be granted. I thought at that time that it was not in order to repeat a proposition which had once been rejected, but the Chair ruled otherwise. The gentleman, however, thought better of the matter, as most of us ought to do in regard to what we often say in the heat of debate, and he did not renew his motion; but, not satisfied with the stoppage which had thus been put to an exciting debate, a colleague of the gentleman (Mr. COLES) offered another resolution on the same subject, in these words:

"All petitions, memorials, and papers touching the abolition of slavery, or the buying, selling, or transferring of slaves in any State, District, or Territory of the United States, shall, upon their presentation, be laid on the table without being debated, printed, read, or referred; and no further action whatever shall be had thereon."

There was this difference between the two propositions: The proposition of the latter gentleman did not make the question of reception the issue; that of the other gentleman (which is the proposition now before the House) did make the question of reception the issue. The one proposed to hang up between heaven and earth the question of reception, so that nobody should know whether abolition memorials were received or not; and we had an edifying debate on that very question, in the course of which I recollect that an astute gentleman from Kentucky (Mr. UNDERWOOD) said that his vote, for or against the resolution, would depend on that point; but that, as the resolution stood, he could not tell whether the memorials were received or not. [Laughter.] I say, sir, the question of reception was suspended between earth and heaven, or between earth and——another place. [Loud laughter.] The resolution now before us does not leave the question of reception in that extraordinary predicament; it is framed in such a manner that, according to a decision made by your predecessor in that chair, (Mr. Speaker Polk,) the fact of the reception of the memorials is established; for that precise question was brought to him in regard to the same proposition now before us, and which was adopted by the last Congress. I say the question was then specifically made, whether petitions, under the effect of that rule, were or were not received by the House; and the then Speaker of the House decided that they were. I presume, therefore, that all the abolition memorials then presented remain still on file in the Clerk's office. Well, this second proposition (Mr. COLES's) again failed, because two-thirds of the House were not willing to receive it; but then came the self-same proposition in the form of an amendment to a report of the Committee on the Revised Rules of Order; and that is the position of it at this time. We are now discussing it as an amendment to the rules of this House, and in that form it did not require a vote of two-thirds to introduce it. It was therefore received and discussed, and, after discussion, was laid on the table by a majority of the House. Still, I say that the whole discussion, in all its forms, has taken place by the agency of gentlemen representing the southern portion of this Union; and, whatever agitation the discussion may have produced either in or out of the House, lies at their door, not at ours—especially not at mine, for I have taken no part in it, unless it has been for the last eight or ten days to worry the Speaker every morning till I could get my resolution before the House. [A laugh.]

I shall not now enter on the great and wide question of slavery or the slave-trade in any State, District, Territory, dominion, or nation on the face of the globe. The subject is too large. I hope the day will come when I shall have an opportunity of delivering my opinions on that whole subject, but I assure gentlemen that I shall not attempt it on a little petty resolution about the reception of petitions. There are ways enough to get at the subject. I could bring it into this House to-morrow. I can tell gentlemen that it will come upon this House in forms very different from this; and, to give the House a piece of my mind, I think it ought to have been before this House already. It should have formed one of the topics of the President's message. Here are at this moment four States of this Union on the verge of civil war, avowedly on this very subject; and we see no more mention of it in the essage, than if those States were in the moon. Do gentlemen from Virginia, from New York, from Georgia, from Maine, from New Hampshire, expect that this question is not to come before Congress?—that it will not be discussed here in all its breadth and length and depth? Very well, gentlemen—go on—to sleep and to slumber; but remember you will be waked from your sleep by voices more than from the dead. I say again, to gentlemen of the North, and gentlemen of the South, you cannot keep that discussion out of this House; and you will soon give up trying to do so, by passing small resolutions about abolition petitions.

And now, having discharged myself, and those with whom I act, from all the responsibility of this debate, I will relieve the South also from all responsibility—at least so far as moral principle goes—by rendering to them here my public thanks for having opened the question. I believe the time thus far consumed in that discussion has been time well spent. We have listened to speeches of great ability on both sides; we have heard slavery defended by all that can be said in its defence, and the cause of freedom advocated—I will not say by all that can be said in its behalf—but at least by something. The reserve has been all on that side. Indeed, I do not think that any gentleman has attempted formally to contend for it, but my friend from Vermont (Mr. SLADE.) All the speeches I have heard, save one by the gentleman behind me, (Mr. GRANGER,) have been on the other side. Gentlemen from the North have shown us how far they can go in supporting the rights of the South. That has been the subject; that has been the argument. They have been arguing the cause of slavery, although they are the Representatives only of freemen. The cause of freedom, in all its power, has not even been touched, save by the gentleman from Vermont; and even by him rather in the way of apology for the unfortunate abolitionists, than by appeals to the laws of God, the laws of Nature, and the Declaration of Independence. When the general subject comes to be discussed, I trust that it will be argued on those grounds; that we shall not merely attempt to apologize for a certain class of petitioners, but that the appeal will be to the laws of God, the laws of Nature, and the Declaration of Independence made by the original thirteen States of this Union, among whom I can bring gentlemen high and illustrious names from Virginia, from Georgia, and from South Carolina. That is the ground that will be taken by the defenders of freedom. But I will not now enter into that question. The resolution I now offer refers simply to the rules of the House; that is the subject we are discussing.

[Mr. COOPER, of Georgia, here interposed and begged leave to correct the honorable gentleman in one particular. The gentleman had made one broad remark, which might seem to cover Mr. C. It was, that all had been said in this debate which could be said in defence of slavery. Mr. C. disavowed having entered upon the general question of slavery at all: he had only endeavored to defend those who held property in slaves under the Constitution.]

Mr. ADAMS resumed. I did not understand the honorable gentleman otherwise. I did not mean to say more than that he thus defined the Constitution as making property of human beings. That is what I call slavery. But the question is now on the rules; and the immediate question before the House is on the resolution moved by the gentleman from South Carolina, in these words:

"*Resolved*, That, upon the presentation of any memorial or petition praying for the abolition of slavery or the slave-trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or other paper touching that subject, the reception of such memorial, petition, resolution, or paper shall be considered as objected to; and the question of its reception shall be laid on the table, without debate or further action thereon."

This is identically the same resolution which was offered by the first gentleman from Virginia, (Mr. WISE,) and which seems intended to get rid of the question of reception by suspending it between the two parts of the universe I referred to, leaving it utterly uncertain whether these petitions are received by the House or not. That, of itself, is objection enough to me; and I will say, for a high-minded chevalier, which I consider the gentleman from South Carolina (Mr. THOMPSON) to be, as brave and gallant as Bayard, without fear and without reproach, it seems to me a very small way of getting rid of the question, to hang it up between those two places. He will not say, reject it; no. He will not say, receive it; no. He will not reject it or receive it, but lay the question of reception on the table; so that neither this House, nor the Clerk, nor the world, shall know whether it is received or not. It seems to me that it would be more bold, open, and candid, and better becoming the gentleman, to say one thing or the other: yet I will say the same thing in regard to the gentleman from Virginia, (Mr. WISE,) which I have said of the gentleman from South Carolina, (Mr. THOMPSON.) I highly

respect him. I believe him to be an honest, fair, open-hearted, open-mouthed man; [laughter;] and I respect and honor him for it. Sir, I am a Yankee, and Yankees are said to be famous for their trickery in public dealing. How that may be, I do not know; but to me it seems that this resolution as well deserves the character of a "wooden nutmeg" as if it had come from the acutest of Yankee pedlars. [Loud laughter.] I know that neither of these gentlemen would ever have proposed to dispose of the question in this way, if they had not found, from experience, that they could not get rid of these abolition memorials in a manner more agreeable to them. The gentleman from Virginia (Mr. WISE) is for rejecting them at once—for refusing to receive them, and for openly saying so to the world. Where the expedient of hanging up the question of reception came from, I do not know; I hope it did not come from Yankee land. [A voice. Yes it did; it came from New Hampshire.] Well, wherever it came from, I wash my hands of it. That is the proposition, however, on which the House will be called to vote by yeas and nays, if they reject mine that is the proposition on which the previous question was called yesterday, and it failed but by a single vote; and I say that, if Southern gentlemen declare themselves to be ashamed of it, I hope they will vote against it.

Now, sir, I will state to the House why I propose that my resolution shall be entered as the 21st rule of the House.

The 20th rule declared—

"As soon as the Journal is read, the Speaker shall call for petitions from the members of each State, and delegates from each Territory, begining with Maine and the Territory of Wiskonsin, alternately; and if, on any day, the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day: provided that, after the first thirty days of the session, petitions shall not be received, except on the first day of the meeting of the House in each week."

And the 21st rule, which now immediately follows it, provides—

"The petitions having been presented and disposed of, reports from committees shall be called for and disposed of; in doing which, the Speaker shall call upon each standing committee, in the order they are named in the 70th and 98th rules; and when all the standing committees have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the call upon the commitees before the House passes to other business, he shall resume the next call where he left off. Resolutions shall then be called for in the same order, and disposed of by the same rules, which apply to petitions: provided that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called."

I would place mine between the two; and here, as a justification for my extreme anxiety on the subject of the right of petition, I will ask the attention of the House to the order of business which these rules establish. What is it? The very first business in order is to receive petitions; and this regulation dates from the beginning of the Government. There is a reason for it. What is Government instituted for, but to redress the grievances of the people? What is the object of all government? What are we here for? What is the Constitution for? Why does Congress meet every year, if not for the redress of grievances? All else is of subordinate importance. The appropriation bills are very important for the conducting of the Government, and for performing its duties of justice to the people. But what else have we to do but to redress grievances? It is therefore just and reasonable that the first thing the House does should be to inquire what grievances are to be redressed. But how can we know this, unless the people tell us? The right of petition, therefore, is essential to the very existence of government: it is the right of the people over the Government: it is their right, and they may not be deprived of it. I presume it will be admitted here, so thoroughly is this the fact, that if that amendment of the Constitution by which Congress are prohibited from interfering with the right of petition had not been adopted, the right would nevertheless have existed just as really as it now does. The amendment insisting on its preservation was adopted at the instance of the great and glorious Old Dominion. It was inserted then, not to confer the right, but to secure it against violation by Congress. Will any man say that the right to petition Government would not exist, unless written down in the Constitution? It is interwoven with the nature of Government itself; it does not belong to a republic alone, or to a monarchy, or to an aristocracy, but is common to them all. The greatest despot on the globe is compelled to receive petitions from his meanest subject. The Grand Turk never rides out but he is besieged with petitions, and he is obliged to receive them all. Holding, then, that this right is founded in the immortal nature of man, who petitions his Maker, I am against all abridgment of it. But, color it as you please, the resolution of the gentleman from South Carolina does abridge this right; for, if you say that you will not receive certain petitions, or if you will not tell whether you receive them or not, I say it is the same thing, in the result, as if you rejected those petitions. And when this is done, not in regard to one petition, or twenty petitions, but to a whole class of petitions, without distinct specification, it amounts to the exercise of an arbitrary discretion in this House whether the House will receive any petition or not. I say you cannot specify any one class of excluded petitions without claiming the right of extending your interdict to all other classes of them.

A very luminous illustration of this is to be found in the practice of the British House of Commons. I remember that, at the last session, the practice of that House was adduced here to justify the refusal of abolition petitions, and we had long arguments to show that there was a discretion in this House as to the reception of petitions, because there was such a discretion in the House of Commons. There is such a discretion in that House, but it extends to one class of petitions only; there is one class which the House of Commons does not receive. When a petition of this class is presented, if objection is made, the petition is refused to be received. I do not, of course, when I say one class, refer to petitions which contain insulting language and are disrespectful to the Government. Nobody pretends that petitions of this description ought to be received by any legislative body; that fact alone is a valid reason for their rejection; but, besides these, there is one class, and one only, which the House of Commons excludes, and those are petitions against taxation. The House of Commons, being a taxing machine, cannot bear to hear petitions against the exercise of its taxing power. If any gentleman will take the trouble to look into Hatsell's Book of Precedents, he will find, that when the petitions of the people of America against the stamp act were presented in Parliament, this rule was applied to them, and they were accordingly not received. There is another instance recorded of the same kind: it is a petition to the King from the first Congress of the United States. The King referred it to the House of Commons: the petition itself may be found in the journals of the old Congress: it was addressed to the King in 1775, and Sir George Saville, it is said, *offered* to present the petition, (much of the style of some entries made here, of late years, in our Journals.) The name of Sir George Saville is well known as the friend of liberty. It is an historical name, venerable in his native country as it is throughout the civilized world. This gentleman, it is said, "*offered* to present the petition of persons styling themselves Representatives of the People of the North American Colonies." Objection was made, and an argument ensued which I should be glad to read if there was time to do so. It is the very argument which we now hear in this House. It prevailed then and there. And the petition of our Representatives was in consequence rejected. And these, sir, are the precedents from the House of Commons which were openly adduced in this House (and I do not know but they may be adduced again) to prove the right of the House to refuse abolition petitions!

Now, to apply this to my argument. If this House, on the force of these precedents, is justified in the principle that it may reject abolition petitions, I ask if the same precedent is not much more powerful, and still more in point, if applied to petitions which relate to the tariff? The parallel would then run on all fours. Then the precedent of the House of Commons would be of authority. If it has any force in the one class of petitions, it has still more in relation to the other. I ask gentlemen from the North, and gentlemen from the South, are you ready to reject petitions against duties imposed for the revenue? The rule includes the resolutions of State Legislatures. I repeat, that if you can reject abolition memorials because the House of Commons rejects memorials against taxes, you can reject petitions against all taxation; and the precedent is of stronger authority. If you can do it in relation to one class, you can do it in relation to any other class; and if you can do it in relation to the petitions of whole classes of individuals, you can do it to the petition of any one individual. Nay, I think I heard it expressly argued here, that the right of petition is not infringed when you reject a single petition, because the Constitution says that the people have a right to "assemble" to petition Congress for a redress of grievances. So there must be an assembly of the people, or else the rejection of their petitions is not unconstitutional! I say that argument will apply precisely. If once you admit the principle that the House has a discretionary power to reject petitions, the question will at last be made here, whether the petitioner is of the politics of the majority or of the minority. That will be the next step; and when that step is taken, what will have become of the right of petition?

One objection I have to the resolution of the gentleman from South Carolina is, that it is a novelty, and that in two respects. Heretofore, to my extreme grief, sorrow, and, I would add, indignation, if that were of any avail, this House, during the four or five sessions last past, has sanctioned the reception of abolition memorials, and has then ordered them to lie on the table without being read, printed, or acted on in any way. That measure I consider as another wooden nutmeg; it is an expedient to get rid of the consideration of these memorials, and yet to escape the odium of refusing to receive them. That is a distinction of great power with some Northern gentlemen. If you only receive the memorial, they are satisfied; no matter whether you ever read it or look it again. But they will never refuse to receive a petition! Oh, no, sir! But they will not hear them read. That is the argument of one class of reasoners. Still this was something. And, since the question has been up, we have twice had the precise question of reception put to the House, and the yeas and nays called upon it. In examining those yeas and nays, I find that the very distinguished gentleman from New York, over the way, (Mr. VANDERPOEL,) who is ready thus sternly to suspend the question, did vote for reception. Well, sir, every man has his own system of logic. For my own part, I thank no gentleman, either in the name of these petitioners or in my own name, for receiving their petitions, and then laying them on the table without being read. Nay, sir, to me it is insignificant whether they are read or not, unless they are considered. It is the right of the petitioner, and the duty of this House, that, when a petition is presented to it, the House should inform itself what that petition contains—should then consider, and then answer it. As the practice of the British House of Commons has been visited on us in debate, and is likely to be again, I will read from Hatsell:

"We learn, from an examination of all these instances, that this practice has been confined, as it ought to be most strictly, to the refusing to receive such petitions only as object against a tax which the House of Commons is imposing for the current service of the year; and that it has never been applied to petitions which have been offered in a subsequent session, desiring a repeal or reconsideration of the taxes imposed in a former. Indeed, the House ought to be particularly cautious not to be over rigid in extending this rule beyond what the practice of their ancestors, in former times, can justify. To *receive* and *hear* and *consider* the petitions of their fellow-subjects, when presented decently, and containing no matter intentionally offensive to the House, is a duty incumbent upon them, antecedent to all rules and orders that may have been instituted for their own convenience: justice and the laws of their country demand it from them."

This is the comment of Hatsell; and is there any discovery in that? Is it not a dictate of common sense? When you assume the right of petition, does not that right, in all sound logic and in all moral principle, carry with it the duty to receive, hear, and consider petitions? If not, then is the guaranty of that right the greatest of mockery? This House says to an American citizen, "O yes! you have certainly the right to petition, but I will neither read, hear, nor consider your petition when you send it." Sir, what difference is there between

saying this, and telling the man at once you have not the right to petition us? You only cheat the man by a false pretence, while you give him a right which you take care shall be of no avail. This is the objection I have to all resolutions which refuse the hearing of petitions. This House should speak the language of a great and generous nation; it should deal with the people in a fair, open, and candid way; and it is not so dealing to say to them, We will receive your petitions, but we will not consider them. If you refuse to hear and consider, as well as to receive, you do in substance deny the right to petition. Sir, decent language will not express what you do. It is conduct that would be unworthy of a single individual, and is vastly more so of the Representatives of this great and mighty nation.

I have already stated the substance of another objection to the resolution—namely, that it will not answer its purpose. If you succeed in rejecting all these memorials, you have not thereby got rid of the question. You will have the question of slavery and of abolition forced upon you every day; you cannot keep it out of the House; and, if you persevere, you will, before you are aware of it, have a civil war raging, while you are excluding the only means that can put an end to it.

I have not taken up, neither will I, the correspondence between the Governors of Virginia and New York, and between the Governors of Georgia and Maine, presenting, as it does, a state of things on which the House at this moment ought, in my opinion, to be deliberating. What is the substance of this correspondence? It is a difference of opinion as to the interpretation of the Constitution. They discuss that difference with great ability on both sides, but they come to no agreement. The Governor of Virginia says that the Governor of New York must give up the point, or——

[At this point Mr. ADAMS was arrested by the Chair, and it was declared not in order to discuss this correspondence.

Mr. ADAMS. Others have spoken of it without being rebuked.

CHAIR. It cannot be done but by consent of the House.

Mr. COOPER, of Georgia. I have no objection to the gentleman's proceeding, so far as New York and Virginia are concerned; but when he comes to Georgia, I give notice that I shall object.

A VOICE. You yourself alluded to the subject.

Mr. COOPER. Yes, but I was called to order.

Mr. WADDY THOMPSON. The gentleman from Massachusetts is strictly in order, and I hope he will be allowed to proceed. The question must come up.

Cries of "Go on! Go on!"]

I was going to observe that, in the last sentence of this correspondence, the Governor of Virginia declares that, unless the Governor of New York recedes from his position, either there must be an amendment of the Constitution, or Virginia must recur to first principles and take her rights into her own hands. I pretend not to give the precise words, but that is the substance. Now, I enter not into this question. I said I would not. I ask not which is right—the Governor of New York or the Governor of Virginia; but here is a State which is in population and in wealth the first in the Union, and in intelligence equal to any other; and here is another State, equally distinguished in this Union, equally respected and beloved by me; both are at that point with each other as sovereign States. I ask how long this question is to be kept out of this House? I have named four States, but there are also two other States, of most respectable character, who were recently in the same condition, and who negotiated between themselves and agreed upon some sort of a compromise. The compromise may prove satisfactory, though I doubt it. The principle in question was as much contested between these States, as between Georgia and Maine; and to-morrow Massachusetts and South Carolina may be in the same condition. Sir, there are no two States in the Union—one of them slaveholding, and the other not—which may not be in that condition from day to day. And are we to continue under a state of things, progressing, as such a state of things naturally does, and must, from words to action? For I take it for granted that the Governor of Virginia is no bully; that he did not expect to frighten the Empire State by his message. Suppose these two great States were to come to action; is that a subject to be kept out of this House? No, sir; it cannot be; and therefore I say that the proposition of the gentleman from South Carolina is small and paltry. Nor is that of the gentleman from Virginia any better. I do not attribute the fault to those gentlemen; it lies in the nature of the thing itself—it is fanning the sun with a peacock's feather to make it cool. The resolution will not answer its purpose, and its only effect will be to agitate and vex a number of petitioners as respectable as any others in the Union. It cannot suppress the discussion of the subject. I say, again, I thank the gentlemen of the South for having opened that discussion fully. I do not conceive that the eight or ten days expended in the debate have been lost time; much has been said that will be considered. Such discussion has a tendency to bring the parties together, not to alienate them. Let us say what we have to say. Say what you have to say, and then we must come to some compromise, which is required on both sides. This has been done before; it was done in the Convention which formed the Constitution. The discussion was as heating then as it is now; yet they came to an understanding—they agreed upon a compromise. It is true, they were obliged to resort to a little external interference by prayer for it, (and I should be glad we did the same now, and that we had a Chaplain to perform the duty;) still the two parties came together, and they have kept together for fifty years. Do gentlemen from the South believe that, by excluding these memorials, they will ever convert our petitioners? Do you believe it? Do you expect to bring them to your terms? I heard two of the gentlemen yesterday say that, as to slavery, they should not discuss it; they had nothing to say about it; and so says the Governor of Virginia. And what does the Governor of New York say in reply? I did not ask you to discuss it; I did not put it in issue. So we say now. Gentlemen of the South, we do not interfere with you and your institutions. Keep your institutions! Cherish them! Hold them for BLESSING! We shall not disturb either your creed or your practice; but on subjects in which we are as much interested as you, and when the matter has come to a question of peace or war, freemen can stand upon their rights as well as the holders of slaves. When Jove appeals to his thunder, the fable tells us that Jove is wrong. Why will you not discuss this question? Do you fear the argument? If not, why do you refuse to enter into it? If you are so firm, so confident, so immovably resolute, why will you not speak? I call upon you to speak; explain this subject to us who do not understand it. Show us the "blessings" of this institution. Let us look at them. I believe some of you think that slavery is a blessing which we ought to take to ourselves. If so, give us your reasons; show us how it will be for our interest, and how it can be made to conform to our sense of duty. Perhaps we shall come round; who knows but you may convert us? [A laugh.] I do not resist; I am open to conviction. Suppose you try it.

The Governor of Virginia, when he puts on his armor, and clothes himself in complete steel, cries, "I am ready to fight on the question;" and so say the gentleman from South Carolina and the gentleman from Virginia; but I beg leave to say to them that the tone of defiance is not the tone to make peace. No; defend your own institutions as you think proper; if they are assailed by violence, defend them by violence; but if not, I say to those gentlemen, come and let us reason together; let us have a cool, dispassionate comparison of opinion. That is my wish; that, I think, is the true course.

But the proposition of the gentleman from South Carolina goes, in two particulars, further than ever this House has gone before. Heretofore, the House, by special resolution, has declared that memorials shall be received and laid on the table without reading, but the effect of the resolution has always been confined to that particular session in which it has passed. But now here is a step forward in the process of rejecting petitions; the petitions are not received, but the question of their reception is suspended. That is one step. Then the resolution, instead of applying to this session only, is proposed as a standing rule of the House. Of course, it will extend through two sessions at least, and, by the ordinary practice which has hitherto prevailed, of adopting the rules of order of a previous session, the rule will, in fact, become, in some respects, a permanent law of the House. On both these grounds I object to it; and I call the attention of the House to an observation of the gentleman from Rhode Island, (Mr. TILLINGHAST,) which struck me when it was made with peculiar force. These petitions are addressed to the Senate and the House of Representatives—to the whole Congress. The petitioners have as much right to go before the Senate as before the House of Representatives. If you interrupt the progress of their petition by refusing to receive it, or, still more, by suspending the question of its reception, you deprive them of their privilege of going before the Senate. It is a double violation of their right of petition. I know it may be said that the petitioners are at liberty to present another copy of their memorial to the Senate. That is true; but if you suspend the question of reception, you deprive them, in effect, just as much; for, let them present their memorials as they will to the Senate, when they come to the House, here is the rule; for under this resolution I suppose you will not receive a bill from the Senate on the subject of abolition, any more than you will receive a petition. I say, then, that you deprive a whole class of petitioners, and that the largest class of any in the country, of all hearing not only in this House, but in the Senate also.

Now my proposition is very simple. It is this:

Resolved, That the following be added to the standing rules of this House, to be numbered the 21st:

"Every petition presented by the Speaker, or by any member, with a brief verbal statement of its contents, shall be received, unless objection be made to its reception for special reason; and whenever objection shall be made to the reception of a petition, the name of the member objecting, and the reason of the objection, shall be entered upon the journal. The question in every such case shall be, *Shall the petition be rejected?* and no petition shall be rejected, but by a majority of the members present."

It will be observed that this resolution, if adopted, does not specify in what manner the petitions shall be treated after they are received. I say this by way of answering a large portion of the gentlemen on the other side, who wasted a vast deal of argument by putting supposed cases of the presentation of absurd and unconstitutional petitions. I do not deny the right of the House to refuse to receive a petition when it is first presented; but I wish all petitions to be received, unless their reception is specially objected to. What shall be done with them afterwards, is for the House to determine. What I want to settle is, the principle that the right of petition includes within it the right of having petitions received, unless special objection exists against it; and to show whether this is the case, I require the name of the person objecting and the reasons of the objection to be entered on the journals of the House. Now it is possible for the House to adopt this resolution, and yet to pass another that the petitions, when received, shall neither be read nor considered. But if the House shall adopt this resolution, I confess that it is my impression that there is not a man in this House who will be willing to record as the ground of his objection to its being received, that it is an abolition petition. There may be some—there may be many; but I believe that, if the question of reception is put to the House, they cannot get a majority to vote against it.

I do not believe that there is a man here who is willing to have such a thing go upon the record in a single case; and if there is—there may be many for aught I know—but if there is, put the question to the decision of the House, and see how the majority will go. I do not believe that you can get a majority for it, if there is a man that would move it; and for this reason: by receiving a petition, you decide nothing, and I was willing to put upon the record my acknowledgment of the right of the House to reject petitions. I fully and freely admit it; but I say it must be done for a special reason, which must be assigned on the journal, to go before the world—before posterity; and if there is a gentleman here who would not scruple at putting his name to such an objection on the journal, I will answer for it that in twenty years hence he and his children would blush to see his name with such an addition to it, come he from the North or the South, or where he may. If you adopt my resolution, you only settle the principle that all petitions shall be received, unless a special objection, which is to be entered on the journal, shall be made; and then that there shall be a special vote upon it by the House. Rely upon it, that, if this resolution passes, you will hear no more objections, not only to the reception of the petition, but to its reference; to the hearing it; to considering it, which is as much the duty of the House as to receive it. I am willing

to rest it upon this. I am willing to admit the right of the House to refuse to receive, in any case in which a majority of the House is willing that the reason for rejecting the petition shall go upon the journal.

And now, Mr. Speaker, I have no more to say. I will not enter upon the subject of slavery or the slave-trade in the District of Columbia.

SPEECH OF MR. GARLAND,

Continued from page 745.

But, Mr. Speaker, there is still a further limitation upon the power of Congress, which confines its action to the expressly delegated powers, and leaves it no pretext for assuming powers not prohibited. The proviso to the act of cession by Virginia says:

"That the jurisdiction of the laws of this Commonwealth over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until Congress, having accepted said cession, shall, by law, provide for the government thereof, under their jurisdiction, in *manner* provided by the article before recited."

The article referred to is the 8th section of the 1st article, enumerating and delegating the legislative powers of Congress. It is thus referred to in the 2d section of the act of cession, which proves that it was designed as a limitation upon the powers of Congress:

"That a tract of country, not exceeding ten miles square, or any lesser quantity, to be located within the limits of this State, and in any *part* thereof, as Congress may by law direct, and the same is hereby forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and *exclusive jurisdiction*, as well of soil as of persons *residing* or to *reside* thereon, *pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.*"

Is not here, sir, a clear limitation upon the powers of this Government over this District, to the enumerated powers of the Constitution? and did not Congress accept the cession with this condition annexed? With what propriety, then, can Congress be asked to usurp power and violate this express condition? But, sir, another view presents itself, growing out of this section of the act, which clearly proves the intention of the contracting parties, and their views of the powers of Congress over this subject when the cession was made. This section conferred upon Congress the power of locating the ten miles square anywhere in the State of Virginia which it might select. Suppose it had been located so as to include the city of Richmond, as it might have been. Do you think, sir, Virginia had bestowed upon Congress a discretion which, in her estimation, would have enabled it to abolish slavery in the very centre of its slave population, embracing its very capital? The idea is too preposterous to think of. Thus, sir, the power of Congress is not only limited by the plain letter of the Constitution, but by its plighted faith, which it is bound, by every consideration of national honor, to fulfil.

The question now recurs, Mr. Speaker, What disposition should be made of these petitions? Should they be received, or not? I contend that they should not be received. First, because they ask Congress to do that which it has no constitutional power to do. I flatter myself that I have satisfactorily proved that Congress has no constitutional power to abolish "*slavery*" or the "*slave-trade*" between citizens of this District and the slave States, and between the slave States themselves; and that, if the prayers of the petitioners were to prevail, it would be in violation of the Constitution, and in utter disregard of the rights of private property. Why, then, receive petitions which call upon the House to do what it has, palpably, no power to do? It is an idle waste of time, and a most pernicious example. Second, because from the effects which the introduction of such petitions must necessarily produce. Their introduction uniformly produces excitement and unprofitable discussion here, and a corresponding excitement in the two great sections of the Union. The discussions here are well calculated to produce heartburnings, jealousies, and alienations between the Representatives of the slaveholding and non-slaveholding States, which will act and react upon their constituents, and produce like feelings among them, to the hazard of the peace of the country and the integrity of the Union. Not only this; but these discussions, urged in a manner so violent and unreserved, will find their way to the slave population, and excite among them delusive hopes and a spirit of insubordination, and attempts at insurrection, which, after the butchery of a few helpless women and children, can only end in their own destruction. These are the only effects which the introduction and discussion of these petitions are calculated to produce. Why, then, introduce them? Why cast a firebrand into the midst of such combustible materials, and hazard an explosion so fatal to the harmony of this body, the peace of the nation, and the integrity of the Union? Why produce discord, where harmony and good-will would otherwise prevail? Is there any good likely to be accomplished worth such imminent hazards? None, sir, whatever. The framers of the Constitution—men whose wisdom and patriotism were never surpassed—foresaw the delicacy and danger of this question of slavery, and wisely closed the doors of the Federal Constitution upon it. They saw in this young and rising nation all those elements of greatness which need only be discreetly used to produce unparalleled power, prosperity, and glory. They foresaw that sectional jealousies alone could produce that alienation of feeling which would sever this great fabric of liberty, and break it into powerless, contemptible fragments. They foresaw that, of all other subjects, none were so likely to produce these disastrous consequences as that of domestic slavery in the States; and they, therefore, wisely determined not to clothe the Federal Government with any power over the subject, but leave it entirely to the jurisdiction of the States where it existed. Let us imitate, Mr. Speaker, this high and patriotic example of our fathers, and close for ever the doors of this Hall to this inflammatory, exciting, and dangerous subject, by keeping out this description of petitions, as dangerous to the peace and tranquillity of the country, and the integrity of the Union. Interest, patriotism, and duty, all unite in imperiously demanding it. If, through the instrumentality of this question, this Union, consecrated by the best blood of our fathers, and founded upon the true principles of liberty, should ever be broken down, we shall incur a heavy and irredeemable responsibility to the world and to posterity. Third. Because, if the prayer of such petitions should be granted, it would be in violation of that faith which is fairly inferrible from the compact of cession, and dangerous to the tranquillity and subordination of the slaves in Virginia and Maryland. It cannot be, for a moment, supposed that Virginia and Maryland, two of the largest slaveholding States in the Union, would have been guilty of the gross folly of ceding to the United States a territory of ten miles square, within their very midst, if they had not regarded the faith of the Government pledged not to interfere with this subject. The acts of cession themselves afford conclusive evidence that the ceding States regarded this subject as closed to Congress. But, if the acts of cession were silent upon this subject, the very fact that this territory was gratuitously ceded by the liberality of these two States should protect it against the exercise of this power, if it existed. Abolish slavery here; make it the rendezvous of free negroes and refugee slaves, and what would be the condition of the people of the District and of Virginia and Maryland? Their property would become worthless, and their safety hourly jeoparded. Is there any gentleman here prepared to inflict upon the people of Virginia and Maryland, and this District, such unutterable woes? I trust not. Why, then, receive petitions productive of so little good, and fraught with so many dangers, and the contagion of which must extend through the whole slaveholding States?

But it is said by the gentleman from Vermont (Mr. SLADE) that Congress cannot observe any such plighted faith, because it was unconstitutional. Not so, sir. If Congress had the power to abolish slavery, it would not be compelled to exercise it. It had the right, therefore, to make the pledge, and is bound in honor to redeem it, so long as the circumstances under which it was made exist, and require its observance.

Mr. Speaker, I would respectfully inquire, who are these petitioners? and why should their petitions be entitled to the peculiar favor of this House? Sir, they are intermeddlers—officious intruders into the affairs of others. They seek to redress, not their own grievances, but those of an independent community; they seek to apply the power of Congress to the destruction of the domestic institutions of sovereign States, of which they are not citizens, and with which they have no concern. Our Government is federal, not consolidated; and, in relation to their domestic institutions, the States are as independent of each other, and of this Government, as they are of the Powers of Europe, Asia, or Africa; and the subjects of France or England can, with as much propriety, seek the intervention of Congress upon this subject, as these petitioners. Such an intermeddling spirit should not be encouraged, but frowned down by the most signal marks of disapprobation, as dangerous to the institutions of the States, and threatening to the integrity of the Union. I have been permitted, sir, by the kindness of my friend from Massachusetts (Mr. LINCOLN) to examine one of these petitions. I find it printed, no doubt prepared at an abolition mint, and signed by 229 women, who pray for the abolition of "*slavery*" and the "*slave-trade*" in the District of Columbia. I do not doubt that most of the signers are children, for I find many of the same names, mostly written by the same hand, who have been influenced, no doubt, to sign their names to this paper, without any knowledge of its contents, by some long-faced hypocritical missionary of an abolition society. These *women* undertake to petition Congress to redress grievances of which they know nothing, and of a people to whom they are utter strangers. Yes, sir, the grievances of the superstitious, ignorant, and oppressed people of this District are to be poured into our ears by a few school misses and factory maids in Massachusetts, who are particularly enlightened upon this subject; and, for the reception of such a petition, this House and this nation are to be blown into a flame.

But it is argued by some that the refusal to receive these petitions adds to the strength of the abolitionists, by enabling them to connect with their system the right of petition; and that true policy would require that they should be received, referred, and reported upon. Sir, in 1793, when the Quaker petition was presented, it was received, referred, and reported upon. From that period up to 1836, such petitions were received, referred, and reported upon, but without effect. In 1836, after an animated discussion, abolition petitions were received and referred to a committee of which Mr. PINCKNEY of South Carolina was chairman, and an able report made against the objects of the petitioners, which, so far from preventing discussion, produced a most protracted and violent one. This report evaded the important question of the constitutional power of Congress over this subject. From that time to this, these petitions have been multiplying in numbers, and, I fear, will continue to multiply and be poured upon us, till the doors of Congress are entirely closed upon them. Sir, if the whole Southern representation would unite in the spirit of my colleague, (Mr. BOTTS,) who, I know, has no disposition to favor or respect the abolitionists, I would, not as a concession of principle, but to arm in the most effective manner those of our Constitution-abiding and law-obeying friends of the North, who are ready to bare their breasts to the storm, and maintain the plighted faith of the Constitution, defend the constitutional rights of the South, and preserve the Union of these States, give them such a position as they might deem necessary for their own safety. But, sir, this must be, to command my acquiescence, the united action of the South; for, upon this vitally interesting and important question, the South, to command respect, must present an undivided front, and I will not separate from it.

I should like to know, Mr. Speaker, why there is so much solicitude about the reception of petitions on which no action is sought or desired. I understand that there are scarce ten members on this floor who would respond affirmatively to the prayer of these petitions. I understand the distinguished gentleman from Massachusetts (Mr. ADAMS) to avow that he would not vote for any bill to abolish slavery in the District of Columbia at this time. I understand the gentleman from Vermont (Mr. SLADE) himself to say that he does not desire *immediate* action upon this subject. Why, then, risk the harmony of this body, jeopard the peace of the country, impair the strength of the Union, and hazard its integrity, in pressing the reception of petitions upon which this body has determined it will not act?

[Mr. SLADE said he did desire immediate action.]

I distinctly understood the gentleman to say that he did not desire the immediate abolition of slavery, and therefore inferred that he did not desire the *immediate* action of the House.

But, sir, it is argued by the member from Ver-

mont that the adoption of this resolution would exclude all petitions or papers touching the subject of slavery in any form, and about which the power of Congress is undoubted. He says that petitions, memorials, or other papers seeking a modification of the laws for the recovery of fugitive slaves would be excluded. The gentleman is mistaken; the resolution, in express terms, refers to all petitions, memorials, or other papers touching the *abolition* of slavery and the slave-trade—terms which cannot exclude any papers of the description referred to by the gentleman. So that this objection is unfounded; for that is the specific subject referred to, and the resolution embraces nothing else. Whether this resolution is incorporated into the standing rules of the House, or stands as an ordinary resolution, is not material as to its effect; for the rules only bind the present Congress, and this may be hereafter omitted if it should be deemed expedient to do so.

Mr. Speaker, the honorable gentleman from Vermont has charged upon the slave States that they *breed* slaves for the market as they do horses, cattle, or swine. He calls them, sir, "*slave-breeders.*" I had hoped, Mr. Speaker, that there could not have been found a representative of the American people upon the floor of the American Congress who would have repeated that base slander of that prince of demagogues, Daniel O'Connell—a man whose very name should be execrated by every friend of his country, the union of the States, and the liberties of the people.

[Mr. SLADE explained, and read in proof of his assertions the following extracts from the speeches of Messrs. Thomas J. Randolph and James H. Gholson, in the Legislature of Virginia, and a pamphlet of T. R. Dew, Esq., a distinguished professor in William and Mary College:

"In the Legislature of this State, in 1832, Thomas Jefferson Randolph declared that Virginia had been converted into 'one grand menagerie, where men are reared for the market like oxen for the shambles.' This same gentleman thus compared the foreign with the domestic traffic: 'The trader [African] receives the slaves, a stranger in aspect, language, and manner, from the merchant who brought him from the interior. But *here*, sir, individuals whom the master has known from infancy—whom he has seen sporting in the innocent gambols of childhood—who have been accustomed to look to him for protection—he tears from his mother's arms, and sells into a strange country, among a strange people, subject to cruel task-masters. In my opinion, it is much worse."

"Mr. Gholson, of Virginia, in his speech in the Legislature of that State, January 18, 1831, [see Richmond Whig,] says: 'The legal maxim of *partus sequitur ventrem* is coeval with the existence of the rights of property itself, and is founded in wisdom and justice. It is only on the justice and inviolability of this maxim that the master foregoes the service of the female slave, has her nursed and attended during the period of her gestation, and raises the helpless and infant offspring. The value of the property justifies the expense; and I do not hesitate to say that, in its increase, consists much of our wealth.'"

"Professor Dew, now president of the College of William and Mary, Virginia, in his review of the debate in the Virginia Legislature, 1831-'32, speaking of the revenue arising from the trade, says: 'A full equivalent being thus left in the place of the slave, this immigration becomes an advantage to the State, and does not check the black population as much as at first view we might imagine, because it furnishes every inducement to the master to attend to the negroes, to encourage breeding, and to cause the greatest number possible to be raised. Virginia is, in fact, a negro-raising State for other States.'"]

Mr. GARLAND resumed. These declarations of Messrs. Randolph and Gholson are not new to me; nor have I forgotten the agitation which they produced, or the excitement which they exerted in Virginia. No man can be ignorant of the fact that the increase of slaves must necessarily partake of the parent stock, and be, so long as property in them exists, subjects of bargain and sale; and that it is the duty of the owners, as far as is compatible with proper considerations of humanity, to employ them in the most profitable way. Nor can any be ignorant of the fact that they sometimes multiply to an extent that it is the interest of the owner, as well as it is his duty, to transfer them to other hands. In doing this, they do not in the slightest degree alter the condition of the slave, but only follow a law of property and the demands of interest, the operation of which cannot be resisted. Many sell from interest—many from necessity; in no case worsting the condition of the slave. But, sir, I do not know a single case in which slaves are *bred* and *raised* expressly for the market—made a business of; nor do I believe there can be found any such case in the whole South. I do not doubt that this is the point of view in which Mr. Randolph, Mr. Gholson, and Mr. Dew intended to be understood, and not in that of O'Connell and the gentleman from Vermont; for I do not believe that either of these gentlemen is capable of perpetrating such a slander upon their native State. That such a slander should be perpetrated by a foreigner—an enemy to our institutions, and our prosperity—is not to be wondered at; but I extremely regret that it should be believed and repeated by an American citizen on this floor.

The gentleman from Vermont (Mr. SLADE) has amused us with many arithmetical calculations to prove the increase of slaves. What else did the gentleman expect? and how were we to prevent it? If the number of our slaves has increased, it has been the result of natural causes; and certainly the gentleman would not have us prevent this increase, by slaughter or strangulation. But, sir, the dominion of slavery has decreased, and that to a great extent. New York, Pennsylvania, and Delaware were once slaveholding States, but have abolished slavery; and, by the power of the North, slavery north of the 36th deg. of north latitude is forever inhibited in that immense region west of the Mississippi purchased by the common treasure of the nation; where I trust the gentleman can go without offence to his moral sensibility, if he cannot go to *Missouri*. Slavery, also, has been excluded from that immense region of country ceded by Virginia, now embracing four large States and Wiskonsin Territory. With these facts before his eyes, the gentleman seems alarmed at the increase and progress of slavery! Sir, the facts prove that slavery, so far from increasing, has greatly declined in the extent of territory over which it prevails.

The gentleman from Vermont has, with an industry and an ability which do him credit, searched from their sleeping tombs, and strung together in admirable order, the opinions of many great and distinguished men upon the moral evils of slavery, and the necessity of its eradication, which would very well apply if we were engaged in the discussion of the question whether slavery should be introduced, but which do not touch the question whether Congress has the power to invade the domestic institutions of sovereign States, and break down their institutions; or whether it is expedient, under existing circumstances, to abolish slavery; and do not need, therefore, to be noticed. The gentleman also referred us to the example of England, and, with an air of apparent triumph, told us what she *was*, and what she *now* is. Upon the subject of slavery, sir, England has always been true to her interest. When it *was* her interest to press slavery into any part of her vast dominions, she has done so; and when it was her interest to abolish it, she has done so. Her *interest*, and not her *principles*, has always been the guide of her conduct upon this, as upon most other subjects. It was *Old* England, sir, seconded by *New* England, that forced upon the reluctant and remonstrating people of Virginia that system of slavery which now constitutes such an important point in her domestic policy. It was that England, sir, that now reproaches us, and instigates that spirit of fanaticism which threatens the destruction of our property, the peace of the country, and the disruption of our happy Union, that forced upon us that system of slavery, which, since it has become her interest to do so, she seeks to destroy. To show, sir, how unblushing and wanton this attempt on the part of New England fanaticism is, and how graceless are her reproaches, I will state an historical fact, which, if it has not escaped the diligent researches of the gentleman from Vermont, he would not willingly recur to on the present occasion. In the convention which framed the Federal Constitution, one committee reported that no impost could be laid by Congress without the concurrence of two-thirds of the members present; another committee reported the immediate abolition of the African slave trade. By the vote of the five New England States and South Carolina and Georgia, the two-thirds principle was given up; and, by the same vote, the African slave-trade was protracted twenty years.

Virginia, and her friend and neighbor North Carolina, voted against both these alterations; and yet New England now reproaches them with their slave institutions—institutions which that very New England aided in *forcing* upon them. I do not recur to this historical fact for the purpose of reproaching Georgia and South Carolina. I do not doubt they acted, as they thought, for the best; but I recur to it for the purpose of showing how graceless and unblushing are these reproaches, coming from New England. But this is not all, sir; when we look into the slave-trade, and all its atrocities—that dark spot upon the escutcheon of modern civilized nations—what do we see? Among the vessels engaged in that horrid and inhuman traffic, over which the proud star spangled banner waves with shameless desecration, most of them are northern built and northern manned. Yes, sir, where there is one southern man, there are ten northern men in their crews. And shall they reproach us? Let the world answer the question. Posterity will not fail to fix all the odium which attaches to slavery upon its *true* authors.

I have always been, Mr. Speaker, averse to any agitation of this distracting question here. I have always thought it unprofitable and mischievous, and have, therefore, uniformly voted for every proposition which was calculated to cut off debate and prevent excitement. Having in view this object, I do not doubt that I have given some votes inconsistent with each other upon the question of reception, but it was always with the view of keeping the excitement and agitation, which these firebrands uniformly produce, out of the House, and doing the necessary and important business of the country. I have not done so, Mr. Speaker, because I feared abolitionists—I mean those whose views are ultra—who are prepared to crusade against southern institutions, and accomplish their unhallowed purposes by exciting servile insurrection, drenching our fields with blood, prostrating our rights, severing the Union, and overturning our liberties. Of them I have no fears—none, sir, whatever. Not because they are not formidable—are not actuated by vicious motives; but because I confidently believe that there is in the north a sufficient amount of patriotism, of loyalty to the Constitution, and devotion to the Union, to keep them in check and repel their attempts. If they cannot, then, sir, we can and will. I do not class with these minions of foreign policy—these enemies to our Constitution, our laws, and our liberties—those whose opinions are, in the abstract, opposed to domestic slavery, but who are not disposed, on that account, to disturb our domestic rights, and violate the sacred compact of the Constitution. To such I make no allusion; I allude exclusively to ultra abolitionism, that bane of our peace, and, I fear will be, destroyer of our happy institutions.

One remark more, Mr. Speaker, and I have done. I have been much pained to hear so much said of late about the dissolution of the Union—so many calculations about its value—so many estimates of comparative loss, by north and south, if such an event should unhappily take place. I say, Mr. Speaker, I am pained—not only pained, but alarmed, to hear these things so frequently repeated. Who, sir, can estimate the value of this Union—that Union, consecrated by the blood of our fathers, which flowed in a common stream from Ticonderoga to Charleston, and back again from Charleston to Ticonderoga? By what rules will you calculate the value of the liberty, happiness, and prosperity which it secures to a great and growing people? Sir, it has not entered into the heart of man to conceive its value—a value which we shall never truly appreciate until we foolishly throw it away. Why compare the losses, sir? Each section will sustain such a weight of loss that it will have no inclination to enter into the comparison. It will be sufficiently overwhelmed with its own ruin and misery. Let us, then, having in our own keeping such an important charge, to ourselves, to the world, and to posterity, so equally and benignantly administer the Government as to transmit this great boon of liberty, unimpaired, to the countless millions who are to come after us. And, for the purpose of effecting this, let us keep out every thing that is calculated to mar our peace, weaken our bonds, and destroy our harmony. Sir, whenever and wherever I see the star-spangled banner floating in the breeze, and remember that it is the flag of the Union, the emblem of Liberty, I cannot refrain, in the language of a distinguished man of old, from exclaiming in my heart, "*Esto perpetua.*"

SPEECH OF MR. CUSHING,

OF MASSACHUSETTS,

House of Representatives, May 20, 1840—On the motion made by him to strike out the enacting clause of the Independent Treasury Bill.

The House, in Committee of the Whole on the state of the Union, (Mr. BANKS, of Virginia, in the chair,) having taken up the Senate bill entitled "An act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue," the bill was read; and the question then being on the first section of it—

Mr. CUSHING submitted a motion to strike out the enacting clause, and said he did this in order to be able, at the present stage in the progress of the bill, to debate its provisions generally; but, before proceeding, he had a suggestion to make to Mr. ATHERTON, who, in the absence of Mr. JONES, the chairman of the Committee of Ways and Means, appeared to have charge of the bill. This measure, important as it was, and it being, in fact, *the* measure of the existing Administration, had come from the Committee of Ways and Means unaccompanied by any report; and the House, therefore, possessed no knowledge of the views which guided that committee in reporting this project of law. Under these circumstances, if Mr. ATHERTON, or any other gentleman of the committee, was desirous to address the House in behalf of the friends of the bill, and give an exposition of its merits, Mr. CUSHING would yield the floor to him for that purpose. Nay, more, he proffered it; he invited any gentleman to enter into the merits of the bill before he (Mr. C.) spoke of its demerits.

Mr. ATHERTON, for reasons that he assigned, said that he would at present decline to speak.

Mr. CUSHING then took the floor to address the House, but gave way to the general wish that the committee should rise and report progress.

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House of Representatives, May 21, 1840.

The House, in Committee of the Whole on the state of the Union, having again taken up the Independent Treasury Bill, Mr. CUSHING proceeded in substance as follows:

Mr. Chairman: This bill, which is a fearfully interesting one of itself, comes before us to-day under circumstances which give to it additional intensity of interest.

The Independent Treasury is an Executive idea and an Executive measure. At the opening of the twenty-fifth Congress, with a new President, there met here a new House of Representatives, coming directly from the people, unbiassed and unsophisticated by the influences which emanate from the federal city. This measure was then urged upon Congress by the Executive; and the Senate, that aristocratic branch of Congress which in these latter times originates so many financial acts, seconded the urgency of the Executive; but the House, with its popular feelings fresh upon it, steadily and sternly rejected the bill again and again, and shielded the people from the federal power of the Executive and the Senate.

Nevertheless, the measure, thus repudiated by the people's Representatives, was put in operation by the Executive, *ex mero motu suo proprio*, of his own arbitrary power and discretion; and has been so for three years, in defiance of the will of Congress. Nay, the organ of the Treasury Department here in the last Congress told us—triumphantly told us—in contempt as well of this House as of the people, that this measure was in force, and would so continue, under the present Administration, lament who might, here or elsewhere; and he finds the recompense of his zeal in this matter, not through the suffrages of the people, but through the form of the President in the shape of a foreign embassy. And now this Congress, assembled after the President had, for two years, been exerting all the vast power of the Federal Government, and of the party organization of which his Administration is the head, to drill, and persuade, and drive the country into his measure; now, once again, Congress is called upon, by the voice of the same President and the seconding of the same Senate, to pass the bill—to legalize what the Executive has already done—to rivet on the people the chains which the Executive has forged and twisted around their limbs in despite of them and of their Representatives. The critical time has come. Decoyed by the lips of the tempter, the people have dallied in the lap of this Administration until, Delilah like, it is insidiously proceeding to shear the hair of the Samson; and, unless he speedily arouse himself in his strength, will hand him over, bound hand and foot, to the Philistines.

When, therefore, in the midst of these circumstances, the bill was brought on last night, I called on the gentleman from New Hampshire, (Mr. ATHERTON,) I called on the Committee of Ways and Means generally, to rise and justify the measure. In the name of the Opposition here, in the name of the country, in the name of the people of the United States, I invited the friends of the Administration to vindicate its conduct and its purposes. Such a call, at such a time, was a challenge more than an invitation.

And what are the reasons given by the gentleman from New Hampshire (Mr. ATHERTON) for declining this invitation? He says this measure has been several times recommended by the President in his annual messages. Ay, true enough; there has been no want of exhortations on the subject from him; his individual will is too plainly manifest in the matter, not only in originating the measure and in forcing it upon Congress and the country against the judgment of both, but in the exercise of his power and influence to obtain at last the legal confirmation of his will.

Next, the gentleman refers to past *reports*. But there has been only one report in the House of Representatives on the subject—that of Mr. Cambreleng in the last Congress; and that was accompanied by the able counter-report of the gentleman from Pennsylvania at my side, (Mr. SERGEANT;) the latter confuting the former, and the antidote going forth to the country along with the poison, neutralizing its venom and destroying its power.

But the gentleman says that this is not a new measure, either to the members of this House or to the country; and that every gentleman present was sent here by his constituents either for or against the bill. Well, suppose it be so; are we then to be *mute* here? I scorn the idea. This is a deliberative assembly of men, and of men having souls of their own; not a body of dumb and blind machines, with no function but that of registering the will of the Executive. Our constituents sent us here to execute their decisions, not those of the President; and to utter and maintain their opinions, as well as to execute their decisions. I know it is not uncommon to hear complaints made of the consumption of time in debate here; but they who utter such complaints are very short-sighted men; they forget that the Federal Government is composed of an association of sovereign States; that the halls of Congress are the great safety-valve of our institutions; that, for the conflicting opinions, and competing interests, and political passions, which waste themselves in debate here, and which, by discussion in Congress, are conciliated and harmonized, the chief remedy in the other great communities of Christendom is by resort to war.

The remarkable fact remains, then, that we have no affirmative defence of this measure. And it is a most unprecedented fact, that a great bill like this should be thrown haughtily and unconcernedly upon the table of the House as being a law which the Executive demands, and which, in humble obedience to him, there is a party ready and strong enough to pass, right or wrong. We do not, say the friends of the Administration—and is not that equivalent to saying we dare not or cannot?—attempt to justify the measure affirmatively upon satisfactory arguments. For the gentleman from New Hampshire, in conclusion, gravely puts it to me to proceed, contrary to the natural course of debate, and show cause why this bill ought not to pass. I, however, shall not shrink from that challenge.

There is a still more singular fact in the circumstances which now surround us; and it is, that we are now asked to legalize this financial experiment of the President, after it has actually been tried and has failed.

This scheme of policy has been in operation, by Executive will, in defiance of Congress, for three years. It is the measure, and the only measure, of his Administration; or, rather, it is emphatically *his* measure. One of the ablest of his advocates, the Democratic Review, tells us:

"The great event of Mr. Van Buren's administration, by which it will be hereafter known and designated, is *the divorce of Bank and State* in the fiscal affairs of the Federal Government, and the return, after half a century of deviation, to the original design of the Constitution."

So that Mr. Van Buren is not only wiser than all the present generation, but wiser than those conscript fathers of the Republic by whom the Constitution was framed and the machinery of the Federal Government set in motion. Regardless of their example, and of the monitory experience of half a century, he resolved to try his experiment, and he has tried it.

Or, rather, it is one of two kindred experiments. General Jackson's experiment, the pet bank system, like this one, was put in operation by Executive will in defiance of Congress; like this, it was in operation for three years before it was legalized; and it exploded in a year after the act for its legalization was extorted from Congress, as this may, involving the Government and the country in common dismay and confusion.

And what has, thus far, been the effect of the two? This we have seen too clearly, in the never-ceasing agitations of currency, commerce, and business of all sorts; in a vast number of individual bankruptcies; in two suspensions of cash payments by the banks—one partial, the other universal; in the prostration of productive industry in all its departments; in the general reduction of prices, especially of cotton, corn, and labor; in a word, in the congelation of the current of the country's prosperity—the paralysis of its industrial energies—an ossification, as it were, at its heart. Such have been the disastrous results of these financial experiments of the Executive; the last of which, in the face of all these facts, Congress is now called on to adopt and to legalize.

And we are called upon to do this at a time when the people, weary of these empirical experiments on their welfare and repose, have arisen in the majesty of their might to rebuke the experimenters, and to cashier that Administration which, in the blind pursuit of its own party interests, disregards those of the nation. Let not the friends of the Administration suppose that the country is agitated for nothing, nor seek to lay that flattering unction to their souls. It is not a ripple on the surface of the waves, but a tempestuous tossing of the deep sea, which you witness. The masses are in motion. It is the upheaving of the vast ocean itself, with that tremendous ground-swell from its uttermost depths, which forebodes and marks the unwithstandable power of the coming onset of the earthquake, and which is about to overwhelm you with the deluge of its waters. If the people cannot reform the purposes of the Administration, and make these consonant to their wishes and interests, they can and will reform the Administration itself.

Such a bill, coming before us under such circumstances, deserves a full and deliberate examination upon its precise merits; more especially as the discussions of it in the House hitherto have been either partial and hurried, or incidental only; and I propose now to subject it to a rigorous and complete scrutiny. But, before commencing on this, I desire to forestall any attempts, on the other side, to stifle debate by the clamor concerning the appropriation bills, which is so common in this House and in the newspapers.

The Administration majority in the House have decided to take up this bill first, to the postponement of those general appropriation bills which remain to be acted on. They have made this decision upon the precise question proposed by the gentleman from Virginia, (Mr. WISE,) who moved to take up the navy appropriation bill in preference to this. The appropriation bills are of admitted general importance; so much so, that one of the standing rules of the House gives to them a precedence over all other bills. When the civil and diplomatic appropriation bill was on its passage, we heard continual complaints in the House concerning the injury to the

public service, and the wrong to the public servants, which was inflicted by the delay of the appropriations for the civil, naval, military, and miscellaneous services of the Government. The Globe was loud in its exhortations on the subject. If the exigency for the passage of these bills was so great a month ago, it must be greater now, as it notoriously is; and it is a violation of duty to the Government and the country to postpone these bills. On the other hand, this bill can well enough wait. The system which it is intended to legalize is practically in force now. It can matter nothing to the Government and the country whether that act of legalization take place a month sooner, or a month later. Of course, this bill is taken up now for party reasons merely—to endeavor to help the falling fortunes of the Administration by a show of courage, or to satisfy the importunity of a certain class of its friends, discontented to see this bill remain so long as it has in the House untouched, or to meet the taunts of the Whigs on the same point. For some such object, also, though the bill remained on the Speaker's table for weeks after it came from the Senate, uncommitted even; yet the friends of the Administration, for nothing else but idle exhibition, have recently consumed the time of the House with motions to suspend the rules, and take it up out of order, on days when it was morally certain that the House would not agree to suspend the rules for that purpose. Now, they have at length got it up, postponing the interests of country to those of party. Let us hear nothing from the friends of the Administration, therefore, in this debate, of the delay of the appropriation bills, as an argument to stifle or cut off debate. The delay is theirs. They alone are responsible for it. They cannot expect this bill to pass without being largely discussed. If they do, they mistake. And if at any time hereafter they complain of the delayed appropriation bills, I say to them, and the country will say,—The fault is yours, and the remedy is at any moment in your hands; for the same majority which took up this bill can lay it aside, and take up the appropriation bills in its stead, to resume it when they shall have been passed and sent to the Senate.

This bill is commonly called by its friends "the Independent Treasury Bill." I shall not quarrel with its name. Its sponsors may christen it as they please; and if to the name of "Sub-Treasury" they prefer that of "Independent Treasury," they are welcome to use it, for aught I care. It is a bill to give to the Government an independent place of deposite for the public treasure—a place of deposite independent, not of banks only, but of the people. This is one of its provisions. But it has another provision; and that is, to give to the Government an independent currency in all its dealings, as well as independent depositories of the public treasure; independent, in one case and in the other, of the whole people of the United States. These two are the main objects of the bill, provided for in the first and twentieth sections—namely, Government depositories, and a Government currency; the other twenty-six sections of the bill being subsidiary to the execution of these two.

The bill, which embodies this scheme, begins appropriately by repealing sundry clauses of the Constitution of the United States. In the first section it is enacted that "certain rooms, vaults, and safes," in the new Treasury building, "are hereby constituted and declared to be the Treasury of the United States." Is the Treasury of the United States a local thing, a building, a vault, or safe? If so, as it is a universal truth that a true definition may be substituted for the thing defined, then is Mr. Woodbury the Secretary of a certain vault or safe in the Treasury building. You might as well declare the arsenal to be the War Department, or a ship or a cannon the Navy Department, or the great seal to be the State Department. The whole enactment is absurd and puerile, this attempt to *localize* the Treasury of the United States; but when the enactment is compared with the Constitution, it is worse than merely absurd and puerile, it is plainly unconstitutional. The Constitution says that "no money shall be drawn from the Treasury but in consequence of appropriations made by law;" and that certain duties "shall be for the use of the Treasury of the United States." It is evident that these expressions do not signify a *place*, but rather an abstract legal entity. And the bill itself, in other parts of it, proceeds on the same idea; for though, if the vaults of the Treasury building be the Treasury of the United States, all appropriations must be drawn therefrom, yet the bill provides elsewhere for drawing appropriations out of other places of deposite all over the United States.

In discussing the numerous and complicated details of the bill and its various parts, I propose, for the sake of perspicuity, to consider it—first, as a fiscal measure only; that is, in its relation to the Treasury;—and, secondly, as a measure of state policy; that is, in its relation to the people.

It is known to the House that, when the idea of this scheme was broached in Congress in 1834, the Administration was decidedly hostile to it. The friends of the Administration here spoke and voted against it in a body. The Globe declared that the effect of the scheme would be to expose the public treasure to be plundered by a hundred hands where one could reach it before. The present Secretary of the Treasury condemned in strong terms the idea of intrusting the public treasure to the keeping of individual agents of the United States. And the plan was taken up in 1837 as an afterthought. Yet, afterthought as it is, and repudiated as it had been by the Secretary of the Treasury, where, think you, it is that he goes to find the *origin* of the scheme? To any of the trusted names of the Democracy? No, indeed; but to that able man, who is to the friends of the Administration in this House the very by-word of horror, namely, Alexander Hamilton. Yet see how curiously Mr. Woodbury covers this up; how adroitly he insinuates the fact, without speaking out the name. In the Treasury report of September, 1837, he says:

"The other system to which the attention and consideration of Congress are respectfully invited, is a new organization, by means of commissioners or receivers general, to gather the collections to more central points, &c. Such an organization might be at only three or four of the most important points, or it might be made more extensive, &c. This could be arranged in all important particulars substantially in the manner which is now in very successful practice in some of the most enlightened and opulent governments of Europe, and *as was urgently recommended by this Department as early as* 1790."

That is, Mr. Woodbury seizes upon a temporary idea of Mr. Hamilton the mere imperfect suggestion which occurred to him in the outset of the Government, when we had neither treasure nor fiscal agents of any sort, nor much else but debts; and cites this in support of the present measure. He might have bethought him of the beautiful idea of Burns, that nature tried her prentice hand on man, and made woman afterwards, when experience had taught skill. For, in this reference to Hamilton's authority, Mr. Woodbury refuses the master-workman's fiscal machinery which the Father of his country adopted, which experience approved for many years, and under which the country had long prospered; and proposes, instead of it, to take the first imperfect instruments, on which Hamilton did but try his "prentice hand," sending us, for the idea of his "subtreasurers," to Alexander Hamilton's unfinished and rejected roughdraught.

Looking at the bill in its light of a new fiscal machinery only, the first question is, whether the Treasurer of the United States, receivers general, treasurers of mints, collectors, land office receivers, and postmasters, who are made by this bill the sole depositories of the public moneys, are in all respects the best possible fiscal agents and depositories of the United States.

Are they, as compared with banks, for instance, the *safest* depositories?

For the *security* of the public money in the hands of its agents under this bill, the Administration proposes to rely (in addition to the integrity of the officers) upon, 1st. bonds; 2d. inspections; 3d. penal provisions.

Every thinking man must admit that it will be impossible to secure the public treasure by the suretyship bonds which the bill calls for. Individuals cannot give adequate bonds for the millions to pass through their hands or to remain in their custody. The President assumes that only five millions will be on hand at any time. I shall disprove this hereafter, but, for argument's sake, I also assume this at present. Taking the whole sum at five millions, a large sum will be at New York, for example. Can the receiver general at New York give good security for three, two, or even one million of dollars? We know he cannot. There are few men in the country of sufficient wealth to render their bond good to that amount; of such men there is probably not one who would be willing to become security for a receiver general. We know how the thing must and will be done. The receiver general will obtain the signatures of as many friends as he can, each to be responsible to a certain amount; and, if the principal becomes a defaulter, the sureties will, most of them, devise means to convey their property from the Government, and thus to escape. Or, perhaps they will come here and pray for an act of Congress for their relief, as the sureties of Swartwout have done this very session; so that, on the whole, the suretyship must be conceded on all hands to be but very imperfect, at best, as a means of protecting the Government.

Next, the bill provides for the supervision of the depositories by the Treasury Department; but it is obviously impossible for the Government to have conusance of the conduct and personal habits of numerous agents scattered all over the Union. The ingenuity of fraud will outstrip the vigilance of the Government. Special or itinerating agents may be sent, without notice, to inspect the depositories; but how easy it is, by the artful arrangement of accounts, to deceive such inspectors!

But whatever security the Government may have, by these or any other means, with individual depositories, it has identically the same in the case of banks, and something more. Personal integrity is a thing not peculiar to Government officers on the one hand, nor to bank officers on the other; nor is the want of it peculiar to either. In each case the individuals trusted are men, and subject to the infirmities of the human condition, and alike capable of the breach of trust and of crime. In each case the person offending may be arrested and punished for his criminal acts. In the case of bank officers, as of the officers created by this bill, bonds are taken to make good any defalcation of which they may be guilty. To one, as to the other, a system of supervision by public agents is applicable. But while, in all these particulars, the two cases are perfectly parallel, or, at any rate, there is no advantage in favor of special Government depositories, it is obvious to see that other and great advantages, on the score of safety, remain altogether peculiar to banks, as they have been constituted hitherto, under charters, either from the States or from Congress. For, in addition to all the security which is common to the two modes of deposite—a special or a bank depository—the depositor in bank has the ample and complete security of *the capital stock of the bank;* the Government has the inspection of the directors and stockholders, in addition to its own; and, above all, the bank cannot abscond. Its officers may abscond, but its capital stock remains fixed by its charter in the State which establishes it. Your Swartwouts may, on the approaching discovery of their defalcation, take passage for England by the first packet; but not so the Bank of New York, or the Massachusetts Bank.

Upon the whole reason of the thing, therefore, I hold it to be clearly shown that bank depositories are, in their nature, safer than individual agents as depositories. And the unbiassed and spontaneous action of individuals in the management of their own private affairs, where no party influences intervene, (or, if they do, are overcome by the consideration of private interest) confirms the conclusion; for who, that is in the way to have large sums of money on hand, keeps it in his own safe or vault, or in the custody of his clerk or other agent? No man does this willingly. Every body sees that, if he is known to have large sums of money in his house and in his own custody habitually, he exposes himself to robbery or theft; and that, whatever confidence he may place in the integrity of a clerk or cash-keeper of his own, money deposited in bank is much more securely disposed of, and he acts accordingly.

And the history of the Treasury of the United States furnishes a great body of facts to the same point. In a Treasury report which I have before spoken of, Mr. Woodbury elaborately argues, and conclusively proves, from the experience of the Government, the superior safety of bank depositories over all others. Nay, in that document he covers the whole question; for he says that individual agents will probably be found "less responsible, safe, convenient, and economical." As a specimen of the spirit and reasoning of that document, I give the following extracts:

"It is a singular fact, *in praise of this description of public debtors*, the selected BANKS, that there is not now due on deposites, from the whole of them which have ever stopped payment, from the establishment of the Constitution to the present moment, a sum much beyond what is now due to the United States from one mercantile firm that stopped payment in 1825 or 1826, and of whom [which] ample security was required, and supposed to be taken, under the responsibility of an oath. If we include the whole present dues to the Government from discredited banks, *at all times and of all kinds, whether as depositories or not, and embrace even counterfeit bills, and every other species of unavailable funds in the Treasury*, they will not exceed what is due from two such firms." * *

"These circumstances, with the preference in case of failure belonging to depositors and holders of their bills over the stockholders, united with the security, if not priority, given to the Government, render them, in point of safety, generally *much superior to individual agents of the United States*."

"It is gratifying to reflect that the credit given by the Government, whether to bank paper or bank agents, has been accompanied by smaller losses, in the experience under the system of State banks in this country at *their worst period, and under their severest calamities*, than any other kind of credit the Government has ever given in relation to its pecuniary transactions."

These paragraphs of Mr. Woodbury's report contain statements of *facts* which it is impossible to contradict. Nor have these facts, so far as I know, ever since been denied, notwithstanding the change in the policy of the Administration. It is true, a Treasury document has come in this session, which is calculated, on a hasty inspection, to mislead the mind into some conclusions adverse to those of the Secretary's old report; but which, more carefully examined, confirms it in all its parts.—(Ex. Doc. No. 10.)

This document comprises a table of the amount of loss to the Government in successive periods by the non-payment of custom-house bonds; and this it is obvious has nothing to do with the present question, which is a question, not of debt, but of breach of trust on the part of the agents of the Government.

Another table in the same document gives the losses by deposite banks as follows:

Year.	Losses by deposite banks.	Year.	Losses by deposite banks.
From 1789 to 1812, incl've.	None appearing on the books.	1825 1826 1827 1828	$130,244 None left unpaid.
1813 1814 1815 1816		1829 1830 1831 1832	None. None. $17,520 None.
1817 1818 1819 1820	$77,027 None left unpaid. 36,966 None left unpaid.	1833 1834 1835 1836	None. $9,415 None. None.
1821 1822 1823 1824	$327,530 34,398 56,929 204,693	Total from 1789 to 1836, inclusive,	$894,722

That is to say, the whole sum which the Treasury has lost by deposite banks, from the beginning of the Government to 1837, is but about two-thirds of what has been lost under this Administration by a single collector of the customs in New York. The same table undertakes to give an estimate of the amount the Government lost, chiefly during the last war with Great Britain, by the receipt of bank paper; but that question belongs to another branch of the subject.

The same document contains a table of the loss of the Government by disbursing officers, and a table of loss by collecting officers, in each case from 1789 to 1836, inclusive, which present the following results:

1. *Disbursing Officers.*

Aggregate amount of loss in civil department	$898,023 59
Aggregate amount of loss in military and naval	4,058,549 97
	4,956,573 56
Number of defaulters, civil department	244
Number of defaulters, military and naval	2,516
	2,760
Loss per head, civil department	$3,680
Loss per head, military and naval	1,613
	1,795

2. *Collecting Officers.*

Aggregate amount of loss by collectors of the customs	$1,198,979 91
Aggregate amount of loss by collectors of internal revenue and direct tax	442,265 76
Aggregate amount of loss by receivers of sales of lands	397,304 14
	2,038,549 81
Number of defaulters in the custom-house	87
Number of defaulters in the internal revenue, &c,	243
Number of defaulters in the public land receipts	27
	357
Loss per head among collectors of the customs	$13,781
Loss per head among collectors of internal revenue, &c.	1,820
Loss per head among receivers of public lands	14,715
	5,737

Be it observed, that these tables do not include the large defalcations which have occurred or come to light under the administration or Mr. Van Buren. And yet here we have seven millions of loss by defaulting Government agents, to contrast with less than one million of loss in the same period by deposite banks; those defalcations occurring in every branch of the public service, but being especially large in the disbursements of the army and navy. And this document, therefore, the latest on the subject, completely substantiates the statements made by Mr. Woodbury in his former report, and confirms, in the most striking manner, the conclusions to which I had arrived by general argument in proving, by the actual experience of the Government, the superior safety of banks over individuals as the fiscal agents of the Treasury.

Without enlarging to enforce this argument further, (though I might adduce a multitude of other facts from the experience of the Government to the same point,) I proceed to another fiscal question—and that is, the probable expense to the Government of this experiment of an Independent Treasury.

I call the attention of the House to the fact, that, though this bill makes the necessary appropriations for carrying the new system of deposite for the public moneys into effect, yet it is impossible to judge, from any thing expressed in the bill, what precise amount of appropriation it may require. We see, on the face of it, the creation of sundry new officers with large salaries; but we do not know, nor can we, in this early stage of the experiment, how many additional officers it may call for. One thing I venture to predict—that it will prove impossible to conduct all the machinery of the new system without the appointment of many additional officers not mentioned in the bill; and that a host of new clerks and special agents will follow in the train of the receivers general, and of the important duties here imposed upon the treasurers of the several mints and collectors of the customs, as well as upon the superior officers of the Treasury. What appointments are here set down in so many words, are but the entering wedge to others. And so it is with the new sub-treasuries to be constructed, and the safes and vaults in the various existing public edifices which are to be used as sub-treasuries. The bill itself makes a specific appropriation for the purchase of sites and the construction of new buildings at certain points. Does anybody imagine that the expense is to end here? We know it will not. Every day's experience shows that the course is to ask in the outset for barely money enough to lay the foundations of a building, and then to call for more and more yearly, to continue and complete the work. Thus it has been with the great freestone, marble, and granite palaces which are now in the course of construction here and elsewhere, to be used in part as places of deposite for the public money, and one of which is by this bill declared to be the Treasury of the United States. These magnificent edifices, these temples to Mammon, these shrines of the gold-God Plutus, whose worship it seems to be one of the special objects of the Treasury to advance, are to be essential parts of the new fiscal plan. How much, I say, all this is to cost, we are nowhere told; and the bill disguises all this in a sweeping clause, placing the Treasury at the unlimited discretion of the President for the expenditure of whatever money, more or less, he may choose to apply to the execution of his darling experiment. All this undisclosed and unknown expense is to be incurred to obtain new places of deposite and deposite agencies, instead of those which have heretofore cost the Government nothing.

Another fiscal consideration is the comparative convenience of the new plan; for Mr. Woodbury, in his last annual report, relies much on the alleged convenience of the plan to the Government.

This alleged convenience consists, in the first place, of the pretended facilities of transferring its funds from the place of receipt to the place of expenditure. I deny that the system affords any such facilities. On the contrary, unless the Government has as many sub-treasuries scattered all over the country as there are banks in the several States, the latter will continue to be, as they always have been, the most convenient channels for the transfer of credits from place to place by the negotiation of drafts. In this matter, as in that of deposites, every man's experience and conduct in his own affairs contradicts the theory of the Secretary of the Treasury.

In addition to this pretended advantage of the plan, much has been said, at all times, of the inconvenience of having the Government subject to be deprived of the use of its funds by the failure of deposite banks, or the suspension of cash payments on their part, or the funds being discounted on by these banks, and so not capable of being repaid at a moment's warning; and the experience of the year 1837 is referred to in support of this view of the subject To which it is obvious to reply, in the first place, that no such difficulty ever occurred under the fiscal agency of either of the two Banks of the United States; in the second place, that individuals are much more likely to fail, or to withhold the public funds in their hands, than the banks of the States, as I have already demonstrated by Treasury documents; and, finally, that so far as it may be the object of the Government to guard against any possible inconvenience from this source, by reason of the money be-

ing used by the banks, it is as easy to enact that it it shall not be discounted on, or otherwise used, by bank agents, as by individual agents; and as easy to secure the observance of the prohibition by penal provisions in one case as in the other.

And upon this branch of the question the conclusion seems to me irresistible—that, in a mere fiscal point of view, looking only to the naked, narrow consideration of what kind of deposite agency is best for the Government as a *Government*, the new plan is less safe, less economical, and less convenient for the Treasury, than the old one, which a half century's experience has sanctioned and approved.

What may be the operation of the new plan upon the *resources* of the Treasury is a different, but a very important fiscal question. If, as I shall endeavor to prove in discussing other branches of the question, the effect of the financial policy of the Administration, considered in all its parts, should be to cripple commerce and check production, will it not, in reducing the business of the country, reduce in the same proportion the resources of the Treasury? And if the immediate resources of the Treasury be reduced, what is the remedy to be? Either you must impose additional taxes by augmenting the rates of duty in the tariff, or you must borrow money to meet the daily wants of the Government. This result is not mere speculation. It has been reached already; for already the Government is in debt. I know that, in the debates in this House upon the Treasury Note Bill, the friends of the Administration denied that those notes constitute a debt. But in the Senate this point was given up. And it had long before been given up at the Treasury; for, in the various tables of the public expenditures which have recently come to Congress from the Treasury Department, the Treasury notes are expressly treated as a *public debt*, and classed in the same column with the old funded debt. This is the only common-sense view of the subject. Already, therefore, the financial policy of the Administration has acted seriously on our fiscal resources, foreshadowing to us the greater evil of the same kind to come, either of a new debt or new taxes, to supply the necessities of the Treasury.

But the Secretary of the Treasury, notwithstanding all these considerations against the employmen of individual Government agents as the depositories of the Treasury—in the face of all the adverse experience of the Government on the subject, and of his own express and emphatic declarations of his own conviction in favor of bank depositories—in spite of all this, the Secretary, in that same sentence in which he covertly seeks to screen the new scheme by throwing over it the mantle of that federalist of federalists, Alexander Hamilton—monarchist, I believe, some gentlemen call him—in the same sentence the Secretary of the Treasury claims approbation for the scheme, because it is actually practised by some of the monarchies of Europe. His words are. "In the manner *which is now in very successful practice in some of the most enlightened and opulent Governments of Europe*, and as was urgently recommended by this Department as early as 1790." How much have we not heard this session concerning the *federalism* of the present Opposition, and the *monarchism* of the old federalists! How much research and learning have been expended by the friends of the Administration on this controversy about names! And yet this Administration, which, by a vain dispute of words, would arrogate to itself the title of democratic, is thus found, in respect of that only thing which constitutes its peculiar political creed, clothing itself in the cast-away garment of Alexander Hamilton, and citing the example of the monarchs of Europe to show how well the garment befits the Government of the United States. To afford the proof of which, the Senate, that natural and proper ally of Executive power against the people, has, in the last Congress as well as this, drawn from the Treasury Department two very curious and significant documents on the fiscal regulations of foreign countries; and the Independent Treasury, with all its adjuncts, is gravely recommended to us by the example of the despotisms, parental or tyrannical, which control the chief part of continental Europe—to say nothing of Turkey in Asia, and of Cuba!

I concede that the history of other nations may well be studied by us; that sometimes an important fact, a valuable idea, may be derived from them; and that it would be weak and narrow to refuse a useful invention or practice merely because it originated in a foreign monarchy. In science, literature, and the useful arts, we may at all times learn much from the old states of Europe. But I am jealous of all European examples in matters of government. In this respect, I would sooner look to Europe for things to shun than for things to imitate. Our institutions, political and social, are totally different from theirs. Ours is a Government, not of new forms only, but of new principles also. In addition to this, our peculiar continental and territorial condition tends to separate our case still further from that of any European states. And I, having such prepossessions, am not inclined to think any better of any plan of governmental policy, because of its being practised in Europe. But, as the Treasury Department has been at great pains to obtain, through our consulates and legations abroad, a large body of information on this subject, to justify its particular policy, I will, in all fairness, examine the facts to see how far they countenance the scheme of the President.

Of the European states, some deposite in bank, and some do not. The examples, therefore, which this document affords, are both ways. On the first inspection of the document, there is one line of distinction apparent in it, which immediately strikes the eye; and it is, that while European Governments, like Great Britain and France, which have something of constitutional freedom in their institutions, which have elected legislative assemblies—Governments which are at the very top of the scale of modern civilization—while Governments such as these deposite in bank, and receive bank paper, others, which have no representative assemblies, nay, some which are at the very bottom of the scale of civilization, and but one degree removed from absolute barbarism, such as Turkey, do not. This general fact certainly does not tend to impress the mind very favorably towards the plan of repudiating bank depositories. Though it may be premature to decide the question upon this single fact, yet certainly it is a fact pregnant with inference and meaning.

On looking further, it will be found necessary to distinguish between the question—what shall be the Government depository, and what the medium of receipts and payments on the part of the Government? For instance, not a few Governments in Europe, especially the heavily indebted ones, make large issues of *Government paper*, which performs many of the offices of money, and in some cases is an express substitute for bank paper. Prussia and Saxony are examples of this. In the case of such Governments, it is a secondary question where they deposite the paper received for public dues, that paper being *Government paper*. And their example has no application to us, unless it is our intention also to be overwhelmed with public debt, to continue to anticipate our revenue, and to make large issues of Government paper money.

Nor is the *place* of deposite a matter of much consequence in this relation, if the receipts and payments of the Treasury be made in the *same medium*, and that medium be either Government paper or bank paper. The Government may, if it choose, lock up the notes of a bank in its vaults forever; that does no injury to the bank, but the contrary. Therefore the case of Governments which, though they make use of Government agents as depositories, yet receive and pay bank paper, such as Austria, Denmark, and Belgium, goes but little way towards sustaining the views of the Administration.

In this document we have, beside the great monarchies of Europe, information concerning little states like the cities of Hamburg and Bremen, which are of no application; because a particular system might answer well enough in the narrow limits of a single insignificant city, and yet be very unfit for a great country like ours.

Nor can we derive any instruction from the South American republics, whose practice is detailed in this document; for some of them receive bank paper, some of them specie, and others Government paper; their financial condition being, in general, like that of the United States in the days of the Confederation and of continental paper money, and no sort of use as a guide to the United States at the present conjuncture.

And the Administration, not content with sending us to Turkey to learn how a free people should be governed, lays before us the examples of the *European colonies* in America, such as Halifax, Jamaica, and Cuba. Truly a profitable study for the people of the United States! And yet the case of Cuba—not a Government, not an independent state, but the mere dependency of Spain, without institutions of any sort, with scarce the common benefit of decent roads or any thing else to indicate material prosperity—a solitary Spanish island under the delegated despotism of Spanish Captains-General and Spanish garrisons—this case, so monstrously unapposite to that of the United States, has been much dwelt upon by the advocates of the Administration, as countenancing their scheme of a Government currency and Government sub-treasurers.

If any citizen of the United States wishes to see this country reduced to the territorial dimensions or the social or political condition of Cuba, I shall not contend with him; he is quite welcome to enjoy his opinions on that head unmolested. Leaving that question, therefore, to others, it is sufficient for me to say that, so long as the United States consist of a confederation of States covering a continent—so long as the United States are an independent Republic—so long as the citizens of the several States are freemen, having rights of their own, and a country of their own to be governed for itself—so long the example of the political system of Cuba will be the very last deserving to be quoted for the imitation of the United States. I like that of Turkey or of the Barbary States better; for these at least are Governments, not dependent colonies; and if their ruler be a despot, and they grow weary of him, they have at worst the constitutional check of the dagger, by which they may rid themselves of one tyrant, and try the experiment of another. Not so with a little colony such as Cuba, garrisoned by a foreign army, and ruled by a foreign viceroy.

But they who quote upon us the hard-money currency of Cuba think nothing, it would seem, of political, social, or moral questions; they look to the single fact that Cuba produces a large quantity of sugar for exportation; and that is evidence, undoubtedly, of a certain degree of material prosperity. Whether that prosperity would not be greater under other circumstances—whether the consumation of dependent colony, forced labor, and specie currency, does in truth present the *beau ideal* of political, social, and financial perfectibility—is a question which it would be interesting to discuss.

But I shall content myself, at present, with denying the premises of the argument. Cuba does not, in fact, possess a stable currency of intrinsic specie value. Nor does the specie currency which the island has, such as it is, constitute the chief medium of purchase and sale for her exports and imports. According to the best information which I can obtain, the facts in this matter are as follows: Of coined currency in Cuba, the chief is the Spanish gold *onza*, or doubloon, and its parts. This coin is properly, and according to its original rated value, equal to sixteen Spanish dollars; and the doubloons of recent coinage in independent South America pass for no more in Cuba, though of about the same intrinsic value as the old one, which, by *Government order*, passes for *seventeen* Spanish dollars of *artificial* or *forced value*. Of course, the old Spanish doubloon is a mere piece of merchandise out of Cuba; and whenever that coin reaches the United States, in the course of our trade with the West Indies or with South America, it goes at once to the broker to be sold at a premium for the artificial demands of Cuba. So much for the gold currency of Cuba. Nor is the silver currency any better. This consists, not of Spanish dollars, nor of smaller silver coins at their intrinsic value; for such coins will not stay in the island along with doubloons rated at seventeen dollars, and there is no *pillared* money in circulation, but the silver currency is what is called in the United States *headed pistareens*, worth only twenty cents, but passed in Cuba for twenty-five cents. And many of these coins are, moreover, grossly adulterated. Thus, very recently, a large

amount of Isabella headed pistareens, greatly adulterated, were sent from Spain to be circulated in Cuba. That is to say, though Cuba has no bank paper currency, but a specie currency instead, that currency has neither a stable nor a true intrinsic value. Add to which, that specie is the currency in small dealings only. Cargoes of sugar in Cuba, as everybody knows, are purchased, not with doubloons nor with pistareens, but with bills on England, drawn either upon previous credits or upon the consignment of the cargo. Do the people of the United States want to be blessed, then, with such a blessful currency of overrated gold and silver as that of Cuba? Impossible.

There is one European Government which, though not mentioned in this document, is relied upon very much in argument by the friends of the Administration—and that is Holland; and it is, I believe, the only independent state of whose example they do say much. That Government, we are told, collects its revenue in specie, and keeps it in the hands of its own individual agents. If it be so—if (which I do not believe) the public treasure is continually transported to and fro, from Amsterdam or Rotterdam to the Hague, or kept locked up in vaults, the example proves nothing to us: for a fiscal machinery which works well in a small kingdom like Holland, equal in territory only to the smaller among the States of this Union, and an old country, where money capital is in excess, and every thing else wanting, may be very inadequate, insufficient, and injurious for a republic, so extensive in territory and so various in wants and resources as the United States. It costs but a few hours of time, and but little money, to convey specie from Amsterdam or Rotterdam to the Hague. It would take as many weeks to make the same transfers from one extremity of the United States to the other. The example, therefore, seems to me to have no weight, even conceding the premises assumed.

But the commercial business of Holland is not done in specie. Amsterdam has its bank. Private bankers abound, and a paper currency, in the form of orders or checks, is used in the internal commercial dealings of the great cities.

And if it were otherwise, to what Holland is it that gentlemen refer us? Is it that Holland from which the ancestors of a part of the people of the United States came, and to which their descendants in New York may look back with just and honest pride? Is it Holland in the days of her commercial and political glory—that Holland which repelled the armies of Spain, which carried her conquests into the East and West Indies, which covered every sea with her ships, and which made the whole world tributary as it were to the little spot of earth extorted by its industrious, frugal, and hardy people from the Ocean itself? Is it that Holland which defied the power of Louis XIV, and contended on equal terms with Great Britain? Holland of the days of De Ruyter, and of Van Tromp, sweeping the English channel with the broom at his masthead? Holland of the days of the Republic, and of the old Bank of Amsterdam? No: it is not that Holland to which the friends of the Administration send us; but Holland, shorn of her splendor and her power; Holland in her decay; Holland at the feet of that Stadtholder family with which De Witt and Barnevelt struggled; Holland, become at last the mere appanage of the house of Nassau: this is the Holland to which the Administration points us, as one more of the European royal models for the United States to copy.

If the Administration must have royal models for imitation, why does it overlook the case of France, which not only receives bank paper, but makes deposites in the Bank of France? If we are to copy monarchies, let us copy great and liberal ones. France has none of this blind hostility against either a bank of France or joint-stock banks; and is not her example as good as that of Holland? I may be told that in France the bank notes issued by the bank and received by the Government are not of denominations so small as the banks of this country issue; and that accordingly France has more specie in circulation than the United States; but that is a question of degree, not of principle. What gentlemen propose in this bill is the proscription of banks, not the regulation or reform of them. If it were the latter, we should have little cause of difference.

Once more: if the Administration must needs have the benefit of some royal example to justify its policy—if it must go to the old monarchies of Europe to learn how to conduct the fiscal affairs of the Government—why does it overlook our fatherland, Britain? There is a Government which, differing as it does from us in its political and social organization and in territorial position—differing from us as all the monarchies of the Old World do—there is at least one royal Government which, in its chartered rights, its time-honored Parliament, its intellectual greatness, its trial by jury, its *habeas corpus* act, its advancement in commerce, arts, and power, its kindred blood, its municipal law almost identically our own—an American may regard with somewhat of partial interest, so far as he can entertain such a feeling for any thing European. Men are prone to impute to me a sentiment of hostility towards England. Not so. I respect her power; and the very reasons that cause me to respect her power, make me to dread her ambition, and to be jealous of her commercial and colonial aggrandizement. From a small insular state, England has gradually risen to a greatness of power beyond that either of the old Assyrian, Persian, Greek, or Roman empires. On the narrow surface of the British islands, at once a workshop and a fortress, England has collected and concentrated those extraordinary means of power, whatever they may be, which have enabled her to extend her dominion over the habitable earth, pushing her manufactures and her commerce into every corner of the earth, and making conquests in every clime, combining at once the territorial strength of Rome and the maritime strength of Carthage with the ambition of both, until she numbers a hundred and fifty millions of subjects, and is be ome the Queen, not of Europe only, but of Asia, and, but for us, of America too. She may now repeat the boast, which old Spain was once so proud to utter—that in her dominions the sun never sets; and of her, the saying of Mr. WEBSTER is as true as it is beautiful—that the beat of the morning drum in her garrisons follows the dawn of day circling around the globe. Seeing all this visible manifestation of the greatness of England, I cannot but watch and dread it; but I must of necessity respect it. And if I seek to know how opulence and greatness are to be achieved, I cannot shut my eyes to the peculiar commercial instruments and he peculiar fiscal agents which England has employed as the means (among other things) of aiding her in the prosecution of her extraordinary career as a nation. I should presume, at least, that the industrial and fiscal machinery, the instrumentality of which she had employed in the attainment of such wonderful wealth and power, must be better than that of Turkey, always barbarous, and now half ruined, or of Holland and Spain, which have been losing colonial empires faster than England gains them. And yet it is the fiscal machinery of the former "opulent and enlightened Governments of Europe," and not the latter, which the President calls on us to admire and to imitate!

Thus far, I have considered chiefly the fiscal question of an Independent Treasury; and I come now to the fiscal question of an *Independent Government currency.* Indeed, I have incidentally referred to this, in discussing the practice of other Governments. What, then, (as a fiscal, not a political question,) ought the Treasury to receive and pay out? Specie only: or Government paper; or bank and commercial paper, such as the community at large, and the several States, employ in their receipts and payments?

The Administration talks to us of the enormities of the United States Bank, and the mischief done by the banks of the several States; and then exhorts us not only to dispense with their agency as depositories, but to proscribe their paper. And here again it points us to the example of foreign countries. Let us look at this.

Suppose you had the will and the power to crush all the present banks. Would that put an end to banking? No; for though you should have no bank corporations, you would have bank princes instead, like the Rothschilds and the Barings. But would you rid yourself of paper money? No. Here again the Treasury document concerning the usages of foreign States gives us light; for it shows us how many of the foreign Governments which employ individual agents exclusively in the safe-keeping of their public treasure are *paper-money Governments.* Prussia, Saxony, Mexico, as we have seen, and others, have their Government paper. But what need of foreign example? We have no occasion to go to Europe to see how this project of the Administration works. We have the evidence at home. Simultaneously with the sub-Treasury scheme come up *Treasury notes.*

But it is said these Treasury notes are an old agent of the Treasury. They are so. Indeed, they differ in little but the name from the *Continental bills* of the Revolution. After that, we saw no more Government paper, until the period of the last war. Then, as a fruit of the necessities of that day, came these Treasury notes for the first time. And then, also, they came after the expiration of the charter of the first United States Bank. Mark that coincidence. But though the Treasury notes of 1815, like those of 1837, did not essentially differ from the Continental bills of credit, yet the Treasury notes of 1837, and those since issued, are a less disguised Government paper money than the Treasury notes of 1815. Not only were the latter issued as a measure of necessity to meet the war expenditures, but they were issued to be funded, and as a part of the funded debt of the United States. But the Treasury notes of 1837 stand upon their own bottom; they are not a mere evidence of funded debt; they are the original debt itself; and they have been issued—some millions of them, at least—at a nominal interest, for the very object of giving them the capacity to circulate as a currency. What is the inference? I know that it is not always easy to distinguish what is mere contiguity of place and contemporaneity of time from what is really cause and effect. I cannot help thinking, however, that, in this case, sub-Treasury is the cause, and Treasury notes are the effect. For, as I observed in discussing the Treasury note bill of this session, every Government must and will have some kind of intermediary between its debtor and itself, and itself and its creditor. No Government, in its senses, will voluntarily subject itself to the risk and trouble of transferring its funds all the time with a military escort from remote provinces to the capital and back again. Even Turkey, as the Treasury Department itself tells us, is willing enough to enjoy the aid of Greek and Armenian bankers in the performance of this operation.

Indeed, in the discussions on the Treasury note bill, it might be seen that the advocates of the sub-Treasury scheme disagree on this point—some of them adhering rigorously to the idea of using specie alone in the dealings of the Government, and excluding not only bank paper, but even Government paper. Such seems to be the idea of one of the distinguished advocates of this measure, (Mr. BENTON,) who has urged it on with so much zeal, industry, and perseverance. Others, with a keener perception of what the Treasury needs, have seen that Treasury notes, or some other forms of Government paper, if not necessary, were at least very convenient in the fiscal operations of the Government. When a Government is in debt, when it has occasion to anticipate its revenues, either bank paper or Government paper is indispensable, as all the European examples show; and sometimes both are found to be convenient, as in the case of England, which uses exchequer bills, as well as Bank of England notes. And, if we are to have no bank paper of any sort, I should hesitate to say that Government paper is not better than none at all, so far as regards the fiscal convenience of the Treasury.

But much has been said, by the Administration and its friends, of the losses which the Government has suffered by the receipt of bank paper. No part of this loss, be it observed, has been incurred by the paper of either of the two United States Banks. On the contrary, it occurred in the period of time between the two banks, and by the receipt of the paper of State banks. The amount so lost is estimated by the Treasury Department at five and a half millions. But was this truly a loss by bank paper? It is the depreciation on the paper of the suspended banks, received at the Treasury during the last war with

Great Britain. If a loss, it was a war loss, and a war necessity. But was it a loss by banks? Not at all. The Government needed something with which to pay its sailors and troops, to build and arm its ships, and to buy its munitions of war and mouth; and it was glad to take whatever it could get—bank paper, or any thing else, with which it could meet the calls on the Treasury. The pretended loss by bank paper at that period is no more justly imputable to the banks, than the loss on its own paper is. Both were war losses, necessarily incident to the exigencies of the Government.

Finally, so far as regards the fiscal operations of the Treasury, the practical fact, I apprehend, will be this: A portion of the receipts at the Treasury will be in specie, which will go into the vaults and the custody of the Treasurer and his deputies, and will lie there a burden rather than a convenience to the Treasury, or must be transferred to and fro at much cost and risk. But very many of the payments will be made as they now are, by a *check*, or (which is the same thing) an order on a bank or a broker for the money. A piece of paper will more or less intervene. The course of things in those countries where the entrepot system prevails illustrates my idea. The importer places his goods in the public store, and when he sells he makes the transfer by an order on the storekeeper, or by assignment of the storekeeper's certificate of storage. Will not some such practice grow up at New York and elsewhere, in the payment of duties in specie? And what will the Treasury gain, in point of convenience, by the operation? Nothing. It is but the substitution of the agency of brokers for that of bankers, or of individual bankers in the place of bank corporations, as in Europe, without advantage of any sort to the Government.

But the fiscal question, which I have been discussing hitherto, is a question of mere *expediency* or Treasury convenience. Is a sub-treasurer or a bank the safer or better depository of the public funds? Is bank paper unsafe, or otherwise unfit as a medium of receipts and payments at the Treasury? And, though the answer to these questions may be adverse to the views of the Administration, yet there may be other considerations—great reasons of state—which dictate the adoption of a particular policy, notwithstanding its cost, hazard, or mere inconvenience to the Treasury. And this branch of the subject I proceed next to discuss.

What are those great reasons of state, then, which, notwithstanding that the new financial system, considered as a fiscal agent merely, devolves more expense, trouble, and hazard of loss on the Treasury than the old one, yet call for the adoption of the former by Congress? What are the elements of the political, as distinguished from the fiscal question, involved in the new scheme of policy?

As a political question, this matter regards the power and patronage of the Federal Government; its relation to banks; to bank paper and the currency generally; and to the commerce, agriculture, and productive industry of the nation, as affected by the fiscal action of the Government. It is this part of the subject which chiefly concerns the people of the United States at large, and which is the more frequently insisted, on, as a topic of popular discussion, alike by the friends and the opponents of the Administration; and it is entitled, therefore, to careful attention at this time.

It is obvious that, if the bill pass, it will immediately place additional patronage in the hands of the Executive, because it provides for the creation of new and most important and lucrative offices. It will augment the vast army of office-holders, which the Executive already commands.

It is equally obvious, upon the declarations of the Secretary of the Treasury himself, and the proofs exhibited by him, that it will enlarge immensely the field of peculation, out of which the individual agents of the Government have heretofore reaped so rich a harvest; or, in the language of the Globe, it will expose the public treasure to be plundered by a hundred hands, where one cannot reach it now.

Perhaps the scheme involves, on the face of it, less of that indirect Government *influence* which the Administration was able to exert in 1834 and 1835, by converting the system of the affiliated pet banks into an instrument of party, through appeals to the cupidity of directors, stockholders, and borrowers.

But, on the other hand, the Independent Treasury itself has many of the functions of a bank, and so far forth all the power and influence of one.

In the first place, it holds deposites, to the amount of some millions always, of the public treasure; and in that respect it performs the functions of a bank, precisely in the same way, and precisely to the same extent, as the United States Bank, or the depository State banks, when they were the agents of the Treasury. Whatever amount of public money they held under the old system, the same amount will the sub-treasurers hold under the new one. The power conferred by these deposites will be great at all times, in proportion to the amount so held in deposite. Even as at present, with a revenue unequal to the public expenditure, the President concedes it will be five millions. What will it be in case of a surplus revenue?

Not only does the scheme possess the deposite functions of a bank, but it has paper issues also. I have shown already that, simultaneously with the sub-Treasury scheme, Treasury notes made their appearance, having many of the qualities and uses of a currency, arising as well from their form as from their receivability at the Treasury in payment of debts and duties to the Government. I have also shown that, of necessity, paper of some sort must pass between the Government and its debtors or creditors, and, if not bank paper, then some form of Government paper. And this bill admits the fact on the face of it. In the 10th section, it is provided:

"And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both."

Here is a paper currency, to a certain amount, more or less. The 16th section enacts:

"That all marshals, district attorneys, and others, having public money to pay to the United States, and all patentees, wishing to make payment for patents to be issued, may pay all such moneys to the Treasurer of the United States, at the Treasury, to the Treasurer of either of the Mints in Philadelphia or New Orleans, to either of the Receivers-general of public money, or to such other depositary constituted by this act as shall be designated by the Secretary of the Treasury in other parts of the United States to receive such payments, and give receipts or certificates of deposite therefor."

May not these receipts or certificates of deposite be used in some way as a currency or medium of exchange? To be sure, the bill requires all "disbursing officers or other agents of the Government" (section 21st) to pay out what they receive, and forbids their exchanging Government drafts for any thing but gold or silver; but this restriction applies to Government officers only, not to citizens who are creditors of the Treasury, as contractors and others. If I contract to do work for the Government, or to supply provisions or any thing else to the army or navy, though the Government pay me in a Treasury draft, it cannot prevent my passing that draft to a bank or to an individual in payment of a debt I owe, or selling it at a premium, and paying my creditor in any thing he may be willing to receive. And the bill (section 23d) also requires the Secretary of the Treasury "to guard as far as may be" against his "drafts being used or thrown into circulation as a paper currency or medium of exchange." But everybody knows that this prohibition is words only. The drafts can and will be used in exchange; and the Treasury cannot, if it would, prevent this. So that the Independent Treasury has, to a certain extent, and according to the amount of its dealings, the currency functions as well as the deposite functions of the United States Bank.

This Government paper, IF all banks are to be done away with, will undoubtedly be so far forth a commercial convenience; but, if banks remain, it will be a mere engine of power in the hands of the Treasury. And it is by the issue of its own pape or of specie, and the refusal to receive bank paper, that the Treasury Department is to exercise influence over the banks and currency of the Union. If the Independent Treasury enables the Department to exercise any influence over the banks and currency, especially if great influence, then it adds in the same degree to the power of the Federal Government. If it has power "to unbank the banks," as it has been said—nay, if it has but power to restrict and limit their loans and issues, and to reduce their circulation, then is it a tremendous engine of Federal power, as against the States and their institutions. And if it be powerful for any assumed good, it is equally susceptible of power for evil; for that is inherent in the very nature of all power. Or that assumed good may itself be a great evil. Which brings me to a broad question of the general policy of the measure; to answer which, requires a deeper exploration of the subject, in the various details of its different parts.

What is the professed object of the bill? To establish an *independent* Treasury. Independent of what? Of whom? Of banks? Is that all? No, it is a Treasury independent of the people. The separation from banks is but one branch of the operation. So far as regards the *place of deposite* for the public funds, it is, apparently, a separation from banks only. But that is a very small part of the scheme, though it is the staple of all the argument on the subject, by which the Administration, appealing to the popular jealousy of banks, endeavors to throw dust in the eyes of the people, and to cheat them of their liberties. But the Treasury is to be independent in *things receivable and payable*, independent of the people as well as the banks; it is to have an independent currency of Government paper or specie, while the people are to have some other currency, unless the general currency of the whole country is to be Government paper or specie.

Will Government paper be the general currency of the country? Such a purpose is disavowed in the bill. And if it were otherwise, the paper issued by the Government, in its dealings, will obviously be insufficient in quantity for the commercial uses of the whole Union. So that cannot be the general currency of the people.

Will specie become the universal currency? No; the quantity in the United States is wholly insufficient to answer this purpose, even if it were practicable (which it is not) to employ specie for all the uses to which a paper currency is now applied. If drawn from abroad, by Government efforts, and against the current of trade, it disturbs the monetary operations, not of this country only, but of the rest of the world, as we saw in 1837, when the Bank of England, alarmed by the forced flow of specie to this country, adopted such violent measures to stop the stream, and thus contributed to produce the commercial commotions of that period. And the events of that day show that, in proportion as you force the importation of specie into this country by Government efforts, you disturb the balance of trade, and occasion the most disastrous results. Nay, in proportion as our currency is exclusively a specie currency, in the same proportion does it become identified with foreign causes of uncertainty and change. Everybody knows how much of sympathy between country and country, and especially between England and the United States, there now is in all the great operations of commerce; which has led to the saying that the barometer of our markets hangs up in the London Exchange. And, if we have but one and the same currency with them, whatever acts on them acts on us. Conscious of which, the last Administration, when it conceived this idea of a specie currency, and as a part of the scheme, had to adulterate our old coins, and to reduce the fineness of the coinage by greater alloy, so as to keep the coins at home: a fact which illustrates my idea, that, if you exclude from circulation all paper of our own, and render our currency wholly metallic, the effect will be to identify still more all our monetary transactions with those of Europe. At any rate, I take it for granted that the quantity of gold and silver now in the United States is altogether inadequate for the extended business relations and the diversified interests of such a country.

To be sure, if it were in the power of the Federal

Government to crush all the banks of the States, and to exclude from circulation as well their bills and notes as those of individuals—if it were in the power of the Government to reduce the country and all its business and property to the condition which a limited amount of currency of specie alone would imply—that would be a very definite and intelligible object, namely: reversing the natural order of things, and restricting the business to the currency, instead of providing a currency for the business. Is that intended? Are we to have a pure specie currency only? Are we to repudiate all credit in trade? To reject the advantages of civilization? To return to the days of barbarism? For I hold it as certain that commercial credit, with the co-operation of paper, in the form of bills and notes, as the representative of money or other property, is one of the results of civilization; that by this, and this only, in the present state of the world, can the complicated and wide-spread affairs of commerce be prosperously conducted; and that a paper medium of exchange is one of the indices of legal stability and of well-ordered freedom in the relations of society and of business. On the other hand, in a state of barbarism, where every thing is insecure, where man distrusts man, and Government and its subjects alike distrust each other,—there is the proper state for a pure specie currency; for he who sells, will sell for nothing but what is immediate and tangible; and he who accumulates, will accumulate only that which is *material*, and so not subject to the chances of legal and social vicissitudes. Thus it is, that, in some parts of Asia, the rich man *invests* his wealth in diamonds and other gems, which he may conceal from the rapacity of his fellow-men and of his Government, because he can trust nobody. Is this what the Administration or its friends desire for the United States? I cannot believe it. I the rather imagine that those persons who reason in this sense, and who labor to this end, are actuated by a sort of monomania, and are bewildered by strong mental delusion.

It is conceded, however, by the President, and by the more rational of his friends, that an exclusive specie currency is impossible if it were desirable, and undesirable if it were possible. There is to continue to be, as now, a mixed currency of specie and of paper; and the people are to have, not specie only, nor Government paper only, but something else.

But if the Government are to have Government paper and specie only, and the people something else, then is the Government independent of the people, as I have said from the outset—not in its Treasury only, but *in its currency also*; and that as a permanent system of policy.

And what is the assumed relation between the two currencies? Why, that specie, the superior currency, is to be for the Government; and that the inferior currency of bank paper, drafts, and checks, is to be for the people. Such is the theory preached to us, and such is the precise point to which the theory brings us. And will the people of the United States submit to this?

I have been accustomed to think that the very essence of democracy consisted in the identification of the Government with the people. This idea of the separation of them—of the giving to the Government either an independent place of deposite for the public revenues, or an independent currency, or independence of the people in any thing else—is a new scheme of democracy altogether. To be sure, there is enough of this among those "opulent and enlightened Governments of Europe" to which Mr. Woodbury refers. There, the Government and the people are more or less separate in their interests. In some, the governed have extorted from the governors, the hereditary princes and nobles of the land, a portion of political right, as in the constitutional monarchies of Europe; in others, none at all, as in those Asiatic communities where all men (except the prince) are equal, because all men are inferior, and alike without rights. There the Government *is* independent of the people. But the United States compose a republic of associated republics. Our political organization is republican; our social organization is democratic; and all the influences which pervade the country, social and political, are democratic. And the dearest value of our institutions rests in the principle that the governors and governed are identified in their interests; that the least movement which stirs in the heart beats responsively through the whole frame, and the least touch on a single member sends a sympathetic throb to the heart. Government and people should sail in the same boat, to sink or swim together. And yet this Administration, professedly, and of set purpose, undertakes to divorce the Government from the people in the matter of currency; to give to the Government a separate and independent currency; and to do this, forsooth, in imitation of the *separation policy* of those very monarchies of the Old World, whose political institutions are (or should be) a name of abomination to every true-hearted American!

This Administration idea of the *independency* of the Government, of its separation from the people, dates from the message of the extra session of the last Congress. It proceeded on the assumption that the Federal Government had *no power* to do any thing for the people. For, if the President had admitted the existence of a power to act, he could not have resisted the force of the obligation of the Government to use that power for the relief of the people, in the midst of evils the existence and magnitude of which he has conceded. But, he said, the people were in the habit of expecting too much from the Government, which, in the present case, had no power to act.

The theory and the action of the last President had been the reverse of this. He not only assumed the power of the Federal Government to operate on the currency, but he was perpetually overacting; claiming the right, and admitting the duty, and arguing upon the policy of the Government, in this matter, throughout the controversy with the United States Bank.

Into the constitutional question of the power of the Federal Government in relation to the currency, I will not enter now; but I cannot forbear to point out the fallacy of an assumption which runs through all the discussions of the Administration and its friends. They talk perpetually of specie as the currency of the Constitution. I ask them to show me the word *currency* any where in the Constitution. It is not there, either in express language or by allusion. There was a bank paper currency in the country when the Constitution came into being, which the Constitution left untouched. It did not in express terms provide any currency. It left this for the people or for Congress to provide. All it did in regard to ~~specie was, in the first~~ place, to forbid the States to coin money, or to make any thing but gold and silver a tender in payment of debts; and, in the second place, to authorize Congress to coin money, and to regulate the value thereof or of foreign coin. That is, it fixed a standard of value, by which all contracts were to be regulated and prices measured. But it did not provide that coined money—our own or that of foreign countries—should be the *currency* of the United States.

I repeat that I do not intend to enter into any exhibition of my own constitutional opinions in this relation. But the context leads me to investigate further the question of what opinions the Administration holds in the matter, and what its conduct is, compared with its professed opinions.

After the many disavowals on the part of the Administration of all power to regulate the currency, or otherwise to interpose in that behalf for the benefit of the people, does the Administration, in its advocacy of this measure of an Independent Treasury, act or speak as if it had no such power? On the contrary, the messages of the President are full of discussions on the currency question and the banks; Mr. Cambreleng's report is replete with considerations of general policy; and all the speeches and newspapers on that side of the question are stark mad with clamor against banks and bank paper. But if your *power* stops at the point of making some fiscal provision for the mere selfish wants of the Treasury, why do you not stop there in your discussions? If you have no power over the currency, then you have no business to meddle with it; if it is not your duty to act, then it is your duty to abstain. If Congress cannot legislate on any given subject, it has no right to agitate on that subject. The abolition question is an example. Be consistent, then. Why, if you have no power of legislation to relieve the people from a disordered currency, and to provide them a better, do you perpetually lecture and exhort us in regard to that which you *profess* to believe appertains exclusively to the several States? Admitting that you have no direct power, will you act by indirection? That would be hypocritical as well as unconstitutional and unjust.

The Globe, last Tuesday, cited authority the very highest—a private letter from General Jackson himself—to the effect that it was the object of this bill to accomplish a great "*financial currency and commercial reform.*"

Let us have a distinct understanding on this point. Are you engaged in organizing a proper fiscal machinery for the Treasury simply? Or are you engaged in a great commercial and currency reform? If so, by what means, direct or indirect? Have you or have you not the constitutional power to direct, regulate, and control the banks, and to reform and establish the currency? If you have, say so. If you have not, say so. The messages of the President never cease to parade his denial of the power of Congress in this matter. Are we to understand that, though no direct power is given, the end is to be reached indirectly, by the use of some other power? If you have the power, direct or indirect, to *reform the currency of the United States*, that concedes the whole question; and if you have the power, I call on you to exercise it, and to bring in a bill at once, expressly, for this "great financial, commercial, and currency reform;" and let the interests of the people, not those of the Government, be its primary and principal end and aim. But if you have no such power, then I protest against your talking and arguing as if you had, and thus keeping the whole country in a perpetual fever of anxiety and agitation by the discussion of that of which (as you pretend) the Federal Government has no direct jurisdiction or control. Be one thing or the other; and whichever side you take in profession, take the same in action. Your present course has the evils of both, without the benefits of either.

If you persevere in the profession that you have no *direct* powers, then I demand of you to reflect whether, according to your own doctrines, you have any powers at all. I ask the gentleman from New Hampshire (Mr. ATHERTON) to reflect on this. In the last Congress, the House, on his motion, and by a vote of nearly two-thirds, adopted a resolution beginning in these words: "~~*Resolved*~~, That Congress has no right to do that indirectly which it cannot do directly." Does the Constitution give you power to "unbank the banks" by direct legislation? No. Then, "the agitation of the subject" here, "as a means, or with the view, of disturbing or overthrowing that institution (banks) in the States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith."

There is another question of power involved in this bill, addressing itself more especially to the *ultra* State rights school, if (without any disrespectful meaning) I may be allowed to use this expression.

The object of the bill, as described in the title, is "to provide for the collection, safekeeping, transfer, and disbursement of the public revenue." No express power appears in the Constitution to pass a bill of such a description; but it *results* from the express power given to Congress to raise and employ a revenue, and the power to pass all laws needful to the due execution of other specific powers. The precise thing, as we have seen, which the bill proceeds "to provide," is a system of individual agents for the "safekeeping" and the "transfer" of the revenue, and the exclusion of *bank paper* in its "collection" and its "disbursement." Such are the *immediate* objects and the provisions of the bill *in terms*. It is, in the letter, a mere *revenue measure*. But what is it in spirit and ultimate purpose? All the Executive messages and all the speeches and reports in Congress imply, and Gen. Jackson expressly says, it is to effect a great "commercial and currency reform." It is for this that banks and bank paper are to be repudiated in all the transactions of the Treasury. The Government is to receive and pay specie only, in order (indirectly) to reform the

currency. Wherein consists this "reform of the currency?" In the regulation and restriction of the banks and bank paper, say some; in their total destruction and proscription, say others. To what object this warfare against banks? It will encourage the planting interest, say some; it will aid the manufacturers, say others. And thus we reach certain *ulterior* objects, which, from the stress laid upon them by the friends of the bill, would seem to be of more importance in their eyes than the narrow question of the fiscal convenience of the system as a Treasury agent.

Now this may be a legitimate mode of legislation. I do not say that it is, or that it is not. What I suggest, however, is, that when, a few years ago, the advocates of protection to manufactures pursued exactly the same mode of legislation—that is, such a use of the *revenue power* in the Constitution as should incidentally promote certain ulterior objects for which there appears no *express* grant of power—the act was on that very ground pronounced by the South to be unconstitutional, null, and void.

For, if it be clear that the Constitution contains no express grant of power to levy discriminating duties in order to encourage particular branches of labor or investments of capital, it is equally clear that it gives no express power to *discourage* any particular form of labor or investment of capital; no express power to regulate banks; to restrict their loans or issues; still less to destroy banks, or to proscribe their paper, and expel it from the community. Nor does it contain any express grant of power to encourage the planting interest, or to aid the manufacturer.

And will you do that indirectly which you have no right to do directly? Will you pass a bill which, though it *purports* to be a revenue act, is claimed and understood to be an act "to unbank the banks?" The South Carolina Ordinance of Nullification, the South Carolina Exposition, the speeches of eminent statesmen of South Carolina, agree that such legislation is an *abusive exercise* of the constitutional powers of Congress; that though the primary object of an act of Congress—the object on its face—be constitutional within the scope of some granted power; yet, if the ulterior object—the incidental motive of the act—be the pursuit of a thing not granted, then the act is, nevertheless, a violation of the spirit and true intent of the Constitution.

I assure gentlemen that I cite these documents in no disrespectful sense. On the contrary, I respect the ability which is displayed in them, and the gallantry of their authors. And the identity of the constitutional principle involved in the two cases makes the citation pertinent and proper.

Thus the preamble to the Ordinance speaks of 'acts *purporting* to be acts laying duties, &c., but, *in reality*, intended for the protection of domestic manufactures and the giving of bounties to classes and individuals engaged in particular employments," &c. So this bill may be characterized as purporting to be an act to provide for the safekeeping, &c. of the public revenue, but in reality intended for the indirect proscription of banks, and the imposing of restrictions on classes and individuals engaged in particular employments, and the giving of bounties to others.

The Exposition says: "The Constitution may be as grossly violated by acting against its meaning as against its letter." And again: "The Constitution grants to Congress the power of imposing a duty on imports for revenue; which power is abused by being converted into an instrument for rearing up the industry of one section of the country on the ruins of another. *The violation consists in using a power granted for one object to advance another, and that by the sacrifice of the original object.* It is, in a word, a violation or perversion," &c. These doctrines apply distinctly to this bill, so far as regards those ulterior objects of a currency reform, or of acting upon banks, or of promoting this or that interest, or discouraging any other; which objects appear to fill the minds and the productions of the friends of the Administration.

And there is a remarkable speech of Mr. Hayne's to the same point. (Senate, April, 1824.) "Will gentlemen suffer me to ask them," he says, "to point out to me, if they can, the power which this Government possesses to adopt a system for the avowed purpose of encouraging particular branches of interest?" And I may add: or of *discouraging* particular branches of industry, such as banking or any thing else. And again: "But, to tell us we have a right to resort to *theoretical speculations*, as to the most convenient or profitable employments of industry; and that you can, by law, encourage certain pursuits and *prohibit others*, is to make this not merely a consolidated, but an unlimited Government. If you can control and direct any, why not all the pursuits of your citizens? And if all, where is the limitation of your authority? Gentlemen surely forget that the supreme power is not in the Government of the United States." Do not these expressions seem as if they were designed for this very bill? How apt is the remark about "theoretical speculations as to the most convenient or profitable employments of industry," and the encouragement or discouragement of "certain pursuits!" And the whole passage, how emphatically does it not condemn the attempt of this Government to control, by indirection, the pursuits of those citizens of the States who have engaged their industry or invested their capital in the business of banking, under the guaranty of the authorization of the State Governments! Again he says: "But our opponents gravely inform us that *this* is a bill to levy imposts; and that it is, therefore, within the very letter of the Constitution." So here we are gravely told that this is a bill to provide for the safekeeping and disbursement of the public revenue. But Mr. Hayne replies: "True, sir, if imports (or revenue) were the end and aim of the bill. But surely gentlemen will not attempt to justify a departure from the *spirit*, by an adherence to the *letter* of the Constitution. * * If it be sufficient to adhere to the letter, without regard to the spirit and intent of the Constitution—*if we may use a power granted for one purpose, for the accomplishment of another and a very different purpose*, it is easy to show that a constitution on parchment is worth nothing."

These ideas seem to me to be, all of them, exactly apposite to this measure, and the objects intended to be effected by it; since, though the primary and professed object of the present bill (as in the case of the tariff bill) be a fiscal one, yet the incidental, indirect, or ulterior object, is another and a very different one. I do not mean to say that I adopt the ideas quoted, for my own; but I say that if those gentlemen at the South, who have heretofore concurred in the above opinions, abandon them upon this bill,—if, in their action upon this occasion, they admit that "Congress may do indirectly what it has no right to do directly,"—if they concede here, that the "using a power granted for one object, to advance another" is no "violation or perversion" of the Constitution—if they consent to "abuse" the revenue power now, by converting it "into an instrument for rearing up the industry of one section of the country on the ruins of another,"—if to-day they can see "the power which this Government possesses, to adopt a system for the avowed purpose of encouraging (or discouraging) particular branches of industry,"—if, on this occasion, they "attempt to justify a departure from the spirit, by an adherence to the letter, of the Constitution,"—if, in fine, they proceed, by enacting this bill, to "use a power granted for one purpose, for the accomplishment of another and a very different purpose,"—then I shall confidently anticipate, that if, hereafter, it should fall to my lot, in the defence of the interests of my constituents, to maintain the constitutionality and expediency of discrimination in the duties on imports for the protection of domestic industry, they will, for consistency's sake, abstain from alleging again that such legislation is either a violation or a perversion of the constitutional powers of the Federal Government.

Notwithstanding the President and his friends deny to the Federal Government any direct power in these matters, yet they propose to exert power, and to effect a reform—a radical change in the currency—by indirection. The points next to be considered, therefore, are, in the first place, are the objects proposed good ones? And, in the second place, whatever their character, will they be attained by the passage of this bill?

The primary object, the object of objects, would seem to be, to act upon banks, or, according to the current phrase, *to unbank the banks*.

I do not scruple to say that much of the general clamor against banks, which pervades the writings and speeches of the friends of the Administration, is mere extravagance, if nothing worse. Take, for instance, Mr. Gouge's pamphlet as a specimen of all that class of matter. He heaps together, in a one-sided view, all the evils and losses incident to banks, without any exhibition of their compensating benefits; and thence infers that banks are injurious to the public welfare. Suppose that precisely the same mode of reasoning were applied to steamboats. By collecting together all the explosions that have ever taken place since the application of steam to navigation, with the consequent loss of life and of property, what an appalling picture would you not present to the view! What then? Would you reject the use of steamboats? Have there not been advantages in the use of them far more than enough to counterbalance the disadvantages? Just so it is with banks.

Again. Admit, for the argument's sake, all that Mr. Gouge says against banks. Is banking to cease? No: all that is to be done is to transfer the business of banking from incorporated bankers to unincorporated bankers; for every nation has bankers and banks of some sort, corporate or unincorporated. What is the difference between the two? So far as regards the bankers themselves, the only difference is in a legal form of association, and the limit of their copartnership responsibility. So far as regards the community at large, incorporated banks enable many individuals to have an interest in the stock, which would otherwise be confined to a few great capitalists. And the Government, what does that gain by proscribing such banks as we now have in the United States, and rearing up a generation of Rothschilds, Barings, Hopes, Laffittes, Aguados, and Torlonias in their place? Who does not know that such men as the Rothschilds have more absolute power in Europe, more influence with Government, more to say on the question of peace and war, and the stability or the change of dynasties, than either or than all of the banks in the United States? Even Turkey has her bankers. Even Spain has her Bank of San Fernando. She has, to be sure, little enough of bank paper, or any other of the great instruments of commercial intercourse; and my heart bleeds when I think of that rich and beautiful land and its gallant people, and that long prostration of their industry and commerce, which is hardly a less evil to her than civil war, foreign invasion, or the loss of her colonies.

What, then, I ask again, is the point of all this never-ceasing clamor against banks? Is it to do away with bankers associated by a charter, and substitute bankers associated by letters of copartnership? A small object, truly, for the convulsions and agitations of these ten years. For if banks, in some form, are to continue, and bank paper also, it is a very shallow and superficial course of argument to be all the time indulging in loose generalities about speculation, and inflated credit, and alternate expansions and contractions, and the like. Bring the thing to a practical issue. What is it you wish to do? You say there is an evil: give us the remedy. Is it to destroy the banks? The arguments of many gentlemen aim at that, if they aim at any thing. Is it only to amend them where amendment is desirable, and reform them where they go wrong? If so, I go with you—my constituents go with you. The State of Massachusetts is no friend of bank suspensions. I say with Burke, that "a disposition to preserve, and an ability to improve, taken together, would be my standard of a statesman." But if your object be reform only, and you have the constitutional power to reform, why do you not bring in a bill for that express purpose? If amendment of the bank system be your purpose in this bill, why do you not say so in it? This bill proposes no reform of banks, but their *proscription*, and that alone. Like the grave, it levels all distinctions; for by it all banks, good and bad, specie-paying and non-specie-paying, are condemned together, and handed over to the same undistinguishing legal massacre.

Yet, as if absolutely to confound our judgments of what the Administration would in truth be at, and

to cause us to doubt whether, in the midst of all these denunciations of banks, the Administration really intends any thing but to make a parade for popular effect, at the last session of Congress the President, after disavowing any hostility, official or personal, to banks, and after referring to his past course on the subject, said:

"I have yet ever wished to see them protected in the exercise of rights conferred by law, and *have never doubted their utility*, when properly managed, in promoting the interests of trade, and, through that channel, the other interests of the community. * * Like other State establishments, they may be used, or not, in conducting the affairs of the Government, as public policy and the general interests of the Union may seem to require. The only safe or proper principle upon which their intercourse with the Government can be regulated, is that which regulates their intercourse with the private citizen—the conferring of mutual benefits. When the Government can accomplish a financial operation better with the aid of the banks than without it, it should be at liberty to seek that aid, as it would the services of a private banker, or other capitalist or agent, giving the preference to those who will serve it on the best terms."

If the banks are of such undoubtable utility; if the intercourse of the Government with them is to be regulated on the same principle as that of the private citizen—the conferring of mutual benefits; and if the Government is to seek their aid whenever it can accomplish a financial operation better with their aid than without it: if this be so, what becomes of all the general declamation against banks which pervades and distinguishes the orators attached to the Administration?

Another great object of the friends of this bill is, to act upon the currency, independently of, or in addition to, the action upon banks, as such.

All candid men admit that the operation of this measure upon the currency is a mere experiment. No one is, or can be, sure that this experiment will succeed any better than that which preceded it. General Jackson overthrew the United States Bank, which did give us a good and equal currency of stable and uniform value all over the country. In transferring the public deposites to the banks of the States, he alleged that these would give *us* a still "better currency," and would, in other respects, meet the wants of commerce. The better to enable them to do this, his friends proceeded to multiply the number of State banks, to supply the place of the United States Bank; and, for the same express purpose, the Secretary of the Treasury (Mr. TANEY) officially prompted the new deposite banks to enlarge their discounts, and, of course, to increase their circulation. Meanwhile, the Administration was drawing specie from Europe, in order to force a specie currency in the United States. What followed! An excess of credit and of bank paper; a wild mania of speculation in all parts of the United States; a panic among the directors of the Bank of England; a cessation of their discounts to the American trade; a general suspension of cash payments by the banks of the United States; and the utmost disorder in the currency, exchanges, and commerce: this explosion of General Jackson's experiment happening almost at the very instant of his leaving the Presidency. And now comes Mr. Van Buren's experiment. And what is that? By the explosion of General Jackson's, the currency was blown up, and the patient lies prostrate on the ground, his limbs broken, and covered with wounds and bruises. And what does the new State physician propose? Why, to let the patient lie there, writhing and groaning in his agony, to bleed to death, or to get up and get well without help, as he may. Doctor Van Buren will not set a bone, or even so much as apply a *plaster* to a wound; and the only remedy for the case seems to be to discharge him, and introduce Doctor Harrison in his place. For, in the message of 1840, as in that of 1837, the President cavalierly turns over this great currency question to the separate jurisdiction of the several States and Territories—twenty-nine independent communities, in all—and invites them to remedy the evil. The Federal Government is to do nothing. It folds its arms, whilst the United States needs for its currency, above all other things, that security of some sort against the adverse action of foreign interests, and against the irregular and contradictory action of the several States, which the Federal Government alone has the power to afford.

Well, did the several States take care of our currency in the time of the Confederation? Did they in 1813, when all the banks out of New England suspended specie payments? Did they in 1837, when nearly all the banks in the United States suspended? Have they taken care of the currency now, when most of the banks south and west of New York are in a state of suspension, and seem likely so to continue we know not how long? When the present suspension began, which of the States threw themselves into the breach to stop the incursion of a paper-money currency? Was it the great State of Pennsylvania, with its Van Buren State Administration? Was it the State of South Carolina, which presents itself here as the Simon Pure of a hard-money currency? No, it was neither of these, but the Opposition States of New York and Massachusetts which were the first to breast the storm. Yes, it was the much denounced capitalists of New York and Boston who stopped the tide of paper money, and prevented it from overflowing the whole land in the same common deluge. The gentleman from New Hampshire (Mr. ATHERTON) says, What of New Hampshire? I reply; New Hampshire, to be sure, acted with us in Massachusetts; and it could not well have done otherwise, had it been otherwise minded; for it was the mass of capital in Boston and New York which saved the banks of the Eastern States. We, in Massachusetts, do not profess to be specie currency men, but we generally strive all we can to pay our debts, understanding that to be good policy as well as honesty. And we should find it much easier than we do to worry along under the difficulties of the present crisis, if the States in the south and west, which, by their Representatives here, profess so much fondness for a specie currency, would pay us what they owe, either in specie, or, what we should be very glad to take if we could get it, in good convertible bank paper. And if those States which, by their hard-money votes here, aid the Administration to oppress the whole Union, would carry the same hard-money theories into the practical action of their State Legislatures, they would then give some countenance to the President's doctrine, that each State by itself, and not the Federal Government, is to adjust the currency question.

If the Representatives from those States will take it in good part, it will be edifying to consider what their Legislatures have done of late towards the restoration of a sound currency. Alabama—she has a majority of members here supposed to be friendly to this bill; and has she taken measures for a resumption of specie payments? No; but the contrary, as I understand, in granting an extension of time on the debts due to her banks. Tennessee—she has a Van Buren State Administration, which refused to require her banks to resume. Georgia, the same. South Carolina, the same. Virginia—I trust she is a Whig State; but she has a majority of Representatives here friendly to the Administration; and do her banks (ay, and *State* banks too) pay specie? Not at all. In short, the sum total is this: too many of the States, while, as States, they practise paper money in all its forms, and thus contribute their utmost to disorder the currency, come here as hard-money States, and thus enable the Administration to tighten its gripe around the necks of the rest of us, who, if they would practise what they profess, could shift for ourselves; or, if they would profess what they practise, could, with their aid, compel the Federal Government to hear to reason.

If, therefore, we are to judge of the currency policy of the Administration by existing facts, that policy is bad enough at best,—whether, as the President seems to think, the amendment of the currency is to be left to the States themselves; or whether, as many of the friends of this bill declare and argue, one of its objects be to effect a "currency reform," by the proscription of banks and bank paper from the business of the Treasury.

One class of persons profess devotion to an exclusive specie currency; others profess that all they wish is to enlarge the specie basis of bank paper; while most persons, among the orators and writers of the Administration, content themselves with general declamation against bank paper, without proposing any thing important of a practical nature. Amid all the clashing opinions of the day, there is probably less difference on this subject, in the minds of discreet persons, than is generally imagined. That the specie hobby is all naught, is very clear; that suspended banks and irredeemable bank paper are quite wrong, is equally clear. And it is full time the currency question was withdrawn from politics, and settled upon the true principle, that the essence of a good currency is uniformity with stability and sufficiency; it being less material *what* it is, if it be *such*. And this brings me to another division of the objects and assumed benefits of this measure—which is, its effect on commerce; for Gen. Jackson, as quoted by the Globe, tells us it is to effect a commercial as well as currency reform.

Commerce being the exchange of commodities, in order to prosper, it needs, first, a medium of direct payment, sufficient in quantity, fixed in value, and, as near as may be, equal in all parts of the country; secondly, for remote operations, where payment is to be made, not from hand to hand, but by bills of exchange, then a rate of exchange, reasonable in amount, and the lower the better; and, thirdly, commercial credit and mutual confidence. Whenever, for any cause, the currency and exchanges are insufficient or bad, and confidence or credit is disturbed, in such circumstances commerce of necessity labors.

Now, if the object of the Administration be to establish an exclusive specie currency, the result must be, as I have heretofore argued, either that the currency will be insufficient to carry on the commerce of the country in its present state, and thus will fail to perform its proper office, or the commerce must be cut down to that currency, and so be crippled and paralyzed. If the object of the Administration be, that we should depend upon the bank bills of the States, in that case we have a currency, as the present state of things shows, neither stable nor uniform. The Administration excludes (professedly at least) the idea of Government paper as well as United States Bank paper; so that, in fact, nothing remains except the paper either of the banks or the States, unequal and irregular as it is, or the paper which individuals might issue under a system of free banking. How the latter would operate, is a mere speculation; for, though it has been proposed, yet it is an untried experiment, in regard to which there is an almost total absence of ascertained or conclusive facts. At any rate, I do not understand that the Administration takes up this plan; and our commerce remains, therefore, so far as regards the currency, surrounded with the present difficulties in which the empirical schemes of the Administration have involved us, with the certainty that it still persists in those schemes, but without any certainty as to what are in truth its precise aims and ends.

And so as to the exchanges. Their equality in the time of the United States Bank is an historical fact, which stands forth in striking contrast with their present inequality under the tinkering of the Government and the disorganized condition of the State banks. The Administration does not, that I can perceive, propose any thing whatever to meet this difficulty, except in so far as the Government paper provided for in this bill may serve to that end. But the amount of aid to the exchanges to be derived from this source is confined within very narrow limits. This consists, in the first place, of the revenues of the Post Office—amounting to say five million dollars, but which now, as heretofore, goes chiefly to pay the mail contractors, and is therefore of no use in commerce. It consists, in the second place, of the payments at or from the Treasury—equal in amount, at most, to the sum annually expended by the Government, say thirty million dollars; a part of which may enter, in one way or another, into commerce, though in doing so it will run counter to the professed object of the bill, which enjoins upon the Secretary of the Treasury to keep his drafts out of circulation as far as may be; because, if they enter largely into circulation, then, as I have before argued, the Independent Treasury is a Government Bank. And this remark applies to any other miscellaneous form of Government drafts or

receipts which may grow up out of the operations of the Treasury.

Whilst in all these particulars the commerce of the country derives little aid from the financial schemes of the Administration, and is on the contrary greatly obstructed and injured by them, in another respect, also, it suffers infinitely under the policy of the Government. Confidence and credit, which are the basis of all prosperous commerce, are struck at directly by the Administration, in the holding of so much public treasure, which, under this bill, is to be locked up in the vaults of the Treasury, and so withdrawn from business, either for direct use, or for use as a basis of bank issues; contrary to the opinion expressed by General Jackson himself, in one of his messages, to the effect that locking up the public treasure in this way is a positive wrong done to the people. Confidence and credit are struck at indirectly by the Administration in the destructive and radical doctrines which many of its partisans utter, alarming capitalists, and checking their operations; as also in those many of the acts or declarations of the Administration denunciatory of the banks, which are thus held in perpetual terror of runs for specie, of the withdrawal of their charters, and of bankrupt laws for their particular destruction. Commercial credit is also struck at by the Administration directly, and at the tenderest point; in the wild declamation of its partisans against the use of borrowed capital: the strangest of all things to come from professors of democracy, since credit is the only means by which the industrious and enterprising poor man is able to trade at all, and without which all the gains of commerce would be monopolized by rich capitalists alone, instead of being diffused through the community wherever industry and integrity exist, as they have been and will be under the influence of any just and proper system of confidence and credit, unembarrassed by the crudities of a mischief-making Government.

But eminent advocates of the Administration are found, who claim for this bill the merit of being a boon to the productive industry of the country, who urge this as among the objects to be promoted by it, and the motives for its enactment. Though the currency is disordered by the policy of the Administration, and exchanges too; and though the internal commerce of the country is in a most languishing state; and agriculture and manufacture, which are so dependent on commerce, suffer in its train; yet this bill is to advance the productive industry of the United States. And how? By reducing, or tending to reduce, the cost of production, which is one day said to be advantageous to the planter, and the next to the manufacturer.

Now, supposing any such advantage to accrue from the operation of this bill on currency and bank paper, (which is the argument;) to whose particular profit is it to inure? Plainly to that of the manufacturer-capitalist, and the planter-capitalist, at the expense of the laborers hired or employed by each; that is, of the great mass of the community. The capitalist-undertaker, whether in planting or manufacture, is *to get his work done cheaper*, and thus to have the cost price of the article raised or manufactured less. Thus, the merchant is to have a ship built cheaper, not by obtaining at any less price the *foreign* hemp, iron, sail-cloth, and copper, which constitute so large a part in cost of all her materials, but by paying less to the carpenters. This, and this alone, is the result of reducing the cost of production to a specie standard. So of an invoice of goods manufactured, or any thing else; the production is to cost less to the capitalist, by the mechanics receiving less, under a specie currency, or an approximation to that. I put it to gentlemen to speak out, and say whether this be not the true mode in which a reduction of the cost of production will work; and, if so, whether this be just and equal, and for the good of the many.

But I may be asked, if this be the operation of the bill, why do not the capitalists, north and south, unite in the support of it? I reply for my constituents, that they would disdain to receive from the Government a supposed benefit, which is to the general prejudice of the community as a body, in the general injury of which they would lose more in the end than they would gain by the supposed advantage to themselves in the beginning. Nor do they believe that, in the long run, any advantage is to accrue to them separately. Their best interest is in the prosperity of the whole community. Though, by the payment of all duties in specie, the relative amount of the protecting duty on manufactures were to be in a small degree augmented, and the cost of production some little diminished by the reduction of the price of labor to a specie standard, yet the manufacturer, or other producer, is no better off than before, without there be regular and equal exchanges and currency with which to carry on his operations, and without there be such general prosperity of all branches of business as may ensure to him a steady demand for consumption, and a consequent steady market for the sale of his merchandise.

It remains only that I advert to the question, whether, whatever may be the ulterior and incidental objects of the Administration, be these good or bad, they will be attained by the passage of this bill.

Does the Administration really desire to accomplish those objects—any of them; and, if so, which of them? I profess that I cannot tell. Its own precise ends are so covered up in the obscurity of mere generalities, and of intangible abstractions, now swinging over towards the specie currency school, and now again back to the bank interest, that I doubt whether it knows itself at what mark it would have the pendulum to rest. For instance: would the Administration destroy bank corporations? When I see how prone its friends are to grow rabid and almost foam at the mouth at the very name of a bank—when I reflect that declamation against banks constitutes the staple of all they say—and when I call to mind the wild visions of a general specie currency, which some of the more zealous, or it may be the more sincere of its friends have entertained and avowed—at such times I might suppose that it intended to make root and branch work with all banks whatever; for, otherwise, the effusion of so much wordy fury against them is idle, absurd, undignified, and unjust. But then, on the other hand, the President tells us that he has *never doubted the utility* of banks. Again: while some of the friends of the Administration are thus frantic in their denunciation of banks, others are found who take pains to assure us that they have no sentiments of hostility whatever towards those institutions. Nay, as I mentioned before, it happens that not a few of those States which give utterance, through their State Governments or their Representatives here, to the greatest quantity of bank denunciation, are themselves, as States, inseparably identified with banks of their own. What conclusion is a plain man to come to, under such circumstances, as to that which the Administration really intends?

But if the Administration really intends to proscribe banks and bank paper, as this bill professes, and as the words (but not the acts) of its friends declare, and if its object be to effect a "currency reform," has it the power to do this? Can it stand the shock of individual interests? Will it dare to enter into conflict with the power of the States, so many of which are directly and largely interested in banks? Will those States consent to a bankrupt law, for instance, to embrace their banks? I doubt it. Some affect to believe this; but I do not. In a word, too many of the objects behind this bill, which are professed by the friends of the Administration, are morally, politically, and physically impracticable, and too evidently so, for me to repose much trust in the good faith of the measure.

And if this Administration is bent upon the accomplishment of those ulterior objects, the discussion of which is by so many of its friends associated with this bill, will it continue in power long enough to effect them? This is a question which time only can determine.

Certain it is, that some of the most intelligent friends of the Administration begin themselves to betray a distrust of the efficacy of this bill for an ulterior good, by the language in which they deny its efficiency for evil. Thus, the Boston Morning Post, a principal Administration journal in the East, says, recently:

"The Government has now no deposites, and has made none for a long time; and it matters little where the few scattering dollars unexpended are kept. They have had, and can have, no effect upon the country, one way or the other."

And the Democratic Review, in the last number, says:

"Though the immediate influence of this reform upon the currency of the country will be but slight, notwithstanding the most exaggerated views taken of it by both friends and foes, yet, upon the future action of the Government, it will impress itself with an effect as potent as salutary."

Here is the distinct avowal that the immediate influence of this measure on the currency will be but slight; and that the views of his friends, as well as foes, are most exaggerated. I sometimes incline to this opinion myself. It corresponds with a view of the subject which has been very ably and forcibly presented by Mr. Charles F. Adams, son of my colleague, in several publications of his, which charge upon the Administration, as its great fault in the matter, its culpable abnegation of the just powers of the Federal Government in this behalf, and its consequent total abandonment of its duty to the people. For, after so many years' discussion of this measure by the Administration, it seems now to be chiefly used by it as a mere stalking-horse of party, and as an instrument of party ascendency. In this respect, the Democratic Review is right in saying that upon the future action of the Government, if successful, it will impress itself with potent effect; whether a salutary one, is another question, and depends upon causes and influences wholly beyond the control of this or of any other Administration.

For, even upon the premises assumed by the Administration, and conceding all it asks, the utility of the measure, or rather, the more or less quantity of mischief in it depends, in the first place, on the singleness and integrity of purpose of its administrators and the abjuration of all party influences by them; and when was there a time that this Administration was disposed, or, if disposed, was able, to act independently of party considerations and with a single eye to the good of the country? And the more or less of mischief that it may do depends, also, upon the state of the Treasury. Consider what would be the condition of the country, if we had a large surplus revenue locked up in the Treasury vaults. It would withdraw all specie from circulation. Nor is this an imaginary evil. Whatever disposition Congress or the Executive may have to keep the revenues down to the expenditures, and to keep the latter as low as possible, that is a problem the equation of which was never yet found for a length of time by any Government. Nothing is of more difficulty than to predict the precise quantity of revenue derivable from a given state of taxation. Sometimes a high rate of impost diminishes importation so as to dry up the revenue from a given article; and sometimes a low rate of duty augments the importation so as to make the aggregate of tax received on it large beyond all anticipation. Mr. Woodbury himself, on one occasion, (report of December, 1834,) with all the lights which the Treasury Department possesses on this subject, erred in his calculations to the amount of the difference between twenty millions and thirty-five millions, in the revenue of a single year. And though, in the remarks which I have been making on this bill, I have assumed, for argument's sake, the correctness of the President's idea that the amount of specie which this bill is to lock up in ordinary years will be only five millions, yet I greatly distrust that calculation. For the amount of public deposites in the United States Bank, and afterwards in the State banks, greatly exceeded this, for a long series of years. (Senate Doc. 1st sess. 23d Cong. No. 16, p. 5; House Doc. 2d sess. 24th Cong. No. 77.)

Suppose, then, a large amount of revenue on hand, and this in bad hands, in the custody of persons disposed to use the Treasury for purposes of influence and power. In such hands, and in such circumstances, the power conferred by the bill would be stupendous. It would give to the Administration, which might choose so to employ it, control over all the business of the country, and, by the combination of political power and money power, fix and establish that administration in the possession of the Federal Government. One cause of the failure of the State bank deposite system, and perhaps

the chief cause, was its being not only mal-administered, but mixed up with the interests of party and of power. What is to prevent the same personal interests and party passions from fastening themselves on this system, to accomplish the same felfish ends? Nothing, so long as the same men and the same motives direct the councils of the Federal Government.

The Administration, it may be, has a majority of members here disposed to pass this bill; though whether that majority is not obtained by the chance result of a question of returns, and whether it represents a majority of the people of the United States, remains to be seen. For this measure is now under discussion before the people, who are becoming fully awake to the importance of the questions involved in it, and will themselves pass judgment thereon at the coming elections. Mr. Van Buren has staked his political fortunes upon this measure. Would not his friends best consult his and their interests, and the welfare of the country, by leaving the fate of this bill to be decided by the people themselves, instead of endeavoring to forestall their judgment?

The may hope to gain something, in a party view, by the passage of the bill now, in the expectation that it will immediately produce a settled state in the relations of business. I think, in this, they are mistaken, if such be their expectation. I myself have been half inclined at times to say to the Administration. Pass your bill; fix your Independent Treasury and Independent Currency upon the country; take the money empire to which you aspire, if that will content you, so that the business interests of men may be relieved from the anxiety and suspense of this never-ceasing political agitation, and give us a certainty at last, though it be the certainty even of death itself to the industry and enterprise of the country. But, on further reflection, I saw clearly that, if the bill passes, it does not give to business men even this poor benefit, of at length knowing their fate; for its passage brings no certainty with it. It will not aid the suspended banks to resume, for instance. Pennsylvania, Alabama, and Mississippi —these, or any other States, will not be restored by it to a sound and steady currency. Nay, General Jackson tells the whole nation, in his recent letter to the Ohio committee, that "an end to the evils of a depreciated paper currency" is to be reached, not by the establishment of the Independent Treasury only, but when, "in addition to this reform in our financial system," Congress shall, "at the same time, pass a general bankrupt law," embracing both "the banks which are now in existence, or may be hereafter chartered by the States."

So that we are not to see land until that event happens. Will this Congress pass such a bankrupt law? Ask those of the States which are identified with their banks, whether they stand ready to pass under a commission of bankruptcy. If they can bear the operation, we in the specie paying States can well do it. And if a commission of bankruptcy is to issue, to wind up and distribute the effects of those banks, which, in the words of the letter just quoted, "refuse to redeem their notes in specie," I ask gentlemen in the Middle and Southern States, from Pennsylvania to Georgia, in how short a time that operation can be completed? In three months? No, nor in three years. And meantime, whilst all the suspended banks are in the custody of commissioners of bankruptcy winding up their affairs, what becomes of the business of the country? Will that enjoy the repose and certainty which some gentlemen promise to themselves is to follow the enactment of this law? We know that, on the contrary, there will be such a crash and confusion of all business interests in the performance of that operation as this country has never yet witnessed.

Apart from all which, there is the question, whether in the course of a few months, a new Administration may not come in, either to admininister this law with feelings and purposes different from those of its author, or, it may be, to repeal it, before a new set of interests shall have had time to gather themselves around it. Under these circumstances, it is clear that the mere passage of this bill cannot produce any such settled condition of business as to aid the present Administration at the polls, or to justify the Opposition in voluntarily yielding to its enactment.

I have conceived it to be my duty, therefore, with my convictions of it impolicy, to resist this measure to the last. In so doing, I act in conformity with the opinion of the State of Massachusetts, as expressed by her Legislature, and as entertained, I fully believe, by the great majority of her people. I ask the Clerk to read the following resolutions of the General Court of Massachusetts, approved by Gov. Everett, on the 30th March, 1838, viz:

"*Resolutions of the Legislature of Massachusetts, relating to the Sub Treasury.*

"*Resolved*, That the Sub-Treasury bill, by making no provision for furnishing a currency in and between the several States, fails of performing a duty authorized by the Constitution, and demanded by the interest of the whole country.

"*Resolved*, That the Sub-Treasury bill would, by withdrawing from circulation large amounts of specie, diminish the basis on which State institutions are founded, place them in too great a degree in the power of the General Government, deprive them of the means of extending usual and necessary facilities to those engaged in commerce and manufactures, and, by causing distrust, have a direct tendency to postpone the resumption of specie payments.

"*Resolved*, That the Sub-Treasury bill, by giving to the Government and its officers a different currrency from that provided for the people, and by increasing the power and patronage of the Executive, is hostile to the genius, and may be destructive to the permanence of our Republican institutions.

"*Resolved*, That his Excellency the Governor be requested to forward copies of the above resolutions to our Senators and Representatives in Congress, and that they may be desired to use all proper and honorable means to prevent the bill in question from becoming a law."

The resolution of the State of Massachusetts have been my guide in the course of argument I have endeavored to present to the House. They indicate the precise line of distinction between the views of the Administration and those of the Opposition, the Opposition maintaining the policy of identy of interest between the Government and the people, and the duty of the former to act for the welfare of the latter; and the Administration pushing to the utmost the doctrine of a separation of interest between the Government and the people, the giving to the former not only a Treasury independent of the banks, but a currency independent of and contrary to that of the people and of the States. And in conclusion, I have this only to say: that I repose the most confident reliance on the integrity and intelligence of the people; that with them is the right, as well as the responsibility to decide this question; and rehatever their decision may be, I shall bow with wspectful submission to their will, as that of the true ultimate sovereign power in these United States.

SPEECH OF MR. WHITE,

OF KENTUCKY,

In the House of Representatives, June 5, 1840—On the Sub-Treasury bill.

MR. CHAIRMAN: I do not flatter myself that any observations I may be able to submit to the committee, upon the present occasion, will be any just compensation for the kindness extended me last evening by the vote of adjournment. After the ample discussion which this measure and its associate measures—which, when united, make up the Financial System—has undergone in both branches of Congress, I rise, sir, not in the vain hope that I am prepared to add any thing to the information the committee has already received from gentlemen, by their age, their experience, their talents, and their acquirements, better qualified than myself to shed light upon the subject in all its principles and details; but simply for the purpose of stating the reasons of my own vote in opposition to this important measure.

I know the magnitude of the subject, considered in all its bearings. I fully appreciate the difficulty of my task. I feel my incompetency to the adequate discharge of so great an undertaking. I would that I could, in just fulfilment of my duty as a representative on this floor, have remained silent. But, penetrated as I am with a deep and abiding conviction that the permanent entailment of the system, of which this bill is the chief ingredient, will not only destroy the best interests of the country, but strike a fatal blow at the cause of civil liberty itself, I consider I have not the alternative left me of exercising my own inclination, to simply give a silent vote, on so vital a question. I do not propose, after the example of others, to enter into a discussion upon the relative merits or demerits of the opposing candidates for the office of Presidency. Not that I have any disguise or reservation of opinion upon that momentous and all-absorbing topic. I am free to acknowledge that, at no period of the existence of this nation, has there been a crisis that so imperiously demanded that the Administration of this Government should be in the ablest and fittest hands; and, sir, I am free to admit, I do think the hands in which it is now placed, in any degree, answer that description; I do not pretend to conceal, upon all proper occasions in what quarter I conceive that fitness most eminently resides, at this peculiar juncture.

In declining to go into the discussion of this topic, I am not to be considered as subscribing to the doctrine, that has been repeatedly advanced in debate during the present session, that the relative fitness of individuals for the Chief Magistracy is no part of the consideration to which a member of Congress may fairly turn his attention—that all such discussion is mere "political slang." I know not a more solemn or important duty, that a Representative of the people can perform, than by giving, at proper seasons, a free and unreserved opinion upon the political character and qualities of public men. And especially in times of universal distress and danger, like the present—in times, when well tried systems are rejected and trodden under foot—times, that leave nothing untouched that is venerable from long experience—nothing that is sacred from intrinsic difficulty—when precedent and long established usage are disregarded—when pillar after pillar, column after column, of the Constitution, has fallen by the ruthless assaults of a despotic Executive—the broken fragments of which now lie in heaps at his feet. Nothing but the consideration that the proposition before the committee is sufficiently copious, of itself, for one debate, prevents me from the discharge of this high Representative duty upon the present occasion. Having said thus much, by way of excluding a conclusion of my acquiescence in opinions advanced restricting the legitimate latitude of debate upon this floor, I proceed to the consideration of the measure before the committee. And that I may not weary the patience of the House, nor transcend the just limits of debate, I shall endeavor to confine my remaks to the bill under consideration, and such associated topics as are indissolubly connected with it. In the discussion of this measure, it shall be no part of my purpose, wantonly to assail the feelings of any individual, either in this House or out of it. I shall not touch upon the private character of any man; yet, I expect to speak of public men and their public measures as becomes a freemen, representing a free constituency. Nothing but an imperative sense of duty could induce me to analyze, with that minuteness of criticism which I do not feel myself at liberty to omit on so important a measure, the public conduct of individuals, filling high places. I feel that, if I attempt to do justice to the subject, I have no alternative left me but to speak with freedom—uttering "naught in malice"—suppressing nothing that is true—suggesting nothing that is false. Were I allowed to exercise my individual choice, I would prefer, in a spirit of mercy, to shield even guilty public delinquents under the broad mantle of charity, than thurst them with the sword of merited justice. But mercy to public delinquents is treason to the people.

At this time, there is an additional reason why I would gladly forbear—under no circumstances do I delight in personal assault; but, least of all, upon a fallen foe. The magnanimous commander will always protect from wanton insult his prisoners of war. The generous huntsman, even, will not permit his pack to mangle the captive game. In a debate, during the present session, upon a different topic, in which I took an humble part, the subject now under discussion was, incidentally, mentioned by me. And the Hon. Chairman of the Ways and Means (Mr. Jones, of Virginia,) having misconceived the character of my remarks, in reply, made me challenge, when this bill should come up for discussion, that I would tear the platform from under this Administration. A challenge altogether gratuitious. A guantlet I never throwed. Manufactured, and tauntingly accepted, by the Hon. Chairman in this language: "Come on. Aim your blows with all your strength—dip your arrows in poison. They will fall harmless at the feet of this Administration, shielded by the affections of the people." Now, sir, in reply to all this, I have not the presumption to suppose that any thing I may say upon the present occasion will effect the downfall of the existing Administration. This could not be, were I armed with the power needful, which I disclaim. Already is the "platform" torn from under it. Already is it fallen—prostrate it lies, crushed by the indignant condemnation of an abused and deceived people, waiting the forms of the Constitution for the official seal of its destiny. It is protected from any "arrow" of mine, had I my armor filled; not by the "affections of the people;" no, sir, no; but by a shield, equally safe, the inappeasable execration of an inflamed people, who have taken this work into their own hands, and who are fully competent to its execution, unaided by my feeble arm. Never, in the tide of time, was the adage more truly verified, that "Whom the Lord intends to destroy, he first makes mad." Yes, sir, "Quem Deus vult perdidit, prius dementat," is inscribed upon every page of the history of this Administration. Nothing but the forms of the Constitution preserved its existence for the short space of nine months. I aver it with an unwavering confidence, could the people in November, 1837, revise their decision made in November, '36, the same Administration that came into power in such a blaze of popular glory, would have terminated its career in a short space of one year, writhing under the burning decree of popular execration. Shadows of destruction were distinctly seen by the sagacious prior to its inauguration. With these introductory remarks, Mr. Chairman, I proceed to the consideration of the bill upon your table. I do not imagine any thing will intervene to prevent the passage of this bill. The edict has gone forth. It has come up from the Hermitage, after concoction here, with an endorsement to give it consecration—it is reissued from the White House—demanded by the Great Southern ally* at any and every sacrifice. It is doomed to become a law of the land. "Nero fiddles while Rome burns." The President, secured in the enjoyment of a fixed salary of twenty-five thousand dollars, to be paid in gold and silver under the provisions of this bill, feeling and fearing no distress himself, he seems insensible to the wants and sufferings of the people. Now, sir, that my opinion, as to the immediate effect of the passage of this bill into a law, may not be misunderstood, I take occasion to say, I do not look for, or predict, a volley of fresh evils will immediately ensue. God forbid. The cup of human suffering is now full to the brim; any signal addition would drive countless thousands into open rebellion, or into hopeless dispair. The measure, with its woes and miseries, is practically upon the country, and has been for three years past, and is destined to be, until the fourth of March next, whether this bill pass or not; unless the iron will of the party in power should yield to the melting appeals of suffering millions; of which, I must confess, I entertain no hope. This measure, I repeat, and will prove beyond a doubt or cavil, is now, and has been, in full practical operation since the day the banks suspended in May '37. Its ravages are to be seen in our exhausted finances—in the condition of our bankrupt Treasury—in our prostrate commerce—in our ruined manufactures—in the reduced price of labor—in the unexampled fall of the price of all domestic products—in the universal distress that pervades all classes of society—the laborer, the farmer, the mechanic, the manufacturer, the merchant—every interest, with two exceptions only, out of the sixteen millions of people that occupy this fertile and extended country—the office-holders, usurers and brokers. It is not a little curious to witness the agonies of certain gentlemen,

*Mr. Calhoun. †Mr. Cambreleng.

writhing under the operation of this undisputable and, until very recently, undisputed proposition. Perceiving the dilemma they occupied, seeing no hope of escape from the merited responsibility of the existing embarrassments, and the fatal stab it inflicts upon this measure, every device, as well as the most unqualified mendacity, is now resorted to, to evade the conclusion, that the admission of this unquestionable fact, as I shall presently demonstate it to be, imposes. The ingenious stratagem of the honorable gentlemen (Mr. Vanderpoel) from New York, first deserves notice. He, discovering the dilemma which the admission of such a fact would place him in, endeavors to escape by a hypothetical denial of the practical operation of this measure. This honorable gentlemen, in tracing the causes of the present distress, with a flourish of self-satisfaction at his deep ingenuity, uses this language: Suppose the Independent Treasury bill had, last year, become a law; is there a doubt that the party which defeated its passage would now have ascribed the present depression of prices and stagnation of business, exclusively to that measure." Now, sir, you perceive, this is an important proposition in this debate. Upon the existence or non-existence of the practical operation of the Sub-Treasury, the maintenance of other important propositions in this discussion depends. I do not intend that disguised and evasive denials, such as I have quoted from the gentlemen's speech, nor the bold and mandacius denial, such as was published in the official organ of yesterday morning—from its relation to the President, carrying with it the authority of executive endorsement, in these words: "The Sub-Treasury measure neither now, nor ever has been, in force in this country,"—shall screen this measure from its just objections. Sir, the practical operation of the Sub-Treasury, for good, has been full, untrammelled, unrestrained, unrestricted, by the checks of law—administered under the more favorable auspices—in the possession of its authors—clothed with plenary, "voluntary," and "discretionary" powers, to use banks, whenever they could be used with "convenience and profit," as suggested in the annual message of '37. The fact stands admitted, repeatedly admitted, boasted of in the different messages of the President—in the annual reports of the Secretary of the Treasury—by the former Chairman of the Ways and Means in his speech in '37—"the premonitory symptom" of the President—the true exponent of his intentions and opinions; then and now high in his confidence, as evinced by a recent distinguished appointment to a foreign court, (Russia) that honorable gentlemen, during the debate upon this measure in '37, perceiving, through a defection of a small file of his party, that the bill would be defeated, in a demoniac defiance, announced to this House and a suffering people, in a true and genuine modern Democratic spirit, "This measure is in full practical operation now and will be for the next four years, in despite of lamentations here or elsewhere." But I will furnish the committee with higher authority than even this—upon this point I appeal to the record proof. I intend upon this proposition, as upon all others that I undertake to maintain in this debate, to deal in facts, indisputable facts, not idle declamation. The country has become disgusted and surfeited with theories, speculations, daring declarations, and broken promises. The people want facts, stubborn facts, that cannot lie. Figures, not figures of rhetoric, but figures of arithmetic. These are the weapons I intend to employ throughout my remarks, let them cut whom they may.

Now to the testimony. I read from the message of the President in '37, "And it may be asserted with confidence, that the necessarty transfers, as well as the safekeeping and disbursement of the public money, can be, with safety and convenience, accomplished through the agency of treasury officers." This opinion has been confirmed, by actual experience, since the discontinuance of the banks as fiscal agents in May last." Again, in the annual message of '37, speaking of the three **modes of keeping the public money, to wit: a National Bank, the State banks, and the Sub-Treasury, he says:** "in respect to the last, you have had opportunity, since your adjournment, to test the expediency of the measure, by the continued practical operation of such parts of it as are now in force." Now, sir, this extract requires a brief analysis. Mark the last words: "such parts of it as are now in force" These works are pregnant with meaning. What parts of this measure, defined by its friends, as openly avowed, not secretly conceived, I demand of the President, were not then in full force? Were not all the Government dues collectiable and collected in gold and silver? Were not all the revenues kept in the hands of Government officers? The President will not answer these questions in the negative. What part, I repeat then, of this scheme, was not in full force in '37? None, except the hidden, concealed "part," too monstrous to be avowed, too horrible to be broken to the vision of the people all at once, (the Treasury Bank "part,") until the country is reduced to a more ready state of compliance, by deep and intolerable suffering. But to return to the evidence upon the point I was discussing. I read from the annual message of '38: "With the exception of limited sums, deposited with the few banks still employed under the act of '36, the amounts received from duties, and, with very inconsiderable sums, those accruing from lands since the general suspension, have been kept and disbursed by the Treasurer, under his general legal powers, subject to the supervision of the Secretary of the Treasury." Now, sir, with a short extract from the annual message of '38, clothed in exulting language at the beneficial effects of the practical operation of the Sub-treasury, I will close the testimony upon this point:—"nor it is less gratifying to find, that the general business of the country deeply affected as it has been, is renewing with additional vigor, chastened by the lessons of the past, and animated by the hopes of the future." Hear him! "The agency of the General Government, in producing these results, has been as efficient as its powers and means permitted." And in the enumeration of the means, all the potency, with immaterial exceptions is attributed, as follows: "And by steadily declining to employ, as general depositories" (mark you,) "of public money, or receive the notes of, banks which refuse to redeem them in specie." Thus, you perceive, when prosperity seemed to be dawning on the community, in spite of the mal-administration of the Government, our President, Dr. Sangrado like, is eager to seize the occasion and laud it as one of the happy fruits of the practical operation of the financial scheme, the ever glorious Sub Treasury. Now, when the deceptive bubble of prosperity is all at once bursted, exploded again, and mournful adversity covers the land, the President—no, not the President, that would be too unblushing—but his confidentail friends in this House and out of it, flatly or delusively deny the existence of the Sub-Treasury, either practically or legally, now or at any time, either for weal or wo, good or evil; and, with an arrogance of imposture, demand the passage of this bill, as a "measure of safety and deliverance" to an oppressed and ruined people. But, sir, I will not fatigue the committee by introducing piles of evidence on my table, to prove the truth of a proposition that is felt, known, seen, and acknowledged, by every individual in the community, whose candor is not blunted by blind and reckless party devotion.

Having, I trust, established, beyond the power of cavil, this proposition, I proceed to the consideration of another necessary preliminary question, before I go into the discussion of the specific measure upon your table. And sir, permit me to say, not among the least curious things of the present time, is the effrontery of the party in power, to boldly contradicting every responsibility that imputes existing calamities to official ignorance, inefficiency, or misconduct. Admitted axioms now-are flatly denied; denied with more self-complacency than speculative theories were wont to be. Such is the recklessness and desperation of the ruling party, operated upon by the maddening influences, no doubt, of the handwriting upon the wall, that long received maxims in politics, political statistics, figures themselves, are disputed, and as gravely debated as original principles. Sir, with an acknowledgement on almost every page of every message communicated to Congress since the 4th of March, 1837, of "wide-spread calamitous embarrassments," "of ruinous distress," and "disastrous derangement," have we not read, since the opening of the present Congress, in the official organ of the Executive—subject to his will and control, fed by the patronage of the President, and published under his immediate eye and inspection—this heartless declaration, "there is no distress that an honest man should regret?" Have you not, in echo to this more than savage, more than brutal declaration heard in debate in this House, and in the other branch, sentiments, approaching, if not absolutely equivalent—one distinguished Senator,* broadly denying the existence of any distress, denouncing every such suggestion as party slang—bank panic; another distinguished Senator,† not quite so reckless, qualifies his denial—"the extent of the existing distress is greatly exaggerated;" a third distinguished Senator,‡ with his characteristic candor, admits in his speech the present session the mistake he made in 1837, when he supposed the distress would be limited to "the manufacturing and commercial interests," and "that the South was comparatively in an easy condition"—that now the distress was pervading—universal"—and that the excepted South, as his most unwisely thought, is now most heavily harrassed. But upon this point, audacity in this House has improved upon the boldest in the other branch: we have heard here the cry of distress denounced as § "a monomania,"—"bank panic,"—"a demagogical cry,"—the country asserted not only to be in a prosperous, but in the emphatic language of a Western Democrat,‖ "in a vigorous condition;" we have heard the announcement of distress, met by the cry of panic, panic, panic, bank, bank, bank, ¶wolf, wolf, wolf, from various quarters of this hall, a House of Representatives, intended by the Constitution to reflect the exact image of the popular will and wishes, in its letter and its spirit; a House of Representatives, instead of holding a vigilant eye upon the Executive—a watchful care over the Treasury—an accessibility to the complaints of the people. The majority of this body, full of public confidence, boasting of general and "vigorous" prosperity, treating with the scornful cry of "wolf." "panic," monomania," a petitioning people loaded with almost intolerable grievance, ready to plunge into despondency. I say it with shame and mortification, we have witnessed in this House, during this session, under this reign of passive obedience and absolute submission to Executive will, members upon this floor denying the evidence of their own senses, closing their eyes to every thing around them, shutting their ears to the voice of truth, blocking their understandings to the inroad of reason, yielding a blind and indiscriminate sanction to all Executive acts, mere recorders of Presidential edicts, "sometimes in the very teeth of their previously expressed opinions; acting in concert with Executive officers, "many of whom the people regard with doubtful confidence, if not absolute abhorrence;" a majority denying inquiry into official abuse, closing the door of investigation upon fraud and peculation, ‡voting reward where justice demanded marked rebuke, §ready to grant with a profuse hand where public economy called aloud for retrenchment, instead of exercising a watchful care over the public money as the true constitutional guardians of the Treasury, and, unexampled in the history of this Government until within the last ten years, setting at defiance the elective franchise itself. Unnatural and monstrous as this picture may seem, abounding testimony pronounces it true, true to the letter.

Leaving this disgression, I come to the evidences of distress. Now, and for three years past, proof teems in every message that has emanated from the hand of the President, save his inaugural. We find it strongly hinted at in his proclamation; "grave and weighty matters" are feelingly announced. Fully disclosed in his special message, at the called session, the offspring of distress, public as well as private, in language such as this—"embarrassments in the pecuniary affairs of the country," "difficulties experienced by the mercantile interest," "I was anxious to enable you to exercise your constitutional powers for the relief of the country." Then comes the admission of "wide spread and calamitous embarrassments," quickly followed by the acknowledgment "of an overwhelming catastrophe," mixed up "with unexpected exigencies," "revulsions," "destructive consequences," closing with "universal distress," and "under the pressure of difficulties," invoking the "Supreme Ruler to guide and aid" a sinking man, and save a ruined country. Here then, sir, in 1837, we have the highest official information of the embarrassments of the Treasury and the distress of the people. Similar admissions are abundant in every annual message of the President, and every annual report of the Secretary of the Treasury, from that period to the present time. The reluctant acknowledgement of the bankruptcy of the Treasury, most unwillingly made in the special message, this session, calling for a special loan or a new issue of Treasury notes; the rapid falling off of the prices of labor, the reduction of at least one half in the prices of all domestic products, proclaim it in language not to be misunderstood, and a voice not to be hushed by the heartless, ruthless, soulless retort of "demagogue," "bank," "panic," "monomania."

No, sir, no. The heartrending petitions of five hundred thousand individuals, now groaning under the weight of inextricable bankruptcy, would be conclusive of itself, in the absence of all other testimony. But, whilst our Chief Magistrate and his Secretary admit the distress, they in the same breath exclaim with uplifted hands they have had no agency, either direct or indirect, in producing it. Our President, in character with all detected transgressors, in the language of Macbeth, says—

"Thou canst not say I did it;
Shake not thy gory locks at me."

Well, sir, this is an important inquiry—an inquiry intimately, inseparably, connected with a correct understanding and disposition of the bill under discussion. There is an awful responsibility somewhere. The indisputable condition of our finances and our country being as I have described it—must it not be conceded by all candid men, that the existing state of things is most extraordinary? No domestic or foreign war for twenty-eight years—no public debt, when this Administration came into power, requiring an oppressive scheme of taxation—but, upon the contrary, a large surplus. No pestilence—no famine—no sudden withdrawal of the ordinary blessings of Heaven; but, in the admitted language of the President—"as if Providence intended to display the munificence of its goodness, at the moment of our greatest need, and in direct contrast to the evils accasioned by the waywardness of man, we have been blessed thoughout our extended territory, with seasons of general health and uncommon fruitfulness," with "domestic tranquillity and all the elements of prosperity" abounding Why is it, then, we are a distressed people? Why is it that embarrassment public and private pervades, that land from one extremity to the other—East—West—North and South—leaving no green spot, no oasis of prosperity, upon which for one moment to rest the wearied eye, or relieve the bleeding heart, in the mournful contemplation of universal wo and misery? Why is it that the present Administration, assuming the reigns of Government—with admission of uninterrupted prosperity—with an undisputed surplus of twenty-four millions of dollars in our National Treasury—now the surplus exhausted, a national debt of five millions already created at an interest of five per cent, besides incidental expenses, with a certainty, amounting to demonstration, that from five to ten millions more debt will have to be authorized before adjournment—the Government that a heavy borrower—the Treasury practically bankrupt? Why is it one half of our banks are suspended—the country disordered—exchanges ruinously unequal and oppressive, the worst of all blights to a nation's prosperity, public or private? Sir, it is impossible to impose, any longer, upon the credulity of the least informed, and induce the belief, that this is all the result of either accident or chance—the unavoidable revulsions of commerce—or that it is a "contrived panic gotten up for political effect." There must be a cause, a radical cause, somewhere, commensurate with the desolating effect. But I have heard it said, upon this floor in debate, and elsewhere, that it was not the true part of a patriot statesman to stop to inquire into the causes of distress when the Government was in want of means, and the people petitioning for relief; that the generous philanthropist never insults the mendicant, by interrogating him as to the causes of his wants. This is the language of the ingenious sophist, of the advocate, conscious of the weakness of his defence. I hold a very different opinion; I consider it the very first duty of a sage statesman, when he shall be convinced there is disease in the body politic, to suspend the proposal or application of a remedy until he has ascertained the generating cause, the root of the malady. This is the practice of all scientific, skilful physicians in medicine. The quack alone in politics, as in the healing art, administers to the surface, and their success in practice is about equally fortunate. It consists in curing one complaint by creating another still more pernicious. Mr. Chairman—I am aware that it is a task of some degree of delicacy, and much intrinsic difficulty, to investigate the causes of public and private embarrassment. If the individual who undertakes, fails in such an inquiry, he will not only be thought presumptuous, but arrogant: if he touches the true causes of distress, he may be compelled to arraign persons high in power, and fix upon them the charge of ignorance, mismanagement, infidelity, or wilful misrule, and, in doing so, as we have had repeated instances during this session, he will be censured by the tools of the Executive as the instrument of faction and false clamor, or, that which is still more unpleasant, he may be complained of by some political friend, so fastidious of national honor, or so full of the milk of human kindness, that he cannot find it in his heart to permit an expose of the public delinquency of the rulers of this nation—though guility of deeds of the most wasteful prodigality, of perfidy, of treachery; of inexcusable infidelity of public trust—without calling, for his labored vindication of the Executive—and castigation of the accuser. Sir, in every discharge of public duty, something is to be hazarded. Fortunately in this Republic of ours, the Constitution guaranties in every man, from the Chief Magistrate to the humblest private citizen, the privilege in [times of universal distress and embarrassment—other rights, than mere complaint over the calamities of the country, than mere petition for relief—the privilege of inquiring into the true cause of the disease, and of suggesting a remedy. When this right shall be denied, the people, or the Representatives of the people, stifled in its exercise on this floor by the despotic abuse of the previous question, this boasted Republic will cease to be worth its expenses. Instead of a Government of protection, it will prove a Government of oppression—of tyrannical oppression—though the forms of freedom may remain unimpaired. Holding this to be my constitutional privilege, and taking the example of the Chief Magistrate as my precedent, I proceed to the discharge of the task at all hazards: and, that I may not be amenable to the imputation of a lack of courtesy to the President, I propose to notice, in the first place, his speculations upon the causes of the present and past derangements in the affairs of this nation, public and private, during the period of the past and present Administrations. The President, in his special message of '37, attributed the embarrassments of the country, primarily, "to an over action in all the departments of business—an over-action, deriving its first impulses from antecedent causes, (deep mystery, profound non-committal, blank specification,) stimulated to its destructive consequences by excessive issues of bank paper." These were the leading causes—secondary causes—reckless speculation—misapplication of labor—the rapid growth of luxurious habits among all classes, "rich and poor" live too well, and work too little. And, finally, "a general proneness upon the part of the people

*Benton. †Buchanan. ‡Calhoun. §Duncan. ‖Reynolds. ¶Vanderpoel. **Voting to qualify New Jersey members. ††Case of Mr. Graves' resolution against Kendall. ‡‡Case of Throop, minister to Naples. §§Case of public printing. ‖‖New Jersey case.

of looking to the Government for too much." The throne has become impatient with the groans of a suffering people. O, the beneficence of modern Democracy! How tender a regard for popular wants and griefs! What an example of submission to popular will, "the life blood of a Republic." Now, sir, if this be all true, and it shall turn out, upon a fair examination, that neither the past or the present Administration, (which is merely a supplement to the past, the present rulers being responsible for the misconduct of both, as I shall demonstrate before I have done,) has had any agency in bringing about the existing state of things, I shall be, I acknowledge, most reluctantly forced to the conclusion that the people, with malice prepense, without excuse or apology, have been the cause of their own ruin. But I shall require proof more clear, and reasoning more forcible, than I have read in the elaborate messages of the President, or the still more elaborate reports of the Secretary of the Treasury, or in the speeches of the supporters of the Administration in this or the other branch of Congress, before I will be compelled to this unwilling conclusion. Why, sir, what does this explanation amount to? It resolves itself into this. That we have a very wise and good Administration, but that we are a very foolish and wicked people—self-destroyers—wayward beings—unkind and ungrateful constituents opposing the measures and vilifying public officers, whose whole study and aim is our prosperity and happiness, unalloyed by any selfish motives. Why, sir, if these things all be true, I look upon our Chief Magistrate and his associates in power as the most unfortunate of men. But it seems to me, this must be a painful admission, a grievous acknowledgment, for a set of doting Democrats, like our Chief Magistrate and his friends. What, concede that the people, the dear people, the intelligent, the virtuous people, are not capable of self-government; charge them with knowingly and willingly running headlong into the whirlpool of embarrassment, in despite of the admonitions and intercessions of wise and benevolence rulers. This doctrine strikes a death blow at the vitals of Democracy. It establishes the supreme folly of the sages and patriots of the Revolution, who expended their treasure, and poured out their blood, in erecting this Government, based upon the fundamental principle that man was capable of self-government. It shall be my purpose, for a few moments, to look into this matter. Federalist and aristocrat as I am denominated, as well as all others, who question the infallibility of the powers that be, (by the self-styled Democrats,) I interpose, as the advocate of self-government to vindicate the people from this false and foul imputation. It shall be my purpose, in a very concise manner, to prove that our difficulties both public and private are mainly, if not entirely, justly ascribable to the policy of the past and present Administration; to the violent and lawless assaults upon useful, necessary, and well tried institutions. The unceasing tinkering with the currency, and commerce, its inseparable handmaid; violating and destroying all the approved and established principles and laws of both, abusing the highest prerogative of the Government, the currency power of the Constitution, using it as a privileged weapon, of political capital, prostituting it to the selfish and sordid purpose of party profit, and party aggrandizement, reckless of the destruction of thousands and tens of thousands who fell victims of credulity, to the miserable humbugs that were kept unceasingly dancing before their eyes, recommended and endorsed by the Executive and his leading supporters, with the most extravagant assurances of sound policy and permanent success.

Now, Mr. Chairman, to explode this fine theory of the President's to the satisfaction of you and all other believers in his infallibility, it is only necessary to call your attention to certain parts of the annual message, communicated to Congress the present session. After three years' intense and profound study of finance, and commerce, the President has discovered that his confident speculations of '37 on the embarrassments of the country were all a mistake, altogether a superficial view of the subject. The President having turned his attention to the investigation of the profound mysteries of trade, exchange, credit and finance, with a confidence unwavering, and a satisfaction associated with self-congratulations, unfolds to Congress and the country, the unsuspected and undiscovered cause of the universal suspension of our banks, in 1837; the embarrassment of the finances, and the universal derangement of commerce and business of all kinds. He traces it with a clearness, as he says, that puts to rest all dispute; that the radical, fundamental cause is to be found in the dependence of the trade, exchange, banking system, and credit system of this country, upon the "money power" in Great Britain,—the Bank of England. The President in his message undertakes, in his way, to anatomize the principles and laws of trade, exchange and credit; and so satisfactory are the results of his examination, to his own mind, that he concludes it must be an admitted axiom, now and hereafter in the science of political economy—that such is the indissoluble connection between the commerce and banking system of this country and the commerce and banking system of Great Britain, that the prosperity of trade, the solidity of the currency and credit of the United States, is fostered, cherished and supported by the forbearance and smiles, and can be blighted and destroyed by the frowns or nod of the "money power of Great Britain, the Bank of England." That such is the natural link of connection, between the banks, currency, trade and credit of this country, with with the money power of England, that her influence over all these essential and vital interests—vital to our prosperity as a people—vital to our liberty as a free nation—is absolute, supreme, omnipotent. If this be true, we are in a most deplorable condition; it is positively humiliating to the mind of every patriot; and as this theory swallows up the previous speculations of the President and has received the solemn endorsement—the fulsome laudation of several distinguished followers of the President in both branches of Congress. "This sober second thought" deserves examination. It not being my lot to be one of the believers in the infallibility of the President, upon questions of currency and finance, I am disposed to doubt the correctness of his conclusions. I go further; I say their fallacy is exposed, broadly contradicted by experience, the mother of true wisdom in finance and trade by plain and indisputable historic facts. Let history speak upon the subject. In 1791, we had in this country several State banks, and a United States Bank; a commerce with England and the world. The Bank of England had existed a century, just, in 1794, when it suspended specie payments, by order of the Privy Council, and continued suspended for twenty-eight successive years, by acts of restriction enacted by Parliament. In the mean time our commerce continued prosperous, with slight revulsions, with England and the world. Our National Bank felt no shock from the suspension of the Bank of England—the money power of Great Britain, it continued without interruption, to redeem its notes in gold and silver, feeding commerce and receiving support in return—aiding our finances for twenty years, the life of its charter. The State banks vastly increased in the mean time; with now an then an exception, preserving their currency sound, redeeming their paper in specie. This brings us down in the history of this country to the year 1811, when the Bank of the United States expires by the limitations of its charter—Congress refuses a re-charter; State banks are multiplied; preserve their credit, as a system; redeem their notes in gold and silver, until by the disasters and calamities of war, a portion are forced to suspend; the suspension only partial. In 1816, a new United States Bank is established, for twenty years, goes into operation in 1817; by the aid of the United States Bank, the generous aid of the General Government, the State Banks, in a body, rise and pay specie. The United States Bank and State banks preseve their credit: furnish a safe and sound circulating medium; redeem their notes in gold and silver, without an hour's suspension until the month of May 1837—twenty long years. The Bank of England continuing suspended until 1828. This great central money power, around which all other money powers resolve, according to the recent discovery of our learned Chief Magistrate. Now, sir, in the face of these plain historic facts known or should be known, to every tyro in political economy, the President, this modern Turgot, gravely tells Congress, the country, and the civilized world, that this nation has not now, nor is it in the power of Government to create, a sound paper currency; such is the degraded dependence of trade, currency, exchange, and credit of this country, upon the money power of Great Britain—the Bank of England. That a suspension, yea an unfavorable breath, from this moneyed monster, strikes our commerce with a paralysis, and explodes our currency. Sir, the naked historic facts I have briefly enumerated, not only refutes the flimsy sophism of the message, but they establish, as far as long tried experience can establish the truth of any proposition, that there exists a power in this Government, a safe power, a beneficial power, to create a currency, that defies the money power of Great Britian and the world to impair its uniformity or affect its solidity.

Mr. Chairman, having laid bare the policy of the boasted "second thought" of the President, not by flat denial, not by counter theory or speculation, or argument of my own, but by the use of better weapons, plain, indisputable, unvarnished historical truths. I now return to the theory of 1837. This deserves critical analysis, not for its profundity, but because of the high authority reflected by official station. That the overtrading, overbanking, and overspeculating, enumerated by the President in his message of 1837, as the causes of the embarrassment and distress that then afflicted the country were the immediate operating causes no one doubts, no one disputes, every candid man concedes the position. But this admission does not at all meet the inquiry, it is altogether superficial, it does not prove the question to the bottom, it is a surface view. The question still recurs, what produced this overtrading, overbanking, overspeculating? What where the "antecedent causes that stimulated" all this, so modestly hinted at, so softly touched, so delicately broached, by the President in the same paragraph. In the language of the gentleman from Illinois (Mr. Reynolds) "here hangs the law and the prophets." The causes, enumerated by the President, were nothing, but the irresistible effects of primary causes. It is due then to truth, and a fair understanding of this question, to look deeper into this subject, trace through these secondary causes, to the "antecedent" causes; the fountain—the root of the evil. I now propose to prosecute this inquiry. I have already said that the embarrassment and distress was attributable to the measures and policy of the past and present Administrations. This is my humble opinion was the cause; cause abundantly sufficient; cause fully adequate to the effect; sound philosophy requires no further assignment of causes. I now propose to establish my position. A true, succinct, and intelligible summary of the causes may be stated in the following manner:—

First. The embarrassment and distress have grown out of overtrading and over-speculating. Second. The overtrading and overspeculating have mainly proceeded from overbanking. Third. The overbanking was engendered by the destruction of the United States Bank and the removal of the public deposites, coupled with the existence of a large surplus in the National Treasury, which enabled the State deposite banks to increase their discounts fifty millions. Fourth. This excessive surplus was derived altogether from the sales of the public lands. Fifth. The extraordinary sales of the public lands, by the unwise policy of rushing the most choice lands into market treble as fast as the demand for cultivation required, stimulated by the facilities furnished speculators from the deposite banks. Sixth These facilities are derived from the instructions of the President and the Secretary to grant loans freely to supply the vacuum produced by the withdrawal of the branches of the United States Bank. This is my humble judgment is a fair summary of the causes of the embarrassment and distress in 1837. But for auxiliary causes, causes for which the Administration were equally responsible, the catastrophe might have been postponed. The suspension possibly would have been only partial, but for the adoption of other Government measures. I doubt not but the manner of executing the deposite act, coupled with the pernicious effect of the specie circular, upon the currency, banks and trade of the country, hastened the suspension; a catastrophe unavoidable and independent of these collateral causes.

Now, Mr. Cahirman, to the proof in support of the foregoing propositions. The first and second propositions being admitted truths, conceded on all hands, they stand as axioms in the controversy. The third proposition is controverted, flatly contradicted in this debate, and the responsibility attempted to be thrown upon the shoulders of the Opposition. It is an important proposition, it demands calm and cool inquiry and consideration; in fact it is the gist of the whole matter. When we have settled who caused the immense increase of bank capital, and the excessive issues, we have fixed the sin of responsibility for the afflictions of this country upon the proper shoulders. I proceed to establish my view of the subject by history and figures. The charter of the Bank of the United States did not expire by its limitation until March, 1836, yet the past Administration opened hostilities upon it early as 1829. I do not intend here to stop and go into the reasons of this premature assault, though that it was purely political, is susceptible of proof satisfactory to any unprejudiced mind. The war upon the bank progressed with unabatable fury until 1832; Congress passes a bill of recharter, the President vetoed the bill. In 1833 Congress passed a resolution declaring the Bank sound, and, the public deposites secure in its vaults; the President, by Executive order, the same year, commanded the removal of the deposites. March, 1836, the charter expired; the Bank went out of existence. This is the history of the United States Bank from 1829 to 1836. Now, sir, let us look into the history of the State banks for the same period. First, their number in 1829; second, their increase up to 1837; third, the increase of their capital; fourth, the increase of circulation; fifth, deposites, liabilities on bills and deposites; and see what light cold statistics will shed upon this much disputed subject. On the first of January in the following years, the condition of the State banks was as follows:—

Millions of Dollars.

Years.	No. B'ks.	Capital.	Loans.	Bills.	Deposites.	Liabilities on bills & deposites.
1830	320	145	200	61	56	117
1834	506	200	324	95	76	171
1835	558	231	365	104	83	187
1836	667	252	448	140	115	255
1837	677	324	501	186	155	341

By this table, Mr. Chairman, which is accurately taken from the various reports of the Secretary of the Treasury, it appears that, in the short space of seven years, commencing with the first year of the past Administration and the declaration of war upon the United States Bank, and ending with the destruction of that institution, the number of State banks doubled—their capital more than doubled—their loans trebled—their circulation trebled—their liabilities on bills and deposites trebled.

I now offer the statistics to the committee, to establish the fourth proposition, which, together with the fifth and sixth, are only corollaries of the third:—

Years.	Receipts from sale of lands.	Receipts from Customs.	Expenditures.
1833	3,976,682	29,032,508	24,257,298
1834	4,857,600	16,214,957	24,601,982
1835	14,757,600	19,391,310	17,573,141
1836	24,877,179	23,409,940	30,868,164
1837	6,776,236	11,169,290	37,265,037

The table I have just read establishes conclusively, the 4th proposition. It is accurately compiled from the different reports of the Secretary of the Treasury. I have read this table for a double purpose. 1st. To sustain the proposition as connected with this subject. 2d. To explode an error that has insinuated itself into the head of many Southern politicians. That the surplus revenue in the Treasury, such a frightful source of evil, has arisen from the tariff of '28. A perfect delusion, nothing more fallacious, no truth in it, figures contradict it. Nothing but an omission to examine the statistics, ever could have impressed upon the mind of any one, so erroneous a conclusion. My 5th proposition is fully maintained by the tables I have read. I now ask the attention of the committee to the evidence in support of the 6th proposition. This is an important proposition, in the prosecution of this inquiry. I intend to make it clear beyond quibble; boldly and unblushingly as it has been denied on this floor, in the progress of this debate. I hope the committee will indulge me somewhat in detail upon this point. This question of who caused the excessive issues, I intend to place beyond any cavil. I read in the first place from the manifesto of the President in 1833; speaking upon the subject of the removal of the deposites, he says: "The funds of the Government will not be annihilated by being transferred, they will immediately be issued for the benefit of trade; and if the Bank of the United States curtails its loans, the State banks, strengthened by the deposites, will extend theirs."

Again, upon this point, I now read from the instructions of Mr. Taney, whilst Secretary of the Treasury, immediately after the order removing the deposites in '33. On the 9th of October, Mr. Taney wrote as follows to the deposite banks throughout the country, commanding them to open their vaults to the people. This is his emphatic language: "The deposites of the public money will enable you to afford increased facilities to the commercial and other classes of the community; and the Department anticipates from you the adoption of such a course respecting your accommodations, as will prove acceptable to the people and safe to the Government." But, sir, I hold in my hand testimony of much more recent date—testimony that comes directly home to the present Chief Magistrate and his Secretary. It is a short letter, I will read the whole of it. It speaks volumes upon this point; and not only upon this point; it sheds a flood of light upon other points, vitally material in this discussion. I will read the letter:

"TREASURY DEPARTMENT, January 29th, 1837.

"In selecting your institution as one of the fiscal agents of the Government, I need only rely on its solidity as affording a sufficient guarantee for the safety of the public money entrusted to its keeping, but I confide also in its disposition to adopt the most liberal course which circumstances will admit, towards other institutions. The deposite of the public money will enable you to afford increased facilities to the commercial and other classes of the community; and the Department anticipates from you the adoption of such a course, respecting your accommodation, as will prove acceptable to the people and safe to the Government.

I am, very respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

"S. MERRELL esq. President, &c."

Now, sir, I must analyze this letter. There are some remarkable features in it; though it is written with much brevity. In the first place, I call the attention of the committee to the date—dates are sometimes all important—Jan. 29, 1837, three short months before the suspension. The universal explosion, subsequent, (as I will show, in the course of my remarks, before I have done,) to a conversation of the President and a distinguished Senator, in which they agree, there must very shortly be an explosion, at a time when there was fifty millions of public moneys in these deposite banks. Another remarkable feature in this epistle, it is to be found in the concluding sentence. Compare it with the last sentence in the Secretary Taney's—verb and letter, the same. It would seem from this exact phaseology, in the material part of these letters, that from Oct. '33, one short month after the order for the removal of the deposites, the department kept a form of instructions to these banks, commanding free discounts. Such an order seems to have become a part of the official duty of the Secretary. With all these evidences, evidence indisputed and indisputable,

evidences from the hands of the highest officers of the party in power, the same party now not only vehemently oppose an expansion of bank discounts, but utterly repudiate the use of the public deposites, as a basis for discounts. And this is not all. In the face of these notorious facts, facts well known to every reading man, we had it boldly asserted, in this debate, by the honorable gentleman from Massachusetts, (Mr. Williams,) likewise other gentlemen, that the Administration were not responsible for the excessive issues of bank paper. The gentleman from New York, Mr. Vanderpoel, makes the assertion, that the Administration had no agency in causing the over issue of the State banks, but broadly alleges that the United State Bank—the monster—was responsible. What lamentable ignorance; or what unpardonable turpitude!

In connection with this topic, I must ask the indulgence of the committee, whilst I put to rest another disputed point. It was asserted in debate, on yesterday, by the honorable gentleman from Massachusetts, that the Administration was in no way responsible for the vast increase of banks and bank capital. Not only so, sir; but that the Opposition had been the cause of all this. Unfounded in fact as the charge is, it has to be refuted, or it goes to the country, endorsed by an honorable member of Congress, with the confirmation, drawn from silence, that the assertion was true beyond a dispute. Should it remain unnoticed and unanswered, reckless as every one knows it to be, who is acquainted with the facts, yet it will mislead many. Now for the facts and figures upon this point. I will take the years 1835—6, which are selected, because during those years, a greater amount of the bank capital was created, than any two years within the period constituting the bank mania.

I hold in my hand a table, from which I read, containing a condensed statement of the number of banks chartered, and the amount of their capital, during '35—6.

States.	No.	Capital.
Maine, (V. B.)	23	$1,600,000
Massachusetts, (Op.)	33	6,820,000
Rhode Island, (V. B.)	3	350,000
Vermont, (Op.)	1	30,000
New York, (V. B.)	12	5,250,000
New Jersey, (V. B.	1	200,000
Pennsylvania, (V. B.)	6	36,700,000
Maryland, (Op.)	11	16,000,000
Alabama, (V. B.)	1	5,000,000
Arkansas, (V. B.)	2	3,500,000
Michigan, V. B.)	9	3,250,000

Now, I read a condensed statement of the banks existing, which have been authorized to enlarge their capital, and the amounts.

Massachusetts (Op.)	23	$3,600,000
New York, (V. B.)	2	570 000
Pennsylvania, (V. B.)	4	4,150,000
New Jersey, (Op.)	4	975,000
Alabama, (V. B.)	1	2,900,000

As evidence that the State legislatures only acted in accordance with the wishes and advice of the leaders of the party in power, our present Chief Magistrate at the head, I will read an extract from the official organ, of December 1833; exultingly it says: "The new coalition have labored in vain; every Western State is about to establish a State bank institution. Ohio, Indiana, Illinois, Missouri and Kentucky, are resolved to take care of themselves, and no longer depend on the kind guardianship of Biddle, Clay & Co." Immediately after this manifesto, Ohio and every other Western Administration State, established State banks with heavy capitals. And yet, Opposition members are to sit here and be told, that the unblushing statement is to go forth to the country, endorsed by a speech of an honorable member of Congress—that the party with Mr. Van Buren at its head, and the official organ at its tail, now and ever has been opposed to the creation of State banks, and the enlargement of bank capital, and the increase of bank issues. What unqualified impudence! what daring mendacity! To return to the causes of the distress. It is not a little curious to see how great minds differ on the same point. Whilst our President held the theory I have been analyzing, the Secretary of the Treasury—this modern Necker—looked deeper into the subject, and in his philosophical researches, he perceives distinctly, the leading cause to be the over production of cotton.

The honorable Senator from South Carolina,* in '37, dives many fathoms deeper into this obstruse question, and traces it to a demonstration, to the "connection of the Government revenues with the banks." He, like the President, however, after intense study upon the mysterous subject, having looked in the meantime, minutely into statistics, finds that he was altogether mistaken in '37, and now sees with a vision as clear as a sunbeam, that to the Tariff, the abominable Tariff of '28 is to be ascribed all the ills that have afflicted this country, since that period. The honorable gentleman from New York, (Mr. Vanderpoel,) with a sagacity inimitable, explodes all these, theories, and fixed beyond the hope of escape, and beyond the reach of mistake, at least in his own estimation, all the existing and past distress, upon the "dead monster." Thus we have exhibited—a strange paradox—no two doctors agreeing upon the cause of the disease; yet, all uniting and recommending with unwavering confidence, the same remedy. Upon the learned theory of Dr. Sangrado, I suppose, who recommended "blood-letting" and "warm water" for all complaints, the political doctors in power swear that the Sub-Treasury is the great panacea for all diseases in finance—the infallible measure of safety and deliverance for the distresses of the people.

Mr. Chairman, having completed my remarks upon the causes of the "distress," I proceed to the consideration of another topic, intimately connected with the measure before the committee—a question preliminary to the discussion of the main question on your table. I refer to the circumstances under which this bill is pressed upon the country. It is contended by the President and his friends, that the passage of this bill is demanded by the popular will. I consider this an important point in this debate. It deserves cool and dispassionate inquiry. In a Government like ours, based upon popular will, it matters not whether this scheme be, as its supporters contend, a measure of "safety and deliverance;" or a measure pregnant with ruin and we, as its opponents contend; yet, if the decided voice of the people demand its adoption, the argument is at an end, without doing violence to true Republican principles.† "Absolute acquiescence in the decisions of the majority, the vital principle of Republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism." Let us then scrutinize this matter, and see how the facts stand. And that there may be no quibble about the correct standard by which to test the decision of the people upon this subject, I propose to the committee, we try this grave point by the standard of popular will, as laid down by the Chief Magistrate—"the great apostle of Democracy,"—in his State papers. In his celebrated letter to my colleague, [the Hon. S. Williams] we find these sound Democratic doctrines. He speaks of "the great moral influence, to which the often expressed opinion of a majority of the people in a Republican Government is entitled." In the same epistle, he discourses of his "abiding reliance on the virtue and intelligence of the people," and deprecates with horror any disregard of the "will of the people, under any plausible pretences whatever, as a fatal blow to the cause of self government." Again, this chief of Democracy urges the necessity of "rigidly and manfully maintaining the supremacy of the popular will upon all occasions," and mournfully denounces "its prostration as the death blow of Republican principles." These sentiments are substantially repeated in the special message. I will not consume the time of the committee by reading them. I cannot, however, omit to call the attention of the committee to the principles contained in that message, in regard to two other measures—measures involving the same subject matter of this—measures antagonistical. The President assumes in this message, that "again to create a National Bank would be to disregard the popular will, twice solemnly and unequivocally expressed." Again, he asserts, "the establishment of such a bank would impair the rightful supremacy of the popular will."

Never, sir, did a sober minded man labor under a greater delusion than our worthy Chief Magistrate, in supposing that any canvass he has ever made before the American people, turned upon the recharter of the United States Bank. In the first instance alluded to, he was the mere appendage to the ticket of General Jackson for the office of the Vice Presidency, without inquiry or care, on the part of the people, as to his political opinions. Besides, there is a cruel death blow to this reference. In this very canvass he received a minority of the popular vote of the United States. In the second canvass alluded to, the recharter of the Bank was not agitated, and could not be considered at all as a test question, inasmuch as two of the three competing candidates, were opposed to the recharter; no issue direct was made upon the measure. But this is immortal. My object is simply to apply the same standard of popular sentiment to the Sub-Treasury bill upon the table, that the President applied to the Bank, granting him his premises, and then let us see how the question stands. In the annual message of 1837, this language will be found, speaking of the action of Congress at the special session: "Your attention was invited to the necessity of additional legislative provisions in respect to the collecting, keeping, and disbursing of the public money. On that occasion, three modes of performing this branch of the public service were presented for consideration—the creation of a National Bank, the State bank deposite system, and the Sub Treasury system. Considering the opinions of both houses of Congress on the first two propositions as expressed in the negative, in which I entirely concur, it is unnecessary for me again to recur to them. In respect to the last measure, you have had an opportunity, since your adjournment, not only to test still further the expediency of the measure by the continual practical operation of such parts of it as are now in force, but also to discover, what should ever be sought for and regarded with the utmost deference, the opinions and wishes of the people. The national will is the supreme law of the Republic, and should be faithfully obeyed by the public servants." The conclusion to which the President arrived from the premises, is, to say nothing harsher of it, a little remarkable. The opinion of the popular branch of Congress, at the called session, was unfavorable to each of the three measures; and the conclusion of the President, deducible from this decision, is, that the first two are definitely settled, and that the third remains open for consideration and adoption. The President assumes and protests, in that message, that the principle of *res judicata*, does not apply to this measure, by the decision of Congress at the special session against it; he appeals from Congress to the people; the issue is distinctly made up in the elections of 1837; the Sub-Treasury becomes the great cardinal measure of the Administration—the touchstone of modern Democracy; the measure goes before the people under the most auspicious circumstances for popular acceptation and approbation, an overwhelming majority of the people having so recently expressed their confidence in its authors, with the endorsement from the Hermitage. The labored expose of the President and his Secretary of the Treasury, contained in the message and the report communicated to Congress at the called session, had been circulated and read throughout the nation; one of the antagonistical measures defunct, dead; the other suspended, stricken down with a universal paralysis. With all these advantages, what was the decision of the tribunal chosen, selected, by the President to pass and determine upon this grand chosen? I will state the decision to the committee; it is a decision consisting entirely of figures. At the November election, 1836, Mr. Van Buren was supported by fifteen States, his popular majority over all his competitors 27,618 votes, his entire vote 761,962; the fiscal agent of the Government at this time was the State bank deposite system, the choice system at that time of the President; the called session intervenes; the banks are abandoned and denounced; the election of 1837 takes place; six of the fifteen States that voted for the President in 1836, wheel about and unite with the Opposition, leaving the relative proportion precisely reversed, fifteen against him, eleven for him; popular vote against him and his favorite measure the Sub-Treasury, majority one hundred and eight thousand; to which add the 27,618 majority by which he was elected, gives a change in the short space of nine months against the Administration of 135,618 votes, produced and stimulated by popular hostility to the adoption of the Sub-Treasury, the favorite measure of the rulers of the party. Never since this was a Government did the elections turn so exclusively, upon a single isolated question. Congress meets on the first Monday of December, after the various elections had taken place, giving the results I have read to the committee. The President had all the evidence of the recent expression of popular will before him in figures, undisputed and indisputable. How did he regard it? How did he treat it? How did he carry out in practice the high wrought theory of Democracy, I have just read from his famous electioneering letter? Did he acquiesce in the decision of the majority of the people? No, sir; in his own emphatic language, he says, in his annual message of 1837, speaking of the Sub-Treasury, recommending its passage again to the favorable consideration of Congress: "I have found no reason to change my own opinion." Not only so, not content with a scornful disregard of the will of the people, in order to impair this unqualified veto of the people upon his favorite scheme, and to court some of his dissenting members of Congress into compliance to Executive will, and force this measure upon the country "*nolens volens*," willing or unwilling, he unblushingly charges the people with bribery, bought up by bank influence; and this libel upon the virtue of the American people, endorsed by the highest officer of the nation, has gone forth to the four quarters of the world as evidence of the corruption of a free Government. What a fulfilment of the declaration "that the will of the people, under no plausible pretences whatever, is to be disregarded;" what "a faithful obedience upon the part of the public servant" to the decision of the majority of the people. But this is not all. The President, in his annual message of 1837, renews his recommendation of the Sub-Treasury, but with very great modifications. Perceiving that he had overestimated the gullibility of the people in his financial plan of 1837, he qualifies it materially in his annual message; he omits the specie clause, the most fundamental half of the measure; he omits the bankrupt measure, another most essential feature of the system; and in order to make it still more palatable to his friends in this House, he recommends that the plan might very well embrace the use of State banks as depositaries, to be used at the "voluntary" and "discretionary" will of the Executive, whenever he might deem it "advisable" or "profitable;" a legal connection of the Government and banks, an idea not any longer to be entertained in the judgment of the President; a loose, "voluntary, discretionary," unlawful, undefined, unrestrained, adulterous connection, might be "desirable" and "profitable." In conclusion, upon this topic in that message, he says: "I recommend the whole matter to your dispassionate reflection." The measure is taken up in the Senate, passes—omitting the specie clause—comes to this House, the popular body of Congress, members all fresh from their constituents: here it was indignantly laid on the table; a movement esteemed in parliamentary courtesy contemptuous—a contempt justly due an Executive measure from the immediate representatives of the people, under all the circumstances. One would have supposed that "a public servant," acknowledging "the rightful supremacy of the opinions and wishes of the people," would have submitted to these repeated decisions, and suffered the project to have here slept the sleep of death. But did he do so? No, sir. The President considers this no test. He appeals from the second decision of the popular branch of Congress again to the people. The issue is fairly made up—all the candidates for office, State and National, take it up and discuss it—every press argues and discusses it—it is made emphatically the question of party orthodoxy—every friend of the Administration who refused to give in his support at the sacrifice of judgment and of conscience, was read out of the church, and branded by every ruthless press of the party, from the official organ to the village thumb paper, as a "deserter and an apostate." With the canvass thus conducted, the election of 1838 comes off, and a popular majority against the Administration and the Sub-Treasury of 110,530 votes; an increase of two thousand over the majority of '37. Here the President had two decisions of the popular branch of Congress against his scheme, once in 1837, in its original shape—again in 1838, in its modified form. He had, in addition, "the popular will, twice solemnly and unequivocally expressed" against it. To disregard which, he pronounces the death blow to Republican principles, in his famous letter. And yet, Mr. Chairman, with all these unequivocal evidences before him of popular displeasure and popular indignation against the Sub-Treasury, the President says, at the opening of the next session of Congress, in his annual message, "my opinion as to the safekeeping and disbursement of the public money, has been already submitted to you—(the Sub-Treasury plan.) These have been strengthened by recent events." Gracious God! what a pure Democrat! Congress again acts upon the measure—this House, the people's branch, rejects it twice this session—once in the shape of a bill from the Senate, and again upon a bill from the Committee of Ways and Means. With four unbroken decisions of the popular branch of Congress against this scheme, the popular will twice solemnly expressed against it, now, in the year of our Lord 1840, with no evidence of any abatement of popular hostility to the measure, our President, this high priest of Democracy, in his annual message, recommends and presses upon Congress the consideration and adoption of this scheme, in its most odious shape, with all its appurtenant measures—Treasury notes, Treasury drafts, discretionary powers to issue Government paper to meet fluctuations and unexpected deficiencies, not omitting the bankrupt measure; and in despite of the popular will, in despite of lamentation here or elsewhere, is doomed to become the law of the land, under circumstances that will stamp the law and its authors with a mark of infamy as lasting as the rock of ages, carried by the votes of members occupying seats upon this floor, at the sacrifice of the elective franchise, in open desecration of the Constitution of the State they misrepresent, as well as the Constitution of the United States, and by the aid of other members, courted into compliance by the allurements of office, or driven into support by the terrors of ruthless proscription.

Mr. Chairman, I cannot omit to notice, in connection with this branch of the subject, a remarkable passage in the special message of 1837. It is in these words: 'If a Chief Magistrate may be allowed to speak for himself on such a point, I can truly say that to me nothing would be more truly acceptable than the withdrawal from the Executive, to the greatest practical extent, of all concern in the custody and disbursement of the public revenue." What a beautiful illustration of the sincerity of this sentiment, is contained in the facts I have just laid before the committee! What Executive responsibility or Executive duty requires this high grant of power? this union of the purse and sword in the hands of the President? Despotism, in its most odious form. How happens it that no other Chief Magistrate, from the formation of the Government, has considered a Sub-Treasury even proper, much less as indispensably necessary, to enable the Executive to discharge its duties to the Constitution and the country, in the custody and disbursement of the public revenues? But, sir, it would seem nothing would be more painful to the Chief Magistrate, than the necessity of exercising any unnecessary Executive power—that nothing would be more agreeable "than the withdrawal of all concern in the custody and disbursement of the public revenues." History, Mr. Chairman, is full of examples like this—examples of this same reluctant assumption of power have displayed themselves in all ages, and all countries—in monarchies, in despotisms, in republics, in ancient as well as modern times. Cæsar crossed the for-

*Mr. Calhoun.
†Jefferson's inaugural.
‡General Harrison and Judge White.

bidden Rubicon, marched into Rome, entered the sacred temple, and seized with a lawless hand the public treasure; yet we read that he did it under a painful necessity—he would most cheerfully have avoided the demand of imperative duty—no selfish aggrandizement, no unhallowed ambition, stimulated the deed—in the name of the people, and for the good of the people, Cæsar assumed these high powers. In the days of a more modern Commonwealth, we have another distinguished example, Cromwell, who with heartfelt reluctance, and under painful necessity, headed a band of soldiers, and drove out, at the point of the bayonet, the members of Parliament, the people's representatives. Yet Cromwell was actuated by no venal motives. "In the name of the Lords and the people," he exclaims, "I drive you hence."

It was no less painful to Richard the Third to accept the bloody crown of his murdered relations, when pressed upon him by the importunities of his minions, and by his own procurement; but, like our faithful President, Richard could not resist the call of the people, saying, in the language of nature's poet:

"I am not made of stone,
But penetrable to your kind entreaties,
Albeit against my conscience and my soul."

But, Mr. Chairman, there is an example of more recent occurrence, and more analogous in all its features. When the illustrious predecessor of the present Chief Magistrate, without authority of law, seized the public treasure of the nation, he was not prompted by any mercenary or ambitious motives. He had neither avarice nor ambition to gratify, in giving this high Executive order, overriding all law. He felt no interest in transmitting his office to a favorite successor. He did it for the pure and patriotic purpose of saving the liberties of the country, and that, too, with "unfeigned pain and reluctance." There is a remarkable coincidence in the similitude of expression, as well as sentiment, in the paragraph read from the message of the present President, and a paragraph which I will now read from the manifesto of the President of that day to his Cabinet.

"He says: "It would ill become the Executive branch of the Government to shrink from any duty which the law imposes upon it." What an exact likeness! What a unity of thought! What a faithful following in the footsteps! Who can read these sentences and doubt about the authorship? Who so dull as not to trace the same glosses and disguises, to conceal a high usurpation of Executive power? The same mind dictated both. The same hand penned both. The same ambition prompted both. What was then in a state of embryo—"half concealed—half disclosed"—is by the passage of this bill about to be consummated. He who inserted in that manifesto the short and pithy sentence, "that money was power," spoke from experience, having long and successively practised upon the principles in his own State—"that to the victors belong the spoils." He has thirsted for the last ten years to insinuate the same principle in the administration of the General Government. No man believes more implicitly in the truth of the maxim, that "money is the sinew of politics as well as war," than the Chief Magistrate of this nation—none has greater acknowledgments to make to its kind influence. It is not surprising, that he holds an unyielding grasp upon the treasure of the nation. Sir, open and bold usurpations never alarm me. I fear no danger of the perpetuity of this Government, from the assaults of the manly tyrant or despot. I can look with some forfearance upon the unjust pretensions to power, asserted and defended upon principle; yet, whilst I protest, I am no alarmist. Whilst I claim to be one who has "never despaired of the Republic," in the gloomiest hour of the successive storms and whirlpools of Executive usurpation, which it has passed through in the last ten years; yet, I must confess, when I see power assumed and petitioned to be legalized, as this bill proposes and will accomplish, when I see the indifference with which many, and the zeal with which others, sustain this measure—a measure striking down at one fell blow the balance of the Constitution—unhinging its checks, its great conservative principle—wresting from Congress and the people the guardianship of the public money—uniting in the hands of the President the sword and the money power, I am forced to acknowledge it inspires me with some concern for the permanency of our free institutions. These are not the gloomy forebodings of a distempered imagination. It is not mere matter of criticism. It is no panic picture. Despotism never shows itself all at once; it feels its way cautiously. In the beginning, it is always diffident, modest. It uniformly dresses in false garments. It invariably assumes a false name. It progresses under the disguise of virtue, patriotism, and Democracy.

Mr. Chairman, having disposed of the various preliminary propositions, a free discussion of which was indispensable to the full investigation of the great measure embodied in this bill, I proceed to an analyzation of its principles and its details. I propose to do this in a calm and dispassionate manner, uninfluenced by party consideration. The measure is one of vital magnitude; it is too important to be dealt with for political effect; it is too serious in its nature; no patriot would use it for political capital; it is too solemn to be trifled with; it embraces every interest of Government and people; it is all-pervading; it comes home to the rich as well as the poor; it enters the dwellings of every citizen, of every grade and every condition: it is, without doubt, a subject fit for animated appeals to the hopes and fears of every patriot. But, sir, the measure comes before Congress recommended by the President, under the name, and in the guise of "reason and argument," asking free and calm discussion. I am disposed to meet it, and try it, by the standard to which the President appeals; I shall endeavor to examine the reasons and arguments of the President, of his Secretary, and its principal advocates in this and the other branch of Congress. I mean to consider the measure as defined by the President and his friends. To take the facts as they state them, unless in the same message, or some other message or State paper, or speech, they contradict them; or unless they stand contradicted by indisputable political history, and add no facts, except such as are well supported by statistics, or such as are incontestable, from admissions of leading supporters of this measure, and then ask the impartial judgment of the committee and of the country upon my exposition of the scheme, and the motives which dictate and urge its passage. As I have already remarked, I am not one of those who predict a volley of evils to come upon the country instantly upon the passage of this bill. Very far from it. God forbid that such should be its effect. The cup of human suffering is now full and overflowing. I should not be surprised if its passage produced slight temporary relief. There will be the limitation of law, to some extent, upon the unrestrained and unrestricted discretion of the Executive, as now exercised, and has been since the bank suspension in May, '37. To legalize the scheme would give temporary stability and partial security. But, sir, the practical operation of the measure, with all its power for good, and I trust for evil, is now upon the country, and has been for the last three years. This proposition I have established. Its evil effects are already realized. The whole country feels them. The whole country, at last, thank God, sees them. The practical operation of this measure is manifest in the bankrupt condition of the country, in the all pervading, universal suffering condition of the people in every department of business. No argument in this House, or out of it, can refute it—none is necessary to sustain it—every breeze that reaches us from every quarter speaks to us in the language of truth, soberness, and bitterness, of the ravages of the practical operation of this measure.

Why, then, do I oppose the passage of this bill? Not from any party motive. No, sir, no. Had I the choice of weapons to give the death blow to this Administration, I would select this very Sub-Treasury, notwithstanding the confidence of a distinguished supporter of the bill,* expressed in this language: "If my political existence depended upon it, I would rather have the success of the passage of the Sub-Treasury identified with the re-election of Mr. Van Buren than any other argument which can be used in his favor." I have said I will not discuss the Presidential question, and I will not. I simply predict, without any pretension to the gift of prophecy, that this Sub-Treasury bill will be the political winding sheet of Mr. Van Buren, of the honorable Senator, and of all others engaged in its consummation. Were I governed by party considerations, reckless of consequences to the country, I would not lift an arm to oppose its progress, or raise my voice to delay its passage for one moment, so clear are my convictions that suicidal it must be to its authors. The question still recurs, why oppose, then, the passage of this bill? I answer, because by the enactment we give the official sanction of the nation to a scheme of despotism in the solemn form of a statute, laying a precedent for future Executive encroachments and usurpations. I answer again, because it will enable the President, by the exercise of the veto power, aided by a subservient Senate, holding office for a term of six years, to fasten the measure upon the country for years, "in despite of the lamentations" of the people, to be used to force them into a compliance by the abuse of Executive patronage, or coerce them into an acquiescence of the measure, with its Treasury bank appendage, with the hope of relief from insupportable suffering. With this explanation, I proceed to the consideration of the measure contained in the bill upon your table, its principles, its details, as they appear upon its face, with the exposition of its author and friends. And first, its definition. What is the Sub-Teeasury, alias the Innependent Treasury, this great measure of safety and deliverance" to the people, as defined by the President† It consists simply of two features, it is composed of two fundamental principles; all else of the vast and ponderous bill is detail, much of it flimsy detail, unmeaning bombast, school-boy fustian, a mere jingle of words, not of hard money. Two principles of the bill, or professed principles, are these: 1st, The requirement of the Government receipts exclusively in gold or silver: 2d, The collection, preservation and disbursement of the public moneys exclusively by executive officers. This is all of the scheme as explained by the President and the leading advocates of this bill. These two principles are purely financial, applicable to the management of the Treasury, in aid of the Government and the Government only. Were there no other objection to this measure, its total inadequacy to the exigency ought to condemn it, the disease boundless, the remedy narrow and contracted. Never did the wisdom and folly of man propose a remedy so inadequate, so totally incommensurate. Never was there so little sagacity manifested in the selection of the time for the adoption of such a measure, did it possess every attribute of intrinsic merit, claimed in its behalf. Now, surely, is not the time for its application; one half of the banks suspended, the other half in a state of torpor; the exchanges ruinously deranged; circulation cramped, contracted almost to absolute collapse; the country depleted, until the people cannot have it said they live; they simply breathe upon the mutilated relics of former days. The country needs and demands stimulants, instead of more "blood letting and hot water." This is a remedy for a state of plethora, not of exhaustion; of exuberant vigor, not of debility; for high and scorching fever, not shakes and chills; such as now afflict this unhappy land, from extremity to extremity, and from centre to circumference.

Another general objection I make to this measures, it comes recommended by unsuccessful physicians, experimental political empirics. Too long already have they had the people in the crucible of their political alchymy. What better assurance have we or the country for the beneficial effects and success of this so much lauded measure, than was given by the same authors in favor of the State banks. Unbounded confidence was asserted, (whether entertained, I will not say,) in behalf of that measure, now acknowledged a total failure, and wonder even expressed by its quondam advocates that they ever should have confided in so foolish a project. And yet, with so recent a political discomfiture, these very rulers, with an impudence and an effrontery that defies a parallel, demand of the country unshaken faith in their skill and judgment, and ask the acceptance and adoption of a remedy admitted to be an "untried expedient." What sober minded man would employ a physician, under such circumstances, in sickness? none. By fair analogy, what prudent man ought any longer to entrust his dearest rights to such political quacks? None but the wilfully blind will. I now proceed to a critical analysis and dissection of this measure. The first quality that strikes the attention and challenges the admiration of the President for the Sub Treasury is its simplicity; it dispenses with much of the cumbrous and unnecessary interference of checks and counter checks, heretofore deemed indispensably important, by the most sagacious statesmen, to the safety of the public treasure. The second attribute that receives his unqualified and enthusiastic approbation, is its unity; it repudiates the idea, long entertained by the wisest and most profound statesmen, that true and genuine civil liberty consists in a division of powers; it strikes down the barriers erected in the Constitution between the different departments of the Government. The tyrant's maxim, "That by dividing sovereignty you destroy it," has been unblushingly avowed in this debate in support of this bill.† Now, sir, if our Chief Magistrate is right; if he has penetrated deeper into political philosophy than the sages of the Revolution; if it be true that unity and simplicity be the most desirable attributes of a prosperous and happy government, no form of government is so unique as an unlimited monarchy; none so simple as an absolute despotism. But to return to the examination of the professed principles of the bill—mark the glaring hypocrisy; the open contradiction of theory and practice. The first feature professes the exclusive use of gold and silver in the moneyed transactions of the Government. This is said to be the vital spark of the measure; the soul of the body; the ethereal fire, that sublimates and sanctifies the scheme, and gives it its sacred constitutional characteristic. And yet the bill on your table, sir, upon its face, exposes the flagrant hypocrisy in its detail; it not only recognises the receipt of Government paper money, but State bank paper—and yet the President bases and vindicates this measure upon the principle that the Constitution, in its letter and spirit, forbids the employment of any other medium, in the receipts and disbursements of the National Government, than gold and silver. His Secretary of the Treasury deprecates the use of any other medium than specie "for the public revenue and expenditure, or as a standard for the value of property or discharge of contracts," not only unconstitutional, but positively "pernicious." This is the theory of the President and Secretary. Now, sir, let us compare theory and practice. In the very same state papers of the President and Secretary, a recommendation is made to Congress to issue ten millions of Treasury notes, Government paper, proven by woful experience to be the worst kind of paper money; bearing no interest; to be issued in small bills, ranging from $20 upwards, expressly to be used in the "receipts and disbursements of the Government;" to pass into general circulation "as the standard of property, and to be used in discharge of contracts." Thus you see, sir, so far were the President and Secretary from intending, in good faith, to carry out this boasted feature of the bill, they not only recommend and press upon Congress the issue of ten millions of Government paper, without interest, for the reason they say in the same state papers,‡ "that notes bearing much interest would soon cease to be used in circulation." And again, in order to force this Government paper into circulation, in the business transactions of the people, after passing this currency upon the creditor of the Government, they recommend "that it might be advisable not to make the bills or notes receivable, at first, for any public dues." I now come to the sublime excellence, the boasted superiority, of this Government currency. Mark the language, Mr. Chairman, and all other advocates on this floor of this hard money scheme, this gold and silver scheme, this measure of the Constitution, construed in its primitive simplicity, uncontaminated by latitudinous interpolations. "This kind of paper would be very convenient in form, ($20 bill,) it would contain the most important requisites appertaining to any paper currency—such as the greatest security, an entire specie basis, and the unity of all issues in one body." Pause and admire the consistency, the harmony of theory and practice, what an adaption of means to the end—"an exclusive one of gold and silver in Government transactions"—the only medium known or allowed by the letter and spirit of the Constitution. O, brazen faced hypocrisy! O, unblushing infidelity of profession and purpose! As further confirmation, if it be possible that any other proof can be asked, that it is not intended now, nor never has been from the beginning, in good faith, to carry this principle of the bill into practice, I call the attention of the committee to a brief history of this measure as connected with another associated measure that has always followed it as regular and as true as the shadow follows the sun in his evolutions. At the called session of 1837, when this Sub-Treasury was first broached and recommended by the Executive of this nation as a financial plan, the same state papers estimate the sum of money necessary to conduct the receipts and disbursements of the Government at ten millions. A deficit existed in the Treasury, owing to the indulgence upon merchants' bonds, and unavailable funds in the State banks. The Government at the time held eight millions in bonds upon the Bank of the United States—the President and his friends in Congress refused to sell these bonds even at par, refused a loan of money upon time at four per cent.; § issues ten millions of Treasury notes. Mark, sir, the exact coincident of amount with the estimate requisite for Government transactions, issued under the hollow professions of temporary want, with a provision of cancelment and discontinuance upon their return into the Treasury. At each annual meeting of Congress, from the called session to the opening of the present Congress, the same hollow, deceitful professions pervade the annual message of the President and report of the Secretary of the Treasury, upon the "successful financial operations of the Government," boasting of the cancelment of the issue of Treasury notes—notify Congress and the country that the expenses of the nation can be met in future without any "new issue of Treasury notes, increase of tariff, or creation of loans." And yet, sir, scarcely have these State papers gone forth to the four quarters of this wide spread confederacy, under the frank of every member, political fee as well as friend, each successive session from 1837, so soon as the Sub-Treasury bill is reported in either House of Congress, *eo instanti*, an emergency springs up, "an unexpected exigency;" (such as a demand to discharge pension claims, the time of payment of which is fixed by permanent law) "a fluctuation," a starving paralysis seizes the Treasury—the private secretary, with pale face, almost breathless from exhaustion, rushes into this House with a special message demanding the re-issue of ten millions of old notes, or the issue of ten millions of new ones, in order to save "the national faith and national honor from being tarnished." Sir, this is no fiction; the executive documents, and the journals of the two Houses of Congress, establish this historical narrative beyond a dispute. But this is not all, sir; this only brings us down to the opening of the present Congress. In the annual message and report of the Secretary at this session, is to be found a strong corroborating circumstance, bearing upon this part of our inquiry—these two distinguished financiers, after three years severe study and scrutiny into the mysterious and abstruse science of finance, discover it was all a mistake on their part in supposing that ten millions of money would be needed in conducting the Treasury operations of the Government; they now conclude with that unhesitating confidence that belongs to a quack in politics, as well as a quack in medicine, that instead of ten, four or five millions is abundant for all the requirements of revenue. According to usage we find in the annual message and report the following language: (the exact copy of which, in substance, may be found in every annual message and report since 1837,) "The financial operations

*Mr. Buchanan.
†Mr. Williams, of Massachusetts.

‡Message and report of Secretary—called session.
§The correspondence of Woodbury with the bank presidents and capitalists in 1837.

of the Government during the present year have, I am happy to say, been very successful—the nineteen millions of Treasury notes heretofore issued under the various acts of Congress, have been so punctually paid that the whole amount now unredeemed is less than three millions—if the money due from the banks is paid, and if Congress shall keep the appropriation within the estimates, there is reason to believe that all the outstanding Treasury notes can be redeemed, and the ordinary expenses defrayed, without imposing on the people any additional burden, either of loans, or increase of tariff, or increase of taxes." Now, sir, in the face of this boasted declaration you know, and the journal attests the fact, that no sooner than the bill under discussion passed the Senate, (which was done in race horse speed,) and was reported to this House, prior to any appropriation save one, even in compliance, much less transcending the Executive estimates, and when the banks had reduced their debt by payments to less than one million, the President rushes a special message into this House, clothed in reproachful language, imputing in its phraseology a neglect of public duty in one short month after the reading in this House the annual message—demanding the issue of five millions of Government paper of some kind, (mark the coincidence again between estimate and demand) not in the usual form, to be cancelled upon return into the Treasury, but to be re-issued for the space of a twelve months, calling upon Congress in the same State papers to invest him and his Secretary with the unlimited authority to issue Treasury notes and Treasury drafts to meet all "fluctuations and unexpected deficiencies" in the Treasury--such a power as no Chief Magistrate of the nation ever dared before to ask of Congress, much less demand in insulting language; a power that Alexander Hamilton, the open advocate of a strong and consolidated Government, never dared ask or exercise, but explicitly condemned as "seductive and dangerous" to the perpetuity of the Government; an exaction of power that would have received its merited rebuke in the purer days of this Republic, before this House was seized with the incubus of passive obedience to Executive dictation. I here close upon the first feature of the bill.

Mr. Chairman, I now approach the consideration of the second great feature of this bill, the exclusive collection, keeping, and disbursement of the public revenues by Government officers, appointed by the President, and subject to removal at his despotic will. This division involves the question of the entire separation of the Government dues and the banking institutions, State and National; or, in the party phrase, the divorce of bank and State. This brings us to an important point in the consideration of this measure. This point involves many inquiries; it involves grave consequences; it demands full and deliberate investigation. Before I engage in the discussion of the principles embraced in the connection of the revenues of the Government with the banking institutions, it is due to the subject, it is demanded by the course of argument in this debate upon the part of the advocates of this measure, asserting it to be a scheme antagonistical and possessing less dangerous powers and more excellences, as a financial plan, than the system of a National Bank or State banks. This imposes the necessity of saying a few things upon the banking system in general, the origin of banks, their progress, their tendency, commercial, political, and moral. We have had, in the course of this discussion, learned disquisitions upon all these points; we have in the last few years read elaborate State papers from the Executive branch of the Government upon these several heads, as well as upon various other qualities of these institutions. But, sir, I will not stop now to go into the many abstruse and intricate questions raised in those State papers, and repeated in speeches every day upon this floor; I will not debate the metaphysical question, whether banks be "soulless corporations;" or the anatomical question, whether they be "monsters;" or the mythological question, whether they be "hydras or gorgons dire;" time and my strength will not permit, had I the inclination to enter upon these deep inquiries. I deliver them over to the exclusive use of the petty political demagogue. But it is charged by the advocates of this hard money scheme that banks are of aristocratic, despotic origin, Federal and anti-Republican in their tendency, dangerous to the perpetuity of liberty, absolutely incompatible with self-government. Yes, sir, the adoption or rejection of this bill is to determine, "we are gravely told, whether the people of this nation are capable of self government. These are serious matters, and if upon fair and candid investigation they prove tenable, it ought to settle this controversy, this great question, aside from any consideration of convenience or expediency. It shall be my purpose, in a very few observations, and by reference to undisputed, notorious historical facts, to explode all this tirade against banks. In tracing back the tide of time, where do we find the first model of a bank? We look in vain from the beginning of the Christian era through sixteen centuries, during the entire period of the dark ages, a period during the whole of which no free Government existed; aristocracies, monarchies, and despotisms, in their succession, the only forms of Government exercised by man for the protection and control of man; "no division of sovereignty to impair power;" century succeeded century, no improvements in arts, in science, in civilization, in government; the daily employment of rulers were their tilts and tournaments, supporting their wars and savage amusements by exactions and tributes, levied and collected in hard money from the people, by their receivers of revenue, (Sub Treasurers,) created by the chiefs of aristocracy. In the midst of this universal gloom and oppression, early in the sixteenth century, three small spots upon the wide surface of the globe struck up almost simultaneously, in different quarters, a spark of liberty. With free principles came commerce, and with commerce banks. Venice, Hamburgh, and Amsterdam, three republics, each claim the invention, each vie for the paternity. Certain it is that banks were coeval with the earliest existence of these republics; † "they were the offspring of liberty and trade; a Republican progeny, they have made or caused the use of popular industry, the diffusion of wealth and freedom among the great body of the people wherever they have appeared." Let us pursue history a little further upon this topic. Where do we find the next spark of liberty blaze up through the gloom and oppression of despotism? England. England, that had lived through sixteen hundred years, under every shade of aristocracy, monarchy, and despotism, with a hard money currency; Sub-Treasurers, as receivers, keepers, and disbursers of her revenue. Yes, sir, for 1688 long years, England had no paper money, no banks; her currency was coined money, gold and silver, guineas, crowns, half crowns, shillings, such as this scheme proposes, except the addition of eagles and half eagles, and hard silver dollars. And what was the condition of England during this hard money, Sub-Treasury reign? Sir, it is a short and a sad tale, if history tells it true. It was this: the poor man never became rich, the rich seldom became poor; society remained stationary; the face of the country continued as nature's God had made it, save a rude agriculture; no roads, no canals, no manufactures, no ships, no commerce, no diffusion of learning. The Revolution of 1688 came; it infused into the British Constitution the principles of freedom; the security of property, of person, and of reputation, was guaranied by the sacred charter of her liberties; the "unity and simplicity of her sovereignty" was split asunder, and the division of powers erected upon its ruin; confidence between man and man was soon established; credit, public and private, followed as a necessary consequence; and the first great offspring of that Revolution was a bank. Five years of freedom produced the Bank of England; not without opposition, Mr. Chairman; no, sir, no; there were anti-bank men of that day, "illustrious predecessors" of the anti-bank party of this day. We have amongst us, no doubt, legitimate lineal descendants of the old anti-bank stock. History says, the Tories of that day clamored against the bank. The Tories of that day predicted evils of all kinds from that institution. The bank, in the eyes of the Tory party, was a "monster," was a "hydra, full of gorgons dire;" yet the free principles of the revolution were preserved, the bank stood every assault, and stands to this day; its paper became in a short time, and continued to be, the principal currency of the country; it has been used in the "receipts and disbursements of the Treasury," "as the standard of the value of property and the discharge of contracts," from that day to this? And what was England in 1688, when compared with other nations of Europe? The poorest of any of the great nations of the continent, subordinate to France, inferior in every thing to Holland, the birth place of banks, inferior to Flanders in manufactures, at the end of the first century from that date, conducting the Government revenues in bank paper, with a paper currency used in all branches of business, she was the richest in wealth, the most advanced in arts, in manufactures, in commerce, is enterprise, in internal improvements, in arms; "the first in war, and the first in peace;" the first in letters, the first in science; pointing with just and exulting pride to her improved agriculture, her manufactures, her commerce, her ships, her canals, her railroads, her admirals, her generals, her statesmen, her philosophers, her men of letters, her poets; the greatest, richest, and happiest nation, save our our own glorious Republic, on the face of the globe.

Now, sir, I come down to the history of our own country. Prior to the Revolution we had no banks. When the Federal Constitution was adopted we had only three State banks with but limited capital. Our Constitution sprang out of a disordered currency, not bank currency, Government paper—its written promises to pay in the shape of Treasury notes, Treasury drafts, continental paper, such as we are now asked to substitute for a sound mixed currency of specie and bank paper, redeemable, on demand, in gold or silver. The Government paper, at that day, depreciated to ten cents in the dollar; public faith and private credit was destroyed; there was no internal trade, no commerce. The small amount of gold and silver there was in the country was hoarded up in private chests, "iron safes and vaults," or buried under ground. The Government loaded with a heavy national debt, unable to discharge even the interest on it. The rich were engaged in no enterprise; the poor man could find no demand for his labor; every thing was stationary, except wretched want and misery, which prowled through the land every where. History relates that such was the extremity of distress, that men, in their desperation, seized their arms and assailed the courts of justice, rather than witness the sacrifice of their property, under execution, for a song; rather than return home and meet a starving wife and children, they resisted the laws with guns and swords. A glorious experiment of a hard money and Government paper currency. If history be truly written, the experiment in that day drave the people to rebellion;* it drove some of them to the foot of the gallows; it drove several whole States to the verge of civil war. Sir, had the present Chief Magistrate and the present party ruled at that day, holding the principles they now do, this Government would have run a short race; her career would have been brief and gloomy, her days few and miserable. Fortunately for the country, patriotism, and not party, prevailed. The *Palinurus*‡ of State looked to his country, his whole country, and nothing but his country. The power to create a sound currency was granted by the Constitution, and amongst the first acts under that Constitution, was the creation a National Bank. It passed by an overwhelming majority, very many of the members who voted for it, being members of the convention who framed the Constitution, Republicans as well as Federalists. It received the signature of Washington, the father of his country, the President of the Convention that adopted the Federal Constitution; and yet, daily and hourly, we are nauseated and surfeited with the declaration, that banks in other countries are the offspring of despotism; in this country the progeny of Federalism, Anti-republican, anti-constitutional, subversive of liberty itself. Sir, had Washington a less share of public virtue, of unsullied patriotism, than Martin Van Buren? Did not Washington understand the workmanship of his own hand? Had not he as high a regard for the sacred principles of the Constitution as Martin Van Buren or any other self-styled Democrat of the present day? Or was Washington a political profligate? Answer these questions to the people of this country! O ye modern Democrats! are you prepared to say Washington was a Federalist—an Aristocrat—an enemy to liberty? If so, speak it out, or else cease your clamor against banks, one of the first and best fruits of his Administration.

I now come to the consideration of the connection between the Government revenues and the banking system. Before I proceed, I take this occasion to define my own position on this much agitated subject. That my opinions may not be misunderstood either now or hereafter, I avail myself of this opportunity to say, I do not now, nor ever have I entertained the belief, that the State banks, under any organization, unaided, unregulated and unchecked by a National Bank, could furnish a sound and uniform currency, or act as successful fiscal agents for the General Government, or safe depositaries of the public money. I would as soon entertain the the opinion, that the solar system could preserve its balance, the planets revolve in their proper orbit, with the sun stricken into annihilation, as to suppose that twenty-six independent sovereign States, each principle, owing no common responsibility, each acting for itself, having no common interest,‡ "could create a currency that would be sound and uniform, act as a successful and efficient fiscal agent, a safe depository of the public money, and afford trade cheap and abundant exchanges." Such a conclusion is to my judgment absurd, and that such a conviction should ever have filled the mind of any clear headed man, passes my comprehension. In this, I perfectly agree with the honorable Senator from Pennsylvania.§ He said, in his speech, in the discussion of this bill, "that we are all wise after the fact, but to look back, it has often occurred to me as wonderful, how we could have confidence in State banks as safe general depositaries of the public treasure." I will not do the gentleman the injustice to believe that he ever did confide in them; no, sir, never. With all the lights of experience burning bright before his eyes, is it impossible, utterly impossible. His head receives the compliment at the expense of his heart—that is no affair of mine. Now, sir, what is the history of this connection of the Government and the banks; when did it begin in practice, without law; and when was it legalized; and by what party was the legal connection established! The historical answer to these questions will give much light upon this disputed subject; it will refute many broad declarations; it will explode many fanciful delusions; it will exhibit before the country many statesman in their true colors; it will array the contending parties under their proper names. I aver, that the system proposed in this bill, is, in principle, the system of Alexander Hamilton, the open and manly advocate of strong consolidated Government, and that a legal connection of the Government and the banks, now and ever has been the system of the true Republican party. Now for the facts—I mean to deal in facts—they are profitable for instruction, for exposure of flimsy sophistry, low demagogueism, and wilful misrepresentation. Alexander Hamilton was the first Secretary of the Treasury under the Federal Constitution, the author of the financial system of the Government at that day; the author of the charter of the first National Bank; yet no legal connection of the revenues and the banking system is to be found in either statute. Hamilton, like our Democratic Chief Magistrate, had no objection to a connection with banks; but he wished that connection to be free, "voluntary," discretionary, untrammelled by statutory limitations and restrictions—a meretricious connection, to be formed at will and dissolved at will, whenever thought "desirable" and "profitable." How exact the ambition of the two men, yet how different in character. The first, bold, open, manly, avowing his preference for strong executive powers; the last, with a more insatiable thirst, has not the moral courage to avow it. He sneaks and skulks behind the flimsy glosses and disguises of an affected pain and reluctance in the exercise of Executive powers, imposed upon him by the duties of his office. I expect, before I take my seat, to unmask this modern Democrat and lay him bare to a deluded people in his true light. But to continue my historical narrative of facts. This union was practically kept up "voluntary and discretionary" with the President and Secretary, from the day of Hamilton's administration of the Treasury Department until 1816. It was then legalized, for the first time, by the charter of the second Bank of the United States. It is material to call to memory under whose administration this lawful marriage of bank and state was consummated; what party was in power; and above all what party carried this "most odious and abominable measure," containing more ills than Pandora's box, if the President and his great Southern, Eastern, and Western satellites are not mistaken or grossly exaggerate. Unless the history of that day is falsely written, James Madison, a Republican all his life, admitted by all parties, presided over this nation as Chief Magistrate and signed the bill of connection. John C. Calhoun, then a member of this House, drafted, reported, and voted for the bill of connection. It was a Republican measure, introduced and passed into a law by Republican votes, uniting every leading Republican, Crawford, Lowndes, Clay, Calhoun, Forsyth, and a host of others. The Federal party voting, almost to a man against the measure; and yet, with an unblushing audacity, it is asserted and reasserted in the progress of this debate the connection of bank and state is of Federal origin. But to continue the history of this legal connection to its termination. It lasted till '33, when the then President, operated upon by the malign influence of the present Chief Magistrate and his great coadjutor,† with a lawless hand, removed the public moneys from the United States Bank, the legal depository, and held them without law or limitation of law, to be used and abused to vile party purposes, until the passage of the deposite act of 1836. In 1833, ended by violence and usurpation, the first legal connection of bank and state. It will be borne in mind, the same party was then in power that now rules. Did we hear, then, the cry of divorce! divorce! divorce? No, sir. Any thing about "monopolies," "soulless corporations," "monsters," &c. (save the great monster,) no, sir. State banks became the especial "pets" of our President and his clique. Any thing about the dangers of "associated wealth?" no, sir. State corporations were as harmless as doves. Any thing about the lack of power in this Government to "regulate and purify" the currency? nothing. Any disclaimer of duty to furnish trade with safe and cheap exchanges? no, sir. Any thing about gold and silver being the only constitutional medium; no, sir, no. The very reverse of all this was contended for with a zeal that has no parallel, save it be found in the same party; now advocating the very opposite doctrines, and denouncing, with a savage bitterness, every principle they then asserted, every institution and every power they then vindicated.

Now, sir, to the principles, the great financial and political principles involved in the connection of bank and State. I intend to speak not now of the expediency, that is a subordinate matter; it is the boasted principle of divorce I wish to analyze; for in this consists the merit of the Sub-Treasury, if it has any merit. This is its marrow, its gist, its superlative excellence, if there be any sincerity in its advocates. I propose to test this question, first by authority, "for by authority is the world governed," as has been wisely said; not by argument, not by reason; blind followers listen not to argument, they close their ears to reason, so long as they confide in the patriotism and integrity of the objects of their idolatry. And the first authority I shall ask the attention of the committee to is a state paper, written (or rather published) over the name of Gen. Jackson, a name once of no mean authority with the majority of this House. There was a time, I know, sir, and you know, Mr Chairman, when you and the majority of this committee believed as implicitly in his sayings as ever a Mahommedan did in his Koran. Whether the same idolatry is felt for a setting sun as existed

* Mr. Atherton of New Hampshire.
† T. F. Marshall's Bank Report.
* Pitkins. † Washington. ‡ Van Buren's Letter to S. Williams.
§ Mr. Buchanan.
† Thos. H. Benton.

sessing unlimited power to charter banks upon no common when he was in the ascendant, is not for me to say; I know it is human nature to worship the rising luminary; history is full of the vanity of all earthly renown, mere human glory. As Shakspeare has it, "yesterday the word of Cæsar might have stood against the world," now, "none so poor as to do him reverence." Sir, I solemnly conjure you, and the majority of this House, before you pass this bill, to pause and consider upon the authorities I shall now refer to. I invoke you to look and gaze upon the political mirror of 1834-5, which I shall now hold up to your view, and see the ridiculous attitude of discrepancy, inconsistency, and tergiversation you will occupy; the ingratitude, treachery, and perfidy to the State banks, and the unpardonable infidelity and abuse of public trust to the country, with which you are about to involve, and blast, and infamize your private as well as public reputation. In the extracts I shall now read is to be found what was "nominated in the bond," upon the conditions of which you and your leaders were elevated to power. In the Message of 1833, speaking of this very measure—the Sub-Treasury, alias the Constitutional Treasury, alias the Independent Treasury—which had been proposed in this House in the session of 1834, this language is employed: "In the regulations which Congress may prescribe, respecting the custody of the public moneys, it is desirable that as little discretion as may be deemed consistent with the safe keeping should be given to Executive agents." The annual Message of 1836 contains this emphatic sentiment. "To retain the public money in the Treasury unemployed in any way, is impractibable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation." Here we have a forcible and unqualified condemnation of the bill under discussion in the name of General Jackson. But, sir, this is not the only authority I have denouncing this measure. I now introduce another, though not so universal in its influence, equally potent and omnipotent in a certain section of this Union. I allude to the great Southern advocate of this bill, the distinguished star of the South,* who has a galaxy of smaller planets revolving around him, who never take the trouble to think for themselves: yes, sir, such is the magic influence of this Senator's opinions in a portion of this Union, particularly his own State, that his political dogmas are received as axioms, undisputed and indisputable truths, no matter how absurd, no matter how inconsistent and contradictory to previously entertained and expressed views. Whenever a sudden blaze of light flashes across his brain, whenever a fresh thought strikes his mind, in the twinkling of an eye his political followers wheel to the right about, and unite with the chief in denouncing the folly, the absurdity, and the abomination of the measure. Oh, South Carolina, once the land of true chivalry, the birthplace of Marion, Pinckney, Sumpter, Lowndes, Hayne, how fallen! In the language of the mother of the Gracchi, thou once could proudly boast of thy jewels, statesmen that thought for themselves, and acted upon their thoughts; now, you occupy the humiliating attitude of blindly following the erratic wanderings of an ever-varying political star, whose leading themes are, his contempt of personal popularity, and self glorifications over the beauty and symmetry of his political consistency—never forgetting to close his speeches with a peroration, consisting of his ineffable admiration of, and devotion to, State rights. Now, sir, it gives me no pleasure to show up the glaring political inconsistencies and tergiversations of this very distinguished man, nor will I attempt a complete exhibition; I wish only to trace his views and opinions upon the principles of the bill before the committee, as expressed at different times. Towards this distinguished individual I entertain no unkind personal feelings. I would that I could, consistent with my sense of public duty, draw a veil over his political changes, and conceal them forever from the light of day; but duty to the country forbids it, upon a great measure like this, reaching the very vitals of the Constitution. His name is one of the main pillars upon which this Sub Treasury rests—a measure, when taken in connection with its associated measures, that makes up the "system," as I conscientiously, before my God, believe to be pregnant with more mischief and ruin to the country than any ever adopted, or proposed to be adopted, as a permanent system of policy, since the foundation of the Government. Entertaining these views, to omit the use of any weapon of resistance to its passage, would be treason to the community, to the Constitution, to the cause of human liberty. Now, sir, let us see what this great man said and thought of this identical measure only six years ago; this measure, which he now assures his worshippers and his country is the only remedy, the great panacea, for all the distress and evils that afflict the land. I read from his speech of 1834, upon the re-charter of the United States Bank, in the debate upon which the three antagonist measures—of a National Bank, the State bank system, and the Sub-Treasury system—were all fully discussed; this is his language, the language of a profound practical statesman—no theory, no speculation, no metaphysics; it goes upon experience, the mother of wisdom. Hear him. I claim the attention of Southern members particularly. He says: "Any sudden or great change from our present to even a sounder condition, would agitate and convulse society to its centre. Whatever may be the different theoretical opinions of members of the Senate, as to the extent to which the reformation of the currency should be carried, even those who think it may be carried practically and safely to the entire exclusion of paper, must agree that the restoration ought not to be carried further than a cautious and a sure experience shall prove it can be done, consistently with the prosperity of the country, in the existing fiscal and commercial condition of the world; to go beyond this point, to which experience shall show it proper to go, would be to sacrifice the public interest merely to a favorite conception"—the "untried expedient," alias the Sub-Treasury. Solid wisdom marks every line, whilst no language could be more expressive, more forcible, in the condemnation of a measure. But, sir, this is not all. I find other paragraphs in the same speech, bearing directly upon this scheme, replete with deep and profound thought. In speaking of the leading feature of this measure, the exclusive use of gold and silver in the transactions of the Government, he makes use of this emphatic language: "But there is in my opinion a strong, if not an insuperable, objection against resorting to this measure, resulting from the fact that an exclusive receipt of specie in the Treasury would, to give it efficacy, and to prevent extensive peculation and fraud, (mark this!) require an entire disconnection on the part of the Government with the banking system in all its forms, and a resort to the strong box as a means of preserving and guarding its funds—a means, if practicable in the present state of things, liable to the objection of being far less safe, economical, and efficient, than the present system," (the bank system.) Again, in the same speech: "To suppress them (speaking of the banks) at once would, if it were possible, work a greater revolution, a greater change, in the relative condition of the various classes of the community, than would be the conquest of the country by a savage enemy." Sir, these extracts need no comment, no analysis; language could not be more explicit. In these few sentences, the two fundamental principles of this bill—first, the exclusive receipt and disbursement of specie by the Treasury; second, the resort to the "strong box" in the exclusive keeping of the public moneys, in preference to banks—are annihilated, immolated. Like a master workman, in debate, he seizes one proposition, and slays the other with it. Arming himself with the sword of experience, with the ponderous hand of a giant, at one fell blow he slays the "monster," and crushes him under his feet. Would to God, for his character, for the prosperity and happiness of the country, he had kept him there. But, sir, not so. Strange to tell, marvellously strange, in three short years a change comes suddenly over the spirit of his dream, and he sees, with a vision clearer than heaven's brightest sunbeams, that in 1834 he labored under a mental delusion; what he then believed and asserted was a sound system of policy, tested in the crucible of well tried experience, was now full of nothing but evil, mischief, ruin, and misery. The entire contents of Pandora's box would be trifles compared to it. But, lest I may be charged with exaggeration, I will read his own description. I read from the debates of 1837 upon this very Sub-Treasury bill. Speaking of the union of the Government and the banks, he says: "We thus glided imperceptibly into a connection which was never recognised by law till 1816, but which has produced more important after-consequences, and has had a greater control over the destiny of this country, than any one of the mighty questions which have so often and so deeply agitated the country; (mark this;) to it may be traced, as the seminal principle, the vast and extraordinary expansion of our banking system, our excessive import duties, unconstitutional and profuse disbursements; the protective tariff, and its associated system, for spending what it threw into the Treasury, followed in time by a vast surplus, which the utmost extravagance of the Government could not dissipate; and finally, by a sort of retributive justice, the explosion of the entire banking system, and the present prostrate condition of the currency, now the subject of our deliberations." Now, sir, I ask you and the committee to pause and remember that the author of the speech from which I have just read, was the draughtsman, the reporter, the able and successful advocate of the very bill—the bill of 1816, chartering a National Bank—that for the first time in the legislation of this country legalized the "connection" of the Government revenues and the banking system. Behold how, with equal dogmatism, this great man to-day asserts, maintains, and eulogizes a principle, a system of policy, and to-morrow contradicts, refutes, denounces, and derides the same; and yet, sir, always consistent, always penetrated with the deepest convictions, always stimulated by motives of the most elevated patriotism. Oh, the infirmity, the delusion of man! How long is our country doomed to be ruled by such leaders?

I now take leave, for the present, of the great southern pillar, of the Sub-Treasury, and ask the attention of the committee whilst I view the political course of another, not less distinguished supporter of this measure.† The great Western pillar, in point of influence, with the existing Administration and the country greatly his superior. Yes, sir, this individual was the master spirit of the past; he is now and has been the master spirit of the present Administration. With shame and mortification for the honor of my country, I make the forced acknowledgment. To him can be clearly traced every Executive movement upon the currency—every assault upon the Constitution—every high usurpation of power, for the last ten years Acting in secret collision with the present Chief Magistrate, through flattery and prejudice—they wielded the arm and directed the hand of General Jackson in every blow he made upon the currency and the Constitution, during his eventful Administration. His finger can be plainly and distinctly traced in every movement of the existing Administration; his intellect has been underrated; his influence in the Government misconceived, even by the most sagacious; his knowledge of human nature is profound; he understands the passions and motives of human action well; he knows how to administer to them; he has no scruples in the full exercise of his knowledge; he looks to the end to be accomplished; he hesitates not about the character of the means; principles with him are nothing, political capital, every thing; justice, right, patriotism, gratitude, mere abstractions. He views all the great powers of the Government as so many instruments, to be used at pleasure by the ambitious aspirant to obtain a party object, reckless of the misery and wo the measure may inflict on millions. If he sees a political rival in his way, he will blow the vanity, and, by false appeals, madden the prejudices of an old man, to strike him a victim at the cost of pulling down a sacred pillar of the Constitution. If he wants to achieve a political triumph, to gratify personal pique or pander to personal vanity, he can, with exulting self-complacency, look upon the desecration of the sacred charter of liberty, glorying in the perpetration of a deed that has inflicted a stain upon the bright escutcheon of this nation, that the fiery fingers of the fiend of hell can never erase—nor that more potent obliteration, the bedewing tears of pitying angels, ever wash out.

Mr. Chairman, I ask pardon for this digression, and now proceed to trace the political course of this distinguished personage as connected with the subjects immediately under discussion, and in connection with him, the currency views of the "illustrious predecessor," as well as his successor, who I hold responsible before this committee and the country for all the derangement in the currency, that now so sorely afflicts this community. I exculpate General Jackson from all blame; he was nothing but the clay in the hands of the potter; a mere ball of wax receiving his principles and opinions from the impress of the Senator from Missouri, moulded and touched by the magic wand of Mr. Van Buren. Not only have I said I would show gross inconsistencies and contradictions, but I have said I would fix upon these two personages perfidy, treachery, and ingratitude, towards the State banks, and infidelity in their public trusts to the country. Now, sir, these are high charges preferred against individuals filling high places. If I fail to make them good, I deserve to be branded as a foul calumniator. If I sustain them, as I confidently expect, they will receive, I trust, the punishment due to all such public delinquents—the withdrawal of the confidence of friends and sudden expulsion from the high places they occupy, accompanied with the undivided execration of a deluded, and abused people. But, sir, now for the testimony; and first let us see what were the views of these three distinguished personages in years that are past, relative to these State banks; these soulless corporations—"these rotten boroughs" of "associated wealth"—"the tail, fungus, the excrescence of the British paper system." I read from the message of General Jackson, first, "the State banks are found fully adequate to the performance of all services which were required by the Bank of the United States, quite as promptly and with the same cheapness."—Message, 1834. Again: "By the use of the State banks, it is ascertained, that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community in relation to exchange and currency, are supplied as well as they ever have been before."—Message, 1835. Again: "Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government." Again: "It has been seen, that without the agency of a great moneyed monopoly, the revenue is collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained, that instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the regulations of several of the States have already commenced, and which has only to be hastened by proper regulations by Congress, to secure a practical return to the extent required for the security of the currency, to the constitutional medium." Now, sir, in this short paragraph we have embodied three separate and distinct arguments against the principle of this bill. 1st. It is here assumed that the revenues can be collected, safely kept, and conveniently applied, by the State banks. 2d. That the connection of the revenue with the banks, instead of promoting the evils of an unchecked paper system, this union of Government and the banks can be made an instrument in the purification and regulation of the paper currency. 3d. It asserts, unequivocally, that the measures of the Government can be so managed as to make a mixed currency of State bank paper and specie the constitutional medium. Three positions tearing up by the roots the two leading features of the Sub-Treasury, an exclusive specie currency, and an exclusive agency of Government officers, as well as the incidental quality claimed in its support of purification and regulation of the paper currency. For the future reputation of this old man, I would that I could stop here; justice to the subject forbids it. These were the views published over the name of General Jackson, when it was the interest of the party to make political capital out of the State banks. They were then puffed to the skies, praised and eulogized; this was necessary to make them willing and efficient auxiliaries to aid in demolishing the Bank of the United States. This object being effected, the great scheme of the Sub-Treasury could now be openly avowed; but to consummate the end so long and so devoutly wished, but adroitly kept in disguise and concealment, the work of bank "demolition," had to be carried one step further before it could be successfully accomplished. The State banks had next to be demolished with that charactetistic fitfulness which is always associated with the first conception of a heinous deed; it now shows a gleam of faint light above the horizon, and anon withdraws it from the sight—so with this wicked scheme. In the message of 1829, it is just faintly shadowed forth without bones, muscles, veins, or arteries. The distinguished statesman then at the head of Ways and Means, animated by a purity of patriotism that seldom falls to the lot of frail man, bursted from around him the shackles of party, and cast the chains to the winds, rising equal to the exigency of the occasion, momentous as the exigency was; directed by his colossal intellect, his giant arm seized the half-shaped monster and gave him his quietus for the time. The serpent was only scotched, not destroyed. He was permitted to rest in a kind of doubtful torpidity, waiting a more propitious opportunity. Appearances were altogether specious; it was never, from that day to this, for one moment abandoned by its secret authors. The deed was too daring in the green tree of the past Administration. Passive subserviency to Executive dictation had not then gained the ascendency in this and the other House of Congress. The project slept unseen, except by a small glimmering in the message of 1830, and 1831, it was insidiously brought forward in the recommendation of the removal of the deposites, in the message in 1833. The spirit of Congress was still too pure to sanction so lawless an act. But, sir, the master spirits of this grand scheme were not to be foiled or disheartened by these discomfitures into an abandonment of their plan. By the appliances of flattery and excited prejudice, they stimulated Gen. Jackson to assume the responsibility of seizing the public treasure—Cæsar like, from the custody of the law—a strong engine of Executive power actively wielded by the master spirits in securing the succession. The most potent instrument aided by the exuberant popularity of the then President, in effecting that result. Now I repeat it. Never did any man labor under a more fatal delusion than our present Chief Magistrate, in supposing his election turned upon any great question of national policy. He is nothing more than the missletoe, the fungus oozed out of the hickory tree, sustained and bolstered up by the corrupt use of the people's money. The deposite act having passed in compliance with the repeated importunities contained in every message from the time of the removal of the deposites, praying for the action of Congress, restraining the discretion of the Executive over the Treasury, it obtained a most reluctant approval of the President, after full inquiry and ascertainment that a veto would not arrest it. Sir, the restoration was doomed to short life. Those who had used this potent engine to so much profit, felt most grievously its loss. Hence the systematical efforts made through a pliant Secretary of the Treasury, to arrest a successful operation of the act, at the sacrifice of the State banks, the ladder of their elevation. But what cared the President elect for honor, gratitude—'tis something—'tis nothing—office was attained, but office was to be perpetuated at any sacrifice. He knew well the influence money had exercised in bringing him into power, and that a continuation of this influence alone would preserve that power; therefore it became necessary to blow up the deposite system, that it might again become the reluctant duty of the Executive, in the discharge of the duties of his office, to take the public money under his voluntary and discretionary management, that he might repeat the hollow and deceitful petition in his messages, praying Congress to take from him all the discretion not indispensable from the duty of the Executive. And how, to the life, has he imitated his illustrious predecessor in this particular. To make assurance doubly sure, the specie circular is issued forthwith upon the adjournment of Congress, in

*John C. Calhoun.

†Thos. H. Benton.

contempt of its opinions so recently and decidedly expressed. This is associated with a studied want of financial skill in the execution of the deposite law; knowing that upon a suspension of the banks by the operation of the deposite law, the revenues would necessarily fall into the hands of the Executive, and there remain uncontrolled by law until Congress could act. Having the Senate and Executive in his own hands, knowing no action of Congress could take place save such as he might dictate, for the ensuing four years; hoping in the mean time that in the general wreck, uncertainty and confusion that must prevail, unusual distress, public and private, that such an overwhelming catastrophe must produce, he would be enabled to force, by duress of wo and misery, the people to take refuge in the embraces of this scheme, at present simple and apparently harmless; but intended, in due season, as I hope to prove beyond doubt or cavil, before I sit down, to terminate in a great mammoth Treasury Bank—an odious engine of tyranny.

And at last, in the year 1837, after seven years' labor in the mean time, half concealed, half disclosed, the Sub-Treasury rises on the country, assuming at first entrance the humble cognomen of "Sub"—growing a little more confident by age, it claims to be called constitutional—becoming impudent by indulgence, it arrogates, in the three short years of quasi existence, to be called Independent. Yes, sir, it already boasts its independence of the country—of the sovereign people—of every thing save the favored office holders. And the many thousands who, in 1834, denounced it as a monster, now vie with each other in rushing to "worship and adore the golden idol." But to leave this digression and return to the opinions of Gen. Jackson upon the subject of banks and this grand scheme. I had traced him down to 1836. In his farewell address, he pronounced the country "prosperous and happy," to be sure intermixed with some dark hints about "contractions and expansions, and revulsions, ebbs and flows in the currency, engendering a wild spirit of speculation," &c. But yet, after all, he concludes with this declaration: "In our domestic concerns there is every thing to encourage us; and if you are true to yourselves, nothing can impede your march to the highest point of national prosperity." How unknown is the mysterious future, even to the most sagacious! In two short months the suspension comes—not partial, as had repeatedly happened before without producing much of a shock, but universal. It now became the interest of the party in power to change sides and write down the banks, and write up this scheme they so bitterly derided in 1834—the scheme that had been denounced by the almost undivided voice of the party now in power. The identical proposition receiving but one Van Buren vote in this House upon Gordon's resolution; pronounced by the official organ, (that never dared speak upon any great financial question of this kind, but as directed by the President, he moved and stimulated by Van Buren and Benton,) as disorganizing revolutionary, subversive of the fundamental principles of our Government and of its entire practices from 1798 down to this day. Again, from the same paper. "It is as palpable as the sun, that the effect of this scheme (alias the Sub Treasury) would be to bring the public treasure much nearer the actual custody and control of the Executive than it is now, and expose it to be plundered by a hundred hands, where one cannot now reach it."

Again. "Had such a suggestion come from Gen. Jackson, it would have been rung through the Old Dominion. See how he wishes to put the public money directly in the palms of his friends and partisans, instead of keeping it on deposite in banks, whence it cannot be drawn for other than public purposes without certain detection. In such a case, we should feel that the people had just cause of alarm, and ought to give their most watchful attention to such an effort to enlarge Executive power, and put in its hands the mean of corruption." Again, same organ—mark this: "It is well known that the President himself is opposed to this project, and that his friends in Washington, whether of the cabinet or not, heartily concur with him in the course of policy it is expedient to pursue." Again, the same organ: "If Gen. Jackson had suggested such a system, (the Sub-Treasury,) what peals of patriotic indignation would have burst from eloquent Senators against the usurper and tyrant who desired to get the millions of the Treasury into the very hands of his partisans and parasites." Again: "We verily believe that the present system (State banks) of deposites for the public money, regulated by law as it will be, is as good for safety, and the least liable to abuse by the Executive, of any which the wit of man can conceive." Now, sir, I have not read these extracts to prove to the House what were the opinions of the Editor of the Globe in reference to this scheme of a Sub-Treasury in 1834; no, sir, that would be a small business. My purpose in reading these extracts is to show this House, and this nation, what were the views of the party at Washington in 1834, as avowed in the official organ, published at the very doors of the President and cabinet, speaking by authority the sentiments of the party upon this scheme of a Sub-Treasury. You have it here expressly admitted, had Gen. Jackson advocated this very identical Sub-Treasury scheme in the year 1834, he would justly have been called a usurper, a tyrant. Now, in this year of our Lord 1840, Martin Van Buren recommends and advocates the same scheme of a Sub-Treasury, and he is, by the same party, lauded to the skies as a Democrat, a Democrat dyed in the wool: and all who oppose this scheme are branded by these self-styled Democrats as Federalists, aristocrats, monarchists, friends of despotism and tyranny. Oh, unblushing impudence! Oh, the blindness of party! Oh, the credulity of an honest and confiding people! How much longer will you slumber? When, oh, when will you rise in your majesty, and vindicate your abused confidence, an I strike with the sleepy sword of justice (almost grown rusty for the want of use,) your unworthy public servants? But, sir, to return to my facts. The banks having suspended in May, 1837, by the maladministration of the party in power, having been used and abused until, by their aid the party had "demolished" the Bank of the United States; acting upon the true Machiavelian policy that consistency, honor, and gratitude, were attributes unknown to the character of a practical politician; going upon the principle that ends were every thing, means nothing; that the true theory of a republic was a strong and rich Government and a poor people, it became the cardinal principle of the party to denounce the banks so recently and so extravagantly eulogized by them as the real touchstone of party orthodoxy. Now, sir, this was a sudden and violent somerset, as you know, I have no doubt, by woful experience, Mr. Chairman, for any man to make who had any regard for political consistency, moral integrity, or future reputation. Yes, sir, the man of character, of conscience, nauseated at the very contemplation; and the history of the times records many noble examples now illustrating in political exile, and bearing with self-approbating and self-consoling composure the bitter denunciations of "apostate and deserter," the triumph of patriotism over the shackles of party, or the allurements of ambition. To their names will immortal honor attach; to their reputation let undying praise be given; statues should be erected to their memories. But, sir, how was this scheme to be broached to the country? Here was a double imposture to be carried at one move upon the political chess-board. The favorite pet banks were not only to be repudiated, denounced, "divorced," from all connection with the Government and the party, but this "disorganizing and revolutionary," this "usurping and tyrannical" scheme was to be substituted in their place. Sir, I hazard the assertion, to be submitted to any impartial man, that the history of all times past does not furnish in her political annals, a move so reckless of all decent respect for the just judgment of mankind, for the intelligence of the people, for the intelligence of Congress, the people's representatives; omitting the treachery, the perfidy, and ingratitude towards the State banks. But, sir, the measure had to be attempted and accomplished, or the party sink. The Bank of the United States had been put down and decried as a monster; the State bank system, in despite of all the puffing and blowing, had realized the prophecies of all the sagacious statesmen of the day; the Sub-Treasury which had slumbered from 1829, but which, by the by, had been the favorite bantling of the present Chief Magistrate, and the "great expunger," as I will demonstrate before I am done; they tolerated for party purposes the most violent maledictions, to be poured out upon its unshaped head; exercising vigilant caution themselves to let slip no word of denunciation, mark this, Mr. Chairman, whilst you and others were used as the blind dupes of party, to carry out the grand drama of putting down the United States Bank by the use of the State banks, as a half-way house, to make way for this magnificent scheme of finance. The "great humbugger" and the "Little Magician" kept their mouths hermetically sealed; a studied silence on their part was preserved. An impenetrable curtain was kept hung up between these two master spirits and the blind instruments of party they were using, as so many puppets, to carry out their dark and damning deeds of policy. But the question came up, how is this movement to be effected? Did the President dare propose it in his own name? No, sir; he was too sagacious to be caught in that trap. He knew full well that such a measure, bearing simply his endorsement, though the Chief Magistrate of the nation, would never pass the ordeal of public approval; he thought of the party laudation upon the State banks; he thought of the party denunciations of the Sub-Treasury scheme in 1834; he knew that the weight of his name as authority, though in office, when opposed to that of General Jackson at the Hermitage, was as a grain of sand compared with the mountain. He knew that he lived, and breathed, and moved in the political atmosphere of the old Hero. The car of State being in the mire, Hercules had to be called to the wheels before she could be moved from her fastness, believing and "boasting" that his popularity could stand any thing and every thing. Accordingly, in the month of July, 1837, a letter is concocted by the 'great humbugger," forwarded to the Hermitage, sent to Washington with the signature of the old Hero, published in the official organ, branding the pet banks and merchants with "treachery and perfidy." What a shameful abuse of the name, the authority, the popularity of an old soldier, to bolster up a sinking party at the sacrifice of the public goed. But, Mr. Chairman, still more humiliating and mortifying to the heart of the patriot, is that this scheme is now about to be consummated in the shape of a solemn statute. A scheme, before that God to whom I am responsible for what I am about to say, I believe the annals of human delusion cannot furnish an example of more impudent, audacious, and monstrous imposture. A scheme which the Administration are, at least for a time, about to palm forcibly and unwillingly upon the people of the United States, under the flimsy and deceitful guise of returning to the "constitutional currency," the primitive simplicity of "a hard money Government." Nothing can transcend its audacity, its atrocity, whether we look at the means of accomplishment or the end to be achieved.

The conduct of the vile seducer is not blacker than the conduct of the ruling party towards these State institutions. When the war commenced upon the United States Bank, these State banks were in successful operation, treading in the line of duty, pursuing the dictates of prudence and virtue, doing a safe and profitable business for themselves and the country; the 'serpent came among them; he courted, flattered, wooed, and threatened them; he finally overcame their resistance to importunities; they yielded to gilded promises of profit and protection; they were used and abused in meretricious association, until the purpose of the party was accomplished; the excesses, forced upon them by their alliance, weakened them, and made them an easy prey; they are turned upon, and slandered, repudiated and discarded.

I now proceed to trace the political course of the Missouri Senator upon the measure before the committee and its associated measures, particularly the State bank system. I expect to establish upon him and our Chief Magistrate a degree of treachery, perfidy, and ingratitude towards those institutions, and of delinquency and infidelity of public trust to the country, unparelleled in the annals of human actions. These, sir, are strong charges, high imputations, but I confidently expect to make them good. Should I not, I will be justly branded as a wilful libeller. Should I succeed in sustaining my charges with proof, incontestable proof, I confidently hope these public officers will receive the judgment due their political delinquency, so long merited at the hands of a deceived and deluded people, forfeiture of public confidence and expulsion from their high stations, as soon as the forms of the Constitution will permit. I shall offer no controverted or debatable testimony in support of these allegations; I shall rely exclusively upon facts, recorded facts from their own speeches and State papers. Yes, sir, out of their own mouths shall they stand convicted of every charge I have preferred. Who, unacquainted with the political history of this country prior to 1837, would conceive it possible in the nature of human changeability, that either of these distinguished personages have ever advocated a paper money system, and the worst part of the system, the State banks? Every honest man would answer, it cannot be so, it is too base, too profligate. He would exclaim, the infamy that would follow the establishment of such a fact, would blacken the character of a fiend of hell itself. I am not responsible for consequences, they belong to the actors. I am handling facts, and facts I intend to use, cut whom they may and however deep they may. I place the "great expunger" † upon the witness stand; I appeal to his recorded confessions, undisputed and indisputable, against himself and his accomplice, the present Chief Magistrate, who I know will not question the credibility of the witness. I now read from the speech of the Missouri Senator, delivered in 1834, upon the bill to recharter the Bank of the United States. "Mr. B. deprecated the spirit which had broken out against the State banks; it was a spirit which augured badly for the rights of the States; those banks are created by the States, and the works of the States aught to be respected; the stock in these banks were held by American cititizens, and ought not to be injuriously assailed. The spirit of hostility to the State banks is of recent origin, and seemed to keep pace with the spirit of attack upon the political rights of the States." But, sir, this is not all; in the same speech, he says: "The resolution of 1816, admitting the notes of all specie paying banks to receivability in the payment of Federal dues. It was a resolution of cardinal importance for the regulation of local paper currency. The effect it had in rectifying and purifying a disordered currency had been too much overlooked. Its professed object was to regulate the currency of the State banks, and to regulate it by the power of the Federal Government, through the agency of the Treasury Department." Again, from a speech delivered in 1836, in the Senate, upon the Specie Circular, we find this language: "Never before did the prosperity of the country equal the present time. Never was there such exuberance of prosperity." Again, in same speech: "No longer can banks set themselves above law and above Government; no longer can they stop payment." Now, sir, I will read an extract from a speech of this session, made upon the bill under consideration. Speaking of these same State banks, he says: "Sir, what is the banking of the United States, but the tail, the fungus, the excrescence of the British paper system? What is it but this; look at it in all its parts, in the aggregate as well as the segregrate, and see what it is—how weak in itself—how dependent upon others. The banks of the South and West, built upon the sandy foundation of borrowed paper, and dependent upon those of the Northeast; those of the Northeast are dependent upon the paper fabric of England; the whole banking system of the United States has its centre in London." Now, sir, let us pause for a moment, and analyze these various passages. This honorable Senator, in 1834, deprecates any disparagement of the State banks, as a violent assault upon State Rights, as a wanton attack upon the "stock of American citizens." But what more? He eulogizes the revolution of 1816, the instrument of the first legalized union of the Government and the State banks, known to the history of our legislation; lauds its "simplicity," its "efficiency" in "regulating," "rectifying," and "purifying" the disorders of the local paper currency. And how is this great desideratum effected? Hear him: "By the power of the Federal Government through the agency of the Treasury Dpartment." And how? By a "divorce" of the Government revenues from the banks? No, sir. By exacting Government dues in gold and silver, as this bill proposes? no, sir. But by receiving State bank paper in discharge of all dues to the Government—a complete union of bank and state. And yet in 1840, the same Senator denounces these same State banks, "those institutions of the States," to have been at the time of these vindications and eulogies, as well as now, the tail, the fungus, the mere excrescence of the British paper system, having no solid foundation; denounces the union of the Government with the State banks, "as recommended by Jefferson" to President Washington, and opposed by Hamilton, "as rank Federalism." I will now show that the Senator of Missouri and the Chief Magistrate were one and the same, Castor and Pollux, twin brothers, in their financial and currency views, opinions and policy. In doing this, I will demonstrate, from documentary testimony, authorities that no friend of the party in power will dispute, that it never was the intention of the present Chief Magistrate, or of the Missouri Senator, to continue a permanent connection of the Government with the State banks; that they only intended the league to last until by alliance with these institutions, they could succeed in demolishing the United States Bank. Yes, sir, the perfidious and treacherous stratagem was conceived and consummated of enlisting the co-operation of the State banks, to aid the work of "demolition" upon the monster, regardless of the ultimate ruin of the State institutions, or of the prosperity of the country. Now, for the proof of this proposition, I read from the official organ of 1839, an article upon this point; every word of which I hold the President responsible for and so will the country. He feeds and fosters and clothes the dirty kennel by his patronage; reads it every morning before breakfast; rolls its wilful falsehoods and filthy slanders under his tongue, as so many sweet morsels. It does not publish any thing he does not authorize or approve. Hear the article: 'Let those who now inveigh against the employment of State banks at that time, (1834,) look back and ask themselves, whether it was possible for General Jackson to accomplish his object by any other means. If he had proposed a separation from all banks, he would have forced all the State banks and their friends in full and effective alliance with the Bank of the United States." In connection with this article, I read from a speech of the Missouri Senator upon this point, delivered this session, upon this bill: "If any one asks when it was I commenced to labor for the establishment of an Independent Treasury, I answer, I began this labor on the day I began my labor to terminate the existence of the United States Bank. That Bank was in the possession of the two precise privileges, which would constitute the new system, the privilege of paying the public dues in her own notes, and the privilege of keeping the public moneys. Now, it is evident there could be no Independent Treasury until these bank privileges were abolished, and to abolish them, the bank itself must be brought to a close. It was necessary to get rid of that institution before we could begin to erect the Independent Treasury. Demolition was to precede erection. True, the transit was not direct from one to the other. There was a half way house between them; as indispensable to be stopped at, and tarried in awhile. (Mark the emphatic language.) This half way house, as every one understood, was the State bank deposite system. We continued in it three years, from 1834 to '37. It blew up, and we left it, and the Democratic party then took the decisive ground of going the whole distance and erecting the Independent Treasury; basing it upon the two pillars of keeping its own money, and using nothing but hard money." These, sir, are precious confessions upon this point; murder will out; corroding conscience sometimes forces disclosure—unguarded and brazen confidence sometimes—pride of self gratification and vanity sometimes. The moving cause of this development is manifest to the dullest mind. '"O truth where is thy signet; O shame where

* Amos Kendall.

† Thos. H. Benton.

'Benton's speech on Sub-Treasury this session.

is thy blush!" Sir, my heart sickens at the contemplation—my soul sinks into deep humiliation at the degradation of my country's honor. It impairs my respect and admiration for the forms of popular Government. What else do we hear; what else have we heard for the last ten years dinning in our ears from the dominant party, but professions of unbounded faith in the intelligence and virtue of the people? *Vox populi, vox dei*—the voice of the people is the voice of God—has been the burden of every State paper coming from the Executive for the last ten years. The favorite and cherished theme of every demagogue in Congress and out of it, of the party in power. And yet, sir, if there is any credit to be placed in the authors of the passages I have read to the committee, it is indisputable that the people, the dear people, the intelligent people, the profound people, the virtuous people, the people "whose opinions and wishes should always be consulted in the adoption of any great measure," so far from having their "opinions" and "wishes" consulted upon great public measures, involving not simply their prosperity, but their very existence as a free nation, have been studiously kept (by these self styled Democrats,) in the most profound ignorance of what was secretly meditated. The people could not be trusted with the secret. They had for seven long years been kept upon the green, but deceptive surface of a full charged volcano, unconscious of the danger beneath, tantalized by hollow, deceitful, and treacherous demagogues, blinded by flattery and deluded by specious, but false appearances of permanent prosperity. They, who, for sordid and selfish purposes of avarice and ambition, have by syren songs lulled them to sleep, or if they even aroused them, it was only to write the sentence of political ostracism against the patriot who had moral courage and public virtue sufficient to proclaim the danger that awaited and threatened them.

But, sir, I have said Mr. Van Buren and the Missouri Senator were Castor and Pollux, twin brothers, in all this crusade upon banks and currency, in all this perfidy and treachery to the State banks, in all this system of infidelity to the preservation of the public moneys, in all this delinquency of duty to the people as their "public servants." Now, sir, I intend to prove it, every word of it I mean to prove. Sir, I know these details of facts are tedious perhaps; they are bound to be minute and individual in their bearing; but it is due to the just appreciation of the character of these individuals, filling high places, to the proper amount of authority their names should weigh in the consideration and adoption of this or any other great measure of public policy; and, above all, it is due to the abused faith of a too confiding and deluded people, that the part played for the last ten years in the great drama of bank "demolition," currency demolition, exchange demolition, finance demolition, and public and private property demolition, should be freely and faithfully spoken, written, and published to the people of this country and the world. If the effort should fall still born, as I have every reason to fear it will upon the majority of this House, and possibly upon the people, though I pray God not, yet I shall still have the consolation of having discharged my duty.

Now, sir, I proceed to offer the testimony to establish the political twinship of Mr. Van Buren and the Missouri Senator.‡ I read from a letter, written in 1834. Alluding to, and speaking of Mr. Van Buren, he says; "I have know that gentleman long and intimately; we entered the Senate of the United States together thirteen years ago, sat six years in seats next to each other, were always personally friendly, generally acted together upon leading subjects, and always interchanged communications and reciprocal confidence." Again, the Senator from Missouri, in his speech of this session upon this bill—"the catastrophe of 1837 was preparing, and I saw it as distinctly before it happens as afterwards. In the winter of 1836, I pointed out this catastrophe to the President elect, the now President of the United States. I invited him into the Finance Committee room of the Senate in the winter of 1836-7, four months before the banks exploded, and made known to him my opinion of the coming danger. I spoke to him in his high charactar of President elect, and to warn him of the danger that was to salute his nascent Administration. I should not mention this, was it not that the President himself well remembers it, and often mentions it. I had no more doubt then of the coming explosion, than I had after the nine hundred banks of the Union had shut up." Shall I multiply proof? I have more at hand, but will not stop to read; none but the sceptic, it seems to me, can doubt, after the facts already furnished. But I must claim the attention of the committee to a brief analyzation of this paragraph. It discloses more important information upon another point. Besides the twinship, it fixes, beyond the power of escape, when taken in connection with the speech of 1836-7, and a sentence to be found in the inaugural of Mr. Van Buren, in these words, he says: "In all the attributes of a great, happy, and flourishing people, we stand without a parallel in the world; we present an aggregate of human prosperity surely not elsewhere to be found." Now, sir, mark the dates, for dates sometimes are all important in scanning facts. Remember that in 1836 the people had fifty millions of dollars on deposite in the State banks; depositaries selected, recommended, and endorsed as safe places of the public treasur by these distinguished personages. The currency of these banks also recommended and endorsed to the country as sound, in the speech of 1836; and in the inaugural of the 4th of March, 1837, four months after the "private conversation in the Finance Committee room," in which conversation it is agreed that the State banks were rotten, that the currency was unsound to the core; that explosion, a universal explosion, must come and come quickly; and yet no public avowal to the dear people of the imminent danger of their fifty millions of money deposited in these banks; no public notice of the ruin, the universal ruin, that was ready to burst upon the devoted heads of those who had been worshiping at the shrine of the golden idol; but, on the contrary, a studied silence, disguised under the most plausible and positive assurances that all was well, all sound. Can any further testimony be asked, to establish the charge of infidelity to the Government as guardians of the public treasure; of wilful delinquency and treachery to the people?

Mr. Chairman, before I close my observations on this branch of the subject, it is proper to review more minutely the views and opinions of the present Chief Magistrate upon the subject of State banks; to contrast his opinions at different periods, that the committee and country may have a standard by which to value the worth of his present views. I commence as far back as 1829; I read from State papers. In his message when Governor of the State of New York, he says; "*The most important business of the session will be the question of the renewal of the charters of the several banks in the State; thirty-one charters would expire in the course of four years, with a capital of fifteen millions;*" he then proceeds to say: "That to dispense with the banks altogether is an idea that seems to have no advocate;" he says: "That experience is against banks owned wholly by the State; and that, to make stockholders liable in their individual capacity throws the stock into the hands of irresponsible persons." He repudiates the practice of exacting "bonuses" for bank charters, and says: "That, compared with the community, stockholders are few; and hence the legislative measures should refer exclusively to the safety and ability of the institutions." He then presents a brief epitome of the "safety fund system," and recommends its adoption. Now, sir, these are the recorded opinions of our hard money President in 1829. We find in this message no hing about gold and silver being the only constitutional medium; nothing about an "exclusive metallic currency," except a denunciation of it as a humbug; nothing of "monopolies, privileged, irresponsible, soulless corporations," nothing of the danger of "associated wealth" to the perpetuity of our free institutions; nothing of the "delinquency of morals" engendered by excessive bank issues, and wild speculation; but, on the contrary, exclusive State ownership of banks repudiated; corporate association, with individual stockholders, vindicated; liability of stockholders in their private property denounced; the charging of "bonuses" reprobated; the weakness of stockholders, as compared with the power of the community, urged as a reason why the legislation should especially regard the "safety and stability of the banks."

Now, sir, I must acknowledge, had I not long since adopted for my motto "*nil admirari*," wonder at nothing, I should have been struck with surprise and amazement when I first read this State paper. But to come down to a more recent date. In the celebrated letter to my colleague, S Williams, written in 1836, the present Chief Magistrate endorses and approves all the recommendations and eulogies of his illustrious predecessor upon the State banks, no difference of opinion, perfect harmony between him and the late President upon the various currency movements of his eventful administration; no one doubts it. I have already given the reason. He boasts in that letter of the successful fiscal operation of the State banks, of their safety as depositaries, of the promptness and facility with which they transferred and disbursed the public funds free of charge to the Government; he speaks exultingly of the soundness of their circulation, of the cheapness of domestic exchanges, the increased amount of such facilities furnished to trade over and above the United States Bank in any given period; the regulation and purification of the currency, and the increase of gold and silver, proceeding from the policy of the Administration in the judicious management of the public money as deposites in the banks, now denounced by him as the vicious, pernicious union, "injurious to banks, currency, and Government."

Lest I may be charged with misrepresentation, Mr. Chairman, as every thing is disputed these times, and these views are so antagonistical to Mr Van Buren's present views, I will read from that letter a few paragraphs, that there may be no mistake upon this point, and the first extract will show you what a profound financier our worthy Chief Magistrate is, as illustrated by experience. "No rational plan for the regulation of the fiscal affairs of the country, can fail to succeed, if the mass of our industrious and enterprising population, without regard to local, sectional, or political distinctions, are only sincerely desirous for its success." Now, sir, this letter is written in August, 1836, a few short months after the passage of the deposite law. A "plan for the regulation of the fiscal affairs of the country"—supported, passed into a law, voted for by overwhelming majorities of both parties, in both Houses of Congress, and signed by President Jackson. No candid man will say that the "great mass of our industrious and enterprising population, without regard to local, sectional or political distinctions, were not desirous for its success" The President will not say it was not a "rational plan." This would be casting a deep reflection upon the intelligence of his own friends; it would be a denunciation of the very measure, the lever that lifted him into the high station he now occupies, if the sagacity, sound judgment and well matured opinion of his friend from Pennsylvania, [Mr. BUCHANAN,] is entitled to credence. That distinguished Senator, in his able speech this session upon this very bill, speaking upon that act, uses this strong and emphatic language: "I verily believe the present Chief Magistrate would never have been elected had it not been for the passage of the deposite bill." Now, sir, the question recurs, why did this "plan" fail; was it not a "rational plan?" The President will not say so; he dare not say so. The names of the ablest statesmen of this or any other age, of all parties, stand recorded in its favor. I have given you the reason in extenso in my remarks already delivered. Mr. Chairman, the reason is summed up in this short sentence; it was not the "plan" of Martin Van Buren, Thos. H. Benton, and the secret cabinet, composed of names that I will not defile my tongue nor offend the ears of this committee by mentioning. It left no "voluntary," no "discretionary" powers with the Executive. It defined in terms of rigid specification, the duties and powers of the Secretary of the Treasury. It interposed an impassable barrier between the public purse and the Executive. It did not provide by law for a union of the purse and sword in the hands of the President; the consolidation of all powers; despotism in its most odious shape. In fine, it was not the "Independent Treasury," which the Senator from Missouri tells you and the country he and Mr. Van Buren have been covertly aiming at and assiduously struggling for since 1830. Sir, with the proofs I have furnished, can any honest man doubt why it was this plan so suddenly failed? See the executive weapon resorted to, instantly upon the adjournment of Congress, the specie circular; ordered in the teeth of every member of the Senate, save two, the Senator from Missouri being one. The identical measure had been proposed a few days before the adjournment as a legislative measure and rejected. A weapon of itself sufficient, as it proved to be, if wielded for evil, to arrest the "success" of the "fiscal plan," the deposite act, passed with such unanimity in Congress, and received with such hope and joy by the country. The specie circular, a measure justified under the pretence of checking the sales of the public lands, and stopping the over issues of the banks, and saving the public treasure from loss. How hollow; how false; how delusive. It was not needed for the second purpose, as the deposite act of all measures was best adapted to answer that end. It could not effect the first object, as the money, immediately upon payment to the various receivers, was placed in the most convenient banks, ready to be loaned out the same day. The operation in this respect proved by experience, and was admitted in the annual message of the President, as he was bound to admit, however unpleasant, unsuccessful. It amounted to a financial rotary motion, a mere circle of payments and discounts of the very same specie, paid into the banks one hour and loaned out the next to some favorite speculator. It totally failed in the third purpose, having no adaptation to the end; it imposed no restraint upon the depositories; it simply operated unjustly, unequally, and unconstitutionally upon the public receipts. But, sir, it produced effects—effects ruinous to the finances, ruinous to the country. This measure deranged the whole internal commerce of the country, producing panic, destroying confidence by the Government blowing up bank credit, and breaking up exchanges, at the very time when the banks were in a critical position, performing a heavy operation, in fulfilment of the requirements of the deposite act, a crisis when the banks and the country should have been permitted to have made the best possible use of their resources, without violence from the Government. Yes, sir, if patriotism had prevailed with the rulers of this nation, instead of interposing Government embarrassment, the fostering hand of Government should have been extended For the sake of the country, for the sake of the people, for whose benefit Government is instituted, and not for the sake of the banks, every aid not inconsistent with the Constitution, would have been afforded at this trying crisis. But was it done? no, sir, no. The success of that measure was at war with the grand scheme of the cabal I have named; party policy demanded its defeat; the sacrifice must be made and was made, in despite of the fact blazing in their faces, as clear as heaven's sunbeam, with it must be sacrificed the true interests of the people. And yet, sir, the "Great Humbugger" exclaimed 'glorious specie circular," "the ever glorious specie circular," and his idolatrous crew of worshippers, embracing the new President, echoed and re-echoed the maniac sound, repeating the more than Gothic exclamations of the party, during the pressure of '33 '34, "perish credit," "perish commerce," rather than abandon the success of the grand scheme. Never was the power of the Government more wantonly or basely used, to effect a political end. As a financial measure it did violence to all the laws of trade and commerce, by the direct and forcible interference of Government. A result too plain for any man of even mean sagacity not to see who understood the first rudiments of finance and trade Ignorance or misjudgment affords no apology. Commerce has its laws, maxims, fixed and invariable principles, unchangeable; this measure done violence to the plainest one of these principles, it carried the money from whence it was due, and sent it to a section from which it was owing; "it took it from the creditor and sent it to the debtor, it reversed the laws of commerce and exchange. Instead of easing the exchanges, at that time much unbalanced, by ordering the revenue from the debtor section of the country to the creditor, where it was received for disbursement, thereby aiding to square the balance of trade between the South and West, and the East and North in its practical operation, it reversed the current of exchanges, and ruinously increased the balance. It not only had this deleterious effect, but it diminished fourfold the amount of circulating medium in the creditor section, in addition to the unnatural abstraction of the amount received for sales of land. The requisition being made in gold or silver alone, every dollar withdrawn from the banks to meet the order in council, took away the basis of four dollars of paper currency. But this was not all. The panic, alarm, confusion, and apprehension, excited upon the community, operated to an extent that defies human calculation. Some conception may, however, be formed by the ravages that ensued; the unmitigated mischief that followed to the Treasury, to all classes of society, to all sections of this wide spread Union.

I do not intend, Mr. Chairman, to be understood as saying all the distress and ruin this country has suffered proceeded alone from this measure, or that there would have been no explosion in the currency; this I do not believe; "antecedent causes" had been operating for years, the fatal effects of which were bound to produce a moneyed crisis; it had only been postponed by factitious circumstances, thwarting the regular connection of cause and effect; but what I mean to say is this: the catastrophe was hastened, aggravated, egregiously aggravated, by this measure. There would have been a partial suspension, but not universal; there would have been no national bankruptcy, no universal, all-pervading distress, unparalleled individual insolvency, but for the adoption of this "despotic order," so "glorious," ever "glorious" in the estimation of its authors, wantonly pernicious and wicked in the estimation of every man who will look impartially at the condition of the country now, and contrast its condition then, and listen to facts, and candidly attribute effects to their just and natural causes, and give "to human passion its natural agency in stimulating human action." Now, sir, to leave this digression, and return again to Mr. Van Buren's Bank views. From the same famous letter, I read this paragraph: "The amount transferred by the deposite banks from June, 1835, to April, 1836, was over seventeen millions of dollars; the operation has been without loss, failure, or expense." Again: 'In regard to the domestic exchanges, the amount performed, at the last returns, by the deposite banks, exceeded thirty millions; which would be, in a year, one hundred and eighty millions. It further appears these exchanges have been effected at a lower rate than by the United States Bank" I here close the testimony upon the President's Bank opinions. I will not weary the committee with any comments of mine; indeed, no comment is needed; the facts are plain, intelligible, fully sustaining every allegation I have made, bold and daring as they may have seemed, at first blush, to those who had not taken the pains, or had the curiosity or the means of reviewing these topics. I have been thus minute in laying bare the political history of these distinguished personages, not to gratify any feeling of envy or malice; my bosom repudiates any such motive; not to exercise a malignant vanity at showing up the ridiculous and multifarious tergiversations and inconsistencies of great leading politicians; not to draw off the attention of this committee from the true merits or demerits of this measure, by dealing in the *argumentum ad hominem*, which of itself, I admit, neither establishes the truth or falsehood of a proposition; but my object has been purely patriotic. I know that, with the great mass of men, particularly in times of high party excitement, authority is every thing; reason, abstract reason, solid argument, nothing. How else could I check error, and break the spell of delusion, fatal delusion, that has deceived and misled thousands and tens of thousands of confiding followers; forming their opinions upon the simple authorities of others, without thinking for themselves, than by holding up in broad but true relief the political history of these men, that the people might see how often they had already been humbugged; and if they were dispo-

‡Col. Benton's letter to Gen. Davis, of Mississippi.
*Epitomized by Holland, his chosen biographer.

sed to profit by sad and woful experience, steer clear of future difficulties by withdrawing their confidence from such a pack of political charlatans.

Mr. Chairman, I cannot do complete justice to this part of the subject without noticing briefly the opinions and statements, at different periods, of another distinguished individual upon the topic of State banks, as likewise upon the measure now under consideration. This individual is now, and has been for a series of years, honored with the high station of Secretary of the Treasury, Chancellor of the Exchequer; his character as an able financier, and as a faithful public officer, has received in this debate the highest encomiums; every device has been resorted to, to give force and weight to his views and opinions, and to bolster up and varnish his reputation as a man and a faithful public servant. It is due to those maltreated institutions—it is due to the complete history of this topic—it is due to the people of this country, that these false clothes should be torn off of this individual; that his gross inconsistencies, his glaring contradictions, his stupid ignorance, or his wilful turpitude, should be laid open to public view. That the deceived and deluded people may learn and know how little importance, how little credit, ought to be given to even the sworn official statements of the highest Executive officers of this nation. I ask the attention of the committee and the country to facts, stubborn facts, and figures; these are the weapons of truth, sacred truth. The special report of Secretary Woodbury, communicated to Congress in 1834, on the public moneys, speaking of the Sub-Treasury, the very same project contained in this bill, he says: "This kind of personal agency, (alias the Sub-Treasury,) in the opinion of the undersigned, is to be avoided, because it is less convenient, less secure, more complex, if not more expensive." In same report, speaking of the comparative safety of the State banks with the United States Bank, or Government agents, (alias the Sub Treasury,) he vindicates the State banks by reference to tables, figures, and facts; proves conclusively their preference over sub-treasurers as safe depositories. Speaking of the losses the Government had sustained from State banks, he says: "Thus the truth on this much misunderstood and misrepresented subject, is, that in 1817, when the deposites were ordered by the charter of the second United States Bank to be placed in that institution, and the State banks were discontinued as depositories, and only about sixty State banks failed to meet all the demands on them with promptitude, the whole indebtedness of the seven deposite banks when they failed was only $139,010; and they have since paid to the Government $133,169. These payments, independent of some interest, leave due only the small sum of $6000. Notwithstanding the wide-spread commercial distress of 1817, 1818, 1819, it will be seen that only four more deposite banks suspended payments between 1817 and 1821; one only in 1818, which has since paid all its debts; another in 1819, which owed only about $17,000, as a deposite bank; and two in 1821, both of which have settled every thing originally due. Thus the truth on this much misunderstood and misrepresented subject, is, that four out of the number of the selected banks have discharged all their liabilities, and the residue of the liabilities of all the others, as deposite banks, is less than $35,000. This is not a tythe of the sum which has frequently been lost to the Treasury by the failure of individual merchants on their bonds for imports; nor equal to the sum frequently lost by the failure of many single disbursing agents connected with the different departments of the Government, and under large bonds for security." Again, from the same report: "If we include the whole present dues to the Government from discredited banks, at all times and of all kinds, whether as depositories or not, and embrace even counterfeit bills and every other species of available funds in the Treasury, they will not exceed what is due from two such fines, of almost one hundred banks, not depositories, which, during all our wars and commercial embarrassments, have heretofore failed in every part of the Union, in debt to the Government on their bills or otherwise, it will be seen by the above table that the whole of them, except seventeen, have adjusted every thing they owed, and that the balance due from those, without interest, is less than $82,000. Justice to the State banking institutions as a body, whose injuries to the Government have been almost incredibly exaggerated, and whose great benefits to it have been almost entirely overlooked, has led me to make this scrutiny, and submit its results, under a hope that it will in some degree not only vindicate the banks from much unmerited censure, but justify this Department for the confidence it has recently reposed in them." This report next treats of the State banks as fiscal agents—compares them with the United States Bank—then of the commercial benefits—their ability to furnish exchanges—amount annually—cheapness—the soundness of their currency—its great uniformity of value—equal to the paper of the United States Bank; and if not, still he argues in the report there should be no re-established Bank, for this reason, because, he says: "All the advantages of a paper of high and general credit could be obtained, if deemed necessary, by Congress merely authorizing the issue of Exchequer bills or Treasury notes in public payments, and every object deemed valuable as a paper currency could be obtained as a revenue measure constitutionally." He then proceeds to descant upon the benefits to the Treasury, of a connection of the Government dues with the State banks—the "regulating," "rectifying," and "purifying" operation of this union of Bank and State upon the currency. He concludes with this unanswerable argument against the "Sub-Treasury," and preference of the State banks over that measure: 'In considering their safety, it should constantly be recollected that the owners of banks are like other individuals, interested to transact business securely; and desirous of making, not losing money; and that these circumstances with the preference in case of failure, being in favor of depositors and billholders over the stockholders, united with the security, if not priority given to the Government, render them, in point of safety, generally much superior to individual agents of the United States." Again: "It is gratifying to reflect, that the credit given by the Government, whether to bank paper or bank agents, has been accompanied by smaller losses in the experience under the system of State banks in this country, at their worst periods, and in their severest calamities, than any other kind of credit the Government has ever given in relation to its pecuniary transactions." Hence, he concludes in these words: 'Governments cannot be administered without giving some credit to debtors, and to collecting, keeping, and disbursing officers. Changing the name of the debtor or the debtor himself, from a bank or corporation to an individual, does not produce any change over the nature of the transaction, and does not prevent it from still resting upon credit, and leaving in some degree, liable to all its dangers and disasters. Hence, unless the States and the United States, should both deem it proper to dispense with the paper system (and which event is not anticipated) the Government cannot escape occasional losses from that quarter, and can never hope to escape all losses from banks or fiscal agents, except by the employment in their place of individual agents, who will pobably be found less responsible, safe, convenient and economical." This is Secretary Woodbury, in 1834. It was then the policy of the Administration to write up the State banks, to insure their strength as allies in demolishing the United States Bank—a leading part of their policy as I have heretofore shown. I have read but short extracts from this report, and epitomized the substance of the residue accurately and faithfully; it consists of fifty long pages; to read it all would fatigue the patience of the committee. Much of it is contained in the extracts from the letter of the President to S. Williams. Every finance and currency idea contained in that famous letter is taken from this report, much of it *verbatim et literatim*, as any gentleman can see who will trouble himself to read and compare. A pure and rich fountain of financial and currency lore, worthy to be drank at by the Chief Magistrate of a mighty people; fit original, fit copyist, *par nobile fratrum*; a noble pair of brothers. It now, Mr. Chairman, becomes my painful duty to compare these extracts read from this report, and copied and endorsed by the President, as I have read to you, in his electioneering manifesto, with the statements of this same President and Secretary, in the annual message and report communicated to Congress at the opening of the present Congress upon these topics, and particularly upon the point of losses to the Government, by the employment of State banks as fiscal agents and depositories. I read first from the report of the Secretary, copied in the message and endorsed: "Losses appear to have occured from defaulters among officers in every administration. The largest amount of loss from each class has been by deposite officers, consisting of banks, and including as the resolution requires, the depreciation on such of these notes as were taken for public dues. The loss by this class, at the lowest estimate, has exceeded six millions and a half of dollars. The aggregate of all these topics, taking the lowest estimate for banks, is about thirteen millions. The losses by the banks alone have been nearly as great as by both disbursing and collecting officers united, and is more than three fold as great as by collectors and receivers." Here are glaring contradictions, gross discrepancies, not simply of opinion, of theory, of speculation; but contradictions of fact, of figures—figures taken from the same table, flagrant discrepancies of calculation, from the same data. The precise, full and complete information, and evidence, was before the Secretary in 1834, when he presented his views and his calculation of losses, from which he made his calculations in 1839; and yet such palpable contradictions, such inexcuseable misstatements, in either the one or the other report, I venture, cannot be found in the fiscal State papers of any civilized nation upon the face of the globe. I defy all history, from the beginning of time, to produce a parallel. It gives me no pleasure to expose this unpardonable official misconduct. I speak not in anger or malice, but with emotions of shame and mortified pride for the degradation of national honor. How must such things appear to enlightened foreign nations—how humiliating to every votary of a free Government—how will they be viewed by impartial posterity? Our children will blush for the disgrace of their fathers.

Mr. Chairman, a short extract from another authority upon this measure, and I have done with this branch of my subject. I am about to read from an authority that is considered orthodox with you, sir, as well I believe as all others of the sons of the Old Dominion, who agree with you in political sentiment. It is for your benefit and edification, and for the benefit and edification of the school to which you belong, that I read it. I fear were I to pass it over, I would be charged with a want of courtesy, after the various authorities I have referred to. I read from the Richmond Enquirer, September 8, 1837; that venerable editor, after denouncing this very measure, this Independent Treasury, as it is now called, then called the "Sub-Treasury," as an "innovation," an "untried expedient," more "expensive," less "convenient," adding "a dangerous increase of Executive patronage." He winds up in these emphatic words: "The Sub-Treasury has never been sanctioned by the Republican party. In 1791, Mr. Madison argued against the necessity of a National Bank, by urging the employment of State banks. The same argument was preferred by Mr. Burrell, in 1811, against its recharter. It was again called into requisition in the attempts to charter, and then continue the second United States Bank. In fact, the State banks have been adopted at every crisis, and not the sub-agencies."

Now, sir, it becomes my unpleasant duty to explode another financial idea of our Chief Magistrate. It is a favorite delusion with him and his Secretary. It is to be found, with a slight alteration of phraseology, in every message and report since his inauguration; it is mixed up in all their State papers, to bolster this measure. Never was there a grosser humbug palmed off, or attempted to be palmed off, upon an intelligent people; yet, from want of exposure, the community not being in possession of the facts, the tables to detect the imposture, it has obtained many believers. The idea is this—that the augmentation of specie, from thirty millions in 1833 to eighty-five now, is attributable to the wise policy of this and the past administrations. The President, in speaking of the wisdom of the policy pursued by himself and his illustrious predecessor, says: "Its results have already been too auspicious, and its success too closely interwoven with the future prosperity of the country, to permit us for a moment to contemplate its abandonment. We have seen, under its influence, our specie augmented beyond eighty millions of dollars." Now, sir, was there ever a more daring assertion made in the face of figures. By reference to the report of the Secretary of the Treasury, laid upon our tables, and published to the country, it appears that our gross imports have exceeded our exports the immense sum of one hundred and seventy one millions of dollars in the last six years; allowing, then, seventy-one millions for profits of trade, which is extravagant, and we have a balance against us of one hundred millions of dollars. How is it, then, that we have had an increase of fifty-five millions of specie in the last seven years? According to the regular course of trade, we ought to be stripped of the eighty-five millions, and fifteen millions in debt in addition. That we are not in that predicament is not the fault of this Administration. How is it, then, we present such an anomaly in finance and commerce, the balance of trade continually against us for the last ten years, and still specie amounting to the immense increase of fifty-five millions flowing in? A paradox difficult to be comprehended at a superficial view, easily explained when the facts are understood. With the exception of a few millions arising from the Neapolitan, Spanish, and French indemnities, this entire influx of precious metals is to be accounted for alone by the discount of American securities in Europe, of various kinds, bank stock, railroad stock, canal stock, &c. And, sir, no man knew this better than our Chief Magistrate and his Secretary; to doubt their knowledge, is to impute to them a degree of ignorance that should impeach them, and remove them both from office. And yet you find this arrogant imposture, this daring humbug, iterated and reiterated in every message, and in every report of the Secretary since 1836. But, sir, this is not all. Our worthy President, not content with robbing the States and individual corporations of their just merit, in order to make political capital to save a sinking Administration, to shift the distress that hangs on the country, and the bankruptcy of the Treasury, from the mismanagement and misrule of the Administration, he in his late message arrays the amount of this State debt, exaggerates the true amount nearly one-half, as I will show from an accurate table, to magnify its importance and its indiscretion; misstates the condition and profits of those improvements; throws all the influence of his high official station into the scale, to blow upon the credit of these securities in Europe, to the embarrassment, delay, and ruin of some of these noble enterprises. The heart that could meditate and perpetrate so wicked a design, a course so ruinous to the private interests of thousands of praiseworthy citizens who have staked their all in these works, so prejudicial to many of the States who have embarked largely in a system of improvement, now uprofitable because of their unfinished condition; so destructive to the general prosperity of the country, meets not my envy. Listen to the language of our Chief Magistrate upon this topic, so alien to his duty, so foreign to the appropriate topics required of him by the Constitution to be "recommended" to Congress. He says, "The foreign debt of our States and corporations can scarcely be less than two hundred millions, requiring more than ten millions of dollars to pay the interest. This sum has to be paid out of the exports of the country, and must of necessity cut off the imports." Now, sir, I had supposed this was one of the very things we needed as a nation, a diminution of imports; at all events, it is one of the boasted effects to be produced by this very bill; but more upon this point by and by. To proceed with my reading—"In lieu of the comforts which it now brings us, we might have our gigantic banking institutions, splendid, but in many instances, profitless railroads and canals, absorbing the surplus fruits of national industry for years to come, and securing to posterity no adequate return." Upon this topic, as upon all others, we find our President and the Missouri Senator in perfect harmony—Castor and Pollux.

I now read from the Senator's speech at the opening of this session on the "Assumption of State Debts:" "Such are the representatives of the State debts, the best of the banks are doing but little, the best of the roads and canals are barely paying repairs, management, and interest. The mass of these institutions and works may thus be characterized—barren banks which cannot lend, suspended banks which cannot pay, unfinished roads and canals which are useless, finished ones which are either bringing their owners in debt, or barely paying the expense of repairs, the cost of management and interest upon the outlay." I cannot do justice to the history of this subject, without introducing a name I would gladly omit, but I am not permitted to do so. It finds itself in bad association, but we are told that politics, like misery, makes strange bed fellows. The adage was never more true than in this instance. I now read from the speech made this session by the Senator from South Carolina [Mr. Calhoun] on the same subject: "But the States are deeply in debt, and it may be said what shall be done? I know they are in debt, deeply in debt, and I deplore it. Yes, in debt, I am not afraid to assert it, for the most idle projects, got up and pursued in the most thoughtless manner. South Carolina is also in debt; she has spent her thousands in wasteful extravagance on one of the most visionary schemes that ever entered into the head of thinking man." Now, sir, do the annals of human malignity furnish such a conspiracy against harmless, unoffending, enterprising citizens, private corporations and State institutions? Is there to be found in the tide of time, in the legislation of any Christian people, a combination of discordant politicians, making common war upon enterprises and institutions over which they have no jurisdiction, out of the sphere of their legislation? Enterprises, however "worthless and profitless" they may appear in the judgment of our Chief Magistrate; however "visionary" in the conception of the practical statesman of South Carolina, I pronounce, and posterity will pronounce them works that a Bridgewater might envy, a Bonaparte be proud of. Knowing the biography of our Chief Magistrate and his private griefs, I am not at a loss to account for his readiness to seize any occasion to detract from the well-earned character of the author of the great Erie canal, when by doing so, he can manufacture political capital. *These words yet ring in his ears: "A political grimalkin, purring over petty schemes, mousing over sinister stratagems, without elevation of mind or dignity of character." †The indignant and scornful contempt of an insulted widow, whose husband had been persecuted to the verge of his grave, no doubt provoked and renewed anew the festering malignity of this "little animal." But I must confess I am at a loss to account how it is, that the Senator from South Carolina could find it in his heart, for any purpose earthly, to blur the brightest star in the wreath that surrounds the brow of the departed Hayne. But, sir, the most fatal matter connected with this rhodomontade against State institutions, and State and individual enterprises, affecting the reputation of the conspirators, is that facts and figures flatly controvert their material statements. Nothing they have said will bear the test of examination. Now, sir, it is untrue that they are indebted 200 millions or 170 millions, or that they have nothing to show for their debts, but "worthless, rotten British goods." It is not true that at any one of them is "visionary" in the judgment of any sound practical statesman. I am here provoked to read a short extract from the speech of the Hon. J. C. Calhoun, delivered in the House of Representatives, on the 4th of February, 1817, upon a proposition made by him to set apart the bonus and dividends of the United States Bank for purposes of internal improvement. This statesman, in that able speech, after advocating the constitutional power of Congress to make internal improvements; yea, sir, the most latitudinous construction of the Constitution to be found on record, advocating the expediency and sound policy of exercising the power by the General Government, concludes with a specification of the objects of communication. This is his own language: "The first great object is to perfect the communication from Maine to Louisiana. This may be considered the principle artery of the whole sys-

* Clinton. † Mrs. Clinton at Saratoga.

tem: the next is the connection of the lakes with the Hudson. In a political, commercial, military point of view, few objects would be more important. The next object of chief importance is to connect all the great commercial points on the Atlantic, Philadelphia, Baltimore, Washington, Richmond, Charleston, and Savannah with the Western waters, and finally, to perfect the intercourse between the West and New Orleans." Now, sir, this, at the day it was spoken, might have been, and was deemed "visionary," yet, what was then thought wild theory and mad speculation, are now, (with two exceptions,) glorious realities, and those two far advanced towards completion, and but for the paralysis brought over their progress, by this unkind and unnatural assault upon State securities, by which their credi has been injuriously and unjustly affected in foreign countries, (where the authority of such names have undue weight, and the true condition of these works are not known,) would be in rapid progression. I leave it to this honorable Senator to reconcile these two speeches. I know his superior excellency in harmonizing seemingly inharmonious contradictions, at least to his own entire satisfaction, if to no one else. I now ask the attention of the committee to the facts upon the subject. I must be indulged in this seeming digression. My constituents have a deep interest in this ‡ "most visionary" project—it is necessary to a full analysis of the message—it is one of the topics then discussed in connection with the measure before the committee for adoption. Now, sir, for the facts upon these various points. After the many and repeated misstatements by individuals high in office, whose elevated position alone would give credit and importance even to a speculation, much less a positive assertion, the only sure way, I trust I may say without any just cause of offence, of coming to a just conclusion, is by undisputed ascertained facts. How, then, do the facts stand upon these various points? And, first, the amount of these State debts. The President estimates it at not less than two hundred millions; the Missouri Senator at one hundred and seventy millions; either of which estimates exceeds the true amount one hundred millions, or at least one equal half. Much of this over estimate is manifest from the very table referred to by these two able financiers, I allude to Comptroller Flagg's report. That report makes the aggregate sum of State stocks issued and authorized to be issued, for banking, canals and railroads, turnpikes, and miscellaneous objects, at $170,805 177. Now, sir, it is strange it should have escaped the attention of these sagacious statesmen, who have assumed to themselves the high prerogative of lecturers upon individual and State improvidence and extravagance, that there is a striking difference between a stock authorized to be issued and stock actually invested, so as to make it *bona fide* a debt. Millions of this one hundred and seventy authorized have not been cashed, for want of a purchaser; millions have never yet been offered in market; millions have by subsequent acts of legislation been repealed and cancelled; millions have been paid off. Second point: these improvements are "profitless, not yielding cost of management, repairs, and interest." I now read an official return upon this point, showing the nett dividend—the lowest, 6¼ per cent.; the highest, 16¾:

Cost, Receipts, Expenditures, and Income of the principal Railways in Massachusetts; also, the Camden and Amboy, the Philadelphia and Baltimore Railroads —derived from the official reports for the year 1839.

RAILROADS.

Names.	Cost of road.	Receipts.	Expense.	Nett Income.	Dividend per annum
Boston and Providence	$1,782,000	$313,907	$194,412	$119,414	8 per ct.
Boston and Lowell	1,650,000	241,219	92,151	149,068	8 "
Boston and Worcester	1,800,000	231,807	126,384	105,423	6¼ "
Eastern, (just com.)	1,306,000	125,623	53,176	72,447	11 "
Taunton	250,000	58,018	40,711	17,307	6¾ "
Philadelphia and Baltimore	4,379,225	490,635	296,131	194,503	7¼ "
Camden and Amboy	3,220,000	685,329	258,043	427,286	13⅓ "
Receipts in six years		4,637,535	2,353,993	2,383,462	16¾ "

Now, sir, in mortifying contrast with the declarations I have read from these American citizens, permit me to read a short extract, bearing upon this point, from the paper of a distinguished foreigner,† an able and intelligent engineer, after a tour through the United States for the express purpose of viewing our public works, particularly railroads. He makes this statement: "According to the facts collected during my travels in the United States, there are now 3,000 miles of railroad completed and in operation, 425 locomotives, and I believe, up to the end of 1839, the length of railroads may amount to 4,100 miles; the capital invested, about sixty millions; the average result of the railroads now in operation in the United States is, that they give a yearly interest of five and a half per cent. on the capital invested. This result must be regurded as very satisfactory, because the greatest part of the lines have only been a few years in operation. On all the lines there has been a yearly increase of at least fifteen to twenty per cent. in the gross income; so that those lines which do not pay now, will give, in a few years, a handsome dividend. I have no doubt the large capital invested in railroads in the United States will not only produce an incalculable benefit to the country, but likewise pay the shareholders a dividend which, under good management, by the constant progress in population and trade, must likewise from year to year increase. I would request the particular attention of our Chief Magistrate to this publication, it would furnish him much useful knowledge that he seems to be in profound ignorance of: it would teach him a spirit of candor and magnanimity that he seems to be a stranger to, no doubt in consequence of his recent associations. He would there learn some wholesome lessons of political economy—how to advance national prosperity and national union—from the example of a king. He will there learn, whilst he is ransacking the practices of foreign monarchies, from the Emperor of all the Russias to the Emperor of Morocco, the Imaum of Muscat, for precedents for his hard money, iron box scheme, to recommend it to the favoritism of a free Republic, that the ¶King of Belgium has discovered some other things more necessary to a nation's prosperity, a nation's happiness, a nation's perpetuity, a nation's grandeur, a nation's glory, than "vaults," and "cells," "iron chests," "locks and keys;" more useful monuments—the derided objects of our enlightened Chief Magistrate and his Senatorial allies; monuments of peace, of utility, of intelligence; monuments calculated to advance the national welfare, commerce, industry, and independence of the people. This enlightened monarch has discovered, in order to make a people tranquil and happy, they must have employment, just reward for labor; that there is an intimate connection between the financial prosperity and the business prosperity of a nation: that the ability to bear taxation was measured by the productive wealth of the nation; that an impoverished people could not long sustain a heavy exaction of tribute: and, above all, he will learn that that monarch illustrated by his policy, in his encouragement and fostering protection of useful enterprises, such as railroads and canals, his practical wisdom and statesmanship—the tendency and effect of which was to bring his nation into more intimate contact, and to form it into one large family; by which the actual national device, "union fait la force," (union gives strength,) becomes realized.

Sir, let our worthy Chief Magistrate read this paper, and then his annual message, and, unless he has lost all sense of shame, it seems to me his cheek must redden, and a wounded conscience pierce him with mortified reproach. I could read tables to the committee, upon the subject of our canals, equally conclusive. Ascertained facts, from the official reports of the various State officers, exhibit a handsome profit to the stockholders, besides the incidental advantages incalculable to the States and to the nation—advantages social, commercial, military, and political. But I forbear; time will not permit.

3d. As to these "gigantic banking institutions, most of which must rot down on their foundations, before the bonds are due upon which they were built," from the official document now before me, on my table, furnished by the Secretary of the Treasury, on this subject, showing the condition of the State banks, made out from official returns, we are informed that there are in the United States, at this time, 958 banks and branches, circulation one hundred millions, amount of debt four hundred and fifty millions, amount of bank capital three hundred millions, amount of individual deposites seventy-five millions, amount of specie thirty-five millions. Now, sir, this tabular statement shows the banks of this country, at this moment, to be in a more sound condition, as a whole, than they ever have been since this was a nation—even the golden period, when the President and his party were lauding them to the skies; decidedly a safer proportion of specie to the amount of circulation. Allowing twenty million of one hundred in circulation to be in deposite with the various banks as balances, which is less than a fair allowance, according to the Secretary's own computation, and it leaves only eighty millions of bank paper actually in circulation—but little over two dollars to one of specie. Why is it, then, I may be asked, there are one half of them suspended? Sir, I answer, the unceasing warfare of the Administration. Ground your arms; hurl this despotic measure back to the monarchs and despots from whom you have borrowed it, to the dark ages of barbarism; hold out the protecting arm of the Government; strike down the black banner of "demolition," and raise the banner of peace and of protection, and I stake my reputation as a prophet that in six short weeks these banks will rise up, phœnix-like, from their ashes, and move on in their accustomed channels. Sir, what is the afflicting disease of the country at present? Not a pressing foreign debt. Foreign exchanges are at from 106 to 107, lower than they have been for years. Not a lack of money—seventy millions in the vaults of the banks upon private deposite, our crops uncommonly good—all these evidences of general wealth, and yet the entire business of the country is struck with a paralysis; the poor man cannot find demand for his labor, nor the rich man for his capital; a deadly incubus hangs over the land. And why is it? Sir, it is the uncertainty of the future, the instability of Government, the unceasing interference with the currency, the credit of the country, the most sensitive of all things; the quack experiment upon experiment, and expedient upon expedient; hence arise the agitation and alarm of the future; no man lends, no man borrows, every one hoards, security shaken, credit destroyed, national embarrassment and individual distress inevitable.

4th. The proseeds of these State debts, "British dry goods, gossamer, and lawn," received and worn out. In response to this, I refer to the table I read from, proving incontestably the acquisition of 55 millions of specie, the proceeds of American stocks. Besides, in the last ten years, we have imported 84 millions of dollars worth of iron, about 25 millions of which has been for railroads. If I am correct in my estimate, we had 80 millions well accounted for, which, taken from the 100 millions of true debt, leaves only 20 millions to be explained, which I have no doubt was wisely invested. I am now through with this ruthless onslaught upon State credit and the credit of private corporations, because they stood in the way of the grand scheme of the party, and could not be made subservient to political purposes. These recreant railroad companies have not passively bowed to the upstart tyrant of the Post Office. Here is reason, sufficient with others I have given, for the attack upon them. The "gigantic banking institutions" stood in the way of the Independent Treasury; that is sufficient reason for an uncompromising hostility to them, together with the fact that a large amount of these stocks belonging to a State institution,* towards which our magnanimous President and the leaders of the party entertain a rabid hatred, a political monomania.

I proceed now, Mr. Chairman, to consider the specific merits or demerits of this Independent Treasury scheme. And first, the specific financial objections to the measure.

1st. Its inconvenience is admitted on all hands: other things being equal, friends and foes acknowledge the superior convenience of banks in facilitating the transfer of the public moneys. I will not detain the time of the committee by reading extract upon extract from the messages of the President, and the reports of his Secretary upon this point, a point too clear, with any due regard for candor, to be debated, though some whole hog orations on this floor have even controverted this point.

2d. It is more expensive. This objection is also conceded by the President and his Secretary, but by no means to a just extent; it is admitted and attempted to be justified. They have both sophistically and ingeniously endeavored to fritter away this objection, appreciating its force, the Treasury being bankrupt, and a message teeming with homilies upon retrenchment and economy. They admit an additional expense of $60 000 annually, besides the cost of erecting two Independent Treasury buildings, their "iron vaults and cells and lock;" these to be erected in large cities, where all our custom-houses have averaged from 500 to a million of dollars, the grand Independent Treasury building in this city, not yet complete, at a cost of over a million; and this expense is only the beginning, the entering wedge. Already, in this very bill, the Senate has raised the salaries of the principal sub-treasurers, or receivers general, as this bill denominates them. Sub-treasurers being a plain Republican name, did not sound well in the vocabulary of modern Democracy; the appellation receivers general, borrowed from a monarchy, sounds more pleasantly upon their ears. The machinery will go on enlarging and enlarging, and with enlargement a corresponding increase of expenditure *ad infinitum*. The President suppresses a single item of expense that must necessarily attach upon the passage of this bill, amounting to twice the sum of 60 000 dollars annually; I allude to the pension agencies. This branch of public service is now performed free of charge by individual agencies, receiving no other compensation but the use of the public money between the time of deposite with them and disbursement. I extorted this unwilling admission from the chairman of Ways and Means, in this discussion in the early part of this session, upon the pension bill. This bill makes it a penitentiary offence for any agent or officer of the Government of any kind to use in any way the public money. Instantly, upon the passage of this bill, these pension agents will resign. It is absurd to suppose that individuals will labor for the Government and find themselves, and assume heavy responsibilities, without compensation of some kind; they will resign, or you must give them a standing salary. Here, then, is an expense growing out of this measure of at least one hundred thousand dollars annually. There are additional expenses necessarily incident to this measure, considering it, as its friends describe, a mere fiscal machine for collecting, keeping, and disbursing the revenues. Here, then, after the erection of buildings, and all appurtenances of iron chests, safes, vaults, locks and keys, to which expense the bill affixes no limit, is an additional expense of two hundred thousand dollars annually, to conduct this Executive machinery, in its earliest simplicity, in its very origin. What will it cost in its manhood, in its full growth and maturity, God, in his infinite knowledge, only knows. I am now contrasting the expense with the State bank system. It is notorious to this committee and the country, that it cost the Government nothing while the State banks were used as depositories, either for collecting, keeping, or disbursing the public moneys, that they acted as pension agents without charge or reward. This additional expense of $200,000 annually, if there should be no enlargement of the scheme, no increase of expenditure, which is impossible, from the very nature of things, even if it be honestly and bona fide administered, the increase of wealth and population will require some increase of expenses annually. But suppose it to remain stationary, it will amount in the short space of twenty years—the life of the charter of the National Bank—to the enormous sum of four millions of dollars over the State bank system. But how does the comparison stand with the United States Bank? That institution, also, without charge, collected, kept, and disbursed the entire revenues of the Government for fifteen years, until she was forcibly arrested by the removal of the deposites, including the payments to all pensioners. But this was not all: in addition to this service, (and be it remembered not one farthing out of four hundred millions that passed through this Bank was lost to the Government,) this Bank paid one million and a half of dollars into the Treasury. Add this to the four millions above, and we have five millions and a half of dollars of additional expense in twenty years against the Independent Treasury, when compared with a United States Bank. One would suppose this sum ought to make any scheme a little "independent." But remember, this independence is all at the cost of the people. Surely this cannot be considered no slight objection, particularly at a crisis like this, when your Treasury is bankrupt, when we have exhausted the last dollar of our surplus, and have created a national debt of five millions, for the payment of which the property of my constituents and yours stand mortgaged and pledged. Where is the spirit of retrenchment and economy so much boasted of in the message, vauntingly displayed in almost every paragraph, so often repeated as to become disgusting to the taste? How does the practice tally with the professions upon this point, as all others, with the party in power? Their economy is like their Democracy, all from the teeth outwards: it never penetrates the skin, much less reach the heart; economists in precept, spendthrifts and prodigals in practice.

3d objection, its insecurity. I now come to a more important demerit of this measure as a financial scheme. Under this head I refer to the multiplied evidences I have already presented in the way of argument, authority, and tried experience; evidences taken from the State papers of the President and his Secretary, from the speeches of every distinguished supporter of this measure at this time. But in addition to this mass of testimony, testimony of itself sufficient to condemn this measure before any impartial tribunal, I now offer evidence of woful experience, during the three years' practical operation of this measure. From official documents furnished by the Secretary, and laid on our tables, the losses for the last three years, during the practical operation of the Independent Treasury, the Treasury has sustained a loss of $2.064,209, equal to nearly one half of the losses by collecting officers during every Administration from the foundation of the Government—forty-eight years.

Information by the Secretary of the Treasury.

The following items are extracts from a letter of the Secretary of the Treasury to the House of Representatives, in obedience to a resolution of that body calling on him for a statement of the annual expenditures and losses of the General Government, under each Administration, from 1789 to 1837:

Amount of defalcations in the first four years of Gen. Washington's administration $4,899
Second four years 32,723

‡Charleston and Cincinnati Railroad.
†F. N. Chevalier De Gertner.

¶King Leopold I.
*United States Bank of Pennsylvania.

The four years of John Adams's administration	176,770
First four years of Thomas Jefferson's administration,	54,419
Second four years	152,568
First four years of James Madison's administration	460,352
Second four years	1,217,824
First four years of James Monroe's administration	1,207,153
Second four years	986,642
The four years of J. Q. Adams's administration	327,387
First four years of Andrew Jackson's administration,	105,502
Second four years	220,337
Total amount in these forty-eight years	$4,956,568

Compare the above with the list of defaulters under the present Administration, and it will be seen that within the last three years, the Government, under Martin Van Buren, has lost nearly one-half as much as was lost under all the previous Administrations for forty-eight years.

The following is the list of Loco Foco defaulters, with the amount they have stolen set opposite their names:

Samuel Swartwout, New York	$1,225 705 69
William M. Price, do.	75,0.0 00
A. S. Thurston, Key West, Florida	2,822 14
George W. Owen, Mobile, Alabama	11,173 48
Israel P. Canby, Crawfordville, Indiana	39,013 31
Abner McCarty, Indianapolis, Indiana	1.338 92
B. F. Edwards, Edwardsville, Illinois	2,315 76
W. L. D. Ewing, Vandalia, Illinois	16,754 29
John Hays, Jackson, Mississippi	1,386 16
Willis M. Green, Palmyra, Missouri	2,312 12
B S. Chambers, Little Rock, Arkansas	1,146 28
David L. Tod, Opelousas, Louisiana	27,239 57
B. R. Rogers, Opelousas, Louisiana	6,624 37
Maurice Cannon, New Orleans	1,259 28
A. W. McDaniel, Washington, Mississippi	6,000 00
John H. Owen, St. Stephen, Alabama	30,611 97
George B. Crutcher, Choctaw, Mississippi	6 061 40
George B. Cameron, do. do.	33,059 64
S. W. Dickens, do. do.	11,831 91
Do. do. do.	898 53
Wiley P. Harris, Columbus	109,178 03
William Taylor, Cahawba, Alabama	23 116 18
U. G. Mitchell, do. do.	54,626 55
J. W. Stephenson, Galena, Illinois	43,294 04
Littlebury Hawkins, Helena, Arkansas	100,000 00
B. W. Beall, Green Bay	10,620 19
Joseph Friend, Washita, Louisiana	2,541 91
Wm. H. Allen, St. Augustine	1,997 50
Gordon D. Boyd, Columbus, Mississippi	80,937 29
R. H. Sterling, Chocchuma, do.	10.733 70
Paris Childers, Greensburg, Louisiana	12,449 76
William Linn, Vandalia, Illinois	55,962 06
Samuel T. Scott, Jackson, Mississippi	12,550 47
James F. Pollock, Crawfordsville, Indiana	14,891 98
John L. Daniel, Opelousas, Louisiana	7,280 63
Morgan Neville, Cincinnati, Ohio	13.781 19
M. J Allen, Tallahassee, Florida	26.621 57
Robert T. Brown, Springfield, Missouri	3 600 50
Total,	$2,064,209 86

These exhibitions of moral delinquency and official peculation give me no pleasure; I refer to them more in sorrow than anger. But, sir, we are considering a grave measure, a measure of momentous magnitude o the weal or wo of the country; all the light within our reach should be brought to bear upon it; we are legislating for the future; we should draw our knowledge to guide us from the past; experience, I repeat it, is the mother of wisdom. In the table I have read, we discover a painful and rapid increase of the relaxation of public morals, since the open declaration in the Senate, that "to the victors belong the spoils." And is it not shocking, positively shocking, beyond all human endurance without getting into a passion, to read in the messages of the great chief of the party, acting under this banner flying to the winds for the last ten years, gathering the cormorants and vultures of all parties, the repeated denunciations of the moral delinquencies of the banking corporations and of the people? In his last message, after speaking of the pervading and abiding moral deficiency of banks and individuals, like the boasting Pharisee he exclaims, let others do as they may, it is incumbent upon us "to hold erect the principles of morality and law." Oh impudence unblushing! to use such an expression after repeated instances, in the exercise of the appointing power, of not only retaining in office notorious defaulters and peculators, but actually appointing to distinguished honor and foreign stations, convicted delinquents, convicted by their own acknowledgment, or by the report of committees of investigation, based upon sworn and indisputable testimony. Having made it one of his cardinal political maxims in appointments to high stations to select men rejected by the people of their immediate vicinage for the most humble State offices, going upon the modern Democratic principle that those whom the people condemn as worthy victims of popular disfavor, are fit subjects, in his estimation, of Executive patronage. Now, sir, if our Chief Magistrate would be advised by one so humble as myself, I would suggest to him a better guarantee for the security of the public moneys, and a safer prevention against future peculations, than all the iron safes, chests, bolts and bars, and locks and keys, that he can have manufactured in the next one hundred years, if every house in the country was a smith-shop, with a *vulcan* at every anvil; it is a simple machine; let the President go back to the standard of Jefferson—"is he honest, is he qualified?" If he will erect this "standard," and be guided by it in his appointments to office, take honest men with "fit qualifications," and he will be relieved from the trouble of grieving over the laxity of morals of banks, private citizens, or public officers, in a very great degree; explode the idea that party zeal and party devotion, and political defeat, is to be rewarded by office; teach the people that private and public integrity and virtue is the only passport to political preferment and station; and the deplorable state of public morals engendered by the spoils principle will be purified: public officers will be found, who will again discharge their duties to the country as they did in the purer days of the republic, unguarded by bolts and bars, unchecked by the severe penalties of law. Then, and not till then, shall we have faithful public agents, then, and not till then, shall our treasury escape the heavy peculations so repeatedly perpetrated upon it during this reign of the coalition of the two parties; one fighting in the North, with the banner unfurled, inscribed upon it, "to the victors belong the spoils;" in the South, the banner streaming in the wind, with this equally mercenary inscription, "the enurement of office."

It is a flimsy apology made for the heavy defalcations during this Administration, that the laws are insufficient. The same laws, the same safeguards, the same restrictions, are in force now as existed during any former Administration. There has been no repeal, no qualification, no removal of legal limitation. Another decided preference in favor of the superior security of the bank system over the Sub-Treasury, is this: private interest is always more watchful than public. The stockholders knowing their entire stock would be liable for any defalcation, would exercise a vigilance in proportion to the heavy responsibility. It is the security of interest, honest private interest, that wise legislation should look to for the safety of the public moneys, not to locks and keys, and not to oaths and penalties. Government officers at best, are a sleepy race of mortals. We read that the apples of Juno were guarded by a dragon with a hundred heads that never slept; and yet, they were stolen. Bars and bolts, and iron chests, and safes and locks, and keys of themselves, furnish no adequate security, unless a watchful eye and an honest incorruptible heart governs the arm and wields the hand that holds the key. Read not to me nor any common sense man a dissertation to prove, that because the vaults in the Sub-Treasury can be made as strong as the vaults in banks, that this is evidence of equal security. Insult not my understanding, by an argument to prove that security of the public moneys consists in inanimated matter. I spurn all such flummery as an insult to my understanding. It has been well said, that he was not an unwise or an unjust judge, of whom it is recorded, that—

"He sent the thief who stole the gold away,
And punished him who put it in his way."

Save us from temptation was a wise prayer, uttered by one who knew the infirmity of human nature. Is not the history of our country full of melancholy examples of the inability of honest men to resist strong temptation. Surely, it is not wise or just to place by our legislation temptations in men's way, that we know by constant and sad experience to be sufficient to overpower the positive enactments of law, consisting of the heaviest penalties—penalties of physical suffering and disgrace.

4th. Financial objection. Its tendency and direct effect to diminish the revenue. This is conceded, or rather it is claimed, as one of the virtues—one of its excellencies. Mr. Buchanan, of the Senate, in enumerating its specific benefits, says it will "diminish our imports after the year 1842." He then goes on to amplify upon this blessed result. Now, sir, that a Senator, from a middle State deeply engaged, (more deeply, when we calculate the various manufactures, than any other State in the Union,) should feel exultation and self-glorification, at this most benign influence, does not astonish me. But that extreme Southern gentleman, opposed to a high tariff, should be working shoulder to shoulder with the gentleman from Pennsylvania, in support of a measure having the conceded effect to reduce our imports, does astonish me—does amaze me, at the very time it is argued and made manifest that our revenue from imports and lands will fall short five millions of defraying the ordinary expenses of the Government, "administered upon the most economical scale, consistent with a just regard to the public interest." Sir, let us look into this matter a little further, it is an important point, particularly it seems to me—it deserves the examination and consideration of Southern gentlemen. What does our Chief Magistrate say upon this topic? Courtesy requires we should always consult him first upon great questions of finance. In his annual message he uses this language: "The check lately given to importations of articles subject to duties—the arrangements in the operation of internal trade—and especially the reduction gradually taking place in our tariff of duties—all tend materially to lessen our receipts; indeed, it is probable the reduction resulting from the last cause alone will not fall short of five millions of dollars, in the year 1842, as the final reduction of all duties take place then." Now, just at this heavy crisis of diminution, the Senator from Pennsylvania, a high tariff man, wants to apply the pruning knife of the Independent Treasury, to cut down still lower the imports. But, again, from the message: "The whole revenue then accruing, both from customs and the sales of public lands, if not more, will undoubtedly be wanted to defray the necessary expenses of the Government, under the most prudent administration of its affairs." The lowest possible amount necessary to defray the ordinary expenses of the Government, according to the President and his Secretary, is twenty millions annually. The President says in his annual message: "I have directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service." If the President be correct in his calculation, with the exercise of the most rigid economy, the ordinary expenditures cannot be less annually than twenty-one millions, (though it will be remembered that thirteen millions during Mr. Adams's administration was pronounced by this very economist, in his celebrated retrenchment report of '26, as wasteful prodigality.) But more upon this point under its appropriate head. To pursue my argument, I now read a short extract from the annual report of the Secretary of the Treasury, upon this point of necessary, ordinary expenditures: "But an expenditure of twenty millions for ordinary purposes, though much reduced from the aggregate during a few years past, is believed to be more, instead of less, than sound policy justifies, while the present annual embarrassment in moneyed affairs shall continue." (Mark the qualification in the last clause of the sentence.) The opinion of this strict economist, whilst the Government is borrowing money annually, at the rate of five per cent. interest, thereby creating and piling up a national debt every day and every hour as time rolls on, to meet the ordinary expenditures of this most economical Administration. This officer of finance thinks that perhaps even the curtailed and reduced sum of twenty millions, is more than sound policy justifies during "the present unusual embarrassment in moneyed affairs." And this officer acting under the peremptory order of the President, to limit his estimate for the year 1840, by the most rigid standard of economy, leaving out every expenditure of an extraordinary kind, omitting any appropriation for the Florida war, for the new organization of the militia, recommended by the Secretary of War, and is zealously endorsed by the President, omitting all expenditures of every sort that belong to the head of extraordinary expenditures, he still computes twenty millions, as indispensable to discharge the ordinary, necessary wants of the Government for the year 1840. To meet this estimate of expenses, the Secretary furnishes an estimate of income, of receipts from customs, fifteen millions—from lands three and a half millions. The residue is to be raised by borrowing upon Treasury notes at five per cent. or some other mode yet to be suggested and adopted.

We are also told by the same high authorities in the same State Papers, that the receipts from customs is gradually decreasing, and must decrease under the operation of the Compromise Act, until the year 1842, which operation, alone, the President says, will diminish the income from this source in that year, at least five millions; add this sum to the two millions, and in 1842, there will be a deficit in your Treasury, an annual deficit, of seven millions, independent of unexpected deficiencies, fluctuations, or extraordinary demands. This calculation is based upon the data of the President and his Secretary, and it is urged by one of the ablest advocates of this bill in the Senate, that one of the peculiar merits of this measure will be, further to diminish the customs in the year 1842. I ask the attention of Southern gentlemen, anti-tariff men, to this view of the subject—gentlemen who are supporting the party in power, who fix the minimum expenditure of this Government at twenty millions—gentlemen who support this measure, a measure that I have shown already will cost an annual sum of two hundred thousand dollars, besides a heavy outlay to begin operations. How is this deficiency to be raised? I address myself to Southern anti-tariff Van Buren men. Sir, there is but two ways, and you sir, nor any other supporter of this Administration shall escape this dilemma. I repeat, sir, there are but two ways, an increased tariff, or direct taxes. And no one I presume would dare propose this substitute. I call upon Southern planters, not Southern politicians, to pause and consider this view of the subject. That this scheme should be a favorite measure with Administration politicians in the Middle and Northern States, where a high tariff is popular, is not surprising. It is all natural enough. But that any sage Southern statesman should not perceive its effects upon his section of the country, is to me marvellous. But sir, such is the power of party delusion; we daily see the wisest heads intoxicated into political madness and phrenzy—reason loses her balance, all common sense vanishes. As I am addressing this part of my argument to the South particularly, I desire to make my proof full and complete—it is an important point in the case. In addition then to the above authorities, I offer another authority of weight with a portion of this house and this nation. I read from the speech of Mr. Calhoun, delivered this session, on the assumption of State debts: "I need not inform the Senate there is not a surplus cent in the Treasury; that the most rigid economy will be necessary to meet the demands on it the present year; that the revenue, so far from being on the increase, must be rapidly reduced, under existing laws, in the next two years." Here is confirmation of the views of the President and Secretary. With these admissions and facts before him, can any candid and impartial man resist the conclusion, that the direct effect of this measure must be to unite, with other causes, in demanding an increase of duties on imports—plain reason suggests it, boasted acknowledgments admit it; who can doubt it? none but the wilfully blind, blind because they will not see, or seeing, tied by party chains, have not the candor nor the public virtue to admit, to their constituents, the true effects and evils of this measure. I here close my argument upon this point, leaving it to some Southern opponent of this bill to do it more ample justice.

6. I now approach a still more important specific financial objection to this bill; its tendency and direct effect to increase the expenditures of Government. This point presents a grave financial question—it requires a full examination—it is vital to the merits of this bill—fortunately on this point we have the light of experience. This scheme, as I have conclusively shown, has been in practical operation during the existence of this Administration, in the hands of its authors and friends, to aid it in a successful trial. With the Executive and an overwhelming majority at least in one branch of Congress, without whose assent no appropriation for expenditure could be made, with all these propitious advantages, so favorable to a successful result, what are the facts? I deal not in vapid declamation upon this point, no conjecture, no speculation—the matter is too serious for this, it is a question of facts and cold figures; by facts and figures I propose to try it: then for the facts and figures.

I shall test the practical effect of this measure upon the expenditures in various ways, so there may be no apology, no excuse, no escape. I shall contrast the Government expenditures during the reign of this Administration, and the existence of this scheme, with the same number of years of Mr. Adams's administration, pronounced by Mr. Van Buren in 1827, to be prodigal in the extreme. And 1st, I will show how the comparison stands—of aggregate expenditures independent of the payment of public debt of any kind, redemption of Treasury notes or Government liabilities of any sort. I read from the official statement furnished by the Secretary of the Treasury, in reply to the resolutions of the Senator from Missouri, [Mr. BENTON,] this session, bearing date May 7th, 1840, the identical document relied upon by the friends of this Administration to vindicate its economy; upon this record I take issue and risk my objection under this head of my argument—now for the figures.

Adams.	Aggregate expenditures of the first three years of Adams's administration, independent of public debt.	Van Buren.	Aggregate expenditures of the first three years of Van Buren's administration, independent of public debt.
1824	$15,330,114	1837	$37,243,214
1825	11,490,459	1838	33,849,718
1826	13,062 3.6	1839	25,282,797
	$39,882,919		$97,065,729
			39,882,919
			$57,192,810
Adams.	Aggregate amount of expenditures during Mr. Adams's administration, three first years, for permanent and ordinary purposes, including payments on account of objects either extraordinary or temporary.	Van Buren.	Aggregate amount of expenditures during Mr. Van Buren's administration, three first years, for permanent and ordinary purposes, excluding payments on account of objects either extraordinary or temporary.
1824	$7,107,892	1837	$13,096 321
1825	6,537,671	1838	13 837,494
1826	7,058,872	1838	13,325,800
	$20,704,435		$40,861,615
			20,704,435
			$20,157,180

The last comparison includes none of the following items; such as the public debt, trust funds, indemnities, claims of State for war debts, or three per cents on lands sold; occasional donations in money to objects in the District of Columbia, or otherwise; survey of the coast; taking the census; duties refunded; exploring expedition; and materials collected for the gradual improvement of the navy, (including improvements at navy yards,) durable public buildings of all kinds; bridges and fortifications; all roads, canals, breakwaters, and improvements in rivers and harbors; arming the militia and forts; all pensions except those to invalids; and the purchase of title to lands from Indians, (Indian Department;) the removal of Indians, and the wars; with such other payments as may have been made in those years for property lost, or injuries committed, during any hostilities. None of these years or columns include any thing on account of the Post Office Department.

NOTE.—The expenditures for 1842 are subject to variation on the settlement of the Treasurer's accounts for that year, which have not yet reached this office.

TREASURY DEPARTMENT,
Register's Office, May 4, 1840.
T. L. SMITH, Register.

Now, sir, I have been reading from a table, prepared for the express purpose of meeting and refuting the charge of wasteful and prodigal expenditure upon the part of this Administration. The first comparison shows an excess of $57,192,810. The second comparison shows an excess of $29,157,180. The last showing an expense of double, in the first treble, the sum in Mr. Van Burens's three years over Mr. Adams's, neither including a single one of the many items embraced in the bill of exceptions just read. These are the facts, the undisputed and indisputable figures. What explanation, what apology, what what excuse, can be given for this excess, this enormous excess? Why, sir, various, but unsatisfactory. Amongst others, it is contended that the increase of "wealth and population" demands and justifies this vast increase of expenditure. Is this so? I must resort to figures to test this apology; we must consult the lights of experience to test the validity of this excuse. How has it been during other Administrations, when population and wealth were equally progressive, all other things being equal? I will take a period of eight successive years, embracing the four years of Mr. Adams's administration, and the four first years of Gen. Jackson's, and we will see how the matter stands.

Adams.	Aggregate expenditure without funded debt.	Expenditure for permanent and ordinary purposes only.	Jackson.	Aggregate expenditure without funded debt.	Expenditure for permanent and ordinary purposes.
1824	$15,330,144	$7,107,892	1828	$13,296,041	$7,788,394
1825	11,490,459	6,537,671	1829	12,660,460	7,624,827
1826	13,062,316	7,058,872	1830	13,229,533	7,679,412
1827	12,653,095	7,427,175	1831	13,864,067	7,503,204

Here we have the expenditures for eight successive years, embracing the "wasteful administration" of Mr. Adams, showing an increase under one head of only a few hundred thousand, and under the other an actual diminution of over one million. This exhibit, I think, explodes this apology of our learned Secretary and retailers on this floor. What next; why, when you block the argument by these figures, that cannot be explained away or contradicted, gentlemen say, we challenge you for the items of extravagance; we demand specifications; give us the bill of particulars. Give the items! Take up the Blue Book of the Republic, which corresponds with the "red book of monarchies," (as was said in the celebrated report upon retrenchment and reform of 1816, made by Van Buren, Benton and Co.) and read the astounding fact that then, when the Government was pronounced by this committee rotten to the core with prodigality, the number of collecting officers in New York was only 174, and the amount of their salaries $119,620 39, and that now, in the third year of the economical reign of Mr. Van Buren, the number of officers to perform the same duty is 497, and their annual salaries $566,615 92. In the emphatic language of this committee, "the Blue Book of the Republic is indeed a growing little volume;" and "still this is a mere proving of Executive patronage in the city of New York," say this committee. Take up the report of the Secretary, laid on our table February 17, 1839, containing a statement each year, from 1789 to 1837, of the cost of collection of customs, and the rate of per cent. the cost of collection bore to the value of imports, and also the payments into the Treasury, and read the figures, showing the amazing fact that, in 1826, the cost of collection of all the customs was only $880,999 18, and that in 1837, with a smaller amount of duties to be collected, it amounted to the enormous sum of $1,492,974, an increase in ten years double of the increase from 1789 (it being then $239,541 03,) to 1826, a space of thirty-seven years. The rate of per cent. on payments into the Treasury in 1826, 3 66—in 1837, 11 79; almost 400 per cent. in ten years, whilst the rate of per cent. in 1826 was one per cent. less than in 1789. The same table shows the rate of per cent. of imports in 1826 to be 1.04; in 1837, 1.05. So these figures prove, with no increase of business, in fact a falling off of business, the number of officers have increased in ten years from 174 to 497; that the cost of salaries of officers, for no more labor, has increased from $117,6 0 39 to $566,615 92; and that the per centage on collection has risen from 3.66 in 1826, to 11.79 in 1837.

Sir, I could continue this bill of particulars until it would make a volume larger than the Blue Book; but I will not recapitulate the specifications already presented by others; nor will I weary the committee by adding a fresh list. Sir, enumerate item upon item, specification after specification, until the heart of a plain American citizen sickens at the contemplation of oriental grandeur and extravagance of this self-styled Democratic dynasty, aping after royal fashion, and you are instantly met with the cry, this is invidious, malignant. But, Mr. Chairman, when all other champions fail, the gentleman from North Carolina [Mr. MCKAY] comes in to the rescue, and, Atlas-like, shoulders the charge of extravagant expenditure, and boasts he can carry it triumphantly. And how does he undertake the defence? By denying any of the figures I have read? No, sir; he admits the expenditures, but pleads to the jurisdiction—denies Executive responsibility.

Sir, I propose very briefly to analyze this defence of expenditures, this labored and somewhat spurious defence of the Administration upon this charge of extravagance. This notice is due to the high position that that gentleman holds in the ranks of his party, being considered their Ajax Telamon, when there is any cyphering to be done; particularly when it becomes necessary to use the new rule in Arithmetic, denominated 'reduction ascending," to rescue this Administration from an inextricable difficulty. His plea to the jurisdiction under this indictment for wasteful prodigality, is, that the Executive is not responsible for any increase of expenditure. Now, sir, neither admitting nor denying the validity of this plea, I enter replication: that Mr. Van Buren is estopped by his bond from offering any such plea in his behalf, either by himself or attorney. I intend to try him by his own standard; on the gallows erected for Mordecai I intend, Haman-like, he shall hang. He, in his high official character of Senator, in 1826, acting under the obligations of sworn duty, arraigned Mr. Adams upon a similar charge, before a similar tribunal. In vain did he, through his advocates, plead no Executive responsibility; in vain did they say, "the Executive could originate no laws," "could pass no appropriations," "could not take a dollar from your Treasury without law." These pleas, now so pathetically and feelingly made, were then ruled out of court by Judge Van Buren, with his associate justices, Benton and Co. presiding. Truly has it been said, retributive justice will surely come, sooner or later it will come. And in this instance, there is a remarkable coincidence, Mr. Chairman, in the lapse of time, between the deed and the visitation of justice, with another that transpired many centuries since.

In ancient history, we read of a tyrant of Agrigentum, who made use of the most excruciating torments to punish his subjects on the smallest suspicion. Perrillus, one of his subjects, made him a brazen bull, and when he had presented it to Phaleris, the tyrant ordered the inventor to be seized, and the first experiment to be made on his body. These cruelties did not remain long unrevenged; the people of Agrigentum revolted in the 10th year of his reign, and put him to death precisely in the same manner as he had tortured Perillus and many of his subjects after him. These examples of retributive justice should be preserved in history as monuments of terror to tyrants, as evidence of God's eternal justice to martyrs—to patriots. Yes, sir, he that was broken upon the brazen bull of Executive responsibility for Government expenditures in '29, will live to see the inventor of the infernal machine writhing in March 1841, under the grinding feet of his own cruel device. Now to the analysis of the defence of the gentleman from North Carolina, and considering he hails from "Old Rip Van Winkle," he has made more progress in refined notions than any plain, unsophisticated Southern man I have any acquaintance with. The President is said to be a magician, and likely his association has been of the familiar kind with him. The talismanic art is quite communicative. His next defence is, "The money was in the Treasury and it must be expended." This is his own language; this is new doctrine, although we are told there is nothing new under the sun. The gentleman is entitled to the conception of originality; this excuse possesses that quality if no other. Congress, in its wisdom, has devised another mode, besides wasteful extravagance, to deplete an overflowing Treasury It seems strange that so recent an example should have escaped the gentleman's memory. A remedy for a surplus Treasury quite as successful, as wasteful extravagance, and infinitely more beneficial in its effects, though in this debate this wise and most provident measure has not escaped the ruthless hand of assault. Time will not allow, or I would gladly review some of the "unmeaning bombast" that stunned my ears only a few days since from the opposite side of this hall [alluding to the gentleman from New York, Mr. VANDERPOEL] on this topic. Not content with making a defence for the Administration, the gentleman from North Carolina has thought fit to carry the war into Africa, and assault the Opposition, charging upon them the authorship of this surplus, which imposed the indispensable duty on the Administration to expend it, whether profitable or not to the nation. He charged the surplus to the tariff of '28, and that the Opposition were high tariff men and had passed that measure, that bill of abominations. I take issue upon both of these points, and as his speech is intended for Southern consumption, and as its bold assertion and ad captandum phrases may mislead many who have not looked into the facts, I will investigate these points a little. I have already by a table exploded the first idea, that the surplus arose from the tariff, and I will now explode the second notion, that the Opposition are responsible for the tariff of '28, not by assertions such as the gentleman has resorted to, but by testimony and corroborating facts that he will not deny when I present them. Testimony that he will not question the credibility of. I charge back upon the gentleman that Mr. Van Buren was the instrument that caused the passage of the tariff bill of '28, and but for his influence, intrigue, management and vote, that bill of "abominations" would have failed, would not have become a law. This I know, is considered a bold assertion. I see Southern men pricking their ears; it even wakes you up, Mr. Chairman, "monument of patience smiling at grief," as you are, or seem to be. I see it depicted in your countenance, this cannot be; hold, do not commit yourselves prematurely; hear the facts before you enter judgment, lest you may be compelled suddenly to review your opinion, however unwilling, however reluctant, however painful. To the testimony—I first call the Hon. J. C. Calhoun to the witness stand, a witness of high credibility with the accused. I read from his speech delivered in the Senate of the United States in the year 1837, on the bill proposing the reduction of the tariff. Speaking of the tariff of 1828, in the progress of his remarks, he says: "Have you forget the tariff of 1828, that bill of abominations, so execrated by the South, and which has brought so many disasters upon the country? I have, [looking at SILAS WRIGHT, Senator from New York,] its author in my eyes, and he knows the fact. He knows the part he bore in the passage of that act, and the means by which it was effected. It was passed by a breach of faith; we were deceived then, it will not by my fault if we be deceived again." Shortsighted man, how little thou knowest of the future—supremely ignorant of thy own future thoughts and actions. "Know thyself" was a wise maxim, though spoken by a heathen. This is a lamentable proof of its profound philosophy, with volumes of woful experience of treachery and infidelity, public and private, before the eyes of this boasting statesmen. Themistocles, the political exile returns to the embraces of the son of Alcmeon, the dupe, a second time, of him, who has once deceived and betrayed the South. Again, in same speech: "The tariff of '28 was as much a political movement as a measure of protection. The protective policy had triumphed in Congress by the passage of the tariff act of '24. [Voted for by Mr. Van Buren without instruction.] Emboldened by this success, an attempt was made in the session of '26-7 to increase the duty on wool and woollens, which was rejected by my casting vote as presiding officer of this body. A combined movement was then made by the manufacturing interests which met at Harrisburg, and agreed on a new tariff. This movement was understood to have the countenance of the then Administration. In the mean time, the anti-tariff interest of the South had selected Gen. Jackson as their candidate against Mr. Adams for the Presidency. His principal strength in the tariff States lay in Pennsylvania, New York and Ohio. They were thoroughly in favor of the protective system, and his supporters then were not a little alarmed at the movement at Harrisburg. The battle was to be fought in Congress. On the meeting of Congress, [Mr. ADAMS's administration proved to be in a minority,] Mr. Stevenson was elected Speaker, (now Minister at St. James,) and then, as now, a devoted friend to the President elect. (Mark this paragraph, Mr. Chairman; I ask your especial attention, as every other member from Virginia; it is pregnant with truth upon this much misunderstood point.) It was apparent that the movement of the session would be governed by the tariff question, and the Committee on Manufactures was so organized as to give the control to the friends of Mr. Van Buren in the Middle and Western States. Mr. Mallory, who had long been chairman, was continued. Mr. Wright, present chairman of Finance in this body, then a member of the other House, and Mr. Moore, of Kentucky, afterwards Minister to Colombia, and Mr. Stephenson, of Pittsburg, were placed on the committee, who, with one member from the South, gave a majority against Mr. Adams's administration. Representing, as this committee did, the interests of the Middle and Western States, which were thoroughly tariff, they reported a bill with much higher rates than the Harrisburg project. The bill passed the House, but in so obnoxious a form to the New England States, that a large portion of their representatives joined those of the South in voting against it. When sent to the Senate, it was soon ascertained that in this body, where the Southern and Eastern States had a much larger representation in proportion, there was a decided majority against it in the form it came from the House. Every New England Senator, with the exception of one or two, was understood to be decidedly opposed; and relying on the assurance on which our friends acted in the House, we anticipated with confidence and joy that the bill would be defeated, and the whole system overthrown by the shock. Our hopes were soon blasted. A certain individual, then a Senator, but recently elected to the highest office in the Union, [M. Van Buren,] was observed to assume a mysterious air in relation to the bill. The mystery was explained when the bill came up to be acted upon. I will not give in detail his course. It is sufficient to say that, instead of resisting amendments, as we had a right to expect, he voted for all that were necessary to secure the votes of New England; particularly the amendments to raise the duties on woollens. All these amendments, with one or two exceptions, were carried by his votes, as appears from the journal now on my table."

In corroboration of this evidence, I will give a short extract or two from the speeech of Mr. Van Buren, delivered at Albany, New York, 10th of July, 1827, at a tariff convention, the summer previous to the passage of the famous bill of 1828. The occasion of the speech was this, as appears from its contents: During the preceding session of Congress—that of 1826, '7—the celebrated woollens bill was introduced into the Senate, Mr. Van Buren being a member, and near the close of the session, the bill was laid on the table, Mr. Van Buren not voting. The friends of the bill charged him with designedly "dodging" the question. To clear himself of this charge, he appears before the Albany tariff convention, and made a speech in favor of protection throughout. In that speech he says:

"It will not be necessary for the purpose of the present discussion, to go further back than the tariff of 1824. At that time he had the honor of a seat in the Senate of the United States, and had given the tariff of that year a decided support. The Senate was so equally divided, his vote might have defeated the bill."

I will not weary the committee by reading the entire speech. It is full of tariff—tariff, and nothing but tariff—teeming with protection—protection—protection—concluding with this memorable and characteristic passage:

"He owed many thanks to the meeting for the very kind attention with which he had been listened to by gentlemen, between many of whom and himself there had, upon public matters, been differences of opinion of long standing. His situation in reference to the wool-growing interest was well known to most of them. He had at present invested more than $20,000 in sheep and farms, devoted to that interest. He felt all proper concern for his own interest, and of course would cheerfully unite in all suitable measures for its advantage."

I here close my proof on this point. In view of the facts I have brought to the attention of the committee, it would seem impossible for any sincere inquirer after truth to resist the conviction that to Mr. Van Buren and the party now in power, and not to the Opposition, belong the evil of palming upon the country the tariff act of 1828. This bill of abominations, as it is termed, to which the South Carolina Senator, in his late speech in the Senate, has traced all the evils, and distress, and ruin, with which this devoted country has been afflicted for the last twelve years, omitting altogether in that speech (no doubt unintentionally) going into the origin of that act, its history, its authors.

There is one other argument in defence of the wasteful expenditures of the Administration, advanced by the honorable gentleman from North Carolina. It is in the nature of a plea of set off. Technically, this plea can never be filed in suit, except previous notice has been given. As the gentleman is engaged in the support of a bad cause, I am not disposed to resort to technicalities even to combat sophistry. Well, sir, what is the set off? The argument is this: "That during the past Administration, no new duties have been laid, but that a great many duties had been repealed, amounting in the period of time between the years 1831 and 1836, to one hundred and seventeen millions of dollars, in round numbers, making an actual reduction in the burdens on the people of these amounts." This is the argument of the honorable gentleman, in his own figures and words. This is a heavy item—a large sum—and if it should turn out to be a just credit, it settles the difficulty at once—the defence is complete—it is more than complete—Mr. Van Buren is entitled to a judgment for over six millions, for the amount saved ex-

ceeds his entire gross expenditures, that being only the reduced sum of one hundred and eleven millions in three years. Now, sir, strange as it would seem to any candid, sober-minded man, that such a declaration as this would merit a serious reply, yet, such is the reign of humbuggery at this day in this country, that this ridiculous absurdity, this flimsy sophism, is one of the stereotyped defences and boasts of the party in power. You find it for the first time in the Message of 1835; it is repeated in the speech of Mr. Hill of New Hampshire, of the Senate, in 1836; it is reasserted in this speech of the candid gentleman from North Carolina, this session; it is enlarged upon in the Democratic address at Baltimore. You see, sir, it is a favorite idea with the self-styled Democracy: it deserves some consideration, some examination, chaffy as it is when sifted, bubble as it will prove to be, when pierced by the spear of truth. Now, sir, the first objection I have to the validity of this set off, pleading to its merits, is, that I cannot see what right the gentleman has to take acts of General Jackson's administration and apply them in defence of Mr. Van Buren. 2d. According to the argument in the foregoing part of the gentleman's remarks, neither General Jackson, Mr. Van Buren, or any other President, is entitled to any credit or responsibility or blame for the expenditures, increase of burdens, or diminution of burdens. I will give his own language: "The gentlemen in the Opposition, in their desire to throw the responsibility of the increase of expenditures upon the Executive Department of the Government, lose sight of the fact that the President cannot originate money bills, or add any thing to the burdens of the appropriations, or take from them." 3d. This reduction was effected, as the honorable gentleman contends, by the operation of the compromise act. The argument is this: but for the modification of the tariff of 1828, by the passage of the compromise act of 1833, the duties would have amounted to one hundred and seventeen millions of dollars more than in the period before named; ergo, by this enormous reduction, the burdens of the people have been lessened one half; and for this kind favor, General Jackson is first entitled to credit, and then, by way of imputation, Mr. Van Buren is to come in for a full benefit. It is a broad shield, that can cover the spendthrift prodigality of both these Administrations. The whole argument proceeds upon an assumed hypothesis—an if, technically upon what logicians call a begging of the question, to get to the conclusion, which was this: "Provided the imposts had been as heavy during the seven years above named, the act of 1828, in the meantime, remaining unaltered." Now, sir, this proviso surrenders the whole argument—it cuts off the set off close by the roots. Every body knows, who knows any thing of the nature of our commerce, that had the tariff of 1828 continued in full force until 1837, our imports would have been greatly less than they were under the modification of the act of 1828, and the compromise of 1833. 4th objection. To the argument growing out of this plea of set off, neither General Jackson nor Mr. Van Buren is entitled to the credit of any reduction of taxes or burdens springing from the compromise act. It originated in no recommendation of theirs—no hand of theirs drew the bill—no head of theirs dictated—no heart of theirs prompted its conception—it was forced upon them both against their will—it received their cold and reluctant sanction. Sir, permit me to say to the gentleman from North Carolina, steal not the livery that belongs to another, to hide the deformity of your party—give tribute to whom tribute is due—give unto Cæsar the things that are Cæsar's—strip not the author of that measure of his just honor, who alone of all other men in this Confederacy, has had the peculiar good fortune of being the instrument of saving this Republic in every trying exigency, for the last quarter century—him, who, upon more than one occasion, when his country was shaking to its centre, standing upon the verge of civil war—party billows rolling over the topmast of the Constitution, tossing it to and fro, by his genius, his sagacity, his powers of persuasion, his patriotism, his moral courage, poured oil on the agitated waves. The troubled sea was calmed, the ship of State was restored to its original moorings, her sails again unfurled to the breeze, without a single stripe stained, or a single star blotted out. But, sir, this statesman needs not my poor eulogy—his fame is identified with the history of his country for the last thirty years—his impress is upon every measure connected with its prosperity during that eventful period. His indignant vero is marked upon every act of usurpation. Whenever that history is written by an impartial pen, his fame will fill its brightest pages. When read, his memory will receive the first homage of the patriot's heart in every country, and every clime.

I close upon this head. The labored argument of the gentleman from North Carolina, also of the chairman of Ways and Means, Mr. Jones, from Virginia, going into a specification of extraordinary expenditures, all falls to the ground, when it is seen that in the comparison I have instituted, every item enumerated by them, and furnished as apologies and explanations by the enormous increase, is excepted in the calculation.

Now come, Mr. Chairman, to the consideration of the miscellaneous objections. It is a measure of favoritism, of bounty to the office holders—the tax receivers, and a measure of unequal and oppressive exaction upon the people—the tax payers. The President perceiving this incontestable and natural effect of the scheme, so obvious to the common understanding and common sense of the plainest farmer in the land, in his special message of 1837, he labors to mystify and evade this just objection, by a flimsy cobweb disguised argument. The President seeing that the effect of the scheme would be to create two distinct species of currency in the country—the baser currency for the use of the people—and the better currency for the dear office holders—himself being chief of the clan, at the tune of $25,000 in hard money—equal—under the operation of the Sub-Treasury system, to the increased sum of $2,500, as a premium on the currency of the people, making his salary in fact the sum of $27,500, instead of the sum fixed by the Constitution. Oh, modern Democracy! Thou art a selfish virtue. The President to secure this additional amount to his annual salary, without any imputation of selfish speculation, brings all his powers of ingenuity and sophistry into requisition, to prove that so far from its being a matter of favor to the office holders to receive nothing but hard money, that it is actually a restriction—"limitation upon the Government—no unjust measure of discrimination." This is the argument, rather the assertion of the President. A handsome compliment to the intelligence of Congress—to the intelligence of the people. It is only necessary to state the proposition, to refute it—it falls stillborn by its pregnant and flagrant absurdity. The measure is one of "restriction," yes, of double "restriction." It is true, it restricts the tax gatherer and the office holder to one currency, but that currency happens to be gold and silver; the better currency at a premium of from five to twenty-five per cent over the currency of the people; at the same time it restricts the tax payer to one currency, in the discharge of his dues to Government, and that currency is gold and silver. I ask our people loving President, where the oppression—grinding exaction of the "restrictive feature" of the scheme pinches? On whom does it fall? On the Government? No, sir. On the office holders? No, sir; it falls upon the dear people, whom the President and his *clique* have so tender a regard for, whose whole employment, by night and by day, is devotedly engaged in devising plans to save them from self-ruin, if professions of kindness are worth any thing. Sir, I will not labor the argument on this point of cruel and relentless "restriction," not upon the office holders as the President contends, but upon the people. A measure of unjust discrimination and favor, not to the people, but to the office holders. It seems to me every tax payer who is not as blind as snakes in dog days, is ready to exclaim: good Lord! save me from such Executive benevolence, such friendships, such favoritism. He will say it may be sport to you, Mr. President, in the language of frogs in the fable to the boys, but it is death to me. Sir, the proposition is too ridiculous to receive grave argument, it reflects contempt upon the intelligence of the people—a contempt that should be rebuked, and it should be cast back in the teeth of its author with scorn and derision, and in the name of my constituents, I cast it back, as disrespectful to their understanding—to their common sense—to their intelligence.

Again, I object to this measure, because of its direct tendency to reduce the price of labor and domestic products of every kind. In the midst of the political mania that has seized the brain of a certain portion of the friends of this measure, so far from considering the first branch of this objection as entitled to any weight, it is urged, boasted of, as one of its virtues. These Sub-Treasury orators, whilst they were straining their ingenuity to satisfy the manufacturers that their scheme would be the great desideratum they had been seeking so long, to guard them against foreign competition, did not perceive that this argument was a two edged sword, until it was seized by the Opposition, and its deformity exposed and held up to the burning indignation of the laboring class. The argument in a nutshell was this. Pass the Sub-Treasury, it will curtail the currency, thereby diminishing the measure of values of all kind—the price of labor—the price of cotton—the price of all products, that are necessary ingredients of manufactured articles. Therefore, it is said to the manufacturer, if the raw material is reduced the price of labor is reduced—the price of all bread stuffs, and meats reduced; the consequence is irresistible, that you can afford to sell the manufactured article just so much cheaper in competition with the foreign manufacturer in this country, or in a foreign market. The process of reasoning is strictly logical, it is irrefutable. This is building up the manufacturer, the large capitalist very snugly; but it is at the expense and ruin of the hard handed laborer in the employment of the capitalist—of the hard working farmer who earns his support in sun and in rain by the sweat of his brow. Time will not permit, and I fear the patience of the committee, nor my own strength will allow, or I would read extracts from the speeches of three distinguished leading supporters of this scheme, delivered during this session, distinctly taking this ground. I allude to Mr. Walker of Mississippi, Mr Calhoun of South Carolina, and Mr. Buchanan of Pennsylvania. Any gentleman who doubts whether I have misrepresented the argument of these gentlemen, can satisfy themselves by reference to the speeches. I have them on my table before me, free for inspection. I know, sir, one of these distinguished gentlemen, weeks after his speech went to the press and to the country, and weeks after the reply of the Hon. Senator from Massachusetts, [Mr. DAVIS,] exposing and laying bare the horrid argument, the gentleman, after waking up from his delusion, or after perhaps being waked up by communications from some hard working laborer, undertook to explain and recant himself out of the difficulty. But, sir, like the animal in the Serbonian bog, every kick he made, the deeper he sunk. And to borrow his own figure, the gentleman from Massachusetts, in despite of explanation, recantation or equivocation, fixed the argument upon him and there it will stick "like the shirt of Nessus," so long as his memory has a for honor or infamy. No escape. Partisans and politicians may pretend satisfaction, but the plain laboring, hard working man will hold him to it, will not be bullied or wheedled out of his common sense. But, sir, it did not require the acknowledgment of these distinguished gentleman to establish this point; it was a point settled by three years' woful experience. This measure having been in actual practical operation for three years past, its effects are not speculative, not conjectural. It is in vain now to say, in the language of the official organ, "The Sub-Treasury is not in force now, nor has it been; pass this bill and the safety and deliverance of the people instantly ensues." You can't gull this community with such humbuggery any longer. Labor has fallen—all farming products have fallen—cotton has fallen, all at least one-half. The people see it; they ask not of politicians to tell them of these things, that are open to their senses. They feel and see another most beneficent effect of the practical operation of this measure; whilst the price of their labor is reduced one-half, the price of all foreign necessaries of life, such as tea, coffee, and sugar, retain their former high prices. They see another thing—whilst they are reduced to want and beggary, the office holder receives his full salary. It was wisely written by the father of his country, in a letter, which I hold in my hand, to Gen. Knox in 1787: "It is among the evils, and perhaps not the smallest, of Democratical Governments, that the people must always feel before they will see. When this happens, they are roused to action. Hence it is that those kinds of Governments are always slow." Deep sagacity, profound statesmanship, proven by woful experience. The people have long felt the evils of the present Administration; thank God, they now begin to see this clearly and distinctly, and they are determined to remedy them by wise and energetic action, so soon as the forms of the Constitution will suffer them to make the application. Yes, sir, that which was speculation in 1837 is now history, that which was theory is now practical demonstration.

I propose now, Mr. Chairman, briefly to notice the effects of this measure upon the currency and commerce of the country, and particularly to analyze the views of the President upon this branch of the subject; for at last the arguments in this House, as well as in the other branch, upon this bill, are but copies or paraphrases of the arguments to be found in the various messages of the President. Now, sir, what is the argument of the President upon these two points? It is perfectly see-saw. He sets out by denying the power of the General Government, under the grants of the Constitution, to pass any acts for the regulation of the exchanges, for the relief of the embarrassments of the people, or interfering or aiding the ordinary operations of commerce in any way. I give his own language, special message 1837: "If, therefore, I refrain from suggesting to Congress any specific plan for regulating the exchanges of the country, relieving the operations of foreign or domestic commerce, it is from a conviction that such measures are not within the constitutional province of the General Government." Again: "All communities are apt to look to Government for too much." The President then sums up the powers of the General Government, "as he now understands them," (not as he understood them in 1836, when he wrote his famous electioneering letter to my colleague, S. Williams,) over both commerce and currency, in this short sentence: "In the mean time it is our duty to provide all the remedies against a depreciated paper currency, which the Constitution enables us to afford." Again, in his message of 1839: "The direct supervision of the banks belongs, from the nature of our Government, to the States who authorize them. It is to their Legislatures that the people must mainly look for action on that subject." Again: "The commerce and currency of the country are suffering evils from the operation of State banks which cannot and ought not to be overlooked; while the keeping of the public revenue in a separate and independent Treasury, and of collecting it in gold and silver, will have a salutary influence on the system of paper credit." Here, then, in these few brief extracts, we have the theory of the President defining his constitutional powers, and describing the effect of this measure upon commerce and the currency. The modus operandi is given in other clauses of the message. When the President wishes to give importance to this scheme, by showing its powerful agency in effecting a salutary check upon the over-issues of banks, he uses this language: "By using specie only in its transactions, the Government would create a demand for it which would, to a great extent, prevent its exportation, and by keeping it in circulation, maintain a broader and safer basis for the paper currency." When the objection is pressed upon the President, that his scheme will bear unreasonably upon the banks, cause distrust in their solvency, require a sudden and ruinous curtailment of their circulation, unsettle the mixed standard of values, depress the price of property, diminish the means of the debtor to discharge his debt, add doubly to the wealth of the creditor by the enhanced value of money, growing out of the difference in the amount of circulation between the time when the debt is contracted and when the debt falls due, make the rich richer and the poor poorer; oh, he says, this is all a mistake, this is all Whig "panic." Hear him in his own language, and see with what financial skill and sagacity, and accuracy of calculation, he explodes all these fanciful objections. I read now from his message of 1837, called session: "It is, however, a mistaken impression that any large amount of specie is required for public payments. Of the seventy or eighty millions now estimated to be in the country, ten millions would be abundantly sufficient for that purpose." If in addition to this consideration you look, he says, "at the facilities which will arise from enabling the Treasury to satisfy the public creditors by its drafts or notes, receivable in payment of the public dues, it may safely be assumed that no motive of convenience to the citizen requires the reception of bank paper by the Government." But, sir, permit me to read a revised view of this opinion, to be found in the last annual message, after three years of deep financial study, and "sober second thought" upon this point, and admire the display of sagacity manifested by our Chief Magistrate in the accuracy with which he guessed at the amount of specie that would be necessary under his "untried expedient"—the Independent Treasury—to conduct the finances of the Government: "These objections have been greatly exaggerated; from the best estimates we may safely fix the amount of specie in the country at eighty-five millions of dollars, and the portion of that which would be employed at any one time, in the receipts and disbursements of the Government would not, it is now ascertained, if the change was made at once, after full investigation, exceed four or five millions." And such, he says, is the rapidity with which the money passes in and out of the Treasury, so rapid is the evolution, "that of nearly twenty millions of dollars paid to collectors and receivers during the present year, the average amount in their hands at any one time did not exceed one million and a half; and of the fifteen millions received by the collector at New York during the present year, the average amount held by him at any given time has been less than half a million." What harmony of statements; in one moment this scheme is to work miracles by its demand for specie, stop the exportation, curtail the over-issues of banks, enlarge the amount of gold and silver, make the paper currency sounder and safer, a machine of most beneficent and efficacious potency; an objection is raised; the statement is instantly changed; its operation will be so light, so easy, its requisition for silver and gold so small, that its effect will not be felt in the remotest degree, even if the sudden demand for the entire revenue were made at once in specie, but especially when modified by the demand for only one-fourth, that to be gradually increased at one-fourth per year for four years; and in addition to all this, the mollifying operation of using Treasury "drafts and notes."

This double dealing, this blowing hot and cold with the same breath, betrays on the part of the President a vacillation of judgment, or a facility of tergiversation, either of which is of itself sufficient to destroy all respect for his opinions, and greatly to shake the public confidence in his declarations, as well as the purity of his motives, even upon the most grave and vital questions. Sir, the Chief Magistrate, in his reveries of gold and silver delusions, has fallen into another most egregrious financial mistake, no doubt without mature reflection; perhaps warped somewhat in his judgment by an over-anxiety to sustain a favorite scheme; he has, with a rapidity of thought amounting to intuition, rushed to the hasty and erroneous conclusion that all our revulsions in trade and fluctuations in currency are clearly attributable to the banking system, the credit system; and that the simple operation of collecting the dues to the Government in specie will have the magical effect to protect the country against over-trading, wild speculation, bankruptcies, fluctuations and suspensions. Why, sir, all history, all experience, all analogy, contradict such an idea. Two of the wildest speculations that ever entered the brain of man were devised, prosecuted, and exploded in hard money times; the one in a nation where there was no bank in existence, the other in a nation where a bank had been but recently instituted, with but limited capital, and only partially in operation; I need scarcely state that I allude to the South Sea scheme and the Mississippi scheme. The history of those times are full of individual failures and bankruptcies, in amount and extent unsurpassed at the present day; and as to the fluctuations in prices at various times in the history of the world, before a bank had been invented, before such an idea had penetrated the mind of man, they were far greater than any now known to commerce or trade in any part of the globe where bank currency is established. I will read a

few examples upon this point from Jacobe's "Inquiry into the production and consumption of the precious metals." In England, in the twelfth century, five hundred years before a bank was established, the price of wheat varied from 2s. a quarter to 13s. 8d. In 1258, it rose to £2. In 1270, it rose to £4 16s. and sometimes was sold at £6 8s. In 1823, it was down to 1s. 6d.; and in 1829, 1s. 4d. to 1s. and to 8d. I could multiply examples of these enormous fluctuations almost without number, not confined to the single commodity of wheat, or the single power of England, but to be found in every hard money Government on the globe. Why, sir, prices of commodities are not alone regulated by the amount of money in circulation; a variety of circumstances operates in fixing the value of commodities. If it be a commodity of subsistence, famine, pestilence, war, failure of crops and excess of crops, and various other causes, as well as an excess or deficiency of money or circulation, will operate upon its fluctuations in price. If it be an article of raw material, as cotton or wool, an excessive over-production or under-production will operate; the principles of supply and demand bear powerfully in regulating prices. To suppose that even an exclusive use of gold and silver by the people of this country, as well as by the Government in its transactions, would be a protection against fluctuations in prices, wild speculations, individual bankruptcies, is a supposition that all history and all experience forbid. To propose to legislate as this bill does, even partially, upon such an absurd supposition, is nothing more nor less than for the most free, civilized, and enlightened nation on the face of the earth to tack suddenly round, and take a retrograde movement to the barbarous dark ages and hard money times, to the tilt and tournament days of Europe, with all the calamities and miseries of that gloomy period. If our Chief Magistrate sincerely desires to save his people from the catastrophe of wild speculation and bankruptcies, there is one way to do it, and only one way; let him blot out of existence our foreign and domestic commerce, sink in the wide and deep ocean all our fine packet ships, steam vessels, sloops; pass unqualified non-intercourse edicts and embargo laws; traverse our sea-coast, our lake coast, our mighty rivers and our small rivers, our canals, and sink every steamboat, canal-boat and trading vessel of every kind and dimensions; and prohibit the building of more; traverse over four thousand miles of railroad, (that seems to be an eye sore to him,) and tear up their iron from their fastnesses; interdict all trade between the States; and he will then have effected his object, without demolishing the "gigantic banking institutions" that he seems to think has produced all the overtrading and wild speculation, and ruinous fluctuations in prices, in values, in morals.

Now, sir, let us analyze this profound financial notion of the President a little further. The argument is, by the use of specie in the transactions of the Government, you prevent its exportation, and maintain a broader and safer basis for paper currency. Without any wanton disrespect or levity, I must say this is a bright financial idea. I had supposed, since the total failure of the experiment of the famous Specie Order, to prevent the exportation of the precious metals, that Executive as well as legislative interference had been abandoned. I tell the President, he might as well attempt to stop the current of the Potomac with his rattan—arrest the mighty rush of the Mississippi by a log dam—or cause the ocean's waves to be still by his majestic nod, as to check the exportation of the precious metals, whenever the foreign exchanges are against us by an unfavorable balance of trade—by the use or operation of this miserable machine of a Sub-Treasury, consisting of a few iron safes, bolts and bars, and such like paraphernalia as decorate any prison in the land. Specie, like water, will find its level—it has no fixed abiding place—it goes wherever the channels of trade carry it; you cannot confine it to any spot or any country. But, sir, the remaining financial idea in this paragraph of the message is more supremely ridiculous, if possible, than the one I have been commenting upon. It is the old theory of Dr. Sangrado revived again, and applied to finance—"bloodletting and warm water," the panacea of the doctor for all diseases. That the analogy may appear in all its just similitude, I will read a short extract from the biography of the doctor. "When Dr. Sangrado was called to the Licenciate Sidello, in his extremity he ordered his surgeon to take six porringers of blood, as the first effort to supply the want of perspiration. Then he said to the surgeon, return in three hours and take as much more, and repeat the same evacuation to-morrow. It is a gross error to think that blood is necessary to human life—a patient cannot be blooded too much." Who can doubt, after having read this short sentence, but what our worthy President is practising in finance upon this theory: depletion, depletion, he says, is the idea. Demand ten at first impulse, but upon a second "sober thought" five millions of silver in the transactions of Government dues; take that amount from the banks, and by this process of abstraction, or specie phlebotomy, you strengthen the banks—"maintain a broader and safer basis for the paper currency"—the banks would thus be rendered more sound and the community more safe, cannot admit of a doubt. O! delusion of man, if you really think so. O! gullible community, if you can be cheated out of your common sense by such financial jargon. The cardinal foundation of bank credit is the bullion they hold in possession—in accordance with the relation it bears to the amount of circulation, is that credit considered sound or doubtful; subtract from the banks, says the President, a given sum of bullion—(take from them the vital spark—the soul of their body—the ethereal fire,) "and you add to their strength," you "widen the basis of their circulation." The very opposite of what the President contends, will be, and has been the effect of the practical operation of this scheme. Here again we have the light of experience, before which theory vanishes—instead of strengthening the banks, one-half of them or more have fallen under the remedy, paralytic, if not actually dead. With all due deference to the President, I must be permitted to say, he takes a very narrow view of the subject when he supposes that an abstraction of four or five millions of specie will scarcely be felt by the banks and the community. As was ably remarked by a distinguished financier, in discussing a different subject, "by taking away the very basis upon which five-sixths of the currency rests, you produce effects that can never be arithmetically calculated, and of which no adequate conception can be formed. An exact ratio would contract the whole currency from which the specie is thus drawn in the proportion in which paper is based on specie. It is notorious, such a measure never operates in an exact ratio, but a loose ratio, arising from the alarm, panic, and dismay they create, and the commercial resources they cut off." Surely it cannot be necessary for me to argue so absurd, so ridiculous a proposition.

Let us, Mr. Chairman, for a few moments examine the effects of this measure upon the creditor and debtor classes of the country—these two divisions of society embrace the entire community. The relation of creditor and debtor is a sacred relation—a relation that cannot be touched by legislation, either adding to or diminishing the obligation of the contract, without violating the spirit and letter of the Constitution. Though many may be the cases where, according to the high principles of equity and eternal justice, the letter of the bond should not be paid, yet it is better to submit to individual injustice and ruin, than surrender a sound and safe general principle. I assume that the ultimate design, and, if not the design, the inevitable effect of this measure will be to destroy all bank currency, and leave nothing as circulating medium but gold and silver, and Government paper. This, I conceive, I have established beyond all cavil. It is in vain for the President to try to persuade even the most credulous man, after he has read his various messages, that his ultimate object is not "a demolition" of all existing banks. Mark the equivocal, non-committal paragraph on this point in his last message. He says, "in a country so commercial as ours, banks in some form will always exist," clearly indicating that in their present form perpetuity was not one of their attributes; if he does not mean this, why crowd every message with denunciation upon denunciation, charging them with perfidy, treachery, infidelity, resorting to all the low demagogue cant, such as "monopolies," "irresponsible corporations," "dangers of associated wealth," alleging it to be their tendency to encourage extravagance, luxury, demoralization. It is true, after exhausting the vocabulary of low slang, he and his followers never fail to wind up with the reservation, that in all this they mean no hostility to the banks. Oh! no, sir. The President in this reminds me of an assault and battery I witnessed when a boy. In passing the road one Christmas eve, I suddenly came upon two men in the middle of the highway—one was flat upon his back, the other setting astride of his breast, face to face, with his left hand gripped in the hair of his fellow-citizen, and a two pound rock in his hand, deliberately striking him in the forehead, the blood rolling down both sides of his head, unable to make any successful resistance, having tasted of John Barleycorn a little too freely the over-day. He yet had the use of his tongue—he petitioned his antagonist to desist in most zealous and piteous terms. The fellow astride, with the same cool, calm, sycophantical benevolence of our Chief Magistrate and his clique towards the banks, (one-half of which is now perfectly paralytic, and the other in a kind of torpid existence under his beneficent treatment,) exclaimed, "be still, be still, I don't mean to hurt you," (repeating it,) "I don't mean to hurt you." Now, sir, the reply of this unfeeling monster in human shape, was about as convincing to the judgment of that suffering man, as the logic of the President is to the stockholders in those banking institutions—yes, those institutions, that in 1834 it was offensive to the nostrils of the President and his Secretary, as State Rights men, to insinuate aught against, or even whisper suspicion of their utility—of their expediency—of their unquestioned solidity—their capability to discharge all the purposes of the Government, and all the business transactions of the community. In connection with this part of the subject, I cannot pass by the extraordinary change of opinion of the President and Secretary, in the space of a few years, upon the powers of this Government over the State banks, as likewise the expediency of exercising those powers. In the debate in the Senate of the United States, in the year 1827 upon the establishment of a uniform bankrupt law, Mr. Branch of North Carolina proposed an amendment extending the act to banking corporations. Let us see what our present Chief Magistrate then thought and said upon this subject, two years before he was indoctrinated by the Missouri Senator. Mr. Van Buren said, "it could not be denied that the clause interfered with the regulations of State Governments, which was an odious exercise of power not granted by the Constitution. By including this subject of incorporations, it will be taken entirely from the States, and subjected to the power of the bankrupt system. This was never done, and never attempted in any country on the face of the globe. When the Constitution was framed, such an attribute was never thought of by those who authorized the establishment of a bankrupt system." The present Secretary of the Treasury, in same debate, took the same view, only using stronger language if possible. I read a short extract from his speech: "he was opposed to this feature (including banking corporations) because to pass it would be to bring subjects and citizens within the scope of the General Government, never contemplated by our fathers; would be sweeping all classes into this Norwegian whirlpool, this vortex of disaster and difficulty to State Rights and State independence." Here then is the doctrine distinctly avowed in 1827 by the President and Secretary, that to pass a bankrupt law embracing corporations, was not only a palpable violation of the Constitution, but a wanton outrage upon the severeignty and dignity of the States. Sir, contrast these extracts with the passages already presented to the attention of the committee, from the Messages of 1837 and 1839, and the reports of the Secretary, and what distrust of sincerity must attach to any political opinion expressed by those distinguished personages: what confidence can be reposed in any statement they make upon the most grave and vital political questions? How inconsistent is the present opinion and policy of the President and his Secretary on this topic, with the boasted feature of this bill. No reasoning, no argument, is required to prove that the passage of a bankrupt law as recommended by the President and Secretary in these words—"the Treasury Department has suggested the propriety of a uniform law of bankruptcies of corporations. Through the instrumentality of such a law, a salutary check may doubtless be imposed on the issues of paper money, fully authorized by the Constitution"—would create a more dangerous connection of Government and banks—a more odious union of the political power with the money power, than has ever existed in this country. I will not stop to argue this question in detail, the mere statement of the proposition must strike every unbiassed mind with irresistible conviction that the inevitable result would be total bank "demolition," or total bank subserviency. Leaving this digression, I return to the point I was discussing. It is in vain for the Senator from Missouri to disclaim any idea, through this measure, to destroy all bank paper currency, notwithstanding his express disavowal that such will not be its effect, after the volley of billingsgate stuff I have nauseated the stomachs, I fear, of every member of this committee, by reading. It is in vain for the Senator from Pennsylvania to attempt to gull the hardworking yeomanry of the Keystone State by his clap-trap resolution, proposing an amendment to the United States Constitution, to give Congress power over the State banks, and his accompanying statement that he was no enemy of the banks—'regulate, not destroy," was his motto—when he embodies in his remarks upon this very bill, this sweeping denunciation: "our system of banking is the very worst, and the most irresponsible that has ever existed on the face of the earth." With these evidences, I feel warranted in the conclusion I have adduced. However ignorant the small fry in either branch of Congress supporting this measure may be, and however ignorant many of the honest yeomen, who see only the surface of things—secrets of state are reserved for the master spirits of the party; and I now make the declaration, after close examination, after mature deliberation and reflection upon public affairs in this country for the last ten years, if you can find precisely the views and designs of the Senator from Missouri, you will know where the party in power will ultimately land; no matter what may be their apparent position upon the surface of things, sooner or later he brings them to the adoption of his measures. For example, trace the party upon the currency question, at first sustaining a recharter of the United States Bank against him; suddenly yielding; trace them upon the removal of the deposites; trace their conduct in relation to the State banks; upon the specie circular; trace the party upon the disposition of the public lands. He has dictated and controlled the entire policy; trace them upon the expunging resolution: "solitary and alone he put the ball in motion," and ultimately carried it by a triumphant majority. He now boasts and proves, that this great scheme, so universally denounced by the party in 1834, now so idolized, is his invention—and no candid man who understands the political history of this nation for the last ten years will doubt it. He will still continue to rule *de facto*, if this dynasty continues in power, I care not who fills the chair of state, and ultimately he will consummate his scheme of a great Executive machinery, a mammoth Treasury bank, upon the total subversion, (in his own language,) the "demolition," of all banking institutions. The process will be a violent one. Sir, under the operation of the banking system and on the faith of its continuance, in some form, all our business has been undertaken, all contracts entered into. Abrogate the entire system, and you have a debt to the banks alone of five hundred millions, besides the countless millions of existing debt between individual and individual, (to say nothing of the foreign debt of two hundred millions,) with one hundred millions of bank paper and eighty millions of specie to discharge this sum; leaving a debt unpaid, after exhausting every dollar of money in the country, both paper and specie, of five hundred and twenty millions. It is only necessary to state the fact, unvarnished and unexaggerated, to strike the dullest mind with the irretrievable ruin that must ensue. And what adds grievously to the inevitable catastrophe is the reflection that the heaviest burden falls upon the poor and needy, and those in humble circumstances. The rich dread no change, while the rights of property are held sacred; they are the creditor class; in passing from a redundant or only a limited currency to a contracted currency, the creditor grows rich, by the appreciation in the value of money, without any corresponding consideration, whilst the amount of debt remains undiminished. The debtor's means are lessened in the ratio of contraction. No, sir, not in the exact ratio, but a compound, an unnatural ratio. A debt contracted in '36, when our paper circulation was two hundred millions, is already doubled, independent of interest; as the contraction of circulation progresses, the oppression and unequal injustice increases in an unnatural ratio. The price of labor and property is already reduced one half—annihilate the one hundred millions of paper, and you still leave a debt of six hundred millions to be discharged with eighty millions of specie. Who can, by any rule of arithmetic, undertake to calculate the depreciation of property, and the appreciation of capital; the suffering and ruin, the wo and misery such a process must bring upon the debtor portion of the community, and the poor of society. Who can estimate the princely fortunes such an operation must give to the capitalists, the wealthy classes of society. Sir, I venture the assertion with confidence, that under such a state of things, John Jacob Astor could, in a twelve month, walk up one side and down the other of the great Erie Canal, from New York to Buffalo, and from Buffalo back again to New York, on his own soil. And inferior capitalists could boast of their thousands and tens of thousands of acres of the choicest land and houses; their tens and hundreds of tenants, every one of whom perhaps possessing more mind and morals than his landlord. What a most enviable state of society this would be under a hard money Government. What a happy land. But, sir, what cares the Missouri Senator and his surgeon Martin Van Buren for all these consequences to others: it neither moves their sensibilities, nor shakes their nerves. Their own selfish ends are the ends they aim at, not their country's. Sir, here again I discover a striking resemblance in the notions of Dr. Sangrado and the author of this financial "expedient." The Doctor, when appealed to by a surgeon, who protested to the Doctor, after following his remedy of "blood letting and warm water" to the letter, every one of his patients left him in the lurch, to surrender his theory, and make an experiment of chemical preparations. "I would willingly make that experiment, (he replied,) provided it could have no bad consequences; but I have published a book, in which I have extolled the frequent use of bleeding and aqueous draughts, and wouldst thou have me decry my own work?" 'Oh you are certainly in the right," said the surgeon, "you must not give your enemies such a triumph over you; they would say you are at last disabused, and ruin your reputation; perish rather the nobility, clergy, and people, and let us continue in our own path." Sentiments very like have been written and spoken by the party in power, such as "he deserves to break who trades on borrowed capital;" the more than barbarian exclamations, "perish credit," perish commerce;" who so dull as not make the application. Now, with all the ruin, wo, and, misery with which the land is afflicted, proceeding from the practical operation of this financial scheme, our Chief Magistrate softly lolls upon his Parisian sofa, unhurt, unscathed, exclaiming, "my own views of the subject are unchanged." Is this the result of stern Executive duty, emanating from a deep conviction of patriotism? If so, let all praise and all honor be given for the motive.

But are there no circumstances calculated to throw a shade of suspicion on his purity of conduct? Is there no portion of the mass of sixteen millions of people who feel no embarrassments, no distress, in this general wreck? Is there no green spot, on which the eye can rest, and say to the besom of destruction, this is your landmark, thus far canst thou go, and no farther? Is there any portion of this sixteen millions of people, that are benefited, that are profiting, that are growing rich off the mis-

*Beardsley, of New York, the bosom friend of Mr. Van Buren.

fortunes and sufferings of the balance of the community? "True, O King" there is. Who are they? And where is the favored spot? Foremost in the list are the office holders, with fixed, permanent salaries. And the chief of that class, the President of the United States, with an annual salary of $25,000, to be paid in gold and silver, by the provisions of this bill. Next in the list is your public printer, the official organ, receiving his $2 50 00, with a clear profit of 33½ per cent. upon that sum, besides liberal wages for all labor, as has been proved by sworn witness in the printing investigation this session; brokers, shavers, hard money Shylocks, and usurers; these individuals constitute the favored few that this measure will profit. These are the persons, and the only persons, out of this immense mass of sixteen millions of population, who are not now groaning under the ruinous practical effects of the financial policy of the party in power. And yet this pampered vehicle of slander and filth, published "by authority"—fed by the patronage of the party and the Executive, the bosom friends and backstain associates of the President, insults a suffering community, with the scornful rebuke, "there is no pressure an honest man should regret." "Thou ghost of Famine," and †"Thou galvanized corpse"—bloated and surfeited with the illgotten wealth of a plundered Treasury, fattening upon the spoils, wrung in hard money from the people, how dare you thus insult suffering millions, that are now writhing in want and despondency? How dare you thus insult the people, and still wave the banner of Democracy; a banner once sacred, now all tattered, torn, and polluted? Methinks, when I look upon your like and your worthy patron‡ bleating Democracy, that I can see, distinct in my mind's eye, the martyred Madame Rowland, the victim of the French Revolution, for opinion's sake, on her way to the guillotine, riding on the vehicle of the bloody executioner, raising her eyes suddenly upon the statue of Liberty, she exclaimed: "Oh, Liberty! Liberty! what deeds have not been done in thy holy name?" And well may the patriot of this day and country, exclaim, "Oh, Democracy! Democracy! what deeds have not been done in thy sacred name!" Pass this bill, Mr. Chairman, and continue the present rulers in power, and you sweep over the country a desolation more blighting than the sirocco; more destructive than the tornado; more uprooting than the earthquake; more withering than the breath of the great Bohon Upas. Sir, I object to this measure, because it is anti-union in its tendency. What were the great objects, Mr. Chairman, intended to be obtained by the adoption of the Federal Constitution? If there be any one prominent above all others, it was the securement of a sound and uniform currency. The action of this Government in the discharge of the other leading powers of the Constitution, the common defence and commerce powers has been, and ever will be unequal, partial; it is inevitable. The burdens and benefits of this Government, never can, in the nature of things, be exactly uniform. The geography of this country, defines this as unavoidable; the disbursements necessarily must be made mainly upon the exterior. The revenues in the meantime are raised, in every part of this extensive country, uniformly. This necessarily draws the circulating medium from the interior, and accumulates it upon the border; and upon Kentucky, this operation is double; besides paying her equal share of taxes through the customs, no State in the Union, in proportion to her population, contributes more to the National Treasury, through the land offices. Here are two outpourings of her currency, with no returning stream, by way of Government expenditure or disbursement. All must perceive this process, unexaggerated by any depreciation of currency, or oppression of heavy exchanges, makes her contributions oppressive and impoverishing. But, of all this, Kentucky has not and does not complain; her representation have always acted upon the principle of the greater good; that to legislate for such a country as ours, requires expanded views and liberal self devotion; that in a country embracing every variety of climate, soil, and productions, diversified in its interests that legislation, which is necessary for the common defence and common prosperity of the nation may conflict with the interests of particular sections: this of stern necessity must be; it is part of the price of our greatness of our freedom, of our constitutional liberty. No State of this Confederacy, has exhibited herself a more willing sacrifice, to this inevitable destiny. Although precisely the same language is employed in the Constitution to define foreign and domestic commerce, yet, in the space of fifty years, legislation, including appropriations, of almost countless millions, to the protection and advancement of commerce, not a line of your statute book is marked with an expenditure within her borders. It is true, Congress, at various times, passed bills for her benefit, but they uniformly met with Executive vengeance—they fell victims to the deposite blow of the veto power; while precisely similar appropriations, in other sections, received the Executive sanction. And yet the devotion of Kentucky to this Union, in despite of neglect, of Executive outrage, has not been surpassed by the most favored State. In peace she has, for a half century, paid her share of the public revenues, by direct and indirect taxation, without murmur or complaint—no resistance of revenue laws, no nullification. In war she has glutted your armies with as good soldiers and as true as ever spilt their blood in Liberty's cause. Where, then, Mr. Chairman, I ask, is Kentucky to look for a pittance of remuneration for her contributions and her sacrifices, ceaseless as they have been, and I fear are destined to be, whilst this Union is preserved? (and may it be perpetual.) What link is there to fasten her to the car of State? What tie is to awaken her affection and fix her allegiance to this Federal Government, under all these forbidding circumstances? There is one remaining power given in the Constitution, the common charter of our liberties, and that power is over the currency. Annihilate this power, or refuse its exercise—omit to call it into active, living use, as this measure contemplates, and as its authors avow—and you sever the strong cord of interest that fastens the interior States to the Union. Whatever of affection, whatever of devotion, their people may cherish towards the General Government, will have to emanate from a pride of national honor, national grandeur, national glory. Sir, I speak not for the entire interior, I speak only for myself and my constituents. I assert the power of this Government over the currency. I go further: I say that this Government is not wisely, is not faithfully administered, without a just exercise of this power. I charge this to be a duty, an enjoined duty, an imperative duty, a duty from which this Government cannot escape without an abandonment of the leading motive of its creation. Having stripped the States of this power, it is the bounden duty of this Government to use it. I repudiate with scorn the doctrine contained in the President's message, and repeated in this debate, of a separate interest between this Government and the people; that the paramount duty of this Government "is to take care of itself, and let the people take care of themselves."§ I hurl with indignant contempt upon its authors the sentiment that this Government, at the immense cost of twenty millions annually, was intended to secure to the people the privilege, the glorious privilege, of taking care of themselves. I demand, in the name of my constituents, (many of whom now, after a life of toil, industry, and frugality, are forced to surrender their firesides, their homes, by the ruthless policy of the past and present Administrations,) an exercise of the plain and beneficent powers of the Constitution, a fulfilment of its high and imperative duties; and in their name, I hold none more sacred, none more obligatory, than that of furnishing to this entire nation a sound and uniform currency, suited to its genius, its habits, its pursuits, its trade, its diversified interests. Can it be that Washington and all the sages of the Revolution wholly misunderstood the powers and duties of this Government?—men who lived before the Constitution, and lived under it—men who were eye-witnesses of the necessities that caused its adoption—men whose only aim "was their country's, God's, and truth's." Can it be that a convention of sages, solemnly called together, and after elaborate and trying investigation, consultation, and deliberation, framed a charter of powers, a Constitution, and yet were incapable of understanding or correctly construing the work of their own hands?—that Providence, in his inscrutable ways, has reserved to our Chief Magistrate the enviable privilege of revealing the only true construction of this most mysterious instrument? And that revelation, when reduced to plain English, is this, that this is a Government omnipotent for evil, but impotent for good—a Government of individual absolutism, "of one man power"—a Government that can do nothing, without corruption, but impose penalties and restraints; the same act that confers discretion and defines duties, creates a prison and defines the term of penitentiary service. What a commentary upon the construction of our rulers! what a disgraceful reflection upon this scheme, in the eyes of any candid, sober-minded man. In the eloquent language of an enlightened statesman, "that whatever is positively beneficent, whatever is actively good, whatever spreads abroad blessings and benefits which all can see and all can feel, must all this be reprobated as dangerous and obnoxious policy, hurrying us to the double ruin of a Government turned into despotism by the mere increase of acts of beneficence, and a people corrupted beyond all hope of rescue by the improvement of their condition."

Sir, gentlemen call upon us, an impotent minority, powerless in the Executive, powerless in the other branch, powerless in this House, except in temporary resistance—merely sufficient strength to stay for a limited time the hand of the executioner—to give a remedy. They tauntingly demand of us our plan, after having rejected, by a negative vote in both branches of Congress, with the repeated declaration of the President, in his State papers, that he would veto the only measure we consider competent to relieve the country. Gentlemen still persist in demanding our scheme of redress for grievances, our measure of relief. Sir, I have no concealment of my opinions upon this momentous question; I have already, I trust, made myself perfectly intelligible upon this point. My constituents want no more financial "experiments," no more "untried expedients;" they ask you to restore them where you found them ten years ago, when you commenced your financial quackery and "tinkering" with the currency; "they ask for patriotism to restore what party, for miserable selfish purposes, has snatched from them." In the language of the Roman Emperor, whose general had suffered himself to be surprised by the crafty Arminius, and his choice cohorts cut to pieces: Augustus, almost driven to madness by so serious a loss, in deep sorrow and dejection would exclaim, "Oh Varus, Varus, restore me my legions!" In the name of my suffering and indignant constituents, I demand of the Chief Magistrate and his party to give them back the sound currency you have "demolished," the universal prosperity your experiments have destroyed, the individual confidence you have cut asunder, the State credit you have wantonly assailed and depressed, the public credit you have impaired; give back the incalculable good you have desolated, or be hurled from the powers you have wickedly abused, to bring these evils upon them.

Mr. Chairman, if gentlemen sincerely desire to know by what means the public finances can be restored, a bankrupt Treasury replenished, public and private credit invigorated, prosperity, public and private, placed upon a permanent foundation, I will tell them. I propose to lead them in no untried paths; I point to an old beaten track, a road travelled successfully for forty years, a highway that history, experience, analogy, that all resemblance between our present and our past condition suggests; a road marked out first by Washington in 1791, a road remarked by Madison in 1816, after double refined experience, after every experiment, every contrivance, every financial device, had been resorted to and failed. Sir, I now warn the Executive and the country, that, after they have gone through the entire round of financial shifts, experiments, and expedients, they will all terminate as they always have terminated, in utter discomfiture, and destruction of public and private credit and prosperity, and at last with an impoverished Treasury, a heavy national debt, created in a time of profound peace, without calamity from Heaven, with a people embarrassed in every pursuit of life, (office holders and brokers excepted.) Before the finances are restored, the business of the country placed in its wonted channels, the car of State will have again to be put on the "old beaten track."

I cannot conclude, Mr. Chairman, without noticing briefly some of the examples of foreign Governments, offered as models of imitation to the people of this country. After authorities, this world is mostly governed by examples, by precedents; falsely and deceptively used, they are the second most potent weapon of error. Our Chief Magistrate, being aware of this, has neglected no pains to obtain garbled and imperfect information from other countries to deceive and mislead. The President in his last annual message represents that, in a pamphlet of correspondence to which he refers, it will be ascertained that, out of twenty-seven foreign Governments, twenty-six forbid the use of public money by the agents of Government, and that twenty one have adopted the Sub-Treasury as their financial plan; a circumstance of high commendation in the estimation of the President in favor of this scheme. It is a little remarkable it did not strike his mind that there was another feature in all these Governments in which there was perfect uniformity—that out of the entire twenty-seven, there was no republic, no democracy, no free government; that the "one man power" that seems to haunt his brain to madness, pervaded every Government of the twenty-seven examples referred to; that if partial unanimity upon one point of administration was a ground of imitation, undivided unanimity upon another was surely a stronger argument in favor of its adoption. Why not, if we embark in aping after monarchs, go the whole at once? Why not, if it is intended under the delusive guise of democracy to clothe the President with all the powers of a despot, call him by his proper name? Sir, I now propose to look into a few of these examples, so boastingly paraded by the President and his hard money orators in this and the other branch of Congress; and the first in the list of foreign nations is the Government of France. France, it is said, is a hard money Government, and practises the Sub-Treasury in the management of her finances. Now, sir, it is not true that the revenues or commerce of France are conducted exclusively in hard money. Sir, for the information of the committee, and for the better information of the country upon this point, I ask the attention of the House while I read a single paragraph from a very able pamphlet, written by the Vice Governor of the Bank of France,* upon currency and finance. Speaking of the Sub-Treasury, in its practical operation, as connected with the banking system of that country, this distinguished writer uses this language: "The branches of the Bank of France are supplied with specie by the surplus of the receivers general, and by private deposites of individuals, to be reimbursed at sight at Paris; and when these resources fail, by remittances of coin from the mother bank at Paris. The receivers general, who are near the branches, (mark this,) find it a convenience and a safety to place their specie due the Treasury with them, the amount being paid the Treasury at Paris by the Bank. The banks thus lessen the expenses of general business, and the amount of those transportations of specie, which, crossing each other in every direction, and often meeting each other on the way, occasion to trade, to the collection of the public revenue, and to the country itself, very considerable cost of carriage and interest; transportations which excite astonishment in men of business from countries where a more advanced credit system provides more economical methods of circulation." What a commentary upon the principles of this measure; what an explosion of the declaration that France used nothing but specie in the transactions of her finances, and that her depositaries were iron vaults and safes; what a biting criticism upon the ridiculous folly of the practical operation of this scheme.

This same distinguished financier, speaking of the trade and currency of France, uses this language—"Paris has become the central point of general circulation; the chief instrument of circulation is necessarily paper on Paris, which assumes every possible shape, bills of exchange, and all sorts of bills. The effluence of such paper, which may be called the general currency, contributes in a very large measure to nourish that large discount business, which is done in Paris by the private bankers, the capitalists, and ultimately by the Bank of France. It would be impossible to ascertain, even by approximation, the sum in circulation and paid annually; but an idea of its magnitude may be formed from one fact, that the Bank received in 1836 to the amount of fifteen hundred millions of francs, and in 1838 more than seventeen hundred millions." And yet Congress and the country are gravely referred, by the President and the advocates of this bill, to France as a hard money Government, practising the Sub-Treasury system. I would recommend our Chief Magistrate, before he communicates to Congress another message, that he should consult higher authorities than are to be found in his pamphlet of foreign correspondence. If he can spare the time from his indispensable Executive duties, such as reviewing the standing army, promenading the saloons and splendid walks at the White Sulphur and Saratoga, and addressing the exclusive democracy at Castle Garden, upon the comforts and glories of hard money, iron safes and vaults; to read carefully this pamphlet, and other able publications of like character, upon these most abstruse of all questions, currency and finance, the President would find much useful information in some essays written, in this new country of ours, upon these topics. I know, sir, he has not been altogether remiss in this duty; any man who will critically examine his various State papers will readily perceive this. He has studied most profoundly an American work on banking and currency; a rich fountain for the Chief Magistrate of sixteen millions of enlightened freemen to draw lessons from upon currency and finance. If I did not fear I might be deemed presumptuous, I would advise the President to lay Gouge's book aside, and take up Gallatin's essay on currency, and works of similar ability; works worthy the study of the wisest and ablest of statesmen; works from which he may draw deep and rich draughts of financial learning; works worthy the study of the chief ruler of a great and enlightened people. I would particularly call his attention to this paragraph in Mr. Gallatin's pamphlet, 1830, touching the measure under discussion: "It must at the same time be acknowledged that, inasmuch as the revenue may be collected, and the public moneys may be kept in chests, and transferred to distant places without banks, it cannot be asserted that those institutions are absolutely necessary for those purposes. All this may be done, though with a greater risk, and in a more inconvenient and expensive manner. Public chests might be established, and public receivers or subtreasurers might be appointed, at the places where there are now offices of the Bank of the United States, and specie might be transferred from place to place as the public service required. (I would especially call his attention to this sentence,) with the exception of the power of receiving private deposites, the object of which provision is not perceived. This is precisely the species of National Bank which has been suggested in the President's last message "‡ This essay is pregnant with information well worthy of a chief magistrate's calm and deliberate study. But to return for a moment to the correspondence with foreign nations.§ Had the President been a candid, impartial and patriotic inquirer after truth, he would have found much useful knowledge in that pamphlet, besides the information communicated in his annual message; he would have discovered information touching the interest and honor of this nation, of this kind—"Another check, however, to the embezzlement of the public moneys by the receivers consists in the difficulty and danger of leaving the country clandestinely. Besides, if he even succeeded in escaping, the continental powers

‖Hardin, Kendall, Pickens, Blair.
†(Locofoco epithets.)
‡The President.
§Maysville road—Kentucky river and Louisville canal appropriations—Cumberland river appropriation of fifty-five thousand, excepted.

*Baron Gautier.
†Gouge, a clerk. ‡Message of 1830.
§Woodbury's correspondence with Consuls.

§Mr. Atherton, New Hampshire. **Mr. Webster.

never refuse to surrender offenders of this class." Sir, had our vigilant President availed himself of this knowledge, and employed himself in the detection of the grand plunderers of the Treasury, who have been for years travelling and living in princely style in the most magnificent cities of Europe—Swartwout with his million and a quarter, and Price with his thousands—instead of burning the midnight lamp, manufacturing a labored defence and recommendation of a thrice condemned financial scheme, and a cruel and wanton attack upon State institutions, his conduct would have challenged and received the gratitude, praise, and honor of a free people. But no, sir; no demand is made for their surrender, no effort is made for their detection, no discharge of a high and imperative Executive duty; what a vigilant public servant; what a watchful guardian of the people's money; what an example of official rectitude. And yet, sir, in the face of this flagrant dereliction of public duty on the part of the President, he has the consummate impudence to insult the people and the States by telling them they have become too prodigal in contracting debts, too luxurious in their living, and too lax in their morals; but that he and his household, let others do as they may, intend to live to the Lord, that they must, at all hazards, "hold erect the standard of, morality and law." What solemn mockery of virtue! There is one other principle developed in that correspondence that our Chief Magistrate has overlooked, or wilfully neglected to profit by the suggestion; the principle is this "the best security against the misuse of the public money, is the good character of the functionary," a doctrine abounding with wisdom. It is passing strange go sage a sentiment should have escaped the attention of an anxious inquirer after sound political truths.

Sir, I would, had I time, like to review more minutely this pamphlet of foreign correspondence, but justice to other topics will not allow. I will now proceed to notice two or three other examples of hard money Governments, that have been arrayed in debate upon this bill as worthy the imitation of this country. Before I proceed, however, I wish to say a few words upon the relative condition of England, France, and America. It has been contended in debate, in view of showing the superior excellency of a hard money currency, over a mixed currency, that England, though a splendid and magnificent country, was the poor man's prison, the hot bed of misery and starvation to the working classes; and this all attributable to the pernicious influence of paper money. That France, though a less splendid, less magnificent country, was the "happy land" of the middle and laboring classes. I have a few facts to to offer the committee to explode all this poetry, which I will present without comment. These are the facts and statistics upon this much debated topic. The kingdom of Great Britain has an area of 120,000 square miles; France, an area of 200,000 square miles; Great Britain, a population of 24 millions; France, a population of 32 millions. First. Agricultural productions. I select the single article of grain, as this is the staff of life, for rich and poor. Grain. Bushels per given average Great Britain, 414 millions, round numbers. France, 369 millions. Manufactures. Annual product of Great Britain. 2,365 millions of dollars; France, 360 millions of dollars. (Mark this.)

The comparative commercial and manufacturing power of Great Britain and France.

		FRANCE. *Men power.*	GREAT BRITAIN. *Men power.*
Animate power		6,303,019	7,275,497
Inanimate power.	Mills and hydraulic eng.	150,000,000	1,200,000
	Windmills	253,333	240 000
	Wind and navigation	3,000,000	12,000,000
	Steam engines	480,000	6,400,000
Totals,		11,536 352	27,115,497

Thus the total inanimate power applied to the arts in France scarcely exceeds the fourth of that applied in the United Kingdom of Great Britain, and the whole animate and inanimate power of the latter applied to manufactures and commerce is nearly treble the amount of that of the former. This is not all; see the comparative consumption in the two countries of two of the most pleasant and essential articles of human subsistence. Total consumption of sugar in all Europe per year, average calculation, 500,000 tons, of which 180 tons are consumed in Great Britain, and 90 tons in France. Annual consumption of coffee. The total consumption of Europe and the United States 138,500 tons, nearly one fourth of the whole consumed in the United States and Great Britain. In the latter, the consumption is about one pound per head; in the former, it is upwards of three pounds. Two countries impoverished and ruined by the use of paper money, according to the theory of our enlightened President and his *clique* of politicians. A glorious impoverishment! A most happy ruin! such as any hard working poor man ought to covet, and would, if he was not wheedled out of his senses by the vile falsehood and hypocrisy of hollow hearted and pretended friends. Once more on this topic—comparative consumption of cotton—Great Britain 228,000,000 lbs. annually, France 77,000,000. Now for the prices of labor in Great Britain, contrasted with labor in France and other hard money Governments. I read from the statistics of an able writer.*

"France	5s 8d	per week of	72	hours.
Switzerland	4 5	do.	82	do.
Austria	4 0	do.	76	do.
Saxony	2 6	do.	72	do.

Being an average of 3s 11¾ per week of 79 hours. The same Mr. Gregg states the existing wages of Englishmen to range from 15s to 30s a week."

I ask the attention of the poor man and the working classes, to these plain facts and statistics, and compare them with the poetry of the honorable gentleman from Massachusetts, Mr. Williams, and then make up their judgment upon the relative comfort and happiness of the people, the great mass of the people, (not the aristocracy) of the two countries. But, sir, the state of pauperism in Great Britain has been arrayed and called up in this debate, by the same gentleman, in most piteous lamentation, as another evidence of the impolicy and ruin of paper money. Now, sir, I offer a short table, to show the pauperism of Paris, the richest capital of any hard money Government on earth, and it transcends, in misery, any thing to be found in Great Britain.

"According to a recent return, the following are the number of paupers in the different arrondissements of Paris: 1st, 3,599; 2d, 2,646; 3d, 2,406; 4th, 3,129; 5th, 4,699; 6th, 6,936; 7th, 2,939; 8th, 9,938; 9th, 6,332; 10th, 5,678; 11th, 3,896; 12th, 11,857. The total is 63,947, without including the *pauvres honteux*† inscribed at the Bureaux de Bienfaisance." The same honorable gentleman has exhibited tables of bankruptcies in England, to show the fluctuations in trade, and the mad speculations engendered by a paper money system. Let us see how this matter stands upon fair and just comparison. I read from a learned discourse delivered by a distinguished Frenchman,† in December, 1839, consisting chiefly of statistical memoranda. He states the registered cases of bankruptcy for that year at 929; the whole number declared to the Tribunal of Commerce, from the first of January, 1839, to the first of January, 1840, 1,013, and the aggregate sums upwards of sixty millions of francs. These are the failures, formally recorded and complete; but it is authenically added, that nearly as many cases of private arrangements, compositions, with creditors took place, swelling the preceding amounts of insolvency to more than one hundred millions. According to the statistics of the same writer, the number and amount of bankruptcies, since the year 1835, many of them total failures, others partial, exceeds that of all the banks that have ever suspended or broken in the United States. So much for the comparative fluctuations and bankruptcies of hard money Governments and paper money Governments. But there are two other examples of foreign Governments, relied upon and recommended by the hard money orators of this and the other branch of Congress, in support of this bill. I read an extract or two from the speech of the Missouri Senator, delivered on this bill in the Senate, in these words: "France and Holland present the two highest models for the study of currency, which the history of the world affords. Holland is a subject for the study of the Ameriaan statesman." Holland! Little Holland, with a territory of eleven thousand square miles!—a single State of this Union containing 70,000—the territory of the United States 22,000,000 square miles! The inequality of territory itself, writes upon the assertion stupidity, or a wanton, wilful effort at gullibility—humbugery. I now give, sir, a specimen of the veracity of this distinguished Senator, that his abused followers may see and know what character of idol they worship. I read from the same speech: "This is Holland, a country which has no paper money banks."

I now read from an authority,† upon this point, high in credit in all civilized countries, as a work on commerce and finance. "The Bank of Amsterdam was founded in 1609—(Amsterdam, the capital of Holland.) This establishment continued to flourish till the invasion of the French, 1795. Between the years 1651 and 1672, the commerce of Holland appears to have reached its greatest height. In 1690, the entire shipping of Europe amounted to two millions tons, Holland being the owner of more than half;† according to the estimate of a distinguished writer. Holland all this time transacting her domestic and foreign trade, principally in paper money, certificates of deposite, in the language of Mr. Gallatin, "as much bank bills as notes issued by our banks of discount in this country." It was left to the sagacity of the "Great Humbugger," to discover that "hard money" had any agency in giving wealth, and power, and national glory to Holland. After the restoration of peace throughout Europe by the treaty of Aix la Chapelle, the trade of Holland rapidly declined. William the Fourth, Stadtholland, appointed a commission of the ablest financiers of the country to investigate the causes of the "lustre, repute, and dignity" of the former commerce of Holland, and the causes of their decline. That committee made a most able and elaborate report. I will not trouble the House by reading it, it can be found at large in the work I hold in my hand—I will only say, that it never entered the brain of one of these able financiers that hard money had any agency, either in building up or pulling down this immense commerce, and wealth, and renown of Holland. I will now read a brief paragraph from a distinguished author, upon the internal condition of Holland, this model for this country to copy lessons of Government from; this bright example for the American statesman. Sir William Temple, "mentions that in his time taxes were greatly increased, afterwards the necessities of the State lead to the imposition of taxes on corn, on flour when it was ground at the mill, and on bread when it came from the oven; on butter, and fish, and fruit; on income, and legacies, the sale or houses; in short, almost every article either of necessity or convenience." Amongst other evidences of the happy condition of the poor, he gives this statement, "one fish sauce, was in common use, which directly paid no fewer than thirty different duties of excise." This is a glorious Holland—"a model, a subject of study," for an American statesman, worthy the imitation and adoption of a free and enlightened people.

But this distinguished Senator, the great Mogul of the Democracy of this country, says in the same speech, "Holland is the country for our statesmen to study; but if she is too distant, let them cross over to the island of Cuba." Cuba! Cuba! a fit model for America—a little speck of land in the Gulf of Mexico, scarcely discernible to the naked eye, on the vast map of the world, with no Government of her own—the wretched, depraved, and degenerate colony, of the most degraded and rotten despotism of all Europe. A model for republican freemen; an island, without an institution of learning, a house of Divine worship, an institution of charity or humanity; without a public building, save it be a prison, to hold her unnumbered convicts; without a road or a highway a mile from her coast. A country that cannot, in the tide of time, boast of a statesman, a general, a philosopher, or a man of science of any kind; without manufactures, without arts; the home of pirates; the asylum of African kidnappers, the nursery of the slave trade. This spot of hell upon earth, is boastingly held up, in the Senate of the United States, as a choice model for the American statesman. This Administration, not content with the national disgrace incurred by importing bloodhounds from this island, to mangle and torture a handful of Indians, because they are unwilling to leave their homes, their firesides, their lands, and the graves of their fathers, in discharge of a treaty conceived in fraud and treachery, and insummated by force, they now propose to add another blot of dishonor to the national character, by importing a system of finance. Days of Danton and Robespierre, days of humanity and Christianity, when compared with this day of boasted civilization in this land of liberty. Gracious God, how long will the people slumber? When, O when will they awake from their deep sleep? "Must the very earth quake before they will arouse?" Can they be so blind as not to see that chains are making to rivet despotism upon them? Is it possible that in the first half century of American Independence, the people have become so depraved, that, like sheep, they are ready for the shambles? Forbid it, genius of freedom! Arouse from your slumbers and hurl the tyrants from their high places. Pass this bill, and let the people acquiesce in it, and have we not tied the purse to the swordhilt of the President? Will we not convert a pillar of freedom into an engine of despotism? My soul sickens within me when I contemplate this triumph of Executive will over popular opinion, by the appliances of Executive patronage.

Have we not a monarchy, practically a monarchy? are we not governed by one man? The title by which a ruler of a nation is called is immaterial; give him the power of a despot and he is a despot, though we may call him, and he may call himself, our servant.

In the conclusion Mr Chairman, if I thought a voice would be heard from one so humble as myself, I would invoke him who alone, in this crisis of universal distress, holds the power as an earthly, benefactor, to administer relief. I would appeal to him to give up the mad promise, made in his unaugural address, to follow in the footsteps of his illustrious predecessor; to summon up moral firmness, the most difficult as well as the most praiseworthy of all courage, to acknowledge his errors, retrace his course, fall back upon the footsteps of Washington and Madison, characters worthy of all imitation, from the highest and proudest of mortals. I would say to him, sir, quit, oh quit you ruinous projects, stop on your downward road to destruction—destruction to the people's prosperity, destruction to civil liberty, destruction to your own present and future reputation. I would say to him, go and consult the light of experience, an experience that has been tried and proven successful upon more than one occasion of similar difficulty. I would go one step further. I would beseech him to cast from atound him his secret cabinet, his evil advisers, evil to himself, and evil to his country. I would say to him, in the language of the faithful guardian of the Roman treasure, "Strike, but hear me." Press not "experiment" upon "experiment," and "untried expedient" upon "untried expedient," until the long forbearance of this people shall become exhausted; until this nation, now the only abiding place of freedom, shall be hurried, by the madness of wicked rulers, into the rage of civil discord, or sink into that more horrible condition, the arms of sleepy despotism.

But, Mr. Chairman, I have no hope that any appeal of mine would move the heart of the high civil ruler of this nation; the edict has gone forth from the Hermitage, his bond is given for its execution; lest reason, judgment and experience might convince him of his error, and drive him from his purpose, he has closed every door behind him through which he might retreat; he has cut down every bridge of deliverance; and now, standing upon an awful precipice, with a suffering, bleeding country at his heels, with the broad gulf of inevitable ruin to himself and country before him, he, maniac-like, resolves—"sink or swim, live or die," my course is onward, sooner than surrender a miserable "expedient." In the language of Divine inspiration, I say—"let him alone; like Ephriam of old, he is wedded to his idol." And like all idolators, he deserves to perish; his doom is already written on the wall; the blazing capitals glare in his eyes by day, and haunt his distempered vision by night. It is as it should be, as it always has been; retributive justice is at hand; the God of mercy has said, He is also a God of vengeance. From the civil ruler of this nation, I appeal to the Ruler of the Universe; I pray his interposition; I entreat him to extend an arm of deliverance and rescue a sinking nation.

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*Mr. Gregg.

†The Prefect of the Seine.

†McCulloch's Commercial Dictionary. ‡Sir William Petty.

SPEECH OF MR. SERGEANT,

OF PENNSYLVANIA,

In the House of Representatives, June 24, 1840—On the Sub-Treasury Bill.

My intention, Mr. Chairman, in what I have to say, is to address myself to the committee. There is no reason for speaking upon this subject to my constituents. They understand it quite as well as I do, many of them much better, having long had it under consideration, and viewed it in the light which their daily practical operations afford—the only true light in which questions touching the currency and circulation ought ever to be regarded. They have already felt its effects, its blighting effects, during the last three years, and passed upon it a sentence of condemnation with great unanimity. They do not desire to see it legalized and perpetuated to the continued disturbance and destruction of their interests, however it may suit the purposes of those in power to deal thus recklessly with the business of the country and the freedom of the citizen.

Neither have I the vanity to believe that it is within the scope of any ability of mine to enlighten the public mind. This may be, it must be admitted, a very fit object of discussion here. But upon the matters embraced in this project, the mind of the people of this country has long been occupied with intense anxiety. It has met them in all their daily concerns, and they have everywhere encountered in it an enemy to their industry, their welfare, and their happiness; until, from a state of unexampled prosperity, every branch of industry is in the depths of distress, and the whole land is pale. That this reverse, this searching reverse, which has reached the humblest citizen, destroying his employment, and reducing or taking away his means of subsistence, is owing to the measures of the Administration, I have no doubt whatever. Sufficient, however, is it to know, that these measures and this distress have been coexistent. They have gone hand in hand together. Precisely as the Government has advanced in its schemes and contrivances, the prosperity of the country has receded, until we are as if we had been struck with famine or pestilence. The consummation has been felt, bitterly felt, for the last three years, and is still upon us That period will be marked as the darkest and most disastrous in our history, being the very period when the powers of the Government have been employed and exercised with the keenest instinct *of the love of rule*, to break down the institutions which were found suited to our condition, to disturb and uproot our accustomed ways of business, to place themselves in opposition and contradiction to what the people have chosen, approved, and practised with perfect success, and to substitute them by dogmas, false in themselves, false, and over and over again falsified in all that they promised for the public benefit, and only true in their secret efficacy to undermine our free Constitution, and aggrandize our rulers, and thus to change our Government into something more in the resemblance of the arbitrary Governments of the old world. The public purse is now in the hands of the Executive, and so it has been for the last three years. The circulation and the currency have been under the control of the Executive for almost ten years. During all that period, they have known neither rest or peace. Shock after shock has fallen upon them, until the fa-

bric of credit and confidence, constructed by the wise and well-directed labors of years, has been broken down and destroyed. The Sub-Treasury is but the representative of the ruins of that fabric. It is the poor residuum of the experiments upon the fine gold of public credit and national prosperity, which have perished in the heat of the fire kindled by the Executive and nourished with his breath. It is all that remains. The people of the United States are familiar with it, by a sad and disastrous experience, and they know that this bill, whatever pretensions it may put forward as a measure, is only to give us permanently for our portion the wreck and ruin of our prosperity. It is to continue what we have had for the last three years. The knowledge of its operation, therefore, has been sufficiently brought home to every one. Light abounds. If it be wanting any where, it is here, where it is obscured by the thick mist of party prejudice and passion, or shut out by undue deference for the wishes of the Executive. Trade, commerce, credit, the rewards of industry, the wages of labor, the value of property, the price of produce, all have been crushed together, while the Sub-Treasury has been in operation. If these be its concomitants, does any one desire to continue a system which has wrought such mischievous consequences?

My intention, as already intimated, is to address this committee, or as many of them as may favor me with a hearing. We are admonished not to expect very large audiences. I remember to have heard it once stated as a question at a public meeting, whether a man had not the constitutional right to speak? It was answered by another question: whether a man had not the constitutional right not to listen? In this excessive heat, after so protracted a debate, and with a subject which has become trite, the latter privilege is, perhaps, not an unimportant one; and no one can be blamed for availing himself of it. Still it is my intention to address this committee, and to address it upon this bill. Undoubtedly there are many high and ambitious topics connected with the subject of a very tempting nature, and inviting to a large discussion; I will avoid them, as far as possible, and confine myself to such practical views of the measure itself as seem to me to have a direct bearing on the question as to its adoption or rejection.

The supporters of this bill have, indeed, indeavored to give to it extraordinary dignity and importance; for they have asserted that it involves no less a question than whether the people are competent to govern themselves. The gentleman from Maine [Mr. EVANS] answered well, that this question had long since been decided—it is no longer an open question; for the Constitution of the United States itself is a fundamental act of self-government, which bears upon its first lines that it is the work of the people themselves. It is manifestly unconstitutional to entertain a doubt upon this question, or to assert that it is not authoritatively and finally settled. The truth is, as every one acquainted with the history of this country knows, that the people of these United States, from the very earliest times, have substantially governed themselves. The early emigrants to the then colonies were abandoned to themselves at their first coming to this continent. They scarcely engaged the concern of the parent country; and one colony in Virginia, thus neglected, fell a sacrifice to the savages of the wilderness. The slight authority maintained by the British Crown over the colonies, always more or less resisted, had not deprived our ancestors of the instruction to be derived from governing themselves, while their occasional struggles for a right or a privilege served to fix deeply in them the value of the right of self-government, and a knowledge of the true principles of civil and political freedom. When the Revolution came, it found them fully instructed, entirely competent, not requiring aid in this respect from foreign Governments, and, least of all, from those which are essentially arbitrary and despotic. Their capacity for self-government was not to be tested by submitting themselves to the will of an Executive. Nor is it now to be proved by adopting his projects because they are his. Quite the contrary. Abounding in materials for human happiness, the gift of a good Providence, they deemed it their privilege and their duty to take care that these blessings should not be counteracted by the evil of bad government. The arbitrary and despotic Governments in Europe were beacons to be avoided, and not examples to be imitated. The United States separated themselves from that system; they adopted one of their own, as unlike it as possible, thereby availing themselves of the advantages of their condition to secure and consolidate the greatest sum of human happiness and freedom. It is a recent discovery, whose merit belongs to the present Executive, and entitles it to a place in the Patent Office, that we must reverse all this; that we must go to Europe, in its remotest parts even, and in its most despotic Governments, for light and for example; and that it is an evidence of defect in our system that it is not like the system of Turkey or of Spain. There is something in this too monstrous to be tolerated; it is at once to reject the bounty of Providence and the wisdom of our forefathers. Yet the chief argument of the Executive in favor of his bill is, that it is the plan of the monarchies of Europe, and especially of those in which there is not a remnant of political freedom; of some, where it is lamentably notorious that the evils of despotism are exhibited in their most odious and disgusting forms. Such a scheme may suit well, as the President says it does, in Turkey, where the sabre and the bow-string speedily settle every complaint; where human right is unknown or disregarded; where human happiness is so little cared for, that there is neither encouragement nor reward for cultivating the earth; where, in a word, a despotic and capricious will governs in every thing; where the fruits of bad government are deplorably manifest, and nothing is seen but exaction and depression.

But does it follow that it will suit the people of the United States? Claiming to be free; living under a constitutional Republican Government of their own making, and constituted for their own benefit, and not for the benefit of Government, is not the very opposite conclusion a wise and just one? Such a scheme, if it really exist, may be suited to Spain, and to Austria, or to Prussia, but it does not follow that it is suited for us. Is it not derogatory to the wisdom of our ancestors, to the character of our written Constitutions, to the free institutions which have been established for us, that we should reject their teaching to seek instruction from dark and barbarous despotisms? Their lessons may serve to build up or support a throne. They may help to aggrandize the Executive, until, in due time, he shall resemble them; but they can never be adapted to that frame of Government under which we have hitherto lived. They are odious for the source they are derived from. They are odious in themselves. To adopt them is to reject the light of our own experience—to abandon the claim we have hitherto made of presenting to mankind a steady and beneficent system, and worthy of being accepted by all who are in a condition to receive it. It is, as it were, voluntarily and ungratefully to reject the bounty of Providence, which, more than the wisdom of man, has placed us in circumstances to maintain and enjoy the freest and happiest Government the world has ever seen.

Those who coolly argue for the reduction of the wages of labor, and would persuade us that, if all other things be reduced in proportion, the reward of industry is not substantially diminished, lose sight of two great and important considerations. The first of these, which one would suppose too obvious to have escaped their attention, is, that exactly as this reduction takes place the value of capital is increased to the capitalists. If every thing else be reduced one-half, capital is doubled; the other is a great and important political consideration, intimately connected with that just mentioned.

The relation of wages to capital is one of the chief elements of our happiness, and one of the main supports of our free form of government. It preserves that equality upon which our free institutions so much depend. It raises the industrious laborer to a higher station that he can reach in any other part of the world; it places him nearer to the highest; he is worth more in his own estimation, and in the estimation of others; he has motives for exertion, too; there is nothing beyond his reach. He and his children may reasonably aspire to the highest stations and employments, if they qualify themselves by their conduct to deserve it. Man, as man, is worth more here; he feels in a higher degree his dignity, he is capable of enjoying equality; and, under the influence of this feeling, appreciates and maintains the institutions he lives under. Whoever would voluntarily seek to destroy this relation—to reduce the industrious laboring class to the degraded state in which they are kept in other parts of the world—endangers the equilibrium of our Government, and puts at risk our freedom and our happiness. I would not advocate the compulsory advance of wages, because I know it would be futile and impracticable; but as long as they will maintain themselves at an elevation above the wages of labor elsewhere, he is not a wise friend of his country who would endeavor by any means to force them down. The political economist may tell us, as he has told us, that this would enable us to enter into competition with foreign manufacturers, and thus increase the national wealth. But national wealth is a poor equivalent for what we should sacrifice in thus obtaining it. I despise every system of political economy which proposes no higher or other object than to increase the sum of wealth. Human happiness is of far greater importance; every scheme that would risk it for the sake of wealth is ill-conceived. Occupation duly rewarded; instruction; moral improvement; a prospect, with adequate exertion, of bettering one's condition; the right cultivation and indulgence of the feelings and the affections which God has given us—these are what a good parent seeks to cultivate in his family, even though it be at some expense and loss of money. What is true of the domestic circle is true in large circles of society; and, therefore, again I say, I despise every system, and every argument, which looks only to the accumulation of wealth. High wages are the glory of our condition, and they are its security. We should desire to continue them as long as possible. Let the springs flow as they now do, to spread a cheerful abundance among the classes who labor, rather than to be forced up from them to fill the large reservoirs which are too apt to be deemed the representatives of wealth. Do not disturb the moral and political equilibrium; let money go if it will; but do not needlessly, in order to recover it, waste the materials for happiness, which, once lost, can never be recovered.

Leaving these considerations for the present, I proceed to the more immediate consideration of the measure itself. The ostensible object of the bill is to be learned from the title, which is an act to "provide for the collection, safe-keeping, transfer, and disbursement of the public revenue."

This title does not profess to be either an amendment to, or a partial alteration in, any existing system. It must be, then, either an original provision, founding a Treasury system, none having been before in existence, or it must be a total change. That it is not an original provision every one knows. That branch of the service was long since provided for, by arrangements hitherto deemed to be entirely adequate. It is then a change. The duty seems, therefore, to be imposed upon those who offer it, to point out the defects in the former system, and to show how they are, by this bill, to be corrected or supplied. No such thing has been done or attempted.

The real object of the measure may be collected from the provisions of the bill; more fully, perhaps, from the exposition of its supporters. They may be thus stated: 1st. To place the public treasure from the time it is paid by the citizen, during its stay in the Treasury, and until its final disbursement, entirely in the hands and keeping of individuals. 2d. The individuals so to be entrusted to be appointed and removed by the President; so that, in effect, the whole treasure of the public will be immediately subject to his power, by reason of his power over those who hold it. 3d. To separate the concerns of the Treasury and circulation of the Government from the concerns and currency and business of the people; so that they may flow in separate and distinct channels, never intermingling with each other. The treasure of the Government, from the time it is drawn from the pockets of the people, will give no aid or support to their transactions, but be kept entirely apart. It will give no nourishment to trade and commerce; it will afford no help to industry; and it will be distinguished by being always the best; while the people must be satisfied to make use for their own purposes of such as they can get. A distinction is thus to be established, contrary to all former opinions and experience, and contrary to the very genius and nature of our Government. 4th. In order to make this separation more perfect, to put an end to all intercourse with banks—to make no use of them as depositories, nor in any case to receive their paper; and, what is not the least striking feature in the system, no distinction is made between good and bad banks—those which pay specie and those which do not—but equally to condemn and reprobate them all. 5th. For this purpose, to repeal the resolution of April, 1817, by which the paper of specie paying banks is made receivable in dues to the Government. 6th. After a limited time to receive and pay nothing but gold and silver, and in the mean time to require a rapidly increased proportion of coin in receipts and payments. These are the principal objects; there are some other little matters which may be incidentally noticed, but they do not require to be now specified.

The real effect of the bill, as has been already said, is to perpetuate what has existed for three years past; what that will be we may judge from our experience during that period. That it will not cure or relieve any of the evils which have been experienced, and now press so heavily on every portion of the country, is quite manifest; it is not a remedy; it is but a continuance of the disease.

The final objects professed by the friends of this bill, so far as they can be collected from their publications and their speeches, are these: to give, as they allege, greater steadiness to the concerns of the Treasury; and, secondly, to introduce the use of gold and silver. To what extent they would make this change does not clearly appear, nor are they perhaps agreed. Some would be satisfied with nothing short of the entire banishment of paper, and the total destruction of banks, while others seem to suppose that they may be partially retained and used. The act of the Government obviously favors the former. The real end of the whole project is obvious enough. It will be a total failure, or it will lead to that worst of all public evils, the establishment of a great Government bank, managed by the Executive branch of the Government, and spreading its influence and power over every department of the interest and concerns of the country.

Looking to this measure, however, as it professes to be—the establishment of a Treasury system—there are certain principles on which such a system ought to be constructed, about which it is impossible there should be any difference of opinion. First, there should be economy—security against needless and wasteful expenditure. The reason is plain: every expense which is unnecessary, whatever may be the amount of it, is so much additional tax laid upon the people, and laid to no purpose, or worse. It is so much money taken from their pockets, for which there is no return. It is money unavoidably used for the purposes of corruption, for it is paid for no real service. Secondly, there should be safety—security for the keeping of the public treasure, to the utmost attainable perfection, and for the same reason, that whatever is lost, is an additional tax upon the people, for which they have no return. Besides, it is demoralizing, by the seductive temptations it offers to those who are charged with the custody of the public treasure, as well as to those who may seek to avail themselves of their immunities, by soliciting and seducing them to violate their trusts. Thirdly, with economy and safety, it should combine all possible regard for the convenience and ease of the people.

Our Government requires, in an especial manner, attention to these important objects. What is Government here? Our nation is a great family, selecting from itself some of its members to administer its common affairs for the benefit of the whole. They contribute from the common substance to this administration, but they ought to contribute not one dollar more than is essential, and what is so contributed ought to be faithfully kept and honestly applied. It is not contributed for the ease or the advantage of the Government, nor to promote their enjoyment or their indulgence, but for the common benefit of all. And be it remembered, further, it is a contribution from what they have, a portion of their own; not something better than they have themselves, and which they are to buy for the purpose of making their payments. If they use convertible bank paper, and are satisfied with it, in the transaction of their business, the Government ought also to receive and be satisfied with it, in payment by the people. It is contrary to the compact itself, that in this respect there should be any distinction, and especially that there should be a distinction in favor of the Government. It unnecessarily and injuriously elevates the Government above the people, makes a separation between them, and destroys that sympathy which an elective Republican Government like ours ought at all times to feel, in whatever affects the body of the people. Nor is this all: it abstracts a portion from the Commonwealth of the country, for the exclusive use of the Government. The people have no benefits from it; it enters not at all into their concerns. Two separate circulations are maintained at their cost, as if the circulation of the people were unworthy to associate with the circulation for the Government. For this there is no necessity whatever. The Government can be supplied, and ought to be contented to be supplied, from the channels which flow among the people. There should be one circulation for all, and it should extend through all, the Government, like the heart in man, receiving the first supply, but, like the heart also, appropriating the contribution not to its own exclusive use, but exerting its whole energy in sending the wholesome living current through every part of the system. In such inquiries, little light can be derived from the examples of Governments differently constituted. Their principle is different from ours. Their objects and ends are different; they maintain themselves by power and force, and they accumulate power and force by every effort they can employ, in order that they may maintain themselves in defiance of the people. Their object is to keep down the people—to prevent them from doing any thing for themselves—to keep as wide a separation as possible between the Government and the people. We might as well upon this question have sent a mission to consult with savage and uncivilized tribes. I wonder, indeed, that the search was not extended still further—that they did not send to inquire for our instruction among the Hottentots and the Malays. If, indeed, they had advanced beyond even these to the wall of China, they might have found, in the Celestial Empire, the very thing they desire—pure silver for the Government, and base metal for the people.

Let us see how far this project of a Treasury is conformed to either of the great and undeniable requisites before mentioned. It will be found to outrage them all; and, if I mistake not, to outrage the plainest dictates of common sense and experience.

1. THE EXPENSE.

This is a very material inquiry; for every additional expenditure is an additional tax upon the citizen. Every unnecessary and useless expenditure is a wasteful misapplication of his means, and a positive wrong to him. And this is especially the case when the money exacted from him in taxes is employed to pay officers who are not wanted, or to pay them more than they ought to receive. This is the worst kind of sinecure—not that the officers have nothing to do, but that what they have to do brings no benefit to the people; or, which is still worse, does them a positive injury. It may be that they will contribute to the ease, the convenience, and the strength, or, if you please, as in monarchies, to the ornament and dignity of the Executive branch of the Government—to the splendor of the head. But do they inure to the use and happiness of the people? Do they advance the interests of the nation? Are they in furtherance of the principles of our free republican institutions? Quite the contrary. They tend directly to pervert and destroy the true character of our Constitution, and to assimilate us more nearly to a monarchy, with its ease, its splendor, magnificence, and sinecures, purchased with the blood and the toil of the subject. Every dollar taken for such purposes from the citizen is to purchase a weapon for his destruction. Expense of the

sort ought to be guarded against with a vigilance even beyond the value of the money, as endangering all that we hold dear.

This bill, then, I object to, as opening a new source of expenditure, and a new claim for contributions by the citizen, to which no definite limits can be assigned. They will go on continually increasing. I object to it because it is for the establishment of new offices and new officers throughout the whole Union, who are entirely unnecessary, because the work for which they are alleged to be created has been, and can be, done without any expense at all. And I object to it because these offices and these officers are to be dependent upon the Executive, and subject to his will. It is worse than a wasteful expenditure, it is positively noxious and destructive.

The expenses of this scheme are of two descriptions—those which are set forth in the bill, and those which do not appear, but are concealed in its provisions. These latter require to be searched for; they are not fairly disclosed, but seem to be kept out of sight, as if it were desired that public attention should not be turned to them. They may be arranged into two classes—those which can be estimated, and those which cannot. The latter are the most dangerous. You authorize a new expenditure, but cannot even conjecture what it will amount to—you cannot foresee what new burden will be laid upon the people to pay it; and you blindly authorize it without computing, or even pretending to be able to compute, its weight. Only an approximate statement can be attempted. Of one thing, however, we may be sure, and that is, that any such statement will fall short of the truth. The actual expenditure will exceed any estimate.

Let us, nevertheless, endeavor to get some glimpse of the new branch of expenditure to be created, beginning with the expenses, of which the amount is given in the bill.

First. There are four officers with high-sounding titles, borrowed from England, and hitherto unknown among us.

A receiver-general at New York, with a salary of	-	$4,000
Do. at Boston, do.	- -	2,500
Do. at Charleston, do.	- -	2,500
Do. at St. Louis, do.	- -	2,500
The Treasurer of the Mint at Philadelphia to have an increase of	- - - -	500
The Treasurer of the Mint at New Orleans to have an increase of	- - - - - -	1,000
		$13.000
Ten clerks, at $800 a year each	- - - -	8.000
Making a total, yearly, of	-	$21,000

No one believes that ten clerks will suffice; but let that pass. We must not, because we are in the habit of talking of millons, disregard this sum for its smallness. All accumulations, however large, are made up of small sums. Waste, too, is generally in small sums. This false estimate is, of all things, to be guarded against by States as well as by individuals, who would practise a true economy. No man can afford to throw away a dollar, nor can a State or nation. The watchfulness they must observe, should be directed chiefly to this point. The moment a habit of waste is indulged, it will become ascendant, and finally produce boundless profusion. There is no such thing as small and great in these matters; or, if there be, the settled maxim is to take care of things which seem to be small.

But is this small? Is a sum of 21,000 a year to be disregarded—to be beneath our attention—not worth considering? We must remember that it is the money of the citizen we are talking of, contributed from the income of his capital or labor, and intrusted to us to be used for his benefit, and not to be wasted. We should count every dollar, and turn it to the best account.

Is twenty-one thousand dollars a year so very small a sum? Let us pause, and consider a little. Small as it may appear, it is the interest, at 5 per cent. of a capital of four hundred thousand dollars and upwards. How many days' labor would be required to pay it each year? At one dollar a day, and allowing three hundred working days in a year, it would take the labor of one man for seventy years, or of seventy men for one year. How many barrels of flour would be required at the present prices, to pay it? Five thousand two hundred and fifty barrels, at four dollars a barrel; eight hundred and forty bales of cotton, at six and a quarter cents a pound. Is this a sum not worth regarding? Government must have made rapid strides in extravagance (as it really has done) when such an argument can receive any countenance. It is time there was a change.

But every one knows the difference there is between the beginning and the end, in such matters, if indeed there be any end, as long as money can any how be raised. Expense begets expense. It always increases—it does not diminish. This will be more fully exhibited presently. In the mean time, let me ask, does any one believe that this scheme is to be stationary? Will it not constantly grow in its claims upon the Treasury—more receivers-general be wanted, more clerks, more officers of all descriptions, high and low, with all the contingent allowances which figure so prominently in our accounts? Now, the whole of this expense is throw away, or worse—it is unnecessary. The public money can be kept without expense. It can be kept without expense, nearer to the people, and in a manner more accomodating to them, as will be seen hereafter. It will be further from the Executive, and less under his control, which he may think an objection, but to every right thinking Republican must be a high recommendation. Let us not, then, despise the twenty-one thousand dollars a year. It is quite too much to be thrown away.

The next thing to be considered is the cost of the gold and silver to be supplied for this use, that is to say, for the exclusive use of the Government. According to the bill, it is to be supplied, and for this use alone. As if it might be debased or contaminated by mixing with the money of the people, it is to be kept "without loaning or using." No part of it will enter into, or support, or nourish the business of the country. It is to be kept apart for the higher uses of Government alone, to circulate only within that elevated sphere. The appropriation of it is the same as if it were in furniture, or in fabrics of gold and silver. Who is to supply it? The people. How are they to obtain it? They must buy it with their labor or their produce. What will it cost them? I put it here, under this head, because it is computable, or nearly so. No one is weak enough to suppose that it is to be had for nothing. What, then, I repeat, will it cost? The cost of this gold and silver will consist of two parts: First, the ordinary rate of profit in the country upon the sum so to be employed. Second, the wear and tear and loss of the metals in their use. The ordinary rate of profit upon capital, as indicated by the rate of interest, differs in different parts of the Union. In Pennsylvania it is six per cent. In New York it is seven per cent. In Louisiana the legal interest is six per cent. the conventional interest whatever the parties may agree upon, not exceeding ten per cent. What it is in Alabama and Mississippi I do not know, but I presume that in both the actual interest of money is, at the present time, higher than that fixed by law. It would be a fair average to call it seven per cent. per annum throughout the country. The second item of cost, that is, the wear and tear and loss or destruction of the metals, is estimated in the supplement to the Encyclopædia Britannica, article Money, at one-fiftieth, or two per cent. I am aware that, in an essay published some years ago, and ascribed to Mr. Gallatin, he expresses an opinion that this is too much. Between these conflicting views, I do not undertake to decide. We must then see what is the amount upon which these charges are to be estimated. The President, in his message to Congress at the opening of the present session, says, that subsequent investigation has shown him that it will not be more than from four to five millions of dollars—say five millions of dollars. The cost, then, at seven per cent. would be $350,000 a year. If two per cent. be added for wear and tear and loss, it will make a further sum of $100,000 a year—giving a total of $450,000 a year. Add to this the above $25,000, it makes the total cost $471,000 a year. But what assurance have we that the amount will be limited to $5,000,000? We have seen the surplus in the Treasury amount up to $40,000, besides what was outstanding in the hands of receivers and disbursing officers. In my opinion, we cannot safely assume less than double the amount stated by the President as the requirement of this service. That would be $10,000,000; the cost of which would be $921,000 a year—almost a million of dollars. Under this head, not including extras or contingencies, nor the certain growth and increase of this branch of expenditure, every one will agree that this is far too much to be thrown away. No one will doubt that, as a beginning, it is extremely dangerous. The maximum is not attained at once. The expenditure goes on continually increasing. But, apply this amount, small as it is in comparison with what it will be hereafter, to labor and produce, what will it require to pay it every year? The labor of one man for three hundred and thirty-three years, or 333 men for one year—forty thousand bales of cotton!—250,000 barrels of flour!

But we have not done with the expenses. The offices and officers, as already stated, will be continually increased. Look at the other branches of your Government, and see if this has not been invariably the case. What guarantee have you that it will not be so here? I will have occasion presently to exhibit a specimen of what has happened in one of the Departments of the Government, which ought to inspire caution and distrust in any assurances to that effect.

Again: Buildings are to be erected and altered; vaults and safes are to be provided; and various other things which will be found in this bill. Further buildings will, no doubt, be required; further alterations and provisions. What will they cost? No one has pretended to offer us an estimate; and, if it were offered, we could not rely upon it. Look at our recent experience here, in Washington, under the immediate eye of the Government, and under our own inspection. The first appropriation for the Treasury buildings, in 1836, was $100,000. The estimated cost was understood to be $450,000, afterwards enlarged to $500,000. In the year 1837, $257,000 more were appropriated; in 1839, $100,000; in 1840, $105,000. These sums make a total of $562,000, exceeding the enlarged estimate. Yet the expenditures have not stopped here; nor have we yet done with them. $34,000 were taken for this use from the appropriations for light-houses. With these and other sums, there have been now expended $696,000; and the building is not yet completed. The architect has applied to the Committee on the Public Buildings for an additional appropriation of $100,000 for the south wing. If a like sum should be required for the north wing, of $100,000, we should then have a total of $896,000. And a gentleman who is well acquainted with the present condition of the work, and its probable future demands, has informed me that this work, originally estimated at $450,000, will cost more than one million of dollars. The first appropriation for the Patent office, in 1836, was $108,000; there have been appropriated for it altogether $408,000. How much more it will cost, I cannot pretend to say; but I am assured that the Treasury building and the Patent office together will not cost less than one million five hundred thousand dollars. Such is the progress of expenditure, compared with the appropriation and estimate for buildings. Of the buildings, and alterations and repairs, required for this Independent Treasury, we have no estimate at all. In the 26th section, there is an appropriation of $10,000; but we have just seen that an appropriation is no evidence of what is to be the cost or expenditure. It is but the beginning of the expenditure, to be carried on, and expended indefinitely. Applying to this appropriation, however, the measure, if so it can be called, afforded by the Treasury building and the Patent office, we cannot see in this appropriation of $10,000, a less expenditure than almost ten times the amount. So much for the buildings and alterations proposed to be made.

Then, again: We are no longer to have transfers, but transportation; the carrying of the public treasure from place to place at the public expense. I am not speaking now of the inconvenience of this method of proceeding, nor of the unreasonableness of the Treasury in refusing to avail itself of the means afforded by the business and circulation of the country, and withholding the aid and support it could give to them; this belongs to another head to be treated hereafter; I am speaking now only of the expense; no man can pretend to say what it will be, but we have conclusive evidence that it will far outgo all just calculation and allowance. I refer to a letter from the Secretary of the Treasury of the 24th of February last, on the expenses of the Government of Wiskonsin. Among the extraordinary items in that paper, there are some which contain an instructive admonition upon the question we are now considering. Among them I find the following:

"J. De Selhorst, for transporting specie - -	$368 55
Do do do - -	158 00
Do do do - -	227 50
Do do do - -	114 00
Do do do - -	125 00
Do do do - -	8 00
William B. Slaughter, (the Secretary of the Territory at a salary of $1000 per annum,) for his services and expenses for transporting $7000 in specie	200 00
William B. Slaughter, expenses in going to St. Louis, &c. - - - - - -	100 00
William B. Slaughter, for interest on money loaned	55 00
William B. Slaughter, for expense in transporting money from Milwaukie - - - -	510 00
William B. Slaughter, for procuring money on a protested draft - - - - - -	114 00
William B. Slaughter, for going to St. Louis, negotiating, receiving, and transporting $20,000, and disbursing the same, (paying the Legislature,) -	800 00
William B. Slaughter, expense in collecting a Government draft on land office - - - -	100 00"

Some of these, it must be admitted, have been suspended by the accounting officers, on what ground it does not appear, but they are all charges.

The charges for De Selhorst, to the amount of $1,209 75, being entirely for the transportation, appear to have been allowed. What proportion they bore to the sum transported, appears only in a single instance, where $200 were allowed for the transportation of $7000, almost 3 per cent. on the amount; equal to six months' interest. In the absence of any better ground, every one may judge from this what is to be the cost of the management of the whole public revenue under the same system of transportation, and what are to be the pickings of the officers out of it. They need only further consider that this is the money of the people, which is to be thus sacrificed, extracted from them by taxation, and that it is wholly unnecessary and useless, and they will then see a small portion of the enormity proposed by this bill. It is absolute waste, without any benefit whatever to the country, to incur the expense of transportation, and the loss that must arise from selling drafts, where drafts are used, for the Government well knows that its transfers can be made, and have been made, without one dollar's expense.

In estimating the expenses of the bill, we must not, as a part of them, forget the injury that will be done to the circulation and business of the country. Whatever they amount to, is fairly to be considered as a part of the expense of this system. If it should interfere with and disturb, as it will do, the transactions of individuals; if it should harass and obstruct the circulation of the banks; if, by its operation, it should constantly menace them with demands for specie, against which they can make no provision, because they are uncertain in time and amount; if it should thus interfere with their usefulness to the country, whatever losses arise from these or similar causes, are fairly to be considered as a part of the aggregate expense of this measure.

Defalcations, too, are an additional and certain item of expense; wherever money is entrusted, there is opportunity afforded for abusing the trust; and unhappily we are admonished by present and past experience that such opportunity is found to be a temptation too strong for human infirmity to resist. Defalcations are as regular as decay and death in a forest. The fairest character, as will be seen hereafter, is no adequate assurance against them. But of this hereafter.

In considering this matter of expense, we must not overlook the ominous and alarming warning in the 27th section of this bill: "That for the payment of the expenses authorized by this act, other than those herein provided for, a sufficient sum of money may be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated." Here is an unlimited and undefined authority given to some person—to whom, the bill does not say—to take out of the Treasury whatever sum of money he may deem to be sufficient, in addition to what was before specified in the act. This is a plain admission that the expenses to be incurred under this act are not disclosed in the bill; that there are other expenses which its framers are unable or unwilling to make known; which they are unable or unwilling to define or to limit, and for which they lay open the whole Treasury of the United States to the discretion of the Executive.

There is no conceivable amount of expenditure which is not warranted by this section. To my mind it is plainly unconstitutional. The Constitution, jealous of the public treasure, and careful that it shall not be drawn from the Treasury but under the immediate authority of the Representatives of the people by whom it is contributed, declares that no money shall be drawn from the Treasury but in consequence of appropriations made by law. Can it be consistent with this provision, with its terms, and still more with its spirit and true object, that the Treasury shall be laid open to any one to take from it whatever he may think fit? What is this but to delegate to *him* the very power, in all its plenitude, which was intended to be exercised only by Congress? How can it, with any propriety, be termed an appropriation by law to draw money out of the Treasury, when the law neither specifies nor defines the purposes to which it is to be applied, nor in any manner restricts the amount to be taken out? It is a palpable contradiction; or, which is worse, a manifest evasion of the Constitution. It is a precedent of the most dangerous character. It could never be allowed, if it could be allowed at all, but under circumstances of such urgent and instant danger as left not a moment for deliberation. No such thing exists here. There is no urgency in the case. Three years have been employed in maturing this project. Session after session it has been urged upon Congress, and it has claimed to be ready for their adoption from the time of their extra meeting in 1837. Hitherto it has been rejected. But every rejection has been a pause for further deliberation and for fuller preparation, if necessary, by those who have originated and espoused this bill. Every provision, and every word in it, has, of course, been duly weighed, and it comes to us, at last, with a determination that not a letter shall be altered. We must take the bill exactly as it is. No amendment in it will be permitted. It is of evil augury that among the results of all this premeditation we should find one which disregards or evades one of the most important provisions in the fundamental law of our Government. And this, too, without any thing in the shape of information—any thing pretending to be an estimate—any thing to disclose the intentions of those who are to execute the law, as to the extent to which they mean to carry this delegated power over the whole Treasury of the United States. There is a kindred provision equally extraordinary, and to my mind highly objectionable, in the 14th section of the bill, displaying an equal disregard of the true principles upon which the Government under our Constitution ought to be administered. The Secretary and his subordinate officers are invested with full power to decide what "necessary additional expenses for clerks, fire-proof chests, or vaults, or other necessary expenses of safe-keeping and disbursing said moneys," shall be allowed.

This power, like the former, seems studiously to exclude the knowledge and the interference of Congress. In both, we discern the same disposition which characterizes the whole of this measure, of transferring all the power of the Government into the hands of the President and the officers of his appointment.

No member of either House can inform himself, nor can he inform his constituents, how much money is to be expended, nor at what point the expenditure is to cease. Neither is there any

accountability, the whole being left to the discretion of the Executive and his subordinates—that discretion is the sole measure. Whether they expend one thousand dollars, or one hundred thousand dollars, or one million of dollars, or ten millions of dollars, there is nothing in this act which does not leave it to their discretion. If there were no constitutional objection, still such confiding and incautious legislation can not be too much deplored as a departure from first principles, and an alarming step towards aggrandizing the Executive at the expense of the power of the people by their representatives.

But to return to the question of expense. I have said that, in my judgment, this scheme will not cost the country less than a million of dollars a year at first. We must bear in mind, too, that expense is productive of expense. If you establish a new branch of expense, you know that it will go on increasing and enlarging, so that the product will far outstrip the parent stock in size. There is no calculating the growth of an ill-judged expenditure, nor what it will finally come to, however humble and diminutive it may appear in the beginning. Two questions then arise. Is the country in a condition to bear a new imposition? Does our experience encourage us to impose a new burden by any confidence that we can keep it within bounds?

As to the first of these questions, it is not my intention to say much just now. It is quite unnecessary. Every one knows that the country is in distress—deep distress—felt more severely in some parts than in others, but pervading all. Whatever it may be owing to, industry is crushed, produce sunk in value, labor without employment, and of course without reward, circulation at a stand, and every interest suffering. If there be any part which suffers more than the rest, it is the portion where the great staple of our exports is produced. Your revenue is in the same condition, and still falling off. For the payment of your current expenses, you have been obliged to contract a debt, by the issue of Treasury notes, which must probably be increased. Is this a time to impose additional burdens, to create new expenses, to make new charges upon your revenue, already charged with more than it can bear? The very reverse of all this would seem to be the obvious dictate of wisdom and patriotism. Forbear to increase the public trouble by new experiments, and new expenses, and new burdens. If you will do nothing to aid the country in its struggles for relief, at least be cautious how you aggravate its misery.

But what I have chiefly in view is the second of these inquiries. Do you find encouragement to open a new source of expense from any recent experience that you can keep it within reasonable limits? I will appeal only to facts, specific facts, put in such quantity only as to be easily intelligible, and taken from documents which cannot be denied or disputed. Let me then call your attention to a single branch of revenue only—the customs. It is amazing and it is frightful to see with what rapidity the expenses have increased within a few years past. I refer to two Treasury documents, one of the 7th July, 1838, No. 504, the other of the 11th February, 1839, No. 212. Though bearing different dates, they must be laid side by side, the one being the complement of the other, and both necessary in order to get at the truth. The one gives only the expenditure, the other the amount collected.

Here is an abstract of receipts and expenditures taken from these two documents:

	Receipts.	Expenditures.
1828	$23,205,523 24	$889,527 45
1829	22,681,965 91	944,4-9 18
1830	21,922,391 39	1,006,059 95
1831	24,224,441 79	1,115,971 77
1832	28,465,237 24	1,287,553 09
1833	20,032,508 91	1,341,011 72
1834	16,214,957 15	1,266,480 16
1835	19,391,310 59	1,256,197 70
1836	23,409,940 53	1,368,401 67
1837	11,169,290 39	1,459,501 45
1838	9,328,770 56	

From this abstract it appears that the expenses of collecting the revenue from customs have gone on, continually and rapidly increasing, from 1828, until, from being in the year 1828 $889,527 45, they had risen in 1837, (the last year of which we have any account,) to $1,459,501 45. Nor is this all. From the same documents it will be seen that an additional allowance was made by law for this branch of the public service for each of the years 1833, 1834, 1835, 1836, 1837, increasing the expenditure beyond that which appears in the above abstract. The amount so appropriated and expended in the year 1837 was $37,773 69, which, being added to the above sum of $1,459,501 45, makes the total expenditure for that year in collecting the revenue from customs, $1,497,275 04.

If from this you deduct the expenditure of 1828, of $889,527 45, you find the increase to be no less than $607,747 59. Perhaps some one may suggest that there was an increased revenue collected in 1837; but such is not the fact, it was a far less amount of revenue. In 1828, the revenue from customs was $23,205,523 64, which was collected at an expense, as already shown, of $889,527 45. The revenue from customs collected in 1837 was not the half of this. It was but $11,169,290 39, and the cost of collecting it was $1,497,275 04 cents. For this extraordinary increase of expenditure in this branch of the public service, during the period of nine years, almost doubling it, no good reason has been assigned, nor is it believed can be assigned. If the expenditures in that branch of the revenue go on increasing at the same rate, in a few years there will be nothing to receive. Add to it the enormous defalcations from delinquent officers, which have occurred to it in that Department, including Swartwout's defalcation of a million and a quarter, and how much will be left? Pursuing the same course, we should in a few years be able to return a lesson to Turkey for that she has given to us, and teach the Grand Sultan how to make his revenue oppressive to his people and unproductive to his treasury. But let us make a comparison of averages, and see how the matter will stand:

Allow me to remark, however, that according to Dr. Seybert's statement, in pages 292, 293, of his statistical work, the expenses of collecting the revenue from customs, from 1791 to 1810, were at the rate of 4.04 per cent. on the amount collected—say four per cent. During the four years of Mr. Adams's administration, the total amount collected was $86 357,882 15—the average for each year was $21,589 4-3 03 cents. The total expenditure for the collection for four years was $3,460,296 84. The average expenditure for each year, therefore, was $865,076 71. The total collection for the following nine years under his successors was $196,512,043 88. The average for each year, therefore, was, $21,624 660 43, nearly the same as before. The total cost of collection for these nine years was $11,096,666 09, giving an average for each year of $1,231,740 66. But this is not all. There was an extra appropriation for five years, as has been seen, of $311,884 88. The average for each of the five years is $62,376 97; add, then, to the above average of $1,231.740 66, the average for each of the five years, $62,376 97 cents, and it makes the average cost of those years $1,291,117 73. Deduct from this the average in the time of Mr. Adams's administration, $865,076 71, and it shows an average increase in the cost of collecting the revenue by customs of $429,041 02, or nearly fifty per cent. advance; this is an enormous advance. Instead of seeking for new sources of expenditure, we ought to apply ourselves diligently to discover what this increase has been owing to, and if possible to apply a corrective; for, as has been already remarked, the increase has been constantly advancing, and this fact is even more alarming than the increased average, great as it is.

In the time of Mr. Adams, the average rate of the cost of collection, it will be seen, was about four per cent.—being the same rate as from the year 1791 to 1810. He had followed in the footsteps of his truly illustrious predecessors—those who had administered the Government in its best days. He adhered to their maxims, and conducted the administration with true wisdom and economy. In the nine years immediately following, the average rate of collection is nearly six per cent.—making a difference in those nine years of nearly four millions of dollars wasted and lost by expenditure in one branch of the service. In the year 1837, the last of which we have an account, the rate is between thirteen and fourteen per cent. on the amount collected; that is, $1,497,275 for collecting $11,169,290 39. If, as has been before remarked, to this increased expense of collection you add the enormous defalcations which have been suffered, you will have a deplorable account of the revenue collected into the Treasury compared with the product of any former period. What has become of the enormous amount expended? Where has it gone? Has it been a part of the spoils? Is there encouragement in this for adding new expenses? I have not looked into the expenses of other branches of the revenue, but the glimpses we have had of them lead to the painful conclusion that there has been equal extravagance and waste in the rest. At the rate we are going on, we shall soon have nothing but expenses. I repeat it, then, is there encouragement in this for opening new sources of expense? Are we not admonished to the contrary? But I ask further—again, I ask—Is there such prosperity among the interests of the country as to allow it? What interest is not crushed? Commerce, manufactures, planting, farming, the laborer, are all in distress. And the banks, the people's own institutions, established by themselves, for their own accommodation, and adapted to their use, are they not suffering with the people, partaking of their calamity, and in distress, because the people are distressed? Much as we revile and abuse them here, they sympathize with the people. The Government alone has stood aloof, more than secure, a gainer even by the common disaster. The expenses have not been diminished, and the officers have had their salaries enhanced, by having them paid in the best currency; at the same time that, by the fall of all other things, their income has almost doubled their value.

In 1837, at the called session, when there was anguish throughout the land, the President folded his robe about him, not like Cæsar, to fall gracefully himself, but to look with graceful composure on the downfall of all about him. Recurring to that period, it seems to me as if some one had looked down from a secure eminence upon the lamentable destruction recently made by the tornado in Natchez; enjoying his own security, and desirous not to be troubled with the afflictions of the sufferers. His advice, more philosophical than humane, would be, "help yourselves, do not trouble me." I have now done, for the present, with the question of expense. I trust enough has been shown to satisfy the House that the objections on this head are of themselves sufficient to condemn the measure; that, upon this ground, if there were no other, it ought to be rejected. I proceed to the next consideration—of no less importance.

2. SAFETY.

In the organization of a Treasury Department, safety is, indeed, the very first consideration. Accordingly, it was to the security of the public treasure that General Hamilton applied his earnest attention. There is a great disposition, at times, to speak ill of this eminent statesman. Yet no one can deny him the praise of having so organized the Department, as thoroughly to accomplish its great end. Such was his comprehensive sagacity, such his far-reaching foresight, that, from the beginning to the present day, not a defect has been discovered, not an alteration has been made, though, in the revolution of parties, there has been sufficient inclination, and sufficient ability, too, to have made changes, if they had been at all admissible. But as often as his plan has been examined, his provident wisdom has been so convincingly manifested, even to his most determined opponents, that they have been obliged to confess that no change could be made which would not be for the worse. That plan, as his genius conceived and established it at the first, continues, to the present day, a lasting monument of his powers and his patriotism. What it is we shall presently see.

To the present bill, upon the ground of safety, there is deep, irremoveable, decisive objection. No one who will fairly consider its provisions can for a moment doubt that it will be wasteful and demoralizing—wasteful, because it will lead to great losses of the public money; demoralizing, because it will create temptations to embezzlement and breach of trust too strong for the infirmity of our nature to resist. In both respects, it contradicts the lessons of common sense and experience. I do not characterize it too strongly in saying that, upon its face, it is absurdly insufficient, except for increasing defalcation and embezzlement. If there be any who think the crop we have had of these too small, or the promise of future harvests of them inadequate; who desire to encourage the growth of official delinquency and the purloining or waste of the public treasure, in my judgment, they will find a powerful coadjutor in this bill. For those who would, like Hamilton, desire to guard the public money from plunder and waste, and apply it faithfully to the service of the people from whom it is raised, this bill has not a single recommendation. Let us see.

The buildings, safes, and vaults being finished, at a great expense, and the public money deposited, the key is to be delivered to an individual. The funds are forthwith to be placed in his custody. (§ 13.) The public treasure is guarded only by a key, and that key in the hands of a single individual. He may have access to it whenever he pleases, without control, and without the knowledge of any one but himself. There is no check upon him of any kind whatever. Now, I invite every man to reflect upon this, to ponder it, to realize as he ought to do that this is the main feature, nay, that it is the whole plan, to place the money of the country in the hands of individuals, without check or control. Can he give it his approbation?

The supposed checks (checks they are not, in any proper sense of the word) are alleged to be provided in certain legislative regulations and occasional examination. Of the former kind are, section 6, which simply points out the duty; section 8, requiring bonds to be given with sureties; section 17, which makes embezzlement a felony, punishable with fine and imprisonment; section 21, which prohibits exchange of funds, except for gold and silver; and section 22, which is a prohibition of future specie circulars, and a plain censure of that which was issued by the late President in 1836. Sections 12 and 13 provide, very inadequately, for occasional examinations. These provisions discover a misgiving, a want of confidence in the plan, a sense of the necessity of some colorable security which, though not in substance worth a straw, may have the appearance of a safeguard. But, neither individually nor collectively, do they constitute a check. By a check, we mean a power to restrain or hinder a man from doing wrong at the moment when he is tempted or inclined to do so. Such are the checks in the Treasury of the United States. No man can take money out of it. The concurrence of several is required; and these are checks upon one another. So effectual have they proved that not a dollar has ever been lost. But here, by this bill, the key is in the hands of one man; his single will can decide when the vault shall be opened; his single act can open it without the concurrence and without even the knowledge of any other. He goes alone, unseen, without restraint. Where is the check? In telling him beforehand that he ought not to do so; that it is criminal; that he may be found out; and, if he should be, that he will be punished? He knows all this. It is the moral law; it is the law of the land; it is the oath of office, with its solemn sanction; it is the plain duty of his office. Every defaulter has known all this, and has known that, if detected, he would be punished. Do you increase the security by a more formal declaration? Is it a check? We shall see presently, from irresistible evidence, that it is a mere pretence; for any practical purpose, not worth a straw.

Is the plan, then, safe and sufficient? Before proceeding to consider this question, however, I would ask the attention of the committee to an extraordinary and unaccountable novelty in the first and eleventh sections of this bill. The first section, after enacting that rooms, fire-proof vaults, and safes, shall be prepared in the new Treasury buildings in Washington, goes on to say, "which said rooms, vaults, and safes are hereby constituted and declared to be the Treasury of the United States." The eleventh section enacts that, under certain circumstances, the moneys in the hands of the depositaries shall be considered and dealt with "as though the said moneys were actually in the Treasury of the United States." What is the meaning of this? What is its legal effect? Has it been fully considered? Does it mean that heretofore there has been no Treasury of the United States, and henceforth there is to be one; or does it mean that the nature and character of the Treasury are to be changed? Upon these points no explanation has been given, no reason assigned. A Treasury has always existed—established by the Constitution, recognised by our laws, understood in practice, incorporated into our business, and well understood. It was not a thing of brick and mortar, of rooms, vaults, and safes, having a locality, and restrained within the narrow limits of the few designated rooms of the Treasury buildings.

The Treasury, under the Constitution and laws, is a legal being, and its legal definition is, that wherever in the United States is the treasure of the United States there is the Treasury, with all its constitutional rights, and guards, and immunities. When money is in a bank to the credit of the Treasurer, wherever the bank may be, that money is in the Treasury. When money is paid to the cashier appointed in the custom-house at New York, it is in the Treasury. The grasp of the Treasury thus reaches, secures, and guards all the money of the United States, wherever it may be within the United States, and places it within the protection of the Constitution and laws. Once in the Treasury, it cannot be drawn out but in consequence of an appropriation by law. This provision applies to the Treasury, as understood by the Constitution. No difficulty has ever been found in its application. The guard is extended, as it should be, to all the treasure of the United States. To change the character of the Treasury from a comprehensive, well defined, legal being, to a thing of brick and mortar—to narrow it down to a locality, instead of letting it, as heretofore, embrace the treasure, wherever it may be, is inconsistent with the Constitution.

Why make this extraordinary change? Is it meant that the moneys of the United States not within the Treasury building may be drawn out without an appropriation by law? Are they to be exempted from the control of Congress, and placed at the disposition entirely of the Executive officers? Is it intended to impair, if not to break down, this great safeguard of the Constitution—this cherished security for the rights of the people? Such a design is grossly unconstitutional; and, whether that be the design or not, the operation is itself a violation of the Constitution.

Without further dwelling on this objection, I proceed to the inquiry already stated—is this plan safe and sufficient? This is a great moral as well as financial question. We are bound to take care of the security of the public treasure. We are bound also to take care of the great interests of morality, so essential to our happiness and welfare. We ought, therefore, with the utmost scrupulousness, to abstain as far as possible from creating temptations which are known to be dangerous. As to this plan of entrusting money to individuals for keeping, without check or control, reason and experience concur to reprobate it. The united voice of mankind condemns it. For the present, however, I appeal only to your own experience, willing to abide by its decision. The question *a priori* is no longer open. Brief as our history is, our own experience is unhappily sufficient. The evidence is uniform and concurrent. Observe its weight—its conclusive weight—and say if it can be reasonably or conscientiously disregarded. Revolving in my mind the true definition of embezzlement, and how it stands distinguished from defalcation, I happened to turn to the dictionary, and there I found it stated thus: embezzlement "differs from stealing and robbing in this: that the latter implies a wrongful taking of another's goods, but embezzlement denotes the wrongful appropriation and use of what came into possession by right. It is not uncommon for men entrusted with public money to embezzle it." Here you see experience has established a common truth so clearly as to find a place in a dictionary of our language; that truth is, that as surely as men are entrusted with public money, public money will be more or less embezzled. The child that is sent to a dictionary for instruction finds the

truth there; advancing in life, his own experience teaches him that it is the truth, and it becomes at last incorporated with our thoughts as a settled maxim.

Every defalcation, however, it is proper to remark, is not an embezzlement; in the latter there is a felonious intent, it is stealing, except that there is not a compliance with the technical requisite of taking. I will not attempt to graduate the criminality of these offences; but in cases of defalcation, it often happens, perhaps most frequently, that there is no felonious intention, that is, no intention finally to deprive the owner of his property. The delinquent, under the influence of strong temptation—his own necessities—a prospect of advantage—the solicitation of friends—is induced to violate his trust; he persuades himself that he is doing no wrong, for he is convinced that he will be able to return the deposite in due time. If at such a moment he could be made to feel that he will never be able to restore what he takes, he would probably abstain from taking it. But with no human eye to see him, assured of secrecy, and deluded into the belief that no harm will be done, he yields to a temptation whose criminality he does not sufficiently perceive. There is on this account the greater snare, and the greater danger. Good men are betrayed by it to their ruin; character is no adequate security.

Now let us examine the evidence—we begin with that furnished by our own statements; first let us turn to document No. 10, furnished to us at the present session by the Secretary of the Treasury. The tables in that document only come down to the year 1836, inclusive; the total number of defaulters in page 8 is two thousand seven hundred and sixty, in that class. An immense number, it must be admitted, and an appalling statement for those who would confide the whole treasure of the United States to individual keeping. The total loss is $4,955,573 56, "loss per head" (for the Secretary puts it down as if he were numbering cattle) in the civil department $3,680; in the military and naval department $1,613; and this, after allowing a deduction of 20 per cent. for credits they might probably show themselves to be entitled to. The table just referred to is of disbursing officers; the next table, No. 2, is of collectors, a sort of sub-treasurers, confided in for keeping the public moneys, as the sub-treasurers are to be under this act. The number of defaulters is 367; the total loss $2,033,549 81, not including, however, the defalcation of Swartwout, which is a million and a quarter more. "The loss per head" is $5,737. We next come to the accounts of postmasters, in page 15, who are also a sort of sub-treasurers, and here we find a large list of defaulters; the total number is not less than 626; the total amount of default $377,493 56; and certainly we can derive no hope of improvement from our most recent experience; on the contrary, the last is the worst. Of the total amount of the default of postmasters, $142,250 43, occurred in the four years, from 1833 to 1836, inclusive. The grand total, adding Mr. Swartwout's default, is no less than $8,622,616! From another document it appears that the delinquent receivers from the sales of the public lands are 66. This table will be found in the report of a committee of this House at the session of 183[illegible], '39, No 313, vol. 2, page 143. Surely these things have not been fully weighed, nor the admonition duly considered by those who would recommend the extension of individual confidence in the keeping of the public money.

Yet this is only a part of the evidence. I mean of the evidence we have before us, in our own proceedings, testified by our own document, and constantly in our sight. In the year 1817 occurred the case of Theron Rudd, clerk of the district court of the district of New York, or of one of the districts in that State. He was a Sub-Treasurer, for he had the custody of the treasure belonging to the suitors in that court, public and private. At this time he had received into his hands, in the course of three or four years, a large sum of money, partly belonging to the United States, and partly to private suitors. It was not forthcoming. In the year 1818 a committee of this House made a report upon the subject, No. 138, 1st session 15th Congress. In that report the facts are fully stated. I will not take up the time of the committee with reading it at length, but will only bring to your view the concluding sentence: "By all which it doth appear to your committee that the funds of the court have not been faithfully applied, but that they have been most grossly and nefariously purloined." The amount due to the United States of the money thus purloined, was $64,906 15; to private claimants $52,486, making a total of $117,307 01. This, it will be borne in mind, was the case of a public officer, appointed under the authority of the United States. By and by I will show how the recurrence of such purloining was provided against. Then we had a defalcation by a clerk of this House. In both the instances thus stated, the Treasury of the United States was the sufferer. The accounts furnished to us do not show the extent of defalcation among depositaries of this description. They are, therefore, a very inadequate representation, large as the sum is, of the total loss sustained by the Treasury of the United States. Then it will be recollected we had a defalcation by the sergeant-at-arms of this House. Have these things been duly considered, in framing the present bill? They go to the very heart of it—they show it to be founded upon a false theory, contradicted by our own experience, as well as the experience of mankind.

But there is still much more evidence, far more than can be known to any individual, and far more than, if I knew it all, it would be possible to bring before you. "It is not uncommon," as the dictionary tells us, "for men entrusted with the public money, to embezzle it." It is so common, as you have seen, that the history is too long to be read, or to be listened to. Some of the evidence, however, I can vouch, and for the great remainder, must refer to those who will task their recollection. Doubtless there is no man present who has not known of instances. I can refer only to a very small part. I begin with Pennsylvania. The most striking and instructive instance there happens, also, to be one of great notoriety. It is the case of John Nicholson. In the year 1784, according to my recollection, Mr. Nicholson was a clerk in one of the public offices in Pennsylvania. He recommended himself to notice by his integrity, his assiduity, and his capacity. About the period just mentioned, he framed a law for establishing the accounting department of the Commonwealth, which met with the legislative sanction, and he was appointed by the Legislature to be Comptroller. He enjoyed the highest confidence, and for a long time I really believe he deserved it. But, unfortunately for him, and for the Commonwealth too, too much was confided to him. He was entrusted with the public money, and with public securities. In less than ten years he was found to be a defaulter to an amount exceeding considerably one hundred thousand dollars. Judgments were obtained against him by the State; and out of them have arisen still continuing controversies, reaching great numbers of persons, but known by his name. The remainder of his history it is not material to revert to. Then, at a subsequent period, we had a delinquent treasurer; his name I need not mention. The case will be found in some of the books of reports.

We have had instances, too, not of so public a nature, but equally demonstrative of the insufficiency and the danger of individual confidence. In the Northern Liberties Bank there was an individual employed only as a clerk or bookkeeper, but, from the excellence of his character and his uncommon qualifications, almost entrusted with the entire management. For himself and for his friends, in violation of his trust, under the influence of temptation, he withdrew nearly half the capital of the bank. In this state things were when the directors first discovered his delinquency. We had also a recent instance in the Schuylkill Bank. We had a case of a railroad company, in which the President appropriated to his own use the means of the company to the amount, I think, of four hundred thousand dollars. These are all instances in which confidence reposed in individuals was betrayed. They are instances, too, in which the individuals were deemed worthy of the confidence. I do not doubt that they were in the beginning. They were ruined by the confidence placed in them.

I now come to some very memorable and painful cases, which have occurred in the State of Virginia, and made a deep and permanent impression. Important as they are, still, if I thought there were wounds that would be opened by reviving the recollection of them, I would abstain from doing so; but I am told that, after this length of time, there is no danger on this score. The first of these was the case of General Preston, a treasurer of Virginia. I will give the account of it from a paper which lies before me, furnished by a gentleman well acquainted with the whole matter.

General John Preston was first appointed Treasurer of Virginia by the Executive, in the recess of the Legislature, in October, 1808. He was reappointed by the Legislature to the office in January, 1809; and thenceforth, successively every year till January, 1819, when Jerman Baker was appointed his successor. Of Gen. Preston's malversation in office, no suspicion had arisen in any quarter till about Christmas, 1818. He had been, previously, always and universally esteemed a man of spotless integrity and honor. He was one of a numerous family of the most respectable people in Virginia; all of whom, with the exception of himself, are yet without a stain. He was a man in easy circumstances, of simple and frugal habits, and apparently free from the dominion of any strong passion whatever, and from every vice that could offend against good morals or good manners. He was, I should think, at the termination of his public service as treasurer, about 65 years of age. The detection of his defalcation came upon the public like a clap of thunder in a cloudless day.

The amount of the deficit in the Treasury, at the time he went out of office, was $132,588 of public money entrusted to his safekeeping, as Treasurer of the Commonwealth; in addition, there were entrusted to his own care $50,000 of money belonging to the literary fund, which had been put under the management of commissioners who had appointed him treasurer of the fund; so that the whole amount of the defalcation was $182,538. Of this sum, it appeared he had vested in real estate, or otherwise, about $90,000; what he did with the rest has never been explained, and is still a mystery. His malversation commenced no doubt many years before the detection of it; but it was unimportant, in the suit against his sureties, which was brought by the Commonwealth, to ascertain when or how it commenced, or the history of its progress; and, therefore, I can give you no information as to this particular. A judgment was recovered against his sureties, in his official bond, for the amount of the deficit in the Treasury of the Commonwealth, exclusive of the amount of the deficit in the literary fund, (which, in fact, was not discovered till afterwards,) and his own property was sold to make good the deficit; but the proceeds of his own effects fell short of the amount, and a large balance was paid by his sureties.

During the whole time of the continuance of Gen. Preston in office, the state of the treasury was every year examined by a committee of the Legislature, and reported to be in all respects fair and regular. The absence of all suspicion produced a want of care in making these yearly examinations, which enabled the treasurer somehow or other to conceal his malversations.

So much for the case of General Preston. His successor, Jerman Baker, was, at the time he was first appointed to the office, about forty-four years of age. He, too, like his predecessor, was a man of the fairest character; but he was not, like him, in easy circumstances; on the contrary, he was much embarrassed by debt. He continued in office till the 28th March, 1828, when he died by his own hand. An examination of the state of the Treasury by a committee of the Executive council had been appointed to be made on the 1st April; he knew from a communication made to him by one of the committee that the examination must lead to a detection of his embezzlement, and he anticipated the disgrace by suicide. The total amount of his embezzlement was little over $33,000. The exact manner in which he committed the embezzlements was distinctly ascertained, as well as the manner in which he had contrived to conceal them from the investigating committee of the Legislature and of the Executive council; and this appeared so simple, so open to view, that it was wonderful how it could have failed to attract attention; but the same unbounded confidence was reposed in him as in all his predecessors; and no man imagining the possibility of embezzlement, se no man took the least pains to detect one.

Now if our confidence should be asked in the officers to be appointed under this act, on account of the high source from which they are to derive the appointment, I answer that it is not higher than in the unfortunate cases last referred to. Those officers were appointed by the Legislature of Virginia; and I would say further, what no man can dispute, that the means of information possessed by that Legislature were far better than the Executive of the United States can ever have. They probably knew the men, many of them personally, which can rarely happen to the President. Their selection shows that they were well qualified to make it, for they appointed men of the very first character in the State. It must not be forgotten in addition to all these considerations, that the President of the United States has not the whole Union to select from; he makes his appointments from his party. Neither are examinations to be relied upon; they were periodically made in Virginia by committees appointed for the purpose, and were far more substantial in all respects than the colorable examinations directed by this bill. Yet they proved unavailing; and, still further, the character of any officer who may be appointed under this bill can never offer a higher pledge, or be a better security, than was afforded by General Preston or Mr. Baker.

These instances have made a deep and permanent impression in Virginia; it is not to be wondered at that Virginia is opposed to the Sub-Treasury. I call upon the Representatives of that State to speak her sentiments here. I am contending, not for triumph, but for truth, and will not believe it to be in vain. In that same State there is a still more recent case, occurring in one of her banks, and marked by the circumstance that the delinquent was a man of high character, and enjoying unbounded confidence. Yet he too proved himself unworthy of the great confidence reposed in him. And here I would remark that this question of personal confidence is precisely the same, whether it occur in banks or elsewhere. It is personal confidence that is to be reposed by this bill, of the same kind, exposed to the same temptations, and involving the same risks as the instances which have now been detailed. I appeal, then, to every member of this committee, whether it is wise, or consistent with just morality, to create such temptations, and to incur such risks. I appeal especially, as I said before, to the members from Virginia, because they know full well the pain, and suffering, and loss of character inflicted by the delinquency of the individuals who have been named.

The evidence does not stop here; it goes much further, and to my mind is quite conclusive. When the security for personal confidence has been betrayed or failed, and thus proved insufficient, what has been at last resorted to; not in one State, but universally? The very reverse of that which this bill proposes. The use of individual depositaries, and the reliance upon personal confidence, have been abandoned, condemned as unfit to be trusted to; and the very opposite method employed.

This bill, by a singular contradiction to the universal decision founded upon experience, goes back to that which, having been tried and found wanting, has been condemned and abandoned. What was done by Congress with regard to those sub-treasurers of courts, with whom the money of suitors has been deposited, as in the instance of Theron Rudd, in New York? By an act of the 3d of March, 1817, it was enacted and provided that they should no longer be trusted. When that subject was under discussion, I recollect that we, who are from Pennsylvania, were gratified to find that an adequate provision had early been made in the courts of that district, affording perfect security, and furnishing a model for the legislation of Congress. The learned judge of that court, the late Judge Peters, had been in the public civil service during the war of the Revolution, was the associate of the men who organized our Government under the Constitution, and was well acquainted, no doubt, with the arrangement of the Treasury. What did he do? By a rule of that court, no money was left in the hands of the clerk, (though a man as worthy of confidence as any man,) nor subject to his power. It was ordered to be placed in bank, to the credit of the court, in the cause on account of which it was paid in, and could only be paid out upon the order of the court, certified by the clerk, under the court's seal. This was a perfect check, and not a dollar was ever lost in that district. The same plan precisely is adopted in the act of the 3d of March, 1817, as the law of all our courts. It is still the law; it has been found, as far as I know, to be effectual. No loss has since been sustained; but what is more material this law is a legislative declaration by Congress that personal responsibility is not to be relied on, as experience had shown. If it be true, as the existence of this act affirms, that the comparatively small amounts lodged in the courts of the United States cannot be safely entrusted to individual depositaries, how is it possible that any man in his right mind can affirm that the whole treasure of the United States may be so entrusted?

What was done in Virginia? The case of Baker induced the Legislature to make a new organization of the Treasury Department. Before that time, the law required all public money to be paid directly to the Treasurer; and though he was required to deposite such portions of it as he should think not necessary to be kept in the Treasury office, in the two banks of Virginia at Richmond, yet he deposited in the banks, and kept in the office only such portions of the public money as he deemed convenient, and payments to the public creditors were made by him, either out of the moneys kept in the Treasury office, or by checks on the banks, as he thought proper. The accounts kept by the banks were accounts between them and the Treasurer; they were accountable to him alone, and he alone accountable to the Commonwealth. All accounts of moneys due to or from the Commonwealth were settled in the Auditor's office, and moneys were received into the Treasury, or paid out of it, upon warrants of the Auditor, whose books were thus a check upon the accounts of the Treasurer, but not upon his disposition of the public money.

The new organization made in consequence of Baker's case is such that, in truth, not one dollar of public money is ever entrusted to the safekeeping of the treasurer. That officer is a mere clerk to keep the cash accounts of the public treasury. The scheme is simply this: every collector of public money, every person indebted to the public on any account, presents his account to the First or the Second Auditor, according to the character of the fund to which the money belongs. The auditor, having ascertained the amount justly due, gives an order on the treasurer to receive the money from the debtor; upon which the treasurer endorses an order, that the debtor shall pay it into one of the banks at Richmond. The debtor brings the treasurer a receipt for it from the bank; the treasurer then gives him a receipt for it, which he carries to the auditor, who, thereupon, gives him an acquittance; and when money is paid from the treasury, the auditor settles the claim, and gives the public creditor an order on the treasurer for the amount due; upon which the treasurer endorses a check on one of the banks, and takes a receipt from the creditor for the amount. No money can be paid into the treasury, or out of it, in any other way.

These arrangements have proved efficient. I call again upon the members of this House, and especially upon the members from Virginia, to say why they will depart from it to return to a plan already tried until its utter failure was proved? Why will they not listen to the voice of the Congress of the United States deliberately addressed to them? Why will they not listen to the voice of Virginia, speaking to them so emphatically? But, powerful as it is, we have not yet done with the evidence. What do we all do? What do individuals do for the safekeeping of their money? Here and there one may be found who, perhaps, from some humor, (commonly deemed a very foolish one,) or some weak fear, keeps his treasure in his house. The next thing you hear is of a robbery—perhaps a

murder—and then we all exclaim, what a fool he was thus to invite the robber to his dwelling!

What do associated bodies do, chartered or not chartered? Where do they place their money for safekeeping? What do public bodies do, towns, counties, States? They all resort to banks. What do we ourselves do? The moneys drawn for the uses of this House are placed in bank. If the United States adopt a different plan, they will stand alone; and they will stand upon a foundation which the concurrent voice and experience of the whole United States have declared to be insecure and insufficient. This is a strange anomaly in a popular Government, a representative Government springing from the people, and one would suppose imbued with the principles, the opinions, and the usages of the people. But these, it seems, are all to be rejected, and the Government of the United States to be separated and distinguished in its very nature from the people, as if it were a monarchy or a despotism, and had an independent character and existence of its own.

I will not take up the time of the committee with insisting upon the risk of robbery from without, yet it is certainly worthy of some consideration. In former times, when the treasure of the Commonwealth of Pennsylvania was kept in the Treasury building in the city of Philadelphia, it is well known attempts were made to rob the house by night. A bank in the city of Philadelphia has twice been robbed of large amounts, once from without, and once without any signs of external force. A receiver of the moneys of the United States in the West was some years ago robbed of a large sum under circumstances which attracted a great deal of attention. Whenever the same inducement is offered, as it will be by this bill, you may look for the same results; and no one can assure you that you may not look for pretended robberies, too, to cover real delinquencies. But enough has been said to establish beyond contradiction that, in the essential point of safety, this plan is utterly deficient.

We have been called upon for our plan. Our offering or not offering a plan cannot make our objections either stronger or weaker. Our objection is, that this bill is essentially weak and objectionable; but why should we offer a plan? We are but a minority in this House, and in the other House, and the Executive is against us. With what hope of carrying it, could we propose any thing? I would readily state my own views, if there were time and occasion, although there is no necessity for so doing. They would be very simple. I would only remind this House that what has been may be. If they wish to know what plan is, in all respects, best adapted to the service of the country, they have only to inquire what plan was in operation when the condition of the country was most prosperous and happy. They will not find it to be the Sub-Treasury, either as it has actually existed for three years past, or as it is proposed to be perpetuated by this bill. This hint is sufficient for the present purpose.

But why talk about a plan? We have alread seen that, in the establishment of a Treasury, three points are to be regarded—"safety, economy, and public convenience." For safety and economy in keeping, banks are amply sufficient—good State banks! Who doubts it? Their capital is ample security for whatever may be deposited in them, and until that whole capital is exhausted, the creditor can be in no danger. Money placed with them is protected by arrangements which they find necessary for their own security. Confidence, in some degree, is necessary even in a bank, but in a well ordered bank the system of checks is provided to make it as small as possible. It is only where these guards are neglected, and too much confidence reposed in individuals, that they suffer losses. But be this as it may, their loss is no loss to the depositor, or to the creditor. The bank is bound to pay him.

The security of the public treasure deposited in banks rests mainly on this, that it enables you so to arrange your checks as that spoliation of the public funds cannot happen.

Gen. Harrison saw this at once, with that intuitive and comprehensive sagacity which so strikingly characterized him. Banks were used from the beginning. When, some time ago, in another debate, the act of 1789 was quoted to show that coin was employed in the receipt and disbursement of the revenue, the venerable gentleman from Massachusetts [Mr. ADAMS] produced an early Treasury order, directing the collectors to receive bank paper, or to convert their money into such paper, and not to remit coin. The same venerable gentleman accompanied it with a remark—a perfectly just and obvious one—that to withdraw a given amount of coin from a place of trade was not merely to deprive them of so much money, but of all the credit it would nourish. This plan was known to Congress, and approved by Congress, at a very early period, not later than the year 1794. In that year, Mr. Baldwin, member of Congress of Georgia, in this House, as chairman of a committee appointed for the purpose, made a report upon "the condition of the Treasury." Any one desirous of becoming acquainted with all the details of the Treasury arrangements, which, let it be remarked, continued in full operation to this very day, without any change whatever, will find them in that report, printed in the American State Papers—title, Finance, vol. 1, p. 281. The paragraph most material to the present inquiry is in page 283, under the head of "second, as to keeping." It is there stated, with obvious satisfaction, in the first place, that the public moneys are kept in the several banks; and, in the next place, that neither the Treasurer nor any other officer of the Government ever has in his possession, custody, or control, any of the money or other things of value belonging to the United States; they are deposited in bank. To be sure, if any individual could have drawn upon the bank, he would have had as much control, and as dangerous control over the money as if it had been in his possession; and, accordingly, it has happened that defalcations have occurred where such control was allowed to individuals. It is the same thing as giving them the custody of the public money. But then the difference is this, and an important difference it is, that if the money is in the hands of an individual, you can establish no check will prevent him from embezzling or using it. If the money be in bank, you can easily establish checks which have never failed; such are the checks established in the organization of the Treasury Department by Alexander Hamilton, under which not a dollar has ever been embezzled or lost; such are the checks established by the act of 3d of March, 1817, which have proved efficacious; such are the checks established in the final arrangement of the Virginia Treasury, which have never failed; and such are the checks which every well constituted and well ordered moneyed institution in the United States establishes for itself, and finds to be effectual as long as they are maintained. It is only where undue confidence in individuals causes these guards to be neglected, that we find instances of defalcation or embezzlement. When the treasure of the United States is deposited in State banks, or in any banks, these checks can be applied to it; it is therefore safe. The money is kept without charge, and therefore the keeping is economical; but if the money be left in the hands of the individual, you can neither place guards over it nor have it kept without paying for it.

In point of expense and safety, therefore, there is no manner of comparison between State banks and individual depositaries. The former are infinitely preferable. No man of common sense and common prudence would hesitate between them in his own affairs.

The risk from loss from the failure of banks employed as depositaries, is absolutely nothing. From the report of the Secretary of the Treasury of the 12th of December, 1834, it appears that all the losses from this cause, from the establishment of the Government to the present day, are so small as not to be worth estimating or considering. That the whole loss (including that by bank paper) is not equal, as he says, "to the sums frequently lost by the failure of many single disbursing agents connected with different departments of the Government, and under bond, they will not exceed what is due from two mercantile firms." This, it will be perceived, is a positive statement of a fact, which is, of course, to be taken to be true; and there is no doubt of its truth. There is no doubt either of the truth of the deduction which the Secretary of the Treasury makes from it. In the same report there is a plain assertion of the infinite superiority of banks over individual depositaries. Accordingly, upon that evidence, thus furnished by the Secretary, such has been the universal conclusion. In the Doc. No. 10, of the present session, there is a table contained, (No. 3,) which seems to present a different view. I say seems. It cannot be supposed that the Secretary of the Treasury meant flatly to contradict himself as to a plain matter of fabt. He had no other or better knowledge in 1837 than he had in December, 1834. He does not pretend to have had any thing before him which ought to change his statement. To suppose that under these circumstances he has flatly contradicted himself, would be to discredit him altogether. He would not be entitled to be believed in either statement. The rule of law, and the rule of common sense, is to endeavor to reconcile evidence, rather than produce a conflict in it, and especially when it is the evidence of the same witness, who must otherwise be made to contradict himself, and destroy his own character for veracity. If these two statements be different in point of fact, one of them must inevitably be untrue. But, upon examination, it will be found that they can be reconciled; penetrating beyond the surface of No. 3, which is certainly so contrived, whether by design or accident it is not for me to say, as to seem to contradict the former one. The difference between these two statements is this: the first of them, that in Decemner, 1834, asserts a fact; the latter presents an estimate. The estimate as no reference whatever to the fact, but is founded upon considerations entirely unconnected with it. Still it must be admitted that these two statements have been made out—the very face of them shows it—with contradictory views. The first was designed to maintain that the State banks are secure and safe—the last is designed to disparage all banks. And this contradiction of purpose has led to the seeming contradiction between them, whether designed or not.

But, with a little attention, we can reconcile the Secretary with himself; and in charity we must do so. In the table No. 3, there is a column with the heading, "Losses by deposite banks." There is another column, headed "Losses on notes received." In the first column, from 1789 to 1816, inclusive, the statement is, "None appearing on the books." Why these qualifying words, "appearing on the books," are introduced, it is difficult to say, unless it is meant to suggest to the reader that there may be losses which do not appear, and thus to raise a doubt in his mind. The common rule is, "*De non apparentibus, et non existentibus, eadem est ratio*"—a maxim very familiar to the Secretary, and especially applicable here; because, if a loss did exist, it must have appeared. Throughout the remaining period, under this same head, some losses are stated, but of so small an amount as not to impair the truth of what the Secretary stated in December, 1834. So far, then, there is no contradiction. In the second column, "Losses on notes received," he has the following statement for the four years beginning in 1813, and ending in 1816, to wit: "Estimated in these four years by the Treasury Department at $5,500,000." "Estimated by committee of House of Representatives at $34,000,000" The grounds of this estimate, or the principles on which it is made, are not exhibited; we only discern that they are the same as those upon which the committee of the House of Representatives proceeded. What these are we are informed by an extract from a report of that committee, accompanying this table, and sent by the Secretary to this House, no doubt for the purpose of explanation. Let us see what it is.

The distinguished chairman of the Committee of Ways and Means, [Mr. McDuffie,] who had made that report, was arguing in favor of a National Bank, and in favor of the renewal of the charter of the existing Bank. His object in the part extracted was to show what the Government had lost, during the period just referred to, by not having a National Bank—not that it had lost by employing the State banks. No such thing. The whole argument was consistent and clear, and very able. But the Secretary of the Treasury argues, not as the distinguished gentleman at the head of that committee did, but, if he argues at all, argues against all banks. This is a total perversion of the reasoning of the committee, and contrary to the very design of it. It applies to a point which was not in the view of the committee. It may perhaps be skilful, but it is extremely unfair. Mr. McDuffie never said in that report that there had been losses by State banks. He said there had been losses by not having a National Bank; which was true then and is true now. The process by which he reached his conclusion is this: During the short period of the war he says you sold $80,000,000 of debt at an average discount of 15 per cent. There was a loss, therefore, of $12,000,000, "which would in all probability have been saved if the Treasury had been aided by such an institution as the Bank of the United States" The plain and obvious meaning of this is, if you had had a Bank of the United States, your credit would been maintained; you would have sold stock at a higher price; therefore, you would have saved the loss of the $12,000,000, or a part of it. But he says further: "The $68,000,000 received by the Government for its stock was in bank paper, which, compared with specie, was depreciated." This is as plain as what goes before. The credit of the banks was better than the credit of the Government, but bank paper was not as good as specie. The Government was obliged to go to market with its stock, in undue quantities, during the pressure of the war, in order to get the means of carrying it on, and they had to take in exchange for it what people were willing to give. If they had required specie, and been able to obtain it at all, they could only have obtained as much as was equal to the amount of bank paper received, less the difference. "But," says Mr. McDuffie, "if you had had a Bank of the United States, your stock would have sold better, because your credit would have been maintained."

All this is very clear and intelligible; but the Secretary, in his estimate, calls this a total loss, estimated by the committee, and his own reduced estimate, a loss on notes received. Every man who is able to understand this subject perceives that the loss was upon the stock sold, because the Government could not, in exchange for it, get a greater amount in bank paper. Thus the whole is reconciled and explained, and the assertion of the Secretary of the Treasury, in his report of 1834, stands unimpeached. By the two banks of the United States, employed as depositories, and credited by receiving their bills, not a dollar was ever lost in the whole period of their existence, which was forty years. By the State banks, in the whole period of our Government, from 1789 to the present time, the loss has been so small as not to be worth computing.

The position, then, is clear and impregnable, that, for safety and economy in keeping, banks are unexceptionable—individual depositaries, as clearly, are not. Banks, then, are unquestionably preferable. Individual depositaries ought never to be resorted to, and never are resorted to, but in case of absolute necessity. Whenever they are resorted to, from necessity or otherwise, loss is sure to follow.

Certain other things, besides safety and economy in keeping, are requisite to a complete system which, it may be admitted, neither State banks nor individual depositaries can adequately supply. The fiscal convenience and regularity of the Government, the maintenance of a uniform currency in sufficient quantity, the adaptation of the fiscal concerns of the nation to the business and circulation of the country, so as to assist and regulate them; all these are things which are desirable, and which may be attained. Supposing that State banks and individual depositaries are equally incompetent in this respect, still the banks would have the superiority in point of safety and economy. Their preference would be a plain dictate of prudence. In reality, however, even State banks can do much more than individual depositaries can towards the accomplishment of these purposes. They can only be effectually and thoroughly accomplished by means of a National Bank. You never have had, and you never can have, a perfect system without it. With it you have had, and you know that you can have, a system as perfect and as conducive to the welfare of the people as the nature of things will allow. It worked better than any system in the known world. It answered fully all the purposes of the Treasury; it conformed to the habits and wishes of the people; and it went hand in hand with their prosperity. Without it you have had nothing but disorder, and you never will have. The present question, however, is not about a Bank of the United States: it is between banks and individuals; and I trust enough has been said to show that individual depositaries are unsafe and extravagant. On this point there seems to be universal consent throughout the United States.

I owe some apology to the committee for going into so much detail under this head. It is tedious, undoubtedly; but I trust they will be satisfied that the evidence thus exhibited to them—bearing as it does directly upon the practical operation of this project—is more instructive than any general statements would be, and far more satisfactory than the more general views in which the subject might be considered.

A Sub-Treasurer will have no difficulty whatever in carrying off the public treasure; he has only to roll the chest to a steamer that may be ready to depart, and he and the money are immediately beyond the reach of the Government; or, if he has been previously delinquent, he may carry himself off in the same way, without any risk of being overtaken.

We now proceed to the remaining point to be considered, namely, the CONVENIENCE of the plan.

We have already, as has been before remarked, had it in operation for three years. There is nothing in the effects it has produced during that time to recommend it for continuance. On the floor of this House it was declared three years ago, by the then chairman of the Committee of Ways and Means, that it was in operation; and, "in spite of lamentations here or elsewhere," would be in operation until the 4th of March, 1841. The meaning of this declaration was, that it would not be repealed during the term of the present President—he would veto a repeal. Whether he meant this as an intimation that no relief was to be had but by a change of the head of the Administration, I will not undertake to say, but assuredly the people have taken it as a hint to that effect, and are now, with unexampled zeal and unanimity, preparing to cut up the evil at the root by means of the ballot-box. A change they have resolved upon; and who can wonder at it after what they have suffered and what they have been told? The bill means one of two things: either to establish a different and better currency for the Government than that used by the people, or to force into use a hard money currency for all the concerns of the country.

It proposes, finally, by one or both of these means, to break up and destroy the banking or credit system. My position, on this subject, is a very plain, and, as it appears to me, a very safe one. It is this: that it is cheapest and most convenient for the people to pay their public dues in their accustomed currency. If that be convertible paper, their adoption of it proves that it is as good, or better than specie. It is better suited to their business, else they would not adopt it. Why should they not pay in it? What is asked, and what ought to be expected from them by the Government, is a contribution from what they have. It is the toll to the miller—a part of the produce sent to him to be manufactured, taken from the mass. So it should be with the Government. There is no more reason or convenience in requiring of the citizen to buy for them something out of his usual way of dealing, than for the miller to demand that his toll should be paid in superior grain. The only example to the contrary, that I know of, is that of China, already mentioned. The nature of our Government demands that this system should be adhered to. A departure from it tends to change the character of the Government. It makes the distinction in favor of the Government elevating them in this respect above the people, as if that which the people find good enough for themselves were not good enough for the Government. It destroys the sympathy of the Government for the people, by removing from the Government all feeling of the afflictions which, by their pressure weigh down the people—they are not felt by the Treasury. By this scheme of a separate circulation, there is a separate pulsation, so that the disease which visits the people is not felt at the

Treasury, nor in the Treasury circulation. Nay, more than this: that the very circumstances which oppress, disastrously oppress, the business of the country in all its branches, may, as they now actually do, turn to the advantage of the office holders. Thus, there is not only a want of sympathy, but an actual and unceasing conflict between their concerns; when every man must admit that they ought to be identical, so that at the Treasury, and in the Government, there should be a quick and lively sensibility to whatever injuriously affects the people. Without this, we must always experience what we have experienced for the last three years, a careless indifference in the Government to the distresses of the people, and a cold-hearted neglect of the means of giving relief.

The officers of the Government in fact cease to be a part of the people, and acquire interests of their own, directly opposed to the common interests. The family compact is thus perverted, and an approximation made to Governments of an entirely different character. The practice of such Governments proves nothing. Still, what has been assumed in regard to them is not true. In the island of Cuba, for example, any one who will look into Hazzard's Register, at page 414, will find that the currency and circulation are in a condition of extreme disorder. Worn and depreciated coin of inconvenient denominations, such as pistareens, are forced in payment, at prices far beyond their real value—doubloons have difierent values. The whole thing is unjust, inconvenient, and oppressive in its operation. The remedy the people have sought for is a bank; but this, the metropolitan Government in Spain refuses to allow them; or, which is equivalent, will grant it only upon terms too onerous to be accepted. I do not doubt that, if we had time to go into an examination of the other evidence, we should find the history elsewhere to be the same.

This bill destroys, by one of its enactments, the only remaining connection of the Treasury with banks, and the only remnant of wholesome control it has over them. The resolution of the 30th of April, 1816, makes the notes of specie paying banks receivable in the payment of public dues. This, it may be admitted, is an insufficient check, not to be compared to that which would be afforded by a Bank of the United States; but still it is a check. The Government, by means of it, has the power to discredit banks that fail to pay specie, and so to aid the people in keeping the banks up to their duty. But this act repeals that resolution, and prohibits the receipt of bank notes entirely, good or bad. Thus it discredits all banks, instead of discrediting only those who have not done what they ought to do to sustain their credit. In this the Government does more than neglect its duty, which is to regulate, and support, and provide for the currency. Its power is here exercised to the contrary. It destroys, as far as it is able, the distinction between good and bad banks, and places them all upon a level, when it is obviously the interest of the people that the distinction should be maintained by all the exertions of both Government and people. Still worse, there is a perpetual conflict produced, injurious to the banks, by keeping up a continual, and at the same time, an uncertain demand upon them for their specie, so that they never can know what they may be called on for.

The Treasury avoids the obnoxious responsibility of drawing specie from the banks, but it compels the people to make the drafts on the banks, being thus itself the secret cause of the mischief, but putting the odium upon individuals. Why this war upon the banks? They are State institutions, authorized and established by the Legislatures of the States, and having every constitutional sanction. They are within the States, under the protection of the States, and beyond the reach of any direct power of the National Government. The exercise of such a power is as plainly denied as if it were expressly prohibited in the Constitution. Is it right, then? Is it consistent with the true meaning of the Constitution of the United States? Is it not a most wanton and unauthorized abuse of the powers granted, to employ them indirectly for the accomplishment of purposes which cannot be constitutionally accomplished? Why may not the Federal Government abuse all its powers in the same way, and make war upon every State right and State interest? The right of the States to have banks, and the right of the people to use bank credit in their business, their right so to employ their capital is just as clear and perfect a right as the right to cultivate the earth and to raise from it such products as are deemed most advantageous. Why may not the Government of the United States, then, with equal justice, make war upon any other employment of capital or industry? Why not employ their powers to stop the cultivation of cotton or tobacco? or the manufacture of cotton or wool? This would be a daring invasion of the rights of the States and the people; but so is the war upon the banks. The duty of the Government is to protect and to regulate them. It has the power to do so. The neglect to exercise it by the Government is the real cause of th ir warfare upon the banks.

Banks are essentially republican institutions. They have grown up every where with the growth of commerce and the advance of free principles. In these United States they have been co-existent with our independence and freedom; and besides the merit of this association, it cannot be denied by any one acquainted with our history that they contributed powerfully to secure them. In our colonial state we had no banks. All the colonies, finding credit of some sort necessary, prayed for the issue of paper money; it was grudgingly and scantily and tardily allowed to them; as if the metropolitan Government had an instinctive feeling that the use of credit would invigorate the growth of industry, and hasten the period when this great country would claim to shake off colonial subjection. It could not be entirely denied, and, for want of something better, all the colonies had recourse to the issue of bills of credit. They are liable to great and serious objections, as all Government paper is. There is an unrestrained tendency to excess, in the use of Government paper, which never fails to cause its depreciation, and often its entire destruction. Such was the case with our continental money. After gradually exhausting the public confidence, it finally failed in the year 1779 or 1780. In the midst of the war the Government was left without money or credit. At this critical moment, a few patriotic citizens, from their own means, established the Bank of North America in the city of Philadelphia—the same which, soon after, was incorporated by an ordinance of Congress.

Credit revived. By the agency of this institution funds were obtained, which the credit of the Government could not command, for the decisive military movement which terminated the war at Yorktown. I have said that they are essentially republican institutions. I may add, they are, in that respect, precisely adapted to our condition and to the support of republican equality. We have few overgrown fortunes. We have few who are in the opposite extreme of abject poverty. We have not, happily, the contrast which is exhibited elsewhere. The secret of our happiness consists mainly in this.

We have, at the same time, full employment for capital, and it is furnished by means of banks. It is a rare thing to find an individual among us who is able to establish a bank of his own. The late Stephen Girard was rich enough to employ a million and a half of capital in that way; which, at the time of his death, had increased by the profits to four millions of dollars.

Suppose there had been fifteen hundred people who could contribute one thousand dollars each to the like purpose; or fifteen thousand who could contribute one hundred dollars each, why would you withhold from them the privilege of employing their capital by union in the same manner as their richer neighbor? Would you give the advantage in this respect to the rich? Surely not. The capital of the country, in small portions, is distributed among a great many individuals, in whose hands it would be idle and inactive, producing nothing to themselves or to others. By combining their means in a bank, they make it profitable for themselves and for the community. Their charter gives them nothing but the privilege of thus uniting. It confers upon them no benefit which each individual does not enjoy. They can have a common seal. They can sue and be sued; and are subjected to such restrictions as the State Legislatures may think fit. No monopoly is granted to them. On the contrary, they are permitted to associate in order to counteract the monopoly of wealth.

The history of banks shows that, under ordinary circumstances, this is their operation. They are often denounced in thoughtless and violent declamation as aristocratic institutions. Those who make such charges have not examined into the matter. They are essentially Democratic institutions. Of fourteen banks in the city and county of Philadelphia, it appears from an investigation made a few years ago, that the total capital was $14,305,000. The number of stockholders was, at the same time, 7,112; the average amount of each stockholder was therefore $2,010—scarcely as much as the pay of a member of this House for a long session, and nothing like the amount of pay and mileage. Are these stockholders members of the aristocracy? In the Kensington Bank the capital was $250,000, the shareholders were 253; the average proprietorship was therefore less than $1,000. Were these stockholders members of the aristocracy? Are they a description of persons to cause us such fearful alarm, and to deserve such vehement denunciations? The smallest proprietorship in the Bank of England, according to my recollection, is £500 sterling, or $2,500. The stock in our banks is seldom higher than $100 a share, and in most of them as low as $50. A small accumulation serves to buy one. If these bank proprietors be not formidable for their wealth—and, surely, no sane man will pretend that they are—still less are they to be dreaded for their character. In the same investigation, it was found that, in the Philadelphia Bank, full one-third of the stock was held by the most helpless portions of society—by widows and children, trustees, executors, and benevolent societies. No doubt the proportion would be found the same in the other banks, and in some of them even greater. Such people are not to be feared. They do not deserve to be denounced. They ought to be supported and protected. It is inhuman to make war upon them. Their little portion is the representative of their own, or their parents' industry, or the little purse collected for objects of charity, and has a just claim to our most sacred regard. Such is the aristocracy of the capital of these State banks. Is its employment aristocratic? The money thus accumulated is lent to the industrious and enterprising to help them in their lawful pursuits, and to encourage exertion for placing themselves in a state of independent comfort. Whatever it may be the fashion in these days to say of credit, Dr. Franklin, who had passed through every grade in life, from a humble printer's boy to the highest elevation, knew full well the value of credit to an industrious young man. He knew its value to a community. Besides insisting upon it in his writings, he remembered it emphatically in his will. He left two legacies: one to the city of Philadelphia, and the other to the city of Boston, of money to be lent out to young mechanics. This act has always been regarded as a proof of his wisdom and benevolence. Is this an aristocratic employment of money? Is it a thing to be denounced and declaimed against, and menaced with destruction?

But, of the present measure, the object and the effect are plainly to raise the value of money by diminishing its quantity and at the same time increasing its cost, by substituting an expensive currency for one that is cheap. This, too, is to be achieved very rapidly, suddenly—I may say, at once.

All who have thought upon this subject have concurred in opinion that the gradual increase of the quantity, even with the diminution of value, is favorable to industry, to prosperity, and to human happiness. From the first working of the mines on this continent till quite lately, this operation was going on, until at length, by the increased quantity of gold and silver used in coin, its value was reduced, as computed, to about one-fourth. This embraces the period in the history of the world when its improvement has been the greatest and the steadiest. There is not time to go into a detailed examination; but those who desire to see how much better the condition of man is, how his comforts have been increased, his health promoted, and even the probabilities of life enlarged by several years, may find many of the particulars in Mr. McCulloch's statistics of the British empire. All have agreed that the diminution of quantity, and consequent enhancement of the value of money, is injurious. The present is an inauspicious moment for insisting on an increased use of gold and silver; for, owing to the disturbances in the States south of us, or to the falling off of the productiveness of the American mines, there has been a great diminution in the world of the quantity above ground. Mr. Jacob, in his work upon this subject, compiled with great care, estimates that the diminution in the period of twenty years, from 1809 to 1829, is £66,000,000 sterling, being about one-sixth of the whole quantity. If it has gone on at the same rate for the last ten years, you may add £33,000,000 sterling, which will make it one-fourth. What is our proportion in this diminished state of the gold and silver of the world?

Leaving these general views, however, let us come to those which are more strictly our own. The diminished quantity and the increased value of money operate upon property, upon wages, or the price of labor, and upon debts, but in very different and even opposite ways. It lowers property, it reduces wages, and it increases debts. An estate which may have been adequate to pay all the charges upon it, and leave something for the owner, is unable to discharge its incumbrances; the owner has nothing left, and he is ruined. It is no fault of his; he had no reason to expect, no prudence required him to foresee, such a reverse. Reverses he might knew he was exposed to, from various causes, and if they came he must submit to them. But it could never enter his mind that he was going to be ruined by an act of the Government. He would look to that quarter rather for aid than for destruction. Sudden changes in the currency, of this sort, by the disorder and obstruction they introduce into all classes of industry, deprive the poor man of employment, or, if he is able to get it, compel him to work for less. But the office holder, the creditor, and the moneyed capitalist are benefited; the nominal amount they receive is the same, but the denomination represents a greater value—it may be double. What is gained by the office holder, the creditor, and by the capitalist, is lost to the producer, to the owner of property, to the debtor, and to the laborer; they are all sacrificed in the crisis of caprice and experiment. Now let us look, in the first place, at the condition of our country. It is a very large debtor. The States of this Union owe at least two hundred millions of dollars, a great part of it abroad. The annual interest may be computed, I suppose, including the charges, at twelve millions of dollars. The debts owing among ourselves cannot be estimated with any precision, nor the debts owing by individuals abroad. The debt at home is unequally divided among different sections of the country; a large portion of it rests upon the South, and especially the Southwestern States. The latter are very heavily encumbered, at the same time that their chief staple has fallen below what any one could have anticipated. It is probable there is a large debt in the West also, from the inordinate sales of lands in 1836 and 1836.

There is also a universal crush and stagnation. There is with it an unprecedented want of confidence. Property seems to have lost its value; credit is destroyed; and labor is without employment. They all stand in need of encouragement and assistance. Is it wise, expedient, or just, under these circumstances, to do any thing which will increase the distress—which will co-operate with the destruction now going on, and aggravate the public calamity? Is it consistent with common humanity to do further injury to the owner of property, the debtor, and the laborer? Ought we, above all, to throw in this new and powerful ingredient of injustice and wrong, by raising the value of money? A parental Government would see and feel that this duty was in a contrary direction. One would suppose that the performance of such a duty would, at all times, be acceptable and pleasing. Still, if it were beyond the power of Government to give any aid, (which I do not admit,) it is unnatural and cruel in the Government, by its measures, to place its foot upon the crushed interests of the country, as if it were determined to sink them still lower, and to keep them down. A change is necessary. No one doubts it. But of all the changes that could be wrought, this Sub-Treasury is most to be deprecated. It has no healing in it for the disorder of the times. It is poisonous, and so has proved itself for the last three years.

But we are continually told there has been overtrading, overissue, and the like. What then? The calamity is upon us, and our duty is to endeavor to alleviate it. Ought we to seek to aggravate it? Why, especially, when there has been a general excess, are we to point our whole indignation against the banks, even if they had shared in the delusion which affected every branch of business? In a report at the extra session, the Secretary undertook to instruct us as to the causes of our embarrassments. The first he mentioned was the over production of cotton, and the consequent fall of price, equal to twenty millions of dollars. Why not, then, check the production of cotton, restrict its culture, or take it into the hands of the Government? Examples may be found of such things. The poor Ryots, in British India, are compelled to cultivate the opium plant, at a price fixed by the Government, (so low as scarcely to afford a substance,) and to furnish the product to their task-masters, that they may make a profit of some millions by smuggling the poisonous drug into China. The Spanish Government kept in its hands a monopoly of tobacco in Mexico. The cultivator could only sell to the Government, at the price fixed by the Government, who alone manufactured the article, and, when manufactured, sold it at their own price. From this monopoly, according to Baron Humboldt, Spain drew an annual revenue of four millions of dollars a year. The Mexican Government, with a Constitution like our own (except that the President is only eligible for one term, in which the have the advantage of ours,) and Republican forms, continues the monopoly. If it be said that such restraints or interference on the part of Government are inconsistent with the freedom of the citizen, I admit the answer to just and sufficient. The fluctuations of trade are the effects of the spirit of enterprise, and, when that is left free to exert itself, they will occasionally occur. We had, at one period, over-speculation in merino sheep; we have lately had it in morus multicaulis—both appear to have been foolish errors, and much to be regretted. But does any one madly conclude from this, that the Government should be invested with power over the conduct of every individual in his own affairs?—to tell one man how much cotton he shall raise, and another how many sheep or trees he may buy, and at what prices? The spirit of enterprise belongs to free Governments, and is the offspring of freedom. Occasionally it may be too far indulged, and the consequences of it fall heavily on individuals; but, in the main, it is productive of good; and, at all events, is a part of our freedom. In its worst effects, it is only one of the smaller waves in the tempestuous sea of liberty, which we are told is to be preferred to the calm of despotism. This excess, however, by the confession of those who charge it, has extended to every branch of business. There has been excessive production of cotton; the Secretary tells us there has been excess of importation; the President tells us there have been excessive sales of public lands; and, in the midst of all these, we find it said there has been excess of expansion by the banks. Why is this branch of business exposed to peculiar censure, and, as it were, to the peculiar vengeance of the Government? The fault of the banks (if the fault had been in them) has been the common fault of us all, in which they only participated with the rest. They have but their proportion of error to answer for, and why should they be subjected to punishment for all? They are treated like the Jews, in a former period of the world, who were made responsible for every thing that was alleged to be wrong, and then exposed to confiscation, pillage, and death. They are persecuted like the poor unfortunate beings who, in times of superstition, were charged with being witches, and followed to their destruction with a senseless fury. The banks are now suffering in common with the country, whatever it may be owing to, and must submit to the corrective of the error, in common with others. More than this is unjust and injurious. It is especially hurtful to the

other suffering interests of the country, because it cripples these institutions, and lessens their power of relief.

But now let us see truly how this matter really stands In 1830, only ten years ago, this country was in a state of solid prosperity. There was nothing in it that was speculative or treacherous; there was no hidden disease then lurking in the system. Our actual condition was what it appeared to be, and in all the elements of happiness it never was surpassed. At the end of the year 1830 (and this is a proof of what I have just said) we owed nothing or very little. We were out of debt. Our imports for the ten preceding years exceeded our exports but about three million five hundred thousand dollars a year, which is not more than was made up by a fair profit. The imports and exports of gold and silver during the same period were about equal, as nearly as can be ascertained. The annual average sales of public lands were about one million two hundred thousand dollars. It has been stated that in 1811 we had about fifteen millions of specie; some think it was not so much. In 1830 the specie in the country, as stated by the Secretary of the Treasury, was thirty millions, having been doubled in the twenty years. Of this, he says, twenty-six millions were in the banks. This specie, as you have seen, had been paid for by our exports, and was our own. These amounts were found ample for the use of the country. Not a bank, at either period, had suspended. Such, then, was the condition of the country in the year 1830. All this has been fearfully changed, and note the period when the change came over us. It was precisely when the Government undertook to interfere with the currency, and to change violently our whole money affairs. For the seven years which followed from 1831 to 1838, our imports exceeded our exports (making allowance for a reasonable profit) twenty-four millions of dollars a year. Of this excess one-third, that is, eight millions of dollars a year, was in gold and silver; we added, the Secretary boastingly said in one of his reports, fifty-five millions of dollars to our stock. Thus we had eighty-five millions of dollars in gold and silver, and in this state of things the banks suspended specie-payments. They were maintained when we had but thirty millions, and they were suspended when we had eighty-five millions. The annual average sales of the public lands for the seven years were $11,316,950, seven millions of which were paid for in specie, in the last half of the year 1836, after the specie circular had been issued. And now the whole country is in anguish. What does this specie cost us? Remember it is not our own. We have not paid for it. It is a debt we owe. It costs us not less than $3,850,000 a year, including interest and charges. Better had it never been brought in; better it were all sent back, the debt paid with it, and the country relieved from the burden of nearly $4,000,000 a year for specie which is of no manner of use to us. But the mischief does not end here—there is a further evil to be considered, of greater magnitude, and plainly chargeable upon the Government. When the deposites were removed from the Bank of the United States, the Government took upon itself to direct and manage the whole currency by means of the State banks. Having pledged themselves that, by these means, we should have a better currency, they undertook to manage the State banks in order, in their way, to redeem their pledge. Three things they clearly and constantly indicated as necessary to the success of their plan—an increase of bank capital, an extension of bank accommodation, and an increase of the quantity of gold and silver. They succeeded by their influence and management in all these points. It is the wisdom of the Government, if wisdom it may be called, which has produced them all. As they successively appeared, they were hailed by the officers of the Government as the evidences of their success. When they have all failed and exploded together, as the Government was admonished they would do, then, for the first time, the Government seeks to hide the final cause of our disasters, and to visit them upon their own instruments and victims. But at present we are speaking chiefly of the specie which the Government especially solicited to come among us; nothing was necessary for our happiness but plenty of gold and silver, plenty of banks and bank capital. We all remember the time when the silly promise was made that, in a few years, every substantial man should have a silk purse with "gold peeping through the interstices." How has this promise been kept? Ask a laboring man how it was with him in the year 1830. He will tell you he was fully employed. Ask him what he was paid in. He will say, probably, that he does not recollect, but he knows that it was money which enabled him to supply himself and his family with food and raiment and shelter, and a reasonable portion of comforts. How is it with him now? He is without employment, destitute, with neither gold nor silver, nor any other money which he can go to market with. And yet in 1830 we had but thirty millions of gold and silver; now we have eighty-five millions! No one can be at a loss to perceive how this gold and silver mania has wrought upon our affairs In 1830, the banks are said to have had twenty-six millions of specie. In 1836, as appears by the Secretary's report in December, 1837, they had forty-four millions, making an increase of eighteen millions. According to another report of the Secretary, they might safely operate on this specie to three times the amount. It made no difference to them whether the money was borrowed, or our own; whether we had paid for it, or were in debt and were paying interest. They knew nothing of all this. Its possession, by the theory of the Secretary, warranted, and no doubt caused, an expansion to the amount of at least fifty-four millions of dollars. Here, then, we were trading upon borrowed gold and silver, as already intimated, invited and coaxed into the country by the measures of the Government. To send specie away was a sort of treason, and denounced accordingly by the great financiers.

One instance I have heard mentioned, which particularly exemplifies this Government management. The banks of the city of New York were restricted by their charters, so that they could not discount more than fifty per cent. beyond their capital. By the Government deposites, some of them found themselves enabled to lend much more, and were desirous to be relieved from the restriction. They accordingly applied to the Legislature of New York. That body, instead of proceeding directly to grant or refuse their request, adopted a circuitous method, the reason of which it is not easy to understand. They authorized the banks to borrow money, and to discount to the amount so borrowed, and fifty per cent. more. Some of the banks negotiated loans in England under this authority, one would suppose merely to comply with the law, and not intending to bring the money from England, as they had already more than they could employ. Some time after, the Treasury signified to them, in the course of their management of the deposite banks, that they must increase their stock in specie. Such advice was, in effect, a command; it must be complied with, or the loss risked of the deposites. One bank, therefore, ordered, in part of its loans, two hundred thousand sovereigns in gold. They were accordingly shipped; they came directly from the Bank of England. An intelligent merchant, extensively engaged in business, became apprehensive that the bringing away of gold might cause alarm in England and injure the American credit there; he, therefore, purchased twenty thousand of these sovereigns, and sent them back to England. They returned, within six months, into the Bank of England in the very same packages, with the bank's mark upon them, in which they came out. This operation, without any advantage whatever, could not have cost the country less than five per cent. It was a dead loss without equivalent of any sort; and so is all the borrowed gold and silver which we have in the country. We have more specie now than we ever had before, and cannot pay specie. Who is benefited by it?

We were particularly anxious for gold; and the Executive was aided in his schemes for bringing it into the country by the gold bill, as well as by bank operations of a nature just mentioned. The Secretary of the Treasury, in one of his reports, tells us that we had increased our stock of gold fifteen millions of dollars. If you will examine the accounts of the Bank of England, you will find that, as the gold was coming to us, it was at the same time time leaving the bank. The Bank of England became alarmed, in the latter part of 1836, at the loss of its bullion, and began to inquire where it was going, in order to stop the drain. They discovered that it was flowing to the United States; in self-defence, which cannot be deemed unjustifiable, they discredited American bills, and this immediately produced the commercial convulsions we suffered in the early part of 1837.

American credit in England was destroyed—large amounts of bills were sent back; cotton fell; and the whole train of disasters followed, which we well remember, including the suspension of our banks.

In tracing these things back to their final cause, no one can fail to see in it the active hand of the Government. To its unhappy and preposterous influence we owe the whole mischief, the multiplication and expansion of banks included. The stimulating influence of Executive management was constantly applied, encouraging and exciting enterprise, and at the same time directing it by force into these channels. And we have not done with this ruinous interference yet. The specie must be kept, and the Sub-Treasury is to keep it at an expense, in interest and charges, of four millions of dollars a year! This would seem like infatuation, if it were not much worse. The real use of the Sub-Treasury is, that it has served the Government for a mask to cover its misdeeds. The attention of the country has been occupied by this preposterous project, instead of being turned to the investigation of Executive abuses—occupied in self defence against the odious measure. It is a coup d'etat, struck by the Administration, when all else had failed, to engage the thoughts of the people, and rally party upon, so that the eyes of our fellow-citizens might not be directed to the real causes of their distress. They will right themselves, notwithstanding, I firmly believe, by the constitutional method of changing the Executive. One cannot believe that they will longer submit to the ruinous effects of such foolery. For ten years all has gone wrong. The remedy is change. No change can be for the worse.

The history of the sales of the public lands is exactly the same. The excesses there, too, were encouraged and hailed by the Government. In 1835, they suddenly mounted up to the enormous sum of fourteen millions of dollars. In his annual message to Congress, in December, 1835, the President congratulated the country upon the fact that eleven millions had been received from this source, as an evidence "of the increasing prosperity of the country," and of the "advance of agriculture." The evidence went on increasing in the following year, and ought, one would suppose, to have produced further congratulation. But prosperity increased too fast, agriculture advanced too rapidly; and all at once, in the middle of the year 1836, instead of leaving these things to correct themselves, the Executive interfered to check them. The famous specie circular was issued to reduce the sales of lands. The measure was wholly ineffectual for its purpose, as any one might have foreseen it would be. The sales, in the remaining half year, amounted to seven millions of dollars, and the total for the year was twenty-four millions. But the same circular, which confessedly was inadequate for its ostensible purpose, was effectual for mischief. It increased the demand for specie, raised its value, became a new element of disorder in our currency, and powerfully assisted to bring on the catastrophe which soon followed. No one can estimate the extent of the injury done by the morbid appetite for gold and silver.

In the bloated expansion produced by the hotbed culture of the Administration, the Treasury had its share; it was filled to bursting. The surplus of nearly forty millions of dollars, which remained after all means for exhausting it had been employed, was directed to be distributed among the States, and the Secretary contrived so to work the distribution as to cause the greatest possible disturbance. Thus, it appears, that we had all the external symptoms of prosperity, and among them an overflowing Treasury, and especially that great desideratum, plenty of gold and silver. When the late President of the United States went out of office, he said that he left us prosperous and happy. So were the people of Natchez at 2 o'clock on the fatal 7th of May. But the elements of destruction accumulated during the preceding seven or eight years, by the fostering care of the Executive, suddenly burst upon us. They are still raging. The vessel of state is among the breakers The effort of every man should be to get her back into deep water. All hands should come upon deck, from the captain to the cabin boy; no skulking below. But the Government, who received her in perfect train well fitted and found; who lost the reckoning, and kept no look out; who seized upon the wheel, when they could not steer; who have, in short, caused the whole disaster—would now take the boat to themselves, carry off the stores, and leave the crew crew and cargo to perish; coldly saying, "you expect too much from us." If any sacrifice is to be made, they should be be thrown overboard first, (I speak of them officially,) who have brought the calamity upon us; they should be cashiered; they should never be trusted again.

There are two principal reasons, at least, why they should take their share of the common distress, and help us to get out of it. They who administered the Government have shared with us their full portion of the fruits of our treacherous prosperity. They have had their coffers well filled. Would they now separate themselves from us in the day of our adversity? Is this the time to ask for a divorce, and take the strong box to themselves? But, further, they have contributed powerfully to that adversity, if they have not been the sole cause. They may have blundered; it is to be hoped they did—for deliberate design to work out such effects would be inhuman and fiendlike. But their blundering has far surpassed what their utmost skill could have accomplished. Nor have they gone on without full warning. At every step they have been told what would be the consequences, and every prediction has been verified, so that now there is no difference between the prophecy and the history. But they disregarded all warnings, as they did all "lamentations" here and elsewhere.

That they are thus chargeable, the proofs are manifest. The whole has occurred in their time and under their management. From 1830 to the present time is the whole period. For this period they are responsible. If this be not enough, it is most obvious that, by the exercise of the powers entrusted to them, they have made the changes which we now deplore, from the solid prosperity of 1830 to the extreme adversity we are now laboring under. They have encourged, nay, they have chiefly caused, all the excesses. The increase and expansion of banks, and bank capital, and bank paper, have been owing to them. The excessively increased sales of public lands met their approbation and favor. They promoted and encourged excessive importations, and especially the excess of importation of gold and silver; and the debt we owe for it. All these things, and the great interests connected with them, instead of being treated cautiously and carefully, as their delicate nature required—instead of being treated with reference to those who were most concerned, and who were best acquainted with them—were subjected to the power of party dogmas, to be received as authoritative, without inquiry, and followed blindly to the consequences, whatever they might cost.

Other and highly interesting views might be taken of this question, but it is time to come to a conclusion. Does any man believe that in the present measure there is a hope of remedy or relief? Will it bring us nearer to that condition of solid prosperity which we enjoyed before this series of disastrous experiments began? The measure itself never was intended for a remedy. The President told us at the extra session that the people expect too much from the Government; and, having prepared them by this admonition, proposed the Sub-Treasury! It will not help the people—that is quite clear. They want a uniform currency, and in sufficient abundance. This will not satisfy their wants in either respect. But, still further—and here it appears to me most plain that the Government is wanting in its duty—it will prejudice the people, and embarrass and cripple their exertions to save themselves, however it may help the Government. The plan of an independent circulation, however it may aggrandize the Government by increasing its patronage and power, will be constantly crossing and jostling the concerns of currency and business. And, finally, the failure of this plan itself will be the argument for establishing that most detestable of all devices, a Government bank! When that comes, our Republican Constitution is virtually at an end.

Whether the plan in this bill is practicable at all, may well be doubted. But having detained the committee so long, I will not enter into that inquiry. I have shown that it contradicts every principle which ought to be regarded in the establishment of a Treasury Department; that it has neither economy nor safety, nor public convenience to recommend it, that it is expensive and wasteful, unsafe and highly inconvenient, and injurious. For these reasons it ought to be rejected.

NOTE.

Extract from Mr. Baldwin's report to the House of Representatives, on "the condition of the Treasury Department," May 22, 1794.

"The Treasurer, pursuant to general directions from the Secretary of the Treasury, keeps the public moneys under his control in the several banks. Formerly the banks of North America, New York, Massachusetts, and Maryland, were places of deposite. At present the public moneys are kept in the Bank of the United States or its several offices of discount and deposite, at Boston, New York, Baltimore, and Charleston, and in the Bank of Providence. The Treasurer has never any public money in his possession or custody, which it is not in fact deposited in bank from the the moment this possession or custody commences till it ceases by the disbursement of it for public purposes, except in the case of bank bills, orders upon individuals, &c. heretofore enumerated, as remittances from the supervisors of the revenue and collectors of the customs to the Treasurer; and those, also, immediately after the receipt of them, constitute deposites in bank, to the credit of the Treasurer.

"The Secretary of the Treasury, or any other officer of the Department besides the Treasurer, never has the possession or custody of any part of the public moneys, (except in cases hereafter specified.) And the possession or custody of the Treasurer is, as already stated, exercised through the banks The only exception to this observation respects certain inconsiderable sums occasionally placed in the hands of the commissioner of the revenue for the service of the light-house establishment, and certain other small sums for the contingencies of the offices of the Secretary, Comptroller, Commissioner of the revenue, and Auditor; and which are, from time, in proportion to to their expenditures, placed in the hands of the Register for disbursement, who renders an account of the disbursement, which undergoes a regular and formal settlement, as other public accounts.—*American State papers, vol. Finance.*

SPEECH OF MR. CORWIN,

OF OHIO.

In the House of Representatives, February 15, 1840.—On the proposition to instruct the Committee of Ways and Means to report an appropriation for the continuation of the Cumberland road.

Mr. CORWIN of Ohio rose and said:

Mr. SPEAKER: I am admonished, by the eager solicitations of gentlemen around me to give way for a motion to adjourn, of that practice of the House which accords us more of leisure on this day than is allowed us on any other day of the week. The servants of other good masters are, I believe, indulged in a sort of saturnalium in the afternoon of

Saturday; and we have supposed that our kind masters, the people, might be willing to grant us, their most faithful slaves, a similar respite from toil. It is now past three o'clock in the afternoon, and I should be very willing to pause in the discussion, were I not urged by those menacing cries of "Go on," from various parts of the House. In this state of things, I cannot hope to summon to any thing like attention the unquiet minds of many or the jaded and worn-down faculties of a still larger portion of the House. I hope, however, the House will not withhold from me a boon which I have often seen granted to others, that is, the privilege of speaking without being oppressed by a crowded audience, which is accompanied by this additional advantage, that the orator, thus situated can at least listen to and hear himself.

If you, Mr. Speaker, and the members of this House, have given that attention to the speech of the gentleman from Michigan, (Mr. CRARY,) made yesterday, which some of us here thought it our duty to bestow, I am sure the novelty of the scene, to say nothing more of it, must have arrested your curiosity, if, indeed, it did not give rise to profound reflection.

I need not remind the House that it is a rule here (as I suppose it is every where else where men dispute by any rule at all) that what is said in debate should be relevant and pertinent to the subject under discussion. The question before us is a proposition to instruct the Committee of Ways and Means to report a bill granting four hundred and fifty thousand dollars to continue the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois. The objections to the measure are, either that this Government is in no sense bound by compact to make the road, or that it is not a work of any national concern, but merely of local interest, or that the present exhausted state of the Treasury will not warrant the appropriation, admitting the object of it to be fairly within the constitutional province of Congress.

If the gentleman from South Carolina (Mr. PICKENS) and the gentleman from Maine, (Mr. PARRIS,) who consider the Cumberland road a work of mere sectional advantage to a very small portion of the people, have attended to the sage disquisitions of the gentleman from Michigan on the art of war, they must now either come to the conclusion that almost the whole of the gentleman's speech is what old-fashioned people would call a "*non sequitur*," or else that this road connects itself with not merely the military defences of the Union, but is interwoven most intimately with the progress of science, and especially that most difficult of all sciences, the proper application of strategy to the exigencies of barbarian warfare. It will be seen that the far-seeing sagacity and long-reaching understanding of the gentleman from Michigan has discovered that, before we can vote with a clear conscience on the instructions proposed, we must be well informed as to the number of Indians who fought at the battle of Tippecanoe in 1811; how these savages were painted, whether red, black, or blue, or whether all were blended on their barbarian faces. Further, according to his views of the subject, before we vote money to make a road, we must know and approve of what General Harrison thought, said, and did, at the battle of Tippecanoe!

Again, upon this process of reasoning, we must inquire where a general should be when a batle begins, especially in the night, and what his position during the fight, and where he should be found when it is over; and particularly how a Kentuckian behaves himself when he hears an Indian war-whoop in day or night. And, after settling all these puzzling propositions, still we must fully understand how and by whom the battle of the Thames was fought, and in what manner it then and there became our troops, regular and militia, to conduct themselves. Sir, it must be obvious that if these topics are germain to the subject, then does the Cumberland road encompass all the interests and all the subjects that touch the rights, duties and destinies of the civilized world; and I hope we shall hear no more from Southern gentlemen of the narrow, sectional, or unconstitutional character of the proposed measure. That branch of the subject is, I hope, forever quieted, perhaps unintentionally, by the gentleman from Michigan. His military criticism, if it has not answered the purposes intended, has at least, in this way, done some service to the Cumberland road. And if my poor halting comprehension has not blundered, in pursuing the soaring upward flight of my friend from Michigan, he has in this discussion written a new chapter in the "regulæ philosophandi," and made not ourselves only, but the whole world his debtors in gratitude, by overturning the old worn out principles of the 'inductive system."

Mr. Speaker, there have been many and ponderous volumes written, and various unctuous discourses delivered, on the doctrines of "association." Dugald Stewart, a Scotch gentleman of no mean pretensions in his day, thought much and wrote much concerning that principle in mental philosophy; and Brown, another of the same school, but of later date, has also written and said much on the subject. This latter gentleman, I think, calls it "suggestion;" but never, I venture to say, did any metaphysician, pushing his researches furthest and deepest into that occult science, dream that would come to pass which we have discovered and clearly developed—that is, that two subjects so unlike as an appropriation to a road in 1840, and the tactics proper in Indian war in 1811, were not merely akin, but actually, identically the same.

Mr. Speaker, this discussion, I should think, if not absolutely absurd and utterly ridiculous, which my respect for the gentleman from Michigan and the American Congress will not allow me to suppose, has elicited another trait in the American character which has been the subject of great admiration with intelligent travellers from the old world. Foreigners have admired the ease with which we Yankees, as they call us, can turn our hands to any business or pursuit, public or private; and this has been brought forward by our own people as a proof that man, in this great and free republic, is a being very far superior to the same animal in other parts of the globe less favored than ours. A proof of the most convincing character of this truth, so flattering to our national pride, is exhibited before our eyes in the gentleman from Michigan delivering to the world a grave lecture on the campaigns of Gen. Harrison, including a variety of very interesting military events in the years 1811, 1812, and 1813. In all other countries, and in all former times, before now, a gentleman who would either speak or be listened to, on the subject of war, involving subtle criticisms on strategy, and careful reviews of marches, seiges, battles, regular and casual, and irregular onslaughts, would be required to show, first, that he had studied much, investigated fully, and digested well, the science and history of his subject. But here, sir, no such painful preparation is required; witness the gentleman from Michigan. He has announced to the House that he is a militia general on the peace establishment!! That he is a lawyer we know, tolerably well read in Tidd's Practice and Espanasses Nisi Prius. These studies, so happily adapted to the subject of war, with an appointment in the militia in time of peace, furnish him at once with all the knowledge necessary to discourse to us, as from high authority, upon all the mysteries in the "trade of death." Again, Mr. Speaker, it must occur to every one that we, to whom these questions are submitted and these criticisms are addressed, being all colonels at least, and most of us, like the gentleman himself, brigadiers, are, of all conceivable tribunals, best qualified to decide any nice point connected with military science. I hope the House will not be alarmed by an impression that I am about to discuss one or the other of the military questions now before us at length, but I wish to submit a remark or two, by way of preparing us for a proper appreciation of the merits of the discourse we have heard. I trust, as we are all brother officers, that the gentleman from Michigan and the two hundred and forty colonels or generals of this honorable House, will receive what I have to say as coming from an old brother in arms, and addressed to them in a spirit of candor,

"Such as becomes comrades free,
Reposing after victory."

Sir, we all know the military studies of the gentleman from Michigan before he was promoted. I take it to be beyond a reasonable doubt, that he had perused with great care the title page of "Baron Steuben." Nay, I go further; as the gentleman has incidentally assured us he is prone to look into musty and neglected volumes, I venture to assert, without vouching the fact from personal knowledge, that he has prosecuted his researches so far, as to be able to know that the rear rank stands right behind the front. This, I think, is fairly inferrible from what I understood him to say of the two lines of encampment at Tippecanoe. Thus we see, Mr. Speaker, that the gentleman from Michigan, so far as study can give us knowledge of a subject, comes before us with claims to great profundity. But this is a subject which, of all others, requires the aid of actual experience to make us wise. Now the gentleman from Michigan, being a militia general, as he has told us, his brother officers, in that simple statement has revealed the glorious history of toils, privations, sacrifices, and bloody scenes, through which we know, from experience and observation, a militia officer in time of peace is sure to pass. We all, in fancy, now see the gentleman from Michigan in that most dangerous and glorious event in the life of a militia general on the peace establishment—a parade day! The day for which all the other days of his life seem to have been made. We can see the troops in motion; umbrellas, hoe and axe handles, and other like deadly implements of war overshadowing all the field, when lo! the leader of the host approaches,

"Far off his coming shines;"

his plume, white, after the fashion of the great Borubon, is of ample length, and reads its doleful history in the bereaved necks and bosoms of forty neighboring hen-roosts! Like the great Suwaroff, he seems somewhat careless in forms and points of dress; hence his epaulettes may be on his shoulders, back or sides, but still gleaming, gloriously gleaming in the sun. Mounted he is, too, let it not be forgotten. Need I describe to the colonels and generals of this honorable House the steed which heroes bestride on such occasions? No, I see the memory of other days is with you. You see before you the gentleman from Michigan mounted on his crop-eared, bushy-tailed mare, the singular obliquities of whose hinder limbs is described by that most expressive phrase, 'sick e hams"—her heighth just fourteen hands, "all told;" yes, sir, there you see his "steed that laughs at the shaking of the spear;" that is, his "war-horse whose neck is clothed with thunder." Mr. Speaker, we have glowing descriptions in history of Alexander the Great and his war-horse Bucephalus, at the head of the invincible Macedonian phalanx, but, sir, such are the improvements of modern times, that every one must see that our militia general, with his crop-eared mare, with bushy tail and pickle ham, would literally frighten off a battle field an hundred Alexanders. But, sir, to the history of the parade day. The general thus mounted and equipped is in the field, and ready for action. On the eve of some desperate enterprise, such as giving order to shoulder arms, it may be, there occurs a crisis, one of the accidents of war which no sagacity could foresee or prevent. A cloud rises and passes over the sun! Here an occasion occurs for the display of that greatest of all traits in the character of a commander, that tact which enables him to seize upon and turn to good account events unlooked for as they arise. Now for the caution wherewith the Roman Fabius foiled the skill and courage of Hannibal. A retreat is ordered, and troops and general, in a twinkling, are found safely bivouaced in a neighboring grocery! But even here the general still has room for the exhibition of heroic deeds. Hot from the field, and chaffed with the untoward events of the day, your general unsheaths his trenchant blade, eighteen inches in length, as you will well remember, and with an energy and remorseless fury he slices the watermelons that lie in heaps around him, and shares them with his surviving friends. Other of the sinews of war are not wanting here. Whiskey, Mr. Speaker, that great leveller of modern times, is here also, and the shells of the watermelons are filled to the brim. Here again, Mr. Speaker, is shown how the extremes of barbarism

and civilization meet. As the Scandinavian heroes of old, after the fatigues of war, drank wine from the skulls of their slaughtered enemies, in Odin's Halls, so now our militia general and his forces, from the skulls of melons thus vanquished, in copious draughts of whiskey assuage the heroic fire of their souls, after the bloody scenes of a parade day. But, alas, for this short-lived race of ours, all things will have an end, and so even is it with the glorious achievements of our general. Time is on the wing, and will not stay his flight; the sun, as if frightened at the mighty events of the day, rides down the sky, and at the close of the day when "the hamlet is still," the curtain of night drops upon the scene;

"And glory, like the phœnix in its fires,
Exhales its odors, blazes, and expires."

Such, sir, has been the experience in war of the gentleman from Michigan. We know this from the simple annunciation that he is and has been a brigadier of militia in time of peace; and now, having a full understanding of the qualifications of our learned general, both from study and practice, I hope the House will see that it should give its profound reflection to his discourses on the art of war. And this it will be more inclined to, when we take into view that the gentleman has, in his review of General Harrison's campaigns, modestly imputed to the latter great mistakes, gross blunders, imbecility, and even worse than this, as I shall show hereafter. The force, too, of the lecture of our learned and experienced friend from Michigan is certainly greatly enhanced, when we consider another admitted fact, which is, that the general whose imbecility and errors he has discovered had not, like the gentleman from Michigan, the great advantage of serving in watermelon campaigns, but only fought fierce Indians in the dark forests of the West, under such stupid fellows as Anthony Wayne, and was afterwards appointed to the command of large armies by the advice of such an inexperienced boy as Gov. Shelby, the hero of King's Mountain.

And now, Mr. Speaker, as I have the temerity to entertain doubts, and with great deference to differ in my opinions on this military question with the gentleman from Michigan, I desire to state a few historical facts concerning General Harrison, whom the general from Michigan has pronounced incapable, imbecile, and, as I shall notice hereafter, something worse even than these. General Harrison was commissioned by General Washington an officer in the regular army of the United States in the year 1791. He served as aid to General Anthony Wayne, in the campaign against the Indians, which resulted in the battle of the Rapids of the Maumee, in the fall of 1794. Thus, in his youth, he was selected by General Wayne as one of his military family. And what did this youthful officer do in that memorable battle of the Rapids? Here, Mr. Speaker, let me summon a witness merely to show how military men may differ. The witness I call to controvert the opinion of the gentleman from Michigan is General Anthony Wayne. In his letter to the Secretary of War, giving an account of the battle of the Rapids, he says:

"My faithful and gallant Lieutenant Harrison rendered the most essential services, by communicating my orders in every direction, and by his conduct and bravery exciting the troops to press for victory."

Sir, this evidence was given by General Wayne in the year 1794, some time, I imagine, before the gentlemen from Michigan was born, and long before he became a militia general, and long, very long, before he ever perused the title page of Baron Steuben. Mr. Speaker, let me remind the House, in passing, that this battle and victory over the Indian forces of the Northwest, in which, according to the testimony of Gen. Wayne, "Lieutenant Harrison rendered the most essential services by his conduct and bravery," gave peace to an exposed line of frontier, extending from Pittsburgh to the southern borders of Tennessee. It was, in truth, the close of the war of the Revolution, for the Indians who took part with Great Britain in our Revolutionary struggle never laid down their arms until after they were vanquished by Wayne in 1794.

We now come to see something of the man, the general, whose military history our able and experienced general from Michigan has reviewed. We know that debates like this have sometimes been had in the British Parliament. There, I believe, the discussion was usually conducted by those in the House who have *seen*, and not merely *heard*, of service. We all know that Colonel Napier has, in several volumes, reviewed the campaigns of Wellington, and criticised the movements and merits of Beresford, and Soult, and Massena, and many others, quite, yes, I say *quite* as well known in military history as any of us, not even excepting our general from Michigan. We respect the opinions of Napier, because we know he not only *thought* of war, but that he *fought* too. We respect and admire that combination of military skill, with profound statesmanlike views, which we find in "Cæsar's Commentaries," because we know the "mighty Julius" was a soldier, trained in the field, and inured to the accidents and dangers of war. But, sir, we generals of Congress require no such painful discipline to give value to our opinions. We men of the 19th century know all things intuitively. We understand perfectly the military art by nature. Yes, sir, the notions of the gentleman from Michigan, agree exactly with a sage by the name of "Dogberry," who insisted that "reading and writing come by nature." Mr. Speaker, we have heard and read much of "the advance of knowledge, the improvement of the species, and the great march of mind," but never till now have we understood the extent of meaning in these pregnant phrases. For instance, the gentleman from Michigan asserts that General Harrison has none of the qualities of a general, because, at the battle of Tippecanoe he was found at one time at a distance from his tent, urging his men on to battle. He exposed his person too much, it seems. He should have staid at his tent, and waited for the officers to come to him for orders. Well, sir, see now to what conclusion this leads us. Napoleon seized a standard at Lodi, and rushed in front of his columns across a narrow bridge, which was swept by a whole park of German artillery. Hence, Napoleon was no officer; he did not know how to command an army. He, like Harrison, exposed his person too much. Oh, Mr. Speaker, what a pity for poor Napoleon that he had not studied Steuben, and slaughtered water-melons with us natural born generals of this great age of the world! Sir, it might have altered the map of Europe; nay, changed the destinies of the world!

Again: Alexander the Great spurred his horse foremost into the river, and led his Macedonians across the Granicus, to rout the Persians who stood full opposed on the other side of the stream. True, this youth conquered the world, and made himself master of what had constituted the Medean, Persian, Assyrian, and Chaldean empires. Still, according to the judgment of us warriors by nature, the mighty Macedonian would have consulted good sense by coming over here, if, indeed, there were any here hereabouts in those days, and studying, like my friend from Michigan, first Tidd's Practice, and Espanasse's Nisi Prius, and a little snatch of Steuben, and serving as a general of militia awhile. Sir, Alexander the Great might have made a man of himself in the art of war, had he even been a member of our Congress, and heard us colonels discuss the subject of an afternoon or two. Indeed, Alexander, or Satan, I doubt not, would have improved greatly in strategy by observing, during this session, the tactics of the Administration party on the New Jersey election question. Mr. Speaker, this objection to a general, because he will fight, is not original with my friend from Michigan. I remember a great authority, in point, agreeing with the gentleman in this. In the times of the Henrys, 4th and 5th, of England, there lived one Captain Jack Falstaff. If Shakspeare may be trusted, his opinions of the art military were exactly those of the gentleman from Michigan. He uniformly declared as his deliberate judgment on the subject, that "discretion was the better part of valor;" and this is an authority for the gentleman. But who shall decide? Thus the authority stands—Alexander the mighty Greek, and Napoleon Bonaparte, and Harrison, on one side, and Captain John Falstaff and the General from Michigan on the other! Sir, I must leave a question thus sustained by authorities, both ways, to posterity. Perhaps the lights of another age may enable the world to decide it, I confess my inability to say on which side the weight of authority lies.

I hope I may obtain the pardon of the American Congress for adverting in this discussion to another matter, gravely put forward by the gentleman from Michigan. Without the slightest feeling of disrespect to that gentleman, I must be allowed to say that his opinions, (hastily I am sure,) obtruded on the House on this military question, can only be considered as subjects of merriment.

But I come to notice, since I am compelled to it, one observation of the gentleman, which I feel quite certain, on reflection, he will regret himself. In a sort of parenthesis in his speech, he said that a rumor prevailed at the time (alluding to the battle of Tippecanoe) that Colonel Joseph H. Davies of Kentucky, who commanded a squadron of cavalry there, was, by some trick of General Harrison, mounted, during the battle, on a white horse belonging to the General, and that, being thus conspicuous in the fight, he was a mark for the assailing Indians, and fell in a charge at the head of his men. The gentleman says he does not vouch for the truth of this. Sir, it is well that he does not vouch here for the truth of a long exploded slander. It requires a bold man, a man possessing a great deal of moral courage, to make even an allusion to a charge such as that, against one whose only possessions in this world are his character for courage and conduct in war in his country's defence, and his unstained integrity in the various civil offices it has been his duty to occupy. Did not the gentleman know that this vile story was known by every intelligent man west of the mountains to be totally without foundation? The gentleman seemed to appeal to the gallant Kentuckians to prove the truth of this inuendo. He spoke of the blood of their countrymen so profusely poured out at Tippecanoe, as if they would give countenance to the idea that the gallant Davies, who fell in that engagement, fell a victim to the artifice of the commanding general, and their other gallant sons who fell there, were wantonly sacrificed by the gross ignorance of General Harrison in Indian warfare. Now, sir, before the gentleman made his appeal, he should have remembered a few historical facts, which, if known to him, as I should suppose they were to every other man twenty years of age in Western America, would make the whole speech of that gentleman little else than a most wanton insult to the understanding of the people and Government of Kentucky. Let us briefly notice the facts.

In November, 1811, the battle of Tippecanoe was fought. There Colonel Davies and Colonel Owens, with other Kentuckians, fell. These, says the gentleman, (at least he insinuates it,) were sacrificed by either the cowardly artifice or by the ignorance of General Harrison. Now, Mr. Speaker, I abhor the habit of open flattery, nay, I do not like to look in the face of a man, and speak of him in warm terms of eulogium, however he may deserve it; but, sir, on this occasion I am obliged to say what history will attest of the people of Kentucky. If any community of people ever lived, from the time of the dispersion on the plain of Shinar up to this day, who were literally cradled in war, it is to be found in the State of Kentucky. From the first exploration of the country by Daniel Boon up to the year 1794, they were engaged in one incessant battle with the savages of the West. Trace the path of an Indian incursion any where over the great valley of the West, and you will find it red with Kentucky blood. Wander over any of the battle fields of that great theatre of savage war, and you will find it white with the bones of her children. In childhood they fought the Indians, with their sisters and mothers, in their dwellings. In youth and ripe manhood they fought them in ambuscades and open battle fields. Such were the men of Kentucky in 1811, when the battle of Tippecanoe was fought. There, too, as we know, they were still found, foremost where life was to be lost, or glory won; and there they were commanded by General Harrison. Now, sir, if in that battle General Harrison had not conducted as

became a soldier and a general, would not such men have seen and known it? Did Kentucky in 1811, mourning as she then did the loss of one of her greatest and most valued citizens, condemn (as the gentleman from Michigan has attempted to) the conduct of the General who commanded in that battle? Let us see how they testified.

In January, 1812, two months after the battle of Tippecanoe, the Legislature of Kentucky was in session. On the 7th of January, 1812, the following resolution passed that body:

"*Resolved by the Senate and House of Representatives of the State of Kentucky*, That in the late campaign against the Indians upon the Wabash, Governor William Henry Harrison has behaved like a hero, a patriot, and a general; and that for his cool, deliberate, skilful, and gallant conduct in the battle of Tippecanoe, he well deserves the warmest thanks of his country and his nation."

Mr. Speaker, the resolution I have just read was presented by JOHN J. CRITTENDEN, now a Senator from the State of Kentucky, whom to name is to call to the minds of all who know him a man whose urbanity and varied accomplishments present a model of an American gentleman—whose wisdom, eloquence, and integrity have won for him the first rank amongst American statesmen. Such a man, with both branches of the Kentucky Legislature, have testified, two months only after the event took place, that, in the campaign and battle of Tippecanoe, General Harrison combined the skill and conduct of an able commander with the valor of a soldier, and the patriotism of an American. Who rises up twenty-eight years afterwards to contradict this? The young gentleman from Michigan! He who, at the time referred to, was probably conning Webster's spelling book in some village school in Connecticut. But, Mr. Speaker, I must call another witness upon the point in issue here. On the 12th of November, 1811, the Territorial Legislature of Indiana was in session. This is just five days after the battle. That Legislature, through the Speaker of its House of Representatives, General Wm. Johnson, addressed General Harrison in the following terms:

'SIR: The House of Representatives of the Indiana Territory, in their own name, and in behalf of their constituents, most cordially reciprocate the congratulations of your Excellency on the glorious result of the late sanguinary conflict with the Shawnee Prophet, and the tribes of Indians confederated with him. When we see displayed in behalf of our country not only the consummate abilities of the general, but the heroism of the man; and when we take into view the benefits which must result to that country from those exertions, we cannot for a moment withhold our meed of applause."

Here, sir, we have two Legislatures of the States whose citizens composed the militia force at Tippecanoe, grieved and smarting under the loss of their fellow-citizens, uniting in solemn council in bearing their testimony to the skill and bravery displayed by General Harrison in that battle, which the gentleman from Michigan, with a self-complacency that might well pass for insanity, now says *he* has discovered was marked by palpable incapacity in the commanding General. But, Mr. Speaker, I must call yet another, nay, several other witnesses, to confront the opinion of the Michigan General.

In August, 1812, about nine months after the battle of Tippecanoe, news of fearful import concerning the conduct of General Hull, reached Ohio and Kentucky. Our army had fallen back on Detroit, and rumors of the surrender of that place to the British, which did actually take place, were floating on every breeze. Three regiments of militia were immediately raised in Kentucky. Before these troops had taken the field, it was well known that our army under Hull, with the whole Territory of Michigan, had been surrendered to the combined British and Indian forces, commanded by Brock and Tecumseh. Our whole frontier in the Northwest lay bare and defenceless to the invasion, not only of the British army, but the more terrible incursion of a savage foe, hungry for plunder and thirsting for blood, led on by the most bold and accomplished warrior that the tribes of the red man had ever preduced. In this state of peril, the gallant army of Kentucky looked round for a leader equal to the imminent and momentous crisis. There was Scott, the then Governor of Kentucky, who had fought through the Revolutionary war, and under the eye of Washington had risen to the rank of brigadier in the regular service. There, too, was the veteran Shelby, one of the heroes of King's Mountain, a name that shall wake up the tones of enthusiasm in every American heart while heroic courage is esteemed, or lofty integrity remains a virtue. There, too, was Clay, whose trumpet tongue in this hall was worth a thousand cannon in the field. These were convened in council. This, let us not forget, was about nine months after the battle of Tippecanoe. Whom, sir, I ask, did these men select to lead their own friends and fellow-citizens on to this glorious enterprise? Their laws required that their militia should be commanded by one of their own citizens; yet passing by Scott and Shelby, and thousands of their own brave sons, this council called General Harrison, then Governor of Indiana—he who had commanded Kentuckians but nine months before at Tippecanoe—he who, according to the gentleman from Michigan, had shown no trait but imbecility, as an officer—he, against the laws of Kentucky, was by such a council asked to resign his station as Governor of Indiana, and take the rank and commission of Major General in the Kentucky militia, and lead on her armies in that fearful hour, to redeem our national disgrace, and snatch from British domination and savage butchery the very country now represented by the gentleman from Michigan. I have yet one other witness to call against the gentleman from Michigan. Sir, if the last rest of the illustrious dead is disturbed in this unnatural war upon a living soldier's honor, and a living patriot's fame, the fault is not mine. It will appear presently that the gentleman from Michigan has—unwittingly, it may be—dishonored and insulted the dead, and charged the pure and venerated Madison with hypocrisy and falsehood. If General Harrison had been the weak, wicked, or imbecile thing the gentleman from Micigan would now pretend, was not this known to Mr. Madison, then President of the United States, who gave the orders under which General Harrison acted, and to whom the latter was responsible for his conduct? Surely no one can suppose that there were wanting those who, if they could have done so with truth, would have made known any conduct of General Harrison at the time referred to which seemed in any degree worthy of reprehension. With all these means of information, what was the testimony of Mr. Madison respecting the battle of Tippecanoe? I will quote his own words from his message to Congress about a month after the event. The message is dated 18th December, 1811, and reads as follows:

"While it is deeply lamented that so many valuable lives have been lost in the action which took place on the 7th ultimo, Congress will see with satisfaction the dauntless spirit of fortitude victoriously displayed by every description of troops engaged, as well as the collected firmness which distinguished their commander on an occasion requiring the utmost exertions of valor and discipline."

Mr. Speaker, I have no pleasure in thus recapitulating and piling proof upon proof to repel an insinuation, which I think is now apparent to all has been thrown out in the madness of party rage, without consideration, and founded only on a total perversion, or rather flat contradiction, of every historical record having relation to the subject.

Something was said by the gentleman from Michigan about the encampment at Tippecanoe. If I understood him rightly, he condemned it as injudicious, because it had a river on one side and a morass on another. Now, Mr. Speaker, I shall give no opinion on the question thus stated; but it just now occurs to me that this very subject, which I think in the military vocabulary is called castrametation, admits of some serious injury bearing upon the criticism under consideration. In almost all scientific research, we find that what is now reduced to system, and arises to the dignity of science, was at first the product of some casualty, which, falling under the notice of some reflecting mind, gave rise to surprising results. The accidental falling of an apple developed the great law of gravitation. I am sure I have somewhere seen it stated that Pyrrhus, the celebrated King of Epirus, who is allowed by all authority to have been the first general of his time, first learned to fortify his camp by having a river in his rear and a morass on his flank; and this was first suggested to him, by seeing a wild boar, when hunted to desperation, back himself against a tree or rock, that he might fight his pursuers without danger of being assailed in his rear. Now, sir, if I comprehend the gentleman from Michigan he has against him on this point not only the celebrated king of Epirus, but also the wild boar, who, it seems, was the tutor of Pyrrhus in the art of castrametation Here, then, are two appoved authorities, one of whom nature taught the art of war, as she kndly did us colonels, and the other that renowned hero of Epirus, who gave the Romans so much trouble in his time. These authorities are near two thousand years old, and, as far as I know, unquestioned, till the gentleman from Michigan attacked them yesterday. Here, again, I ask who shall decide? Pyrrhus and the boar on one side, and the gentleman from Michigan on the other. Sir, I decline jurisdiction of the question, and leave the two hundred and forty colonels of this House to settle the contest "*non nostrum tantes componere lites.*"

Mr. Speaker, I feel it quite impossible to withdraw from this part of the debate without some comment on another assertion, or rather intimation, of the gentleman from Michigan, touching the conduct of General Harrison at the battle of the Thames. All who have made themselves acquainted with the history of that event, know that the order which the American army was to attack the combined force of British and Indians at the Thames was changed at the very moment when the onset was about to be made. This order of the General drew forth from Commodore Perry and others, who were in the staff of the army, and on the ground at the time, the highest encomiums. The idea of this change in the plan of attack, it is now intimated, was not original with General Harrison, but was, as the gentleman seems to intimate, suggested to him by another, who, it is said, was on ground at the time. Who that other person is, or was, the gentleman has not said, but seemed to intimate he was now in the other end of the capitol! and thus we are led to suppose that the gentleman intends to say that Colonel Johnson, the Vice President, is the gentleman alluded to. Sir, I regret very much that the gentleman should treat historical facts in this way. If there be any foundation for giving Colonel Johnson the honor of having suggested to General Harrison a movement for which the latter has received great praise, why not speak out and say so? Why insinuate? Why hint or suppose on a subject susceptible of easy and positive proof? Does not the gentleman know that he is thus trifling with the character of a soldier, playing with reputation dearer than property or life to its possessor? Sir, I wish to know if Col. Johnson, the Vice President of the United States, has, by any word or act of his, given countenance to this insinuation? It would be well for all who speak at random on this subject to remember that there are living witnesses yet who can testify to the point in question. It may not be amiss to remind some that there is extant a journal of Colonel Wood, who afterwards fell on the Niagara frontier. For the benefit of such, I too, will state what can be proved in relation to the change made by General Harrisen in the order of attack at the Thames.

The position of the British and Indians had been reported to General Harrison by volunteer officers—brave men, it is true, but who, like many of us, were officers who had not seen a great deal of hard fighting. On this report the order of attack first intended was founded, but, before the troops were ordered on to the attack, Colonel Wood was sent to examine and report the extent of front occupied by the British troops. Colonel Wood's military eye detected at once what had escaped the unpractised observation of the others—that is, that the British regulars were drawn up in open order—and it was on his report that, at the moment, the

change was made by General Harrison in the order of the attack—a movement which, in the estimation of such men as Wood and Perry, and Shelby, was enough of itself to entitle General Harrison to the highest rank among the military men of the age.

Mr. Speaker, when I review the historical testimony touching this portion of General Harrison's history, I confess my amazement at the Quixotic, (I pray my friend from Michigan to pardon me,) but I must call it the Quixotic exhibition which he has made of himself. Sir, the gentleman had no need to tell us he was a general of militia. His conduct in this discussion is proof of that—strong even as is his own word for the fact. He has shown all that reckless bravery which has always characterized our noble militia, but he has also, in this attack, shown that other quality of militia troops which so frequently impels them to rush blindly forward, and often to their own destruction. I should like to hear many of the brave men around me speak of General Harrison. Some there are now under my eye who carry British bullets in their bodies, received while fighting under the command of General Harrison. I should be glad to hear my whole-souled and generous-hearted friend from Kentucky, [Major BUTLER,] who agrees with the gentleman from Michigan in general politics, who has not merely heard of battle, but who has mingled in war in all its forms, and fought his way from the ranks up to the head of a battalion—I say I should be glad to hear his opinions of the matters asserted, hinted at, and insinuated by the gentleman from Michigan.

Why, I ask, is this attempt to falsify the common history of our country made now, and why is it made here? Is it vainly imagined that Congressional speeches are to contradict accredited, long-known historical facts? Does the fierce madness of party indulge a conception so wild?

Sir, I repeat, that I feel only amazement at such an attempt. I could not sit still and witness it in silence. Much as I desired to speak to the House and the country on the question touching the Cumberland road, I should have left it to others had I not been impelled to get the floor to bear my testimony against the gross injustice which I thought was about to be done to a citizen—an honored cherished citizen of my own State. This House Mr. Speaker, knows that I am not given to much babbling here. Yes, sir, you all know that, like Balaam's ass, I never speak here till I am kicked into it. I may claim credit, therefore, for sincerity, when I declare that a strong sense of justice alone could have called me into this debate. Let me now remind gentlemen who may be tempted into a similar course with my friend from Michigan, that all such efforts must recoil with destructive effect upon those who make them. Sir, it has been the fortune of General Harrison to be identified with the civil and military history of this country for nearly half a century. What is to be gained, even to party, by perverting that history? Nothing. You may blot out a page of his biography here, and tear out a chapter of history there; nay, you may, in the blindness of party rage, rival the Vandal and the Turk, and burn up all your books, and what then have you effected? Nothing but an insane exhibition of impotent party violence. General Harrison's history would still remain in the memory of his and your cotemporaries; and coming events, not long to be delayed, will show to the world that his history, in both legislation and war, dwells not merely in the memories of his countrymen, but is enshrined in their gratitude and engraven upon their hearts.

Mr. Speaker, I come now to the discussion of what is really the question before the House, and, with the hope that I may be entitled to the floor on Monday, I will, if it be the pleasure of the House, give way for a motion to adjourn. If I can obtain the floor on Monday, I promise the House that nothing shall tempt me to wander from the question touching the appropriation for the Cumberland road, a work which, if it be not crushed by the wretched policy of this Administration, will reflect as much glory upon your civil history as the deeds of the great and patriotic citizen whose conduct I have been compelled to notice, ever did upon your military annals.

SYNOPSIS OF THE SPEECH OF

MR. JULIUS C. ALFORD,

OF GEORGIA,

In the House of Representatives, June, 1840, *against the Sub-Treasury Bill.*

Mr. COOPER, of Georgia, obtained the floor, and remarked that he had postponed the speech he intended to make in favor of the bill, in hope that some of his colleagues, opposed to the measure, would have preceded him in the debate. Mr. ALFORD said, if my colleague will yield the floor, I will oblige him. Mr. COOPER gave way, and

Mr. ALFORD said: Mr. Chairman, I am opposed to the sub-Treasury *scheme*, and have been from the time it was first recommended by Mr. Van Buren to Congress. Upon this question I differ with three of my colleagues, the two who have addressed the committee, (Messrs. BLACK and COLQUITT,) and my friend who has so kindly allowed me to go before him in this debate, (Mr. COOPER.) Before I enter upon the merits of the bill, I will say a word in reply to my colleagues, who have labored to "define" their *new* "position."

My colleagues who have addressed the committee admit, in this debate, that they are now supporting Mr. Van Buren, because he is a sub-Treasury President. When they were elected by the State Rights party of Georgia, *he* was *then*, as he now is, an advocate of this scheme, and they knew it; so were *they*, but still, at *that time they were opposed* to Mr. Van Buren. They allege that *this* measure is the sole cause of their adhesion to *the party*, and that it is justly considered by themselves the true test of their political faith. It would look better if they had said so before the election, to the people of Georgia, and not come into Congress the *friends* of the scheme, and the *enemies* of the President, and now avow themselves the *friends* of *both*. They allege that they have been "proscribed" by the State Rights party on account of *this* measure. I answer, not so. The people elected them with a full knowledge of their friendship for this system of finance; in fact, we agreed that a difference of opinion on this question should not separate us as a party. Accordingly the people elected us; we came here—six of us "are as we were;" you are in a *new* "*position*," easily "defined." You are *Van Burenized* in full; gone over "horse, foot, and dragoons." You have not been "proscribed" because you support *the measure*. No such thing. You are rejected because you support *the man*—the head of *the party*.

You, gentlemen, place what you are pleased to call your defence on a *false issue*. You allege that you are "proscribed" for your devotion to principle. Not so. The action of the people is founded upon the opinion that you have deserted them, and gone over to Van Buren; and that is the *true issue*. The people of the State Rights party have rejected you, because they believe you have joined the side of *power*, at a time when every patriot should be true to the *people*. You "appeal" from their decision; that is, *from* your *friends* to your *enemies*; or, in other words, from your *old* friends to your *new* ones. These remarks are made "more in sorrow than in anger," but they are necessary, after what you have said in your *assumed* "defence." They are necessary in behalf of the people, whom you charge with "proscription," and are necessary to a proper understanding of our separation here—politically I mean, for I desire our personal relations should remain friendly, as they were in by-gone days. We marched in the same column; we fought in the same ranks; we conquered in the same glorious cause, and triumphed over a common enemy; but now, alas! when we should do battle again in the same cause, against the same enemy, you are found in *his camp*. I deplore the separation, but I cannot give up the contest. If I fall, I fall with my friends: that will be glory enough. If you are triumphant, you rise with your enemies, and that would dishonor you; but whether you *rise* or *fall*, the great moral effect will be the same: that man who gains power or distinction by a desertion of his friends will sink at last, and die "unhonored and unsung."

Mr. Chairman, I am now done with my colleagues, and their "defence." I cannot answer all they have said—time would fail. They have said much, and written more. They *feel*, no doubt, the necessity of prompt "defence." They are satisfied, I hope, after making a speech apiece, and answering every newspaper squib with a pamphlet.

This act, for the *collection, safekeeping, transfer, and disbursement* of the public revenue, is in itself sufficiently explicit of its pretended character, and would *seem* to indicate some necessity for its passage. To me the whole *scheme* appears deceptive; and I believe, instead of what it purports to be, it is, in truth and fact, a bill to confirm and legalize the usurpations of General Jackson in the person of Mr. Van Buren and his successors. It is a bill to give the President the supreme control of the people's purse. In opposition to the whole bill, I lay down the proposition that there is not now, nor ever has been, any necessity for such an act; or, in other words, that the existing laws are sufficient, if executed by able and honest agents, to collect, keep safe, transfer, and disburse the public revenue.

Under the act of 1789, and its various amendments, we have a system of finance almost perfect; and no instance of a failure in its operations has occurred, to my knowledge, on account of the *law*, but in every instance the defalcations have been strictly *personal*. The law is good enough; the fault is in those who administer it. We have a Treasury Department by law; we have a Secretary of the Treasury by law; we have collectors; we have auditors and clerks; and officers enough, God knows, all authorized by law; and we have a building large enough and strong enough to hold all the gold and silver in America. What else do we need? Nothing but honest agents; men capable and honest, and willing to do their duty.

My colleague (Mr. COLQUITT) asked emphatically, in his speech the other day, what is the remedy proposed by those who oppose this bill? He said we had none. I have one of my own. I have not consulted anybody. I have kept it to myself for this moment. I meet his interrogatory. I answer it. My scheme is short, good, effectual, and all will agree it would do the work. Let alone the banks and sub-Treasury, and turn out of office every rogue in the Government, and appoint honest men in their stead.

In this debate, now of six weeks' duration, not a speaker, that I have heard, has noticed the fact that we have existing laws on this subject at all. This confusion comes out of the conflict of parties, and this unholy and unnecessary war upon the currency. It began with General Jackson and the Bank of the United States—it arose out of no necessity of a change of the deposites—it had its origin in political warfare. The bank would not support the General, and he went to war. He waged an exterminating warfare against the bank—he killed it off—he dug it up, and killed it over again—and ever since the death of the bank, *the party* have been making capital out of an unjust war against a *dead* enemy. Every little Locofoco-Morus Multicaulis-Van Buren demagogue digs up the bones of the monster, and pops off his blow-gun at the dead enemy, then throws up his cap, and shouts for the sub-Treasury. Next came the pet-bank system, which, in the hands of a tyrant master, fell at the first fire. There was no fair trial of this system. We cannot tell, from the *experiment*, whether it would do or not. They were used by the Government to help to kill the United States Bank, and were then thrust aside as useless allies, and are now denounced and abused by *the party* as *rotten, insolvent, dishonest*, and *dangerous monopolies*. All I can say is, they are the work of *the party*.

Mr. Chairman, the history of this war upon the currency is curious enough—it was all passion, no reason. As soon as General Jackson became angry with the State banks, he swore he would have no more to do with banks of any sort, and forthwith issued the famous specie circular, which was in itself the forerunner of this bill of abominations, and, in its practical effect, demonstrated a miniature picture of what is to be the widespread ruin of this last experiment upon the currency; for truly, sir, the people cannot bear another. They are exhausted by the war on the banks, the specie circular, and the anticipated operations of the sub-Treasury.

The divorce of Government and banks began to

be felt with all its force on the issuing of the specie circular. It was issued just about the time the western lands came into market. The rich office-holders hastened to the west, with great quantities of gold and silver, ready to meet the sales. The home of many a poor man was brought into market, and he had prepared himself with bills, that passed a week before for land, to buy his own improvements; but the day of sale came, and with it came the specie circular—his money would not buy his home, the speculator bought it over his head, and turned him out, with his wife and children, into the forest, homeless and houseless. This was one of the *first* acts of this ruinous device of one currency for the Government and none for the people.

Mr. Chairman, I have spoken of this bill—of what it purports to be. I have said I believed there was no necessity for such a law, and stated facts, in relation to existing laws organizing the Treasury Department, showing the truth of that position. It has never been disproved—it cannot be. The condition of the finances before they were tampered with, and their condition now, is proof enough. Why, then, are we still urged to adopt this odious scheme—to make this fearful experiment? Is it not because it is to be an engine of political power in the hands of the President? Look at the nature and character of the whole plan—then contemplate its fearful consequences. First, its fine and costly buildings; next, its strong boxes—these to be located at almost every strong point in the Union; then comes its innumerable offices, all to be filled by the President with partisan slaves, removable at his will—collectors, receivers, keepers, messengers, turnkeys, rogues and runaways, swartwouts, &c. Then there must be money raised, to be *collected, safely kept, transferred, and stolen.* From a knowledge of the fact that more money would be needed to do all this than the people would allow, and the *fear* that the bill would be defeated if the truth was made known, you have not specified the amount, but have appropriated the people's money without limitation as to the sum. You dare not do it. You make a great splutter about your *ways and means.* There are more *ways* than *means—all ways* and *no means*, and *mean ways* at that. No offence to the committee; I only mean it is extremely deceitful to make such a parade about your money when you have not a dollar. You intend to get money, honestly if you can; but you intend to have it, any way.

Mr. Chairman, I have said we should contemplate the fearful effects of the practical operation of this measure upon the people of this country. I may add, upon their Government, as well as their interest. Let us, in some measure, judge of the future by the past. The anticipated operation of the sub-Treasury has already crippled your commerce, impoverished your merchants, reduced the price of produce as well as labor, and brought infinite distress upon the country. Compare our condition now, with what it was when the Administration came into power. Every honest candid man admits we are infinitely more oppressed now than we were at that time. I mean the people—I am one of them. It is true, these lordly office-holders say they can *see* no distress. They *feel* none, I dare say; they have high wages, paid in gold and silver, and *cannot see*, because they will not; they look over the heads of the people—they fix their sights too high: lower your sights, gentlemen—go with me to see the people. I will show you an alarming condition of things, if you will open your eyes—all mainly growing out of this thrice-rejected system. I will show you the judgments, executions, and sheriffs' sales now in full play over the country. I will point to you the husband leading his wife, followed by the weeping children, to the place of sale, all carrying the last bed, or horse, or cow, to be sold to pay a debt contracted before you made war on the banks and currency, and which would have been easily paid but for your golden humbug.

Mr. Chairman, I mentioned the effect on the people by your action on the banks. Your measures have been directed mainly against the banks, and have been so harsh and tyrannical that they are all virtually closed. Whatever may be said against the banks, they are the only places where the people can get any money to pay their debts, and every effort you make to ruin them tells upon the people. The banks furnish the only medium of circulation, and have all the gold and silver. Your oppressions constrain them to curtail their discounts and call in their debts at this time of general distress. The effect is ruinous—*absolutely ruinous.* Whether the banks were proper or not in the beginning, they are now a part and parcel of our system, and the means used to destroy them operate on the whole community. The people *own* the banks, and the people *owe* the banks. Their relations to each other are mutual, and war upon one injures the other. I have been accused of being more friendly to the banks than formerly. I confess it. I resisted their creation; but they were made, and have now become so blended with every order of society, in their interest and transactions, that no patriot can refuse to sustain them as long as they conduct their business honestly. I am a disinterested witness. I do not own a dollar of their stock. I do not owe them one cent. I speak of facts as they are, and tell the plain truth. Let me say one word to you who now war against all banks to the knife, and the knife to the hilt—you may produce revulsion and revolution, but, short of that, you cannot change the order of society.

I desire to say one word to my colleague (Mr. COOPER) on the subject of banks. May I ask him what is the difference, in principle, of supporting banks and owning them? or, in other words, how can he consistently oppose all banks with such vehemence, and still be the owner of one himself? Is it right, in principle or morality, to oppose a bank whose interest is regulated by law at six per cent., and still be the owner of a bank authorized by law to take the highest rate of interest it can get? The one is regulated by law; the other has no bounds but what are set by avarice and necessity.

I am happy to see my colleague in such good company. Our Senator (Mr. LUMPKIN) whispers him closely. How softly he talks to my friend! How these gentlemen do nurse their infant Democrats! Well, well, this looks strange to me! And, but the other day, when my colleague (Mr. COLQUITT) was about to speak to this question, I saw the old gentleman talking softly in his ear. Heavens! how these old folks do nurse their baby Democrats! It must be painful to memory!

Mr. Chairman, I now approach the last branch of this debate, and by far the most important. I will say a word on the effect of this measure upon the Government of the country and the liberty of the people. What it has done, is easily understood; what it will do, cannot be comprehended or foretold in all its direful effects. The President of the United States began this system by seizing upon the purse of the people, in violation of law. He usurped the power of Congress, and claimed it for himself. He removed the deposites. He arrested the power of legislation from the Representatives of the people, and exercised it himself in a tyrannical and unlawful manner. He displaced an honest officer, and appointed one subservient to his ambition. And his successor, who promises to tread in his footsteps, is now asking us to confirm in his hands the power thus obtained by usurpation and aggression; or, in other words, to give him the purse and the sword. He desires to wear the uniform of Andrew Jackson, and control the people's Treasury. He will look odd—a mock tyrant—a Kinderhook hero—a monkey treading in the footsteps of a giant! The uniform will not fit; the character will not suit; but still the injury will be the same. All power is concentrated in the head of the nation.

This measure will soon become a law; and the President has the sword and the purse. All he lacks is an army, to kill those he cannot buy; and he now boldly demands a standing army of two hundred thousand men. Give him that, also, (as you will at last, I fear,) and in his person is concentrated all the powers of this nation, which rightfully belong to her people; and he is emphatically a monarch, and under his reign we shall be slaves, *if he should be re-elected.* The people are impoverished; they groan under a mountain-weight of debt. Commerce does not afford a revenue. The chairman of the Committee of Ways and Means dare not tell the amount of our revenue; it is almost nothing. We are actually receiving comparatively nothing from duties on imports, notwithstanding we have a tariff of duties now much too high. What is the cause of this poverty? Your *sub-Treasury*, your *golden dreams*, your *iron times*, your *hard-money currency*, have killed commerce, broken the merchant, ruined the planter, and turned the mechanic out of employment. All this has come already from the anticipated operation of this *accursed experiment.*

One more measure will result from this scheme—*direct taxes.* Your coffers must be filled. You had as well appoint your assessors and collectors of taxes at once, and go and demand gold and silver of the people to glut your avarice. Georgia has no strong box provided for our State. We must pay our taxes into Mr Calhoun's department, and thus be made tributary to South Carolina. There is no justice, equality, honesty, or benefit in the whole device. It is an engine of power and oppression—a great political inquisition, to crush the people and the laws. When the power of this corrupt Administration moves the lever and turns the screw, the body politic will be broken on the wheel, and the life's blood of this nation will flow under its tortures. Let us wake up to our danger in time to defeat the election of the chief and author of this fatal device. Let us defeat *him*, and break the *succession*, or we shall be enslaved to others more vicious and tyrannical than he is himself. We can achieve it if we will. We have the means in our own hands. The privilege of voting is still allowed us. Let us elect WILLIAM HENRY HARRISON, and all will be right again; this *scheme* to ruin us will be dissolved; confidence will be restored; and peace, good order, and prosperity will return to our borders.

SPEECH OF MR. MERRICK,

OF MARYLAND,

In Senate, January 23, 1840.—On the Sub-Treasury Bill.

Mr. SMITH, of Indiana, having concluded his remarks in opposition to the bill—

Mr. MERRICK rose and said, he had understood the Senator from Ohio (Mr. TAPPAN) to say that if the debate was to progress further, he wished to have an opportunity of delivering his opinions; and Mr. M.'s object in rising, therefore, was to say to the Senator that he (Mr. M.) also desired, and intended, to express his views before the vote was taken, but would with pleasure give way, and allow the Senator from Ohio to precede him, if such was his wish.

Mr. TAPPAN declining to address the Senate at all on the subject, Mr. MERRICK proceeded to say that he felt it to be imperatively his duty to submit his views upon a question of such great moment, and so vitally interesting to his own immediate constituents, as well as to the whole country, advocated, as it had now been, upon grounds more extraordinary and more unjustifiable than any he had ever heard in this country. But as it was then late in the evening, (past five o'clock,) and the Senate must be already wearied by so protracted a sitting, he would move that the Senate do now adjourn. He should not have made this motion, late as the hour was, but that he desired an opportunity to look into and examine a large bundle of papers which he held in his hand, and which had been some time since communicated to the Senate by the Executive, in relation to the particular subject then under consideration, and for the examination of which no opportunity had yet been afforded to the members of the Senate generally. It would be recollected, he said, that those papers had been, when first presented to the Senate, referred to the Committee on Finance; that committee had ever since retained possession of those papers, (he did not doubt from correct motives,) without causing them in the usual way to be printed for the use of the Senate. He had the day before applied to the chairman of that committee for the privilege of examining them, and his request was promptly acceded to; but it so happened that the Senate remained in session till a late hour that evening, and the papers not being exactly in place at the time of adjournment, he could not then get them; nor had he been able to see them at all until after the commencement of the session this morning, when the honorable chairman, (Mr. WRIGHT,) with his characteristic politeness and courtesy, handed them to him in his place in the Senate. It was obvious to

all that there had been no opportunity since to give them the slightest examination.*

The motion to adjourn being refused by a vote of the majority, Mr. MERRICK again rose, and said he had always been reluctant to trespass upon the time and attention of the Senate; and he had felt a more than usual degree of reluctance to trouble the body with any remarks of his this evening, because the lateness of the hour and the wearied condition of the members, to say nothing of his inability to command attention under the most favorable circumstances, rendered it but too manifest that he should be addressing unwilling hearers. He had, too, really desired to examine the documents communicated by the Executive on this very subject, before he submitted his views upon it; which documents, as he had stated on moving for the adjournment, had, when first delivered to the Senate, been referred to the Committee on Finance, had ever since been retained by that committee without being printed, or any opportunity afforded to Senators to examine them, and of which, although he had before endeavored, he had not been able to get possession until after the commencement of the debate this morning, and then only through the courtesy of the honorable chairman. These papers might or might not contain information material, and important to be known and considered before the final decision of the question. He was himself unable to say what they contained; but it was fair to presume, as the Government had been at great pains to collect and communicate them to the Senate, that they contained something useful in illustration of the operation of the principles of the bill under discussion; and he would not assume, though the refusal of an opportunity to examine them afforded room for such a suspicion, that they might contain something which some of the ardent friends of the pending measure were unwilling to submit to private scrutiny or public view. Since, however, the majority of the Senate had seen fit to refuse him the indulgence, at all times promptly extended when asked for, with or without reason, to members on the other side, and within the last two days accorded to the Senator from Pennsylvania, (Mr. BUCHANAN,) at an unusually early hour, he would without scruple or apology of any kind proceed to exercise his *right* to express distinctly and fully his opinions upon this most unwise and pernicious measure, whether those opinions might be agreeable to gentlemen or not. He was fully determined that this attempt to smother debate should not be successful, so far as depended upon him at least. He had some rights there, as well as the majority; they had the power to refuse an adjournment, although the day was spent, and thus endeavor to preclude not only an examination of the documents he had referred to, but all further discussion of the bill. But he must tell gentlemen he had the power and the right to proceed in the discussion, and that right he was resolved to exercise. He knew full well it was useless to address reasons or arguments of any kind in opposition to this measure to the majority of the Senate; they had *determined* to pass the bill, and would hearken to nothing that could be said, however demonstrative of its evil tendency. But there was yet a higher tribunal, having the most direct, deep, and abiding interest in this and all other measures passed upon here, to whom it was not useless to speak—he meant the freemen of this glorious Republic. They will inquire into, judge, and determine upon the merits and demerits of this and all other propositions entertained by this body, and their determination will be according to the right and truth of the matter, in spite of all the efforts which may be here made to the contrary. They, sir, will hold both majorities and minorities here to a just and strict accountability. Before them, at least, I wish to stand justified for the vote I am now about to give; and to them (since all further argument is manifestly lost upon this Senate) I wish to be understood as now addressing myself. No, sir, I am speaking too fast; I am too humble an individual, too little known to fame, to expect that my remarks will be considered or attended to by the whole, or any very large portion of the whole American people; but there is a small portion—a high-spirited, enlightened, and patriotic portion of those people, who will read and consider what I have to say—my own constituents. The people of Maryland have a right to know and judge of the reasons for the manner in which I exercise the high powers they have deputed me to exercise here; and I shall now give them the reasons for my vote upon this bill, in the best manner I can, forced, as I am, by the majority of this body, to proceed instantly, all unprepared as I am for the discussion, or not at all.

This debate, Mr. President, is, from the nature of the question involved, and the multifarious interests mediately and immediately to be affected by the adoption of the proposed policy, capable of being made to take a most comprehensive range; but it shall be my study to abridge as much as possible, passing entirely much that has been better said by abler men, and glancing only at some few of the most prominent objections which present themselves to my judgment, desiring to consume no more time than is necessary to state them plainly and distinctly.

And now what is the proposition before us? The Senator from Pennsylvania (Mr. BUCHANAN) said the other day, in the argument he addressed to us on the subject, that it was the most simple thing imaginable. It is nothing more, said the honorable gentleman, "than to deposite for safekeeping the public money with officers responsible to the Government, instead of depositing it with irresponsible corporations." How very, very simple! how harmless! how innocent and unimportant the honorable Senator would make it appear! And yet, with all this insignificance and simplicity, it has unceasingly agitated the whole country for three years; and the united energies of the great and powerful party of which the gentleman is a most conspicuous member, though exerted throughout that whole period with unwearied perseverence, have not yet proved sufficient to force it upon a reluctant people. It is something more, then, than the harmless, simple, insignificant thing the gentleman represents it to be; and would be much more correctly characterized by striking out the whole description the gentleman has given of it, as well as the title now annexed to the bill, and inserting the following as its true title, viz: A bill to separate, as far as possible, the interests of the Government and Government officers from the interests of the people, and to reduce the value of property, and the wages of labor, in the United States. This, sir, is certainly much more expressive of the true nature and effects of the measure, than either the description given of it by the gentleman or the title it now bears. Let us examine it. The Senator says it is to deposite the public money for safekeeping with officers responsible to the Government, instead of irresponsible corporations. How are these officers more responsible to the Government than sound, solvent, and well-regulated banks? If that sort of responsibility which results from being the mere creatures of the President, holding their offices at his will, and subservient, from that very tenure, in all things, both in keeping and disposing of the people's money, to his pleasure, be the kind of responsibility to which the gentleman alludes, and which the friends of this bill desire to establish, I grant you it will be obtained by this measure; but if by responsibility is meant *security* for the money—*assurance* that it will be applied only according to the will and wishes of the people themselves, as declared by their Representatives—*guaranty* against defaults and embezzlement—I take issue with the gentleman, and deny that any one of these desirable and important ends will or can be as well attained by this measure as they have been, and can be again, by the modes of keeping the public money heretofore most commonly practised by this Government. If there be any one bold enough to maintain that any amount of money will be safer in the hands of any of the individual receivers and keepers contemplated by this bill, especially if the amount which comes to his hands is fluctuating and liable occasionally to be large, much larger, as it often must be, than the real security afforded by any bond you can, in the nature of things, exact or obtain from any of them, and when, therefore, your sole dependance for safety is upon the honesty of the individual, than the same amount of money would be in a sound and solvent bank of large capital, where, in addition to the character and honesty of the officers of the bank, and the mutual check and guard each one of these is upon another, you have as real, solid, substantial security for your deposites, the whole capital property, and profits of the bank—I can only say, with such a one no argument can be maintained; for the same disregard of the natural relation of things would induce a denial of the simplest addition of numbers, or the most palpable connexions of cause and effect. He might deny that two and two make four, or that the sun gives light in the heavens; no one could prove it to him by argument, nor would any one doubt such palpable truths because of his denial. Then this claim for any greater *responsibility* for the public money, which it is asserted this bill will afford, falls to the ground; and there remain to recommend it to the favor of the American people, and justify its passage, only those incidental consequences, many of them heretofore, and some, not the least important of them, now, for the first time, avowed and declared to be desired and expected from it. And what are they? First, it is to discountenance, check, and reduce, if not totally to destroy, the credit system; not the credit system of the Government, for there is none such, except the credit given upon duties on imports, and the credit taken by the issue of Treasury notes, neither of which has been objected to or proposed to be altered by any gentleman on the other side in my hearing; but the system of doing business and carrying on their exchanges upon credit, in use among the people. And again, it is, by its express provisions, to require, after a very short period, the payment of all taxes and dues to the Government in *gold and silver coin only*, and consequentially to bring the whole country down to a pure metallic currency. Let us try these supposed good effects by what, to my judgment, are the only legitimate tests of the goodness of the effects of any political measure; let us inquire whether they are such as will produce the greatest amount of good to the greatest number of free people; let us examine and determine whether they are to be beneficial to the many or the few; and if found, upon this examination, to be injurious to the great body of the people, and beneficial only to the few, and yielding that benefit, too, at the direct and immediate and heavy cost of the greater number, let us, as true Republicans, anxious to administer the Government in conformity to the great principles of equality which gave being to our institutions, reject and repudiate both the cause and the effect, the bill and these consequences. It is admitted, for it cannot be denied, that there exists in the country at this time general and wide-spread embarrassment and distress. It is admitted, too, that this arises from a general indebtedness of the larger portion of society, in greater or less degrees, occasioned by the want of their usual and appropriate employments among the laborious, industrious, and enterprising classes, and the utter inability of the great body of the people to obtain, by the sale of either their property or the products of their industry, the necessary means to meet and pay promptly their various pecuniary engagements. I say nothing about the causes which produced this state of things; it boots not now to charge that home upon hands which, having dealt the blow, have also passed off the public stage. My business is with the facts as they are, and I leave it to the secret recess of every man's own bosom to tell him if I have not stated truly his own or his neighbor's situation. A remedy proposed, as one of the effects to flow from this bill, is, a great reduction or total destruction of credit. That is, to require all debtors to forego any further indulgence upon the demands against them, and promptly to come forward, raise the money, and pay off their obligations at whatever sacrifice; and to take care, in the mean time, that no other debts, not even temporary and for necessaries, be contracted. Who are benefited by this—the debtors or the creditors? Let the debtor part of society answer for themselves. Which constitute the greater number—the debtors or the creditors? All know the *many* are the debtors, and those who owe no debts the *few* and the very wealthy. Now couple with this the other branch of the proposition, that gold and silver coin only is to be used as a circulating medium; and who can contemplate the consequences to the great body of the people, the debtor portion, without shrinking appalled by the spectacle it presents? At the very moment when a prompt settlement of all debts is demanded and insisted upon, you annihilate and strike from existence as money more than half the currency of the country. Down must go the value of property of all kinds to the lowest imaginable limits, because few, very few, can have money to buy with; and the earnings o

* This bundle of papers consisted of statements furnished, agreeably to directions, by various consuls and other agents of the Government of the United States, in a number of foreign countries, mostly European, showing the fiscal policy, mode of collecting, keeping, and disbursing the public moneys in those countries respectively, and the media in which their several public dues were collected.

the whole past lives of the industrious and enterprising farmers, mechanics, and all others who have remnants of debt hanging over them, must be sacrificed to pay those remnants of debt. Many a man and many a worthy family, now possessed of comfortable homes, and believing themselves independent in the possession of the fruits of by-gone years of honest industry, will find themselves stripped of every thing, and driven forth from those homes and that independence, to begin the world anew, and toil daily for a mere subsistence. Who will acquire the property thus forced into the market, and sold at any sacrifice? Who but your money-kings, your wealthy capitalists, your men with their tens of thousands of dollars of *hoarded gold and silver?* They may acquire any amount of property they please. They may become princes in wealth; whilst the many, the great mass, are beggared and ruined. The *few* will be enabled to appropriate to any extent they please, to their own exclusive use and benefit and enjoyment, the fruits of the industry and toil of the *many;* and in no way are the many possibly to derive any even seeming equivalent; unless, indeed, there be some among them simple enough to esteem the delight which the glitter and jingle of the pittance of gold and silver which they receive for their sacrificed property (during the short period it remains with them in passing from the purchasers of their homes and their all to the hands of their creditors) as an equivalent for their losses. You require the prompt payment of all debts, and, at the same instant you require this, you double the difficulty of paying them. You disregard the implied, though known and well understood, reference had by all persons in debt to the relative values of money and property and labor as they existed at the time of contracting those debts; and you practise upon them the cruel injustice of reducing by one-half the money value of all they have to pay with, and doubling at the same time the value of the money to be paid to their creditors. You beggar those in debt, and greatly enrich those to whom debts are due. You are adopting a policy which must tend to "make the rich richer, and the poor poorer." In no light in which I can view it, can I perceive any thing but injury and evil to flow from it to the many; its benefits will inure exclusively to the salaried officers and to moneyed capitalist, at the direct and heavy cost of the great mass of the citizens of the country. It cannot abide the test by which I have proposed to try it; it will not work by the good old republican rule of equal justice to all, and preferences for none. It has not, therefore, heretofore had, and can never have, my vote or sanction. Again, it has been gravely urged by several of the prominent supporters of this measure, as one of its most salutary effects, that it will reduce the wages of labor in this country, and bring them down to what gentlemen are pleased to call the *specie standard;* that is, to the rates paid for wages to the laboring portions of the people in those countries where credit is very limited, and *hard money* is the only currency or circulating medium. And it is argued that the high prices paid for wages in this country are the great cause of all the distress which so extensively prevails. We are further told, with a seeming air of triumph, to contemplate the advantages which several European countries enjoy over us, especially in manufacturing enterprises, by the low rates at which labor is to be hired there; wages being lower in several of those countries, in proportion as there is credit, and they approach nearer to an exclusively metallic currency. Mr. President, this is an argument I never expected to hear in an American Senate. I did not think there was any man or any party bold enough to advance it in a republican country. And although I have long known and often contended that a great and ruinous reduction in the wages of labor was to be the inevitable consequence of any attempt to bring this country down to a merely gold and silver currency, I had hoped there was no one who would advocate the policy with such a view. I have often, in thinking of the consequences of the adoption of the policy proposed by this bill, of its many evil and pernicious consequences to the people of this country, contemplated the miserable, dependent, servile, and wretched condition of the working classes, in those countries where a similar policy prevailed; and have shuddered to think a like distress, misery, and dependence might be brought upon that most numerous and valuable portion of my own fellow-citizens, if it became the law of this land. But till now I always supposed the advocates of the bill, blinded by party zeal, or deceived by their prejudices against banks, foresaw not this effect from it, and could not desire so to paralyze and cripple and blight the prospects of the working people of the country. I did not—I could not have believed that the worship, the idolatrous worship of gold and silver, could ever so far get possession of the hearts and minds of men in this land of liberty and intelligence, as to render them willing to forego the delight which must gladden all rightly constituted minds when they see around them, in every direction, among their fellow-citizens, joyous industry and smiling plenty and independence, and to offer these all up a sacrifice to the glitter and jingle of a few pieces of base coin. I had always known and believed that an abundant circulating medium, plenty without superabundance of money, was the great stimulus to industry and enterprise of all kinds; promotive of moral and intellectual improvement, and productive of both national and individual happiness and prosperity. Credit I had always considered, and still consider, the great lever by which the industrious, enterprising, and intelligent portion of the people may raise themselves from the humblest to the highest conditions in life; and I have often rejoiced in my heart that the nature and genius of our laws and institutions, and the habits of our country, afforded such a means for our young and active and intelligent men, who might have no capital but their personal energies and honest names to procure the facilities and means of carrying on, upon their own accounts, any branch of business—mechanical, agricultural, or any other; thus opening to them a ready access, by industry and perseverance, to independence and respectability; and so insuring, as an almost certain reward for well-spent seasons of youth and manhood, that great good, from all hope of which those born in a similarly humble condition in the older *non credit-using, hard money* countries of Europe were and are forever cut off. I have ever rejoiced, and still rejoice, when I see an independent, spirited, bold, and honest laborer of this country going forth to toil, with all that self-confidence, energy, and cheerfulness, so naturally and constantly inspired by the consciousness that his day's labor is to earn for him enough to give *abundance* and comfort to himself and his family, and leave, besides, something to add to the capital he is endeavoring to accumulate for the independence of his advanced years. What American does not, who can fail to, rejoice at the contemplaton of the rapid advances made by our country in all the arts of civilization and improvement? And who can deny that these have been the result of the facilities afforded by credit, and the liberal rewards of labor, acting upon and stimulating to exertion the ingenuity and industry of the great body of the people? Where has intellectual and moral improvement been greater amongst any people on the face of the earth than among the inhabitants of this country? Where are greater, or as great, results produced by the physical and intellectual energies of the same amount of population, as in these United States? And why is it that we have so far outstripped the inhabitants of your *hard money* countries? Why but because here every one has labored with the certain prospect of bettering his condition, and this bright and captivating prospect has animated the bosoms of our laboring people, and stimulated them to the utmost exertion of their every faculty; developed by constant attrition the high mental powers of all; and so produced, and is still producing, daily additions to the stock of human knowledge, and enlarging the sphere of human happiness and enjoyment. Cut off this prospect; deaden this animating hope; let your working classes understand and know that, struggle as they may, they are never to rise, any of them, above their present humble condition—and what is there left to them worth struggling for? Necessity will compel them to work for a subsistence; but where will be their present ardor—where their spirit of improvement—where their ever-sharpening, ever-brightening intelligence? Dead, perished and gone, with the bright hopes which now stimulate and awaken them. They may perform the amount of labor imposed upon them by necessity; but it will, it must be coldly and reluctantly done, without care as to manner or effect, and without the co-operation of the mind. Systems of policy may be adopted by Government, and do exist in your *hard money* Governments, which enslave the bodies of the mass of the people, and reduce and keep them in the condition of serfs and villeins; but mind, intelligence, cannot be enslaved and made to drudge for a master! There is something in this essence which will not endure servitude, and cannot be made to act except by its own free impulses. If the body to which it belongs, and to govern and direct which is its office, is enslaved, it must dwindle and perish by the irresistible laws of its nature. So we see in the whole history of the world, the freer the institutions of every people, the greater the developments of intellectual powers amongst them, and the greater, consequently, the sum of their happiness and prosperity. And, on the contrary, the more the many are brought into subjection and subserviency to the few, the lower any people fall in the scale of being, and the less the sum of their enjoyment of the many blessings vouchsafed by the Creator to his creatures. It matters not how this subjection is brought about, whether by the strong arm of power directly exerted, or by *covert* and indirect governmental policy, The fatal effects will be the same.

But it has been argued that this reduction of the wages of labor is necessary to give protection to our manufacturers, and enable them to compete in the sale of their manufactures with those countries where wages are so very low. This position I cannot admit; and, even were it sound, I would not consent to adopt a polic which should reduce our laboring population to the miserable condition of the peasantry and serfs of Europe for such a purpose. But, sir, the position is unsound in itself, as the scope of a part of what I have already said tends to show. In the successful prosecution of the manufacturing and mechanic arts, you want something more than mere animal power—you want mind; you require skill and ingenuity as well as industry and economy. To obtain these in the highest degree of perfection, there must exist such a system of policy as is best calculated to call forth and elicit these powers and qualities. And that, as I have before said, is a system of liberal wages, liberal rewards for the exertion of such powers, animating and cheering on the operative always to the exertion of all his powers, physical and mental, with the bright hope of elevating himself amongst his fellow-men. Let this description of men, too, as their characters become established, and their skill and ingenuity and practical knowledge are increased, be able to command, by a prudent use of credit, the means of owning and conducting, themselves and upon their own account, the different sorts of manufacturing establishments, and rely upon it they will greatly more than make up in skill, in economy, in persevering industry, and inventive ingenuity, for any difference in the cost of mere labor. Dr. Franklin has said,

> "He that by the plough would thrive,
> Himself must either hold or drive."

And the remark was wise and just, not only in reference to agriculture, but to all other branches of human industry. Oppress your labor; bring the prices paid for manufacturing skill and industry down to the rates paid in your hard money countries; destroy, at the same time, the credit system, and thereby preclude all but your great capitalists from conducting the business, and participating in its profits, and you extinguish the life-giving principle of your success. Your great capitalist will sit upon his bags of gold, doling out with niggard hand his pence to men every way his superiors, for their daily labor. His manufacturing establishments must be conducted by agents whom he will seek to oppress, and who will seek to cheat him in turn. And there will be nowhere acting, to any extent, any stimulus to, or efforts at, improvement; and the great mass of operatives, many of whom might, under a different policy, become useful and valuable to their country, will sink into sullen indifference and despondence. If an illustration of this is wanting, look to England, and contrast her with the countries on the continent of Europe. How far has she outstripped them in all the multifarious branches of human industry? And why has she done so, but because of the greater developments of the mental as well as physical powers of her people, in consequence of the greater freedom of her institutions, the free use of credit, and abundant circulating medium? How very far has she got the start of your non-credit-using, hard-money Governments of the continent? But, far as she has the start of them, the American people are destined, unless crushed by unwise legislation, to get the lead of her equally far, by the time they shall have passed from their state of adolescence as a nation; because our people are so much freer than hers, and our country possesses so many and such incomparably greater advantages of all kinds, than that.

Labor is higher in England than in the hard-money countries of the continent; yet she competes with and triumphs over all of them in the markets of the world! But the wages of labor are low enough there, in all conscience, though much higher there than on the continent of Europe. Mr. President, as it has been urged in support of this bill that one of its good effects will be to reduce the wages of labor in this country—mechanical, manufacturing, agricultural, and all others, of course—I have considered it material and important to inquire to what extent this reduction was to take place. These wages, we are told, must come down to the *specie standard;* and we have been referred to Germany and Holland, and other European countries, as examples of hard money currencies, and the cheapening effects of such currencies upon wages. Now, sir, as I wish the people to be informed on this subject, as well as ourselves, I have been at the pains to hunt up some documentary evidence of the rates of wages in those countries, and will read them to the Senate, that the American people may see to what they are to be reduced, and make up their minds whether they are willing to submit to such rates, for the sake merely of a *hard-money* currency. Here are tables of the rates of wages in those countries, which I will read, taken from "Porter's Progress of the Nation."

"In November, 1833, instructions were sent by the British Secretary of State, Lord Palmerston, to certain British consuls residing abroad, requiring answers to certain questions having reference to the state of agriculture, and to the condition of the agricultural peasantry within the districts of their consulates. Answers received from the consuls in various parts of France, Germany, the Netherlands, and Italy, have lately been presented to Parliament; and from these documents the following abstract is taken:

RATES OF WAGES.

Country and district.	Description of laborers.	Yearly wages.	Daily wages.	With or without board.	With or without dwelling.
		s. d. s. d.	d.		
France.					
Calais	Ploughmen	100 0 to 160 0	-	with	with.
	Shepherds	250 0			
	Laborers	-	7½	do.	with't.
Boulogne	Ploughmen	144 0	-	do.	with.
	Laborers	-	5	with't	with't.
Havre	Farm serv'nts generally	160 0 to 240 0	-	with	with.
	Do.	48 0 to 120 0	-	do.	do.
Brest	Laborers	-	8½	with't	with't.
Nantes	Farm serv'nts generally	60 0 to 160 0	-	with	with.
Charante	Laborers	-	12 to 15	with't	with't.
Bordeaux	Do.	-	9 to 12	do.	do.
Bayonne	Shepherds	200 0 to 240 0	-	with	with.
Marseilles	Laborers	-	4½ to 7	do.	do.
Corsica	Do.	-	11	with't	with't.
Germany.					
Dantzig	Farm serv'nts	52 0 to 64 0	-	with	with.
	Laborers	-	4½ to 7	with't	do.
Mecklenb'rg.	Farm serv'nts	100 0	-	with	do.
	Laborers	-	7	with't	do.
Holstein	Farm serv'nts	73 6 to 100 0	-	with	do.
	Laborers	-	7	with't	do.
Nether'ds.					
S. Holland	Farm serv'nts	200 0 to 250 0	-	with	do.
	Laborers	-	3 to 4	do.	do.
N. Holland	Do.	-	20	with't	with't.
Friesland	Farm serv'nts	50 8 to 166 8	-	with	with.
	Laborers	-	6 to 16	with't	with't.
Antwerp	Farm serv'nts	78 9	-	with	with.
	Laborers	-	5	with't	with't.
W. Flanders	Farm serv'nts	96 0 to 104 0	-	with	with.
Italy.					
Trieste	Laborers	-	12	with't	with't.
	Do.	-	6	with	with.
Istria	Do.	-	8 to 10	with't	with't.
	Do.	-	4 to 5	with	with.
Lombardy	Do.	-	4 to 8	do.	do.
Genoa	Farm serv'nts	60 0 to 100 0	-	do.	do.
	Laborers	-	5 to 8	do.	with't.
	Do.	-	12	with't	do.
Tuscany	Farm serv'nts	40 0	-	with	with.
	Laborers	-	6	with't	with't.

Now, sir, I am greatly in hopes our people will read and ponder over this table; they will there see that in France *yearly wages* for an able-bodied man range from 48 to 250 shillings, and day laborers get in that country from 4½ to 15 pence per day; and whenever they get as much as 5 pence, they have to find themselves. In Germany wages are still lower, and range by the year between 52 and 100 shillings, and day laborers receive from 4½ to 7 pence per day, and find themselves in food. In South Holland farm hands get by the year from 200 to 250 shillings, and day laborers from 3 to 4 pence per day, and are found. And so on, sir. Whoever will take the trouble to examine the table, which is *official* and *authentic*, will see that, in all these countries, which are held up to us as such bright examples of *hard money countries*—France, Germany, Netherlands, Italy—wages by the year for an able-bodied, sound, healthy man, nowhere exceed 250 shillings; and, in many instances, fall as low as 40, 50, and 60 shillings; and the daily wages range from 3 to 9 and 12 pence—rising in one place, and only one, to 20 pence, and the laborer finding himself! What a commentary upon the hard-money policy! What hope is here for a man born the son of poor parents ever to better his condition? What ray of hope is there to stimulate him to exertion? None, none! He who is there born a peasant, dies a peasant. Those born to the plough die at the plough-tail; and all that the longest life of laborious toil can procure for them is coarse and scanty means of subsistence. Think you, sir, these people are made happy because theirs are *hard-money* countries? Is this the prosperity boasted of when we are triumphantly told of the immense amounts of gold and silver held by their great capitalists? Is this an example worthy of our imitation? Think you, sir, the high blood of American freemen will submit to this? Never.

The honorable Senator from Pennsylvania, (Mr. BUCHANAN,) in the eloquent speech with which he favored us the other day in support of this bill, exultingly told us the people of the country were for it. He spoke of its former defeat in Congress, and of the triumphs of his party in several of the recent elections, as giving proof that the yeomanry of the land had declared in favor of it, and were commending the wisdom and patriotism of its projectors. Sir, the Senator in his exultation reminded me of a story I once read about a council of mice, which, with his permission, I will tell. There was once a colony of mice, who would have lived very happily but for the annoyance of a mischievous cat, who was very apt to pounce upon and feast herself with some of their dainty flesh, whenever they ventured to go abroad (or expand, as we are now occasionally inconvenienced by expansions of currency.) These mice called a council to consider of and devise the means more effectually to protect their community from the annoyances of the cat. After the assembly was duly organized, and many wise and grave suggestions had been made by different members, to all of which there had appeared some decisive objection, up rose a smart, sharp-witted little mouse, much distinguished for cunning and management, and holding, I suppose, about the same rank in the esteem and regard of his fellows, as is held in our community by a certain little gentleman at the other end of the avenue, designated yesterday by the Senator from Pennsylvania (Mr. BUCHANAN) as the little Magician. All eyes were immediately turned upon him, and every ear was attentive to hear his suggestions; for many supposed he never uttered any thing but upon "sober second thought," and all knew his skill at contrivances. Pleasure was beaming in his countenance, and confidence sat upon his brow, as he announced that he had discovered a remedy for the evils they suffered, which was both simple and effectual; so *simple*, that the wonder was it had never been thought of before; for it seemed to be pointed out by their very *constitution* and the nature of things. It was, that they should resolve and decree that this infamous cat should ever thereafter wear a bell about her neck; which, being so worn, must of necessity give the alarm whenever she attempted to move or approach their dominions, and thus afford every one full opportunity to provide for his safety by a timely retreat. The suggestion struck the whole assembly with great force; they burst forth in rapturous applauses of the talents, patriotism, and profound wisdom of the little author; and it was promptly proposed to pass a unanimous vote of thanks in his favor. Just before this vote was taken, however, an old mouse, long retired from the cares of state, but experienced in the wars with grimalkin, observed, with great diffidence, that notwithstanding the remedy proposed seemed to be very efficacious, and possibly would afford to the community (after it should be applied) complete protection, yet there appeared to him to be a *small* difficulty in applying it, namely, the risk of being devoured by the cat while they were fixing the bell upon her; and he could not consent to pass the vote of thanks as proposed, unless the member would also show how this difficulty was to be surmounted. The little gentleman was struck dumb by these remarks; and refusing to attempt to put the bell on himself, upon the ground that he was a counsellor and not an operative, the assembly forthwith, far from passing the vote of thanks, expelled him from the council, and denounced him as unworthy not only of confidence and respect, but deserving of universal execration, for recommending a measure pregnant with imminent peril and mischief in its execution to his fellow citizens generally, and from the evils of which he screened himself by virtue of his station. Such, sir, will be the reverse of fortune with the authors of this measure. They had the confidence of the country. The measure has seemed to find favor with the people, and gentlemen may now flatter themselves with some indications given in the late elections of the passage of a vote of thanks by the people in their favor. But when you attempt to bell the cat; when the people shall see and feel that they are to be crushed and destroyed by the execution of your plan; when they find themselves impoverished, the prices of all kinds of property and products of industry reduced to almost nothing, and realize in practice the very, very low prices of labor, as I have shown them to be in the non-credit-using, hard money countries; and see, too, that from all these evils the authors of the measure are themselves protected by being salaried officers, with salaries payable in gold and silver; they will not only refuse the vote of thanks you now hope for, but I am much mistaken if they do not visit upon authors, aiders, and abettors of the whole scheme such decisive marks of displeasure as will cause them bitterly to repent that it was ever suggested.

Sir, the body of the people of this country have been much amused, for some years past, with the praises of hard money, and eulogies upon the condition of those countries where coin is the exclusive circulating medium; and they have been seduced into the opinion, especially the laboring people, that they were to receive, if the policy of the measure now under consideration were carried out, the same amount in payment for their labor or productions, in silver and gold, as they have usually received in convertible bank notes. But they have not yet considered or understood that they were to receive, in place of one dollar or more per day for their wages, but four pence or nine pence in coin. They have not reflected upon the immense tax this change was to levy upon the productive industry of the country, for the sole and exclusive benefit of the money-holders and salaried officers! Are gentlemen blind enough to imagine they can persuade any considerable part of the intelligent people of America to believe that when one of them has a five dollar bank bill in his pocket, received as wages for as many days' work, which bill he knows he can convert into silver or gold if he pleases, and which, whether converted or not, will purchase for him an equal amount of any thing his wants or convenience may require, that it would be better for him to have received for his same five days' work some twenty, thirty, forty, or even one hundred *pence* in coin? It is possible such opinions may obtain amongst those who wish to acquire money for the purpose of hoarding merely, and whose greatest delight consists in counting and turning over bits of coin; but they will never be entertained by those who know the real value and appropriate uses of money; who desire to earn and acquire it only for the purpose of paying their debts, or of exchanging it for those things which contribute really to the comfort, happiness, and well-being of themselves or of those that are dear to them. What difference does it make to a man who owes five or a hundred dollars, whether he pays his debt with a bank note or with gold and silver? None. But it makes a vast difference to him if forced to pay in gold and silver only; and he is obliged, in consequence, to give five or six times the amount of labor or property to procure this gold and silver.

But, it is urged this change is necessary; this reduction of prices here is required to enable our manufacturers to compete with those of Europe, and thereby prevent the balance of trade against us, which is periodically draining our country of the precious metals, and causing suspensions of specie payments and the like. In my humble judgment, sir, the unfavorable balance of trade against us is to be attributed to another and a very different cause. It is properly and justly assignable to our unwise commercial regulations. It is because we permit European countries to supply our markets with their surplus productions, whilst they exclude many of ours from their markets. We im-

port cotton goods, broadcloths, and other productions of British industry, and wines and silks, and other articles, from France, to an immense amount, at a very moderate and now constantly decreasing rate of duty, and, in fact, to a great extent, duty free, whilst the productions of our soil and industry, which the people of those countries would gladly receive in payment, are excluded from their markets altogether, or are so burdened with excessive duties, that their value goes to enrich the treasuries of those Governments, instead of the American producer. American cotton they do receive; but why? Because it is a necessary raw material in their manufacturing establishments, which they cannot produce themselves, and because tney can send back to you, in its manufactured state, a small portion in payment for the whole. Cotton has become a *necessary*, for which they are dependent upon us; but you receive from them articles of *luxury*. We are, or easily might be, dependent upon them for no necessary whatever. How do they treat our great staples of flour and tobacco, &c.? Our flour is never admitted, unless famine is threatening, but at a rate of duty which amounts to prohibition. And our tobacco pays into the treasury of England about five or six times the price at which it is sold by the American producer, before it can enter the English market; and from France it is altogether excluded, except in very limited quantities, and these only at such rates as the Government pleases to allow, without regard to the price it would command from those very people whose silks and wines we receive without duty, and for which it would be but just that we should have the privilege of exchanging it upon equal terms.

We buy the productions of English and French industry, and we pay to the Governments of those countries respectively, (such of us at least as produce grain and tobacco,) from one-half to four-fifths of the products of our industry for the privilege of paying their people with the remainder. This is the way in which what is now called your free-trade system operates. The freedom is all given by us, and none received in return. The freedom is to the foreign country to *tax* our people in their productions as much as they please, while they are free to compete with us in our own markets with their productions untaxed. Such a system must forever keep the balance of trade against us; must keep us always in debt, and liable to be drained of our stock of coin by the countries from which we buy. Give us freedom of trade in fact; let there be perfect freedom on both sides for the exchange of surplus commodities, without duties and taxes; or, if these be necessary, let there be an equally balanced system of duties on both sides. Let the American producer of flour and tobacco, or any thing else, be free to exchange it with the producer of French silk or English cloth, for such price as the English or French manufacturer is himself willing to pay for it, Government charges on both sides being equal in proportion to the market value of the things exchanged, and there will be no fear of heavy balances against us, payable in coin, nor any necessity for a resort to sub-Treasury bills to introduce specie into this country, or to reduce the wages of American labor. I would buy of those who would buy of us upon fair and equal terms. I would purchase the surplus productions, so far as we have occasion for them, of those countries only which would allow our surplus productions to be sold in their markets upon equal terms. And such Governments as exclude or heavily burden our productions in their markets could not complain of their productions being similarly treated here. But I must pass on.

One of the highest obligations which rests upon this Government, one of the very ends for which it was created, was to protect the people of the Union from the very evils and inconveniences they are now suffering from the disordered state of their circulating medium. Hence the power given to it in terms by the Constitution, "to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures." The design of this grant was, that there should be secured for the whole people a uniform measure of value, as well as uniform measures of quantities; this uniformity in the measure of value in different parts of the country being even more essential to fair dealing between those parts than uniformity in the measures of quantity. It certainly was not, as some contend, the design of this clause of the Constitution that there should be nothing used as currency but gold and silver, for you are not even confined to those metals in making coin; but it was designed for most beneficial purposes, to vest in the Government power to regulate the value of money; and, consequently, it was imposed upon it as a duty to take care that the country be protected from the evils attendant upon irregularly depreciated and fluctuating bank paper, or whatsoever else was or should become the actual circulating currency of the country. You propose, by the measure under consideration, not to regulate the actual currency, but to destroy it. By this attempt you may impair greatly its utility, you may produce much more inequality than now exists, but you cannot totally destroy it. Much evil, great suffering, and injustice may be produced by this effort to bring the country to a purely metallic currency; but the end cannot be accomplished. It is inconsistent with the nature and genius of our institutions—inconsistent with the habits and customs of our people—inconsistent with the spirit of the age—and no less inconsistent with the interests, prosperity, and happiness of this community, and cannot and ought not to be effected. Meantime you neglect the performance of this high duty; you aggravate the very evils which you, and you only, have power to remedy; and throwing this duty from you, as if with scorn, the people are told to "take care of themselves, and that Government will take care of itself." By this culpable neglect, in addition to the many other evils you leave the community exposed to, you reduce and render most precarious and uncertain the rewards of industry of all kinds. Multitudes will be thrown out of employment; idleness, dissipation, and vice will increase; and as, in the nature of human affairs, descent is always more facile that ascent, many years will be required to restore the body politic to the condition it would be in but for the folly and negligence of this Government. As illustrative of the bad effects of this irregularity and uncertainty of employment, and the contrary good effects of a policy which shall produce the opposite results, I will quote the following observations from the author to whose labors I am indebted for the rates of wages in several European countries, as before given. On page 249 of this interesting book he says:

"The following facts, which are given upon the authority of a gentleman who has had the chief practical direction of an extensive work, will serve to confirm the position here advanced, and will show how paramount a duty it is for those whose acts and deliberations must tend to the continuance or removal of so unfavorable a state of things, to give their earnest and most careful thoughts for the introduction of a more certain and stable system:

"The formation of a canal, which has been in progress during the last five years in the north of Ireland, has afforded steady employment to a portion of the peasantry, who, before that time, were suffering all the evils, so common in that country, which result from the precariousness of employment. Such work as they could previously get came at uncertain intervals, and was sought by so many competitors that the remuneration was of the scantiest amount. In this condition of things, the men were improvident to recklessness; their wages, insufficient for the comfortable sustenance of their families, were wasted in procuring for themselves a temporary forgetfulness of their misery at the whiskey-shop; and the men appeared to be sunk into a state of hopeless degradation. From the moment, however, that work was offered to them, which was constant in its nature and certain in its duration, and on which their *weekly earnings* would be sufficient to provide for their comfortable support, men who had been idle and dissolute were converted into sober, hard-working laborers, and proved themselves kind and careful husbands and fathers; and it is stated as a fact, that, notwithstanding the distribution of several hundred pounds weekly in wages, the whole of which must be considered as so much additional money placed in their hands, the consumption of whiskey was absolutely and permanently diminished in the district. During the comparatively short period this canal has been in progress, some of the most careful laborers, men who most probably, before then, never knew what it was to possess five shillings at any one time, have saved sufficient money to enable them to emigrate to Canada, where they are now laboring in independence for the improvement of their own land."

But, Mr. President, this bill is to pass. The decree of party has gone forth, and, let what will be said or shown, that decree will be obeyed. Those in power have determined to stake their fortunes upon the hazard of the die, whether weal or wo betide. It is to pass this body, sir, and that speedily; and though much, very much more might be said in opposition to it, knowing the utter hopelessness of any effort to prevent its passage, and having, as I believe, assigned sufficient reasons in justification of the negative vote I intend to give, I will detain you, sir, no longer, but to express my earnest hope that we may not all see cause, ere long, bitterly to repent of this night's work.

MR. WEBSTER'S SPEECH,

In Senate, May 18, 1840, on the proposed amendment to the Bankrupt Bill.

I feel a deep and anxious concern for the success of this bill, and, in rising to address the Senate, my only motive is a sincere desire to answer objections which have been made to it, so far as I may be able, and to urge the necessity and importance of its passage. Fortunately, it is a subject which does not connect itself with any of the party contests of the day; and although it would not become me to admonish others, yet I have prescribed it as a rule to myself, that, in attempting to forward the measure, and to bring it to a successful termination, I shall seek no party ends, no party influence, no party advancement. The subject, so far as I am concerned, shall be sacred from the intrusion of all such objects and purposes. I wish to treat this occasion, and this highly important question, as a green spot, in the midst of the fiery deserts of party strife, on which all may meet harmoniously and amicably, and hold common counsel for the common good.

The power of Congress over the subject of bankruptcies—the most useful mode of exercising the power under the present circumstances of the country—and the duty of exercising it—are the points to which attention is naturally called by every one who addresses the Senate.

In the first place, as to the power. It is fortunately not an inferred or constructive power, but one of the express grants of the Constitution. "Congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States." These are the words of the grant; there may be questions about the extent of the power, but there can be none of its existence.

The bill which has been reported by the committee provides for voluntary bankruptcies only. It contains no provisions by which creditors, on an alleged act of bankruptcy, may proceed against their debtors, with a view to subject them and their property to the operation of the law. It looks to no coercion by a creditor to make his debtor a subject of the law against his will. This is the first characteristic of the bill, and in this respect it certainly differs from the former bankrupt law of the United States, and from the English bankrupt laws.

The bill, too, extends its provisions not only to those who either in fact or in contemplation of law are traders, but to all persons who declare themselves insolvent, or unable to pay their debts and meet their engagements, and who desire to assign their property for the benefit of their creditors. In this respect, also, it differs from the former law, and from the law of England.

The questions, then, are two: 1st. Can Congress constitutionally pass a bankrupt law which shall include other persons besides traders? 2d. Can it pass a law providing for voluntary cases only; that is, cases in which the proceedings originate only with the debtor himself?

The consideration of both these questions is necessarily involved in the discussion of the present bill, inasmuch as it has been denied that Congress has power to extend bankrupt laws further than to merchants and traders, or to make them for voluntary cases only. This limitation in the power of Congress is asserted on the idea that the framers of the Constitution, in conferring the power of establishing bankrupt laws, must be presumed to have had reference to the bankrupt laws of England, as then existing; and that the laws of England, then existing, embraced none but merchants and traders, and provided only for involuntary or coercive bankruptcies.

Now, sir, in the first place, allow me to remark, that the power is granted to Congress in the most general and comprehensive terms. It has one limitation only—which is, that laws on the subject of bankruptcies shall be uniform throughout the United States. With this qualification, the whole

subject is placed in the discretion and under the legislation of Congress. The Constitution does not say that Congress shall have power to pass *a* bankrupt law, nor to introduce *the* system of bankruptcy. It declares that Congress shall have power to "*establish uniform laws on the subject of bankruptcies throughout the United States.*" This is the whole clause, nor is there any limitation or restriction imposed by any other clause.

What, then, is "the subject of bankruptcies?" or, in other words, what are "bankruptcies?" It is to be remembered that the Constitution grants the powers to Congress by particular or specific enumeration; and, in making this enumeration, it mentions bankruptcies as a head of legislation, or as one of the subjects over which Congress is to possess authority. Bankruptcies are the subject, and the word is most certainly to be taken in its common and popular sense—in that sense in which the people may be supposed to have understood it when they ratified the Constitution. This is the true rule of interpretation. And I may remark, that it is always a little dangerous, in construing the Constitution, to search for the opinions or understanding of members of the Convention in any other sources than the Constitution itself, because the Constitution owes its whole force and authority to its ratification by the people, and the people judged of it by the meaning most apparent on its face. How particular members may have understood its provisions, if it could be ascertained, would not be conclusive. The question would still be, how did the people understand it? And this can be decided only by giving their usual acceptation to all words not evidently used in a technical sense, and by inquiring, in any case, what was the interpretation or exposition presented to the people when the subject was under consideration.

Bankruptcies, in the general use and acceptation of the term, mean no more than failures. A bankruptcy is a fact. It is an occurrence in the life and fortunes of an individual. When a man cannot pay his debts, we say he has become bankrupt, or has failed. Bankruptcy is not merely the condition of a man who is insolvent, and on whom a bankrupt law is already acting. This would be quite too technical an interpretation. According to this, there could never be bankrupt laws; because every law, if this were the meaning, would suppose the existence of a previous law. Whenever a man's means are insufficient to meet his engagements and pay his debts, the fact of bankruptcy has taken place; a case of bankruptcy has arisen, whether there be a law providing for it or not.

There may be bankruptcies, or cases of bankruptcy, where there are no bankrupt laws existing. Or bankrupt laws may exist, which shall extend to some bankruptcies, or some cases of bankruptcy, and not to others. We constantly speak of bankruptcies happening among individuals, without reference to existing laws. Bankruptcies, as facts, or occurrences, or cases, for which Congress is authorized to make provision, are failures. A learned judge has said that a law on the subject of bankruptcies, in the sense of the Constitution, is a law making provision for cases of persons failing to pay their debts. Over the whole subject of these bankruptcies, or these failures, the power of Congress, as it stands on the face of the Constitution, is full and complete.

And now let us see how it is that this broad and general power is, or can be, limited by a supposed reference to the English system. The argument is this: The members of the convention, in conferring this power on Congress, must be supposed to have had reference to the bankrupt laws of England; and the bankrupt laws of England, as then existing, embraced only merchants and traders, and were only applied to debtors at the instance of their creditors; therefore, the inference is said to be, that traders only should be regarded as subjects of any bankrupt law to be passed by Congress, and that no such law should give the debtor himself a right to become bankrupt, at his own request; or, at least, that every such law should give a right to the creditor to proceed against his debtor. But is this the just analogy? Is this the point of view in which a general resemblance of our system and the English system may be supposed to have been contemplated? Clearly not, in my opinion. Let it be admitted that the framers of the Constitution looked to England for a general example; they must be supposed, nevertheless, to have looked to the power of Parliament, and not to the particular mode in which that power had been exercised, or the particular law then actually existing. The true analogy is, as it seems to me, between power and power—the power of Parliament, and the power of Congress; and not between the power of Congress, and any actually existing British statute, which might be, perhaps, in many respects, quite unsuitable to our condition.

The members of the convention did not study the British statutes, nor examine judicial decisions, to ascertain the precise nature of the actually existing system of bankruptcy in England. Still less did the people of the United States trouble themselves with such inquiries. All saw that Parliament possessed and exercised a power of passing bankrupt laws, and of altering and amending them, from time to time, according to its own discretion, and the necessities of the case. This power they intended to confer on Congress, as largely, for aught that appears, as they saw it held by Parliament. The early British statutes were not confined to traders; later statutes were so confined; and more recently, again, changes have been made, which bring in very numerous classes of persons who were not esteemed traders, in England, at the time of the adoption of the Constitution of the United States. I may add, that bankrupt laws, properly so called, or laws providing for the *cessio bonorum*, on the continent of Europe, and in Scotland, were never confined to traders; and while the members of the Convention may be supposed to have looked to the example of England, it is by no means improbable that they contemplated also the examples and institutions of other countries. There is no reason to suppose that it was intended to tie up the hands of Congress to the establishment of that particular bankrupt system which existed in England in 1789, and to deny to it all power of future modification and amendment: it would be just as reasonable to say that the United States laws of copy-right, of patents for inventions, and many others, could only be mere transcripts of such British statutes on the same subjects as existed in 1789.

The great object was to authorize Congress to establish a uniform system throughout all the States. No State could of itself establish such a system; it could only establish a system for itself; and the diversities, inconsistencies, and interferences of the several State systems had been subjects of much well-grounded complaint. It was intended to give Congress the power to establish uniformity in this respect; and if the English example was regarded, it was regarded in its general character, of a power in Parliament to pass laws on the subject; to repeal them, and pass others, in its discretion; and to deal with the whole subject, from time to time, as experience or the exigencies of the public should suggest or require. The bankrupt system of England, as it existed in 1789, was not the same which had previously existed, nor the same which afterwards existed, or that which now exists. At first, the system was coercive; and the law a sort of criminal law, extending to all persons, as well as traders. But changes had taken place before 1789, and other changes, and very important changes, have taken place since. The system is now greatly simplified and improved, and it is also made much more extensive as to those whom it embraces. It is hardly too much to say that it is preposterous to contend that we are to refuse to ourselves not only the light of our own experience, and all regard to our own peculiar situation, but that we are also to exclude from our regard and notice all modern English improvements, and confine ourselves to the English bankrupt laws as they existed in 1789. The power of Congress is given in the fullest manner, and by the largest and most comprehensive terms and forms of expression; and it cannot be limited by vague presumptions of a reference to other existing codes, or loose conjectures about the intents of its framers, nowhere expressed or intimated in the instrument itself, or any contemporaneous exposition.

I think, then, that Congress may pass a law which shall include persons not traders, and which shall include voluntary cases only. And I think further, that the amendment proposed by the honorable member from New Jersey is, in effect, exactly against his own argument. I think it admits all that he contends against. In the first place, he admits voluntary bankruptcies; and there were none such in England in 1789. This is clear. And in the next place, he admits any one who will say that he has been concerned in trade; and he maintains, and has asserted, that in this country any body may say that. Any body, then, may come in under the bill. The only difference is, he must come in under a disguise, or in an assumed character. Whatever be his employment, occupation, or pursuits, he must come in as a trader, or as one who has been concerned or engaged in trade. The honorable member attempts a distinction between traders and those who can say that they have been engaged in trade. I cannot see the difference. It is too fine for me. A trader is one concerned in trade, and to be concerned in trade is to be a trader. What is the difference? But if persons may be concerned in trade, and yet not be traders, still such persons were not embraced in the English statutes, which apply to traders by name; and, therefore, the gentleman's bill would embrace persons not within those statutes as they stood in 1789.

The gentleman's real object is, not to confine the bill to traders, but to embrace every body; and yet he deems it necessary for every person applying to state, and to swear, that he has been engaged in trade. This seems to me to be both superfluous and objectionable: superfluous, because, if we have a right to bring in persons under one name, we may bring in the same persons under another name, or by a general description; objectionable, because it requires men to state what may very much resemble a falsehood, and to make oath to it. Suppose a farmer or a mechanic to fail: can he take an oath that he has been engaged in trade? If the objection to bring in others than traders is well founded in the Constitution, surely mere form cannot remove it. Words cannot alter things. The Constitution says nothing about traders. Yet the honorable gentleman's amendment requires all applicants to declare themselves traders; and, if they will but say so, and swear so, it shall be so received, and nobody shall contradict it. In other words, a fiction, not very innocent, shall be allowed to overcome a constitutional objection. The gentleman has been misled by a false analogy. He has adopted an example which does not apply to the case, and which he yet does not follow out. The British statutes are confined to traders; but then they contain a long list of persons who it is declared shall be deemed and taken to be traders within the acts. This list they extend, from time to time; and whenever any one within it becomes a voluntary bankrupt, he avers, in substance, that he is a trader, within the act of Parliament. If it had been necessary (as it is not) to follow this example at all, the gentleman's bill should have declared all persons traders, for the purpose of this act; and then every body could have made the declaration without impropriety, as, in England, the applicant only states that which the law has made true. He declares himself a trader, because the law has already declared that he shall be considered a trader. His conscience, therefore, is protected. He swears only according to the act of Parliament, if he swear at all. But, as the provision stands here, it calls on every one to declare himself a trader, or that he has been engaged in trade, not within the particular meaning or sense of any act of Congress, but in the usual and popular acceptation of the word.

Suppose, sir, a cotton planter, by inevitable misfortune, by fire or flood, or by mortal epidemics among his hands, is ruined in his affairs. Suppose he desires to make a surrender of his property and be discharged from his debts. He will be told, You cannot have the benefit of the law as a cotton-planter; it is made only for traders, or persons engaged in trade. Are you not a trader? No. I am no trader, and was never engaged in trade. I bought my land here, bought my hands from Carolina, have bought stock from Kentucky, and raised cotton and sold it. But I never bought an article to sell again. I am no trader. But you must swear that you have been engaged in trade; you must apply, not as John Jones, Esquire, cotton planter, on the Red river; but as Mr. John Jones, trader, at his store-house at or near the plantation of John Jones, Esq. And so, sir, John Jones, the cotton-planter, must either remain as he is, excluded from the provisions of the law altogether, or sneak into them under a disingenuous disguise, if it be not something worse.

This attempt, therefore, sir, to avoid a supposed difficulty, encounters two decisive objections. In the first place, there is no difficulty to be avoided; in the second place, if there was, this manner of avoiding it would be mere evasion.

But now, sir, I come to a very important inquiry. The Constitution requires us to establish *uniform* laws on the subject of bankruptcy, if we establish

any. Now what is the uniformity, or in what is it to consist? The honorable gentleman says that the meaning is that the law must give a coercive power to creditors, as well as a voluntary power to debtors; that this is the constitutional uniformity. I deny this altogether. No idea of uniformity arises from any such consideration. The uniformity which the Constitution requires is merely a uniformity throughout all the States. It is a local uniformity, and nothing more. The words are perfectly plain, and the sense cannot be doubted. The authority is, to establish uniform laws on the subject of bankruptcies throughout the United States. Can any thing be clearer? To be uniform, is to have one shape, one fashion, one form; and our bankrupt laws, if we pass them, are to have one shape, one fashion, and one form, in every State. If this be not so, what is the sense of the concluding words of the clause, "throughout the United States?" My honorable friend from Kentucky (Mr. CRITTENDEN) has disposed of this whole question, if there ever could be a question about it, by asking the honorable gentleman from New Jersey what *uniform* means in the very same clause of the Constitution, where the word is applied to rules of naturalization; and what it means in a previous clause, where it declares that all duties of impost shall be uniform throughout the United States.

It can hardly be necessary to discuss this point further. If it were, the whole history of the Constitution would show the object of the provision. Bankrupt laws were supposed to be closely connected with commercial regulations. They were considered to be laws nearly affecting the intercourse, trade, and dealing between citizens of different States; and for this reason it was thought wise to enable Congress to make them uniform. The Constitution provided that there should be but one coinage, and but one power to fix the value of foreign coins. The legal medium of payment, therefore, in fulfilment of contracts, was to be ascertained and fixed, for all the States, by Congress, and by Congress alone; and Congress, and Congress alone, was to have the power of providing a uniform mode in which contracts might be discharged without payment. Look to the discussions of the times; to the expositions of the Constitution made to the people by its friends when they urged its adoption; look to all within the Constitution, and all without it; look any where or every where, and you will see one and the same purpose, one and the same meaning; and that meaning cannot be more clearly expressed than the words of the clause themselves express it—that laws to be established by Congress on the subject of bankruptcies *shall be uniform throughout the United States.*

Now, sir, the gentleman's bill is not uniform. It proposes that there may be one law in Massachusetts, and another in New Jersey. The gentleman's bill includes corporations; but then it gives each State a power to exempt its own corporations, or any of them, from the operation of the law, if it shall so choose. It decides what shall be, in the case of banks, an act of bankruptcy; but then it provides that any State may say, nevertheless, that, in regard to its own banks, or any of them, this shall not be an act of bankruptcy.

Here is the provision:

"*Provided, however*, That nothing herein contained shall apply to or in anywise affect any corporation, or association of persons incorporated or acting under a law of any State of the Union, or any Territory of the United States, where such corporation or association shall be authorized by their charter, or any express law of such State or Territory, to do or commit the act herein declared to be an act of bankruptcy, or where, by any such law of any such State or Territory, the said corporation or association of persons shall or may be exempted from the provisions of this act."

Pray, sir, what sort of uniformity is this? A uniformity which consists in the authorized multiplication of varieties. Who will undertake to defend legislation of this kind, under our power to establish uniform laws on the subject of bankruptcies throughout the United States? Not only is it in direct violation of the plain text of the Constitution, but it lets in the very evils, every one of them, which the constitutional provision intended to shut out. The Constitution says that Congress may *establish* uniform laws; the gentleman's bill says that Congress may *propose* a law, at least so far as corporations are concerned, but that still each State may take what it likes, and reject the rest; and this, he contends, is establishing a uniform law.

I pray, sir, where is this power of exemption to stop? If we may authorize States to exempt their corporations, may we not, with equal propriety, authorize them to exempt all their citizens? May we not say that each State may decide for itself whether it will have any thing to do with the law, when we have passed it; or what parts it will adopt, and what parts it will refuse to adopt?

But, sir, I must wait till some attempt is made to defend this part of the gentleman's bill. I must see some show of propriety, some plausibility, before I reason against it further. In the view I at present have of it, it appears to me utterly repugnant to the plain requirements of the Constitution—destitute not only of all argument for its support, but of all apology also. I see nothing in it but naked unconstitutionality.

But, Mr. President, if these provisions were constitutional, they would still be in the highest degree unjust, and inexpedient, and inadmissible. What is the object of bringing the banks into the bill at all? Certainly there can be no just object, other than to ensure the constant and punctual discharge of their duties, by always paying their notes on presentment. Clearly there can be no object but to prevent their suspensions of payment. And it might be said that this object was kept in view, if the law were uniform, peremptory, inflexible, and applying to all banks. But when you give the power of exemption to the States, you sanction the very evil which you propose to remedy. You profess to prescribe a general rule, and yet authorize and justify its violation. Do not the States now exempt? and is not that the very evil from which we suffer? Is not suspension, under the authority of State exemption, the topic, the discussion of which every day nearly stuns us by its reverberation from the walls of this chamber? The charters of the banks are, in general, well enough. They require punctual specie payments, under severe penalties, and, in some cases, under the penalty of forfeiture. But, under the pressure of circumstances, and from a real or supposed necessity, the States relieve the banks from these penalties, and forbear to enforce the forfeitures. And will they not, most assuredly, also relieve the banks in the same manner, and for the same reason, if they have the power, from the penalties of our bankrupt law? State permission, State indulgence, State exemption, is the very ground on which suspension now stands, and on which it is justified. And it is now proposed that Congress shall give its authority and sanction to all this. It is proposed that Congress shall solemnly recognise the principle, and approve and sanction the practice of State exemption, of the suspension of specie payments, by State authority. If the States will not enforce their own laws against the banks, can any one imagine that they will see the equally or still more severe penalties of our bankrupt law enforced, while they have the power to prevent it?

Some weeks ago the honorable member from Pennsylvania moved for a committee to inquire into the propriety of amending the Constitution, so as to insert a provision giving Congress power to restrain the circulation of small bank notes. I did not concur in his measure, not thinking the Constitution needed amendment in that respect; but his argument was quite intelligible. He said this abolition of small bills could not now be accomplished, because the States could not be brought to act in concert; yet they might all be brought to consent that Congress should establish a uniform rule upon the subject. That was fair reasoning towards a proper object. It went for uniformity on a point of great commercial importance. But how is it here? We do not here propose uniformity; we do not require that one rule may extend over all. Far otherwise; for we propose to authorize difference, dissonance, and confusion. Having the power to establish uniformity, we delegate an authority to create variety. Charged by the Constitution to establish one rule, we ourselves, instead of performing that duty, call upon others to establish different and varying rules. All must see to what this leads, or rather what this is; for it is a measure which would be perfect in its beginning—it would reach its destiny at its commencement—its mischievous tendencies would be accomplished at its birth. The passage of this bill would add the solemn sanction of Congress to the sanction of the States to the suspension of specie payments by the banks. That is the practical sum and substance, the long and the short, of the whole matter.

Sir, if our constitutional power enables us to embrace the banks in this bill, and if we see no insuperable or greatly formidable practical objections, then I think we ought to include them, and to include them all, without any power of escape.

Suppose the bill should be made uniform, then, and to include all banks: have we the power, and is it expedient, to pass it in that shape?

On the motion for a committee made some time ago by the member from Pennsylvania, to which I have already referred, I suggested the opinions which I entertain on one branch of the power of Congress connected with this subject. The constitutional point now arising I do not mean to treat, nor to decide: it is open to others, and will no doubt be discussed by them. But upon the expediency or propriety of including banks and other corporations in this bill, I will say a few words. The State with which I am connected can have as little objection to include banks in the bankrupt bill as any other State. Many persons in Massachusetts, quite respectable and well informed, are in favor of the measure. But it appears to me they have not well considered the practical difficulties. Let us look at what is proposed to be done.

There are eight hundred or a thousand State banks, each with its charter conferring its rights, prescribing its duties, and enjoining penalties. They are banks of deposite, banks of discount, and banks of circulation. It is now generally admitted that they are lawfully created. Their legal existence is established. They comprise, I suppose, two hundred millions of capital. Some of them are founded entirely on private ownership, while in some others the States creating them are proprietors, and in some others again the States are sole proprietors. Some of them have a right to suspend for a limited time; others have not this right; the charter of each being its own constitution.

Such being the general state of things, it is now proposed to subject all these banks to the operation of a bankrupt law; so that when they stop payment for a day or an hour, their property and effects may be seized for distribution among their creditors, and their operations broken up. It is proposed to do this, although the charters of the banks may expressly authorize them to do that very thing which is an act of bankruptcy under this bill, and for which their property is to be thus seized. Here is certainly a direct collision between State authority and the authority of the United States, which ought to be avoided whenever it can be. The act of Congress in this case would be made to repeal or annul *pro tanto* the law of the State. I do not say that this can in no case be done; but I say that all such collisions ought to be avoided if possible.

It is proposed that Congress shall prescribe duties to the banks not prescribed by their own charters; and for the violation of those duties thus prescribed by Congress, it is proposed to proceed against them as bankrupts, to sequestrate their effects, and virtually annul their franchises. If this can be done, should it be done, without clear and cogent necessity? Without wishing to represent the proposition as extravagant, or speaking of it with disrespect, it seems to me to be bold, if not rash, until a case of absolute necessity is made out. What would become of the bank stock in case of such seizure and sequestration? What extent of depression and fluctuation would attach to it, when such a law should be passed? What would become of the entire circulation of the country, if a general suspension should happen, and all the banks should be thus seized? What would become of the country, creditors, and debtors, and of all its business, if a general suspension should happen, and all the banks should be placed in the hands of the Federal courts, their paper entirely disgraced, and an immediate collection of all their debts attempted to be enforced? What would become of some of the States who own the banks, and of others who derive revenues from them? And how could such immense affairs be administered by the courts of the United States? These difficulties appear to me to be startling. If, indeed, we were quite confident that such a provision would hereafter prevent all general suspensions, we might venture upon the measure; we might expect to be able to deal with here and there an individual case. But this provision is not certain to prevent general suspension in great emergencies or great commercial revolutions. Twice, within a few years, the banks have suspended, notwithstanding the penalties of their own charters, and the laws of their own States. The real truth is, that, in the absence of all regulation or control by Congress, the banks have attempted, and do at-

tempt, regulation by their own concert of action. They make a law for themselves.

A general suspension is the result of a general concurrence, or of a general conviction of the necessity of suspension, on the part of all the banks, or many of them. This has happened; and in the present state of affairs may happen again, notwithstanding a bankrupt law. In my opinion, indeed, it is certain to happen, notwithstanding all the bankrupt laws we can pass, until Congress shall do its duty, by enacting prospective and preventive remedies; and if it should happen, one of two things must ensue—either Congress would be called together to repeal the law; or an utter and dead stop would take place in the payment of debts, in the concerns of commerce, and, indeed, in all the business of life.

In addition to the charters, it is to be remembered that several of the States have provisions of their own, founded on their own statutes, for proceeding against failing banks. Such banks are put into commission, or under sequestration, by the State courts, and a judicial administration and settlement of their affairs take place. Is our bankrupt law expected to supersede these State bankrupt laws? Are our courts to dispossess the State courts?

Sir, I will not pursue this subject further. I repeat, that in the part of the country to which I belong, I believe there is a pretty strong disposition to include the banks in the bankrupt law. The people in that quarter apprehend from it no danger to themselves or their own institutions, and they wish to see banks elsewhere coerced, by the most effectual means, to resume and to maintain specie payments. I need not say that they are among the greatest sufferers by the present most ruinous state of things. They pay, and others do not pay them. They cannot long stand the present state of the currency; and, like them, I am ready to take any practical measure, any thing short of convulsive shocks between State authority and the authority of the United States, to relieve it. But I confess that, for myself, to say nothing of the constitutional points, I see formidable difficulties in subjecting State banks to forfeiture and destruction by an act of bankruptcy. At any rate, if the banks are to be dealt with in bankruptcy at all, their case would require, obviously, very many peculiar provisions, and they should constitute the subject of a bill by themselves. Such a bill should be prospective; the commencement of its operation deferred; the act of bankruptcy more clearly determined; provisions made to avoid, as far as possible, collision with State authorities; and provisions also for superseding the commission, on resumption of payment, or security given. Various provisions of this kind, as it seems to me, would be essentially necessary.

Leaving this very important part of the case, another question arises upon the proposed amendment. Shall the bankrupt act, in its application to individuals, be voluntary only, or both voluntary and compulsory? It is well known that I prefer it should be both. I think all insolvent and failing persons should have power to come in under its provisions, and be voluntary bankrupts; and I think, too, that, as to those who are strictly merchants and traders, creditors ought to have a right to proceed against them, in the commission of the usual acts of bankruptcy, and subject them to the provisions of the act. But the committee think otherwise. They find many objections to this from many parts of the country, and especially from the west. In a country so extensive, with a people so various, with such different ideas and habits in regard to punctuality in commercial dealings, great opposition is anticipated to any measure so strict and so penal as a coercive bankruptcy. I content myself, therefore, with what I can get. I content myself with the voluntary bankruptcy. I am free to confess my leading object to be, to relieve those who are at present bankrupts—hopeless bankrupts—and who cannot be discharged or set free but by a bankrupt act passed by Congress. I confess that their case forms the great motive of my conduct. It is their case which has created the general cry for the measure. Not that their interest is opposed to the interest of creditors; still less that it is opposed to the general good of the country. On the contrary, I believe the interest of creditors would be greatly benefited even by a system of voluntary bankruptcy alone, and I am quite confident that the public good would be eminently promoted. In my judgment, all interests concur; and it is the duty of providing relief for these unfortunate insolvents, in a manner thus favorable to all interests, which I feel urging me forward on this occasion.

And now, sir, whence does this duty arise, which appears to me so pressing and imperative? How has it become so incumbent upon us? What are the considerations, what the reasons, which have so covered our tables with petitions from all classes and all quarters, and which have loaded the air with such loud and unanimous invocations to Congress to pass a bankrupt law?

Sir, let me remind you, in the first place, that commercial as the country is, and having experienced, as it has done, and experiencing, as it now does, great vicissitudes of trade and business, it is now almost forty years since any law has been in force by which any honest man, failing in business, could be effectually discharged from debt by surrendering his property. The former bankrupt law was repealed December 19, 1803. From that day to this, the condition of an insolvent, however honest and worthy, has been utterly hopeless, so far as he depended on any mode of legal relief. This state of things has arisen from the peculiar provisions of the Constitution of the United States, and from the omission by Congress to exercise this branch of its constitutional power. By the Constitution, the States are prohibited from passing laws impairing the obligation of contracts. Bankrupt laws impair the obligation of contracts, if they discharge the bankrupt from his debts without payment. The States, therefore, cannot pass such laws. The power, then, is taken away from the States, and placed in our hands. It is true that it has been decided that, in regard to contracts entered into after the passage of any State bankrupt law, between citizens of the State having such law, and sued in the State courts, a State discharge may prevail. So far, effect has been given to State laws. I have great respect, habitually, for judicial decisions; but it has, nevertheless, I must say, always appeared to me that the distinctions on which these decisions are founded are slender, and that they escape, without answering, the great political and commercial objects intended to be secured by this part of the Constitution. But these decisions, whether right or wrong, afford no effectual relief. The qualifications and limitations which I have stated render them useless, as to the purpose of a general discharge. So much of the concerns of every man of business is with citizens of other States than his own, and with foreigners, that the partial extent to which the validity of State discharges reaches is of little benefit.

The States, then, cannot pass effectual bankrupt laws: that is, effectual for the discharge of the debtor. There is no doubt that most, if not all, of the States would now pass such laws, if they had the power; although their legislation would be various, interfering, and full of all the evils which the Constitution of the United States intended to provide against. But they have not the power. Congress, which has the power, does not exercise it. This is the peculiarity of our condition. The States would pass bankrupt laws, but they cannot; we can, but we will not. And between this want of power in the States, and want of will in Congress, unfortunate insolvents are left to hopeless bondage. There are probably one or two hundred thousand debtors, honest, sober, and industrious, who drag out lives, useless to themselves, useless to their families, and useless to their country, for no reason but that they cannot be legally discharged from debts in which misfortunes have involved them, and which there is no possibility of their ever paying. I repeat, again, that these cases have now been accumulating for a whole generation.

It is true, they are not imprisoned; but there may be, and there is, restraint and bondage outside the walls of a jail, as well as in. Their power of earning is in truth taken away; their faculty of useful employment is paralyzed, and hope itself becomes extinguished. Creditors, generally, are not inhumane or unkind; but there will be found some who hold on, and the more a debtor struggles to free himself, the more they feel encouraged to hold on. Their mode of reasoning is, that the more honest the debtor may be, the more industrious, the more disposed to struggle and bear up against his misfortunes, the greater the chance is, that in the end, especially if the humanity of others shall have led them to release him, their own debts may be finally recovered.

Now, in this state of our constitutional powers and duties, in this state of our laws, and with this actually existing condition of so many insolvents before us, it is not too serious to ask every member of the Senate to put it to his own conscience to say whether we are not bound to exercise our constitutional duty. Can we abstain from exercising it? The States give to their own laws all the effect they can. This shows that they desire the power to be exercised. Several States have, in the most solemn manner, made known their earnest wishes to Congress. If we still refuse, what is to be done? Many of these insolvent persons are young men, with young families. Like other men, they have capacities both for action and for enjoyment. Are we to stifle all these forever? Are we to suffer all these persons, many of them every way meritorious and respectable, to be pressed to the earth, forever, by a load of hopeless debt? The existing diversities and contradictions of State laws on the subject admirably illustrate the objects of this part of the Constitution, as stated by Mr. Madison; and they form that precise case for which the clause was inserted. The very evil intended to be provided against is before us, and around us, and pressing us on all sides. How can we, how dare we, make a perfect dead letter of this part of the Constitution, which we have sworn to support? The insolvent persons have not the power of locomotion. They cannot travel from State to State. They are prisoners. To my certain knowledge, there are many who cannot even come here, to the seat of the Government, to present their petitions to Congress, so great is their fear that some creditor will dog their heels, and arrest them in some intervening State, or in this District, in the hope that friends will appear to save them, by payment of the debts, from imprisonment. These are truths, not creditable to the country; but they are truths. I am sorry for their existence. Sir, there is one crime, quite too common, which the laws of man do not punish, but which cannot escape the justice of God; and that is, the arrest and confinement of a debtor, by his creditor, with no motive on earth but the hope that some friend, or some relative, perhaps almost as poor as himself—his mother, it may be, or his sisters, or his daughters—will give up all their own little pittance, and make beggars of themselves, to save him from the horrors of a loathsome jail. Human retribution may not reach this guilt; human feeling may not penetrate the flinty heart that perpetrates it; but an hour is surely coming, with more than human retribution on its wings, when that flint shall be melted, either by the power of penitence and grace, or in the fires of remorse.

Sir, I verily believe that the power of perpetuating debts against debtors, for no substantial good to the creditor himself, and the power of imprisonment for debt, at least as it existed in this country ten years ago, have imposed more restraint on personal liberty than the law of debtor and creditor imposes in any other Christian and commercial country. If any public good were attained, any high political object answered, by such laws, there might be some reason for counselling submission and sufferance to individuals. But the result is bad, every way. It is bad to the public and to the country, which loses the efforts and the industry of so many useful and capable citizens. It is bad to creditors; because there is no security against preferences, no principle of equality, and no encouragement for honest, fair, and seasonable assignments of effects. As to the debtor, however good his intentions or earnest his endeavors, it subdues his spirits, and degrades him in his own esteem; and if he attempts any thing for the purpose of obtaining food and clothing for his family, he is driven to unworthy shifts and disguises, to the use of other persons' names, to the adoption of the character of agent, and various other contrivances to keep the little earnings of the day from the reach of his creditors. Fathers act in the name of their sons; sons act in the name of their fathers; all constantly exposed to the greatest temptation to misrepresent facts and to evade the law, if creditors should strike. All this is evil—unmixed evil. And what is it all for? What good to any body? Who likes it, who wishes it? What class of creditors desires it? What consideration of public good demands it?

Sir, we talk much, and talk warmly, of political liberty, and well we may; for it is among the chief of public blessings. But who can enjoy political liberty if he is deprived, permanently, of personal liberty, and the exercise of his own industry and his own faculties? To those unfortunate individuals, doomed to the everlasting bondage of debt, what is it, that we have free institutions of Government? What is it, that we have public and popular

assemblies? Nay, to them, what is even this Constitution itself, in its actual operation, and as we now administer that part of it which was intended for cases like theirs? As we administer it, what is its aspect to them, but an aspect of stern, implacable severity—an aspect of refusal, denial, and frowning rebuke? Nay, more than that, an aspect not only of austerity and rebuke even, but, as they must think it, of plain injustice also; since it will not relieve them, nor suffer others to give them relief. What love can they feel towards the Constitution of their country, which has taken the power of striking off their bond from their own parental State Governments, and yet, inexorable to all the cries of justice and of mercy, holds it, unexercised, in its own fast and unrelenting clench? They find themselves bondsmen, because we will not execute the commands of the Constitution; bondsmen to debt which they cannot pay, and which all know they cannot pay, and which takes away the power of supporting themselves. Other slaves have masters, charged with the duty of support and protection; but their masters neither clothe, nor feed, nor shelter—they only bind.

But, sir, the fault is not in the Constitution. The Constitution is beneficent as well as wise in all its provisions on this subject; but the fault, I must be allowed to say, is in us, who have suffered ourselves quite too long to neglect the duty incumbent upon us. The time will come, sir, when we shall look back and wonder at the long delay of this just and salutary measure. We shall feel, as we now feel, when we reflect on that progress of opinion which has already done so much on another and a connected subject—I mean the abolition of imprisonment for debt. What should we say at this day, if it were proposed to re-establish arrest and imprisonment for debt, as it existed in most of the States even so late as twenty years ago?—I mean for debt alone, for mere pure debt, without charge or suspicion of fraud or falsehood?

Sir, it is about that length of time, I think, since you, who now preside over our deliberations, began here your efforts for the abolition of imprisonment for debt; and a better work was never begun in the Capitol. Ever remembered and ever honored be that noble effort! You drew the attention of the public to the question, whether, in a civilized and Christian country, debt, incurred without fraud, and remaining unpaid without fault, is a crime, and a crime fit to be punished by denying to the offender the enjoyment of the light of heaven, and shutting him up within four walls. Your own good sense, and that instinct of right feeling, which often outruns sagacity, carried you at once to a result to which others were more slowly brought, but to which nearly all have at length been brought, by reason, reflection, and argument. Your movement led the way—it became an example, and has had powerful effect on both sides of the Atlantic. Imprisonment for mere debt, or even arrest and holding to bail for mere debt, no longer exists in England; and former laws on the subject have been greatly modified and mitigated, as we all know, in our States. "Abolition of imprisonment for debt," your own words in the title of your own bill, have become the title of an act of Parliament.

Sir, I am glad of an occasion to pay you the tribute of my own sincere respect for these your labors in the cause of humanity and enlightened policy. For these labors thousands of grateful hearts have thanked you; and other thousands of hearts, not yet full of joy for the accomplishment of their hopes—full rather at the present moment of deep and distressing anxiety—have yet the pleasure to know that your advice, your counsel, and your influence, will all be given in favor of what is intended for their relief, in the bill before us.

Mr. President, let us atone for the omissions of the past, by a prompt and efficient discharge of present duty. The demand for this measure is not partial or local. It comes to us, earnest and loud, from all classes and all quarters. The time is come when we must answer it to our own breasts, if we suffer longer delay or postponement. High hopes, high duties, and high responsibilities concentrate themselves on this measure and this moment. With a power to pass a bankrupt law—that power which no other Legislature in the country possesses—with a power of giving relief to many, doing injustice to none, I again ask every man who hears me, if he can content himself without an honest attempt to exercise that power? We may think it would be better to have left the power with the States; but it was not left with the States; they have it not, and we cannot give it to them. It is in our hands, to be exercised by us, or to be forever useless and lifeless. Under these circumstances, does not every man's heart tell him that he has a duty to discharge? If the final vote shall be given this day, and if that vote shall still leave thousands of our fellow-citizens and their families in hopeless and helpless distress, to everlasting subjection to irredeemable debt, can we go to our beds with satisfied consciences? Can we lay our heads upon our pillows, and, without self-reproach, supplicate the Almighty Mercy to forgive us our debts even as we also forgive our debtors? Sir, let us meet the unanimous wishes of the country, and proclaim relief to the unfortunate throughout all the land. What should hinder? What should stay our hands from this good work? Creditors do not oppose it; they apply for it; debtors solicit it with importunity, earnestness, and anxiety not to be described; the Constitution enjoins it; and all the considerations of justice, policy, and propriety, which are wrapped up in the phrase Public Duty, demand it, as I think, and demand it loudly and imperatively from our hands. Sir, let us gratify the whole country, for once, with the joyous clang of chains—joyous because heard falling from the limbs of men. The wisest among those whom I address can desire nothing more beneficial than this measure, or more universally desired; and he who is youngest may not expect to live long enough to see a better opportunity of causing new pleasures and a happiness long untasted to spring up in the hearts of the poor and the humble. How many husbands and fathers are looking with hopes which hey cannot suppress, and yet hardly dare to cherish, for the result of this debate! How many wives and mothers will pass sleepless and feverish nights, until they know whether they and their families shall be raised from poverty, despondency, and despair, and restored again to the circles of industrious, independent, and happy life!

Sir, let it be to the honor of Congress that, in these days of political strife and controversy, we have laid aside for once the sin that most easily besets us, and, with unanimity of counsel and with singleness of heart and of purpose, have accomplished for our country one measure of unquestionable good.

SPEECH OF MR. TALLMADGE,

OF NEW YORK,

In Senate, May 22, 1840.—On the Bankrupt Bill.

Mr. TALLMADGE said: I do not wish to protract this debate; and as the several questions which are presented for the consideration of the Senate in the bill and amendment before us have been very ably and elaborately discussed, I shall content myself with presenting a very few remarks on this subject. I wish to act upon it promptly and efficiently. I desire the enactment of such a bankrupt law as shall respond to the call of the country, and grant relief to honest, unfortunate men. That we have authority to pass such a law, I do not doubt; and that the welfare of the country demands it, all will admit.

The prominent feature of a bankrupt law, and the one that distinguishes it from all other laws, is, that it cancels or dissolves the contract between debtor and creditor, and leaves to the former the uninterrupted enjoyment of his future acquisitions. This is a high attribute of sovereignty, a great conservative power, and is necessarily inherent in all Governments. It is the protecting, paternal power, which, like the power to pardon offences against the criminal laws, may be exercised by the supreme power in a state, for the benefit of the whole people. This power has been exercised in all civilized Governments, and with the most beneficial and salutary effects. It has been exercised by this Government; and neither the power to pass such laws, nor the expediency of them, has been questioned by the people beyond this Chamber. Why, then, is it that laws have not be enenacted, by which the child of misfortune may be protected against persecution and oppression? Your State Governments have done much to meliorate the condition of the honest debtor; insolvent laws have been enacted, and laws abolishing imprisonment for debt have been passed; but still the debtor remains a bondman, without the means of rendering himself useful to his country or to society.

I apprehend, sir, that the great obstacle to the enactment of such laws may be found in the fact that this branch of Congress is not so near to the people as the Legislatures of the several States. We are not so conversant with local wants and exigencies, and are not so capable of appreciating the peculiar necessity for the enactment of laws that relate immediately to the fortunes of individuals. Be this as it may, Congress undoubtedly possesses the power to grant the relief called for. It belongs to that class of powers which mark the practical wisdom displayed by the framers of the Constitution. It is a power which, when properly exercised, will "promote intercourse between the several States." It is one of those important powers which were granted by the people of the States, in order to form, in the concise and comprehensive language of the preamble to our Constitution, "a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity." The Constitution was intended to confer more benefits upon the people than could be secured without it. It declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." All subjects of legislation that would yield a larger liberty, and as much protection and happiness to the citizens, were granted to the Federal Government by the sovereign States that formed the Constitution.

In a Government like ours, no greater bond of union can exist, than free and uninterrupted intercourse between different sections of the country. Hence the incalculable benefits which have been bestowed by the States upon this nation in the construction of internal improvements, the extending of canals and railroads into the great west, and the rapid, cheap, and safe means of transporting persons and property. This important tie between the east and the west, the north and the south, was duly estimated by WASHINGTON; but it was reserved to the genius of CLINTON to give a practical illustration of its advantages. I trust, sir, that the States will continue to be guided by this illustrious example, and persevere amidst all their embarrassments, until every section of our country shall be traversed by the railroad and locomotive.

Whilst we are encouraging intercourse between different sections of the country, we must not be unmindful that each of the several States has enacted laws to enforce the collection of debts, and that the discharge of an honest unfortunate debtor in one State does not protect him or his property from seizure by the Federal courts on behalf of a creditor in another State, or against the operation of the laws of any other State whilst within its jurisdiction. To remove this great cause of dissatisfaction and jealousy, the States conferred upon Congress the power to "establish *uniform* laws on the subject of bankruptcy throughout the United States." Nor did they stop here. They deemed it important that they should not have the power to interfere with the contracts of citizens, and, therefore, they divested themselves of all power over the subject, by declaring that "no State shall pass any law impairing the obligations of contracts." Thus the States have not only conferred upon Congress the right to pass uniform bankrupt laws, but they have conferred upon it the *exclusive* power. This attribute of sovereignty, therefore, has been conveyed by the States to the General Government. As Congress possesses the exclusive right to enact bankrupt laws, and as this grant was made for the benefit of the whole people, I hold that the power and the duty to exercise it are correlative terms. The omission to exercise this power strikes out of existence this high attribute of sovereignty, and we present to the world the strange anomaly of twenty-six independent sovereignties which would but *cannot* exercise this power, and a General Government which should but *will not* exercise it.

The chairman of the committee has said that, as we are bound to refer to British precedents for all information on this subject, the power or right to pass bankrupt laws must be controlled by the laws existing in England at the time our Constitution was adopted. Sir, is this so? Are we bound by laws that no longer bind the people of England, and to whom we owe no allegiance? Surely this is a construction which few will contend for. Are we, the people of the United States, bound to obey, as part of our own Constitution, the antiquated laws and customs of England? No, sir. The framers of the Constitution intended no such thing. They referred not to the existing laws in England or the colonies on this subject, but to the *power*—

the omnipotent power of the Government over it. "Congress shall have *power* to establish uniform laws on the subject of bankruptcy." How has this power been exercised in England? Has it not been the subject of continued legislation? At one time the bankrupt law included all classes; afterwards, it was restricted to traders; and again it was extended to all persons. Thus the law has been made to extend and contract, to meet the ever-varying opinions of the people. Laws which embrace voluntary and involuntary bankrupts have long since been enacted; and the Government, for several hundred years, has exercised this power without restriction and without question. Neither the people, the courts, nor the Parliament of Great Britain, have doubted the power of Government to enact any law in regard to the relation of debtor and creditor.

This power, and to the extent it has been or can be exercised in England, is possessed by every independent Government. The old Thirteen Colonies, when they declared themselves free, sovereign, and independent States, on the 4th of July, 1776, became, *ipso facto*, severally invested with this power, in as full and ample a manner as it was possessed and could be exercised by the Parliament of Great Britain. If, therefore, the State sovereignties had entered into no compact, had formed no Constitution, had granted no power to a General Government, they would have possessed the same power over the subject of bankruptcy, and could have exercised it in the same manner, that it can be exercised in England. As the States possessed this attribute of sovereignty, it was in their power to convey it to any Government founded upon a grant of powers by the States. This power is granted in the Constitution; and its exercise is left to the discretion of Congress, with no restriction or limitation, except that all laws in relation to it shall be *uniform* throughout the United States. This restriction upon the discretion of Congress was the very *object* for which the grant was made. Under a number of State sovereignties, uniformity could not be secured. Their laws would differ on this subject, and thus "the citizens of each State could not enjoy all the privileges and immunities of citizens in the several States," according to the true intent of the people in "forming a more perfect union," by the adoption of the Constitution of the United States. We are now experiencing the wisdom of this grant in the want of harmony and uniformity on this subject amongst the several States. By this view of the origin of this power, and the object for which it was granted, it is evident that the word "uniform" does not relate to classes of citizens that may be included, but means to declare that whatever class or classes of persons shall be included in a bankrupt law, it shall be made to operate upon the same class in every State. In other words, Congress shall not include one class in Louisiana, and another class in New York, nor make a law applicable to one State that does not affect all. The meaning of the word *uniform* is well settled in the Constitution. "Congress shall have power to lay and collect taxes, duties, imposts, and excises; but all duties, imposts, and excises shall be *uniform* throughout the United States." "Congress shall have power to pass *uniform* laws of naturalization." No one can mistake its meaning or import in these cases. All that is required is, that the same regulations on these subjects shall prevail in all the States. But as I have designed, throughout my remarks not to dwell on topics which have been fully discussed by others, I will dismiss this part of the subject with the single remark—that, to my mind, no provision of the Constitution is more explicit, and no language could have more clearly conveyed the meaning of the framers of that instrument, than that which is there employed.

Having shown that the power conferred upon Congress by the Constitution is unlimited, I now proceed to inquire how it shall be exercised? and what is the cause of the demand for the exercise of this power?

Sir, not many years since, this country presented to the eye of the statesman and philanthropist cause for congratulation in a scene of prosperity and happiness unsurpassed at any time, or under any Government. It was not confined to a narrow district of country, nor to a privileged class of the community. It spread over the whole length and breadth of our land, and was diffused amongst, and enjoyed by, the whole population. Manufactures flourished; agriculture returned not only an abundant harvest of the necessaries of life to the laborer and husbandman, but a price commensurate with his highest hopes. Trade and commerce yielded to the industrious and intelligent merchant a rich reward, and every department of the arts and sciences felt the genial influences of universal prosperity; industry, capacity, integrity, and intelligence became capital; the man possessed of these properties and qualifications was lifted to a level with the wealthy; this species of capital became the great leveller, or democratic principle by which the power of wealth was placed upon a level with character and credit. Under this state of general prosperity, and the influence of these democratic principles, great numbers were induced to engage in trade, and incur large obligations, under the belief that property would continue to be easily converted into money, and that confidence in character would continue throughout the land. All this prosperity, and their fond hopes, were doomed to meet with a fatal and appalling overthrow. Suddenly, as if a tornado had visited our land with its devastating ravages, we find the hopes of the merchant, the fond anticipations of the farmer, the prospects of the manufacturer, and the dependence of the laborer, overwhelmed and buried in one common ruin.

In the commercial and trading circles, doubt is the forerunner of evil, and the destruction of prosperity. Loss of credit is loss of property, the wreck of hope, and beginning of despair. Property of all kinds loses a portion of its value when it is deprived of its convertible character. Credit alone, in this country, renders property saleable. In proportion to the amount of confidence and industry, intelligence and activity, is the amount of personal responsibility; and this constitutes the great bulk of the credit of the country. When individual credit becomes impaired, a general curtailment of business ensues. All wish to sell and collect, and none to buy and pay. And thus the very struggle that is produced brings about the result which all desire to avoid. In this trading and commercial country, every man is directly or indirectly connected in buying and selling; and business operations become so multifarious and complex, that the creditor is a debtor, and the debtor a creditor; therefore, as soon as confidence is shaken, and the means of transferring property ceases, all become involved in one common ruin.

Let not the wise and prudent chide the unfortunate with his overthrow. All are liable to accidents which no human prudence or foresight can avoid or prevent. The great fire that occurred in the city of New York on the 16th day of December, 1835, destroyed more than twenty-five millions of property, and inflicted an injury upon the institutions and merchants of that city that years will not obliterate. Who can contemplate the destruction of stores and warehouses, covering forty acres, in the most active business section of that great city, filled with costly merchandise collected from every country on the globe, and not feel that this misfortune was too sudden and overwhelming to come within the ordinary rules of commercial prudence or foresight? Beneath the burning and crumbling walls of that great city lie buried the hopes of thousands. So great and unprecedented was the calamity, that the insurer and the insured met with one common fate. And thus in this case, as in that of the sudden depreciation of the value of property, the creditor of yesterday becomes the debtor and bankrupt of to-day, without prospect or hope of being able to release himself from the vast load of debt which these misfortunes have thrust upon him.

It is because of the overthrow and ruin of hundreds of thousands of intelligent, industrious, and honest men, that this cry comes up to you from this broad land. It comes in tones and with a volume that leaves no room to doubt the source from which it emanates, or the depth of feeling and sympathy which produces it. It comes from farmers and manufacturers, merchants and traders, artisans and laborers. It comes, sir, from your cities and villages, from the grain-growing country on the borders of the great lakes, and from the cotton and rice fields on the Gulf of Mexico. From the east and west, the north and south, there comes but one prayer: whether in the petition of your humble citizen, the memorial of your populous towns, or the resolves of the Legislatures of the States we represent, all call upon us to release the honest, the unfortunate debtor; all appreciate his sufferings, and desire to rescue him from the degradation and despair into which he has been cast by occurrences that he could not foresee, and over which he had no control.

Sir, there can be no doubt as to the causes that have produced this universal call upon Congress. From the first memorial presented here, to the last petitions that have been laid upon your table, but one request has been made. I, sir, had the honor of presenting the first memorial on this subject. It was prepared and signed by Silas M. Stilwell, of the city of New York. It set forth in a clear and distinct manner the claims of the debtor for relief, the benefit to the moral character of our country, the great importance of this measure to the prosperity of trade and commerce, the evident advantage to the creditor, and the useless and hopeless condition of hundreds of thousands of unfortunate men, their families and dependants, unless relieved by an act of Congress. All this was presented and illustrated with great ability, and concluded with these emphatic words:

"Upon an *application for a discharge under a bankrupt law*, the debtor should be required to establish his integrity, and make a conveyance of all his property. When these two acts shall have been done to the satisfaction of the proper tribunal, the debtor should be forthwith discharged from all his debts. If such a law, simple in its provisions, and direct in its effects, shall receive the sanction of Congress, the interest of society will be harmonized and promoted, the unfortunate relieved and sustained, and the laws respected and enforced."

This memorial was published in all the papers of the city of New York, and different sections of the Union, and with universal approbation, and embodies the reasons upon which all the other petitions are founded. This petition was ordered to be printed, and is now upon the files of the Senate.

And now, Mr. President, whilst referring to this memorial, I trust I shall be excused in taking this occasion to do a simple act of justice to the gentleman whose name I have introduced. The honorable Senator from Massachusetts paid a merited compliment to the Vice President of the United States for an early movement made by him in Congress to abolish imprisonment for debt; and, although his efforts were unsuccessful, he is entitled, nevertheless, to the honor of being amongst the first to move in this great work of reform. Examples of this sort have led the way to the accomplishment of much that has since been done to blot out this feature of barbarism from our statute-books. Amongst those who have been the pioneers in this great undertaking, no name stands more conspicuous than that of SILAS M. STILWELL—and to none is greater honor due for unwearied exertions and untiring perseverance in this great cause of philanthropy. To his talents and eminent exertions are the State of New York and the country indebted for the melioration of the condition of the debtors. He is the father of the non-imprisonment act of the State of New York; and although others co-operated with him in this great work, yet to him is due the honor of having procured the enactment of the *first law* that absolutely and *unconditionally* abolished imprisonment for debt. To accomplish this great object was a work of no ordinary magnitude; and, as I was also a member of the Legislature, I can bear witness to the thousand obstacles that were overcome, and prejudices encountered, in bringing the public mind to consent to this humane experiment. For several subsequent sessions ineffectual efforts were made to repeal the act. And, as an evidence of the increasing opinion of the public in favor of justice and humanity, I have the pleasure of informing the Senate that, at the late session, the Legislature of the State of New York abolished the last vestige of this barbarism by repealing, by a *unanimous vote* of both Houses, the law which authorized the arrest of a non-resident del[illegible]

The example of New York has had a salutary influence in many States, and upon the General Government. It was the cause of the passage of a bill that I had the honor of introducing here, to prevent persons from being imprisoned in any State upon process issuing out of the courts of the United States, where, by the laws of such State, imprisonment for debt had been abolished. I trust, sir, this inclination of the public mind in favor of the liberty and rights of unfortunate men will increase until equality in all the privileges of a free people shall be established; and I am glad to find, as the Senator from North Carolina (Mr. STRANGE) has said, that this is the effect of the democratic principle in our legislation. Formerly, creditors alone were represented; their rights were guarded and amply

protected; but the unfortunate debtor seldom found an advocate in legislative halls. Now, under our system of government, his rights are recognised, and the creditor has become convinced that the freedom of the debtor will promote the happiness of both, and advance the prosperity of the public.

I think, sir, I have shown that the legislation demanded of us is for the relief of the unfortunate debtor; and therefore I conclude that the bill introduced by the majority of the Judiciary Committee, which provides for the relief of voluntary bankrupts, is a direct response to the call of the country. The honorable chairman objects to this bill, because it does not include involuntary bankrupts also; and contends that this omission destroys its *uniformity*, and renders it unconstitutional. I have already inquired into the meaning of the word "uniform," and if my construction be correct, then there is no necessity for including these two classes in one bill.

Several weeks since, the Senator from Massachusetts and myself, at the request of the chairman of the Judiciary Committee, (Mr. WALL,) introduced bills on this subject, including both voluntary and involuntary bankruptcy. These bills were the same in principle, but different in detail, and were referred to the Judiciary Committee. A majority of that committee, after mature consideration, have reported a bill which is applicable to voluntary bankrupts only; and, sir, after examining the bill, I have determined to give it my support, because I believe it presents in a more acceptable form the relief which the petitions call for. In the amendments proposed by the chairman are included voluntary and involuntary bankrupts and corporations. And it has been gravely urged that, unless these provisions are included in the same bill, it will not be constitutional. As there has been no argument presented which proves that what is constitutional in one bill would not be constitutional in two, I shall not attempt to refute a proposition that is not sustained by any known rule of construction.

I will now consider the necessity and expediency of including any provisions in this bill relating to compulsory bankruptcy. Between the remedies proposed for cases of voluntary and involuntary bankruptcy, by the amendment under consideration, there is no resemblance in form or effect. One proposes a means of relief for the honest, unfortunate man, who will surrender his property for the benefit of his creditors; whilst the other presents to the creditor a new system by which to detect and punish a fraudulent debtor. One is a civil, and the other in the nature of a criminal proceeding. One is the voluntary act of the debtor, the other is a compulsory proceeding on the part of the creditor. Is there any necessary connexion between these propositions? Should a measure of relief to misfortune be coupled with provisions to punish fraudulent debtors? The chairman does not present an objection to the subject-matter of the bill—to the plain and simple plan of relief; but he seeks to attach to it a variety of debateable questions, which are foreign to the prayer of the petitioners, and disconnected with the principles of the bill. To amend, by adding a distinct proposition, is a novel mode of legislating. Is it not obnoxious to many objections which are generally raised against bills when the *union* of subjects tends to multiply supporters? Is it not equally unfair, if it operates to defeat questions otherwise unobjectionable? By such unnecessary amendments this bill may be defeated, although a majority of the Senate may be in favor of it, or provisions to which a majority are opposed may become a law. Let us legislate on this subject as we do upon all others. Let these distinct questions be embodied in two bills, that each Senator may be enabled to record his vote for or against them, without being compelled to pursue a course inconsistent with his wishes or revolting to his feelings. There can be no serious objection to our granting relief to the honest unfortunate man. He seeks these halls, because his only hope lies here; we, and we alone, can set him free.

But the chairman urges that we disregard the rights of the creditor, and provide him with no means to enforce his contract. Sir, does that Senator believe that creditors have embraced this opportunity to obtain additional laws to inflict new pains and penalties upon debtors? And is this the reason why *Congress* is pressed by petitions? Why are your tables burdened with memorials from thousands and hundreds of thousands of the citizens of the several States? Why do the State Legislatures, by solemn resolves, duly certified under their seal of state, and transmitted here by their several Governors, call upon Congress to establish uniform laws of bankruptcy? Is it not because the Constitution declares that "no State shall pass any law impairing the obligation of contracts," and that "Congress shall have power to establish uniform laws on the subject of bankruptcy?" Do they not call upon Congress to do that, and that only, which Congress *alone* can do? The States have not surrendered the right to pass laws for the *benefit* of the *creditor*. Their power is supreme. They have enacted laws without number for the collection of debts and enforcing the performance of contracts. Is there any complaint that the laws are not sufficiently severe? Are there not laws of every kind and description, from the warrant of a justice of the peace to the attachment in the court of chancery? It is true these remedies vary in the several States, but they are made to suit the peculiar situation of the communities in which they exist. The wit of legislators has been exhausted in devising means to extract every dollar from the debtor, and cast him penniless upon the world. He is examined under oath, at the pleasure of the creditor, with the pains and penalties of perjury before him, for the purpose of discovering property which properly belongs to the creditors; and this proceeding, which appears to leave no further room for improvement, is what Lord Brougham calls "the perfection of the law."

Sir, can any one suppose that further remedies are needed for the creditor? And is there a Senator here who believes that the State he represents would call upon Congress to enact laws for the collection of debts within its borders? Can we believe that the State Legislatures would call upon Congress to do what they have the power to do, and which they have heretofore done to the entire satisfaction of the people? Sir, the Legislature by which I was appointed, and which passed the resolution upon your table, does not desire you to exercise that power. No necessity for any additional laws for the collection of debts is recognised; but the resolution declares—

"That the Congress of the United States is imperiously called upon, by *the embarrassments which have prostrated the business of the country*, to exercise that power conferred by the Constitution which authorizes them to establish uniform laws on the subject of bankruptcies of *natural* persons throughout the United States."

I have been unable to discover any necessity or reason for the enactment of any laws for the collection of debts, where it is so manifest that neither the States nor the people desire it. I was surprised to hear the Senator from New Jersey intimate that this bill would relieve the debtor to the injury of the creditor, and that it would open the door to fraud and perjury. Why, sir, does not the Senator know that his own bill contains all the provisions that are embraced in the one reported by the majority of the committee, and is obnoxious to the same objection? But I deny that the creditor will be a loser by this measure. Nay, sir, I contend that he is deeply interested in procuring the release of the debtor. My own views on this subject cannot be more clearly and cogently expressed than in the language of the able memorial to which I have referred.

"The laws now in force on the subject of debtor and creditor operate with painful severity upon the honest and industrious debtor; and their effect tends to discourage his honest exertions, and deprive him of that energy and hope which alone can enable him to retrieve his fallen fortunes.

"The law is searchingly severe to discover and take from him, under the solemnity of an oath, all the property he may possess of every kind and description; and, whatever may be the general impression among the ill-informed, the legal profession well know that the most adroit and cunning knaves can scarcely conceal any property from the hands of the officer. If one examination is not satisfactory, his creditor may take years for inquiry, and continue to put him under oath, for the purpose of discovering any property that may be secreted or conveyed for the purpose of defrauding his creditors. This, however, does not satisfy the law and the creditor. The debtor is still required to pay, while the creditor will not allow him to accumulate capital to transact business, nor permit him to borrow of a friend and invest it in trade. "Honesty is *not* the best policy" for him. A character for integrity is worse than useless. For if he can point to a pure and spotless life; if he can show that his integrity, industry, and ability, in the various situations in which he has been placed, have been unimpeachable, his creditors will grasp their claims with more tenacity, under a belief that they can yet wring something from his hard earnings, or the sympathy of friends or relatives. If, however, a debtor is reputed to be dishonest, dissipated, and generally dissolute in his habits, his creditor is always ready and willing to compromise for his claim, and take any thing he can get, under the belief that if he does not take what is offered, he will obtain nothing by holding the claim against one so destitute of character and principle.

"Thus, under the operation of our laws, a character for honesty and integrity falls upon the poor debtor like a blighting curse; and he has many reasons to envy the good fortune of the knave, whose character for dishonesty releases him from bondage.

"The situation of an honest debtor, under the operation of our laws, can be of no service to any person, and is severely injurious to the community. After a debtor has surrendered his property, and thus deprived himself of the means by which he transacted business, what can he do if he still remains subject to the claims of his creditors? Suppose him in the prime of life, with a family dependent upon him; a merchant by education, and eminently qualified for mercantile pursuits; in debt many thousand dollars beyond all his means of payment: how is he to proceed to acquire property? He is prevented from engaging again in trade, because every thing he may purchase will be subject to the claims of his creditors; they will watch his movements with the Argus eyes of interest, and each will be striving to pounce upon their victim before others shall be apprized of the value of the discovery. The power of the Chancery Court is invoked upon every suspicious appearance; and, if the debtor is engaged in any pursuit in which money is required, a bill is filed for the purpose of again examining the debtor on oath, and introducing other testimony, which may enable the creditor to seize upon any property the debtor may have in his possession. This proceeding may be continued during the debtor's life, and afterwards his children and administrators annoyed in like manner. What, then, can an honest debtor do? He is compelled to abandon the business for which his education and habits have fitted him, or submit to work for hire as a clerk, and thus earn a pittance for the support of his family, without a hope of bettering his condition. If he does this, his creditors surely cannot be benefited by it; and, if he does not, what else can his creditors expect him to do, which shall enable him to liquidate the debts which his misfortunes have thrust upon him? Do creditors propose any business? Do they hold out any hope for themselves or their debtor? It is a very uncommon occurrence that creditors devise any way by which a debtor can obtain a living. They generally turn from the unfortunate man with no sympathy, but with a feeling akin to anger, and are generally impressed with a vague belief that they are more to be sympathized with than he, although they may not be able to detect any one act that is obnoxious to censure.

"Many debtors, after vain and fruitless efforts to compromise and get released from their debts, become disheartened and discouraged, and, by losing all pride and spirit of ambition, contract idle and dissolute habits, which terminate in an untimely death, or in making them a burden to their friends or the public.

"There are a large number, however, who, being often thus driven from their pursuits, and feeling the moral obligation to support and protect their families, seek to obtain some petty office, by which to procure a precarious and dependent living. To so great an extent does the evil herein complained of prevail, that, of the thousands who are seeking to obtain the emoluments of office, more than three-fifths, it is supposed, are forced to become applicants because they have been unfortunate in business, and are involved in debt to an extent that renders payment entirely hopeless. When this fact is properly appreciated, few will be surprised at the great number of intelligent business men who are not only willing, but desirous, to obtain the smallest ministerial office in the gift of the appointing power. And this state of things must continue to exist until an unfortunate debtor shall be protected by the laws, and permitted again to establish a credit, and support his family from the fruits of his industry.

"The laws *compel* a man to be dishonest. If he would accumulate property, he must become a knave or an idler; he must learn to dissemble and

cheat. He must conceal his earnings under the name of a child or a friend; and the more accomplished he shall prove himself in his new profession, the more he will secure for himself and his family, to protect them against sickness and want.

"When he shall thus have obtained property, in defiance of the laws, and in opposition to the wishes of his creditors, does any one suppose he will use the property thus accumulated to pay his debts? Did ever a case of this kind occur? And why has it not? Because he has found the law and his creditors his worst enemies. They have made him a knave; they compelled him to dissimulate, and he looks upon those to whom he owes money as his greatest enemies. It was in the power of his creditors to release him from bondage, and, by restoring him to society and business, enable him to become serviceable to himself and his family. His creditors chose to hold him in a degrading servitude, in which his pride and ambition were broken, and his mind became devoted to devise means to evade the law, and protect himself against those he believed his unrelenting persecutors.

"The annals of our country do not produce an instance of a debtor having paid his debts by his own efforts, after having become insolvent to a considerable amount, when his creditors have refused to release him; and, on the contrary, hundreds of cases can be shown where debtors have discharged all their debts, including principal and interest, out of money they had accumulated in the transaction of business, after they had obtained a legal release from their creditors. In the one case, it is impossible for an honest debtor to obtain property; in the other, he has every motive for exertion.

"If a bankrupt law shall be enacted, which will enable an honest man to obtain a discharge upon the surrender of his property, what will be the effect upon the debtor, the creditor, and society?

"The debtor will then feel that the laws have made 'honesty the best policy;' that if he act honestly in all his transactions, the law will protect his rights, and release him from oppression; that he need not seek to purchase the good-will of any unprincipled individual because he happens to owe him money; but that, if he adheres to his integrity, his misfortunes shall not be charged upon him as a crime.

"Under a well-devised law, an honest man that finds himself unable to pay his debts will immediately seek to surrender all his property, and render an account of his losses; and upon surrender being made, and a satisfactory account rendered of all his effects, and the causes of his insolvency, he will be at once restored to credit and society. Thus the interest of the debtor and his integrity both stimulate him to do all that will elevate his character and render him a valuable member of society.

"His creditors, instead of being his enemies, and persecuting him, will, if they think he has acted honestly, and is competent to transact business, be anxious to afford him any assistance in their power, and promote, as far as possible, his prosperity. They will readily discover that an honest man will appreciate their kindness to him, and be anxious to accumulate property to discharge those equitable obligations which the many favors they may have done him will have made more binding than any strictly legal debt. He will be received among his creditors without reproach; and the misfortunes of an honest debtor, instead of making him an outcast and a degraded man, will call around him a host of interested friends, who will be deeply anxious to sustain his character and promote his welfare."

There is a force of conclusion from this reasoning that should satisfy every creditor that his prospects are much better after his debtor is released under a bankrupt law, than whilst he continues in bondage. But, sir, there are questions of public justice and policy which are connected with the liberty of an unfortunate debtor that outweigh, in my opinion, all other considerations.

My next objection to the amendment is, that it proposes to place the charters of the several incorporated institutions of the States in the power of the Federal Government. The disastrous effect of a bankrupt law when applied to manufacturing companies has been fully portrayed by the Senator from Rhode Island, (Mr. DIXON,) and I will therefore confine my remarks to its effects upon the incorporated banks in the several States. The power of the States to incorporate and establish banking institutions has never been seriously questioned, here or elsewhere. The States have exercised the power, and the innumerable banks that are now found in every section of the Union have been created by them. Some are, in whole or in part, the property of the States in which they are located, and exist at the pleasure of the authority that created them. By the terms of their charters, they are made subject to fixed rules and regulations; and for any act of omission or commission inconsistent with the laws which are prescribed for their government, they forfeit the privileges and immunities conferred upon them. They also authorize them to do certain things at certain times that are contrary to the general laws by which these institutions are bound, and they preserve to them the same rights and privileges as if those acts had not been done. Thus, the State Legislatures cause the acts of the banks to conform to the general interest of the community. Has the General Government power to destroy these institutions? Can Congress by a law take from the States the supervision and control over the creatures of their own creation—institutions that are an emanation of their own sovereignty? If they are legitimate subjects of a bankrupt law, then Congress has the power to destroy them at pleasure. It is not only the suspension of specie payments for fifteen days, as prescribed in the amendment, that may subject them to the operation of the penalties of the bankrupt law. Congress may declare *any act* an act of bankruptcy; and it has already been suggested by the Senator from North Carolina (Mr. STRANGE) that no bank should be permitted to issue more paper than it has specie in its vaults. Any Senator who is acquainted with the business of banking must perceive that such a law would soon close the doors of nearly every bank in the Union. Individuals and States invest their money in these institutions for the purpose of obtaining a fair interest. Although they are created for the accommodation of the public, they are expected to yield a fair and reasonable profit to the owners. Under this restriction, we should soon have no paper money but Treasury notes, and no bank of issue but the Treasury. I do not say that such is the design of those who support this proposition; but it is apparent that this principle would authorize the Federal Government to prescribe at its pleasure the acts which shall constitute bankruptcy on the part of these institutions, and thus bring them within its power, and subject to its control.

The Senator from Mississippi, (Mr. WALKER,) with his characteristic frankness, declared yesterday that he wished to bring all the banks under the operation of a bankrupt law, because he believed them all bankrupt, and wished to wipe them all out of existence, and free the country from the curse of paper money. If I misapprehended the Senator, I shall be pleased to be corrected.

[Mr. WALKER said the Senator had quoted him correctly; he was opposed to all banks of issue, and all paper money, and was in favor of an exclusive metallic currency.]

I was sure, said Mr. T., I had not misunderstood the Senator, because he has repeatedly stated the same opinions, here and elsewhere. But, sir, the reasons of the Senator, so far from inducing me to wish to embrace the institutions of the States in this bill, have caused me to enter my solemn protest against it. I am in favor of a well-regulated banking system, and opposed to an exclusive metallic currency. My motto has always been: "*Preserve and regulate, but not destroy.*" I cannot, therefore, consent to destroy what we cannot create. I am not willing to bring them under the power of the Federal Government, by which they may be swept out of existence without the consent of the States that created them. To them is confided the power to create; with them *alone* should be the power to destroy. They have prescribed rules by which they "preserve and regulate," and they will continue to do so. Those who doubt this proposition question the ability of the people for self-government.

If there were no constitutional objections to this course, is it expedient or proper to exercise it? Many States have permitted the banks, without forfeiting their charters, to continue business, although they are unable to pay specie on demand. Are we prepared to place the Federal Government in an attitude of hostility to the States? Can any Senator believe that the States will be content to see their manufacturing and other corporations made subject to such rules and restrictions as we may propose, without regard to the legislation of the States? And has it come to this—that the control of the States over their institutions will be resisted by their representatives here? Shall we, the creatures of their will, undertake to arraign their legislation, and enact laws to counteract it? Is it right to attempt to intercept the current of their legislation, and, by "one fell swoop," destroy what they are laboring to preserve? Sir, I see no necessity for this exercise of power: we have already causes of jealousy existing between the States and the Federal Government, and I do not wish to see them increased. I claim to have a full share of moral courage, but I confess I am not bold enough to enter voluntarily upon such an experiment as this. It is the most monstrous assumption of federal power ever attempted.

We are told by some Senators that this regulation will prevent a suspension of specie payments by the banks. But how can this be shown, and what evidence is there to prove that such will be the case? The State laws already work a *forfeiture* of the charter of the banks for a failure to pay specie; but these penalties are insufficient to effect the object when the interest of the whole community requires a suspension. When such a crisis has arrived, the State Legislatures have interposed; not for the benefit of the banks, (for they are generally creditors to a much greater amount than they are debtors,) but to relieve the community, who are debtors to the banks, and who cannot pay their debts to these institutions in coin. No Legislature legalizes a suspension of specie payments by the banks. This they cannot do, because the Constitution provides that gold and silver coin *alone* shall be a legal tender in payment of debts. The legal remedies remain the same for both debtor and creditor, and the Legislature only provides that the bank may continue business without forfeiting its charter. The courts are continued open to the creditor, and he can compel the bank to pay specie, without any regard to the act of the Legislature. There is, therefore, no suspension of specie payments, except that payment is not promptly made. If the charter of the institution should be forfeited by its inability to procure specie to meet its demands, it is evident it must call on its debtors to pay, without the power to lend; and thus, whilst the demand for payments from the people would increase, the ability to pay would diminish. A bankrupt law in such a case would be to the banks and the people the bed of *Procrustes*. It would be unyielding, and the victims would be stretched or mutilated to fit its iron frame. Had such a law existed in May, 1837, it could not have prevented a general suspension. That event was produced by the peculiar state of the country, and the terrors of a bankrupt law would have produced no beneficial effect. What would have been the consequences upon the interests of individuals, had such a law existed? The banking institutions throughout the Union would have been placed in the hands and under the control of the federal courts. Assignees would have taken an account of their assets, and the debts due them placed in the hands of attorneys for collection. Can you imagine, sir, the state of the country, if two hundred millions of the notes of these institutions had been withdrawn from circulation, and the whole of their assets, amounting to some six hundred millions, placed in the hands of officers for collection? The consequences cannot be described or imagined. Sir, a tornado that would have laid desolate whole States, or an earthquake which should have opened its ponderous jaws and swallowed up whole hecatombs of victims, could hardly have produced such ruin and dismay. This great calamity was averted by the timely interposition of the State Legislatures. And who questions the propriety of such intervention? No one, certainly, who entertains any respect for the intelligence of the people. This measure, therefore, can work no possible good, but may produce a train of evils which may afflict the country for centuries to come.

Again: the most prominent and distinguishing features of a bankrupt law do not, and cannot, apply to corporations. I have shown that the people and the States apply to Congress, because the States have divested themselves of the power to relieve debtors from their contracts, and conferred it upon the Federal Government. Corporations do not seek to be discharged from their debts, and require no exemption from imprisonment. They cannot travel from one State to another; and, therefore, conflicting State legislation does not affect them.

In short, all this over-anxiety to curtail the powers of the States is a virtual usurpation of authority, and not countenanced by any call of necessity or expediency connected with sound legislation.

It has been strongly urged by the Senator from New Jersey (Mr. WALL) that we must confine our legislation to the acts of the British Parliament, as they are to be found prior to the adoption of the Federal Constitution. If his argument is worth any thing, when applied to the persons enumerated in those acts, it will also apply with the same force to corporations. Is the Senator aware that corporations were expressly *excluded* from the action of the bankrupt law of Great Britain? At the end of the 18th section of the proposed amendment, I find a proviso, which allows the States to exempt their incorporated companies from the operation of this act. This exception is undoubtedly unconstitutional, because it permits the States to destroy that *uniformity* which is an essential feature in every bankrupt law. This point has been so clearly demonstrated by gentlemen who have preceded me, that it appears to be generally conceded.

Sir, I put it to the honorable chairman to say, who asks for this extraordinary exercise of power? Do the States, who are the legitimate representatives of this power, call upon you to interfere in their local affairs? What State has sent its memorial here? What warrant have you for wishing to wrest from the States the control over their own affairs, and assuming to dispose of the creatures of their will at your pleasure? Sir, the State of New York has asked for no such interference. Her Legislature has called upon Congress to grant relief to the unfortunate; but she has expressly repudiated any attempt to interfere with banking institutions.

This attempt to control the moneyed institutions of the States has met with very little countenance heretofore. In 1827, this subject was before Congress; and Mr. Van Buren, then a Senator from New York, expressed his disapprobation in the following words:

"It had been said, formerly, and on various occasions, that the States had no right to grant bank charters, and that the banking privilege belonged exclusively to the Federal Government. No direct attempt, however, had hitherto been made to deprive the States of that power, which they had long exercised unmolested. But now the attempt was to be made, if not in an open and unequivocal manner, at least in an indirect way, to strip the States of the power of chartering banks. At any rate, if it was intended that the provision did not go so far, it could not be denied that it interfered in the regulation which State Governments might have adopted for the government of those institutions, which was an odious exercise of power, not granted by the Constitution. In England, such a provision was never dreamed of; nor did he believe that, when the Constitution was framed, such an attribute was imagined by those who authorized the establishment of a bankrupt system."

In 1837, at the extra session of Congress, Mr. Van Buren, President of the United States, recommended to Congress the enactment of a bankrupt law *exclusively* applicable to banks. The honorable Senator from Tennessee, (Mr. GRUNDY,) then chairman of the Judiciary Committee, prevailed upon the Senate to refer that portion of the Message to that committee. He retained the subject in his hands until the Senate was about to adjourn, and then moved to discharge the committee from the further consideration of it. All with whom I conversed commended his good sense and sound discretion; and I think very few would have consented to the passage of the law recommended.

I have heard no reason assigned here now, that did not exist then; and I shall, therefore, vote to exclude this amendment from the bill. But, sir, whilst I feel a great repugnance to this act, I shall acquiesce in the decision of the majority. I shall go, sir, all lengths for the relief of that unfortunate class who can get no relief except from Congress. And I now publicly proclaim, that, after full and deliberate consultation with many friends, I have resolved to vote for any bill for the relief of voluntary bankrupts, although it may include involuntary and corporations. I shall have discharged my duty by endeavoring, in every stage of its progress through the Senate, to exclude State institutions; but if, notwithstanding all this, a majority shall include them, I will vote for the bill, and leave the responsibility where it properly belongs.

Sir, I am rejoiced to perceive that, during this discussion, thus far, no party considerations have intruded themselves upon us. I trust we shall continue to be exempted from them. The subject is too sacred, the ground on which we stand is too holy, to be polluted by such unbidden footsteps. Let us, then, soar above the foul atmosphere of party, and breathe the pure air of justice and humanity. Thousands and thousands are now watching, with the most anxious solicitude, the result of your deliberations. Upon your action is suspended the fate of hundreds of thousands of your fellow-citizens, including every age, sex, and condition. It is not the business-man alone that has felt the desolating fury of the storm, which has swept like a tornado over our once happy land. The old and young have also shared its withering influence; and now, from lisping infancy to tottering age, an appeal is made to your humanity, enough to penetrate even hearts of stone. Shall it go unanswered? Will you permit the unwelcome memory of the past, and the blighted hopes of the future, to hurry their victims to despair? Many have already gone beyond your sympathy. Prostrated, ruined, broken-hearted, desperate from "hope deferred," they have reached

"The undiscovered country, from whose bourne
No traveller returns."

But you have it in your power to minister consolation to those that still survive. Save, then, I beseech you—save the energetic, the enterprising man, on whose future exertions and acquisitions depends the support of aged parents and tender offspring. Let him not be compelled to flee from his country and his home, as Æneas fled from the flames of Troy, with old Anchises on his shoulders, and young Iulus by his side. Place him once more in a condition to aid his country in its onward march to prosperity and greatness. This can be done by your favorable action on the measure now before you. In it are involved the dearest domestic relations, as well as the most important public interests. In your hands is the issue of happiness or of misery to thousands of your fellow-beings. I trust you will so dispose of it, that the cause of humanity will be promoted by the discharge of a constitutional duty.

SPEECH OF MR. HENDERSON,
OF MISSISSIPPI,

In Senate, March 16, 1840—On the survey and defence on the coast of Mississippi, &c.

Mr. HENDERSON rose and said: I am charged, Mr. President with the presentation of a memorial from the Legislature of the State of Mississippi, seeking from Congress a survey of the coast and bays, sounds and harbors, within and adjacent to their State, to the end and purpose of making such naval establishments and fortifications there as shall subserve the protection of the ports and commerce connected with these waters. Of so much moment do I deem the objects contemplated by this memorial, that I should not consider my agency properly discharged by a silent reference of this important paper. I must therefore claim the indulgence of the Senate while I shall briefly attempt to give some faint impression of the magnitude of the subject to which it refers. And in doing this, I shall note the necessity also of a naval depot and navy yard in the same connection.

These waters, which the memorialists suppose to be the duty of this Government to place within its exclusive command, constitute a large bay of the Gulf of Mexico, usually known at Lake Borgne, and lies between the southern shore of the State of Mississippi and that portion of Louisiana that stretches down into the Gulf on the north side of the Mississippi river. This bay present a very tolerable roadstead and anchorage ground for large ships when, entered westwardly, they shall have passed a line drawn from the eastern boundary of the State of Mississippi, across the most western portion of the Chandeleur Islands, and under shelter of which islands the most ample security is obtained. But the harbor is considered to improve in its approach to Ship Island at the western extremity of which, and thence to on to Cat Island, the anchorage is known to be good, the waters of sufficient depth, and, in the judgment of experienced mariners, the harbors so land-locked as to furnish safe and ample shelter for any size and number of shipping. It is likewise a well-attested truth, as set forth by the memorialists, that these islands and the adjacent shores are proverbial for their healthfulness. And another fact of general notoriety, and partly authenticated by the reservations made in your land office, is, that all the hammocks surrounding the shore and bordering upon the rivers and bayous empting into this bay, are covered or skirted with live oak timber—whilst the Pearl and Pascagoula rivers, with other adjacent countries and water courses, furnish white oak, cypress, yellow pine, and other timbers, of the best quality and in exhaustless abundance. The fitness of this bay for a ship yard and naval station is further sustained from its convenient supply of hemp, cordage, and iron from Kentucky and Tennessee, lead and copper from Missouri, tar and rosin from the adjacent shore, and provision supplies from the great garner of the West. Without local partiality or invidious comparisons, therefore, I assume the fact, and challenge any scrutiny of estimates involved in the assertion, that there is no point on our marine border susceptible of such an establishment where it can be as well and cheaply supplied as the place referred to.

In designating the Ship Island or its vicinage as the place of probable preference, I wish the Senate to understand that, beside its local incidents and advantages, is relative position is such that it can command all necessary participation in the products and resources of the Mississippi Valey almost as conveniently, and as securely from interruption by an enemy on the coast, as if its locality was upon the river. Distant from New Orleans about sixty miles, its connection with the river through that city is an inland water-communication nearly to the river bank, and which a fortified command of the islands of this bay wholly protects, and, by re opening the ancient and long established navigation of the bayou Manshac, a direct intercourse is at once opened above the island of Orleans to the Mississippi river, which is equally inland, and alike protected by the same fortifications. This connection cannot be extended to any other sufficient harbor on the Gulf of Mexico. Any other place which can claim pretensions worth naming, must find its intercourse with the Mississippi partly by land, or an exposure to see in some extent must be encountered. To furnish the essential supplies of of such an establishment by land would be impolitic, if not impracticable; and if dependent for its supplies by sea, it is manifest that, in time of war, with an enemy upon the coast, these supplies would be transmitted at such hazard as a state of war might present. In view of this subject, I shall pass with slight notice, and as having no material influence upon the question, the establishment which this Government has deemed fit and proper to make at Pensacola. Its value and importance is, perhaps, better known to our Navy Commissioners than to the public at large. But I presume it may be said, without inviting much contradiction, that this establishment can never furnish any direct and essential protection to Mobile and New Orleans, where the whole commerce of the Southwest concentrates, and our great interests are first exposed. It will be seen from the maps, also, that the bay of Borgne is the only inlet for a thousand miles of the coast where a ship of the line can find a harbor. And to this consideration may be added another of vital moment, derived from the modern application of steam to vessels of war, which, from the ease and celerity of their movements, must materially aggravate our exposed condition on this bay. I cannot suppose, therefore, that any intelligent mind will doubt, if this bay is suitably susceptible of such establishments and naval defences, that sufficient reasons have been urged to show the propriety of speedily adopting such measures as shall effect the objects in their fullest extent.

In further proof of the capacity and importance of this bay, it may be well to call the recollections of the Senate to a portion of its marine history and naval statistics.

A few ineffectual attempts at discovery and conquest on the coast of Florida were made by the French in the fifteenth century; but, expelled from the shore by their Spanish neighbors, whom they found there before them, no similar enterprise on the Gulf of Mexico was attemped by them for more than a century and a half afterward. And the

fact is strange and remarkable, that the Spaniards, who, for so long a time had permanent possession of Florida on the one side, and Mexico on the other, should have so long failed to discover and possess themselves of the country including the mouth and valley of the Mississippi river, till superseded in that discovery and possession by the French, one hundred and fifty years subsequent to the occupation of Florida. The French first discovered the Misisssippi in excursions from their colony in the North, from whence the enterprising La Salle, committing himself to its current, arrived at its mouth on the 7th of April, 1681. Returning to France, he from thence sailed on an expedition to enter the river from the sea. But, missing the object of his search, he coasted the shore of Texas, made land at Bernard's bay, established himself transiently on the Colorado, and, after many fruitless efforts to find the mouth of the river by water, determined on seeking its shores by land; and, in prosecution of this purpose, journeyed through the wilderness to the western branch of the Trinity river, and was there betrayed and assassinated on the 19th of March, 1687.

Twelve years afterward, Iberville, in execution of La Salle's plan of colonizing the Lower Mississippi, sailed from France with four vessels, two of which were thirty-gun frigates. Arriving at Pensacola, he found that place in possession of Spain, and passing thence; came next to Dauphin island near the mouth of the Mobile bay, and thence to Hom and Ship and Chandeleur islands; and so terminated his voyage in the bay of Borgne. After a brief exploration of the islands, passes, and shores, Ship island became the place of first settlement to the emigrants. From this island Iberville put forth in his boats in search of the mouth of the Mississippi—succeeded on the third day out—ascended the river to Point Coupee, and thence descending to the Manshac, passed through this bayou, the lakes Maurapas and Pontchartrain, by way of the Rigolettes, to the bay of St. Louis, and thence on to Ship island. Thus in a few days from the time the silence of this bay was first disturbed by the voice and action of civilized man, was its outlets and connections practically surveyed and ascertained. After this survey, the French colonial head-quarters were established on shore to the east side of the bay of Biloxi, about twelve miles from Ship island, where a fort of considerable strength was completed by the 1st of May, 1699. On the 7th of December next following another French squadron arrived at Ship island, consisting of one fifty and one forty gun ship. And in the spring of the year 1700, a Spanish ship of thirty guns came there from Pensacola to expel the French from the island, but, finding the force of the latter so formidable, was compelled to withdraw. From their possessions here, the French settled Natchez in 1700, and Mobile in 1702, and other adjacent places. In occupation of this bay, the French had established defences and settlements on Dauphin, Chandeleur, Ship, and Cat islands, though their principal naval establishment was at Ship island, where their transports and vessels of war appear to have made their usual harbor. At this period and so long as the French retained the colony, all the commerce of Louisiana came into this bay, and was from thence distributed to New Orleans (after its settlement in 1718) by way of the bayou St. John, and though the lakes and bayou Manshac to the Upper Mississippi. The Mississippi near its mouth was fortified in the first settlement of the colony, though but little use was ever made by the French of this part of its navigation. Perceiving the bay of Borgne to be a more accessible inlet, and the only harbor for the larger vessels of their navy, they yielded their convictions to the necessity and propriety of protecting the colony and its commerce by a decided command and defence of this bay. And this Government will be constrained to acknowledge the same necessity when the interests now at stake there shall be deemed of sufficient consequence to be protected at all. Beside the naval station of the colonists at Ship island, it became a commercial depot for merchant vessels, at which the proprietors of the province in 1720 established a store-house for the reception of imported goods and country produce.

Such were the uses and capacities of this bay in the estimation of the French till the treaty of Paris in 1763, when the entire province passed under the dominion of Spain. Under the latter power its consideration somewhat diminished, though it continued a principal thoroughfare of commerce till after its acquisition by the United States in 1803. Surveys and charts were successively made of these waters by the French, Spanish, and English. And it is worth remarking, that with the frequent storms that sweep over this Southern region, the provincial history, so far as known to me, has recorded but two instances of stranding or shipwreck on this bay.

The further evidence of the capacity and importance of this bay as a naval station, and since it became a part of these United States, is of much more interesting and difinite character. A part of it stands out in bold relief in our country's history. It is seen in the perilous disasters which threatened us in the late war with Great Britain, when this bay was in the indisputed occupation of the enemy's fleet, freighted with a numerons soldiery invited to the conquest of the crescent city, and stimulated to achieve success by the tempting reward of "beauty and booty." It is probably now a matter beyond controversy, that had the islands of this bay been judiciously fortified, and suitably sustained by a moderate naval armament, the enemy would have been excluded from their quiet anchorage and convenient access to our shores, and the perils of an invasion saved to our country.

In the war of 1814, we had five gun-boats on this bay, (a stronger defence than is now there,) with a small naval storehouse on shore at the Bay of St. Louis. On the 14th of November, 1814, the British fleet of sixty sail were distributed throughout the bay, near on to the east mouth of Pearl river. Our gun-boats, after all the resistence they could oppose to such a force, surrendered to the foe, the naval stores on shore were burned, and an historian of the time has said, "that the enemy, thus left complete master on the lakes to the east of the island on which the city of New Orleans stands, gave him the facility of reaching it by any of the waters running easterly to any of these lakes. The crisis appeared really alarming." And, with such admonitions of experience, does it not import a reprehensible delinquency somewhere, that, for all this Government has done to prevent it, an enemy might import the same alarm to-morrow by sailing into possession of this bay, with even less resistance than the five gun-boats presented last war.

The last evidence I shall notice on this part of the subject is a survey of these waters by John Wheeler, esq. during the summer of 1839, in conformity with a resolution of the Legislature of the State of Mississippi, to give assurance to its citizens of the fitness of this bay for a seaport to our State. The enterprise of establishing such a seaport had been previously commenced, and prosecuted to some extent in the immature pretensions of the "Mississippi city." This city is located on on the shore opposite to Ship island, and near the place which the French named "New Boloxi," and to which they transferred their stores and barracks from the fort "St. Louis," on the east side of the Bay of Boloxi, in the year 1720. This survey and report having been reprinted here, are both upon our tables, and to which I hope Senators will give some attention. Made with little preparation, by simple means and in a short space of time, it makes no pretensions to be a minute and general survey of this inland sea, but only to trace the soundings of a few channels and anchorage grounds to ascertain the principal matter in which the State had peculiar interest. On this point the report is clear and satisfactory. And, besides supplying important evidence in behalf of the subject now commended to the consideration of Congress, it furnishes a becoming introduction to the further execution of the objects sought.

Having said thus much, chiefly on the local capacities and characteristics of this bay, I must be permitted to note more particularly the national importance of the objects contemplated by this memorial. And, impressed as I am with its volume of magnitude, it is to me matter of profound astonishment that, with the loud speaking incidents of the late war still sounding in our ears; with the map of our coast south of Cape Florida before us; with the computations of our swelling commerce as it here pours out upon the world from fifteen States and Territories, annually reported and annually surprising us by its increase; that the vast interests these objects involve have been so long suffered to slumber in neglected repose. Whence so long the absence of that watchful and virtuous jealousy of the States most directly interested? And whence the justice and policy of this Government, that has expended on each of several States upon the Atlantic in marine and naval defences more than is expended on this section of the seaboard, where disembogues two thirds of the nation's exports? This memorial, in my apprehension of it, ought not to be regarded as the memorial only of the State of Mississippi. It more emphatically consults the highest interests of Alabama and Louisiana, and with them the great and mutual interests of Tennessee, Kentucky, Ohio, Indiana, Illinois, Missouri, and Arkansas, Virginia, and Pennsylvania. To furnish every permanent protection by fortresses which this Southern outlet will admit of, and aid these by a proportional assignment to these seas at all times of the ships of war in commission, and to sustain both by a naval depot and navy yard, is, in my judgment, the palpable duty of this Government; and the States most interested should so require it. I know exceptions are taken to the insalubrity of the climate. But we who live there know these objections have but slight foundation in truth. And, true or false, the great and tempting interests always at stake there, whenever danger assails our country from a foreign foe, cannot dispense with any less continued and permanent protection, however great the costs, than is afforded to the most favored of the Atlantic States.

While Louisiana was under the dominion of Spain, from 1795 till 1803, all know with how much earnest consideration a commercial outlet for the infant West, by the Mississippi, was then regarded. The statesmen of that day, duly estimating the growing importance of the Great Valley, and the rights of its citizens, were sensitively alive to the necesssity of possessing a commercial emporium at its southern extremity. The treaty of 1803 consummated that desirable object. It may perhaps give some additional force to his appeal to note the amount of exports from New Orleans, of both Spanish and American growth, in 1803, it contrast with that to which it has since attained. I present the comparison in round numbers, but as substantially correct.

	Exports in 1803.		
Cotton,	34,000 bales,	since augmented to	737,000
Sugar,	4,000 hogsheads,	do.	30,000
Molasses,	800 do.	do.	20,000
Tobacco,	2,000 do.	do.	44,000
Beef and Pork,	3,000 barrels,	since equal to	350,000
Flour,	50,000 do.	do.	436,000

The foregoing were the principal articles of export at that time, and such their disparity with the present. But the products of the West that now pass through this port, in hemp-stuffs, whiskey, lard, corn, staves, copper, lead, &c. constitute an immense aggregate almost unknown to the commerce of that day. And, in addition to all this, the export of Mobile, which was then nothing, and now great, should be taken into the account, so far as the object of this computation is concerned. If then the acquisition of Louisiana, from commercial considerations, was a desirable object in 1803, are not the advanced interests to which it has since attained, and the vastly greater to which it shall attain, worth the protecting care of this Government? And yet Mobile and New Orleans are essentially without any marine protection against a sudden invasion. Nature has guarded the entrance into the Mississippi river against all vessels drawing over fifteen feet water; and the naval establishment at Pensacola may answer some convenient resort to our smaller sized ships when cruising on that station. But, these matters

aside, whilst the Bay of Borgne is without forts, depots, and naval protection, and whilst an enemy's fleet may at any time take undisputed command of its islands harbors, and New Orleans and Mobile, with their tempting treasures, can never be reasonably safe against the sudden intrusions of a hostile power. Whilst an enemy commands this bay, New Orleans and Mobile are more remote from each other, for all purposes of commercial or military intercourse, than New Orleans and Pittsburgh—but this interchange is daily, whilst the command of the bay is retained to us; and its interruption also suspends all communication by the great Southern mail route between these cities. These considerations must sufficiently disclose the deep and equal interests which the States of Alabama and Louisiana have at stake in the measures proposed.

The State of Mississippi, though less exposed to injury from invasion at this vulnerable point than either of her adjacent sisters, feels, nevertheless, a lively solicitude on the subjects of this memorial. There intervenes between the sea-shore and the cotton growing regions of Mississippi a pine-woods country of about one hundred miles in width. This country, as its forest growth implies, is generally poor in soil and sparsely populated, the larger portion of the territory being yet public lands. The river Pearl and Pascagoula have their rise in the margin of the cotton-growing districts, course their way through this pine-woods country, and fall into the bay of Borgne, each about thirty-five miles (and on opposite sides) from Ship island. These rivers are proven to be navigable, for ordinary sized steamboats, up to the neighborhood of the cotton lands a great part of the year. But time has rendered their navigation dangerous from the numerous trunks of trees it has planted in their channels. There are also a few bars, readily susceptible of improvement, that now interpose some obstacles. The limited resources of the few inhabitants residing near the shores of these rivers have not heretofore enabled them, nor will they probably be soon enabled, to concentrate a sufficient interest to remove these obstructions. These people believe, as I most verily do, and as I hope Congress will yet believe that the Government, owning most of the lands in this region, should appropriate a portion of them, sufficient for the purpose of rendering safe and successful the navigation of these rivers. But, intending no dissertation on this subject at this time, I will proceed to observe that this wide forest of pine woods and public domain has heretofore kept the populous portions of the State of Mississippi from intercourse and familiar acquaintance with her own sea-shore, and, of course, prevented their enjoyment of all commercial privileges in this quarter. The survey of Mr. Wheeler, before referred to, is evidence of their awakened attention to this subject. But, while they have thus learned the harbor privileges which Nature has here provided for them, they are admonished of the neglect of this Government, by which every commercial enterprise at this point would be exposed to much hazard. From such apprehensions of peril to themselves, and to the Southwest generally, they invoke your protection. Isolated, too, at this portion of the State of Mississippi is, from the interior, it may be fairly urged as of national importance that every proper encouragement should be given to facilitate intercourse between the populous portions of the State and this sea shore, both by land and water, and thus facilitate the means by which her citizen soldiers shall have speedy access to this point, which must ever be an important one, from which to rally in action with their brethren of Alabama and Louisiana to repel an invading foe.

Such, Mr. President, I conceive are the views of the memorialists, and such are the views and sentiments which I entertain of those matters for which I am desirous to engage your favorable consideration. And, so strongly am I impressed with the force with which the subjects, rather than my commendation of them, must appeal to your approbation, that I will not permit myself to doubt they can receive less than a favorable action at your hands.

SPEECH OF MR. DIXON,

OF RHODE ISLAND,

In Senate, May 20, 1840—On the Bankrupt bill.

Mr. PRESIDENT: The honorable Senator from Michigan, [Mr. NORVELL,] who was entitled to the floor, having signified his pleasure of yielding the privilege to any one disposed to address the Senate, I will avail myself of the opportunity to submit a few remarks on the important subject before us. This I will do, sir, notwithstanding the able manner in which the subject has already been discussed, and notwithstanding the expectation that many learned and experienced Senators are yet to speak, who will doubtless impart all the information which the debate is calculated to elicit. For, sir, this subject brings with it peculiar claims for general and thorough discussion; and, not being identified with any of the party divisions of our country, its destiny is not likely to be controlled by any of their relations. It seems to depend more on the frank development and comparison of views of those who come from different sections of the country, and who have taken pains to consider the probable, general, and relative effects of a uniform system of bankruptcy throughout the country, should one be established. It therefore becomes all who have a voice in Congressional legislation to mingle in this interchange of views, that those throughout our extended country who now watch the progress of this measure with such intense anxiety may be enabled to decide whether hope on this subject is entirely extinguished, or only deferred; whether it will be worth their while, in case the present effort fails, to invoke the future for a more propitious result; or whether, under the influence of blighted hopes, to yield in silent despair to the pressure of their misfortunes, that Congress may no longer be annoyed by the lamentations of distress, or haunted by the fallen victims of adventurous enterprise.

More than half a century has rolled away since the Constitution of the Federal Government delegated to Congress the power of establishing uniform laws on the subject of bankruptcies throughout the United States. That power has been exercised but in a solitary instance, and in that instance but a short period of time. For nearly forty years it has slumbered on the cold page that records it. These facts naturally present two questions to the mind—

1st. What was the object of that delegation of power? and

2d. What has caused this forbearance of its exercise?

The object, sir, was the relief of the unfortunate, the virtuous, the industrious, and the prudent, who might be reduced by misfortune to insolvency. Such a power, sir, must exist somewhere in every Government for the redemption of the sons of adversity; for those who thus by misfortune are overwhelmed with debts beyond their means of payment. The exertion of this power, I admit, is among the highest exercises of sovereignty. It should be delegated with caution, and exercised in sound discretion. But there are necessities which demand its exercise, and without it a country would often be disgraced by its own scenes of oppression. Where could such a power be vested in this great country so safe and so available to all its contemplated purposes as in the Congress of the United States—as with the Representatives of the whole people, who legislate for the common welfare of the whole country, and who alone can give uniformity to measures of general interest?

It was at once seen by those who formed the Constitution that this great and overruling power, which impairs or dissolves at will the solemn obligations of men, could have no other safe and useful depository. The local jurisdiction of State Governments would be inadequate to its general purposes. Hence it was withdrawn from them, while Congress, from its general powers, as well as its universal relations and sympathies with the general Confederacy, could much better administer to its occasions, and hence the power was conferred upon it.

This power, sir, is, and always has been, among the incidents of sovereignty. It has always been exercised by sovereignty, and always will be, whether that sovereignty resides in the will of the king or in the people.

The framers of the Constitution, while they contemplated the splendid results of commerce, were not unmindful that adversity and disaster sometimes mingle in its train; that while it might advance national prosperity, and confer the splendor of opulence on thousands, it might not be without its victims; that while it might raise some to the lofty heights of independence, it might sink others to the depths of poverty; that not only those immediately engaged in the great operations of trade, but many indirectly connected, might be involved in a common fate. Hence it was deemed but equal justice that all meritorious individuals, who were overtaken by the adversities of life, even in the shade of retirement, as well as those who suffer disaster in the course of business, should, on surrendering their property to their creditors, be allowed the same refuge, without regard to profession or calling. It is true that trade is, of all the avocations of life, the most likely to need the interposition of this extraordinary power. It is in its vicissitudes the most powerful agent in making its votaries rich or poor. But in a country like this, where men so indiscriminately apply themselves to physical and mental labor, and where traffic and trade seem to be the incidents of all, it would be difficult to classify, and unjust to discriminate between, the occupations of men, in extending the benefits of a bankrupt law. It cannot be denied, however, that a prominent and leading object of that delegation of power was the relief of fallen adventurers in trade, who, on becoming insolvent, would surrender their property to their creditors, for the purpose of being discharged. Yet no inference is warranted that the same relief could not be extended to other classes of men. All the limitations and restrictions of that power are to be found in the eighth section of the first article of the Constitution. Its own words afford its best exposition; and inasmuch as we there find one limitation expressed, it is reasonable to infer that no others were intended. Its exercise is there limited and defined, as far as was deemed necessary. The laws on the subject of bankruptcies are to be uniform throughout the United States. But who are to be embraced in those laws, and what are to be their provisions, depends entirely on the will of Congress, provided due regard be had to the uniformity prescribed. No other limitations are expressed, and if they are implied, they are such, and such only, as are incident to the powers of legislation, and such as the condition of our country and its exigencies may from time to time enjoin upon the exercise of that power, independent of foreign notions or foreign policy. This uniformity was deemed indispensable to the useful exercise of this power, and hence we find it associated in the Constitution with the great interests of the country that require the same uniformity. It stands side by side with the provisions regulating the great interests of commerce—interests not to be sustained without the same uniformity of laws; and owing to the want of which, the old confederation was found entirely inadequate to all its purposes, and but for the imposing necessity of uniform laws in the regulation of commerce, the present Constitution might never have been adopted.

It has been said by the honorable chairman, [Mr. WALL,] that the expression bankrupt laws, used in our Constitution, compares with expressions which, in England, had received a settled and well-known technical signification at the time when the Constitution was framed, and that, by adopting the expressions, the construction was also adopted, that we are to look to the bankrupt laws of that day in England, in order to define this power in our Constitution. But, sir, the bankrupt system of England would afford but very equivocal rules for that purpose. The most striking characteristic of that system is its diversities and discrepancies, under different laws, and during the different periods of its history. Its limitations and enlargements, its severities and its mitigations of penalties, have shown themselves in all the varieties of change, and have evinced no other standard of consistency than the will of the kingdom. The system has been changing from the *Cessio Bonorum* of the civil

law, through all the dynasties of power, down to the 6th of George IV. At the time this power was conferred by the Constitution, other nations than Great Britain had bankrupt laws, though not all after the same model, but varying according to circumstances. Those were, doubtless, within the knowledge of the delegates of the convention, and, for aught that appears, were referred to, if reference was necessary, for either precedent or principle in deciding the point before them.

But that delegation of power contemplated the establishment of such laws on the subject of bankruptcies as would in future be required in the progress of this country for the relief of insolvent debtors here, and in such manner as would best comport with the necessities and merits of the insolvent, the course of business, the situation, and policy of the country. The convention might have delegated other powers for the establishment of uniform laws on other subjects than bankruptcies. Suppose it had conferred on Congress the power of establishing uniform settlement laws throughout the United States, could it be said that the settlement laws of England, at that time, would afford any controlling standard for settlement laws for this country? Suppose there had been in that convention some delegate who fondly cherished the idea of permanent property in wild beasts; yes, sir, some venerable Nimrod, who had proposed to confer on Congress the power of establishing uniform game laws throughout the United States, and that provision had been sanctioned, would it follow as a matter of course that, if any such laws were to be enacted here, they must be made conformable to the game laws of England at that time, and that they must embrace exactly the same species of game? No, sir. And, besides, our parks, forests, and manors would be found so unlike those of England, as to require different provisions. And it might be thought humane, at least, to mitigate the severity of penalties for the punishment of those game laws of offenders denominated in the English law poachers. And for the same reason that other laws are to be adapted to our condition, Congress is at liberty to pass just such uniform bankrupt laws as the exigencies of our country may require, extending them to all persons whose broken fortunes may involve the exercise of this great principle of humanity.

But, sir, why has not this power been more frequently exercised? One reason is: those mistaken analogies which have been so often run between the bankrupt laws of England and those which Congress is authorized to establish here, are calculated to produce strong aversion to the power itself. Hence this jealousy which a reference to the bankrupt laws of England has always awakened, and which first manifested itself in the Convention that formed the Constitution. Roger Sherman, a distinguished delegate from Connecticut, objected to this delegation of power. He observed that bankruptcies were in some cases punished with death in England, and he did not choose to grant a power by which that might be done here. But Gouverneur Morris, another distinguished delegate from the State of Pennsylvania, observed that, extensive and delicate as the subject was, he would agree to it, because he saw no danger of its being abused by the Legislature of the United States. The power was conferred; one vote only against it, and that given by the delegate in behalf of Connecticut. If Roger Sherman could entertain those prejudices against this power, it is not strange that other minds should entertain them, and be equally influenced by them. Thus most of the objections that could be found or imagined against the English system have been infused into the idea of a bankrupt law for this country. Even the honorable chairman of the committee, [Mr. WALL,] with all his learning and experience, finds it difficult so to abstract himself from the British system as not to feel obliged to urge upon the consideration of others the bankrupt laws of England, as they existed at the formation of the Constitution, in evidence of what was meant and intended by the power delegated in that Constitution. Whereas the only analogy is in the name, except that it was intended here, as well as in England, that bankruptcy should be a title of property, by which property might be transferred by operation of law.

The limited intercourse between the States for years after the adoption of the Constitution was calculated to foster local feelings and views, and it would be among the natural suggestions of State jealousy that the exercise of this power (however desirable in some States, and especially with those the most commercial) might be prejudicial to others. Besides, the country was rather agricultural than commercial in its pursuits, bearing relations of life not the most likely to awaken strong and active sympathies in favor of the insolvent debtor.

This consideration naturally secured a preference for State insolvent laws, corresponding better, as might be thought, with the local concerns of the day. But the relations of business in this country (when not disturbed) are greatly changed and enlarged. The modern facilities of intercourse have brought all the States together into a common market. The North and South are in the constant interchange of their products and merchandise. This is calculated to give national uniformity to the rules of trade, and induces the necessity of uniformity in the treatment of the relation of debtor and creditor, and more especially when imperious necessity invokes interference with its existing obligations between individuals. But a still stronger reason is to be found in the experiment of a bankrupt law in 1800. That law, although it may have been enacted with great care, was not well adapted in its provisions for the commencement of the experiment. It was too complicated in its details, and too expensive in its operations. Before it could be well understood and brought into practical utility, many frauds were committed upon it, and it became unpopular. This afforded its enemies a triumph, and the law was repealed before a fair experiment was made. All the evils of the system were developed before its benefits could be realized. Like all new systems, its first operations served but to expose its imperfections. Had that law embraced nothing but the single principle of voluntary bankruptcy—been more simple in its provisions, and improved by legislative action, as its defects were discovered, the country would now have been blessed with all the benefits which its friends ever anticipated. Another reason, sir, why this power has been so sparingly exercised by Congress was well suggested by the honorable Senator from North Carolina (Mr. STRANGE) yesterday, that a bankrupt law is generally considered a provision in favor of the debtor against the creditor; and as debtors are generally the poor, and creditors the rich, the latter are more fully represented than the former, and of course have a preponderating influence. Legislation is always slow when its march is against the current of popular influence. But those reasons have many of them lost their force. The insolvent laws of the respective States are found to be inadequate to the relief required, and, if we are to judge from what we hear from every section of the country, and from every class of its citizens, we may suppose that the time will soon come when that dormant power in the Constitution will be roused to action. Continue the present pecuniary distress, and there will soon be a uniform sentiment in favor of a uniform system of its bankruptcy. Uniform pressure and distress throughout the country have, in some degree, overruled local objections and invidious feelings among different classes, and have invoked at last the only remedial power. Moved by this invocation, the Committee on the Judiciary have reported a bill, which is now before us.

That bill provides for the two great objects of a bankrupt system, as I understand it, in this country. 1st. The surrender of the insolvent debtor's property, to be divided among his creditors; and 2d. The discharge from all his debts due to those creditors. This bill is for voluntary bankruptcy only. It is plain in its principles and simple in its details, and to be administered in a cheap and speedy manner. To this bill there is an amendment offered by the minority of the committee, by which amendment another bill, containing different principles, is proposed to be substituted. To that substitute I am opposed. I object to two of its prominent features.

1st. To the principle of compulsory bankruptcy, which it contains.

2dly. To the principle which embraces corporations.

The principle of compulsory bankruptcy is not called for by the voice of the people, either the rich or poor, which has been so generally and so loudly expressed on this subject. It is not required in this country for the protection of the creditor. He has his remedy, to all intents and purposes, by civil process, for the collection of his debts. It is within the province of the State Governments so to extend that process, and provide such remedies at pleasure, as to subserve all the purposes of collection, and afford to the creditor a cheaper as well as a more summary and a more certain system of collection than can be afforded by any bankrupt law. Yes, Mr. President, the creditor can in this way reach the last dollar of his debtor. He can strip him of all his property and turn him naked upon the world. What more does he want? Bankrupt laws, I repeat, Mr. President, are necessary for the debtor only, by which he may be enabled honestly to surrender his property to his creditors, and take his discharge. This can only be effected through the medium of a bankrupt law. An arrangement may sometimes be brought about by compromise between debtor and creditor, and I have found in most cases that creditors, especially those of commercial pursuits, are favorably disposed to compromise. If all creditors were actuated by the same liberal and prudential motives, there would be no necessity for a bankrupt law. But, sir, it does so happen, that in many, if not in most of those cases, there is some one of more stern and inexorable spirit of exaction—some Shylock who will exact the bond—who will insist, not only on the flesh, but on the blood. For these reasons, without a bankrupt law, the insolvent debtor can effect no composition, and, instead of distributing his property and taking his discharge, must hold on, consume what he has, or starve, and the creditor thus loses his debt.

But, sir, this compulsory principle in the bill is peculiarly objectionable at the present time of monetary distress. While it might have the semblance of conferring rights on creditors, it would expose to the process of bankruptcy thousands of our solvent business men, and even some of the wealthy. Consider for a moment its operation on that class which the bill denominates "merchants," or those actually using the trade of merchandise, or seeking their living by buying and selling, etc. owing $; and consider what may be their fate upon the happening of any of those equivocal acts which the bill sets down as acts of bankruptcy, and which jealousy or malice, by false construction, may bring within the law. This class of the trading community are not peculiar to any section of the country. They are found in the North and in the South, in the East and in the West. Some have large amounts in goods on hand, on which they have made large advancements, to sustain the operations of the manufacturer. Some have advanced largely on the great staples of the country, to save the producing classes from suspension of their labors. Are those men to be thus exposed to commissions of bankruptcy? No, sir; let them alone, and they will pay their debts. But, for the present, they are deprived of their ordinary means—they are straitened and embarrassed. Yes, sir, many of them are on the brink of ruin, and the least jostle from a bankrupt law might plunge them down the precipice. Perhaps this compulsory principle in the bill might not be exerted against that class which I have alluded to, and the best hope derivable from that consideration, is the infrequency of its use, even where it is provided for in the English bankrupt laws. It has, I admit, in a great degree, gone into disuse. It may be retained in all the bankrupt laws in the world, for aught I know. It is rarely used, however, but at the instance of the debtor, except in some few cases, where extreme jealousy or malignant feeling prompts the creditor to action. Hence we see that this principle may very well be dispensed with.

Allow me now, Mr. President, to call the atten-

tion of the Senate to the second and still more objectionable provision—I mean that of including corporations in the bill—a provision so impracticable and absurd, when viewed in this connection, that I should think it required only to be mentioned to be rejected. If it involves a necessary principle of a bankrupt law, I should like to see its details fully carried out. Its provisions in the present bill only lead to difficulties, without remedying them. It provides for the seizure of corporation property, without prescribing rules for its sequestration, or winding up the concerns of the corporation. It provides for no security or disposition of the surplus that may remain after paying off the debts of the corporation. Yet, it cannot be doubted that many, and probably nearly all that may be made liable to this bankrupt process will be found solvent; many of them with large surplus balances, although they may not be able to pay all their debts in the short space of fifteen days, as required by this bill. Yes, Mr. President, millions on million would go into the hands of assignees beyond the amount of their liabilities. What security is provided for this property? I answer, none; and it would be difficult to provide adequate security. The creditor or creditors having debts to the amount of $500, when they commence this bankrupt process, give a bond, but what is the object of that bond? The petitioner, at the time of presenting the petition, is to deliver to the court a bond, with surety, to the corporation, in such penalty as the court shall require, conditioned to prosecute said bankrupt proceedings to effect, to establish the debt or debts due to the crediditors, and the act of bankruptcy charged against the bankrupt, according to the provisions of the act. These two conditions are all the bond relates to. The debts may be easily proved, and then, to save the penalty of the bond, only one thing more is to be proved, and that is, that the corporation has suspended or stopped payment for the space of fifteen days, and that will, doubtless, be matter of notoriety: for, I ask, what manufacturing corporation throughout the whole country has not already been guilty of that delinquency; and what one will have exemption from it in future? I refer more particularly to manufacturing corporations, because they, more than others, have fallen under my own observation; and yet I know the corporators to be composed of our most wealthy and substantial inhabitants, rich in every thing but money, with large stocks of goods on hand, which have accumulated from mere want of a market, and hence this want of money.

Now, sir, by this bill, if one of their five hundred dollar notes lies over at bank fifteen days, or one of their debts of that amount is presented, and not paid within the same time, they are at once to be declared bankrupt, and stripped of all their property. What large manufacturing corporation, I ask, can be found in this whole country that would not fall under this condemnation? Let it not be said that there will be a general forbearance—that those violations of punctuality will be overlooked—and that an indulgent spirit will prevent any rigid application of the law. If so, there is no necessity for the provision that can justify the experiment. Creditors are generally anxious to gather in their debts, and more particularly so when it seems most difficult for their debtors to pay: they would sue oftener, were it not for the expense and the delays of the law. But this would be to creditors a very cheap, and apparently very speedy remedy; and it would be used. This would destroy what little of confidence yet remains. Every man having a debt against a corporation would crowd for payment, before its whole effects were swept into the vortex which this bill provides for. Of course, every corporation, to avoid that peril, would have either to break up, and resort to such expedients as they might deem their own safety to require, or suffer themselves to be broken up by the operation of the law, and, in the latter event, let us see what would be the situation of the country about them. Five hundred dollar debts would be presented to corporations, and fifteen days' default of payment would follow, which would end in exposure to a commission of bankruptcy—a commission that would sweep all their effects into the hands of assignees, and of course there would be an end of all the incorporated manufacturing establishments of the country; for it is not to be expected that assignees would carry on those works. I am aware, sir, that the manufacturing establishments are not all incorporated, and of course would not all be subjected to this law. But there are so many of them incorporated, and with such amount of capital, that the effect which this law would have upon manufacturing establishments may be spoken of in general terms. Besides, the unincorporated establishments are mostly owned by that class of citizens who may be declared bankrupts under the compulsory principle of this bill.

But pass this bill including corporations, what would be its immediate effects on trade in their vicinity? Who could sell domestic goods, or any other property belonging to corporations? The general belief that all the effects of corporations would soon be under the hammer would prevent private sales; all would be in reserve for the occasions that would present bargains at public auctions, and those public auctions would come. Yes, sir, they would come. What *splendid advertisements* you would see posted up in all public places through the country, signed by assignees, and offering for sale domestic goods of all kinds—machinery, new and old, with preparations and fixtures—mills, dams, and canals, with steam power, hydraulic power, *et cetera!* But, after all, who would be the competitors at those auctions? The withdrawal of the currency has left penniless that class of traders who watch those money making opportunities. Hard money can scarcely subserve the purposes of daily marketing, credit is out of the question, and paper money will soon be no more, for the banks are to be struck down by the same blow. It would have been at least kind, and, I think, judicious, to have spared the banks for the present, and disposed of other corporations first, so that there might be bank bills, poor as they are, to purchase the manufacturing establishments with. No, sir, our own citizens would not be able to compete at those sales, although prices might be little more than nominal. Foreigners might buy in, and largely two, for there is yet money in Europe; and those foreigners, after purchasing, might run those establishments, or destroy them, as would best subserve their purposes, in furnishing us with goods. This investment of foreign capital, however, might cut off one source of our troubles. It might supersede the necessity of that perplexing exercise of legislation—the revision of the tariff of duties.

But, sir, the banks! The banks could not be overlooked in forming this bankrupt bill: and in the fulfilment of its provisions, not one of them, from Maine to Georgia, will be able to stand against its destroying operations. The honorable Senator from Massachusetts (Mr. WEBSTER,) from his recent remarks here, seems not so much alarmed on account of the banks in his own State, as for others. Now, I entertain not the least doubt of their soundness and their strength. But, sir, let not those banks console themselves in their own strength; it will afford them no safety. Nothing is so strong but it may be broken. I doubt not but most of the banks throughout the country are solvent. But their customers are embarrassed under the general derangement of business, and cannot pay them, and of course they cannot pay all their debts and redeem all their bills within the limited time prescribed by this bill. They will be called upon, and a rigid execution of the law will level them, and equalize, without improving, the currency. Can any man suppose they will not be called upon? If you had, sir, the bills of any bank, even of Massachusetts, upon the passing of this law, would you not send those bills to the bank, or, through some agent, put them on their passage home, fearing that something might happen to that institution? And would not all holders of bank bills do the same? Would not this law destroy confidence? And what is there to keep bills in circulation after confidence is destroyed? Nothing, sir; and it is a waste of words to say that they would not be sent home. Now, where is the bank in business that has not more bills in circulation, and many more, than specie in its vaults? How are they to redeem? Bills and drafts on other banks would not be acceptable, and calling on their customers for payment would be an unavailing requisition. All the banks which have now suspended specie payments would certainly fall under the penalties of this bill: for none can suppose they could resume in fifteen days after the law should go into operation. And what follows? $500 of their debts are presented. They are held to strict compliance; for they do not seem to be the objects of grace, or even of common charity. All they can hope for is the protection of the law. Hence you will see all the effects of banks that do not pay their debts in the short period of fifteen days, in the hands of assignees; and what will those effects amount to, over and above their liabilities? I answer, millions on millions. And what is to be done with all that amount of property? for I have already shown that there is no security to be provided for it. All goes into the hands of irresponsible assignees. No provision for the return of surplus; and it might be somewhat difficult to determine to whom the reversionary interest might pertain. The banks having departed their artificial life intestate, and without heirs, would it escheat according to any of the rules of the feudal law, or would it abide with the assignees? If the latter, it would in some cases be a most enticing perquisite of office.

I do not contend, Mr. President, that banks, or any other corporations, ought to be held beyond the reach of laws. I mean, only, that they should be amenable to such, and such only, as are applicable to their nature and consistency; that they should be left to the legislative action and judicial decisions of the Governments that incorporate them—left in the hands of their creators—to be dealt with by the powers that sustain them, and held to those rules of action prescribed to them in their charters. Are they not so governed in the respective States by those who are their constitutional supervisors? Can they resist the sovereign will, when constitutionally exercised, of the States that have founded them? Have not the States, in the first place, the right to incorporate them? Have they not the wisdom to discern, and the power to remedy any evils resulting from the exercise of that policy? Those corporations must pay their debts and perform their other contracts according to the notions of good faith which those State sovereignties entertain and act upon. Their effects are liable to civil process in payment of their debts. The banks are visited and controlled by commissioners, in most of the States, appointed for that purpose. Their concerns are reached by the searching operations of courts of chancery. Injunctions may stop their proceedings; receivers may be appointed to take charge of their effects, and, if necessary, finally to dispose of and wind them up. All this is done under the sanction of the power that made them, and with the greatest tenderness and care for the preservation of that franchise which is the life of the corporation. The very power that sanctions the putting corporations into commission takes care to preserve life, and, when expiring, can resuscitate them. No doubt but the State Legislatures can make laws for corporations which they may denominate bankrupt laws, if they choose to do it; but those laws must apply to corporations alone, without connecting them with other subjects of an entirely different character. But it does not follow that Congress has that power over these State corporations. Such exercise of power would be a direct encroachment on State rights, and the States would not submit to it. They would not tamely surrender this exercise of prerogative to Congress, or transfer such an amount of business from the State to the Federal Judiciary.

Again, sir, who ever heard of including corporations with merchants and traders in a bankrupt law? It has been talked of, but never done; and if that proves any thing, it proves that talking about it is all that can be done with it. How fanciful the idea of connecting them with natural persons, because they are artificial persons! Why not include any thing else that may be artificially personified? The object of this delegation of power in the Constitution was to establish bankrupt laws for persons whose insolvency induced failure of

payment—for natural persons exercising volition, free agency, and moral sense—not for artificial persons, without volition, on failure of payment. In short, for persons and not for things; not for the failure of institutions or of machinery, but by fictitious and fanciful analogies. I admit they may be extended to every thing in failing circumstances—to vegetation on the failure of crops; to the tree that may be fruitless from the blighting winds; but, after all, it would be forming little else than a fancy article.

But, sir, if a bankrupt system is to be formed for use, let it be formed with more regard to its appropriate objects and its practical uses. Its application to banks would not only be entirely unavailing for all the useful purposes contemplated, but it would prove itself a ruthless destroyer of those institutions. What would a banking corporation be when under this commission of bankruptcy, with all its effects in the hands of assignees? The receiver, or assignees, might walk into a bank, turn out the president and directors, the cashier, and all its other organized functionaries, but the new comers would not be able to carry on the business of the bank. From the moment of this change, the vital functions of this artificial person would be no more. Its franchise extinguished by the first touch of the invader, and without the State's power to resuscitate, it would be defunct, and that forever. Yes, sir, the very first act that would put the banks into the hands of the receiver or assignees, under this provision, would put an end to their existence. This would be cruel; it would verify the apprehensions of Roger Sherman, the delegate from Connecticut, who objected that, as bankruptcies were in some cases punished with death in England, he did not wish to grant a power by which that might be done here. Would not this be punishing with death, and would it not be severe, and more severe than the bankrupt laws of old? It would be cruel beyond example; even tragedy itself avoids exhibiting death in the first scene.

Mr. President, I listened yesterday with great pleasure to the learned and able argument of the honorable Senator from North Carolina, (Mr. STRANGE,) and in many of his remarks I readily concurred; but when, in the language of the faculty, he talked of this provision of including corporations as being wholesome medicine for the banks, it did, I assure you, give me some uneasiness, for it reminded me of that course of experimental alteratives which the banks, as well as the whole currency of the country, had of late undergone, and it carried to my mind a fearful suggestion that those patients were not yet out of the doctor's hands.

The honorable Senator made another suggestion, which was not so alarming. Indeed, it was amusing. It was fanciful, and well adapted to the fanciful theory of including corporations in a bankrupt law. The emphasis with which he distinguished that part of his speech was natural, as well as proper, and bespoke no more than that self complacency which we all feel on discovering what we deem important to ourselves or to our country. In speaking of this great bank corrective, he said they had discovered the great desideratum; he said it was the philosopher's stone; yes, sir, it was the philosopher's stone! Yet I could not but think that the Senator was under some mistake; and if this was that great desideratum, and the philosopher's stone, about which the alchymists had for centuries so stimulated the curiosity of the world, that it would hardly fulfil expectation. But if it was the real philosopher's stone, with all its wonder-working powers of transmutation, by which the alchymists contended that in the potency of its mysterious touch all the baser metals could be turned into pure gold, I could not but regret that it had not been discovered a little sooner, as it might have been a valuable auxiliary in carrying out and giving success to that experiment which has failed for the want of gold. But I believe, sir, this discovery is not the philosopher's stone. It seems to me more like another great desideratum which has commanded the deepest researches of the alchymist time out of mind, and that is, the universal solvent, which, by its mysterious workings, they contend, would dissolve all it touched, and to the corporations, especially the banks, this would be a universal solvent. Its touch would dissolve their goods and their franchises, and in all respects extinguish the last spark of their artificial vitality. The alchymists have always been borrowing trouble about what they should put this universal solvent into for safe keeping, inasmuch as it would dissolve every thing it touched, but here that difficulty ceases to embarrass. Put it into a bankrupt law, where it will destroy and dissolve what it touches except its own depository.

After all, sir, in relation to this philosopher's stone, even if we have it, I think we had better not retain it. If any adept in the wonder-working art of alchymy should, by the successful essays of his laboratory, be able to form this far-famed article, inasmuch as the pleasures of pursuit and anticipation so much exceed those of possession in those speculative matters, I would advise him to decompose the article, and scatter the ingredients broadcast, and thereby secure, by a new process, the higher delights of recomposing it.

The captured fox is sometimes restored to liberto—let loose and put upon his legs again, just to afford the huntsman the sport of another chase; and, if this is the philosopher's stone, I would, for reasons somewhat similar, say at once throw it away, sir, and, out of mere favor confer on the alchymists the pleasures of another hunt for it; and if it should take them a thousand years to find it again, that would be in season for all its purposes of usefulness.

I will soon conclude, Mr. President. I have expressed my objections to the bill offered by the minority of the committee, in amendment, and by way of substitute for the bill reported by the committee. I might add another objection found in that provision of the proposed substitute which allows to the several States the option of conforming or not, as might suit their pleasure, to the laws thus made for them; which would be mere mockery of legislation; but inasmuch as that provision seems not to have found any advocates as yet, I consider it now as out of the bill, by common consent, and I shall say nothing more on that point.

I have, therefore, only to repeat my approval of the bill reported by the committee, as one containing the correct principles of an American bankrupt law. Its details may, in some degree, be altered and thereby improved: its limitation for the period of two years ought to be dispensed with, since this is not contemplated as a mere temporary expedient, or as a special relief law for the present class of insolvent debtors. But it is intended as the commencement and foundation of a permanent bankrupt system for this country. No doubt but the commencement of such a system, at any time, would be attended by partial evil. Some inconvenience is likely to await every change. The law is in some degree retrospective in its operation on present contracts—this must be expected of a bankrupt law. But the power which authorizes it is expressed in the Constitution, and, like the laws of the land, is presumed to be known to all who have given credit. It may also disturb the present system of preferences, and have a tendency in some degree to limit credit. But trade and credit will soon restore and regulate themselves on the best practical basis, if your system of business is established on permanent and general rules and laws; and in relation to preferences, now allowed under the State insolvent system, they are always unequal and sometimes unjust, and will never be corrected without a uniform bankrupt law.

The principles of the bill are plain, and its provisions simple and practicable—fit for present use, and yet susceptible of future improvement, from time to time, as occasion may require. Uniformity and permanence are great and important requisites in the rules of human action. Men of business should be familiar with the great rules that govern conventional obligations in their formation and discharge, as well as those regulating exchanges in trade. How can this be done but by uniform and permanent provisions of law? It is not so important what systems or rules of business may be adopted, as that they should be uniform and permanent, so that all may know what to depend on by conforming their relations and operations to established systems and rules. If this bankrupt law is established, all future commercial intercourse will be carried on in relation to it. The business man in the North will know how this relation between debtor and creditor is in future to be treated in the South, and he may govern himself accordingly. It will promote that average, that equal distribution of property which creditors are entitled to upon the failure of the debtor. The principle of the obligation between debtor and creditor is, that the former shall pay in full, but this is on the ground that his property, his faculties, and his exertions will be adequate to that end, but on such entire failure of all those resources as render that end impossible, that obligation is to be discharged by an honest surrender of all his property, consisting of those resources in their nature divisible, for the benefit of creditors, and upon that to be discharged, as a fair equivalent, from the obligation. But, by the present insolvent laws of the different States, he is stripped of all his property in one of the States, and still within its limits he remains a prisoner. He has performed the obligation on his part, and yet the *quid pro quo* is withheld from him. While he participates in some of the immunities of freedom in one State, he is unable to step a foot out of it; while denied access to the other twenty-five States of the Union, those liberal words in the Constitution securing the reciprocal rights of citizenship through the United States are to him a dead letter.

SPEECH OF MR. KING,
OF GEORGIA.

In the House of Representatives, March 18, 1840—On the "bill additional to the act on the subject of Treasury notes."

The House being in Committee of the Whole on the state of the Union, (Mr. DAWSON in the chair,) Mr. KING, who was entitled to the floor, rose and addressed the committee as follows:

Mr. Chairman: The bill now under consideration proposes to renew the act passed the 12th day of October, 1837, authorizing the issue of Treasury notes, and the subsequent acts in addition thereto, excepting the limitations concerning the times within which such notes may be issued, and restricting the amount thereof so as to authorize the President of the United States to cause the Secretary of the Treasury to issue and keep in circulation Treasury notes to the amount of five millions of dollars. That there may be no mistake in regard to this important feature of the measure, I ask that the bill may be read.

[The bill was here read by the Clerk.]

It will be perceived (said Mr. KING) that, under the second section of the bill, "*Treasury notes may be issued in lieu of others hereafter or heretofore redeemed, but not to exceed in the amount of notes outstanding at any one time the aggregate of five millions of dollars.*"

The limitations contained in the act of October, 1837, which was renewed by the subsequent acts of January, 1838, and March, 1839, prohibited the reissuing of Treasury notes in lieu of others received in Government dues or redeemed at the Treasury, and limited the amount to one issue of ten millions of dollars. These provisions of the act were doubtless inserted to take from it, as far as practicable, the odious character of a Government bank charter, to prevent the Treasury from becoming a bank of issue and circulation, and these Treasury notes from entering into the circulating medium of the country as currency. If the bill now before the committee shall become a law, as I doubt not it will, the salutary limitations in the act of 1837 will be repealed, and a Government bank of issue and circulation to the amount of five millions of dollars will, in fact, be established, of which the President of the United States will be the president and director, and the Secretary of the Treasury merely the cashier.

It appears (said Mr. K.) that these limitations have been found by the Secretary of the Treasury to be a most inconvenient check on his evident desire to issue paper money. In his report, bearing date December 24, 1839, speaking of the authority to issue Treasury notes, he says: "That authority expired in June last, and while in force contained requisitions immediately to receive those notes in payment when offered, and at the same time preventing the reissue of them, which proved to be exceedingly inconvenient." Several hints may be found in this report of the Secretary's strong desire to be authorized to issue this paper currency whenever he wants money. It is known to all that the Treasury notes which have been used as currency, and especially those bearing an interest of but one mill, have become a portion of the circulating medium of the country, and that they have in fact assumed the character of bills of credit. They have been purchased at the South for the purpose of being remitted to the North, and used throughout the country as currency and a medium of exchange. This is too notorious to admit of doubt or cavil, and I have no hesitation in giving it as my opinion that such was the object of the Administration in issuing them. But gentlemen say they are shortly to be redeemed—they are only required to meet a temporary deficency in the Treasury. This no new argument in favor of the policy; it has been used by the advocates of it for nearly three years, and yet the necessity exists, and if the Secretary of the Treasury is to be believed, is likely to continue. He says in the report I have referred to: "The Department is without resort, temporary or permanent, in case of material deficiences, and, considering all the circumstances before mentioned, with the dangerous liability in the law to have the whole of the outstanding Treasury notes paid in at any moment for public dues, without a power remaining to issue others in their

stead." Does not every one know there will be a material deficiency in the revenue? And does not the Secretary acknowledge that he has no means, temporary or permanent, to meet the expenses of Government, and pay the Treasury notes now in circulation?

How can it then be contended that this is a temporary measure, and only intended to meet a present and pressing emergency? The Secretary complains piteously of the "dangerous liability in law to have the whole of the outstanding Treasury notes paid in at any moment for public dues." Very dangerous and inconvenient, doubtless, to be liable in law to pay these notes, to pay the debts of the Government, in any thing but by giving new notes for old ones. This, then, is the system which the Secretary's great financial skill has enabled him to recommend to Congress. It has been in operation new three years, and I hesitate not to say is to become the permanent policy of this Administration. The Secretary recommends no measure by which the Treasury may be supplied with means to pay these notes. They will be reissued on the credit of the Government, leaving a mere nominal rate of interest, not more, I venture to say, than one mill. They will go into circulation as currency. Not being issued on funds in the Treasury, they will be bills of credit, and the power to reissue them will make this measure a bank of issue and circulation. Who will attempt to deny it? Who can be so simple, so stupid, so wilfully blind, as not to perceive it? There can be no mistake, and, in fact, the reasons given by the Secretary amount to an admission that such is the design of the Administration. The great and intricate question of Government paper credits was most anxiously and critically considered in the Convention that framed the Constitution of the United States; and it is not necessary for me to say that the power to emit bills of credit cannot be found in that admirable instrument.

It may be proper, Mr Chairman, to refer to the Madison Papers, recently published, to ascertain precisely what the opinion and intention of the Convention was in regard to the power to issue bills of credit. I am aware, sir, that this question has been argued with unsurpassed ability by my honorable friend from South Carolina, [Mr. W. THOMPSON,] in his unanswered and unanswerable speech, delivered on this floor in May, 1838. Since that time, however, the publication of the debates in the Convention places beyond doubt what was the intention of that body in regard to the power to issue bills of credit. It appears that on the 6th of August the committee of detail reported the draught of the Constitution. The seventh article, which enumerates the powers of Congress, contained this clause: "To borrow money and emit bills on the credit of the United States." On the 16th of August, this article being under consideration—

"Mr. Gouverneur Morris moved to strike out the words 'and emit bills on the credit of the United States.' If the United States have credit, such bills would be unnecessary; if they had not, unjust and useless.

"Mr. Butler seconds the motion.

"Mr. Madison. Will it not be sufficient to prohibit the making them a tender? This will remove the temptation to emit them with unjust views. And promissory notes in that shape may, in some emergencies, be best.

"Mr. Gouverneur Morris. Striking out the words will leave room still for notes of a responsible minister, which will do all the good without the mischief. The moneyed interest will oppose the plan of government if paper emissions be not prohibited.

"Mr. Gorham was for striking out without inserting any prohibition. If the words stand, they may suggest and lead to the measure.

"Mr. Mason had doubts on the subject. Congress, he thought, would not have the power unless it were expressed. Though he had a mortal hatred to paper money, yet, as he could not foresee all emergencies, he was unwilling to tie the hands of the Legislature. He observed that the late war could not have been carried on had such a prohibition existed.

"Mr. Gorham. The power, as far as it will be necessary or safe, is involved in that of borrowing.

"Mr. Mercer was a friend to paper money, though in the present state and temper of America he should neither propose nor approve of such a measure. He was consequently opposed to a prohibition of it altogether. It will stamp suspicion on the Government to deny it a discretion on this point. It was impolitic, also, to excite the opposition of all those who were friends to paper money. The people of property would be sure to be on the side of the plan, and it was impolitic to purchase their further attachment with the loss of the opposite class of citizens.

"Mr. Ellsworth thought this a favorable moment to shut and bar the door against paper money. The mischiefs of the various experiments which had been made were now fresh in the public mind, and had excited the disgust of all the respectable part of America. By withholding the power from the new Government, more friends of influence would be gained to it than by almost any thing else. *Paper money can in no case be necessary. Give the Government credit, and other resources will offer. The power may do harm, never good.*

"Mr. Randolph, notwithstanding his antipathy to paper money, could not agree to strike out the words, as he could not foresee all the occasions that might arise.

"Mr. Wilson. It will *have a most salutary influence on the credit of the United States to remove the possibility of paper money. This expedient can never succeed whilst its mischiefs are remembered, and as long as it can be resorted to, it will be a bar to other resources.*

"Mr. Butler remarked that paper was a legal tender in no country in Europe. He was urgent for disarming the Government of such a power.

"Mr. Mason was still averse to tying the hands of the Legislature altogether. If there was no example in Europe, as just remarked, it might be observed, on the other side, that there was none in which the Government was restrained on this head.

"Mr. Read *thought the words, if not struck out, would be as alarming as the mark of the beast in Revelations.*

"Mr. Langdon had rather reject the whole plan, than retain the three words, 'and emit bills.'

"On the motion for striking out—New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia,* North Carolina, South Carolina, Georgia—ayes 9; New Jersey, Maryland—noes 2.

"The clause for borrowing money was agreed to, *nem. con.*"

Thus we perceive, sir, that the power was withheld by a vote of nine States to two. Who can say, after reading this debate, that it was not the intention of the framers of the Constitution to withhold the power from Congress to emit "bills of credit," to circulate as currency?

We have, in addition to the evidence of the journal of the Convention, the testimony of a distinguished member of that body, who voted against striking out. I allude to Luther Martin, one of the members from the State of Maryland, who says, in his address to the House of Delegates of that State, on the subject of the proposed new form of government:

"By our original articles of confederation, the Congress have power to borrow money, and emit bills of credit on the credit of the United States; agreeably to which was the report on this system as made by the committee of detail. When we came to this part of the report, a motion was made to strike out the words 'to emit *bills of credit.*' Against the motion we urged that it would be improper to deprive the Congress of that power; that it would be a novelty unprecedented to establish a Government which should not have such authority; that it was impossible to look forward into futurity so far as to decide that events might not happen that should render the exercise of such a power absolutely necessary; and that we doubted whether, if a war should take place, it would be possible for this country to defend itself, without having recourse to *paper credit*, in which case there would be a necessity of becoming a prey to our enemies, or violating the Constitution of our Government; and that, considering the administration of the Government would be principally in the hands of the wealthy, there could be little reason to fear an abuse of the power by an unnecessary or injurious exercise of it. But, sir, a majority of the Convention, being wise beyond every event, and being willing to risk any political evil rather than admit the idea of *a paper emission, in any possible case*, refused to trust this authority to a Government to which they were lavishing the most unlimited powers of taxation, and to the mercy of which they were willing blindly to trust the liberty and property of the citizens of every State in the Union; and they erased that clause from the system."

I now ask gentlemen, in all candor, where this Government finds authority in the Constitution, or by implication, to issue bills of credit under the name of Treasury notes, bearing a mere nominal interest, or, perhaps, no interest at all, and to issue them in the form, and for all the purposes, of bank notes as currency? Is the Constitution no barrier to the attainment of their object? Is the power of party-drill in this House so irresistible that, in obedience to its mandate, gentlemen will be found ready to trample on the Constitution of our country? Will they revive the miserable and condemned system of Government paper money? that system which was so loudly and universally complained of, and was one of the principal causes that led to the adoption of our present form of government.

That Government bills have been issued to a large amount as currency, we have the authority of the Secretary of the Treasury himself for asserting. The admission is to be found in his communication to the Committee of Ways and Means, by which it appears that Treasury notes to the amount of nearly two millions of dollars have been issued, bearing an interest of but one mill. Does any one suppose that this trifling interest ever has been or will be computed? Can it be pretended that it was stipulated on the face of the notes or any other purpose than to evade the law and violate the Constitution?

My own opinion is, that this bill will authorize the issue of Treasury notes without interest. Be that as it may, every one must admit that one mill interest is a most flimsy and degrading pretext to deceive the people and cheat the law. The Secretary says:

"Most of the first issue, yet unredeemed, are supposed to bear the lowest rate of interest, one mill, and most of the second issue not over two per cent. None of either of these issues, however, bear any interest on their face or otherwise after the expiration of one year from the time of their issue, and those bearing a large interest being usually held by capitalists will doubtless be paid in for duties and lands, or presented for redemption as soon as they fall due."

It appears from this statement that a large amount of notes issued in October, 1837, and bearing an interest of but one mill, which ceased at the expiration of one year from the time of their issue, are yet outstanding, and must have been in circulation nearly eighteen months without interest, and being in character and effect precisely similar to what was called Continental money, or bills of credit.

Mr. Chairman, I do not deny to this Government the authority to issue Treasury notes, bearing the legal or such rate of interest as will induce capitalists to receive them at par as security for a loan. This would make them nothing more nor less than one form of scrip for Government stock. What I contend for, sir, is, that we have no constitutional power to authorize the issuing of them in such form as will throw them into the currency of the country, and cause them to circulate as money. This, I assert, has been the effect of a large amount of the issues made by the Secretary of the Treasury, according to his own admission, under the several acts since October, 1837, and such, I believe, is the intention and will be the result of the issue which will be authorized by the passage of the bill now before the committee.

Sir, what are bills of credit? Various concurring authorities might be cited to show what is a bill of credit, but I shall only refer to one. The late Chief Justice of the United States defines bills of credit to be "paper issued by the sovereign authority, and intended to circulate as money." Let me ask gentlemen whether the issue of two millions of Treasury notes, bearing a nominal interest of one mill per annum, was not so intended? And is it not known that such was the result?

The policy which has been pursued by the Administration to lead to the issue of this Government paper money has been most insidious and deceptive. It was necessary, in the outset, to create the necessity. This was done by the most extravagant appropriations and wasteful expenditure of the public treasure, and commencing a war of extermination against the banks and credit system of the country, by which the revenue from all sources was greatly diminished and the expenditures of the Government vastly increased. This led, of course, to the bankruptcy of the Treasury, and the necessity of relief.

This necessity was as well known to exist when Mr. Van Buren entered on the discharge of his duties in March, 1837, as when he issued his proclamation to convene Congress the September following; and if he was ignorant of it, he is not fit for the high station he occupies. If he knew it, he was bound, by every consideration of duty and patriotism, to have convened Congress the very day after his inauguration, that timely and efficient measures might have been adopted to relieve the Treasury and preserve the Constitution and credit of the country. It did not suit his purposes to pursue a course so obviously necessary and expedient. He preferred that the machinery of Government should work its own destruction and the ruin of the country, and, consequently, Congress was not called until the Treasury was found to be without means to meet the demands against it. Congress was then called, as the same sudden disaster had created an unexpected emergency. The President, in his Message, bearing date 4th September, 1837, says: "Until the amount can be collected from the banks, Treasury notes may be temporarily issued, to be gradually redeemed as it is received." Similar language was used by the Secretary of the Treasury and the advocates of the measure in both Houses of Congress. It was urged as a temporary expedient to meet a pressing emergency. It was said then, as it has been in the passage of every bill since to authorize the issue of Treasury notes, that there was not time to make a loan in the ordinary way, and that it was absolutely necessary to issue these notes to meet the pressing demands against the Treasury. From October, 1837, until the last quarter of 1839, the Government has had an outstanding public debt, in the form of Treasury notes, to the amount of ten millions of dollars, has collected all but a very small amount from the banks, besides expending all the revenue; and yet we are informed that the necessity is so pressing that unless we authorize the issue of these Treasury notes, the country will be disgraced. No plan has been presented for our consideration to relieve the Treasury permanently, and I am persuaded it is not the intention of the Administration to present any, except that now before us for the issue of Government paper money.

Mr. Chairman, (said Mr. K.) what a commentary this course of policy is on the boastful professions of the Administration, and every political demagogue, from the President to the tide-waiter, that this is to be a *hard money Government.* I shall endeavor, sir, to show before I sit down, what sort of a hard-money Government it is the purpose of these in power to inflict on this country. For this purpose, I beg leave to refer the committee to the Message of Gen. Jackson, then President of the United States, dated December 7, 1830. Speaking of the re-charter of the Bank of the United States, he says:

"In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections. It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposites, without power to make loans or purchase property, which shall remit the funds of the Government, and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium."

Here, sir, is the plan of a Treasury bank; and I have no hesitation in saying that it can be traced in the acts and the policy of the former and present Administrations from that time to the present. It has been, and is, in my opinion, the deliberate, unwavering, never-sleeping purpose of this Jackson Van Buren dynasty to establish a bank on the revenues of the Government, and the acts authorizing the issue of Treasury notes are among the preliminary steps to the accomplishment of that design. The war against the credit system has been for no other purpose than to bring into disrepute and destroy our local institutions, distress and distract the people and drive out of circulation the currency to which we have been so long accustomed, to make way for this Government paper money. I could refer to almost every Executive message and Treasury report since 1830, in support of my argument; but, not being disposed to dwell on a subject which has attracted so much of public attention, and been discussed in almost every newspaper, and in every portion of our country, I will only call the attention of the committee to a paragraph or two of that very extraordinary and enigmatical document sent to us in December last by Mr. Van Buren as his message. On the subject of banks, he says:

"In a country so commercial as ours, banks, in some form, will, probably, always exist; but this serves only to render it the more incumbent upon us, notwithstanding the discouragements of the past, to strive in our respective stations to mitigate the evils they produce; to take from them, as rapidly as the obligations of public faith and a careful consideration of the immediate interests of the community will permit, the unjust character of monopolies; to check, so far as may be practicable, by prudent legislation, those temptations of interest and those opportunities for their dangerous indulgence which beset them on every side, and to confine them strictly to the performance of their paramount duty, that of aiding the operations of commerce, rather than consulting their own exclusive advantage. These and other salutary reforms may, it is believed, be accomplished without the violation of any of the great principles of the social compact, the observance of which is indispensable to its existence, or interfering in any way with the useful and profitable employment of real capital. Institutions so framed have existed and still exist elsewhere, giving the commercial intercourse all necessary facilities, without inflating or depreciating the currency, or stimulating speculation. Thus accomplishing their legitimate ends, they have gained the surest guarantee for their protection and encouragement in the good-will of the community."

Permit me, Mr. Chairman, to interpret these dark and mysterious sentences, and state what I understand them to mean in plain English. The President first proposes to take from the banks, by prudent legislation, their unjust character of monopolies, and confine them to the performance of their duty. It might be asked, if the character of monopolies is unjust, as applied to the banks, why take it away? He next proposes to confine their operations to the employment of real capital; which means that they shall not lend their credit in a form of a circulating medium. In other words, if they have gold and silver they may loan it out, or, if they prefer to deposite in the Treasury, they may receive Treasury notes or drafts, turn brokers, and sell them at such premium as the wants of the country will enable them to demand. He says: "That institutions so framed have existed and still exist elsewhere." He alludes, of course, to the banks of discount and deposite in continental Europe, where coin or bullion is paid on deposite, and a certificate issued to the depositor; and the President

*This vote in the affirmative by Virginia was occasioned by the acquiescence of Mr. Madison, who became satisfied that striking out the words would not disable the Government from the use of public notes, as far as they could be safe and proper, and would only cut off the pretext for a paper currency, and particularly for making the bills *a tender*, either for public or private debts.

gravely asserts that such banks will give "to commercial intercourse all necessary facilities, without inflating or depreciating the currency or stimulating speculation."

His intimation is too plain to be mistaken that they are not to issue bills as currency And this intimation, coming, as it does, from the great depositary of power in this Government, the President, deserves the most serious consideration of every reflecting man in the United States.

We have known, it is true, Mr. Chairman, that the Administration has been warring against the banks, but I do not suppose it has entered into the mind of any man who has not been a close observer of the progress of this Government, that it has been the intention, or is in the power of the President, to destroy our State corporations. We are all aware that no power is to be found in the Constitution to uproot and prostrate those institutions under which we have prospered beyond any people that ever before existed. No one could have supposed that all the powers of this Government combined could affect peacefully a revolution so tremendous and destructive. Yet, sir, so far has this revolution progressed, that not only our State institutions, but our whole country, lays prostrate at the feet of the Executive, and he is enabled to send to the Congress of the United States his plan for the regulation and management of the new order of things which he proposes to establish, and I venture to say, so far as his party here is concerned, that it has all the authority of an imperial ukase in the dominions of the Russian Autocrat. Sir, the power which the President has exercised, and will continue to exercise, to consummate the plan which is in progress, is peculiar to modern times—it is the power which controls the will, through the wants of the people—it is the money power. This power, which has been usurped by the Jackson-Van Buren dynasty, has already proved itself superior to the Constitution, and, in the true spirit of despotism, seeks to destroy whatever impedes its progress or endangers its success; and hence this war on our currency and banking system, or, in other words, the credit system.

To make this money power all-pervading and irresistible, it must exercise undisputed control over the currency. This was first attempted with the Bank of the United States, and then with the deposite banks. It was found that neither of those instruments could be relied on; conflicting interests and State legislation could not be brought to act in obedience to the will of the Federal Executive. It was therefore found necessary to destroy the State banks, and drive their currency from circulation, to prepare the way for this new, and, thus far, irresistible combination of the Executive with the money power of the country. This money power is found in the revenue. The President has usurped the control over it, and, to consummate his designs, it is proposed to authorize him to direct his Secretary of the Treasury to issue a paper currency in the form of Treasury notes and drafts, which must assume the character and office of circulating bank notes or bills of credit.

There has been no fact more fully and clearly established in the rise and progress of commerce, industry, and wealth, in the commercial nations of modern Europe and in this country, than that gold and silver, although affording the least destructible measure of value or industry, cannot be used, except to a very limited extent, as a general currency and medium for the circulation of commodities, with as much facility and advantage as bank notes and bills of exchange; and it will be found on examination, that the greater use a nation has made of these paper credits, as a measure of value or industry, instead of gold and silver, the more prosperous and commercial it has become, and hence the unparalleled progress of this country in all the great branches of national industry and wealth.

Gold and silver are the actual representatives as well as measure of value or industry, because they have always cost about the same amount of labor to produce them; they are more malleable and less destructible than other metals, and are therefore used as currency. Paper credits are also the measure of value, and, when actually based on the productive industry of the country where they are issued, are as much its representatives as gold and silver. These paper credits are to commerce what the vital fluid is to the human system, and we can only cease the use of them by ceasing to be an intelligent, commercial, and industrious people.

At a very early period the commercial nations of continental Europe perceived the necessity of using paper credits as a medium of exchange, and resorted to the only plan the despotic nature of their Governments would permit. That was banks of deposite, in which capitalists and merchants deposited the precious metals in the form of bullion or coin, and received certificates of deposite, which were circulated from city to city, and sometimes from one country to another. As commerce increased these certificates were found not to afford the necessary facilities, and bills of exchange were brought into use. In the progress of financial science, this country and Great Britain have adopted a credit system, founded on banks of discount, deposite, and circulation, which supply a currency based on the precious metals and the productive industry of the people. This system has sprung up under the fostering care and out of the very nature and spirit of our republican institutions, and the character of our people for integrity and enterprise.

It is not a little remarkable, Mr. Chairman, that while the more commercial nations of Europe are imitating our example as fast as the nature of their Governments will admit, and their people are slowly advancing to power under the gradual extension and beneficial influences of the credit system, we have been thrown back half a century by the power of the Executive.

The power to coin money is granted in the Constitution. This is simply the power to divide the precious metals into certain small portions, as prescribed by law, and stamp their value on them. This does not create their value. This was done by the labor that produced them from the earth. This power cannot be abused, or injuriously exercised, because nothing but gold and silver can be made a legal tender in the payment of debts. The power to make and emit paper money, or bills of credit, was, as we have seen, positively withheld from this Government. This power the Administration has usurped, and is now seeking to increase. It is well known that our present Chief Magistrate of the Jackson dynasty—I speak of him thus, sir, because he was appointed by his predecessor—controlled and governed the State of New York through the instrumentality of the Safety Fund banks. That system was framed for the purpose of controlling the money power of the State, and with it the political power. As I have already observed, no combination of the banks of the several States could be formed to act in concert with the President for the purpose of giving to him a similar control over the currency of the Union, and render it subservient to the political power. To do this, it was found necessary to issue the currency under the supreme direction and undivided control of the Federal Executive.

Sir, when the measures now in progress shall have been carried out, this tremendous, irresistible power will not only be conferred on the President, but he will be authorized to demand all the revenues of the Government in specie.

I hold in my hand the ominous concomicant measure to that now before the committee. I allude to the bill called, *par excellence*, the Independent Treasury bill. This bill provides that the first year, from and after the 50th day of June next, one-fourth of all the revenue of the Government, shall be paid in gold and silver; the second year, one half; the third year, three-fourths; and the fourth year, which will terminate the 30th day of June, 1844, all the revenues shall be paid in the precious metals. It is believed by very intelligent financiers that the specie now in the United States does not exceed fifty millions of dollars. The banks have in their vaults about thirty-two millions, and it is estimated there are about eighteen millions in circulation. If the revenue shall amount to an average of twenty millions per annum, or come up annually to the estimates for the current year, the Government will receive five millions of specie the first year, ten the second, fifteen the third, and have in the vaults of the Treasury on the 30th day of June, 1843, thirty millions of dollars. It appears from the provisions of this bill that the disbursing officers of Government will not be required to pay specie until the commencement of the fourth year; it is therefore to be understood that the specie collected the three first years will remain in the Treasury. This, as I have stated, will probably amount to about thirty millions of dollars. The Treasury note bill now under consideration authorizes, as has been stated, the President to direct his Secretary of the Treasury to issue, and keep in circulation, Treasury notes to the amount of five millions of dollars. If, therefore, he can redeem twenty millions in the course of the year, the estimated amount of the revenue, he can issue twenty-five millions, and leave five millions out at the close of the year. These five millions will cover the amount of specie it is supposed will be received the first year, and enable the President to retain it in his vaults. As the issue of these Treasury notes is, beyond all doubt, a part of this "Independent Treasury scheme," various pretexts will be used to increase the amount from time to time. An emergency, a pressing necessity, will be created, as an excuse for violating the Constitution, and giving the President the power to issue paper money. This "Independent Treasury bill" will, however, authorize the issue of Treasury drafts, which may be made, if necessary, to serve the same purpose as Treasury notes, and therefore the President will be independent of Congress and the people. He will have entire control over the revenue, can cause all the gold and silver received throughout the Union to be deposited in the city of New York, and, by issuing drafts payable only at that place, and sending them to all parts of the country, they will circulate as money, and be as seldom presented for payment as the notes of the United States Bank were when it was a national institution. And I have no hesitation in giving it as my well considered opinion that such is the design of the Administration, if any difficulty shall be thrown in the way of issuing an unlimited amount of Treasury notes. The most careless observer cannot fail to perceive that, with the power to issue a paper currency, and demand the revenue in gold and silver, the President can, in a very short time, close the doors of all our banking institutions. Such, sir, is the system which the Administration is exerting all its power to fasten on the country. Its desolating effects are seen and felt from one extreme of the Union to the other. Our currency has been reduced since the commencement of this scheme more than two thirds. The value of property and all the pursuits of industry has fallen in a geometrical proportion. In many sections of the country there is no currency at all; property cannot be disposed of at private sale, and when offered by the sheriff it goes for one-fifth, or perhaps one-tenth, of its real or productive value. If such is the effect of the commencement of these measures, who can imagine the distress and disaster that will attend their progress and consummation? These are the measures that have been pompously called, by the friends of the Administration throughout the country, "the great measures of relief and reform." They have been in actual operation since October, 1837, and have produced more distress and bankruptcy, individual and national, than has been witnessed in this country since the formation of the Government.

This, sir, is the relief and reform which may always be expected from the iron hand of despotism, when it is necessary to sacrifice the interests of the people to acquire power.

These measures will, and, in my opinion, are intended to establish precisely such a system of revenue, finance, and currency in this country as the Emperor Alexander established in Russia, and which has given to the Autocrat a power more efficient and terrible than his imperial armies.

That system is to receive the revenues of the Government in gold and silver, and pay its debts in paper money. The result has been that the Treasury has swallowed up all the gold and silver in the empire, and there is nothing in circulation, from one extreme of it to the other, but these Treasury notes, or Government paper currency. The Emperor can increase or diminish it at pleasure, and thus holds in his hand, not only the power to regulate the commerce and industry of the Empire, but the value of the property of every individual in it is subject to his will. The measures now in progress here will give to the President of the United States a power as absolute and despotic over the currency and interests of this country as that which is exercised by the Emperor Nicholas over all the Russias.

I have said, Mr. Chairman, that the President may, and I doubt not he will, make New York the great depository of all the gold and silver received for Government dues. It may be supposed, sir, that great benefits will thereby be conferred on that city. It must be borne in mind that New York exists on the commerce and industry of the whole Union, and that, if they perish, she must go down. Without them, she could be no more benefited by having all the gold and silver of the universe in her vaults, than the mountains of Potosi are by the rich ores they contain. New York owes much of her ascendency to the credit system, and will be the greatest sufferer from its destruction.

The Administration has shown a perfect disregard of all the interests of the country, and it is not to be supposed that any measure not strictly in accordance with its plans of self-aggrandizement will be adopted for the benefit of any particular city or section. New York will be selected as the place of this Treasury deposite, because it is the creditor city of the whole Union, and drafts or exchange on it are more valuable in all parts of the United States than on any other place; and, as three-fourths of the revenue from imports is received there, Treasury drafts will not be presented for payment, except when specie is wanted for exportation, because they will pass at par. In all other sections of the Union they will sell at a premium, and, as they are more easily transported than specie, all persons dealing in exchange will be anxious to obtain them. The consequence will be, that gold and silver will be sent from all quarters to be exchanged at par for Treasury drafts. It is perfectly clear, therefore, that New York must necessarily become the great recipient of the precious metals under this new order of things. Such has been the effect, thus far, and such must be the result of these measures. But, sir, what has already been the effect of them on the prosperity of that great commercial emporium? Is she not now sitting in sackcloth and ashes, and mourning the loss of her commerce? Does she not feel that the sources of her prosperity are drying up, and that the life blood no longer returns from the extremities to invigorate the pulsations of the heart of the commercial system?

Mr. Chairman, we are told that the South is to be benefited by this system; that the cotton growing States send abroad the great staple that commands gold and silver in the markets of Europe, and that when this measure shall be in successful operation, the precious mesals will flow into them from all quarters, and that, as they export seventy five millions annually, they will be able to pay the duties on their imports in specie, and have an abunpance of this blessed metallic currency. Sir, if because we export so largely we can demand gold and silver for our products, why have we not done it heretofore? Why has not the regular course of trade produced this result? Or, if it is so desirable, why cannot the shippers and owners of this produce demand specie for it, without these coercive measures of the Government? Has it come to this, that we of the South, who have been such sticklers for free trade, are about to kiss the hand of power and humbly pray to be driven, by force of law, into the line of our duty and interests? I am not surprised that bad men should aspire to power, when they find those who have been reputed wise can be gulled and led by such arguments.

We have a very recent example of the effect produced on the cotton trade by the withdrawal of a large amount of the precious metals from Great Britain, which I should suppose would teach the merest tyro in political economy that the cotton growing States of this Union are more interested than any other portion of the world in promoting the exchange of commodities among commercial nations, and that any cause which shall so far disturb the balance of trade as to produce a drain of specie and bullion from our great customer will materially affect the price of cotton. The short crops in England in 1837 and 1838 compelled her to throw open her ports to the grain of the continent. In a very short time the balance of trade was found to be against her, and in less than twelve months near twenty millions of dollars were drained from the vaults of the Bank of England to meet it. In 1838 the opium trade with China was stopped, and the London money market deprived of about ten millions of dollars which it had been accustomed to receive from that source. These events caused a deficiency in the English money market of about thirty millions of dollars, and came near compelling the Bank of England to suspend specie payment. To save itself from a step so prejudicial to its own interests and the fiscal operations of the Government, the bank resorted, as it will in all similar cases, to the most rigid restrictions on the cotton trade—accommodations were positively refused to all persons engaged in it, and the consequence was that prices were reduced in a very few months nearly one-half. The objects of the bank were to save itself from a suspension of cash payment by curtailing its liabilities, and to reduce the price of cotton; and consequently the price of yarns and other manufactured articles, which are consumed by the grain growing countries of the continent, so as to increase their consumption, raise the balance of trade in favor of Great Britain, and arrest the drain of the precious metals from her to the continent. If causes over which we could exercise no control have produced effects so prejudicial to the price of our great staple, could it be supposed by any well informed person that the people of the South can be duped into giving their support to measures which are intended to cause a much greater drain of bullion from England than she suffered in consequence of two short crops and the loss of the opium trade?

Mr. Chairman, I have shown that paper credits, in some form, must be used to facilitate the commercial and financial transactions of the age in which we live, and consequently it is perfectly absurd to suppose that this Government can or intends to make its disbursements in specie. Can any one believe for a moment that specie will be shipped from one extreme of the Union to the other, and carted hundreds of miles into the interior to pay contractors, laborers, soldiers, sailors, and all the employees of the Government, when Treasury drafts on New York would be worth more than specie to the receiver, and save the cost of transportation to the Government? Sir, the idea is absurd—the design of the Administration undoubtedly is to demand the revenue in specie, and make its disbursements in Treasury drafts or notes. We have been informed that the estimates for the expenditures of the Government have been made with great care, and as they embrace no contemplated appropriations for the prosecution of the Florida war, or other extraordinary expenditure, it is reasonable to presume that so long as the country shall suffer the rule of the present dynasty, the disbursements will not fall short of twenty millions of dollars per annum. The exports of the planting states are looked to to supply annually this enormous sum of the precious metals, which, in one year, would cause as great a drain from the English money market as the loss of two grain crops, and must necessarily drive the Government and the Bank of England to the adoption of measures similar to those which have, during the last year, affected us so injuriously; and if the Administration in this country shall be powerful enough to continue the system, it must, in the nature of things, result in the most disastrous consequences to the agricultural and commercial interests of the staple-growing states.

Mr. Chairman, let us now look to the effects which this "Independent Treasury" scheme will produce on the other great sections and interests of the Union. The planting States export the great staples that support our commerce with Europe, and supply our domestic manufactures; and they are the great consumers of the products of the industry of all the other States. Any measures, therefore, which affect injuriously the interests of the former, must necessarily be felt from one extreme to the other of the latter.

The almost exclusive application of labor in the staple States to the production of articles for exportation, prevents

them from raising many articles for domestic consumption, and from engaging in manufactures. They consequently afford a most extensive market for the products and manufactures of the other States. Any cause, therefore, which shall injuriously affect the price of the exports of the former, will immediately deprive them of the power to purchase from the latter, and consequently their interests will suffer to an equal extent. Hence the price of cotton in Georgia influences the price of potatoes in Massachusetts, and the price of mules in Kentucky, and of wheat in Indiana. Sir, the price of our great Southern staple regulates the circulating value of Europe and this country. When it goes down, every interest at the North and West, as well as the South, feels the shock. The capitalist who lives on his rental, and rolls in his coach, finds his income reduced. The manufacturer and the mechanic no longer find a market for their wares and merchandise. The productive industry of the United States is divided into three great branches. At the South it is applied to the raising of exportable products; at the North and East, to commerce and manufactures; at the West, to the raising of stock and breadstuffs. The two latter are much more dependent on the former than it is upon them; because, if by any means the foreign market for the exports of the Southern States should be destroyed, the soil and climate which now produce cotton and tobacco would supply them with breadstuffs, and their surplus labor would be applied to manufactures. This state of things would injure and depress incalculably the commerce and manufactures of the North, and cut off the great market for the productions of the West. It will therefore be perceived that the fiscal action of the Government, under this Independent Treasury scheme, if it affects, as I believe it will, the South more injuriously than the other great sections of the Union, will nevertheless produce the most disastrous consequences troughout the country.

Mr. Chairman, there is one piece of twaddle in the President's message which I cannot pass in silence. It is in reference to the influence which the operations of the Bank of England have on our commerce, and out of which he frames a most statesmanlike argument, as he seems to suppose, against our banking or credit system, and in favor of his Independent Treasury. He labors to show that nothing but that measure can insure our safety against that foreign money power. As though desirous of proving his ignorance and his argument at the same time, he says: "It is thus that an introduction of a new bank into the most distant of our villages places the business of that village within the influence of the money power of England." Sir, if that remote village produced more breadstuffs, horses, mules, or manufactured goods than were wanted for home consumption, or desired any articles which it did not produce for comfort or luxury, the price of its exports and imports would be regulated by the demand and supply in the market where it had intercourse, and that demand and supply would be regulated by the general state of trade in the country; and if foreign commerce should be suffering in consequence of a short crop in England, our home market must necessarily feel the shock; and although "the business of that village" would unquestionably be more or less injured, it would not be because a bank had been "introduced." That circumstance could exercise no influence on the foreign supply and demand of its wants and commodities. The only influence the bank could exercise, in the prudent management of its business, would be to afford to the citizens the necessary facilities, or, in other words, the credit, in the form of bank notes, to enable them to convey their surplus produce to market. Sir, so long as England continues to consume our great staple productions, their price will depend on her ability to pay for and manufacture them. If her grain crops shall be destroyed by providential circumstances, and her resources required to supply her people with bread, we may be injured, but the destruction of our own credit system, and demanding the revenues of the Government in specie, will only aggravate the evil.

Mr. Chairman, you are aware of my uniform opposition to a Bank of the United States. I am of opinion that Congress does not possess the constitutional power to create a corporation, and I also believe that the two banks which have existed forty years since the adoption of the Federal Constitution have operated oppressively against the interests of the South. I was, and am, in favor of a separation of the fiscal action of the Government from the banks, because I thought it unjust to the South, which supplies the commerce that pays the revenue, that the banks of the North should be permitted to make use of that revenue as bank capital, and thereby be the better enabled to control our commerce. But, sir, I never gave in my adhesion to a Sub Treasury plan *a priori*, such as the Executive might choose to frame for the establishment of his own power, and the overthrow of our institutions. The question which has been presented to the people was simply a separation of the Government from the banks, and not the establishment of a Treasury bank on the revenues of the country. These measures, sir, which have been brought forward under a pretext of separating the Government from the banks, are, in my opinion, a most unblushing fraud upon the people, and are designed to establish that which the Administration has solemnly denounced—a Government bank—in the most odious and dangerous possible form. As much as I have been and am opposed to a Bank of the United States, I consider the measure proposed as a thousand-fold more dangerous and objectionable.

So long as the revenue does not exceed the disbursements of the Government, a connection with the banks cannot be attended with much danger to the former, or benefit to the latter, or operate very unequally on the various interests and sections of the country. It is only when a large surplus accumulates in the Treasury that these evils are to be apprehended. If, therefore, the Administration is sincere in its professions to the South, that no more is to be collected than an economical expenditure will require, the danger of a connection with the banks has been greatly magnified.

If, as the friends of the Administration affirm, the operations of the Sub-Treasury will not abstract more than five millions of dollars from circulation, how can it be supposed that the President, with this comparatively small sum under his control, will have the power to establish a metallic currency throughout the country, change the character and regulate the business of our banks, and drive their notes from circulation? Yet, all this he proposes to accomplish; and when the real design and tendency of his measures are shown, his friends in this House and out of it affirm that a very small amount of specie will be required to accomplish this tremendous revolution in the monetary system and political institutions of the country. Mr. Chairman, the declarations of the dynasty which now reigns over this country are characterized by all the duplicity that has ever marked the course and policy of usurpers. Sir, I have given my views of the design and tendency of the measures now in progress, and I believe as firmly as I do in an overruling Providence, that unless the people of this country shall rise in all the majesty of freemen, and eject from power our oppressors, they will fasten upon us a despotism infinitely more intolerable than that from which the war of the Revolution delivered our fathers.

It is not my purpose to withhold from the Administration the necessary means to meet the wants of the Government; I object to the issue of Treasury notes in the form proposed in the bill under consideration, for all the reasons I have had the honor to present to the committee; and as I am perfectly certain that Government stock, bearing an interest of four and a half per cent. will immediately command the sum asked for, and will, in fact, no more create a public debt than the issue of Treasury notes, I have prepared a substitute for the bill on the table, which I beg leave to submit to the consideration of the committee.

REMARKS OF MR. EVANS,

OF MAINE,

In the House of Representatives, March 24, 1840—In Committee of the Whole on the state of the Union, upon the bill authorizing a further issue of Treasury notes.

Mr. EVANS said he had been desirous, several days, to submit a few observations to the committee upon the bill now under consideration; and he regretted that he had not been able to obtain the opportunity of doing so when the subject was somewhat fresher than it is now, and before so many topics, more or less connected with it, had been drawn within the range of the debate. The measure was introduced, and was discussed, by the honorable chairman of the Committee of Ways and Means [Mr. JONES] purely as a measure of finance, growing out of the present and urgent necessities of the Treasury. Since that period, the circle of debate had been constantly enlarging; but, without regarding other matters which had thus been brought within it, Mr. E. said he should confine the remarks he intended to offer to the measure as proposed and as discussed by the honorable chairman—a financial measure merely. I think it much to be regretted (said Mr. E) that this subject of the finances of the country—the condition of the Treasury, present and prospective—appears to possess so little interest, and to attract so small a share of the attention of the House. Upon this branch of the Legislature, particularly, the framers of the Constitution intended to bestow the guardianship and the watchful care of the public treasure; and doubtless they supposed that motives would never be wanting for a vigilant execution of this trust. The taxing power, the raising of revenue, which may impose burdens upon the people, and the expenditure of it, were intended to be subjected to the severest scrutiny by their immediate representatives; and yet, sir, we see how difficult it is to detain a quorum of members in their seats when a bill founded upon the pressing necessities of the Government, and the best means of supplying those necessities, is under consideration. The situation which I hold, as a member of the committee from which this measure emanated, has made it my duty to look somewhat more closely into the condition of the Treasury, and the prospects before it, than probably I otherwise should have done; and I confess, sir, I am very far from being satisfied with either the one or the other. The present condition is, confessedly, embarrassed and straitened; and the prospect, in my judgment, by no means gratifying. In regard, therefore, to the present measure, I desire to say in advance that, if I vote for it at all, it will be with very great reluctance, and solely from a conviction that its speedy passage is required in order to enable the Government to meet its obligations and to preserve its faith.

I agree with the honorable chairman of the Ways and Means that the measure contemplated by the bill, or some substitute for it, equally prompt and efficient, is most imperiously demanded by the present state of the Treasury. But I differ from that gentleman entirely as to the necessity being a mere temporary pressure, or that there is any prospect that the Treasury notes authorized by the bill are to be redeemed within the year. The bill itself, on the face of it, is fallacious in that clause which gives power to the Secretary to redeem the notes at any time within the year upon giving sixty days' notice of such as he may desire to call in. The design of this provision is to convey the idea that the Treasury will be able to redeem these notes, or a portion of them, in a short period from the accruing revenue of the year. The honorable chairman rests his defence and support of the bill upon that ground distinctly. He argues that the whole receipts of the year will be equal to all the expenditures of the year, and that the bill is nothing more than an anticipation in the former part of the year of revenue to be received in the latter part of it. The President in his message of 17th February, and the Secretary of the Treasury in his communication of the 15th, place it upon the same ground; both regarding it, as does the honorable chairman also, merely a temporary measure to guard the Treasury against "the fluctuations" to which its receipts and expenditures are at present exposed. In their opinion, all the troubles and embarrassments of the finances are attributable to "fluctuations." It has been said by the Secretary several times, and repeated by the honorable chairman, and re-repeated in still stronger language by the honorable member from New York, that the present exigency grows out of the fact that the disbursements are much the largest in the early part of the year, while the receipts are much the largest in the latter part of the year. Now, sir, in my judgment, this view of our financial condition is entirely fallacious; and it seems to me that one of the most imperious duties which now devolve upon the House is to look this subject full in the face, to understand the matter as it really is, and to provide suitable remedies for the difficulties under which the Treasury is laboring. From the best view I am able to take of the state of the finances, I am persuaded that the embarrassments of the Department are not attributable to the causes supposed; but to a deficiency in the revenue to meet the expenditures, a deficiency which, during the year and for some time to come, will be constantly increasing, unless some effectual remedy be applied. The real difficulty is, that our income does not meet our expenses, and has not for about three years past. As to the idea that the largest part of the disbursements, "much the largest portion," said the chairman, occur in the early part of the year, and "much the larger portion of receipts" in the latter part, I can discover no foundation upon which it rests. There is nothing in the experience of past years to justify it. Indeed, the very reverse appears to have been the case. I have looked back only three or four years, and I find that, in 1836, the receipts for the first three quarters of the year were - - - - $38,141,898
Being an average of, per quarter - 12,713,960
While the receipts of the last quarter were only - - - 10,732,066
Falling short of an average about two millions.

In the same year, the expenditures in the three first quarters were - - - $20,791,372
Being an average per quarter of - 6,930,457
While the expenditures of the last quarter were - - - 9,864,872
Exceeding the average of the three quarters by about three millions.

In 1837, the average receipts of the three first quarters were, in round numbers - $5,000,000
And of the last quarter - - 4,500,000
Falling off only half a million, which was undoubtedly owing to the great embarrassments in the latter part of that year, occasioned by the suspension of specie payments. Indeed, the only wonder is, that the revenue of the last quarter of 1837 did not fall off more than it did.

The average of expenditures for the three first quarters of the same year was - $8 472,972
And of the last quarter - - 6,396 493

Showing a considerable falling off. But this is not a matter of surprise, when we recollect that such was the embarrassment of the Treasury that year that an extra session of Congress was convened to replenish it; and doubtless the Departments curtailed, in every possible mode, for want of funds. The year 1837, from these causes, is scarcely a fair standard for ordinary years.

In 1838, the average of receipts for the first three quarters was - - - - $6.119,601
And of the last quarter was - - 6,793,753
Showing a small excess in the latter part.

While the average of disbursements was, for the first three quarters - - - $8,029,259
And of the last quarter - - 7,458 836

In both the receipts and disbursements of this year, the last quarter was very near an average of the others, not varying enough from it to justify the idea of the great fluctuations upon which so much stress is laid.

We have yet no exact account of the last quarter of 1839; but the Secretary, in his estimates, sets down the probable receipts and expenditures very little varying from the ascertained average of the first three quarters. Such, sir, is the experience of the Department upon this subject, and I think it very satisfactorily shows that ordinarily both the income and the expenditure of the latter part of the year bear a very near approach to the average of the earlier part. As regards the present year, I am aware that a redemption of about two millions of Treasury notes will fall upon the Treasury in March, April, and May, but that amount does not bear a proportion to the whole expenditures of the year sufficiently large to authorize the assertion that "*much the larger portion*" of disbursements fall upon the early part of the year; nor to require an issue of five millions of new Treasury notes to meet them.

This measure must stand, sir, if it stands at all, on other, and, as I think, stronger grounds. It grows out of an immediate pressure on the Treasury; a pressure not caused by a mere fluctuation in receipts and expenditures, but from an absolute deficiency of means. It is not an anticipation of the revenue merely, but the creation of a debt—a borrowing of money which the resources of the country, and the revenue hereafter to be received must day. I am aware that payments are expected in the last part of the year of certain balances due from the late deposite banks, and from the last bond of the United States Bank; but these are not the ordinary resources of the Government, and fall considerably short of the amount now proposed to be issued. So far as these resources are relied upon to meet the redemption of this debt, the Treasury is living on its capital, and not on its income. In my judgment, therefore, unless some other and more satisfactory reason shall be assigned for expecting a large revenue in the latter part of the year, much larger than ever the Secretary anticipates, it will turn out that at the close of the year these notes will be unredeemed, and an increasing deficiency in the means of the Government to meet its disbursements will exist.

Upon what foundation does the expectation rest of being able to redeem this emission within the year? Is it experience? Is it probability? Is the revenue of the country increasing or diminishing? Will it equal this year an average of the last three years? In the first place, a biennial reduction of duties has taken place amounting to $800,000: and again, does the present condition of the country justify the expectation of extensive importations? That I will consider hereafter. Has the ordinary revenue of the last three years been equal to the expenditures?

I will now show how that matter stands. On the 1st day of January, 1837, there was supposed to be in the Treasury five millions of dollars, directed to be retained when the surplus money was deposited with the States, but, in point of fact, owing to subsequent payments not known to the Secretary when the distribution commenced, these five millions turned out to be $6,670,000. Then we kept back the fourth instalment due to the States, which was $9,367,000. Since then we have collected three bonds from the United States Bank, which amounted to not far from six millions. There is now outstanding two millions of Treasury notes; and added to all these, of postponed merchants' bonds for revenue accruing in 1835, and which would have been collected and distributed prior to 1837, there has been since paid about seven millions. The precise amount I am unable to state. These various sums amount, in all, to over thirty millions of dollars. From this amount, there is to be deducted the sum due from the banks, $800,000, and the amount in the Treasury, about $1,500,000. Deduct two millions more for contingencies and possible failures in the collection of the bonds, and you have over twenty-five millions which has been expended within three years, over and above all the ordinary revenues of Government. In other words, the expenditures of the Government have exceeded its income, in three years, upon an average, more than eight millions a year.

What reason have we to expect that things will be any better during the present year? I confess I see no ground of such expectation, even should the present amount of business continue. I am aware the Secretary holds a different opinion. He tells us that the expenditures are estimated at so much, and the receipts at so much, and, by hard paring down on the one hand, and swelling up on the other, he brings the amounts near to each other; but there is too much reason to fear he errs on both sides. This was his opinion at the beginning of the session; an opinion which the honorable chairman says remains unchanged except so far as the Treasury shall be drawn upon for refunding duties by reason of recent decisions of the courts, and except so far as the expected revenues shall be cut off by the embarrassments of the country. A very large exception, indeed! As to the amount called for in consequence of the decisions of the courts, it does not yet amount, so far as I am able to learn, to one hundred thousand dollars, and we have a bill now pending to put a stop to that. The Secretary still holds the opinion unchanged, that the accruing revenue of the year will come up to his original estimate, unless there be some cause to diminish it; unless, indeed, it shall be cut short by the embarrassments of the country!

Well, sir, that is a very sufficient cause for a failure. He has estimated the accruing revenue at three millions for the last three months, but has any thing like that amount been received? I speak not of payments of bonds on last year's importations, but of duties accruing on the importations of these months. I fear, sir, the Secretary is doomed to a woful disappointment. The importations of the present spring, as compared with the corresponding period of last year, have fallen off three-fourths, according to all the information we have upon these subjects. Our vessels are returning from Europe almost empty. I am well informed, and the Secretary knows the same, that one of our best packets has recently arrived in New York, and instead of a freight of twelve hundred pounds sterling, which she had last year, it now falls short of four hundred pounds. The Secretary may "hold his opinion" as long as he pleases, but experience is doing away with the grounds of it every hour. The packets, instead of bringing heavy importations, the duties on which would recruit the Treasury, are, in fact, carrying away goods, with a view to receive the drawback; and this arises out of the embarrassments of the country, because the merchants cannot, dare not, sell them in this country. There is no demand for them. The people are no longer able to purchase or to pay.

How it may be with the receipts from the public lands, I do not know; but it can hardly be otherwise than that they must be much affected by the present condition of the country. And what is that condition? What is the occasion of this diminution in our receipts? The Secretary admits that there is great embarrassment prevailing throughout the country, occasioned by the suspension of specie payments by some of the banks. This is the more valuable and important admission, as I believe it is the first time an intimation has ever come from that quarter that the revenue of the country, or the state of the Treasury, was at all dependent upon the banks. I am glad that at last it is discovered that the state of the Treasury has some connection with the state of the banks, upon which so long and so indiscriminate a war has been waged. It is found out at length, too late to repair the evil, that we have been all along crippling our own resources, while we thought we were only crippling the banks. The honorable chairman seemed to think that the whole embarrassment under which the country now suffers is occasioned by the banks turning, as he said, the last screw upon the commercial community. But is this so? All the information we have leads to a conclusion directly the reverse. The banks are quite easy. Money is plenty enough. Yet there is little demand for it. The real difficulty is, that there is no business to do. What do we hear from New York? So far from there being any pressure there, every mail informs us that money is abundant. The banks can loan much more than there is any demand for. Do not gentlemen see that large loans are now daily making by capitalists on mortgages? The demand for business purposes is small. Credit is almost destroyed, and, with it, business ceases. And this is just what we might expect. Why should our merchants make large importations? Where can they sell their goods? Not in the West, nor in the South. Why? Because the Southern and Western merchants cannot afford to pay for them in a currency worth from ten to twenty per cent. more than the currency for which they must sell them. Hence business has ceased; it has come to a stop. There is hardly any channel of communication between the importers and the purchasers. Whence, then, is the revenue to be derive? Are not the prices of every thing declining? Are not wages falling? Are not our manufactures stopping? All these go to make up the business of the country; and when these stop, business stops, and the revenue stops. Gentlemen seem to delude themselves with an idea that the business of the country is of course to revive. What is there to occasion its revival? What cause is operating? It is, indeed, true, that a healthy action is going on. We are now largely exporting both cotton and flour; but these go chiefly to pay for former importations. We are diminishing, slowly to be sure, our commercial debts abroad, but this brings no revenue. There is another reason why our accruing income for this year will be short, to which the Secretary himself refers, but does not, as I think, attach sufficient importance to; and that is, that the country is already stocked with goods of former years' importation, and hence fewer may be expected this year.

In view of this state of our affairs, what is there to revive the commerce of the country? What fresh demand for imported goods is likely to arise? We all know that American credit of every kind has been lately a good deal impaired abroad. Is it likely that, in such a state of things, foreign manufacturers and merchants, who have hitherto largely supplied our cities on their own account, will continue to do so. A large amount of State stocks has been taken up here, and remitted abroad, much of which has gone to pay for imported fabrics. Probably no more will be sent for a considerable period at least; and I confess, sir, I can discern nothing in our present condition, or in prospect, which leads me to the belief that any revival of the business of the country is likely soon to occur which will have a favorable influence on our finances.

The Secretary himself tells us that, after the next year, a permanent deficiency in the revenue may be anticipated, owing to the great reduction then to be made in our tariff of duties. So that not only the money which we now borrow by Treasury notes is not to be a mere draft in anticipation of an accumulating revenue, but is evidence of a deficiency, which deficiency will be increased from year to year. Yet the House is told by the honorable chairman that this operation is but a mere anticipation of accruing revenue. Such a view of it is certainly fallacious, and will delude the House, and deceive the country. Better, far better, to open our eyes to our real condition, and to meet the crisis as we ought. I could have wished that the Secretary had taken a different view, and had made a full expose of the true condition of our finances, instead of this labored effort to cover up and hide the nakedness of the Treasury from the public eye. The truth is, we are now in debt, and it is proposed that we shall increase it still more to keep the Treasury along, while at the same time there is no prospect of any early improvement of our finances. We are living on borrowed money, having exhausted our capital, and we are about to borrow more for our daily expenses. But not only has there been great error in overstating our probable receipts—there is also as great in underrating our expenditures. The Secretary, I know, has made constant effort to keep down the estimates; and they are certainly a good deal curtailed. But it seems to me he must be sensible that

those estimates must of necessity be considerably exceeded.

I am aware of the strong solicitude which has prevailed with the President, and the Secretary also, to exhibit the lowest amount possible, necessary for the service of this year. The motives for this are quite apparent, but I shall not speak of them. We are now building two steam frigates, for which about $350,000 are wanted this year. But this does not appear in the estimates; and how is it proposed to supply it? Why, by borrowing from the standing appropriation for the gradual improvement of the navy that amount, which is to be reimbursed next year, and which will of course go into the estimates of next year. Why did not the Secretary estimate for it this year, and receive it in the usual mode? It makes no difference in the Treasury. The money is to be taken out in either mode; but the mode adopted, of borrowing the amount from another fund, tends to keep down the estimates, and to give the Government credit for economy. This is but one instance of the manner by which the estimates are kept down, and, as I think it will turn out, kept down below what will be actually required.

The complaint, or the assertion, which ever it may be considered, that the estimates are not always to be relied upon, is not new. In 1838 the Committee of Ways and Means made a report upon the condition of the finances, in which they state—

"The annual estimates submitted by the Secretary the Treasury in December last, embraced no estimate of the amount which would be required for preventing and suppressing Indian hostilities." "The estimates of the War Department, already submitted to the House for these purposes, amount to 5,265,000 dollars."

The report also speaks of an extraordinary appropriation of $625,000 for the protection of the Canadian frontier. So that in that year nearly six millions of dollars, for two objects alone, were appropriated, not appearing in the estimates. The then chairman of Ways and Means, [Mr. CAMBRELENG] who appeared to possess, in this instance, more sagacity than he always obtained credit for, foresaw, as I think, that the measure then in contemplation, which was an issue of Treasury notes, in anticipation of the revenues of that year, would not get rid of the difficulty. He did not believe that they could be redeemed within the year, and accordingly recommended that one-third only should be payable in one year, one-third in eighteen months, and one-third in two years. Instead of that, however, they were all made redeemable in one year, and the result was, that, at the expiration of it, a new law was passed authorizing a new emission; and now, at the end of another year, when these become payable, we are called on to pass another law for another issue. Now, sir, if the estimates of former years have so signally failed, why are we required to place such implicit confidence in them now? Indeed, if I recollect aright, several additional estimates have come in since the annual report of the Secretary, to what extent I am not able to say.

[Mr. JONES here said that there were some few which had arisen from accidental causes which were not known when the estimates were made up.]

Mr. EVANS resumed. I do not mean to be understood that they were then known and designedly withheld, but I have said, and now repeat, that the Treasury estimates communicated at the beginning of the session are not to be relied on; and this may arise from various causes. There are, of necessity, many appropriations which must and will be made in Congress for objects which the Government cannot estimate beforehand. Such has always been the case, and such of necessity must continue to be. I do not advert particularly to those which have been already introduced into the House this session and have failed. There are one or two which I feel myself a great interest in, and which I shall press before the close of the session with what ability I possess, and I hope successfully. One of them is a long-delayed debt due in part to the State from which I come. And I here give notice to the honorable gentleman from North Carolina (Mr. McKAY,) that I do not intend that subject shall be delayed to the last hour of the last day, as it has been on a former occasion. He must prepare to meet it somewhat earlier now. Then, there is another claim, perfectly well founded, which will amount to some one or two thousand, due wholly to the State of Maine, which I trust also to have allowed. Both of these will exceed half a million.

[At this point Mr. UNDERWOOD of Kentucky, Mr. EVANS having given way for that purpose, moved that the committee rise.

Mr. HUBBARD moved to amend that motion by adding the words "and report the bill," but the amendment was pronounced out of order.

Tellers were demanded; and the House having divided, the ayes were 60, the noes 90. So the committee refused to rise.]

Mr. EVANS resumed. Before proceeding further I will here state what would have been more appropriate in a former part of my remarks, that I have just been informed by a gentleman who has full knowledge of the fact, that the duties on the cargoes of four ships which have arrived at New York within a few days past, compared with the duties paid by the same vessels last year, amount to about one-seventh part only of what they were then. These are facts not to be mistaken. And how the Secretary of the Treasury and the Chairman of the Committee of Ways and Means can say that their opinion as to the receipts of this year remains unchanged, is quite incomprehensible to me.

I have a few words only to say in reply to the suggestions of the honorable Chairman, and repeated also by the gentleman from New York over the way, (Mr. VANDERPOEL,) about the delay in bringing in this bill. They both say that the Secretary did early give notice of an expected deficit in the Treasury, and so early that the House had ample time to consider the subject, and to adopt any different mode of meeting and providing for it which they might deem advisable. In support of this position, several extracts have been read from the Secretary's annual report. Do the gentlemen mean to be understood that the bill now under consideration is founded upon the recommendations which they have cited? Do we not know, and have they not so advocated it, that the measure is called for by the immediate exigencies of the Treasury? Does not the honorable Chairman remember that he called it up, and pressed it the other day expressly upon the ground that the notes were now wanted to meet the outstanding debts of the Government? Since then, what opportunity has this House had to adopt any other mode of providing for those debts? When a direct loan is proposed by those who doubt the constitutional power to issue Treasury notes, gentlemen turn round and tell us that there is not time to effect it; that the faith of the Government will be violated, and its credit impaired, before you can realize any thing from that source. What is this but putting us off till there is no time to adopt any other remedy? This bill is for $5,000,000; but I venture to predict that before the close of the session, the Treasury will require five millions more. And although this cannot but be foreseen, we have no admonition of it; and when at last the application shall be made, we shall be told, as we are now told, that the exigency is very great, and there is not time enough to make a loan, or to adopt any other measure of supplying the Treasury. I predict this, sir, and time will disclose how far my expectations are well founded.

The present measure, if I have any knowledge of it at all, grows out of the message of the President, of 17th February, communicating the Secretary's letter to him of the 15th February, showing the immediate demands upon his Department, and is not in any degree founded upon the general recommendations in the annual report, which have been relied upon. These recommendations look altogether to some "permanent safeguard." No intimation is given of early, immediate, pressing demands; but the argument is general, applying to all time, in favor of some "constant safeguard," some "permanent remedy," some standing, abiding, continuing law, authorizing him to issue Treasury notes, or make loans, or adopt other measures, whenever, in his judgment, the necessities of the Treasury require it; an authority not limited to one year as this bill is, but operating at all times, standing, permanent, continuing. This is no new idea of the Secretary. He has renewed it, and urged it over and over again, for the last six years; and yet the authority he desires has never been granted. How, then, were we to consider it as a special recommendation of this particular bill? What admonition did these general suggestions and arguments furnish us of this especial measure? No, sir, this bill is founded upon a particular recommendation, to meet a special emergency, and does not, in any degree, come up to the very extraordinary power desired by the Secretary. I say *extraordinary*, sir, because I think his recommendation, so often urged and so perseveringly repeated, is a most extraordinary one; one which has never found favor enough in Congress to be seriously considered. He desires no less than authority to contract debts, to borrow money, whenever, in his judgment, the interests of the Treasury require it. The Constitution tells us that Congress shall have the power "to borrow money on the credit of the United States;" but the Secretary thinks that *that* power had better be lodged with *him*. Give him authority to borrow money or to issue Treasury notes, which is defended and justified on the constitutional authority "to borrow money," and he will take care, he says, to guard against all unexpected deficiencies. Now, sir, this looks to me exceedingly like surrendering the whole power of Congress, on this subject, into the hands of the Secretary; and having thus given to the Executive full power to replenish the Treasury, we have only to give him like authority to disburse it, and the Government will be reduced to what was not long ago recommended, quite a simple machine. The Representatives of the people will then be spared a great deal of the labor now devolved upon them.

I have been not a little perplexed, and a little amused too, by some of the arguments of the Secretary in favor of this "permanent safeguard," which he seems to think has always hitherto existed. He says:

"Much has at times been wisely done by Congress to supply means for meeting unexpected deficiencies. But all legal provisions heretofore adopted for that purpose having expired, our financial operations will be constantly exposed to danger, unless some permanent safeguard under contingencies is established."

I should be gratified, sir, if the honorable chairman, who is the organ of the Secretary on this occasion, would inform the House what "legal provisions heretofore adopted" "to supply means for meeting unexpected deficiencies" have expired. What authority which the law has ever conferred upon the Secretary does not now belong to him? His own answer is this:

"In our system, the provision on this subject was very uniform and permanent, till the extinguishment of the national debt in 1835. Previous to that time, a large balance beyond the expenses for ordinary purposes was generally collected, and being kept on hand till near the close of the year, so as to assist in any contingency, was then, if not thus wanted, applied towards the payment of the debt."

That is, while we are burdened with a public debt, to the extinguishment of which several millions a year were devoted, we had existing legal provisions to meet any unexpected deficiency. What were they? Why, nothing more and nothing less than that any balances which might happen to be in the Treasury, not used during the year in payment of the public debt, nor for other purposes, were at his command. Are they not so now? We are at this time wholly free from public debt, except the small amount of outstanding Treasury notes, and the Secretary has, therefore, the whole receipts of the year, and all the power and "every legal provision" which was ever in force, to meet unexpected fluctuations. He is, in truth, much better provided, so far as legal provisions are concerned, than while we had a public debt, inasmuch as no part of the annual income is required to pay either principal or interest of such a debt. The true difficulty in the case is, that, whereas while we were involved in a heavy debt, our resources were equal to our expenditures, and to the payment of several millions annually besides;

now, when we are relieved from debt, our income falls short of our expenses. The Treasury was always exposed to "fluctuations" and "unexpected deficiencies"—as much so as it is now; and no other authority ever existed as a "permanent safeguard" than now exists. No "legal provisions" have expired. All the receipts and all the balances are now, as they always have been, liable to be used "so as to assist in any contingency;" and if it has at length come to this, that the expenditures exceed the revenue, it is not to be set down as a fluctuation or a contingency, but should be acknowledged as a deficiency, and be met as a deficiency.

After the payment of the public debt, the Secretary says: "The first resort, in the event of fluctuations, was temporary, and consisted of the accidental and unexpected accumulations which immediately followed." How these accumulations were either accidental or unexpected, I confess I do not comprehend, except that the amount somewhat exceeded what might have been anticipated. Being relieved from the payment of some twelve or fifteen millions annually, it was quite natural to suppose that a considerable surplus would accumulate; and when this surplus was expended and divided among the States, without the power to recall, the Secretary finds himself, as he says, "without any resort, temporary or permanent, in case of material deficiencies." That he has no power to borrow money, or to lay taxes, or impose duties, or issue Treasury notes, or to do that which Congress alone can do—to supply the ways and means of carrying on the Government, I freely admit; and I further admit that no such authority has at any time before existed in the Department, or ought to exist at any time hereafter. The Secretary stands precisely where all his predecessors have stood before him. Whenever the exigencies of the Treasury have required, Congress has provided the mode of meeting them; but no standing, permanent authority, that I know of, has ever been given to the head of the Department, in his discretion, to meet contingencies, and fluctuations, and deficiencies in the mode now recommended. Indeed, all this parade about fluctuations and contingencies is illusory.

The secret is just here—our receipts do not meet our disbursements, and that is the whole matter. It is due to the country that they should know at once that the revenue is fast declining, and that some measures must be resorted to without delay to meet the deficiency. One of the reasons which the Secretary assigns for these alleged fluctuations is worthy a moment's notice:

"The practice of incurring expenses in certain cases, sometimes legislative and sometimes military, or of a different character, in anticipation of appropriations, and occasioned by unexpected necessities or unusual delays, seems to be increasing. It augments the risk of a temporary deficiency, because large sums thus become payable in a mass and forthwith from the Treasury, when most of the members of Congress, at the time of making the appropriations, except that the burden will be spread somewhat equally over the whole of the ensuing year."

If this practice has prevailed, and is increasing, why is it not arrested? Is it not wholly unauthorized? Is it not an abuse, and one of a dangerous character, too? But, really, how does a delay to make an appropriation throw an additional burden upon the Treasury? If the appropriation had been made earlier, the money would have been called for sooner, and, although it is possible so large amounts would not be required at any one time, yet the general aggregate at the late period of the passage of the appropriation must be the same in either event. The delay to pass an appropriation bill has generally been considered a relief to the Treasury, and not an embarrassment, as it enables the Treasury to keep back amounts which would otherwise be called for.

I have already said, Mr. Speaker, that I concur entirely with the chairman in the opinion that the Treasury is greatly in need of the relief which this bill proposes. I do not doubt it in the least. The honorable gentleman from Massachusetts, [Mr. CUSHING,] reasoning from the Secretary's own statements, thinks otherwise; and I agree that the Secretary, in his strong solicitude to show, on the one hand, the prosperous condition of the finances, and on the other to exhibit some reasons for the passage of the bill, is in rather a perplexed condition, and perhaps does not make so clear a case of necessity as he well might do. Finding the measure was not likely to be adopted on the ground of "a permanent safeguard," he finally was obliged to recommend it on the other ground of a present necessity, a temporary measure, an anticipation of the revenue. Now, sir, what is the true state of the matter? The available means in the Treasury at the beginning of this month was about $1,300,000, and this scattered over every portion of the country, not readily to be collected together, and made available for any sudden emergency. Not more than two-thirds of it, says the Secretary, convenient for use to pay pensions and redeem Treasury notes. This is all we have in hand. The estimates of receipts for the ensuing three months may or may not prove correct. But, with this amount only in hand, we have two millions of Treasury notes soon falling due. At the beginning of this year, we had eleven millions of unexpended appropriations of last year, of which more than eight millions were to be expended within this year—appropriations already made, and for which the Treasury is liable any day to be called upon. The Secretary supposes the demand will be at the rate of $1,500,000 a month for three months to come. Besides, new appropriations must soon be made. The other Executive Departments are much pressed. I have reasons to believe, as the honorable chairman well knows, that the naval service is now suffering for want of means. Two ships of war are expected daily to arrive, and about $200,000 will be wanted to pay them off. Orders are understood to have been given, or soon to be given, to fit out three others, for which large sums are required.

Other payments, also, are now becoming due. Drafts upon some branches of the service, I have reason to believe, are now under protest for want of appropriations, and the moment any of the general appropriation bills pass, a heavy call, as we all know is usual, will be made upon the Treasury. Now, with so small an amount in hand, with receipts so uncertain, and, as I think, diminishing, how are we to meet these urgent and heavy demands? For one, sir, I do not desire to see the Treasury thus embarrassed and harassed—living from month to month and day to day, striving to conceal its poverty. I do not desire it should incur these hazards of insolvency to which it is perpetually exposed; and I could wish that the Executive Departments, instead of these temporary expedients, would boldly avow their real condition, and call upon Congress to furnish adequate means of supporting the Government, and maintaining the public credit. What reason have we to suppose that these expedients will stop here? That this is to be the last call for Treasury notes? We have no experience to justify such an expectation. What has been the history of the last three years upon this subject? The first issue of Treasury notes was authorized in October, 1837. We all know how reluctantly that was granted. It prevailed only on the ground of being a temporary measure, as it is now urged. It was nothing then but an anticipation of the revenue, as it is now. Ten millions were authorized. Of these, only about 4 300,000 were issued before the end of that year; and, in the annual report of the Secretary in December, 1837, he says:

"It now appears probable that during the next year, means will be possessed, without any permanent loans, recall of former deposites, or increase of taxes, sufficient to redeem seasonably the Treasury notes that become payable, as well as to meet all the ordinary appropriations.

"Nor is any occasion to keep out a great amount of these notes anticipated."

The President, also, in his message of the same time, says:

"The amount of Treasury notes which it will be necessary to issue during the year (1838) will, it is supposed, not exceed four and a half millions of dollars."

Well, sir, we are now in the third year; and what is the result? The Treasury notes have not all been redeemed yet; but, on the other hand, five millions more are wanted. The money due from the deposite banks, which amounted to more than twelve millions, and the withholding of which furnished the only apology for the necessity of issuing the notes, has been reduced to about $800,000, and still the notes are outstanding. Instead of issuing only, as the President supposed, four and a half millions in 1838, very near that amount was issued in the first quarter of that year; and, in the two next quarters, over eight millions more were issued, making over twelve million seven hundred thousand in the first three quarters of 1838. Although it was not then anticipated that there would be any occasion to keep out a great amount, it is now desired and proposed that five millions be put in circulation, with power to reissue them as fast as they come in, keeping a constant circulation to that extent, equal to one quarter of all the annual expenditures of the Government; and even this amount, I have no doubt, will be found insufficient.

With this experience before us, I confess I see no good reason to believe that the use of Treasury notes, as a resource to supply the Treasury, is to stop with this issue; on the other hand, I believe the country will next year find itself with a considerable debt, and an exhausted Treasury.

I am aware that the Secretary had very plausible reasons to assign for the disappointment of his expectations in 1838. The deficiency of the Treasury in the spring of that year which called for a new issue of notes was attributable, he says, to the fact that they were receivable for public dues, and that the chief payments being made in Treasury notes, and there being no power to reissue them, he was left without means to carry on the Government. Certainly they were receivable for public dues; and that was one of the chief recommendations of them. They were designed only to anticipate the revenue; and when they were redeemed by the public debtors, the Treasury was relieved from their redemption. They had accomplished their purpose; and it was only when they had fulfilled their functions of paying debts which we owed, and of being redeemed by the accruing revenue, as was expected and intended, that the Secretary began to perceive that this spending money in advance—this anticipation of revenue—was not exactly the thing "it was cracked up to be." In short, he found that it was anticipating his means of getting on with the ordinary operations of the Government, and hence he had to call for a fresh supply, for another temporary expedient, and he communicated his difficulties in a very laconic way.

"The peculiarity," says he, "in the present condition of the finances, can be very briefly explained. It has arisen not from any actual deficiency which has yet occurred in the amount of receipts anticipated for the year, nor from any excess of appropriations which has yet been made either for ordinary or extraordinary objects, but from a prohibition to use for the payment of the public dues what is required by law to be received for them."

Being required by law to receive Treasury notes, the complaint is that he could not use them in payment of public debts. But what was the fact? They had already been once paid out to public creditors—they had answered the purpose for which they were intended—they had anticipated the revenue; and now, forsooth, the complaint is that he cannot reissue them; in other words, that when the Treasury is bankrupt by reason of paying its debts, it has no power to contract new debts.

The "peculiarity" of which the Secretary speaks is precisely the "peculiarity" which every embarrassed debtor feels, who has no means of meeting a just claim, and cannot turn his creditor off with an old note which he has once taken up and cancelled. It would be quite a convenience certainly to most debtors, if, as fast as they take up one outstanding liability, they could reissue it in payment of some other debt immediately pressing, and so on, as fast as these evidences of indebtedness came in. It is a process, however, which nobody has yet been quite able to make available, except the Secretary, to whom this power was given, and is

proposed again to be given by the present bill. This, sir, was in May, 1838. In March following, another emission was authorized; and now, in March, 1840, another demand is made; and always upon the ground of temporary measures. Sir, they begin to wear too much the appearance of permanency; and, as a permanent remedy, every body agrees, I suppose, that it is the worst, most expensive, and least convenient remedy that can be resorted to. I shall not go into a comparison between this mode of supplying the wants of the Treasury and others which have been suggested. The arguments against the use of Treasury notes, of Government paper money, have been very fully and very ably stated by other gentlemen. Our own history, and the history of other nations, admonishes us upon this subject. Eminent statesmen and financiers of our country have testified against it. Experience lifts her warning voice. But I wish simply to remark that it is a mode of present relief merely. It puts off the pressure for a single day. Being always receivable, these notes are always coming in, leaving the Treasury as destitute as it was before. The great embarrassments which the Treasury has labored under for three years have grown out of being deprived of other means, by the payment of so large a portion of the revenue in these notes. The communications of the Secretary are full upon this subject. The Treasury is perpetually exposed to "fluctuation" and contingency, and, if the system is to be continued, will often find itself in severe straits.

Gentlemen have spoken of these notes as only being issued in payment of public dues; but that is not their only use. Many of them are used "to borrow money upon." The act expressy authorizes it. If, then, we are to make a loan, is it not better to make it in the usual form, upon certificates of stock, which are not thus receivable in payment of revenue, but payable at the pleasure and convenience of the Government, instead of the holder? The means and resources of the Treasury will then always be understood, and something like certainty and regularity in its operations may be anticipated. But the objection to that mode is more nominal than real. It is said that that would be "a debt," and "a national debt is a national curse." Why, are not these very notes a national debt? Do we not owe them? Are we not to pay them? Has not money, in fact, been borrowed upon them? Have not loans been made upon them?

When the honorable chairman tells us that he is not making a loan, but is only anticipating revenue, does he not know that a large portion of former emissions have been used to borrow money on? Of the two millions now outstanding, a large proportion are now held by the banks.

[Mr. JONES here interposed, and said he did not know this to be the case, nor did he believe that such was the fact]

Mr. EVANS. A portion are undoubtedly still in circulation, but the exhibits lately made of the condition of some of the banks show that large amounts of those notes are in their possession. The Manhattan Bank for one, and others in Philadelphia. And that very fact has been assigned as one of the reasons of the present difficulties of these institutions.

Mr. JONES. I here state on authority which I cannot question, that there never has been an arrangement between the Secretary of the Treasury and any bank, that the notes shall be kept out one day. So far from it, the arrangement has been exactly the reverse. The Secretary has expressly reserved to himself the right to redeem the notes, even before they become due; and a large amount of them has actually been called in, and the interest on them saved.

Mr. EVANS. Called in? It may be so, but I desire to know whether a considerable portion of the notes have not been used to borrow upon? I do not say any arrangement has been entered into to keep them out. I know not how that is.

Mr. JONES. It is true the notes have in many instances been exchanged for specie, but whenever this has been done, the bank has always been required first to deposite the money in specie, subject to the Secretary's draft, before the notes have been given.

Mr. EVANS. That is what I understand. The mode of proceeding is this. The Secretary places an amount of notes in the banks. He says he has exchanged them for specie, but the fact is, he obtained a credit on the books of the bank, subject to his draft for the amount thus deposited. Upon this credit he draws, as the wants of the Government require. In some cases the holders of his drafts may perhaps obtain specie, but in most cases they have undoubtedly been paid in the notes of the bank.

Mr. JONES. My information is, that no Treasury note has been exchanged for bank paper, but that the bank has always deposited the specie before receiving the notes, and that they have always been received at par.

Mr. EVANS. The specie deposited? Where?

Mr. JONES. The bank has placed the amount to the credit of the Secretary.

Mr. EVANS Undoubtedly. Just so. That is what I say. The Secretary requires the Manhattan Bank, for example, to give him credit for half a million of dollars on their books. They do so. He has got credit for that amount, which, like all other credits, may be drawn out in specie, and for this he gives Treasury notes, and that the honorable gentleman calls exchanging Treasury notes for specie; but whether the Secretary's drafts shall be paid in specie is a matter to be arranged with the banks by the holder of the draft, and not by the Secretary of the Treasury. The bank receives the Treasury notes, and keeps them on deposite; the honorable chairman says that the Secretary never pays over par, but I ask if he leaves his credit or any part of it undrawn for any period? Does he not pay more than the amount of interest specified on the face of the notes? Does the bank advance the specie at the time the notes commence running, or does it hold it on deposite a considerable period while the interest is going on?

Mr. JONES. If the gentleman will take the whole amount of interest paid on all the Treasury notes issued since 1837, he will find that it does not exceed four per cent. The money is not raised till it is needed.

Mr. EVANS. I can readily understand why the interest does not average over four per cent. Two and a half millions of these notes bore only an interest of two per cent. while something less than a million had an interest of one mill. Now, when you throw these into the aggregate, it reduces the average, of course; besides that, many of these notes come in early, in the payment of duties, and before much interest had accrued. I was much surprised to hear the chairman say that the Secretary has called back these notes and redeemed them, and thus saved interest, when every communication from the Department tells us that they have been forced on him in the payment of duties.

Mr. JONES. That is so. Of the three millions last issued, only two millions remained out on the first of January. The rest had been called back and redeemed.

Mr. EVANS. That is precisely what does not appear. They were not "*called back*," but came back in the payment of duties, against his will.

Mr. JONES. They were called back under the direction of the Secretary, as I think his statement shows.

Mr. EVANS. I am aware of no such statement —of no such fact. On the other hand, the Secretary has been perpetually embarrassed, because they have come in upon him so rapidly. It has been a source of annoyance to him; and quite sure I am there is no evidence that any of them have been redeemed, voluntarily, before maturity.

My object, in this part of my remarks, is, to show that this is not the most convenient mode of obtaining money. It is not denied that one cause, and a chief one, of the present emergency is, the liability of the Treasury to be called on for the redemption of the notes now outstanding. Both the Secretary and the honorable chairman himself admit this; and, so far, fortify the argument I am using.

In respect to the constitutional power of the Government to issue bills of this description, which was so ably argued by the honorable member from Georgia, [Mr. KING,] I confess, if this were a new question, I should feel considerable hesitation. But I consider that this has been practically settled by wise and eminent men, and sustained by public opinion. It is far better to enjoy the Constitution than to quarrel about it; to live under its wholesome provisions, and to give it strength and permanency, than to involve it in perpetual obscurity and doubt; and I agree so far with the argument of the honorable member from New York, [Mr. VANDERPOEL] He holds that some respect is due, upon questions of this sort, to the opinions and acts of preceding Congresses, quite as competent to judge upon constitutional questions as ourselves.

They afford in themselves, as he thinks, strong evidence for the constitutionality of any measure; at the same time I could wish that the honorable member would practise a little more on his own principles. I heard the same argument used not long ago in favor of an appropriation for the Cumberland road, by an honorable member from Indiana, [Mr. HOWARD,] and I am disposed, as far as possible, always, to yield to such authority. At the same time, I think I can put to both these gentlemen, who lay so much stress upon the argument, a case, where not only preceding Congresses, commencing with the first which assembled under the Constitution, embracing many of the framers of that instrument in its number, have established upon the fullest deliberation the constitutionality of a great public measure, a measure for a long period sustained by popular opinion, and finally confirmed as a constitutional act by the h ghest judicial tribunal of the country, in which both those honorable gentlemen will, at once, repudiate the argument to which, when it suits their purposes, they attach so much importance. I do not profess to know the exact opinions of either; but I hazard little in the surmise that both will be found denying the constitutional power of the Government to establish a National Bank. Waiving, therefore, all discussion of the constitutional power of Congress upon this subject, the only question for us is one of expediency. If I believed, with the honorable chairman, that the emergency is temporary only, and that the receipts of the year would be adequate to the expenditures and the redemption of the notes, and if I did not believe that this was to be an enduring and habitual resort of the Treasury, I might be quite willing to vote for this bill in preference to any other mode of supplying the Treasury; but, believing, as I do, that the practice will continue, and will increase from year to year, and desiring as I do, especially at this particular juncture, to see the Treasury better supplied and more ready to meet a great emergency should such arise, I should greatly have preferred earlier action, and a different mode. The chairman himself cannot but see that we are not now left free to choose. Here is a great public necessity, so great that the Department is anxious that the bill should pass this day. The chairman desires to get it out of committee to-night. The cry, at every interval, is question, question. Now, sir, does not this countenance the idea which the gentleman seemed so earnest to repel, that this bill is thrust upon us when we have no opportunity to resort to any other resource? I wish it were otherwise. I wish that the Treasury was in a condition to meet the exigencies which the wants of the coming year may cast upon it. I regret that the finances of the country have become so deranged, and that the prospect is so discouraging. Earlier attention should have been given to it; but, in the condition in which we find ourselves, I cannot consent to oppose any obstacle to the only measure of relief to the Treasury which we have the opportunity of granting. I cannot but hope, however, that the condition of the finances will attract more of the attention of the House than has hitherto been given to it, and that early measures may be adopted to render it healthy and stable.

SPEECH OF MR. WEBSTER,

OF MASSACHUSETTS,

In Senate, June 5, 1840—On Mr. Clay's motion to strike out the compulsory part of the Bankrupt Bill.

Mr. WEBSTER addressed the Senate as follows:

The commendable temper in which the discussion has been so far conducted leads me to hope that now, when we are in the midst of the difficulties of the question, the Senate will indulge me in a few remarks. That there are difficulties, I freely acknowledge. The subject of bankruptcies is a difficult subject every where, and perhaps particularly difficult here, as one of the results of a division of legislative powers between Congress and the States. But these difficulties are not insurmountable; and their only influence, therefore, should be to stimulate our efforts, and to increase at once our caution and our zeal.

It seems agreed, by all the friends of any bankrupt bill, that there shall be a provision for voluntary bankruptcy. The question now is, whether there ought to be also a compulsory power, or a power on the part of creditors to subject their debtors, in certain cases, to the operation of the law.

It is well known that the bill by me introduced contained such a power, and I should still prefer to retain it. But I do not think this of so much importance as some other gentlemen, and should cheerfully support a bill which should not contain it, if, by so doing, I should contribute to the general success of the measure. In truth, on this question and on many others, my vote will be governed by a desire to make the bill acceptable to others.

Now, sir, the argument for the compulsory clause is, that, without this power, the creditors have no security; that the bill is a one-sided measure—a measure for the benefit and relief of debtors only, quite regardless of the just rights of creditors. All this I deny. I maintain, on the contrary, not only that there is just security for the rights of creditors under the voluntary part of the bill, but that that part, of itself and by itself, is of the highest value and importance to creditors. This proposition takes for granted what I have no doubt will be found true—that persons in insolvent circumstances will generally become voluntary bankrupts; and, in the second place, I maintain that very little value is added to the security of creditors by the compulsory part of the bill.

These are the points on which I propose now particularly to address the Senate, and, with its patience, I hope to make them clear.

When I speak of creditors, I mean the class of creditors generally; or all who, in the course of business, give trust for merchandise or other things sold, or for money loaned.

When I speak of the creditors of insolvents, I mean the creditors, in the mass, of such persons as are actually and really insolvent; that is, unable to pay their debts, whether their insolvency be known and acknowledged or not.

And to creditors, and the rights of creditors, in both these senses and uses of the word, I maintain that the provisions contained in the voluntary part of this bill are of great value.

The rights of creditors are the means which the laws furnish for the enforcement and collection of their debts. In the case of an insolvent debtor, the laws at present give to the creditor, among other things, a right to pursue and demand his future earnings. This right the present bill proposes to take away.

The question is, therefore, whether, in taking away this right, the bill provides for the creditor any just equivalent.

I do not admit, indeed, that by a bankrupt law we might not take away some of the existing rights or remedies of creditors, if it should appear just and proper so to do, without providing any new right or remedy as an equivalent. The relation of debtor and creditor forms a general subject of legislation. The proper law-making power may act upon this relation, and alter and modify it, upon principles of general policy, justice, and utility, whenever it sees fit.

But I am willing to occupy a narrower ground, and to undertake to show that, by the provisions of this bill, we leave creditors in a better condition than we found them. In other words, that, as a voluntary system alone, it is beneficial to creditors.

The law, it is proposed, shall last some few years, that Congress and the country may see what is its actual operation. It will act immediately after it shall have passed; and this operation, as I maintain, will be favorable to creditors. In other words, the law will be useful to creditors in the creation of debts. It will, I insist, increase the probability that he who parts with his money or his merchandise on credit, will be paid for his merchandise or repaid his money. Sir, we live in a highly commercial country, and a highly commercial and enterprising age. The system of credit, which I hold to be very useful, and indeed essential to our general prosperity, may no doubt be carried to excess, and often is carried to excess. There is such a thing as overtrading, and such a thing as false credit; and both these things are public evils. All admit this; and many think the evils so great, that they seem to be enemies to the credit system altogether. I am not one of these; but still I desire to keep credit within bounds, and to avoid over-trading.

Now, sir, what is it that upholds so much false credit? What is it that enables men to extend their transactions so far beyond their capital? What is it that enables them, also, to go on, often for a long time, after they have become really insolvent? Sir, it is the practice of endorsement and suretyship; a practice, I venture to say, more extensive in the United States than in any other country. Men get trust upon the strength of other men's names. I do not speak of the discount of notes and bills taken in the common operations of sale and purchase, but I speak of pure accommodation; of the discount of paper representing no transaction of sale or purchase, but made for borrowing money merely, and endorsed for the sole accommodation of the borrower. That great excesses have been committed in operations of this kind, no man who has attended to the transactions of trade can doubt; nor can any one doubt that great evils arise from this source. Endorsement and suretyship, therefore, are the means by which excessive and false credit is upholden. And how is this endorsement obtained? This leads us one step further in the inquiry. How is it that persons continuing to carry on business after they are really insolvent, and are suspected if not known to be so, can procure others to endorse their paper? Sir, we all know how it is. It is by promising to secure endorsers at all events. It is by giving an assurance that, if the party stops, a preference shall be made, and the favored creditors shall be his endorsers. Hence it is quite general, perhaps almost universal, that when an insolvent assigns his property for the benefit of his creditors, he classifies his creditors, and puts endorsers into the first class. This has become a sort of honorary law. A man that disregards it is in some measure disgraced. We hear daily of honorary debts, and we hear reproaches against those who, being insolvent, have yet pushed on, in the hope of retrieving their affairs, until, when failure does come, (and come it does, sooner or later,) they have not enough left to discharge these honorary obligations. Now, at the bottom of all this is preference. The preference of one creditor to another, both debts being honest, is allowed by the general rules of law; but is not allowed by bankrupt laws. And this right of preference is the foundation on which the structure rests.

On the legal right or power of preference lies the promise of preference.

On the promise of preference lies endorsement.

On endorsement lies excessive and false credit.

On excessive and false credit lies over-trading.

This, sir, is the regular stratification. If we strike out preference, we shall knock away the foundation stone; and this bill will strike it out.

If this bill shall pass, every endorser who shall not take previous security will see that, in case of failure, he can no longer be protected or preferred, but must come in for his share, and his share only, with other creditors. And this is right. For one, I have always thought that, if any difference were to be made, endorsers should be paid last—because they come in as volunteers, they profess to run a risk. They are not giving credit in the common way, as other persons do who sell on trust, in the ordinary way of business, and in order to earn their livelihood. But they assume a voluntary responsibility; and why should they be preferred to the grocer, the tailor, or the butcher, who has only dealt in the common way of his trade, and has not volunteered to give any trust or credit whatever? Well, sir, will not endorsement stay its hand when this bill shall have taken away all power of preference? Will not men hesitate, more than they now do, about lending their names, when they find that, in case of failure, they must come in for neighbor's fare with all other creditors? I think they will.

And, sir, if there be less of endorsement, there will be less of fictitious credit and less of over trading. Every man's business will be brought down so much the nearer to his own property, his own capital, and his own means. And if every trading man's business be brought down to some nearer proportion to his own capital and his own means, does not this diminish the probability of his failure? Certainly it does; and therefore whoever deals with him and trusts him is not so likely to lose his debt. There will be more general security in giving credits; and, therefore, I say that if you take away the power and practice of preference, you affect, to some extent, false credit and over-trading, and, by these means, you give a security to the creditor, even in the creation of his debt; and this is one advantage to the whole class of creditors to be expected from this bill. It is a general advantage, and its precise amount cannot be stated; but it is a clear advantage nevertheless.

But there is a second, and a still greater advantage.

Mr. President, allow me to ask, what is that feature—the culpable feature—which we most often see in the insolvencies which take place among the trading classes? What is that which there is the more frequent occasion to regret and to reprehend? Is it not, that the party has gone on too long? Is it not, that after he knew himself to be really insolvent—that is, after he knew he had not property enough left to pay his debts—instead of stopping, and winding up his concerns, he has ventured still deeper, and made his ultimate case thereby still more desperate? Under the present state of law, this happens quite too often. I am afraid it will be found, on inquiry, that failures are generally worse in this country than elsewhere; that is to say, that generally the amount of assets is less in proportion to the amount of debts.

And, in my opinion, the present state of the law encourages and produces this very result. For, sir, let me ask, what will a man naturally do, who has been unfortunate, and has sustained such losses as to bring his property below his debts, while this is known to himself and not known to others? If he stops and surrenders, however honestly and fairly, he cannot be sure of a discharge, and the unpaid balance may keep him a pauper for life. On the other hand, he sees that another voyage, another speculation, some new turn of fortune, may possibly relieve him, and bring him out a man of property.

On one side, poverty for life is his only prospect, and only destiny—so far, at least, as the law allows him any ground of hope; and on the other, there is some chance of escape. Now, sir, I will ask any sensible man, if a state of law could be devised more likely to encourage headlong enterprise and rash speculation? Can you place a man in a condition where he will be more likely to throw himself upon desperate chances, and to plunge deeper and deeper?

We are not without experience on this point, and much instruction may be gathered from one memorable instance. The great fire in New York is supposed to have destroyed property to the amount of twenty or twenty-five millions of dollars, in houses, warehouses, and merchandise. But nobody failed. This is a fact full of admonition. I pray attention to it. Nobody failed, notwithstanding this immense loss of property. And what was the reason? No one doubts that hundreds were rendered deeply insolvent by this so extensive calamity. Why, then, did they not stop? The answer is, that the extent of their losses was, in many cases, known only to themselves, and they concealed their own true condition. And they had strong motives so to do. If they announced themselves insolvent and stopped, nothing was before them and their families for their whole lives but poverty and distress. On the other hand, there was a possibility of hope that, if they could maintain their credit, they might, by extreme exertion and extreme good fortune, extricate themselves. On the strength of that hope, slight as it was, they buoyed themselves up, and tried to stem the current which was carrying them, notwithstanding all their struggles, to utter and desperate bankruptcy. They paid exorbitant interest for money; they suffered themselves to be jewed in every dark alley in the city; they sacrificed every thing to maintain their credit, and, in the end, when every thing else was gone, credit went also. And when they finally failed, where was the fund for dividend to creditors? Why, sir, it had gone to the pocket of the capitalist; it had been devoured by the voracity of usury. I know of one instance in which a merchant paid more than fifty thousand dollars, extra and unlawful interest, for the purpose of up-

holding his credit; and failed after all. And there are well-authenticated cases of the payment of still larger sums. Boundless extras and cool exorbitancy were thus suffered to eat up what belonged to creditors.

Now, sir, would it not have been much better for all parties and for the public that these unfortunate persons should have stopped payment the morning after the fire, assigned all that was left of their property, and received a discharge? And this, be assured, many of them would have done if the law had provided that by so doing they might have obtained that discharge. But there was no such legal provision; they had no hope on that side, but from the consent of *all* their creditors; and they believed that *all* would not consent, and therefore there was no way left to them but to keep on, wading into deeper water at every step, and stopping at last, with nothing to divide save among endorsers.

Mr. President, we hear it frequently said that all honest debtors may always obtain discharges from their creditors upon an honest assignment of their effects. This is the language of the memorial of the Board of Trade, and this is the language, especially, of the letter to the honorable member from New York, which has been read. Sir, such is not my opinion, nor the fruit of my experience. I believe that creditors are generally humane and just; but there will be some, always, or often, who are selfish, unjust, or indifferent. There will be some, often, who will not compound. The man, therefore, who would stop, since he knows he is insolvent, if he could be sure of a discharge, cannot be sure of it. He may be as honest as possible; he may strip himself of the last farthing; but yet he cannot promise himself any release. It is notorious that some creditors will and do hold on; and as to the debtor, this is as decisive as if all did so.

Now, sir, this bill proposes an object to a man whose circumstances have become insolvent, and makes that object sure. It tells him, by way of inducing him to stop in season, and before he has wasted his property, that, by assigning, and acting honestly in all things, he shall have a discharge; that no unreasonable creditor shall be able to prevent it; and with this certainty before him, he will stop in season, or, at least, is much more likely to stop in season than he is at present.

This, then, sir, is the second benefit which this bill confers on creditors. And who will deny that it is a clear and a great benefit? It holds out a strong inducement to debtors to stop in season, and to distribute their property honestly, while they have yet property to distribute, and before they have wasted it all in useless sacrifices to retrieve their affairs.

But there is a third benefit which this bill confers on creditors. It takes away the power and the motive of concealment. Under the present state of things, the motives of an insolvent man lead in the opposite direction of his duties. Every thing is brought to bear against his honesty and integrity. He has every temptation to conceal his property; and there are many ways in which he may conceal it. If he surrenders all, he cannot be discharged, and, therefore, will be in no condition to earn any thing more. He may, therefore, not choose to surrender, and may set his creditors at defiance. I have heard of an instance in which a man failed for one hundred and fifty thousand dollars, and he showed assets to the amount of eighty thousand, and there was no reason to suppose that he had any more, or had acted dishonestly in any way. He offered to give all up for a discharge; but while most of his creditors were willing to discharge him on such a surrender, some were not. A year afterwards he renewed his offer of giving up all, but his property had by this time become diminished by ten thousand dollars, so that he had but seventy thousand to offer; and the obstinate creditors of last year were now willing to take what was then offered, but would not take less; and so the process of offer and refusal went on; and the last I heard of the case, this proceeding was likely to result in the creditor's getting nothing, and the debtor's becoming a beggar.

If there be not many cases exactly like this, or quite so strong in all their circumstances, there are still very many which much resemble it; and this bill will put an end to them all.

Sir, the great power by which the debtor is to be moved to act honestly and fairly, is his hope of a discharge. This is to him every thing. Hardly any earthly object, in his view, can be greater. It is this which is to reinstate him in a condition of effort and action. Creditors can obtain a benefit, by means of this, far superior to any good which they can ever get by holding on to his future earnings. Generally, this last right is good for nothing to the mass of creditors, though sometimes an individual may profit by it. In some cases, it is true, where the amount of debt is small, the bankrupt will struggle hard to earn the means of payment, that he may afterwards work for himself. But if the amount be large, he will make no such effort. He will not work altogether for his creditors. Not only will he not do that, but, as I have already said, he is under strong temptation to retain and conceal what he already possesses. I need not say of what evil consequence all this is. I need not say what ill-will naturally grows up between debtors and creditors standing in this relation. The creditor thinks his debtor unjust and roguish; the debtor regards his creditor as remorseless and cruel; and mutual reproaches and deep bitterness of feeling are often the result. How much better, sir—how much better every way, that the law, by its timely interference, should give the debtor's property to whom it belongs, and set him free to begin a new career of industry and usefulness!

And in the fourth place, sir, this bill gives the creditors an *equal* distribution of the debtor's effects. In the present state of things, a bankrupt may pay one creditor all, and another nothing; and he who gets nothing may, perhaps, fail himself, when, if he could have received his just proportion, he might have been saved. The great interest of the mass of creditors is, that the debtor's effects shall be *equally* divided among them all. At present, there is no security for such equal division, and this bill proposes to give that security. And I repeat, that if any thing ever comes of the power of a creditor to hold on upon his debt, in the hope of getting something out of the future earnings of a notoriously insolvent debtor, it is usually not the mass of creditors, but only some one of them who gets any thing; and that one, very likely, may be he who deserves least.

These, Mr. President, are the securities, the new securities, the important securities, which this bill furnishes to the creditors. If there be nothing in them, let that be shown; but until it is shown, let it not be said that there is nothing in this bill for the creditor's benefit.

And, Mr. President, these provisions belong to the voluntary as well as the involuntary parts of the bill. The real reciprocity, the real equivalent, must be looked for in the provisions made for conducting the proceedings, and not in the source in which the proceedings originate. Suppose creditors to have ever so full a power of declaring their debtors bankrupts: this would not avail them, unless proper provisions were made for a full assignment and fair distribution of the property.

On the other hand, if such provisions be made, the creditor is secured, although the proceedings originate with the debtor himself. It may be wise, or it may be unwise, to retain the coercive clauses; but, whether retained or not, they do not constitute the true equivalent or reciprocal benefit of the creditor. The real state of the case stands thus: the benefit of a debtor consists in obtaining a discharge; this he shall have; but, in order to obtain it, he shall give the creditors the benefits of a full and honest surrender of all his property; he shall show, if a merchant, that he has kept proper and regular books of account; it must not appear that there has been any false swearing on his part, or the concealment of any part of his property; or that he has admitted any false or fictitious debt against his estate; or that he has applied any trust money to his own use; or that he has paid any debt by way of preferring one creditor to another, in contemplation of bankruptcy. And the Senate, if they see fit, may insert that the consent of creditors should be necessary to his discharge; though, for one, I should never consent to that, without reserving a right to the debtor to summon dissenting creditors to appear before the proper tribunal, and show some just reason for withholding their assent.

I have now, sir, gone through with all that I proposed to say upon the voluntary part of this bill. My undertaking was to show that that part of the bill does by itself, and of and in itself alone, contain provisions of the highest importance to creditors, and the security of creditors; and on the various points which I have noticed, I am ready to meet any gentleman who may choose to contest the matter. The opinions which I have expressed I hold with confidence, and am willing to defend them, and to submit them to the judgment of all men of experience.

My second general proposition was, that whether it were advisable on the whole, or not, to retain the compulsory part, yet that that part did not give any important addition to the security of creditors; and that therefore it was not of great consequence whether it be retained or not.

In the first place, let us remember that the form of proceeding is the same, after its commencement, whether it be begun by the debtor or his creditor. If there be any benefit to the creditor at all in the compulsory part, it must be in the mere power of declaring his debtor a bankrupt under certain circumstances, and of making him, willing or unwilling, go through the bankrupt process. Now the difficulty is, that though this power might sometimes be beneficial to the creditor, yet it is next to impossible so to describe the circumstances which shall constitute a just occasion for the exercise of the power, as not to leave it still, in a great measure, a voluntary matter with the debtor when he will subject himself to the provisions of the law. This has been found the difficulty in all systems, and most bankruptcies are therefore now substantially voluntary. Those acts which are, in this bill, called acts of bankruptcy, and which, if committed, shall enable a creditor to sue out a commission against his debtor, are, nearly all of them, voluntary acts, which the debtor may perform or not, at his pleasure; and which of course he will not perform, if he wishes to avoid the process of bankruptcy.

These acts, as stated in the bill, are, secretly departing from the State, with intent to defraud his creditors; fraudulently procuring himself to be arrested, or his lands and goods attached or taken in execution; removing or concealing his goods, to prevent their being levied upon or taken by legal process; making any fraudulent conveyance of his lands or goods; lying in jail twenty days for want of bail; or escaping from jail, or not giving security according to law when his lands or effects shall be attached by process.

Most of these acts an insolvent may avoid the commission of, if he choose, especially as there are now few instances of inprisonment for debt. The acts of bankruptcy, according to the British statute, are very much like those in this bill. But a trader may declare himself insolvent, and thereupon a commission may issue against him; and that is supposed to be now the common course. Creditors will seldom, if ever, use this power. A creditor desirous of proceeding against his debtor for payment or security, naturally acts for himself alone. He arrests his person, attaches his property, (if the law allows that to be done,) or gets security for his own debt the best way he can, leaving others to look out for themselves. Concert among creditors, in such cases, is not necessary and is uncommon; and a single creditor, acting for himself only, is much more likely to take other means for the security of his debt than that of putting his debtor into bankruptcy. Nevertheless, I admit there are possible cases in which the power might be useful. I admit it would be well if creditors could sometimes stop the career of their debtors; and if the honorable member from New York, or any other gentleman, can frame a clause for that purpose, at once efficient and safe, I shall vote for it. Even as these clauses now stand, I should prefer to have them in the bill, my original proposition having been, as is well known, that there should be both compulsory and voluntary bankruptcy; and I vote now to strike the provision out, only because others, I find, object to it, and because I do not think it of any great importance.

I proceed, sir, to take some notice of the remarks of the honorable member from New York; and what I have first to say is, that his speech appeared to me to be a speech against the whole bill, rather than a speech in favor of retaining the compulsory clause. He pointed out the evils that might arise from the voluntary part of the bill; but every one of them might arise, too, under the other part. He spoke of the hardship to creditors in New York—that they should be obliged to take notice of the insolvency of their debtors in the Western States, and to go thither to prove their debts or resist the discharge. But this hardship, certainly, is no greater when the western debtor declares himself bankrupt, than when he commits an act of bankruptcy, on which some western creditor sues out a commission against him.

All the other inconveniences, dangers, or hardships to creditors, which the honorable gentleman enumerated, were, in like manner, so far as I recollect, as likely to arise when a creditor puts the debtor into bankruptcy, as when he puts himself in. The gentleman's argument, therefore, is an argument

against the whole bill. He thinks eastern creditors of western debtors will be endangered, because State Legislatures, in States where debtors live, as well as commissioners, assignees, &c., will have all their sympathies on the side of the debtors. Why, sir, State Legislatures will have nothing to do with the matter, under this bill; and, as to the rest, how is it now? Are not creditors now in the power of local administrations, affected, in all respects, by these same sympathies? Are there no instances, indeed, and is there no danger of laws, staying process, embarrasing remedies, or otherwise interrupting the regular course of legal collection? For my own part, I cannot doubt that a New York merchant, learning that his debtor in the south or west was in insolvent or failing circumstances, would prefer that his affairs should be settled in bankruptcy, in the courts of the United States, much sooner than that he should settle them himself, paying whom he pleased, and disposing of his property according to his own will, or under the administration of the insolvent laws of the State.

The gentleman seemed to fear that, if western traders may make themselves bankrupts, New York merchants will be shy of them, and that western credit will be impaired or checked. Perhaps there would be no great harm, if this should be so. A little more caution might not be unprofitable; but the answer to all such suggestions is, that the bill applies only to cases of insolvents—actual, real insolvents; and when traders are actually insolvent, the sooner it is known the better, nine times out of ten. Nor do I feel any alarm for our mercantile credit abroad, which has awakened the fears of the gentleman. What can foreign merchants suppose better for them than such an administration of the effects of debtors here, as that, if there be foreign creditors, they shall be sure of a just and equal dividend, without preference either to creditors at home or endorsers? It is not long since, in some of the States—I hope it is not so anywhere now—that creditors within the State had preference over creditors out of it. And, if we look to other countries, do we find that well-administered systems of bankruptcy enfeeble or impair mercantile credit? Is it so in regard to England or to France?

The honorable member feels alarm, too, lest the banks should be great sufferers under the operation of this bill. He is apprehensive that if it shall pass, very many debtors of the banks will become bankrupts, pay other creditors more or less, and pay the banks nothing. Sir, this is not according to my observation. Bank debts are usually preferred debts, because they are debts secured by endorsement. But, by mentioning the case of the banks, the gentleman has suggested ideas which I have long entertained, and which I am glad of this opportunity to express briefly, though I shall not dwell on them.

Sir, a great part of the credit of the country is bank credit. A great part of all endorsement and suretyship is bank endorsement and bank suretyship. I do not speak particularly of the great cities: I speak of the country generally. Now, endorsement, as I have already said, rests on the idea of preference. And if we take away preference, do we not diminish bank endorsement and bank accommodation? And do we not, in this way, act directly on the quantity of bank paper issued for circulation? Do we not keep the issues of paper nearer to the real wants of society? This view of the case might be pressed and amplified. There is much in it, if I am not mistaken. For the present, I only suggest it; but he who shall consider the subject longest and deepest, will be most thoroughly convinced that in this respect, as well as others, the abolition of preference to endorsers will act beneficially to the public.

The immediate motion before the Senate, Mr. President, does not justify a further extension of my observations on this part of the case. My object has been to prove that this bill is not one-sided—is not a bill for debtors only; but is what it ought to be—a bill making just, honest, and reasonable provisions for the distribution of the effects of insolvents among their creditors; and that the voluntary part of the bill alone secures all these principal objects, because, in the great and over-ruling motive of obtaining a discharge, it holds out an object to debtors who know themselves to be involvent to stop, to stop seasonably, to assign honestly, and to conform in good faith to all the provisions intended for the security of their creditors.

SPEECH OF MR. CLAY,
OF KENTUCKY,

In Senate, June 4, 1840.—On his motion to strike out the compulsory part of the Bankrupt Bill.

Mr. CLAY, of Kentucky, said that the portion of the debate on this measure, which he had the benefit of hearing, and he learnt that the residue of it, (what he had regretted that he had bee nprevented by indisposition from profiting by,) had been conducted with good temper, ability, and dignity. Perhaps, if he had been able to listen to the whole, he would not now trespass upon the attention of the Senate, but he promised not to detain it long.

The power invested in Congress by the Constitution (continued Mr. CLAY) to establish uniform laws upon the subject of bankruptcies throughout the United States, is a feature in the scheme of the General Government somewhat at variance with its general character. Its predominant principle is, with only a few exceptions, to assume the regulation of the general concerns of the whole Union, and to leave to the respective States the care of local or particular interests. The States retain the power of providing for the transfer and succession of property of all kinds, and for the enforcement of the obligations and duties incident to all private relations, including that of creditor and debtor. In the few instances in which the Federal Judiciary is charged with jurisdiction over the latter relation, the object is to secure an impartial administration of the laws of the several States themselves, rather than the Federal laws.

The motive with the convention which formed the Constitution for engrafting this power in it was, to secure *uniformity* in the bankrupt laws prevailing throughout the United States. Now, I do not think that this motive was sufficient to authorize the delegation of the power. There is no greater necessity for it than there is for uniformity in other matters, which unquestionably belong exclusively to State legislation. The States decide what shall be the subjects of property, how it shall be alienated during life, or distributed after death; what shall be taken by, or exempted from, creditors on execution; and to what State or local taxes it shall be liable. The laws of the States are various on these subjects, and no great inconvenience has been practically experienced from this variety. None would have resulted from the passage of different bankrupt laws in the several States. At least, the advantage of uniformity is more than counterbalanced by the difficulty and disadvantage of adapting Federal legislation to the various wants and peculiarities of twenty-six States. If, therefore, the question now was, whether it be expedient or not to confer on Congress the power, I should vote in the negative.

I shall attempt no precise definition of the phrases *bankruptcy* and *insolvency* which are certainly generally used, in the vernacular language, in a synonymous sense. I prefer to describe the properties or qualities of each system. That of insolvency requires a full surrender of all the property and credits of the debtor, takes the administration of them out of his hands, distributes them by a third party among his creditors, and, finally, after an honest compliance with the provisions of the system, exonerates the person of the debtor from all arrest or imprisonment on account of pre existing debts. The system does not, it is generally supposed, discharge his future acquisitions from liability. The bankrupt system too exacts a full surrender of the property and credits of the debtor, takes the administration of them out of his hands, confides the distribution of them amongst his creditors to a third party, and, finally, after an honest and faithful compliance with the requirements of the system, exonerates both the person of the debtor from all arrests and imprisonment, and his future acquisitions from all liability on account of all debts and contracts existing at the period of the commission of the act of bankruptcy.

Thus, it will be perceived that, on most points, there is a strong resemblance between the two systems. The essential and characteristic difference between them is, that the system of insolvency does not, or rather is supposed to be incompetent to, grant; whilst the bankrupt system can confer, an effectual *discharge* of the debtor from all pre-existing debts and obligations. That imcompetency of the States to provide, in their systems of insolvency, for such a discharge, is supposed to result from that prohibition to the States, in the Constitution of the United States, against their passage of any law impairing the obligation of contracts.

If the several States could pass constitutional laws of bankruptcy adapted to their respective wants and conditions, I should be averse to the exercise of the power by the General Government. But the States have voluntarily imposed on themselves restraints, and tied their hands.

Mr. President, power and duty are often synonymous. The possession of the exclusive power to pass laws on the subject of bankruptcies by the General Government, draws after it a high and responsible obligation and duty to the States, to the Union, and to the people, the performance of which that Government is not at liberty to elude or neglect. The right of the State (I use the term in its broadest sense) to the use of the unimpaired faculties of its citizens as producers, as consumers, and as defenders of the commonwealth, is paramount to any rights or relations which can be created between citizen and citizen. But an honest and unfortunate debtor, borne down by a hopeless mass of debt, from beneath which he can never rise, is prostrated and paralyzed, and rendered utterly incapable of performing his duties to his family or his country. To say nothing of the dictates of humanity; nothing of the duties of a parental Government to lift up the depressed, to heal the wounds, and cheer and encourage the unhappy man who sees in the past, without his fault, nothing but ruin and embarrassment, and, in the future, nothing but gloom and despair, I maintain that the public right of the State, in all the faculties of its members, moral and physical, is paramount to any supposed rights which appertain to a private creditor. This is the great principle which lies at the bottom of all bankrupt laws, and it is this which gives to the States the right to demand the passage, and imposes upon Congress the duty of enacting a bankrupt system.

The number of bankrupts now in the United States has been estimated, by respectable authority, as high as five hundred thousand, and, with their families and connexions, the total number of all who are interested in the passage of a bankrupt system, has been stated as large as two millions. I hope and believe that this is an exaggerated estimate. But the number is undoubtedly very great, be it what it may; and it comprehends many of our most active, enterprising, and intelligent citizens. Who can think of them without the liveliest sympathy in their present hopeless condition! Without being irresistibly prompted to exercise all the powers with which we are constitutionally invested, to raise them up from the depths of despair in which they lie, and bring them back to the enjoyment of life, the support of their families, and the service of their country!

In the execution of many of the powers of this Government—certainly in the exercise of the bankrupt power, improvidently, as I think, granted—we should constantly bear in mind the distribution of legislative authority, in the United States, between the several States and the General Government. In England and in France, all the powers of legislation are concentrated in Parliament or in the Chambers. Whenever, therefore, either of those legislative bodies undertakes to pass a bankrupt system, it must provide, by the minutest details, for the rights of both creditors and debtors, or no provision will exist for them. But it is otherwise in the United States. Here, the powers of legislation are divided between the States and General Government; and that of the States is competent to make full and adequate provision for all the interests of both creditors and debtors, except in the sole matter of granting an effectual discharge to the debtor. The States can enact, and most of them have enacted, suitable laws, by which all the property and credits of the debtor can be reached, surrendered, and distributed, and frauds and fraudulent transfers effectually guarded against. The very section which I have moved to strike out, embracing compulsory bankruptcies, is, I understand, a substantial copy from the insolvent system of one of the States. There is, therefore, no necessity for Federal legislation in behalf of the creditor. His rights are secured by the laws of the States. But, if I should be convinced that the States have not fully legislated for him, and are incompetent to make full provision for his case, I am ready to concur in the passage of any just law, within the power of Congress, to render to him complete justice. For no one is more sensible than I am of the delicacy and caution with which the relation of debtor and creditor should be touched, nor of the duty of guarding the legitimate interests of both parties. But, whatever the States are authorized to do in relation to their rights, they

should be left to perform, as being better judges than Congress is of the local wants and necessities of their respective communities.

This distribution of the power of legislation in our systems of Government, suggests, therefore, the rule which I think ought to govern the Senate, and which will guide me, in carrying into effect the power delegated to Congress to pass bankrupt laws. That rule is, *that the extent of the measure of Federal legislation should be limited by the extent of the deficiency of State authority to provide for the exigency.* But the States have provided, or can provide, for the creditor. As I have already shown, their systems of insolvency cover all the ground occupied by a bankrupt law, except in one particular. Perhaps, also, the States cannot destroy fair and *bona fide* preferences created by the debtor, and enforce an equal distribution of his effects among all his creditors, without respect to liens, or the dignity or priority of debts. But it is far from being entirely certain that such a power ought to be exercised, if it be possessed by Congress. Against prospective preferences or liens it is equally competent both to Federal and State legislation to provide.

Seeing, therefore, that the States have provided, or can provide, all proper remedies for the enforcement of the rights and the security of the interests of the creditor, I am not aware of the necessity of any legislation in his behalf by Congress. But the States cannot authorize—at least the general impression is that they cannot authorize—an effectual discharge of an honest debtor from all his existing debts, after he shall have made a fair and full surrender of all his effects. Hence the necessity, and *the exact extent* of the necessity, of Federal legislation. If the insolvent laws in all the States were uniform, it would then only be necessary for Congress to pass a short act, with a single section, declaring that, in all instances where the debtor had honestly and faithfully complied with the provisions of the insolvent act, he should be entitled to a discharge. The power vested in Congress being, to pass *uniform* laws, and the insolvent laws of the States not possessing that requisite quality, it becomes necessary for Congress to establish a system, in detail, to operate alike throughout the United States.

It is upon this, as well as other grounds, that I was opposed to including corporations in this bill, and voted to strike them out. Generally, their capital and their existence are identical; and, after the seizure and distribution of their effects, they would be defunct, and there would be no occasion for that discharge, which constitutes, it seems to me, the sole motive for Federal legislation in the case of individuals.

But there are other, and more weighty, considerations for excluding corporations from the bill. If you begin with one class of them, you must follow the principle of their insolvency, upon which you profess to act, into all other classes to which it will carry you; and if you do not pursue it, when it is once established, our successors will be sure to follow it. You begin with the banking incorporations. They have incurred your displeasure. You pronounce them insolvent, and you would put them down. But, if the non-payment of debts by that description of corporations justly subjects them to the operation of a bankrupt system, the failure of any other corporations to discharge their debts would also bring them within its operation. All incorporated turnpike companies, all railroad companies, all manufacturing companies, all incorporated religious and literary institutions—the Virginia James River Company, the Chesapeake and Ohio Canal Company, the Baltimore and Ohio Railroad Company—in short, all incorporations, for any purpose whatever, which happened to suspend payment of their debts, would be brought within the operation of this system. Indeed, the clause, relating to incorporations, which has been stricken out, if it had been retained, according to the vote of a considerable number of Senators, would have comprehended the James River Company, the Chesapeake and Ohio Canal Company, and the Baltimore and Ohio Railroad Company; each of which, if I have been rightly informed, has issued paper, circulating to some extent as currency, which is not redeemed in specie.

Limited to banks, what an immense mass of debts and effects would be transferred from the State to Federal jurisdiction! Extended to all incorporations which might be drawn within its scope, the imagination can hardly conceive the amount of property and debts which would be so transferred. It would be many hundreds of millions of dollars. But, vast as the amount would be, it would be nothing in comparison to the political effects upon the character of our systems of Government, which would result from such a substitution of the Federal to the local jurisdiction. Such an exercise of power, by a single step, would make a greater and more alarming progress towards consolidation than all other measures together, which have been proposed or adopted since the origin of the Government, to which the imputation of that tendency has been made. I am not prepared to take such a frightful step. I shudder at the mere contemplation of it.

Mr. President, I mean to express no opinion, *pro* or *con*, on the question, whether the bankrupt power in the Constitution does, or does not, comprehend an authority in Congress to include corporations. I neither deny nor admit the existence of that authority. And I express no opinion; because, if there were a clear and definite grant of such an authority, I should be decidedly opposed to its exercise, since, in my deliberate judgment, there is no occasion—none whatever—for its exercise by this Government. Or, I should rather say that the States themselves are much more competent than Congress is to exercise all necessary and proper jurisdiction over corporations, and that the assumption of a jurisdiction over them by Congress would be incalculably dangerous, alarming, and mischievous.

Corporations are artificial beings, created by the States according to their respective views of their own local policy and interests. They know when it is best to make or abolish them. And to them should be left, undisturbed, the power of compelling these corporations to fulfil all the purposes of their creation, and to perform all the duties and obligations which appertain to them.

Assuming the necessity of terminating the existence of these corporations, winding up their affairs, and administering their effects, which is the best system—that provided for by this bill, or that which the States might choose to apply? What is the system of the bill? It proposes, upon the occurrence of specified acts of bankruptcy, to seize all the effects of the corporation, and to place them, in the first instance, in the hands of a receiver appointed by a federal tribunal, from whom they are afterwards to be passed over to assignees. Neither the receiver nor assignees are required to give any security whatever for the safe custody and faithful application of the effects. What receiver or assignee, indeed, could possibly find adequate security for the millions, of which the capital of some banks consists, and which would be confided to their care? Have we not been sufficiently taught, by sad experience, that it is utterly unsafe to intrust such immense sums with any individual? What would a receiver or assignees do with the stupendous works of the James River Company, the Chesapeake and Ohio Canal Company, or the Baltimore and Ohio Railroad Company?

In many of the incorporations, the several States have, as shareholders, made large investments. In some, they are the exclusive owners of the banks. How would they like to see the debts and effects of those banks wrested from their possession, and administered by a receiver or assignees appointed by Federal authority?

Looking, therefore, merely to fitness and propriety, I have no hesitation in expressing my thorough conviction that it would be an unwise and perilous exercise of federal authority to assume jurisdiction over State corporations, so as to terminate their existence and administer their effects, if they were expressly comprehended in the grant of the bankrupt power. I think that their control and management, and the distribution of their funds, can be far better effected by the respective States which have created them, than by the legislation of the Federal Government. And the great and controlling motive of granting to the honest and unfortunate debtor an effectual discharge, without which I should be opposed to any legislation by Congress on the subject of bankruptcies, has no application whatever to corporations.

I will now say a few words on the particular amendment which I have submitted, to strike out the section which provides for the case of compulsory or involuntary bankruptcies. Three considerations appear to me to unite in recommending the adoption of that amendment. 1st. Such a coercive system is opposed to the habits and genius of the country. It might answer for the large commercial cities, but is not adapted to other parts of the country. In large portions of the Union the interior merchant and trader are accustomed to give extensive credits, waiting for payment until the farmer or planter realizes the sales of his growing crop. But the uncertainty of the seasons and the markets frequently occasions disappointment in the collection of debts of the most undoubted character. Hence the merchant may be disabled punctually to comply with his engagements, although his ultimate ability is beyond all doubt. And it would be a case of extreme hardship to divest him, on account of a temporary delinquency, without his fault, of the careful and prudent management of his own property, and transfer it to the custody of a receiver or assignees, whose chief solicitude might be their own commissions and fees.

Any bankrupt system, originating with Congress, is an experiment. It has been forty years since one was enacted, and it had but a short and unsatisfactory existence. I think, therefore, that, in renewing it, we had better begin with a simple principle, clear and well defined, and in respect to which all are united.

2dly. All the acts specified in the compulsory section proposed to be stricken out, as evidence of bankruptcy, are already provided for by the laws of some of the States, and are susceptible of provision by all the States.

And, 3dly. If the involuntary system be desirable, it ought not to be included in this bill, but should be introduced in a separate bill, as was proposed by the majority of the Judiciary Committee. All who are in favor of any bankrupt bill are agreed as to the voluntary class; and the Senate, by a vote almost unanimous, decided to give it the most comprehensive extent. But they do not concur as to the involuntary class. There is great division of opinion among the friends of some bankrupt system as to the propriety of rendering it coercive. Why, then, confound the two classes together in the same bill? Why not let each stand by itself, on its own merits, in distinct bills? Why combine an uncontested principle with one which is doubtful and contested? Is it right to make a right measure drag a disputed one through the Senate? Do not the friends of the involuntary principle, by insisting on the union of the two, demonstrate that their purpose is to defeat a bill altogether, or that they are unwilling to subject their principle to the test of its own unassisted merits?

I think that the bill ought to be limited to the voluntary class exclusively. It has been argued that in that case, it would be a mere insolvent law. Not so, if I am right in supposing that the characterstic difference between a system of insolvency and a system of bankruptcy is the discharge of the debtor.

It has been further argued by the Senator from South Carolina, (Mr. CALHOUN,) that the power granted in the Constitution must be interpreted to apply only to failing debtors—to acts which indicate bankruptcy, and not to cases where bankruptcy has actually occurred. It will be recollected that when, at the instance of a creditor, a proceeding in bankruptcy is commenced, in consequence of any one of the acts of bankruptcy specified in the bill, the debtor is allowed to controvert the actual fact of bankruptcy, and have it tried and decided in the mode provided for in the bill.

Now, it would be most strange if a constitutional power were granted to act upon the mere *evidence*—perhaps deceptive evidence—of bankruptcy, and were denied to act on the indisputable fact of bankruptcy itself, after it had confessedly occurred. Directly the reverse of the argument asserted would be much more plausible. The power deals with bankrupts. It is a power to establish uniform laws upon the subject of *bankruptcies*. It might, therefore, be maintained, with some plausibility, that the fact of an actual bankruptcy must exist before the power attaches. But laws which provide for bankruptcies notoriously existing, and for those acts which are supposed to denote their existence, both proceed upon the idea of insolvency; and I entertain no doubt that the power in the Constitution delegates an authority to Congress to legislate for both classes.

These, Mr. President, are my sentiments upon the bill under consideration. It is a measure imploringly solicited by large portions of our countrymen, and the only measure of general relief which, in the present posture of parties and public affairs, can be passed by Congress. I have purposely abstained, on this occasion, from any inquiry into the causes which have produced or augmented the distress and bankruptcy which unhappily prevail; because I wished to excite no feelings, and to make no reproaches, which might have a tendency to en-

danger the bill. I have restricted myself to a consideration of the fact itself, of the numerous bankruptcies existing in the country. Nor has my desire for the success of the bill been less, because there are only some eight or ten States of the Union in which it is most needed. For it has ever been with me a motive, regulating my public conduct, to concur in the adoption of any constitutional measure demanded by the wants or necessities of any part of the Union, although it might not be requisite to the prosperity of the State whose servant I am. This motive acquires, in my opinion, irresistible force when we reflect that Congress alone can minister to the sufferings of the community by exercising this power exclusively confided to its authority.

The Declaration of American Independence, which announced our existence as a nation, solemnly proclaims, as a self evident truth, that the right of every individual person to life, liberty, and the pursuit of happiness, is *unalienable*. Does the wretched bankrupt, sunk down and overwhelmed by perhaps unmerited misfortunes, against which no human foresight or prudence could guard, enjoy the benefit of this maxim? He is not, indeed, deprived of life; but he drags out a miserable and lingering existence, without one cheering hope. The humanity of progressive civilization has exempted his person from incarceration in the dark cells of a public jail; but the liberty which is granted to him enables him only to see more distinctly, in the light of heaven, and intensely to feel, the misery of his condition. Stripped of all motives to human exertion; with the incubus of an immovable mass of debt upon him; surrounded by a family sharing, without being able to alleviate, his sorrows and sufferings, he is mocked by the privilege of "the pursuit of happiness," pronounced to be unalienable in the most memorable declaration of human rights that was ever promulgated to the world. Let us, sir, make that guaranty substantial, practical, available, by fulfilling the duty imposed upon us in the power delegated in the Constitution to pass this law.

SPEECH OF MR. KNIGHT,

OF RHODE ISLAND,

In Senate, March 11, 1840—On the resolution to restore the duty on umbrellas and parasols.

Mr. PRESIDENT: I will ask leave to introduce the following resolution, and to make some preliminary remarks thereon:

"*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of bringing in a bill declaring that the act of March 2, 1833, repealing the duty on 'bleached and unbleached linens, table linens, linen napkins, and linen cambrics, and worsted stuff goods, shawls, and other manufactures of silk, or of which silk shall be the component material of chief value, coming from this side of the Cape of Good Hope, except sewing silk,' shall not be so construed as to include umbrellas and parasols."

Sir, in the tariff of 1832, umbrellas are distinctly named as subject to a duty of twenty-five per cent. ad valorem; they continued to pay the duty until the last year—nearly seven years—when a construction was put on the law of 1833, allowing the importation of umbrellas free of duty. Whether this is a judicial decision or a Treasury construction, I know not; but such is the fact, that they are now imported free of duty. It seems to me that the paragraph of the law repealing the duties, was intended to apply to piece goods only, and not to umbrellas and parasols, and in proposing to have the committee bring in a bill declaring that the paragraph of the law shall not be so construed as to include umbrellas and parasols, we have a precedent directly in point.

Sir, a few years past a memorial was presented to the Senate, stating that a similar construction had been put on the law admitting railroad iron free of duty. This was referred to the Committee on Manufactures. That committee reported a bill declaring that the act releasing from duty railroad iron, should not be so construed as to include spikes, pins, and chains, as railroad iron. The bill passed both Houses of Congress, and is now the law; and all that is required in this case is, to pass a similar act, and the manufacturers of umbrellas and parasols will be placed where they were under the tariff of 1832, and then they will be saved from ruin by the labor of foreign countries. This is all that is required, or is necessary to be done in this case.

Sir, I will now notice some of the remarks made by the Senator from South Carolina the other day, which appear to me to have a bearing on the resolution under consideration.

It was stated by that Senator "that every tariff for protection has invariably disappointed its friends in the protection anticipated, and has been followed by a demand for another tariff with increased duties, to afford a protection vainly anticipated from its predecessor."

In replying to this statement, I will endeavor to show that every tariff has disappointed its friends in the protection anticipated by them. My remarks are intended to apply to one of the great and leading manufactures of our country, (to wit, cotton,) and I shall leave to others to state the effect of the tariff on the manufacture of iron, lead, glass, wool, &c.

The tariff of 1816 was designed to protect and establish the manufactures of the country, without which the cotton manufacture would have languished, and soon would have died; but, by the timely interposition of Congress, it was saved from impending ruin. The tariff of 1816 secured the home market to the manufacturer for such goods as he was prepared to make at that time, and, in effect, prohibited the importation of the almost worthless cottons of Asia, and the coarse cottons of Great Britain, and, at the same time, imposed a duty of three cents per pound on all cotton imported into this country. This duty of three cents per pound excluded all cotton from use by our manufacturers, except that of the growth of the United States; and this was called the American system: to wit, to raise the cotton in the United States, to manufacture it here, and then wear it by our own citizens. This duty of three cents per pound compelled our manufacturers to use a better quality of cotton in their business, and consequently, a better quality of coarse fabrics was made by them than was made by the manufacturers of other countries; the manufacturers of other countries using the best cotton for their finer fabrics, and the poorest for their coarse goods. Having thus, by the tariff of 1816, firmly established the manufacture of coarse cottons, it consummated all that was expected by the practical manufacturers and the real friends of protection. In truth, the coarse fabrics were all that the country was prepared to make at that time. The tariff of 1816 might be said to be an experiment, and a most successful experiment it proved, both for manufacturer and producer of cotton, and, also, to the country. I know it is said, and believed by many, that a duty on cotton gives no protection to the cotton planter, that the price is regulated by the European market, and that a duty has no effect on it. Whatever effect it may have on the cotton planter, one thing, I believe, will not be denied, that a duty of three cents per pound prohibits a poorer quality of cotton being imported and manufactured in the country, and which, when manufactured, would appear as well to the eye as fabrics made of the cotton of the United States; but, when closely examined, it would be perceived that the thread is not as well formed and twisted, and consequently, will not endure as much service as similar goods in appearance, made of the better cotton of the United States. The same duty on the cotton of Texas operates as a preventive to its manufacture in this country. This, sir, is a digression from the subject; my intention was, to show that the tariff of 1816 did not disappoint its true friends—they realized all they expected by it. It gave to them encouragement and protection, and firmly established the manufacture of cotton in the United States.

Sir, by this protection, and by the increasing skill and industry of the manufacturers, and, above all, by the great and progressive improvements of the machinery and mechanic arts generally, they were confirmed in the belief that they could make a better and finer quality of cotton goods, if protection could be extended to such quality also.

By subsequent tariffs, that protection was given; and what has been the result? Sir, the industry and skill of our manufacturers have equalled for beauty, and surpassed in durability, many of the manufactures of the old world. Not only the plain goods, but the calicoes, chintz, and fancy goods, will compare with any in the market; and yet we are told the tariff disappointed its friends, and was followed by a demand for another tariff, to afford the protection vainly anticipated from its predecessor.

Sir, the tariff of 1816 did protect, as far as it was designed or expected to protect, the manufacturer in making coarse cottons; and subsequent tariffs gave protection to another quality of domestics not included in the first tariff. These tariffs partly secured the home market to the productions of the manufacturer. The manufacturers created a new market for the cotton planter, and gave employment to the mechanic arts, and encouraged the farmer by an increased consumption of his productions, both for manufacture and daily consumption. Under these tariffs the manufacturers continued their business, and did not ask or request further protection from Congress, to my knowledge. They were contented, and the country prospered. The cotton planter had a new market for about one-fourth part of his productions by the establishment of maanufactures; and all were contented, and would have continued so, had not other causes disturbed the harmony of society. Sir, I know of no demand for an increased tariff after 1823, notwithstanding the expansion of the currency.

It is also stated by the honorable Senator, "that every increase of duty, however high, requires periodically, after a short interval, an additional increase." This proposition, as a general rule, I think cannot be sustained; it will not hold good in regard to caps, hats, shoes, lead, bar iron, iron castings, and cannot hold good with any article the country is prepared to supply to the amount required for consumption. The Senator is under a mistake also in regard to the greatest expansion of the currency from 1830 to 1832 in the greatest manufacturing district. The table exhibited by him was not correct, and hence the error or mistake made by him. He stated that the currency in Rhode Island had increased, from 1830 to 1832, one hundred per cent. The official statements in my possession show only an increase of about thirty-three per cent. This shows the Senator to be mistaken in his premises, and consequently the assertion or conclusion that the greatest manufacturing district had the greatest expansion of currency is not sustained. I do not consider this of much importance, further than to show that the fact relied on by the Senator in support of his argument does not exist, and, consequently, the argument drawn from it is without foundation, and therefore fails.

The theory of the Senator, that "the increase of protective duties is necessarily followed by an undue expansion of the currency until the price of production shall be equal to the protection," does not comport with our experience, or the history of the times. The facts are opposed to the principle assumed. The domestic goods protected by the tariff have not risen to the amount of the duty, and I call on that Senator to show, not only generally, but a single article manufactured of cotton in this country that has advanced in price under the protective duties, notwithstanding the expansion of the currency; and if it cannot be shown the the price has increased, but, on the contrary, that cotton goods have fallen in price, the theory of the Senator totally fails.

Take the whole range of cotton goods, look at the prices of shirting, sheeting, bedtick, chintz, calico, and fancy articles, which, before the protective duties were established, sold for 20, 30, 40, and 60 cents per yard, now selling at 8, 10, 15, and 20, and 25 cents per yard, and some white goods at 5 and 6 cents the yard, being a reduction in price of 100 per cent. and upwards. Is it not so with manufactures of iron and of leather? Nails have fallen in price one hundred per cent. and shoes and boots from ten to fifty per cent. Does this seem like protection being followed by an expansion of the currency till the increased price of production in consequence shall equal the increase of duty? Sir, the theory is well on paper, but when reduced to practice the rule does not hold good; competition deranges the theory, and the rule fails. Whenever the supply equals the demand of any article, that article will come down to the lowest price or cost of production.

The Senator says that the tariff of 1823 caused an influx of the precious metals into the country. I will admit, as a general rule, that, by the aid of a tariff giving employment to our own citizens, gold and silver are brought into the country. Is that a very great evil? They will go out again when needed and are of greater value in another country than in this. The legitimate use of specie is to settle accounts with nations as well as individuals, and it is constantly performing that office; and whenever there is a balance in our favor, the specie will flow towards this country; and when the balance is the other way, there will be an efflux of the precious metals.

The Senator states that the importation of gold and silver, over and above the exports, in the year 1829, was $3,092,478; and in the year 1830, $6,914,342; making in the two years an excess of imports of $10,006,820—and that the estimated amount of specie in the country on the first day of January, 1830, (including the importation of the year 1829,) was but twenty-five millions of dollars; a sum, in my opinion, a great deal too small for the wants and business of the country; and, under such circumstances, a consequent influx of specie must ensue. We had not our proportion of the precious metals, and the importation of specie placed us nearer to an equality with other nations. And if the tariff of 1828 was the instrument that produced the result, it deserves universal approbation. I would hold to a tariff for that very reason, under the hope that whenever such circumstances shall again occur, it would again perform the same service.

Again, the Senator says, reduce duties, and export more. Sir, I am not opposed to exporting all the productions we have to part with, and all that it is in our power to produce; but, if we reduce duties to a low rate, will not importations greatly increase? Is it desirable to increase imports and involve the country still further in debt to Europe? If we allow foreigners to send their productions here free of duty, do we not assist foreign labor and depress our own? And will not such a policy break up our manufactures? The home market of the foreign producer is secured to him by his Government. We are not permitted to enter his domicil on equal terms with him, and why should we surrender our market to him free of duty also?

The foreign manufacturer, after supplying his home market, will send his surplus productions to us free of duty, and by such a process we have neither a home nor foreign market, and the consequence will be prosperity to the foreigner, and ruin to ourselves; and, to carry out the system, the result will be to carry all our machinery to Europe. If the identical machinery is not exported, new machinery will be put in operation there, to supply the deficiency created by the destruction of our own by such a policy. And would such a proceeding benefit the people of the United States? It would be ruin and death to the manufacturers, and, in my estimation, a deep and an abiding injury to every other interest in this Union. Under such a policy, would the cotton planter have a better market, or would it add to the number of consumers of his productions, or to their ability to consume? The North, under such a system, would not be able to purchase, and therefore could not consume; they must live on the productions of their sterile soil and cold climate, without many of the comforts and luxuries of the present day, if luxuries they may be called. No, sir; by the destruction of our manufactures the cotton planter would be deprived of one of his best markets: not the largest, but the best. The home market destroyed, nearly all his productions will be thrown into one of the markets of Europe; and then who would control the price, the seller or the purchaser? Sir, Great Britain, by securing the home market (including her colonies and dependencies) to her manufacturers, gives to them the power of competition all over the world; a competition they could not sustain without the home market. The profits on the goods consumed by her own subjects will pay for most of the labor, the raw material, and the expense of manufacturing; and the surplus, after supplying the home consumption, may be considered as mostly profit to the manufacturer. This surplus he sends to a foreign market, and, if he sells at a high price, the greater his profit; if at a low price, it takes nothing from his capital, but only diminishes his income for that year; and in this way the British manufacturer, by his surplus productions alone, can break down all competition of manufacturers whose home market is not protected in some degree by a tariff; and when competition is broken down, he will command his own price, and the consumer will have to pay it. No, sir, I would not repeal all duties, but would sustain a tariff equal to our great competitor and adversary at least. I am in favor of the old American system, which commenced with the war of the Revolution, and has continued to the present time, and so eloquently advocated by the Senator from Tennessee [Mr. GRUNDY] the other day, when he so clearly established the great principle, without contradiction from any quarter, that it is easier and better for the country to pay ten millions of dollars per annum to our own citizens, than to pay the same sum to foreigners. This, sir, is the whole essence of the American system, and this is the system I desire to maintain; and whoever supports the principle laid down by the Senator from Tennessee gives energy and effect to the American system.

Suppose, Mr. President, that we repeal all duties on foreign importations, and admit goods free of duty, and drive our manufacturers to a foreign market with their productions, what shall we gain by the change? If our productions are not consumed here, but exported, we must import as many more for our consumption as we export. Nothing will be gained to the country by such a change, but loss on freight and other expenses. We may add to the table of imports and exports on paper, but in table of loss and gain we shall be on the wrong side; and this is the result of importing more in order to export.

Sir, we need not be alarmed about exports so long as imports exceed the value of our exports as they now do. We have imported from Great Britain and her dependencies alone, in the last twenty years, nearly *seventy millions of dollars more* than we have exported to her in the same time, including all the great staples of the country. No, sir, we need not fear, as the following table will show:

NOTE.—Whoever will take the trouble to examine the foregoing table of imports and exports, will perceive in what regular succession the embarrassments in our monetary concerns have succeeded the over importations of foreign productions. The importations of foreign productions in the years 1835, 1836, and 1837, amount to the enormous sum of $480,855,954, and the exports of domestic productions for the same years to $303 670,176, leaving a balance against the United States of $177,185,778. The export of foreign articles at the same time was $61,105,817, leaving a deficit to be paid in cash or otherwise by the United States of one hundred and thirteen millions seventy-nine thousand nine hundred and sixty one dollars, clearly showing, "beyond all doubt or cavil," that here lies one great cause of our distress; and whatever restrains these excessive importations, whe-

ther it be a tariff or other cause, will give relief to our citizens. Let the watchword be, produce more and import less, and restore to the country a sound and well regulated currency, and most of our embarrassments will be removed.

Sir, the excessive importations of preceding years, and especially those of 1835, 1836, and 1837, together with a certain Treasury order, ruined many, and compelled the banks to suspend specie payments, and inflicted great injury on the people; but this was trifling and insignificant, when compared with the loss that must ensue by breaking up the manufactures of the country. But, sir, I cannot believe that it is the desire or wish of the Senator to destroy the manufacturers of the country; he only misconceives their ability. He says to them, you must make bricks, without fuel to burn them. This they cannot do, any more than an individual can run with his legs tied; and to require our manufacturers to compete with the world in foreign markets without securing to them some portion of the home market, is requiring more than they can do; they must fail under such a system of government.

Mr. President, it is also said that the protective system is a war upon exports! Does the protective policy of other nations lessen their exports? I will admit that if four hundred thousand bales of cotton are manufactured and consumed in the United States, then there is so much the less to export; and if five millions of dollars worth of pork and beef and breadstuffs are consumed by the mechanics and manufacturers, then there is the less to export; and if this is a war on exports, be it so; it is a war the country can endure, without growing poorer by the operation. But, sir, is the amount of exports the only indication of the prosperity of the country? The protection of the manufacture of bar iron and lead by the tariff has not much increased exports; but their consumption has increased at home, and labor has received its reward. The protective duties on lead have prevented its importation, and increased the manufacture of paint or white lead to a great extent, from the home material, and for home consumption, but not for exportation; still the country is not the less flourishing, or labor in less demand on that account.

Sir, it is stated by the Senator that, in 1838, the largest quantity of domestic manufactures were exported, and he attributes the cause to the reduction of the tariff, and therefore concludes that a further reduction of the tariff will add to the prosperity of the country. I cannot believe for a moment that the trifling reduction of the tariff on cotton manufactures was the sole cause of these exportations, nor do I agree that a great reduction of the tariff will make us more prosperous or happy; there were over importations in 1836 and '37, but these over-importations may be attributed to other causes than the tariff, not now necessary to discuss.

Sir, the increased exportation of domestic manufactures may be attributed, in some degree, to the over importations of the two preceding years of linens, silks, and worsted stuff goods, which, added to the large amount of domestic manufactures on hand, completely overstocked the market: there were more of this description of goods in the country than were needed for immediate consumption, and, of course, but very slow sales could be made at even reduced prices. The manufacturers with us had pile upon pile of their own goods on hand: they did not estimate the amount by the piece, bale, or box, but by the cord. This great accumulation of domestic goods, and the market being also glutted with foreign productions, and consequent slow sales, crowded the manufacturers for money to pay their current expenses, and finally compelled many of them to sell for as much as they could get; and cotton fabrics were shipped out of the country to a larger amount than on any former occasion. And, I understand, the present year, from similar causes, large shipments have been made to China, but I possess no official information of the fact. But the Senator insists that the increased exportation of all our productions for a series of years, from 1831 to 1838, was also in consequence of the reduction of the tariff; if this is so, then the increase of exportation would have been *pari passu* with that reduction. How are the facts? In 1837 and '38 the exportations were less than the two preceding years by about sixteen millions of dollars, when, according to the principle, there should have been an increase of about the same sum; making a vibration from the rule of about thirty millions of dollars. This fact, alone, it seems to me, destroys the theory of the Senator; if his proposition is correct, there would have been a regular increase of exportation in proportion to the reduction of duties.

Sir, in my mind it was not this reduction of the tariff that gave the impetus to the exportation of the great staples of the country. The increase commenced as early as 1830, and continued to increase until 1836; in 1837 they decreased about eleven millions of dollars, as the tables show. But, sir, the true cause, as I conceive, may be found in the increased production of cotton by an increased quantity of land brought into cultivation in the cotton growing States.

Now, sir, it we can ascertain the number of bales of cotton produced each year and exported, and the price, we may find the solution to the cause of the increase of domestic exports without the aid of the tariff. It is apparent to my mind that the more we produce the more we have to part with, and that which is not needed for home consumption will be exported, and that the amount of exports depends more on the seasons and on our own industry than on the tariff. But, after all, it must be admitted that the home market is the best market for any country, and the greater the variety of productions the better for the people. I admit our home market is not sufficient to consume the agricultural productions of the country, but the home market will be increased by the permanent establishment of manufactures, by taking from agriculture a portion of its labor, and by increasing their ability to consume, for the amount of consumption depends much on the ability to consume as well as on numbers.

Sir, we protect the farmer and planter in all their productions, and why should we refuse protection to the manufacturer? It is the labor in both cases which is protected, and I see no reason why one branch of industry and labor should not be protected as well as another, provided the labor and industry be equally beneficial to the country. The proposition of the Senator to reduce duties and export more, if adopted, will not add to the wealth or happiness of the people, but in peace will give to the foreigner an advantage over our own citizens, and in war would be most disastrous to us.

Mr. President, I will notice one more statement of the honorable Senator, which I conceive to be founded in mistake, and extremely mischievous in its consequences. The Senator says that this increase of the exportation of domestic manufactures was "in the midst of all the embarrassments of commerce, and expansion and derangement of the currency, and, let me add, what has been so much dreaded by the friends of manufactures, the mighty increase of the exports of our great agricultural staples during the same period." I confess my surprise at the statement that the friends of manufactures dreaded an increase of the exportation of flour, rice, cotton, and tobacco! Sir, I live among many of the friends of manufactures, and the statement is as new to me as it will be to them when they shall read the speech of the honorable Senator. Why should we dread the increase of these exportations? The imports now are far above the exports, and an increase of exports will prevent a disturbance of the monetary concerns of the country, which is always disastrous to the manufacturer. He requires a steady and firm state of money and of business, and the less the fluctuations in prices or the currency the better for those concerned in manufactures. It is not a high price, and then a low price, that is beneficial to them, but a steady and reasonable price that makes them prosper in their business.

Sir, we have no reason or cause to dread the prosperity of the South, and I sincerely regret to see such an expression widely circulated in the South to excite the prejudices of the people in that section against the people of the North. Heretofore, in times of good feeling which existed between us, there was great reciprocity of trade and commerce between the North and the South. We are great consumers of their productions, and they, to a considerable amount, of our manufactures; and the greater their prosperity the more they will consume, and the greater the trade and intercourse the greater the friendship and regard we have for each other. And were it not for other causes than those of trade, commerce, and social intercourse, we should be more united and a happier people. It is to be regretted that such an expression should have come from such a quarter. I can assure the Senator that, so far as I know, there is not a single individual that dreads or would impede the prosperity and happiness of the South; if large exports of their productions will give that happiness and prosperity, we say God speed; we do not object, but we will do all in our power, both as consumers and navigators, to assist in producing the consummation so devoutly wished. That we are doing so at the present time, the following statement of the imports and consumption of the productions of the South and of the grain-growing States into the town of Providence will bear ample testimony. Providence is but one of the ports of entry in the State of Rhode Island; there are two other collection districts from which I have no data to make a statement of the importations into those districts, but they must considerably increase the amount.

1838.	*Domestic Imports.*	1839.
Bales of cotton,	55,804	Bales of cotton, 43,367
Barrels of flour,	73,125	Barrels of flour, 81,115
Bushels of grain,	538,721	Bushels of grain, 720,550
Tons of coal,	28,583	Tons of coal, 39,170
	Average for the last seven years.	
Cotton bales,	47,720	Bushels of grain, 479,724
Barrels of flour,	84,835	

By this statement it will be perceived that we in Rhode Island are giving our mite to the prosperity of our sister States, and if they will reciprocate favors with us, we will not only be a prosperous community, but a happy and united people.

[Mr. CALHOUN said that he did not recollect using the term attributed to him; if he did, it was not his intention to use it in any offensive sense; the term might be stronger than he supposed at the time, but he had no intention of uttering any reflection toward the manufacturers; he was their friend.]

In reply to Mr. CALHOUN, who contended that manufactures were established in the country as early as 1805, Mr. KNIGHT said he did not deny the existence of manufactures previous to 1816; and if the honorable Senator, who seems to remember every thing, would cast his memory back previous to that time, he will recollect non-intercourse, non-importation acts, and finally war, which gave the impetus and protection to manufactures; and when peace came, these were all swept out of existence, and the manufactures were then prostrate, and could not have survived without the tariff of 1816—they could not have operated a single year without utter ruin to themselves. Sir, the tariff of 1816 did firmly establish the manufacture of cotton in the country; and it would not have been established at that time without it. As to some of the other statements of the Senator, and about which we differ, Mr. K. said the difference might be attributed to the fact that the Senator deals in theories, and that he himself was a practical man. Theory and practice do not always come to the same result. I agree that expansion of currency and high duties will increase prices, were it not for competition; but when skill, labor, and competition supply the demand, the price does not materially increase, and then his theory fails. Competition breaks down theories—a tariff creates competition, and competition supplies the demand for consumption at the lowest price.

Table of imports and exports of Foreign and Domestic productions, from 1821 to 1839, inclusive.

Year.	Imports of Foreign productions.	Exports of domestic productions.	Exports of Foreign productions.
In 1821	62,585,724	43,671,891	21,392,418
1822	83,241,541	49,874,134	22,256,902
1823	77,579,267	47,455,403	27,542,622
1824	80,749,007	50,619,500	25,327,157
1825	96,340,075	66,941,745	32,50 ,012
1826	84,974,477	53,065,710	24,539,612
1827	79,484,063	58,921,631	23,403,126
1828	85,509,824	50,669,669	21,505,017
1829	74,492,527	55,700,193	16,653,473
1830	70,876,920	53,462,029	14,387,119
1831	103,191,124	61,677,057	20,933,526
1832	101,029,266	63,137,470	21,039,473
1833	108,118,311	70,317,608	19,322,735
1834	126,521,332	81,024,162	23,318,811
1835	149,895,742	101,189,082	20,504,195
1836	189,980,035	106,916,680	21,716,330
1837	140,980,177	95,564,414	21,854,062
1838	113,717,406	96 033,821	12,452,795
1839	137,609,500	100,951,004	17,408,000

SPEECH OF MR. NISBET,

OF GEORGIA,

In the House of Representatives, March 24, 1840—On the Treasury Note bill.

The House being in Committee of the Whole on the state of the Union on the bill authorizing a further issue of Treasury Notes, Mr. NISBET spoke as follows:

Mr. CHAIRMAN: I am fortunate in this, that I have no past deeds to be raised up in judgment against me as a member of Congress. I have been here but a little while. My name has not been upon your journals until this session. I am "novus homo," a new man in the councils of the nation. There are no inconsistent votes to be aroused from their slumber, and arrayed for my condemnation. I am not to be caught, as many are, upon the yeas and nays of former times. And for the same reason, with other reasons, I have no one to catch—no one to impale—no political tergiversations to expose. I congratulate myself that I am under no necessity of self defence, and feel neither the obligation nor the desire to assail others. I shall not, therefore, in these most unprofitable, tedious talks so common in this House, occupy the time of the committee.

The debate on the bill now under discussion has been exceedingly discursive, embracing almost every topic connected with the financial wants of the country, and the administration of the General Government. The Bank, the Sub-Treasury, the distresses of the country, the state of the Treasury, the errors and the follies and the virtues of Mr. Van Buren, have afforded themes of vast enlargement and great eloquence for honorable gentlemen. It is the custom of the age, and of this country particularly, to discuss, upon every question, every thing; to run the round entire of all the subjects about which the people do or may be presumed to feel any interest. And that subject, too, which is most likely to be slighted by the orator is the subject which is before him for discussion. I do not claim exemption for myself in this particular. I, like others, have been given to wandering and tedious prolixity. So far as concerns myself, I shall speedily amend, if possible; and, so far as it concerns others, I am well convinced that, in the custom referred to, there is neither utility nor good taste, and that it is more honored in the breach than in the observance.

In relation to a National Bank, I will only remark that I have always believed it to be unconstitutional in any and all its forms. So believing, it is neither necessary nor expedient to inquire into its utility, its blessings, or its curses. This objection to it stands at the threshold, and, amounting to a prohibition of a power to charter a Bank to Congress, is a conclusive answer to all arguments drawn from the expediency of such an institution. I hold that such a power cannot be claimed for Congress but by a latitudinary rule of construing the Constitution; such a rule as was of old established by the greatest Bank champion known to our annals. I mean, sir, Alexander Hamilton. This rule, in the operation of our system, will clothe Congress with almost any power which the varying exigencies of the future may seem to make either necessary or desirable. The reversed rule, I am daily more convinced, can alone maintain the just rights of the States, and restrain the ever-forward advance of Federal encroachment.

I admit, Mr. Chairman, the truthfulness of the picture of distress which the country now exhibits, drawn with such graphic accuracy by my friend, the eloquent member from South Carolina, (Mr. THOMPSON.) I know that all orders of men and all species of industry are labering under a pecuniary pressure of unexampled severity; and no part of the Union feels it more sensibly than that from which you and I came. Desolation sits upon the face of this great Union, paralyzing its energies and smothering its resources. To inquire into the causes of all this would require such time as this committee would not grant. These causes are manifold, and, among them, it has been stated, are the issues by the Government of Treasury notes. So far as the debt incurred by the Government by these issues is concerned, I admit, to that extent, the Government has increased its liabilities, but not the taxes or the liabilities of the people. For all these issues, past and prospective, have been, and will be, but anticipations of the revenue of the Government, accruing in the ordinary way and from the ordinary sources: for they have been, and those to be issued by this bill are to be, redeemed at short and specified periods from the resources of the Treasury. As a proof of this, of all the previous issues of Treasury notes there remains out now and redeemable only a little more than two millions of dollars. I like to view things sinely. Let others connect this bill as they may with other things; I am unable to see in it any necessary connection with the past or present distress of the country. It is not, as I suppose, designed to afford relief to the country, much less to oppress it. It is a measure of temporary relief to the Government from a pecuniary pressure, from which it must be relieved, or submit to dishonor before the world. I submit, then, sir, if it is a fair course of argument to involve this measure in the labyrinth of disordered currency, exchanges, private and public suffering. It would seem more statesmanlike to meet it upon its independent merits.

It was argued the other day, by my friend and colleague, (Mr. KING) that this bill is part and parcel of the Sub-Treasury scheme, and, being opposed to that, he thereby fortified his opposition to both measures. I listened with delight to that gentleman's speech, and give to it that respect which his own excellent mind and character and long personal friendship for him demand of me. If I thought with him, I would be happy to vote with him; and that his own convictions are satisfactory to him, and wholly sincere, there can be no doubt. But is this bill part of the Sub-Treasury scheme? Is it an adjunct to it? And is it true that this Government really designs to collect the revenues of the country in specie, and hoarding that (in prospective amount absolutely incalculable) to issue paper—Treasury notes or any other paper—in discharge of its own liabilities? Is it true that the Russian system of finance is here to be adopted? Will the Government establish a bank upon the specie revenue as a basis, filling out all the channels of circulation, controlling the currency, regulating the exchanges, and absorbing in her Sub-Treasury vaults the specie of the four quarters of the world? The proposition is a strong one, alarming even to fancy; such a one as this Government cannot venture upon without involving us at once in revolution. My colleague fears such things are contemplated, and will be the necessary result of the Sub-Treasury bill and its kindred and auxiliary measure, the bill I am now discussing. Perhaps I should rather say, he fears that, in times to come, such may be the result of that system, if persevered in, which is now beginning. It may be so. His forebodings may be realized; his prophecies may be fulfilled. One thing I do verily believe, and it is this: that, should this Ad-

ministration or any other come into this hall and ask for Treasury notes, with a redundant Treasury of specie, or of any other available funds, such request would be the signal of its overthrow. And I would be among the first of those who would like to be in at the death. This bill, in its terms, in its origin, and the manner of its execution, has, to my mind, no connection with the Sub-Treasury bill. That has not yet come before us. This is now upon its passage. That provides for the collection, disbursement, and custody of the public revenue, and prescribes the kind of money in which it shall be paid. This bill, not trenching upon, or being connected with, those objects, only authorizes, by issue of Treasury notes, the loan of five millions of dollars. This is not the time for discussing the Sub Treasury. When that bill is before us, then it will be fair to consider whether the constant issue of Government credits be part of the scheme. If it be, then I shall be with my honorable friend in opposition to it.

But now, instead of a full Treasury as a basis for credits, I find it empty. Its utter vacuity is the very cause, front, and head of this offending bill—no more. Viewing, therefore, the question as the facts present it, I cannot give such weight to the member's arguments as to justify my voting with him.

Mr. Chairman, in advocating the issue of Treasury notes, I am not to be considered as the apologist or supporter of the Administration. I am neither the one nor the other; nor do I appear on this occasion its assailant. I leave these tasks to those, of which there are not a few, who have for them a special vocation. The errors of those who administer the Government ought to be exposed, and a corrupt Administration ought to be unseated; so it is but right that they should have defence. Of this sort of warfare, there is quite enough in this hall. I do not complain of this; but I do desire not to be understood as supporting or opposing a measure because proposed by one or the other of the great parties.

I was elected by a political party in opposition to the Administration. I am myself in the Opposition. The obligations I owe to my constituents, as well as my own convictions of duty to the country, place me in the Opposition. There I expect to remain. But, sir, the opposition of the State Rights party of Georgia and of myself, by them elected, is not capricious, but founded on principle; and whenever the measures of the Administration are in accordance with those principles by which that great and honest party regulate their political conduct, the opposition ceases. Is this, sir, a sufficient definition of a position? It is certainly explicit. To use the quaint language of a Southern editor, is this "the indefinite definition of the juttings and boundings of one's political nothing"—that is, one's position? These definitions are often necessary in this day, for a political position is an exceedingly variable thing. Politicians do not often stand long enough in the same place to create a position. They (positions) are intangible, optical illusions, which cheat the sight. They remind me of an angle of the river Potomac, called Point-no-point, which seems to be, but vanishes as you approach it, existing only in the illusion created by light and shade.

The name of Mr. Crawford has been quoted against this bill. This is a name, sir, which I delight to honor. I revere the memory of that transcendently great man—great in mind and in integrity. "*Magnum vir et venerabile nomen.*" I thank the gentleman from South Carolina [Mr. THOMPSON] for the deserved tribute which he was pleased to bestow upon Mr. Crawford. It is even true, as he said, that take him all in all, he has had no superior since Washington died. He was a just exponent of State Rights principles—steady, practical, and sound. His policy was to hold the Government strictly to its conceded powers, whilst he frittered not away the doctrines he professed by unmeaning abstractions and metaphysical refinements, calculated only to bring them into contempt and ridicule. But the authority of Mr. Crawford is only to the expediency of this mode of raising money. He did not raise to it any constitutional objection; and this is the objection upon which resistance to it is now predicated. He believed the power liable to abuse, being easy of exercise, seductive, and therefore most likely to be resorted to. But when the circumstances of the Government and country are such as we know do now exist, it is by no means certain that Mr. Crawford himself, if living, would not yield to the guarded and moderate use of the power. The constitutional power in his day, as I believe, was not questioned. This is an objection of recent origin, and started first, I believe, by the gentleman from South Carolina, [Mr. THOMPSON,] at the extra session of 1837. For myself, I would certainly exercise the power most sparingly, and only in cases of pressing, nay, controlless necessity. Of this necessity Congress must judge. It is no part of my duty on the present occasion to prove that this power may not be abused. I know it may. But having satisfied myself that there is no valid constitutional objection, it behooves me only to establish that position, and that the present exigency justifies the use of the power. If, in some coming day, it should be abused, why, let the blame of that abuse rest upon those who perpetrate it.

In relation, then, to the expediency of the use of the power now, I remark that all parties admit that the Treasury needs money, and must have it at once, or be dishonored. It is also conceded that these notes will at once subserve the purpose of relief; that funds, through their agency, can be had, without delay, and with certainty, or that they will themselves subserve the uses of money, being made receivable in Government dues. By a few days' delay, we are told, and no one has questioned the statement, the Treasury will be exhausted, and the Government and the nation will be dishonored. I cannot see the national credit prostrated, or in danger of it, without coming to the rescue. The distress of the country has fallen also upon the Government. It is upon the verge of bankruptcy. It has even been stated in debate, with what truth I do not know, that the bills of the Department are even now under protest. Now, sir, the Government is the representative of the honor of sixteen millions of people, and of the dignity of twenty-six sovereign States. It is no small matter to have this honor sullied and this dignity impaired.

I will not stop to inquire what improvidence, what want of forecast, what false theory, or error of practice has brought all this about. The inquiry, though, sir, ought, at a suitable time, and I trust will be made. I will not stay to ask the reason of this state of things, but, with filial alacrity, hasten to the relief of the great head of the States. I therefore conclude that cause enough now exists even for the use of a power which is liable to abuse. The only objection which I have to my colleague's [Mr. KING] amendment is, that the relief it will afford cannot be so immediate, or so certain, and that a loan upon his plan would be for a longer time than I should like to see the credit of the Government extended. I must confess, too, Mr. Chairman, that, having satisfied myself that the Government can borrow money through the agency of such notes as this bill proposes to issue, constitutionally, I am willing to assert for the Government that power. Because, sir, believing, as I do, that it has no power to incorporate a bank, and seeing no prospect, even if it were desirable, so to amend the Constitution as to confer it, I know of no means left to the Government, in times of war, to raise money, but through this very agency. I have looked into this question, sir, with more interest than that which grows out of the present. The destinies of the future are involved in it.

I would greatly prefer, instead of voting supplies in this or any other form, to retrench and cut down the expenditures with the receipts of revenue accruing from the ordinary sources, and will go with any party in arresting those enormous appropriations which require high duties, and those high tariffs which in turn justify large appropriations. Tariffs and expenditures reproduce each other. High tariffs and vast disbursements constitute the leading policy of many of those gentlemen who have such troublesome qualms about the constitutionality of this bill. Some efforts at retrenchment have been made during this session, but so feeble and ill directed as to amount to nothing. Gentlemen have reduced the salary of one officer five hundred dollars; a reduction against which I voted, because I believe that fair salaries make good officers.

The game was not worth the chase. This was running down hares when lions and tigers were in the jungle. If gentlemen will refuse appropriations for the Cumberland road, for harbors, rivers, and canals, I will gladly go with them. But the necessity and principle of retrenchment do not require the rejection of this bill, for this reason, that the money now sought to be raised is to discharge existing obligations, from which there is no escape. Retrenchment must be prospective.

I understood the gentleman from New York, (Mr. VANDERPOEL,) who advocated this bill, to deny that it was a loan, and to deny that it created a debt. Not only did he deny that these notes, when issued, would create a debt, but rebuked my colleague for, as he charged by his amendment, creating a national debt. This is strange disingenuousness, or a want of correct understanding of the subject. My colleague's proposition is for a direct loan; this also is a loan, and if not a loan, then, as I believe, wholly unconstitutional. Both are debts. The moment these notes are issued, the obligation to redeem them is perfect; and is not that debt? It matters not how they are redeemable, whether in specie or by receipt into the Treasury as money; they are still the evidence of indebtedness. It seems to me that when that gentleman denied that the issue of Treasury notes was a loan, he abandoned the only ground upon upon which it can be justified.

And now, sir, having removed from around this bill the rubbish which almost hid it from view, and brought it out to fair inspection, I will address myself to the inquiry into its constitutionality. In this inquiry the guides I propose to myself are the canons of State Rights politics. I belong to that school. I hold to those principles which are repudiated by the greater part of American politicians; which are not understood by some, and sneered at by many—principles which have been brought into disrepute more by the inconsistent practice of those who profess them than by any other cause. At the basis of that system of politics is the truth so plainly expressed in the Constitution, viz: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The United States can exercise no powers that are not delegated. All other powers, unless prohibited to the States, belong to them respectively, or to the people. When seeking for a power, therefore, it is indispensable to find the express grant. It would scarcely be necessary for me to say that all power "necessary and proper" to carry into effect a delegated power is with that power also given. It is not enough for him who claims the power to show that it is not prohibited; for, by the clause which I have quoted, all undelegated power, except such as is prohibited, belongs to the States or the people. Now, there are powers which belong neither to the States nor to the Government, and they are such as are not delegated to the latter, and are prohibited to the former. They lie in abeyance, dormant, in the sovereign mass, the people of the States respectively. Among these is the power to "emit bills of credit." I assume at once, or, rather concede, that Congress has no power to emit bills of credit. I contend that the power to issue Treasury notes is embraced in the delegated power "to borrow money on the credit of the United States. To establish this position, it will be necessary to show that the notes proposed to be issued are not bills of credit; if they are not, then they are but the evidences of a debt, and the operation is a loan.

My colleague, [Mr. KING,] and all who have followed him, have sought to establish the unconstitutionality of Treasury notes, upon the authority of the Madison Papers, recently published, and he has invoked to his aid the name of that truly great and virtuous man, (Mr. Madison.) Mr. Chairman, no authority was necessary to prove that Congress has not the power to "emit bills of credit," because such a power is not among those that are delegated. And I shall show, I trust, that the Madison Papers prove nothing more than that a power to "emit bills on the credit of the United States," was, in the Convention which adopted the Federal Constitution, proposed and rejected. See 3d volume Madison Papers, page 1343. The gentlemen, some of them, however, contend that this authority not only denies to Congress the power to emit bills of credit, but also the power to use its credit by issuing notes, and such notes as those contemplated in the bill; in other words, that Congress cannot, upon this plan, borrow money.

Now, sir, I think it is manifest that the Convention intended no such thing. What was the power sought to be conferred by those who were for this amendment, and to be denied by those who were against it? It was obviously a power to make and circulate paper money, and that, and that only, is meant by "bills of credit." The evil dreaded was a continuous power of issuing bills upon the credit of the United States, with a view to circulation, and to answer the purposes of currency. This is proven by the language and arguments used by the members of the Convention at the time. Mr. Madison, who seems, at first, to have been disinclined to strike out, said: "Will it not be sufficient to prohibit making them [bills] a tender?"—looking plainly to a money-creating power.

Mr. Mason said, "Though he had a mortal hatred to paper money, yet, as he could not foresee all emergencies, he was unwilling to tie the hands of the Legislature." Mr. Gorham said, "The power, as far as it will be necessary or safe, is involved in that of borrowing." Mr. Gorham voted for striking out, and his authority is directly in support of the position which I assume, to wit, that the power of issuing notes is involved in that of borrowing. Gouverneur Morris remarked, "Striking out the words will leave room still for notes of a responsible minister, which will do all the good without the mischief. The moneyed interest will oppose the plan of Government, if paper emissions be not prohibited." The authority of this eminent financier proves two things, viz: that paper emissions was the evil guarded against; and that if the words "and emit bills," &c. were stricken out, still there was room for the notes of the money officer of the Government. Mr. Mercer "was a friend to paper money; he was consequently opposed to a prohibition of it altogether." Mr. Ellsworth "thought this a favorable opportunity to shut and bar the door against paper money." Mr. Randolph, notwithstanding his antipathy to paper money, could not agree to strike out, &c. Thus you see, Mr. Chairman, that the members of the Convention understood "bills of credit" to mean paper money, and that the power denied was a power to emit paper money.

There is a note to the Madison Papers made, as stated by the member from New York, [Mr. VANDERPOEL,] by the gentleman who superintended their publication, upon the authority of a manuscript of Mr. Madison himself, in these words, viz: "This vote in the affirmative of Virginia was occasioned by the acquiescence of Mr. Madison, who became satisfied that striking out the words would not disable the Government from the use of public notes, as far as they could be safe and proper, and would only cut off the pretext for a paper currency, and particularly for making the bills a tender either for public or private debts." I claim, therefore, the name of Mr. Madison as authority for all I have yet assumed in this argument, and will only add that Treasury notes during the last war, under his administration, were issued to a large amount, without being by him, so far as I know or believe, questioned.

It is assumed, however, that these notes are bills of credit, or paper money in that sense in which those who framed the Constitution understood those terms. If this assumption be correct, then the argument is at an end; for, in that event, I am very clear there is no power in Congress to pass this law. If it be incorrect, the argument also terminates; for, in that event, there remains, as I have shown, no further objection to the exercise of the power. This, therefore, is the only issue remaining for elucidation. The phrase "bills of credit" admits of a variety of meanings. It has a meaning peculiar to commercial men, and may signify all negotiable paper payable at a future day. So it may mean, in one sense, any evidence of a debt due by the Government and redeemable at a future day; but, as used in the Constitution, it has a monetary meaning different from both of these. It is obviously designed to express money, as used generally, and intended for circulation in paper form.

I take it for granted that the power, which we admit is not given the Government to emit bills of credit, is the same with that in those words prohibited to the States. Now, as to what is a bill of credit when issued by a State, we have the opinion of the Supreme Court in the case of Craig et al. vs. the State of Missouri. The Court, in this case, holds the following language:

"The word emit is never employed in describing those contracts by which a State binds itself to pay money at a future day for services actually received, or for money loaned for present use; nor are instruments executed for such purpose, in common language, denominated bills of credit. To emit bills of credit conveys to the mind the idea of issuing paper intended to circulate through the community for its ordinary purposes as money." See 4 Peters's Reports, 431.

Now, sir, let us see what are the Treasury notes to be issued by this bill—what are their distinguishing characteristics, and determine whether, according to the opinion of the Supreme Court, they are or not "bills of credit." Let us see whether "they are paper intended to circulate through the community for its ordinary purpose as money." And let us see, also, whether they are not the mere evidences of a debt—instruments executed as evidence of a contract for money loaned for present use. The bill before the committee receives the act of 1837, and to that we refer for the character of the notes.

Now, sir, I contend that they are not intended to circulate as money, first, because they are not, as bills are, redeemable on demand, nor can they circulate beyond the limited period of time; and an indefinite period of circulation is one of the distinguishing features of money; that is, it may, and it is generally desired that it shall circulate for an unlimited period. Now, these notes are redeemable at the time fixed in the act by virtue of which they are issued. It is provided in the second section of the act of 1837, that the said Treasury notes authorized to be issued by the first section of this act shall be reimbursed and redeemed by the United States at the Treasury thereof after the expiration of one year from the dates of said notes, respectively. It was urged by my colleague that the amount remaining out at the end of one year, the time at which the present bill expires by its own limitation, would remain out, and go fully into the circulation. The answer to this is, that, if they are not presented for redemption, upon notice from the Secretary of the Treasury to that effect, they no longer bear interest, and would, therefore, be subjected to at least a depreciation to the amount of interest they bear. This would doubtless send them home for redemption, and would operate as a preventive to their circulation.

Secondly. Because they bear interest. Interest is not a characteristic feature of bills designed to circulate. Bills of credit or paper money are intended to realize for the State or company issuing them a profit by reason of the fact that they do not bear interest, whilst those who use them, the community at large, pay interest for that use. But this bill charges the Government with interest upon the notes she may issue, thus placing her in the position of a borrower at an established rate of interest. Is not this, Mr. Chairman, the truth of the case? Is not the Government a borrower by placing her notes in the market to be vended for their principal with interest? Is this any thing more than borrowing money by the use of her credit, and are these bills any thing more than the written undertaking of the Government to refund at a time certain the money raised by their instrumentality?

Say that these notes are paid out in discharge of existing obligations, still it does not vary the case, for, in that event, it is but an extension of the credit of the Government for a benefit already realized, or money heretofore received. The process proposed in the bill is analogous to that known to every shopkeeper, by which money is borrowed from banks or capitalists upon accommodation paper. It is not less a loan

because the note which attests the obligation of the borrower to pay may be negotiable; nor is it the less a loan because it realizes the receipt of no new fund, but continues the use of a fund already received. Are such notes, when issued by individuals, money in any fair sense of that word? If they are not then are not these notes money?

The fact that these notes do bear interest not only proves that they are not designed to circulate, but also restrains their circulation, for the reason that, if they bear an interest equal to the value of money, they will be taken and held by banks or capitalists upon permanent investment. To make them bear interest beyond all question, I propose, Mr. Chairman, before I take my seat, to offer an amendment, by way of proviso, to the last section of the bill, which is in these words:

"*Provided*, That the notes proposed to be issued by virtue of this bill shall bear interest of not less than two, nor more than six per cent. per annum, at the discretion of the Secretary of the Treasury, with the approbation of the President."

[Mr. EVANS, of Maine, here remarked that such proviso would be unnecessary, as the notes were made to bear interest already by the act.]

It is true, Mr. Chairman, that by the act they must bear some interest, but it may be barely nominal—the act providing that they shall bear interest not exceeding 6 per cent. at the discretion of the Secretary of the Treasury. Now my desire is by this amendment to require them to bear as much as 2 per cent. interest.

Again, sir, they are not bills of credit, or money, because they are not payable to bearer, and negotiable by delivery; and this is one of the attributes, if I may so speak, of all paper designed to circulate as money. On the contrary, their negotiability is restrained to some extent at least by their being transferable by assignment endorsed upon them. In section 5th of the act of 1837 it was enacted:

"That the said Treasury notes shall be transferable by delivery, and assignments endorsed thereon, by the person to whose order the same shall, on the face thereof, have been made payable."

The holders of these bills, under my construction of this clause, derive no title, but by an assignment thereon from all who have been prior holders, and thus certainly their circulating quality is limited, if not wholly restrained. I am aware that others place a different construction upon this section, claiming that under it they can be endorsed in blank by the payee, and will, of course, circulate afterwards by delivery. But such I do not hold to be the fair construction.*

These notes are not made a tender—could not be made a tender. There is no obligation, statutory or otherwise, upon any Government creditor to receive them. They are receivable in payment of dues to the Government; but does that make them money? What is that but the extinguishment of the debts of the Government by off-setting debts due to it? So far as they are to circulate at all, that circulation is between the Government itself, its debtors, and creditors. Their circulation is incidental only. They are not based upon the mere faith of the Government, because the act itself sets apart the unappropriated funds which may be in the Treasuy at the time of their maturity for their redemption.

All these things show that they are not money designed to circulate. Well, sir, what are they? In the language of the court before quoted, they are "contracts by which a State binds itself to pay money at a future day for money loaned for present use."

By the letter of the Constitution, Congress has power to borrow money—upon this delegation I rest the matter. And how, sir, borrow money? Why, in the language of the Constitution, "upon the credit of the United States." It is wholly incomprehensible to me how money can be borrowed without the use of credit. It is also wholly unintelligible how credit can be used without some scribe or instrument, as the evidence of the contract of borrowing. Now, if the objection be good to Treasury notes, it seems to me it is equally good against State stock, or Government scrip, or any thing which is the evidence of a loan, and that it does, in fact, make the power to borrow money wholly nugatory.

* Mr. HABERSHAM subsequently offered an amendment, requiring that the notes be negotiable by special endorsement only, and subject to the same rules and restrictions as inland bills of exchange, without liability to endorsers.

SPEECH OF MR. J. C. ALFORD,

OF GEORGIA,

In the House of Representatives, January 22, 1840—On the subject of Abolition petitions.

Mr. Speaker, I am pleased that I have at last obtained the floor, and have an opportunity of expressing my views in this Hall on the most important question—a question to my constituents of the deepest interest; one that strikes at the existence of the Union.

I will not evade the question. If my friend from South Carolina (Mr. THOMPSON) does not intend by his proposition to reject the reception, I will offer an amendment that shall bring the question directly before the House, and compel this body to decide whether they will or will not receive these petitions. The gentleman signifies his intention is to refuse to receive these petitions; such was my opinion of the object of the resolutions, and under that view of the question I support the amendment.

I will meet this question at once on what its friends are pleased to call its high constitutional grounds. Congress has no constitutional right or power to receive these Abolition petitions; and let me say to gentleman, in all truth and sincerity, that if they decide, in violation of that sacred instrument, that they shall be received, I will say to my constituents from my heart and soul that they have no longer any use for this Union. It will then be to them an engine of the most diabolical oppression. I am ready to say this to them whenever gentleman are ready to decide the question in favor of reception. I place the issue on their reception, and will proceed to demonstrate, on constitutional principles, that Congress has no right to receive, to consider, to report upon, or to grant the prayer of these petitions.

What is the object of these petitions? What do they pray for? Some of them go to abolish slavery and the slave trade in the District of Columbia; some to abolish it in the Territories, and some in the States; and some prey that no new State shall be admitted into the Union if the Constitution authorize the institution of slavery. It is in this broad sense I am about to consider the proposition. What says the Constitution? Let us look to that. I have not come here to appeal to the North, the East, or the West, as men, to protect our rights. I appeal to no men, or set of men—to no party, Whig or Democrat—but I plant myself upon the Constitution of my country, the only basis upon which I am willing to stand. Were it not for this Constitution, I would advise my constituents to go back to first principles; were it not for the protection guarantied to them by this Constitution to enjoy their rights of property, as well as their private and political rights, I should tell them to protect themselves with their own strong arm. And if gentlemen doubt our ability to do so, let them look at this right arm of mine. But we have this Constitution, and gentlemen say they claim the right to present and consider these petitions under that clause which provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." I will not say that one man cannot petition as well as another, but I do mean to say that every one must petition for his own grievance; and I contend that slavery is no grievance. And if it were, it is no grievance of these petitioners, living as they do in States where slavery is not tolerated by law. Each State of the Union has a Constitution of its own; and in the Southern States slavery is authorized by law. Each State legislates for its own people; and the people of our State have no interest in or right to control the legislation of another State, in regard to this question especially.

The right of property held by the master in his servant in Georgia, according to the laws of Georgia, can be no grievance to the citizen of Maine; nor is there any thing repugnant to this right of property in slaves in the Constitution of the United States, but, on the contrary, the Constitution of the United States fully recognises this right of property in slaves, by just and ample provisions for the protection of our people in their domestic tranquillity. And, to insure the blessings of the relative condition of master and servant to us and our posterity, the framers of that instrument inserted a clause which authorized the importation of slaves in this country for many years after its adoption. Let the Constitution speak for itself:

"The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year eighteen hundred and eight; but a tax of duty may be imposed on such importation, not exceeding ten dollars for each person."

Thus it seems the Constitution contemplates the existence of slavery in the States through all time; and who now can say in truth that it was ever contemplated by the framers of the Constitution that the people of any part of this Confederacy—the ladies of the North—would send to Congress petitions to interfere with our domestic tranquillity—to interfere with our right of property, and claim that privilege of intermeddling in other people's business upon the ground that our lawful and constitutional rights are a grievance to them? The absurdity of receiving these petitions is obvious to all. To me the proposition seems to violate all the principles of constitutional law as well as every sentiment of humanity and religion. This question can only be the legitimate subject of discussion among the slaveholding people themselves. The General Government has no power, by the Constitution, over the subject. To receive these petitions would imply the power to grant their prayers. Congress has no such power. Hence the absurdity of their reception.

Not only did our father provide for our domestic tranquillity—not only did they authorize the importation of slaves into the States—but, knowing as they did, and believing as they must have believed, from the facts and circumstances of the times in which they lived, that the happiness of our people, their security, and the perpetuity of our Union, depended upon the preservation of the institutions of the South as they found them when they formed the Constitution of the United States, they, with that patriotism and wisdom which distinguished them above all other men who lived before them or will live after them, incorporated into that Constitution a clause declaring that three-fifths of this property shall be represented in the Congress of the United States.

What would the honorable gentleman from New York, [Mr. GRANGER,] with all his knowledge of the Constitution and with his ability in argument in favor of the right of petition on this question, think of a petition sent here from citizens of the South, praying that Congress would abolish the right of representation in New York, the Empire State, and, if the gentleman please, in his own district? Yes, sir, what would he say if the ladies of the South were to petition Congress to infringe the right of representation in New York, to diminish the number of their Representatives, and disfranchise his constituents? I cannot foretell the kind or power of the resistance the distinguished gentleman would offer to such a palpable abuse of the right of petition, and such a violent infraction of constitutional law. Yet such is the course pursued towards the South, and the arguments of the gentlemen on this floor justify it, and amongst these champions of the right of petition in this sense is to be found the honorable gentleman himself.

As I sat out to defend the interest of my constituents on constitutional principles, and as I declared in the outset that I would risk every thing with the Constitution, let us read it again, and see if it is not truly the ark of our political salvation.

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and, excluding Indians not taxed, three fifths of all other persons."

The abolition of slavery would therefore, reduce the number of Representatives from the South to a very great extent, and would be a denial of the right of representation, a positive infraction of the right of representation authorized by the Constitution of the United States, exactly in proportion to the number of slaves represented upon this floor.

Gentlemen complain that, by reason of this representation of slaves, the South has a preponderance in the political scale. Is this the reason that they favor Abolition? Is this the reason they vote to receive these petitions? If so, they seek to rob us of our constitutional measures; and the only means left us to escape the consequences of such a measure would be to go over to Mr. Van Buren's principles, and advocate the right of free negro suffrage; a measure which I detest, and one which my constituents will never submit to.

I ask again, is it right to receive petitions here which strike at the very foundation of Federal representation? which go to dissolve the body politic by an infringement of the high privilege expressly secured to the South in the Constitution?

This principle of representation has been held sacred by the people of this country from the adoption of the Constitution, and by none more cherished than by the freemen of Georgia.

The history of Georgia politics places this right of representation in a strong point of view. But reference to the Journals of this House, there may be found a bold and eloquent argument in the case of Jackson against Wayne, made by James Jackson, of Georgia, a hero of the Revolution, and the father of the Republican party in Georgia, in favor of this sacred constitutional right of representation.

I cannot recur to a name so illustrious, to a man who fought so long and so valorous for freedom, to a Whig of the Revolution, without remembering one of the most prominent causes of that Revolution—a denial by the mother country of the right of representation; and shall we be less tenacious of the right than our fathers? Shall we surrender to a few fanatics, urged forwarded by an unholy zeal, a principle which our fathers refused to surrender so the arms of Europe, and maintained at the cannon's mouth? Never, I hope. God forbid it.

The member from Vermont [Mr. SLADE] made one admission which is fatal to his Abolition doctrines—his right of petition. He says there are some things it would not be proper to petition for. One of his cases is, that it would be improper to petition this body to hang an Abolitionist. I doubt not the gentlemen had some forebodings of what his fate might be if he were to carry his principles into practical operation; in throwing this shield around himself, he has conceded the whole ground. And let me ask the gentleman if it would be less lawful or religious to hang him up to one of these pillars until he was dead, dead, than it would be to arm an incendiary with a torch in one hand and a dagger in the other, to burn my house and murder my family. Yet such is the criminal denunciation of some of these petitioners. They have had the madness to say that if they cannot abolish slavery by law, they will do it with the sword, or, what is worse, they send incendiary pamphlets into our country, to excite our slaves to deeds of insurrectionary warfare.

Mr. Speaker, three years ago about this time, I met the honorable gentleman (Mr. GRANGER) on this floor, and when I attempted to reply to his defence of the gentleman from Massachusetts, (Mr. ADAMS,) I was gagged down with the previous question. The gentleman, if I remember right, asked us to let them fight our battles at the North.

[Mr. GRANGER denied he had ever claimed to fight the battles of the South.]

Mr. ALFORD said, I am glad of it. I would not trust him or any Northern man to fight our battles with the Abolitionists alone. Let those who would fight for us there, fight with us here. But I fear they are all Whigs, all Democrats on this subject at home; all against slavery in the abstract. The South has been gulled long enough with this right of petition so sacred to the honorable gentleman. Of one thing I am certain: he said then, as he says now, that the North has rights and dare maintain them. The acceptation of these petitions under that clause of the Constitution already alluded to, which secures the right of petition for the redress of grievances, is not one of those rights to which his declaration applied. He should maintain no such a right. What are we to understand by this threat, that the North "has rights and dare maintain them?" We are to be taught, I suppose, that under the authority to petition Congress for a redress of *their* grievances, they will enforce upon us a reception of Abolition petitions, and trample under their feet *our* rights of property and representation both.

They charge us with having mixed the right of petition with the question of Abolition, and say that they will dare maintain that right, although they admit that they cannot abolish slavery at all, so long as the Constitution is in force. If they have no right to abolish slavery at all, what right have they to trouble Congress with these petitions? The argument is absurd on the face of it. What means this declaration, this threat, that they dare to do such deeds? Does the gentleman intend to carry this measure by force of arms! Are we to be swept away by the power of the North as the besom of destruction? Is the South to fall by force, without resistance?

I cannot contemplate the possibility of Congress entertaining these doctrines without feelings of horror. If ever this power is once carried out effectually, it will raise a fire of discord, it will light the torch of civil war, and the consuming element will sweep over this nation as the tempest sweeps over the ocean, as the ocean sweeps over the earth when driven by the fury of the warring elements. Before the howling of the tempest shall hush, and the fire of war blast out, the last son of the South shall perish a martyr to our constitutional rights.

Mr. Speaker, I have now in my eye the honorable gentleman from New York who did say three years ago (when, Democrat as he is, he stood by his colleague, Whig as he is, in defence of Mr ADAMS) that the South should let the battle be fought at the North.

[Mr. VANDERPOEL inquired if Mr. ALFORD alluded to him.]

Mr. ALFORD said, I allude to the leader of the Administration forces in this House, to him who leads with a whip, to the gentleman who represents Kinderhook—it is unparliamentary to call members by name—I allude to him who, when New Jersey was stricken from the roll of States, stood upon this floor and thanked God that the voice of Democracy was triumphant in this House; that the voice of the Democratic party in New Jersey had been heard in this Hall. Yes, Mr. Speaker, the voice of Democracy has been heard, and the gentleman rejoices at the fact, and speaks of regenerated States. That voice of Democracy which hails from New Jersey is not the voice of her people, but it is the voice of aliens carted about by Van Buren men to raise the hue-and-cry of modern Democracy, of O'Connell Democracy. Yes, sir, to raise a tumultuous shout of alien, O'Connell, Democratic triumph over the native citizens and legal voters of a gallant State, speaking as they did in favor of the Opposition cause by their own people through the medium of a constitutional Government. But, sir, the voice of the sons of New Jersey cannot prevail; right yields to force, and the voice of law is drowned by a wild and disorderly shout of the mob, which is called here the voice of Democracy—a voice that comes from the land of O'Connell, that breaks upon the shores of New Jersey, that rings through the spell-bound regions of the "enchanted mountains," that wakes up the drowsy inhabitants of "Sleepy Hollow," and they too hail the triumph of this cause of regenerating Democracy, and join the shout of that Democracy, echoed here by the "leader" of "the party" in this Hall.

[Mr. VANDERPOEL asked Mr. ALFORD to yield for an explanation.]

Mr. ALFORD said, after I am done. I found it too hard to get the floor to give it up. I cannot let go my grip until I have said what I have to say. I can tell the gentleman that, unless I am mistaken in the signs of the times, this modern Democracy will soon come to an end. This Van Buren-Calhoun-Bentonian-Buchanan Democracy will blow up at the end of Mr. Van Buren's eight years, if he is re elected, I "guess."

The SPEAKER interposed, and Mr. ALFORD said, sit still, Mr. Speaker, I will go back to argument.

I hold in my hand the most eloquent and conclusive argument in favor of the constitutional rights of the South on this question of slavery, and against the course pursued by these fanatics, I have seen or read; and what is astonishing to all lovers of truth and justice, it is the very speech of William Henry Harrison, from which garbled extracts have been made to prove him an Abolitionist, and for which he has been doomed to encounter the united opposition of the whole South; and this same speech is now published in the Emancipator, under a long editorial denunciation of General Harrison as an anti-Abolitionist, and declaring that no Abolitionist can support him for the Presidency, because he goes with the South. And I am happy, sir, that whilst I use his speech to prove the truth of my position, I am but doing an act of justice to a statesman and a patriot, a friend of the South, who has been misrepresented and belied. Let not gentlemen suppose that I am about to become the advocate of General Harrison for the Presidency. Georgia stands on neutral ground. We have a man of our own—the immortal Troup—who is better qualified to administer the Government, in my opinion, than Harrison and Van Buren both put together. I go for Troup, sir; but if ever he is out of the question, I have a right to enjoy my own opinion as between the other two: and I am willing to judge them by their own acts, and choose between them upon their principles in regard to this very question.

I will now give Gen. Harrison's views as authority on this question. Hear them:

"*Extract from remarks of General William Henry Harrison, at the public dinner given him by the citizens of Vincennes, Indiana, on the 25th May*, 1835.

"I have now, fellow-citizens, a few words more to say to you on another subject; and which is, in my opinion, of more importance than any other that is now in the course of discussion in any part of the Union. I allude to the societies which have been formed, and the movements of certain individuals in some of the States in relation to a portion of the population in others. The conduct of these persons is the more dangerous, because the object is masked under the garb of disinterestedness and benevolence, and the course vindicated by arguments and propositions which in the abstract no one can deny. But however fascinating may be the dress with which their schemes are presented to their fellow-citizens; with whatever purity of intention they may have been formed and sustained, they will be found to carry in their train mischief to the whole Union, and horrors to a large portion of it, which it is probable some of the projectors and many of their supporters have never thought of; the latter, the first in the series of evils, which are to spring from this source, are such as you have read of to have been perpetrated on the fair plains of Italy and Gaul by the Scythian hordes of Attila and Alaric, and such as most of you apprehended on that memorable night, when the tomahawks and war clubs of the followers of Tecumseh were rattling in your suburbs. I regard not the disavowals of any such intention upon the part of the authors of these schemes, since, upon the examination of the publications which have been made, they will be found to contain every fact and every argument which would have been used if such had been their objects. I am certain that there is not in this assembly one of these deluded men, and that there are few within the bounds of the State. If there are any, I would earnestly entreat them to forbear, to pause in their career, and deliberately consider the consequences of their conduct to the whole Union, to the States more immediately interested, and to those for whose benefit they profess to act. That the latter will be the victims of the weak, injudicious, presumptuous, and unconstitutional efforts to secure them, a thorough examination of the subject must convince them. The struggle (and struggle there must be) may commence with horrors such as I have described, but it will end with more firmly riveting the chains, or in the utter extirpation of those whose cause they advocate. Am I wrong, fellow-citizens, in applying the terms weak, presumptuous, and unconstitutional, to the measures of the emancipators? A slight examination will, I think, show that I am not. In a vindication of the objects of a convention which was lately held in one of the towns of Ohio, which I saw in a newspaper, it was said that nothing more was intended than to produce a state of public feeling which would lead to an amendment of the Constitution, authorizing the abolition of slavery in the United States. Now, can an amendment of the Constitution be effected without the consent of the Southern States? What then is the proposition to be submitted to them? It is this. The present provisions of the Constitution secure to you the right (a right which you held before it was made, and which you have never given up) to manage your domestic concerns in your own way; but, as we are convinced that you do not manage them properly, we want you to put it in the hands of the General Government, in the councils of which we have the majority, the control over these matters, the effect of which will be virtually to tranfer the power from yours into other hands. Again, in some of the States, and in sections of others, the black population far exceeds that of the white. Some of the emancipators propose an immediate abolition. What is the proposition then as it regards those States and parts of States, but the alternative of amalgamation with the blacks, or an exchange of situation with them? Is there any man of common sense who does not believe that the emancipated blacks, being a majority, will not insist upon a full participation of the political rights with the whites, and, when possessed of these, that they will not contend for a full share of the social rights also? What but the extremity of weakness and folly could induce any one to think that such propositions as these could be listened to by a people so intelligent as those of the Southern States? Further, the emancipators generally declare that it is their intention to effect their object (although their acts contradict the assertion) by no other means than by convincing the slave holders that the immediate emancipation of the slaves is called for both by moral obligation and sound policy. An unfledged youth at the moment of his leaving (indeed, in many instances before he has left) his Theological Seminary, undertakes to give lectures upon morals to the countrymen of Wythe, Tucker, Pendleton, and Lowndes, and lessons of political wisdom to States whose affairs have so recently been directed by Jefferson and Madison, Macon and Crawford. Is it possible that instances of greater vanity and presumption could be exhibited?

"But the course pursued by the emancipators is unconstitutional. I do not say that there are any words in the Constitution which forbid such discussions as they say they are engaged in. I know that there are not. And there is even an article which secures to the citizens the right to express and publish their opinions without restriction. But in the construction of the Constitution it is always necessary to refer to the circumstances under which it was formed, and to ascertain its meaning by a comparison of its provisions with each other, and with the previous situation of the several States who were parties to it. In a portion of these slavery was recognised, and they took care to have the right secured to them to follow and reclaim such of them as were fugitives to other States. The laws of Congress passed under this power have provided punishment to any who shall oppose or interrupt the exercise of this right. Now, can any one believe that the instrument which contains a provision of this kind, which authorizes a master to pursue his slave into another state, take him back, and promises a punishment for any citizen or citizens of that State who should oppose him, should at the same time authorize the latter to assemble together, to pass resolutions and adopt addresses, not only to encourage the slaves to leave their masters, but to cut their throats before they do so? I insist that, if the citizens of the non-slaveholding States can avail themselves of the article of the Constitution which prohibits the restriction of speech or the press to publish any thing injurious to the rights of the slaveholding States, they can go to the extreme that I have mentioned, and effect any thing further which writing or speaking could effect. But, fellow citizens, these are not the principles of the Constitution. Such a Constitution would defeat one of the great objects of its formation, which was that of securing the peace and harmony of the States which were parties to it. The liberty of speech and of the press were given as the most effectual means to preserve to each and every citizen their own rights, and to the States the rights which appertained to them at the time of its adoption.

"It could never have been expected that it would be used by the citizens of one portion of the States for the purpose of depriving those of another portion of the rights which they had reserved at the adoption of the Constitution, and in the exercise of which none but themselves have any concern or interest. If slavery be an evil, (and no one more readily acknowledges it than I do,) the evil is with them. If there is guilt in it, the guilt is theirs, not ours, since neither the States where it does not exist nor the Government of the United States, can, without usurpation of power and the violation of a solemn compact, do any thing to remove it, without the consent of those who are immediately interested. With that consent, there is not a man in the whole world who would more willingly contribute his aid to accomplish it than I would. If my vote could effect it, every surplus dollar in the Treasury should be appropriated to that object. But they will neither ask for aid nor consent to be aided so long as the illegal, persecuting, and dangerous movements are in progress of which I complain; the interest of all concerned requires that these should be immediately stopped. This can only be done by the force of public opinion, and that cannot too soon be brought into operation. Every movement which is made by the Abolitionists in the non-slaveholding States is viewed by our Southern brethern as an attack upon their rights, and which, if persisted in, must in the end eradicate those feelings of attachment and affection between the citizens of all the States which was produced by a community of interests and dangers in the war of the Revolution, which was the foundation of our happy Union, and by a continuance of which it can alone be preserved. I entreat you then, fellow-citizens, to frown upon the measures which are to produce results so much to be deprecated."

Without entering into a full detail of the merits of the gentleman at the head of this Government, I turn to the supporters of the Administration, and ask them, if they please, to show me wherein the present Chief Magistrate of this Union ever held such language as this? Has he ever declared that the abolition of slavery would be unconstitutional? On the contrary, has he not declared and admitted that, with the lights before him, he could not say but that it might be abolished? Has he ever said that the "efforts" of these petitioners were "weak, injudicious, presumptuous, and unconstitutional? Has he ever "entreated them to pause in their career?" No man can answer in the affirmative to these questions for Martin Van Buren, with truth and sincerity. What has he said—what has he done? "Let us render unto Cæsar the things which are Cæsar's." In that great and truly alarming agitation of the question of slavery as regards the State of Missouri, Mr. Van Buren proved, by his vote, that he was opposed to slavery; and not only that he was opposed, but that he would refuse to admit a State into the Union rather than her people should judge and act for themselves in the question of slavery. He voted in the Legislature of New York to instruct an ultra Federalist (Rufus King) to refuse the admission of Missouri into this Union if her Constitution recognised slavery. I do not give the words of the resolution, but the substance.

Where was old Tippecanoe at that vastly important crisis in our affairs? Side by side in this House with those that led the van in favor of slavery—side by side with the Republicans of the South, he made a full and glorious sacrifice of himself for the people of Missouri. He voted to sustain her constitutional right of slavery, and was beaten out of Congress for the part he took in behalf of Southern interests and Southern institutions. Is the gentleman from Missouri in the House? Oh, Missouri! (Oh, Misery!) What has Mr. Van Buren done for you?

If Mr. Van Buren had done as much for us as General Harrison, I would not hesitate to marshal myself in his ranks at once, as he now pretends to be so much of a State rights man; but still I fear his measures. His message recommends strict economy, (good,) but he intimates very plainly that, after all the economy he recommends has been used by us, there will still be a deficit of revenue, and leaves us to infer, as I understand him, that more will be wanting. How we are to raise it under the plans in his message, without an increase of tariff duties, is not for me to say. The South may look out. I pass over many of his acts; and come down to his last public act, by which he proves himself to be now what he was in early life—the constant, uncompromising enemy of Southern institutions. I mean his vote in regard to slavery in Florida. On every occasion where he has voted on the question of slavery, he has voted against it,

Extract from the Senate Journal.

"The Senate resumed, as in Committee of the Whole, the consideration of the bill for the establishment of a territorial government in Florida; and, the bill having been amended, it was reported to the House accordingly; and,

"On the question to concur in the amendment to the 11th section, to *strike out*, after the word 'freedom,' in the 11th line thereof, the residue of said section, as follows:

"'No slave or slaves shall, directly or indirectly, be introduced into the said Territory, except by a citizen of the United States removing into the said Territory for actual settlement, and being, at the time of such removal, bona fide owner of such slave or slaves; or any citizen of the United States travelling into the said Territory with any servant or servants, not exceeding two; and every slave imported or brought into the said Territory, contrary to the provisions of this act, shall, thereupon, be entitled to and receive his or her freedom.'

"It was determined in the affirmative—yeas 23, nays 20.

"On motion by Mr. Mills, the yeas and nays being desired by one-fifth of the Senators present,

"Those who voted in the affirmative are—

"Messrs. Barbour, Benton, Brown of Louisiana, D'Wolf, Eaton, Elliott, Gaillard, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lloyd, Macon, Noble, Pleasants, Smith, Southard, Stokes, Van Dyke, Walker, Ware, Williams of Mississippi, Williams of Tennessee.

"Those who voted in the negative are—

"Messrs. Barton, Beardman, Brown of Ohio, Chandler, Dickerson, Findlay, Holmes of Maine, King of New York, Knight, Lanman, Lewric, Mills, Morrill, Otis, Palmer, Parrott, Ruggles, Seymour, Thomas, Van Buren."

The enemies of Mr Van Buren have denied him one quality which he possesses in an eminent degree—that of courage. In "treading in the footsteps of his illustrious predecessor," he has exhibited no signs of faltering. A soveregn State has gone by the board, and he shows no signs of alarm. Gen. Jackson, in his prime, never dared to do a deed so bold. Hundreds and thousands of American citizens have been disfranchised by an Executive edict, issued, no doubt, in secret, to be carried into effect by the Clerk of this House, and the party here, by which a State loses five out of six of her Representatives, for the sole purpose of giving the President and his party the power to rule this House, and, through the action of this House, to secure his re-election. Is not this a monstrous usurpation? Has history any parallel? Tyrants have dissolved legislative bodies by force of arms, but here the President wills it, and it is done almost without a struggle.

Mr. Speaker, I have said it, and I repeat it here, elected as I was by the State Rights party of Georgia to a seat in this House, on the principle that I stood in opposition to this Administration—elected by a party opposed to Mr. Van Buren—opposed to measures enumerated by me in this effort in behalf of my constituents as belonging to him—I cannot consent to be counted among those who follow his Administration, and I seek this early opportunity to "define my position," that I may not be suspected by any man living.

A man like me, Mr. Speaker, who has ever been accustomed to roam at large in the beautiful forests of his own, his native land, uncontrolled even by parental authority, cannot submit to be harnessed with the shackles of party, and collared with Van Burenism. No, sir; no, sir. I will go against this Administration as long as it goes wrong, and when it goes right I will go hom'.

[Some member replied, you will remain here a long time, my dear sir.]

If I were compelled to take sides in the contest between William Henry Harrison and Martin Van Buren, I would not hesitate to support the man who declared in 1835, that the conduct of the Abolitionists was "weak, injudicious, presumptuous, and unconstitutional;" and that too, in a non-slaveholding State, and to a non slaveholding people. The man who stood by Missouri—the General who protected the great valley of the Mississippi by his deeds of valor, and secured to its inhabitants peace and protection in place of danger and alarm—such a man is General Harrison. And, if I were to conceal my preference for him over Mr. Van Buren, I should act uncandidly to my friends, and dishonestly with myself. He pronounced the efforts of the Abolitionists unconstitutional. I am proud to call his opinion to aid my own. Hence I say, refuse to receive these abominable petitions, and disregard these fanatics.

SPEECH OF MR. SOUTHARD,
OF NEW JERSEY.

In Senate, April 3, 1840.—On the bill making appropriations for the continuation of the Cumberland road.

Mr. SOUTHARD made the following remarks, in substance:

Mr. PRESIDENT: This bill, when presented by the committee, appropriated $450,000 for the continuation and improvement of the Cumberland road within the States of Ohio, Indiana, and Illinois—being 150,000 to be expended within the present year in each of those three States. Upon the motion of the Senator from South Carolina, [Mr. PRESTON] by a very large vote, it has been reduced to $75,000 for each State—making, in the whole, $225,000. For this amendment I gave my vote. The Senate has also declared its opinion, by a very decisive majority, against the substitute proposed by the Senator from Alabama, [Mr. CLAY.] His substitute offered to relinquish to those States, for the construction of this road, the two per cent. fund, as it is usually called—which is two per cent. upon the amount which may hereafter be received from the sales of the public lands which lie within their limits and in the State of Missouri, provided they would, by acts of the State Legislatures, thus accept it, as a bar to any further appropriation by the Government for this road. The amount of this two per cent. fund it is impossible to estimate with any thing like strict accuracy. It ought, from the lands yet unsold, to amount to one or two hundred thousand over a million of dollars. But no safe calculation can be made of the time within which these lands will be sold, nor when those States would receive the money. For present use, and for the continuance and prompt completion of the road, the grant would be utterly without value.

The objections to this proposition arise out of the nature of the fund to be granted, and from the future relation of the Government to the road, and seemed to me so obvious that I had no difficulty in giving my negative to it. It purported to be a grant, and to bestow a benefit, when no positive good could result to the grantees. It assumed the appearance of kindness, while, in fact, it was mere mockery of their hopes. But it had also a much worse aspect. It severed, forever, the connection between the Government of the Union and this great, and, in my estima-

tion, invaluable internal, yet perfectly national, improvement. To this I could not reconcile my judgment or my feelings. And the remarks I propose now to make will explain, both to the friends and the opponents of this road, the reasons which governed me in my vote against that proposition.

The question before us is on the passage of the bill, in its present form, appropriating $75,000, to be expended in each of those three States during the present year. Shall we appropriate $225,000 for the Cumberland road within the present year? My reasons for stating the question in this form will be apparent to those who will condescend to listen to me.

I have brought myself to the clear and undoubting conviction that it is not my duty to vote for the appropriation. And as this conclusion does not conform to my previous votes, I desire to state the grounds on which I do not, and those on which I do rest my justification. This is due to many of my own immediate constituents, who have thought it proper to observe my conduct; but much more due to my professed regard for constitutional principles, and a wise and economical administration of the Government. And, insignificant as I or any member of this body may be, he is not, and cannot be unimportant, in his action and his votes, upon any question which affects the constitutional construction, or the present policy and future destiny of the country.

In answering this inquiry, I have to say—

1. That I have no difficulty as to our constitutional power. I differ on this point from many of the opponents of this bill, with whom I shall vote. I believe the power to appropriate money for internal improvements exists. I derive my convictions on this subject, in the first place, from the language of the Constitution, from several of the powers which are not only conferred upon this Government, but, as I believe, solemnly enjoined upon it.

I do not now, for it would be impertinent, enter upon the argument. My object is to prevent a misconstruction of my vote in regard to the principle. I believe that we are at perfect liberty to pass this bill, and, in my opposition to it, desire not to be misunderstood as putting our right in dispute, so far as I am concerned. I regard this question, in the present case, as one of expediency, rather than of constitutional power.

But I derive my convictions, in the second place, from our relations to this Territory—under the grants from the States of the lands northwest of the Ohio, under the ordinance of 1787, under the terms of admission to the Union of Ohio, Indiana, and Illinois, and our absolute right and proprietorship of much of the soil within those States, as these topics have been explained and illustrated by the Senators from New York and Massachusetts [Mr. WRIGHT and Mr. WEBSTER,] though they differed as to the reasons which most prevailed with their judgments. I concur with both, to a great extent. I differ from both on some inferior points. But I refer Senators to their arguments, as giving a satisfactor view of our right to expend the money of the nation on this road. I only desire to say that I shall not vote against this bill, because I believe that I have no legal and constitutional right thus to expend it.

I ought, perhaps, to add that I utterly deprecate the modern notion by which the power has been limited. When reason shall resume its sway on such questions, freed from personal devotion to men and party sympathies, this notion will, I hope, be regarded as the highest point of political absurdity and popular delusion. I allude to the doctrine that such internal improvements as this most invaluable road are not embraced within our powers, but that we may expend the public money on rivers, lakes, &c. provided there be a port of entry or deposite above the point of the improvement. If experience had not taught me otherwise, I should believe that no man, conversant with our Constitution and laws, could become its advocate, unless his mind was, to some degree, affected in its action by his devotion to men, because, in the integrity of his heart, he believed that the general character of the political opinions of him or them who promulgated it, was, in the main, correct and beneficial to the country. He must yield to the particular absurdity, in order to sustain the general policy of those whom he supported. What is this doctrine, when stripped of the party aspect? Its common sense is neither more nor less than this: That the power to expend money upon roads, canals, rivers, &c. arises from the power to regulate commerce; that this power is confined, so far as these expenditures are concerned, to the collection of the revenue; that this revenue is collected from customs, at all ports of entry and deposite; and, therefore, that we must be confined to those parts of streams which lie below such ports! In other words, that we may create a port of entry or deposite where we please, even at the head spring of a stream, and, having done this, the constitutional power arises, to expend as much money as we please, below such port, no matter on what bays, or creeks, or brooks, we may locate them. Thus, on a mere brook, or at the head spring of one of our rivers, we may in virtue of our high constitutional power, create a port, and then set ourselves to work to clear out the stream, or make roads to it. Within the last ten years have constitutional powers been thus derived. When present party conflicts pass away, where is the Senator who will maintain them? And where is he who will consider a creek in Ohio as within our constitutional benevolence, while the Delaware is excluded? For I cannot forget that an appropriation for the latter was vetoed, while one for the former was regarded as quite constitutional.

The Senate will perceive that I have no difficulty in voting for this bill from any objections as to constitutional power. In the second place, I have no hostility to this road. Why, upon what principle or feeling, general, local, or political, should I feel hostility? I cannot, for myself, assign any. Others may conjecture some one to which I am myself insensible. If they can I shall give them credit, if not for candor and fairness, at least for great ingenuity. The original plan and policy in regard to this road was right. It was consistent with the enlarged views of Washington, as applicable to a great avenue from the seaboard to the West. It gave access to the wilderness. It has created wealth and people. Its benefits are not to be measured by the two per cent. fund, or any other fund. It has tempted and drawn to the West multitudes who would not have gone there without it, and has been one of the most effective means in the creation of the young but vigorous States in the valley of the Mississippi. It has been worth hundreds of millions to the whole Union.

Nor, Mr. President, do I dread its becoming useless on account of the agency of steam upon other lines of connection between the East and West. Much less do I fear that we shall be tempted to push it forward to the Rocky Mountains and the Pacific ocean. I hope it will find its termination there, and rejoice in the anticipation, both of the blessings it will dispense and the glory it will confer on the Government and nation. Such views have from the beginning governed me in regard to it. I have not heretofore thought my duty fully discharged by merely voting for the appropriations for the road, but I have struggled for it in debate. My name is, I believe, to be found in its favor in every year of my official life as Senator. My friend from South Carolina (Mr. PRESTON) will recollect, if other Senators may have forgotten, how earnestly, on more than one occasion, I have resisted his views in regard to it. I shall on this occasion be with him in my vote. I have been its uniform advocate, and am now its unwavering friend.

Why, then, vote against it? My duty to myself and to the friends of the road requires me to state the reasons; and this shall be briefly done, and must be done briefly, if at all, from the difficulty which I still find, on account of indisposition, in addressing the Senate.

We are not now to decide whether this road shall be forever surrendered. Its friends estimate too strongly the effect of a refusal to make an appropriation for the present year. The road and its claims on the Government are not surrendered by such refusal. No appropriation was made last year. Yet those claims were only postponed, and exist as strongly now as they did then. Refuse the appropriation now, and there will be, or ought to be, delay only. The claim and right will exist unimpeached. The obligations of the Government will continue unimpaired.

I am not so intimately acquainted with, for I have not studied, the political and party relations to this subject in the four States chiefly affected by it, as to justify me in making comments on that aspect of the case. Nor am I capable of estimating the influences which may now operate on members from them, or the use which will or may be made of the votes which may now be given. I cannot indeed look round this chamber—see the seats which are vacant, when the final question is about to be taken—and recollect what has occurred in the debate, without perceiving that this question does, in some mode, operate strangely upon this body. But I cannot guide myself by these symptoms. And if I shall cross the path of any, so be it—whether of friend or adversary, the act is mine, not theirs. My vote will be influenced to some extent by the conduct of the Executive, and the state of the Treasury. The one I regard as disingenuous, unfaithful, and leading to consequences which I would resist. The other as unable to bear the appropriation at this time.

This road has been, for more than a quarter of a century, the steady object of annual appropriation. It is worthy of this constant benefaction, and has been, year by year, found among the items in the estimates for the support of the Government in all the successive Administrations, until at last it came to be regarded as one of the ordinary expenditures of the Treasury. Even during the times when the most false of all the professions of economy ever uttered to delude and mislead were indosed on the nation, and when the power to make any work of internal improvement was denied, and every thing else failed to find favor, this road had its regular annual appropriations. Last year, I believe for the first time, it failed; by whose fault it is not necessary for me to say. The Administration had the power to secure it. I, at least, and most of my political friends, were not in fault. Much less are we answerable for the shameless and unprincipled use which is said to have been made of the fact in the region through which the road runs. Every Senator understands this, and I desire to pass from it to other topics.

At the commencement of this session the President sent to us a message, in which he referred to the condition of the Treasury—informed us that he had directed the estimates for the support of the Government to be strictly canvassed and reduced to the lowest point consistent with the public interest. After doing this, he read us a lecture on economy, such an one as is not to be found in any communication from the Executive to the legislative branch of the Government, in all its history, so far as my observation has extended. He even trod in the footsteps of his predecessor, and alluded to the veto on our extravagance, intimating regret that practice forbade its use, as to the amount of appropriations. The insincerity of his language will appear presently, unless he has found cause for repentance and conversion.

But will the Senate listen to his language:

"To avoid this, (the creation of additional burdens and taxes,) and to keep the expenditures within reasonable bounds, is a duty second only in importance to the preservation of our national character, and the protection of our citizens in their civil and political rights. The creation in time of peace of a debt likely to become permanent, is an evil for which there is no equivalent. The rapidity with which many of the States are apparently approaching to this condition, admonishes us of our own duties in a manner too impressive to be disregarded. One, not the least important, is to keep the Federal Government always in a condition to discharge, with ease and vigor, its highest functions, should their exercise be required by any sudden conjuncture of public affairs—a condition to which we are always exposed, and which may occur when it is least expected. To this end, it is indispensable that its finances should be untrammelled, and its resources, as far as practicable, unencumbered. No circumstance could present greater obstacles to the accomplishment of these vitally important objects, than the creation of an onerous national debt. Our own experience, and also that of other nations, have demonstrated the unavoidable and fearful rapidity with which a public debt is increased when the Government has once surrendered itself to the ruinous practice of supplying its supposed necessities by new loans." The struggle, therefore, on our part, to be successful, must be made at the threshold. To make our efforts effective, severe economy is necessary. This is the surest provision for the national welfare; and it is, at the same time, the best preservative of the principles on which our institutions rest. Simplicity and economy in the affairs of State have never failed to chasten and invigorate Republican principles, while these have been assuredly subverted by national prodigality, under whatever specious pretexts it may have been introduced or fostered.

"These considerations cannot be lost upon a people who have never been inattentive to the effect of their policy upon the institutions they have created for themselves; but, at the present moment, their force is augmented by the necessity which a decreasing revenue must impose. The check lately given to importations of articles subject to duties, the derangements in the operations of internal trade, and, especially, the reduction gradually taking place in our tariff of duties, all tend materially to lessen our receipts; indeed, it is probable that the diminution resulting from the last cause alone will not fall short of five millions of dollars in the year 1842, as the final reduction of all duties to twenty per cent. then takes effect. The whole revenue then accruing from the customs, and from the sales of public lands, if not more, will undoubtedly be wanted to defray the necessary expenses of the Government, under the most prudent administration of its affairs. These are circumstances that impose the necessity of rigid economy, and require its prompt and constant exercise. With the Legislature rests the power and duty of so adjusting the public expenditure as to promote this end. By the provisions of the Constitution, it is only in consequence of appropriations made by law that money can be drawn from the Treasury; no instance has occurred since the establishment of the Government, in which the Executive, though a component part of the legislative power, has interposed an objection to an appropriation bill on the sole ground of its extravagance. His duty, in this respect, has been considered fulfilled by requesting such appropriations only as the public service may be reasonably expected to require. In the present earnest direction of the public mind towards this subject, both the Executive and the Legislature have evidence of the strict responsibility to which they will be held; and, while I am conscious of my own anxious efforts to perform with fidelity this portion of my public functions, it is a satisfaction to me to be able to count on a cordial co-operation from you."

After this modest, becoming, and candid lecture, the Secretary of the Treasury sends us the estimates; and, by his order, tells us that the income of the Government will be $18,600,000, and, with the money in the Treasury at the beginning of the year, will amount, at most, to $20,158,385—which will be all that can be expended without the creation of a national debt. He also sends us the estimates which are regarded as necessary for all objects within the year, and they amount to about $40,000,000; and he adds, by way of confirmation to the Presidential lecture, "If Congress should make appropriations to the extent desired by the different Departments," &c.

Now, sir, what do these papers mean? "If Congress make appropriations to the extent desired," &c. Then the Departments (in other words, the Executive) do not desire any appropriations beyond those which are sent, the items of which are enumerated, and amount to the twenty millions. This appropriation for the Cumberland road is not among them. If, therefore, we pass this bill, we go beyond the means of the Government, and we give that which the Executive declares it does not want. We force on the Government an expenditure which the President and Secretary have excluded, denounced as not necessary, and against which we are warned, not with an actual veto, but with expressions which sound like regret that the practice would not permit it, and with a lecture on economy, and an intimation that we shall be regarded as extravagant and prodigal.

If this be not the plain meaning of these papers, official documents between the Departments of our Government have become not the honest, straightforward communications between public agents, seeking, or bound to seek, the public good, and that only, but the double dealing hypocrisy of parties seeking to entrap each other.

And I now say to the friends of the bill, if you are disappointed, look to the true source of that disappointment. The Executive has frowned upon the measure. Had it been embraced in the estimates, and the President and Secretary had not prepared to throw the blame of expenditures beyond our income from themselves, and fasten it upon Congress, your fate might and would have been different. The friends of this work might have pursued their accustomed course. But they are called upon to pause when they are not only to be denounced for prodigality, but the confidence which their constituents may repose in them is to be assailed, and their influence in support of other great questions of constitutionality and expediency weakened.

Does any Senator suggest that this view exhibits either subserviency to Executive will, or fear of denunciation from the advocates of power? He is in error. No one, here or elsewhere, will probably accuse me of subserviency to Executive dictation; but I like to place responsibility in the proper quarter, and do not choose, when I can avoid it without injury to the public interests, to permit mere contrivance, and calculation, and cunning, to prevail so as to mislead popular opinion, and do injustice to important principles in the concerns of the Government.

As to the fear of denunciation, I have been too long accustomed to its venom to feel much dread of it. My days of sensibility on that point have passed, when I am called upon to discharge my office. But this idea is connected with both public, and, if you please, party interest. The men in whom I have confidence were dislodged from power more by the unfounded and false imputations of extravagance than any other cause; and the misrepresentation is kept up to this hour, and thousands are misled by it; even when the public records show that those who are called extravagant and prodigal expended only twelve millions per year, while those professors of economy have expended in a single year three times that amount. Is it right that such men should preach economy, refuse to recommend necessary appropriations, induce others to unite with a part of their friends, (for it is manifest that a part only are to vote for this bill,) and then throw the blame on their opponents? Yet, sir, I would not in the least be turned aside by this consideration, but leave to time the vindication of the purposes of those who should best merit approbation, if I did not find in the actual condition of the Treasury a persuasive argument in favor of the vote I shall give.

Let us look, for a moment, at that condition, and see what are the inferences which we ought now to draw from it.

Your whole revenue for the year, according to the Secretary, amounts to very little over twenty millions of dollars. The estimates of the ordinary expenditures reach that sum. Without this appropriation there will be not one cent to spare, even if the anticipation of the receipts shall be verified. I do not believe that they will be verified. The receipts, thus far, from the customs and other sources, do not, as I am informed, justify this hope. On the contrary, before Congress adjourns, we shall discover necessity for a new loan. The five millions of debt which we have just created will be doubled or trebled. But, suppose my fears are without foundation on this point, and that we receive the full amount of twenty millions. The whole, every dollar, must be expended on the subjects embraced in the estimates of the Secretary, and which we are admonished not to exceed. But, sir, are there not other subjects on which we must—we have no alternative—on which we must direct money to be expended? Can we avoid it, if we would? And did not the Secretary and President know this when they sent

to us the message and the report? Did they deal fairly with us and the people, when they warned us to keep within the estimates?

Where is your Sub-Treasury bill? It has passed this body. It is before the House, and, as the President and his counsellors, under the dictation of the Hermitage, have staked their characters and success upon it, it must pass, and be put into operation. Well, what will this cost? We have calculations of the salaries, sales, chests, vaults, &c. and they have amounted to a moderate sum. I do not believe them accurate. You cannot, with all your economy—especially the economy of the present day—put this system into full and active operation for much, if any, less than $100,000. Others may differ from me, and consider my opinion as extravagant. So be it. Make it half that sum. Did not the Executive know, or believe, that this was to be provided for? Or were they under the conviction that the scheme had done well for popular effect, and its actual execution might be postponed or evaded? If the former, then this is an item beyond the estimates.

Again. The Senator from New Hampshire (Mr. HUBBARD) has urged upon us a bill to pay the losses in Florida by Indian depredations. A portion of the claims to be satisfied by that bill, or by specific appropriations, are just, and, as an honest Government, we cannot altogether reject the whole of them. What they will amount to no man can foresee, but certainly much beyond $100,000. These we must provide for beyond the estimates. There is, also, a bill to raise 1,500 troops, with their officers, for special service in Florida. What will their support amount to? The claim of Massachusetts reaches nearly to $300,000; the precise sum, I believe, is $272,716 14, without interest. The number of the various and heavy drafts upon the Treasury, from such large demands, I do not attempt to calculate.

Then, how many private claims and pension cases are there? And to what will they amount? These are all beyond the estimates, which we are told not to exceed. And permit me here to say that justice and good faith, and the wise and proper administration of a Government of the people, demand, with irresistible urgency, that these claims, when honest, ought to be first satisfied. I know that many false and base claims are exhibited. This not only calls on us for caution and examination, but renders our duty none the less pressing in regard to those which are just. So strong is my conviction on this point, that, if driven to decide between paying them and appropriating for a general object, in which States are concerned, I should not hesitate to prefer the former and postpone the latter.

Is it not then perceived that many, and some of them large, appropriations must be made for objects not within the estimates? Where, but by borrowing money, can we obtain the means? And did not the Executive know this when the lecture on economy was read, and the estimates sent to us? There is not, I believe, a single year in our history in which it has not been the duty of Congress to expend money beyond the estimates, and they know it. And if we are compelled to appropriate for other objects beyond their calls, how are we to get the money? By reducing the amounts they ask for? Will they consent to lessen our civil list? Will they diminish our burdensome and, in some cases, most useless army of diplomatic agents abroad? It is not to be presumed that they and their friends will support either. Will they lessen the appropriations for the army? Can this be done, in the face of the difficulties upon every part of our borders? It will not be attempted. On the contrary, we have already one bill for the annual occupation of Florida, and that is followed by another for fifteen hundred additional troops. Besides, in the existing condition of our defences, on every part of our borders, on the ocean and the land, and with the aspect presented by our Indian and foreign relations, how can we assent to any diminution? Will you take it from the navy? Shall we continue, as we have always done, to support it by praises on its gallantry and glory, and by a narrow dispensation of our means to render it efficient, and give it substantial energy and strength? In our hour of danger, and when its flag must be our bulwark and protection against insult and devastation, we may feel that in our hours of ease we have forgotten our first and highest duty. Do not, I entreat, lessen the little that belongs to it.

How, I ask, in this state of things, shall we meet our absolute wants? It can only be done by a new loan. We have passed a bill to issue Treasury notes, to make a loan, to create a debt for five millions of dollars. Some one has said that our Treasury is thus replenished. How replenished? Like the purse of any other debtor—by borrowing It will enable us to pay for the present, but the borrowed money must be returned. I am glad that it is now openly avowed that the issue of Treasury notes is the same in substance as making a loan—creating a national debt. When, some three years ago, I so argued about it, I was denounced through the country as basely misrepresenting the facts, and slandering the Administration. The acting chairman now admits that they are one and the same thing—that issuing five millions of Treasury notes is creating a debt of five millions, to be hereafter paid as our revenues come in and enable us to do it. I have no confidence in the assertion that this loan will be discharged by the end of the year. It is more probable that before the end of the session we shall be called on to double or treble the amount of our loan—to increase largely our debt. This is now, I think, the fourth year that we have been borrowing, in this mode, to meet the expenses of the Government; and of these loans there remained unpaid on the first of January last, $2,750,0. 0—that is, our public debt was to that amount. The present loan must be used to pay that amount, and there will then remain only $2,250,000 for the use of the year. Will that answer? Will not the sources of expenditure to which I have referred demand more, much more than that sum? I do not doubt it.

Look back to the last three years, and see what have been the expenditures of this economy-loving and economy-practising Administration. I ask the Senate to recollect the statement made a few days ago by the Senator from Massachusetts, [Mr. WEBSTER.] I use it for illustration on this point, and refer to the documents for its accuracy. On the 1st January, 1837—three years ago—there was in the Treasury about $6,00.,000
On the 1st January, 1840, there was - - - 1,566,000

Balance - - - $4,444,000

This balance was, of course, a part of the revenue which accrued previous to January, 1837, but which has been expended in three years previous to 1840.

In addition to this, the fourth instalment payable to the States has been retained and expended in the same time, say - - - - - - 9,000,000
The Bank of the United States has paid - - 5,000,000
This also is expended.
And our existing debt due on Treasury notes - 2,750,000

In all about - - - $21,194,000

This makes about seven millions which this Administration has expended in each one of the three last years, over and above all the receipts, incomes, and revenues of the Government. But this is not all. I think the Senator from Massachusetts omitted a very important item. It will be recollected that, in March, 1836, in consequence of the great fire in New York, Congress thought proper to suspend the payments of duty bonds in that city. These bonds were for duties accruing and payable in '35 and '36, and were thus a part of the revenues of those years. But, in consequence of the suspension of payment, they were not paid in '35 and '36, but a very large amount of them was paid in '37, '38, and '39. What this amount was I could not this morning lay my hands on the papers and documents necessary to show with any accuracy. But it was very large—amounting to several millions. This, too, has been expended. And when it is added to the sums before stated, it will appear that the Government has, for three years, expended in ease and every year between eight and nine millions—in all, between twenty-four and twenty-seven millions beyond all its receipts. The fact is worthy of serious reflection. What hope can there be that we shall, with such an Administration, make our expenditures fall within our income? What hope is there that we shall pay this five millions which we have just borrowed? Of that five millions, more than one-half, nearly three-fifths must go to the payment of our existing national debt. The balance will fall far below our wants. If we have, for three years, spent an average of about eight millions more than our income, how can we expect to keep our expenditures within the diminished revenue of the present year? We shall find the hope absurd; and we must meet this appropriation for the Cumberland road, with the full consciousness that, by making it, we create a new national debt, or augment it, by that amount, in a time of peace, and, as we are kindly assured by the Executive, of high prosperity.

I have less faith in the promises to redeem our debt, and make the expenditures equalize with our income, on account of the professions of the Executive Departments. We are told by the President and Secretary, in substance, that if the banks had paid what is due from them, the outstanding Treasury notes, our present debt, would have been paid. Is this true? What do all the deposite banks owe us? On the 1st of January, 1840, the Secretary says, $1,149,904. What was the amount of our notes or debt? It is stated by him at $2,750,000. Can the latter sum be discharged by the former? The one is much more than the double of the other. Why, then, was this representation made? Was it to deceive us? No; but rather to keep up the cry against the banks as the cause of our embarrassment. How unworthy is such an effort to deceive and delude the high stations from which it emanates!

There can be no relief to this view from the fact that there is something more than two and a half millions to be received in the course of the present year from the Bank of the United States of Pennsylvania. The bank has heretofore paid punctually to the Government every thing which we had a right to demand and did demand from it. It has performed its contract, thus far, in paying for the stock which we hold, on the terms proposed by the Government, and I do not doubt that it will continue to do so. But this two and a half millions are not yet due by several months, and afford no apology for any complaint that the Government could pay off our debt because the banks held its money. The only ground for this pretence is, that the Administration deposited our money, imprudently, in banks which could not or would not pay when called on; and the amount they owe, even if paid now, would leave us in debt about one and a half millions. Besides, I have been informed that a considerable portion of this sum has been satisfied since the 1st of January. It may be feared by some that all will be satisfied in the course of the year, because then our President and the parasites who court the favor of the people by the cry of banks, banks, will be deprived of one of their most favorite themes of declamation and political warfare.

It is apparent to my mind, whether it be to others or not, that, if we make this appropriation for the Cumberland road, we must create or augment a national debt; disregard the official exposition of the Treasury, and subject ourselves to the charge of forcing on the Executive expenditures which are disclaimed by it. Let me not be told that I have voted for this road when a national debt existed. I did so; but it was at a time when two or three circumstances separated the case widely, very widely, from its present position.

1. That national debt existed—had been created long before in sustaining our national rights and honor. It was a debt which rested alike on us and our posterity, who, equally with us, were to be benefited by the liberties which its creation secured.

2. There had been full and ample provision made for its redemption It was in a course of reduction quite as rapid as our desires or the interests of the country demanded.

3. The revenues of the Government were sufficient to pay that debt, and to meet all its necessary expenditures, and to make the appropriation for the road over and above them all. We were not compelled to create a debt, or augment a new one, in order to meet the utmost wishes of the friends of this road, among the most ardent of whom I still desire to rank myself.

Now, and at this moment, all these points are adverse to us. We have no debt such as those of the Revolution and of 1812. Our income does not, by several millions, equal our ordinary expenses, and our revenue is utterly incompetent to meet this appropriation.

I stand, then, Mr. President, in my vote against this bill, on—1. The entire admission of its constitutionality, its expediency, and the obligation of the Government to carry it forward, when circumstances will permit, to the extent which its ardent friends desire; and for this I shall vote, whenever, and so often, as I shall feel at liberty, from the condition of the Treasury and the country. 2. On the message of the President and the report of the Secretary, which admonish me to be guarded in my votes which shall expend money; for which they are without means to meet it; and I hold them, or, rather, the whole Administration, guilty of the conduct which prevents me from the gratification of my own wishes and opinions, and deprives the country of the multiplied blessings which this road is capable of conferring, and has heretofore conferred. 3. On the fact that, if we make this appropriation, we must create or augment a new national debt. And I believe, while we are doing this to pay the honest debts of the Government, satisfy the just claims of private citizens, and defend the country from foreign and Indian aggression, it is wise not to add to it for this object, but rather to let it be postponed for a time; and I hope that time will be short.

My conclusions are strengthened by this reflection. The Executive has disavowed this appropriation, refused to admit it among the wants of the Government, and has urged upon us a rigid regard to economy. If, in opposition to all this, we pass the bill, increase our debt, augment our expenditures, what is the impression to be made on public opinion? Will it not be be distinctly and clearly this, that the Executive branch of the Government is economical, and the best and safest guardian of the public treasure? that the Legislative branch is prodigal and squandering, and regardless of wasteful expenditures, the friend of national debts? Will this, can it be favorable to the true theory of our institutions? Will it not pervert that whole theory? turn the public favor still more strongly towards the Executive power? increase and strengthen it? And have we not seen enough within the last ten years—do we not know enough of the ancient and modern failures of liberty and free institutions, and enough, too, of the opinions of our Revolutionary fathers, to make us pause and hesitate when this aspect of the question is presented to us?

Mr. President, I shall give my vote with pain. I know that I shall wound feelings of friends whom I love; and in whose principles and patriotism I confide. But I cannot avoid it. If they choose to forget my unwavering friendship for this road, and find enough for this end in a vote to postpone, not destroy, the accomplishment of their wishes, so be it. If, for one such vote, they please to cancel the account between us, let the account be cancelled. I shall regret it, but neither complain of them, nor repent an act which my best judgment approves.

SPEECH OF MR. HABERSHAM,

OF GEORGIA.

In the House of Representatives, March 24, 1840—On the Treasury note bill.

The bill authorizing the issue of five millions of dollars in Treasury notes being under consideration in Committee of the Whole, Mr. HABERSHAM of Georgia offered the following amendment to the second section:

"Which notes to be issued shall be negotiable only by special endorsement by and to each person through whose hands they may pass, subject to the same rules and restrictions as in land bills of exchange payable to order, but without the liability of the endorser."

Which having been read, Mr. HABERSHAM addressed the committee in support of the amendment as follows:

Mr. CHAIRMAN: I have been induced to offer this amendment to the bill because the honorable chairman of the Committee of Ways and Means has stated that the Treasury notes which by this bill the Government is authorized to issue, are not intended to circulate as money. I am further induced to offer this amendment, in consequence of some remarks which my eloquent friend and colleague (Mr. NISBET) has this evening made, in the course of which he has said that, according to what he supposed was the fairest construction of the act of 1837, of which this bill is but a continuation, these notes were made negotiable only by assignment thereon from the payee and from all subsequent holders; and that thereby their circulation as money would be restrained; although he admitted that the act of 1837 would bear a different construction. My colleague admitted at the same time, and this seems to have been generally conceded by those who have engaged in this debate, that Congress has no constitutional power to "emit bills of credit." Such is my respect for the judgment and purity of purpose of my colleague, that it is with great reluctance I ever differ with him, and I am happy to find now that the only difference between us is, that I believe that Treasury notes, issued in the form prescribed by the act of 1837, are bills of credit, and will circulate as money, notwithstanding they are payable to order, and must be endorsed by the payee; while he is of opinion that they are not bills of credit, and will not circulate as money, because, by his construction of the act, these notes are made negotiable only by assignment thereon by the payee and by all subsequent holders, and thereby their circulation as money would be restrained, though admits that this provision of the act would bear a different construction. The difference between us, then, is simply a difference in the construction of a single provision of the act, admitted by him to be of doubtful construction. Now, if the doubt which he admits to exist can be removed, and all the declared objects of the bill be at the same time attained, so that while these notes may be used as promissory notes by the Government, in satisfaction of demands against it, or as pledges on which to raise loans, without assuming the character of paper money, or of being circulated as such, it is certainly most desirable that such alteration and provision shall be made as will remove all doubts as to the constitutionality of the measure. It is with this view I have offered the amendment, which, if adopted, will, in my opinion, remove the doubt and obviate the objection. It proposes that the notes to be issued shall only pass by special endorsement, which, while it will preclude the idea of their circulating as money, and give them the caracter of mere promissory notes or inland bills, will enable the Government to use them to discharge its immediate obligations, or as pledges on which to borrow money. Now, if the object really is to use these notes merely as means to raise money, and not to put them in circulation as paper money, I think the chairman of the committee cannot, or rather ought not, to hesitate to remove all constitutional doubt, by accepting the amendment In that event, and if the amendment be made, I can, and will with great pleasure, vote for the bill; because I believe that the Government really needs the amount asked for, and I am disposed to grant it, if I can do so in a shape which I believe to be constitutional. I am unwilling to resort to a loan on the issue of stock certificates, because that will not only require the establishment of transfer offices, but will operate to fasten again upon the country a national debt of permanent character, redeemable at long periods—an evil which I am most anxious to avoid. Independently, however, of these reasons for a preference of Treasury notes in the form I propose over an issue of stock certificates, there is another reason which, in the present state of the currency and of exchanges, deserves a grave consideration. It is, that Treasury notes transferable by special endorsement will afford both a convenient and safe medium of exchange, and will, in that mode, greatly add to the circulation of the country, as bills of exchange, without assuming the distinctive character of paper money; while stock, from the

difficulties and delays in the forms and modes of transfer, will contribute but in a very limited degree to so desirable an object, and would be liable to the same fluctuations in value. The Treasury notes, in such cases, would in fact be only a new form of stock on which to obtain a loan more convenient to the stockholder, because transferable with more facility, and yet with a negotiation sufficiently restrained to prevent them from circulating as paper money or bills of credit, in the sense attached to those words as used in the Constitution. If, then, those who represent the Government are really sincere in this matter, and do not intend these notes to circulate as paper money, why not adopt the amendment I have proposed? If they do not intend them to enter into the circulation as money, why not impede the circulation to the extent proposed by me? If they do not intend to emit them as bills of credit, and to use and circulate them as paper money, why not say so at once, openly and above board, and that this violation of the Constitution is justified by the necessity of the case; that money cannot be raised constitutionally by borrowing it on the credit of the Government, and that, therefore, they must make money to meet the exigency, though without the constitutional power to do so?

Now, why not come out boldly, and say so, and prove to us that the money cannot be got in the constitutional mode, by borrowing in time to meet the exigencies of the case? I say, why not do this? The answer is obvious: because they know that in the mode I propose, the money can be borrowed immediately; or, even if it could not, the Treasury notes, in the form I propose, would answer for the immediate exigency. The truth is, they are unwilling to call things by their right names; unwilling to call it a loan, because the idea of a loan, a debt, would not be palatable to the people. But call it by what name they will, give it what shape they may, it is still a loan; it is still a national debt of five millions, and the promises of the Government are out to pay that amount at some future day. The necessity does not exist. If it did, this would be a law, necessary and proper to carry into effect a granted power, and its constitutionality would be put on that ground. The necessity does not exist, so far as even to justify the exercise of a doubtful power; and its constitutionality would be put on that ground. The necessity does not exist, so far as even to justify the exercise of a doubtful power. The money can be borrowed, and borrowed at once. When that necessity does exist; when, as in case of war, and after the power to borrow is exhausted, because there are none able or willing to lend; when it becomes necessary for the safety of the country to exercise a doubtful power, or even to violate the Constitution by issuing Treasury notes, payable to bearer, to circulate as money, I will then be willing, and not till then, to emit bills of credit, or continental money, or any thing else, which will serve the purposes of Government; and will justify my vote on the necessity of the case, and on the principle of self-defence, which, with nations, as with individuals, overleaps all laws and all constitutions. But I do not believe that such extreme necessity does now exist, and therefore, in the present shape of the bill, and without the amendment I propose, I cannot vote for it.

I have said that the difference between my colleague, (Mr. NISBET,) the chairman of the Committee of Ways and Means, (Mr. JONES,) and myself, is this: they say that the notes proposed by this bill are not "bills of credit," as that term is used in the Constitution. I say that they are. We all agree that Congress has no power to emit bills of credit. It has already been made to appear by my honorable friend and colleague, (Mr. KING) in his able argument on this question, by the testimony of Mr. Madison, that the Convention, by a vote of nine States to two, refused to grant this power; and the eloquent gentleman from Pennsylvania (Mr. BIDDLE) has rested his argument on even a broader basis, for he shows that the words which were stricken out by the Convention were, "That Congress shall have power to emit bills on the credit of the United States." He is no doubt correct; but I deem it to be unnecessary for the purposes of the argument to use other words than those which have been used by my colleagues. I am content to take the words to be as they are in that section of the Constitution which prohibits the States to emit bills of credit. I am content to lay aside altogether the authority of the Madison Papers, to lay aside altogether the fact that this power was refused to the Federal Government by the Convention. I am willing to rest the question on the Constitution as we have received it; to rest it simply on the inquiry, In what part of the Constitution do you find the power granted to "emit bills of credit?" No where. In this, all, I believe, agree. The naked question then presents itself, Is the issue of Treasury notes, in the form and manner designated by the act of 1837, "to emit bills of credit?" If so, this act is unconstitutional; if not, then it is constitutional.

What was meant by the words "to emit bills of credit," as used in the Constitution? In reply to this inquiry, I cannot better begin my answer than by adopting the language of Mr. Justice Johnson, in the case commonly known as the Missouri case, decided by the Supreme Court of the United States in the year 1830, and reported in 4 th Peters

"It is only by resorting to the nomenclature of the day of the Constitution that we can hope to get at the idea which the framers of the Constitution attached to the words 'emit bills of credit.' The whole history and legislation of the time prove that, 'by bills of credit,' the framers of the Constitution meant paper money, with reference to that species of paper money which had been used in the States from the commencement of the century down to the time when it ceased to pass, before reduced to its innate worthlessness"

To what source of more purity or accuracy can we resort for the ascertainment of this history than to the decision of the Supreme Court, in the same case, pronounced by Chief Justice Marshall?

"We learn (he says) from Hutchinson's History of Massachusetts that bills of credit were issued, for the first time, in that colony, in 1690. An army, returning unexpectedly from an expedition against Canada, found the Government totally unprepared to meet their claims. Bills of credit were resorted to for relief from this embarrassment. They do not appear to have been made a tender, but they were not, on that account, less bills of credit." "Paper money was also issued in other colonies, both in the North and South, and, whether made a tender or not, was productive of evils in proportion to the quantity emitted. In the war which commenced in America in 1755, Virginia issued paper money at several successive sessions, under the appellation of Treasury notes. This was made a tender. Emissions were afterwards made in 1769, in 1771, and 1773. These were not made a tender, but they circulated together—were equally bills of credit—and were productive of the same effects. In 1775 a considerable emission was made for the purposes of war. The bills were declared to be current, but were not made a tender. In 1776 an additional emission was made, and the bills were declared to be a tender. The bills of 1775 and 1776 circulated together—were equally bills of credit, and were productive of the same consequences. Congress issued bills of credit to a large amount, and did not, perhaps could not, make them a legal tender. This power resided in the States. In May, 1777, Virginia passed an act making the bills of credit issued by Congress a legal tender so far as to extinguish interest. In 1781 Virginia made all the bills of credit which had been issued by Congress, and all which had been issued by herself, a legal tender in payment of debts. Yet they were, in every sense of the word, bills of credit previous to that time, and were productive of all the consequences of paper money."

Such is the concise history of bills of credit in this country prior to the adoption of the Constitution. These bills of credit, when issued by Congress, are better known by the name of Continental money.

Let us hear again what the Chief Justice says in the same case on the same subject:

"During the war of our Revolution we were driven to the expedient of emitting bills of credit, and necessity compelled us to use them to a considerable extent. The term has acquired an appropriate meaning; and bills of credit signify a paper medium intended to circulate between individuals, and between Government and individuals, for the ordinary purposes of society. Such a medium has been always liable to considerable fluctuations. Its value is continually changing, and these changes, often great and sudden, expose individuals to immense losses, are the sources of ruinous speculations, and destroy all confidence between man and man. To cut up the mischief by the roots—a mischief which was felt through the United States, and which deeply affected the interest and prosperity of all, the people declared in the Constitution that no State should emit bills of credit. If the prohibition means any thing—if the words are not empty sounds—it must comprehend the emission of any paper medium by a State Government for the purpose of common circulation."

The people had experienced, sadly experienced, the monstrous evils of such emissions. Thousands of individuals had been ruined, and all had suffered, more or less, by the rapid depreciation and ultimate worthlessness of such a medium. The paper, whether issued by Congress or by the States, had alike become utterly valueless. It was to prevent these evils in future that, by the Constitution, the States were prohibited from emitting bills of credit. It was unnecessary to extend the prohibition to Congress, for Congress could not possess the power unless by express grant. Now, if the Convention refused to Congress the power to "emit bills of credit," or bills on the credit of the United States, I would say, in the language of the Chief Justice, "If it means any thing, it must comprehend the denial of the power to Congress to emit any paper medium like that of the Continental money, for the purpose of common circulation."

Again, in the same case, Judge Marshall asks:

"What is the character of the certificates issued by the authority of the act of Missouri under consideration? What office are they to perform? Certificates, signed by the auditor and treasurer of the State, are to be issued by those officers in amounts not exceeding ten dollars, nor less than fifty cents. The paper purports on its face to be receivable at the Treasury, or at any loan office in the State of Missouri, in discharge of taxes or debts due to the State. It also pledges the faith and funds of the State for their redemption."

Again he says:

"Had they been termed 'bills of credit,' instead of certificates, nothing would have been wanting to bring them within the terms of the Constitution. And can this make any real difference? Is the proposition to be maintained, that the Constitution meant to prohibit names and not things? That a very important act, big with great and ruinous mischief, which is expressly forbidden by words most appropriate for its description, may be performed by the substitution of a name? That the Constitution, in one of its most important provisions, may be openly evaded by giving a new name to an old thing? We cannot think so. We think the certificates issued under the authority of this act are as entirely bills of credit as if they had been so denominated in the act itself"

Such are the views of the Supreme Court as delivered and sanctioned by Chief Justice Marshall. Before I proceed to comment upon them, and to apply them to the bill before the committee for the emission of Treasury notes, I will trouble the committee with a reference to the opinion of the Supreme Court in the case commonly known as the Kentucky case, decided as late as the year 1837, and to be found in 11th Peters. In that case, the opinion of the Court was delivered by Mr. Justice McLean, and I now quote from that opinion:

"It would be difficult to classify the bills of credit which were issued in the early history of this country. In some cases they were payable with interest, in others without interest. Funds arising from certain sources of taxation were pledged for their redemption in some instances, in others they were issued without such pledge. They were sometimes made a legal tender, at others not. In some instances a refusal to receive them operated as a discharge of debt, in others a postponement of it. They were sometimes payable on demand, at other times at some future period. At all times they were receivable in payment of taxes, and of debts due to the public, except, perhaps, in some instances, where they had become so depreciated as to be of little or no value."

After commenting on the definition of the Supreme Court in the Missouri case, to which I have already referred, the court says:

"The definition which does include all classes of bills of credit, emitted by the Colonies or States, is a paper issued by the sovereign power, containining a pledge of its faith, and designed to circulate as money. To constitute a bill of credit within the Constitution, it must be issued by a State, on the faith of the State, and be designed to circulate as money. It must be a paper which circulates on the credit of the State, and is so received and used in the ordinary business of life."

The direct question before the Supreme Court in this case was, whether the notes of the Bank of Kentucky were bills of credit within the meaning of the words "bills of credit" in the Constitution:

"The notes contained no pledge of the faith of the State in any form. They purport to have been issued on the credit of the funds of the bank, and must have been so received by the community. These funds were in part only derived from the State. In making loans the bank was required to take good securities; and these constituted a fund, to which the holders of the notes could look for payment, and which could be made legally responsible. In this respect the notes were essentially different from any class of bills of credit which are believed to have been issued." 'But," again says the court, "there is another quality which distinguishes these notes from bills of credit. Every holder of them could not only look to the funds of the bank for payment, but he had in his power the means of enforcing it. The bank could be sued."

On these two grounds, then, that there was an actual existing fund pledged for the redemption of these notes, and that this fund could be made liable, by suit, for their redemption, the Supreme Court decided that these notes were constitutionally issued, and were not within the constitutional meaning of the words "bills of credit."

Mr. Justice Thompson, in concurring with the opinion of the Court, says:

"The two great infirmities which attended the bills of credit which circulated as money, and came within the mischief intended to be guarded against by the constitutional prohibition, were, the want of some real and substantial fund being provided for their payment and redemption, and no mode provided for enforcing payment of the same."

This distinction is a satisfactory answer to the objection which has been raised, that, if a State, by the prohibition or want of power to "emit bills of credit," cannot issue Treasury notes in the form proposed by the bill before the committee, it follows as a necessary consequence that bank notes of a bank incorporated by a State or by the United States were unconstitutional, because that which a State or the United States could not do directly could not be done by a bank incorporated by a State or by the United States. On these two solid grounds of distinction rests the constitutionality of all the bank notes of the country, whether issued by a bank owned by the State or by individuals.

From the examination which I have just made of the two cases I have referred to, the committee may now arrive at the precise definition of the words "bills of credit," the power to issue which was refused to Congress and prohibited to the States. The bill or note must be issued by a State, or by her agents in the name or on the faith of the State, and be designed to circulate as money. There must be no real or substantial fund pledged for its redemption, and which may be made liable by suit for its payment, and no party against whom a suit may be brought on the note.

Now, let us proceed to examine whether the Treasury notes proposed to be issued by this bill will be subject to all these infirmities. If so, they are clearly unconstitutional, at least according to two successive opinions of the Supreme Court—a court whose decisions are entitled to the highest respect, and which alone is empowered, in the last resort, to decide upon the constitutionality or unconstitutionality of an act of Congress.

The Treasury notes which are by this bill directed to be issued are described in the act of October 12, 1837, of which this bill is only a continuation. They are to be of denominations not less than fifty dollars. They are redeemable after the expiration of one year from their dates. They are to bear an interest, to be expressed on the face of the notes, for one year from the date, and no longer. The rate of interest is to be fixed by the Secretary of the Treasury and the President, but shall not exceed six per centum per annum. They are to be reimbursed at the Treasury of the United States, and for this reimbursement, at the time or times specified, the faith of the United States is pledged. The notes are to be signed, on behalf of the United States, by the Treasurer, and countersigned by the Register. The Secretary of the Treasury is authorized, with the approbation of the President, to issue such amount of the notes as he may deem expedient, in payment of debts due by the United States to such public creditors, or to such other persons as may choose to receive them in payment at par; and like authority is given to borrow, from time to time, not under par, such sums as the President may think expedient, on the credit of such notes. The notes "shall be transferable by delivery and assignment endorsed thereon, by the person to whose order the same shall, on the face thereof, have been made payable." They shall be receivable in payment of all duties and taxes laid by the authority of the United States, of all public lands sold by the United States, of all debts due to the United States. And lastly, that so much of any unappropriated money as may be necessary for the purpose is, by the 8th section, appropriated for paying the principal and interest on the said notes. These are all the provisions of the law which are applicable to the subject in question. Now, what is the result of these several provisions? Why, this is it. That the denominations of the notes are to be less than $50; that they are payable at an uncertain day after the expiration of one year from date; that they bear an interest at the discretion of the President, not exceeding six per cent. but which may be fixed as low as one mill, as was done in the late issue, being equivalent to no interest at all; that the notes shall be signed by the Treasurer, and countersigned by the Register, on behalf of the United States; that they shall be transferable by delivery, after being endorsed by the payee, without further endorsement; that they shall be receivable in payment of all dues, taxes, and debts due to the United States; and the only pledge for their redemption is any money in the Treasury of the United States not otherwise appropriated at the time they fall due, and the faith of the United States. Further, the notes are to be issued in payment of debts due by the United States to such of the public creditors, or other persons, as may choose to receive them, or on their credit money may be borrowed. Now, such being the exact character of these proposed Treasury notes, and such the uses to which they are to be applied, and such the pledges for their redemption, I would ask the committee to which of the infirmities of "bills of credit," as stated in the decisions of the Supreme Court, are they not subject?

These notes, like the bills of credit, are issued by the United States—they are signed in behalf of the United States by agents. They are payable at an uncertain future day. They are issued on the faith of the United States There is no real or substantial fund pledged for their redemption—no one against whom a suit can be brought to enforce payment. No one will contend that money which may be in the Treasury a year hence, not otherwise appropriated, is either a real or substantial fund, or any fund at all. That there is no spare money now in the Treasury is evident from the fact that this loan is needed. The Treasury notes issued last year under this very act, and with the same pledge, are still in part, say two millions, as yet unredeemed, and there

is no unappropriated balance in the Treasury to redeem them. The same may, and no doubt will, be the case when these notes fall due; and can that be termed a real or substantial fund which has no present existence, and the future existence of which is dependent upon improbable contingencies? Assuredly no one will contend that there is a real or substantial fund pledged for the redemption of these notes. Lastly, there is no party against whom a suit can be brought. The United States cannot be sued. Those who have signed the notes are on the very face of the notes mere agents, authorized to act, and known to all to be acting only as agents, and of course cannot be liable to a suit on the notes. These notes, then, are subject to all the infirmities which are ascribed by the Supreme Court to "bills of credit," except one. They must be designed to circulate as money. Does this form an exception? Are they not designed to circulate as money, and will they not so circulate? True, the act does not expressly declare that such is the design; but it is not necessary that the design should be expressed. But may not the intention exist, and be inferred from all the circumstances of the case, without an express declaration of the design? In almost every case where the intent is material, is that intent or design not ascertained from the circumstances of the case? In cases of homicide, larceny, contract, in the construction of statutes, is not the intent inferred from the circumstances of the case? Have not all the Treasury notes which have been heretofore issued at various times, under circumstances precisely similar, and, in form, the same as these, and for like sums, and negotiable in like manner, circulated as money? Did not those which issued during the last war circulate as money? Have not those which have been issued in the last two years under this very act circulated as money? If an act has been known in our past experience always to produce certain results, will not the intent to produce the same results to be inferred from the voluntary commission of the act? Would not the voluntary commission of the act be conclusive of the intent? Have not Treasury notes always circulated as money, and will they not do so again? Is it not then the design of their emission that they shall circulate as money? Who can doubt it?

But what is meant by "circulate as money?" Bank notes, which pass by delivery from hand to hand, and are paid, or received, in payment of debts, circulate as money, and answer all the common purposes of gold and silver coin in the circulation. Because the denominations of such notes are as great as $50 and $100, does that change their character, or prevent them from circulating as money? Assuredly not. Because bank notes are not a legal tender, does that prevent them from circulating as money? Assuredly not. Because, in some cases, they have been made payable to order, at a future uncertain day, and were required to be endorsed by the payee in blank before they were put into circulation, did *they* not circulate as money? Did not what were called the post notes of the late Bank of the United States—the $5, $10, and $20 notes—which were made payable to the cashiers of the branches, or order, and were endorsed by them, circulate as money, as freely as the notes of the same denomination payable to bearer? Now, if all this is true of bank notes, is there any obstacle interposed or existing to prevent these Treasury notes from circulating as money? They are issued and received by the Government in payment; their denominations are the same as bank notes which circulate—say $50 and $100. After the payee, who will probably be some clerk of the Treasury, or, to use the words of the act, "after the person to whose order, on the face thereof, they are payable," has by delivery and assignment endorsed them, they will pass by delivery only, without further endorsement, in the same manner as if originally payable to bearer. Wherein, then, do they differ from the post notes of the late Bank of the United States, before referred to, and which circulated as money as freely as any other bank notes? The conclusion, therefore, is inevitable, that they will circulate as money. If such is not the design, why refuse to throw obstacles in the way of their circulation? Why not adopt the amendment I have proposed, to make them transferable only by the special endorsement of each person into whose hands they may come? This would at once present a serious obstacle to their free circulation, but none to the negotiating or transferring them as pledges on which to borrow money. The very refusal to adopt this amendment will be strong evidence of a design to circulate them as money. Does any one doubt that they will circulate as money? If I am right, then, in the several positions I have endeavored to establish, these Treasury notes will possess all the infirmities of "bills of credit;" will, in fact, be "bills of credit;" and of course, as such, unconstitutional.

Mr. Chairman, there are two conclusions to be drawn from these decisions of the Supreme Court. First, that these proposed Treasury notes are unconstitutional; secondly, that bank paper is constitutional. It has struck me, sir, with great surprise, that a paper circulation so unconstitutional as that of Treasury notes should not only be countenanced, but even urged upon the country, by an administration which professes to be anxious to give to the nation a constitutional currency. That an Administration which condemns bank paper as unconstitutional currency, should insist upon substituting for it a paper issue so unconstitutional. That an Administration which condemns bank paper because of its liability to fluctuation and depreciation, should sound unceasing praises in favor of a Government paper, at least equally liable to fluctuation and depreciation. Sir, all past experience has proved that Treasury notes or Government paper money will depreciate whenever the amount issued exceeds the amount of receipts into the Treasury. During the Revolution the bills of credit ceased at last to be of any value whatever, and ruined thousands. During the late war, even those Treasury notes which bore an interest of five or six per cent. and were issued from necessity, depreciated from ten to fifteen per cent. yea, more, below the par value, and, if the war had continued a few years longer, would have fallen to fifty per cent. below par. Even after the war, they did not reach par value until they were made receivable in payment of subscriptions to the Bank of the United States. Our ancestors, who had experienced all the evils of such currency, wisely endeavored, in framing the Constitution, to guard their descendants from like suffering; and now this Administration, professing to be the warm advocate of a hard money constitutional currency, and professing, too, to guard the Constitution from violation, by strict construction both in theory and practice, is now about to inundate the country with a paper currency, unconstitutional and liable to all the evils of bank paper, without any of its virtues. Sir, these are strange inconsistencies, which it will be difficult either to reconcile or to justify before the people. If the amendment is not adopted, I cannot vote for the bill.

SPEECH OF MR. HUNT,

OF NEW YORK,

In the House of Representatives, June 3, 1840—On the Sub-Treasury bill.

Mr. CHAIRMAN: I can well imagine that gentlemen who anticipate a dead majority in favor of the bill under consideration may feel impatient at any delay; yet, as this is the only distinctive measure of the Administration, and believing the time not misspent which may be employed in honest endeavors to arouse the people of this country (ere too late) to a sense of their condition, I cannot content myself with giving a mere silent vote. I rejoice, sir, that the Administration, after having fought under cover for ten years past against the best interests of this country, has at length thrown off disguise, and now stands forth the avowed enemy of the credit system, and of banks as forming a necessary part of that system.

Before proceeding to assign some of my objections to the present bill, allow me to carry back the recollection of gentlemen to the origin of this warfare, and to trace briefly the manner in which it has been conducted. The retrospect may be serviceable as showing, on the part of rulers, consummate tact and cunning systematically employed to ruin credit and enlarge Executive patronage; and, on the part of the people, a blind credulity in professions unparalleled in the history of the world.

Previous to 1828 banking had been kept separate from the politics of the country; matters of business had been considered as the common property of men of all parties; all met upon 'change, in the shop, and the field, upon a perfect equality; business knew no political tests any more than it did religious ones; and, by common consent, all men met in their business relations in friendship, asking on the one hand, or giving on the other, no further preference than such as inevitably belongs to superior skill, industry and economy.

It was left for the present day, a day of small lights, small things, and small men, to institute a police having special charge of the associations and business of private life; and accordingly, whilst I am speaking, report says that the Monumental city is the theatre of a court of inquiry, presided over by a gallant soldier from my own district, (Gen. Wool,) for the important purpose of ascertaining whether Major Lendrum and Captain Dusenbury, of the army, have really presumed to patronize Whigs in the purchase of Government supplies.

In 1829, the present Executive of the nation was Governor of the State of New York; and, in his Message of the 6th of January, 1829, to the Legislature of that State, he says:

"To dispense with banks altogether is an idea which seems to have no advocate; and to make ourselves wholly dependent upon these established by federal authority, deserves none. If these are correct views, the only alternative would seem to be between a renewal of the charters of the sound part of the existing banks, or to anticipate the winding up of their concerns by the incorporations of new institutions."

To understand fully the bearing of the language I have quoted, allow me to say that, at the time of the delivery of this message, there were in New York, in operation, forty banks, with a capital paid in of fifteen millions. Of this forty, the charters of thirty-one were about to expire. It will readily occur to every mind that a most favorable opportunity was here presented of checking the increase of what is now considered a great evil—banking institutions. And I can almost fancy I hear the friends of the President (not entirely familiar with the machinery of New York politics then in operation) asking why he did not avail himself of this favorable opportunity to put in practice the doctrines of the present day?

Mr. Chairman, I answer this question, which I know must suggest itself to the mind of stranger—the answer can afford no information to the New York politician of that or this day—the whole thing was then, as now, well understood by us of New York.

The monetary concerns of the State (and, as soon as might be, of the country) were to be connected with its politics—with the central power, holding the dispensation of patronage and office, then resident at Albany.

This, sir, is the answer. This explanation shews you why Mr. Van Buren, a native of the most commercial State in the Union, and then its Governor, had not then discovered the evils of banking—the evils of credit.

Well, sir, as every body knew they would, a Legislature composed of the partisans of the President proceeded, with all convenient speed, to carry out his views, and on the 2d April, 1829, the act commonly called and known as the safety-fund bank act became a law of the State of New York. Sir, I opposed that act with such force as I possessed; and so did the friends of my country, with whom I then and still have the honor to act. But, sir, the machinery was put in operation in spite of lamentations in or out of my own Legislature; and the banks in number increased from forty, as they stood in 1829, to ninety-six chartered ones, as they stood on 1st January, 1840. They increased from a capital paid in, in 1829, of $15,000,000, to a capital, as it stood on 1st January, 1840, of $36,891 460.

But, sir, this is not all; and that you of the Old Dominion, and others, who know very little of the peculiar features of Van Burenism in my own State, may understand something of its beauties, permit me to say that three commissioners were to be appointed to superintend the concerns of the banks. And, sir, let me tell you these gentlemen commissioners, dependent for their existence upon the central political power to which I have alluded, possessed a more irresponsible power and control over the banking institutions of my own State than was ever possessed by an Eastern Sultan over his harem, or an autocrat of Russia over his serfs.

And, sir, the half is not yet told. Before these learned and independent bank commissioners had an opportunity of exercising their fatherly care for the good of the party, there was another process necessary to be gone through in the organization of the new banks—a process equally well calculated to give satisfaction to business men and inspire confidence in the entire purity and patriotism of the party and its creatures, the commissioners. This process was the distribution of stock to subscribers in the fifty six new banks created under Van Buren auspices.

Sir, the party, for party purposes, (not business or commercial,) wanted a bank at Kinderhook, the birth-place of the President. This reasonable want was of course satisfied. So, too, a bank was wanted in Troy, my own city; but it was a business institution that was asked for there, and not a political one. Still, sir, as the bed of the party was of a fixed and iron length, why, of course, the wants of Troy, commercial as she was, had to submit to the prescribed measure of Procrustes. Well, sir, the party have asked for the charter; of course it is granted; and three commissioners are appointed by the same party to distribute the stock. You are ready, I have no doubt, as an honorable, high-minded man, to say to me, those stocks were distributed according to business wants. Sir, let me tell you you are much mistaken. The party was to be taken care of; and as stocks, during these palmy days of Van Burenism, were eagerly sought for, and bore a high premium, why, of course, connections of bank commissioners, male and female, worthless and irresponsible, and some even upon the jail limits of my State, received large distributive shares of stock, and the next day pocketed an advance of five, ten, or fifteen per cent. on that stock, as the case might be, in selling out to some unfortunate Whig, whose only recommendation was his business habits, wants, and ability to pay for, own, and keep stock. Sir, the profligacy of this whole system has been so alarming as to excite the attention of the highest judicial tribunal of the State in more than one instance, and, in at least one instance, call for and receive the attention of a grand jury in presenting one of these precious creatures of political favoritism as a fit subject for the penitentiary. To such an extent was this system carried, that honest men, of all parties, sought relief from it in the passage of what is commonly called the "free banking law" of my State—a system that went into operation under the most unfavorable auspices, and which, thus far, has had to struggle with the monetary embarrassment produced by the action of Government, superadded to the deadly hostility of every locofoco federal recipient of the favors of monopolies.

Thus, sir, in New York (my native State) began the connection between politics and banking; the control, by a central power at Albany, through the creation of banks; the distribution of stock by political commissioners; and the supervisory power of partisan bank commissioners of the monetary affairs of the State. This was done by the so-styled Democracy, the no bank party; and partisans made their per centage, in the way of premium upon stocks they could neither pay for nor keep, and political influence was given and most fearfully wielded.

Let us now shift the scene from Albany to Portsmouth—from New York to New Hampshire—and contemplate a movement simultaneous (if not concerted) with the one we have witnessed in New York, and tending to the same object.

In the summer of 1829, Jeremiah Mason, President of the branch Bank of the United States at Portsmouth, refused to lend his branch to the political schemes of Isaac Hill, and President Biddle refused to remove Mason from office. This spirit of independence gave offence, and hostilities against the Bank were immediately commenced at the East.

It has been said that the extraordinary man who then presided over this country had some private grievances of his own, arising out of transactions of the Bank in the Southwest, the memory of which he had kept fresh. Be this, however, as it may, the quarrel was soon made his own by General Jackson, who changed the battle field from Portsmouth to Washington.

In the message of General Jackson, of December 8, 1829, he says:

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges."

Again: "Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency."

Again: "Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the Government and country that were expected to result from the present bank."

In the message of December 7, 1830, General Jackson says:

"Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehend from that institution [the United States Bank] as at present organized."

Again: "It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposites, &c.

Here we have very distinctly shadowed forth the project of a Treasury Bank—that kind of Government engine provided for in the present bill, by those who deem it glory enough to follow in the footsteps of "the greatest and best."

We have, too, an assumption which, by its very boldness and disregard of facts, was well calculated to command credence. The State papers to which I have referred speak as flippantly of the unconstitutionality of a National Bank as they would have done had the writer been entirely ignorant that such men as George Washington, James Madison, and John Marshall had given the sanction of their mighty names to its constitutionality.

And, in the same spirit, these papers assert that "a uniform and sound currency" had not been established.

As this is mere assertion, standing opposed to the experience of forty years, I will not insult the intelligence of those who hear me by reasoning upon the subject, but will venture to meet it by an assertion, supported by all fact and experience, viz. that no Government in the world possessed, or ever did possess, so sound and uniform a currency as the Government of these United States at the very time spoken of.

Thus far we have no direct intimation of hostility to State institutions of credit, but a course of remark well calculated to deceive those interested in State banks; and, accordingly, we find the State institutions, actuated in part by cupidity, in part by political motives, embarking with great zeal in the crusade against the monster, the Bank of the United States.

On the 11th July, 1832, in the veto message, General Jackson says, "that a Bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers or the reserved rights of the States, I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed."

The Government deposites were removed from the Bank of the United States in September, 1833; and on the 26th of that month, Mr. Taney, then Secretary of the Treasury, wrote to the president of the Girard Bank, in Philadelphia, as follows: "The deposites of public money will enable you to afford increased

facilities to commerce, and to extend your accommodation to individuals."

On the 9th of October, 1833, the same Secretary wrote to the president of the Maine Bank, at Portland, thus: "The deposites of the public money will enable you to afford increased facilities to the commercial and other classes of the community; and the Department anticipates from you the adoption of such a course respecting your accommodations as will prove acceptable to the people and safe to the Government."

Similar instructions were given to the other deposite banks; and about the first of May, 1836, thirty six of these deposite banks held of the Government money $38 496,755 09.

When we reflect that, at the time I am speaking of, it was the boast of the Administration that the State banks were abundantly competent to perform all the duties previously performed by the United States Bank, and to supply the wants of a great people emphatically commercial, the tendency as well as object of the instructions I have quoted cannot be mistaken. Thus stimulated, if not commanded, the State banks did increase their loans; and the States themselves started off in a race of competition in the creation of new banks.

In 1830 the number of banks may be estimated at three hundred; in January, 1835, at seven hundred and fifty, with a circulation double what it was in 1830. Florida, during the years 1835, '36, proposed an increase of banking capital of $12,000,000, and New York, in the winter of 1836, increased her bank capital $5,670,000.

On the 2d of December, 1834, General Jackson, in his message, thus speaks:

"Happily it is already illustrated that the agency of such an institution [Bank of the United States] is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness. They have maintained themselves and discharged all these duties, while the Bank of the United States was still powerful and in the field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist."

Mr. Woodbury, in his report of 8th December, 1835, says:

"This Department takes pleasure in stating that the public money continues to be collected and deposited, under the present system of selected banks, with great ease and economy in all cases, and with greater in some than at any former period. The transfers of it to every quarter of the country where it is needed for disbursement have never been effected with more promptitude, and have been made entirely free of expense to the Treasury. The payments to creditors, officers, and pensioners have been punctual and convenient; and the whole fiscal operations through the State banks have, as yet, proved highly satisfactory. Incidental to this, the facilities that have been furnished to the commercial community in domestic exchanges were probably never greater, or at so moderate rates."

In his message of 5th December, 1836, General Jackson says:

"To retain it in the Treasury unemployed in any way is impracticable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition."

This language was held in immediate reference to the then surplus revenue, but the argument is equally applicable to the bill under consideration, so far as the bill is calculated to withdraw the people's money from circulation and lock it up in vaults and safes.

Again, he says, in the same message:

"Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government at the time of the removal of the deposites."

Mr. Woodbury, in his report of the 6th of December, 1836, says: "The money in the Treasury has been safely kept during the year 1836.

Let us here pause; for we have now traced our rulers down to a period within five months of the universal crash in money matters which took place in the spring of 1837, and the effects of which were felt throughout the length and breadth of the land. Pausing here, it is certain the cry that all was well was the fallacious one of a drunken, sleepy sentinel upon his post. Did our rulers know the untruth of their statements? If so, a poor compliment is paid the heart. Were they ignorant? If so, a poor compliment is paid the head. In either view, from a defect of heart or head, or both, their incompetency is most manifest.

Well, the suspension of 1837 came. It surprised no one except our rulers, the very men who, of all others, should not have been surprised, (perhaps they were not, but they affected to be;) for they had been forewarned, and should have been fore armed. For years, the other part of this Hall had rung with the eloquence of the great orator from the West, and of the Constitution's champion from the East, predicting, almost with prophetic accuracy, the disastrous results of the experiments of our rulers upon the currency of the nation. Had none but the State banks been involved in the ruin, I should not have regretted their fate. It would have seemed a most fit retribution for their subserviency to power. But every great interest of the country felt the shock. The commercial, manufacturing, agricultural, in its turn, and, most of all, the poor man, in his labor and its rewards.

Now comes the demonstration on the part of the Government—the proof of the proposition with which I started, viz: a settled hostility to the credit system with a view of enlarging Executive power, and perpetuating supremacy, by the union of the purse and sword.

The very men who seduced the banks from the line of duty, turn upon them, and urge that departure as a reason for their correction! No, for their destruction.

In the message of the 4th September, 1837, the President says:

"The history of trade in the United States for the last three or four years affords the most convincing evidence that our present condition is chiefly to be attributed to overaction in all the departments of business; an overaction, deriving, perhaps, its first impulse from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper, and by other facilities for the acquisition and enlargement of credit At the commencement of the year 1834, the banking capital of the United States, including that of the national bank then existing, amounted to about two hundred millions of dollars; the bank notes then in circulation to about ninety-five millions; and the loans and discounts of the banks to three hundred and twenty-four millions. Between that time and the first of January, 1836, being the latest period to which accurate accounts have been received, our banking capital was increased to more than two hundred and fifty-one millions; our paper circulation to more than one hundred and forty millions, and the loans and discounts to more than four hundred and fifty-seven millions. To this vast increase are to be added the many millions of credit, acquired by means of foreign loans, contracted by the States and State institutions, and, above all, by the lavish accommodations extended by foreign dealers to our merchants."

Again he says: "The present and visible effects of these circumstances on the operations of the Government and on the industry of the people point out the objects which call for your immediate attention. They are, to regulate by law the safe-keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the Government; to enable the Treasury to meet promptly every demand upon it; to prescribe the terms of indulgence, and the mode of settlement to be adopted, as well in collecting from individuals the revenue that has accrued, as in withdrawing it from former depositories; and to devise and adopt such further measures within the constitutional competency of Congress as will be best calculated to revive the enterprise and promote the prosperity of the country.

"For the deposite, transfer, and disbursement of the revenue, national and State banks have always, with temporary and limited exceptions, been heretofore employed; but, although advocates of each system are still to be found, it is apparent that the events of the last few months have greatly augmented the desire, long existing among the people of the United States, to separate the fiscal operations of the Government from those o individuals or corporations.

"Again to create a National Bank, as a fiscal agent, would be to disregard the popular will, twice solemnly and unequivocally expressed. On no question of domestic policy is there stronger evidence that the sentiments of a large majority are deliberately fixed; and I cannot concur with those who think they see, in recent events, a proof that these sentiments are, or a reason that they should be, changed."

Again he says:

"In the mean time, it is our duty to provide all the remedies against a depreciated paper currency which the Constitution enables us to afford. The Treasury Department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations and other bankers. Through the instrumentality of such a law, a salutary check may doubtless be imposed on the issues of paper money, and an effectual remedy given to the citizen in a way at once equal in all parts of the Union, and fully authorized by the Constitution."

Passing the intermediate messages and Congressional action, with the mere remark that there was a sort of non-committalism about them that enabled partisans, where they judged it expedient, to urge that the President was not unfriendly to the credit system, and which delusion might have continued, but for his tour North during the summer of 1839, when the Simon Pures of the party compelled him to throw off all disguise, we come to the message of 2d December, 1839.

That this last paper is drawn with political tact I readily admit; but, with the exception of its candor in waging open war upon credit, I cannot say any thing in its commendation. In every other particular it is delusive and double faced. He says: "The financial operations of the Government during the present year have, I am happy to say, been very successful."

Is this so? What shall we say of the financial skill of those who, but four years since, found a nation out of debt, with millions of surplus on hand, and who, during the past year, have been compelled to resort to the credit of that nation to the amount of millions, in the shape of Treasury notes, in order to carry on the ordinary business of Government?

Speaking of the reduction of expenditure, he says:

"With a determination, so far as depends on me, to continue this reduction, I have directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service."

Speaking of the necessity of practising rigid economy, he says:

"With the Legislature rest the power and duty of so adjusting the public expenditure as to promote this end. By the provisions of the Constitution, it is only in consequence of appropriations made by law that money can be drawn from the Treasury. No instance has occurred since the establishment of the Government in which the Executive, though the component part of the legislative power, has interposed an objection to an appropriation bill on the sole ground of its extravagance. His duty in this respect has been considered fulfilled by requesting such appropriations only as the public services may be reasonably expected to require."

An independent legislator cannot but be struck with the powers here claimed for himself by the President, and ought to feel grateful that thus far he has forborne their exercise. He has not vetoed a law merely on the ground of its containing an extravagant appropriation. This certainly is kind and considerate towards the representatives of the people. But what part of the Constitution makes the President "a component part of the legislative power?" According to former readings, it has been supposed that the Executive, Legislative, and Judicial branches were not only separate and distinct, but were so designed to be; and that the power vested in the President of returning bills, with his objections stated, was a power given for self-protection, and not for interference with the policy or extravagance of appropriation—a shield to the Executive branch, and not a sword to be turned against the people—a weapon for defence, but not for attack.

Then the homily on economy comes to us with peculiar force and fitness, from the head of an Administration which has run up the expenses of the Government from an average of thirteen millions, in 1824-'8, to an average of thirty-seven millions, in 1839-'40.

But strip this part of the message of its diplomatic court language, and in plain English it means that the Legislature of the nation are bound to take the estimates of the President. Not to go beyond them at the peril of being branded as extravagant; not to fall short of them at the like peril of being denounced as factious. The Legislature keeping strictly within the prescribed limits, the machinery of Government may possibly be kept in motion through the present year without further loans.

But the national works must be arrested in an unfinished state—progress in the Cumberland road must cease—the improvement of the Hudson river stop—the mariner on your coast perish for want of light houses, and property and life be lost upon the lakes for want of harbors; and the bills now pressed upon us from the Departments, for the armed occupation of Florida, and for an additional military force for that unfortunate Territory must not pass, because the expenses to be incurred are not included in the estimates; or, if passed, those expenses are to be charged to legislative extravagance.

Speaking of the partial suspension of the banks in 1839, the President says:

"There was nothing in the condition of the country to endanger a well managed banking institution. Commerce was deranged by no foreign war; every branch of manufacturing industry was crowned with rich rewards; and the more than usual abundance of our harvests, after supplying our domestic wants, had left our granaries and storehouses filled with a surplus for exportation."

The suffering manufacturers and their thousands of workmen at Pittsburg, at Paterson, and at Lowell, must have felt this portion of the message as adding insult to their injuries.

Again the President says:

"The weight which presses upon a large portion of the people and the States, is an enormous debt, foreign and domestic. The foreign debt of our States, corporations, and men of business, can scarcely be less than two hundred millions of dollars, requiring more than ten millions of dollars a year to pay the interest."

This is strange language for a Republican President to use. What has he to do with the private affairs of individuals, or with the debt of New York? For my own State, I can say, she has the proud satisfaction of knowing that she was the pioneer in the great and beneficent work of internal improvement. Unaided and alone she has marched forward toward the completion of her own system, and unaided and alone she will keep her faith to creditors untarnished, and punctually meet all her engagements.

But, strange as is the language of the President, its object, to wit, to cripple the States, destroy their credit, and increase Executive power and patronage, will very plainly appear when I refer hereafter to the action taken on the suggestion of the message in another branch of the Legislature.

And such is the message of 1839, ingenuous in no particular save the one formerly mentioned by me, that is, its open hostility to the credit system of the country. And the bill before us is but a legislative enactment of the views of the message, and is equally free, with it, from any doubt as to its object, aim, and inevitable tendency.

I now come to the second part of my argument, as proposed to myself at the outset of my remarks—the attempt to assign some of the objections I have to this bill, and some of the reasons why I have thus far and shall continue to oppose it in all its stages.

And, first, the President says:

"From the result of inquiries made by the Secretary of the Treasury, in regard to the practice among them, [other nations,] I am enabled to state that, in twenty-two out of twenty-seven foreign Governments, from which undoubted information has been obtained, the public moneys are kept in charge of public officers. This concurrence of opinion in favor of that system is perhaps as great as exists on any question of internal administration."

And the Secretary of the Treasury enumerates amongst those foreign Governments, Prussia, Austria, European and Asiatic Turkey, Cuba, &c.

Some of the despotic Governments enumerated by the Secretary have no banks, and, of course, must employ other agents to keep their funds; some of them are small Territories and Principalities, (scarcely larger than the towns of my own State,) easily overlooked and watched; and some of them are but just emerging from barbarism. With the exception of the system of education in Prussia—a system mainly dependent for its creation and existence upon the sagacity of a prince far in advance of his fellows—a Republican will look in vain through the list of States for any thing worthy his imitation.

The liberty of republican Turkey is not what the patriots of '76 fought and bled for, and acquired for their descendants and country. Nor do our people covet the institutions of Cuba, though it be the land of the bloodhound, that most efficient auxiliary of a Christian army, of a Christian Republic, in its war upon a miserable remnant of a once powerful race of savages. Besides, judging from present appearances, Cuba is in danger of running off the hard money track; for even there discussions are now going on in the Government paper at Havana, as to the expediency of adopting the banking system; and England and the United States are cited as examples of its eminent utility. Our rulers should took to this approach to liberty in Cuba ere it be too late.

II. The measure proposed must, in its operation, cripple, if not destroy, the banks of the country, and with them credit of all kinds. The President intends that the measure shall affect them. He says:

"In a country so commercial as ours, banks, in some form, will probably always exist; but this serves only to render it the more incumbent on us, notwithstanding the discouragements of the past, to strive in our respective stations to mitigate the evils they produce."

He seems here to be sensible that commerce requires credit.

Allow me to state the reason. I hold it as an axiom in political economy, "That no commercial nation can have a specie currency sufficient for its wants."

Its monetary and trading transactions cannot be represented in bullion.

The President assumes there may be in the country eighty-five millions of dollars in specie. I suppose there are not more than sixty millions. Well, what is a circulating medium but the means of representing the transfers of the wealth of production?

Production, in its various shapes, constitutes the wealth of a people. We produce vastly more than formerly, and yet this bill seeks to reduce the means of representing the transfer of that wealth of production, and it will do so. Who, then, will produce? What object to do so, beyond supplying the simplest wants of nature? Produce and you cannot sell; or, if so, at prices making it an object to produce for sale.

Much has been said at different times and in different State

papers, about France being mainly a hard money Government.

Let us see, for a moment, what France—not as she *was*, clad in complete armor, and, like the Ishmaelite of old, warring with every brother, but as she *is*, disposed to cultivate the arts of peace, and convinced that, from her geographical position, soil, and climate, she is destined to take the highest rank amongst the commercial nations of the world, thinks of this matter.

The Journal des Debats of the 15th of November, 1839, says.

"At this time, commercial transactions absorb in France a capital of three milliards of francs, (six hundred millions of dollars,) in the unproductive form of specie. The Chambers will have to inquire how far, by means of a bank, to be in reality, by its faculties, the bank of all France, this unproductive capital can be gradually diminished, in order to apply part of it to more profitable purposes."

This bill, when in full operation to the vast extent of Government transactions, in imposts, land sales, and postage, receives and recognises nothing but specie. To the extent of these transactions, the Government takes the specie from the banks, thus crippling, if not ruining them; and it hoards it up, useless to every one.

III. The plan is expensive and unsafe. This is an old and very obvious objection, but can lose none of its force by repetition. The bill itself shows a large expenditure contemplated at the outset; what that expenditure may amount to in the end we may from past experience conjecture; and as to the other branch of the objection, the insecurity of the measure, argument would be thrown away (after the cases of Swartwout and Price, to say nothing of others,) in endeavoring to illustrate or strengthen it. I therefore content myself with merely alluding to it, in passing as briefly as possible over some of the prominent heads of the remaining part of my argument.

IV. It virtually creates a Government bank without the commercial benefits and facilities of a National Bank, organized upon the true basis. It is a bank of deposite, with the collector, receiver, postmaster, &c. A bank of issue with the Secretary of the Treasury, and may become, for aught I see, one of discount also. The Secretary may draw drafts, these will form a circulating medium better and cheaper than coin. The cheaper currency always replaces the dearer one. This is a law of trade. At any rate, it is to depend upon the Secretary of the Treasury how long the drafts may remain out, and, of course, how long circulate as money.

V. The threatened evil has already reduced property of all kinds; the bill in full operation will bring it still lower. The merchant has gone by the board already, and the manufacturer and mechanic are struggling for bare existence. The revenue is gone in anticipation, even. In the city of New York, where the President says, in his late message, fifteen millions dollars were received by the collector the present (then) year, but $300,000 of duties have been secured during the month of January, 1840. In January, 1839, $1,300,000 were secured; thus showing a falling off of one million in a single month.

The farmer, too, is now feeling the beginning of the end. Of what value to him are the smiles of Providence upon his crops? Can he sell them at living prices? The President, indeed, felicitates the country, as I have shown you, on its prosperity. But who else, either in or out of this Hall, with the facts of the day before him, has the hardihood thus to sport and laugh at the sufferings of an entire people? The language of the message, in reference to our prosperity, chills the blood as it would to see the physician stand over his patient, writhing in the agonies of death, smile in his face, and tell him he was getting well.

That there is universal derangement in business, and consequent distress, stand admitted by all, save the President; and it is curious to hear the various and warring reasons assigned for this distress by the political quacks and charlatans of the day. One says it is owing to the overtrading of the merchants and people; another attributes it to wild speculation; another to over-issues of the banks; but the solution of the whole difficulty has been given by three very wise men of my own State, the bank commissioners—men deriving their existence and political consequence from a system devised by the Executive of the Union, for the purpose of combining the monetary interests of my State with its party politics.

In their annual report, submitted to the Legislature of New York on the 24th January, 1840, they say:

"As no rise of prices was perceptible here during the suspension, so no fall was occasioned by the resumption, and the produce of the country went forward at very fair, if not large prices; and a large circulation of bank paper was sustained during the autumn of 1838 and the early part of the following year. The over-production induced by the high prices of preceding years was not at that time apparent, and had not produced its legitimate effect upon prices, which more recently has been severely felt. It is quite apparent now that prices have heretofore been too high, and quite fortunate for many who then complained of the want of money to purchase the produce of the country, that it was not more abundant; and equally fortunate, we think, for the banks, that the limit of their circulation was not enlarged at the last session, as some were desirous of having it."

Now if this were not too serious a matter for merriment, one might feel disposed to laugh to hear pretended financiers and political economists talking about universal distress upon the rich and poor, produced by an abundance of the necessaries of life. They tell the farmer (and I wish him to note it) "that prices have heretofore been too high." And to the farmers I would say, in reference to the avowal of the above sentiment, stand by and see your farms reduced in value by political action for partisan purposes, and then, if you can find it in your hearts to do so, lend your support to this class of politicians, for they claim to be the exclusive friends of the country and the people, and they intend evincing that friendship by the destruction of industry, and the value of every description of property.

Last, though not least, the poor man, the laborer, is destined to feel the operation of this bill in its blighting effects upon the price of his labor, and his ability to procure employment. That labor must come down in price is admitted. Senator Buchanan in his speech of 22d January, 1840, says:

"If, therefore, you should in some degree reduce the nominal price paid for labor, by reducing the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your paper circulation, would this injure the laborer? Certainly not, because the price of all the necessaries and comforts of life are reduced in the same proportion, and he will be able to purchase more of them for one dollar in a sound state of the currency, than he could have done in the days of extravagant expansion for a dollar and a quarter."

The poor man is to get the wages of France, Sweden, Bavaria, Belgium, Germany, Netherlands, Italy, and Saxony; that is to say, an average of about 5*d* per day, and generally without board. Do tea, sugar, coffee, and foreign fabrics come down to our hard-money currency? No; we must buy and sell by the foreign standard. And, of course, the poor man must perform (if he can get any one to employ him) at least twice the amount of labor he now does to enable him to purchase a foreign article. But who is to employ the laboring man? What inducement will be left to invest capital in merchandise, in manufacturing, or building? The whole argument may be stated in the case of a son of the Emerald Isle. He came to market in New York, and wanted to buy a chicken. The price was 25 cents. Pat said he could get as good a chicken in Ireland for 6 pence. The owner very naturally said, "Then why do you not return to Ireland?" "Is it return you would have me? Arrah! when I get there, who will give me employment by which to earn the 6 pence?"

Who can, in this general stagnation of life and business, be benefited? The rich man, who owes nothing, and the office-holder, receiving his fixed salary, and selling his gold at a premium.

VI, and lastly. This bill unites in the Executive the purse and the sword. It will increase fearfully the already overshadowing power of that department. That power must be circumscribed, or it needs no prophet to predict the fate of our institutions. The danger from the Executive power was most forcibly depicted in 1826, in a report submitted to the other branch of the National Legislature.

In that report Colonel Benton says:

"The committee are of opinion that it is expedient to diminish, or to regulate by law, the Executive patronage of the Federal Government, whenever the same can be done consistently with the provisions of the Constitution, and without impairing the proper efficiency of the Government."

Again: "The committee rest their opinion on the ground that the exercise of great patronage in the hands of one man has a constant tendency to sully the purity of our institutions, and to endanger the liberties of the country."

Again: "The scene shifts from this imaginary region, where laws execute themselves, to the theatre of real life, wherein they are executed by civil and military officers, by armies and navies, by courts of justice, by the collection and disbursement of revenue, with all its train of salaries, jobs, and contracts; and in this aspect of the reality, we behold the working of the patronage, and discover the reason why so many stand ready, in any country, and in all ages, to flock to the standard of power, wheresoever and by whomsoever it may be raised." "The patronage of the Federal Government at the beginning was founded upon a revenue of two millions of dollars. It is now operating upon twenty-two millions; and, within the lifetime of many now living, must operate upon fifty. The whole revenue must, in a few years, be wholly applicable to subjects of patronage."

Speaking of the officers of the customs in the city of New York, the report says:

"A formidable list indeed!—formidable in numbers, and still more so from the vast amount of money in their hands. The action of such a body of men, supposing them to be animated by one spirit, must be tremendous in an election; and that they will be so animated is a proposition too plain to need demonstration. Power over a man's support has always been held and admitted to be power over his will."

Again: "We must, then, look forward to the time when the public revenue will be doubled; when the civil and military officers of the Federal Government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination of the President can carry any man through the Senate, and his recommendation can carry any measure through the two Houses of Congress; when the principle of public action will be open and avowed, the President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for."

Again: "In the country for which the committee act, the press, with some exceptions, the Post Office, the armed force, and the appointing power are in the hands of the President, and the President himself is not in the hands of the people. The President may, and in the current of human affairs will be against the people; and, in his hands, the arbiters of human fate must be against them also. This will not do. The possibility of it must be avoided. The safety of the people is the 'supreme law;' and, to ensure that safety, those arbiters of human fate must change position, and take post on the side of the people."

If this were true in 1826, is it any less so now? Has any thing occured showing the General Government in its operations, to have changed its tendency and direction? The signs of the times cannot be mistaken. A sovereign State has been excluded from this floor. The President lectures the States upon their internal regulations; and, simultaneously, resolutions are introduced, and a report made, affecting their credit at home and abroad. This may be mere coincidence; but, to my mind, the coincidence is ominous. Pass this bill, and, in the effects claimed for it either by its friends or enemies, you give the Executive the power of controlling the monetary affairs of the country, the power of regulating State institutions, of dictating a course of policy for the States to pursue—the power, in fine, to destroy both individual and State credit. And when the resources of the individual and the State shall have been destroyed, the spirit humbled and crushed, whence are you to look for opposition to any Executive scheme? Who bold enough or able to oppose the appointment of a successor?

If the mushroom banks, the hot-bed growth of Federal patronage, have signally failed, as you were told they would by those who opposed their unnatural multiplication, leave them to the correction of public sentiment and State legislation. They will soon cease to have any power, either for good or for evil; whilst the sound and healthy institutions, having rode out the storm, will remain to meet the business wants of a commercial people.

To this House I say, rally once more to the rescue, and again defeat this Executive measure; and then, when the Administration, taught by the stern independence of this body, shall cease its warfare upon the great interests of the country, and return to the ways of our fathers, we may hope for something like repose—for a return, after years of suffering, to our former prosperity.

REMARKS OF MR. PORTER,

In Senate, April 21, 1840.—On the bill granting to the State of Michigan 100,000 acres of land to aid in the construction of a canal around the Falls of St. Mary's, Lake Superior.

MR. PORTER said he was not a little surprised at the manner in which this bill was received and treated in this debate. The grant it proposes to make has been spoken of by more than one Senator, on this and on former occasions when it has been before us, as one whose benefits are to inure to the State of Michigan only; as if this circumstance were of itself sufficient to enlist an opposition adequate to ensure its defeat. But is this so? The provisions of the bill are such as to deprive the State of all revenue from this canal, except for purposes of necessary repairs and attendance; and the United States are at all times to enjoy the free use of it as a highway, paying nothing even for these purposes. What, then, are the immediate benefits which are to result from the construction of this work? Will they not consist, in a great measure, in the extension of lake commerce? And does that belong exclusively to the State of Michigan? Where are the States of Ohio, Indiana, Illinois, New York, and Pennsylvania, in this debate, that they do not claim an interest in this important improvement, and thus relieve this bill from the imputation of partiality and injustice which is sought to be fixed upon it, on account of its alleged identity with that of Michigan only?

As Michigan is to derive no revenue from this canal, and as she has no public domain to be enhanced in value by its construction, I know of no better mode of testing it as a measure of utility to all the States I have named than by an exhibit of the present interest they have in the commerce of the Northern lakes.

The aggregate American tonnage on these lakes, (including Ontario, which now communicates with the rest by means of the Welland canal,) in 1838, amounted to nearly 50,000; about 8,000 less only than that of the States of South Carolina and Georgia united. This tonnage is licensed and enrolled as follows:

			Tons	95ths.
At the ports in the State of New York,			22,338	26
Do	do	Pennsylvania	3,216	04
Do	do	Ohio,	13,770	15
Do	do	Michigan,	9,847	86
Making an aggregate of			49,172	36

There being no port of entry in either of the States of Indiana and Illinois, or in the Territory of Wisconsin, their present tonnage does not appear; but these powerful communities are yet in their infancy in ship-building, and the amount they contribute is as yet but inconsiderable. Who does not see, however, that in the benefits, present and prospective, that are to result from the making of this canal, Michigan is to be but a participator with her neighboring sister States, all brought in immediate contact with the trade that is to be opened by it? We are perpetually asked here for information as to the nature and extent of this trade—are told in advance that it must be unimportant and inconsiderable—that nothing is known of the country to which a navigable access is to be gained—and that this whole scheme is premature and visionary. We meet these objections by urging that the geographical position of this canal is sufficient in itself to demonstrate its importance to all these States, and indeed to the whole Union; that the largest of these great inland waters, having 1,500 to 2,000 miles of coast, is to be thrown open to their shipping at a trifling cost, (for this grant is *but* a trifle, after all, when the grandeur of the object is properly estimated;) we aver that there are now vessels on Lake Superior doing a profitable business in the fur trade and fisheries of that region; and, if the opinions I have heard expressed by gentlemen of the highest respectability and business intelligence are to be relied on, a lucrative employment in the fisheries would, by means of this communication, at once be given to all the sailing craft of these lakes, a large proportion of which is now idle at our wharves, owing to the temporary stagnation of lake commerce, and the recent use of steam vessels for the transportation of every species of merchandise.

If this information as to the extent of these fisheries be correct, (and that it is, I have no reason to doubt,) some estimate may be formed of the immediate results which would attend this improvement, not to Michigan only, but to all the States I have named—especially to the States of New York and Ohio, each of which has now resting on these waters its great canal, through which the products and acquisitions of commercial enterprise, gathered in this new and vast field of adventure, will pour their contributions to its internal revenues and to the wealth of its citizens. The white fisheries of Lake Superior are a matter of certainty, proved by actual discovery to be an important and valuable item of domestic export; and we are only in doubt as to the limit which is to bound it. Those of the Detroit and St. Clair rivers afford us no guide in ascertaining it, for there they are quite limited, never exceeding in amount $50,000 per annum, owing to the fact that the white fish are only taken during a short period in the year—some three or four weeks during the months of October and November. This is not the case, as I am informed, in respect to the fisheries of Lake Superior. These are never interrupted—not even during the season of frost; and this being the fact, it is difficult to imagine any limit to their amount.

The statistics of the northern fur trade, to which this new and broad expanse of navigation would be tributary, are not at hand; for the reason, probably, that the very obstruction which it is the object of this bill to overcome is one of the main impediments to competition in that valuable traffic. The fur trade of this whole continent is known to be chiefly in the hands of the two great American and British companies. Its history shows that it has been more or less absorbed by associations having large and extended facilities and capital, from the granting of the first charter by Charles the Second to Prince Rupert and his associates in 1670, down to the present day; and if these monopolies, in their direct intercourse and traffic with the Indian tribes, have at any time been successfully opposed by the bold spirit of enterprise of our northern adventurers, the opposition has been disarmed, when all other expedients have failed, by buying it up, and in many cases incorporating it on advantageous terms with the stock of some one of these great companies. Competition has thus been smothered, and the fur trade made the sure means of overgrown wealth to the monopolists who have controlled it. And why has this been so? It has been because the avenues leading to this trade have been beset with difficulties insurmountable by small capitalists; and when these difficulties have at last been overcome, and the pathway to competition opened by the creation of facilities of travel and transportation, this monopoly of the fur trade has ceased, and the companies have been compelled to pay to our enterprising merchants their profits on the original cost of the furs, or encounter them as competitors in the foreign market. In proof of this, it is only necessary to advert to the fact, that in the States of Ohio, Indiana, Illinois, and the southern peninsula of Michigan, in each of which furs to a large amount are now annually collected, nearly all the company trading-posts have long since been broken up. They are now in the "*terra incognita*" of which the gentleman from South Carolina (Mr. PRESTON) speaks, amassing the wealth which it will be one of the results of the passage of this bill to open, to a certain extent, to all our citizens. Mackinac and St. Mary's are the great northern depots and places of outfit of the American Fur Company, at which points the shipments of furs now amount annually to near two hundred thousand dollars, a large proportion of which are derived from the trade of Lake Superior.

I have alluded, sir, thus imperfectly, to the fur trade and fisheries of the north, for the purpose of showing that there are present objects of value and importance to be gained by this canal. But, sir, in a national point of view, I confess myself greatly surprised that this interesting work has failed to arrest the attention and command the approbation of every member of the Senate, who is not led by his constitutional opinions to repudiate all appropriations for objects of this character. The entire southern coast of Lake Superior is a boundary of the public domain of the United States, which, within this upper peninsula of Michigan, is estimated at about fourteen millions of acres. The geographical position of this vast tract of country is such that all communication with it must necessarily be by water. There are no other means of access to it. It is to all intents and purposes insulated. Without this canal, it cannot be brought into market, and consequently no motive will present itself for extinguishing the Indian title which now encumbers a large portion of it. The information we derive from tourists, who have visited that region, justifies us in the belief that it contains vast mineral resources, which, it is clear, can never be successfully developed until it can be rendered accessible by means of navigation. These considerations, together with others which have been adverted to in this debate, fully demonstrate to my humble apprehension the interesting character of this work as a national one.

But, sir, there are many distinguished Senators who do not view the subject in this light, and, in their zeal to create hostility to this grant, have introduced topics here, which it seems to me proceed from any thing but a spirit of liberality, and even of courtesy towards the State of Michigan. When we are asked for information as to the probable cost of this work, and we answer the call by pointing to a copy of an estimate on our tables, showing that, on the plan of its adaptation to ship navigation, it will fall short of 120,000 dollars, we are met by the rejoinder that its construction for this small sum is not within the range of probability. The estimate we present is scouted as unworthy of credit, and we are told that the grant we now ask is but the beginning of a drain on the public lands for an object about which the country neither knows nor cares. But a few years will elapse, says the Senator from Kentucky, (Mr. CRITTENDEN,) and another one hundred thousand acres will be asked for to complete this canal. I confess, sir, that I feel not a little wounded that a motive inferrible from all this is imputed to us, and that the evidence we offer as to the probable cost of this canal is treated as wholly unworthy of confidence. Gentlemen cannot have well examined this paper, or they would assuredly have forborne to treat it thus unkindly. What is it, sir? It is the copy of a special message of the Governor of Michigan to the State Legislature, transmitting the estimate of the State engineer, on which estimate it was to act, and *did* act, in authorizing the opening of this canal as a *State work*, and in appropriating money for that object. The estimate was not made to be sent here for the purposes of the present reference, as the document on its face shows; and yet we are told it is not entitled to credit, because it was not made under the authority of the Federal Government; as if it were an indispensable part of the qualifications of a civil engineer that he should be certified, or commissioned, by your Topographical bureau; or that the State would, in the prosecution of her enlarged system of internal improvements, intrust the surveying and estimating a work like this, on which her own money alone was to be expended, to an engineer incompetent to a skilful performance of that duty. The very presumption is an absurdity; and, were it not so, my own acquaintance with the engineer, (Mr. Almy,) personally and professionally, would lead me to give the highest degree of credit to his estimates for works of this description, whether in Michigan or elsewhere.

It is insisted, sir, by the Senator from Kentucky, (Mr. CRITTENDEN,) that this grant is wholly inadequate to the making of this canal, and he endeavors to illustrate this assumption by comparing it with the Louisville and Portland canal, which cost nearly a million of dollars. With great deference to that distinguished Senator, I must be permitted to say this comparison is instituted without a full knowledge of the relative difficulties attending the making of these two canals.

The fall in the river at St. Mary's is 22 feet 10 inches, which it is proposed to overcome by three locks of equal lift. The length of the canal will be less than 5,000 feet through ground of even surface, and but slightly elevated above the river. The height of the water is always uniform, or nearly so—never being influenced by floods, and only subject to variation between extremes of 2 to 4 feet, occasioned by winds blowing either down or up Lake Superior. The depth of the canal would not require to be more than 12 to 14 feet from the top of the embankment; and the locks, each of less than 8 feet lift *uniformly*, would need no more than an ordinary depth of chamber. There is already a small canal around these falls, (opened by the military of Fort Brady in the common round of fatigue duty,) on which the Government has erected a sawmill. The opening of a navigable steamboat canal is the plainest thing imaginable, for there are only common obstacles to overcome, and no extraordinary changes produced by the elements to guard against. Such is not the fact in respect to the Louisville and Portland canal. By a document contained in the report of the Committee on Roads and Canals relative to this work, now on our tables, we are informed, among other things, that the rise and fall of the Ohio are such as to vary the depth of water in this canal from 4 to 40 feet! Why, sir, I will venture to say it has cost more money to build *one* of its three lift-locks, than it would require to make a ship-canal at St. Mary's, locks and all.

But, sir, the Senator from South Carolina, (Mr. PRESTON,) in his zealous and eloquent opposition to this bill, adopts a course of reasoning directly opposite to that of the Senator from Kentucky. He exclaims against this grant as a prodigal contribution of the national resources to a mere local object, and, in estimating its value, he assumes that, under the power the bill confers on the State of Michigan to select these 100,000 acres from among any of the unsold lands in the State, a portion of the public domain may be taken, capable of yielding to the Government perhaps a million of dollars. Sir, is not this assumption altogether fallacious when we refer to accounts of sales on our tables? By reference to a document now before me, I find that the aggregate sales of public lands by the United States, from 1833 to 30th September, 1839, inclusive, embracing as well those at auction as at private entry, amounted to 53,941,800.62 acres, and that the purchase money accruing thereon was $68,319,843 71—less than $1 27 per acre. The time has long since passed for the Government to realize for its lands any very considerable sum above the established minimum price. Should the State of Michigan succeed, by a wise and prudent management of this grant, in realizing from it a greater sum than would accrue on this rate of sales, it will be because of its increase in value, consequent on the application of her own unaided enterprise and resources.

I will not indulge, sir, in any course of invidious remark towards other new States to whom large grants of the public domain have been made for objects of internal improvement, in support of the just claim of Michigan alone on the liberality of Congress for this grant. It rests, in my judgment, on higher and broader considerations. Besides, sir, there is a bill now before us, which proposes a uniform and equal system in respect to such donations. When that shall come up for discussion, it will be a more suitable occasion to refer to the past in support of her distributive rights.

SPEECH OF MR. BELL,

OF TENNESSEE,

In the House of Representatives, April, 1840.—On his bill to secure the Freedom of Elections.

MR. SPEAKER: I cannot forbear congratulating myself upon the enjoyment of the unexpected privilege of speaking in explanation of the provisions of a bill which has been the subject of so much misrepresentation by its enemies, and no less misapprehension among those who, though friendly to the object of it, have never taken the trouble to examine it. I need not say that I take a deep personal interest in the success of a measure upon which I have bestowed so much reflection; but, unless its importance to the public interest and welfare can be made manifest, I am aware that it can never recommend itself to this House. To demonstrate the importance of some such measure as the one I have proposed, if we would preserve the free institutions of the country in their spirit and purity, will be the object of the remarks which I now propose to submit.

My judgment may have been misled by the ardor of my feelings, in coming to the conclusion that no free Government can last, where the abuses which this bill proposes to correct shall no longer excite complaint or remonstrance among the people. But such is my settled conviction; and with this impression constantly on my mind, my friends will excuse me for regarding this as by far the most interesting and important measure which can come before the present Congress. They will also, for the same reason, pardon me the tax I propose to impose upon their time and patience, in the somewhat elaborate examination I intend giving to a subject in which they may not have felt any particular concern. I invoke a patient hearing from all—from gentlemen on both sides of the House, and of all parties, who think

with me that there is something wrong, radically wrong, in the practical operations of our political system, and who possess enough of patriotic feeling to seek an adequate remedy. To such I can promise that if they have confidence in the virtue and wisdom of the sages who have gone before us, they shall be rewarded for their attention; for it is they chiefly who, I intend, shall address them upon this subject.

But, before I proceed with my remarks upon the character and object of the bill, I feel called upon to notice the attempt which was made to strangle it in its birth. This must appear the more singular and extraordinary, when we reflect that the bill could not have been read or examined by any one member of the House; it had not been printed; it had not been read at the Clerk's table, before my colleague, (Mr. JOHNSON) rose and objected to its introduction. Another of my colleagues (Mr. ——) distinguished himself by his zeal and forwardness to get the bill rejected, before its provisions could be examined or understood. Not content with the opposition made to the motion for leave to bring in the bill, one of my colleagues thought it his duty to move the question of consideration. If he had succeeded in that movement, the bill would have been voted down by honorable members, more than three-fourths of whom cannot, even now, tell their constituents what are the provisions contained in it. The motion for leave was carried by a small majority, and I have to thank a few of the more liberal gentlemen who support the Administration for their courtesy in extending to me what had never before been denied to any member of the House—the privilege of introducing a bill!

But what could have been the prompting motive to the extraordinary course of my colleagues and others who sustained them? Far be it from me to impugn their motives; but still a rational curiosity may be indulged on this point. The bill does not propose to lay any tax, nor to appropriate any moneys, nor to create an office, nor to increase the salary of one already created; and as to the actual provisions of it, they will be found, on inquiry, to have been framed with special care to avoid the infringement of any constitutional right or privilege; and, besides, it would have been in the power of the House to modify and amend it by striking out every thing that might appear, upon examination, to conflict with any sound principle. It is impossible to dive into the thoughts of honorable members, but there was something so remarkable in their movements in relation to this bill, that we must be allowed to wander a little into the regions of conjecture as to their motives and designs.

It may be that many honorable gentlemen, impressed with feelings of distrust and alarm, by the exaggerated descriptions they had heard of the arbitrary and unconstitutional provisions of the bill introduced into the Senate at the last session of Congress by a gentleman of distinguished worth and eminence from Kentucky, and learning from rumor that my bill was similar in its provisions and objects, felt bound to resist it at every stage of its progress. I can readily understand how gentlemen of very upright intentions may have acted under the impression that they were resisting the introduction of another odious gag law, so gross have been the misrepresentations current in the country in regard to the bill of the Senate.

But still it is strange that so large a number of the gentlemen of this House should recoil at the idea of a gag law, and particularly gentlemen who belong to the majority. A gag law unpopular here! Why, it is the favorite argument of power at all times. A gag law out of favor in this House! Why it is notoriously the favorite weapon of the majority, especially in all critical and nicely balanced questions. Why, sir, gag law may be said to be personified in this House. How often have I heard the half-suppressed and despondent exclamations of the opponents of some arbitrary proceeding, upon observing the gentleman who, by association, in his own person combines all the terrors of the gag, advancing down the aisle to his well known stand, there to catch the Speaker's eye, and carry into execution its inexorable decree, by moving the previous question! Of all places in the civilized world, a gag law ought to find most favor in this House, judging from its own practices of late. But my colleagues! how can they, especially after the practical illustration they have given of the use of the gag, utter one word against it before the people, without a blush of shame upon their cheek? How can they, after showing themselves so apt to practise it—such adepts in its application to the business of this House—return to their constituents, and declaim against a gag law? Is it not extraordinary that gentlemen who claim to be the advocates of the unrestricted right of speech should, at the very instant of time at which they set up this pretension, furnish so signal an instance of the violation of their own principles? But my colleagues may have had a very different object in view, in attempting to have this bill thrown out, without consideration or debate. They have doubtless a distinct recollection, together with a very high estimate of the advantages they derived, during the canvass of the last summer, from gross and scandalous misrepresentations of the nature and objects of the late bill of the Senate. If my bill had been rejected under circumstances affording plausible grounds for similar misconstruction and perversions among the people, it would have secured to them equal advantages in the political campaign of the next summer and fall; it would have told admirably for their purposes to have had it to say that my bill was of so atrocious a nature, that the House of Representatives rejected it as unfit even for consideration! What a fruitful subject for the artful and unrestrained declaimer before the people!

While the yeas and nays were calling over upon the motion for leave to introduce the bill, my imagination was busy in sketching an outline of the figure it was likely to make in the ensuing canvass in Tennessee, if the motion should be lost. I also amused myself in conjecturing the terms in which I might expect to be gazetted next morning in the columns of the official journal, (the Globe.) And, although the contingency did not arise, which then appeared by no means improbable, yet the sketch I then drew was so much in character with the editorials of that journal, and so true a likeness of the many misrepresentations of my course and principles to be found in that newspaper and others in the same service, that I cannot forbear presenting it to the House. I am still of opinion that, had my motion miscarried, I should have read in the Globe of the next morning an editorial nearly in these words:

"That notorious Federalist and deserter from the Democratic ranks, (JOHN BELL of Tennessee,) had the audacity, yesterday, to ask leave of the House to introduce a second edition of the alien and sedition law of 1798; but the prompt and vigilant spirit of Democracy, ever on the alert to guard the interests of the people, met this dangerous and daring attempt to destroy the freedom of speech and of the press in the threshold; and saved the House of Representatives the deep degradation of having its calendar polluted with a measure so odious and despotic. We congratulate the country upon the auspicious fact that a majority of the House of Representatives was found so faithful to their trust as to refuse even to consider a proposition so utterly inconsistent with every principle of the true Jeffersonian creed, to which it is the honor and glory of our party to adhere with the most rigid and inflexible consistency. Proof more convincing and damning cannot be adduced of the fell and unalterable purpose of the whole Federal Whig and Abolition party, should they once get into power, not to suffer one vestige of the rights and liberties of the people to remain, than the renewal of that abominable scheme of putting a gag into the mouth of every freeman in the land, in order to screen themselves from the indignation and punishment with their nefarious principles and designs so richly merit, and which will be sure to be visited upon their heads if the people are permitted to speak and to act unrestrained by the fear of legal pains and penalties."

Those gentlemen in the House who profess to be Democrats, and consider themselves to be the exclusive guardians and keepers of the sacred fire of liberty, have, with a few exceptions, done all that was in their power to stigmatize me upon the journals of the House as the author of a proposition so unreasonable and monstrous in its nature as to shock the feelings, and to justify the violation of all courtesy, both parliamentary and personal. In doing this, they have given me *carte blanche*—the amplest range both of attack and defence, in speaking of their public principles and conduct, consistent with the order and decorum of parliamentary discussion. They will therefore excuse me if I avail myself of my privilege; which, indeed, I mean to do.

Proceeding with all due caution and delicacy, I mean to tear off the mask of Democracy and Republicanism assumed by the opponents of this measure, both in and out of the House. I perceive that a number of gentlemen who claim to belong to the State Rights school have also ranged themselves under the banner of unqualified hostility to every measure of this kind. I propose, also, to draw aside the thin veil with which they have sought to cover over their bald Federal and consolidating practices. The whole class of pseudo Democrats and Republicans who have signalized their zeal against the principles of this bill, I shall attempt to prove have wholly departed from the ancient landmarks of the Republican party. These gentlemen profess to be Jeffersonians—to be the followers of Jefferson. They the followers of Jefferson! What a profanation of the name and principles of Jefferson! If they mean to say that Jefferson was a hollow hearted demagogue, with the praises of Democracy and sound principles ever upon his lips, but a perfect contempt for them always in his heart and practices, employing the terms merely as catchwords and clap-traps to delude and mislead the credulous and ignorant, then may they have some pretence to be called the followers of Jefferson. But, sir, I will take care to establish that those gentlemen who claim to be leaders of the Republican or Democratic party, in opposing the principles of this bill, have abandoned some of the most essential and vital principles in the creed of the great founder of their party, by authorities so conclusive and irresistible that the vote which they gave against it shall stick to them like the fabled shirt of Nessus, for the balance of their lives; and whenever in their future career they shall claim to have lived up to the law and kept the faith as true Republican statesmen, even after every other stain upon their political escutcheon shall have been washed out, this one, like the blood upon Lady Macbeth's hands, will remain; and their foes shall still have it in their power to say, "Yet here's a spot!"

I now proceed to explain the object and provisions of the bill.

The main scope and design of the measure, as will be made manifest as I proceed, are, to reduce, to cut down, the alarming and still increasing power and influence of the Executive branch of the Government; a power and influence already so enormous as to threaten a consolidation of all the powers of Government in a single head.

The power of the Executive has been increased and rendered formidable of late, chiefly through the abuse of the appointing power; the right asserted by the President and the heads of Departments, of removing subordinate officers to subserve party purposes; and the interference of public officers in elections.

This bill looks to the accomplishment of its object chiefly by the increased protection and security it proposes to throw around the elective franchise, with a view to protect its purity, its independence, and efficiency, as the true panacea of the Constitution.

When we investigate closely the elements of the different forms of government, we shall find that the elective franchise constitutes the distinguishing feature of the free representative form; and it is, at the same time, its vital principle. It is the precious inheritance of every free-born citizen of this land, and the high privilege of those only besides, whom the Constitution and laws allow to participate in its exercise, after due probation of their sincerity and capacity to understand its use and appreciate its value. To preserve it, free and incorrupt, must then be the first care of every Republican statesman. I hold that the preservation of the integrity and independence of the elective franchise is not less important than the preservation of the right itself; as we value and would cherish the right, so should we take care to protect it against every influence which is calculated to undermine its purity or destroy its freedom. It is the precious coin of civil liberty, current only in free States; and, like the gold and silver coin of commerce, its value is just in proportion to its exemption from all debasing infusions and admixtures. Why, then, should it be thought less important to guard and protect this vital principle of our Government by penal sanctions, than the subordinate interest and instrument of trade—the current coin?

We hear much declamation about the freedom of speech and of the press, whenever a law is proposed to secure the ballot box against the improper intrusion and interference of public officers. But why are the rights of speech and the freedom of the press held sacred? What is their chief value in a free Government when properly considered, if it be not to ensure the pure, enlightened, and independent exercise of the elective franchise? He who would tamper with this sacred and invaluable right among the people—he who would deliberately seek to bring the patronage and influence of official station in conflict with its freedom, would not hesitate to invade the right itself, if a favorable occasion should be presented; and he who would do either, whatever he may profess, is at heart a foe to the liberty and free institutions of his country.

Now, as to the provisions of the bill. The first clause of the preamble is the most important part of the whole bill. Inde if the principle therein stated shall be established or admitted to be sound, in the administration and practice of the Government, the remaining provisions may be dispensed with; they will then become comparatively useless. The clause in question is merely declaratory of a principle, and in these words:

"Whereas complaints are made that officers of the United States, or persons holding offices or employments under the authority of the same, other than the heads of the chief Executive Departments, or such officers as stand in the relation of constitutional advisers of the President, have been removed from office or dismissed from their employment upon political grounds, or for opinion's sake; and whereas such a practice is manifestly a violation of the freedom of elections; an attack upon the public liberty, and a high misdemeanor."

If it be inquired why I do not propose to provide against the violation of the principle asserted in this clause of the preamble by penal sanctions, I answer that, so far as regards the President, (and he, after all, must ever be held mainly responsible for the abuse of the appointing and removing power,) I conceive we have not the constitutional authority to punish him for any violation of the duties of his station, in any other form than by impeachment—the mode prescribed by the Constitution. I will not interrupt the main argument by going further into the reasons for limiting our action on this point to a simple declaration of the principle, "that it is a high misdemeanor to remove a public officer to promote the interests of party." I shall feel quite well assured that no President or head of a Department will venture upon so gross an abuse of his high trust, if it shall once be solemnly settled by a vote of Congress that it is an impeachable offence. I have, in this bill, proposed the only mode of redress for this abuse which appears to me to be open to us—except the moving an impeachment for some act of wanton removal already perpetrated—which I might do upon the most solid grounds of fact and principle, but in which I know I could not be sustained by this House or by the Senate.

I have promised my State Rights friends on both sides of the House, who have taken ground against this bill, to show them, as in a glass, how they must stand in all future time when measured by the true Republican standard. As to the Democrats of the modern school, I do not conceive that any valuable purpose can be effected by satisfying them of the extent of their departure from the faith which they profess.

Then as to this power of removal by the President, with or without cause; whence it is derived? In what clause of the Constitution do you find it expressly given, or in what grant of an express power do you find this one given by implication? Sir, have you, as a member of the State Rights school, ever been able to point out the clause from which you can derive it, according to the principles of construction by which you profess to be guided? I am sure you never have. But it is almost as difficult to derive it from any clause of the Constitution whatever, by any implication not evidently forced, and going beyond the less restrictive rules of construction adopted by the Federal school of politicians. Neither Mr. Hamilton nor Mr. Jefferson, the antipodes of each other in their mode of giving effect to the Constitution, could agree that the President was authorized by his sole authority to remove a public officer for any cause whatever. In fact, the power exists no where in the Constitution; it is the mere creature of construction and practice; it stands even upon worse grounds than these—it is a construction and practice adopted in the very teeth of a clear and satisfactory implication forbidding its exercise. The fourth section of the second article of the Constitution provides a particular form of proceeding for the removal and punishment of the President and all other civil officers, superior and subordinate.

"The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Now, sir, according to that sound and well known rule of construction, so applicable to written constitutions as well as to all other compacts and agreements, "the expression of an affirmative concludes a negative, or, as in this case, the appointment of a particular mode of affecting an object implies a negation of all other modes of doing the same thing, the President is, by this clause of the Constitution, prohibited from removing any civil officer, for any cause whatever. A stronger implication cannot be shewn than that which arises from this clause against the power of removal by the President, so far as civil officers are concerned. The prohibition is rendered more manifest by the omission to include military officers, who were left to be removed by the President, as commander-in-chief of the army and navy.

But I have gone into this argument for no other purpose than to show my State Rights friends, and all others who call themselves Republicans, how far, very far, they have strayed from their principles, in opposing this bill—to expose the hollow declamation which we every day hear in this Hall and out of it, on the dangers of Federalism, which, in the continued exercise of implied powers, would draw every thing in the sphere of Federal control; on the danger of consolidation from the increasing power and influence of the central Government. It is time these professions should cease, or that those who make them should be compelled to carry them out in their practice. If they really mean to restore the Constitution, by healing the breaches which have been made in it, by the exercise of implied powers, they should begin by denying this power of removal to the President. When they think proper hereafter to declaim upon the necessity of bringing the vessel of State back to the "Republican tack;" on the importance of adhering to a strict construction of the Constitution; when they denounce a bank and internal improvements and the assumption of State debts as unconstitutional, because the power over those subjects is derived by implication, merely, I trust, for the sake of a decent regard for consistency and candor, they will hereafter denounce the power of removal by the President as equally unconstitutional; nay, as doing greater violence to their rules of construction than all of them put together. That this power has been assumed upon the slightest of all possible implications, none will deny. This is clear from the debate which took place when it was first claimed. The question arose in 1789, upon a clause of the bill to establish the Treasury Department, which provided that the President should have power to remove the Secretary. Mr. Madison, the leading champion for the power, it is clear from his whole argument, took his ground without the slightest reflection upon the dangerous nature of the precedent he was laboring to establish, as throwing the door wide open to the exercise of implied powers. Two years later he would not have committed this error, as is evident enough from the course he

took upon the bank question. The danger from that source did not, however, escape the attention of some of the ablest members of that Congress, and it is evident, from many passages of the debate, that, but for the popularity and unbounded confidence reposed in the integrity and patriotism of General Washington, this power never would have been conceded by Congress. But he was then President, and it was but little short of treason against the Republic to oppose any power proposed to be vested in him. This power was not, then, derived from any particular clause in the Constitution. Mr. Madison thought it might be derived from the general grant of Executive power to the President; he contended that it was a necessary incident to the Department which superintended the execution of the laws, and that the removal of a public officer was, in its nature, an Executive act; but it was replied, with greater force of reason, in my opinion, that the act of removing a public officer was not more Executive in its nature than the appointment of one; nor was the power of removal more essential in the execution of the laws than the power of appointment, and that the Constitution had provided an advisory council in the exercise of the appointing power; and if the power of removal was a necessary incident to either of the grants of power relied upon by Mr. Madison, it could only be exercised with the advice and consent of the Senate.

But, Mr. Speaker, my bill does not propose to go to the length of declaring the removal of a public officer by the sole authority of the President to be unconstitutional; it does not propose to disturb the decision of the first Congress on this subject. It leaves that question where it now stands. But it does propose to declare the wanton exercise of this power; it does propose to declare that the removal of subordinate officers, not made with a view to secure the faithful execution of the laws, but to subserve party interest, is an abuse of this power, and one that deserves punishment by impeachment. Strange to say, however, I find some of my State Rights or Republican friends warring with me on this point also. They are not only willing to concede the power of removal by the President alone, but they will not interpose to check the abuse of it.

Before I proceed to inquire whether it is, in fact, an abuse of this power of removal to displace an honest and competent public servant because he will not support the Administration, a preliminary fact may be required to be established. Does such a practice exist? Do the President and heads of Departments make removals on any such grounds? One would suppose, after all that has transpired here; after all that has been proclaimed to the world through so many channels, with regard to this practice, that no one could have the hardihood to deny the existence of it. Yet there are those in particular sections of the country who do deny it, affirming, with a shameful and reckless audacity, that this charge against the Administration is false and libellous. I have often heard it asserted on this floor that there were upwards of a thousand officers removed under the late Administration without fault alleged or proved against them. That several hundreds have been so removed under the late and present Administrations—enough to intimidate the remainder, or make them good liege men, I risk nothing in affirming. The many living monuments we meet in this city, of the proscriptive and partisan principles on which removals have been and continue to be made, in every section of the country, are too numerous to admit a doubt on this subject. In particular instances the proofs have been laid before the world. The proceedings of this House and of the Senate contain the evidence that some of the Departments have been called upon to disclose the grounds upon which they have removed certain officers, but they have generally either refused or evaded the call. But need I dwell upon this point? Are not removals made almost under our own observation? Do we not receive almost daily information that some faithful postmaster, or other officer, has been thrown out of employment, to make way for some more pliant instrument of party? Is not the case of the late postmaster in this city an instance of the wanton exercise of this power? I might affirm the same thing of the late postmasters at Baltimore and at Albany. The practice has become so notorious that all disguise may soon be expected to be thrown off. No disguise is now practised in many of the States. It is already thrown off in this House. It was thrown off in the Senate several years ago by a Senator from New York, (Governor Marcy,) but never until the last session of Congress had any member the courage to justify this practice in open debate on this floor. The gentleman from Michigan [Mr. CRARY] was that man! But that gentleman was not the first man filling a high public station who openly advocated this dangerous and infamous abuse of power. That distinction belongs to the President, (Mr. Van Buren.) After diligent inquiry, I find that the correspondence which took place in 1832, between Mr. Van Buren and others, with the Postmaster General, in relation to the appointment of a postmaster at Albany, contains the first public and unequivocal approval of the spoils principle, or the practice of removing public officers upon party grounds, to be found in the whole range of our political history. There may be found the germ of that system of party administration which has brought this great country, and every interest belonging to it, to the very verge of disorganization and destruction. It is in this correspondence, likewise, we find the recorded evidence of the early adoption of that system of party tactics by Mr. Van Buren, to which he has steadily adhered ever since, as the most infallible mode of acquiring and preserving power. How far he may have mistaken the character and genius of the people of this country, yet remains to be seen. The first direct and open effort to subdue the independence of the Post Office Department, and to bring it within the pale of party organization, is also to be found in this correspondence.

Let us now see what the sages of past times, and the founders of our Constitution, thought upon this subject of the removal of faithful and competent public officers. The opinion of Mr. Madison will surely be admitted to carry with it the very highest authority of any man, living or dead, upon this question. If any man, who has ever made a figure in the civil history of this country, deserves to be regarded as a model statesman, it was James Madison. What he might be expected to say of the maxim openly vindicated and insisted upon by the leaders of modern Democracy, we may infer from what he said in the debate upon the question of the power of removal in 1789. He then declared the wanton and causeless removal of a public officer to be so improbable and monstrous that he could not regard its occurrence as possible. But let him speak in his own language:

"What will be the motive which the President can feel for such an abuse of his power? and what the restraints that operate to prevent it? In the first place, he will be impeached by this House, before the Senate, for such an act of mal-administration [all I wish to establish;] for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust. But what must be his motive for displacing a worthy man? It must be that he may fill the place with an unworthy creature of his own. Can he accomplish his end? No, he can place no man in the vacancy whom the Senate shall not approve."

Alas! what a dream. What a mistaken estimate of the Senate—of Senatorial purity and independence! But Mr. Madison, with all his wisdom, could not look into futurity. He would have abandoned all hope of human society, if he could have foreseen a Senate composed chiefly of members who were themselves but the creatures of the President!

But Mr. Madison expresses himself with still greater force upon this subject in another part of his argument. After adverting to the control which the two Houses of the British Parliament had frequently exercised in the appointment and removal of Ministers by the King, an hereditary monarch possessed of high prerogatives, and so many other sources of influence, Mr. Madison exclaims:

"Can we suppose a President elected for four years only, dependent upon the popular voice, impeachable by the Legislature, little, if at all, distinguished for wealth, nor deriving much personal weight or influence from the Department of which he is the head—I say, will he bid defiance to all those considerations, and wantonly dismiss a meritorious and virtuous officer? Such an abuse of power exceeds my conception. If any thing takes place, in the ordinary course of business, of this kind, my imagination cannot extend to it on any ratio at principle."

Such were the sentiments and opinions of James Madison on this subject; and who will say that the principle he avows is not sound, statesmanlike, and Republican?

I am aware, Mr. Speaker, that the illustrious names of Washington and Jefferson have been quoted in opposition to the doctrine of Madison upon this point; but I will demonstrate, before I close, that their expressed and recorded sentiments do not conflict with his upon this all-important and fundamental principle in a Republic. It would be impossible they should entertain a different sentiment, consistently with their known patriotism and devotion to the cause of free Government.

The gentleman from Michigan, [Mr. CRARY,] in his speech at the last session, claimed the example and authority of Washington in favor of the proscriptive and anti Republican practice of the present Administration. The tenor of that speech, as delivered in the House, was throughout a vindication of the practice of removing public officers for opinion's sake; but when it was prepared for the public journals, the author shrank from a plain and unequivocal avowal of the doctrines his speech was intended to support. In his printed speech he imputed to me an argument I never employed. He assumed for his premises what I had furnished him with no pretext for, and then proceeded gravely to combat a proposition I had never asserted. I never contended that the President, or any other officer invested with the appointing power, might not, with propriety, give his political friends the preference in appointments to office, when they were equally competent and trustworthy. That is a privilege which every sensible man will concede at once. In combating this shadow of his own conjuring up, the gentleman quoted the well-known and often-repeated sentiment of Washington, which is in these words:

"I shall not, while I have the honor to administer the Government, bring any man into any office of consequence, knowingly, whose political tenets are adverse to the measures which the General Government is pursuing; for this, in my opinion, would be a sort of political suicide; that it would embarrass its movements is certain."

This is the doctrine upon which the gentleman says Washington, Adams, Jefferson, Madison, and Monroe practised. Admit it: what then? Will that prove that it is no abuse of power to remove an officer already appointed, who minds his business, and performs the duties of his office faithfully, because he cannot support the President in all his views or measures, and refuses to interfere in carrying the elections for the Administration? General Washington declares, not that he will remove any man from office whose political tenets are adverse to his, but that he will appoint no such man to any office of consequence. It was only offices of great weight and consequence that he would take care to fill with his own political friends. His great, pure, and magnanimous mind scorned the narrow, corrupting, and miserable policy that would inquire the politics of an applicant for a petty clerkship. But this was his course in making appointments only. Removals upon party or political grounds, as in the case of Madison, exceeded the conception of such a man as Washington. These were the doctrines and practices of the founder of our system.

But what were the doctrines and practices of the great reformer of it—the Great Apostle of Liberty, as he is sometimes styled by sterling Republicans, and always by the leaders of modern Democracy? We shall see.

On the 7th of March, 1801, three days after his first inauguration as President of the United States, Mr. Jefferson wrote to Mr. Monroe on the subject of making his appointments, and employed this language:

"I have given, and will give, only to Republicans, under existing circumstances. But I believe, with others, that deprivation of office, if made on political grounds alone, would revolt our new converts, and give a body to leaders who now stand alone. Some, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification."

On the 22d of the same month he wrote to Mr. Giles on the subject of the principle upon which he proposed to conduct his administration, and particularly as to "appointments and disappointments to offices," saying:

"Some principles have been the subject of conversation, [in the Cabinet,] but not of determination; e. g. 1. All appointments to civil office during pleasure, made after the result of the election was certainly known, to Mr. Adams, are considered as nullities. * * * Mr. Adams's best friends have agreed that this is right. 2. Officers who have been guilty of official misconduct are proper subjects of removal. 3. Good men, to whom there is no objection but a difference of political principle, practised on only as far as the right of a private citizen will justify, are not proper subjects of removal, except in the case of attorneys and marshals."

On the 29th of the same month (March) he wrote to Samuel Adams, (of Republican memory,) and expressed himself on the subject of removals in this language:

"The storm is over, and we now in port. The ship [State] was not rigged for the service she was put on. We will show the smoothness of her motions on the Republican tack. I hope we shall once more see harmony restored among our citizens, and an entire oblivion of past feuds. I will sacrifice every every but principle to procure it. A few examples of justice on officers who have perverted their functions to the oppression of their fellow-citizens must, in justice to those citizens, be made. But opinion, and the just maintenance of it, shall never be a crime in my view, or bring injury on the individual. Those whose misconduct in office ought to have produced their removal, even by my predecessor, must not be protected by the delicacy due only to honest men."

This last was followed up by one of the same date to Elbridge Gerry, in which we find these equally explicit and noble sentiments.

"Officers who have been guilty of gross abuses of office, such as marshals packing juries, &c. I shall now remove, as my predecessor ought in justice to have done. The instances will be few, and governed by strict rule. The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they may have differed from me in opinion."

To the doctrines of these extracts, regarding them as an outline of the policy of Mr. Jefferson's Administration upon the subject of appointments and removals, except the exclusion of attorneys and marshals from the pale of his mercy, as indicated in his letter to Mr. Giles, there can be no objection. But this exception will be found to be more apparent than real; for he afterwards qualifies it, by stating, as a reason for their removal, and a very substantial one it was too, that the course of justice had been obstructed by them in packing juries, &c.

I come now to notice another letter of Mr. Jefferson, written in the month of July, 1801, and which has been very much quoted and relied upon to show that he changed the opinions he entertained upon the subject of removals from office upon his first accession to power, or that he at least violated them in his practice. I allude to his letter to a committee of the merchants of New Haven, who had sent him a strong remontrance against the removal of Mr. Goodrich, collector of that port. Let us see whether the doctrines of this letter do really conflict with those contained in the extracts already referred to from other letters. Mr. Goodrich had been appointed near the close of Mr. Adams's administration, and Mr. Jefferson had, upon coming into office, announced his intention to consider all such appointments as "nullities." In this letter he puts the question directly to the committee, whether the appointment of another person as the successor to the former incumbent could, under the circumstances, "be candidly considered a removal of Mr. Goodrich?" It is clear that this case belonged to a peculiar class, and which, to say the least of it, afforded some more reason for the exercise of the power of removal than a mere difference of political opinion. Yet Mr. Jefferson re-asserts, substantially, in the very next sentence, his former expressed opinion. For, says he:

"If a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few, by resignation none. Can any other mode than that of removal be proposed? This is a painful office. But it is made my duty, and I meet it as such. I proceed in the operation with deliberation and inquiry, that it may injure the best men least, and effect the purpose of justice and public utility with the least private distress; that it may be thrown as much as possible on delinquency, on oppression, on intolerance, and anti-revolutionary adherence to our enemy."

In the same letter, Mr. Jefferson laments, in a strain of unaffected regret, a state of things which would compel him to exercise the power of removal in order to let in the Republican party to a due participation of the public offices. Their "total exclusion under the preceding Administration," he said called for "correction" at his hands.

"I shall correct the procedure," he continues, "but, that done, return with joy to that state of things when the only question concerning a candidate shall be, is he honest? Is he capable? Is he faithful to the Constitution?"

It is impossible to deny that these are patriotic, worthy, and noble sentiments. And if there is in this letter a shade of departure from the principles he had before avowed his determination to be governed by in the exercise of the power of removal, I have it in my power to show that he was driven to declare it, and to act upon it, by the clamorous importunities of that forward, hungry, and voracious swarm, which, vulture like, hangs upon the skirts and constantly besets every triumphant party; by that hyena pack, which does not cease, by day nor by night, to howl round the Treasury, demanding to be admitted to the spoils, and taking no denial; by that same class of unprincipled camp-followers, who, I infer from the frequent appeals I observe in the Metropolis and the Globe, continue to haunt and importune the President at this day, not to relax in the work of proscription until every officer, high and low, shall be driven out of employment, who does not, or will not, join in the shout of applause, and give that support to his Administration which it is their boast to do. These cormorants, calling themselves Jeffersonians as they do, contrary to all he ever said or did, would deny any participation in the public offices to their opponents; they concede no such right; total exclusion alone will satisfy them. While a Whig remains in office, their cry will still be—

"Kill, burn, destroy, let not a traitor live!"

For those who slew the tyrant Cæsar were traitors to their country in the eyes of the illustrious predecessors—the great prototypes of our modern Democrats. But to the proof. A few days after the letter was written to the New Haven committee, we find Mr. Jefferson unburdening his mind to his friend, Levi Lincoln, in the following language:

"That the Republicans would consent to the continuation of every thing in Federal hands, was not to be expected, because neither just nor politic. On me, the first Republican President, was to devolve the office of executioner—that of lopping off. I cannot say that it has worked harder than I expected. You know the moderation of our views in this business, and that we all concurred in them. We determined to proceed with deliberation. This produced impatience with the Republicans, and a belief that we meant to do nothing. Some occasion of public explanation was eagerly desired, when the New Haven remonstrance afforded us that occasion. The answer was meant as an explanation to our friends. It has, we hear, every where, had the most wholesome effect."

The truth appears to have been, that Mr. Jefferson was censured by some of the more intolerant, restless, and office-loving

of his own party; and he yielded a reluctant acquiescence in a more rigorous course than his own judgment approved, though not absolutely at variance with his avowed principles.

[Mr. ADAMS rose and asked Mr. B. if he had ever read another letter to Levi Lincoln, in which Mr. Jefferson declared his determination to remove Mr. Jackson. He asked Mr. BELL's attention to that letter.]

I have an impression, resumed Mr. B. that I have read such a letter, but do not remember any thing inconsistent with what I have stated on the subject of Mr. Jefferson's opinions.

[Mr. ADAMS said it would be found that Mr. J. removed Mr. Jackson from office without any pretext except a difference of political opinion.]

Mr. B. resumed. I have turned to the letter alluded to, and the passage in relation to this subject I find I had marked for reference. It is in these words:

"We are proceeding gradually in the regeneration of offices, and introducing Republicans to some share of them. I do not know that it will be pushed further than was settled before you went away, except as to Essex men. I understand that Jackson is a very determined one, though, in private life, amiable and honorable. But amiable monarchists are not safe subjects of republican confidence."

It is evident, from this letter, that Mr. Jefferson persuaded himself at least, that he was not departing from his avowed principles in displacing Mr. Jackson. By taking the ground that Mr. Jackson was a monarchist, Mr. J. showed his opinion of the soundness of his former principles, and sought to distinguish the case of the "Essex men" from all others in which there was merely a difference of political sentiments. He had written to Mr. Macon in a former letter that he had directed the Postmaster General to employ "no printer, foreigner, or Revolutionary tory in any of his offices." He adds, in the case of Jackson, to this list of disqualified persons, monarchists.

[Mr. ADAMS said Mr. Jackson was not only a person of great private worth, but as pure and sound a Republican in principle and feeling as any man in the United States. His differing with men about the policy of the Government, or the proper construction of the Constitution, made him neither tory nor monarchist. The truth was, Mr. Jefferson regarded every man as a tory or monarchist who was opposed to him; and he had removed Mr. Jackson for no other reason.]

Mr. B. resumed. I should be sorry to be understood as affirming that Mr. Jackson was either a tory or a monarchist. I do not doubt that he was fully entitled to the character given him by the gentleman from Massachusetts; but, whether he was the one thing or the other, does not affect my argument. I would fain hope, for the sake of principle, and that the country may have the full weight and influence of the name of Jefferson in settling this power of removal upon correct grounds, that he was sincere, and really believed Mr. Jackson to be a monarchist. But, if it was otherwise, I contend that the necessity Mr. Jefferson felt himself under of assigning some other cause for the removal of Mr. Jackson than an ordinary difference of political opinion showed what his principles were, and that he was ashamed to depart from them in that case. If Mr. Jefferson did violate his own principles, in this respect alone he may bear some resemblance to his professed followers of the present day—the modern Democrats; and in that they may truly be regarded as his disciples.

Mr. Jefferson's violations of his own principles must be set down to his infirmity as a man. Unfortunate, indeed, would it be for the country, and for society itself, if no principle is to be regarded as sound which was ever violated by those who professed it. Mr. Jefferson has undoubtedly left for the guidance and instruction of his countrymen the purest and soundest principles applicable to this subject. I regret, on the public account, that there exists the slightest reason to suppose that he was not entirely sincere in his professions; and it is manifest, from the fact that his correspondence, in which his principles on this subject are so clearly set forth, was published by his express direction, that he continued to regard them as sound to the close of his life.

I now propose to come down to our own times for some further confirmation of the doctrines of my bill. There are but few of the leaders of both parties in this country, at this time, who do not remember something about a famous resolution introduced into this House by General Saunders, member from North Carolina: the same who still figures in the politics of his State. The resolution proposed to draw from the Secretary of State (Mr. Clay) his reason for taking away the printing of the laws from some two or three printers of newspapers, and bestowing the job upon certain other conductors of public journals. That resolution had the support of the whole opposition to Mr. Adams's administration; so jealous was the Jackson (now Democratic) party of the independence, not only of public officers, but of the Government employees of every kind! Alas! sir, for the wreck of principle since that time. But I refer to that proceeding now principally with the view to quote from the speech of the mover of the resolution what he said upon the subject of removals for opinion's sake. The passage I rely upon is in these words:

"The different gentlemen who have opposed this resolution have all placed it upon the ground that the printers of the laws were neither officers for life nor good behavior, but were appointed at the discretion of the Secretary of State, and liable to be changed at his pleasure. Now, sir, it required no great sagacity to have made the discovery, as no one could believe it competent for the Secretary of State, bold and daring as he is, to remove a man from office conferred upon him by the constitutional authorities. It may suit the present policy of the Executive to confer appointments, yet they can hardly undertake to vacate an office."

So, sir, we see that, as late as 1827, no member of any party in this country ever imagined that the time would come when the practice of removing public officers, on political grounds, would be openly proclaimed and justified. But I might refer to higher authority than General Saunders, and a late one also. The late Administration is known to have come into power as the reform and anti-proscription party; and the first inaugural address of General Jackson begins with these solemn an imposing words:

"Public sentiment has inscribed," &c.

But I need not quote it at length—the boys of the country will know what I mean. The conclusion of the paragraph, however, being now directly in point, I will read, which is in these words:

"And particularly the correction of those abuses which have disturbed the rightful course of appointments, and continued important public trusts in unfaithful or incompetent hands."

In what manner General Jackson proceeded in the correction of those abuses which had been committed by the appointing and removing power under Mr. Adams's administration, I will not now undertake to point out, nor will I inquire whether the unprecedented number of removals which took place under the late Administration, were made wantonly, for a difference of political opinion, or for better cause, nor whether, with or without any good cause, General Jackson was privy or consenting thereto, whether he was the wilful or the involuntary dupe of the artful knaves and flatterers who beset him, or whether, in fact, he changed his opinion, as some of his friends allege, after he was in power a short time, as to what would or would not be an abuse of the appointing and removing power. I leave all these questions for others to discuss and decide. It is enough for my present purpose to have shown that, when General Jackson came into power, the removal of a public officer or the retaining one in office, to subserve party purposes, was regarded as a gross abuse, which required correction.

A colleague of mine said the other day, that he had of late heard scarcely any thing else in Tennessee but the cry of proscription, extravagance, patronage—a reduction of Executive patronage! If my colleague will carry his thoughts back to the period of the administration of the gentleman who sits near me, [Mr. ADAMS,] he may find some cause for solemn reflection upon the strange vicissitudes which occur in human affairs. When struggling for power, the party with which my colleague is now associated, were the pursuers. They filled the whole country with their clamors about extravagance, proscription, abuse of patronage, and unlicensed corruption in the Administration, thereby deluding tens of thousands, old and young, including often the intelligent as well as the ignorant. Now they are in turn pursued; and when they are assailed with the cry of extravagance, proscription, and corruption, they complain of persecution! when, for twelve millions of expenditures under Mr Adams's administration, they have expended their annual thirty millions; when, for one act of unlicensed corruption under his rule, they number their hundreds; when, for one man removed or proscribed under Mr. Adams's administration, they have proscribed their thousand!

As to the constitutional power of the President to remove a subordinate officer for a difference of political opinion, I will say no more than simply to ask gentlemen to recur again to that clause of the Constitution which provides that all civil officers may be removed from office upon conviction for "treason, felony, and other high crimes and misdemeanors;" and, after they have done so, to put the question to themselves, whether any thing can be more supremely absurd, and even ridiculous, than this provision in the Constitution, if the President was, by the same instrument, vested with the power, by his sole authority, not only to remove for "treason, felony, and other high crimes and misdemeanors," but for no reason at all—without any default whatsoever in the officer!! The object of this clause in the Constitution was, undoubtedly, in the first place, to provide for the removal of public officers who had disqualified themselves for the public service by their crimes, or the abuse or gross neglect of their trusts; and, secondly, to throw around the civil officer the same protection and security, in the enjoyment of their rights, privileges, and emoluments, but, above all, their good name, against all tyrannical and arbitrary invasions or restrictions that the Constitution and laws, both of the State and of the Federal Governments, are so careful to maintain and protect in the private citizen. The genius and spirit of our whole scheme and system of civil liberty are directly opposed to the discretionary and arbitrary control which the President claims and exercises over the public officers.

There is one pretext which I have sometimes heard advanced for the exercise of this power of removal, without any default on the part of the displaced officer, which deserves to be noticed and exposed, not so much for the absence of plausible reasons to support it, as for the hypocritical and mischievous use made of it. I allude to the principle of rotation in office. There is no man of observation in the whole country, I venture to assert, who is so credulous as to believe that a single removal has ever been made on that ground; nor is it probable that one ever will be made for that reason. A great and decisive objection to this principle is, that it would add greatly to the power and influence of the Executive, without benefiting the public in the slightest degree; for, whatever might in any case be the secret, selfish, or even wicked object of removal, the pretext alleged to the public would ever be "rotation in office;" and thus the Executive would be able to reward his friends and punish his enemies without any of the odium which attaches to the removal of a faithful and able officer.

Time and the compass of a speech will not allow me to dwell longer upon this branch of the subject. I have already exhausted my strength, and I fear the patience of the House. I have dwelt thus long upon that provision of the bill which proposes a remedy for the abuse of the removing power, because, as I have already stated, I regard it as by far the most important part of it. The subject has been a favorite one with me for years. I look upon the abuse which I propose to remedy by this clause of the bill as the most crying and enormous that exists in the country. The correction of it I believe to be the first and greatest reform demanded by the exigencies of the times; by the mass of evils which exists in the land; by the opprobrium and degradation under which our system of Government suffers. Neither the question of a Sub-Treasury nor of a bank, nor any question of peace or of war ever likely to arise, is of so great importance. Because, sir, this discretionary power of removal, exercised upon political and party grounds, is the prolific source of every other abuse which exists in the public service.

It enters into and pervades every department of the Government; it strikes at the very foundation of all fidelity and efficiency in the public functionaries; it fills the public offices with faithless and incompetent incumbents, and expels from employment the honest and capable.

It paralyzes the energy and efficiency of the army and navy, by the introduction of a system of favoritism which destroys all honorable emulation and hope of preferment by gallantry and good conduct.

It has been the source of all the Indian wars with which the country has been afflicted and the Treasury exhausted within the last ten years.

It has been the source of all the shameful abuses, frauds, and corruptions known to exist in the sale and disposition of the public lands.

It has been the source of the still greater frauds, if possible, which have abounded of late in the department of Indian Affairs.

It has been the source of the unprecedented defalcations and plunderings of the public Treasury which have reflected disgrace upon the national character within the last few years.

Sir, we may long continue to investigate these abuses in this House, and denounce the authors of them to the public in the language of fierce and unqualified invective; but they must and will continue to abound as long as the detestable maxim, that places of trust and profit belong not to the most capable in office, but at the polls, is permitted to stand unrebuked.

If ever it shall become the settled doctrine that the President may rightfully, and with impunity, remove the smallest and most inconsiderable civil officer, because he will not support his measures, or sustain his re-election, it will be the most fatal stab which can be given to the spirit of freedom in this country.

If such a doctrine shall ever find advocates to justify it successfully before the people, then I affirm there will be no longer any security in the Constitution for the liberties of the country. Any bold bad man at the head of the Government—a man possessing tolerable ability, may defy the corrective of the ballot-box. He will be able to perpetuate power in himself and his appointees forever.

What will be the value of the boasted power of the ballot box if the Executive may so use his enormous patronage as to paralyze the action of the people at the polls?

What will the doctrine of strict construction and State rights be worth—what will it avail the advocates of those rights, if, after they shall have put down all appropriations for internal improvements, established the theory that a protective tariff and a National Bank are unconstitutional—what securities, I repeat, will these triumphs afford them, if, after all, the country may be destined to groan under a system of heavy taxation; oppressive tariffs, to support large armies and navies, raised to maintain the authority of a dictator, under the disguise of a constitutional President, over a prostrate, oppressed, and suffering people?

Sir, the liberties and welfare of the people of this country are not, and never will be, so much jeoparded by the exercise of implied powers as from the abuse of admitted ones—the power of raising armies, the power of making war, and, above all, the power of appointing to a hundred thousand lucrative employments, and the further power of making this host of incumbents subservient to Executive will, through the assumed power of removal for disobedience of orders!

I repeat, sir, that there is more danger to be apprehended from the exercise of this apparently small and inconsiderable power of removing a subordinate officer at discretion, than from the exercise of all the implied powers ever contended for by the most extravagant latitudinarian or ultra Federalist!

This evil, like the slow and insidious disease which preys upon the human system, unobserved even by the patient himself until his vitals are assailed, is, I fear, destined to be fully developed to public view when it will be too late to provide a remedy. So deeply, so strongly, do I feel upon this subject—so firmly rooted are my convictions—that I will not, I cannot, regard this or any other Government as free while such a power is permitted in a single Executive chief. Such a Government is obliged, in the necessary and inevitable course of things, to terminate in a despotism, upheld either by corruption or the sword! Wherever the entire patronage of a Government—of all its official establishments, is at the disposal of one man, there the whole power of the State centres in the same hands; the voice that issues from the ballot box is then but the echo of his own. All past experience, all history, speaks with the same voice on this question.

A reform of this great and growing evil must take place sooner or later, or this Government cannot stand and be free!

I come now, sir, to explain the second branch of the remedy proposed by the bill under consideration; and one, in every way, of subordinate importance to the first; for if the abuse complained of in the exercise of the appointing and removing power shall be corrected, there will be no necessity for penal enactments to suppress the abuse I am now about to bring to your notice, it will be found to be but a consequence of the first.

The second section of the bill provides:

"That no officer, agent, or contractor, or other person holding any office or employment of trust or profit, under the Constitution and laws of the United States, shall, by the contribution of money or any valuable thing, or by the use of the franking privilege, or the abuse of any other official privilege, or function, or by threats or menaces, or in any other manner, intermeddle in the election of any member or members of either House of Congress, or of the President and Vice President," &c.

I am aware that great prejudices have been excited in many sections of the Union against any measure of this nature, by the zeal and industry by which the bill of the Senate of last year was misrepresented and denounced. Nor can it be denied that the wording of that bill was unfortunate; for while the spirit and object of it were perfectly defensible and of easy explanation, yet its details were at the same time liable to some exception, and afforded plausible grounds for attacks upon it before the people; and attacked it was, sir, in the most furious spirit of party warfare. It was the theme of perpetual and unrestrained denunciation. It was declared to be more odious and infamous than the alien and sedition laws. It was declared to be the forerunner of a train of measures which would renew the reign of terror, and revive all the enormities of the black cockade period of 1798! The people were actually induced, in many instances, to believe that they were to have a gag put into their own mouths, as well as the public officers.

The description of the offence proposed to be punished by my bill was copied word for word, from a bill of a similar nature introduced by me three years ago; and I ask a candid examination of it. I request it to be brought to the strictest test of constitutional principle, of reason, and sound policy.

The contribution of money, or other valuable thing, by public officers, for the purpose of influencing or controlling elections, is the interference first enumerated, and proposed to be prohibited by law. Is there, or can there be, any just exception to this proposition? Is it fit that any portion of the salaries paid to the public officers, out of the common treasure, shall be given to corrupt the ballot-box, and to carry elections in favor of a party? Some are hardly enough to deny that such a practice prevails; then the prohibition of it can do no injury, while the very denial of the charge shows a prevailing sense, among many, of the enormity of such a practice.

The next species of interference proposed to be punished is the use of the franking privilege, which implies necessarily an abuse of it. Who will dare to find fault with this part of the bill? or who will, or who dare, justify an abuse of this or any

other official privilege or function, by a public officer, in order to influence or control an election? I think I may safely leave this provision without further remark; nor need I dwell upon the prohibition of "threats and menaces," as a means of influencing elections. No one not wholly insensible to the value of independence and integrity in elections, can find fault with so much of the bill.

But I propose to punish any public officer who shall in any other manner intermeddle in elections. Let us see if there exist any plausible grounds of objection to this prohibition.

Intermeddle is a technical term. All the most learned lexicographers agree in its definition. It is clear and unequivocal. It is also a term in common and popular use, and is well understood among the people. It means, in the connection in which it appears in the bill, an officious interference; taking an active part; busying one's self; a going out of one's way; taking part or engaging in the business of electioneering. The prohibition proposes no restraint upon the free expression of political sentiment, or of preferences for candidates, in one's usual and customary walk and intercourse with society. The right of suffrage is expressly admitted by the bill, as indeed it could not be taken away by it. Now, I ask, what exception can be taken to this measure, in reason or upon principle?

I have heard it objected that there are some thousands of deputy postmasters, and other officers under the Government, whose compensation is so small that they can have but little temptation to interfere in elections, and, therefore, any penal enactments against that class would be equally vexatious and useless. My observation of the course of appointment lately pursued in the Post Office Department satisfies me that these officers, as well as those of a higher grade, are selected from among the most heated partisans, whenever there are any such at or near the point where the office is situated; and, when appointed, they immediately become the most active agents of the party in elections, especially in distributing electioneering matter in behalf of the Administration candidates; and the interest and excitement by which they are governed lead them often to suppress or withhold from circulation all matter of a counteracting tendency. But to conciliate the support of others to the support of this provision of the bill, I would have no objection to limit its operation to all officers or agents whose fixed salaries or usual rates of compensation exceed two hundred dollars.

It was but a few years ago, Mr. Speaker, that it was strenuously denied by the official organ of the Administration, (the Globe,) that the President had ever interfered in elections. Nay, the charge was pronounced false and calumnious; and, at the same time, the public were informed that he [General Jackson] disapproved of the interference of public officers in elections. But now, sir, I am no longer under the necessity of referring to the proof of the habitual practice, in this respect, of the public officers generally, from the highest to the lowest. The practice is now become not only notorious, but it has been justified and vindicated by an authority no less respectable than the Senate of the United States! The report of Mr. WALL has become the text book of the Administration upon this subject. The doctrine that it is not only the privilege of public officers to interfere, but that it is their duty to do so, has become a cardinal point in their creed, and will continue to be carried out in practice as long as they shall remain in the ascendant. It must now be regarded as the settled doctrine of modern Democracy! Still the leaders of this powerful association claim to be the followers of Jefferson! Yet that great Republican statesman held the interference of public officers in elections so great an offence, that he pledged himself, before his election to the Presidency, that he would consider it "good cause of removal from office;" and, to his eternal honor, be it understood, that soon after his entrance upon his high trust, he issued a circular to the heads of Departments, interdicting the practice, and directing them to notify all the officers under their control of his order upon that subject. But it is useless to dwell upon these contradictions. It is become too well known to require to be exposed here, that it is the name of Jefferson, not his doctrines, which the gentlemen in power regard as most valuable in the accomplishment of their purposes.

Regarding the doctrine settled, that the officers of the Government may, without censure, interfere in elections, what, it may be inquired, are those monstrous evils which make the practice so criminal in the eyes of those who are in the habit of denouncing it?

All the irregularities and abuses proposed to be reformed by this bill are so regarded because they tend to increase the power and influence of the Executive in such a degree as to deprive the Legislative department of its due weight in the Government, and, finally, to set aside the power of the people themselves. The particular abuse under consideration, besides strengthening the Executive power, leads to the neglect and mismanagement of the public interest confided to the public officers, by diverting their attention to the business of electioneering.

One striking and inevitable result of this practice, sanctioned as it is by the whole party in power, will be to erect the entire corps of public officers, as soon as they can be properly drilled and disciplined, into a Grand Committee of the Union, for the management of all elections, of which the chairman will be the President of the United States! It is a committee organized to their hand by the Constitution and laws, but perverted to the worst and most unconstitutional purposes. To their official duties they have only to superadd the duty of making such provision in money, and taking such active measures besides, as will secure the success of their candidates in all elections; thereby perpetuating their own power, and securing a monopoly to themselves and their favorites of all the public offices.

It will be seen at a glance that this will be the most perfect system of party organization in the wit of man to devise. It is at this moment in full and active operation. Orders and instructions regularly go forth from the Central Sub Committee, with the President at its head, to its different members in every section of the Union. We can see clearly enough why it was that, without the slightest fault in the late postmasters at Albany, Baltimore, and in this city, they were thrust out of office, and decided partisans of the Administration put into their places. These were important points to be fortified. The public post was and is to be rendered subservient to party interests in the ensuing contest; and the fiat has gone forth for that purpose! I do not say that all the public officers are members of this grand committee. There are a few of some weight and consequence who have not yet been brought to yield implicit obedience to the President; but of the class of influential officers in the civil service liable to removal, I know of very few, while I am aware that there are several thousands, of inferior grade and importance, chiefly deputy postmasters, who have not become the slaves of party tyranny.

What, in truth, Mr. Speaker, are the hundred thousand office-holders, or recipients of Government favor in some shape or other, likely to become under the corrupting maxims and practices of the Administration? What are most of them at this moment, but so many feed attorneys, whose principal business and duty it is to advocate and support, at all times and upon all occasions, the measures and policy of the Administration, right or wrong, and to press the claims of their candidates in all elections? And, what is still more objectionable, they are paid from a Treasury replenished out of the substance and hard earnings of the whole people—of both parties!

Sir, how are we to meet this outrage? How are we to repress this increasing and daring mischief? It is denied that we the constitutional power to restrain public officers in the way proposed by this bill.

The late bill of the Senate was compared to the alien and sedition laws of 1798, and represented as having the same general object in view, and founded on the same principles; but how false and unfounded this view of the subject was, may be discovered at a glance by any individual of general intelligence and observation; and the body of the people must soon become sensible of the same thing. The two measures are as opposite as the poles in object and principle. The alien and sedition laws were designed as a restraint upon the free expression of opinion, by the people themselves, against the public officers and their measures. The bill of the Senate, and the one now under consideration, propose to prohibit the office holders from exercising an undue and improper influence over the people. The alien and sedition laws were intended to protect the public officers from the sayings and doings of the people; these bills propose to protect and guard the people against the sayings and doings of the public officers. In the one case, it was the alleged improper conduct of the people that was proposed to be punished; in the other it is the alleged improper conduct of the public officers that is intended to be prohibited. The tendency of one measure was to favor power, of the other to preserve liberty; and the true friends of liberty every where will soon learn to make the proper distinction.

The proposition to punish office holders for interfering in elections has been denounced as a measure comparable in enormity and tyranny only to the Spanish Inquisition! Here, again, the acute perception of the people of this country will soon learn to detect the absurdity of comparing this measure to that tyrannical institution. I have always understood, sir, that the hierarchy of the Romish church established the Inquisition for the restraint and punishment of the lay members (the people) who dared to intermeddle with matters of Christian faith; and also of such refractory priest or member of the hierarchy itself, who should dare to question the orthodoxy of their principles or the purity of their practices. If I have not, then, mistaken the object of that odious instrument of religious tyranny, there is no analogy, no resemblance whatever, between it and this bill. On the contrary, it will be found that there is a most striking and remarkable likeness between this Administration, its principles and practices, and the upholders and patrons of that infamous tribunal in Spain. Both profess to be orthodox in their creed, and claim that they alone are othodox—the one in religion, and the other in politics. Both denounce all who oppose them, either in faith or practice, as heretics and apostates: and both pursue those who dare to think for themselves with inexorable proscription! But with what reason or propriety can it be said that a bill which proposes to restrain the impertinent intermeddling of the high priests of the political church in the elections instituted to control them, is like a Spanish Inquisition? It is expressly designed to defeat and counteract a practice established by an insolent and selfish body of magistrates and office holders for the purpose of maintaining their power by official corruption and intimidation.

In the report of Mr. Wall of the Senate, another objection is stated, very like the one I have just noticed. It was contended that the bill of the Senate would give rise to an odious class of vexatious and infamous informers and spies upon the office holders. Take it for granted that such would have been the result of the Senate's bill; could any description of informers have sprung up under the operation of that bill more odious and infamous than the swarm of spies upon the public officers and public men of every class, which for years past has afflicted this country? If what I have said is not so well known among the people, they have at least felt the full measure of the evil in the blighted interests and prosperity of the country; and the wretches who live, gratify their bad passions, and get employment by the arts of the informer, are not known, because their information is given in secret, considered in secret, and promulged only in appointments to and removals from office. But this system of espionage is not confined to the office holders only; the conduct, the language, and in many instances the very looks of men, both in public and private, have been noted by these miscreants, either with a view to expel them from employment, or bring down upon them the displeasure of the President and his myrmidon followers. In fact, if any one desires to see exhibited the practices of the Spanish Inquisition, in matters of State and party politics, let him seek admission into the appointing and removing offices of the present Administration of this free Government!

Let us see now how widely different, both in principle and in its results, would be the practice of informers under the law prohibiting the intermeddling of public officers with elections. From the very nature of the case, every thing they do is open and public—the charge, the proof, and the decision upon it. The informer stakes his character upon the truth of his information; and a jury of the countrymen of the accused sit upon upon the charge in open day, and deliver their verdict under the sanction of a Federal judge. I know I need not say another word in answer to this objection.

But it is said, that to provide for the punishment of a public officer for intermeddling with elections would deprive him of of rights and privileges secured to him by the Constitution; which, in this case, would be to say and do just what he pleases in elections, provided he discharges the duties of his office properly and faithfully. The argument is, first, that the Constitution will allow no restraint on the office holder in abridging any privilege to which, as a citizen, he would have been entitled. Yet we have restrained their privileges, in repeated instances, by laws still standing on our statute books; as, for instance, in the laws relating to the establishment of the Treasury Department, and prescribing the duties of the officers employed in it. In these laws it will be found that Congress has exercised the power to prohibit them from the exercise of any of those rights and privileges of a citizen which would interfere with the faithful discharge of their official duties. And can there be a greater inducement for a warm political partisan to neglect or violate his trust, than the privilege of taking an active part in elections? In truth, it is one of the greatest temptations that can be placed in his path; so great that we know many, very many, have not been able to withstand it. The people of this country never can be reconciled to the idea that we cannot pass laws to make office holders mind their own business, and meddle not in things which necessarily disqualify them for the offices they hold. These reasons will apply with increased weight to the large class of officers in the employment of the Post Office Department. And especially, if the principle of Jefferson be well founded—if it be good cause of removal from office for a public officer to intermeddle in elections, what principle of reason or common sense forbids Congress to enforce the observance of it by law?

But it is objected that this bill proposes to reduce the large and respectable portion of our citizens who fill the public offices to the condition of serfs—of slaves; to deprive them of the privilege of speech, and that freedom of action which the Constitution secures to every citizen! I am astonished at the cool impudence—the bold disingenuousness of this argument, considering the source from whence it comes. Who are they who put it forward, and gravely ask the people to consider it? The very men who openly maintain and justify the doctrine that the President may and ought to remove every one of those free citizens from office who will not or does not give his cordial support to the President, his measures, and policy! It is this debasing, corrupting, and proscriptive policy—the policy upheld by these objectors—that would reduce the free born citizens who fill the public offices to the condition of servility which no high-minded and spirited man can or will endure. None but such as are fit to be slaves will ere long be found in the public offices under this system. Instead of oppressing or tyrannizing over the public officers, this bill proposes to strike the manacles from their hands—to set them free! When they shall be placed, by the permission of the Executive, upon that footing of independence and freedom of which it is said this bill will deprive them, there will be no necessity for the remedy which I propose. It is precisely because those who hold the power in their hands will not permit the public officers to think and act as they please in elections, that I propose that Congress shall interpose in their behalf. The voluntary interference of public officers in elections, their free and unbiassed intermeddling will never be an object of alarm or apprehension to the friends of the Constitution. It is the involuntary—it is the constrained interference of public officers in behalf of power that is to be feared, and requires a corrective. Let the whole field of politics be opened to them; let them take sides at their option, free from the apprehension of proscription and removal; and let them be selected upon those free principles, and we may safely rely upon their patriotism and spirit in maintaining the Constitution and the true interests of the country. But, sir, according to the admitted and notorious practice of the party now unfortunately in power, does not every man who takes employment under the Government sign, seal, and deliver an indenture of abject political servitude during his continuance in office? It is a condition of their appointment and continuance in office that they shall only speak or act in politics according to order! Yet it is from the supporters and advocates of a policy—a practice so repugnant in all its consequences to the spirit of freedom and independence—that we hear the objection to this bill that it will deprive the office holders of the privilege of speech and action which is secured to them by the Constitution!

It is, sir, to secure to the office holders these invaluable privileges, that this bill is designed. The most perfect freedom in the exercise of the elective franchise, of the right of speech and of the press, is what I most desire to see permanently established. That is undoubtedly what the framers of the Constitution contemplated, and what they supposed they had succeeded in securing upon the most durable foundation. But the interest and ambition of men in power have defeated the design of the Constitution in this respect; and this bill is intended to restore the freedom thus trenched upon by the Executive branch of the Government; and so entirely unfounded do I regard this objection, that I would be willing to insert a proviso to the section under consideration, that nothing therein contained should be so construed as to violate the right of speech and of the press, as secured by the Constitution. Sir, I would fearlessly leave it to the Judiciary to give all the effect to this section which I design it shall have, subject to such a proviso.

To the third section of the bill, I take it for granted there can be no serious objection. It is intended to provide an adequate punishment for a class of offences which cannot become very large until the standard of public morals shall be reduced very low, and the country, under the operation of the mercenary maxim by which the appointing and removing power is now regulated, shall be prepared for submission to any form of government which those at the head of the Administration shall think proper to establish. It is designed, in the first place, to punish bribery and corruption in the exercise of the appointing power, by the higher officers of the Government. This is an offence which, by the Constitution, may be punished by impeachment. Without doubt that would be the more appropriate remedy; but it has been manifest for many years past, that we have created an Executive with powers and patronage so vast and extensive, as to set the impeaching power at defiance. We have no resort in bringing the great officers of the Government to punishment for high crimes and misdemeanors, but in the independence of the Judiciary. It was to supply the place of this provision of the Constitution, rendered abortive by the preponderating influence of the Executive, that this section was added to the bill. The necessity of it was suggested to me by having my attention called to appointments given to some, and the promise of appointments held out to others, under such circumstances as left no doubt of the corrupt motive.

But, sir, there is another practice, which, whether originating with the Administration or not, has grown up under its auspices to such an indecent height as, in my opinion, demands a prompt and adequate remedy at our hands. It is the direct, palpable, and notorious bribe held out by the Executive to every man of talent and influence in the country, to enlist in the service of the Administration, or, if in its ranks already, to take a leading and prominent part in its support. I allude to the rich rewards which have been bestowed upon defeated candidates for popular suffrage on the side of the Administration, in so many cases, that there can be no mistake as to the policy or motive to such a course. I have repeatedly declared in assemblies of the people, that the President had, in effect, by a public proclamation, made "known to all whom it might concern," that no man of weight, of

character and influence, who has it in his power to render any important service to the Administration, by becoming a candidate in any election, shall make any sacrifice of time or business for which he will not be amply rewarded. I now, in my place on this floor, make the same statement. This policy is now well known and understood. It may be regarded as a general maxim of the President, "whom the people reject, I will elect." If a gentleman is induced to sacrifice his professional or other prospects to become the candidate of the Administration in any important election, and is defeated, he is sure to be amply compensated by an office or employment of equal, and probably of far greater value by the President, than the one he failed to get from the people!

What is this practice, sir, when systematically pursued, but sowing corruption broadcast through the land? How many candidates for the office of Governor in the States, for seats in Congress in particular and contested districts, have, upon their defeat, been rewarded by more profitable, and, in many instances, by higher stations? How many worn out *hacks* of the party—gentlemen who entered public life with some character, but lost it in a long service marked by a servile submission to the will and behests of power—have been rescued from the resentment of the people—that just penalty of violated trusts—by the sustaining hand of the President? Is this practice in accordance with Democratic or Republican principles? Is this an orthodox method of giving effect to the will of the people, or of sustaining their sovereignty? If it be so, sir, it is, I affirm, wholly of modern invention.

But this abuse is not limited to the giving of offices and employments to defeated candidates only. Many instances have occurred in which the interests of party have been consulted at the expense of public principle and the public service, by conferring lucrative employments upon rival candidates for the same station, that there might be no division in the Administration ranks! A most shameful and flagrant example of this abuse occurred a few years ago, in the case of the two gentlemen who were about to enter the *lists for* the Executive chair in the State of Pennsylvania; and there have been many such cases of less notoriety, but all involving the same gross violation of principle.

I wish it were in our power to prevent, by legal enactments, another abuse of a kindred nature, and which is becoming but too common. It is the practice of training up and pampering Administration candidates—embryo members of Congress and others—a year or two before they are brought out upon the course. By this process, they are prepared to make the necessary sacrifices to secure success in their districts or States, and they make their appearance in the two Houses of Congress, or in some other station of importance to their party, already swollen, but not satiated, with spoil; with their appetites whetted, and, like those animals which having once tasted of human blood become doubly ferocious, they are more forward, unscrupulous, and untiring, than all others in their support of power. But I can think of no provision of law by which this evil can be reached. A sound state of public sentiment and morals only can remedy this mischief.

When pressing the importance of passing some law to punish bribery and corruption in the higher offices of the Government, I have been often met by the argument that, in despite of the most rigorous laws, a great deal of that sort of undue and improper influence which is denominated corruption will prevail in the administration of any Government; that it will always assume such forms and disguises as to elude detection and punishment. All this I agree to; but that does not show that penal laws may not greatly diminish the amount of the evil. Sir, if such laws can answer no other purpose than to prevent the principle of corruption from becoming incorporated into our system; from becoming the characteristic feature in its operation; from walking abroad openly and shamelessly, they will do much; for, when that time shall come, who will feel himself called upon to defend such a polluted country either with his purse or his sword? A question would then arise whether a monarchy, with the necessary appendage of a corrupt court, but leaving the mass of society pure and uncontaminated, would not be preferable to a system which can only be supported by corrupting the body of society—the people themselves!

We have laws in all the States for the punishment of bribery and corruption in the candidates and electors. This, it seems, is a species of petty bribery which it is well enough to restrain and punish. No one objects to this; but why not punish the far more injurious and wholesale bribery and corruption in the official magnates of the land? Does genuine Democracy object?

Again, sir, I have had to meet this objection: You propose to correct, as far as possible, by law, the increasing corruption and profligacy manifest in the operation of our political system; why not extend the proposed corrective to the undue and corrupt influence exercised by the banks? I am asked whether public men, members of Congress and others, may not be unduly influenced or corrupted by the banks, as well as by the offices and employments in the gift of the President? I answer, yes; and I could point out many other sources of a corrupt influence upon public men, including members of Congress, besides the banks. In truth, in every branch of the public service, in every branch of private business, there are interests and feelings to be promoted and gratified, which are more or less corrupting in their influence on the public men connected with them. But it must be borne in mind that these sources of undue influence are limited to a single object in each case, as in the instance of the banks. They have a deep interest in sustaining their charters, and in resisting a course of policy which would render them useless and unprofitable. But, as to the policy of the country generally, or as to who shall be in or who shall be out of office, the bank interest is wholly indifferent. So of any other source of corruption not connected with the public service. As to the banks, ordinarily, there are no inducements to improper influences on their part. It is only when their charters, their existence, may be in jeopardy; and then, the moment the questions in which they are concerned are settled, we hear no more of them. The evil in regard to them is necessarily transient, as well as limited in extent. The scope and object of the bill under consideration, I hope, will be regarded as sufficiently comprehensive, limited as they are to the prevention of undue influence and corruption in the administration of Executive patronage. It does not profess to provide for the punishment of bribery and corruption in every form in which it may exist. But, if I were pressed upon the subject of providing a remedy for the undue influence of the banks, or of "associated wealth," I would say that it will be perhaps fortunate for the country if the banks, or some other more powerful source of influence connected with the public liberty and prosperity, should always exist, to hold in check and counteract the constant tendency of the Federal Executive to bring within its control the whole country—every institution, public and private, all its interests, and every other branch of the Government. Banks are only to be feared when they are found in alliance with the Executive; for they are themselves liable to be corrupted and controlled by Executive influence and patronage. And gentlemen will find that the provisions of any bill which proposes to restrain the corrupting influence of the banks upon public men, must extend far beyond the precincts of the legislative department. I saw, in a recent number of the official organ, (the Globe,) a labored attack upon the Opposition, alleging a design to bring the House into contempt and disrepute with the people, in order to overthrow our free form of government. But how long has it been since that organ, and all its associate Editors, official and others, were laboring, day and night, to convince the country that a majority of both Houses of Congress were utterly corrupt, and unworthy of trust and confidence; charging directly that they were the mercenary advocates and hired instruments of the United States Bank! At a later period, our Conservative friends came in for their share of these denunciations, and the whole Opposition in Congress were then stigmatised as the servile and corrupt supporters of the State banks. Who, or what party, was it, which then sought to overthrow the Constitution, by destroying the credit of the legislative branch of the Government? The doctrine of those in power is, that none but the President and his devoted partisans are guiltless of this sin of bank influence and bank corruption! They only are immaculate! Yet, you may remember, sir, that, when it was proposed to look into the affairs of the deposite banks, to ascertain to what extent the means of speculating in the public lands by some of the high officers of the Government, and numerous favorites and partisans of the Administration besides, had been provided by those banks, it was objected that they were State institutions, and it would be a violation of State rights if Congress should assume the power to inquire into the management of their affairs! The point I wish to enforce by these remarks is this: that the banks and every other source of undue influence and corruption which does or can exist in this country, except the one struck at by this bill, are more strongly tempted and attracted—more liable, on every account, to lavish their means of corruption upon the Executive department of the Government than upon any other branch. Where there is most power and influence in moulding the policy and measures of the Government, there will fasten the mass of corrupt appliances of every kind; and that the Executive is, and has been for years, the superior and controlling branch of the Government, all the world knows. Executive officers may become, may have been, the corrupt tools and instruments of bank interest and bank influences, as well as members of Congress; and it may one day be disclosed that some of the deposite banks, acting upon the Executive department, wielded a more extensive and potent influence over the domestic policy of the country than the United States Bank ever attempted or aspired to. The temptation was great—the prize was dazzling, and the mode of operation equally daring and questionable. I will not insinuate that the late President was swayed, in the part he took in the transactions to which I allude, by corruption in his own person. This I do not believe; and, if I did, for the honor of the country, for the sake of our institutions, and of the high office which he held, I would not state it; but, what I mean to affirm is, that the country was in more danger from the corrupting influences of the banks, acting upon the official advisers of the President and other subordinate agents and instruments employed in conducting the war against the United States Bank, than it ever has, or can be, from the operation of similar influences upon the Legislature—the more numerous branch of the Government.

I have, Mr. Speaker, finished the review of the several provisions of the bill which I designed. I have extended my remarks beyond the limits I had prescribed to myself; but I could not have curtailed them and have done justice to the subject. The intrinsic importance of the question; the deep interest I have so long taken in it; and, above all, the uncommon degree of unfairness and ferocity with which this measure has been attacked, have prompted me to a full discussion of it.

And now, sir, I must be allowed to express my deep regret, I may say the deep mortification, I feel, that this subject should receive so small a share of the public attention; that it should excite so little interest in this House. I am mortified, not only on my own, but the public account. Above all, I regret that I cannot have the co-operation of the whole Whig interest in this House and out of it, on such a question. That I should meet with some opposition in the Whig ranks, I was prepared to expect; some, I supposed, might oppose this measure because they had become prejudiced and alarmed by what they had heard of the nature of the late bill of the Senate; others, because this was a new measure, and they could not, or would not spare the time to examine it, and some, because they do not regard the spoils doctrine of Governor Marcy as any heresy! But I trust there are but few Whigs in this House who hold such detestable opinions.

I would not be set down, Mr. Speaker, as a believer in the existence of absolute purity and perfection, in the management of human affairs, at any time. This, certainly, is not an age of miracles in this respect. We can only expect to witness the practice of the austere virtues in an eminent degree in primitive communities, in which there is but little to tempt the ambition or cupidity of patriotic and virtuous minds. But I would remind those who think that the "spoils" are a necessary stimulant to patriotism in resisting bad men and a ruinous Administration, that the principles of my bill will make it the solemn and bounden duty of any President who may hereafter come into power, to dismiss from office not only the unfaithful and incompetent, but all such as have gone out of their way to interfere in elections, State or national. And if there is any portion of the Whigs to whom this does not furnish sufficient ground of hope and expectation—to whom this latitude of removal does not hold out sufficient inducement to exertion—they are unreasonable and insatiate; they are not rightly sorted; they belong intrinsically to the spoils party.

I must repeat the expression of my surprise that this subject has excited so little attention here and elsewhere. To me it is strange and incomprehensible that the measure I have proposed or some other of a similar and even more radical nature, has not forced itself upon the attention of the reflecting men of the country, considering the alarming character and tendency of the times. What, in fact, has been the cause of the fierce and destructive party warfare in which we have been so long engaged, but a question of Executive patronage? It lies at the foundation of the disastrous condition of all our great interests at this moment. It has been a great and convulsive struggle on the part of the Executive to subdue every element of opposition to its will. No alternative was left but submission or destruction. Though for a long time unknown and unsuspected by many of the most ardent and patriotic of those who rejoiced in the election of General Jackson, yet subsequent events confirmed the suspicions of some at the time, that there was a settled plan—a scheme, concerted between a few of the most influential of his friends and supporters—to establish a system of Executive control, so deeply and yet so artfully combined with every great source of patronage and influence in any way connected with the Government as to set all opposition at defiance for the future, and to secure to them and their appointees undisturbed possession of power.

The first step in the execution of this plan was to make the Postmaster General a member of the Cabinet; and what was then given out as a necessary arrangement in the execution of the extensive reforms meditated by the new Administration was, in fact, designed to carry out the doctrines of the Albany school of politics, as indicated in the proceedings of 1822, already referred to; and to reduce the Post Office Department to the condition of a subservient political engine—an instrument of Executive power and influence! Was this walking in the footsteps of Jefferson? The very first principle of administration adopted by that great Republican leader, after his induction into office, was, that the Post Office Department should be preserved free and unbiassed in its operations by the partisan heat and violence of the times; nor, above all, would he allow any connection between the public press and the public post. In a letter to Mr. Macon, of North Carolina, written on the 14th of May, 1801, he informs him that "a very early recommendation had been given to the Postmaster General to employ no printer, foreigner, or revolutionary tory, in any of his offices." What he meant by excluding printers was illustrated by his positive refusal to appoint a successful and distinguished partisan Editor to an office in that Department. It has been the settled policy of the present Administration, on the contrary, wherever the circumstances were favorable, to establish such a direct connection and dependence between the public press and the public post as to insure a faithful co-operation in its support. In numerous instances, appointments have been made in this Department not only of printers, but of men that they may become printers. At last, we find, not only a printer—a hack writer of the party—but the most intolerant, violent, and proscriptive of the whole corps, placed at the head of the General Post Office! Still, these are the followers of Jefferson!

The next great public institution and source of influence to be approached and subdued was the United States Bank. It was first sounded, and, not being found pliant enough, it was menaced; and, when that would not do, forth went the fiat for its destruction. Whatever may have been the opinions formed by the uninitiated members of the party as to the particular motive of the movement against the United States Bank, and without questioning at all that there were early and deep prejudices in a certain great quarter against that institution, yet the subsequent history of the Bank warfare shows, conclusively, that the instigators and principal abettors of that war, from the beginning, were resolved to subdue its independence, or to prostrate it altogether. They were resolved not to suffer the existence of so powerful an institution, unless it could be brought to co operate with the dominant party in the political conflicts of the day—the only contingency in which such an institution is to be feared! Experience has now fully demonstrated that a United States Bank, with the strongest hold upon popular favor, added to all the extraneous, and, if you please, the corrupt influences it can bring to bear, is no match for the power of the Executive! The late Bank of the United States had the decided support, not only of the legislative department of the Government, but the cordial favor and confidence of the people themselves, in the commencement of the contest; yet it finally fell under the increasing and irresistible energy of the Executive arm! Just as every other institution and department of the Government itself is destined to fall, if this gigantic power is not speedily reduced.

When it was discovered that the bank would not yield—when its directors firmly, but respectfully, declined any co-operation with the Executive in the execution of its political schemes, the arch conspirators sought to acquire an equal amount of patronage by establishing a connection between the Executive and the most powerful of the State banks. This they readily accomplished. But when the deposite banks broke down under the accumulated burdens of excessive issues and extended credits, (a consequence of their obedience to Treasury orders)—under the effects of the specie circular, co-operating with increased commercial embarrassments, and it was foreseen that they could be of no further service in upholding the fortunes of the Administration—the money power was grasped at, through a new institution, (the Sub-Treasury,) and we now find ourselves still hotly engaged in a struggle for the independence of this power on the one hand, and its subserviency to the will and purposes of the Executive on the other—at the end of ten years from the day when the first overture was made for the control of the United States Bank! The monster power will never be appeased until it shall have drawn within its voracious jaws every element of strength and influence within the reach of its gigantic arms!

I have a word or two to say to the real Republicans—to the State Rights men, who may be inclined to support the Administration, because they are not satisfied to go with the Opposition; and I ask them, What is it you would preserve? What is it you most fear? When I observe the quiet complacency with which this one powerful and famous party look on the practices of those in power, and the general evils of the times, I must confess my astonishment. I often ask myself, when I reflect upon this subject, what has become of that tribe of pungent, fierce, and powerful writers, who once filled the columns of a celebrated journal of the South? Where have vanished those successful alarmists of the Virginia school, who kindled the fire of patriotism and determined opposition to Federal usurpation in the breast of every youthful reader? Are they dead, or do they only sleep? Have they abandoned their ancient creed; or did they only conjure up the spectre of consolidation trampling upon the rights of the States to frighten the ignorant and credulous? If, on the contrary, they were sincere in their professions, why is it that we do not hear their voice, as in times past, raised far above the ordinary din of the conflict? Do they not see that the power and influence of the States, in their organic form, are no longer felt or respected; that Federal influences and Federal interest ride over all!

What are the reserved rights of the States worth? What will be their value as carriers against the encroachment of the Fe

deral Government, when the President, calling to his aid a subservient post, an affiliated and pensioned press, and a trained band of office-holders, (a hundred thousand strong,) holding their places by the tenure of party service, and receiving pay and promotion exactly upon the same principles that officers are paid and promoted in a well-regulated army, shall be able to carry the State elections with the same ease with which he controls the Federal?

But I go further; I ask the gentlemen of the State rights school to answer me, whether a potential and practical consolidation of all the powers of Government has not already taken place, and been in operation for years? Are not the followers of the Administration, the people who have given a blind and unqualified support to the Federal Executive in the States, the same people (leaders inclusive) who elect, through the same party organization, the majority of the members of the State Legislature; who, in turn, send a tool of the Federal Executive to the Senate; and are they not the same people who have sent a majority of the members to this House, and thus consolidated, to every practical purpose, our entire complex system, as it exists in theory, into one simple machine, worked by a single hand—the President?

When, by the aid of party discipline and the spoils principle, a perfect coalition and identity of feeling, interest, and action have taken place between State and Federal politics—State and Federal elections—between State and Federal patronage, and the one is made to chime in and give support to the other, in a majority of the States—what is this but consolidation?

When it has come to pass that in many of the States a common roster is kept of favorite applicants for office, State and Federal—for State and Federal spoil; when the State caucuses or juntos decree who shall fill a vacancy arising by removal or otherwise, whether in a Federal or State employment, and the President, as the head of the party, if it be an office under the Federal Government, is bound to ratify the selection—what is this but consolidation?

When the President, in this manner, acts in the double capacity of chief dispenser of the patronage of the Federal Government, and *ex officio* chairman or presiding officer of an organized party association extending over the Union, and which is identified in feeling, object, and interest with the majority which rules the executive and legislative action of the States themselves—what is this but consolidation? And what does or has prevented the Federal Executive from dictating the measures and policy of the States upon any subject whatever? Though it may be true that the President cannot enact a single law relating to the currency or the banks, or internal improvements in any one of the States, does that impair his power, as long as his recommendations are received as the decrees of the party, and obeyed as such? Thus it has happened that, while our modern State Rights friends are declaiming against internal improvements, a protective tariff, and a United States Bank, and denouncing them because they lead to consolidation, lo! a consolidation of all actual power is already vested in the President; for he is the actual depositary of all power who influences and controls the action of all the departments of Government, both State and Federal; and as long as the President has the means at hand to secure a majority of the people of the States, he is necessarily absolute in authority!

Yes, sir, a practical consolidation has existed for years; and it only remains to be seen whether the Government can be restored to its constitutional action. What would it now avail to leave Congress, as in times past, to go home, and throw ourselves into the Legislatures of the States, those boasted strongholds of liberty, those impregnable fortresses, where a successful stand, it was supposed, could always be made against Federal usurpation? When you shall get there, you will find the same powerful hand controlling every movement which you see here—you will find the same secret, invisible and yet irresistible influence, paralyzing and defying all opposition there, just as we have often witnessed in this House—there you will find the same unlimited and unqualified support of Executive measures, right or wrong, which has so long characterized Congress. In fine, you will behold party and party interests omnipotent, and riding over every thing there, as every where else. Is this not consolidation?

Melancholy as the truth may be, yet so it is, that, under the prevalent system of party tactics, with the aid of the spoils principle, the President, the Senate, and the House of Representatives, the appointing officer and his council, the impeaching or inquisitorial body, and the State Executives and Legislatures, have the same electors, the same constituency, and are all under the control of one man! The Senate is no longer a check on the appointing power of the President; the House, as the impeaching or inquisitorial body, has lost all its terrors; nor are the States or their Legislatures any longer a check upon Federal power. All the checks and balances contemplated by the Constitution are defeated and annulled in practice. The President, so far from being liable to be called to account or checked by either of the other departments of the Government or by the States, is in fact their master, and controls them!

Let me not be told that this vast fragment of ill-got en power and influence is already beginning to totter; that it is no longer that formidable and impregnable lodgment of false men and false principles which I have described. What has been may happen again; and, whatever may be the fate of this Administration, I am convinced that, if it shall be overthrown, it will be by a rare combination of circumstances, and such as can scarcely be expected to occur again in a century.

Mr. Speaker, my judgment informs me that I ought here to close my remarks, but my feelings still inpel me on. I cannot refrain from presenting to the House and country some further views connected with this subject which are constantly present to my mind.

I have already and repeatedly expressed my opinion of the importance of retrenching the power and influence of the Executive; of the imperious necessity of correcting now, while we may, those abuses which have crept into our system, unless we are prepared to see the Constitution, our glorious plan of civil liberty, go down and be lost forever. If the present state of things shall continue, with all their aggravations, our system cannot last; the legislative department especially can no longer perform its appropriate functions. This fatal spoils principle, of which I have already said so much, has at last developed itself to public view, in its effects upon the proceedings and the character of this House, in a most striking manner. We have lately been warned by the official organ that this body is in danger of becoming so degraded that ere long it may cease to be respected as a co-ordinate branch of the Government. Sir, this is a melancholy fact, and no man who has been a witness to our proceedings can deny or gainsay it. Alas! sir, it is but too true. As to any effective purposes, such as were designed by the Constiiution, this body has failed, signally failed, during the present session. Have we not become the laugh, the scorn, the by-word, not only of men of sense, whether at home or abroad, but of the great body of the people? I have within the last few years addressed many and numerous assemblies of the people, under circumstances of great excitement—assemblies untrained, altogether untaught, in the conventional forms and ceremonies of legislative bodies—assemblies often convened in the open air—before whom the heated and excited leaders and partisans on both sides appeared and debated all the agitating topics of the day; but in no instance—in no such assembly—have I witnessed so little self respect, so reckless a disregard of the decencies and proprieties due upon such occasions to the great interests of the Constitution—to the character and preservation of our common country—as I have witnessed from day to day in this House during the present session. Isay this, irrespective of parties. Is there any gentleman within my hearing who thinks I do injustico to our proceedings? We have, so far, failed altogether! As a legislative body, we have become, for the time, impracticable, inefficient—absolutely paralyzed, palsied in the discharge of our duties—our great constitutional duties! The Treasury, we have been repeatedly told, is exhausted. The Government, if not actually bankrupt, is upon the eve of bankruptcy. But the wailing cry of an exhausted Treasury—the honor of the Government—has not been sufficient to arrest or divert the attention of the House from a class of questions more deeply rooted in favor and interest. The interest of party; the spoils interest; the spoils principle, reign triumphant here! and not only here, but in almost every part of the Union besides. It is come to this, that we cannot organize the House, we cannot elect a Clerk or a Printer, but in strict reference to party ascendency, and the possession of the spoils; nor is any other question or matter regarded as of the slightest weight or consideration, when coming in conflict with these superior and paramount interests! The breaking up of the House in riot and disorder—disorganization itself, imposes no restraint in a conflict for the spoils. You need not flatter yourself, sir, that the high station which you fill, and to which I was considered an aspirant, was the chief cause of such intense excitement and agitation. No, no, sir! that would have been more honorable to the character of our proceedings. You, sir, have no patronage. It was a contest for the control and distribution of the patronage connected with the offices of the Clerk and Printer to the House! It was a question who should have the distribution of the hundred thousand dollars to be expended in supplying stationery, and doing the printing of the House! For such an object, the whole country was thrown into alarm, and all established modes of proceeding set aside and disregarded! I mean not this as a rebuke, nor as a censure upon one party only. I consider the remarks as applicable to the subject. I have never spoken of this detestable spoils doctrine as tainting one party only; though I trust I am justified by the fact, when I state that it is more particularly the doctrine of one party than of the other. But I call upon my Whig friends from those States in which this doctrine prevails to any extent, to reflect upon recent events. I conjure them—I invoke their patriotism upon this subject, in putting down this dangerous and patal policy. I ask them if they have not already had sufficient warning of the inevitable results to which this principle must lead? Three years ago I predicted that riot, violence, and bloodshed must soon attend our elections in those sections in which the public offices are made the chief incentives to political agitation. Little did I imagine then that, in less than two years from that time, so signal and memorable an illustration of nearly all I had foretold would be furnished, as the scenes at the opening of the Legislature at Harrisburg exhibited. Nor still less did it enter into my imagination that we were, at so early a period in the progress of this infamous spoils system, to witness in the official journal of the **Executive Administration of the Federal Government**, (the Globe,) a direct and unequivocal approval of such irregular, violent, and disorganizing proceedings, and an indirect appeal to the partisans of the Administration to resort to the same means to secure the triumph of their friends in the organization of this House? Will not these examples suffice to convince any real friend of the Constitution and of the public tranquillity that the spoils principle is incompatible with the maintenance of either? When I speak of the drama enacted at Harrisburg, I have no allusion to the details, nor do I wish to cast censure upon one party more than another. I look to the origin—the foundation of the proceeding. I trace it to the spoils principle. I look to the principles and objects avowed by the principal actors in it. Under the operation of the spoils principle, elections will be carried either by fraud or force, by hope or fear, by bribery or personal violence, by club law, or, in the last resort, by the sword! Total disorganization of all constitutional government must one day follow. The purpose of the rioters—their object at Harrisburg—was openly avowed; it was, by intimidation, by force, and violence, if need be, to overawe and coerce the constitutional authorities in the organization of the legislative body. This is but the beginning of evil. When the fruits of this odious policy shall be ripened into maturity, we shall all be of one mind in regard to it. But what will be the condition of our country? Settled down into a silent, withering despotism, or existing only in eternal anarchy and frequent bloodshed.

That I may not be thought unjust to any party, in reprobating the spoils as the principal inducement and s imulant to the heat and violence of the times, in but too many quarters, I wish to refer to a single authority, which I hope will be considered satisfactory by the friends of the Administration in this House:

"Elections are commonly looked upon as a mere game, on which depend the division of party spoils, the distribution of chartered privileges, and the allotment of pecuniary rewards. * * * And the struggle, which should be one of pure reason, with no aim but the achievement of political truth, and the promotion of the greatest good of the greatest number, sinks into a mere brawl, in which passion, avarice, and profligacy are the prominent actors."

Will gentlemen believe me when I tell them that I read from the "Democratic Review," of as late a date as January, 1840? This, then, is the approved sentiment of one of the most leading organs of the party in power. I want no stronger confirmation of all I have said on this subject, nor better proof of the necessity of legislative action.

Mr. Speaker, I am fully aware of the odium I incur in certain quarters by bringing forward and pressing this bill. I now full well the arduousness of the task I have assumed in ttempting to make it palatable to the taste of gentlemen wh make a livelihood of politics, and think there is no honesty in their calling. I am sure, in truth, that I shall never succeed in doing that; but I have a higher hope of the result of my efforts, among the people and the honest statesmen, who, I believe, are to be found in every section of the Union. It is not at all surprising that I should be assailed with so much venom and malignity by the leading supporters of the Administration. It is with them a question of life and death. There are many in their ranks of keen sagacity and deep observation. They are perfectly aware of the ground of that active support which has upheld their power so long. Take it away, and they are undone!

That the leading advisers and supporters of the Administration have always had a perfect knowledge of the sources of their power, was clear from the acute sensibility which they manifested upon the introduction of this bill three years ago. It was then, as it is now, intended merely to give the force and effect of law to certain principles which had been held sound and orthodox by every leading Republican of the country in times past. The official organ forthwith denounced it as a base libel upon the character and principles of the Administration. This was expected to be received as a positive denial that any such abuses as the bill proposed to remedy were, in fact, practised by the Administration; and it had the desired effect with the faithful and credulous followers of power. But as the measure was then altogether new, and few were prepared to give it their support, the author escaped further animadversion on that score—nor was there any further symptom of alarm in the official ranks.

But when a gentleman of great ability and just weight of character, at a later period, thought proper to give the influence of his name and talents to a similar measure in another part of the Capitol, it appears to have been conjectured that the entire force of the Opposition was about to be brought out in favor of it; and the consequence was, that the whole Administration hive were thrown into commotion. Such a fluttering and buzzing—such a preparation of stings and darts among all the members of the community, had not been known upon any similar occasion of alarm for years. It was evident that the wary and experienced saw imminent danger in the movement to the whole fraternity—they saw that the vital principle of their association was struck at.

You have heard, Mr. Speaker, that there are in the world such strange and unnatural beings as human vampires—human beings who subsist upon human blood—extracting it stealthily from the warm and beating veins and arteries of sleeping victims! monsters, who, when driven from the society of the living, after drinking of the fresh and running streams of life, take up their abode among the cemeteries of the dead, and glut their unnatural and insatiate appetites by feeding upon the congealed fountains of extinct animation, thus converting into spoil the very principle of life itself! I have somewhere read a story of one of these strange beings, who was said to have made his appearance in Paris during the reign of Napoleon. It was remarked that, in whatever innocent and unsuspecting family he had the address to introduce himself and to become a frequent visiter, some young and tender member of it gradually declined in strength and health, and finally died. At last, a young man, driven to desperation by the death of his mistress, and attributing his misfortune to some mys erious influence of the stranger who had been admitted as a visiter in her family, made an assault upon his person, and, being hard pressed by his superior and almost preternatural strength, drew from his pocket a small knife, and gave him a slight wound in the side, when, lo! he sank lifeless on the ground; and upon examination, it was found that he was bleeding profusely, from seven different wounds, all of which appeared to have been just inflicted! But this was not the greatest mystery connected with the history of this unnatural being. It is stated that his body was ferreted away by some young physicians the following night, who, by some means, never disclosed, staunched his wounds, and restored animation; and, to the amazement of all who had known him, in about a month he reappeared upon his accustomed walks. The officers of the police, however, thought him a fit subject for legal examination and punishment. He was closely watched in all his movements, and at last apprehended; but the chief of the police, in order to satisfy his own and the Emperor's curiosity in regard to the strange stories in circulation as to the mysterious life, death, and reappearance of the prisoner, resolved to make an experiment upon him in the presence of the most learned and experienced surgeons in Paris. For this purpose he was first securely bound with cords. During this process his eyes were wild and restless, but he was otherwise composed, until he saw the chief of police approach with a small and well known surgical instrument. He comprehended, at a glance, the nature and certain effect of the experiment about to be tried upon him. He raved, he raged, he swore, he threatened vengeance; his whole system was convulsed with passion; but it would not do—his preternatural strength was no longer of any avail. The lancet was applied; his skin, swollen with spoil of human blood, was successfully punctured; his wounds were all opened, and bled afresh; nor could all the skill and experience of the attending surgeons save his life. He expired, nor did he ever revive!

Not unlike were the writhings and agonies of that overgrown vampire party, which at this moment subsists upon and revels in the very life-blood of their country's prosperity and happiness, when surgeon Crittenden proposed to make the experiment of puncturing their swollen and bloated carcass; and such, too, will be their miserable exit, whenever the constituted authorities shall be wise enough to sanction the operation necessary to reach the deep-seated vitals of their reeking spoils system. Then, die they must—never to hope again!

SPEECH OF MR. SMITH.

OF INDIANA,

In Senate, May 15, 1840—On the bill to establish a Uniform System of Bankruptcy, and the substitute proposed as an amendment.

Mr. SMITH said: I am not, Mr. President, a volunteer in this debate. I did not design speaking to-day. As one of the majority of the Judiciary Committee that reported the bill, I had thought it highly probable that I should, at some period of the discussion, give the reasons that had brought my mind to the conclusion that the bill reported by the majority of the committee was entitled to a preference over the substitute proposed by the chairman, [Mr. WALL;] but I did not design doing so at this stage of the debate. However, as other Senators have declined to address the Senate to-day, and as the session is drawing to a close, and it is important that the bill should, if at all,

be sent to the House at an early day, I feel impelled by considerations which I am not at liberty to disregard, to present at this time to the Senate my views on this important subject. I cannot flatter myself that I shall be able to cast much new light upon it, after the very able speeches of the Senators who have preceded me. I hope, however, to be able to draw at least some outlines over the canvass for more skilful hands to fill up and embellish.

I willingly confess, sir, that the subject of bankruptcy, notwithstanding its importance, had received but little attention from me until very recently. Like other students of the law, I had read something in relation to it—had glanced my eye over the British statutes on the subject; but I had made no special examination of it, with its relations and regulation by the Constitution of the United States, and its exclusion from the jurisdiction and powers of the individual States. My position recently as a member of the Judiciary Committee, charged with the subject by the direction of the Senate, has made it my duty to become better acquainted with it than I had been; still I cannot but presume that each member of the Senate has turned his attention to the matter, in all probability to better advantage than I have, Mr. President.

There have been no questions submitted to, or discussed in, the Senate this session more important in all their bearings than those presented by the bill and proposed substitute. The questions of the exercise of Federal and State powers involved are of momentous importance and fearful magnitude. It will be my object to meet those questions fairly, and to examine them candidly. I concur entirely, sir, with the chairman of the committee in the statement that the subject under discussion should not be mixed up with party politics. As all parties are interested alike in the passage of some bill, we should steer clear of those rocks that lie in the road of a partisan discussion, and upon which we may wreck the fondest hopes of those whom we all desire to relieve.

Coeval with the existence of civil contracts and of the relation of creditor and debtor were remedies devised by the sovereign power in every country to enforce contracts and compel debtors to comply with their undertakings, as far as was within their power. Consequent upon the grant of the remedy to the creditor against the person and property of the debtor, arose the necessity of providing relief to him after he had done every thing in his power to discharge his debts; hence insolvent and bankrupt laws; the germ of the latter of which we find to have been early implanted in Venice, afterwards engrafted into the civil or Roman law, under the appellation of the *cessio bonorum*, which only released the debtor and discharged the debt *pro tanto;* and from thence we find the principle following in the tread of civilization, and connecting itself with the remedial laws of Great Britain. The bankrupt policy of Great Britain is no part of the common law; it is the creature of the British statutes, the first of which was passed in the reign of Henry VIII, and applied generally to all who "did make bankrupt." The provisions of that act were somewhat extended and directed to traders in their operation by the act of Elizabeth, which in its turn was amended by the acts of George on the same subject. I do not think it necessary, sir, to go at large into the provisions of these British statutes. I refer to them as the origin of the exercise of the power by the British Government over the subject of bankruptcy, or *bankus ruptus*. The objects of the bankrupt laws of Great Britain have varied from time to time; and although, as has been stated by the chairman of the committee, [Mr. WALL,] the avowed object has been, in all the statutes passed since the statute of Henry VIII, to confine the operation of the acts to the relation of creditor and debtor, where the debtor was a trader, still Parliament assumed and exercised the power of declaring any person a trader; and by that means all debtors, at the discretion of the law-making power, were brought within the operation of the bankrupt laws of Great Britain; so that I take it as being an incontrovertible position that even in England it was not originally essential to the question of jurisdiction over the subject of bankruptcy that he should be a trader, nor is it so under the statutes of Elizabeth or George, as it is legislative mockery to say that, by enacting that a "scavenger" is a trader, you can by that means make him so; hence I take it as a settled question that the power of Parliament is plenary to bring within the provisions of the bankrupt laws of Great Britain all the debtors of the kingdom who may become broken, bankrupt, or insolvent, and unable to pay their debts. I introduce this argument, sir, because it is contended by the chairman of the committee that even here we are confined by the operations of the Constitution of the United States to the passage of a bankrupt law operating on traders alone, and because he contends that bankrupt, as named in the Constitution, *ex vi termini*, means an insolvent debtor, who is a trader in the technical sense of that term, both of which positions I controvert. At the time of the adoption of the Federal Constitution, the object and general operation of the statutes on the subject of bankruptcy were undoubtedly familiar to the members of the convention. It must have been known that the subjects of bankruptcy in that Government were created by statute, and not confined to any specified class of individuals; nor could it have escaped the minds of those great and wise men that the power by any Government of discharging a debtor from his contract was a high political power, which should not be placed in the possession of any but the supreme power of the nation, where its principles could be rendered certain and its operations uniform.

The Government of the United States was about to be placed on the bases of the Constitution. The Federal and State Governments were to occupy such grounds as would enable each to act independently within its sphere of constitutional powers; and, in the adoption of the Federal Constitution, the States retained all the powers they previously possessed, which were not given up by the Constitution to the Federal Government by express terms, or which were not necessary to carry into effect the express delegations of power. In many cases, concurrent powers were retained by the States, as in the taxing power. The rule, I believe, on that subject, is this: that a grant of power to the Federal Government does not exclude the States from the exercise of similar powers, unless such exercise by the States is inconsistent with the powers granted, or unless the exercise of such powers by the States is expressly prohibited by the Federal Constitution.

Having stated these positions, I will call the attention of the Senate to those parts of the Constitution of the United States upon which is based the power over the subject of bankruptcy, and show that the power to discharge a debtor from his contract is granted to the Federal Government, and prohibited to the States, while the latter, in the absence of any prohibitory clause, are authorized to act upon the subject of insolvency so far as to release the body, but not to discharge the contract. "Congress shall have power to establish uniform laws on the subject of bankruptcy throughout the United States." Here, sir, is the express delegation of power, ample, plenary, and unrestricted, except that the laws passed shall be "uniform throughout the United States." We have heard already, in the debate that has taken place, much said in relation to the meaning of the term *uniform* in this clause. It seems to me to admit of but one construction; and that is, that all laws on the subject of bankruptcy shall be uniform in all the States, over all the subjects embraced within their provisions; that there shall be no laws passed by Congress on the subject of bankruptcy, to operate differently on the citizens of the different States. This was one of the evils to be apprehended from the action of the several States over the subject, a want of that uniformity which Congress alone could secure. It may be contended that the word uniform was designed to make it obligatory on Congress to include all persons in the provisions of laws passed on the subject, who may be insolvent. I think this construction not the true one, although I admit and contend for the power to include all insolvent persons. Still I do not believe that the term uniform requires more than that the laws should act uniformly on all persons embraced within their provisions in all the States; any other construction would defeat the objects of a bankrupt law, as persons failing for a few dollars are excluced, as are those who have lost at gaming a certain sum within a given time, as well as those who shall have preferred creditors, in anticipation of availing themselves of the benefit of the act. Hence, in the very nature of the proceedings, under a bankrupt law, there must be exceptions; and, consequently, the law would want uniformity, and violate the Constitution. Such cannot be the true construction.

Mr. President, I trust I have said enough upon this point to make myself understood. I will now pass to the clause in the Constitution which prohibits the States from passing a bankrupt law. "No State shall pass any law impairing the obligation of contracts." Here you see, sir, the power over the subject of bankruptcy—which is a power over the contract—is expressly prohibited to the States. In the absence of such prohibition, the States, by virtue of their sovereignty, could have exercised that power, as does the Parliament of Great Britain. The States, however, not having surrendered the power over insolvency so far as regards the remedy and the discharge of the person, are authorized to exercise it within their constitutional limits, subject to some limitations, which I deem it important to advert to before I pass from this branch of the subject. I desire, sir, to be explicit on this part of the argument, and I feel confident that it will neither be time lost nor misapplied, to claim the attention of the Senate to some judicial opinions on the subject. I hope I shall not be charged with having too much reverence for, or too high an opinion of, the judicial decisions of my own State, when I say to the Senate that, in my examination of the authorities on this subject, I have been able to find no decision more full, ample, clear, and conclusive, than the decision of the Supreme Court of my State, pronounced by Judge Stevens, in the case of Pugh vs. Bussel, 2 Blackford's Reports. After collating the authorities, the court says:

"It is now a settled doctrine in all courts, that the discharge of an insolvent debtor from arrest and imprisonment only is not an infringement of the obligation of the contract. The imprisonment of the person of the debtor is no part of the law of the contract—is simply a means of coercion; hence, those laws that only release the body of the insolvent from arrest and imprisonment are constitutional and valid. And it is equally well settled that a discharge of the insolvent, after acquired property, is an infringement of the obligation of the contract, and those State laws which release not only the body of the insolvent, but also his after acquired property, are laws impairing the obligation of contracts, and are unconstitutional and void."

I read this part of the decision to sustain my position that the States have no power to discharge the contract, and release the debtor from its obligation. I will now proceed to show the total inefficiency of State insolvent laws as substitutes for a uniform bankrupt law, and why it is that all persons who admit the necessity and humanity of insolvent State laws should advocate a voluntary bankrupt law, operating over the same class of unfortunate debtors. In the first place, the want of uniformity presents an insuperable objection to those laws, which does not maintain against a bankrupt law; as, in the one case, the State insolvent laws will unavoidably be as multiform and variant as the opinions of the Legislatures that enact them; while the bankrupt law will operate uniformly over all citizens coming within its provisions, of all the States.

Another insurmountable difficulty in the operation of State insolvent laws consists in the inadequacy of the power that creates them, in consequence of its local jurisdiction. To be more explicit, the *lex loci* governs the contract, and not the *lex fori;* the law of the place where the contract was made, and not the law of the forum in which the remedy is sought. Hence, the power of the Legislature of a particular State can only be extended over the citizens of the State upon contracts made within the State, to be executed there, unless foreigners, that is, citizens of other States, voluntarily make themselves parties to the proceedings in the State courts where the remedy is sought. To be more explicit still—for I desire to be understood by all who shall hear or read my remarks—a citizen of Indiana contracts a debt with a citizen of Pennsylvania, suit is brought in the State of Indiana, and the debtor takes the benefit of the insolvent laws of that State, which discharge the body, but leave the after acquired property subject to the payment of the debt; the defendant afterwards visits New York, Pennsylvania, or any other State, and is sued on the judgment; in such case, he could not plead the discharge under the insolvent laws of Indiana to release his person, nor could he, even upon a discharge from the second suit, avail himself of it in a third suit, in another State, upon the record, unless the creditor had thought proper to make himself a party to the proceedings under the insolvent acts. Upon this point, I will read a portion of the decision to which I have alluded. The court, after presenting the authorities upon the subject, sums up:

"These cases establish the doctrine beyond a controversy, that a discharge by a State law operates only on contracts made in the State between its own citizens, which are to be executed there, and that such laws have no operation out of the State over contracts not made and to be carried into effect within the State, nor over citizens of other States, unless they voluntarily make themselves parties to the proceedings which lead to a discharge in the State courts."

It must be obvious, then, that the power of the States over the question of insolvency is wholly defective and inefficient to meet the object of relief, even in the passage of insolvent laws, independent of their want of power to give uniformity to their action on the subject. This power is ample and plenary in the Federal Government. She has, by virtue of the clauses of the Constitution which I have read, full power over the entire subject of bankruptcy, provided she makes her laws uniform. Has she power to make them uniform? I have shown that the States have not. I answer, she has; none of the obstacles lie in her way that do in that of the States. The citizens of all the States are equally citizens of the United States. Contracts made in any of the States are equally contracts made in the United States. Both the citizens and the contracts are subject to the same jurisdiction. The *lex loci* cannot be in conflict with the *lex fori*, for both are subject to the same power. So far as the grant of powers is contained in the Constitution, and for all the purposes of carrying them into effect, the power is as ample as if there were no State Governments. Hence, a discharge in one State is a discharge in every State, and may be so pleaded. I introduce this argument, and am more explicit upon it than I otherwise would be, were it not that I am aware that it may be said by citizens of my own State that our insolvent laws are ample for all the purposes of relief of the body from imprisonment.

I come now, sir, to the main question in relation to the policy and object of a bankrupt law. I have shown that the State insolvent laws are wholly inefficient, even as such, to discharge the person in all cases; that in no instance can they discharge the contract, that power being by the Constitution vested in Congress alone. I admit, sir, that the exercise of this power is one of the highest efforts of sovereignty or supremacy that can be exercised by the supreme power in any country, and that it should never be called into action except where the object to be attained is of a character to justify the measure. What, then, are the objects in passing a bankrupt law at this time? I answer, objects the most noble and humane that the mind can conceive of—nothing short of liberating from a condition that fills the heart of the philanthropist with sympathy, a large and respectable but unfortunate class of our fellow-citizens, who have been stricken down by the vicissitudes of fortune and the casualties of business, and who now lie prostrate before us, with many an eye to pity, but no hand to save; a class of men whose energies are paralyzed, and whose usefulness as citizens is destroyed. The object of a bankrupt law is to bring this class of citizens once more to act their part in the great drama of human affairs; to elevate them from the character of bondmen to that of free and independent citizens; to restore them to society; to call into activity and usefulness all the energies of their character; to strike off the fetters and set the bondmen free. After a debtor is driven to the wall, after the whole of his means are exhausted in the payment of his debts, what benefit can result to any one to keep a debt hanging over him? None that can be conceived of. You by that means either drive him to dissipation, indolence, and vice, and leave his unprotected family to the mercy of a cold unfeeling world, without the means of support, or, if the energy of his character should prove too elastic to remain subdued, you compel him to seek, under cover of the name of some more fortunate and less honest individual, a shield for his subsequently acquired means. While trials of the right of property follow each step of his success in acquiring it, a plentiful number of oaths are sowed and a heavy harvest of perjuries reaped in the process. The debtor has little inducement to renovated exertions, and the creditor is not, cannot be benefited, by keeping the victim pinioned and the fatal scales suspended.

I am not unapprized of the argument that has been used against the exercise of this power, for I confess it made some impression on my mind; it is, that it may encourage unwarrantable risks in business, and thereby change the character of our business men into that of commercial gamblers, throwing every thing upon the cast of the die, with a certainty of relief should the throw prove unfortunate. To this it may be answered, with reference to the bill before the Senate, that, as there has not been any bankrupt law in existence for forty years, the cases that now exist, and which will come within the provisions of the law, could not have been induced with reference to any relief that may now be afforded, and as the bill is limited to a short period (two years, which may possibly be extended to five) the operation of its provisions will be confined principally to the cases which have occurred, or to persons so circumstanced at this time, that ultimate relief will be sought under this bill; hence, so far as this measure is concerned, there is no danger to be apprehended from that source; and, indeed, it may be well questioned whether the objection is not more specious than solid. I hold it to be a universally established principle of human nature, with very few exceptions, that men strive to maintain a fair and respectable standing among their fellow-men; the inducement to virtuous and honest action is so strong, and the penalty affixed by the universal consent of civilized man to vicious and dishonest conduct is so heavy, that few men are to be found who would not greatly prefer the certainty of a fair standing for honesty and integrity, to the risk of forfeiting all by imprudence, extra overaction, and fraud. The condition of a bankrupt is not, cannot be sought for; it is the death of the business man in one sense, and like the death of the natural man. Few there are who would desire to hasten the time, in anticipation of the joys of the resurrection.

Mr. President, as a member of the Judiciary Committee, to which this subject was referred, and as one of the majority of that committee who reported this bill, I feel myself called upon to notice the opening remarks of the chairman of the committee, (Mr. WALL.) I am satisfied the Senator could not have intended any thing personal or unkind towards the majority of the committee who differed from him and the Senator from North Carolina, the minority, on the question submitted to them. The chairman, however, had thought proper to state to the Senate that the majority of the committee had produced the bill before the Senate from the secret recesses of the committee room.

[Here Mr. WALL rose and said he thought he had explained that matter; he intended to make no charge against the majority of the committee; what he intended to say was, that there was no warrant in the Constitution or the papers referred to the committee, for such a bill as that reported by the majority.]

So I desire to understand the Senator, for I would be slow to believe that any thing unkind or uncourteous could fall from any one member of the Judiciary Committee towards another, such has been the uniform, kind, courteous, and frank intercourse of all the members of that committee in their individual and official relations. But, sir, the explanation of the Senator leaves me precisely where I was when he thought proper to suspend my remarks. The statement is, that the majority of the committee, in reporting the bill before the Senate, acted without warrant either in the Constitution or the petitions and memorials referred to the committee. I not only controvert this position of the chairman, but make precisely the same

statement in relation to the substitute reported by him, and now offered as an amendment to the bill before the Senate.

I will proceed to offer to the Senate some remarks on these positions; and, in doing so, it will be my object to meet the objections of the Senator to the bill reported by the majority of the committee, in a spirit of candor becoming my position as well as the importance of the subject under discussion. For, sir, I assure the Senate that a momentary triuuph would but poorly compensate me for the passage of a bill violating the Constitution of the United States, or in opposition to the wishes of the people.

What are we to understand by the objection that the bill reported is without warrant in the Constitution? The Senator has told us what he understands by the statement. He contends that the bill is unconstitutional because it does not give a remedy to the creditor as well as relief to the debtor; or, in other words, because it provides for voluntary, and does not include involuntary or compulsory, bankruptcy. To this position I answer, that, by the Constitution of the United States, the whole subject of bankruptcy, in all its bearings, objects, and relations, is committed to Congress, without any restriction whatever as to the exercise of the power, except that of requiring uniformity in the laws. I have already shown what we are to understand by the term uniform as used in that clause of the Constitution. I have shown that it only requires laws passed by Congress on the subject to operate with uniformity over the subjects embraced within their provisions in all the States. I have also, I trust, succeeded in maintaining that the term uniform has no application to either the number or character of the persons included in the provisions of the law, but merely that the action of the law shall be uniform over those that the legislative power may, in its discretion, include in its provisions; hence the power to include merely debtors, giving to the creditor all the rights he could enjoy under the proceedings had they been introduced by himself. The whole debtor or insolvent class may be included, or only a part, at the discretion of Congress, without at all affecting the uniformity of the law, or the law may be extended so as to include a remedy to the creditor to institute the proceedings, or what is termed involuntary or compulsory bankruptcy; and if the law was uniform in its operation in all the States over all the persons and objects included within its provisions, it would be equally constitutional. Hence I hold, sir, that it is a question of Congressional discretion, and not of constitutional power, that is raised by the first objection of the Senator.

The next ground of objection urged against the bill by the chairman is, that it is unconstitutional, because its provisions are extended to all insolvent debtors, whether they be traders or not. In order to sustain this position, we have been pointed to the meaning of the term bankrupt. We have been told that the term *ex vi termini* refers and applies exclusively to insolvent traders, and that it cannot be extended beyond that class; still, in the next breath, the Senator is compelled to admit that, in England, Parliament has the power, and continually exercises it, of declaring any person a trader in its discretion, and by that means bringing such person within the provisions of her bankrupt laws. It is not pretended here but what Congress has as full and ample powers over the whole subject of bankruptcy as has the Parliament of Great Britain, nor will I presume such a pretence set up. Then, sir, if Congress were even confined to the sphere of action over this subject that the British Parliament is, it would be only necessary to amend the first section of the bill by inserting, all insolvent debtors who shall owe the sum of one hundred dollars, or any other given sum, shall be considered traders, and entitled to the benefit of the law. What a solemn mockery would this present. Can the Constitution of the United States be thus amended? Are we to be driven to a subterfuge like this, to bring our laws within the provisions of the Constitution? The Senator says our powers are limited. Where does he find that limitation? Where is the limitation of the power of the Parliament of Great Britain over the same subject? The Senator would answer, it is limited to traders. I reply, all may be declared traders at the discretion of Parliament, and then I ask the Senator, where is the limitation? I answer my own question, by saying it is in the discretion of Parliament in England, and in the discretion of Congress here. The limitation is not in the constitutional power, but in the legislative discretion in the exercise of that power, by the term uniform. Hence I trust the Senate will be satisfied that the constitutional objection to the bill on that ground cannot be maintained.

Mr. President, I cannot justify myself before my State in passing from this branch of the subject without saying a few words, in addition, in relation to the exercise of this power. Sir, I am unwilling to believe that it ever entered into the minds of the sages and patriots who passed through the Revolutionary struggle and achieved our independence, that a Government was to be established for this people creating a privileged class of citizens, who, in their natural capacity, were to receive benefits, and to whom should be extended measures of relief not common to the rest of their fellow-citizens; nor can I believe that, in the formation of the Federal Constitution, and in the insertion of the power over the subject of bankruptcy in that instrument, the members of the Convention could have supposed that it would ever be seriously contended that they had selected a class of our citizens, and prepared for them a relief from the obligations of their contracts which was denied to other citizens. Our Government is based on the broad principles of equality—both penal and remedial laws are placed by the Constitution on that basis. It was for the establishment of that principle that we encountered the power of Great Britain in our infancy, and it would be presuming too much to say that the framers of the Constitution, in its adoption, surrendered that vital principle of our Government. It is a presumption not to be indulged in, unless we are driven to it by proof too strong to be controverted, which is not the case in the present instance. But why, sir, let me ask, in all seriousness, should the benefits of the relief afforded to insolvent debtors by the operations of a bankrupt law be confined to traders, in exclusion of the other classes of our citizens whose misfortunes oblige them to take shelter under its provisions? Sir, I can see no grounds for such a distinction. Why should traders be the preferred class? Are they more meritorious than the manufacturer, the mechanic, the farmer, the professional man, and other classes? Will this be pretended? Are they more devoted to the interest and institutions of their country than those classes? Are their feelings under misfortunes more intense, or their families more dear to them, than are those of other classes? Are they more useful members of society? Is the Government under any greater obligations to that class than to every other class of our citizens? Can there be a single reason given why that class shall be discharged from their contracts, and other classes left subject to the obligation of theirs? Is it that the trading classes have greater risks to encounter? If so, have they not usually greater security for that risk? Traders are business men: they scarcely take a step without covering, to a greater or less extent, the risk by insurance; while the other classes usually rely on their own good fortune against losses from the various casualties that property is liable to. All classes of our citizens contract debts; all are liable to be overtaken by adverse fortune; all may be placed in the condition of bankruptcy; and the relief afforded should be equally applicable to all. I can, for my life, see no good reason why you will remove the fetters of obligation from the trader, and not from the farmer. All the reasons which would induce you to liberate the one and restore him to society upon terms of perfect equality with his fellow-citizens, apply with equal force to the other. Philanthropy, in selecting objects for her sympathy, could not overlook the misfortunes of the one, and drop the tear of pity on the other. But, sir, I contend that the distinction would be unjust as well as unequal. Let me illustrate this position by stating a case that might occur. A farmer sells the produce of his farm to the trader, takes his obligation for the payment of the price at a given day; the farmer is indebted to the amount of the price, and relies upon the payment to enable him to discharge his debt; the trader is unfortunate, and takes the benefit of the bankrupt law, and is discharged from the contract without having paid a dollar of the amount. The farmer is denied the benefit of the bankrupt law, because he is not a trader, and is driven to the State insolvent laws for relief. His person is released, if the contract and jurisdiction are such as to justify a release upon the principles I have already stated in a former part of my argument. But his after acquired property would be liable to pay the original debt he owed, while he could never look to his debtor, the trader, for a cent of the amount with which he expected to discharge his debt. The same idea might be illustrated in many ways; but I trust I am intelligible and understood on this point. There might possibly, in England, have been some reasons for confining the operation of bankrupt laws to particular classes, but even there we find Parliament extending the provisions of their laws to most classes; and it is not risking too much to say that, in a few years more, even there, the force of enlightened justice and equally balanced philanthropy will tear away the arbitrary line of distinction in toto, and extend to all insolvent persons, of every class, the benefits of their bankrupt laws. I therefore contend, sir, that justice to every class of our fellow-citizens requires that we should place them in our enactments on the broad platform of equality. I know no distinction among my fellow-citizens, and I cannot advocate a law that would grant relief to one class, and deny a similar relief to another. I am now, sir, speaking of a voluntary bankrupt law. I shall come to the other branch of the subject in examining the other charge of the chairman of the committee; that is, that the committee had no authority to report the bill before the Senate.

The constitutional power I have discussed. I will proceed to take some notice of the want of authority which was urged on another ground. Will it be pretended that a committee of the Senate has not the power to act and report upon any legitimate subject of legislation, whether it has been referred to the committee specially by petition, memorial, or resolution, or not? The committees of the Senate derive their powers from the body creating them, and the Senate derives its powers from the Constitution, and can exercise them, independently of any petitions or resolutions coming from any quarter. I state this in relation to the naked power, and not with reference to its exercise. I admit, sir, that it is always the safe course in legislation for Congress to act in obedience to the will of the people, and not to step in advance of that will in hurried action. There are always subjects enough for the action of Congress which are legitimately knocking at the door of each House, without making it necessary for us to go in search of them. And, sir, by this principle, I am entirely willing to test the warrant for the action of the majority of the committee in reporting the bill before the Senate. On this point I have been, in some measure, anticipated by the Senator from Mississippi, [Mr. HENDERSON.] Still I shall call the attention of the Senate to the facts of the case, so far as the action of the committee was impelled by the petitions which were referred to it. Like the chairman of the committee, I have looked into the petitions; and I now state to the Senate that there has not been a single petition referred to the committee praying for a more efficient remedy in behalf of creditors. Without exception, they all ask for the passage of a bankrupt law for the relief of debtors. They all ask for just such a measure as the majority of the committee reported. There are one or two of them that speak of a law for the benefit of creditors as well as debtors, but not one of them asks for a compulsory bankrupt law, or for a law confined exclusively to traders. The most of the petitions, near one hundred in number, from different parts of the Union, speak the same language, and were evidently prepared in accordance with the views of the meeting of the citizens of New York, held at the Merchants' Exchange on the 27th of February last, at which the Mayor of the city, Isaac L. Varian, presided. These proceedings, with the circular of the corresponding committee, give us the grounds of the application for a bankrupt law. I would send them to the Clerk to be read, but I dislike to take up so much of the time of the Senate as the reading of the whole proceedings would occupy. I will, however, read from my place so much of the circular as is directly in point, as it speaks substantially the language of the whole of them, except one from Mississippi, which includes banks. The circular, after some preliminary remarks, says:

"The enactment of a general bankrupt law by Congress is warmly advocated, not only by those who have suffered in consequence of the general derangement of all branches of business throughout the country, and who find such a law necessary for their own relief, but also by a large majority of our most respectable merchants and heavy capitalists, who are fully convinced of its justice and utility; in fact, all classes of the community are deeply interested in this measure, and look to it as the only means by which a large body of our most meritorious, intelligent, and enterprising fellow-citizens can be extricated from embarrassments which the keenest vigilance could not have foreseen, nor the strictest prudence have prevented. There are many in every section of the country who possess the highest qualifications for business, and who are industrious and frugal in their habits, and have the strongest desire to exert themselves in useful and honorable pursuits, but who are depressed, and whose families are made to suffer from the existence of debts which it is absolutely impossible for them ever to pay, and from which State laws or State institutions can never release them.

"A bankrupt law for the relief of this portion of our fellow-citizens is most imperatively demanded by every consideration of justice, propriety, and humanity, and would operate greatly to the advantage of the country at large, by reviving its business and commercial enterprise, in bringing once more into active and successful operation the latent energy, skill, and experience of intelligent and industrious men, who have been prostrated by misfortunes, and who look to this source alone for aid. There is no reason or philosophy in a state of things which irrevocably fastens upon men and their families the consequences of misfortunes that do not result from frauds or from criminal acts or intentions, and which the exercise of ordinary prudence and care would not have prevented; and we hold it to be most palpably unjust and absurd that the citizens of an enlightened Republic should be subjected to imprisonment, or be confined within the limits of a single State, and remain liable to every dollar they can earn to be taken from them, when they cannot be justly charged with crime, fraud, or dishonor."

Such, sir, is the language of the circular on which the petitions are founded. There is not a word or hint in one of them that a bankrupt law is called for to aid the creditor in the collection of his debts. All speak one language, and that is, give relief to the debtor who is driven to the wall, who lies prostrate under his debts and the operation of the State laws.

If, then, the legitimate impetus to propel the committee in the discharge of its functions on this subject was either public opinion or the weight of petitions, can any one hesitate for a moment in saying that the majority of the committee reported the only bill they were justified in reporting, under the circumstances, that is, a bill to provide for voluntary bankruptcy? But we are told by the chairman of the committee (Mr. WALL) that this bill leaves the debtor at liberty, while it ties the hands of the creditor, and, therefore it is unjust, unconstitutional, and not authorized by the petitions. If the position assumed by the chairman was really the fact of the case, there would certainly be much more force in the objection; but is it so? The Senator would no doubt be correct, if there were neither State nor United States laws for the collection of debts, or if the bankrupt laws would repeal all other laws on that subject, neither of which, I presume, will be seriously contended for here. How, then, is the creditor tied hand and foot, as the Senator contends? Has he not the benefit of the United States and of the State laws to coerce the payment of his claims against his debtor? Is there any want of remedies to either drive the debtor to the wall, or to take from him all his means? It may be said that, in some States, laws have been passed abolishing imprisonment for debt; but let it be remembered that, in those States, the most efficient remedies are afforded to the creditor to enable him to make his claim out of the means of the debtor. In addition to all the common law remedies, there is the bill in chancery, that scrutinizing remedy which addresses the conscience of the debtor, and follows his property, effects, and credits, into whosesoever hands they may go for his use, tearing away in its march whatever badges of fraud may have been thrown around him, exposing the rights of the debtor to open day, and applying his effects to the benefit of the creditor. Does not the fact of the thousands of insolvent persons stripped of every means of support, who are lying prostrate, with all their energies paralyzed, attest in strong and conclusive terms the efficiency of the laws as they now exist, in extracting from debtors all their means for the benefit of their creditors? Were those laws defective in providing a remedy for the creditor, would not some petition ere this have reached the Senate, asking a more efficient remedy? Is it to be supposed that creditors would fold their arms and silently see an attempt made in Congress to give relief to the debtor class which would give that unfortunate class any advantage whatever?

Sir, I repeat, the creditor requires no additional remedy; so far as he is concerned, no bankrupt law is needed; all his rights are perfectly secure as the law stands, and he cannot be injured by the provisions of a voluntary bankrupt law, as he can come in under it, and receive his just dividend of the assets or estate of the bankrupt: and, in one respect, he will be benefited by such a law, and that is, he will be secured against preferences, as no discharge can take place when a preference has been given to any one creditor by the debtor, in anticipation of taking the benefit of the law—a provision that should be incorporated in every State insolvent law. I trust I have shown that the majority of committee reported the only bill called for by public opinion and the petitions referred to them, and that the opinion of the chairman, that the bill reported was not warranted by the Constitution or the petitions, is not sustained by the facts of the case; at least, such is my opinion,

I will now, Mr. President, proceed to sustain the statement I made, that the substitute reported by the Chairman, and now offered as an amendment to the bill before the Senate, is liable, in fact, to the prominent objections which have been urged against the bill.

The first objection which I take to the substitute is, that it provides for compulsory bankruptcy, or in other words, puts that extraordinary remedy into the hands of the creditor, which I have already attempted to show is neither required by the Constitution, called for by the people, sustained by public opinion, petitioned for by creditors, nor justified by the genius of our Government or the humanity of our citizens. It is a remedy that would only be resorted to by a malicious and unrelenting creditor, whose object was the disgrace and destruction of his debtor, rather than the collection of his debts. It would also put it in the power of such a creditor to draw the estate of his debtor into the Federal courts, and, through the process attending his bankruptcy, to swallow up in costs a large part of the estate. The proceedings in compulsory bankruptcy, and the powers granted to the creditor over the property and business of the debtor by such a law, are only adapted, if at all, to a state of society purely commercial, and can never be extended to the various classes of society. I should hesitate long before I could subject the citizens of my State to the operations of such a law. To suffer the creditor to seize upon the whole effects of the debtor, without judgment, and place them in the hands of trustees, arresting the power of the debtor over his estate, is a remedy of the most arbitrary character that the human mind can conceive of, and before it is attempted to be exercised by any Legislature, it should at least be shown conclusively that such a remedy was called for by the public; and even then it should be confined as much as possible in its application. Let me assure you, Mr. President, it is a remedy not suited either to the habits, business, or feelings of the Western people, who, though quite as solvent in the end as the citizens of other States, are not accustomed to pay always at the very day, as do mer-

chants who deal with banks, where protest and disgrace follow either temporary suspension or inability to pay at the day. Therefore, as there was no petition presented from any quarter asking the passage of a compulsory bankrupt law, I feel sustained in the position I assumed, that such a law is uncalled for. I do not pretend that it would be unconstitutional, but I do insist that it is inexpedient, gratuitous, and impolitic, to pass it, and that, by connecting it with a subject which is loudly called for by every consideration of public policy, private justice, and individual sufferings, we endanger the passage of a bill which I believe the most of us feel disposed to sustain.

Mr. President, I must now ask the indulgence of the Senate, while I proceed to examine the main objection to be proposed substitute; I refer to the provision extending the compulsory bankrupt principle so as to include State corporations for banking and other purposes. I candidly declare to you, in the outset, that I view that provision as asserting the most alarming and tremendous Federal powers which have ever been attempted to be exercised since the adoption of the Constitution; powers which, if legitimate, at once dissipate all our fondly cherished notions of State sovereignty and the the sacredness of State institutions; powers which I shall attempt to show, if carried to their *ultimatum*, swallow up and engulf within their tremendous vortex every vestige of State rights, and change the entire nature of the Government. I confess, sir, I did not believe that any person who had ever examined the structure of this Federal Government could be brought to sustain the tremendous powers claimed in this instance. What are these powers? Nothing short of bringing the State banks, through the medium of a compulsory bankrupt law, within the control and jurisdiction of the Federal Government. The powers of creating corporations is one of the highest attributes of sovereignty; there are many here who honestly deny to Congress that power, and yet, strange to tell, the power is assumed of controlling the action of and striking down the corporations erected by the States within their undoubted constitutional powers. It is now too late to deny the power to the States of incorporating banks. It will not be assumed by any that Congress possesses the power of incorporating State banks at least, whatever may be the opinion in relation to the power to incorporate a United States Bank. The State banks, then, being the creatures of the States, and possessing a portion of their sovereignty, must, in the very nature of things, be subject alone to the control of the Governments that created them. The powers of the State and Federal Governments, I admit, are, in some instances, concurrent; in those cases they may be carried out; but I know of no conflicting powers. Such powers cannot exist; the one must control the other; the weaker would have to surrender to the more powerful; the particular State, being the weaker, would be compelled to surrender to the Federal, the stronger power. A power in the States to erect corporations, and a power in the Federal Government to pull them down, cannot exist at the same time. Such is not this Government, or the relations of the powers conferred by the Federal and State Constitutions.

Sir, I was present during the discussion in this body of the bill prohibiting the United States Bank of Pennsylvania from reissuing the notes of the late Bank of the United States. I well recollect the ground upon which the power of this Goverrment over that subject was placed. I took no part in that discussion, as I always speak here with reluctance, unless I am called upon by my position and relation to the subject. But, sir, the argument is fresh is my mind; the advocates of that law placed the subject on the ground that the United States Bank of Pennsylvania having received the consideration, and entered into a contract with the Secretary of the Treasury to take up and cancel the outstanding notes of the late Bank of the United States, had assumed the character of a trustee to the Government, and, as such trustee, Congress had the power to enforce the execution of the trust by penal enactments. The exercise of Federal powers to that extent was much questioned and denied by many. But there was no Senator who set up the pretence, now *arguendo*, that the federal power could at all control or touch that State institution in her character of a State bank; it was only by giving her the character of a trustee, and assuming the power over her in that character, that the power to control her action, so far as to prohibit her from the reissue, was claimed and exercised. I ask Senators who took part in that discussion to reconcile the provisions of the substitute before the Senate, including within the provisions of a compulsory bankrupt law, the State banks with their views at that time of the constitutional powers of the Federal Government. But, sir, how are Senators, who deny the power of the Federal Government to incorporate a National Bank, to sustain the power to pull down and destroy those erected by the States with ample powers to create them? I confess there is such a conflict in opinion here that I am unwilling to believe that a single Senator, giving that construction to the Federal Constitution, can be found maintaining the powers claimed in this substitute.

Sir, the chairman of the committee seemed to be apprized of these constitutional objections to the substitute, and, by way of providing for a retreat from the position, he included in the bill a proviso that the provisions of the bill should not apply to any corporation without the assent of the particular State; or, in other words, that the State in which any bank might be situated should have the power to provide that the acts which the substitute declares to be acts of bankruptcy should not be so considered, leaving each State to say whether the provisions of the bill should or should not include her banks. Here is an attempt to get rid of a constitutional objection by indirection. The powers conferred on the Federal Government are constitutional and not conventional. They are derived from the Constitution itself, and not from conventions with the States. The specified powers in the Constitution can neither be circumscribed nor enlarged by any convention with the States. Such a doctrine would be to authorize an amendment of the Constitution in a manner different from that pointed out in the instrument itself, and, instead of requiring two-thirds of the States to consent to the amendment, the consent of one State would be sufficient so far as related to that State, while you would have a different Constitution for each State, and not a Consitution for the United States.

But, sir, if such a convention could constitutionally be entered into, it would make the bill unconstitutional on the ground of a want of uniformity, as the law would operate unequally, and not uniformly. Some of the States would exempt all their banks, some would exempt part, and others would exempt none, from the operations of this law. And you would have a law operating differently in the several States, which would be clearly violatory of the constitutional provision authorizing Congress to pass uniform laws on the subject of bankruptcy, the meaning of which I have already stated is, that the laws passed on the subject shall be uniform in every State over the subjects they embrace. Sir, the Federal Government either has or has not the power over the subject. If she has not the power, as I contend, no partial or total reservation to a particular State can give it. If she has the constitutional power over these State institutions, it cannot be defeated or paralyzed by the dissent of the particular State. It is ample, if it exists. If it does not exist, it cannot be conferred except by and through the means pointed out in the Constitution—an amendment conferring the power.

Sir, it has been said that the substitute exercises the power over these institutions, on the principle that they are traders. Surely it will not be contended that they can be considered actual traders. Technically speaking, they cannot be considered buyers and sellers, dealers in merchandise. Is that character to be derived from the fact that they loan money, discount bills and notes, and deal in exchanges? The character of traders was never given to individuals or companies thus engaged. If you can make a trader out of a State bank upon these facts, you may also extend the term to the States, and even to the United States. They also issue their notes, purchase specie, produce, and other articles, and are dealers to as great extent as the State corporations. It will not be contended, then, that the banks are actual traders. But it may be said that they are constructive traders, or, in other words, that Congress has the power to declare who shall be considered traders for the purposes of the bill. I do not controvert that position in relation to persons within the constitutional powers of Congress; but it would be a monstrous stretch of power to assume jurisdiction over the States or their institutions, by giving to them a quality or character which you give persons over which the Constitution gives you jurisdiction. If such a doctrine could be maintained for a moment, your power would be without limitation, for it would be only necessary for you to declare the character and exercise the jurisdiction to any extent within your discretion. It is said that it is the first step that costs. So in relation to these exercises of Federal powers. If the Federal Government can take jurisdiction over the State banks by declaring them traders, and making one act an act of bankruptcy, she may, by the same exercise of power, declare any other act one of bankruptcy, until she may paralyze and destroy the institution entirely. If she can step over the threshold of the rights of the States, she can march up to the citadel. The power necessary to enable her to make the first step carries her triumphantly over every obstacle that may be thrown in her way by the States, until the last appearance of State institutions shall lie prostrate, and every vestige of State rights shall be swallowed up in the ingulfing vortex of Federal powers.

I will now, Mr. President, ask the attention of the Senate to the expediency of the proposed measure, even admitting that the Constitution presented no obstacle to the passage of such a law. And here let me say, that I view this as another attempt to destroy the remaining paper currency of the country, to drive or force the people to an exclusive metallic currency, to cut down the last of the issues. The power of the Government to create a National Bank was denied, and that institution was not renewed. The States incorporated banks; the power to do so was not questioned. But you now desire to destroy them also. You now propose to declare certain acts that may be done or omitted by those State institutions acts of bankruptcy. And what then? You propose to authorize any creditor to whom the bank may owe five hundred dollars, to seize, under the bankrupt law, upon the effects and franchises of the bank to place the whole under the custody of the Federal power, to arrest the further action of the institution, and to wind up the concern. Sir, what would be the effect of the exercise of this power? Let Senators think of it; let them figure to themselves a bank with an issue of half a million of dollars, suddenly arrested in its business by the operatton of the compulsory bankrupt law; it means, its debts, and its charter, all taken possession of by the trustees appointed by the Federal power. No matter who may be the stockholders, no matter what may be the interest of the State in the institution, the whole is at once paralyzed and stricken down at the instance of a single creditor; and who is to benefited by the operation? Not the creditors. for they will be compelled to await the tardy operation of the law to receive the dividends that the trustees may suffer to pass through their hands; for it is only speaking experience in anticipation to say that much of the amount will stick in the hands of the trustees, and never find its way to the pockets of the creditors; nor the public, for the people are interested in maintaining the value at least of the issues in circulation. Let me suppose that the issues of a bank, as I have said, are half a million, and the process of bankruptcy is applied to them; what would be the effect on the notes in circulation? Does not every Senator see at once that it would depreciate them more than one-half to the holder, and by the single operation in a single bank the people would lose a quarter of a million of dollars? And so in relation to the issues in all cases where the bank shall be thus acted upon. And upon whom, let me ask, would this loss fall? Not on the banks, but, on the contrary, it would put it in the power of the directors to buy up the notes at a discount, and make money by the operation. Not on those persons who have received bank accommodations, for they are the last persons who keep the notes in their possession, but on the business men of the country, the farmer, the mechanic, and the laborer, in whose hands the note would be. What, let me ask, would be the effect of such measure on the operation of the banks themselves? On all the banks south of New York that have suspended payment the bill would apply at once in all its rigor; they would be required to resume forthwith, or be liable to the provisions of the substitute; they would, therefore, be compelled to stop their discounts, and to press at once upon their debtors, and to require them to pay up in specie, in order to escape from the terrors of the measure. And upon whom would this pressure fall? Most certainly on the debtor class; the very class we desire to relieve by a bankrupt law. The consequence, therefore, of enacting the substi stute is relation to banks would be to make subjects without number for the other section of the bill to operate upon; for there never was a greater political error than that into which gentlemen have fallen in their crusade against the banks, in presuming that the banks alone are interested in their own fate; that you can oppress and drive the banks to the wall without affecting business and distressing their debtors in the same ratio. I have no special partiality for banks. I would sustain them no further than as they are useful instruments in the hands of the people in furthering their interests. I am aware that it is usual to charge every bank with the impropriety of suspending specie payments, and the charge is made as if the bank alone was to blame, when the truth is, a suspension is almost universally made to relieve and save the debters of the institution. There is, in general, not a dollar of paper issued without the creation of an equal amount of debts to the bank; hence, were a bank to force its debtors to discharge their dues in specie every ninety days, it could never be necessary to suspend payments. Sir, I repeat, in all sincerity, that those who are tilting against the banks are running at the shadow—the debtors of the institution are the substance they hit. The other classes of banks that might be affected are those which are exempt at this time; but how easy would it be for the Government to collect the paper of any obnoxious bank, make a run upon it, compel it either to suspend or ruin its debtors, and then seize upon its effects by the bankrupt law proposed by the substitute. And the mere knowledge that the Government had the power would be well calculated to induce even those banks to curtail their discounts still further, in order to prepare for such a crisis. And here let me ask Senators whether they think it would be good policy to risk these consequences merely for the purpose of grasping at a power which all admit to be doubtful, and which many believe to be unconstitutional. The consequences will be too serious to the country, now overwhelmed with embarrassment and distress, to sport with such a subject; and we know the States have full power over it. Let us leave it there. While Congress did nothing more than scold at the States and their institutions, as in the case of the resolutions of the Senator from Tennessee, [Mr. GRUNDY,] nothing very alarming was to be apprehended. Though I could not see the propriety of that movement, still it was rather harmless, as it did not act affirmatively. Its legal and moral force was not of a character to suspend the action of either the States or their institutions, and consequently the States looked on with indifference. But you are now about to take a step which will be seen and felt, and which will produce consequenses which we shall all deplore.

Mr. President, the petitions on our table ask for relief to the unfortunate. Shall we, in granting that relief, create greater misfortunes by compelling the banks to drive to destruction and sacrifice the property of the thousands and tens of thousands who could not at this time discharge their debts without utter ruin? I support this measure, sir, on no such grounds. I support it as a relief measure, called for by the condition of a large and respectable class of my fellow-citizens, as a measure demanded by all the considerations of justice and humanity. We have seen that Congress alone has the power to grant relief; we have the only remedy that can heal the patient; we hold the only key that can unlock the prison door and restore the unfortunate inmate to liberty and society. Shall we then turn a deaf ear to the voice of humanity. I honestly confess to you, sir, that I hold it to be one of the most fortunate circumstances of my life that I am afforded the opportunity of bearing an humble part in producing the general jubilee which will follow the passage of this bill; and let me, in conclusion, implore Senators not to embarrass the great object of the bill, the relief of unfortunate human beings, by connecting with it other matters of a questionable character. Let us rise above the atmosphere of party, and join heart and hand in knocking the chains from the unfortunate victims of arbitrary laws, and we shall receive the approval of our own consciences, while the prayers of thousands will ascend up to Heaven for our prosperity and happiness.

REMARKS OF MR. CLAYTON,

Debate in the Senate, Tuesday, May 12, 1840—*On the substitute proposed by* Mr. WALL *for the bill to establish a uniform system of Bankruptcy.*

Mr. CLAYTON said he would confine his observations strictly to the matter immediately under discussion. He would not depart from it. The wide field which might be opened on the general discussion of a bankrupt law he would leave to others who had better health and more strength to go through with it. He would merely make a few remarks on that part of the bill which the gentleman from New Jersey (Mr. WALL) proposed as a substitute for the bill reported by the Committee on the Judiciary, which embraced in it corporations.

The substitute provides for the case of voluntary bankruptcy, as the bill before the Senate does. It provides, also, for the case of involuntary or compulsory bankruptcy of natural persons, and it embraces the bankruptcy of corporations. To the first he gave his most hearty assent, and to the second he would also cheerfully give his support if it were brought forward disconnected with the others. To the third he had insuperable objections, which he would proceed to lay before the Senate.

Before he proceeded, however, he must state his deep regret that all these subjects were united in one bill. They were not necessarily connected with or dependent on each other. Congress had a right to establish uniform laws on the subject of bankruptcies throughout the United States. Separating the three subjects into three bills he thought by far the most fit method of proceeding. Then each would

stand on its own merits, not to be supported or pulled down by the others. For voluntary bankruptcy the country was clamorous. The disastrous times upon which we had fallen had made it more immediately necessary than the others; and as it was less objectionable to many, he hoped it might be permitted to share its fate by itself.

To that part of the bill embracing the bankruptcy of corporations he would now proceed to state his objections. He did not believe that corporations were in the contemplation of the framers of the Constitution when they gave to Congress power to establish uniform laws on the subject of bankruptcies. They had never been, and have never been, embraced in any bankrupt law. The law deems the bankrupt criminal; it treats him as such. For any fraudulent concealment of his effects he was formerly punished capitally by death. Such was the law at the adoption of the Constitution. A corporation cannot be punished criminally. You cannot arrest or imprison it. It is an artificial, ideal, intangible person existing only in fiction of law. It has no soul to be saved, nor body to be punished. You cannot examine it; it has no conscience to be effected; its seal is its oath; and it is not therefore a fit object of a bankrupt law.

A decree has gone forth that the banks are to be destroyed, and this bill is to execute that decree. A more alarming and tremendous power was never grasped at by Congress; and a means more effectual to accomplish the purposes could not be devised. This may be desired; but, for proof, he referred to the President's message, written by the same man who, in 1827, denied in his place here the constitutionality of such a law; to the thundering denunciations which have been heard from various quarters of the Senate at the present session; to the papers acting in concert with the Administration; to a tirade pronounced the other day by the gentleman from North Carolina (Mr. BROWN) against the banks, in which he accused them with associating with the Opposition to pull down the Administration, and in which he denounced the Opposition press as a "bank-bought" press; and to the bill itself. The fanaticism of party was very like fanaticism in religion; always ready to go to extremes to accomplish its objects; reckless of consequences, and of the hopeless ruin it may bring upon others. Each had its own mode of salvation; and if it could not convert, it would destroy the unbeliever. He did not believe that gentlemen had reflected upon the extent of the evil which they were about to inflict upon the country. He hoped they would pause and still reflect. They were treading on unsafe and dangerous ground; and thousands upon thousands of ruined men will rise up and charge them with their ruin.

If Congress subjects corporations to bankruptcy, it interferes with the rights of the States. The States have the power to create corporations—no one denies this; and may control and fashion them as they please, without the intermeddling of Congress. But assume the power which is now contended for, and corporations will no longer be under the control of the States. Congress will have gained a power of the most alarming character; it will have gained a strong and sure foundation upon which to rest the fulcrum, and it will be easy afterwards to extend the lever to any length which may be necessary to enable it to uproot every corporation in the country; but if it may not be desirable to go that far, it will give to Congress that entire regulation and management of all corporations. Usurpation in pursuit of power is usually cautious and circumspect. Its approaches are not made boldly, with a frank avowal of its designs. It conceals its purposes, and step by step, and little by little, it effects its purpose; when, if the magnitude of its ultimate object were foreseen, it would be frustrated by the alarm and resistance which it would necessarily excite. Congress, by the amendment proposed, assumes the power of declaring corporations bankrupt; or, in other words, (for, after all, no other corporations are at this time cared for,) to declare bankrupt all the banks in the country. The amendment declares that "all corporations, or associations for manufacturing, commercial, insurance, or trading purposes, owing debts to the amount of and all persons, corporations, or associations of persons, who shall issue, pay out, or emit bills, drafts, or obligations with the design that they shall circulate instead of, or as a substitute for money, shall be deemed traders and liable to become bankrupts within the true intent and meaning of this act, and may, upon petition of one or more of their creditors, to whom they owe debts amounting, in the whole, to not less than five hundred dollars, to the appropriate court, be so declared accordingly in the following cases, to wit: whenever such corporations or associations for manufacturing, insurance, or trading purposes have *already* failed in business, suspended, or stopped payment, for the period of one month, or declared or acknowledged themselves to be insolvent, or shall hereafter fail in business, suspend or stop payment for the space of fifteen days, or declare or acknowledge themselves to be insolvent, or unable to pay their debts or engagements." Concede this power to Congress, and no "destructive" could devise one more ample over every banking institution in the country. All will concede that, if you have the power to declare any one act done by an incorporated bank to be an act of bankruptcy, you may declare any other act committed by it to be an act of bankruptcy, for which it will be liable to be proceeded against in bankruptcy. And although in the infancy of your power, and for the purpose of securing it without much alarm, you may, for the present, be content with declaring as causes of bankruptcy the failure in business, or the stopping of payment by a bank, what shall prevent you in future, if you deem it expedient, to go just as far as you please? If on gress should imagine that the safety of the note-holders should require that the amount of issues should be limited, for instance, by the amount of specie on hand, what shall hinder them from declaring any excess of issues beyond the specie in the vaults, at any time, to be an act of bankruptcy? for it may be said that, in such a case, there is clear proof that the bank is unable to meet its engagements; because, if all its notes were presented for payment at once, it could not discharge them. Plausible reasons enough may be assigned. A hue and cry may be raised of overissues, overtrading, and a design to defraud the Public; and, under the pretext of sheltering the Public from fraud, Congress may, in this respect, limit and control all the banks in the country. Or, suppose that Congress, in its wisdom, should think that no bank ought to make a dividend beyond five, or even six per cent., beause, if a bank should make a greater dividend, it might be said to be evidence of a design to divide its capital among its stockholders in fraud of the Public, and this may also be declared to be an act of bankruptcy. Having once gained this power over banks, there is no limit to it but the will of Congress; and these institutions, which have heretofore been exclusively the creatures of State legislation, as they rightfully have been, will become the mere creatures of Congress, subject to its discretion, to be moulded and shaped and fashioned at its will. Mr. C. said he had never been the noisy champion of State rights, yet he hoped he was as willing to protect those rights as any one; but if there be any politician here of that school who is willing to vote for this amendment, he has a stronger stomach and greater powers of digestion than he supposed any one to have. But are these political dogmas really entertained or not? Heaven knew that he had sometimes doubted, and thought they were used only as tubs thrown out to amuse the great Southern whale. Witness a late vote in another place on the New Jersey election.

There is no necessity, as in the case of natural persons, that Congress should interfere in this matter. The States have ample and complete power. If Congress possessed the power, it would be ungracious and unnecessary to exercise it: for it is not needed, as in the case of individuals. Over insolvency the States, within their own limits, have complete control. They can free the person from arrest, but they cannot discharge him from his debts. Congress only can do this. It has been denied to the States by the Constitution; and hence the necessity of a bankrupt law by Congress. Now, how can a bankrupt law, in this respect, apply to corporations? The two great objects of a bankrupt law are, 1st. To secure the property of the bankrupt for the benefit of his creditors; and, 2d. To discharge the debtor from his debts when he has made a full and fair surrender of all his effects in payment of his debts, as far as they will go, leaving him free from arrest, and in the undisturbed enjoyment of all his future acquisitions, and the full benefit of his own industry and labor. In regard to the first, the States have as ample power as Congress. They can compel the surrender of property by all the means, and by every process, and by every species of punishment that Congress can employ. Such are already the insolvent laws of the States. But, in regard to the second, when it is applied to a natural person, we can understand its benefits very well. His person becomes free, he is discharged from his debts, and his future gains are his own. No one can disturb him in either; but, when applied to a corporation, it is senseless. It has no body to be arrested; it can have no future gains to be secured from seizure by inexorable creditors, and it need not, and ought not, to be discharged from its debts. When bankrupt, its life is extinct, and it can have neither future gains nor existence. Its capital, its life-blood, is gone, and it ceases to be. It is not, then, the proper subject of bankruptcy. The Constitution did not design to confer a concurrent power upon Congress which could be equally exercised, and to the same beneficial extent, by the States. It only intended that Congress should act when the States could not.

It needs not, then, the aid of Congress effectually to accomplish every thing that may be desirable on this subject. In the case of individuals, to effect all that a bankrupt law can effect, it is necessary that Congress should act, because the Constitution of the United States has confided the power to Congress, and denied it to the States. But over the bankruptcy, or rather the insolvency, of corporations, the States have ample power, and ought to have undisputed control. After the States, by their own process, and by such regulations as they may choose to make, have drained the last dollar from the banks in payment of their debts; when these creatures of their own formation have ceased to be, what need is there of any act of Congress to set them upon their legs again, to secure to them the future fruits of their industry, and free them from arrest? The notion is idle; it is worse; it is an attempt to meddle with what belongs to the States only. They have the right to make them, and they ought to have the right to manage them according to their own good will and pleasure.

It will be seen from the clause of the bill just read that every bank which has already suspended or stopped payment for the space of one month is liable to be proceeded against in bankruptcy; and every one knows that when an act of bankruptcy is once committed, it is the unpardonable sin, which cannot be redeemed or remitted. No act, no redress, no penitence, can save or purge it of the foul stain. Every bank, from New York to Florida, is at the mercy of him who may choose to proceed against it. All have suspended or stopped payment. Have gentlemen looked to the catastrophe which must necessarily result from this state of things? Have they looked to the wide-spread ruin and disaster which must follow? Proceedings are instituted; decrees are obtained; assignees are appointed; they take possession of the assets, and proceed, according to the direction of the bill, as speedily as practicable, to collect the debts. Has any one figured to himself the vast amount of debts thus to be collected? Let him make the estimate; let him estimate the misery, distress, and sorrow, the utter overthrow of the hopes of thousands, the prostration of all business and industry, spreading poverty far and wide, and then balance all this against—what? An equivalent, if equivalent there can be? No. To gain a new, and, at best, a doubtful political power, which cannot be used for any good purpose, but may be used for the worst of purposes. The gentleman has, however, very kindly provided in his proposed amendment, that when the bank is authorized by its charter, or by any *express law* of the State, to do or commit the act therein declared to be an act of bankruptcy, or when, by any *such* law, it is or may be exempted from the provisions of the amendment, then the law which we are about to pass shall not apply to such bank. This is very considerate, indeed; for he who drew the charter, or any of those express laws heretofore enacted, must have been a far-seeing man who

could have foreseen this amendment of the gentleman from New Jersey, and provided beforehand against it. How many banks do you suppose there are whose charters authorize them to "commit the act" forbidden by the amendment, or who are *expressly* authorized by law to do it? He deemed there were very few. In the State which he represents, not one. It is true the banks are liable to pay a heavy interest if the notes are not paid on demand at the counter; but, to the credit of the people, no one has sought to enforce the payment of the penalty, because they know very well that the banks would resume payment to-morrow if there neighbors were to do it; and, without this, that it would be folly in them to attempt it. He apprehended there were few charters which authorized at all the suspension of specie payment; still fewer which authorized the suspension for the length of time which many banks have suspended; and he doubted if, in any case, the law of the State expressly authorized any bank "to do or commit" the forbidden act of bankruptcy. What are the terms of the amendment? Why, that any corporation which shall have already failed in business, suspended, or stopped payment for the period of one month, or declared or acknowledged itself to be insolvent, or unable to pay its debts or other engagements, is declared to have committed an act of bankruptcy. Is it probable that any Legislature would by express law authorize the doing or committing of many of these several acts of bankruptcy? And yet they are enumerated as distinct acts of bankruptcy, which the gentleman from New Jersey supposes may have been expressly authorized by law.

Mr. C. said he had pretty attentively observed the proceedings of the Pennsylvania Legislature at its last session in relation to the banks in that State. He had remarked that various propositions were made, the object of which was to *compel* the banks to resume specie payment; but he thought none was made expressly to authorize a suspension of payment; and the act which was finally passed, if his memory was correct, was in its nature compulsory upon the banks to resume the payment of their notes by the 15th of January, 1841, or that their charters should be forfeited. If there was any authority here given to suspend until that time, it was not expressly given, but only by implication and inference; and all the banks in that State will be liable, the moment this law passes, to be declared bankrupt.

Under what pretext is it urged that corporations shall be included in the system of bankruptcy which we are about to establish? Is it feared that the banks are likely to fail, so that their creditors, or those holding their notes, or having money in deposite, will ultimately not receive the last dollar in payment? Those who trust the banks know better, and they do not ask your assistance. No one, in regard to the banks on the seaboard, fears any thing. Their notes at present answer all the purposes of money. No one refuses them; all are glad to get them. Why take them from circulation? For, as sure as this bill passes, they will circulate no longer. Trade and industry will be at a stand. If proceedings are not immediately taken against the banks under this act, they will immediately commence the most rigorous collection of their debts in self-defence. No option will be left them; they will be obliged to resort to the most harsh and unrelenting means to save themselves. All the money in circulation will be absorbed, and flow into the banks; none will be left with the people. But suppose proceedings are taken against the banks, decrees are obtained declaring them bankrupt, and assignees appointed to seize upon, and administer their effects, and what will then be the consequence? The same system of rigorous collection, only to a greater extent; and to this will be added a great depreciation in the paper. The moment the decree in bankruptcy is passed, all confidence will be lost, and justly too, for he who holds a note must wait the slow and tedious progress of the commission. Every holder of a note must appear before the commissioner, or, as he is called in the amendment, master in chancery, and prove his debt, and then await the slow progress of affairs to receive his dividends. In this state of things, what would be the value of the notes to their present holders? What would not their depreciation be? A more frightful condition of things could not be imagined; all business would be at a stand. Notes would no longer circulate as money. They would be commodities to be bought and sold in the market, as any other merchandise, greatly below their nominal or even real value. They would all fall into the hands of moneyed men, who would speculate upon them at the lowest price. And the very evil which gentlemen are so anxious to guard against (the depreciation of paper money) would be increased tenfold; not a very uncommon consequence of unguarded legislation. Let not gentlemen deceive themselves by the supposition that the notes will be kept up to something like their value by being sought after by the debtors of the banks to pay their debts with. Recollect that this is not the case of a bank settling up its own affairs, in which the debtor may set off any of its notes which he may have, no matter at what time he may have received them. But here all the property of the bankrupt passes to the assignee by the decree in bankruptcy. The debts due to the bankrupt from that moment become his, to be collected, and distributed equally among all the creditors. Notes purchased afterwards cannot be set off; and hence purchases for that purpose can give them no increased value.

To this catalogue of evils may be added the great depreciation in the value of the property of many innocent stockholders, not bank barons, but persons almost wholly dependant upon these stocks for their subsistence, widows and orphans, and persons in humble life, whose all is invested in these institutions. That all will be greatly diminished, and during the progress of the commission in bankruptcy, their only means of subsistence will be withdrawn from them entirely.

It may be doubted whether any one seriously believes that the banks south of New York have been influenced by considerations of their own interest in stopping payment. There is no doubt that if they had disregarded the interest of their debtors, and of the people generally, they might at any time, within sixty days after they first stopped, have resumed payment. But what infinite distress would not the means necessary to be resorted to, to effect this purpose, have produced? Indeed, they needed not to have stopped at all if they had disregarded the interest of the public. They chose to sustain the odium so liberally and so unkindly cast upon them, rather than crush the communities around them. They have received little thanks, while the public have reaped all the benefits. Contrast the prosperity and business of Philadelphia with New York. While New York has the barren honor of paying specie, Philadelphia is doing all the business.

It is impossible to estimate, if the banks are embraced in the law, the vast amount of property and business that will be thrown into the courts of the United States. Some of the banks have a capital of many millions. All these vast sums are to go into the hands of assignees. Is there not some danger that many of them may play the tricks of nimble-footed sub-treasurers, run off with the assets, and leave the creditors in a worse situation than if the banks were let alone? What is to prevent it? The temptation will be very great, and they will have examples enough before them.

The gentleman from New Jersey had objected to the bill reported by the majority of the Committee on the Judiciary, because, in his opinion, it did not establish a uniform system of bankruptcy. He has not told us what he understands by the phrase uniform system. Mr. C. thought the meaning was very obvious, and it could have but one meaning. The purpose for which the power to establish uniform laws on the subject of bankruptcies throughout the United States was confided to Congress by the Constitution was very apparent. It was highly important that this power should be vested in the National Legislature, so that the certificate of the bankrupt should avail him in all parts of the Union. The States cannot legislate extra-territorially. The certificate therefore would only protect him in the State where it was granted; and the moment he left it, his person and his property would be liable to be seized by his creditors. There is no obligation of positive law which would compel the courts of one State to respect the certificate granted in another. The courtesy of nations might induce the courts of some of the States to respect the certificate, and give efficacy to it, while others would not do so, as is the case at present with the insolvent laws of the several States. Pennsylvania and Delaware mutually respect the certificates granted by each other, while New York refuses. No uniform system could therefore be expected from the legislation of the several States, in which all would be mutually and equally benefited. It therefore became necessary that this power should be vested in Congress; and, from that fact alone, it would result that the system should be uniform throughout the United States; and that what might be law in one State would necessarily be law throughout the whole country. No matter upon what class of persons it might operate, it would operate upon that class every where. In regard to natural persons, he had no idea that the power of Congress was circumscribed in the slighest degree by the Constitution; he knew that a notion prevailed with some gentlemen that Congress, in declaring who should be bankrupts, was limited to those classes of persons designated by the British statutes existing at the time of the adoption of the Constitution. Such was not his opinion. Such a construction was needless, and without reason—at least without good reason. The statutes 34 Hen. 8th, and 13th Elizabeth, particularly the latter statute, laid the foundation of all the law which prevailed in England from that time to what is called the consolidated statute of 6 Geo. 4th. In the mean time, various alterations were made by intermediate statutes; and, he believed, still further by the liberal construction given to them by the courts. And it seems strange that we should be confined in our interpretation of the term "bankruptcies," as used in the Constitution, to the precise meaning which may have been given to it by a British statute of the reign of Elizabeth, or of any subsequent reign; that we were not to accommodate our law, and suit it to the progress of society and the arts, and the multiplication of the pursuits and exigencies of men; and that, while all else was advancing around us, in this respect alone we should remain stationary. Such could not be the true interpretation of the Constitution. Any law which embraces any number of classes or persons, whether that number be few or many, if it operates alike throughout the whole country, is a uniform law on the subject of bankruptcies. How far, how very far, is the system proposed by the gentleman from New Jersey from being a uniform system. It is the very reverse. It gives to the *several* States the power to alter, to amend, or even to repeal it, so far as it may affect any particular State; so that the law will operate in as many varieties of ways as the State have different interests. In no two States will it operate alike, unless the Legislatures of all the States shall be immediately convened after it passes, and it be repealed by them all; an event by no means improbable. Instead of this being a uniform system, it should be called a system of varieties. His bill, therefore, was liable to his own charge of want of uniformity, to as great an extent as possible: while the bill reported by the committee was liable to no such charge. Its provisions extended to every part of the Union alike. It operated every where in the same way, and upon the same persons and classes of persons. In truth, it provided for every man and woman who was so unfortunate as to need its relief. He did not entirely understand the gentleman, although he had said a good deal on the subject, when he spoke of contracts being the peculiar subjects of a bankrupt law, or the necessity that both the parties, debtor and creditor, should be at liberty to become the actors in the proceedings in bankruptcy. Congress has the power to establish uniform laws on the subject of bankruptcies throughout the United States, and whatever classes of persons they may deem it fit to designate as proper subjects of bankruptcy, they may so enact; carefully providing that the law shall operate every where alike—the same in Maine as in Georgia, without regarding who may be the agent, whether debtor or creditor, in procuring the decree in bankruptcy; such a law would be uniform in its operations. But the substitute proposed is, clearly, for want of this necessary uniformity, unconstitutional.

SPEECH OF MR. HAND,

OF NEW YORK,

In the House of Representatives, June 27, 1840—In Committee of the Whole on the Independent Treasury bill:

Mr. CHAIRMAN: I hope the importance of the subject before us, warrants me in detaining the committee a short time, in giving the reasons for my vote. I am fully aware of the impatience of many to occupy the floor for the same purpose, and shall therefore enter at once upon the subject, without prefatory circumlocution, or attempt at display. I do so, too, from necessity; for although I have felt the glow, kindled by the power of some gentlemen who have addressed this committee, I, pretend to no such powers; and were it otherwise, I have felt how deep may be the impression of eloquence upon the feelings, without convincing the judgment, which alone should be the object of speaking here.

The simple question before us is, what is the best mode for the *receipt*, *custody*, and *disbursement* of the public money. This is said to open the whole questions of political economy, and of the currency. That it may affect the latter, I do not deny; but that questions of currency are legitimately within our jurisdiction, I doubt, for reasons which I shall give in closing my remarks. But so the subject has been handled before this committee, and therefore I feel compelled to advert to it.

The opponents of this great measure, however, start a preliminary objection. They put in what would be professionally called, a "dilatory plea." They insist that the subject should be pretermitted for the present, that the people, at the approaching election, may approve or reject it. Sir, the people have passed upon this measure, and we are here, as their agents, to carry out their expressed will. But the gentleman from Massachusetts, [Mr. CUSHING,] says, the people were "decoyed." This sir, is the old cry, and underrates the sense of that people. The gentleman is mistaken. A majority of the people, after their pre-elected servants had twice rejected this measure, deliberately and understandingly approved it.

Here, perhaps, it is proper for a moment, to advert to the resolutions, or quasi instructions of the Legislature of my own State, on this subject, which I now hold in my hand. My colleague, [Mr. STRONG,] has left me little to say here. While I desire to treat that Legislature with all due respect, and while I subscribe to the right of the constituent to instruct the Representative, I must dissent from the reasoning, as well as the conclusions, found in these resolutions. Their premises, with other objections, will be matter of argument before I resume my seat. But the conclusions put forth by that body, that I shall "conform my acts and votes to the *expressed will* and best interests of my constituents, by steadily and faithfully opposing this measure," and that "any Representative in Congress, who shall persist in advocating this project, and urging its adoption, will misrepresent the views, wishes, and interests of his constituents," are not justified by the facts. Sir, two out of three members of that body, from my district, were elected as friends of this measure; and this measure, too, at the time of my own election, was made a prominent, and a test question. I should be recreant to every representative duty were I to disobey *such* instructions.

One word more, and then I have done with this unpleasant matter. A majority of that body are pleased to say, that in persisting to advocate this project, and urging its adoption, my "conduct will merit and receive their unqualified disapprobation." Sir, I am sent here to advocate this measure, by those who gave me this seat. To my constituents alone, and not to others, am I amenable. By what authority, then, does that body declare, that in doing my plainest duty, I shall "merit" the disapprobation of those who have no supervision over my conduct? Do they not arrogate too much? How different this language from that of our Legislature in 1832, in advancing a somewhat antagonistic sentiment: "That it is the sentiment of this Legislature, that the charter of the Bank of the United States ought not to be renewed, and that our Senators in Congress be instructed, and our Representative respectfully requested, to vote against said renewal." Plain, simple, respectful, and direct. Sir, I freely admit that many of my intelligent constituents are opposed to this measure. They evinced that opposition at the polls when I was elected; but they would be the first to condemn a breach of faith in their Representative. But I hasten to the business before us.

The history of our currency, Mr. Chairman, is brief but eventful. The old Congress, December 31st, 1781, chartered the Bank of North America, which commenced operations 7th January, 1782. On the 25th of February, 1791, Congress chartered the Bank of the United States, with a capital of ten millions. This charter expired 4th of March 1811. On the 10th of April 1816, another United States Bank was chartered, for the term of twenty years, with a capital of thirty-five millions. The Legislatures of the States have also chartered many banks. In 1792, the aggregate capital of all the banks was about eighteen millions; in 1800, over thirty millions; in 1820, over one hundred and thirty millions; in 1840, over three hundred and fifty millions; and their number had increased to over nine hundred. In my own State this increase has also been progressive; in 1800, we had a capital of about three and a half millions; in 1810, seven and a half millions; 1820, twenty-one millions; 1830, twenty-four millions; 1840, over fifty-six millions.

Here I would remark, that, under the safety fund law, passed in 1829, which my colleague [Mr. HUNT] thinks evidence of Mr. Van Buren's hostility to the banks and business of the country, but one bank has failed, and by that the bill holders lose nothing; whereas, from 1819 to 1830, inclusive, nine banks, not under that system, failed in that State, with an aggregate capital of $2,650,000, and with almost total loss to the bill holders. I will add, too, that my colleague, in commenting on the distribution of bank stocks in that State, omitted to inform us, that while the Democratic party there held every branch of the Government, a law was passed requiring all stocks of newly chartered banks to be sold at auction. He omitted to state, too, when charging us as being the real bank party, that after the Democratic party had been defeated in that State, and an overwhelming majority of his own political friends returned to the popular branch of our Legislature, a free banking law was passed, by which the number of banks has been almost doubled, and some of them chartered thereby for the period of four thousand and fifty years; and that under that system some of the finest lands in the State have been mortgaged as capital for banking. He omitted to state, too, how his political friends voted on the questions of incorporating banks, when they were in a minority.

But I proceed. First, let us for a moment look at the changeable *circulation* of all our banks. From tables and reports, it appears that in 1815 their circulation was about forty-five millions. In 1816, sixty eight millions—twenty-three millions more. In 1820, it had settled back again to forty-five millions. In 1830, it amounted to sixty-one millions, and was up to ninety-five millions in 1834—an increase, in four years, of thirty-four millions. One year more added nine millions; another year added thirty-six millions; the next, nine millions more; making it then (1837) the enormous amount of one hundred and forty-nine millions. In 1838, down to one hundred and sixteen millions—a falling off of thirty-three millions. In 1839, up to one hundred and thirty-four millions; now down to one hundred and six millions—a falling off of twenty-eight millions, and probably still falling, for obvious reasons. That of the Bank of the United States has been equally variable. It took the lead in the decrease of circulation, and its successor, in 1837, decreased its circulation from twenty-three millions to seven millions—a difference of sixteen millions. In the State of New York, the circulation of the banks, other than those under the recent general banking law, was twenty-four millions in 1837, twelve millions in 1838, up to nineteen millions in 1839, down to ten millions in 1840 The circulation of those under the general law, about a year since, was considerable; but that is probably now diminishing. Mr. Crawford informs us that, in 1816, the entire currency of the country was over one hundred and ten millions; in 1819, as low as forty-five millions—falling off, in three years, the enormous amount of sixty-five millions!

Sir, let us look at the *loans and discounts* for a few past years. These were low in 1828, 1829, 1830. In 1830, they amounted to $200,000,000. In 1834, they had risen to $324,000,000—augmenting one hundred and twenty-four millions in four years. The next year there were added forty-one millions, and the next ninety-two millions more, and the next, (1837,) sixty-eight millions more; reaching the enormous sum of five hundred and twenty-five millions! Then they began to abate, and went down forty millions the first year, and have continued falling, probably below four hundred and fifty millions now, and would be much less if debtors could pay. In the State of New York the amount has been very changeable. In 1837, the loans and discounts of our chartered banks were seventy-nine millions. In 1838, eighteen millions less. In 1839, seven millions were added. In 1840, down to fifty-two millions; and this last reduction, amounting to sixteen millions, was made in three months. The loans and discounts of the Bank of the United States have been equally variable. In 1832, up to sixty-six millions. In 1834, down to forty-five millions—decrease, twenty-one millions. In 1835, up again to sixty-five millions—increase, in one year, twenty millions. A "regulator," indeed!

Such, sir, is a brief history of the paper currency of the United States. Can any thing be more mutable? But let us look a little at its effects. I will go back no further than 1819, when the United States Bank had been in full operation more than two years, and very briefly notice the effects since that period. Mr. Niles informed us, (vol. 16, page 114,) at that period, "that real estate was rapidly depreciating in its nominal value; that many respectable merchants were bankrupt, and many more must "go;" that the banks refused their accustomed accommodation, and good notes were discounted at three per cent per month." Again, in the same volume, August 7, 1819, he says that fifty thousand persons in New York, Philadelphia, and Baltimore, were wholly or partially idle, for want of employment. In October, of the same year, he mentions a case of property which cost $12,500 being sold by mortgage for $2,500. Of cases in Kentucky. One of a house, for which the owner had been offered $15 000, sold for $1,300. Another, bought for $10,000 $6,000 paid down, and sold on the mortgage for $1,500; leaving the original purchaser $2,500 in debt! In November of that year, he mentions the case of a tailor, in a country village in Pennsylvania, failing for $84,000! Of a tract of three hundred acres of land, with $1,500 of improvements upon it, being sold for $300! Again, in May, 1821, he told us that flour was one dollar per barrel; boards twenty cents per one hundred feet. That one and a half bushels of wheat would buy a pound of coffee, and a barrel of flour a pound of tea. And in September of the same year, he informs us that a miller in Ohio wrote him that he had sold four barrels of flour to obtain the five dollars which he sent to pay for the Register!

In 1824, distress again pervaded the land to an equal degree. Two gentlemen have given us a vivid description thereof—men now honorable Senators, [Messrs CLAY and WEBSTER]—and the picture they draw is painful indeed. They speak of grain, unthrashed, perishing in the barns and barn-yards, for want of a market; of men working merely for means of present subsistence; of a fall in prices, of thirty, if not forty per cent. The same description would apply to 1828, and partially to 1834. And now we are going through another thorough process of depletion.

Sir, this is a hasty, brief, synoptic view of the "times" in this country for some years past. I have endeavored to sketch it rapidly, not being willing to tax the patience of the committee with too much detail, but with perfect fidelity. For a moment let me turn to other countries, as gentlemen before me have done.

Mr. Chairman, I do not intend to go into a detailed history of the currency of other countries; a few facts will answer my purpose. And first of England, to which we have been so often triumphantly referred during this debate by the opponents of this measure. And this part of her history is full of material for reflection. What strike us at once, in looking at the fiscal concerns of England, are her bank and national debt. And it is a little curious to notice the contemporaneous march of these. In 1689, the national debt of England was only about three millions of dollars. Five years after, (1694,) the Bank of England was chartered with a capital of nearly six millions of dollars, or in other words it loaned one million two hundred thousand pounds to Government, upon which it issued bills, on the notion of a transferable fund, although but little over half the subscription was actually paid in by the stockholders. Against this measure, a strong party was violently opposed, alleging "that it would become a monopoly, engross the whole money of the kingdom, infallibly be subservient to Government views, might be employed to the worst purposes of arbitrary power, weaken commerce by withdrawing money from trade, and employing it in stockjobbing," and lastly, "produce a swarm of brokers and jobbers, to prey upon their fellow-creatures, encourage fraud and gaming, and further corrupt the morals of the nation." They might have added that it would greatly aid Government in rapidly augmenting the national debt, for the facility of borrowing from such a bank, which soon engrossed the whole fiscal operations of the nation, is strongly exemplified by the facts in this case. Government has borrowed largely of this Bank, and afterwards the debt was sanctioned by Parliament, which, no doubt, would not otherwise have been created. This Bank has been renewed several times; the last time in 1833; and I wish to place the growth of its capital in one view, with that of the national debt.

Capital of the Bank of England, and the National Debt at various periods:

Capital.		Debt.	
1694,	£1,200,000	1689,	£664,263
1708,	2,175,027	1702,	16,394 702
1727,	9,375,027	1727,	52,092,238
1800,	11,686,000	1793,	239 350 148
1833,	14,686,800	1834,	779,565,783

This Bank of England suspended specie payments in 1797, and remained so until 1821. Its circulation, when it suspended, was about forty-two millions of dollars. In 1817 that circulation amounted to one hundred and forty-five millions. During the next five years it reduced its circulation nearly fifty millions. In 1814 the whole paper circulation of England was, probably, about two hundred and fifty millions of dollars, which was then depreciated twenty-five per cent. making a loss to the public of sixty-two and a half millions; and yet the dividends of the Bank of England, at this period, were ten per cent. The currency of England has been very fluctuating for the last half century. I have already spoken of the circulation of the Bank of England. In 1793, one-third of the country banks became bankrupt. In the pressure of the years 1814, 1815, and 1816, two hundred and forty country banks became bankrupt. In 1825, the Bank of England was all but drained of specie, and was only saved from suspension by issuing some old one pound notes. Mr. McCulloch informs us that "in 1793, 1814, 1815, 1816, and again in 1825, a very large proportion of the country banks were destroyed, and produced by their fall an extent of ruin that has hardly been equalled in any other country." The Bank of England did not fail because, unlike the less favored institutions, it found relief in legalized suspension in the former periods, and in the latter its one pound notes enabled it to bend, till the storm passed. There have been great fluctuations since in that country, and recently this bank has borrowed specie of the Bank of France to prevent a failure; although by its recent charter its notes are made, by statute, a lawful tender every where, except at its own counter. In 1838 alone, there were one thousand bankrupt cases in England.

I ask the indulgence of the committee, while I speak further of England. In 1700, her poor rates were less than five millions of dollars. In 1782, not quite ten millions of dollars. In 1817, they reached the enormous sum of forty-five millions. They are less now, by means of a revision in 1834, by which the poor are less provided for, and more starved, upon principles of national economy—not, if you believe their own legislators, because of less misery and want. Indeed, a report that I have seen, computed that, in 1815, three millions out of eleven millions, in England, were paupers; and recent estimates are, that one in six subsist by more or less parish aid. Sir, I must ask a moment of the committee, while I refer to the debates in Parliament on this subject. Some things found there can hardly be repeated here with decency, as there detailed. But I will give one or two as examples. One member, speaking of the effects of the "water gruel" given to paupers, informs us that it "immediately affected them upward and downward;" and gives us many other, and more disgusting particulars of its effects. Another member, informs us, that *a laborer* was produced as witness before a committee of the House, whose "tottering condition," on account of "deficient food," would not allow him to stand while testifying, and that this man had a wife and several children! In addition to this, a separation of young married persons is often enforced. In short, whoever examines the system of English charities will find the sufferings of "Oliver Twist" but dim shadowings of the reality.

Nor is the agricultural interest more flourishing, either for the farmer or his hired laborer. Instances are brought forward in the debates, showing that too often the rents, rates, and taxes, exceed the income, after the most severe labor and rigid economy. So great has this distress often appeared, that it has engaged the attention of Parliament with the most intense anxiety. One noble lord, in 1834, said: "if something was not done, the fee simple of the land would soon be in the hands of the paupers." Nor is the hardy laborer in a better condition. One member, in 1838, declares that, as far back as 1795, it was proved that a *reduction of not less than fifty per cent.* had taken place *in the wages of agricultural laborers.* Another member says they are in the state of white slaves, and worse off than the negro apprentice of the West Indies; for the latter could look forward to a *termination* of his bondage. Another tells us that "the English working classes, far beyond those of any nation in the world, are the *hardest working* and *worst requited* people;" that "they are the *most neglected* community in existence." The laborer, it is said, does not get more than half as much solid food per week as the convict. The manufacturing classes present us the same painful picture. Those who read, are too familiar with their bayonet suppressed riots, when starved to madness—with the heart rending accounts of the exhausted and almost sleepless parents—of the blighted child, whose little darkened mind never knew childhood or pleasure; whose bent, and attenuated frame, never felt comfort or ease; whose recollections are only of starvation and weariness; and whose only hopes are to satisfy hunger, and escape the penalties of the "hour system." It has been estimated that eighty-six eighty-sevenths of the population of England (including paupers) are mere operatives, to support the remainder in ease and luxury, while themselves receive but a bare subsistence.

But further. England's debt is about $3,700,000,000. Suppose we divide this debt equally throughout the kingdom—it will amount to about one hundred and fifty-two dollars to each person, paupers and all, or one thousand five hundred and twenty dollars to a family of ten persons. The annual interest and expense of the national debt alone is nearly one hundred and thirty-eight millions of dollars, and, if assessed ratably per poll throughout the kingdom, would be fifty-six dollars to every family of ten persons, without paying one dollar of the principal. Again, the whole expenditures are nearly two hundred and sixty millions of dollars per annum—almost eleven dollars to each person in the kingdom. Take England alone, with her equal proportion of the annual expenditures, and her poor rates, and about fourteen millions for the clergy, and the total is about two hundred millions of dollars per annum, or about fifteen dollars to each person. Probably, deducting women, children, paupers, soldiers, sailors, officers, &c. the burden will fall on about one-tenth of the population—the producers—and the proportion to each of these will be about one hundred and fifty dollars a year. In all, the direct taxes in 1834 were about twenty-four millions; the customs over one hundred millions; the excise money over eighty millions. We have had but four direct taxes, in all amounting to fourteen millions, and no excise since 1802. The national debt of England has been somewhat reduced, very little indeed by payment, but by the creditor taking reduced or different stock. The expenditures of Government, with the interest on the national debt, in time of peace, usually exceed the income. The payment of this national debt must be chimerical and hopeless.

Sir, I have spoken of the condition of the people of England. I will very briefly speak of other countries. First of Ireland. She has her national bank, which has also had a long period of suspension. She has had her small banks, and they have failed repeatedly. In that country, too, banking has been carried to a ruinous extent. But let us look at her laboring classes. I read from an English author; indeed, all that I state respecting European condition, I get from English authors, who are never chargeable with doing injustice to their own countrymen. This I find in Murray's Encyclopedia of Geography: "The pig usually shares his cabin, and is fed like himself on potatoes. It is too great a luxury to be killed for his own consumption, but is sold and driven to the ports, to be salted for exportation." And again, after describing their habitations as hovels of earth, without floors, and their beds as merely straw on the ground, he informs us "his food is potato, without any other vegetable, (for he is a stranger to a garden,) and only in favorable circumstances, is it accompanied with milk." And yet this author informs us, that Ireland *exports* large quantities of grain and meat; that her exports of these to England alone, in 1832, were over forty-eight millions! Such, sir, is the condition of Ireland—a land with more ardent aspirations for freedom, with more generous hearts and impulses than any other, trodden to the dust, producing food for other nations, while famishing with hunger! No wonder her generous sons flee from a land overshadowed with such political miasma, to this free land.

And such, too, sir, is England. After a thorough trial of the paper system for one hundred and fifty years, the mass of her people are more miserable, the extremes of ruin and distress come oftener, and the amount of misery is greater. True, as gentlemen tell us, she is great among the nations. Her fleets and armies are large, but sad is the spectacle of millions groaning with suffering. She has power, but how was it attained? By plunging the nation into insolvency. No one dreams a tithe of her debt will ever be paid. And what good has her power done the world, while this debt has been accumulating? What benefit to the world have been her wars? Has she blessed her one hundred and twenty-three millions in Asia? Has she been our benefactor? Did she bless France, by forcing a King upon that people? Has she not beeen grinding down her own people, to invade the rights of others? Is that people happy at home? She has had, and has splendid men and splendid things; but the happiness of the many, how is that? We have seen the picture. Sir, *she is one great mass of monopoly and prerogative, cemented together by her paper system*; and in the midst of all her national glory, all but a small fraction of her people are wretched; and that wretchedness frequently becomes despair, by the almost periodical fluctuations of her monetary system. Strong must be his infatuation, who can cite England as evidence of the advantages of a paper currency. I should cite her as conclusive evidence of its pernicious effects. I do not say, that system is the sole cause of the misery resting on her community, but I do say, that misery is aggravated and perpetuated by monopolies.

How different is France, who has tried this system only in a very limited degree. Her inhabi-

tants almost all *own* and occupy a little piece of land, and her people are happy. Her national debt, though with the power of her arm she has shaken the political world to its centre, and been shaken in her turn, within the last half century, is but a quarter of that of England. She was aroused to an effort for freedom by the burden of her old national debt. I hope some good may come of the same evil in England. She has, I believe, nearly ten dollars in specie to one in paper, and no bank notes much less than one hundred dollars, while England has about half paper currency, and bank notes but little more than a quarter as large, which in a stress, are often reduced below five dollars. We, sir, notwithstanding our ablest statesmen of all parties deprecate it, have bank notes, sometimes even to fractional parts of a dollar. When the gentleman from Connecticut [Mr OSBORNE] the other day, was speaking of the suppression of small bills as an experiment, I could but think of the strong argument of a distinguished Senator, [Mr. WEBSTER,] in 1832, in favor of this measure.

Holland, too, Mr. Chairman, has been summoned as a witness. Sir, she has had a bank for nearly two centuries. But let it not be forgotten that her commerce was in its zenith before. It was nearly half the commerce of all Europe. But the bank mania has never raged there, and those they have are conducted upon very restricted and safe principles. And what is the result? An English writer tells us: "Holland is, and always has been, a country of short credit. Bankruptcy is rare." That their national character is "solid, steady, quiet, laborious, eagerly intent on the accumulation of wealth, which they seek rather by economy, steadiness, and perseverance, than by speculation." The gentleman from Kentucky [Mr. WHITE] speaks of her taxes. But he forgot to tell us that her population is small, and that she has been over and over again the theatre of contending nations. That, notwithstanding this, her short credit and no speculation system have made her the great creditor of the world. But a short time since, she was about selling out your own capital.

Sir, this is a brief view of the money matters of some parts of Europe, to which honorable gentlemen have so often referred. I am no blind admirer of Europe. Americans should inform themselves for instruction; but we are a *new* people, trying a *new* system of national existence, and we should, after all, consult our own good sense, how best to improve the advantages which God and nature have given us.

Sir, shall we best improve these advantages by persevering in our present paper system? What has it led us to already? We have been hurried into a precocious system of expenditure, and although our national debt proper is extinguished, yet the States owe Europe about two hundred millions of dollars, three-fourths of which we have received in merchandise. In 1830 we were square with Europe. Now, some of the States owe there one-eighth of the amount of all the value of their real and personal estate! This immense debt bears an average interest of about five and a quarter per cent. and takes from us annually the sum of ten and a half millions of dollars, as interest alone. Pay back to them the excess of specie we have received within a few years, and then about eight and a quarter millions of annual interest will remain. Already we have begun to pay this tribute, which, with the principal, must be paid in our *productions*. Last year, our exports of specie exceeded the imports about eight millions! And more—in the midst of all this fancied prosperity, with a territory of about twelve hundred and eighty millions of acres, about six hundred and forty millions of which are probably in the limits of actual occupancy, we have been importing our bread! Yes, Americans, with the fairest portion of God's earth before them, to enter in fee simple and cultivate, have gone across the Atlantic, and run in debt, not only for clothes, but for food!

Sir, I am no enemy to internal improvements. Real ones are an honor and advantage to a people. But the system must always bear its own weight. A generation has no more right to fasten an enormous debt upon posterity, except for the preservation of a nation, than it has to impose servitude; for its payment is servitude. The true policy of nations, like that of individuals, is economy and prudence. But, sir, we have seen our condition as to public debts. Are we better off as individuals? Are we not told by gentlemen of the Opposition, that ruin and distress prevail? Perhaps it is so. I hope it is not so bad as they assure us. Much allowance must be made for their groans just before election. But, sir, I am free to admit that, too regardless of the future, we have run a wild career of speculation and extravagance. Trade, and not work, has been our business. We are plunged into debt, and nothing but the recuperative energies of the people, developed by active industry, can relieve us. Those energies are almost invincible, when properly directed, and untrammeled by privileged restrictions, but with these, seasons of blight, like the present, *will* come. That one has come, I will not deny. Its cause, I do not doubt. My own State, with all her banks, could not escape. Her business men have felt the power of the law, which is sure to follow one of these expansions. I have attempted to ascertain the amount of judgments recovered in that State, from May 1st, 1837, to November 1st, 1839; that is, from the suspension of the banks to our last election. I was started at the result, and hope my information is incorrect. I shall give this information to my constituents, and should not have adverted to it here, did I not suppose this condition was too common to all the States. Failures throughout this Union have become familiar. Things were different forty years ago, when we had fewer banks. Then a "failure" was a lasting disgrace. Now we have grown wiser, and are less particular.

We are told that this and the preceding Administrations are chargeable with this result. I regret that, on questions of such importance, party politics had not been forgotten. But, sir, it is no doubt owing to our paper system. And who is chargeable with that? Gentlemen have read to us, to prove that General Jackson encouraged the banks to accommodate, after the removal of the deposites. Suppose we admit it, how came he to do so? Who has forgotten the deafening clamor, the plaintive prophecies, in and out of Congress, that the business of the country would be ruined, for want of bank facilities? Who has forgotten the bitter denunciations against that veteran patriot, because he dared an attempt to check, in the least, the headlong career of the wild speculator, by the "specie circular?" Sir, 1836 brought the rage of banking to its grand acme. In the Secretary's tables, (2d sess. 24th Congress,) I find a column of the capital of all the banks "paid in," January 1st, 1836, and a column of those "authorized," December 1st, of the same year—eleven months only. Much of the latter increase, by subsequent events, no doubt, was never used, and the difference (over one hundred and sixty millions, including Territories) is not the precise amount authorized by the several States in that period. But the columns are a fair indication of the spirit of the several Legislatures, relative to the system. I leave out the Territories, but include this District, and charge it to Democratic account. If in the statement I am about giving, I have mistaken the politics of any Legislature, I hope gentlemen will correct me. The account stands thus, in round numbers:

Whig.		*Democratic.*	
Vermont,	$1,000,000	Maine,	$1,600,000
Massachusetts,	10,500,000	Rhode Island,	350,000
Pennsylvania,	41,000,000	New York,	6,000,000
Delaware,	250,000	New Jersey,	3,500,000
Maryland,	21,000,000	District of Columbia,	1,000,000
South Carolina,	2,250,000	Virginia,	200,000
Louisiana,	20,000,000	North Carolina,	1,000,000
Tennessee,	1,000,000	Alabama,	8,000,000
Kentucky,	4,000,000	Mississippi,	12,700,000
Indiana,	600,000	Illinois,	2,400,000
Ohio,	4,500,000		
	$106,100,000		$36,750,000

The present embarrassment are plainly attributable to excessive banking, and its never failing consequences, and I leave it to all candid men to decide which of the two great parties in this country, is the bank party.

Sir, we have given a sketch of the paper system, at home and abroad. Facts prove its facilities for plunging a nation into debt; and we have seen that in Europe, at least, communities are happier with less, and more miserable with more of it. Let us for a moment speak of principles. Are banks of service in war? We have never had a National Bank in time of war. The battles were all fought, and the day gained, though peace was not declared before the Bank of North America was chartered. The Bank of England stopped for nearly twenty-five years, through the most critical period of England's contests. No; if a nation is trustworthy, it can always borrow money on its own credit. If it is not, banks will not trust it.

Are they necessary in commerce? A few may, if most carefully indulged, be very *convenient*. They are, as all experience shows, *never indispensable*. Barter is the soul of commerce, and the balances are regulated by bills of exchange. It is said that the bills of exchange negotiated in England, during the year 1825, amounted to nearly three thousand millions of dollars Specie would always be sufficient for the more minute balances. *Property* must sooner or later pay the principal balances. If the Kentuckians send their produce to New York, they must take property, directly or indirectly, in payment, or their trade must soon cease. If they require money alone, and want nothing from New York, or from those who trade with New York, the purchaser in New York, from the very nature of the case, soon has no means to buy. If, on the contrary, as is always the case, they must have the productions of other States, or countries, direct barter, or (temporarily) bills of exchange, is the natural mode of business. And as between nations, one nation never uses the paper currency of another.

So, too, its fickleness disappoints the farmer. He finds beef, or wool, or grain, high this year; but as soon as he has well turned to that branch, a pressure is on the market, and he is in debt for his outlay. These continual expansions and contractions, of which paper currency is so naturally susceptible, and which inevitably happen, encourage the business man to launch out in business and adventure, with an abundance of proffered facilities, owing to expansions, which are soon followed by contractions, which leave him unsupported to his fate. All the world is awake with enterprise to-day; to-morrow, as it were, the stillness of Sabbath prevails. Like the opium eater, we feel strong, rich, and happy, under the stimulus, which is sure to leave us prostrate. This is its pernicious effect upon business alone, without taking into consideration the gambling and immoral spirit it infuses. These things are incident to the system from its very nature. Banks can be increased to any amount, for the borrowers can, and do establish them, (see Mr. Spencer's Report as to the United States Bank stock,) and the amount of notes is illimitable. Not so with specie. Nature has prescribed its amount. This is substantial and useful, and *money* the world over; the other, is a mere *promise*, which even rumor may render valueless. God made one, man made the other.

But we are told that we shall ruin credit, and one honorable gentleman brings forward Franklin as its friend. Sir, such credit as Franklin approved, no man would wish to destroy. That credit had its foundation in a character well established for honesty, capability, and industry, which every young man can establish, and without which he is not to be trusted. Sir, the young man in this country, of all others, should be encouraged; for the world is before him, and his energies are not yet pent up by disfranchising customs. But he should not be enticed to bankruptcy and villany. Franklin advised him to no such thing. He taught him that "an empty bag could not stand upright." Thank God, with health, honesty, industry, and prudence, the young man in this country is sure of success. But why lure him on with this charm of credit, to dash his hopes, and tempt his morals, by an almost sure revulsion.

But let us see what this credit costs. Take the ordinary accommodation of a country bank. Its average distance from its customers is considerable. The borrower sends for a thousand dollars for three months. To disburse the whole of it prudently, and to collect it ready at the day, require, say ten days each. Perhaps it will cost him five dollars to send for it. The discount, the interest on the lost time, and the expense of obtaining, are in all about ten and a half per cent. The loans and discounts, in 1837, were five hundred and twenty-five millions; ten and a half per cent. on this, would be over fifty-five millions. This, I admit, is a little too high, as it treats them all as country banks. The interest on this same sum, at seven per cent. would be thirty-six and three-quarter millions—difference is over eighteen millions. But there is another view. I have ascertained from intelligent gentlemen at the head of them, the annual expenses of a city bank, and of a country bank of ordinary capital and business, in my own State. Those of the city bank amount to ten thousand dollars, besides taxes, which are five thousand dollars The country bank to about four thousand dollars, and taxes two thousand eight hundred dollars—average $10,900. There are nine hundred banks; total expenditure, at that rate, would be nine millions eight hundred and ten thousand. The capital of these banks is about three hundred and fifty-eight millions. They usually divide from eight to ten per cent.; and, including their surplus, (according to Mr. Toland's report, the United States Bank, after being in operation sixteen years, had forty-two millions surplus, although Mr. Spencer, now Secretary of State in New York, in the third year of its existence, reported to Congress that it had violated its charter in four particulars,) undoubtedly make at least ten per cent on their capital, probably much more. It must be profitable business, or real estate would not be mortgaged as stock. Ten per cent. is nearly $36,000,000, which, added to the expenditures above, make nearly forty-six millions, which these accommodations cost the borrower, not including loss of time in its use, or the borrower's expense of doing the business. Indeed, from all I can learn, the annual expense of banking is about three per cent. on the capital. But deduct the taxes, as they are not lost to the people, and I find the average expenses, including salaries, rent, postage, &c. is about seven thousand dollars. The amount, then, it costs to work the nine hundred banks, is about six and one-third millions annually, which is a dead loss to the nation, unless counterbalanced by the general benefits of the system.

Is this such credit as a prudent father can recommend to a son? Sir, the system produces nothing. Labor, only, creates wealth. All the promises in the world, either bank or individual, add nothing to the aggregate property in the world. A beneficent God, when he said, "In the sweat of thy face shalt thou eat bread," a decree which no device of man can evade, knew that by industry alone, man would increase his goods, add to his comforts, and embellish the globe he inhabits. Mother Earth is the only bank which never suspends. She issues post notes, it is true, but she pays interest—ten, twenty, fifty, and sometimes one, or two, or even three hundred per cent. Sir, farming is more profitable to the American "lords of the soil" than banking.

But we are told that the poor laborer will be distressed; and this has been the burden of a speech of an honorable Senator, which has been scattered to every corner, for electioneering purposes. Sir, this cry is the veriest demagogueism. Is the poor laborer of this free country like the serf of Russia, that we are to mete out his living? Are they so abject that they need special legislative care? No, sir; they take care of us, and will look well to us, instead of our taking care of them. They are an intelligent, independent race of freemen, and scorn any thing but *equal* privileges. They that are poor to-day, may soon be rich. The wide world is open to them; and so long as we have more than a million of square miles of land, not even surveyed, labor, in the country at least, will be high, and we need fear no vile servitude, unless it be by the unwarned, insidious approach of grasping monopoly. But suppose it were otherwise—I have said labor only creates wealth. Who does the labor? The poor laborer. Who, then, is to pay our European debt, the offspring of this banking system, which cannot be paid in promises? The laborer. Why pays the six millions to carry on the banks? The laborer. Who supports the speculator? The laborer. Think you the laborer gains by this extra burden? Whose wages are the last to rise, and the first to fall? What benefit is it to a laborer to raise his wages from seventy-five cents to a dollar a day, and raise flour from five dollars to ten dollars? Has the laborer, with a family to support, got rich within a few years past? What benefit to give him a brisk business, with extravagant prices and increased expenses this year; next, throw him entirely out of employment, or make him work for a bare subsistence? In whose hands were most of the bills of one hundred and sixty banks, which broke between 1811 and 1830? How can a poor man, who wishes to "go West" to buy his "section," safely "lay up" a *paper* dollar? Sir, in this country, with all its advantages, a *steady* currency is best for *all*. Specie alone, from its nature, is so. It is best for the manufacturers; for our high prices induce the foreigner to flood us with his merchandise. Better for the agriculturist, for he can export nothing; it costs too much here; and beside, though he may do well this year, in the language of Mr. Clay his grain perishes unthreshed next. His average gains for a series of years are less. The farm produces no more; and if there is a charm in mere nominal prices, without substantial gain, why not at once call an ounce of silver five dollars? This would be more rational than by a paper inflation. The system, like a certain plant, expands with all the blandishments of hope, only to contract, and crush to death all within its folds.

Sir, I wish to create no prejudice against those who have engaged in banking. They are no doubt good citizens—certainly those with whom I am acquainted—and have only consulted their own interests, like all the rest of the world. It is the system which I doubt. I throw out these hints, and I cannot forbear adding that our present condition is a practical illustration of my remarks. Though in the midst of banks, we are in the midst of debt, foreign and domestic, and in the midst of distress, as we are told every hour. *Promises* will no longer avail us—no relief but a *bankrupt law*, or go to work, live economically, *and work it out*.

But it is said injustice will be done to the honest debtor—he who, perhaps, owes for a farm, purchased on credit at these high prices. Sir, injustice was done to the man who sold a farm upon credit, before the rise. The money he received would not have bought a fifth part of his farm back. The system is full of injustice. But I feel, deeply feel, the force of the appeal. But the remedy, as I shall show in the conclusion of my remarks, belongs alone to the States. Whether they will be inclined to apply the knife at once, or gradually bring the system to its proper level, is not for me to say. In its present unnatural state, all can see it cannot endure, even if all were so agreed. If left to me, I should hesitate before I added to the embarrassment already felt. I do not believe this measure will do so in the least. But, from its own elements, a change or annihilation of this paper system must come. Mr. Crawford, in the ablest production of his life said, in 1820, when we were in a like condition: "It is, then, believed that the evils felt in those sections of the Union, where the distress is most general, will not be extensively relieved by the establishment of a national currency. The sufferings which have been produced by the efforts that have been made to resume and continue specie payments, have been great. They are not terminated, and must continue until the value of property and the price of labor shall assume that relation to the precious metals which our wealth and industry, compared with those of other States, shall enable us to retain. Until this shall be effected, an abortive attempt, by the substitution of a paper currency, to arrest the evils we are suffering, will produce the most distressing consequences. The sufferings which are passed will, in such an event, recur with additional violence; and the nation will again find itself in the situation which it held at the moment when specie payments were resumed." But, sir, we have no power to interfere; and the discussion of this whole subject belongs to the States, and would have been gladly avoided by me, had it not been drawn in as a principal topic by our opponents.

But my colleague [Mr. MARVIN] says the precious metals are insufficient in quantity, and lose by abrasion. The first objection I think unsustained by fact. Withdraw your paper, and specie will increase. In France the currency is about ten-elevenths specie—in England half, while here it has been as low as one-third; and of the actual circulation, no doubt more than nineteen-twentieths were paper. As to attrition or abrasion; he will, I think, find a satisfactory answer in the report of Senator Sanford, in 1830. He there thinks coin should be recoined when four per cent. is abraded, though then it still retains the impression. In ordinary use, to wear away the eagle or dollar, four per cent. he found required two hundred years; the half eagle and half dollar one hundred. Then the piece should be recoined. By this we see the entire amount of the original eagle and dollar would not be abraded short of five thousand years; and that of the half eagle and half dollar two thousand five hundred years, a very different material from that of the other currency. My colleague says Mr. Jacobs suggests that the dark ages might have been owing to the decrease of the specie by abrasion. Sir, if scarcity of specie has this effect, I am not certain but the dark ages will return. If this system is continued, soon none but the antiquary will show us coin. Even our lexicographers are changing the very definition of "money," as every gentleman may see who has the curiosity to examine.

But another colleague [Mr. BARNARD] thinks the use of hard money induces to crime. Sir, I will state a few facts in reply. Mr. McCulloch informs us that in 1820 there were seventy-seven capital convictions for forging Bank of England notes, and two hundred and seventy-five convictions for having them in possession. Total, three hundred and fifty-two; and that seven hundred and seventy-two of such convictions took place in three years. And for ten years previous to 1831, that Bank lost, in forgeries on the funds alone, over one hundred and ninety-four thousand dollars per annum.

Mr. Chairman, but three plans for keeping the national treasure have been suggested. One, by the State banks, is, I believe, repudiated. I have heard no advocate for it here. But not so with a National Bank. But a short time since an honorable member from Vermont [Mr. EVERETT] told us this was a "by gone" question. In the debate on this bill, I understood my colleague [Mr. HUNT] to say, "It was not to be spoken of." But, sir, we are now assured that they are sanguine of success in the approaching political contest. The gentleman from Massachusetts [Mr. CUSHING] told us a few days since, that he saw the "Aurora of a brighter day," and that "Dr. Harrison" is about to be called in. And the gentleman from Kentucky [Mr. POPE] comes forward with a matured plan for a National Bank, which he openly advocates here, and says Mr. Harrison will *not veto it*. Sir, I do not know whether General Harrison is a doctor or a nurse; but I am quite certain that, if called in, "plasters" will be the prescription. "Aurora" I think an apt figure. She was somewhat inclined to *amours*. The gentleman's party has formed some strange attachments. She appeared *veiled*, too. The gentleman will not mistake the application. But these prophecies are periodical. They come as often as the Olympiads, or are rather a leap year inspiration. But experience has shown them false oracles. It is now day, and none but owlish visions deny it. The people are not dissatisfied with this Administration; and if they were, I think when they see the greedy swarm of office seekers, who are the most anxious for a change, they will remember the fable of the Fox and the Flies. Still gentlemen have excited their own delusive hopes, until they are bold enough to speak out. Not only the gentleman from Kentucky, but two other gentlemen from that State, [Messrs. UNDERWOOD and ANDREWS,] and one from Tennessee, [Mr. CROCKETT,] have spoken out without reserve, in favor of a National Bank. Recently the Whig Governor of Connecticut, flushed with victory, forgot his caution; and I may add, I have not heard a Whig member on this floor, during this debate, whose argument has not been, expressly or impliedly, mere or less in its favor, and not one in the least condemnatory. Sir, what would be the first act of that party if in power? Every man can answer. A tendency to a National Bank is Whig polarity, and distress the wind of their hopes. This bank question is like an insidious disease, hanging about the Constitution, ready, at every derangement, to seize and hurry it to death.

The gentleman from North Carolina [Mr. RAYNER] told us the people were like certain British troops of Waterloo, begging to engage in the contest. Sir, the similitude is apposite. Certain crowned heads decreed that a gallant people should be governed by the last fragment of a worthless and stagnant blooded race, which that people had unanimously rejected. At Waterloo that decree was executed. So here, a free people have solemly decided that they will not be controlled by a National Bank. Opposition gentlemen may carry out the parallel. Sir, I believe such an institution unnatural, unnecessary, and unauthorized—a fungus upon the Constitution. And when I think of its immense power, over the debtors, it would have in every city and hamlet; of its loans to legislators and editors, and its other "business transactions;" of its enormous electioneering powers, already proved; and of the attachment of a certain class to this institution—I have no hope but in "eternal vigilance."

We are often told here, by our opponents, of the overwhelming power of Andrew Jackson. Suppose he had been a bad man, with an obsequious National Bank of seventy millions at his heels! Sir, strong as he was in the affections of the people, he would probably have been conquered in that memorable struggle, had it not become bank against bank. Whether that conflict was about intentionally or accidentally, it was alike providential. The gentleman from Kentucky [Mr POPE] tells us a National Bank will be "a bond of union." Sir, it would be a chain of bondage, which nothing but a revolution would ever break. But, thanks to the "old hero," the tocsin has been heard, the people aroused, and they will never allow themselves again to be either coaxed or tortured into similar danger. They are determined to practise Jeffersonian principles. They feel and know that a strange power, unnamed in, and unknown to, their sacred compact, cannot be safe to their liberties, or compatible with their self-government.

Sir, as to the details of the bill before us, notwithstanding all the objections urged against it, it meets my approbation. I believe it will lessen the patronage of the Administration. No patronage is so dangerous as the control of banking interests. But my colleague [Mr. MARVIN] says the expense of the collection of our revenue has and will increase. Sir, I believe the four last years of the table he held in his hand show the very lowest "rate per cent. on imports." The very next column in that table shows this. Besides, the weights and measures for the States, and some cutters in the Florida service, I am told, are included. Mr. Woodbury, who is never caught napping, has also recommended a reduction of officers in that department.

Nor, sir, do I believe this measure will destroy credit, or destroy the banks, but will, on the contrary, act as a well adjusted balance wheel to the system. And, unlike Opposition gentlemen, I see nothing like a Government bank in it; and am surprised that the advocates of a National Bank should be so alarmed, if there were. But, say gentlemen, the money will not be so safe as in a bank. But they forget that a bank has great liabilities, besides the claim for public deposites. They forget all experience too. Sir, who has forgotten the recent embezzlements by a cashier of an Albany bank? The same of a Philadelphia bank? And more recently still, of a Virginia bank, and many other cases, in some of which, half of a large capital was gone, before the slightest suspicion? By the charter, the bond of the cashier of the United States Bank might be only fifty thousand dollars. Mr. McCulloch informs us that, in 1803, the Bank of England lost, by the fraud of one of its cashiers, (Astlett,) more than one and a half millions of dollars; and that bank lost a still larger sum by the forgeries of Fauntleroy, the banker. Banks are in human keeping, and exposed to the frailties of our nature. This bill contains the severest checks. But, say, they, this will benefit those who live upon salaries. Reduce them if too high. But it will give Government a better currency than the people have. The Constitution knows but one currency, and the people should be content with none other. And who is the Government, but the mere servants of the people? Sir, there is no such thing as the Government's money. The people own it all. And, too, is an answer to the foolish cry of the "purse and sword." Not a dollar can the President touch, without leave of the owners.

Mr. Chairman, I regret that, in the discussion of a question so important, the debate should have contained any thing but argument and reason. I regretted to hear one of my colleagues charge this and the last Administration as "faithless and treacherous," and to hear some harsh language from another. As a New Yorker, I wish some one else had said those things. Sir, it was easy for the President to have yielded to the clamor excited by the banks; to have "eased away," and gone with the current. It would have been easy for the late President to have done so in relation to a National Bank. What, then, but a sense of duty, and the hope of approval by the people and future generations, could have induced them to brave such bitter, hostility. Sir, approving consciences, and a candid world will amply repay them. These tests will send their names down to a grateful posterity, and are most fortunate for them; and such is my admiration of this bill, that I deem my ability to vote for it, most important for me. But the gentleman from Pennsylvania [Mr. BIDDLE] has been more particular. In his remarks yesterday, he spoke with great severity of our present Chief Magistrate. He denies him talent, and adduces as evidence of that, that he did not argue some law case after it reached the court here. I deny the conclusion. So great is the amount and importance of the business of some professional gentlemen of that State, that no other business would justify their absence. But what do my Whig colleagues say to this? The man who successfully competed with our Emmet, Van Vechten, Henry Williams, and all the others of that galaxy of professional talent, as bright as ever adorned a bar, has, after all, but inferior talents! Sir, his bitterest political opponents ever accorded to him the first rank in ability, and every trial, in stations the most trying to the powers of man, has approved their judgment. But he brings another charge—that he did not bear arms during the last war. Sir, his services at that critical period were most important to the country. The journals of my own State show what they were. He was the right arm of the patriotic Tompkins, and by his ability the support of that great State was effectually given to the war. The "classification" bill, and many other matters, are lasting monuments of his zeal and patriotism in those trying times. No New Yorker ever presumes to doubt this. But he supported Clinton and not Madison. Sir, I have in my hand the address of the New York Committee, acting for the State Committee, at that period, to which I find high Democratic names, and in which they say, they were not enemies to Mr. Madison, but preferred Mr. Clinton, because they believed he would prosecute the war with more vigor. He was of their own State, and they supported him, not that they loved Madison less, but Clinton more. But once more: I understood the honorable gentleman to say that Clinton, in his dying moments, execrated Mr. Van Buren for treachery. Does any man in New York believe this? Do not circumstances preclude it. Were not these illustrious men friends at that time, and have not the grateful sons of the one, since felt the effects of that friendship. Sir, the gentleman says Patrick Henry, had he known certain things, would have desired to have been buried with his face downward. Clinton, too, I believe, would rather have been so buried than to have his grave made a speaking trumpet to slander his friend. Sir, to the gentleman from Pennsylvania I accord superior talents; and none, unwarped by prejudice, can deny the same, in a most eminent degree, to the object of his attack. So far, then, they are kindred and lofty spirits; and I regret that, in the honorable gentleman's valedictory, he should have shot a Parthian arrow, tipped with the poison of personal vituperation.

Mr. Chairman, a word upon the "divorce," so called, and I have done. Gentlemen implore Government to give the people a good currency. Sir, in a Republican Government the confederated power should be simple, well authorized, and well defined. In the exercise of its functions there should be no assumption of doubtful authority. A rule of clear right only can preserve harmony in the whole. If restrained by strict construction, none can complain. What right, then, has Congress to give a currency to the States? By what clause in the Constitution? Does not that fix the currency, as far as we can interfere? How humiliating to these States would be such a step, if submitted to! It would be a great stride to consolidated power. No. There is the instrument. By it all must act. Nor, sir, would it be wise to do so, if we had the power. Dangerous to the purity of our elections would it be to mingle with them questions on the currency. These latter appeal to the cupidity of man, and excite his worst passions. It would be a bribery upon the elective franchise. The very principle degrades the free elector. If the price current is to elect our President, let us nominate a Jew, and fill that high office with some deep scheming broker at once.

Sir, this bill proposes to disconnect Government from all these dangers; to place us above their reach, and leave nought upon all but their plainest constitutional duty. For this alone it is worthy the support of every freeman, who feels how dangerous it is to add the ebbs and flows of monetary influence of the deep surges of the political tempest.

SPEECH OF MR. SLADE,
OF VERMONT,

In the House of Representatives, on the 18th and 20th January, 1840—On the right of petition, the power of Congress to abolish slavery and the slave trade in the District of Columbia, the implied faith of the North and the South to each other in forming the Constitution, and the principles, purposes, and prospects of Abolition.

The question pending being upon a proposition to adopt the following as one of the standing rules of the House, viz: "That, upon the presentation of any memorial or petition praying for the abolition of slavery or the slave trade in any District, Territory, or State of the Union, and upon the presentation of any resolution or other paper touching that subject, the reception of such memorial, petition, resolution, or paper shall be considered as objected to, and the question of its reception shall be laid on the table, without debate or further action thereon"—

Mr. SLADE said he had not intended, until very recently, to address the House on the general question of slavery, pending the present discussion. It had been his purpose to confine himself, in the remarks he had thought to make upon the proposition before the House, to a consideration of its absurdity as a rule, and its effect in abridging the right of petition. But the course which the debate had taken, and the great freedom with which gentlemen from the South had assailed those of the North who had petitioned for the abolition of slavery and the

slave trade in the District of Columbia, had induced him to change his determination. He no longer felt himself at liberty to refrain from going into the great question, though he felt quite unprepared to do it at the present time. The discussion of that question had been brought on by Southern gentlemen; and he could not hesitate to meet them upon it promptly.

But, in doing this, Mr. S. said he should feel himself restrained, as well by his respect for the House, as by considerations of a higher character, from indulging in the recriminations which some remarks he had heard had tended to provoke. It was his purpose to address himself to the subject; and he intended, if he could not do it justice, at least to discuss it in a manner becoming its grave importance and high character; and if, in the ardor of debate, he should say any thing personally offensive to any, he begged to give assurance that it would be altogether unintentional.

ABSURDITY OF THE PROPOSED RULE.

The proposition (said Mr. S.) before the House is to amend its rules, by providing that all petitions or other papers touching the abolition of slavery or the slave trade in any District, State, or Territory of the United States shall, upon presentation, be considered as being objected to, and the question of their reception thereupon be laid upon the table without debate.

My first objection to this rule (said Mr. S.) is, that it involves an absurdity. It is sought to make this one of the standing rules of the House. Now, sir, what is a rule? It is defined to be "that which is settled by authority or custom, for guidance and direction." This is in accordance with the caption of our rules, which is as follows: "Standing rules and orders for conducting business in the House of Representatives of the United States." They are to regulate the conducting of business. But is the proposition before us of the nature of a guide or regulator for the conducting of business? The essential element of business is action. But does this proposition contemplate any future action of the House? No. It anticipates and entirely supersedes that action. It, in the first place, declares that, upon the presentation of petitions and papers of a certain character, their reception shall be considered as being objected to. No actual objection is contemplated; but it is declared, beforehand, that an objection shall be considered as being made. Is this a rule of action? It supersedes action.

Again: The proposed rule declares that the question of reception, thus raised by a parliamentary fiction, shall be laid upon the table. Now, when the case shall arise, and the question of reception shall be laid upon the table, what will lay it on the table? It will be this rule—not the action of the House at the time. That will have been anticipated and superseded. And yet this is to be called a standing rule for the conducting of the business of the House! Can any thing be more absurd?

But, to make this absurdity still more apparent, let us look at the contemplated rule in connection with the twenty-first of the present rules. That rule declares that "the petitions having been presented and disposed of, reports from committees shall be called for and disposed of. Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions." The disposition of petitions, resolutions, and reports here provided for, evidently contemplates the action of the House when they are presented. Such disposition constitutes a part of the actual business of the House. It is, to do something with them. And yet, if the proposition before us becomes a rule, that something will have been done, in effect, months, perhaps, before—leaving absolutely nothing to be done when the papers are presented.

But, further: The Constitution declares that "each House shall keep a journal of its proceedings." Now, let us see how the Clerk will journalize the proceedings under this rule. Suppose it to be adopted on the 1st of February. On the 1st of July next petitions are presented which come within it. What will be the entry on our journal? To make it correspond with the real nature of this proceeding, it should be as follows:

On the first of July, 1840, Mr. ADAMS presented the petition of five hundred men and five hundred women of Plymouth county, Massachusetts, praying for the abolition of slavery in the District of Columbia, which was considered as being objected to; and the question of its reception was laid upon the table by a vote of the House on the first of February, 1840.

Such would be the absurdity of the journal, if it were to tell the truth; because the truth would be, that there would no actual proceeding on the petition on the day of its presentation. The action of the House would have been on the first of February, and not on the first of July; and the journal could not be a journal of its proceedings on the latter day. The reception of the petition would not be objected to on the first of July, but on the first of February; while the action of the House which would lay the question of reception on the table would have been on the first of February, and not on the first of July.

There would seem to be but one way of avoiding this absurdity, and that would be by giving such a construction to the rule as to compel some member to object on the first of July to the reception of the petition, and to compel a majority of the members to vote on that day to lay the question of reception on the table! I need not say in what a ridiculous and degrading position this would place the House. It would, however, not be more ridiculous or degrading than for the House to sit here on that day, and witness the silent disposition of petitions under this rule, as has been witnessed under the operation of former gags. Either of the results alluded to would be in perfect keeping with the folly and absurdity of the whole gag system, from the Pinckney gag of 1836 to the new-fangled gag we are now considering.

But again. What becomes of the right of the members of this House to vote on the first of July next on the question of the reception of the petition, in the case I have supposed? Who can constitutionally deprive me of that right, and of the exercise of it by my yea or nay, provided I can obtain for that purpose the request of one-fifth of the members present on that day?

This denial of the right of voting would wear a more striking appearance of usurpation—though it would not be more so in principle—in its application to new members, who might come into Congress, after the adoption of this rule, to fill vacancies; or in its application to those who, like the New Jersey members, may not have been able to obtain their seats until after the adoption of the rule.

Suppose that such a member, on taking his seat, presents a petition, and moves that it be referred to a committee—what will be his astonishment on being told by the Chair that the petition cannot be referred, and that even no motion to refer it can be entertained? But, says the astonished member, Mr. Speaker, this is a petition from my constituents, which I wish to have this House receive and consider; and I move that it be received and referred. The Chair, you respond, informs the gentleman that this petition is considered as being objected to, and that the question of its reception is laid upon the table. Considered as being objected to? replies the member. Considered? What does this mean? It was considered as being objected to on the first of February last, replies the Chair. But, says the member—his astonishment increasing—this petition was not in existence on the first of February. That, you reply, makes no difference; the House considered that it might come into existence, and be presented here; and considered it proper that, when it should, it should be considered as being objected to, and it is therefore now considered as being objected to, and the question of its reception is laid upon the table. Laid upon the table! exclaims the member. How is it laid upon the table? Nobody has moved to lay it on the table, and there has been no vote to that effect. How, then, is it laid upon the table? By a vote of the House on the first of February last, replies the Speaker. The first of February last! says the member. This petition was not then in being, and I, the Representative of the petitioners, was not here to vote. Before the question of the reception of this petition shall be decided; I claim the right to vote upon it, and to record that vote on your journal. The gentleman, you reply, cannot be allowed this privilege. The question of reception is considered as made, and that question is laid upon the table; and the gentleman will take his seat!

Thus ends the farce—a farce which I have seen acted over here a hundred times, in varied forms, during the last four years, though under the operation of gags which, for refinement of absurdity, can pretend to no equality with this.

But, Mr. Speaker, there is another view in which the infringement of right by the rule in question appears yet more flagrant. It really amounts to an enactment by this House that no petition for the abolition of slavery or the slave trade shall be received. It seems, I know, to be otherwise. But it seems one thing while it is another; for, after the enactment of the farce which the rule contemplates, the petition is still left in the hands which presented it. This is the inevitable result, from the nature of the proceeding. The order is, not that the petition shall be laid upon the table, but that the question of its reception shall be thus disposed of. But does the laying of the question of reception on the table amount to the reception itself? It seems to me that this involves a manifest contradiction; for, if such is the effect of laying that question on the table, then it puts the House in possession of the petition, and thus accomplishes the very thing which the motion to lay the question of reception on the table was intended to prevent.

The result to which this process of reasoning brings us is in accordance with the fact; for, in point of fact, the petition does not pass out of the hands of the member presenting it until the *quietus* is given to the question whether it shall pass out of his hands and be received, by the vote to lay that question on the table. All that has ever passed from the member to the clerk is the mere annunciation of the petition. Nothing is, in fact, received, but annunciation. The petition, therefore, in point of fact, as well as in contemplation of parliamentary law, remains in the hands of the member presenting it.

So, then, whatever may be the strictly parliamentary result of the magic operation of this rule, the substance of it, all can see, is, that the petition has, to all substantial purposes, been rejected, and the petitioner treated with contempt.

ABRIDGEMENT OF THE RIGHT OF PETITION.

The petitions being thus left in the hands of the members presenting them, we are brought to the main objection—namely, that the effect of the rule would be to abridge the right of petition. The Constitution (Art. 1 of the amendments) declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

"Petition." What is it? To ask for something desired; and to ask of some being—individual or aggregate—who has ears to hear. It is essential, then, to the enjoyment of the right of petition, that the petitioner should have access to the ear of power. It would be a mockery for power to say the right is perfect, and yet shut itself up beyond the reach of the vision or the voice of supplication. "The eyes of the Lord are upon the righteous, and his ears are open to their cry." What would the privilege of prayer be worth, if the ears of Divine mercy were not "open?" "Oh thou that hearest prayer," was the exclamation of David. It has hence become a part of the description of the Almighty that He is "the hearer of prayer."

Suppose we draw a line around this Capitol, and say to the people, hitherto may you come with your petitions, but no further; and then tell them that they still have the right of petition, because they have the use of pen, ink, and paper, and may draw up their petitions. Would not this be an insulting mockery? If they may not come within that line, or what is essentially the same thing, if they may not get their petitions to our ears, might they not just as well send them to the British Parliament as to send them here?

In defining the right of petition, I have anticipated, to some extent, the question, whether it would be abridged by the adoption and enforcement of the proposed rule. That rule, as I have shown, in effect refuses the reception of the petition, and leaves it in the hands of the petitioner. Or, if I am not correct in this view of the effect of the rule, and, under it, the petition must go to the table, it is substantially the same thing, because in that case, to all practical purposes, the hearing and considering of the prayer is refused. Whatever speculations there may be as to the critical construction of the rule, every petitioner will see and feel that his petition is rejected. The language the proceeding is, We will not hear you! If this does not abridge the right of petition, I should be glad to learn what would abridge it.

Mr. Speaker, if we make the order now contemplated, how long think you will it be before we shall be called on to make an order that no petition touching the subject of slavery shall be presented here? Nothing would be more natural than such a transition; for, in the first place, the adoption of the rule now proposed will evince that there is no want of a disposition to go further, if necessary; and, in the next place, it will increase the disposition of the people to petition; and they will petition until, to get rid of the annoyance, and to avoid the moral influence of the annunciation of their petitions here, their very presentation will be suppressed. And next will come a law making it penal to present such petitions. Let no one start at this suggestion, for such a law would not be a plainer violation of the Constitution than was the bill which came near passing the Senate, prohibiting the transportation of abolition papers by the mail.

The rule before us may seem to some a very small affair; but smaller encroachments on popular rights than this have grown to a fearful magnitude. The history of all usurpations shows that the disposition for encroachment uniformly increases with its acquisitions of power. The voraciousness of appetite is augmented by the aliment on which it feeds.

Sir, it is like the letting out of waters. There was a striking example of this in my own State. A few boys thought to have a little amusement by cutting a trench in the bank of a large pond, that they might see the discharge of the water into an adjoining ravine. The trench was cut, and the water began to run. But their amusement was soon changed into terror; for the running water gradually found its way to the quicksand, when the channel suddenly deepened—the earth trembled—and the boys escaped for their lives; while the rushing waters swept away the bank, and the whole pond soon moved onward, carrying before it trees, fences, mills, and dwellings in wild and wanton desolation, until it reached a neighboring lake.

Such was the emptying of Glover pond. It is but a faint emblem of what we may expect if we let out the waters through the channel we are now cutting. Sir, our motto should be, obsta principiis—stand upon your principles. In such a case, let there not be the slightest abandonment of them. Let no suggestions of temporary expediency be listened to for a moment. Let it be remembered that the course which may be now adopted, as an expedient to suppress the utterance of hostility to slavery, may hereafter be drawn into a precedent to justify attempts to suppress the popular voice on other subjects, and that thus, gathering strength, encroachment may go on from conquering to conquer, until it shall sweep away the whole barrier which the Constitution has interposed as a security to the right of petition; and with it, at last, all the guarantees of popular rights.

Mr. Speaker, the principles we are about to adopt has immense bearings. Let its tendency be well considered. There is no matter of public concernment to which it may not be made to apply—no great interest in the country which it may not reach.

Suppose the South should, at some future time, find it necessary to petition for a reduction of a high tariff; what would hinder the application of the principle of the contemplated rule (which might have gained great strength by use) to that case? And how would Southern gentlemen feel, to be met here by the application and enforcement of such a rule as this? How would they like a sweeping order, under which the petitions of their constituents should be considered as objected to, and considered as laid udon the table? What demonstrations of indignation and wrath might not be expected; and especially from the representatives or that State (Virginia) in which originated the amendment of the Constitution expressly inhibiting an abridgment of the right of petition? How bitter would be the cup—returned to their own lips—which they are now endeavoring to force to the lips of others.

I have spoken of petitions from the South. But the application may be made to petitions from other quarters—to petitions, for example, from the North and East for an increase of duties for the protection of their industry. By and by, petitions may come pouring in here for an investigation into the corruptions and abuses of the Executive Government—(and I tell you, sir, they will come, unless abuses and corruptions are speedily checked)—and then it will be very convenient for power to take shelter behind such a sweeping rule as this. The fear of excitement is now a prominent reason for suppressing petitions; then it will be a fear of exposure!

But, while I am contending for the right of petition, and maintaining that the reception of petitions ought not to be refused, I do not claim that this shall be regarded as a rule without any exception. I admit that this House, as well as every other legislative body, may entertain the question of reception, not, however, in the form now contemplated, by a sweeping rule, but upon motion, as petitions may be presented. This, the English rules of parliamentary practice, which we have adopted, clearly recognise, it being required by them that, "regularly, a motion for receiving it (the petition) must be made and seconded, and a question put whether it shall be received."

The same right to entertain the question of reception is also recognised in the standing rules both of the Senate and of this House, each of them providing that "a brief statement of the contents" of petitions "shall verbally be made by the introducer;" and the former adding, expressly, that this shall be done "before any petition or memorial shall be received and read at the table."

The right of petitions, thus recognised in the English and American parliamentary law, is founded in the obvious necessity that every legislative body should have the power of self-protection from abuse and insult, assailing it under the sacred garb of petitions for redress of grievance.

There should also be a power of rejecting promptly all petitions for absurd, ridiculous, or impracticable objects, presented in a spirit of mere wantonness; examples of which will readily occur to every one.

There is, perhaps, another ground on which the reception of petitions may be refused; and that is, the unconstitutionality of the action which they ask Congress to take. This power is liable, however, to great abuse, and should be exercised, as should the power of rejection in other cases, with extreme caution. The unconstitutionality of the action prayed for should be flagrant and undeniable; since, in questions between freedom and power, construction should always lean in favor of the former. Such clear and undoubted cases, would be, for example, petitions that Congress would establish a religion by law, or abolish the trial by jury, or grant titles of nobility, or permanently suspend the privilege of the writ of habeas corpus, or pass a bill of attainder, or an ex post facto law. Prayers for such objects would clearly not be for a "redress of grievances." The grievance would rather be that Congress should be compelled to receive and consider such petitions.

In making the admission that the reception of petitions may be refused on the ground of the clear and undoubted unconstitutionality of the action prayed for, I have done it, knowing, of course, that it is on this ground that the reception of petitions praying for the abolition of slavery is objected to. I am willing to meet the question of reception with this incumbrance, if it be an incumbrance; for I intend, before I shall have done, to urge reasons and present authority in support of the right of Congress to abolish slavery and the slave trade here, which shall put gentlemen upon showing, not merely that the constitutional-

ty of such legislation is doubtful, but that it is not most clear and undeniable.

I have admitted the exceptions to the general rule, that petition should be received and considered, not only from a regard to the principles which seem to demand them, but from a regard to the right of petition itself. My very desire to maintain the sacredness of the right leads me to desire that it may not be encumbered with a claim to unlimited license.

Thus limited and guarded from abuse, the right of petition is, next to the right of suffrage, the most important and efficient of the political rights secured to the people. It carries with it a tremendous power; for, though it wears the modest garb of a right to request, it really possesses, by its moral influence, and by the consciousness of responsibility which awakens in the representative body, the power almost of command. The right of suffrage can be exercised but periodically—that of petition continually. It is a standing constitutional medium of communication from the people to their representatives. Its sacredness should be guarded, therefore, with the most wakeful jealousy; and it is thus guarded. There is no right concerning which the people are more jealous than this. Wo, wo, to the representative who, under any pretence, however specious, treats it with contempt. To associate any cause, no matter what, with a practical denial of this right, will be sure to bring it into discredit, if not to overwhelm it with ruin.

Thus far, Mr. Speaker, I have spoken of the proposed rule in reference to its application to petitions. But there is a class of papers to which it will apply, of a very different character. I mean resolutions of State Legislatures touching the subject of slavery. Such resolutions I now hold in my hand, adopted by the Legislature of my own State at its last session, and which it is my purpose to present to this House as soon as it shall be in order to do so. Under the operation of the proposed rule, the reception of those resolutions will be "considered" as objected to, and the question of their reception will be considered as laid upon the table!

Now, sir, I put it to the State Rights members of this House, as well as to all others, whether they are ready to adopt a rule which shall thus act on resolutions of the sovereign States of this Union. The States do not present themselves here in the attitude of petitioners. They are sovereign States. They ask nothing. They exercise the right of resolving, and of making known to us their resolutions. Such is their true character and position. We are not at liberty to assume the possibility of their passing any resolutions which this House can rightfully refuse to receive, either on account of their manner or their matter. And, sir, in accordance with this view of their character and their relation to this body, I shall, when I present the resolutions to which I have referred, announce that I present resolutions of the Legislature of the State of Vermont, which, in the name of that State, I demand to have read and considered.

And now, sir, I again ask, Will State Rights gentlemen vote for a rule which shall cast down the sovereign States of this Union from the high and independent position they thus rightfully occupy, when their resolves are presented for consideration here? Sir, they cannot, they will not, do it.

POWER OF CONGRESS TO ABOLISH SLAVARY AND THE SLAVE-TRADE IN THE DISTRICT OF COLUMBIA.

I come now, Mr. Speaker, to a grave and important question, namely, that of the constitutional power of Congress to abolish slavery and the slave trade in the District of Columbia. The right to adopt the rule before us, and thereby reject all petitions and other papers touching that subject, is claimed on the ground that no such power exists. I have asserted that it does exist, and I will now proceed to prove it.

All power over this subject is derived from the grant of power in the Constitution, which declares (Sec. 8, Art. 1,) that "Congress shall have power to exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States."

What is the extent of the power of legislation here granted?

In the first place, it is "exclusive." There is no other concurrent jurisdiction. To the full extent of its power of legislation, whatever it may be, Congress excludes all other legislation, so as that the States to whose jurisdiction the territory forming the District originally belonged, have no more power to extend their legislation to it, than the States of Georgia or Maine.

In the next place, it extends to "all cases whatsoever." No effort to find language granting all possible power of legislation could have selected terms more comprehensive than these. "All cases whatsoever"—embracing, of course, a range of objects as wide, and a power of acting on them as ample and extended as fall within the competency of any Legislature.

And this extent of the power of its legislation is in perfect accordance with the exclusiveness of the jurisdiction of Congress over the territory. All other legislative authority being excluded, there arises an obvious necessity that that of Congress should be complete; otherwise the people of the District would be left without a Legislature, competent to the necessary and indispensable purposes of government.

But further. Look at the sweeping language of the grant of power to legislate for this District, in contrast with the specific grants of power to legislate for the country generally. In regard to the latter, this Government is one of specifically granted powers. Thus, for example, in the first sixteen clauses of the 8th section of the 1st article of the Constitution, Congress is authorized, among other things, to regulate commerce, to coin money, to establish post offices and post roads, to declare war, to raise and support armies, and to provide and maintain a navy, etc. All the powers (including, of course, the power to pass laws necessary and proper for carrying these powers into execution) not thus specifically granted, were reserved to the States, or to the people.

Now, why was the language changed in the 17th clause of the 8th article, from the specification, as in the previous sixteen clauses, of particular cases in which Congress might legislate, to the general grant of power to legislate "in all cases whatsoever?" Why did not the 17th clause also specify the particular cases in which Congress might legislate for the District? No other answer can be given to this question than that it was intended to grant all legislative power—to make no exception—to leave nothing for the control, either of the people of the District, or of any other power; so that the great design of setting apart a separate district for the seat of the Government of the United States might be fully answered—namely, that of having it subjected to the jurisdiction and control of no other power.

But again. If the power of Congress to legislate for the District is limited, who is to determine what the limitation shall be? Why exclude the subject of slavery rather than any other subject? If "all cases whatsoever" mean only some cases, who is to determine what those some cases are? One may exclude slavery—another the matter of the currency—another the prohibition of lotteries—another the suppression of duelling—another of gambling, and another the power to punish crimes. What is right? Who shall determine? Who can determine.

Mr. Speaker, ir we leave the plain, intelligible terms of the grant of power in this case, and resort to implication, we leave a solid rock for the trembling quicksand, which will sink beneath us.

But do any still doubt with regard to the completeness of the power of Congress over this District? If my reasoning has failed to convince them, let me call your attention to the exposition given to this clause of the Constitution by distinguished men at the time of its adoption.

Mr. MADISON has been justly styled the father of the Constitution. In the forty-third number of the Federalist, speaking of the clause in question, he said:

"The indispensable necessity of complete authority at the seat of Government carries its own evidence with it. It is a power exercised by every Legislature of the Union—I might say, of the world—by virtue of its general supremacy."

"Complete" was the simple, significant, comprehensive term used by Mr. Madison to express his idea of the power.

Let me next turn to the debates in the Virginia Convention, during its deliberations upon the adoption of the Constitution. Virginia authority, I think, must be good here on this subject. On looking into these debates, I find that the clause of the Constitution now in question was objected to by several leading members of the convention, expressly on the ground of the unlimited extent of the power which it conferred on Congress. Mr. GRAYSON said that, "after mature deliberation, he could not find that the ten miles square was to be looked upon even as part of a State; but to be totally independent of all, and subject to the exclusive legislation of Congress." Mr. MASON said "this clause gives an unlimited authority, in every possible case, within the District." PATRICK HENRY called it "unlimited, unbounded authority."

Mr. MADISON, who participated in the debate, admitted the correctness of the construction to which I have referred, by replying to the argument against the adoption of the Constitution, thus drawn from the "unlimited, unbounded authority" which it conferred—that "there must be a particular cession by particular States of the District to Congress; and the States may settle the terms of the cession," and "may make what stipulation they please in it."

I have thus shown—from the express language of the Constitution—from the necessary exclusiveness of the jurisdiction of Congress—from the language of the grant of power in this case, in contrast with the other grants of power—from the absence of every thing from the Constitution which can enable us to determine what exercise of legislative power, if any, shall be excepted from the grant in question—and from contemporaneous construction—that Congress possess the constitutional power to abolish slavery and the slave-trade in the District of Columbia.

And now, Mr. Speaker, let me show you what construction has since been put upon this grant by Congress, by committees of Congress, by members of Congress from slaveholding States, by the people of this District, and by men now occupying the highest stations in this Government.

On the 1st of March, 1816, the House of Representatives, on motion of Mr. Randolph, of Virginia, passed the following resolution:

"*Resolved*, That a committee be appointed to inquire into the existence of an inhuman and illegal traffic in slaves, carried on in and through the District of Columbia, and to report whether any, and what, measures are necessary for putting a stop to the same."

This resolution, it will be observed, did not contemplate the mere regulating of the slave-trade, but the annihilation of it. Nobody can pretend that the action of Congress which the resolution contemplated did not involve the whole question of slavery here—the power to abolish the slave-trade manifestly including the power to abolish slavery.

The committee appointed under this resolution were Messrs. Randolph and Kerr, of Virginia, Maryatt, of South Carolina, Goldsborough, of Maryland, and Hopkinson, of Pennsylvania. This committee, four of whom were from slaveholding States, manifested their concurrence with the House in its acknowledgment of the power of Congress over the subject of slavery by asking for authority to send for persons and papers, which the House granted.

The committee, on the 30th of April, reported sundry depositions taken by them, which were ordered to lie on the table. And here terminated the whole proceeding! Although Mr. Randolph, on offering the resolution, urged the necessity of immediate action, and declared that "if the business was declined by the House, he would undertake it himself, and ferret out of their holes and corners the villains who carried it on," yet, "the business" was never prosecuted beyond the taking and reporting of the depositions, which depositions, by the way, are not now to be found on the files of this House!

The zeal of Mr. Randolph and of the committee appears to have suddenly evaporated! They discovered that they were attacking the "Patriarchal institutions," and shaking what has since been called "the corner-stone of our republican edifice"—and desisted! But they showed, and the House showed, that they considered the power of Congress over the subject of slavery here to be as complete as over any other subject.

On the 11th of January, 1827, the Committee for the District of Columbia, by their chairman, Mr. Powell, of Virginia, said, in a report to the House: "The Congress of the United States has, by the Constitution, exclusive jurisdiction over this District; and has the power upon this subject, (the imprisonment of free negroes as runaways, and their sale into slavery,) as upon all other subjects of legislation, to exercise unlimited discretion." "Unlimited" was the very word used by Patrick Henry in the Virginia Convention, to express his idea of the extent of the power.

I come now to a still more distinct recognition of the power for which I contend.

On the 9th of January, 1829, the House of Representatives, on motion of Mr. Miner, of Pennsylvania, adopted the following resolution:

"*Resolved*, That the Committee for the District of Columbia be instructed to inquire into the expediency of providing by law for the gradual abolition of slavery within the District, in such manner that the interest of no individual shall be injured thereby."

This resolution was passed by a vote of 114 to 66; and it is worthy of remark that, of those who voted in the affirmative, eleven were from the slave States, viz: one from Delaware, two from Maryland, three from Virginia, one from North Carolina, one from Tennessee, and three from Kentucky.

On the 29th of January the Committee for the District of Columbia reported a bill, providing, among other things, that no slave should be imported into the District; and that, upon such importation, the slave should be free, on leaving the District within ten days. Of the committee of seven who thus recognised the power of Congress over the subject of slavery here, there were four from slave States, viz: two from Virginia and two from Maryland.

It further appears that on the 20th of April, 1830, a similar bill was reported by Mr. Washington, of Maryland, chairman of the Committee for the District of Columbia.

In April, 1836, Mr. Pinckney, of South Carolina, chairman of a committee on Abolition, read the following resolutions:

"*Resolved*, That Congress possess no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this Confederacy.

"*Resolved*, That Congress ought not to interfere, in any way, with slavery in the District of Columbia."

Here, again, the power to legislate on the subject of slavery here is clearly admitted, by the marked difference in the phraseology of the two resolutions; the first expressly declaring that Congress have no constitutional power to interfere with slavery in the States, while the second merely declares that Congress ought not to interfere in this District, omitting all reference to the Constitution.

In accordance with these proceedings, which show the recognition by the House of Representatives and its committees of the power in question, is the presentation by members of Congress from the slave States of Abolition memorials, viz:

By Mr. Rhea, of Tennessee, January 14, 1822, from citizens of that State, for the gradual abolition of slavery in the District of Columbia.

By Mr. Saunders, of North Carolina, December 13, 1824, from citizens of that State, praying for the gradual abolition of slavery in the United States.

By Mr. Barney, of Maryland, on the 11th of February, 1828, from citizens of Baltimore, for the abolition of slavery in the District of Columbia.

By Mr. A. H. Shepperd, of North Carolina, March 30, 1828, from citizens of that State, praying Congress to take measures for the entire abolition of slavery in the District of Columbia; and

By Mr. Washington, of Maryland, March 5 1830, from inhabitants of the county of Frederick, in that State, for the same object.

To these expressions of opinion by individual members of Congress from slave States, I add that of Alexander Smyth, of Virginia, in the debate on the Missouri question, in January, 1820, in which he said:

"If the future freedom of the black is your real object, and not a mere pretence, why do you not begin here? Within the ten miles square you have undoubted power to exercise exclusive legislation. Produce a bill to emancipate the slaves in the District of Columbia, or, if you prefer it, to emancipate those born hereafter."

From these recognitions of the power in question, I turn to admissions of the power by the people of this District.

In the year 1802, the Grand Jury of the county of Alexandria made a formal presentment of the slave trade as a "grievance." Having described the trade, with its horrible and heartrending atrocities, they say: "We consider these grievances demanding legislative redress."

Let me stop a moment to consider the language of this presentment—"grievances!" We have been told that slavery and the slave trade here are no grievance, whose redress can be prayed for, because Congress have no power over the subject. Not so thought the Grand Jury of Alexandria. And then, again, we are told that slavery and the slave trade are no grievance to the people of the North, because their interests are not affected by them. How were the interests of the grand jurors of Alexandria affected by what they presented as a grievance? It did not take away their property—it did not destroy their health, or endanger their lives, but it outraged their feelings; and therefore it was a "grievance." It outrages the feelings of my constituents; and therefore it is a grievance to them. It is an outrage committed under the authority of the laws of Congress, for which they share a responsibility; and therefore they ask for their repeal.

But I have in my hand a still stronger expression on the subject from this District. It is a memorial earnestly praying for the abolition of slavery and the slave trade here, signed by more than eleven hundred citizens of the District, presented to Congress in 1828; among the signers of which were Chief Justice Cranch, Judge Morsell, and Gen. Van Ness, besides a large number of others of the most intelligent and respectable of the inhabitants of the District. And now, sir, listen to the expression of their opinion upon the power of Congress.

After describing in glowing language the horrors of the slave trade here, comparing it with the foreign slave trade, denounced and punished as piracy, and speaking of "the reproach of inconsistency cast upon the free institutions established among us," they say:

"We behold these scenes continually taking place among us, and lament our inability to prevent them. The people of this District have, within themselves, no means of legislative redress; and we therefore appeal to your honorable body as the only one invested by the American Constitution with the power to relieve us."

Two years after the presentation of this memorial, viz: in January, 1830, the Grand Jury of the county of Washington expressed their conviction of the power of Congress over this subject, in a communication addressed to the chairman of the Committee for the District of Columbia, in which they gave an appalling description of the slave trade, and declared that "the inhuman practice is so shocking to the moral sense of the community, as to call loudly for the interposition of Congress."

Let me present you, Mr. Speaker, with the additional testimony of two distinguished men, and I shall have done with the question of constitutional power. I refer to the declarations of the two highest officers of this Government.

In the United States Senate on the 1st of February, 1820, in the debate on the Missouri question, RICHARD M. JOHNSON of Kentucky said:

"In the District of Columbia, containing a population of 30,000 souls, and probably as many slaves as the whole Territory

of Missouri, the power of providing for their emancipation rests with Congress alone. Why, then, this heartrending sympathy for the slaves of Missouri, and this cold insensibility, this eternal apathy towards the slaves in the District of Columbia?"

And now I give you the testimony of the present Chief Magistrate of the United States, whom no one will suspect of a want of inclination to please the South, by denying the constitutional power of Congress over this subject, if it were possible to find even plausible reasons for such a denial. In a letter to a committee of gentlemen in North Carolina, of the 6th of March, 1836, Mr. VAN BUREN said:

"I would not, from the lights now before me, feel myself safe in pronouncing that Congress does not possess the power of abolishing slavery in the District of Columbia!"

This was Mr. Van Buren's way of affirming the power of Congress to abolish slavery here.

IS THE ABOLITION OF SLAVERY WITHIN THE COMPETENCY OF LEGISLATION?

Having thus shown that the language of the grant of power to legislate for this District, necessarily, in the absence of express limitation, extends to every possible "case" of legislation, and that this is in accordance both with ancient construction and modern practice, I come to consider some objections which are urged against the exercise of the power.

It is said that it is not competent for legislative power to abolish slavery; and that, inasmuch as the grant of power to Congress must necessarily be limited to "cases" within the competency of legislation, therefore the "all cases whatsoever" of the Constitution cannot be taken to embrace the "case" of slavery.

No legislative power is, I admit, competent to do every thing. It cannot, for example, act by law upon the consciences or the faith of men. It cannot compel or sanction the commission of crime. It cannot enact that husbands shall not protect their wives, or that parents shall not provide for their children, or that female chastity shall be exposed to violation; and so of many other cases I might specify. It cannot pass such laws, for the very same reason that it could not rightfully pass the laws by which slaves are holden here; and for the very reason why it is bound to repeal them, namely, because such laws are contrary to the great law of nature, which no human legislation may violate.

But what is it to abolish slavery? Slavery, it should be remembered, is the mere creature of statute, or positive law. It is unknown to the common law. "It is" (said Lord Mansfield, near seventy years ago, in the celebrated case of the negro Somerset, which every lawyer has of course read) "It is so odious, that nothing can be suffered to support it but positive law." What is it, then, to abolish slavery? It is simply to repeal the positive laws which sustain it—to open the foul dungeon, locked by the key of unjust legislation, and permit the slave to walk forth and breathe the pure, invigorating atmosphere of the common law. It is to restore to its just efficacy the great fundamental law of natural justice, on which the common law is founded—a law written upon every man's conscience and in every man's heart.

This Congress is called on to do by the petitions which we are now contriving means summarily to reject. It is by the statute laws of the United States, and by them alone, that men are made slaves in this District. The Congress of the United States have passed laws repealing the law of eternal justice; and the petitioners ask us to repeal the repealing laws, and restore the law repealed to its full force and efficacy. They ask us to remove the crushing wight we have placed upon the soul and the body of the slave, and permit him to rise up and walk. They ask this in the name of justice. And are we to be told that we have no power to grant their request? Had we power to enact these laws? Where did we get it? If the Constitution gave it, (which I deny,) does it not give us power to repeal them? Have we power to pass a law making men the property of their fellow men? and have we no power to pass a law restoring to them the ownership of themselves?

Will any one talk of vested rights, which we should thereby violate? I deny that there are, or ever can be, in justice, any vested rights in such a case. It has been said by a great statesman that "that is property which the law makes property." If by this proposition is meant that what the law makes property is property, according to law, I do not, of course, deny it. This would be merely saying that law is law. But if it is intended to affirm that what the law makes property is rightfully and justly property, then I deny it utterly. The law may make the declaration, and the power of the State may enforce it, and the community may, of necessity, submit; but, after all, it will be a mere law of force, and not of right, unless, according to the philosophy of the infidel Hobbes, "the sole foundation of right and wrong is the civil law." That is the philosophy for slavery, but not for the freedom which finds the rule of right and wrong in a higher law than that of the State.

Let me test this proposition to which I have referred, by an example. Suppose we enact a law declaring that the first red man from the Western wilds who may chance to fall within your power shall be your property. Would our law make him property? Would not the voice of nature, and the voice of this nation, unite in thundering an indignant no to such an inquiry?

Whence is derived the original idea of property? It is not the creature of statute law. There are no statutes declaring that lands and houses, and cattle, and the productions of human skill and industry, shall be property. There are statute laws regulating their alienation and descent, but none declaring that they may be the subjects of ownership by man. And this for the best of reasons. There is a law older than all human laws, and above all human laws, which has settled the matter. It is the law of nature; which is nothing more or less than the will of the great original proprietor. That proprietor never stamped on man the quality of property. He never authorized one man to own another man; nor did He ever authorize a Legislature to make a law giving such ownership. Ownership in man? You may as well talk of owning the stars or the sun. No. Man was made to be the owner of himself. Every quality of his noble nature, and every aspiration of his undying spirit, proclaim it.

Having shown that the Abolition of slavery is, upon the principles of natural justice, within the competency of legislation, let me now advert, briefly, to the history of Abolition, to show how extensively these principles have been acted on. It may surprise those who habitually regard Abolition as the mere fungus creation of moon-struck fanaticism, to learn the extent to which its "abstractions," as they are called in derision, have been actually made the basis of legislation. I hold in my hand the 5th number of the "Anti-slavery Examiner," in which I find the following very brief summary of the history of Abolition, which I beg permission to read:

"The Abolition decree of the Great Council of England was passed in 1102. The memorable Irish decree, 'that all English slaves in the whole of Ireland be immediately emancipated and restored to their former liberty,' was issued in 1171. Slavery in England was abolished by a general charter of emancipation in 1381. Passing over many instances of the abolition of slavery by law, both during the Middle Ages and since the Reformation, we find them multiplying as we approach our own times. In 1776, slavery was abolished in Prussia by special edict. In St. Domingo, Cayenne, Gaudaloupe, and Martinique, in 1794, where more than 600,000 slaves were emancipated by the French Government. In Java, 1811; in Ceylon, 1815; in Buenos Ayres, 1816; in St. Helena, 1819; in Colombia, 1821; by the Congress of Chili in 1821; in Cape Colony, 1823; in Malacca, 1825; in the southern provinces of Birmah, 1826; in Bolivia, 1826; in Peru, Guatemala, and Montevideo, 1828; in Jamaica, Barbadoes, the Bermudas, the Bahamas, Aquilla, Mauritius, St. Christopher's, Nevis, the Virgin Islands, (British.) Antigua, Montserrat, Dominica, St. Vincent's, Grenada, Berbice, Tobago, St. Lucia, Trinidad, Honduras, Demerara, Essequibo, and the Cape of Good Hope, on the 1st of August, 1834. But, waiving details, suffice it to say that England, France, Spain, Portugal, Denmark, Russia, Austria, Prussia, and Germany, have all, and often, given their testimony to the competency of the legislative power to abolish slavery. In our own country, the Legislature of Pennsylvania passed an act of abolition in 1780, Connecticut in 1784, Rhode Island in 1784, New York in 1799, New Jersey in 1804, Vermont by Constitution in 1777, Massachusetts in 1780, and New Hampshire in 1784."

Here, sir, are the "abstractions" of Abolition, embodied in the legislation of Europe and America during the last five hundred years; and yet we are told that legislative power is incompetent to the abolition of slavery!

To the evidence thus furnished of the recognition of the competency of legislative power to abolish slavery, by its actual abolition, I may add the admission of it clearly implied in the Constitutions of five of the slaveholding States of this Union—namely, those of Georgia, Alabama, Mississippi, Kentucky, and Arkansas—all of which expressly prohibit the Legislatures of those States from passing laws for emancipating slaves without the consent of their owners—thereby admitting that, without such prohibition, the power to pass such laws would exist.

To all this I might add the authority of numerous distinguished names from among slaveholding statesmen and jurists of our country; such as Pinckney and Martin of Maryland, and Washington, Jefferson, Madison, Henry, Pendleton, Mason, Wythe, Lee, and St. George Tucker, of Virginia. I shall refer more fully to the declarations of some of them hereafter, for another purpose. I will only here say, that General Washington repeatedly declared that the abolition of slavery ought to be effected "by legislative authority," and that "at a period not remote."

But I have further authority on this point, in the action of this Government itself, to which I desire now to call your attention, and in which you will find the power of abolishing slavery exercised in cases in which it was much less clearly authorized than it is in the case before us.

The abolition of the slave trade, no one will deny, involves the great principle of the right to abolish slavery. That trade on the high seas, in American vessels, Congress has abolished, or attempted to abolish. It has authorized the commanders of its armed vessels to capture the slaveship, take from its owner his cargo of men, and bring in his vessel for condemnation, and himself for trial as a pirate.

Now, by what authority has Congress thus interfered to wrest from citizens of the United States men bought with their money? By what authority has it interfered with "vested rights?" By what authority does it thus take "private property?" Does the Constitution say that Congress may legislate in "all cases whatsoever" touching the African slave trade? No. It simply declares that "the Congress shall have power to regulate commerce with foreign nations." It is upon the foundation of this simple grant of power that Congress has reared its structure of slave-trade-prohibiting legislation, and has brought up, for the top-stone of the noble edifice, the punishment of death.

But further. Congress, by an act passed on the 7th of April, 1798, prohibited, under a heavy penalty, the importation of slaves from any place without the limits of the United States, into the Territory of Mississippi; and declared that, upon such importation, such slaves should be free. It also, on the 26th of March, 1801, enacted a similar prohibition of the importation of slaves into the Territory of Orleans, with a similar provision for their freedom.

By what authority were these abolition acts passed? Simply in virtue of that clause of the Constitution which declares that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States;" a power by no means as clearly reaching the "case" of abolition, as that of legislating "in all cases whatsoever" within and for the "ten miles square." Let it not be said that the prohibitions to which I have just alluded were enacted under the authority of that clause of the Constitution to which I have before referred the abolition of the foreign slave trade, since the authority derived from that clause, to prohibit the importation of slaves, was prohibited to be exercised prior to the year 1808; while these acts prohibiting their importation into the Territories of Mississippi and Orleans were passed in 1798 and 1804.

But there is a still more striking illustration of the pushing of legislation to "the verge" of constitutional power in favor of human liberty, in the celebrated ordinance of 1787 "for the government of the Territory of the United States northwest of the river Ohio." The sixth of the "articles of compact" of that ordinance declares that "there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes." This article not only prohibited the future introduction of slaves into the Northwestern Territory, but, in effect, abolished the slavery which then existed there. This is sufficiently obvious from the terms of the ordinance. And such is the effect which has been given to it by judicial decision. I refer to the case of Harvey and others vs. Decker and Hopkins, decided by the Supreme Court of Mississippi, in the year 1818.—Walker's reports, p. 36.

This was the case of three slaves who had been taken by Decker from Virginia to the Northwestern Territory, in 1784, where they remained until after the ordinance of 1787, and until the year 1816. How the case came up for adjudication in Mississippi does not appear. It was fully argued upon a motion for a new trial, and the Court decided that the slaves were emancipated by the ordinance of '87. One of the points made in the case was, that whatever might be the effect of the ordinance, the slaves were emancipated by the Constitution of Indiana, adopted in 1816. This was resisted on the ground that to give it such an effect would be to violate vested rights. The decision of the court on this point, coming from the highest judicial tribunal of a slave State, is worthy of special notice.

"What (say the court) are these vested rights? Are they derived from nature, or from the municipal law? Slavery is condemned by reason and the laws of nature. It exists, and can only exist through municipal regulations; and, in matters of doubt, is it not an unquestioned rule that courts must lean *in favorem vitæ et libertatis*? Admitting it was a doubtful point whether the Constitution was to be considered prospective in its operation or not, the defendants say, You take from us a vested right arising from municipal law. The petitioners say, You would deprive us of a natural right guarantied by the ordinance and Constitution? How should the court decide, if construction was really to determine it? In favor of liberty."

That the practical effect of the ordinance was to emancipate the slaves within the Territory at the time of its adoption, (and that, too, let it be remembered, without compensation, appears from the fact that slaveholders in the Territory petitioned Congress for a repeal of that part of the ordinance touching the subject of slavery, upon the ground that it had such an effect. I refer to the memorial of "the inhabitants of the counties of St. Clair and Randolph," Illinois, presented to Congress on the 12th of January, 1796. It is an interesting document, embodying as it does the principal arguments now urged, and always urged, against the emancipation of slaves without the consent of their owners; and showing the tenacity with which slavery clings to its wrongful possessions. Let me state the substance of it.

The memorialists declared the ordinance to be contrary to a fundamental principle in all free countries, "that no *ex post facto* law should ever be made." They stated that they were, at the date of the ordinance, possessed of a number of slaves, which the sixth article "seemed to deprive them of, without their consent or concurrence;" and they complained that the effect of that article was to deprive them, not only of the slaves holden by them at its date, but—what was a great grievance!—of the children of those slaves born after that date; their right to whom, they affirmed—and, as I think, with great truth—to be as indefeasible as the right of their parents. They close their complaint by saying that, so far as it respected them, the ordinance was altogether *ex parte*; and that, if they had been consulted, they would never have made a compact depriving them of their most valuable property.

Such was the ordinance of 1787—an ordinance passed unanimously, with the exception of a single vote. It is worthy of remark that, although this ordinance was drawn by a distinguished member from Massachusetts, [Mr. DANE,] yet the idea of abolishing slavery in the Northwestern Territory was originally brought out by Mr. Jefferson, having been suggested by him in 1784, in his report, as chairman of a committee of Congress, of a plan for the government of the Territory.

And now, sir, by what authority did the Congress of '87 thus abolish slavery in the Northwestern Territory? Was there any power to do it conferred by the Articles of Confederation which will at all compare with the authority given to Congress in the present Constitution to abolish slavery here? None will pretend it. And yet the ordinance was passed, and slavery abolished—so strong was the anti-slavery feeling of that day—so ready were the men of the Revolution to strain authority to the very utmost, for the purpose of banishing slavery from the land which freemen's blood had been profusely poured out to redeem from oppression's power.

OBJECTION—PROPERTY CANNOT BE TAKEN WITHOUT PROCESS OF LAW, NOR WITHOUT COMPENSATION.

But it is said that the power to legislate "in all cases whatsoever" is restrained from abolishing slavery, by the fifth of the amendments to the Constitution, which declares that "no person shall be deprived of life, liberty, or property, without due process of law." My reply to this is, that the term "property," as used in the amendment, cannot be there taken to mean slaves because the Constitution itself calls them persons, and treats them as such. They are described in the second section of the fourth article as "persons held to service or labor;" and in the second section of the first article, which provides for their being represented in this body, they are spoken of as "all other persons." If, then, it had been intended to prohibit the taking of slaves "without due process of law," then the amendment should have so described them. The Constitution must be made its own interpreter; and it calls them "persons." No mere intendment, therefore, can include them within the meaning of the term "property."

If it be said that this construction would not make the Constitution prohibit individuals from depriving slaveholders of their slaves without process of law, I admit it. The guarantee extending, for the reason mentioned, in nowise to slaves, their "owners" are, of course, left to their rights as existing independent of the guarantee.

The honorable member from Georgia [Mr. COOPER] refers to that clause of the amendment which prohibits the "taking of private property for public use without just compensation," and finds in that an argument against abolishing slavery. "Is it pretended (says he) that this Government has a 'public use' for this property?" Sir, I admit that Abolition does not take for "public use." But I, at the same time, maintain that it does not take at all, within the meaning of the Constitution. It performs a nobler work than taking slaves for public use. It takes off from them the crushing weight of laws which consign them, without compensation, to the use of others, and restores them to the use of themselves. This is Abolition.

But I have another reply to the argument drawn from the amendment of the Constitution referred to. It is, that the Government of the United States has always refused to recognise slaves "as property," for which "compensation" might be claimed under the Constitution. In numerous cases in which they were taken into the service of their masters as waiters, and killed in the service, has Congress refused compensation, though it has uniformly made it for horses and other property destroyed by the enemy while employed in such service.

But, what is more directly to the point now before us, Congress has, in passing laws providing compensation for property impressed into the service—"taken for public use"—expressly refused to include slaves. Thus, when the act of the 9th of April, 1816, "authorizing the payment for the property lost,

captured, or destroyed by the enemy, while in the military service of the United States," was under discussion, Mr. Maryatt, of South Carolina, moved to amend the section which provided payment for impressed horses, carts, &c. so as to include all other property lost in the service. He particularly called the attention of the House to the cases of slaves used as drivers of wagons, as sailors, laborers, &c. impressed into the service, and lost, captured, or destroyed by the enemy. His motion was negatived by a large majority. A similar motion was made by Mr. Forsyth, on the 24th of January, 1825, to amend the bill authorizing further payment to sufferers during the war, and with a similar result.

In addition to all this, the House of Representatives repeatedly refused, upon the most pressing and urgent applications of Francis Larche, to make compensation for his slave, impressed into the service at New Orleans, in the winter of 1814-'15, and killed in the service. A report of the Committee of Claims in this case may be found in the third volume of the Reports of Committees, 1st Session, 21st Congress, No. 401; in which numerous cases of rejected applications for compensation for slaves killed in the service are referred to.

CONSENT OF THE PEOPLE OF THE DISTRICT.

It is, in the next place, said that Congress may not abolish slavery here without the consent of the people of this District. This objection has received the sanction of my venerable friend from Massachusetts, [Mr. ADAMS,] in an address to the people of the United States since the last session of Congress, and deserves, for that reason, if for no other, to be well considered. I understand the venerable member to have placed this objection on the ground that it is against the great leading principle of our institutions—that of self-government—that the people should be acted on by legislation without their consent. I admit the correctness of the principle, but deny that it sustains the objection. It will not certainly be claimed that the consent must, in all cases, be expressed. There are very few now on the stage who expressly assented to the Constitution when it was adopted; yet nobody denies that we are all bound by it in virtue of an assent, implied. And is not the assent of the people of this District to our legislation implied, upon the same principles? When the territory composing this District was a part of Virginia and Maryland, the assent of its inhabitants to that Constitution which authorizes Congress to exercise exclusive legislation in all cases whatsoever was, in effect, given by the adoption of that Constitution by Virginia and Maryland; and the present inhabitants of the District are bound to submit to that legislation upon precisely the same principle that obliges any of the States to submit to any legislation of Congress constitutionally exercised.

If this reasoning be correct, the assent of the people of this District to the constitutional action of Congress is implied; and to require that it be expressed asserts a principle which would absolve the people of the whole country from all obligation to obey the laws either of the States or of the nation.

And here it should be borne in mind that the objection does not apply solely to legislation for the abolition of slavery, but that, from its nature, it is applicable to all subjects of legislation affecting the interests of the people of the District; so that the principle it involves strikes at the whole power of Congress supposed to be conferred in the clause of the Constitution we have been considering.

But let us see how the new principle contended for is to be carried out. How is the new piece of umber to be put into the building which has been so "fitly framed?"

There must, it is said, be an express assent of the people of the District. How is that assent to be obtained? By what authority? Shall meetings be called? How and by whom? And when they are called, and come to act—upon what principle—by virtue of what organic law shall the decision of the majority bind the minority, or bind those who do not choose to attend?

And, then, in what form and under what circumstances is the assent to be given? Must the law which we may pass be submitted to the people in their assemblies for their sanction? Or shall they meet beforehand, and give Congress power to exercise legislation in certain cases or upon certain subjects, leaving to Congress the power to settle the details of its own action?

Congress has hitherto always proceeded on the ground that its power to act was derived from the Constitution. And when the inquiry has arisen, what are we authorized to do? Wise and learned men have gravely looked into the Constitution to determine the question. But, under the new doctrine, the case is entirely changed; and our wise men must lay aside their spectacles, shut the book of the Constitution, and go about to inquire, what power do the people of this District think we have a right to exercise? Or what power are they disposed to grant us? We used to think we must inquire of the Constitution to know what we might do, especially as we were solemnly sworn to support it; but now we must inquire of the people of this District! Who ever heard of such a Government as this would be if the doctrine I am combating should prevail! Surely I need say no more to prove—what every body must see—that it puts an end to the government of Congress over this District, and abolishes the seventeenth clause of the eighth section of the first article of the Constitution as completely as some of the "men and women" of the North desire to see slavery and the slave trade abolished.

IMPLIED FAITH TO VIRGINIA AND MARYLAND.

It is further objected to the exercise of our power of abolishing slavery and the slave trade here, that it would be a violation of the "good faith to Virginia and Maryland, implied in the cession and acceptance" by Congress to the territory which forms this District.

"Good faith implied in the cession and acceptance." What does this mean? It must mean this: that there was something in the cession and acceptance, or in the circumstances connected with them, that raised a confidence in Virginia and Maryland that the Government of the United States would not abolish slavery or the slave trade in the District; this confidence, from whichever of these sources derived, carrying with it a corresponding pledge on the part of the United States that such action should not take place.

Now it is manifest that there could have been no such pledge implied, because there could properly have been none such expressed. Congress had no power to make such pledge. It would have been utterly void, if made, because the Constitution having given to Congress power to "exercise exclusive legislation in all cases whatsoever" over the District, no one Congress can, by any act, restrict a subsequent Congress to the exercise of that power in some cases only; if it could, it would have the power to alter the Constitution by act of legislation.

But, waiving this, let us look into the acts of cession and of acceptance, and see whether any thing can be found from which the supposed confidence could be raised on one side, or the supposed pledge implied on the other.

The acts of cession, one dated December 3, 1789, and the other December 19, 1791, are as follows:

"*Be it enacted by the General Assembly*, That a tract of country not exceeding ten miles square, or any lesser quantity, to be located within the limits of the State, and in any part thereof, as Congress may by law direct, shall be, and the same is hereby, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction as well of soil as of persons residing, or to reside, thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States."

Such were the cessions. "Full and absolute right and exclusive jurisdiction of soil and persons residing or to reside thereon." And that there should be no hesitancy on the part of the United States to accept the cessions, on account of any supposed failure to make the grants they contained coextensive with the grant of power to Congress in the Constitution, it was added, "pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the United States."

The acts of Congress accepting these cessions are mere acts of acceptance, containing nothing which has the slightest bearing on the present question.

Now, what is there in these cessions and their acceptance to raise an expectation on one side, or imply a pledge on the other, that the power to abolish slavery was to become a practical exception from the "exclusive jurisdiction" expressed in the cessions, or from the authority to legislate "in all cases whatsoever," given in the Constitution, to which they refer? What sort of "good faith" is it which, in the face of so plain a grant of all power, excepts, without any language expressing or implying such exception, the important power now in question? Could not the ceding States have incorporated in their acts a proviso that nothing herein contained shall be construed to vest in the United States, or to recognise, in any manner, the power to abolish slavery in the ceded territory? And shall they, having failed to make, or attempt to make such stipulation, now claim that it was implied "in the cessions and acceptance of the territory? This omission to except the case of the abolition of slavery is the more significant because there was, in these acts, a reservation really made, namely, "that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to effect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States."

Now, why was there not connected with this reservation the stipulation I have suggested in favor of slavery? It could not have been for want of caution in the Legislatures of Virginia and Maryland; for there was a very extreme caution exercised in making the reservation as to the soil could—since it is quite obvious that, without such reservation, no property of individuals in the soil have passed to the United States. Nor could the omission have been the effect of an impression that the grant of power by the Constitution to Congress was not full and complete, so as not to require an express exception, if any was desired or intended; because the subject of the extent of the powers granted to Congress over the District had then recently been discussed, as I have shown, in the Virginia Convention, where it had been maintained that the power was "unlimited"—extending to "every possible case." Neither could the omission have resulted from a supposition that, as the Constitution had granted to Congress power to legislate "in all cases whatsoever," it would be incompetent for Virginia and Maryland to make the stipulation that it should not legislate in a particular case—since it had been expressly declared in the Virginia Convention by Mr. Madison, the father of the Constitution, "that the ceding States might settle the terms of the cession," and "make what stipulation they please in it." Nor could the omission to make the stipulation have resulted from an impression that it was unnecessary to stipulate against the exercise of a power not within the competency of legislation; since the competency of legislative power to abolish slavery was then universally conceded.

Whence, then, the very significant and important omission to settle this question by a stipulation in the acts of cession? There can be but one answer to this question; and that is, that Virginia and Maryland did not intend to make such a stipulation; they did not, in fact, desire to make it. The subject of the power of Congress, under the general grant of power to legislate in all cases whatsoever, did not escape the attention of the leading men in those States. They knew that by the cessions they parted with all jurisdiction over the Territory; that Congress was made its exclusive Legislature; and that legislative power was then relied on as a legitimate means for abolishing slavery; and yet, with their eyes thus wide open, they ceded the ten miles square, and expressly confirmed the ample power over it granted to Congress by the Constitution, without the slightest attempt to impose any limitation whatever upon the exercise of that power in the abolition of slavery.

While the supposition of an "implied faith" to Virginia and Maryland is thus clearly negatived by the terms of the cessions, and the significant omission of any stipulation in them in favor of slavery, there are other considerations which render it manifest that no such limitation can be implied.

What is the ground of the supposed "good faith" to Virginia and Maryland? It is the assumption that the abolition of slavery and the slave trade here would injuriously effect the interests of those States. But is legislation on the subject of slavery the only legislation which the principle of this objection would reach? Is there, in fact, any legislation capable of affecting the interests of the neighboring States, to which it might not be applied? Might it not, for example, reach the criminal code which we might enact for the District? or the licensing of lotteries or gaming establisements in it? or our legislation upon the subject of the currency here?

Does not the principle of this objection strip us of all power, not only over the subject of slavery, but over every other subject, or legislation on which might affect the feelings or the interests of Virginia and Maryland, and send us, cap in hand, to those States, in the attitude of inquiring what we may do in the execution of our powers of legislation? Who is willing to take this attitude? Who dreamed, at the adoption of the Constitution, that the Federal Government would ever be brought to the necessity of taking it?

And, then, the same difficulty would exist in case the people of the District should—as it is contended they must do—give their assent to the action of Congress abolishing slavery; for the abolition would be just as injurious to Virginia and Maryland, if effected by Congress with the consent of the people of the District, as without it. Indeed, the principle of the objection would be just as fatal to the right of the people themselves to abolish slavery here, as the right of Congress to do it. The objection, in fact, places both Congress and the people in the same position, in regard to abolition, as are the individual citizens of Virginia and Maryland. It is one of the most unjust and oppressive features of their slave systems, (a feature which marked the cruel and sanguinary system of Spartan slavery!) that individuals are prohibited from emancipating their slaves, except upon condition of the banishment of the emancipated; though a dispensation may be, and sometimes is, granted by special acts of legislation.

The cruel policy which compels the citizens of those States (where the rights of conscience are carefully guarded in other respects, but flagrantly violated in this!) to hold their brethren in bondage, against their strongest convictions of duty, and the noblest impulses of a generous nature, is thus extended even to the Government of the United States; so that, although under a conviction of the claims of justice, it might desire to abolish slavery here, and thus cease to stand before the world in the character of a slaveholding Government, it could not do it without going, with the slaveholders of Virginia and Maryland, to the Legislatures of those States for the enactment of dispensing statutes!

Such is the humiliating position in which the slave power seeks to place the Government of this Republic!

It being thus apparent that there is nothing in the "cessions and acceptance" implying the "good faith" which is relied on; and that such implication, carried out, would subject Congress to an absurd and degrading subserviency to Virginia and Maryland; the question recurs, where shall we find this mysterious "good faith," which is in every body's mouth, but which nobody can define, and nobody seems perfectly to understand?

Mr. Speaker, there never was any such thing as the "implied faith" that is contended for. It did not enter the conceptions of either of the parties when the cessions were made and accepted. Virginia and Maryland now desire to limit the action to Congress on the subject of slavery. They then desired no such thing.

If the objection were placed on the ground of the present wishes of Virginia and Maryland, then I say give them all the effect to which the desires of those States are fairly entitled; but, when they place in the high and imposing ground of a breach of implied faith, my reply to them is, that there is not and never was any such implied faith as they contend for; that the change of their minds since 1789, does not change the character of the enactment and acceptance of the cessions; and that they must, therefore, be content to abide by them according to their fair import.

Indeed, I go further, and say that the state of public sentiment on the subject of slavery at that period, and the universal expectation then entertained that slavery would, at no distant day, be abolished, not only negative the idea of the implied faith contended for, but furnish the strongest ground for an opposite implication. I shall presently, for a more general purpose, produce such evidence of the public sentiment and expectation as will, I trust, satisfy the most incredulous that, instead of objecting to the action of Congress on the subject of slavery here, the States of Virginia and Maryland were bound in good faith, long since, to have abolished slavery within their own limits; and that their neglect to do so is just ground of complaint on the part of the United States. In no part of the Union were there louder and more bitter denunciations against slavery than in these same States of Virginia and Maryland when the Territory was ceded and accepted. It was not only universally admitted, as I have shown, that the abolition of slavery was within the competency of legislation, but that it must and would be effected, to use Washington's language, "at no distant day." The cessions of this Territory, therefore, it must be apparent to all, were accepted by Congress with the expectation, well understood by Virginia and Maryland, that the District about to set apart for the seat of Government would soon cease to be surrounded by a slave population—a consideration which may well be supposed to have had great influence in inducing the decision of Congress to locate the seat of Government here.

Instead, therefore, of the present agitation of the subject of slavery and the slave trade here being justly to be regarded (to use the language of Mr. Van Buren to the North Carolina Committee) "as a surprise upon the people of Maryland and Virginia," the surprise should be on the other side; and, instead of "being confident (to use his language) that, if the state of things which now exists had been apprehended by those States, the cession of the District would not have been made," no man can consider the state of feeling and expectation in regard to slavery at that time, without being confident that, 'if the present state of things had been apprehended by" the Middle and Northern States, "the cession would not have been" accepted.

Such being the true state of this case—such the "faith" really "implied" in the history and spirit of the times to which I have referred, is it not amazing to witness what is now passing? Instead of the redemption of the implied pledge to remove from around this seat of Government the curse of slavery, it has been permitted greatly to increase; and this very city has become the great slave mart of large portions of these States—insomuch that the Representative from the free States, and their constituents who come to this city to witness the deliberations of Congress, are compelled to witness the driving of coffles of slaves through its principle avenues, and by the very doors of this Capitol—to witness, in fact, the slave trade, with all its infernal machinery of prisons, whips, chains, and slave ships—a trade little less horrible—in some of its aspects more so—than that whose prosecution on the high seas our laws have subjected to the punishment of death.

And now, to crown the whole, the very petitions—prayers of citizens of the United States, asking, in the name of humanity, the abolition, not of slavery in Virginia and Maryland, but of slavery and the slave trade here, are sneered at, and rejected without a hearing; while the petitioners are branded as "desperate and despicable fanatics" on this floor.

Mr. Speaker, need I ask who has the right to complain of a violation of "good faith" in regard to the matter of slavery here?

IMPLIED PLEDGE OF THE NORTH TO THE SOUTH IN ADOPTING THE CONSTITUTION.

I come now to another branch of the subject of implied faith of a more general nature; I mean the "implied faith" that Congress will not legislate on the subject of slavery here, and that the people of the North will not agitate the subject—drawn from what is called "the compromise which lies at the basis of our Federal compact."

I do not here refer to the assertion often made that "slavery, as it exists at the South, is guaranteed by the Constitution," because such an assertion has not even plausibility enough to entitle it to notice in a grave discussion; though there are thousands, probably, who really believe that there is such a guarantee—which those who claim the right of free discussion are wickedly violating. But I state the objection as it is expressed by Mr. Van Buren in his North Carolina correspondence. He did not place it on the ground of a guarantee in the Constitution, or inferrible from the Constitution, but of a faith implied in "the compromise which lies at the basis of the Federal compact." This is surely sufficiently indefinite for the largest convenience of non-committalism.

The compromise! Where is it? And what is it? Those who rely on it profess to infer it from the history of the proceedings on the question of slavery in the convention that formed the Constitution. What is that history? Briefly this:

Slavery existed in a portion of the States. A desire existed at the North to introduce an express provision into the Constitution for its abolition. This the South resisted; and the Constitution was adopted without such provision.

These are the facts. What then was the compromise? A compromise involves a mutual concession. What did the North concede? She conceded the point in dispute. And what was that? Simply whether the Constitution should abolish slavery. How did this concession pledge the North not to speak, write, print, or petition against slavery?

Mr. Speaker, it seems to me that this simple statement of the case makes it almost too plain for argument. The mind is actually compelled to labor to find even plausible ground for the inference of the guarantee relied on; and yet that inference is maintained with great pertinacity. It is said that slavery was an exciting subject, and that the convention, having agreed to drop it, and make no provision to abolish slavery, there therefore arose an implied guarantee that it should be no more discussed; but that the North should forever after hold her peace!

Now, however incredible this may appear to men of common sense, it is really true that there is a sort of sense uncommon enough to draw such an inference. I have no doubt it will amaze many a farmer, when he sits down to read his newspaper, to find that this is the state of the case; and he will be tempted to say that slavery makes as bad work with logic as it does with human rights. What! says he; a guarantee that I shall say nothing about slavery, because the men that made the Constitution, after talking about it awhile, stopped talking, and made a Constitution that did'nt abolish it? This is strange doctrine. I do not agree to it; for, in the first place, these slaves, if they are black, are my brethren. The good book says that God made of one blood all nations of men; and these slaves are men; and they have feelings, too, as well as I, and rights, as well as I; and I can't help feeling for them, and saying what I think about their being held in bondage. In fact, I don't see why the men that pretend to own them might not just as well pretend to own me, and come here and take me. And, indeed, I had almost as lief they would, as to stop my talking about their enslaving the black men; for how can a man help talking when he feels as much as I do? And then, if I have a mind to write, and send it to the printer, I should be glad to know why I may not do it, if I do give the slaveholders a little scoring. But my speaking and writing will go but little ways if slavery has a right to say to the printer that he shall not print what I write.

And then I understand that there are six or seven thousand slaves in the District of Columbia, and that there are pens there, right in sight of the Capitol, where slaves that have been bought are shut up, until there are enough of them got together to send off to market, away to the South, where they will never see their husbands, nor wives, nor parents, nor brothers, nor sisters, any more. I declare it makes me feel bad to think about them. And I understand that Congress has a right to say that these six or seven thousand slaves shall not be slaves any more; and, also, that slaves shall not be bought and shut up there any more, to be sent away to the South. Now I am told here, in this newspaper, that because the men that made the Constitution stopped talking about slavery, I am prohibited from sending my petition to Congress asking it to exercise its power about slavery and the slave trade in the District of Columbia.

I know it is said I may petition; but I do not see what use there is in sending my petition to my representative, if, the moment he gets up with it in his hand, it is to be considered as objected to, and the question about its being received is to be considered as laid upon the table. Now, I consider that it all amounts to saying, in a sort of back handed way—and I dislike it the more for that—that my petition shall not be received or considered; and I would as lief they would say that I shall not write it and send it as to do this; for if they will not hear me, what's the use in sending my petition, and asking my representative to present it?

Now, as I said, I do not agree to all this. These rights of speaking, and writing, and printing, and petitioning are great rights, which I am thinking these Constitution-makers would have had no business to stop the exercise of, even if they had put it in the Constitution; and certainly that it cannot be stopped merely because they stopped talking about slavery; for, if I understand the matter, that stopping only meant that they would say no more about abolishing slavery by the Constitution; and what shows this is, that they went to talking about slavery, and writing about it, and printing about it, and having societies about it, and petitioning about it, right off after the Constitution was formed.

And, besides all this, the Constitution, if I remember right, says that Congress shall make no law abridging the freedom of speech or of the press, or the right of the people to petition for a redress of grievances. Now, I think it is pretty essentially abridging these rights to say that I shall not speak nor write, nor have my writing printed, about slavery; and that I shall not petition against slavery and the slave trade in the District of Columbia; for, if there ever was any thing that grieved me, it is that slavery, and that buying and selling, and driving and shipping to market, of men, women, and children in that District.

The good book, again, tells me to remember those that are in bonds as bound with them; (and this—as bound with them—I take it, means something;) and yet I must not say, or write, or print a word about my feelings, because the Constitution-makers stopped talking about slavery while they were making the Constitution. And then, again, I may pray, and do pray every day, to my Heavenly Father for the slaves, and His ears are open to my prayer; and yet, Congress shuts its ears, and won't hear me, because the Constitution-makers stopped talking about slavery while they were hammering out the Constitution! How absurd it is to suppose an implied guarantee against the exercise of these rights, when that very Constitution declares that they shall not be abridged, and does not make any exception of the case of slavery! I am told it was Virginia that was the means of putting this into the Constitution; and I thank Virginia for it. Now, it seems to me that, if they had meant to except the case of slavery, they would have said so right out, and not left it to this loose sort of understanding, which, after all, I do not see was any understanding at all.

The fact is, it's a pretty great affair to take away these natural rights of speaking and printing and petitioning; and especially to take them away in such a case as this. And then, to take them away by implication, too. Why, if I had seen it in the Constitution itself, I should hardly have believed my eyes; and yet they say I am deprived of these rights by implication! Now, it seems to me that in such a case as this, if there is to be any thing implied, it should be the other way; that is, in favor of my natural rights, and especially in favor of the rights of the poor slave, that I think about just as much as I do about my own.

And now, to sum up the whole matter, it is my opinion that this implication ought to be turned the other end foremost. That's the natural way; and, besides, I have heard it said that when the Constitution was made, every body expected that slavery would be abolished in a little while; and, as I don't see how that could be done unless folks were to be allowed to speak and print against it. I think that is evidence that the understanding was that way.

Now, Mr. Speaker, look at this ploughman, as he lays down his newspaper, takes off his spectacles, and thus reasons, and tell me if his argument is not conclusive and unanswerable.

Such, sir, is the common sense which is at work among the people upon this question, which slavery has so much mystified; and this is the way the cobweb arguments that have been elaborated for its protection are swept away. You will perceive that my farmer has brought his reasoning to a very important conclusion, namely, that all implication in such a case should be in favor of natural rights; and, therefore, should, in this case, be exactly the reverse of what is claimed in behalf of slavery. And is he not correct? Is it not demanded by the common sense and unperverted feelings of all men, that implication shall never be permitted to take away or abridge such important rights as those of speech and the press, and petition, or be used to sustain such a usurpation as that of slavery? Does not natural justice revolt at it? Does not humanity, in her breathless struggle for victory over oppression, after a contest of ages, cry out against it? And yet this very implication is now claimed to "lie at the basis of our Federal compact!"

An implied pledge that the rights of speech, and the press, and petition, shall be sacrificed in favor of slavery? What; sir, would have been the sensation in the Convention of '87 if such a pledge had been presented for its action, in the form of an article of the Constitution? What expressions of amazement and indignation would have lowered in the countenances of Washington and Madison and Franklin upon its announciation; and how would its adoption have shaken the country with a very earthquake of indignant feeling! And yet now! "the compromise of the Constitution," and "the guarantee of the Constitution," and "the implied faith of the Constitution" in favor of slavery are as familiar with Southern gentlemen, in their discussions of this subject, as household words. Sir, it is time this delusion were dispelled, and the Constitution, in its true relation to this great question of slavery, properly understood.

Though, Mr. Speaker, the ploughman's common sense argument seems to me quite sufficient to settle this question, yet there are other reasons, not, of course, so readily occurring to him, which greatly strengthen the conclusion to which he arrives, namely, that the implication, instead of being against the free exercise of the rights of speech and the press, and petition, was clearly in its favor. This implication necessarily grows out of the Union itself—that very Union from which the contrary implication is attempted to be drawn.

The Union gave to the North a new and deep interest in the question of slavery. Without the Union, the people of the North would have felt the strong impulse of motives to which no heart can be insensible, urging the consideration of a subject so deeply interesting to the human race. But, when the Union was formed, they came to sustain to slavery a new relation, involving interests and rights having important bearings on the present question.

In adopting the Constitution, the North entered into a stipulation to deliver up fugitives from oppression—a stipulation whose execution is abhorrent to humanity, and from which the whole soul of a freeman instinctively revolts. Provisions also were conceded whereby the power of the whole Union was pledged to protect the States from invasion, and to put down domestic violence. The relation of all these stipurations to slavery is obvious, The burden they imposed is obvious—a burden rendered severer by the unnatural character of stipulations to aid in sustaining slavery. Nature itself dictates that such stipulations should never, by any construction, be extended beyond the strict "letter of the bond;" and that, while a literal compliance is yielded, the largest liberty should be allowed to the burdened party to use all lawful means to remove the necessity of a compliance. Thus, for example: If I were bound by specific obligation to deliver up to my neighbor his fugitive slaves and to assist him in putting down their efforts to regain their natural rights, and to defend him from attacks which might be invited, and rendered more hazardous to him by their presence in his family, every body would say that this very obligation would give me a peculiar claim to use all reasonable means to persuade him to emancipate them, and thus release me from the burdensome and unnatural obligation.

The North is, moreover, bound to assist in providing "for the common defence," as well as specifically to defend each State from invasion, and to put down domestic violence. And will it be asked what has the North to do with slavery, when it is considered what an element of national weakness exists in the two millions and three-quarters of slaves within the limits of the nation? The South now say—hands off; let us alone! But should they come to feel the combined pressure of foreign war and domestic insurrection—which may Heaven avert!—should not we of the North be bound by the Constitution to pour out our blood and expend our treasure in grappling with slavery—it might be, in its strongest paroxysms of despair and desperation? And shall we not be permitted to ask our Southern brethren to avert this danger, by converting these millions of natural enemies into grateful friends, and thus turning this element of weakness into an element of strength? Can any thing be more reasonable than this?

I know the South affect to despise these stipulations of the Constitution, and say, we ask none of your help—we can take care of ourselves. But who does not perceive the use which a foreign enemy might make of the slave population, now numbering a little less than three millions—a fearful number!—but rising, it may be, ten, fifteen, or twenty millions? Who can calculate the strength of the inducement that might be holden out to them? Freedom! What allies would this word raise up, and bring to the aid of an invader! And where then would be the boast, we want none of your help—we can take care of ourselves!

Think not, Mr. Speaker, that this is the mere creation of an excited fancy, introduced here to help out an argument for abolition. It is as impossible to contemplate the existence of a rapidly increasing slave population in our country without such forebodings as it would be to be unmindful of a magazine in presence of an enemy, with bomb-shells charged for its explosion. Whoever has read the debates in the Virginia Convention, in 1788, upon the United States Constitution, will remember the glowing picture of this danger drawn by Patrick Henry, and the argument he founded on it, that the obligation imposed on the General Government to "provide for the common defence" carried with it a right not only to say "that every black man must fight," but a right actually to abolish slavery within the States. It is not to my present purpose to discuss that question; but it is to ask whether there is not enough in the basis on which he founded his argument to justify the people of the North in the utmost exercise of their rights of speech and the press, and petition and legislation against slavery.

If there are any still disposed to regard with indifference the argument I have drawn from this source, let me commend to their special attention the extract which I will now read from a speech of Mr. Madison, in the first Congress, in 1789. Speaking of the abolition of the slave-trade, he says:

"I should venture to say it is as much for the interests of Georgia and South Carolina as of any State in the Union. Every addition they receive to the number of slaves tends to weaken them, and renders them less capable of self-defence. In case of hostilities with foreign nations, they will be the means of inviting attack, instead of repelling invasion. It is a necessary duty of the General Government to protect every part of the emdire against danger, as well internal as external. Every thing, therefore, which tends to increase this danger, though it may be a local affair, yet, if it involves national expense or safety, it becomes of concern to every part of the Union, and is a proper subject for the consideration of those charged with the general administration of the Government."

Thus you see, sir, that the very father of the Constitution—the man so eminently distinguished for his intelligence, his sound judgment, and his sober, practical views—perceived, and yielded to the force of the argument drawn from the weakness and the danger of slavery.

And, Mr. Speaker, how great'y is this argument strengthened by the rapid increase of the slave population; and especially by the obstinate determination evinced to resist all attempts to persuade to its abolition accompanied even by studied vindications of it as an institution to be sustained and cherished. Who will not feel impressed with a sense of this danger when he hears such declarations as the following from a Governor of one of the slave States of this Union:

"Domestic slavery, therefore, instead of being a political evil, is the corner stone of our republican edifice. No patriot who justly estimates our privileges will tolerate the idea of emancipation, at every period, however remote, or on any condition of pecuniary advantages, however favorable. I would as soon open a negotiation for selling the liberty of the State at once, as for making any stipulations for the ultimate emancipation of our slaves."

Having spoken of the attempts of those whom he calls "foreign incendiaries" to reason the South out of its suicidal attachment to slavery, he says:

"It is my deliberate opinion that the laws of every community should punish this species of interference by death without the benefit of clergy, regarding the authors of it as enemies of the human race!"

Such was the declaration of Governor McDuffie in a message to the Legislature of South Carolina in 1834; and it has since been followed by the notorious threat of hanging, made on the floor of the Senate of the United States.

Can any body fail to see, in the infatuation of all this, augmented danger in the institution of slavery?

But, Mr. Speaker, aside from all considerations of national hazard, or mere constitutional obligation of defence and protection, how strongly must the North feel impelled to take an intereset in the matter of slavery by the simple relation of brotherhood resulting from the Union. This can be better felt than described, but is nowhere better described than in the simple, touching declaration: "Whether one member suffer, all the members suffer with it; or one member be honored, all the members rejoice with it." It is impossible to extinguish this feeling!

But, besides, let it be considered that, by coming into the Union, the North made slavery in a sense its own—that is, to the extent of the express stipulations to which I have referred. And it has since become emphatically its own, to the extent of slavery in this District, and a slave trade here as horrible and disgraceful as is to be found in Christendom. Has not the North, as well as the whole country, thus assumed a high responsibility to liberty and humanity? And may not the people of the North, and of every part of the United States, seek to discharge that responsibility by any and all the means which the full extent of power recognised in the Constitution shall warrant?

In asking, as is so often done, "What has the North to do with slavery?" it seems to be supposed that, because the North have no power to legislate slavery out of the slave States, therefore they have no right to attempt to reason it out, without reflecting that, while legislation by the Congress of the United States is limited by the grant of power in the Constitution, there is, and from the nature of the case can be, no such limitation to the exercise of moral power. Its legislation, so to speak, is not the creature of constitutional grant. It has a higher origin; it rests on a deeper foundation. Its jurisdiction is the world. It seeks no aid from civil power. It acts on mind, and with a mightier than the civil arm—with an energy which no such arm can resist. Wherever mind can come in contact with mind, through the agencies of speech and the press, there, restrained by nothing but truth and justice, it puts forth its energies, and hievesac its victories.

While the Constitution gave to "the people of the United States" no authority to repeal the slave laws of the States, and banish slavery from their borders, it left truth—omnipotent truth—truth unfettered—free as the spirit of man—to take

the wings of the morning, and fly to the uttermost parts of the land. Instead of attempting the impossibility of binding it, the Constitution guarantied to it a tongue and a press, and left to go forth to its mighty conflict with error.

It seems to me that those who denied this freedom to truth, and claim that it is bound by constitutional fetters, do not reflect on the strange, anomalous condition in which they thus place the free States of this Union. To most of the civilized world we may freely utter the voice of truth on the subject of slavery, (for by what lines of latitude, or mountains, or oceans, can that voice be confined!) while to our Southern brethren we may not speak, because—they are our brethren! Were the Canadas slave States, we might bring to bear on them—as Great Britain has, through her West India emancipation, upon the Southern States of this Union—an anti-slavery influence which they would find it difficult to resist. Nothing but a wall reaching to heaven, and penetrating to the centre of the earth, could exclude that influence. And yet the Union of these States has reared upon "Mason and Dixon's line" that wall of separation! It leaves, indeed, a gate through which the North may pass, and must pass, when dangers threaten; but when we have poured out our blood to aid in protecting and securing slavery, we must retire, without uttering, on pain of death, one word of admonition against a continuance of the institution. We must fight and pay to suppress its insurrections, but may not reason and remonstrate to put an end to its injustice, and relieve the country from its danger. And this is the Union!

I have sometimes heard it said that, in forming the Union, the North took the South with the incumbrance of slavery, and must patiently bear its evils. But the South, it may with equal propriety be said, took the North with the incumbrance—if such it may be called—of freedom. Each necessarily subjected itself to the influence of the other—an influence exerted by the official intercourse growing out of a common Government, and the facilities of social and commercial intercourse resulting from the Union.

And, sir, the North has felt that influence, and still feels it. It has, as I shall soon show, felt it ever since the Government went into operation, in the control which slavery has maintained over its whole action. Where the balance of influence will ultimately fall, remains to be seen. If the free States are true to themselves and to the great principles of freedom, standing firm in their defence, there can be no doubt that those principles will finally triumph. But, to secure that result, there must be a better understanding of these principles, and more firmness in maintaining them, than I have ever been permitted to witness here.

There is, Mr. Speaker, something monstrous in the idea that this Union was formed to perpetuate slavery. Yet such is to be the result if the claims of the South are to be susta ned; for the Union is, in effect, thereby thrown around slavery as a shield of defence against the power of truth, which might otherewise be brought to bear against it. Before the Union, we might have spoken, and spoken with great effect. Without the Union we might now put forth our moral power in unison with the influence of British emancipation. But the Union has been formed, and—we must be silent! While the rest of the world is moving on this great question of human rights, we must be silent because we have formed the Union! This whole land is to be shrouded in the darkness of Egypt, and hushed in the silence of death on the great subject which is moving Christendom, because we have formed the Union!

Mr. Speaker, if this is to be the effect of the formation of this Union; if it is thus to become an instrument of perpetuating slavery, then should the preamble to the covenant of silence, the compact of iniquity, have been made to read thus: "We the people of the United States, in order to form a more imperfect Union, establish injustice, ensure domestic discord, provide for the common weakness, promote the general injury, and secure the course of slavery to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Such, sir, should have been the preamble to the Constitution; for it would be perfectly descriptive of it if the Union of which it is the compact, is to become what the claims of the South would really make it—an instrument of perpetuating slavery.

It is urged as an argument for supdressing freedom of speech and the press, and petition on the subject of slavery, that the free exercise of these rights will have the effect of dissolving the Union. Now, sir, I maintain precisely the reverse of this. I maintain that this very suppression, if it can be effected, will, of itself, dissolve the Union. You might as well expect that the stopping up of Ætna's crater would not produce an earthquake, as that a dissolution of the Union would not follow such a suppression. Every man who knows any thing of the nature of the human soul, and the power of its agonizing sympathies with human suffering and oppression, must admit this. Beware how you trifle with these sympathies! Call them weakness: brand them as fanaticism: denounce them as incendiary. Yet they exist, and will exist, and ought to exist; and your contempt and abuse of them will only increase their intensity.

Sir, if you would preserve this Union, cease to treat thus contemptuously the best feelings of the human heart. Cease to hurl back in the faces of the men and women of the North their humble petitions, praying, in the name of our common humanity, that you would repeal your laws which hold their brethren in bondage. Sir, you owe it to them; you owe it to the Constitution; you owe it to the great principles of liberty which this nation drew in with the first breath of its existence, and which send the pulsations of health through every part of our Republican system, not to abridge the liberty of speech, and of the press, and of petition in connection with the subject of slavery. If you will assail these rights, let it be in connection with some other subject; but never—never in connection with this! Guard them with vestal vigilance. If slavery suffers from them, it must suffer. If it falls in its contest with "truth left free," then let it fall. Its fall will be the safety of the country and the perpetuity of the Union.

Mr. Speaker, is slavery to be put in competition with the freedom of speech, and of the press, and the right of petition? Which shall be surrendered, the slavery of the black man? or the noblest freedom of the white man? If both cannot live together, which shall die? Who can doubt; who can hesitate on such a question? And yet, sir, we are told that this contest between freedom and slavery was settled fifty years ago in favor of slavery; not by the Constitution; that would have been monstrous! but by implications growing out of "the compromise that lies at the basis of the Federal compact!" Sir, if this implication lies at the basis of the compact of our Union, then was the Union placed on a mine, to be shattered into a thousand fragments by its inevitable explosion.

And, sir, what I say of the effects of the abridgment of the speech and of the press, and of the right of petition, which is insisted on as a part of the "compromise," I must say of slavery itself. Its permanency is utterly incompatible with the permanency of this Union. Who can expect that a a free people can be held in fraternal embrace forever with a community where slavery is cherished and proclaimed as "the corner stone of Republican institutions?" The thing is impossibe. "The lily and the bramble may grow in social proximity, but liberty and slavery delight in separation." Such was the sentiment of Pinkney, uttered in the Maryland House of Delegates fifty years ago. And, sir, what he thus uttered as a general truth will, as sure as man is man, become history, if the South persist in maintaining slavery against the feelings of the North, and against the enlightened judgment and enlarged humanity of the civilized world. If the framers of the Constitution had attempted to from a compact of union specifically providing for the perpetuity of slavery, they would have been guilty of the most consummate folly; and yet we now hear of "the guarantees of the Constitution," and "the compromises of the Constitution" in favor of slavery! Sir, the guarantees were all the other way—guarantees drawn from the very nature of the Union, from the spirit of the times in which it was formed, and from the great principles which "lie at the basis" of all our cherished institutions.

While looking at the objection to the exercise by Congress of its power of abolishing slavery here, drawn from a consideration of the indirect influence of such legislation upon the institution of slavery in the States, which seems to constitute the burden of the objection, I have been reminded of the view taken of the indirect influence of Congressional anti-slavery legislation by Mr. Madison, in the debates in the first Congress, to which I wish to call the particular attention of the House.

Congress, it will be recollected, was prohibited by the Constitution from abolishing the slave trade prior to the year 1808. In the debate upon a petition of Dr. Franklin and others—to which I shall by and by more particularly refer—praying that Congress would "step to the very verge of the power vested" in it for discouraging the traffic in slaves, the same objection was urged against the action of Congress which is now urged.

On that occasion, Mr Jackson of Georgia, said:

"I apprehend if, through the interference of the General Government, the slave trade was abolished, it would evince to the people a disposition towards a total emancipation, and they would hold their property in jeopardy. I hope the House will order the petition to be laid on the table, in order to prevent a larming our Southern brethren."

And what said Mr. Madison to this?

"He admitted (says the report of that debate) that Congress is restricted by the Constitution from taking measures to abolish the slave trade. Yet there are (said he) a variety of ways by which it could countenance the abolition; and regulations might be made in relation to the introduction of them into the new States to be formed out of the Western Territory. He thought the subject well worthy of consideration."

Thus, though Congress could no more then abolish the slave trade than it can now abolish slavery in the States, yet, in Mr. Madison's opinion, it might very properly so exercise its admitted powers of regulating the introduction of slaves into the new States, as to "countenance" the abolition of the trade. Georgia and South Carolina were then as jealous of the action of Congress upon the subject of slavery, lest it should countenance the abolition of the slave trade, and place "their property in jeopardy, as they now are lest the action of Congress in abolishing slavery and the slave trade in this District should countenance the like abolition in the States. But Mr. Madison was not to be deterred by this from going, in the language of Dr. Franklin's petition, to the "very verge of the power vested in Congress" over the subject of slavery. The modern notions of expediency in regard to this matter seem not to have entered his mind. Then, indeed, slavery did not stand so much higher than any other interest in the country, as to reverse all the ordinary principles of legislation for the purposes of its security and protection. On the contrary, it was considered right to exercise the power of Congress over the subject of slavery in the Territories, "with a view" to "countenancing" what Congress could not then directly accomplish—the abolition of the slavery and the slave trade. If Mr. Madison were now in this hall, and should advance such a doctrine in regard to the abolition of slave trade here, he would be denounced as a disturber of the peace, a "desperate fanatic," and an enemy of the Union. What "a change has come o'er the spirit of" this nation since the Congress of eighty-nine!

While considering the subject of Congressional action in cases in which it may indirectly exert an unfavorable influence upon slavery, the abolition, by Congress, of slavery in the Northwestern Territory, to which I have already adverted, cannot escape attention. The ordinance of 1787 decreeing that abolition, was expressly ratified by the first Congress under the present Constitution. But who can read that ordinance, and especially the preamble to the "six articles" embodied in it, to which I shall hereafter more particularly refer, without perceiving the immense anti-slavery influence it was calculated to exert? But the truth was, the country was not then afraid of that influence; for it was, as I shall presently show, in full accordance with the strong anti-slavery feeling of those times.

In attempting to maintain the right of the North to exert, by all constitutional means, and to the full extent of constitutional authority, an anti-slavery influence on the South, I have drawn an argument from the Union itself, and the fraternal relation which that Union created. But, sir, while I thus reasen from the Union and its fraternal relations, in favor of the right of acting on Southern sentiment, in regard to slavery, I desire to declare most emphatically the deep sense I entertain of the peculiar obligation which this relation imposes upon the North to act in this matter in the spirit of fraternal kindness and good will. This obligation would exist without the Union, for it is universal; much more does it exist with the Union. We do not address ourselves to strangers and foreigners, but to our fellow-citizens; our brethren, to whom we are bound by a thousand endearing ties and patriotic recollections. If we claim to address them on the ground that we are their brethren, then are we solemnly bound to do it in the spirit of brotherly kindness and charity. In that spirit, if I know myself, I now speak; in that spirit I have ever spoken; and in that spirit I desire to assure the South I shall always speak, here and elsewhere, on this subject.

IMPLIED PLEDGE OF THE SOUTH TO THE NORTH.

I have thus endeavored to show that Congress has power to abolish slavery and the slave trade in this District, and to meet the objections to the exercise of that power, drawn from a supposed implied pledge to Virginia and Maryland in accepting the the cessions, and an implied pledge to the whole South, in the act of coming into the Union.

Thus far, however, I have occupied a defensive position, endeavoring, as well as I was able, to vindicate, from the charge of violating pledges and disregarding compromises, those who have asked Congress to abolish slavery and the slave trade here; and who have exercised what they believe to be their just freedom of speech and of the press, for the purpose of convincing the Southern States of the duty of abolishing slavery within their limits.

But, sir, I am not disposed to act merely on the defensive. I intend to show that, while the South charges the North with a violation of implied pledges in regard to slavery, she has herself violated her own clearly implied pledges on this very subject.

Whoever will look into the history of the period when the Constitutuion was formed, will find that it was then the universal expectation—an expectation excited by the slave States themselves, especially by Virginia and Maryland—that slavery would, at no distant day, be abolished by their own legislation. Abolition, as I have already, intimated and will now show, was emphatically the spirit of those times. Slavery was regarded as a doomed institution—as destined to be "of few days," and declared to be "full of evil." It was considered and treated as a dangerous intruder, that was to be allowed, from necesity, to hold, temporarily, as a tenant at sufferance, but by no means to be permitted to enjoy a *fee simple* in this soil of freedom. This feeling pervaded the country; it pervaded the Convention that formed the Constitution, and must necessarily have formed an essential element in the compromises which led to its adoption.

Anti-slavery was the prevalent feeling of the Revolution. With its first breath this nation drew in an abhorrence of slavery in every form. The colonial policy of the mother country, by which it had been introduced, was the subject of almost universal execration. It was then held to be "self evident" that all men were "created equal, and endowed by their Creator with the inalienable rights of life, liberty, and the pursuit of happiness." This great truth—not slavery—was regarded as "the corner-stone of our Republican edifice."

Nor was it held to be exclusively applicable to the Anglo-Saxon race; but the descendants of Africa were to enjoy its benefits and blessings. Accordingly we find the work of African emancipation early commencing under its influence. Vermont took the lead by declaring in her Constitution in 1777 that there should be no slavery within her limits. Massachusetts and Pennsylvania followed in 1780, and New Hampshire, Connecticut, and Rhode Island in 1784. The motives and spirit of these great movements are well set forth in the preamble to the Abolition act of Pennsylvania; a part of which I beg permission to read.

Having recounted the dangers and deliverances of the Revolution, and expressed "a grateful sense of the manifold blessings undeservedly received from the hand of that Being from whom cometh every good and perfect gift," the preamble says:

"Impressed with these ideas, we conceive that it is our duty, and we rejoice that it is in our power, to extend a portion of that freedom to others which has been extended to us. * * * We esteem it a peculiar blessing that we are this day enabled to add one more step to universal civilization by removing as much as possible the sorrows of those who have lived in undeserved bondage. Weaned by a long course of experience from those narrow prejudices we had imbibed, we find our hearts enlarged with kindness and benevolence towards men of all conditions and nations; and we conceive ourselves, at this particular period, extraordinarily called upon, by the blessings we have received, to manifest the sincerity of our professions, and to give a substantial proof of our gratitude."

"And whereas the condition of those persons who have been heretofore denominated negro and mulatto slaves, has been attended with circumstances which not only deprived them of the common blessings they were, by nature, entitled to, but has cast them into the deepest afflictions by an unnatural separation and sale of husband and wife from each other, and their children—an injury, the greatness of which can only be conceived by supposing that we were in the same unhappy case. In justice, therefore, to persons so unhappily circumstanced, and who, having no prospect before them wherein they may rest their sorrows and their hopes, have no reasonable inducement to render the service to society which they otherwise might; and, also, in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain: Be it enacted, that no child hereafter born shall be a slave, &c."

Here, Mr. Speaker, is exhibited the spirit of those times. Let this precious preamble be borne in mind as we proceed.

In accordance with the spirit which dictated the emancipations of Pennsylvania and other States, was the ordnance of 1787, to which I have referred. Let me call your attention to the preamble to the six articles in that ordinance, the last of which abolished slavery in the Northwestern Territory. It declares, among other things, that, "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws and constitutions are erected, to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said Territory. * * * It is hereby ordained," &c.

Such was the preamble to that act abolishing slavery. Then Abolition was regarded as extending "the fundamental principles" which lay at the basis of our Republican institutions. Now, slavery is held to be "the corner-stone" of our Republican edifice!"

Still further to exhibit the spirit of those times, let me refer to the declarations of some of the leading statesmen of that day.

In 1773, Patrick Henry, in a letter to Robert Pleasants, afterwards President of the Virginia Abolition Society, said:

"Is it not amazing that, at a time when rights of humanity are defined and understood with precision, in a country above all others fond of liberty, we find men professing a religion the most humane, mild, gentle, and generous, adopting a principle as repugnant to humanity as it is inconsistent with the Bible, and destructive to liberty? Every thinking, honest man, rejects it in speculation; how few in practice, from conscientious motives! * * * I believe a time will come when an opportunity will be offered to abolish this lamentable evil. Every thing we can do is to improve it, if it happen in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot, and our abhorrence of slavery. * * * Believe me, I shall honor the Quakers for their noble ef-

forts to abolish slavery. It is a debt we owe to the purity of our religion to show that it is at variance with that law that warrants slavery. I exhort you to persevere in so worthy a resolution."

In 1776, Dr. Hopkins, then at the head of the New England divines, in "an address to the owners of negro slaves in the American Colonies," says:

"The conviction of the unjustifiableness of this practice (slavery) has been increasing and greatly spreading of late; and many who have had slaves have found themselves so unable to justify their own conduct in holding them in bondage, as to be induced to set them at liberty. * * * Slavery is, in every instance, wrong, unrighteous, and oppressive—a very great and crying sin—there being nothing of the kind equal to it on the face of the earth."

Near the close of the Revolutionary war, Mr. Jefferson, in his Notes on Virginia, said:

"I think a change already perceptible since the origin of the present revolution. The spirit of the master is abating, that of the slave is rising from the dust, his condition mollifying, and the way, I hope, preparing, under the auspices of Heaven, for a total emancipation."

In 1780, John Jay, in a letter from Spain, wrote:

"The State of New York is rarely out of my mind or heart; and I am often disposed to write much respecting its affairs. But I have so little information as to its present political objects and operations, that I am afraid to attempt it. An excellent law might be made out of the Pennsylvania one for the gradual abolition of slavery. Till America comes into this measure, her prayers to Heaven will be impious. This is a strong expression, but it is just. Were I in your Legislature, I would present a bill, drawn for the purpose with great care; and I would never cease moving it till it became a law, or I ceased to be a member. I believe God governs the world; and I believe it to be a maxim in his, as in our court, that those who ask for equity ought to do it."

Drawing nearer to the time when the Constitution was adopted, and the "compromises" made which "guarantied" the perpetuity of slavery! we come to the celebrated letter of Mr. Jefferson to Dr. Price, of London, dated at Paris, August 7, 1785. Dr. Price had written a pamphlet on the subject of slavery, and Mr. Jefferson's letter was in reply to one from the Doctor on the subject of his pamphlet.

Mr. Jefferson begins by speaking of the manner in which he thinks the pamphlet—which, it seems, had been extensively circulated in America—will have been received. "Southward of the Chesapeake," he thinks, "it will find but few readers concurring with it in sentiment." From the mouth to the head of the Chesapeake it would be received more favorably—"the bulk of the people approving it in theory"—slaveholding keeping "the consciences of many uneasy;" while northward of the Chesapeake the opponents of its doctrines would be about as rare as "robbers and murderers." He then proceeds to say:

"In Maryland I do not find such a disposition to begin the redress of this enormity as in Virginia. This is the next State to which we may turn our eyes for the interesting spectacle of justice in conflict with avarice and oppression; a conflict, wherein the sacred side is gaining daily recruits from the influx into office of young men grown and growing up. These have sucked in the principles of liberty as it were with their mother's milk, and it is to them I look with anxiety to turn the fate of this question. Be not, therefore, discouraged. What you have written will do a great deal of good; and, could you still trouble yourself with our welfare, no man is more able to give aid to the laboring side." [Mr. Jefferson was not afraid of foreign interference. He looked into the question of slavery as belonging to no country exclusively, but affecting the common humanity.] "The College of William and Mary, in Williamsburg, since the remodelling of its plan, is the place where are collected together all the young men of Virginia under preparation for public life. They are there under the direction, most of them, of a Mr. Wythe, one of the most virtuous of characters, and whose sentiments on the subject of slavery are unequivocal. I am satisfied, if you could resolve to address an exhortation to those young men with all the eloquence of which you are master, that its influence on the future decision of this important question would be great, perhaps decisive." [What a request! A Virginian asking an Abolitionist to address a letter on the subject of slavery to the young men of that State, preparing for public life! And they, too, members of a college! Now the subject must not be agitated in colleges, even in New England, and Dr. Price's pamphlets and letters to the young men of Virginia would be seized in the post offices and burnt.]

"Thus you see," continues Mr. Jefferson, "that, so far from thinking you have cause to repent of what you have done, I wish you to do more, and wish it on the assurance of its effect. The information I have received from America of the reception of your pamphlet in the different States agrees with the expectation I had formed. THOS. JEFFERSON."

Proceeding in the order of time, I come to the declarations of Washington. In writing to Robert Morris on the 12th of April, 1786, General Washington said:

"There is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of slavery; but there is only one proper and effectual mode by which it can be accomplished, and that is, by legislative authority, and this, as far as my suffrage will go, shall never be wanting."

On the 10th of May, 1786, he thus wrote to Lafayette:

"It (abolition) certainly might and ought to be effected, and that, too, by legislative authority."

In a letter to John Fenton Mercer, of September 9, 1786, he said:

"It is among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."

To John Sinclair he wrote:

"There are in Pennsylvania laws for the gradual abolition of slavery which neither Maryland nor Virginia have at present, but which nothing is more certain than that they must have, and at a period not remote."

These strong expressions of sentiment by General Washington, it should be observed, were uttered only a year before the session of the Convention, himself at its head, which formed the Constitution that "guaranties" the perpetuity of slavery! But let us come a little nearer to the adoption of the Constitution.

In an address by the Hon James Campbell, before the Pennsylvania Society of Cincinnati, on the Fourth of July, 1787, he said:

"Our separation from Great Britain has extended the empire of humanity. The time is not far distant when our sister States, in imitation of our example, shall turn their vassals into freemen."

The Convention that formed the Constitution—whose "compromises" have imposed perpetual silence on the subject of slavery!—was then in session at Philadelphia, and attended on the delivery of this address, with General Washington at their head.

The Convention agreed to the Constitution, and submitted it to the people of the States on the 17th of September, 1787. For further evidence of the public sentiment at that time, let me now refer to the debates in some of the State Conventions to which it was submitted for ratification.

In the debates in the North Carolina Convention, Mr. Iredell, afterwards a Judge of the Supreme Court of the United States, said:

"When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind, and every friend of human nature."

Mr. Galloway said:

"I wish to see this abominable trade put an end to. I apprehend the clause (touching the slave trade) means to bring forward manumission."

Luther Martin, of Maryland, a member of the Convention that formed the Constitution of the United States, said:

"We ought to authorize the General Government to make such regulations as shall be thought most advantageous for the gradual abolition of slavery and the emancipation of the slaves which are already in the States."

Judge Wilson, of Pennsylvania, one of the Convention that framed the Constitution, said, in the Pennsylvania Convention that ratified it:

"I consider this clause (that relating to the slave trade) as laying the foundation for banishing slavery out of this country. It will produce the same kind of gradual change which was produced in Pennsylvania. The new States which are to be formed will be under the control of Congress in this particular, and slaves will never be introduced among them. It presents us with the pleasing prospect that the rights of mankind will be acknowledged and established throughout the Union."

In the Virginia Convention of 1787, Mr. Mason, author of the Virginia Constitution, said:

"The augmentation of slaves weakens the States; and such a trade is diabolical in itself, and disgraceful to mankind. * * * As much as I value the Union of all the States, I would not admit the Southern States (South Carolina and Georgia) into the Union, unless they agree to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the Union."

Mr. Johnson said:

"The principle (of emancipation) has begun since the Revolution. Let us do what we will, it will come round. Slavery has been the foundation of that impiety and dissipation which have been so much disseminated among our countrymen. If it were totally annihilated, it would do much good."

Patrick Henry contended that, by the Constitution, Congress would have power to abolish slavery as indispensably necessary to the safety of the country, whose "general defence" was committed to its care. In addition to this argument, he said:

"Another thing will contribute to bring this event about—slavery is detested. We feel its fatal effects. We deplore it with the pity of humanity."

In the Massachusetts Convention of 1788, General Heath said that—

"Slavery was confined to the States now existing. It could not be extended. By their ordinance, Congress had declared that the new States should be Republican States, and have no slavery."

Judge Dawes said:

"Although slavery is not smitten by an apoplexy, yet it has received a mortal wound, and will die of consumption."

Such are some of the expressions of opinion in the Conventions that adopted the Constitution, in regard to slavery, and its probable speedy abolition. The expressions in regard to the latter may be all summed up in the brief and significant language of Judge Dawes—slavery "has received a mortal wound, and will die of consumption." This, indeed, was the public opinion of that day; and yet we are now told that the Constitution, which drew its first breath in the atmosphere of that public opinion, contained an implied guarantee, or had connected with it such compromises as implied a guarantee, for the security of slavery, even at the expense of a sacrifice of the rights of speech, and the press, and petition! Every body understood that slavery was mortally wounded, and destined to speedy death; and yet, by a strange necromancy of constitutional implication, there was at that very time thrown around it the shield of the Union for protection against its great enemies—freedom of speech and freedom of the press!

Let me now refer to a few expressions of opinion going to show the state of public sentiment soon after the adoption of the Constitution.

In the Maryland House of Delegates in 1789, William Pinkney said:

"But, sir, is it possible that this body should not feel for the reputation of Maryland? Is national honor unworthy of consideration? Is the censure of an enlightened universe insufficient to alarm us? The character of my country among the nations of the world is as dear to me as that country itself." [Noble sentiment! But in what Maryland bosom does it now beat, in reference to slavery and the slave trade here, for which this nation is responsible to "an enlightened universe?"] "What a motley appearance (continues Mr P.) must Maryland at this moment make in the eyes of those who view her with deliberation. Is she not at once the fair temple of freedom and the abominable nursery of slaves? the school for patriots and the foster-mother of petty despots? the asserter of human rights and the patron of wanton oppression? Here have emigrants from a land of tyranny found an asylum from persecution; and here also have those who came as rightfully free as the winds of heaven found an eternal grave for the liberties of themselves and their posterity. * * * * * Sir, by the eternal principles of natural justice, no master in the State has a right to hold his slave in bondage for a single hour. * * * To me, sir, nothing for which I have not the evidence of my senses is more clear than that it [slavery] will one day destroy that reverence for liberty which is the vital principle of a Republic." [Now slavery has become essential to the preservation of our liberties—the "corner stone of our Republican edifice!"] "Sir, the thing is impolitic; never will your country be productive; never will its agriculture, its commerce, or its manufactures flourish, so long as they depend on reluctant bondmen for their progress."

What must have been the state of public sentiment which could in the Legislature of a slave State bear such an indignant, burning rebuke of slavery as this? Did Pinkney, or the body whom he addressed, believe that there was in or about the Constitution of the United States any "implied" prohibition of the freedom of speech on the subject of slavery?

Let me now turn, for further evidence of public sentiment, to the debates in the first Congress. On the 12th of February, 1790, a memorial was presented, signed by Benjamin Franklin, President of the Pennsylvania Abolition Society, setting forth in strong language the injustice of slavery, its inconsistency with our institutions, and the duty of all to labor to effect its abolition; and asking Congress to take into consideration the traffic in slaves, and "step to the very verge of the power vested" in it for "discouraging every species of traffic in the persons of our fellow men."

The reception of this petition was neither objected to nor "considered" as objected to; but it was respectfully received and considered. In the debate that arose upon it, Mr. Parker, of Virginia, said:

"I cannot help expressing the pleasure I feel in finding so considerable a part of the community attending to matters of such momentous concern to the future prosperity and happiness of the people of America. I think it my duty as a citizen of the Union to espouse their cause."

Mr. Page, of Virginia, (afterwards Governor,) said:

"He was in favor of the commitment. He hoped that the designs of the respectable memorialists would not be stopped at the threshold, in order to preclude a fair discussion of the prayer of the memorial. He placed himself in the case of a slave." [This is the true position—to make the slave's case our own—to "remember those in bonds as bound with them." When we do this, we shall go where Franklin asked the first Congress to go—to "the very verge" of our power, to abolish, and, where we cannot abolish, to "discourage" slavery. But to proceed with the quotation.] "He placed himself in the case of a slave, and said that, on hearing that Congress had refused to listen to the decent suggestions of the respectable part of the community," [now the petitioners are "despicable fanatics!"] "he should infer that the General Government, from which it was expected great good would result to every class of citizens, had shut their ears against the voice of humanity."

Mr. Scott, of Pennsylvania, said:

"I cannot, for my part, conceive how any person can be said to acquire a property in another. I do not know how far I might go, if I was one of the judges of the United States, and those people were to come before me, and claim their emancipation; but I am sure I would go as far as I could."

Mr. Burke, of South Carolina, said:

"He saw the disposition of the House, and he feared it would be referred to a committee, maugre all their opposition."

Mr. Smith, of South Carolina, said:

"That, on entering into this Government, they (South Carolina and Georgia) apprehended that the other States * * * would, from motives of humanity and benevolence, be led to vote for a general emancipation."

In a debate at a previous session of Congress, (May 13, 1789,) on a proposition to impose a duty of ten dollars each on imported slaves—

Mr. Parker, of Virginia, the mover of the proposition, said:

"He hoped Congress would do all that lay in their power to restore to human nature its inherent privileges, and, if possible, wipe off the stigma under which America labored. The inconsistency in our principles, with which we are justly charged, should be done away, that we may show by our actions the pure beneficence of the doctrine we hold out to the world in our Declaration of Independence."

Mr. Jackson, of Georgia, said:

"It was the fashion of the day to favor the liberty of the slaves."

Mr. Madison said:

"The dictates of humanity, the principles of the people, the national safety and happiness, and prudent policy, require it of us. * * * * I conceive the Constitution, in this particular, was formed in order that the Government, whilst it was restrained from laying a total prohibition, might be able to give some testimony of the sense of America with respect to the African trade. * * It is to be hoped that, by expressing a national disapprobation of this trade, we may destroy it, and save ourselves from reproaches, and our posterity the imbecility ever attendant on a country filled with slaves. * * If there is any one point in which it is clearly the policy of this nation, so as we constitutionally can, to vary the practice obtaining under some of the State Governments, it is this."

Such was the strong anti-slavery feeling manifested in the first Congress. And it is worthy of remark that the question of slavery was treated as a national question—arguments for national interference, to the full extent of constitutional power, and with a view to "varying the practice under some of the State Governments," being drawn from considerations of national honor, national strength, and national safety.

Pursuing the order of time, let me give two additional and pointed reprobations of slavery by distinguished men of that period:

In 1794, Dr. Rush declared:

"Domestic slavery is repugnant to the principles of Christianity. It prostrates every benevolent and just principle of action in the human heart. It is rebellion against the authority of a common Father. It is a practical denial of the extent and efficacy of the death of a common Saviour. It is a usurpation of the prerogative of the great Sovereign of the universe, who has solemnly claimed an exclusive property in the souls of men."

In 1796, Mr. Tucker of Virginia, Judge of the Supreme Court of that State, and professor of law in the College of William and Mary, in a letter to the General Assembly of that State, urging the abolition of slavery, said:

"Should we not, at the time of the Revolution, have broken their fetters? Is it not our duty to embrace the first moment of constitutional health and vigor to effectuate so desirable an object, and to remove from us a stigma with which our enemies will never fail to upbraid us, nor our consciences to reproach us?

I come now, Mr. Speaker, to another, and, in some respects, much stronger evidence of the prevalence of anti-slavery sentiments at the period to which I have referred. I do not allude to expressions of individual opinion, but to associated opinion and associated effort in favor of the abolition of slavery. Yes, sir, so strongly was the public mind moved on the subject of "Abolition," that Abolition societies were actually formed in Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia. The Pennsylvania Society was formed in 1780, and incorporated by act of the Legislature

in 1787—Benjamin Franklin, President; Dr. Rush, Secretary. The New York Society was formed in 1785—John Jay, President, afterwards Alexander Hamilton. The Maryland Society was formed in 1789. Among its officers were Judge Chase and Luther Martin. In 1790 the Connecticut Society was formed —Dr. Stiles, President, and Simeon Baldwin, (late Judge Baldwin,) Secretary. In the same year the Virginia Society was formed—Robert Pleasants, President; and also the New Jersey Society, which had an acting committee of five members in each county in the State. In reference to these societies, I find in the "Anti-Slavery Examiner," which I hold in my hand, the following:

"Among the distinguishen individnals who were efficient officient officers of these Abolition Societies, and delegates from their respective State Societies at the annual meeting of the American Convention for promoting the abolition of slavery, were Hon. Uriah Tracy, United States Senator from Connecticut; Hon Zephania Swift, Chief Justice of the same State; Hon. Cæsar A. Rodney, Attorney General of the United States; Hon. James A. Bayard, United States Senator from Delaware; Governor Bloomfield, of New Jersey; Hon. Wm. Rawle, the late venerable head of the Philadelphia Bar; Messrs. Foster and Tillinghast, of Rhode Island; Messrs. Ridgely, Buchanan, and Wilkinson of Maryland; and Messrs. Pleasants, McLean, and Anthony, of Virginia."

For the purpose of showing the principles and objects of these societies, let me refer briefly to the constitutions of two of them, and the memorials to Congress of two others.

The following is the preamble to the Constitution of the Pennsylvania society:

"It having pleased the Creator of the world to make of one flesh all the children of men, it becomes them to consult and promote to each other's happiness as members of the same family, however diversified they may be by color, situation, religion, or different states of society. It is more especially the duty of those persons who profess to maintain for themselves the rights of human nature, and who acknowledge the obligations of Christianity, to use such means as are in their power to extend the blessings of freedom to every part of the human race, and in a more particular manner to such of their fellow-creatures as are entitled to freedom by the laws and constitutions of any of the United States, and who, notwithstanding, are detained in bondage by fraud or violence. From a full conviction of the truth and obligation of these principles—from a desire to diffuse them wherever the miseries and vices of slavery exist, and in humble confidence of the favor and support of the Father of mankind, the subscribers have associated themselves under the title of the "Pennsylvania Society for Promoting the Abolition of Slavery and the Relief of Free Negroes unlawfully held in Bondage."

The following is part of the preamble to the Constitution of the New Jersey Society:

"It is our boast that we live under the Government, wherein life, liberty, and the pursuit of happiness, are recognised as the universal rights of men. We abhor that inconsistent, illiberal, and interested policy which withholds those rights from an unfortunate and degraded class of our fellow-creatures."

The Connecticut and Virginia Societies sent memorials to Congress. The following is an extract from the former:

"From the sober conviction of the unrighteousness of slavery, your petitioners have long beheld with grief our fellow-men doomed to perpetual bondage in a country which boasts of her freedom. Your petitioners were led by motives, we conceive, of general philanthropy [now it is "fanaticism"] to associate ourselves together for the protection and assistance of this unfortunate part of our fellow-men."

The memorial of the Virginia Society is headed, "The memorial of the Virginia Society for promoting the abolition of slavery." The following is an extract:

"Your memorialists fully believing that slavery is not only an odious degradation, but an outrageous violation of one of the most essential rights of human nature, and utterly repugnant to the precepts of the Gospel," &c.

It would seem to be an appropriate closing of this mass of testimony to read, as I will now beg permission to do, an extract from a sermon of President Edwards, the younger, preached before the Connecticut Abolition Society, September 15, 1791.

"Thirty years ago (said he) scarcely a man in this country thought either the slave trade or the slavery of negroes to be wrong; but now, how many and able advocates in private life, in our Legislatures, and in Congress, have appeared, and openly and irrefragably pleaded the rights of humanity, in this as well as other instances? And if we judge of the future by the past, within fifty years from this time [the fifty years are about expiring!] it will be as shameful for a man to hold a negro slave as to be guilty of common robbery or theft."

Upon the testimony thus presented, I cannot, Mr. Speaker, find time for an extended commentary. Nor do I deem it necessary. It seems to me impossible that it should have failed to convince all who have heard it, that, so far from there having been an implied pledge on the part of the free States, that the subject of slavery should not be agitated, there arose necessarily, from the common sentiment of that period in regard to slavery, from the perfect freedom with which it was every where assailed, and from the general expectation of its speedy abolition, an implied pledge on the part of the slave States that no obstacles should be interposed to the freest action of public sentiment in regard to it; but that they would, in fact, continue to co-operate, as they were then co-operating, with the philanthropists of the North, in producing a public sentiment that should, "at no distant day," put an end to the evil.

VIOLATION OF IMPLIED PLEDGE OF THE SOUTH TO THE NORTH.

And now, Mr. Speaker, let me look a little at the manner in which the pledge of the South to the North has been redeemed; or rather, I ought to say, at the extent of its violation. If you will accompany me in a brief examination, I will show you how slavery has increased its numbers—acquired new territory —enlarged in power—claimed exemption from all opposition—and trampled down the dearest rights of freedom, in its march to uncontrolled dominion.

In 1790 the slave population amounted to - -	697,867
Now mark its increase:	
In 1800 it was - - - - - -	893,041
In 1810 it was - - - - - -	1,191,364
In 1820 it was - - - - - -	1,538 964
In 1830 it was - - - - - -	2,009,031
In 1840 probable number, - - - -	2,700 000

Slavery was to be abolished "at no distant day!" and yet it has increased to two million seven hundred thousand! And in that very State from which Washington, Jefferson, Madison Henry, and others predicted, and prayed for its speedy extirpation, are slaves now actually raised for exportation.

Mr. GARLAND of Virginia here interposed, and denied the truth of the assertion. Mr. S. perceiving that the remark had excited some sensibility, and desiring to avoid seeming to cast reproach upon Virginia, passed it over by remarking that the District of Columbia was notoriously a market for the surplus slaves in the neighboring counties of Virginia and Maryland, and that slaves thus purchased were annually shipped in large numbers to Southern markets. On the day following, Mr. GARLAND, in his reply to Mr. S. having spoken to his allusion to slave-breeding in Virginia as "the repetition of a base slander of that prince of demagogues, Daniel O'Connell," Mr. S. asked permission to read, in proof of his assertion, the following account of the declarations of distinguished Virginians which he found in "Jay's View of the action of the Federal Government in behalf of Slavery."

In the Legislature of this State, in 1832, Thomas Jefferson Randolph declared that Virginia had been converted into 'one grand menagerie, where men are reared for the market like oxen for the shamble.' This same gentleman thus compared the foreign with the domestic traffic:' The trader (African) receives the slaves, a stranger in aspect, language, and manner, from the merchant who brought him from the interior. But here, sir, individuals whom the master has known from infancy—whom he has seen sporting in the innocent gambols of childhood—who have been accustomed to look to him for protection, he tears from the mother's arms, and sells into a strange country—among a strange people—subject to cruel taskmasters. In my opinion, it is much worse.'

"Mr. Gholson of Virginia, in his speech in the Legislature of that State, January 18, 1831, (see Richmond Whig,) says: 'The legal maxim of *partus sequitur ventrem* is coeval with the existence of the rights of property itself, and is founded in wisdom and justice. It is only on the justice and inviolability of this maxim that the master foregoes the service of the female slave, has her nursed and attended during the period of her gestation, and raises the helpless and infant offspring. The value of the property justifies the expense; and I do not hesitate to say that in its increase consists much of our wealth."

"Professor Dew, now president of the College of William and Mary, Virginia, in his review of the debate in the Virginia Legislature in 1831, '32, speaking of the revenue arising from the trade, says: 'A full equivalent being thus left in the place of the slave, this emigration becomes an advantage to the State, and does not check the black population as much as at first view we might imagine, because it furnishes every inducement to the master to attend to the negroes, to encourage breeding, and to cause the greatest number possible to be raised. Virginia is, in fact, a negro raising State for other States.'

"Mr. C. F. MERCER asserted in the Virginia Convention of 1829: 'The tables of the natural growth of the slave population demonstrate, when compared with the increase of its numbers in the Commonwealth for twenty years past, that an annual revenue of not less than a million and a half of dollars is derived from the exportation of a part of this population.' "

Mr. SLADE proceeded. With the increase of slaves from 697,897 to near two millions and three quarters, have the number of the slave States increased from six to thirteen, three of the new slave States being formed from territory purchased with the common treasure of the nation; so that the North has actually paid her money to purchase new fields to be moistened with the sweat and blood of slavery, instead of having the promised aid of the South, in getting rid of the national evil!

The number of representatives, on account of the slave population, has increased to twenty-five, and will probably rise to thirty, after the next census. Let me show you, Mr. Speaker, the strange results of this principle of "slave representation" on this floor.

The slave States, with a free population of 3,823,000, have one hundred representatives; while the free States, with a population of 7,003,000, have but one hundred and forty-two. Look at this in some of its details.

Virginia, with a population of 741,000, has twenty-one representatives, while Ohio, with a population of 947,000, has but nineteen. The free State, with a free population of 206,000 more, has a representation of two less.

Pennsylvania, with a population of 1,347,300, has twenty-eight representatives, while South Carolina, Georgia, Alabama, Mississippi, and Louisiana, with a population of 912,000, being 435,800 less than Pennsylvania, has the same number. I might pursue this comparison; but I have gone far enough to show the great disadvantage to which the free States have been subjected by yielding to the South a slave representation, for which they obtained in the compromise no substantial equivalent, as I will now show.

The Constitution provides that "representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons * * * three-fifths of all other persons," that is, three-fifths of the slaves. This extra burden of taxation on account of slaves was regarded as some compensation to the North for the extra advantage to the South of a slave representation. Now, sir, let us see how this consideration for the concession has failed.

By a letter of the 26th of January, 1838, in reply to a call for information from the Register of the Treasury, it appears that the whole of the receipts into the Treasury of the United States, from the 4th of March 1789, to the 31st of December, 1836, had been:

From Customs,	$682,957,784 47
Internal revenue,	22,253,045 38
Postage,	1,092,227 52
Direct taxes,	12,742,294 64
	$719,045,352 01
The receipts for the last three years have been - - - -	96,731,262 48
	$815,776.614 49

It thus appears that of more than eight hundred and fifteen millions of receipts, about twelve millions and three-quarters only have been from direct taxation, and, even of this, the North has, of course, paid her proportion. Such is the practical equivalent which has been received for a concession which has enabled the South, by a representation of slave property, to control the destinies of the country for fifty years—a concession which no one now believes would have been made, but for the assurance which I have shown was felt, an assurance encouraged by the slave States themselves, that slavery should, "at no distant day," be abolished throughout the country.

But while the rendering of the constitutional equivalent for the slave representation has thus been avoided when money was to be paid, we find the compromise fully carried out when money is to be received. Thus the ratio of representation, including the representation in the Senate, was made the basis of the distribution of the surplus revenue by the act of 1836, giving, of course, a disproportionate amount to the slave States. Thus the thirteen free States, with a population of 7,003,000, received $21,410,77/ 12; while the thirteen slave States, with a free population of 3,823,000, received $16,058,082 85! So that there was received for each free inhabitant of the slave States $4 20; while for each inhabitant of the free States there was received but $3 06!

While considering the subject of the concession to the South of a slave representation, one cannot help inquiring what—since so much is said of implied compromises—were the real compromises of the Constitution, in connection with the subject of slavery? What did each party actually concede to the other?

There was conceded to the South the stipulation to deliver up fugitive slaves—protection against domestic violence—a continuance of the slave trade twenty years—and the three-fifths representation of slave property. Surely these are large concessions to be made in favor of slavery. And what concession was made to the North in return? None, except the stipulation just referred to, in regard to direct taxation, which has, as I have shown, amounted to nothing.

Does not this glaring inequality of concession give irresistible force to the argument which I have drawn from the history of those times, to show that it was the general expectation that slavery would be soon abolished? Is it possible to believe that such concessions would have been made in favor of slavery, (concessions to wrong, not to right,) if any body had suspected that it was not to be abolished, but to be cherished, increased, and made permanent? Did any body dream that the concession of a "three-fifths" representation would, within fifty years, bring into Congress thirty representatives—a representation of two millions seven hundred thousand slaves? But, more than all—could it have been thought of, or, if thought of, could the idea have been endured for a moment—that that concession was to be used as an engine of political power? that the destinies of the country were actually to be controlled by the representation which slavery should bring into this hall, and the votes it should give in the elections of the Chief Magistrates of the country?

Mr. Speaker, the history of slavery in this country for the last thirty years, has been a history of encroachment without a parallel—encroachment involving as gross a violation of implied pledges as can well be conceived. Let facts speak on this subject; and that they may speak in the best manner, and to the best effect, let me read to the House an extract from a speech delivered in the Senate of the United States some two years ago, by Governor Davis of Massachusetts, whose sound, practical sense, for which he is so much and so deservedly distinguished, seized upon the strong points in this matter of Southern encroachment, and presented them in the following language:

"This interest (slavery) has ruled the destinies of the Republic. For forty out of forty-eight years, it has given us a President from its own territory, and of its own selection. During all this time it has not only had a President sustaining its own peculiar views of public policy, but, through him, has held and used in its own way the whole organization of all the Departments, and all the vast and controlling patronage incident to that office, to aid it in carrying on its views and policy, as well as to protect and secure to it every advantage."

"Let us explore a little further, and see how the two Houses of Congress have been organized. For thirty years out of thirty-six that interest has placed its own Speaker in the chair of the other House, thus securing the organization of committees, and the great influence of that station. And, sir, while all other interests have, during part of the time, had the chair (Vice Presidency) in which you preside assigned to them, as an equivalent for these great concessions, yet, in each year, when a President pro tem. is elected, who, upon the contingencies mentioned in the Constitution, will be the President of the United States, that interest has invariably given us that officer. Look, I beseech you, through all the places of honor, of profit, and privilege; and there you will find the representatives of this interest in numbers that indicate its influence. Does not, then, this interest rule, guide, and adapt public policy to its own views, and fit it to suit the action and products of its own labor?"

In connection with the view thus presented by Governor Davis, let me refer to the progress of the influence of slavery in the elections of the presiding officers of this House. The termination of the present Congress will complete fifty two years from the organization of the Government. During the first twelve years the Speakers were from Pennsylvania, Connecticut, New Jersey, and Massachusetts; during the next six years from North Carolina; the next four years from Massachusetts; the next nine years from Kentucky and South Carolina; the next year from New York; the next four years from Virginia and Kentucky; the next two years from New York; and the last fourteen years from Virginia and Tennessee.

Dividing the whole term, as near as may be, into three equal periods, it appears that, for the first seventeen years, the chair was filled twelve years from the North, and five years from the South; for the next seventeen years five from the North, and twelve from the South; and for the last eighteen years two from the North, and sixteen from the South!

Such a result as this needs no comment. It speaks for itself, and speaks a language not to be misunderstood.

For further evidence of the power of slavery and its disposition to encroachment, I might, if I had time, refer to numerous important questions which have been decided in Congress, in which the power of the three-fifths representation has had a controlling effect. I might also speak of the existing relations between the States of Georgia and Maine, and Virginia and New York, growing out of the extraordinary claims of Georgia and Virginia in connection with slavery. I might refer to the frequent threats of violence—to the scenes of Lynching—to the violation of the mails—and to the violation of the Constitution, in denying to the free colored citizens of the North the privileges of citizens in the Southern States of this Union. But time would fail me.

Upon this latter topic, however, I cannot refrain from dwelling, for a moment, for the purpose of calling the attention of the

House to the effect which has been given, at the South, to the laws prohibiting the emigration within their borders, and even a sojourn among them, of free colored citizens of other States. I allude to the execution of these laws upon the citizens of a foreign country, forced by the dangers of the sea into a Southern port of this Union. I have in my hand the following from a Jamaica paper (the Despatch,) published in the year 1833, which I beg permission to read:

"We have been politely favored with a Haytien paper, L'Union de Port-au Prince, of the 19th ult. by which it would appear that the Republic is highly indignant at the treatment experienced by the crew of a Haytien vessel, which was forced, by stress of weather, to enter one of the United States, (Charleston.) L'Union, after detailing the circumstances that obliged the vessel in question, L'Artibonite to put into Charleston remarks: 'So soon as she arrived there, the whole of the crew (captain allowed to remain) were seized and thrown into prison, where every assistance or comfort was denied to our unfortunate mariners, whose incarceration lasted the whole time that the vessel was being repaired. This is an outrage against the Haytien nation. The day may yet come when it will be in our power to cause the name of Haytiens to be respected abroad, and particularly so by our arrogant neighbors. Until that period arrives, however, we have in our hands the means of retaliation. Already, if we judge rightly, a spirit of deep aversion to the Americans manifests itself, and seems to pervade all classes of our citizens: and so indignant do we feel at their conduct towards our countrymen, that we are almost inclined to denounce and hold them up to the hatred of the nation.' "

Now, Mr. Speaker, what but a want of power on the part of the Haytien Government has prevented a demand upon this Government for redress for this outrage on the rights of Haytien citizens? There is, it is true, no danger of a war with Hayti. Her weakness is our protection! But may not our extensive and profitable commerce with that nation be made to suffer from such outrages on the rights of its citizens? And, shall it be still asked, What has this nation to do with slavery?

There is one fact, placing in a very strong light the tenaciousness of the slave power, and its disregard of the implied pledge to which I have referred, which I cannot omit to notice; and to which I ask the special attention of this House. It is a claim that no free State shall be admitted into this Union without the simultaneous admission of a slave State.* It is even urged as an argument for the division of Florida, and its admission into the Union as two States, that it must be done in order to balance with two new slave States the two new free States —soon to be admitted—of Wiskonsan and Iowa. To give plausibility to this demand of slavery, it is asserted in an article, in a late Virginia paper, (transferred to the Globe) that—

"From the time that new States began to be admitted in addition to the 'Old Thirteen,' from that time it has been the fixed policy of the Union to admit a slave State and a free State at the same time. Thus Kentucky and Vermont came in together. Ohio and Tennessee followed; Alabama and Illinois, Louisiana and Indiana, Missouri and Maine, Arkansas and Michigan. Thus the Union kept its parts even, and to do so, twice have the New England States divided their small States and made them less. Vermont and Maine were both divided from other States to make new ones to balance, in the Senate at least, the new large slaveholding States."

Aware of the startling character of such a claim in favor of slavery, the writer of the article says—"it has been the fixed policy of the Union to admit a slave and a free State at the same time." This I deny. The States mentioned by him as having come into the Union on the "balance" principle, have been admitted as follows:

Slave.		*Free.*	
Kentucky,	1791	Vermont,	1791
Tennessee,	1796	Ohio,	1802
Louisiana,	1812	Indiana,	1816
Alabama,	1819	Illinois,	1818
Missouri,	1821	Maine,	1820
Arkansas,	1836	Michigan,	1836

Now, in the first place, this writer has omitted Mississippi (admitted in 1817) from his account current between the slaveholding and non slaveholding States. The introduction of it throws his balance sheet into confusion, besides showing the advantage which slavery has gained over freedom in the admission of new States.

But, independent of this, the list furnishes no evidence of the "fixed policy" of which he speaks. Thus, sir, all know that the political "balance" between freedom and slavery, now contended for, was entirely unthought of when Kentucky and Vermont came into the Union. The well-known state of public feeling on the subject of slavery at that period shows this conclusively. Indeed, the notion that slavery, which it was then declared had "received a mortal wound, and would die of consumption," was to run a race with freedom, is absolutely ridiculous.

The idea of a division of "small States of New England to make new ones to balance" is equally destitute of foundation. Maine was separated from Massachusetts proper, by the Territory of New Hampshire; and her political separation was, therefore, dictated by her natural position, as well as by other obvious considerations, having no relation to the "balance" now contended for. As for Vermont, the "Green Mountain boys," driven by the injustice of New York, declared themselves independent, and formed a State Constitution in 1777, fourteen years before their admission into the Union; and having maintained their independence against New York, New Hampshire, and Canada, by a combination of the most consummate skill and noble daring, they finally came into the Union in 1791.

I might go through the list and show that the controlling reasons for the admission of all the new States into the Union have had no connection with the idea of the "balance" suggested. I know the admission of Missouri, as a slave State, was urged upon the ground of the admission of Maine as a free one; and if I am not mistaken, the claim now formerly insisted on was then for the first time brought forward. It was, I regret to say, successful; and it has again been successful in the admission of Arkansas as a slave State.

I do not complain that new States at the South have been admitted into the Union—not even that seven have been admitted from the North. But I do complain that they have been admitted as slave States; and especially that there are among them States whose territory formed no part of the "Old Thirteen," and which have, therefore, brought into the Union an addition to the burden and weakness and curse, from which, at the adoption of the Constitution, it was universally expected the country would soon be delivered

But more especially do I complain that it has come to be avowed as a settled principle of national policy that the slave power is to be maintained in its existing relative strength, by the admission of new slave States. How strongly does this contrast with the public sentiment and policy at the time of the formation of the Constitution. Slavery, which was then doomed, by the general judgment of the country, to speedy destruction—the subject of almost universal execration—now raises its brazen front, and claims to be regarded as an essential element of, and to have its relative political power carefully maintained in, this Union of freedom!

But this is not all. Fearing that, in the vast territory West and North of Missouri, the indomitable spirit of Northern enterprise may raise up new States to add to the empire of freedom, and diminish the relative strength of slavery, the South turns its eyes to the wide domain and fruitful soil of Texas, and seeks to add to our country a territory which may be manufactured into half a dozen new States to maintain the balance in favor of slavery! Yes, sir; slavery has actually entered upon a system of colonizing—colonizing by conquest—colonizing from a land of freedom—colonizing to bring under its dominion a country from whose soil, in the advancing power of free principles, it had just been banished!

Thus, as slavery sinks in other countries, it rises in this. As its limits are contracted elsewhere, they are enlarged here. At the moment that its iron sceptre is broken in the British West Indies, are American statesmen devising means to strengthen and enlarge its dominion in the land yet reddened with blood poured out to assert and maintain that "all men are created equal!"

Where is to terminate this progress of the slave power? Where shall its Southward movements cease, until to keep pace with the westward march of freedom to the shores of the Pacific, it shall darken and desolate the fields of Mexico and Gautemala, and find the limit of the same ocean at the Isthmus of Darien?

But, Mr. Speaker, slavery is not content with a multiplication of its victims or an extension of its territorial dominions. It sees the gathering storm, and prepares to avert it. It understands the power of free discussion, and seeks to suppress its outbreakings. For this purpose it penetrates the free States—it surrounds peaceable assemblies with mobs—it destroys printing presses—it kills or follows with persecution their conductors—it even enters the city of PENN, the city where yet stands the "Hall of Independence," and applies the torch to a noble edifice dedicated to free discussion. And, sir, it has finally come into the halls of Congress, and assailed Liberty in these her most sacred temples, by striking down the cherished and solemnly guarantied right of petition, and imposing silence upon the Representatives of freemen here.

But this is not all. Slavery has found its way into the Executive Department of this Government, introducing, and giving efficacy, through that Department, to a new element of power unknown to the Constitution, namely, "the wishes of the slaveholding States;" insomuch that the President, while admitting that Congress has constitutional power to abolish slavery and the slave trade in this District, declares, in advance, that he will give his official sanction to no bill for such abolition, "against the wishes of the slaveholding States." The "wishes," be it observed—not the arguments—of the slaveholding States are to govern the Executive action! With arguments he has nothing to do. He throws from himself all responsibility of judging, and makes the simple fact of the "wishes" of a minority of the people decisive. No other interest has ever advanced such a claim. In all the struggles about a protective tariff, the manufacturing States have set up no such pretensions; and if they had, they would have found no President willing to give such effect to their "wishes." Thus, slavery asks and obtains what would be yielded to no other interests in the country.

But slavery is not content with all this. When the people of the North, in the strength of their feeling for their brethren in slavery, and under a sense of the national responsibility for its continuance, with the abomigations of the slave trade, in this District, send their petitions here for its abolition, Slavery rises up, in the persons of honorable members on this floor, and threatens to dissolve the Union! Yes, sir, slavery, that very slavery that, fifty years ago, was declared to have the consumption, and to be struck with death, has "got well," grown fat and lusty, talks of living forever, and absolutely threatens a dissolution of the Union if he is not "let alone," and permitted to go on unimpeded in his march to complete dominion! Who can find words to express the amazement which this is calculated to excite?

Thus it is, Mr. Speaker, that slavery has, ever since this Union was formed, been gradually augmenting its power; moving on, especially during the latter part of the half century of our national existence, with giant strides in the march of encroachment, constantly grasping power, and constantly asking for more, never saying enough, but always crying, give! give! give!

And now, Mr. Speaker, let me entreat gentlemen to review the subject in the light which I have endeavored to throw upon it, and tell me if it is not the height of injustice to charge the petitioners and the agitators of the subject of slavery at the North, with a violation of implied pledges in favor of slavery, when it is manifest beyond the power of contradiction that the South has violated, and is at this moment flagrantly violating its own most clearly implied pledges of a contrary character.

Sir, as I have already intimated, the North, so far from encroaching on the rights of the South in this matter, are but resisting the encroachments of the slave power. They are standing on the very confines of the Constitution, battling, not merely for the rights of the slave, but for the dearest rights of freemen. And are they to yield at this point? No, sir, no; not a hair's breadth. They cannot, without a surrender of every thing. It is time the South should understand that the North is no longer to stand still and witness the encroachments of slavery with arms folded, eyes closed, and mouths shut; but that, while they will not transcend, by the breadth of a hair, the limits of the Constitution, they owe it to themselves—to their country—to its honor abroad—to its safety at home—to humanity—to justice—and to the world, struggling for victory over time-honored oppression—to stand firm upon the ground of constitutional right, and never surrrender for one moment those great weapons of fair and honest warfare against slavery—freedom of speech—freedom of the press—and freedom of petition.

But I may be told that, though there might have been, at the adoption of the Constitution, no such compromise in favor of slavery as is now contended for, yet there should be such a compromise now; that, since the South are so excitable on the subject, it is not best to agitate it; but to refrain for the sake of preserving the Union. Sir, I am willing to yield much for the sake of peace—which none can prize more highly than I do—and for the Union—whose benefits are by no means to be lightly put at hazard. But I am not willing to yield every thing. There is a point where yielding must stop, or every thing will be demanded and surrendered.

Compromise! What is a compromise but a mutual concession? And what are the South prepared to concede? Nothing! As usual in the contest between freedom and slavery in this country, the concessions must all be on one side. While slavery is reaching forth the arms of her power in every direction —lengthening her cords and strengthening her stakes, and grasping, by a bold and daring policy, the entire control of the Union, the people of the North must stand still—shut their mouths—throw away their pens—break their presses—and sit down in silence, without even the poor privilege of praying for deliverance from her all-grasping dominion! And all in the spirit of compromise! for the sake of peace! and the Union! Sir, it is enough to sicken the soul of a freeman to hear this cant of compromise—a compromise of silence! of death! not the death of slavery but of freedom!

ABOLITION—ITS AIMS—AND THE MEANS OF THEIR ACCOMPLISHMENT.

Mr. Speaker, I have done with "the compromises of the Constitution." I regret that I am compelled to leave this branch of my subject while so much remains to be said to do it justice. But I must forbear.

Recurring to the question more directly before the House, let me remark that there is another reason, substantially, though not very distinctly, urged against the reception of petitions on the subject of slavery. It is, that they come from "abolitionists."

I have been amazed, while sitting here, to witness the strife on this floor, in denouncing the men and women whose prayers come up here for the abolition of slavery. "Pedantic knaves" —"superstitious fanatics"—"vile fanatics"—"desperate and despicable fanatics"—are specimens of this denunciation. Sir, I promised when I began that I would indulge in no retorts; and surely I cannot find it in my heart to indulge any suited to such attacks. Not that I do not hold in high estimation the many excellent and intelligent of my constituents who are thus assailed; but it is because I do thus esteem them, that I make no reply to such denunciations

"Abolitionists!" What is abolition? At what does it aim? By what means is it sought to accomplish its objects? These are questions which I propose briefly to answer.

Abolition is among the noblest of the objects which can engage the efforts of man. It is the deliverance of men from the ownership of others, and restoring them to the ownership of themselves. It is to take away whips and tortures as incentives to effort, and to substitute for them the instincts of self-support, and the nobler and more efficient ones of care for the support of others. It is to substitute for promiscuous concubinage, the marriage relation, with its sacred rights, its hallowed privileges and its countless blessings. It is to emancipate mind from complete human dominion, and raise it to freedom of thought, freedom of purpose, and conscious responsibility to the God of the universe. It is to open the Bible, now shut to millions of human beings, and to give them the privilege, and aid them to enjoy it, of "searching the Scriptures," which are "able to make them wise unto salvation."

This is Abolition. Who ought to be reproached for it? Who ought to be ashamed of it? It may be sneered at and derided; and may come to be used as a name of reproach. But who cares for a name? Who that is capable of understanding what principle means, will tremble at the name of Abolitionist? Here is the thing. Look at it. Is there a nobler end under heaven —can there be—than the emancipation of the body and the soul of one man from such dominion, and his restoration to such rights?

These great purposes Abolitionists aim to accomplish to the extent of their power throughout this country, and throughout the world. Their benevolence is bounded by no lines of latitude or longitude; by no seas, oceans, or continents. It grasps the globe. Wherever there is a human being suffering from oppression, there does it find an object of kind regard and anxious solicitude. It feels for those in bonds "as bound with them." The fetters which gall the limbs of the slave lacerate its own spirit. Impelled by a quenchless love for man, it crosses oceans, climbs mountains, traverses continents, encounters dangers, faces death, for his redemption from oppression, and his elevation to freedom, intelligence, virtue, happiness, hope, and Heaven.

Such is Abolition. But some may say Abolition, thus explained, is an effect which we would indeed like to see accomplished—and, in this sense, we are Abolitionists; but we are opposed to Abolitionism—that is, to the means that are used to produce that effect.

I use the word Abolition, in this discussion, both in its popular sense, as descriptive of the present great movement in favor of emancipation, and, also, in its literal signification, as descriptive of the effect sought to be accomplished by that movement —leaving to those who hear me to give it a signification appropriate to the connection in which it is used. But what I say of Abolition, as an effect, I would substantially say of it as descriptive of the present great movement to produce that effect. By this, however, I do not intend to sanction every thing that is done by every body engaged in this movement. I have seen, and still see, many things to disapprove. But I regard them as spots in the sun, which, after all, gives a glorious light.

In approving of the present Abolition movement, I speak in reference of the principles that give it vitality, and the great agencies by which it is sought to give them efficacy—namely, freedom of speech and a free press—a freedom restrained by truth, and the spirit of the religion of Christ. Disapproving as I do of precipitate and ill-directed measures, and the indulgence of a harsh and bitter zeal in this cause, I feel, nevertheless, bound in sincerity to say that I had much rather see even this than to witness a continuance of the nation's death slumber over this great question. The first movements in the process of purifying the atmosphere are not unfrequently announced by "harsh thunder." But the thunder storm is nearly over—to be followed, I trust, by a steady and refreshing rain, which shall

*Since this speech was delivered, one of the Senators from Arkansas [Mr. SEVIER] has declared, in the Senate, that he would never vote for the admission of another free State into the Union, unless there should be a new slave State to balance it.

nourish the thirsty earth, and finally bring forth an abundant harvest of good to our country.

By what means does Abolition seek to accomplish its purposes? By the power of truth. Shaking not at the Goliah of slavery, it marches fearlessly to meet him. Trusting in the power of truth, and showing their respect for slaveholders by confidence in its practical efficacy, Abolitionists patiently and kindly, and perseveringly urge upon them its demands, and press them with its entreaties. I say kindly. Perhaps not always so. Better it were always—far better! But slavery is slavery! Not to feel, when the full import of that word enters their minds, would do no credit to their hearts, though it might secure for them the reputation of prudence, and save them from reproach.

By the power of truth, Abolitionists seek to create every where a public sentiment against slavery. They see the nation drugged with the opiates of wealth and pleasure, rioting in present abundance, and grasping after still greater; while the slave treads the same everlasting round of labor unrequited, and of toil unblest, his mind brooded in perpetual darkness, his crushed spirit feeling no elevated aspirations, and entering into none of the enjoyments suited to its noble nature and high destiny: while the nation, like the Priest and the Levite, have passed by, in cold, selfish indifference, leaving him to perish, without help and without hope. By patient and untiring efforts do Abolitionists seek to awake the people of this nation from their guilty slumber over the wrongs of slavery, and produce a conviction that the time has come when something should be done for its abolition.

To the extent of the constitutional power of Congress over this subject they ask its action. They pray it to abolish slavery and the slave trade in this District, over which it has exclusive jurisdiction, and to prohibit, as it clearly has a right to do, the slave trade between the States, and to admit no more slave States into the Union.

But their great, leading object is to create such a public sentiment in the South as shall effect the abolition of slavery in the slaveholding States by their own legislation. To do this, they labor, in the first place, to arouse the North to a consideration of this subject, to the end that it may speak out in clear and decided language its condemnation of slavery, and thus exert upon the South a strong moral influence in favor of its abolition—believing that the South will not pertinaciously refuse to yield to the calm and enlightened judgment of their brethren, especially when it is in accordance with the judgment of the great mass of the civilized world.

While speaking of the means by which Abolitionists aim to accomplish the abolition of slavery in the United States, I deem it proper to disabuse them of the charge of aiming to abolish slavery in the States by the legislation of Congress—a charge which is, I am informed, believed by many at the South to be well founded.

I hold in my hand "Jay's view of the action of the Federal Government in behalf of Slavery," a work published by the American Anti-Slavery Society, and, of course, expressing its views on the topics of which it treats. While I ask the attention of the House to that portion of the book which I am about to read, I take the occasion to commend the entire work to the attention of those who may be able to obtain it, as containing facts and views worthy the attention of all the members of this House, and all the people of this nation. The author says, (p. 216.)

"Every State possesses all the powers of independent sovereignty, except such as she has delegated to the Federal Government. All the powers not specified in the Constitution as delegated, are by that instrument reserved. Among the powers specified, that of abrogating the slave codes of the several States is not included. On the contrary, the guarantee of the continuance of the African slave trade for twenty years; the provision for the arrest of fugitive slaves; and the establishment of the Federal ratio of representation, all refer to and acknowledge the existence of slavery under State authority. If, therefore, the Abolitionists, unmindful of their solemn and repeated disclaimers of all power in Congress to legislate for the abolition of slavery in the States, should, with unexampled perfidy, attempt to bring about such legislation; and if Congress, regardless of their oaths, should ever be guilty of the consummate folly and wickedness of passing a law emancipating the slaves held under State authority, the Union would, most unquestionably, be rent in twain. The South would, indeed, be craven, could it submit to such profligate usurpation. It would be compelled to withdraw, not for the preservation of slavery alone, but for the protection of all its rights; and indeed the liberties of every State would be jeoparded under a Government which, spurning all constitutional restraints, should assume the omnipotence of the British Parliament. But it is scarcely worth while to anticipate the consequence of an act which can never be perpetrated so long as the people of the North retain an ordinary share of honesty and intelligence."

BRITISH ABOLITION.

And now, Mr. Speaker, let me show you the relation which this movement at the North, bears to Abolition elsewhere. Let me show you that it is but part of the great Abolition movement of this age—a movement in regard to whose principles and progress no American statesman ought to be, and no Southern statesman can be indifferent. Let me especially call your attention to British Abolition, which forms so prominent a part of it; and from whose origin, progress, and termination, both the North and the South may draw lessons of the deepest practical importance.

The British slave trade had existed for near two centuries, when David Hartley moved, in the House of Commons, in 1776, a resolution declaring "That the slave trade was contrary to the laws of God and the rights of man." It met the fate which a resolution, making the same affirmation of a similar trade carried on in sight of this Capitol, would probably now meet in this hall: it was promptly rejected.

In 1783, a petition against the trade was, for the first time, presented in the House of Commons. It met the fate which the petitions I have in my drawer before me will meet, if the rule I am opposing shall be adopted: its consideration was refused.

The Quakers, with whom these unsuccessful efforts originated, were not discouraged. On the 7th of July of that year, six of them met in London "to consider what steps they should take for the relief and liberation of the negro slaves in the West Indies, and for the discouragement of the slave trade on the coast of Africa."

What a sublime spectacle is here presented! Six men meeting together to devise means for waking the British nation from the guilty slumber of two hundred years! Six men conspiring to overturn a system of injustice and oppression which had received the sanction of ages, and which was fortified by the interests, the prejudices, and even the religion of the whole British empire! Nothing can exceed it in moral sublimity, but the going forth of twelve fishermen, at the command of the "Despised and Rejected," to assail an empire of Pagan idolatry and superstition which overshadowed the world.

And what was the principle, and what the spirit of this mighty enterprise? They were, the great truth which this nation had just triumphantly maintained in a seven years' war, and the benevolence which had sent forth to all nations the twelve disciples of the Christian faith, seventeen hundred and fifty years before.

Six Quakers! I cannot leave them. How prompt to yield to the "inward light!" How steady to the noble purpose it dictated! Well did Patrick Henry say, "I shall honor the Quakers for their noble efforts to abolish slavery." And who will not honor them for their patient, untiring devotion, both in Great Britain and in this country, in behalf of their oppressed brethren of the African race? How valuable the "testimony" they have uniformly borne against the great iniquity!

The six Quakers! Let none, henceforth, be disheartened in the cause of truth and righteousness, though few, and feeble, and despised. It was not by might, nor by wisdom, but by the power of truth, that these men went forward and verified the prediction that "one shall chase a thousand, and two put ten thousand to flight." The six Quakers! Let us remember them, and be faithful to humanity, to justice, and to truth.

The six Quakers were soon joined by the same number of philanthropists of other Christian denominations. "The twelve" held meetings in London to devise means for revolutionizing the sentiment of an empire! Agents were appointed, among whom was the celebrated Clarkson, to rouse the public attention to the great subject. The pulpit and the press were enlisted. Books, pamphlets, and newspapers were freely circulated. Within a few years, petitions to Parliament were multiplied, insomuch that a commission was at length appointed by the Government to inquire into the African slave trade; and finally, on the 9th of May, 1788, the House of Commons voted that they would, at the next session, take the subject of that trade into consideration.

Without pursuing further the details of this matter, suffice it to say, that the ball thus put in motion continued to roll on, until the slave trade was abolished by act of Parliament in the year 1807.

But the great anti-slavery movement, begun by the six Quakers, did not end here. If it had thus terminated, it would have been, in the end, little less than a failure; for while slavery, the parent of the slave trade, is cherished, it will be in vain to attempt a complete suppression of its offspring. The great principle of opposition to the one can never be satisfied without the destruction of the other. This principle continued to operate with augmented power, and by various means, until the whole fabric of African slavery in the British dominions at length tumbled into ruins. The result is before us, even at our doors, in the full and complete emancipation of more than eight hundred thousand slaves in the British West India Islands, on the 1st of August, 1838.

I might recur to the early history of this great movement of British philanthropy, and show you with what bitterness and violence its projectors and supporters were assailed; and with what strange assurance slavery and the slave trade were defended by their advocates. But time will not permit. Suffice it to say, that the men who urged on the movement were denounced as "hypocrites and fanatics," and their project as visionary and delusive. It was declared in Parliament that it was "the intention of Providence, from the beginning, that one set of men should be slaves to another." The abolition of the trade, it was confidently predicted, would ruin the colonies, and fill them with massacre and blood; while the trade itself was actually vindicated on the ground of "its conformity with the principles of natural and revealed religion, as delineated in the Word of God!" "We had to contend," (says Clarkson, in his history of that struggle,) "and almost to degrade ourselves by doing so, against the double argument of the humanity and holiness of the trade!

And now, Mr. Speaker, can you consider the principles which lay at the foundation of that great movement—can you reflect upon their mighty moral power, and mark their triumphant results, and wonder at the existence of American Abolition? Wonder? Why, sir, would it not be among the greatest wonders of the world that the people of the United States should, with this history, and these results before them, have continued to sleep over American slavery?

FRENCH ABOLITION.

Sir, look at the influence which the British example has exerted upon other countries besides our own. Look, for example, at what is now going on in France. Abolition is engaging the attention of some of the greatest minds in the Empire. Societies are formed, and the subject is undergoing a thorough investigation. I have before me a summary of a report recently presented to the French Chamber of Deputies by M. de Tocqueville, in the name of the commission charged with examining the question of the abolition of slavery in the French dominions, which I beg permission to read. It is as follows:

"The report passes lightly and contemptuously over the argument in favor of slavery, and takes for granted the conviction in every mind that it ought to be done away with. It passes immediately to the vuestion of its being necessary to prepare the slave for emancipation previous to liberating him. M. Tocqueville, in the name of the commission, asserts that all attempts to improve, enlighten, and prepare the slave, as long as he is a slave, are impossible. The slave not only is ignorant of marriage—of the sacredness and morality of that tie—but incapable of being made to appreciate it, as long as he is a slave. There is antipathy between marriage and slavery—between slavery and the paternity which accompanies marriage. The slave's children are his equals, are independent of him, and excite no interest. None of the prudence and other virtues attending paternity accompany it in the slave. Christianity is equally incompatible with slavery—equally unintelligible. The minister of religion appears either as a support of the master's rule, and is thus abhorred, or he preaches the doctrine of Christian freedom, dangerous to the master. The commission, therefore, abandons the idea of preparing the slave for freedom by any regulations for his treatment whilst a slave. Emancipation, it adds, cannot be deferred."

Another summary which I have seen of this important report represents it as saying:

"The idea of emancipation is already present to the minds of all in the colonies. 'The approach of this great social change, the natural fears and the lawful hopes which it inspires, penetrate all bosoms, and produce deep agitation.' The recent events in the neighboring British islands have brought the idea of coming emancipation home to the planters."

The report concludes by proposing that, in the session of 1841, a law for the abolition of slavery shall be presented, determining the amount of indemnity which is to be saved to the state by means of the salary of the emancipated negroes—the labor of the latter to be secured by an express law.

Here is the effect which the principles of Abolition, illustrated and enforced by the British example, are producing in France.

PRESENT MOVEMENT A REVIVAL OF OUR EARLY ABOLITION, AND PART OF THE GREAT MOVEMENT OF CHRISTENDOM.

Do you still wonder at the feeling which exists at the North on this subject? Go back, for a moment, to the early history of Abolition in our own country. Consider the nature and extent of the anti-slavery feeling of the Revolution, and of the times succeeding it. Consider how wide, and deep, and strong was the current of this feeling when the Constitution was formed, and the present Government was organized; and then think how natural it is that the example of Great Britain, who has gone forward, in the very spirit of our own early Abolition, while we have gone backward, should shame our recreancy to our own principles, and make us haste to redeem ourselves from its reproach. How is it possible, with such associations crowding upon the national mind, that we should not catch some of the inspiration of the times when our fathers, looking up to Heaven for deliverance from oppression, thought of the slaves, and promised to deliver, as they themselves prayed to be delivered—of the times when Washington and Jefferson, Martin and Pinkney, Franklin and Jay, with a host of others, distinguished as statement, jurists, and divines, united in declaring slavery to be a violation of the "law of eternal justice," and a curse to the country.

Mr. Speaker, look yourself at all this, and tell me if you do not find your own spirit moved a little on this subject—if the fire of abolition does not begin to kindle even in your own bosom and its impulses begin to move your own generous heart. At least tell me if you can any longer wonder at the anti-slavery movements of the North; or if you can find it in your heart to denounce as "desperate and despicable fanatics" the men and women whose hearts, happily free in this respect from the prejudices of your own education, sympathize in the great movements of humanity in behalf of the African race, and feel the inspiration of the principles which have wrought out such happy results.

Sir, the present anti-slavery movement in this country is but part of the great movement of Christendom against slavery which has been going on for centuries, and especially for the last half century. Ever since Christianity emerged from the ages of oppression's dark and iron reign; raising her majestic form, and reaching forth her open hands with healing for the nations; has emancipation gone forth with protection for the weak, help for the helpless, and soothing for the heart of sorrow. Bending over the crushed and bleeding victims of oppression it has poured oil and wine into their wounds; given deliverance to the captives; opened the prison doors to them them that were bound; broken the fetters from the body; given freedom to the mind; and raised man to the true dignity and glory of his immortal nature. On her triumphant banner has been inscribed—Emancipation of Mind—Emancipation of Speech—Emancipation of the Press—Emancipation of Man.

PROGRESS OF EMANCIPATION ONWARD AND RESISTLESS.

And is it, sir, thought to impede the progress of emancipation by the puny efforts that are made here? Vain attempt! Can you hold the winds, stay the tides, or stop the course of universal nature? Then may you seal up the fountains of sympathy in the human soul, extinguish the sense of justice, and arrest the onward march of human emancipation. Stop emancipation! As well might the scoffers at Noah's ark-building have undertaken to shut the windows of Heaven, seal the fountains of the deep, or roll back the tide which drove them to the mountain tops as their last refuge from the rising flood.

There are some who, faithless to the efficacy of gag resolutions and gag rules, talk of a reception and commitment of the petitions, and a report thereon; which report is to put down abolitio for ever and ever! I recollect a remark I heard when a certain speech was made in a certain place—that that speech would put down abolition. Sir, you might as well attempt to blow out the sun as to put down abolition by a speech or a report.

Gag resolutions, gag rules, and "put down" speeches and reports, will be like putting down a walking stick in the Mississippi to stop its current. You think only of a rivulet, when there is a mighty stream. Turn your eyes to the Southeast. Behold the Gulf stream sweeping by your shores with its resistless and never-ceasing tide. Can you stop it? Try. Run out a pier of cork wood from Charleston. What is the result? The Gulf stream moves on! And there is an emblem of the stream of abolition which is rolling in upon the South from the British West Indies. Within a short time it will be swollen by the stream of French emancipation; and then, in the course of a few years, by that of Spanish emancipation.*

And then, sir, you do not think of the extent and power of abolition sentiment in our our country. Stop up the crater of a volcano, and soon the trembling, heaving earth reveals the mighty agency at work within! Sir, the human heart is full of abolition; and sooner or later it will come forth. There is that in slavery which seizes hold of the deepest sympathy of the human soul, and gives to it the most intense activity. It is not mere animal sympathy. It is not excited alone by accounts of bodily suffering; nor soothed into indifference by its mitigation. It is a sympathy with the nobler nature of the slave, crushed by the weight of slavery. It rejoices, indeed, to see him any where comfortably fed, and clothed, and housed; but it, nevertheless, sees him a slave!—his mind darkened, and his heart insensible to any higher emotions than the hopes and fears which are bounded by the narrow space of his earthly existence—an existence (I speak of slavery generally—there are exceptions) elevated to no practical purposes of duty to God and man above the brute that labors by his side. It sees, in short, his soul transfixed with the iron of slavery.

The feeling produced by the contemplation of all this is deep,

* Since the delivery of this speech, there has appeared the Bull of Pope Gregory XVI against the slave trade, dated at Rome, December 3, 1839. Its language shows very clearly that there is henceforth to be an influence from that quarter which will tell with tremendous effect against slavery—an influence that will enter the very heart of its dominions in Brazil, the Spanish West Indies and the United States.

and will be enduring. And, sir, it is to take possession of minds that have hitherto directed but little attention to this subject. It has now, indeed, a very deep hold on the minds of men who have connected themselves with no anti-slavery associations, and have manifested no forwardness in anti-slavery movements; men who may, perhaps, never join an anti-slavery society; but whose influence will, by and by, tell against slavery with great effect. Under the moderating influence of such men, Northern abolition is destined to settle down into a calm, steady, deep, and resistless current of abolition sentiment and feeling, which will make it more terrible to the South than an army with banners.

And then, sir, while abolition shall thus progress at the North, it will begin to be manifested elsewhere. Sir, before you are aware, it will make its appearance in the very heart of the South itself. Hitherto the anti-slavery feeling in that quarter (and there is a great deal of it there) has been absorbed by the scheme of colonization. The delusion that colonization can be made a complete remedy for the evil of slavery, by removing the whole of the slave population from the country, is to be dispelled, as involving an utter impossibility; and the opponents of slavery at the South are to be thrown upon the simple alternative of abolition or slavery—slavery with a fearful increase of numbers, and slavery without end!

When the Southern mind shall be brought to look that alternative full in the face, (and the sooner it is done the better,) then will "abolition" begin to make its appearance in the South. Indeed, sir, it is now there to a much greater extent than many are aware. And well it may be; for there has long been an abolition agent traversing the whole Southern country—an agent of surpassing ability and power—an agent who will soon give your Calhoun and Thompson something to do besides framing gag resolutions for these legislative halls, and constructing cob-houses for defence against the artillery of Northern abolition. Do you ask me the name of that agent? I will tell you. It is conscience; the most unyielding, uncompromising abolitionist the world ever saw. He has long lectured at the South with various success. He never fails to visit the bed of death, and there often speaks with great effect! He has lectured in England for the last half century with astonishing success; and is now at work in France, and is preparing to visit Spain and Portugal, and other countries in Europe and America. I warn my Southern brethren to look out for this Abolitionist—not for the purpose of catching and hanging him; for they can do neither; but to see him as he is; to measure his dimensions, to study his character; to respect his authority; and to yield to his power.

Such, sir, are the foes, external and internal, with which slavery has to contend. And is it thought to retreat from them by carrying out the threat to dissolve the Union? Sir, it would be like jumping into the crater of a volcano to escape its smoke and cinders. A dissolution of the Union to escape the influence of abolition! Why, sir, the moment you do this, there will be enlisted under the banner of the great anti-slavery agent now within your borders a thousand auxiliaries more powerful than all the Birneys and Blanchards, the Stewarts and Stantons in the land. A dissolution of this Union for the purpose of saving the institution of slavery! And that in the middle of the nineteenth century of the Christian era! Was ever infatuation like this? Would a dissolution of the Union shield the South from the power of abolition? Would it not, thenceforward, act with tenfold energy? Would not a severance of the Union instantly awaken throughout the whole South an oppressive sense of the evils of slavery! and a still more oppressive sensibility to the deep disapprobation of the civilized world? Sir, when the South shall be prepared to quit this fair land of promise and of hope, and launch upon the deep, in search of regions beyond the reach of civilized and Christian man, then, but not till then, let it talk of dissolving the Union to save the institution of domestic slavery.

DISPOSITION TOWARDS SLAVEHOLDERS—RESPONSIBILITIES OF PIOUS SLAVEHOLDERS.

In discussing this subject, I have spoken, as I felt bound to do, with great plainness, of the character, the encroachments, the deserts, and the doom of slavery. In doing this, I fear that, though intending to avoid harshness, I may have been unconsciously betrayed into it. With slaveholders I have no personal controversy. To them, as to all, I would be respectful and kind, while I am, as I must be, open and decided in my hostility to slavery. Of their motives in sustaining the institution of slavery, I have nothing to say. I am not constituted a judge of their hearts. There is One that judgeth. I assume no such office—standing here not to lecture on morals, but to speak of human rights. Nor would I indulge in any sneers, invectives, or anathemas. They are as foreign to my feelings as they are to the proprieties of the place and the occasion. Let those who choose, wield such weapons. My business is to reason, not to rail; to entreat, not to denounce. For the slaves I have pity; for their masters no other than feelings of kindness and good will. They are alike my brethren; and I would no sooner insult the feelings of the one than I would apply the lash to the backs of the other.

Among slaveholders there are men of great personal worth. I see such around me. But I must be permitted to say to them, and to all that stand in this relation, that they know not what they do. They avoid, doubtless, what are called the cruelties of slavery, and are regarded as kind masters. But do they reflect that they, and such as they, constitute the very pillars of slavery?—that the whole system, with its admitted cruelties and undeniable outrages on human rights, would fall, if good and pious men were to withdraw from it their countenance and support? That such would be the effect is undeniable. How much longer they can, under the increasing light of the rising day, continue their present relation to the institution, or whether any longer, I will not take upon me to say. But I do say that there are responsibilities connected with a continuance of this relation, which have something to do with the consequences of that relation; something to do with the enormity of the system of which it forms a part, and which they are endeavoring to clothe with the sacred garb of Christian principle. The truth is the whole system of slavery is wrong, incurably wrong. Pious slaveholders avoid that they deem oppression and cruelty, without reflecting that, in its mildest forms, slavery contains the great essential element of all oppression and cruelty—namely, injustice.

EXPEDIENCY AND JUSTICE.

Before closing, Mr. Speaker, I beg permission to consider briefly an objection which is urged against granting the prayer of the petitions which the contemplated rule would reject, drawn from consideration of expediency. Admitting, says the objector, that Congress have the power to abolish slavery and the slave-trade here, yet it is inexpedient to do it.

Mr. Speaker, this is a question of justice. Let me illustrate. I take a man's horse and put him in my stable as my property. Justice comes and says, open that stable door and send that horse to his owner. But the law has authorized me to take him. For indebtedness? asks justice. No. Then let the door be opened at once; and let the law be repealed without delay. Who will say that expediency may resist that order?

But let us vary the case. Instead of taking the man's horse, I take the man himself, claim him as my property, drive him to my fields and compel him to labor without compensation. Justice meets me and says: Lay down that whip and cease to claim that man as property. But the law has authorized me thus to claim and use him. No matter for that, I say, let him go; and to the law makers I say, repeal your law immediately. Would not expediency blush to be seen countermanding either of these orders?

Take another case. There is a man riding through Pennsylvania Avenue, and there are fifty men in chains marching before him. What is he doing with them? Driving them to market! Justice comes along and asks, by what authority are you doing this? By authority of the laws of the United States, is the answer. Have these men committed crimes? asks justice. No, is the reply. Then knock off those chains instantly: But the nation has authorized me to chain and drive these men, and I shall do it; cease your impertinence. And what next do we see? Why, sir, Justice turns from the scene of horror, and, lifting up his trumpet voice, says to the nation, cease this injustice; command that these victims of oppression be restored to freedom; command it immediately. Stay, cries the slave-driver, it is inexpedient—Inexpedient! inexpedient, exclaims justice, break these chains and let them not, for another moment, bind the limbs that God Almighty made for freedom.

Who, sir, will dare stand up, and, in the name of expediency, resist this command? None but those whose minds have never grasped the great idea of justice; who have never considered the nature and authority of its claims upon human obedience. Justice! How deep and comprehensive its meaning! How inflexible its decisions! How inexorable its demands! How watchful is its guardianship of human rights! How deep does it lie in the foundation of our civil institutions! The English common law, the inheritance and the blessing of our country, rests upon it. It gives stability to our State Constitutions; and here it is, the very "corner-stone" of the Federal Constitution. "To establish justice!" How properly does this stand out in bold relief, among the assigned purposes of its adoption; and with singular appropriateness was it made to precede and stand in immediate connection with another great purpose, namely, "to ensure domestic tranquillity," forming, in fact, the true and only basis on which that tranquillity can rest.

Justice! sir, it is the noblest attribute of the Almighty—immutable as his own nature, and firm and enduring as his everlasting throne—high as Heaven, deep as Hell, and broad and boundless as the universe. Justice! Let that word be engraved on the pillars that surround these halls of legislation, and upon the walls of the Executive mansion; let it blaze from the dome of every capitol in the Union; let it be written in stars on the expanse of the American heavens; and let it be deeply furrowed with the ploughshare of truth upon the broad face of our country, from ocean to ocean.

But I am asked—with all your veneration for justice, would you now vote to abolish slavery and the slave-trade in the District of Columbia? Is not "public opinion throughout the Union against it?" And is it not "utterly impracticable?" That may be, though I think the public opinion is less opposed to it than the objector imagines. But it is not impracticable for me to vote for it; or, at least, to declare that I will do so, if I can have an opportuntiy. Possibly my vote might stand alone, though I do not deem that quite certain. But the vindication of many a right has had as small a beginning as this. None that I ever heard of was vindicated by beginning with the declaration that nothing could be done, and, in accordance with it, doing nothing. Whoever here believes that justice demands the abolition of slavery and the slave-trade in this District, let him say so by his vote. If he begins alone, he will not long remain so. How small was the beginning of Abolition in the British Parliament?—small, I mean, in numbers and immediate influence, through great—transcendently great—in the man who first moved the measure. It was WILBERFORCE—possessing a soul as large in its benevolence as the universe, and a mind that grasped the mighty subject in the profound depth of its great principles, and in its vast bearings on the destinies of the race whose rights he vindicated, and to whose deliverance from oppression he devoted for his life. WILBERFORCE! A name I feel unworthy to pronounce, and which I never can pronounce but with the deepest veneration for his meek and gentle, though dauntless courage and noble bearing in that great cause.

When Wilberforce moved, for the first of ten times he did move, the abolition of the slave trade, he was denounced, even by name, on the floor of the House of Commons, as a "hypocrite and lunatic;" but that did not move him. Planting himself on the rock of truth and justice, he stood unappalled by the magnitude and threatening aspect of the system of injustice which he assailed. And think you he would have been less earnest and less persevering in that cause, if, instead of a trade in slaves between Africa and the West Indies, the trade had been between London and Liverpool, as it is here between Washington and New Orleans?

It is said, I know, that the abolition of slavery here is but a small matter. It is, however, small only in comparison with the great work, which is to be done in the States beyond the reach of our legislation. Nothing is small, in an absolute sense, that involves a question of justice. Justice listens as attentively to the claim of one man for the rights that God has given him as to the clamors of a thousand. Here, with in our exclusive jurisdiction, are men who claim justice at our hands; and shall we refuse it? Can we refuse it? So far as my humble voice can go, it shall not be refused for a day or an hour.

But if a majority of this House are not ready now to vote for the abolition of slavery here, will they not vote for the abolition of the slave trade? That the public mind is not prepared for this, is what I will not admit, until I am forced to do it by something more conclusive than "dough face" predictions that it will dissolve the Union. Sir, it is a foul libel on this nation to say that it is not prepared to abolish the slave trade here. If it is not, then, in the name of consistency, I say, let it repeal its laws against the foreign slave trade, and permit the dealers in human flesh to disgorge their cargoes of living death upon the shores of the Republic.

You will perceive, Mr. Speaker, that I make the demands of justice imperative. We are so constantly in the habit of consulting expediency, and very properly, too, in the ordinary affairs of life, that we are prone to forget the peculiar character of the claims of justice. We are often afraid to do justice, because of supposed consequences. Nothing can be more false in ethics than this. We should "be just and fear not." "What doth the Lord thy God require of thee, but to deal justly, love mercy, and walk humbly with thy God." There is no individual or nation under heaven upon whom the obligation of this requirement does not rest with perpetual, unmitigated force. Are we to oppose our short sighted apprehensions of danger to the demands of justice? Do we believe in the authority of the giver of this law of justice and mercy, and that the world is governed, not by blind chance, but by his unerring Providence, and shall we not trust to Him to take care of the consequences of a compliance with his own commands?

But if our faith is not satisfied with reasoning *a priori*, shall we not be convinced by the reasoning from facts? What nation or individual ever suffered from doing justice? Take, for example, the cases of emancipation. Although they have often been preceded by gloomy predictions of evil, of massacre and blood, yet what single page of history has recorded their fulfilment? St. Domingo has often been cited as an exception. But if it were an exception, it would prove the rule. It is not, however, an exception, as I could easily show if I had time—the massacre and blood having resulted from the cruel attempt of Bonaparte to force the emancipated back to bondage—an attempt which they nobly and triumphantly resisted.

But even if St. Domingo were an exception, it would prove nothing to the objector's purpose, since emancipation there was in the midst of a revolution in the mother country, distinguished, as all know, by cruelty and blood, and by an entire absence of all religious restraints. All who know any thing of the history, especially of modern emancipation, know that it lives and moves and has its being in the benign and peaceful spirit of the Christian religion—a spirit that acts at once on the emancipators and the emancipated. Let those who are filled with apprehensions of evil from emancipation, consider that, henceforth, more perhaps than at any time heretofore, is Christian principle to become the master spirit of Abolition, exerting its hallowing influence upon both the white and black races, giving a healthful and wise direction to the measures of the one, and chastening the feelings, elevation the purposes and ennobling the awakened energies of the other.

EMANCIPATION, IMMEDIATE AND SIMULTANEOUS.

But, I am asked, must emancipation be immediate? Is it not necessary to prepare the slave for freedom? Experience has shown that one of the most important preparations for freedom is freedom itself—that a state of slavery is utterly incompatible with preparation for the enjoyment of freedom. Thus the operation of West India emancipation has been found more favorable in those islands where the emancipation was immediate, as in Antigua and the Bermudas, than in those where the system of apprenticeship was adopted. Those concerned in the present movement of Abolition in France have, it seems, fully considered this subject, and have come to the conclusion, as in the report of M. de Tocqueville to the Chamber of Deputies, to which I have referred, that immediate, is preferable to any form of gradual emancipation.

The truth is, that the need of preparation is on the part of the free, rather than the enslaved. By this I mean that the success or failure of all attempts at emancipation must depend upon the promptness and freeness of the act—having reference to the effect upon the feelings of the emancipated—and the kind and paternal legislation which shall be afterwards adapted to their peculiar situation; legislation which shall bring to bear, systematically, upon their roused energies and quickened intellects the conservative influences of a pure religion and an uncontaminated literature.

And, sir, shall not all this be done? Can it be withholden? Is it not a debt long, long due to this unfortunate and oppressed race? Has not their degradation been the work of slavery? And for whom have they labored? Whose fields have been moistened by the sweat of their brows? Whose tables have been spread with the fruits of their toil?

There are many who are strongly wedded to the old but soon-to-be-exploded system of emancipation upon what is called the *post nati* principle—that is, emancipation which takes effect only on the after born. No system can possibly be worse than this. It leaves the training of the free children in the hands of slave mothers; and brings into perpetual contact the free and the enslaved, each to exert the worst possible influence on the other. To this cause, with the cruel neglect of legislation provision for the education of the emancipated, is to be traced the degradation of the free black population in the slave States, as well as in those States—Pennsylvania, for example—in which emancipation has been effected on the principle just mentioned.

The true system is, to emancipate all at once—to make the act of justice appear like one of noble generosity—and thus—as has been seen in the West Indies—excite a common feeling of gratitude in the emancipated, and rouse them to common and simultaneous effort, and emulation, in the march of improvement. Who can fully estimate the results of removing the crushing weight of slavery, and leaving the common mind of an emancipated race to find its way, by the aid of wise and beneficent legislation, onward and upward in the march of intellectual and moral improvement.

EFFECT OF ABOLITION IN THE SOUTH.

Impressed, as I am, with a conviction of the decided advantage of immediate and simultaneous, over gradual emancipation, I cannot doubt that when the South shall come to emancipate, as they will one day do, they will nobly strike for immediate and simultaneous emancipation. There is a promptness and generosity in the Southern character which is a sure guarantee of this. I know it is said that Abolition has thrown back emancipation half a century. There is one kind of emancipation that Abolition has thrown back; and that is, gradual emancipation, with colonization as a remedy for slavery. In doing this, it has done a great service to the cause of genuine emancipation, because it has prepared the way for the adoption of a system founded on true principles. It is drawing the patient from a pernicious and deceptive reliance on an inadequate prescription, to the true and only remedy.

It is said that the North had better be quiet on this subject, for that the South will not listen even to truth coming from that quarter. Sir, this suggestion involves an imputation upon the intelligence and love of truth of the South, too dishonoring

to be endured for a moment. There is a momentary feeling there, I know, which seems to justify the assumption. But it will not be enduring. The involuntary homage of the human soul to truth, checked for a moment by a feeling of independence—a noble impulse, rightly directed—will yet break out in the South, and, overcoming the pride of opinion, the prejudices of education, and the misdirected feeling of independence, will produce results that will astonish the world. The struggle may be long, but the triumph of truth will one day crown it. I may not live to see that day; but as surely as the wheels of time roll on, so certainly will that triumph come to bless my country.

"MY POSITION" DEFINED.

Mr. Speaker, I have finished what I intended to say on the subject before the House. Before taking my seat, however, I must beg its indulgence to permit me to follow the example of others, by "defining my position."

The decided ground I have taken on the subject of slavery may have led some to doubt whether I should not abandon my political associates, and withhold my support from their candidate for the Presidency. I take this occasion to say that nothing can be further from my intention than this. Before the meeting of the Harrisburg Convention, I publicly expressed my determination to support the nominee of that Convention, whoever he might be of the Whig candidates then before the country. And I am happy to say that a selection has been made of one who, to his firm support of genuine Democratic Whig principles, adds personal qualities which very much endear him to me, and greatly heighten the claim which his political principles give him to my confidence and support.

If I am asked what are General Harrison's present views on the subject of Abolition, my reply is, that I do not know. I do know, however, that they cannot be worse than those of his competitor; and I am willing to assume, for the present purpose, that they are no better—with, however, this difference, touching his own course, that he would not, as I trust, embody in his first official act a pledge, in advance, that he would exercise the veto power, either on this, or any other specific subject. I think he will have the decency to wait for the proper occasion, and then honestly and intelligently deliberate upon the exercise of the power, in any case that may be presented to him. If I were a Southern man, I would spurn any proffer of aid to sustain slavery made for mere political effect, and in flagrant disregard of sound principle, as well as of the proprieties of the high station of Chief Magistrate of the country. I should never deem the interest I desired to protect safe in such hands.

In supporting General Harrison, I place Abolition entirely out of the question. Not that I do not regard it as a subject of very great importance; and, indeed, as I have shown, a subject of great political importance. But it is not, and cannot be, the great practical question for the decision of the country at the approaching Presidential election. The public mind is not prepared to have an Abolition candidate for the Presidency; nor to have an Abolition President. I cannot act in obedience to blind impulse. I must see that some good is to be attained. What possible good can come to Abolition, or to any other interest, by now bringing this question into the Presidential election? I have never been able to see any; I cannot now see any. On the contrary it seems to me the cause of Abolition would be deeply injured by it.

Abolition is eminently a moral and religious enterprise. It owes its existence to Christianity. Its triumphs have been emphatically the triumphs of Christian principles. Emancipation would not, in truth, be safe without their conservative influence. That influence is now eminently conspicious in producing the auspicious results of emancipation witnessed in the West Indies.

The first step, then, in the great reform, must be in the church. Little progress, can be made in enlightening and purifying public sentiment on this question, while the church—"the pillar and ground of the truth"—remains insensible to the power of truth. Here is a great, and, I am sorry to say, a difficult, work to be performed. The darkness which has long hung over the American church, on the subject of slavery, has been like the darkness of Egypt. It must be dispelled, as it has been in Great Britain. The obligations of the Christian religion must be seen and felt to be obligations which know no distinction of color. The church must no longer ask, with unfeeling indifference—"Who is my neighbor?"

And then the moral feeling of the whole community is to be awakened. The true nature of the slave relation is to be investigated. The question—by what authority are men made slaves? is to be considered—not put aside for the next generation to consider. Men who hold slaves, and men who advocate the right to hold them, and men who refuse to bear testimony against holding them, are to be made to feel that they are all acting under responsibilities to the God of the slave—to Him who has made all of one blood, and who has connected rights and duties with this relation of brotherhood.

Here is the foundation work of Abolition. It is a great work. It should be well begun. A spirit of kindness and good-will should strongly characterize every step in the progress of it, and stand out in strong contrast with the harshness and severity of ordinary party contests. No whip of scorpions should be wielded—much as there is in slavery to excite the feelings—but truth should have, in her advocates, a spirit and temper corresponding with her kind and beneficent offices, and her pure and exalted nature. And patience, too, must have its perfect work. The rough and stubborn fallow ground is not to be broken up and the good seed planted in a day. Nor can it be expected to spring up and bear fruit in a day. There are difficulties to be encountered, peculiar to our own country; not difficulties to discourage, but to inspire caution, prudence, firmness, and a steady hold upon the great principles which lie at the foundation of the cause. Customary political expedients—the expedients of a corrupt and corrupting state of politics—must be avoided; and there must be exhibited a singleness and purity of purpose which shall commend the cause and its advocates to public confidence. Abolition must not be suspected of a design to obtain power for the sake of power. Its advocates must have no ambition but the ambition of doing good. A man who is aspiring to office as his chief good, has yet to learn the first lesson in the school of Abolition.

The work of Abolition is but begun in this country. The cause is in its infancy. It cannot start up in a day to manhood, as Minerva sprang forth, full armed, from the brain of Jupiter. Truth "will prevail" if it can have the aid of time. It never yet achieved a victory without it; certainly not the victory of reforming a community.

It is thus that the great work is to be carried forward to its consummation; thus that the streams of benevolence are to be thrown into a right direction, and a sound and healthful public sentiment formed on the subject of slavery—a sentiment elevated by high intelligence, and purified by the pervading influence of Christian principles. Nothing can exert a more healthful influence on the public mind and heart than the agitation of the question of Abolition, under the guidance of these principles. It will purify the fountains of national thought and feeling, carry us back to the better days of the Republic, cherish in us their noble self sacrificing spirit, and elevate us on to the board platform whereon our fathers were gathered when they declared, in the face of earth and Heaven, that "all men are created equal."

You will thus perceive, sir, that I place moral Abolition in the front, and that I would have political Abolition move in the rear. This will not, I know, suit the impatience of many very excellent men, who think that Abolition will not thus advance with the desirable rapidity. But it will, in my judgment, advance more surely to a safe result.

I do not say that Abolition is, even now, to be utterly excluded from the field of political action. It will of necessity, by degrees, enter it. It cannot be kept out. Of the circumstances which will justify such action, Abolitionists in the various sections of the country, will of course judge, from considerations which cannot control in deciding the question of bringing out an Abolition candidate for the Presidency. Abolition has not strength to bear such a contest. Its infancy must not be rocked in the whirlwind of a Presidential election.

When and as fast as the public sentiment shall have become purified and elevated by the discussions of human rights and obligations, necessarily connected with the progress of Abolition, there will be raised up, by a natural, unforced process, as vegetation springs forth under the genial influences of rain and sunshine, men fitted for the political duties which Abolition is destined to perform.

I am aware, Mr. Speaker, that in thus avowing my determination in regard to the Presidency, I subject myself to the censure of "sacrificing my principles of liberty." This is the language which has already been applied to me for the vote I gave for you as presiding officer of this body; and I expect it will be repeated, in reference to my present avowal. There are those who do not perceive, what seems to me a very plain distinction between sacrificing principles, and failing to do precisely all to advance them which some of their advocates deem necessary. They seem not to understand that a good cause may be injured as well by overdoing as by the opposite. I regard the question of anti-slavery, in its principles and bearings, as the greatest question that agitates the world. But I cannot forget—for the history of all reforms admonishes me—that time is essential to success in the great contest which freedom is waging against oppression.

The principles on which this cause rests are as immutable as truth and justice; but the means of giving to them efficacy are various. If I were a slaveholder, I would not withhold justice from my slaves for an hour. I could not. If the laws prohibited me from emancipating them, I would, imitating the noble Alabamian who spent almost his last dollar to get his slaves to Indiana, leave the State which had sought to bind me by such unrighteous and cruel enactments, and seek one where the doing of justice would not be contrary to law! This is a case in which there should be no delay. Justice says—now. But, in taking measures to induce my neighbor who does not see the matter as I do to do justice, I may not be able to make it the work of a day, or a month, or a year. His movements are not subject to my volitions; and while, in my own case, considerations of expediency, as it is usually understood, are to be disregarded; in the other, I am not only at liberty, but may feel most strongly bound to exercise the wisdom that dwells with prudence, that so I may more speedily and effectually gain my brother.

I thus speak in reference, primarily, to the efforts of the North to persuade the South to undertake, in earnest, the work of emancipation; which efforts, it should never be forgotten, constitute the great work of Northern Abolition. But what I have said involves a principal bearing upon the question of political action. I have heard it maintained that it was as wrong to vote, in any case, for a slaveholder, as to hold slaves. There might be truth in this, in a case in which my vote, withheld from him and given to an apponent of slavery, might, without injuriously affecting some other great and vital interest, have a decidedly favorable influence on the cause of Abolition. And this is precisely the question which presented itself to me upon the late election of Speaker; and which presents itself now, in reference to the election of President and Vice President. How is Abolition to be benefited by my withdrawing from the great contest now about to be decided between power and popular rights, and giving my vote for Mr. Scattering, or not voting at all?

Mr. Speaker though feeling deeply on the subject of slavery, and ardently desiring its Abolition, I do not stand here exclusively devoted to that interest. There are other great interests to be attended to in this nation besides that of Abolition; and I should be false to the trust reposed in me were I to thrust them aside as unworthy of regard; especially in the CRITICAL CRISIS through which they are now passing.

And what is this crisis? It is the point of extremity in a great struggle which has been going on for ten years—a struggle involving some of the most essential principles of the Constitution. It is now to be decided whether the people are to be permitted the free use of their intelligent, uncontrolled suffrages to make the Congress and the President, and thus govern themselves, or whether the President shall use the vast patronage of the Government to corrupt its officers—deceive the people—make both branches of Congress—strengthen his abused power, and perpetrate it in the hands of his chosen successor; whether, in fact, we are to have a Government of Executive influence or a Government of laws—a constitutional Government of three branches, or an unconstitutional Government of one; a question, in short, between Executive power on one side, and liberty and the Constitution on the other.

Such is the question. By a long course of insidious usurpation has the Constitution been practically changed. Shall the change be ratified and confirmed by the popular voice? Thus involving the country in the mischief of the change itself, and the pernicious consequences of a popular sanction of the usurpation and corruption which produced it? This is the question to be decided.

If the powers now actually exercised by the Executive had been embodied in an article headed "The President shall have power," and proposed to the Convention of '87 as a part of the Constitution, who believes that it would have obtained a single vote in that body? Or if it had been proposed by the first Congress as an amendment to the Constitution, would it have received a single vote in a single State in this Union? Nobody will venture to say that it would. And yet, now, the very same question is involved in the question of continuing in power an Administration which has used, and is still using, the corruption of its own usurpations to gain from them the popular sanction, and thus give them, to all practical purposes, the force and effect of constitutional law.

It suits the purposes of some, however, to represent the great question now in contest as one of "mere dollars and cents"—banks and currency—safe or unsafe keeping of the public moneys; and in that light to be altogether unworthy of a comparison with the question of human rights involved in the cause of Abolition. Now, sir, though as a mere question of currency it is a question of immense importance in its vast and complicated bearings upon some of the highest interests of the people, yet, the question of power—of a practical change of the Constitution by encroachment and popular acquiescence, I regard as of incomparably more importance. And so does the Administration! For all the rash experiments which have struck, as with a paralysis, the industry and prosperity of the country, have been undertaken, and persevered in, for the sake of power! for the sake of doing, in effect, just what I have asserted is really being done—changing, practically, the Government and Constitution of the country, by concentrating all power in the hands of one man. And such, sir, is now the great purpose of the Administration in its persevering efforts to carry the so-often-rejected Sub-Treasury scheme, by an exertion of Executive influence equal to any which has ever signalized the most corrupt periods of British history.

There are, I know, Abolitionists who are deeply convinced of the existing abuses and corruptions; but who, nevertheless, say that it is vain to attempt a reform by efforts to overthrow the Administration; that the only way to accomplish it is to abandon the present Opposition, and rely on an ultimate triumph of Abolition to purify all the parties, and restore the Constitution. This, Mr. Speaker, seems to me very much like abandoning all commonly approved remedies for a disease, and giving up the patient to die, in reliance upon a restoration to health by a resurrection from the dead. It betrays an utter insensibility to the real effect of sanctioning the usurpations of which I have spoken, by re-electing to the Presidency their chief author—an effect which involves not only a practical change of the Constitution—the final mischiefs of which nobody can calculate—but such a wide diffusion of the leaven of corruption, and such a consolidation of the power which has introduced it, as to place the country well nigh beyond the reach of remedy. Where is the Whig Abolitionist who is willing to give up, and leave this leaven to act, and this power to gain strength, in the hope of ultimately saving the country by Abolition? I have great confidence in the purifying power of Abolition principles, but I cannot be so blind as not to see that corruption may, in the unprecedented activity of its leavening process, reach the very remedy which is relied on to effect its cure!

I have thus given, summarily, my views of the question and the crisis. And now, sir, I am not, at the moment of such a crisis, when the true friends of popular rights are buckling on their armor for a death-struggle with corruption, to lay down my arms and retreat from the battle-field. I am not, when the knife is drawn to sever the monster which has, for ten years, been winding itself around the country, now to give up, and say—let him wind his last fold, and crush the last bone! No, sir; no! I shall help to fight out this battle, if Heaven spares me.

And now, sir, where is the man around whom we may rally?—the man whose name shall be to us a strong tower—the man who is to lead us to victory. There is, thank Heaven, such a man! His name is wafted to us on the winds that sweep the Alleghanies, and comes back in thundering echoes from the Atlantic shores. The West, the East, the North, the South, unite to proclaim William Henry Harrison as the man.

And who is William Henry Harrison? Sir, he is the noble son of a noble sire, whose name stands next to that of Thomas Jefferson on the Declaration of Independence. A man who has shown that he received the instructions of such a father not in vain; a man who drew in, with his first breath, the pure inspiration of Revolutionary principles, and who has, through a long and eminently useful life, exhibited those principles in the well-proportioned developments of a patriot and a man. Yes, sir, a man! Not a shrewd, cunning, plotting, scheming, selfish heartless politician, but a man—a man with a heart—a heart as big as a world—a heart unpractised in political guile, or in any guile—a heart whose warm pulsations were never checked by the chill of selfishness—a heart open, kind, generous, uncorrupted and incorruptible. Sir, this is no fancy sketch. It is sober truth, written on every page of Harrison's history—the history of a soldier, a scholar, a statesman, a philanthropist, and an honest man.

Do you ask whether he understands the crisis, and is capable of giving to his principles and efforts a direction suited to it? Yes, sir, precisely. His vigorous mind has struck, with remarkable discrimination, upon the true points of reform demanded by the crisis for which he has been raised up. Hear him. In a letter on the 2d of December, 1838, to the Hon. Harmar Denny of Pennsylvania, he says:

"Among the principles proper to be adopted by any Executive sincerely desirous to restore the Administration to its original simplicity and purity, I deem the following to be of prominent importance:

"I. To confine his service to a single term.

"II. To disclaim all rights of control over the public treasure, with the exception of such part of it as may be appropriated by law to carry on the public service; and that to be applied precisely as the law may direct, and drawn from the Treasury agreeably to the long established forms of that Department.

"III. That he never should attempt to influence the elections, either by the people or the State Legislatures; nor suffer the Federal officers under his control, to take any other part in them than by giving their own votes, when they posses the right of voting.

"IV. That, in the exercise of the veto power, he should limit his rejection of bills to, 1st. Such as are, in his opinion, unconstitutional; 2d. Such as tend to encroach on the rights of the States or individuals; 3d. Such as, involving deep interests, may, in his opinion, require more mature

deliberations, or reference to the will of the people, to be ascertained at the succeeding elections.

"V. That he should never suffer the influence of his office to be used for purposes of a purely party character.

"VI. That, in removals from office of those who hold their appointments during the pleasure of the Executive, the cause of such removal should be stated, if requested, to the Senate at the time the nomination of a successor is made.

"And last, but not least in importance,

"VII. That he should not suffer the Executive Department of the Government to become the source of legislation; but leave the whole business of making laws for the Union to the Department to which the Constitution has exclusively assigned it, until they have assumed that perfected shape where, and where alone, the opinions of the Executive may be heard."

I have no time, Mr. Speaker, to comment on this exposition of the principles which are to be brought into General Harrison's Administration. They need, however, no commentary. They commend themselves, at once, to universal acceptance, and their author to the regard and confidence of the country, and the whole country—a regard and confidence which are daily gaining strength, and which are destined, I trust, to give a strength to the Administration of this great and good man which no Administration since the days of Washington has possessed.

Such is the man! And such a man the country wants at this great crisis, to rescue it from the hands of misrule and corruption. General Harrison is emphatically one of the people. He comes forth from the midst of them, wearied with the toils, and covered with the sweat, of his noble occupation. He comes, at their call, to administer their Government for their benefit! He comes with a hold on their affection and confidence rarely enjoyed by any public man—a confidence which the history of his life shows he will never abuse—a confidence which will enable him to do an amount of good that few statesmen, in the short space of four years, have ever been able to accomplish. Mr. Speaker, I will not say that it would be "sufficient glory to serve under such a chief," for that is a language becoming no freeman to use; but I will say that it would be a glorious privilege to witness such a reform as the noble veteran is destined to accomplish; and to breathe the healthful and invigorating atmosphere of his pure, upright, impartial, and just Administration.